
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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Prepared by:	AB	AB	AB	AB
Checked by:	AB	AB	AB	AB
Authorised by:	MXS	MXS	MXS	MXS

Barton Willmore
9th Floor
Bank House
8 Cherry Street
Birmingham
B2 5AL

Tel: 0121 711 5151

Ref: 25212/P17c/A5/AB/ds

Email: alastair.bird@bartonwillmore.co.uk

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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-envisioned 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 ('GNDP') 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 TBPL 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 GNDP12 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 GNDP05 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 GNDP03 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.
A social role/social benefits	<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
An environmental role/environmental benefits	<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

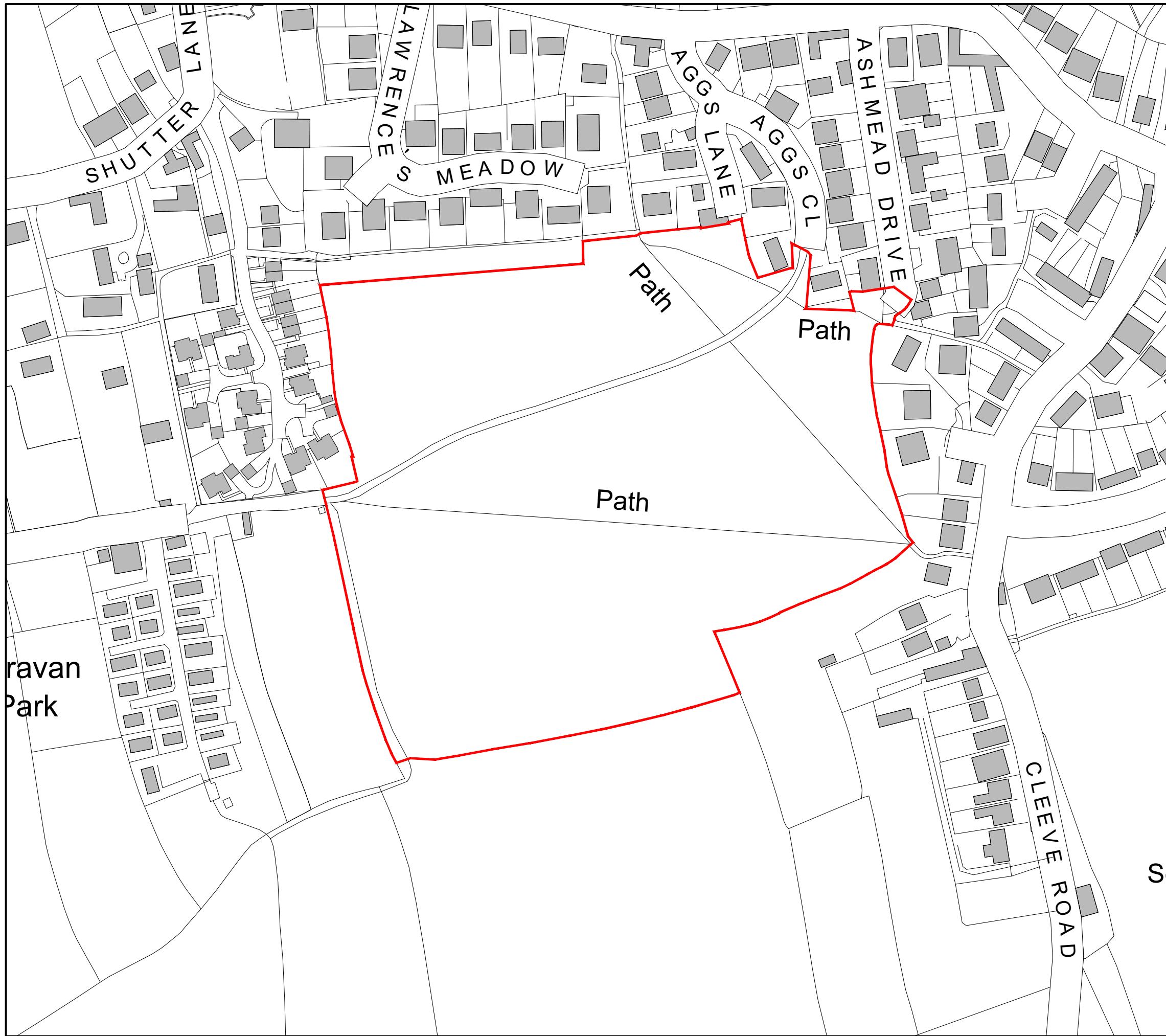
Benefits	Adverse Impact	Neutral
Provision of 50 market and affordable dwellings within a sustainable location.	Site located outside the settlement boundary of Gotherington as defined by the Tewkesbury Borough Local Plan and Gotherington Neighbourhood Plan. The adverse harm is however considered to be 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 £131,000 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 facts 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



The scaling of this drawing cannot be assured

Revision

Date Drn Ckd

Legend

Site boundary
- 6.28Ha / 15.52Ac

Project
Gotherington



Drawing Title
Site Location Plan

Date
19.09.19

Scale
1:2000@A3

Drawn by
MS

Check by
LH

Project No
25212

Drawing No
BM-M-04

Revision
-

0 20 40 60 80 100m

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APPENDIX 2

Appeal Decision



Appeal Decision

Hearing Held on 7 December 2017

Site visit made on 25 January 2018

by Phillip J G Ware BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th April 2018

Appeal Ref: APP/G1630/W/17/3175559

Land off Ashmead Drive, Gotherington

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by J J Gallagher Limited and Mr Richard Cook against the decision of Tewkesbury Borough Council.
- The application Ref 16/00901/OUT, dated 2 August 2016, was refused by notice dated 21 February 2017.
- The development proposed is an outline scheme with only the 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); earth works; drainage works; structural landscaping; formal and informal open space; car parking; site remediation; and all other ancillary and enabling works.

Procedural matters

1. A previous Hearing was held into this appeal in September 2017. However due to the demise of that Inspector the Hearing had to be held afresh. I have no knowledge of the events at the first Hearing, nor of the approach being taken by my late colleague.
2. On the date of my site visit there were road works in the area, which may have had the effect of distorting traffic flows and volumes. I have therefore not taken account of the traffic position which I saw when I visited the site.
3. The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) was adopted by Tewkesbury Borough Council on 5 December, and was adopted by the last of these authorities on 11 December 2017. At that point it became part of the development plan. All parties at the Hearing were well aware of the position, and the Hearing progressed on the assumption that the JCS would be adopted.
4. In December 2016 the Planning Minister issued a Written Ministerial Statement (WMS) on Neighbourhood Planning. At the time of the Hearing a High Court challenge had been lodged to the WMS by a group of housebuilders. As the site visit was unavoidably delayed, I afforded the opportunity to the parties to comment on the judgement when it was issued (which occurred in January 2018). Both parties have done so and I have taken account of their comments.
5. The parties were also given the opportunity to comment on the draft revisions to the National Planning Policy Framework (The Framework). Both parties

agreed that the draft revisions can be accorded very little weight at present, and I agree with that assessment.

Decision

6. The appeal is dismissed.

Main issues

- Whether the site is suitable for development at this time, in the light of the locational policies in the development plan
- The effect on the character and appearance of the surrounding area, including the effect on the gap between Gotherington and Bishop's Cleeve
- The effect on the vitality and social well-being of Gotherington

Reasons

Development plan locational policies

7. The development plan comprises some saved policies of the Tewkesbury Borough Local Plan (TBLP) 2006¹, the JCS (December 2017) and the Gotherington Neighbourhood Development Plan (GNDP) (September 2017). For completeness, it should be noted that the Council is in the very early stages of preparing a Borough Plan. However the parties agreed that no weight can be accorded to it at this stage. I have no reason to disagree with that assessment and it is obviously not part of the development plan.
8. Section 38(6) of the 2004 Act requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the existing Framework.
9. The appeal site is outside the settlement boundary for Gotherington and, in such locations, the JCS adopts a restrictive approach towards development. However it states that Service Villages such as Gotherington will be expected to accommodate of the order of 880 new homes over the plan period (policy SD2).
10. In a similar vein the JCS (policy SD10) deals with allocated housing sites and exceptional circumstances. It sets out that housing development will be permitted at sites allocated for housing in the development plan, including allocations in neighbourhood plans. Development on other sites will only be permitted in specified circumstances – in this case none of these circumstances are argued.
11. At the more local level the GNDP was not referred to in the reasons for refusal, which pre-date the plan being 'made'. However the parties agree that, given the change in circumstances, it should now be accorded full weight as part of the development plan.
12. The GNDP allocates three sites for development outside the settlement boundary (policy GNDP/2), but the appeal site is not one of these. The policy

¹ The TBLP, which includes a relevant landscape policy, is time expired and in accordance with paragraph 215 of the Framework, it is necessary to give due weight to the saved policies in the light of their consistency with the Framework.

also states that, in the event that the development plan identifies a need for additional strategic housing development in Gotherington, any further sites will be encouraged to meet a set of criteria. These include being adjacent to the settlement boundary, maintaining the village's east-west linear form, avoiding having an adverse impact on the AONB, and maintaining the separation of settlements. The appeal site is adjacent to the boundary, whilst the other criteria are relevant to the next issue – but it is important to stress that these matters are only triggered if the plan led system requires that further sites are brought forward.

13. Policy GNDP/3 deals with proposals in the countryside outside the settlement boundary, and sets criteria for any development in that area. These criteria again refer to any evidenced need for additional housing stemming from the development plan.
14. The appeal site was taken into consideration as part of the Council's 2014/15 Assessment of Land Availability, which confirmed that the site (dealt with in two parcels) was available, suitable and achievable. However the parties agree that this document did not make policy or allocations, but only provided background evidence on potential availability.
15. 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.

Effect on the character and appearance of the landscape

16. The appeal site is a field, around 6.3 hectares in extent, located adjacent to the southern edge of Gotherington. It has a gentle slope and is contained by mature hedgerow and tree planting along its boundaries.
17. Gotherington is a broadly linear settlement running east – west along the road, with a limb extending southwards towards Bishop's Cleeve. The settlement is generally horseshoe shaped and encloses the site on three sides, with agricultural land to the south. There are a number of public rights of way running across the site and leading to the west and south. The parties agree that the site does not contain any landscape features of particular merit.
18. The Cotswolds Area of Outstanding Natural Beauty (AONB) lies to the north and east of Gotherington, but does not include the appeal site. The site is within a locally designated Special Landscape Area (SLA).
19. The access to the proposed development, which is the only part of the scheme to be determined at this stage along with the principle of the scheme, would be obtained from Ashmead Drive to the north of the appeal site. The illustrative masterplan shows that around 46% of the total site area would be developed. A proposed open space would include a range of uses such as a play area, amenity open space, landscape buffers, SUDs and a range of pedestrian/cyclist links. A landscape buffer is shown along the southern boundary.
20. In assessing the effect of the proposal on the character and appearance of the area, and in particular the surrounding landscape, I have taken careful note of the Landscape and Visual Sensitivity Study undertaken by the Council in 2014. This looked at Rural Service Centres and Service Villages (such as

Gotherington) and sought to identify where development could possibly be accommodated in such settlements. Gotherington was identified as including six parcels of land, including the appeal site, where development could possibly be accommodated. The report identified the appeal site and the surrounding area as being of low landscape and visual sensitivity and refers to the site as receding into the existing settlement pattern. From the evidence before me and my visit to the area, I agree with this assessment.

21. In a similar vein the appellants' Landscape and Visual Assessment (undertaken in relation to a significantly larger scheme on the site than the current proposal) found generally minor effects in most respects with, unsurprisingly, a moderate effect on the 'Perceptual and Sensory' dimension. Any proposal to extend built form into the open countryside would have that effect, but this cannot preclude development in principle as this would prevent any expansion of existing settlements.
22. The Council has criticised some details of the appellants' Assessment, but has singularly failed to produce an alternative assessment. In addition, the Council's position is significantly weakened in that the landscape officer who appeared at the Hearing was the same officer who recommended approval of the proposal to the Council. Despite questioning from me, he was unable to give a convincing reason for his apparent change in professional landscape opinion.
23. The appeal site is heavily influenced by the surrounding settlement and is not prominent in views from any surrounding vantage points. The most notable view of the appeal site from a distance is obtained from Nottingham Hill to the southeast, from which the settlement can be seen as generally horseshoe shaped with the appeal site enclosed by existing buildings on three sides. Although the proposal would not entirely accord with the generally linear shape of the settlement, it would read as an infill development largely surrounded by existing buildings.
24. The Council has suggested that this is a valued landscape in terms of paragraph 109 of the Framework. However, although the land may well be locally appreciated, that paragraph deals with the protection and enhancement of valued landscapes, and there is nothing before me which persuades me that the appeal site can be described in that way.
25. The Council does not claim that the proposal would cause direct visual harm to the AONB. I agree with that position as, viewed from a distance looking towards the AONB, the development would recede into the form of the existing settlement.
26. The proposal would obviously extend part of the southern edge of Gotherington towards Bishop's Cleeve, and I agree that the effect on the separation of the villages is an important matter. However given the way in which the existing built form wraps around much of the appeal site and includes buildings which are closer to Bishop's Cleeve than the southernmost parts of the site, the overall effect would be that the separation would not be diminished.
27. I have also taken account of the experience of receptors crossing the site on rights of way or viewing it from nearby. The Council's position is that the proposal would substantially and irreversibly change the appearance of the site and local views. That is clearly the case, but is an inevitable consequence of

any change from open countryside to built development. It cannot be regarded as a persuasive objection in principle to a scheme in a location with low landscape and visual sensitivity.

28. 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.

The vitality and social cohesion of Gotherington

29. As I saw on my site visit, Gotherington contains a range of facilities including a village store and post office, a primary school and a village hall. The main parties agree that the appeal site is well located in relation to the settlement and that, in turn, there is reasonable access to other settlements which include higher order facilities.
30. The Framework sets out the need to contribute to the achievement of sustainable development, and sets out three mutually dependant dimensions – economic, social and environmental. The economic and environmental roles will be addressed below, but the social role is relevant to this issue and relates to support for strong, vibrant and healthy communities. The appeal proposal would bring about some social benefits, especially in the provision of open market and affordable housing, but this would result from this type of development wherever it was located.
31. The issue between the parties, which is reflected in a wide range of local representations, is whether the proposed development of up to 50 dwellings, taken in conjunction with those already permitted in the area, and those proposed or allocated in the GNDP would sustain the cohesion of the local community.
32. The agreed Statement of Common Ground details the sites with planning permission and those allocated in the GNDP. Looked at in plan form, these sites are grouped around the majority of the settlement.
33. The 50 dwellings proposed, on their own, would represent around an 11% increase in the size of Gotherington and, when considered in conjunction with allocated sites and permitted schemes, this would increase to about 31%. I appreciate that Gotherington is identified as a Service Village in the JCS, and is the fourth largest such Village. It is accordingly expected to take a reasonable amount of new housing over the JCS plan period.
34. However, given the extent of approved and potential development around the settlement, I 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. Whilst I appreciate that the GNDP envisages the expansion of the settlement, this would occur in a controlled and

plan-led manner and the recently adopted plan clearly envisages a more limited expansion than is currently proposed.

35. In coming to that view, I am aware of the Council's document entitled 'Approach to Rural Sites Background Paper' (2015). This provides a disaggregated housing figure for Gotherington, which would be substantially exceeded if the appeal scheme were to proceed. This document was produced as a background paper for the emerging Borough Plan, which itself attracts no weight, although this background paper stands on its own feet. The Paper does serve to further illustrate the extent the scale of development already proposed around the settlement.
36. I appreciate that other appeal decisions elsewhere have allowed increases proportionately larger than that proposed here. However these decisions were taken in the light of the particular circumstances of those locations, and are of very limited relevance in the specific circumstances of this case. Of greater significance is an appeal decision issued in August 2017 related to a proposal at Manor Lane, Gotherington. In that case the Inspector concluded that the development would have an adverse effect on the vitality and social well-being of Gotherington.
37. Overall, the Framework policy is that development should meet the roles of sustainability, including the social role. This is 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. In this case, for the reasons set out above the proposal would conflict with this policy and would harm the vitality and social well-being of Gotherington.

Other matters – housing land supply, heritage and highways

38. In relation to housing land supply there are a number of areas of agreement between the main parties. Most importantly the housing requirement as set out in the JCS is agreed (9,899) along with completions. The Borough has an identified shortfall, as set out in the JCS Inspector's report, of around 2,400 dwellings against Objectively Assessed Need.
39. The main difference is how to deal with delivery. The Council's position is to deal with this over 5 years whilst the appellant advocates delivery over the whole plan period. The parties agreed that there is no established approach, but I have some sympathy with the Council's position which is that the houses in question are largely already in existence, and that to spread delivery over the whole plan period would be an artificial approach. There is also a difference related to build out rates.
40. The appellants have evidenced a 4.19 year supply based on their assessment of the housing target, surplus and supply, with a 20% buffer and the oversupply addressed across the plan period. The appellant has also calculated the position based on the Council's housing target and supply figures, with the oversupply spread across the plan period and a 20% buffer. This gives a 4.94 year supply. In either case, on the appellants' figures, the authority does not have a five year housing land supply.

41. The authority considers it has a 5.3 year supply (applying a 20% buffer) or 6.06 years with a 5% buffer. The Council's evidence, especially the Tewkesbury Borough Housing Land Supply Statement (2017), represents a robust evidence base which persuasively demonstrates more than a 5 year housing land supply.
 42. The JCS was adopted following an Inspectors report which found the plan to be sound and legally compliant. This was subject to an immediate partial review which, amongst other matters, will include a review of the Council's housing supply.
 43. It has been suggested that, as result of the accepted need for a review of the JCS, the policies and allocations in the GNDP should carry reduced weight, as they allow for the potential for additional housing should the development plan indicate the need for further sites. However I do not accept that approach as the potential need for further development in and around Gotherington would clearly be triggered within the development plan process. The results of the review generally and in relation to Gotherington specifically is entirely unknown, and there is no diminution in the weight which should be accorded to the GNDP.
 44. Both the JSP and the GNDP were adopted very recently, and it is not the place of this appeal to challenge the contents of these documents, the conclusions of the JSP Inspector, or those of the GNDP Examiner. Should further housing be required, potentially in the light of the JSP review, this could be allocated in a number of ways within the GNDP. This mechanism, along with the existing provisions in the GNDP, would preserve the plan led approach.
 45. The parties have commented on the Written Ministerial Statement on Neighbourhood Planning (December 2016). This set out a change with regard to the circumstances under which relevant policies for the supply of housing in neighbourhood plans are deemed to be out of date where there is a shortfall in the housing land supply below five years. However, given my conclusions above regarding the extent of the supply based on the evidence before me, this is not of any relevance in this case.
 46. As a result of the above matters, I conclude that the 'tilted balance' as set out in Framework paragraph 14 is not engaged by reason of the housing land supply position. However it is important to stress that this does not represent a cap on further development.
- Other matters – Unilateral Obligation*
47. The proposal is accompanied by a signed and dated Unilateral Obligation (6 December 2017) which includes arrangements for the policy compliant provision of affordable housing², contributions towards open space, off-site play and pitch provision and other infrastructure and educational contributions³.
 48. Some of the provisions are designed to mitigate the impact of the scheme and these elements therefore do not provide benefits in favour of the proposal. However other matters, most notably the provision of affordable housing, weigh in favour of the appeal and comply with the policy in paragraph 204 of

² JCS policy SD12 and Affordable Housing SPG

³ TBLP policy RCN1, JCS policies INF3 and INF6

the National Planning Policy Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Other matters – heritage and traffic

49. There are a number of Grade II Listed Buildings in the wider area, as I saw on my site visit. The Council's position, with which I have no reason to disagree, is that there is no effect on the setting of any heritage assets.
50. Some local residents have raised concern about the effect of the additional traffic generated by the proposal. I can understand this concern given the scale of the development in this location. However the Highway Authority has not raised any objection to the proposed access and visibility arrangements or to the ability of the surrounding highway network to accommodate the traffic arising from the proposed development. I accordingly do not have any evidence to substantiate residents' concern.

Planning balance and conclusion

51. The proposal would clearly bring with it a number of economic benefits, in particular the fact that the construction phase would generate employment and that the completed development would add to the potential spend in the area.
52. As discussed above, the proposal would inevitably have a visual impact on the local environment but, for the reasons set out above, this would not amount to harm to the character and appearance of the area and would not represent environmental harm.
53. In terms social issues, the provision of both market and affordable housing is to be welcomed. However the Framework is clear that such development needs to reflect the community's needs and support its health, social and cultural well-being. As set out above, the current proposal fails to achieve that objective and therefore does not accord with the social role of sustainable development, and this weighs very heavily against the proposal.
54. I have carefully considered the appellants' position in relation to paragraph 14 of the Framework, and whether the 'tilted balance' contained therein comes into play in this case. I have concluded that the authority is currently able to demonstrate a five year supply of housing sites and therefore paragraph 49 and paragraph 14 are not engaged for that reason.
55. However I have concluded that TBLP policy LND2, dealing with landscape matters, does not fully comply with current national policy and I have accordingly reduced the weight which can be accorded to it. This policy is clearly relevant to this case, as it is the only local policy which relates to one of the main issues. It is out of date and the tilted balance in paragraph 14 of the Framework therefore comes into play for that reason.
56. However, based on my considerations above, the benefits of the proposal (especially the provision of market and affordable housing), are significantly and demonstrably outweighed by the adverse impacts of the proposal – particularly the conflict with the recently adopted development plan locational policies and the conflict with the social role of sustainable development. The lack of harm to the character and appearance of the area is a neutral factor.

57. For the reasons given above I conclude that the appeal should be dismissed.

P. J. G. Ware

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr M Sitch	Senior Partner, Barton Wilmore
Mr Bird	Barton Wilmore
Mr B Connolly	Environmental Dimension Partnership

FOR THE LOCAL PLANNING AUTHORITY:

Ms C Ashby	Team Leader, development management
Mr Den Hoed	Landscape officer
Mr M Barker	Policy officer

INTERESTED PERSONS:

Cllr M Gore	Tewkesbury Borough Councillor
Cllr C Ryman	Parish Councillor
D Ward	Parish Council
D Mawby	Resident

DOCUMENTS

1	List of persons present at the Hearing
2	Extract from Assessment of Landscape Value
3	Adopted JCS and Council agenda (5 December 2017)
4	Unilateral Undertakings dated 6 December 2017
5	Plan of Gotherington showing potential development sites around the settlement

APPENDIX 3

Economic Benefits Infographic, Prepared By Barton Willmore

CONSTRUCTION JOBS

DIRECT:
37
INDIRECT:
33
GVA:
£6.1M



ECONOMICALLY ACTIVE RESIDENT POPULATION & RESIDENT GVA



£3.4M

GVA PER ANNUM

110
RESIDENTS

55
ECONOMICALLY ACTIVE
55
IN EMPLOYMENT

COUNCIL TAX

£102K
PER ANNUM



NEW HOMES BONUS

£362K
(OVER 4 YEARS)



CIL PAYMENT TO PARISH COUNCIL

£131K



RETAIL EXPENDITURE

£1.1M
PER ANNUM



APPENDIX 4

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

The scaling of this drawing cannot be assured

Revision
A Updated Site Layout

Date 24.06.16 Drn KD Ckd SB

Site boundary
- 7.03Ha

-  Building
-  Garage
-  Main Road
-  Side Street
-  Lane / Private Drive
-  Footpath
-  Play Area



Project
Gotherington



Drawing Title
Illustrative Site Layout

Date 16.06.16 Scale 1:1,250@A2 Drawn by KD Check by TL
Project No 25212 Drawing No RG-M-15 Revision A

0 10 20 30 40 50m

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APPENDIX 5

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

Valid 22.11.2016

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.

Grid Ref 396177 229445

Parish Gotherington

Ward Oxenton Hill

J J Gallagher Limited And Mr Richard Cook
c/o Agent

RECOMMENDATION Delegated Permit

Policies and Constraints

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, HOU4, HOU13, TPT1, TPT3, TPT6, EVT2, EVT5, EVT9, LND2, LND7, RCN1, NCN5
NPPF

Planning Practice Guidance

Joint Core Strategy - Submission Version (November 2014)

Gotherington Neighbourhood Development Plan 2011-2031 Regulation 16 Submission Consultation Draft
Flood and Water Management SPD

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Parish Council - Strongly objects to the proposed development of 50 dwellings on the following grounds:

- There are some inaccuracies in the submitted documentation.
- The proposal is contrary to the GNDP.
- There would be significant landscape harm and visual amenities of the area.
- Gotherington has already seen numerous development of significant scale granted. Enough is enough.
- The proposal would result in a significant increase in houses in Gotherington
- Development would result in possible coalescence with the Homelands development at Bishops Cleeve only half a mile away.
- Existing facilities and infrastructure are unable to cope with the proposed development.
- The highway infrastructure would be unable to cope with the increased traffic movements associated with the development.
- The density of the proposed layout the proposed dwellings is totally out of character with the rest of the village.

Gloucestershire County Council Highways - No highway objection subject to conditions.

Severn Trent Water - No objection subject to drainage conditions.

Lead Local Flood Authority - No objection subject to drainage conditions.

Natural England - No objection and refers to standing advice for protected species.

County Archaeological Officer - No objection, subject to condition.

Environmental Health Officer - No objections

Urban Design Officer- No objections.

Landscape Consultant - No objections

Local community representations - Overall 168 objections have been made to this application based on the following areas of concern:

- Highway safety concerns
- Too many houses
- Concerned about sewerage capacity
- Conflicts with NDP
- Loss of good productive farmland
- No source of local employment so people will commute

- No bungalows despite need for residents to 'downsize'
- Unsuitable development which would be out of character with the village
- No need for this scale of development
- Loss of community feel
- Transport links cannot sustain growth
- Village has inadequate facilities and infrastructure to cope with this development
- Would adversely impact on wildlife
- Concerned about lack of parking and access to POS
- Concerned about loss of privacy
- Loss of village identity
- Adverse impact on adjoining residential properties
- Out of keeping with linear form of village
- Adverse visual impact
- Light and air pollution
- Site is not well served by local amenities
- Contrary to NPPF
- Loss of views
- Detrimental Impact of PROW

Planning Officers Comments: Mr Ciaran Power

1.0 Introduction

1.1 The application site comprises of agricultural fields located at the south western edge of Gotherington. The site is located, adjacent to residential uses to the north and east. The western boundary abuts an existing Caravan Park and residential development off Shutter Lane, which is currently under construction.

1.2 The site is located within the Special Landscape Area (SLA). The site is located outside of, but immediately adjacent to, the Residential Development Boundary of Gotherington as defined in the Tewkesbury Borough Local Plan to 2011 (TBLP).

2.0 Relevant Planning History

2.1 Outline Planning applications ref: T.4832/A and T.4832/B on a smaller part of the current site were refused for Residential development in 1972 and 1973 on grounds that the proposals were a departure from the County plan; outside the village development limits; further residential development in the village was not needed; and precedent. Following this some of the land was developed creating the housing south of Pullen Court on Cleeve Road. There has clearly been a significant shift in planning policy since these decisions and therefore it is not considered that these are relevant to the determination of the current application.

2.2 There have been a number of recent planning applications for residential development in the village. These are discussed in detail below.

3.0 Current Application

3.1 The application originally proposed 90 dwellings however has been amended and outline permission is sought for up to 50 dwellings. The application seeks approval of the proposed access to the highway but reserves detailed matters relating to the scale, layout, appearance and landscaping of the development for future consideration.

4.0 The Community Infrastructure Levy Regulations

4.1 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst Tewkesbury Borough Council has not yet developed a levy the Regulations stipulate 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:

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

4.2 As a result of these regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development'. As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met.

4.3 Where planning obligations do not meet the above tests and restrictions, it is 'unlawful' for those obligations to be taken into account when determining an application.

4.4 From 6 April 2015 new rules have been introduced regarding the pooling of contributions secured by s106 agreements. The Planning Practice Guidance sets out that from that date, no more contributions may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

4.5 The need for planning obligations is set out in relevant sections of the report.

5.0 Principle of Development

The Development Plan

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Tewkesbury Borough Local Plan to 2011 - March 2006

5.2 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to Policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. However, HOU4 is based on the now revoked Structure Plan housing numbers and for that reason is considered out of date in the context of the NPPF in so far as it relates to restricting the supply of housing. The policy is also out of date in this context because the Council cannot demonstrate a five year supply of deliverable housing sites.

5.3 Other relevant local plan policies are set out in the appropriate sections of this report.

Emerging Development Plan

5.4 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development.

5.5 The submission version of the Joint Core Strategy (November 2014) is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. This document, inter alia, sets out the preferred strategy to help meet the identified level of need. Policy SP2 of the Submission JCS sets out the overall level of development and approach to its distribution.

5.6 Within the rural areas of Tewkesbury Borough, 2,612 dwellings are proposed to be delivered in the plan period to 2031. Over three quarters of this rural development has already been committed through planning permissions already granted. The remainder of this requirement will be allocated at rural service centres and service villages through the Tewkesbury Borough Plan and neighbourhood plans.

5.7 Paragraph 216 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

5.8 The JCS was submitted to the Secretary of State on 20 November 2014. Its Examination in Public commenced in May 2015 and is still ongoing. The plan is however at an advanced stage of examination with the Inspector publishing her Interim Report in May 2016. The JCS authorities are now developing main modifications to the plan based on evidence and discussions heard throughout the hearings and the recommendations in the Interim Report. Tewkesbury Borough Council approved the main modifications to the pre-submission version of the JCS for consultation at full council on 31st January 2017. Gloucester City and Cheltenham Borough Councils are due to consider the same on 6th and 10th February respectively. Whilst the emerging plan is now at an advanced stage, it is not yet formally part of the development plan for the area and the weight that can be attached to its policies will be considered having regard to the criteria set out above. Relevant JCS policies and the weight that can be attributed to them will be considered in the appropriate sections of this report.

5.9 The Tewkesbury Borough Plan (2011-2031) will sit beneath the JCS. A draft Site Options and Policies document has been published and was the subject of six weeks of public consultation, which closed on 13th April 2015. The draft plan invited views on possible site options for development at the rural service centres and service villages. The draft plan is at a much earlier stage of development than the JCS and thus can only be given very limited weight at this stage. It is relevant to note that Policy HOU1 of the Site Option and Policies document does not include an estimate of numbers required for each settlement. Following the consultation, the Council will refine these potential options before narrowing the number of proposed allocations, which will then be included as proposed allocations in the next stage of the plan. The 'Approach to Rural Sites' Background Paper which supports the plan process includes within it a disaggregation process which provides an indicative figure for Gotherington of 71 dwellings. However, there is an existing plan period delivery/commitment of 22 dwellings and a recent resolution to grant planning permission at Malleson Road (16/00965/OUT) for 50 dwellings which together would meet this indicative number. Although the indicative figure for Gotherington is 71 dwellings, the number of dwellings identified for all Service Villages needs to be accommodated within the 12 Service Villages and is dependent upon the suitability and availability of sites at each. Therefore, this figure is indicative only and could go up or down. It should also be stressed however that this is just part of the evidence base to the emerging plan which will eventually include specific allocations, and should not be afforded weight but does give some indication of the sort of numbers which may be allocated by the Borough Plan.

5.10 The consultation draft of the Gotherington Neighbourhood Development Plan (GNDP) has now been published. The draft plan has undergone its first phase of consultation which closed in March 2016. The plan was formally submitted to the Local Planning Authority and its public consultation (Regulation 16) commenced on 12th September 2016 and closed on 21st October. When made the plan will form part of the statutory development plan for the area. Whilst the plan is now at a fairly advanced stage of preparation, it must still undergo independent examination before it can proceed to local referendum and its ultimate making. The Regulation 16 consultation on the plan has attracted some objections and the plan and its policies could be subject to change as a result of its examination. The PPG confirms that an emerging neighbourhood plan may be a material consideration and that paragraph 216 of the NPPF (see above) also applies to the weight that may be given to its policies. Paragraph 49 of the NPPF also applies as regards made neighbourhood plans in that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Relevant GNDP policies and the weight that can be attributed to them will be considered in the appropriate sections of this report.

National Policy/Guidance

5.11 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, 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; or where specific policies in the Framework indicate development should be restricted. Footnote 9 to paragraph 14 gives examples of where policies in the Framework indicate where development should be restricted and includes land designated as an Area of Outstanding Natural Beauty and designated heritage assets.

5.12 The NPPF requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

5.13 The NPPF is supplemented by the Government's Planning Practice Guidance (PPG). Of relevance to this case is the section on rural housing which states that it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. It follows that a thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.

5-Year Housing Land Supply and the implications of the NPPF

5.14 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where there has been a persistent under-delivery of housing, a 20% buffer is applied. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 49 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date.

5.15 The Council cannot currently demonstrate a five year supply of deliverable housing sites and on that basis, the Council's relevant policies for the supply of housing are out-of-date. In accordance with paragraph 14 of the NPPF, the presumption in favour of sustainable development would therefore apply and permission should be granted unless there are any adverse impacts of doing so which would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, or specific policies in the Framework indicate that development should be restricted.

5.16 As set out above, footnote 9 to paragraph 14 gives examples of where policies in the Framework indicate that development should be restricted. In this instance the site is not subject to any specific policies within the framework that indicate that development should be restricted. It is therefore considered that the presumption in favour of sustainable development is engaged in this instance. In view of the above it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits.

6.0 Landscape and Visual Impact

6.1 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 109 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes.

6.2 In this instance the site is located within the SLA; a local landscape designation. Policy LND2 of the TBLP provides that special attention will be accorded to the protection and enhancement of the Special Landscape Area and that proposal must demonstrate that they do not adversely affect the environment, its visual attractiveness, wildlife or ecology or detract from the quiet enjoyment of the countryside. The reasoned justification to Policy LND2 explains that the identification of the Special Landscape Area aims to protect the foreground setting of the AONB where the topography of the area is a continuation of the AONB and/or where the vegetation associated features are characteristic of the AONB. The Special Landscape Area is of a high landscape quality that is worthy of protection in its own right, but it also protects the setting of the nationally designated AONB. It is considered that policy LND2 is consistent with the NPPF and should be afforded considerable weight.

6.3 Other landscape policies of relevance include Policy SD7 of the submission version JCS and Policies GNDP7 and GNDP9 of the draft GNDP. Policy SD7 provides that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being; and requires that proposals demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area. This policy is not subject to unresolved objections in light of the Inspector's interim report and is considered to be consistent with the NPPF. Having regard to paragraph 216 of the NPPF, Policy SD7 of the submission version JCS can therefore be afforded some weight. Policy GNDP7 seeks to protect and enhance local green spaces. The Northern part of the application site forms an identified local green space on the GNDP proposals map. Policy GNDP9 of the GNDP requires that development should not have a detrimental impact on the views to and from surrounding hills or the Area of Outstanding Natural Beauty, in addition to preserving mature trees and hedgerows, maintaining separation from Bishops Cleeve and preserving existing settlement patterns. Whilst it is not considered that there would be any particular conflict between this policy and the NPPF, there is some objection to parts of the policy raised in the Regulation 16 consultation. On this basis and given the stage of preparation only limited weight can be given to the policy.

6.4 The application is accompanied by a Landscape and Visual Appraisal (LVA). This considers the key landscape resources and visual issues and the likely effects of development on the character of the area and views. The LVA states that the site relates very well in both landscape and visual terms to the existing landscape, and that the site represents a logical and easily assimilated development into this part of the countryside and it would result in a very limited number of material landscape or visual effects and it would not result in any policy contraventions.

6.5 The Council has sought advice on the proposal from an independent Landscape Consultant (LC). In summary the LC identifies that the site forms a large field, bordered by existing house to the north, east and west. The proposed housing development would form an extension to Gotherington village. The LC concludes that the proposed development would not extend inappropriately into the surrounding open countryside nor would it unduly affect the setting of the AONB. The proposal to develop the site for housing, is not detrimental to the landscape setting of the AONB. Within this setting, there is a requirement to have a high quality of design and a landscape led approach. The LVA landscape strategy and the Design and Access Statement which indicate the general design approaches are considered to be appropriate. Further, whilst the northern part of the application site is identified as Local Green Space (LGS) in the GNDP, development would not occur within this area and it would remain open. It is also relevant that the land is in private ownership and that current access to this area is restricted to a couple of PROW's which cross the site. The application would result in access across the whole on the LGS being available for Gotherington Community which is considered to be a benefit of the proposals.

6.6 Notwithstanding the above, it is clear that the development of an open agricultural field to provide 50 dwellings would inevitably have an urbanising effect and would cause some erosion of the area's rural landscape. However having regard to the LC's advice it is considered that these effects would be localised in nature and would not adversely affect the landscape character of the SLA and adjacent AONB. The harm is not considered to be significant and demonstrable in the context of the NPPF. Nevertheless, there is some harm which weighs against the proposal in the overall planning balance.

7.0 Design and Layout

7.1 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

7.2 The NPPF goes on to advise that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 61).

7.3 Relevant local design policies include Policy SD5 of the submission version JCS and Policy GNDP7 of the draft GNDP. Policy SD5 requires that development proposals incorporate key urban design principles. This policy can be afforded some weight as it is not subject to unresolved objections and is consistent with the NPPF. Policy GNDP7 seeks to apply a number of specific design principles to development proposals and is not considered to present any particular conflict with the NPPF. Furthermore, this policy has not attracted objection through the Regulation 16 consultation. On this basis it is considered that some weight can be given to the policy.

7.4 In this instance, the Council's Urban Design Officer (UDO) comments that Gotherington is a generally linear settlement, with units one plot deep to the north of the main road. To the south of the main road development does extend beyond frontage development with a series of small cul-de-sacs and more recent infill development. The core of the village is located around the cross roads with Cleeve Road. The UDO had raised a number of concerns in respect of the size of development and the access arrangements to it as well as the integration of the site with the existing settlement. Further the UDO raised some concerns in respect of the street hierarchies, character of streets and general design principles of the development. In response to these concerns an amended scheme was submitted which amongst other things reduced the proposed numbers of dwellings down from 90 to 50.

7.5 The UDO has considered the amended plans and comments that the proposed open space respects the desires of the neighbourhood plan and adds a valuable facility for the wider community. There would be a good choice of pedestrian connections through the site, ensuring that this scheme would be well integrated into the existing settlement. The UDO raises no objection to the proposed scheme as amended.

7.6 Whilst noting that design related matters are reserved for future consideration, on the above basis it is considered that the proposal is capable of meeting the design principles set out at Policy SD5 of the submission version JCS. The local specific design principles set out at Policy GNDP7 of the draft GNDP (i.e. the requirements for new buildings to enhance the distinctive village character of Gotherington and for proposals to use features to minimise light pollution) can be reasonably achieved through the approval of reserved matters and through conditions attached to any outline planning permission.

7.7 Overall, it is considered that the proposal is capable of achieving a good design and integration with the built and natural environment of the village, consistent with relevant emerging policy and the advice on requiring good design within the NPPF.

8.0 Accessibility and Highway Safety

8.1 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 32 specifically requires safe and suitable access to all development sites for all people. Paragraph 34 states that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes maximised. This must however take account of policies elsewhere in the framework, particularly in rural areas. In such regards, paragraph 29 recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

8.2 Policy TPT1 of the Local Plan requires that appropriate access is provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided. These national and local policy requirements are generally reflected at Policies INF1 and INF2 of the submission version JCS.

8.3 With regard to accessibility, Gotherington is considered to have reasonably good access to both primary and secondary services, including a shop, a village hall, a primary school, a church and recreational facilities. Furthermore, whilst there has been a reduction in services recently, Gotherington has some public transport provision with links to the surrounding areas and with bus stops located within reasonable walking distance of the site. Indeed, Gotherington is identified as a 'Service Village' in the emerging JCS meaning that it is considered to be a suitable location for some limited residential development on the basis of its availability of services. It is therefore considered that the proposed development would have reasonably good access to local services and facilities proportional to its rural location. The proposal is therefore considered to be consistent with the accessibility related provisions of the relevant transport policies within the adopted and emerging Development Plan and the NPPF.

8.4 With regard to traffic and highway safety impacts, vehicular access to the proposed development would be provided vehicular access by way of extension to the existing Ashmead Drive cul-de-sac with a 5.5m access road with 2.0m footways. The new estate road would adjoin the existing Ashmead Drive. The County Highway Authority (CHA) has confirmed that the tracking information has demonstrated that the access can suitably accommodate a range of vehicles. The CHA also confirm that whilst it is not possible to pass a refuse vehicle and private motorcar at the site access, there is sufficient inter-visibility for approaching vehicles to see one another and to give way without causing conflict. Pedestrian access would be provided by a continuation of the existing footway into the development site. The existing PROW links through the development site would be maintained.

8.5 In terms of trip generation resulting from the proposed development the CHA identify the 50 dwellings would generate approximately 43 two-way vehicle trips in the AM peak consisting of 10 arrivals and 33 departures. The PM peak would generate 35 additional two-way vehicle trips consisting of 25 arrivals and 10 departures.

8.6 Whilst the flow volume of the Malleson Road arm of the Gotherington Cross junction is low, the CHA raise safety concerns with the current configuration of this junction. The percentage impact from the additional development traffic has been established as 28 AM peak movements through the Malleson Road arm, a 25.2% increase. Likewise in the PM peak the development would generate an additional 9 movements through the Malleson Road arm resulting in a 10.1% increase. The percentage increases are significant, therefore the development would be required to mitigate for their impact at the Gotherington Cross junction, and this can be dealt with by way of planning condition.

8.7 The CHA confirm that they do not raise any objection to the proposed development subject to conditions.

9.0 Affordable Housing

9.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing. Furthermore, Affordable Housing Supplementary Planning Guidance (SPG) was adopted by the Council in August 2005. The purpose of the SPG is to assist the implementation of affordable housing policies contained within the Local Plan and it is a material consideration in the determination of planning applications. Policy SD13 of the emerging JCS provides a 40% affordable housing requirement on sites of 10 dwellings or more. Policy GNDP4 of the draft GNDP seeks to apply a lower threshold which may give rise to discussion at Examination given it is not in conformity with current government policy, however given the number of dwellings proposed here, this is not an issue in this case.

9.2 In this instance the Council's Housing Enabling and Policy Officer has advised that a 40% affordable housing requirement would be required amounting to 20 dwellings. The Council's Housing Enabling and the Parish Council consider that the provision of 40% of on-site affordable homes would over-supply and it is therefore proposed that half of the affordable housing contribution is a financial one and a half delivered on-site. Therefore up to 10 homes would be on-site and required to be a mix of 1 and 2 bed bungalows and 2 and 3 bed houses for rent and for sale. The remaining contribution (up to 10 homes) would be received in the form of financial contribution that will benefit the wider area where there is little or no affordable housing provision or to support the delivery of specialist housing where the funds are not available otherwise.

9.3 Should planning permission be granted it is recommended that the specific requirements expressed by the Housing Enabling and Policy Officer are secured through a Section 106 obligation and the future approval of reserved matters.

9.4 Subject to the completion of a S106 obligation to secure the required quantum and type of affordable housing as well as the required financial contribution it is considered that the proposal would provide sufficient affordable housing to address local needs and satisfy the Council's adopted and emerging planning policy requirements.

10.0 Open Space, Outdoor Recreation and Sports Facilities

10.1 The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Furthermore, policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population.

10.2 The Council adopted a Playing Pitch and Outdoor Sports Assessment and Strategy in 2009. This outlines the council's requirements for playing pitch provision, either on-site or off site, for a new development based on the new population generated. It calculates the hectares required, as well as the changing facility provision or contribution. It indicates a higher local standard for playing pitches than RCN1 (1.51ha per 1000 population).

10.3 Based on Policy RCN1 and the Playing Pitch Assessment and Strategy, 0.18ha should be playing pitches to be provided either on or off site, or the equivalent financial contribution for an existing provision. In this instance the application does not propose to provide playing pitches on site although the Parish Council have expressed a need for a MUGA (Multi Use Games Area) in the village. A financial contribution towards existing provision in the village or towards new provision off site is required instead. To meet the need expressed by the Parish Council it is recommended that this includes the opportunity for a MUGA to be provided off site should suitable land become available.

10.4 The cost of playing pitches and associated changing facilities are based on the sports facility costs from Sport England for Q1 of 2015. Based on Sport England figures a 0.74 hectare adult pitch costs £80,000 and a two team changing room costs £255,000. Based on the 0.18ha requirement for the proposed development a contribution of £81,486 would be required. This would contribute towards the improvement of the playing pitches and changing facilities at Gotherington Playing Fields, Malleson Road and/or new provision within the parish.

10.5 The remainder of outdoor playing space required Policy RCN1 related to play facilities. The Parish Council has requested that no play facilities are provided on-site. Therefore, £776 per household will be required for improving current play/teenage provision off-site within the Gotherington parish this equates to £38,450.

10.6 In addition to sports pitches, the proposed development would create a demand for other sports facilities (i.e. swimming pools, artificial pitches, sports halls). The specific demand for this development is to be identified using the Sports Facility Calculator which is an interactive tool developed by Sport England. This generates a total contribution for sports facilities of £39,735. As Gotherington does not host these facilities, the request is towards sporting improvements within the community facilities that Gotherington Parish operate.

10.7 The applicant has been made aware of this obligation and has informally confirmed their agreement. The required affordable housing contribution can be secured by a Section 106 obligation should planning permission be granted.

11.0 Community, Education and Library Provision

11.1 The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Plan Policy GNL11 highlights that permission will not be provided for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided.

11.2 With regard to education, Gloucestershire County Council (GCC) have advised that there is no additional forecast capacity at the nearest primary school (Gotherington Primary School) and therefore a contribution of £176,449 is required to increase capacity based on the 13.36 additional primary school places generated by the development. It is also advised by GCC that Cleeve Secondary School is the secondary school for the catchment and is forecast to be over capacity. The scheme would generate 6.99 additional secondary school places requiring a contribution of £140,752 towards increasing capacity. Furthermore, GCC have identified that the scheme would generate a need for 3.63 additional pre-school places. There is no additional capacity at local pre-schools and therefore a contribution of £47,956 is required.

11.3 With regard to library provision, GCC have advised that the scheme would be required to contribute towards improving library resources at Bishops Cleeve Library. A contribution of £9,800 is requested.

11.4 Further based on calculation using the Gloucestershire Infrastructure Delivery Plan assessment formula, £22,735 is required for community building improvements within Gotherington Parish.

11.5 The applicant has been made aware of these obligations and has informally confirmed their agreement. The required contributions can be secured by a Section 106 agreement should planning permission be granted.

12.0 Flood Risk and Drainage

12.1 The NPPF aims to direct development away from areas at highest risk. Development itself should be safe and should not increase flood risk elsewhere. Policy EVT5 reflects this advice and Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SuDS) criteria. Policy INF3 of the submission version JCS goes further and provides that minimising the risk of flooding will be achieved by (inter alia) requiring new development to, where possible, contribute to a reduction in existing flood risk. This policy is not subject to unresolved objection and is consistent with the NPPF.

12.2 The site is located in Flood Zone 1 as shown on the Environment Agency's (EA) indicative flood map indicating that it is at a low risk of flooding from fluvial sources. The EA's updated Flood Map for Surface Water indicates that there is low risk of flooding from surface water within the existing site. The application has been accompanied with a Flood Risk Assessment (FRA). The submitted FRA concludes that the proposed development would not be affected by current or future flooding from any source and the development would not increase flood risk elsewhere. The FRA also confirms that surface water from the site would be attenuated using SuDS storage.

12.3 The Lead Local Flood Authority (LLFA) comment on the management of surface water and are satisfied that the development should not increase flood risk to any existing development downstream and there would not be any risk of internal flooding of property within the proposed site subject to planning conditions requiring details and implementation of a drainage strategy and SuDS management plan.

12.4 On the above basis and subject to the conditions recommended by the LLFA and described at paragraph 12.6 above being included on any planning permission granted, the flood risk impacts of the proposed development are found to be acceptable having regard to policies EVT5 and EVT9 of the TBLP, Policy INF3 of the JCS and the advice on flood risk in the NPPF.

13.0 Ecological Impacts

13.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires planning to seek to minimise impacts on biodiversity and provide net gains in biodiversity where possible. Furthermore, the Conservation of Habitats and Species Regulations 2010 (the Habitat regulations) provide that a competent authority (including a planning authority) must, in the exercise of any of their functions, have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. Government Circular 06/05 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Paragraph 118 of the NPPF sets out a mitigation hierarchy to be applied in cases where biodiversity would be affected and states that (inter alia) if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

13.2 Local Plan Policy NCN5 is broadly consistent with this guidance and provides that, where development unavoidably necessitates the removal of such features, replacement features of equivalent value should be provided. Emerging JCS policy SD10 expands on the provisions of the NPPF and requires (inter alia) that European Protected Species (EPS) and National Protected Species are safeguarded in accordance with the law. Policy GNDP12 essentially reflects the NPPF's avoid/mitigate/compensate hierarchy but seeks to apply this where development is likely to have a 'direct or indirect adverse impact' rather than where it results in 'significant harm' as required by the NPPF. It is considered that Policy SD10 can be afforded weight in accordance with paragraph 216 but it is considered that any weight that can be afforded to Policy GNDP12 may be limited at this stage due to its potential inconsistency with the NPPF.

13.3 The Ecological Assessments submitted with the application confirm that there are no statutorily protected nature conservation interests within the proposed development site and none nearby that would be materially affected by the proposals. However, the submitted surveys have identified a small number of habitat features and protected species that would need to be respected and embedded into any future reserved matters applications. Specific proposals for the avoidance, mitigation and compensation of any predicted impacts are considered and include:

- Mowing and weed control in seeded grassland areas on boundaries of F1 post development to aid establishment;

- Trimming of hedgerows, with selected hedgerows in informal open spaces cut on a 3-year rotation (with no more than one third cut any one year) to increase value to wildlife; Long-term low level-grazing or annual hay-cut of the semi-improved grassland field to promote botanical diversity within the orchard.
- Requirements for an Ecological Management Plan (EMP) to be submitted prior to the commencement of the development

13.4 Natural England have also been consulted on the application and confirm that they raise no objection to the proposed development

13.5 Having regard to the above it is considered that the proposed development would have an acceptable impact on protected species and their habitats.

14.0 Archaeology and Cultural Heritage

14.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities to pay special regard to the desirability of preserving the setting of listed buildings. The NPPF sets out that great weight should be given to the conservation of heritage assets. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 133 of the NPPF advises that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 134 advises 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, including securing its optimum viable use. The NPPF's advice is reflected at Policy SD9 of the submission version JCS which provides that (inter alia) designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance. It is considered that Policy SD9 can be afforded weight in accordance with paragraph 216.

14.2 In this instance the submitted heritage assessment considered the potential impacts upon the settings of nationally designated heritage assets in the wider area. Detailed assessment focussed on the Grade II listed buildings of The Holt, located approximately 25m south east of the site; The Homestead, located approximately 60m north west of the site; and the Grade II* listed Church of St Martin de Tours, located approximately 730m north of the site. In addition, the Scheduled Nottingham Hill Camp, located approximately 1.7km south east of the application site was subject to detailed assessment. The assessment concludes that the implementation of the proposed development will not result in an adverse impact on, harm to, or loss of significance from any of the identified designated heritage assets, either in terms of an effect on their physical fabric or through changes to their wider setting. The Council's Conservation Officer has also confirmed that he agrees with the conclusion of the heritage assessment, in respect of heritage assets, and raises no objection to the proposed development.

14.3 The applicants have also carried out an archaeological assessment of the site which has been considered by the County Council's Archaeologist (CCA). The CCA confirms that the site is located in an area which is known to contain extensive archaeological remains relating to prehistoric and Roman activity and settlement. However the application has been accompanied with a report on an archaeological field evaluation undertaken by Rubicon Archaeology (report dated June 2016).

14.4 The result of the investigation was positive, in that the northern part of the application site was found to contain recti-linear settlement enclosures associated with post-built structures and pits. Several phases of activity were found to be present, and the dating evidence indicates that the site was occupied between the later Bronze Age and Middle Iron Age periods.

14.5 The archaeological field evaluation has therefore demonstrated that the application site contains significant archaeological remains relating to later prehistoric settlement. However, the archaeology is not of the first order of preservation, since it has undergone erosion from later ploughing with the result that all surfaces formerly associated with the remains have been removed. For that reason the CCA considered that the archaeology present on this site is not of the highest archaeological significance, therefore no objection is raised subject to the imposition of a planning condition requiring an appropriate programme of archaeological work.

15.0 Social Cohesion

15.1 A resolution to grant planning permission for 50 dwellings at land at Malleson Road (16/00965/OUT) was recently made by the Planning Committee subject to a s106 agreement being signed. In addition planning permission for 10 dwellings (ref 16/00336/OUT) on land adjacent to 59 Gretton Road has recently been granted.

15.2 A number of recent appeal decisions locally have demonstrated that a sizeable expansion of a village in a relatively short space of time could take the community some time to adapt to and there could be adverse consequences for the social and cultural wellbeing of existing residents. The effect of a development upon the vitality and social inclusivity of a local community has been shown to be a material planning consideration that is rooted in planning policy guidance. Paragraph 7 of the NPPF states that the planning system performs a social role; supporting strong, vibrant and healthy communities. More specifically, paragraph 69 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Further to this the PPG advises that local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making.

15.3 In March 2015 an appeal against the Council's refusal of 60 dwellings on Land east of St Margarets Drive, Alderton (ref. APP/G1630/A/14/2222147) was dismissed for reasons including that the proposed development would have a disproportionate effect on the village in terms of the cumulative impact of development and also on the social wellbeing of the community. Here the Inspector found that the appeal proposals together with a recently permitted scheme for 47 dwellings would represent a 39% increase in the number of dwellings in the village. This was considered to have a disproportionate effect on the village and have a harmful impact on the social wellbeing of the community. A further decision in July 2015 against the Council's refusal of up to 53 dwellings on land to the west of Willow Bank Road, Alderton (APP/G1630/W/15/30032/78) found that the appeal proposal and recently permitted scheme would result in 100 new dwellings, an approximate increase of the community of 36-37%. For a relatively modest rural village it was considered that such an increase was substantial and consequently it was considered that the proposal would in combination with the permitted scheme represent a substantial expansion of the village, causing harm to the social well-being, community cohesion and therefore to some degree the vitality of Alderton. In both of the Alderton appeal decisions, the identified harm to the social wellbeing of the community together with other identified harms was considered to outweigh the identified benefits.

15.4 In this instance the proposed 50 dwellings alone would result in an 11% increase to the 463 existing dwellings in Gotherington. When considered cumulatively along with the permitted 17 dwellings at Shutter Lane, the resolution to permit 10 dwellings at Gretton Road and the resolution in respect to the 50 dwellings at Malleson Road, the proposal would result in a 27.4% increase to the number of houses in the village

15.5 It is also relevant the Planning Permission was recently refused for a development at Trumans Farm (16/00539/OUT) for up to 65 dwellings and in that case Members considered the proposal would result in significant landscape harm as well as cumulative development of the village which would be of a scale disproportionate to the existing settlement. It is however relevant that the current proposed development was larger than that proposed in the current application and very much on the edge of the settlement in a location which members considered it to be disconnected from the main village centre and its social infrastructure.

15.6 Having regard to the appeal precedent provided by the Alderton decisions and the Council's previous decision in respect of the Trumans Farm application, it is considered that the cumulative increase resulting from this development could negatively impact on community cohesion. However size increases greater than this have been permitted in other Service Villages including Alderton (27%), Maisemore (29%) and Norton (33%)and therefore it is not considered that this level of growth is of a size that would significantly impact on the social wellbeing of the community to a degree which on its own would warrant refusal of planning permission. Nevertheless this is an issue which needs to be weighed against the development in the planning balance.

16.0 Other material considerations

16.1 It is noted that the Parish Council and a number of local residents are concerned that the proposed development would conflict with and undermine the emerging NDP. The site is not included as a housing allocation in the emerging NDP and Policy GNDP3 of the plan provides that proposals for new housing development outside of the settlement boundary, and not on allocated sites, in the open countryside will only be permitted in certain circumstances; none of which apply to the proposed development. The plan's housing allocation policy (GNDP2) does however provide some flexibility in the event that the JCS identifies an additional need for further strategic housing development in Gotherington (as a service village) beyond the allocations in this plan. It requires that any such proposals meet the following criteria:

- Adjoin the defined settlement boundary;
- Maintain the village's east-west linear form;
- Not have an adverse impact on the Area of Outstanding Beauty;
- Maintain the separation of Gotherington village from Bishops Cleeve and Woolstone; and
- Not be in conflict with any of the other policies and proposals in the Gotherington Neighbourhood Development Plan.

16.2 In response to these concerns it is important to note that, as set out above, the NDP is at a fairly advanced stage of preparation. However, Policy GNDP3 of the plan seeks to restrict the supply of housing in a Borough that does not currently have a five year supply of deliverable housing sites. This would conflict with the NPPF's objective to boost significantly the supply of housing and its advice at paragraph 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. On this basis and having regard to the advice at paragraph 216, it considered that little weight can be given to Policy GNDP3 of the NDP at this stage.

16.3 With regard to Policy GNDP2, again in light of the Borough's five year supply shortfall, the NPPF's objective to boost significantly the supply of housing and its requirement for housing applications to be considered in the context of the presumption in favour of sustainable development, in addition to the limited weight that can be given to the draft Tewkesbury Borough Plan and the 'indicative' housing requirement for Gotherington, the draft housing allocations within the GNDP cannot at this stage be viewed as a limit to new housing development within the village. At this stage therefore, housing proposals over and above those featured in the GNDP must be considered on their merits and in the context of the presumption in favour of sustainable development. In any event and notwithstanding this position, for the reasons set out in this report it is considered that the proposed development would be in accordance with the criteria set out at Policy GNDP2.

16.4 On the above basis, whilst the concerns of the local community are noted, the potential conflict between the proposal and the draft NDP can only be given very little weight in this decision.

17.0 Overall Balancing Exercise and Conclusions

17.1 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development which means that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date, 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; or where specific policies in the Framework indicate development should be restricted. In this instance, policy HOU4 of the TBLP seeks to restrict the supply of housing in a Borough that currently has a shortfall of deliverable housing sites. Furthermore the policy was based on the now revoked Structure Plan requirement. For these reasons policy HOU4 is therefore out of date and the application should be determined in the context of the presumption in favour of sustainable development described above.

17.2 The proposal would produce clear social benefits insofar as it would provide much needed housing and help the Council meet the NPPF's requirement to maintain a 5 year supply of housing land. The proposal would also provide affordable housing for which there is a need both locally and borough wide. In addition the LGS identified in the GNDP would be retained as open space and access to the space for the community would be enhanced. The proposal would also produce economic benefits during the construction phase and through the additional spending power in the local economy as a result of the increased population. These benefits should be given significant weight in the overall planning balance.

17.3 The proposal is considered to be capable of achieving a good design and integration with the built and natural environment of the village. The proposal would by its very nature result in some harm to the landscape however the extent of this harm is considered to be relatively minor and limited to the immediate area. The landscape strategy and DAS indicate that development can be delivered in an appropriate way without undue harm to the setting of the AONB. The proposal could also cause some harm to the social wellbeing of the community given the proportion of development already permitted of with a resolution to grant panning permission, however it is not considered that this would give rise to significant and demonstrable harm in the context of the NPPF.

17.4 Subject to the conditions recommended by the LLFA the flood risk impacts of the proposed development are found to be acceptable and it is not considered that proposal would cause harm to the setting of the identified heritage assets. The County Highways Authority have confirmed that subject to conditions, including highway improvements, the development would be acceptable.

17.5 Overall, it is concluded that the economic and social benefits arising from the proposed development would outweigh the limited landscape and social harms identified. As such, based upon the three-stranded definition of Sustainable Development within the NPPF, the proposal would represent a sustainable form of development. It is therefore recommended that the decision is **DELEGATED to the Development Manager to permit the application subject to the completion of a section 106 legal agreement to secure the following heads of terms:**

- Affordable dwellings - 40% (Including 20% off-site contribution)
- A contribution of £81, 486 towards improvements to the playing pitches and changing room facilities at Gotherington Playing Field and/or the provision of a MUGA off site.
- A contribution of £38,450 towards improving current play/teenage provision off-site at Gotherington Playing Fields and/or the provision of a MUGA off site.
- A contribution of £39,735 towards required improvements of sporting provision in Gotherington at Gotherington Playing Fields and/or the provision of a MUGA off site.
- A contribution of £22, 735 towards funding an extension to Gotherington Village Hall
- A contribution of £176, 449 is required to increase capacity at Gotherington Primary School
- A contribution of £140, 752 towards increasing capacity at Cleeve School
- A contribution of £47, 956 is required towards pre-school provision
- A contribution of £9, 800 towards library provision

RECOMMENDATION Delegated Permit

Conditions:

1 The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.

Reason: The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.

2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 The reserved matters submitted pursuant to condition 1 above shall include details of existing and proposed ground levels and finished floor levels of the buildings relative to Ordnance Datum Newlyn. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity to accord with the NPPF.

- 5 Applications for the approval of the reserved matters shall be in accordance with the principles and parameters described in the approved updated design and access statement dated November 2016. Any reserved matter application shall include a statement providing an explanation as to how the design of the development responds to the Illustrative Site Layout Plan reference number RG-M-15 REV E.

Reason: To ensure the development is carried out in accordance with the agreed principles and parameters and to ensure that the new development will be visually attractive in the interests of good design and amenity.

- 6 Existing trees and hedgerows that are to be retained shall be protected during the course of construction in accordance with the submitted Arboricultural Baseline Assessment (Incorporating Arboricultural Impact Assessment and Tree Protection) received on 2nd August 2016. All approved tree and hedge protection measures shall be in place prior to the commencement of construction and shall be retained thereafter until construction has been completed.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 7 The reserved matters submitted pursuant to condition 1 shall be accompanied by full details of both hard and soft landscape proposals. These details shall include:

- (i) Positions, design, materials and type of boundary treatment to be erected;
- (ii) Hard surfacing materials; and

Soft landscape details shall include:

- a. Planting plans including positions for all tree, hedge and shrub planting;
- b. Written specifications (including cultivation and other operations associated with plant and grass establishment);
- c. Schedules of plants, noting species, planting sizes and proposed numbers;
- d. Densities where appropriate; and
- e. Implementation timetables including time of planting.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 8 If within a period of five years from the date of the planting of any tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 9 No external lighting shall be erected on any part of the site without the prior express permission of the Local Planning Authority.

Reasons: In the interests of amenity and ecology.

- 10 The reserved matters submitted pursuant to condition 1 above shall include details of surface water attenuation/storage works. The submitted details shall include the volume balance requirements for the development, discharge rate and the extent of impermeable areas and runoff to be generated. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To prevent the increased risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

- 11 Prior to the commencement of the development hereby permitted an exceedance flow routing plan for flows above the 1 in 100+ climate change event shall be submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.
- Reason: To ensure satisfactory drainage of the site and avoid flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.
- 12 The reserved matters submitted pursuant to condition 1 above shall include details for surface water drainage. The proposed scheme shall reduce the surface water discharge rate as close as practicable to the Greenfield runoff rate, i.e. equivalent to the previously undeveloped character of the site. Any attenuation feature should be designed to attenuate all flows up to and including the 1 in 100 year event +40% for climate change. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.
- Reason: To reduce the impact of this development on the surrounding surface water infrastructure. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.
- 13 Prior to first occupation of the development hereby permitted a SUDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.
- Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.
- 14 No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to nearby properties at unreasonable hours.
- 15 No works shall commence on site (other than to satisfy this condition) until the site access has been provided in accordance with the submitted plan W15183_SK_006. The first 20m of the access road from Ashmead Drive surfaced in a bound material. The access shall be retained and maintained in that form until and unless adopted as highway maintainable at public expense.
- Reason- To ensure that there is safe access to the site for construction works and thereafter and to ensure that the access is maintained in that form in accordance with TPT1 of the Tewkesbury Borough Local Plan to 2011 and paragraphs 32 and 35 of the NPPF.
- 16 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- i. specify the type and number of vehicles;
 - ii. provide for the parking of vehicles of site operatives and visitors;
 - iii. provide for the loading and unloading of plant and materials;
 - iv. provide for the storage of plant and materials used in constructing the development;
 - v. provide for wheel washing facilities;
 - vi. specify the intended hours of construction operations;
 - vii. include measures to control the emission of dust and dirt during construction
 - viii. Consideration into the location and use of heavy machinery, plant or material in areas where infiltration has been proposed, and avoid soil compaction of such locations.

- Reason:** To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework, and to ensure that during the construction phase heavy machinery, plant or material is not stored/used inappropriately in the areas where infiltration SuDS are proposed, to avoid soil compaction and severely impacting infiltration rates.
- 17 No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.
- Reason:** To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the NPPF.
- 18 No development shall commence on site until a scheme has been submitted to and agreed in writing by the Local Planning Authority for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided in accordance with the scheme so approved.
- Reason:** To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.
- 19 The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site. The buildings hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and those facilities shall be maintained available for those purposes for the lifetime of the development.
- Reason:** To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the NPPF.
- 20 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.
- Reason:** To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the NPPF and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.
- 21 No works shall commence on site until details of a highway safety improvement scheme on the Gotherington Cross junction has been submitted to and approved in writing by the Local Planning Authority and no more than 15 dwellings shall be occupied until the highway safety scheme has been completed in accordance with the approved plan.
- Reason:** To reduce potential highway impact by ensuring cost effective improvements are provided in accordance with Paragraph 32 of the NPPF and TPT1 of the Tewkesbury Local Plan.
- 22 Prior to the commencement of the development hereby permitted details of upgraded bus stop facilities on Malleon Road to the west of Ashmead Drive shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be completed prior to occupation of any dwelling on the development.
- Reason:** To ensure that the opportunities for sustainable transport modes have been taken up and access to high quality public transport facilities is provided in accordance with paragraph 32 and 35 of the NPPF.

- 23 Prior to the commencement of the development hereby permitted, details of an uncontrolled pedestrian tactile crossing point on Malleson Road and improvements to the existing pedestrian crossing facilities at Ashmead Drive and Aggs Lane to facilitate pedestrian access to the bus stops west of Ashmead Drive shall be submitted to and approved in writing by the Local Highway Authority and the crossing points shall be constructed in accordance with the approved details prior to first occupation of the dwellings hereby permitted.
- Reason: To ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.
- 24 The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.
- 25 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
- Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework
- 26 No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall be in accordance with the recommendations set out in section 5 of the Ecological Appraisal by EDP dated June 2016. The EMP shall include a timetable for implementation, details for monitoring and review and how the areas concerned will be maintained and managed. Development shall be carried out only in accordance with the approved EMP.
- Reason: To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- Notes:**
- 1 **Statement of Positive and Proactive Engagement**
- In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2 Severn Trent Water advise that there may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water.
- 3 This decision is issued pursuant to the signing of a Section 106 legal agreement.

16/00901/OUT

The scaling of this drawing cannot be assured

Revision B Date 21.11.16 Dm Cld
Boundary Updated K.D. T.L.

Legend

Site boundary
- 6.28Ha / 15.52Ac



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Project Gotherington
Drawing Title Site Boundary Plan

Date 14.10.15 Scale 1:2500@A3 Drawn by NB Check by TL
Project No 25212 Drawing No RG-M-00 Revision B
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J:\\25000 - 25000\\25200 - 25200\\25212 - Gotherington\\A4 - Draft & Appendix\\Planing\\25212 - LG-0038 - Site Boundary Plan.dwg - (1-2500)A1

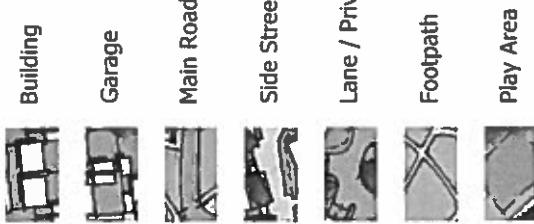


641/A

16/00901/OUT

The scaling of this drawing cannot be assured
Revision E Date Dm Clkd
Illustrative Layout Updated 22.11.16 J.W. T.L.

Site boundary
- 6.28Ha / 15.52Ac



Project Gotherington
Drawing Title Illustrative Site Layout
Date 16.06.16 Scale 1:1,250@A2
Drawing No. RG-H-15
25212
Drawn by CL
Check by TD
Revised E
Architectural • Landscape Planning & Urban Design
Environmental Assessment & Graphic Design

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APPENDIX 6

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

		<p>Section 5 - Overall Balancing Exercise and conclusions</p> <p>As set out above the starting point for determination of this application is the conflict with Policy HOU4, to which substantial weight should be applied. Whilst the Council is able to demonstrate a 5 year supply of deliverable housing sites, it is also of course a rolling calculation and the Council must ensure that sufficient sites are granted planning permission to meet the ongoing need for housing in the Borough.</p> <p>Gotherington is identified as a Service Village in the JCS and therefore as a suitable location for some limited residential development, proportionate to their size and function, also reflecting their proximity to, in this case, Cheltenham. Section 5 of the officer report sets out the benefits of the proposal arising from the delivery of market housing, although it is accepted that those benefits are limited by virtue of the small scale of the development proposed. The Gotherington NDP has been submitted for examination following public consultation and can thus be afforded some weight. It is not considered that there is any conflict with the provisions of the GNDP.</p> <p>As set out above the starting point for determination of this application is the conflict with Policy HOU4. Nevertheless, as set out in the officer report, given the benefits of the proposed development (albeit limit by the small scale of the proposals) and lack of significant harms the proposals were considered to represent sustainable development. This position remains and as such the recommendation is unchanged.</p>
624	3	<p>16/00901/OUT Parcel 1441, Cobblers Close, Gotherington</p> <p>Officer Update</p> <p>Principle of development</p> <p>Since the production of the committee report there has been a significant change in material circumstances. On 31st January the Council approved for consultation the latest draft of the Joint Core Strategy (JCS). In doing so the Council approved the Objectively Assessed Need (OAN) for Tewkesbury which stands at 9,899. It is considered that this figure is robust having been arrived at following detailed consideration through the Examination in Public process. Following from the OAN there is an annual requirement to meet Tewkesbury's needs of 495 dwellings.</p> <p>Using this robust figure, taking into account current supply, including planning permissions granted, those which the Planning Committee have determined to grant subject to finalisation of s106 legal agreements and a windfall allowance, the Council can demonstrate a 5.3 year supply with a 20% buffer applied.</p> <p>Officers consider that there is a strong argument that a 5% rather than 20% buffer should be applied given the strong delivery of housing in recent years and in particular the 5 years since the start of the plan period when measured against the above annual requirement. Over the period from 2011/12 - 1015/16 2,496 dwellings have been completed compared to the JCS requirement of 2,475 giving a surplus of 21 dwellings. For the past three monitoring years the JCS annual requirement has been exceeded, with a surplus of 135 dwellings delivered in 2015-16.</p> <p>In light of the fact that the Council is able to demonstrate a five-year supply of deliverable housing sites, saved Policy HOU4 of the Tewkesbury Borough Local Plan should no longer be considered out of date pursuant to paragraph 49 of the NPPF.</p> <p>In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise), the presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply.</p>

		<p>Section 38(6) of the Town and Country Planning Act 1990 provides that the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. In this case, as reiterated by paragraph 12 of the NPPF, the presumption is against the grant of permission given the conflict with policy HOU4 and as such permission should be refused unless material planning circumstances indicate otherwise.</p> <p>Neighbourhood Development Plan</p> <p>Paragraph 16.2 of the officer report sets out that the NDP can be given little weight, given the inability to demonstrate a 5 year deliverable supply of housing sites. As set out above this position has now changed given that the Council can now demonstrate a 5 year supply. On that basis and given the stage which the NDP has reached it can be afforded some weight. Notwithstanding this, the conclusions reached in section 16 of the officer report, there would be no in principle conflict with the NDP.</p> <p>Overall Balancing Exercise and conclusions</p> <p>As set out above the starting point for determination of this application is the conflict with Policy HOU4, to which substantial weight should be applied. Whilst the Council is able to demonstrate a 5 year supply of deliverable housing sites, it should be recognised that this is minimum requirement and the NPPF seeks to boost significantly the supply of housing (para 47). It is also of course a rolling calculation and the Council must ensure that sufficient sites are granted planning permission to meet the ongoing need for housing in the Borough. Whilst it is anticipated that the majority of future need in the Borough will be met through the Borough Plan, this should not prevent sustainable development being permitted now, to meet those needs.</p> <p>Gotherington is identified in the JCS as a suitable location for some limited residential development, proportionate to their size and function, also reflecting their proximity to, in this case, Cheltenham. Paragraph 17.2 of the officer report sets out clear social and economic benefits arising from the proposal, including the delivery of market and affordable housing and the safeguarding of the Local Green Space identified in the emerging NDP.</p> <p>The consideration of material planning issues on this application is finely balanced. However, on balance, it is considered that the benefits set out above, and the sustainable location of the site adjacent to a settlement which is identified as a service village in the JCS, outweigh the conflict with the development plan in respect of policies HOU4 and the limited harms identified in the officer report relating to landscape and social well-being.</p> <p>In light of the above, it is therefore recommended that there be no change to the recommendation set out in the officer report.</p> <p>Letter from Agent</p> <p>The applicant's agent has provided a written response in relation to the Council's current position on 5 year housing land supply. The letter is attached in full below.</p>
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APPENDIX 7

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

Tewkesbury Borough Five Year Housing Land Supply Statement

August 2019

1. Introduction

- 1.1. Under Paragraph 73 of the National Planning Policy Framework (NPPF) Local Planning Authorities are required to 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. This statement sets out the position on the five year housing land supply for Tewkesbury Borough as of 1st April 2019.
- 1.2. Figure 1 of the statement below sets out that Tewkesbury can demonstrate a 4.33 years supply of housing land.

2. Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS)

- 2.1. The three authorities of Cheltenham Borough, Gloucester City and Tewkesbury Borough have jointly prepared a JCS as part of the development plan for the area which was adopted in December 2017. The JCS, which covers the period from 2011 to 2031, is the strategic-level plan and sets out the identified needs for housing and economic growth and the spatial strategy for delivery.

3. Tewkesbury's Full Objectively Assessed Need

- 3.1. The JCS sets out a total housing requirement for the borough of Tewkesbury of 9,899 dwellings from 2011-2031 through Policy SP1: The Need for New Development. The requirement consists of the demographic objectively assessed need, plus an uplift for economic growth and a further 5% uplift to boost the supply of housing. Over the 20 year plan period this housing requirement equates to the need for 495 dwellings per year. Tewkesbury Borough Council consider this housing requirement to be the most up to date and robust figure on which to base the five year housing land supply calculation.

4. Previous Delivery

- 4.1. Table 1 below shows Tewkesbury Borough Council's previous housing completions over the JCS plan period, from 2011, set against the annual requirement identified in para. 3.2 above:

Table 1 - Previous Housing Completions

Year	JCS Requirement	Annual Completions	Delivery against requirement
2011/12	495	318	-177
2012/13	495	462	-33
2013/14	495	512	+17
2014/15	495	572	+76
2015/16	495	628	+133

2016/17	495	728	+233
2017/18	495	934	+439
2018/19	495	907	+412
Total	3,960	5,061	+1,101

- 4.2. Housing completions in Tewkesbury Borough have totalled 5,061 over the plan period so far (to 31st March 2019) and have exceeded the JCS annual requirement for the last six monitoring years. Furthermore, there is a 1,101 dwelling surplus against the total requirements over the 8 years of the plan period so far.

5. Five Year Housing Land Supply – Requirement

- 5.1. The housing requirement for any given five year period would be 2,475 dwellings. This figure is the 495 annual requirement multiplied by five.
- 5.2. Tewkesbury Borough, however, has experienced significant housing delivery over the JCS plan period so far, equating to 1,101 dwellings over the cumulative annual requirements since 2011. To ensure that this advanced delivery of housing is taken into account, the approach of the Council is to use this past supply it to discount from the subsequent five year requirement.
- 5.3. The housing requirement for 2019/20 to 2023/24 would therefore be 1,374 dwellings.

6. High Court Challenge – Past ‘oversupply’ and the housing requirement

- 6.1. In December 2018 the Council received an appeal decision, recovered for the Secretary of State’s determination, regarding a proposed housing development at Land South of Oakridge, Highnam (Appeal Ref: APP/G1630/W/3184272). Although the appeal was dismissed, the Council challenged the Secretary of State’s assertion in the decision in respect of five year supply where he followed the Inspector’s advice in relation to discounting advance delivery, which the Council believes to be a legally flawed interpretation of national planning policy.
- 6.2. The Court, confirming that no conclusions as to the interpretation of planning policy in an appeal decision is binding, declined to make any ruling on the matter of advance delivery and instead concluded that any challenge to such conclusions would have to wait an appeal if they result in an appeal decision adverse to the Council.
- 6.3. In light of this outcome it remains the position of the Council that its method for calculating the five year supply is correct, including the use of the advanced delivery of housing set out in section 5.

7. Housing Land Requirement with NPPF Buffers

- 7.1. Paragraph 73 of the NPPF also requires that the five year requirement includes an additional buffer moved forward from later in the plan period. This buffer should be either:
- 5% - to ensure choice and completion in the market; or

- 10% - where the local planning authority wishes to demonstrate a five year supply through an annual position statement or recently adopted plan ; or
 - 20% - where there has been significant under delivery of housing over the previous three years.
- 7.2. Housing completions in the Borough have exceeded the JCS annual requirement for the last 6 years, and the cumulative requirement over the 8 years of the plan period so far. Footnote 39 of the NPPF provides that as from November 2018 significant under delivery of housing will be measured against the Housing Delivery Test (HDT), where this indicates that delivery was below 85% of the housing requirement. The HDT results for Tewkesbury Borough, as set out further at section 12 below, is 181%. Therefore the consideration of a 20% buffer is not relevant.
- 7.3. At this time the Borough Council has not sought to progress an annual position statement as described under NPPF Paragraph 74 and thus seek to apply a 10% buffer.
- 7.4. Using a 5% buffer the five year requirement would be 1,442 dwellings.

8. Deliverable Housing Supply

- 8.1. The glossary to the NPPF sets out the definition of what is considered to be a deliverable housing site. It states that:

To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- Sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
 - Where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
- 8.2. An assessment of the Council's housing supply has been undertaken to determine compliance against the NPPF definition. The Deliverability Schedule at Appendix 1 shows the results of this assessment.

9. Housing Supply Sources

- 9.1. The following sources of supply have been included within the five year housing land supply calculation in Figure 1:

A - Major Sites (10+) with a detailed planning permission

Larger sites where a reserved matters or full permission has been granted.

B – Non-major sites (5-9) with outline or detailed planning permission

Sites between 5 and 9 dwellings where any planning permission has been granted.

C – Major Sites (10+) with an outline planning permission

Larger sites where an outline permission has been granted and there is clear evidence that housing completions will begin on site within five years.

D - Smaller sites (1-4 dwellings) with extant Planning Permission

Smaller sites where planning permission has been granted but the site is not yet under construction. For these sites a lapse rate of 22% has been calculated and total delivery from these sites has been discounted accordingly. This approach to lapse rates of small sites has been established through the JCS examination and is noted in the Inspector's Interim Report.

E - Windfall Allowance

A small site windfall allowance has been included within the supply and is based on an analysis of historic windfall delivery since 2003. This has produced an average annual windfall delivery of 46 dwellings. However, the windfall supply does not make a contribution in the trajectory until 2020/21 and has been discounted by the number of extant dwellings from small sites. This approach to windfall has been established through the JCS examination.

- 9.2. Anticipated delivery from these sources of supply over the five year period from 2019/20 to 2023/24 is 1,248.

10. Housing Delivery

- 10.1. Where no site specific information is present, the following assumptions are made for the delivery of sites and their anticipated trajectory:

Lead-in times

- 10.2. Deliverable sites without planning permission and under 100 dwellings will have 1 year lead-in from planning consent to first house being completed. For sites over 100+ there will be an 18 months lead-in period from planning consent to the first house being delivered.

Build-out rates

- 10.3. The build-out rates used are based on local circumstances and evidence including that provided by developers. Where no delivery trajectory developer update has been provided the following assumptions to be made: 25 dwellings in the first year and 50 dwellings per annum per developer. On sites which constitute parcels of larger developments already under construction (e.g Coopers Edge, Brockworth and Homelands, Bishop's Cleeve) a delivery rate of 50 dwellings in the first year has been assumed.

10.4. This approach to lead-in times and build-out rates has been established through the Assessment of Land Availability (ALA) process and has been subject to review by the independent ALA sites assessment panel. Through the annual monitoring of planning consents and the ALA process further information on site delivery, particularly for larger sites, may be obtained which provides additional detail and greater certainty.

10.5. A Housing Supply Deliverability Schedule is provided, at Appendix 1 to this statement which sets out the housing trajectory for each site which contributes towards the five year land supply. This is accompanied by delivery commentary to provide any updates on progress on the site. An individual breakdown of smaller sites (1-4 dwellings) has not been presented as they consist of the delivery of 134 dwellings (inclusive of a 22% lapse rate) from sites largely of 1 to 2 dwellings and is not considered necessary.

11. Five Year Land Supply Calculation

11.1. The five year land supply calculations have been provided at Figure 1. This demonstrates that Tewkesbury Borough Council can demonstrate 4.33 years supply of housing land, equating to an undersupply of 194 dwellings.

12. Housing Delivery Test

12.1. The NPPF has introduced a Housing Delivery Test (HDT) to measure each local authority's performance in delivering new homes. The HDT will result in a figure expressed as a percentage of the total homes delivered against the total number of homes required over the previous three years.

12.2. The Government published the 2018 HDT results on 19th February 2019. It provides a HDT measurement for Tewkesbury of 181% meaning that the Council satisfies the test. The full results are available here: <https://www.gov.uk/government/publications/housing-delivery-test-2018-measurement>

Figure 1 – Five Year Land Supply Calculation (2019/20 to 2023/24)

	DWELLINGS	TOTALS
1. Previous Delivery (2011/12 to 2018/19)		
JCS Requirement = 495 dwellings x 8 years	3,960	
Actual Delivery	5,061	
Surplus		1,101
2. Requirement (2019/20 to 2023/24)		
JCS Requirement = 495 dwellings per annum x 5 years	2,475	
Total Requirement (minus previous surplus – 1,101)	1,374	
Total Including 5% NPPF Buffer		1,442
3. Deliverable Supply (2019/20 to 2023/24)		
A - Major Sites with (10+) with a detailed planning permission	723	
B - Non-major sites (5-9) with outline or detailed planning permission	154	
C - Major Sites (10+) with an outline planning permission	75	
C - Dwellings on small sites (0-4) with permission (extant permission incl. 78% implementation rate)	145	
D - Small site windfall allowance	151	
Total Deliverable Supply		1,248
4. 5 Year Supply Calculation		
(Deliverable Supply/Total Requirement) x 5 Years		
<u>0% Buffer</u> 90% Supply 4.54 Years Supply -126 dwellings	<u>5% Buffer</u> 86% Supply 4.33 Years Supply -194 dwellings	

APPENDIX 1 – Housing Supply Deliverability Schedule

Delivery Category	Source	Permission Reference	Site Name	Location	Net Site Capacity	Outstanding Dwellings (Net)	JCS Period Net Delivery	2019-20	2020-21	2021-22	2022-23	2023-24
B	Permission	17/00855/FUL	Part Parcel 1228 Main Road, Minsterworth	Minsterworth	8	8	8	8				
A	Permission	17/00179/FUL	Parcel 5736, New Town, Toddington	Toddington	39	26	39	25	1			
A	Permission	15/01274/APP	Coopers Edge - Parcels 25A, 25B, 26A, 26B, 27A, 27B	Brockworth	214	64	214	50	14			
A	Permission	16/00853/FUL	Horsebere Mews Phase 2	Longford	197	24	197	24				
B	Permission	18/01094/APP	Land at Hayfield Way, Bishop's Cleeve	Bishop's Cleeve	5	5	5	5				
B	Permission	18/00914/FUL	Castle Lodge Green Street	Brockworth	6	6	6	6				
B	Permission	17/00104/OUT	Land adjacent to Rosedale House, Main Road, Minsterworth	Minsterworth	5	5	5		5			

Delivery Category	Source	Permission Reference	Site Name	Location	Net Site Capacity	Outstanding Dwellings (Net)	JCS Period Net Delivery	2019-20	2020-21	2021-22	2022-23	2023-24
B	Permission	17/00889/OUT	Land at Appithorne, Main Road, Minsterworth, GL2 8JG	Minsterworth	5	5	5	0	5			
A	Permission	16/01172/FUL	Part Parcel 3100, Wainlode Lane	Norton	22	19	22	19				
B	Permission	17/00235/FUL	Norton Fruit Farm, Tewkesbury Road, Norton, GL2 9LH	Norton	9	9	9	9				
B	Permission	16/00191/FUL	Walnut Farm, Tewkesbury Road, Norton, GL2 9LG	Norton	5	5	5	5				
B	Permission	17/00711/FUL	Brooklands, Tewkesbury Road, Norton, GL2 9LG	Norton	5	5	5	5				
B	Permission	17/00678/FUL	Land off Banady Lane	Stoke Orchard	5	3	5	3				
B	Permission	17/00263/FUL	Stoke Orchard Garage Stoke Road GL52 7RY	Stoke Orchard	6	5	5	5				
B	Permission	16/01209/OUT	Vine House, Tewkesbury Road, Twigworth, GL2 9PX	Twigworth	5	5	5		5			

Delivery Category	Source	Permission Reference	Site Name	Location	Net Site Capacity	Outstanding Dwellings (Net)	JCS Period Net Delivery	2019-20	2020-21	2021-22	2022-23	2023-24
A	Permission	15/01002/APP	Land Parcels 4331 4619 And 583, Pamington Lane	Ashchurch Rural	150	143	150	50	50	43		
A	Permission	17/00783/APP	Land Off Nup End Ashleworth	Ashleworth	35	25	35	25				
A	Permission	08/01461/FUL	Brockworth District Centre - Whittle Square, Plot 5030	Brockworth	52	27	27	27				
B	Permission	14/00949/FUL	Bat and Ball Inn	Churchdown	5	5	5	5				
A	Permission	15/00841/FUL	Land Rear Of Church Row Church Row Gretton Cheltenham Gloucestershire	Gretton	23	12	23	12				
B	Permission	93/01010/FUL	105/105A Tewkesbury Road	Longford	8	2	2	2				
A	Permission	16/00739/APP	Homelands 2 Phase 3c	Bishop's Cleeve	113	20	113	20				

Delivery Category	Source	Permission Reference	Site Name	Location	Net Site Capacity	Outstanding Dwellings (Net)	JCS Period Net Delivery	2019-20	2020-21	2021-22	2022-23	2023-24
A	Permission	16/00227/APP	Clevelands Phase 4 and 5	Bishop's Cleeve	228	34	228	34				
A	Permission	16/00177/FUL	Part Parcel 3400, Columbine Road	Walton Cardiff	261	93	261	93				
C	Permission	14/00343/OUT	Land east railway, Ashchurch	Ashchurch Rural	45	45	45	0	25	20		
A	Permission	16/00379/APP	Clevelands Phase 3A	Bishop's Cleeve	126	126	126		25	60	41	
A	Permission	17/00922/APP	Land Adjoining 59 Gretton Road Gotherington	Gotherington	10	10	10	10				
A	Permission	17/01162/APP	Parcel 7561 Malleson Road	Gotherington	50	40	50	25	15			
B	Permission	16/01293/OUT	Pound Cottage Main Road	Minsterworth	7	7	7		7			
B	Permission	16/00670/OUT	Land At Hector Farm Hygrove Lane Minsterworth	Minsterworth	9	9	9	0		9		

Delivery Category	Source	Permission Reference	Site Name	Location	Net Site Capacity	Outstanding Dwellings (Net)	JCS Period Net Delivery	2019-20	2020-21	2021-22	2022-23	2023-24
			Gloucester Gloucestershire									
A	Permission	12/00866/FUL	Former Magistrates Court	Tewkesbury	19	7	13	7				
B	Permission	16/00324/FUL	1 Swilgate Road Tewkesbury Gloucestershire GL20 5PQ	Tewkesbury	8	8	8	8				
B	Permission	15/01091/FUL	Land To The Rear 125/126 High Street Tewkesbury GL20 5JU	Tewkesbury	6	6	6	6				
A	Permission	14/01233/FUL	Part Parcel 7346 Evesham Road Bishops Cleeve Cheltenham Gloucestershire	Bishop's Cleeve	26	26	26	25	1			
C	Permission	17/00449/OUT	Local Centre Plots 7 And 8 Clevelands Bishops Cleeve	Bishop's Cleeve	30	30	30	0		25	5	
B	Permission	17/00983/FUL	Land At Apple Tree Inn Main Road Minsterworth Gloucestershire GL2 8JQ	Minsterworth	5	5	5	5				
A	Permission	17/01041/FUL	Parcel 5736 Land South Of B4077 Newtown	Toddington	39	27	27	25	2			

Delivery Category	Source	Permission Reference	Site Name	Location	Net Site Capacity	Outstanding Dwellings (Net)	JCS Period Net Delivery	2019-20	2020-21	2021-22	2022-23	2023-24
			Toddington Cheltenham Gloucestershire									
B	Permission	17/01078/FUL	Land Off Broadway Road Part Parcel 9070 Toddington Cheltenham GL54 5DT	Stanway	6	6	6	6				
B	Permission	18/00073/FUL	Walnut Farm Tewkesbury Road Norton Gloucester Gloucestershire GL2 9LG	Norton	5	5	5	5				
B	Permission	18/00115/OUT	Land To The South Of Winchcombe School Off Pennylands Way Winchcombe Cheltenham Gloucestershire	Winchcombe	5	5	5		5			
B	Permission	18/00549/OUT	Racecourse Garage Evesham Road Bishops Cleeve Cheltenham Gloucestershire GL52 8LZ	Bishop's Cleeve	6	6	6	0		6		
B	Permission	18/00661/FUL	Land Off Banady Lane Stoke Orchard Cheltenham Gloucestershire	Stoke Orchard	5	3	3	1				
B	Permission	18/00914/FUL	Castle Lodge Green Street Brockworth Gloucester Gloucestershire GL3 4RR	Brockworth	6	6	6	6				

Delivery Category	Source	Permission Reference	Site Name	Location	Net Site Capacity	Outstanding Dwellings (Net)	JCS Period Net Delivery	2019-20	2020-21	2021-22	2022-23	2023-24
B	Permission	18/01125/FUL	Land Adjacent To 4 St Clair Cottages Staverton Cheltenham Gloucestershire	Staverton	7	7	7	7				
B	Permission	18/01292/FUL	Former Churchdown Surgery St Johns Avenue Churchdown Gloucester Gloucestershire GL3 2DB	Churchdown	5	5	5	5				
B	Permission	18/00025/APP	Land Rear Of Lidl Uk Evesham Road Bishops Cleeve Cheltenham Gloucestershire	Bishop's Cleeve	9	4	4	4				
B	Permission	17/01078/FUL	Land Off Broadway Road Part Parcel 9070 Toddington Cheltenham GL54 5DT	Stanway	6	6	6	6				
D	New Small Site Extant Permissions		186 Net reduced to 145 to include 78% implementation rate. This is the contribution extant permissions on sites of 0 to 4 dwellings are expected to make to the five year supply. The implementation rate is based on the lapse rate analysis undertaken for the JCS examination as shown in Exam 226.					112	26	7	0	0

Delivery Category	Source	Permission Reference	Site Name	Location	Net Site Capacity	Outstanding Dwellings (Net)	JCS Period Net Delivery	2019-20	2020-21	2021-22	2022-23	2023-24
E	Windfall		This is the contribution windfall development on sites of 0 to 4 units are expected to make to the five year supply based on the delivery rate from 2003 to 2013. The delivery rate is likely to be underestimated due to the removal of garden land the analysis. To avoid double counting the annual rate of 46 units per annum has been reduced by the number of extant dwellings expected to be delivered in that year.					20	39	46	46	
								695	206	209	92	46