

18/00173/FUL

**Land Adjacent To The Swan , Tewkesbury Road, Coombe Hill
Applicant: Centaur Homes (South West) Ltd**

Valid 31.05.2018

Residential development comprising 25 no. dwellings, with new vehicular/pedestrian access onto A38, relocation of bus stop, sustainable drainage and Foul Treatment Works and associated landscaping, access and parking.

Grid Ref 388828 227191

Parish Leigh

Ward Severn Vale North

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework (2012)

Planning Practice Guidance

Joint Core Strategy (JCS) 2017 - SP1, SP2, SD4, SD6, SD9, SD10, SD11, SD12, SD14, INF1 and INF2.

Tewkesbury Borough Local Plan to 2011 (March 2006) - LND3, TPT9

Preferred Options Consultation, Tewkesbury Borough Plan 2011-2031 (2018) - RES1 (Coombe Hill

Preferred sites - Site A)

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

Landscape Protection Zone

Adjacent to a classified highway

Sites of Special Scientific Interest Consultation Buffer

Consultations and Representations

Leigh Parish Council - Strongly objects to the proposal for the following reasons:

- JCS recommends Coomb Hill provides 18 extra dwellings
- 18/20 dwellings are recommended by Neighbourhood Plan
- Proposed 61% increase in houses will affect integration, utilities and flooding
- Layout does not address concerns of residents
- Plots 24 & 25 look towards existing dwellings
- Houses would be visible from Apperley
- Boundaries not accurate
- Increased flood risk, no mains sewage, water harvesting should be used
- Would add to congestion and accidents
- Would be car dependant
- Schools are oversubscribed
- Busses don't run in right direction
- No street lighting

Elmstone Hardwicke Parish - Object to the proposal for the following reasons:

- No sewage facilities
- Schools at capacity
- Cumulative impact with adjoining site - increased traffic and congestion
- Out of keeping with the area

Strategic Housing and Enabling Officer - No objections

Gloucestershire County Archaeologist - No objections - Development has low potential to have any adverse impact on archaeological remains.

Public Right of Way Officer - No objections - development would not affect PRoW ALH6.

Urban Design Officer - No objections

Gloucestershire Wildlife - Close to Coombe Hill Nature Reserve/SSSI and Key Wildlife site

- Need to ensure no impact on biodiversity
- Concerns about residents and dog walkers who will use sensitive sites
- Insufficient open space on site
- Cumulative impact with application no. 17/01337/OUT
- Should create joint amenity space to east of A38
- Existing infrastructure is insufficient
- Should contribute to visitor infrastructure

Land Drainage Officer - Further clarification required

- Concerns with capacity and condition of pipes
- Further assessment required of impact on flooding situation around the Bellow is required

Sport England - No objections however, additional housing will generate additional demand for sport.

Local Residents - Nine representations have been received from members of the public in response to the consultation process. The comments raised are summarised below:

- Disproportionate addition and out of keeping with area
- Houses will be above vegetation and at brow of hill
- A38 is a busy road at peak times, would increase congestion
- No mains sewage
- Increased flooding and runoff
- Concerns with loss of hedgerow
- Unsustainable location, no benefit to community
- Housing needs survey identified need for 4 smaller rented properties
- Repositioned bus stop would impact drive at Chapelmead
- Increase noise, light and pollution
- Impact on wildlife, canal habitat, Severn fringe and SSSI
- Loss of privacy, Plots 24 & 25 would overlook adjoining properties

Planning Officers Comments: Bob Ristic

1.0 Application Site

1.1 The application site is located on the western side of the A38 and approximately 100 metres to the north of the junction with the A4019. The site comprises a former vineyard located to the north of the carpark to the Swan Inn and to the south of a dwelling at Chapelmead, which is set back from the A38 behind the former chapel. On the opposite side of the road, to the east is a petrol filling station (PFS) and convenience store.

(See attached location plan)

1.2 The site measures 1.3 hectares in area and slopes gently to the north and west and away from the A38. The site is presently covered by vines and is enclosed to the north east and west by hedgerow while the southern boundary with the carpark to the Swan Inn is open.

1.3 The site is located on the eastern edge of, and within the Landscape Protection Zone (LPZ) and the A38 and A4019 are designated 'public transport corridors' as identified on the proposals map to the Tewkesbury Borough Local Plan to 2011 (March 2006). The application site is also located within Flood Zone 1 as identified on the Gov.uk Flood Maps for Planning website.

1.4 A public footpath ALH6 - Leigh footpath 6 runs along the western boundary of the site.

2.0 Relevant Planning History

2.1 There is no relevant history at the application site.

2.2 Land on opposite (eastern) side of A38:

Application no. 17/01337/OUT - Outline application for up to 40 dwellings, associated infrastructure, ancillary facilities, open space and landscaping with vehicular and pedestrian access from A38. All matters (Access, Appearance, Landscaping, Layout and Scale) reserved for future consideration - Pending consideration. This application also appears on the schedule.

3.0 Current Application

3.1 The application seeks full planning permission for residential development of 25 dwellings. The development would be laid out with a row of 6 detached dwellings set back from the A38 and fronting onto private drives. To the rear of these properties would be a further 19 dwellings which would be sited around a new estate road. **(See attached Site Layout Plan)**

3.2 The site would be accessed from the A38 via a new junction which would be formed to the central part of the eastern boundary and the new estate road would have a 'T' shaped layout around which the western properties would be located. The existing bus stop would be relocated to the north of the proposed access.

3.3 The proposal would provide a mix of detached and semi-detached dwellings comprising:

4 x 1 bed maisonettes
10 x 2 bed dwellings
3 x 3 bed dwellings and
8 x 4 bed dwellings

3.4 The properties would range from small pairs of semi's with half-eaves dormer features and an eaves height of 4.4 metres and an overall height of 8 metres, to larger bay fronted detached properties which would be 5.2 metres high to the eaves and would have an overall height of 8.9 metres. **(See attached plans)**

3.5 The proposal would provide 10 affordable dwellings (40% of the total development) of which 8 would be social rented and two would be shared ownership.

3.6 A small area of public open space would be provided to the south-eastern corner of the site. This area would also include a balancing pond and below ground, foul water treatment plant.

4.0 Planning Policy Context

4.1 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.

Cheltenham, Gloucester and Tewkesbury Joint Core Strategy

4.2 The Joint Core Strategy (JCS) was adopted in December 2017 and is part of the Development Plan for the area. Various policies in the JCS superseded some of the policies in the Tewkesbury Borough Local Plan to 2011 which had hitherto been saved by direction of the Secretary of State.

4.3 The JCS sets out the key spatial policies for the JCS area over the period of 2011-2031 and the preferred strategy to help meet the identified level of need. Policy SP1 sets out the overall strategy concerning the amount of development required, and Policy SP2 sets out the distribution of new development. These two policies, combined with Policy SD1 on the economy, provide the spatial strategy for the plan. This strategy, together with its aims, is expressed in relevant policies throughout the plan and will be supported by forthcoming district plans and neighbourhood plans.

4.4 Policy SP1 sets out that Tewkesbury Borough's needs (at least 9,899 new homes) 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 Memoranda of Agreement. The Rural Service Centres are to accommodate in the order of 1,860 new homes and the Service Villages in the order of 880 new homes.

4.5 Policy SP2 also provides that in the remainder of the rural area, Policy SD10 will apply to proposals for residential development. Policy SD10 sets out that on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury Town, rural service centres and service villages except where otherwise restricted by policies within district plans. On other sites, housing development will only be permitted subject to certain criteria, none of which are applicable in this case.

4.6 Other relevant JCS policies are referred to in the relevant sections below.

National Planning Policy Framework and Planning Practice Guidance

4.7 The NPPF aims to promote sustainable development and the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The three dimensions to sustainable development: economic, social and environmental.

- 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 protect and enhance the natural, built and historic environment.

4.8 Paragraph 12 of the NPPF clarifies that it does not change the statutory status of the development plan as the starting point for decision-making. However, where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

5.0 Community Infrastructure Levy Regulations

5.1 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. 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.

5.2 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.

5.3 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.

5.4 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.

5.5 In October 2018 the Council adopted a CIL and implemented the levy on 1 January 2019. For CIL purposes the application site falls within a 'Generic Site' and is subject to the levy for residential development at £200 per square metre on all the market elements of the proposed development.

5.6 Infrastructure requirements specifically related to the impact of the development will be secured via a S106 legal agreement, which may include the provision of commuted sums. CIL would be collected in addition to any site specific S106 requirements.

6.0 Analysis

Principle of Development

6.1 With the exception of a cluster of dwellings at The Wharf, Coombe Hill is a dispersed linear settlement along the A38 and broadly centred on the Junction with the A4019, where there is a public house, PFS with convenience store and farm shop. The area also includes bus stops which link Tewkesbury with Cheltenham and Gloucester. The application site would be located amongst this cluster of development and is not therefore be considered isolated.

6.2 JCS Policy SP2 sets out that development at rural service centres and service villages will be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester and considering the

environmental, economic and social impacts including existing levels of growth over the plan period.

6.3 JCS Policy SD10 sets out the Council's approach to housing development and states that residential development will be permitted at sites allocated for housing through the development plan. Proposals on un-allocated sites will only be permitted under certain circumstances, none of which apply to the proposed development. Notwithstanding the Council's intention to allocate sites for housing within the Tewkesbury Borough Plan the current application is in conflict with this policy.

6.4 Coombe Hill is a Service Village and in this respect, new housing in this location would be broadly consistent with the JCS spatial strategy, although most of the JCS allocation for the Service Villages (880 dwellings) has already been committed. Furthermore the emerging Borough plan seeks to residential development at two sites within Coombe Hill, and this site forms part of one of these identified sites.

6.5 In terms of the emerging Development Plan, this comprises the Preferred Options Tewkesbury Borough Plan (POTBP) (2018). The consultation period on this draft version ended on 30th November 2018. Furthermore, the Parish of The Leigh is a designated Neighbourhood Area and the Parish Council are in the process of preparing a Neighbourhood Development Plan. However the NDP policies are yet to be published and have not been out to consultation, accordingly no weight can be afforded to the plan at this time.

6.6 POTBP Policy RES1 proposes to allocate two sites for housing development at Coombe Hill, Site A, a large field parcel on the eastern side of the A38, (part of which is subject to planning application no.17/01337/OUT) and indicated as having a capacity of 50 dwellings. The second location, 'Site B' (to which this application relates), is identified as having a capacity of 26 dwellings. While the POTBP has been out to consultation (preferred options), the plan is in the early stages of adoption and can only be afforded very limited weight.

6.7 The Tewkesbury Borough Plan Housing Background Paper (HBP) (September 2018) Provides an 'indicative' housing requirement for the Rural Service Centres and Service Villages by disaggregating the SP2 allocation (880 dwellings) according to the SP2 criteria (size, function, proximity/accessibility to Cheltenham/Gloucester). Coombe Hill is given an indicative requirement of 22 dwellings (including dwellings which have already been committed in the village).

6.8 The Parish Council have objected to the number of dwellings proposed by this application as well that on the opposite side of the A38 (which is also a proposed allocation in the POTB) and the effect on the settlement. The Preferred Options TBP Housing Background Paper (Sept 2018) acknowledges that the level of housing proposed would exceed the disaggregated indicative housing requirement however the report advises that in terms of functionality, Coombe Hill is well connected to nearby towns and associated employment and services. Furthermore Coombe Hill is identified as having a dispersed character and limited facilities. Accordingly it is considered that the impact of additional residential development would not harm community cohesion and the additional development is identified as an opportunity to create a village core and a more cohesive community.

6.9 The site located at a defined Service Village which, in accordance with Policy SP2 of the JCS, is expected to accommodate some new development proportional to its size and function and also reflecting their proximity and accessibility to Tewkesbury, Cheltenham and Gloucester and considering the environmental, economic and social impacts including existing levels of growth over the plan period. In this respect it is considered that the development could sustainably be accommodated at the settlement and this is a material consideration that weighs in favour of the proposal, along with other benefits of the proposal including economic benefits arising both during and post construction and the social benefits associated with the delivery of market and affordable housing. These matters must be considered in the overall planning balance.

6.10 Nevertheless, in this instance the application is in conflict with JCS Policy SD10 and this weighs against the proposal.

6.11 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means:

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.12 The NPPF clarifies (footnote 7) that planning policies for housing will be judged out of date, inter alia, where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.

6.13 The latest published evidence (the Tewkesbury Borough Five Year Housing Land Supply Statement - March 2018 Update) concludes that the Council can demonstrate a 5.22 year supply. A recent appeal decision relating to a land at Oakridge, Highnam, concluded that the Council could not demonstrate a five year supply of deliverable housing sites. The key reason for this was that the Council includes advanced delivery against annual housing requirements in its five year supply calculations. The Council's approach in this respect is considered appropriate and, as members are aware, the Council is judicially reviewing the Secretary of State's conclusions in this regard.

6.14 Nevertheless, work is progressing on the annual Authority Monitoring Report, which provides the evidence for the Five Year Land Supply Statement. Whilst this work is not yet complete it is now clear that in respect of the 31 March 2019 base date data, the Council is not able to show a five year supply of deliverable housing sites and as a result can no longer demonstrate a five year supply of deliverable housing sites. The latest available information indicates that the Council can demonstrate a 4.33 year supply of deliverable housing sites, amounting to a shortfall of approximately 223 dwellings.

6.15 In conclusion on this point, on the basis that the Council cannot at this time demonstrate a five year supply of deliverable housing sites, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits.

Accessibility and Highway Safety

6.16 Paragraph 103 of the NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.

6.17 The level of service provision in the immediate area is relatively basic (it has a general store, petrol station, a public house, farm shop and a mobile library), with some existing employment opportunities within walking distance at Knightsbridge Business Park. The application site is however located approximately 5 miles from the centre of Cheltenham and 3 miles from the services and employment opportunities at the north-western edge of the town. Gloucester City Centre is located approximately 6.5 miles from the site and Tewkesbury town centre is 4 miles away. All of these destinations are accessible by public transport with bus services operating during peak hours and are within cycling distance which contributes to the sustainability of the site.

6.18 As a result of this proximity and accessibility to Tewkesbury, Cheltenham, Gloucester and associated employment opportunities, it is considered that the suggested level of development resulting from the identified site options in the POTBP would be consistent with the requirement of Paragraph 103 of the NPPF for significant development to 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.

6.19 The application proposes a new propriety junction from the A38 to serve the development. Paragraph 109 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.20 The County Council Highways Officer (HO) has confirmed that the two-way trips generated by the proposed 25 dwellings would not result in a significant impact on the existing capacity of the highway network. While it is acknowledged that the traffic lights at the junction with the A38 and A4019 result in some

queuing at peak times, the proposal (even when considered with additional vehicles from the application site on the opposite side of the A38) would not significantly impact the existing situation and would not result in an unacceptable cumulative impact on the road network and the impact of the development is therefore considered acceptable.

6.21 The submitted details demonstrate that visibility splays of 2.4metres x 120 metres based on the speed limit of the road can be achieved in both directions. The HO advised that safe and suitable access could be achieved. The HO has confirmed that the proposed access is of an acceptable width to allow vehicles to pass and would also include a 2 metre footway either side of the access and into the site for pedestrians. However the HO has requested the provision of further 1.2 metre wide footways along the private drives serving the frontage properties (Plots 1-7) to avoid conflict between vehicles and pedestrians. The applicant has agreed to this being secured by condition.

6.22 With the exception of the 1 bed maisonettes, each of which would have one off street parking space, all the remaining dwellings would have a minimum of two off street parking spaces, with the larger units also benefiting from further garage parking. In addition to this the scheme would provide 5 visitor parking spaces. The level of parking proposed is considered appropriate to meet the reasonable requirements of future occupiers.

6.23 The proposal would include a new crossing point over the A38 which would comprise a dropped kerb with tactile paving on either side of the road to improve accessibility for pedestrians. This provision is considered to be commensurate with the scale of the development and associated pedestrian movements and would accord with paragraph 108(b) of the NPPF which seeks to ensure safe and suitable access for all users and this could be secured by a suitably worded condition.

6.24 The proposal would entail the relocation of the existing bus stop to the north of the proposed access. The HO has raised no objections to this subject to the relocated bus stop being secured by condition.

Drainage and Flood Risk

6.25 JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change.

6.26 The application site is located within Flood Zone 1 and is in a location that would be least at risk from flooding. The application is supported with a Flood Risk assessment and a further Technical Design Note. The submitted details advise that given the elevated position of the site it is not at risk of fluvial flooding. In terms of drainage it has been identified that the site does not benefit from any existing drainage infrastructure with surface water draining in to the soil. Furthermore, there is no Severn Trent drainage infrastructure in the area.

6.27 The application proposes a SuDS pond within the south-eastern corner of the site along with a below ground foul treatment plant to deal with surface and foul drainage which will subsequently discharge at a controlled rate into the highway drain and subsequently into the Leigh Brook to the southeast of the site. The use of the highway drain has been accepted in principle by the County Council subject to improvement and repair works being undertaken.

6.28 The LLFA have advised that the drainage strategy is acceptable in principle subject to the final drainage design which also specifies the improvements to the pipe network. On this basis, the LLFA are satisfied that the proposed requirements can be secured by condition. Further information has also been received in response to concerns raised by the Council's Land Drainage Officer. This is being reviewed by officers to ensure that the proposal does not increase the risk of flooding at The Bellows.

Landscape and Biodiversity

6.29 Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area. Policy SD9 seeks the protection and enhancement of biodiversity and geological resources of the JCS area. Furthermore, TBLP Policy LND3 gives protection to the ecology and visual amenity of the river environment.

6.30 The Tewkesbury Borough Landscape and Visual Sensitivity Study for Rural Service Villages (2014) advises that Coombe Hill is sensitive to conspicuous development on the exposed side slopes of the ridge that would be visible in long distant views and would be at odds with the established settlement pattern (which is loosely cruciform). The application site comprises the southwestern pocket of the larger assessed Land Parcel Coo-05 which is identified as having a medium landscape sensitivity and medium visual sensitivity and concluded as having a medium landscape character sensitivity.

6.31 The character summary advises that the assessment parcel (Coo-05) which is the application site occupies a prominent ridge location, however the site is exposed to the A38 and petrol filling station and is exposed to high levels of detracting activity in terms of movement and noise. Similarly the Swan car park is identified as a negative influence upon the character of the land parcel. These negative elements are set against the sites prominent location which is open to distant views.

6.32 The application has been accompanied by a Landscape and Visual Appraisal. The LVA advises that the development would have a moderate impact upon the landscape character and that the magnitude would reduce over time through mitigation. The report advises that existing boundary hedging should be retained and that this should be enhanced with additional tree planting to the site boundaries which would reflect the wooded character of the area.

6.33 The introduction of built development upon an existing agricultural field would result in landscape harm however the scale of the development would be restrained and it would be located adjacent to existing built development to the north and south as well as the A38 which exerts a significant urbanising impact along the eastern edge of the site. Furthermore, the presence of existing hedgerow screening to the boundaries and additional proposed tree planting, would allow for filtering of distant views from the east and west. The protection of existing boundary vegetation during the construction phase and further planting and landscaping could be secured by condition.

6.34 The application site is set at the eastern edge of the LPZ. While the development would occupy an elevated position it would be set a significant distance away from the river and existing hedgerows and trees would filter views from the west.

6.35 In terms of ecology, the site presently comprises a vineyard with hedgerow to the site boundaries. The submitted ecological report advises that the site is of limited ecological value due to the managed nature of the existing vineyard and no evidence of protected species was recorded, however the report does acknowledge the value of the hedgerow for foraging bats. The report also recommends a series of measures to protect and enhance biodiversity during the construction phase and post development and this could be controlled by condition. Furthermore, the drainage strategy has been designed to ensure that water does not discharge to the west and thereby protecting the river ecology.

6.36 It is noted that Natural England have raised no objections in principle to the development and the Councils Ecology adviser is presently undertaking a habitats regulations assessment to ensure that the development provides appropriate safeguards to European and Ramsar sites and recommendations to mitigate recreational pressures in the Coombe Hill SSSI. Discussions with regards to recreational impacts and ecological network enhancements are ongoing and it is considered that appropriate measures could be secured by condition.

6.37 Concerns have been raised with regards to the impacts of light pollution upon amenity and the natural environment. It is clear that development in this location would result in change with lighting from proposed dwellings, however such domestic lighting would not result in undue harm. In terms of the impact of street lighting a condition is recommended to restrict the installation of street lighting within the development in order to protect the dark rural character of the area.

Design, Layout and Amenity

6.38 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. Policy SD4 of the JCS advises that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Policy SD14 sets out that development should protect and seek to improve environmental quality and should not cause unacceptable harm to local amenity including the amenity of neighbouring occupants.

6.39 The submitted design and access statement identifies a mix of dwelling sizes, and styles. The proposed design of the dwellings would draw upon traditional features found on existing properties in the area, such as half eaves dormers, stone lintels, and cills, stone banding detail, bays and gable ends.

6.40 The proposed dwellings would be faced in red brick and would have slate roofs. Furthermore, the more traditional elements of the design would be offset in the design by more contemporary grey coloured window casements, doors and rainwater goods giving the development its own character. It is considered that the design approach and pallet of materials would result in a high quality appearance to the development. Furthermore each of the properties would be provided with ample private garden areas which would benefit future occupiers as well as maintaining a spacious character to the development.

6.41 The application has been accompanied by a noise assessment which appraises the existing noise environment and sets out mitigation measures to safeguard the living conditions of the future occupiers of the development and this can be secured by condition.

6.42 The proposed layout with larger properties arranged informally and fronting towards the A38, would reflect the existing organic character of the area while the introduction of dwellings on this site and in proximity to existing services would contribute to a sense of place and the establishment of a focus to the otherwise dispersed settlement.

6.43 Particular concerns have been raised by the occupiers of the dwellings to the north of the site with regards to overlooking from plots 24 and 25. Plot 24 would be set over 22 metres from the nearest part of Chapelmead and is skewed to the north. Similarly plot 25 would be set over 26 metres away. Considering this separation and layout the proposal would not result in demonstrable harm to the living conditions of these occupiers.

Affordable housing

6.44 JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought, should be provided on site and should be seamlessly integrated and distributed throughout the development scheme.

6.45 The proposed development would provide 10 affordable houses which represents a 40% proportion of the 25 dwellings proposed at the site. The proposal would provide 4 one bed maisonettes and 6 two bed three person properties of which 8 would be social rented and two would be shared ownership.

6.46 The Councils Strategic Housing Enabling Officer (SHEO) is satisfied with the proposed mix and tenure and advises that the proposed mix reflects the need highlighted by the 2016 Housing Needs Survey and would contribute towards the affordable housing need in the borough. This provision would need to be secured by way of a S.106 agreement.

Other matters

6.47 The Council adopted a CIL in October 2018 and implemented the levy on 1 January 2019 and is applicable to all open market houses. Infrastructure requirements specifically related to the impact of the development will continue to be secured via a S106 legal agreement. This application would require a s.106 agreement to secure the following contributions:

- Affordable Housing - 40%
- Recycling & waste bins - £73 per dwelling

6.48 It is noted that the County Council's S.106 Officer has requested contributions towards provision of facilities at local schools however, this would not meet the prescribed tests and cannot be delivered through S.106. Nevertheless, this would be an infrastructure project capable of being delivered through CIL.

7.0 Overall Balancing Exercise and Conclusion

7.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

7.2 On the basis that the Council cannot at this time demonstrate a five year supply of deliverable housing sites, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits

Benefits

7.3 The delivery of market and social housing in a sustainable and accessible location with good links to Tewkesbury, Cheltenham, Gloucester and associated employment and services is a social benefit arising from the proposal. Given the scale of the proposal, these benefits are given moderate weight.

7.4 While services at Coombe Hill are limited, there would be an economic benefit during the construction phase as well as from the additional population which would be generated by the development which would contribute to the sustainability of the PFS, convenience store, pub and Farm shop with resultant economic benefit to existing businesses. These economic benefits, along with the economic benefits arising from the construction phase, are given some weight.

7.5 Furthermore, these services and existing and future residents would benefit from the increased connectivity as a result of the proposed pedestrian crossing over the A38. The provision of public open space would be a social benefit which would serve the existing community as well as new residents although these benefits are limited.

Harms

7.6 Harm arises from the conflict with the development plan and in particular policies SP2 and SD10. While the proposal would be consistent with Policy RES1 of the POTBP, this is still at the early stages of adoption and can be afforded little weight at this time. Notwithstanding the conflict with the development plan, the Council cannot demonstrate a five year supply of deliverable housing sites and this must be weighed in the overall planning balance.

7.7 Further, landscape harm will arise from the loss of part of an existing field at a prominent and exposed crossroads location. The proposal would have an urbanising effect upon the area through the development of 25 dwellings and associated infrastructure, however it is considered that this visual harm can be mitigated through appropriate design and landscaping as part of any reserved matters application.

Neutral

7.8 It is considered that the proposal would result in a neutral impact on ecology and geodiversity and that subject to compliance with conditions the development with regards to drainage, the proposal would not increase the risk of flooding or impact the operation of the highway. Furthermore, the proposal would not impact the significance of the listed barn at Grange Farm.

Conclusion

7.9 On the basis that the Council cannot demonstrate a five year supply of deliverable housing sites, the planning balance must be struck having regard to the presumption in favour of sustainable development at paragraph 11 of the NPPF. Whilst there is conflict with the development plan housing policies, these policies are considered out of date. There would also be harm to the landscape.

7.10 However in the absence of policies in the NPPF which would provide a clear reason for refusal, it is not considered that these harms would significantly and demonstrably outweigh the benefits set out above and it is therefore recommended that **permission is DELEGATED to the Technical Planning Manager to resolving concerns with surface water drainage, ecological mitigation measures, any additional/amended planning conditions; and the completion of a section 106 legal agreement to secure the following:**

- Affordable Housing - 40%
- Recycling & waste bins - £73 per dwelling