



Appeal Decision

Inquiry held on 4, 5, 9-11 April 2013

Site visits made on 3 and 11 April 2013

by Christina Downes BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 May 2013

Appeal Ref: APP/G1630/A/12/2183317

Land adj Gretton Road, Winchcombe, Gloucestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Redrow Homes Ltd against the decision of Tewkesbury Borough Council.
 - The application Ref 12/00464/OUT, is dated 30 April 2012.
 - The development proposed is residential development of up to 120 dwellings, vehicular access from Gretton Road, public open space, facilities for sport and recreation and other associated infrastructure.
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 120 dwellings, vehicular access from Gretton Road, public open space, facilities for sport and recreation and other associated infrastructure on land adjacent to Gretton Road, Winchcombe in accordance with the terms of the application, Ref 12/00464/OUT, dated 30 April 2012, and the plans submitted with it, subject to the conditions on the Schedule at the end of this decision.

Procedural Matters

2. The Inquiry was originally intended to consider a second appeal proposal by Bloor Homes for 92 dwellings on land at Greet Road. However, following the submission of a new scheme with additional landscape information, planning permission was granted for that development and the appeal was withdrawn.
3. The proposal is in outline form with only access to be considered at this stage. The Council indicated that it would have refused planning permission had it been in a position to do so for nine reasons. Six of these related to the lack of provision for affordable housing, open space, education and other infrastructure. The Council is however satisfied that these matters have been addressed through the Planning Obligations by Agreement. These are considered later in the decision. The other putative reasons for refusal concerned the location outside the settlement boundary, the harm to the character and appearance of the landscape and the unsatisfactory nature of the form and layout relative to the prevalent urban morphology of the area.
4. The site comprises two parcels of land. The housing and open space proposal would occupy land between Gretton Road and Greet Road (Site A). The

proposed sport and recreation use would be on land to the east of Greet Road, north of Winchcombe School (Site B).

Reasons

Whether the proposal is needed to meet the housing requirements of the borough and contribute to the short term housing land supply deficit

5. The development plan currently comprises the Regional Planning Guidance for the South West (RPG10), the saved policies in the Gloucestershire Structure Plan Second Review (SP) and the saved policies in the Tewkesbury Borough Local Plan (LP). RPG10 was in the process of being reviewed and this had reached an advanced stage following an Examination in Public and proposed changes by the Secretary of State. However the proposed changes to the Regional Spatial Strategy for South West England (the draft RS) never progressed further due to the Government's stated intention to abolish regional strategies. The Order was laid before Parliament on 24 April and is due to come into force on 20 May 2013. It should be noted that all saved Structure Plan policies of relevance to this appeal will also be revoked at the same time. Whilst this occurred following the close of the Inquiry the pending revocation was considered by the parties and I am satisfied that there is no need to seek further comments on the matter.

Housing requirement

6. The Council prefers to use the housing target in the SP as the basis for its housing land supply calculations. Although this document is currently the statutory starting point it only covers the period to 2010 and is based on household projections dating back to the mid 1990's. In the circumstances the housing requirement in the SP is out of date and not fit for purpose. Whilst a Joint Core Strategy (JCS) is being prepared by Tewkesbury and Cheltenham Borough Councils and Gloucester City Council this is still at a relatively early pre-submission stage. Despite being commenced some years ago this document is not expected to be adopted until December 2014 at the earliest. Although some objectors considered that the appeal scheme was premature in advance of a settled local policy position, the early stage that the document has reached means that such arguments cannot be supported. The emerging JCS can be afforded little weight at the present time.
7. In the circumstances the most up to date and robust housing requirement is provided by the draft RS rather than the SP. The Secretary of State reached a similar conclusion in the recent appeal decision relating to Highfield Farm, Tetbury. Whilst this concerned a different local planning authority, the SP and the draft RS were the same as in the current appeal. The Framework requires an additional buffer of 5% or 20% to be moved forward in the housing trajectory in order to ensure choice and competition in the market for land. In this case the Council considered that a 20% buffer should be added to reflect the persistent under delivery of housing.

Housing supply

8. The main parties disagreed about the deliverability of some of the housing sites. However it is unnecessary to explore this further because even on the Council's assessment there would be a shortfall of 2,912 dwellings and a supply of only 2.7 years. The Secretary of State when granting planning permission for housing development at Bishop's Cleeve referred to the "pressing need" for

additional housing within Tewkesbury Borough in his decision. The shortfall referred to above takes account of the houses that would be delivered as a result of that decision and also the Bloor Homes planning permission.

9. The spatial strategy in the draft RS, which appears likely to be carried forward in the emerging JCS, is to concentrate housing within sustainable urban extensions around Gloucester and Cheltenham, including Bishop's Cleeve. However there is also a requirement for 2,900 houses in the "rest of Tewkesbury", which includes Winchcombe and Tewkesbury. Aside from the latter, in the 2011 audit of rural settlements undertaken as part of the evidence base for the JCS, the town was ranked second in terms of the overall level of services that it offers and its accessibility. Even on the basis of the whole borough, including Bishop's Cleeve, it was ranked fourth on this basis. The approval of the Bloor Homes development shows that the Council recognises Winchcombe as a sustainable settlement where further development can take place to contribute to the housing shortfall. Furthermore it has acknowledged in its Committee Report that the scale of the appeal proposal would not be prejudicial to the spatial strategy in the emerging JCS.
10. The appeal site is outside the current development boundary for Winchcombe. The proposal would thus not comply with saved LP Policy HOU4 which restricts new housing to limited purposes relating to affordable housing and rural activities. However Paragraph 49 of the Framework makes clear that where a 5 year supply of deliverable sites cannot be demonstrated, housing supply policies should not be considered up to date. It is clear that the Council will not be able to meet its housing commitments without breaching Policy HOU4 and this policy should not therefore be considered as a constraint. Insofar as saved Policies H.6 and S.4 in the SP seek to restrict housing development outside of rural settlements they should not be considered up to date either.
11. There was no dispute that the new houses could be ready for occupation within the next 5 years. Although the Bloor Homes development would add further homes to the local housing market within a similar time period there was no evidence that this would significantly slow down delivery on the appeal site. The Appellant indicated that there would be no objection to a foreshortening of the implementation period to ensure an expeditious start.
12. Winchcombe is undertaking a Neighbourhood Plan and it is creditable that local people involved with this plan are seeking to be pro-active with regards to future development, including the provision of housing and employment. I can understand their concerns that local choices could be limited if the appeal scheme goes ahead, especially in view of the recent Bloor Homes permission. Those involved in its production indicated that they would wish to see an organic growth of the town involving a number of small scale housing developments. This is in line with the *Winchcombe Town Design Statement*, which envisaged infill developments to meet local housing needs. However, notwithstanding the considerable amount of work that has already been done, the Neighbourhood Plan is still at a very early stage. It has not yet reached any consensus with regard to strategy or policy and can have very little weight as a material consideration at the present time.

Conclusions

13. Drawing together the above points, the appeal proposal is needed to meet the housing requirements of the Borough. Winchcombe is recognised as a

sustainable settlement where further housing development can be expected to take place. The scale of the deficit means that this is likely to occur on sites outside the current development boundary and that saved SP Policies H.6 and S.4 and saved Policy HOU4 in the LP are now out of date in this respect. In his decision, the Secretary of State commented that other than allowing the Bishop's Cleeve appeals there was no other credible way of reducing the 5 year housing land deficit. The same could be said in respect of the appeal scheme. Apart from mention by the Town Council of a proposal for more houses at Brockworth there was no evidence that any significant provision was in the pipeline elsewhere in the borough. Other objectors mentioned that sufficient brownfield land was available but there was no firm evidence that this is the case. The effect on the landscape will be considered under the next issue but the contribution that the scheme would make to help address the serious short term housing land supply deficit in Tewkesbury Borough is an important material consideration in its favour.

The effect of the proposal on the rural character of the area which is designated as a Special Landscape Area (SLA) and provides the setting for the Cotswolds Area of Outstanding Natural Beauty (AONB)

14. The planning application was accompanied by a Landscape and Visual Impact Assessment (LVIA). The Council also undertook its own LVIA for the purposes of the appeal. The methodology used in these assessments was based on the *Guidelines for Landscape and Visual Impact Assessment: Second Edition* and has not been challenged. The viewpoints within the Appellant's LVIA were agreed in advance by the Council. I visited most of these during my site visits, including seeing the site from the Gloucestershire Way, the Cotswold Way and the Wychavon Way within the AONB. I also saw the land from more local viewpoints within the SLA, including the approaches along both of the adjoining roads. I have taken all of this information into account in reaching my conclusions along with the oral and written landscape evidence to the Inquiry.

Policy context

15. There are several saved policies in the SP that seek to safeguard the quality of the landscape and the setting of settlements. Of particular relevance is saved Policy NHE.5 in the SP, which indicates that provision should not be made for development that would detract from the particular landscape qualities and character of the SLA. In the LP, saved Policy LND2 requires special attention to be paid to the protection and enhancement of the special landscape character of the SLA, which is of local significance. The supporting text explains that whilst the quality of the landscape is worthy of protection in its own right it also plays a role in providing the foreground setting for the adjacent AONB.
16. The Framework recognises the need to conserve and enhance the natural environment as a core planning principle. It also indicates that policies should set criteria against which proposals affecting landscape areas will be judged. The protection of designated sites should be commensurate with their status and great weight should be given to conserving the landscape and scenic beauty in AONBs. It seems to me that unlike saved LP Policy LND4, which relates to countryside protection in the non-designated areas, saved Policy LND2 is essentially criteria-based and permissive in its tone. There was some debate about whether the Council had used the policy to constrain the principle of development when considering the planning application. However that is clearly not what it purports to do as the Council accepted at the Inquiry.

Indeed the Bloor Homes site is also within the SLA and the Council clearly thought that the designation was not a barrier to granting planning permission. The correct construction of the policy is not at odds with the Framework, it does not seek to apply AONB controls to the SLA and it should not be considered out of date.

Effect on the morphology of Winchcombe

17. Winchcombe is a small town that has become established on the western side of the River Isbourne. Much of the settlement is on the lower slopes of the valley within the AONB and the remainder lies within the SLA. The town is surrounded by AONB countryside to the east, west and south and by the SLA to the north. Site A comprises farmed land and adjoins the northern boundary of the settlement. Both Site A and B are within the SLA and Site A adjoins the AONB boundary, which runs along Gretton Road at this point.
18. The northern boundary of the settlement is not even. Mount View Drive forms its current limit on the western side of Gretton Road whereas between Greet Road and the River Isbourne it is considerably further south. The Bloor Homes development will move this part of the settlement a little further northwards. The current settlement edge between Greet and Gretton Roads has a harsh appearance. New development to the west of Greet Road appears to have obliterated a stretch of important hedgerow¹ that previously existed near to that boundary and the view is of built development close to the development edge. The development of Site A would continue the pattern of development between the two roads out of the town but would offer the opportunity of a softer landscaped edge to the settlement provided by the field hedge that runs along the northern ridge and is roughly 5 metres high. With augmented planting there would be a considerable improvement to the setting of the town when approaching along either Greet or Gretton Roads from the north.
19. The housing development itself would occupy the western part of Site A. Its eastern boundary would have a diagonal alignment which is dictated by the presence of the subterranean remains of a Roman villa which is a Scheduled Monument (SM). SM Consent was granted in July 2012. One of the Council's concerns is that the proposed development would disrupt the strong rectilinear field pattern that is a particular feature of the area. However there are several instances of development at the edges of the town where the existing hedgelines have not been followed and boundaries are irregular in shape. One example relates to housing adjacent to the River Isbourne where the development edge has clearly been constrained by the need to avoid building on the flood plain. Another example is Mount View Drive which has straight boundaries that do not appear to follow any natural feature.
20. Although the SM is not to be excavated the proposal to include an informal recreation area and wildflower meadow within this part of the site would be beneficial to its protection. The existing ploughing regime has the potential for further damage to the subterranean remains. There would also be the advantage of display boards to allow people to understand a piece of history on their doorstep. If anyone were to question the diagonal alignment of the development boundary it would likely alert them to the archaeological

¹ The importance of the hedgerow is in terms of the Hedgerow Regulations 1977. The site visit revealed that much of the important hedgerow shown as H3 in Document 17 no longer exists.

significance of the site. For all of these reasons it is considered that the form and layout of the appeal development would integrate successfully with the existing urban morphology of the town.

Effect on the SLA landscape

21. The *Gloucestershire Landscape Character Assessment* identifies the SLA as falling within the *Unwooded Vale: Teddington and Greet Vale Character Area*. Features include a relatively sparsely settled open agrarian landscape with rural villages and scattered farms, medium to small scale hedged fields, scarce woodland cover contrasting to the wooded backdrop of the Cotswold escarpments and broadly undulating, gentle or almost flat vale landscape. The character area also includes the northern part of the built up area of Winchcombe as well as other settlements in the SLA, including Greet.
22. Hedgerows enclosing medium sized fields are a defining feature of the character area. The appeal proposal would largely retain the existing well managed hedgerows around the boundaries of both sites and through the centre of Site A. The new housing would however result in a loss of openness which is another important characteristic of the vale landscape. The significance of the hedgerows would be diminished by the loss of the farm land that they enclose. The proposed wildflower meadow on Site A would be an attractive feature but would not be typical of the landscape within this particular character area. This part of the SLA however is affected by a number of urban influences, including the poorly screened and exposed settlement edge that adjoins the southern site boundary of Site A. There is also the substantial spread of school buildings on the eastern side of Greet Road. Whilst these are presently surrounded by farmland this will be replaced by formal playing pitches and housing once the Bloor Homes site is developed. So whilst there would be some adverse impact to the SLA landscape, this would be relatively slight.
23. The western part of Site A is at a higher level and there is a small local ridge near the northern site boundary. Notwithstanding the screening effect of the northern field hedge, the upper parts of the new houses would be seen when approaching along Greet or Gretton Roads towards the town. There would be some visual perception that the gap between Winchcombe and Greet had been diminished. However the existence of the other existing and future development mentioned above renders this impact of limited importance. Site B would remain largely open and reflect other sports uses on adjoining land. Overall, the relatively flat nature of the vale landscape and the prevalence of hedgerows and other vegetation would mean that any adverse visual impacts arising from the appeal proposal on the SLA would be small scale and localised.
24. There is in addition scope for mitigation in the form of additional planting so that over time the built development on Site A would become better integrated with its surroundings. Furthermore there is the opportunity to create a new softer landscaped edge to the town as referred to above. Overall I consider that whilst the appeal development on Site A would have an adverse impact on the character and appearance of the SLA this would be of limited significance, especially in the longer term.

Impact on the setting of the AONB

25. The “setting” of the AONB enjoys no particular protection as a designation in its own right. Nevertheless LP Policy LND2 indicates that the SLA plays a role in providing the foreground setting. The Cotswolds Conservation Board² in its Position Statement considers the setting to be the area where development can have a positive or negative impact on the natural beauty and special quality of the AONB. This is also a view endorsed by Natural England. Within the *Cotswolds AONB Landscape Character Assessment* and the associated *Cotswolds AONB Landscape Strategy and Guidelines* the land to the west falls within the *Escarpment Outlier: Langley Hill* character area. The character assessment points out that there is considerable variety within the landscape patterns of the various outliers and that this may even apply to different sides of the same hill. It is therefore relevant to consider whether the appeal site has features in common with the adjoining AONB in order to assess the importance of this part of the SLA in terms of setting.
26. The landscape of the AONB itself would remain unchanged by the development proposal. Nevertheless Site A does share topographic similarities with the AONB as the gradient of the lower slopes of Langley Hill continues east of Gretton Road. Unlike the well tended hedgerows along the other boundaries of Site A, the northern hedgerow is much taller, contains trees and is characteristic of the unmanaged hedges that feature on the adjoining slopes of Langley Hill. There are views across the appeal site towards the AONB in both directions due to its elevated position. This is in contrast to the vale landscape where the much flatter topography, hedgerows and vegetation restricts the line of view. It therefore seems to me that Site A shares a number of landscape characteristics with the AONB landscape of Langley Hill. This seems hardly surprising because the AONB boundary, which was established in 1966 well before the SLA came into being, is not defined by topographic or landscape features but rather by Gretton Road.
27. The AONB is crossed by a number of footpaths and both Site A and Site B can be seen from several elevated viewpoints on Langley Hill as well as from Salter’s Hill on the other side of the valley. These are national trails which include the Gloucestershire Way, the Cotswold Way and The Wychavon Way. From these places one gains a clear understanding of the existing settlement pattern which has extended up the lower eastern slopes of Langley Hill within the AONB.
28. Site B would be seen within the context of the adjoining school and its sports fields. The new housing on Site A would be seen as an extension beyond the existing built confines of the town. However this would be within the context of existing development, including Mount View Drive. Furthermore as previously noted the settlement edge extends much further northwards west of Greet Road than east of it. Winchcombe School is also seen as a significant area of development which is level with the northern site boundary. Although at present I would agree it is distanced from the settlement edge this will become much less apparent when the Bloor Homes development is built. In any event from these elevated viewpoints within the AONB there is the mitigating effect

² The Cotswolds Conservation Board was set up by Parliament to conserve and enhance the natural beauty of the Cotswolds AONB and increase awareness and understanding of its special qualities.

of distance. The existing sense of tranquillity that people enjoy when using these footpaths would not significantly change. Taking all of this into account I consider that the impact on views out of the AONB would be insignificant.

29. In views towards the AONB the visual effect of the development on Site A would be much more pronounced. This is due to the prominence of the topography and the construction of the housing on the elevated part of the site. At present Mount View Drive appears as two parallel rows of houses on the western side of Gretton Road. Whilst this development seems to me to be a highly evident feature it does nestle into its setting and the upper slopes of Langley Hill rise up behind to form a backdrop. It is the case that the new houses would interrupt that foreground view and be prominent to the observer standing outside the site in Greet Road. Whilst some of the upper slopes would be apparent the context of the rising hillside behind the town would be significantly diminished. From Gretton Road the situation is likely to be even worse because the observer would find that views towards Salter's Hill and the AONB escarpment on the other side of the valley would be greatly impeded due to the proximity and elevation of the built development. The adverse impacts on the setting of the AONB would be significant. Whilst these impacts would be confined to limited viewpoints it seems unlikely that they would diminish in time, even with the proposed landscaping.

Conclusions

30. In reaching my conclusions I have had regard to the Local Plan Inspector's views that the development of this land would be prominent and harmful both from the elevated viewpoints of the AONB and from Greet and Gretton Roads. She was also concerned about coalescence between Winchcombe and Greet. Whilst the landscape clearly has not changed since she made her assessment there has been further development within the last 10 years and changes to the settlement edge, including the construction of Mount View Drive and the permission for 92 dwellings on the Bloor Homes land. The Inspector was also of course making her comments under a totally different national planning policy regime and within the context of there being alternative housing land available to meet housing requirements to 2011. It is relevant to note that the Bloor Homes land was not favoured for housing development either.
31. The appeal proposal would extend built development beyond the settlement edge resulting in a loss of countryside. However this in itself is not a bar to development in a situation where the development plan policies relating to the supply of housing are now out of date. Saved Policy LND2 does not prohibit housing development within the SLA in principle. There would be an adverse impact on the character of the SLA landscape itself but this would be localised and should be set against the benefits in terms of the provision of a softer settlement edge.
32. Of greater importance is the harm to the setting of the AONB arising from the housing on the elevated part of Site A. The latter plays a role in providing the foreground setting to Langley Hill within the adjoining AONB with which it shares a number of topographic and landscape features in common. The appeal development would interrupt westerly views thus adversely affecting the setting of the AONB. Furthermore views would be impeded in an easterly direction towards the Cotswold escarpment on the other side of the valley. These impacts would be limited to those public viewpoints close to the east and west site boundaries. Nevertheless there would be significant harm to the

setting of the AONB. This would be contrary to development plan policy, including saved Policies S.6 and NHE.5 in the SP and saved Policy LND2 in the LP.

Other Matters

Affordable housing

33. There is no dispute that within the borough there is a substantial undersupply of affordable housing. It is the case that within Winchcombe there have been several affordable housing schemes, including Mount View Drive. The Parish Housing Needs Survey of February 2012 indicates that 40 households with a local connection were in need of affordable housing. Most of these would be accommodated by the Bloor Homes scheme where 32 affordable homes would be built. However this does not mean that there is no further requirement for affordable housing within this area. Whilst locally derived needs should be met first, there are also many nearby parishes for which Winchcombe would be the nearest and most sustainable location in which to live. Furthermore the severe deficit that exists in the borough as a whole cannot be ignored. I was told that 129 households had specified Winchcombe as their preferred choice and that 75 of those have a proven local connection.
34. Saved Policy HOU13 in the LP seeks to negotiate appropriate levels of affordable housing although there is no development plan policy that is specific about level or mix. The proposal is for 35% provision with a mix of social rent, affordable rent and intermediate housing. The Council is satisfied that the quantum and mix would be acceptable to address current housing needs. The Planning Obligation includes the mechanism for provision and this is tied to the occupation of the market dwellings.

Congestion and highway safety

35. The Town Council and many local residents were concerned about the increase in traffic on local roads, including within Winchcombe itself which is a historic centre with narrow streets and tight junctions. During my visits to the town I experienced delays caused by parked cars, delivery vehicles and local buses. Whilst queues can quickly develop they are also quick to disperse. I have no doubt that on occasion local roads become congested for longer periods especially at peak times. The appeal development would inevitably add more traffic to the local highway network and this must be judged in combination with the 92 homes to be built by Bloor Homes, also on the northern side of the town. However the evidence shows that junctions within the town would remain well within capacity with both developments in place and that queues would not significantly increase. The Framework makes clear that development should only be refused on transport grounds where residual cumulative impacts are severe. That would not be the case here.
36. Gloucestershire County Council as Highway Authority has raised no objections to the appeal scheme on traffic grounds and this is a matter of considerable weight. The proposal would accord with the relevant development plan policies relating to transportation in accordance with the Framework.

Flooding

37. There have been local concerns about flood risk and additional surface water runoff arising from the appeal development. The sites are within Flood Zone 1

where there is a low risk of fluvial flooding. The exception is the eastern part of Site B where no change is proposed. The Flood Risk Assessment concludes that other sources of potential flood risk, including from ground and surface water, would also be low. The post development runoff rates are to be maintained at the existing greenfield level. It is proposed to employ a sustainable drainage system (SuDS) for the housing development at Site A although the SM will be a constraint to drainage infrastructure.

Tourism

38. It is appreciated that Winchcombe is a very attractive town within the AONB. Its economy relies on the many tourists that visit and attractions include the historic Sudeley Castle. The town especially welcomes walkers who enjoy the numerous national footpaths that descend into the town from the surrounding countryside. Whilst I have concluded that there would be some harm to the setting of the AONB this would be restricted to relatively limited viewpoints along Greet and Gretton Roads. The enjoyment of the footpaths themselves and the tranquil experience valued by walkers would not be unduly diminished.

Heritage Matters

39. Several of the hedgerows have been found to be important under the 1997 Hedgerow Regulations. These include the hedgerows along the northern and eastern boundary of the Site A as well as that running along part of the centre and the southern boundary. The hedgerow along part of the southern boundary of Site B is also important. The importance of the hedgerows on Site A is due to their association with the SM. The northern boundary hedgerow also gains importance as a historic parish delineation as does the southern hedgerow on Site B. None of these hedgerows are deemed important on account of their wildlife or landscape interest.
40. In the main the significance of the important hedgerows referred to above would not be affected by the appeal proposal, apart from where the central and eastern hedgerow on Site A would be punctuated to provide footpath access. However from my observation at the site visit there are gaps within the hedgerows that could accommodate the necessary pathways. As layout is a reserved matter and the Masterplan in the Design and Access Statement is illustrative it is considered that small adjustments could be made to ensure that no harm ensues to the significance of the undesignated heritage asset.

Whether the proposal would be sustainable development taking account of the three dimensions in the National Planning Policy Framework.

41. The Framework establishes that sustainable development should be seen as a golden thread running through both plan-making and decision-taking. It identifies three dimensions to sustainable development, economic, social and environmental. It makes clear these roles are mutually dependent and should not be taken in isolation.
42. There is no dispute that in order to address the serious short term land supply deficit new housing in Tewkesbury Borough will have to be built on greenfield sites. As one of the most sustainable settlements in the borough, Winchcombe can be regarded as a suitable location for further housing development. The town is within and adjacent to the AONB apart from the northern section which is within the SLA. All things being equal this locally designated landscape would be considered as a preferable location to the nationally important

landscape of the AONB. Although the Strategic Housing Land Availability Assessment states not to be a policy document it makes clear that sites within the AONB have been ruled out as unsuitable and would need to be considered through the development plan process. It is not an unreasonable proposition that sites close to the settlement edge are generally more sustainable than those further away from it. Having granted planning permission for the Bloor Homes housing scheme, the only remaining land contiguous to the settlement and outside the AONB is Site A.

43. The appeal proposal would result in harm both to the SLA landscape and to the setting of the AONB. The former would be limited due to its localised nature. The latter would be more significant and there would be conflict with policies in both the Structure and Local Plans. There would though also be environmental benefits. These would include the improvements to the SM as well as the provision of a soft landscaped edge to the northern boundary of the town. There would also be other advantages including carbon reduction measures and the use of SuDS techniques. Although there would be a loss of agricultural land this should be set against the gains to biodiversity from the open areas within Sites A and B, including the wildflower meadow.
44. In terms of the social role, the most important benefit would be the provision of market and affordable homes to help meet housing needs over the next five years. There is no reason why the scheme should not deliver a high quality built environment that integrates successfully with the host community. New residents would be able to walk, cycle or travel by bus for many of their journeys. Various measures have been proposed to increase the accessibility of the location, including a section of new footway, various pedestrian crossing points and a Travel Plan. Footpaths across Site A would allow people to walk through the site including across the open space to reach Winchcombe School. In addition there would be a significant contribution to the bus service. As well as benefiting the new population these measures would also deliver wider advantages to the existing population of the town. Site B would offer a substantial area of land adjacent to Winchcombe School for sports pitches. The *Winchcombe Town Design Statement* mentions that there is a need for further sports facilities in the town. It is recognised that the provision would provide mitigation for the recreational needs of the new population. Nevertheless it would also provide a wider benefit to the local community which should not be overlooked.
45. In terms of the economic role the appeal scheme would deliver land in a sustainable location to improve choice and competition in the market place. This would contribute to economic growth both directly and indirectly. There would be new employment created during the period of construction, which is estimated as being three years. It is likely that many would be local jobs and this would boost the local economy. Businesses connected with the construction industry would also benefit and some of these would be local suppliers and trades. Once the development is complete new residents would spend a proportion of their household income locally. Whilst some of these people may already live within the area others would be from elsewhere. The Appellant has estimated that an annual expenditure of £650,000 would be generated of which £160,000 would be spent locally. This seems a relatively conservative estimate given the assumptions on which it is based.

46. I have carefully considered the environmental harm against the advantages of the scheme, including helping to address the serious deficiency of housing land. I have come to the conclusion that taking the policies of the Framework as a whole the proposal represents a sustainable form of development. The policies for the supply of housing are out of date and the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits that would be gained. There are therefore material considerations that override the conflict with the development plan, including saved SP Policy NHE.5 and saved LP Policy LND2 in this case.

Planning Obligations

47. There are two fully executed Planning Obligations by Agreement dated 9 April 2013. The first is with Gloucestershire County Council relating to education, libraries and transportation. It includes a Bonding provision to ensure that the relevant payments are made. The other is with Tewkesbury Borough Council relating to recreation, community facilities, medical care and various other requirements. I observed that no sum had been inserted in either document relating to the respective councils' legal charges. However I was told that the relevant monies had already been paid. I am satisfied that both of the legal agreements are legally sound and fit for purpose.
48. The policy context for the infrastructure contributions is provided by saved Policy S.5 in the SP, which requires consideration of the need for community services, education, sport and leisure facilities and transport services, amongst other things. Saved Policy GN11 in the LP seeks infrastructure provision and public services necessary to enable development to take place. However it is necessary to consider whether the obligations meet the statutory requirements in Paragraph 122 of the Community Infrastructure Levy (CIL) Regulations in order to determine whether or not they can be taken into account in the grant of planning permission. The requirements are that the obligations must be necessary, directly related and fairly and reasonably related in scale and kind to the development in question. It is noted that the Planning Obligations do not contain a clause that the contributions are conditional on my finding that they comply with the CIL Regulations.

Obligations to the County Council

49. A contribution has been made towards early years and primary education. The evidence indicates that there is a shortfall in provision within the Winchcombe area. There is sufficient information to be satisfied that the level of the contributions is justified. The money would either be spent on improving the qualifications of existing childminders or else towards providing additional capacity at the local playgroup which is oversubscribed. Winchcombe Abbey Church of England Primary School has limited scope to expand. However one room within the building is available to be used as a classroom and the money would be spent to increase capacity in this way.
50. The library contribution is based on the size of the new population and the cost of providing new stock, electronic access and increasing opening hours. However the information does not clearly demonstrate why existing facilities could not meet the needs of new residents. Whilst I was told that the lending area at Winchcombe Library is to be reconfigured to make more space available there is little convincing evidence that this is necessary in order for the development to go ahead.

51. A contribution is included to improve various crossing points on walking routes between the site and the town through tactile paving and the like. The evidence has included a breakdown of the costs to undertake the work, which includes the installation of dropped kerbs and tactile paving. There is also a contribution towards upgrading one of the bus stops local to the site on the bus route that runs towards Cheltenham along Greet Road. The evidence has included a breakdown of the costs to undertake the work, which includes a new bus shelter and real time passenger information displays. The bus service contribution would provide a morning and evening peak hour service on a subsidised route which is not presently viable. The information provided is sufficient to justify the payment and the objective is to encourage new residents to use the bus thus confirming its viability at the end of the one year period. The Travel Plan monitoring contribution would cover the cost of checking modal shift targets during the period that the plan is current. This is in accordance with the County Council's *Travel Plan Guidance* and is necessary to promote sustainable travel.
52. For the reasons given above there is sufficient information to be satisfied that the education and various transportation related contributions meet the CIL tests and can therefore be taken into account. The library contribution however has not been adequately justified, does not meet the CIL tests and cannot be taken into account.

Obligations to the Borough Council

53. The provision of the affordable housing would be linked by triggers to the market housing delivery to ensure that the affordable units are constructed within a reasonable timescale. There would be two trigger points and the arrangement would be acceptable to ensure the timely delivery of the affordable housing element of the scheme. The obligation is necessary to meet local housing needs.
54. In accordance with saved Policy RCN1 in the LP the appeal scheme would be required to provide 0.34 hectares of open space. The open space on the eastern side of Site A around the SM, which would include a children's play area, would exceed this requirement. There is provision for a Management Company to be set up and this would be responsible for the long term maintenance of the open space. The company would be financed through annual contributions from each household and is necessary to ensure the open space is properly looked after for the benefit of all who use it.
55. The Council has a local standard for playing pitches in different parts of the borough and in accordance with its Playing Pitch Strategy the requirement here would be for 0.25 hectares and this would be on Site B. The intention would be for this to be used by the school and community although the Planning Obligation makes arrangements for the transfer of the land in the first instance to the Council. A contribution has been made for the laying out of the pitches and the provision of changing facilities. Bearing in mind that the sports land would be transferred for the charge of £1, the financial contributions, which are based on Sport England's cost multiplier, would be reasonable and necessary.
56. There are also contributions towards the Cascades swimming pool in Tewkesbury and towards AstroTurf provision at Winchcombe School. Whilst the sums of money involved are based on the Sport England sports facility calculator I have considerable doubts about the justification for these additional

- contributions towards recreational facilities. There was insufficient information to be satisfied that the improvements to the pool would be necessary to accommodate those new residents who wished to use it. Winchcombe School would benefit considerably from the pitch provision referred to above and it is difficult to see how a further payment towards Astroturf could be justified.
57. Representations from local people and from the healthcare provider make clear that the existing medical centre in Winchcombe is operating at capacity. The medical centre contribution would be used to extend the facility and is worked out on the basis of the number of GP's needed to serve the new population, the space to accommodate them and the build costs for this space. There is room on the site to extend the existing building.
58. A contribution has been made for community facilities. It seems that this was initially offered by the Appellant. Whilst I was told that it may go towards more allotments or extending existing burial facilities it is difficult to see how the sum of money was worked out and what specific project it is intended to address to meet the needs of the new population.
59. There are several contributions that relate to facilities for individual households. These include a contribution towards refuse and recycling containers and a contribution towards the Smart Water Scheme. The latter is an anti-theft mechanism and has been requested by the police. Whilst these contributions have been worked out on the basis of cost of provision it seems to me that they relate to items for which individual householders should be responsible themselves. It is difficult to conclude that they are necessary for the development to go ahead. The provision of dog bins and appropriate signage would though be necessary to ensure that the open space on the eastern side of Site A is a safe and pleasant place for all to use. The contributions relate to the cost of provision and are justified.
60. For the reasons given above there is sufficient information to be satisfied that the obligations relating to the affordable housing provision and Management Company and the contributions towards school sports provision, the medical centre, dog bins and signage meet the CIL tests and can therefore be taken into account. The contributions towards the swimming pool, Astroturf provision, community facilities, refuse and recycling and the Smart Water scheme have not been adequately justified, do not meet the CIL tests and cannot be taken into account.

Planning conditions

61. I have considered the planning conditions suggested by the main parties bearing in mind advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. I have reworded them where necessary in the interests of precision, relevance and enforceability. Wherever possible I have imposed conditions that reflect the Secretary of State's model conditions in the circular.
62. In order to contribute to the housing land supply shortfall in the short term it is reasonable to reduce the implementation period from that normally applied to outline proposals. The Design and Access Statement sets out the principles and parameters that the scheme would follow and against which the proposal has been assessed. This includes frontage development along Gretton Road and further details would be provided at reserved matters stage.

63. There are several conditions that require specific details to be submitted at reserved matters stage. These relate to such matters as materials, bin and cycle storage, planting schedules, hard surfacing as well as implementation. Whilst I can understand that the Council wishes to offer guidance to the developer they cover matters that relate to the reserved matters stage. It does not seem to me that these conditions pass the circular test of necessity. The exception concerns construction details of internal roads and footways and the details required to ensure that individual dwellings are not occupied before access to the public highway has been provided. Such details go beyond the reserved matter relating to layout and so I have worded these as stand alone conditions.
64. Hedgerows and associated trees are to be retained and a condition is required to ensure that they are protected during the construction period. The lower slopes of Langley Hill continue across Site A and details of site levels and slab levels are necessary to ensure that the new houses sit comfortably within the landscape. Such details would not necessarily be linked to appearance or layout and should be required through a stand alone condition.
65. The suggested drainage condition included foul drainage. However it is unnecessary to require details of this as the proposal is to connect to the main sewerage system and can be dealt with under other legislation. There is no suggestion that there is insufficient capacity to accommodate the new dwellings. It is proposed to dispose of surface water using SuDS techniques. The success of this approach in the longer term is particularly dependent on the effectiveness of the future management regime. A condition to cover these matters is therefore required. The sports pitches on Site B would not be provided by the Appellant and it seems likely that their development would require a further planning application by the end user. This would include consideration of the drainage works and so it is unnecessary for a condition relating to this matter to be imposed.
66. In the interests of the safety of future occupiers it is necessary to provide fire hydrants. Several improvements are proposed to pedestrian accessibility. These include a pedestrian crossing facility in Greet Road near to Winchcombe School and a new stretch of footway along the Gretton Road frontage. Conditions are required to ensure these improvements come about but requiring the footway to be maintained is not sufficiently precise and requiring it to be retained seems unnecessary.
67. Access is not a reserved matter but it is necessary to ensure that it is provided in accordance with the submitted details and surfaced satisfactorily prior to adoption. In order to ensure the free flow of traffic along Gretton Road it is appropriate to require a Construction Method Statement to cover matters such as operatives' parking and unloading arrangements. It will also include wheel washing arrangements to ensure excess mud is not deposited on the highway.
68. The Ecological Impact Assessment indicates that there are no designated sites of nature conservation value either on or adjacent to the appeal site. The hedgerows around and within the site would be largely retained and the proposal includes the creation of new grassland and a wildflower meadow in the vicinity of the SM. This would result in a gain to biodiversity but as suggested in the assessment an Ecological Management Plan is necessary for hedgerow enhancement and providing the new habitats on the eastern part of the Site A. The condition also specifies details for future management of these

areas although the open space would be looked after by the Management Company as specified in one of the Planning Obligations. Due to the archaeological importance of the site a programme of investigation and recording is required.

69. The Council suggested a condition requiring a minimum of 10% of the energy supply to be secured by decentralised and renewable or low carbon energy sources. This is not supported by any specific development plan policy and the Appellant's Energy Statement indicated that carbon reductions would be delivered by other means such as insulation of dwellings. It seems to me that the suggested condition, which requires a 30% improvement in carbon reduction above that required under Building Regulations would serve a similar purpose and allow greater flexibility as to how the savings could be achieved.

Overall conclusions

70. For all of the reasons given above the appeal proposal comprises sustainable development. Whilst there would be significant landscape harm and conflict with development plan policy there would also be substantial benefits. Most notably these would include the contribution towards housing land supply in the face of a serious short term deficit. I have taken account of the appeal decisions proffered by the Council where the lack of a 5 year housing land supply was found insufficient to outweigh the harm to the countryside. However each case is different and here I have found that the balance of considerations is clearly in favour of granting planning permission, notwithstanding the policy conflict. I have considered all other matters that have been raised but have found nothing that alters my conclusion that the appeal should succeed.

Christina Downes

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Paul Cairnes	Of Counsel instructed by Ms S Freckleton, Borough Solicitor
<i>He called</i>	
Mr R Eaton BA(Hons) MTPL MRTPI	Planning Consultant with RJE Planning
Mr J Overall BA(Hons) CMLI	Landscape Architect with Ryder Landscape Consultants

FOR THE APPELLANT:

Mr Jeremy Cahill	Of Queen's Counsel instructed by Mr P Stacey, Turley Associates
<i>He called</i>	
Mr D Archer BA(Hons) DipTP MA MRTPI	Director of pad Design
Mr A Cook BA(Hons) MLD CMLI MIEMA CEnv	Director of Pegasus group
Mr P Finlayson BSc CEng MICE MIHT MCIWEM	Managing Director of PFA Consulting Ltd
Mr P Stacey BA DipTP CertArch MRTPI	Planning Director of Turley Associates

ROUND TABLE DISCUSSIONS ON CONDITIONS AND PLANNING OBLIGATIONS

Mrs K Riossi	Senior Solicitor with Gloucestershire County Council
Mr R Pitts	Senior Development Valuer with Gloucestershire County Council
Mr M Glaze	Development Co-ordinator for the Tewkesbury Area with the Highways Division of Gloucestershire County Council
Mrs F Evans BA MCIIH	Housing Enabling Manager with Tewkesbury Borough Council
Mr A Sanders BA(Hons)	Leisure and Culture Manager with Tewkesbury Borough Council
Mr G Spencer LLB	Locum Solicitor with Tewkesbury Borough Council
Mr A Ross	Turley Associates
Mr A White	Planning Officer with Tewkesbury Borough Council

INTERESTED PERSONS:

Mrs A Telling	Local resident
Mr R Harrison	Chairman of Winchcombe Town Council
Mr D Bayne	Secretary and Trustee of the Campaign to Protect Rural England (CPRE) Gloucestershire

Mr J Mason	Branch and Secretary of CPRE Cheltenham, Gloucester and Tewkesbury District Local Borough Councillor for the Winchcombe Ward
Mr R Wakeford MRTPI (Hon)	Local resident, Co-ordinator of the Winchcombe Neighbourhood Plan, Town Councillor and Member of the Cotswolds Conservation Board
Mr M Watt MRTPI CMLI FArbor	Planning Officer with the Cotswolds Conservation Board

DOCUMENTS

- 1 Council's notification of the Inquiry and list of persons notified.
- 2 Statement delivered orally by Mrs Telling (local resident)
- 3 Statement delivered orally by Mr Bayne (CPRE)
- 4 Statement delivered orally by Mr Watt (Cotswolds Conservation Board)
- 5 Letter submitted by Mr and Mrs A J Brown, local residents
- 6 Draft conditions
- 7 Table prepared by the Borough Council showing CIL compliance of planning obligations
- 8 Correspondence from Natural England
- 9 Scheduling information for the Scheduled Monument on the eastern part of the site
- 10 Covering letter and extracts from the Inspector's Report into objections to the Tewkesbury Borough Local Plan
- 11 Statement delivered orally by Mr Harrison (Winchcombe Town Council)
- 12 Statement delivered orally by Mr Wakeford
- 13 Statement delivered orally by Councillor J Mason
- 14 Table prepared by the County Council showing CIL compliance of planning obligations (education and libraries)
- 15 Table prepared by the County Council showing CIL compliance of planning obligations (highways)
- 16 Briefing Note by Nathaniel Lichfield & Partners to explain the eVALUATE approach on behalf of the Appellant
- 17 Hedgerow Review submitted by the Appellant
- 18 Planning Obligation by Agreement between the owners, the Appellant and the County Council including the consent of Clydesdale Bank as Chargee
- 19 Planning Obligation by Agreement between the owners, the Appellant and the Borough Council including the consent of Clydesdale Bank as Chargee

PLANS

- A Application plans
- B Topography plan with the urban area marked
- C Plan showing AOBB/ SLA boundary
- D Approved layout of the Bloor Homes (Western) development, east of Greet Road, Winchcombe

SCHEDULE OF CONDITIONS

1. The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and external appearance of the buildings, and landscaping thereto (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.
2. Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 12 months from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of 12 months from the date of approval of the last of the reserved matters to be approved.
4. Applications for the approval of the reserved matters shall be in accordance with the principles and parameters described and identified in the revised Design and Access Statement dated August 2012.
5. No development shall take place until details, which show how the existing trees and hedgerows that are to be retained will be protected during the course of construction, have been submitted to and approved in writing by the local planning authority. The details shall accord with BS 5837: *Trees in Relation to Construction*. 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.
6. No development shall take place until details of existing and proposed ground levels and ground floor slab levels of the buildings relative to Ordnance Datum Newlyn have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
7. No development shall take place until a comprehensive and detailed drainage scheme for the disposal of surface water incorporating sustainable drainage principles and rain water harvesting (where possible), have been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the submitted Flood Risk Assessment and Drainage Strategy dated March 2012 and shall include details of future management and maintenance and a timetable/phasing plan. Development shall be implemented in accordance with the approved drainage scheme.
8. No development shall take place until details of the provision of fire hydrants served by mains water supply, including a timetable for their provision, have been submitted to and approved in writing by the local planning authority. The fire hydrants shall be provided in accordance with the approved details and timetable.
9. No development shall take place until the applicant, or their agents or successors in title, has secured and implemented a programme of

- archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
10. No works shall commence on site until details of a pedestrian crossing facility across Greet Road have been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to occupation of any of the proposed dwellings.
 11. No development shall take place until full details of all roadways within the site have been submitted to and approved in writing by the local planning authority. Details shall include drainage, surfacing, construction, visibility splays, turning heads, street lighting, footways, road gradients and a timetable for provision. Development shall be in accordance with the approved details and timetable.
 12. Before any dwelling is first occupied the road between that dwelling and Gretton Road shall be constructed to binder course or surface course level and shall be retained in that condition until and unless the road is adopted as highway maintainable at public expense.
 13. No dwelling shall be occupied until the footway along the frontage of Gretton Road has been provided in accordance with plan no R281/1 E.
 14. No development shall take place until the proposed access off Gretton Road has been provided in accordance with plan no R281/1 E. The first 20 metres of the access road from Gretton Road shall be surfaced in a bound material and retained in that condition until and unless the road is adopted as highway maintainable at public expense
 15. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel washing facilities
 - v. measures to control the emission of dust and dirt during construction
 16. 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 mitigation and enhancement measures in the Ecological Impact Assessment (dated April 2012). It shall include a timetable for implementation, details for monitoring and review and how the areas concerned will be maintained and managed. Development shall be in accordance with the approved details and timetable in the EMP.
 17. A 30% improvement in carbon reduction above the 2010 Building Regulations requirement shall be secured across the development as part of the reserved matters submissions under Condition 1. This shall provide details of how the proposal will contribute to achieve aggregate reduction in carbon emissions in accordance with an agreed delivery trajectory.

End of conditions