



Appeal Decision

Inquiry held between 4 April 2023 and 24 April 2023

Site visit made on 18 April 2023

by C Dillon BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th June 2023

Appeal Ref: APP/G1630/W/22/3310117

Land East of St Margaret's Drive, Alderton, Tewkesbury GL20 8NY

- 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 Rainier Developments Limited and the Gilder Family against Tewkesbury Borough Council.
 - The application Ref 22/00624/OUT, is dated 20 May 2022. The development proposed is an outline application for the demolition of 16 St Margaret's Drive and the erection of up to 48 dwellings, associated infrastructure, landscape and biodiversity enhancements, all matters reserved except for access from St Margaret's Drive.
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Decision

1. The appeal is allowed, and outline planning permission is granted for the demolition of 16 St Margaret's Drive and the erection of up to 48 dwellings, associated infrastructure, landscape and biodiversity enhancements, all matters reserved except for access from St Margaret's Drive, at land east of St Margaret's Drive, Alderton, Tewkesbury GL20 8NY in accordance with the terms of the application, Ref 22/00624/OUT, dated 20 May 2022, subject to the conditions contained in the attached schedule.

Application for costs

2. The appellant has sought a partial award of costs against Tewkesbury Borough Council ("TBC"). This is the subject of a separate Decision.

Preliminary Matters

3. The appeal follows the Council's failure to issue its decision within the prescribed period. The planning application was made in outline, with all matters except for access reserved for future consideration.
4. TBC has cited 7 putative reasons for refusal. It is common ground¹ that subject to appropriate planning obligations these have been narrowed down to putative reasons 1-3. The main issues for this appeal reflect that agreed position.
5. Alderton Parish Council ("APC") was granted Rule 6 status under the Inquiry Procedure Rules and as a main party has relied on TBC's housing evidence., in addition to its own evidence.

¹ Core Document ref: CD 7.19 Planning Statement of Common Ground

6. An amendment to the description of the proposed development was agreed between the Council and appellant whilst the planning application was being determined. This reflects a change in the number of dwellings proposed from 55 to 48 units.
7. I am satisfied that the interested parties have had opportunity to frame their representations to the appeal accordingly. This change represents a less intensive development made in outline which has not given rise to any new matters or concerns. Consequently, no interests are prejudiced through my acceptance of the revised description as the basis on which to determine this appeal.
8. Neither Master Plan (3001 Rev H) or Parameter Plan (WG10) were the subject of public consultation through the planning application process. All matters are reserved apart from access, the detail of which² has been consulted upon. Therefore, I treat these plans as illustrative for the purposes of this appeal so as not to prejudice the outcome of any future consideration of those matters which are reserved.
9. Two separate executed section 106 legal agreements have been submitted containing planning obligations relating to borough and county matters. The scope of these extend to affordable housing provision, management of open space, on-site play provision, sport and recreational provision, recycling and waste management, home to school transport and library provision.
10. The Compliance Statement demonstrates that each obligation is reasonable and necessary to make the appeal proposal acceptable and is compatible with all of the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). Therefore, I have taken them into account in my assessment.
11. All documents accepted during the course of the Inquiry are listed in the attached Inquiry Document Schedule. I am satisfied that no one has been prejudiced by their acceptance as they are directly relevant and necessary for my Decision and all parties were given the opportunity to comment on them.

Main Issues

12. The main issues are:

- whether or not the most important policies for determining this appeal are out of date, with particular regard to their consistency with the National Planning Policy Framework ("the Framework") and the Borough's 5-year housing land supply ("HLS") position;
- the effect of the proposal on the character and appearance of the area, with particular regard to Alderton village and its landscape context; and
- the effect of the proposal on the vitality of Alderton and the wellbeing and cohesiveness of its community, having regard to the scale and location of the appeal proposal.

² Core Document ref: CD 1.19 Appendix H drawing no. 001 Rev P2, Site Access Design.

Reasons

Status of most important policies

Consistency with the Framework

13. I concur with the common ground³ that, in the context of paragraph 11(d) of the Framework, the most important policies for determining this appeal are Policies SP2 and SD10 of the Gloucester, Cheltenham, and Tewkesbury Joint Core Strategy 2011-2031 (2017) ("the JCS"), Policy RES3 of the Tewkesbury Borough Plan 2011-2031 ("the TBP") and Policy H1 of the Alderton Neighbourhood Development Plan 2011-2031 ("the ANDP"). This is because this suite of policies determines the distribution of new development in the Borough so as to respect the function and form of settlements and their setting and avoid intrusion into the countryside unless by exception.
14. Specifically, Policy SP2 of the JCS sets out the area's spatial strategy for new development across the whole plan area to meet the identified housing requirement for each of the 3 partner councils. Amongst other things, it confirms that specific allocations ("the donor sites") within the TBC area will provide for the needs of Gloucester City and Cheltenham Borough. Lower levels of development for Service Villages are to be allocated through the TBP and neighbourhood plans, proportionate to their size, function, accessibility, environmental, economic, and social impacts. This policy approach was found sound at examination and remains consistent with the Framework's overall approach to the locational aspects of meeting local housing needs in a sustainable manner.
15. Policy SD10 of the JCS sets out the circumstances where new housing will be permitted. Policy RES3 of the TBP sets out the circumstances where new housing development will be supported in unallocated, countryside locations. The approach of these 2 policies aligns with Policy SP2 of the JCS and is consistent with the Framework, including paragraphs 79 and 80.
16. Policy H1 of the ANDP sets out the circumstances where small windfall development will be supported. Other sites outside the settlement boundary will be considered in line with other policies of the plan only where a future development plan identifies an additional need for further housing development in Alderton beyond what is being accommodated within the settlement boundary. This policy is also consistent with the Framework's overall approach to achieving sustainable housing delivery.
17. The principle of Policy SP2 and policies SD10, RES3 and H1 which seek to deliver the adopted spatial strategy remain consistent with the Framework, irrespective of my findings on local housing needs and the 5-year housing land supply position. Consequently, the weight to be afforded to any conflict with the most important policies for this appeal is not reduced on that particular basis.

Conformity with adopted spatial strategy

18. The appeal proposal is located beyond any settlement boundary and is within the countryside. It relates to a non-allocated undeveloped site, and it does not fall within the exceptions for development in the countryside provided for in

³ Core Document ref: CD 7.19 Planning Statement of Common Ground

Policy SD10 of the JCS. Neither does Policy H1 of the ANDP lend support to it. As the appellant accepts, overall it conflicts with the spatial strategy for the distribution of new housing development in the Borough.

Housing land supply

19. Neither the JCS examination's requirement for an immediate review or the required 5-year post adoption review have been completed. Therefore, in accordance with paragraph 74 of the Framework, the main parties agree that the housing requirement for the Borough set out in Policies SP1 and SP2 of the JCS is out of date and the correct approach to defining Tewkesbury's Local Housing Need ("LHN") is the use of the Standard Method ("the SM"), a minimum requirement calculated for each local authority's administrative area.
20. It is also common ground⁴ that the relevant land supply period is 1 April 2022 to 31 March 2027 and that when using the SM, the LHN for TBC's administrative area is 578 homes per annum. With the agreed 5% buffer, this equates to 3,035 homes over the agreed 5-year period.
21. However, the main parties disagree about the supply of housing land for the next 5 years. The differential between TBC and the appellant has been presented as a range of scenarios⁵. The difference is significant, ranging from the appellant's position of 2.27 years (a shortfall of 1,660 homes) to TBC's position of 6.68 years (a surplus of 1,021 homes). The main reason for this difference is centred around whether TBC should include within its supply the units from specific donor sites within its jurisdiction which are allocated in the JCS to serve the needs of Gloucester and Cheltenham. This specific matter was the subject of a recent Decision⁶ ("the Twyning Decision").
22. Policy SP2 of the JCS confirms that, regardless of the fact that the majority of the land is within Tewkesbury Borough, specific urban extensions are identified to meet the unmet needs of Gloucester or Cheltenham. Therefore, dwellings being delivered on urban extensions to Gloucester or Cheltenham will contribute solely to the needs of their land supply calculations⁷.
23. This gives clear recognition of the commitment by the 3 authorities to a joint approach identifying sites in Tewkesbury to meet the needs arising from the urban areas in Gloucester City and Cheltenham. There is nothing before me to confirm commitment to a different accounting methodology for housing delivery. Neither has any agreement between the JCS authorities been evidenced regarding a different approach to the identification of the supply components in response to the change in circumstance arising in the absence of a review of the JCS.
24. The main parties agree that neither the Framework nor Planning Practice Guidance ("the PPG") provides express guidance on the approach to be taken to accounting the supply in this particular instance. The SM relates to housing need purely on administrative boundaries. Paragraph 74 of the Framework is very clear regarding the approach to calculating the need input for the housing land supply calculation in these circumstances. However, crucially, neither the

⁴ Core Document ref: CD 7.18 Housing Land Supply Statement of Common Ground

⁵ Core Document ref: CD 7.18 Housing Land Supply Statement of Common Ground, Table 2

⁶ Appeal ref: APP/G1630/W/21/3284820

⁷ Core Document ref: CD 4.1 JCS, Paragraph 3.2.23

Framework, the PPG nor the SM indicate that the method by which housing supply is to be identified should also change.

25. In disputing the Twynning Decision's approach to supply, TBC has drawn my attention to another recent Decision⁸ ("the Grove Decision") as a means to justify its stance on how its housing land supply should be calculated. The key issue in that case concerns which source the housing requirement should have been derived from. Regardless, it was common ground that the relevant needs figure should be uplifted to take account of the additional need generated from accommodating Oxford's need. Crucially, neither party argued that the supply from within the Vale of White Horse should be judged against that area's LHN alone without an uplift; to do so would have over-estimated their 5-year housing land position.
26. The nuance here is that the approach of the JCS is not to uplift TBC's requirement, but to attribute supply from strategic sites to the partner authorities. The use of LHN is common ground. Furthermore, the sub-areas approach in the Vale of White Horse has no bearing on the explicit policy approach in the adopted JCS to allocate specific sites to meet the needs of the 2 partner authorities. As demonstrated during cross-examination, these are not sub-areas forming separate components of TBC's housing needs. Consequently, I find that the Grove Decision, being based upon significantly different circumstances, is irrelevant to the supply related matter before me and I attribute no weight to it.
27. Throughout the Inquiry TBC maintained that Policy SP2 is not out of date nor inapplicable other than in respect of the quantitative elements of housing numbers. The LHN figure relates to housing need and provides an up-to-date position to that set out in Policies SP1 and SP2 of the JCS. However, significantly, TBC's current approach to identifying its supply requires a fundamental departure from the JCS spatial strategy, including the attribution of strategic sites upon which the JCS was found sound. My acceptance of this approach would ignore the clear provisions of an up-to-date spatial strategy of the adopted development plan. TBC failed to justify this approach through its evidence and during cross-examination. In addition, TBC's inclusion of 500 units at Mitton, being located within neighbouring Wychavon District, contradicts its approach to supply.
28. In summary therefore, there is no persuasive evidence or good reason before me which confirms any commitment or support to TBC's approach to these donor sites in supply terms other than in accordance with Policy SP2 of the JCS. There is nothing in the Framework or the PPG which indicates that supply must be calculated only by reference to deliverable sites in the local authority area in circumstances where LHN is being used to determine the housing need in the context of the JCS. In this particular case the content of Policy SP2 in respect of the donor sites within this Borough and their contribution to supply is very specific. I have also identified inconsistencies in TBC's approach to this matter.
29. Consequently, I have reached the same conclusion as the Inspector for the Twynning Decision. There is no good reason for me to do otherwise. This is because the JCS spatial strategy is manifested in the strategic allocations for the donor urban extensions. Migrating to the SM to calculate housing need

⁸ Appeal ref: APP/V3120/W/22/3310788

does not undermine the intended role of strategic sites. Housing needs still exist across the JCS area. Nor does it provide for an alternative apportionment of supply to that identified in the JCS. Any change to the currently proposed apportionment of housing growth is not a matter for this appeal but rather for the JCS Review process.

30. Insofar as the application of the spatial strategy in the JCS is concerned, the development plan policies are the fundamental starting position and set the context for the consideration of this appeal, having the force of the statutory development plan. Consistent with the appellant's approach to supply, it must therefore follow that where, as in this case, the development plan defines the attribution of sites, then that should be the attribution used even where the LHN is used instead of the adopted requirement.
31. For all of these reasons, based on the evidence before me, the appellant's approach to the assessment of housing supply in this instance is most appropriate. In this circumstance it is common ground⁹ that no 5-year supply can be demonstrated as the supply falls between 2.27 years and 3.32 years.
32. During cross-examination the Council accepted there is no foreseeable prospect of addressing those shortfalls through the plan led system. The periods for the immediate review and 5-year review have both elapsed without the publication of any new plan. The Borough's LHN has increased to a level greater than what the JCS is based upon. Furthermore, a new development plan is not sufficiently advanced to respond to the growing needs within this physical context in the short term at least. The policies map demonstrates that a significant part of the Borough is constrained by designations relating to flood risk, Special Landscape Areas, Special Areas of Conservation, Sites of Special Scientific Interest, Green Belt and Area of Outstanding Natural Beauty. This all indicates the inability to maintain an adequate housing land supply is likely to persist until the review process is completed.

Summary

33. One of the collective effects of Policies SP2, SD10, RES3 and H1 is that of constraining housing delivery on the appeal site. Crucially, the inability of TBC to demonstrate the required housing land supply deems these most important policies out of date for the purposes of paragraph 11 of the Framework. The most important policies are based on the one hand by an up-to-date spatial strategy. However, the needs figures to be delivered are based upon a requirement that no longer reflects the housing need, is out of date and confirms that a considerable shortfall in supply exists. In this particular circumstance the weight to be attributed to the conflict with these particular policies should be reduced to a moderate level.
34. Furthermore, the tests set out in paragraph 11(d) of the Framework are triggered. I address the implications of this later. It serves no purpose to my assessment to determine whether or not these policies are also out of date because of the TBC's failure to complete any plan review.
35. In conclusion therefore, the most important policies for determining this appeal are out of date, in so far as they relate to housing needs, with particular regard to the Borough's 5-year housing land supply ("HLS") position.

⁹ Core Document ref: CD 7.18 Housing Land Supply Statement of Common Ground, paragraph 3.10

Character and appearance

36. The appeal site is an almost rectangular shaped parcel of improved grazed pastureland. It immediately adjoins the existing built-up form of the village of Alderton. This part of the Borough is characterised by undulating pasture landscape surrounded by vale, the openness of which provides views across this landscape, with its mature hedgerows and tree cover, to the edges of a historic clustered settlement form which has been influenced by contemporary development.
37. Located within the Borough's Special Landscape Area ("SLA"), designated by virtue of Policy LAN1 of the TBP, both the site and the village also fall within the setting of the Cotswolds Area of Outstanding Natural Beauty ("AONB"). The special qualities of this AONB are its landscape and scenic beauty, tranquillity, and dark skies.
38. A previous appeal¹⁰ for 60 dwellings in this location was dismissed for reasons including landscape harm. However, the respective site boundaries differ, and the proposed developable area is now set back from the eastern boundary with generous intervening landscaping and public open space. The base line position has also changed with the construction of neighbouring Fletcher Close and Alder Green. Furthermore, the JCS, TBP and ANDP provide a new policy context. Common ground has been reached which has significantly narrowed the landscape dispute¹¹. The differences between the parties on landscape impact are very slight, essentially relating to judgement on the scope of the proposed landscape changes. As a result, the circumstances before me are materially different to that of the previous scheme and others in the locality¹² and they carry no material weight in respect to this main issue.
39. The site's susceptibility and therefore sensitivity to change is disputed. Through cross-examination it was demonstrated that there is no methodological dispute over the landscape evidence. The appeal site is not a valued landscape in the sense of paragraph 174(a) of the Framework despite the value the community clearly places upon it.
40. During my site visit, I observed the appeal site's current verdant, undeveloped state provides a pleasant rural context to the village. However, consistent with the submitted Landscape Visual Impact Assessment and my observations on site, the appeal site is visually well-contained by existing features particularly due to being adjacent to the village and also the mature tree cover to the east.
41. At the site level, the appeal proposal would cause substantial change to its current undeveloped appearance. There would be a notable loss of its open character. This would be mainly experienced by the users of the B4077 momentarily because of the speed limit, users of the Winchcombe Way, in particular the short section of this recreational route between Lower Farmhouse and the village edge and also the occupiers of existing surrounding residential properties along St Margaret's Drive and St Margaret's Road.
42. However, in terms of the area's key landscape characteristics upon which the landscape evidence is based, the general clustered settlement form of Alderton has already been partially changed by the Beckford Road development to the

¹⁰ Appeal Ref: APP/G1630/A/14/2222147

¹¹ Core Document ref: CD 7.20 Landscape Statement of Common Ground

¹² Core Document refs: CD 5.1, CD 5.7, CD5.19, CD5.20 and CD 5.21

west of the village. The residual landscape effects from the appeal proposal would be read in the context of the existing built residential form which has in more recent years supplemented the more rustic historic village core. The appeal proposal would not unduly erode its remaining clustered form. Furthermore, I am satisfied that an appropriate scheme could come forward at the reserved matters stage which secures a scale, design and layout which avoids an overly dense, suburban presence at this part of the settlement edge.

43. In terms of the area's characteristic sense of separation between the village and the B4077, clear and perceptible separation between this route and Alderton would be retained. Visually this would be notably greater than the outer limits of the neighbouring Alder Green development and would provide an adequate undeveloped countryside foreground to the appeal proposal.
44. In terms of the area's sensitivity of the surrounding vale to conspicuous prominent development, the appeal site is most visible from the south particularly from the B4077 and the Winchcombe Way approach to the village. However, the larger scale of recently constructed dwellings at Alder Green and Fletcher Close are dominant in the views towards the remaining single storey scale of this part of the village's edge. Visually, their presence improves the capacity of the appeal site to absorb development at the revised scale proposed. Moreover, the proposed landscape mitigation measures would interpose between users of the B4077 and views of the recent developments of Fletcher Close and Alder Green and would further filter and soften that rather abrupt part of the settlement edge.
45. The ambiguity surrounding the location and extent of 'Significant View F' of Policy LC2 of the ANDP is accepted. As such, the nearest existing publicly accessible viewpoint relating to that particular view is around the junction of St Margaret's Road with the private access track to Lower Farm. There, I observed that the appeal scheme would not unduly disturb the existing views of the higher ground of the AONB. Moreover, public access would be provided down the eastern side of the site, through the proposed public open space and towards the attenuation area, with that view slowly opening up on the way. This represents improved publicly accessible sequential views to the south for a much longer duration than the current situation. This is a benefit which weighs moderately in favour of the appeal proposal.
46. The presence of built form is already evident along this stretch of the Winchcombe Way, a significant recreational walking route. Although the new built form would be nearer to it, the views to the south-west which would still contain the backdrop of more distant hills would distract attention along with the proposed planting, open space, and the foreground of restored and strengthened hedgerow. The evidence before me does not cast any doubt on the scope which exists to secure appropriate effective visual mitigation through the reserved matters. Therefore, the appeal proposal would not impose an unacceptable level of intrusion on the users' experience of the rural character and appearance of the area in either direction. Despite the proposed changes at site level, visually the village would maintain its sense of self-containment within a wider rural landscape. The appeal proposal would not be any more conspicuous in the wider landscape to the existing built form.
47. In terms of the area's characteristic sense of openness, the development of the site in the manner proposed would not extend the village further south beyond

the ongoing Alder Green development. The appellant's evidence also demonstrates the retention of open views of St Margaret's church across the landscape.

48. However, the openness of the lower slopes in which Alderton is experienced has a role in creating the setting for the AONB. Paragraph 176 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. Furthermore, development in the setting of an AONB should be sensitively located and designed to avoid or minimise impacts. Based on the evidence and my observations, the visual effects would be localised as the geographical extent of the noticeable change would be limited and confined to the AONB's setting. Whilst the appeal site forms part of the wider open lower slope, its current association with the open ground to the west is not strong given the recent Alder Green development and separation along Willow Bank Road. Therefore, the harm to the AONB's landscape and scenic beauty special quality would be limited.
49. In terms of impact on the AONB's tranquillity, the submitted traffic assessment¹³ concludes that the appeal proposal would result in no increase in levels for receptors along the route network provided by the Cotswolds National Landscape Board and no further mitigation measures are required. In terms of impact on the AONB's dark skies, I am satisfied that a suitably worded planning condition would ensure that the absence of street lighting in the village would continue. Furthermore, the scale and location of the appeal proposal relative to the village, along with the proposed landscaping and careful orientation of buildings would enable any light spill from the proposed units to assimilate with its built context, thus keeping any visual impacts on this setting to a limited level.
50. In summary therefore, I find that the appeal proposal would cause some limited and localised harmful residual landscape and visual effects to the area which includes the setting of the AONB. However, whilst an outline scheme, there is no substantive evidence to demonstrate that a sensitive layout and design which integrates into the existing built and natural context cannot be attained through the reserved matters. Despite the earlier Decisions cited, I find that in line with paragraph 176 of the Framework this particular appeal proposal would be sensitively located. Subject to appropriately worded conditions to manage its appearance it could be designed to minimise adverse impacts on this designated area. In view of my findings on landscape, neither paragraph 174 nor 176 of the Framework indicate that this appeal proposal should be refused.
51. My assessment is based on the existing baseline position. The outcome of other residential planning applications relating to the village are unknown and will be based on their own merit. The concerns regarding the cumulative impact of the appeal proposal in the context of these is unsubstantiated and carries no weight.
52. For all of these reasons, I conclude that overall the appeal proposal would cause a limited level of harm to the character and appearance of the area, with particular regard to Alderton village and its landscape context.

¹³ Appended to Mr Richards Proof of Evidence for the appellant, Core Document ref: CD 7.2

53. The suite of benefits of the appeal proposal, which I elaborate on later in my Decision, are significant. When weighed against the limited level and localised extent of the identified landscape harm the result is one of compliance with Policy LAN1 of the TBP. Through cross-examination it was demonstrated that the direction in Policy SD6 of the JCS to seek to protect landscape character for its own intrinsic beauty is a greater requirement than that of paragraph 174(b) of the Framework, which requires recognition of the intrinsic character and beauty of the countryside. It has been demonstrated that appropriate recognition has been given to this and the remaining criterion are met. Therefore, I find that the appeal scheme's tension with criteria 1 of Policy SD6 carries limited weight against the appeal proposal.
54. In line with Policy LAN2 the appeal proposal would be appropriate to and integrate into its existing landscape setting through its design, siting, and landscaping. In doing so, landscape features and characteristics of the wider area would be sufficiently conserved and there would be no conflict with that policy. Furthermore, given my findings regarding 'Significant View F', the appeal proposal does not conflict with Policy LC2 of the ANDP. The limited harm to the setting of the AONB presents some conflict with Policy SD7 of the JCS. However, because of its limited effect this conflict carries limited weight against the appeal proposal.
55. Overall, it has been demonstrated that as well as being well-integrated with the character and appearance of the area, the appeal proposal would not cause the unacceptable reduction of open space which is important to the character and amenity of the area. Furthermore, it would respect the form of the settlement and its landscape setting, would not appear as an unacceptable intrusion into the countryside and would retain a sense of transition between the settlement and open countryside. Therefore, there is overall compliance with Policy RES3 of the TBP.

Community cohesion, vitality, and wellbeing

56. The effects of further housing growth on the capacity of the village to accommodate it and the community to accept the proposed scale and pace of change has been the subject of previous appeals where up to significant unfavourable weight has been given. During my site visit I observed, in line with the submitted evidence that the village has grown over time, including at a greater pace since 2015, with some units still under construction.
57. The development plan provides a clear development strategy for the Borough. No specific provision is made for further housing growth in Alderton through site allocations, which in part was informed by TBC's disaggregation exercise in the context of the JCS's housing requirement. The concerns about the level of development that has already occurred in the village is recognised. For the reasons given earlier, whether or not the village has the capacity to sustain further housing growth must be set in a context where the housing requirement is deemed to be out of date, is lower than the current LHN and a considerable shortfall in supply has been demonstrated.
58. The appeal site is physically well-related to this Service Village and its range of local services and facilities would be easily accessible by foot. No factual dispute has been taken by TBC or the APC with the appellant's community

cohesion statement¹⁴. The site would be developed over a period of time which would enable new households to assimilate gradually. No substantive evidence has been provided that the existing services and facilities cannot cope with the level of growth proposed. Although I acknowledge that social cohesion, vitality, and wellbeing go further than this, in supporting some daily requirements these facilities do provide opportunities for interaction to facilitate this.

59. Through cross-examination, it was agreed that it takes time to develop cohesion between existing and new homes. Significantly, there is some evidence that some non-engagement of the community is because of a lack of awareness or a difference in what residents want. However, there is also evidence that the membership of the local clubs and church includes residents of the village's recent developments. During my site visit I observed a notable propensity for people to pass the time of day and pleasantries with one another as they undertook the likes of errands, dog walking and other exercise regimes. This aligns with the appellant's planning evidence of continued community vitality despite the housing growth that has occurred.
60. The appeal proposal incorporates measures to provide opportunities for cohesion of the existing and new village communities to be secured through appropriate planning conditions and obligations. In particular, it would provide family housing where evidence indicates there is a growing ageing population in the village. As mitigation, a welcome pack secured by condition would be designed to encourage and assist new residents' interaction with the existing community.
61. Furthermore, the illustrative plans and proposed access details demonstrate that despite the absence of a main built frontage onto the existing streets, a good level of permeability could be achieved. These access points lay the foundations for attractive walking routes and provide logical linkages to the proposed open space and play provision from both proposed and existing properties and also to the wider existing footpath network. Well-considered layout and design treatments of these could be secured at the reserved matters stage to avoid an introverted development and maximise opportunities for use by and thus integration and interaction of the new and existing village community. However, levels of residents seizing these opportunities will ultimately be governed by personal choice.
62. There is an insufficient evidential basis to persuade me that, as a consequence of the appeal proposal, the existing community would be overwhelmed and would not have a reasonable prospect of continuing to function as it has.
63. The more peripheral location of the appeal site and the number of units proposed are such that the appeal proposal would not overwhelm the village scale character currently experienced from within Alderton itself. The outcome of other local development proposals currently being determined are unknown and will be based on their own merit. Therefore, the argument presented regarding the cumulative impact of the appeal proposal in the context of these is unsubstantiated. Significantly, slower integration of residents of new developments than is aspired for is not harm as it has not been demonstrated, in itself, to be capable of degrading the village's existing baseline position. Moreover, the evidence before me is inconclusive as to whether or not the

¹⁴ With the caveat that the football club has since closed.

housing growth that has taken place has been either harmful or beneficial in the context of this main issue.

64. The concerns raised are in part because of the experience of the ongoing development activity in the village. A suitably worded planning condition to manage site activity during the construction phase is therefore justified. It has not been sufficiently demonstrated that there would be an unacceptable level of harm to wellbeing on a village wide scale. The effect on the wellbeing of more immediate residents' is addressed in my assessment of the effects on living conditions.
65. Overall, the evidence leads me to conclude that any adverse impacts that do arise would not be of a nature or level which would constitute unacceptable harm to the vitality, cohesiveness, and well-being of the village community, having regard to the scale and location of this particular appeal proposal. My assessment is based on the existing baseline position and the evidence as presented and cross-examined. The facts and components of this particular scheme are good reasons to justify my departure from the Inspectors' findings for the previous appeals cited¹⁵. However, in doing so I do attach limited weight to the apparent fear of the community that such harm would manifest.
66. The appeal proposal does not fall within the scope of the small scale of developments supported by Policy H1 of the ANDP. However, that policy does not explicitly resist development of the scale and location proposed. Policy SP2 of the JCS states that Service Villages will accommodate lower levels of development to be allocated through the TBP and Neighbourhood Plans, proportional to their size and function, and amongst other things taking into account social impacts. The level of growth specified in this policy is not expressed as a ceiling and in any event, as I have found, is out of date. Additionally, Policy RES5 of the TBP requires new housing development to be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity. In finding no unacceptable harm, I find no conflict with any of these policies in regard to this main issue.

Other Matters

Benefits

67. The housing land supply shortfall is considerable. The evidence does not lead me to dispute the contribution the appellant argues the appeal site could make to addressing that. Collectively, the planning obligation and reserved matters could secure an appropriate range and choice of units for the locality. The obligation would secure 40% of the proposed dwellings as affordable units. These would make a significant contribution towards addressing the Borough's significant affordability needs in the short term, in line with the level sought by Policy RES12 of the TBP. Through cross-examination it was agreed that the appeal scheme would provide for a different demographic in an ageing village community. Each of these significant benefits of the appeal scheme weigh substantially in favour of the appeal proposal and support the Framework's approach to the delivery of new homes in terms of level and mix.
68. The appeal proposal would create jobs in construction and the supply chain. It also has potential to house some economically active people, thereby

¹⁵ Core Documents CD 5.7, CD 5.19, CD 5.20 and CD 5.23

supporting the Borough's economic aspirations and growth targets and increasing the household spend in the local area. These economic benefits support the Framework's approach to economic prosperity and weigh heavily in favour of the appeal scheme.

69. It has been evidenced that the site is not of particular ecological value. There are adequate controls to secure the enhancement of existing hedgerow, increased accessible public open space and a biodiversity net-gain in excess of the requirement of Policy NAT1 of the TBP. These benefits do not conflict with the Framework's approach to the environment and each weigh moderately in favour of the appeal proposal.
70. In terms of social benefits, the appeal proposal would secure public open space, an equipped play area and new pedestrian linkages northwards, as an alternative route to other parts of the village and eastwards onto the Winchcombe Way. These weigh moderately in favour of the appeal proposal. However, evidence that the appeal proposal would increase community involvement is inconclusive and therefore not a benefit.

Heritage

71. Church Cottage, a Grade II listed building is located just beyond the appeal site. In line with paragraph 199 of the Framework, I give great weight to this designated asset's conservation. Its significance as a 17th century timber framed cottage, is architectural and historical. Its immediate setting, including its garden enclosure, relationship with St Margaret's Church, the neighbouring undeveloped plot and wider surrounding streetscape make a limited contribution to its totality of significance. The special attributes of Church Cottage would be preserved because the appeal scheme does not introduce built development within its setting to the west, and that can be controlled at the reserved matters stage in a way that would avoid harm.
72. In the absence of any heritage harm the Framework does not indicate that the appeal proposal should be refused. Furthermore, the appeal proposal sustains this designated heritage asset as required by Policy SD8 of the JCS. In having had special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest which it possesses, the provisions of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are satisfied.
73. In terms of the effect on the significance of Lower Farm, a non-designated heritage asset, the APC and interested parties have contended that the level of harm has been underestimated by both TBC and the appellant. The local listing criteria indicates that the central reason for its status is the architectural and historic significance of the building which is bound up in its built-form and fabric. It is evident that the property has undergone material changes since the time of the photograph in the local listing that has altered some of the aspects which contribute to its architectural and historic significance. Its built form and fabric would not be altered, although a small extent of its wider setting would be taken up by the appeal scheme.
74. In terms of its setting, the earliest available maps which post-date the construction of Lower Farm confirm that the original setting has changed, including because of the development of Alderton. The aspects of this rural setting which contribute to its significance are its private grounds and the

surrounding undeveloped landscape context identified earlier in this Decision. This setting is experienced from both inward views of and outward views from Lower Farm. The illustrative plans demonstrate a layout could be achieved at the reserved matters stage that would ensure most of its setting would remain intact and undiminished. Crucially, this particular appeal proposal could avoid coalescence given the intervening open space which could be retained as part of the scheme's layout. Overall, it would still therefore be experienced in a green countryside setting, including by users of the Winchcombe Way. The treatment of the access way to the property which passes through the appeal site could be appropriately managed at the reserved matters stage.

75. Therefore, there would be no more than limited harm to the setting of this non-designated heritage asset. However, the appeal proposal would not sustain the non-designated heritage asset, thereby conflicting with Policy SD8 of the JCS. In the context of the requirement of paragraph 203 of the Framework, relative to its significance, the scale of harm identified carries limited weight against the appeal proposal. This does not in itself provide clear reason for refusing the development proposed, although it still weighs against it.
76. My attention has been drawn to the effect on the significance of artwork referred to as the Dixon paintings. However, the appellant has confirmed no specific connection between the appeal site and these. The available evidence does not lead me to find otherwise, and I attribute no weight to this matter.

Flood risk

77. Through the provision of the proposed flood attenuation basin and compliance with conditions regarding surface water and foul drainage, the submitted evidence and absence of objection from TBC demonstrates that the appeal proposal does not pose a flood risk either within or beyond its limits. I am satisfied that there is no conflict with the PPG and Framework's approach to flood risk or Policy INF2 of the JCS in these regards.

Living conditions.

78. The appeal proposal would change the immediate context for neighbouring residents who currently enjoy exceptionally high levels of borrowed outlook from the appeal site. However, I am satisfied that appropriate separation distances, boundary treatments, building design, layouts and heights can be secured through the reserved matters to maintain a good level of day light, sunlight, outlook, and privacy. The level of additional traffic through St Margaret's Drive is evidenced as being capable of being absorbed safely by the local highway network. Any increased noise disturbance and light spill from the comings and goings from the appeal proposal of the scale proposed would be very localised. It has not been demonstrated that it would be of a level that would be out of character or cause unacceptable harm within this village context.
79. The strength of concern about the effects of the appeal proposal on wellbeing prior to, during and after the construction phase was clearly evident during the course of the appeal and to some extent can be mitigated through a suitably worded condition to manage site operations.
80. Having made my assessment on site, in the full knowledge of the concerns expressed, despite finding basic compliance with Policy RES 5 of the TBP, I do

recognise that there would be some localised adverse impacts to the living conditions and wellbeing of the occupiers of those properties which bound the site during and post construction because of the level and nature of the changes that would be experienced. As this does not amount to a level which poses a policy conflict, it carries limited weight against the appeal proposal.

Other considerations

81. There is common ground¹⁶ between TBC and the appellant that there are no other reasons to dismiss this appeal and refuse planning permission in respect to accessibility to the surrounding area and means of travel, climate change, highway safety, trees, noise, air quality, ground contamination, loss of agricultural land and public rights of way. Based on the evidence before me and subject to the relevant conditions set out in the attached schedule, I agree.

Habitat Regulations

82. There are 2 European sites within 15 kilometres of the appeal site; the Bredon Hills and Dixon Wood Sites of Special Conservation ("SAC"). In discharging my Duty as the competent authority under Regulations 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the HRA"), I have had regard to the submitted shadow assessment¹⁷. That describes the potential for Likely Significant Effects ("LSEs") on European sites, including RAMSAR sites, to arise as a result of the appeal proposal at each stage of the HRA process.
83. It is evident that no significant impacts would arise on any Sites outside the 15-kilometre zone of influence. The Dixon Wood SAC is discounted, being in private land with a lack of public access. My screening for the Bredon Hill SAC considers the project alone and in combination with other projects. Only measures that constitute part of the project design and are not intended to avoid or reduce effects on European site features are considered. The Qualifying Interest Feature is limited to the Violet Click Beetle. The SAC's conservation objectives are to ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features.
84. There is no woodland within the appeal site and none that borders it, and so it does not have any functionally linked habitat for the Violet Click Beetle. Due to the distance of the appeal site from the SAC, with no interconnected ecological pathways, and the small-scale construction proposed, it is not considered likely that any impacts would arise through the construction phase either through an increase of construction traffic or via direct impacts from on-site activity. For the same reasons neither is it considered likely that any direct impacts would arise, including habitat loss, changes in hydrological regimes or direct pollution events.
85. In terms of air quality, there are no significant infrastructure routes across or within 200 metres of the SAC. The closest strategic road is the B4080 located 680 metres from the SAC at the closest point. The appeal proposal would result in a relatively minor increase in the volume of traffic on the entire road network and these would predominantly be travelling along the A46 or the B4077¹⁸. Both routes are located over 2.4 kilometres from the SAC. Any impacts through

¹⁶ Core Document ref: CD 7.19 Planning Statement of Common Ground

¹⁷ Core Document ref: CD 2.4

¹⁸ As stated within the Transport Assessment Ref: 21303-TA-01

degradation of air quality would not have an LSE, either alone or in-combination, on the SAC and therefore air quality impacts are screened out from further assessment.

86. Recreational impacts have not been identified within Natural England's supplementary advice about the European Site Conservation Objectives for this SAC. Due to the intervening distance by road and absence of connecting footpaths and car parks, it is not expected that residents would utilise the SAC for recreation on a daily basis, and any visits would be infrequent. The footpaths relating to the SAC are defined and are predominantly located in open areas or along the edges of woodland with very few entering the woodland blocks. Therefore, it is not considered that any slight increase from visitors from a residential development of the scale and distance proposed would have a noticeable effect on the woodland habitat and its dead wood resource, and therefore on the Violet Click Beetle. The potential effects of a small, occasional, and insignificant increase in recreational pressure alone or in combination with other plans would not affect the integrity of the habitats that are present and thus the Violet Click Beetle.
87. In conclusion, LSEs are screened out from direct impacts and indirect impacts including degradation of air quality and recreational impacts upon Bredon Hill SAC. Consequently, it has not been necessary to take the assessment of the Proposal to Stage 2,3 or 4. In exercising my statutory Duty, I find that the appeal proposal would not have any adverse effect upon Bredon Hill SAC. Consequently, my assessment does not indicate that the appeal should be dismissed, and planning permission refused in this regard.

Presumption in favour of sustainable development

88. I have concluded that TBC cannot demonstrate a 5-year supply for the delivery of housing. Consequently, I must apply the Framework's presumption in favour of sustainable development. Paragraph 11(d) of the Framework states that this means where the policies which are most important for determining the application are out of date, granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
89. For the reasons set out earlier, the application of the policies in the Framework that protect areas or assets of particular importance do not provide clear reason for refusing the development proposed. Furthermore, in determining whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, it is clear that the extent of the identified housing land supply shortfall in the Borough is considerable. The contribution that the appeal proposal would make to this in terms of both market and affordable needs and also the range and choice of the future supply all align with the Framework's approach to housing delivery and each weighs substantially in favour of the appeal proposal. For the reasons provided earlier, I have found that the economic benefits align with the Framework and weigh heavily in favour of the appeal scheme. The environmental benefits and social benefits

which I have identified do not conflict with the Framework and each weigh moderately in favour of the appeal scheme.

90. I have found that the conflicts with the most important development plan policies for this appeal weigh moderately against the appeal scheme. In landscape terms, the partial non-compliance with Policy SD6 and Policy SD7 of the JCS given the identified harm to the landscape, including the setting of the AONB, carry limited weight against the appeal proposal. The harm to the setting of Lower Farm, the adverse impacts on neighbouring residents' living conditions and the continued high levels of fear surrounding the third main issue each carry limited weight against the appeal proposal.
91. However, when taken overall, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development is a significant consideration and weighs substantially in favour of this appeal proposal.

Planning Balance

92. The starting point for my Decision must be section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
93. In this context, consistent with the appellant's stance, the appeal scheme is not in accordance with the development plan read as a whole because of the scope and level of the identified collective policy conflicts. The weight that I attribute to the conflicts with particular development plan policies is set out earlier and, when taken as a whole, carries moderate weight against the appeal proposal. In terms of the other considerations, despite the identified harms which weigh against the appeal scheme, I have found that this particular proposal fulfils the Framework's presumption in favour of sustainable development. This weighs substantially in favour of the particular appeal proposal.
94. Subject to the proposed conditions and planning obligations, overall those matters weighing in favour of the appeal proposal, including meeting the presumption in favour of sustainable development and the overall contribution to the Borough's housing land supply outweigh the conflict with the development plan when taken as a whole. This justifies a decision being made contrary to the development plan in this particular instance.

Conditions

95. Condition 1, 2 and 3 are necessary to define the scope and duration of this outline planning permission in line with section 92 of the Town and Country Planning Act 1990¹⁹. Conditions 4 and 5 are necessary for clarification, the avoidance of doubt and to define the permission.
96. Condition 6 is necessary to control building heights to ensure the development is sympathetic and well-integrated. In managing the use of materials, levels, finished floor levels and ridge heights, conditions 8 and 9 are necessary in the interests of residential and visual amenity.

¹⁹ As amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

97. Condition 23 is necessary to manage external lighting is necessary in the interests of biodiversity, local character and setting of the AONB and residential amenity.
98. Condition 10 is necessary in the interests of residential amenity and the safe operation of the adopted highway both during the demolition and construction phase of the development.
99. Condition 11 is necessary to prevent existing trees from being damaged during construction work and to preserve the amenities of the locality. Condition 25 is necessary in the interests of biodiversity, visual amenity and the character and appearance of the area and to ensure that the landscaping is carried out at an appropriate stage.
100. Condition 16 is necessary to protect local biodiversity and protected species. Conditions 17 and 18 are necessary to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.
101. Conditions 12 and 19 are necessary to ensure that there is a satisfactory means of drainage and risk of creating or exacerbating a flooding problem and pollution is avoided for the lifetime of the development.
102. Condition 13 is necessary to make provision for the investigation and recording of any archaeological remains which may be present in accordance with paragraph 205 of the Framework. Conditions 14 and 15 are necessary to ensure the effective implementation of waste minimisation and resource efficiency measures. Condition 20 is necessary to ensure that risks from land contamination to the future users of the site and off-site receptors are minimised.
103. Condition 21 is necessary to ensure that the proposed access is completed in accordance with the agreed details in the interests of highway safety. Condition 22 seeks to manage the provision of appropriate cycle and vehicle parking and charging provision within the appeal site, necessary to promote sustainable travel and healthy communities.
104. Condition 7 is necessary to ensure that an appropriate housing mix is delivered to contribute to the creation of mixed and balanced communities. Condition 24 seeks to secure the distribution of an appropriate residents welcome pack, necessary to ensure that new residents are informed of all local services, facilities, and groups available to them to help promote community cohesion and to support the wellbeing of future and existing residents within the village. Condition 26 seeks to secure a new footpath link between the appeal site and the Winchcombe Way, necessary to ensure appropriate levels of permeability to promote social cohesion.
105. A planning condition was proposed requiring the reserved matters to accord with either Master Plan (3001 Rev H) or Parameter Plan (WG10). Although these are not inconsistent with one another, the latter shows less detail than the former. They are a consequence of the revisions to the description of development proposed. Neither plan has been the subject of formal consultation and cover matters that are reserved for future determination. This condition is therefore unnecessary.

Conclusion

106. For the reasons given and having had regard to all matters that have been raised, including other Decisions²⁰ cited by the main parties, I conclude that the appeal should be allowed, and planning permission be granted subject to the conditions prescribed in the attached schedule.

C Dillon

INSPECTOR

Richborough Estates

²⁰ As contained in Section 5 of the Core Document library

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun either before:
 - i) the expiration of three years from the date of this permission, or
 - ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. No development hereby permitted shall take place on any part of the site until details of the access (other than the main vehicular access from St Margaret's Drive), appearance, landscaping, layout, and scale of the development (the 'reserved matters') have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.
3. Applications for approval of the reserved matters for the development must be made not later than the expiration of three years from the date of this decision.
4. The development hereby approved shall provide no more than a net increase of 47 dwellings
5. The development hereby approved shall be carried out in accordance with the following approved plans:

Drawing no. 1001, Site Location Plan

Drawing no. 001 Rev P2, Site Access Design
6. The height of the buildings hereby permitted shall not exceed 2 storeys for any dwelling.
7. The first Reserved Matters application submitted pursuant to Condition 2 shall include a Market Housing Mix Statement, setting out how an appropriate mix of dwelling sizes, types and tenures will be provided in order to contribute to a mixed and balanced housing market to address the needs of the local area, including the needs of older people, as set out in the local housing evidence base, including the most up-to-date Strategic Housing Market Assessment for the area at the time of the submission. The development shall be implemented in accordance with the approved Housing Mix Statement.
8. The relevant Reserved Matters application(s) submitted pursuant to Condition 2 shall include details of the materials to be used in the construction of the external surfaces of any building and surface treatments. Development shall be carried out in accordance with the approved details
9. The details to be submitted as part of the Reserved Matters application(s) in accordance with Condition 2 shall include existing and proposed levels, including finished floor levels, ridge heights and a datum point outside of the site. All development shall be carried out in accordance with the approved details.
10. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to

throughout the demolition/construction period. The plan/statement shall include:

- parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- advisory routes for construction traffic
- any temporary access to the site
- locations for loading/unloading and storage of plant, waste and construction materials
- method of preventing mud and dust being carried onto the highway
- arrangements for turning vehicles
- arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition Survey
- methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses

Demolition, construction works or other works which generate noise beyond the site boundary shall only take place between the hours of 0800 to 18:00 Monday to Friday and between 08:00 to 13:00 on Saturdays and at no time on Sundays and Bank Holiday. Deliveries to, and removal of plant, equipment, machinery, and waste from the site shall only take place within the permitted hours above.

11. Prior to the commencement of development, including any preparatory work, a scheme for the protection of the retained trees and hedgerows, in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The TPP and AMS should include details of the following:

- location and installation of services/ utilities/ drainage
- details of construction within the RPA or that may impact on the retained trees
- a full specification for the installation of boundary treatment works
- a specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing
- a specification for scaffolding and ground protection within tree protection zones
- tree protection during construction indicated on a TPP and construction plan and construction activities clearly identified as prohibited in this area
- details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.

All works shall be carried out in accordance with the approved details.

12. The first application for approval of Reserved Matters pursuant to condition 2 shall include details of surface water drainage works. These details shall include, but not be limited to, cross sections through the balancing ponds, details of conveyance paths from roof tops to the balancing pond, details of pollution prevention methods, details of permeable driveways, and long sections of piped drainage networks. The information submitted shall follow the principles set out in the drainage strategy (Flood Risk and Drainage Strategy, Jubb, ref. 21303-FRA&DS-01-3, CD 1.16).

Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity; the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters
- ii) include a timetable for its implementation
- iii) provide a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks
- iv) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The submitted details of surface water drainage works, shall include a timescale for their implementation and the drainage works should be implemented in accordance with these approved details and timescales.

13. A written scheme of archaeological investigations shall be submitted to and agreed in writing by the local planning authority. That scheme shall be implemented in full, and its findings reported and agreed with the local planning authority prior to the commencement of any ground works associated with the development hereby approved.
14. Prior to commencement of development (including any demolition) a detailed site waste management plan shall be submitted to and approved in writing by the local planning authority. The detailed site waste management plan must identify the specific types and amount of waste materials forecast to be generated from the development during site preparation & demolition and construction phases; and the specific measures to be employed for dealing

with this material so as to minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill.

In addition, the detailed site waste management plan shall set out the proposed proportions of recycled content that will be used in construction materials. The site waste management plan shall be fully implemented in accordance with a timescale set out within the approved site waste management plan unless the local planning authority gives prior written permission for any variation.

15. As part of the layout reserved matters submitted pursuant to condition 2, full details of the provision made for facilitating the management and recycling of waste generated during occupation will be submitted to and approved in writing by the local planning authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. All details shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

16. Prior to the commencement of development, a Construction Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide detailed Method Statements including measures to protect the stream located on the southern boundary of the site. These Method Statements shall include all the measures detailed in the Ecological Appraisal prepared by EDP dated May 2022 and the Ecology Addendum prepared by EDP dated September 2022 and Ecology Technical Note (r010a) prepared by EDP dated October 2022.

The CEMP shall include a timescale for implementation of the Method Statement and the development shall be implemented fully in accordance with the CEMP, unless otherwise agreed in writing by the Local Planning Authority

17. As part of the reserved matters submitted pursuant to condition 2 details of how the development will enhance biodiversity (demonstrating a minimum of 10% net biodiversity net gain) shall be submitted to and approved in writing by the local planning authority. The details shall include:
- updated Metric calculations based on the detailed site layout and landscape scheme and calculated using the latest version of the Defra metric and up-to-date baseline habitat and condition assessments and justifications.
 - a Biodiversity Gain Plan.
 - A timetable for implementation.

The development shall be carried out in accordance with the approved details.

18. Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the

Local Planning Authority. The LEMP should expand on the mitigation and enhancement measures outlined in the Ecological Appraisal prepared by EDP dated May 2022 and the Ecology Addendum prepared by EDP dated September 2022. The content of the LEMP shall be guided by the requirement to achieve the Biodiversity Net Gain scheme approved under condition (18) above and maintain this after implementation.

All works shall be carried out in accordance with the approved LEMP

19. Prior to the commencement of development drainage plans for the disposal of foul water flows will be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
20. Prior to the commencement of development an Investigation and Risk Assessment, to assess the nature and extent of any contamination on the site, whether or not it originates on the site, shall be submitted to and approved in writing by the Local Planning Authority.

If required, pursuant to the findings of the approved Investigation and Risk Assessment, a detailed Remediation Scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority.

The approved Remediation Scheme (if it is required) must be carried out in accordance with its terms prior to the commencement of development other than demolition, site securing, or works required to be carried out as part of an approved scheme of remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved Remediation Scheme, a Verification Report that demonstrates the effectiveness of the remediation, including a monitoring and maintenance scheme if required, must be submitted to and approved in writing by the Local Planning Authority.

In the event contamination is found at any time when carrying out the approved development that was not previously identified, it must be immediately reported in writing to the local planning authority, and development shall be halted on that part of the site affected by the unexpected contamination.

An investigation and risk assessment must then be undertaken in accordance with the Environment Agency's relevant guidance and, where necessary, a remediation scheme also submitted. Following completion of measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the local planning authority before development can recommence on the part of the site identified as having unexpected contamination.

21. The development hereby approved shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on drawing reference 001 RevP2.
22. Vehicle and cycle parking shall be provided prior to first occupation of each dwelling in accordance with details to be contained within the approval of any reserved matters permission. Such details shall include a scheme for enabling charging of electric plug-in and other ultra-low emission vehicles. External parking and charging points shall be maintained for these purposes thereafter.
23. Prior to the installation of any street external lighting, or lighting in communal areas, for the development hereby permitted details of the lighting shall be submitted and approved by the local planning authority. This lighting scheme shall show contour plans highlighting lux levels, specifically when spilling onto adjacent/important habitats for wildlife. The development hereby permitted shall not be carried out otherwise than in accordance with the approved lighting details and the approved lighting details shall thereafter be retained for the lifetime of the development, unless agreed in writing by the Local Planning Authority
24. Prior to occupation of any residential dwellings hereby approved, details of a Residents Community Welcome Pack will be submitted to the LPA for approval. The first occupant of each dwellinghouse shall be provided with a copy of the approved Residents Community Welcome Pack, upon first occupation of the dwelling."
25. The landscaping details to be submitted pursuant to Condition 2 shall provide full details of both hard and soft landscape proposals. The landscape scheme shall include the following details:
 - a) positions, design, materials, and type of boundary treatments to be erected.
 - b) hard landscaping materials.
 - c) a plan showing details of all existing trees and hedges on the site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.
 - d) a plan showing the layout of proposed tree, hedge, shrub, ornamental planting, and grassland/wildflower areas.
 - e) a schedule of proposed planting, noting species, planting sizes and proposed numbers/densities.
 - f) a written specification outlining cultivation and other operations associated with plant and green grass establishment.
 - g) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting, seeding, or turfing shall be carried out in the first planting and seeding season following the occupation of the building(s) (or agreed phase of development) or completion of the development, whichever is the sooner. Any new trees, hedgerow, or other soft landscaping plants which, within a period of 5 years, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of the same size or species unless otherwise first agreed in writing by the Local Planning Authority. Any pruning works shall be carried out in accordance with BS 3998:2010 (or any standard that reproduces or replaces this standard).

All soft landscaping shall be carried out in accordance with approved details.

26. Prior to the occupation of any residential units on the site, details showing how a pedestrian connection between the site and the Winchcombe Way PROW to the east shall be secured, including a programme for its implementation, shall first be submitted, and approved in writing by the Local Planning Authority. The pedestrian connection shall be provided in accordance with the approved details and programme and kept open for use by members of the public in perpetuity thereafter.

End of conditions schedule

APPEARANCES

FOR THE APPELLANT:

COUNSEL:

P G Tucker KC
S Sheikh

Called:

J Richards BA (Hons) MTP MRTPI Senior Director, Turley

W Gardner BSc (Hons) MSc CMLI Director, The Environmental Dimension
Partnership Ltd

A Crutchley BA (Hons) PG Dip (Oxon) MCIFA Director, The Environmental
Dimension Partnership Ltd

And participating in round table discussion:

K Wesson Legal Director, Shakespeare Martineau

FOR THE LOCAL PLANNING AUTHORITY:

COUNSEL:

J Patterson Principal Planning Lawyer

Called:

R Pestell MPhil MRTPI Director, Stantec UK Ltd

S Ryder BA (Hons) CMLI Director, Ryder Landscape Consultants Ltd

P Instone BSc (Hons) Dip TP MRTPI Director, Applied Town Planning Ltd

And participating in round table discussion:

G Spencer, Tewkesbury Borough Council

B Boucher, Gloucester County Council

J Nunes dos Santos, Gloucester County Council

FOR ALVERTON PARISH COUNCIL (RULE 6 PARTY)

Cllr West

Cllr Broderick MRTPI

INTERESTED PARTIES:

J Shepherd

D Shepherd

T McKelvie

J Appleton

D Henry

C Parkhill
N Roe
M Newman
M Ellis
J Kettle
S Hughes
H West
J Hamilton
P Searle
J Todd
N Tiley (on behalf of Robert Hitchins Ltd)

INQUIRY DOCUMENTS

1. Appellant's opening submissions
2. LPA opening submissions
3. Alderton Parish Council (Rule 6) opening submissions
4. Interested party statements
 - 4.1 John Shepherd
 - 4.2 Deborah Shepherd
 - 4.3 Tom McKelvie
 - 4.4 John Appleton
 - 4.5 David Henry
 - 4.6 Charlotte Parkhill
 - 4.7 Nigel Roe
 - 4.8 Michael Newman
 - 4.9 Martyn Ellis
 - 4.10 John Kettle
 - 4.11 Sarah Hughes
 - 4.12 Helen West
 - 4.13 Jane Hamilton
 - 4.14 Pete Searle
 - 4.15 J Todd
5. S106 with Gloucester County Council (final draft, 05.04.23)
6. S106 with Tewkesbury Borough Council (final draft, 05.04.23)
7. CIL Compliance Statement, LPA version
8. CIL Compliance Statement Summary, Gloucester County Council - as issued 11.04.23
9. CIL Compliance Statement, Gloucester County Council - as issued 11.04.23
10. Note for the Inspector on the Parameter Plan and Illustrative Masterplan
11. Statement from Mr Tiley on behalf of Robert Hitchins Ltd, dated 03.04.23
12. Neighbour notification letter for original application (22/00624/OUT), 28.06.22
13. Listing details for Church Cottage, Historic England webpage extract
14. Appellant and Council's Agreed Note for the Inspector on the Housing Land Supply Statement of Common Ground.
15. A list of the third parties that were sent neighbour notification letters on the

- original planning application
16. Additional/amended comments from Sarah Hughes
 17. Additional/amended comments from Deborah Shepherd
 18. Additional/amended comments from John Shepherd
 19. Email correspondence from TBC Ecologist dated 19.01.23 re 22/00624/OUT
 20. Consultation comment from TBC Ecologist dated 19.01.23 re 22/00624/OUT
 21. Additional Representations Sheet for Planning Committee 17.01.23 re 22/00624/OUT
 22. Minutes of Planning Committee 17.01.23 re 22/00624/OUT
 23. Application for Partial Award of Costs Against the Local Planning Authority by the Appellant, 17.04.23
 24. Local Planning Authorities response to the Appellant application for a partial award of costs, 19.04.23
 25. Local Planning Authority closing submissions
 26. Rule 6 Party (Alderton Parish Council) closing submissions
 27. Appellant's closing submissions.

END