

16/01453/FUL

**Almsbury, Vineyard Street, Winchcombe**  
**Applicant: Beechcroft Developments & Trustees Of GM Brocklehurst**

Valid 06.01.2017

Proposed construction of a 52 bed care home and 53 assisted living units (C2 use), including the conversion of Almsbury Barns. Associated hard and soft landscaping and parking.

Grid Ref 402512 228026

Parish Winchcombe

Ward Winchcombe

## **RECOMMENDATION Refuse**

### **Policies and Constraints**

NPPF

Planning Practice Guidance

Proposed Main Modifications Version of the Joint Core Strategy (MMVJCS) 2017 - SP2, SD5, SD8, SD9, SD10, SD11, SD13, SD15, INF1, INF2, INF3, INF5, INF7, INF8

Tewkesbury Borough Local Plan to 2011 - March 2006 - GNL11, HOU4, HOU11, HOU13, TPT1, TPT6, HEN2, EVT2, EVT3, EVT5, EVT9, LND6, LND7, NCN5, AGR6, AGR7

Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031 (WSNP) - Policies 1.1, 2.7, 3.1, 3.2, 3.3, 4.4, 5.1, 5.2, 5.3

Cotswolds AONB Management Plan

Planning (Listed Buildings and Conservation Areas) Act 1990

Grade 1 (Sudeley Castle) and Grade II Star (Sudeley Castle Historic Park and Garden)

Grade II (Almsbury Farm and associated buildings)

Cotswolds Area of Outstanding Natural Beauty

PROW including Cotswold Way National Trail

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

The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

#### **Winchcombe Town Council**

The Town Council supports the principle of developing a scheme of specialist housing for the elderly and construction of a care home including restoration of the historic barns, to a scale and extent no larger than that currently proposed, subject to certain caveats, including;

- There must be no adverse impact upon archaeology;
- The traffic survey should be repeated as the Town Council believes the existing survey is fundamentally flawed;
- The applicants giving a binding undertaking to ensure that the proposed Assisted Living Units would remain as such in perpetuity and negotiations are undertaken to increase the number of smaller units intended to satisfy identified local housing need to 12 in total.
- The possible introduction of a mini-bus service for the use of residents in accessing local and regional facilities and rationalisation of the car parking arrangements and provision for pedestrians and mobility scooters on Vineyard Street;
- The roofing material to be used throughout the scheme should be limited to Cotswold tiles;
- Consideration by the applicants to provide facilities to enable the replacement of some of the services lost by the closure of Winchcombe Hospital;
- Demonstration that there is sufficient capacity in the foul water drainage system to accommodate the anticipated flows from the development; and
- The applicants entering into a S.106 Agreement containing the following provisions:
  - (i) appropriate financial contributions being made towards the new Cemetery off Mount View Drive, Winchcombe Park and the local Health facilities.
  - (ii) the provision of a dedicated footpath/cycleway between Vineyard Street and Castle Street either through the site or elsewhere through the Sudeley Estate.
  - (iii) the provision of at least 12 residential units to satisfy identified local need.
  - (iv) the provision of a scheme to ease the flow of water under the bridge at Castle Street to reduce the risk of flooding

**Conservation Officer** - Objects. This site is extremely sensitive in heritage terms, and even the applicants' own heritage consultants acknowledge that the scheme would result in harm to the historic environment, and that any decision must hinge on an assessment of its wider merits. In terms of mitigation, it is likely that only a much smaller scheme, centred on restoring Almsbury Farm, would represent an acceptable level of heritage impact.

The proposed re-use of the redundant buildings at Almsbury Farm is welcome in principle but it is at the price of a development with profound, negative impacts. No exploration of alternative sites with less impact on the historic environment has been presented so the 'clear and convincing' case for the harm arising from this location has not been made.

**Landscape Officer** - Objects on the following grounds

- High degree of visual prominence of the site, due to topography and landscape inter-visibility. Housing development as proposed would potentially urbanise and adversely affect the rural character of the wider countryside, significantly changing and weakening the landscape setting and settlement edge to the conservation area of Winchcombe and the setting of the grade II\* park and gardens of Sudeley Castle;
- Adverse landscape and visual impacts to the setting of the Cotswold AONB and permitting the application would set a precedent for further development along the southern edge to Winchcombe which has the potential to cause landscape harm.

**Urban Design Officer** - Objects to the proposal on the following grounds:

- The scale of the proposed scheme is at odds with the informal rural character of the original farm buildings and the wider open parkland setting. The amount and scale of development in relation to the existing farm buildings is out of keeping and inappropriate; it would have an overbearing impact on these listed buildings and the setting of the listed buildings.
- The scale and massing of the flats is also a concern as they are large and bulky and the topography of the site also exacerbates this issue.
- The scheme does not work well with the contours of the site and this results in large amounts of retaining wall which have a negative impact on the landscape setting. The development would appear dominant when viewed from surrounding rights of the way and would have a negative impact on the open landscape character of this area.

**Housing Enabling Officer** - Objects as the proposal does not meet the needs of households who cannot afford to rent or buy houses on the existing housing market. Also expresses concern about the accessibility of the site for people with limited mobility.

**Historic England** - Objects as the development as proposed would harm the setting of Sudeley Castle (Grade I), its Grade II\* Registered Park and Garden and the character of the Winchcombe Conservation area.

**County Highways Officer** - Objects as the application fails to demonstrate that safe and suitable access is achievable and the layout could lead to conflicts between vehicular traffic, pedestrians and cyclists.

**County Archaeologist** - Concerned that construction ground works required for this development may have an adverse impact on significant archaeological remains and therefore, recommends that in advance of the determination of this planning application the applicant should provide the results of a programme of archaeological assessment and evaluation. No additional information has been submitted by the applicant in respect of the requested programme of archaeological assessment.

**Lead Local Flood Authority** - No Objection subject to appropriate planning conditions.

**Crime Prevention Design Advisor** - No objection subject to the inclusion of appropriate measures relating to external lighting and surveillance of car parking and apartments.

**Natural England** - No objection subject to standing advice.

**CPRE** - Object. The scheme proposes an exceptionally intensive development, accessed via a totally unsuitable road. The development would be isolated and unsustainable and highly visible from the local footpath network, including the Cotswold Way and also from the Cotswold escarpment to the south of Winchcombe.

**Badger Trust**

- In the absence of any meaningful data on badgers within the application site being provided within the

submitted ecological report, the Badger Trust suggests that the following measures be adopted; The submission of a Method Statement for the construction work and long term considerations relating to appropriate boundary treatment and green space.

**Wales and West Utilities** - Gas pipes owned by other Licensed Gas Transporter and also privately owned may be present in this area. Whilst not objecting to the current proposal, WWU have advised that no building works must take place over any plant or enclose apparatus and the applicant is advised to seek advice on this issue direct from WWU.

### **Local Residents**

Support 28 representations of support have been received. There comments are summarised as follows;

- There is a real need for the provision of this type of development in Winchcombe for those local residents who may wish to downsize;
- The Town needs better facilities for its aging population;
- The provision of a Care Home facility is greatly welcomed - it is very difficult for elderly family members to visit relatives who are located in Care Homes extant from Winchcombe. It will however be important for those developing the proposed Care Home to liaise carefully with our local medical practice to ensure that the impact of increased numbers of frail and elderly folk can be factored into our local health services.
- Will provide much needed additional employment for local residents - and as a multiplier - further custom for town-based services, businesses and facilities.
- This is a high quality submission and the development should blend well with the surrounding landscape. The site is surrounded by a comprehensive shelter belt of trees and as such should have virtually no visual impact on surrounding areas and will not be visible from the Castle. It also enjoys the benefit of being really close to the town centre.
- Far more preferable to ordinary residential development as we have been obliged to accept in recent times;
- This will benefit older Winchcombe residents of long standing who are previously obliged to leave the town because of the lack of suitable residential care and accommodation locally;
- The Almsbury Farm site has been an eyesore for many years and it good to know it will put to good use;
- The development will free properties for families etc. to enable a much more sustainable and balanced community than exists at present, given the town's ageing population;
- The location of the site has the benefit of being close to the town centre and services/ shops;
- Provision should be made for those in need to benefit from rented affordable retirement homes;
- The proposal would appear to preserve the appearance of the beautiful barn;

Objection 115 representations of objection have been received. There comments are summarised as follows;

### **Traffic and access**

- The proposal does not appear to have made proper parking arrangements for their contractors' vehicles on site - vehicles may spill onto the extremely limited on-street parking on Abbey Terrace and Gloucester Street causing further disruption to an already crowded road;
- Chevron parking and old trees on Vineyard Street should stay as they are. These houses have no space for occupants to park their vehicles. Parking for the owners is essential and moving the parking space into the field further on would be unsightly in an AONB.
- Additional to increased traffic created by the residents of 53 assisted living units, the care home itself would require a considerable number of visits by service vehicles carrying laundry, food supplies, general and clinical waste, medical supplies etc. Traffic is already very bad (sometimes intolerably so) in Winchcombe, and the cumulative effect of more development on this scale would add a substantial extra burden on our town;
- 40-50,000 tonne lorries and large cranes were utilised within the similar Beechcroft development at Chipping Norton which caused damage to existing road surfaces;
- Large lorries accessing Vineyard Street could cause damage to these listed buildings;
- Concern regarding the structural integrity of the bridge serving the site and its ability to cope with large construction traffic;
- The bridge over the old railway line next to the Penhurst Gardens Beechcroft site in Chipping Norton has had to undergo emergency repairs due to the big increase in traffic that has taken place during the 2 years of construction on-site.
- The sloping nature of the site and relative remoteness from the town centre may lead to those residents with mobility issues becoming isolated. Pedestrian access to and from the site via both Vineyard Street and Castle Street would be via very narrow and inadequate pavements entirely unsuitable for use by elderly and infirm people;
- Vineyard St is a through-road for 8 months of the year and the development will increase congestion along

this highway;

- The plan to reduce the number of parking spaces on Vineyard Street gives no consideration to the residents of Vineyard Street who struggle to park due to the above traffic on the best of days;
- The traffic survey submitted in support of the proposal is not representative or accurate as it was carried out at a time when Sudeley Castle is closed and several roads were closed around the town for Severn Trent works;
- Both Vineyard Street and Castle Street have a steep gradient. The average gradients are 9.7 % and 16.7 % respectively. (Expert advice puts the Average Safe Gradient as 6 - 8%) - to negotiate the roads and the junctions at the top of Vineyard Street and Castle Street for a wheelchair user or mobility scooter would be extremely dangerous;
- Ambulances and emergency services would find it difficult and dangerous to access the development due to the traffic difficulties along Vineyard Street;
- There is firm evidence that an average of 17-27 staff would be employed daily, not 5 as suggested in the planning application, adding further traffic for Vineyard Street and again at its junction;

### **Landscape and Environment**

- The site is located within the AONB and the adopted Neighbourhood Development Plan seeks to protect the AONB from unsympathetic development;
- Building here would diminish the striking views from many public footpaths above the town;
- Development on this site would transform its rural character and the relationship between Vineyard Street, people, and place are relevant considerations in determining that this is a valued landscape that should not be built on;
- the row of lime trees on the walk up to Sudeley Castle are going to be damaged and one even cut down spoiling the walk up the hill for all the walkers and cyclists and tourists alike;
- There are many other locations throughout Tewkesbury Borough that are not in the AONB where this type of development would be better located. The AONB should be protected for future generations;
- The NPPF requires applications for major development within an AONB to be refused unless there are exceptional circumstances. This application cannot be considered as an exceptional circumstance and in the context of Winchcombe, this application is for a "major" development;
- The site is outside the existing built up southern limit of Winchcombe and on the south side of the river Isbourne that creates a natural boundary;
- The site is currently completely dark at night and inhabited or used by many species of owls and bats and other wildlife. Development of the AONB on this scale and with buildings of the proposed height would undoubtedly result in unacceptable light pollution from the onsite roadways and vehicles, car parks and residences which would adversely affect the wildlife.

### **Heritage Assets**

- The scale and density of the development in relation to the Grade 2 barns would be overpowering and out of character, and will be detrimental to the tranquil setting of Almsbury Farm. The proposed car parking area would be completely at odds with the setting of the listed barns;
- The application suggests that five workers would be on site at any one time but this seems very low for a care home of this size;
- The large influx of new residents over and above the existing population and recent housing developments within the town would place a huge burden on existing facilities and infrastructure such as medical facilities;
- The proposed site of the development is unsuitable, being within the Winchcombe Conservation Area and the AONB and building here would impact the views from many public footpaths above the town. The development would also cause harm to the setting and significance of the conservation area, and cause harm to the landscape and scenic beauty of the AONB;
- The site borders the parkland of a Grade II listed historic house and forms part of the historic and rural approach to Sudeley Castle. The site also contains a Grade II listed Cotswold Barn and the proposal is totally inappropriate and would harm the setting of these assets;
- The access entrance leading to Sudeley Castle is along Vineyard Street which was designed and planned by Emma Dent, who could have been argued would have been one of the first women architects of our time therefore should be protected and promoted as such.

### **Flood Risk and Drainage**

- The application states the proposed development is in a very low flood risk area even though it is clearly located directly adjacent to the River Isbourne. This river has caused major flooding issues in the town on many occasions directly downstream from this development site;
- A development of this size and scale will significantly increase the run off of rainwater directly into the river, increasing the risk and impact of flooding further downstream in the town. The application acknowledges this issue but then fails to offer any tangible measures to alleviate the position;
- The flooding risk to the downstream areas are sensitive to very minor increases in water flow, as we have

seen in the years since 2007. The proposed development, even allowing for the water attenuation plans will, during heavy and prolonged rainfall, impact the river capacity.

- The sewage system at this side of Winchcombe was installed in Victorian times and it is questionable whether the capability of the main sewer to take the additional volume.

### **Infrastructure**

- Allegedly the local doctor's surgery is currently at capacity and would be unable to accommodate the needs of the Nursing home let alone the entire site;

### **Housing**

- The applicants have indicated that the assisted living units will only remain whilst the Residential Home remains. A binding undertaking to ensure that the proposed Assisted Living Units would remain as such in perpetuity should be sought;

- The development is classed as C2 (families, young people, singles and healthy down sizers, all excluded), and secondly, it would not contribute to any allocation Winchcombe may receive as a result of the JCS/Local Plan;

- The location of this site is so popular with walkers that it will turn visitors away. This land should be protected and made into something for all the community to make use of;

- This development is aimed towards the elderly population and does not take into account that most of Winchcombe is aged between 25 and 64 (according to 2011 Winchcombe Census). Therefore, this area could be used for something that would benefit the whole community;

- The proposed cost of the affordable accommodation within the development appears too expensive for local residents to be able to buy;

- Legal undertakings to ensure the proposed assisted living units would remain as such in perpetuity are difficult to enforce. Many such developments soon become C3 properties and largely become second homes.

### **Residential amenity**

- The local area would have a significant increase in noise pollution affecting the local residents' properties.

- The development would result in unacceptable light pollution from the onsite roadways, car parks and residences which would materially affect the enjoyment of nearby residential housing and open spaces;

### Neutral comments

- The proposed car parking should be less intrusive;

- Important to ensure that proposed parking remains available to visitors and is not dominated by people who work in the town.

- In the interests of visually harmonising this development with its surroundings, a Cotswold tile should be used on all roofs rather than the proposed Spanish slate.

### Letters of representation have also been received from the following:

- *Chairman of Friends of Winchcombe*, a member organisation with 535 members. Friends of Winchcombe **object** to the proposed development. Their concerns relate to traffic/access; inaccuracy of the submitted traffic impact survey; harm to the AONB; harm to the setting of heritage assets; inaccessibility of the site for older residents; lack of benefit arising from the development to existing Winchcombe residents given that the units would not be affordable; lack of suitability of the site for the proposed C2 and evidence of similar sites developed as C2 when in reality they become residential C3 within very short timescales;

- *Partners of Winchcombe Medical Centre* - **Object** to the proposal on the grounds; the town already has a disproportionately high number of over 65's and the Practice is within the top 5 within the country for the amount of older patients per doctor. Partners are concerned that the addition of this development without restrictions would intensify pressures on the Medical Centre and decrease services to existing patients by reduced access and increased wait times.

- Laurence Robertson M.P. Objects on the following grounds; Scale of development out of keeping and would have a detrimental impact upon the conservation area and AONB; Existing traffic problems/congestion would be greatly exacerbated; Safety implications due to potential conflict between pedestrians and construction traffic along Vineyard Street; the scheme represents major development within the AONB and should be refused accordingly.

### **Planning Officers Comments:** Lisa Dixon

#### **1.0 Introduction**

1.1 The application site is located on the south eastern periphery of Winchcombe town and comprises some 3.2 hectares. Open parkland landscape of the Sudeley Castle Estate adjoins the site to the south, with far reaching views of the distant Cotswold escarpment beyond. To the north and east, the site is bounded by the

River Isbourne and Beesmoor Brook respectively and by the grade II listed 18th/19th Century Almsbury Farm building to the west. Adjoining part of the northern boundary of the site are the residential properties of 'Beam End', 'Tilia House' and 'Indian Queens', together with a relatively modest piece of land given over to allotment gardens. Castle Street lies beyond the residential properties to the north. Vineyard Street adjoins the site to the west and provides vehicular access to the site from the centre of town and also provides access to Sudeley Castle estate to the south. The cottages lining either side of Vineyard Street, together with the bridge are Grade II Listed **see attached site location plan**.

1.2 The site itself comprises a range of stone barns which are individually Grade II Listed. A range of modern farm buildings occupy the southern part of the site. The historic buildings are currently redundant although the modern buildings are utilised in connection with the keeping of livestock in the site.

1.3 A network of Public Rights of Way cross land to the west and south, including the Cotswold Way which has National Trail status. The non-designated heritage asset of 'Almsbury Lodge' lies to the south-west of the site and the Grade II Listed bridge serving Vineyard Street, lies in close proximity to the north-west.

1.4 The site lies wholly within the Cotswolds Area of Outstanding Natural Beauty and within the Winchcombe Conservation Area. The eastern portion of the site also lies within Flood Zones 2 and 3. In addition, part of lower portion of Vineyard Street and part of the proposed alternative pedestrian access to serve the development via Castle Street, lie within Flood Zones 2 and 3.

1.5 The site lies outside of Winchcombe's residential development boundary as defined in the Tewkesbury Borough Local Plan - March 2006 and also outside of the Built up Area boundary for Winchcombe as defined within the Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031 (WSNP).

## **2.0 Planning History**

2.1 Planning permission and listed building consent were granted to redevelop this farm complex to provide new visitor facilities for Sudeley Castle in 2003 and 2002 respectively, the planning application also being subject to a Section 106 agreement (Ref: 00/8820/0753/FUL & 00/8820/0754/LBC). Following fire damage to the main stone barn in January 2004, which destroyed the roof and first floor structures and left the building in a dangerous condition, Listed Building Consent was granted to reinstate the barn in June 2005 (Ref: 04/8820/1674/LBC). Previous applications for planning permission and listed building consent to alter and extend the farmhouse and adjoining outbuilding to provide a larger residential unit, alter/rebuild the complex of listed stone farm buildings and erect new buildings to provide 24 workspace units and 3 multi space units were withdrawn in June 2006 (Ref: 05/8820/1593/FUL) following concerns raised about the scale of the development and harmful effect on the listed buildings and their setting.

2.2 An alternative scheme for conversion of the historic barns to provide 24 work space units, together with an alternative scheme to extend the listed farmhouse was submitted on 23.11.2006 but subsequently withdrawn on 05.02.2007 prior to proposed committee determination on 06.02.2007 (Application ref: 06/01167/FUL; accompanying LBC application ref:06/01168/LBC).

2.3 The accompanying Listed Building Consent application for conversion of the listed farm buildings also appears on the schedule (Application ref: 16/01454/LBC).

## **3.0 Current Proposal**

3.1 The current proposal seeks to demolish the existing modern farm buildings and erect a 52 bedroom care home within the south-western portion of the site. The scheme also includes the construction of 53 'assisted living' units and the conversion of the listed range of farm buildings to provide 5 of the 53 assisted living units and community rooms.

3.2 The 'assisted living' units would be age restricted in that at least one of the occupants of each unit would be required to be aged 55 or over. Residents of the assisted living units would be required to undertake an independent care needs assessment and 'care' would be offered by the new care home and third party domiciliary care provider. The supporting planning statement advises that a Unilateral Undertaking would ensure that care services are offered by the care home to meet the needs of the occupants of the assisted living units. Care packages provided as part of the assisted living would include personal care, laundry, meals and housekeeping and would be administered by the care home staff. The developers have advised that, as with their other developments elsewhere, the use of a legal obligation would ensure that the assisted living units have access to an appropriate level of care services within the care home for as long as the care home is in use and providing the needs of the care home residents are not compromised. The assisted living units would be sold on a long (999 years) lease with restrictions that none could be sold without owners

signing a deed of covenant regarding their occupation and an independent assessment of care needs would be required when someone enters a lease.

3.3 There would be a full-time manager who would reside on site within the proposed manager's flat to oversee management of the assisted living units. A further deputy manager and handyman would be employed to look after the units and gardens. The total number of employees proposed in respect of the development is stated within the submitted application form to be 60.

3.4 The conversion of the existing buildings is outlined within the submitted Design and Access Statement as follows;

- The barn is to be restored and converted for community use.
- The adjacent stable area to be restored and converted to provide ancillary space for the community rooms.
- The two storey building forming the north-west wing of the complex to be restored and converted as a house to form part of the assisted living development.
- The low south western cowsheds to be restored as storage areas.
- The very low north eastern pig sty to be rebuilt to create a new bungalow as part of the assisted living development.
- The dilapidated cow sheds adjacent to the pigsty to be restored and converted as part of a bungalow with some additional space built on the abandoned footprint of earlier structures.
- Two bungalows to be built on the L-shaped footprint of previously demolished sheds.

3.5 The proposed new stone-built 52 bed care home would replace the open sided tin sheds which currently occupy the south-western portion of the site. The building would be of two-storey construction and of relatively traditional design with stone gables and Cotswold slate roof. The intended occupants of the care home are stated to be frail elderly and dementia patients. The sole proposed vehicular entrance to the site would utilise the existing access via Vineyard Street, with an area of on-site parking created to the site frontage to serve the care home. It is also stated within the supporting documentation that the operators of the proposed care home would provide care not only for residents within the home but also for purchasers of the assisted living units.

3.6 Beyond the farm buildings to the north of the entrance road, two terraces are proposed, each of four stone-built cottages. A block of eight one-bed flats would be erected within the northern extent of the site. The supporting information states that this element of the proposal has been included as a result of local consultations. Also within this portion of the site is proposed a small group of single-storey buildings, - two bungalows and a 'car-barn' - bordering the open 'parkland' area which would occupy the northern-most part of the site.

3.7 Within the eastern portion of the site, occupying the steeper slopes dropping down to the Beesmore Brook, two further blocks of accommodation are proposed which include semi basement garaging and a number of flats and houses (10 units and 18 units respectively). To the south of these units, close to the southern boundary of the site, a pair of cottages is proposed.

3.8 A new pedestrian route from the site through to Castle Street is proposed and associated landscaping and internal access roads are also proposed as part of the current scheme. A landscaped attenuation/drainage pond is proposed within the northern extent of the site as part of the proposed 'parkland' area. **See attached plans**

#### **4.0 Planning Policy Context**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031.

4.2 Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework (NPPF), and the emerging Cheltenham, Tewkesbury and Gloucester Joint Core Strategy. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

*Tewkesbury Borough Local Plan to 2011 - March 2006*

4.3 The application site lies beyond the current settlement boundary for Winchcombe and therefore the proposal does not comply with saved Local Plan Policy HOU4, which restricts new housing to limited purposes relating to affordable housing and rural activities. Policy HOU4 is considered to be consistent with the Framework in that it seeks to promote sustainable patterns of development and protect the countryside from encroachment and should be afforded significant weight. The Council is able to demonstrate a five-year supply of deliverable housing sites and saved policy HOU4 is considered up-to-date.

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

#### *Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031*

4.5 The Winchcombe and Sudeley Neighbourhood Plan (WSNP) received formal adoption on the 24th January 2017. The formal adoption of the WSNP now means that it forms part of the Development Plan for the area. Thus, in view of the adopted status of the Plan, it is considered that the relevant policies detailed below carry full weight in respect of the current application.

4.6 Policy 1.1 (Protecting the Distinctive Character of the Area) of the WSNP provides that development should respect local character and must protect and enhance the Cotswolds AONB. The reasoned justification sets out the importance of protecting the town, when viewed from the AONB and also sets out the importance of protecting the AONB, in relation to its setting for the town.

4.7 Policy 2.1 (Development for a thriving economy) encourages new business uses at various locations including the Almsbury Farm complex (part of the current application site) subject to various conditions including that conversion or restoration works respect the character of the immediate area and/or buildings and that the local road system is capable of accommodating the traffic generated by the proposed use. The Almsbury Farm complex is identified *'If not developed as part of a wider housing and care home development'*.

4.8 Policy 3.1 (Infill Development) supports residential development on infill and redevelopment sites, provided that they are within the built up areas (as shown within the proposals map), well designed and meet all relevant requirements set out elsewhere within the plan. This site is not within the identified built up area.

4.9 Policy 2.7 (Sudeley Castle) seeks to support development which supports Sudeley Castle as a tourist attraction whilst preserving the significance of the heritage asset.

4.10 Policy 3.2 (Meeting local needs for new homes for those with modest incomes) of the WSNP provides the following;

*'Where six or more homes are proposed (or 11 or more outside the designated AONB area) the development must include provision of affordable housing'.*

4.11 Policy 3.3 seeks to promote the provision of almshouses or small bungalows for older people provided they are infill proposals and are built to wheelchair accessible standards.

4.12 Policy 4.4 (Walking and Cycling routes) provides that the existing network of public rights of way will be supported and extended with developer contributions where possible, included Corndean Lane to Vineyard Street and on to Castle Street, part of which would cross the Almsbury Farm site.

4.13 Policy 5.1 (Design of new development) sets out that new development should reflect the character of its surroundings and should complement and enhance the prevailing size, height, scale and materials, layout, density and access of any surrounding development.

4.14 Policy 5.3 (Winchcombe Conservation Area) seeks to conserve and/or enhance the conservation area of the Town and provide an assessment of the significance of heritage assets together with the impact of any proposal upon those assets.

#### *Emerging Joint Core Strategy*

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

4.16 The Proposed Main Modifications Version of the Joint Core Strategy (MMJCS) is the latest version of



the document and sets out the preferred strategy over the period of 2011-2031. This document, inter alia, sets out the preferred strategy to help meet the identified level of need.

4.17 Policy SP2 of the Submission JCS sets out the overall level of development and approach to its distribution. The policy states that to support their economic roles as the principal providers of jobs, services and housing, and in the interests of prompting sustainable transport, development will be focused at Gloucester and Cheltenham, including urban extensions to those settlements. Approximately 9,899 new homes are to be provided within Tewkesbury Borough - to be met through Strategic Allocations and through smaller scale development meeting local needs at Tewkesbury town in accordance with its role as a 'Market Town'. A certain quantum of housing is also to be provided at the 'Rural Service Centres' and 'service villages' identified in the JCS. Winchcombe is identified as a Rural Service Centre within the Main Modifications version of the JCS and together with Bishop's Cleeve is expected to accommodate 1860 new homes over the plan period to 2031.

4.18 Paragraph 216 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

4.19 The JCS was submitted to the Secretary of State on 20 November 2014. Its Examination in Public commenced in May 2015 and is still ongoing. The Inspector published her interim report in May 2016 and following this the three JCS Councils have approved the Main Modifications for consultation. Whilst the emerging plan is now at an advanced stage, it is not yet formally part of the development plan for the area and the weight that can be attached to its policies will be considered having regard to the criteria set out above. Relevant JCS policies and the weight that can be attributed to them will be considered in the appropriate sections of this report.

#### *Emerging Tewkesbury Borough Plan 2011 - 2031*

4.20 The Tewkesbury Borough Plan (2011-2031) will sit beneath the JCS. A draft Site Options and Policies document has been published and was the subject of six weeks of public consultation, which closed on 13th April 2015.

4.21 To set out its approach to distributing the rural housing requirement within the TBP (as required by Policy SP2 of the JCS) the Council produced the 'Approach to Rural Sites Background Paper' (as attached at Appendix D). This was published alongside the 'Draft Policies and Site Options for Consultation' version of the Borough Plan. In accordance with Policy SP2 of the JCS the requirement was disaggregated and apportioned to each settlement based on the size and functionality of the settlement and its accessibility to Cheltenham/Gloucester. The outcome of the disaggregation process is set out in a table in the document which shows the disaggregated indicative housing requirement for Winchcombe (based on the Rural Service Centre requirement of 1860 dwellings) as 345. Winchcombe has had 277 dwellings consented within the plan period so far and Bishops Cleeve (the second Rural Service Centre) has had 1,564 consented dwellings. As such, the consented number of dwellings for the two Rural Service Centres is 1,841 dwellings as of April 2017, leaving a requirement of only 19 dwellings for the remaining Plan period. A new table will be published as part of the housing background paper for the preferred options draft of the TBP to reflect any change. Whilst the background paper provides a helpful insight into the disaggregation process adopted across the Rural Service Centres and Service Villages, it is recognised that it is a background document to the emerging TBP which is at an early stage of preparation.

4.22 The draft TBP is at a much earlier stage of development than the JCS and thus can only be given very limited weight at this stage. It is anticipated that the Preferred Options version of the Tewkesbury Borough Plan will be released for a 6-week consultation in winter 2017/18.

#### *Other Material Considerations*

##### *National Planning Policy Framework*

4.23 Paragraph 12 of the NPPF confirms that the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

4.24 Paragraph 14 of the NPPF identifies the presumption in favour of sustainable development and what this means for decision taking.

4.25 Paragraph 17 sets out Core Planning Principles that should underpin both plan making and decision taking. Relevant principles include the need to take into account the different roles and character areas recognising the intrinsic character and beauty of the countryside (fifth bullet point) and to contribute to conserving and enhancing the natural environment (seventh bullet point).

4.26 Paragraph 109 states that planning should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes.

4.27 Paragraph 115 provides that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

4.28 Paragraph 116 states that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

4.29 Paragraph 49 makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

4.30 Paragraph 55 states that in promoting sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Planning decisions should aim to ensure that that development adds to the overall quality of the area and to establish a strong sense of place.

4.31 Paragraph 69 states that planning policies and decisions should achieve places which promote opportunities between members of the community who might not come into contact with one another to facilitate social interaction and creating healthy inclusive communities.

4.32 Paragraph 198 states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

## **5.0 Analysis**

### The Principle of Development

5.1 The application site lies beyond the current settlement boundary for Winchcombe and therefore does not comply with saved Local Plan Policy HOU4, which restricts new housing to limited purposes relating to affordable housing and rural activities. Policy HOU4 is considered consistent with the Framework in that it seeks to promote sustainable patterns of development and protect the countryside from encroachment and should be afforded significant weight.

5.2 On 31st January 2017, the Council approved for consultation the latest draft of the Joint Core Strategy (JCS). In doing so the Council approved the Objectively Assessed Need (OAN) for Tewkesbury which stands at 9,899. It is considered that this figure is robust having been arrived at following detailed consideration through the Examination in Public process. Following from the OAN there is an annual requirement to meet Tewkesbury's needs of 495 dwellings. Using this robust figure, taking into account current supply, the Council can demonstrate a 5.3 year supply with a 20% buffer applied (although it is not

necessarily accepted that the 20% buffer applies as the annual housing requirement has been exceeded for the past four years).

5.3 In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise), the presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply. Furthermore, for reasons set out later in this report, the presumption in favour of sustainable development does not apply (in accordance with footnote 9) as the proposal has an unacceptable impact on the setting of designated heritage assets and because the proposal constitutes unacceptable major development in the AONB.

5.4 The application site also lies outside of the WSNP infill development boundary (Policy 3.1), which seeks to restrict new residential development to infilling of existing built-up areas.

5.5 In light of the Council's five year supply position, and the amount of housing that has already been committed at Winchcombe over the plan period to date, it is not considered that there is currently a demonstrable need to justify the addition of a large quantum of housing in Winchcombe outside of the identified infill policy area of the WSNP (as shown on the Proposals Map at Appendix 1 of the WSNP) and outside of the recognised Residential Development Boundary, as defined by saved Policy HOU2 of the TBLP.

5.6 The applicant relies heavily on the premise that the Council has a housing land supply shortfall. Whilst this was the case when the Application was submitted, for the reasons explained above this position is out of date. The Applicant does also rely on the need for 'care related development'. The Housing Implementation Strategy (HIS) (June 2017) which supports the JCS states, in relation to 'Elderly Care'

*'6.6.1 The JCS Main Modifications identifies that older people accounted for 13% of the population within the JCS area in 2011 and that this proportion could increase to 20% by 2031. It is therefore essential that a proportion of new housing in the area should be suited to the needs of older people, including specialist accommodation such as nursing homes, retirement villages and care based housing including extra care.'*

*6.6.2. The need for 1,456 C3 use retirement/sheltered market housing units and 1,011 C2 use extra care units have been addressed through the JCS OAN. However, through the examination process, the need for 1,558 C2 use non-specified 'residential institution' bed spaces was identified over and above the OAN for the plan period across the JCS area (Inspector's Interim Report May 2016, Examination Document 232). A significant number of these additional bed spaces, usually made up of care home and nursing home provision, have already been constructed or consented between 2011 and the adoption of the JCS, as set out in Figure 21 below. The provision of the remaining need for C2 residential institution use bed spaces will be captured through the emerging Local Plans, divided between the three authorities.'*

5.7 The HIS sets out that there is a need for 1558 elderly care bed spaces over the plan period. Of these, 524 have been delivered including 66 within Tewkesbury Borough. The need for such development is therefore a matter which weighs in favour of the development however delivery has been strong in the plan period to date and the remainder will be provided for as set out in the HIS.

5.8 The proposal would also result in economic benefits, both during and post construction. The proposal would result in construction and post development jobs, with workers spending money in the local area. New residents would also increase spending power in the local area, helping to sustain local business as well as services and facilities.

5.9 In light of the above, in accordance with Section 38(6) of the Town and Country Planning Act 1990 and Section 12 of the NPPF, the presumption is against the grant of permission given the clear conflict with Policy HOU4 of the Tewkesbury Borough Local Plan and Policy 3.1 of the WSNP. As such, permission should be refused unless material planning considerations, including those benefits outlined above, indicate otherwise.

### **Impact upon Heritage Assets**

5.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it processes. As the site lies within the Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant. This requires that special attention is paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This requirement is

reflected in Policy HEN2 of the Local Plan, Policy 5.3 of the WSNP and emerging Policy SD9 of the JCS Main Modifications. The impact on the setting of the adjoining Historic Park and Garden is also a material consideration.

5.11 The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Furthermore, the NPPF states that, where development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits.

5.12 The Conservation Officer (CO) has advised that the main impacts of the current proposal from a heritage perspective are the principle of development, and the 'scale, prominence, proximity' criterion. It is considered that new development on the scale proposed in this location would have a negative impact on, in particular, the setting of the registered park and the various listed buildings at Almsbury Farm and also the character of this part of the conservation area. The site is currently farmland, in stark contrast to the dense built up area north of the river, and this juxtaposition, the result of Sudeley Castle's quarantining influence, is one of the most striking aspects of Winchcombe's morphology. Any development would erode this distinction and the impact of the scheme is compounded by its size and bulk: blocks B and E extend to 3 storeys and block F to 4, which would make these some of the largest buildings in Winchcombe, both in height and in footprint.

5.13 This site is extremely sensitive in heritage terms, and the CO notes that even the applicants' own heritage consultants acknowledge that the scheme would result in harm to the historic environment, and that any decision must hinge on an assessment of its wider merits. In terms of mitigation, the CO advises it is likely that only a much smaller scheme, centred on restoring Almsbury Farm, would represent an acceptable level of heritage impact.

5.14 Whilst the Conservation Officer considers the proposed re-use of the redundant buildings at Almsbury Farm to be welcome in principle, this would be, in the context of the wider scheme proposed here, at the price of a development with profound, negative impacts. No exploration of alternative sites with less impact on the historic environment has been presented so the 'clear and convincing' case for the harm arising from this location is not considered to have been made.

5.15 Historic England (HE) share the Conservation Officer's concerns in that the introduction of a clearly visible collection of new buildings would interrupt and diminish the transition from Winchcombe into the estate parkland. HE consider that, when within the parkland looking north, the development would most certainly be visible and the new built form would bring a dense form of modern housing much closer to the II\* Registered Park and Garden and Grade I Castle. The reduction of the sense of separation would harm the setting of the Sudeley Castle.

5.16 HE comment further that the progression of leaving the town; crossing the bridges; passing the lodge and travelling beside the lake was developed by the Dent Family. The new development would diminish this experience as, after leaving the settlement, the new build and the inevitable infrastructure that would accompany the development, would be apparent. The theatrical experience that underpins the significance of the designated assets would be eroded. When within the parkland looking back to Winchcombe the new build would bring the built form much closer and more readable, reducing separation.

5.17 Relative to the Conservation Area, HE note that the development would reduce the sense of separation that currently exists between Winchcombe and the Sudeley estate, evident when within the parkland looking back towards town; when entering and leaving the estate and when on Vineyard Street and Castle Street. The strong building line at the rear of the high street when viewed from the south contributes significantly to the overriding character of the conservation area and helps defines its individuality. The very fact that the Sudeley Estate abuts the historic core of Winchcombe has prevented the incremental growth of the town in this direction, giving a robust building line overlooking a rural setting. This special characteristic of the conservation area would be severely eroded by the proposed development.

5.18 HE conclude that the development, simply by virtue of its scale and massing would harm the character of the conservation area, introducing a significant amount of new build development eroding context for the town and farm group. This impact would be compounded by the general domestication of the open land with the division into gardens and creation of estate roads and parking areas. HE consider that the development as proposed would harm the setting of Sudeley Castle (Grade I), its Grade II\* Registered Park and Garden and the character of the Winchcombe Conservation area.

5.19 Whilst Almsbury farm itself is Grade II listed, and so would be beyond HE's remit in terms of the physical alterations, they nevertheless comment that the extent of development proposed would erode the ability to read this tight group and appreciate its importance as an estate farm. Beyond this neither the massing nor the design of the new build elements are in keeping.

5.20 It is also of note that Historic England asks every local authority in England to complete (and update as appropriate) an annual survey of its conservation areas, highlighting current condition, threats and trends. Conservation areas that are deteriorating, or are in very bad or poor condition and not expected to change significantly in the next three years, are defined as being at risk. The present application was factored in to the Council's 2017 returns. After moderation by Historic England staff, it is likely that the 2018 register will show that the Winchcombe conservation area is now in the 'at risk' category. Winchcombe faces pressures common to many historic country towns but the potential impact of a single large development has been sufficient to alter its status. It will be the only conservation area in the Borough on the national Heritage at Risk Register.

5.21 For the reasons set out above, the harm to designated heritage assets weighs heavily against the proposal.

#### Archaeology

5.22 The County Archaeological Officer (CAO) has advised that he has checked the proposed development area against the County Historic Environment Record. The proposed development is located adjacent to Sudeley Castle's Registered Park and Garden, and for that reason there is concern that this scheme may have an unacceptable impact on the setting of the Registered Park and Garden.

5.23 In addition, County records indicate that previous archaeological investigation undertaken in this locality has revealed the remains of an extensive Roman settlement, as well as medieval remains. The CAO is therefore concerned that the proposed development site may contain significant archaeological remains which would be adversely affected by the construction ground works required for this scheme. Therefore, in accordance with the NPPF, paragraph 128, it is recommended that this scheme should be the subject of a programme of archaeological assessment and evaluation, the results of which should be made available before the determination of any planning application made for this development.

5.24 The results of any such assessment have not been submitted and, given the potential archaeological importance of the area, this is a matter which weighs against the proposal.

#### Landscape impact and impact upon the AONB

5.25 Paragraph 115 provides that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty which has the highest status of protection in relation to landscape and scenic beauty. Paragraph 116 sets out that planning permission should be refused for major development within designated areas (including the AONB), except in exceptional circumstances and where it can be demonstrated they are in the public interest.

5.26 It is considered that, in view of the high quantum of units proposed, the scheme would comprise major development in the Cotswolds AONB and as such exceptional circumstances would need to be demonstrated for the proposed development as well as demonstrating that it is in the public interest.

5.27 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

5.28 Policy 1.1 of the WSNP sets out that development should respect local character and must protect and enhance the Cotswolds AONB.

5.29 The site forms a pastoral and river valley setting, with the open views looking towards the built up edge of Winchcombe, and there are vistas overlooking the site from dwellings within Winchcombe, and from the public right of way to the east of the site. The site is visually prominent site within the Cotswold AONB from longer distance views of the setting from the Cotswold escarpment. The Landscape Officer (LO) has commented that this area of countryside is important in extending the pastoral and riparian landscape to developed edge of Winchcombe. The visual prominence of the site is accentuated by the higher topography to the north of the site, contrasting with the lower terrain along the brook with there being a significant

difference of levels. The topography rises from Beesmoor Brook that runs parallel to the eastern site boundaries, and there are elevated views across the pastoral field from the public footpath to the east, with the site forming part of the riparian landscape setting of the River Isbourne and Beesmoor Brook. In landscape terms, Winchcombe benefits from a rural feel, extending up to the edge of the town, characterised by a strong distinction between the surrounding countryside and the developed edge of the conservation area.

5.30 The LO considers that the proposed higher level dwellings along the Beesmoor Brook (Blocks F and F1) would be particularly intrusive to the setting. The form, scale and massing of the proposed buildings would damage the rural feel and uninterrupted vistas of the site, pastoral countryside setting and impair the attractive vistas extending towards the historic core of Winchcombe. Consequently, the LO raises strong objection to the scheme in that it would adversely affect and irrevocably change these open views across this landscape, and potentially adversely affect the landscape setting of the AONB setting, and weaken the strong definition between the historic core of the town and the surrounding countryside that has historically characterised Winchcombe.

5.31 The LO echoes the Conservation Officer's views in that development proposals that restore and bring into sustainable use the existing group of listed farm buildings along the frontage with Vineyard Street as part of a landscape led approach would have less potential to adversely affect or significantly change the sensitive landscape setting that characterises Winchcombe. However the current development proposals would introduce new build into a countryside setting within an AONB, conservation area and adjacent to a grade II\* registered park and garden, and would have considerable potential to cause significant landscape harm through the adverse landscape and visual impacts. The LO therefore objects to the current proposal in this regard.

5.32 Furthermore, it is considered that the proposed development would represent a specific local force for change identified in the Cotswold Conservation Board's Landscape Strategy and Guidelines for the Cotswolds AONB. It represents "Expansion and infilling of existing settlements fringing the lower slopes of the outliers including expansion onto the lower slopes". The Guidelines identify a range of potential landscape implications including:

- Encroachment of development onto visually prominent slopes of the Outliers
- Erosion of organic growth and linear pattern of settlements bordering roads fringing the lower slopes of individual outliers including their relationship to the landscape
- Proliferation of suburban building styles, housing estate layout and materials and the introduction of ornamental garden plants and boundary features.
- Interruption, weakening or loss of the historic character of settlements and the historic context in how they have expanded, especially the importance of the relationship between the historic core of the settlement and surviving historic features such as churchyards, manor houses, burgage plots, historic farms, pre-enclosure paddocks and closes.

5.33 As set out above, for major development in the AONB, the NPPF requires exceptional circumstances to justify such proposals. The relevant considerations are set out at paragraph 4.28 above. In terms of need, it is established that additional bed space for elderly care provision is required over the JCS period. This will be delivered in accordance with the Housing Implementation Strategy and may include further development for this type of housing in the Winchcombe area. Whilst this need, and the attendant economic benefits do weigh in favour of the proposals, this need and those benefits are expected to be delivered within the plan period and it is not considered that the need/economic benefits outweigh the clear harm to the AONB that would result in this case.

5.34 The Applicant has not carried out an assessment relating to the cost and scope of developing outside the AONB, or meeting the need in some other way. It is clear that the cost of developing a sympathetic scheme in this highly sensitive location in the AONB and in the setting of designated heritage assets including the Grade I listed Sudeley Castle, Grade II star listed park and garden and Winchcombe Conservation Area would be significantly higher than in a location not restrained by such constraints. As set out above, the identified need for this type of development is expected to be met over the JCS period.

5.35 The final consideration at paragraph 116 of the NPPF relates to the impact of the development on the environment. For the reasons explained elsewhere in this report the harms associated with, in particular, the impact on the AONB and heritage assets, weigh heavily against the proposal. Overall therefore it is not considered that exceptional circumstances exist, and that it would be in the wider public interest, in this case to justify major development which harms the AONB.

5.36 For the above reasons, the proposed development would conflict with Policy SD8 of the emerging Joint

Core Strategy Submission Version (November 2014) and section 11 of the National Planning Policy Framework. Furthermore, the Council also consider the proposal contrary to Policy 3.1 of the adopted WSNP. This represents an adverse impact weighing heavily against the proposal in the overall planning balance.

### Design and Layout

5.37 With regards to proposed design and layout, The Urban Design Officer (UDO) considers that the level of development currently proposed in this location would be inappropriate and would be out of character with the rural edge setting and morphology of the settlement. Winchcombe has a clustered settlement pattern which spreads north from the main street, there is very limited development to the south of B4632 beyond frontage development. The character beyond the edge of the settlement to the south is open and rural, with scattered farm buildings. This scheme is directly at odds with that morphology and would appear as an isolated and detached form of development that does not integrate with the town. This is heightened by the lack of pedestrian connections through to the town.

5.38 The scale of the proposed scheme is considered by the UDO to be at odds with the informal rural character of the original farm buildings and the wider open parkland setting. The amount and scale of development in relation to the existing farm buildings is considered out of keeping and inappropriate and would have an overbearing impact on these listed buildings and the setting of the listed buildings. The scale and massing of the flats is also a concern as they are large and bulky and the topography of the site also exacerbates this issue. The UDO further advises that the scheme does not work well with the contours of the site and this would result in large amounts of retaining wall which would look unsightly and have a negative impact on the landscape setting. The development would appear dominant when viewed from surrounding rights of the way and would have a negative impact on the open landscape character of this area. As such, the UDO raises strong objection to the application.

### Accessibility and Highway Safety

5.39 In terms of accessibility, paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 32 of the NPPF requires safe and suitable access to be provided to all development sites for all people.

5.40 Winchcombe is identified as a Rural Service Centre within the MMVJCS in recognition of its relatively high level of existing services and facilities and relative proximity/connectivity to Cheltenham. As a result, given the site's close proximity to the centre of the town and services/facilities contained therein, the site cannot be considered to be isolated.

5.41 Policy TPT1 of the Local Plan requires that traffic generated by development does not impair the safe or satisfactory operation of the highway network and that safe and convenient access is provided for pedestrians and cyclists. Policy INF1 and INF2 of the MMVJCS echoes this advice and requires developments to provide safe vehicular access to the highway network and to allow safe travel within the vicinity of the development.

5.42 The site is proposed to be served by a single point of vehicular access from Vineyard Street, utilising the existing access serving the historic farmstead. The speed limit in this location is 60mph, which would require 215m visibility. The County Highways Officer (CHO) has raised an objection to the current proposal on the grounds that the scheme has failed to demonstrate that an 11.3m refuse vehicle could safely enter and egress the site without overrunning the opposing carriageway at the junction and boundary features throughout the layout without potentially causing conflict.

5.43 Furthermore the CHO has advised that widths of the internal carriageways fall below the required widths for both cul-de-sacs and shared surface streets as set out within Manual for Gloucestershire Streets guidance (layouts should provide 4.8m carriageways with a 2.0m minimum unobstructed pedestrian corridor for shared surface streets and 4.8m minimum carriageway with 2m wide all sides footway for a cul-de-sac). Carriageways widths are subject to swept path analysis but the CHO considers that it has not been adequately demonstrated that refuse vehicles could manoeuvre within all areas of the development with ease, as advised within the applicant's submitted Transport Statement.

### *Parking*

5.44 Vineyard Street can suffer from on street parking issues, generally related to visitors of the castle, but

also walkers using the Cotswold Way. The submitted layout plan indicates a total of 70 parking spaces within the development, spread over a series of off-street car parks. Blocks F and F1 would have basement level parking to serve each unit. Currently GCC states a maximum level of parking provision for residential development at 1.5 spaces per dwelling. For care homes, GCC state a maximum of 1 space per 6 bedrooms and 1 space per member of staff. As stated, this is a maximum figure and the submitted Transport Statement indicates that a reduced level of parking has been proposed in order to encourage a reduction in vehicle ownership and the use of sustainable modes of travel, especially for shorter trips. Cycle parking at the development will be provided in accordance with the standards set by the local highway authority for both the residential and non-residential uses. The CHO considers the level of proposed on-site vehicle and cycle parking to serve the development to be acceptable.

### *Pedestrian Access*

5.45 The Housing Enabling Officer has expressed concern with regards to the inaccessible location of the development for an ageing population. The route to and from the development will be isolating for the majority of residents who lack mobility and require assistance to enter the town and local facilities. Any steep routes to and from older people's accommodation must be avoided so that in their later years, occupiers are not isolated. The HEO advises further that older people's accommodation must be in locations that enable easy access routes on foot and in wheelchairs. The application proposes the introduction of two separate pedestrian/cycle only access routes, firstly from the northeast corner of the site to the adjacent Castle Street and secondly through the western frontage, adjacent to the access road just south of the River Isbourne bridge. A pedestrian route from the development site along Vineyard Street towards the B4632 has been proposed, however no details of the proposed pedestrian footway have been provided in support of the application. The CHO has advised of the requirement for a pedestrian route which connects the existing footway and allows for a wheel chair pedestrian to pass an able bodied pedestrian. It is of note that the current proposal seeks to provide accommodation for older residents and as such, should adequately provide an inclusive, safe pedestrian route along Vineyard Street to link to the town.

5.46 The CHO has therefore recommended refusal of the current application on the grounds that it has failed to demonstrate safe and suitable access and has failed to create a safe and secure layout which minimises conflicts between traffic, cyclists or pedestrians, contrary to Paragraphs 32 & 35 of the National Planning Policy Framework. This is a matter which weighs significantly against the proposals.

5.47 It is considered that this development would potentially generate a significant amount of movement and therefore a Transport Assessment was required in support of the proposal which seeks to assess whether the local highway network would be able to accommodate the likely demand. A number of local residents have raised concerns regarding the legitimacy and accuracy of the submitted TA given that it carried out at a time when Sudeley Castle was closed to visitors and many local roads were closed due to Severn Trent works. This issue has been raised with the CHO and **an update will be provided at Planning Committee.**

### Flood Risk and Drainage

5.48 The NPPF sets out at paragraph 103 that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment (FRA). This advice is echoed with Policy EVT5 of the Local Plan and emerging Policy INF3 of the MMVJCS.

5.49 The River Isbourne flows in a north-easterly direction adjacent to the northern site boundary, before flowing under Castle Street and continuing to flow in a northerly direction. Beesmoor Brook is located adjacent to the easterly site boundary, flowing in a northerly direction towards Castle Street and its confluence with the River Isbourne. Whilst the majority of the site is located within Flood Zone 1, which is land at the lowest possible risk of flooding from fluvial sources, the eastern portion of the site and a small part of the northern portion of the site, lie within Flood Zones 2 and 3 in view of their proximity to The River Isbourne and The Beesmore Brook.

5.50 The submitted Flood Risk Assessment (FRA) concludes that the risk of fluvial flooding to the development itself is considered to be low given that the development has been located within the areas of low risk within the site boundary. The Environment Agency (EA) has been consulted on this issue, particularly in view of the fact that the part of the vehicular and pedestrian access lies within Flood Zones 2 and 3 and as such, safe dry access may be compromised. No response has yet been received from the EA and **an update will be provided at Planning Committee.**

5.51 The risk of surface water flooding to the development is considered within the submitted FRA to be low,



however there are some areas of the wider site indicated to be at medium to high risk. The proposed drainage strategy would provide protection to both existing and proposed properties by providing a positive drainage system, which would intercept overland flows generated within the site. The drainage system would be designed to ensure that no flooding takes place up to and including the design rainfall event (1 in 100 year return period), with additional capacity within the system to allow for the potential effects of climate change. The FRA also notes that no residential dwellings are proposed within Flood Zones 2 and 3.

5.52 The Lead Local Flood Authority (GCC) has advised that the applicant is proposing an acceptable Sustainable Drainage System and this would ensure a reduction in the flood risk on the site and from the site to surrounding areas. It would be designed to cope up to and including the 1 in 100 year event plus an allowance for climate change by attenuation and a controlled discharge, this would allow surface water to be managed on site and would also increase flood resilience for the wider area beyond. As such, the LLFA raises no objection to the proposed development subject to the imposition on an appropriately worded planning condition requiring a scheme for surface water drainage.

5.53 The applicant's FRA has concluded that the site would not be at risk from surface water flooding. The LLFA's surface water flood maps and historic flood records concur with this conclusion, and consequently, the LLFA agree with this position. With regards to Surface water management the applicant has chosen to mimic the existing drainage through proposing to discharge the site's surface water to the River Isbourne and at a rate less than the existing. A new attenuation pond is proposed within the northern portion of the site which would convey flows to the River Isbourne. This strategy is welcomed by the LLFA and conforms to the requirements for surface water flood risk of the National Planning Policy Framework.

5.54 The Town Council's request for the provision of a scheme to ease the flow of water under the bridge at Castle Street to reduce the risk of flooding via a s106 agreement is noted. However it is not considered that this could be justified given the conclusions reached by the LLFA above there is no evidence at this stage that this would be required to make the development acceptable.

## **Ecology**

5.55 The application has been supported with an Ecological Assessment incorporating an extended Phase I Habitat Survey, Bat, badger, bird and Reptile Survey. No evidence of badgers was discovered within the site and the site is considered to offer limited opportunities for nesting and foraging birds. However, the bat survey did reveal the presence of 3nos. species of bats within the site and the reptile survey revealed the presence of a low number of slow worms.

5.56 Building B1 is proposed to be retained and converted as part of the proposed development. This building supports a transitory day roost for a small number of Common Pipistrelle and a Noctule, although the submitted ecological report considers that the development would not impact upon the roost and notes that any unforeseen impacts to the roof of the building may require a Natural England European Protected Species Licence and all works to the building should be advised by a qualified ecologist prior to them being undertaken. Building B4 is proposed to be renovated, although due to its poor state of repair the majority of the building would be impacted by the proposed development. This building supports a transitory day roost for a single number of Common Pipistrelle and will require a Natural England European Protected Species Licence prior to any works. The remaining buildings within the application site were not found to support roosting bats, have no ecological value and would be lost as a result of the proposed development.

5.57 Mitigation measures identified in the report would ensure that the proposal would not have a detrimental impact on protected species or their habitats and proposed works to building B4 would be required to be carried out under Natural England Licence in the presence of a suitably qualified ecologist. Additional bat boxes would be required within the site, together with the securing of an appropriate lighting scheme to ensure that no external lighting would be placed within the vicinity of Buildings B1 and B4.

5.58 Areas of improved grassland in which reptiles were recorded are proposed to be lost to the proposals and based on the legislation for these species, a programme of capture and release to suitable habitat would be undertaken in advance of development (that would avoid killing or injuring any of the species) to ensure that an offence is avoided. In order to conform to the relevant legislation a detailed mitigation programme would be required as well as a capture and exclusion exercise in line with best practice.

5.59 Having regard to the above, should members be minded to grant planning permission a condition should be imposed requiring the measures identified in the surveys being carried out. Subject to appropriate planning conditions to secure protection of existing habitats, biodiversity enhancements and mitigation as necessary the proposed development is therefore considered to accord with the NPPF and policy NCN5 of

the Local Plan.

### Residential Amenity

5.60 The nearest residential properties are a cluster of dwellings located adjacent to the northern boundary of the site, on Castle Street ('Beam End', 'Tilia House' and 'Indian Queens'). In addition, the only vehicular access serving the development would route vehicles along Vineyard Street, past the existing row of terrace cottages that line either side.

5.61 The nearest proposed building within the site to these existing residential properties would be sited approximately 60 metres away (Building D3 - Car barn). Given the intervening distance, it is considered that the proposed development would not result in harm to residential amenity by reason of loss of light, loss of privacy or overbearing.

5.62 The potential noise effects of traffic generated by the development, to residents along Vineyard Street, is currently being assessed by the Environmental Health Officer and **An update will be provided at Planning Committee**. The assessment must take into account any noise and disturbance currently experienced to residents of Vineyard Street by visitors/tourists to Sudeley Castle.

### Developer Contributions

5.63 The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local Plan Policy GNL11 requires that infrastructure and public services necessary to enable the development to take place are either available or can be provided. Policy INF8 of the MMVJCS echoes this requirement and requires developer contributions towards the provision of infrastructure and services required as a consequence of development and requires such contributions to be agreed prior to the granting of planning permission.

5.64 As this scheme is for assisted living for people with the restriction that at least one occupier within each residential unit must be aged 55 or over and for an elderly care scheme, any contributions should reflect the needs of this particular type of development and demography. Contributions would be expected towards appropriate community facilities/infrastructure including local library infrastructure.

5.65 The submitted planning statement notes that a S106 agreement would be used to secure financial contributions and affordable housing provision in respect of the proposal. However, no Draft Heads of Terms have been submitted with the application. The Council's Community Development Officer has been consulted in respect of required developer contributions and **an update will be provided at Committee**. The Town Council requests in relation to contributions towards local facilities are noted however at this stage it is difficult to provide a view on these matters in the absence of specific costs and evidence to support them.

### Affordable Housing

5.66 Policy SD13 of the MMVJCS states that 40% affordable housing will be sought within the Borough and that *"This policy applies to dwellings (as defined by use class C3) and also any self-contained units of accommodation within a residential institution (use class C2)."* Furthermore, Policy HOU13 of the Local Plan requires affordable housing contributions for 'housing on sites of 15 or more dwellings' and Policy 3.2 of the WSNP requires the provision of affordable housing for developments of six or more homes within the AONB.

5.67 The Housing and Enabling Officer (HEO) has advised that, as at February 2017, the affordable rented need in Winchcombe was 32 households aged 55 years old and over with a need to move. Of these: 27 are in 1-bed need, with 9 of these in significant or urgent medical/welfare need, and a further 2 will be freeing up family accommodation; 5 are in 2-bed need, with 1 of these in significant or urgent medical/welfare need, and another freeing up family accommodation. The HEO further advises that other families in the surrounding area would benefit from an assisted living dwelling such as this; there are 8 households aged over 55 from surrounding areas in housing need.

5.68 The Applicant proposes *'8 small, one-bed flats to meet local requirements for affordability'*.

5.68 The SHMA identifies that appropriate affordable housing for older people is required in the Borough. The Tewkesbury Borough Council Housing Strategy acknowledges the need to provide for older people in terms of retirement living, support and care needs. The 65+ age group is identified as seeing the biggest change in terms of vulnerable people in need of support, increasing by 29.5%. With the significant growth in

the number of households over 65, support for the needs of older people with limited means is necessary. It is also recognised that this in turn would help to free-up houses for young families and supports them to live in sustainable communities.

5.69 The HEO advises that the lead commissioner for older people, Gloucestershire County Council and NHS Gloucestershire Clinical Commissioning Group (CCG) has expressed concerns developments such as that proposed may attract purchasers/tenants who are not ordinarily resident in the County. The County Council and CCG therefore support the development of provision for local residents. The CCG further considers that on-site provision of affordable rent units would support the needs of Borough residents to live in appropriate housing for their needs. There is some concern that across Cheltenham & Tewkesbury Boroughs that, at the current time, there are 127 residential care bed vacancies and whether there is demand and need for a 52-bed residential care facility in this area, however as set out elsewhere in the report there is an outstanding need for bed spaces for elderly people over the JCS period.

5.70 The HEO had advised that, should Members be minded to permit the application, a Unilateral Undertaking would be required for all assisted living occupants, together with a care needs assessment prior to entering into a sale/lease with regards to the nature of care needed for the assisted living occupants. Without certainty of care need then there is concern that occupiers may not have care needs and the accommodation would fall into C3 use rather than the specified C2 use.

5.71 In conclusion, the proposed provision of '8 small, one-bed flats to meet local requirements for affordability' even if secured via appropriate S106 agreement, would fail to accord with emerging Policy SD13 of the MMVJCS which requires 40% affordable housing. As mentioned above, the Policy applies to dwellings (as defined by use class C3) and also any self-contained units of accommodation within a residential institution (use class C2). As such, a total of 42 (40%) affordable homes would be required in respect of the proposal. The absence of an appropriate level of affordable housing weighs heavily against the proposal.

## **6.0 Overall Planning Balance and Conclusions**

6.1 The presumption is against the grant of planning permission given the conflict with saved Policy HOU4 of the Local Plan and as such permission should be refused unless material circumstances indicate otherwise. Furthermore, the scheme proposes major development within the AONB and no exceptional circumstances or benefit in the public interest have been demonstrated. As such, permission should be refused in accordance with Paragraph 116 of the NPPF.

6.2 The economic, social and environmental roles for the planning system, which derive from the three dimensions to sustainable development within the Framework, require that a balancing exercise be performed to weigh the benefits of the proposed development against their disadvantages.

6.3 Weighing against the proposal is the significant harm identified to the setting of heritage assets, including the Grade II Listed Almsbury Farm buildings, Grade II Star Registered Park and Garden, Grade I Sudeley Castle and Winchcombe Conservation Area. The proposal would also result in demonstrable harm to the special landscape character of the Cotswolds AONB, which is afforded the highest status of protection within the NPPF as it would weaken the strong definition between the historic core of the town and the surrounding countryside that has historically characterised Winchcombe. This would conflict with the aims of Policy 1.1 of the WSNP and Policy SD8 of the JCSPMMV and the Framework. It is considered that considerable weight should be attached to this adverse impact. Furthermore, the proposed development would compromise highway safety as it has not been demonstrated that a refuse vehicle could safely negotiate the access onto the highway or internal roads. The proposal also fails to provide suitable and safe pedestrian access, linking the development to the town.

6.4 In addition, in the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Policy 3.2 of the WSNP and Policies SD12 and SD13 of the Joint Core strategy Main Modifications Version. In the absence of an appropriate planning obligation, the application does not make provision for the delivery of community infrastructure and library provision and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Section 8 of the NPPF (Promoting healthy communities) and Policies INF5, INF7 and INF8 of the Joint Core strategy Main Modifications Version.

6.5 It is considered that the potential benefits which would be derived from the development would include

the supply of a new care facility and range of new housing for older residents; job creation, both during construction and within the ongoing day to day running of the development itself; additional expenditure within the settlement from new residents that may help sustain local services; and the re-use of disused historic assets (albeit this benefit is outweighed by the harm to the heritage assets as a whole).

6.6 Having regard to the above, it is not considered that the benefits arising from the development would outweigh the significant and demonstrable harms which would arise as a result of the proposals. The proposed development would not accord with relevant saved policies of the Local Plan, adopted Neighbourhood Plan and emerging JCS and would not represent sustainable development as set out in the NPPF. It is therefore, recommended that the application be **Refused**.

### **Summary of Reasons for Decision:**

### **RECOMMENDATION Refuse**

#### Reasons:

- 1 The proposed development conflicts with Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy 3.1 of the Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031 in that the site lies outside the defined residential development boundary and 'built up areas' boundary of the settlement in a location where new housing is strictly controlled.
- 2 The proposed development would constitute major development which would result in significant harm to the Cotswolds Area of Outstanding Natural Beauty by reason of the scale of development and detailed design proposed and the site's location, rising topography and detachment from the built-up settlement of the existing town. Extending the built form of the settlement in this location would encroach on pleasant and distinct views from public roads and footpaths in the vicinity. The proposed development would not protect and enhance the Cotswolds AONB and therefore conflicts with Policy 1.1 of the Winchcombe and Sudeley Neighbourhood Plan, Policy SD8 of the Proposed Main Modifications version of the Joint Core Strategy and the provisions of paragraphs 115 and 116 of the National Planning Policy Framework.
- 3 The proposed development would result in unacceptable harm to the setting and significance of nearby heritage assets and it is considered that there would be no public benefits arising from the development which would serve to outweigh this harm. Therefore, the development would be contrary to paragraphs 132 and 133 of the NPPF, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Policies 1.1, 2.7 and 5.3 of the Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031 and Policy SD9 of the Proposed Main Modifications version of the Joint Core Strategy.
- 4 The proposed development has failed to demonstrate safe and suitable access and has failed to create a safe and secure layout which minimises conflicts between traffic, cyclists or pedestrians. Furthermore the application has failed to demonstrate that the traffic impacts of the proposed development would not be severe. Therefore the proposed development is contrary to Paragraphs 32 & 35 of the National Planning Policy Framework, Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy INF1 of the Main Modifications version of the Joint Core Strategy.
- 5 In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Policy 3.2 of the Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031 and Policies SD12 and SD13 of the Joint Core strategy Main Modifications Version.
- 6 In the absence of an appropriate planning obligation, the application does not make provision for the delivery of community infrastructure and library provision and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Section 8 of

the NPPF (Promoting healthy communities) and Policies INF5 and INF7 of the Joint Core strategy Main Modifications Version.

- 7 The site is located within an area of Floodplain, which is categorised as being at risk of flooding as defined in the NPPF. The submitted Flood Risk Assessment is insufficiently detailed and the modelling fails to appropriately assess the impacts of climate change. The level of detail regarding flood risk on the site is insufficient to support a site specific planning application as outlined within the National Planning Policy Guidance notes. Therefore, the Flood Risk Assessment fails to demonstrate that people and property will be safe during flood events for the lifetime of the development. Furthermore, it has not been demonstrated that the Sequential Test has been undertaken to establish that there are no sites in areas with a lower probability of flooding that would be appropriate for such a development within the local authorities' area. For these reasons, the proposed development would be contrary to the core principles of land-use planning set out at Section 10 (Meeting the challenge of climate change, flooding and coastal change) , Policy EVT5 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging Policy INF3 of the Joint Core strategy Main Modifications.

Notes:

- 1 **Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.

