

**TEWKESBURY BOROUGH PLAN:  
EXAMINATION 2020**

**MATTER 3A – ALLOCATIONS OUTSIDE THE GREEN BELT**

**Statement on behalf of Bromford Housing Association (BHA) ID. 347**

**January 2021**

**Approval for issue**

**Authorised by:**

Planning Director

2021-01-29

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## Matter 3A – Allocations outside the Green Belt

### Main Issue

Issue: Whether the housing allocations and settlement boundaries identified in the TBP are consistent with the provisions of the JCS and justified and whether the site-specific allocation policies are effective.

(Note: This matter includes site specific issues, non-site specific issues of principle are considered under Matter 2).

### 3.3 Considering each Policy RES1 site in turn:

- ***What is the current use of the site and is there any relevant planning history? Are there any current planning applications or appeals?***
- ***If planning permission has already been granted or is there a resolution to grant permission, at what stage should the allocation be deleted from the plan and the notation on the Policies Map be changed to that for a committed site?***
- ***Is the housing allocation justified given the site selection criteria, constraints, infrastructure requirements and potential impacts? Is the site either deliverable during the next five years or developable during the plan period?***
- ***Is the indicative capacity figure for the allocation justified?***

3.3.1 The responses set out in this statement are specifically in the context of Bromford Housing Association's (BHA) interest on Land off Delavale Road/Orchard Road (WIN1). The statement follows previous correspondence regarding the promotion of the site by P E Duncliffe Ltd (PED), who promoted the site up to the Regulation 19 stage. BHA have taken over as formal promoter of the site and will now take the site forward through the local plan process.

3.3.2 BHA are a major housebuilder and local housing association with significant experience developing sites within the local area.

#### Current use and planning history

3.3.3 To confirm, the current use of the proposed allocation site under the control of BHA is agricultural and there is no relevant planning history. There are also no current planning applications or appeals relating to the site.

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### Justification for allocating WIN1

- 3.3.4 National policy supports the promotion of sustainable development in rural areas where this will enhance or maintain the vitality of rural communities and support local services [NPPF 2019, paragraph 78]. BHA agrees that Winchcombe is one of two Rural Service Centres in the Borough and thus providing housing site allocations at the settlement would be consistent with the JCS Spatial Strategy set out at Policy SP2. [CD001, paragraph 3.15]. Furthermore, BHA agrees that the settlement of Winchcombe supports a number of services and facilities, and parties are agreed that the proposal of WIN1 represents a sustainable location for development for market and affordable housing [EB013, paragraph 2.10-2.11]. This agreed position has been informed by evidence of the sustainability credentials of Winchcombe as set out in Rural Settlement Audit (updated 2017) [EB011a, Appendix 1].
- 3.3.5 Further justification for the allocation of WIN1 in the TBP derives from the fact that the Council can now only demonstrate 1.82 years worth of deliverable land within the Borough. This is based on post-submission evidence from a recent appeal decision in Gotherington<sup>1</sup> issued on 12th January 2021. Therefore, BHA contends that there is a clear need to identify opportunities for short-term growth brought forward in suitable locations in response to tackling this problem, to which Land off Delavale Road/Orchard Road (WIN1) offers one such opportunity and is capable of being delivered in the next five-year period (see further commentary on deliverability of WIN1 later in this statement).
- 3.3.6 The methodology for the distribution of housing development and the identification of sites within the TBP is set out within the Housing Background Paper [EB013] as referenced in the TBP submission version [CD001, paragraph 3.18] and includes a consistency check against relevant national and local (JCS) policy guidance.
- 3.3.7 In relation to WIN1, the results of the desktop assessment process are presented at the matrices provided at Appendix E to Housing Background Paper [EB013] (*NB: site WIN1 was assessed here under reference WIN010 as referenced in the Assessment of Land Availability [EB015c]*). The only constraints worthy of note identified in relation to WIN1

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<sup>1</sup> APP/G1630/W/20/3256319

related to the existing policy constraints (AONB) and technical issues relating highway access.

3.3.8 In relation to potential access constraints and impacts from bring forward the site, BHA contend that the site can be accessed safely through the provision of vehicular and pedestrian access onto Delavale Road with suitable visibility splays possible in both directions.

3.3.9 BHA therefore contend that the site allocation WIN1 is soundly-based in principle, and that the site is capable of being developed without causing an unacceptable adverse impact on the landscape and scenic beauty of the Cotswold AONB. BHA recognise that suitable developable areas on site must however be informed by a Landscape and Visual Impact Assessment as set out in Policy WIN1 [CD001] and that this work is in progress in order to support the forthcoming planning application submission for the site.

3.3.10

Deliverability of WIN1

3.3.11 BHA contend that the site is deliverable and developable as defined in national policy [NPPF, paragraph 67]. BHA also contend that the site is available for development now and it will be delivered within the five-year period starting from the adoption of the Tewkesbury Borough Plan. Pursuant to this, BHA are in the process of preparing a detailed planning application for development of land in its ownership at Delevale Road / Orchard Road. On this basis, BHA contend that commencement of development could begin during 2022/23 with completion expected before the end of 2024/25. Table 1 below sets out the expected delivery trajectory and rate of development.

Table 1 - Delivery trajectory for Site WIN1 (land within BHA control)

Site name	Location	Capacity	Delivery				
			2021-22	2022-23	2023-24	2024-25	2025-26
Land off Delavale Road/Orchard Road	Winchcombe	80 dwellings		30	40	10	
		110 dwellings		30	40	40	

3.3.12 Confidence on this trajectory can be taken from the fact that the scheme is in the control of a housebuilder, who has the ability to bring the site forward without the impediments of marketing the proposals. BHA are also in the progress of preparing a planning application

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for submission to the Council, which can be approved following adoption of the TBP, providing further assurances of early delivery. Site WIN1 will therefore assist TBC in demonstrating a five year supply of deliverable housing sites.

#### Site capacity

- 3.3.13 BHA recognise that the site capacity of 80 dwellings for WIN1 is indicative. However, representations submitted at the Regulation 19 stage (on behalf of PED) raised soundness concerns with Policy WIN1 regarding the curious nature of the proposed site allocation boundary (discussed further later in this Statement), and the non-effective use of land given that a higher density development is possible without undermining the characteristics of the site or surrounding area, in particular the AONB.
- 3.3.14 BHA reiterate this concern that the use of a density of 20dph applied to the net developable area as a basis for the indicative site capacity is not justified in this case. This contradicts the methodology for calculating site capacities using 'density multipliers' [EB013, Table 9]. This is derived from the approach set out in Table 1 of the Assessment of Land Availability report submitted to the examination under the heading 'Density Assumptions – Residential' [EB015a]. This defines the density assumptions for Tewkesbury as 30-40dph for urban areas and 30dph for 'other areas'. It is noteworthy that the methodology makes no allowance for sites located at or on the edge of settlements within the Cotswold AONB. Accordingly, WIN1 would fall into the latter category by location. Based on applying this assumption to the density multiplier of 63% of the gross site area, this would generate an 'indicative' capacity of 117 dwellings to WIN1<sup>2</sup>.
- 3.3.15 BHA notes there is no explanation in the submitted TBP [CD001], or in the supporting evidence, to justify the reduction of 37 dwellings, or 32%, from the 117 figure calculated using the TBC's own methodology down to 80 dwellings.
- 3.3.16 BHA are also aware of other schemes within the surrounding area, including within the Cotswold AONB, where higher development densities have been permitted. A list of recent

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<sup>2</sup> Site area of 6.2ha as stated in Policy RES1 (Table 1) for WIN1. At 63%, this equates to a net developable area of 3.9ha.  $3.9 \times 30\text{dph} = 130$

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planning approvals granted at Winchcombe is attached at **Appendix 1** to this statement to illustrate this point.

3.3.17 Nonetheless, in terms of site capacity, BHA recognises the inter-play that exists between policies that seek to conserve the AONB and policies that seek the efficient use of land, and that it is necessary to consider these policies in the round. In applying this balance to the capacity of WIN1, BHA acknowledge that an appropriate density for the site will reflect the surrounding context given its location in the AONB. BHA therefore consider that the capacity for the site should be derived following a 'landscape-led' approach to the masterplanning of the site underpinned by a range of technical assessment that would demonstrate that the increased provision could be accommodated at the site, rather than simply applying density in a mechanistic way. BHA would also highlight that pre-application discussions with TBC are ongoing and work is being progressed to devise a suitably and sensitively designed scheme for the site.

3.3.18 On this basis, BHA maintain that the reduced site capacity for WIN1 of 80 dwellings is not justified.

***Where there is a site-specific policy for the allocation, is this justified, consistent with national policy and would it be effective?***

3.3.19 In relation to the site-specific policy criteria set out in Policy WIN1, BHA maintains the soundness objections submitted by PEP at the Regulation 19 stage.

3.3.20 In addition, BHA understands that TBC is now seeking a further (post-submission) main modification seeking to insert additional text onto the penultimate criterion of the policy. This modification would require the provision of a secondary pedestrian and cycle access connecting the south eastern corner of the site with Orchard Road.

3.3.21 BHA notes that TBC the proposed (post-submission) modification relates to the inclusion of an area of land to the south-eastern corner of the allocation (approx. 0.45 ha) that abuts Orchard Road]. With regards to the inclusion of this area of land, BHA does not consider it justified or effective. To clarify, BHA do not consider that the inclusion of additional land proposed for housing and for a secondary access is necessary in order to make the allocation sound and should not be taken forward as part of a modified policy. BHA contend that this smaller sub-parcel of land is in separate ownership to the wider WIN1 allocation

and is being promoted separately. TBC therefore recognise that the delivery of WIN1 would involve two landowners, but that BHA is the more significant developer of the site in terms of quantum of development being brought forward. However, should the two parties fail to reach agreement over its inclusion, there is the potential that this could prevent the development being delivered, resulting in the further diminution of the Council's housing supply.

3.3.22 In addition, whilst BHA acknowledges the intention of the modification, they also do not consider it necessary or justified to insert the text into the policy, based on the commentary in the supporting evidence for the allocation. Firstly, the outputs from the detailed site assessments undertaken for each site option are summarised in the Housing Background Paper [EB013, Appendix F], which informed the selection of preferred sites in the TBP [EB013, paragraph 5.19]. In the detailed site assessment table for the Winchcombe sites, under WIN1 (referenced as Site 7 here), it states, "*Transport evidence finds proposed access opportunities to be acceptable...*". Secondly, whilst stating that the inclusion of an alternative access point might 'enhance sustainability' of the site [EB013, paragraph 11.6] the supporting evidence does not make clear that a secondary access is required to ensure that development of the site for housing is acceptable, or preclude the site from providing only one access point for the site. Furthermore, BHA also contends that the site can be accessed safely through the provision of vehicular and pedestrian access onto Delavale Road with suitable visibility splays possible in both directions.

3.3.23 Lastly, BHA also contend the proposed (post-submission) modification now being put before the examination does not accord with the legislation that defines the remit and scope of any main modifications considered by the Inspector. This is because, as stated in the PINS Guide for Local Plan Examinations (paragraph 1.4 refers) the Planning Act<sup>3</sup> allows main modifications (MMs) to be made only if they are necessary to make the [submitted] plan sound and/or legally compliant, whilst other modifications can be made but only if they do not materially affect the plan's policies as submitted (usually described as 'minor modifications'). However, BHA contend that the modification proposed does not seek to address soundness concerns but simply seeks to improve the policy by expanding on the

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<sup>3</sup> s23 of the Planning and Compulsory Purchase Act 2004

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existing criteria in Policy WIN1. Therefore, in applying the rules governing the scope of the examination process, BHA therefore consider the modification proposed here would fall into the second ('minor') category of modification but would, if adopted, materially change the policy (Policy WIN1).

3.3.24 Consequently, BHA strongly suggests that the Inspector should not be asked to consider the modification, as drafted, as it falls outside the scope of the main modifications the Inspector is allowed to consider at this stage in the examination process as defined in law.

3.3.25 Furthermore, BHA see no reason to modify the policy criterion and request that the TBP is adopted based on the wording of the criterion as submitted for examination.

### **Winchcombe**

#### **WIN1 – Land off Delavale Road/Orchard Road**

- ***Would the proposal amount to major development in the AONB and, if so, are there exceptional circumstances and would it be in the public interest? (The tests in NPPF paragraph 172).***
- ***To what extent would the proposal conserve and enhance landscape and scenic beauty in the AONB?***
- ***If acceptable in principle, is the precise boundary of the site justified in the light of the topography? Should areas of adjacent land be included?***

#### Major Development and Exceptional Circumstances

3.3.26 With regards to whether or not development on WIN1 would constitute 'major development', BHA agrees with the conclusions in the Housing Background Paper that development of the site would not constitute major development [EB013, paragraph 13.1-13.9].

3.3.27 Nonetheless, BHA acknowledge that the provision of new housing and associated open space and supporting infrastructure on WIN1 might arguably constitute 'major development'. Therefore, the guidance set out in national policy [NPPF, paragraph 172] for considering proposals in the AONB is considered to be of relevance. This includes the identification of exceptional circumstances and other public benefits of the proposals at WIN1.

3.3.28 On the matter of exceptional circumstances, BHA is in broad agreement with the judgment of TBC [EB013, paragraph 13.9] that such circumstances can be demonstrated and the

development would be in the public interest. BHA would like to reiterate that there is a need to ensure that the future needs of Winchcombe are met in a genuinely plan-led way through the allocation of land in the local plan and that sufficient land should be identified in order to properly address the proportional growth requirements of the settlement up to 2031. This currently totals (at April 2020) a committed supply of 274 dwellings (based on total completions and permissions up to April 2020, but excluding WIN1) against an indicative housing requirement of 597 dwellings up to 2031. This equates to just 46% of Winchcombe's indicative figure (see BHA Matter 2, paragraph 2.8.3 for further discussion on this point). Therefore, it is BHA's view that there is a pressing need for additional land to be allocated at Winchcombe in order that future needs can be met in a genuinely plan-led manner, consistent with national policy [NPPF, paragraph 15].

3.3.29 Secondly, as evidenced by the Council, BHA contend that a significant over-provision of housing has occurred at the other Rural Service Centre in the Borough; Bishops Cleeve [EXAM001B, Appendix 4, Table 6] at the expense of Winchcombe. This is primarily due to Bishops Cleeve being less constrained by the AONB. However, this does not resile TBC from making appropriate provision for the needs of the existing and future population of Winchcombe, including making provision for much-needed affordable housing [EB013, paragraph 13.9], bullet point 1].

3.3.30 Thirdly, and in BHA's view the most pertinent circumstance in Winchcombe, there are no better or more suitable alternative sites at Winchcombe to accommodate the future housing needs of the settlement, other than on WIN1. This means there is very limited scope for developing outside of the AONB at Winchcombe [EB013, paragraph 13.9 and 11.6].

3.3.31 Consequently, BHA contend that, when taken as a whole, these factors represent exceptional circumstances and that the delivery of additional housing, including affordable housing, brought forward through in a plan-led manner represents a clear public benefit for the people of Winchcombe.

#### Conserving and enhancing landscape and scenic beauty in the AONB

3.3.32 BHA agrees with TBC that the site is capable of being developed without causing an unacceptable adverse impact on the landscape and scenic beauty of the Cotswold AONB, and concurs with TBC's overall conclusions on AONB-related development considerations with respect to development on WIN1 [EB013, paragraph 13.8], which has been informed

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by the Winchcombe Landscape and Visual Sensitivity Study (WVLSS) 2014 [EB019, paragraphs 3.4-3.7; Appendix A].

3.3.33 To reiterate, BHA contend that the WIN1 forms a component of a larger area within this part of the AONB that has low landscape and visual sensitivity. The character of the WIN1 is influenced by urbanising features of the existing settlement edge but this also provides the site with a strong sense of enclosure.

3.3.34 BHA acknowledge that there is potential for slight adverse effects to the local and site landscape character due to loss of openness, but mitigation planting has potential to offset initial adverse effects. In this regard, BHA wish to highlight the intention to provide new publicly accessible open space for new residents on the part of the site that abuts the western boundary (as it relates to the BHA land ownership), and which would be located above 115m contour line. This would include detailed arrangements being made for the provision of new planting as well as the restoration of existing hedgerows that run along the western boundary extent. BHA contend that the provision of new open space and landscaping measures along the western edge of the site would take advantage of the opportunities afforded to limiting built development above the 115m contour line, in accordance with national policy [NPPF, paragraph 172c] as well as making more effective use of the land available.

3.3.35.

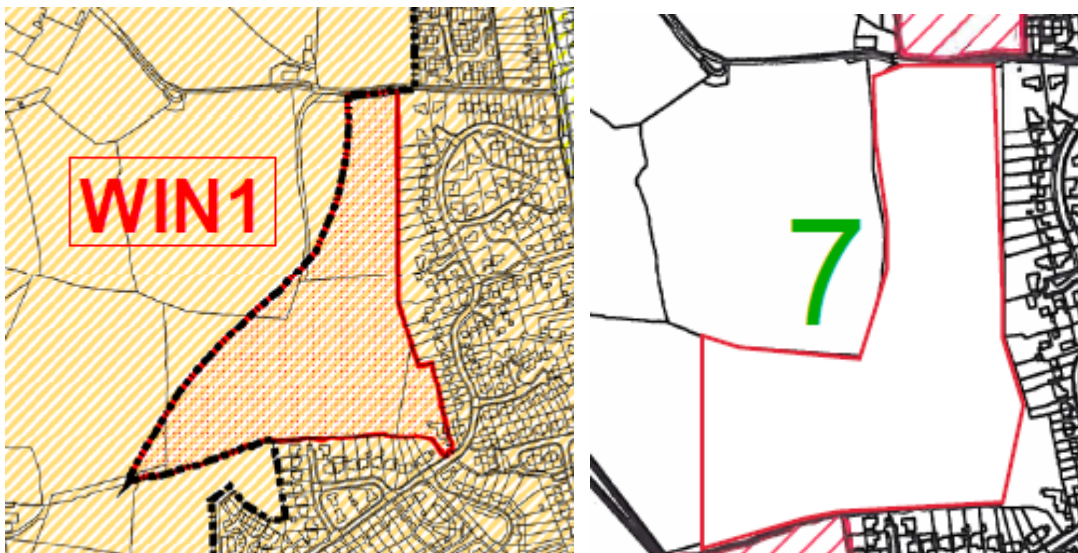
3.3.36 Consequently, the development of WIN1 would not, in BHA's view, result in significant adverse effects to the character and visual amenity of the Cotswolds AONB or to the local landscape character within the Escarpment Outliers Local Landscape Character type. Furthermore, development mitigation planting has the potential to introduce landscape enhancements which will conserve and enhance local landscape character and visual amenity, which would therefore help to conserve and enhance landscape and scenic beauty in the AONB, in accordance with national and local policy.

#### Boundary of the site allocation

3.3.37 As set out in representations submitted (by PEP) at the Regulation 19 stage (under Policy WIN1), BHA does not consider the proposed allocation to be justified or effective.

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3.3.38 To reiterate, BHA considers that the proposed allocation boundary, which would ultimately define the western settlement boundary, is not justified as it does not follow physical land boundaries on the ground, which would make land assembly particularly difficult. For example, the inclusion of two small triangular shaped parcels of land located along the western and south-western corner clearly extend into the adjacent field, which are not under BHA's control. This can be seen on the extracts shown below, one based on the site area being promoted by BHA and the other showing the proposed allocation boundary in the TBP [CD002b].



3.3.39 As an update on this point, BHA understands that TBC has taken the opportunity, post-submission, to review discrepancies in the mapping associated with site WIN1. This includes a redrawn boundary to exclude small areas of overlap with adjoining field parcels, reflective of the 115m contour line. BHA consider these to be 'drafting errors' rather than raising issues of soundness.

3.3.40 Further to this, and for the Inspector's benefit, BHA have been in discussions with TBC and have agreed the details regarding the principal access point to the site. Following these discussions, it is now agreed that the primary vehicular and pedestrian access would be taken from Delavale Road in the north east corner of the site. This would involve the demolition of a frontage property on Delavale Road within BHA's control and parties agree that for completeness, the red-line boundary should include this land. BHA understands that TBC will produce a map illustrating all the boundary discrepancies highlighted in this

statement and that these will be included in the Statement of Common Ground (SOCG) currently being prepared.

3.3.41 As explained above, when taking into account BHA's response on site capacity (paragraph 3.3.13-3.3.24), BHA also contend that the quantum of development allocated to WIN1 can be solely delivered on land under BHA's control, without the need for additional land to be identified as part of the wider allocation boundary located in the south eastern corner of the site. Consequently, the site allocation boundary should be adjusted to allow the parcels of land to be brought forward independently by both landowners and not conjoined as part of the same allocation.

3.3.42 BHA also notes that the western line of the site allocation boundary is drawn in order to follow the '115m contour' line, which is intended act as an absolute limit on 'all' development further west of this line, as shown on the allocation map above. As stated in the regulation 19 representations under Policy WIN1, BHA contend that the 115m contour should not act as an 'absolute limit' on development and see no reason why non-built development, for example comprising public open space or other landscape features incorporated into the overall design layout, should not be provided north of the 115m contour line.

3.3.43 Notably, nowhere in the Council's evidence base, in particular the WLVSS [EB019], does it explain that locating non-built development on land above the 115m contour would adversely affect the landscape and scenic beauty or lead to unacceptable visual intrusion into the AONB. In response, BHA are of the view that any person using the public open space provided as part of the development of WIN1 would not be disadvantaged by the topography of the site.

3.3.44 On this basis, the site allocation boundary should be adjusted to follow the existing landscape features provided by existing hedges and field boundaries that run along the western edge of the site shown on the right above, based on the land parcel assessed in the Housing Background Paper [EB013, Appendix B] and incorporating the site boundary discrepancies agreed between BHA and TBC as highlighted in this statement . This would then ensure that the site allocation is consistent with any planning application that would clearly need to follow established boundary features, as well the land ownerships under the control of BHA.

## RECENT DEVELOPMENT PRECEDENTS IN WINCHCOMBE

Application Ref.	Address	Description	Density	AH %	Notes	Design Features
<a href="#">09/00353/FUL</a>	Land Off Gretton Road, Winchcombe,	Proposed residential development comprising 24 affordable dwelling units (4 no. 1 bed flats, 14 no. 2 bed houses and 6 no. 3 bed houses).	38dph (0.63ha)	100%	Approved 24 <sup>th</sup> Feb 2010 Site just outside development boundary, however, considered acceptable location for AH by Planning Committee.	Simple form around a single access road Provision of vista through site to AONB Use of traditional design with heights consistent with existing properties adjacent the site Simple design, utilising ridges, eaves and gables.
<a href="#">12/00464/OUT</a>	Land Between Greet Road and Gretton Road, Winchcombe	Outline application for residential development comprising up to 120 dwellings, vehicular access from Gretton Road, public open space, facilities for sport and recreation and other associated infrastructure (appearance, landscaping, layout and scale to be reserved for future consideration)	N/A	35%	Refused 30 <sup>th</sup> April 2010 Appeal Allowed 14 <sup>th</sup> May 2013 Significant HLS shortfall – 2.7 years Significant landscape harm and conflict with development plan policy but outweighed by substantial benefits through contribution towards housing land supply in the face of a serious short-term deficit.	N/A
<a href="#">13/00212/OUT</a>	Land Off Gretton Road, Winchcombe, GL54 5EL	Outline application for proposed cross subsidised affordable housing scheme comprising 2 x 1 bed flats, 12 x 2 bed houses, 4 x 3 bed houses and 3 x 4 bed houses (including 1 x 4 bed disabled persons house) with new access off Gretton	31dph (0.67ha)	48%	Approved 12 <sup>th</sup> December 2013 Rural Exception Scheme (Policy HOU14) – to meet local AH need. Not accepted by Council. However, TBC could not demonstrate a 5-year HLS NPPF P116 – Major development should be refused in AONB unless in exceptional circumstances where in the public interest	Overriding aim to create a development consistent with the existing character of Winchcombe. Vista through site to Cotswolds AONB Pastiche interpretation of the local vernacular



Application Ref.	Address	Description	Density	AH %	Notes	Design Features
		Road (Only landscaping reserved)			<p>Previous 2 applications refused over landscape impact, however, context changed following granting on appeal of 120 dwellings on opposite side of Gretton Road.</p> <p>Provision of affordable housing was considered to be exceptional circumstances and would contribute towards economic growth. Proposed development would not have a harmful impact upon the local environment.</p> <p>Previous concerns regarding extent of affordable housing (social integration) overcome through incorporation of 11 market units.</p>	
<a href="#">13/00986/APP</a>	Land Between Greet Road and Gretton Road, Winchcombe	Reserved matters application pursuant to application Ref: - 12/00464/OUT for the erection of 110 dwellings, public open space, sports facilities, and associated infrastructure	33dph	35%	Approved 9 <sup>th</sup> April 2014	<p>Square at core of development enclosed by apartment blocks. Square is focal point for development and aids legibility.</p> <p>Layout was amended to appear less rigid and now better reflects the form and character of the surrounding area.</p> <p>Housetypes – dwellings of traditional appearance with projecting gables, gablets, stone plinths, bay windows and timber framed porches. The dwellings are predominantly faced in reconstituted stone with a few rendered properties interspersed through the site. Roofing materials are proposed to be a mixture of slates and concrete tiles. All dwellings two storey.</p> <p>Use of parameters – width, depth and height of dwellings - 9m ridge height.</p>
<a href="#">12/01078/FUL</a>	Land at Greet Road, Winchcombe	Hybrid application comprised of a full application for 92 dwellings (to include affordable housing and associated works for landscaping; drainage; provision of	32dph	35%	Approved 27 <sup>th</sup> February 2013	<p>Designed to reflect the Cotswold Vernacular of natural stone walled houses.</p> <p>Proposed development includes short terraces, semi-detached and detached houses constructed in reconstituted stone and render with slate and plain tiled roofs</p>

Application Ref.	Address	Description	Density	AH %	Notes	Design Features
		public open space; access; and off-site highway improvements) and an outline application for associated sports/recreational facilities and a medical or community related facility (appearance, landscaping, layout and scale to be reserved for future consideration) (Revised scheme Ref: - 12/00600/FUL) -				Dwellings of traditional appearance with dominant roofs, bay windows, front gables, quoins and chimneys to selected plots. Use of front doors and plain casement windows in styles that reflect the historic parts of the town. Use of parking courts kept to a minimum.