

**Item No 04:-**

**15/00708/OUT (CD.0193/C)**

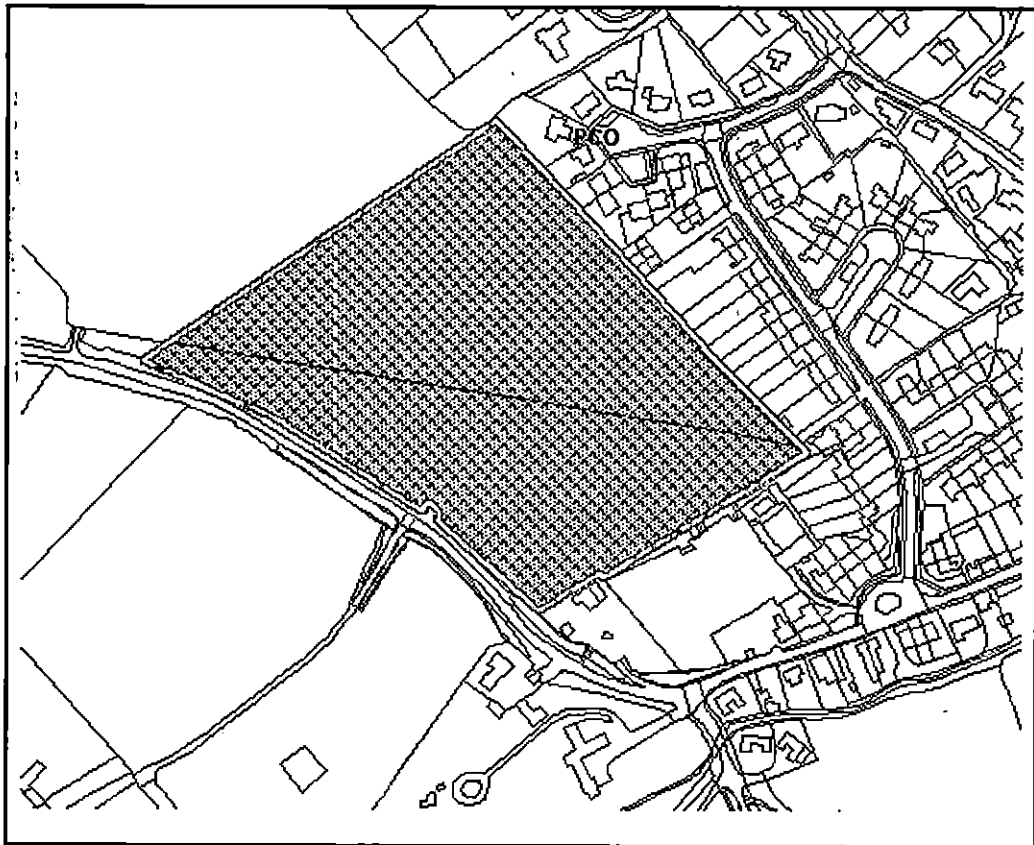
**Land At  
The Leasows  
Dyers Lane  
Chipping Campden  
Gloucestershire**

Item No 04:-

**Outline planning application for a residential development of up to 76 dwellings,  
public open space, drainage and new access at  
Land at The Leasows  
Dyers Lane Chipping Campden**

<b>Outline Application 15/00708/OUT (CD.0193/C)</b>	
Applicant:	Mr W R Haines (Leasow Farms) Ltd
Agent:	Brodie Manning Limited
Case Officer:	Martin Perks
Ward Member(s):	Councillor Lynden Stowe Councillor Mark Annett
Committee Date:	8th July 2015

**Site Plan**



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**RECOMMENDATION: REFUSE**

**Main Issues:**

- (a) Residential Development Outside Development Boundaries
- (b) Sustainability of Location
- (c) Impact on Character and Appearance of Cotswolds Area of Outstanding Natural Beauty and (Setting of Chipping Campden
- (d) Affordable Housing
- (e) Highway Safety and Traffic Generation
- (f) Loss of Agricultural Land
- (g) Impact on Biodiversity
- (h) Flooding and Drainage

**Reasons for Referral:**

This application has been referred to Committee by Officers due to the size of the proposal and its location within the Cotswolds Area of Outstanding Natural Beauty and adjacent to the historic town of Chipping Campden.

**1. Site Description:**

This application relates to a parcel of agricultural land measuring approximately 3.6 hectares (9 acres) in size. The land is currently used for arable purposes and forms part of a larger field measuring approximately 10 hectares (24 acres) in size. The site is located adjacent to the western edge of Chipping Campden.

The application site is located outside a Development Boundary as designated in the Cotswold District Local Plan 2001-2011. The eastern edge of the site together with a 40m section of the south east edge of the site adjoin the aforementioned Development Boundary.

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). A section of the southern boundary of the site measuring approximately 30m in length adjoins Chipping Campden Conservation Area (CA).

The site is bordered to the east by post war residential development. The rear gardens of a number of dwellings back onto the application site. The northern boundary is open and adjoins an agricultural field. The western boundary of the site adjoins a Class C highway known as Dyers Lane. An established hedgerow and line of trees define the western boundary. The southern boundary adjoins the garden of a residential property, a piece of land occupied by a telephone exchange building and an open grassed area. This boundary comprises an intermittent mix of trees, hedging and fencing.

Land levels at the site rise steadily from its south eastern corner to their highest point on the north western edge of the application site. Levels rise by approximately 8m across the length of the site.

Two Public Rights of Way extend across the site. One Right of Way extends diagonally across the site in a north west to south east direction. The second extends in an east west direction alongside the southern boundary of the site. The principal vehicular access to the site is via a farm track which is located in the south east corner of the site between 21 and 23 Littleworth.

**2. Relevant Planning History:**

None

**3. Planning Policies:**

NPPF National Planning Policy Framework  
LPR05 Pollution and Safety

LPR09 Biodiversity, Geology and Geomorphology  
 LPR10 Trees, Woodlands and Hedgerows  
 LPR15 Conservation Areas  
 LPR19 Development outside Development Boundaries  
 LPR21 Affordable Housing  
 LPR34 Open Spaces & Play Areas in Residential Development  
 LPR38 Accessibility to & within New Development  
 LPR39 Parking Provision  
 LPR42 Cotswold Design Code  
 LPR45 Landscaping in New Development  
 LPR46 Privacy & Gardens in Residential Development  
 LPR49 Planning Obligations & Conditions

#### **4. Observations of Consultees:**

Gloucestershire County Council Highways: Awaiting final response

Gloucestershire County Council Community Infrastructure: Request contributions of £221,148 to primary education, £203,285 to secondary education and £14,896 towards library services.

Gloucestershire County Council Archaeology: No objection

Thames Water: Initial response advised that the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. They requested that impact studies of the existing water supply infrastructure should be submitted to the local authority. The applicant has undertaken an impact study. The findings of the study are incorporated in the Officer report.

Severn Trent Water: No objection subject to foul and surface water drainage condition

Environment Agency: Refer to Standing Advice

Natural England: No comments

Environmental Health Contamination: No objection subject to ground investigation condition

#### **5. View of Town/Parish Council: See attached and the following;**

25th March 2015

'The size of the site for 76 dwellings is contrary to NPPF para 116.

The proposed access is too tight and steep on such a narrow lane.

The proposed footpath diversion is unacceptable as it runs along estate roads rather than countryside.'

26th June 2015

'In addition to the objections already made on this application the Town Council would like to add the following:

Drainage Report: Option 2 in the drainage report is extremely concerning to the Town Council. The proposal to dig a ditch across the top edge of the proposed development site to protect it from run-off water from the land above the site and direct it into a very small gully running down Dyers Lane is completely untenable. The gully cannot cope with the water already running down Dyers Lane and this proposal would lead to surface water flooding in Dyers Lane and Park Road.

In addition, the proposal to take all the surface water from the proposed site uphill from the SE corner to the SW corner and discharge it into the 'pinch point' of the culvert under Dyers Lane and Blind Lane would also cause flooding in Dyers Lane and Park Road. The Town Council OBJECTS very strongly to drainage option 2.

Indicative Site Plan: The council objects to the site plan as it is an extremely sterile and urban layout which makes the larger and taller properties on the highest part of the site extremely visible and introduces an urban development into a small town in the AONB. In addition, the site provides no bungalows, of which there is a housing need in the Town.

Visibility Report: The Town Council OBJECTS to the extent of the site up the hillside to the North. The extent of the site on this hillside and the layout with large two storey dwellings on the highest ground means the site is extremely visible in the AONB.

Agricultural Land Report: This states that the land is 3a which is useful and productive agricultural land which should not be used for building.

Traffic Report: The proposed entrance to the site is close to a bend and the speed limit is currently 60mph. The speed limit would need to be lowered to 40mph. Traffic leaving the site should be restricted to a right hand turn onto Dyers Lane to avoid causing congestion on Park Road.'

## 6. Other Representations:

Letters of objection from 116 properties received. Main grounds of objection are:

- i) Increased risk of flooding in the locality and along Park Road. Park Road has been flooded in the past with run off from the Leasows and Littleworth.
- ii) Dyers Lane and Park Road are narrow and struggle to cope with existing traffic flow. Parked cars limit vehicle movements.
- iii) Total overdevelopment of an Area of Outstanding Natural Beauty
- iv) Surrounding road infrastructure will not be able to take the traffic. Proposal will exacerbate existing problems.
- v) Major developments appended to a historic market town would have a detrimental effect on the character of the town.
- vi) Loss of valuable and fertile agricultural land
- vii) Site is located at the bottom of a steep hill and is subject to water run off from its upper reaches. Much of this is absorbed by growing crops. The flooding in 2007 caused by heavy rainfall and water run off resulted in watercourses and drains being unable to cope and this affected properties in Park Road, High Street and Lower High Street.
- viii) The site is in an area where walkers and visitors come to view Chipping Campden from the top of the hill. Developer states that because the development will be at the lower end of the hill and is screened by hedgerows those views will be undiminished. This is not so. The uninterrupted view of the landscape and openness of the area will be spoilt.
- ix) Walkers using the right of way diagonally across the site will not have a beautiful view but will instead be looking into an urban type development. Large areas of housing are not what people visit the countryside of the Cotswolds to see.
- x) Town appears to be well on track to achieving its housing quota within the agreed timeframe yet there seems to be a rush to push as many planning applications through as possible.
- xi) Completely inappropriate for this setting in terms of its scale and impact on the neighbourhood.
- xii) No employment in the town to justify population increase that would undoubtedly place a strain on school and health facilities.
- xiii) The Draft Neighbourhood Plan does not support the development of Leasows. It highlights alternative sites in the town. The land is not identified in the SHLAA. It was dismissed out of hand and not considered further on account of the development on the AONB.
- xiv) The Leasows is a beautiful field enjoyed by generations of local people and visitors. Walkers at the start/finish of the Cotswold Way commence/finish their walk across this field on the way up to/from Dovers Hill. It encourages tourism.

- xv) It is a light pollution free dark space at night.
- xvi) Proposed development much too large in one place for Chipping Campden. It risks swamping this small historic market town.
- xvii) Access is close to the entrances to Doe Bank and Doe Cottage, Wood House and Campden House Estate. The latter estate has nine houses, an office and farming and forestry business all of which use the entrance.
- xviii) Dyers Lane and associated lanes will not cope with the volume of traffic this development is expected to bring. According to ONS Census, 81% of rural folk have an average of 2 cars translating to another 120 cars daily on these small roads which is unsustainable. To accommodate this would damage the character of a town with an AONB as extra parking would be required in the town centre.
- xix) The field at the bottom is flooded for six months of the year. It is a soakaway that protects the houses on Watery Lane and Littleworth. Whilst attempts at drainage may be proposed, the damage caused by the volume of water that the field soaks up cannot be fully understood.
- xx) Chipping Campden requires further housing. The larger development behind Aston Road goes much further to satisfying the policy demands for new housing.
- xxi) Chipping Campden needs affordable homes for families to create a thriving economically sustainable community. This does not mean they require small houses to satisfy private profit but quality sized houses that uses the latest technology to ensure that they are economical and environmental to run. The proposed gardens and driveways are unsatisfactorily small.

#### The Campden Society: Object -

The site is within the Cotswolds AONB, is major development and is outside a Development Boundary. The land is an important open area, integral to the character of this historic and uniquely beautiful town, located at a point where the built environment opens onto open countryside adjacent to the Cotswold Way and Dovers Hill where so many visitors and walkers commence their long walk to Bath.

The application is Outline which does not enable full and proper scrutiny of detailed plans.

The application would undoubtedly create significant traffic congestion and danger during construction and permanently from both private and commercial vehicles in Dyers Lane, Blind Lane and Park Road. Roads are all narrow.

Town has over many years experienced severe flooding at the western end of town, where the Cam river consolidates the run off from hills after severe rain storms and follows the river course through town. The Campden Society has long held the view that development should only take place to the east of the town.

CDC can now demonstrate a 5 year supply of land. Chipping Campden has approved plans for 82 dwellings in the last three years. Included in the Draft Neighbourhood Development Plan are additional sites which will easily meet the requirement for all the additional dwellings specified in the period 2011-2031.

In submitting the draft Local Plan for public consultation CDC rejected this site in order to concentrate the provision of the quota off Aston Road. This is also objected to by the Campden Society on the basis that any single site in Chipping Campden should not comprise more than 40 dwellings.

There is a need for more housing in Campden, both affordable and private which the Campden Society wholeheartedly supports. However, this application seeks to place a major housing development on an inappropriate site.

The application would place increased risks to the infrastructure of the town in terms of flooding, congestion in Park Road and danger from increased traffic along other roads that are inappropriate in width and vision.

The greatest weight must be placed on the conservation of this site within the AONB for use as agricultural land and for all those who live or visit Chipping Campden to share the beauty of the Cotswolds.

Cotswolds Conservation Board:

'The Board notes that this site does not feature in the emerging Cotswold Local Plan as a preferred allocation site, though it also recognises the Plan is still subject to the Hearings process. The site has been discounted from the SHLAA process as 'Unsuitable - topography raises steeply to north-west and development would be highly intrusive and visible in a sensitive part of the AONB. Development would also unacceptably stretch the development boundary into open countryside.' The loss of an open, edge of village greenfield site to a housing development would impact on the recognised scenic quality of this nationally protected landscape that is afforded 'great weight' through Paragraph 115 of the NPPF.

On the basis that this application has come in before the site can be considered in detail through the Local Plan Hearings, the Council is recommended to consider the development under paragraphs 115 and 116 of the NPPF. The attached Averil Close decision in Broadway illustrates how in that case 70 dwellings was considered to be major development and the scheme failed to meet the tests of paragraph 116 of the NPPF.

It is recognised that the draft Local Plan seeks to identify sites for 208 dwellings at Chipping Campden and the Board has made separate comments in relation to the Aston Road development (15/00419/OUT). The Board recognises there is a need for local needs housing provision within the village, but the target of 208 dwellings may not be easily achieved given the AONB designation. This site should be considered under the tests of Paragraph 116 which includes considering developing elsewhere outside the AONB or whether the need can be met in a more suitable way. This could include other more suitable sites within the village, or potentially if need is established an improved scheme on this site.

Therefore, should the Council consider the principle of the development to be acceptable, the Board still considers improvements should still be made to the scheme to:

- Provide a continuous double planted staggered native hedgerow with specimen trees along the northern boundary to create a firm new boundary between the development and the open landscape beyond and to link in to more meaningful tree planting in the 'linear park.'
- Ensure the character of Dyers Lane is maintained by protection of the existing roadside hedging/trees/verges (other than the new access point) and provision of new landscaping where necessary if gaps exist.
- Ensure the footpath links are provided within the site.
- Within the development ensure a high quality level of design, layout and materials. This may require a change in the layout that appears to show a standard estate layout of mostly detached/semi-detached houses. The layout in some way should reflect the high quality, sense of place and character of the historic part of the village.
- Provision of a Management Plan for the areas of public open space to ensure they provide for bio-diversity enhancement and are not all large areas of regularly mown grassland.'

Campaign to Protect Rural England: see response attached to 15/00419/OUT and the following comments;

'the proposed change to the proposed access points' makes the development even less acceptable. Moving the proposed access away from the centre of the town has the effect of detaching the development further from it, notwithstanding the proposed pedestrian links. CPRE therefore wishes to express its overall objection in even stronger terms.'

**7. Applicant's Supporting Information:**

Planning And Design and Access Statement  
 Tree Report  
 Flooding Report and Drainage Strategy  
 Phase 1 Habitat Survey Report  
 Geophysical Survey Report  
 Transport Assessment  
 Landscape and Visual Impact Assessment  
 Potable Water Capacity Flow and Pressure Investigation  
 Archaeological Evaluation  
 Technical Note Access and Traffic Impact  
 Non Motorised User Context Report

**8. Officer's Assessment:****Proposed Development**

This application is seeking to establish the principle of development on the site and is in Outline form. Matters relating to Access form part of this application. However, other matters relating to Landscaping, Layout, Scale and Appearance have been reserved for later detailed approval. The current layout is purely indicative and intended to demonstrate how the site could accommodate the proposed level of development.

The applicant is seeking permission to erect up to 76 dwellings on the site together with associated highway and drainage infrastructure, landscaping and open space. The applicant indicates that the mix of housing would potentially be 10 one bed units, 19 two bed units, 23 three bed units, 22 four bed units and 2 five bed units. Of these 50% would be set aside as affordable housing (split 25 social rent and 13 shared equity). The proposed scheme would equate to a density of approximately 21 units per hectare.

The applicant has provided an indicative layout plan showing a central avenue of development with further housing radiating from it. Areas of green open space are shown in the centre of the development as well as along its northern edge. Vehicular access would be via a new entrance onto Dyers Lane located in the north western corner of the site. The new entrance will lie adjacent to an existing field entrance into the site. The existing field entrance also forms part of the Public Right of Way that extends diagonally across the site.

A pedestrian and cycle entrance will be created in the existing field entrance located in the south eastern corner of the site. The entrance will provide a link between the site and Littleworth on the western edge of the settlement.

**(a) Residential Development Outside a Development Boundary:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of this application is therefore the current development plan for the District which is the Cotswold District Local Plan 2001-2011.

The application site is located outside a Development Boundary as designated in the aforementioned Local Plan. Development on the site is therefore primarily subject to Policy 19: Development Outside Development Boundaries of the current Local Plan. Criterion (a) of Policy 19 has a general presumption against the erection of new build open market housing (other than that which would help to meet the social and economic needs of those living in rural areas) in locations outside designated Development Boundaries. The provision of the open market dwellings proposed in this instance would therefore typically contravene the guidelines set out in Policy 19. Notwithstanding this, the Council must also have regard to other material



considerations when reaching its decision. In particular, it is necessary to have regard to guidance and policies in the National Planning Policy Framework (NPPF). Paragraph 2 of the NPPF states that the Framework 'is a material consideration in planning decisions.'

The NPPF has at its heart a 'presumption in favour of sustainable development'. It states that 'there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles'. These are an economic role whereby it supports growth and innovation and contributes to a strong, responsive and competitive economy. The second role is a social one where it supports 'strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations'. The third role is an environmental one where it contributes to protecting and enhancing the natural, built and historic environment.

Paragraph 8 of the NPPF states that the three 'roles should not be undertaken in isolation, because they are mutually dependent'. It goes on to state that the 'planning system should play an active role in guiding development to sustainable solutions.'

Paragraph 47 of the NPPF states that Councils should identify a supply of deliverable sites sufficient to provide five years worth of housing. It also advises that an additional buffer of 5% or 20% should be added to the five year supply 'to ensure choice and competition in the market for land'. In instances when the Council cannot demonstrate a five year supply of deliverable housing sites Paragraph 49 states that the 'relevant policies for the supply of housing should not be considered up-to-date'.

In such instances the Council has to have regard to Paragraph 14 of the NPPF which states that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless;

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.'

The Council's land supply position has been subject to scrutiny in recent months. In September 2014 the Planning Inspectorate issued a decision in relation to the erection of up to 120 dwellings on land to the south of Cirencester Road, Fairford (APP/F1610/A/14/2213318, CDC Ref 13/03097/OUT). In the decision the Planning Inspector stated 'I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites.' He also considered that the Council had not undertaken a calculation of Objectively Assessed Needs (OAN) for the District. The Council could not therefore demonstrate that it had the requisite land supply. Paragraph 47 of the NPPF states 'that local plans are required to meet the full, objectively assessed needs for market and affordable housing for that area, so far as is consistent with other policies of the NPPF'.

Following the Fairford appeal decision the Council's Forward Planning Section produced an OAN and undertook a review of its land supply figures. The most recent figures, which were endorsed by the Council's Cabinet on the 11th June 2015, indicate that the Council has a 7.74 year supply of housing land. This figure is inclusive of the 20% buffer.

The Council's position is that it can now demonstrate the requisite 5 year (plus 20%) supply of deliverable housing land. As such, the Local Plan Policies that cover the supply of housing, such as Policy 19, are no longer considered to be out of date having regard to Paragraph 49 of the NPPF.

Notwithstanding the above, it must be noted that even if the Council can demonstrate the requisite minimum supply of housing land it does not in itself mean that proposals for residential development outside existing Development Boundaries should automatically be refused. The 5 year (plus 20%) figure is a minimum and as such the Council should continually be seeking to

ensure that housing land supply stays above this minimum in the future. As a result there will continue to be a need to release suitable sites outside Development Boundaries identified in the current Local Plan for residential development. If such sites are not released the Council's housing land supply will soon fall back into deficit. At a recent appeal for up to 15 dwellings in Honeybourne in Worcestershire (APP/H1840/A13/2205247) the Planning Inspector stated 'the fact that the Council do currently have a 5-year supply is not in itself a reason to prevent other housing sites being approved, particularly in light of the Framework's attempt to boost significantly the supply of housing.' In relation to an appeal relating to a proposal for 100 dwellings in Launceston in Cornwall dating from the 8th April 2014 (APP/D0840/A13/2209757) the Inspector stated (Para 51) 'Nevertheless, irrespective of whether the five-year housing land supply figure is met or not, NPPF does not suggest that this has to be regarded as a ceiling or upper limit on permissions. On the basis that there would be no harm from a scheme, or that the benefits would demonstrably outweigh the harm, then the view that satisfying a 5 year housing land supply figure should represent some kind of limit or bar to further permissions is considerably diminished, if not rendered irrelevant. An excess of permissions in a situation where supply may already meet the estimated level of need does not represent harm, having regard to the objectives of NPPF.'

It is also evident that the continuing supply of housing land will only be achieved, prior to the adoption of the new Local Plan, through the planning application process. Allocated sites in the current Local Plan have essentially been exhausted. In order to meet its requirement to provide an ongoing supply of housing land there will remain a continuing need for the Council to release suitable sites outside Development Boundaries for residential development. If the Council does not continue to release such sites the land supply will be in deficit and the criteria set out in Paragraph 14 of the NPPF will apply. It is considered that the need to release suitable sites for residential development represents a material consideration that must be taken into fully into account during the decision making process.

The 'in principle' objection to new open market housing outside existing Development Boundaries set out in Policy 19 must also be weighed against the guidance in Paragraph 215 of the NPPF which states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight they can be given)'. There will be instances where new open market housing outside existing Development Boundaries can constitute sustainable development as required by the NPPF. The blanket ban on new open market housing outside such boundaries is therefore considered not to carry full weight when assessed against Paragraph 215. Notwithstanding this, other criteria in Policy 19 such as preventing development that causes significant harm to existing patterns of development, leads to a material increase in car-borne commuting, adversely affects the vitality and viability of settlements and results in development that significantly compromises the principles of sustainable development are considered to broadly accord with the objectives of the NPPF. They are considered to carry more weight when assessed against the guidance in Paragraph 215.

Notwithstanding the current land supply figures and the wording of Policy 19 it is necessary to have full regard to the economic, social and environmental roles set out in the NPPF when assessing this application. Of particular relevance in this case is the requirement to balance the social need to provide new housing against the potential environmental impact of the proposed scheme. These issues will be looked at in more detail in the following sections.

#### **(b) Sustainability of Location**

Chipping Campden is designated as a Principal Settlement in the current Local Plan. In addition, emerging Local Plan document 'Local Plan Reg 18 Consultation: Development Strategy and Site Allocations' also identifies the town as one of 17 settlements that has sufficient facilities and services to accommodate new residential development in the period up until 2031.

The Local Plan Consultation Paper: Preferred Development Strategy May 2013 stated that 'Chipping Campden ranks 5th in the District in terms of its social and economic sustainability and is the main service centre in the far north of the District. The town possesses a good range of

services and facilities, and the area has a good employment base, with a higher than average proportion of jobs in growth employment sectors.'

Emerging Local Plan documents state that Chipping Campden along with Willersey, Mickleton and Blockley form part of a cluster of settlements that serve the northernmost part of the District. Collectively the aforementioned settlements are considered to have the necessary services, facilities and employment opportunities to provide for the local population. Taken together the settlements are also considered to be able to accommodate sufficient housing to make a reasonable contribution to the overall District requirement of 7600 dwellings without compromising the strong environmental constraints present at Chipping Campden. Paragraph 55 of the NPPF states that 'where there are groups of smaller settlements, development in one village may support services in a village nearby.' This is reinforced in the Government's Planning Practice Guidance which states;

'It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.

A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.'

It goes on to say; 'all settlements can play a role in delivering sustainable development in rural areas and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.'

Strategic Policy 5: Distribution of Housing and Employment Development in Local Plan Reg 18 Consultation Paper allocates a total of 208 dwellings to the settlement for the period between April 2011 and April 2031. At the time of writing this report approximately 81 dwellings had been delivered or approved in the town since April 2011 leaving a figure of 127 dwellings still to be provided. The 208 dwelling total represents a 17.5% increase in the town's existing housing stock which currently stands at 1187 dwellings (source: Local Plan Consultation Paper). It must be noted that the 208 dwelling figure is not fixed in stone and may be subject to change as the new Local Plan progresses. The figure has already increased from 160 during the emerging Local Plan process. Limited weight can therefore be attached to the figure at the current time. However, the figure does provide a guide as to the level of development that the town will be expected to accommodate over the next Local Plan period.

The application site is one of a number of sites in and around Chipping Campden that have been put forward by their respective landowners as potential future development sites. The sites have been considered as part of the Council's Strategic Housing Land Availability Assessment (SHLAA) process. The SHLAA is prepared to help inform the site allocations made in the Local Plan (it is not an allocations document in itself). It establishes whether land is suitable, available and economically viable for housing development over the plan period.

The application site was included in initial SHLAA documents under the reference 'CC\_44 Land West of Littleworth 'The Leasows''. However, it was subsequently discounted for the following reason;

'Unsuitable - topography raises steeply to north-west and development would be highly intrusive and visible in a sensitive part of the AONB. Development would also unacceptably stretch the development boundary into open countryside. Other constraints include: Water Treatment Facilities 800m buffer zone detailed survey shows site is Grade 3a agricultural land.'

The site has not therefore been included as one of the 'Proposed Housing Allocation' sites in the most recent emerging Local Plan document entitled Local Plan Reg.18 Consultation: Development Strategy and Site Allocations January 2015.

Notwithstanding the above it must also be noted that the site was considered during initial Local Plan community engagement exercises. Chipping Campden Town Council advised that they favoured the site and that 'existing built environment lends to development of site.' They advised that they considered that the site fell within the 'suitable for allocation' category. The reasons for this were its i) closeness to town centre and services, ii) two sides currently developed, iii) potential to alleviate traffic in the town and that it was iv) an ideal infill site.

Whilst the site has been removed from the current Local Plan consultation paper it is also evident that it has previously been considered by a section of the local community as a potentially suitable site for new development.

In terms of accessibility the site is located approximately 400m from the centre of the town and just under 1km from the town's primary and secondary schools and GP surgery. Guidance in Manual for Streets (Para 4.4.1) states that 'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot.' Pedestrian access to the town's facilities can also largely be undertaken using existing pedestrian footways and along relatively flat routes. It is considered that the site is located sufficiently close to the town so that future residents would be afforded access to a range of services and facilities without having to rely solely or mainly on the use of the private motor car.

It is evident that the ability of Chipping Campden to accommodate new residential development has been assessed as part of the emerging Local Plan process. The Development Strategy and Site Allocations paper recognises that the town is able to offer a range of services and amenities which can meet many of the day to day needs of the community. Moreover, it also supports a reasonable growth in the town's population to help address local affordable housing needs; sustain existing facilities; and maintain the town's role as a local service centre. Chipping Campden has therefore been recognised as a potentially sustainable location for new residential development in terms of accessibility to services, facilities and amenities.

### **(c) Impact on Character and Appearance of Cotswolds Area of Outstanding Natural Beauty and Setting of Chipping Campden**

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have special regard to the desirability of conserving and enhancing the natural beauty of the landscape.

Paragraph 17 of the NPPF states that planning should recognise 'the intrinsic character and beauty of the countryside'

Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes'.

Paragraph 115 states that 'great weight should be given to conserving landscape and scenic beauty in ... Areas of Outstanding Natural Beauty.'

Local Plan Policy 42 advises that 'Development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship'

The application site and its surroundings are classified in the Cotswolds Conservation Board's Landscape Character Assessment as falling just within Landscape Character Area 15B Vale of

Moreton Farmed Slopes. This in turn falls within Landscape Character Type Farmed Slopes. Characteristics of this particular landscape are ;

- Transitional landscape between the High Wold and the Pastoral Lowland Vale;
- smooth gentle landform with gentler landform on lower slopes, and sense of exposure on some upper slopes;
- small, often geometric, broadleaf and coniferous woodlands and tree belts along watercourses draining the slopes;
- large deciduous and mixed woodlands bordering parkland, integrated by strong hedgerow network;

productive arable and pasture farmland with a strong pattern of hedgerows;

- small stone built villages and hamlets on slopes above the Pastoral Lowland Vale;
- areas of ridge and furrow on lower slopes

The Landscape Strategy and Guidelines for the Cotswolds AONB identifies the 'Expansion of existing settlements up the Farmed Slopes' and 'Ad hoc housing development' amongst its list of 'Local Forces for Change'. 'Potential Landscape Implications' of such development are identified as;

- Erosion of dispersed settlement character across the Farmed Slopes.
- Loss of tranquillity
- Proliferation of suburban building styles and materials and introduction of ornamental garden plants and boundary features.

The 'Outline Landscape Strategies and Guidelines' advises;

- Promote policies of extreme restraint on developments in or adjacent to these settlements
- Ensure new built development within and on the fringes of the settlements is very carefully integrated with the rural landscape setting of the Farmed Slopes and the existing settlement form of villages
- Minimise the proliferation of new inappropriate road infrastructure
- Conserve the distinctive rural and dispersed settlement pattern.
- Restore existing stone farm buildings and structures in preference to new built development. Existing buildings should be carefully conserved and where converted to new uses must retain their historic integrity and functional character. Sound conservation advice and principles must be sought and implemented
- Maintain the sense of openness and consider the impact of built development on views to and from the Farmed Slopes
- Control the proliferation of suburban building styles and materials.

The application site represents one part of a larger agricultural field located adjacent to the western edge of Chipping Campden. The land is currently used for arable purposes. The site is bordered to the east by the rear gardens/elevations of post war residential development and to

the south by a telephone exchange building, grassed area and dwelling. The west of the site consists of a line of mature hedgerows and trees. The northern edge of the site adjoins the remainder of the agricultural field and is open.

The site is reasonably well screened from Dyers Lane to the west by existing vegetation. The site is also elevated above the road which means that views into it from the lane are limited by virtue of existing roadside banking. Public views from roads to the south and east are also restricted by existing housing. The only short range public views that are readily available of the site are from the Public Rights of Way that extend across the site. The first Right of Way extends diagonally across the site in a north west to south east direction (HCC1). The Right of Way bisects the site and provides users with an uninterrupted view along its length. For users heading south eastwards along the Right of Way the route does afford a sense of arrival at the settlement. It also reinforces the relationship of the settlement with its surrounding agricultural landscape. Pedestrians leaving the settlement along the Right of Way are immediately provided with a sense of openness and a feeling that they have entered into an agricultural landscape.

The second Right of Way runs alongside the southern boundary of the site (HCC13). It runs adjacent to the settlement and therefore has a stronger connection with the urban environment. However, views northwards from the Right of Way reveal an open expansive field extending up gradually rising ground.

The applicant's Landscape and Visual Impact Assessment (LVIA) has considered views from the Rights of Way that cross the site as well as longer range views. With regard to the Right of Way that passes through the centre of the site the LVIA considers that it represents a medium sensitivity receptor and that the magnitude of impact will be low. It states that this rating is appropriate as the settlement edge is already apparent. The LVIA considers that the significance of impact from the Right of Way when viewed from the north-west will be minor adverse. Whilst this assessment is noted Officers consider that the site is more sensitive to change than that specified in the LVIA. Rights of Way are typically used by people whose attention or interest is focused on the landscape. This is especially true of Rights of Way in designated landscapes such as AONBs. As a consequence they would represent a more sensitive receptor than motorists passing by the site at speed in a car for example. A High or High/Medium sensitivity could therefore reasonably be attributed to users of the Right of Way in this instance. With regard to magnitude of change the applicant's LVIA considers that the proposed impact will be low as it will lead to a minor loss of or alteration to one or more of the key elements/features/characteristics of the view, or change that may not be uncharacteristic when set in context of the receiving landscape character. In contrast Officers consider that a medium impact would be a more accurate assessment of the impact of the proposed development. Medium impact can also result in the partial loss or alteration to one or more key elements/features/characteristics of the view but may also result in the introduction of elements that may be prominent but may not be considered to be substantially uncharacteristic when set within the context of the receiving landscape character. It is considered that the introduction of 76 dwellings and associated infrastructure would be of level that would take the proposal into the medium magnitude of impact category. In light of the high/medium sensitivity of the receptor and the medium magnitude of impact Officers consider that the overall significance of impact will be moderate/major rather than minor as stated by the applicant. A moderate impact is one where there would be a clearly noticeable and moderately significant alteration to an existing view. A major impact would be where there would be a very noticeable and highly significant alteration to an existing view. In contrast the minor impact stated by the applicant would constitute a perceptible alteration to the existing view, but one of low significance.

From further afield the site is also visible from a Right of Way that extends in a roughly north south direction to the north east of the application site (HCC3). The applicant's LVIA has assessed the impact of the proposal on views from this Right of Way as negligible due to existing buildings, topography and vegetation. The selected viewpoint is taken from a spot approximately 350m to the north of the application site. However, it is noticeable when walking the Right of Way that views of the site become more pronounced the further north you progress along its length. At a point approximately 100m to the north of the applicant's viewpoint the majority of the application

site comes into view. The size and extent of the application site is very apparent when seen from this location. As a result it is considered that the proposal will have a moderate/major impact when viewed from the higher sections of the Right of Way.

To the east of the aforementioned Right of Way is a further Right of Way (HCC4) which also forms part of the Cotswold Way. The Right of Way lies approximately 150m to the east of HCC3 and runs parallel with it. The applicant's LVIA indicates that the significance of impact from HCC4 is negligible. Whilst it is agreed that the views are less than from HCC3 there are still glimpsed views of sections of the application site which will be apparent to footpath users. It is considered that there will be a minor impact from the higher sections of HCC4.

The other public view of the site that is available of the site comes from a Public Right of Way (HCC8) to the north west of the application site. The Right of Way forms part of the Cotswold Way and extends parallel with the main road forming part of Kingcombe Lane. It lies just to the south west of the junction of Dyers Lane and Kingcombe Lane/Dover's Hill. The application site lies approximately 660m to the south east of the Right Of Way. However, the elevated position of the footpath means that its users are afforded views down across an intervening open field and through gaps in woodland. The site is therefore apparent from the Right of Way. The applicant's LVIA states that the significance of impact would be minor adverse when viewed from this location. Officers agree that the proposal would be noticeable from the Right of Way. However, it will also be seen in context with an expanse of existing housing forming the western part of the settlement. Officers therefore agree with the applicant's assessment of the landscape and visual impact when viewed from this particular location.

The other discernible change to the site that will be visible from the public realm will be the creation of the new access point in the north western corner of the site. The new access point will act as the principal vehicular entrance into the site. It will be created adjacent to an existing field entrance. The existing entrance also acts as a Public Right of Way. In order to minimise potential conflict with the Right of Way the new vehicular entrance will be created approximately 10m to the south east of the existing entrance. The proposed entrance will result in the removal of a section of hedgerow and a number of roadside trees. It will therefore have an urbanising impact on this particular section of Dyers Lane. However, it is also of note that there are a number of residential accesses in the vicinity of the proposed entrance. There is also a large tarmac apron serving the entrance to Campden House Estate located just to the north west of the proposed development. The entrance lies in an area which has an edge of settlement character rather than that of an undeveloped rural lane in the open countryside. It is considered that if there was a strong need to provide the housing then the benefits arising from such provision could outweigh the potential landscape and visual impacts arising from the creation of the new access. However, as there is currently no significant need to release the land for housing it is considered that the proposal would presently represent an inappropriate incursion of development into an attractive rural lane.

In order to mitigate the potential impact of the proposal on the AONB landscape and the setting of the town Officers and the applicant have sought to devise an indicative layout that seeks to respect some of the key characteristics of the existing site. Existing boundary vegetation will be retained and open space added along the northern boundary and in the centre of the site. A central avenue has also been incorporated so that the experience of approaching the town along the existing diagonal footpath is maintained. The avenue would allow longer views into the town to be retained as at present. The use of terraces are also reflective of traditional building patterns found within Chipping Campden. The indicative layout has therefore attempted to respond sympathetically to its location. Notwithstanding this, the proposal will still result in the introduction of a significant amount of additional development onto a greenfield site within the AONB. It will result in a discernible encroachment of the settlement into the open countryside and will replace an agricultural field with built development. The size of the proposal means that it will have a material impact on the character and appearance of the existing site, the AONB and the setting of the town. The impact of the proposal would be particularly evident from a number of Rights of Way and it is considered that the proposal would significantly alter the relationship of the western part of the town with the wider AONB landscape. On balance it is considered that the proposal would neither conserve nor enhance the AONB and as such it would conflict with S85 of the

Countryside and Rights of Way Act 2000, Local Plan Policies 19 and 42 and guidance contained in the NPPF, in particular Paragraphs 17, 109 and 115.

The south western corner of the application site adjoins the boundary of Chipping Campden Conservation Area (CA). The CA boundary extends for approximately 30m alongside the boundary of the application site. The boundary extends around the garden area of a dwelling called Saviours Bank. Local Plan Policy 15 states that development 'within or affecting a conservation area, must preserve or enhance the character or appearance of the area as a whole, or any part of the designated area.' Paragraph 132 of the NPPF states that 'significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.'

The Council's Heritage and Design Section has examined the proposal and considers that there is little direct inter-visibility between the site and the CA. In combination with the relatively short boundary of the CA they consider that the proposal could be undertaken without having an adverse impact on the setting of the heritage asset and in accordance with Local Plan Policy 15 and Paragraph 132 of the NPPF.

### **Major development within the Cotswolds AONB**

Paragraph 116 of the NPPF states '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;

- i) 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;
- ii) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- iii) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that can be moderated'.

No definition of major development is provided within the NPPF or in either of its forerunners - namely PPS7: Sustainable Development in Rural Areas and PPG7: The Countryside which also made similar references to major development within designated landscapes such as AONBs. However, in the recent High Court judgement in 'Aston and another v Secretary of State for Communities and Local Government and others' the judge determined that the phrase 'major development' did not have a uniform meaning and to define it as such would not be appropriate in the context of national planning policy. The Government's Planning Practice Guide also states 'whether a proposed development in these designated areas should be treated as a major development, to which the policy in Paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context.'

In this particular case the proposal would result in the loss of approximately 3.6 hectares of agricultural/greenfield land adjacent to a historic settlement within the Cotswolds AONB. The site is also bisected by a Public Right of Way which affords its users with an attractive approach into the settlement and which highlights the relationship of the settlement with its surrounding agricultural landscape. The proposal would result in an encroachment of built development into the countryside and would therefore have a discernible impact on the character and appearance of the existing land and its context within the AONB. The level of development proportionate to the size of the settlement as a whole (approximately 6.4%) is also considered to represent a major development proposal in the context of Paragraph 116. As a result planning permission should be refused unless there are exceptional circumstances and where it can be demonstrated the proposal is in the public interest.



At the present time the Council is able to demonstrate that it can provide the requisite 5 year supply of housing land. Moreover, the most recent housing land figures indicate a land supply well in excess of the minimum requirement. As such the need to release land for housing does not carry the level of weight that it would if the land supply was in deficit. A shortfall in the requisite land supply has previously been considered by Planning Inspectors to constitute an exceptional circumstance that could justify allowing a major development scheme in the AONB. However, now that the Council's land supply is in surplus it is considered that such an exceptional circumstance cannot be justified in this particular case.

It is noted that the scheme will also provide an element of affordable housing which will be a benefit. Whilst the provision of 38 affordable units is noteworthy it is considered not be of a level that would represent an exceptional circumstance in the context of Paragraph 116.

With regard to economic benefits the proposal will create employment and associated spending during the construction phase. However, this is considered to be temporary in nature and of limited benefit. The proposal has the potential to increase spending on facilities and services. However, this also has to be balanced against potential tourism impact and increased congestion along roads such as Park Road. It is considered that the overall economic benefits of the proposal are likely to be limited. A refusal of the application is therefore unlikely to have a significant adverse impact on the local economy.

With regard to bullet point ii) of Paragraph 116 it is noted that the town and its environs lie entirely within the Cotswolds AONB. There is no scope to provide housing elsewhere around the settlement that does not fall within the designated landscape. It is therefore acknowledged that the future housing needs of the settlement will need to be addressed within or adjacent to the existing town. However, it is also of note that planning permission has been granted for a number of other developments in the town including 16 dwellings at Badger's Field (13/01538/OUT), 26 dwellings at Berrington Mill (13/02227/OUT) and a net increase of 20 dwellings at Chipping Campden School (14/02442/OUT). The provision of the aforementioned 62 dwellings would therefore make a notable contribution to the projected housing allocation for the town which is intended to cover the period up until 2031. In light of the extant permissions it is evident that there is no exceptional need to release land for housing in the town at the current time. Alternative options are available that allow housing to be brought forward in a more proportionate manner.

With regard to bullet point iii) it has already been identified that the proposed scheme is likely to have an adverse impact on the character and appearance of the AONB. Whilst the scheme has been designed in a manner that seeks to minimise that impact it is considered that the scale of development is still one that would fail to conserve or enhance the natural beauty of the landscape.

On balance it is considered that there are no exceptional circumstances that justify a departure from the presumption against major development in AONBs as set out in Paragraph 116 of the NPPF.

#### **(d) Affordable Housing**

The applicant is proposing to provide 50% affordable housing on site. This would equate to 38 units split 25 social rent and 13 shared equity. The 50% provision accords with Local Plan Policy 21: Affordable Housing.

The Council's Housing Officer advises that;

'A recent search of Gloucestershire Homeseeker, the housing register, has shown that 179 households with a connection to Cotswold district are registered for rented affordable housing in Chipping Campden. At least 82 of these households also have an identified relevant local connection with the parish of Chipping Campden or the immediately surrounding parishes of Willersey, Saintbury, Weston Subedge, Aston Subedge, Mickleton, Ebrington and Blockley. However, it is important to remember that the Housing Register provides a snapshot view of the

current need for rented accommodation only. These figures will slightly underestimate the number of people with connections because some households will have family and work connections which will not have been identified by this search.

The district wide Housing Needs Assessment (HNA November 2009) found an annual requirement for 535 additional affordable housing units in Cotswold District however the updated Strategic Housing Market Assessment (March 2014) states the annual requirement has now risen to 574 additional affordable housing units. The parish of Chipping Campden is in the Chipping Campden sub-area of the HNA and was assessed as having a gross annual need for 11 affordable homes.

In accordance with the latest district wide Housing Needs Assessment we would normally be seeking the following mix:

- 25% x 1 bedroom
- 45% x 2 bedrooms
- 20% x 3 bedrooms
- 10% x 4 or more bedrooms

In accordance with our current Supplementary Planning Document (SPD) two-thirds of the affordable homes should be for rent, with the larger houses of 4 bedrooms or more being social rent properties. The remaining third should be subsidised low cost home ownership.

In accordance with the findings of the HNA we prefer the 2 bedroom units to be houses rather than flats. We also prefer the shared ownership properties to be 2 or 3 bedroom units.

The details of tenure, number of bedrooms and size of units should be included in the negotiated S106 agreement. The District Council's Affordable Housing Supplementary Planning Document contains a template for this document. This includes the following requirement in relation to the size of homes to be provided:

- one bedroom 2 persons flats of not less than 45 sq metres;
- two bedroom 3 persons flats of not less than 55 sq metres;
- two bedroom 3 persons bungalows of not less than 65 sq metres;
- two bedroom 4 persons houses of not less than 75 sq metres;
- three bedroom 5 persons houses of not less than 85 sq metres;
- four bedroom 6 persons houses of not less than 95 sq metres;

Having regard to existing stock and current needs information we would suggest the following mix for this development based on 50% of 76 units:

Rent:

- 10 x 1 bed 2 person house/flat
- 10 x 2 bed 4 person houses
- 4 x 3 bed 6 person houses
- 1 x 4 bed 7 person houses (let at social rent level)

Low cost home ownership:

- 7 x 2 bed 4 person houses
- 6 x 3 bed 5 person houses

The development should be tenure blind, with the affordable homes distributed evenly across the site, and should comply with all of the other requirements of the affordable Housing Supplementary Planning Document (SPD). The local connection cascade as set out in the S106 template within the SDP would apply. The affordable homes should also comply with the appropriate current construction standards.

It has not been possible to identify the exact location of the affordable homes on the proposed layout however we would comment that the preference is for the affordable home to have

individual access directly off the adoptable road including on plot parking, not private access roads and parking courts etc as the latter increases management and maintenance costs (for what are intended to be affordable homes) and does not promote a tenure blind development; the affordable homes being easily identifiable from their shared parking arrangements.'

Overall, it is considered that there is an identified need for affordable housing in Chipping Campden. The current proposal would help to address this need and would accord with guidance in Local Plan Policy 21.

#### **(e) Highway Safety and Traffic Generation**

The principal access to the application site is a field access located in the south eastern corner of the site. It extends between 21 and 23 Littleworth. The applicant proposes to utilise this access as a pedestrian/cycle route from the development into the town centre. The principal vehicular access to the proposed development will be via a new entrance onto Dyers Lane located in the north western corner of the site.

The applicant initially proposed to create a vehicular access in the western boundary of the site. It was intended to utilise an existing overgrown field access which opened onto Dyers Lane. However, the aforementioned access point is located at the top of a steep back approximately 3m above Dyers Lane. Officers had concerns about the amount of excavation, land regrading and hedgerow removal that would be required to facilitate the access. Following discussions it was agreed that the principal access should be relocated to a point in the north west corner of the site adjacent to an existing field entrance. The field entrance also forms part of a Public Right of Way (HCC1). In order to avoid potential conflict between pedestrians and road users it is proposed to create a new formal entrance point alongside the existing entrance. The proposed entrance is located in close proximity to other residential driveways; and a large tarmac apron serving the entrance to Campden House Estate. It will therefore be located in an area which is already characterised by vehicular entrances.

The stretch of Dyers Lane adjacent to the proposed access is subject to a national speed limit of 60mph. Dyers Lane also lies on the side of the hill and slopes down towards the town. The applicant has undertaken speed surveys along Dyers Lane which indicate that the 85th percentile speeds were 42mph westbound and 43mph eastbound at the time of the survey. In light of these speeds the applicant has agreed with GCC Highway Officers that visibility of 2.4m by 85m to the east and 2.4m by 89m to the west would be acceptable. Plans submitted by the applicant indicate that these visibility requirements can be met.

With regard to traffic generation the applicant has submitted trip generation data and undertaken manual traffic count surveys at junctions in the town. The trip generation forecasts indicate that a 76 dwelling scheme would generate 37 trips in the peak AM period, 45 in the peak PM period and 366 over the course of a day.

Concerns regarding additional traffic movements along Park Road are noted. The aforementioned road is relatively narrow with parked cars making it essentially single carriageway in places. Traffic survey data indicates flows of 134 two way trips in the AM peak period and 109 two way trips in the PM peak hour. The proposed development is projected to create an additional 12 two way trips in the peak AM period and 14 two way trips in the PM peak hour.

The additional flow along Park Road is projected to be low due to the availability of other routes that avoid the need to progress along Park Road. The site's access onto Dyers Lane means that future residents wishing to head to other locations outside of the town will not need to drive along Park Road to reach their destination. By turning right out of the site onto Dyers Lane future residents can then link onto the top road to the north of Chipping Campden. This then provides links to the A44, Cheltenham, Evesham and Stratford-upon-Avon without the need to drive through the town. Moreover, the creation of a pedestrian/cycle link onto Littleworth in the south east corner of the site also means that future residents will be afforded good access to the town centre and its associated facilities without having to rely on the use of the private motor car. In

combination these factors reduce the need to drive along Park Road. Paragraph 32 of the NPPF advises that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.' The highway impact of this proposal is considered not to be severe.

At the time of writing this report a final formal response from Gloucestershire County Council Highway Officers was still to be received. The applicant had submitted some technical data on the day before the Committee report deadline. The data had still to be fully assessed by Highway Officers. However, it is anticipated that a formal response from GCC Highways will be received prior to the July 8th meeting. Subject to a final no objection being received from GCC Highways it is considered that the proposal would accord with Local Plan Policy 38 and guidance in Section 4 of the NPPF.

#### **(f) Loss of Agricultural Land**

The application site comprises 3.6 hectares of arable agricultural land. Paragraph 112 of the NPPF states that 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in preference to that of a higher quality.' The best and most versatile (BMV) land is classed as that falling within Grade 1, 2 and 3a.

Natural England Agricultural Land Classification (ALC) maps based on 1960s/1970s data identify that the site is predominantly Grade 2 with land to its north classed as Grade 3. The maps do not distinguish whether the Grade 3 land is Grade 3a or Grade 3b. The land around Chipping Campden as a whole was identified on the maps as being a mix of Grade 1, 2 and 3. In 1992 a further survey was commissioned by MAFF in relation to a number of sites around Chipping Campden. The current application site formed part of the survey and was identified as being Grade 3a.

Natural England advises that the 1960s/70s map data is 'not sufficiently accurate for use in assessment of individual fields or development sites, and should not be used other than as general guidance.'

From the information available it is evident that the proposal would result in the loss of agricultural land falling towards the lower end of the BMV classification. As such it is necessary to have regard to Paragraph 112 of the NPPF. The NPPF does not provide a definition of what is meant by 'significant development' and as such this element of the aforementioned Paragraph is open to a degree of interpretation. However, it is of note that the threshold for consulting Natural England in relation to proposals for the loss of BMV land is 20 hectares. The application site is under this figure. It is also of note that the land around Chipping Campden is identified in the ALC maps as generally falling within the Grade 1-3 categories. Of the agricultural land surveyed in 1992 73.8% fell within the Grade 1-3a categories. The availability of poorer quality land as an alternative to this site is therefore considered to be limited.

Whilst the site does fall within the BMV category it also falls at the bottom end of the classification and is located in an area where the land is generally of an equal or higher quality. On balance it is considered that the proposal would not result in the significant development of agricultural land and that there is a limited amount of poorer quality land available for development. As such the proposal could be undertaken without conflicting with guidance in Paragraph 112 of the NPPF.

#### **(g) Impact on Biodiversity**

The application site is currently used for arable crop production and is intensively farmed. The south and eastern boundaries are domestic in character and consist of garden hedges, shrubs, a small number of trees, fences and walls. The northern boundary of the site is open and borders onto further arable land. The western boundary comprises field hedgerows and trees.

The applicant has submitted a Phase 1 Habitat Survey Report with the application. The report identifies that the field and its eastern and northern boundaries have negligible ecological value. The southern boundary is considered to be of 'relatively low ecological value' and that the hedgerows along the boundary are considered not to meet the criteria for 'Hedgerows' set out in the UK Post-2010 Biodiversity Framework, or to meet the criteria for an 'important' hedgerow under the Hedgerow Regulations 1997.

The western boundary of the site is defined by a species rich hedgerow which includes species such as field maple, ash, hawthorn, holly, sycamore, hazel, elder and blackthorn. The hedgerow is considered to meet the criteria for 'Hedgerows' and 'important hedgerow' set out in the guidelines and Regulations mentioned in the previous paragraph. The hedgerow along the western boundary is considered to be of high ecological value and to be the most ecologically valuable feature on the site.

The Habitat Survey Report recommends that the hedgerow along the western boundary is retained and protected during construction works. In instances where sections of hedgerow need to be removed (to facilitate the access for example) it recommends that compensation planting is introduced elsewhere. The report also recommends the introduction of additional hedgerow planting along the northern, southern and eastern boundaries. It also recommends that new planting within the site should utilise native species. The Council's Biodiversity Officer has examined the proposals and considers that they could be incorporated into the development. Further enhancements could be introduced through the sensitive planting of green areas and attenuation features within the site. Overall, they consider that the proposal could provide ecological enhancements and benefits and will not have an adverse impact on protected species. The proposal is therefore considered to accord with Local Plan Policy 9 and guidance contained in Paragraphs 109 and 118 of the NPPF.

#### **(h) Flooding and Drainage**

The application site is located in Flood Zone 1 as designated by the Environment Agency. Flood Zone 1 is the lowest designation of Flood Zone with an annual risk of flooding of less than 1 in 1000 (<0.1%). As the application site is in excess of 1 hectare in size the applicant has submitted a Flood Risk Assessment (FRA) with the application. The FRA has been examined by the Council's Drainage Officers and the Environment Agency.

The FRA indicates that the ground is clay in nature. Surface water can therefore run across the site and also run into the site from the land to the north. Surface water can pond in lower levels of the site such as in its south western and south eastern corners. In times of heavy rainfall water can flow over the western edge of the site and into a drainage ditch that runs alongside Dyers Lane. It then enters the River Cam at the junction with Blind Lane approximately 100m to the south of the application site. The surface water that gathers in the south east corner of the site can run along the field access lane that joins the site with Littleworth to the east. A linear drain has been installed along the access lane to limit flows onto Littleworth and southwards onto Park Road.

Local residents have raised concerns about an increased risk of flooding to properties in the vicinity of the site and in particular to those dwellings on Park Road to the south of the application site. In the storm event of July 2007 the area was subject to flooding. As well as surface water run off from the north properties on Park Road also suffered flooding from the River Cam which runs parallel with the aforementioned road. During 2007 floodwaters from the River Cam backed up at the Blind Lane culvert located at the western end of Park Road. The water then flowed along Park Road causing flooding to properties in the locality.

In the intervening period the Council has undertaken flood alleviation works within the grounds of Westington Mill located to the west of Blind Lane/Dyers Lane. The works involved the creation of an attenuation basin to reduce the flow of water through the Blind Lane culvert during periods of high rainfall. These works have helped to address one of the main sources of flooding arising from the 2007 event.

The proposed scheme will also be seeking to introduce measures that restrict surface water run off through and from the site. The intention is that surface water run off will be designed to be no greater than existing greenfield rates (plus 30% to allow for climate change). A pipe system and below ground holding tanks will be utilised to store water on site before releasing it at a greenfield rate through a flow restricting control chamber. The indicative plans also show a flood attenuation basin being introduced into the southern part of the site to collect surface water flow. In addition, it is proposed to intercept surface water run off from the land to the north of the site through a cut drain/ditch. This will reduce surface water flow across the site from the north.

The proposed drainage system will be designed to accommodate surface water run off arising from new buildings and hard surfaces. The measures put forward indicate that surface water run off from the site can be restricted so that it will be no greater than existing greenfield rates. The proposal should not therefore exacerbate the existing situation or cause an unacceptable increased risk of flooding to existing properties in the locality. No objections have been raised by the Environment Agency or the Council's Drainage Engineers and it is therefore considered that the proposal accords with guidance in Paragraphs 100 and 103 of the NPPF.

In terms of the disposal of foul and surface water Severn Trent Water raises no objection subject to a condition requiring technical details to be submitted. Thames Water is responsible for water supply in the area. They have requested that water impact studies be undertaken. The applicant has commissioned Thames Water to undertake a flow and pressure investigation. The investigation concludes that the network has sufficient spare capacity in the distribution network to supply peak demand and that no offsite mains reinforcement is required. The proposal is therefore considered to raise no unacceptable water supply issues.

#### **Other Matters**

The Archaeologist at Gloucestershire County Council advises that the area around Chipping Campden is known to contain widespread archaeological remains relating to prehistoric, Roman and Anglo-Saxon settlement and activity. He therefore recommended that an archaeological field evaluation be undertaken prior to a decision being made. The applicant has subsequently undertaken an evaluation. The County Archaeologist advises that the evaluation revealed the presence of a rectilinear enclosure dated to the Late Bronze Age or Early Iron Age located in the southern part of the site. No evidence for the function of the enclosure was found. The Archaeologist advises that enclosures of this date are rarely found and, in his view, it should be regarded as a significant heritage asset. However, he goes on to state that the remains are not of the first order of preservation since they have undergone erosion from ploughing with the result that all the surfaces associated with the remains have been destroyed. He therefore considers that the remains are not of the highest significance and do not therefore merit preservation in situ. The Archaeologist therefore has no objection to the proposal subject to a condition requiring a further programme of archaeological investigation and recording.

The Council's Tree Officer has examined the proposal and raises no objection.

The proposed development will be subject to the New Homes Bonus. The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes in their area. The New Homes Bonus is paid each year for 6 years. It is based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use. There is also an extra payment for providing affordable homes.

With regard to financial contributions Gloucestershire County Council has examined pre-school, primary and secondary education provision and projections. They have advised that the existing education provision within the application's catchment area is forecast to be at capacity in coming years. They have therefore recommended contributions of £221,148 (19 pupils x £11692) towards primary education and £203,285 (11.4 pupils x £17,832) towards secondary education. The contributions would be used towards capital works to extend, remodel, upgrade and improve the capacity and suitability of the respective schools to accommodate the new pupils and children arising from the proposed development.

A contribution of £14,896 towards library services has also been requested.

The above contributions are considered to be directly, fairly and reasonably related in scale and kind to the development proposed and necessary to make the development acceptable in planning terms. They are therefore considered to accord with the requirements of Paragraph 204 of the NPPF and Paragraph 122 of the Community Infrastructure Levy Regulations 2010.

### **9. Conclusion:**

Overall, the proposed scheme will result in the development of a greenfield site located within the Cotswolds Area of Outstanding Natural Beauty. The site is also located outside a Development Boundary as designated in the Cotswold District Local Plan 2001-2011 where such development would normally be restricted. In addition, the Council can also demonstrate a 7.74 year supply of deliverable housing land and is therefore able to meet its housing land supply requirements. The application has therefore to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The proposed scheme will result in a very discernible encroachment of development into the open countryside. It will also be readily visible from a number of Public Rights of Way that are located within and around the application site. By virtue of the size and extent of the proposed development it is considered that the proposal will fail to conserve and enhance the natural beauty of the AONB. In addition, the level of proposed development is considered to constitute major development in the context of Paragraph 116 of the NPPF. The aforementioned Paragraph advises that planning permission should be refused for major development in AONBs except in exceptional circumstances and where it can be demonstrated they are in the public interest. It is noted that the proposal will contribute to the Council's ongoing need to provide a continuing supply of housing land and will provide new affordable homes. However, in light of the Council's supply of deliverable housing land being well in excess of the requisite 5 year minimum requirement it is considered that there is no exceptional need to release an area of greenfield land of the size proposed within the AONB for residential development at the current time. Moreover, there are currently extant permissions for residential development within Chipping Campden which can address the town's housing needs in the short to medium term. The application site is therefore not the only option available to meet the town's future housing needs.

It is considered that the development could be undertaken without having a significant adverse highway, drainage, ecological or archaeological impact. However, these are also considered not to be exceptional circumstances that justify the release of the land having regard to Paragraph 116.

It is considered that the impact of the proposal on the character and appearance of the AONB outweighs other benefits arising from the proposed development. The proposal would cause significant harm to existing patterns of development through a significant encroachment of development into the AONB landscape. It would therefore conflict with criterion b) of Policy 19. The landscape and environmental impact of the proposal would also result in a development that significantly compromised the principles of sustainable development thereby conflicting with criterion e) of Policy 19. The introduction of a development of the size proposed would also fail to respect the setting of the town and local distinctiveness and would therefore conflict with Local Plan Policy 42.

It is considered that the proposal would conflict with the Local Plan Policies 19 and 42 and guidance in the NPPF, in particular Paragraphs 17, 109, 115 and 116. There are no exceptional circumstances or other material considerations that outweigh the identified harms and as such it is recommended that the application is refused.

**10. Reasons for Refusal:**

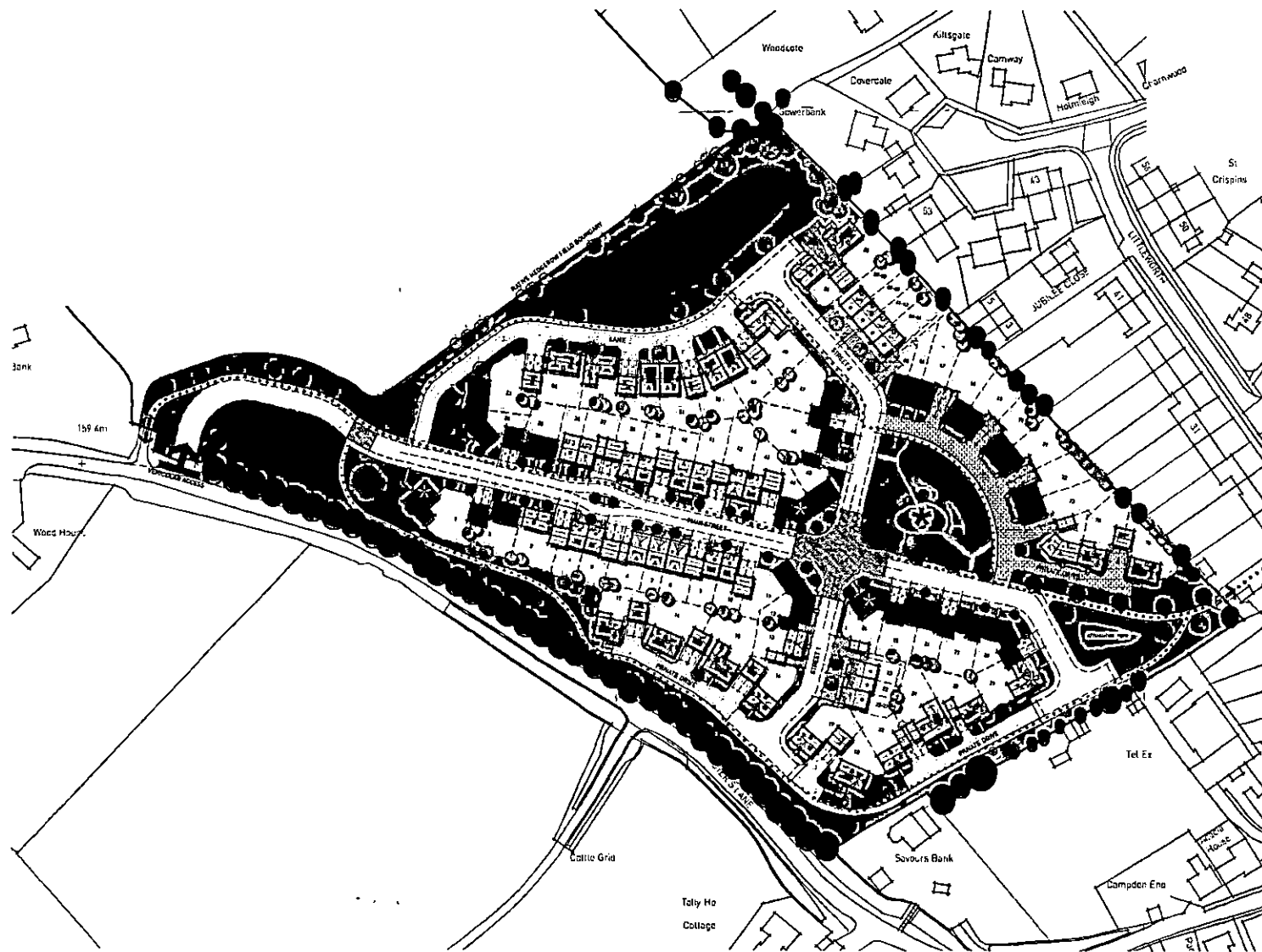
1. The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The proposed development, by virtue of its size, its position on greenfield land and the size of the scheme proportionate to the size of the existing settlement, is considered to constitute major development in the context of Paragraph 116 of the National Planning Policy Framework (NPPF). Paragraph 116 advises that planning permission should be refused for major developments in AONBs except in exceptional circumstances and where it can be demonstrated that they are in the public interest. At the present time the Council is able to demonstrate that it can provide the requisite 5 year supply of deliverable housing land and as such there is no exceptional need to release the land for housing. The benefits arising from the scheme are considered to be limited and not to constitute exceptional circumstances as required by Paragraph 116. The development of the land would result in the loss of a greenfield site within the AONB to the detriment of its intrinsic character and appearance. There are no exceptional circumstances which justify the release of the land for the proposed development and as such it is considered to be contrary to Cotswold District Local Plan Policies 19 and 42 and guidance in the NPPF, in particular Paragraphs 17, 109, 115 and 116.

2. The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The proposed development, by virtue of its size, its position on greenfield land and the size of the scheme proportionate to the size of the existing settlement would represent a significant encroachment of development into the AONB landscape and the replacement of an area of agricultural land that makes a positive contribution to the setting of the settlement with built development. The development of the land would result in the loss of a greenfield site within the AONB to the detriment of its intrinsic character and appearance and as such it is considered to be contrary to Cotswold District Local Plan Policies 19 and 42 and guidance in the NPPF, in particular Paragraphs 17, 109 and 115.

**Informatives:**
















This decision relates to the area outline in red on drawing number BM053-100E and the access details shown on drawing numbers SK06.





0 20 40m

symbol	date	description
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-  Site boundary
-  Front access to dwelling
-  Driveway with variable rent dwelling
-  Driveway with shared ownership
-  1.8m high brick wall
-  1.8m high close board fence
-  Gate access to garden
-  Black painted metal perimeter estate fencing
-  Clear low stone wall
-  Black paving
-  Proposed planting (water to drainage indicating scheme)
-  Key building location
-  Existing 750mm
-  Proposed external steps
-  Bin collection point

144

**BrodieManning**  
 Planning, Design & Development

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 GL32 8AH

client: W.R Haines project: Ref: BM053

project description: Proposed Residential Development

location: Land at the Leasows, Dyers Lane, Chipping Campden

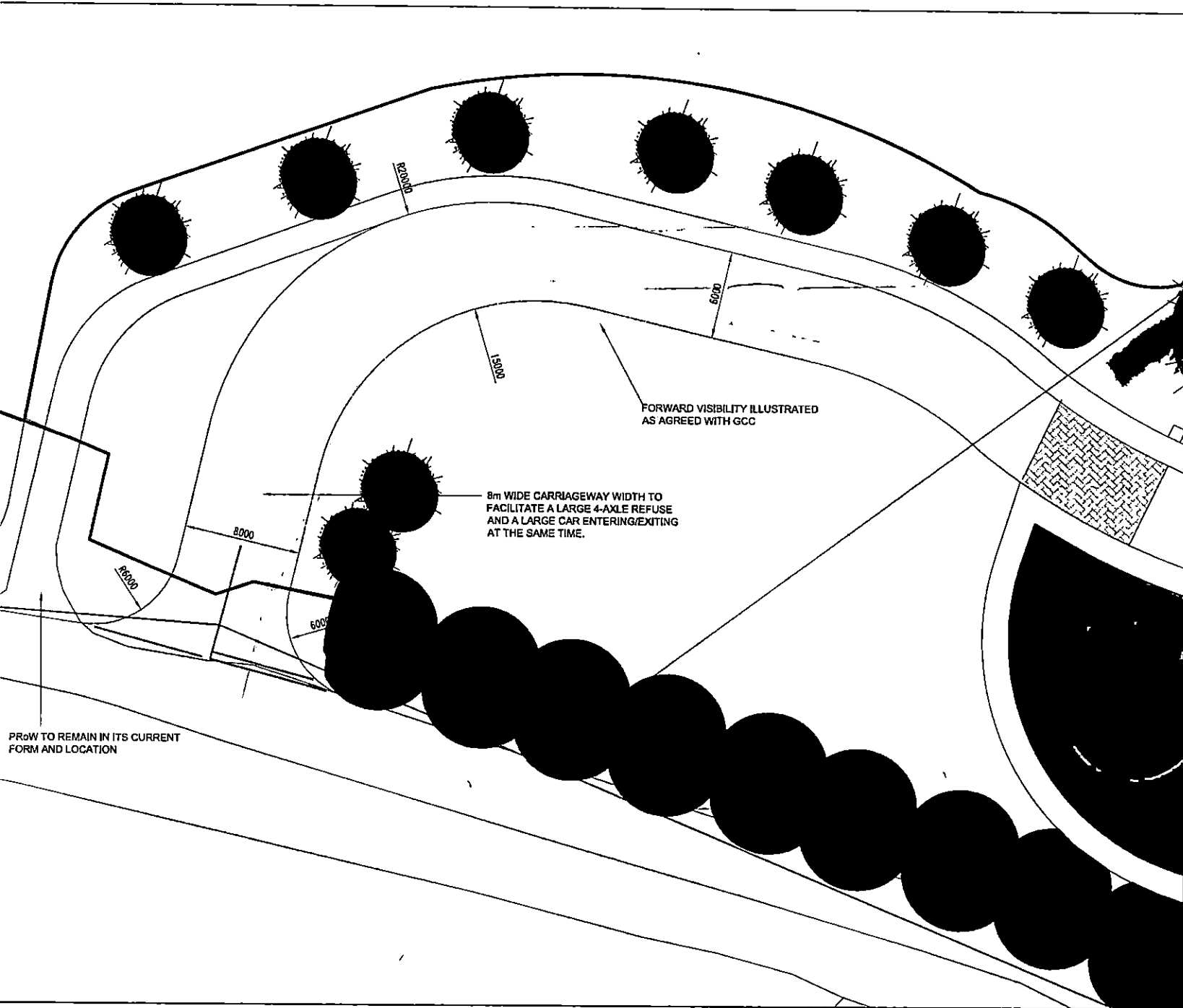
title: Indicative Site Plan


drawing number	scale	date
BM053-100E	1:1000 @ A2	20/06/2015

stage	revision
PLANNING	E

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15/05/10 08/10/12



REV	DATE	REVISION DETAILS	BY
-	23.6.15	1ST ISSUE	DJA
 <p>12 Greenway Farm   Barn Road   Weymouth   Dorset   BH20 6RL TELEPHONE: 0117 937 4077</p>			
PROJECT TITLE			
THE LEASOWS CHIPPING CAMPDEN			
DRAWING TITLE			
VISIBILITY REVIEW			
CLIENT / ARCHITECT			
STATUS			
SCALE		DRAWN	
1:750		AT A3	
CHECKED		APPROVED	
RW		RW	
DRG SIZE	DATE	DRAWING NUMBER	REV
A3	23.6.15	SK06	-

## CHIPPING CAMPDEN TOWN COUNCIL

OLD POLICE STATION · HIGH STREET · CHIPPING CAMPDEN · GLOS · GL55 6HB



Martin Perks  
 Planning Department  
 Cotswold District Council  
 Trinity Road  
 Cirencester  
 GL7 1PX

Cotswold District Council - Post Room		
Area Of	Initials	Date Rec'd
30 MAR 2015		
Ack Date		
Reply Date		
File Ref		

*Indexed  
UB.*

26<sup>th</sup> March 2015

Dear Martin,

In addition to its objections submitted on-line to CDC's Planning website, the Town Council (TC) wishes to support its objections to planning application 15/00708/out for the Land at The Leasows by reference to relevant sections of its response to CDC's draft Local Plan.

These policies were widely supported by a public vote at our exhibition and public meeting for CDC's Draft Local Plan and now form the basis of our draft neighbourhood plan.

Chipping Campden is a beautiful Cotswold market town with a unique character, history and culture. It is often credited with being one of the most architecturally important small towns in the country and quite naturally residents of the town value this most highly and wish to protect these unique qualities for the benefit of many future generations.

The TC chose not to challenge CDC's determined house build target for the town of 208 dwellings over 20 years (to 2031) during the public consultation period. There is however, a strong body of opinion, shared by the TC that this figure is excessive and should even now be contested in the context of real and justified demand. In other words the house build target number is seen as much more a "supply" than "demand" driven approach. The current number of houses already committed against the 208 target we have estimated at 93 leaving a balance of 115.

The first significant point of contention from the TC perspective is the CDC proposal (Settlement Strategy 6 item 1) to dedicate housing development solely adjacent to the Aston Road and also to reject all other sites that had previously been under discussion in the earlier SHLAA analysis and in part recommended by the TC.

An additional net 20 houses have also recently been approved for the Barrels Pitch School site (CC 48) thence generating a potential of 147 total solely on the Aston Road.

The other likely long term outcome is that this programme would be very "front end loaded", which raises serious concern of the risk of additional major build programs in later years, propagated by policy and/or Government change and a consequential far bigger programme than currently envisioned or permitted by the Local Plan.

Quite separate from the likely and highly undesirable excess long term build concern indicated above there are at least four criteria in the National Policy Planning Framework (NPPF) which support rejection of the largest site (CC23). These factors then constitute part of an evidence based response from the TC. The relevant NPPF issues upon which we object to the draft plan approach and site CC23 in particular are as follows:

Para. 116 contains a presumption against "major" development in the AONB. When contrasted against the size of Chipping Campden (1200 houses) we cannot believe that around 100 houses or more on one site (an increase of 8 %) would not be judged as "major" and therefore is unacceptable unless there are exceptional circumstances (see below).

Paragraph 8.100 of the draft Plan states and we wholly agree that ....*"Chipping Campden arguably has the highest quality townscape of all the conservation areas in Cotswold District ,together with a fine landscape setting within the AONB"* ....Pursuant to this it is very clear that the safeguards and guidelines included in the NPPF are of enormous significance in the Cotswolds and of greatest significance in Chipping Campden. Thus paras. 109 and 115 of the NPPF put great weight on ....*"protecting and conserving the landscape scenic beauty and wildlife.... in the AONB"*.

Having established a robust evidence based case (supported by paras 109,112,115,116 and 117 of the NPPF) for rejection of the Leasows site the TC formulated its first policy conclusion which states

**CC STATEMENT 1:**

**We should not be developing large sites of typically 100 dwellings anywhere in the vicinity of the town because this will totally spoil the character and unique qualities of the town and its surrounding environment.**

Furthermore as a much preferred alternative strategy, we concluded that development in Chipping Campden over the next 20 years should be phased and of an "organic" nature and based on a series of more discrete sites of a smaller size (eg. 30 dwellings and less). We believe that such an alternative approach can still meet the target build over the 20 year programme but is much more appropriate to minimize serious damage to the image character and natural heritage of the town and its immediate environment.

We maintain that this policy is of such crucial importance that it should be adopted and imbedded within the Local Plan documentation with reference to Chipping Campden. This second resulting policy can be summarised as:

**CC STATEMENT 2:**

**We believe that housing development in Chipping Campden should be of an organic nature spreading the development over the 20 year plan period and based on a number of discrete, small and medium sized sites of no more than 30 dwellings, hence limiting the damage caused to the image, character, natural habitat and traffic conditions of the town and its immediate surroundings.**

We mentioned above that para.116 restricting development of major sites in the AONB would only be admitted in "exceptional circumstances". The most obvious example of exceptional

circumstances would be lack of alternative option sites that are or could reasonably become available within the 20 year horizon. We believe that such potential option sites are eminently realisable as will be shown below. This point of course underpins our extreme concern that the CDC draft Plan chose to reject other sites that had been proposed in the SHLAA process.

At this stage of our examination of the Draft Plan we revisited the SHLAA proposed sites and chose to focus on six of the listed sites purely as options with no prioritisation. This was also then totally aligned with our CC STATEMENT 2 shown above and we propose appropriate housing numbers for these option sites as listed below. We would note that in paragraph 8.102 of the draft Local Plan, whilst the 2014 SHLAA is mentioned absolutely no reference is made to or explanation given of why the significant list of other option sites is ignored. We believe that is a serious omission when we are looking forwards for over a 20 year period which subsequent examination in public is likely to consider unsound. A strategy to develop by phased organic growth to meet the target over this period and with a rigorous policy to limit the size of such sites seems totally appropriate and realisable.

The option sites we propose are:

Barrels Pitch (CC40 (included already in the draft plan)	13
Packing Station (CC43) (with relocation)	30
Back End Stables (CC 38a)	8
The Leasows (CC44)	30
Cricket Ground (CC41) (with relocation)	30
Aston Fields (CC23c)	30

TOTAL 141 (versus 115 balance target)

It is also worth noting that we consider The Bathing Lake R432 at Broad Campden a serious contender for our option list but we were verbally informed that this has been discounted. Broad Campden is within the parish so we are at a loss to understand this and wonder in any case where this option site for a potential 10 dwellings is indeed included if at all. The site is no further from the Town Centre than CC23.

We intentionally generated a target list with a total slightly in excess of the balance to allow for a buffer. Aston Field CC23 has very reluctantly been included as a buffer. Bearing in mind the substantial points of objection to this site we have only considered it as a back-up option on the acceptance of it being of a much reduced size. We would prefer to eliminate the site as an option in particular if the damage to the resident skylark population is found to be critical even for a smaller site.

A sound and in depth analysis of all the sites (see later) shows that on NPPF and other grounds all sites are likely to be flawed in some respect or other and hence the option list is based upon pragmatic judgement should there be no flexibility whatsoever on the build target.

In evaluating the potential of the above list of sites in a somewhat more systematic manner, we used the same approach as CDC and parameters that were considered were Local opinion, Agricultural Land Grading, Visibility in AONB, Size v para 116, Distance to town centre, Infill/brownfield or extension sites, Road access/traffic, Flooding, Availability and Deliverability. A green, amber and red colour coding was also employed to denote positive, questionable/longer term or negative results (see Appendix 5). Our table compares Town Council (TC) and CDC observations. Whilst our examination was extensive (and explanatory notes are overlaid on the table), we noted that the CDC evaluation of many of the parameters was often "no comment".

We believe that the results generated and summarised in the table demonstrate the realisability over 20 years of the target from several small to medium sized sites and in line with our CC STATEMENT 2. We request therefore that the Local Plan be redrafted to reflect these conclusions and recommendations.

Site 6	The Leasows - CC_44	
View from	CDC	TC
Local Opinion*	Public 30/16	Strong local opposition to development of more than 30 units
Agricultural Land	Grade 1 Agricultural Land - conflict with NPPF	Grade 3 - lesser conflict with NPPF
Visibility in AONB	Highly visible & intrusive from surrounding hills & roads	Natural yearned nearby with DoE bank and shallow slope from Kingcombe Lane
Major site versus Para 116 NPPF	No Comment	Possible Major Site
Distance to Town centre	No Comment	Closest of 3 major sites - 1/2 distance of CC3C
Infill or Not	No Comment	Open land to north, road and development on 3 sides
Road Access	No Comment	Single access will need careful design

<b>Deliverability</b>	<b>No Comment</b>	<b>AONB</b>
<b>Issues/Gains</b>	<b>No Comment</b>	<b>Flooding - very careful drainage design to reduce run-off rate from rising land down to Littleworth and Park Road</b>
<b>CONCLUSION</b>	<b>Not Allocated for Development</b>	<b>Not Allocated for Development</b>

The current application for Land at the Leasows is for 76 houses which far exceeds the 30 stated in our submission to CDC's Local Plan and, in our opinion, constitutes a major development in the AONB and, therefore, should be refused.

In addition, by extending the site much further up the field than that shown on our submissions, visibility and its impact on the AONB becomes a serious concern as demonstrated by the attached photographs.

We ask, therefore, that the application be refused.

Yours sincerely,

Joanna Ellis

Town Clerk

