

**TO EACH MEMBER OF THE  
PLANNING COMMITTEE**

14 December 2015

Dear Councillor

**PLANNING COMMITTEE- TUESDAY 22 DECEMBER 2015**

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the following:

<b>Agenda Item</b>	<b>Description</b>	
<b>5a</b>	<b>Schedule</b>	<b>1 - 116</b>
	To consider the accompanying Schedule of Planning Applications and proposals, marked Appendix "A".	

Should you have any queries regarding the above please contact Democratic Services on  
Tel: 01684 272021

Yours sincerely



**Lin O'Brien**  
**Democratic Services Group Manager**



**APPENDIX A  
Agenda Item No. 5A**

**TEWKESBURY BOROUGH COUNCIL**

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 22 December 2015

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(562 - 589)	(590 - 636)

**PLEASE NOTE:**

1. In addition to the written report given with recommendations, where applicable, schedule of consultation replies and representations received after the Report was prepared will be available at the Meeting and further oral reports may be made as appropriate during the Meeting which may result in a change to the Development Manager stated recommendations.
2. Background papers referred to in compiling this report are the Standard Conditions Booklet, the planning application documents, any third party representations and any responses from the consultees listed under each application number. The Schedule of third party representations received after the Report was printed, and any reported orally at the Meeting, will also constitute background papers and be open for inspection.

**CONTAINING PAGE NOS. ( 562 - 636 )**

### Codes for Application Types

OUT	Outline Application
FUL	Full Application
APP	Application for Approval of Reserved Matters
LBC	Application for Listed Building Consent
ADV	Application for Advertisement Control
CAC	Application for Conservation Area Consent
LA3/LA4	Development by a Local Authority
TPO	Tree Preservation Order
TCA	Tree(s) in Conservation Area

### National Planning Policy

National Planning Policy Framework (NPPF)

Technical Guidance to the National Planning Policy Framework

Planning Policy for Traveller Sites

Planning Policy Statement 10: Planning for Sustainable Waste Management

Planning Policy Statement 11: Regional Spatial Strategies

## INDEX TO PLANNING SCHEDULE (RECOMMENDATIONS) 22nd December 2015

Alderton 15/01142/FUL <a href="#">Click Here To View</a>	6 St Margarets Road Alderton Tewkesbury	Refuse	2
Ashleworth 15/00965/OUT <a href="#">Click Here To View</a>	Land off Nup End Ashleworth	Delegated Permit	4
Bishops Cleeve 15/01104/FUL <a href="#">Click Here To View</a>	2 Southam Fields Farm Meadoway Bishops Cleeve	Refuse	7
Bishops Cleeve 15/01113/FUL <a href="#">Click Here To View</a>	8 Haylea Road Bishops Cleeve Cheltenham	Permit	9
Boddington 15/00982/FUL <a href="#">Click Here To View</a>	Hayden Hill Fruit Farm Old Gloucester Road Boddington	Refuse	6
Churchdown 15/00755/FUL <a href="#">Click Here To View</a>	Land at Ashville Business Park Commerce Road Churchdown	Refuse	5
Hucclecote 15/00816/APP <a href="#">Click Here To View</a>	Parcel 5B Gloucester Business Park Brockworth	Delegated Approve	11
Hucclecote 15/01068/APP <a href="#">Click Here To View</a>	Land Parcel 21A Gloucester Business Park Brockworth	Approve	10
Leigh 14/01201/FUL <a href="#">Click Here To View</a>	Todpool Cottage The Leigh GL19 4AG	Refuse	1
Longford 15/00814/APP <a href="#">Click Here To View</a>	Land to East of Tewkesbury Road & North of Longford Lane Longford Gloucester	Delegated Approve	12
Southam 15/01081/FUL <a href="#">Click Here To View</a>	Land on the West Side New Road Southam Cheltenham	Permit	8
Tewkesbury 15/01098/FUL <a href="#">Click Here To View</a>	Brooklands Abbots Road Tewkesbury Gloucestershire	Permit	3

14/01201/FUL  
PP-03833172  
Valid 15.01.2015

Todpool Cottage, The Leigh, GL19 4AG

1

Demolition of three pre-fabricated concrete garages/ lean to and construction of a two storey detached dwelling house.

Grid Ref 386866 226101  
Parish Leigh  
Ward Coombe Hill

Mr Colin Withers  
Todpool  
The Leigh  
GL19 4AG

## RECOMMENDATION Refuse

### Policies and Constraints

National Planning Policy Framework  
Planning Practice Guidance  
JCS (Submission Version) - SP1, SP2, SD1, SD4, SD5, SD10, SD11, SD15 and INF1  
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU2, HOU4, TPT1, EVT5, LND3 and LND7.  
Flooding and Water Management SPD.  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)  
Within 50m of a Listed Building - 28/78: Daniels Orchard, The Leigh  
Flood Zone 2  
Public Right of Way  
Landscape Protection Zone  
SSSI Consultation Buffer

### Consultations and Representations

Parish Council - are sympathetic to the proposals and note that there have been few new houses built within the Leigh Village during the last two decades. One or two dwellings were identified as being built with no such ties. It is recognised that the village population is growing older and that the allowing of limited, in keeping and small developments should be seen as a positive to encourage new life into the village. The objections raised by local residents (summarised below) are also noted and have also been in direct contact with one other parishioner.

Public Rights of Way Officer - The Public Right of Way must not be built on or obstructed and any damage to the Highway must be made good. Temporary closure may be required for the duration of the works.

Borough Flood Risk Manager - No objection subject to a condition.

Two letters of objection are summarised as follows:

- A precedent would be set and Policy HOU4 applies - meaning only development for agriculture should be allowed.
- No mains drainage in the village
- Public rights of way run across Todpool - the path to the village pond is questionable and the GCC sign has gone.
- The single track lanes around Leigh village are already unsuitable for the increasing amount of traffic.
- Creation of a larger footprint than existing garages and twice the height.
- Loss of privacy and amenity to Highfield House through overlooking.
- Site within Flood Zone 2 with a medium risk for flooding.
- Site located within a Landscape Protection Zone and Policy LND3 should be applied.
- Contrary to policies in respect of ecology, appearance of the landscape and safeguarding the water environment.

**Planning Officers Comments:** Mr Andrew Thompson

## 1.0 Application Site

1.1 The site is approximately 0.4 hectares and is occupied by a double garage/workroom with an adjacent block of 3 concrete garages. The southern boundary has a mature hedgerow in which there is an existing vehicular access serving the garages. On the eastern boundary is a further mature hedgerow along which runs a public footpath within the application site. Beyond the eastern boundary is Highfield, a detached dwelling house; the existing Todpool Cottage is located to the west.

1.2 The site is located within a Landscape Protection Zone and a small section of the site at its south western boundary falls within Flood Zone 2. A public footpath is located within the site and runs along the eastern boundary

## 2.0 Planning History

2.1 There have been various previous applications on this site, most notably the refusal for 4 new dwellings in 1988 (Ref: 88/91445/OUT); various approvals and refusals for alterations and additions to the main house and the approval of a new garage block to replace existing outbuilding (Ref: 02/00248/FUL).

## 3.0 Current Application

3.1 The current application proposes the demolition of three pre-fabricated concrete garages/ lean to and construction of a two storey 3 bedroom detached dwelling house alongside the retained double garage/workroom.

3.2 In support of the application the applicant refers to the Rural Services Network report in October 2014 which states that *"Research shows that most older people would ideally choose to continue living independently within their local community but sometimes they are forced to move due to the lack of suitable accommodation."* The applicants also states that *"The primary reason for the application is that as I approach my seventies I foresee the time when I no longer require a large family home with extensive grounds but wish to remain in the village of The Leigh where I have lived for the past twenty five years. The plans therefore propose a more suitable home, designed to take a carer if needed, allow family to visit, efficient to heat, low maintenance and simple access with wider doors and straight stairs or lift. Also an easier house to allow my wife and myself to remain in a caring community we know and to release our existing house to a new younger family who can benefit from living in The Leigh"*.

## 4.0 The principle of development

4.1 Saved Policy HOU4 of the Local Plan does not allow for new general market housing development in settlements outside of residential development boundaries as defined in the Local Plan. However, HOU4 is based on the now revoked Structure Plan housing numbers and for that reason is considered out of date in the context of the NPPF in so far as it relates to restricting the supply of housing. The policy is also out of date in this context because the Council cannot demonstrate a five year supply of deliverable housing sites.

4.2 Paragraph 55 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities; local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

4.3 The Leigh is a small settlement offering very little by way of the facilities and services which are needed to support a healthy community in their day-to-day needs. The site is not well served by public transport, pedestrian or cycling facilities and residents of the proposed development would be heavily reliant on the use of the private motor car to meet their daily transport needs. Whilst bus services to Gloucester and Tewkesbury do pass along the A38, access to bus stops is along very narrow country lanes which do not offer attractive or safe pedestrian routes.

4.4 In this regard, it is also relevant to note that The Leigh is not identified in the submission version of the JCS as a Service Village, which are deemed as suitable locations for some limited residential development. Whilst the applicant points out that nearby Coombe Hill is a Service Village, Coombe Hill has a range of services including excellent access to the public transport network which as explained above, is not replicated at The Leigh.

4.5 On this basis it is therefore considered that the application site is isolated in the context of paragraph 55 of the NPPF. Whilst the applicants desire for a suitable new home to meet his own circumstances are noted, these personal circumstances do not outweigh national planning policies regarding the location of new housing and thus the principle of development is not considered to be acceptable.

## 5.0 Landscape Impact

5.1 Local Plan policy LND3 seeks to give special protection to the ecology and visual amenity of the river environment. Development will not be permitted which, inter alia, has a detrimental visual effect on the character of the associated landscape setting of the Severn Vale.

5.2 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Sections 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy SD7 of the submission version of the JCS sets out that development should seek to protect landscape character for its own intrinsic beauty and have regard to local distinctiveness and character of landscapes.

5.3 The proposed development is set between existing properties and would replace an existing outbuilding. The proposal would introduce a new dwelling with significant bulk and mass into the landscape and the proposals would be close to the existing public right of way that runs through the site for the entire depth of the property, without windows or detail to break up this mass. This would be uncharacteristic of this rural location and the rural setting of the footpath and would appear oppressive to users of the footpath albeit for a short distance in comparison to its overall length. The proposals therefore would result in a change to the character of the rural public footpath. As a result there would be some harm to the landscape setting and this weighs against the proposal.

## 6.0 Design and Impact on the Character and Appearance of the Area

6.1 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Policy SD5 of the submission version of the JCS requires proposals for all new development to clearly demonstrate that a number of design principles have been reflected in proposals.

6.2 Development which has a poor relationship with the built form will not be acceptable. A detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside.

6.3 The existing buildings on the site are a collection of outbuildings related to Todpool Cottage comprising five garages and store. A double garage, constructed of traditional brick materials with a pitched roof (with rooflights) is proposed to be retained for use with the new property. The low-pitched (almost flat roofed) triple garage and store would be demolished and replaced by the new dwelling.

6.4 The proposed dwelling is a two storey, 3 bedroom dwelling. The building would at its maximum be 9.5m in width (front/south elevation) and 16.6m deep. The proposals would be constructed of brick at the ground floor level to match the garage building and larch timber cladding laid horizontally on the first floor and dormer windows. The proposals include a large oak framed feature window on the first floor. The ridge and eaves heights would be approximately 6.5m and 5m respectively. The ridge would be approximately 0.9m higher than the neighbouring garage and 1.7m higher than Todpool Cottage. It is noted that site levels are higher than Todpool Cottage.

6.5 Todpool Cottage and a majority of the buildings in The Leigh are of traditional design with brick and timber both used. The proposals due to the bulk and mass and the low pitched roof would appear as a stark contrast to Todpool Cottage and other buildings in the immediate vicinity. The use of two timbers, the horizontal cladding and brick (i.e. horizontal bonding of materials) together with the considerable bulk and mass in particular in the depth of the proposals lead to a contrived design. The general bulk and mass and the large amount of blank walls together with the depth of the proposals are therefore considered inappropriate. Whilst innovative architectural solutions would be capable of being supported, the proposals would jar with the simpler, better balanced and more traditional buildings in the immediate vicinity and in the village generally.

6.6 In light of the above the design of the proposed development would not meet the high design standards required by national and emerging local policies. Thus the proposals would have an unacceptable impact on the character and appearance of the area which is located within the Landscape Protection Zone. This is a matter which weighs significantly against the proposals.



## **7.0 Accessibility and Highway Safety**

7.1 Section 4 of the NPPF states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice in how they travel. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 32 specifically requires safe and suitable access to all development sites for all people.

7.2 Policy TPT1 of the Local Plan requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided. Policy TPT1 of the Local Plan reflects advice in the NPPF and thus should be afforded significant weight. Policy INF1 of the submission version of the JCS states that developers should aim to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Policy INF2 of the submission version of the JCS requires developers to ensure proposals do not affect the safety or efficiency of the highway network.

7.3 As set out in paragraph 4.11 above, the site is essentially isolated in that it is not well served by facilities and services. The site is not well served by public transport or other facilities to allow travel by sustainable modes of transport. Whilst the NPPF sets out that solutions will vary from urban to rural locations, given that there are no services or facilities to meet the day to day needs of residents in The Leigh, it is not considered that development at this site would contribute to the aims of sustainable development.

7.4 As set out above, bus access direct to Gloucester and Tewkesbury is available from the A38. The A38 is approximately 400 metres from the application site and the road network leading from the site to the A38 is not lit and there are no footways along the narrow country lanes. Pedestrians would therefore be in conflict with other road users. There is a pub and a petrol station incorporating a shop at Coombe Hill however for the same reasons, there is little realistic option but to access those facilities by using the private car.

7.5 The proposals would utilise existing garages to provide car parking with additional space available in front of the dwelling. The proposals would not result in inadequate parking for the existing Todpool Cottage which has an availability of parking areas available. Further there is sufficient space on the site for construction vehicles. This is important given the narrow nature of the road and the lack of on street parking availability.

7.6 In terms of the existing right of way on the site, the proposals would come closer to the public right of way but would not block or obstruct it. The County Rights of Way Officer does not object to the proposal on that basis.

7.7 In conclusion, there are no objections in respect of highway safety however the isolated location of the site is considered to weigh significantly against the proposed development in the overall planning balance.

## **8.0 Relationship to neighbouring properties**

8.1 The application site is reasonably separate from neighbouring properties with Todpool Cottage approximately 18.5m to the west and Highfield approximately 22m to the east. Between the proposals and Highfield is the public right of way.

8.2 The length of the proposals and the general bulk and mass are considered above and this would have an impact on neighbours due to the change in outlook and the scale of the proposals. However, given the separation to neighbouring dwellings and the lack of windows on the side elevation, the proposals would not result in an undue impact on the living conditions of the neighbouring properties.

## **9.0 Flood Risk and Drainage**

9.1 Whilst the 'red line' ownership boundary does encroach into Flood Zone 2, the vast majority of the site, including the built form would be in Flood Zone 1. Further, it is acknowledged that the recently constructed flood defence would have a positive effect on the location. The Flood Risk Management Officer has been consulted and considers that the increase in impermeable area compared to the existing footprint is minimal, and as such it is unlikely to raise significant flood risk issues. Using infiltration to discharge surface water would be welcomed and favoured; as would a commitment to rainwater harvesting/recycling, water quality improvement and utilising permeable (or porous) surfacing. On that basis, having regard to the Council's adopted SPD, detailed drainage design, floor levels and the use of permeable materials in the hard surfaces of landscaping could be secured by appropriately worded planning conditions.



## 10.0 Overall Planning Balance

10.1 Policy HOU4 of the Local Plan is out of date and in accordance with paragraph 49 of the NPPF the proposal must be considered in the context of the presumption in favour of sustainable development. However in line with paragraph 14 of the NPPF paragraph 55 of the NPPF specifically seeks to restrict the erection of isolated dwellings in the countryside, which is what this application seeks to provide.

10.2 Against this, there are social and economic benefits to the proposal in that the proposal would contribute to the supply of housing which would in turn create benefits for the local economy, both through construction and following occupation. These matters weigh in favour of the proposal however, given that the social and economic contribution would be so limited it is not considered that these factors would outweigh the harm caused by conflict with the NPPF.

10.3 In addition to the in principle objection, the proposed development would result in environmental harms arising from the poor quality design and resultant impact on the character and appearance of the area, which is within the Landscape Protection Zone. Furthermore, the proposals would result in reliance on the private car. In themselves, these harms are considered to significantly and demonstrably outweigh the benefits.

10.4 The Parish Council comments need for the village to grow and sustain itself are noted but the principles of this proposal could be replicated across almost all other plots in this area leading to a significant increase in the amount of housing in The Leigh which has very few facilities and is not identified as an appropriate location for new housing in the adopted Local Plan, or as a service village in the emerging JCS. It is accepted that some villages will want and need some extra growth to meet the needs of residents however this should be planned through the Borough Plan or a community led Neighbourhood Development Plan.

10.5 In light of the above, the application is recommended for refusal.

### RECOMMENDATION Refuse

#### Reasons:

- 1 The proposed development conflicts with paragraph 55 of the NPPF in that the application site is in isolated countryside location and there are no special circumstances in this case that would justify supporting the development.
- 2 The proposal development, by reason of its design, bulk, mass together with the use of materials and fenestration detail and the relationship to the public footpath, would be out of keeping with the rural character of the area within the Landscape Protection Zone and would be an oppressive feature to the users of the rural public footpath. The proposals would be contrary to the aims and objectives of the NPPF in requiring high quality design and saved Policy LND3 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 3 The site is located remote from amenities and is not served by adequate footpaths, cycleways, or public transport facilities and the development would be likely therefore to increase reliance on the private car contrary to the NPPF, Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy INF1 of the submission version of the Joint Core Strategy.

#### Note:

#### Statement of Positive and Proactive Engagement

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

14/01/2011/FUL

NOTES

THIS PLAN IS PREPARED FOR THE CLIENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF ARCHITECTURE & DESIGN STUDIO. THE CLIENT ACCEPTS FULL RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND THE DESIGN OF THE PROJECT. THE CLIENT ACCEPTS FULL RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND THE DESIGN OF THE PROJECT. THE CLIENT ACCEPTS FULL RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND THE DESIGN OF THE PROJECT.

REVISIONS



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PROJECT

RE-DEVELOPMENT PLAN  
 PROPOSED REDEVELOPMENT  
 TO LAND ADJACENT TO  
 138E L11111  
 FOR L&L PHOS C. Members

SCALE	DATE	NO. 1/11
PROJECT		939-02



566/ga

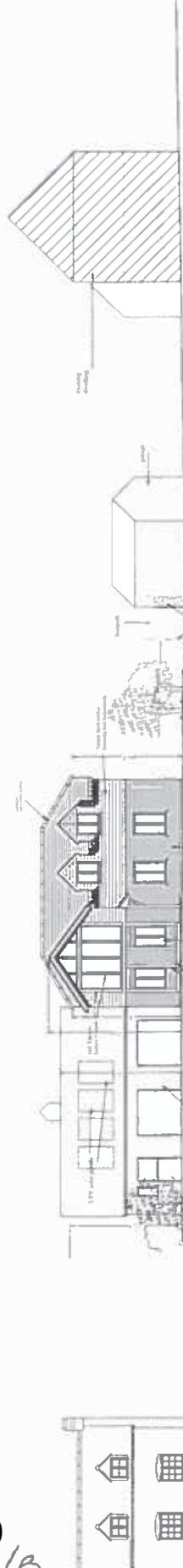
THE ARCHITECT HAS PREPARED THESE DRAWINGS FOR THE ARCHITECT AND HAS NOT BEEN ADVISED BY THE ARCHITECT THAT ANY OTHER PARTY HAS BEEN ADVISED OF THE EXISTENCE OF THESE DRAWINGS. THE ARCHITECT HAS NOT BEEN ADVISED OF ANY OTHER PARTY'S USE OF THESE DRAWINGS. THE ARCHITECT HAS NOT BEEN ADVISED OF ANY OTHER PARTY'S USE OF THESE DRAWINGS.



WEST ELEVATION

WEST ELEVATION

GROUND FLOOR



EX-SOUTH ELEVATION

SOUTH ELEVATION

WEST ELEVATION

EAST ELEVATION

NORTH ELEVATION

**AIDS**  
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PROJECT CLIENT:

PROVIDENCE BUILDING  
1015 AND ADJACENT TO  
THE 11th AVENUE  
AND PEABODY  
ANCHORAGE, ALASKA 99501  
LLEAVANS  
AND HEERHOLM

SCALE: 1/8" = 1'-0"  
DATE: 03/10/13

00113

15/01142/FUL

6 St Margarets Road, Alderton, Tewkesbury

2

Valid 19.10.2015

Erection of 1 no. dwelling in rear garden area of existing dwelling at 6 St Margarets Road, Alderton, to include an integral garage, and provision of new vehicular access, parking and turning area

Grid Ref 400018 233163

Parish Alderton

Ward Winchcombe

Mrs Kathleen Brown  
6 St Margarets Road  
Alderton  
Tewkesbury  
Gloucestershire  
GL20 8NN

## RECOMMENDATION Refuse

### Policies and Constraints

National Planning Policy Framework (2012)

Planning Practice Guidance

JCS (Submission Version) November 2014

Tewkesbury Borough Local Plan to 2011 (March 2006) - policies HOU3, HOU5, LND2, EVT9 and TPT1

Flood and Water Management Supplementary Planning Document

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

The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

Alderton Parish Council advises that they have no objections or recommendations to make on this application.

1 letter of representation has been received. The main points can be summarised as follows:

- Proximity of the proposed dwelling to the boundary shared with no. 8 St. Margaret's Road;
- The foundations of the proposed dwelling would cause serious damage to the root system of mature silver birch trees in the garden of no. 8 St. Margaret's Road; and
- Loss of privacy to occupiers of no. 8 St. Margaret's Road by virtue of the proximity of the proposed dwelling - unless a suitable fence is erected.

**The application is presented to the Planning Committee at the request of Councillor Mason, to assess the impact on the surrounding properties.**

**Planning Officers Comments:** Emma Blackwood

### 1.0 Introduction

1.1 The application site lies within the Residential Development Boundary of Alderton, as defined on the Tewkesbury Borough Local Plan Proposals Map (March 2006), and is also located within a Special Landscape Area (SLA). Dwellings in this part of St. Margaret's Road and St. Margaret's Drive are typically detached bungalows (see site location plan).

1.2 The existing property is a detached bungalow located on a corner plot (see existing block plan). The northern elevation of the dwelling faces onto St. Margaret's Road and the western elevation faces onto St. Margaret's Drive. Vehicular access to the site is provided to/from St. Margaret's Drive, approximately halfway along the western boundary of the curtilage of no. 6, and a driveway extends past the western and northern elevations of the bungalow. The principal garden area within the curtilage of no.6 is provided to the south of the dwelling, and measures approximately 24.5 metres in length, backing onto the side of no. 30 St. Margaret's Drive.

### 2.0 History

2.1 A planning application for an identical proposal (reference 15/00854/FUL) was withdrawn in October 2015. No pre-application advice was sought prior to the submission of that application and no pre-application advice was sought following its withdrawal. No changes have been made to the proposed plans following the withdrawal, however the current application includes supporting information regarding examples of other dwellings which have been granted planning permission in Alderton. This is discussed below at paragraph 5.11.

### 3.0 Current Application

3.1 This application seeks planning permission for the sub-division of the existing site at 6 St Margaret's Road and the erection of a 3-bed detached chalet style bungalow in the existing rear garden area of no. 6, to the south of the application property. 2 no. bedrooms would be provided at ground floor level with an additional bedroom within the roof space (see enclosed proposed block plan, floor plans and elevations).

3.2 At the closest point, there would be a distance of some 7 metres between the existing bungalow and the proposed dwelling, and the front (western) elevation of the proposed dwelling would follow the building line which has been established by the western elevations of the existing dwelling at no. 6 St. Margaret's Road and dwellings to the south of the application property on the eastern side of St. Margaret's Drive.

3.3 The proposed dwelling would be designed with a dual pitched roof and gable end on each side elevation, with a projecting gable and porch on the front elevation and a projecting hip-roofed element on the rear elevation. Rooflights on the front and rear elevations and 1 no. first floor level window on the northern side elevation would provide light to the rooms at first floor level. The proposed dwelling would have reconstituted stone facing materials and plain roof tiles to match the existing dwelling.

3.4 The proposed dwelling would be set back 3.8 metres from the southern boundary of the curtilage of the application site, adjacent to no. 30 St Margaret's Drive, and there would be a distance of some 6 metres between the proposed dwelling and this adjacent dwelling. At the closest point, the rear elevation of the proposed dwelling would be set back 1.8 metres from the eastern side boundary of the application site, which is shared with the rear garden area of no. 8 St. Margaret's Road.

3.5 The principal garden area of the existing dwelling would be reduced to measure 5.8 metres in length at the shortest point to the rear of the existing conservatory, and 10 metres in length at the longest point to the rear of the existing attached garage. The rear garden for the proposed dwelling would wrap around the eastern (rear) and southern side elevations of the proposed dwelling. A 2 metre high timber close boarded fence would be erected along the boundary between the existing and proposed dwelling at 6 St. Margaret's Road towards its eastern side, with a timber post and rail fence towards the western side of this boundary line, to match the existing front boundary fence.

3.6 It is proposed to provide a new vehicular access point on St Margaret's Drive, leading to/from a proposed parking/turning area towards the front of the proposed dwelling. The proposed dwelling would comprise an integral garage towards its southern side. The existing vehicular access and driveway/parking area for the existing dwelling would continue to be used.

### 4.0 Policy Context

4.1 Policy HOU3 of the Local Plan specifies that, within Alderton, residential development will be restricted to infilling (i.e. the filling of an under-developed plot in an otherwise built-up frontage by not more than two dwellings) within the Residential Development Boundary as defined on the Proposals Map. Such development must not adversely affect the character of the settlement by the removal of structures or buildings of interest or the loss of an important open space or other feature, nor compromise environmental quality.

4.2 Policy HOU5 of the Local Plan specifies that the development or redevelopment of areas covered by policy HOU3 (above) for residential use will be acceptable in principal provided that the proposal:

- i. Respects the existing form and character of the adjacent area and street scene, with any increase in density or extent of built development integrating harmoniously with surrounding land uses;
- ii. Does not result in an unacceptably low degree of residential amenity for existing or proposed dwellings;
- iii. Is of high quality design, layout and materials; and
- iv. Makes provision for appropriate pedestrian, cycle and vehicle access and parking arrangements in accordance with the Council's parking policy consistent with the character of the development



4.3 The application site is located within the Special Landscape Area. Policy LND2 of the Local Plan specifies that special attention will be accorded to the protection and enhancement of the landscape character of the Special Landscape Area which are of local significance. Within this area proposals must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology, or detract from the quiet enjoyment of the countryside.

4.4 It is considered that these policies from the Local Plan are consistent with the aims of the NPPF in terms of its core planning principles to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to take account of the different roles and character of different areas, and they are therefore afforded great weight.

## 5.0 Analysis

5.1 The principle of development is acceptable in light of policy HOU3 of the Local Plan, subject to the detailed requirements of that policy and Policy HOU5. It is also noted that Alderton is designated as a Service Village in the draft JCS. The detailed design issues are considered below.

### Impact on Character and Appearance of Area

5.2 By virtue of the location of the proposed dwelling, which would be to the south of the existing dwelling at no. 6, and its vehicular access, the proposed dwelling would form part of the St. Margaret's Drive street scene, rather than that of St. Margaret's Road. Existing dwellings on the eastern side of St. Margaret's Drive to the south of the application site are all single storey. The proposed dwelling, in contrast, would be a two storey chalet style bungalow which, when viewed from the front, would have a relatively elongated design, resulting in this appearing more prominent within the street scene and contrasting with the form and appearance of existing dwellings in this part of St. Margaret's Drive.

5.3 It is apparent that the surrounding area has been carefully planned and is generally well maintained, creating an open and attractive character. All existing dwellings in this part of St. Margaret's Road and St. Margaret's Drive have generous rear gardens, measuring at least 22 metres in length. The proposed subdivision would result in the principal garden of the existing dwellinghouse being reduced to measure 5.8 metres in length at the shortest point and 10 metres in length at the longest point, and the rear garden of the proposed house would wrap around the eastern (rear) and southern side elevations of the proposed dwelling, measuring approximately 3.5 metres in length towards both the eastern and southern sides of the dwelling.

5.4 It is considered that the proposed new dwelling would result in a cramped form of development which would be unrelated to, and out of keeping with, the existing St. Margaret's Drive street scene and character of the area. Both the existing and proposed dwellings at the application site would have a small garden relative to the more generously sized plots in St. Margaret's Road and St. Margaret's Drive. The northern side elevation of the proposed dwelling would be set back 7 metres from the rear elevation of the existing dwelling at 6 St. Margaret's Road at the closest point, and its southern side elevation would be set back some 6 metres from the northern side elevation of no. 30 St. Margaret's Drive. It is considered that the massing and proximity of the proposed dwelling to existing adjacent dwellings, together with the loss of a large part of the existing garden area of no. 6 St. Margaret's Road, would result in a cramped form of development which would have an unacceptable effect on the character and appearance of the area and would adversely affect the visual attractiveness of the SLA. The proposal would then be contrary to Policies LND2 and HOU5 of the Tewkesbury Borough Local Plan to 2011 (March 2006), and paragraphs 56 and 58 of the National Planning Policy Framework, 2012 (NPPF) which require high quality design and for account to be taken of the character of different areas.

### Impact on amenity of adjacent occupiers

5.5 The part of the proposed dwelling in closest proximity to the eastern boundary of the application site would be set back 1.8 metres from this boundary. This element of the building would be designed with a hipped roof, to reduce the massing and subsequent impact on adjoining occupiers at no. 8 St. Margaret's Road. The remainder of the proposed dwelling would be set back 4.2 metres from this boundary shared with the rear garden of no. 8 St. Margaret's Drive, and the southern side elevation of the dwelling would be set back 3.8 metres from the respective site boundary which is shared with no. 30 St. Margaret's Drive. By virtue of the scale and form of the proposed chalet style bungalow and its proximity to adjacent dwellings, it is considered that there would be no significant detrimental impact on adjoining occupiers in terms of overshadowing or overbearing impact.



5.6 Only one rooflight is proposed for installation at first floor level on the rear elevation of the proposed dwelling, which would be obscurely glazed. The proposed site plan shows that new hedging would be planted along the eastern site boundary, which would provide some extent of screening from the ground floor level fenestration proposed in the dwelling. Adjoining occupiers at no. 8 St. Margaret's Road have raised concern that the proposal would result in loss of privacy. Notwithstanding the details submitted with the application, a condition could be attached to any approval of planning permission for details of boundary treatment to be submitted to the Local Planning Authority prior to the commencement of development. Subject to this condition, it is considered that there would be no significant adverse effect on adjoining occupiers at no. 8 St. Margaret's Road in terms of overlooking or loss of privacy.

5.7 Such a condition could also require a suitable boundary treatment to be erected along both side boundaries of the sub-divided site, to ensure there would be no significant adverse effect on adjoining occupiers in terms of overlooking from the proposed ground floor level fenestration on both side elevations. A window is proposed at first floor level on the northern side elevation of the dwelling which would overlook the rear garden area of the existing dwelling at 6 St. Margaret's Road. This window would serve a bathroom, and a condition could be attached to any approval of planning permission to ensure that this window is obscurely glazed and non-opening, and retained as such. A further condition could be attached to ensure that no windows or dormer windows be installed in the northern, eastern or southern elevations of the dwelling without planning permission. Subject to the addition of these conditions it is judged that there would be no significant adverse effect on adjoining occupiers in terms of overlooking or loss of privacy.

#### Impact on amenity of future occupiers of proposed bungalow

5.8 The proposed dwelling would be located within an area characterised by other residential premises. The rear garden area for the proposed dwelling would wrap around the eastern (rear) and southern side elevations of the proposed dwelling, measuring approximately 3.5 metres in length towards both the eastern and southern sides of the dwelling. The Council does not have a specific policy that sets a required level of external garden space for new dwellings. However, as a three-bedroom property, the proposed dwelling would be capable of accommodating a family. Compared with the surrounding dwellings of a similar size, which have large rear gardens, the new dwelling would have only minimal garden space. It is considered that the size of the proposed residential garden area would not provide an acceptable environment for future residents, with regard to external space provision. The proposed development would then be contrary to Policy HOU5 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and paragraph 17 of the NPPF which states that planning should secure a good standard of amenity for all existing and future occupants of land and buildings.

#### Road Safety

5.9 The existing vehicular access point and driveway/parking/turning area would continue to be used for the existing dwelling. A new vehicular access point would be provided for the proposed dwelling to/from St. Margaret's Drive, which would be set back approximately 10 metres to the south of the existing vehicular access and 35 metres to the south of the junction with St. Margaret's Road. The proposed parking area would be some 6 metres long and 4.5 metres wide which, in line with the County Council's standing advice, would provide a usable car parking space for 2 no. vehicles, which is considered to be acceptable for a 3 bed dwelling. The proposed dwelling would also comprise an integral garage, although the size of the garage does not comply with the minimum internal dimensions specified within the Highways Standing Advice, and cannot therefore be included as a usable car parking space. In terms of the proposed access and parking arrangements, it is considered that the cumulative residual impact of the proposed development on highway safety would not be severe.

#### Other considerations

5.10 Occupiers of no. 8 St Margaret's Road have raised concern that the proposed dwelling would cause harm to existing established silver birch trees within their garden, by virtue of the proximity of the proposed dwelling to these trees and branches having to be cut or roots being severed by foundations. These trees are not identified as being subject to a Tree Preservation Order, and therefore any works to these trees would not require consent from the Local Planning Authority. This would be a civil matter between occupiers of these dwellings.

5.11 The Agent has provided a list of addresses within Alderton village at which, he claims, similar developments have been previously approved in/adjacent to large gardens. Whilst these permissions are noted, none are directly or closely comparable to the development proposed in the current application in terms of their setting or in terms of the scale, form and design of the approved development. The current application is assessed on its own merits, as discussed above.

5.12 The Design and Access Statement advises that the applicant wishes to construct the proposed dwelling for her own use, to down size and also to allow her to stay in Alderton. A letter from the applicant's doctor, dated 14th August 2015, has also been submitted with the application, advising that, due to the applicant's medical condition and associated possible reduced mobility in the future, an adapted bungalow would provide more suitable accommodation for the applicant.

5.13 Whilst the applicant's personal circumstances are noted, those circumstances do not clearly outweigh the harms identified above. For these reasons, it is recommended that planning permission is refused.

## **RECOMMENDATION Refuse**

### **Reasons:**

- 1 By virtue of the scale, form and massing of the proposed dwelling, its proximity to adjacent dwellings, and the loss of part of the existing rear garden area of no. 6 St. Margaret's Road, the proposed development would result in an unsatisfactory erosion of the spacious character of the area and a cramped form of development unrelated to, and out of keeping with, the existing St. Margaret's Drive street scene and character of the immediate area, which lies within the Special Landscape Area. The proposal is therefore contrary to Policies HOU3, HOU5 and LND2 of the Tewkesbury Borough Local Plan to 2011 (March 2006), and paragraphs 17, 56 and 58 of the National Planning Policy Framework (2012) which require high quality design and for account to be taken of the character of different areas.
- 2 The size of the proposed residential garden area for the proposed dwelling would not provide an acceptable environment for future residents, with regard to external space provision. The proposal is therefore contrary to policy HOU5 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and paragraph 17 of the National Planning Policy Framework (2012) which states that planning should secure a good standard of amenity for all existing and future occupants of land and buildings.

### **Note:**

#### **Statement of Positive and Proactive Engagement**

In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with relevant Development Plan Policies no direct negotiation during the consideration of the application has taken place.

O.S. 1:1,250 SCALE

15/01142/fuc



19 OCT 2015

TEWKESBURY BOROUGH COUNCIL  
OPERATIONS



6 ST MARGARETS ROAD  
ALDEERTON  
TEWKESBURY  
GL20 8NN

OS MasterMap 1250/2500/10000 scale  
27 July 2015, ID: CM-00450310  
www.centremapslive.co.uk

1:1250 scale print at A4, Centre: 400020 E, 233147 N

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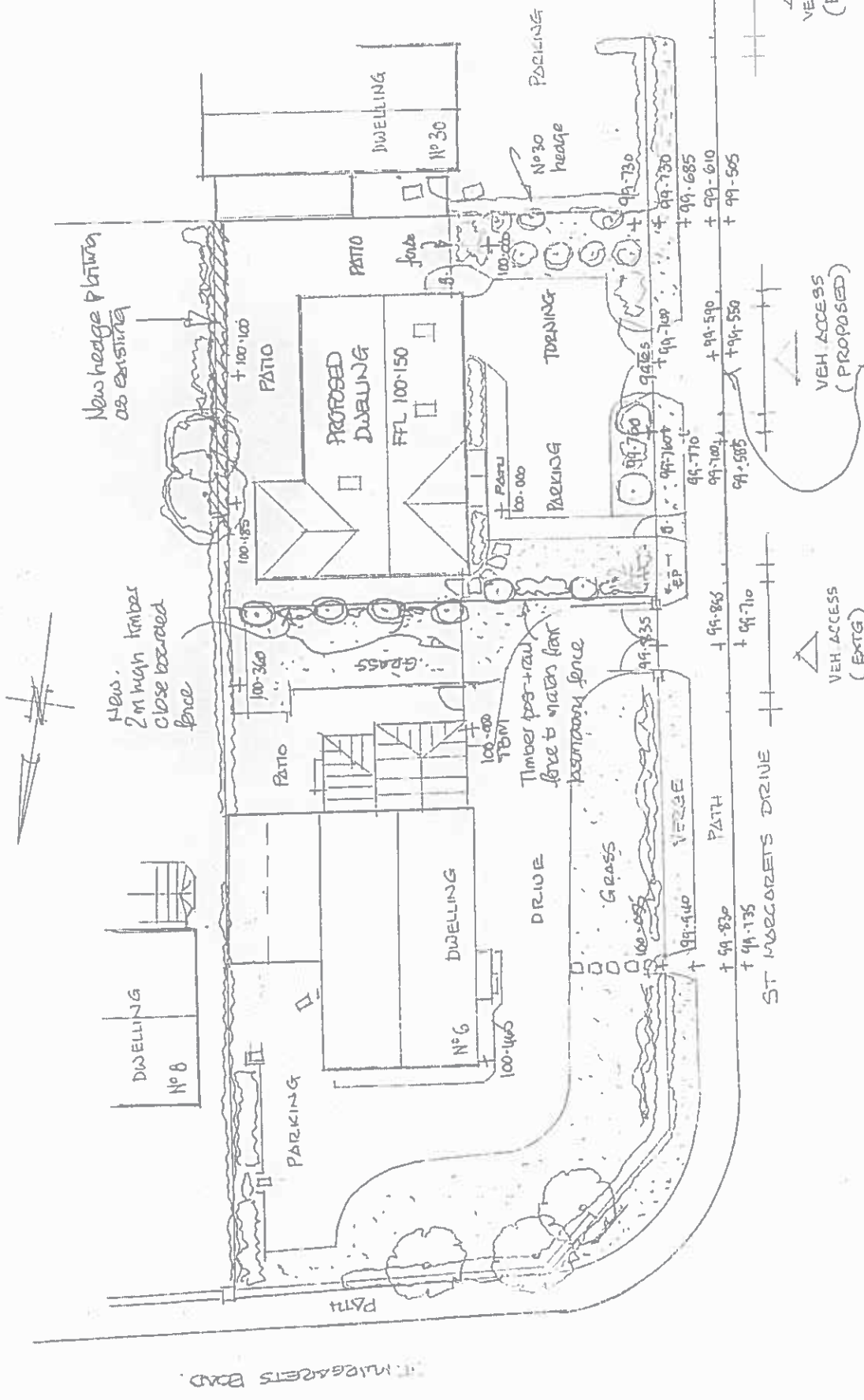
The Map Shop  
Upton upon Severn  
www.themapshop.co.uk



TEL: 01684 593148  
FAX: 01684 594559  
themapshop@btinternet.com

571/A<sup>16</sup>

10m x 10m  
 A Prop. driveway, parking, 3/5/8/15  
 access noted



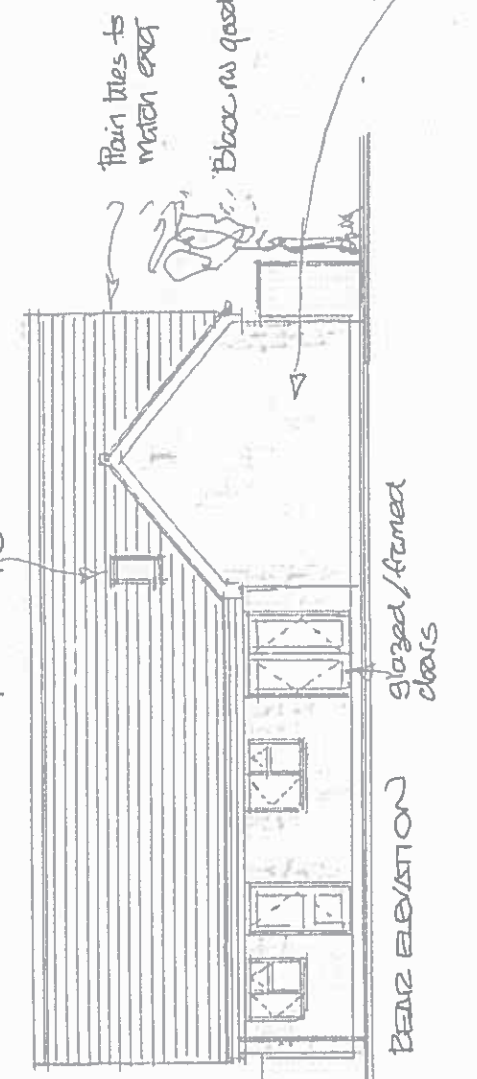
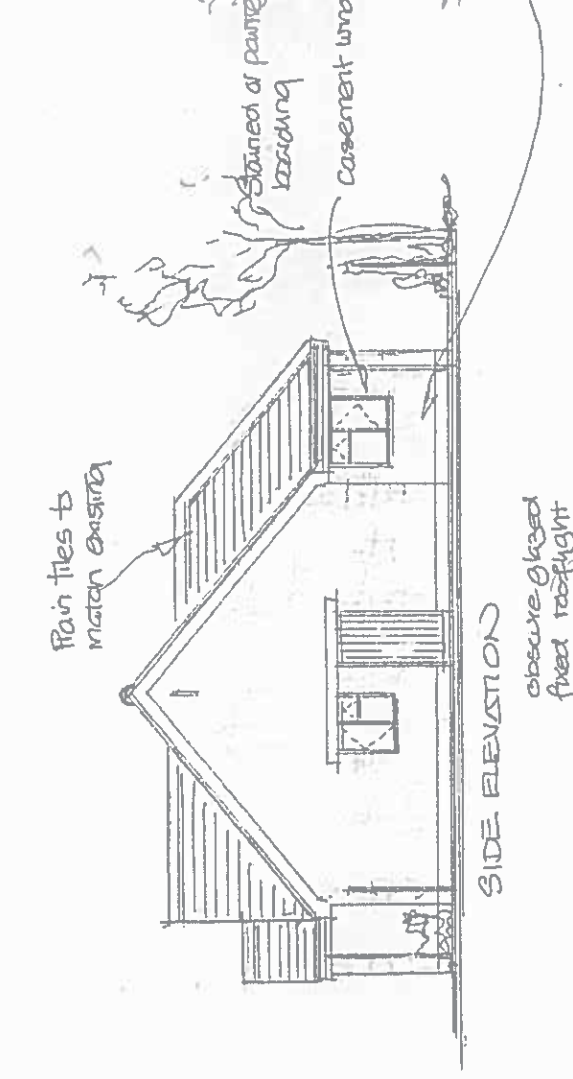
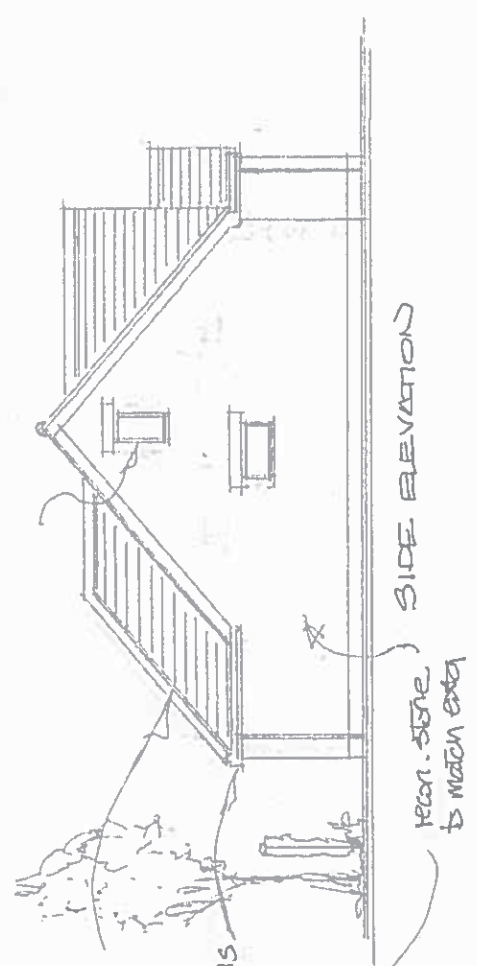
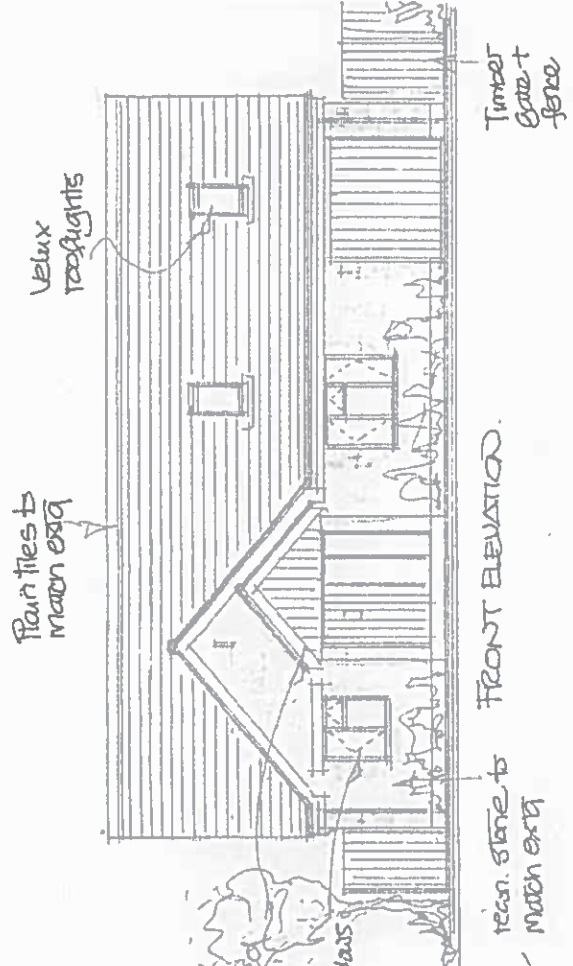
RECEIVED  
 19 OCT 2015  
 TEWKESBURY BOROUGH COUNCIL  
 OPERATIONS

Proposed kerbs/crossroads  
 constructed as to G.C. Highways  
 design/details and approved  
 and carried out by highways  
 authority approved contractor.

No 6 ST. MARGARETS ROAD, ALDERTON.  
 TEWKESBURY. GLOS. GL20 8NN.  
 SITE PLAN AS PROPOSED. 1:200  
 15:1754: OZA [LEVELS] JULY 2015  
 DENNIS L RAYTON TEL: 01292 620818







RECEIVED  
 19 OCT 2015  
 TEWKESBURY BOROUGH COUNCIL  
 OPERATIONS

Revised  
 A Elevations handed 5-8-15

Nº 6 ST. MARGARETS ROAD. ALDERTON.  
 TEWKESBURY. GLOS. G120 8NN  
 PROPOSED DWELLING ELEVATIONS 1:100  
 15: 1754: 04A. JULY 2015  
 DENIS L RAYTON TEL 01242 620818

197110



15/01098/FUL

Brooklands, Abbots Road, Tewkesbury

3

Valid 08.10.2015

Proposed timber garage and conservatory

Grid Ref 389270 231724

Parish Tewkesbury

Ward Tewkesbury Priors Park

Mr & Mrs P Sealey

Brooklands,

Abbots Road

Tewkesbury

Gloucestershire

GL20 5TF

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - Policy HOU8

Joint Core Strategy Submission Version November 2014

Flood and Water Management SPD December 2014

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

The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

**Tewkesbury Town Council - Object.** Unsuitable design which is not in keeping with the character of the area.

**Public Representations -** No representations received.

**Planning Officers Comments:** Mrs Helen Stocks

### 1.0 Application Site

1.1 The application relates to a two-storey detached property, known as Brooklands, located on Abbots Road in Tewkesbury. The property is surrounded by residential properties of varying size, scale and design. External materials comprise red brick and render.

### 2.0 Planning History

2.1 There is no relevant planning history relating to the application site.

### 3.0 Current Application

3.1 The current application seeks planning permission for the erection of a timber garage and conservatory. The proposed garage would replace existing outbuildings located in the rear garden and would be constructed from timber. It would have a floor area of circa. 18 square metres and an eaves and ridge height of approximately 2 metres and 2.7 metres respectively.

3.2 The proposed conservatory would be positioned on the rear elevation of dwelling and would protrude 3.36 metres beyond the original rear wall. It would have a hipped roof, with an eaves and ridge height of approximately 2.3 metres and 3.3 metres respectively. The proposed conservatory would be attached to the proposed garage (**see proposed plans attached**).

### 4.0 Policy Context

4.1 Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment. Policy HOU8 of the Local Plan sets out, amongst other things, that extensions to existing dwellings will be permitted provided that the proposal respects the character, scale, and proportion of the existing dwelling. The policy also requires that proposals must not have an unacceptable impact on adjacent properties in terms of bulk, massing, size and overlooking. The proposal must also respect the character and appearance of the surrounding area.

## 5.0 Analysis

5.1 The Town Council has raised an objection to the proposed development on grounds that the proposed development is unsuitable design which is not in keeping with the character of the area.

5.2 The proposed garage would be set back from the edge of the highway by approximately 11 metres and would replace existing outbuildings in the rear garden. It would be of timber construction and although it would have a pitched roof, the proposal would not appear substantially different to the existing outbuildings. Although the proposed garage would be attached to the rear conservatory, this arrangement would not be visible from public vantage points and would not impact on the street scene. The size, scale and design of the proposed timber garage and rear conservatory are deemed to be acceptable and would be in keeping with the character and appearance of the surrounding area in accordance with Policy HOU8 of the Local Plan.

5.3 With regard to residential amenity, the impact of the proposal upon neighbouring property has been carefully assessed. It is considered that there would not be an undue impact on their amenity due to the single storey nature of the proposed timber garage and rear conservatory. The proposal is therefore in accordance with Policy HOU8 of the Local Plan in this regard.

## 6.0 Conclusion

6.1 In summary, it is considered that the proposal would be of an appropriate size and design in keeping with the character and appearance of the property and surrounding area. It would not harm the residential amenity of neighbouring property and is deemed to accord with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006. For these reasons, the application is therefore recommended for permit.

## RECOMMENDATION Permit

### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 2015-39-04, 2015-39-05, 2015-39-06, received by the Local Planning Authority on 5 October 2015.
- 3 The external materials of the proposed dwarf wall of rear conservatory shall match as near as possible the materials of the existing dwelling.

### Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the extension is in keeping with the existing building in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

### Note:

#### Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Location Plan 1:1250 on A4  
Brooklands, Abbots Road  
Tewkesbury,  
Glos GL20 5TF

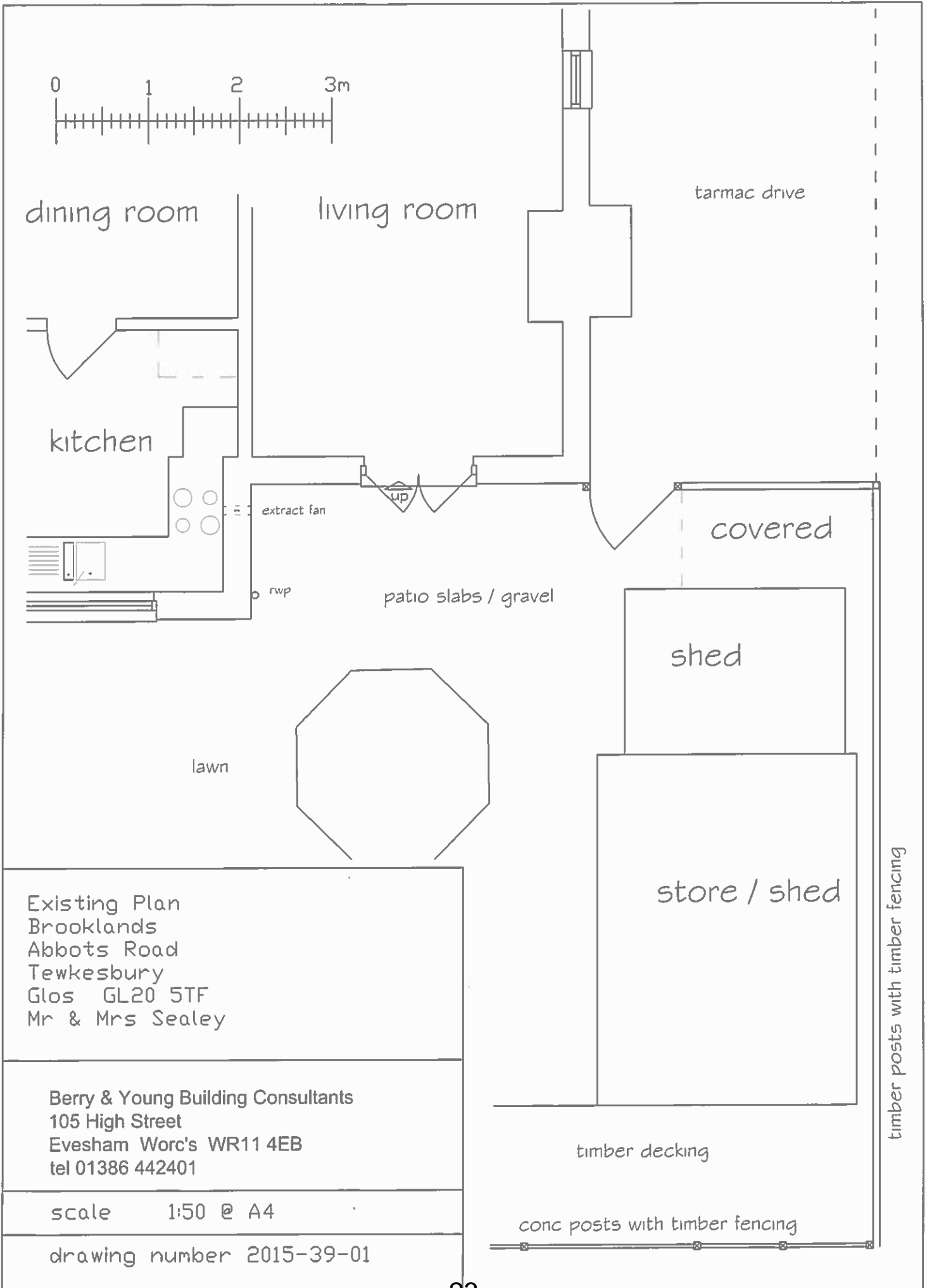


Metres

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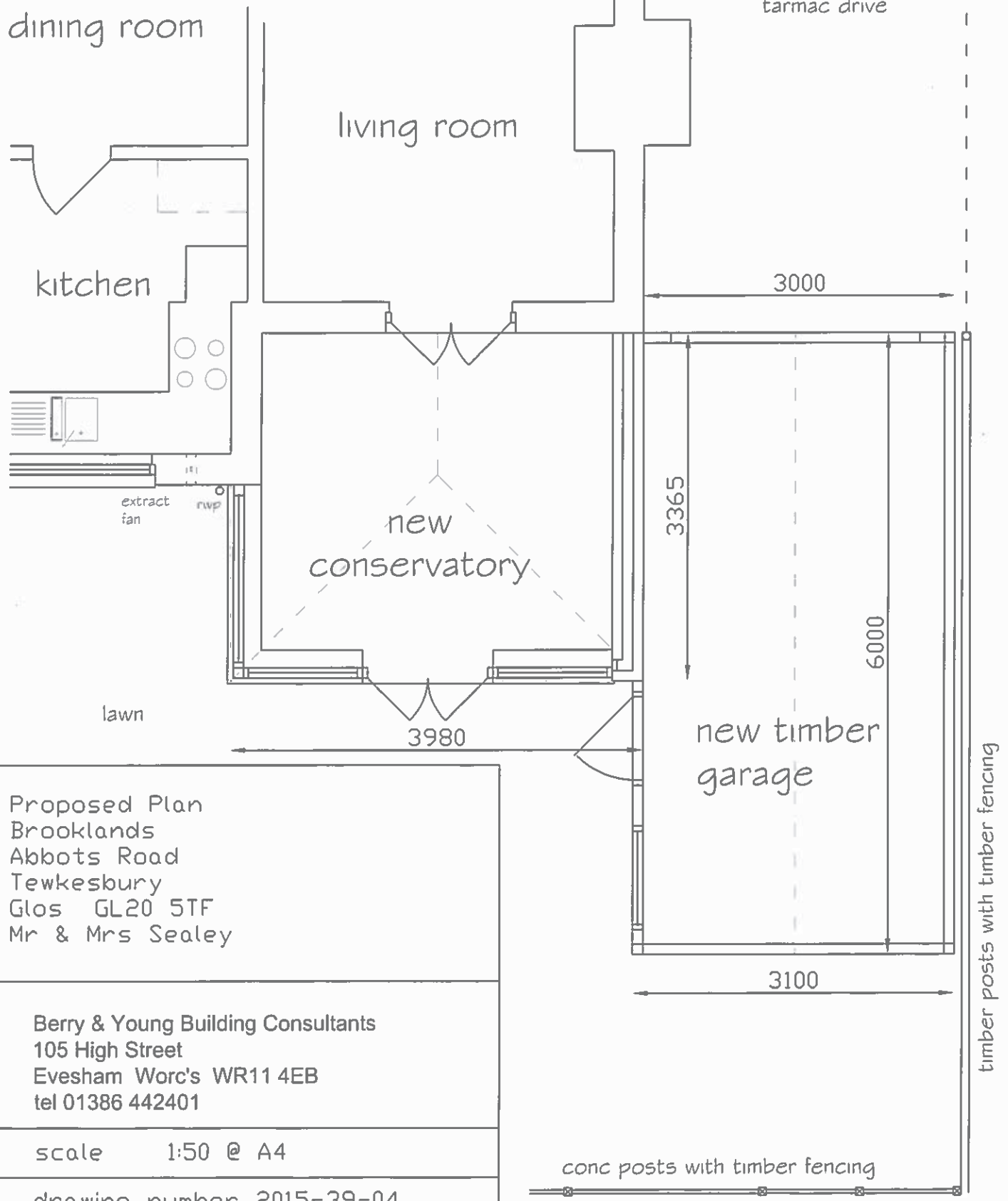


Existing Plan  
 Brooklands  
 Abbots Road  
 Tewkesbury  
 Glos GL20 5TF  
 Mr & Mrs Sealey

Berry & Young Building Consultants  
 105 High Street  
 Evesham Worcs WR11 4EB  
 tel 01386 442401

scale 1:50 @ A4

drawing number 2015-39-01



Proposed Plan  
 Brooklands  
 Abbots Road  
 Tewkesbury  
 Glos GL20 5TF  
 Mr & Mrs Sealey

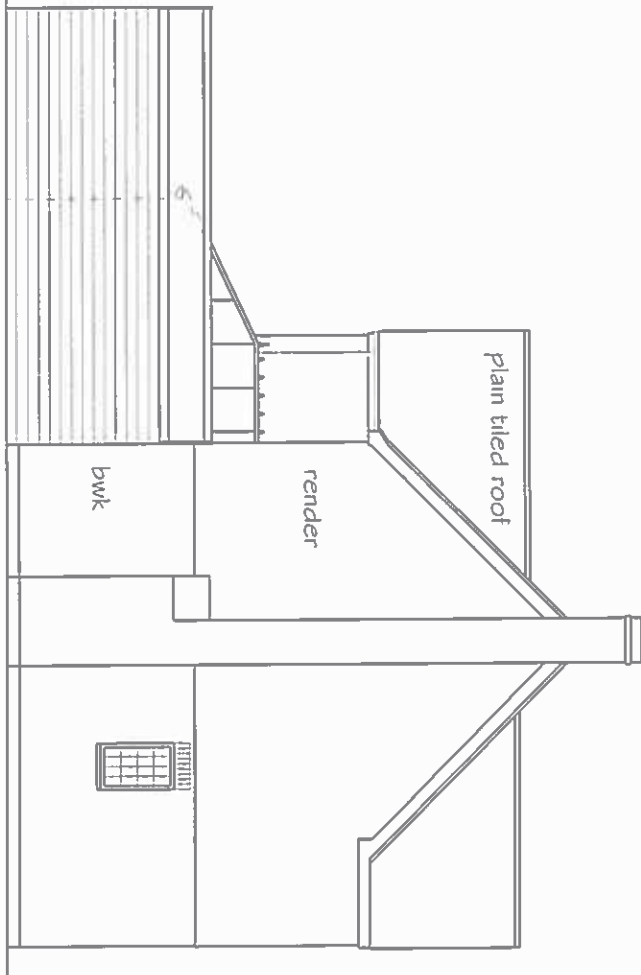
Berry & Young Building Consultants  
 105 High Street  
 Evesham Worcs WR11 4EB  
 tel 01386 442401

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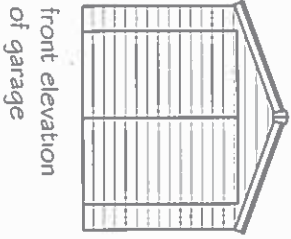
drawing number 2015-39-04



front elevation



side elevation



front elevation  
of garage



Proposed Elevations  
 Brooklands  
 Abbots Road  
 Tewkesbury  
 Glos GL20 5TF  
 Mr & Mrs Sealey

Berry & Young  
 Building Consultants  
 105 High Street  
 Evesham  
 Worcs WR11 4EB  
 tel 01386 442401

scales 1:100 @ A4

drawing number 2015-39-05





side elevation

rear elevation

white UPVC DG windows and  
doors and glazed roof  
to conservatory  
extension



**Proposed Elevations**  
Brooklands  
Abbots Road  
Tewkesbury  
Glos GL20 5TF  
Mr & Mrs Sealey

**Berry & Young**  
Building Consultants  
105 High Street  
Evesham  
Worc's WR11 4EB  
tel 01386 442401

scales 1:100 @ A4

drawing number 2015-39-06

15/00965/OUT

Land off Nup End, Ashleworth

4

Valid 27.08.2015

Development of up to 35 dwellings on land off Nup End, Ashleworth with all matters except for "access" reserved for future consideration.

Grid Ref 381078 225944

Parish Ashleworth

Ward Highnam With Haw  
Bridge

Bloor Homes Western

C/O Agent

## **RECOMMENDATION Delegated Permit**

### **Policies and Constraints**

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, HOU1, HOU4, HOU13, TPT1, TPT3, TPT6, TPT11, EVT2, EVT3, EVT5, EVT9, LND2, LND7, RCN1, RCN2, NCN5  
NPPF

Planning Practice Guidance

Joint Core Strategy - Submission Version (November 2014)

Flood and Water Management SPD

Fields in Trust: Planning And Design For Outdoor Sport And Play

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

The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

**Ashleworth Parish Council** - Object to the application for the following reasons:

- There is no evidence of immediate need for new market housing in Ashleworth. According to the recent Housing Needs Survey there is demand for a modest amount of affordable housing but this should not be a driver for this development as other, smaller, sites may well be more suitable;
- The development is outside of the settlement boundary;
- The development would create an unharmonious suburban enclave incompatible with the quiet, rural character of Ashleworth;
- There are strong concerns amongst Ashleworth residents regarding the increased levels of traffic, particularly bearing in mind the narrowness of the road in Nup End;
- Traffic generation is likely to be higher than expressed in the Transport Assessment;
- The proposed additional passing bay as described in 3.3.2 of the TS is unlikely to be sufficient to alleviate new traffic problems;
- Heavy rain almost invariably causes road flooding at Nup End very close to the entrance to the site such that it is impassable for almost all vehicles. Many people are concerned that the situation will be worsened by a development which will "increase the impermeable surface on site" and may well create surface flooding in Sawyers Rise.

**County Highways** - No objection subject to conditions and the applicant contributing to community bus provision.

**County Archaeologist** - No objection. No further archaeological investigation or recording need be undertaken in connection with this scheme.

**Environmental Health Officer** - No objection to outline application but noise related recommendations provided for reserved matters stage.

**Forest of Dean District Council** - No comment

**County Planning S106 Officer** - On present forecasts there is adequate surplus within the nearest primary and secondary schools and as such no contributions will be required. A library contribution of £6860 is required to support the local library.

**CPRE** - No comments received

**Lead Local Flood Authority** - No objection subject to conditions

**Crime Prevention Design Officer** - Advice provided on designing out crime

**Natural England** - No comments

**Severn Trent Water Ltd** - No objections subject to conditions requiring the submission of drainage details.

**Local Residents** - 28 objections received including an 83 signature petition. The following concerns are raised:

- The local roads are not sufficient to accommodate the additional traffic generated by the development.
- Concerns are raised over flooding, surface water drainage and foul drainage in addition to sewer overflow during heavy rains
- 35 dwellings is excessive and would be a 15% increase in the number of houses in the village. This would have a significant impact on the look and feel of the village. The plans do not provide for any improvements to existing village amenities
- There are too many affordable housing units for local needs
- Light pollution concerns
- Ashleworth is not designated as a Service Village and an area for development in the JCS
- The existing bus provision is inadequate
- There is no provision for extending footpaths

**Planning Officers Comments:** Mr Matthew Tyas

## **1.0 Introduction**

1.1 The application site comprises an area of agricultural land located adjacent to Nup End/Lawn Road to the north-west of Ashleworth. The site is roughly rectangular in shape and covers an area of 1.3ha. It is set at a higher level than the adjacent road and rises very gently in a north-west direction away from the settlement.

1.2 There is a public right of way running along the south-east boundary of the site, beyond which there are a number of traditional dwellings and a sheet metal fabrication business. There is modern residential development located opposite the site at Sawyers Rise. The site is adjoined by open countryside to its southern and western boundaries.

1.3 There are numerous mature trees on the site, predominately along its boundary with Lawn Road and Nup End, and in the south-east corner of the site based around a wet depression in the land. None of these are subject to a TPO but a number have been identified to be of high quality.

1.4 The site is located adjacent to but not within the Residential Development Boundary of the village as defined in the Tewkesbury Borough Local Plan to 2011 (TBLP). The site is also located in the Landscape Protection Zone as defined in the TBLP.

## **2.0 Relevant Planning History**

2.1 There is no planning history to the site.

## **3.0 Current Application**

3.1 The application seeks outline planning permission for up to 35 dwellings. All detailed matters are reserved with the exception of the site access which would be from Nup End at the south-east corner of the site. The access proposals also include a footway and crossing point to the existing footway on the eastern side on Nup End, and the provision of a passing bay on Lawn Road.

3.2 All matters relating to scale, layout appearance and landscaping are reserved for future consideration but an indicative masterplan has been submitted showing a mixture of detached, semi-detached and terraced properties and a number of maisonettes all located around a single shared surface street. A small area of informal public open space would be provided in the south-east corner of the site alongside a surface water attenuation feature. The existing boundary hedges and most of the existing trees on site would be retained and new trees and hedgerows would be provided in and around the site.

3.3 The application proposes that 21 of the units would be for sale/rent on the general market and 14 (40%) of the units would be affordable housing.

#### **4.0 The Community Infrastructure Levy Regulations**

4.1 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst Tewkesbury Borough Council has not yet developed a levy the Regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

4.2 As a result of these regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development'. As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met.

4.3 Where planning obligations do not meet the above tests and restrictions, it is 'unlawful' for those obligations to be taken into account when determining an application.

4.4 From 6 April 2015 new rules have been introduced regarding the pooling of contributions secured by s106 agreements. The Planning Practice Guidance sets out that from that date, no more contributions may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

4.5 The need for planning obligations is set out in relevant sections of the report.

#### **5.0 Principle of Development**

##### The Development Plan

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

##### Tewkesbury Borough Local Plan to 2011 - March 2006

5.2 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to Policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. However, HOU4 is based on the now revoked Structure Plan housing numbers and for that reason is considered out of date in the context of the NPPF in so far as it relates to restricting the supply of housing. The policy is also out of date in this context because the Council cannot demonstrate a five year supply of deliverable housing sites.

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

##### Emerging Development Plan

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

5.5 The submission version of the Joint Core Strategy (November 2014) is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. This document, inter alia, sets out the preferred strategy to help meet the identified level of need. Policy SP2 of the Pre-Submission JCS sets out the overall level of development and approach to its distribution.

5.6 Within the rural areas of Tewkesbury Borough, 2,612 dwellings are proposed to be delivered in the plan period to 2031. Approximately two thirds of this rural development has already been committed through planning permissions already granted. The remainder of this requirement will be allocated at rural service centres and service villages through the Tewkesbury Borough Plan and neighbourhood plans (see paragraph 5.9 below).

5.7 Paragraph 216 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

5.8 The JCS was submitted to the Secretary of State on 20 November 2014. Its Examination in Public commenced in May 2015 and is still ongoing. Whilst the emerging plan is now at a more advanced stage, it is not yet formally part of the development plan for the area and the weight that can be attached to its policies will be limited having regard to the criteria set out above.

5.9 The Tewkesbury Borough Plan (2011-2031) will sit beneath the JCS. A draft Site Options and Policies document has been published and was the subject of six weeks of public consultation, which closed on 13th April 2015. The draft plan invited views on possible site options for development at the rural service centres and service villages. The draft plan is at a much earlier stage of development than the JCS and thus can only be given very limited weight at this stage.

#### National Policy/Guidance

5.10 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say 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 the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted (e.g. in the Green Belt, Area of Outstanding Natural Beauty, locations at risk of flooding and designated heritage assets).

5.11 The NPPF requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

5.12 The NPPF is supplemented by the Government's Planning Practice Guidance (PPG). Of relevance to this case is the section on rural housing which states that 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. It follows that 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.

#### 5-Year Housing Land Supply and the implications of the NPPF

5.13 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where there has been a persistent under-delivery of housing, a 20% buffer is applied. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 49 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date.

5.14 The Council cannot currently demonstrate a five year supply of deliverable housing sites and on that basis, the Council's relevant policies for the supply of housing are out-of-date. Whilst Ashleworth is not identified as a Service Village in the Submission version of the JCS, given the level of facilities in Ashleworth set out in section 8 below, and the relationship of the site to the village, it could not be considered to be isolated in the context of the NPPF. There are no specific policies in the NPPF that would indicate that the proposed development should be restricted and thus in accordance with paragraph 14 of the NPPF, the



presumption in favour of sustainable development would therefore apply and permission should be granted unless there are any adverse impacts of doing so which would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

## 6.0 Landscape and Visual Impact

6.1 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. The NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy LND3 of the TBLP applies within the Landscape Protection Zone (LPZ) and requires that within the LPZ special protection is given to the ecology and visual amenity of the river environment. Development will not be permitted which has a detrimental visual or ecological effect on the character of the river banks or associated landscape setting of the Severn Vale, or has an adverse impact on the water environment.

6.2 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. This considers the effect of the development upon landscape character and resources, and visual amenity.

6.3 The LVIA firstly describes the mitigation and site landscaping measures incorporated as part of the development including additional hedgerow reinforcement to the site boundaries, setting development back from the northern boundary to Nup End / Lawn Road, the retention of trees within the site boundary, and a proposed hedgerow and buffer planting along the south western boundary. These landscaping features are illustrated on the indicative masterplan (see attached plan).

6.4 The LVIA has regard to the Gloucestershire Landscape Character Assessment and identifies that the site forms part of the 'Unwooded Vale' character type; the key characteristics of which are a gently undulating landscape with hedgerow and field trees frequently scattered along boundary lines. The landscape has a predominant rural character but with a scattering of settlements; the largest being Ashleworth which is characterised as being a linear village with a range of dwelling types both old and new, and a range of materials. The LVIA also identifies that the site is in close proximity to the Corse Wood and Barrow Hills Landscape type.

6.5 With regard to the proposals effect on landscape character the LVIA identifies that the proposal would directly affect the area through loss of cultivated land but considers that due to the level nature of the site, the frequency of well vegetated boundaries, and its relationship with the settlement edge, impacts on the local landscape character will dissipate rapidly beyond the site boundary.

6.6 The LVIA states that distance, lack of intervisibility, and close association with the edge of Ashleworth, result in it being unlikely that there will be any indirect effects upon any of the surrounding character areas.

6.7 The LVIA goes on to identify that the proposals would not extend the built edge of the village any further north or westwards than is already evident. Development would be well contained by existing vegetated boundaries, and by adjacent property to the south and west and the allotment gardens and recreation ground to the east. The existing retained hedgerows and trees would provide the site with clear definition. The impact upon the site itself is therefore deemed to be of medium magnitude and thus of moderate adverse significance of effect. Retained and managed existing trees set within open space, plus hedgerow boundary reinforcement are considered to result in beneficial impacts. Long term landscape effects would be of minor adverse significance. The impact on the site setting is considered in the LVIA to be negligible to minor adverse in the longer term following the establishment of the proposed landscape buffer.

6.8 The LVIA has regard to the site's location within the LPZ and finds that visually the site is very well contained and there is no intervisibility between the river itself and the site and its setting. The LVIA considers that the proposed development would not have a detrimental effect upon the character of the river banks or associated landscape setting. As such, it considers that the development proposals do not conflict with the objectives of Policy LND3.

6.9 In terms of the visual effects of the proposed development the LVIA identifies that the visual receptors that would be the most significantly affected would primarily comprise residents abutting the Site or Nup End / Lawn Road, and footpath users crossing the Site. There may also be effects upon road users along Nup End / Lawn Road where passing the Site.

6.10 The LVIA considers that impacts on nearby residents would be moderate adverse upon completion (moderated by the effect of existing boundary vegetation) but reduced to minor adverse in the longer term as planting establishes. Effects on road users (Nup End/Lawn Road) are considered to be minor adverse as a



result of existing retained vegetation. Effects of public right of way users are considered to be moderate adverse when viewed from the 200m section of footpath through the site. Effects on the public right of way to the south of the site would be minor adverse due to the existing boundary hedgerow and would be reduced to negligible following the establishment of the proposed boundary buffer planting.

6.11 Officers have carefully considered the likely landscape and visual impacts of the proposed development having regard to the LVIA and the illustrative layout and landscaping proposals shown on the submitted masterplan. Key viewpoints within the vicinity of the site have been assessed and overall officers agree with the findings of the LVIA. It is considered that due to the landform and lack of inter-visibility the proposal would have limited impact on the visual amenity of the river environment and would not have an undue impact on the associated landscape setting of the Severn Vale.

6.12 In conclusion, it is considered that the proposed development of an open agricultural field would inevitably cause some erosion of landscape character. It is however recognised that the site is currently well contained within the landscape and officers therefore consider that any landscape harm would be limited to the immediate area. The proposed landscaping and planting would reduce this harm over time and overall the landscape and visual impact of the proposal is not considered to be significant. A condition would be required to secure the implementation of the landscaping proposal. However, notwithstanding the proposed mitigation, the proposal would result in landscape harm and this is a matter that must be put into the planning balance to weigh against proposal.

## **7.0 Design and Layout**

7.1 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

7.2 The NPPF goes on to advise that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 61).

7.3 All matters relating to design and layout are reserved for future consideration. However, the application has been supported with an indicative masterplan which illustrates how the site could be developed (**see attached plan**). The application is also supported with a design and access statement.

7.4 The design and layout of the proposed development has been considered in consultation with the Council's Urban Design Officer (UDO). In this instance the site is considered to be well located, close to the centre of the village and the local facilities. It sits within the context of recent residential development and is considered to be a logical area for the village to grow into. The development addresses Lawn Road with an active frontage and at the same time maintains the existing hedgerow and trees. The proposed density featured on the illustrative masterplan allows for a loose arrangement of dwellings and POS which is considered to be appropriate for this rural location.

7.5 Whilst the detailed design and layout would be dealt with at reserved matters stage, having regard to the advice of the UDO, it is considered that the indicative layout demonstrates that the quantum of development proposed can be accommodated on the site in a way whereby it would be integrated into the built and natural environment of the village. On this basis officers raise no concerns over the development in urban design terms.

## **8.0 Accessibility and Highway Safety**

8.1 Section 4 of the NPPF (Promoting sustainable transport) recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. It states at paragraph 29 that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel, recognising that "opportunities to maximise sustainable transport solutions will vary from urban to rural areas". Paragraph 32 specifically requires safe and suitable access to all development sites for all people but that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 34 of the Framework says that decisions should ensure that developments that generate significant movement are located where the need to travel can be minimised and the use of sustainable transport modes can be maximised. Policy TPT1 of the Local Plan requires that

appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair the safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided.

8.2 In terms of its accessibility to day to day public services, whilst Ashleworth is not classified as a Service Village in the emerging JCS, it does nonetheless perform reasonably well in the JCS Rural Settlement Audit. In particular it has a good range of primary services including a Post Office, a general store, a village hall/community centre and a primary school. It also has a number of secondary services including a public house, a public sports ground, a children's play area, a church and a mobile library. The site is located in close proximity to all of the above services.

8.3 In terms of its accessibility to other key public services and employment opportunities, the site is located just 6 miles away from Gloucester City Centre and easily accessible by road via the A417. There is public transport provision in the village with bus service 351 running through Ashleworth and connecting it with Gloucester and Tewkesbury. This service does offer the potential for residents to travel to these settlements in the peak hours and access the services and employment opportunities that they provide. It is therefore considered that sustainable transport modes would currently be available to future residents of the proposed development and they would not necessarily be reliant on the private car to access jobs and major services. This is a key factor in determining whether Ashleworth is a sustainable location and suitable for new housing development.

8.4 Having regard to the comments of the County Highways Authority (CHA) it is however noted that there is a difficulty in sustaining the current level of service for the 351 service as the subsidy cost per head per journey is above the threshold agreed by Gloucestershire County Council (GCC) cabinet in 2011. Therefore GCC are currently consulting on a number of options, but not, at this stage withdrawal. Funding from the proposed development under Section 106 of the Town and County Planning Act 1990 will therefore be required in order to ensure that the service is maintained for a longer timeframe and/or that the existing services can be provided on a more frequent basis. Another option would be a contribution to fund a multi-purpose low floor minibus that could be allocated to either a community transport organisation or a commercial bus operator to provide local services but linked to special needs school runs, health and social care transport. A contribution of £105,000 has been requested by GCC based on figures received from their Integrated Transport Unit. As noted above, the availability of public transport is a key factor in determining whether Ashleworth is a sustainable location. The required contribution is therefore necessary to make the development acceptable in planning terms and meets the other tests for planning obligations within the CIL regulations and NPPF. The applicant has confirmed their agreement to the required contribution which can be secured by a Section 106 agreement should planning permission be granted.

8.5 In terms of the proposed site access to the highway, adequate visibility has been demonstrated in accordance with the recorded vehicle speeds. The access proposed would form a 5.5m carriageway and 2m footway, which would become a shared surface arrangement further into the site. There is an existing track entrance within the site, adequate visibility has been provided from this track to the access road. A footway and crossing point is proposed to allow pedestrians exiting the site to cross to the footway on the eastern side on Nup End. Highway works are proposed on Lawn Road to the north of the access to provide a passing bay, together with pedestrian signage. These works are considered by the CHA to be reasonable to mitigate the impact of the development.

8.6 It is considered by the CHA that dropped kerbs and tactile paving should be provided at the Bloxham Orchard junction, at Goodrich Hill, from the eastern to the western side of the main road adjacent to Goodrich Hill to link into the western footway, and adjacent to the Nup End/Nup End Lane junction. All of these crossing points are to allow safe and suitable access to the school. In terms of the final crossing point at Nup End/Nup End Lane, this is required as pedestrians leaving the site would be crossing to the north eastern side of Nup End, when they walk south towards the junction, to be able to access the school they would need to cross the road again. These off site highway improvements can be secured by condition should planning permission be granted.

8.7 In terms of traffic generation, the trip generation of the development has been estimated using the trip rate information computer system (TRICS), which is a national database which holds actual survey data of residential estates. The trip generation is consistent with sites of similar sizes and characteristics in Gloucestershire. A count was also undertaken of St Andrews, in order to validate the TRICS data. Overall, once the peak hour trips have been distributed across the network and assigned to particular routes, the development impact in the peak hours, when compared to the extremely low base flows is not considered by the CHA to be severe.

8.8 With regard to construction phase impacts, the CHA recommends a condition requiring the submission of a construction method statement to identify and address any issues.

8.9 Overall, it is considered that subject to the required contributions and highway improvements described above, the site is in a location that can be made reasonably sustainable to the extent that it would be suitable for a housing development of the proposed scale. Having regard to the comments of the CHA it is considered that the proposed development would not have a severe impact on the local highway network, that a safe and suitable access to the site can be achieved for all people, and that opportunities for sustainable transport modes have been taken up. The proposed development is therefore acceptable in accessibility and highways terms.

## **9.0 Affordable Housing**

9.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing. Furthermore, Affordable Housing Supplementary Planning Guidance (SPG) was adopted by the Council in August 2005. The purpose of the SPG is to assist the implementation of affordable housing policies contained within the Local Plan and it is a material consideration in the determination of planning applications. Policy SD13 of the emerging JCS provides a 40% affordable housing requirement on sites of 10 dwellings or more.

9.2 In this instance the application proposes to provide 14 affordable housing units on site which would equate to a 40% provision. The application proposes 4 no. 1 bed maisonettes, 7 no. 2 bedroom houses and 3 no. 3 bedroom houses. The indicative layout shows these clustered in the central part of the site between the access drive and the southern boundary. The applicant confirms that there would be a mixture of affordable rent and intermediate housing although the precise mix is still to be agreed.

9.3 The proposed provision would satisfy the requirements of Policy HOU13 of the TBLP, the adopted Affordable Housing SPG and Policy SD13 of the emerging JCS. The proposed unit types would meet an identified local need as advised by the Council's Housing Enabling Officer.

## **10.0 Open Space, Outdoor Recreation and Sports Facilities**

10.1 The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Furthermore, policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population.

10.2 The proposal for 35 dwellings would generate a requirement for 0.20ha of open space, of which 0.09ha should be playing pitches in accordance with the requirements of Local Plan Policy RCN1. However, the Council's more recent and up to date Playing Pitch and Outdoor Sports Assessment and Strategy indicate a higher local standard for playing pitches (1.51ha per 1000 population). Based on this higher local standard, there is a requirement for 0.10ha of playing pitches.

10.3 With regard to playing pitches and changing facilities, these are not being provided on site and therefore an off-site contribution would be required. Based on the sports facility costs from Sport England for Q1 of 2015 £10,135 would be required for playing pitches and £37,162 would be required for changing room provision. The required contributions would go towards the funding of required facilities at Woodpeckers Sports facility in Ashleworth including the provision of cricket nets, a MUGA and the rebuilding of the club house.

10.4 In terms of the balance of open space required (0.10ha); the illustrative layout identifies a small area of open space in the south east corner of the site. This area is however small in size and is not considered to represent formal open space. The area does nonetheless serve an important landscaping function as considered at Section 6 and should be retained in any detailed proposals for the site. On the above basis it will be necessary for an off-site contribution to be provided towards play provision at the Woodpeckers play area. In line with the Council's Schedule of Rates 2015/16 a figure of £776 per household is required amounting to a total of £27,160. Further to this a 15 year commuted sum is required for the on-site open space referred to above. This will be in accordance with the Council's 2015/16 Schedule of Rates.



10.5 In addition to sports pitches, the proposed development would create a demand for other sports facilities (i.e. swimming pools, artificial pitches, sports halls). The Sport England Sports Facility Calculator recommends £18,237 for sports hall provision (towards provision at Ashleworth Memorial Hall), £14,143 for gym provision (towards provision at Tewkesbury Leisure Centre), £1,937 for astroturf provision (towards provision at Hartpury College).

10.6 All of the above contributions are considered to be CIL compliant and the applicant has confirmed their agreement to the contributions which can be secured by a Section 106 agreement should planning permission be granted.

## **11.0 Community, Education, Library and Medical Provision**

11.1 The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Plan Policy GNL11 highlights that permission will not be provided for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided.

11.2 Consultation with GCC advises that on present forecasts there is adequate surplus within the nearest primary and secondary schools and as such no contributions will be required. A library contribution of £6860 is required to support the local library (£196 per dwelling).

11.3 Consultation with NHS England indicates that no contributions are required towards medical provision in this instance.

11.4 Based on the Gloucestershire Infrastructure Delivery Plan assessment formula for community centres (35 dwellings x 2.32pph) a demand is generated for 13.09sqm of community centre space equating to a contribution of £19,640. This will contribute towards the following identified needs. To accommodate the increased demand the village memorial hall are seeking contributions towards the expansion/improvement of facilities including: a) building a small lean-to store on the southern side of the memorial hall to extend storage capacity; b) the provision of portable 'Stage Systems Q-Build' or 'Stackstage' Clean; c) dying or replacing old curtains; and d) provision of stage lighting. The respective costs of these are £1,500 + VAT, £6,500 + VAT, £1000 + VAT and £2000 + VAT. Further to this Ashleworth Parochial Church Council have expressed a demand for additional burial land to extend the cemetery together with fencing and relevant landscaping. The cost of this is £10,000.

11.5 The applicant has confirmed their agreement to the required contributions which can be secured by a Section 106 agreement should planning permission be granted. All of the above contributions are considered to be CIL compliant.

## **12.0 Flood Risk and Drainage**

12.1 The NPPF aims to direct development away from areas at highest risk. Development itself should be safe and should not increase flood risk elsewhere. Policy EVT5 reflects this advice and Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria.

12.2 The site is located in Flood Zone 1 as shown on the Environment Agency's (EA) indicative flood map indicating that it is at a low risk of flooding from fluvial sources. The FRA submitted with the application also confirms that existing site levels are set well above nearby minor watercourses and flooding from these sources is not therefore likely to be an issue. Furthermore, a safe flood free access can be provided to the site. To mitigate any residual flood risk the FRA recommends that finished floor levels should be raised by approximately 150mm above surrounding ground levels.

12.3 The EA's updated Flood Map for Surface Water identifies a minor area at risk of flooding from pluvial sources along the southern boundary of the site. This is associated with a topographic depression in this area and a minor ditch system that terminates at the north-west site boundary. Furthermore, it is noted that a number of the objections to the application raise concerns over existing surface water flooding problems along Nup End. To avoid the pluvial flood risk on site the development would be laid out to provide a landscaped buffer in the affected area. The landscape buffer would also be used to intercept flood flows from upstream and convey them safely through the site via a proposed land drain along the southern boundary.

12.4 The FRA proposes that surface water run off from the proposed development would drain to an existing drainage ditch at the eastern boundary of the site via an attenuation feature (i.e. a balancing pond or similar). The site already naturally drains to this location. This proposal would therefore mimic natural drainage patterns consistent with sustainable drainage principles. The FRA identifies however that the drainage ditch outfalls either to the highway drain in Nup End or the surface water sewer network present throughout Sawyers Rise. The FRA identifies that as a result of the introduction of a positive attenuation feature the proposal would limit surface water run off from the site to the existing greenfield rate but including a 30% allowance for climate change. This would provide significant betterment to the existing situation and should help to reduce any existing surface water flooding problems along Nup End.

12.5 The Lead Local Flood Authority has been consulted on the application and no objection has been raised subject to the imposition of conditions to secure an appropriate surface water drainage scheme. Furthermore, the proposed development would be in accordance with the Environment Agency's standing advice for development in Flood Zone 1.

12.6 On the above basis it is considered that the application sufficiently demonstrates that the proposed development can be made safe from flooding from all sources and can include appropriate surface water drainage proposals to avoid it increasing flood risk to the wider area.

### **13.0 Ecology and Nature Conservation**

13.1 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals.

13.2 An Ecological Assessment has been submitted with the application. This confirms that there are no trees present on site that have features suitable to support roosting bats. The retention of hedgerows and trees on the site together with the new landscape buffer planting and enhancement of existing hedgerows would provide continued and enhanced foraging and navigational opportunities for bats. Bat boxes are recommended throughout the site to provide new/enhanced roosting opportunities. There is no evidence of great crested newts on site but the proposed new pond would provide a potential habitat for such amphibians. No evidence of badgers was found but the proposed vegetation retention and enhancement would offer opportunities to the species if present. Similarly, the retained/enhanced site landscaping would provide enhanced opportunities for birds. The erection of bird boxes within the site would provide new/enhanced nesting opportunities.

13.3 Subject to the site landscaping and habitat enhancement measures set out in the Ecological Assessment being secured in the detailed design of the development officers consider that the proposal would conserve and enhance biodiversity consistent with Policy NCN5 of the TBLP and the advice at Section 11 of the NPPF.

### **14.0 Archaeology and Cultural Heritage**

14.1 The NPPF sets out that great weight should be given to the conservation of heritage assets. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 133 of the NPPF advises that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

14.2 In this instance the County Archaeologist has initially identified that the wider locality is known to contain extensive archaeological remains relating to prehistoric and Roman activity and settlement. In response an archaeological field evaluation has been carried out which finds no evidence for any significant archaeological remains on this site. Therefore the County Archaeologist raises no objection and recommends that no further archaeological investigation or recording should be required in connection with the application.

### **15.0 Noise and residential amenity**

15.1 The Core Planning Principles of the NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Furthermore the advice at paragraph 109 of the NPPF states that the planning system should prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution. This is reflected at Policy EVT3 of the TBLP which states that new development should be sited away from sources of noise. Planning permission will not be granted for development where noise would cause harm and it cannot be ameliorated.

15.2 In this instance the site is located adjacent to a sheet metal works which has the potential to cause noise and disturbance to the future residents of the proposed development. A Noise Impact Assessment has been submitted with the application which examines the potential noise impact on the future residents of the proposed development. This finds that for the two plots nearest the site boundary with the adjoining works, the noise level would be no more than 5dB above the existing background level between the hours of 07:00 and 18:00 which is consistent with the operating hours of the works. The assessment states that this is less than the level within BS4142:2014 indicating '*an adverse impact, depending on the context*'. The assessment considers the noise impact to be low on this basis.

15.3 It has however been identified that the assessment assumes that the works only has consent to operate between 07:00 and 18:00 Monday to Friday, and between 07:30 and 14:00 on Saturdays. The assessment does not therefore consider the potential noise impact of the work outside of these hours. It is however apparent that the works is not subject any planning restrictions on its hours of operation meaning that it could at any time start working during the evenings. This is not addressed in the assessment.

15.4 Advice has been sought on this matter from the Council's Environmental Health Officer (EHO) and it is recommended that a BS4142 noise assessment is undertaken to reflect night time working of the industrial site. The noise rating level shall not exceed the background noise level at the closest residential receptor.

15.5 In response the applicant's noise consultant advises that with the works in operation internal night time noise levels in the dwellings nearest to the works are likely to be 25dB which is within the BS8233:2014 and WHO acceptable noise levels for sleeping (30dB).

15.6 On this basis and bearing in mind that this is an outline application with all design and layout related matters reserved officers consider that noise issues can be fully resolved at the submission of reserved matters application. This approach is supported by the EHO who recommends that a further noise survey is submitted at reserved matters stage and in accordance with the British Standard BS 4142 'Methods for rating and assessing industrial and commercial sound' the rating level shall not exceed the background noise level at the closest residential receptor. Officers consider that it is appropriate to proceed on this basis as if and insofar as night time noise from the works is considered to be a potential issue, this could be mitigated through the design of the nearest dwellings (i.e sound insulation, acoustic glazing), the layout (the dwellings could be set further away from the boundary with the works) and the site landscaping (an acoustic fence could be erected along the site boundary with the works). On this basis it is not considered that the potential noise impact of the works presents an inherent issue that can't be resolved at reserved matters stage.

## **16.0 Other matters**

16.1 Concerns have been raised by local residents in relation to the proposed number of dwellings being excessive and harming the rural feel of the village and putting a strain on local infrastructure. In relation to this matter officers would comment that the site is located in a part of the village that is characterised by modern housing development. It is considered that the proposal would be appropriate within this context and that the character of the area would not be unduly affected. Furthermore, it is considered that the loose arrangement of dwellings and the retention of the existing boundary hedgerow and trees along Nup End Lane/Lawn Road would help to assimilate the site within its rural context. It been demonstrated above that the impact of the development on community infrastructure can be mitigated through the required S106 contributions.

16.2 Objections have also been raised to the development on the basis that Ashleworth is not a 'Service Village' as defined in the emerging JCS. It is asserted therefore that the village is not a suitable location for growth. Whilst it is recognised that the proposal would not be consistent with Policy SP2 of the emerging JCS which provides that the Borough's rural housing need will be provided in the Rural Service Centres and Service Villages, the JCS is still undergoing examination and there are unresolved objections to Policy SP2 at this stage. It is therefore considered that little weight can be applied to Policy SP2 at this stage.

## **17.0 Overall Balancing Exercise and Conclusions**



17.1 The NPPF requires that planning applications for housing should be considered in the context of the presumption in favour of sustainable development which means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

17.2 In this instance the proposal would produce clear social benefits insofar as it would provide much needed housing and help the Council meet the NPPF's requirement to maintain a 5 year supply of housing land. The proposal would also provide affordable housing for which there is a need both locally and borough wide. These benefits should be given significant weight in the overall planning balance. The proposal would also produce economic benefits during the construction phase and through the additional spending power in the local economy as a result of the increased population.

17.3 Subject to the required contributions towards bus provision the site is considered to be reasonably accessible and is considered to be a suitable location for a development of the proposed scale. The proposal would cause some harm to the landscape and rural character of the area insofar as it would replace an open, agricultural field with a modern housing development. The extent of this harm is however considered to be relatively minor and limited to the immediate area. The proposal has been shown to be acceptable in respect of its design/layout, its relationship with the village, its impact on the highway network and its impact on local flood risk, ecology and heritage assets.

17.4 It is concluded therefore that the economic and social benefits would outweigh the limited landscape harm arising from the proposals. As such, based upon the three-stranded definition of Sustainable Development within the NPPF, the proposal would represent a sustainable form of development. It is therefore recommended that permission is **DELEGATED to the Development Manager subject to the signing of a section 106 legal agreement to secure the following heads of terms:**

- Affordable dwellings - 40%
- A contribution of £105,000 towards community bus provision
- Community/leisure/sports contributions - £128,414
- Libraries contribution - £6,860
- Waste and recycling contribution - £73 per dwelling
- Dog Bins and Dog fouling signs: £350 (1 bin); £200 (4 signs)

#### **RECOMMENDATION Delegated Permit**

##### Conditions:

- 1 The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and external appearance of the buildings, and landscaping thereto (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4 The reserved matters submitted pursuant to condition 1 above shall include details of existing and proposed ground levels and ground floor slab levels of the buildings relative to Ordnance Datum Newlyn. The development shall be carried out in accordance with the approved details.
- 5 No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 6 The reserved matters submitted pursuant to condition 1 above shall include details which show how the existing trees and hedgerows that are to be retained will be protected during the course of construction. The details shall accord with BS 5837: Trees in Relation to Construction. All approved tree and hedge protection measures shall be in place prior to the commencement of construction and shall be retained thereafter until construction has been completed.

- 7 The reserved matters submitted pursuant to condition 1 shall be accompanied by full details of both hard and soft landscape proposals. These details shall include, as appropriate:
- (i) Positions, design, materials and type of boundary treatment to be erected;
  - (ii) Hard surfacing materials; and
- Soft landscape details shall include:
- a. Planting plans including positions for all tree, hedge and shrub planting;
  - b. Written specifications (including cultivation and other operations associated with plant and grass establishment);
  - c. Schedules of plants, noting species, planting sizes and proposed numbers;
  - d. Densities where appropriate; and
  - e. Implementation timetables including time of planting.
- 8 The submitted landscaping and layout proposals pursuant to Conditions 1 and 7 shall be in accordance with the Illustrative Masterplan (Drawing Number B.0384\_01i I), the Tree Retention Plan contained within the Arboricultural Assessment dated August 2015 (Drawing Number 6168-A-03G) and consistent with the green infrastructure/mitigation principles set out at paragraph 5.10 of the Landscape and Visual Assessment dated August 2015.
- 9 If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.
- 10 No external lighting shall be erected on any part of the site without the prior express permission of the approval of the Local Planning Authority.
- 11 Development shall not begin until drainage details incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.
- 12 Prior to the commencement of development details of surface water attenuation/storage works shall be submitted to and approved in writing by the Local Planning Authority. Any attenuation feature should be designed to attenuate all flows up to and including the 1 in 100 year event +30% for climate change. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.
- 13 The reserved matters submitted pursuant to condition 1 shall be accompanied by a Noise Assessment examining the potential noise impact resulting from night time operation at the adjacent industrial site and including detailed noise mitigation measures within the design, layout and landscaping of the development.
- 14 No works shall commence on site until the first 20m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level and the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.
- 15 No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.
- 16 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

- 17 Prior to occupation of any of the proposed dwellings, the highway works as shown on plan 1132-01 G shall be completed in all respects and shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.
- 18 Details of pedestrian improvements between the site and Ashleworth Primary School shall be submitted to and approved in writing by the Local Planning Authority, the approved works shall be completed prior to occupation of any of the proposed dwellings and shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.
- 19 Details of the layout and internal access roads within the site together with a road safety audit and non motorised users audit, shall be submitted to and approved in writing by the local planning authority, before any development begins and the development shall be carried out in accordance with the approved plans. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.
- 20 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- i. specify the type and number of vehicles;
  - ii. provide for the parking of vehicles of site operatives and visitors;
  - iii. provide for the loading and unloading of plant and materials;
  - iv. provide for the storage of plant and materials used in constructing the development;
  - v. provide for wheel washing facilities;
  - vi. specify the intended hours of construction operations;
  - vii. measures to control the emission of dust and dirt during construction.
- 21 The car parking, vehicular loading and turning, and cycle parking arrangements agreed as part of the Reserved Matters application shall be provided prior to occupation of the dwelling to which they relate and shall be maintained thereafter.
- 22 No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall be in accordance with the Mitigation and Enhancements measures set out at Section 5 of the Ecological Assessment (dated August 2015). It shall include a timetable for implementation and details of how the areas concerned will be maintained and managed. Development shall be in accordance with the approved details and timetable in the EMP.

Reasons:

- 1 The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.
- 2 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 In the interests of amenity to accord with the NPPF.
- 5 To ensure that the proposed construction work does not cause undue nuisance and disturbance to nearby properties at unreasonable hours.
- 6 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 8 In order to assimilate the development into the landscape in accordance with Policy LND3 of the Tewkesbury Borough Local Plan to 2011 and the design advice and advice on the natural environment within the NPPF.
- 9 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 10 To avoid light pollution in the interest of preserving the rural character of the area.
- 11 To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding in accordance with Policy EVT9 of the Tewkesbury Borough Local Plan to 2011 and the advice on Flood Risk at Section 10 of the NPPF.
- 12 To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding in accordance with Policy EVT9 of the Tewkesbury Borough Local Plan to 2011 and the advice on Flood Risk at Section 10 of the NPPF.
- 13 To protect future occupiers within the development from noise to accord with the NPPF and Policy EVT3 of the Tewkesbury Borough Local Plan 2011 - March 2006.
- 14 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.
- 15 To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.
- 16 To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 and 35 of The Framework, and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.
- 17 To ensure that safe, suitable and secure access is achieved and maintained for all people in accordance with paragraph 32 and 35 of The Framework.
- 18 To ensure that safe, suitable and secure access is achieved and maintained for all people in accordance with paragraph 32 and 35 of The Framework.
- 19 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 and 35 of The Framework.
- 20 To reduce the potential impact on the public highway.
- 21 To reduce potential highway impact, in accordance with paragraph 32 and 35 of The Framework.
- 22 To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Notes:

1 **Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating to increase the affordable housing provision.

2 This decision relates to the revised plans received by the Local Planning Authority on 10/11/2015.

- 3 The proposed development will require works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including appropriate bonds) with the Local Highway Authority, which includes both the Highways Agency and Gloucestershire County Council, before commencing works on the development.
- 4 The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.
- 5 The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.
- 6 The applicant is advised that to discharge condition 16 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
- 7 For avoidance of doubt the submitted layout plan has been treated as being for illustrative purposes only.



KEY  
THE BUNGALOW  
SITE LOCATION (11.7HA)



LAND OFF NUP END, ASHLEWORTH - SITE LOCATION PLAN  
Team: MCC/EJ/GW | Date: FEB 2015 | 112500A3 | dwg: B.0384\_02.1 | Client: Bloor Homes

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**KEY**

	INDICATIVE BUILT FORM UP TO 3 STOREY INITIAL DEVELOPMENT
	ATTENUATION
	PROPOSED VEGETATION
	EXISTING VEGETATION
	LOCATION OF SITE ACCESS
	EXISTING PUBLIC RIGHT OF WAY



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1.1 The application relates to approximately 2.4ha of land to the east of the Ashville Business Park on the northern side of Cheltenham Road East (B4063) (see attached location plan). The eastern section of the site is currently occupied by Stratstone Land Rover. The site is accessed off Commerce Road which serves the existing business park.

1.2 To the south of the site is Meteor Business Park with Gloucestershire Airport beyond. To the north of the site is open countryside. The site is predominantly located within a designated Green Belt; however, the western section of the site (occupied by Stratstone Land Rover) is designated as a Major Employment Site in the Tewkesbury Borough Local Plan to 2011 - March 2006. The northern boundary to the eastern end of the site is located within Flood Zone 2 due to its proximity to Hatherley Brook which flows to the north of the site.

## 2.0 Relevant planning history

2.1 Ashville Business Park adjoins the application site immediately to the west and was originally granted outline permission in 1996 (Ref: - 95/8906/1137/OUT). This was subsequently followed by various reserved matters applications.

2.2 In 2005, outline permission was granted for an extension to the Ashville Business Park to include B1, B2 and B8 uses (Ref: - 05/01427/OUT). This permission related to approximately 4.23ha of land to the north of the Ashville Business Park. This permission was never implemented and has since lapsed.

2.3 In terms of the history of the application site itself, permission was granted for the erection of a detached part 2 storey building with external yard for use classes B1, B2 and B8 in 2005 (Ref: - 04/01629/FUL). This permission related to a section of approximately 0.3ha of land directly to the rear to Stratstone Land Rover. This permission was not implemented and has since lapsed.

2.4 On the same piece of land, permission was recently granted for the construction of a temporary vehicle storage compound in July 2013 (Ref: - 13/00420/FUL). This permission has been implemented.

2.5 Most recently planning permission was refused in January 2014 for an outline application for the extension of Ashville Business Park to include B1, B2 and B8 uses comprising of up to 16,000m<sup>2</sup> of additional floorspace with all matters reserved for future consideration. The application was refused on Green Belt, landscape and employment policy grounds.

2.6 A subsequent appeal was dismissed in October 2014. The Inspector concluded that:

*'While there would be significant weight in favour of the proposal in terms of employment benefits, the NPPF attaches substantial weight to any harm to the Green Belt. Therefore, the benefits would not clearly outweigh the substantial harm to the Green Belt. In these circumstances, very special circumstances do not exist which would justify the proposal. The scheme would be contrary to the NPPF and LP policy GBR1 which seeks to restrict inappropriate development in the Green Belt.'*

## 3.0 Current application

3.1 The current application is a full application again for an extension to Ashville Business Park (**plans will be displayed at Committee**). The description of development names two specific companies that are proposed to occupy the site however there is no certainty that these companies would occupy the site. The applicant and owner of the land is Ashville Business Park and the application must be considered a speculative.

3.2 Stratstone Land Rover is currently sited adjacent to the application site on the corner of Commerce Road and Cheltenham Road East. The application proposes an extension to the current site. The Planning Statement submitted with the application suggests that Stratstone Land Rover wish to double their footprint over the next few years and are looking to extending the showroom, offices and workshop facilities to accommodate an extended range of vehicles.

3.3 Spectrum Medical is currently based on Meteor Business Park close by. The company is also looking to expand as well as retain its existing workforce. The application proposes a 'landmark' building which would be the company's HQ.

3.4 The application includes letters of support from the Local Economic Partnership and the Cheltenham Chamber of Commerce.

## 4.0 Planning Policy Context

### The Development Plan

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Following the revocation of Regional Planning Guidance for the South West 2001 and the Gloucestershire Structure Plan Second Review 1999, the development plan now comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

4.2 Policy GRB1 of the Local Plan provides, inter alia, that permission will not be granted for development in the Green Belt other than new buildings necessary for agriculture and forestry; essential facilities for outdoor sport and recreation; and limited extension, alteration and replacement of dwellings. This is entirely consistent with the NPPF and repeated government statements on the need to protect Green Belt and should be afforded full weight.

4.3 A small part of the application site falls within a Major Employment allocation in the adopted local plan and policy EMP1 of the Local Plan provides that within such sites, proposals for B1, B2 and B8 uses will be supported. In determining the 2014 appeal, the Inspector noted that policy EMP4 (included within the reasons for refusal of the previous application) was not entirely consistent with the NPPF and should therefore be afforded limited weight.

4.4 Other relevant policies will be considered in relevant sections of the report.

### Emerging Joint Core Strategy

4.5 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development. The emerging Joint Core Strategy (JCS) which will act as a spatial planning strategy for the area up to 2031.

4.6 The Submission version of the JCS proposes approximately 84 ha of employment land are proposed for allocation through the plan to support the delivery of approximately 28,000 jobs. The JCS focuses the majority of development at Gloucester and Cheltenham within urban extensions. In addition, further development for employment is proposed at Ashchurch within two strategic allocations at the MoD Ashchurch camp and south of the A46 at Ashchurch. However, it should be noted that the latest evidence submitted to the JCS Examination in Public by Nathaniel Lichfield and Partners (NLP) recommends an increased requirement of 192 hectares of employment land and a range of 39,500-46,600 jobs over the plan period.

4.7 Policy SD2 of the emerging JCS seeks to support employment related development in certain circumstances, none of which apply in this case. Policy SD6 reflects national and local planning policies in seeking to restrict inappropriate development in the Green Belt. It says that within the Green Belt, *'development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated'*.

### Other material considerations

4.8 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say 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 the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. Footnote 9 to paragraph 14 gives examples of where policies in the Framework indicate where development should be restricted and includes land designated as Green Belt.

4.9 One of the core planning principles of the NPPF is that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to



meeting the twin challenges of global competition and of a low carbon future. Furthermore, the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

4.10 The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF provides that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local authorities should ensure that substantial weight is given to any harm to the Green Belt by reason of inappropriateness. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.11 The NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. There are exceptions to this; however, new commercial buildings are not an exception. This advice is reflected in policy GRB1 of the Local Plan which is consistent with the NPPF. The current proposals therefore represent inappropriate development in the Green Belt which is harmful by definition.

## 5.0 Green Belt

5.1 The application proposals, with the exception of the small piece of land included within the major employment allocation, compromise inappropriate development in the Green Belt. As set out above, such development should be refused unless there are very special circumstances which clearly outweigh the harm to the green belt by inappropriateness and other harms.

5.2 Whilst the application is different to the appeal proposal, it covers the same extent across the frontage and constitutes the construction of large commercial buildings. The reduction in site area contains land mainly in Flood Zone 2. In determining the previous appeal the Inspector concluded that

*The proposed buildings would undoubtedly reduce openness changing the land from open grass to a business park. The loss of open land would reduce the gap to neighbouring development along Commerce Road, contributing to the merging of settlements, albeit to a small degree. Having regard to the National Planning Policy Framework (NPPF), paragraph 88 the harm to the Green Belt would be substantial.'*

5.3 The current proposals would similarly reduce the openness of the Green Belt and there is no reason to depart from the Inspector's conclusion. As such, the development can only be permitted if there are very special circumstances which clearly outweigh the harm to the Green Belt, by reason of inappropriateness, loss of openness and other harms.

### The applicants Very Special Circumstances Case

5.4 The applicant has submitted that there are other considerations which need to be taken into account in determining the current application.

5.5 Firstly the applicant considers that there have been significant changes since the appeal decision; namely the changes to the employment and Green Belt position in the JCS following discussions at the Examination in Public (EiP) into the JCS. In terms of employment land the applicant submits that the JCS Inspector considers that the plan does not have a clear economic strategy and has requested further information before this aspect of the plan proceeds. Further the applicant suggests that the Inspector confirmed that there are exceptional circumstances relating to housing an employment land supply, to release some Green Belt land for development.

5.6 Overall, the applicant considers that the views arising from the EiP are that there is an urgent need to release a supply of land to allow businesses to grow in locations suitable for them. Reference is made to an Employment Land Assessment Update carried out by Nathaniel Lichfield and Partners (NLP) which, as set out above, concludes that there is a greater need for employment land across the JCS area than suggested in the Submission version of the JCS. The NLP report refers to consultation with the Local Economic Partnership who highlighted various locations as areas for potential future growth, including Staverton.

5.7 The potential need for additional employment land in the JCS area is noted. Nevertheless the discussions taking place around the JCS and the possible need for additional employment land are a normal part of the plan-making process. There is no certainty around this at the moment and it is not considered that there is

any further weight to be given to the economic arguments in favour of the extension of Ashville Business Park as a result.

5.8 The applicant also makes reference to the suitability of the application site. Points are made about the physical nature of the site however this has not changed since the appeal decision. It is also stated that Spectrum Medical have a desire to stay in Staverton as the company continues to grow and maintain their good business contacts that assist with manufacture and assembly and have a highly skilled local workforce. Stratstone Land Rover has similar growth plans and it is stated that the business cannot be accommodated over a split site, although no reason is given for this. The applicant points to the Planning Practice Guidance which advises that the locational and premises requirements of particular types of business should be considered - however this is contained in a section about plan-making.

5.9 In conclusion the applicant puts forward the following points which they say constitute very special circumstances which justify the grant of permission for employment uses in principle on the application site:

1. The need to provide expansion for two existing businesses in Staverton, those being Spectrum Medical and Stratstone Land Rover;
2. The retention and expansion of jobs and economic prosperity in this location associated with the growth of the two companies;
3. The need to allocate additional employment land in the JCS area established by the updated NLP report (October 2015), requiring the identification of an additional 128ha of new employment land.
4. The updated NLP Report now identifying Staverton as a popular, sustainable and suitable business location for additional business growth;
5. The LEP Growth Plan identifying Staverton as an appropriate business location within the Growth Zone;
6. The JCS Inspector has confirmed that very special circumstances do exist in the JCS area to roll back the Green Belt in sustainable locations to support additional housing and employment growth;
7. The relative lack of harm to the openness of the Green Belt and the limited harm arising from the development to the other purposes of including land in the Green Belt; and
8. The moderate harm to the landscape character of the area caused by the development that would be outweighed by the employment benefits associated with the proposal.

#### Analysis of the applicants Very Special Circumstances Case

5.10 **The needs of Spectrum Medical and Stratstone Land Rover** - The needs of these two companies were taken into account by the Inspector in determining the 2014 appeal, in particular Spectrum medical. At the time of the previous appeal the neighbouring site, allocated for employment use in the current Local Plan was available and this was highlighted by the Inspector. Since that time, an application has been submitted by Dowty Propellers on this land for a new production facility and headquarters. As such it is accepted that this site is no longer available. Notwithstanding this, the applicants own alternative site assessment shows that there is 15ha of employment land available at Gloucester Business Park. The applicants have confirmed that 75% of their workforce live within a 10 mile radius of the site which is approximately 5 miles from Gloucester Business Park and it would not be unreasonable for employees of the named businesses to travel to that site instead of travelling to Ashville Business Park - indeed it may well result in a shorter travel time for some employees. Further, the only reason given in the site assessment why Gloucester Business Park is not appropriate is that it falls within the Gloucester catchment area, and there is resistance from Cheltenham based occupiers. This is not considered to be an argument that could be considered to constitute a 'very special' circumstance that clearly outweighs the Green Belt harm.

5.11 **Retention of the two companies and economic growth** - The applicant makes the point that without the ability to expand within the area now, there is a possibility that the named companies would leave the County, with Spectrum Medical potentially making plans to move the entire operation to the USA. Again, this was an issue considered by the Inspector when dismissing the appeal. The economic benefits of the proposals are not questioned and weigh in favour of the development. The previous scheme included more development and as such, when the Inspector considered the proposals, the economic benefits would have been greater. Nevertheless the Inspector concluded:



*While there would be significant weight in favour of the proposal in terms of employment benefits, the NPPF attaches substantial weight to any harm to the Green Belt. Therefore, the benefits would not clearly outweigh the substantial harm to the Green Belt. In these circumstances, very special circumstances do not exist which would justify the proposal.*

As highlighted above, there is no consideration given by the applicant to how the first occupation of the buildings would be restricted to the named companies that are the basis of the very special circumstances case. It is therefore not considered that this can be given weight in determining the application over and above normal economic growth considerations which the appeal Inspector concluded did not amount to very special circumstances.

**5.12 Additional needs arising from the JCS process** - The NLP report referenced by the applicant is part of the JCS evidence base and, as set out above, the ongoing discussions regarding the need for additional employment land within the JCS area are part of the plan-making process and there is no certainty either way on this. Nevertheless, the need for additional employment land across the JCS area over the plan period has little weight in the determination of this application now, when there is other land in relatively close proximity to the existing businesses (i.e. at Gloucester Business Park) which is available now.

**5.13 Identification of Staverton as a popular area for growth** - It is a crucial plank of NPPF policy that Green Belt boundaries should only be changed through the plan-led process. The comments of the LEP are noted and these comments will be properly taken into account during the JCS and Borough Plan processes however this cannot be used as a justification for inappropriate development in the Green Belt via development management applications.

**5.14 Relative lack of harm to Green Belt and landscape** -The 2014 appeal Inspector concluded that there would be harm both by reason of inappropriateness and loss of openness and this was determinative in the dismissal of the appeal. The perceived lack of harm can in no way be considered as a very special circumstance that clearly outweighs the harm to the Green Belt.

## **Conclusions in relation to Green Belt**

**5.15** The ongoing discussions in relation to the requirement for employment land in the JCS area up to 2031 are noted. Nevertheless, land is available now to meet the needs of the businesses referred to in this application. Further there is no certainty that the businesses quoted in the application would occupy the site. In light of this, the application has failed to demonstrate that very special circumstances exist which clearly outweigh the fundamental conflict with Green Belt policy. This is a matter which weighs considerably against the proposed development in light of the clear national and local policy guidance on inappropriate development in the Green Belt.

## **6.0 Landscape and Visual Impact**

**6.1** One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy LND4 of the Local Plan states that in considering proposals for development in rural areas, regard will be given to protect the character and appearance of the rural landscape. It is considered that policy LND4 is consistent with the NPPF.

**6.2** The application is supported by a Landscape and Visual Appraisal which considers the character of the site and the relationship to its surroundings. The appraisal states that the site is within the Settled Unwooded Vale regional character area. This area is characterised by a mixture of agricultural, urban, suburban and industrial land uses. It is stated that the site has limited visibility in the wider landscape due to the mainly flat landform and the field boundary hedgerow pattern with trees. Furthermore, it is suggested that character of the site is urban and very different to the rural character or the adjacent open fields to the east and north.

**6.3** The application site is not subject to any formal landscape designation. However, the site is reasonably attractive and contributes to the visual amenity of the area. Whilst the site is heavily influenced by the surrounding business parks, the site still shares many characteristics with the adjoining land to the north and east. It is therefore considered that the site is not urban in appearance as suggested by the applicant. In determining the 2014 appeal the Inspector concluded that:

*There would be moderate harm to the landscape character through the loss of the open land which, despite the front railings and more formal planting, can be appreciated visually from the road. In this respect the scheme would conflict with LP policy LND4, which is consistent with the NPPF aim to protect the character of an area, including that of the rural landscape.*

6.4 Whilst the proposed development results in less floorspace than the previous outline proposal, the frontage of the development site is the same. The east side elevation of the 'Spectrum Medical' building extends across the majority of the length of the eastern boundary. In addition to the built form, the car sales associated with the Stratstone site would add to the visual clutter/harm. The development as a whole would be a clear intrusion into the landscape and the resulting harm needs to be weighed into the overall planning balance.

## **7.0 Design and layout**

7.1 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. The NPPF goes on to advise that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 61).

7.2 The proposed layout makes some sense given that the principle access is from Commerce Road and that the northern portion of the site lies within Flood Zone 2. The extension to the Stratstone site is logical and the proposed building would sit reasonably comfortably in the context of the existing building. The proposed design of the Stratstone building is simple and reflects its use. The white cladding would be stark and although it matches the existing building, a more muted colour would perhaps be more appropriate given the extent and texture of the proposed cladding. This could be controlled by planning condition.

7.3 The Spectrum Medical building is much bigger and the overall design reflects the different uses including offices, warehousing, research and development and production. Given the prominent location in what is currently countryside however, it is felt that the overall design of the Spectrum medical building is disappointing. There is no indication where the cues for the design of the building have come from and the Design and Access Statement does not help in this regard. Whilst there are some decidedly average buildings in the surrounding area the thrust of the NPPF is that we should be looking for improvements to the public realm and high quality design. There are examples of good design nearby, such as the Art Deco façade of the Messier Dowty building, and the new Triumph Actuators building granted by committee earlier this year, which took its design cues from the airport.

7.4 Whilst the design is considered to be uninspiring, it is not considered that it is so poor as to warrant refusal on design grounds. In light of this and the above, the development is, on balance, considered acceptable on design grounds.

## **8.0 Accessibility and highway safety**

8.1 Policy TPT1 of the Local Plan sets out that development will be permitted where the traffic generated by and/or attracted to the development, together with that arising from other existing or planned development, would not impair the safety or satisfactory operation of the highway network. Policy TPT1 follows that highway access should be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network. This advice is reflected in the NPPF and Policies INF1 and INF2 of the emerging JCS.

8.2 Access would be taken from Commerce Road which is an unclassified internal road that serves the existing Ashville Business Park. Commerce Road itself is accessed from Cheltenham Road East (B4063) via the existing signal controlled junction.

8.3 The application is supported by a Transport Assessment (TA) which considers the impacts of the proposed development on the highway network. The TA concludes that the site is accessible by public transport with a frequent bus service stopping within easy walking distance of the site. Good pedestrian and cycle access is also available. In terms of traffic, the TA concludes that the existing traffic light junctions serving Commerce Road and Down Hatherley Lane would continue to operate below capacity following development. Overall the TA concludes that there are no transportation reasons why planning permission should not be granted.

8.4 The County Highways Officer (CHO) has been consulted and notes that the previous application, for a larger development, was considered to be acceptable on transportation grounds. The CHO agrees with the conclusions of the applicants TA and has no objection to the proposals subject to appropriately worded planning conditions. The application provides for appropriate levels of car parking for the proposed use. Therefore there is no objection to the application with regards to accessibility and highway safety.

## 9.0 Flood Risk

9.1 The majority of the site is located within Flood Zone 1 (low probability of flooding). However, the northern section of the site to the rear of the proposed Spectrum Medical building lies within Flood Zone 2 (medium probability of flooding) as identified on the Environment Agency Flood Map. This is also confirmed in the submitted Flood Risk Assessment (FRA). The area of land within the application site within flood zone 2 is proposed to be used as landscaping and a turning facility for delivery vehicles.

9.2 The NPPF advocates a sequential risk-based approach to determining the suitability of land for development in flood risk areas with an aim to steer new development to areas at the lowest probability of flooding (Zone 1). Development itself should be safe and should not increase flood risk elsewhere. The Technical Guide to the NPPF sets out that the overall aim should be to steer new development to Flood zone 1, and only if there are no reasonably available sites in Flood Zone 1, Local Planning Authorities should consider applications taking into account the flood vulnerability of the land uses proposed. The Technical Guide provides guidance on how the sequential and exceptions tests should be applied. Policy EVT5 of the Local Plan is consistent with the NPPF and states that development will be permitted provided that the proposed development will not itself be at risk from flooding and not increase the risk of flooding to third parties.

9.3 With regards to the sequential test, the NPPF states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Whilst only a small proportion of the site is within Flood Zone 2, the layout indicates that there would be built development within this area consisting of a hardsurfaced turning area for vehicles. Consequently, it is considered that the sequential test needs to be applied. The application does not contain any evidence that any other sites have been considered and therefore the sequential test has not been passed.

9.4 It is noted that the previous application was not refused on these grounds and the appeal Inspector did not give this as a reason for dismissing the appeal. On that basis and given the very limited scope of development proposed in Flood Zone 2 it is considered that the proposed development would be acceptable from a flood risk perspective subject to technical matters being addressed. The Flood Risk Management Officer has been consulted on the drainage proposals and **an update will be provided at Committee.**

## 10.0 Archaeology

10.1 The NPPF sets out that great weight should be given to the conservation of heritage assets. The more important the asset, the greater the weight should be. The application is supported by an Archaeology and Heritage Assessment which confirms the potential for currently unknown archaeological remains to be present on the site.

10.2 The County Archaeologist has been consulted and it is advised the site is archaeologically sensitive as the landscape of the surrounding area of the Severn Vale is known to contain extensive archaeological remains relating to prehistoric and Roman activity and settlement. Due to the size of the site, concerns are raised that significant archaeological remains may be present within the proposed development area, and that any such remains would be adversely affected by construction ground works. The County Archaeologist is of the view that prior to the determination of the application, the results of an archaeological field evaluation should be provided. Nevertheless the previous application was not refused on these grounds and the appeal Inspector did not refer to this in her decision letter. On that basis it is considered that the archaeological issues can be addressed via an appropriately worded planning condition requiring archaeological investigation before commencement of works.

## 11.0 Ecology and nature conservation

11.1 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals and is considered to be consistent with the NPPF.

11.2 The application is supported by an Ecological Assessment (EA) which includes a Phase 1 Habitat Survey. The site consists mainly of semi-improved grassland with mature vegetation to the northern and eastern boundaries. In addition, Hatherley Brook runs to the north of the site. There are no statutory or non-statutory designated sites of nature conservation interest within the site. The hedgerows and stream corridor are of slightly higher ecological value than the rest of the site; however, the majority of these features are proposed to be retained. The EA found evidence of a single entrance outlier badger sett along with a day bed in Hedgerow 2 however it is considered that this is only used occasionally. Nevertheless this hedgerow is proposed to be retained which would ensure that the sett is retained and safeguarded however it is noted that a license may be required from Natural England during the course of construction. The EA concludes that there are no other habitats within the site that hold any significant ecological value.

11.3 The EA makes recommendations to safeguard and protect the biodiversity within the site and these recommendations could be secured by an appropriately worded planning condition. On that basis it is considered that the proposed development would have an acceptable impact upon biodiversity.

## **12.0 Land contamination**

12.1 The NPPF states that the planning system should contribute to and enhance the natural and local environment by, inter alia, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

12.2 The application is supported with a Geoenvironmental and Geotechnical Desktop Study which states that contamination issues at the site present a low risk. Following consultation with the Environmental Health, on the previous application no objections were raised on these grounds and there is no material change to the proposals which require further investigation.

## **13.0 Overall balancing exercise and conclusions**

13.1 The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. In terms of the economic dimension it is recognised that the proposal would provide jobs, both directly and indirectly. The proposal would therefore contribute towards building a strong, competitive economy. These matters are given significant weight in line with the NPPF and the comments of the 2014 appeal Inspector. Whilst the needs of the two named businesses are noted, there is no certainty that these businesses would occupy what is essentially a speculative proposal by the applicant.

13.2 With regards to the social dimension, the proposal would again provide jobs which would help support local communities. In addition, the proposed design is acceptable, as is the impact on archaeology, and there would be an acceptable impact on the safety and satisfactory operation of the highway network.

13.3 Turning to the environmental dimension, the proposals would introduce a significant level of development to a largely undeveloped green and verdant site which would be harmful to its character and appearance. This harm, albeit moderate, also weighs against the proposal.

13.4 More fundamentally, the site is located within the Green Belt and the proposed development represents inappropriate development which is harmful by definition. The proposal would introduce significant development where there is currently none and therefore the proposal would erode the openness of the Green Belt and conflict with the purposes of including land within it. This fact alone weighs considerably against the proposal.

13.5 There would be undue impact in terms of flood risk subject to approval of the technical details.

13.6 Whilst there are benefits to the proposal as set out above, it is considered that the adverse impacts identified significantly and demonstrably outweigh the benefits that would accrue from the development. Furthermore, very special circumstances have not been demonstrated that clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harms as identified above. The proposal therefore does not represent sustainable development in the context of the NPPF and is recommended for Refusal.

## **RECOMMENDATION Refuse**



Reasons:

- 1 The proposed development conflicts with section 9 of the NPPF (Protecting Green Belt land), saved Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006, and emerging Policy SD6 of the Submission Joint Core Strategy (November 2014) in that it represents inappropriate development in the Green Belt which would compromise its open character, appearance and function.
- 2 The proposed development would result in an unwarranted intrusion into the semi-rural landscape which would harm the character and appearance of the locality. As such, the proposed development conflicts with the NPPF, Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging Policy SD7 of the Submission Joint Core Strategy (November 2014).





15/00982/FUL

Hayden Hill Fruit Farm, Old Gloucester Road, Boddington

6

Valid 11.09.2015

Erection of ground mounted solar panels with an electrical output of approximately 5MW along with associated infrastructure, landscaping and ancillary structures.

Grid Ref 390662 224016

Parish Boddington

Ward Badgeworth

Mr Scott Newhouse  
Blue Planet Solar  
C/o Indigo Planning Ltd

## RECOMMENDATION Refuse

### Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

JCS Submission Version November 2014 - SD1, SD7, SD10, SD15, INF2, INF3 and INF6

The Tewkesbury Borough Local Plan to 2011 - March 2006 - GRB1, LND4, LND7, TPT1, EVT1, EVT3, EVT5 and NCN5.

Flood and Water Management Supplementary Planning Document

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

The First Protocol, Article 1 (Protection of Property)

Green Belt

Flood Zone 1

### Consultations and Representations

**Boddington Parish Council** objects to this application on the following grounds:

1. The proposal will be visible along Old Gloucester Road and the existing boundary hedgerows are not particularly well maintained. It will take time for additional planting to become established and provide good visible protection.
2. The existing hedgerows along Withybridge Lane are even less well-maintained. The area cannot be hidden where the ground rises and these hedges will also take a long time to grow.
3. The boundary hedge between the House in the Tree Public House (PH) and Field 3 is very low and sparse and may well affect the outlook of the pub.
4. Concerns about the maintenance of the hedges and area. Although this is the responsibility of the company, if things were not done properly, it would be the responsibility of the Borough Council Enforcement Officer to sort it out.
5. Concerns about what would happen if the company failed and whether there would be a safeguard in place.

**Gloucestershire County Council Highways** - No objection subject to conditions.

**Environmental Health** - Initial concerns regarding the noise impact of the proposed development. No response received following the submission of additional details and suggested planning condition.

**Landscape Consultant** - Objects to the proposed development commenting that a sizeable area would become dominated by regimented lines of solar panels and associated infrastructure. The effects upon landscape character will be adverse and the proposed solar panels will contrast with the agricultural surroundings and be more reminiscent of built development than characteristic of agricultural land uses.

**County Archaeological Officer** - Object to the proposed development. Recommend an archaeological field evaluation to be undertaken in advance of the determination of this planning application. This cannot be dealt with by the imposition of a pre-commencement of development condition which would be contrary to paragraph 128 of the NPPF.

**Historic England** - No objection.

**Natural England** - No objection.

**Lead Local Flood Authority** - No objection subject to conditions.

**Public Representations:** 1 letter has been received from a local resident objecting to the proposal for the following reason:

- The proposal will have a huge impact on the view of the surrounding area.

**Planning Officers Comments:** Mrs Helen Stocks

## **1.0 Introduction**

1.1 The site covers an area of 13.68 hectares of agricultural farmland at Hayden Hill Fruit Farm, which is located approximately 1500m to the north west of the edge of Cheltenham. The site comprises four open pastoral fields and an area of traditional orchard, divided by well-established hedgerows with some mature trees.

1.2 The site is bordered along its western boundary by Withybridge Lane and the southern boundary follows the Old Gloucester Road which connects north Cheltenham to Staverton Bridge and Gloucestershire Airport. Agricultural land extends to the north of the site while the eastern boundary abuts the curtilage of residential property. Power lines cross the site from south-east to north-west. There are no public rights of way (PROWs) crossing the application site but there are a number of PROWs within the vicinity of the site, including the Cheltenham Circular Footpath (see attached location plan).

1.3 The site is located within Flood Zone 1 and is also located with the Green Belt, as designated in the Tewkesbury Borough Local Plan to 2011.

## **2.0 History**

2.1 The proposed development has been subject of a screening opinion which concluded that the proposal was not Environmental Impact Assessment (EIA) development for the purposes of the EIA Regulations.

## **3.0 Current Application**

3.1 The proposed development comprises the construction of a 5.0MW capacity solar farm to be operational for a 25 year period. The proposed solar farm would comprise a series of photovoltaic modules (PV) fixed onto a non-reflective aluminium frame system secured to the ground by shallow piles driven approximately 1.5 metres into the ground. The maximum height of the solar arrays would be 2 meters. The panels would be aligned in an east-west direction with the panels angled at approximately 25 degrees facing south.

3.2 The proposed solar farm also includes four inverter / transformer buildings to be located across the application site and one substation to allow the electricity generated from the PV array to be fed into the National Grid. The substation would be designed in accordance with Western Power Distribution (WPD) standards and would measure approximately 6 metres long by 2.5 metres. It would have a flat roof with a maximum height of 3.5 metres.

3.3 A perimeter deer security fence would enclose the application site to protect the solar panels and ancillary structures. The proposed fencing would be 2 metres high, constructed of wooden posts and wire mesh, and would be erected within the agricultural field boundaries. There would also be inward facing CCTV mounted on poles at regular intervals along the perimeter of site but within the fence boundary. The site would be accessed via a gravel access track that enters the fields directly to the south of the site (from Old Gloucester Road) through an existing gated opening.

3.4 The Planning, Design and Access Statements indicates that throughout the operational lifetime of the solar farm, the land would remain in agricultural use as a pasture for grazing sheep. Following the period of construction, the existing hedgerows would be managed / improved and bird and bat nest boxes would be placed across the site to improve the ecology of the area.

## 4.0 Policy Context

4.1 At the heart of the NPPF is a presumption in favour of sustainable development, of which there are three dimensions: economic, social and environmental. The NPPF does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning authorities having an up-to-date plan. According to paragraph 215 of Annex 1 of the NPPF, due weight should be given to relevant policies in existing development plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given).

4.2 Paragraph 216 of the NPPF sets out that that from the day of publication decision-makers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan. The weight to be attributed to each policy will be affected by the extent to which there are unresolved objections to relevant policies with the emerging plan (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency of the emerging policies to the NPPF. The more advanced the preparation of a plan, the greater the weight that may be given.

4.3 Policy GRB1 of the Local plan states that in the Green Belt, planning permission will not be granted for development other than the construction of new buildings for the following purposes:

- Necessary for the efficient use of agriculture or forestry.
- Essential facilities for outdoor sport and outdoor recreation.
- Limited extension, alteration or replacement of dwellings.
- The carrying out of an engineering or other operation or the making of - a material change in the use of land provided that it maintains the openness of the Green Belt and does not conflict with the purposes of including land in it.

4.4 The NPPF mirrors the advice of the Development Plan by stating at paragraph 89 that local planning authorities should regard the construction of new buildings as inappropriate in Green Belts. Exceptions to this are: buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport and recreation etc; the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; the replacement of a building; limited infilling in villages; and, limited affordable housing for local community needs.

4.5 In addition, paragraph 90 advises that certain forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. They do not however list the construction of solar arrays as an appropriate form of development. In relation to the Green Belt, paragraph 91 of the NPPF specifically states that "elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources".

4.6 Paragraph 93 of the NPPF advises that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is echoed in Policy EVT1 of the Tewkesbury Borough Local Plan which advises that proposals for the development of renewable energy installations will be supported provided that they:

- a) do not result in unacceptable loss of amenity to local residents or businesses by reason of noise, traffic or other disturbance.
- b) do not result in any risk to public health and safety.
- c) do not adversely affect the quality of conservation areas or landscapes designated as areas of outstanding natural beauty, special landscape area or landscape protection zone.

4.7 Policy INF6 of the JCS Submission Version also supports proposals for the generation of energy from renewable resources provided the wider environmental, social and economic benefits of the installation would not be outweighed by a significant impact on the local environment.

4.8 Policy LND4 of the Local Plan states in considering proposals for development in rural areas other than the Area of Outstanding Natural Beauty, Special Landscape Area and Landscape Protection Zone, regard will be given to the need to protect the character and appearance of the rural landscape.

4.9 Policy NCN5 of the local plan and Policy SD10 of the JCS (Submission Version) seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats.

4.10 Local Plan Policy EVT3 provides that new development should be sited away from sources of noise and planning permission should not be granted for development where noise would cause harm and could not be ameliorated. Similarly, Policy SD15 of the JCS (Submission Version) seeks to promote health and environmental quality and ensure that new development does not result in unacceptable levels of noise.

4.11 Policy EVT5 of the Local Plan requires that certain developments within Flood Zone 1 be accompanied by a flood risk assessment and that developments should not exacerbate or cause flooding problems. Furthermore, Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria. Similarly Policy INF3 of the JCS (Submission Version) seeks to ensure that development proposals avoid areas at risk of flooding and do not increase the level of flood risk.

4.12 Policy TPT1 of the local plan seeks to ensure that highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network, nor cause an unacceptable loss of amenity to users of adjacent land. Similarly Policy INF2 of the JCS (Submission Version) seeks to protect the safety and efficiency of the transport network.

4.13 The above local plan policies in respect of conserving the natural environment and supporting renewable energy are considered to be consistent with the NPPF and are therefore considered to have significant weight. The JCS Submission Version policies detailed above are also considered to be consistent with the NPPF and as such should be accorded some weight.

## 5.0 Analysis

5.1 The main issues in this case are considered to be the principle of the development in the Green Belt and its effect on the landscape character and visual amenity of the area.

### Principle of development

5.2 The NPPF states that "Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development." When determining planning applications, local planning authorities are advised that they should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and
- approve the application if its impacts are (or can be made) acceptable.

5.3 Planning Practice Guidance (PPG) on 'Renewable and low carbon energy' advises inter alia, that the need for renewable energy does not automatically override environmental protections and that local topography is an important factor in assessing whether large solar farms could have a damaging effect on landscapes and recognise that the impact can be as great in predominantly flat landscapes as in hilly or mountainous areas. It also sets out particular factors a local planning authority (LPA) will need to consider which includes encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value. Where a proposal involves greenfield land, an LPA will need to consider, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays.

5.4 Furthermore, the UK Solar PV Strategy (2013) sets out four guiding principles for solar PV, the third of which states, amongst other things, that solar PV should be appropriately sited with proper weight being given to environmental considerations such as landscape and visual impact. Following publication of this strategy, the Minister for Energy and Climate Change produced a letter dated 1st November 2013 indicating that *...inappropriately sited solar PV is something that I take extremely seriously and I am determined to crack down on.*



5.5 The provision of renewable energy development is encouraged in local plan policies EVT1 of the local plan and INF6 of the JCS Submission Version, as detailed above, but subject to the need to protect the quality of designated landscape areas. This site lies within the open countryside within the Green Belt.

5.6 The panels would be connected to the national grid and it is anticipated that they would generate up to 5.0MW of power. The panels would be erected for a period of 25 years and would see renewable energy (RE) fed into the grid, thus representing a contribution to the UK's renewable energy targets. The Planning Statement states that the energy generated would be sufficient to power 1,503 homes per annum and would save up to 70,950 tonnes CO<sub>2</sub> over its lifetime (25 years).

5.7 These benefits would accord with the NPPF's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development and that local communities have a responsibility to contribute to the generation of such energy amongst other things.

5.8 Notwithstanding these benefits it is necessary, as advised in the PPG, to consider the effect of the proposal on the landscape and visual amenity of the area, whether it has been demonstrated that development of agricultural land is necessary and whether very special circumstances exist to outweigh any harm to the Green Belt.

### Green Belt

5.9 As set out above the NPPF provides that many elements of renewable energy projects will constitute inappropriate development in the Green Belt. In this case it is considered that the proposal would be an inappropriate form of development in the Green Belt due to the extent of the built form of the proposals including the solar arrays and ancillary development. Paragraph 87 of the NPPF makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to state that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.10 As mentioned above, the proposed solar farm would generate enough electricity to provide energy for approximately 1,500 homes per annum. This is a considerable amount of energy and there is no doubt that the proposal would make a significant contribution to energy security and reducing greenhouse emissions. This environmental benefit is recognised in paragraph 98 of the NPPF and the importance of meeting local and national renewable energy targets must be given considerable weight when considering the harm to the Green Belt.

5.11 The applicant has also sought to demonstrate the proposed scheme would incorporate a number of other significant environmental and socio-economic benefits and it is these which form the 'very special circumstances' as follows:

- The scheme would bring improvements in air quality and contribute to a reduction in carbon emissions, resulting in a saving of approximately 70,950 metric tonnes of carbon dioxide over the lifetime of the development (25 years).
- The application is supported by a range of assessments and reports which have found that potential impacts of the development are not significant and where they exist can be suitably mitigated.
- The proposal includes targeted plans to provide places for nature and wildlife, both by preserving the ecological assets onsite and by seeking to increase the biodiversity of the site in the future through sensitive management methods. These factors represent net gains for biodiversity in comparison to the current permanent pasture system onsite.
- The proposals are fully reversible and temporary in nature. Therefore there would be no long term impacts from the development.
- The proposal would generate employment opportunities during the construction, management and operational maintenance of the solar energy generating installation. It would also have an indirect employment benefit in the supply chain, such as the production of components and induced economic multiplier effects by recirculating income in the local area.
- The provision of the proposed solar farm would increase security and reliability of energy supply and the use of farmland for energy production would contribute to the UK's energy security, allowing a reduction in reliance on fossil fuels and helping to mitigate the effects of climate change.



- The solar development represents the diversification of the existing agricultural business and would provide the business with a stable source of rural income linked to RPI for a 25 year period. This would make a significant contribution towards the rural economy, at a time when there is increasing volatility in agricultural commodity prices.
- The proposal would give rise to educational opportunities, potentially leading to a wider awareness of renewable energy and an increased sense of environmental stewardship among the local population.

5.12 In considering the aforementioned benefits of the scheme, it is also acknowledged that the proposed solar panels would not occupy the whole of the site and would be set back from field boundaries. There would no solar panels located in the south-west corner of the application site which is traversed by power lines. Taking into account the separation distance between the rows of panels, it is understood that the PV arrays would occupy around 2.86 hectares of agricultural land. Nevertheless, the proposed panels would be spread across the application site and around 13.33 hectares of land would be enclosed by 2 metre high security fencing (see proposed plans).

5.13 With this in mind, it is considered that the proposal would fundamentally alter the 'open countryside' appearance of the site and it would come to have all the characteristics of built development. It is noted that the proposal would be limited in height, with the panels at circa. 2 metres high and no other structures above 3.5 metres high. In addition, it is acknowledged that existing vegetation and proposed mitigation planting would provide an element of screening. However, the industrial appearance of the development, including the solar panels, associated buildings and security fencing, would clearly have an impact on the openness of the Green Belt and would cause additional harm. The application site would no longer be perceived as 'open' and the proposal is therefore considered contrary to one of the five purposes of the Green Belt set out in paragraph 80 of the NPPF which is "to assist in safeguarding the countryside from encroachment".

5.14 Furthermore, the proposed solar development would involve developing part of the countryside that it is currently undeveloped. Although it is accepted that planning permission is being sought for a temporary period of 25 years and the decommissioning of the site could be secured by condition; consideration has to be given to the fact that 25 years is a substantial period of time - the span of a generation - and the time-limited period does little to reduce the harm to the openness of the Green Belt. The proposed landscaping would also take a significant period of the 25 years to mature and provide effective screening. For this reason, it is considered that limited weight can be afforded to the reversibility of the scheme when considering the 'very special circumstances' to justify the proposed development.

5.15 In light of the above, it is considered that the proposal constitutes inappropriate development in the Green Belt and would harm its openness. Notwithstanding national and local support for renewable energy generation, the proposed solar farm would be a man-made imposition on the landscape which would reduce the openness of the Green Belt to a significant degree. Although the supporting documentation has sought to demonstrate 'very special circumstances', it is considered in the case of this application that the level of harm to the Green Belt significantly outweighs the benefits of the proposal. The contribution towards renewable energy, the reversible nature of the development and the economic benefits in delivering such development are not considered to amount to very special circumstances which clearly outweighs the identified harms to the Green Belt by way of inappropriateness and loss of openness in this case. As such, the proposal is deemed contrary to the provisions of the NPPF, Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 and Policy SD6 of the emerging JCS.

#### Use of Agricultural Land

5.16 The NPPF advises that account should be taken of the benefits of the best and most versatile (BMV) agricultural land, and where it is necessary to use agricultural land that poorer quality land should be used in preference to that of a higher quality. This principle is espoused in PPG relating to solar farms. Best and most versatile is land within Grades 1, 2 and 3a of the agricultural land classification.

5.17 The application has been accompanied by an Agricultural Land Classification Survey. This sets out that the land is shown as being undifferentiated Grade 3 agricultural land on the Provisional Land Classification Map. However, the survey informs that the land has been down to permanent pasture for a considerable period of time (circa. 50 years) and the soil texture and structure would make it unsuitable for conversion to arable cropping or any other alternative agricultural use. The survey concludes that the fields included within the site boundary are Grade 3b, showing signs of Grade 4 in certain places.

5.18 In conclusion, the survey has demonstrated that the proposal would not be sited on BMV agricultural land and further assessment is not therefore required. The proposal is deemed acceptable in this regard in line with the provisions of the NPPF.

## Effect on landscape character and visual amenity of the area

5.19 The application site is located on the Severn and Avon Vale within an area identified as the 'Settled Unwooded Vale' in the Gloucestershire Landscape Character Assessment (2006). This is an area of relatively flat and soft undulating landscape with arable and pastoral land enclosed by hedgerow network, which forms a strong landscape pattern. There are no national, regional or local landscape designations directly affecting the site and the Cotswolds Area of Outstanding Natural Beauty (AONB) is located approximately 7km to the east.

5.20 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application which concludes that the scale of landscape effect as a result of the proposed solar development would be "low/medium adverse" over the lifetime of the development, including the construction and decommissioning phases. It is considered that one of the main landscape features affected by the proposal would be loss of traditional orchard in field 4, however, it is noted that these trees have reached the end of their productive life and replacement trees would be planted to the east of the proposed solar panels. The LVIA also comments that the existing hedgerows would be retained and reinforced wherever necessary which would be of long term benefit to the landscape and the overall level of effect on the landscape is regarded as "minor beneficial".

5.21 The LVIA concludes that while the landscape character of the immediate site would significantly change, the overall impacts on the surrounding landscape would not be significant and the LVIA considered that there would be only minor changes to topography given the relatively gentle slopes and the modest structures needed to mount the solar arrays which would not exceed 2 metres in height. In terms of mitigation, it is considered that the protection, retention and reinforcement of existing mature landscape features would be key and significant new native tree and shrub planting is proposed to add to the existing landscape features to create a strong visual framework to help assimilate the development in the local and wider landscape. Once the proposed landscaping is established the LVIA concludes that there would be no significant impacts to residential receptors, to users of the local footpath network and road users. Overall, the LVIA concludes that the proposed development would be acceptable in landscape and visual terms.

5.22 In addition, the LVIA considers there are man-made influences in the locality of the application site, including the M5 motorway, pylons and overhead cables, local road network and scattered residential development on the fringes of Cheltenham. While the Council's Landscape Consultant does not contest the proximity of such elements, it is considered that the landscape is predominately rural in character and should not be regarded as an 'urban fringe' landscape as suggested in the LVIA. The Council's Landscape Consultant goes on to state that notwithstanding the retention of hedgerow boundaries, the uncompromising geometric internal layout and the smooth, "man-made" texture of the panels would contrast with the agricultural surroundings and more reminiscent of built development than characteristic agricultural land uses. It also stated that field 4, in the eastern part of the site, occupies elevated and sloping ground and that a disproportionate level of harm might be incurred by extending the development onto these slopes. For these reasons, the Council's Landscape Consultant concludes the effects upon the landscape character would be adverse and the proposal would have an unacceptable impact on the character and appearance of the area.

## Archaeology

5.23 The application has been submitted with a Heritage Desk-Based Assessment (HDBA) which indicates the only known heritage assets within the site boundary are the eroded remains of ridge and furrow earthworks in the westernmost field. It is concluded that given the eroded condition and lack of association with other evidence of medieval settlement, the value of these heritage assets is limited.

5.24 Other designated heritage assets were identified, including a Scheduled Monument and three Grade II listed buildings within a 1km radius of the application site. The HDBA has given due regard to these heritage assets but concludes the proposed solar development would not alter the key physical surrounds of these assets and there would be no harm to their heritage significance. Historic England has been consulted on the application and raises no objection to the proposed development, commenting it would not result in a change to the setting of the designated heritage assets due to the existing vegetative and topographic screening along the distances between the application site and the assets.

5.25 With regard to archaeological remains, there is no evidence from previous archaeological investigations and the extent, date, character and significance of any archaeological remains contained within the site is currently unknown. Although the application documentation considers there is limited potential for such remains, the County Archaeologist has commented that the wider locality is known to contain extensive

archaeological remains relating to prehistoric and Roman activity and settlement. Without undertaking further survey work, the County Archaeologist maintains there is potential for any remains within the site to be adversely affected by the construction ground works required for this scheme. As a result, the County Archaeologist has recommended that in advance of the determination of this application the applicant should provide results of an archaeological field evaluation which describes the significance of any remains and how these would be affected by the proposed development. This is in accordance with paragraph 128 of the NPPF.

5.26 The applicants have supplied additional information which seeks to demonstrate the archaeological field evaluation can be controlled by way of a pre-commencement of development condition. However, the County Archaeologist strongly disagrees with this approach as it would fail to conform to paragraph 128 of the NPPF which requires the results of archaeological evaluation to be provided in advance of determination so as to allow an informed planning decision to be made. It is therefore recommended by the County Archaeologist that planning permission should be refused for the above reasons.

## **Ecology**

5.27 The application has been supported with an Ecological Assessment which identifies that the site is not located in any international or national areas of conservation importance. Fiddlers Green Lane Meadow Key Wildlife Site (KWS) is located approximately 1.56km north-east of the site. This KWS is an area of neutral grassland which supports an array of plant species. Natural England has been consulted on the application and raises no objections to the proposal in terms of its impact on the KWS.

5.28 The Ecological Assessment concludes that although the remnant orchard on-site would be lost in order to facilitate the proposal, it is not deemed worthy of retention and the provision of a new orchard of similar species would compensate for its loss. Existing trees and hedgerows are recognised as providing ideal opportunities for nesting birds and a variety of species were seen to be using these habitats when undertaking the survey. In addition, the hedgerows are also noted to provide habitat for commuting and foraging bats, providing connectivity to other suitable habitats in the local area.

5.29 The ecological findings, as well as the findings of the LVIA, have led to the creation of a Landscape and Biodiversity Management Plan submitted with the application which seeks to provide, inter alia, enhanced and new habitats. It details the retention and reinforcement of existing hedgerows, the replacement of the plum orchard in the eastern part of field 4 and the provision of bird and bat boxes at suitable locations around the site. It is also recommended that existing grassland would be managed by low level sheep grazing / occasional mowing to enhance the biodiversity value of the habitat.

5.30 Having regard to the above, it is considered that the proposed development is in accordance with the NPPF and Policy NCN5 of the Local Plan subject to an appropriately worded planning condition requiring the measures identified in the Landscape and Biodiversity Management Plan to be carried out.

## **Flood Risk**

5.31 The application site is located within Flood Zone 1, however, due to its size is accompanied by a Flood Risk Assessment (FRA). The FRA shows that the impermeable area introduced across the site is very small relative to the size of the site and as such would have limited impact upon the runoff rates from the site. The Lead Local Flood Authority (LLFA) initially raised an objection to the application and requested the submission of additional information to assess the adequacy of the surface water drainage system. The applicant has prepared and submitted a FRA Addendum which indicates a shallow swale and berm arrangement would be provided at the bottom edge of each slope within the site to prevent any run-off flowing off-site. The LLFA has considered the revised drainage strategy and is satisfied that the surface water management proposals are acceptable.

5.32 Having regards to the above, it is considered that subject to an appropriately worded condition requiring the mitigation to be carried out in accordance with that outlined in the FRA Addendum and the submission of detailed drainage design, the proposal would not have a detrimental impact upon flood risk.

## **Access and Highway Safety**

5.33 Access to the site is proposed to be via an existing field gateway from Old Gloucester Road. A short access track would be constructed within the field to provide access through the site for general access and maintenance purposes. The track would be gravelled (type 1) and would be a maximum of 3.5 metres wide. The County Highways Authority requested the submission of additional information to demonstrate the impact



of the development on the local highway network and whether safe and suitable access can be achieved in accordance with the NPPF. Additional information has been provided which illustrates the necessary visibility plays can be achieved and sufficient space is provided within the site to provide for access and turning of HGVs.

5.34 The County Highway Authority therefore raises no objection to the proposal subject to a condition requiring the submitted construction method statement to be adhered to. It is also recommended that standard condition should be imposed requiring no works to commence on site until the first 15 metres of the proposed access road has been completed to at least binder course level.

### **Residential Amenity**

5.35 There are residential properties that are located in close proximity to the proposed solar development (circa. 80 metres to the east of the site). The Council's Environmental Health advisor has commented that inverters, transformer stations and metering substations have the potential to generate noise that can cause nuisance to neighbours. However, it is noted that none of equipment is within 100m of the nearest residential property and the noise effects of the plant at the boundary would be imperceptible above typical background noise levels. The applicants have confirmed that they have no objections to a suitably worded condition which would prevent the development from exceeding a level of 5dBA above existing background noise at the ground floor of any existing residential property. No further comments have been received from Environmental Health as to the acceptability of this condition and whether it addresses previous concerns. An update will be provided at Committee.

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

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

6.2 Weighing against the proposal are the harm identified to the Green Belt, both in terms of inappropriateness and loss of openness, and the harm to the character and appearance of the countryside. The benefits of the proposal are the significant contribution that would be made towards the reduction of greenhouse gas emissions. The development would also contribute to the local rural economy and would have energy security benefits. It would also offer the potential to improve biodiversity.

6.3 Having regard to the above, while finely balanced, it is considered that the benefits of the proposal do not outweigh the harm to the Green Belt in this case. The industrial appearance of the development, including the solar panels, associated buildings and security fencing, would clearly have an impact on the openness of the Green Belt and would cause additional harm. The harm that would be caused by reason of its inappropriateness, by a significant loss of openness of the Green Belt, in addition to the harm that would be caused to the character of the landscape, is not clearly outweighed by the environmental and biodiversity benefits of the proposed scheme. The archaeological concerns also weigh against the proposal.

6.4 Overall, the proposal does not represent sustainable development and as such the application is **recommended for refusal**.

### **RECOMMENDATION Refuse**

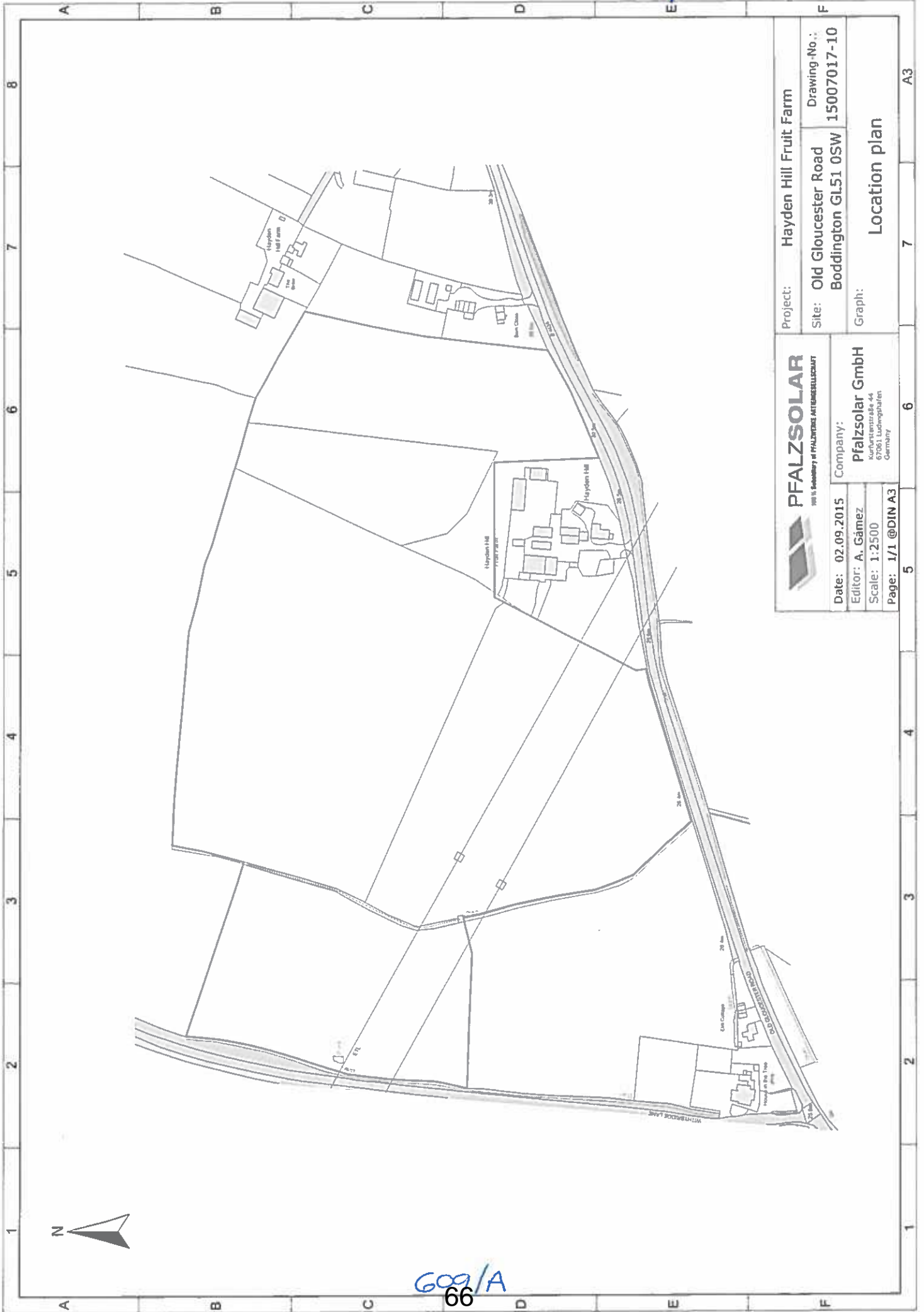
#### **Reasons:**

- 1 The proposed development represents inappropriate development in the Green Belt which would compromise its open character, appearance and function. The proposed development is therefore contrary to paragraphs 87, 88 and 89 and 90 of the National Planning Policy Framework, Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy SD6 of the JCS (Submission Version) November 2014.
- 2 The development would result in significant harm to the character and visual quality of the area by reason of the introduction of an extensive area of development which would significantly influence the local landscape character. The proposal therefore does not represent sustainable development within the context of the NPPF and would be contrary to section 11 of the NPPF (Conserving and enhancing the natural environment), Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy SD7 of the JCS (Submission Version) November 2014.

- 3 The heritage desk-based assessment submitted with the application does not provide sufficient information to allow an informed assessment to be made of the prospective impact of the development on the presence of archaeological remains. The application is therefore contrary to paragraph 128 of the National Planning Policy Framework.



15/00982/EUL



 <b>PFALZSOLAR</b> <small>100% Recovery of PFALZSOLAR ARTIKELNUMMERN</small>		<b>Project:</b> Hayden Hill Fruit Farm <b>Site:</b> Old Gloucester Road Boddington GL51 0SW	<b>Drawing-No.:</b> 15007017-10
<b>Date:</b> 02.09.2015 <b>Editor:</b> A. Gámez <b>Scale:</b> 1:2500 <b>Page:</b> 1/1 @DIN A3	<b>Company:</b> <b>Pfalzsolarm GmbH</b> <small>Kurfürstenstraße 44          67061 Ludwigshafen          Germany</small>		
		<b>Graph:</b> Location plan	

66/A

15/01104/FUL

2 Southam Fields Farm, Meadowway, Bishops Cleeve

7

Valid 07.10.2015

Demolish stables / store building and erect single storey dwelling with parking etc.

Grid Ref 395095 226886

Parish Bishops Cleeve

Ward Cleeve Grange

C Stennett & D Barnett  
2 Southam Fields Farm  
Meadow Way  
Bishops Cleeve

**DEFERRED AT 24.11.15 PLANNING COMMITTEE (Item No 7, Page No 465)**

**RECOMMENDATION Refuse**

### **Policies and Constraints**

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - Policies HOU4, GRB1, LND4 and TPT1

Joint Core Strategy Submission Version November 2014

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

The First Protocol, Article 1 (Protection of Property)

Green Belt

### **Consultations and Representations**

Councillor Hillier-Richardson has requested that this application is considered by Planning Committee to consider the impact on the Green Belt and the Very Special Circumstances for development.

**Bishops Cleeve Parish Council** - No response received at time of writing.

**County Highways Authority** - No objection subject to a condition relating to car parking provision.

**Wales & West Utilities** - There are pipes in the area and Wales & West Utilities has commented that their apparatus may be affected and at risk during construction works. Should the planning application be approved then Wales & West Utilities will require the promotor of these works to contact them directly to discuss any requirements in detail before any works commence on site.

**Public Representations** - Two letters of representation have been received in support of the current application. It is noted that the current outbuildings are an eyesore and the proposed two bed dwelling would be a vast improvement and would not obstruct any views or land.

**Planning Officers Comments:** Mrs Helen Stocks

### **1.0 Application Site**

1.1 The application relates to a parcel of land within the residential curtilage of 2 Southam Fields, Meadow Way, on the outskirts of Bishops Cleeve. There is an existing store/stable building on site which is currently used for purposes incidental to the enjoyment of the main dwelling. The site is accessed via a private shared drive from the A435 and is bound by residential dwellings to the north and east and open fields to the south and west.

1.2 The site is located outside of a Residential Development Boundary (RDB), as defined in the Tewkesbury Borough Local Plan to 2011 - March 2006, and is situated in the Green Belt.

### **2.0 Planning History**

94/00286/FUL - Planning permission was granted in May 1994 for the sub-division of the dwelling into two separate units and removal of condition (c) of planning permission Ref: T 2524/A.

04/01734/FUL - Planning permission was granted in February 2004 for the erection of a porch and conservatory.

15/00807/FUL - A planning application was submitted in July 2015 for the demolition of the existing stables/store building and erection of a single storey dwelling with associated parking. This application was withdrawn pending a refusal.

### **3.0 Current Application**

3.1 The current application is a resubmission of the previous withdrawn scheme. It seeks planning permission for the demolition of the existing stables/store building and erection of a single storey dwelling with parking.

3.2 The proposed dwelling would have a footprint of 77 square metres. It would have a double pitch roof, with a valley extending the full length of the building, and a maximum roof height of 4 metres. External materials would comprise vertical timber cladding, natural stone and slate.

3.3 The applicant has submitted a supporting statement which seeks to demonstrate the proposal represents very special circumstances as it would allow the applicant's mother to reside in close proximity the applicant and avoid the need for renting a property. Therefore it is the need of the applicant's mother to live in close proximity to the applicant which is put forward as very special circumstances to allow the development in the open countryside and Green Belt.

### **4.0 Policy Context**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan for the area comprises the Tewkesbury Borough Local Plan to 2011- March 2006 and the saved policies within it. Another material consideration includes the National Planning Policy Framework (NPPF). Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

4.2 At paragraph 14 the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission 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 where specific policies in this Framework indicate development should be restricted, such as within areas of Green Belt for example.

4.3 In terms of local planning policy, the site is located outside any established residential development boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006, where Policy HOU4 of the sets out that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry, for the provision of affordable housing or for the acceptable conversion of existing rural buildings. The weight to be attached to this policy is set out in Section 5 of this report.

4.4 The NPPF provides the most up to date policy guidance on Green Belts and advises that the construction of new buildings in the Green Belt is inappropriate and should not be approved except in very special circumstances. Paragraph 88 sets out very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.5 Policy GRB1 of the Local Plan also regards the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this are, inter alia, buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport and recreation; and the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

4.6 Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy LND4 of the Local Plan states that in considering proposals for development in rural areas, regard will be given to protect the character and appearance of the rural landscape. This policy is therefore consistent with the NPPF.

4.7 Other key local and national planning policy guidance in relation to the matters of design, amenity and highway safety are set out in the relevant sections of this report, together with an explanation as to the weight to be attributed to these policies.

## 5.0 Analysis

### Principle of Development

5.1 As set out above, the application site is located outside any recognised residential development boundary, and as such conflicts with local plan policy HOU4. However, Paragraph 49 of the NPPF states that where a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable housing sites then relevant policies for the supply of housing should not be considered up-to-date. Tewkesbury Borough Council is currently unable to demonstrate a five year supply of housing in the context of the requirement handed down by the NPPF and therefore policy HOU4 is considered out-of-date in this regard. Thus, applications for new housing should be considered in the context of the presumption in favour of sustainable development.

5.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say 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 the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. Footnote 9 to paragraph 14 gives examples of where policies in the Framework indicate where development should be restricted and includes land designated as Green Belt.

5.3 The NPPF and Policy GRB1 of the adopted Local Plan sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are, inter alia, buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport and recreation; and the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building. The NPPF indicates the replacement of existing building can also be considered as an exception, provided the new building is in the same use and not materially larger than the one it replaces.

5.4 In the case of this application, the proposed dwelling would replace an existing building which has an ancillary residential use to 2 Southam Fields. However, the proposal would involve the creation of a separate residential unit of accommodation and would not therefore be in the same use as the building it would replace. It constitutes the erection of a new dwelling and is therefore considered inappropriate development which is, by definition, harmful to the Green Belt.

5.5 Although the proposed dwelling would not be materially larger than the existing outbuilding and would have a better appearance; its position and height would reduce the openness of the Green Belt. It is considered that the modest benefits in favour of the proposal do not outweigh the significant harm in respect of its inappropriateness. The personal needs of the applicant / applicant's mother do not represent very special circumstances which would justify the approval of an inappropriate form of the development in the Green Belt. As such, the proposal is contrary to the NPPF and Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

### Design and Visual Impact

5.6 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Whilst the NPPF does not seek to impose architectural styles or particular tastes on development, it does consider it proper to seek to promote or reinforce local distinctiveness. In addition, one of the core planning principles of the NPPF is to secure a good standard of amenity for all existing and future occupiers of land and buildings. This is reflected in Policy SD5 of the emerging JCS Submission Version (November 2014) which sets out that new development should enhance comfort, convenience and enjoyment through assessment of opportunities for light, privacy and external space.

5.7 The proposed dwelling would be a single storey detached dwelling with a floor area of approximately 77 square metres. It would have a double pitch roof, with a valley extending the full length of the building, and external materials would comprise vertical timber cladding, natural stone and slate. The proposed dwelling would be located in the residential curtilage of 2 Southam Fields and would result in the sub-division of the plot. A new 1.8 metre high boundary fence would be erected between the proposed and existing dwellings



along the northern boundary. There would be a number of openings on the north elevation where the proposed dwelling would set back from the new boundary fence by approximately 1 metre. Having reviewed the proposed floor plans, it is considered that the proposed dwelling would have a poor outlook from the north elevation, where openings would serve both the living and dining rooms, and would provide unsatisfactory living conditions for future occupiers.

5.8 The proposed dwelling would also have minimal outdoor private amenity space, with the proposed site plan showing provision for a small patio area to the front of the dwelling. This would have a maximum depth of approximately 8 metres and a width of approximately 3 metres. This would be out-of-character with the neighbouring properties (No.1 and No.2 Southam Fields) and coupled with the size of the proposed dwelling, it would cause it to appear cramped and result in the over-development of the site. It is therefore considered that the proposed development would fail to deliver acceptable living conditions for future residents and represents poor design, contrary to the NPPF and emerging Policy SD5 of the JCS Submission Version (November 2014).

### Highways Safety

5.9 Policy TPT1 of the Local Plan highlights that development will be permitted where provision is made for safe and convenient access and where there is an appropriate level of public transport service and infrastructure available. The resulting development should also not adversely affect the traffic generation, safety and satisfactory operation of the highway network. Paragraph 32 of the NPPF also requires safe and suitable access to be achieved but states that development should only be prevented or refused on transport grounds where the cumulative impacts of development are 'severe'.

5.10 The County Highways Authority has been consulted on the proposal. Although no response has been received in relation to the current application, the County Highways Authority raised no objection to the previous withdrawn scheme subject to a condition ensuring the proposed car parking arrangements are provided in accordance with the submitted plans prior to the occupation of the dwelling. There has been no change in circumstances and the current application is a resubmission of the previous withdrawn scheme. The previous consultee comments are therefore considered to be appropriate in the determination of this application. The proposed development would utilise the existing access on to the A435 and the County Highways Authority is satisfied that safe and convenient access can be provided to the highway in accordance with Policy TPT1 of the Local Plan.

5.11 In light of the above, it is considered that the proposed development would have an acceptable impact on the highway safety subject to relevant conditions.

### **6.0 Conclusion**

6.1 While there is existing residential development within the vicinity of the site, the surrounding area is predominately rural in character and the proposal would introduce a new dwelling in the Green Belt. In weighing up the planning balance, it is considered that the special circumstances offered by the applicant in this instance would not outweigh the clear harm to the Green Belt. In addition, the proposed development would provide unsatisfactory living conditions for future occupiers in terms of outlook and private outdoor amenity space.

6.2 The proposal is therefore considered inappropriate development and conflicts with the NPPF, Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and emerging Policy SD5 of the Joint Core Strategy Submission Version (November 2014). The application is recommended for refusal.

### **7.0 Update**

7.1 This application was deferred at the Planning Committee meeting held on 24th November 2015 to allow discussions with the applicant to consider the potential for a self-contained residential annexe tied as ancillary to the main dwelling. This was considered preferable to the original proposal which sought planning permission for the erection of a new residential dwelling.

7.2 The applicant has considered the options for a self-contained annexe in line with comments made by Members and has indicated a willingness to proceed on this basis. Discussions are currently ongoing and it is understood that revised plans will be submitted for the erection of a self-contained annexe. This information has not been received to date and an update will be provided at Committee.

**RECOMMENDATION Refuse**



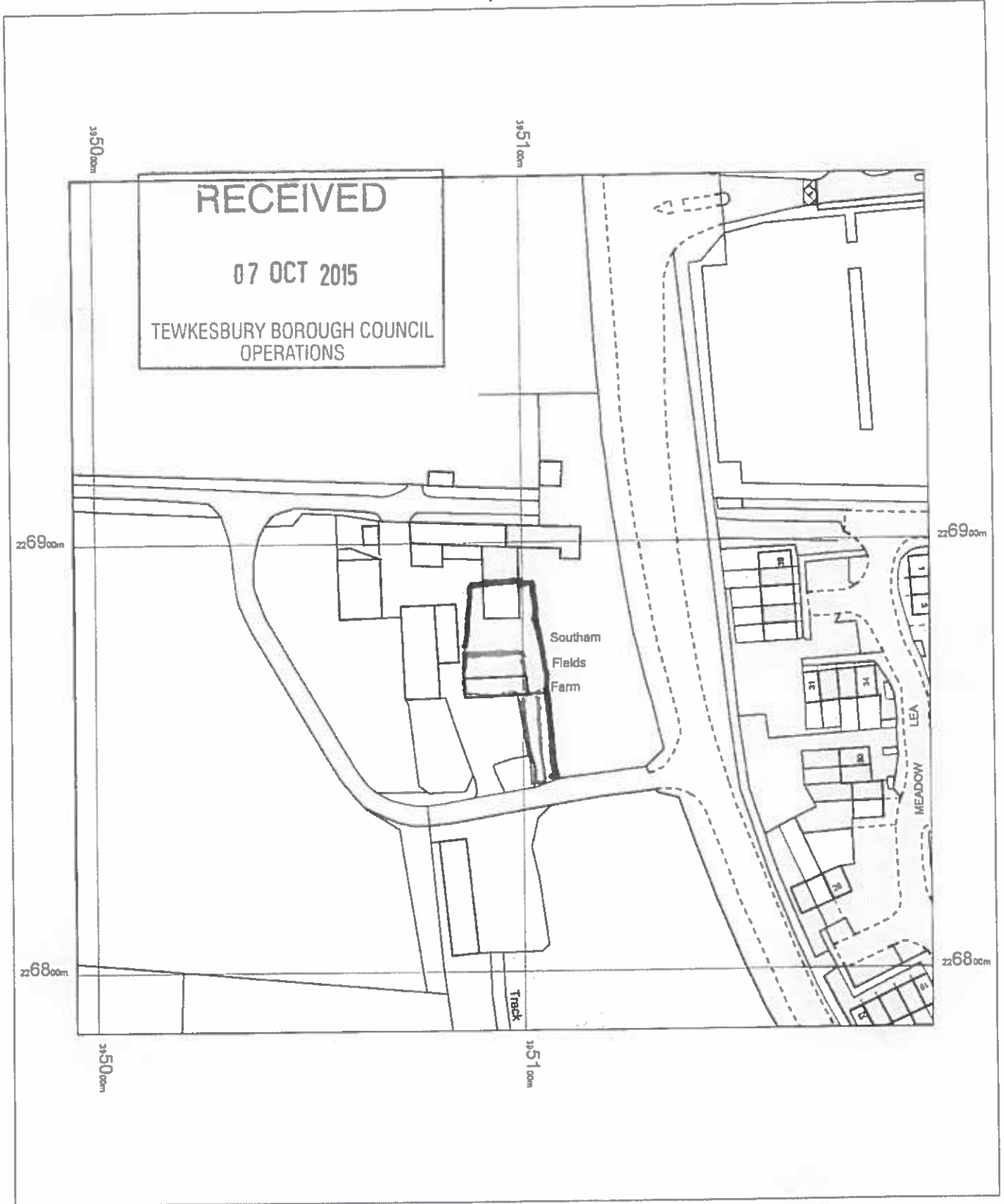
Reasons:

- 1 The proposed dwelling would represent an inappropriate form of development in the Green Belt that would cause harm to the openness and rural character of the Green Belt. It is not considered that any very special circumstances exist that would outweigh the identified harm. The proposal would therefore be contrary to Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 and Section 9 (Protecting Green Belt Land) of the National Planning Policy Framework 2012.
- 2 The proposed development would, by virtue of its size and design, result in over-development of the site and would provide unsatisfactory living conditions for future occupiers in terms of outlook and private amenity space. The proposal therefore represents poor design and conflicts with the NPPF and emerging Policy SD5 of the Joint Core Strategy Submission Version (November 2014).

Note:

**Statement of Positive and Proactive Engagement**

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



2 SOUTHAM FIELDS FARM  
MEADOWWAY  
BISHOPS CLEEVE  
GL52 8ND

OS MasterMap 1250/2500/10000 scale  
13 July 2015, ID: CM-00446039  
www.centremapslive.co.uk

1:1250 scale print at A4, Centre: 395095 E, 226886 N

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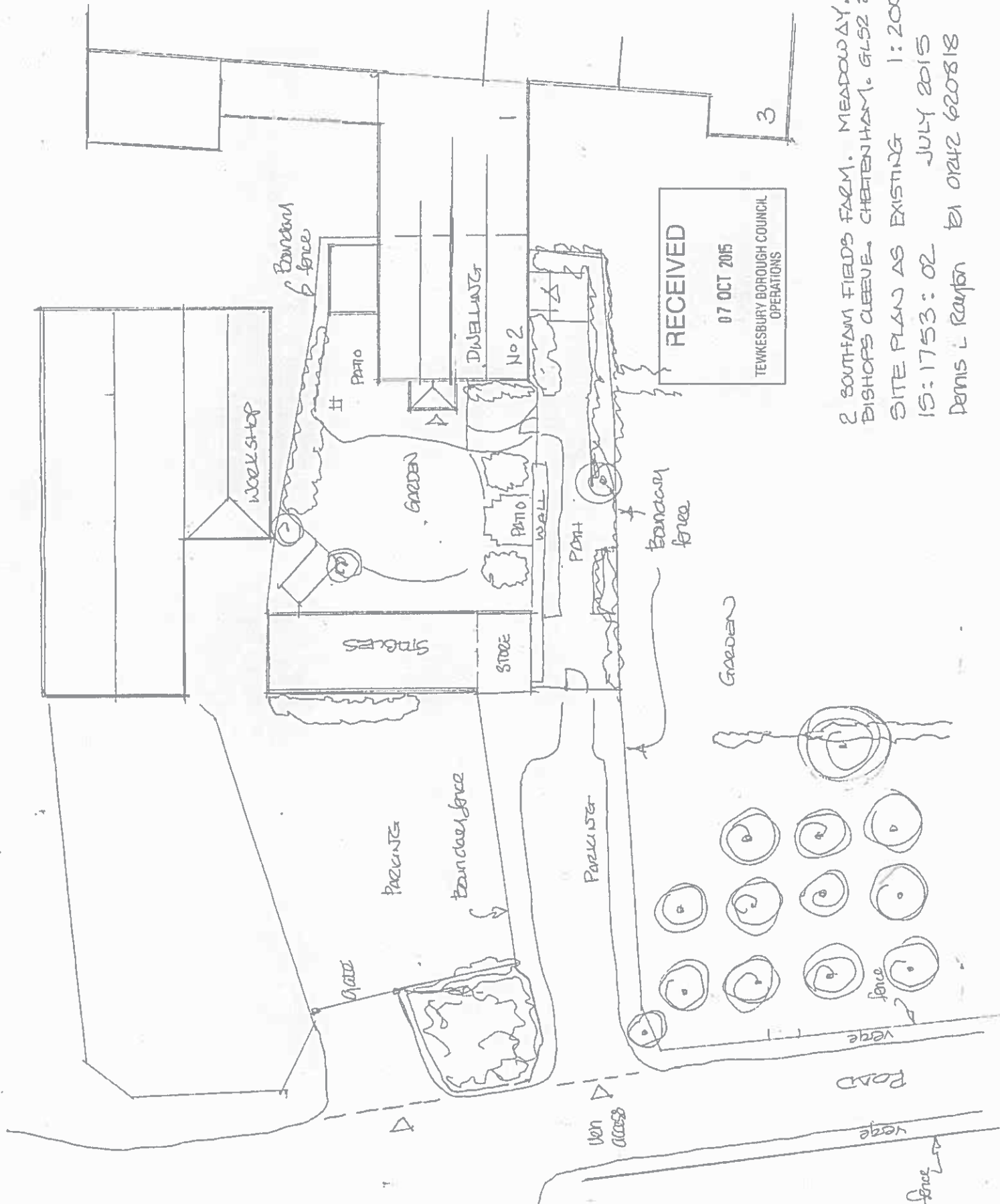


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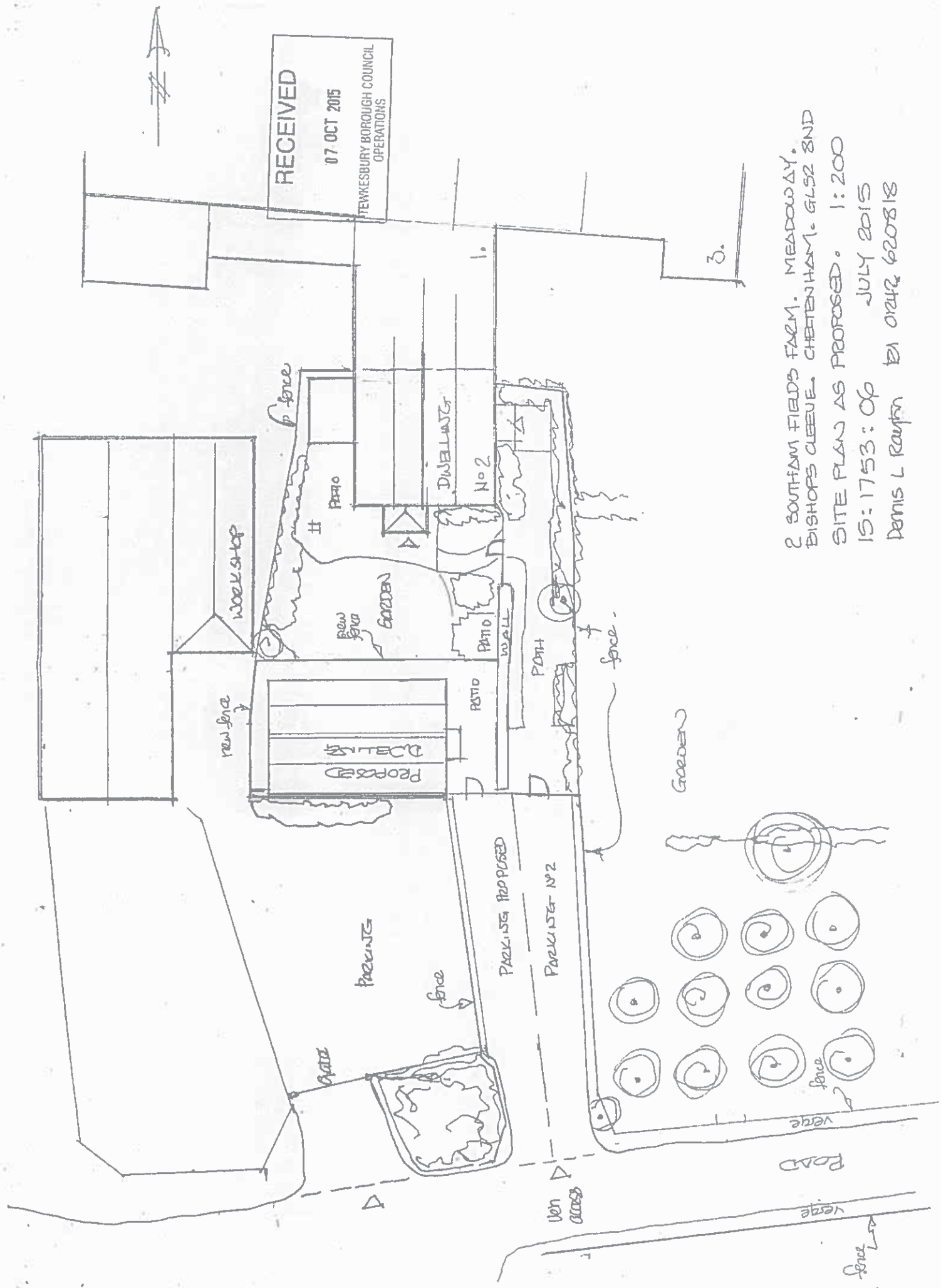
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 OPERATIONS

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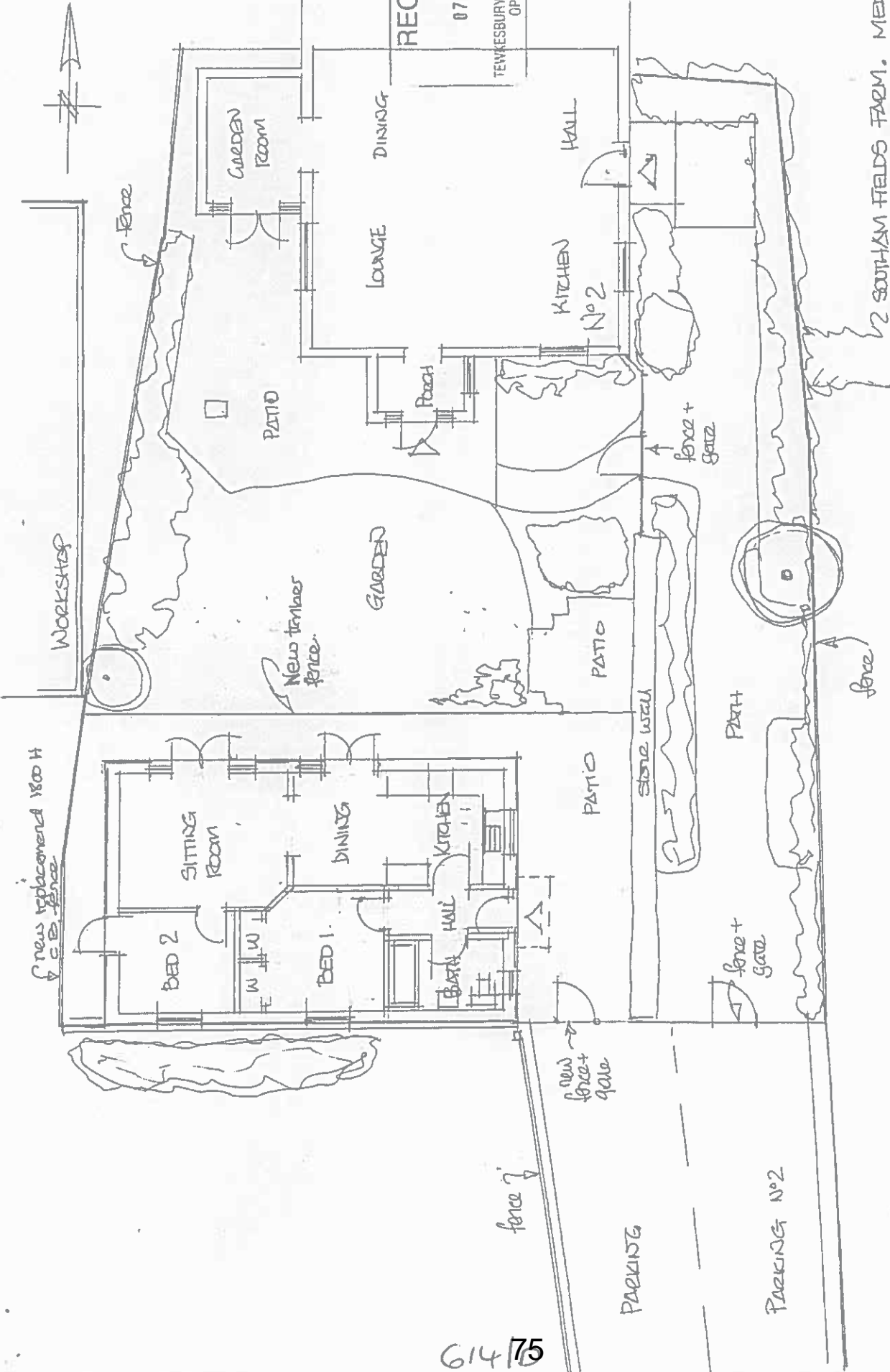


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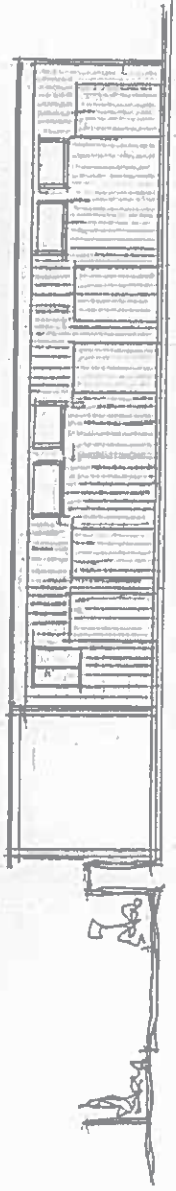


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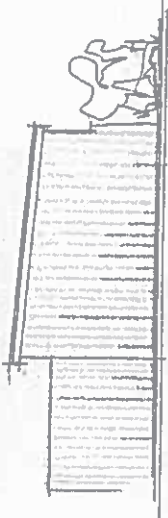
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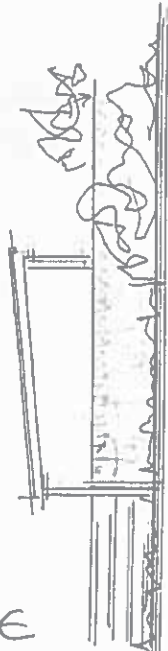
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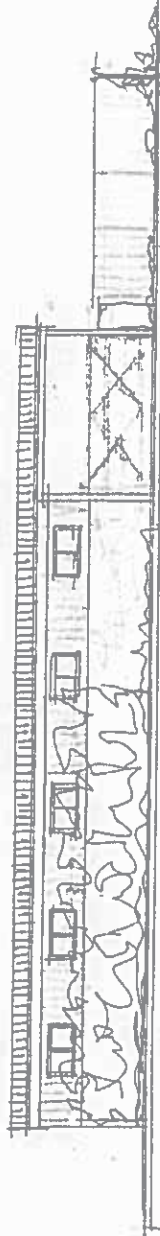
NORTH ELEVATION.



WEST ELEVATION.



EAST ELEVATION.

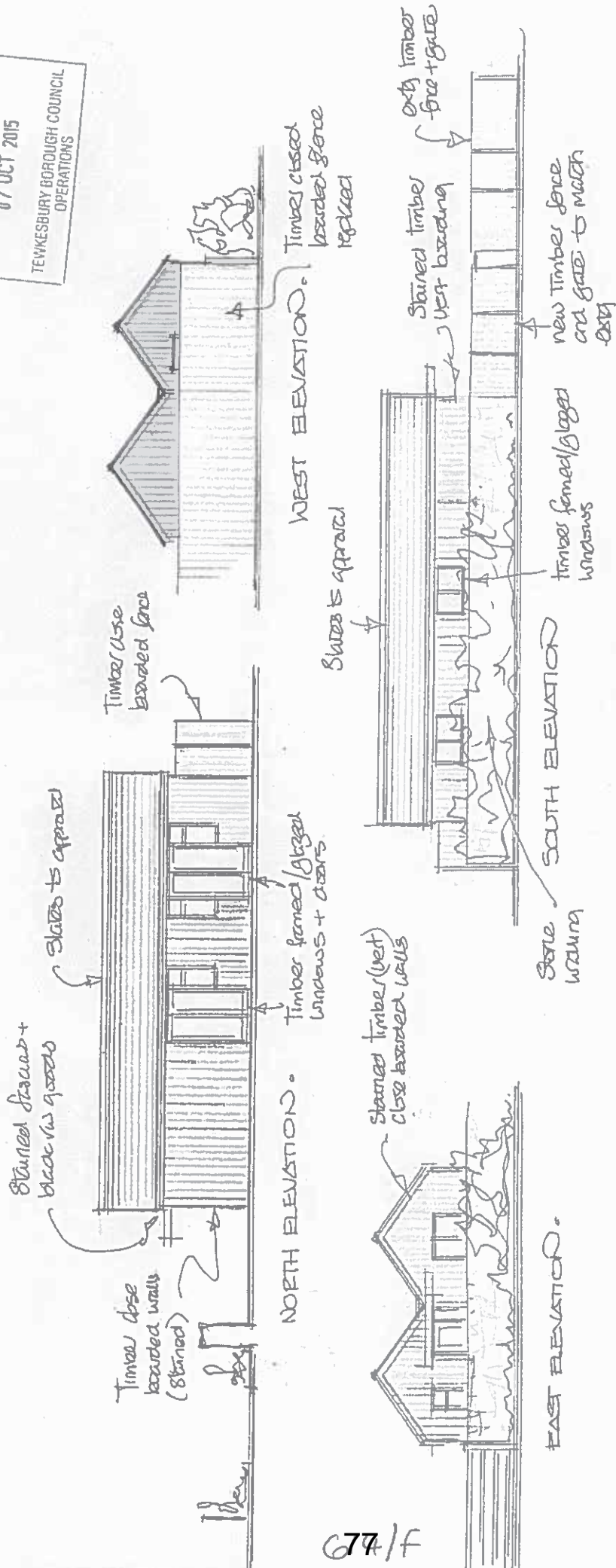


SOUTH ELEVATION

6176/E

2 SOUTHAM FIELDS FARM. MEADOWSLEY.  
BISHOPS CLEEVE. CHEBENHAM. GUS2 8ND  
STABLES/STORE ELEVATIONS AS EXISTING  
1:100 15:1753:04 JULY 2015  
Dennis L Raunton tel 01242 620816

RECEIVED  
 07 OCT 2015  
 TEWKESBURY BOROUGH COUNCIL  
 OPERATIONS



677/f

2 SOUTHAM FIELDS FARM. MEADOWWAY.  
 BISHOPS CLEEVE. CHETTENHAM. GL52 8ND.  
 PROPOSED DWELLING ELEVATIONS. 1:100  
 15: 1753: 08. JULY 2015  
 DENIS L Rayton tel 01292 620818.

15/01081/FUL

Land on the West Side, New Road, Southam

8

Valid 06.10.2015

Extension to existing field shelter to provide two additional stables and feed room

Grid Ref 397055 226190

Parish Southam  
Ward Cleeve Hill

Mr S Savage  
Home Farm  
Malleston Rd  
Gotherington

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework (NPPF)  
Planning Practice Guidance  
Tewkesbury Borough Local Plan to 2011 - March 2006: GRB1, RCN6, TPT1, EVT2, EVT3,  
Joint Core Strategy (Submission Version) November 2014  
Flood and Water Management SPD December 2014  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)  
Green Belt  
Special Landscape Area (SLA)

### Consultations and Representations

Southam Parish Council raises an objection to the planning application on grounds that the development is cramped on the corner of New Road and therefore visually it appears overdeveloped.

Environmental Health - No objection.

County Highway Authority - Refer to standing advice.

Public Representation - 1 letter of neighbour representation has been received raising the following objections:

- The site is an area of special landscape value within the Green Belt and adjacent to the Cotswolds AONB.
- The existing building, structures and fences have already made a detrimental impact on the area and the current proposal will make it worse.
- The new extension will be much closer to our property and serious consideration should be given to the impact of the proposals on neighbouring properties in general, particularly in the interests of visual amenity and privacy.
- There is serious danger that creeping irresponsible development will destroy this designated area. This is unacceptable.

Planning Officers Comments: Mrs Helen Stocks

### 1.0 Application Site

1.1 This application relates to a site to the north of the village of Southam. The land to which the application relates is located on the west side of New Road and is currently used for the grazing of horses. Access is provided off New Road. There is an existing field shelter in the south-east corner of the field. The site and surrounding landscape is within the Green Belt and Special Landscape Area (SLA) (see location plan attached).

### 2.0 Planning History

2.1 Planning permission was granted in 2006 for the erection of a field shelter and associated hardstanding area (ref: 06/00624/FUL). A subsequent application was submitted in 2009 for the retention of the field shelter as built (ref: 09/01074/FUL) but this application was not proceed with.

### 3.0 Current Application

3.1 This application seeks planning permission for an extension to the existing field shelter to provide two additional stables, feed room and area of hardstanding. The proposed development would have a rectangular form and a footprint of approximately 32.12 square metres. It would continue the build line of the existing field shelter and would be offset from the field boundary by approximately 3 metres. The proposed extension would have a ridge and eaves height of 3.3 metres and 2.5 metres respectively and would be constructed of timber with interlocking roof tiles. (see proposed plans attached).

### 4.0 Policy Context

4.1 The NPPF provides the most up to date policy guidance on Green Belts and advises that the construction of new buildings in the Green Belt is inappropriate and should not be approved except in very special circumstances. Exceptions to this are, inter alia, buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport and outdoor recreation; and, the extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building. This is reflected in Policy GRB1 of the Local Plan.

4.2 Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy LND2 of the Local Plan states that in considering proposals for development in Special Landscape Areas, special attention will be accorded to the protection and enhancement of the landscape character of the SLA which are of local significance. Proposals must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology, or detract from the quiet enjoyment of the countryside. The SLA plays a role in providing the foreground setting for the adjacent Cotswolds AONB which lies further to the east of the application site.

4.3 Policy RCN6 of the Local Plan provides that horse riding facilities must generally be well related to the existing bridleway network and must not have an adverse impact on the landscape, nor must they create local traffic problems.

4.4 Policy TPT1 of the Local Plan sets out that development will be permitted where provision is made for safe and convenient access and where there is an appropriate level of public transport service and infrastructure available.

4.5 The above local plan policies are considered to be consistent with the NPPF.

### 5.0 Analysis

#### Principle of Development

5.1 The application seeks permission for an extension to the existing field shelter to provide two additional stables and a feed room. The proposed stable block would be used for private purposes only. It would provide appropriate facilities for outdoor recreation which would preserve the openness of the Green Belt. The proposal is therefore considered to represent appropriate development in the Green Belt in accordance with the NPPF and Policy GRB1 of the Local Plan. Furthermore, Policy RCN6 of the Local Plan supports the provision of new horse riding facilities providing that there are no adverse impacts on the landscape, residential amenity or traffic problems. The aforementioned issues are considered in the sub-sections below.

#### Visual impact on SLA

5.2 The application site is located within the Special Landscape Area. The proposed stable would be sited in the south eastern corner of the field where existing trees and hedgerow form part of the site boundary. Whilst land levels on the surrounding site slope upwards east to west, the existing field shelter and proposed stable block would be located on a relatively flat area of land in the corner of the field. Existing established planting would act as a substantial buffer in reducing the visual impact of the proposed development from the north and east. While there would be views of the proposed stable block from the south-west, it is considered that the proposal is of a design that is common in rural locations and would not result in significant visual harm to the character and appearance of the Special Landscape Area. Furthermore, the proposal is an extension to existing structure and is deemed to be acceptable in terms of siting and design. External materials can be controlled through relevant conditions.

5.3 Overall, it is not considered that the proposal would result in an unacceptable impact in landscape terms that would warrant the refusal of this application. The application would meet the requirements set out in the NPPF and Policies RCN6 and LND2 of Tewkesbury Borough Local Plan to 2011.

#### Highway Impact

5.4 The application site would continue to be accessed off New Road. The proposal does not seek any alterations to the existing access arrangements and the proposed development would be used to stable the applicants own horses and therefore are for personal use only. It is not considered that the extension to the existing field shelter would have a significant impact on the local highway network and would not cause a detriment to highways safety. The development would therefore accord with Policy TPT1 of the Local Plan.

#### Residential Amenity

5.5 An objection has been received from a local resident on grounds that the proposed development would be sited in close proximity to their property which raises issues of visual amenity and privacy. However, the proposed stable block would be located circa. 28 metres to the north-east of this residential property and given its single storey nature, it is not considered that the proposal would have a significant detrimental impact on residential amenities in terms of over-bearing impact, loss of light or privacy. The Environmental Health Officer has raised no objection to the proposal and as it would be for private use only, it is not considered that the proposed stable block would lead to an increase in traffic movements that could have an unacceptable impact on nearby residents.

#### Flood Risk

5.6 The site is located within a low flood risk area (Flood Zone 1) and whilst the proposed development would extend the existing building and create an additional area of hardstanding; the proposal is of small scale and would not have a significantly detrimental impact on flooding or result in surface water run-off being discharged onto the highway.

#### Other matters

5.7 The Parish Council has raised an objection to the proposed development on grounds that it would result in over-development of the site. While it is accepted that the proposal would elongate the existing building, extending the width by an additional 8.8 metres; it would remain a single storey structure with a low pitched roof. There is existing hedgerow planting along the eastern boundary which would provide screening from the proposal and would minimise the visual impact of the proposed extension. As mentioned above, the design of the proposed stable block is regarded as small scale and rural in nature that would not have a harmful impact on the character of the surrounding area. The proposal is not deemed to result in a cramped form of development when viewed in the wider context and would not result in undue harm the openness of the Green Belt. As such, the proposal is considered to accord with Policies GRB1 and RCN6 of the Local Plan.

### **6.0 Summary**

6.1 In summary, it is considered that the proposed development would be of an acceptable size and design and not harm the character and appearance of the Special Landscape Area. The proposal is regarded as an appropriate facility for outdoor recreation which does not unduly impact on the openness of the Green Belt. The impact of the proposal on nearby property has been carefully assessed and it is concluded that there would not be an undue impact on their amenity. Finally, subject to a relevant condition controlling the private use of the stables, the proposed development is considered acceptable in this location. In light of the above, the application is therefore **recommended for permit**.

### **RECOMMENDATION Permit**

#### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plan: 'Proposed Extension to Existing Field Shelter', received by the Local Planning Authority on 6 October 2015.



- 3 The external materials of the proposed stable block and feed room shall match as near as possible the materials of the existing field shelter unless an alternative is approved in writing by the Local Planning Authority.
- 4 The development hereby permitted shall not be used at any time other than for private recreational purposes and shall not be used for commercial livery or any other commercial equestrian purposes.
- 5 No lighting shall be installed in connection with the development hereby permitted other than in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

**Reasons:**

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 In order to protect the visual amenity of the rural landscape in accordance with the NPPF and Policy LND2 of the Tewkesbury Borough Local Plan to 2011.
- 4 To ensure that no commercial business is established without the further consideration of the Local Planning Authority in the interests of highway safety.
- 5 To minimise light pollution in order to protect the rural landscape.

**Note:**

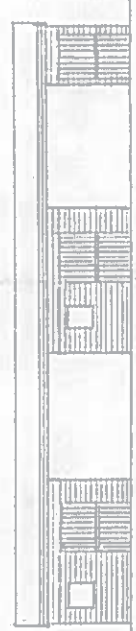
**Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

15/01081/FUL

RECEIVED  
01 OCT 2015  
TENNESBURY BOROUGH COUNCIL  
OPERATIONS

RECEIVED  
08 OCT 2015  
TENNESBURY BOROUGH COUNCIL  
OPERATIONS



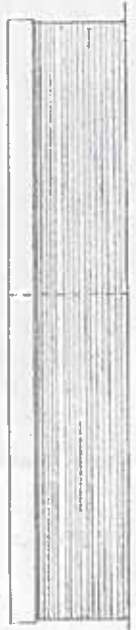
EXISTING  
FRONT ELEVATION



SIDE ELEVATION

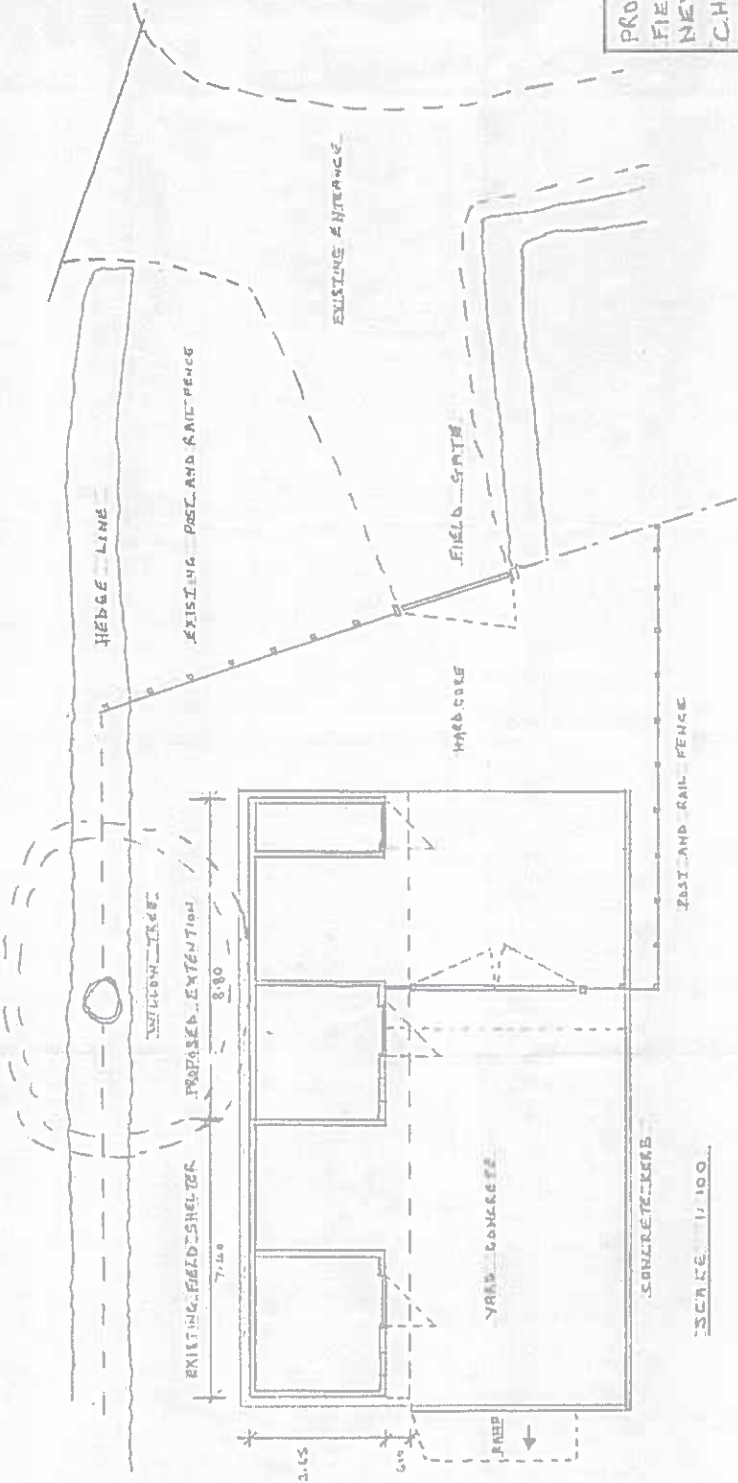


REAR ELEVATION



FRONT ELEVATION

NEW EXTENSION MATCHES EXISTING SHEDS



SCALE 1:500  
SITE LOCATION PLAN

PROPOSED EXTENSION TO EXISTING  
FIELD SHELTER  
NEW ROAD, SOUTHAM,  
CHELTENHAM  
SEPTEMBER 2015

SCALE 1:100

61882A

Valid 12.10.2015  
Grid Ref 394907 227799  
Parish Bishops Cleeve  
Ward Cleeve West

Two storey rear extension and single storey side extension

Mr & Mrs Mark Minchella  
8 Haylea Road  
Bishops Cleeve  
Cheltenham  
Gloucestershire  
GL52 7YH

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework  
Planning Practice Guidance  
Tewkesbury Borough Local Plan to 2011 - Policy HOU8  
Joint Core Strategy Submission Version November 2014  
Flood and Water Management SPD December 2014  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

**Bishops Cleeve Parish Council - Object.** This full width two storey extension is not subservient to the main building. The scale, form and mass are not in keeping. The development is disproportionate to existing and neighbouring dwellings. No representations have been received in relation to the revised plans at the time of writing.

**Public Representations -** No representations received.

**Planning Officers Comments:** Mrs Helen Stocks

### 1.0 Application Site

1.1 This application relates to No.8 Haylea Road, a detached reconstituted stone property located in Bishops Cleeve. The property is surrounded by properties of a similar size, scale and design. **(see attached site location plan).**

### 2.0 Planning History

2.1 Planning permission was granted in 2002 for the erection of a conservatory to the rear of the dwelling (ref: 02/01478/FUL). This permission has been implemented.

### 3.0 Current Application

3.1 The current application seeks planning permission for the erection of a two storey rear extension and a single storey side extension. The proposed rear extension would replace the existing conservatory. It would provide a family / dining area at ground floor level and would increase the size of two existing bedrooms at first floor level.

3.2 The two storey rear extension would protrude approximately 2.65 metres beyond the original rear wall. It would extend the full width of the property (circa. 6.5 metres) and would be constructed from materials to match the external appearance of the existing dwelling.

3.3 The proposed single storey side extension would infill the return between the existing dwelling and the south-east boundary wall. It would have a slightly irregular form and would provide an entrance hall and storage area. The proposed extension would have a mono-pitched roof with a maximum eaves and ridge height of 2.4 metres and 3.5 metres respectively. Again, proposed external materials would comprise reconstituted stone and interlocking concrete tiles to match the existing property **(see attached plans).**

3.4 Revised plans have been submitted which seek to address concerns raised by Bishops Cleeve Parish Council. The size and design of the proposed two storey rear extension has been amended and would now have a double pitched roof, with a maximum ridge height of 6.5 metres. There is no alteration to the overall footprint of the proposed rear extension (see attached revised plan).

#### 4.0 Policy Context

4.1 Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment. Policy HOU8 of the Local Plan sets out, amongst other things, that extensions to existing dwellings will be permitted provided that the proposal respects the character, scale, and proportion of the existing dwelling. The policy also requires that proposals must not have an unacceptable impact on adjacent properties in terms of bulk, massing, size and overlooking. The proposal must also respect the character and appearance of the surrounding area.

#### 5.0 Analysis

5.1 The Parish Council has raised an objection to the proposed development on grounds that the two storey rear extension is not subservient to the main building. It is also commented that the scale, form and mass are not in keeping and the proposed development is disproportionate to existing and neighbouring dwellings.

5.2 Revised plans have been submitted which seek to address the Parish Council's concerns regarding the overall size and design of the proposed extension. In particular, the roof design has been amended to incorporate a double pitched roof with a maximum ridge height of approximately 6.5 metres. This is substantially lower than the existing ridge line of the main dwelling (circa. 8 metres) and reduces the mass of the proposed rear extension when viewed from the south-east elevation. It is considered that the revised proposal is of an acceptable size and design, whereby the proposed rear extension would read as a subservient addition to the existing property, although in design terms the original proposal would be preferable to the revised scheme. There are no concerns regarding the size and design of the single storey side extension which is considered to be a modest addition to the property and would be in keeping with the character and appearance of the existing property and neighbouring development. The proposal is therefore deemed to comply with Policy HOU8 of the Local Plan in this regard.

5.3 In terms of residential amenity, the impact of the proposal upon neighbouring property has been carefully assessed. The rear garden is approximately 10 metres long and is separated from neighbouring property by a 1.8 metre high boundary fence. The proposed rear extension would reduce the separation distance with the neighbouring property (located on Ashlea Meadow) from 11.5 metres to approximately 9 metres. There would be no direct window overlooking as a result of the proposed development and it is considered that the proposed rear extension would have no greater impact on residential amenity than the existing arrangement between the two properties. There are no concerns relating to the single storey side extension which would abut an area of open space and would not have an undue impact on the residential amenity of nearby property. For these reasons, the proposal is considered to accord with Policy HOU8 of the Local Plan.

#### 6.0 Conclusion

6.1 In summary, it is considered that the revised proposal would be of an appropriate size and design in keeping with the character and appearance of the property and surrounding area. It would not harm the residential amenity of neighbouring property and is deemed to accord with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006. For these reasons, the application is therefore **recommended for permit**.

#### RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 200 Rev A, received by the Local Planning Authority on 3 December 2015.
- 3 The external materials of the proposed two storey rear extension and single storey side extension shall match as near as possible the materials of the existing dwelling.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the extension is in keeping with the existing building in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Note:

**Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating the design of the proposed extension.





All drawings to be checked for compliance with the necessary provisions of the Building Regulations and the requirements of the relevant authorities.  
 All work must be done in accordance with the Building Regulations and the requirements of the relevant authorities.  
 The drawings are the property of the architect and shall remain the property of the architect. No part of these drawings shall be used for any other purpose without the written consent of the architect.  
 The architect is not responsible for any errors or omissions in these drawings or for any consequences arising therefrom.



SIDE ELEVATION (WEST)

REAR ELEVATION (SOUTH)

SIDE ELEVATION (EAST)

FRONT ELEVATION (NORTH)



GROUND FLOOR PLAN

621 87



BLOCK PLAN  
SCALE 1:500

Revised  
Scheme

Rev	Date	Description	Drawn By	Checked By
A	11/01/15	Issue for planning	CSW	CSW
B	03/02/15	Issue for building	CSW	CSW

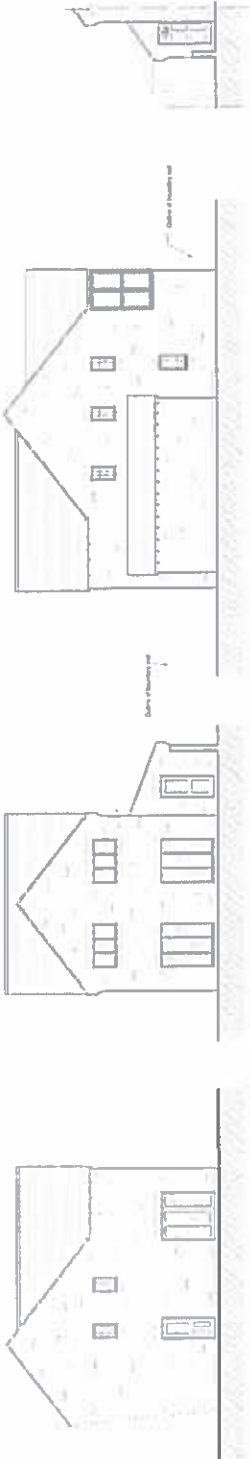
**Apex** ARCHITECTS AND BUILDING SURVEYORS  
 Vynny Hill, Vynny Hill,  
 Lydney,  
 Gloucestershire  
 GL15 4AD  
 Tel: 01594 519181  
 Fax: 01594 519185  
 email: apex@apexarchitects.com  
 www.apexarchitects.com

Project Name	105114	Drawn No	200
Client Name	158 6 1 58	Scale	PLANNING
Project Name & Location	Proposed Plans & Conditions Drawing		
Project No	105114	Drawn No	200
Client Ref	158 6 1 58	Scale	PLANNING
Issue	EPT 2017		

All dimensions to be indicated on site by marked points to facilitate the preparation of any necessary and appropriate drawings of the site.

The drawing shall be prepared and printed on paper suitable for the purpose of being reproduced and used as an aid in the construction of the building.

The drawing shall be read in conjunction with the contract documents, including the conditions and specifications, and any amendments thereto.

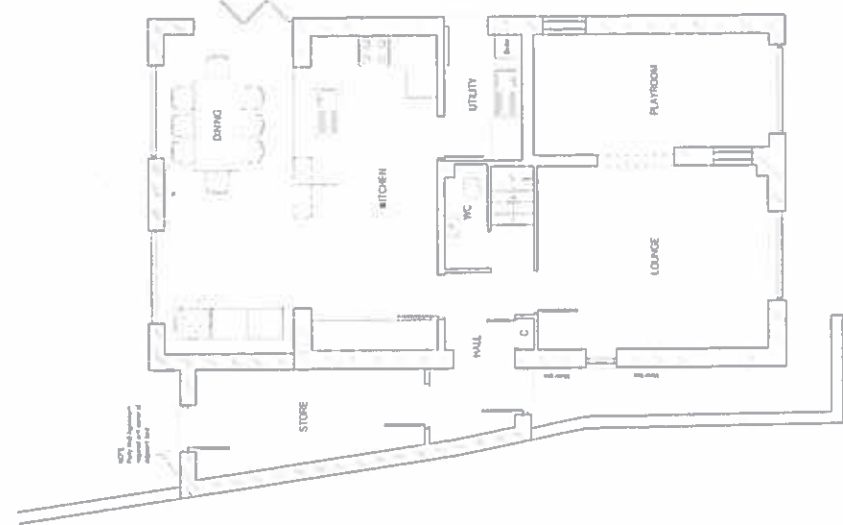


SIDE ELEVATION (WEST)

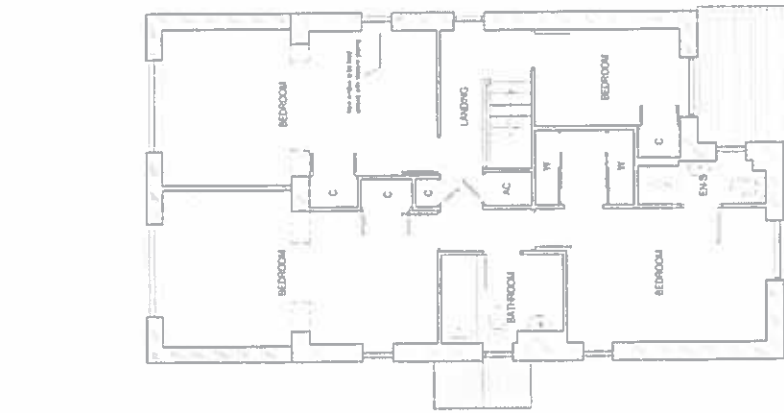
REAR ELEVATION (SOUTH)

SIDE ELEVATION (EAST)

FRONT ELEVATION (NORTH)



GROUND FLOOR PLAN



FIRST FLOOR PLAN



BLOCK PLAN  
SCALE 1:100

original  
scheme

No.	Date	Description	Drawn By	Checked By
1	18/11/15	Client Approval	CDZ	

**Apex** ARCHITECTS AND BUILDING SURVEYORS  
 Vines Hill, Vines Hill, ME  
 Lymington, Hampshire, SO41 1JG  
 Tel: 01564 518181  
 Fax: 01564 518185  
 info@apexarchitects.co.uk  
 www.apexarchitects.co.uk

Project Name		Client	
Proposed Plans & Elevations Drawing		Mr & Mrs M. Roberts	
Date		18/11/15	
Scale		As Shown	
Revision		A	
Drawn By		CDZ	
Checked By		CDZ	
Project No.		18/11/15	
Drawing No.		01	
Date		18/11/15	
Scale		As Shown	

6288C

15/01068/APP

Land Parcel 21A, Gloucester Business Park, Brockworth

10

Valid 30.09.2015

Proposed development of 23 residential dwellings with associated roads, footways, parking, drainage and landscaping.

Grid Ref 387601 216165

Parish Hucclecote

Ward Hucclecote

Miss Rachel Capener

Bovis Homes LTD

Cleeve Hall

Cheltenham Road

Bishop Cleeve

## RECOMMENDATION Approve

### Policies and Constraints

The Tewkesbury Borough Local Plan to 2011 - March 2006 - BR1, GNL2, GNL8, HOU1, HOU5, HOU13, TPT1, TPT5, LND7, EVT9

Joint Core Strategy Submission Version (November 2014)

Flood and Water Management SPD

NPPF

Planning Practice Guidance

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

The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

Hucclecote Parish Council - No objection.

Gloucestershire County Council - No objection, subject to conditions.

Housing Enabling Officer - No objection.

Urban Design Officer - No objection.

One letter of neighbour representation raising the following concerns:

The proposal would be detrimental to highway safety.

All existing parking is behind houses to ease problems with traffic.

### Planning Officers Comments: Mr Ciaran Power

#### 1.0 Site location and planning history

1.1 In 2005, permission was granted for a new residential neighbourhood comprising approximately 1900 homes on 70 hectares located to the south and west of Gloucester Business Park (Ref: - 01/10875/01124/OUT). The current proposal is for reserved matters approval for 23 residential units on parcel21a which is located to the southern side of the Coopers Edge development. The parcel is identified as being within the central area of phase 3 (**location plan attached**).

1.2 The application for reserved matters approval for 23 residential units (**see attached plans**) comprises the following mix of dwellings:

- 3 Bungalows
- 8 x 3 bed houses
- 12 x 4 bed houses

5 of the dwellings would be affordable housing units.

#### 2.0 Design and layout

2.1 Policy GNL2 requires the provision of design statements for major new developments indicating how the development addresses key points of urban design. A Master Plan and Design Code have been approved as part of the outline planning permission to establish design principles for the development. An Area Master Plan has also been approved for this part of the development.

2.2 Condition 19 of the Outline Planning Permission requires that each application for approval of reserved matters accord with the Design Code. The Code divides the site into 5 character areas to help create a distinctive and legible environment. Character areas are designated within Parcel 21a - Formal and Development Edge. The design code identifies key elements of the character areas. In terms of the Formal Character Areas key characteristics include:

- Strong, consistent building lines
- Balance and symmetry in architectural and urban form, articulated at key focal points
- Uniformity achieved through the use of a rigorously applied architectural language
- A restricted palette of building materials

Key characteristics of the Development Edge Character Area are:

- Varied building line with setbacks and relatively long front gardens
- Varied building form with a number of detached buildings
- Space for tree planting within plots, highway and open spaces
- Use of hedges and picket fences to enclose front gardens

2.3 The application has been amended since its original submission following concerns raised by the Council's Urban Design Officer. The application has been amended to improve the overall layout. In addition improvements have been made to the formality of the terraces of plots 1 - 4 and 10 and 23, improvement to boundary treatments and architectural quality to accord with the outline design code, amendments to the building line and configuration of plots 19 - 23 and overall improvements to fenestration details.

2.4 The layout and house types for the parcel are considered to be consistent with the requirements of the design code and the general Residential character area. The layout is considered to be coherent and maintains a sense of enclosure and surveillance. The proposal is considered to be acceptable in design terms and the Council's Urban Design Officer raises no objections to the amended scheme.

### **3.0 Building heights**

3.1 Condition 7 of the outline planning permission requires that each application for approval accords with the building heights indicated on the Land Use Master Plan approved as part of the outline planning permission. The Area Master Plan and Design Code allow for a maximum ridge height of 10.5 metres for parcel 21a. The proposals provide for a mixture of 1, 2 and 3 storey dwellings, all of which have a ridge height which is under the maximum ridge height thresholds. The proposals therefore accord with the building heights plan.

### **4.0 Density**

4.1 The approved Master Plan indicates six broad density bands and provides a strategy for locating different types of development. The application site is located within the medium density band (35-45 d/ha) in view of the site's location. The proposal is for a total of 23 units which would provide an average density of 37.5 dwellings per hectare and therefore accords with the approved density plan.

### **5.0 Vehicular Access and Parking**

5.1 Policy TPT1 requires that highway access be provided to a safe and appropriate standard for proposed development. The development would be served by 3 accesses, 2 of which are existing and 1 is proposed as new. Plots 5-10 would be served off of Tiger Moth Close using the existing access with Guan Road, Plots 11-15 would be served off of Napier Drive using an existing access with Tiger Moth Close.

5.2 The new access is to the north of the site and would serve off of Guan Road. The access is approximately 12m in width and constructed in a bell mouth style vehicle cross over forming a simple T junction with Guan Road. The access leads to a carriageway 5m in width with 2.0m footways either side providing a link to the existing footway provision on Guan Road. Plots 5-10 front an existing footway and would provide a link to a new proposed 2.0m footway on the northern side of Napier Drive. Appropriate visibility is achievable at the junction. The internal layout of the development would create cul-de-sac arrangements with a carriageway width of 4.8m and 2.0m footways either side. The northern access contains



a suitable gateway feature notifying users that they are entering a shared surface area. The shared surface is approximately 6.8m in width which is compliant with Gloucestershire Design Guidance. Plots 16-18 are served by a private drive approximately 4.1m in width and would be shared between all users. Although not to the standard 6.8m, the flows and speeds of vehicles at this point would be low with sufficient room to pass a car and pedestrian, therefore minimising any potential conflicts. It has also been demonstrated a large vehicles including refuse vehicles are able to enter and leave the development in a forward gear. Indeed any refuse or emergency vehicles would be able to turn and leave the site without causing conflict with any upright kerb-line structures, trees or formal parking spaces. A total of 59 parking spaces would be provided (Including 18 garage spaces and 3 visitor spaces). Overall the proposed development is considered to provide acceptable access and internal layout in highway terms and the County Highway Authority do not raise any objections to the scheme subject to the imposition of appropriately worded conditions in relation to access, parking and turning, visibility, estate road construction and maintenance and the submission of a Construction Method Statement.

## **6.0 Affordable housing**

6.1 Local Plan Policy HOU13 provides that provision will be made for affordable housing on appropriate sites. The number provided on parcel 21a would equate to 30%. This includes three 2 bed bungalows and two 4 bed dwellings. This provision accords with the Area Master Plan in terms of housing numbers is considered acceptable.

6.2 The Section 106 Agreement attached to the outline planning requires that affordable 4 bedroom houses have a minimum floor area of 107 square metres and the bungalows a minimum floor area of 62 square metres. The application has been amended since its original submission to comply with the required sizes. The house types are also acceptable and the affordable bungalows would be within 50 metres of a bus stop as required. The Councils Housing Enabling Officer confirms that the proposals are acceptable.

## **7.0 Drainage**

7.1 Policy EVT9 requires that development should make appropriate provision for sustainable urban drainage. Condition 42 of the outline planning permission requires the approval of a sustainable urban strategy for the whole site and that no dwelling shall be occupied until sustainable urban drainage measures have been provided in accordance with the agreed strategy and agreed.

7.2 The Flood and Water Management supplementary planning document (SPD) was adopted by the Borough Council in December 2014. The SPD is a material consideration in the determination of planning applications alongside other existing/emerging development plan policies. The SPD does not create new policy, but expands upon Tewkesbury Borough Council's existing and emerging planning policies relating to flood and water management issues within its development plan documents.

7.3 The submitted details set out that storm sewer network would connect to the overall drainage system at an existing manhole, which would discharge to a ditch North of the parcel. The ditch would direct storm water to a pond to the north. Similarly, the foul sewer network will connect to the overall drainage system at an existing manhole. From here the system flows to the South before connecting to an existing foul sewer in Lobleys Drive. Finished floor levels of the dwellings would be above the minimum levels required by the approved details.

## **8.0 Provision for Residential Amenity**

8.1 Local Plan Policy HOU5 relates to new housing development and includes a requirement that proposals should not result in an unacceptably low degree of residential amenity for existing or proposed dwellings. Concerns had been raised that the size of some of the private amenity space however the scheme has been amended and an appropriate level is now provided. It is considered that the revised layout would not result in unacceptable levels of light or outlook for existing and proposed dwellings and therefore the proposal is considered acceptable in terms of provision for residential amenity.

## **9.0 Landscaping**

9.1 The Design Code sets out that the relationship between green spaces and the built environment are important elements of the public realm and will contribute significantly to the success of the scheme. It is considered that in general the choice of species and details of specification are acceptable and adhere to the Design Code.

## 10.0 Conclusion

10.1 The proposal, as amended, is considered to be of an appropriate design and layout and would have an acceptable impact upon the appearance of the area and would have an acceptable impact upon the safety and satisfactory operation of the highway network. Furthermore, the proposal is in general accordance with the approved Area Master Plan and Design Code. The proposal is therefore recommended for **Approval**.

### RECOMMENDATION Approve

#### Conditions:

- 1 The development hereby permitted shall be carried out in accordance with the approved plans detailed on the Issue Sheet received on 4th December 2015.
- 2 The dwelling(s) hereby permitted shall not be occupied until the vehicular parking including any garages and carports and turning facilities have been provided in accordance with the submitted plan drawing no. 2\_720 Rev A, and those facilities shall be maintained available for those purposes thereafter.
- 3 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4 back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 22m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
- 4 Prior to works commencing on site the vehicular access shall be laid out and constructed in accordance with the submitted plan 2\_201 Rev C with the area of access road within at least 20.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained as such thereafter until and unless adopted as highway maintainable at public expense.

#### Reasons:

- 1 To ensure that the development permitted is carried out in accordance with the approved plans.
- 2 To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the Paragraph 35.
- 3 To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Paragraph 32 of the NPPF.
- 4 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the Paragraph 32 of the National Planning Policy Framework.

#### Notes:

- 1 **Statement of Positive and Proactive Engagement**  
  
In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating to improve the design and layout.
- 2 This decision relates to the revised plans received by the Local Planning Authority on 30 September 2015 and 4 December 2015.



**Key:**

- ..... 0.8m Metal Railings painted black
- X-X- 1.2m Timber Close board fence
- ===== 1.8m Timber close board fence
- ===== 1.8m Panel Fence
- ===== Screen Wall
- V Visitors Carpark Space
- 10 Plot Number
- Affordable Housing
- Land A Timber shed/cycle store 1.83m x 2.44m
- Water Bud
- W Gate
- G Permitted Door
- P Bin Location

**House Type Mix - GTE 21a**

Target	Type	Sq ft	Total
	P302	853	5118
	P303	979	1956
	P401	1000	2000
	P405	1200	4800
	P408	1415	5660
<b>TOTAL FOR PRIVATE UNITS</b>			<b>18</b>
●	28 Burg	678	19536
●	4BH	1342	2034
<b>TOTAL FOR SOCIAL UNITS</b>			<b>2</b>
<b>TOTALS FOR SITE</b>			<b>23</b>
Social net area			0 Acres
Development net area			1.517 Acres
Total Site Area			1.517 Acres
<b>TOTAL SQUARE FOOTAGE PER ACRE</b>			<b>15898.3</b>

**ROWIS HOMES**

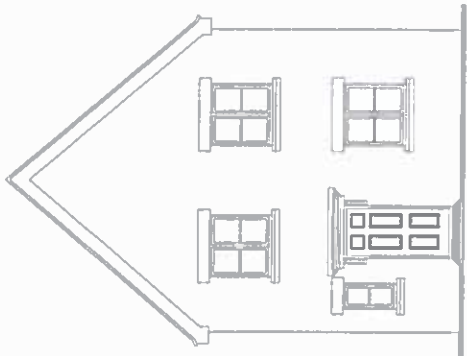
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 SHEET: 2/301  
 DATE: 15/06/18  
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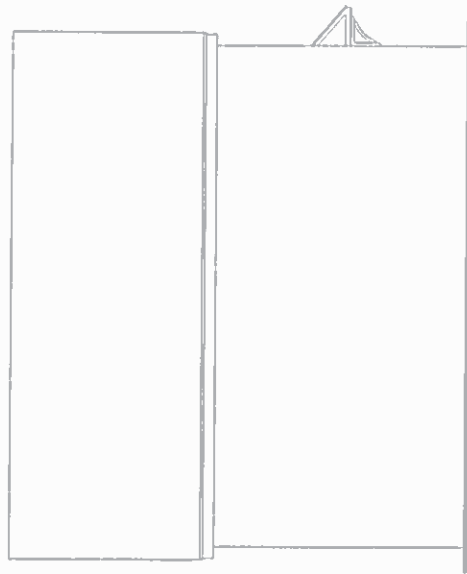
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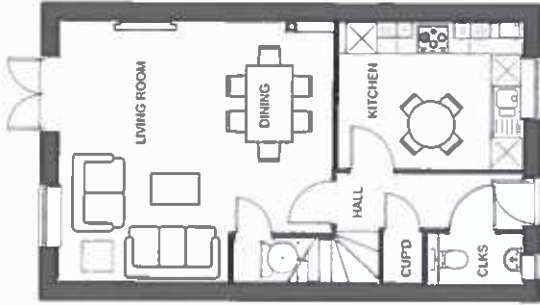
Refer to streetscenes / materials plan for elevational treatment and entry style



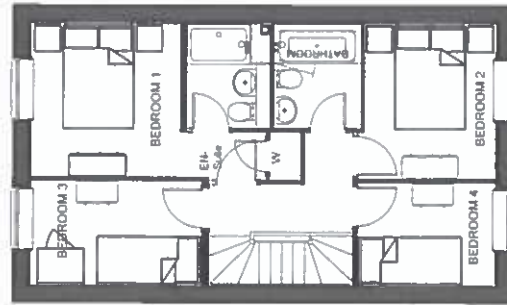
Front Elevation



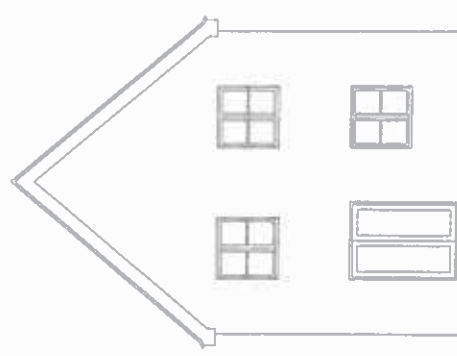
Side Elevation



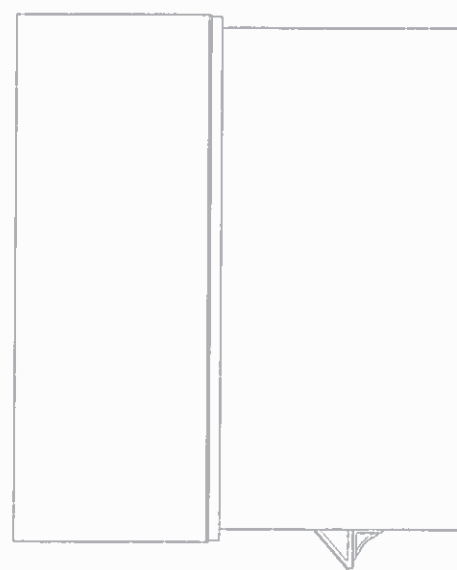
Ground Floor Plan



First Floor Plan



Rear Elevation



Side Elevation

PLOT 19

Notes:  
Use written dimensions only  
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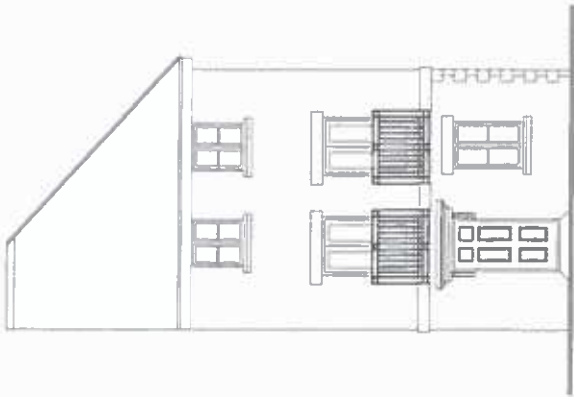
Rev:

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Drawn By: SM Checked: - Date: 08/15 Scale: 1:100@A3

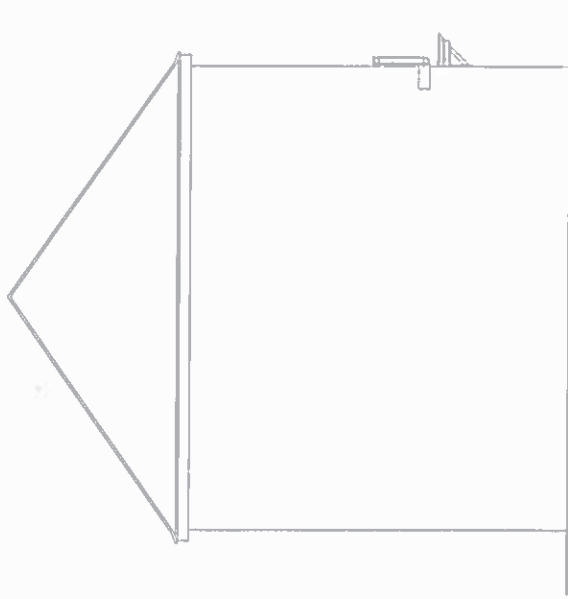


6294/B

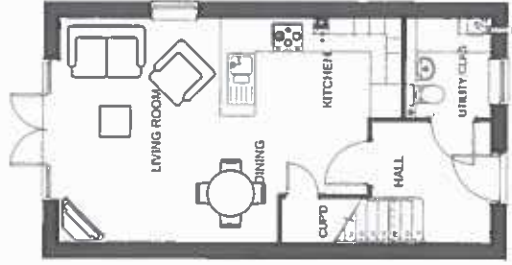
Refer to streetscenes / materials plan for elevational treatment and entry style



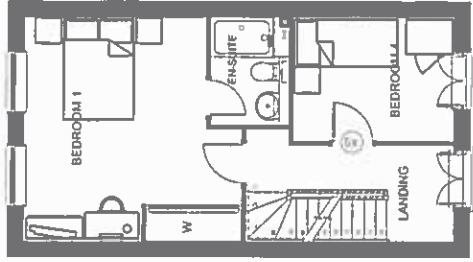
FRONT ELEVATION



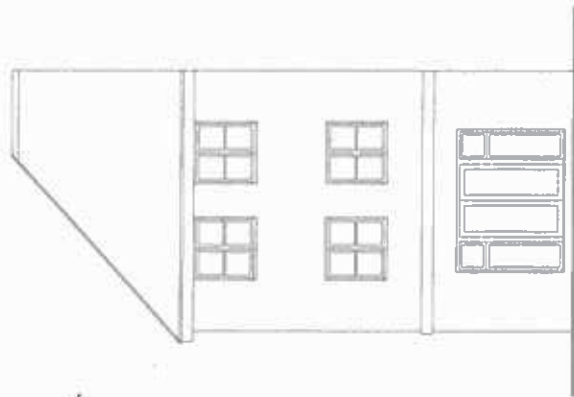
SIDE ELEVATION



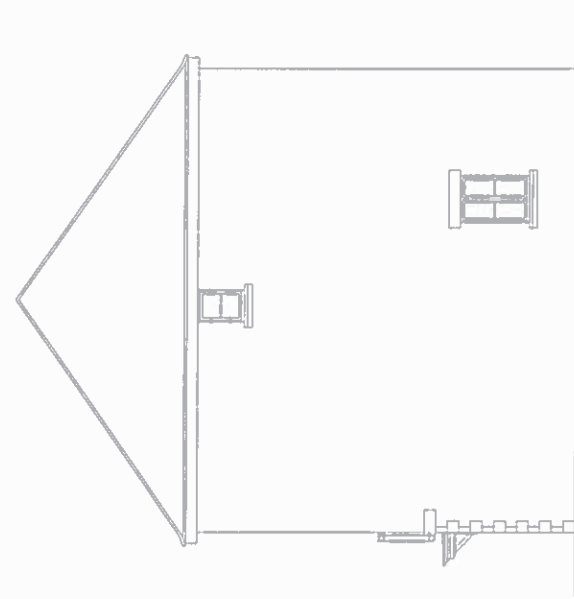
GROUND FLOOR



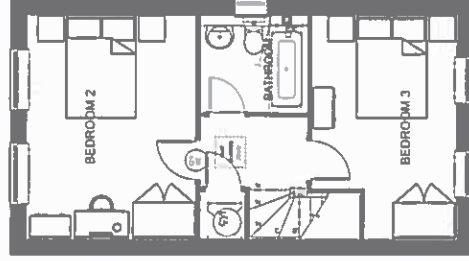
FIRST FLOOR



REAR ELEVATION



SIDE ELEVATION



SECOND FLOOR

PLOT 5

Notes:

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Project: Brockworth Parcels 21a, 25 & 27

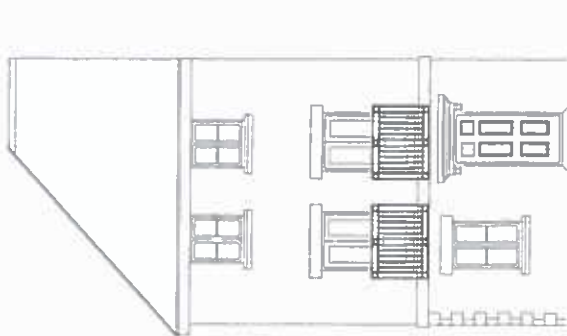
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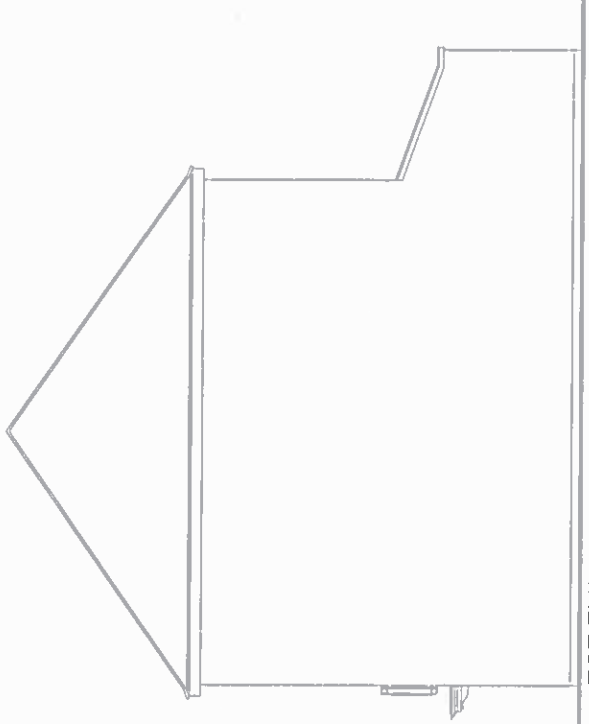
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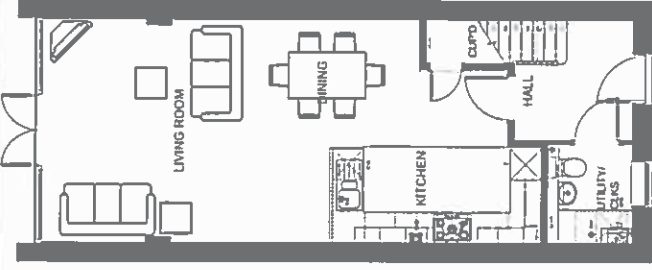
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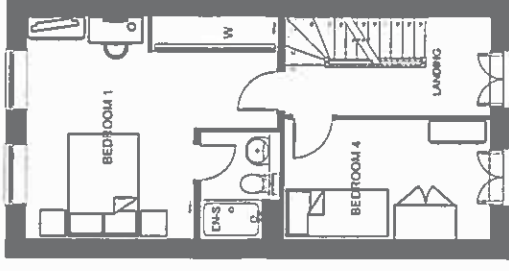
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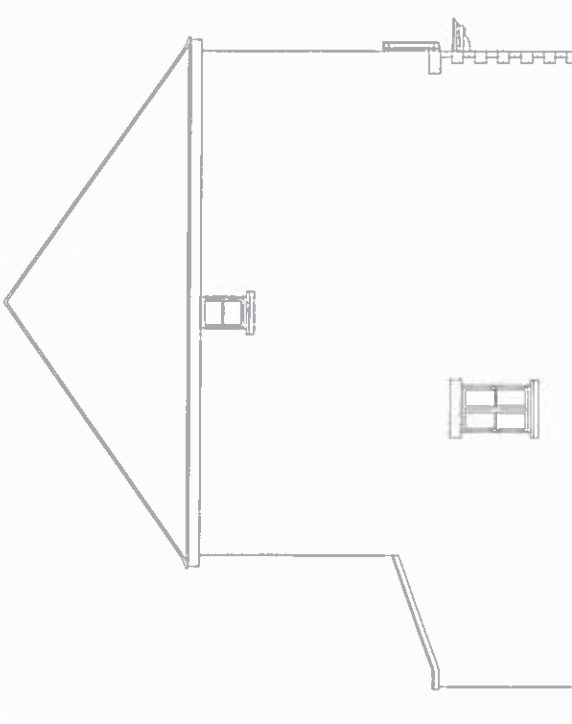
EOT ELEVATION (B)



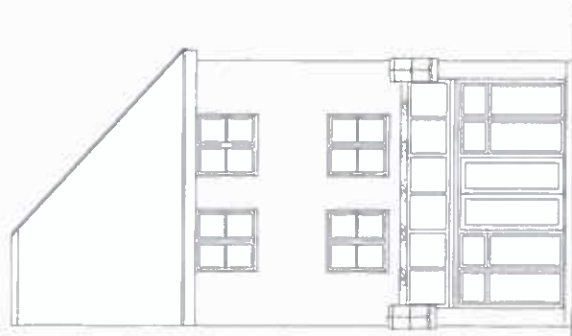
GROUND FLOOR



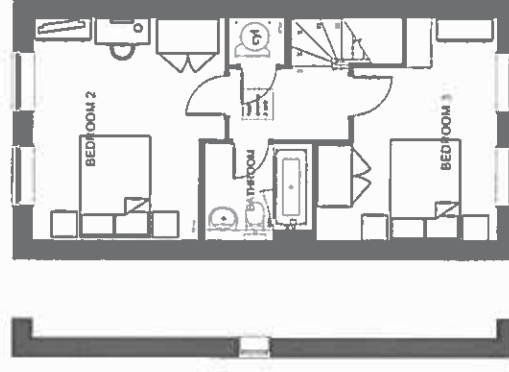
FIRST FLOOR



EOT ELEVATION (A)



REAR ELEVATION



SECOND FLOOR

PLOT 8 & 10

Rev:

Notes:  
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Project: Brockworth Parcel 21a

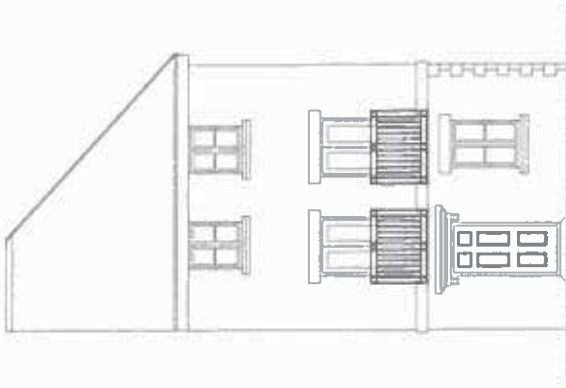
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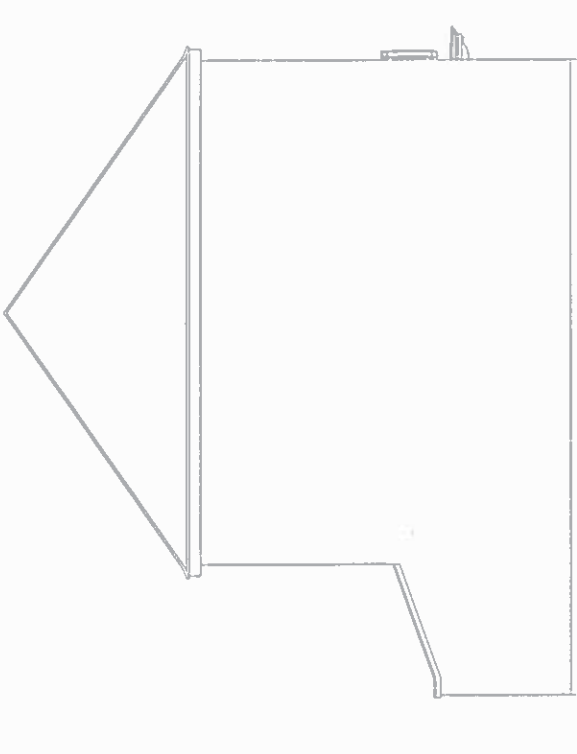


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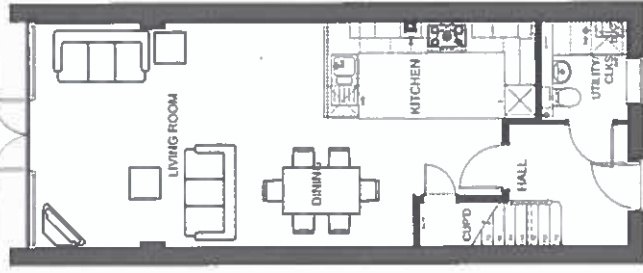
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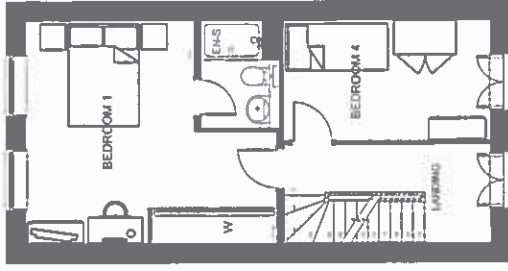
FRONT ELEVATION



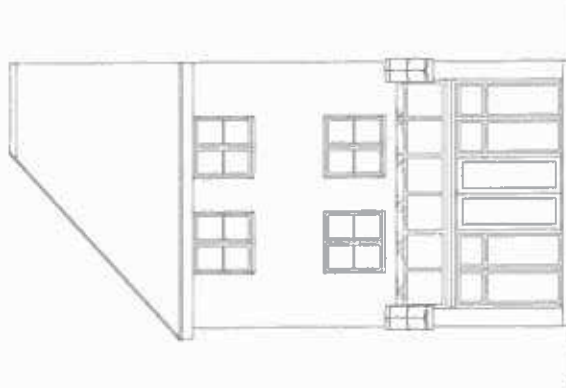
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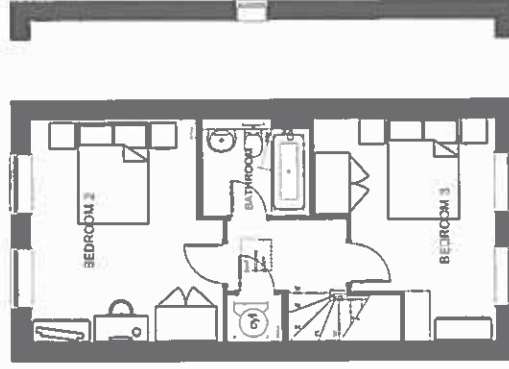
GROUND FLOOR



FIRST FLOOR



REAR ELEVATION



SECOND FLOOR



LOTS 7 & 9

0297/E

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Project: Brockworth Parcel 21a  
 Drawing Title: Housetype P408H  
 Drawn By: SM  
 Checked: -  
 Date: 08/15  
 Scale: 1:100@A3



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REVISIONS:

NO.	DATE	DESCRIPTION
1	08/14/10	ISSUED FOR PERMITS
2	08/14/10	ISSUED FOR PERMITS
3	08/14/10	ISSUED FOR PERMITS
4	08/14/10	ISSUED FOR PERMITS
5	08/14/10	ISSUED FOR PERMITS
6	08/14/10	ISSUED FOR PERMITS
7	08/14/10	ISSUED FOR PERMITS
8	08/14/10	ISSUED FOR PERMITS
9	08/14/10	ISSUED FOR PERMITS
10	08/14/10	ISSUED FOR PERMITS

REVISIONS:  
 1. 08/14/10 ISSUED FOR PERMITS  
 2. 08/14/10 ISSUED FOR PERMITS  
 3. 08/14/10 ISSUED FOR PERMITS  
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 8. 08/14/10 ISSUED FOR PERMITS  
 9. 08/14/10 ISSUED FOR PERMITS  
 10. 08/14/10 ISSUED FOR PERMITS

STATUS: DRAWN BY: 8/4  
 JOB REF: D133  
 SCALE: 1/8" = 1'-0"  
 DATE: AUG 2010

PROJECT: BROOKWORTH PARCELS 21A  
 TITLE: STREETS/SCENES

DWG NO: 2\_203  
 REV: C



15/00816/APP  
GTE Parcel 5b RM  
Valid 20.08.2015

**Parcel 5B, Gloucester Business Park, Brockworth**

11

Proposed development of 31 residential dwellings with associated roads, footways, parking, drainage and landscaping.

Grid Ref 387601 216165  
Parish Hucclecote  
Ward Hucclecote

Bovis Homes LTD  
Cleeve Hall  
Cheltenham Road  
Bishops Cleeve

**RECOMMENDATION Delegated Approve**

**Policies and Constraints**

The Tewkesbury Borough Local Plan to 2011 - March 2006 - BR1, GNL2, GNL8, HOU1, HOU5, HOU13, TPT1, TPT5, LND7, EVT9  
Joint Core Strategy Submission Version (November 2014)  
Flood and Water Management SPD  
NPPF  
Planning Practice Guidance  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life) The First Protocol, Article 1 (Protection of Property)

**Consultations and Representations**

**Hucclecote Parish Council** have no objection to this application however it is concerned how the construction traffic will access the site on Parcel 5b. Lancaster Road has been used daily for over 4 years making it difficult to get through at times. We would recommend that Yew Tree Way be used to access Parcel 5B and not Lancaster Road. It would also help if a designated parking site could be arranged for the contractors.

**Brockworth Parish Council** have no objection to this planning application but would endorse the views of Hucclecote Parish Council regarding access for construction traffic and designated parking for the contractors.

**Environmental Health** - An up-date will be provided.

**Housing Enabling and Policy Manager** - No objections.

**County Highways** - No objections subject to conditions.

**Severn Trent Water Ltd** - No objection.

**Stroud District Council** - No response at time of writing report.

**Local residents:** - One letter has been received from a local resident stating that overall they are happy with the overall plans for the layout.

**Planning Officers Comments: Mr John Hinett**

**1.0 Introduction**

1.1 The site forms part of Coopers Edge development and is located at its north west edge. The parcel of land is surrounded on its eastern, southern and western boundaries by phases of residential development that have already been built out. Land to the immediate northern boundary currently remains undeveloped.

**2.0 Relevant planning history**

2.1 In January 2005, outline permission Ref: - 01/10875/01124/OUT was granted for a new residential neighbourhood comprising approximately 1900 homes on 70 hectares of land located to the south and west of Gloucester Business Park.

**3.0 Current application**

3.1 The current proposal is for reserved matters approval for 31 residential units on parcel 5b which is located to the north west of the Coopers Edge development within phase 2A (**location plan attached**).

3.2 The application comprises the following mix of dwellings:

*Market Housing - 21 units*

- 6 x 3 bed flats
- 3 x 3 bed houses
- 6 x 3 bed houses 3 storey
- 6 x 4 bed houses 3 storey

*Affordable Housing - 10 units*

- 6 x 1 bed flats
- 3 x 2 bed houses
- 1 x 3 bed houses

#### 4.0 Analysis

4.1 The key issues to be considered in relation to this reserved matters application are considered to be layout, house type design, scale, residential amenity, landscaping, highway and parking issues, affordable housing provision and drainage.

#### Design and Layout

4.2 The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Policy SD5 of the Joint Core Strategy Submission Version (November 2014) similarly seeks good design reflecting the guidance.

4.3 Policy GNL2 requires the provision of design statements for major new developments indicating how the development addresses key points of urban design. A Master Plan and Design Code have been approved as part of the outline planning permission to establish design principles for the development. An Area Master Plan has also been approved for this part of the development.

4.4 Condition 19 of the outline planning permission requires that each application for approval of reserved matters accord with the Design Code. The Code divides the site into 5 character areas to help create a distinctive and legible environment. Parcel 5b is within the 'General Residential' character area for which the Design Code establishes the following Key Characteristic:

- Well defined street frontages with predominantly terraced and semi-detached buildings;
- A variety of 2 and 3 storey buildings with a limited quantity of 1 and 1.5 storey dwellings;
- A varied urban form provided by varying widths between frontages and gently curving building lines;
- Backland areas within the block with courtyards linked by narrow lanes.
- Variation in roof forms;
- Buildings predominantly close to back of footway with little or no front garden;
- A varied palette of materials; and
- Consistency of front boundary treatment along street.

4.5 The Parcel has secondary roads along the eastern and southern boundaries with tertiary roads along the western and northern boundaries. All but the northern road have been already constructed. Secondary roads are one of the major components of the highway network. The Code calls for non-rectilinear and irregular arrangement of buildings with a combination of parking including on and off street. Front boundary treatments (where proposed) are to comprise low walls or metal railings. Some street trees should also be included. The tertiary roads should create a sense of enclosure and surveillance through a 'coherent layout'. Parking and use of boundary treatments is as for the Secondary Roads.

4.6 Officers had initial concerns that the original layout did not accord with the Design Code and failed to follow general principles of good urban design. In particular, the location of the Landmark building did not reflect the approved Masterplan which indicated a location on the south east corner. The arrangement of other house types was also considered not to reflect the Code. More generally, a number of the house types were considered bland and lacking the architectural treatments that are required by the Code. Some of the units would have also represented blank elevations to the streetscene.

#### *Revised Layout*



4.7 Officers made a number of recommendations that have been reflected in the revised plans. The 3 storey 'flats' building has been relocated to the south east corner of the site, in accordance with the stipulations of the Design Code which calls for a landmark building in this location. The design of the flats has also been changed. The Code advises that landmark buildings "should be significantly different from surrounding buildings in terms of their treatment" or "judicious use of a distinguishing architectural feature". The revised design incorporates rusticated render at ground floor level with a more formal porch and window detailing with decorative balconies and gives the impression of a "large prestigious detached building". The building turns the corner and introduces a bay window at ground floor level to create a genuinely dual frontage building. The building would be visually larger in scale than the neighbouring units at plots 6 and 10. The building is similar to other landmark buildings permitted on previous parcels and is now considered acceptable.

4.8 The layout and house types for the remainder of the parcel are considered to be consistent with the General Residential character area. The layout is considered to be coherent and maintains a sense of enclosure and surveillance. The proposed 'mews' units, characteristic of the higher density areas, have been omitted. A section of the parcel within this character area also fronts onto a 'square' which is located between this parcel and parcels 3 and 5a. This square is intended to serve as a multifunctional space with limited car parking, gathering and amenity space. The units fronting onto this square have been amended such that they now comprise a terrace of 3 units which provide a frontage onto the square. The remainder of the house types are largely arranged in terraces, with some semi-detached units, which reflect the units already built on previous phases opposite the site and create a sense of enclosure. The units would comprise a mix of 3, 2.5 and 2 storeys and include a variety of window types (including bay windows and dormer windows) all of which accord with the Code and the layout is therefore considered acceptable.

#### Building Heights

4.9 Condition 7 of the outline planning permission requires that each application for approval accords with the building heights indicated on the Land Use Master Plan approved as part of the outline planning permission. The Area Master Plan for Phase 5b sets out a maximum ridge height of 11.8 metres for the majority of the parcel 5b apart from the NW corner of where heights are restricted to 10.5 metres. The proposed house types follow this general arrangement with the maximum ridge height being within these thresholds and therefore the proposal accord with the Land Use master Plan and Area Master Plan.

#### Density

4.10 The approved Master Plan indicates six broad density bands and provides a strategy for locating different types of development. Parcel 5b is located within the medium/ high density band (45-50 d/ha). The proposal is for 31 units which provide a density of approximately 50 dwellings per hectare. The proposal therefore complies with the approved Master Plan.

#### Materials

4.11 The Code sets out a strategy for the application of facing materials which focuses on the distinction between character areas and encourages local distinctiveness and respect to local context. Parcel 5b benefits from the use of the Vale Palette, a range of materials and colours inspired by the local vernacular of settlements within the Severn Vale area. The Vale palette states that at least 70% of the primary facing materials should be within ranges specified in the Code. Additionally a minimum of 10% should be off-white or pale pastel render. The proposed materials would be predominantly red and brown/orange brick; the chosen materials for this palette are Ibstock Bridgewater weathered red brick and selected use of off white render. Roof materials would be a mix of Cupa Slate and Russell Pennine Rustic Peat. The materials are consistent with the Vale Palette and have been used on adjacent phases of development.

#### 5.0 Vehicular Access and Parking

5.1 Policy TPT1 requires that highway access be provided to a safe and appropriate standard for proposed development. All but the northern section of road have already been constructed as part of previous phases of development. The County Highways Authority (CHA) have assessed the revised layout and note that the majority of the proposed dwellings would have vehicle access directly from these roads with one shared parking area would be access from the road to the east. The proposed 2m footway would provide for sufficient emerging visibility for vehicles however the proposed vegetation should be restricted in order to prevent the view of pedestrians on the footway being blocked for vehicles emerging from the drive.

5.2 In terms of parking it is noted that 46 off road parking spaces plus 21 garages (making 67 spaces in total) for the 31 dwellings. In addition 5 dedicated visitor spaces are also provided. The proposal generally provides 2 parking spaces for each 2-4 bedroom dwelling, comprising either two spaces or a parking space plus a garage. The exceptions are the 3 storey 4 bed units which have two parking spaces plus a garage and the 1 bed apartments which have one space. However, 4 visitor parking bays have been provided along the road - two of which are located directly in front of the apartment block. The revised layout is now considered acceptable in terms of access and highway safety.

## 6.0 Affordable Housing

6.1 Local Plan Policy HOU13 provides that provision will be made for affordable housing on appropriate sites. The Area Master Plan indicates affordable housing numbers for each parcel within phase 2A of the development and condition 47 requires that each application provides for affordable housing in accordance with the Area Master Plan. The application makes provision for 10 affordable housing units comprising:

- 6 x 1 bed apartments
- 3 x 2 bed houses
- 1 x 3 bed house

6.2 This provision accords with the Area Master Plan in terms of housing numbers and is considered acceptable. The Section 106 Agreement attached to the outline planning requires that the affordable units should be in clusters of no more than 8 units, or 15 for flats. The submitted scheme accords with this requirement.

## 7.0 Drainage Issues

7.1 Policy EVT9 requires that development should make appropriate provision for sustainable urban drainage. Condition 42 of the outline planning permission requires the approval of a sustainable urban strategy for the whole site and that no dwelling shall be occupied until sustainable urban drainage measures have been provided in accordance with the agreed strategy and agreed.

7.2 The Flood and Water Management supplementary planning document (SPD) was adopted by the Borough Council in December 2014. The SPD is a material consideration in the determination of planning applications alongside other existing/emerging development plan policies. The SPD does not create new policy, but expands upon Tewkesbury Borough Council's existing and emerging planning policies relating to flood and water management issues within its development plan documents.

7.3 The submitted details set out that storm sewers would connect to the overall system and would discharge to the existing pond to the East of the site. Foul sewers would similarly connect to an existing foul manhole to the north of the whole development. Revised plans have been submitted which show that the finished floor levels of the dwellings would be above the minimum levels required by the approved details.

## 8.0 Residential Amenity

8.1 Local Plan Policy HOU5 relates to new housing development and includes a requirement that proposals should not result in an unacceptably low degree of residential amenity for existing or proposed dwellings. It is considered that the proposed layout would not result in unacceptable levels of light, outlook or privacy for existing and proposed dwellings and therefore the proposal is considered acceptable in terms of provision for residential amenity.

8.2 Condition 9 of outline permission Ref: - 01/10875/01124/OUT stipulates that each application for approval of reserved matters for housing in the Noise Abatement Zones shall include a scheme of noise attenuation to protect proposed houses from noise from the M5 motorway. The easternmost part of the parcel falls within a Noise Abatement Zone.

8.3 A Noise Assessment has been submitted by the applicant that is currently being assessed. **An up-date will be provided at committee.**

## 9.0 Conclusion

9.1 The proposal, as amended, is considered to be of an appropriate layout and design and would have an acceptable impact upon the appearance of the area and accords with the approved Area Master Plan and Design Code. **It is therefore recommended that approval be delegated to the Development Manager subject to receiving confirmation of the acceptability of the proposed noise mitigation strategy and additional conditions as necessary.**

### RECOMMENDATION Delegated Approve

#### Conditions:

- 1 Other than where varied by the conditions below the development hereby approved shall be implemented in accordance with the plans and information detailed on the approved Drawing Register (Job No 0131) received on the 4th December 2015.
- 2 Notwithstanding the submitted details, building operations shall not be commenced until details of the proposed metal fencing proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.
- 3 The vehicular access serving plots 516-520 inclusive, 526, 527 and 508-513 inclusive shall not be brought into use until visibility splays extending from a point 2 m back along each edge of the access, measured from the footway edge, extending at an angle of 45 degrees to the footway, providing clear visibility to a height of 600mm above the adjacent footway level.

#### Reasons:

- 1 To clarify the terms of the approval.
- 2 In the interests of visual amenity in accordance with the NPPF.
- 3 To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

#### Notes:

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

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating an improved layout and house type design.

- 2 This decision is to be read in conjunction with planning permission 10/01005/OUT.

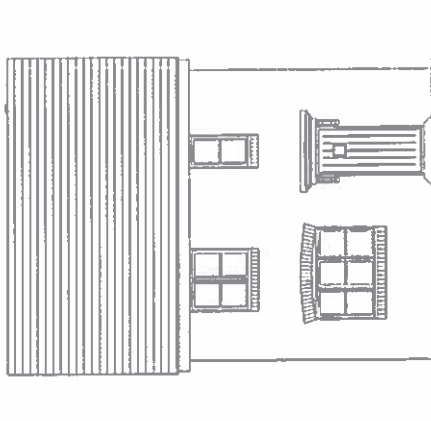




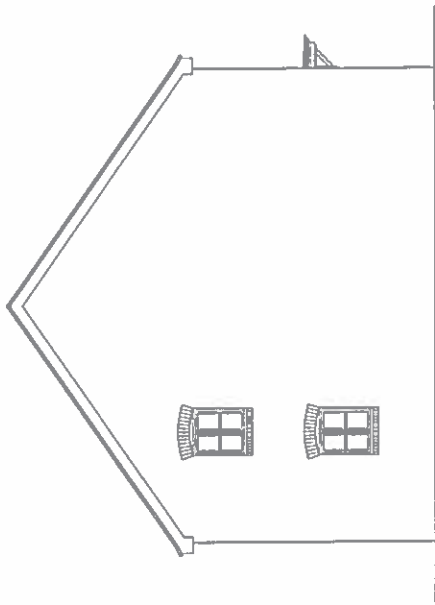




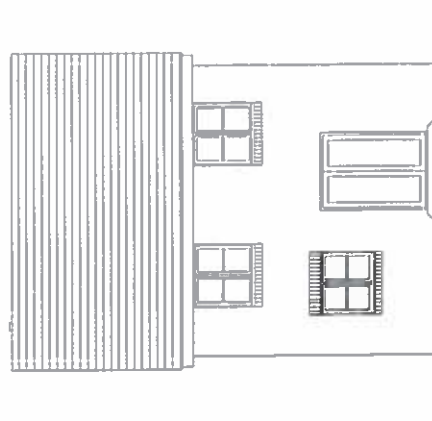
Refer to streetscenes / materials plan for elevational treatment and entry style



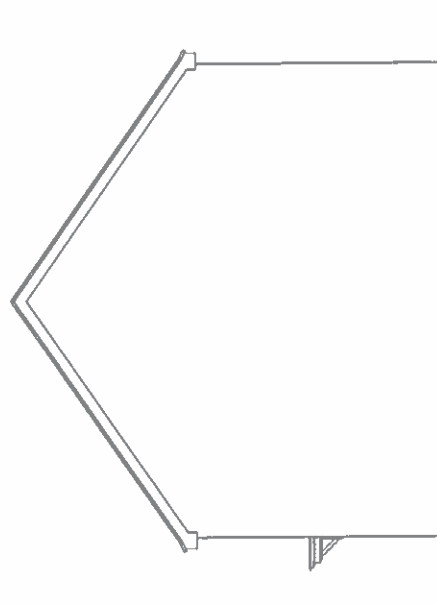
FRONT ELEVATION



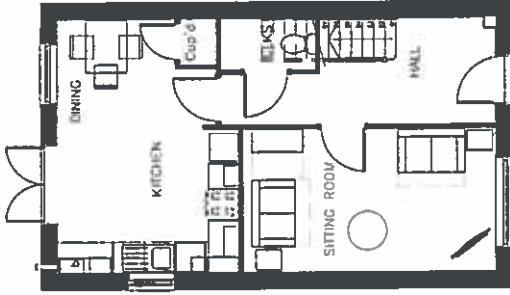
SIDE ELEVATION



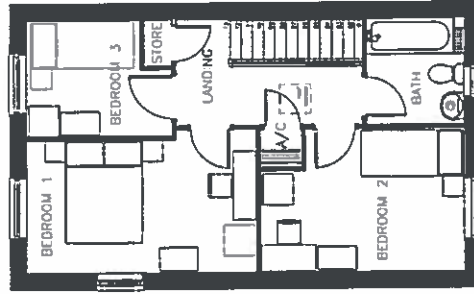
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR



FIRST FLOOR

PLOT 528

NOTES:

Use metric dimensions only.  
Any discrepancy or suggested modification is to be reported to Bovis Homes Ltd. This drawing is the copyright of Bovis Homes Ltd.

Rev: Rev A; Plot numbers entered to match re-300 281113 3M

Project: Brockworth Parcels 5 Rev: A

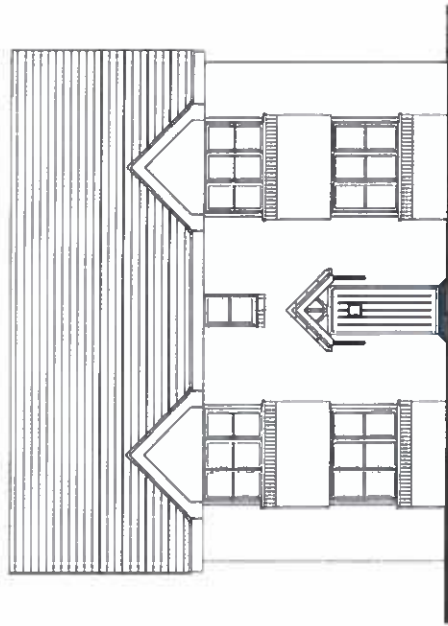
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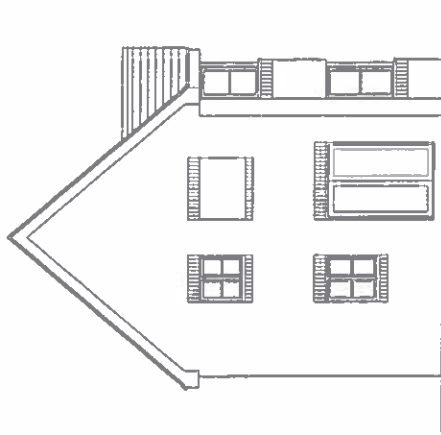


630106

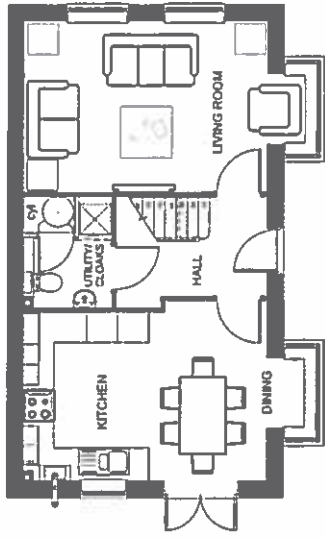
Refer to streetscenes / materials plan for elevational treatment and entry style



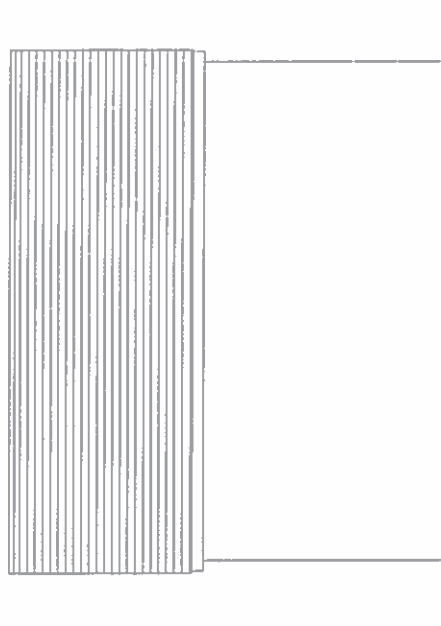
FRONT ELEVATION



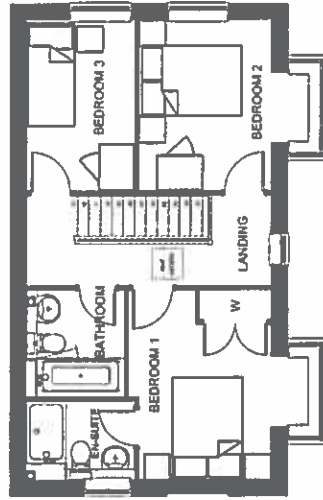
SIDE ELEVATION



GROUND FLOOR



REAR ELEVATION



FIRST FLOOR

NOTES:  
Use written dimensions only.  
Any discrepancy or suggested modification is to be reported to Boris Homes Ltd. This drawing is the copyright of Boris Homes Ltd.

Rev:  
Rev A1 Plot Numbers reserved to match rev A1s 24/11/15 SH

Project: Brockworth Parcel 5 Rev: A

Drawing Title: Housetype P303A

Drawn By: SM Checked: - Date: 06/15 Scale: 1:100@A3

PLOT 501 & 525



630107

15/00814/APP

Land to East of Tewkesbury Road & North of Longford Lane,  
Longford

12

Valid 07.12.2015

Reserved Matters approval for part of Phase 2 for the residential development of 107 units at Longford Lane, Gloucester with associated landscape and infrastructure. (Outline planning permission 11/00385/FUL).

Grid Ref 384234 220925

Parish Longford

Ward Coombe Hill

Miss Elizabeth Woods  
Persimmon Homes Ltd  
Aspen House  
Birmingham Road  
Studley  
Warwickshire

**DEFERRED AT 24.11.15 PLANNING COMMITTEE (Item No 21, Page No 558)**

**RECOMMENDATION Delegated Approve**

### **Policies and Constraints**

Tewkesbury Borough Local Plan to 2011 - March 2006 - GNL2, GNL8, GNL11, HOU4, HOU13, TPT1, TPT3, TPT5, TPT6, TPT12, EVT1, EVT3, EVT4, EVT5, EVT9, LND4, LND7, RCN1, RCN2, NCN5, NPPF

Planning Practice Guidance

Affordable housing Supplementary Planning Guidance

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

The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

Longford Parish Council - No comments received at time of writing report.

Local Lead Flood Authority - No comment

Natural England - Statutory nature conservation sites - no objection/Protected species - Standing Advice to be used.

County Archaeology - No objection.

Urban Design Officer - No objection to the amended scheme.

Housing Enabling Officer - No objection to the proposal to amend the s106.

Local residents - No comments received.

**Planning Officers Comments: Mr Andrew Thompson**

### **1.0 Application Site**

1.1 The application site relates to part of Phase 2 for the Longford development as detailed in Section 2 below. It comprises agricultural land located to the north east of Longford Lane. The Longford site is bound to the west and south west by residential development along Longford Lane and Sherwood Green.

1.2 The application was deferred at Planning Committee on 24 November to allow full consultation to be carried out on the amended plans.

### **2.0 Relevant Planning History**

2.1 The Secretary of State for the Communities and Local Government granted outline planning permission at this site in July 2008, following a Public Inquiry. The permission was for residential development comprising up to 570 dwellings, community uses, a local centre comprising a mix of retail uses and associated physical infrastructure and open space. The development was also subject to Section 106 Agreements with this Authority and the County Council to secure affordable housing, public open space, community, education and library provision (05/11485/0883/OUT).

2.2 The Appeal Inspector also allowed a separate application for the demolition of 2 dwellings on Longford Lane to provide a secondary access for the above housing development under planning ref: 07/00916/FUL. An extension of time for this permission was granted in May 2011 (11/00384/FUL).

2.3 Approval was granted for the discharge of a number of pre-reserved matters planning conditions on this site in March 2011. Condition 5 of the permission required the submission and approval of a detailed Masterplan for the whole of the site. Condition 6 related to a detailed phasing scheme and Condition 7 for the submission of a design code. All pre-reserved matters conditions have now been fully discharged.

2.4 In September 2011 Reserved Matters approval was granted for the construction of a primary access road, including associated footways, cycleways, services and drainage to serve phase 1 of the development (11/00690/APP). Work has commenced on this new access road.

2.5 In May 2013 permission was granted for an extension of time of planning for the outline permission (11/00385/FUL).

2.6 Approval has also been granted for the foul water sewer route to serve the housing development and for Phase 1 of the development for 291 dwellings. Work has commenced on this phase.

2.7 Reserved matters approval was granted in July 2015 (15/00192/APP) for the new Primary School and Nursery. Work has also commenced on this detail.

### 3.0 Current Application

3.1 This current application relates to part of Phase 2 for the residential development of 107 dwellings and associated landscaping and infrastructure pursuant to application 11/00385/FUL mentioned above. The application site and number of dwellings have been reduced from the originally submitted scheme due to concerns about the design of the previously proposed blocks of flats. The application seeks approval for appearance, landscaping, layout and scale (**see attached plans**). As set out above, permission has been granted for several reserved matters and Phase 1 of the development which is under construction

3.2 The application proposes the following housing mix:

#### Market Housing

6, one-bedroom flats  
29, two bedroom dwellings  
33, three bedroom dwellings  
13, four bedroom dwellings  
Total: 81

#### Affordable Housing

##### *Shared Ownership*

9, two bedroom dwellings

##### *Social Rent*

7, one bedroom flats  
6, two bedroom dwellings  
4, three bedroom dwellings  
Total: 26

3.2 The proposals would be accessed off the existing spine road off Longford Lane which has already been implemented.

3.3 The Secretary of State attached a number of conditions requiring certain details to be submitted to and approved by the Local Planning Authority prior to the submission of any reserved matters applications. These pre-reserved matters conditions related to a detailed Masterplan, a detailed Phasing Scheme and a Design Code. The submitted details were reported to Committee in December 2010 and following some minor amendments were approved in March 2011. The permission to extend the period of time for implementation of the development (11/00385/FUL) requires any reserved matters applications to be in general accordance with the approved details.

## 4.0 Analysis

4.1 The principal determining issues are the layout, appearance, landscaping and scale of development (the Reserved Matters) as well as the conditions of the outline planning permission and the S106 of the outline planning permission that require consideration at this stage.

### Design and Layout

4.2 The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. In order to achieve these aspirations for high quality design, it is important that the reserved matters accord with the principles and parameters set out in the approved Masterplan, Phasing and Design Code Document.

4.3 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Design requirements are incorporated in Policy GNL2 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy SD5 of the Pre-Submission version of the JCS.

4.4 The approved masterplan document proposes a range of densities which have been generated through analysis of existing local contextual development. The layout is based upon a perimeter block system which allows for maximum connectivity and choice of route whilst offering safe and attractive streets and footpaths that are overlooked by housing frontage. The blocks are generally 45-55m depths to allow for housing on both sides of the blocks. This approach is intended to allow for a combination of both in-curtilage and frontage parking rather than rear parking courts and thus ensure that adequate parking provision is provided in secure overlooked spaces.

4.5 The secondary and shared surface routes will form the balance of the main hierarchy of streets, and will be intimate in form. They are accessed off the main access route and are provided as streets that meander around the various perimeter blocks in a loop to minimise the inclusion of cul-de-sac arrangements.

4.6 The case officer and Urban Design Officer have carried out significant work trying to negotiate a suitable scheme, with a number of changes to the proposals made which have resulted in significant improvements to the scheme as originally submitted. The principal outstanding concern related to the proposed flats at the north-western edge of the site at Plots 87-101. Whilst the masterplan included higher density development on this edge and location, the bulk and mass appeared to be at odds with other aspects of the street. Whilst amended plans were put forward by the applicant to address the design concerns, they were not considered successful which led to an officer recommendation for refusal.

4.7 In advance of Planning Committee on the 24th November, an amended plan was submitted (P-02 Rev F) **a copy will be displayed at Committee** which removed the plots of concern and related plots from this Reserved Matters submission, resulting in the currently proposed scheme of 107 dwellings. Based on this the proposals for the remainder of the phase is considered acceptable and the Urban Design Officer is happy that the removal of the flats and associated houses would not have any design implications for the remainder of this phase.

4.8 There were also concerns over the relationship of the proposals to the proposed local centre which may be amenity issues depending on the layout and uses located within the local centre. However, the agents who are currently marketing the site to commercial developers, highlight that very little market interest has been recorded due to only a proportion of the housing development being occupied. This is a common occurrence on developments where a local centre has been proposed, and we would assume that once occupation of this phase of the Longford development has begun a commercial developer would take interest and therefore a planning application for the local centre would follow. This relationship would need to be carefully planned and designed but there are no fundamental issues preventing approval of the proposals for this phase of the development.

4.9 The proposed layout is in general accordance with the approved document. Discussions have been held with the agent/applicant to fully address concerns raised and additional revised plans are expected to be submitted.



## **Building Heights**

4.10 Buildings are predominantly two storey. A small number of 2.5 storey properties are proposed and are located sensitively to terminate vistas and provide landmark buildings. The arrangement of buildings within a plot and the subtle changes in height will create a varied roofline across the development and add visual interest along the streets. The height of the proposed dwellings accord with the maximum height levels agreed but as detailed above the height of the proposed apartment block on the north western edge. As discussed above the proposed apartments have been amended to have regard to the street scene and providing a more cohesive block. The proposals follow the spirit and objectives of the outline masterplans.

## **Highway Issues**

4.11 Local Plan Policy TPT1 requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair the safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided.

4.12 The scheme provides 2 car parking spaces for the majority of properties, the exceptions being single spaces for a small number of 1-bed properties. Garages are not included in this allocation. Parking within the scheme is well integrated with a range of on street and in-curtilage solutions adopted. The majority of parking will be provided on-plot and is generally located to the side of dwellings within an individual parking bay and garage set back behind the building line to allow both ease of access to the dwellings and prevent vehicles from dominating the street scene.

4.13 Where on-street parking solutions have been included they are constructed from brick paving and punctuated by street trees and shrub planting to enable convenient parking close to the dwellings to which they serve, whilst at the same time softening the impact of the parked vehicles, creating visual interest and valuable habitat for wildlife. Rear courtyard parking within the development has been kept to a minimum and where included have been designed with overlooked entrances that are deliberately narrow to reflect the private nature of the area you are entering. The use of high quality materials and sensitive landscaping will ensure that these are, and will remain, attractive spaces that are a convenient distance from the properties they serve and are secure in nature.

4.14 The development has a vehicle access off Longford Lane by way of a traffic lit junction. This passes through a community zone in the form of a local centre and a single form entry primary school. The road would encompass the eastern side of the primary school and lead to the formal open space consisting of equipped areas such as a LAP, LEAP, MUGA and Skate Park together with 1 senior sports pitch and 2 junior pitches. Beyond the development edge and up to Horsbere Brook farm land meadows are provided for informal recreation. The utilisation of street types within this Phase generally follows the structure of the approved masterplan. All roads are designed to encourage low vehicle speeds and all routes will facilitate pedestrians, generally within associated footpaths. Where footpaths are not provided a shared surface will allow for all vehicles, cyclists and pedestrians to share the highway.

4.15 Amended plans and additional information including a non-motorised user context report and a road safety audit have been submitted. The amended information demonstrates that a refuse vehicle can safely negotiate the layout. The road safety audit has identified a number of issues, the majority of the issues have been resolved through the submission of revised details. The outstanding issues are matters of detailed highways design and will be resolved through the s section 38 adoption process. As a result County Highways Officers raise no objection be raised to this submission and the proposals are satisfactory.

## **Drainage Issues**

4.16 Policy EVT9 requires that development should make appropriate provision for sustainable urban drainage. The drainage strategy has been approved and Condition 11 attached to 11/00385/FUL requires the implementation of the sustainable drainage system.

4.17 The work on sustainable drainage proposals was approved under previous reserved matters submissions and work has been commenced.

## **Affordable Units**

4.18 Local Plan Policy HOU13 provides that provision will be made for affordable housing on appropriate sites. The outline planning permission provides for 30% affordable housing across the site and its provision is set out in the Unilateral Undertaking signed in March 2008. The Unilateral Undertaking specifies a tenure mix of 50% Social Rented and 50% Shared Ownership. The affordable housing is to be distributed throughout the site in groups of not more than 8 houses or 16 flats.

4.19 Whilst the applicant is providing 26 affordable housing units on this phase of 107 units, at 25% of the development amount this is below the 30% level sought and agreed by the S106 to the outline planning permission. It is also noted that 17 dwellings will be towards Affordable Rent and 9 will be towards Shared Ownership. This is a different tenure mix than the 50:50 split in the agreed S106.

4.20 It is anticipated that Phase 2 development (under Persimmon) as a total will deliver approximately 320 dwellings, of which 96 would need to be affordable. The applicant is seeking to amend the current S106 to deliver the 26 units in the first phase and to make up the balance of affordable housing and tenure splits in the later phases. Given the clear scope to be able to provide the additional affordable units in later phases, the Housing Enabling Officer has no objection to the revisions. The overall number and tenure mix is proposed to remain the same, the changes to the s106 agreement would solely allow for a change in the phasing.

4.21 National Planning Policy encourages flexibility in S106s and planning conditions to support the deliverability of housing and as such, in this context, as the proposals are not seeking to remove or alter the terms of the amount of S106s delivered by the development, there is no objection to this proposed Deed of Variation.

### **Landscaping/Biodiversity**

4.22 The NPPF sets out at paragraph 109 that the planning system should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on biodiversity. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals. Such a requirement is also contained in Policy SD10 of the Pre-Submission version of the JCS.

4.23 Policy LND7 of the Local Plan requires high quality landscaping schemes to be provided, which form an integral part of the overall development. The reasoned justification for this policy encourages the retention of existing landscape features which are worthy of being retained. New tree planting should consist of species suited to the location.

4.24 The landscaping proposals will endeavour to specifically minimise the landscape and visual impacts of the proposed development within the surrounding context whilst creating a high quality development that integrates with the landscape character of the surrounding area. The proposed layout has been landscape and visually led in order to address the constraints and opportunities identified and to ensure the location, scale and character of the development is acceptable in landscape and visual terms.

4.25 The landscape and visual strategy adopted for the proposals have been based around the Identification of a suitable 'development envelope, the location of which pays particular attention to the views both of and from the site; local topography; prevalent planning policy and enhancement of the local green infrastructure as well as retention and enhancement of the existing vegetation on the site. The creation of additional vegetation infrastructure on site that is consistent with and complimentary to the existing character and the retention and enhancement of areas with ecological potential and consideration of habitat creation where opportunities exist. The proposals will also create an accessible and secure public access network

### **5.0 Conclusion**

5.1 The proposal, as amended, delivers an appropriate first part of Phase 2 of the Longford development addressing the issues raised and setting an appropriate standard of design and layout in accordance with the aims and objectives of the outline masterplan. It is therefore recommended that permission is **delegated to the Development Manager subject to the completion of a deed of variation to the s106 legal agreement to formally agree the change in number and tenure mix of affordable housing in this phase.**

**RECOMMENDATION Delegated Approve**

Conditions:

- 1 The Reserved Matters confirms the Discharge of Conditions 1, 2, 4, 5, 6, 10, 12 and 17 of Planning Permission 11/00385/FUL subject to the implementation of the development in accordance with the submitted plans reference: AAC5216, SK-001, SE-HL-01187, SK-001, SV-01, AAJ4996\_LS\_01 Rev A, AAJ4996\_LS\_02 Rev A, P-01 Rev A, P-02 Rev F, P-03 Rev C, P-04 Rev A, P-05 Rev A, P-06 Rev A, P-07-3 Rev B, P-H-01, P-H-02 Rev A, PH-02-1 Rev A, P-H-02-2, P-H-02-3, P-H-03, P-H-04, P-H-05, P-H-06 P-H-06-1 Rev A, P-H-06-2, P-H-06-3, P-H-07, P-H-07-1, P-H-07-2, P-H-08, P-H-09, P-H-10, P-H-11, P-H-12, P-H-13, P-H-14, P-H-15, P-H-16, P-H-17, P-H-18, P-H-19 Rev A, Type 45 Rev A, P-H-21, and P-H-22.

Condition 3 of Planning Permission will be discharged by the commencement of development within 2 years of this permission.

Conditions 7, 8, 9, 11, 13, 14, 15, 16, 18, 19 and 20 of Planning Permission 11/00385/FUL have been previously discharged or are not relevant to this Phase of Development. Illustrative material for other phases are not relevant to this submission or approval.

Note:

**Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating improvements to the design and layout.

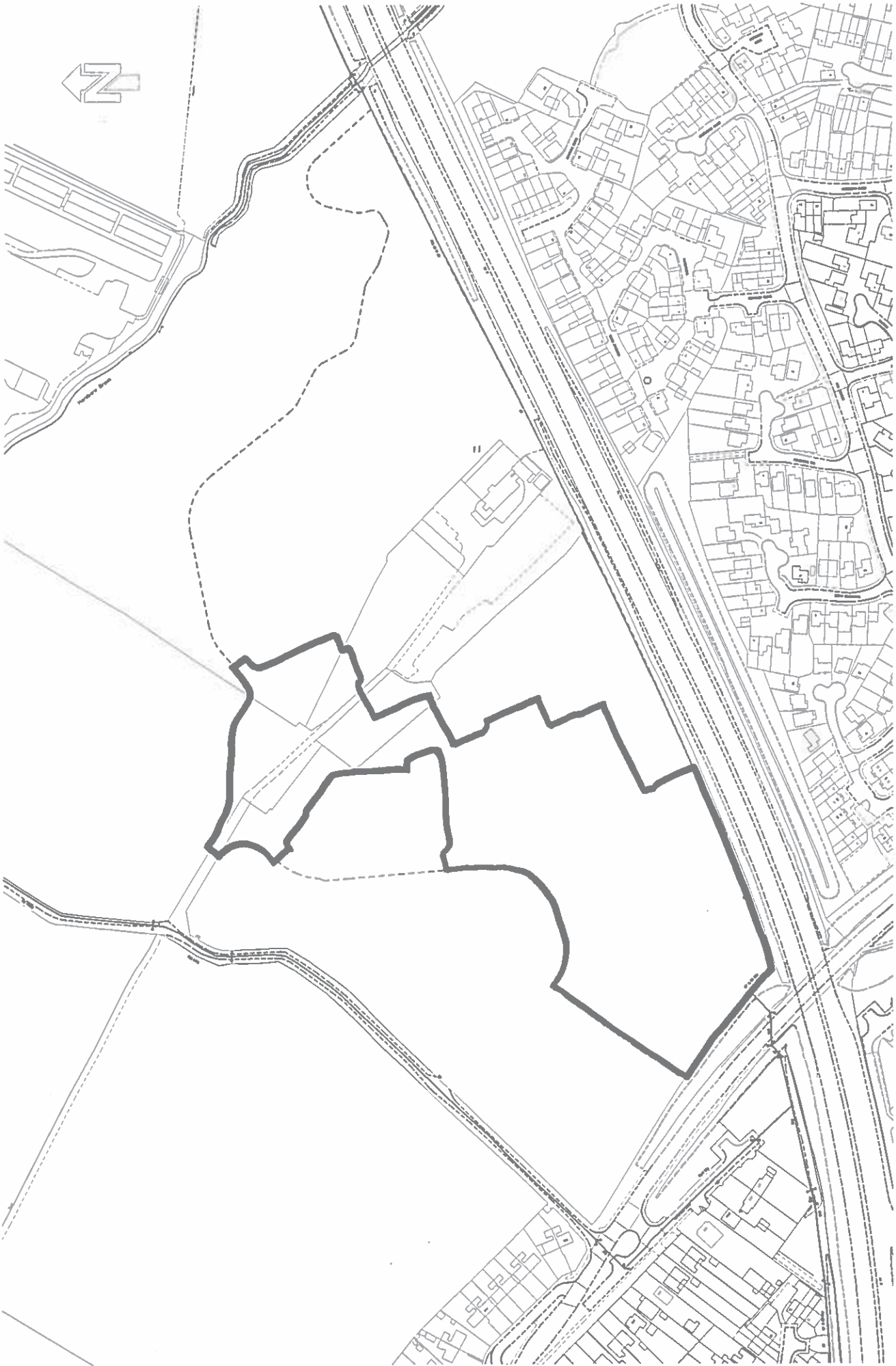
15/00814 /APP



PERSIMMON

15/00814/APP  
Application for Planning Permission  
Longford Lane, Gloucester  
Tel: 01452 312121

Location Plan 1:2500 114x160px:1 15/00814/APP Rev A



LONGFORD LANE, GLOUCESTER

114  
6361A





Key:

- Private Ownership
- Affordable - Rent
- Affordable - Shared

**PERSIMMON**  
 Affordable Housing (Home Ownership) Ltd  
 Persimmon Road, York  
 YO1 1JG  
 Tel: 01904 610000  
 Fax: 01904 610000

Longford Lane, Gloucester  
 Affordable Housing Plan  
 P-04 (rev A)

LONGFORD LANE, GLOUCESTER

115  
 6361B



## BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019

Ward	Parishes or Wards of	Councillors	Ward	Parishes or Wards of	Councillors
Ashchurch with Walton Cardiff	Ashchurch Rural Wheatpieces	B C J Hesketh Mrs H C McLain	Hucclecote	Hucclecote	Mrs G F Blackwell
Badgeworth	Badgeworth Boddington Great Witcombe Staverton	R J E Vines	Innsworth with Down Hatherley	Down Hatherley Innsworth	G J Bocking
			Isbourne	Buckland Dumbleton Snowhill Stanton Teddington Toddington	J H Evetts
Brockworth	Glebe Ward Horsbere Ward Moorfield Ward Westfield Ward	R Furolo Mrs R M Hatton H A E Turbyfield	Northway	Northway	Mrs P A Godwin Mrs E J MacTiernan
Churchdown Brookfield	Brookfield Ward	R Bishop D T Foyle	Oxenton Hill	Gotherington Oxenton Stoke Orchard and Tredington	Mrs M A Gore
Churchdown St John's	St John's Ward	Mrs K J Berry A J Evans Mrs P E Stokes	Shurdington	Shurdington	P D Surman
Cleeve Grange	Cleeve Grange	Mrs S E Hillier-Richardson	Tewkesbury Newtown	Tewkesbury Newtown	V D Smith
Cleeve Hill	Prescott Southam Woodmancote	M Dean Mrs A Hollaway	Tewkesbury Prior's Park	Tewkesbury (Prior's Park) Ward	K J Cromwell Mrs J Greening
Cleeve St Michael's	Cleeve St Michael's	R D East A S Reece	Tewkesbury Town with Mitton	Tewkesbury Town with Mitton Ward	M G Sztymiak P N Workman
Cleeve West	Cleeve West	R A Bird R E Garnham	Twyning	Tewkesbury (Mythe Ward) Twyning	T A Spencer
Coombe Hill	Deerhurst Elmstone Hardwicke Leigh Longford Norton Sandhurst Twigworth Uckington	D J Waters M J Williams	Winchcombe	Alderton Gretton Hawling Stanway Sudeley Winchcombe	R E Allen Mrs J E Day J R Mason
			<p>11 May 2015</p> <p>Please destroy previous lists.</p>		
Highnam with Haw Bridge	Ashleworth Chaceley Forthampton Hasfield Highnam Maisemore Minsterworth Tirley	P W Awford D M M Davies			