

**TO EACH MEMBER OF THE  
PLANNING COMMITTEE**

07 March 2016

Dear Councillor

**PLANNING COMMITTEE- TUESDAY 15 MARCH 2016**

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 - 161</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 15 March 2016

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(790 - 873)	(874 - 885)

**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. ( 790 - 885 )**

### **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) 15th March 2016

Alderton 15/00963/FUL <a href="#">Click Here To View</a>	Gardeners Arms Beckford Road Alderton Tewkesbury	Permit	7
Ashchurch Rural 13/01003/OUT <a href="#">Click Here To View</a>	Land South of the A46 & North of Tirl Brook Ashchurch Tewkesbury	Refuse	1
Ashchurch Rural 15/01002/APP <a href="#">Click Here To View</a>	Land off the A46 Pamington Lane Pamington Tewkesbury	Delegated Approve	11
Gretton 15/00457/FUL <a href="#">Click Here To View</a>	Orchard Lodge Gretton Road Gretton Cheltenham	Split decision	6
Hucclecote 15/01124/FUL <a href="#">Click Here To View</a>	Noake Farm Churchdown Lane Churchdown GL3 2LS	Refuse	12
Hucclecote 15/01125/LBC <a href="#">Click Here To View</a>	Noake Farm Churchdown Lane Churchdown GL3 2LS	Consent	13
Leigh 15/00750/FUL <a href="#">Click Here To View</a>	Part Parcel 6295 Blacksmith Lane The Leigh Gloucester	Refuse	2
Leigh 15/01007/FUL <a href="#">Click Here To View</a>	Vine Tree Farm The Wharf Coombe Hill Gloucester	Refuse	4
Leigh 15/01345/FUL <a href="#">Click Here To View</a>	Vine Tree Farm The Wharf Coombe Hill Gloucester	Refuse	3
Leigh 15/01373/FUL <a href="#">Click Here To View</a>	Vine Tree Farm The Wharf Coombe Hill Gloucester	Refuse	5
Tewkesbury 15/01277/FUL <a href="#">Click Here To View</a>	Site of Former Caretakers Bungalow 2 York Road Tewkesbury Gloucestershire	Permit	8

Tewkesbury  
15/01326/FUL

Cotteswold Dairy Estate Northway Lane Newtown  
Tewkesbury

Permit

9

[Click Here To View](#)

Tewkesbury  
16/00195/ADV

Various Locations Within Tewkesbury Gloucestershire

Consent

10

[Click Here To View](#)

13/01003/OUT

Land South of the A46 & North of Tirlle Brook, Ashchurch,  
Tewkesbury

1

Valid 02.10.2013

Outline planning application (with all matters reserved except access) for proposed garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works including access), car parking and landscaping.

Grid Ref 392055 233031

Parish Ashchurch Rural

Ward Ashchurch With Walton  
Cardiff

Robert Hitchins Limited

C/o Agent

## RECOMMENDATION Refuse

### Policies and Constraints

NPPF

Planning Practice Guidance

The Tewkesbury Borough Local Plan to 2011 - March 2006 - TPT1, TPT6, TPT9, TPT13, EVT5, EVT9, RET6, RET8 and LND4.

JCS (Submission Version) November 2014 - SD1, SD2, SD5, SD7, SD10, SD15, INF1, INF2, INF3

Adjacent to Major Employment site

Flood Zones 2 and 3

Public Transport Corridor (A46)

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

**Ashchurch Rural Parish Council (APRC) - Object on following grounds:**

- This Council's principal objection is against any development of the floodplain and the shoulders of the floodplain, which retain water and slow its passage through natural drainage throughout and adjacent to all of the watercourses in Ashchurch Rural Parish.
- In particular we are unable to see any way that the needs of 'out of town' shoppers can be balanced against the rights and needs of members of our community who are likely to suffer damage and inconvenience for the sake of profit and the minimal provision of jobs when this development displaces the water that would have naturally drained through the site and without development already floods and displaces water elsewhere throughout Natton and Fiddington.
- Against the loss of the rural aspect of the parish should this development go ahead, and feel that the size and nature of the development is inappropriate and too large for the outskirts of the historic market town of Tewkesbury and would be better suited to a major conurbation such as Cheltenham, Gloucester, Bristol and Worcester.
- Concerned about the 'run-off' pollution that will be naturally transmitted from the hard standings to the Tirllebrook and downstream to Walton Cardiff Village.
- The increase of traffic on the A46 will be totally unacceptable.
- Against the detrimental effect such a large shopping centre will have on the town centre businesses and historic market of Tewkesbury. We do not believe that a free or subsidised bus service to take shoppers to the town centre and Abbey will have a significant uptake when visitors to the centre will have come for one thing and one thing alone - to shop at the outlet or garden centre with easy access to the M5 motorway.

If the application does go ahead ARPC would like the following important points to be considered: Adequate flood alleviation measures and long term maintenance plan needed and traffic congestion. If permission is granted ARPC would like the following 106 items considered:

- A footpath & cycleway along Fiddington Lane to promote alternative uses of transport to the site and allow local residents safe access.
- Possibly a dedicated minibus to the parish council to transport the isolated rural residents who live in the parish to the site.
- A footpath from the top of Fiddington Lane up to the railway bridge and beyond so that residents from Ashchurch can access the site and a footpath to the traffic lights at Northway Lane with a pelican crossing facility so that residents can access the footpath/railway station.

- The proposed access shortens the safety space of queuing traffic and lessens the visibility of traffic coming over the bridge towards the lights. Access should be via traffic lights at Alexandra Way ONLY and not impose this extremely unnecessary and impractical traffic plan etc on Fiddington Lane, it's residents and the A46.

APRC has also advised that it does not support the suggested name change of Ashchurch for Tewkesbury railway station to Tewkesbury Parkway and also expresses extreme disappointment at the County Highways comments, particularly the Recommendation - 'The Highway Authority considers that this development will not have a severe impact on the local highway network.' ARPC are highly confused by this statement - the A46 is well known by all who use it (especially at peak times) that this area of the road is already near saturation point and will really struggle to take the proposed amount of traffic to/from this development.

**Tewkesbury Town Council** - Object - New design still does not resolve the car park impact on the site. The flooding implications of the development have not been resolved. The traffic implications for the A46 have not been resolved.

**Northway Parish Council** - No Objection so long as the infrastructure and flooding issues are addressed.

**Stoke Orchard Parish Council** - Concerns over Fiddington lane access, giving how already difficult it is to currently exit onto the A46. Also very concerned about increased flood liability into the Tirlbrook.

**Gloucestershire County Council Highways** - No objection subject to conditions and planning obligations relating to highway improvements; footway/cycle improvements and travel plan monitoring.

**Highways England** - Initial comment was that the TA and associated documents lacked sufficient detail to establish an informed view on the highways and traffic impact of the development proposals on its network. Several Directions were issued for non-approval of the application in order to give the applicant time to submit information required. Following the completion of further technical work and engagement, the HA raise no objection subject to highway conditions.

**Gloucester City Council** - Object on the grounds that it would be contrary to National and local planning policy. The applicant should assess the potential of other more accessible 'out-of-centre' sites to establish whether or not they could reasonable accommodate the proposal in its entirety or disaggregated elements of the proposal. Concerned about the anticipated level of trade draw from designated centres in the catchment of the proposal, including Gloucester city centre and Tewkesbury town centre, and the resulting impact on vitality and viability. Of greater concern however is that the assessment only considers cumulative impact for the application for Sainsbury's at the Trelleborg site to the north of the application site. It does not factor in the cumulative impact of other planning consents granted in the wider area, of which there are several and all of which will, to differing degrees, draw trade from designated centres and therefore impact on their vitality and viability. Loss of Strategic Employment site principally intended to accommodate Class B growth. The Tirl Brook is identified in the Joint Core Strategy draft Green Infrastructure Plan (GI) which should be taken into consideration.

**Wychavon District Council** - In making a decision on this application due regard should be given to paragraphs 26 and 27 of the NPPF and the council should take account of the impact on the proposal on town centre vitality and viability, including Evesham. If the impact is found to be significantly adverse, permission should be refused. The retail impact assessment admits that the proposed development will have an impact of 6% on Evesham Town Centre. It also acknowledges that Evesham is a struggling centre, therefore, the additional impact will be severely felt given its fragile state. However, it also states that this is not permanent and the current interest shown by Waitrose proves this. Recognition should be given to the fact this is due to Wychavon District Council's intervention to facilitate the availability of the site otherwise there would not be any commercial interest. Despite this Evesham is still in a fragile state in terms of comparison goods and any confidence could be undermined by an out of town retail development with such an impact. The development will have the greatest impact on Evesham Country Park. We were specific in terms of what type of retail is acceptable in the 2010 planning permission to minimise the impact on Evesham Town Centre and other centres including Tewkesbury. We hope that a similar rigid approach will be taken with this proposal.

**Environmental Health** - Comments awaited.

**Environment Agency** - No objection subject to a condition to secure an exemplar SUDS scheme.

**Severn Trent Water** - No objection subject to conditions.

**County Archaeological Officer** - Recommend condition for archaeological mitigation.

**Natural England** - No objection to development.

**Letter from Savills** on behalf of Stanhope Plc who is the selected developer for the regeneration of land at The Kings Quarter site in Gloucester City Centre. Object on the grounds that it would have a direct impact on the city centre and planned private/public investments at Kings Quarter, Gloucester. A further letter has been received from Stanhope plc outlining their present position in terms of the Kings Quarter Project with a projected start date of mid 2017 once the relocated bus station is completed. An Application for the development is due to be submitted in mid 2016.

**2 Letters from WYG on behalf of Gloucester Quays LLP** - Object on following grounds:

- Unsustainable development
- It would result on the loss, in entirety, of the Key Strategic Employment Site for the Borough of Tewkesbury
- Proposals are of an inappropriate scale and contrary to the role and function of Tewkesbury in the retail hierarchy.
- Would result in a significant adverse impact on existing, planned and committed investment in the central area of Gloucester.
- Fails to comply with adopted and emerging development plan strategy and the NPPF.
- Would have devastating consequences the future important redevelopment of other regeneration sites within Tewkesbury as a result of the high traffic levels and the attendant delay, congestion and road safety issues arising. This is particularly important for the redevelopment of the MOD Ashchurch site.

**Letter from Blencowe Associates on behalf of Ross Labels Factory Outlet Centre** - Would have an adverse impact on the Ross Labels Factory Outlet Centre; Contrary to NPPF as not sustainable development as customers would almost all go by car; Previous FOC in area refused on appeal and decisions should be consistent; in open countryside; contrary to Development Plan and emerging policies in Core Strategy.

**2 Letters from Eagle One Limited who own Evesham Country Park** - Would undermine the significant investment to the Country park and in consequence would undermine committed public and private investment in Evesham town centre; unsustainable; not policy compliant as out of town centre location and located on employment allocation site; scale of development inconsistent with retail hierarchy approach; Fails sequential (particularly in terms of the flexibility that is required to be shown) and impact tests.

**Local Residents** - 9 letters have been received objecting to the application on the following grounds:

- Unsuitable for site
- Would impact heavily on the vitality of the town and would be better placed within the town centre in order to draw in rather than take away.
- Garden centre could be a consideration as Tewkesbury does lack this facility of a least a competitor for the small one at Mythe Bridge
- Has opened up alternatives to using green field land and should be taken into serious consideration.
- Fiddington lane will be affected by run-off water unless thorough surveys and management and installation of robust flood defence works and undertaken
- Highways England need to monitor A46 and assess impact on this major trunk road which is already struggling to cope with current capacity.
- Fails to address the current and future transport infrastructure needs of the area
- Adverse traffic impact on A46 and Fiddington Lane
- Flood risk
- Water voles are a protected species and should be considered prior to determination
- Sewerage pumping station will fail due to flooding
- Adversely affects access to Newton Farm

One letter has been received in support of the development - best thing for Tewkesbury's future.

**Ashchurch, Tewkesbury & District Rail Promotion Group** - Support in principle the development but would wish to see reciprocal support (Section 106 monies) towards an enhanced station to be known as Tewkesbury Parkway.

**Planning Officers Comments:** Miss Joan Desmond



## 1.0 Introduction

1.1 The site comprises 21.37ha of agricultural land and lies to the east of Tewkesbury town adjacent to junction 9 on the M5 and lies immediately to the south of the Tewkesbury Business Park on the opposite side of the A46. The site wraps around the existing BP service station and includes part of Fiddington Lane to the east. The Tirl Brook demarcates the southern boundary (see attached location plan).

## 2.0 History

2.1 This site was subject of a number of applications for residential/employment use in the early 1990's but none of the applications were progressed.

2.2 In terms of planning history, reference has been made to a former application (Ref: 93/5593/0975/OUT) for a retail outlet centre on Tewkesbury Business Park in the mid 1990's (known as RAM Euro). This application was refused by the Secretary of State on the following grounds:

- i) that the development would not be accessible by a choice of means of transport
- ii) that it would encourage greater car use
- iii) that the applicant had not complied with the sequential approach
- iv) that the benefits of investment in Tewkesbury were not sufficient to overcome the above objections.

2.3 It is important to note that the above decision was made in a different planning policy context at National, Regional, and Local level and also at a time when there was little empirical evidence on the impact of Retail Outlet Centres and their operational characteristics. Ashchurch railway station was also not open at that time. As with any application, this particular proposal must be considered on its own individual merits however this previous decision is a material consideration.

## 3.0 Current Application

3.1 The current proposal seeks outline planning permission for a new garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works (including access), car parking and landscaping. The means of access is to be dealt with at this stage, but all other matters are reserved for future consideration. The Retail Outlet Centre (ROC) would provide approximately 17,545 sq.m floorspace and the new Garden Centre 8,000 sq.m floorspace. These figures are taken from the retail assessment report but do conflict with those on the application form which specifies that ROC would provide 16,795 sqm floorspace and the garden centre 7,600 sqm. In addition the application form solely specifies A1 use yet the proposed controls offered in the retail assessment discuss separate Class A3, A4 and A5 units in the retail factory outlet centre and separate A3 and A5 uses associated with the garden centre. During discussions with the applicant it is clear that a mix of uses is proposed. A combined parking provision for up to 2,112 parking spaces split between the garden centre and an area of overflow car parking is proposed with a dedicated area for coach parking.

3.2 Access to the proposed development would be via the A46 and Fiddington Lane. This would involve modifications of the existing A46(T)/ Alexandra Way junction, carriageway widening, the realignment of Fiddington Lane and its junction with the A46(T) and associated works to create vehicular, pedestrian and cyclist accesses.

3.3 Whilst the remaining matters of layout, scale, appearance and landscaping are reserved for future consideration, the applicant has provided an indicative Masterplan, Land use Parameters Plan, Access and Circulation Parameters Plan, Buildings heights and levels Parameters plan, Landscaping Parameters Plan and Indicative sectional elevations.

3.4 A design and access statement (DAS) has also been provided, which gives further information in to the likely design and layout of the development and the rationale behind the concept. An addendum to the DAS has been submitted following concerns raised by the Landscape Officer and Urban Design Officer **Copies of the Masterplan and Parameters Plans will be displayed at committee. Copies will also be displayed in the Members Lounge.**

3.5 The application has been accompanied by an Environmental Statement as required under the Town and County Planning (Environmental Impact Assessment) (England) Regulations 2011. The Environmental Statement includes assessment of the following issues:

- Planning Policy Context;
- Hydrology, Flood Risk and Drainage;
- Noise;
- Air Quality;
- Archaeology and Cultural heritage;
- Ground Conditions;
- Transport;
- Ecology and Nature Conservation;
- Landscape and Visual effects;
- Socio-Economic Effects;
- Agriculture;

**A copy of the Environmental Statement's Non-Technical Summary will be displayed in the Members Lounge**

#### **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 Policies of the NPPF include those in its section 1 (Building a strong, competitive economy), section 2 (Ensuring the vitality of town centres) and section 4 (Promoting sustainable transport). PPG on 'Ensuring the vitality of town centres' is particularly relevant to this application.

4.3 Retail Policy RET6 of the local plan seeks to protect the vitality and viability of existing retail centres.

4.4 Policy RET8 of the local plan states that proposals for new garden centres located in the open countryside will not be permitted unless they are directly related and ancillary to an existing agricultural or horticultural business; involve the redevelopment of an existing built or derelict site, or the re-use of existing buildings; do not result in an adverse landscape impact and are well related to the primary road network and do not result in any adverse traffic impact. This Policy is out-of-date and as such should be afforded limited weight accordingly. Although this site is a greenfield site, outside of any development boundary, it is a proposed strategic allocation in the JCS (Submission Version) and lies adjacent to an existing employment area and the M5. Therefore the consideration of this site through this policy is not considered to be particularly appropriate and the impact of the garden centre is considered in tandem with the ROC in the following analysis section.

4.5 Local Plan Policy EVT5 seeks to protect the ability of floodplains to perform their function of accommodating the flow and storage of floodwater, and also to protect habitable property from flooding.

4.6 Policy EVT9 requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable urban drainage systems (SUDS) criteria.

4.7 Policy TPT1 of the local plan seeks to reduce the need to travel by car and promote alternative modes of transport. It also 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. Policy TPT9 seeks to promote sustainable transport measures on the main public transport corridors (A46) and Policy TPT13 seeks to encourage the implementation of measures to alleviate traffic problems which exist between M5 junction 9 and Aston Cross.

4.8 Local Plan Policy LND4 provides that in rural areas 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 seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats.

4.10 The above local plan policies are considered to be consistent with the NPPF and are therefore considered to have significant weight.

## Emerging Development Plan

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

4.12 The JCS Submission Version November 2014 is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. In terms of the retail strategy it seeks to maintain and improve the city, town and rural service centres to ensure their long-term role and wider function, promoting their competitiveness whilst ensuring their roles are complementary. A retail hierarchy (Policy SD3) is identified with Gloucester and Cheltenham being the key urban areas and Tewkesbury next in the hierarchy as a market town.

4.13 This site is identified as a strategic employment site in the JCS (Policy SA1 (Area A9)).

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

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

4.15 On 20 November 2014 the JCS was submitted for examination and the examination hearings commenced in May 2015 and are still on-going. Having been submitted the JCS has therefore reached a further advanced stage, but it is not yet formally part of the development plan for the area and the weight that can be attached to each of its policies will be subject to the criteria set out above, including the extent to which there are unresolved objections. In this respect there are objections to Policies SD3 and SA1 (A9).

## 5.0 Analysis

5.1 The main issues in this case are considered to be the impact of the proposals on the vitality and viability of nearby centres; the use of a proposed allocated employment land; its impact on the character and amenity of the area and highway impacts.

### Retail Impact Considerations

5.2 The NPPF seeks to ensure the vitality of town centres. Paragraph 24 of the NPPF outlines the requirement for a sequential test for main town centres uses that are not in an existing centre and are not in accordance with an up to date development plan. This states that local planning authorities *'should require applications for main town centre uses to be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale'*.

5.3 Paragraph 26 of the NPPF outlines the requirement for an impact assessment for retail development outside of town centres and not in accordance with an up to date development plan. This applies to development over 2,500 sq. m unless locally set thresholds indicate otherwise. Such assessments should include:

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider area.*

5.4 The NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and/or on town centre vitality and viability, it should be refused.

5.5 A Government letter in January 2015, also reinforced the Government's town centre first policy and states that '*Ministers wish to restate policy which makes clear that where an application ... is likely to have a significant adverse impact on the town centre, as set out in the NPPF, it should be refused.*'

5.6 In view of the scale of the current proposal, the applicant has provided a full impact assessment and a Commercial Assessment which concludes that:

- *Having regard to the JCS Retail Study 2011, which identifies capacity for nearly 100,000 sqm (net) of comparison goods floorspace in the study area by 2021, the proposed development would constitute just 15% of this identified capacity in a form of development which would be complementary to the retail offer in the established town centres.*
- *The proposal would also help to boost the relatively low proportion of new floorspace identified by the JCS Study for Tewkesbury borough. The nature of the proposed retail offer, in the form of tightly controlled Factory Outlet and Garden Centre goods, is intended to provide a new retail experience to Tewkesbury and to complement existing provision in the established town and city centres.*
- *Whilst there would be some direct competition with Gloucester Quays, that development is due to increase its attraction through new investment in an enhanced leisure offer, and in any event the levels of forecast impact are not considered to be such as to result in significant adverse impact.*
- *There are a number of notable planned improvements to the key centres within the study area which will serve to strengthen their attraction and resilience over time. We do not anticipate any of this new investment would be deterred as a result of this proposal, nor should they be directly affected by the proposed development in view of its specialist nature.*
- *The proposed development would not have a significant adverse impact on investment in any of the established centres; nor would the proposals significantly adversely impact the vitality and viability of these centres having regard to the levels of trade diversion forecast in the assessment and the relative health of these centres.*
- *Any impact on consumer choice is expected to be positive in terms of broadening the retail offer to shoppers in Tewkesbury and the wider study area and introducing a new retail and leisure experience to complement that on offer in the established centres.*
- *The proposal satisfies paragraphs 26 and 27 of the NPPF and those aspects of adopted development plan policies which are consistent with that Framework.*
- *The development satisfies the sequential test.*

5.7 Letters have been received from Gloucester City Council, Wychavon District Council and various practices/consultants, as detailed in the consultations section above, expressing concerns that the proposed development would have a harmful impact on nearby centres, including on Tewkesbury Town Centre itself, and on planned private/public investments in Gloucester City.

5.8 The Council commissioned an independent retail appraisal (DPDS) of the submitted assessment which considered whether the proposal satisfies the sequential test and what impact it would be likely to have on the vitality and viability of the town centres in the study area (These include Tewkesbury, Cheltenham, Gloucester and Worcester). The appraisal focussed on the impact of the ROC as it concluded that the proposed Garden Centre was likely to have very little impact on the vitality and viability of town centres. The initial appraisal raised a number of issues in respect of the sequential test and requested further information to enable a full appraisal of the proposal. The initial findings were however that the proposal would have an adverse impact on identified town centres both in terms of their vitality and viability and planned investment, contrary to the NPPF and Policy RET6 of the local plan.

5.9 The applicant responded by reiterating the complementary nature of the proposals to the retailing offer in Tewkesbury and other established centres, particularly with regard to the proposed Factory Outlet Centre (FOC). It is widely recognised by practitioners that there are clear qualitative differences between the retail offer in FOC's and those generally found in town and city centres such as Tewkesbury and Gloucester. FOC's operate by creating a critical mass of stores that attract visitors from a wide catchment. They tend to target high end designer fashion and homeware retailers and discounted goods which would not normally be found in town centres. It is also pointed out that planning conditions are proposed to control the nature of the proposed operation both in terms of the FOC and the Garden Centre including preventing the sale of DIY goods.

5.10 In terms of the sequential test further assessment work has been undertaken by the applicant on some of the 31 sites identified in 6 centres including Tewkesbury, Cheltenham, Gloucester, Evesham, Great Malvern and Worcester. It is however contended by the applicant that a smaller FOC at Ashchurch would not

be successful and therefore would not be able to deliver the benefits which have been identified would flow from the proposed development. Nevertheless, it is stated that a flexible approach has been adopted to the sequential approach as required by policy in considering what contribution alternative sites are able to make individually to accommodate the proposal. The response concludes that:

- *The scale of the proposed development is necessary in order to be viable and there is strong justification for the combined FOC and Garden Centre;*
- *Both the FOC and the Garden Centre provide the type of retail offer which is not typically found in town centres. For these reasons the proposal is considered to 'complement' rather than 'compete' with Tewkesbury town and other established centres;*
- *As a consequence we do not consider there would be a sizeable level of 'job substitution' nor do we consider there will be a significant adverse impact on existing, committed and planned public or private investment in the principal centres within the catchment area;*
- *The proposed development will not result in a significant adverse impact on town centre vitality and viability. We have reviewed our economic assessment and provided sensitivity tables to further justify this conclusion including revisiting the turnover of the main centres from household survey and the turnover and trade draw of the proposals, with particular emphasis on the FOC;*
- *There are not considered to be any sites which are sequentially preferable to the application site having regard to their suitability, availability, and viability for the proposed development, even adopting a flexible approach regarding scale and format. Indeed, DPDS recognise that FOCs are not readily designed to fit into town centres and that easy access to the motorway and trunk road networks is important to the success of the FOC; whilst we have not relied on this, a number of sequential sites could be eliminated on this basis alone;*
- *There are a number of reasons why the Secretary of State's decision in 1996 is not considered to be a relevant determining factor in this case. The fact that the proposed development, by its nature, may encourage greater car use, is not the relevant policy consideration as confirmed by the NPPF; rather decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. We maintain the application site delivers against these objectives;*
- *The proposed development is consistent with relevant and up-to-date planning policy. The emerging strategic employment allocation in JCS and the obsolete and dated Local Plan policy RET8 should be afforded appropriate weight accordingly;*
- *The proposed development is estimated to generate 818 individual jobs.*

5.11 Following lengthy discussions with the applicant and the submission of further information, the Council's retail consultant reached the following conclusions:

- The applicant has met the sequential test.
- The proposal would not, on its own have a significant adverse impact on the Tewkesbury town centre, but the combined impact of the proposal and the permitted Sainsbury foodstore would. Unless there are material considerations which would outweigh that objection, the NPPF indicates that planning permission should be refused.
- The proposal would represent a significant risk to the planned investment in Gloucester City Centre.
- The employment generation and wider contribution to the local economy might outweigh the harm to the town centre. It is considered that there would be employment benefits in the Tewkesbury area in the proposal, but these would be offset to some extent by job losses elsewhere. In terms of job generation it is considered that any estimate is highly uncertain because retail employment is more related to sales than floorspace but that the applicant has overestimated employment benefits considerably.

5.12 In response to this conclusion the applicant has responded as follows:

1. *Insufficient regard has been given to the complementary nature of the retail offer at the proposed FOC/Garden Centre relative to the retail provision in Tewkesbury town centre. We do not agree that the proposed FOC would enjoy a turnover of £70m or that a significant adverse impact will result on Tewkesbury town centre.*
2. *We contend that we have substantiated that linked trips and the associated spin-off benefits could more than offset the anticipated trade diversion.*
3. *We have considered at length the potential impact of the proposal on existing, committed and planned public and private investment in centres in the catchment area of the proposal. The impact on Kings Quarter in Gloucester has been a key consideration as part of this analysis. However, this is based on the assumption those retail schemes are competing for the same target operators; that is not the case here. The Kings Quarter redevelopment*

*would cater for the more mainstream comparison goods shop rather than the infrequent, specialist shop which FOC's attract. As previously stated we therefore contend that the proposals will not represent a risk, significant or otherwise, to the planned investment to the Kings Quarter development. In this respect it is argued that:*

- *The operation of the FOC is proposed to be controlled via a range of planning conditions which restrict its function and the type of goods that can be sold*
- *The promoters Stanhope, have reconfirmed their commitment to Kings Quarter in the full knowledge of our proposals*
- *Any delays to bringing forward the Kings Quarter redevelopment are the result of wider market conditions and site specific complexities, not the possible existence of a FOC at Ashchurch*
- *The forecast impact of the proposed FOC on Gloucester City Centre is around 3.6% prior to the introduction of Kings Quarter. Following its introduction the impact falls to 3.2% based on a conservative assessment of that scheme's turnover. We do not consider this to be a level of impact which can be regarded as 'significantly adverse'*
- *Savills have submitted an objection to the proposed FOC on behalf of Stanhope but this is based more on concerns over impact on Gloucester City Centre overall (based on an erroneous methodology by Savills) and compliance with the sequential approach rather than impact on investment per se. Nowhere in this letter does Stanhope state that the proposal will result in the Kings Quarter scheme not coming to fruition.*

5.13 Following further discussions with the applicant additional independent retail advice has been sought (GVA) and this assessment concludes that on the sequential test, GVA do not consider that the applicant has yet properly explained how flexible it can be over the proposed retail uses although it is arguable that the applicant has possibly gone further that it needs to in terms of how it assesses alternative sites. Therefore, if the Council is satisfied that the actual assessment of alternative sites is robust then GVA consider that even if the applicant employed a greater amount of flexibility in terms of site size but excluded disaggregation then it is unlikely that a suitable site would be found.

5.14 In terms of impact GVA has concluded the proposal is likely to have a significant adverse impact upon the health of Tewkesbury town centre and Gloucester city centre. In relation to Tewkesbury, GVA have reached this view based upon the proximity of the proposal to Tewkesbury and its potential to offer a rival retail destination to the town centre, including a significant amount of floorspace capable of selling a wide range of comparison goods supplemented by a large amount of food and beverage uses. This would make the site very attractive to the local shopping population and is, in the opinion of GVA, likely to lead to a diminution in the role of Tewkesbury town centre. Consideration of controls offered by the applicant has been taken into consideration in the assessment.

5.15 In relation to Gloucester city centre, GVA consider that it is likely that there would be a large trading overlap with the current proposal, competing particularly for clothing and fashion shopping trips. This level of competition is coupled with the relatively poor performance of the city centre in recent years, including a loss of market share and lower than expected turnover growth. As a consequence of these factors, GVA consider that the city centre is vulnerable to even relatively small impacts and the scale and type of impact from the proposal is likely to lead to significant adverse harm.

5.16 In relation to impact on investment, GVA support the general approach of the advice provided by DPDS, which has focused in on the key issues of impact on investment in Tewkesbury town centre and Gloucester city centre. GVA consider that the focus in Tewkesbury town centre is likely to be on the impact on existing investment and have reached the conclusion that the proposed development is likely to have a significant impact on existing investment due to the scale and type of retail floorspace proposed and its proximity to the town centre. The same considerations could also apply to the impact on investment in Gloucester city centre, bearing in mind the lack of sufficient expenditure capacity. However, GVA recommend that before the Council can reach a final conclusion on this impact test that further information is sought from Gloucester City Council. This information is still awaited and **Members will be updated at Committee.**

5.17 The applicant has offered a package of mitigation measures including £675K towards Tewkesbury Borough Council initiatives and measures to enhance the attraction of the town centre and increase in footfall and a commitment towards providing and maintaining an interactive Tourist Information point in the ROC promoting attractions in the town centre. These initiatives are in addition to the transportation measures including enhanced bus services between the railway station, ROC and the town centre. No mitigation measures are proposed for Gloucester city centre. It is not considered that the mitigation measures proposed would address the likely significant adverse impact on the vitality and viability of these centres.

5.18 In conclusion the sequential test has been satisfied and there are no alternative, sequentially preferable sites for this development in nearby centres. Whilst there is clearly disagreement between the applicant and the Council's retail consultant (GVA) on the impact of the development on nearby centres, the Council's retail consultant concludes that the proposal is likely to have a significant adverse impact upon the health of Tewkesbury town centre and Gloucester city centre. In terms of impact on investment it is also considered that the proposal is likely to have a significant impact on existing investment in Tewkesbury town centre and a similar impact is also likely on investment in Gloucester city centre but further evidence of this is awaited from Gloucester City Council. Whilst it is recognised that there would be some employment generation and wider contribution to the local economy, these benefits would not outweigh the harm to both Tewkesbury town centre and Gloucester city centre. The harmful impact to these centres weighs heavily against the development. The mitigation measures proposed would fail to address this harm.

#### **Use of allocated employment site**

5.19 The application site is identified in the JCS (Submission Version) as one of the Strategic Allocations and is covered by Policy A9: Ashchurch Strategic Allocation. This policy looks to allocate this land for approximately 14 hectares of employment land which would make a significant contribution to the supply of employment land required to meet the needs of the JCS area. The NPPF, as well as the JCS (Submission Version) recognises that 'employment' should be considered in a wider sense, outside just tradition B class uses, and can include retail development that are also large job generators.

5.20 The Planning Policy section initially commented that there would be no objection in principle to the proposed retail use on this site as it would be broadly in line with the employment aspirations set out in the draft JCS (Submission Version). Following the JCS examinations sessions it is recognised however that the issue of suitable types of employment for the employment allocation sites remain unresolved. Ashchurch/J9 is one of the most popular and successful areas in the County for high quality/hi-tech business and the needs of existing and new businesses looking to expand/relocate to the area should continue to be provided for. This is why the JCS is seeking to allocate land in this location and there is concern that the proposed development would affect the ability of this successful area to accommodate the needs of the existing and potential new businesses which are so crucial to the economic success of the area.

5.21 The JCS continues to count this site towards its future supply against the B class employment land need of 192ha and a proposed amendment to the employment policy SD2 has been submitted to the EiP which would seek to ensure that employment land at Strategic Allocations would be predominantly for B class use. In this case the whole of the allocation site is to be used for retail use and as such it would result in the loss of land for Class B (Business) type employment uses which would be a disbenefit and weighs against the scheme in the planning balance.

#### **Landscape and Visual Impact**

5.22 One of the core planning principles of the NPPF is to contribute to conserving and enhancing the natural environment and this core principle is reflected in Policy LND4 of the local plan and Policy SD7 of the JCS (Submission Version) and as such these policies should be accorded considerable weight. The Tirlle Brook is also identified in the JCS Green Infrastructure Strategy and is covered by Policy INF4 which seeks to conserve and enhance this green infrastructure network.

5.23 The application site reflects the landscape character type Settled Unwooded Vale as recognised within the Gloucestershire Landscape Character Assessment. The site and the surrounding area directly to the south and east is a soft, gentle undulating to flat landscape with medium to large irregular fields. The area has mixed arable and pastoral land use enclosed by a hedgerow network forming a strong landscape pattern. There are limited woodlands and hedgerow trees within the area. The M5 borders the west boundary which divides and cuts the pattern of the surrounding rural landscape. There is also a network of public rights of way to the south and east of the application site, some providing clear views of the site. The Gloucestershire Way national trail lies within close proximity to the south of the site which leads from the elevated and prominent Oxenton Hill to the south east. To the north lies the A46 which together with the M5 to the west is a major visual influence on the sites character. To the north of the A46 industrial units and a small business park has been developed. There is also a small number of isolated farms scattered within the surrounding landscape with the closest being Newton Farm to the east.

5.24 The submitted Landscape and Visual Impact Assessment (LVIA) concludes that the overall landscape and visual effects of the proposed development would result in the loss of openness and a corresponding extension of the current urban area into open countryside. This would result in a new urban edge being created to the north of Tirlle Brook where presently it is formed by the alignment of the A46

highway. The LVIA states that structural landscaping to mitigate potential impacts would create a natural edge to the development which would reduce the visibility of the new development, existing highway and existing commercial buildings to the north of the application site. This vegetative margin would mitigate visual impacts both to existing public rights of way and residential properties south of Tirlle Brook. Most significant effects are likely to be experienced on Fiddington Lane from Newton Farm to the bridge over Tirlle Brook. Proposed landscaping along the application boundary with Fiddington Lane would establish a vegetative buffer that would screen new built form and retain a rural character to the lane. Whilst this could not mitigate the loss of openness presently experienced it would screen views of the commercial structures and highway presently experienced on the lane. The landscape and visual assessment concludes that the landscape and visual effects resulting from the development would be acceptable in the context of the potential benefits arising from the development. These benefits include the creation of a new natural landscape edge to the development which would provide a buffer between the current commercial area of Ashchurch and the open countryside to the south of Tirlle Brook.

5.25 The Council's Landscape Officer (LO) advises that the site does not have any national or local designations within or adjacent to its boundaries. It has few landscape features within it worthy of retention and therefore has a reduced landscape value. However, the open character of the field itself does form part of the overall landscape character of the area and contributes to the rural, agricultural open environment to the south of the A46. The main landscape feature is the Tirlle Brook which meanders from east to west making the southern boundary of the site irregular. The few landscape features associated with the brook and current land use being heavily managed reduces its sensitivity to accommodate change.

5.26 The LO felt that the proposed indicative master plan did not appear to consider views of the site, particularly those from nearby rights of way, or the rural open landscape. The southern boundary of the development had a hard line and did very little to integrate or respect the surrounding existing flat landform. It was evident that the LVIA has not influenced the design of the retail buildings and therefore had led to an unengaged frontage to the north and poor design along the southern boundary. In addition, the sheer size and mass of the units, reaching over 15m in height, would also contribute to the harmful visual impact on the predominately flat rural landscape despite having the backdrop of the existing units north of the A46. The vast areas of car parking especially the multi-storey units also contributed to the adverse effect. Whilst in principle there was felt to be no strong objections to the development of this site, it was considered that a better informed design reflecting the outputs of the LVIA would be more appropriate for the site. The design should allow the smooth transition and integration of the development into the surrounding rural area.

5.27 In response to the comments raised, the applicant has submitted an Addendum to the DAS. This seeks to demonstrate how an appropriate design approach, combined with a landscaping scheme, could achieve an acceptable development in design, landscape and visual impact terms within the set parameters. In developing the proposed masterplan, the views of the site from local public rights of way have been considered and a Green Infrastructure and Landscape Strategy Plan has been produced. This plan includes the following mitigation measures:

- Location of developable areas close to the existing employment sites along the A46 to minimise the magnitude of change to the landscape.
- Provision of breaks within the massing of the new built form to retain glimpsed views of the rural vale landscape.
- Tirlle Brook watercourse and open land to the north of the Brook to be retained and protected. This area would include planting and integrated SUD's. The open land adjoining the Brook would become an area of species rich grassland which would maintain an open setting for the watercourse and its riparian vegetation. This would offer partial screening and would help the transition to the rural landscape.
- Reinforcing the existing structure planting alongside the M5 slip road to maintain the separation of the development from the landscape and motorway. Maintaining a green corridor along the A46 through two styles of planting. The first would use native species in a formal manner on either side of the junction opposite Alexandra way. This would act as a 'window' to the site and would enable glimpsed views of the rural vale landscape and distant Cotswold Hills. The second would be a whole hedgerow surrounding the service station through to the improved junction at Fiddington Lane. This native structure planting would continue along the eastern edge of the development and would provide screening from the access road and Newton Farm.

5.28 Following further discussions with the agent, further revised illustrative plans have been submitted which seek to address the concerns in respect of views from the south and the hard outer edge of the proposed multi storey parking areas. The plans indicate the removal of the above ground decked parking building to the south.



5.29 In conclusion, the principle of development on this site is considered to be acceptable given its allocation for employment use in the JCS; the landscaping parameters plan indicates proposed Green Infrastructure and visual buffers to help mitigate its visual impact on the landscape; and the revised Parameters Plan would ensure a softer edge to the development when viewed from the south. There are some doubts as to whether the scale and form of development proposed could be accommodated on this site in an acceptable way, however, on balance, it is considered that these matters could be addressed at reserved matters stage.

### Layout/Design

5.30 The NPPF sets out that the Government attaches great importance to the design of the built environment (paragraph 56). Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 57 the NPPF advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Similarly Policy SD5 of the JCS (Submission Version November 2014) seeks to encourage good design and is consistent with the NPPF and so should be accorded considerable weight.

5.31 Most matters relating to design and layout are reserved for future consideration but the application includes the proposed means of access. The application has however, been supported with an indicative layout which illustrates how the site could be developed. The application is also supported with a design and access statement (DAS) and parameter plans. The DAS states that it is anticipated that the Garden Centre would be located on the western part of the site and the retail outlet on the eastern part. This is primarily because the eastern part of the site is larger than the western part and therefore, suits the larger development area requirements of the retail outlet. The more irregular development area to the west is also more suitable for the location of the outdoor sales area of the Garden centre which does not need a regular shaped footprint. The separation of the delivery and distribution of goods from customer traffic is an important requirement. The DAS advises that the retail experience and the safety of shoppers is significantly enhanced if the lorries are separated from cars at the earliest opportunity and loading areas are discrete and separate from customer parking. In this case loading is proposed to be located on the northern boundary adjacent to the A46 and customer parking to the south and east. An existing hedge running along the northern edge of the site would be reinforced which it is argued would provide an enhanced frontage to the development and to screen the loading areas from the road. The buildings would have a maximum height of 14.5m (Garden centre) and 15.5m (Retail Outlet buildings). A decked parking area is proposed around the eastern and southern edges of the retail outlet units which would have a maximum building height of 5.5m. The car parking for the garden centre is indicated to be at ground level at levels to suit stepped buildings.

5.32 The Urban Design Officer (UDO) commented that while some aspects of these proposals are felt to have a potentially positive impact on the quality and functionality of the area (the garden centre), there are other elements (the retail outlet village) that in their current form would exert too harmful an impact on the quality of the area. He considered that the retail village in particular did not appear to be striking the right balance of development, and this appeared to mitigate against the scheme being able to take relatively obvious opportunities to improve how it would integrate into and engage with its setting. It was difficult to see how the proposals were actively seeking to improve the character and functionality of the area. The UDO had particular concerns about the relationship with the A46 and wider open landscape setting. In respect of the wider landscape setting it was felt that the multi-deck parking would create an enclosed, canyon like character to the principal area of public realm.

5.33 The addendum DAS has sought to address these concerns and explains the rationale for the loading areas being located alongside the A46 as it is a less sensitive boundary in terms of long-range views into the site from the open countryside and it is argued that structural landscaping would create a strong frontage and screen the loading areas. The step down in levels it is argued would also enhance the opportunity to make these loading areas discrete. The DAS states that some decked parking is required to meet parking standards but that landscaping could be used to soften and mitigate its impact. It is considered that a detailed scheme design at reserved matters stage would ensure that the proposed development is acceptable in terms of mitigating the visual impact of views from the south. The buildings would have steeply pitched roofs to reflect traditional buildings in a rural context. These roof pitches, together with opting for a mono-pitch roof for the retail units would also give the option for PV panels.

5.34 The UDO has commented that whilst the application is in outline form, the submitted design proposals would play an extremely important role in setting out the actual physical parameters of any subsequent Reserved Matters application. It is however, recognised that the inherent nature of this type and scale of development, and the fact that the extent of the site is limited by floodplain to the south, means that it would be difficult to address some aspects of accepted good urban design practice. An example of this is

how the development is unlikely to be able to provide a significant active frontage to the A46 due to the complex servicing requirements of the development. It is accepted that placing the servicing areas to the northern side of the development would be less damaging to the overall character and quality of place than placing them to the developments southern edges.

5.35 It is accepted that the proposed landscape mitigation strategy would soften views of the development from the wider landscape setting, but it is felt that it would not address the issue of failing to create a good sense of place. Further details have been submitted to indicate that the car parking along the southern boundary would have ground level parking with lower level parking (3m lower) although the decked parking area along the eastern boundary is proposed to remain.

5.36 In response to previous concerns raised in respect to the height and scale of the architectural design, the addendum DAS states that there would be scope to reduce the overall heights of buildings in any future Reserved Matters application. It should be noted however, that this application would fix the physical parameters for the proposed development. As highlighted above, the maximum height for the retail outlet buildings is stated as being 15.5m and it would be difficult to require buildings to be of a lower height if these parameters are agreed. Although some improvements have been made to the application, concerns in respect of the impact of the retail outlet village on the character and functionality of the area have not been successfully addressed. Achieving an appropriate quality of design is recognised in the NPPF as a key strand of sustainable development. Consequently, the proposal does not adequately demonstrate that any subsequent reserved matters application would achieve good design. This weighs against the proposal in the planning balance.

### **Accessibility and Highway Safety**

5.37 Section 4 of the NPPF 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. Paragraph 32 states that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure. Furthermore, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Similarly policies INF1 and INF2 of the JCS (Submission Version) seek to provide choice in modes of travel and to protect the safety and efficiency of the transport network.

5.38 A Transport Assessment (TA) has been submitted as part of the ES which states that in the interests of sustainability measures to encourage walking, cycling and public transport travel and to mitigate the additional travel demand as well as generally improving the surrounding transport infrastructure are proposed. The TA concludes that with the implementation of the mitigation measures, the additional demand would be safely and satisfactorily accommodated on the local transport network. The overall residual impacts of the proposed development in transport terms are likely to be neutral / no effect - low to moderate adverse. Low - moderate beneficial effects are likely in the PM peak hour for Driver Delay, where the mitigation measures have a wider benefit. In addition, further information has been submitted by the applicant detailing other highways related benefits of the scheme including:

- *The retail proposal would generate significantly less traffic during the critical weekday AM and PM peak periods than that of a traditional employment development comprising a mix of B1, B2 & B8 employment generating uses.*
- *The site access arrangements and associated A46(T) improvements increase the capacity of the A46(T) which traffic modelling has shown mitigates the impact of the proposed development. Furthermore, a financial contribution towards an improvement of the A438/Shannon Way junction would be provided which would deliver significant improvements to the operation of the local highway network.*
- *The proposals not only deliver an acceptable highways solution for the development itself, they offer the potential to enable future important developments along the A46(T) corridor to be realised through safeguarding sufficient land along the frontage of the application site for future highway improvements should these be deemed necessary to facilitate planned growth identified in the JCS. Therefore the proposed development would not prejudice the development of other sites in the JCS coming forward.*
- *The provision of a shuttle bus service connecting the retail development with Ashchurch railway station and Tewkesbury town centre during the weekends and other peak times such as Bank Holidays, would encourage visitors to the retail outlets to travel by rail via Ashchurch Station, and encourage 'linked-trips' for visitors to travel between the retail outlets and Tewkesbury town centre.*

5.39 Highways England (HE) who are responsible for the Strategic Road Network (A46/M5) originally advised that insufficient information had been provided in support of the application and various Holding Directions were issued to enable this information to be provided and assessed. Following the submission of further technical information and detailed discussions with the applicant's highway consultants the HE now confirm that, whilst the development proposals would give rise to increased congestion and delay on the A46, and increased queuing impacts at M5 junction 9, these outcomes would not be so severe as to justify the refusal of planning permission. Further, that subject to the imposition of relevant planning conditions, the overall safety and efficiency of the SRN in this location would be adequately protected. The works which are considered necessary to make this development acceptable to the HE comprise widening and signalisation works to the A46, and enhancements to the Fiddington Lane access (**see attached plans**). In respect of the junction 9 slip roads, HE have reviewed the relevant design and technical submissions and is content that that the development trips could be accommodated, albeit that the existing design and layout of the slip roads would not be compliant with the relevant standards as are required by the Design Manual for Roads and Bridges (DMRB). It follows that a 'departure from standards' would need to be agreed with HE. HE raise no objection to this development subject to the imposition of conditions to ensure the necessary highway improvement works are undertaken.

5.40 County Highways (CH) is responsible for the local highways network and has commented as follows:

#### *Access Proposals*

5.41 The proposed primary access off the A46/Alexandra Way junction would provide a fourth arm to the south. This junction would ban the right turn from the site access, with that traffic using the eastern access. This is done to achieve a more efficient flow of traffic, but it could result in drivers being unaware and thus turning left and needing to U-turn at the M5 Junction 9. CH however considers that this is unlikely to be a major issue and the benefit of banning the right-turn outweighs the potential capacity issue of an increase in U-turning traffic.

5.42 The second access involves realignment of Fiddington Lane into a new signal controlled junction to replace the existing priority junction. This would form part of a left-right staggered junction with Northway Lane. The two accesses would be joined by an internal link road with roundabout junctions to distribute the traffic. The applicant has satisfied CH that there are suitable solutions which could be delivered within the land available to address their concerns which relate to the junction being able to accommodate large vehicles (HGV's), including the turn into the north access to Newton Farm. A prohibition of driving order is likely to be required to prevent the right-turn from the north Newton Farm access, which would be physically prevented by a central island. Access has been designed to be compatible with HE Pinch Point proposals.

5.43 Pedestrian/cyclist access would be provided from the existing footway/cycleway along the north of the A46. The link across the M5 Junction 9 would be improved as part of the HE pinch point scheme. Pedestrians/cyclists would therefore need to cross the A46 to access the site. Signalised crossing facilities are proposed at the Access Junction with Alexandra Way. The use of Fiddington Lane is also proposed to form a segregated pedestrian/cyclist route which is welcomed. A signalised crossing is proposed across the A46. The developer also proposes to contribute to the funding of footway/cycleway improvements on the east side of Northway Lane which would provide improved facilities for employees and customers travelling between Northway and the Proposed Development.

5.44 The development proposes to provide a shuttle bus between the site, the railway station and Tewkesbury town centre to enhance opportunities to travel by bus and train and to encourage "linked-trips" for visitors to travel between the retail outlets and Tewkesbury town centre. This would be co-ordinated with rail services at Ashchurch Railway Station. Whilst CH recognise the benefits of such a service they are concerned about the impact on the viability of existing services which are currently subsidised by the County. The applicant has developed the bus operation proposals to address these concerns. The bus is proposed to operate on weekends and Bank Holidays when there is the greatest visitor demand. It would have three stops; Ashchurch Railway Station, Tewkesbury town centre and the Outlet Centre, and would operate at a 20-minute frequency. Connection with the station would be free of charge, whilst travel between the Outlet Centre and the town centre would be charged at the same rate as the public service, but refundable with proof of purchase of goods. Public bus stops are available on the A46 to the west of the western access and on Northway Lane.

#### *Highways Impact*

5.45 CH consider that the traffic impact of the proposed development on the A438-A46 corridor is not severe, subject to the contribution to the A438/Shannon Way improvement scheme being provided. In terms of the local road network, modelling indicates that queue lengths (am and pm) on local roads including Alexandra Way, Shannon Way, Northway Lane and the A438 approach to the M5 Junction 9 at their junction with the A438/A46 corridor would be similar with or without the development in place. There will be an increase in queue lengths on Northway Lane but this is not considered to be severe.

5.46 CH has been developing a package of measures to address congestion on the A438 between the junctions with the A38 and the M5. This includes a concept design for improvements at the A438/Shannon Way junction. This would provide an additional eastbound exit lane from this junction, enabling ahead traffic on the A438 to use both lanes at the junction with Shannon Way. This also has the benefit of improving the A438 capacity at the M5 Junction 9 by providing two full lanes for the length of this approach, as opposed to a single lane plus a flare as at present. This improvement scheme would provide significant benefit to the proposed development by improving its accessibility.

5.47 CH considers that this development will not have a severe impact on the local highway network and recommend that no highway objection be raised to this application, subject to the conditions being attached to any permission granted and planning obligations relating to highway/footway/cycleway improvements and Travel plan monitoring fee.

#### *Prematurity*

5.48 In responding to the application however HE has also advised that *'The implementation of the current proposal for the retail outlet centre and garden centre would result in the remaining highway capacity on the A46 and M5 junction 9 being utilised, such as to limit the scope to accommodate any significant future proposals on the SRN in this location. Development on the application site would also limit the scope for any major improvement to junction 9.'* HE conclude that *'There is a risk that future proposals for development on identified strategic sites may be found to be unacceptable on highway grounds, due to capacity constraints on the A46 and M5, junction 9 and the attendant delay, congestion and highway issues.'* In the light of these comments, it is necessary to whether, if this development proposal were to be implemented, there would be any prejudice to the delivery of the allocated strategic site (A8 - MOD Ashchurch) in the emerging JCS.

5.49 In this respect an analysis of transport modelling work to inform the JCS is being undertaken and a separate study of options for improvements at M5 junction 9 and on the A46 has been commissioned. The ongoing analysis of this area is indicating that significant improvements to the A46 may be required in future and this would likely require more extensive improvements around the M5 to facilitate new infrastructure.

5.50 The applicant has provided details of suggested highway improvements and how these works could be accommodated within the safeguarded land which they are proposing as part of the application.

5.51 In respect of the proposed safeguarded Land, HE have advised that, with the information available, there remain concerns that there is insufficient land set aside to accommodate potential infrastructure improvements identified for the A46 - M5 J9. HE also consider that further information on the proposed improvements is required in order for them to carry out a proper analysis. For such an analysis to take place the highway improvements scheme would need to be drawn up to a full build-ready stage and until such time it is not possible to confirm whether the safeguarded land proposed in this application would be sufficient. Even if a fully designed scheme were to be produced, the ongoing modelling work being undertaken through the JCS means that at this stage it is not possible to know what the final solution and required design specification would be.

5.52 Due to these uncertainties and possible requirement for more extensive infrastructure improvements, the Council is not in a position to confirm that the safeguarded land as proposed would be adequate. In terms of the impact of A46, further initial analysis is being undertaken which suggests that, a more extensive solution along this corridor may be required in future.

5.53 In response to these concerns the applicant believes that they have provided clear and comprehensive information to justify the area of land to be safeguarded and that is not disputed. They also refer to guidance in the PPG on prematurity and case law. The PPG provides that prematurity is unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account. It advises that such circumstances are likely to be, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging local plan or Neighbourhood Planning and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

5.54 The applicant argues that there has to be evidence to demonstrate "*the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits*" and that moreover granting permission for the development of this site which is an emerging JCS allocation cannot "*predetermine decisions about the scale, location or phasing of new development that are central to an emerging plan*". It is argued that the prematurity argument flies in the face of the PPG and the urgency injected by both the NPPF and the Planning for Growth agenda.

5.55 In conclusion, in terms of the safeguarded land the Council is not in a position to confirm whether this is adequate but it is acknowledged that the applicant has done all they can to safeguard land required for improvements to the A46/M5 junction. It is however clear that this development would add to the existing capacity constraints in this area which, without fully understanding the impact of all development planned in this area and the infrastructure improvements needed to deliver it, could prejudice the delivery of growth. It is considered therefore that the issue of prematurity remains unresolved however it is recognised that there is insufficient evidence at this stage to justify a refusal on these grounds.

#### *Conclusion on transport related matters*

5.56 In terms of accessibility and highway safety both HE and CH consider that this development would not have a severe impact on the strategic and local highway network and that the development would be accessible by sustainable transport modes. In terms of prematurity, it is not yet known what impact all of the development planned in the area would have or what the infrastructure improvements needed to deliver it would be. The comments of Highways England are noted in that it is possible that the proposals could prejudice the delivery of planned growth in this area, however HE do not object to the application and it is considered that there is insufficient evidence to justify refusal on these grounds.

#### **Ecology**

5.57 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. This advice is reflected in Local Plan Policy NCN5.

5.58 An ecological assessment has been carried out on site which has been submitted as part of the application. The report concludes that the site is of low ecological value. The proposals would provide the opportunity to enhance the ecological interest of the site through the provision of areas of species-rich grassland within the Tirlle brook floodplain zone, new landscape / buffer planting, new tree planting and the creation of new attenuation ponds, providing green links through the site in particular along its southern boundary. No significant adverse impacts are considered to arise on any statutory designated sites and the protection of the Tirlle Brook would ensure there are no adverse effects on the Walton Cardiff Newt Ponds.

5.59 The loss of habitats of greater interest such as sections of hedgerows and the copse, would be offset by new areas of tree and landscape / buffer planting of a greater area than that lost. The creation of new species-rich grassland within the Tirlle Brook floodplain zone would provide new and enhanced foraging opportunities for Badgers, and provide a safe dispersal route for this species. The planting of new landscape / buffer planting and hedgerows within the site, would provide new navigational and foraging opportunities for bats. The erection of bat boxes would provide new roosting opportunities over the existing situation. Provisions would be made to ensure no Otters are disturbed during the construction and operational phases of the development proposal. The creation of species-rich grassland within the Tirlle Brook floodplain zone would likely provide enhanced habitat for Otters. Measures have been put forward to avoid impacts on nesting birds and to enhance foraging and nesting opportunities post-development. The creation of new habitats as part of the Landscape Proposals would maximise the assemblage of birds attracted to the site post-development and the provision of bird boxes would also provide new nesting opportunities for birds.

5.60 The ecological assessment concludes that with the mitigation proposed, the proposed development would not result in any adverse residual impact on habitats of species of any significance, and there would be no net loss of features of ecological importance. Following mitigation and enhancement measures, overall impacts are considered to be positive at the local level and would ensure no net loss in biodiversity terms.

5.61 Natural England (NE) has advised that based upon the information provided, the proposal is unlikely to affect any statutorily protected sites or landscapes or European Protected Species. The authority is advised to consider securing measures to enhance the biodiversity of the site. NE also recognises that the development may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

5.62 In light of the above, there is no evidence to suggest that there are any overriding ecological constraints to the development of the site. The proposals would deliver a net benefit for wildlife which could be secured through appropriate planning conditions.

### **Heritage Assets/Archaeology**

5.63 The NPPF seeks to conserve the historic environment and advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

5.64 The Heritage/Archaeology Statement in the ES states that there are no designated or non-designated heritage assets of the highest significance situated within the site itself, nor within its immediate proximity, such that the proposed development would have cause to harm their associated setting. During construction, the proposed development would result in a long term adverse environmental effect on an area of heritage sensitivity identified within the north-western extent of the site. However, the ES concludes that implementation of an appropriate programme of archaeological investigation and recording phased ahead of, and/or during, development, would serve to mitigate this effect and overall result in a minor beneficial residual effect through increasing our knowledge on the archaeology and historic landscape of the area.

5.65 The County Archaeological Officer (CAO) has commented on the submitted Heritage Statement and other supporting reports undertaken to investigate the archaeological impact of the proposed scheme. The CAO comments that it is clear from the results of the investigations that the archaeological remains are not of the first order of preservation, since they have undergone erosion from later ploughing with the result that all surfaces associated with the remains have been destroyed. For that reason it is his view that the archaeology on this site is not of the highest significance, so meriting preservation in situ. Nevertheless, while not of the highest significance, it is still considered that the archaeological deposits on this site will make an important contribution to our understanding of the archaeology of both the locality and the wider region.

5.66 On that basis the CAO raises no objection in principle to the development of this site, with the proviso that an appropriate programme of archaeological work involving excavation and recording of any significant archaeological remains should be undertaken prior to the development in order to mitigate the ground impacts of this scheme.

### **Hydrology, Flood Risk and Drainage**

5.67 The NPPF sets out at paragraph 103 that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment (FRA).

5.68 The submitted Flood Risk Assessment concludes that the site is considered to be in an area of generally low sensitivity in terms of the water environment. The proposed development would after implementation of the proposed SuDS mitigation measures, have no significant adverse environmental effects on hydrology and flood risk either during construction or when completed. The proposed sustainable drainage System would help to reduce overall flood risk in the area and would have a moderate beneficial impact. Overall it is concluded that the effect of the proposed development on hydrology and flood risk is considered to be beneficial.

5.69 The Environment Agency (EA) has reviewed the Flood Risk Assessment (FRA) and has commented that although the site lies within all four flood zones as defined in the NPPF, a site specific hydraulic model has been undertaken on this site which identifies the extent of the flood zones and all development is proposed to be located within the area defined as Flood Zone 1 (Low Risk). Proposed finished floor levels are deemed acceptable to mitigate any risk of internal flooding to the new development building from fluvial sources.

5.70 The proposed surface water drainage strategy follows current accepted principles in maintaining existing greenfield runoff rates from the site, whilst storing additional volumes and taking account of climate change. The strategy also takes account of long term storage should the discharge points become submerged. The EA recommend a condition to secure an exemplar SUDS scheme as this is imperative to ensure surface water entering the Northway and Tirlle Brook is of an acceptable quality and that the aims of the Water Framework Directive (WFD) are not adversely affected. Severn Trent Water also raise no objection to the development subject to drainage conditions.

### **Loss of agricultural land**

5.71 Paragraph 112 of NPPF advises that local planning authorities should take into account the economic and other benefits of the best and most versatile land (BMV). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in Grades 3b, 4 and 5 in preference to higher quality land. Paragraph 109 of the NPPF puts the protection and enhancement of soils as a priority in the conservation and enhancement of the natural environment.

5.72 The ES confirms that of the study area of 18.56 hectares, 8.31ha comprises BMV (grade 3a) with the remaining 10.25 grade 3b which does not constitute BMV. Surplus soil could be used to restore other sites which are short of soil, to preserve the soil and retain soil functions such as water and carbon storage.

5.73 It is recognised of course that the site is allocated for development in the emerging Joint Core Strategy however it is clear that 8.31 hectares of BMV would be lost to the development and this is a matter which weighs against the proposal in the overall planning balance.

### **Air Quality**

5.74 The ES states that the potential air quality impacts associated with the construction and operation of the proposed retail development have been assessed, including the operational impacts of increased traffic emissions arising from the additional traffic on local roads, due to the development. Existing conditions within the study area show poor air quality in the centre of Tewkesbury, with concentrations of nitrogen dioxide exceeding the annual mean objective along the High Street and Barton Street. An AQMA has been declared for this area.

5.75 The ES concludes that the overall operational air quality impacts of the development would be low adverse. This conclusion, which takes account of the uncertainties in future projections, in particular for nitrogen dioxide, is based on the concentrations being at, or just below, the annual mean objective for nitrogen dioxide, and the impacts being slight adverse at two receptors, assuming no reduction in vehicle emissions. The construction works have the potential to create dust. During construction it would therefore be necessary to apply a package of mitigation measures to minimise dust emission. With this mitigation, the overall impacts during construction are judged to have no effect.

5.76 The comments of the Environmental Health Officer are awaited and **Members will be updated at Committee.**

## **6.0 Overall Planning balance and Conclusion**

6.1 In accordance Paragraph 14 of the Framework, 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. The three tests of sustainability are formed by the economic, social and environmental tests as set out in paragraph 14.

6.2 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 and these matters are given significant weight in line with the NPPF. The development would however, result in the loss of land identified in the emerging Joint Core Strategy for Class B (Business) type employment uses which would be a disbenefit and weighs against the scheme in the planning balance. The development is also likely to have a significant adverse impact upon the health of Tewkesbury town centre and Gloucester city centre and is likely to have a significant impact on existing investment in Tewkesbury town centre due to the scale and type of retail floorspace proposed and its proximity to the town centre. The proposal is also likely to have a significant impact on investment in Gloucester city centre, bearing in mind the lack of sufficient expenditure capacity but further evidence of this is awaited from Gloucester City Council.

These adverse impacts attract substantial weight against the proposal in line with Government's policy on 'Ensuring the vitality of town centres'. The NPPF clearly advises that in such cases the application should be refused.

6.3 With regards to the social dimension, the proposal would again provide jobs which would help support local communities and would have social welfare benefits. Nevertheless there remain concerns about whether the proposed development would provide a high quality environment which weighs against the proposal in the planning balance.

6.4 Turning to the environmental dimension, there would be harm arising from its intrusion into open agricultural land. This impact is however, likely to be limited to the immediate surroundings and could be further mitigated by appropriate landscaping. Nevertheless, there would be a landscape impact which would constitute harm in terms of the environmental sustainability of the proposal. The development would also result in the loss of 8.31 hectares of 'Best and most versatile agricultural land' (BMV) (Grades 1, 2 and 3a).

6.5 The proposed development would not be at an unacceptable risk of flooding and would not exacerbate flooding problems for third party property. The development would not have an unacceptable impact in terms of contamination of land or soil and would not appear to raise any air quality issues. In terms of ecology and nature conservation, it has been demonstrated that the development would not have a detrimental impact upon biodiversity. The development provides opportunities for sustainable transport and would not have a severe impact on either the strategic or local highway network. It may however prejudice the delivery of further growth in the area which weighs against the development.

6.6 Whilst there are clear and significant 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. The proposal therefore does not represent sustainable development in the context of the NPPF and is recommended for **Refusal**.

#### **RECOMMENDATION Refuse**

##### **Reason:**

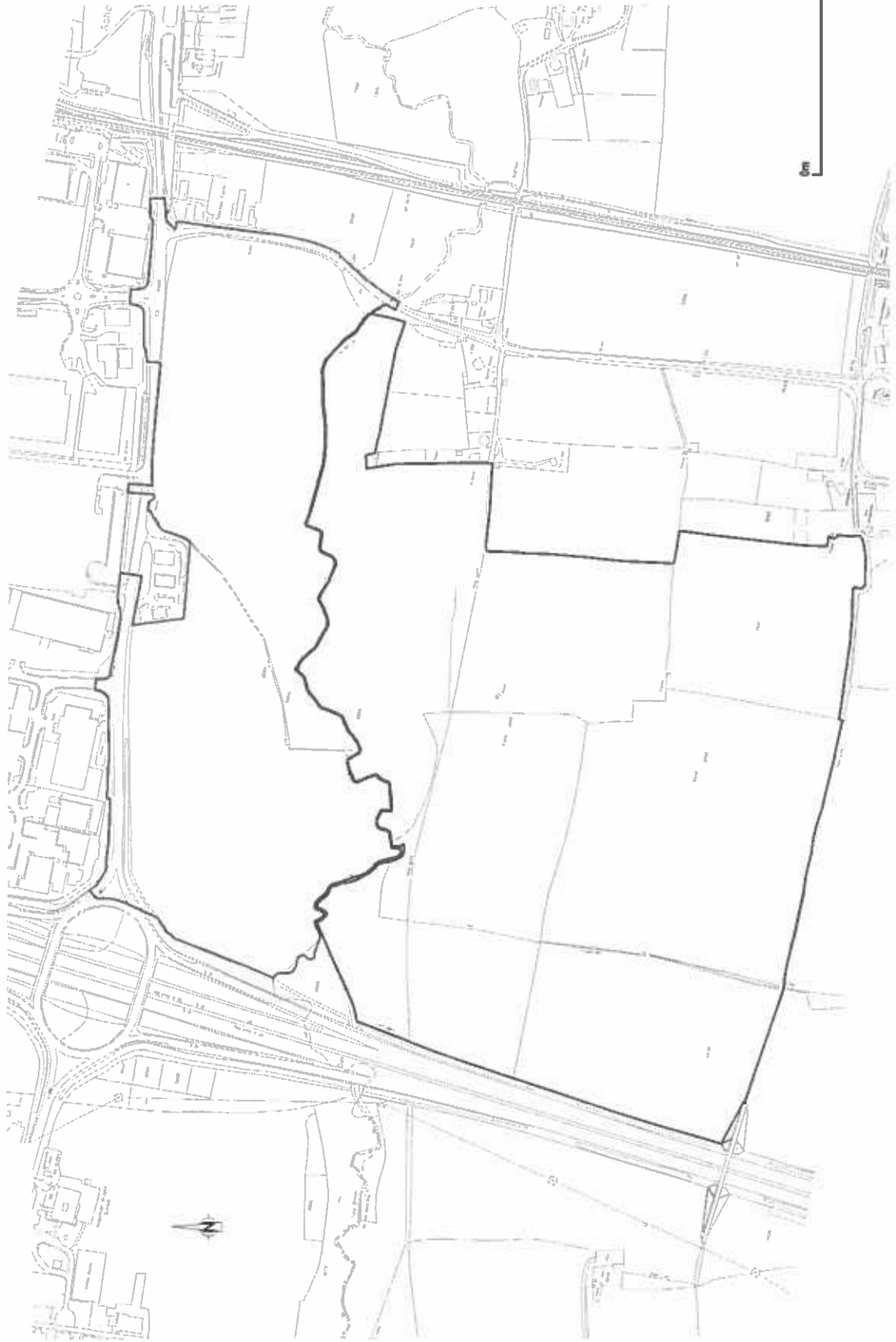
The proposed development would be likely to have a significant adverse impact upon the health of Tewkesbury town centre and Gloucester city centre and is also likely to have a significant impact on existing investment in Tewkesbury town centre due to the scale and type of retail floorspace proposed and its proximity to the town centre. Whilst all matters relating to design and layout are reserved for future consideration, the proposal, by virtue of its form and layout fails to demonstrate good design which would deliver a strong sense of place. The proposal would also result in the loss of 8.31 hectares of best and most versatile agricultural land. For these reasons the proposal does not represent sustainable development within the context of paragraph 14 of the NPPF and the identified harms would significantly and demonstrably outweigh the benefits of the proposal. The proposed development would therefore be contrary to the core principles of land-use planning set out at paragraph 17 of the NPPF, sections 2 (Ensuring the vitality of town centres) and 7 (Requiring Good Design) and paragraph 112 of the NPPF, Policy RET6 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SD3 and 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 worked with the applicant in a positive and proactive manner in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area.





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 TRANSPORTS AND HIGHWAYS  
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Scale: 1/2000 @ A2  
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Date: AUGUST 2012

Proposed Retail Outlet Centre & Garden Centre, Ashchurch  
 INDICATIVE MASTERPLAN

ROBERT HITCHINS LTD  
 The Carriage Building, Brindon Way, Gloucester, GL1 1UG  
 T: 01332 465300 E: r.hitchins@robertshitchins.com

25  
 808/B

15/00750/FUL

Part Parcel 6295, Blacksmith Lane, The Leigh

2

Valid 18.06.2015

Construction of new bungalow and detached garage building for a disabled person. Construction of a new access

Grid Ref 387633 225910

Parish Leigh

Ward Coombe Hill

Mr James Maher  
Cotswold Farm  
The Leigh  
Gloucester  
GL19 4AG  
FAO: Mr James Maher

## RECOMMENDATION Refuse

### Policies and Constraints

NPPF

Planning Practice Guidance

JCS - Submission Version - November 2014 - SD5, SD7, INF1

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, LND3, EVT9

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

The First Protocol, Article 1 (Protection of Property)

Landscape Protection Zone

### Consultations and Representations

**Parish Council** - No Objections but the following comments were stated:-

- Wide/open access to the new property should be provided to ensure safe vehicular access to/from Blacksmith Lane;
- The need for the proposed dome element to provide additional light is understood;
- The Parish is keen to support a local resident remaining within the community;
- Concerns expressed regarding setting a precedence for village infilling.

**County Highways** - No objection - standing advice

**Severn Trent Water Ltd** - No objection subject to appropriate conditions

**Local Residents** - 3 letters of support have been received from local residents

**Committee determination is requested by Councillor Waters in order to assess the impact upon the landscape and personal circumstances**

**Planning Officers Comments:** Miss Lisa Dixon

### 1.0 Application Site

1.1 The application relates to part parcel 6295, a field/paddock located adjacent the A38. The site is bounded to the north-east by Blacksmiths Lane and to the east, by the A38. Open fields adjoin the site to the south-west and north-west. Cotswold Farm lies to the opposite side of Blacksmiths Lane to the north and the village of The Leigh is located to the north-west **see attached plan**.

1.2 The field is enclosed by mature hedgerows and there is an existing pedestrian access off Blacksmiths Lane. The topography of the site slopes gently downwards from the A38 towards Leigh village.

1.3 The site lies within the Landscape Protection Zone (LPZ) as designated within the Borough Local Plan.

### 2.0 Planning History

2.1 There is no planning history relating to the site.

### 3.0 Current Application

3.1 The current application seeks to erect a new, single dwelling on the site. The dwelling would be single-storey and of red brick and slate roof construction. The proposed bungalow comprises a master bedroom with dressing room and wet room; two further bedrooms and an additional bedroom/office; main bathroom; sitting room; dining room and kitchen see attached plans.

3.2 Proposed means of vehicular access would be via Blacksmiths Lane, leading to a new, permeable driveway/turning area within the site. A new septic tank is proposed within the site to dispose of foul sewage. The western boundary of the site is proposed to be enclosed by means of a 1.8 metre high, close boarded fence.

3.3 The supporting information accompanying the proposal states that the new dwelling is required for the applicant who is paraplegic and confined to a wheelchair. The applicant currently resides at the parental home of Cotswold Farm, which lies opposite the site on Blacksmiths Lane.

3.4 The application is also supported by a report from an independent Consultant Occupational Therapist. The report advises on the space, layout and equipment required to provide properly adapted accommodation, suitable for the applicant's daily living needs. The report also sets out although the applicant has no wife or children at present, the current proposal seeks to look ahead and incorporate the level of accommodation that would be suitable to raise a family in the future. The current proposal also provides spare accommodation should the applicant require a live-in carer later in life.

3.5 The proposed accommodation within the dwelling would also be arranged around a circular space with glazed, lantern element above. The lantern would project above the main ridge of the dwelling, with an overall height of 7.3 metres.

3.6 The supporting information also sets out that the applicant is in full time employment and can drive adapted vehicles. The proposed scheme also includes a detached garage building adjacent to the proposed new driveway/turning 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). 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.

4.2 Paragraph 55 of the NPPF provides that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need of a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or the appropriate re-use of redundant buildings or where the design or the proposal would be of exceptional quality or innovative nature.

4.3 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 of the Local Plan 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, Policy HOU4 is based upon 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 because the Council cannot demonstrate a five year supply of deliverable housing sites.

4.4 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. The Submission Version of the Joint Core Strategy (November 2014) 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 sets out the overall level of development and approach to its distribution.

4.5 Within the rural areas of Tewkesbury Borough, 2,612 dwellings are proposed to be delivered within 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. The site lies outside of rural service centre or service village, as set out within the Submission Version of the JCS.

4.6 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.

4.7 Section 11 of the NPPF seeks to protect and enhance valued landscapes and the requirement to protect landscape character is echoed within Policy SD7 of the JCS - Submission Version.

4.8 As the application site falls within a Landscape Protection Zone (LPZ) as designated within the Local Plan, Policy LND3 is also of relevance. Policy LND3 provides that, within the LPZ, the Local Planning Authority should seek to protect or enhance the environment.

4.9 Local Plan Policy LND3 in respect of promoting sustainable development and landscape protection is considered consistent with the NPPF and are therefore considered to have significant weight. Similarly Policy SD7 of the JCS (Submission Version November 2014), detailed above, is considered consistent with the NPPF and would therefore, carry some weight.

4.10 Other key local and national planning policy guidance in relation to matters of design, amenity, landscape 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 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. In this case there are no specific policies which indicate development should be restricted.

5.2 As explained above, policy HOU4 of the Local Plan is out of date; nevertheless, Paragraph 55 of the NPPF set out that isolated new isolated homes in the open countryside should be restricted, except in special circumstances, none of which apply in this case. Not only is the site located outside any residential development boundary, it also lies remote from the nearest village of The Leigh, which itself does not benefit from a level of services and facilities which would warrant its inclusion as a service village in the current draft JCS. Whilst the site lies adjacent the A38 and can reasonably access bus stops which provide connections to Tewkesbury and Gloucester City, it is nevertheless, considered that the remote nature of the site in relation to any settlement or facilities, would render it isolated within the context of paragraph 55 of the NPPF and therefore, unsustainable in this regard.

### **Design and visual impact upon the Landscape Protection Zone**

5.3 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 promote or reinforce local distinctiveness. In addition, Policy LND3 of the Local Plan states that in considering proposals for development within the Landscape Protection Zone, development will not be permitted which has a detrimental visual or ecological effect on the character of the Severn Vale. The reasoned justification in respect of Policy LND3 goes further to state that overriding priority

will be given to the protection and enhancement of the landscape quality of the LPZ. This requirement for the protection of landscape character is echoed within emerging JCS Policy SD7 and is also consistent with one of the NPPF's 'Core Principles' which is to recognise the intrinsic character and beauty of the countryside.

5.4 It is noted that the existing building of 'Cotswold Farm' lies in relatively close proximity to the site on the opposite side of Blacksmiths Lane. Furthermore, the detached dwelling of Leigh House lies to the opposite side (east) of the A38. However, this section of the A38 is nevertheless, rural and largely undeveloped in nature, characterised by mature hedgerow planting and expanses of open field to either side. The proposed bungalow would be substantial in size (284.35 square metres), with an additional floor area of 37.8 square metres created for the garage. Whilst the dwelling would be orientated such that the front elevation would face Blacksmiths Lane, the side elevation would still present a continuous length of walling some 13.38 metres facing the main A38 highway. The proposed change of use of the site from undeveloped field/paddock would also incorporate areas of hardstanding, driveway/vehicle turning area and 1.8 metre high, close boarded fencing, in addition to associated domestic paraphernalia. Furthermore, the existing small pedestrian access gate to the site off Blacksmiths Lane would be replaced with a substantially widened vehicular access which would require removal of a section of hedgerow to enable the required visibility to be achieved.

5.5 Although the proposed dwelling would be of single-storey construction, its siting within an undeveloped field would nevertheless result in a discordant addition within the rural landscape. The associated new vehicular access of Blacksmiths Lane and associated hardstanding and hard landscaping would undoubtedly harm the largely undeveloped rural setting of this part of the Landscape Protection Zone. The scale of the proposal, together with the architectural approach taken, is considered to compound the urbanising influence of the scheme upon the rural landscape. Furthermore, it is considered that the proposed central lantern element would be readily visible from both Blacksmiths Lane and the A38, both in daylight and when lit internally at night. Whilst the applicants own needs are noted, the design approach is not considered to respond meaningfully to the local distinctiveness of the area or to preserve or enhance the existing landscape qualities of the rural area.

5.6 Whilst it is acknowledged that the current design proposal seeks to meet the specific needs of the applicant with regards to internal and external space and layout, the proposal would result in harm to the character and appearance of the rural landscape within the LPZ, contrary to the aims of NPPF in this regard and Policy LND3 of the Local Plan and emerging Policy SD7 of the Submission Version of the JCS. This weighs against the proposal in the overall planning balance.

### **Highway Safety**

5.7 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 County Highways Officer has been consulted in respect of the proposal and has raised no objection with regards to the 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.

5.8 The application proposes a new vehicular access via Blacksmiths Lane and adequate garaging and off-road parking to cater for the new dwelling. In light of the above, it is considered that the proposed development would have an acceptable impact upon highway safety subject to relevant conditions.

### **Other Material Considerations**

#### Personal Circumstances

5.9 As set out above the application is submitted to meet the needs of the applicant who is paraplegic and according to his Occupational Therapist *'is very keen to move out of the parental home at Cotswold Farm but acknowledges that he needs to be fairly nearby in case of problems*. This is perhaps understandable.

5.10 Paragraph 8 of Planning Practice Guidance provides advice on what constitutes a material planning consideration and provides that the scope of what can constitute a material consideration is very wide. However, PPG also advises that in general the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests could not be material considerations.

5.11 In this case, whilst there is sympathy with the desire of the applicant to become more independent and make his own home, the proposal would provide a permanent dwelling which would exist well after the personal circumstances of the applicant cease to be a factor. Further, there is no way of controlling the occupancy of the dwelling as there is no way of knowing when the personal circumstances or wishes of the applicant will change. On that basis it is not considered that the personal circumstances of the applicant outweigh the clear and demonstrable harms outlined above.

#### Impact on surrounding living conditions

5.12 Due to the isolated location of the application site, it is not considered that the development would result in an adverse impact on the living conditions of nearby residential properties, in accordance with Paragraph 17 of the NPPF.

#### Ecology

5.13 The existing site is a green field, bounded on three sides by mature hedgerows. No trees are proposed for removal as part of the proposal, although a section of established hedgerow will require remove adjacent to Blacksmiths Lane in order to facilitate the new vehicular access. The application has not been supported by an ecological report and therefore, it is unclear whether the proposal would result in harm to protected species. However, it is an offence to harm protected species and therefore, should Members be minded to grant planning permission, it is considered that a note to the applicant should be attached to any permission reminding the applicants of their duty and contact details for Natural England.

#### Drainage

5.14 In terms of foul drainage, the application proposals the use of a septic tank. Government guidance contained within paragraph 20 of subsection 2 of the Water Supply Wastewater and Water Quality section of the Planning Practice Guidance (PPG), gives a hierarchy of drainage options that should be considered and discounted in the following order:

- 1. Connection to the public sewer;
- 2. Package sewage treatment plant (PTP);
- 3. Septic tank (discharging to soakaway);

5.15 The utilisation of non-mains drainage as part of the planning proposal will only be allowed in exceptional circumstances and the development must provide evidence that a connection to the sewer is not practicable. No Foul Drainage Assessment has been submitted with the application and therefore the applicant has failed to demonstrate why the development could not be connected to a public sewer. Nevertheless this is a matter that could be addressed by a suitably worded planning condition to secure the most appropriate, viable foul drainage scheme.

### **6.0 Overall Balancing Exercise and Conclusions**

6.1 In conclusion, whilst the proposal conflicts with Policy HOU4 of the Local Plan, this policy can only be given limited weight in this case in light of its degree of conformity with the NPPF. However, the site is located outside of a recognised settlement boundary and also in a relatively isolated location, remote from services and facilities. Although, the site lies adjacent the A38 and as such, is served by good public transport links, the remoteness of the site relative to any other services or facilities would mean that, in reality, the development would be heavily reliant on the private motor car, contrary to the sustainability objectives of the NPPF and Policy TPT1 of the Local Plan.

6.2 The size and design of the proposed dwellinghouse would undoubtedly increase the perceived harm to the Landscape Protection Zone, contrary to Paragraph 11 of the NPPF, Policy SD7 of the Submission Version of the JCS and Policy LND3 of the Local Plan. It is noted that the location, scale and design of the application has been proposed, specifically to meet the requirements of the applicant, who is paraplegic and confined to a wheelchair however, for the reasons set out above, the applicant's personal circumstances do not outweigh the identified harms in this instance

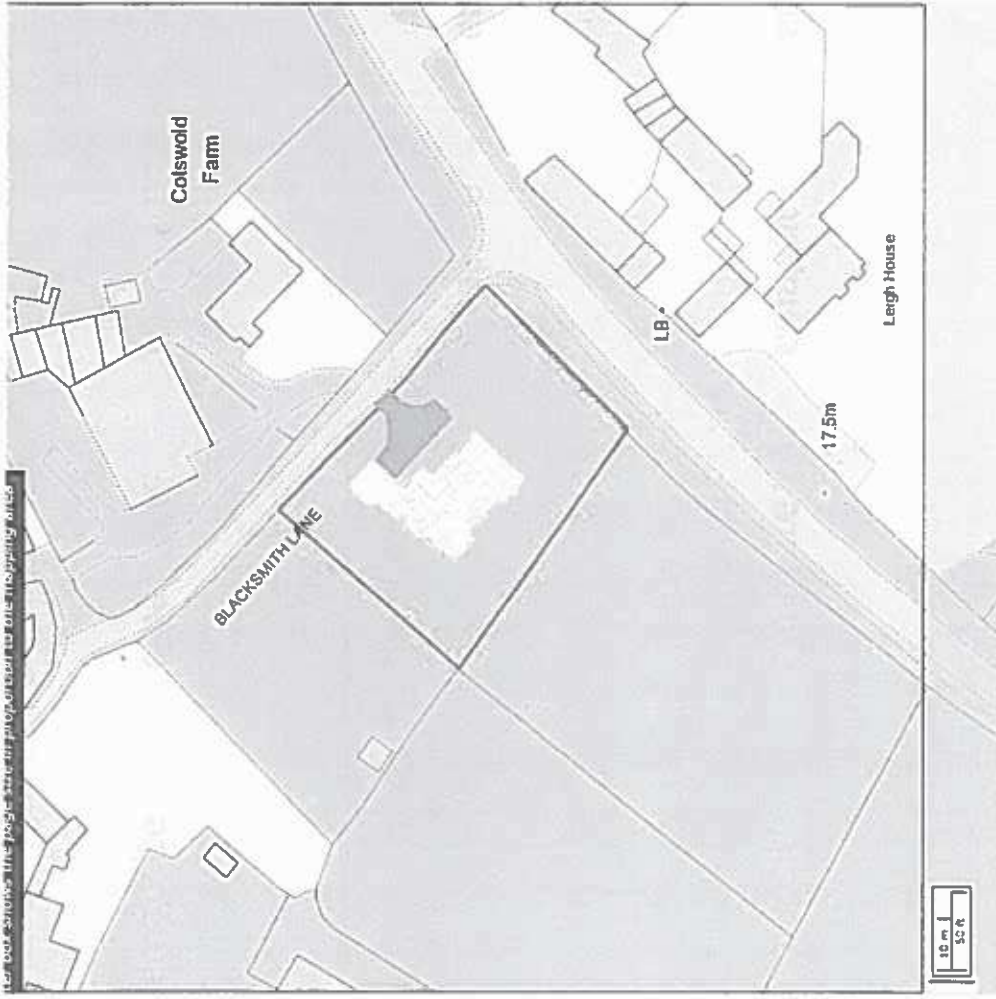
6.3 There would be some very small benefits in relation to the provision of a single dwelling towards the supply of housing in the area, and minor economic benefits arising for the construction of the dwelling. Nevertheless, it is considered, that when weighing all matters in the planning balance, the benefits of the proposal would be outweighed by the unsustainable nature of the location and resulting harm to the rural setting of the Landscape Protection Zone. As such, **the application is recommended for refusal.**

## **RECOMMENDATION Refuse**

### **Reasons:**

- 1 The proposed development would form a visually intrusive and discordant feature in the surrounding rural area which is harmful to the character and appearance of the Landscape Protection Zone, in conflict with saved Policy LND3 of the Tewkesbury Borough Local Plan to 2011 - March 2006, emerging policy SD7 of the Submission Version Joint Core Strategy (November 2014) and the provisions of the National Planning Policy Framework.
  
- 2 The site is in a remote location in the open countryside, outside any recognised settlement, in a location where new residential development is strictly controlled and where there are poor pedestrian and cycle links to the nearest facilities and amenities which means that future occupiers of the site are likely to be heavily reliant on the use of the private motor vehicle. As such, the proposed development is contrary to the sustainable development aims of the NPPF, Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policy SD11 of the Submission Version Joint Core Strategy (November 2014).



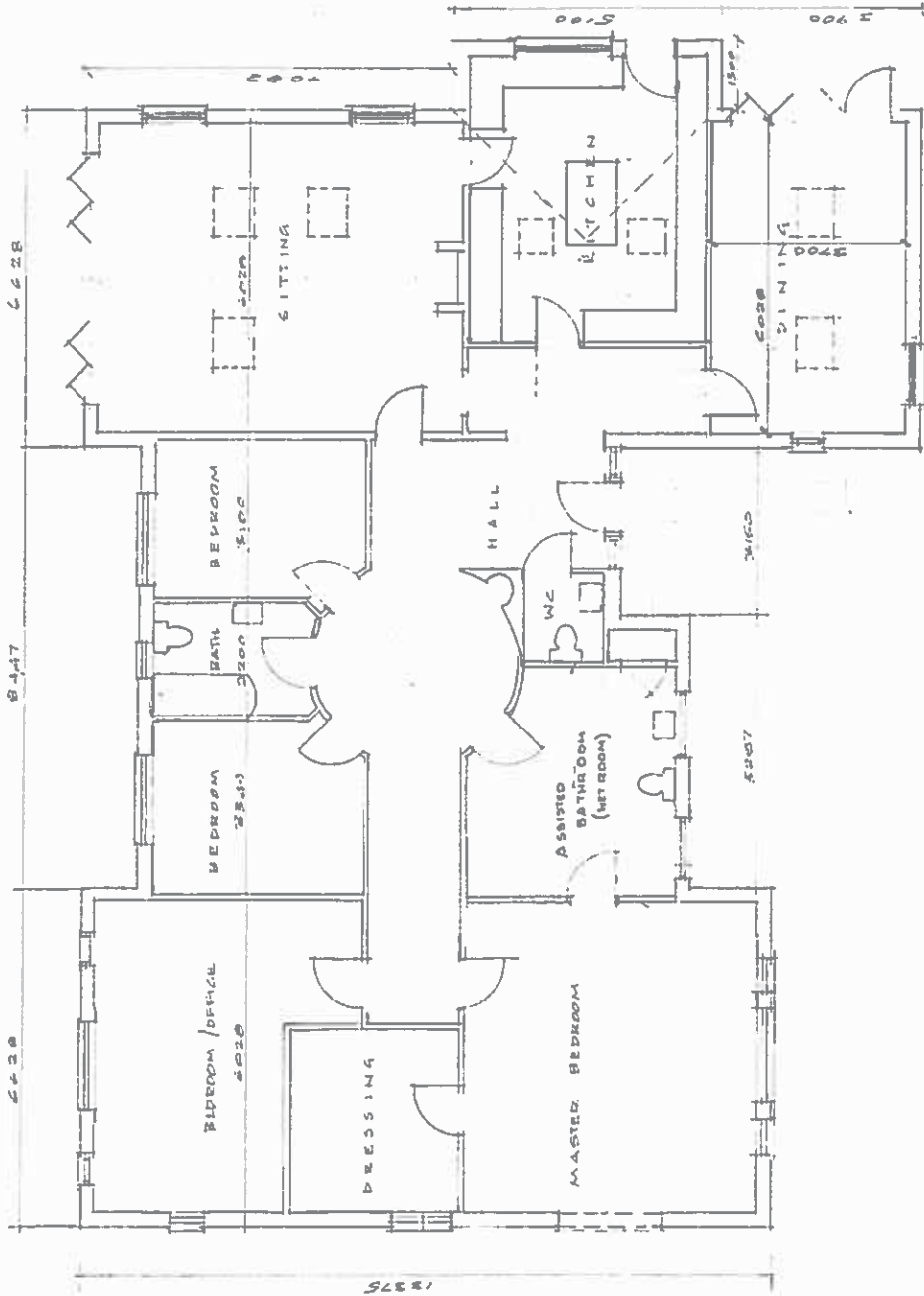


drawing at A3

New bungalow for James Maher at Cotswold Farm The Leigh  
 Gloucester GL19 4AG  
 dwg 230315/1/location 1 1000

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drawing at A3

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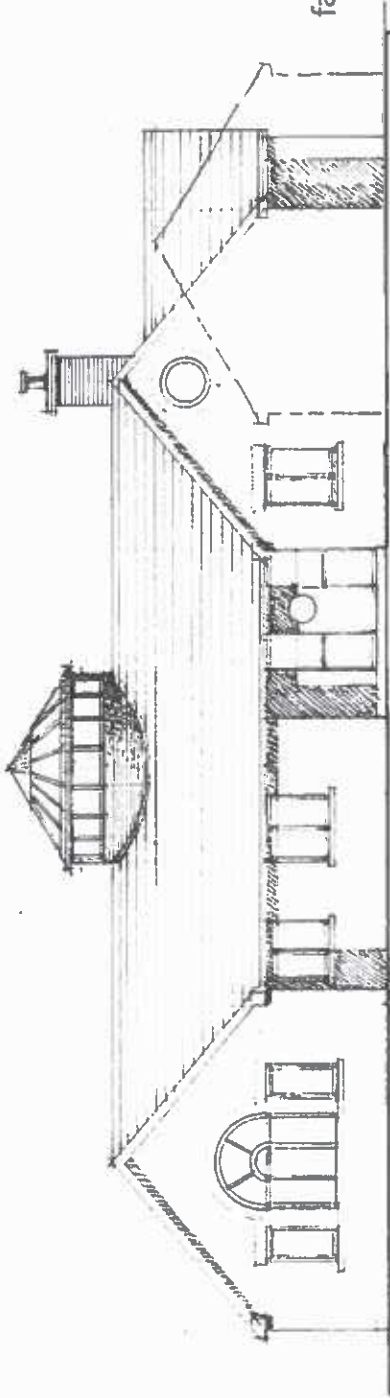
**New bungalow for James Maher at Cotswold Farm The Leigh**  
**Gloucester GL19 4AG**  
**dwg 230315/02 ground plan 1 100**

814/B33

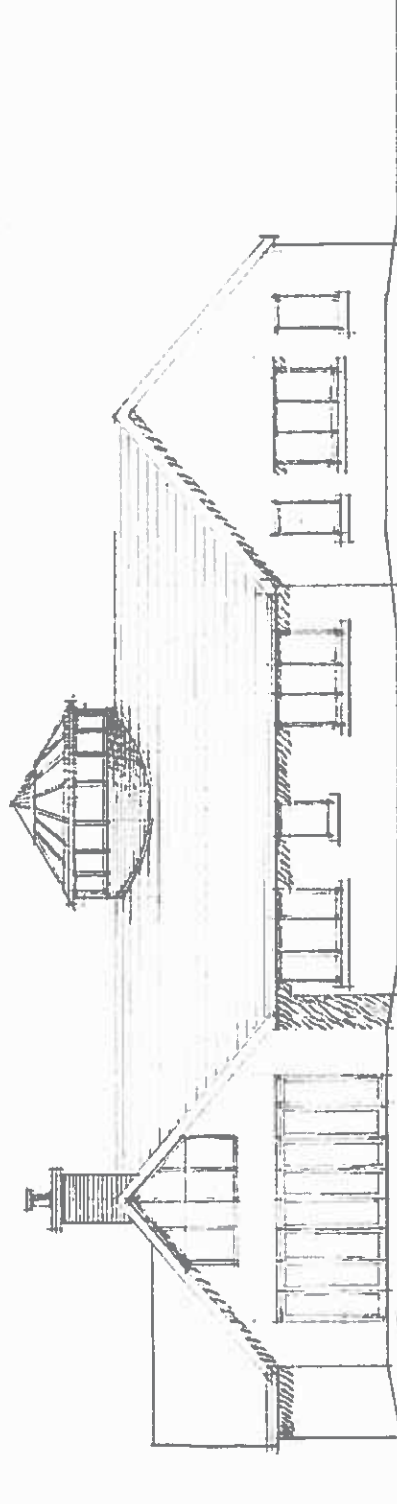
15/00750 / FUL

slate roof

face brickwork



FRONT ELEVATION



REAR ELEVATION

drawing at A3

814/6  
34

NEWBUNG

New bungalow for James Maher at Cotswold Farm The Leigh

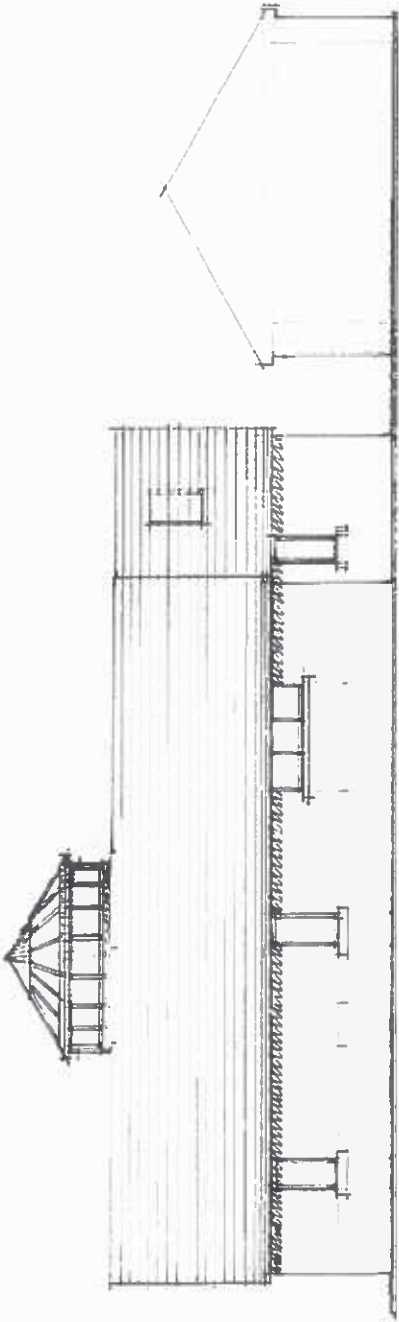
Gloucester GL19 4AG

dwg 230315/03 front and rear elevations 1 100

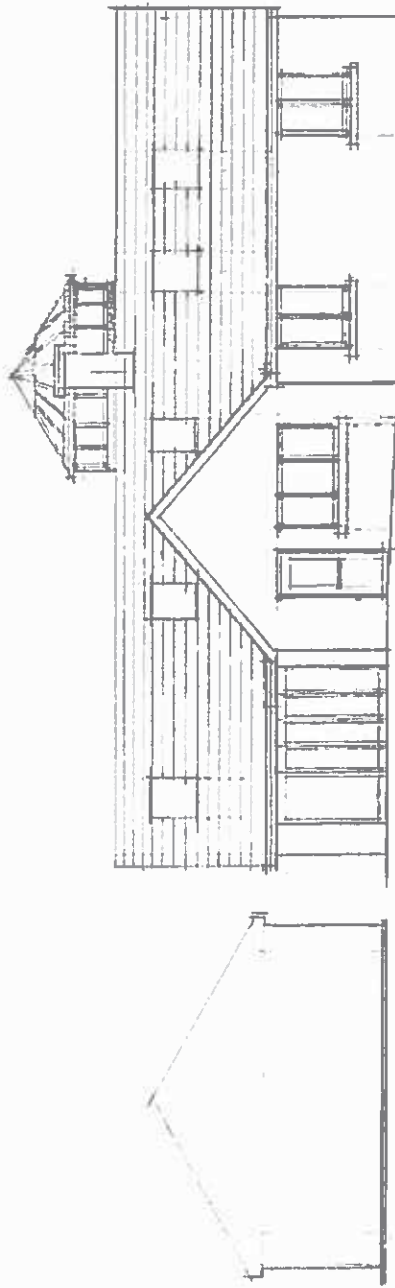
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15 / 00750 / Full



EAST ELEVATION



WEST ELEVATION

drawing at A3

814 / 35

New bungalow for James Maher at Cotswold Farm The Leigh

Gloucester GL19 4AG

dwg 230315/04 side elevations 1 100

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Valid 06.01.2016

Removal of Condition 14 attached to Application Reference:  
14/01224/FUL (Permitted Development Rights)

Grid Ref 388550 227043

Parish Leigh

Ward Coombe Hill

Mr John McCreddie  
20 Newland View  
Cheltenham  
Gloucestershire  
GL51 0RE**RECOMMENDATION Refuse****Policies and Constraints****NPPF**

Planning Practice Guidance

Sections 70, Section 70(1)(a), 72, 73, 73A, and Schedule 5 of the Town and Country Planning Act 1990  
Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Joint Core Strategy Submission Version - Policies SD5, SD7, SD9, INF3

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU7, EVT5, EVT2, LND3, TPT1

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

The First Protocol, Article 1 (Protection of Property)

Landscape Protection Zone

Public Right of Way

Flood Zones 2 and 3

**Consultations and Representations**

**Parish Council - Object -** The Parish Council are unanimous and adamant that this condition should remain in place otherwise any proposed further development will have little relation to the drawings already submitted and approved. The Parish Council are willing to consider each further application on an individual basis, in consultation with Parishioners.

**Conservation Officer - Objection -** Permitted development rights are invariably removed for good, precautionary reasons; given the sensitivity of this site, I see no public benefit in relaxing that control.

**Local Residents -** 1 letter of support has been received in respect of the application.

4 letters of objection have been received from local residents. Their comments are summarised as follows:-

- Retaining this condition means all further requests for development will need to be submitted to the council and can be fully consulted on and judged on its own merits - relaxation of any control would be perilous;
- The site has already grown from a small brick farmhouse to an over-sized mansion - there should be no further development on the site;
- Removal of this condition would be very dangerous and not at all in the interests of residents;
- The LPA with this condition in place, would still be able to provide the necessary and expected service, take on board objections, administer full control and police subsequent changes.

**Planning Officers Comments:** Miss Lisa Dixon

**1.0 Application Site**

1.1 This application relates to a detached property known as Vine Tree Farm, which is located at 'The Wharf', Coombe Hill. The dwelling is currently unoccupied and in a relatively poor state of repair.

1.2 The property lies remote from the nearby A38 highway, within a rural location and is currently accessed via a track from The Wharf at the head of the dis-used Coombe Hill Canal. The site, together with the adjoining Evington Lodge and the Grade II Listed, Evington House, forms a cluster of dwellings which lie behind (to the west) the linear development which lines this section of the A38. The topography of the site slopes markedly from east to west.

1.3 The site is situated within the Landscape Protection Zone (LPZ) and is within relatively close proximity to the Coombe Hill Canal, which is designated as a Key Wildlife Site. A Site of Special Scientific Interest (SSSI) is located over 100m away to the north-west of the site. A Public Right of Way (PRoW) crosses the site and extends north to south. The existing vehicular access to the property, together with the dwelling itself and western half of the site, is located within Flood Zone 3 (See location plan).

## 2.0 Planning History

2.1 12/01216/OUT - Outline application for the erection of a replacement detached house, garage and extended driveway (all matters reserved) - Permitted at Committee on 02.05.2013.

2.2 The outline permission agreed the principle of change of use of the eastern portion of the site to allow for the re-siting the replacement dwelling outside of the established residential curtilage of Vine Tree Farm. The existing dwelling lies within the lower portion of the site, to the western side of the public right of way and within Flood Zone 3. The extant permission agreed re-siting to the eastern side of the public footpath which crosses the site, thereby taking the dwelling out of the flood plain.

2.3 Although the outline permission reserved all matters for future consideration, Condition 8 restricted the maximum scale parameters (height, length and width) of the dwelling and associated garage in order to adhere to the size and scale of the existing dwelling and ancillary outbuilding on the site. Condition 13 removed permitted development rights for further extensions, structures or buildings within the site.

2.4 Planning permission was granted at Planning Committee on 24.08.2015 for the erection of a replacement dwelling and detached double garage, hard and soft landscaping and the provision of new access and driveway (planning reference: 14/01224/FUL). Some, but not all of the planning conditions relating to this extant permission have been formally discharged and although, site clearance and driveway construction has begun, the dwelling subject to this permission has not yet been constructed.

2.5 There are two further current planning applications relating to the site and these also appear on the schedule (application references: 15/01373/FUL and 15/01007/FUL). Those applications represent revised schemes, for replacement dwellings of larger size and different materials, following the granting of the extant replacement dwelling permission.

## 3.0 Current Application

3.1 The permitted scheme is for the erection of an L-shaped, replacement dwelling and detached double garage, with access to serve the dwelling, provided off the A38. The new dwelling would utilise the existing access off the A38 which serves both Evington House and Evington Lodge and falls within the ownership of Evington House, with an additional driveway extension proposed which would effectively link the site to the main entrance and the A38 beyond (See attached plans).

3.2 The scheme was revised significantly following its original submission. The original scheme submitted December 2014, sought to erect a substantial dwelling of Georgian design and proportions, with formal terracing, turning forecourt, enclosed swimming pool with garaging and gym/recreation area below. This scheme was subsequently revised following officer concerns and further amended in May 2015 to its current incarnation/permission.

3.3 The extant permission remains formal in design, with 'period' features such as full height sash windows and cornice and parapet detailing, and of stone construction with stone bonding course.

3.4 Condition 14 of the extant permission concerns the removal of permitted development rights at the site and is detailed as follows:-

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.*

The reason for this condition is stated within the planning permission as follows:-

*To ensure that the appearance of the building(s) will be in harmony with the character of development in the rural landscape in accordance with the NPPF and Policy HOU7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.*

3.5 The current application seeks formal removal of condition 14 pertaining to planning permission reference: 14/01224/FUL, to re-instate full permitted development rights on the site.

#### **4.0 Policy Context**

4.1 The main powers relating to local planning authority use of conditions are in Sections 70, 72, 73, 73A, and Schedule 5 of the Town and Country Planning Act 1990. Section 70(1)(a) of the Act enables the local planning authority in granting planning permission to impose "such conditions as they think fit". This power must be interpreted in light of material factors such as the National Planning Policy Framework, this supporting guidance on the use of conditions, and relevant case law.

4.2 Paragraph 203 of the National Planning Policy Framework states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions".

4.3 Paragraph 206 of the National Planning Policy Framework repeats previous guidance that planning conditions shall be subject to six tests. Conditions should be -

- 1.necessary;
- 2.relevant to planning and;
- 3.to the development to be permitted;
- 4.enforceable;
- 5.precise and;
- 6.reasonable in all other respects.

4.4 Policy HOU7 of the Local Plan states, inter alia, that the replacement of existing dwellings in locations where the construction of new houses would otherwise be unacceptable will be permitted providing that the replacement is of a similar size and scale, respects the scale and character of existing characteristic property in the area and is acceptable in terms of design, materials, environmental impact, parking and neighbouring amenity.

4.5 Policy HOU10 of the Local Plan states that the Borough Council will not permit the change of use of agricultural land to residential curtilage if there is an adverse environmental or visual impact on the form, character or setting of the settlement. There must also not be any significant encroachment into the surrounding countryside and the form of the extension must not be incongruous with the characteristic pattern of surrounding gardens.

4.6 Policy LND3 sets out that within the Landscape Protection Zone (LPZ) the Borough Council will seek to protect or enhance the environment and where possible, provision will be made for improved public access. Important landscape features within the LPZ will be retained and where appropriate enhanced to ensure their long term retention. This guidance is echoed within Policy SD7 of the Submission Version of the Joint Core Strategy.

4.7 The above guidance is reflected in the relevant Sections of the NPPF. The above Development Plan policies are therefore considered to be consistent with the NPPF and should carry significant weight in the determination of this application.

#### **5.0 Analysis**

5.1 The main planning issue to be considered in this application is whether the imposed condition meets the six tests, as set out within the NPPF and whether its removal would result in discernible harm in planning policy terms.

##### **The NPPF and the Six Tests**

5.2 As set out above, the paragraph 206 of the NPPF provides that planning conditions should only be imposed where they meet the six specified tests of; necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects. This advice is repeated and amplified in the PPG.

5.3 The application site is located in the open countryside which falls within the Landscape Protection Zone. The site rises up towards the Coombe Hill ridge which is located towards the south-eastern end of the field. The PRoW, which crosses the site, offers views up and down the site.

5.4 Policy HOU7 of the Local Plan states that replacement dwellings should be of a similar size and scale to the dwellings they replace; and should respect the scale and character of existing characteristic property in the area. For this reason, condition 8 was imposed upon the original outline permission on the site (ref: 12/01216/OUT) in order to ensure that the maximum scale parameters would result in a replacement dwelling of similar size and scale to the existing dwelling. The outline permission also sought to remove permitted development rights for further extensions/additions in order to ensure the new dwelling remained in harmony with the character of development in the rural landscape in accordance with the NPPF (Condition 13 of 12/01216/OUT).

5.5 The extant full permission (ref:14/01224/FUL) proposes a combined footprint in excess of 191 square metres for the dwelling and the garage. The maximum footprint of the earlier outline permission was 192 square metres (dwelling and garage combined). The extant full permission also re-sites the dwelling much further up the slope of the site (permitted outline dwelling sited 19m from public right of way; extant permission sited further to the south-east, some 49m from the public footpath), and increases its proposed height (9.3m as opposed to the previously permitted maximum height of 8m).

5.6 In the light of the above, it is considered that the removal of permitted development rights by condition, was fully justified in planning terms in order to protect the rural landscape from potential, unsympathetic development which could be carried out on the site, without the benefit of planning permission.

5.7 The scope of additional extensions/development that could be carried out within the re-defined residential curtilage under permitted development is extensive. For example, it would be possible to construct a single storey extension of 8 metres in length, to the rear of the dwellinghouse, and/or a two-storey extension of 3 metres in length. In addition, permitted development rights would confer extensive rights for the erection of ancillary buildings or enclosures within the site, without the benefit of planning permission. As with the previous outline, it was considered that the removal of permitted development rights via appropriately worded planning condition would be wholly appropriate in order to secure a harmonious development within the rural context of the Landscape Protection Zone.

5.8 When used properly, PPG advises that 'conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls'.

5.9 As outlined above, the imposing of condition 14 upon planning permission 14/01224/FUL (and condition 8 upon the previous outline ref: 12/01216/OUT) was deemed both reasonable and necessary in order to secure a harmonious level of development which might otherwise result in refusal on visual impact/landscape harm grounds. There have been no changes in material circumstances since that time to take a different view now.

## **Conclusion**

6.1 The extant permission proposes a replacement dwelling of increased size and scale and of greater prominence within the LPZ landscape than the existing dwelling on the site. However, the proposal was considered acceptable subject to the removal of permitted development rights in order to protect the landscape of the LPZ from further, unwarranted, visual intrusion. This is still considered to be critical to the success of the extant permission and as such, the current application which seeks to remove condition 14, thereby re-instating full permitted development rights, is recommended for refusal.

## **RECOMMENDATION Refuse**



**Reason:**

The site is located within a Landscape Protection Zone. The removal of condition 14 would allow for significant additional development which could potentially result in significant and demonstrable harm over and above the replacement dwelling permitted on this site. The proposed removal of condition 14 would therefore conflict with the provisions of the NPPF in respect of valued landscapes, saved Policies HOU7, HOU8 and LND3 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and emerging policy SD7 of the Submission Version Joint Core Strategy (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.

RIBA  
Chartered Practice



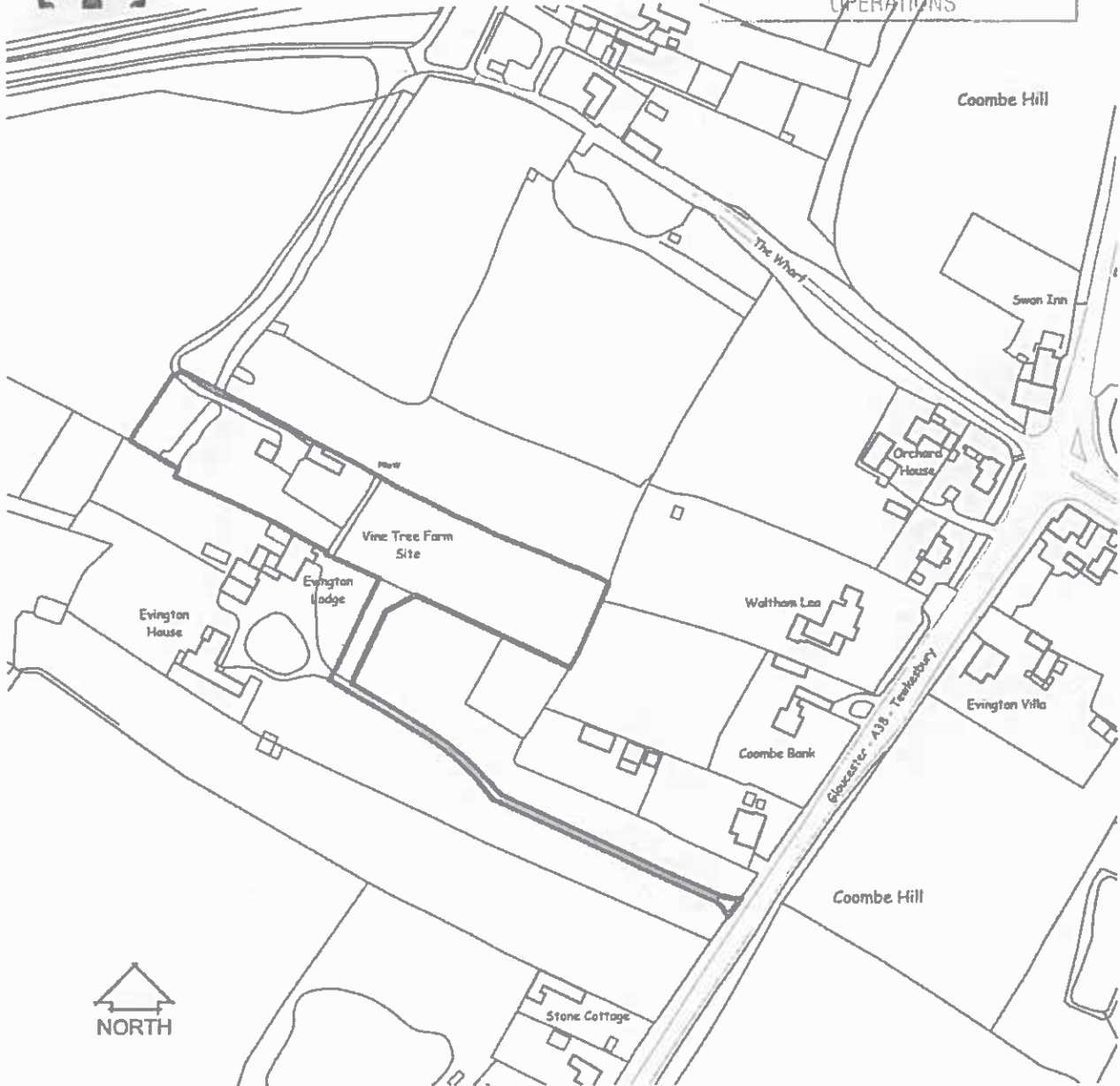
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15/01345/FUL

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06 JAN 2016

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OPERATIONS



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Drawing title: Site Location Plan

Client: Mr & Mrs McCreadie

Drawn by: AH Checked: JE

Job number: 14.10.019

Project: Vine Tree Farm, Tewkesbury Rd,  
Coombe Hill, Nr Cheltenham

Scale: 1:2500 @ A4

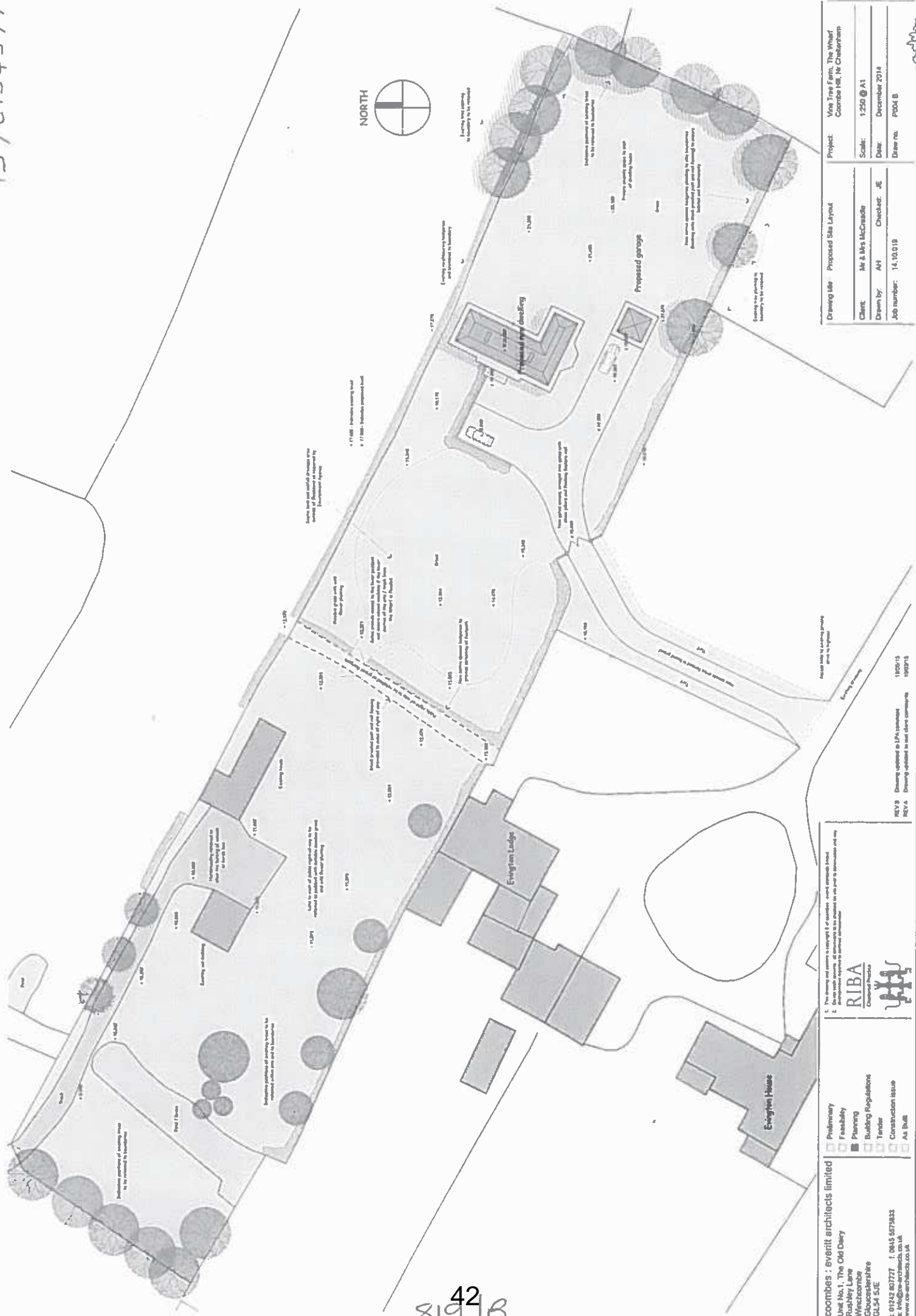
Date: December 2015

Draw no: P100

coombes : everitt architects

41  
819/A

15/01345/FULL



Drawing title	Proposed Site Layout	Project	Ms Tree Farm, The Wheel Coomes Hill, Nr. Cheltenham
Client	Mr & Mrs McCreadie	Scale	1:250 @ A1
Drawn by	AM	Date	December 2018
Job number	14.10.019	Checked by	JE
		Drawn no.	P004 B

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REV B Drawing updated to IFA plan sheet 18/00/13  
 REV A Drawing updated to suit client comments 18/00/13

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- Preliminary
- Feasibility
- Planning
- Building Regulations
- Tender
- Construction Issue
- As-Built

8192/B

coombes event architects

Valid 21.09.2015

Proposed replacement dwelling with attached garage building. Hard and soft landscaping. Provision of new access and driveway. - Revised scheme following planning permission ref: 14/01224/FUL.

Grid Ref 388550 227043

Parish Leigh

Ward Coombe Hill

Mr John McCreddie  
C/o Agent

## RECOMMENDATION Refuse

### Policies and Constraints

#### NPPF

Planning Practice Guidance

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Joint Core Strategy Submission Version - Policies SD5, SD7, SD9, INF3

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU7, EVT5, EVT2, LND3, TPT1

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

The First Protocol, Article 1 (Protection of Property)

Public Right of Way

Landscape Protection Zone

### Consultations and Representations

**Parish Council** - Concerns raised - the shape of the driveway has changed and has been constructed in tarmac and not the previously required, bound gravel; no landscaping is proposed on the northern boundary to screen the development; existing tree planting has disappeared; all conditions relating to the existing planning permission should be re-attached.

**County Highways** - Discussions are ongoing with the County Highways Officer with regards to the provided access/egress via the A38 and an update will be provided at committee.

**Severn Trent Water Ltd** - No objections subject to planning conditions.

#### Conservation Officer - Objection

**Badgers Trust** - Objection - The current proposal should be accompanied by an updated ecological survey and method statement, including a radar survey of the whole badger sett. There is inadequate site netting to provide a safe buffer/protection for the badgers on site. The spoil tip on the site is a hazard to wildlife.

**Natural England** - Refer to standing advice. The proposed works on the site would require the benefit of a licence from NE and the works already undertaken in respect of the active badgers sett have been carried out under NE licence.

**Gloucestershire Wildlife Trust** - No response received.

**Gloucestershire Highways** - Footpaths - No response.

**Local Residents** - 16 letters of objection have been received from local residents - Their concerns are summarised as follows:-

- the submitted ecology report and ecological method statement is out of date - a revised mitigation strategy should be undertaken; the constructed driveway would result in discernible harm to the active badgers sett; the driveway, as constructed, also means that it will no longer be possible for the badgers to re-occupy the parts of the sett that remain;
- the proposal would result in degradation to local fauna and habitat change; the proposed dwelling would result in harmful visual impact;
- no screening of the dwelling is proposed so that its occupants will have an optimum view of the countryside that other people are trying to preserve;

- the proposed joining of the enlarged garage to the main house via a lobby, will increase landscape impact and result in an unbroken elevation of 31.5 metres;
- the proposal has increased in height from the existing permission and this would render the dwelling even more dominant;
- the proposal fails to respect the size, scale and character of the existing farmhouse on the site; the proposed dwelling would be a rectangular box with increased bulk, losing the relief of shading and breaking of eye line on the north and east elevation that was created within the existing permission;
- the increased windows - 22 to 37 - would emphasise this expansion further; the current proposal would be even more visible from the B4213, Apperley/Tirley Road;
- all existing buildings on the site should still be demolished, as required by condition 12 of the existing permission;
- the existing permission has already ignored national and local planning policy and the committee minutes were incorrect and misrepresented the submitted neighbour objections;
- trees and hedges have been destroyed along the site boundary.

**Planning Officers Comments:** Miss Lisa Dixon

## 1.0 Application Site

1.1 This application relates to a detached property known as Vine Tree Farm, which is located at 'The Wharf', Coombe Hill. The dwelling is currently unoccupied and in a relatively poor state of repair.

1.2 The property lies remote from the nearby A38 highway, within a rural location and is currently accessed via a track from The Wharf at the head of the dis-used Coombe Hill Canal. The site, together with the adjoining Evington Lodge and the Grade II Listed, Evington House, forms a cluster of dwellings which lie behind (to the west) the linear development which lines this section of the A38. The topography of the site slopes markedly from east to west.

1.3 The site is situated within the Landscape Protection Zone (LPZ) and is within relatively close proximity to the Coombe Hill Canal, which is designated as a Key Wildlife Site. A Site of Special Scientific Interest (SSSI) is located over 100m away to the north-west of the site. A Public Right of Way (PRoW) crosses the site and extends north to south. The existing vehicular access to the property, together with the dwelling itself and western half of the site, is located within Flood Zone 3 (See location plan).

## 2.0 Planning History

2.1 12/01216/OUT - Outline application for the erection of a replacement detached house, garage and extended driveway (all matters reserved) - Permitted at Committee on 02.05.2013.

2.2 The outline permission agreed the principle of change of use of the eastern portion of the site to allow for the re-siting the replacement dwelling outside of the established residential curtilage of Vine Tree Farm. The existing dwelling lies within the lower portion of the site, to the western side of the public right of way and within Flood Zone 3. The extant permission agreed re-siting to the eastern side of the public footpath which crosses the site, thereby taking the dwelling out of the flood plain.

2.3 Although the outline permission reserved all matters for future consideration, Condition 8 restricted the maximum scale parameters (height, length and width) of the dwelling and associated garage in order to adhere to the size and scale of the existing dwelling and ancillary outbuilding on the site. Condition 13 removed permitted development rights for further extensions, structures or buildings within the site.

2.4 Planning permission was granted at Planning Committee on 24.08.2015 for the erection of a replacement dwelling and detached double garage, hard and soft landscaping and the provision of new access and driveway (planning reference: 14/01224/FUL). Some, but not all of the planning conditions relating to this extant permission have been formally discharged and although, site clearance and driveway construction has begun, the dwelling subject to this permission has not yet been constructed.

2.5 There are two further current planning applications relating to the site and these also appear of the schedule (application references: 15/01373/FUL and 15/01345/FUL). Current application ref: 15/01373/FUL represents a further revised scheme for a replacement dwelling of larger size and different materials, following the granting of the extant replacement dwelling permission. Current application ref: 15/01345/FUL seeks to remove condition 14, imposed upon the extant permission (removal of PD rights for further extensions/outbuildings) in order to re-instate full permitted development rights on the site.

### 3.0 Current Application

3.1 This current application represents a revised replacement dwelling scheme, following the granting of planning permission at Planning Committee on 04.08.2015 for a replacement dwelling and detached double garage with hard and soft landscaping and the provision of a new access and driveway (planning ref: 14/01224/FUL). seeks to erect a replacement dwelling and detached double garage.

3.2 The proposed dwelling would differ from the extant full permission with regard to overall size and design. The extant permission proposed an 'L-shaped' dwelling, further to the east of the site than the previously permitted outline scheme (ref: 12/01216/OUT). The permitted dwelling would have an overall footprint of 157 square metres with a maximum length of 17.4m, width of 12.1m and height of 9.3m. The permitted, detached garage would have a footprint of 191 square metres and a maximum height of 4m. The current scheme proposes to 'infill' the permitted L-shape layout to create a rectangular dwelling and to increase the size of the garage to 9.6m in length by 7m in width, with a linked 'lobby' which would physically connect the house and garage together. The dwelling is shown within the accompanying elevations to be increased in height from 9.3m to 9.6m, and the garage has been marginally increased in height to 4.4m.

3.3 The revised proposal would remain formal in design, with 'period' features such as full height sash windows and cornice and parapet detailing. However, the proposed construction materials have been revised so the dwelling and garage would be of brick construction with slate roof, rather than the permitted stone with stone bonding course. The windows and doors have also been revised and are now proposed for construction in aluminium rather than the permitted predominantly timber construction (**See attached plans**).

3.4 The application has also been further revised since its original submission with regards to the provision of the proposed replacement bat roost, required to replace that in existence within the existing farmhouse on the site. The extant permission required a new bat roost to be provided within the roof space of the replacement dwelling (condition 11 of application ref: 14/01224/FUL). The current scheme proposes the construction of a new 'store' building on the footprint of the existing outbuilding serving the farmhouse. The building would measure some 6m by 6m, with a ridge height of 4.8m. The building would be located outside the residential curtilage, within the paddock/meadow area and would be open-fronted with purpose built bat loft created within the roof space **see attached plans**.

### 4.0 Policy Context

4.1 Policy HOU7 of the Local Plan states, inter alia, that the replacement of existing dwellings in locations where the construction of new houses would otherwise be unacceptable will be permitted providing that the replacement is of a similar size and scale, respects the scale and character of existing characteristic property in the area and is acceptable in terms of design, materials, environmental impact, parking and neighbouring amenity.

4.2 Policy HOU10 of the Local Plan states that the Borough Council will not permit the change of use of agricultural land to residential curtilage if there is an adverse environmental or visual impact on the form, character or setting of the settlement. There must also not be any significant encroachment into the surrounding countryside and the form of the extension must not be incongruous with the characteristic pattern of surrounding gardens.

4.3 Local Plan Policy TPT1 relates to access for developments and states that development will be permitted where, inter alia, it would not impair the safety or satisfactory operation of the highway network; and 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.

4.4 Policy LND3 sets out that within the Landscape Protection Zone (LPZ) the Borough Council will seek to protect or enhance the environment and where possible, provision will be made for improved public access. Important landscape features within the LPZ will be retained and where appropriate enhanced to ensure their long term retention. This guidance is echoed within Policy SD7 of the Submission Version of the Joint Core Strategy.

4.5 Policy INF3 of the JCS Submission Version presumes against development at direct risk from flooding and/or development that would increase the risk of flooding elsewhere. Similarly Local Plan Policy EVT5 sets out that development should not exacerbate or cause flooding problems.

4.6 The above guidance is reflected in the relevant Sections of the NPPF. The above Development Plan policies are therefore considered to be consistent with the NPPF and should carry significant weight in the determination of this application.

## 5.0 Analysis

5.1 The main planning issues to be considered in this application are size, scale and design, landscape impact, ecology and the impact on surrounding residential amenity. It should be noted that only those revisions over and above the extant planning permission can be given consideration with regard to the aforementioned planning issues.

### Size, Scale, design and Landscape Impact

5.2 The application site is located in the open countryside which falls within the Landscape Protection Zone. The site rises up towards the Coombe Hill ridge which is located towards the south-eastern end of the field. The PRoW, which crosses the site, offers views up and down the site.

5.3 Policy HOU7 of the Local Plan states that replacement dwellings should be of a similar size and scale to the dwellings they replace; and should respect the scale and character of existing characteristic property in the area. For this reason, condition 8 was imposed upon the original permission ref: 12/01216/OUT in order to ensure that the maximum scale parameters would result in a replacement dwelling of similar size and scale to the existing dwelling. Furthermore, permitted development rights were removed via appropriate planning condition on both the outline permission and extant full permission (condition 14), in order to ensure that the size and scale of the proposal reflected the size and scale of the original farmhouse.

5.4 The current scheme represents a further increase in footprint of 106.95 square metres over and above the extant replacement dwelling permission, and this, in turn, represents an increase over and above the original outline permission of 126.95 square metres. It is considered that this further proposed increase in size of the dwelling would fail to accord with Policy HOU7 of the local plan and the building would be significantly larger than the existing farmhouse it seeks to replace.

5.5 The Conservation Officer has been consulted in respect of the current proposal and has raised an objection on the grounds that the previous scheme, was approved on the basis of a strict comparison with the existing house's floor area and as such, there is no benefit in conceding that point now by accepting the proposed extension within the return of the building. The extant permission made great play of its respect for tradition and the substitution of aluminium for timber windows and doors and brick for ashlar stone further undermines its credibility in this respect. Brick and stone buildings have qualitatively different characters and detailing for brick and stone are entirely different disciplines: there is also insufficient information here to explain the changes. For example, is the stone confined to just bands and cornices or does it involve more extensive dressings, do the windows have rubbed brick arches? The CO considered that these are far from minor points and the scheme cannot be determined without these issues being addressed.

5.6 It is considered that the increased footprint, together with the inherent increased bulk due to infilling the recess of the L-shape plan form and linked extension to a garage of larger size, would result in discernible visual harm to the landscape character of the rural context of the Landscape Protection Zone. This harmful impact would be compounded by the use of brick as the predominant construction material and this, together with the proposed aluminium windows and doors, would serve to increase the urbanising impact of the building within the rural landscape which would be readily visible from the PRoW which traverses the site and from distant views from the B4213, Apperley/Tirley Road. The extant scheme also represented a significantly reduced proposal, following the original submission for a much larger dwelling and the officer concerns that ensued in respect of landscape harm. It is considered that the current scheme represents a partial return to the original, larger scheme which was subsequently revised in order to render the dwelling acceptable in landscape impact terms.

5.7 Furthermore, the current proposal also includes the erection of an additional detached building, with a footprint of 36 square metres and ridge height of 4.8 metres, to be located within the paddock/meadow area, for the purposes of providing a garden store with bat loft above. Condition 12 of the extant permission sought to remove the existing dwelling and outbuilding from the site in its entirety in the interests of visual amenity. The proposed building would introduce a new physical structure into land proposed for conversion to paddock/meadow, outside of the newly defined residential curtilage and as such, remote from the replacement dwelling and garage. It is considered that proposed erection of a new brick building in this location would result in additional harm and visual intrusion within the rural locality.

5.8 The imposing of condition 14 upon planning permission 14/01224/FUL (and condition 8 upon the previous outline ref: 12/01216/OUT) relating to the removal of permitted development rights for further extensions/ancillary buildings within the site, was deemed both reasonable and necessary in order to secure a harmonious level of development which might otherwise result in refusal on visual impact/landscape harm grounds. The current proposal seeks to erode the careful considerations given to the extant permission by increasing the size, bulk and massing of the replacement dwelling and by proposing inappropriate materials. As such, it is considered that the current scheme fails to accord with the provisions of the NPPF, Policy SD7 of the Submission Version of the JCS and Policy LND3 of the Local Plan.

### **Residential Amenity**

5.9 The impact of the extant replacement dwelling upon the residential amenity of neighbouring properties was given careful consideration as part of the assessment of the planning merits of proposal. The immediate residential property to the south-west of the application site is 'Evington Lodge'. Given the siting and orientation of the proposed in-fill section of the dwelling and garage, it is not considered that the proposal would result in an adverse impact in terms of residential amenity.

5.10 The occupiers of the nearest property to the south-east of the site, Coombe Bank raised objections to the original, larger proposal on the grounds that it would constitute an oversized and wrongly positioned house which would be viewed by existing houses in the area, including their own and 'Waltham Lea'. The revised proposal, received on 19.05.2015 was accompanied by a site section drawing, showing the proposed dwelling in relation to Coombe Bank and this indicated that, due to the sloping topography of the site and the relative distance of the proposed dwelling from Coombe Bank, the new building would not be visible from Coombe Bank itself or from the A38. The current infill/larger proposal is not considered to alter the acceptability of the proposal on residential amenity grounds and therefore, the scheme accords with Policy HOU7 in this regard.

### **Ecology**

5.11 Concerns have been raised by the Badgers Trust and local residents with regards to the impact of the proposal upon the active badger's sett which is located across the southern boundary of the site, where the new driveway/access serving the site is located. Natural England has been consulted and has raised no objection to the current proposal. NE has confirmed that the scheme would be subject to standing advice in respect of protected species and any works affecting the active bat roost on the site would require an appropriate licence from NE. Furthermore, NE advised that the new driveway works recently carried out across the site in respect of the extant permission, were subject to an appropriate NE licence regarding the interference of the active badgers sett. This licence has now expired and any further works affecting the sett would require a fresh licence from NE.

5.12 The current scheme also proposes the creation of a new bat roost to be provided within a purpose-built building, to be sited within the paddock/meadow area, on the footprint of the dilapidated outbuilding serving the existing farmhouse. This proposal represents a departure from the extant permission whereby the new bat roost to replace that within the existing dwelling, was required to be provided within the roof space of the new dwelling (secured via condition 11 of extant permission ref:14/01224/FUL). A revised ecological method statement has also been submitted as part of the proposal. The council's ecology advisor has been consulted in respect of this issue and **an update will be provided at Planning Committee.**

5.13 The current proposal will be required to accord with the provisions of the NPPF, Policy SD10 of the JCS Submission Version and Policy NCN5 of the Local Plan.

### **6.0 Conclusion**

6.1 In light of the above considerations, it is considered that the proposed development would result in a significant adverse impact on the rural landscape of the LPZ. The proposal would also fail to respect the scale and character of the dwelling it seeks to replace. The application is therefore considered to be contrary to the aims of the NPPF, Policy SD7 of the Submission Version of the JCS and policies HOU7 and LND3 of the Local Plan. The application is therefore **recommended for refusal.**

### **RECOMMENDATION Refuse**



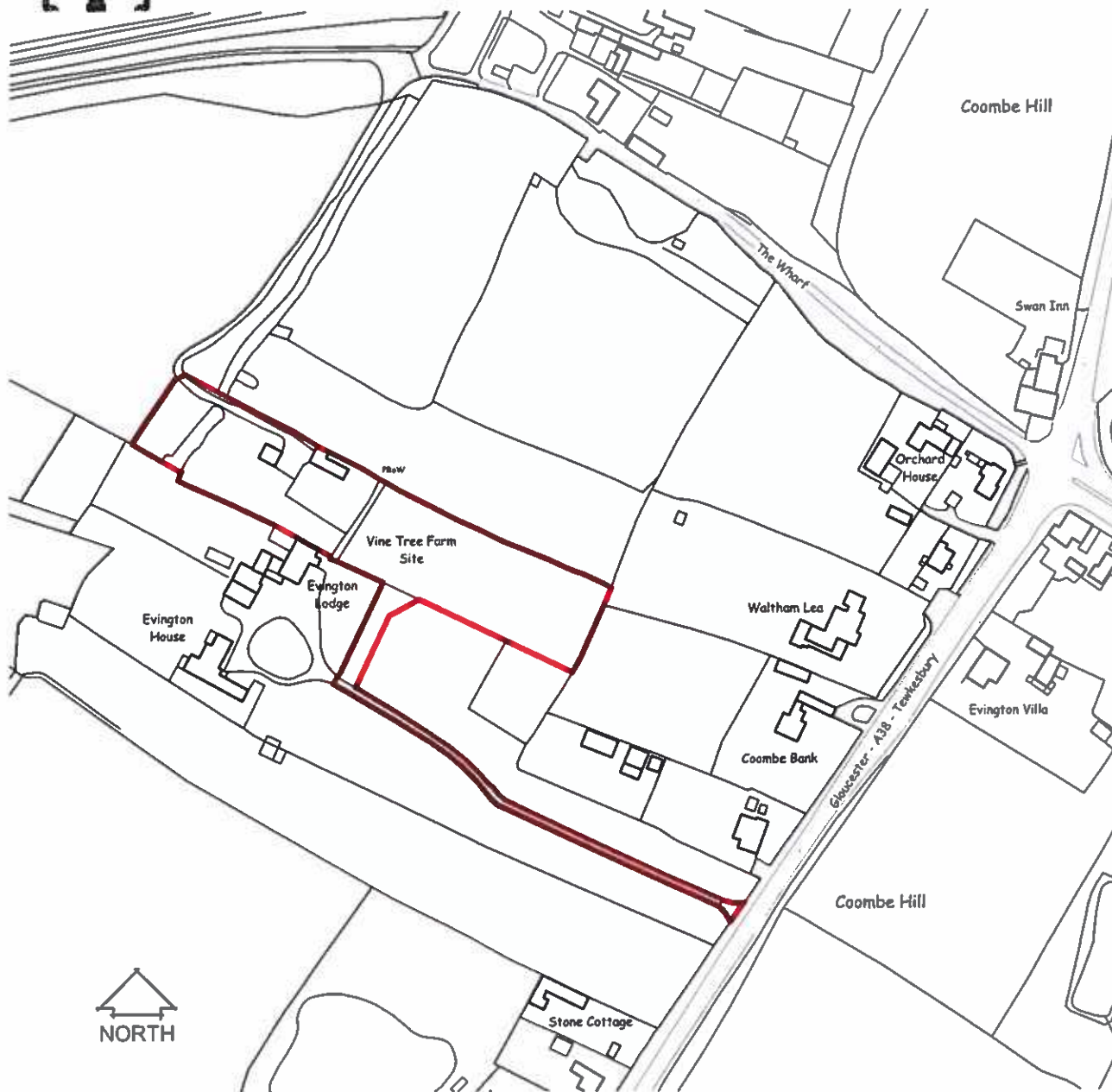
**Reason:**

The proposed development would result in a significant adverse impact on the rural landscape of the Landscape Protection Zone by reason of its size, bulk, design and materials and would also fail to respect the scale and character of the dwelling it seeks to replace. Furthermore the proposed store would result in additional unwarranted harm to the Landscape Protection Zone. The application is therefore considered to contrary to the aims of the NPPF, policies HOU7 and LND3 of the Local Plan and Policy SD7 of the Submission Version Joint Core Strategy (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.

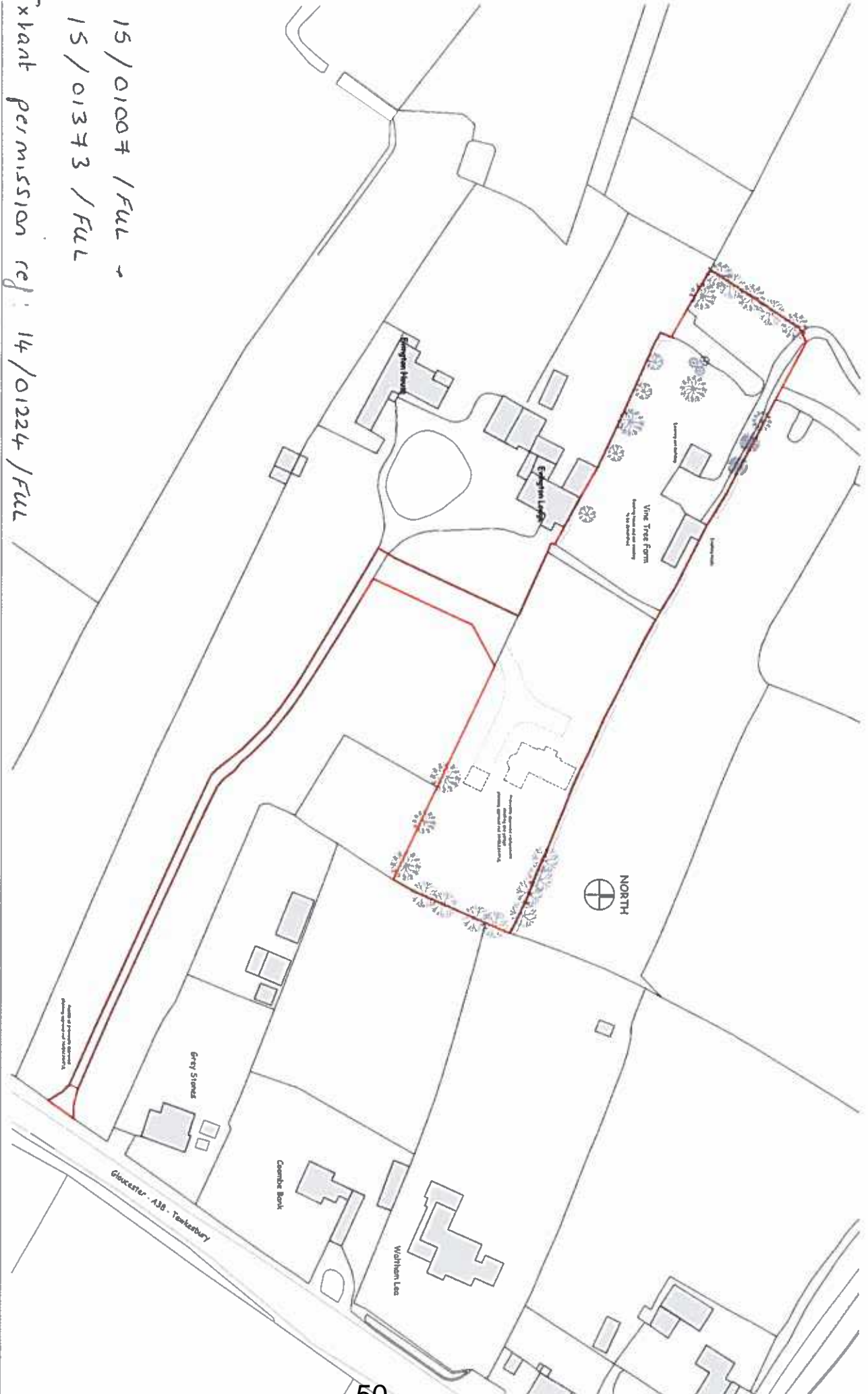


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<b>coombes : everitt architects limited</b> Unit No.1, The Old Dairy Rushley Lane Winchcombe Gloucestershire GL54 5JE  t: 01242 807727 f: 0845 5575833 e: info@ce-architects.co.uk www.ce-architects.co.uk	Drawing title: Site Location Plan	Project: Vine Tree Farm, Tewkesbury Rd, Coombe Hill, Nr Cheltenham
	Client: Mr & Mrs McCreddie	Scale: 1:2500 @ A4
	Drawn by: AH Checked: JE	Date: December 2015
	Job number: 14.10.019	Draw no: P100

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15/01007 / FULL →  
 15/01373 / FULL  
 Exant permission ref: 14/01224 / FULL



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 Chartered Architect

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**Project:** Vine Tree Farm, Tenkerbury Rd, Coombe Hill, Nr Chesham

**Client:** Mr & Mrs McCrindle

**Scale:** 1:500 @ A1

**Drawn by:** AH

**Checked:** JE

**Date:** December 2015

**Job number:** 14.10.010

**Drawing title:** Existing Block Plan

**Drawn no.:** P101

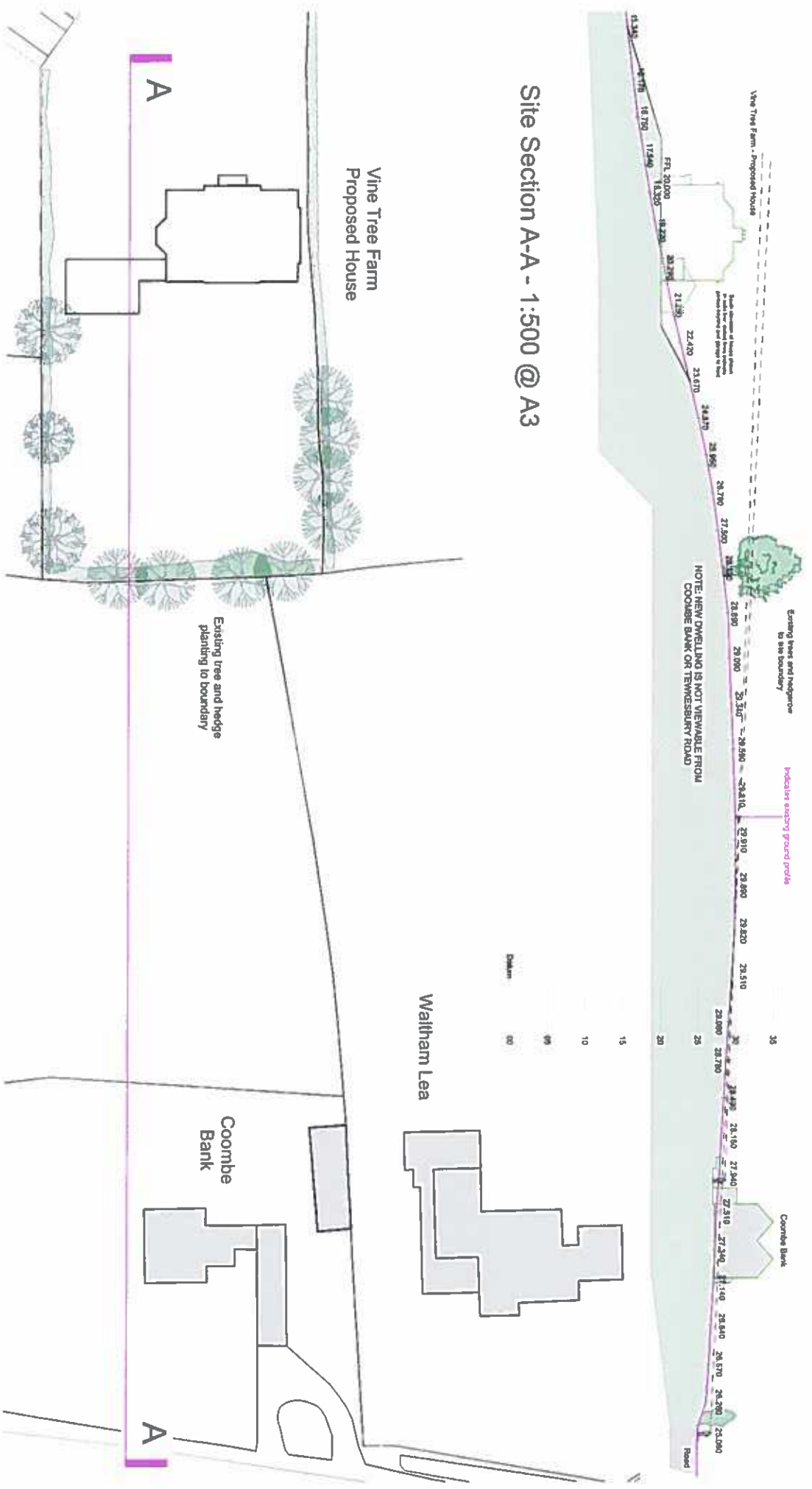
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8251B



15/01373 / FULL SITE SECTION

Site Section A-A - 1:500 @ A3



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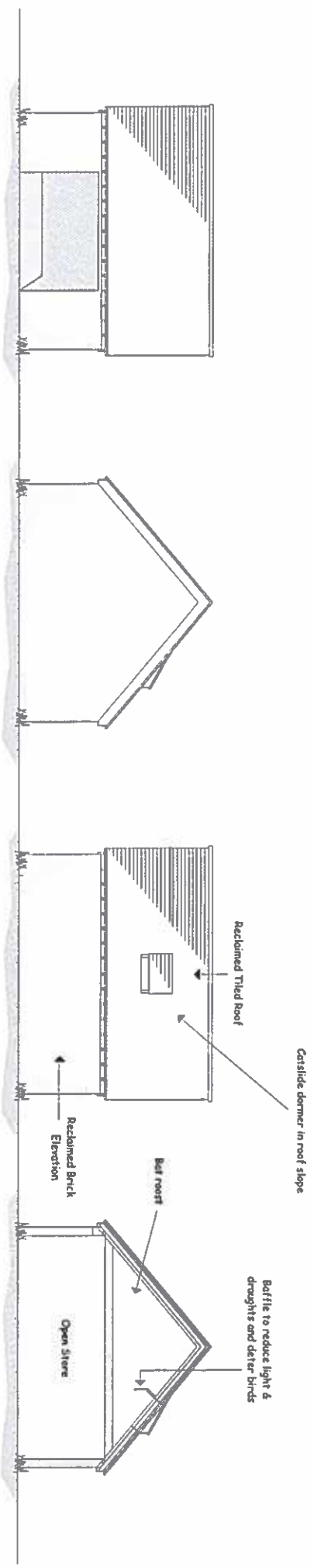
Drawing title: Site Section - Tewkesbury Road to Proposed Dwelling  
 Client: Mr & Mrs McCreadie  
 Drawn by: AH Checked: JE  
 Job number: 14.10.019

Project: Vine Tree Farm, Tewkesbury Rd, Coombe Hill, Nr Cheltenham  
 Scale: 1:500 @ A3  
 Date: December 2015  
 Draw no: P108

825/52

Proposed store / Bat roost.

15/01/2016



South East Elevation

South West/  
North East Elevation

North West Elevation

Typical Section



Location of existing out-building / proposed bat loft viewed from proposed dwelling



Ground Floor Garden Store



Roof Plan

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Drawing title: Proposed Shelter Store / Bat Roost

Client: Mr & Mrs McCorradie

Drawn by: TC

Checked: AH

Job number: 14.10.019

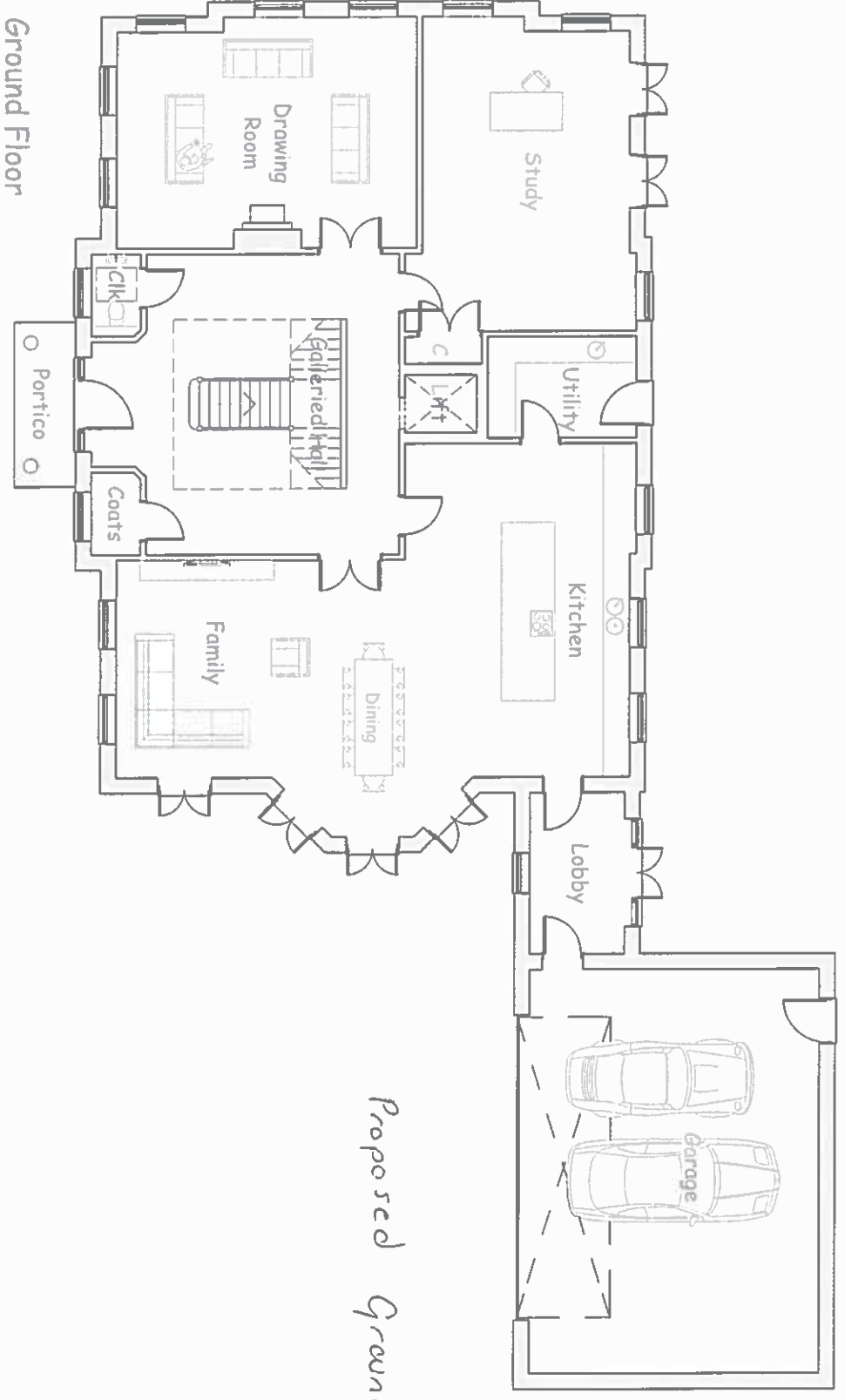
Project: Vine Tree Farm, Tewkesbury Rd, Coombe Hill, Nr Cheltenham

Scale: 1:100 @ A3

Date: January 2016

Draw no: P110

15/01007 / Full + 15/01373 / Full



Proposed ground floor

Ground Floor

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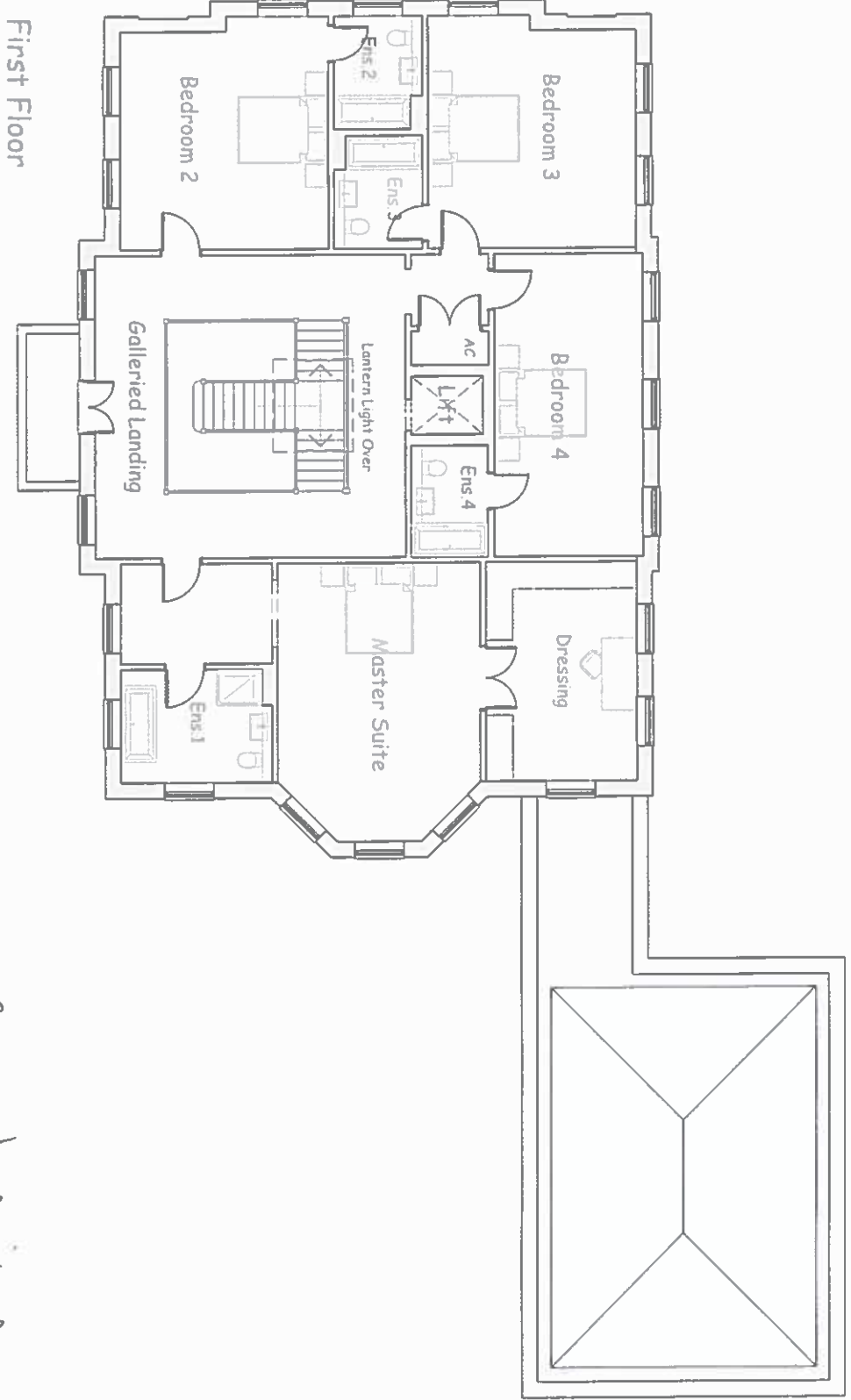
Drawing title: Proposed Ground Floor Plan

Client:	Mr & Mrs McCreadie
Drawn by:	AH
Checked:	JE
Job number:	14.10.019

Project: Vine Tree Farm, Tewkesbury Rd, Coombe Hill, Nr Cheltenham

Scale:	1:100 @ A3
Date:	December 2015
Draw no:	P104

15/01007 / FULL + 15/01373 / FULL



*Proposed first floor*

First Floor

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Drawing title:	Proposed First Floor Plan	Project:	Wine Tree Farm, Tewkesbury Rd, Coombe Hill, Nr Cheltenham
Client:	Mr & Mrs McCreadie	Scale:	1:100 @ A3
Drawn by:	AH	Date:	December 2015
Job number:	14.10.019	Drawn no.:	P105

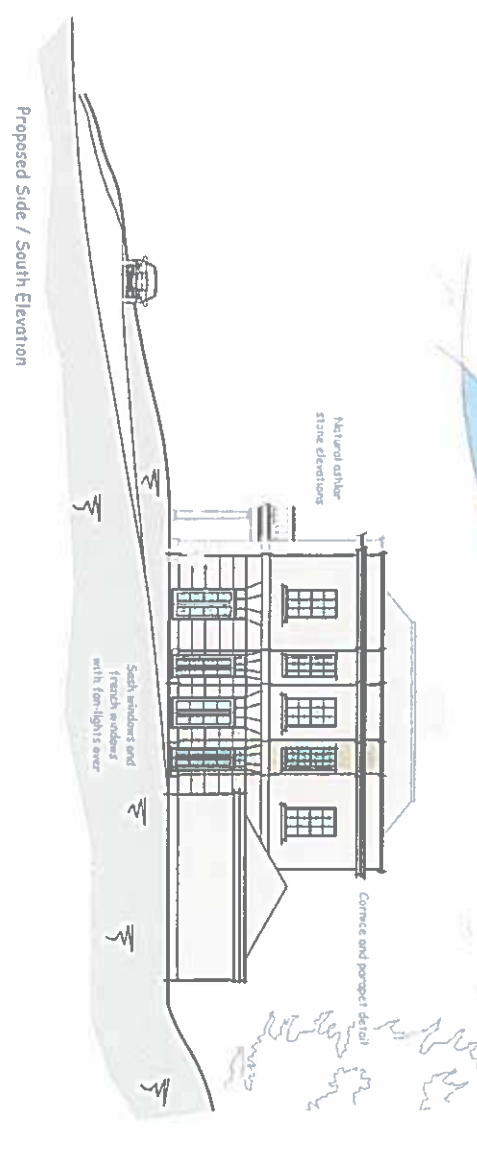
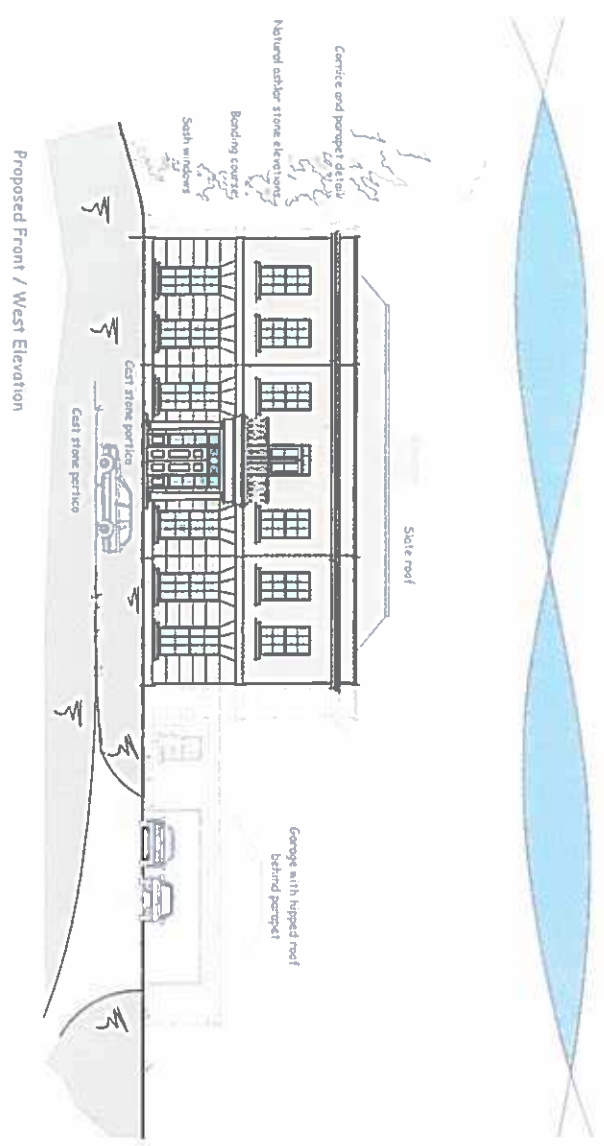
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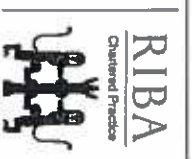
15/01343/FULL

Proposed stone & render elevations



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Drawing title: Proposed Elevations  
 Client: Mr & Mrs McCreadie  
 Drawn by: AH Checked: JE  
 Job number: 14.10.019

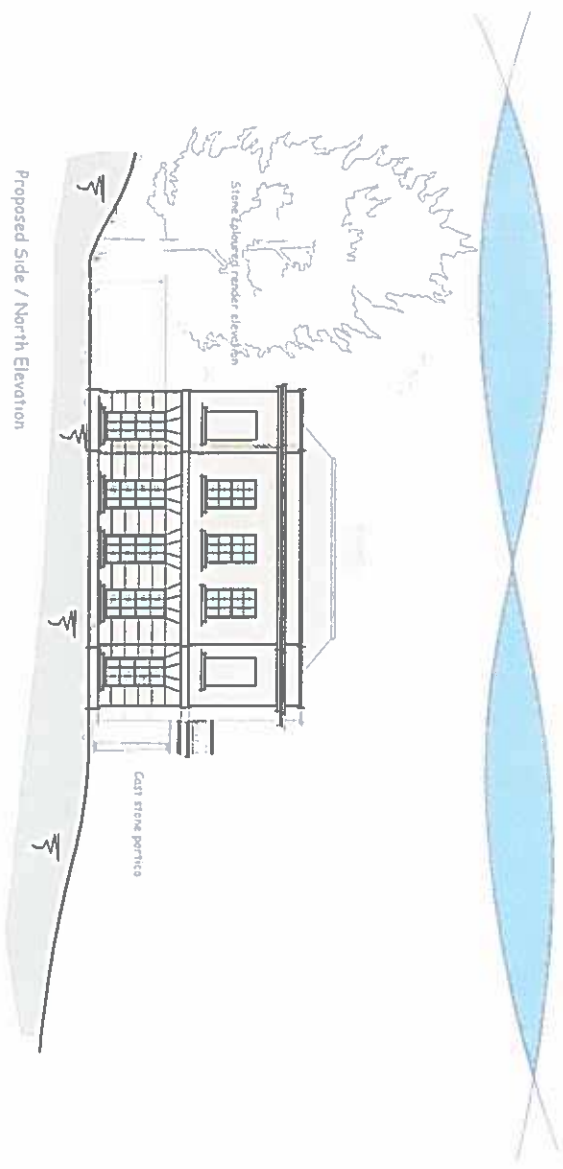
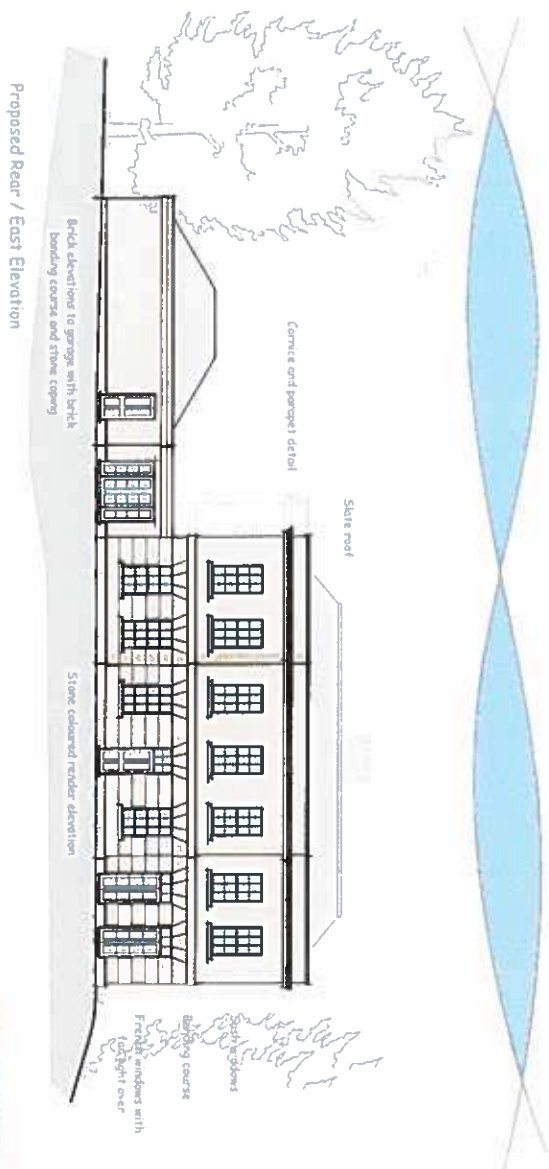
Project: Vine Tree Farm, Tewkesbury Rd, Coombe Hill, Nr Cheltenham  
 Scale: 1:200 @ A3  
 Date: December 2015  
 Draw no: P106

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56  
 H/528

15/01373 / Full

Proposed Stone & render elevations



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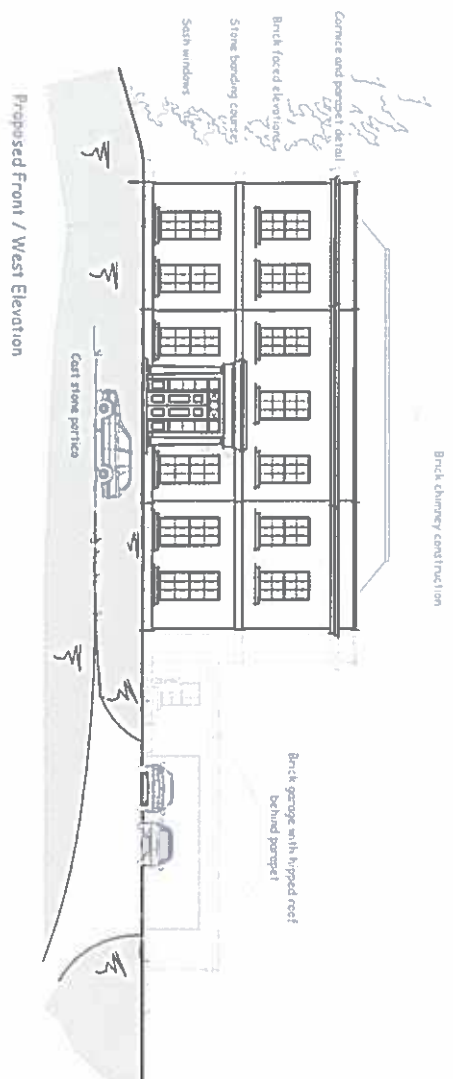
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Client: Mr & Mrs McCreadie	Scale: 1:200 @ A3	Drawn by: AH	Date: December 2015
Checked: JE	Job number: 14.10.019	Draw no: P107	

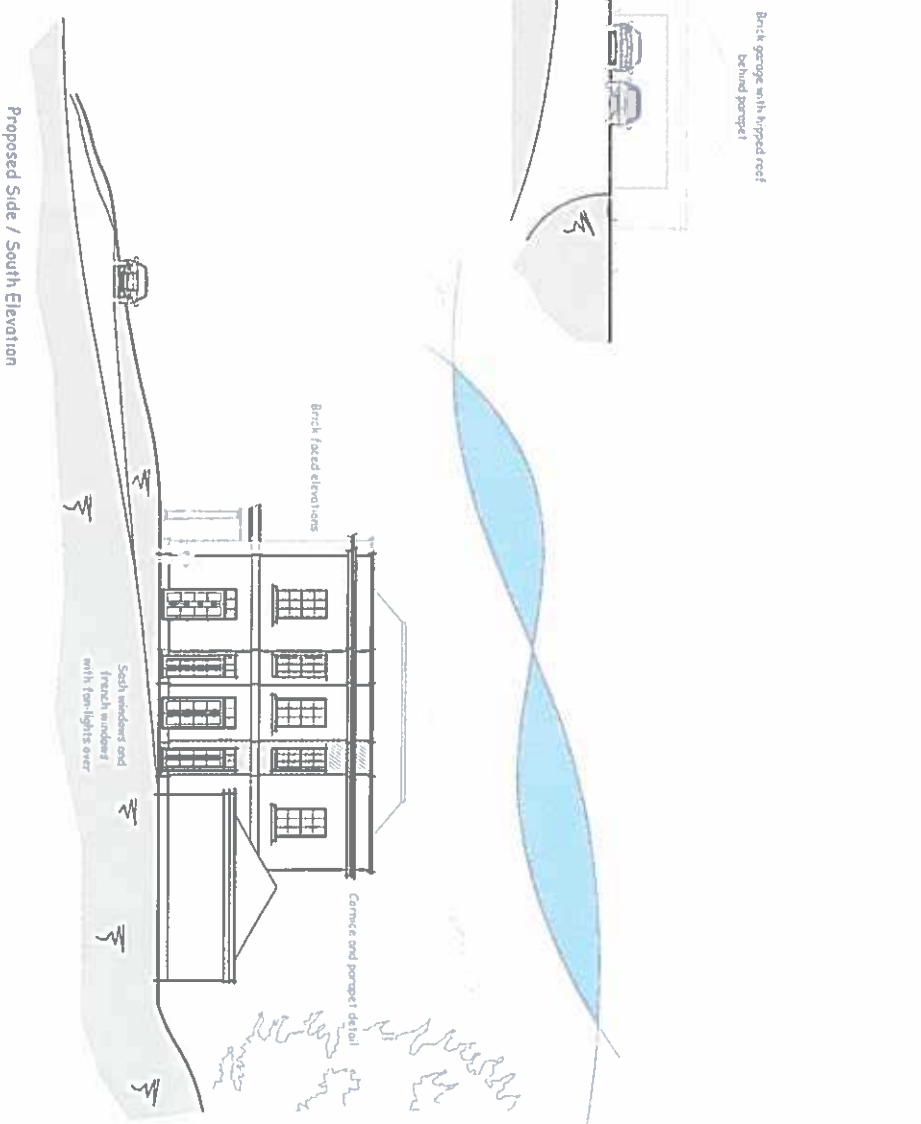
57/825/T

15/10/007 / FULL

# Proposed Brck Elevations



Proposed Front / West Elevation



Proposed Side / South Elevation

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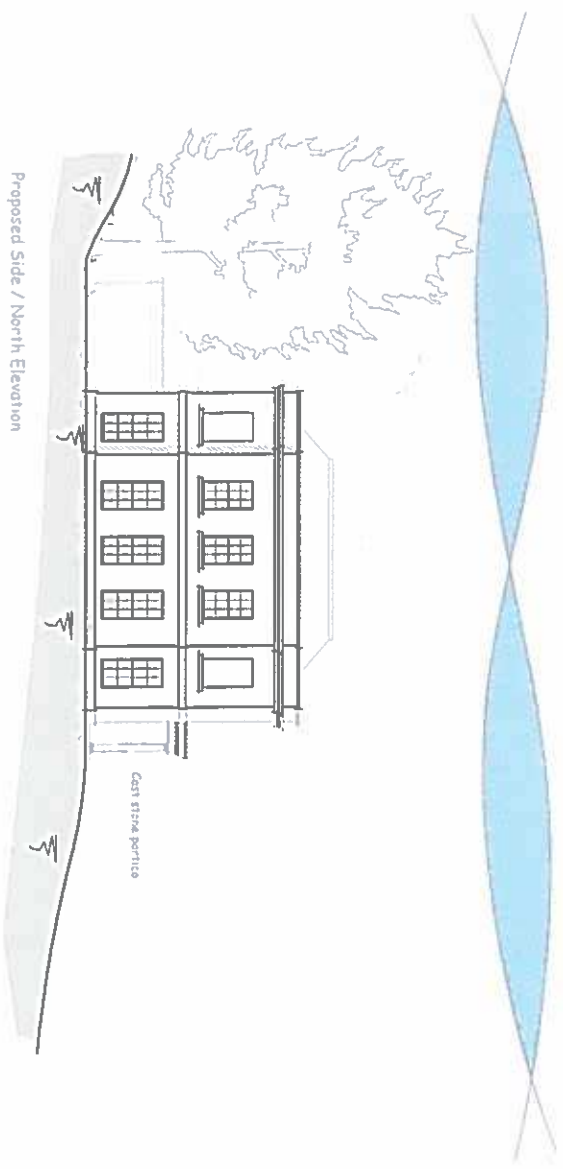
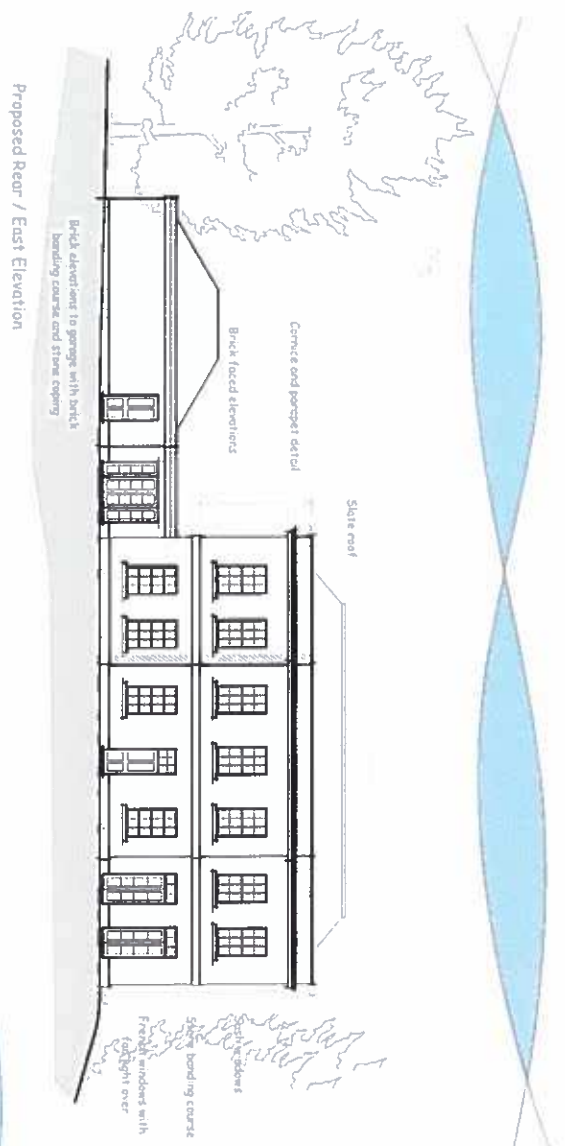
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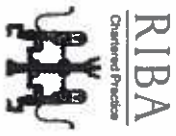
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Client:	Mr & Mrs McCreadie	Scale:	1:200 @ A3
Drawn by:	AH	Checked:	JE
Job number:	14.10019	Date:	September 2015
		Draw no:	P106

15/10/07 / Full  
Proposed Brick Elevations



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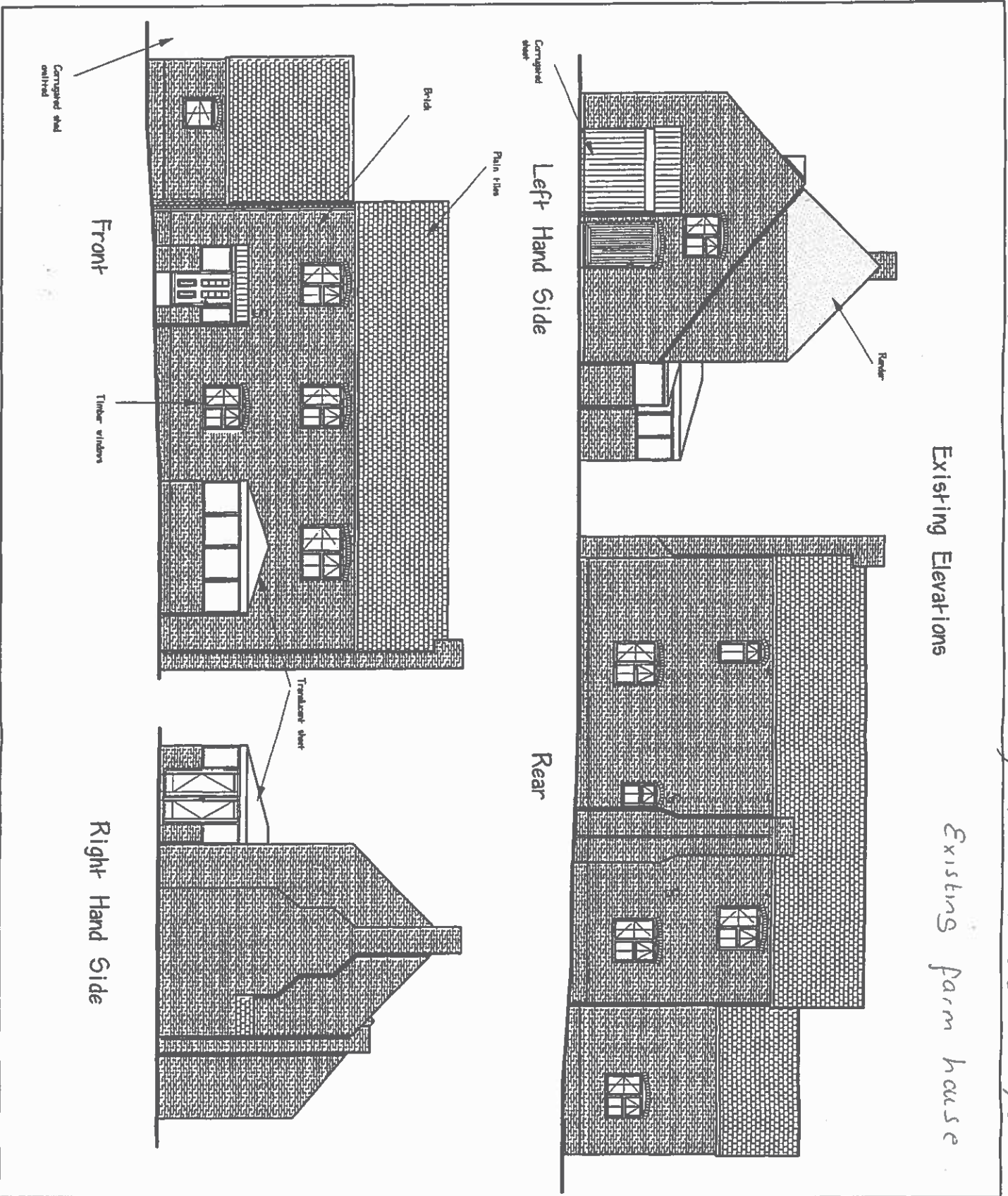
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Client: Mr & Mrs McCreadie	Scale: 1:200 @ A3	Date: September 2015	Draw no: P107
Drawn by: AH	Checked: JE		
Job number: 14.10.019			

59  
825/K

15/01345/10L, 15/010007/1 FULL & 15/01373/1 FULL

Existing Elevations

Existing farm house



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As agents to the **BRIMMINGHAM** with specialise in **VEGETATION SERVICES**  
 Date: 11 DEC 2012  
 Job Number: 11 DEC 2012

Act'd: 0447 787  
 30m & 1120 60m & 1100  
 120m & 1200 12m & 120  
 75m & 11220 190m & 12200

Date	Revisions
A	

**ALAN S WOOD MRICS**

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Client  
**Mr G Tovey**

Job Title  
**Vine Tree Farm  
 The Wharf  
 Coombe Hill**

Drawing Title  
**Existing Elevations**

Scale  
**1/100**

Date  
**Aug 12** Drawn by  
**SAW**

Dwg No.  
**24/12/13**

7098

Valid 22.12.2015

Proposed replacement dwelling with attached garage building. Hard and soft landscaping. Provision of new access and driveway. - Revised scheme following planning permission ref: 14/01224/FUL. (Alternative scheme to application ref:15/01007/FUL with stone/render proposed in place of brick).

Grid Ref 388550 227043

Parish Leigh

Ward Coombe Hill

Mr John McCreadie  
C/o Agent

## RECOMMENDATION Refuse

### Policies and Constraints

NPPF

Planning Practice Guidance

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Joint Core Strategy Submission Version - Policies SD5, SD7, SD9, INF3

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU7, EVT5, EVT2, LND3, TPT1

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

The First Protocol, Article 1 (Protection of Property)

Public Right of Way

Landscape Protection Zone

### Consultations and Representations

**Parish Council** - Concerns raised - The above planning application was discussed at length during an additional Parish Council Meeting on Monday 1st February 2016. The Parish Council comments made in our earlier letter dated 22nd October 2015 regarding increase in size and height, visual impact on the landscape and proximity to a key wild life area are therefore still appropriate. The size of the existing dwelling that is being replaced should be kept in mind when considering size. Outline planning increased on this original size, 14/01224/FUL increased it further and now 15/01007/FUL and 15/01373/FUL seek to grow it more. The current permission is for a double garage and this has now been increased to a triple. The addition of a lobby linking the garage to the house has increased the visual eyeline on the west elevation. It was noted that the increase in building height from an L-shape to a rectangle could be a result of this change in shape. The Parish Council suggests that the FFL level could be reduced to ensure that the ridge line remains the same height (9.3m) as approved on planning application 14/01224/FUL and that current planning permission for all four elevations to be constructed entirely in the approved Ashlar stone, as approved drawings nos. P006B and P007 B should be retained. Parishioners are still expressing concerns about the access at the A38 end of the Evington House driveway, especially since the applicant confirmed that all construction traffic will now be using this entrance. It is felt that TBC and organisations like Natural England should be more able to ensure that conditions are adhered to and monitored with regards to ecology. Parish Councillors agreed that ALL the conditions attached to the existing planning permission for Vine Tree (14/01224/FUL) should be attached to this latest planning application. If there are any further amendments to the above planning application, regardless of how minor, the Parish Council wish to be notified so that they can then consult with the Parishioners.

**County Highways** - Discussions are ongoing with the County Highways Officer with regards to the provided access/egress via the A38 and an update will be provided at committee.

**Severn Trent Water Ltd** - No objections subject to planning conditions.

**Conservation Officer** - Objection

**Badgers Trust** - Objection - The current proposal should be accompanied by an updated ecological survey and method statement, including a radar survey of the whole badgers sett. There is inadequate site netting to provide a safe buffer/protection for the badgers on site. The spoil tip on the site is a hazard to wildlife.

**Natural England** - Refer to standing advice. The proposed works on the site would require the benefit of a licence from NE and the works already undertaken in respect of the active badgers sett have been carried out under NE licence.

**Gloucestershire Wildlife Trust** - No response received.

**Gloucestershire Highways - Footpaths** - No response.

**Local Residents** - 2 letters in support of the proposal have been received from local residents

**Planning Officers Comments:** Miss Lisa Dixon

## **1.0 Application Site**

1.1 This application relates to a detached property known as Vine Tree Farm, which is located at 'The Wharf', Coombe Hill. The dwelling is currently unoccupied and in a relatively poor state of repair.

1.2 The property lies remote from the nearby A38 highway, within a rural location and is currently accessed via a track from The Wharf at the head of the dis-used Coombe Hill Canal. The site, together with the adjoining Evington Lodge and the Grade II Listed, Evington House, forms a cluster of dwellings which lie behind (to the west) the linear development which lines this section of the A38. The topography of the site slopes markedly from east to west.

1.3 The site is situated within the Landscape Protection Zone (LPZ) and is within relatively close proximity to the Coombe Hill Canal, which is designated as a Key Wildlife Site. A Site of Special Scientific Interest (SSSI) is located over 100m away to the north-west of the site. A Public Right of Way (PRoW) crosses the site and extends north to south. The existing vehicular access to the property, together with the dwelling itself and western half of the site, is located within Flood Zone 3 (See location plan).

## **2.0 Planning History**

2.1 12/01216/OUT - Outline application for the erection of a replacement detached house, garage and extended driveway (all matters reserved) - Permitted at Committee on 02.05.2013.

2.2 The outline permission agreed the principle of change of use of the eastern portion of the site to allow for the re-siting the replacement dwelling outside of the established residential curtilage of Vine Tree Farm. The existing dwelling lies within the lower portion of the site, to the western side of the public right of way and within Flood Zone 3. The extant permission agreed re-siting to the eastern side of the public footpath which crosses the site, thereby taking the dwelling out of the flood plain.

2.3 Although the outline permission reserved all matters for future consideration, Condition 8 restricted the maximum scale parameters (height, length and width) of the dwelling and associated garage in order to adhere to the size and scale of the existing dwelling and ancillary outbuilding on the site. Condition 13 removed permitted development rights for further extensions, structures or buildings within the site.

2.4 Planning permission was granted at Planning Committee on 24.08.2015 for the erection of a replacement dwelling and detached double garage, hard and soft landscaping and the provision of new access and driveway (planning reference: 14/01224/FUL). Some, but not all of the planning conditions relating to this extant permission have been formally discharged and although, site clearance and driveway construction has begun, the dwelling subject to this permission has not yet been constructed.

2.5 There are two further current planning applications relating to the site and these also appear of the schedule (application references: 15/01373/FUL and 15/01345/FUL). Current application ref: 15/01007/FUL represents a further revised scheme for a replacement dwelling of larger size and different materials (brick), following the granting of the extant replacement dwelling permission. Current application ref: 15/01345/FUL seeks to remove condition 14, imposed upon the extant permission (removal of PD rights for further extensions/outbuildings) in order to re-instate full permitted development rights on the site.

## **3.0 Current Application**

3.1 This current application represents a revised replacement dwelling scheme, following the granting of planning permission at Planning Committee on 04.08.2015 for a replacement dwelling and detached double garage with hard and soft landscaping and the provision of a new access and driveway (planning ref: 14/01224/FUL).seeks to erect a replacement dwelling and detached double garage.

3.2 The proposed dwelling would differ from the extant full permission with regard to overall size and design. The extant permission proposed an 'L-shaped' dwelling, further to the east of the site than the previously permitted outline scheme (ref: 12/01216/OUT). The permitted dwelling would have an overall footprint of 157 square metres with a maximum length of 17.4m, width of 12.1m and height of 9.3m. The permitted footprint, including the detached garage would be 191 square metres, with a maximum garage height of 4m. The current scheme proposes to 'infill' the permitted L-shape layout to create a rectangular dwelling and to increase the size of the garage to 9.6m in length by 7m in width, with a linked 'lobby' which would physically connect the house and garage together. The dwelling is shown within the accompanying elevations to be increased in height from 9.3m to 9.6m, and the garage has also been increased in height to 4.4m.

3.3 The revised proposal would remain formal in design, with 'period' features such as full height sash windows and cornice and parapet detailing. However, the proposed construction materials have been revised so the dwelling would be of both natural stone and stone coloured render construction with slate roof, rather than the permitted full, natural stone with stone bonding course. The front (west) and side (south) would be constructed in natural ashlar stone and the rear (east) and side (north) would be constructed in stone coloured render. The attached garage would be constructed in brick and the roof would be slate. The windows and doors have also been revised and are now proposed for construction in aluminium rather than the permitted predominantly timber construction (See attached plans).

3.4 The application has also been further revised since its original submission with regards to the provision of the proposed replacement bat roost, required to replace that in existence within the existing farmhouse on the site. The extant permission required a new bat roost to be provided within the roof space of the replacement dwelling (condition 11 of application ref: 14/01224/FUL). The current scheme proposes the construction of a new 'store' building on the footprint of the existing outbuilding serving the farmhouse. The building would measure some 6m by 6m, with a ridge height of 4.8m. The building would be located outside the residential curtilage, within the paddock/meadow area and would be open-fronted with purpose built bat loft created within the roof space see attached plans.

#### 4.0 Policy Context

4.1 Policy HOU7 of the Local Plan states, inter alia, that the replacement of existing dwellings in locations where the construction of new houses would otherwise be unacceptable will be permitted providing that the replacement is of a similar size and scale, respects the scale and character of existing characteristic property in the area and is acceptable in terms of design, materials, environmental impact, parking and neighbouring amenity.

4.2 Policy HOU10 of the Local Plan states that the Borough Council will not permit the change of use of agricultural land to residential curtilage if there is an adverse environmental or visual impact on the form, character or setting of the settlement. There must also not be any significant encroachment into the surrounding countryside and the form of the extension must not be incongruous with the characteristic pattern of surrounding gardens.

4.3 Local Plan Policy TPT1 relates to access for developments and states that development will be permitted where, inter alia, it would not impair the safety or satisfactory operation of the highway network; and 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.

4.4 Policy LND3 sets out that within the Landscape Protection Zone (LPZ) the Borough Council will seek to protect or enhance the environment and where possible, provision will be made for improved public access. Important landscape features within the LPZ will be retained and where appropriate enhanced to ensure their long term retention. This guidance is echoed within Policy SD7 of the Submission Version of the Joint Core Strategy.

4.5 Policy INF3 of the JCS Submission Version presumes against development at direct risk from flooding and/or development that would increase the risk of flooding elsewhere. Similarly Local Plan Policy EVT5 sets out that development should not exacerbate or cause flooding problems.

4.6 The above guidance is reflected in the relevant Sections of the NPPF. The above Development Plan policies are therefore considered to be consistent with the NPPF and should carry significant weight in the determination of this application.



## 5.0 Analysis

5.1 The main planning issues to be considered in this application are size, scale and design, landscape impact, ecology and the impact on surrounding residential amenity. It should be noted that only those revisions over and above the extant planning permission can be given consideration with regard to the aforementioned planning issues.

### Size, Scale, design and Landscape Impact

5.2 The application site is located in the open countryside which falls within the Landscape Protection Zone. The site rises up towards the Coombe Hill ridge which is located towards the south-eastern end of the field. The PRoW, which crosses the site, offers views up and down the site.

5.3 Policy HOU7 of the Local Plan states that replacement dwellings should be of a similar size and scale to the dwellings they replace; and should respect the scale and character of existing characteristic property in the area. For this reason, condition 8 was imposed upon the original permission ref: 12/01216/OUT in order to ensure that the maximum scale parameters would result in a replacement dwelling of similar size and scale to the existing dwelling. Furthermore, permitted development rights were removed via appropriate planning condition on both the outline permission and extant full permission (condition 14), in order to ensure that the size and scale of the proposal reflected the size and scale of the original farmhouse.

5.4 The current scheme represents a further increase in footprint of 106.95 square metres over and above the extant replacement dwelling permission. It is considered that this further proposed increase in size of the dwelling would fail to accord with Policy HOU7 of the local plan and the building would be significantly larger than the existing farmhouse it seeks to replace.

5.5 The Conservation Officer has been consulted in respect of the current proposal and has raised an objection on the grounds that the previous scheme, was approved on the basis of a strict comparison with the existing house's floor area and there is no benefit in conceding that point now by accepting the proposed extension within the return of the building. This building is predicated on its continuity with tradition yet each successive amendment further and as such, undermines its credibility in this regard. Here there is no architectural distinction between the elevations, merely an arbitrary transition in materials between ashlar stone on the south and west elevations and render on the east and north. This disjunction is further compounded by the introduction of yet another material (fair-faced brick) in close proximity on the garage. It would be more logical if the building simply settled on a single unifying material and if cost is an issue, render is the obvious choice, given the precedents for stucco Regency architecture which abound in the area. The previous reservations about aluminium windows, namely that they are inauthentic and disparage tradition, still stand, in the Conservation Officer's view.

5.6 It is considered that the increased footprint, together with the inherent increased bulk due to infilling the recess of the L-shape plan form and linked extension to a garage of larger size, would result in discernible visual harm to the landscape character of the rural context of the Landscape Protection Zone. This harmful impact would be compounded by the use of mixed materials for its construction and this, together with the proposed aluminium windows and doors, would serve to increase the urbanising impact of the building within the rural landscape which would be readily visible from the PRoW which traverses the site and from distant views from the B4213, Apperley/Tirley Road. The extant scheme also represented a significantly reduced proposal, following the original submission for a much larger dwelling and the officer concerns that ensued in respect of landscape harm. It is considered that the current scheme represents a partial return to the original, larger scheme which was subsequently revised in order render the dwelling acceptable in landscape impact terms.

5.7 Furthermore, the current proposal also includes the erection of an additional detached building, with a footprint of 36 square metres and ridge height of 4.8 metres, to be located within the paddock/meadow area, for the purposes of providing a garden store with bat loft above. Condition 12 of the extant permission sought to remove the existing dwelling and outbuilding from the site in its entirety in the interests of visual amenity. The proposed building would introduce a new physical structure into land proposed for conversion to paddock/meadow, outside of the newly defined residential curtilage and as such, remote from the replacement dwelling and garage. It is considered that proposed erection of a new brick building in this location would result in additional harm and visual intrusion within the rural locality.

5.8 The imposing of condition 14 upon planning permission 14/01224/FUL (and condition 8 upon the previous outline ref: 12/01216/OUT) relating to the removal of permitted development rights for further extensions/ancillary buildings within the site, was deemed both reasonable and necessary in order to secure

a harmonious level of development which might otherwise result in refusal on visual impact/landscape harm grounds. The current proposal seeks to erode the careful considerations given to the extant permission by increasing the size, bulk and massing of the replacement dwelling and by proposing inappropriate materials. As such, it is considered that the current scheme fails to accord with the provisions of the NPPF, Policy SD7 of the Submission Version of the JCS and Policy LND3 of the Local Plan.

### **Residential Amenity**

5.9 The impact of the extant replacement dwelling upon the residential amenity of neighbouring properties was given careful consideration as part of the assessment of the planning merits of proposal. The immediate residential property to the south-west of the application site is 'Evington Lodge'. Given the siting and orientation of the proposed in-fill section of the dwelling and garage, it is not considered that the proposal would result in an adverse impact in terms of residential amenity.

5.10 The occupiers of the nearest property to the south-east of the site, Coombe Bank raised objections to the original, larger proposal on the grounds that it would constitute an oversized and wrongly positioned house which would be viewed by existing houses in the area, including their own and 'Waltham Lea'. The revised proposal, received on 19.05.2015 was accompanied by a site section drawing, showing the proposed dwelling in relation to Coombe Bank and this indicated that, due to the sloping topography of the site and the relative distance of the proposed dwelling from Coombe Bank, the new building would not be visible from Coombe Bank itself or from the A38. The current infill/larger proposal is not considered to alter the acceptability of the proposal on residential amenity grounds and therefore, the scheme accords with Policy HOU7 in this regard.

### **Ecology**

5.11 Concerns have been raised by the Badgers Trust and local residents with regards to the impact of the proposal upon the active badger's sett which is located across the southern boundary of the site, where the new driveway/access serving the site is located. Natural England has been consulted and has raised no objection to the current proposal. NE has confirmed that the scheme would be subject to standing advice in respect of protected species and any works affecting the active bat roost on the site would require an appropriate licence from NE. Furthermore, NE advised that the new driveway works recently carried out across the site in respect of the extant permission, were subject to an appropriate NE licence regarding the interference of the active badgers sett. This licence has now expired and any further works affecting the sett would require a fresh licence from NE.

5.12 The current scheme also proposes the creation of a new bat roost to be provided within a purpose-built building, to be sited within the paddock/meadow area, on the footprint of the dilapidated outbuilding serving the existing farmhouse. This proposal represents a departure from the extant permission whereby the new bat roost to replace that within the existing dwelling, was required to be provided within the roof space of the new dwelling (secured via condition 11 of extant permission ref:14/01224/FUL). A revised ecological method statement has also been submitted as part of the proposal. The council's ecology advisor has been consulted in respect of this issue and **an update will be provided at Planning Committee.**

5.13 The current proposal will be required to accord with the provisions of the NPPF, Policy SD10 of the JCS Submission Version and Policy NCN5 of the Local Plan.

### **6.0 Conclusion**

6.1 In light of the above considerations, it is considered that the proposed development would result in a significant adverse impact on the rural landscape of the LPZ. The proposal would also fail to respect the scale and character of the dwelling it seeks to replace. The application is therefore considered to be contrary to the aims of the NPPF, Policy SD7 of the Submission Version of the JCS and policies HOU7 and LND3 of the Local Plan. The application is therefore **recommended for refusal.**

### **RECOMMENDATION Refuse**

**Reason:**

The proposed development would result in a significant adverse impact on the rural landscape of the Landscape Protection Zone by reason of its size, bulk, design and materials and would also fail to respect the scale and character of the dwelling it seeks to replace. Furthermore the proposed store would result in additional unwarranted harm to the Landscape Protection Zone. The application is therefore considered to be contrary to the aims of the NPPF, policies HOU7 and LND3 of the Local Plan and Policy SD7 of the Submission Version Joint Core Strategy (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.

Valid 21.10.2015

Erection of extensions to provide additional living accommodation and garaging - Revised scheme further to planning permission ref: 05/1808/1542/FUL. Erection of detached machinery store/workshop and hay loft/livestock shelter in connection with adjoining agricultural land.

Grid Ref 400611 230363

Parish Gretton

Ward Winchcombe

Mr &amp; Mrs P Hance

Orchard Lodge

Gretton Road

Gretton

## RECOMMENDATION Split decision

### Policies and Constraints

#### NPPF

Planning Practice Guidance

JCS Submission Version - November 2014 - SD5, SD8, SD9

Tewkesbury Borough Local Plan to 2011 - March 2006 - HEN2, TPT1, HOU8

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

The First Protocol, Article 1 (Protection of Property)

Section 66 (1) of the Planning (Listed Buildings & Conservation Areas) Act 1990

Gretton Conservation Area (CA)

Area of Outstanding Natural Beauty (AONB)

Within 50m of a Grade II listed building (The Old Parsonage)

**Committee determination requested by Councillor Allen to assess the impact of the proposal upon the surrounding rural area**

### Consultations and Representations

Parish Council - No response received

County Highways Officer - No objection - Standing advice

Cotswolds Conservation Board - No response received

Conservation Officer - Objection

Local Residents - No local representations have been received

**Planning Officers Comments:** Miss Lisa Dixon

### 1.0 Application Site

1.1 The application relates to Orchard Lodge, a detached natural stone/rendered dwelling located on the western edge of Gretton village. The site occupies an elevated position relative to the main highway which serves Gretton village. To the immediate north of the site, lies the residential bungalow of 'Greenlands' and to the east lies open field/pasture falling within the applicant's ownership. To the rear (south) and beyond the western, side boundary, lies open fields.

1.2 The grade II listed building known as The Old Parsonage lies in relatively close proximity, to the north-east of the site.

1.3 The site lies within the Cotswold Area of Outstanding Natural Beauty (AONB) and directly abuts but falls just outside of the Gretton Conservation Area (CA) (See location plan).

### 2.0 Planning History

2.1 Planning permission was granted on the site for alterations and extensions to provide additional living accommodation, together with the re-cladding of walls on 05.02.2001, under planning reference: 00/01525/FUL.

2.2 Planning permission was later granted in January 2006 for the demolition of an existing garage and erection of extensions to provide additional living accommodation and garaging under planning reference: 05/01542/FUL. The permission has been substantially implemented, with building works still ongoing at the present time.

2.3 On 28.05.2014 permission was granted at Planning Committee for a new access driveway to serve the site (application reference: 13/01118/FUL). The permission has not yet been implemented but remains extant and would create a new shared access utilising the existing entrance at the Old Parsonage. The existing entrance piers will remain and the driveway will intersect an existing garage serving The Old Parsonage and Witch House to the West.

### 3.0 Current Application

3.1 This application seeks to revise the scope of extensions permitted under planning reference: 05/01542/FUL by replacing the permitted single storey garden room extension to the rear (western) elevation with a two-storey extension to provide a garden room with bedroom above. The extension would be of natural stone and render construction with plain roofing tiles to match the existing property. The proposed fenestration and detailing would also match the design/detailing of the main house. The proposal would allow the existing five bedrooms comprising the first floor to be re-configured and a new dressing room to be provided.

3.2 The current proposal also seeks to erect a detached, three-bay building within the south-eastern portion of the site. The building would be of natural stone and plain clay tile construction with horizontal stained timber boarding and barge boards and would provide a tractor/vehicle garage and adjoining machinery store/workshop with hay loft/store above. The building would measure some 10 metres in length and 7 metres in width, with additional external staircase. The garage/store would be 6.9 metres in height at its ridge, although the rear of the building would be excavated into the sloping bank of the site, enabling first floor access to the hay loft via a rear full height dormer/doorway.

3.3 The submitted supporting statement sets out that the building is largely required in connection with the adjoining pasture land where the applicants rear lambs and require a storage building for a tractor/vehicle and additional machinery, together with a hay loft in order to support the adjoining livestock use. The supporting information also states that the applicants, at present, have no other building for the storage of equipment, hay or for the shelter of their sheep, in connection with the adjoining livestock enterprise (See attached plans).

### 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 The NPPF advises that where the development plan is out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or specific policies in the Framework indicate development should be restricted (Paragraph 14).

4.3 Policy HOU8 of the local plan seeks to ensure that extensions to dwellings, including ancillary garages and outbuildings, respect the character, scale and proportion of the existing, or where appropriate, original dwelling, reflect or complement the existing dwelling with regards to design, do not result in an unacceptable impact upon the residential amenity of neighbouring properties and respect the character and appearance of surrounding development. The requirement for high-quality design which respects the character of the site and its surroundings, is re-enforced within Policy SD5 of the JCS - Submission Version - November 2014.

4.4 The Planning (Listed Buildings & Conservation Areas) Act 1990 Sections 16 and 66 (1) requires that Local Planning Authorities pay special regard to the desirability of preserving listed buildings or their setting. Paragraph 131 of the NPPF restates this requirement and advises that *"the character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to townscape or countryside"* by development which detracts from their setting. Section 72 of the Planning (Listed Buildings

and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policy SD9 of the Submission Version of the JCS echoes the requirement for development to conserve and enhance designated and undesignated assets and their settings. Furthermore, Policy HEN2 of the local plan also reflects this guidance regarding the preservation or enhancement of the character and appearance of conservation areas. This is consistent with the advice at paragraph 131 of the NPPF and its Planning Practise Guidance.

4.5 Paragraph 115 of the NPPF states that 'great weight' should be given to conserving the landscape and scenic beauty of the AONB. The advice regarding conservation and enhancement of the beauty of the AONB landscape is reflected within Policy SD8 of the Submission Version of the JCS.

4.6 It is considered that the above local plan policies are consistent with the NPPF.

## **5.0 Analysis**

5.1 The main issues to consider in this application are the impact of the proposed development on the setting of the adjacent conservation area and nearby listed building, the impact on the Cotswold AONB, the impact on the character of the existing dwelling and upon neighbouring residential amenity.

### **Impact on setting of listed building, Conservation Area and Area of Outstanding Natural Beauty**

5.2 Orchard Lodge occupies a relatively isolated position relative to the rest of Gretton village and the building has been substantially extended in recent years, a process which is ongoing. The site is now densely developed, with a substantial dwelling and linked, double garage with ancillary accommodation above, already occupying a relatively modest plot. The proposed new garage/store would represent a further substantial building within the site which would effectively 'in-fill' the entire south-eastern corner. The Conservation Officer has been consulted and has commented that the proposal here for yet another building represents a substantial addition of a comparable scale to the house, and also occupies the highest, most dominant portion of the site. Furthermore, the CO has commented that the building is additionally rather more elaborate than its prosaic storage functions warrant, with natural stone construction and domestic, detailed fenestration and dormers. The CO also advised that if storage in connection with the adjoining lamb rearing enterprise is required, this could perhaps be provided in a more low key manner, with less impact on the conservation area and its surrounding landscape. Whilst the Conservation Officer has raised no formal objection to the proposed extensions to the dwellinghouse itself, objections have been raised in respect of the proposed garage/store building.

5.3 The site is predominantly surrounded by open countryside and effectively lies behind, and remote from, the main built form of the village. The context of the adjoining conservation area is also essentially open and undeveloped here, despite the permitted new driveway (13/01118/FUL) which, when implemented, will introduce an element of hard landscaping within the locality. The existing dwelling has already been significantly altered/extended and whilst high quality materials have been utilised, the overall impact remains large and urbanising in relation to the rural landscape beyond. The new building would be closely positioned to the south-eastern corner of the plot, and would compound this urbanising form, within the context of the open fields directly beyond. This positioning, together with the building's overall size would serve to push the built form further towards the undeveloped rural context of the AONB and adjoining conservation area. It is considered that the proposed building, by virtue of its size, bulk and positioning, design and materials, would represent a harmful and visually intrusive addition within the AONB landscape.

5.4 As such, it is considered that the proposed garage store would adversely affect the visual attractiveness of the AONB and result in harm to the character and appearance of the Gretton Conservation Area, contrary to Section 11 and 12 of the NPPF, Policies SD8 and SD9 of the JCS Submission Version and Policy HEN2 of the Tewkesbury Borough Local Plan.

5.5 It should be noted that the current proposal also includes a rear extension to the dwelling and represents a revised scheme to that permitted under application ref: 05/01542/FUL. However, this element of the proposal is considered well-related to the form and design of the existing property and as such, would not result in discernible harm to the special landscape character of the AONB and character and appearance of the conservation area.

5.6 Furthermore, it is considered that both the proposed extension and the new garage/store, would be sited sufficient distance from the Grade II listed, 'The Old Parsonage' not to impact significantly upon its setting. Therefore, the proposal is considered acceptable in accordance with the NPPF and Sections 16 and 66 (1) of The Planning (Listed Buildings & Conservation Areas) Act 1990 in this regard.

### **Impact on living conditions**

5.7 The proposed garage/store building would be sited within the south-eastern corner of the plot, away from the nearest property of 'Greenlands', which adjoins the site to the north. As such, it is considered that the building would not result in discernible harm to the residential amenity of neighbours. The proposed extension to the rear (western) elevation of the dwelling itself would be sited some 11.5 metres from the shared boundary with Greenlands. The existing linked garage building within the site would largely screen the proposed extension from the adjacent property and would also serve to obscure any views from the first floor bedroom window, towards Greenlands.

5.8 Greenlands itself has an extant permission for the demolition of the existing bungalow and the erection of a replacement dwelling (application ref: 15/00728/FUL - permitted 03.09.2015). Once completed, it is considered that, given the orientation and positioning of the replacement dwelling, relative to Orchard Lodge, the current proposal at Orchard Lodge itself would not result in discernible harm to the occupiers of Greenlands by reason of overlooking, loss of privacy or overbearing, in accordance with the provisions of the NPPF and Policy HOU8 of the Local Plan.

### **Design and impact upon the dwelling**

5.9 The proposed extensions would represent an additional first floor extension above the garden room extension, permitted under extant permission ref: 05/01542/FUL. The extension would be of appropriate materials to match the existing property and of sympathetic design and detailing to match the existing. It is therefore, considered that the proposed extension would respect the scale, character and proportions of the existing dwelling, in accordance with Policy HOU8 of the Local Plan.

5.10 The proposed garage/store building would be sited in close proximity to the south-eastern corner of the existing dwelling, effectively infilling the corner of the plot. The proposed size (10m x 7m), positioning and design of the building is considered to fail to complement the existing dwellinghouse and introduces a competing rather than subservient element that results in a cramped form of development. As such, the current proposal is considered contrary to Policy HOU8 of the Local Plan in this regard. It should also be noted that there is already a substantial double garage building on the site, with additional ancillary accommodation above.

## **6.0 Conclusion**

6.1 In light of the above, it is considered that the proposed garage/store would have an unacceptable impact upon the character and appearance of the Conservation Area and the wider setting of the Cotswolds Area of Outstanding Natural Beauty. However, the proposed extension to the dwelling itself is considered acceptable in design and landscape/conservation impact terms. Therefore, the application is recommended for a **split decision**.

### **RECOMMENDATION Split decision**

#### **Permit**

#### **Condition:**

The external materials of the proposed extension shall match as near as possible the materials of the existing dwellinghouse.

#### **Reason:**

To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.

Notes:

**1 Statement of Positive and Proactive Engagement**

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

- 2 This decision relates to the erection of extensions to provide additional living accommodation only. That part of the proposal relating to the erection of a detached machinery store/workshop and hay loft/livestock shelter was refused planning permission.

This decision notice forms only one of two parts of the formal decision of the Local Planning Authority relating to the application reference 15/00457/FUL.

**Refusal**

- 1 The proposed garage/store building, by reason of size, positioning and detailed design, would fail to respect or complement the existing dwelling and would result in a cramped form of development within the plot, contrary to the NPPF and Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 2 The proposed garage/store building, by reason of its size and positioning would result in a discordant and visually intrusive addition which would harm the scenic beauty of the AONB and the character and appearance of the adjacent Gretton Conservation Area, contrary to Sections 11 and 12 of the NPPF, Policies SD8 and SD9 of the JCS - Submission Version - November 2014 and Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Notes:

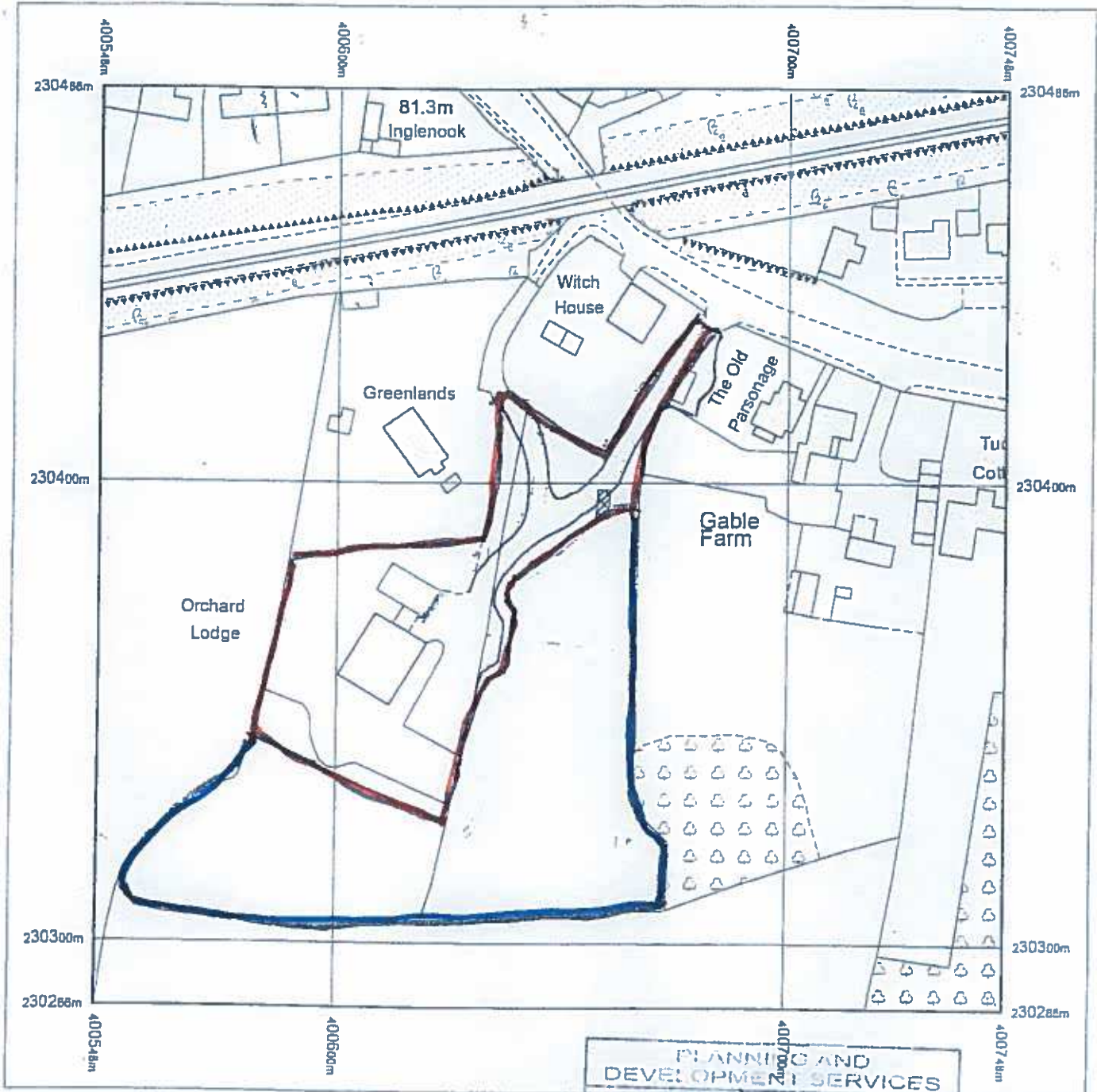
**1 Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has 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 This decision relates to the proposed detached machinery store/workshop and hay loft/livestock shelter only. That part of the planning proposal relating to the erection of extensions to provide additional living accommodation was granted planning permission.

This decision notice forms only one of two parts of the formal decision of the Local Planning Authority relating to the application reference 15/00457/FUL.





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PLANNING AND DEVELOPMENT SERVICES

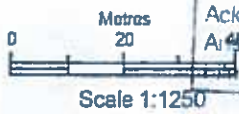
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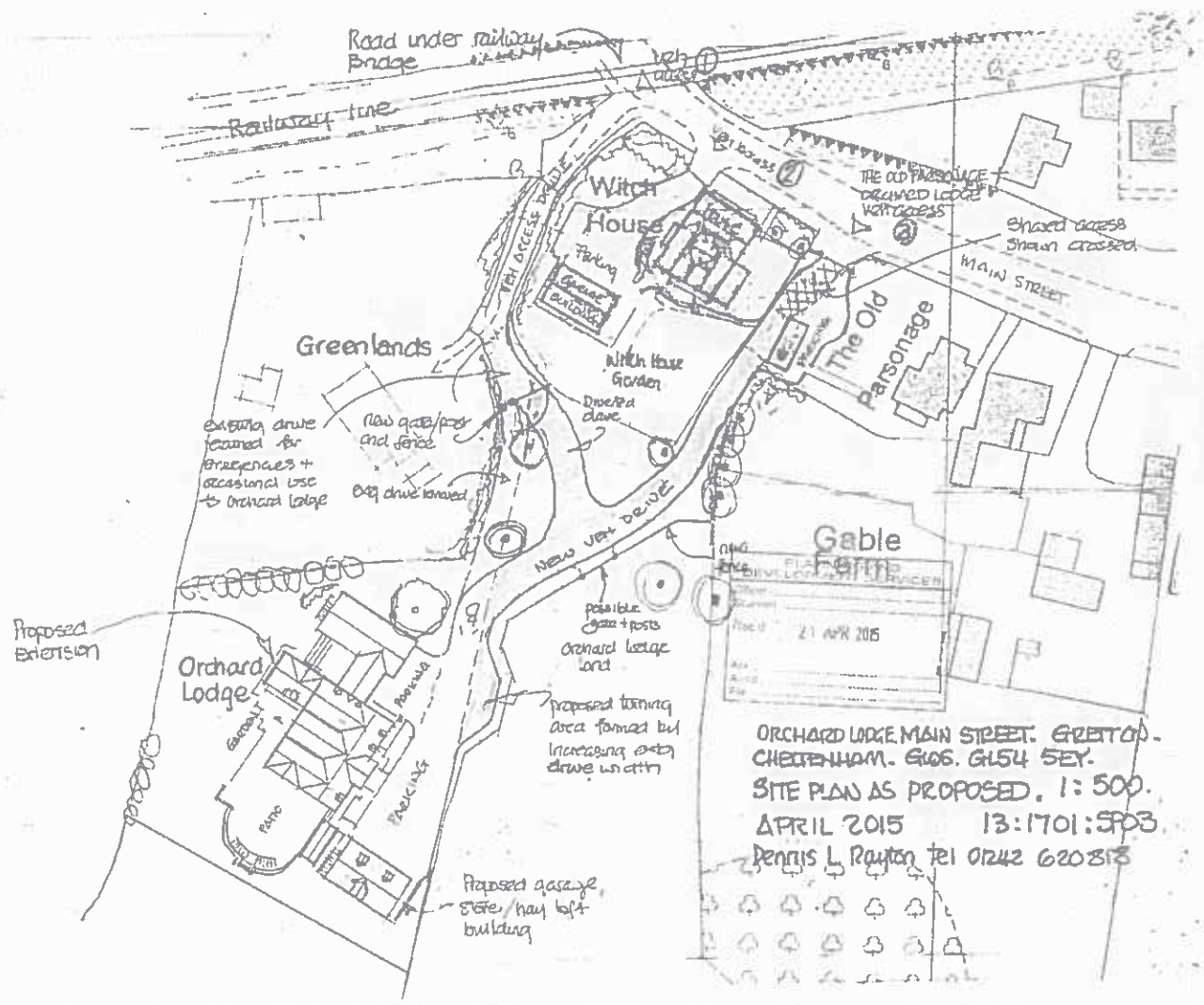


Supplied by: Axworthys  
 Serial number: 00317000  
 Centre coordinates: 400648 230386

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site: [www.ordnancesurvey.co.uk](http://www.ordnancesurvey.co.uk)

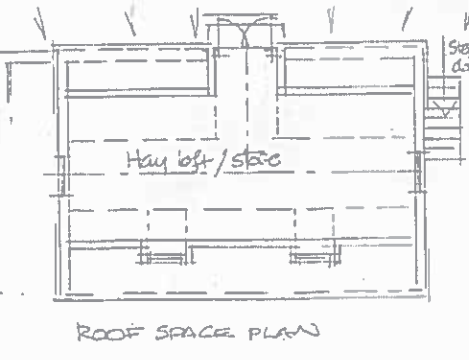
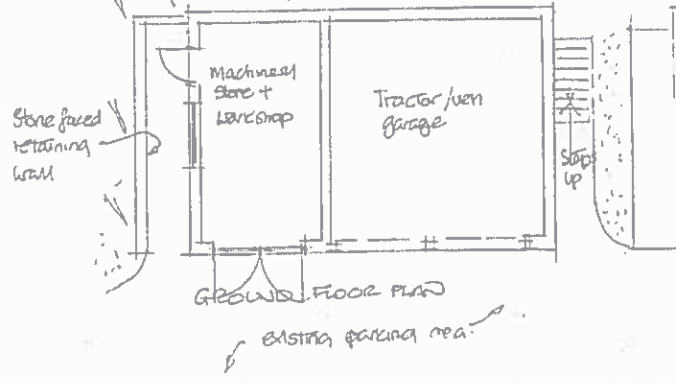
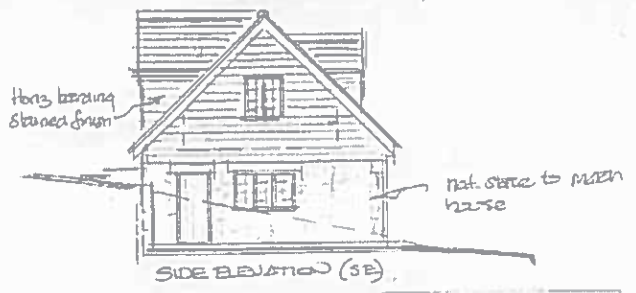
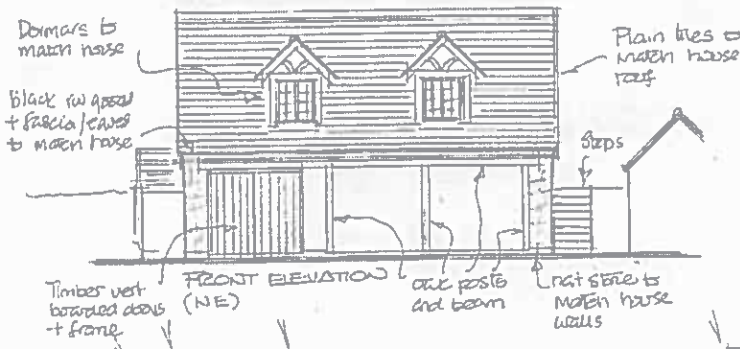
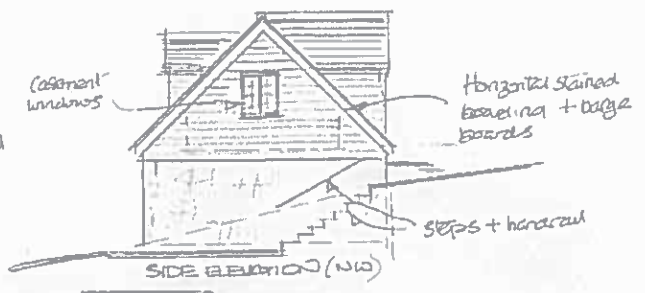
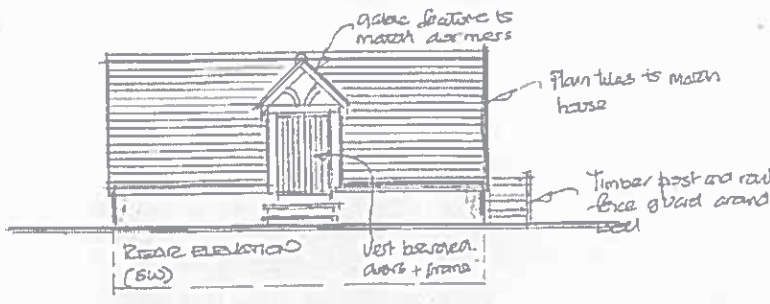
8367A

VEH. ACCESS DEVE. AS SHOWN :-  
PLANNING APPROVAL. DATED 27.05.2011  
REF 13/0118/FUL.



ORCHARD LODGE MAIN STREET, GRETA-ON-CHEETHAM, G106 6L54 5EX.  
SITE PLAN AS PROPOSED, 1:500.  
APRIL 2015 13:1701:5P03  
Pennis L Rayton Tel 01242 620813

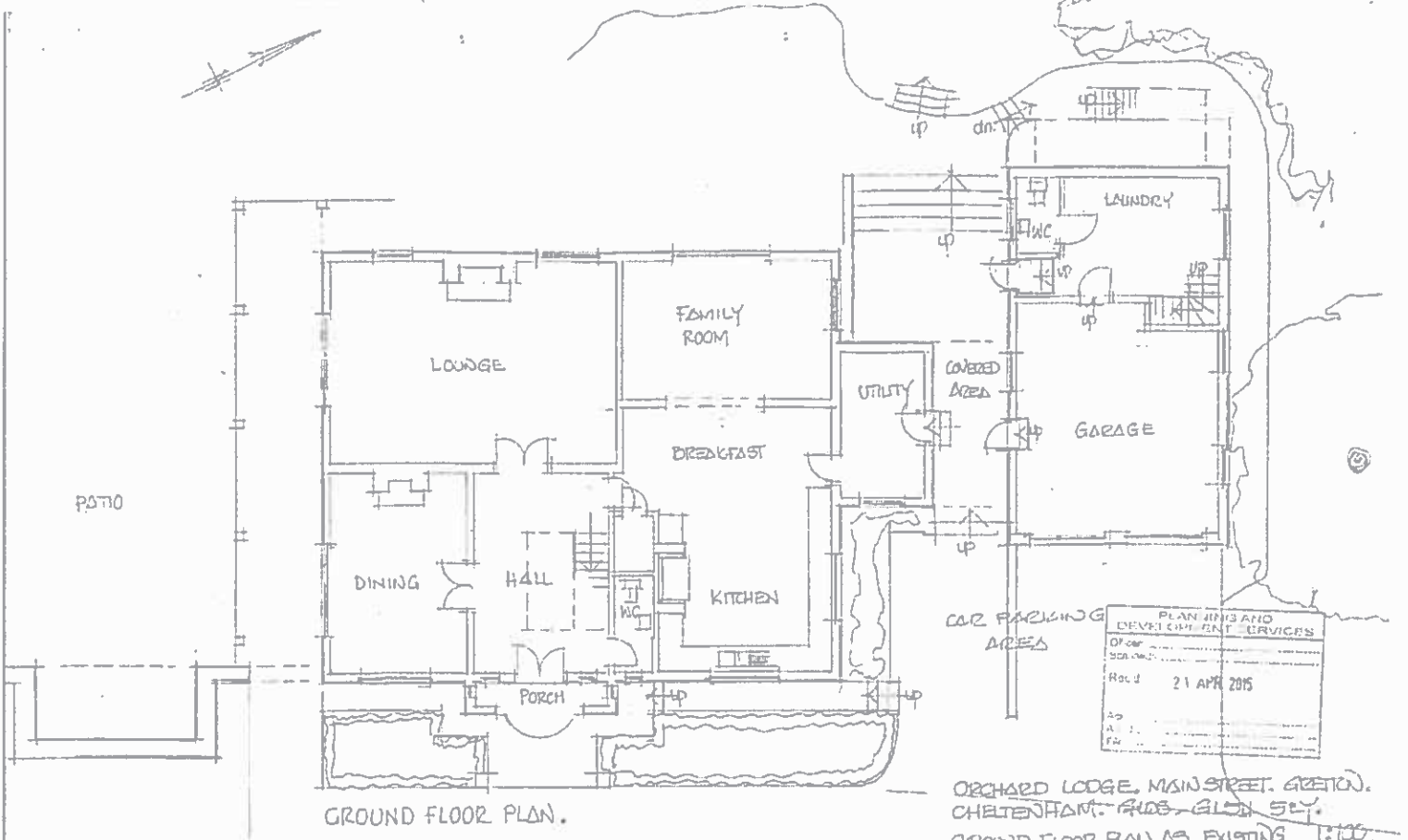
# Proposed garage/store/hay loft



PLANNING AND DEVELOPMENT SERVICES	
Officer Scanned	
Recd	21 APR 2015
Act	
File	

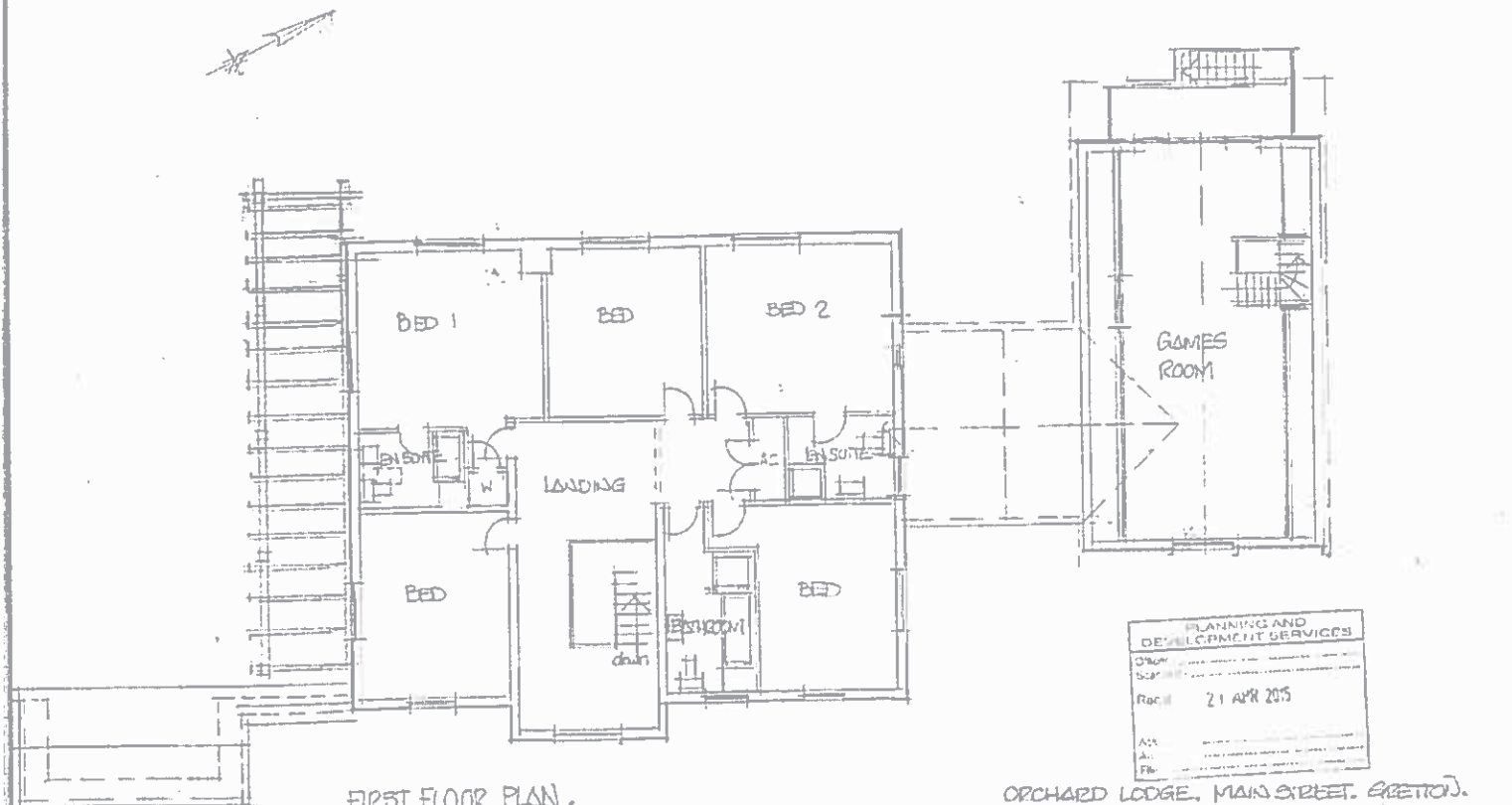
ORCHARD LODGE, MAIN STREET, GRETTON, CHESTERHAM, GL54 5EY  
GARAGE/HAY LOFT/STORE BUILDING  
1:100      APRIL 2015  
13:1701:11.  
Diana L Reilly BA 01292 620818

# Existing floor plans



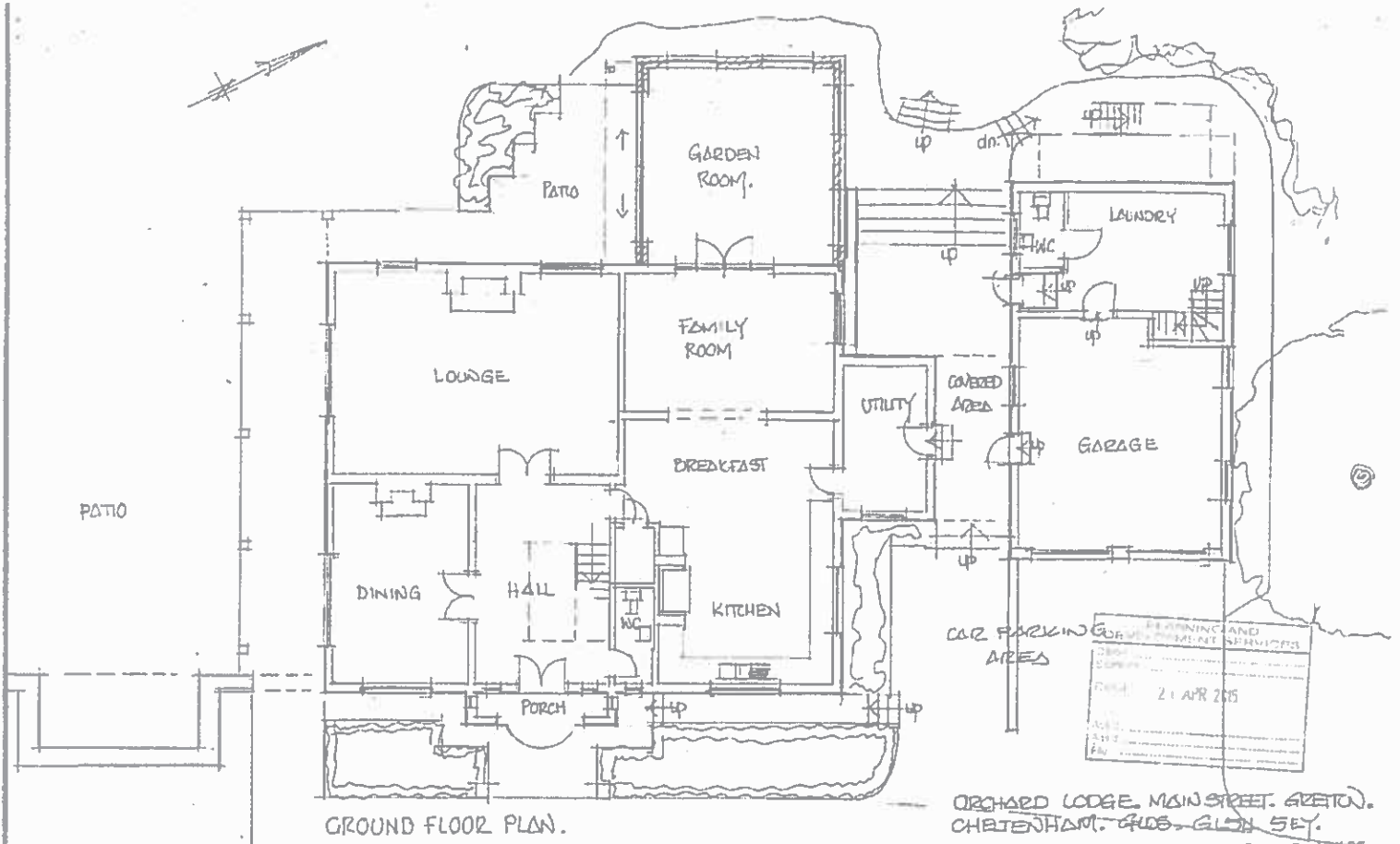
GROUND FLOOR PLAN.

ORCHARD LODGE, MAIN STREET, GRETTON,  
 CHELTENHAM, GLOS. GL54 5EY.  
 GROUND FLOOR PLAN AS EXISTING. 1:100.  
 APRIL 2015 13:1701:01  
 DENNIS L RAYTON TEL 01242 620818



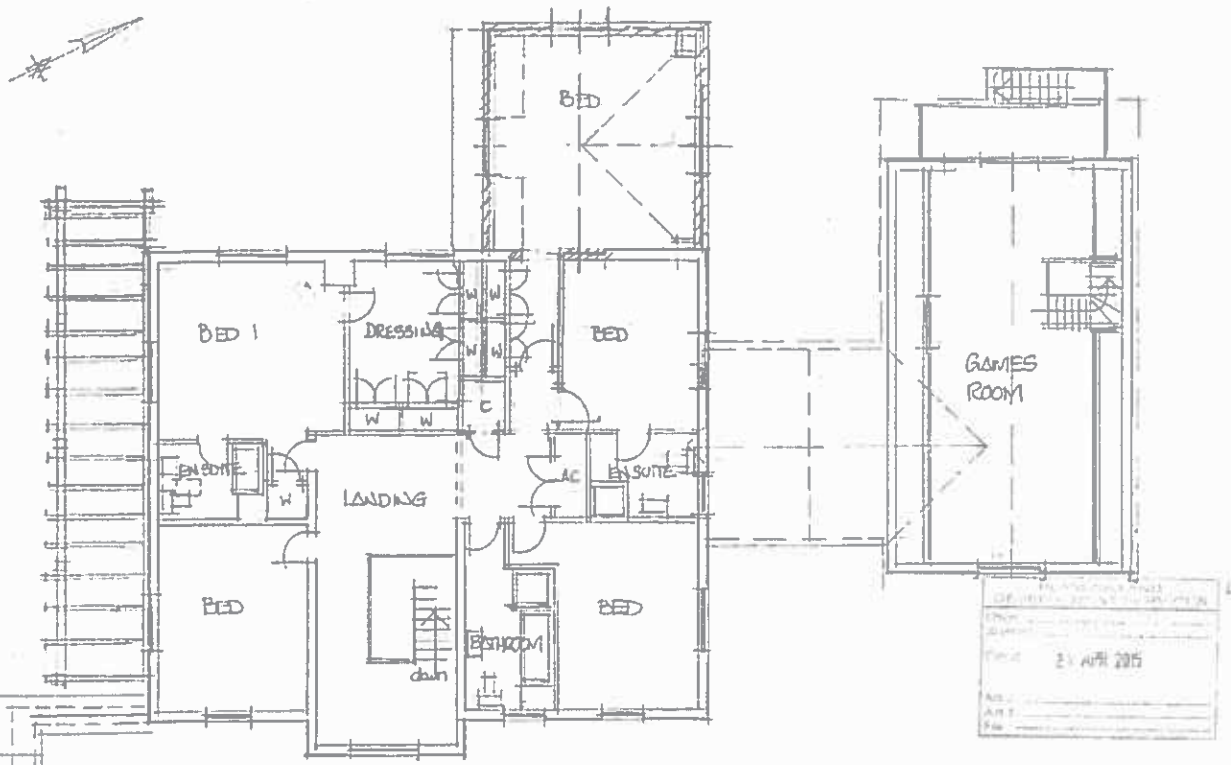
FIRST FLOOR PLAN.

ORCHARD LODGE, MAIN STREET, GRETTON,  
 CHELTENHAM, GLOS. GL54 5EY.  
 FIRST FLOOR PLAN AS EXISTING 1:100  
 APRIL 2015 13:1701:02  
 DENNIS L RAYTON TEL 01242 620818



GROUND FLOOR PLAN.

ORCHARD LODGE, MAIN STREET, GRETON,  
 CHERTENHAM, GLOS. GL54 5EY.  
 GROUND FLOOR PLAN AS PROPOSED. 1:100.  
 APRIL 2015 13:1701:06  
 DENNIS L ROYTON BA 01242 620818



FIRST FLOOR PLAN.

ORCHARD LODGE, MAIN STREET, GRETON,  
 CHERTENHAM, GLOS. GL54 5EY.  
 FIRST FLOOR PLAN AS PROPOSED. 1:100  
 APRIL 2015 13:1701:07



REAR ELEVATION.



FRONT ELEVATION.

PLANNING AND DEVELOPMENT SERVICES	
DATE:	
REVISION:	21 APR 2015

ORCHARD LODGE. MAIN STREET. GRETTON.  
CHESTERHAM. GLOS. GL54 5EY.  
ELEVATIONS AS EXISTING. 1:50.  
APRIL 2015 13:1701:03.  
DENIS L RAYTON TEL 01242 620818



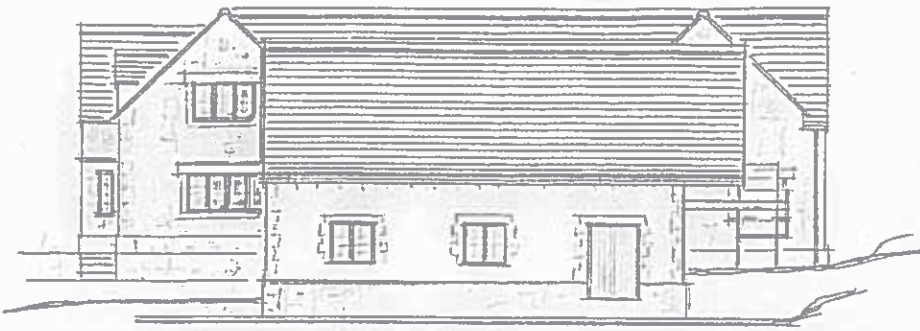
SIDE ELEVATION.



SIDE ELEVATION / SECTION

← Extension beyond →

15/00457 / FULL  
Proposed Elevations



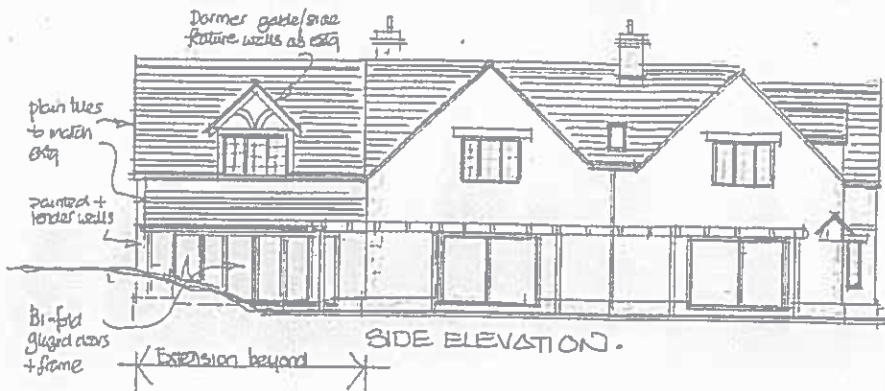
SIDE ELEVATION.



REAR ELEVATION.



FRONT ELEVATION.



SIDE ELEVATION.

ORCHARD LODGE, MAIN STREET, GREAT BRETTON, CHESTERHAM, GLOS. GL54 5EY.  
ELEVATIONS AS PROPOSED. 18100.  
APRIL 2015 13:1701:08  
DENIS L Rayton tel 01242 620818



SIDE ELEVATION / SECTION

← Extension →

838/G

Valid 08.10.2015

Alterations to existing car parking layout and provision of overspill car park area, provision of external seating area, external lighting and fencing, alterations to existing fenestration to include the replacement of existing UPVC framed windows with timber framed windows

Grid Ref 399934 233364

Parish Alderton

Ward Winchcombe

Wendy & Mike Wakeman  
Gardeners Arms  
Beckford Road  
Alderton  
Tewkesbury  
Gloucestershire

## RECOMMENDATION Permit

### 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 LND2, LND5, EVT2, EVT3 and TPT1

Planning (Listed Buildings and Conservation Areas) Act 1990

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** - objects to the application for the following reasons:

- The proposed car parking area should not be allowed to encroach onto the "attractive open space important to village character" (as defined in the Tewkesbury Borough Local Plan to 2011 (March 2006)). There is also a proposal in the emerging Alderton Neighbourhood Development Plan that this area remains as a Local Green Space.
- Any proposal should respect the setting of the listed building
- There is no street lighting in Alderton and therefore the external pathway should not be permanently lit as this will be too prominent. The lighting on this path should be reduced to that of PIR type lighting.
- The Parish Council advises that external works have commenced on site prior to any decision being made on this application.

**The Conservation Officer** - no objection

**The Local Highway Authority** - no objection

**Planning Officers Comments:** Emma Blackwood

## 1.0 Introduction

1.1 The application site comprises the Gardener's Arms public house, which is located on a corner plot within the Residential Development Boundary of Alderton, as defined on the Tewkesbury Borough Local Plan to 2011, Proposals Map (March 2006) (see attached Site Location Plan). The application site is within the centre of the village, and the original part of the Gardener's Arms public house, towards the northern side of the site, is a grade II listed building. The public house fronts Beckford Road to the North, and a vehicular access is provided from the northern boundary providing access to the public house car park which is located to the western side of the building. The land to the west and south of this car park within the application site and fronting the curve in Willow Bank Road, which is the main approach into the village, is grassed (see attached existing plans).

1.2 The application site is located within the Special Landscape Area (SLA) and part of the site, towards the western and southern sides, is defined as an 'Important Open Space' (IOS) on the Local Plan Proposals Map.



## 2.0 Relevant Planning History

2.1 A number of planning applications and listed building consent applications have been granted for extensions to the Gardeners Arms public house.

2.2 Planning permission was granted in 1979 for an extension to the existing car park (reference 79/00399/FUL).

2.3 A number of planning applications and listed building consent applications have also been received for the erection of dwelling(s) within the curtilage of Gardener's Arms, all of which have been refused, with all but one dismissed at appeal. The most recent application at the site was for the proposed erection of a single storey dwelling on land adjacent to the 'Gardeners Arms' (reference 13/00858/FUL), which was refused planning permission on 19th November 2013. The reasons for refusal given by the Local Planning Authority were that:

*"The proposed development fails to preserve or enhance the setting of the adjacent listed building (Gardeners Arms) and would erode the character and appearance of the Important Open Space and Special Landscape Area (SLA) due to its siting and layout. The proposed development would therefore be contrary to policies LND5, LND2 and HOU5 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and Section 12 of the NPPF".*

2.4 A subsequent appeal against this refusal was later dismissed, with the Planning Inspector finding that: *"the proposed bungalow would unacceptably harm the character and appearance of the area, and would not preserve the setting of the Grade II listed public house. It would therefore conflict with LP Policies HOU3, HOU5, LND2 and LND5 that seek, amongst other things, development that respects the local identity and character of an area. Nor would it comply with the similar objectives of the Framework, and those that require the protection and enhancement of heritage assets".*

## 3.0 Current Application

3.1 The current application plans show that an existing timber fence adjacent to the western side elevation of the building would be removed, and an external seating area be provided which would project approximately 3.3 metres from the western side elevation of The Gardeners Arms and would cover an area of some 45 square metres. This external seating area would be raised approximately 0.4 metres above adjacent ground level and would be covered in a golden flint surfacing material, a sample of which has been provided with this application; the area would be surrounded by a barrier of sleepers to protect those people sat outside.

3.2 The application also proposes the provision of an overspill car park towards the south-eastern corner of the application site, to provide additional car parking spaces including 2 no. staff parking spaces. The proposed overspill car park area would also be covered in a golden flint surfacing material. The applicant advises that there has always been vehicular access to this area to the rear of the building, and it has been used as a makeshift overspill car park on occasions. However, the aggregate on this area has become covered with grass and customers increasingly park on the main Beckford Road. It is therefore proposed to redefine this area as an overspill car park.

3.3 Alterations are also proposed to the existing car parking layout within the car parking area to the west of the Gardeners Arms, to provide additional vehicular parking spaces, including 2 no. disabled persons' parking spaces.

3.4 It is proposed to provide external lighting around the proposed parking areas and external seating area, for security purposes, which would be in the form of 0.5 metre high LED lighting bollards (**see attached proposed bollard lighting**). An existing lamppost to the rear of the building would also be reinstalled.

3.5 New steps/paving would be provided leading to the pub entrance on the western side elevation of the building, on the later element of the public house. New timber feature entrance doors and frame are proposed for installation here.

3.6 To the rear of the building, it is proposed to repair existing timber framed and glazed doors, which provide access to/from the patio area, and to paint them in a white gloss. 2 metre high timber close boarded fencing and a gate would also be erected to the rear of the building to enclose the patio/bin area.

3.7 The proposed site plan shows that additional planting would be provided on the application site, although precise details of this landscaping have not been provided.

3.8 The most recently submitted plans propose the replacement of 3 no. existing UPVC windows at first floor level on the Gardeners Arms (2 on the northern elevation facing onto Beckford Road and 1 on the western elevation facing onto the car park) with timber framed windows, to match the style and size of existing windows, which would be finished in white gloss paint (**see attached proposed plans regarding replacement windows**). A listed building consent application has recently been received for the proposed installation of these replacement windows (reference 16/00222/LBC), which is currently pending consideration.

3.9 A number of internal alterations are also proposed to the building, which is subject to a separate application (reference 15/00967/CLPLB).

#### 4.0 Policy Context

4.1 The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66 (1) requires that Local Planning Authorities pay special regard to the desirability of preserving the [listed] building or its setting. Paragraph 131 of the NPPF restates this requirement and advises that "the character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to townscape or countryside" by development which detracts from their setting.

4.2 Paragraph 17 of the NPPF identifies a set of 12 core land-use planning principles, one of which sets out that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

4.3 Section 12 of the NPPF relates to "conserving and enhancing the historic environment". In terms of heritage assets, paragraph 126 of the NPPF specifies that local planning authorities should recognise that these are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

4.4 Paragraph 132 of the NPPF specifies that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. 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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

4.5 Paragraph 134 of the NPPF notes 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.

#### Tewkesbury Borough Local Plan to 2011 (March 2006)

4.6 Policy LND2 ("Special Landscape Area") of the Tewkesbury Borough Local Plan to 2011 (March 2006) specifies that, in the assessment of proposals for development special attention will be accorded to the protection and enhancement of the landscape character of the SLA 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.

4.7 Policy LND5 ("Important Open Spaces") of the Tewkesbury Borough Local Plan to 2011 (March 2006) specifies that proposals which would adversely affect the character and appearance of IOSs will not be permitted.

4.8 Policy EVT2 ("Light Pollution") of the Local Plan specifies that the Borough Council will seek to minimise light pollution resulting from new development proposals, and policy EVT3 ("Noise Pollution") specifies that planning permission will not be granted for development where noise would cause harm and it cannot be ameliorated.

4.9 The Local Plan policies referred to above are consistent with the aims of the NPPF in terms of its core planning principles to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, to take account of the different roles and character of different areas, to recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it, and are therefore afforded considerable weight.

4.10 In terms of the proposed alterations to the existing car parking layout and the provision of an overspill car park area, policy TPT1 of the Local Plan relates to "Access for Development". The aims of policy TPT1 are consistent with paragraph 32 of the NPPF which specifies that plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

#### Emerging Development Plan

4.11 The Submission Version of the JCS (November 2014) is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. Policies SD7 (Landscape), SD9 (Historic Environment), SD15 (Health and Environmental Quality), INF1 (Access to the Transport Network), INF2 (Safety and Efficiency of the Transport Network) and INF4 (Green Infrastructure) of the JCS relate to the development currently proposed under this application. These policies generally reflect the existing Local Plan policies and are considered to be consistent with the NPPF.

### **5.0 Analysis**

5.1 The main issues for consideration are the impact of the proposed development on the setting of the listed building at Gardener's Arms, the character and appearance of the area (including impact on the SLA and the IOS), the amenity of adjoining occupiers and on highway safety.

#### Impact on Listed Building

5.2 The majority of the proposed development would not directly affect the original property, fronting onto Beckford Road. Alternatively, the proposed works would primarily relate to the later extension to the rear of the original element and the wider setting of the listed building. It is considered that, given the modest nature of the proposed development, this would respect the setting of the listed building.

5.3 It is only the proposed replacement of 3 no. existing UPVC windows with timber framed windows which would directly affect the original and listed element of the Gardeners Arms public house. The Conservation Officer raises no objection to the proposed development, and advises that the proposed replacement timber window details seem acceptable in principle, and would clearly enhance the significance of the listed building. The external changes are similarly modest and reflect the use of the building as a public house. Overall therefore, there would be a positive impact on the historic and architectural interest of the Listed Building and no harmful impact on its setting.

#### Impact on Character and Appearance of Area

5.4 In the context of the existing site, the proposed development would be modest in nature, and it is considered that this would respect the character and appearance of the area and would protect the landscape character of the SLA. The proposed replacement of existing UPVC windows on the original and listed element of the public house would enhance the character and appearance of the building and the area.

5.5 Alderton Parish Council has objected to the proposed provision of external lighting, as there is no street lighting in Alderton and the Parish Council therefore considers that the external pathway should not be permanently lit. The lighting would be provided around the proposed parking areas and external seating area only, and the applicant has advised that this is required for security purposes. The height of each of the

proposed lighting bollards would be just 0.5 metres. Further, there are trees and landscaping along the boundaries of the site which back onto the adjacent highway, which provides some extent of screening. It is considered that the proposed lighting, by virtue of its height and positioning within the site, would not appear overly prominent and would protect the landscape character of the SLA. It is recommended that a condition is attached to any approval of permission for this lighting to be turned off outside the opening hours of the public house in order to protect the visual amenity of the area. Thus it is not considered that it would have the same effect as permanent streetlighting.

5.6 Alderton Parish Council also objected to the proposed overspill car park area towards the south-eastern corner of the site, as they consider this would encroach onto the "attractive open space important to village character". The Parish Council advise that there is a proposal in the emerging Alderton Neighbourhood Development Plan that this land, which is currently designated as an IOS on the Local Plan Proposals Map, would be designated as "Local Green Space". Paragraph 76 of the NPPF specifies that *"Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period"*. Paragraph 77 of the NPPF specifies that the Local Green Space designation will not be appropriate for most green areas or open space, and that the designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

5.7 A neighbourhood plan has not yet been adopted for Alderton, and this grassed area is therefore currently not designated as "Local Green Space". However, as noted above, it is designated as an IOS, and is therefore afforded some protection. Policy LND5 of the Local Plan specifies that proposals which would adversely affect the character and appearance of IOSs will not be permitted.

5.8 The applicant has confirmed that there has always been vehicular access to this area to the rear of the building, and that it has been used as a makeshift overspill car park on occasions. However, they further advise that, as the aggregate has become covered with grass, customers increasingly park on the Beckford Road highway, causing a potential nuisance to neighbours.

5.9 The majority of the existing grassed area which is identified as an IOS would be unaffected by the proposed development. The area forming the proposed overspill car park would be covered in a golden flint surfacing material, and would therefore appear as secondary to the principal car park which is provided to the west of the building and is covered in tarmacadam. Further, similar to the proposed lighting, the trees and landscaping along the boundaries of the site which back onto the adjacent highway would provide some extent of screening. The submitted Proposed Site Plan also shows that additional planting would be provided on the application site, which would potentially provide additional screening, although precise details of this landscaping have not been provided. It is recommended that a condition is attached to any approval of planning permission for a landscaping scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. By virtue of the scale of the proposed overspill car parking area and the proposed surfacing materials, it is considered that this would not adversely affect the character and appearance of the IOS. As a whole, it is considered that the proposed development would protect the landscape character of the SLA.

#### Impact on amenity of adjacent occupiers

5.10 In the context of the existing site, and taking into consideration the number of vehicles currently visiting the site, it is considered that the proposed extension to the existing car parking area would not unreasonably affect the amenity of adjoining occupiers in terms of the comings and goings of vehicles and noise disturbance.

5.11 The proposed external seating area would be located to the western side of the building and would therefore be reasonably well distanced from neighbouring residential properties, and it is therefore similarly considered that this would have no significant adverse effect on adjoining occupiers in terms of noise levels, nor in terms of overlooking or loss of privacy.

5.12 The proposed lighting would be low level, with each bollard measuring just 0.5 metres in height above ground level. Most of this lighting would be well distanced from neighbouring residential properties to the north, south and west of the site. At the closest point, one of the proposed lighting bollards would be set back some 2.5 metres from the eastern site boundary, which backs onto the residential curtilage of no. 11 Willow Bank Road. There is a reasonable extent of screening along this boundary in the form of vegetation, and it is therefore considered that this lighting would not unreasonably affect the amenity of adjoining occupiers at no. 11 Willow Bank Road in terms of the proposed lighting levels. As noted above, it is recommended that a condition is attached to any approval of permission for this lighting to be turned off outside the opening hours of the public house in order to protect the residential amenity of adjoining occupiers.

5.13 The remainder of the proposed alterations would be modest in nature and reasonably well distanced from neighbouring residential properties, and it is therefore considered that they would have no significant adverse effect on adjoining occupiers in terms of overshadowing, overbearing impact or loss of privacy.

#### Impact on highway safety

5.14 The application site is located adjacent to a class 4 highway. There is a footway on the northern side of the highway and, to the southern side, a footway link to the junction of Beckford Road. The proposed development does not include any alterations to the existing access, and would result in an increase in the number of parking spaces within the curtilage of the site.

5.15 The Local Highway Authority has viewed the application, and raises no objection. It is considered that the cumulative residual impact of the proposed development on highway safety would not be severe.

### **6.0 Summary**

6.1 Taking into account all of the above, the proposal is considered to be acceptable and in accordance with the relevant policies, and it is therefore recommended that planning permission is granted subject to conditions.

### **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 site location plan received by the Local Planning Authority on 8th October 2015, details of the proposed bollard lighting, sleepers and golden flint finish, approved drawing nos. '15:1769:04A', '15:1769:05A', '15:1769:06A' and '15:1769:SP02A' and the sample of the golden flint finish received by the Local Planning Authority on 14th December 2015, approved drawing nos. '15:1769:01W' and '15:1769:02W' received by the Local Planning Authority on 17th February 2016 and any other conditions attached to this permission.
- 3 No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing a comprehensive scheme of landscaping, which shall include indications of all new tree planting (including location, spread and species) on the land, to replace those trees to be removed.
- 4 All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 5 The lighting bollards hereby permitted shall be non-illuminated outside of the opening hours of the premises known as the Gardeners Arms, Beckford Road, Alderton.

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 To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 3 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) and the principles of the National Planning Policy Framework (2012).
- 4 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) and the principles of the National Planning Policy Framework (2012).
- 5 In the interest of the visual amenity of the area and to protect the residential amenity of adjoining occupiers, in accordance with policies EVT2 and LND2 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).

Notes:

- 1 **Statement of Positive and Proactive Engagement**  
  
In accordance with the requirements of the National Planning Policy Framework (2012) 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 to ensure the setting of the listed building and the landscape character of the Special Landscape Area is protected.
- 2 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 3 It should be noted that Listed Building Consent is also required for the proposed installation of the 3 no. replacement windows and they must not be installed unless that consent has also been granted.
- 4 A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is £97 per request. The fee must be paid when the request is made.

15/00963/FUL

7753  
2.498ha  
6.17

7646  
.260ha  
.64

1/170 int

9050  
.568ha  
1.40

0256  
1.125ha  
2.83

Major Farm  
Nuneries

1043  
.34ha  
.11

Moor  
Farm

Gardens  
(P.M.)

Allocation Gardens

8622  
11.272ha  
27.85

War  
Memorial

86

843/A

335

334

333

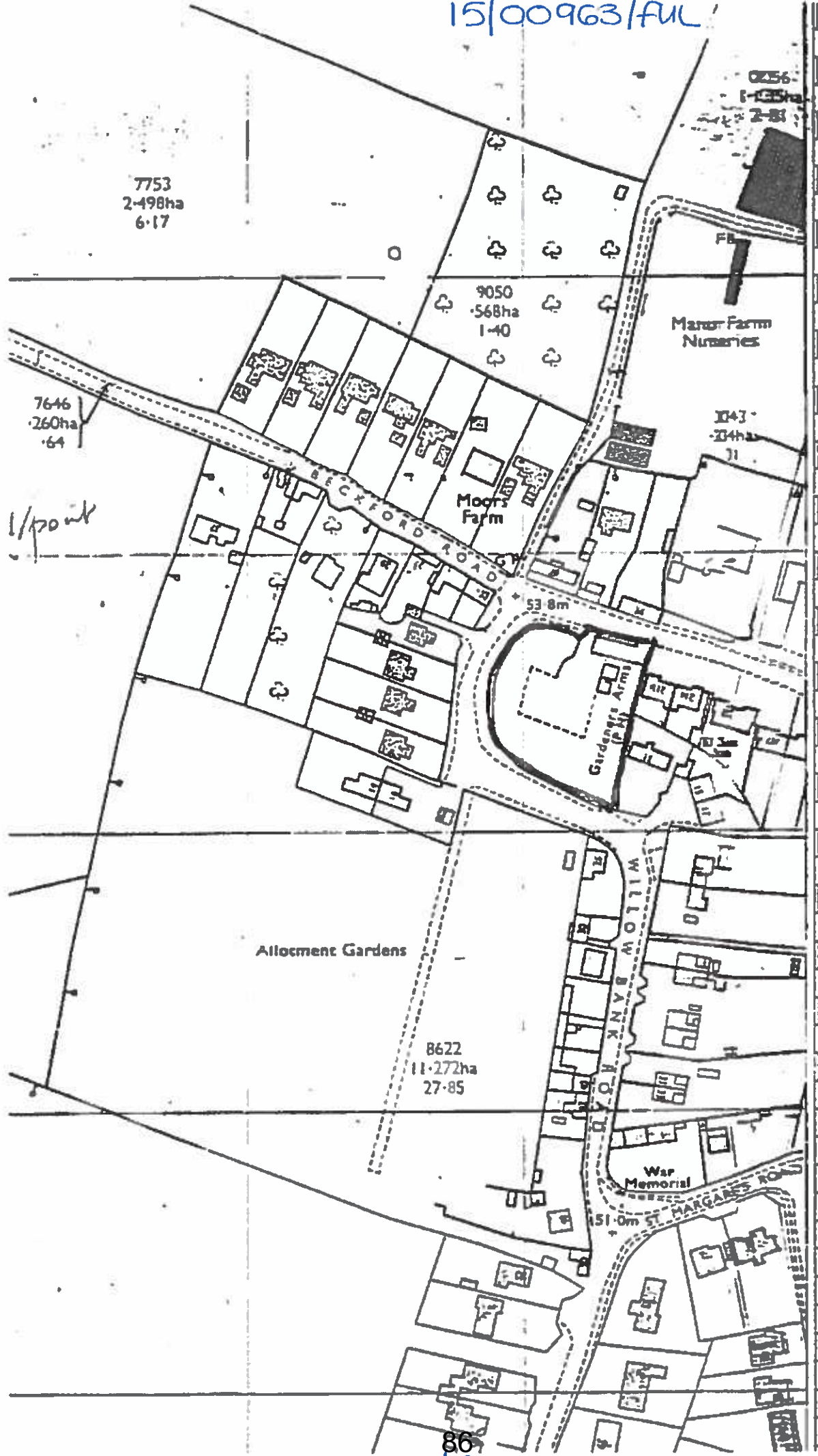
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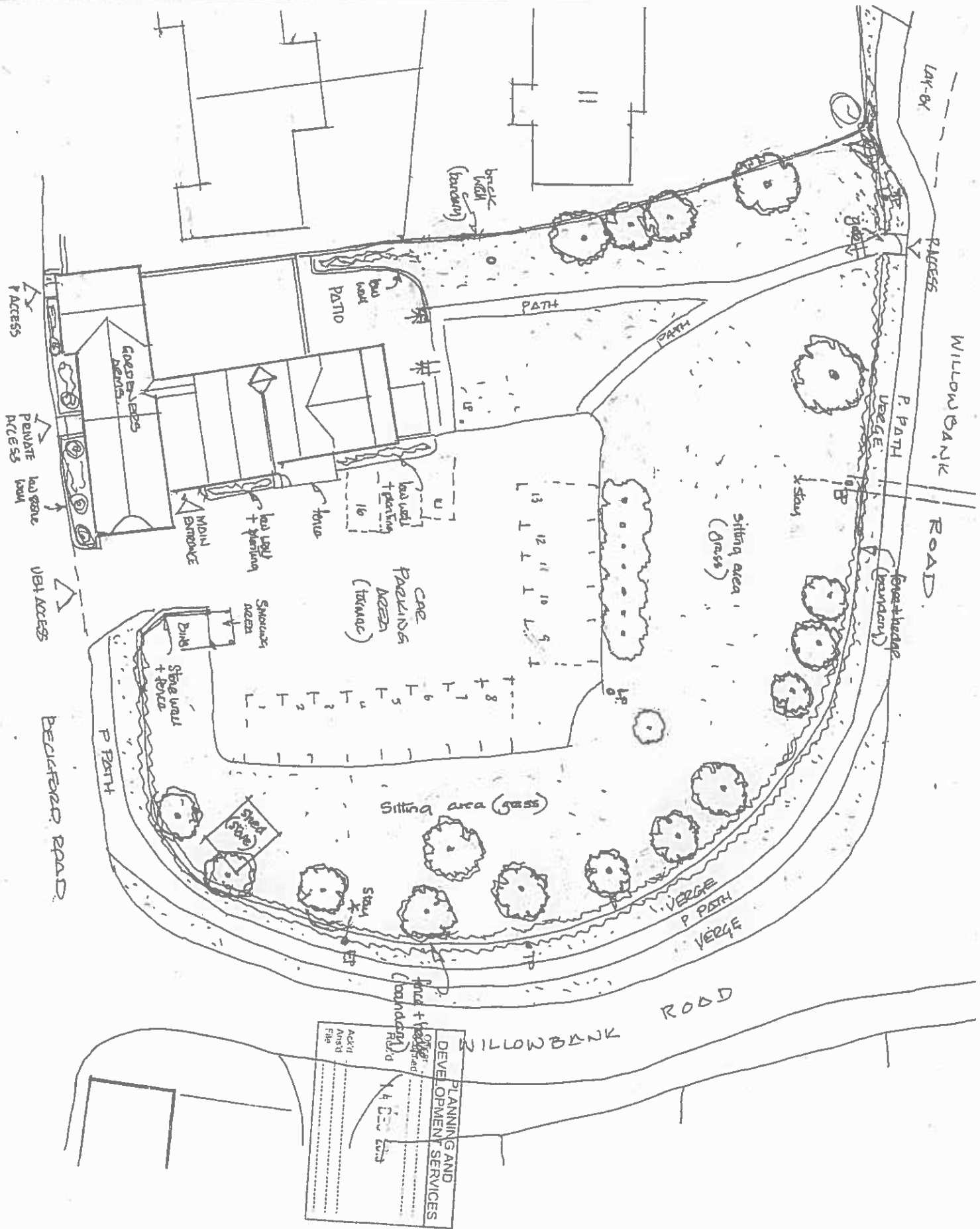
331

ALDERTON C/P

Alderton

Sp 0033-0133



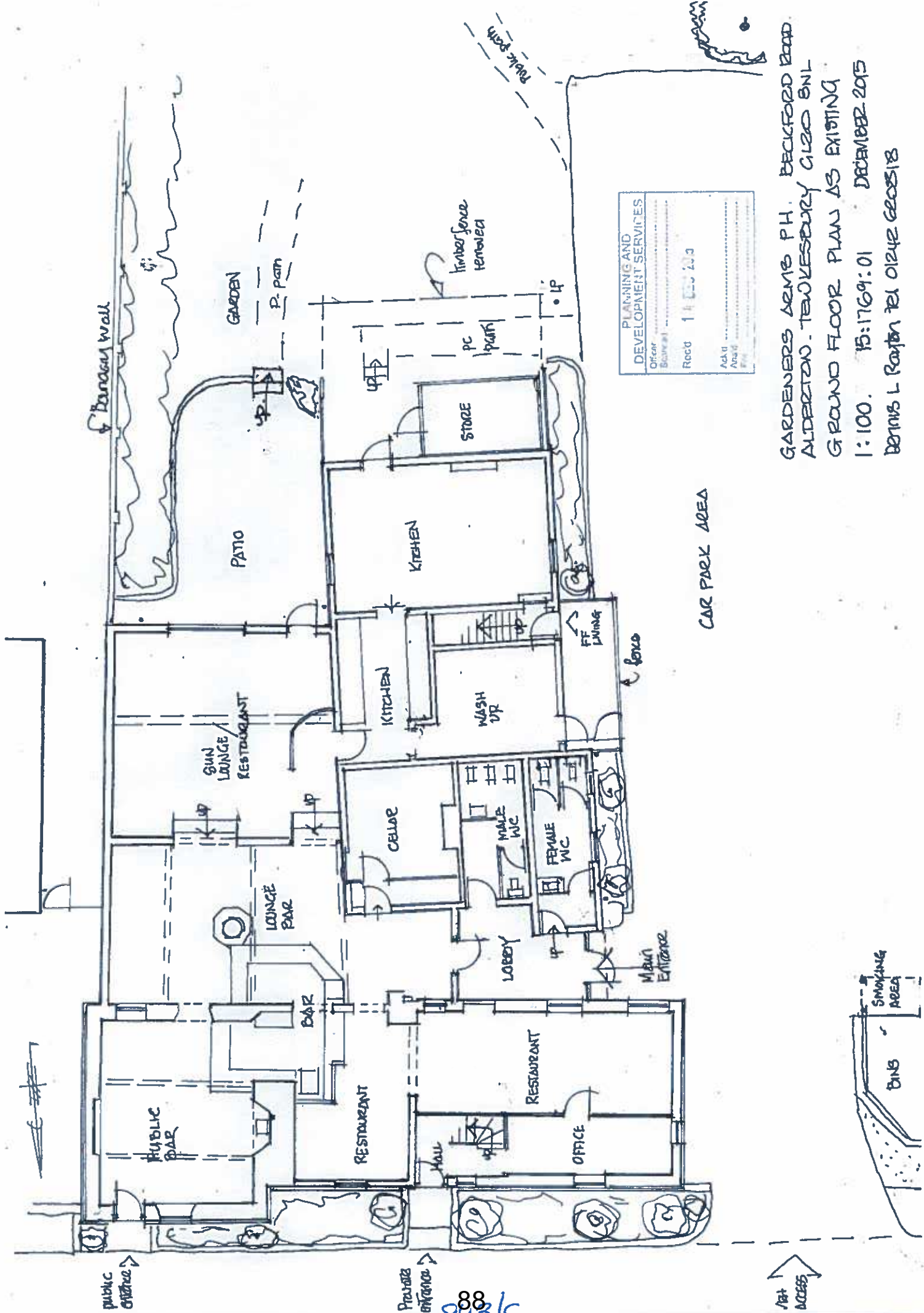


PLANING AND  
 DEVELOPMENT SERVICES  
 14 DEC 2015  
 Active  
 Area  
 File

GARDENERS ARMS PH. BECKFORD ROAD.  
 ALDERTON. TEWKESBURY. GL20 8NL  
 SITE PLAN AS EXISTING  
 1:250 15:1769:SP01 DECEMBER 2015  
 87  
 Denis L Rayton tel 01242 620818

843/B

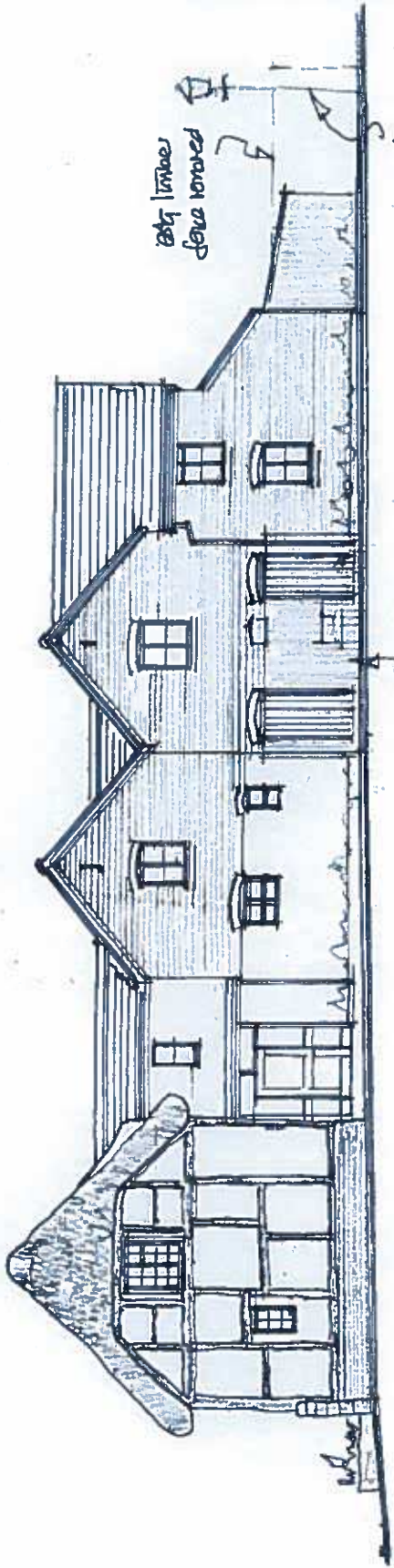




PLANNING AND DEVELOPMENT SERVICES  
 Officer: .....  
 Supervisor: .....  
 Recd: 14 DEC 2015  
 Act'd: .....  
 Anal'd: .....  
 Pmt: .....

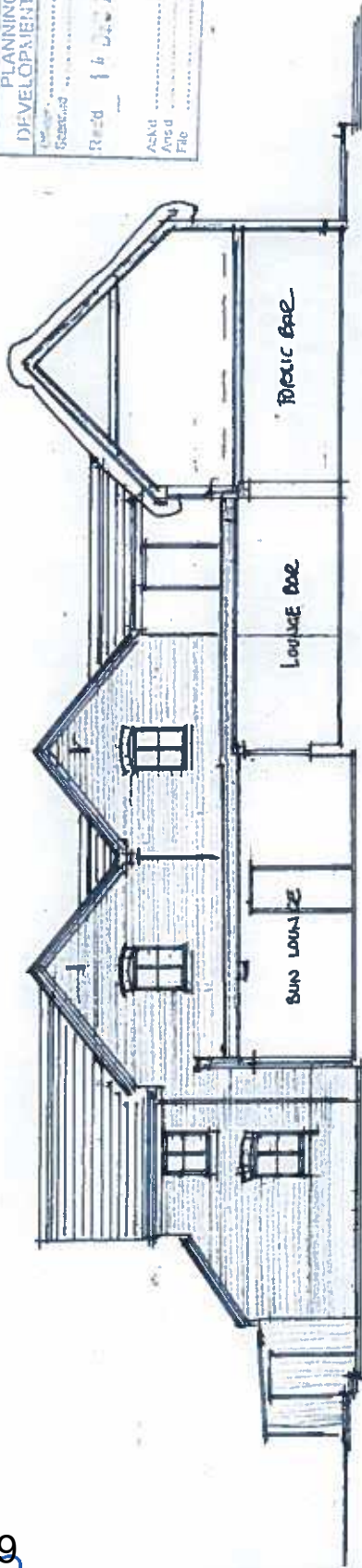
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 ALDERTON. TOWNSHIP GLASBNL  
 GROUND FLOOR PLAN AS EXISTING  
 1:100. 15:1769:01 DECEMBER 2015  
 DENNIS L RAYTON TEL 01242 660518

888  
 843/c



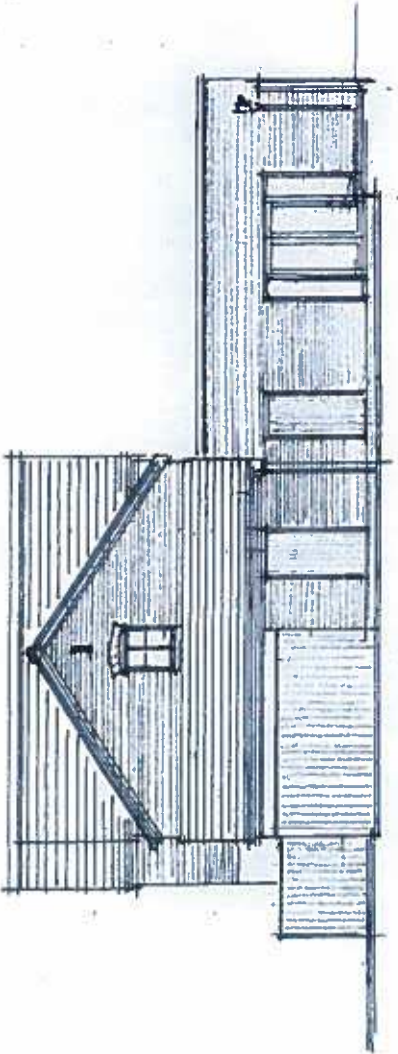
West Elevation.

PLANNING AND  
DEVELOPMENT SERVICES  
 General .....  
 Residential .....  
 Road .....  
 ASKED .....  
 APPROVED .....  
 FILED .....



East Elevation / section

GARDENERS ARMS PH. BECKFORD ROAD.  
 ALDBERTON, TOWNESBURY. GU20 8NL  
 ELEVATIONS / SECTION AS EXISTING  
 1:100. 15:17 89:02 DECEMBER 2015  
 DENNIS L RAYTON TEL 01246 620318

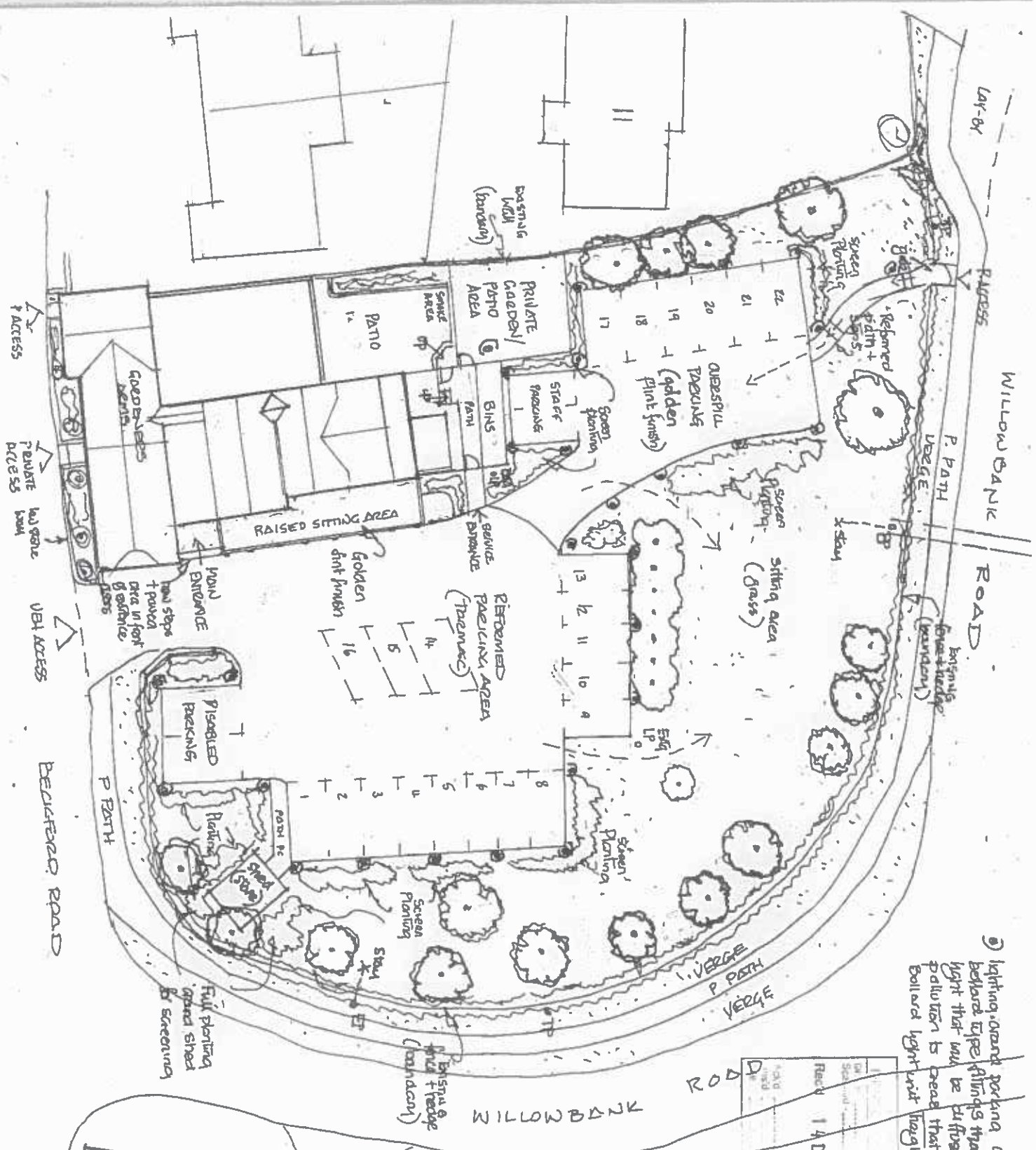


South Elevation.

843 90

PLANNING AND DEVELOPMENT SERVICES	
Officer	
Senior	
Rec'd	15 DEC 2015
Ack'd	
Ass't	
Exp.	

GARDENERS ARMS P.H. BECKFORD ROAD.  
ALDERTON - TROKESBURY. GL20 8NL.  
ELEVATION AS EXISTING  
1:100 15:1769:03 DECEMBER 2015.  
DENNIS L RAYTON TEL 01246 620813



Lighting grant parking areas to be LED  
 bollard type fittings that are bronze coloured  
 light that will be sufficient to minimise light  
 pollution to road that is not required.  
 Bollard light with height

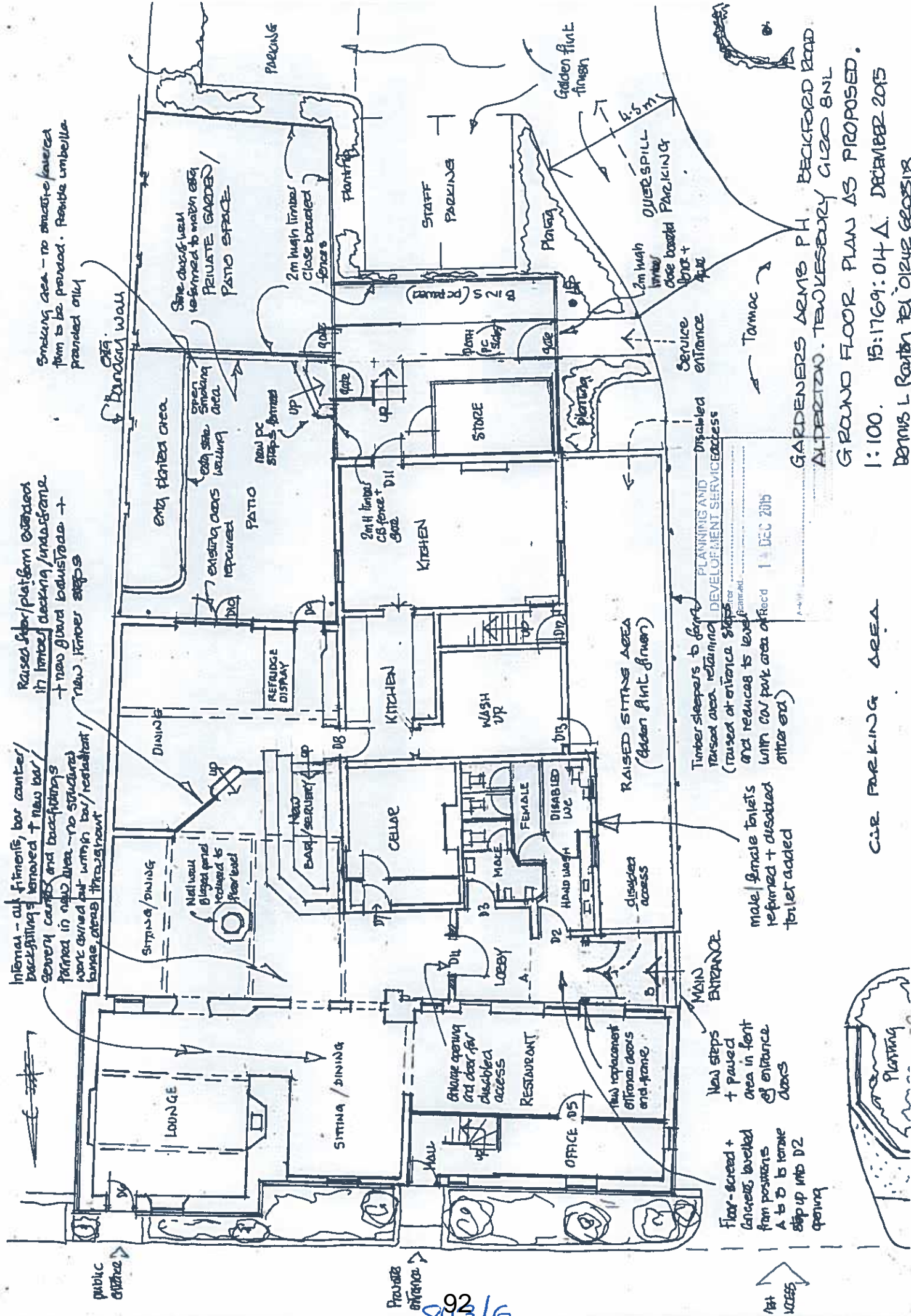
Rev'd  
 14 DEC 2015

GARDENERS ARMS PH. BECKFORD ROAD.  
 ALBERTON, TEWKESBURY, GL20 8NL  
 SITE PLAN AS PROPOSED

1:250 15:1769:SP02 A DECEMBER 2015

843/15 L Rayton Tel 01242 620818





Smoking area - to create a paved firm to be provided. Possible umbrella pranded only

Raised siting platform extended in limited decking/underframe + new guard balustrade + new timber steps

Internal - all fittings, bar counter/backfilling removed + new bar/seating counter and backfillings formed in new area - no structural work carried out within bar/restroom/kitchen areas throughout

PUBLIC ENTRANCE

PRIVATE ENTRANCE

892/G

New steps + paved area in front of entrance of entrance doors

Female toilet refitted + disabled toilet added

Timber sleepers to level raised area retaining (raised at entrance steps) and reduce to level with car park area of level (other end)

RAISED SITING AREA (Golden Flint finish)

disabled access

MALE FEMALE DISABLED WC

HAND WASH

NEW REPLACEMENT OFFICE DOORS AND FRAME

OFFICE (D5)

RESTAURANT

change opening and door for disabled access

LOBBY

CELLAR

WASH UP

KITCHEN

2m high timber close boarded fence

2m high timber close boarded fence

PRIVATE GARDEN/PATIO SPACE

SMOKING AREA

OPEN SEATING

SMOKING AREA

new pc steps formed

existing areas repaired

entry planted area

DINING

SITTING/DINING

LOUNGE

MAIN ENTRANCE

Service entrance

OVERSPILL CAR PARKING

STAFF PARKING

Golden Flint finish

4.5m

2m high timber close boarded fence + door + area

Tarmac

PLANTING

PLANNING AND DEVELOPMENT SERVICES

1 DEC 2015

GARDENERS DEMS PH BECKFORD ROAD ALBERTON, TOWNSEBURY GL20 8NL

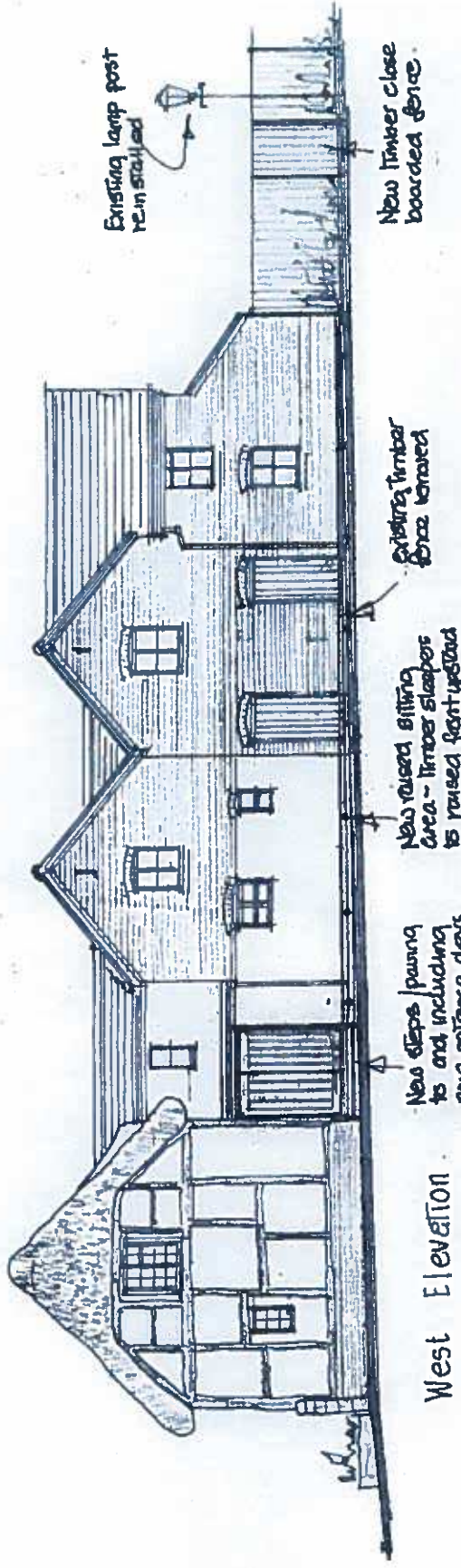
GROUND FLOOR PLAN AS PROPOSED.

1:100. 15:1769:04 A. DECEMBER 2015

DENNIS L RAYTON TEL 01292 660518

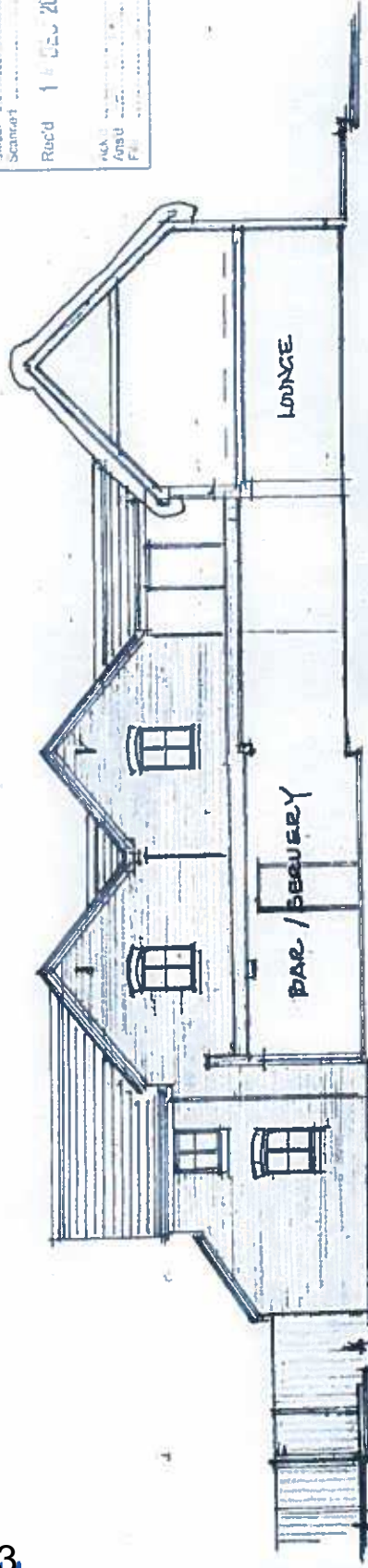
C&R PARKING AREA





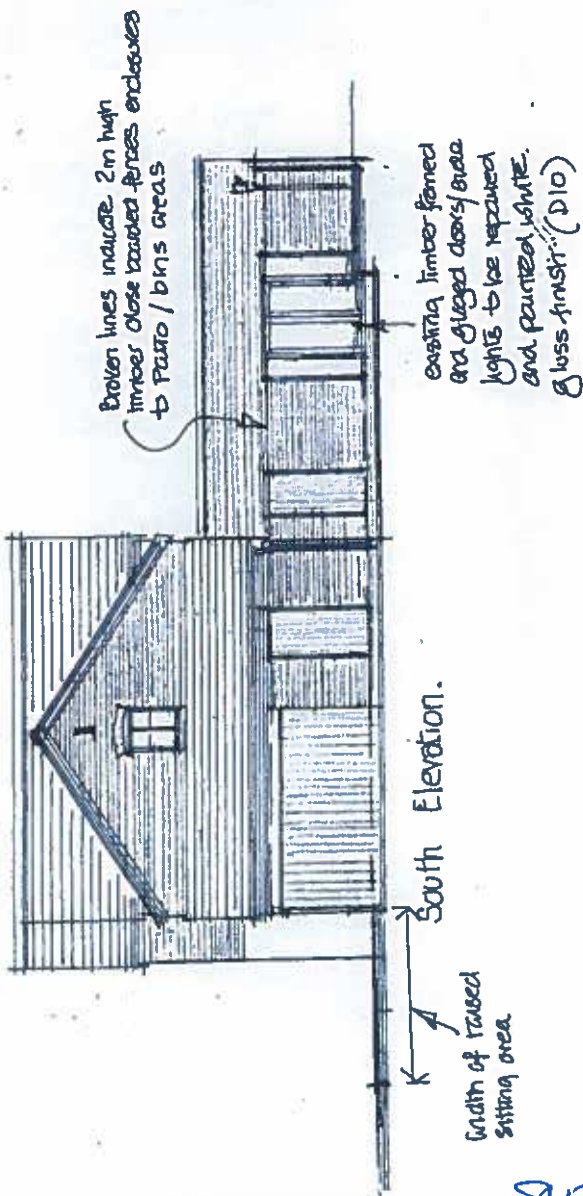
West Elevation

PLANNING AND DEVELOPMENT SERVICES  
 36/01  
 Scahill  
 Road 1 1/2 CEV 2/10  
 ACA  
 10/10/10  
 F/10



East Elevation / section

GARDENERS ARMS PH. BECKFORD ROAD.  
 ALDBERTON. TELUKESBURY. GL20 8NL  
 ELEVATIONS / SECTION AS PROPOSED  
 1:100 15:17:19:05A DECEMBER 2015  
 DENNIS L Rayton TEL 01294 620312



PLANNING AND DEVELOPMENT SERVICES
Project: 15/1769-06A
Recd: 17 Dec 2018
DATE: 17 Dec 2018
TIME: 10:00 AM
BY: [Signature]

GARDENERS ARMS PH. BECKFORD ROAD.  
 ALDBERTON. BEDFORDSHIRE. MK20 8NL.  
 ELEVATION AS PROPOSED.  
 1:100 15:1769:06A DECEMBER 2018.  
 DENNIS L RAUPTON TEL 01296 620818

Heavy duty high efficiency armature bollard in two sizes 1100mm and 500mm incorporating either GLS, metal halide, sodium, mercury or compact fluorescent lamps



### Lamp Options

- GLS - Regular Compact High Pressure Sodium - External Spring
- MH - Regular Compact Mercury
- CFL - Regular Compact Fluorescent
- T5 - Compact Fluorescent
- T8 - Compact Fluorescent
- GLS - Fluorescent Lamp (not supplied)

### Product Specifications

- Corrosion resistant protection to IP65 (steel reinforcement)
- Choice of lamp
- Leave room for concealed light distribution
- UV stabilised impact resistant polycarbonate reflector
- Choice of base sizes 1100mm and 500mm
- Extra strong base plate mounting point mounting between bollards
- Tamper proof corrosion resistant fittings
- Durable heavy grade aluminium body finished in corrosion resistant black
- Quality integral control gear for trouble free use
- All gears are manufactured from heat resistant weather rubber to ensure the best rating
- For proximity details refer to Page 218 graph ref PC018

### Optional features

(add extra to order code)

- RBC - Base reinforced for extra strength
- FTB - Fixed terminal board
- RKC - Due to glass being photo electric
- RSC - 1200 lumens

### Order Codes

(see page 10)

Order Code	Height	Weight	Lamp
WBL1100	1100mm	11.0kg	GLS
WBL1100R	1100mm	11.0kg	RBC
WBL1100F	1100mm	11.0kg	FTB
WBL1100S	1100mm	11.0kg	RKC
WBL1100T	1100mm	11.0kg	RSC
WBL500	500mm	5.0kg	GLS
WBL500R	500mm	5.0kg	RBC
WBL500F	500mm	5.0kg	FTB
WBL500S	500mm	5.0kg	RKC
WBL500T	500mm	5.0kg	RSC

\* GLS version supplied without lamp

Lamp error code  
WBL1100R, WBL1100F, WBL1100S, WBL1100T - A 10 GLS lamp is included inside with a built in 500mm body and mounted, fixed terminal board and glass and supplied complete with lamp

Gear options  
GL - Live Emergency  
STT - Self Test (Emergency)



### Applications

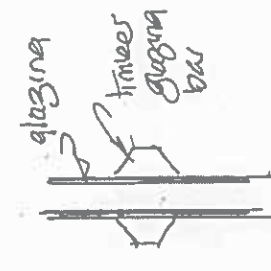
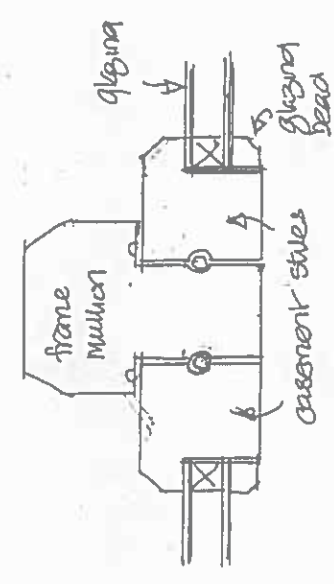
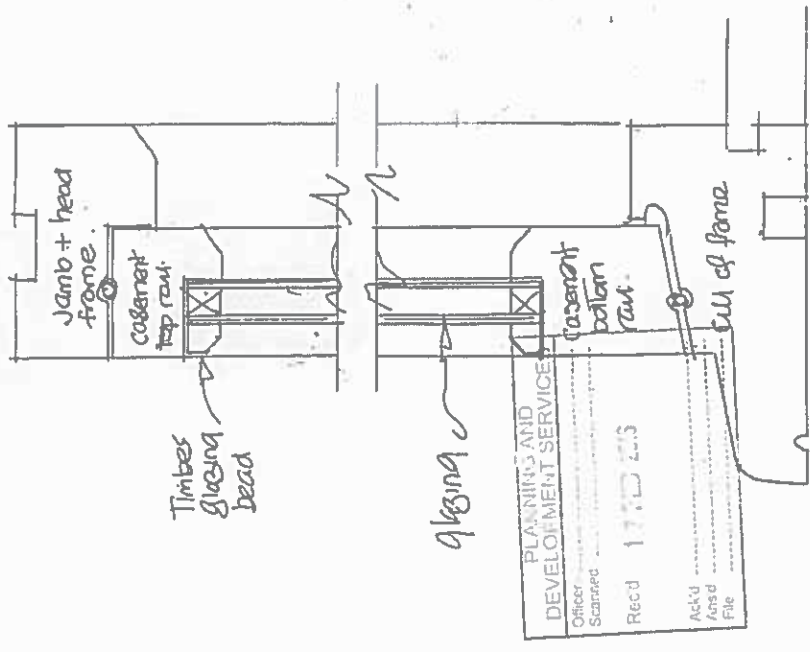
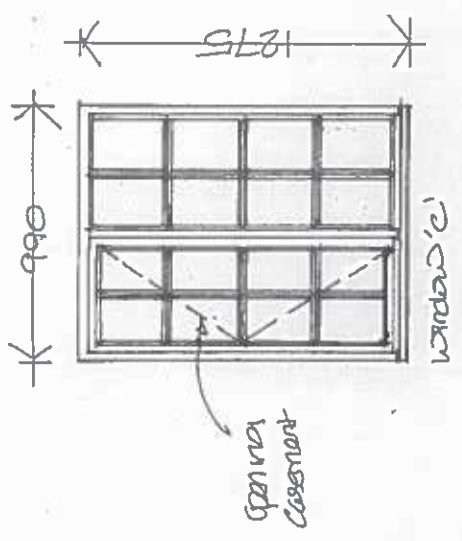
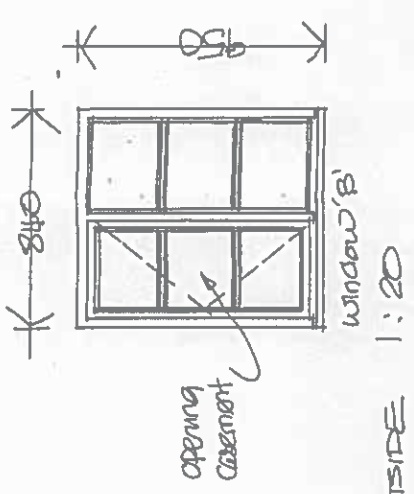
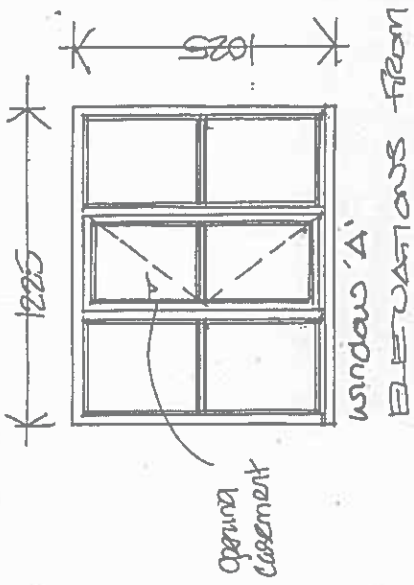
- Car parks
- Clusters and parks
- Pedestrian precincts
- Airports
- Home forecourts
- Driveways
- Industrial estates

08448 475100 or 08448 475101

www.wirefield.co.uk

Photometric data is available on-line for Data and Price



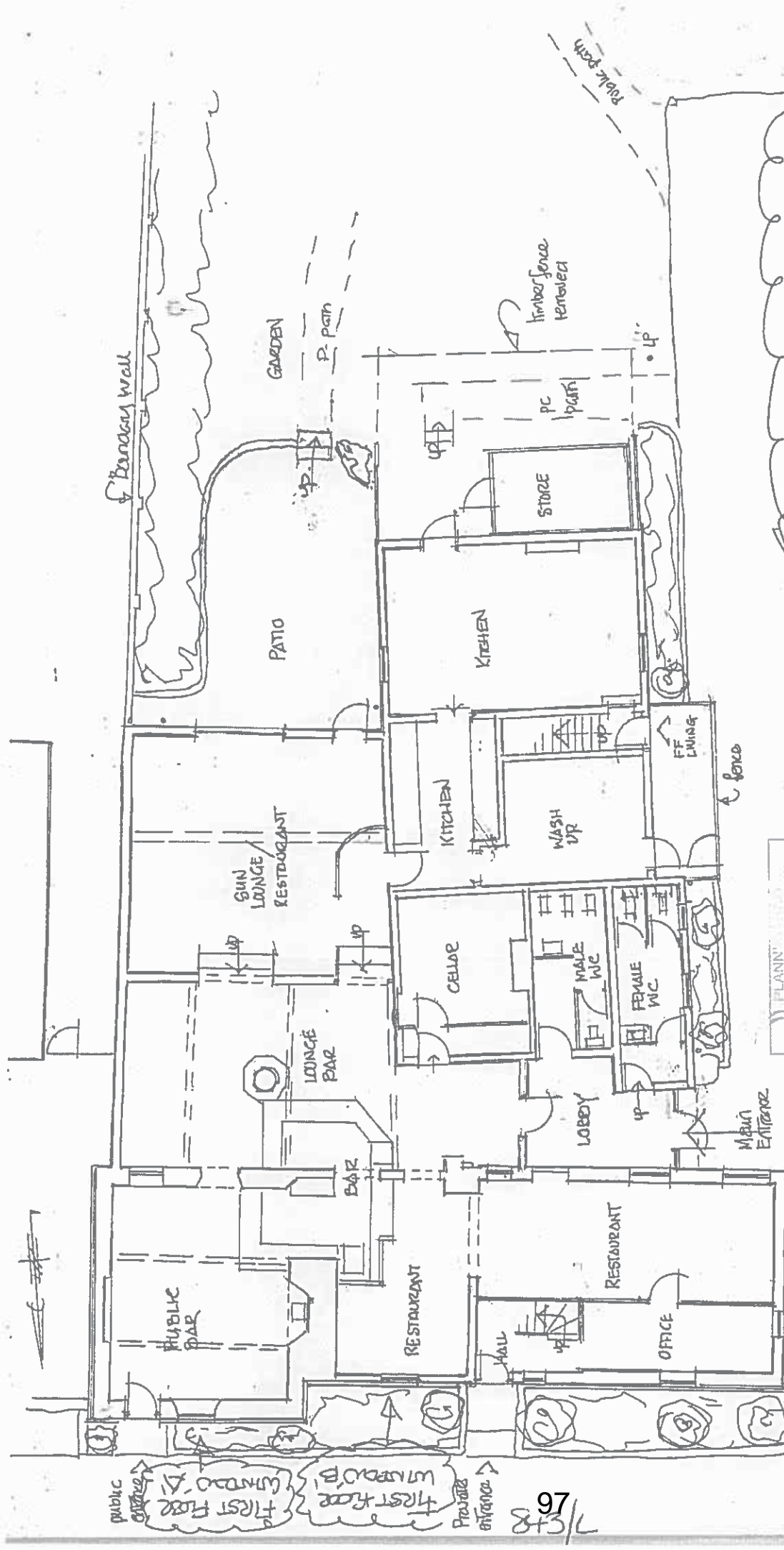


Timber windows finished  
 with Gloss Paint

To manufacture Janssen company  
 must measure windows/panes  
 or size

TYPICAL WINDOW DETAILS 1:2

GARDENERS ARMS PH. BECKFORD ROAD.  
 ALBERTON, TENNESSEE - 6120 8NL  
 REPLACEMENT WINDOWS DETAILS  
 1:20 + 1:2 15:1769:02W FEBRUARY 2016  
 DENNIS L Rayton TEL 01242 620818



PLANNING SERVICES	
DEVELOPMENT	
Office	
Scanned	
Rec'd	17 FEB 2015
Ack'd	
App'd	
File	

CAR PARK AREA  
 PLAN SHOWS FIRST FLOOR  
 WINDOWS LOCATIONS TO BE  
 REPLACED

GARDENERS DAMS PH BECKFORD ROAD  
 ALBERTON, TOWNSEBURY GLASGOW  
 GROUND FLOOR PLAN AS EXISTING  
 1:100 15:1769:01W DECEMBER 2015  
 DOTTIS L ROYTON TEL 01242 620518

16 Feb 2016



FIRST FLOOR  
 WINDOWS 'C'

public entrance  
 FIRST FLOOR WINDOWS 'A'  
 FIRST FLOOR WINDOWS 'B'  
 private entrance

7/13/8 97

VEH ACCESS

Valid 24.12.2015  
 Grid Ref 389454 231713  
 Parish Tewkesbury  
 Ward Tewkesbury Priors Park

Erection of 4no. Flats with associated access and amenity space.

Severn Vale Housing  
 Shannon Way  
 Ashchurch  
 Tewkesbury  
 Gloucestershire  
 GL20 8ND

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework  
 National Planning Policy Guidance  
 Tewkesbury Borough Local Plan to 2011: Policies HOU5, TPT1, EVT3, and LND7  
 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 - Objection.** It is over development of the site. We feel that the lack of a proper highways report is a serious omission. The exit is on a bend with little visibility, and next to a busy school and nursery. We feel that safety issues have not been properly accessed with regard to boundary fencing and pedestrian access to the school

**County Highways Authority - Offer Standing Advice.**

**Strategic Housing and Enabling Officer -** The applicant proposes 4 no. 1-bed flats as affordable rented units. Tewkesbury Town has a significant need for 1-bed accommodation. The units will be 50 square metres which meets the nationally described space standard as released by the DCLG in March 2015. Each unit has its own garden and there is adequate parking provision. Considering the extent of the requirement for 1-bed accommodation the department supports this proposal.

**Chairman of Governors of Queen Margaret Primary School -** Concerned about application for following reasons (summarised):

- Traffic from the development into York Road will cause an unacceptable safety issue for children going in and out of school
- Coaches picking up children from the school park on the highway as the school entrance is too narrow. This already obstructs the flow of traffic and the proposed development will make the situation worse.
- The site is too small and development too cramped
- The lack of parking will increase the amount of car parking on grass verges causing further obstruction and lack of visibility for children.
- The height of the building and location of the windows will result in overlooking into the staff room
- The proposed wooden fencing is not compatible with the rest of the school site and effectively means there would be easy access to the school through the development
- Real concerns about the practical effect that the development would have on every day life at the school
- There is a covenant on the land and wonder why the school was not given the option to buy it for educational purposes.

**Local Residents -** 16 objections have been received from local residents (summarised):

- The development would increase anti-social behaviour
- It would have an unacceptable impact on the school and the surrounding area
- There is insufficient parking. Visitors will park on grass verges causing obstructions harming visibility for pedestrians
- The highway is already obstructed due to coaches picking up children at the entrance to the school. The proposed development would make the situation worse
- Traffic from the development into York Road would cause unacceptable safety issues.
- The flats will not ease a perceived housing crisis
- The site is too small and the development cramped
- The title to land contains a covenant that prohibits buildings other than in connection with the school
- The development would cause noise and disturbance

- The development is over-bearing and out of character
- The development will result in loss of privacy
- Windows in the flats would overlook the school
- The development gives rise to safeguarding issues due to overlooking
- It is not appropriate to have single occupancy social housing adjacent to a school
- The wooden close boarded fence represents a security concern
- There are vacant flats in the area which could be used instead
- The traffic survey was undertaken in the school holiday and should be null and void.

**Planning Officers Comments:** Paul Instone

## **1.0 Application Site**

1.1 The site is within the Tewkesbury Residential Development Boundary as defined in the Tewkesbury Borough Local Plan (2006), approximately 1 kilometre from the centre of Town. The site is bordered to the east by York Road and to the north by Conigree Lane, a footpath that connects York Road to Abbot's Road, beyond which are the rear gardens of houses that front onto Abbot's Road. To the south west of the site is Queen Margaret Primary School. The school building is separated from the site by an access road and an area of landscaping.

1.2 The site is triangular, extends to approximately 0.1 hectares and previously accommodated a single bungalow which housed the caretaker. The site contains a number of trees and is bounded by trees and hedges. The trees and hedges along the northern boundary are largely outside of the site boundary and there is a hedge inside the fence line along York Road.

## **2.0 Planning History**

2.1 Outline planning application 12/00836/OUT for the demolition of the disused caretakers bungalow and erection of a two storey dwelling and garage was permitted at Planning Committee in August 2012. The proposal also involved the removal of an existing caretaker's bungalow on site and the creation of a new vehicular and pedestrian access to the north east corner of the site. All matters were reserved for future consideration.

## **3.0 The Application**

3.1 Full planning permission is sought for the erection of a two storey building with a pitched roof which would accommodate 4no. 1 bedroom flats. It is proposed that 2no. flats would be provided on each floor. Six car parking spaces are provided to the front of the premises and four separate gardens are proposed to the rear.

## **4.0 Analysis**

4.1 The application site is within an existing residential area. The main policy for consideration is Policy HOU5 of the Local Plan which states that residential use would be acceptable in principle provided that the proposal:

- 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;
- Does not result in an unacceptably low degree of residential amenity for existing or proposed dwellings;
- Is of high quality design, layout and materials; and
- Makes appropriate pedestrian, cycle and vehicles access and parking arrangements in accordance with the Council's parking policy consistent with the character of the area.

### *Form and Character*

4.2 York Road and the surrounding area is characterised by traditional, predominantly 2 storey red brick properties, which are fairly neutral in architectural terms.

4.3 The proposed development is considered to be acceptable in terms of its scale as it is of a comparable height to the surrounding properties and is not considered to appear unduly prominent within the street scene.

4.4 The layout seeks to replicate the prevailing frontage development in the immediate area, being set back from the highway and providing frontage parking.

4.5 Queen Margaret Primary School is located immediately to the south west of the application site and objections have been received raising concerns about the relationship between the proposed flats and the school. A vehicular access to the school lies immediately to the south of the application site beyond which is an area of landscaping. The school building itself is located about 20 metres to the south and west of the proposed flats and there are no windows in south elevation of the proposed building which would overlook the school, albeit there would be some views from habitable rooms in the western elevation of the flats.

4.6 On balance, by virtue of the separation distances between the proposed flats and the school building, the location of habitable room windows and the angular relationship between the buildings, it is considered that the proposed flats would respect the form and character of the area and have an acceptable relationship with the school building and would not give rise to any detrimental overbearing or dominating impact. As such, the proposal would respect the urban grain of the area and provide a comprehensive approach to the redevelopment of the site.

#### *Residential Amenity*

4.7 To the north of the application site is Conigree Lane, a footpath that connects York Road to Abbots Road, beyond which are the rear gardens of houses that front onto Abbot's Road. A dwelling known as Cadley is also located to the north of the application site which fronts onto York Road. There is a separation distance of approximately 40 metres between the rear elevation of the properties fronting Abbot's Road and the northern side elevation of the proposed building. No windows are proposed on the northern elevation of the proposed building and therefore the flats would not overlook the elevations or rear gardens of the residential dwellings fronting Abbot's Road and there would not be any detrimental impact on the living environment of occupiers.

4.8 The property 'Cadley' is located approximately 15 metres to the north west of the proposed flats, beyond Conigree Lane which is bounded to the south by trees. Due to the angled relationship and separation distance between Cadley and the proposed flats, it is considered that the proposed flats would not give rise to any detrimental overlooking, overbearing or over dominating impact.

4.9 In respect to the residential amenity of future residents, each flat is provided with its own garden, the units would be 50 square metres which meets the nationally described space standard as released by the DCLG in March 2015 and there is adequate parking provision at 1.5 spaces per dwelling. It is considered that the proposal would provide acceptable living environment for future occupiers.

#### *Design*

4.10 Concerns were raised by the Urban Design Officer in respect to the design of the original submission. Concerns related to the bulk of the front porches, the close board fence facing the street, the location of the bin stores, pedestrian access between parking spaces and the potential for the introduction of planting along the York Road frontage.

4.11 In response to these concerns, the applicant changed the fencing along the front boundary to a 900mm picket fence, relocated the bin store and have proposed a tree on the site frontage.

4.12 The applicant has not amended the front porch as it is stated that this would likely result in considerable issues around party wall and fire protection which would have a detrimental effect on the space standards, circulation and efficient flat layouts. In relation to pedestrian access between the car parking spaces, the location of the parking spaces was not altered as this would impact on the route protection areas of the trees to the north.

4.13 Concerns have been raised about the boundary treatment adjacent to the access of the school which would be an 1800mm close boarded fence. It is considered that this boundary treatment is an acceptable solution and would provide privacy for residents, whilst at the same time providing a suitable boundary treatment for the school. It is not unusual for schools to be bordered by residential properties and this is not considered a reason to refuse the application. In addition the proposal is considered to conform with design against crime guidelines, which promote natural surveillance and a clear distinction between the public/private realm.

4.14 In conclusion it is considered that the design, layout, appearance and boundary treatments of the proposal are acceptable and sympathetic to the design and appearance of its surroundings.

#### *Parking and Access*

4.15 A total of 6 parking spaces are proposed on the site, which equates to 1.5 per unit. This level of parking is considered acceptable.

4.16 The applicant has submitted a technical transport note which assesses the visibility splay from the site access. A traffic survey identified that the required visibility splay in both directions is 35 metres. The assessment demonstrates that a 35 metre visibility splay across the existing verge and footway is achievable. The assessment also shows that a 43 metre visibility splay (as would typically be required for a 30 mph road) is also achievable.

4.17 On this basis, the proposed access and parking arrangements are considered acceptable. Subject to appropriate conditions the development is considered to conform to development plan policy and is **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:
  - Proposed Site Layout 4252-P-12 Rev A
  - Proposed Floor Plans 4252-P-22
  - Proposed Elevations 4252-P-71
- 3 Notwithstanding any indication of materials which have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
- 4 No development shall take place before a fully detailed landscaping scheme for the site has been submitted to and approved in writing by the local Planning Authority. The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings, or the completion of the development, whichever is sooner. Any trees, plants or areas of turfing or seeding, which, within a period of 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
- 6 No work shall commence on site until details of existing and proposed levels with reference to a fixed datum point, to include details of finished floor and ground levels, have been submitted to and approved by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 7 Development is not to begin until comprehensive evidence based detailed drainage design, including a SuDS/drainage management plan, have been submitted and approved by the authority. These should fully incorporate the principles of sustainable drainage and improvement in water quality, along with a robust assessment of the hydrological influences of the detailed drainage plan, including allowances for climate change. The scheme to subsequently be implemented in accordance with the approved details before the development is finished and put into use, and subsequently maintained to the required standard.

- 8 Prior to the occupation of the proposed flats the car parking and manoeuvring facilities for the proposed dwelling shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.
- 9 No flats shall be occupied until their rear gardens have been screened from neighbours and the school premises in accordance with a scheme which has been submitted to and approved 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 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 4 In the interests of amenity and to ensure a satisfactory standard of landscaping.
- 5 In the interest of amenity and to secure a satisfactory standard of landscaping.
- 6 To ensure that the development integrates harmoniously with its surroundings and does not adversely impact upon existing residential properties in accordance with Policy HOU5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 To ensure that the development is provided with a satisfactory means of drainage; as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution, all in accordance with the saved policies and NPPF guidance.
- 8 In the interests of highway safety in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 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.

Note:

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

NOTES

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REVISIONS

REV 01: 11/09/15 DEXEDD: MRS  
- 11.09.15 - XX - XX  
Drawing created.



DRAWING TITLE

Site Location Plan

PROJECT

2 York Road, Tewkesbury

CLIENT

Severn Vale Housing

SCALE 1:1250@A3

DATE Oct 2015



DRAWING NO. 4252-P-01

REV

Prepared: Charlotte Longman Street  
Checked: GJ LDCIT F: 01452 42424



3382

Candleford

Cherryknock

Le-ran

Andeside

ICB

ICB

ICB

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103  
848/A

18.6m

Tewkesbury  
1471

2260

Shelter

Shelter

Shelter

Shelter

Shelter

Shelter

Shelter

Shelter

Shelter

Shelter

16.5m

5m

60m

100m

Tk



**NOTES**

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**REVISIONS**

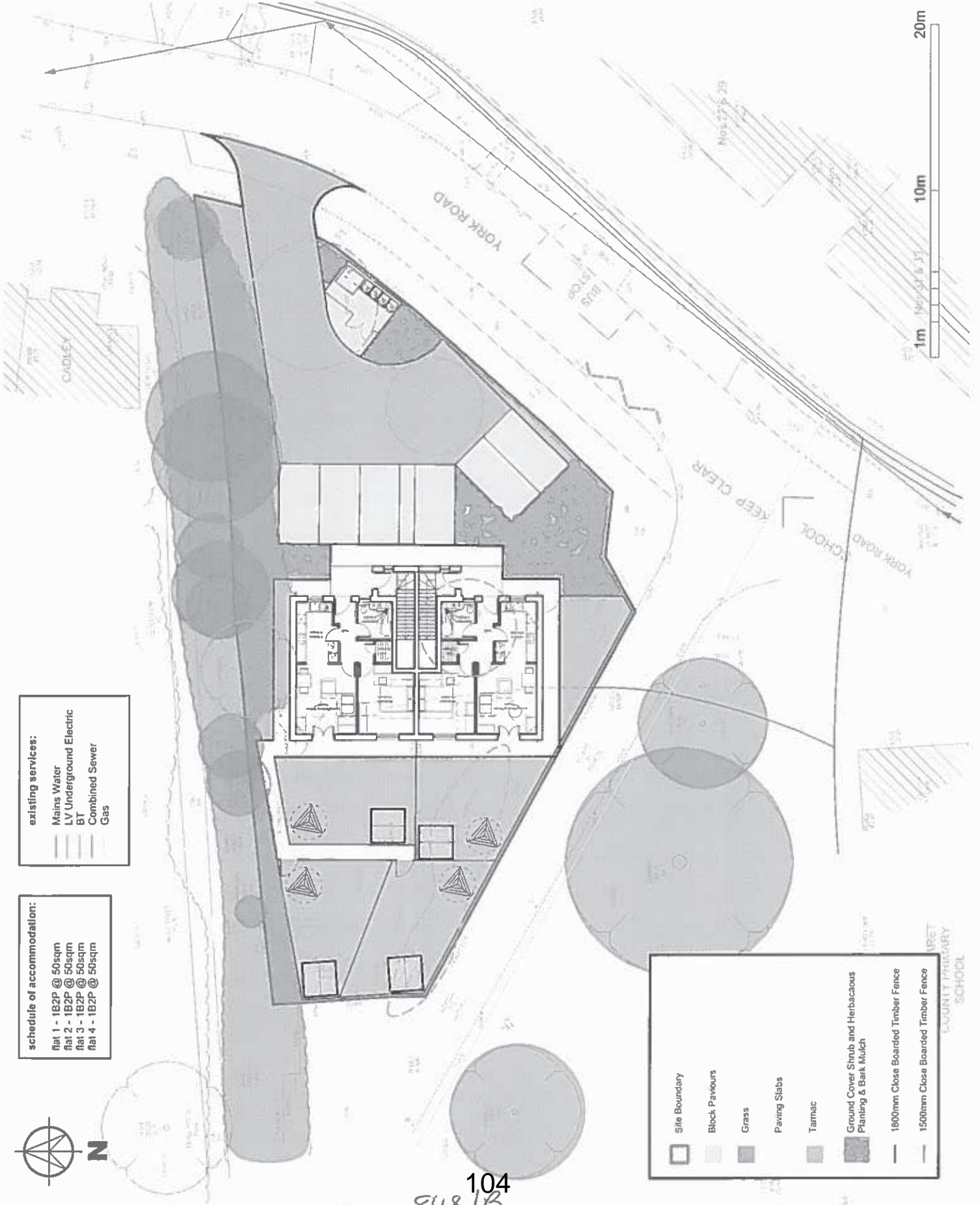
REV DATE: 01/08/15, 01/08/15, 01/08/15

**existing services:**

- Mains Water
- LV Underground Electric
- BT
- Combined Sewer
- Gas

**schedule of accommodation:**

- flat 1 - 1B2P @ 50sqm
- flat 2 - 1B2P @ 50sqm
- flat 3 - 1B2P @ 50sqm
- flat 4 - 1B2P @ 50sqm



104  
8481B

**DRAWING TITLE**

Proposed Site Layout

**PROJECT**

2 York Road, Tewkesbury

**CLIENT**

Severn Vale Housing

**SCALE**

1:200@A3

**DATE**

Oct 2015



**DRAWING NO.**

4252-P-12

**REV**

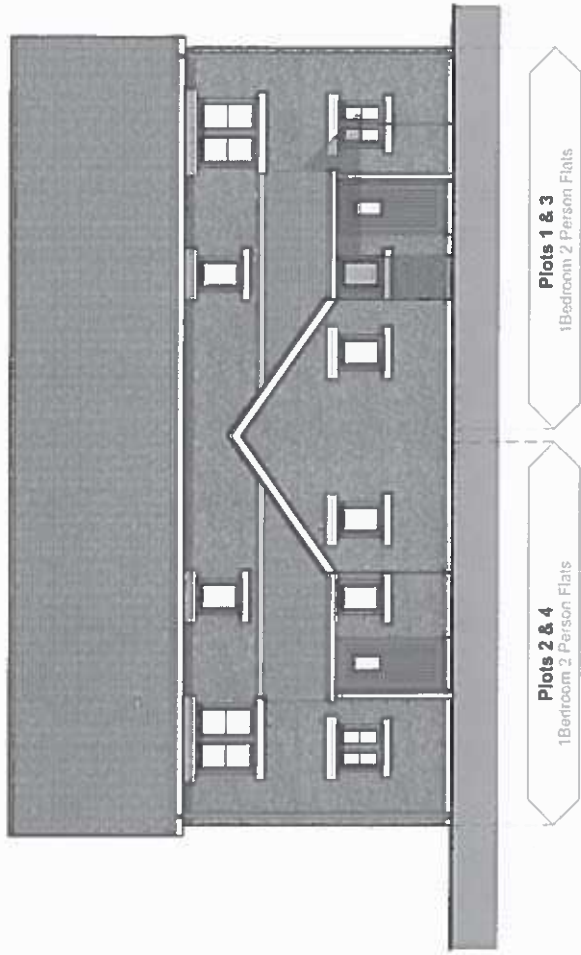
Impresso Chambers, 11 Kingsway Street  
Chichester, GL1 1HT T 01243 494234

**NOTE**

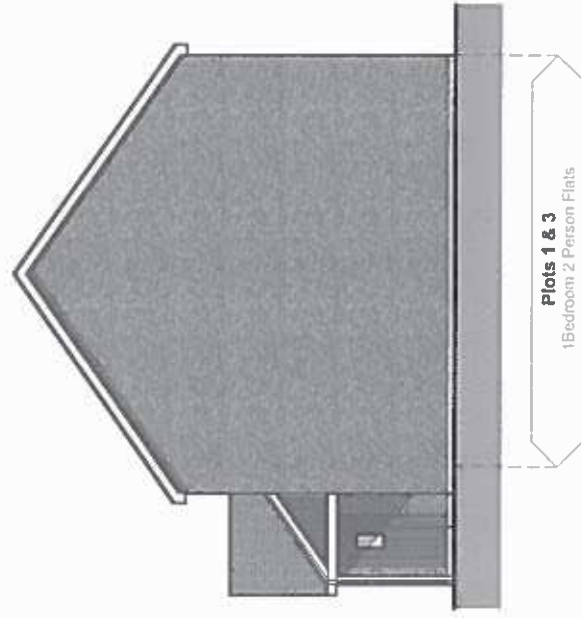
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**REVISIONS**

REVISED DRAWING - DECISION NOTES  
- XX.XX.XX - XX - XX  
Drawing created.






**Front Elevation**

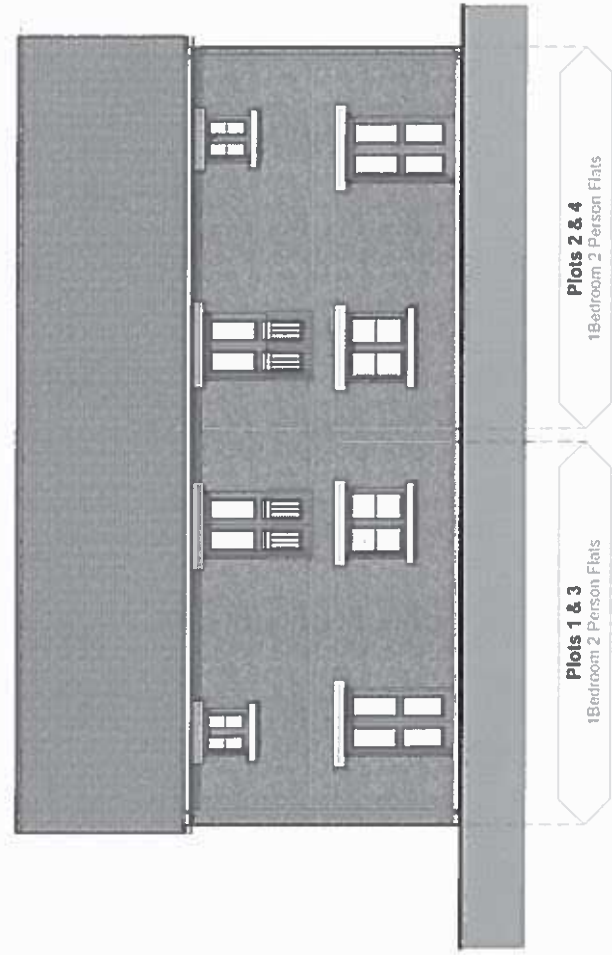


**Side Elevation**

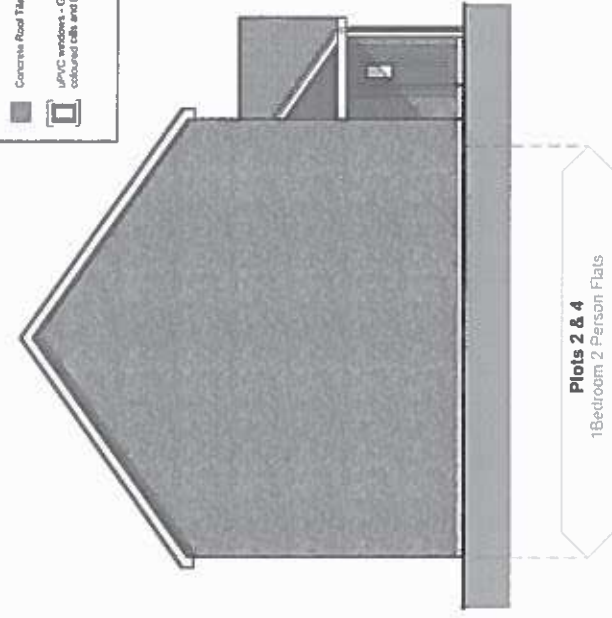
105  
8487c

**Materials Key:**

-  Red Facing Brick
-  Concrete Roof Tile - Grey/Brown
-  UPVC windows - Grey with buff coloured cills and linings



**Rear Elevation**



**Side Elevation**

**DRAWING TITLE**

Proposed Elevations

**PROJECT**

2 York Road, Tewkesbury

**CLIENT**

Severn Vale Housing

**SCALE**

1:100@A3

**DATE**

Aug 2015



**DRAWING NO.**

4252-P-71

**REV**

-

Project: Chesham, Longbridge Street  
 Gloucester GL1 1JH | T: 01452 42424

Valid 09.12.2015

Hybrid planning application for the phased redevelopment of Cotteswold Dairy, including: 1. Full application for the demolition of existing buildings and provision of new buildings comprising of 6,223 square metres of floor space to provide cold stores, offices, visitor reception, plant room and staff welfare facilities, additional milk silos, vehicle loading areas and other associated infrastructure (phases 1-2). 2. Outline application for the demolition of existing buildings and phased provision of additional cold storage, processing hall, effluent treatment plant, energy centre, additional car and lorry parking areas, internal roadways and other associated infrastructure totalling up to 8,000 square metres of floor space on the remaining 2.065 ha. of land (all matters reserved for future consideration).

Grid Ref 390635 233347

Parish Tewkesbury

Ward Tewkesbury Newtown

Cotteswold Dairy Ltd

C/O Agent

**RECOMMENDATION Permit****Policies and Constraints****NPPF**

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies GNL2, EMP1, TPT1, TPT6, EVT2, EVT3, EVT5, EVT9, LND7

Joint Core Strategy Submission Version (November 2014) - Policies SD2, SD4, SD5, SD15, INF1, INF2, INF4, INF5

Draft Tewkesbury Borough Plan - February 2015

Noise Policy Statement for England

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**

**Town Council** - No objection subject to the noise alleviation and flooding issues being resolved to the satisfaction of the Planning Committee.

**County Highways** - No objection subject to conditions

**Highways England** - No objection

**Environment Agency** - Standing advice applies in relation to flood risk. A variation to the sites environmental permit will be necessary.

**Environmental Health Officer** - No objection subject to conditions

**Severn Trent Water** - No objection subject to condition

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

**Urban Design Officer** - it is recommended that the existing trees and planting on the southern boundary is maintained or re-instated in order to screen the acoustic fence and create an attractive environment to the public right of way. This is a key green strategic link connecting to the town centre and it is important that an attractive public realm is maintained or improved where possible to encourage the use of this link.

**Local residents** - 3 letters of objection received. Concerns are raised over noise from vehicle movements adjacent to the southern boundary of the site, general operational noise from the dairy, noise from construction and demolition, the height of the buildings, overshadowing and overlooking, light pollution from external lighting, drainage, flood risk, inaccuracies with the noise and flood risk assessments, dust and air pollution.

## **Planning Officers Comments: Mr Matthew Tyas**

### **1.0 Site**

1.1 The application relates to Cotteswold Dairy Ltd located within Newtown Industrial Estate in Tewkesbury. The site covers an area of approximately 2.73 ha and contains a range of two and single storey industrial units, with associated parking, plant, machinery and equipment. The existing buildings on site comprise of around 13,500 sqm of floor space. All buildings within the application site are owned by Cotteswold Dairy Ltd but some of the units are tenanted out to other business. The primary use of the site is considered to be B2 General Industrial.

1.2 The site is located on a Major Employment Site as defined in the Tewkesbury Borough Local Plan to 2011 (TBLP). The site is predominately located in Flood Zone 1 but the EA's flood map shows the northern and western perimeter of the site to be in Flood Zone 2 indicating that this area is at medium risk of flooding.

1.3 The locality is predominately characterised by industrial/business development and as such the site is adjoined by existing industrial/business development to its north, west and east boundaries. The site is adjoined to the south by a public footpath (formerly a dismantled railway line) immediately beyond which lies a residential area based around Canterbury Leys, Newtown Lane, Springfield and Wellfield. A number of further residential dwellings are located approximately 93 metres to the north-east of the site on Northway Lane.

### **2.0 History**

2.1 The site has a fairly extensive planning history relating to the industrial use of the site. Applications of particular relevance to this matter include the following:

2.2 Permission was granted in May 2010 (10/00196/FUL) for an increase in the height of the acoustic fence along the southern boundary of the main Dairy site from 3.0 metres to 3.6 metres. This fencing was proposed as a sight screen and noise baffle to the lorry park located along the southern boundary of the site, and was intended to mitigate the impact of noise to local residents on the Newtown housing estate.

2.3 Planning permission was granted in May 2011 (ref. 10/00804/FUL) for the provision of a two-storey extension to the main dairy to provide an additional cold store and general storage areas. This permission has not been implemented and has now expired.

2.4 Most recently, planning permission was granted in January 2016 (ref. 15/00846/FUL) for the demolition of an existing vacant industrial unit opposite the site (formerly Pheonix Bearings) and the provision of a new lorry park as part of enabling works for the future development proposals for Cotteswold Dairy (the subject of this application). This application was required in order to facilitate the redevelopment proposed by the current application before Members. The permitted lorry park will relocate the parking area for the refrigerated lorries associated with Cotteswold Dairy from the southern boundary of the main Dairy site. Work is currently underway on site in pursuance of this permission.

### **3.0 Application**

3.1 This is a hybrid planning application for the phased redevelopment of the site for the expansion and modernisation of the existing dairy business.

3.2 Full planning permission is sought for the demolition of existing buildings and provision of new buildings comprising of 6,238 square metres of floor space to provide cold stores, offices, visitor reception, plant room and staff welfare facilities, additional milk silos, vehicle loading areas and other associated infrastructure (phases 1-2).

3.3 Outline planning permission is sought for the demolition of existing buildings and phased provision of additional cold storage, processing hall, effluent treatment plant, energy centre, additional car and lorry parking areas, internal roadways and other associated infrastructure totalling up to 8,000 square metres of floor space. All detailed matters are reserved for future consideration.

3.4 Phase 1 of the redevelopment (detailed phase) involves the erection of a 2-3 storey extension to the existing single storey production hall building to provide an additional 3,073 sqm of floor space. The height of the extension would range from between 12.8 metres to 14.6 metres above ground level. The extension would provide a cold store on the ground floor and offices, toilets and other welfare facilities on the first floor.

The middle floor would not be operational floor space as such and would accommodate the chillers and ducts associated with the ground floor cold store. Phase 1 also proposes the erection of 7 no. new milk silos (ranging from between 3 and 10 metres in height) and the relocation of a number of the existing silos. There would also be 6 finished milk silos (approx 16m high) that form an integral part of the proposed extension. This phase would also involve the regrading of adjacent site areas to provide lorry loading bays.

3.5 Phase 2 (detailed phase) would involve the erection of a 2-3 storey extension to the existing production hall building and the building constructed at Phase 1. It would provide 3,150 sqm of additional floor space and would provide a cold store and picked order zone at ground floor level and storage space, offices and meeting rooms at first floor level. Similar to Phase 1, the middle floor would accommodate the chillers and ducts associated with the ground floor cold store. The building would be 12.8 metres in height. Additional lorry loading bays would also be provided at this phase.

3.6 The later phases subject to the outline application are described as 'Phase +' in the application as it is not known when they would be delivered and in which order. The later phases involve the delivery of up to 8,000 square metres of additional floor space. Whilst the precise scale, layout and appearance of the outline phase is reserved for future consideration, the indicative masterplan submitted with the application shows that the majority of the proposed floor area would be accommodated within an expanded cold store building. The masterplan also shows three detached buildings to the north of the site which would potentially accommodate a maintenance building an energy centre and an effluent treatment plant. The scale parameters submitted for the outline phase indicates that this will be predominately built on ground floor level. Only a small amount of floorspace, around 500 m<sup>2</sup>, will be allocated in a second storey and this is planned to take place at the northernmost side of the building. The large cold store building towards the south of the site would have a total height of approximately 7- 9m.

3.7 **The final masterplan for the site showing the location and extent of the full and outline phases of the proposed redevelopment is attached to this report and will be displayed at Committee.**

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

4.1 Policy EMP1 is one of the main TBLP policies for consideration and in essence provides that the Council will support proposals for new employment development (Classes B1, B2, B8) within the existing employment sites. Of particular relevance to this proposal is the support given by the policy to proposals that would ameliorate existing impacts on residential areas.

4.2 Other TBLP policies of relevance include TPT1 which requires developments to provide a safe access, be accessible by a choice of transport modes and not generate traffic that would impair the safety or satisfactory operation of the highway network. Policies EVT2, EVT3, EVT5 and EVT9 are also of relevance and relate to light pollution, noise pollution, flood risk and sustainable drainage respectively. These policies will be considered in more detail in the relevant sections of this report.

4.3 These policies are considered to be consistent with the relevant advice within the National Planning Policy Framework 2012 (NPPF) namely the advice on securing economic growth at paragraph 18, the advice on transport at paragraph 32, the advice on flood risk at section 10 and the advice on the natural environment at paragraphs 109 and 123. The advice on requiring good design at Section 7 of the NPPF is also of relevance to the proposal. This guidance will be considered in more detail in the relevant sections of this report

4.4 Relevant emerging policies include Policy SD2 of the submission version of the Joint Core Strategy (November 2014). This essentially provides that employment related development will be supported within Gloucester, Cheltenham and Tewkesbury Town. Other emerging policies of relevance include SD4 (Sustainable Design and Construction), SD5 (Design Requirements), SD15 (Health and Environmental Quality), INF1 and INF2 (Transport), INF5 (Flood Risk Management), INF4 (Green Infrastructure). These policies, where relevant, will be considered in more detail in the relevant sections of this report. It should be noted that 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.

#### **5.0 Analysis**

5.1 The main issues to consider are the principle of the development, the highways/transportation impacts of the development, noise impacts, visual amenity impacts, flood risk and drainage matters, and contaminated land and pollution prevention matters. Each of these will be considered under a separate sub-heading below:

## The principle of development

5.2 Policy EMP1 of the TBLP provides that the Borough Council will support proposals for new business, industrial and warehousing uses within existing employment sites. This policy would be consistent with the NPPF's advice that planning should operate to encourage and not act as an impediment to sustainable growth, and that significant weight should be placed on the need to support economic growth through the planning system.

5.3 The Planning Statement submitted with the application advises that the proposal relates to a long-established local business that has been located at its existing premises at Newtown Industrial Estate since 1969. The business has grown over time and is now one of Tewkesbury biggest and well known businesses and employers. However, the Dairy has recognised that radical modernisation and redevelopment of its operations is required in order to facilitate its future growth aspirations. The key benefits of the scheme are summarised in the Planning Statement as follows:

- The development will provide significant economic benefits associated with the growth of the dairy industry and increased investment in Tewkesbury.
- It will facilitate an increase in milk production from 77 million litres per annum, to as much as 250 million litres, and processing of other associated produce.
- The opportunity to retain the long-term future of an established business in Tewkesbury town and the wider Borough.
- The stability of over 300 local jobs and the likely long-term provision of additional jobs, both directly and indirectly.
- The more efficient use of a designated Major Employment Site, to assist in meeting the economic growth aspirations of the emerging JCS.
- It would facilitate the relocation of the existing lorry park, which is known to be a source of complaint for locals, thus improvement the living conditions of residents.
- Improved standards of design, sustainable construction and drainage facilities, which will assist in raising the design quality of development in the area.

5.4 In this instance therefore, the proposed development would be consistent with Policy EMP1 of the TBLP and with the aim of the NPPF to support economic growth through the planning system. As set out above, the proposal would deliver significant economic benefits and may potentially result in environmental benefits through the modernisation of the buildings. These benefits weigh significantly in favour of the proposal.

## Highways/transportation impacts

5.5 Section 4 of the NPPF states that 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. 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.

5.6 In terms of accessibility, pedestrian and cycle connections to the site are available via Northway Lane and Gannaway Lane. There is also a pedestrian connection between Northway Lane and the residential area of Mitton to the north. Using these links Figure 3.2 of the Transport Assessment (TA) shows that most residential areas of Tewkesbury are within 2 Km of the application site which is considered by the County Highways Authority (CHA) to be a suitable walking distance for walking to work. The railway station at Ashchurch falls just outside this 2 Km distance however is considered by the Highways Authority to be within an acceptable cycling distance. The nearest bus stop to the site is on Ashchurch Road and can be accessed via Gannaway Lane.

5.7 The proposal would utilise the existing site accesses onto Northway Lane which conform to current design guidance and provides sufficient visibility. No concerns are raised by the CHA in relation to the safety of the proposed access.

5.8 In terms of traffic generation, there is currently no increase over the current number of employees proposed and any future increase is likely to be small. Assessment of traffic generation therefore concentrates on the movements associated with service vehicles. The TA indicates that the average trip generation from the site is calculated to be 131 two way trips per day with 9 trips in the am peak hour and 1

trip in the pm peak hour. The CHA estimate that, based on the forecasted increased milk production to 250 million litres per annum, the proposed redevelopment would result in 352 two-way vehicle movements per day with 24 movements in the AM peak period and 2 additional movements in the PM peak period. However when the existing level of movement (including that associated with the separate tenanted businesses) is taken away from these figures it gives a net traffic demand associated with the development of 221 movements with 15 two way movements in the AM peak and 1 additional two way movement in the PM peak. These additional movements would access the wider highway network via Northway Lane and Shannon Way. Vehicle counts show that during the AM peak period a total of 849 vehicles are recorded as turning from the A438 on to Shannon Way. The additional 15 movements would increase these turning movements by less than 2% which is not considered by the CHA to be a material increase. In the PM peak the additional movements generated by the proposal are considered by the CHA to have a negligible impact on the junction.

5.9 In terms of parking provision, during phases 1 and 2 the existing number of spaces for dairy staff would be retained. As there are no proposed changes in staffing levels as a result of these phases there would be no impact on the highway. The full master plan proposes a slight reduction in overall parking provision although the CHA are satisfied that sufficient parking exists for the dairy use even with a small increase in staff.

5.10 Taking the above matters into consideration, it has been demonstrated that the site is accessible by a range of transport modes including walking cycling and public transport, and that a safe and suitable access can be provided. It has also been demonstrated that a relatively modest increase in vehicle movements would result on an already well used transport network. Accordingly the CHA consider that the residual cumulative impact is low and could not be considered to be severe in the context of paragraph 32 of the NPPF. Furthermore, the CHA consider that sufficient car parking will be available to accommodate the demands of the proposed development. On this basis the proposal is found to be in accordance with Policy TPT1 of the TBLP and the transport advice within the NPPF. The highways/transportation impacts of the proposal are therefore considered to be acceptable.

#### Noise impacts

5.11 National guidance at paragraph 123 of the NPPF advises that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Other adverse impacts on health and quality of life arising from noise from new development (i.e. those not considered to be 'significant') should be mitigated and reduced, including through the use of conditions. Paragraph 123 goes on to advise that planning decisions should aim to recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. The Noise Policy Statement for England (DEFRA, 2010) is also a material consideration and provides guidance on defining 'significant adverse' and 'adverse' effects on health and quality of life. It provides the following indicators for establishing noise impacts: No Observed Effect Level (NOEL); Lowest Observed Adverse Effect Level (LOAEL); and Significant Observed Adverse Effect Level (SOAEL).

5.12 This proposal would, along with the permitted lorry park application (ref. 15/00846/FUL), help to ameliorate an existing noise impact on residential properties located to the south of the site. At present lorries are being parked along the southern boundary of the site (adjacent to the disused railway line/public right of way) which is in close proximity to residential properties located in Wellfield, Springfield, Newtown Lane and Canterbury Leys. There have in the past been instances where noise from the refrigeration units within the lorries has caused a disturbance to nearby residents during the night. Indeed Members will note the representations made to this application by local residents in this respect. The proposed development would involve the removal of the lorry park from this sensitive southern boundary and its relocation to the permitted lorry park which is considered to be a far less sensitive location and would benefit from the mitigation of the 4.5m high acoustic fence.

5.13 The proposed redevelopment would however have its own noise impact as a result of it increasing productivity on site. A Noise Assessment in accordance with BS4142 has therefore been submitted to address the noise impact of the development. This focuses on Phases 1 and 2 and assesses noise from the proposed cold stores and plant noise. Noise from the cold stores is largely associated with internal trolley movements, the opening/closing of shutters, forklift movements and HGV washing. More specifically the assessment models noise break out from cold stores through the building fabric, noise break out from open

shutters, forklift activity in the southern yard area and the relocated HGV wash in the southern yard area. The assessment takes into account the outcomes of Phase 0 of the redevelopment (the relocation of the lorry parking to the former Pheonix Bearings site - 15/00846/FUL).

5.14 The noise assessment finds that Phase 1 of the redevelopment would reduce noise levels to below the existing background noise level at residential receptors at Canterbury Leys (-5dB), Newtown Lane (-2dB), Wellfield (-3dB) and Northway Lane (-3dB). Noise levels at Springfield would be the same as the existing background level.

5.15 The noise assessment finds that Phase 2 of the redevelopment would reduce noise levels to below the existing background noise level at residential receptors at Canterbury Leys (-5dB), Newtown Lane (-2dB), Wellfield (-3dB) and Northway Lane (-3dB). Noise levels at Springfield would be the same as the existing background level.

5.16 As demonstrated above, Phases 1 and 2 of the proposed redevelopment would actually result in a reduction to the overall noise levels at the nearest residential receptors. This is mainly a result of the relocated lorry park which is a major existing source of noise on the site. The proposal also involves the relocation of HGV loading areas from the southern side of the site to the eastern elevations of the buildings. An internal acoustic fence would also be installed to the boundary of the loading yard featured on Phases 2 and +.

5.17 As the detailed design of buildings proposed as part of the outline phases of the redevelopment (Phase +) is not known at this stage, the noise assessment does not provide a detailed assessment of their likely impact. It does not however raise any concern as the proposals will not lead to any further noise generation as the same sources of noise would be present at a comparable distance from residential receptors. It should also be noted that the final masterplan for the site does not feature any additional outdoor noise generating activities (i.e. loading bays, HGV wash) over and above those proposed in Phases 1 and 2 and modelled by the submitted Noise Assessment.

5.18 Members will note that the noise generated by the development would be below or equal to the existing background levels at nearby residential receptors which is considered to represent 'No Observed Effect Level' in planning policy terms. However, officers consider that this position is entirely dependent on the relocation of the lorry park to the former Pheonix Bearings site, the retention of the existing acoustic fence along the southern boundary of the site and the installation of the proposed acoustic screen around the proposed loading bays. Furthermore, this position is conditional upon suitable details being secured in relation to the proposed plant and plant room, a suitable design and layout for the outline phases of the redevelopment and a suitable assessment of, and mitigation strategy for, noise from the outline phases. Without these actions it is considered likely that the noise impact of the development would be adverse or significant adverse. Accordingly, having regard to the advice at paragraph 123 of the NPPF, it is considered essential that the above mitigation/attenuation actions are secured by planning conditions.

5.19 Local residents have raised concerns in relation to increased vehicle movements adjacent to the southern boundary. These concerns are noted however it is considered that any noise from this would be contained by the existing and proposed acoustic fences in this location. Furthermore, the noise assessment demonstrates that such noise would not exceed that created by the existing HGV parking along the southern boundary.

5.20 A local resident has also raised concern that the noise assessment is flawed as existing background noise levels measured by the resident are lower than those used in the assessment. The local resident also argues that the dairy is generating noise of up to 92dB(A) at his property. The applicant's noise consultant has commented that the noise level measured by the resident was at an unknown time in late December / early January which is regarded as the quietest time of year due to the influence of Christmas and New Year. Major sources of background noise in the area would be subject to reduced noise levels at this time. The noise consultant therefore argues that this time period is not representative of normal conditions. The consultant also confirms that the dairy site does not generate noise levels required to contribute 92 dB(A) at the residential façade. Over a distance of 100 metres, this would require a noise source of 132 dB(A). Sources of noise on the dairy site are at least 120 metres away. Noise levels as high as 92 dB(A) could only be generated by sources in close proximity to the dwelling, such as traffic on the public highway. Traffic on the public highway is not a factor affecting the planning application. It is also unclear whether the measured levels are actually due to traffic associated with the dairy.



5.21 Officers note the points made by the consultant and the fact that the Council's Environmental Health Officer (EHO) raises no concerns over the validity of the noise assessment. On this basis the noise assessment is considered to be sufficient.

5.22 On the above basis and subject to compliance with appropriately worded planning conditions the EHO raises no objection to the application on noise grounds. It is therefore considered that the proposal would not generate unacceptable noise levels and that no adverse impacts on the health and quality of life of nearby residents would result. The proposal would therefore be compliant with Policy EVT3 and the advice on noise within the NPPG and Noise Policy Statement for England.

#### Design/amenity impacts

5.23 The NPPF advises at paragraph 56 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 goes on to advise at paragraph 61 that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policy GN2 of the TBLP is broadly consistent with this advice and requires major development proposals to submit design statements addressing urban design principles. This policy is reflected and expanded upon by Policy SD5 of the submission JCS. Policy INF4 of the submission JCs is also of relevance requiring that (inter alia) development proposals should consider and contribute positively towards green infrastructure.

5.24 In this instance, whilst the locality of the site is predominately industrial in character, a well-used public footpath/cycleway runs along its southern boundary beyond which lies existing residential development. The site is visible from the public footpath and from parts of the residential area, most notably from Newtown Lane and the open space to the north of Springfield.

5.25 The proposed buildings would be of a relatively large scale and would be of a considerable height and massing. As previously noted, the height of the buildings would range from between 12.8 to 14.6 metres. For the purposes of comparison and perspective, the tallest of the existing buildings on site are 8-9 metres high and it is estimated that the buildings in the surrounding industrial estate are approximately 7-10 metres high, although there are higher buildings in the wider area (e.g. Tewkesbury Cold Stores). The proposed development would therefore be a prominent feature of the area. It should also be noted that the parapet wall around the buildings would give them a flat roofed appearance which would accentuate the overall scale and massing of the development. **Elevations and visualisations of the proposed development will be displayed at the meeting of the Planning Committee.**

5.26 Justification for the scale of the proposal is provided within the Height Statement submitted with the application. This advises that the scale of the development is a result of detailed studies carried out by the dairy to determine the space needed to improve their current operations and facilitate their long-term growth. The figure of 6,200sqm that amounts to phases 1 and 2 is understood to be the result of a careful evaluation of present and future needs. It is argued that a reduction in the size of the extension would adversely affect the functionality of the dairy and would limit any potential expansion. Furthermore, it is understood that external space needs to be maintained on site for logistic operations. It is argued that there is not sufficient space in the site to spread the floorspace in a single storey. It is argued that a two storey building is the only practical configuration that would meet the floorspace requirements while ensuring continuity of the dairy's logistic operations. The Height Statement states that the ground floor would be destined to chilled storage of dairy products and requires a clear 3.5m headroom from floor to ceiling, free of columns. The ceiling void then needs to be around 3m deep to accommodate the large chillers and ducting that keep the temperature within the Public Health's required range for storage of dairy produce. The first floor accommodation only requires 3m headroom and is not as heavily serviced as the ground floor but, due to the lack of intermediate columns on the floor below, will also require a relatively deep truss structure, in the region of 2m. Finally, a 1.1m high parapet wall runs around the complete perimeter of the roof. Rooflights and gutters on the roof will require occasional maintenance access and it is the best practice from a Health and Safety point of view to prevent any potential fall when working on roofs. Consequently it is argued by the Height Statement that the 12.8m height of Phase 2 is necessary.

5.27 It is considered that the Height Statement provides sufficient justification for the scale of the development and officers are generally satisfied that it is not practical or feasible to reduce the height and scale of development without compromising the applicant's growth plans. In any event the proposed buildings are considered to be well designed and generally represent a considered approach to the site and its constraints. It is recognised that efforts have been made to break up the massing and monotony of the building including through its variegated footprint, the use of deep window reveals and suspended canopies,

and the addition of a full height corner window feature at the entrance elevation. Overall it is considered that the proposed development would have a prominent but positive visual impact when viewed from within the industrial estate.

5.28 However, when viewed from the public footpath and residential area to the south, it is considered that the visual effect of the proposal would be prominent when viewed from certain vantage points. The public footpath is considered to have a fairly open, verdant character. Whilst the character of the footpath is undoubtedly influenced to some extent by the industrial estate to the north, in most places industrial buildings are either not visible or are well screened by vegetation. The site boundary with the footpath does benefit from existing tree screening in parts, but there are a number of gaps that would leave the proposed development exposed. Of particular concern would be the Phase 2 extension which would be sited 11.5 metres in from the boundary at its nearest point and, as demonstrated by the submitted section drawing (Sections North-South (Phase 2)), would be 12 metres above the level of the adjacent footpath. **A copy of the site section drawing showing the relationship between Phase 2 and the adjacent footpath is appended to this report.** It is considered that the Phase 2 extension would have an overbearing, obtrusive impact when viewed from certain locations on the footpath. It is also considered that the extension would be visible from the northern end of Newtown Lane and would detract from the open outlook currently enjoyed from this vantage point.

5.29 The applicant has been made aware of these concerns and it has been requested in the first instance that the height of Phase 2 is reduced and/or this building is set further in from the boundary. However, for the reasons set out in the Height Statement and summarised above, the applicant is unwilling to reduce the scale of the development or alter the layout. Officers recognise the space constraints affecting the development and are supportive of the dairy's growth plans. It is therefore considered appropriate to explore ways to mitigate the visual impact of the development. In this respect the applicant has been requested to provide an indicative landscaping plan showing new tree planting to plug the gaps in the existing vegetation screen between the Dairy's southern boundary fence and the public right of way.

5.30 The submitted illustrative landscaping plan shows the planting of 35 no. feathered birch trees 1.75-2.25m tall planted in a staggered row adjacent to the fence-line, and a front tier of rapid response native mix planting (hawthorn, hazel, goat willow) planted 2m back from the footway at a density of 2 plants/m<sup>2</sup>. The statement accompanying the landscaping plan advises that the birch trees would provide some initial instant impact when first planted and would associate with existing birch trees currently present. The illustrative 0-10 year growth plan shows that birch trees should reach a height of 3 metres within three years, and would ultimately grow to between 10-15m after 10 years. **The illustrative landscaping plan and growth plan are appended to this report.**

5.31 In light of the illustrative landscaping plan it is considered that the medium to long term visual impacts of the development can be satisfactorily mitigated. It is however considered that the visual impact of the development will be left unmitigated in the short term (i.e. within the first 10 years) whilst the trees are growing to the required height. Whilst this residual harm would not be permanent, it would still weight negatively against the proposal in the overall planning balance.

5.32 Finally it is not considered that the proposal would have any adverse impact on the residential amenity of nearby occupiers as a result of its height and massing. Phase 2 would be located 28 metres away from the garden of the nearest property and would be orientated to the north. It is not therefore considered that the proposal would have an overbearing or overshadowing impact on the nearest property. It is noted that there are a number of windows on the south elevation of Phase 2 that would face towards the residential area. However, notwithstanding the fact that these windows are located more than 28 metres away from the nearest residential properties the application indicates that they will be obscurely glazed. It is considered that this would address any perception of overlooking from local residents and can be secured by a condition attached to any planning permission granted.

#### Flood risk/drainage

5.33 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.

5.34 As previously noted, the site is mainly located in Flood Zone 1 but the EA's flood map shows the northern and western perimeter of the site to be in Flood Zone 2 indicating that this area is at medium risk of flooding. The Gloucestershire Strategic Flood Risk Assessment (SFRA) provides more accurate flood mapping and shows that the area of Flood Zone 2 on site is actually confined to its south-west corner. The proposals would ultimately involve the removal of an existing building that encroaches into the Flood Zone 2 extent and no new built development is proposed in this area. This may suggest that the proposal will increase the flood storage capacity of the site in an extreme flood event.

5.35 Although the site itself is considered overall to be at a low risk of fluvial flooding, it is noted that parts of Northway Lane are at high risk of flooding from fluvial and pluvial (surface water) sources. The areas affected include the junction of Northway Lane with the estate road leading into the site. However, as this is a commercial development and is classed as 'less vulnerable' in flood risk terms, and on the basis that the application involves the redevelopment of an existing industrial site, ensuring a flood free safe access/egress for the development is less critical than, for example, for a residential use. This approach is consistent with the Environment Agency's Standing Advice which further advises that LPAs should consider the use of an appropriate flood evacuation management plan in consultation with Emergency Planners. The FRA submitted with the application recognises the flood risk to the access and advises that the dairy would have an awareness of flood risk by monitoring the EA floodline and local weather conditions so that they can manage their access activities accordingly. This would enable to dairy's management team to limit staff movements and commercial vehicle activities if flood warnings are in place. It is considered however that more formalised provisions should be put in place and officers therefore recommend a condition to secure the submission and approval of an appropriate flood evacuation management plan.

5.36 The submitted FRA puts forward a storm and foul water drainage strategy for the site. It has been demonstrated that due to the impermeable geology, the lack of space to locate soakaways away from structures and the pollution risk associated with milk spillages an infiltration based surface water drainage scheme is not feasible. The proposal is therefore to continue the existing arrangement of discharge to the public storm sewer but with the incorporation of underground attenuation and flow controls to produce a 40% betterment on the current runoff rates. Officers recognise that the site constraints would preclude the use of 'softer' SuDS measures on site and it can be confirmed that the Lead Local Flood Authority raises no objection in principle to the proposed drainage strategy subject to conditions to secure detailed drainage design and a maintenance scheme. On this basis the proposed storm water drainage provisions are considered to be acceptable in principle and the application is consistent with the NPPF and policies EVT5 and EVT9 of the TBLP.

5.37 With regard to foul water drainage, the proposals involve the retention of the existing effluent treatment system on site during Phases 1 and 2 and its eventual replacement as part of the latter (outline) phases. This will ensure that any pollution incidents due to milk spillage could be intercepted before entering the main sewer. Further comments on this matter are provided in the pollution prevention section below.

#### **Contaminated land and pollution prevention**

5.38 The Phase 1 Contaminated Land Assessment submitted with the application finds that there are no significant sources of contamination on site and no significant pollution linkages. Furthermore, the Council's EHO has raised no objection to the application subject to a condition to address any unexpected contamination not found in the submitted assessment.

5.39 The site is regulated by the Environment Agency (EA) and benefits from an environmental permit. The EA advises that a variation to the permit would be necessary and it is understood that the applicant is in discussions with the EA in relation to this matter. The EA advise that the proposed development should enable the site to improve its environmental performance.

5.40 As noted above, the site does present a pollution risk from milk spillages however this would be considered in the environmental permit application process. Paragraph 122 of the NPPF states that Local Planning Authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regime. Local Planning Authorities should assume that these regimes will operate effectively...Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it. In light of this and the advice of the EA it is not considered that any further pollution assessment is required as part of this planning application.

5.41 The concerns raised by local residents in relation to external lighting and noise and dust from demolition/construction are noted but the EHO recommends conditions to address this.

5.42 On the above basis the proposal is considered to be in accordance with the advice on conserving the natural environment set out at Section 11 of the NPPF.

## 6.0 Conclusion and planning balance

6.1 The proposed development is acceptable in principle and would deliver significant economic benefits. The proposal would help to achieve the aim of the NPPF to secure economic growth. This weighs significantly in favour of the proposal.

6.2 The site is in a sustainable location and is accessible by a range of transport modes. The transportation and highways impacts of the proposal are shown to be acceptable.

6.3 The application demonstrates that the proposal will involve a reduction to noise experienced by nearby residents as a result of it relocating the lorry park and involving a more considered site layout. Further work is required in relation to the outline phases of the redevelopment but it is not considered that any inherent problems exist in this regard.

6.4 The scale and design of the proposal is generally considered to be acceptable but it is considered that Phase 2 of the proposal will detract from the amenity of the adjacent public footpath. This impact can however be mitigated in the medium to long term by new tree and shrub planting. The visual impact of the development would however be left unmitigated in the short term (i.e. within the first 10 years) whilst the trees are growing to the required height. Whilst this residual harm would not be permanent, it still weighs negatively against the proposal.

6.5 The flood risk impacts of the proposal are found to be acceptable and there are no other environmental impacts that cannot be satisfactorily addressed by conditions.

6.6 On balance it is considered that the benefits of the proposal would outweigh the identified short term harm to the amenity of the public footpath. The proposal is acceptable in all other respects and thus, in accordance with the NPPF's presumption in favour of sustainable development, it is recommended that planning permission is granted.

## RECOMMENDATION Permit

### Conditions:

- 1 The development hereby granted full permission (Phases 1 and 2 as shown on Drawing Numbers AHR-AR-PH1-10-100 Rev D and AHR-AR-PH2-10-100 Rev D) shall be begun before the expiration of five years from the date of this permission.
- 2 In respect of that part of the application where outline planning permission is granted (Phase + as illustrated as 'Proposed Structures' on Final Masterplan Drawing Number AHR-AR-MP-10-100), no development shall commence before detailed plans showing the layout, scale and external appearance of the proposed buildings, the proposed access to the highway, and the landscaping of the site (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.
- 3 Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of ten years from the date of this permission.
- 4 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.
- 5 The development hereby granted full planning permission shall be carried out in accordance with the following approved plans: Drawing Numbers AHR-AR-PH1-10-100 Rev D, AHR-AR-PH2-10-100 Rev D, AHR-AR-PH1-20-100 Rev E, AHR-AR-PH1-20-101 Rev E, AHR-AR-PH1-20-102 Rev D, AHR-AR-PH1-20-103 Rev B, AHR-AR-PH1-20-200 Rev C, AHR-AR-PH1-20-201 Rev C, AHR-AR-PH2-20-210, AHR-AR-PH2-20-100 Rev F, AHR-AR-PH2-20-101 Rev C, AHR-AR-PH2-20-102 Rev D, AHR-AR-PH2-20-103 Rev C, AHR-AR-PH2-20-200 Rev C, AHR-AR-PH2-20-201 Rev C, AHR-AR-PH2-20-401 Rev A (all received 08/12/15), AHR-AR-PH2-20-402 (received 22/02/16).

- 6 Building operations shall not be commenced in pursuance of Phases 1 and 2 until samples of the external 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.
- 7 The first floor windows in the south elevation of Phase 2 shall be fitted with obscure glazing and any opening parts shall be located no less than 1.7 metres above the first floor level of the building.
- 8 No development shall take place in pursuance of the full permission, 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 in relation to Phases 1 and 2. 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
- 9 The details to be submitted for the approval of reserved matters in pursuance of the outline permission shall include a Construction Method Statement for the approval of the local planning authority. The approved Statement shall be adhered to throughout the construction period in relation to all development relating to the outline permission including any works of demolition. 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
- 10 The buildings hereby granted full planning permission shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan AHR-AR-PH2-10-100 D, and those facilities shall be maintained available for those purposes thereafter.
- 11 The development hereby granted full planning permission shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan AHR-AR-PH2-10-100 D, and those facilities shall be maintained for the duration of the development. The facilities shall provide storage for a minimum of 19 bicycles.
- 12 The details to be submitted for the approval of reserved matters in pursuance of the outline permission shall include vehicular parking and turning and loading/unloading facilities within the site, and the building(s) hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.
- 13 The details to be submitted for the approval of reserved matters in pursuance of the outline permission shall include details of additional secure and covered cycle storage facilities for a minimum of 24 bicycles. This requirement is in addition to any existing bicycle storage facilities on site including those provided in pursuance of Condition 11 of this permission. The approved facilities shall be made available prior to the subject development being first brought into operation.
- 14 The details to be submitted for the approval of reserved matters in pursuance of the outline permission shall include a Noise Assessment and Mitigation Strategy for the approval of the Local Planning Authority. The submitted assessment shall accord with BS 4142:2014 (Method for Rating and Assessing Industrial and Commercial Sound) and shall assess the noise impact of the Phase + development on nearby residential receptors, and provide appropriate mitigation measures. The use shall operate in strict accordance with the mitigation measures so approved.

- 15 Before any development commences in pursuance of the full planning permission a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from Phases 1 and 2 of the development. The noise mitigation scheme shall include:
- Details of the acoustic fence to the loading bays featured on Drawing Number AHR-AR-PH2-10-100 Rev D;
  - Details of the plant specification and plant room construction.
- The noise mitigation scheme shall be implemented prior to use of the buildings hereby permitted. The scheme should be maintained and shall not be altered without the prior written approval of the local planning authority.
- 16 Prior to any phase of the development hereby permitted being first brought into operation, the area adjacent to the southern boundary of the site shall cease to be used for the parking of refrigerant HGVs. The area adjacent to the southern boundary shall not thereafter be used for the parking of refrigerant HGVs.
- 17 The existing 3.6 metre high acoustic fence along the southern and south-western boundaries of the site, as shown on Drawing Number AHR-AR-PH1-10-100 Rev D, shall be retained in perpetuity.
- 18 The additional floor space created by the outline planning permission shall be limited to no more than 8,000 square metres (gross internal floorspace).
- 19 The reserved matters in relation to the scale and layout of the development submitted pursuant to Condition 2 shall be in general accordance with the scale parameters set out within the document entitled 'Cotteswold Dairy extension - scale (height) of Phase +' (received 22/02/16) and the Final Masterplan Drawing Number AHR-AR-MP-10-100 Rev D (received 08/12/15).
- 20 No development shall take place in pursuance of Phase 2 of the development hereby granted full planning permission until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of landscaping along the planting strip between the southern boundary of the site and the adjacent public footpath. The submitted scheme shall be in substantial accordance with the Illustrative Planting Plan (Drawing Number LL(98)001) received on 22/02/16 and shall include indications of all existing and proposed trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.
- 21 All planting, seeding or turfing in the approved details of landscaping pursuant to Condition 20 of this permission shall be carried out in the first planting and seeding season following the commencement of works in pursuance of Phase 2 of the development. Any trees or plants which within a period of five years from the completion of Phase 2 of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 22 Prior to the development being first brought into operation, a Flood Evacuation and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles within the car park), training of staff and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for the revision of the Plan, including in response to the ongoing developments hereby permitted.
- 23 No development shall commence in pursuance of Phases 1 and 2 of the proposed development until comprehensive evidence based drainage details have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall fully incorporate the principles of sustainable drainage and improvement in water quality and shall include allowances for climate change. Phases 1 and 2 of the development shall be implemented in accordance with the approved details and thereafter similarly maintained.

- 24 The details to be submitted for the approval of reserved matters in pursuance of the outline permission shall include comprehensive evidence based drainage details for the approval of the Local Planning Authority. The drainage details shall fully incorporate the principles of sustainable drainage and improvement in water quality and shall include allowances for climate change. The development granted outline planning permission shall be implemented in accordance with the approved details and thereafter similarly maintained.
- 25 The development hereby granted full planning permission shall not be brought into operation until a drainage maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.
- 26 The development hereby granted outline planning permission shall not be brought into operation until a drainage maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.
- 27 Prior to the commencement of any development a Dust Action Plan shall be submitted to and agreed in writing by the Local Planning Authority which specifies provisions for the control of dust on site during the course of construction works. The scheme should be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. This condition applies to the construction works in pursuance of both the full and outline planning permissions.
- 28 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. This condition applies to the construction works in pursuance of both the full and outline planning permissions.
- 29 Prior to the commencement of any development in pursuance of the full planning permission, details of any new external lighting proposed to be used, including the design of the lighting columns, their locations and levels of illuminance across the site and its immediate surroundings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out on site in accordance with the approved details.
- 30 The details to be submitted for the approval of reserved matters in pursuance of the outline permission shall include, for the approval of the Local Planning Authority, details of any new external lighting proposed to be used, including the design of the lighting columns, their locations and levels of illuminance across the site and its immediate surroundings. The development shall thereafter be carried out on site in accordance with the approved details.
- 31 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of 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 The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.
- 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 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.
- 5 For the avoidance of doubt and in the interest of proper planning.
- 6 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 7 To prevent the overlooking of nearby residential properties in accordance with the Core Planning Principles of the NPPF.
- 8 To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.
- 9 To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.
- 10 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.
- 11 To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with Policy TPT6 of the Tewkesbury Borough Local Plan to 2011 and paragraph 32 of the National Planning Policy Framework.
- 12 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.
- 13 To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with Policy TPT6 of the Tewkesbury Borough Local Plan to 2011 and paragraph 32 of the National Planning Policy Framework.
- 14 To ensure that the proposed development does not cause undue nuisance and disturbance to neighbouring properties and to protect the amenity of the locality in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 and the advice on conserving the natural environment within the NPPF.
- 15 To ensure that the proposed development does not cause undue nuisance and disturbance to neighbouring properties and to protect the amenity of the locality in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 and the advice on conserving the natural environment within the NPPF.
- 16 To prevent a cumulative noise impact occurring from existing and proposed noise generating activities that may render the noise impact of the site on residential receptors unacceptable, in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 and the advice on conserving the natural environment within the NPPF.
- 17 To ensure that the proposed development does not cause undue nuisance and disturbance to neighbouring properties and to protect the amenity of the locality in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 and the advice on conserving the natural environment within the NPPF.
- 18 For the avoidance of doubt and in the interest of proper planning.
- 19 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.



- 20 To mitigate the visual impact of Phase 2 of the development on the adjacent public footpath and residential area, in accordance with the advice on requiring good design at Section 7 of the NPPF.
- 21 To mitigate the visual impact of Phase 2 of the development on the adjacent public footpath and residential area, in accordance with the advice on requiring good design at Section 7 of the NPPF.
- 22 To minimise the flood related danger to users of the proposed development in accordance with Policy EVT5 of the Tewkesbury Borough Local Plan to 2011 and the advice on Flood Risk at Section 10 of the NPPF.
- 23 To ensure that the development is provided with a satisfactory means of drainage, as well as reducing the risk of flooding both on the site itself and the surrounding areas, and to minimise the risk of pollution, all in accordance with Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 and the advice on Flood Risk and Conserving the Natural Environment at Sections 10 and 11 of the NPPF.
- 24 To ensure that the development is provided with a satisfactory means of drainage, as well as reducing the risk of flooding both on the site itself and the surrounding areas, and to minimise the risk of pollution, all in accordance with Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 and the advice on Flood Risk and Conserving the Natural Environment at Sections 10 and 11 of the NPPF.
- 25 To ensure the continued operation and maintenance of drainage features serving the site so to avoid flooding and water pollution in accordance with Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 and the advice on Flood Risk and Conserving the Natural Environment at Sections 10 and 11 of the NPPF.
- 26 To ensure the continued operation and maintenance of drainage features serving the site so to avoid flooding and water pollution in accordance with Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 and the advice on Flood Risk and Conserving the Natural Environment at Sections 10 and 11 of the NPPF.
- 27 To ensure that any concentration of dust in the vicinity is minimised and to protect the amenity of nearby residential properties in accordance with the advice on Conserving the Natural Environment at Section 11 of the NPPF.
- 28 To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours in accordance with the advice on Conserving the Natural Environment at Section 11 of the NPPF.
- 29 To prevent light pollution and to safeguard the appearance of the area and the amenities of neighbouring properties in accordance with Policy EVT2 of the Tewkesbury Borough Local Plan to 2011 and the advice on Conserving the Natural Environment at Section 11 of the NPPF.
- 30 To prevent light pollution and to safeguard the appearance of the area and the amenities of neighbouring properties in accordance with Policy EVT2 of the Tewkesbury Borough Local Plan to 2011 and the advice on Conserving the Natural Environment at Section 11 of the NPPF.
- 31 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the advice on Conserving the Natural Environment at Section 11 of the NPPF.

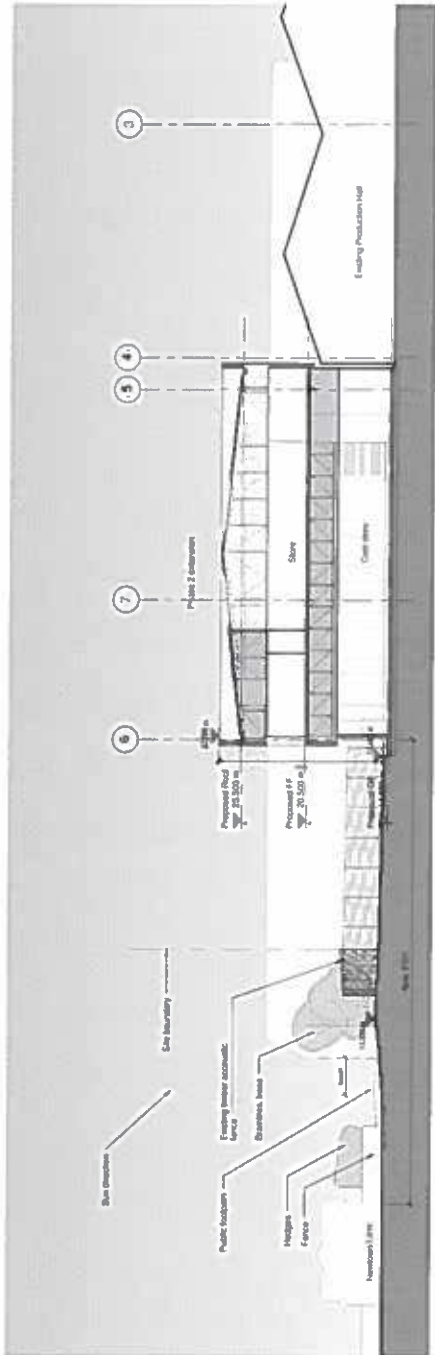
Notes:

**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 visual impact of the development.

- 2 The proposed development will involve 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 an appropriate bond) with the County Council before commencing those works.

15/01326/FUL



Project No.	15/01326/FUL
Client Name	Coltswood Dairy
Date	12/02/16
Scale	300%

**A/R**

1. Approved by the Council  
2. Approved by the Council  
3. Approved by the Council  
4. Approved by the Council  
5. Approved by the Council  
6. Approved by the Council

Client Name	Coltswood Dairy
Project Name	Coltswood Dairy - Tevelsbury
Section Name	Section North South (Phase 2)
Project No.	2014/00287/000
Project Name	Phase 2 - 2014/00287/000
Project No.	2014/00287/000
Project Name	Phase 2 - 2014/00287/000
Project No.	2014/00287/000
Project Name	Phase 2 - 2014/00287/000

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**Legend**

- PROPOSED NETWORKS**
  - Proposed 150mm Water
  - Proposed 100mm Sewer
  - Proposed 150mm Storm
  - Proposed 150mm Gas
  - Proposed 150mm Electric
- RETAINED VEGETATION**
  - Existing vegetation
  - Proposed vegetation
- MISC.**
  - Proposed 150mm Storm

**ILLUSTRATIVE PLANTING SCHEDULE**

Plant Name	Plant Size	Plant Spacing	Plant Quantity	Plant Location
150mm Storm	150mm Storm	150mm Storm	150mm Storm	150mm Storm
100mm Sewer	100mm Sewer	100mm Sewer	100mm Sewer	100mm Sewer
150mm Water	150mm Water	150mm Water	150mm Water	150mm Water
150mm Gas	150mm Gas	150mm Gas	150mm Gas	150mm Gas
150mm Electric	150mm Electric	150mm Electric	150mm Electric	150mm Electric

**SEEDING SCHEDULE**

Planting 150mm Storm

Planting 100mm Sewer

Planting 150mm Water

Planting 150mm Gas

Planting 150mm Electric

**SEEDING FOR GENERAL AREAS**

**QUALITY OF SEED**

Purchase from seed for each planting location and in quantities to meet the needs of the project.

Germination capacity: Not less than 80%.

Seed purity: Not less than 95%.

Total content of other crop seeds: Not more than 1%.

When reported, actual results of testing for germination, purity and composition carried out by an official seed testing station.

**SOWING**

Sow seed during appropriate season and weather, spaced evenly at the specified rates (applied to 100mm topsoil).

Lightly rake or roll.

On dry soils, roll and cross roll after sowing using a 10-ton roller.

**SEED BEE CLEANING**

Shovel seed 100mm topsoil with seedbed contact herbicide. Apply as required.

**RAPID RESPONSE PLANTING**

Transplants and whips shall be planted at 1m centres. All trees and shrubs shall be planted in an approved landscape based on the following criteria:

- trees shall not be less than 200mm diameter & 2000mm above ground.
- shrubs shall be 1000mm high including a 25 x 1000mm supporting structure.
- plants shall be planted in a 1000mm x 1000mm planting hole.
- plants shall be planted in a 1000mm x 1000mm planting hole.
- plants shall be planted in a 1000mm x 1000mm planting hole.

**FEATHERED TREE PLANTING**

Plants shall be transplanted and sown from 2 days prior to planting + 4 days of sowing.

- trees shall not be less than 200mm diameter & 2000mm above ground.
- shrubs shall be 1000mm high including a 25 x 1000mm supporting structure.
- plants shall be planted in a 1000mm x 1000mm planting hole.
- plants shall be planted in a 1000mm x 1000mm planting hole.
- plants shall be planted in a 1000mm x 1000mm planting hole.



864124



Client: Coleridge Dairy

Project: Coleridge Dairy, Fresh Dairy

Drawn: [Name]

Checked: [Name]

Date: 15/10/2023

Scale: 1:1000

Sheet: 1 of 1



YEAR 0



YEAR 3



YEAR 10

Valid 19.02.2016

Erection of 4no. 'town gateway' signs on highway verges at A38 Mythe Road, A38 Gloucester Road, A438 Ashchurch Road &amp; B4080 Bredon Road

Grid Ref 391265 233164

Parish Tewkesbury

Ward Tewkesbury Newtown

Tewkesbury Borough Council  
Council Offices  
Gloucester Road  
Tewkesbury  
GL20 5TT**RECOMMENDATION Consent****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 GNL13, HEN2, EVT5, LND3 and TPT1

Planning (Listed Buildings and Conservation Areas) Act 1990

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****Tewkesbury Town Council** - No comments to date**Local Highway Authority** - No comments to date

The application has been publicised through the posting of a site notice at each of the 4 locations and, to date, no letters of representation have been received.

**The application is presented to the Planning Committee as the application has been submitted by Tewkesbury Borough Council.**

**Planning Officers Comments:** Emma Blackwood**1.0 Introduction**

1.1 The application relates to 4 different sites, one on each of the highway verges of 4 of the main roads providing vehicular access into Tewkesbury Town Centre: A38 Mythe Road, A38 Gloucester Road, A438 Ashchurch Road (at the junction with Shannon Way) and B4080 Bredon Road (see attached Site Location Plans).

1.2 The site on Mythe Road (A38) is located within a Landscape Protection Zone (LPZ), adjacent to the Conservation Area and within flood zone 3. The site at Gloucester Road (A38) is located adjacent to the LPZ. The sites at Bredon Road and Ashchurch Road are not located within or adjacent to any designated landscape areas.

**2.0 Relevant Planning History**

2.1 None

**3.0 Current Application**

3.1 This application seeks advertisement consent for the erection of a non-illuminated 'gateway' totem sign on the highway verge of each of the aforementioned roads leading into Tewkesbury Town Centre, in association with the Tewkesbury Borough Council Marketing Campaign 2015 (see attached proposed plans).

3.2 The application advises that the proposed signage frames would be designed to appear similar to the rustic oak construction of the Battle of Tewkesbury sculptures on the Stonehills roundabout. Each totem sign would be 1.5 metres wide, designed with a planter base constructed from sleepers, with a wooden post on either side of this planter each measuring 3.7 metres in height above ground level. Powder coated aluminium construction panels would be fixed between the wooden posts, with vinyl graphics applied to these panels. The top panel would display the generic 'Discover Tewkesbury' logo and would remain in place all year. The centrally positioned panels on each totem sign would be event focussed (e.g. advertising the 'Mop Fair or the 'Medieval Festival'). The lowest panel would be used for generic marketing of 'Visit Tewkesbury'.

3.3 The proposed 'gateway signage' would be erected on highway verges, at varying distances from the respective adjacent carriageway, as follows:

- The sign on Gloucester Road would be erected on the western side of the highway, set back 1.8 metres from the carriageway edge, and some 160 metres from the nearest vehicular access point on the western side of the highway which is at the junction shared with the road providing vehicular access to Southwick Park;
- The sign on Mythe Road (A38) would be erected on the north-eastern side of the highway, set back 3 metres from the carriageway edge, and some 150 metres from the nearest vehicular access point on the north-eastern side of the highway which leads to/from the car park of The Boathouse public house;
- The sign on Bredon Road (B4080) would be erected on the south-eastern side of the highway, set back 3 metres from the carriageway edge, and some 32 metres from the nearest vehicular access point on the south-eastern side of the highway which is at the junction shared with Arundel Road; and
- The sign on the Ashchurch Road (A438)/Shannon Way junction would be erected to the north-west of this junction and would be set back 10 metres from the carriageway edge.

#### 4.0 Policy Context

4.1 Section 7 of the NPPF and the Planning Practice Guidance (PPG) make it clear that the Government attaches great importance to the design of the built environment. Paragraph 67 of the NPPF specifies that *"Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts"*.

4.2 Policy GNL13 of the Tewkesbury Borough Local Plan to 2011 (March 2006) specifies that *"advertisements, signs and notice boards will only be permitted where they are well sited, in scale and character with, and or a design appropriate to, the building and the locality. Directional signs, whilst not appropriate in a village or town street, may be acceptable in rural areas where there is no conflict with visual amenity and public safety provided that any such signs are kept to a minimum (normally only one sign), and purely serve to inform customers as to the location of the business without containing additional extraneous information. Any illumination must be appropriate to its location"*. Policy GNL13 of the Local Plan is consistent with the aims of the NPPF and is therefore afforded considerable weight.

4.3 As noted above, the proposed 'gateway signage' on Mythe Road (A38) is located within the LPZ and the site at Gloucester Road (A38) is located adjacent to the LPZ. Policy LND3 of the Tewkesbury Borough Local Plan to 2011 (March 2006) specifies that, within the LPZ, special protection is given to the ecology and visual amenity of the river environment, and that development will not be permitted which:

- A. Has a detrimental visual or ecological effect on the character of the river banks or associated landscape setting of the Severn Vale.
- B. Has an adverse impact on the water environment.

4.4 Further, the site on Mythe Road (A38) is located adjacent to the Conservation Area. Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 (March 2006) specifies that, in proposals for development in close proximity to a conservation area, particular attention should be paid to the development's impact on the conservation area and its setting including any existing trees.

4.5 Policies LND3 and HEN2 of the Local Plan are consistent with the aims of the NPPF in terms of its core planning principles and are therefore afforded considerable weight.

#### 5.0 Analysis



5.1 As specified within the NPPF, the only issues for consideration are the impact of the advertisements on amenity and public safety, taking account of cumulative impacts.

#### Amenity

5.2 The applicant has advised that it is hoped that the proposed totem signs, in providing a means for event advertising, would help to reduce the number of banner signs which are displayed throughout the town for similar purposes, and that it would help to promote the vitality of the town. One of the core land-use planning principles defined under paragraph 17 of the NPPF is that planning should promote the vitality of our main urban areas.

5.3 The proposed advertisements would be non-illuminated and, by virtue of their design, supported by a wooden post on either side, it is considered that they would respect the green and vegetated character and appearance of these roadside areas. 3 of the 4 proposed signs would be well distanced from the nearest residential property. The proposed sign at the junction of Ashchurch Road and Shannon Way would be sited in close proximity of the boundary shared with the rear garden areas of dwellings on Milne Pastures. However, by virtue of the scale and the non-illuminated nature of the proposed sign and the extent of existing screening along this boundary, in the form of fencing and hedging, it is considered that the proposed sign would not unreasonably affect the amenity of adjoining occupiers.

5.4 It is considered that, as a result of the design, scale, number and siting of the advertisements, the proposal would be acceptable in terms of impact on amenity and would not result in an overly cluttered appearance on the highway verge. Where appropriate, it is judged that the signs would preserve the character and appearance of the conservation area and would protect the visual amenity of the LPZ.

#### Public Safety

5.5 The proposed signage would be non-illuminated and there would be no directional information on the advertisement panels. By virtue of the scale of the proposed totem signs and their positioning on the highway verge at each site (taking into consideration the proximity of each sign to the carriageway edge and to the nearest road junction), it is considered that there would be no demonstrable harm to public safety.

5.6 The Local Highway Authority has been consulted on the proposed advertisements, but has not provided any comments to date. It is, however, noteworthy that the applicant has advised that they have worked with the Local Highway Authority prior to the submission of this application to undertake a site safety audit of possible locations for the proposed signs. **An update will be provided at Committee.**

#### Other Considerations

5.7 The proposed 'gateway signage' on Gloucester Road (A38) would be set back 33 metres from a gas pipeline and the sign on Mythe Road (A38) would be located within a 3 metre buffer from a gas pipeline. The wooden posts on each side of the sign would be inserted 1.3 metres below ground level. Given the proximity of the works to the pipeline, an advisory note is attached to the decision notice to recommend that the applicant or successors contact the pipeline operator or representative in early course.

5.8 It is further noteworthy that the site on Mythe Road (A38) is located within flood zone 3. As noted above, paragraph 67 of the NPPF specifies that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Consequently, any flood risk issues are not taken into consideration as part of advertisement consent applications. Nevertheless, the applicant has submitted a Flood Risk Assessment (FRA) which specifies that there are no other appropriate sites for the signage in a lower risk zone in this part of Mythe road on the approach into Tewkesbury Town Centre. The FRA specifies that, given the small scale and footprint of each totem sign, they would not increase the risk of flooding to third parties within the flood plain or in adjoining areas by reducing flood storage capacity, increase the depth of flood flows, or adversely affect flow velocities, and that the risk to human life and property is acceptable.

#### **6.0 Summary**

6.1 Taking into account all of the above, the proposal is considered to be acceptable and in accordance with the relevant policies, and it is therefore recommended that advertisement consent is granted subject to conditions.

#### **RECOMMENDATION Consent**

Conditions:

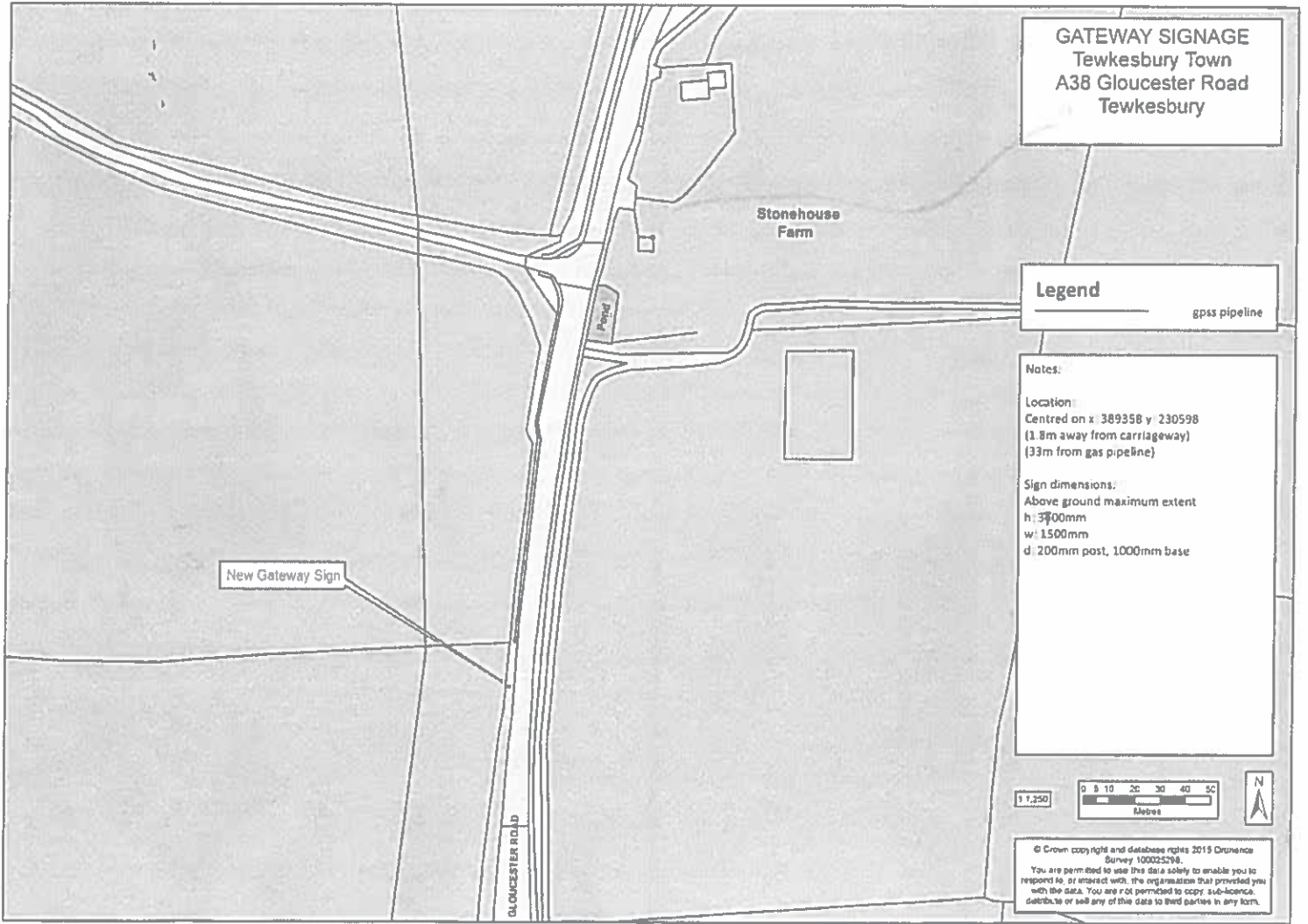
- 1 The development hereby permitted shall be carried out in accordance with details on the application form, the site location plans, and the approved drawings entitled "Tewkesbury Borough Council : marketing campaign 2015 : town signage : construction" and "Tewkesbury Borough Council : marketing campaign 2015 : town signage : aesthetic" received by the Local Planning Authority on 19th February 2016, and any other conditions attached to this permission.
- 2 The signs hereby permitted shall be non-illuminated.
- 3 The advertisements hereby approved shall only be used to promote local events or exceptional events of region-wide or national significance, and shall not contain commercial advertising in the form of logos, brand images or slogans.

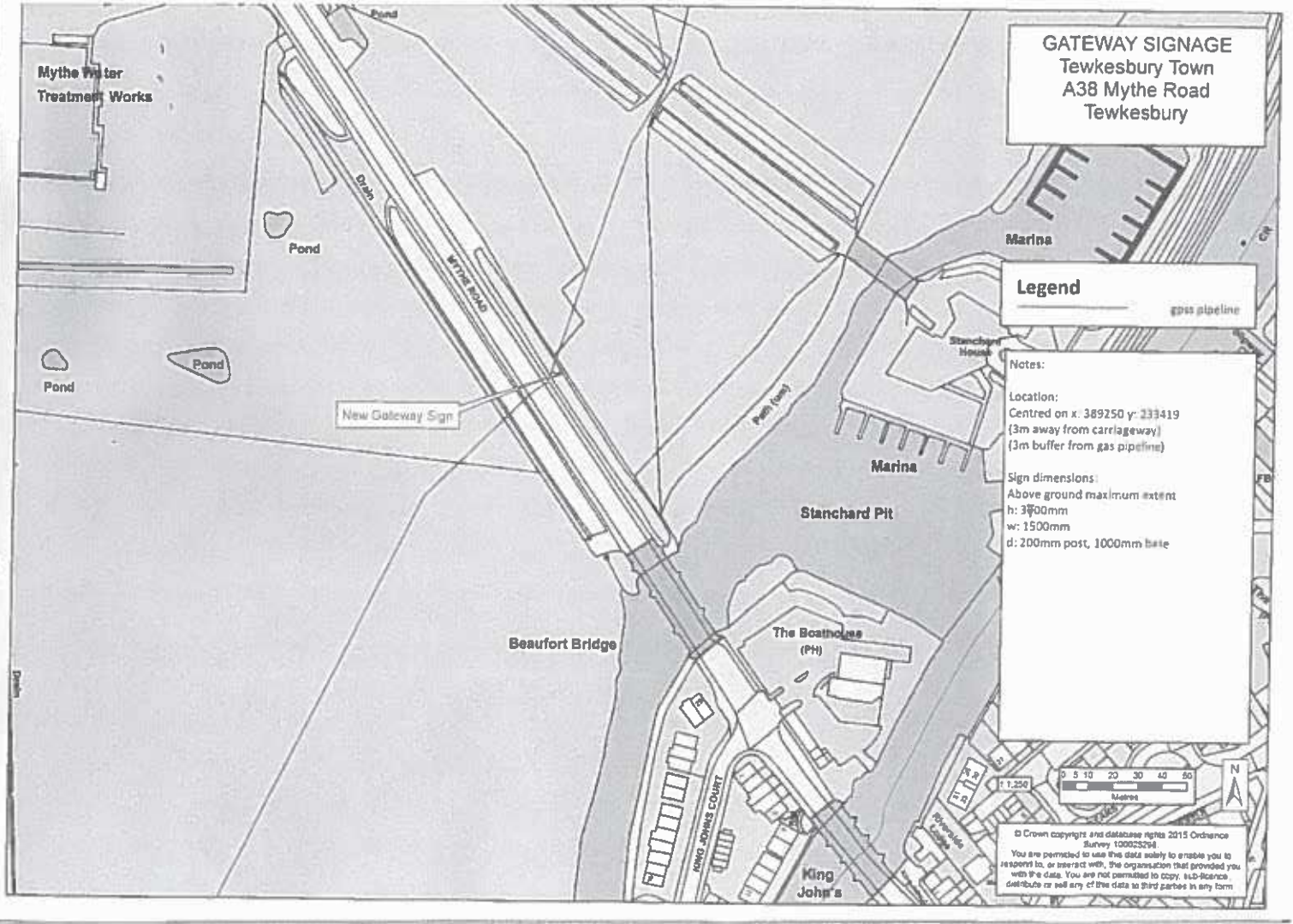
Reasons:

- 1 To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 2 In the interests of visual amenity in accordance with Policy GNL13 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and paragraph 67 of the National Planning Policy Framework (2012).
- 3 To define the terms of this consent to promote the vitality of the town and in the interest of the visual amenities of the area, in accordance with Policy GNL13 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and paragraph 67 of the National Planning Policy Framework (2012).

Notes:

- 1 **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 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.
- 2 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 3 The applicant or successors are advised of the close proximity of the sites on A38 Gloucester Road and A38 Mythe Road to a gas pipeline, the mapping of which can be slightly erroneous. Given the proximity of the works, extreme caution is advised. It is recommended that the pipeline operator or representative is contacted in early course - you may need to enter into an agreement with them. Assistance is available at [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk).

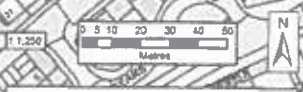




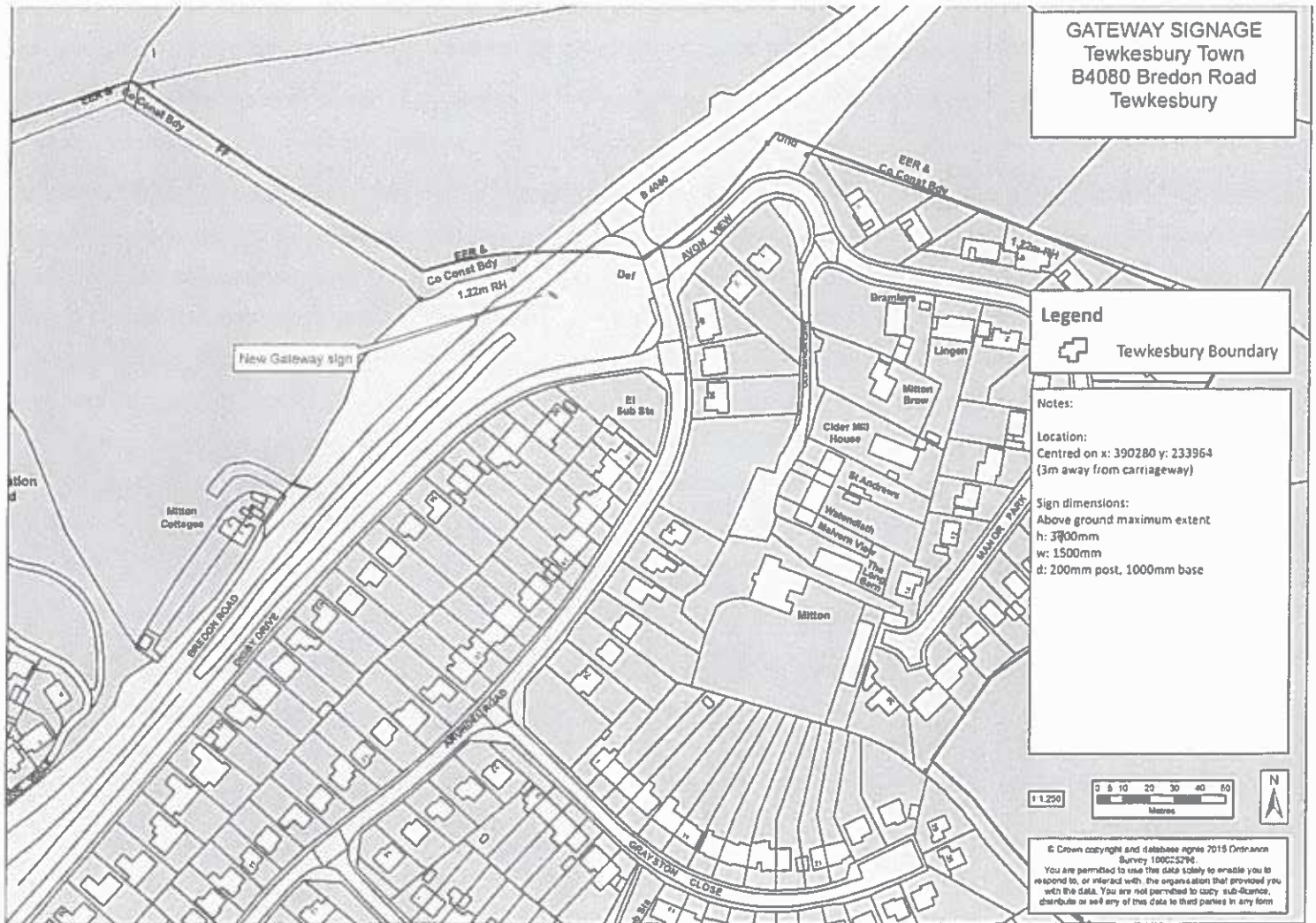
**GATEWAY SIGNAGE**  
 Tewkesbury Town  
 A38 Mythe Road  
 Tewkesbury

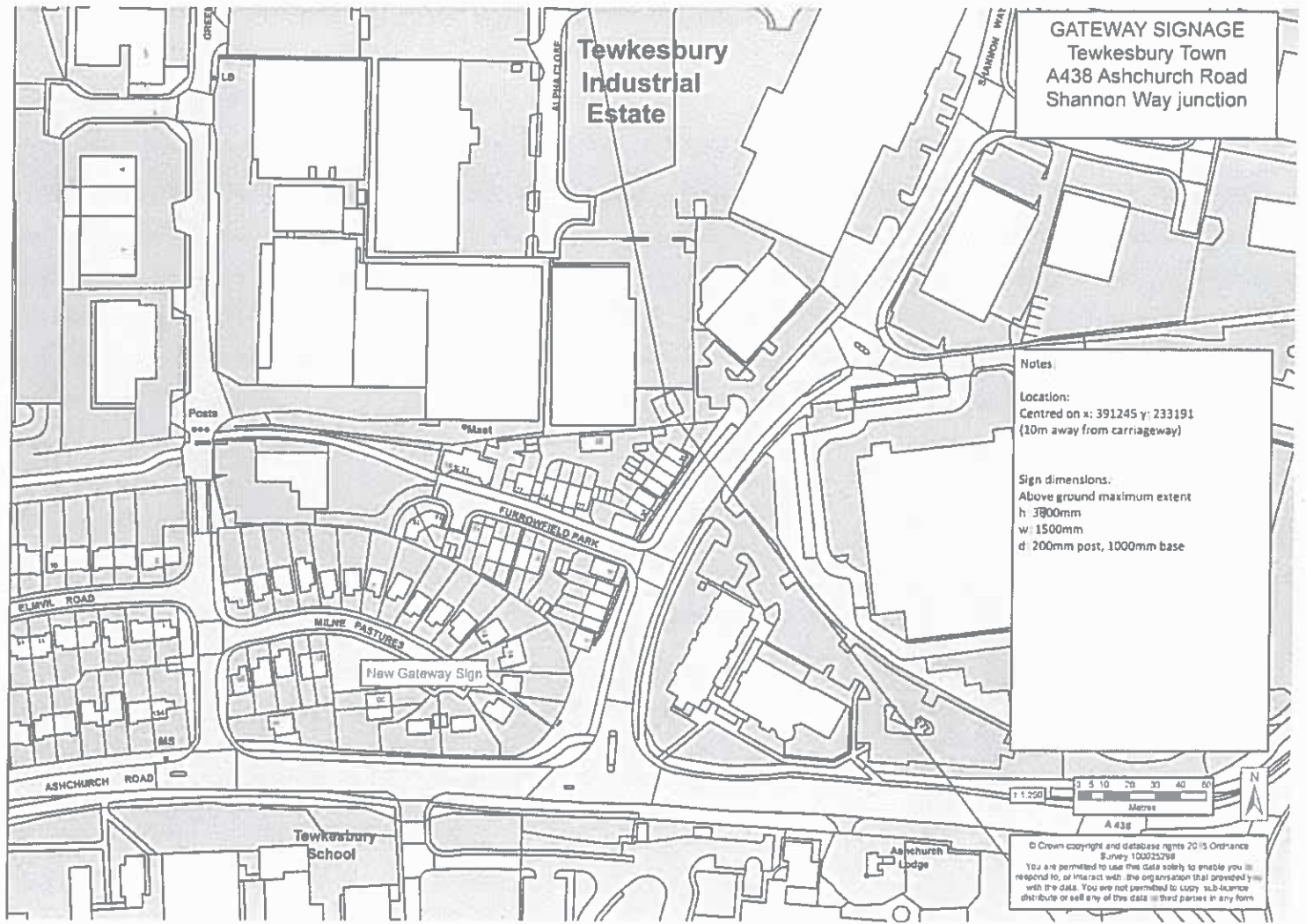
**Legend**  
 ——— gas pipeline

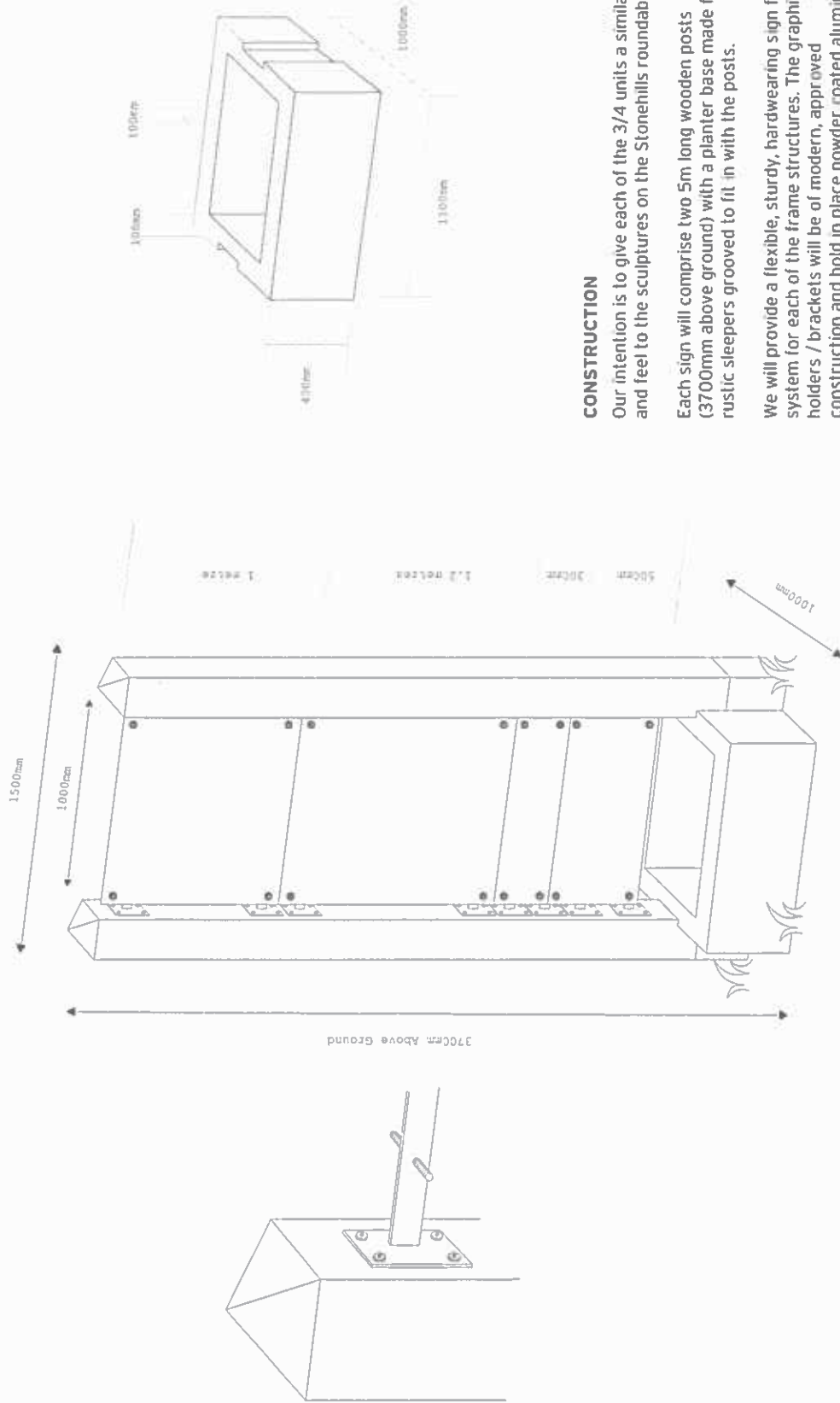
**Notes:**  
 Location:  
 Centred on x: 389250 y: 233419  
 (3m away from carriageway)  
 (3m buffer from gas pipeline)  
 Sign dimensions:  
 Above ground maximum extent  
 h: 3000mm  
 w: 1500mm  
 d: 200mm post, 1000mm base



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**CONSTRUCTION**

Our intention is to give each of the 3/4 units a similar look and feel to the sculptures on the Stonehills roundabout.

Each sign will comprise two 5m long wooden posts (3700mm above ground) with a planter base made from rustic sleepers grooved to fit in with the posts.

We will provide a flexible, sturdy, hardwearing sign fixing system for each of the frame structures. The graphics holders / brackets will be of modern, approved construction and hold in place powder coated aluminium construction panels.

Each graphic will be a powder coated 30mm deep tray sign with vinyl graphics applied.

## AESTHETIC

We intend that the signage frames are of a similar rustic oak construction to the Battle of Tewkesbury sculpture.

The graphics however will be sturdy and use contemporary production methods enabling us to get use from our recent Tewkesbury branding work.

## GRAPHICS

Top graphic  
1,000mm x 1,000mm;  
generic logo - stays all year

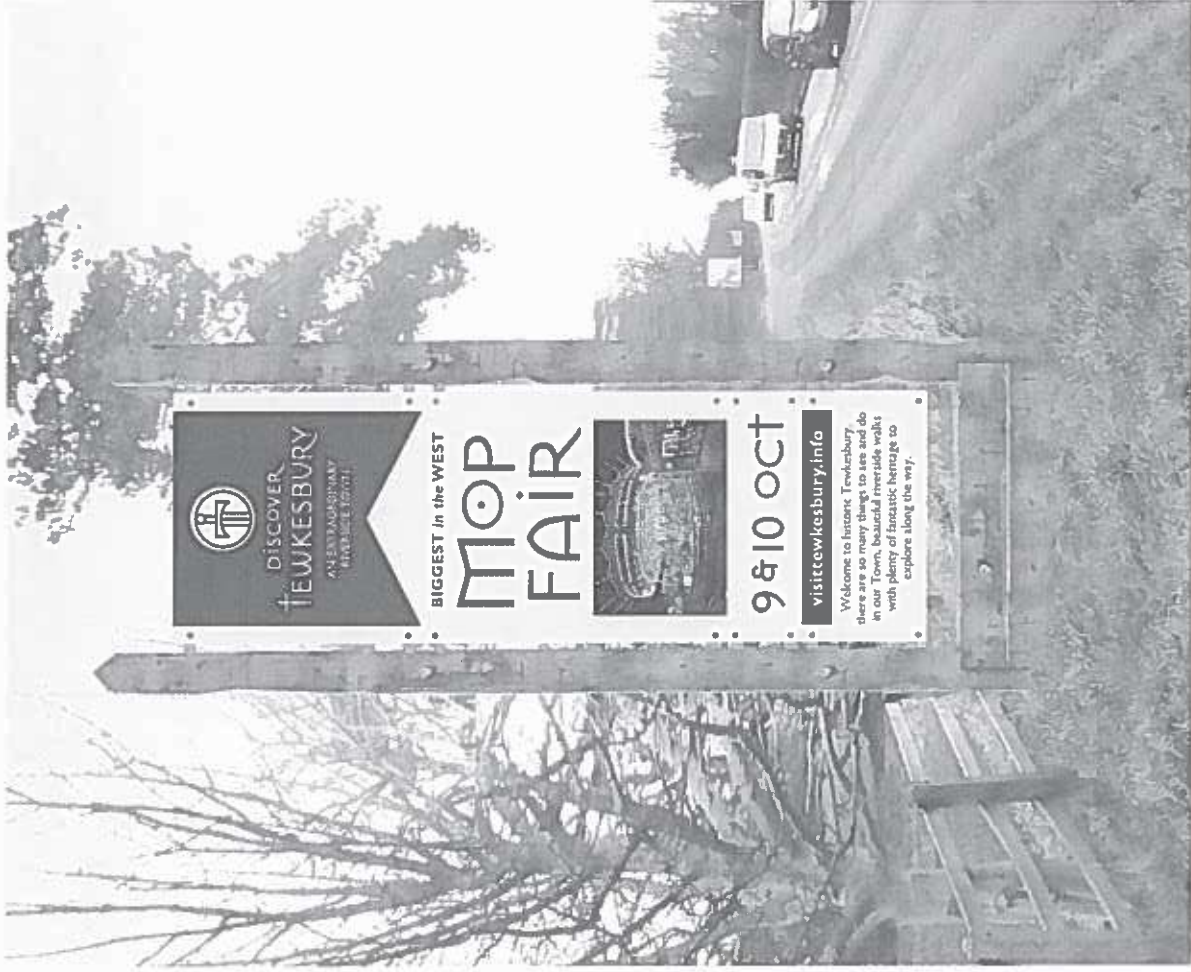
Second graphic  
1,200mm x 1,000mm;  
event focused (usable year after year) or generic

Third graphic  
300mm deep x 1,000mm wide; event dates

Lowest graphic  
500mm deep x 1,000mm wide; generic marketing







868136G

Valid 11.09.2015

Reserved matters to outline planning permission 14/00972/OUT relating to appearance, landscaping, layout and scale of the proposed development of 150 homes at the site. Access approved under outline planning permission.

Grid Ref 393477 233311  
Parish Ashchurch Rural  
Ward Ashchurch With Walton  
Cardiff

C/O Agent

**RECOMMENDATION Delegated Approve****Policies and Constraints****NPPF**

Planning Practice Guidance

JCS (Submission Version) - SP1, SP2, SD1, SD4, SD5, SD7, SD10, SD11, SD13, SD15, INF1, INF2, INF4, INF5, INF7, INF8

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, HOU1, HOU4, HOU13, TPT1, TPT3, TPT6, TPT11, EVT2, EVT3, EVT5, EVT9, LND4, LND7, RCN1, RCN2, NCN5

SPG Affordable Housing

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)

Public Rights of Way (AAS/41/1 and AAS/43/4)

Flood Zone 2 and 3

**Consultations and Representations**

**Ashchurch Rural Parish Council:** - do not want street lighting on the development as it is out of keeping with the surroundings; feel that rendering on any of the properties it is out of keeping with the surroundings; feel that flats are out of keeping with the surroundings. The Parish Council wish all hedgerows to remain and wish that the 10 trees proposed for removal are to remain. The Parish Council are disappointed that there seem to be so few shared ownership properties. The Parish Council would like to see a parish noticeboard in keeping with the rest of the parish noticeboards The Parish Council could only see 1 x dog bin - this is not seen as enough. The Parish Council are querying why the developer is promoting this area as Pamington when it is outside the village boundary.

**Environment Agency** - No objection

**Highways England** - No objection subject to conditions

**County Highways Authority** - are generally satisfied with the layout but have some concerns over refuse vehicle and car tracking.

**Prevention Officers** - It is recommended that the development is built to meet Secured by Design standards. Secured by Design (SBD) is a police initiative owned by the Association of Chief Police Officers (ACPO), to encourage the building industry to adopt crime prevention measures in the design of developments. It aims to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment, where communities can thrive.

**Urban Design Officer** - no objection to the current amended proposals

**Housing Enabling Officer** - No objections

**County Archaeologist** - Written Scheme of Investigation submitted and approved.

**Local residents** - Three letters of objection have been received from local residents  
- Impact against neighbouring has been somewhat overlooked by both Linden and Tewkesbury Borough Council.

- There are too many properties running alongside 1 Thirlebrook Cottages which would cause overlooking, would be excessively overbearing and not in keeping with the existing properties on the eastern boundary
- Seek clarification as to exactly how the 'eco buffer' on the eastern boundary will be formed and maintained. Would be some benefit to both myself and Linden/TBC if ownership of the hedgerow alongside my property was passed to neighbour.
- Consultation and communication process with the local residents to have been little more than lip service which ended once the outline application was approved.
- object to loss of hedges and chestnut trees along Pamington Lane and ask that tree preservation orders are implemented without delay on the 11 chestnuts and 1 large ash.
- Concerns over traffic and congestion on A46.

**Planning Officers Comments: Mr Matthew Tyas**

**1.0 Introduction**

1.1 The application site comprises approximately 12.7ha of agricultural land located on the southern side of the A46, east of M5 junction 9 at Ashchurch and opposite the existing MOD Ashchurch Depot. Pamington Lane bisects the site running north/south which provides access to Pamington village to the south east. Aston Cross lies to the East and the Tirlle Brook defines the southern boundary. Two public rights of way transverse the site from the A46 to the south/south east and another passes alongside the western boundary (see location plan).

**2.0 Planning History**

2.1 Outline planning permission was granted under planning reference 14/00972/OUT for up to 150 dwellings. Access was approved under this permission and an illustrative masterplan was produced.

**3.0 Current Application**

3.1 The proposals seek reserved matters approval for the layout, scale, appearance and landscaping of the development granted outline planning permission under 14/00972/OUT. The proposals would develop either side of Pamington Lane and use the approved details and principles of the outline planning permission, approved access arrangements and scale of development. The proposed density would be approximately 35 dwellings per hectare with a range of dwelling sizes to be provided. **(Plans will be displayed at Committee).**

**4.0 Analysis**

4.1 The key issues to be considered in relation to this reserved matters application are considered to be landscape and visual impact, design and layout, highways and parking issues, affordable housing provision and flood risk/drainage.

Landscape and Visual Impact

4.2 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. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, amongst other things, protecting and enhancing valued landscapes. This advice is reflected by Policy LND4 of the Tewkesbury Borough Local Plan to 2011 (TBLP) which highlights a need to protect the character and appearance of the rural landscape. Furthermore, Policy LND7 of the TBLP states that new development proposals should require the provision of a high quality landscaping scheme which will form an integral part of the overall development.

4.3 In this instance the A46 and the MOD site opposite the application site are considered to be defining characteristics of the area. The A46 therefore is a logical point to put denser development and reflect the built form opposite with a more rural transition to the rear of the site. The proposals reflect this character and would form an appropriate development and be respectful of the landscape character. The proposals would establish new planting and ponds to reflect flood risk and sustainable drainage advice but also to replace planting lost as part of the agreed highway works.

4.4 In conclusion, it is considered that the scale and particular location of the proposal are such that it would have an acceptable impact on the character and appearance of the area. Furthermore, the impact of the development is further mitigated by appropriate landscaping. The outline planning permission combined with the reserved matters would therefore represent an appropriate urban to rural transition and an appropriate form of development along the A46.

## Design and Layout

4.5 The NPPF sets out that the Government attaches great importance to the design of the built environment (paragraph 56). Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 57 the NPPF advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Similarly Policy SD5 of the JCS (Submission Version November 2014) seeks to encourage good design and is consistent with the NPPF.

4.6 The internal layout would provide pedestrian and cycle links through the site as well as direct links onto Pamington Lane and the A46 to encourage these sustainable modes of travel. The existing public rights of way traversing the site would be retained (see attached plan).

4.7 The submitted plans, as amended have responded positively to comments and issues raised by the Council's urban design officers who have worked with the developer to secure an acceptable scheme. The proposals develop and deliver distinct character areas which have been improved through the discussions with the applicants. The current proposals would ensure that a series of legible streets and spaces are provided with a human scale and that a sense of enclosure and security is created through the layout of these streets and spaces. The strong frontage to the A46 is a positive feature and would aid the development of a sense of place with parking areas managed and generally well-related to the properties they serve. Site boundary features are retained wherever possible, and new tree planting is proposed within an extensive area of retained green space within the south of the site to minimise the potential visual effects of the proposed development to the rural environment to the south.

4.8 The comments of the neighbouring resident (no. 1 Thirlebrook Cottages) in relation to a loss of residential amenity have been carefully considered both in terms of the development of the reserved matters submission and the amendments sought. It should be noted that there would be a minimum separation distance of 17 metres between the proposed dwellings and the site boundary with the curtilage of 1 Thirlebrook Cottages. This separation distance would increase to 25 metres between the windows in the rear of the nearest dwelling and the side elevation of no. 1 Thirlebrook Cottages. It is considered that the proposed dwellings would not be close enough to the adjacent property for a loss of privacy or overbearing impact to occur.

4.9 Overall, the proposals, as amended, have followed advice given and have developed an improved layout that reflects the aims and objectives of national and local design advice and have followed the principles of the outline planning permission.

## Highways and parking issues

4.10 Policy TPT1 requires that highway access be provided to a safe and appropriate standard for proposed development. This is consistent with the advice at Paragraph 32 of the NPPF which requires that (inter alia) a safe and suitable access to the site can be achieved for all people.

4.11 The access to the development from the A46 was approved as part of the outline permission. This reserved matters application is therefore concerned only with the internal road layout and parking provision.

4.12 Highways England have raised concern that no details have been provided in relation to the street lighting for the spine road in the north-eastern corner of the site. There are concerns in relation to light spill onto the A46 causing a hazard to motorists. Accordingly a condition is recommended by Highways England requiring the submission of detailed lighting specification plan.

4.13 At the time of writing no formal response has been received from the County Highways Authority in relation to the internal site layout. Officers are however advised that the Highways Authority is generally satisfied with the layout but have some concerns over refuse vehicle and car tracking. There are a number of locations where a car and a refuse vehicle cannot pass for relatively long sections. Amended plans are currently being produced to resolve this concern and an update will be provided at Committee.

## Affordable Housing provision

4.14 The submitted layout has been amended in consultation with the Council's Housing Enabling Officer and offers an acceptable level of affordable housing in an appropriate mix and in appropriate clusters for management purposes. The s106 offer is unaffected and unaltered by the proposals and remains as agreed in the outline planning permission.

## Flood Risk and Drainage

4.15 The NPPF states at paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. This advice is reflected at Policy EVT5 of the TBLP which requires (inter alia) that that development should not be at unacceptable risk from flooding or 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.

4.16 In this instance the Environment Agency (EA) have been consulted on the reserved matters submission and are satisfied that the layout remains the same as that submitted for outline planning permission and that the finished floor levels of units on the site accords with the original advice on the outline application and the planning condition placed on the outline permission. The EA also confirm that they have no objections to the proposed planting/landscaping scheme from a flood risk perspective.

## 5.0 Conclusion

5.1 The proposals have progressed the outline planning permission and propose an acceptable and high quality development that would be well integrated within the built and natural environment. Further comments are however awaited from the County Highways Authority in relation to the internal road layout. It is therefore recommended that **Approval be delegated to the Development Manager subject to the receipt of satisfactory comments from the Highways Authority in relation to the internal road layout and other conditional requirements.**

## RECOMMENDATION Delegated Approve

### Conditions:

- 1 The development hereby permitted shall be carried out in accordance with the approved plans listed in the GL Hearn Drawing Schedule (received 26/02/16).
- 2 Building operations shall not be commenced until samples of the external materials 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 All planting, seeding or turfing in the approved details of landscaping featured on Drawing Numbers 6157-L-04 Rev E, 6157-L-05 Rev E, 6157-L-06 Rev E, 6157-L-07 Rev E, 6157-L-02F-POS and 6157-L-03F-POS shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 4 Prior to the commencement of development, a detailed lighting specification plan shall be submitted to confirm that the design and installation of lighting columns within the proposed development site conforms to guidelines on reducing light trespass, as outlined by the Institute of Lighting Professionals in Guidance Notes for the Reduction of Obtrusive Light GNO1:2011

### Reasons:

- 1 For the avoidance of doubt and in the interest of proper planning.
- 2 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 3 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.
- 4 To enable the A46 trunk road to continue to be an effective part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and to protect users of the A46 Trunk Road in the interests of road safety.

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 layout of the development.

2 This decision relates to the revised plans received by the Local Planning Authority on 22/02/16.



**NOTES**

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Site boundary  
 Gross site area 31.51 acres / 12.75 ha



architects

Architect Office  
 100 High Street, Tewkesbury, Gloucestershire, GL20 1JH  
 T: 01273 200444 F: 01273 200445  
 www.thrivearchitects.co.uk

Project  
 Land off the A46, Ashchurch  
 Tewkesbury

For Lenden Homes Western & Bloor Homes

Drawn by  
 Location Plan

DATE	19/02/14	ARCHITECT	TH
SCALE	1:1250 @ A1	CLIENT NO.	LP01
JOB NO.	LINDI30904	REV	-
CLIENT REF.			

143  
 81318



Valid 13.10.2015

Change of use to horticultural/landscaping business including the re-development of existing building and creation of new buildings for use of the business and conversion of coach house to 1 dwelling including the erection of detached garage/store and associated vehicular access and parking (including demolition of derelict buildings).

Grid Ref 387797 217879

Parish Hucclecote

Ward Hucclecote

TFN Landscapes Ltd  
C/O Agent

**RECOMMENDATION Refuse****Policies and Constraints**

National Planning Policy Framework (NPPF)

Planning Policy Guidance (PPG)

Tewkesbury Borough Local Plan to 2011 - Policies GRB1, EMP4, TPT1, EVT3, LND2, AGR6, AGR7, NCN4, NCN5F

Submission Version Joint Core Strategy (November 2014) - policies SD1, SD2, SD5, SD6, SD7, SD10, SD15, INF1, INF2, INF3

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

Grade II Listed Building

**Consultations and Representations****Hucclecote Parish Council** - Objects for the following reasons (summarised):

- The employee car park consists of 35 spaces which is not enough to serve 60+ employees and may result in vehicles being parked in Stump Lane. Additional parking should be provided.
- The proposed buildings are very large and higher than the existing structures on the farm. They will be visible from the neighbouring Noake Court Farm and properties on the hill.
- Churchdown Lane is very busy during peak times and vehicles exiting Stump Lane would have difficulties turning right. Proposed highways works would help but concerned about additional traffic and visibility.
- The site is in the Green Belt and a Special Landscape Area and should be given careful consideration.

**Highways Authority** - No objection subject to the imposition of conditions.**Environmental Health (Contamination)** - There is a historical landfill adjacent to the site. No objection subject to the imposition of a condition requiring investigation of the nature and extent of contamination.**Environmental Health (Noise)** - No objection and suggest imposition of conditions to control noise levels

- Working hours, deliveries and loading/unloading times.
- That the doors to the workshop should be closed at all times
- Any additional plant that is introduced other than those measured as part of the assessment should be below 10Db
- Vehicle reversing alarms should be 'silent white noise reversers' on all forklifts and associated machinery outside.

It is also suggested that a noise management plan could be implanted on site to position deliveries and fork lifts away from noise sensitive receptors.

**Historic England** - The application should be determined in accordance with national and local policy advice.

**Lead Local Flood Authority** - No objection in principle following the submission of a Flood Risk Assessment and a Drainage Strategy. However, the submitted Strategy requires the discharge of water through an existing culvert outside the site boundary. Full details however have not been included, such as the owner of the culvert, their agreement to connect, the hydraulic capacity and condition.

**Highways England** - No objection.

**Conservation Officer** - No objection.

5 objections have been received from local residents which are summarised as follows:

- The site is in the Green Belt and within a Special Landscape Area. The proposal is for commercial buildings and seeks buildings which are materially larger than those on site. The proposal does not comply with Green Belt policy.
- The planning application justifies development in the Green Belt by adding up footprints but many of these structures have been demolished or derelict for years.
- The buildings are too high and will overshadow the entrance to the narrow rural track. The existing buildings on the site are no more than 4-5 metres and the proposed buildings would be much higher than any existing buildings on the site.
- As well as large buildings the car and lorry parking would be a blot on the landscape. The proposal is more suitable for an industrial/trading estate than the countryside, as is the perimeter fencing.
- Traffic will park on the grass verges when the car park is full.
- Vehicle movements, which will include HGVs, will be too much for the lane increasing dangers of accidents.
- The lower section of Stump Lane should be widened so that two vehicles can pass each other, which will help prevent vehicles backing onto Churchdown Lane.
- There is a lack of car parking for staff, especially if the business grows. A condition should be imposed preventing vehicles parking on the verges of Stump Lane.
- There is inadequate landscaping.
- The buildings would be visible from many of the footpaths on Chosen Hill and without generous landscaping the site could be an eyesore.
- The colour of the elevations should be considered carefully to reduce visual impact.
- The applicant states that the height of the buildings are required so work underneath lorries can be undertaken. Commercial vehicle pits are the obvious answer.
- The boundary between the new development and the listed house should be more detailed in order to respect the curtilage of the listed house.
- The entrance to the car park to the north should access onto Stump Lane and not onto the private road leading to Millbridge Cottage.
- The buildings should have a curved roof such as a Dutch Barn to lessen the visual impact.
- If commercial vehicles are maintained on site this would not be a light industrial use and would require a separate planning consent.
- Attention should be paid to the hidden dip at the Churchdown Lane junction and the associated safety implications.

**The application has been called to committee by Councillor Foyle and Councillor Allen. The reason for the application being called to committee is that it is considered that the site requires redevelopment.**

**Planning Officers Comments:** Paul Instone

## **1.0 Application Site**

1.1 The application site extends to 1.07 hectares and is located approximately 0.7km north of Hucclecote. The site consists of several agricultural buildings in various states of repair and extensive areas of hardstanding. The site also contains the Coach House, a curtilage grade II listed detached two storey building. The upper floor of the Coach House is in residential use. The site is part of a farmstead, which, although formerly belonged to The Noake (grade II listed farmhouse), is now in separate ownership.

1.2 Existing access is via a number of gateways along the northern and eastern boundaries. The site is near to Chosen Hill and is generally surrounded to the north, east and south with countryside with the A417 bypass and built up area of Hucclecote further to west. The site is located in the Green Belt and within a Special Landscape Area.

## **2.0 Relevant Planning History**

2.1 In 2002, permission was refused for the continued use of part of the farmyard as commercial storage (re:- 02/8157/0663/FUL). The application was refused due to conflict with Green Belt, landscape and rural employment policies. The application was also dismissed at appeal (re:- APP/G1630/A/02/1103908).

2.2 In 2003, permission was granted for the change of use of part of the site for the purposes of a scaffolding business (ref:-03/8157/1452/FUL). Condition 4 of the permission stated that the parking of vehicles and the storage of scaffolding and ancillary components in connection with the use be restricted to an area comprising a building with a footprint of approximately 80 square metres and 5 car parking spaces.

2.3 Planning permission and listed building consent was granted in 2013 for the conversion of the Coach House to a dwelling, the erection of a detached garage/garden store and associated vehicular access (ref: 13/00823/FUL and 13/00866/LBC). These consents have not been implemented but are still extant. At present the coach house is used as a first floor flat and has been associated with this use for around 15 years.

### **3.0 Current Application**

3.1 The applicant is TFN Landscapes and the application is proposed to facilitate the relocation of an existing business premises from Longford. TFN Landscape is a landscaping/horticultural business which offers a variety of services including landscaping, fencing, carpentry and horticultural operations (growing and distribution of various plant species) as well as health and safety training. Clients includes Councils and public service providers, commercial and industrial users and domestic clients. Approximately 60 employees would be accommodated at the site.

3.2 The proposed development seeks a change of use to landscaping/horticultural business and to demolish all building/structures aside from the curtilage listed Coach House and the two most westerly buildings which are currently used as a stables and an open fronted hay barn.

3.3 On the north and north eastern boundary of the site it is proposed to construct two buildings. Unit 1 is proposed on the north boundary and unit 2 on the north east boundary. Each building extends to approximately 40 metres by 15 metres and each has a ground floor footprint of approximately 600 square metres. The buildings would be steel clad and have a pitched roof with a ridge height of approximately 8.2 metres and eaves height of 6.9 metres. Unit 1 would accommodate a mezzanine floor, which would provide office, canteen and toilets, providing a total floorspace within the unit of 857 square metres. Landscaping materials would be stored externally on the site, including timber, slabs, trees, shrubs and bark.

3.4 Within the main site hardstanding parking is proposed for up to 24 business vehicles. In addition to the north of the main site hardstanding is proposed to provide staff parking for up to 35 vehicles. This area is currently used for lorry and machinery storage/parking.

3.5 Access to the site would be via the existing access to the south east off Stump Lane, and improvements are proposed to the junction of Stump Lane and Churchdown Lane. Two metre high security fencing is proposed on the north, east and south boundary. A 10 metre sliding gate is proposed on the east boundary and a swing gate and pedestrian access gate are proposed on the north boundary.

3.6 The proposal also includes the erection of Cart Lodge Garage, and the restoration and conversion of the Coach House to provide a residential property. These elements have already gained planning consent as per application 13/00823/FUL and 13/00866/LBC and these works are consistent with the approved plans. The current proposal varies from the permitted scheme insofar as the approved scheme proposed access from a new driveway from the east whereas the current proposal seeks access from the north. The proposed boundary treatments and external amenity space have also been altered.

### **4.0 Analysis**

#### **Principle of Development**

4.1 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.

4.2 One of the core planning principle 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.

4.3 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.

4.4 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 such as proposed here 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.

### Green Belt

4.5 The application site is located in the Green Belt and the proposals constitute inappropriate development in the Green Belt. There is an established agricultural use on the application site. As set out above, in 2003, permission was granted for the change of use of a farm building for use as a scaffolding business but this permission related to a small portion of the application site and the use of the application site remains agricultural. As such the site does not constitute previously developed land and does not seek to re-use the existing buildings on the site, which in any event are generally not in permanent or substantial state of construction.

4.6 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in the very special circumstances.

4.7 The essential characteristics of Green Belts are their openness and their permanence. In support of the application, the applicant makes the case that the removal of the existing buildings and structures on the site would off-set the impact of the proposed buildings in terms of footprint and that the proposed footprint of the site (1660.6 sq m excluding mezzanine - which is made up of 2 x no. 600 sq m units, as well as the lodge garage for the coach house (60 sq m) and the two retained buildings (394.6 sq m)) would not have a greater impact than the existing built form (1,632.9 sq m).

4.8 It is considered that this approach does not adequately assess the impact of the proposed development on the openness of the Green Belt as it does not consider the size and scale of the proposed buildings or the derelict nature of the structures on this site, some of which are no longer present.

4.9 The two new commercial buildings are steel clad and have a pitched roof with a ridge height of approximately 8.2 metres and a eaves height of approximately 6.9 metres. The existing buildings on the site are generally no more than 4-5 metres high and the proposed buildings would be much higher than any existing buildings on the site. Due to the topography of the surrounding area, these buildings would be visible within the surrounding landscape and it is considered that by virtue of the size, height and scale of the proposed buildings that the proposal would be harmful to the openness of the Green Belt. In support of the application, the applicant has enhanced proposed landscaping on the site and offered to reduce ground levels by 0.5 metres, however, it is considered that these measures would not overcome the impact that the proposed buildings would have on the openness of the Green Belt.

4.10 In addition to the proposed commercial buildings, the application also includes a 2 metre high security fence around parts of the perimeter of the site where there are no buildings and parking within the main site for up to 24 business vehicles. External storage is also proposed for landscaping materials including bark, timber, slabs, trees and shrubs. To the north of the main site hardstanding is proposed to provide staff parking for up to 35 vehicles. These components of the scheme which include a significant amount of parking and outside storage, will increase the massing of the proposed development and will impact also impact on the openness of the Green Belt.

4.11 On the basis of the above, it is considered that the proposed buildings alongside the proposed car parking, external storage and fencing would increase the mass, density and scale of development on the site over and above the current situation. It is therefore considered that the proposed development would be harmful to the openness and of the Green Belt and the purposes of including land within the Green Belt.

*Is the potential harm to the Green Belt outweighed by other considerations*

4.12 The applicant does not consider the proposed development to represent inappropriate development in the Green Belt, however for the reasons set out above, this is not the case. Nevertheless the applicants have provided information in support of the case.

4.13 The applicant has stated that the business has to relocate from their existing premises at Field Farm, Longford as a residential consent has been granted at their property and the land surrounding it. The applicant has been looking for alternative premises since 2008. Ideally, the business needs to be within 5 miles of their current location so as not to lose employees and minimise road miles and extra journey times. The new site needs buildings for servicing and securing vehicles and equipment, workshops and offices as well as a secure compound. Additionally land is required for a plant and tree nursery.

4.14 The applicant states that '*such a site has been almost impossible to find: farms are Greenfield and throw up planning complications, whilst pure industrial units are, not only, usually only available to rent, and not buy, but also do not have the land available for the nursery*'. On this basis the applicant considers Noake Farm a unique opportunity, albeit one other possibility, Chosen Hayes Farm, did become available in 2015, but the application for Noake Farm had already started and Chosen Hayes Farm has now been sold.

4.15 Whilst the needs of the business are noted it is considered that the requirement to relocate the existing business does not represent 'very special circumstances' in this instance. This consideration is informed by the fact that the applicant has not clearly demonstrated that there are no other sites or premises available which would be capable of accommodating the business within a reasonable search area. No evidence has been provided as to how the applicant has gone about searching for alternative land and no assessment has been made of potentially alternative sites. Due to the importance of Green Belt such an assessment is the absolute minimum that would be expected as part of a 'very special circumstances' case.

4.16 In addition, the applicant has pointed out that the site contains various unsightly structures which are in varying states of disrepair and suggests that the redevelopment of this site could potentially offer significant benefits in terms of the impact on the surrounding landscape and nearby listed buildings. The fact that the site is in a state of disrepair cannot not considered in itself a 'very special circumstance'. If this were the case this would leave it open to all landowners to neglect land in the hope of being able to develop it at a later stage. Nevertheless, as set out below, it is also not considered that the proposal offers significant benefits in terms of the impact on the surrounding landscape and nearby listed buildings given the scale of the development proposed.

4.17 The applicant also highlights the economic benefits to the company and the area of the proposals. Whilst these benefits are acknowledged these matters are not considered to constitute very special circumstances; planning policy does not set out economic arguments as a factor which overrides Green Belt policy.

*Conclusions in respect of Green belt policy*

4.18 It is concluded that the proposed development is inappropriate development in the Green Belt and that there are no special circumstances arising from proposed development to justify inappropriate development in the Green Belt. It is also concluded that the form and nature of the proposed development would be harmful to openness of the Green Belt and would not offset the impact of the existing structures on the site. These matters weigh heavily against the proposal in the overall planning balance in light of the clear national and local policy guidance on inappropriate development in the Green Belt.

Landscape

4.19 As well as being within the Green Belt is also within a Special Landscape Area (SLA) as designated in the Local Plan. The prominent feature in the immediate landscape is Chosen Hill a short distance to the north. Policy LND2 of the Local Plan states that within the SLA, 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 natural and built environment, its visual attractiveness, wildlife and ecology, or detract from the quiet enjoyment of the countryside.

4.20 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) in support of the application. The LVIA, amongst other factors, make the case that:

- The visual impact of the development is confined principally to views from points within the immediate setting, and localised northern more elevated setting of the site.
- The removal of the low quality, derelict and degraded nature of the existing components on the site will be of benefit to the locality. The new buildings will replace the current poor quality built form, reflect the wider agricultural setting and will not be out of context
- The proposals will replace an existing low quality and degraded site that is already developed and will not introduce new components which do not already exist.
- The proposals will seek to enhance and reinforce the vegetated boundaries through a comprehensive scheme of landscaping which will assist in integrating the proposed built form as well as creating a high quality environment.

4.21 The LVIA does not include photomontages of the proposed development, but instead provides photos of the application site in its present state and this does not provide a clear visual representation of the proposed development.

4.22 Whilst it is recognised that there is currently unsightly structures on the site, it is considered that the proposed development by reason of increasing the massing on site (including storage of materials, parking and fencing), as well as by virtue of the height of the proposed buildings, would be harmful to the visual appearance of the Special Landscape Area and would be out of context with the wider area. Given the topography of the surrounding landscape, and the height of the buildings, it is not considered that the proposed landscaping scheme would screen and integrate the site.

4.23 Chosen Hill is a highly valued local landscape feature with public footpaths and open access land on its slopes. It is also prominent in views from across the wider landscape. Whilst it is noted that there are some urban influences in the immediate area, the proposed development would introduce an intensive commercial use to the land, including large industrial scale buildings and an extensive area of hardstanding to be used for the parking of commercial vehicles, into a sensitive rural landscape. This would represent significant and demonstrable harm to the visual appearance of the Special Landscape Area and this is a matter which weighs significantly against the proposals.

#### Heritage Assets

4.24 The Noake is a Grade II listed building which lies immediately adjacent to the site. The site contains the curtilage listed Coach House which is associated with The Noake which, as set out above, enjoys an extant permission for conversion to a single dwelling.

4.25 The current proposal includes the resubmission of the approved elevation and floor plans for the extant consent. The current proposal varies from the permitted scheme insofar as the approved scheme proposed access from a new driveway from the east whereas the current proposal seeks access from the north. The proposed boundary treatments and external amenity space have also been altered. With regards to heritage assets, it is considered that there has been no material change in circumstances since the 2013 approval, and subject to the imposition of appropriate conditions these works are considered to be acceptable. It remains the case that the proposed internal and external alterations would sustain and enhance the historic significance of the Coach House and would not detract from the historic character and appearance of the listed building in line with Policy AGR7 of the Local Plan and the provision of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF.

4.26 With regards to the proposals on the remaining part of the site, it is considered that the historic farmstead has a fairly self-contained focus and that there is a sufficient separation distance to mitigate the impact of the proposed development, and in particular the proposed buildings on the north and north east of the site. It is therefore considered that the proposed development would not adversely affect the setting of the listed building.

#### Residential Amenity

4.27 The Noake is an existing dwelling and a further dwelling known as Millbridge Cottage is located in close proximity to the north east of the site. In addition it is the applicant's intention that the Coach House located in the south west corner of the site would be an independent dwelling. Landscaping is proposed within the site to separate the Coach House from the remainder of the site, but it would still be necessary for future residents to access the Coach House through the site compound.

4.28 The applicant has submitted a Noise Impact Report in support of the application and the Council's Environmental Health Department have been consulted on the application and do not object to the application subject to the imposition of conditions which would include restrictions to working hours and deliveries and loading/unloading times, that the doors to the workshop should be closed at all times, that any additional plant that is introduced other than those measured as part of the assessment should be below 10Db and that vehicle reversing alarms should be silent white noise reversers on all forklifts and associated machinery outside. It is also suggested that a noise management plan could be implemented on site to position deliveries and fork lifts away from noise sensitive receptors. The applicant has also confirmed that there will be no lighting at night, or after normal working hours.

4.29 Taking account of the Noise Impact Report and consultation response from Environmental Health, it is considered that subject to the imposition of appropriate conditions, the impact of the proposed development on the amenity of existing residents would be acceptable.

4.30 In respect to the residential amenity of future residents of the Coach House, it is considered that the access arrangements to the property through commercial premises are undesirable. However, the day-to-day operation of this access arrangement would be a private matter and it is not considered that this is a reason to refuse the application.

#### Transport Matters and Parking

4.31 Section 4 of the NPPF 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. However, the Government recognises that "opportunities to maximise sustainable transport solutions will vary from urban to rural areas". Paragraph 32 states that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure. Furthermore, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.32 The NPPF also requires safe and suitable access to all development sites for all people. 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. Similarly policies INF1 and INF2 of the JCS (Submission Version) seek to provide choice in modes of travel and to protect the safety and efficiency of the transport network.

4.33 Subject to the imposition of conditions, no objection has been raised by the Highways Authority in respect of highway matters.

4.34 The main access to the site is proposed from Stump Lane via an existing access. The access arrangements are proposed to be modified to allow for large vehicles to manoeuvre in and out of the access. The proposals would also widen the carriageway of Stump Lane to the south of the access to 7.3 metres to allow for two vehicles to pass, including large articulated vehicles. Amendments would also be made to the junction with Churchdown Lane to allow two vehicles to pass at this point.

4.35 The topography of the visibility splay onto Churchdown Lane would mean that a vehicle waiting to leave Stump Lane and join Churchdown Lane would be able to see vehicles approaching from their left beyond the extent of the visibility splay but for a short period the bottom half of the vehicles would be out of view, blocked by the road surface before appearing fully as they get closer to the junction. The proposal would significantly increase the number of vehicles movements at this junction, but the Highways Authority consider that this impact should be mitigated by the provision of warning signs notifying drivers of the vertical alignment of the road. These could be secured by planning condition and therefore the residual cumulative impact of the development in terms of paragraph 32 of the NPPF is not severe.

4.36 Turning to car parking provision, the hardstanding is proposed to provide staff parking for up to 35 vehicles and the application indicates that there would be approximately 60 employees. The Highways Authority do not object to the proposed parking provision which has been based on the existing level of car parking and parking usage at the existing operational site. As little data is available for similar uses the existing operation of the business is an appropriate source of evidence.

4.37 On this basis, the level of car parking provision is considered to be acceptable given the parking usage at the existing operational site and the proximity to public transport.

#### Accessibility

4.38 A Transport Assessment (TA) has been submitted with the application which states that there is an existing footway along Churchdown Lane that would be extended along Stump Lane into the site. Bus stops which provide access to a regular service are located on Hucclecote Road, approximately 900m from the development and facilities including a convenience stores, bakery, public house and restaurant and are also located within 900m - 1.3km of the site. The TA has also looked at the available opportunities for employees of the site to travel to the site by sustainable transport modes. The TA recognises that walking and cycling infrastructure leading directly to the site along Churchdown Lane is limited to a footway on the north western side of Churchdown Lane. However, it is argued that this is typical of the semi-rural type environment and is sufficient to provide a pedestrian link to Hucclecote Road. The No. 10 bus service stops on Hucclecote Road and provides a service every 10 minutes during the day between Gloucester and Cheltenham. The TA points out that this service gives the opportunity for future employees living in these areas to travel to the site via sustainable means.

4.39 The TA proposes some Sustainable Travel Initiatives in order encourage sustainable modes of transport. It is argued that a significant proportion of staff at the existing site currently car-share to access work. The TA expects this to continue if the business moves to Noake Farm. However, it is still accepted that measures should be implemented within the development to discourage use of the private car and encourage sustainable travel, where possible. The following measures and initiatives will be considered by the business.

- Provide shower and changing/storage facilities for employees cycling to work;
- Provide covered cycle storage at the site;
- Encourage staff to sign-up to [www.carsharegloucestershire.com](http://www.carsharegloucestershire.com) and provide guaranteed ride home in emergencies; and
- Provide up-to-date public transport information on notice boards.

4.40 In conclusion, although the site is reasonably well served by public transport, the connection on foot between the site and the bus stops, and to local services and facilities are on an unlit road that would be unlikely to encourage cycling and walking. However, subject to a condition requiring implementation of the Sustainable Travel Initiatives set out in the applicants TA, the site's location is not a matter that would warrant refusal in its own right.

#### Ecology and Trees

4.41 A Bat Survey Report has been submitted in support of the application, which assessed the presence/absence of bat roosts at the Coach House. The assessment did not include any other buildings/structures on the site which are proposed to be demolished. The Report concludes that the Coach House does not provide a breeding site or nesting site for bats, but bats were observed in the ground floor rooms of the coach house and within the wider site. The Report concludes that bats roost within the immediate vicinity of the Coach House. The presence of protected species, such as bats, is a material consideration when considering a planning application. The presence of bats should be considered at an early stage in the development process and prior to the determination of the application. Given the conclusions of the Bat Survey, and the identified likely presence of roosting bats in the vicinity of the Coach House and possibly within the application site, the application is recommended for refusal on this basis as the scope of the submitted Bat Report is considered inadequate. With the exception of bats, whilst survey information has been provided, no other ecological assessment has been carried out. This is a matter that weighs against the application.

4.42 An Arboricultural Impact Assessment has been submitted in support of the application which provides an assessment of existing trees and their relationship with the proposed development. The proposals necessitate the removal of 4 no. category C trees and 3 no. category C groups of trees. The removal of these trees is considered acceptable.

### **5.0 Overall balancing exercise and conclusions**

5.1 The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. In terms of the economic and social dimensions it is recognised that the proposal would provide jobs and contribute towards building a strong, competitive economy. These matters are given significant weight in line with the NPPF.



5.2 Turning to the environmental dimension, the proposals would introduce a significant level of commercial development to a largely undeveloped rural area in a sensitive site within the valued Special Landscape Area associated with Chosen Hill. The proposals would be harmful to its character and appearance and this weighs significantly against the proposal.

5.3 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.

5.4 The application does not properly consider the impact of the proposals on ecology, including protected species and their habitats. This again is a matter which weighs significantly against the proposal.

5.5 There would be no undue impact in terms of residential amenity, contamination and the local highway network subject to approval of technical details.

5.6 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:**

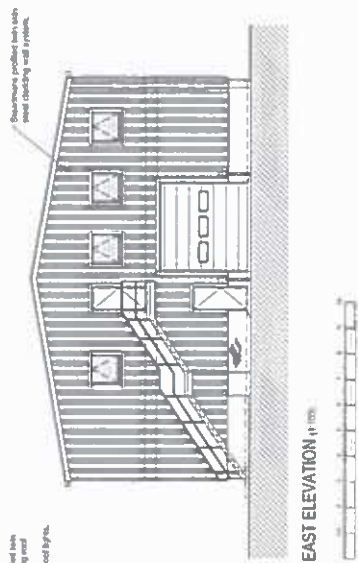
- 1 The proposal would represent inappropriate development in the Green Belt that would cause harm to the openness of the Green Belt, harm by reason of inappropriateness and conflict with one of the purposes of the Green Belt to protect the countryside from encroachment, contrary to advice within the National Planning Policy Framework 2012, Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 and Policy SD6 within the emerging Joint Core Strategy Submission Version (November 2014).
- 2 The proposed development by reason of design, appearance, scale, bulk and layout would have a significant adverse impact on the quality of the natural and built environment of the Special Landscape Area. The proposal would be harmful to visual attractiveness would create an incongruous visual intrusion and would detract from the character and appearance of the rural landscape. For this reason, the proposal conflicts with advice within the National Planning Policy Framework 2012, policy LND2 of the Tewkesbury Borough Local Plan to 2011 and policy SD7 within the emerging Joint Core Strategy Submission Version (November 2014).
- 3 Bats have been recorded in the vicinity of the Coach House and are likely to be present on site. The Bat Survey Report prepared by Quants Environmental Ltd dated September 2015 only included a survey of the Coach House and did not survey other structures on the site. The applicant has therefore failed to satisfactorily demonstrate that the development would not harm the habitat of protected species. Furthermore no assessment of the ecological value of the wider site has been submitted. As such the proposal conflicts with advice within the National Planning Policy Framework 2012, policies NCN4 and NCN5 of the Tewkesbury Borough Local Plan to 2011 and policy SD10 within the emerging Joint Core Strategy Submission Version (November 2014).

### **Note:**

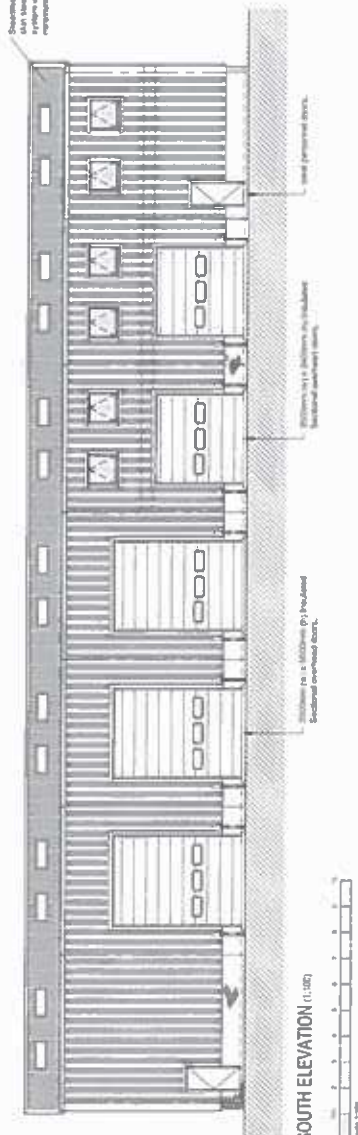
#### **Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF, the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area.

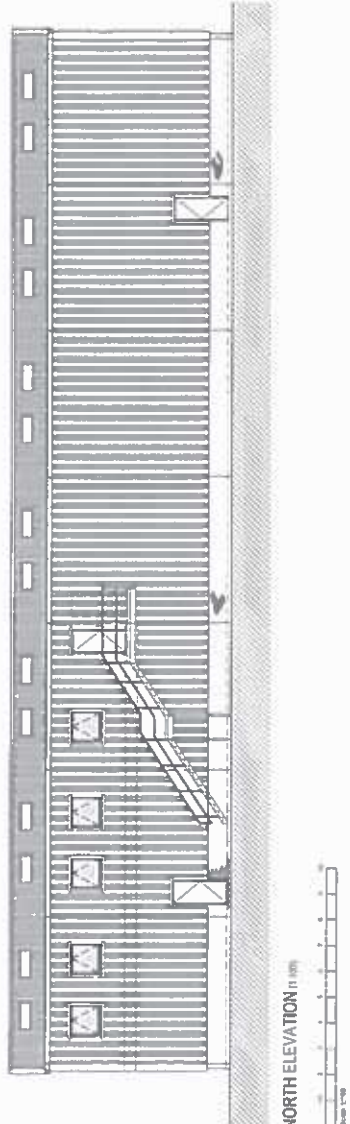




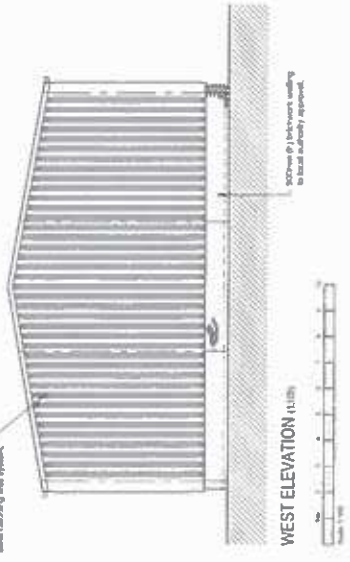
EAST ELEVATION (1:100)



SOUTH ELEVATION (1:100)



NORTH ELEVATION (1:100)



WEST ELEVATION (1:100)

PLANNING ISSUE



ARCHITECTURE • PLANNING • EXTERIOR DESIGNERS • PROJECT MANAGEMENT  
 15, LAUNCEASTON QUAY  
 BRISTOL, AVON, GL1 2JH  
 GLOUCESTER, GL2 0JZ

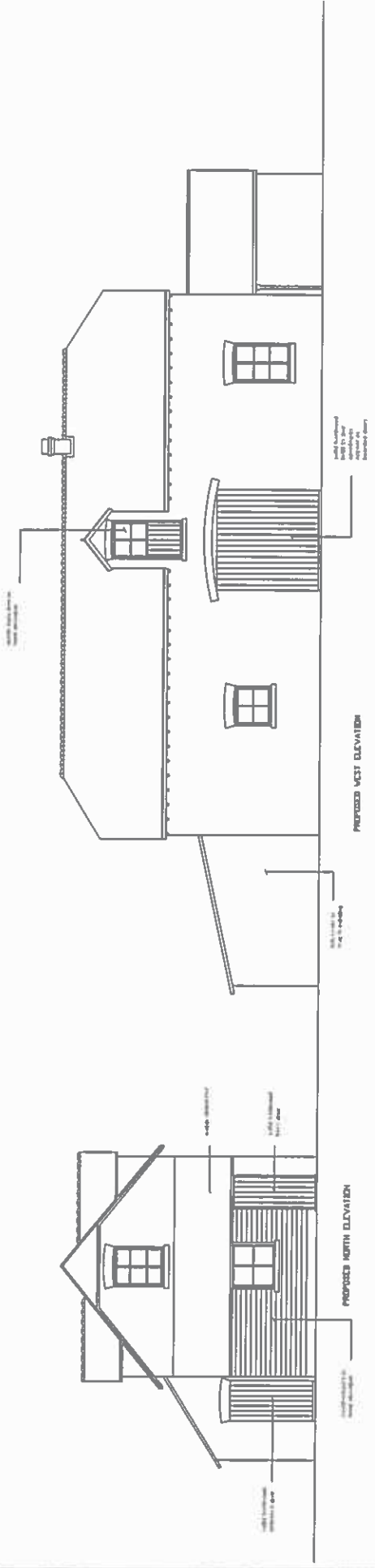
PROJECT  
 PROPOSED BUILDINGS AT  
 NIWANT FARM, CHURCHWAY LANE,  
 BRAYCOTE, GLOUCESTER, GLOUCESTERSHIRE

TITLE  
 UNIT 1  
 ELEVATIONS

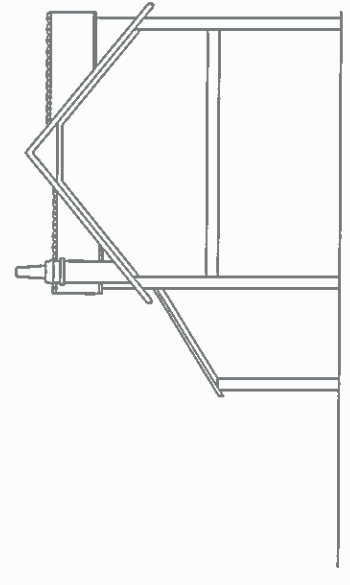
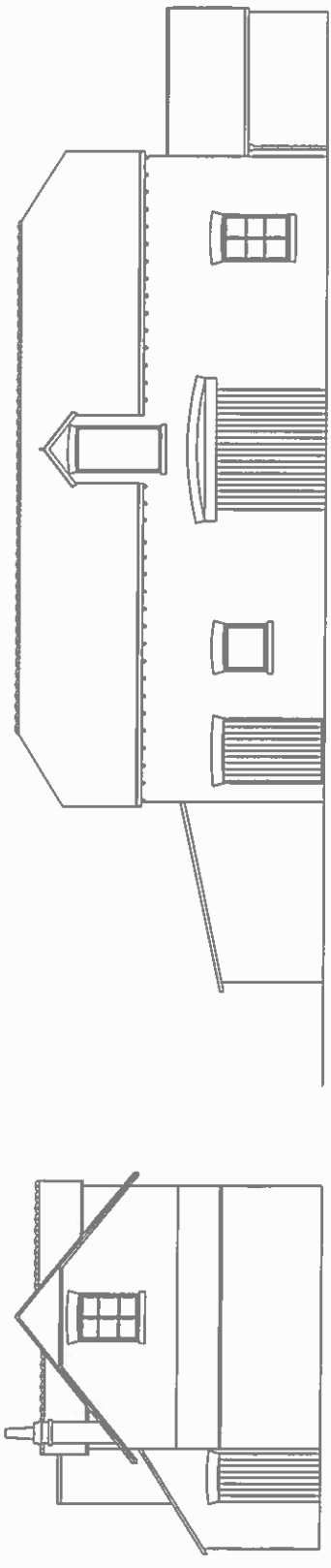
SCALE	DRAWN	CHECKED	DATE	DATE	PROJECT NO.
1:100 (A1)	23.09.2015				215665-02

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6 Stars (Super) Council Plan, 100% 5G  
 100% 4G+ (Super) Coverage, 100% 3G+  
 Email: info@johnhallamassociates.co.uk  
 Website: www.johnhallamassociates.co.uk



887155



<p><b>NOAKE FARM CHURCHDOWN LANE</b>  <b>HUCLECOTE GLOUCS GL3 2LS</b>          Existing Mixed Farm Inc Equestrian Uses</p>
<p>Conversion Extension and Alterations          to farm buildings and residential flat          Coach House          Proposed 3 bed house</p>
<p>Proposed Elevations</p>
<p>Hamilton Hallows 6 Palliser Road,          Barons Court London W14 9EE</p>
<p>scale 1:100 dwg H/H/W/F/GI-201CW/1 01/08/13</p>

SECTION A-A  
 EXISTING/PROPOSED

15/01125/LBC

Noake Farm, Churchdown Lane, Churchdown

13

Valid 13.10.2015

Listed Building Consent for demolition of existing buildings and conversion of coach house to 1 dwelling, erection of detached garage/store and associated vehicular access and parking together with other facilitating works relating to planning application 15/01124/FUL

Grid Ref 387797 217879

Parish Hucclecote

Ward Hucclecote

TFN Landscapes Ltd  
C/O Agent

## **RECOMMENDATION Consent**

### **Policies and Constraints**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and NPPF, paragraph 131 requires local planning authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets.

### **Consultations and Representations**

**Conservation Officer** - No objection subject to conditions.

**Historic England** - The application should be determined in accordance with national and local policy advice.

**Parish Council** - Object to applications 15/01124/FUL and 15/01125/LBC however none of the reasons given relate to the application for Listed Building Consent.

5 objections have been received to applications 15/01124/FUL and 15/01125/LBC. Issues raised of relevance to this application are:

- The boundary between the new development and the listed house should be more detailed in order to respect the curtilage of the listed house.

**Applications 15/01124/FUL and 15/01125/LBC have been called to committee by Councillor Foyle and Councillor Allen. The reason for the applications being called to committee is that it is considered that the site requires redevelopment.**

**Planning Officers Comments:** Paul Instone

### **1.0 Application Site**

1.1 This application relates to the Coach House, a curtilage grade II listed detached two storey building located on Noake Court Farm, Hucclecote. The site is part of a larger farmstead, which, although formerly belonging to The Noake (grade II listed farmhouse), is now in separate ownership. The site is in the Green Belt and a Special Landscape Area, to the south of Chosen Hill and is generally surrounded by to the north, east and south with countryside and the A417 bypass and built up areas of Hucclecote to the west.

### **2.0 Relevant Planning History**

2.1 Planning and listed building consent was granted in 2013 for the conversion of a coach house to a dwelling, demolition of the collapsed stone barn, the erection of a detached garage/garden store and associated vehicular access (ref: 13/00823/FUL and 13/00866/LBC). This consent has not been implemented but the consent is still extant. At present the coach house is used as a first floor flat and has been associated with this use for around 15 years.

### **3.0 Current Application**

3.1 The current proposal seeks listed building consent for the full conversion of the Coach House to a dwelling and the demolition of the collapsed stone barn. The Listed Building Consent application is the same as approved Listed Building Consent 13/00866/LBC which remains extant.

3.2 The Listed Building Consent application is associated with a planning application (Re:-15/01124/FUL) on the larger farmstead for the change of use to horticultural/landscaping business and creation of new buildings for the use of the business and conversion of Coach House to 1 dwelling including the erection of a detached garage/store and associated vehicular access (including demolition of derelict buildings).

#### 4.0 Policy Context

4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and NPPF paragraph 131 requires local planning authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets.

#### 5.0 Analysis

##### *Demolition of old buildings*

5.1 The proposal includes the demolition and removal of a derelict stone barn and modern addition. Only the partial remains of the listed stone barn, which collapsed around 10 -15 years ago are standing. Whilst the loss of the curtilage listed barn is regrettable, given its collapsed state, it is considered that the full demolition and removal (including the modern part) would enhance the setting of the coach house and adjacent dwelling The Noake in line with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Conservation Officer has previously raised no objection to the demolition, although acknowledged that it is regrettable.

##### *Conversion of coach house to residential*

5.2 The first floor of the building is currently a residential unit and it is understood that the applicant has lived there for around 15 years. There is an unattractive and unsympathetic external staircase, which certainly detracts from the building; however this would be removed as part of the conversion of the whole building.

5.3 The proposed works are consistent with Listed Building Consent 13/00866/FUL which is extant. It is considered that the proposed internal and external alterations would continue to sustain and enhance the historic significance of the Coach House and would not detract from the historic character and appearance of the listed building in line with the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF. Overall it is considered that the proposed demolition and conversion would preserve the historic integrity, character and appearance of the listed building in line with section 66 of the Listed Buildings Act and the provisions of the NPPF. **Consent is therefore recommended.**

#### **RECOMMENDATION Consent**

##### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 No work shall start until detailed drawings of the proposed external joinery, including elevations and sections, have been submitted to and approved in writing by the Local Planning Authority and the fitted joinery shall be in accordance with the approved drawings. The elevations shall be at a minimum scale of 1:20 and the sections shall be at a minimum scale of 1:5 and shall indicate moulding profiles at full size.
- 3 All windows and doors shall be treated in a method to be first approved in writing by the Local Planning Authority and shall thereafter be maintained in the approved treatment unless an alternative is approved in writing by the Local Planning Authority.

##### Reasons:

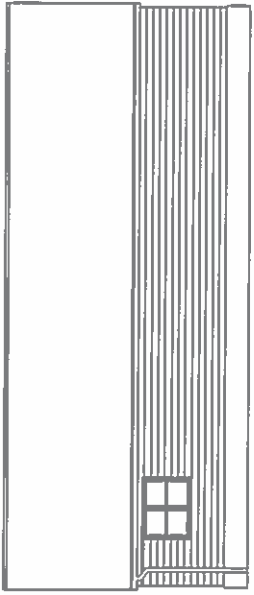
- 1 To comply with Section 18 of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To safeguard the traditional character and appearance of the listed building to accord with the Planning (Listed Buildings and Conservation Areas) Act 1990

- 3 To safeguard the traditional character and appearance of the building to accord with the Planning (Listed Buildings and Conservation Areas) Act 1990.

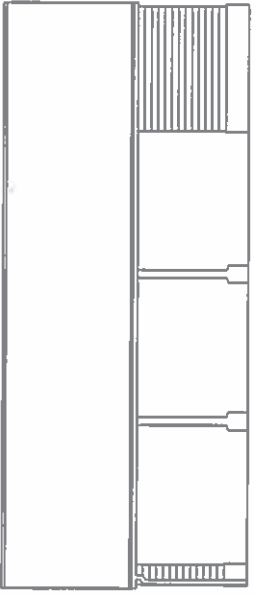
Note:

**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.

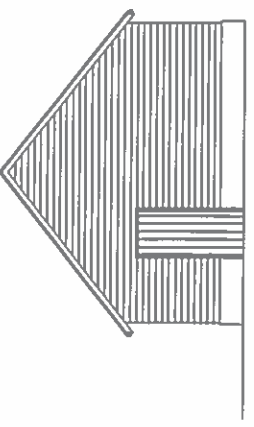


REAR 3V ELEVATION



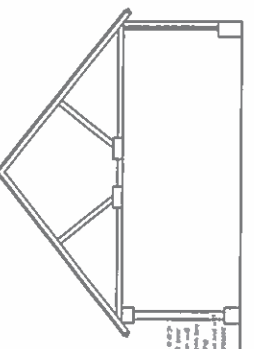
FRONT 3V ELEVATION

1:100  
 15/01/25  
 LBC



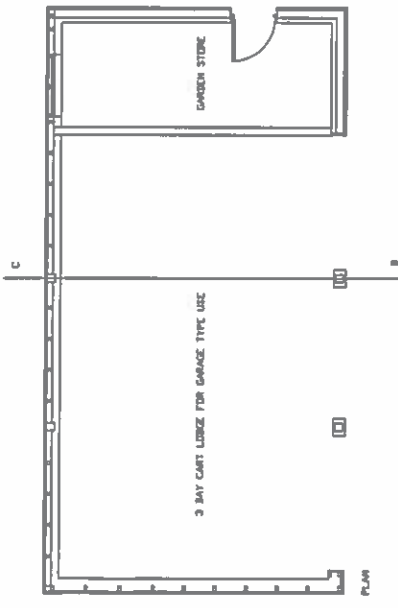
3V ELEVATION

workload and 11 grade floor  
 omitted for masonry construction



SECTION PROPOSED- C-D

1:100  
 15/01/25  
 LBC



3 BAY CART LODGE FOR GARAGE TYPE USE

GARDEN STORE

PLAN

NOAKE FARM CHURCHDOWN LANE HUCCLECOTE GLOUCS GL3 2LS Existing Mixed Farm Inc Equestrian Uses
Conversion Extension and Alterations to farm buildings and residential flat Building E
Cart Lodge style garage and store
Proposed Plan Section and Elevations
Hamilton Hallows 6 Palliser Road, Barons Court London W14 9EE
Scale 1-100 dwg no-HMNF/GL-201E/a 01/ 08 / 13





## 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
			Innsworth with Down Hatherley	Down Hatherley Innsworth	G J Bocking
Badgeworth	Badgeworth Boddington Great Witcombe Staverton	R J E Vines	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			
Coombe Hill	Deerhurst Elmstone Hardwicke Leigh Longford Norton Sandhurst Twigworth Uckington	D J Waters M J Williams	Twyning	Tewkesbury (Mythe Ward) Twyning	T A Spencer
			Winchcombe	Alderton Gretton Hawling Stanway Sudeley Winchcombe	R E Allen Mrs J E Day J R Mason
Highnam with Haw Bridge	Ashleworth Chaceley Forthampton Hasfield Highnam Maisemore Minsterworth Tirley	P W Awford D M M Davies	11 May 2015 Please destroy previous lists.		