

**TO EACH MEMBER OF THE  
PLANNING COMMITTEE**

29 April 2016

Dear Councillor

**PLANNING COMMITTEE- TUESDAY 10 MAY 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 - 91</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 10 May 2016

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(1018 - 1050)	(1051 - 1069)

**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. ( 1018 - 1069 )**

### 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) 10th May 2016

Alderton 16/00205/FUL <a href="#">Click Here To View</a>	Bide A Wee Gretton Fields Gretton	Refuse	2
Ashchurch Rural 16/00226/FUL <a href="#">Click Here To View</a>	Land off A46 Ashchurch GL20 8JY	Permit	6
Ashleworth 15/00865/FUL <a href="#">Click Here To View</a>	Land at Berrow Farm Wickridge Street Ashleworth	Minded to Permit	7
Bishops Cleeve 14/01233/FUL <a href="#">Click Here To View</a>	Part Parcel 7346 Evesham Road Bishops Cleeve	Delegated Permit	9
Gotherington 15/01344/FUL <a href="#">Click Here To View</a>	1 Cleeve Road Gotherington Cheltenham	Refuse	1
Tewkesbury 15/01374/FUL <a href="#">Click Here To View</a>	10 Elmbury Drive Newtown Tewkesbury	Permit	3
Toddington 16/00070/FUL <a href="#">Click Here To View</a>	Oak Farm Toddington Cheltenham	Permit	4
Winchcombe 16/00188/FUL <a href="#">Click Here To View</a>	1 Tobacco Close Winchcombe Cheltenham	Permit	5
Woodmancote 16/00164/FUL <a href="#">Click Here To View</a>	1 Beverley Gardens Woodmancote Cheltenham	Permit	8

15/01344/FUL

1 Cleeve Road, Gotherington

1

Valid 15.12.2015  
Grid Ref 396472 229537  
Parish Gotherington  
Ward Oxenton Hill

New two bedroom chalet style bungalow in rear garden of 1 Cleeve Road.

Mr Robert Sharp  
1 Cleeve Road  
Gotherington  
Gloucestershire

## **RECOMMENDATION Refuse**

### **Policies and Constraints**

National Planning Policy Framework  
Planning Practice Guidance  
Tewkesbury Borough Local Plan to 2011 - Policies HOU3, HOU5, LND7, TPT1  
Flood and Water Management SPD  
Joint Core Strategy Submission Version November 2014  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

**Parish Council** - No objection.

**County Highways** - Objection. The required visibility cannot be achieved and the proposal would result in the intensification in use of an existing substandard access which would increase highway dangers and hazards contrary to the interests of highway safety and paragraph 35 of the NPPF.

**Conservation Officer** - No objection.

**Severn Trent Water** - No objection subject to condition requiring drainage plans for the disposal of foul and surface water flows to ensure the development is provided with a satisfactory means of drainage.

**Local Residents** - No representations received.

**Councillor Gore** has requested this application to be considered by Planning Committee.

**Planning Officers Comments:** Mrs Helen Stocks

### **1.0 Application Site**

1.1 The application relates to a triangular plot of land which currently forms part of rear garden of No.1 Cleeve Road. The site is surrounded by residential development with Gretton Road and Church Road to the north, east and west and properties on The Lawns to the south. The site is accessed via a long, narrow strip of land which runs between the sides of No.4 and No.6 Gretton Road and along the rear of No.25 and No.27 The Lawns. This access track serves an existing residential property - 4a Gretton Road - located immediately south-west of the application site which was granted planning permission in April 2011 as infill development (ref: 11/00072/FUL).

1.2 The application site is not located within a designated landscape protection area but is included within the Residential Development Boundary (RDB) of Gotherington as defined in the Tewkesbury Borough Local Plan to 2011 - March 2006.

### **2.0 Planning History**

2.1 A planning application was submitted in December 2014 for the erection of a new three bedroom bungalow in the rear garden of No.1 Cleeve Road. This application was withdrawn in November 2015 following officer concerns regarding the design and layout of the proposed dwelling (ref: 14/01272/FUL).

2.2 It is relevant that planning application 11/00072/FUL for the erection of a dwelling with garage, parking and turning area served off the same access was permitted in April 2011.

### **3.0 Current Application**

3.1 The current application seeks planning permission for the erection of a detached one-and-a-half storey dwelling in the rear garden of No.1 Cleeve Road. The proposed dwelling would have a footprint of 102 square metres, measuring approximately 13.8 metres wide and 7.1 metres deep. It would have an eaves and ridge height of approximately 3.6 metres and 6.1 metres respectively. The proposed site levels would be reduced by approximately 0.53 metres, bringing the ridge height of the proposed dwelling in line with No.4a Gretton Road. External materials would comprise coloured render, hardwood timber boarding and natural slate roof tiles.

#### **4.0 Policy Context**

4.1 Policy HOU3 of the Local Plan states that new housing development within villages such as Gotherington will be restricted to infilling only within the residential development boundary. Policy HOU5 sets out that development of areas covered by Policy HOU3 for residential use will be acceptable in principle provided that development respects the existing form and character of the adjacent area; not result in unacceptable loss of amenity; be of high quality design and make provision for appropriate access and parking.

4.2 This advice reflects one of the NPPF's 'Core Principles', which is to ensure a good standard of amenity for all existing and future occupants of land and buildings. The advice of Policy HOU5 is also reflected in Section 7 of the NPPF which 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. The NPPF also makes it clear that obviously poor designs should be refused.

4.3 Policies HOU3 and HOU5 of the TBLP are therefore considered to be consistent with the provisions of the NPPF and should therefore carry considerable weight in the determination of the application.

#### **5.0 Analysis**

##### Principle of Development

5.1 The site is located within the Residential Development Boundary (RDB) of Gotherington, as defined in the Tewkesbury Borough Local Plan to 2011 - March 2006. The principle of new infill residential development on the site is therefore considered acceptable in this location. The proposed development is considered to accord with Policies HOU3 and HOU5 of the Local Plan provided that the development can be satisfactorily integrated within the framework of the surrounding development, subject to other local plan policies and other material considerations. These are considered below.

##### Design and Layout

5.2 The application proposes a relatively simple form of building with a projecting front porch. External materials would comprise coloured render, timber boarding and natural slate roof tiles. The front elevation would face the existing access track and would be set back from the edge of the track by approximately 1 metre.

5.3 The current proposal is considered to have satisfactorily addressed previous concerns raised by officers with regard to site layout. The footprint of the proposed building has been reduced, with the bedrooms being accommodated at first floor level, to provide a sufficient level of private amenity space. Following this revision, the proposed dwelling is considered to sit comfortably within the plot and have an acceptable relationship with neighbouring properties. Given the proposed dwelling would occupy a backland location; it would not be overtly visible from nearby public vantage points. There would be a slight change to the existing ground level and the ridgeline of the proposed dwelling would be consistent with that of No.4a Gretton Road. This would further integrate the proposed dwelling within the surrounding area and limits its visibility from nearby properties.

5.4 Although the design of the proposed dwelling could be improved, it is acknowledged that the current proposal is a vast improvement when compared to the previous withdrawn scheme and would not be dissimilar in appearance to the neighbouring dwelling (No. 4a Gretton Road). On balance, it is considered that proposed dwelling is of acceptable size, scale and design and would not harm the character and appearance of the street scene or neighbouring properties given its relatively inconspicuous location. The Conservation Officer is satisfied the proposal would have not harm the character or setting of the non-designated heritage asset (Old School House) to the north of the application site. The proposal is therefore considered to accord with Policy HOU5 of the Local Plan in this regard.

## Residential Amenity

5.5 With regard to residential amenity, Policy HOU5 states that any development should not result in an unacceptably low degree of residential amenity for existing or proposed dwellings. The impact on neighbouring property has been carefully assessed. Given the proposed change in site levels and the distance between the proposed dwelling and existing properties (approximately 16 metres from the rear elevation of No.4 Gretton Road and 30 metres from the rear elevations of No.25 and No.27 The Lawns), it is not considered that the proposed dwelling would be unduly overbearing or visually intrusive. Furthermore, there is existing established vegetation to the site boundaries which would screen the proposed dwelling from neighbouring properties.

5.6 The first floor accommodation would be served by roof lights and an obscure glazed window in west gable end. Subject to a conditions requiring the first floor window to be obscure glazed and for the cill of the roof lights to be a minimum of 1.7 metres above finished first floor level, it is not considered that the proposed dwelling would result in direct overlooking to neighbouring properties. It is recommended that permitted development rights should be removed for dormer windows in order to prevent any additional overlooking in the future. It is also recommended that permitted development rights should be removed for extensions to proposed dwelling and outbuildings within the residential curtilage in order to protect the amenity of existing and future residents.

## Highway Safety

5.7 Policies HOU5 and TPT1 of the Local Plan state that appropriate provision shall be made for access and on-site parking with no detriment to highway safety. As set out above, access to the site would be gained via the existing single track which extends from Gretton Road. The submitted plans indicate the existing access track would remain unaltered and would become a shared access drive, serving both the proposed dwelling and No.4a Gretton Road.

5.8 In terms of visibility, the application site is located along a classified road subject to a 30mph speed limit where the required visibility is 54 metres in both directions from a 2.5 metre set back from the highway edge. The agent has submitted additional information which seeks to demonstrate the access arrangements would be acceptable and achieve the required visibility splays. The County Highways Authority has been consulted on the application and while it is accepted that there is no obstruction to the right (east) of the site access, the neighbouring wall to the left (west) severely restricts visibility in this direction and the land required to provide appropriate visibility is not within the applicant's ownership and therefore adequate visibility could not be controlled in the future.

5.9 Although the proposed dwelling would utilise an existing access track serving No.4a Gretton Road, which was granted permission in April 2011, it should be noted that the County Highways Authority objected to this application and recommended that planning permission should be refused on grounds of highway safety, commenting that the vehicular access would be located at a point along Gretton Road where visibility to the west is severely restricted and would increase highway dangers and hazards.

5.10 In terms of the current proposal, the County Highways Authority maintains that the existing access does not achieve the required visibility and the proposal would result in the intensification in use of a sub-standard access, with approximately five additional vehicular trips per day, which would cause additional harm to the highway contrary to paragraph 35 of the NPPF. While a reduction in visibility can sometimes be accepted on the basis of the results of a speed survey, no such survey has been undertaken to show that a reduction to the required visibility could be applied in this instance. The County Highways Authority has therefore concluded that the vehicular access intended to serve the proposed development lacks adequate visibility to the left (west) at a point along Gretton Road where visibility is severely restricted. The intensification in use of the access would increase highway dangers and hazards contrary to the interests of highway safety and it is recommended by the County Highways Authority that planning permission should be refused on this basis.

5.11 For the avoidance of doubt, the County Highways Authority has made it clear that paragraph 32 of the NPPF, which stipulates that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe, is not applicable in the case of this application as paragraph 32 relates specifically to developments that generate *significant* amounts of movement and are supported by a Transport Statement or Transport Assessment. The proposed development would not be a significant generator of traffic and whether or not the proposal would cause 'severe' harm to the highway network is not materially relevant to the determination of this application.

5.12 In terms of parking provision, the proposed dwelling would have access to two off road car parking spaces. The proposed level of parking provision is considered to be sufficient to serve the two-bedroom dwelling and the submitted plan indicates there would be sufficient manoeuvring space on-site for vehicles to turn and pass other vehicles along the access track. The proposal is therefore considered to accord with Policies HOU5 and TPT1 in this regard.

## **6.0 Conclusion**

6.1 The principle of infill residential development within the site is considered acceptable in accordance with Policy HOU3 of the Local Plan. The proposal is also considered to be of an appropriate size and design and would have an acceptable impact on the character and appearance of the area and on the living conditions of neighbouring properties. Nevertheless, the proposed dwelling would utilise a sub-standard vehicular access where visibility to the west is severely restricted and the intensification of use of this access would cause additional harm to the highway contrary to paragraph 35 of the NPPF and Policy TPT1 of the Local Plan. For this reason, it is recommended that planning permission should be **refused**.

### **RECOMMENDATION Refuse**

#### **Reason:**

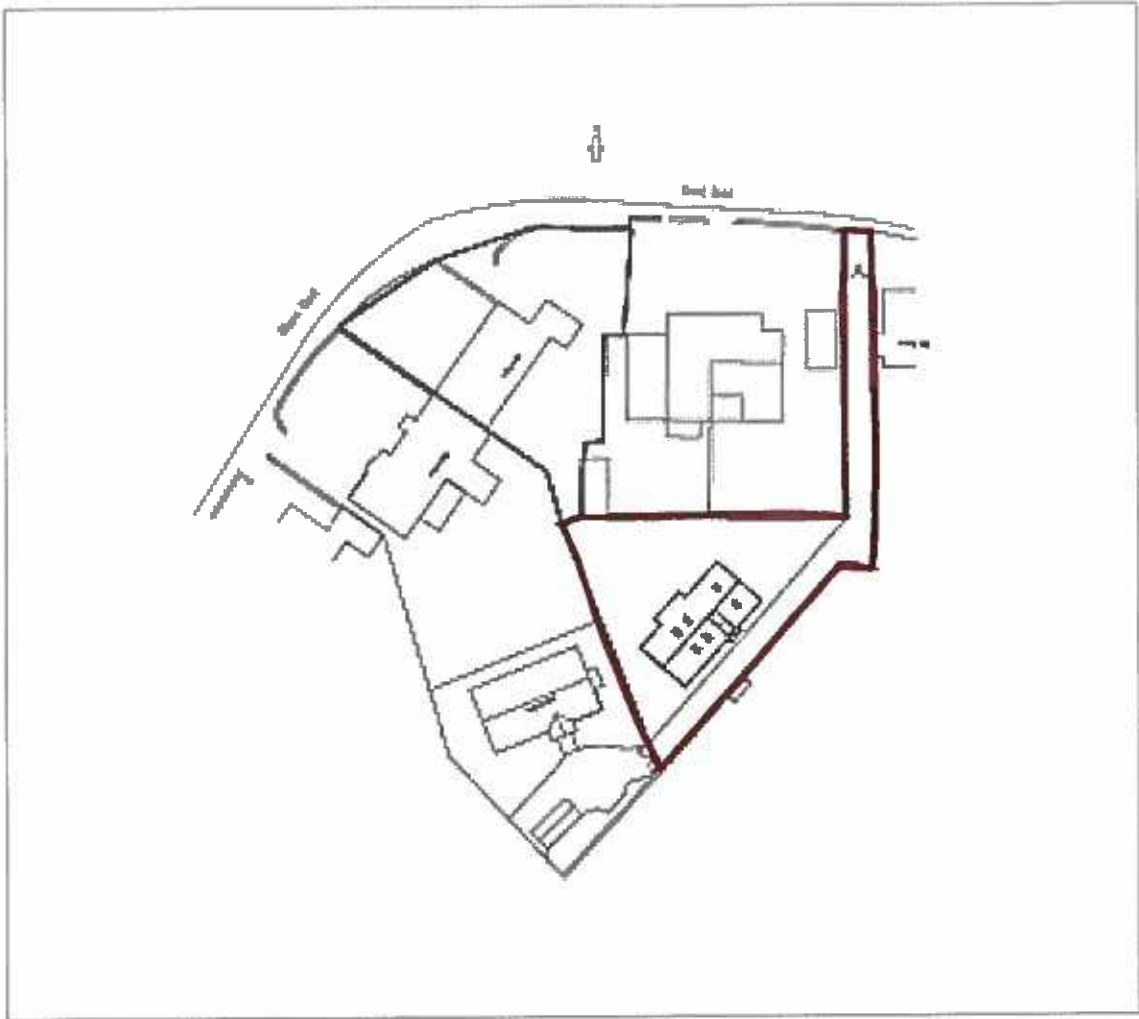
The vehicular access intended to serve the proposed development is located at a point along Gretton Road where visibility to the west is severely restricted. The intensification in use of the existing substandard access as a result of the proposed development is detrimental to highway safety and fails to minimise conflict between traffic, cyclists or pedestrians. The proposal is therefore contrary to paragraph 35 of the National Planning Policy Framework and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

#### **Note:**

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

In accordance with the requirements of the NPPF, the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to 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.





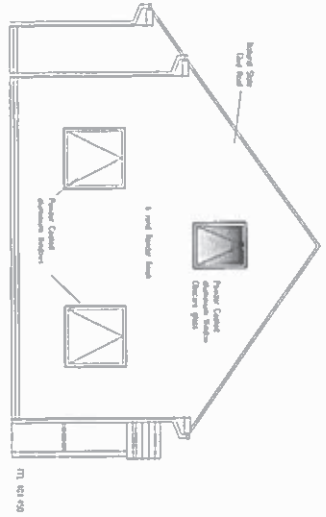
Rev	Date	Comments
RDL.		
Client:		
Title:		
Site Location Plan		
Drawn	Date	
EWL	23/12	
		Rev
		A



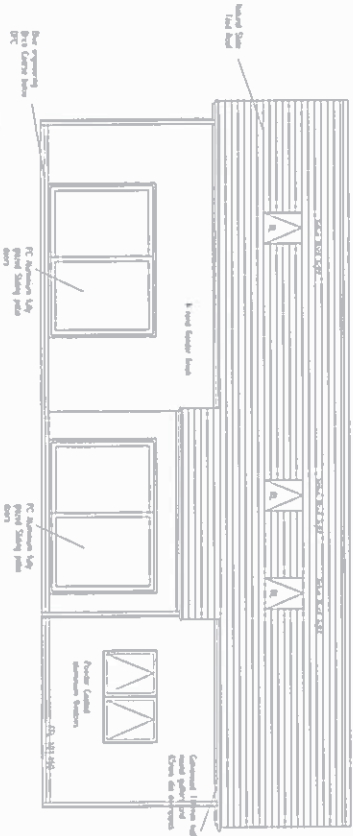
Site boundaries

Rev	A	8/12/15	Extent cleared, road layout added
Rev	B		Comment
<b>RDL</b>			
Client: Mr and Mrs Sharp			
PROJECT: Proposed 2 bed detached bungalow in rear garden of 1 Cleve Road, Colchester, Essex.			
Title: Block Plan - Site Boundaries			
Drawn/Issue: Scale 1:100 @ A1			
Drawing No: 2015/RS/004			
Rev	A		

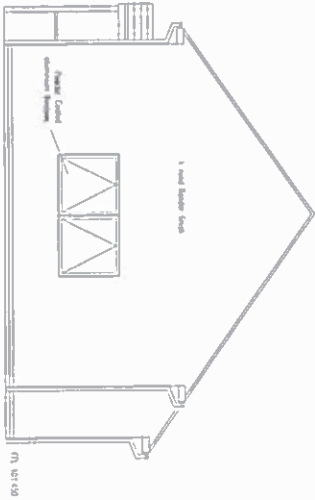
1021/2



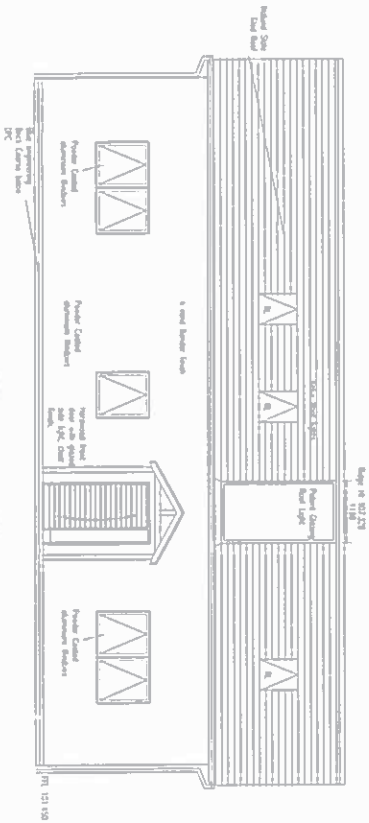
WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION

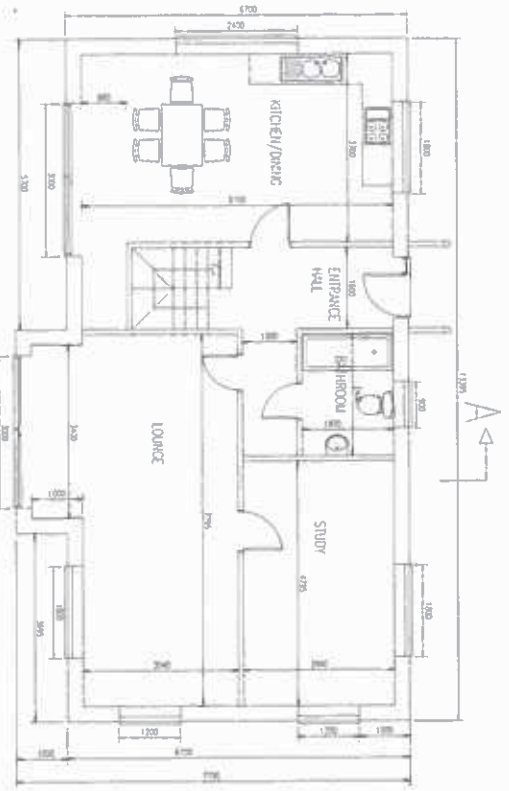


SOUTH ELEVATION

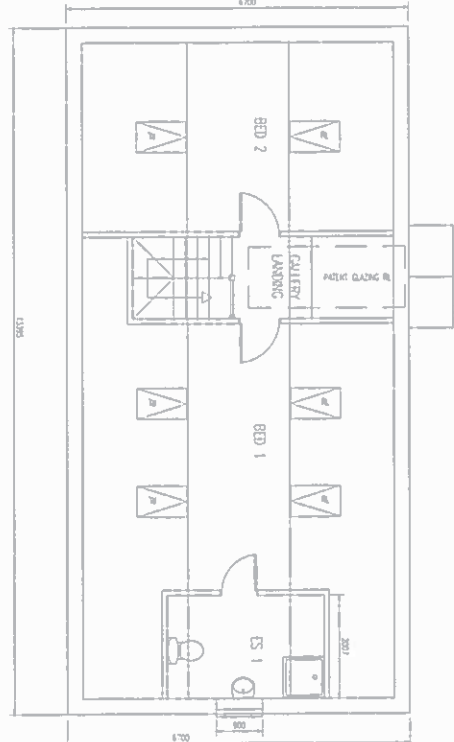


Client:	Mr and Mrs Sharp
Project:	Proposed 2 bed Charal Bungalow in rear garden of 1 Green Road, Cambridge, Cambridgeshire
Title:	Proposed Elevations.
Drawn:	RS
Checked:	RS
Scale:	1:50 @ A1
Drawing No.:	2015/RS/005
Rev:	A

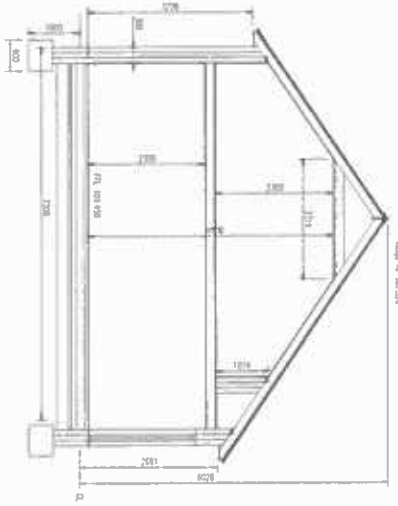
1021/10



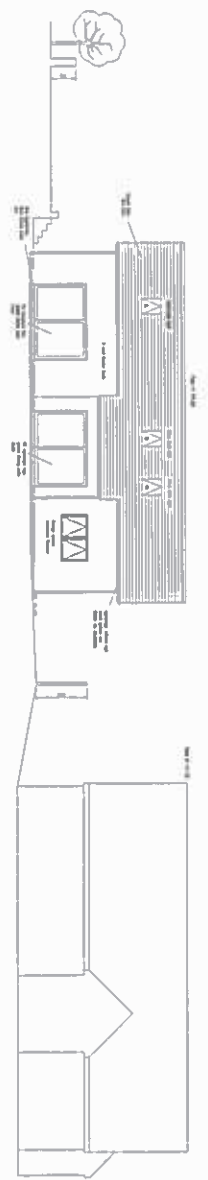
GROUND FLOOR



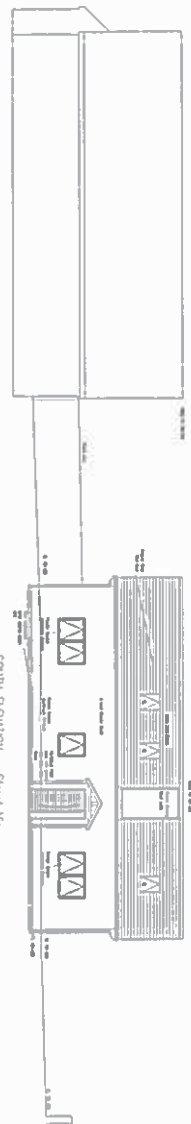
FIRST FLOOR



SECTION A-A



NORTH ELEVATION - Street View



SOUTH ELEVATION - Street View

10211/0

Rev	Date	Comment
A	4.12.15	Patent, Drawing, level, layout added
R		
D		
L		

Client: Mr and Mrs Sharp  
 Project: Proposed 2 Bed Detached Bungalow on rear garden at 1 Oak Tree Road Gideahead Gloucestershire  
 Title: Proposed Plan Layouts, Sections & Street View with levels.  
 Drawn: [Name]  
 Scale: 1:50, 1:100  
 Drawing No: 2015/RS/001  
 Rev: A

Valid 23.02.2016  
 Grid Ref 400021 232333  
 Parish Alderton  
 Ward Winchcombe

Erection of two storey and single storey rear extensions

Mrs Chaplin  
 Bide A Wee  
 Gretton Fields  
 Gretton  
 Cheltenham

## RECOMMENDATION Refuse

### Policies and Constraints

#### NPPF

Planning Practice Guidance

Joint Core Strategy Submission Version - Policies SD5, SD7.

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU8, LND2

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

The First Protocol, Article 1 (Protection of Property)

Special Landscape Area

### Consultations and Representations

**Parish Council** - The proposed extended accommodation appears to be annexe accommodation and should be in the description of the proposal. Clarification as to whether the rendered exterior is intended to be painted or left natural and comment is made that the pitch of the rear single storey extension would be of a pitch unsuitable for plain tiles. The site plan shows inadequate information with regard to the driveway, parking and turning areas and material finish. Confirmation is required that the proposed ground floor level is no lower than the existing and for permeable parking area due to flooding.

**Local Residents** - 2 letters of support have been received in respect of the application. Their comments are summarised as follows:-

- The plot of land is very large
- the extension would not cause overlooking or would impinge on easements.
- no objection to the aesthetic aspects of the plans
- I fully support the needs and reasons for the extension
- I have been fully consulted by the applicant and am 100% happy with the proposal

1 letter of objection has been received in respect of the application. The comment made is summarised as follows:-

- The recent flooding in Gretton Fields will be exacerbated by further building and the associated loss of 'drainage' land.

**This application is reported to Committee at the request of Councillor Allen who wishes for Members of the Committee to consider the impact of the proposal upon the surrounding buildings, residential amenity, impact upon the landscape and the streetscene.**

**Planning Officers Comments:** Gill McDermot

### 1.0 Application Site

1.1 The application site comprises a two-storey detached dwelling located outside any recognised settlement boundary adjacent to a cluster of dwellings on the west side of the road. To the south of the site is a further detached dwelling and to the north is agricultural land. The site lies within the designated Special Landscape Area.

### 2.0 Planning History

2.1 Planning application T.8050 for alterations and a two-storey extension to the existing dwelling to provide enlarged living accommodation was permitted on the 10th March 1986.

2.2 Planning application 15/01075/FUL for the erection of timber framed stable building comprising 3 no. stables and tack room, with a concrete slab foundation was permitted on the 23rd November.2015

2.3 A further application 15/01256/FUL for the erection of a single storey and two storey extensions and subdivision of extended dwelling to create 1 no. additional dwelling, with associated parking and subdivision of garden space was withdrawn on the 26th January.2016.

### **3.0 Current Application**

3.1 The current application is for the erection of two storey and single storey rear extensions. Supporting information submitted with the application explains that in order for the dwelling to be maintained physically and financially, it is intended that the applicant's son and his family move into the existing property. The proposed extension is also intended to provide for the applicant's other son who is in poor health and requires care to move into the property

### **4.0 Policy Context**

#### National Planning Policy Framework

4.1 The National Planning Policy Framework, 2012 (NPPF) promotes sustainable development, of which there are three dimensions: economic, social and environmental. It 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.

4.2 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). Where the development plan is out of date, the NPPF advises that 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 where specific policies in the Framework indicate development should be restricted.

4.3 Paragraph 17 of the NPPF identifies a set of 12 core land-use planning principles, one of which sets out that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

#### The Development Plan

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

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

4.5 Policy HOU8 (Domestic Extensions) of the Tewkesbury Borough Local Plan to 2011 (March 2006) is consistent with the aims of the NPPF in terms of its core planning principle to secure a good quality design and an acceptable standard of residential amenity and is therefore considered to have considerable weight.

4.6 Local Plan Policy LND2 requires that special attention is given to the protection and enhancement of the special landscape area.

#### Emerging Development Plan

4.7 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. In December 2014, the Winchcombe Town Council approved a draft Neighbourhood Plan (Winchcombe and Sudeley Parish Neighbourhood Plan) for formal consultation.

4.8 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. Policy SD5 of the JCS sets out to require new development to respect the character of the site and its surroundings, enhancing local distinctiveness. Further, Policy SD7 requires development to seek to protect landscape for its own intrinsic beauty and to have regard to local distinctiveness and the historic character of different landscape types.

4.9 Policy SD5 of the JCS sets out that all development proposals are required to enhance comfort, convenience and enjoyment through assessment of opportunities for light, privacy and external space.

4.10 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).

4.11 The Submission version of the JCS was submitted to the Secretary of State in November 2014 for public examination which is currently taking place. Whilst the emerging plan is now at a more advanced stage, it is not yet formally part of the development plan for the area and the weight that can be attached to its policies will be limited having regard to the criteria set out above.

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

## 5.0 Analysis

5.1 The main issues for consideration are the impact of the proposal upon the character of the original dwelling, the character of the area and residential amenity.

### Impact upon the character of the original dwelling

5.2 Policy HOU8 of the Local Plan requires proposals for extensions to respect the character, scale and proportion of the existing or, where appropriate, the original dwelling. The reasoned justification of this policy refers to the having regard to original building in cases where the dwelling has been extended in the past. The design should also complement the dwelling's design and materials.

5.3 The original dwelling prior to being extended by virtue of previous planning permission T.8050 was L-shaped and comprised a two-bedroomed property with gable to the rear and single storey store room and garage to its north side. The previously approved scheme included a two storey side extension and a two-storey rear gable. This provided enlarged living accommodation at ground floor level and a further two bedrooms at first floor level.

5.4 The current application proposes additional living accommodation at ground and first floor levels, resulting in a dwelling with six bedrooms. The proposed two-storey rear extension would be sited off the previously extended rear gable projecting out by 7 m compared to the existing north side elevation which measures 6.4 m. The extension would be set down marginally from the existing roof and set in from the existing wall. However, it is considered that the scale, height and depth of this part of the proposal would not respect the character or scale of the original dwelling and would result in a dominating appearance, particularly given that the property has been extended previously at two-storey level.

5.5 A first floor extension above the existing flat roofed element to the rear is also proposed, which would form a third gable within the rear elevation. This element would provide a further bedroom and given its relatively small scale, would respect the character and scale of the original dwelling.

5.6 The third element of the proposal is a single storey rear extension, which would consist of a sun room, hallway and shower room. This would extend out from the rear of the property by 2.2 m with a mono-pitch roof design. It is considered that this element would be acceptable and respect the scale of the original dwelling due to its single storey form.

5.7 As set out above the supporting information explains that in order for the existing dwelling to be maintained physically and financially, it is intended that the applicant's son and his family move into the property. The proposed extension is also intended to provide for the applicant's other son who is in poor health and requires care to move into the property. Whilst the personal circumstances of the applicant's family are noted, the planning practice guidance advises that the personal circumstances of individuals will rarely override Development Plan policies particularly in relation to the erection of permanent buildings which would remain long after the specific needs of the individual have ceased.

5.8 The Parish Council have commented on the finish of the smooth render exterior to the two-storey extension and that the pitch of the roof for the single storey extension would be unsuitable for plain tiles. Policy HOU8 requires the detailed design of extensions to reflect or complement the design and materials of the existing dwelling. Therefore it is considered that proposed rendered exterior would not complement the materials of the existing dwelling.

#### Impact upon the character of the area

5.9 Policy HOU8 of the Local Plan requires extensions to respect the character and appearance of surrounding development. Further, the application site lies within a designated Special Landscape Area where Policy LND2 requires that special attention is given to the protection and enhancement of the special landscape area.

5.10 The existing dwelling is the first building in this line of properties on the west side of Gretton Fields on approach from the north. The proposed two storey rear extension would result in an elongated north-west elevation measuring 6.4 m + 7 m equalling 13.4 m. The resultant mass and bulk of the property would form a visually obtrusive feature which would be prominent when viewed from the north and the proposal would be harmful to the character and appearance of the area.

#### Residential amenity

5.11 Policy HOU8 requires proposed extensions to not unacceptably impact upon the adjacent properties.

5.12 The existing dwelling is situated approximately 8 m from the neighbouring property, known as 'The Homestead.' There are no first floor windows proposed within the south-east side elevation of the two-storey extension and therefore no loss of privacy would occur to the neighbouring property. Further, given the relative distance away, it is considered that no significant loss of daylight, sunlight or overbearance would arise.

#### Highway safety

5.13 Policy HOU8 of the Local Plan states that the proposal should not result in inadequate car parking or manoeuvring space.

5.14 No new or alteration to the existing access is proposed by the application. The existing access is to the south side of the property and leads to a gravelled drive which provides parking space for several vehicles. There are no highway safety issues arising from the development.

#### Drainage

5.15 Policy EVT9 of the Local Plan requires development proposals to ensure that there is appropriate provision for on-site attenuation and treatment of surface water run-off.

5.16 Concern is raised by a local resident and the Parish Council with regard to flooding and drainage. No information has been provided on drainage as part of the application submission and the site lies within Flood Zone 1 (low flood risk). It is considered that further details could be controlled by condition if Members were minded to approve the application.

### **6.0 Conclusion**

6.1 It is concluded that the cumulative impact of the proposed two-storey rear extension along with the extensions previously approved under ref, T.8050, would dominate the character of the original dwelling. Further, the depth, height and scale of the two storey extension would result in an elongated north-west elevation and subsequently harm the character and appearance of the area. The recommendation is for refusal.



## **RECOMMENDATION Refuse**

### **Reason:**

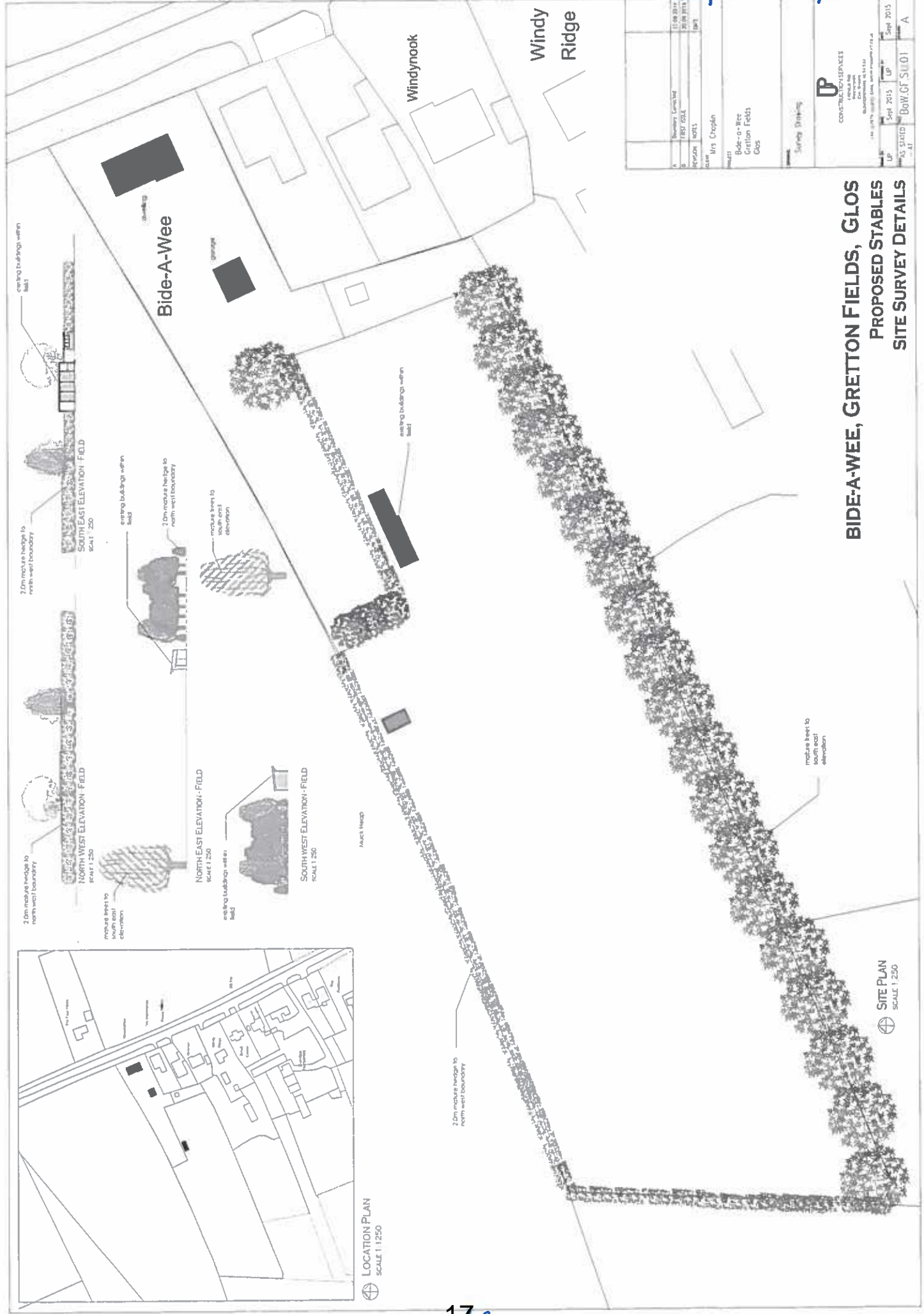
The proposed two storey rear extension, by reason of its scale, height, depth and use of materials would fail to respect the character and scale of the original dwelling and would appear prominent when viewed from the north, adversely affecting the character and appearance of the Special Landscape Area. The development would therefore conflict with the provisions of the NPPF in respect of valued landscapes, saved Policies HOU8 and LND2 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and emerging policies SD5 and 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.

16/00205/FUL



0	Boundary Control Ref	15/08/2014	
1	REVISED	20/08/2014	
2	REVISED	20/08/2014	
3	REVISED	20/08/2014	
4	REVISED	20/08/2014	
5	REVISED	20/08/2014	
6	REVISED	20/08/2014	
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100	REVISED	20/08/2014	

**BIDE-A-WEE, GRETTON FIELDS, GLOS**  
**PROPOSED STABLES**  
**SITE SURVEY DETAILS**

**SITE PLAN**  
 SCALE 1:250

**LOCATION PLAN**  
 SCALE 1:1250

102d17A

# BIDE-A-WEE, GRETTON FIELDS, GLOS

## PROPOSED ALTERATIONS

### SURVEY - AS EXISTING

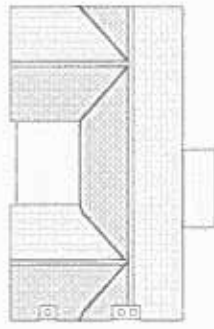


NORTH EAST ELEVATION  
SCALE 1:100

NORTH WEST ELEVATION  
SCALE 1:100

SOUTH WEST ELEVATION  
SCALE 1:100

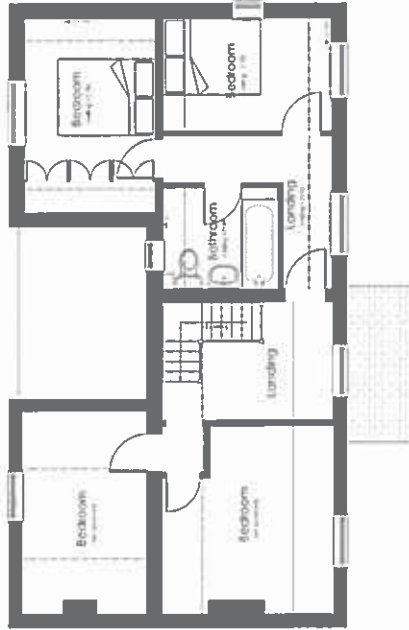
SOUTH EAST ELEVATION  
SCALE 1:100



ROOF PLAN  
SCALE 1:100



GROUND FLOOR PLAN  
SCALE 1:50



FIRST FLOOR PLAN  
SCALE 1:50

NO.	DATE	BY	CHKD.	SCALE
1	18/01/2018	DP	DP	1:50
DRAWN BY: DP CHECKED BY: DP PROJECT NO: 1026188 CLIENT: Mrs. Duggan ADDRESS: BIDE-A-WEE, GRETTON FIELDS, GLOS. DRAWING NO: 01 OF 02				



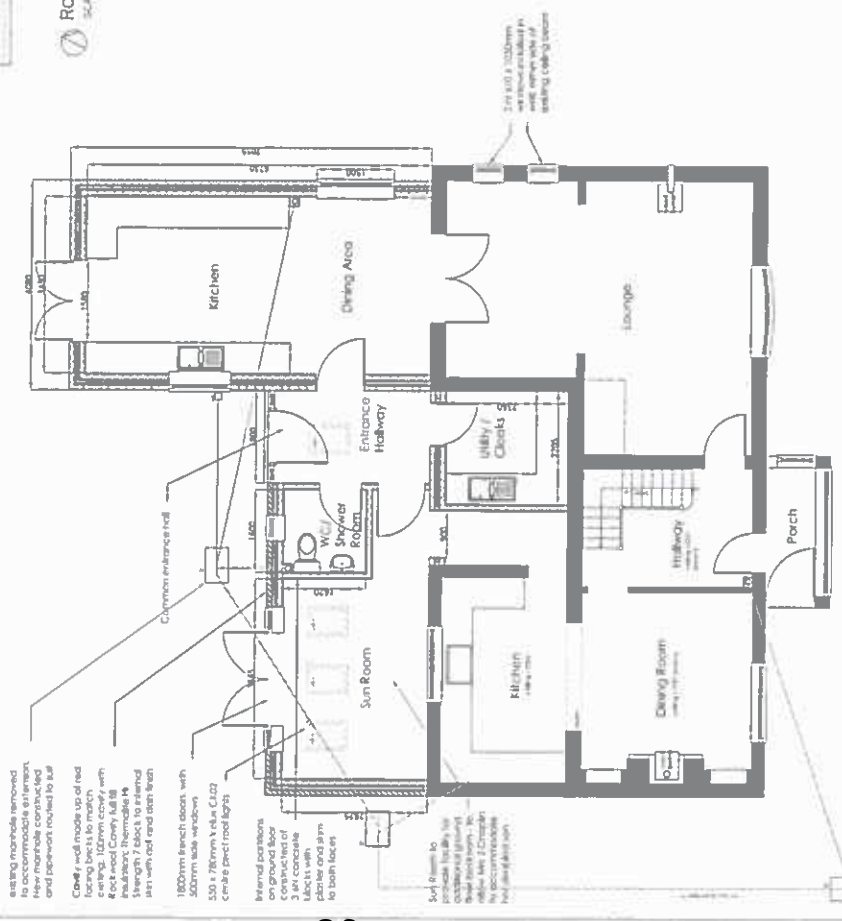
# BIDE-A-WEE, GRETTON FIELDS, GLOS

## PROPOSED ALTERATIONS

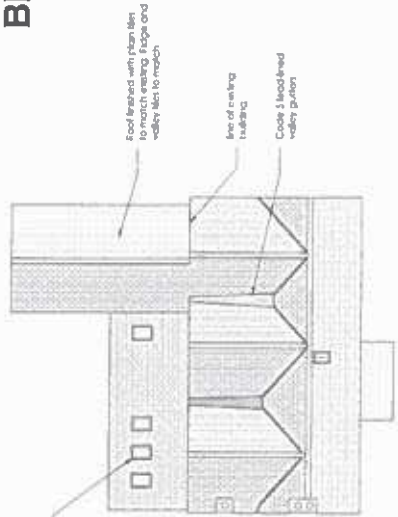
### PROPOSED EXTENSION

**KEY**

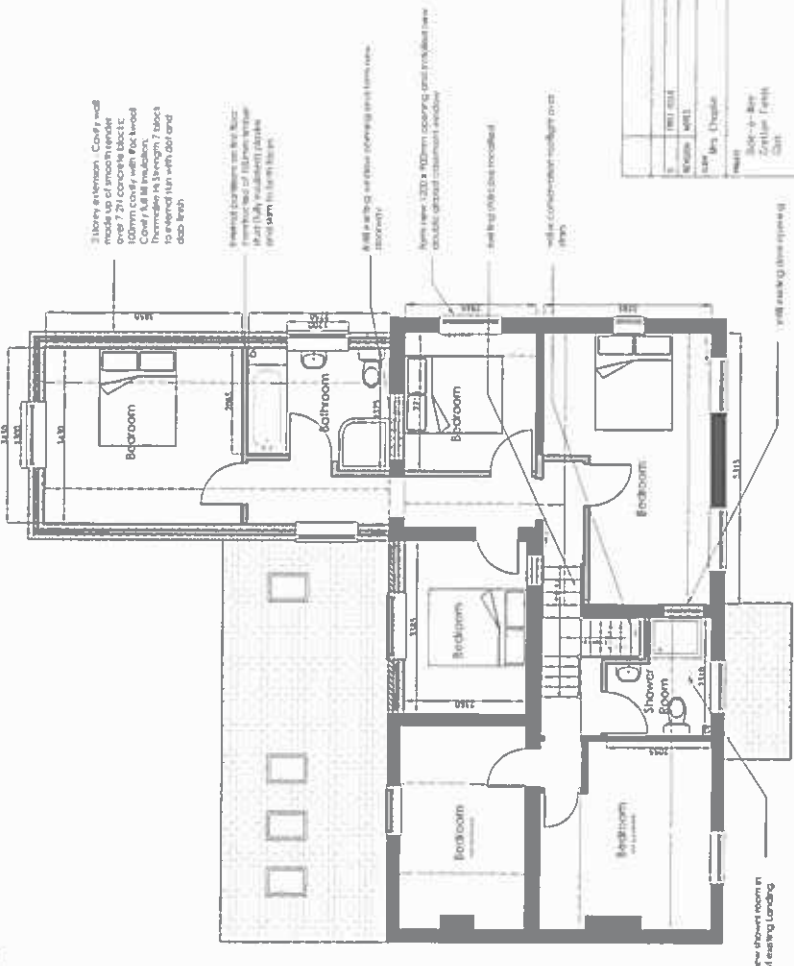
- Existing materials to be retained
- Ducts / Partitions / Floor Structure
- Ducts / Proposed Insulation / Full Walls
- Ducts / Proposed Blockwork
- Window Sill / Balance



**GROUND FLOOR PLAN**  
SCALE 1:50



**ROOF PLAN**  
SCALE 1:100



**FIRST FLOOR PLAN**  
SCALE 1:50

NO.	REV.	DATE	BY	CHKD.
1	01	11/01/2018	DP	
2	02	11/01/2018	DP	
3	03	11/01/2018	DP	
4	04	11/01/2018	DP	
5	05	11/01/2018	DP	

Author: DP  
 Title: Architect  
 Project: Bide-a-wee, Gretton Fields, Gloucestershire  
 Date: 11/01/2018  
 Scale: 1:50  
 Drawing No: 102620D

102620D

15/01374/FUL

10 Elmbury Drive, Newtown, Tewkesbury

3

Valid 11.01.2016  
Grid Ref 390919 233071  
Parish Tewkesbury  
Ward Tewkesbury Newtown

First Floor side extension over existing extension

Mrs Diane Orr  
10 Elmbury Drive  
Newtown  
Tewkesbury  
GL20 8DQ

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework  
Planning Practice Guidance  
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policy HOU8  
Joint Core Strategy (Submission Version) November 2014

### Consultations and Representations

Tewkesbury Town Council - Objection - Loss of light to neighbouring property (as per the right to light).

Local residents - 1 letters of objection has been received from the neighbouring property to the North (No. 8 Elmbury Drive). The reasons for objection are as follows:

*I agreed to the last extension at 10 Elmbury Drive due to the fact that I thought it would not take away the light from my kitchen and upstairs, by having another floor added it will detract sunlight from that side of my house and I feel as though sunlight will never then go through to my kitchen.*

### Planning Officers Comments: Mr James Lloyd

#### 1.0 Application Site

1.1 This application relates to a semi-detached property in Elmbury Drive, Newtown, Tewkesbury. The property is of a 1950s design and faces east. The property has been previously extended to the side and rear.

#### 2.0 Planning History

2.1 07/01257/FUL - Erection of single storey side and rear - Permission Granted 2007 - This permission has been implemented

#### 3.0 Current Application

3.1 The current application is for the erection of a first floor side extension (see attached plans).

3.2 The first floor extension would be constructed over the existing dual gable ground floor extension to form an additional bedroom and en-suite.

3.3 The proposed extension would be constructed from materials to match the external appearance of the existing dwelling. The windows on the side elevation are proposed none opening and obscure glazed.

#### 4.0 Policy Context

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

## 5.0 Analysis

5.1 The main issues to be considered with this application are the impact on the residential amenity of neighbouring dwellings, the overall size and design of the proposal and the impact on the surrounding street scene.

### *Design, Impact & Visual Amenity*

5.2 The street scene is characterised by two storey, semi-detached properties all following the same building line. In terms of the impact on the surrounding street scene, there are similar two storey side extensions nearby, for example, at Nos. 1, 2 and 6 Elmbury Drive.

5.3 The proposed two storey side extension would be visually prominent within the street scene, however given the property's orientation and siting back from the highway and the existing dual pitch single storey side extension it is not considered that the proposal would result in significantly adverse harm or impact within the street scene.

5.4 The proposed first floor extension would be sited above the existing single storey side extensions and would follow the same building line as the original dwelling. It is considered that the simple hipped roof design and matching eaves and ridge heights of the extension would respect that of the existing dwelling and is considered to be of an acceptable scale and proportion.

5.5 Overall, it is considered that the proposed extension would be of a suitable size and design and would not be out of character or proportion with the existing dwelling.

### *Residential Amenity*

5.6 Objections have been received from the Parish Council and No.8 Elmbury Drive on the grounds that the extensions adversely affect the residential amenity of that property. In particular concerns have been raised regarding loss of light.

5.7 The proposed extension would see an increase in ridge height above the existing single storey extension by approximately 3.40 metres and a 2.10 (approximately) metre increase in eaves height. The distance between the neighbouring property and the proposed extension is approximately 2.50 metres. The proposed addition would not extend beyond the original building line of No. 8 Elmbury Drive; however No.8 Elmbury Drive does benefit from a single storey rear extension measuring approximately 2.00 metres in length by 3.00 metres in width.

5.8 The side elevation No. 8 Elmbury Drive face's South and therefore it currently benefits from sunlight throughout the day, however, there is an existing element of shading to the side elevation already created by the existing property and extension. The proposed extension would only raise the existing single storey garage to the same level as the existing dwelling and would not project past the existing front or rear elevations. Whilst it is noted that there would be an increase in the built form in relatively close proximity to No.8 Elmbury Drive and there may be some loss of light / outlook, given the orientation of the property it is considered that there would not be a detrimental loss of light or outlook that would warrant a refusal on these grounds.

5.9 There are two windows situated on the side elevation of No.8 Elmbury Drive facing the proposed extension, a ground floor window and a first floor window. The ground floor window serves a kitchen which is also served by a window/door on the rear extension of the property. The upstairs window serves a landing area. Given the fact that the kitchen is also served by another primary window and the landing area is not a habitable room, it is considered that there would not be a detrimental loss of light or outlook that would warrant a refusal on these grounds.

5.10 With regards to overlooking, the new ground floor window on the side elevation would serve a hallway connecting the garage to the main habitable rooms of the house. The first floor window on the side elevation would replace an existing window and would serve the new bedroom and this window is to be at a high level. Both windows on the side elevation would be obscurely glazed and thus there would be no loss of privacy.

## 6.0 Conclusion

6.1 In conclusion, the impact of the proposed extension on neighbouring properties has been carefully considered and the objections made in this respect are noted. After careful consideration, it is not considered that the proposed extension would cause demonstrable harm to the amenities of the neighbouring property in line with Policy HOU8.

6.2 It is considered that the proposal would not result in an unacceptable loss of residential amenity to neighbouring dwellings, would be of an acceptable size and design and there would not be a harmful impact on the surrounding area. The proposal would therefore accord with the NPPF and Policy HOU8 of the Local Plan and is recommended for permission 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 following:
  - o Details within the application form received by the Local Planning Authority on 17th December 2015
  - o The approved drawings; 'Block Plan' received by the Local Planning Authority on 6th January 2016 and the approved drawings; 'Existing & Proposed Elevations' and ' Existing and Proposed Floorplans' received by the Local Planning Authority on 11th January 2016
- 3 The external materials of the proposed extension shall match as near as possible the materials of the existing dwelling.

#### Reasons:

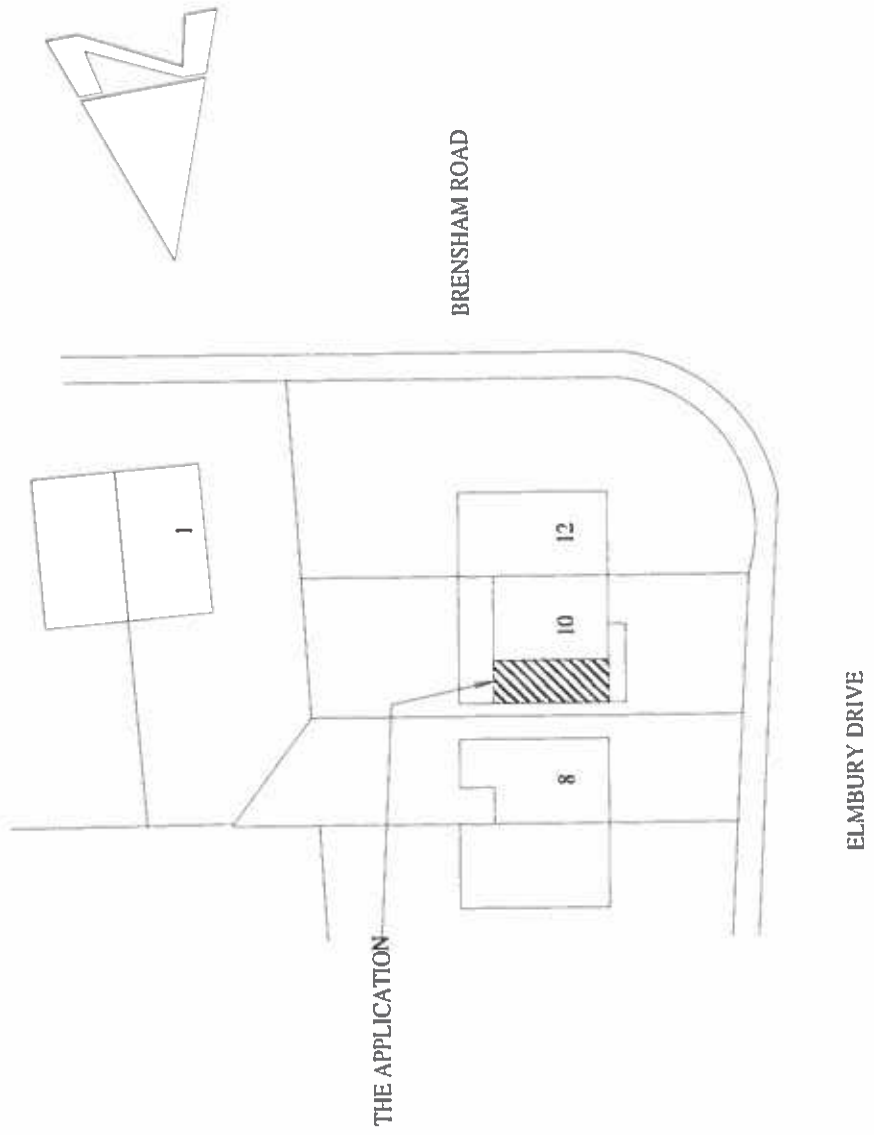
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 3 To ensure that the 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.

#### Note:

#### Statement of Positive and Proactive Engagement

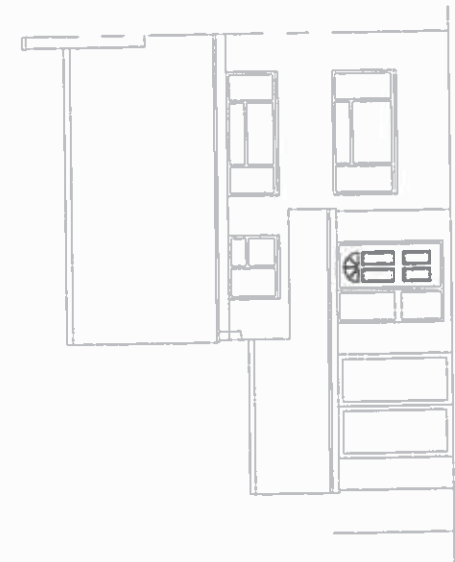
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received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



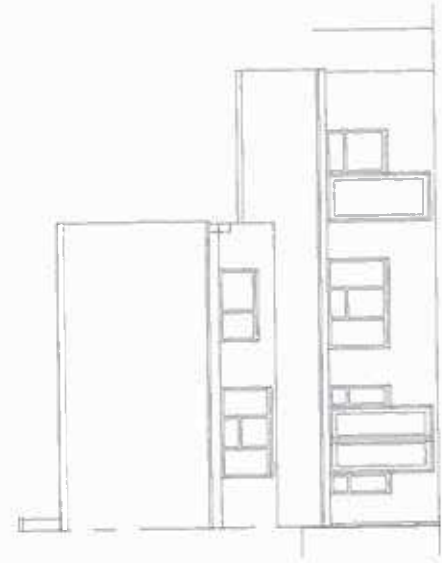


1029/24/A

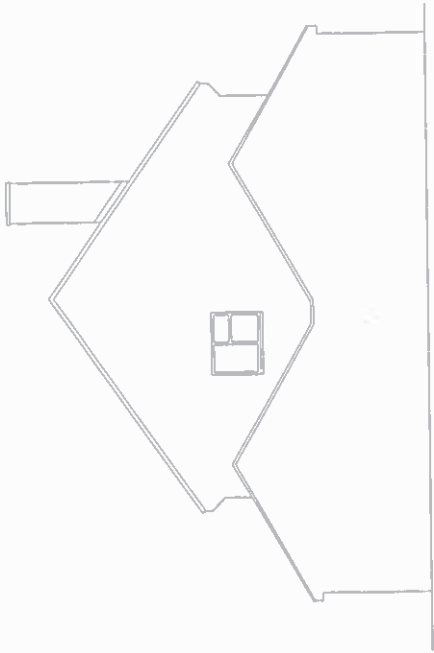
BLOCK PLAN 1:500



FRONT ELEVATION EXISTING



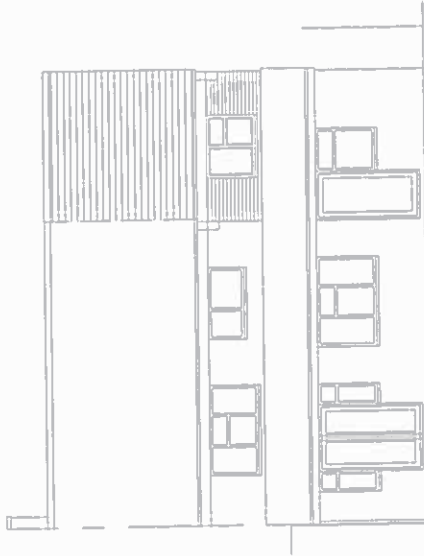
REAR ELEVATION EXISTING



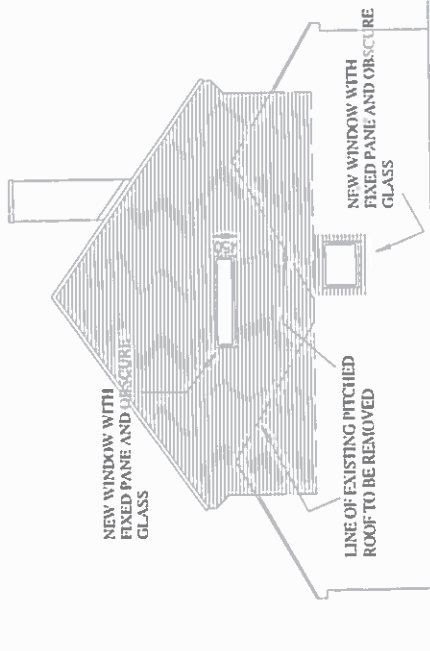
SIDE ELEVATION EXISTING



FRONT ELEVATION PROPOSED



REAR ELEVATION PROPOSED



SIDE ELEVATION PROPOSED

MRS. D. ORR.  
10, ELABURY DRIVE, NEWTOWN, TEWKESBURY, GLOS

PROPOSED NEW EXTENSION TO  
FIRST FLOOR OVER EXISTING EXTENSION

SCALE: 1:100  
DATE: DECEMBER 2015

16/00070/FUL

Oak Farm, Toddington, Cheltenham

4

Valid 22.01.2016  
Grid Ref 401889 231789  
Parish Toddington  
Ward Isbourne

First floor rear extension & associated alterations

M + R Day  
Manor Farm  
Greet  
Winchcombe  
Glos  
GL54 5BT

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework  
Planning Practice Guidance  
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU8, AGR2 & LND2  
Joint Core Strategy (Submission Version) November 2014  
Special Landscape Area (SLA).

### Consultations and Representations

Toddington Parish Council - No representations received at the time of writing this report

Local Residents - No representations received at the time of writing this report

**This application is to be determined by the Planning Committee because the applicant is a close relative of a Borough Councillor.**

Planning Officers Comments: Mr James Lloyd

### 1.0 Application Site

1.1 The application site relates to Oak Farm which is located on the West side of the B4078 Evesham Road, between the villages of Toddington and Greet. The farm is within a rural location and is within the Special Landscape Area (SLA). The site is outside a recognised settlement boundary. Oak Farm comprises an agricultural holding and benefits from two agricultural workers dwellings. (See attached location plan)

### 2.0 Planning History

2.1 This site has an extensive planning history relating to the farm business. Of particular relevance to this application is the original permission for the subject dwelling refs T.6990 (Outline); & T6990/Ag (Reserved Matters)). These applications were permitted in 1979 and are subject to conditions limiting occupation to persons employed or last employed solely or mainly and locally in agriculture.

2.2 There were a number of planning applications approved in the 1970's and 1980's for new agricultural buildings on the site.

2.3 Permission was granted in 2004 for extensions and alterations to the existing workers dwelling (04/6990/0146/FUL).

2.4 In 2000, 2006 & 2013 further agricultural buildings were permitted under the Agricultural Determination Procedure (00/6990/1460/AGR, 06/00391/AGR, and 13/01197/AGR).

2.5 In 2007 (07/00968/FUL), planning permission was granted at committee for an additional agricultural workers dwelling on site. This has since been constructed and is in occupation.

2.6 Permission was granted in 2012 for the erection of steel framed agricultural livestock building (12/00085/FUL)

2.7 More recently a retrospective planning application for the creation of a new vehicle access and driveway (involving change of use of land) was permitted (12/01251/FUL)

### 3.0 Current Application

3.1 This application proposes to erect a first floor rear extension above the existing conservatory extension which was permitted in 2004 (04/6990/0146/FUL). (See attached plans)

### 4.0 Policy Context

4.1 Policy HOU8 of the TBLP provides that extensions to existing dwellings will be permitted provided that they are of a suitable design, they respect the character, scale and proportion of the existing dwelling, they respect the character and appearance of surrounding development and they do not have an unacceptable impact on the amenity of adjacent properties.

4.2 Policy AGR2 of the TBLP requires that the size of an agricultural dwelling should be related to the size and functional requirement of the farm holding. This is a material consideration when considering not only planning applications for new dwellings, but also extensions to them.

4.3 Policy HOU8 is considered to be consistent with the Core Planning Principle within the NPPF advising that planning should always seek to secure a high standard of design and a good standard of amenity for all existing and future occupants of land and buildings. Furthermore, the aim of Policy AGR2 is consistent with the aim of paragraph 55 of the NPPF to avoid isolated new homes in the countryside unless there are special circumstances such as (inter alia) the essential needs for a rural worker to live permanently at or near their place of work in the countryside.

4.2 The site is within a Special Landscape Area; therefore special attention will be accorded to the protection and enhancement of the landscape character in accordance with Section 11 of the NPPF and Policy LND2 of the Local Plan.

### 5.0 Analysis

5.1 The main issues to consider in this application are the principle of extending an agriculturally tied dwelling, the suitability of the proposed extensions in relation to Policy HOU8, and the impact of the proposal on the SLA.

#### *Design and Impact on the SLA*

5.2 Policy HOU8 states that development must respect the character, scale and proportion of the existing dwelling and surrounding development. The detailed design, materials and layout of buildings and structures must be appropriate to their setting and the character of the surrounding area.

5.3 The proposed extension to the north elevation is modest in size and is considered to be in keeping with the character and appearance of the building. The materials would match the existing which is considered to complement and respect the appearance of the original building.

5.4 Although visible from the surrounding land the proposed extension would be well related to the existing dwelling. From long distance views the extension would be seen against the backdrop of existing development. It is not considered that the proposal would have a wider impact on the character and appearance of the SLA landscape in line with the NPPF.

5.5 Overall, it is considered that the proposed extension would be subservient to the existing dwelling and would not have a harmful impact on the character and appearance of the dwelling or any surrounding development. The proposed materials complement the design of the existing dwelling and satisfy the requirements of Policy HOU8 of the Local Plan in this regard.

#### *Impact on neighbouring living conditions*

5.6 Policy HOU8 states that development will only be permitted if the proposal does not have an unacceptable impact on adjacent properties in terms of bulk, massing, size and overlooking.

5.7 The impact of the proposed development has been carefully assessed but given the isolated location of the application site; it is not considered that there would be an undue impact on the residential amenity of any neighbouring properties in line with Policy HOU8 of the Local Plan.

#### *Principle of extending an agriculturally tied dwelling*

5.8 Case Law has established that extensions to agriculturally tied dwellings must be similarly justified in terms of need. Although Annexe A to PPS7 has been revoked and its wording not carried through to the NPPF, recent appeal decisions indicate that its tests are still being applied by Government Inspectors. An extract from a relevant Annex to PPS7 (which is still recognised as being relevant to the consideration of applications relating to new agricultural works dwellings) states:

*"Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding."*

5.9 It is therefore necessary to consider whether the resultant extended building would be commensurate with the functional requirement of the holding. .

5.10 The existing dwelling on the site has a floor area of approximately 327.93sqm. The proposed extensions would add a further 25sqm to the property bringing its total floor area to 352.93sqm. The applicant has also submitted information about the current market value of the property (£440,000) and the estimated value with the extension (£458,000) an increase of (£18,000). It is however recognised that the property has been substantially extended in the past and given the small size of the proposed extension it is not considered that the small increase in floor space and market value, in relation to the existing holding, would result in an unsustainable form of development in this instance. It is therefore considered that the dwelling would still be of a size commensurate with the established functional requirement of the holding.

## **6.0 Conclusion**

6.1 It is considered that the proposed extension is of an appropriate size, design and materials and would have an acceptable impact upon the Strategic Landscape Area. The impact of the proposal upon neighbouring properties has been carefully assessed and it is considered that there would not be an undue impact upon their amenity. It is also considered that the extended dwelling would still be of a size commensurate with the established functional requirement of the holding. For these reasons the proposal is considered to accord with Policies HOU8, AGR2 & LND2 of the Tewkesbury Borough Local Plan to 2011 - March 2006. The application is therefore recommend for Permit 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 following:
  - o Details within the application form received by the Local Planning Authority on 22nd December 2015;
  - o The approved drawing nos. '04:1373:27' '04:1373:28' '04:1373:29' received by the Local Planning Authority on 22nd December 2015;
- 3 The external materials of the proposed extension shall match as near as possible the materials of the original dwelling.

### **Reasons:**

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

Note:

**Statement of Positive and Proactive Engagement**

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

16/00070/FUL



RECEIVING  
22 DEC 2003  
TEWKESBURY BOROUGH COUNCIL  
OPERATIONS

TO GREET

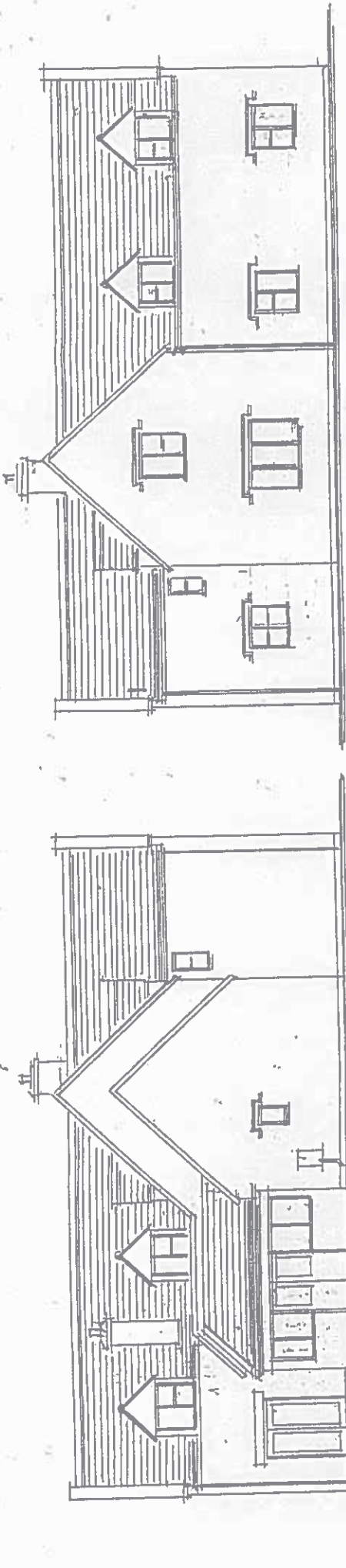
TO EDGEWORTH

1033 30A

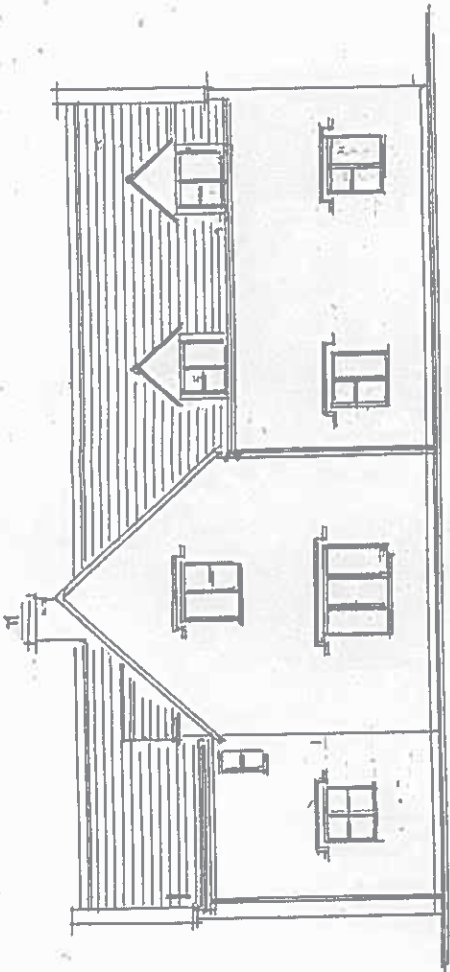
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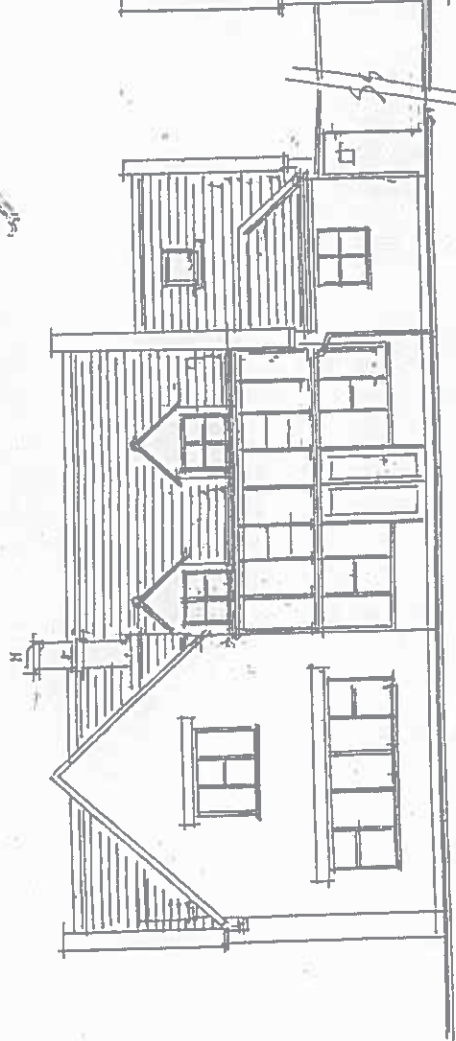
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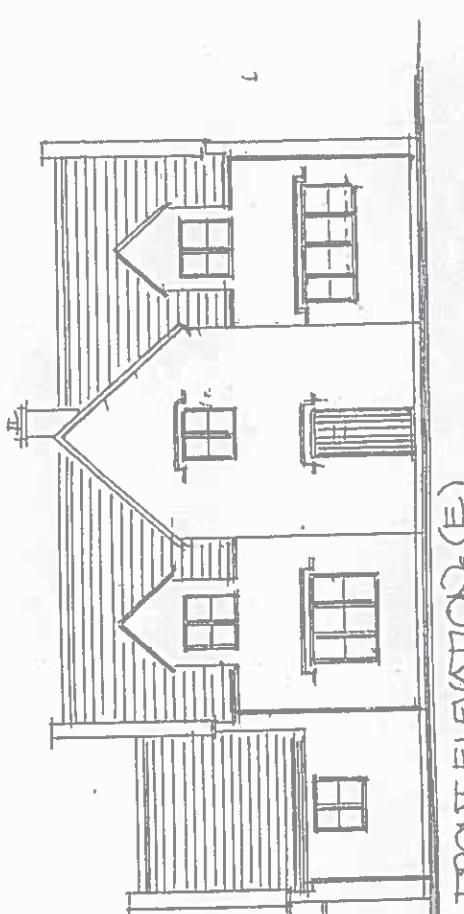
SIDE ELEVATION. (S)



SIDE ELEVATION. (N)



REAR ELEVATION. (W)



FRONT ELEVATION. (E)

OAK FARM HOUSE. EVESHAM ROAD.  
TODDINGTON. CHELTENHAM. GL54 5BY.

ELEVATIONS AS EXISTING.

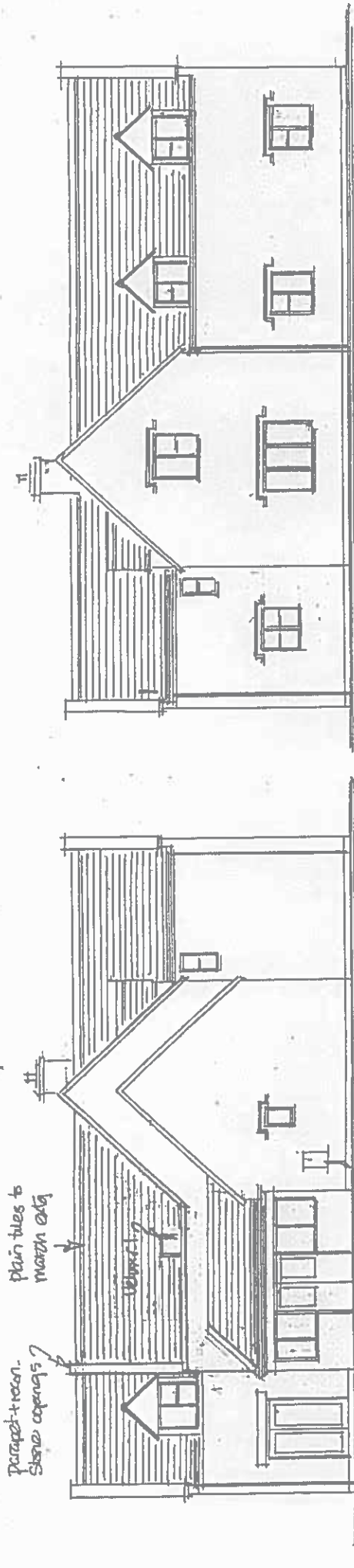
1:100. JANUARY 2016.

04:1373:22.

Dennis L Rayner tel 01212 620818

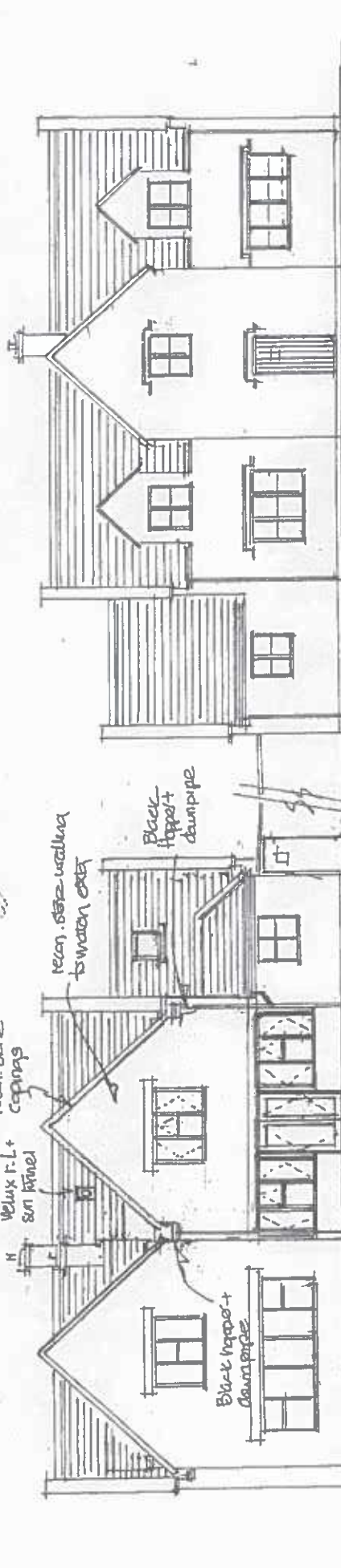
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WYRESBURY PASTORAL COLLEGE  
OPENING S





SIDE ELEVATION (N)

SIDE ELEVATION (S)



FRONT ELEVATION (E)

REAR ELEVATION (W)

OAK FARM HOUSE, EVESHAM ROAD, TODDINGTON, CHELTENHAM, GL54 5BY.

ELEVATIONS AS PROPOSED.

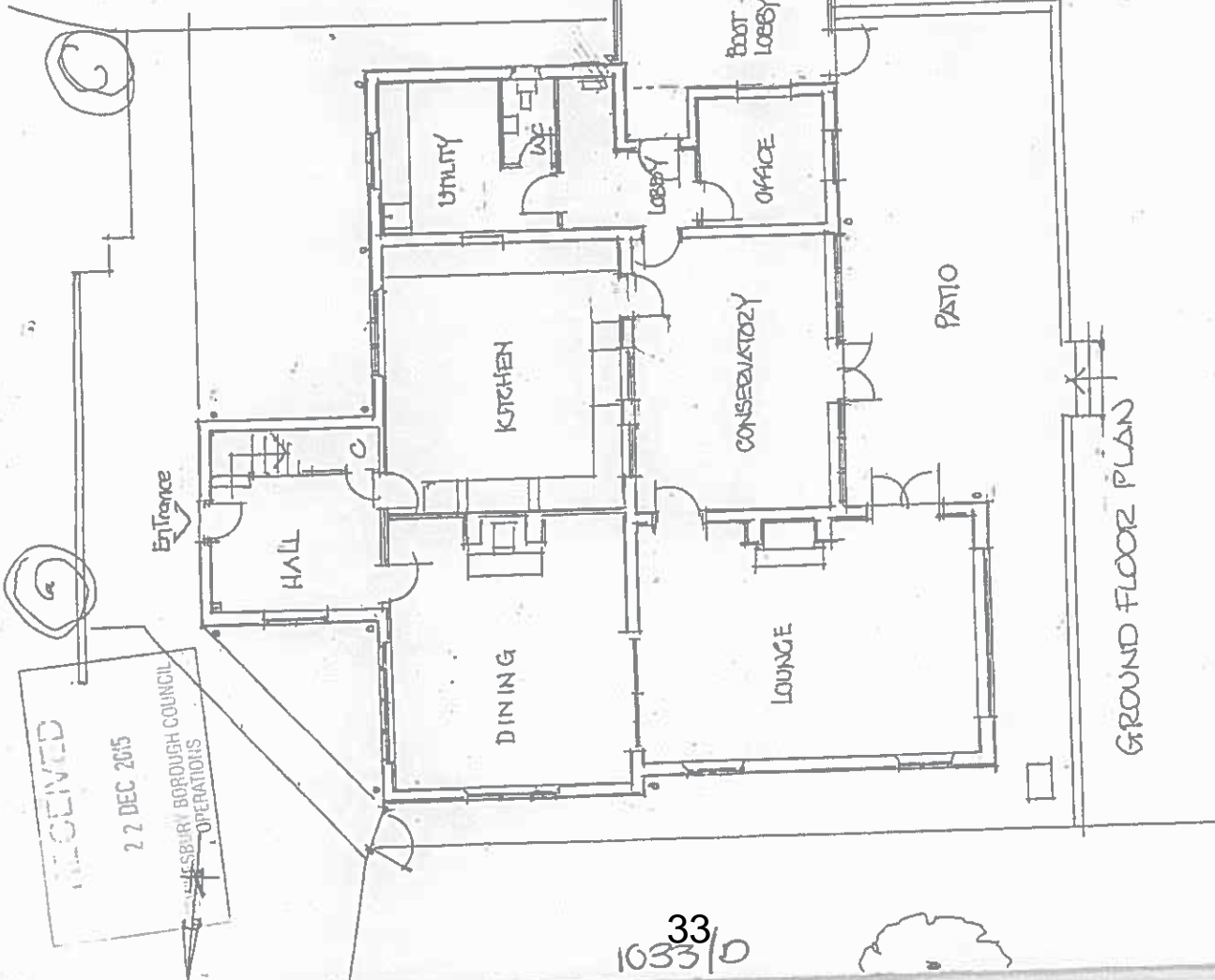
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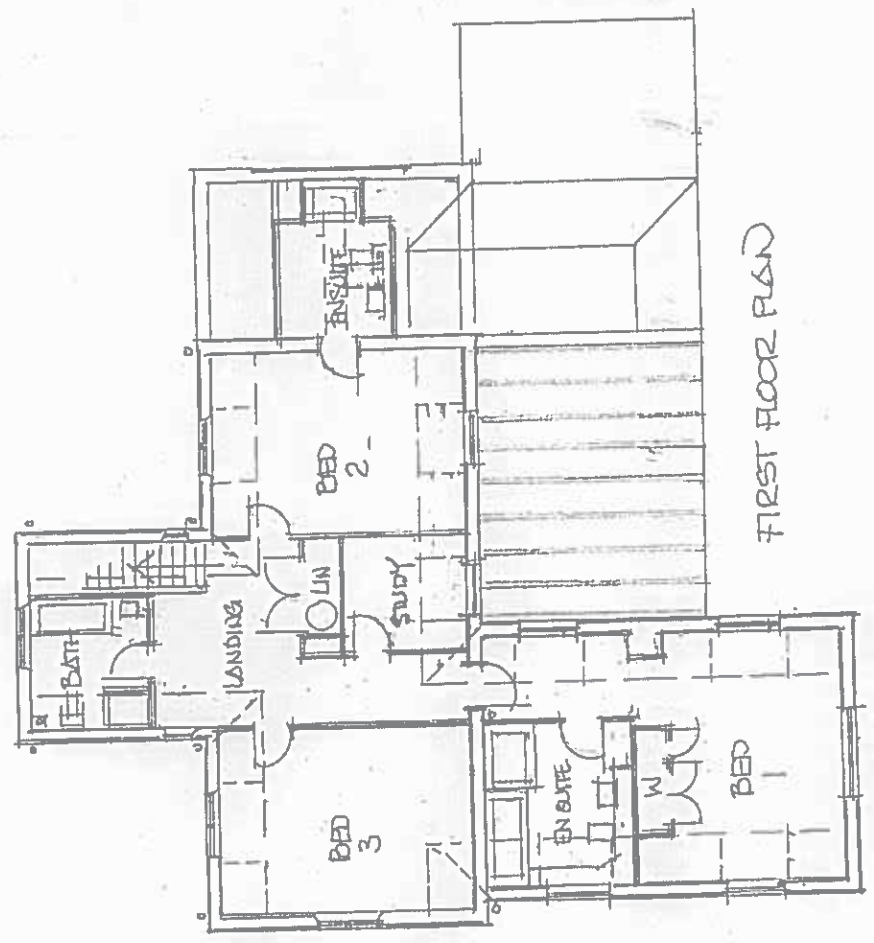
DENNIS L RAYTON TEL 01242 620818

Casement windows - recon stone faced front lintels over

RECEIVED  
22 FEB 2016  
TENKESBURY TOWN COUNCIL



GROUND FLOOR PLAN



FIRST FLOOR PLAN

OAK FARM HOUSE. BISHAM ROAD.  
TODDINGTON. CHELTENHAM. GLOS. SPY.

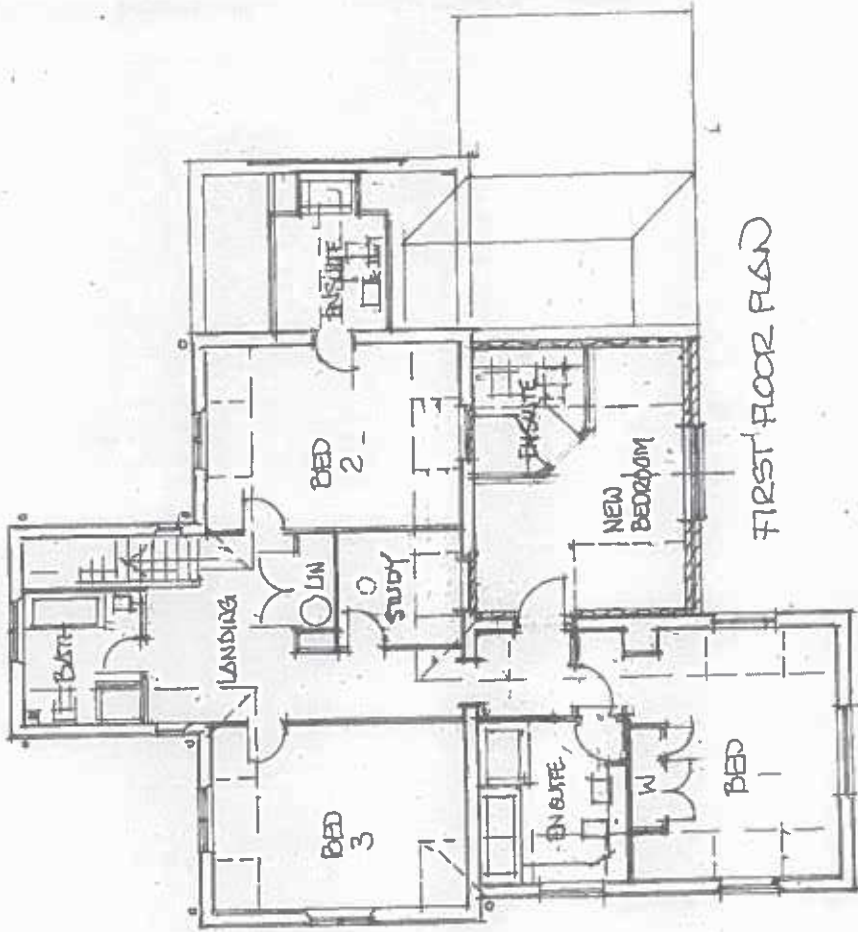
PLANS AS EXISTING.

1:100 JANUARY 2016

04:1373:21

DENNIS L RAYTON TEL 01242 620818

RECEIVED  
22 DEC 2015  
MILSBURY BOROUGH COUNCIL  
OPERATIONS



FIRST FLOOR PLAN

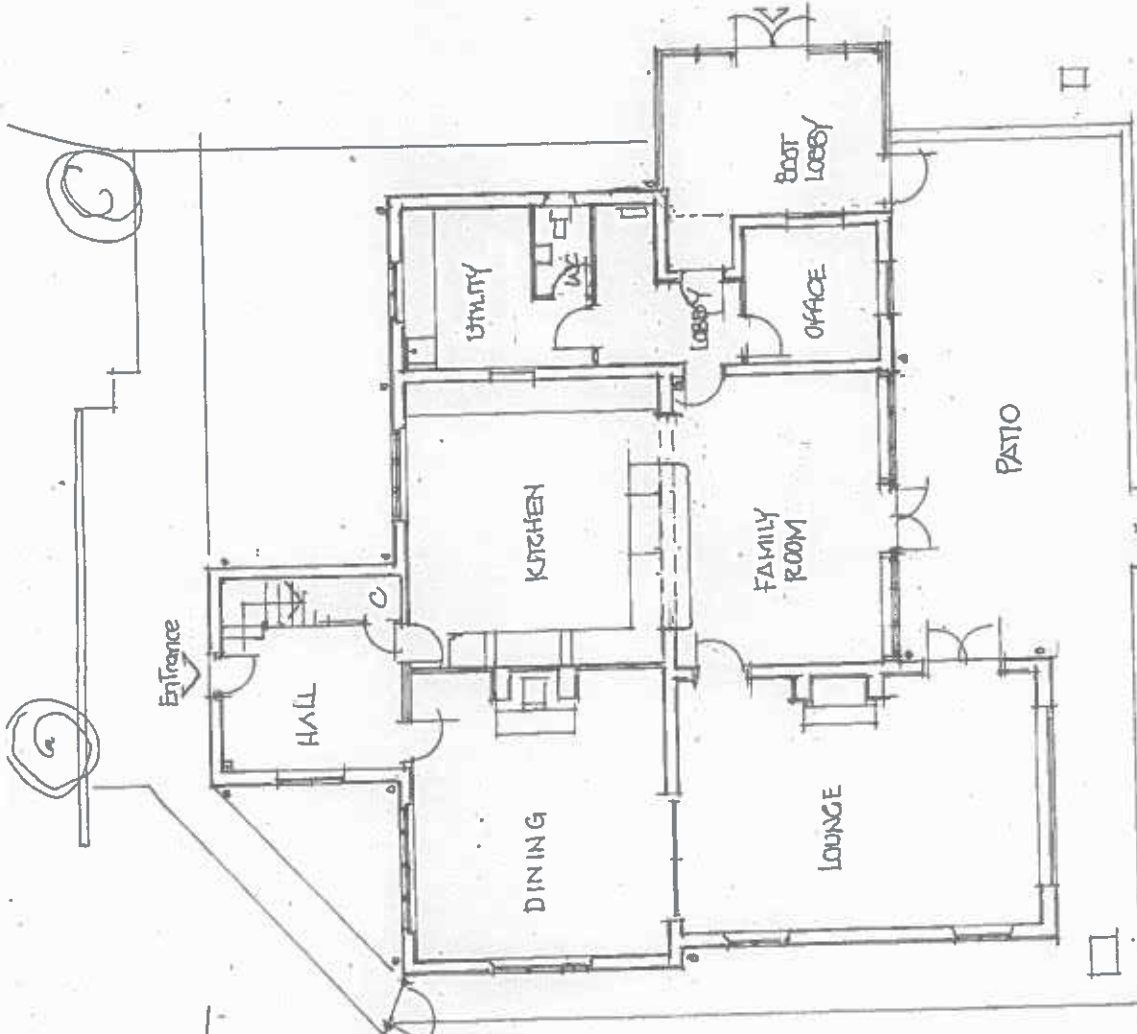
OAK FARM HOUSE, EBBESHAM ROAD,  
TODDINGTON, CHELTENHAM, GLOS SPX.

PLANS AS PROPOSED.

1:100. JANUARY 2016.

04:1373:28

DENNIS L Rawlter. Tel 01242 620818



GROUND FLOOR PLAN

RECEIVED  
22 FEB 2015  
TENKES HIGH COUNCIL  
NS

16/00188/FUL

1 Tobacco Close, Winchcombe

5

Valid 18.02.2016

Demolish existing garage, link and front entrance porch to construct a one and a half storey side and rear extension with new porch.

Grid Ref 401871 227949

Parish Winchcombe

Ward Winchcombe

Mr & Mrs A Roscow

1 Tobacco Close

Winchcombe

Cheltenham

GL54 5NE

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2005 - Policy HOU8

Joint Core Strategy Submission Version - November 2014

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

The First Protocol, Article 1 (Protection of Property)

Cotswolds Area of Outstanding Natural Beauty

### Consultations and Representations

Winchcombe Town Council - No objections

Conservation Officer (In relation to impact on a Listed Building) - No comments received at the date of writing this report.

Local residents - Letters of objection have been received from the neighbouring properties (No.2 & No. 3 Tobacco Close). The reasons for objection are summarised as follows:

- Concern that if No.1 & No.3 Tobacco Close both extend towards the intervening boundary then the properties would appear contiguous which would be out of character for the street scene
- Concern over the loss of any view in between No.1 & No.3 Tobacco Close
- Severe loss of light to No.3 Tobacco Close, overshadowing and an affect on 'right to light'
- Loss of privacy to No.3 due to the insertion of a new window on the rear elevation of the extension
- Concern regarding the 'right to support' and the effect that excavation may have so close to the footings of No.3 Tobacco Close
- The extension is proposed to be built on top of the boundary between No.1 & No.3 Tobacco Close
- A condition should be attached to restrict construction hours.
- Concern of trespass
- No mention of the hedge along the boundary between No.1 & No.3 Tobacco Close

**This application is reported to Committee at the request of Councillor Mason.**

**Planning Officers Comments:** Mr James Lloyd

### 1.0 Application Site

1.1 The application relates to 1, Tobacco Close, Winchcombe, which is modern, 1960 detached, reconstructed stone dwelling, situated on the south-western side of the settlement. Tobacco Close slopes steeply uphill from Cheltenham Road and the property itself occupies a corner plot elevated up from the main road (Cheltenham Road). A small dry-stone wall forms the front boundary to the site, with mature planting and hedging behind this. There is an existing tarmac driveway with turning area serving the existing attached garage (see attached site location plan).

1.2 The property is located within the Cotswold Area of Outstanding Natural Beauty (AONB).

## 2.0 Planning History

2.1 No relevant planning history pertaining to this application

## 3.0 Current Application

3.1 The current application seeks planning permission for a 1.5 storey side and rear extension, the erection of porch to the front elevation and the insertion of Velux style roof lights. (see attached plans)

## 4.0 Policy Context

4.1 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. It states good design is a key aspect of sustainable development and is indivisible from good planning.

4.2 Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 sets out extensions to existing dwellings will be permitted provided they respect the character, scale and proportions of the existing dwelling and the character and appearance of surrounding development. It stipulates that development should be of a suitable design and materials and should not harm the residential amenity of nearby property. It also requires that proposals do not result in inadequate car parking or manoeuvring space.

4.3 Policy HOU8 is considered to be consistent with the National Planning Policy Framework (NPPF) and should therefore be afforded full weight when determining this application in accordance with Paragraph 215 of Annex 1 of the NPPF.

4.4 The application site is also located within the Cotswolds AONB where special attention will be given to conserving the landscape in accordance with Section 11 of the NPPF.

## 5.0 Analysis

5.1 The main issues for consideration in this application are considered to be the design of the proposal and the impact of the extension on the character and appearance of the area and street scene; and the impact on the residential amenity of neighbouring properties.

### *Design and Impact on Street Scene*

5.2 Concerns have been expressed by the neighbouring residents in regard to the size and design of the proposed scheme. It is suggested that the proposal would fail to respect the character of the existing building and surrounding development and that by extending towards the intervening boundary the properties would appear contiguous and out of character with the street scene.

5.3 This area of Winchcombe is characterised by modern detached houses and bungalows of a similar size and design. The detached dwellings are largely one and a half storey design constructed from reconstituted stone. The dwellings are predominantly set back from the road, each with their own access and drive and many properties within close proximity (Tobacco Close & The Hyde) have been altered and enlarged. No.1 Tobacco Close occupies a corner plot, elevated up from the main Cheltenham Road and by virtue of its positioning and orientation, the property is very prominent within the street scene.

5.4 The proposed 1.5 storey extension would be constructed to the East side of the property and would have a width of approximately 4.9 metres at the front. It would infill the space between the dwelling and its side boundary, replacing the existing garage. According to the submitted plans the development would be set approximately 0.12 metres from the boundary of the adjacent property (No.3 Tobacco Close) and built partly on the existing footprint of the existing detached garage.

5.5 It is acknowledged that the side extension would extend up to the site boundary, however, there is a change in level between the neighbouring properties (No.3 Tobacco Close is approximately 1.89 metres higher than No.1) and there is already an existing detached garage (with a pitch roof measuring approximately 4.97 metres in height) located within the space between the two neighbouring properties. No.3 Tobacco Close is also set approximately 1 metre from the boundary fence. Whilst the proposed extension would add further massing in the intervening space it is considered that this would not cause significant harm to the character and appearance of the area and street scene to warrant refusal.

5.6 The ridge and eaves height are proposed to match the existing dwelling and the extension would be set back from the front gable appearing subservient to the original dwelling. The proposed dormer window on the front elevation is considered to be of an appropriate size, scale and design and would have an acceptable impact on the locality. The development proposes to use sympathetic materials as part of the construction with replication mullioned windows, reconstituted stone and tiles to match the existing dwelling.

5.7 The second element of the application is the replacement of an existing uPVC porch. The porch would be constructed from materials matching the existing dwelling house and has been re-designed so that it would now have a flat roof with a glazed lantern. It is considered that the porch now appears much more subservient and a positive change has been made to respect the character of the original dwelling by using more sympathetic materials. The application also seeks the insertion of a row of 4 roof lights along the ridge of the existing property on the roof slope of the front elevation, it is considered that this roof lights would not appear out of character with the surrounding area or would be harmful to the existing dwelling.

5.8 Overall, it is considered that the proposed extension and porch would be of a suitable size and design and would not be out of character or proportion with the existing dwelling. It is also considered that the proposals would appear subservient to the main dwelling and would not harm the character and appearance of the surrounding area.

#### *Impact on the Cotswolds AONB*

5.9 The proposed extensions would form noticeable additions to the existing dwelling but would not be out-of-character with the surrounding area. Other properties have similar extensions in this part of Winchcombe and it is not considered that the current proposal would cause any significant intrusive harm to the landscape. The proposal therefore accords with the NPPF in this regard.

#### *Impact on the Setting of a Listed Building*

5.10 Plum Tree Bank, 21, Cheltenham Road is a Grade II Listed Building which is located approximately 12 metres the south East of the development. It is not considered that the setting of this listed building would be significantly harmed, given the siting and orientation of 1 Tobacco Close and the existing screening in place. The Conservation Officer has raised no objection in relation to the impact on the Listed Building.

#### *Impact on neighbouring living conditions*

5.11 Due to the location of the site on a corner plot No.1 Tobacco Close has one direct neighbour (No.3 Tobacco Close) that will be impacted by the proposed development.

5.12 Objections have been received from the residents at No.3 Tobacco Close on the grounds that the extension would adversely affect their residential amenity. In particular concerns have been raised regarding loss of light and overshadowing.

5.13 The proposed extension would replace the existing pitch roof detached garage and would extend up to approximately 0.12m from the side boundary with No.3 Tobacco Close. While it would reduce the separation distance between the properties to approximately 1.5 metres at first floor level it is considered that there is already an existing impact due to the proximity of the current detached garage.

5.14 No. 3 Tobacco Close is elevated approximately 1.89 metres higher than the application site; the most affected element of this property would be its gable end facing the application site. The rear gardens of both properties are South Westerly facing (the impacted gable end is facing east). Whilst there would be an increase in built form relative to No.3 Tobacco Close which may result in some loss of light / outlook; given the orientation of this property and the fact that there is already an existing element of shading to its side elevation created by the garage roof it is not considered that there would be a detrimental loss of light or outlook that would warrant a refusal on these grounds.

5.15 There are two windows situated on the side elevation of No.3 Tobacco Close facing the proposed extension, a ground floor window and a first floor window. The ground floor window serves a garage which is also served by a garage door with high level glazed panels on the front of the property (The applicants have advised that they intend to convert the garage into the Kitchen and block up the garage door, this would mean that the sole source of light for the kitchen would be from the window on the side elevation). This proposed work has not yet started and as there is already an element of loss of light to the downstairs window due to the boundary fence and the existing garages pitched roof, it is not considered that the overall impact would be harmful enough to warrant a refusal on these grounds. The upstairs window serves

the master bedroom which is also served by two dormer windows one at the front and one at rear of the property. Given the fact that the bedroom is also served by another two primary windows and the change in site levels it is not considered that there would be a detrimental loss of light or outlook to this room.

5.16 The application proposes a gable ended extension on the rear of the property. This rear element would measure approximately 6.59 metres in height and would project approximately 2.60 metres from the rear of the original dwelling (some excavation of the existing rear garden would be needed to accommodate this). Although the rear element would extend out further than the building line of No.3 Tobacco Close, it is considered that the impact of any loss of light to the window on the rear elevation would be minimal due to the difference in levels between the two sites and the positioning of the roof sloping away from the neighbouring property.

5.17 With regards to the overlooking concerns, there would be no openings on the side elevation of the proposed extension and it is considered that there would be no undue overlooking to the side elevation of No.3 Tobacco Close as a result of the proposed development. One new Velux style window is proposed on the rear elevation of the existing roof slope and two new Velux windows would be positioned on the eastern roof slope of the rear extension, facing the Cheltenham Road. It is not considered that these high level windows would have any impact on neighbouring properties.

5.18 In conclusion, the impact of the proposed extension on neighbouring properties has been carefully considered and the objections made in this respect are noted. After careful consideration, it is not considered that the proposed extension would cause demonstrable harm to the amenities of the neighbouring property in line with Policy HOU8.

#### *Other Matters*

5.19 Objections have been raised in relation to the potential for trespass onto neighbouring land and the loss of any views that the development may cause. These points are not material planning considerations.

5.20 Concerns have also been raised in regards to the 'right to support' and the effect that excavation may have to the footings of No.3 Tobacco Close. Construction details are not controlled through the planning process; these details are controlled under building regulations or other non-planning legislation.

#### **6.0 Conclusion**

6.1 While the concerns of the local residents are noted, it is considered that the proposed extensions would be of an acceptable size, scale and design and would have an acceptable impact on the street scene within the Cotswolds AONB. Furthermore, it is considered that the scheme would have an acceptable impact upon the living conditions of occupiers of neighbouring property. For these reasons the proposal is considered to accord with the National Planning Policy Framework and Policy HOU8 of Tewkesbury Borough Local Plan 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:
  - o Details within the application form received by the Local Planning Authority on 18th February 2016
  - o The approved Block Plan received by the Local Planning Authority on 18th February 2016 and the approved drawings; No. HBV2040-01-REV 1& HBV2040-02-REV 1 received by the Local Planning Authority on 18th April 2016
- 3 The external materials of the proposed extension shall match as near as possible the materials of the existing property.

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 extension is in keeping with the existing building in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Note:

**Statement of Positive and Proactive Engagement**

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



SITE LOCATION PLAN  
AREA 2 HA  
SCALE: 1:1250 on A4  
CENTRE COORDINATES: 401871 , 227949

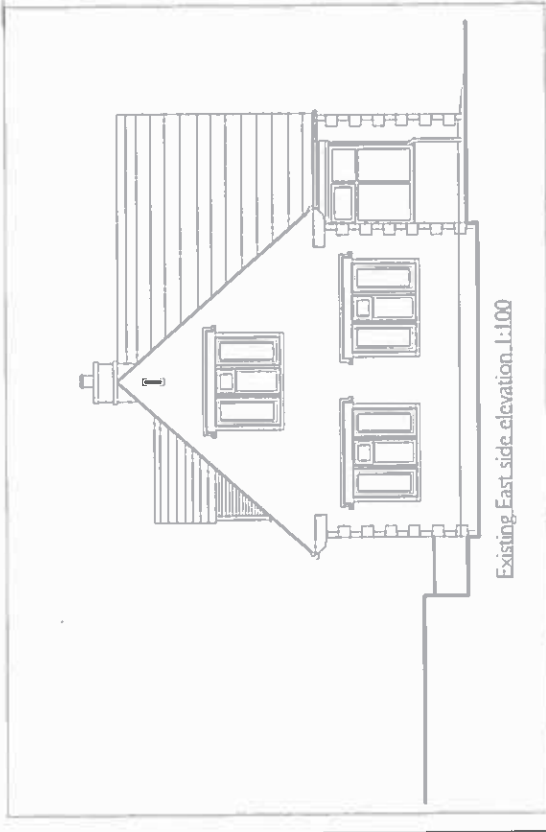


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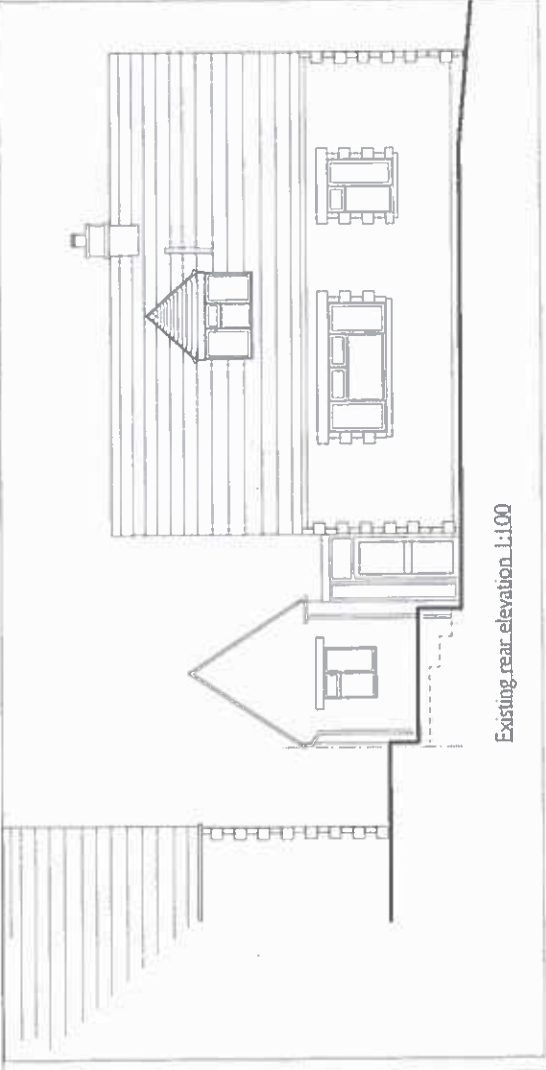
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AREA 90m x 90m  
SCALE: 1:500 on A4  
CENTRE COORDINATES: 401871 , 227949



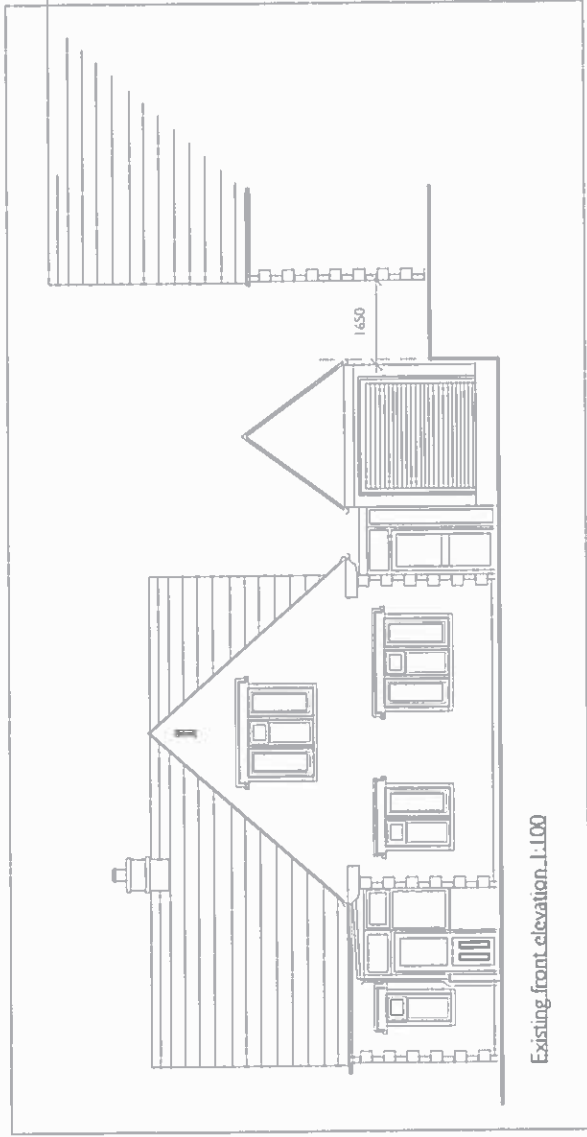
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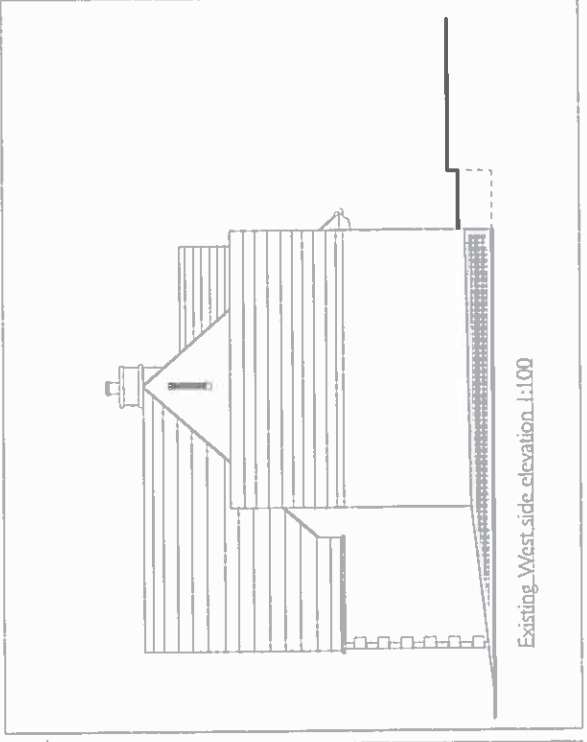
Existing East side elevation 1:100



Existing rear elevation 1:100



Existing front elevation 1:100



Existing West side elevation 1:100

Horace Brown Ltd., Cheltenham 01242 88008 m 0787515501  
e uk@horacebrown.co.uk

project Niall Tobacco, Cape Wrathcombe

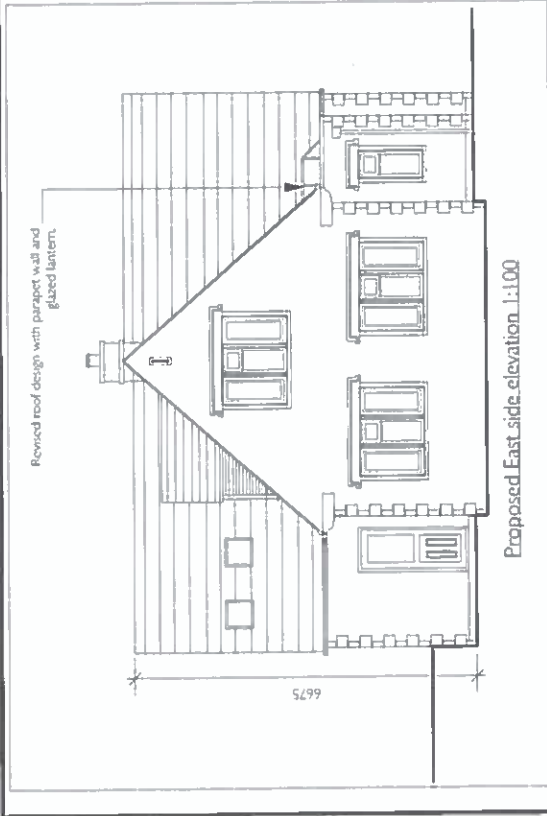
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Date: December 2015

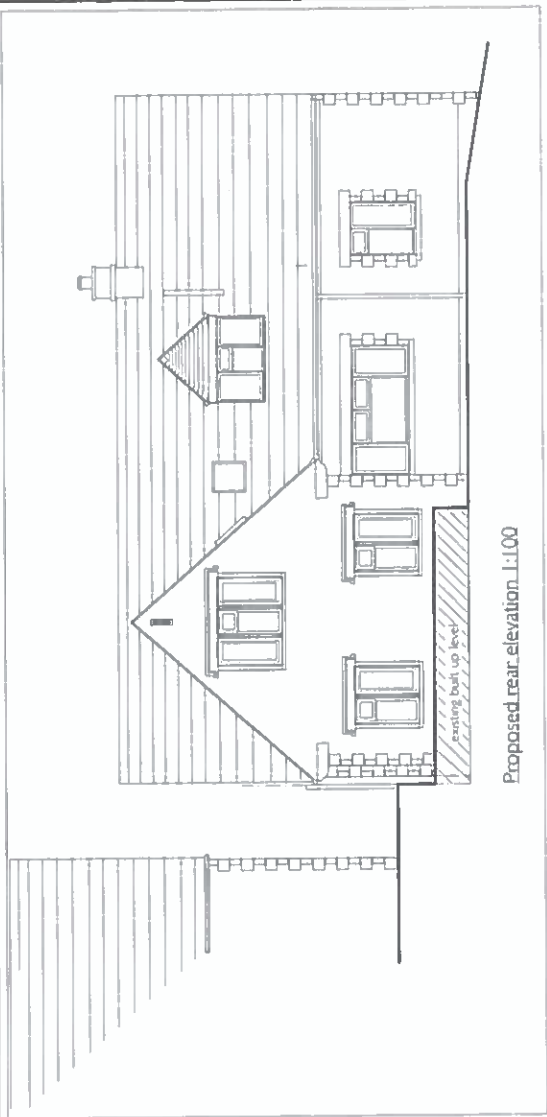
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draw no. HBV2010-03

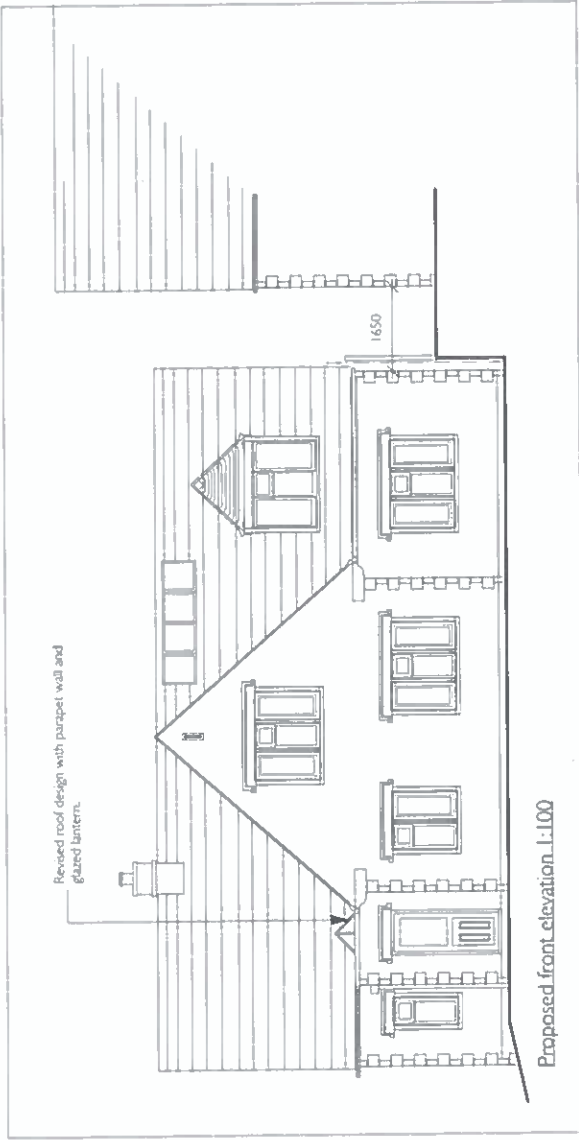
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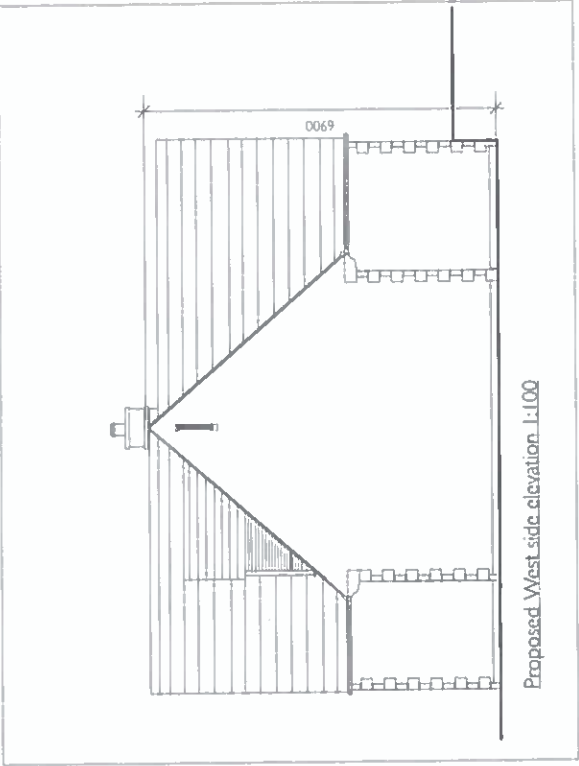
Proposed East side elevation 1:100



Proposed rear elevation 1:100



Proposed front elevation 1:100



Proposed West side elevation 1:100

Horace Brown Ltd., Cheltenham t 01242 489608 m 07875155013  
e ur@horacebrown.co.uk

Project No. L. Johnson Close, Wincombe

Proposed elevations

By: IB

Date: January 2016

Issue: 3

Scale: 1:100 @ A3

Revision: 18th April 2016  
Alteration to design of proposed porch and

0069

1650

16/00226/FUL

Land off A46, Ashchurch, GL20 8JY

6

Valid 26.02.2016

The installation of a 17.5 meter high monopole with 6no antennas, 3no.RRU's, 2ND. 300mm dishes along with 3rd equipment cabinets an the base of the proposed monoploe. The installation of a 1.8 metre high cabin link compound fence measuring 6 meters by 6 meters.

Grid Ref 393007 233272

Parish Ashchurch Rural

Ward Ashchurch With Walton

Cardiff

Vodafone LTD

C/O Agent

## 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 LND4, LND7, TPT18

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 - Objection raised based on landscape harm. The Parish Council believe that equipment such as this would be better suited to an industrial setting. Concerns are also raised over potential health risks associated with such developments.

Environmental Health Officer - No adverse comments

Local residents - 2 objections received. Concerns raised over the mast spoiling the rural outlook and being visually intrusive and detrimental to the rural skyline. Concerns also raised over health issues as the proposal is near residences and a primary school.

Planning Officers Comments: Mr Matthew Tyas

### 1.0 Application Site

1.1 The site relates to a small area of undeveloped land located adjacent to the railway line and A46 road-bridge in Ashchurch. The site is currently overgrown and contains a number of medium sized trees. The site is not adjoined by residential development although Newton Cottages are located approximately 45 metres to the east. The site itself is not affected by any policy or landscape designations but is adjacent to the area identified in the Tewkesbury Borough Local Plan to 2011 (TBLP) as a Protected Potential Freight Railhead (Policy TPT18).

### 2.0 Planning History

2.1 No planning history

### 3.0 Current Proposal

3.1 The application proposes to install 1 no. new 17.5 metre high mobile phone mast and 3 no. equipment cabinets. The installation would be accommodated on a new 16sqm concrete base and would be enclosed by a 1.8 metre high chainlink fence. The application also proposes a new pedestrian access from the adjacent footpath which will be used for maintenance purposes. The site will not however be accessible by the general public and access will be restricted to authorised persons.

3.2 The application indicates that the installation would provide coverage for Vodafone and O2 and will offer improved services and capabilities to the local community and commercial companies including 4G coverage.

## 4.0 Policy Context

4.1 Policy LND4 of the TBLP relates to countryside protection and provides that within the rural areas regard will be given to the need to protect the character and appearance of the rural landscape. Policy LND7 relates to landscaping and requires that existing landscape features should be integrated, where appropriate, into landscaping scheme for new development proposals. Policy TPT18 is also of some relevance and provides that the railway siding at Ashchurch will be protected from development that would prejudice its future use as access for a road-rail interchange facility.

4.2 The NPPF provides specific advice on telecommunications infrastructure at Section 5 and states that advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.

4.3 Paragraph 43 of the NPPF goes on to state that local planning authorities should support the expansion of electronic communications networks, although they should aim to keep the number of radio and telecommunications installations to a minimum consistent with the efficient operation of the network. Existing telecommunications sites, masts, buildings and other structures should be used, unless the need for a new site has been justified.

4.4 The NPPF also stresses that local planning authorities must determine applications on planning grounds and should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets the International Commission guidelines for public exposure.

4.5 Relevant emerging policy is within the Joint Core Strategy (JCS) Submission Version (November 2014). Policy SD15 relates to Health and Environmental Quality and states that development should not create or exacerbate conditions that could impact on human health or cause inequality.

## 5.0 Analysis

5.1 The main issues to consider are the impact of the proposed mast on the rural landscape and the health risk concerns raised by the Parish Council and a local resident.

### Impact on the rural landscape

5.2 It is considered that the landscape here is significantly influenced by the A46 trunk road and railway line/sidings. The area is not characterised by open countryside and it is not considered to be rural in character. The skyline is already broken by the lamp posts and telegraph poles along the A46, some of which are elevated due to their position on the bridge over the railway line. The site is enclosed by the existing 11.5 metre high trees around the northern site boundary and screened from the A46 by the mature trees along the highway verge. On this basis it is not considered that the proposal would conflict with the established character of the area or be obtrusive within the rural landscape. The proposal is therefore found to be in accordance with Policy LND4 of the TBLP.

5.3 It is noted that proposed maintenance access would be located beneath the canopy of one of the boundary trees. It may therefore have the potential to impact on the roots of the tree. Care will be required in its construction to ensure no adverse impact on the health of the tree. It is therefore recommended that any planning permission granted is subject to a condition requiring the submission for LPA approval of an Arboricultural Method Statement to accord with BS 5837: Trees in Relation to Construction.

### Health risk concerns

5.4 The application provides a statement on the health effects of mobile phone base stations. This confirms that all Vodafone and Telefonica (O2) installations are designed, constructed and operated in compliance with the precautionary International Commission on Non-Ionizing Radiation Protection (ICNIRP) public exposure guidelines as adopted in the EU Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields. An ICNIRP certificate is provided with the planning application which certifies that the mobile phone base station will, when operational, meet the precautionary ICNIRP guidelines. On this basis it has been demonstrated that the proposal conforms to industry established guidelines on the health effects of mobile phone masts.

## Other matters

5.5 Consideration has been given to Policy TPT18 but it is not considered that the proposal would in any way prejudice the future use of the adjacent area as access for a road-rail interchange facility.

5.6 The applicant has also set out in the supporting details that an assessment of the industry site database has been undertaken to see if there were any suitable alternative existing masts or suitable tall buildings that could have been used. However, the only viable solution was a new ground based mast.

## **6.0 Conclusion**

6.1 The support for new telecommunications development in the NPPF is noted. Advanced high quality communications infrastructure is regarded to be essential for the delivery of sustainable economic growth and plays a vital role in enhancing the provision of local community facilities and services. There is considered to be a clear public benefit to be gained from the proposal.

6.2 The receiving landscape is of an urbanised character and is already broken by lampposts and telegraph poles. It does not represent open countryside and it is not considered that the proposal would harm the character and appearance of the rural landscape consistent with Policy LND4 of the TBLP.

6.3 It has been demonstrated that the proposal conforms to industry established guidelines on the health effects of mobile phone masts and no concerns are therefore raised over the proposal causing a health risk to local residents.

6.4 Overall it can be concluded that the proposal would produce public benefits with no adverse impacts. The proposal is therefore considered to represent sustainable development and it is recommended that planning permission is granted.

## **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: Drawing Numbers 100 Rev B, 200 Rev B and 300 Rev B (all received 26/02/16).
- 3 The materials to be used for the mast hereby permitted shall be untreated galvanised steel. The permitted equipment cabinets shall be painted green RAL 6009. No other materials/finishes shall be substituted without the express written consent of the Local Planning Authority.
- 4 The development hereby permitted shall be removed from the site within 6 months of it becoming redundant for telecommunications purposes.
- 5 No development shall take place until details, which show how the existing trees and hedgerows that are to be retained will be protected during the course of construction, have been submitted to and approved in writing by the local planning authority. The details shall accord with BS 5837: Trees in Relation to Construction. All approved tree and hedge protection measures shall be in place prior to the commencement of construction and shall be retained thereafter until construction has been completed.

### 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 interest of proper planning.
- 3 To limit the visual impact of the proposal in the landscape in accordance with Policy LND4 of the Tewkesbury Borough Local Plan to 2011.

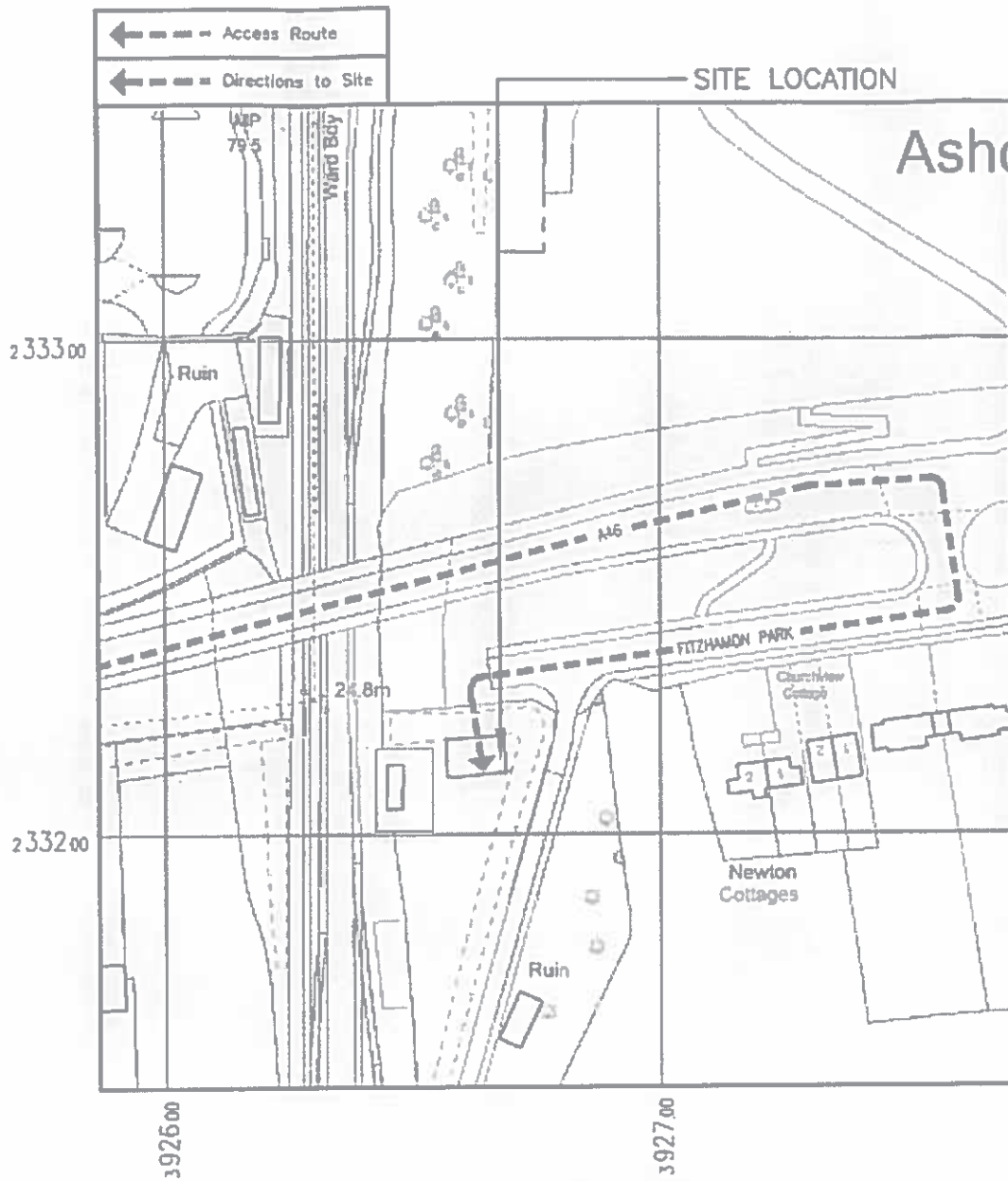
- 4 To limit the visual impact of the proposal in the landscape in accordance with Policy LND4 of the Tewkesbury Borough Local Plan to 2011.
- 5 To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with the NPPF.

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.





**DETAILED SITE LOCATION**  
(Scale 1:1250)

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# Information on Significant Residual Risks

## Construction

On the basis of information available to the designer at the time of design production, there are no unusual, unobvious or difficult to manage significant risks associated with this design

## Maintenance

On the basis of information available to the designer at the time of design production, there are no unusual, unobvious or difficult to manage significant risks associated with this design

## Decommissioning

On the basis of information available to the designer at the time of design production, there are no unusual, unobvious or difficult to manage significant risks associated with this design

Notes:  
1 ALL DIMENSIONS ARE IN MM UNLESS NOTED OTHERWISE  
2 DRAWING TO SCALE WHEN PRINTED AT A3

N.G.R. E: 302665 N: 233212

REV	DESCRIPTION	BY	CH	DATE
1	Issue for Approval	AS	AS	20.01.15
2	Issue for Approval	AS	AS	03.12.15

**#**  
**mono**

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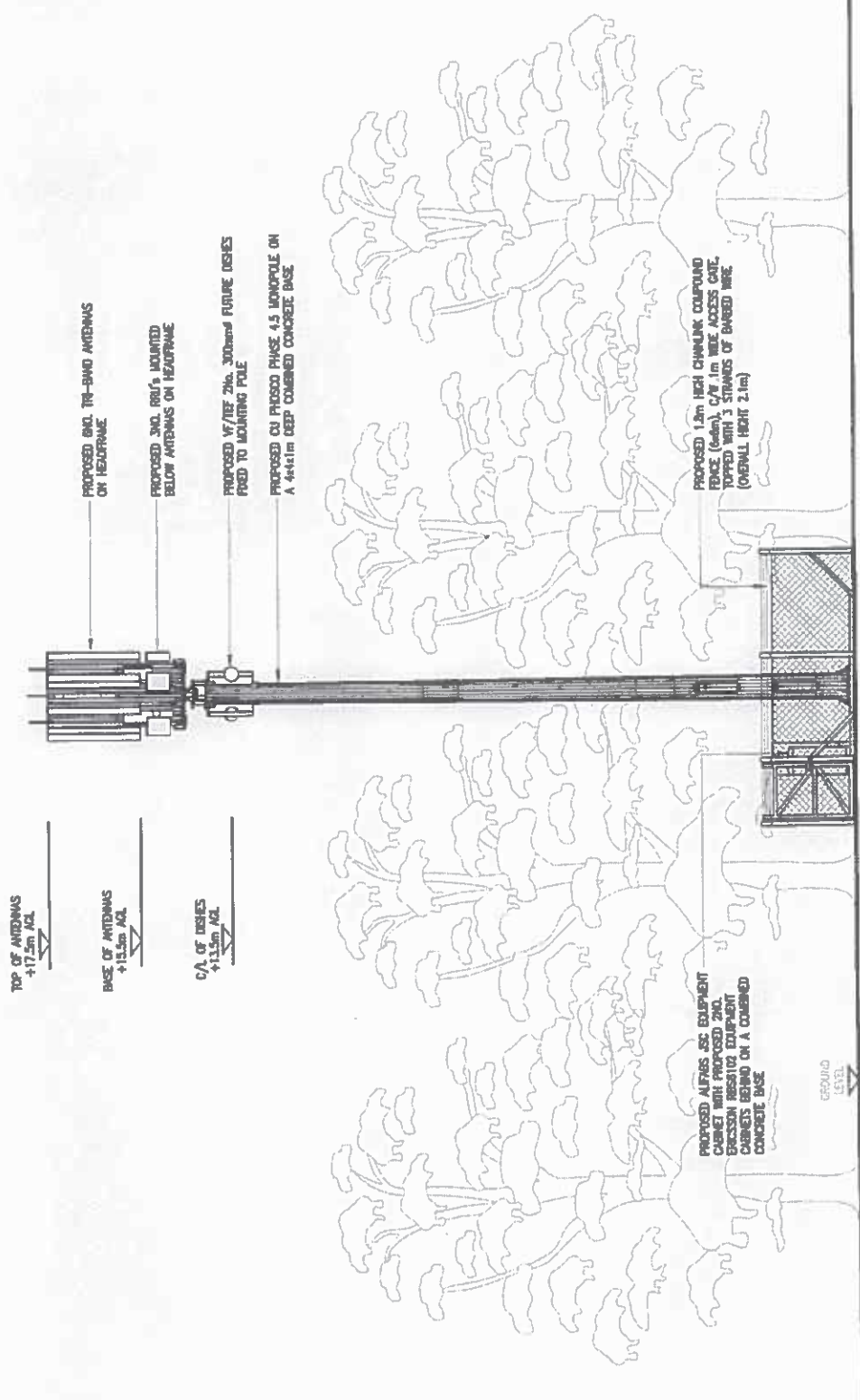


Cell Name	ASHCHURCH STATION
Cell ID No	207492
Host	Sharer
Cell (VF) (TEF) (N/A)	(VF) 96503 (TEF) N/A

Site Address / Contact Details  
NETWORK RAIL LAND  
ASHCHURCH ROAD  
OFF A46  
TEWKESBURY  
GLUCESTERSHIRE GL20 8JF

Drawing Title	SITE ELEVATION
Purpose of Issue	PLANNING
Drawing Number	300

Rev	As Shown	Drawn	02.12.15
Checked	03.12.15	Approved	03.12.15
By		Date	



PROPOSED NORTH ELEVATION  
(1:100)

The drawings comply with TEF & Vodafone Standard ICNIRP guidelines.  
Designed in accordance with Cornerstone document: COR0409006

15/00865/FUL

Land at Berrow Farm, Wickridge Street, Ashleworth

7

Valid 24.08.2015

Installation of two no. biomass boilers on a concrete pad and the change of use of the grain store and mill house for use in association with commercial wood chip drying.

Grid Ref 381000 227000

Parish Ashleworth

Ward Highnam With Haw  
Bridge

Chamberlayne Farms Limited  
Maisemore Court Farm  
Maisemore

**DEFERRED AT LAST PLANNING COMMITTEE FOR COMMITTEE SITE VISIT (Item No 6, Page No 932)**

**RECOMMENDATION** *Minded to Permit*

### **Policies and Constraints**

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - Policies AGR4, EVT1, EVT3, EVT4, LND4, TPT1

Flood and Water Management SPD

Joint Core Strategy Submission Version November 2014 - Policies SD1, SD2, SD7, INF1, INF2, INF6

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

The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

**Ashleworth Parish Council** - Significant reservations about the proposed development and unable to support the application until the following issues have been addressed:

1. Noise levels of the new equipment are a great concern to local residents who report the operation can be heard from their houses. The planning statement comments "The noise rating is significantly less than the current drying system and will not be audible from the nearest dwelling" - clearly this is untrue and needs addressing. The situation is further exacerbated by the 24/7 operation compared with the previous drying plant which operated for only part of the year. We request that an independent acoustic engineer provides a report on this matter.
2. To prevent further inappropriate development of the site we ask that conditions are imposed such that it be used solely for the drying of grain and virgin woodchip and for no other activity in class B2.
3. Traffic issues are also of great concern to many village residents. Large trucks will be using very narrow lanes and problems will occur if these trucks encounter, for example, school traffic, local delivery vehicles and buses. We would like to see clear and enforced limitations on the number of vehicles visiting the site and the times at which they may do so. To reinforce this limitation we would also recommend an enforceable condition to limit the amount of material processed by the dryer. Based on the applicant's figures the amount should not exceed 840 cubic metres in any seven day period.
4. To help screen the site from public view there should be landscaping conditions approved by Tewkesbury Borough Council prior to first beneficial use and implemented in the first planting season following approval.
5. To ensure that any further development of the site is managed properly we ask that restrictions on use are incorporated in a Section 106 agreement.

**GCC Highways Authority** - It is considered that safe and adequate access can be provided for the proposed site use and no objection is raised on highways grounds subject to conditions.

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

**Public Representations** - 21 letters of objection have been received in relation to the proposed development for the following reasons:

- Ashleworth is mainly a residential village with a few agricultural holdings and is not suitable for Use Class B2;
- The roads are in a poor state of repair and not suitable for use by heavy goods vehicles (HGVs). The significant increase in traffic movements would have an adverse impact on the local highway network.
- Ashleworth is a highly populated equestrian area where horses are ridden on these roads and there would be nowhere to escape a HGV. This would impact on a number of equestrian businesses in the area.
- The proposed development would cause noise pollution and disturbance to nearby dwellings. The fans and movement of goods will exceed acceptable noise levels and will negatively impact on the health and well-being of local residents.
- Dust will result from both the drying process and the movement of woodchip on-site and there is a question of how this will be managed or mitigated.
- The information contained within the supporting Planning Statement is inaccurate and misleading. The site has not been used as pig farm for a number of years and is practically derelict, with very few movements to and from the grain barns.
- This is a quiet country single track lane where there are very few passing places. It is not the right location for an industrial operation and frequent use of these lanes by HGVs raises significant safety issues.
- Many local residents enjoy walks along Wickridge Street, which has no footpaths, and the proposed development will make it far too dangerous to continue walking along this route.
- The handling and drying of the wet wood chip can have a negative effect on health and there could be potential for a new asbestos scenario circling the issue of mycotoxins that are on wet wood chip.
- Residents have moved to this area for the peace and tranquillity it brings, not to be surrounded by constant noise. It is understood that farmers need to diversify but this should not be at the expense of the local community and their enjoyment of the countryside.
- The route from Stream Farm towards The Berrows is a Site of Special Scientific Interest (SSSI) and increased traffic movements would have a damaging impact on many animal and insect species.
- The grain drying facility would be in continuous use and there are concerns regarding the hours of operation, including the delivery, collection and transport implications.
- This building is for agricultural use and should not be given planning permission for a large scale commercial use that contributes nothing to the small village.
- This is a school bus route used twice daily in school term times.

**Planning Officers Comments:** Mrs Helen Stocks

## 1.0 Introduction

1.1 The application was submitted on 24th August 2015. Officers had requested further information from the applicant in relation to noise following concerns raised by the Environmental Health Adviser. Additional information was submitted in January of this year which led to further correspondence between the applicants agent, the case officer and the Environmental Health Adviser, to try and address the concerns in a proactive way. Following a site visit the Environmental Health Adviser was able to recommend permission be granted subject to conditions. However, the applicant chose at this stage to appeal against non-determination which meant that the Council was no longer the determining authority. As such, members must advise the Planning Inspector of its views on the proposals.

1.2 The application relates to land and buildings associated with Berrow Farm, Wickridge Street in Ashleworth. The site lies in the open countryside, approximately 500 metres north of village of Ashleworth, and relates to two existing farm buildings and an area of intervening concrete hardstanding (**see attached site location plan**). The site forms part of a larger agricultural unit, which was previously used for the breeding and fattening of pigs, and there are a number of large agricultural buildings immediately south of the application site. Access to the site is provided via an existing entrance onto Wickridge Street which extends along the eastern boundary.

1.3 The site itself is not subject to any heritage or landscape designations but the Landscape Protection Zone (LPZ), as identified in the Tewkesbury Borough Local Plan to 2011 - March 2006, extends to cover the area immediately east of the application site, on the opposite side of Wickridge Street. The surrounding area is traversed by several Public Rights of Way (PROWs), the closest of which runs in and east to west direction approximately 20 metres north of the site.

1.4 There are a small number of residential properties within vicinity of the application site and the closest dwelling - Orchardside - is circa 65 metres to the north-east. Further neighbouring dwellings lie to the south of the site.

## 2.0 Planning History

2.1 An application for outline planning permission was granted in April 1973 for the erection of a bungalow and garage for an agricultural worker; the erection of farm buildings, not exceeding a total area of 20,000 sq. ft. for the breeding and fattening of pigs; and, the construction of vehicular access and alteration of access (ref: G.6238).

2.2 Applications for detailed planning permission were subsequently granted in July 1973 and November 1973 for the erection of the agricultural workers dwelling (ref: G.6238/ap) and the erection of an agricultural building and construction of vehicular access (ref: G.6238/ap/1).

2.3 Planning permission was granted in March 1974 for an extension to a pig unit (ref: G.6238/b).

2.4 Planning permission was granted in April 1985 for the erection of a building for use as a general purpose agricultural and grain store (ref: TG.6238/d).

## 3.0 Current Application

3.1 The current application seeks planning permission for the installation of two no. 200kW biomass boilers sited on a concrete pad and the change of use of the existing grain store and mill house for use in association with commercial woodchip drying (see attached plans).

3.2 This application is part retrospective as the biomass boilers have already been installed on site. The boilers replace a diesel generator and are housed within a shipping container and connected to two fuel silos. The biomass boilers adjoin the existing grain store which already contains an on-floor drying facility for moisture to be removed from harvested grain. The grain store comprises a steel portal frame building, measuring approximately 17.7 metres by 30.5 metres. There would be no change to the size of the existing building, with the only external alteration being the installation of a new door opening on the east elevation (see attached plans). There would be no external alterations to the mill house building.

3.3 The supporting planning statement makes clear that the existing grain store would continue to be used for grain drying during the months from May to September. Outside of this period, the building would be used to dry woodchip. The woodchip would be imported from elsewhere - some for the biomass boilers themselves and others to be dried by the biomass boilers - and there would be no chipping, screening or other industrial equipment on site.

3.4 In terms of the operation process, wet woodchip would be delivered to the site each day directly to the existing grain store. The mill house would be used for the storage of dry woodchip only. The drying process would take up to 48 hours and woodchip would be transported from the grain store to the mill house using a telehandler. Further information on the transport movements associated with the woodchip (including deliveries) is detailed in Section 5 of the report.

3.5 There would be no alteration to existing access arrangements as a result of the proposed development and vehicular traffic would continue to access the site from Wickridge Street. The supporting planning statement indicates that approximately two articulated lorries would deliver wet woodchip and collect dry woodchip each day.

## 4.0 Policy Context

4.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development and makes a clear commitment to supporting economic growth in rural areas. In particular, paragraph 28 of the NPPF emphasises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It states that local planning authorities should support sustainable growth and expansion of all types of business and enterprise in rural areas and promote the development and diversification of agricultural and other land-based rural businesses. This is reflected in Policy AGR4 of the Local Plan which is supportive of proposals for farm diversification provided that the scale and use are appropriate to a rural environment, they are in keeping with the character of the surroundings and maximise the use of existing buildings or structures.

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

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

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

4.4 One of the core principles of the NPPF is to secure high quality design and seek a good standard of amenity for all existing and future occupants of land and buildings. Policy EVT3 of the Local Plan provides that new development should be sited away from sources of noise and planning permission should not be granted for development where noise would cause harm and could not be ameliorated. Similarly, Policy SD15 of the JCS (Submission Version) seeks to promote health and environmental quality and ensure that new development does not result in unacceptable levels of noise.

4.5 Other policies of relevance to the determination of this application include Policy TPT1 of the Local Plan (and Policy INF2 of the JCS Submission Version) which requires development to provide safe and convenient access and not generate traffic movements that would impair the safety or satisfactory operation of the highway network. Policy LND4 of the Local Plan is also relevant and states in considering proposals for development in rural areas other than the Area of Outstanding Natural Beauty, Special Landscape Area and Landscape Protection Zone, regard will be given to the need to protect the character and appearance of the rural landscape.

4.6 The above local plan policies are considered to be consistent with the NPPF and are therefore considered to have significant weight. The policies contained within the JCS Submission Version are also considered to be consistent with the NPPF and as such should be afforded some weight.

## **5.0 Analysis**

5.1 The main issues to consider are the principle of development; design and visual impact; impact on residential amenity of nearby properties; and, traffic movements and highway safety. Each of these will be considered under a separate sub-heading below.

### **Principle of Development**

5.2 The application site is located within the countryside and forms part of a larger agricultural unit. The installation of the biomass boilers and proposed use of the existing buildings for commercial woodchip drying is deemed to constitute a form of agricultural diversification as it would provide the farm with an additional source of income and greater security. It would also make use of an under-utilised site and the woodchip powered biomass boilers would contribute towards a reduction in greenhouse gas emissions. Having regard to this, it is considered that the proposed development is acceptable in principle in line with the provisions of the NPPF and Policy AGR4 of the Local Plan. The determining factors in this case are the impact of the proposed development on residential amenity, landscape impact and acceptability in the rural environment, accessibility of the proposal and impact on highway safety.

### **Design and Visual Impact**

5.3 The proposed development would be contained within part of a larger agricultural unit and would utilise existing farm buildings. The biomass boilers have been positioned behind the grain store, in the north-west corner of the application site, and are not visible when approaching the site from Wickridge Street. There is a PROW to the north of the application site where footpath users would be afforded views of the storage container (which houses the biomass boilers) and associated fuel silos. However, these would be seen against the backdrop of existing farm buildings and are not considered to have a harmful impact on the rural landscape. Furthermore, there would be minimal alterations to existing buildings which would retain their agricultural appearance and remain in keeping with the wider site. As such, it is not considered that the proposal would cause undue harm to the character and appearance of the surrounding landscape and therefore accords with Policies LND4 and AGR4 of the Local Plan in this regard.

### **Residential Amenity**

5.4 There are residential properties located in close proximity to the application site (circa. 65 metres north-east and 85 metres south of the site). The proposed use of the site for commercial woodchip drying has the potential to result in a significant amount of noise and disturbance to the residential amenity enjoyed by the occupiers of these nearby properties. A number of objections have been received from members of the public raising concerns about the potential for noise pollution and the negative impact this would have on the health and well-being of local residents. Similar concerns have been raised by the Parish Council.

5.5 The Council's Environmental Health Advisor has been consulted on the application and, following the submission of a noise survey, raises no objection to the proposed development subject to a number of conditions. Within the Environmental Health Advisor's consultation response it is duly noted that the existing farm buildings have been subject to a limited amount of activity in recent years following the closure of the site as a commercial pig rearing unit. However, the proposed development is not considered to have any greater noise impact than if it was still being used for these farming purposes, which is accepted to be a legitimate fall-back position, and the level of noise emitted from the proposed development (including associated traffic movements) is not considered to be out of character with rural farming activities that are common place in countryside locations.

5.6 Having regard to the above and subject to conditions, it is considered that the proposed development would be compatible with the surrounding land uses and would not harm the residential amenity of neighbouring property. The proposal is therefore considered to accord with Policy EVT3 of the Local Plan and Policy SD15 of the JCS (Submission Version).

### **Traffic Movements and Highway Safety**

5.7 Access to the site would be via the existing entrance from Wickridge Street. The supporting planning statement confirms there would be no change to current access arrangements as a result of the proposed development. The proposed use for commercial woodchip drying would result in two articulated lorries delivering / collecting woodchip each day, equating to approximately four vehicle movements per day. The biomass boilers would also require daily inspections and annual maintenance resulting in two movements by car/farm vehicle.

5.8 Several letters of objection have been received from members of the public in terms of the highway safety implications of the proposed development due to the number of HGVs that would be delivering / collecting woodchip at the application site. Concerns have also been raised in relation to current state of the local road network, whereby Wickridge Street is not considered suitable for use by HGVs as it is a single track lane where there are few passing places and no pavements for pedestrians. The Parish Council has acknowledged that the traffic movements would be an issue and has requested that clear and enforceable limitations should be placed on the number of vehicles visiting the site and the time at which they may do so should planning permission be granted.

5.9 The County Highways Authority (CHA) has been consulted on the application and requested the submission of additional information regarding existing and proposed trip generation for the application site to demonstrate the impact of the development on the local highway network. It is understood that the proposed woodchip drying operation would lead to an increase of 334 annual trips to the sites from 218 existing visits. This equates to an estimated total of 552 trips per annum.

5.10 The CHA has acknowledged the concerns that have been raised by local residents, particularly in relation to the increase in number of vehicle movements using narrow lanes, but considers that the proposed maximum visits to the site in one day would be unchanged and would not significantly impact on the daily movements on the highway network. It is understood that this is based on the number of trips that are generated on a daily basis when the site is used for grain drying during the months from July to September. Although the proposed use for commercial woodchip drying would result in traffic movements being all year round, the CHA has commented that articulated lorries would be similar to those used to collect grain from the site and is not considered to impair the safety or satisfactory operation of the highway network.

5.11 In light of the above, the CHA has raised no objection to the proposal and is satisfied that safe and convenient access can be provided for the proposed site use in accordance with the NPPF and Policy TPT1 of the Local Plan. This is subject to a condition requiring visibility splays to be sought from the site entrance in accordance with speed survey evidence that has been adjusted for wet weather in order to ensure a safe, suitable and secure means of access.

### **Other Matters**

5.12 Concern has been raised regarding the potential impact of the proposed development on local wildlife given that the route along Wickridge Street is a Site of Special Scientific Interest (SSSI). The site is not, however, in close proximity to any SSSI designations and the route along Wickridge Street (from Stream Farm towards The Berrows) is not recognised to be of national or local ecological importance. Notwithstanding this, the impact of the proposed development on local wildlife has been taken into account. Given the nature of the development and the utilisation of existing farm buildings, it is not considered that the proposed woodchip drying operations would have a detrimental impact on local wildlife.

## 6.0 Conclusion

6.1 The NPPF makes clear that Local Planning Authorities (LPAs) should be supportive of a prosperous rural economy setting out that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development and promote the development and diversification of agricultural businesses. It also makes clear that planning plays a key role in reducing greenhouse gas emissions and supporting the delivery of renewable and low carbon energy.

6.2 The proposed development represents a form of agricultural diversification which would also contribute to a reduction in greenhouse gas emissions by delivering a low carbon energy source. It would utilise existing agricultural buildings and would result in limited landscape harm to the surrounding area. Although there have been a number of concerns surrounding the noise implications of the proposed development, it is considered that the potential harm to the residential amenity of nearby properties can be sufficiently controlled by conditions. Furthermore, the CHA raised no objection to the proposed development in terms of traffic movement and highway safety.

6.3 For these reasons, the proposal is considered to accord with relevant national and local planning policy and it is recommended that Members be minded to permit the application.

## RECOMMENDATION Minded to Permit

### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and information:
  - o Planning Statement (dated July 2015), received 07.08.15;
  - o Proposed Block Plan, received 24.08.15;
  - o Proposed Elevations (Drawing No: 150824/GC), received 24.08.15;
  - o Existing Site Visibility Splays (Drawing No: 17379-01), received 16.10.15
  - o D1 Stack Height Calculation (Version 3.0), received 12.01.16
  - o Noise Assessment (dated 16 December 2015), received 18.01.16
- 3 No operations or activities required in connection with commercial woodchip drying shall be carried out except between the following times: 08:00 - 17:00 hours Monday to Friday (excluding Public Holidays) and 09:00 - 16:00 hours on Saturday, Sunday and Public Holidays.
- 4 The maximum number of heavy goods vehicles (HGVs) delivering and collecting woodchip to and from the site shall not exceed two HGVs per day (four movements/day) and the hours of deliveries/collections shall be restricted to 10:00 - 15:00 hours Monday to Saturday. There shall be no deliveries/collections on Sundays or Public Holidays.
- 5 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4 metres back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 27 metres north and 31 metres south (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintain so as to provide clear visibility between 1.05 metres and 2.0 metres at the X point and between 0.26 metres and 2.0 metres at the Y point above the adjacent carriageway level.



- 6 A noise management plan for commercial woodchip drying activities and associated operations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The operation of the site shall thereafter be carried out in accordance with the approved noise management plan.
- 7 No activities hereby permitted shall cause dust to be emitted so as to cause a statutory nuisance to nearby residential properties and other sensitive users and the local environment. Should such an emission occur, the activity shall be suspended until as a result of different methods of working, the addition of dust suppression measures or changed weather conditions, it can be resumed without giving rise to that level of dust emissions.
- 8 All site machinery operated or owned by the applicant that is to be used in connection with the woodchip drying operations shall be fitted with white noise reversing alarms.
- 9 Notwithstanding the information contained within the Noise Assessment prepared by Acoustic Associates (dated 16 December 2015), full details of the noise mitigation and acoustic protection measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the commercial woodchip drying operations. This shall include details of the acoustic housing of the biomass boiler equipment (including the heat exchangers and fans) and details of the acoustic fencing to be erected to the front of the grain store along the east site boundary at a minimum height of 2 metres. The approved details shall be implemented in full before the commencement of woodchip drying operations and shall thereafter be maintained.
- 10 No floodlighting or other form of external lighting shall be installed in any part of the site without the prior express consent of the Local Planning Authority.
- 11 There shall be no installation or operation of wood chipping machinery or similar equipment on the site and operations shall be limited to the drying and internal storage of woodchip only.

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 safeguard the amenities of local residents in accordance with the National Planning Policy Framework and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 4 To safeguard the amenities of local residents in accordance with the National Planning Policy Framework and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 5 To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimise the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
- 6 To safeguard the amenities of local residents in accordance with the National Planning Policy Framework and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 To protect the amenities of nearby residential property in accordance with Policy EVT4 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 In the interests of safety and to safeguard the amenities of local residents in accordance with the National Planning Policy Framework and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 9 To safeguard the amenities of local residents in accordance with the National Planning Policy Framework and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 10 In the interests of visual amenity in accordance with the National Planning Policy Framework.

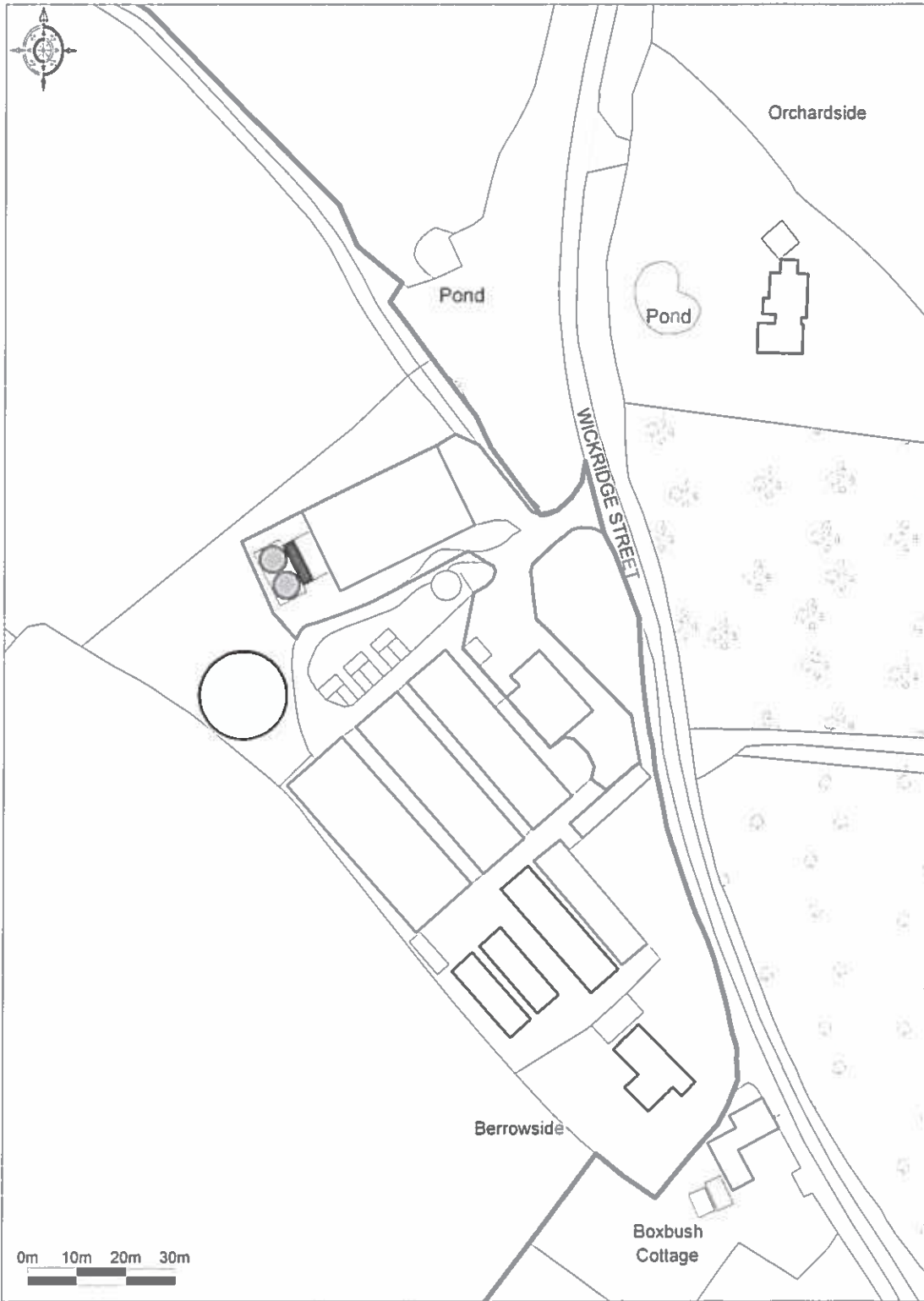
- 11 To safeguard the amenities of local residents in accordance with the National Planning Policy Framework and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Note:

**Statement of Positive and Proactive Engagement**

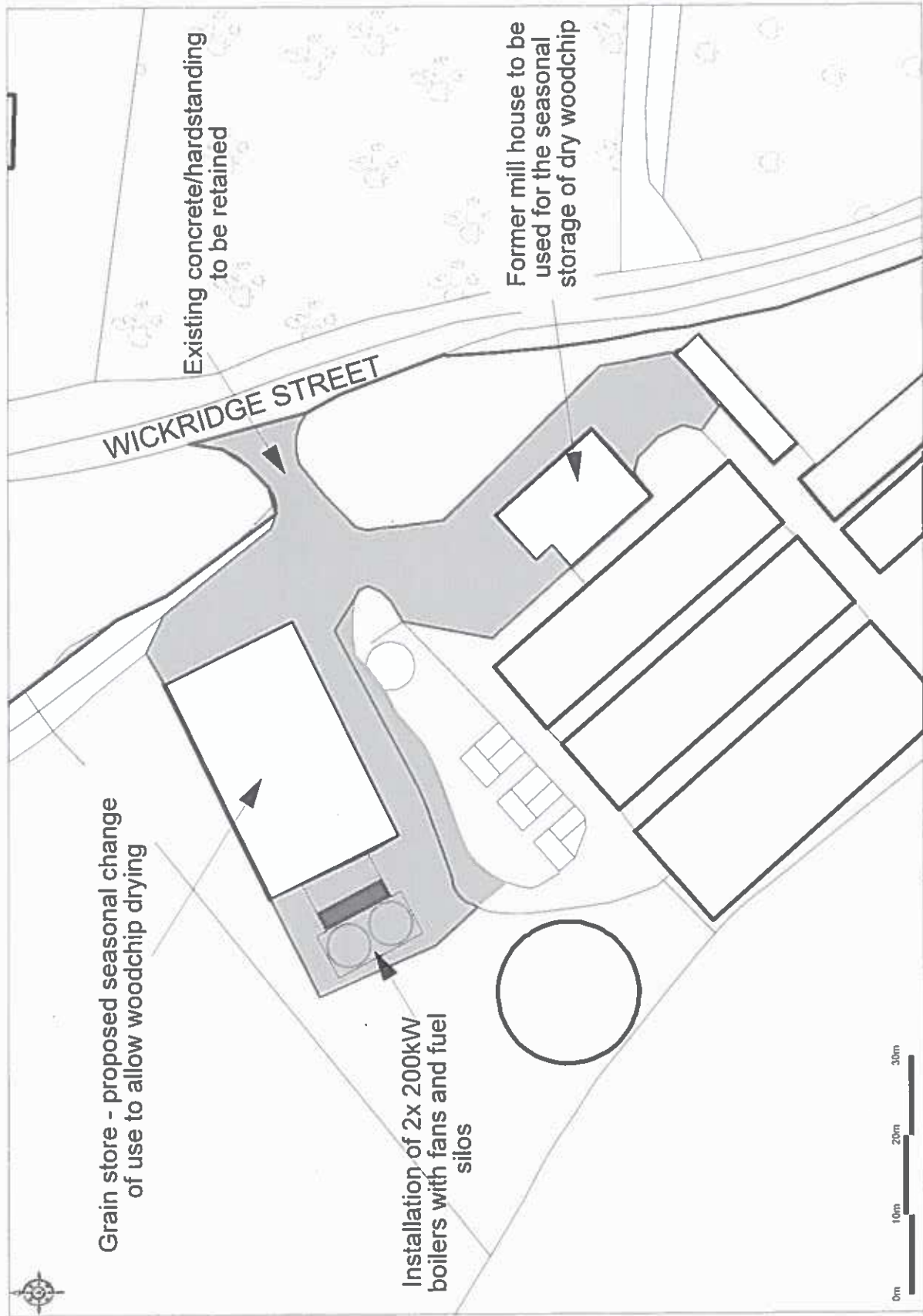
In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating noise and traffic issues.

The Berrow, Ashleworth  
Site Location Plan



Ordnance Survey © Crown Copyright 2015 All rights reserved  
Licence number 100022412 Plotted Scale - 1:1250

Scale 1 : 1250 at A4



Scale 1 : 500 at A3

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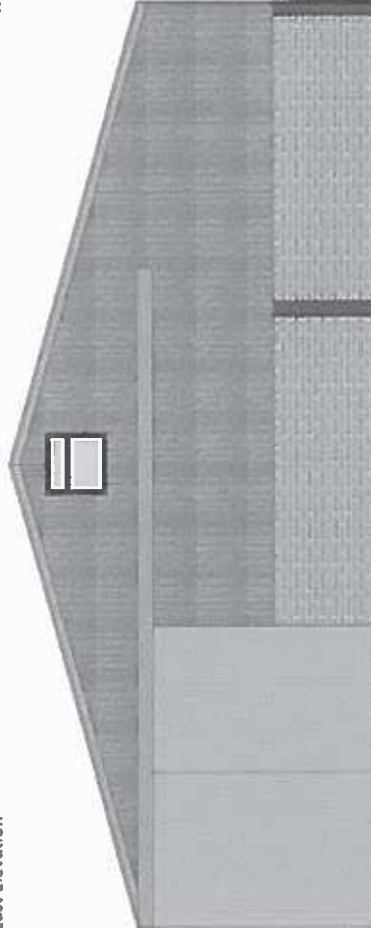
North Elevation



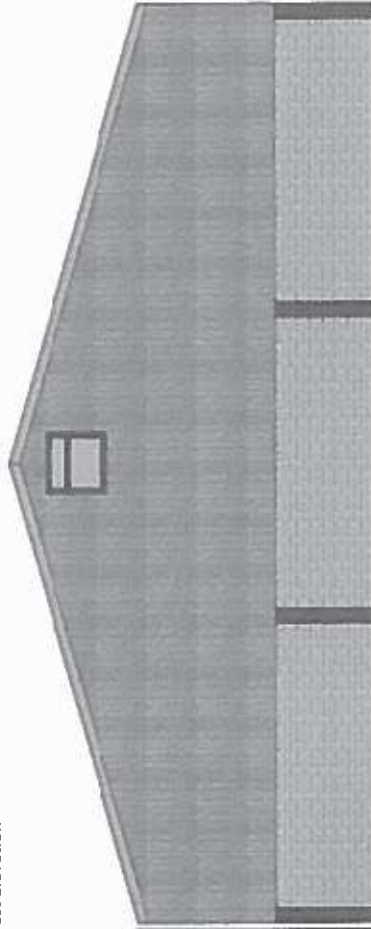
South Elevation



East Elevation



West Elevation



10501C  
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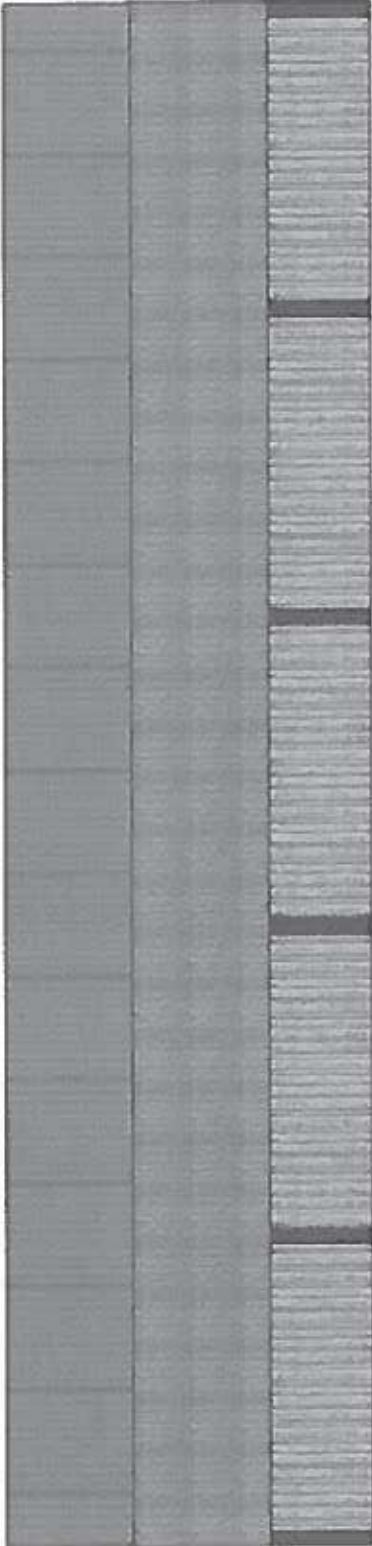
Existing Elevations  
On behalf of Chamberlayne Farms Ltd  
Grain Store

Date:	Scale:	Ref:
24.08.2015	1: 100 @A3	150825/GC



PERFORMANCE CONSULTANTS  
Tel: 01684 853400  
Email: enquiries@carverknowles.co.uk

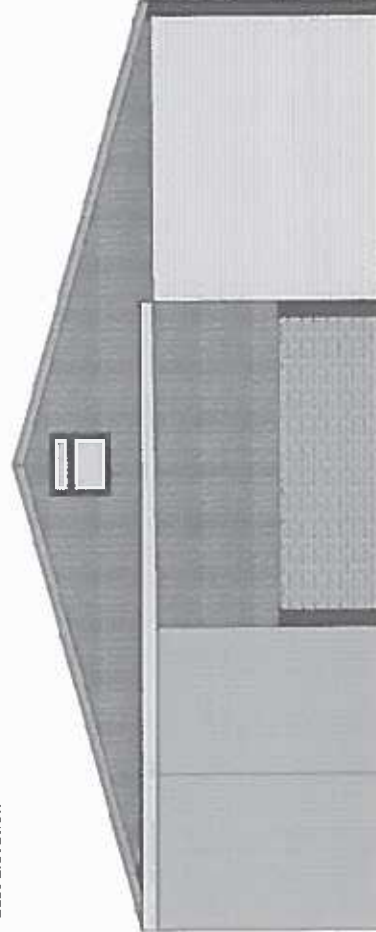
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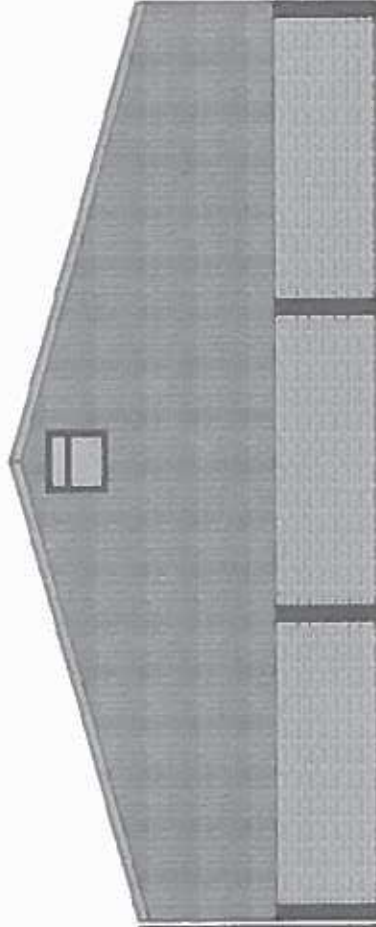
South Elevation



East Elevation



West Elevation



105010  
61

Proposed Elevations  
 On behalf of Chamberlayne Farms Ltd  
 Grain Store

Date:	Scale:	Ref:
24.08.2015	1: 100 @A3	150824/GC

**Carver Knowles**  
 150824/GC  
 Tel: 01684 853400  
 Email: enquiries@carverknowles.co.uk

Valid 12.02.2016  
 Grid Ref 397344 227282  
 Parish Woodmancote  
 Ward Cleeve Hill

Side extension and roof dormers

Mr Kevin Thomas  
 1 Beverley Gardens  
 Woodmancote  
 Cheltenham  
 Gloucestershire  
 GL52 9QD

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework  
 Planning Practice Guidance  
 Tewkesbury Borough Local Plan to 2011 - March 2005 - Policy HOU8  
 Joint Core Strategy Submission Version - November 2014  
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
 The First Protocol, Article 1 (Protection of Property)  
 Adjoining Conservation Area  
 Setting of listed buildings

### Consultations and Representations

**Woodmancote Parish Council** - Woodmancote PC voted 9-0 to object to this application on the following grounds:

1. The new dormer windows whilst less obtrusive than the previous design still overlook the neighbouring properties in the AONB.
2. Over-development and out of keeping with the neighbouring properties.
3. The extension abuts the boundary and is likely to affect the neighbours light

**Conservation Officer** - No Conservation objections

**Local Residents** - No representations received at the time of writing this report

**This application is reported to Committee due to the objections from the Parish Council**

**Planning Officers Comments:** Mr James Lloyd

### 1.0 Application Site

1.1 This application relates to 1 Beverley Gardens, a detached bungalow constructed from reconstituted Cotswold stone, located in Woodmancote. The property occupies a prominent corner plot located at the junction of Stockwell Lane and Beverley Gardens. This area falls within 50 metres of several Listed Buildings (Gable End, Rose Farm House and Home Farm) and the border of the Woodmancote Conservation area abuts the southern and western curtilage of the application site. **See Location Plan attached.**

### 2.0 Planning History

2.1 Application No. 15/01287/FUL (Demolition of existing garage, side extension and associated works and the installation of new dormer windows and roof lights) was refused in November 2015. **(see refused plans attached).** The reason for refusal is outlined below:

*The proposed dormer windows, by virtue of their size, scale and design, would fail to respect the character, scale and proportions of the existing dwelling and would result in a discordant and visually unsympathetic addition within the street scene. The proposed development therefore conflicts with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the National Planning Policy Framework.*

2.2 This application is currently subject to an appeal (16/00014/DECISI) which is still in progress at the time of writing this report.

### 3.0 Current Application

3.1 The current application is a resubmission of the previously refused application (ref: 15/01287/FUL). It seeks planning permission for a number of alterations and extensions to the bungalow. These alterations propose to increase the current internal living space by converting the loft to create two further bedrooms with en-suites. The application proposes two dormer windows on the side elevation and two Velux style roof lights to accommodate the conversion (see proposed plans attached).

3.2 The current proposal has sought to overcome the previous refusal reason by changing the design and reducing the size of the Dormer windows. The proposed pitch roof dormers are much smaller in scale and the proposed 'patio' door and 'Juliet' balcony elements have been removed. A Velux style window has also been removed as part of the resubmission.

### 4.0 Policy Context

4.1 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. It states good design is a key aspect of sustainable development and is indivisible from good planning.

4.2 Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 sets out extensions to existing dwellings will be permitted provided they respect the character, scale and proportions of the existing dwelling and the character and appearance of surrounding development. It stipulates that development should be of a suitable design and materials and should not harm the residential amenity of nearby property. It also requires that proposals do not result in inadequate car parking or manoeuvring space.

4.3 Policy HOU8 is considered to be consistent with the National Planning Policy Framework (NPPF) and should therefore be afforded full weight when determining this application in accordance with Paragraph 215 of Annex 1 of the NPPF.

4.4 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires Authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest which it processes. 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. This requirement is reflected in Policy HEN2 of the local plan and Policy SP2 of the JCS (Submission Version) which seek to preserve or enhance the character or appearance of a conservation area and its setting.

### 5.0 Analysis

5.1 In the case of the current application the only changes made are those to the proposed dormers and the removal of a Velux style roof light to address the previous refusal reason. The other elements of the application remain the same as previously submitted in application 15/01287/FUL).

5.2 The main issues to consider are the size and design of the proposal and its impact on the setting of the Conservation Area and Listed Buildings, and the potential impact on the residential amenity of surrounding properties.

#### *Design and Impact on Street Scene*

5.3 Policy HOU8 states that development must respect the character, scale and proportion of the existing dwelling and the surrounding development. The detailed design, materials and layout of buildings and structures must be appropriate to their setting and the character of the surrounding area.

5.4 The existing dwelling occupies an elevated position, relative to the adjoining highway (Stockwell Lane), within a relatively uniform row of similarly designed, brick properties. The new 1.5 storey side extension and porch addition would be readily visible in the street scene. Like-wise, the proposed dormer and Velux additions would be visible from the adjoining public highway, with views of the roof line also visible from Stockwell Lane, within the public domain.



5.5 The 1.5 storey addition would project approx. 4.72 metres beyond the existing side elevation and would be approximately 9.78 metres in length. The extension would infill where the existing single storey garage is currently located and would significantly increase the size of the existing dwelling. The extension would project to the boundary line with the neighbouring property, (No. 3 Beverley Gardens). It is considered that although the extension would create a loss of space between the two properties it would not be harmful to the character and appearance of the existing dwelling.

5.6 In the case of the current application, the proposed dormers have been amended and significantly reduced in size and scale. The large flat roof dormer windows have been replaced with a smaller pitch roof design. The incongruous full length patio style doors and Juliet balconies have been removed allowing for the height of the proposed dormers to be reduced by approximately 0.75 metres and the width by approximately 2.25 metres. These revisions are deemed to be acceptable and help to reduce the visual prominence of the proposed dormers when viewed from Stockwell Lane and Beverley Gardens. This element of the revised scheme is therefore considered to have an acceptable impact on the character, scale and proportions of the existing dwelling and the street scene and would comply with Policy HOU8 of the Local Plan in this regard.

5.7 Policy HOU8 also states that the proposal should not result in inadequate car parking or manoeuvring space. The loss of the existing garage would reduce off-road parking afforded to the property and could potentially increase on-road parking. It is noted that on-road parking is difficult here given that the bungalow is situated on a sloping corner, close to the junction with Stockwell Lane. However, although one parking space would be lost with the garage conversion, space would remain on the driveway for up to 2 cars and as such the proposal would not result in inadequate car parking, in accordance with Policy HOU8 of the Local Plan.

5.8 Although the Parish Council have raised concerns regarding the overdevelopment of the proposal, it is considered that the revised scheme has addressed the previous refusal reason

#### *Impact on the Setting of Listed Buildings & Conservation Area*

5.9 Concerns were raised over the impact of the proposal on the Woodmancote Conservation area, which the curtilage of the dwelling abuts the boundary of. The rear aspect would not be visible from outside of the site. The front and side of the bungalow would be visible and the design is considered to be acceptable and as such would not have a harmful impact on the setting of the conservation area.

5.10 The impact on the nearby Listed Buildings has also been assessed. The closest and only one with a view is Rose Farm located to the south east of the site. The site is well screened and Rose Farm is located approximately 38m away. Given the size and scale of the proposal it is not considered that it would result in a harmful impact on the setting of Rose Farm.

5.11 The Conservation Officer has been formally consulted on both conservation and listed building issues and raised no objections.

#### *Impact on neighbouring living conditions*

5.12 Policy HOU8 states that development will only be permitted if the proposal does not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking.

5.13 Concerns have been raised by the Parish Council that dormer windows and Velux windows are intrusive and would overlook properties on Stockwell Lane. Concerns have also been raised regarding the proposed Velux windows on the rear elevation and the potential of overlooking and loss of light to the neighbouring Cressy Cottage and the potential loss of light to No.3 Beverley Gardens.

5.14 The proposed dormer windows and Velux style windows to the side elevation overlook the street (Stockwell Lane) and towards the rear elevations of the opposite dwellings approximately 40m away. Although the plot rises to a higher level than the adjoining Stockwell Lane and the windows are located on a prominent elevation, it is considered that there is sufficient screening by way of mature trees, hedges and domestic fencing on both sides of the lane. It is therefore considered that the windows are sufficiently distanced from all other neighbouring properties to avoid any significant detrimental impact on amenity in terms of overshadowing, overbearing impact or overlooking/loss of privacy.

5.15 The two new Velux Windows on the rear elevation would serve an en-suite and landing on the first floor. In terms of the impact on the adjacent property, Cressy Cottage, there is considered to be an acceptable impact and obscure glazing could be controlled by appropriate planning condition if required, in order to protect the residential amenities of both the neighbours and occupiers of the existing property.

5.16 The proposed 1.5 storey side extension would be a larger depth and height than the existing single storey garage which is proposed for demolition. The north side of No.1 is a blank side elevation and as such the increase in mass and bulk presented to this side would not be overly harmful. In terms of loss of light, although the proposed extension moves closer to the boundary it is not considered to result in a detrimental loss of light to the rear garden of No.3, given the existing screening between the two properties.

5.17 With reference to the planning history of the site, the previous application, although refused on the grounds of poor design of the dormer windows, the impact of overlooking was considered at that time and given that no material changes have occurred on site since that time it would be unwarranted to issue refusal on residential amenity grounds here.

#### *Other Matters*

5.18 The Parish Council have raised an objection in terms of the impact of the dormer windows on the neighbouring properties within the Area of Outstanding Natural Beauty (AONB). The proposed dormer windows are not orientated towards any properties located within the AONB. The application site is situated some 105 metres (approximately) from the boundary of the AONB.

### **6.0 Conclusion**

6.1 While the concerns of the Parish Council are noted, it is considered that the revised scheme would be of an acceptable size, scale and design and would have an acceptable impact on the surrounding area. Furthermore, it is considered that the revised scheme has addressed the previous concerns in terms of size, scale and design of the dormer windows and would have an acceptable impact upon the living conditions of occupiers of neighbouring properties. For these reasons the proposal is considered to accord with the National Planning Policy Framework and Policy HOU8 of Tewkesbury Borough Local Plan 2011 - March 2006 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 details within the application form and approved drawings No. BG3-01-04 REV A & BG3-01-03 REV A received by the Local Planning Authority on the 12th February 2016
- 3 The external materials of the proposed extensions/alterations shall match as near as possible the materials of the existing dwellinghouse.
- 4 No work shall start until detailed drawings of the proposed dormer windows, at a minimum scale of 1:10, with full size moulding profiles at a minimum scale of 1:5 and material details have been submitted to and approved in writing by the Local Planning Authority and the dormers shall be constructed in accordance with the approved drawings.

#### Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 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 extension is in keeping with the existing building in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 4 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.

Note:

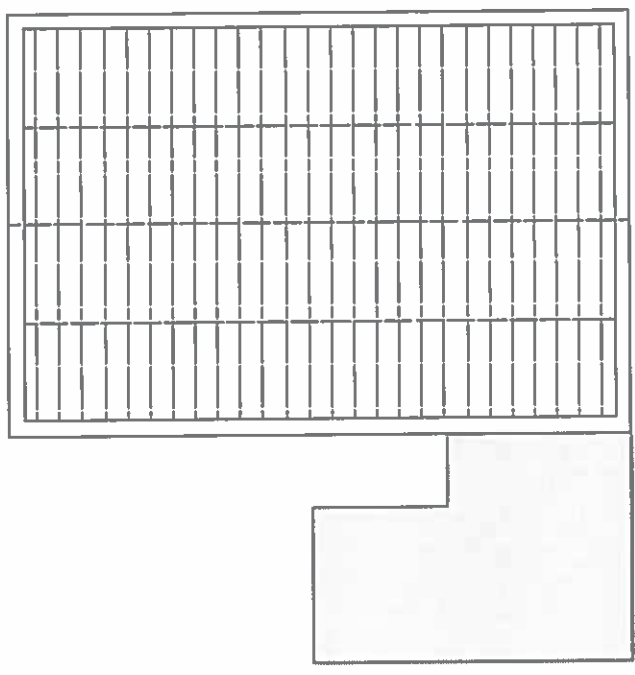
**Statement of Positive and Proactive Engagement**

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.

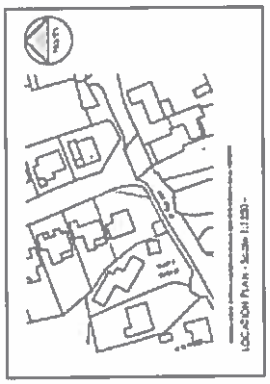
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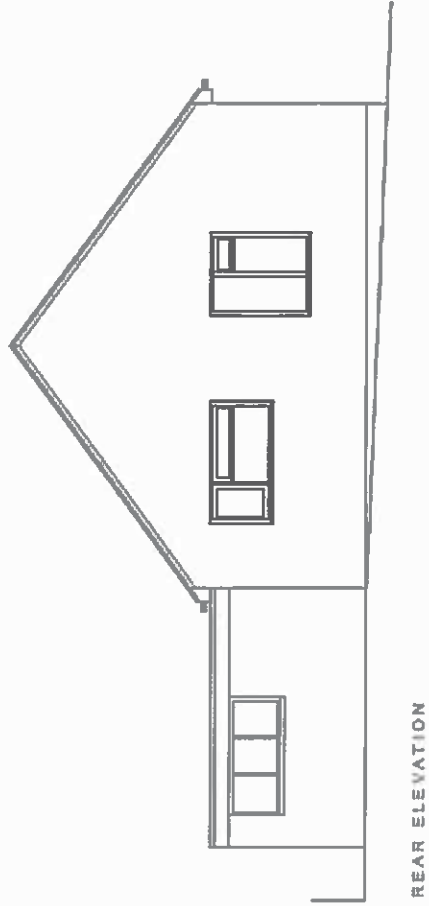
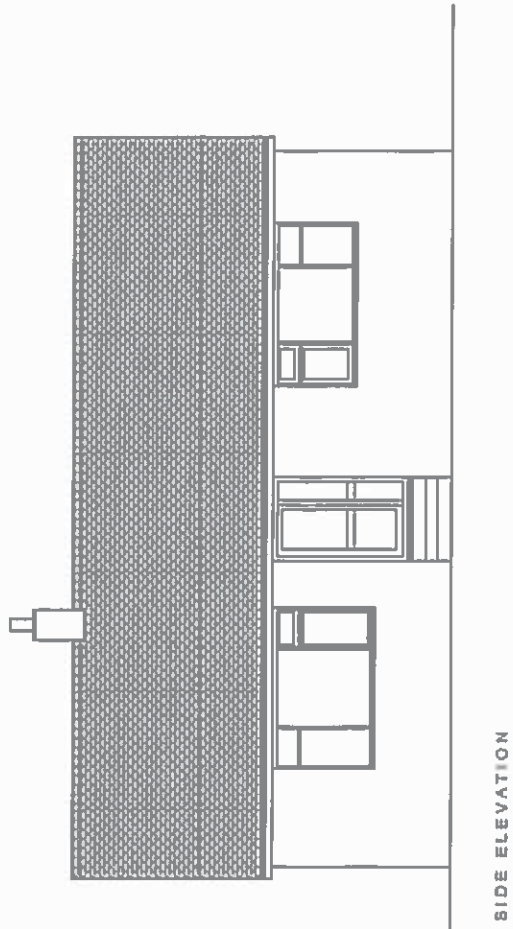
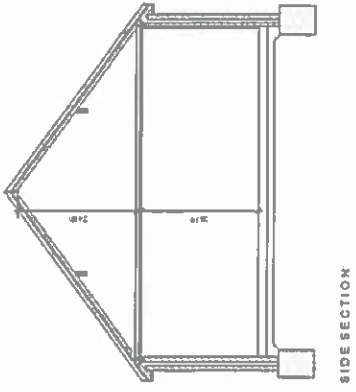
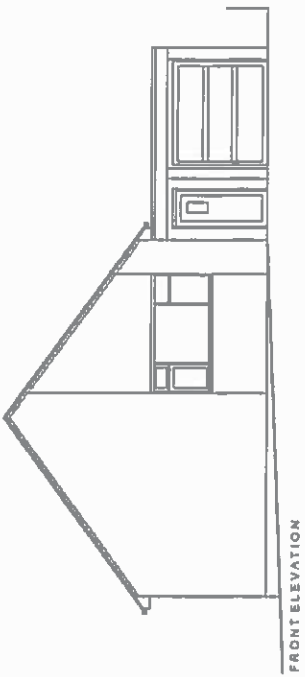
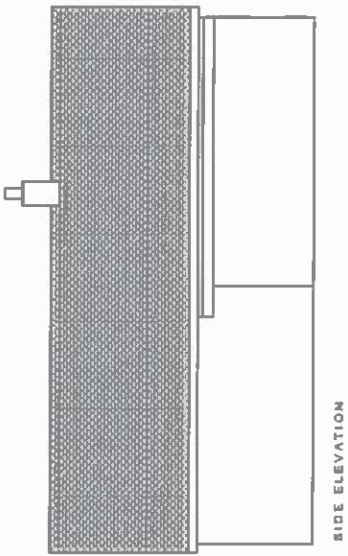
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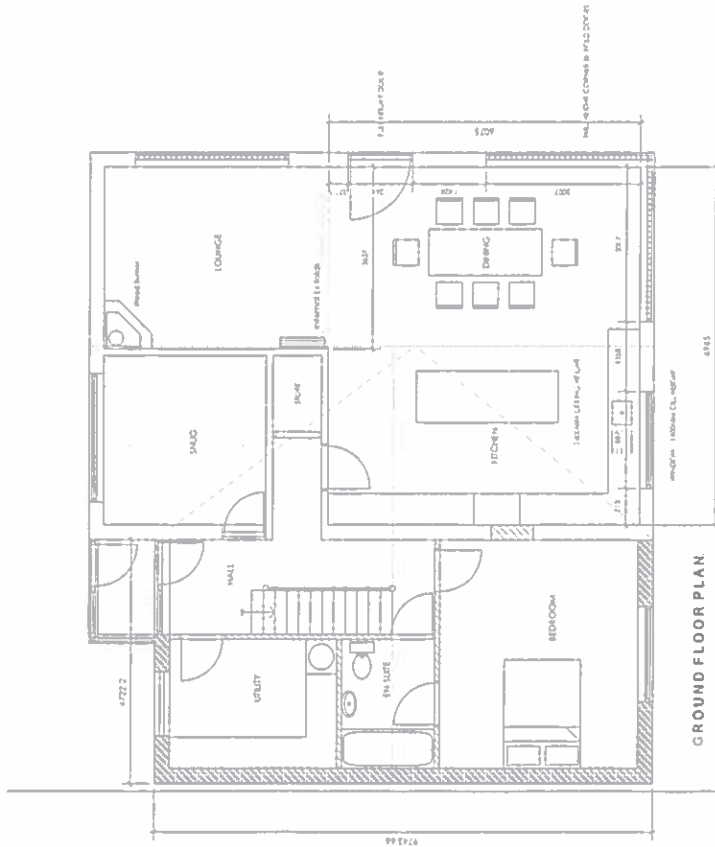
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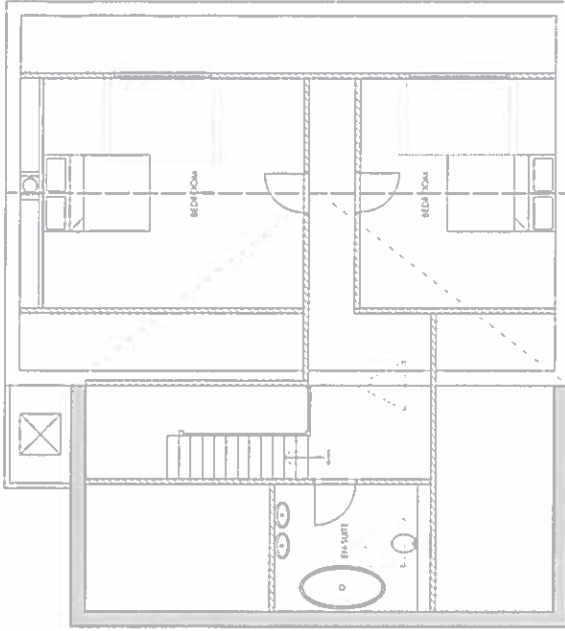
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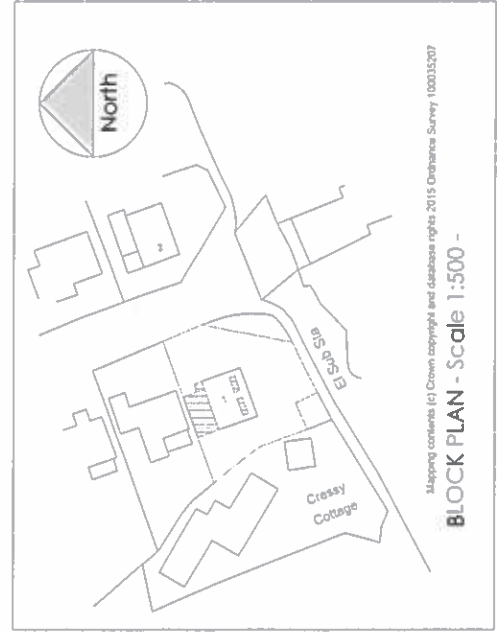
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GROUND FLOOR PLAN



LOFT FLOOR PLAN



Mapping contains (c) Crown copyright and database rights 2015 Ordnance Survey 100035207

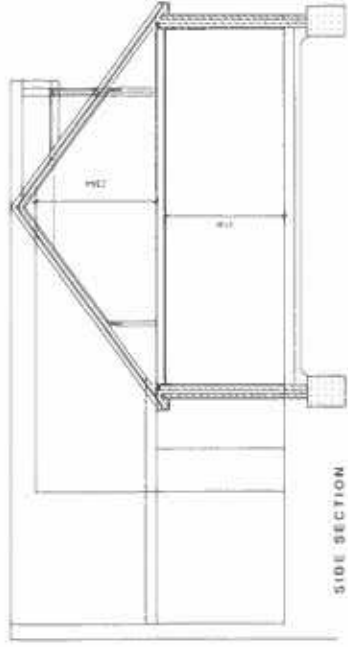
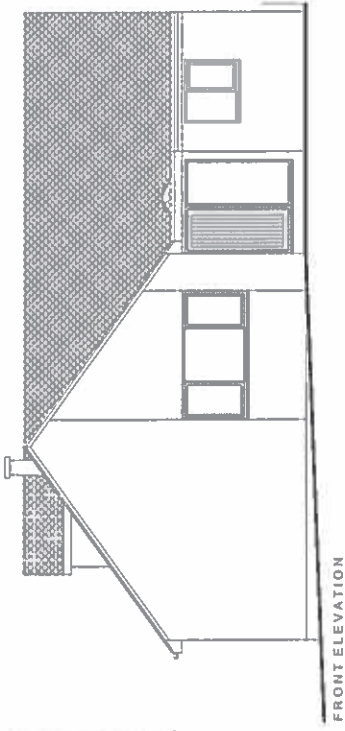
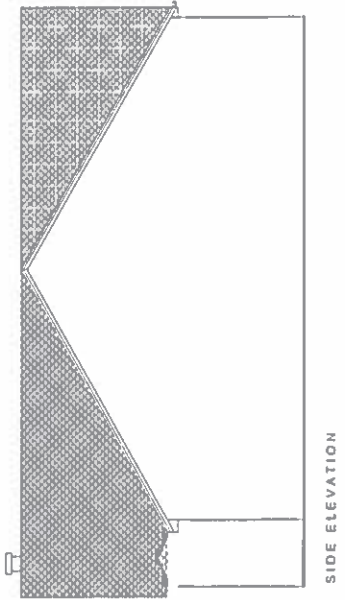
BLOCK PLAN - Scale 1:500 -

NOTE: These drawings are for information only. They are not to be used for construction purposes without the approval of the Council. All dimensions are in millimetres unless otherwise stated. All dimensions are to the centre of the wall unless otherwise stated. All dimensions are to the centre of the wall unless otherwise stated. All dimensions are to the centre of the wall unless otherwise stated.

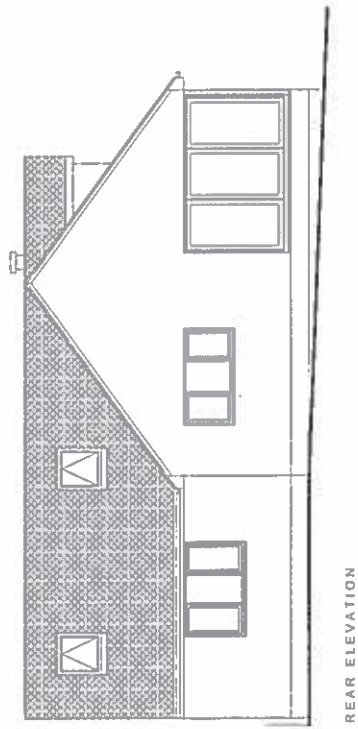
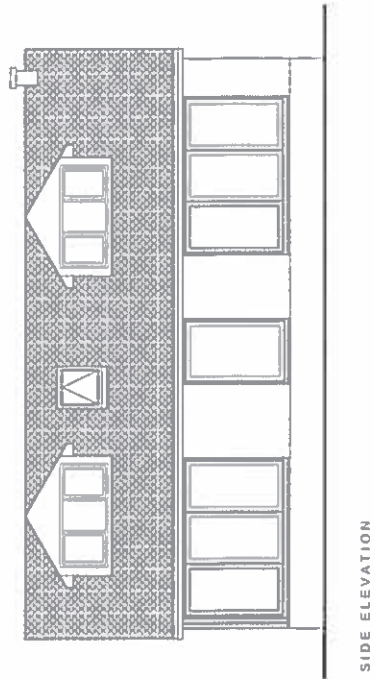
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POODMANCOTE  
CIVIL ENGINEERING

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Project Number: 100-11  
Drawing Number: A  
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Drawn by: J.L. / J.L.

PROPOSED ELEVATIONS:



70  
105510

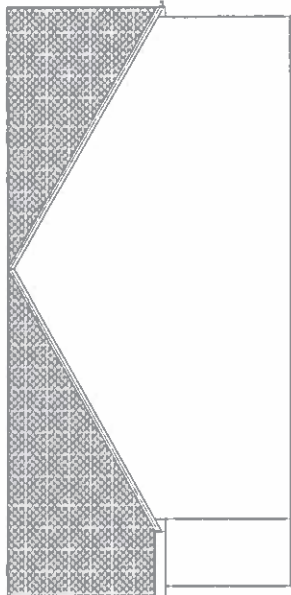


NOTE: PER ORDINANCE 12.06.01, ALL BUILDING PERMITS ARE REQUIRED FOR ALL CONSTRUCTION OF ANY TYPE, INCLUDING REPAIRS, ALTERATIONS, ADDITIONS, AND REMOVALS OF EXISTING STRUCTURES. THE PERMITTING PROCESS IS AVAILABLE AT THE CITY OF BOSTON, DEPARTMENT OF CONSTRUCTION, 220 N. STATE STREET, BOSTON, MA 02111. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF BOSTON BUILDING DEPARTMENT REGULATIONS AND ALL APPLICABLE CODES. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF BOSTON BUILDING DEPARTMENT REGULATIONS AND ALL APPLICABLE CODES.

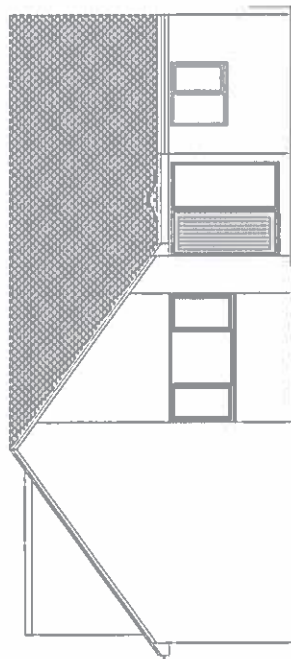
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Previously refused application  
15/01287/FUL

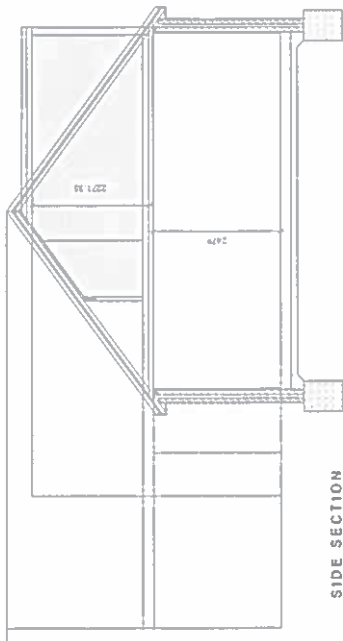
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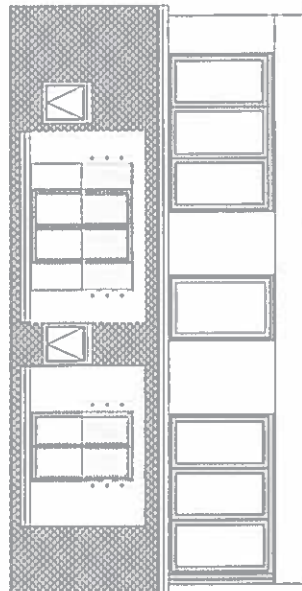
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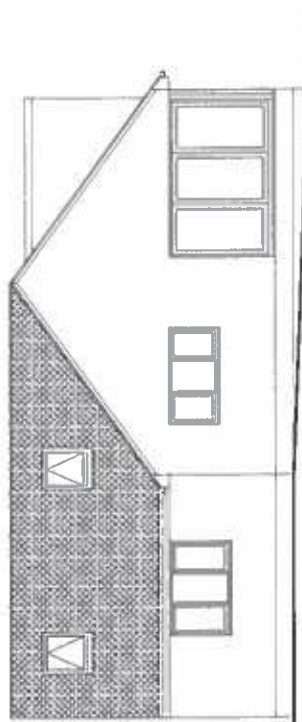
FRONT ELEVATION



SIDE SECTION



SIDE ELEVATION



REAR ELEVATION

1055/71/E

NOT TO SCALE  
 ALL DIMENSIONS INDICATED ARE TO BE CHECKED ON SITE  
 FOR VERIFICATION. ANY DISCREPANCIES ARE TO BE CORRECTED  
 BEFORE THE START OF WORK. THE CONTRACTOR IS TO BE RESPONSIBLE FOR  
 OBTAINING ALL NECESSARY PERMITS AND APPROVALS.  
 ALL DIMENSIONS ARE TO THE EXTERIOR FINISH UNLESS OTHERWISE STATED.  
 ALL DIMENSIONS ARE TO THE FACE OF THE MATERIAL UNLESS OTHERWISE STATED.  
 ALL DIMENSIONS ARE TO BE CHECKED ON SITE FOR VERIFICATION.  
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 ALL DIMENSIONS ARE TO BE CHECKED ON SITE FOR VERIFICATION.

Project: 1055/71/E  
 Client: MR & MRS J. & K. SMITH  
 Location: 1055/71/E  
 Date: 01/01/2015



Valid 07.08.2015

Proposal for 26 dwellings (Use Class C3), together with associated landscaping, open space, access and infrastructure.

Grid Ref 395734 228468  
 Parish Bishops Cleeve  
 Ward Cleeve St Michaels

Comparo Ltd  
 15 The Inner Courtyard  
 Whiteway Farmhouse  
 Whiteway  
 Cirecester

## RECOMMENDATION Delegated Permit

### Policies and Constraints

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

Planning Practice Guidance

Joint Core Strategy - Submission Version (November 2014)

Flood and Water Management SPD

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

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

The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

**Bishop's Cleeve Parish Council** - objects to this application:

- The Parish Council is opposed to large scale future housing developments in Bishop's Cleeve. This has the support of 70% of residents who responded to consultation during the drafting of the Community Led Plan
- Bishop's Cleeve has already experienced significant expansion in the last 30 years. Since 2011 it has had 1467 residential units identified and permitted for development.
- The Parish Council does not believe that, at this time, the infrastructure in Bishop's Cleeve could sustain any further development.
- The Parish Council believes that over the next few years the village needs to have time to embed the new developments already agreed and foster community cohesion.
- The A435 is already heavily congested at peak times. The housing already approved on the Homelands development will exacerbate this congestion. The above application would add further congestion.

#### Revised plans:

- The Parish Council remain opposed to the application. In addition to the previous comments, express concern regarding sewage infrastructure and storage and dirty water infrastructure.

**Natural England** - No objection. Consider it unlikely that the proposal will significantly affect the Cotswold AONB. Offer standing advice on protected species.

**Highways Officer** - No objection subject to conditions.

**County Archaeologist** - No objections.

**Gloucestershire County Council** - No objections subject to contributions towards education.

**Environmental Health** - No objections.

**Severn Trent** - No objections subject to a condition requiring the submission of foul and surface water drainage details.

**Flood Risk Management Engineer** - No objection subject to conditions.

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

**Local Residents** - None received.

**Planning Officers Comments:** Mr John Hinett

## 1.0 Introduction

1.1 The site comprises a parcel of land on the northern edge of Bishops Cleeve. The site measures approximately 1.5 ha and is bounded to the west by a vehicle dismantling yard and to the east by large scale arable fields, the southern area of which are currently being developed to provide 450 dwellings, (also known as Homelands), with outline planning consent for up to 450 further dwellings, referred to as the Homelands 2 development. The boundaries currently comprise a mix of hedgerows and fencing. The southern boundary is formed by the rear gardens of residential properties located on Evesham Road.

1.2 There is a track which runs along the eastern boundary of the site. There is currently no right of public access into, nor along the boundaries, of the site.

## **2.0 Relevant planning history**

2.1 There is no planning history relating to the application site. However, the following planning applications relate to land immediately to the east of the site:

2.2 Outline planning application 10/01005/OUT for approximately 450 dwellings and ancillary development including access was allowed on appeal in 2012. The application also proposed:

- Provision of a local centre comprising 450 SQ.M of use classes A1 to A5,
- 500 SQ.M employment,
- Community hall (use class D1),
- 700 SQ.M health, leisure and nursery accommodation (use D1 and D2),
- Strategic parkland (including allotments and orchards) public open space facilities and ancillary landscaping.

A number of reserved matters applications pursuant to the outline consent have been approved.

2.3 Delegated authority was given at planning committee in April 2016 to permit application 15/01177/FUL for the erection of 71 dwellings (access from Evesham Road), with public open space and other associated infrastructure on a site immediately adjacent to the western boundary of the current application site, subject to the completion of a Section 106 Legal Agreement.

2.4 A further Outline planning application for proposed development at Stoke Road (Ref: 15/00166/OUT) submitted by Gladman Developments for up to 265 dwellings was refused at planning committee on April 2016.

## **3.0 Current Application**

3.1 The application seeks full planning permission for the development of 26 dwellings (Use Class C3), together with associated landscaping, open space, access and infrastructure.

3.2 The application proposes that 9 of the dwellings (35%) would be affordable comprising six. 2 bedroomed dwellings and three 3 bedroomed dwellings.

3.3 The scheme also proposes a communal area of landscaped open space, a surface water attenuation pond and road infrastructure to provide vehicular and pedestrian access to dwellings.

## **Plans will be displayed at Committee**

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

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

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

4.2 As a result of these regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development'. As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application. The need for planning obligations is set out in relevant sections of the report.

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

## **5.0 Principle of Development**

### **The Development Plan**

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

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

5.2 Although the site lies adjacent to the 'Homelands' development, it does not form part of that consented scheme and also lies outside of a recognised settlement boundary of Bishops Cleeve as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. However, HOU4 is based on the now revoked Structure Plan housing numbers and for that reason is considered out of date in the context of the now 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.

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

### Emerging Development Plan

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

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

5.6 Within the rural areas of Tewkesbury Borough, approximately 2,612 dwellings are proposed to be delivered in the plan period to 2031. A large proportion 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 Borough Plan is at an early stage of development and can be given very limited weight only at this stage.

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

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (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)

The Submission version of the JCS has now been submitted to the Secretary of State and is currently undergoing Examination. The weight to be applied to specific policies will be discussed in the relevant sections of this report.

### **Other Material Considerations**

5.8 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted.

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

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

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

5.11 As set out above, the Council cannot currently demonstrate a five-year supply of deliverable housing sites. On that basis, the Council's relevant policies for the supply of housing are out-of-date. In accordance with paragraph 14 of the NPPF, the presumption in favour of sustainable development therefore applies and permission should be granted unless there are any adverse impacts of doing so which would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

#### **6.0 Access to local services and facilities**

6.1 Section 4 of the NPPF (Promoting sustainable transport) recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. It also states at paragraph 28 (supporting a prosperous rural economy) that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

6.2 Bishops Cleeve is a named 'Rural Service Centre' in the current pre-submission version of the JCS and ranks second only to Tewkesbury in the JCS Rural Settlement Audit (September 2014). It is a settlement the benefits from a wide range of services and facilities and has a strong functional relationship (and good public transport links) with Cheltenham. The Homelands and Cleavelands residential schemes will also deliver additional services and facilities (including two new community buildings and retail/ business uses).

6.3 The application site is immediately adjacent to the consented Homelands 2 scheme and would be accessed via it. Residents of the proposed scheme would therefore have easy access to the services and facilities proposed as part of that scheme and also the public transport and footpath / cycle links to those within Bishops Cleeve and also Cheltenham. It is concluded therefore that the site would be sustainable in this regard.

#### **7.0 Scale of Development and Social Impacts**

7.1 The pre-submission JCS recognises that the retention of services within rural service centres is intrinsically linked to the size and distribution of the resident population and it is important that these services remain viable, although more development will be accommodated at the rural service centres than at the service villages.

7.2 Bishops Cleeve Parish Council have objected to the proposal arguing that, at this time, the infrastructure in Bishop's Cleeve could not sustain any further development. The Parish Council believes that over the next few years the village needs to have time to embed the new developments already agreed and foster "*community cohesion.*"

7.3 It has been established in a number of recent appeal decisions (including those in Alderton) that the cumulative impact of development and the consequential increase in population without proportionate increases in infrastructure, employment opportunities and other local services risks eroding community cohesion. This is a material planning consideration. The matter was also considered by the Secretary of State (SoS) in dealing with both the Homelands and Cleavelands applications. Concluding on the sustainability of the two proposals the SoS agreed with his Inspector's comments at paragraph 14.45 of his report that: "...both schemes would take the right approach to achieving social cohesion and result in balanced communities, with good access to employment and services, which would be well integrated into pleasant environments."

7.4 It is also the case that the emerging Borough Plan (eBP) includes the application site as the only 'Rural Site Option' for Bishops Cleeve. However, the eBP is at an early stage and can therefore only be given very limited weight. Furthermore, the "Approach to rural sites" background paper suggests that commitments at Bishop's Cleeve already exceed the development appropriate at this location by approximately 230 dwellings - albeit it is accepted that Bishop's Cleeve will be expected to contribute to the Borough's housing land supply over the plan period and that development at Bishop's Cleeve would be generally consistent with the spatial strategy. Furthermore, there is no clear evidence from statutory consultees to indicate that the addition of 26 more dwellings at Bishops Cleeve would place undue strain on infrastructure and facilities.

7.5 It is material that delegated authority has recently be given to permit 71 dwellings on an adjacent site. However, in view of the above, (and notwithstanding the status of the Borough Plan and background paper), Officer opinion is that the addition of a further 26 dwellings in addition to the 1521 already allowed (Homelands 1 and 2, Cleavelands and Redrow) would be not be such a significant increase when considered cumulatively with the consented schemes to tip the balance from what was considered to be an acceptable impact, to an unacceptable one. It is therefore concluded that the scale of development in this location would not have an unacceptable impact on the social wellbeing and cohesion of Bishops Cleeve and is acceptable in this regard.

## 8.0 Landscape and Visual Impact

8.1 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy LND4 of the Local Plan states that in considering proposals for development in rural areas, regard will be given to protect the character and appearance of the rural landscape. Policy SD7 of the JCS Submission Version (November 2014) states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.

8.2 A landscape and visual appraisal (LVA) has been submitted with the application which points out that the consented 'Homelands' development will occupy the land directly to the west, south and east sides of the development therefore reducing the site's sensitivity. Furthermore, the LVA considers that as a result of the area's relatively flat nature and the presence of field hedgerows & trees, the site is largely filtered from surrounding nearby views by intervening vegetation or built form, resulting in a low inter-visibility within its surroundings. The LVA argues that from the elevated footpaths on the Cotswold scarp the site is barely discernible and the proposed development would be seen within the existing urban context. The LVA concludes that as a result of the site's location with urban form on three sides (existing/proposed) and increased vegetation to the north, the landscape & visual impact of residential development would be minimal.

8.3 The application proposes the retention of existing trees and hedges, including an existing strong tree lined hedge running the full length of the eastern boundary of the site (**see proposed landscaping scheme**). Subject to a condition requiring the retention of those existing trees and hedges Officers conclude that there would not be any significant landscape harm resulting from the development. However, as is the case with all new residential development, there would be some landscape harm and this is a matter that must be put into the planning balance to weigh against proposal.

## 9.0 Design and Layout

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

All applications for new housing are required to include a design and access statement explaining the design rationale. Policy SD5 of the Joint Core Strategy Submission Version (November 2014) similarly seeks good design reflecting the guidance.

9.2 Although not part of the original proposal for the neighbouring Homelands 2 development, the applicants' Design and Access Statement (DAS) recognises that the site would relate to it which provides immediate context for the development. However, the DAS emphasises that the current proposal is for residential units that are larger than those permitted for Homelands 2 - the aim being *"to provide a different dwelling type and thus add to the mix of accommodation in the area"*. The layout would be organised around four distinct groups of buildings comprising two courtyards with dwellings also located along an area of public open space that would run along the eastern boundary and to the southern end of the site. The dwellings would be orientated to maximise solar gain with roof slopes being able to accept solar panels. The dwellings would comprise mainly large detached dwellings.

9.3 Officers had some concerns regarding the original layout which it was considered would have resulted in some compromised relationships between the proposed dwellings with some of the units being in close proximity to the rear gardens of neighbouring dwellings resulting in unacceptable overlooking/overshadowing. It was also considered that the arrangement of dwellings on the eastern boundary of the site would have presented their side elevations and garages to the road and footpath, and to the main entrance into the site. Officers considered that this arrangement would have comprised a missed opportunity to provide additional surveillance of the public right of way and an attractive, outward facing frontage to the proposed area of open space and site entrance. Officers also had concerns that in places the rear garden areas of the proposed dwellings were rather small.

9.4 In response the applicant has submitted a revised layout which seeks to address those concerns. The number and mix of dwellings has been changed and now proposes five 4 bedroomed dwellings; six 4 bedroomed dwellings, ten 3 bedroomed dwellings and six 2 bedroomed dwellings (26 units in total). Units 11, 12 and 19 have been orientated to face the internal road way and now provide an attractive entrance into the site and surveillance of the open space. Although not significantly different to the original layout, the amendments have now resulted in a more acceptable relationship between the proposed dwellings with a greater degree of separation between each of the dwellings. The arrangement of windows has also been organised to avoid the overlooking (see revised layout). A 'density plan' has also been provided showing the density and garden size relative to parcels of the consented scheme neighbouring the site (Homelands 2). The plans show that the proposal would have a density of 24 dwellings per hectare (dph) - lower than the neighbouring scheme, and with average gardens of similar sizes.

#### *House types*

9.5 The proposed house types would have a fairly traditional form with standard pitched roofs, but would incorporate a more contemporary arrangement of windows and doors and propose coloured rendered walls, slate tiles, timber windows and Cotswold stone boundary walls. The resultant appearance of the dwellings would be more 'bespoke' than the scheme on the neighbour Homelands development which the DAS states is the deliberate, the intention being to set the application scheme apart from the Homelands development. The dwellings would comprise a mix of detached and semi-detached dwellings with an average ridge height around 8.5m.

9.6 It is concluded therefore that the revised layout and house design is acceptable and the proposal is considered to accord with the guidance set out in the NPPF in relation to good design.

## **10.0 Living Conditions**

10.1 Paragraph 123 of the NPPF states that planning decisions should, amongst other things, aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Local Plan Policy EVT3 provides that new development should be sited away from sources of noise and planning permission should not be granted for development where noise would cause harm and could not be ameliorated.

10.2 The site is located adjacent to a vehicle breakers yard. Whilst the business no longer operates from site, the use remains the last lawful use in planning terms and the activities could recommence without the need for planning permission. At the time the current application was submitted this presented a significant issue as clearly proposing houses in such close proximity to a breakers yard would potentially result in an unacceptable relationship. Since that time however events have moved on and delegated authority has been given to permit redevelopment of the breakers yard to residential development (subject to completion of the

section 106 agreement - 15/01177/FUL). Although it is true to say that that scheme does not yet have full consent and has not been implemented, Officers consider there is a reasonable prospect that it will be. Subject to a 'Grampian' condition that would prevent commencement of development of the current scheme until development has commenced on the 'Redrow' scheme (15/01177/FUL), the proposal is considered acceptable in this regard.

10.3 The layout of dwellings for application 15/01177/FUL took into account the proposed layout of the current application to ensure that the back-to-back distances were acceptable and did not result in any overlooking or loss of privacy.

## **11.0 Transport**

11.1 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. Policy TPT1 of the Local Plan requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided. Policy INF2 of the Joint Core Strategy Submission Version (November 2014) requires developers to assess the impact of proposals on the transport network to ensure that they will not detrimentally affect its safety or efficiency. Planning permission will be granted only where the impact of development is not considered to be severe and cannot be mitigated.

11.2 The County Highways Authority (CHA) have assessed the submitted details and comment that the site is accessed via Homelands 2, the access from the Homelands 2 spine road through to this development is considered suitable to serve a development of 26 dwellings. Given the size of the Homelands 1 and 2 developments, it is not considered that 26 additional dwellings will have a material impact on the operation of the network. Following the receipt of additional information the CHA consider that it has been demonstrated that adequate forward and junction visibility is available throughout the layout and that parking provision is sufficient. The carriageway widths are suitable for a shared surface layout and a refuse vehicle and two cars can negotiate the layout. A condition is recommended to ensure that the forward visibility splays around the bends are not obstructed, as these splays are not within the highway.

### *Parking*

11.3 The plans show that a total number of 48 car parking spaces plus 25 garage spaces (63 spaces in total) for the 26 dwellings. An additional 5 visitor spaces are also proposed. All car parking spaces would be conveniently located to the dwellings and all off-street. The proposed parking is therefore considered acceptable in this regard.

## **12.0 Affordable Housing**

12.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing. Furthermore, Affordable Housing Supplementary Planning Guidance (SPG) was adopted by the Council in August 2005. The purpose of the SPG is to assist the implementation of affordable housing policies contained within the Local Plan and it is a material consideration in the determination of planning applications.

12.2 The application proposes that 35% of the dwellings (6 no. 2 beds and 3 no. 3 beds) would be affordable. These are proposed to comprise a split of 6 social rented units and 3 shared equity units. The applicant argues that an overall provision of 35% of affordable housing is sufficiently justified in this location, especially given that the proposal has seen a greatly increased provision of the smaller 2-bed units.

12.3 The Strategic Housing and Enabling Officer has assessed the proposal and is satisfied that the proposed number of affordable dwellings is acceptable and proposes an acceptable size, mix and tenure. Subject to the above being secured via a Section 106 Legal Agreement the Housing Enabling and Strategy Officer has no objection to the proposal.

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

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

13.2 The proposal for up to 26 dwellings would generate a requirement for 0.15ha of open space, of which 0.09ha should be playing pitches in accordance with the requirements of Local Plan Policy RCN1 and Playing Pitch and Outdoor Sports Assessment and Strategy.

13.3 With regards to playing pitches and changing facilities, as these are not being provided on site, an off-site contribution would be required. Based on Sport England figures, a contribution of £43,513 (£9,324 for playing pitches and £34,189 for changing facilities) would be required for playing pitches and changing facilities. The contribution would go towards facilities at the Cheltenham Road recreation area.

13.4 In terms of the balance of open space required, a further area of 560sq.m would be required. The layout shows an area to the site frontage. However, this would provide for landscaping rather than useable public open space. A contribution of £769 per dwelling is therefore sought towards existing provision within Bishops Cleeve.

13.5 In addition to sports pitches, demand for other sports facilities has been identified using the Sports Facility Calculator which is an interactive tool developed by Sport England. Based on 26 dwellings, demand has been identified for local sports facilities. In order to address these demands, the following contributions have been sought:

\* Contribution towards the Cleeve Sports Centre- £11,321.

13.6 These contributions could be secured through a section 106 legal agreement and would not breach the pooling requirements set out at paragraph 4.3 above.

#### **14.0 Community, Education and Library Provision**

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

14.2 With regards to education, following consultation with Gloucestershire County Council, it is advised that the demand for pre-school facilities would be minimal and there are currently likely to be sufficient facilities to meet the demand from new residents. In terms of primary requirements, it is advised that contributions towards the local Primary School would be required in order to accommodate the additional 6.5 primary pupils forecast to be generated by the development. A contribution of £75,998 has therefore been requested towards primary education.

14.3 With regards to secondary education, the proposed development would generate demand for 3.9 secondary pupils and therefore a contribution of £69,545 has been requested towards secondary education.

14.4 Due to the scale of the proposal Gloucestershire County Council does not make a request for contributions towards public libraries.

14.5 Contributions towards recycling and dog bins and signage have also been requested.

14.6 In terms of the need for other community facilities, the Council's Community Planning and Partnerships Officer has been in consultation with the Parish Council who have expressed a need for benches/seating within area of Public Open Space. The applicant confirms agreement to the contributions, subject to the Council being able to demonstrate CIL compliance. The matters therefore are still effectively under negotiation but the above requests would not breach the pooling requirements set out at paragraph 4.3 above.

#### **15.0 Flood Risk and Drainage**

15.1 The NPPF aims to direct development away from areas at highest risk. Development itself should be safe and should not increase flood risk elsewhere. Policy EVT5 reflects this advice and Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable urban drainage systems (SUDS) criteria. Policy INF3 of the Joint Core Strategy (November 2014) replicates the advice in the NPPF.

15.2 The adopted Flood and Water Management Supplementary Planning Document has a number of key objectives which similarly reflect the advice and guidance contained in the NPPF and its Practice Guidance.



15.3 The application has been supported with a Flood Risk Assessment (FRA). In accordance with the requirements of the NPPF (paragraph 2), the FRA has assessed the flood risk from all potential sources of flooding including: fluvial, groundwater, overland flows, flooding from sewers, drains and artificial sources, and downstream flood risk.

15.4 The FRA confirms that the site is located within Flood Zone 1, which indicates that it has a low likelihood of flooding. The application site currently comprises grassland with an area of 1.43 ha and the impermeable area on the post construction site would be approximately 0.9 Ha. The FRA confirms that there would be little or no risk of flooding from fluvial and tidal, a low risk from groundwater sources, and a manageable risk from overland flows sewers/land drains and artificial sources. It is acknowledged that there is a risk to the development and downstream properties from overland flows generated by increased rates of run-off from impermeable surfaces proposed on the site. Therefore, to prevent increased flood risk, it is proposed that runoff rates from the site would be restricted to existing greenfield rates.

15.5 In terms of surface water drainage it is proposed that discharge would flow into an un-named watercourse to the south of the site (referred to as 'South Stream') at greenfield rates via a surface water connecting sewer to be requisitioned from Severn Trent Water. A sustainable drainage system is proposed to attenuate development runoff to these rates using a combination of methods including;

- Tank sewers
- Cellular storage
- French drains and,
- Water butts

15.6 In terms of foul drainage it is proposed that the site would be drained via an adoptable sewer laid along the secondary access to discharge into the existing foul tank sewer in the neighbouring 'Homelands' access road to the south of the site.

15.7 The FRA concludes the site is suitable for the proposed development and that drainage infrastructure can be incorporated into the design sufficient not to increase the risk of flooding to the site and downstream.

15.8 Following consultation, the Environment Agency comment that the site is located in Flood Zone 1 and on this basis offer only standing advice.

15.9 Severn Trent also confirm they have no objections to the proposal.

15.10 The Council's Flood Risk Manager has also assessed the scheme and comments that he has no objections in principle to the proposal provided that the requirements of the 'The SuDS Manual' are integrated and adhered to in the detailed design scheme. A condition is therefore recommended requiring this.

## **16.0 Ecology and Nature Conservation**

16.1 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals. Policy SD10 of the Joint Core Strategy Submission Version (November 2014) seeks to protect and enhance the biodiversity of the JCS area.

16.2 The application has been supported with an Ecological Assessment which assesses the ecological impact of the proposed development. The assessment considers that, apart from the hedgerows, the habitats present within the application site are of limited ecological interest. It is considered that losses to habitats within the proposed development footprint could be fully mitigated through the retention of existing features (including the majority of the hedgerows within the application site) and the provision of areas of new landscaping within the proposed development.

16.3 The assessment concludes that the majority of the application site is of limited value from an ecology and nature conservation perspective and that subject to the implementation of the recommended mitigation measures (including: new landscape planting, ensuring lighting avoids direct lighting of features of potential value for bats and avoiding development during nesting season), there would be no adverse effects on any designated sites or protected species as a result of development at the application site. Moreover, that the proposed development would offer enhancements for biodiversity over the existing situation, and would therefore fully accord with current legislation and policy pertinent to ecology and nature conservation.

16.4 Subject to a condition requiring an ecological management plan, the proposal therefore considered to be acceptable in this regard.

### 17.0 Archaeology and Cultural Heritage

17.1 The NPPF sets out that great weight should be given to the conservation of heritage assets. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

17.2 The County Archaeologist has assessed the application and noted that investigation of land to the immediate east of the application site (Homelands) resulted in the discovery of an area of later prehistoric settlement. There was therefore concern that significant archaeological remains might also be present within the application site. The County Archaeologist therefore requested additional field evaluation be carried out. In response the applicants provided an additional Archaeological Evaluation report which confirmed that the prehistoric enclosures observed in the adjacent field do not continue into the proposed development area.

17.3 The County Archaeologist has assessed the additional report and concludes that the proposed development area has low potential to contain any significant archaeological remains. Consequently, the County Archaeologist recommends that no archaeological investigation or recording should be required in connection with the proposal.

### 18.0 Overall Balancing Exercise and Conclusions

18.1 Paragraph 14 of the NPPF requires that development proposals that accord with the development plan should be approved without delay. 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.

18.2 In this case the proposal conflicts with policy HOU4 of the local plan. However this policy is out of date for the reasons explained in section 5 of this report. As such planning permission should be permitted unless there are significant and demonstrable harms which outweigh the benefits. In terms of the economic benefits, it is now widely accepted that new housing developments bring benefits during the construction phase and through the additional spending power in the local economy as a result of the increased population. The social benefits of providing additional market and affordable housing is also well accepted. In environmental terms, the development would have limited landscape harm and potentially some environmental benefits through enhanced opportunities for bio-diversity.

18.3 The application demonstrates that other matters such as the impact in terms of ecology, noise, drainage and archaeology are acceptable, or can be made so by planning conditions and there would be no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission, when assessed against the policies of the Framework as a whole,.

18.4 It is not considered that the development of an additional 26 dwellings in Bishops Cleeve could be considered to undermine the emerging Joint Core Strategy or pre-determine the location of strategic development. Furthermore, it is not considered that an objection could be sustained in relation to the possible prejudice to the development of the Tewkesbury Borough Plan or any future Neighbourhood Plans.

18.5 It is concluded therefore that, subject to resolution of the matters identified above, the economic and social benefits would outweigh any environmental harm resulting from development and, based upon the three-stranded definition of Sustainable Development within the NPPF, the proposal would represent a sustainable form of development.

### 19.0 Conclusion

19.1 It is therefore recommended that **permission be delegated to the Development Manager subject: to allow for any necessary amendments to the proposed planning conditions (as necessary) and to allow for the completion of a Section 106 Agreement to secure the following planning obligations:**

- \* Affordable Housing - 35% provision.
- \* Education - £145,543 for primary and secondary education requirements.
- \* Off-site sports provision (playing pitches and changing facilities) - £43,513.
- \* Off-site contribution towards play facilities of £769 per household.
- \* Off-site contribution of £11,321 indoor sports facilities.

- \* Community - a contribution towards community related facilities remains under negotiation.
- \* Recycling - £50 per dwelling
- \* Dog bins & signs - 1 bin per 45 houses at £350 per bin. 1 sign per 10 houses at £50 per sign.

#### RECOMMENDATION Delegated Permit

##### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: - 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 Notwithstanding the submitted details, no development shall take place until details of existing and proposed ground levels and ground floor slab levels of the buildings hereby permitted, relative to Ordnance Datum Newlyn, have been submitted to and approved in writing by the local planning authority. The existing and proposed ground levels shall demonstrate that the finished floor level of all buildings shall be 300mm above the proposed ground level. The development shall thereafter be carried out in accordance with the approved details.

Reason: - To ensure that the development integrates harmoniously with the surrounding development and to safeguard the amenities of residents of adjoining properties and to ensure the dwellings are not at risk of flooding.

- 3 Notwithstanding the submitted details, the construction of the dwellings hereby permitted shall not commence until samples of the proposed external walling and roofing materials have been submitted to and approved in writing by the local planning authority. Thereafter all such materials used in the development shall conform to the approved samples.

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.

- 4 Notwithstanding the submitted details, no development shall take place until a comprehensive Landscaping Scheme has been submitted to and approved in writing by the local planning authority. The Landscaping Scheme shall include details of all existing 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 construction. The Landscaping Scheme shall also include details of all proposed planting, including species, density, and the height and spread of trees; and details of the design, position, height and materials of all the proposed boundary treatments.

Reason: - To ensure that the new development will be visually attractive in the interests of amenity.

- 5 All planting, seeding and turfing detailed in the approved Landscaping Scheme shall be carried out in the first planting and seeding season following the first occupation of any of the buildings hereby permitted or completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years from 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. The boundary treatments detailed in the approved Landscaping Scheme shall be implemented before any of the dwellings hereby permitted are first occupied.

Reason: - To ensure that the new development will be visually attractive in the interests of amenity.

- 6 No development shall take place until an Ecological Enhancement Scheme demonstrating how opportunities to provide wildlife enhancements have been incorporated within the development. Thereafter approved measures shall be implemented and maintained in accordance with the approved details, unless otherwise first agreed in writing by the local planning authority.

Reason: - In the interests of conserving bio-diversity in accordance with the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan - March 2006.

- 7 No development shall take place until details of the provision of fire hydrants served by the mains water supply, including a timetable for their provision, have been submitted to and approved in writing by the local planning authority. The fire hydrants shall be provided in accordance with the approved details.

Reason: - To ensure that fire hydrants are provided in suitable locations within the development in the interests of community safety in accordance with Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 8 Prior to the first occupation of any of the dwellings hereby permitted, an External Lighting Strategy shall be submitted to and approved in writing by the local planning authority, and development shall be carried out in accordance with the approved details. Thereafter no external lights shall be installed on the dwellings or anywhere else within the appeal site otherwise than in accordance with the approved External Lighting Strategy, unless the written approval of the local planning authority has first been obtained.

Reason: - To protect the amenities of nearby residential property and in the interests of visual amenity in accordance with Policies LND4 and EVT2 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 9 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.

Reason: - To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan - March 2006.

- 10 Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that order), no planting or structures above 600mm shall be placed within the forward visibility splays as shown on plan PL111A, and shall be maintained as such thereafter.

Reason: - In the interests of highway safety, in accordance with paragraph 32 and 35 of The Framework.

- 11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- i. specify the type and number of vehicles;
  - ii. provide for the parking of vehicles of site operatives and visitors;
  - iii. provide for the loading and unloading of plant and materials;
  - iv. provide for the storage of plant and materials used in constructing the development;
  - v. provide for wheel washing facilities;
  - vi. specify the intended hours of construction operations;
  - vii. measures to control the emission of dust and dirt during construction

Reason: - 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.

- 12 No building on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

13 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: - To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

14 The applicant is advised that to discharge the above condition that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes. No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 10m of the proposed access road, including the junction with the existing highway and associated visibility splays, has been completed to at least binder course level.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

15 The dwellings shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan and those facilities shall be maintained available for those purposes thereafter.

Reason: - 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.

16 Development is not to begin until comprehensive evidence based drainage details, leading on from the Flood Risk Assessment submitted and 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. In addition, that the sewerage authority must first take any steps necessary to ensure that the public sewer will be able to cope with the increased load, and there being in place adequate and appropriate sewerage facilities to cater for the requirements of the development without increase of flood risk or ecological damage.

Reason: - 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.

17 No development hereby permitted shall be commenced until the development pursuant to planning application reference number 15/01177/FUL on adjoining land on the eastern boundary of the application site has lawfully commenced.

Reason: - To ensure that the lawful planning use of the adjoining breakers yard is extinguished in the interests of residential amenity in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan - March 2006 and the guidance contained within 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 revised plans received by the Local Planning Authority on the 4th and 7th of August 2015.

3 The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

4 The proposed development will involve a sign to be erected on the public highway and the Applicant/Developer is required to obtain a Licence from the County Council before commencing those works.

5 The applicant is advised that to discharge the above condition (13) that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

14/10/25 / TAL

Code	Description	Scale	Author	Date
1	Site Plan	1:500	TAL	14/10/25
2	Site Plan	1:500	TAL	14/10/25
3	Site Plan	1:500	TAL	14/10/25
4	Site Plan	1:500	TAL	14/10/25
5	Site Plan	1:500	TAL	14/10/25
6	Site Plan	1:500	TAL	14/10/25
7	Site Plan	1:500	TAL	14/10/25
8	Site Plan	1:500	TAL	14/10/25
9	Site Plan	1:500	TAL	14/10/25
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11	Site Plan	1:500	TAL	14/10/25
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96	Site Plan	1:500	TAL	14/10/25
97	Site Plan	1:500	TAL	14/10/25
98	Site Plan	1:500	TAL	14/10/25
99	Site Plan	1:500	TAL	14/10/25
100	Site Plan	1:500	TAL	14/10/25

- Legend**
- Application site boundary
  - Other land under the control of the Applicant
  - Plot No.
  - House Type (Structure / Porches)
  - Garage
  - Neighbourhood 2 development (Subject to planning)
  - Site access
  - Shared surface road (adopted)
  - Shared surfaced (private)
  - Commercial landscape
  - Private garden
  - Existing trees retained
  - New trees and planting
  - PV's
  - Floor gardens to subject dwellings
  - Commercial unit
  - Waste College Orchard

**PLANNING**

1:500 @ A1  
 23.07 14 1 DB RG

ferguson menn architects  
 Land behind Millam House, Dunrope Drive  
 Compare Limited  
 1:500 @ A1  
 23.07 14 1 DB RG

Proposed Site Plan  
 0664 PL 201 D



86  
1069 / A

14/01233 / TAL

Code	Description
1	Application site boundary
2	Other land under the control of the Applicant
3	Plot No.
4	House Type (Shedroom / Permitted)
5	Garage
6	Household 2 development (subject to planning)
7	Site access
8	Shared surface road (adjacent)
9	Street courtyard (shared)
10	Communal hardwearing
11	Private garden
12	Existing trees retained
13	New trees and planting
14	PVP
15	Road junction to adjacent landings
16	Demarcated walk
17	White Chippings Driveway

**PLANNING**

14 New Kings Road, South Hill, Woking, Surrey GU24 0JH  
 Tel: 01483 812333 Fax: 01483 812334  
 www.fergusonarchitects.co.uk

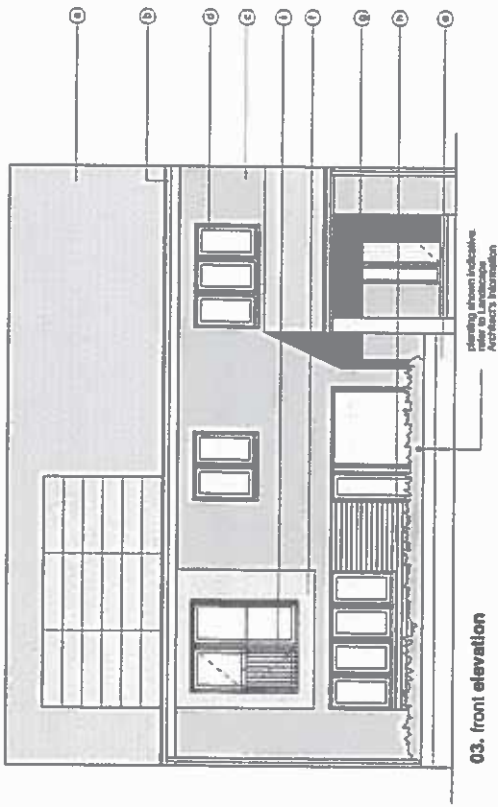
**ferguson main architects**  
 Land behind Liffarth House, Bishops Cleeve  
 Cottingham Road  
 Woking GU24 0JH  
 Tel: 01483 812333 Fax: 01483 812334  
 www.fergusonarchitects.co.uk

Proposed Site Plan  
 No: 9964  
 Date: 23.07.14  
 Scale: 1:500 @ A3  
 Rev: DB  
 Rev: RG  
 Rev: E

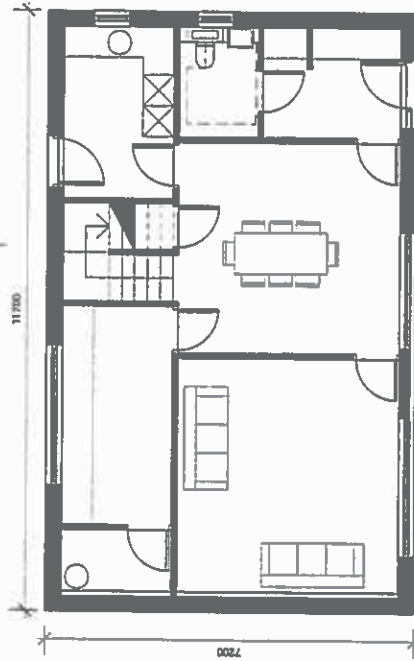


1069 | B 87

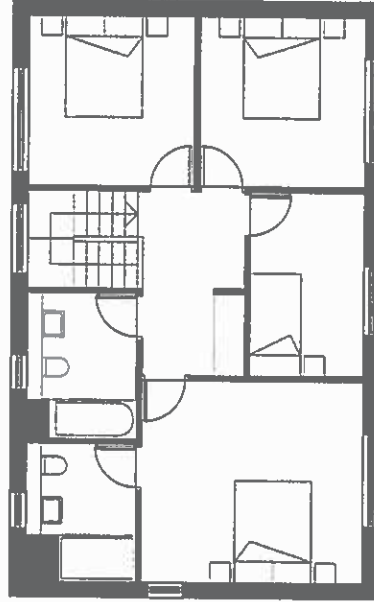




section a-a



section a-a



01. ground floor plan

02. first floor plan

Date	Drawn	Checked	Comments

Plots: 1, 4, 12

Materials list:

- a) New oak battens with lead flashing
- b) Black refractory bricks on patterned softwood laths
- c) Portland cement
- d) Coloured stone walling with 'rock and hair' coping
- e) Stone dressing
- f) Timber cladding
- g) Painted cast iron balustrade
- h) Timber garage door
- i) Castdown stone walling/banding

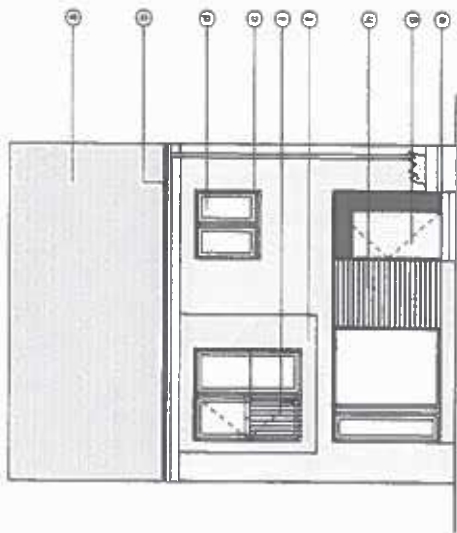
19 Green George Street Bristol BS1 5JH  
 T 0117 859 8233 W info@fergusonmann.co.uk

\* All drawings are copyright  
 \* Please do not disseminate to third parties  
 \* All dimensions to the structure unless otherwise stated

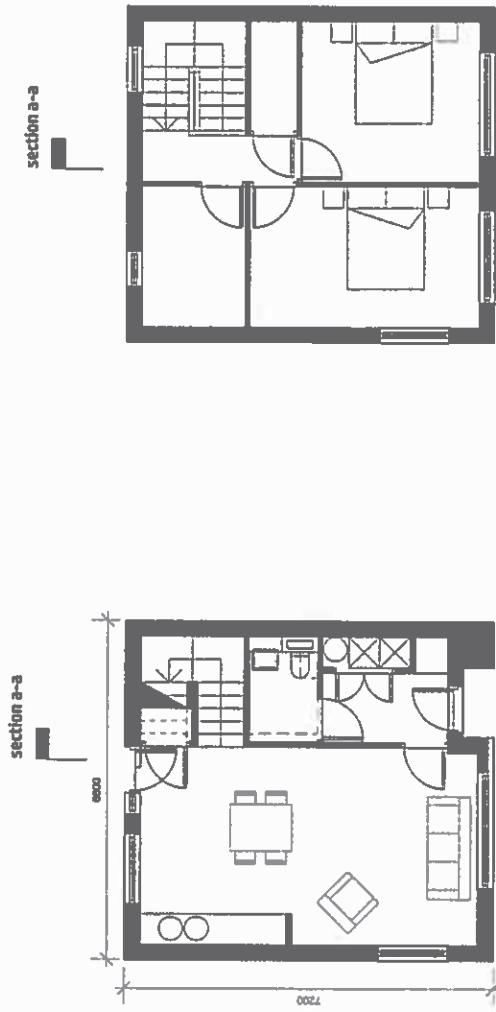
PLANNING			
Architect	ferguson mann architects	Project No.	9964
Site Name	Land behind Witham House, Bishops Cleeve	Client	Compara Limited
Scale	1:100 @ A3	Date	10.06.14
Drawn	DB	Checked	RG
Issue No.	PL 506	Issue Date	
Project Name	Proposed Plans - House Type D 4 Bed/7 Person - 146 sqm/1582sqft		



14/01233/7AL



01. front elevation



02. ground floor plan

03. first floor plan

<p><b>PLANNING</b></p> <p>Job No: <b>ferguson mann architects</b></p> <p>Client: <b>Land behind Millham House, Bishops Cleeve</b></p> <p>Project: <b>Proposed Plans - House Type H</b></p> <p>Area: <b>2 Bed/4 Person - 78 sqm/840 sqft</b></p> <p>Scale: <b>1:100 @ A3</b></p> <p>Date: <b>30.07.15</b></p> <p>Drawn by: <b>DB</b></p> <p>Checked by: <b>RG</b></p> <p>PL 523</p>		<p>18 Great George Street, Bristol BS1 5RH          T 0117 929 6200 E info@fm-architects.co.uk          F 0117 929 6205 W fm-architects.co.uk</p> <p>All drawings are copyright          © Ferguson Mann Architects          No part of this drawing may be reproduced          without the written permission of the          copyright holder.</p>	<p><b>Notes:</b></p> <p>1. Natural stone cladding with lead cladding          2. Coloured gravel on patios and around facade          3. Painted timber windows          4. Stone on stone walling with brick and half cladding          5. Painted timber door          6. Painted timber cladding          7. Stone roof (or similar) clad former structure          8. Stone garage floor          9. Concrete base retaining/stepping</p> <p><b>Photos:</b> 13, 22, 2, 3, 5, 13, 22</p>
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10690/E

## BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019

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

11 May 2015

Please destroy previous lists.