

**TO EACH MEMBER OF THE  
PLANNING COMMITTEE**

09 January 2017

Dear Councillor

**PLANNING COMMITTEE- TUESDAY 17 JANUARY 2017**

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 - 54</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**  
**Head of Democratic Services**



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

**TEWKESBURY BOROUGH COUNCIL**

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 17 January 2017

	<b>(NORTH)</b>	<b>(SOUTH)</b>
General Development Applications Applications for Permission/Consent	(578 - 604)	(605 - 612)

**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. ( 578 – 612 )**

### 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) 17th January 2017

Ashchurch Rural 16/01280/FUL <a href="#">Click Here To View</a>	Orchard Cottage Aston Carrant Road Aston-On-Carrant Tewkesbury	Refuse	2
Leigh 16/01272/OUT <a href="#">Click Here To View</a>	Little Holborn Church Lane The Leigh Gloucester	Refuse	1
Tewkesbury 16/00593/FUL <a href="#">Click Here To View</a>	38 High Street Tewkesbury Gloucestershire GL20 5BB	Permit	3
Tewkesbury 16/01256/FUL <a href="#">Click Here To View</a>	24 Elmbury Drive Newtown Tewkesbury Gloucestershire	Permit	4
Twigworth 16/01207/FUL <a href="#">Click Here To View</a>	Land at Twigworth Court Tewkesbury Road Twigworth Gloucester	Permit	5
Woodmancote 16/01229/FUL <a href="#">Click Here To View</a>	Apple Tree Stockwell Lane Woodmancote Cheltenham	Permit	6

Valid 14.11.2016

Outline planning application for the erection of 2 dwellings and associated access, with all matters reserved for future consideration except for access

Grid Ref 386995 225666

Parish Leigh

Ward Coombe Hill

Mr R Theyor  
Little Holburn  
Church Lane  
The Leigh  
GL19 4AF

## RECOMMENDATION Refuse

### Policies and Constraints

National Planning Policy Framework (2012)

Planning Practice Guidance

JCS (Submission Version) November 2014

Tewkesbury Borough Local Plan to 2011 (March 2006) - policies HOU4, LND3, EVT2, EVT3, EVT9 and TPT1

Flood and Water Management Supplementary Planning Document

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

The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

The Leigh Parish Council advises that it is sympathetic to small scale development in the village and has supported two earlier applications, both of which were considered on their own merits and independent of each other.

However, The Leigh Parish Council advises that it is unable to support this application, and provides the following comments:

- Concern raised regarding driveway access, due to the closeness of the road junction where Church Lane meets with Blacksmith Lane;
- Concern raised that permitting two more houses in the Leigh would create a 'precedent' for further house building in the village. This in turn would allow the precedent to become the 'norm' and further dwellings would then follow - using previous examples to reinforce new applications just as this application has done.
- It is noted that the location of the proposed dwellings is outside of the designated Service Village boundaries identified within the JCS report. References to an excellent bus service are over exaggerated. The current service means that travel is heavily reliant on car usage. Therefore any proposed development outside of the Service Village boundaries is considered a non-sustainable location.

The Landscape Officer advises that, by virtue of the location of the site within the Landscape Protection Zone and in a rural setting, the landscaping proposals should have been detailed and the landscape and visual impacts assessed at this stage. The Design and Access Statement does not explain how the approach to the building form, layout and landscaping scheme has been approached to soften and mitigate the visual edge of the development and in particular the sides of the plots facing the open countryside.

**Government Oil Pipelines** - no comments received.

The application has been publicised through the posting of 3 site notices and 1 letter of representation has been received in the 21 day statutory consultation period or since. The main points raised relate to:

- The supporting document mentions that two new builds have been passed recently: (1) The development approved under reference 14/01201/FUL [for the demolition of three pre-fabricated concrete garages/lean to and the construction of a two storey detached dwellinghouse at Todpool Cottage, The Leigh] is not a new build as it is on a brown site, with already an existing structure and hard landscaping; and (2) the development approved under reference 15/00750/FUL [for the

construction of a new bungalow and detached garage building for a disabled person and the construction of a new access at Part Parcel 6295, Blacksmith Lane, The Leigh] is a new build, but built for a local disabled person, and not for resale or sale for financial gain.

- "Suburban" style design developments, such as the one mentioned in the supporting document at Ashleworth (as approved under outline application reference 15/00965/OUT), are not appropriate for a rural location.
- The term "Organic Development" is contrived, as National and local Government policy, i.e. the JCS and service village "joke" just inventing excuses to dump houses anywhere.
- Residents who use public transport advise that bus routes are infrequent and non-existent in the evenings.

**Councillor Waters has requested Committee determination to assess if this is a suitable location for housing given recent applications in the village following determinations made at committee.**

**Planning Officers Comments:** Emma Blackwood

## **1.0 Application Site**

1.1 The application site forms part of an agricultural field immediately to the east of the dwelling known as "Little Holborn", which is located on the southern side of Church Lane in The Leigh. The site is located approximately 390 metres to the west of the A38, accessed via Church Lane, and there is an existing agricultural access to this field from the adjacent public highway. There is a linear run of 8 no. existing dwellings in this part of Church Lane. Beyond this, the area is characterised by open countryside.

1.2 The application site is located within the Landscape Protection Zone (LPZ) as defined on the Local Plan Proposals Map.

## **2.0 Relevant Planning History**

2.1 Outline planning permission was refused in 1961 for the erection of a dwelling house at Little Holborn, Church Lane, and the construction of a vehicular access (reference T.3645).

2.2 Outline planning permission was granted on 26th July 1994 for the erection of an agricultural worker's dwelling at Holborn Farm, Blacksmiths Lane, The Leigh (reference 94/3645/0641/OUT). The reserved matters for this proposal were approved on 7th February 1995 under application reference 94/3645/1399/APP.

2.3 Planning permission was granted on 4th April 1997 for the erection of a detached double garage and the retention of an oil and calor gas storage tank (reference 97/3645/0105/FUL).

2.4 Planning permission was granted on 27th February 2006 for the construction of a dormer window and insertion of rooflights into the roof of an existing garage and the formation of a room in the roof space, at Little Holborn, Church Lane, The Leigh (reference 05/3645/1608/FUL).

## **3.0 Current Application**

3.1 The application seeks outline planning permission for the erection of 2 no. dwellings and associated accesses on land immediately to the east of the dwelling known as "Little Holborn", Church Lane, The Leigh. All matters are reserved for future consideration except for access, although an "Illustrative street scene" and "Illustrative layout" have been submitted to show how the development could be achieved. The illustrative plans show 2 no. 1 and a half storey chalet style dwellings some 10 metres wide and 7 metres deep, each with a double garage attached to the side elevation. At the closest point there would be a separation distance of 8 metres between the existing dwelling at "Little Holborn" and the nearest proposed dwelling, and 4 metres between both proposed dwellings. The submitted Planning, Design and Access Statement (PDAS) advises that the proposed dwellings would be likely to accommodate between three and four bedrooms each.

3.2 Two separate access points would be created from Church Lane, with one of the accesses using an existing agricultural field gate. The illustrative layout shows each dwelling set back approximately 10 metres from Church Lane, with a driveway and vehicular parking, turning and manoeuvring area provided to the front of each dwelling. The submitted PDAS advises that the hedgerows along the front boundary of the site would be largely retained, other than where it is necessary to remove vegetation for the purposes of the proposed access.

3.3 The illustrative layout shows each proposed dwelling with a rear garden area some 20 metres wide and 10 metres deep, which would back onto open fields.

#### **4.0 Policy Context**

4.1 At the heart of the NPPF is a presumption in favour of sustainable development, of which there are three dimensions: economic, social and environmental. The NPPF does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning authorities having an up-to-date plan. According to paragraph 215 of Annex 1 of the NPPF, due weight should be given to relevant policies in existing development plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given). Paragraph 216 of the NPPF sets out that that from the day of publication decision-makers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan. The weight to be attributed to each policy will be affected by the extent to which there are unresolved objections to relevant policies with the emerging plan (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency of the emerging policies to the NPPF. The more advanced the preparation of a plan, the greater the weight that may be given.

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

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

4.4 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development. The Submission Version of the Joint Core Strategy (November 2014) sets out the preferred strategy over the period of 2011- 2031. This document, inter alia, sets out the preferred strategy to help meet the identified level of need. Policy SP2 sets out the overall level of development and approach to its distribution.

4.5 Within the rural areas of Tewkesbury Borough, 2,612 dwellings are proposed to be delivered within the plan period to 2031. Approximately two thirds of this rural development has already been committed through planning permissions already granted. The remainder of this requirement will be allocated at rural service centres and service villages through the Tewkesbury Borough Plan and neighbourhood plans. The site lies outside of rural service centre or service village, as set out within the Submission Version of the JCS.

4.6 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.7 Section 11 of the NPPF seeks to protect and enhance valued landscapes and the requirement to protect landscape character is echoed within Policy SD7 of the JCS (Submission Version). Policy LND3 of the Local Plan provides that, within the LPZ, the Local Planning Authority should seek to protect or enhance the environment.

4.8 Other key local and national planning policy guidance in relation to matters of design, amenity, landscape and highway safety are set out in the relevant sections of this report.

#### **5.0 Analysis**

##### Principle of development



5.1 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. In this case there are no specific policies which indicate development should be restricted.

5.2 As explained above, policy HOU4 of the Local Plan is out of date. Nevertheless, in terms of accessibility, paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, paragraph 55 specifies that new isolated homes in the countryside should be avoided unless there are special circumstances, none of which apply in this case. Not only is the site in a rural location outside any residential development boundary, it also lies remote from the nearest village of The Leigh, which itself does not benefit from a level of services and facilities which would warrant its inclusion as a service village in the current draft JCS.

5.3 The nearest Bus Service (no. 71, which provides public transportation between Gloucester and Tewkesbury) can be accessed from the A38. However, this provides a bus service from Monday to Saturday (inclusive) only between 06:15 and 19:10 and, for the majority of each day, a bus stops here only once an hour. Further, accessing this bus service would require travelling approximately 390 metres along Church Lane by foot, along a narrow road which is subject to a 30 mph speed limit and which is not served by adequate footways or cycleways and which does not have any street lighting.

5.4 The submitted covering letter and PDAS make the case that the recent allowed appeal for up to 35 dwellings at Nup End, Ashleworth (reference 15/00965/OUT) has established that new housing development in rural villages can be considered sustainable, even when such villages are not located within defined settlement boundaries or designated as 'Service Villages'. That appeal decision is not considered material in this case however as the circumstances in relation to the settlement of Ashleworth itself, and the scale of development proposed, are not comparable to the current case.

5.5 The submitted covering letter and PDAS also make the case that it has been recently established through the granting of planning permissions for new housing developments at The Leigh by the Tewkesbury Borough Planning Committee (references 14/01201/FUL and 15/00750/FUL) that *"the village"* is in need of organic small-scale housing growth and that The Leigh is a sustainable and accessible settlement in light of its close proximity to the A38, which is *"a major transport corridor with an excellent bus service"*.

5.6 The development approved under reference 14/01201/FUL was for the construction of a two storey detached dwelling in place of 3 no. pre-fabricated concrete garages/lean-to, at Todpool Cottage, The Leigh. Permission reference 15/00750/FUL was for the construction of a new bungalow and detached garage building for a disabled person at Part Parcel 6295, Blacksmith Lane, The Leigh.

5.7 Notwithstanding the applicant's reference to the above decisions, each application must be considered on its own facts and merits. Whilst the proposed dwellings would be located in close proximity of other dwellings along this part of Church Lane, officers consider that the site is remote in relation to any settlement or facilities. The proposal would therefore be unsustainable in nature, increasing the reliance on the private motor vehicle for travel to work, shopping, leisure, community facilities and other usual travel destinations, and the site would be inaccessible to people without access to a car. As such, the proposed development would be contrary to the sustainable development aims of the NPPF, Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and emerging policy SD11 of the Submission Version Joint Core Strategy (November 2014). This weighs significantly against the proposals.

#### Impact on Character and Appearance of Area:

5.8 The application site is located within the Landscape Protection Zone (LPZ) as defined on the Local Plan Proposals Map. The submitted PDAS specifies that a detailed landscaping scheme could be secured through a future reserved matters application.

5.9 The Landscape Officer (LO) advises that, by virtue of the location of the site within the LPZ and in a rural setting, the landscaping proposals should have been detailed and the landscape and visual impacts assessed at this stage. The submitted PDAS does not explain how the approach to the building form, layout and landscaping scheme has been approached to soften and mitigate the visual edge of the development and in particular the sides of the plots facing the open countryside. The Landscape Officer further advises



that a detailed landscaping plan is required showing the existing hedge to be retained and the width and position of the proposed access. Appropriate native species boundary hedgerows and trees would be required.

5.10 The LO notes that the submitted Illustrative Layout shows the proposed dwellings with relatively small margins surrounding the properties and, given the rural location, considers that more green space around each of the proposed houses would be more appropriate. The LO considers that a more sympathetic approach is required to reduce the landscape and visual impact on the surrounding landscape and village edge setting.

5.11 Notwithstanding the LOs comments it is clear that the proposed development would introduce built development into a currently open field within the Landscape Protection Zone which seeks to protect or enhance the environment. The buildings and associated paraphernalia would be clearly visible from public vantage points including the highway network. Whilst the new dwellings would be set from certain viewpoints against the backdrop of the existing dwellings, this is not a good justification for further sporadic development in the countryside. Whilst it is recognised that this needs to be balanced against the benefits of proposed development, in this case the proposed development would introduce a level of harm in conflict with policy LND3 of the Local Plan and emerging policy SD7 of the JCS and this harm weighs significantly against the proposal in the overall planning balance.

#### Impact on Residential Amenity:

5.12 Whilst this is an outline application with all matters reserved for future consideration except for access, an "Illustrative street scene" and "Illustrative layout" have been submitted to show how the development could be achieved. By virtue of the scale and form of the proposed dwellings and their proximity to existing adjacent dwellings as shown in these indicative plans, it is considered that the application adequately demonstrates that 2 no. dwellings could be provided on this site without unreasonably affecting the amenity of adjoining occupiers in terms of overshadowing, overbearing impact, loss of privacy or general disturbances.

5.13 Further, as a result of the location of the application site, the surrounding environment, the scale and form of the proposed dwellings and the size of associated external private amenity space it is judged that the proposed dwellings would provide an acceptable living environment for future occupiers.

#### Impact on Highway Safety:

5.14 In terms of the proposed vehicular access and parking arrangements and the accessibility of the site, policy TPT1 of the Local Plan relates to "Access for Development". The aims of policy TPT1 are consistent with paragraph 32 of the NPPF which specifies that plans and decisions should take account of whether:

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

5.15 Church Lane is subject to a 30mph speed limit. Given the proximity of the site to a vehicular junction, vehicles tend to slow down at this part of the adjacent highway. The submitted PDAS makes the case that, at the point of the new accesses, the road is relatively straight, therefore ensuring adequate visibility for occupiers of the proposed dwellings, which would each be served by at least 2 no. car parking spaces. It further makes the case that Church Lane is a relatively quiet road, and predominantly only serves the residents of The Leigh and local farms.

5.16 One of the proposed dwellings would utilise an existing agricultural access off Church Lane, which is some 4 metres wide. There is a hedgerow on either side of this vehicular access, but this is set back from the adjacent highway by approximately 4 metres, thereby providing visibility splays in both directions. The principal of vehicular access has consequently already been established in this location. The proposed vehicular access to the other dwelling would be some 16 metres away from this existing access, and would similarly be formed by removing some of the existing hedgerow, to provide a 4 metre wide access point. The existing hedgerow in this location is again set back from the adjacent highway, to provide visibility splays from the proposed access. Both dwellings would be provided with a driveway some 6 metres wide and 11 metres long, therefore providing off-road parking spaces for at least 2 vehicles for each dwelling. The illustrative street scene drawing also shows that a double garage could be provided, which would allow for

off-road parking for an additional 2 no. vehicles for each dwelling. A vehicular turning area would also be provided to the front of each proposed dwelling, to enable vehicles to enter and exit the site in a forward gear. It is judged that the number of vehicular movements associated with 2 no. additional dwellings in this location would be acceptable on highway safety grounds and, by virtue of the proposed access and parking arrangements, it is considered that the residual cumulative impact of the proposed development on highway safety would not be severe.

### **Other Matters**

5.17 The site is located within Flood Zone 1 (low risk) as defined by the Environment Agency's (EA) most up-to-date flood risk maps. The development is therefore unlikely to be at risk of flooding or cause significant risk of flooding to third party property.

5.18 The submitted DAS specifies that, in terms of foul drainage, there is no mains sewage system available in the area and it is therefore proposed to use a package treatment plant, and that details of its location and specification could be secured through future reserved matters submissions or conditions.

5.19 By virtue of the site's proximity to flood zones 2 and 3, as defined on the EA maps, and the absence of a mains sewage system in the area, precise details regarding the method for the disposal of foul sewage would need to be confirmed at the reserved matters stage. It is therefore recommended that a condition is attached to any approval of outline planning permission requiring the submission of full drainage plans at the reserved matters stage, to ensure the most appropriate drainage solution be investigated.

5.20 The site is identified as being in close proximity of a buried oil pipeline. The Government Oil Pipelines has been consulted but has not provided comments within the 21 day statutory consultation period or since, and has not requested further time for the submission of comments.

5.21 Consequently, an advisory note is added to any approval of outline planning permission to advise the applicant or successors of the close proximity of a buried oil pipeline, the mapping of which can be slightly erroneous. Given the proximity of the works, extreme caution is advised. The applicant or successors are recommended that the pipeline operator or representative is contacted in early course, as they may need to enter into an agreement with them.

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

6.1 Whilst the previously approved applications referred to within the submitted PDAS are noted, the current application is assessed on its own merits. The proposed development would contribute in a small way towards providing much needed housing in the Borough and also to the economy, both directly and indirectly as a result. These benefits weigh in favour of the proposal but the weight to be afforded to these benefits must be reflected in the small scale nature of the development.

6.2 By virtue of the site's remote location in the open countryside, outside any recognised settlement, in a location where new residential development is strictly controlled and in a location that is not served by adequate footways, cycleways, or public transport facilities and where the adjacent highway does not benefit from street lighting, future occupiers of the site are likely to be heavily reliant on the use of the private motor vehicle. As such, the proposal is contrary to the sustainable development aims of the NPPF, Policy TPT1 of the Local Plan and emerging policy SD11 of the Submission Version JCS, and this weighs heavily against the proposal.

6.3 Furthermore, the proposals would result in harm to the character and appearance of the area by introducing new built form into a currently open field within the Landscape Protection Zone. This weighs significantly against the development.

6.4 Overall, taking account of the benefits and the harms identified above, it is considered that the adverse impacts of the proposed development would significantly and demonstrably outweigh the limited benefits, and, for this reason, it is recommended that outline planning permission is **refused**.

### **RECOMMENDATION Refuse**

Reasons:

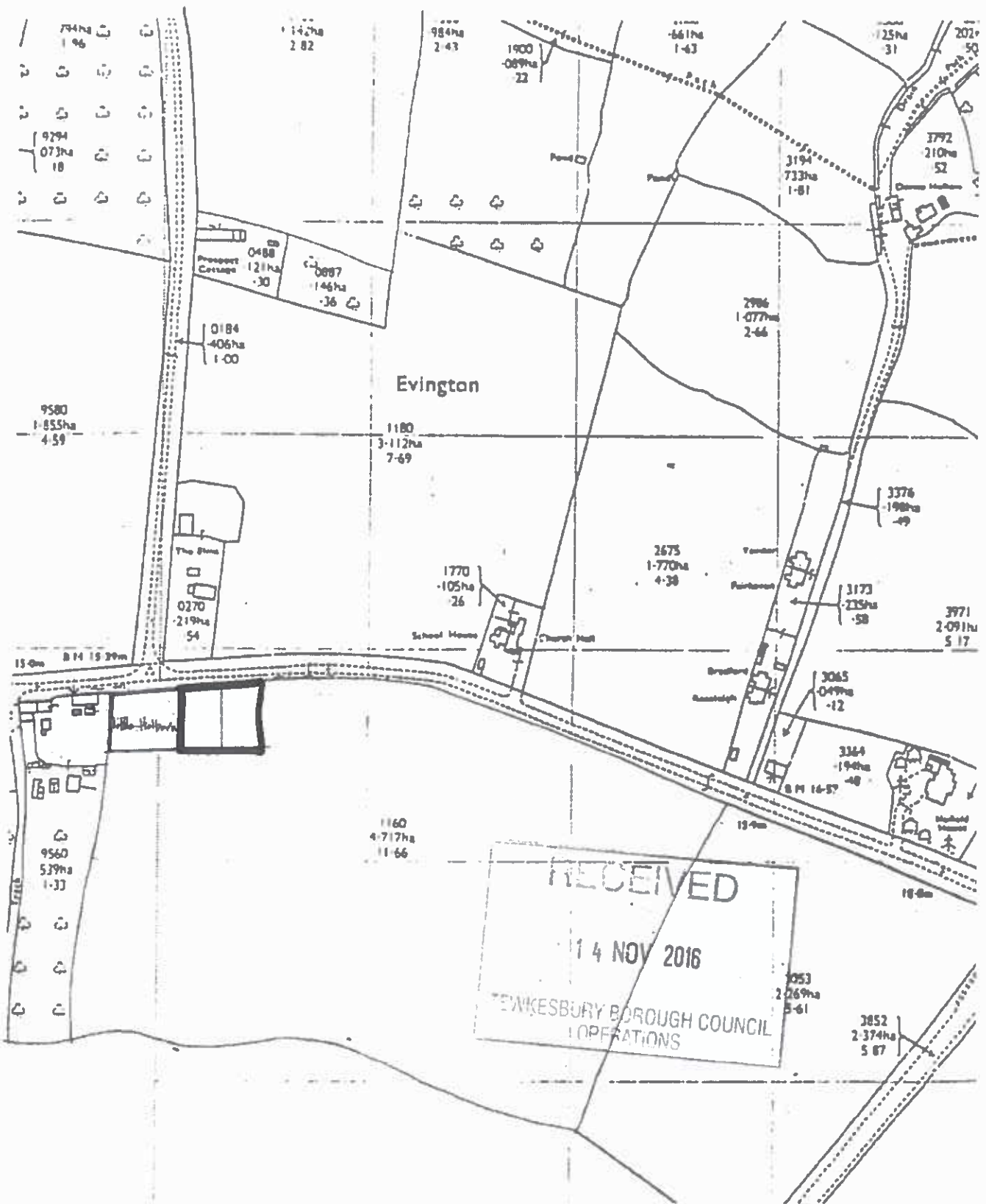
- 1 The site is in a remote location in the open countryside, outside any recognised settlement, in a location where new residential development is strictly controlled, and in a location that is not served by adequate footways, cycleways, or public transport facilities and the adjacent highway does not benefit from street lighting. As such, future occupiers of the site are likely to be heavily reliant on the use of the private motor vehicle. The proposed development is therefore contrary to the sustainable development aims of the National Planning Policy Framework (2012), Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and emerging policy SD11 of the Submission Version Joint Core Strategy (November 2014).
- 2 The site lies within the Landscape Protection Zone. The proposed development would result in an unwarranted and significant intrusion into the landscape which would harm the rural character and appearance of the area within the Landscape Protection Zone. As such the proposed development would conflict with the National Planning Policy Framework, Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging Policy SD7 of the Submission Version Joint Core Strategy (November 2014).

Note:

Statement of Positive and Proactive Engagement

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

16/012.72/OUT



# Ian Johnstone Associates

Building Planning & Designs

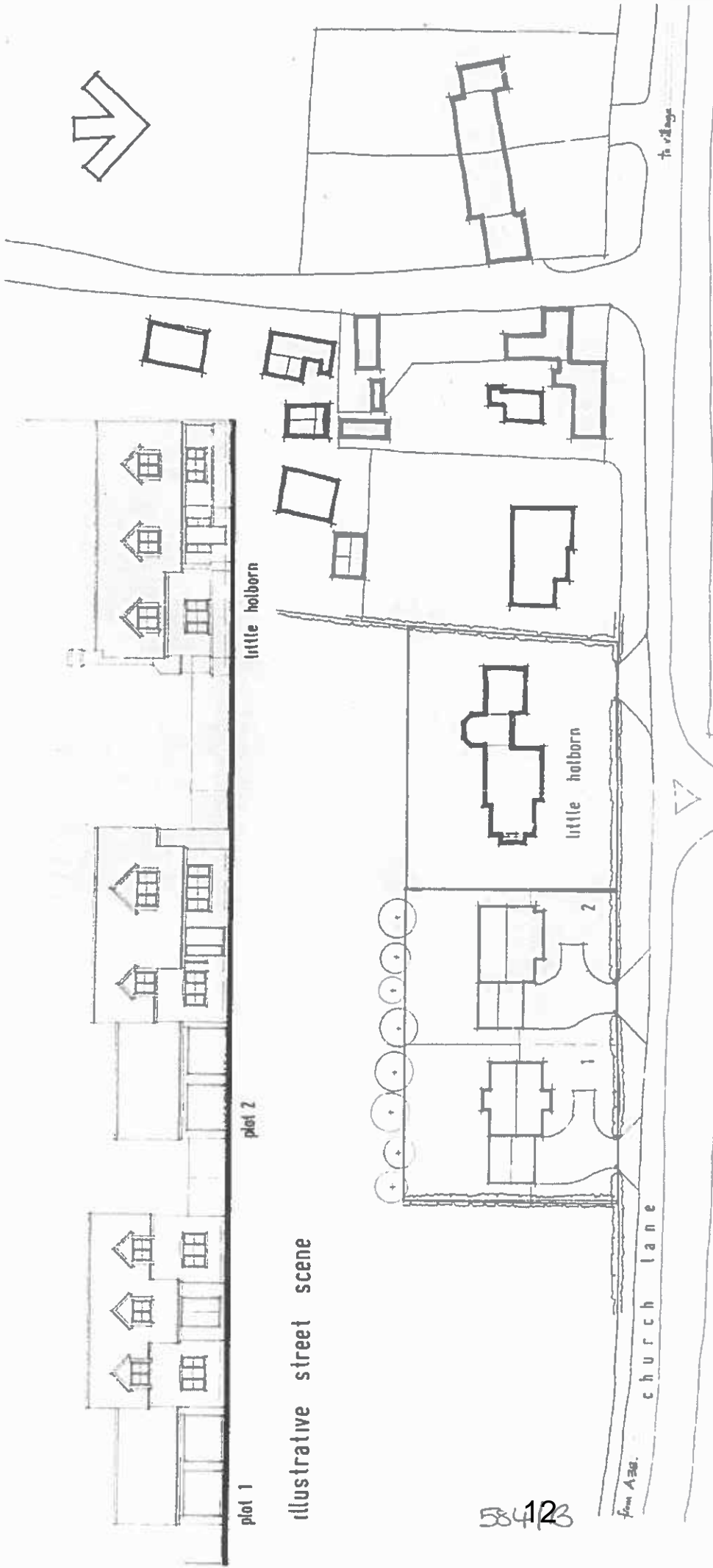
Little Holborn Church Lane 11 The Leigh.

scale 1:2500 site location plan 584/A

D.S. Ref no: 100037319.

Richwood House  
50-54 Fairview Road  
Cheltenham  
Glos. GL52 2JL

Tel & Fax: 01242 261662  
Mobile: 07973 304480



RECEIVED  
 14 NOV 2016  
 TEWKESBURY PAROUCI COUNCIL  
 OPERATIONS

Client: **MR + MRS R. THEYER.**

Scale: **1:500 + 1:200**  
 Date: **October 2016.**

Rev.:  
 Job No.: **311**      Drg. No. **10**

land adjacent to little holborn  
 church lane the leigh glos.

illustrative layout for proposed  
 site development.

Richwood House  
 50-54 Fairview Road  
 Cheltenham  
 Glos. GL52 2JL  
 Tel & Fax: 01242 261662  
 Mobile: 07973 304480

**Ian Johnstone Associates**  
 Building Planning & Designs

drawing



Valid 14.11.2016

Demolition of existing detached garage and outbuildings, erection of 1 no. two storey detached dwellinghouse, and alterations to and extension of existing driveway and parking area to include provision of vehicular access to adjacent paddock

Grid Ref 394682 234628

Parish Ashchurch Rural

Ward Ashchurch With Walton  
Cardiff

Mr &amp; Mrs Gregg

C/o Agent

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

National Planning Policy Framework (2012)

Planning Practice Guidance

JCS (Submission Version) November 2014

Tewkesbury Borough Local Plan to 2011 (March 2006) - policies HOU4, EVT5, EVT9, LND4 and TPT1

Flood and Water Management Supplementary Planning Document

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

The First Protocol, Article 1 (Protection of Property)

**Consultations and Representations**

**Ashchurch Rural Parish Council** raises an objection and recommends that Tewkesbury Borough Council refuses the application on the grounds that the proposal would involve (i) building on a flood plain; and ii) a back garden development which would set a precedent for the area.

The **Local Highway Authority** has been consulted but has not provided comments within the 21 day statutory consultation period or since, and has not requested further time for the submission of comments.

The Council's **Landscape Officer** raises no objection.

The Council's **Flood Risk Management Engineer** has reservations regarding the quality of the submission regarding the management of surface water and foul water, and recommends that any approval of planning permission would need to be subject to a strongly worded condition for comprehensive evidence based detailed drainage arrangements, including a SuDS/drainage management plan, to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

**Severn Trent Water** - no comments received

The **Conservation Officer** raises an objection on the grounds that this scheme is an awkward, contrived design which falls short of the NPPF's design aspirations.

The application has been publicised through the posting of 2 site notices and 4 letters of objection have been received in the 21 day statutory consultation period or since. The main points raised relate to:

- This development was refused in March 2006 and since that date nothing has changed. An application was also submitted in May 2016 which was withdrawn, pending refusal. The latest application does not fully address previous objections.
- As noted in the previous similar application (reference 05/01568/FUL) the site lies in open countryside and the new buildings proposed are not essential to the efficient operation of agriculture or forestry. This statement remains true.
- It is not in keeping with the linear structure of other properties in Aston on Carrant.
- It is a back/rear development with no frontage onto the village road and would not be visible from the road. The majority of old farm buildings mentioned were demolished some fifty years ago including the site at 4.9(fig.4) on the Design and Access statement. All new build developments at least since that time have visible frontages and driveways on to the village road (including "The Pippins" and "The Laurels" site). The proposed development would not enhance the character of the present village in any way.

- It would create a precedent for rear development in the village;
- Shared driveways are impractical and can only lead to disputes as to ownership and right of access. This is a single width drive with a narrow gated entrance with limited visibility that does not offer any significant widening due to existing boundaries with Ivy Cottage/Carrant Brook Cottage. The proposed family property would inevitably bring an increase in traffic movement.
- The rear development would infringe on Ivy Cottage, the rear garden of Carrant House, Upper Farm House, High Gables and Brensham House
- Loss of privacy to occupiers of High Gables and Brensham House, Aston Carrant Road
- Direct impact on outlook from High Gables, Aston Carrant Road, due to its large dimensions directly opposite High Gables.
- Impact on residential amenity of occupiers at Ivy Cottage. "The Pippins", a property built in 2010 (reference 10/00153/FUL), which still does not appear on the submitted Site Plan, is sited directly opposite Ivy Cottage. To have another modern property directly facing the rear of Ivy Cottage would have a significant impact on outlook from Ivy Cottage and would constitute a loss of amenity.
- It would be pushing development towards the flood plain and, when taken together with other recent developments on the site, the proposal would dramatically reduce the ability of the site to cope with run-off/surface water.
- There are no amenities in the village or a bus that services the village: the only daily public bus services available are from Ashchurch Station (2 miles), Bredon (2 miles) and Northway (1.8 miles); there are no pathways in this village or along the lane to Northway; there is not a pathway on the B4079 to Bredon until you reach Kinsham (1 mile); the only available pathway is to Ashchurch Station along the B4079 from the exit of the village to Aston Cross then along the A46, and; there is no street lighting in the village or along the above routes except at Aston Cross/A46. The development would therefore depend heavily on private vehicles, and provision has been made for the parking of seven vehicles of the application site.
- The Design and Access Statement (paragraph 3.6) specifies that the proposed dwelling ridge height would be 6.9 metres. However, this does not necessarily mean that the dwelling would be only 0.9 metres higher than Orchard Cottage, as no account has been taken of the footing/base height of the proposed dwelling relative to Orchard Cottage.
- It is considered that the social benefits are not relevant to the application as the applicant's mother already has family members who live and work in the village and have homes within close proximity of Orchard Cottage

**The application has been called into the Planning Committee by Councillor McLain, who considers that there are a few issues, but in particular flooding, setting a precedent and backland development.**

**Planning Officers Comments:** Emma Blackwood

## **1.0 Application Site**

1.1 Orchard Cottage is a two storey detached dwelling located on the northern side of Aston Carrant Road. Orchard Cottage was present on 1880s OS maps, and was originally associated with the Upper Farm complex on the north side of the main east-west axis through the village. It is a double pile building and, whilst the brick front range visible from the street is ostensibly mid C19, the stone rear range with its massive gable stack is indisputably earlier. The Conservation Officer advises that it therefore fulfils the National Planning Policy Framework's (NPPF) definition as an (undesignated) heritage asset for planning purposes.

1.2 The existing dwelling is set back some 28 metres from the front boundary, and the front garden area and access driveway are located towards the front (south) of the dwelling. The dwelling is located towards the eastern side of the site, and the driveway extends past its western side elevation, providing vehicular access to 2 no. existing detached garages. At this part, the site widens, and there is a reasonably generous garden area to the rear (north) and western side of the dwelling. The site is not subject to any landscape designations, and is not located within a Residential Development Boundary.

1.3 The Environment Agency (EA) flood zone maps indicate that the application site is located within flood zone 1 (land having a less than 1 in 1,000 annual probability of river or sea flooding).

## **2.0 Relevant Planning History**

2.1 Planning permission was refused on 27th March 2006 for the erection of a detached dwelling to the side of the existing dwelling at Orchard Cottage, and a replacement garage for Orchard Cottage (reference 05/6502/1568/FUL). The reasons for refusal were as follows:



1. *The proposed development conflicts with Policies S4 and H6 of the Gloucestershire Structure Plan Second Review and Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 (Third Proposed Modifications) in that the site lies in the open countryside, outside any recognised settlement in a location where new housing is strictly controlled and it is not essential to the efficient operation of agriculture or forestry.*

2. *The location of the site is in the open countryside and divorced from the main settlements, and would be likely to result in the development being heavily reliant on the use of the private motor vehicle contrary to Policy T1 of the Gloucestershire Structure Plan Second Review and the aims of the current national planning policy guidance.*

2.2 Planning permission was granted on 18th September 2013 for an open store in a paddock, used to store a grass cutter and two trailers (reference 13/00400/FUL).

2.3 An application for the proposed demolition of existing detached garages and outbuildings, the erection of 1 no. two storey detached dwellinghouse and 2 no. detached garages, and alterations to and extension of the existing driveway and parking area, to include the provision of a vehicular access to the adjacent paddock, was withdrawn on 6th August 2016 (reference 16/00612/FUL).

2.4 Planning permission was granted on 9th August 2016 for the erection of a single storey extension comprising storage space to an existing building located towards the south-eastern corner of land immediately to the rear (north) of the residential curtilage and rear garden area of Orchard Cottage, and the conversion of part of the existing building into stables (reference 16/00611/FUL).

### **3.0 Current Application**

3.1 Planning permission is sought for the erection of a detached two storey 4-bed dwellinghouse in the garden area of Orchard Cottage, some 11 metres to the north-west of the existing dwelling. At the closest point, the proposed dwelling would be set back 1.2 metres from the western side boundary, which, at this point, is shared with the rear garden area of the dwelling known as "Carrant House".

3.2 The proposed dwelling would have an L-shaped footprint, covering approximately 140 square metres in area (or some 255 square metres across both floor levels), and would be designed with brickwork facing materials with a stone plinth, with timber doors and painted timber or coated aluminium framed windows.

3.3 The principal element of the dwelling would be designed with a dual-pitched roof, measuring 4.6 metres in height to eaves and 6.9 metres in height to ridge. There would be 2 no. projecting gable elements at first floor level on the rear (northern) elevation and 1 no. two storey projecting gable element towards the western side of the front elevation, with a single storey wrap-around element towards the front (south) and east of this. The roof of the proposed dwelling would be covered in plain tiles.

3.4 An existing detached garage to the south of the proposed dwelling would be retained, to provide parking for occupiers of the proposed dwelling. The existing driveway would be extended to the area between this detached garage and the proposed dwelling to provide an additional 3 no. parking spaces. The driveway would also be extended to the rear of the existing dwelling to provide 2 no. parking spaces for occupiers of the existing dwelling and vehicular access to the paddock immediately to the north (rear) of the site. Consequently, both dwellings would be served by a shared access drive.

3.5 The rear garden for the existing dwelling would be towards the north-eastern corner of the site, separated from the associated dwelling by the proposed vehicular parking spaces. This would measure approximately 18.5 metres in length and 14 metres in width. The rear garden for the proposed dwelling would be towards the north-western corner of the site immediately to the north (rear) of the proposed dwelling, and would measure approximately 14 metres in length and 16 metres in width.

### **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.

### The Development Plan

4.3 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).

### Emerging Development Plan

4.4 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans.

4.5 The Submission Version of the JCS (November 2014) is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. Policies SD1 (Presumption in Favour of Sustainable Development), SD7 (Landscape), SD11 (Residential Development), SD12 (Housing Mix and Standards), INF1 (Access to the Transport Network), INF2 (Safety and Efficiency of the Transport Network) and INF3 (Flood Risk Management) of the JCS relate to the development currently proposed under this application.

4.6 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).

4.7 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.

4.8 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**

### Principle of Development

5.1 The application site is located outside of a recognised settlement boundary and therefore the proposal is contrary to policy HOU4 of the Local Plan. However, paragraph 49 of the NPPF sets out that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Policy HOU4 is based on the now revoked Structure Plan housing numbers and, for that reason, it is considered out of date in the context of the NPPF insofar as it relates to restricting the supply of housing. The policy is also out of date because the Council cannot currently demonstrate a five year supply of deliverable housing sites.

5.2 The NPPF specifies 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.

5.3 Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, paragraph 55 specifies that new isolated homes in the countryside should be avoided unless there are special circumstances, none of which apply in this case.

5.4 In this regard, the submitted Design and Access Statement (DAS) refers to application reference 08/01380/FUL under which planning permission was granted in 2009 for the erection of a detached two-storey dwelling in the side garden of Upper Farm, which is located towards the eastern end of Aston Carrant Road on the southern side of the highway, opposite the application site. However, the significant planning history of the site was a material consideration when assessing the development proposed under reference 08/01380/FUL, critically the fact that permission was originally granted on the site when Aston on Carrant was identified in the emerging development plan as a suitable location for development when permission was originally granted in 1992.

5.5 There are, however, no such planning history exists in the case of Orchard Cottage. In contrast, the history of the site shows that planning permission was refused on 27th March 2006 under application reference 05/6502/1568/FUL for the erection of a detached dwelling to the side of the existing dwelling at Orchard Cottage (see reasons for refusal under paragraph 2.1).

5.6 The submitted DAS further refers to application reference 14/00925/FUL under which planning permission was granted on 16th November 2015 for the erection of a dwelling at The Laurels, Aston Carrant Road, which is located towards the far western end of Aston Carrant Road immediately adjacent to the B4079. Under this application it was considered that, whilst local plan policy HOU4 must be considered out of date and the NPPF includes a specific policy which seeks to avoid isolated new dwellings in the countryside, given the proposal's context adjacent to a proposed strategic housing allocation, and the other dwellings within Aston-on-Carrant the site was not isolated and as such the principle of residential development in this location was considered to be acceptable.

5.7 Orchard Cottage does lie over half a kilometre further to the west which does mean it would be more remote from services than the dwelling permitted at The Laurels and there would to a degree be reliance on the private car. Nevertheless, given that previous decision, the proximity to the emerging housing allocation at MOD Ashchurch, on balance it is not considered that this factor weighs significantly and demonstrably against the grant of permission in this case.

#### Flood Risk and Drainage Issues

5.8 The NPPF states at paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

5.9 Policy EVT5 of the Local Plan requires that certain developments within Flood Zone 1 be accompanied by a flood risk assessment and that developments should not exacerbate or cause flooding problems. Furthermore, Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria. Both these policies are consistent with the aims of the NPPF and are therefore afforded due weight. The Councils Flood and Water Management SPD supplements the above policies, providing advice to help applicants submit better applications.

5.10 The submitted DAS makes the case that, whilst the northern part of the site is within flood zone 2, its southern part and, most importantly, that part within which operational works are proposed, is entirely within flood zone 1. It therefore makes the case that a FRA is not required for the proposed development. Nevertheless, the FRA that accompanied the previous application has been submitted with the current application for information purposes.

5.11 The Council's Flood Risk Management Engineer advises that, although the EA maps may be less refined than the SFRA flood zone maps, they are likely more up-to-date. The EA flood zone maps indicate that the proposed dwelling would be located within flood zone 1 (land having a less than 1 in 1,000 annual

probability of river or sea flooding). The Council's Flood Risk Management Engineer further advises that, whilst the red line boundary of the site does encroach into Flood Zone 2, the sequential approach to the development appears to indicate that the built form lies inside Flood Zone 1.

5.12 However, the Flood Risk Management Engineer raised concern that there were no details supplied in relation to how both the surface water and foul water were to be adequately managed. Details were sought from the Agent to specify how or where drainage infrastructure is to be implemented, and details of mitigation measures designed to control the increase in runoff. This information is particularly important for a full application which would result in an increase to the impermeable area. Without this information it was considered that the application failed to satisfactorily demonstrate how both the surface water and foul water would be adequately managed.

5.13 Additional details and plans were submitted throughout the application process, including a Water Management Statement and plans showing the existing and proposed drainage system. This proposes the harvesting of all rainwater from the existing and proposed buildings on the application site, with the harvesting tank to be located under the parking area to the front of the proposed house. Calculations regarding attenuation volumes (based on a 1.9l/s discharge rate) were included with the submission. The Flood Risk Management Engineer queries why this rate was chosen; the Agent advised that it is proposed to discharge to the sewer that runs under the road.

5.14 The Flood Risk Management Engineer has reservations regarding the quality of the submission, and suggests that there has been no correspondence with Severn Trent Water to support the application as to whether the connection to the sewer (for surface water or the foul discharge) is acceptable. It is therefore recommended that the application be refused on the basis that the application fails to demonstrate that the surface and foul drainage arising from the development could be appropriately managed in conflict with national and local planning policies. This weighs against the proposal.

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

5.16 Paragraph 17 of the NPPF identifies a set of 12 core land-use planning principles which should underpin both plan-making and decision-taking. These principles specify that planning should, inter alia, always seek to secure high quality design. Section 7 of the NPPF relates to "Requiring good design" and specifies that the Government attaches great importance to the design of the built environment, and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

5.17 When compared to the dwelling previously proposed under application reference 16/00612/FUL, the scale of the dwelling currently proposed has been reduced. The submitted DAS advises that the proposed dwelling has been carefully designed in terms of scale, design and massing, and that its L-shape plan and low roof work to minimise its bulk. The proposed dwelling would have one and a half storeys, but would exceed the height of the existing two storey dwelling at Orchard Cottage by 0.9 metres. The Conservation Officer does not consider that the proposal takes its cues from surrounding development as should be the case, and that the proposals fall short of the aspirations of the NPPF in terms of design quality.

5.18 The submitted DAS makes the case that the location of the proposed dwelling would be characteristic of the historic layout of the settlement, which comprised clusters of buildings located at various angles to the road, rather than a continuous built up road frontage. The DAS specifies that, throughout the 20th century, the settlement developed in a ribbon form. It further advises that outbuildings and barns of houses, which do not actively address the road, have been converted into dwellings themselves, but that these contribute to the character of the area and are evidential of the historic layout of the settlement.

5.19 Nevertheless, such outbuildings and barns, whether converted or not, are typically smaller in scale than their associated principal dwelling and, by virtue of their original use, would typically be located to the rear of dwellings. The existing morphology of the settlement along Aston Carrant Road is loosely linear and largely of single plot depth, with principal dwellings being directly related to and supportive of the street scene. The front elevation of the proposed dwelling would be set back from the rear elevation of the existing dwelling at Orchard Cottage, and some 27 metres to the rear of the existing dwelling at Ivy Cottage. As such, this would not create any active frontage to the street scene and would do little to positively contribute to the character or functionality of the place, and it is considered that the proposed development would not appropriately reflect the existing morphology of the settlement, therefore detracting from the character of the area.



5.20 In light of the above, the proposed development would be contrary to paragraphs 17, 56 and 58 of the NPPF which require high quality design and for account to be taken of the character of different areas. This weighs against the proposal in the overall planning balance.

#### Landscape Impact:

5.21 Policy LND4 of the Local Plan specifies that, 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. The NPPF reflects this advice and states that the planning system should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes. Policy SD7 of the JCS Submission Version (November 2014) reiterates this advice.

5.22 There are no landscape designations affecting the site, but the surrounding area is semi-rural in character. The site itself sits in relatively close proximity to existing residential development. It is not considered that the proposal would cause undue visual intrusion into the surrounding landscape. The Landscape Officer raises no objection to the proposal, and it is considered that the proposed development would protect the character and appearance of the rural landscape.

#### Impact on Residential Amenity:

5.23 One of the defined 'Core Principles' of the NPPF is that a good standard of amenity for all existing and future occupants of land and buildings be achieved. Policy SD5 of the JCS Submission Version (November 2014) closely reflects this advice.

5.24 The proposed dwelling would be set back some 1.2 metres from the western site boundary, which, at this point, is shared with the rear garden area of the dwelling known as "Carrant House". This adjacent dwelling has a generous rear garden area, and the proposed dwelling would be set back some 25 metres from the principal dwelling at Carrant House. The proposed dwelling would be set back approximately 7 metres from the site boundary shared with the rear garden area of the dwelling known as "Upper Farm House" and 30 metres from the principal dwelling at this adjacent site. Further, the front elevation of the dwelling would be set back some 12.5 metres from the southern site boundary shared with the rear garden area of the dwelling known as "Ivy Cottage" and approximately 27 metres from the principal dwelling at this adjacent site.

5.25 By virtue of the scale and form of the proposed dwelling, the extent of existing screening in the form of boundary treatments, vegetation and adjacent outbuildings, and the proximity of the proposed dwelling to adjacent dwellings, it is considered that the proposal would not unreasonably affect the amenity of adjoining occupiers in terms of overbearing impact or overshadowing.

5.26 The rear elevation fenestration would not directly overlook adjacent sites. Only 1 no. window is proposed for installation on the eastern side elevation, which would be a ground floor level secondary window serving the lounge. Only 1 no. first floor level window is proposed for installation on the western side elevation, which would serve a bathroom (an example of a non-habitable room), and a condition could be attached to any approval of planning permission to ensure this is installed and retained as obscurely glazed. It is proposed to install 3 no. windows at ground floor level on this side elevation. There is existing boundary treatment along the western boundary in the form of fencing and vegetation, to provide some extent of screening. This boundary treatment also extends along the southern boundary of the site. Further, the existing garage within the application site would be retained to provide additional screening from the proposed ground floor level front elevation fenestration. The 1 no. window on the front elevation at first floor level serving a habitable room (a bedroom) would be set back some 15 metres from the southern site boundary shared with the rear garden area of the dwelling known as "Ivy Cottage". By virtue of the extent of screening and the proximity of windows to adjacent sites, it is considered that there would be no significant detrimental impact on adjoining occupiers in terms of loss of privacy.

5.27 By virtue of the location of the proposed dwelling, the floor space provided in the proposed dwelling, and the size of garden area for both the existing and proposed dwelling, it is considered that the proposed development would provide an acceptable living environment for future occupiers.

#### Impact on highway safety

5.28 In terms of the proposed vehicular access and parking arrangements and the accessibility of the site, policy TPT1 of the Local Plan relates to "Access for Development". The aims of policy TPT1 are consistent with paragraph 32 of the NPPF which specifies that plans and decisions should take account of whether:

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

5.29 The vehicular parking area associated with the proposed dwelling would be accessed via the existing access and driveway serving Orchard Cottage. The principal of vehicular access has already been established in this location. Aston Carrant Road is a no-through road, serving only the properties along this road, and it is considered that the number of vehicular movements associated with one additional dwelling would be acceptable on highway safety grounds. A shared access drive would be provided and 6 vehicular parking spaces would be provided in total; 3 for each dwelling. A vehicular turning area would also be provided between the two dwellings, to enable vehicles to enter and exit the site in a forward gear. Therefore it is considered that the residual cumulative impact of the proposed development on highway safety would not be severe.

## 6.0 Overall Balancing Exercise and Conclusions

6.1 The proposal would contribute, albeit in a small way, towards providing much needed housing in the Borough and it is recognised that housing development is an important economic driver. It is considered that the proposed development would not unreasonably affect the amenity of adjoining occupiers, and would provide an acceptable living environment for future occupiers. It is further judged that the proposed development would protect the character and appearance of the rural landscape, and that the residual cumulative impact of the proposed development on highway safety would not be severe.

6.2 It is accepted that there has been a material change in circumstances since the previous refusal on the site given recent and planned developments in the locality. On that basis it is not considered that the locational disadvantages of the site justify refusal in this case.

6.3 Nevertheless, the proposed dwelling, by virtue of its location set back from the rear elevation of the existing dwelling at Orchard Cottage and to the rear of the existing dwelling at Ivy Cottage, would not appropriately reflect the existing morphology of the settlement along Aston Carrant Road, which is loosely linear and largely of single plot depth, and would therefore detract from the character of the area. As such the proposed development would be contrary to paragraphs 17, 56 and 58 of the NPPF which require high quality design and for account to be taken of the character of different areas), and emerging Policy SD5 of the Joint Core Strategy Submission Version (November 2014). Furthermore, the application fails to demonstrate that surface water and foul drainage could be appropriately controlled contrary to national and local planning policy.

6.4 Overall it is considered that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, and, for these reasons, it is recommended that planning permission is **refused**.

## RECOMMENDATION Refuse

### Reasons:

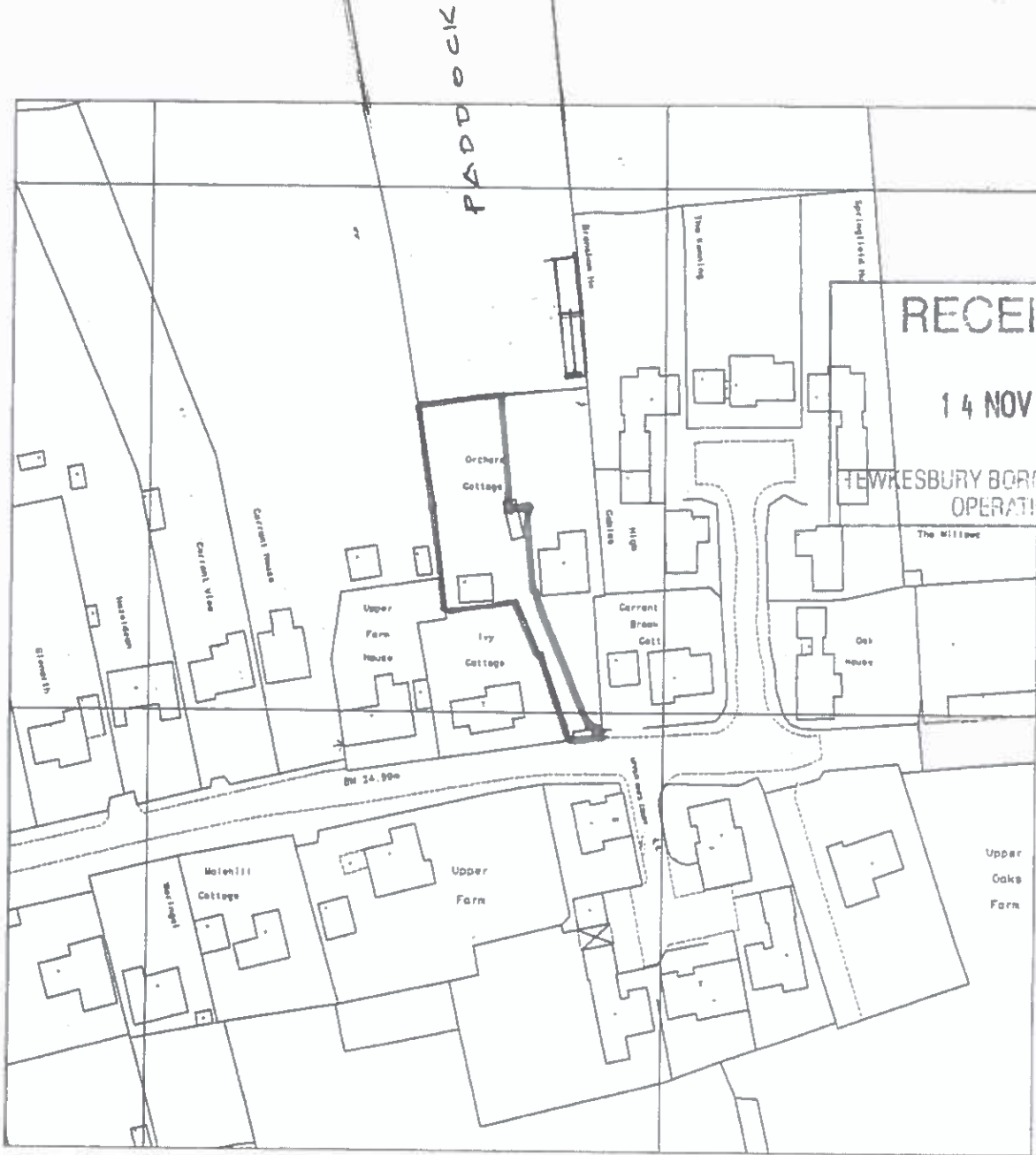
- 1 The proposed dwelling would not create any active frontage to the street scene and would do little to positively contribute to the character or functionality of the place, and would not appropriately reflect the existing morphology of the settlement, which is loosely linear and largely of single plot depth, with principal dwellings being directly related to and supportive of the street scene. As such the proposed development would fail to respect the character of the area, and would be contrary to paragraphs 17, 56 and 58 of the National Planning Policy Framework (2012), and emerging Policy SD5 of the Joint Core Strategy Submission Version (November 2014).
- 2 The application has failed to demonstrate that surface water and foul drainage could be appropriately managed. The proposed development therefore conflicts with the National Planning Policy Framework (Section 10), saved policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and emerging policy INF3 of the Joint Core Strategy Submission Version (November 2014).

**Note:**

**Statement of Positive and Proactive Engagement**

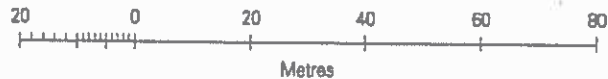
In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's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





**RECEIVED**  
 14 NOV 2016  
 FEWKESBURY BOROUGH COUNCIL  
 OPERATIONS

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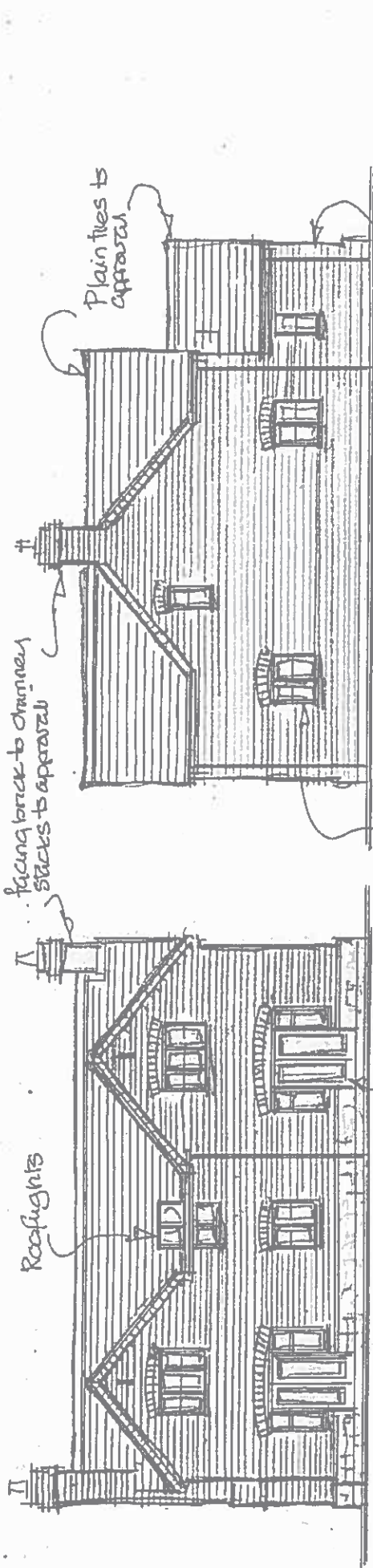
Centre Coordinates: 394673 234516

National Grid sheet reference at centre of this Siteplan: SO9434

Supplied by: The Map Shop  
 Serial Number: 00862800

Part or all of this Siteplan is enlarged from mapping produced at one or more of the following scales 1:1250, 1:2500, 1:10000.

593/A ORCHARD COTTAGE  
 ASTON 22 CARRANT

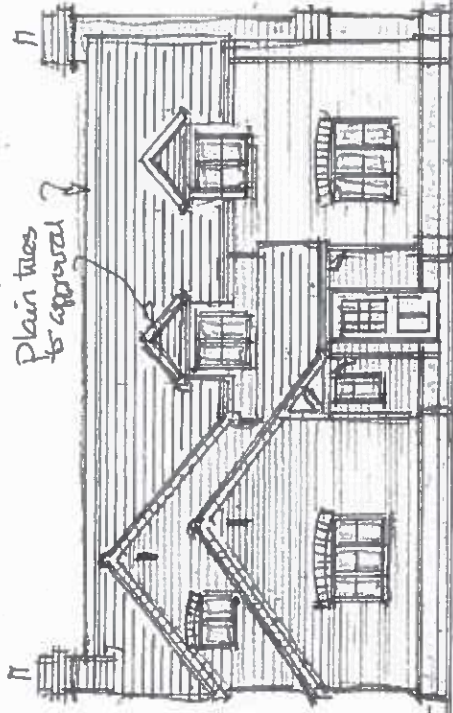


REAR ELEVATION (NORTH)

openings - casements  
windows / doors and  
frames. Arch above  
porch heads

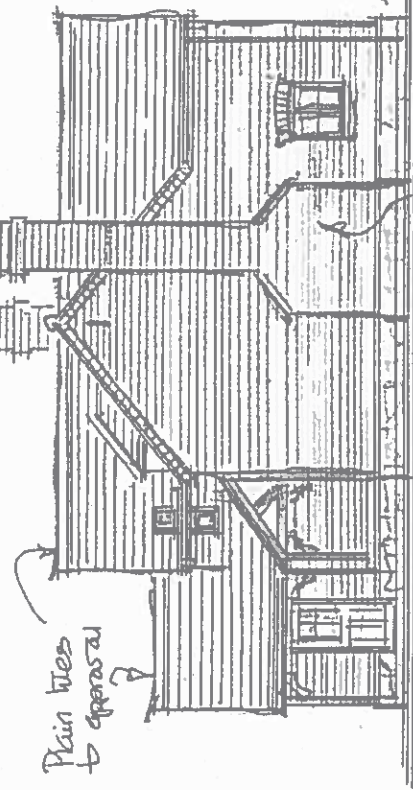
SIDE ELEVATION (WEST)

facing bricks  
to approval



FRONT ELEVATION (SOUTH)

natural stone  
plinths to  
walls as  
shown



SIDE ELEVATION (EAST)

facing bricks  
to approval

593/B  
23

Revision

A. Elevations reduced/added Sept 2016

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14 NOV 2016

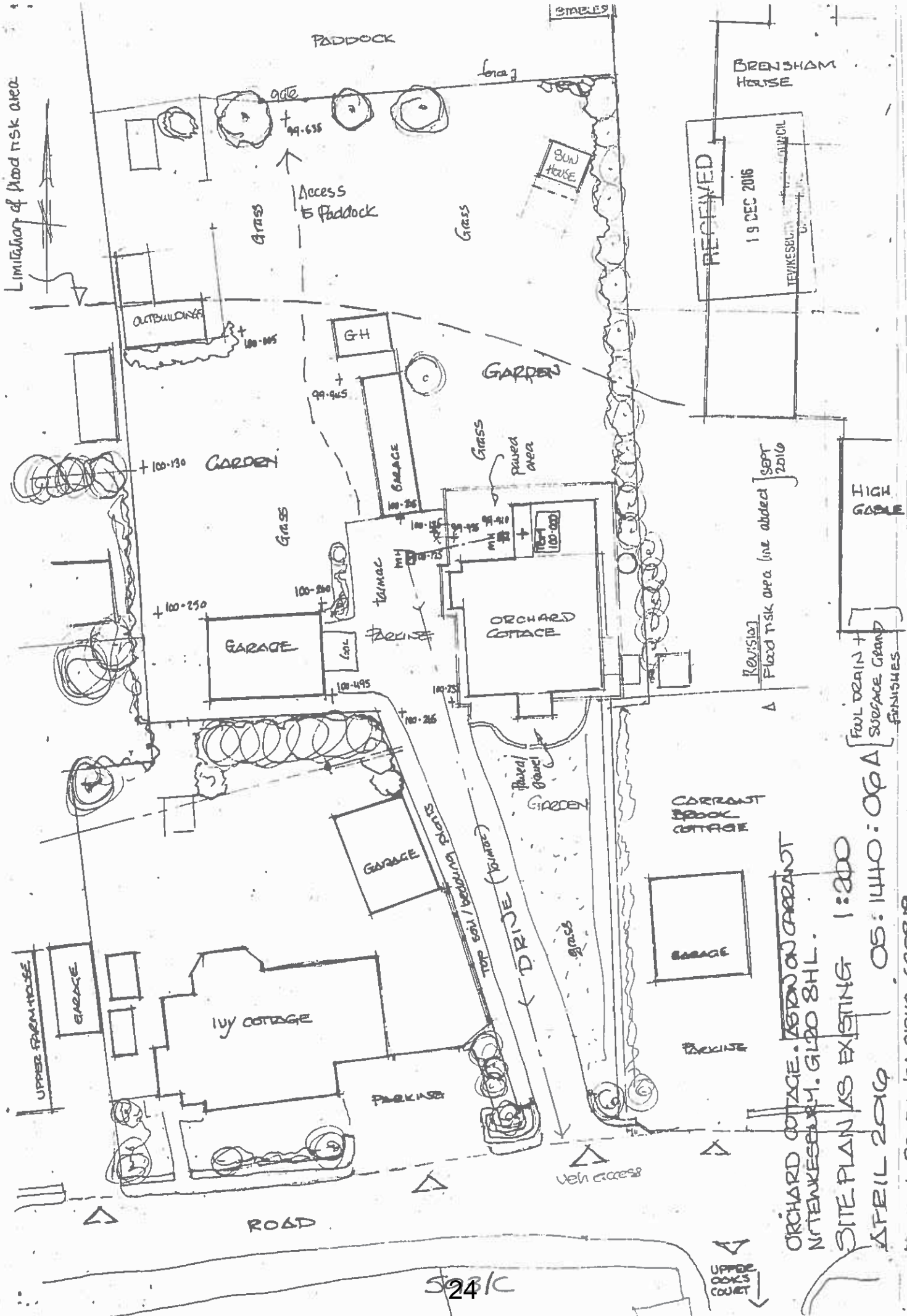
TEWKESBURY BOYCOTT COUNCIL  
OPERATIONS

ORCHARD COTTAGE, ASTON ON CARRANT,  
NITWICKESBURY, GL20 8HL.

PROPOSED DWELLING ELEVATIONS. 1:100

APRIL 2016 05:1440:10A

DEANIS L RAYTON TEL 02428 620818



Limitation of flood risk area

BRENHAM HOUSE

RECEIVED  
19 DEC 2016  
TEWKESBURY COUNCIL

HIGH GABLE

Foul drain +  
Sewerage Grand  
FINISHES

ORCHARD COTTAGE - ASBON ON CARRANT  
NITENKESLEY M. GLDO 8HL.

SITE PLAN AS EXISTING 1:200

APRIL 2010

OS: 1440: 06A

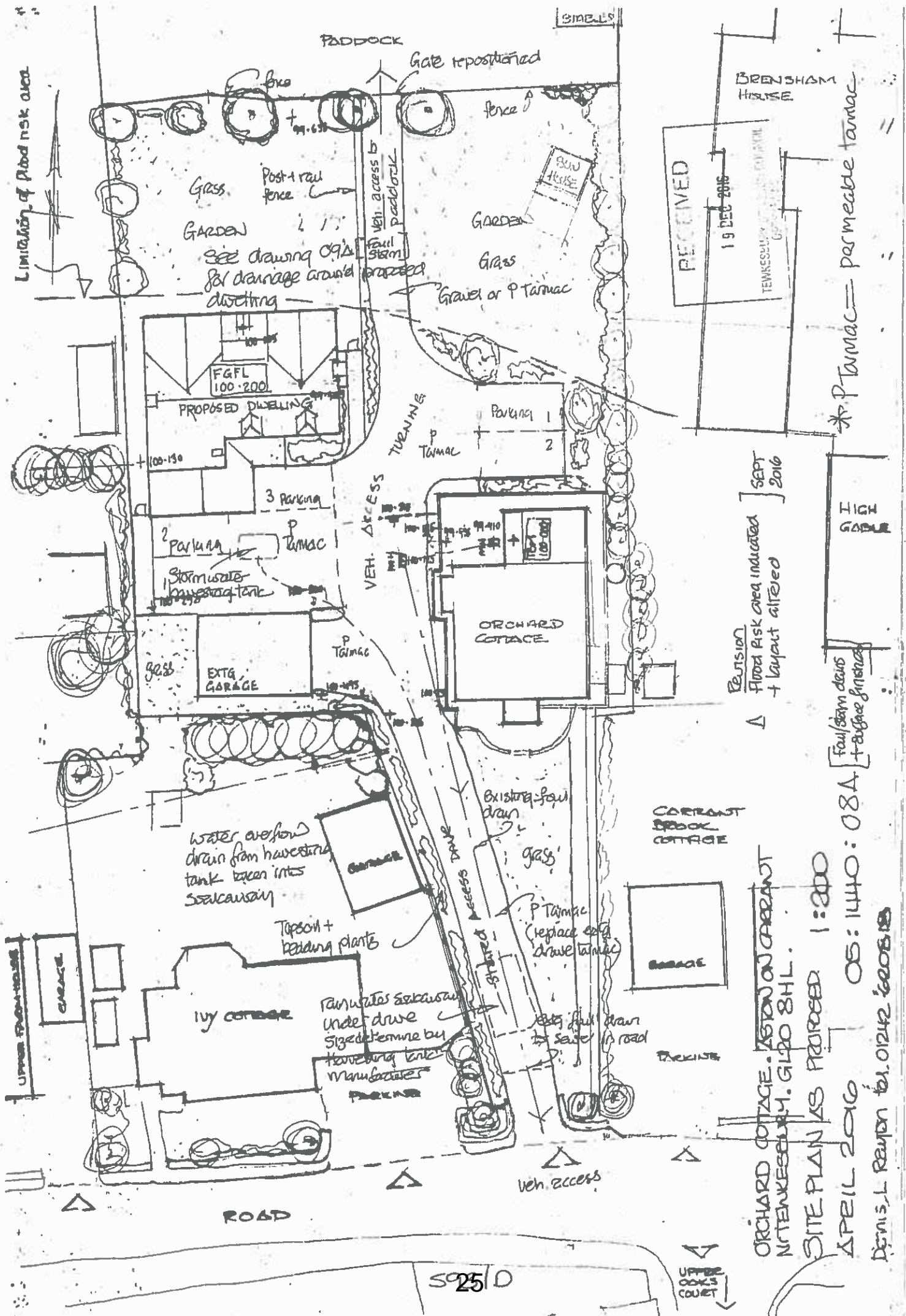
Scale 1:200 from the main scheme

Revision  
Flood risk area (line added) SEPT 2016

524/K

UPPER OBYS COURT

Limitation of flood risk area



REVISION  
Flood Risk area indicated  
+ layout altered  
SEPT 2016

RECEIVED  
19 DEC 2016  
TENNESSEE

Fault/Stream draws  
+ surface finished

05: 1440: 08A

ORCHARD COTTAGE. DESIGN ON CORRANT  
N TENNESSEE BY GILBO SHL.  
SITE PLAN AS PROVIDED 1:200  
APRIL 2016

DENNIS L REYDEN TEL 01242 660618

BRENSHAM HOUSE  
\* P Tarmac = permeable tarmac

HIGH GABLE

S25/D

UPPER OAKS COURT





16/00593/FUL

38 High Street, Tewkesbury, Gloucestershire

3

Valid 06.06.2016  
Grid Ref 389321 232953  
Parish Tewkesbury  
Ward Tewkesbury Town With  
Mitton

Change of use of ground floor from retail to sui generis (taxi hire).

A G Boniface & Sons Ltd.  
  
Unit G4  
Northway Trading Estate  
Northway Lane  
TEWKESBURY  
GL20 8JH

## 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 EVT3, HEN2, HEN6, RET1 and TPT1  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

Town Council - Recommend permit but noted concerns relating to taxi parking in respect of the proposal  
County Highways - No objection  
Environmental Health - No objection  
Conservation Officer - No objection  
Local Residents - No local representations received

**Planning Officers Comments:** Miss Lisa Dixon

### 1.0 Application Site

1.1 The application relates to 38 High Street, a Grade II Listed, mid-terrace, brick building, located towards the northern end of Tewkesbury High Street.

1.2 The ground floor of the building was most recently occupied Sanford Jewellers although the premises are currently vacant. The first and second floors of the building were used as shop manager's accommodation in association with the jewellers and are now also vacant at the current time **see attached plans**.

1.3 The site lies within close proximity to a number of other listed buildings and also lies within the Tewkesbury Conservation Area and Article 4 Direction boundaries.

1.4 The site also lies within the Tewkesbury Town Centre Primary Shopping Frontages area, as defined within the Local Plan.

### 2.0 Planning History

2.1 Planning permission was granted on 31.01.1978 for the installation of a new shop front to the premises.

### 3.0 Current Application

3.1 The current application seeks to change the use of the ground floor jewellers shop to a taxi hire business (sui generis use). The existing taxi hire business currently operates from no.41A High Street, and the applicants are seeking to re-locate their business to larger premises.

3.2 The business would operate as a telephone and drop-in service, with the opening hours stated to be:

Monday – Thursday: 8 am – 11 pm

Friday: 8am - 1.30 am

Saturday: 8.30 am – 1.30 am

Sunday: 10 am – 11 pm

3.3 Taxi parking would remain at the current site at The Mythe Tunnel and the agent has stated that County Highways have agreed to provide a 'pick-up' space outside no.38.

3.4 It is also of note there is a current application for the proposed change of use of no.41A High Street from the current sui generis use to A1 retail use under planning application reference: 16/01188/FUL.

3.5 A Listed Building Consent application in respect of proposed internal alterations to the ground floor premises and the existing flat at first and second floor level is pending consideration under planning reference: 16/00594/LBC. These works do not require planning permission.

#### 4.0 Policy Context

4.1 At the heart of the NPPF is a presumption in favour of sustainable development, of which there are three dimensions: economic, social and environmental. The NPPF does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning authorities having an up-to-date plan. According to paragraph 215 of Annex 1 of the NPPF, due weight should be given to relevant policies in existing development plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given). Paragraph 216 of the NPPF sets out that that from the day of publication decision-makers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan. The weight to be attributed to each policy will be affected by the extent to which there are unresolved objections to relevant policies with the emerging plan (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency of the emerging policies to the NPPF. The more advanced the preparation of a plan, the greater the weight that may be given.

4.2 As noted above, the application site is located within the Tewkesbury Town Centre Primary Retail Frontage, as defined on the Local Plan. Section 1 of the NPPF relates to "Building a strong, competitive economy", and paragraph 19 specifies that "*Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system*".

4.3 Section 2 of the NPPF seeks to ensure the vitality of town centres. Paragraph 23 advises that in drawing up Local Plans, LPA's should allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres and should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.

4.4 Policy SD3 of the Joint Core Strategy (Submission Version November 2014) (JCS) echoes this requirement to promote and support the vitality and viability of town centres and recognises that successful centres are about more than shopping and that they need a range of complementary uses to attract visitors and to prosper.

4.5 Section 4 of the NPPF relates to "Promoting sustainable transport", and recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Policy TPT1 of the Local Plan advises that development will be permitted where the traffic generated by/attracted to the development would not impair the safety or satisfactory operation of the highway network, nor cause an unacceptable loss of amenity to users of adjacent land.

4.6 Section 12 of the NPPF seeks to sustain and enhance the significance of heritage assets and putting them to viable uses consistent with their conservation.

4.7 Policy RET1 of the Local Plan specifically relates to Tewkesbury Town Centre primary shopping frontages and sets out that within this area, a change of use from retail will only be permitted provide that:



- A minimum of 75% of units within 100m of the centre point of the frontage of the application site would be within Class A1 use, and
- The alternative use proposed is financial and professional services (Class A2) or food and drink (Class A3). Residential or office use at upper floor level is supported within Policy RET1 of the Local Plan.

4.8 Policy RET1 of the Local Plan is considered to be broadly consistent with the aims of the NPPF in terms of its core planning principles to promote the vitality of our main urban areas, and is therefore afforded due weight. Similarly the JCS (Submission Version November 2014), policies detailed above, are considered consistent with the NPPF and would therefore, carry some weight.

## 5.0 Analysis

5.1 The main planning issues to be considered in this application are; whether the proposed change of use from retail A1 to taxi hire (Sui Generis) accords with Government Guidance and Local Plan Retail Policy; whether the change of use would impact on the amenity of adjoining occupiers in terms of noise disturbances and whether the proposed development would result in highway safety concerns.

### Principle of Development

5.2 As set out above, Local Plan Policy RET1 requires that 75 per cent of units within 100 metres of the centre point of the frontage of the application site (i.e. 50 metres either side of the application building) should remain in Class A1 Use. The applicant has undertaken an assessment of the existing uses within the required 100 metre 'catchment'. The findings from this land use survey were that 70 per cent of this frontage was in A1 use.

5.3 It is also noted that the current planning application at no.41A High Street (see above), for change of use from the current Sui Generis, taxi hire business to A1 retail (16/01188/FUL), if granted, would increase the percentage within the 100 metre catchment to 80%.

5.4 The applicant further advises that the proposed change of use to taxi hire business would facilitate the relocation of the existing taxi business from no. 41A High Street, which is on the same Primary Shopping Frontage. It therefore makes the case that the proposed change of use would not result in any increase in the number of taxi hire businesses locally and that the retail balance of the area, specifically within the High Street Primary Shopping Frontage, would remain unaffected. The applicants have been proactive in seeking to prevent another taxi hire company taking over their existing premises at no. 41A High Street by submitting the current planning application to formally change the use of the building to A1 retail.

5.5 However, it should be noted that the Local Planning Authority has no control over the future occupation of no.41A, should planning permission be subsequently granted for its change of use to A1. As such, should no A1 tenants take up the lease on no.41A and thus, implement the retail use of the premises, its established use would remain as a taxi hire business.

5.6 The existing premises (no.38) has remained unoccupied/vacant for some months although no details have been provide by the applicant concerning marketing information or the exact length of time of vacancy.

5.7 For the reasons given in paragraph 5.4 above, the proposal would not comply with the percentage criterion of Policy RET1 of the Local Plan at the current time, although the current application to change the use of no.41A to A1 retail use is a material consideration and if successful and fully implemented, would allow the policy requirement of 75% to be exceeded. The other criterion of Policy RET1 is that the alternative use provided is financial and professional services (Class A2) or food and drink (Class A3). It is acknowledged that the proposed Sui Generis use would not comply with Policy RET1 in this regard. It is, however, considered that the proposal would accord with the 'Reasoned Justification' for Policy RET1, which specifies that *"the retention of the vitality and viability of Tewkesbury town centre and in particular the importance of securing attractive continuous shopping frontages for pedestrians, is a key objective of the local plan given its importance in terms of providing a range of shopping facilities in an easily accessible and convenient location, as well as its wider role in supporting the local economy"*.

5.8 The proposed change of use would bring a vacant property on High Street back into use and it is therefore considered that the proposal would comply with advice in the NPPF which sets out that policies should be pursued to support the vitality and viability of town centres. Moreover, it is considered that the proposed use would promote sustainable economic growth by allowing an existing business to relocate to larger, more appropriate premises within a town centre location. The NPPF specifies that significant weight should be placed on the need to support economic growth through the planning system.

5.9 Furthermore, the NPPF recognises that town centres should be at the heart of their communities and a range of uses (not just retail) such as leisure, commercial, office, tourism and residential, should be accommodated. This recognition for town centres to provide a diverse range of shops, services and facilities is also echoed within Policy SD3 of the emerging JCS.

5.10 It is also considered that the proposed change of use would not result in the unacceptable dilution of A1 retail units within the Primary Shopping Frontage, and that it would not result in an over-concentration of non-retail uses, such that this would be likely to materially impact on the overall vitality and viability of this part of the Primary Shopping Frontage. It is further considered that the re-use of what is currently a disused unit, and the activity which it would generate, would enhance both the character and the appearance of the Tewkesbury Conservation Area. This is another factor which weighs in favour of the proposal.

#### **Impact on amenity of adjacent occupiers**

5.11 It is proposed that the taxi hire office would be open 08:00 to 23:00 Mondays to Thursdays, 08:00 to 01:30 on Fridays, 08:30 to 01:30 on Saturdays and 10:00 to 23:00 on Sundays. The upper floors of the application property are also vacant at the current time although the current proposal seeks minor internal alterations and re-configuration of the layout of the flat. The alterations would enable the flat to be accessed separately from the proposed taxi office below. Policy RET1 of the Local Plan supports residential use at upper floor level and this would remain the established use above ground level. The Environmental Health Officer has been consulted and raises no objection in terms of noise disturbances. The Environmental Health Officer has advised that the applicant would require a license to operate the taxi business and that the Council's licensing team would be able to restrict times of pick up or collection as well as numbers of vehicles parked in front of the office, should they consider this necessary. The proposed hours or operation remain unchanged from the current business at no.41A and the Licensing team have confirmed that they have no concerns with the proposed relocation of the business to no.38 High Street. The town centre location is considered appropriate for this use and compliments other uses within the High Street such as restaurants and public houses. It is, therefore considered, that the proposed change of use would not unreasonably affect the amenity of adjoining occupiers.

#### **Accessibility and Highway Safety**

5.12 The site is in a central location within the Town Centre. As such it is considered that there are no implications in respect of sustainability as the business operation makes use of both drop-in and telephone bookings. The Local Highway Authority has been consulted and raises no objection as the current taxi parking/pick-up arrangement would remain relatively similar to current arrangements at no.41A. As such, the County Highways Officer has advised that the change of use is not expected to result in significant increase in vehicle trips in this town centre location and the cumulative residual impact of the proposed development on highway safety would not be severe. The proposal is therefore considered to accord with the requirements of the NPPF and Policy TPT1 of the Local Plan in this regard.

### **6.0 Conclusion**

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

#### **RECOMMENDATION Permit**

##### **Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The premises shall be used for a taxi hire business and for no other purpose.
- 3 The use hereby permitted shall not be open to customers outside the following times: 08:00 to 23:00 Mondays to Thursdays; 08:00 to 01:30 Fridays; 08:30 - 01:30 Saturdays and 10:00 to 23:00 on Sundays and Public Holidays.

Reasons:

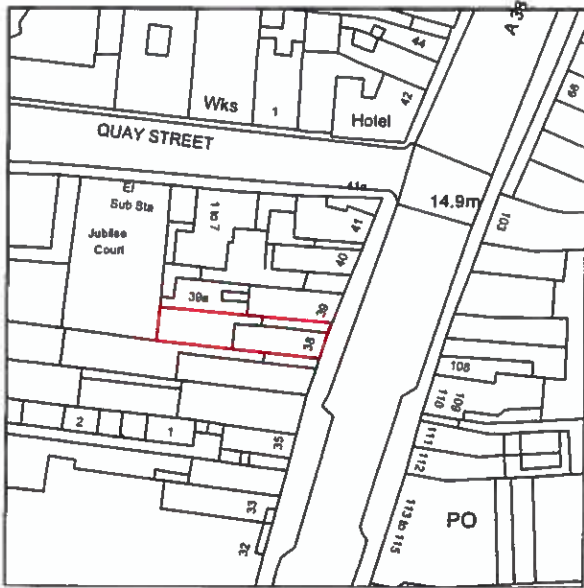
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To protect the amenity of adjoining occupiers, in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).
- 3 To protect the amenity of adjoining occupiers, in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).

Notes:

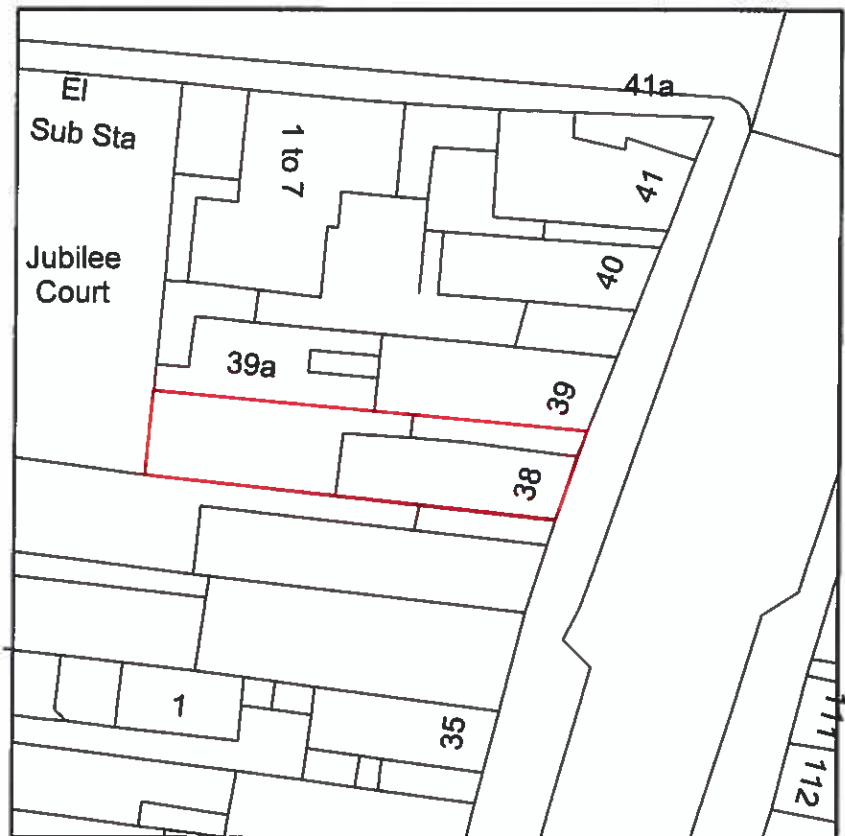
1 **Statement of Positive and Proactive Engagement**

In accordance with the requirements of the 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 It should be noted that the alterations to the building proposed in connection with the change of use hereby granted also require the benefit of Listed Building Consent and no physical works should be undertaken to the building prior to the granting of Listed Building Consent reference: 16/00594/LBC.
- 3 Any proposed signage or other physical alterations to the building required in connection with the change of use and not hereby approved, may require the benefit of Planning Permission, Listed Building and/or Advertisement Consent.



1:1250 LOCATION PLAN



1:500 BLOCK PLAN

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**ARCHITECTS AND HISTORIC BUILDING**  
**CONSULTANTS**

Company No 9524906 Registered in England and Wales

**38 HIGH ST, TEWKESBURY**

**location and block plan.**

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SCALE - 1:500@A4

DRAWN - CJM

DRG No -

DATE - 04/05/2016

CHECKED -

1858-LOC

32  
 598 / A

16/01256/FUL

24 Elmbury Drive, Newtown, Tewkesbury

4

Valid 08.11.2016  
Grid Ref 390908 233024  
Parish Tewkesbury  
Ward Tewkesbury Newtown

New Dwelling  
  
Mr Booth  
24 Elmbury Drive  
Newtown  
Tewkesbury  
GL20 8DQ

## RECOMMENDATION Permit

### Policies and Constraints

#### Policies

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies HOU2, HOU5 and TPT1  
NPPF  
Planning Practice Guidance

### Consultations and Representations

Tewkesbury Town Council - Objection:

Proposal is against TTC policy on garden grabbing.  
Proposal does not appear to conform to Manual for Streets guidance on refuse collection on dragging distance. Page 76 indicates a maximum distance of 25m for bin collection.  
Proposal is a concern in terms of its impact on a Sycamore tree covered by site TPOs.

County Highways - Standard advice.

Conservation Officer - No comments received - no objection to previous applications.

Landscape Officer - No objection subject to condition safeguarding TPO'd Sycamore tree.

Environmental Health Officer - No comments received.

Two letters of objection have been received, that are summarised as follows:

- Garden grabbing would have a detrimental effect;
- Set a precedent for future development;
- Dwelling visible from Walton House and adjacent green;
- Bungalow will be shoe horned into small garden;
- Insufficient level of amenity space for existing and proposed dwelling;
- Trust officer responsible for TPO will deal with matter effectively;
- Cannot see how removal of Leylandi will not damage boundary fence or TPO tree;
- Few metres from bedroom window with window facing property;
- Increase in noise from bedroom;
- Spoil enjoyment from property
- Devalue property;
- Against the interest of local community and Parish Council;
- Within row of small gardens;
- Is development in permitted in-fill zone; and
- Detrimental to amenity of properties in Walton House and Elmbury Drive.

**Planning Officers Comments:** Mr Lloyd Jones

### 1.0 Application Site

1.1 The application site relates to the rear garden of No.24 Elmbury Drive. The host property is a semi-detached dwelling sited within the residential development boundary of Tewkesbury. The garden is bounded by a 1.8m high fence. An area of open space falls to the west.



1.2 Walton House, which is a Listed Building is sited to the south and accommodates 10 flats. A terrace of 4 two-storey dwellings are sited to the south east of the rear boundary. A communal bin store and parking area flanks the southern boundary of the site. A Sycamore tree (TPO ref TR/114) that is located adjacent to the southern boundary of the site is covered by a Tree Preservation Order (TPO).

## **2.0 Planning History**

2.1 The existing property was originally permitted as part of a large residential estate by virtue of planning permission T1592/A.

2.2 Planning application 08/00542/FUL for a single storey rear extension was approved in April 2008.

2.3 Planning application 11/00413/FUL for a bungalow and access drive in the rear garden was approved in March 2012.

2.4 Planning application 12/00852/FUL for an application for a bungalow in the rear garden of 24 was refused in October 2012. The bungalow was larger than the scheme permitted by planning permission 11/00413/FUL was refused on the grounds that it would result in a cramped form of development and a poor level of outlook for future residents.

2.5 The most recent planning application 16/00505/FUL for the provision of a bungalow was refused in June 2016. The application was refused on the basis that the proposal would not allow for the safe turning of vehicles within the site; impact on the residential amenity of future occupants; and insufficient information to demonstrate that there would be no impact on the tree covered by a TPO.

## **3.0 Current Application**

3.1 The current proposal seeks full planning permission for the erection of a single storey dwelling within the rear garden of No.24 Elmbury Drive. The dwelling would have a footprint of 10.2m by 6.5m. A hipped roof is proposed that would rise from an eaves height of 2.1m to a ridge height of 4m. The exterior would be finished in facing brick, while the roof would be finished in concrete tiles.

3.2 Access would be off Elmbury Drive. The existing garage would be demolished to facilitate this. A turning area is proposed in front of the proposed dwelling, while a parking area for the host property would be in front of the existing dwelling.

## **4.0 Policy Context**

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

4.1 Policy HOU2 of the Local Plan sets out that residential development within the settlement boundary will be supported.

4.2 Policy HOU5 supports new housing within residential areas provided that they respect existing form and character of the area; do not result in loss of residential amenity; is of high quality design and appropriate access and parking arrangements are made.

4.3 Policy TPT1 seeks development where safe and convenient provision is made for safe and convenient access and where there is an appropriate level of public transport service and infrastructure available.

## **5.0 Analysis**

### Principle of Development

5.1 The site is located within the Residential Development Boundary of Tewkesbury as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy HOU2 of the Local Plan states that new housing development within such areas is acceptable in principle provided that the development can be satisfactorily integrated within the framework of the surrounding development. Furthermore, Policy HOU5 of the Local Plan requires new housing development to respect 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.

5.2 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 reflects this advice by making 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 clearly that poor designs should be refused.

5.3 Policies HOU2 and HOU5 of the Local Plan are therefore considered to be consistent with the provisions of the NPPF and should therefore carry considerable weight in the determination of the application. In view of the above, and because of the previous grant of planning permission for a dwelling, the principle of residential development on the site is acceptable provided that the development can be satisfactorily integrated within the framework of the surrounding development, subject to other local plan policies and material considerations. The Council's housing land supply position is also a material consideration although it is noted that the application only proposes a single dwelling.

#### Character and Appearance

5.4 The surrounding area is predominantly characterised by a mix of semi-detached bungalows and two-storey dwellings. The host property is a semi-detached dwelling with a ridge height of approximately 4.5m.

5.5 The design and layout of the previously refused planning application (16/00505/FUL) that comprised an 'L' shaped dwelling was considered to be unacceptable, as provision was not made for a turning area within the site that would lead to the reversing of vehicles on to the highway network. This current application has sought to address this reason for refusal. The proposed dwelling would be of a simple design and form that would sit discretely at the rear of the plot. The design and layout is consistent with the dwelling that was approved under planning reference: 11/00413/FUL in 2012 and is not considered to represent overdevelopment.

5.6 The 4.0m high roof would be visible rising above the parapet of the boundary fence from the adjoining public open space, but it is considered that due to the modest size of the dwelling, as well as the separation distance off the rear elevation of the host property it would not be viewed as an incongruous element in the street scene.

5.7 The Conservation Officer previously raised no objections in respect of the impact on the setting of the Listed Building (Walton House). Given the nature of the development it is considered that the proposal would not have any detrimental impact on the setting of the nearby heritage asset.

5.8 Overall, it is considered that the character of the area would be maintained. The proposal is therefore compliant with Policy HOU5 of the Tewkesbury Local Plan.

#### Residential Amenity

5.9 Policy HOU5 sets out that new housing development within existing residential areas must not result in an unacceptable loss of amenity for existing and proposed dwellings. The proposed dwelling would not have an undue impact on the residential amenity of existing neighbouring properties in terms of overlooking, loss of light or overbearing impacts. This is reflected in 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.

5.10 There is an existing row of two-storey dwellings sited to the south east of the proposed dwelling. At its closest point the dwelling would be some 9.0m off the north eastern corner of the nearest part of the row of terraces to the south east. In the assessment of the previous application this relationship was deemed unacceptable as the upper floors of the adjacent terrace would overlook the private amenity space and there would be direct views into the proposed dwelling. In this current application the dwelling has been re-sited so that the amenity space is provided at the front of the dwelling. Additionally, no habitable room windows are proposed in the rear elevation. Due to the siting of the dwelling and the positioning of habitable room windows there would be no detrimental impact on the level of amenity for any future occupants. This application has therefore addressed the previous reason for refusal in this regard.

5.11 Turning to the impact on the residential amenity of neighbouring dwellings, the relationship with the properties in Walton Court was previously considered to be acceptable. The dwelling would be sited a minimum of 9.0m off the nearest dwelling at Walton House. Representations have been received that the proposal would result in an increase in noise and disturbance and a loss of outlook. The nearest window would be at ground floor serving a kitchen. Due to the orientation of the property, as well as it having a

maximum height of 4.0m it is considered that the proposal would not have an overbearing impact, result in a loss of privacy or result in any significant increase in noise and disturbance that would justify the refusal of the application on this basis.

5.12 With regards the impact on No.22 Elmbury Drive and the host property, it is considered that due to the single-storey nature of the development, the positioning of windows, and the existing boundary treatments there would be no detrimental impact on the residential amenity of these properties. However, to safeguard the amenity of these properties, a condition removing permitted development right for rooflights is recommended.

5.13 Finally, a bin store serving Walton House forms the southern boundary. The Environmental Health Officer has confirmed previously that they have no objection to this, and their legislation could be used if the area was being used inappropriately.

#### Impact on Protected Tree

5.14 A Sycamore tree (TPO reference TR/114) covered by a Tree Preservation Order is sited adjacent to the southern boundary of the application site. An Arboricultural Report (November 2016) has been submitted in support of the application. It demonstrates that the dwelling will encroach into less than 1% of the root protection area of the protected trees. With the removal of the band of conifers the level of light will be increased. The Council's Landscape Officer has no objection to the proposal, subject to conditions to safeguard the integrity of the protected sycamore.

5.15 Overall, it is considered that subject to conditions the proposal would not undermine the integrity of the root system of the protected tree.

#### Highways

5.16 Policy TPT1 of the Local Plan highlights that development will be permitted where provision is made for safe and convenient access and where there is an appropriate level of public transport service and infrastructure available. The resulting development should also not adversely affect the traffic generation, safety and satisfactory operation of the highway network.

5.17 As touched upon above, the layout has been revised to provide a turning area that would enable vehicles to manoeuvre safely within the site and enter/exit the site in a forward gear. The proposal for one additional dwelling would not result in any significant increase in the level of traffic generated to and from the site. The Town Council has raised concerns in respect of the distance to carry waste. Manual for Streets at paragraph 6.8.9 advises that residents should not be required to carry waste more than 30 m. In this case the distance from the bin store to the highway is approximately 48m. Any future occupants would be aware of this distance and on balance it is considered that the bin store is appropriately sited. Overall, the proposal is therefore considered to be acceptable on highway grounds.

### **6.0 Conclusion**

6.1 For the reasons set out above, it is considered that the application has addressed the previous reasons for refusal and is consistent with the dwelling approved in 2012. Taking into account all of the above, the proposal is considered to be acceptable and in accordance with the Tewkesbury Local Plan to 2011 and The National Planning Policy Framework. It is therefore recommended that planning permission be granted subject to conditions.

### **RECOMMENDATION Permit**

#### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby approved shall be carried out strictly in accordance with the following plans/drawings: 1019.01; 1019.02C; DMC-8 24 ED 01; DMC- 24 ED02; and DMC-824 ED 03;
- 3 No development shall take place until details of all external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 4 No development shall take place until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 No development shall take place until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the dwelling hereby approved have been submitted and approved in writing by the Local Planning Authority.
- 6 The development hereby permitted shall not be brought into use until the access, turning space and parking facilities shown on the approved plan have been properly consolidated and surfaced. These areas shall thereafter be retained and kept available for those uses at all times.
- 7 Prior to the first occupation of the dwelling hereby approved the access facilities necessary to serve the site shall be laid out and constructed in accordance with the submitted details with any gates hung so as not to open outwards and the area within 5m of the carriageway edge surfaced in bituminous macadam or other approved material and thereafter similarly maintained
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no extensions or outbuildings shall be erected without the prior express permission of the Local Planning Authority.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no windows or roof lights other than those expressly authorised by this permission shall be installed or constructed above ground floor ceiling height without the prior express permission of the Local Planning Authority.
- 10 The development shall be carried out strictly in accordance with the Arboricultural Method Statement detailed in Section 3 of the Arboricultural Reports prepared by Daniel Mogridge (4th December 2016).

Reasons:

- 1 To comply with Section 91(1) of the Town and Country Planning Act 1990.
- 2 In the interests of clarity and in order to define the permission.
- 3 To ensure that the external appearance of the development is satisfactory in accordance with the NPPF.
- 4 To provide adequate privacy and an acceptable external appearance in accordance with the NPPF.
- 5 In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties, in accordance with the NPPF.
- 6 To ensure that adequate off street parking is provided and retained, in the interests of highway safety and in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 To ensure that adequate off street parking is provided and retained, in the interests of highway safety and in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 In order to avoid a cramped form of development and in the interests of securing a good standard of amenity for adjoining occupiers in accordance with the provisions of the NPPF and Policy HOU5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 9 To safeguard the amenities of residents of adjoining properties in accordance with the provisions of the NPPF and Policy HOU5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 10 To safeguard the integrity of the root system of the protected tree and 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.





**CLIENT**  
**SITE**  
**PROJECT**

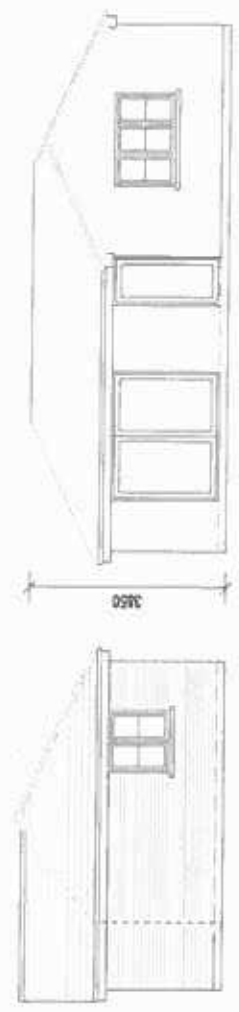
Mr Booth  
24 Elmbury Drive Tewkesbury GL20 8DQ  
New Dwelling

**DRAWING TITLE**  
**DRAWING NUMBER**

As Proposed  
**1019.02C**

1:100 @ A3  
April 2018  
DESCRIPTION  
Timber fence on Southern boundary raised as retained  
Additional info added drive reduced in length  
REVISED HOUSE TYPE

SCALES / PAPER SIZE  
DATE  
REVISION  
DATE  
A 06/18  
B 7/7/16  
C 15/8/19



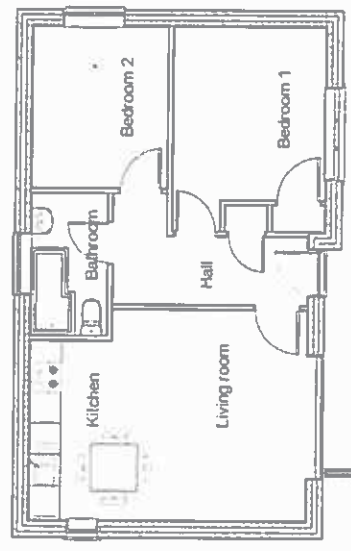
**West Elevation**  
previously approved building profile and ridge line  
1/1004/13/FUL

**North Elevation**



**South Elevation**

**East Elevation**



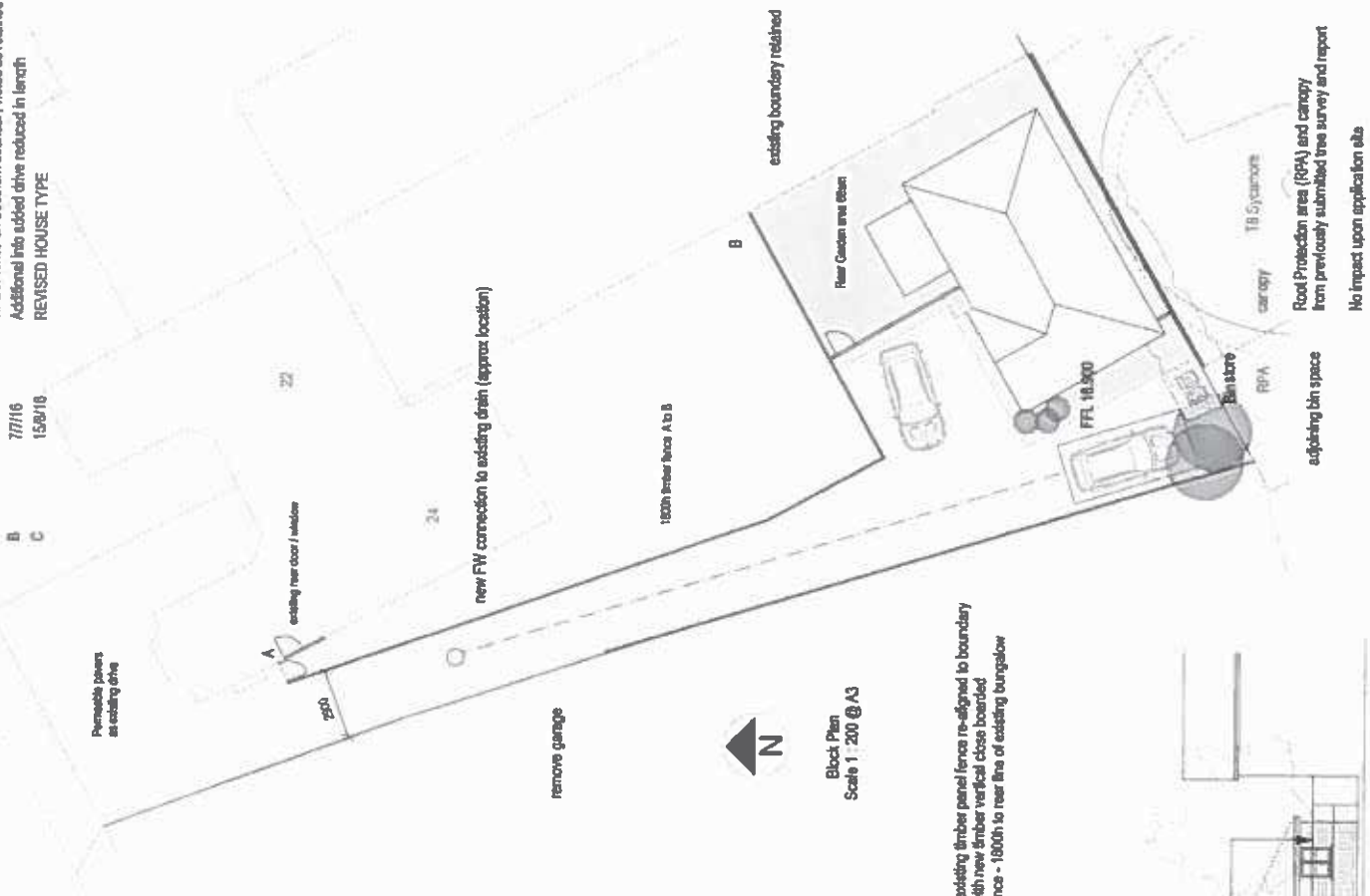
**Floor Plan**  
GIA51 sm

- Materials -**
- Roof: Concrete tiles
  - Walls: Facing Brick
  - Windows / Doors: UPVC / Composite materials
  - SUDS: compliant hard surfacing



Block Plan  
Scale 1: 200 @ A3

SW Boundary existing timber panel fence re-aligned to boundary and replaced with new timber vertical close boarded post and rail fence - 1800th to rear line of existing burglar alarm



60418

Valid 07.11.2016  
 Grid Ref 384485 222169  
 Parish Twigworth  
 Ward Coombe Hill

Demolition of existing garage and construction of new dwelling.

Res Land & New Homes Ltd  
 c/o Evans Jones Ltd  
 Royal Mews  
 St Georges Place  
 Cheltenham  
 GL50 3PQ

## RECOMMENDATION Permit

### Policies and Constraints

#### Policy Context

NPPF and Planning Practice Guidance  
 Planning (Listed Buildings and Conservation Areas) Act 1990  
 Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, TPT1, LND7, EVT5, EVT9 and NCN5  
 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

**Twigworth Parish Council** - Object to the proposal on the following grounds:

- The scale of the proposed building is critically wrong and footprint too large.
- It is not at all in sympathy with the listed historic farmhouse and the former farmyard, now the Business Centre.
- It is also too close to the boundary of Twigworth Court, compromising its listed ambience.

Conservation Officer - No Objection following revisions to remove the detached garage.

#### Neighbour representations

One letter of support from adjacent resident following proposed amendments.

**Planning Officers Comments:** Mr Ciaran Power

### 1.0 The Application Site

1.1 The application relates to a piece of land within the curtilage of Twigworth Court, a Grade II Listed Building which fronts onto the A38 in Twigworth. The surrounding area is predominantly semi-rural in character. However, to the north is a business centres which is predominantly in B1 Business Use. The site is not subject to any formal landscape designation and is not located within a recognised settlement boundary. It is located within floodzone 1.

### 2.0 Relevant Planning History

2.1 15/00656/FUL, Erection of 3 dwellings permitted 2015.

2.2 16/00013/FUL, Demolition of existing garage block and erection of a new dwelling adjacent to Twigworth Court, Permitted April 2016.

2.3 16/00522/FUL, Revised scheme for the Erection of three dwellings and associated garages upon land adjacent Twigworth Court, Permitted August 2016. These dwellings are currently under construction.

### 3.0 Current Proposal

3.1 The application proposes the erection of 1 detached dwelling, associated parking, turning and amenity space and the demolition of an existing detached garage. The application has been amended since its original submission following concerns raised by the Council's Conservation Officer and the Parish Council.

The amendments show the drive repositioned, the proposed detached garage omitted and the dwelling re-sited away from the common boundary with Twigworth Court.

#### 4.0 Analysis

##### Principle of development

5.1 The site is located outside of a recognised settlement boundary and therefore the proposal is contrary to policy HOU4 of the Local Plan. However, paragraph 49 of the NPPF sets out that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Policy HOU4 is based on the now revoked Structure Plan housing numbers and for that reason is considered out of date in the context of the NPPF insofar as it relates to restricting the supply of housing. The policy is also out of date because the Council cannot currently demonstrate a five year supply of deliverable housing sites.

4.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. In this case there are no specific policies which indicate development should be restricted.

4.3 The NPPF also states that local authorities should avoid granting new isolated homes in the open countryside unless there are special circumstances. Although the site is located outside a residential development boundary, it is considered that it is not isolated given its location close to existing residential development at Twigworth. Twigworth benefits from a reasonable level of local services and facilities, including, a general store, employment opportunities, a petrol station/garage and a place of worship. The majority of these services and facilities are within acceptable walking and cycling distances from the application site. The site is also located in close proximity to bus stops on the A38 which provides connections to Tewkesbury, Cheltenham and Gloucester City. It is therefore considered that the site is located in a reasonably accessible location. Further planning permission has already been granted (16/00013/FUL) for a dwelling in this location which the proposal is an amended scheme for.

##### Design, layout and Impact on Heritage Assets

4.4 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Furthermore, one of the defined 'Core Principles' of the NPPF is that a good standard of amenity for all existing and future occupants of land and buildings be achieved. Policy SD5 of the JCS Submission Version (November 2014) closely reflects this advice.

4.5 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.

4.6 The proposed development would incorporate the erection of a single storey dwelling similar to the three dwellings currently under construction on the neighbouring site. The proposal has been amended since its original submission to omit a detached garage and to reposition the proposed driveway and building. The proposal also replaces an existing large garage structure and the scale, form and the location of the proposed dwelling would have a neutral impact on the setting of Twigworth Court, a Grade II Listed Building and the adjacent curtilage listed building associated with Twigworth Court Business Centre. The Council's Conservation Officer raises no objection to the scheme as amended. He comments that the omission of the detached garage, which had been resisted in earlier revisions to the three units on the neighbouring site, is welcome and restores a level of consistency to the overall scheme, which was the applicants' chief argument in substituting the design for this plot. The scheme is therefore considered to be acceptable in conservation terms.

4.7 Overall it is considered that the scheme is acceptable from a design perspective and would have a neutral impact of the setting of the Listed Heritage Assets.



### Landscape impact

4.8 Policy LND4 of the Local Plan states that regard will be given to the need to protect the character and appearance of the rural landscape. The NPPF reflects this advice and states that the planning system should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes. Policy SD7 of the JCS Submission Version (November 2014) reiterates this advice.

4.9 As set out above, the surrounding area is semi-rural in character. However, the site itself sits in close proximity to existing residential and commercial development, including the three new dwellings under construction which the current proposal would be read against. The proposal would introduce development which replaces an existing garage. The site is relatively well screened from the A38 to the east and would be seen in the context of other built development from the west. Overall given the single storey form of the proposed dwelling and its scale being in keeping with the adjacent business units and new dwellings it is not considered that the proposal would have a significantly detrimental impact upon the landscape character of the area.

### Residential Amenity

4.10 Policy HOU5 sets out that new housing development within existing residential areas must not result in an unacceptable loss of amenity for existing and proposed dwellings. The proposed dwelling would not have an undue impact on the residential amenity of existing neighbouring properties in terms of overlooking, loss of light or overbearing impacts. This is reflected in 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.

4.11 The proposed dwelling would be located to the west of Twigworth Court and whilst there is a business centre located to the north of the application site this is in B1 Commercial use which is considered to be compatible with the proposed development. The proposal would provide good sized garden and level of accommodation. It is also considered that the proposal would provide an appropriate level of amenity for the proposed dwelling. The proposal would satisfactorily integrate the development within the surrounding settlement and the proposal is therefore considered acceptable in light of policies HOU2 and HOU5 of the Local Plan and one of the Core Principles of the NPPF in respect of living conditions.

### Highway considerations

4.12 Policy TPT1 of the Local Plan states, inter alia, that development will be permitted where highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network. Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 32 specifically requires safe and suitable access to all development sites for all people. Policy INF2 of the JCS Submission Version (November 2014) reflects this advice.

4.13 The proposed dwelling would be served off an existing access onto the A38. Some minor improvements are proposed to ensure that 120m visibility in both directions can be achieved which is appropriate along this section of the A38 which is subject to a 40 M.P.H speed limit. The County Highway Authority raised no objection to the previous proposals on site and therefore subject to a condition requiring the visibility to be achieved and maintained at the access the development is considered acceptable.

### **Other Matters**

4.14 Although floodzone 2 is located in close proximity to the site the site itself is located within Flood Zone 1 (low risk) as defined by the Environment Agency's most up-to-date flood risk maps. The development is therefore unlikely to be at risk of flooding or cause significant risk of flooding to third party property. In terms of drainage it is recommended that a condition be imposed requiring the submission of full drainage plans prior to the commencement of any development.

### **5.0 Overall balancing exercise and conclusions**

5.1 Whilst the site falls outside any recognised development boundary and as such the development conflicts with Local Plan Policy HOU4, this policy is out of date for the reasons set out above. The proposal would contribute, albeit in a small way, towards providing much needed housing in the Borough and it is recognised that housing development is an important economic driver. The site is located within a reasonably accessible location and there would be an acceptable impact upon the highway network. Whilst there would be a degree of harm to the landscape, it is considered that this harm is limited and would not significantly and



demonstrably outweigh the (albeit limited) benefits. It is also considered that the proposed development would have a neutral impact on the setting of the grade II Listed Twigworth Court and the Business Centre to the north. Overall, the proposals are considered to represent sustainable development in the context of the NPPF and the application is therefore recommended for permission.

#### **RECOMMENDATION Permit**

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five 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 The development hereby permitted shall be carried out in accordance with the approved plans Drawing Numbers: 02 Rev PL0 received on 21st October 2016 and 01 Rev PL4 received on 6th December 2016 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To define the extent of the permission for avoidance of doubt.

- 3 Notwithstanding the submitted details, no development shall take place until samples of all external facing and roofing materials has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples.

Reason: To ensure that the external appearance of the building is satisfactory.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: In the interests of visual amenity and the character of the area and to preserve the setting of the adjacent heritage assets.

- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials; planting plans, specifications and schedules and details of tree and hedgerow protection for existing planting, to be retained, in accordance with BS 5837: Trees in relation to construction. All approved tree and hedge protection measures shall be in place prior to the commencement of the development shall be retained thereafter until the development is complete. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory.

- 6 The development hereby permitted shall not be commenced until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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.

- 7 The development hereby permitted shall not be brought into use until visibility splays extending from a point 2.4 m 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 120m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05 m and 2.0 m at the X point and between 0.26 m and 2.0 m at the Y point above the adjacent carriageway level.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

- 8 Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan 01 Rev PL4 with any gates situated at least 5.0 metres back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 10 metres of the carriageway edge of the public road surfaced in bound material, and shall be maintained as such thereafter.

Reason: In the interests of highway safety.

- 9 No development shall take place until details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.

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.

- 10 The development hereby permitted shall be carried out in accordance with details of the windows and doors which shall first be provided at a scale of 1:20 for the approval in writing of the Local Planning Authority. The details shall also indicate the finish of the windows and doors. The development shall be carried out in strict accordance with the details so approved.

Reason: To ensure that the appearance of the completed development respects the special character and appearance of the adjacent Listed building.

- 11 The development hereby permitted shall be carried out in accordance with details of the material, detail, colour and method of fixing of the rainwater goods which shall be submitted to and approved in writing by the Local Planning Authority before the rainwater goods are installed on the development.

Reason: To ensure that the appearance of the completed development respects the special character and appearance of the adjacent Listed building.

16/01207/FUL



RES Architecture Ltd  
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Highway Business Centre, Highways  
Leamington Spa, CV31 8BN  
Tel: 01922 411111  
Email: info@resarchitecture.co.uk  
Web: www.resarchitecture.co.uk



Rev	Description	Date	By
1	Issue for planning	14/10/16	MB
2	Issue for planning	14/10/16	MB

**PLANNING**

Client  
RES LATID & NEW HOMES LTD

Project  
LUXURY HOUSING DEVELOPMENT AT  
TWIGWORTH COURT  
TWIGWORTH  
GLoucestershire

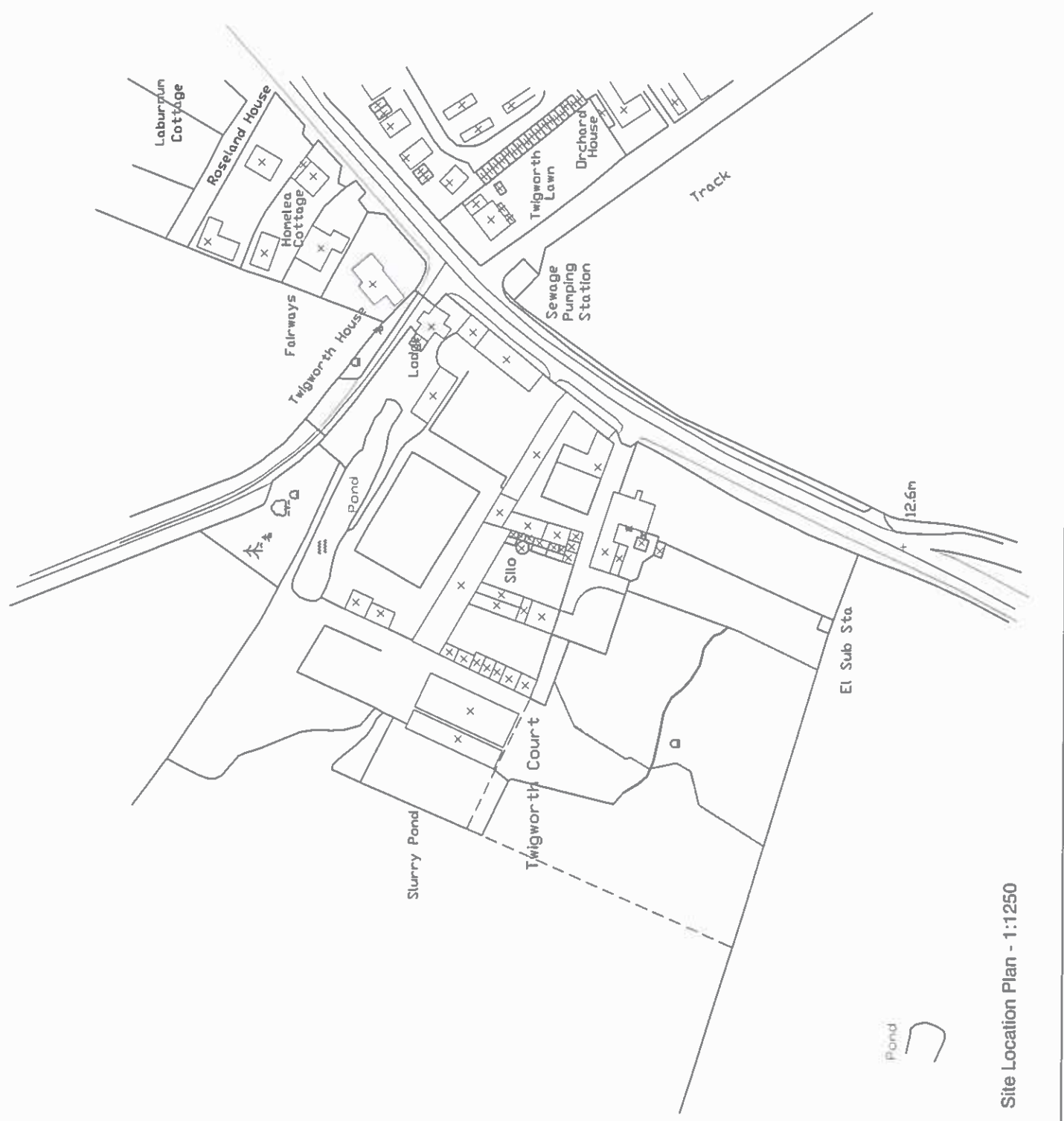
Drawing Description  
SITE LOCATION PLAN

1:1250 A3 OCT 2016

NCR NJG

ARC.1289 03 PL1

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6046/A

Site Location Plan - 1:1250







# ARCHITECTURE

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 100, Highcross Road, Highcross  
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 Email: info@resarchitecture.co.uk  
 Web: www.resarchitecture.co.uk



Project No.	1289
Client	RES
Drawn by	RES
Checked by	RES
Date	10/10/16

## PLANNING

RES LAND & NEW HOMES LTD

Project  
 LUXURY HOUSING DEVELOPMENT AT  
 TWIGWORTH COURT  
 TWIGWORTH  
 GLOUCESTERSHIRE

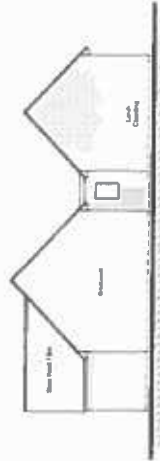
Drawing Description  
 FLOOR PLANS & ELEVATIONS  
 AS PROPOSED

AS NOTED AI OCT 2016

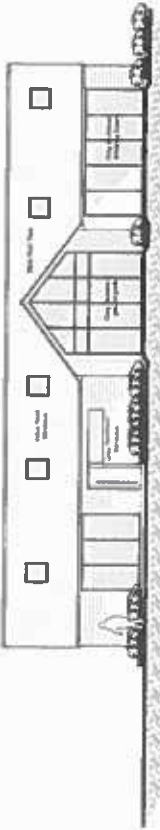
MCR IJG

ARC.1289 02 PLO

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East Elevation - 1:100



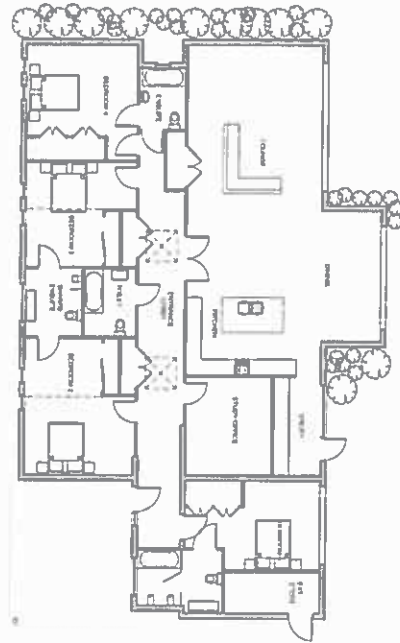
South Elevation - 1:100



North Elevation - 1:100



West Elevation - 1:100



Proposed Floor Plan - 1:100



Valid 28.10.2016  
 Grid Ref 397456 227350  
 Parish Woodmancote  
 Ward Cleeve Hill

Smoking shelter  
  
 Greene King plc  
 Sunrise House  
 Ninth Avenue  
 Burton upon Trent  
 Staffordshire  
 DE14 2WF

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework  
 Planning Practice Guidance  
 Tewkesbury Borough Local Plan to 2011 - March 2006 - ENV2 and HEN 2

### Consultations and Representations

Parish Council - Object to the proposal - 6 against 2 approve for the following reasons:

- This structure is within our Conservation Area and is visually intrusive when viewed from the road.
- The structure also conflicts with Policies HEN1 and GNL1
- It is of poor construction and may represent a fire hazard given its close proximity to the Cotswold stone building.
- The Parish Council agrees with the Conservation Officer's previous comments in 2008 (08/00406/FUL) and also the comments made in 2007.
- Two councillors did not see a problem with the application stating 'no different to a shed/log store. It is not a permanent structure it is a timber shelter'.

Conservation Officer - No objection to the amended scheme.

Environmental Health - No comments received.

Planning Officers Comments: Mr Lloyd Jones

### 1.0 Application Site

1.1 This application relates to the provision of a smoking shelter at the Appletree, Woodmancote. The Public House is located in the designated Conservation Area. A parking area that serves the Public House is located to the east. Two listed buildings are located to the west and a public footpath runs along the front (east) of the property and across open fields to the north.

### 2.0 Relevant Planning History

2.1 08/00406/FUL - Erection of canopy building to front. (Revised Scheme) - Refused 27th May 2008.

### 3.0 Current application

3.1 An unauthorised flat roof smoking shelter is currently sited at the front of the Public House. This application relates to the provision of a new smoking shelter on the same footprint of the unauthorised structure. The plans as initially submitted detailed the provision of a smoking shelter enclosed by timber boards. Revised plans have been submitted to address the initial concerns raised by the Conservation Officer. The panelling has been removed from all sides, so it would essentially be an entirely open structure. The shelter would be supported on four timber posts having a footprint of 2.9m by 2.9m and a maximum height of 2.7m. The roof of the shelter would be finished in timber shingles.

#### **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.

4.2 Policy HEN2 of the Local Plan seeks to ensure that new development within a Conservation Area must be of a high standard of design and preserve or enhance the character or the appearance of the Conservation Area in terms of scale, form, materials and quality.

4.3 Policy EVT3 of the Local Plan advises that developments likely to generate levels of noise which are unacceptable either in volume or frequency of occurrence should, where appropriate, be sited away from people so as to avoid noise disturbance.

4.4 The above policies are considered to be consistent with the framework and as such should be given due weight according to paragraph 215 of Annex 1 of the framework.

#### **5.0 Analysis**

##### Character and Appearance

5.1 The scheme has been revised to take account of the concerns raised by the Council's Conservation Officer who sought an open sided structure. The applicant has removed the panels from all sides of the shelter so it will be entirely open. The smoking shelter is visible from public vantage points along Stockwell Lane. Given the location of the Public House in a Conservation Area, both local and national planning policy requires new development to preserve or enhance the character of the area. As the shelter would be open it would allow the original form of the Public House to be read. Further to this, due to the restricted size and scale of the structure it would appear as a lightweight feature at the front of the Public House, which would not appear as out of place. Accordingly, it is considered that on balance it would preserve the character of the Public House and that of the surrounding Conservation Area.

5.2 Overall, it is considered that the proposal conforms with Policy HEN2 of the Tewkesbury Borough Local Plan and the National Planning Policy Framework.

##### Residential amenity

5.3 Due to the siting of the smoking and its relationship and separation distance from neighbouring properties, it is considered that the use of the shelter would not result in any significant increase in noise and disturbance over and above existing levels that are associated with the Public House.

5.4 As such, it is not considered that the proposed development would have a detrimental impact on the residential amenity enjoyed by the occupiers of nearby residential properties.

#### **6.0 Conclusion**

6.1 Taking into account all of the above, the proposal is considered to be acceptable and in accordance with the Tewkesbury Local Plan to 2011 and the National Planning Policy Framework. It is, therefore recommended that planning permission be granted subject to conditions.

#### **RECOMMENDATION Permit**

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed smoking shelter 209 D.

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.

Note:

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner engaging in pre-application advice, offering 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.

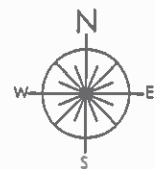
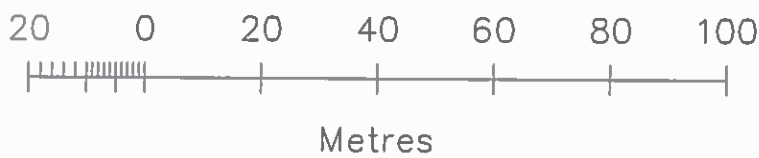
Project: 15072  
"The Apple Tree,  
Stockwell Lane"  
Woodmancote  
GL52 9QG.

Drawing N° 010

OS Map Site Location Plan  
scale 1:1250 at A4 print.



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61252A

JOB REFERENCE  
15072

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REV	NOTES	DATE	BY
1	Issue for approval	20/01/2018	ADS
2	Issue for approval	20/01/2018	ADS
3	Issue for approval	20/01/2018	ADS
4	Issue for approval	20/01/2018	ADS
5	Issue for approval	20/01/2018	ADS

# ADS DESIGN

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 17/17 John's Quay, Newry, County Down, Northern Ireland, BT20 3JF  
 Tel: +44 (0) 1843 811111 Fax: +44 (0) 1843 811112  
 Email: info@ads-design.co.uk

CLIENT  
**GREENE KING**

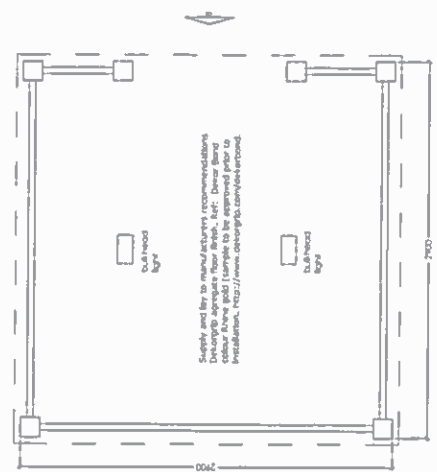
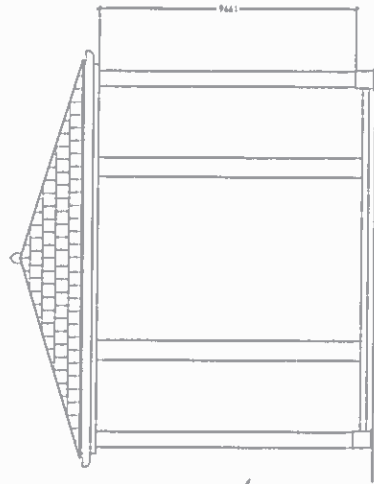
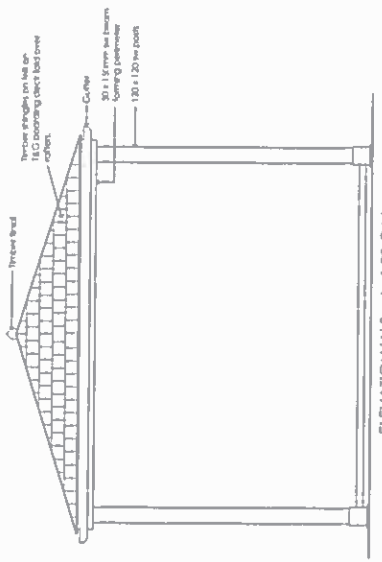
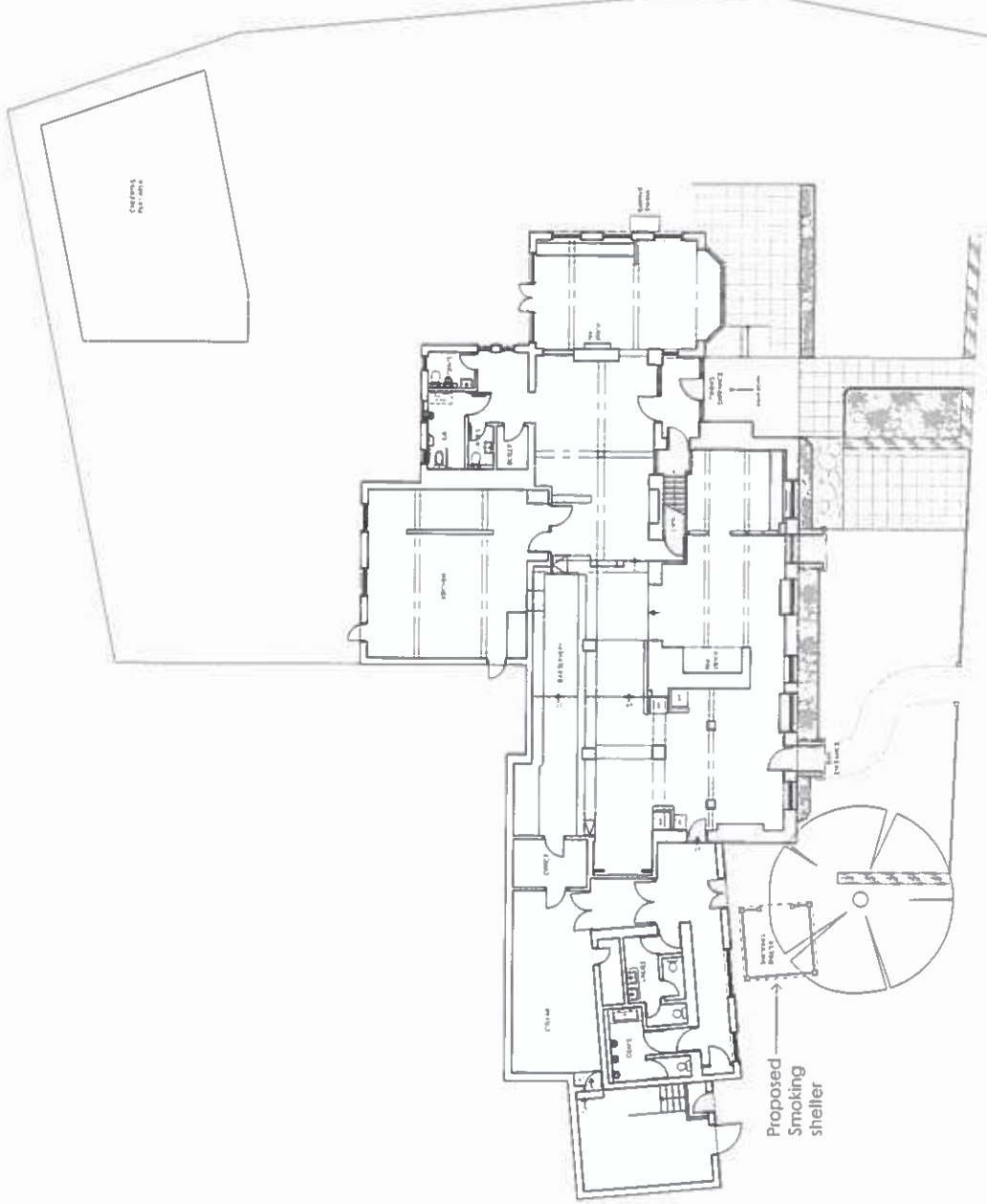
PROJECT  
**The Appletree, Woodmancoke**

PROPOSED TITLE  
**Proposed Smoking Shelter**

SCALE	1:200	SHEET	A1
DATE	October 2018	DESIGNER	
TOD'S SHEET #		PROJECT #	

CONTRACT NUMBER  
209

D



Supply and fix to manufacturers recommendations  
 Develop appropriate floor finish, i.e. floor finish to be approved prior to installation. (i.e. floor finish to be approved prior to installation.)

613/B  
53



## BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019

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

11 May 2015

Please destroy previous lists.