Democratic Services

Tewkesbury Borough Council

TO EACH MEMBER OF THE PLANNING COMMITTEE

03 April 2017

Dear Councillor

PLANNING COMMITTEE- TUESDAY 11 APRIL 2017

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

Agenda Item	Description	
5A	**Schedule** To consider the accompanying Schedule of Planning Applications and proposals, marked Appendix "A".	**1 - 232**

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

Tewkesbury Borough Council

APPENDIX A
Agenda Item No. 5A

TEWKESBURY BOROUGH COUNCIL

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 11 April 2017

	(NORTH)	**(SOUTH)**
General Development Applications Applications for Permission/Consent	(854 - 899)	(900 - 981)

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. (854 - 981)

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)** 11th April 2017

Parish and Reference	Address	Recommendation	Item & page numbers	
Ashchurch Rural 17/00072/FUL Click Here To View	Land Parcels 7946 & 9067 Fiddington Tewkesbury	Refuse	1	854
Brockworth 16/01313/FUL Click Here To View	8 Ermin Street Brockworth GL3 4HJ	Permit	11	918
Churchdown 16/01354/FUL Click Here To View	3 Barrow Hill Churchdown	Permit	12	921
Gretton 17/00043/FUL Click Here To View	Myrtle Cottage Gretton Road Gretton	Refuse	2	869
Gretton 17/00100/FUL Click Here To View	5 Apple Orchard Close Gretton	Permit	5	891
Longford 16/00853/FUL Click Here To View	Land to East of Tewkesbury Road & North of Longford Lane Longford	Delegated Permit	16	955
Minsterworth 16/00822/OUT Click Here To View	Part Parcel 1228 Main Road Minsterworth	Permit	9	906
Norton 16/00191/FUL Click Here To View	Walnut Farm Tewkesbury Road Norton	Delegated Permit	15	945
Norton 16/01172/FUL Click Here To View	Part Parcel 3100 Wainlode Lane Norton	Delegated Permit	17	790
Southam 17/00017/FUL Click Here To View	Noverton Farm Noverton Lane Prestbury	Permit	13	924
Stanway 15/01359/FUL Click Here To View	Harrington House Toddington Cheltenham	Permit	3	877

Parish and Reference	Address	Recommendation	Item & page numbers	
Stanway 16/01422/FUL Click Here To View	Ashgrove Toddington Cheltenham	Permit	4	885
Staverton 17/00105/FUL Click Here To View	Willowdene Gloucester Road Staverton	Refuse	8	900
Tewkesbury 17/00186/FUL Click Here To View	47 Stanton Road Mitton Tewkesbury	Permit	7	897
Twigworth 15/00898/OUT Click Here To View	Part Parcel 2691 Tewkesbury Road Twigworth	Delegated Permit	14	930
Twigworth 16/01209/OUT Click Here To View	Vine House Tewkesbury Road Twigworth	Permit	10	912
Winchcombe 17/00124/FUL Click Here To View	46 Crispin Road Winchcombe	Permit	6	894

17/00072/FUL	**Land Parcels 7946 & 9067, Fiddington, Tewkesbury**	**1**
Valid 20.01.2017	A biomass-based anaerobic digestion facility including: primary digester with feed processing hoppers; secondary digester; final storage tanks; biomethane upgrading unit; grid entry unit (GEU); propane tanks (LPG); preliminary pit; condensation pits; pump container; biogas boiler; standby flare stack; weighbridge; agricultural feedstock storage (silage clamps); digestate separator; office with associated foul drainage pit; landscape works including bunding and reprofiling using excavated material and planting; rainwater retention ponds, drainage system and newt ponds; underground gas pipe to connect to gas mains with associated grid entry unit; and hard surfacing including alterations to existing vehicular access, internal roads and parking.	
Grid Ref 391813 231513 Parish Ashchurch Rural Ward Ashchurch With Walton Cardiff	Ecotricity (Next Generation) Ltd Lion House Rowcroft Stroud GL5 3BY FAO Mr Jamie Baldwin	

RECOMMENDATION Refuse

Policies and Constraints

NPPF
Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies LND4, EVT3, EVT5, EVT9, TPT1 AND NCN5
Main Modification Joint Core Strategy (February 2017)
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- Object for the following reasons:

- This anaerobic digestion facility would have a detrimental affect on the local rural environment being intrusive, departing from the existing character of the landscape.
- The development would result in a significant increase in very large HGV movements along narrow country lanes.
- This would harm local amenity use by pedestrians, cyclists and horse riders. Even with some improvements to the lanes it is highly unlikely that two way traffic would be possible as it is often difficult for two cars to pass at narrow points.
- Local residents are also concerned about detrimental affects on the quality of the air in the immediate vicinity in view of the industrial nature of the digestion process.

Tewkesbury Town Council - raise the following objections:

- The lack of a proposed footway or sufficient widening make the proposed mitigation
- Lack of provision for NMUs (non-motorised users) under DDA regulations in not acceptable
- This level of traffic is above what we consider acceptable for the junction in its current arrangement.

Stoke Orchard and Tredington Parish Council object:
- There would be no specific benefit to the community.
- The significant impact of excessive commercial transport on country lanes through rural communities.
- The potential of the ecological disaster given the sites location close to a river and flood areas is disastrous as should the toxic effluent used in the process escape or be carried by storm water the

contamination of local watercourses and rivers.
- The proposal would be detrimental to the quality of life in the rural community.

Elmstone Hardwicke Parish Council object:
- this development is completely in the wrong location. Access to the site would mean a large number of large tractors with 15 ton plus trailers travelling through villages such as Tredington and Fiddington which are on narrow county lanes, which are already in a poor state of repair. Although smaller than the original application the potential for pollution of liquid run off is a potential hazard along with smells, also light pollution. On these grounds this application should be refused.

Deerhurst Parish Council is concerned that the B4213 will be used as a route to and from Upton. The B4213 is already a busy road, subject to accidents and flooding and can be closed from time to time.

Teddington Parish Council - Objects to the application given the traffic impacts of the proposal.

Environmental Health - No comments received.

Environment Agency - No comments received.

Lead Local Flood Authority - No objection subject to conditions

County Highway Authority - No comments received.

Natural England - No objection, refer to standing advice.

County Archaeologist - No objection subject to condition.

Highways England - No objections.

Conservation Officer - No objection.

National Grid - No objection.

166 Representations received (although a number of contributions were made by the same person) objecting to the proposed development on the following grounds:
- Increase in volume of HGV traffic - lanes unable to support the volume and size of vehicles needed.
- Impacts on road safety - increase in large, noisy and polluting farm vehicles. Roads regularly used by walkers, cyclists, families walking dogs and horse riders. Roads are very narrow putting all at risk.
- Rights of Way affected - road leading to proposed site has several footpaths and bridleways linking on to it.
- Mud left on the road by the vehicles when leaving the site making the roads even more dangerous to road users.
- Damage to verges and road edges by large vehicles having to manoeuvre in order to pass on the lanes.
- There is to be a banksman at the site entrance during the busiest summer months. Obviously there is a safety issue with tractors and trailers leaving the site on the narrow lanes. What will happen the rest of the year.
- There are no footpaths so putting pedestrians at risk.
- Close vicinity of increased farm vehicles will cause increased noise
- Increased volume of farm vehicles will increase the emissions
- Health risks caused by the dust fumes created by the plant.
- Odours emanating from the transportation/storage of animal slurry, animal waste and food waste.
- The green credentials of the application as the end product is gas which produces carbon dioxide when it is burned. A significant amount of CO2 is also released during production.
- The costs of producing the biogas is shown to be third most expensive means of producing electricity.
- Light pollution from the site unacceptable due to the proximity of the proposed facility to residential property.
- Infestation of flies and bad smells during the summer months meaning neighbours will be unable to open windows.
- Odours likely to be emitted from the development on a significant scale, adversely affecting residents nearby.
- Adverse effect on the surrounding area regarding the visual aspect.
- Loss of the countryside

- Destroy the beautiful local area.
- Proposed buildings are ugly
- Design of the development, its scale and use, is out of character with its surroundings.
- The site floods on a regular basis.
- Groundwater contamination.
- Devastate the peace and tranquillity of the area.
- Effect on wildlife being disturbed.
- Damage caused to character properties by the increased vibration of the vehicles passing.
- Industrialisation of a rural area.
- Reduction in property values.
- Loss of amenity.
- Likely to be a site of archaeological significance.
- Feedstock will need to be brought in from further afield.
- Large vehicles pass close to some residences so that the noise reverberates loudly and causing vibration of the thin walls. Causes stress and an increase in large HGV/Lorries will affect health and wellbeing.

Gloucestershire Land Company

- Raises concerns about the availability of feedstock within the local area and general suitability of the location necessary to support the proposed AD operation.

CPRE Gloucestershire

- The proposed development is not in accordance with the development plan.
- The proposed development would result in unacceptable harm to the landscape.
- Concern regarding the width, condition and alignment of roads in the vicinity of the site.
- The proposed development is not "necessary"; and the Borough Council is entitled to take a view on whether this constitutes, in the balance, sustainable development.
- Concern regarding highway impacts.
- The sustainability of the feedstock is of concern.
- The proposal constitutes industrialisation of the countryside on a significant and unacceptable scale.
- Location of the development is a remote and isolated location.
- If TBC are minded to grant planning permission conditions would need to be imposed restricting storage heights of feedstock and type of feedstock allowed.

15 Letters of support received:

- It will convert grass, grass silage and whole crop rye into green energy, thus saving the country the cost of importing it from thousands of miles away.
- It would produce green energy for thousands of homes and would save a significant amount of carbon dioxide over gas from fossil fuels is a factor that cannot be ignored.
- The use of grass crops rather than maize is an excellent idea because the land in the locality is mainly heavy clay loam that does not drain that well
- Grass is harvested from late May to September when summer ground conditions produce little or no mud and the wheels of the machinery are running on grass, not bare soil.
- The by-product is an odour free liquid fertiliser that you do not get from conventional livestock enterprises involving toxic silage liquor and cow or pig slurry.
- Supports local Farming enterprises and the rural economy.
- Farmer have used the roads including the Fiddington to Walton Cardiff with 17 metre long hay/straw trailers, articulated lorries as well as tractors and silage trailers without any difficulty.
- At a time when commodity prices make many farm businesses unviable the opportunity to supply outputs to another market should be encouraged.
- By using grass and rye introducing these crops into my rotation on intensively farmed fields helps to break disease and fungal cycles in the soil and its environment.
- The AD proposal is consistent with the policies within the Gloucestershire Joint Core Strategy, supporting a prosperous rural economy, meeting the challenges of climate change and promoting a sustainable future.

Planning Officers Comments: Mr Ciaran Power

1.0 Introduction

1.1 The application site is agricultural land currently sown to grass for silage. It covers an area of approximately 4.5 hectares of farmland. The site is bounded to the west by agricultural fields beyond these fields to the west is the M5 motorway. To the east is agricultural land and further east is Walton Cardiff Road. The northern boundary of the application site is bordered by a broadly east-west section of Walton Cardiff Road to the northern side of which is located the gas grid infrastructure to which the proposed development would be connected. The south of the application site is contained by a tree and hedgerow boundary of mixed native species.

1.2 There are also a number of residential properties located within the vicinity of the site with the nearest being Turnfield Cottage located approximately 165 metres away in an easterly direction. Tinpenny Farm is also located approximately 345m to the north east. Fiddington House Farm is approximately 240m from the application site to the south east. There is a PROW which is located to the north of the site. The application site is accessible for its current use by a number of established farm accesses but the principal access is located at the south eastern corner of the northern field.

2.0 History

2.1 Development of the site for Anaerobic Digestion Facility processing up to 80,000 tonnes of feedstock per annum has previously been the subject of a screening opinion which concluded that the proposal was not Environmental Impact Assessment (EIA) development for the purposes of the EIA Regulations.

2.2 Planning Permission (16/00241/FUL) was refused in October 2016 for the erection of biomass-based anaerobic digestion facility and associated works. This application proposed a facility using 80,000 tonnes of feedstock per annum. The reasons for refusal were:

1. The site is located in open countryside within what is a generally flat landscape. The proposed development would exert a strong adverse impact upon the local landscape character and result in significant landscape harm by reason of its unacceptably intrusive industrial character, scale and prominence. The proposed development would therefore conflict with paragraph 17 of the National Planning Policy Framework (NPPF), Policy LND4 of the Tewkesbury Borough Local Plan 2006 and emerging Policies SD7 and INF6 of the JCS (Submission Version).

2. The scale and nature of the proposed development and the resulting volume and type of traffic associated with it would have a harmful impact on the character, appearance, and peace and tranquillity of the area. The potential light, air and noise pollution arising from the operation of the Anaerobic Digestion Facility would cause harm to the amenity of users and residents of the local area. Furthermore, the local road network is not suitable to cater for the increased number and type of vehicle movements that would be generated by the proposed development which would be likely to affect the enjoyment and perception of safety of all users of the local highway network. Despite the benefits of the proposal therefore, for these reasons the proposed development would not represent appropriate sustainable development in this location as required by the National Planning Policy Framework, and would conflict with sections 8 and 11 of the National Planning Policy Framework, saved policies TPT1, EVT1, EVT2 and EVT3 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and emerging policies SDE7, SD15, INF6 and INF7of the Joint Core Strategy Submission Version (November 2014).

3.0 Current Application

3.1 Planning permission is sought for the erection of a biomass-based anaerobic digestion facility including: primary digester with feed processing hoppers; secondary digester; final storage tanks; biomethane upgrading unit; grid entry unit (GEU); propane tanks (LPG); preliminary pit; condensation pits; pump container; biogas boiler; standby flare stack; weighbridge; agricultural feedstock storage (silage clamps); digestate separator; office with associated foul drainage pit; landscape works including bunding and reprofiling using excavated material and planting; rainwater retention ponds, drainage system and newt ponds; underground gas pipe to connect to gas mains with associated grid entry unit; and hard surfacing including alterations to existing vehicular access, internal roads and parking.

3.2 The Proposed Development includes the following principal elements (maximum dimensions of the Revised Scheme are provided within brackets for each element):

- 1 primary digesters (32m diameter x 11m height from ground level);
- 1 secondary / post digester (32m diameter x 11m height from ground level);
- 2 final storage facilities (diameter x 12m height from ground level);

- A silage store / clamp (approx. 55 length x 21m width; 3m built height for the walls of the clamp);
- On-site equipment including solid matter loading systems (feed hoppers), biogas desulphurisation and a biogas upgrading unit (all less than 6m high) and one off-gas flare (maximum 8m height);
- 2 Rainwater retention ponds and filter reed bed;
- Access Road; and
- Landscape works including profiling and associated planting.

3.3 The current application is a resubmission of the previous one (16/00214/FUL) that was refused with the main differences identified as:

- A reduction in the overall application site (Red Line) from 7.05 hectares to 4.5 hectares;
- A corresponding reduction in the Development Footprint (Operational Area and Landscaping Bund) to the extent that the Revised Scheme is approximately 62% of the footprint of the Original Scheme;
- The number of digester domes is reduced from 7 domes to 4;
- A reduction in the height of the final storage tanks from 13.5 to 12m (above ground) and secondary digester from 13m to 11m (above ground) ensuring that the maximum height of the infrastructure is limited to 12m above ground level;
- A more compact site achieved by moving the development components to the south and west of the host field in order to increase the separation distance from visual receptors;
- Further tree planting on the western boundary in addition to the previously proposed tree and shrub planting on the eastern bund;
- A reduction in overall traffic movements to and from the Site by 41%;
- A proposed highways improvement to the Odessa Junction (A38/Tredington Road), in addition to a detailed local highway widening programme on Tredington Road and Fiddington Road; and,
- An expected reduction in the overall green gas generation from 77,500 MWh to 43,000 MWh, resulting in a reduction from 6,200 homes to 3,450 homes equivalent.

3.4 The anaerobic digester plant (ADP) would operate as a continuous stirred reactor (CSR) producing biogass through the natural decomposition of organic matter in heated digesters in the absence of oxygen. The process that is to be employed here is known as a 'wet' process technology , as the biomass that is being processed is in a pumpable format. The resultant biogas that is made would be used as a renewable energy source to produce biomethane, also known as 'green gas' for injection into the national gas grid as well as providing electricity and heat for the AD plant itself.

3.5 This organic biogas process is distinct from other anaerobic digestion technologies in that it does not involve any commercial or municipal waste but is based upon a sustainable farm based feedstock strategy focussed on the primary use of grass silage and rye grass used in rotation as a break crop.

3.6 The residual organic by-product of the generation of biogas is 'digestate' which is a nutrient rich organic material, the origins of which are traceable and which have positive agricultural, horticultural and aquaculture applications. Digestate would be applied to agricultural land as a very useful organic fertiliser and soil conditioner and is suitable as a natural peat replacement

3.7 From an energy perspective, the biogas produced would be upgraded to a high purity 'biomethane' injected into the national gas grid 'biogas to grid' (BtG) via a pipeline between the application site and the gas grid infrastructure to the north of the site.

3.8 The output of a facility using 45,000 tonnes of feedstock per annum would typically generate 9,000,000 cubic metres of biogas which is upgraded to 4,400,000 m3 of biomethane from a generating thermal capacity of up to 5MW (th) of renewable gas. This level of biomethane generation exported to the gas grid is equivalent to the annual gas consumption of approximately 3450 households.

3.9 Under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 15, Class A - gas transporters, the National Grid, has permitted development rights to lay gas pipelines and other infrastructure for the purposes of gas supply. This would be the preferred route to take the gas produced into the national network.

4.0 Policy Context

4.1 At the heart of the NPPF is a presumption in favour of sustainable development, of which there are three dimensions: economic, social and environmental. The NPPF does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning

authorities having an up-to-date plan. According to paragraph 215 of Annex 1 of the NPPF, due weight should be given to relevant policies in existing development plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given).

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

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

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

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

4.5 Policy LND4 of the Local Plan seeks to protect the character and appearance of the rural landscape.

4.6 Policy NCN5 of the local plan and Policy SD10 of the MMJCS version seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats.

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

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

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

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

5.0 Analysis

5.1 The main issues in this case are considered to be the principle of the development, the highway impacts, impact on residential amenity and its effect on the landscape character and visual amenity of the area.

Principle of development

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

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

5.3 Planning Practice Guidance (PPG) on 'Renewable and low carbon energy' advises inter alia, that the need for renewable energy does not automatically override environmental protections. However it emphasises the importance of increasing the amount of energy from renewable and low carbon technologies. The importance is threefold: to ensure the UK has a secure energy supply; to reduce greenhouse gas emissions to slow down climate change; and to stimulate new investment in jobs and businesses.

5.4 With regard to local planning authorities identifying suitable areas for renewable energy the guidance advises at paragraph 5 that *"there are no hard and fast rules" but "in considering locations, local planning authorities will need to ensure that they take into account the requirements of the technology and critically the potential impacts on the local environment including from cumulative impacts" and "the views of local communities should be listened to".*

5.5 Of further relevance is the identification at paragraph 6 of technical considerations affecting the siting of renewable energy technologies including the proximity of grid connection infrastructure, site size and with particular reference to biomass developments appropriate transport links.

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

5.7 The AD Plant would be connected to the national grid and it is anticipated that it would generate up to 5 MW (th) of renewable gas. This level of biomethane generation exported to the gas grid is equivalent to the annual gas consumption of approximately 3450 households.

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

5.9 Notwithstanding these benefits it is necessary, as advised in the PPG, to consider the effect of the proposal on the landscape and visual amenity of the area, and all other material planning considerations.

Site selection

5.10 In terms of site selection, as detailed above, there are no hard and fast rules relating to selection of sites. Of particular importance to the production of biomass is its location in relation to the transportation network as well as grid connections. The primary purpose and function of the proposed development is the generation of a renewable energy supply. The applicants state that the principal strategic requirements determining the location of the proposed non-waste agricultural feedstock AD plant is proximity to (and capacity in) the national gas grid to provide a viable connection together with accessibility to an agricultural land resource for feedstock.

5.11 It is recognised that accessibility to feedstock is important to limit transport fuel consumption for carbon footprint effect and to avoid the introduction of agricultural vehicle movements into central urban areas. It is also an important factor that the sites location, and its need to source feedstock within 15 kilometres means it would benefit the local rural economy.

5.12 A sizable site is also required given the integration of the different elements of the facility into one process. Disaggregation of the development and consideration of a smaller or series of smaller sites is not a viable consideration beyond what has been considered in respect of feedstock storage locations. The combination of a large site, location in relation to a grid connection and the sites required proximity in relation to its feedstock suppliers are all important factors which in this case necessitate the sites rural location.

5.13 Further the applicants have submitted an agricultural land classification which confirms that the Agricultural Land Classification for the whole site is 3b. The land does not therefore constitute best and most versatile. It is also relevant that the application site is not located within any land with local or national landscape designation nor is it located within a high risk flood area.

5.14 Having regard to the factors above the applicant considers that the specific requirements of the technology including the sites proximity to a grid connection, as well as the agricultural land lost not constituting BMV and the site not being affected by local or national landscape designations and being in a low flood risk area demonstrate that the methodology for the site selection is appropriate. However the previous decision of the Council to refuse planning questioned the suitability of the site in respect of the impacts of this type of development on the character, appearance, and peace and tranquillity of the area. This has not resulted in the developer considering whether any alternative sites exist which may be more suitable. Whilst the principle of the proposed development in some countryside locations is considered acceptable the development would need to clearly demonstrate how it has addressed the previous reasons for refusal and these matters are considered below.

Effect on landscape character and the amenity of the area

5.15 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy LND4 of the Local Plan seeks to protect the character and appearance of the rural landscape. Policy SD7 of the MMJCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. These Polices are considered to be consistent with the NPPF so can be afforded significant weight.

5.16 The site lies within the Settled Unwooded Vale, in Landscape Character Area LCA SV6B (The Vale of Gloucester). In the JCS Landscape Characterisation Assessment and Sensitivity Analysis (2013), the site falls within LCA F, within "Wheatpieces to Ashchurch Rural CP." In this context, the site falls within what is described as "an intimate field pattern" around Fiddington in a generally "expansive landscape divided by infrastructure and occasional stand of mature trees."

5.17 The site is some 500m from Fiddington, however there are scattered properties closer to the site and the site is clearly visible from the surrounding network of local lanes and from the M5 motorway. It is also visible from the local footpath network including a section of the Gloucestershire Way.

5.18 In the determination of the previously refused planning application, significant weight was attributed to the landscape harm resulting from the development. The current proposals are a much reduced in terms of the size of the site and the associated structures and infrastructure.

5.19 A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application. The LVIA states, the site itself is assessed as having 'medium / low' landscape sensitivity. Erring on the side of caution, the submitted LVIA assigns an overall medium landscape sensitivity to the host landscape and its immediate surroundings in order to account for local variations (i.e. slightly higher sensitivity in Fiddington) in landscape value and its susceptibility to the development proposed.

5.20 The submitted LVIA has assessed the level of effect on the AONB and concludes that the special qualities would not be harmed and that the proposed development would continue to conserve and enhance the natural beauty of the AONB. Having considered the middle distance and long distance and elevated views (from the AONB), the proposed development would appear filtered through layers of existing hedgerows, farmsteads and tree groups or would appear as part of the wider "patchwork" of isolated developments across the vale. Therefore the impact of the development on wider views as accepted and would not be prominent. The LVIA summarises that there would be a degree of localised adverse effect to landscape character, associated with the change in use from agricultural to built form but that this would not fundamentally alter the key defining characteristics of the landscape, or ones perception of it (However it is considered that the assessment in respect of the local impacts underplays the resultant harm).

5.21 The LVIA assesses the visual impact of the application site from a number of viewpoints. Viewpoint 1 accesses the view of the development when approaching the site in a northern direct from the junction with Fiddington Lane and Walton Cardiff Road. Filtered views through trees of the tops of the development would be visible to pedestrians and road users and the level of effect in year 1 in the LVIA is considered minor reducing down to negligible at 10 years.

5.22 Viewpoint 2 assesses the effect of the development on views from the Public Right of Way north of the site. The effects of the development from this view point is acknowledged as being moderate to major within the first year and with the prosed mitigation it is anticipated that this would reduce to moderate at the 10 year point. The impact of the proposal on this viewpoint is considered significant at year 1 with it not being considered significant at the year 10 stage. Whilst the level of effect is not disputed the impacts of the development from viewpoint 2 would still remain significant at year 10 in officer's view particularly given the high sensitivity of the receptor.

5.23 Viewpoint 3 is taken from the road bridge over the M5 northwest of the site. The level of effect for the development is considered to be minor to moderate at year 1 and to reduce to minor by year 10. The view point would be seen in the context of the M5 motorway and a limited view available. The receptor sensitivity is considered low and Officer's agree with the assessment of this viewpoint.

5.24 Viewpoint 4 is taken from a footpath at Wheatfield Estate (Walton Cardiff) the receptor sensitivity is considered to be high and the level of effect after one year is considered to be moderate to minor with this remaining the case in year 10. Whilst this view is taken from a distance of approximately 862m the site does appear prominent and in the foreground of the view from here towards the Cotswolds.

5.25 Viewpoint 5 is taken from the Gloucestershire Way at Odenton Hill some 4.3km from the site. Whilst the sensitivity of this receptor is high it is not considered that the level of effect would be more than minor at any time.

5.26 Viewpoint 6 is taken from the Gloucestershire Way to the North of the application site. The sensitivity of this receptor is considered to be high. The development is assessed as having a minor / moderate impact in both year 1 and 10. The top of the development would be visible from this footpath.

5.27 Viewpoint 7 is taken from a road bridge over the M5 motorway from the southwest of the site at a distance of approximately 624m. The level of effect is considered to be minor/ negligible.

5.28 Viewpoint A is taken from the nearby Bridleway which runs next to the M5 motorway to the east. The receptor sensitivity is identified as high for users of the PROW in this location. The level of effect is identified as moderate to major for users of the PROW and moderate to minor for road users, in year 10 the effect is identified as moderate for both types of user. The year 1 effects are identified as significant with the year 10 effect not being considered significant. However officers are not convinced that the proposed mitigation has any significant effect in order to reduce the significance of the impact from this viewpoint and therefore the effect from this viewpoint, should, in officer's view, have been considered significant.

5.29 Viewpoint B also highlights the prominence of the development to the south east of the application site from the surrounding road network and whilst the receptors sensitivity is identified as medium here there would remain a minor to moderate effect.

5.30 The effects of viewpoints C - D are identified as none - negligible and this assessment is accepted.

5.31 The viewpoints selected as part of the LVIA correctly assess the impact of the development on the PROW network in the area as well as the road network. Whilst these impacts would be localised the effects should not be underestimated. Indeed the development would be visually prominent from the majority of the PROW network in the immediate vicinity as well as the surrounding road network. The views from the PROW would in most cases be prolonged and the effects would be significant from a number of points including the identified viewpoints 2, 4 and A. There are also clear views from the surrounding road network as highlighted by viewpoints 3, 7 and B.

5.32 The development would inevitably exert a strong local influence in views and be a feature which would regularly affect views within Fiddington. Bunds and screen planting would soften the impact; however, the facility would be obvious and break the skyline. Whilst the development form, new earthworks and planting would undoubtedly reduce the visual impact of the development, it would be clearly visible from some points along the local network of rural lanes. It would be locally prominent, conspicuous and would exert an adverse impact upon the local landscape character. The proposed highway mitigation would require localised road widening and some removal of existing hedgerows on land within the applicant's control to achieve appropriate visibility.

5.33 It is concluded that views from the network of rural lanes and from isolated dwellings and footpaths would be harmed due to the scale, form and proximity of the development. The scheme would exert a strong adverse impact upon the local landscape character and result in significant landscape harm by reason of its

unacceptably intrusive industrial character, scale and prominence. This weighs significantly against the development in the planning balance.

5.34 Article 8 of the Human Rights Act gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the Country in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. The potential for the impact of noise from the proposed site operations as well as HGV traffic upon the peace and tranquillity of the area (including the surrounding public rights of way network) is a key factor in this assessment.

5.35 The proposed development would inevitably increase the noise levels locally, it is relevant that the site is located within close proximity to the M5 motorway and the background noises levels are higher than in other agricultural areas and this is demonstrated through the submitted noise assessment which forms part of the application. The noise generated from the on-site operations would be less than the background noise levels with the proposed mitigation. The potential noise effects of traffic generated by the development are considered in the residential amenity section below.

5.36 Fiddington is a fragmented settlement which has developed around a cluster of buildings extending out to include a number of more isolated farmsteads and cottages. There are no pedestrian footpath links within the highway throughout the village. Residents therefore walk within the highway utilising the highway verge for refuge in places. The village also hosts a number of equine uses and the local highway network is utilised by equine businesses as well as local amateur horse riders. Fiddington is also located in close proximity to the main service centre of Tewkesbury and the lanes provide well used links for cycle users.

5.37 The development would increase the number of HGV movements on the local road network. The application is supported by tracking information as well as information regarding a number of road widening improvements to allow two HGV vehicles to pass. What is evident is that whilst the width of the highway can technically be made sufficient for two vehicles to pass, it is extremely tight with the tracking information demonstrating that even with junction improvements, at points vehicles would be almost touching with no room whatsoever for error. There is significant local concern about the impact of the traffic associated with the development on the amenity value of the local road network which local residents value highly. The previous planning application (16/00241/FUL) was refused for two reasons and the second reason for refusal included concern regarding the impact on peace and tranquillity of the lanes and the likely affect on the enjoyment and perception of safety of all users of the local highway network. Whilst it is acknowledged that the current application represents a significant decrease in terms of traffic movements compared to the previously refused application the nature and numbers of the proposed movements remain of significant concerns.

5.38 It is acknowledged that the number of vehicular movements would fluctuate throughout the year, reflecting the agricultural calendar. The peak two way movements is anticipated is 75 during the month of May and October to January sees a reduction to approximately 25 movements. The average two way vehicular movements would be 36. Whilst it is accepted that vehicles would disperse across the highway network the localised movements are significant before this happens. Indeed the Transport Statement identifies that during May the proposed development would result in an average increase of 30.5% for all vehicles using the section of Fiddington Lane from Walton Cardiff Road with enter and exit the site. When considering only HGV vehicles (Identified as OGC 1 and 2 in the TS) at its peak this section would see an increase of 148.5% above existing HGV levels. The lowest HGV levels on this stretch is a 45.3% increase in winter months. It is also notable that HGV traffic on Fiddington Lane South would increase by 28.6% at its peak in May. It is also notable that the PROW network from Fiddington toward Tewkesbury would be accessed by many of local residents as well as ramblers along Walton Cardiff Road in particularly footpaths AAS4 and AAS57. The proposed development therefore has the potential to significantly impact on enjoyment of the lanes and the PROW network at all times of the year.

5.39 In light of the above, the proposed development would result in harm to local landscape character resulting from the intermittent but clear views of the facility with the resulting perception of scale and a land use and activity that is more industrial than agricultural and that is unprecedented within the "intimate field pattern" around Fiddington. The proposal therefore would inevitably result in some localised landscape harm which weighs significantly against the development and must be considered in the planning balance. Further it is considered that the proposed development, would, as a result of its associated HGV traffic movements have a significantly detrimental impact on the peace and tranquillity of the area and would likely affect the enjoyment and perception of safety of all users of the local highway network. This is a matter which weighs heavily against the development in the planning balance.

Archaeology and Historic Environment

5.40 This locality is known to contain extensive archaeological remains dating to the prehistoric, Roman and Anglo-Saxon periods.

5.41 The planning application is accompanied by an archaeological desk-based assessment incorporating reports on a geophysical survey (Magnitude Surveys) and an archaeological field evaluation (Rubicon Heritage).

5.42 The archaeological field evaluation has demonstrated that the application site contains significant archaeological remains of probable Roman date, and that prehistoric remains may also be present. However, the archaeology is not of the first order of preservation, since it has undergone erosion from later ploughing with the result that all surfaces formerly associated with the remains have been removed.

5.43 For that reason the County Archaeologist is of the view that the archaeology present on this site is not of the highest archaeological significance, so meriting preservation in situ. Nevertheless, while not of the highest significance, the archaeological deposits on this site have the potential to make an important contribution to our understanding of the archaeology of the locality and the wider region. This could be addressed by a suitably worded planning condition.

5.44 The application site is also located in the vicinity of a number of Listed Buildings including Rectory Farmhouse which is a mid C17 Grade II listed building and stands in a relatively isolated position in the south-eastern quadrant of the road junction north of Fiddington. It is aligned roughly north-east south-west, parallel to the road, with its principal elevation facing north-west. Most of the outbuildings shown on historic maps have been lost but a small building apparently survives to the south of the farmhouse, and a number of large C20 portal framed sheds extend further southwards still.

5.45 The application site is approximately 140m north-west of the farmhouse at its closest point and there is some limited intervisibility between the two. However the southern boundary of the site is buffered by a narrow strip which is planted with established trees on both sides, and the scheme proposes an earth bund to the eastern side of the plant also. Given these mitigating factors, the presence of the development beyond these is unlikely to have much more than a neutral impact on Rectory Farmhouse's significance. Paragraph 134 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case it is considered that the proposal would have a neutral impact however should any harm arise it would be capable of being outweighed by the renewable energy benefits and contribution to the rural economy which the development makes. The Council's Conservation Officer raises no objection to the proposed development.

Ecology

5.46 The application has been supported with an Ecological Assessment incorporating an extended Phase I Habitat Survey, Bat Survey, Great Crested Newt Survey and Arboricultural survey. The majority of the site is of low nature conservation value. There was a single-hole outlier badger sett on the edge of the site, and the hedgerows are used by foraging bats. There is also one pond on an adjacent landholding, which supports a small population of great crested newts. The ecological assessment concludes that an unmitigated development strategy has the potential to cause a minor adverse effect to bats. However mitigation measures identified in the report would ensure that the proposal would not have a detrimental impact on protected species or their habitats. Having regard to the above, should members be minded to grant planning permission a condition should be imposed requiring the measures identified in the surveys being carried out. Subject to appropriate planning conditions to secure protection of existing habitats, biodiversity enhancements and mitigation as necessary the proposed development is therefore considered to accord with the NPPF and policy NCN5 of the Local Plan.

Flood risk

5.47 The application site is located within Flood Zone 1 however due to its size is accompanied by a Flood Risk Assessment (FRA). The site is located in an area of very low risk of flooding from fluvial sources. Whilst the majority of the existing site is also at very low risk from surface water flooding, there are small pockets at risk from surface water. The majority of these pockets of land have a low risk of flooding, i.e. between 1 in 100 and 1 in 1000 and a small isolated area in the south west part of the site is at medium risk of between 1 in 30 and 1 in 100.

5.48 The applicant is proposing an acceptable Sustainable Drainage System and this would ensure a reduction in the flood risk on the site and from the site to surrounding areas. It would be designed to cope up to and including the 1 in 100 year event plus an allowance for climate change by attenuation and a controlled discharge, this would allow surface water to be managed on site and would also increase flood resilience for the wider area beyond.

5.49 The Lead Local Flood Authority (GCC) have been consulted on the application and raise no objection to the proposed development subject to the imposition on an appropriately worded planning condition to ensure that a scheme for surface water drainage is submitted to and approved in writing by the Local Planning Authority.

Access and Highway Safety

5.50 Vehicular access would be provided via Fiddington Road, turning right onto Walton Cardiff Road, and accessing the site through the existing access located to the southeast. This would provide access for feedstock deliveries, digestate removal, as well as staff and servicing vehicle movements associated with the proposed AD plant. The existing access would require upgrading and would be designed to prevent large vehicles turning right into the site from the north. This is to reinforce to suppliers that they are not permitted to travel along Walton Cardiff Road from the north.

5.51 The site is located in a predominantly agricultural area and the type of delivery vehicles which are expected would be predominantly tractors with trailers the type of which would not be unfamiliar in a rural location. The proposed route for the delivery of feedstock is proposed to be secured through a legal agreement as due to commercial sensitivity the applicant is not able to disclose their suppliers at this stage, however the Transport Assessment (TA) states that access to the site would be via Fiddington Road and Walton Cardiff Road; no suppliers would be permitted to approach the site from the north.

5.52 The AD plant would process up to 44,000 tonnes per annum of grass and rye which will be sourced from farms locally and delivered by tractor and trailer. The AD process produces a residue known as digestate in both solid and liquid form. The solid digestate would be back loaded to the tractors delivering material to the plant and liquid digestate would be collected by tanker.

5.53 The (TA) sets out the anticipated number of vehicle movements and is distributed on the highway network in accordance with the likely route to the storage clamp or source farm area. The peak vehicle movements occur in the month of May with 46 two way vehicle movements per day. The remaining summer period (June to September) would have lower number of vehicle movements which combine to give an average for the May-September period of 28 two way vehicle movements per day. These movements would occur on the short stretch of Walton Cardiff Road south of the site access and would be an average for 3 movements per hour based on a 10 hour operating day.

5.54 The proposals include works to provide localised carriageway widening on the route from the A38 at the Odessa Inn along Tredington Road and Fiddington Lane to the A46. In addition to this and in order to alleviate concerns regarding large vehicle movements at the A38/Tredington Road junction additional investigation of improvement options at this location have been undertaken and a scheme to widen the existing carriageway and set back to stop line slightly has been submitted which better accommodate the movements of large vehicles. This County Highway Authority confirm that the scheme can be achieved within the highway land available south of the existing carriageway. In addition to the physical improvement proposed to the highway network it is proposed that a Transport Management Plan be agreed between the applicant and the Local Planning Authority that would set certain parameters as to how the delivery operations would work such as restricting movements along certain routes, movement control and monitoring of movements. This would also include for corrective measures for suppliers who do not adhere to the plan and allows the Council to monitor the operation and address concerns more easily. The County Highway Authority are of the view that these measures along with the reduction in vehicle movements compared with the previous application provide a robust mitigation package to provide for the additional number of large vehicle movements associated with the application. Highways England have also been consulted on the application and raise no objection to the proposal.

5.55 Notwithstanding this however, for the reasons set out at paragraphs 5.36-5.38 above, the proposed development has the potential to significantly impact on the enjoyment and safety of all users of the Lanes and PROW network. This is a matter which weighs against the development in the planning balance.

Feedstock Supply

5.56 A number of concerns have been raised regarding the availability of feed stock within 15km of the application site. The applicants identify large areas of marginal grassland identified within the 15km supply area and these areas would benefit from the superior management provided as a result of the Proposed Development. More over in discussions with potential suppliers they have been able to identify areas available and have a potential supply chain of a total of approximately 2,900 hectares (ha) of land that could potentially be secured through agreements with these suppliers. Based on the above, the applicant is confident of the viability of the proposed development and confident that this area of land could comfortably provide in excess of 45, 000 tonnes per year of feedstock as part of their rotation.

5.57 The applicant advises that most of the land in the 15km feedstock supply area is grade 3 or lower quality with a dominance of alkaline clays presenting difficulty to cultivate and less opportunity to establish good cereal crops. Bad germinations have allowed the proliferation of arable weeds and weed seed bank build up. These soils, in their current state, inevitably only have the option to produce feed crops for livestock and very rarely produce premium quality. AD facility is a rotation that includes feedstock grass and thus allows a balance, in any one year, between cash crops and crops used for feeding livestock; therefore stabilising cash flow and providing the opportunity for the return of nutrients and organic matter to the soil.

5.58 Traffic generated by the operation of the proposal would result from a wide area, providing crop fuel into the site and by-product waste out as a natural fertilizer for distribution to satellite farms within a 15km radius. The routing arrangements could be controlled through a formal S106 Legal Agreement to help reduce the potential for conflict with surrounding village roads. As set out above however, it is considered that the concentration of traffic moments around Fiddington from the development would have a significantly detrimental impact on the enjoyment and perception of safety of all users of the local road network around the application site.

Residential Amenity

5.59 The nearest residential properties, are Turnfield Cottage located approximately 165 metres away in an easterly direction, Tinpenny Farm located approximately 345m to the north east. Fiddington House Farm is approximately 240m from the application site to the south east. The proposed development has the potential to impact on nearby residential properties by reason of noise and odour.

5.60 In terms of noise sources these include those resulting from operations on site as well as the potential for noise and disturbance by traffic movements to and from the site. Access to the site would be gained from upgrading of the sites south eastern access. The resulting noise levels for both the daytime and night time periods would require mitigation in order to achieve a level at or below the existing background noise levels at each of the receptors closest to the plant. The levels of mitigation identified as being likely to be required are achievable through the development of a bund to the eastern boundary using material excavated from the development site. The potential height requirement is 4 metres however it is relevant that this mitigation would exert a strong adverse impact on the local landscape character. Further once the full plant specification has been finalised, a revised assessment would be undertaken to determine the level of mitigation specific to individual items of plant that would be required to meet the target noise levels.

5.61 Various static elements of noise generating equipment including the biomethane upgrading plant and other elements would be enclosed in acoustically insulated units attenuated to restrict external noise levels at the nearest sensitive receptors at all times. Agricultural and other vehicle manoeuvring required in the handling of feedstock and digestate would generate noise however, the times of these activities could be limited by an appropriately worded planning condition.

5.62 The potential noise effects of traffic generated by the development has been assessed and the assessment concludes that of the sensitive receptors some would experience no change, some a minor change and some would experience a (negligible) decrease in noise due to the screening of the development in the 'line of sight' of the M5 motorway.

5.63 The submitted noise assessments include an assessment of the emergency flare and recalculation to include all vehicle movements on site. In relation to the methodologies used the Environmental Health Officer (EHO) is satisfied with the approach used. Although the proposed plant may require varying noise attenuation measures, depending on the specification actually installed, it has been predicted that the noise levels at the nearest residential dwellings will meet the internal noise levels recommended by the World Health Organisation (WHO) and BS standards both during the day and night-time periods.

5.64 In relation to odour the primary silage input is to be contained in modern engineered covered repositories (silage clamps) in a solid state (>25% solids) the management of which would result in only occasional and limited exposure and release of odour. On occasion when odour did escape there would be some 'sweet' silage smell from the storage of fuel crop awaiting use, but such aroma is not out of context with an agricultural rural environment and is unlikely to have such an impact as to be regarded as materially harmful to local amenity .

5.65 The digestion process and anaerobic activity is sealed in large tanks which would control any venting. The gas produced is the aimed for product and this is to be contained for transfer into the gas grid. The EHO previously considered that that as the site is currently agricultural, the closest receptor would not be particularly odour sensitive to grass silages and rye grasses smells and with effective management this would not be a limiting factor to development.

5.66 The application is also accompanied by a lighting assessment which concludes that no more than 0.5lx would spill outside of the site boundary and therefore the lighting impacts are considered acceptable.

Carbon Reduction

5.67 Some concern has been raised in relation to the carbon footprint of the development and whether taking into account all aspects of the development, including vehicular trips, whether the proposal is truly carbon saving. The applicants planning statement includes information relating to the requirement to comply with the mandatory sustainability criteria for energy operators using the Renewables Obligation (RO) or Renewable Heat Incentive (RHI). New rules came into effect in October 2015 requiring the reporting of evidence on land use and greenhouse gas emissions for crop feedstocks to demonstrate that this is compliant with limits set out by Department of Energy and Climate Change (DECC) and rules regulated by Ofgem. The development of the land and Green House Gas (GHG) criteria comes from the requirements imposed by the European Community via the Renewable Energy Directive. The 5.71 Directive sets out the sustainability criteria a biomass fuel must meet in order to receive support under national incentive schemes. Following the release of the Directive, the UK Government also released the Bioenergy Strategy.

5.68 With regard to GHG emissions, solid biomass or biogas/biomethane operations will have to achieve 60% GHG savings compared to the GHG emissions of the EU fossil heat average. Operators are required to declare on a quarterly basis that their fuel complies with the sustainability criteria and produce and submit an annual report to OFGEM covering both the GHG target and the land criteria.

5.69 Consideration of the potential CO2 savings the facility would deliver has been considered by the applicant with reference to the UK Biomass and Biogas Carbon Calculator developed for calculating carbon intensity and greenhouse gas savings of solid biomass and biogas used for electricity and heat generation. Whilst the application of the calculator would necessarily be subject to auditing and independent verification by Ofgem, the proposed AD facility would achieve annual CO2 emissions savings of approximately 2547 tonnes/year although the applicants anticipate that the carbon saving associated with the development would be significantly greater than this.

Potential benefits to Farmers

5.70 The proposed development would also support the wider farming industry and rural economy. It would be reliant on local supply of feedstock and would also lead to the reduction or replacement of synthetic nitrogen fertilisers through the return of ammonium salts, phosphate and potassium to the soil from the digestate resulting from the AD process.

5.71 The applicant also outlines other sustainability enhancements to be derived from integrating feedstock supplies into farming rotations. Rather than dedicating land exclusively to energy production, AD feedstock cultivation can be rotated with food crops which can assist pest and weed control particularly the growth of blackgrass.

6.0 Overall Planning Balance and Conclusions

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

6.2 Weighing against the proposal is the significant harm identified to the character and appearance of the countryside when viewed from the local area as well as the detrimental impact on the peace and tranquillity of the area and the likely affect the enjoyment and perception of safety of all users of the local highway network including the PROW network.

6.3 The benefits of the proposal are the significant contribution that would be made towards the reduction of Greenhouse Gas emissions. The development would also contribute to the local rural economy and would have energy security benefits. It would also improve biodiversity. Further, the applicant has demonstrated that the sites location is suitable given the nature of the technology, the location of the grid connection and proximity to the required feedstock.

6.4 The impact on residential amenities of nearby dwellings has been deemed acceptable subject to appropriate mitigation and the imposition of planning conditions. Further the development would not have an unacceptable impact on the historic environment.

6.5 Overall, it is considered that the identified landscape harm and the significantly detrimental impact the development would have on the peace and tranquillity of the area and the likely affect the enjoyment and perception of safety of all users of the local highway network outweigh the identified benefits.

6.6 Having regard to the above, it is considered that the proposal would not accord with relevant policies of the Local Plan and emerging JCS and would not represent sustainable development as set out in the NPPF. It is therefore recommended that permission be **REFUSED.**

RECOMMENDATION Refuse

Reasons:

1 The site is located in open countryside within what is a generally flat landscape. The proposed development would exert a strong adverse impact upon the local landscape character and result in significant landscape harm by reason of its unacceptably intrusive industrial character, scale and prominence. The proposed development would therefore conflict with paragraph 17 of the National Planning Policy Framework (NPPF), Policy LND4 of the Tewkesbury Borough Local Plan 2006 and emerging Policies SD7 and INF6 of the Main Modification Joint Core Strategy (February 2017).

2 The scale and nature of the proposed development and the resulting volume and type of traffic associated with it would have a harmful impact on the character, appearance, and peace and tranquillity of the area. The potential light, air and noise pollution arising from the operation of the Anaerobic Digestion Facility would cause harm to the amenity of users and residents of the local area. Furthermore, the local road network is not suitable to cater for the increased number and type of vehicle movements that would be generated by the proposed development which would be likely to affect the enjoyment and perception of safety of all users of the local highway network. Despite the benefits of the proposal therefore, for these reasons the proposed development would not represent appropriate sustainable development in this location as required by the National Planning Policy Framework, and would conflict with sections 8 and 11 of the National Planning Policy Framework, saved policies TPT1, EVT1, EVT2 and EVT3 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and emerging policies SDE7, SD15, INF6 of the Main Modification Joint Core Strategy (February 2017).

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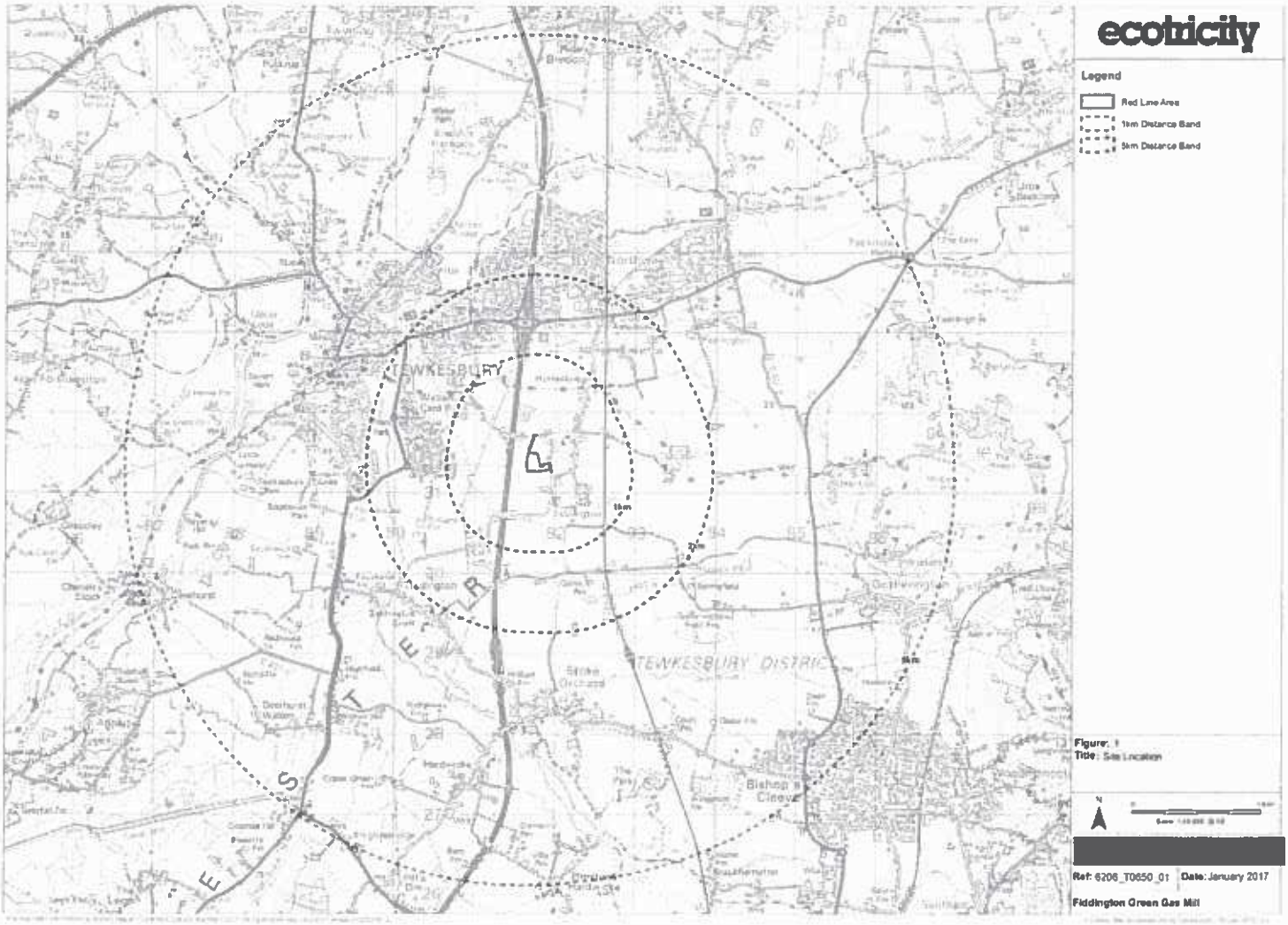
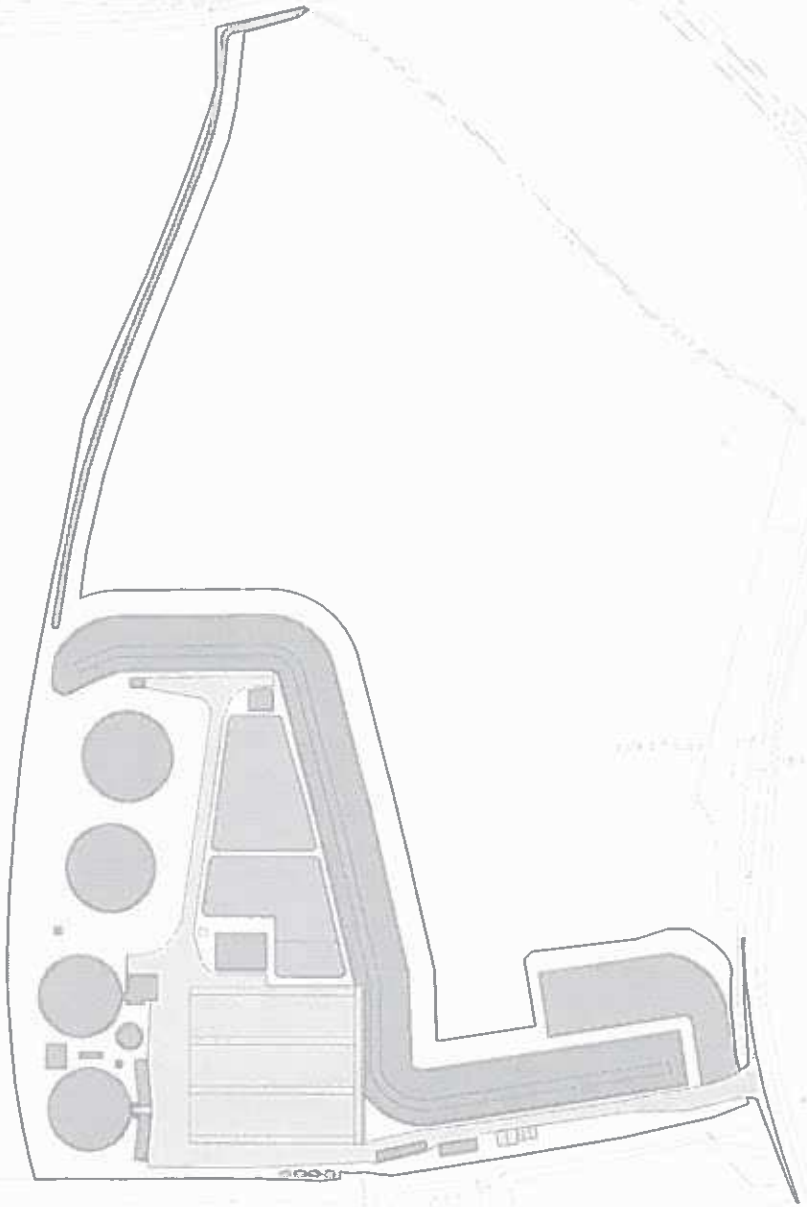

ecotricity
Legend
Red Line Area
1km Distance Band
5km Distance Band
TEWKESBURY
TEWKESBURY DISTRICT
Bishop's Cleeve
Figure: 1
Title: Site Location
Ref: 6206_T0650_01
Date: January 2017
Fiddington Green Gas Mill



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Legend

- Application Site Boundary
- Access Road
- Infrastructure
- Landscaping Bund and Land Profiling
- Silage Clamps
- Water (Ponds and Drainage)
- Temporary Construction Compound

Figure: 9
Title: Block Layout

0m 80m
Scale: 1 2000 @ A3
N

Ref: 6206_T0658_01 **Date:** January 2017

Fiddington Green Gas Mill

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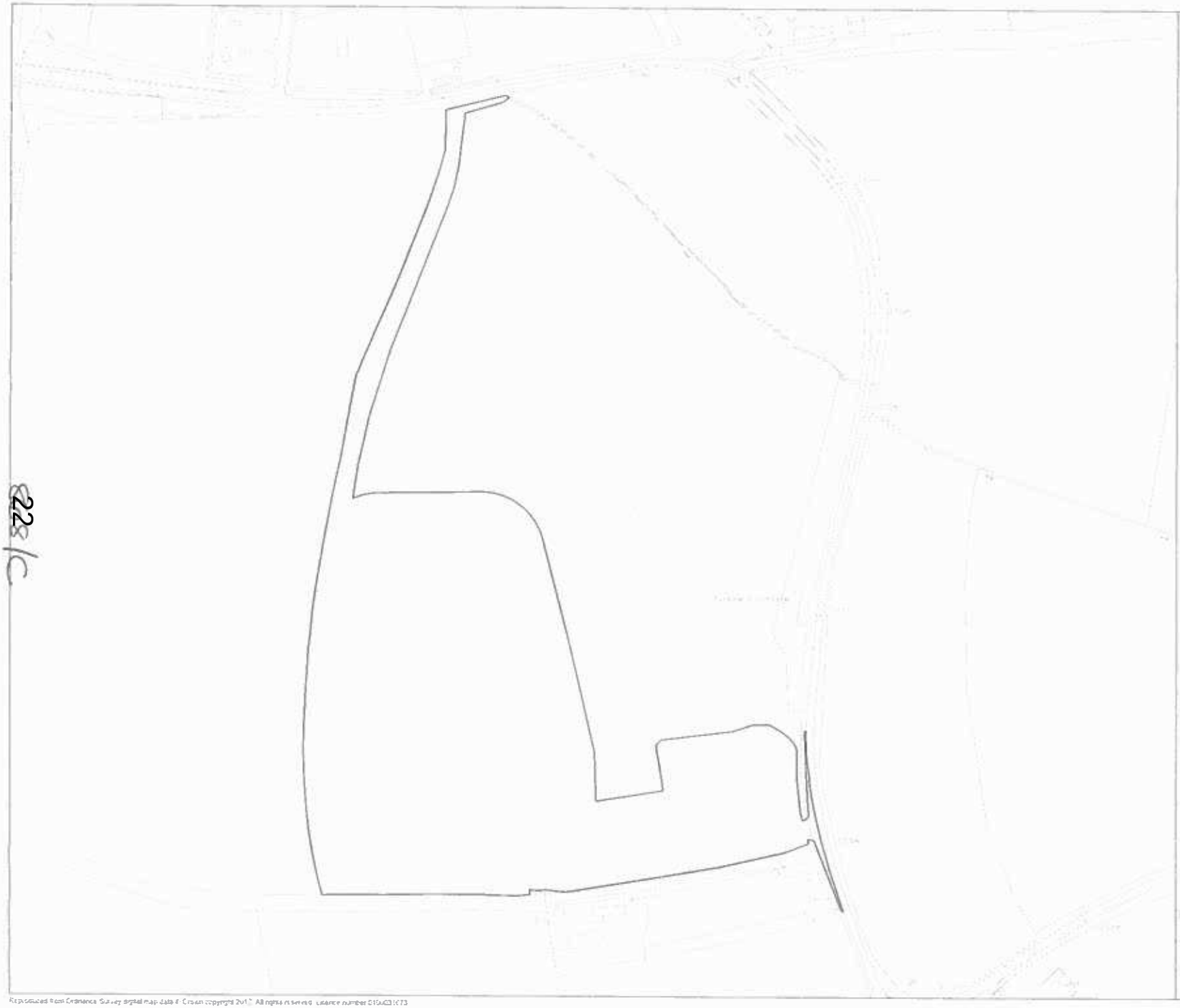

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Legend

Application Site Boundary

Figure: 2
Title: Application Site Boundary

N

Scale: 1:2,000 @ A3

Ref: 6206_T0651_01 **Date:** December 2016

Fiddington Green Gas Mill

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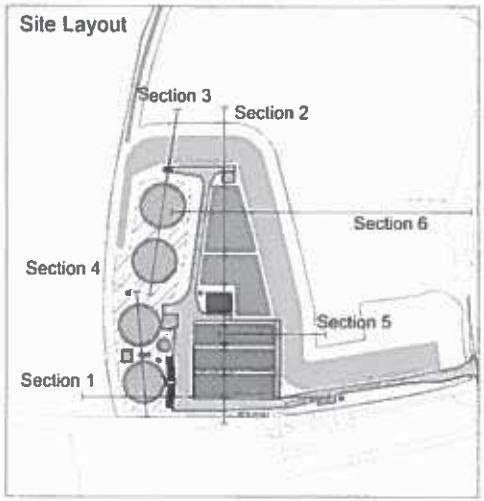

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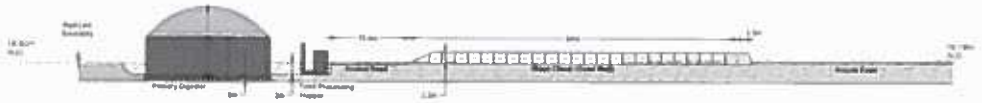
Legend

Red Line Boundary
Existing Ground Level
AD Compound
Silage Clamp
Foundation
Access Road and Hardstanding
Rainwater Retention Pond
Compaction Area

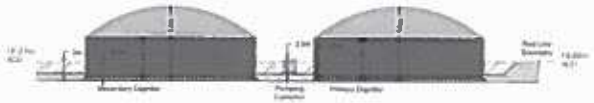
Section 1: west to east



Section 2: north to south

Section 3: north to south (final storage tanks)

Section 4: north to south (primary and secondary digesters)



Section 5: west to east (silage clamp and bund)

Section 6: west to east (bund and Tyrefield Cottage)

Please Note

Title: Indicative Site Layout Plan

Date: 1:2000 A

Ref: [illegible] January 2017

Fishlington Green Gas Ltd

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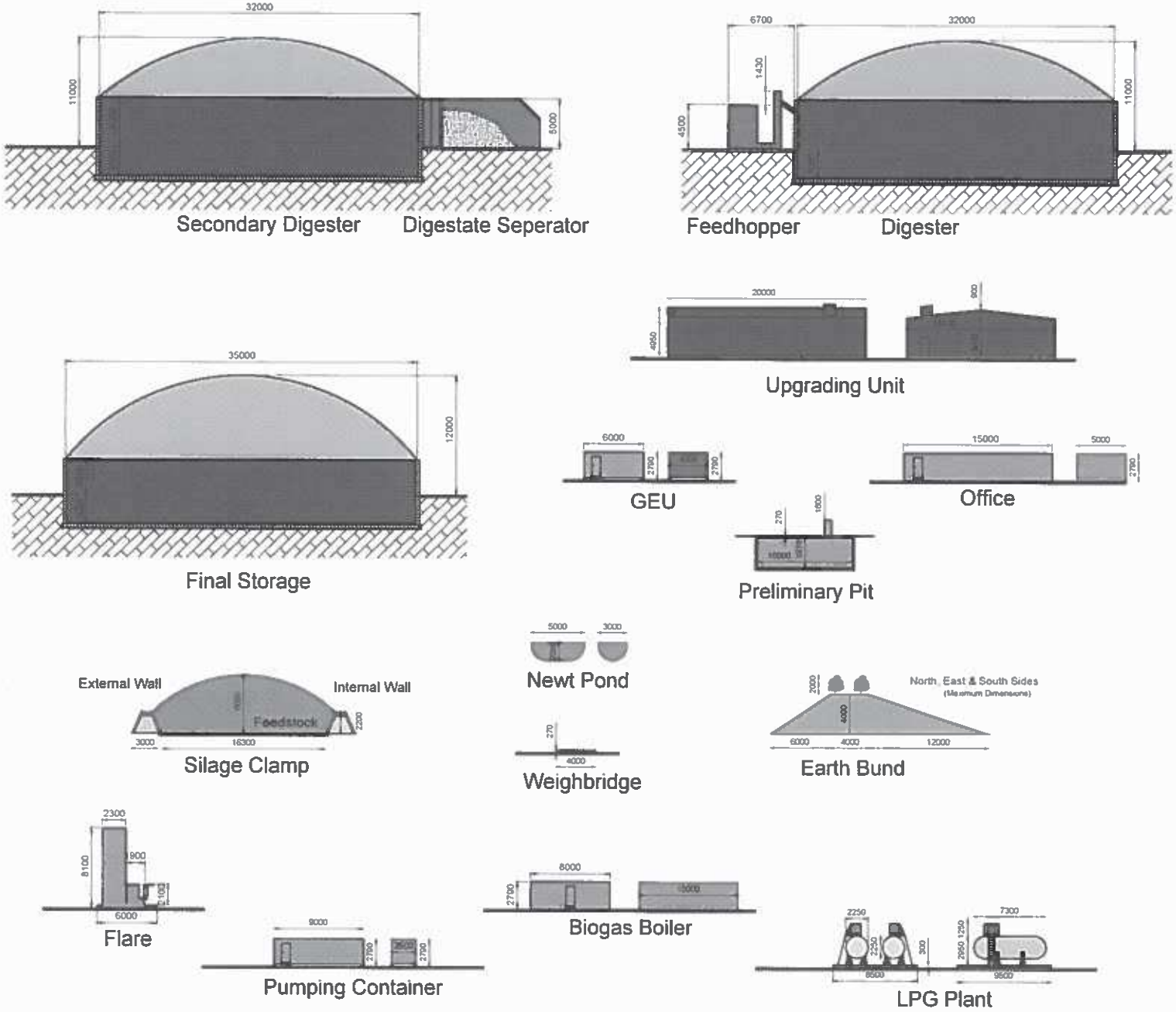

ecotricity

Figure: 6
Title: Elevation Drawings
(All dimensions are in mm)

0m 200m
Scale: 1 400 @ A3

Ref: 6206_T0655_01 **Date:** January 2017

Fiddington Green Gas Mill

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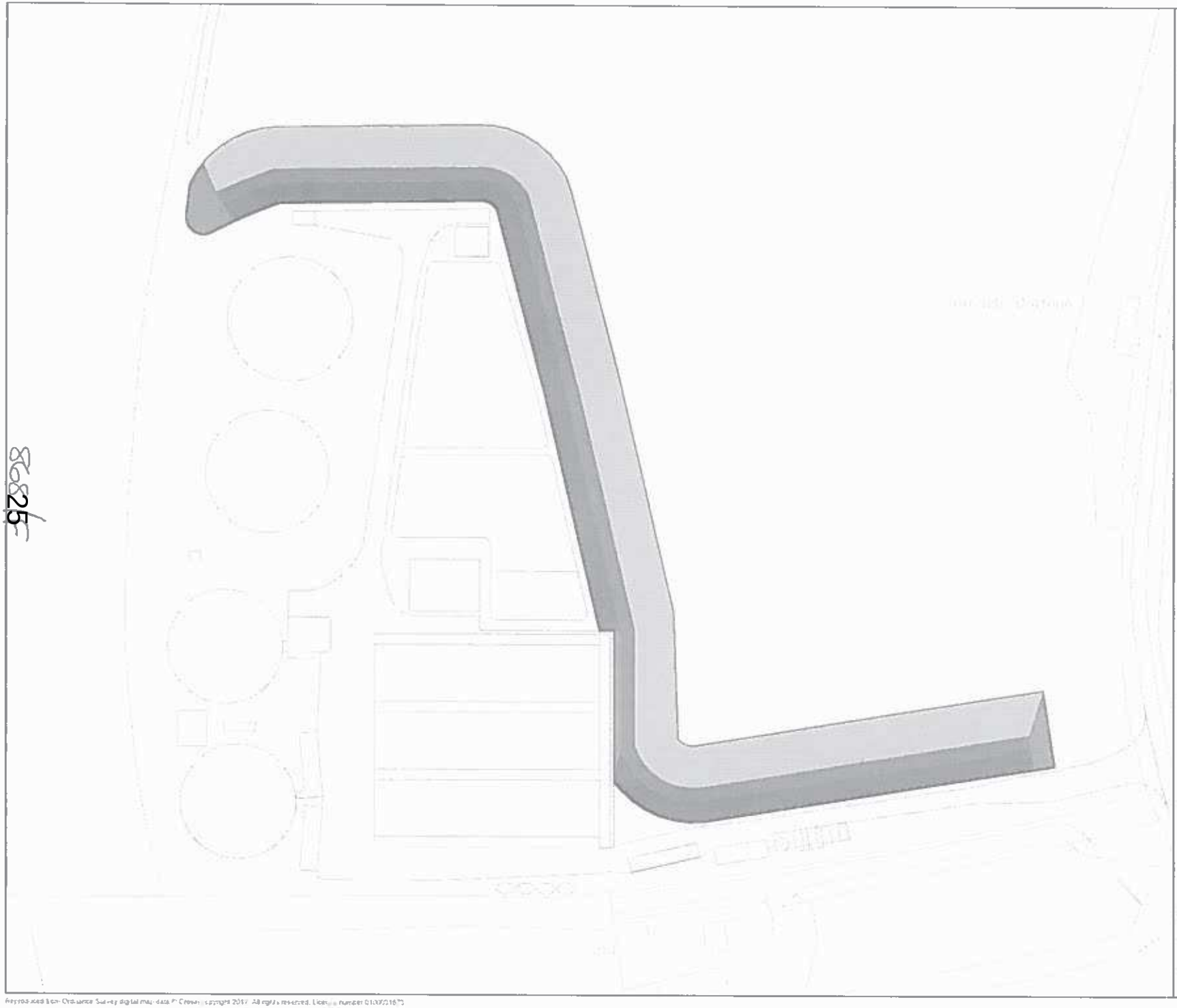

ecotricity

Legend

- Infrastructure
- Landscaping Bund

Bund Gradients

- 1 in 3 Gradient
- 2 in 3 Gradient
- Varying Gradient
- Bund Top at 4m Height

Figure: 7
Title: Landscaping Bund

N

0m 40m

Scale: 1:1000 @ A3

[redacted] [redacted] [redacted]

Ref: 6206_T0656_01 **Date:** January 2017

Fiddington Green Gas Mill

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17/00043/FUL	**Myrtle Cottage, Gretton Road, Gretton**	**2**
Valid 31.01.2017	Erection of 1 no. detached dwelling and detached triple garage to the rear of existing dwelling at Myrtle Cottage, including demolition of existing detached garage, and provision of associated vehicular access road, parking and landscaping	
Grid Ref 401297 230444 Parish Gretton Ward Winchcombe	Mr & Mrs Brookes Myrtle Cottage Gretton Road Gretton	

RECOMMENDATION Refuse

Policies and Constraints

National Planning Policy Framework (2012)
Planning Practice Guidance
The Proposed Main Modifications version of the Joint Core Strategy (MMJCS)
Tewkesbury Borough Local Plan to 2011 (March 2006) - policies HOU4, LND7, EVT2, EVT3 and TPT1
Planning (Listed Buildings and Conservation Area) Act 1990
Flood and Water Management Supplementary Planning Document
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)
AONB

Consultations and Representations

Gretton Parish Council objects to the application for the following reasons:

- The building is outside of the existing settlement boundary and the Parish Council oppose any extension to the boundary.
- The property is in an Area of Outstanding Natural Beauty.
- The building would be back-fill, which both the Parish Council and residents are against (as per the village survey).
- The Council is concerned that if permission is given for this property to be built, it could set a precedence for similar development which would be unacceptable to the Council.

Cotswolds Conservation Board - no response.

Landscape Officer - considers that the proposed development at this site remains difficult to support.

Local Highway Authority - no objection subject to conditions.

Severn Trent Water has been consulted but has provided comments within the 21 day statutory consultation period or since and has not requested further time for the submission of comments.

Flood Risk Management Engineer - no response at the time of writing the report.

1 letter of representation has been received making the following comments:

- The highways conditions were more explicitly detailed for the previous application and these conditions should be applied to any permission granted, to eliminate the severe disturbance to occupiers of Barns Cottage and the three other neighbouring properties during the construction phase.
- The farm access is unsuitable for a shared access on a number of grounds, and in particular unsuitable for fire tender access.
- Measures for reducing highway speeds should be explored with the Parish Council.

Councillor Allen has requested Committee determination to allow Committee members to assess the impact of what is proposed on the surrounding landscape and on neighbouring properties in the village of Gretton.

Planning Officers Comments: Emma Blackwood

1.0 Application Site

1.1 Myrtle Cottage is a two storey semi-detached dwelling located on the southern side of Gretton Road, towards the eastern side of the area defined as the Residential Development Boundary (RDB) of Gretton on the Local Plan Proposals Map **(See 'Location Plan' and 'Existing Block Plan')**. The site area is approximately 0.5 hectares. There is an existing driveway and garage towards the front of the site, and a detached garage and other workshops to the rear of the dwelling.

1.2 Whilst the existing dwelling at Myrtle Cottage and the majority of its associated garden area are located within the RDB of Gretton, the triangular shaped piece of land to the south of this and the strip of land to the east of the adjoining dwelling known as 'Hillside', which are included within the red line on the submitted Location Plan, are located just outside of this RDB. The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

2.0 Relevant Planning History

2.1 There have been a number of applications relating to Myrtle Cottage and surrounding land over the years. Planning application 98/4483/0134/FUL for the erection of a lambing shed with hay loft at Myrtle Cottage (reference 98/4883/0134/FUL), which was refused on 23rd June 1998 for the following reasons:

"The site is within the Cotswold Area of Outstanding Natural Beauty, where priority is given to the protection of the landscape, in accordance, with General Policy L5 of the County Structure Plan First Alteration and Policy LAN1 of the Emerging Tewkesbury Borough Local Plan to 2011. The development would have an adverse impact by reason of its use, siting and design".

2.2 Further, planning permission was granted on 5th July 2000 for the change of use of an existing goat house at Myrtle Cottage to a workshop to be used in connection with a furniture restoration business (reference 00/4883/0520/FUL).

2.3 More recently, pre-application advice was sought in March 2016 for the proposed erection of 1 no. detached dwelling on land to the rear of Myrtle Cottage and for the provision of a new vehicular access from Gretton Road. Advice was provided although it should be noted that this was at a time when the Council could not demonstrate a five-year supply of deliverable housing sites. Concern was raised by officers at this time in respect of the harmful impact on the landscape of the proposals, albeit the scheme was less developed at that stage.

2.8 An application proposing the erection of 1 no. detached dwelling and detached garage to the rear of existing dwelling at Myrtle Cottage, including demolition of existing detached garage, and provision of associated vehicular access road and landscaping was withdrawn on 22nd September 2016 (reference 16/00746/FUL).

3.0 Current Application

3.1 The current application seeks planning permission for a single two storey, 4 bedroom dwelling. The dwelling would be located approximately 83 metres to the south of the existing Myrtle Cottage and would measure 14.6m wide and 13.4m deep. This would give a floor area of approximately 360 square metres, not including external patios, passages and staircase **(see attached plans)**.

4.0 Analysis

Principle of Development

4.1 On 31st January the Council approved for consultation the latest draft of the Joint Core Strategy (JCS). In doing so the Council approved the Objectively Assessed Need (OAN) for Tewkesbury which stands at 9,899. It is considered that this figure is robust having been arrived at following detailed consideration through the Examination in Public process. Following from the OAN there is an annual requirement to meet Tewkesbury's needs of 495 dwellings. Using this robust figure, taking into account current supply, the Council can demonstrate a 5.3 year supply with a 20% buffer applied.

4.2 In light of the fact that the Council is able to demonstrate a five-year supply of deliverable housing sites, saved Policy HOU4 of the Tewkesbury Borough Local Plan should no longer be considered out of date pursuant to paragraph 49 of the NPPF. In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise), the presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply.

4.3 Section 38(6) of the Town and Country Planning Act 1990 provides that the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. In this case the presumption is against the grant of permission given the conflict with policy HOU4 and, as such, permission should be refused unless material planning circumstances indicate otherwise.

4.4 The starting point for determination of this application is the conflict with Policy HOU4, to which substantial weight should be applied. Whilst the Council is able to demonstrate a 5 year supply of deliverable housing sites, it is also of course a rolling calculation and the Council must ensure that sufficient sites are granted planning permission to meet the ongoing need for housing in the Borough. However, Gretton is not identified in the JCS as a Service Village and the conflict with policy HOU4 weighs substantially against the development. Given the fact that the proposal is solely for a single dwelling, the social and economic benefits arising from the proposal are limited and are not considered to outweigh the conflict with the development plan.

4.5 The Agent has commented on this position and considers that the JCS is currently being consulted upon and is not yet adopted, and the Council's five-year supply position is untested via any planning appeals. Reference is also made to paragraph 215 of the NPPF which states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. In this case, as set out above, Officers consider that the housing requirement has been robustly tested through the JCS process and as such significant weight should be given to the housing requirement in the emerging JCS.

4.6 The agent has referred to practices elsewhere in the county and beyond, however this application must be considered on its merits having regard to the facts of this case and the Development Plan position as it relates to Tewkesbury Borough. It is also argued that the site only partially falls outside the RDB of Gretton. However, the proposed dwelling itself is outside the RDB and Policy HOU4 applies.

Accessibility:

4.7 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 seeks to promote sustainable development in rural areas and sets out that housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 55 also specifies that new isolated homes in the countryside should be avoided unless there are special circumstances. Paragraph 32 of the NPPF requires safe and suitable access to be provided to all development sites for all people.

4.8 The site is located outside of, but immediately adjacent to, the RDB of Gretton. Although not identified as a service village within the JCS, the submitted DAS confirms that the amenities and facilities within Gretton include a primary school, a public house and a village hall. The submitted DAS further provides information on the various bus routes through Gretton, and advises that the bus stop is a short walk away on the main road, located just beyond the central village hall. The Local Highway Authority advises that there is a footway on the opposite side of the carriageway to the proposed access, and that there is street lighting. Given its relationship with the existing settlement, the site is not considered to be isolated and is considered to be in a reasonably sustainable location in the context of paragraph 55 of the NPPF.

Impact on Character and Appearance of Area

4.9 The site is located within the AONB, in a semi-rural location, and is also located in an elevated position relative to Gretton Road and land beyond this to the north.

4.10 Paragraph 115 of the NPPF specifies that great weight should be given to conserving landscape and scenic beauty in AONBs, which, along with National Parks and the Broads, have the highest status of protection in relation to landscape and scenic beauty. Policy SD8 of the MMJCS reiterates this advice.

4.11 The submitted Landscape and Visual Impact Assessment (LVIA) includes findings from a field evaluation carried out on 2nd December 2016 to establish the visibility of the site from the public walkways, highways and far reaching views, without foliage on the trees. A scaffold was erected draped with white sheeting within the clearing that would be potentially visible. The study area is broken into 3 separate elements: the hills to the south, in which the landform is wooded and varied in height, broken with small open spaces and open land; the low, broad area to the north, characterised by a large expanse of openness with far reaching views; and the village of Gretton. The routes covered within the field-based survey are Winchcombe Way, Gretton footpath 1, 2, 4, 5, 7 and 11, and Gretton restricted byway 13. These public footpaths were walked on foot to attempt a visual sighting of the scaffold. The LVIA confirms that, as the scaffold could not be located, a visual photographic record was taken from Gretton footpath 1 as this position has previously been established as the clearest possible view of the site from a distance. The photographs within the LVIA show that the scaffold is not in view, although the report advises that when the structure has been built there is potential to gain glimpses of the dark bronze roof between the wooded area from a long distance view.

4.12 The LVIA concludes that views to the site are limited at best and available to private receptors only, with the exception of the proposed access road when viewed from Gretton Road. It further concludes that the removal and replacement of the trees to enable construction would not affect the area visually or result in alteration to the existing canopy of cover, and that the overall visual effect would be minimal. The application considers that the proposed *"barn structure"* would form a visual collective in conjunction with the adjacent existing barn.

4.13 Even in circumstances where views to the site may be limited, this does not negate the Local Planning Authority's duty to protect the landscape. Notwithstanding the distant views of the site, the submitted LVIA specifies that *"A desk based assessment of the site plan shows a linear settlement traversing across from West to East, serviced by a main road"*. It is considered that the proposed development would not appropriately reflect the existing morphology of the settlement, which is loosely linear and largely of single plot depth. Current development in this part of Gretton Road is directly related to and supportive of the street scene. There is only one exception to this on the southern side of this part of Gretton Road, at the dwelling known as "Shoestring Cottage", where planning permission was originally granted in 1955 for the erection of a bungalow (reference T.2187), and then in 2003 for a replacement dwelling (reference 02/2187/1576/FUL) and then as an amended scheme in 2005 for a replacement dwelling (reference 04/2187/1550/FUL), at which point the dwelling was known as "Pilgrims". In the context of other dwellings in this part of Gretton Road, this stands out as a clear exception, however it should be noted of course that this was a replacement dwelling.

4.14 The case is made in the application that the proposed building would be designed to take the form of a traditional 3 bay Dutch barn not dissimilar to the structure that exists adjacent to it within land belonging to 'Barns Cottage'. However, the proposed dwelling would be constructed from a mixture of materials, would have a more complicated form, would be considerably larger than the existing agricultural building (the ground floor footprint of the proposed dwelling would be approximately 75 per cent greater than the existing barn), would include windows and doors of varying sizes and positions, and would include domestic features such as the balcony and external staircase. As such, it is considered that this would not have the external appearance of an agricultural building. The proposed dwelling would be a significant built presence and would appear more prominent, intrusive and out-of-keeping with the character and appearance of the area. It is further considered that the associated intensification and domestication of the surrounding land, the proposed engineering works to lower the ground level, the unusual relationship of the building to prevailing ground levels and its lack of accord with the siting of nearby dwellings would draw attention to the proposed dwelling and accentuate its presence and intrusive impact.

4.15 Furthermore, the proposed vehicular access road over the existing grassed area in this semi-rural location, which would be clearly visible from Gretton Road, would appear visually intrusive within the landscape and would add to the harm to the character and appearance of the rural landscape.

4.16 Overall, it is considered that the proposed development would harm the character and appearance of the area and the visual attractiveness and scenic beauty of the AONB. As such the proposed development would be contrary to Policy SD7 of the MMJCS, 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, Policy SD8 of the MMJCS and paragraph 115 of the NPPF which sets out that great weight should be given to conserving landscape and scenic beauty in AONBs.

Impact on Trees:

4.17 An Arboricultural Report has been submitted which specifies that the proposed dwelling would sit in what is now an open area to the south of the site and the garage would be positioned on the edge of the orchard area. The Arboricultural Report confirms that the new access driveway would run across the Root Protection Zones (RPA's) of T1 (Oak), T2 (Ash), T6 (Willow), T13 (Goat Willow) and T15 (Willow). The proposed garage would incur into the RPA of T52 (Apple), and the proposed dwelling would partially incur into the RPA of T15.

4.18 The Arboricultural Report specifies that the new driveway and part of the new dwelling would be within the RPA of T15. The report advises that, given the condition of T15, it may be prudent to remove this tree, which would facilitate the excavation of the drive and the dwelling, and be replaced post construction with a suitable species with a much greater longevity. It further advises that it may also be practical to remove T8 and T52 for the same reason. The report notes that these trees are very low classification and could easily be replaced with trees, which could enhance the biodiversity and visual amenity of the site and live for much longer than the current specimens.

4.19 The application confirms that an existing Apple tree (T52) would be removed at the point where the proposed replacement garage would be erected, and 2 no. existing Willow trees (T8 and T15) would be removed at the point where the southern part of the proposed access road would curve round to provide vehicular access to the proposed turning and parking area. The application specifies that these would be replaced with young Willow trees on completion of the proposed development. The Council's Landscape Officer advises that two of these trees are small and insignificant specimens. The largest proposed for removal, a previously pollarded willow, extends into the footprint of the proposed building and has a cavity and rot within the tree. The Landscape Officer therefore considers that the removal of these trees would not be unduly harmful subject to replacement planting and a comprehensive landscaping scheme.

4.20 The submitted Arboricultural Report states that a further arboricultural method statement would need to be provided to ensure appropriate tree protection measures are in place during preparation and construction phases. The Landscape Officer advises that this information should have been provided to address previously identified landscape issues discussed on the previous withdrawn application that is similar to the current application. For example, the application is unclear about the level of excavation that would be required to install the ramp where the only acceptable method is a no dig solution, with no regarding of the existing sloped ground levels, in view of the close proximity of overhanging boundary tree and hedges. There is concern that the Arboricultural Report states that incurrence of up to 20% into the RPAs of trees is acceptable, whereas BS5837 requires that there is no excavation in RPAs. The arboricultural report does not fully assess the design proposals in terms of the proposed vehicular access in to the site that would be necessary to comply with highway requirements and the implications on the adjacent mature trees. The report specifies that the use of 3D geogrid to spread the weight of the new driveway may be a solution to spanning the RPAs of certain trees as a No Dig solution, and that this can be deployed with a permeable wearing course to allow oxygen and water through to the roots. However, no reference is made to the 20m of proposed access road in closest proximity to Gretton Road which would be surfaced in a bound material, or the implication of this on adjacent trees.

4.21 As such the proposed development would be contrary to Policy INF4 of the MMJCS and the core planning principles of the NPPF (paragraph 17) which specifies that planning should contribute to conserving and enhancing the natural environment.

Impact on Amenity of Adjacent Occupiers

4.22 The property in closest proximity of the proposed dwelling would be "Braken Hill", which is the adjacent dwelling to the west of Myrtle Cottage. At the closest point the proposed dwelling would be set back approximately 70 metres from the principal dwelling at "Braken Hill". The proposed garage would be located in closer proximity of existing dwellings. However, this would replace an existing garage building which is of similar height. At the closest point, the proposed garage building would be set back some 58 metres from the principal dwelling at "Braken Hill". By virtue of the scale and form of the proposed development and its proximity to adjacent dwellings it is considered that there would be no significant adverse effect on adjoining occupiers in terms of overshadowing or overbearing impact. It is, however, recommended that any approval of planning permission is subject to condition for this garage building to be occupied solely for purposes ancillary to the residential use of the proposed dwelling, and not for the carrying out of any trade or business, in order to protect the amenities of surrounding occupiers.

4.23 The north-western elevation of the building would face in the direction of the rear garden areas of dwellings at "Braken Hill" and "Westerham". The proposed lean-to element would be erected on the north-western elevation of the principal element, and the only first floor level fenestration proposed here would be the glazed element running the length of the abutment between the curved and single plane roof. A condition could be attached to any approval of planning permission for any first floor level glazing on this elevation to be constructed so that any part of the framework less than 1.7m above finished floor level shall be fitted with, and retained in, obscure glazing. The balcony on the south-western side elevation of the proposed dwelling would be set back approximately 20 metres from the rear site boundary of the dwelling known as "Westerham". By virtue of the proximity of the proposed dwelling to adjacent sites, and the recommended condition pertaining to the installation of obscure glazing, it is judged that there would be no significant adverse effect on adjoining occupiers in terms of loss of privacy.

4.24 The DAS confirms that the principal dwelling at "Hillside" would be set back some 7.5 metres from the boundary line of the proposed access road, and there is a detached garage sunk within the rising slope and the boundary junction and the width of the strip passing the property is some 7 metres. The DAS further confirms that there would be a distance of approximately 10.5 metres between the proposed access road to the east of Hillside and the principal dwelling here. 'Hillside' is set back some 12.5 metres from the main road through Gretton and the DAS makes the case that the additional disturbance and/or increased noise levels through the coming and going of vehicles on the proposed access road would therefore be minimal. Taking into consideration the current impact on occupiers of existing dwellings in this part of Gretton Road in terms of passing vehicles and associated disturbances, and by virtue of the likely number of comings and goings of vehicles to and from the proposed dwelling, it is considered that the amenity of adjoining occupiers would not be unreasonably affected in terms of the volume or frequency of noise levels or general disturbances.

Impact on Highway Safety

4.25 Gretton Road is a Class 3 highway, with a footway on the opposite side of the carriageway to the proposed access. There is street lighting, and a local posted speed limit of 30 mph. The carriageway is two-way working and on a gradient. The Local Highway Authority (LHA) advises that available data shows no recorded collisions in the vicinity of the site access in the past 5 years.

4.26 The visibility splays in Manual for Gloucestershire Streets (MfGS) are based on local evidence from Gloucestershire County Council (Annual Speed Monitoring Report 1998 to 2006) that indicates 85th percentile speeds for a 30mph highway is 34mph. Drawing no. HBV2066-HIGH/01HW1 Part 1, 2, and 3 illustrates visibility splays 2.4m x 54m in accordance with MfGS from the site access are available in either direction along Gretton Road, with vertical visibility to the west between 0.75m and 2m above the carriageway edge, and between 0.6m and 2m above carriageway level to the east. The Local Highway Authority considers this to be acceptable to see oncoming road users on a street lit highway.

4.27 The LHA further considers that the access width at a minimum of 3.7m would be sufficient for a single dwelling, although details of the vehicle crossover works would require separate technical approval beyond planning. Drawing no. "HBV2066-HIGH/01 Part 3" illustrates a proposed access gradient within 20m of Gretton Road and is noted to be surfaced in a bound material for the same distance which would be secured via condition. The Local Highway Authority does not consider that it would be unreasonable to condition that all vehicular (including Motorcycles) access for the proposed dwelling shall be undertaken from the proposed new access, to prevent intensification of use of the existing sub-standard access from Myrtle Cottage.

4.28 The proposed garage building is shown to provide 3 spaces, although these would be slightly below MfGS guidance of internal dimensions of 6m x 3m at 5m x 2.9m per space. However, the LHA consider that when combined with on-site parking and turning space sufficient parking would be available.

4.29 The addition of one dwelling at this location would result in an increase of approximately five extra two way vehicular trips, with one of these trips likely to occur during the am peak hour. The LHA considers that this is not a significant increase in trip generation on the surrounding highway network.

4.30 A refuse and recycling storage area would be provided in the front garden area of the proposed dwelling and a refuse and recycling collection point would be provided towards the northern side of the proposed access road adjacent to the highway. The LHA advises that, although distant from the proposed dwelling, future residents will be aware they have to move waste/recycling more than the distance as recommended in MfGS.

4.31 Taking into consideration all of the above, the LHA raises no objection subject to conditions.

Other Issues

4.32 The letter of representation which has been received refers to the existing track which is accessed between the dwellings known as Barns Cottage and Farmfield, and that this should not be used for motorised or non-motorised access, throughout the construction process or following the completion of the development, if approved, in order to protect the amenity of adjoining occupiers. The full extent of this access road is not shown with the red line on the submitted Location Plan, and the application confirms that it is solely proposed to use the new access road. It is also noteworthy that a land ownership issue is a civil matter, not covered by planning legislation.

5.0 Balancing Exercise and Summary

5.1 The proposal conflicts with development plan policy HOU4 and the starting point is therefore that permission should be refused in line with s38(6) of the Planning and Compulsory Purchase Act 2004 unless material circumstances indicate otherwise. The provision of a single dwelling in this location would offer only very limited benefits in terms of contributing to the ongoing five-year supply of deliverable housing sites and the economy. The site is located within a reasonably accessible location however Gretton is not identified as a Service Village in the emerging JCS. These matters are not considered to outweigh the conflict with the development plan which must be given substantial weight in the determination of this application.

5.2 It is not considered that the proposed development would not appropriately reflect the existing morphology of the settlement, and would appear incongruous in the context of this linear form of development, and as an encroachment into the open countryside. The proposed access road and the dwelling, by virtue of its scale, form, materials, fenestration and associated domestic features, would appear prominent, visually intrusive within the landscape and would adversely affect the rural character and appearance of the area and the visual attractiveness and scenic beauty of the AONB. This weighs heavily against the proposal in the planning balance.

5.3 Further, the application fails to adequately demonstrate how existing trees towards the northern part of the site would be protected and retained throughout the construction process of the proposed access road, which would be surfaced in a bound material within 20 metres of the adjacent highway.

5.4 For these reasons, it is therefore recommended that **planning permission is refused**.

RECOMMENDATION Refuse

Reasons:

1 The proposed development conflicts with Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 in that the site lies 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 proposed development would not appropriately reflect the existing morphology of the settlement, and would appear incongruous in the context of this linear form of development, and as an encroachment into the open countryside. The proposed access road and dwelling, by virtue of its scale, form, materials, fenestration and associated domestic features, would appear prominent, visually intrusive within the landscape and would be harmful to the rural character and appearance of the area and the visual attractiveness and scenic beauty of the Area of Outstanding Natural Beauty. As such the proposed development would be contrary to Policies SD7 and SD8 of The Proposed Main Modifications version of the Joint Core Strategy and paragraphs 17, 56, 58 and 115 of the National Planning Policy Framework (2012).

3 The application fails to adequately demonstrate how existing trees would be protected and retained throughout the construction process of the proposed development. As such the proposed development is contrary to Policy LND7 of the Tewkesbury Borough Local Plan to 2011 (March 2006), Policy INF4 of The Proposed Main Modifications version of the Joint Core Strategy and paragraph 17 of the National Planning Policy Framework (2012), which specifies that planning should contribute to conserving and enhancing the natural environment.

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.

17/00043/FUL

Streetwise

17/00043/FUL
MYRTLE COTTAGE

SITE LOCATION PLAN
AREA 16 HA
SCALE: 1:2500 on A4
CENTRE COORDINATES: 401297 , 230444

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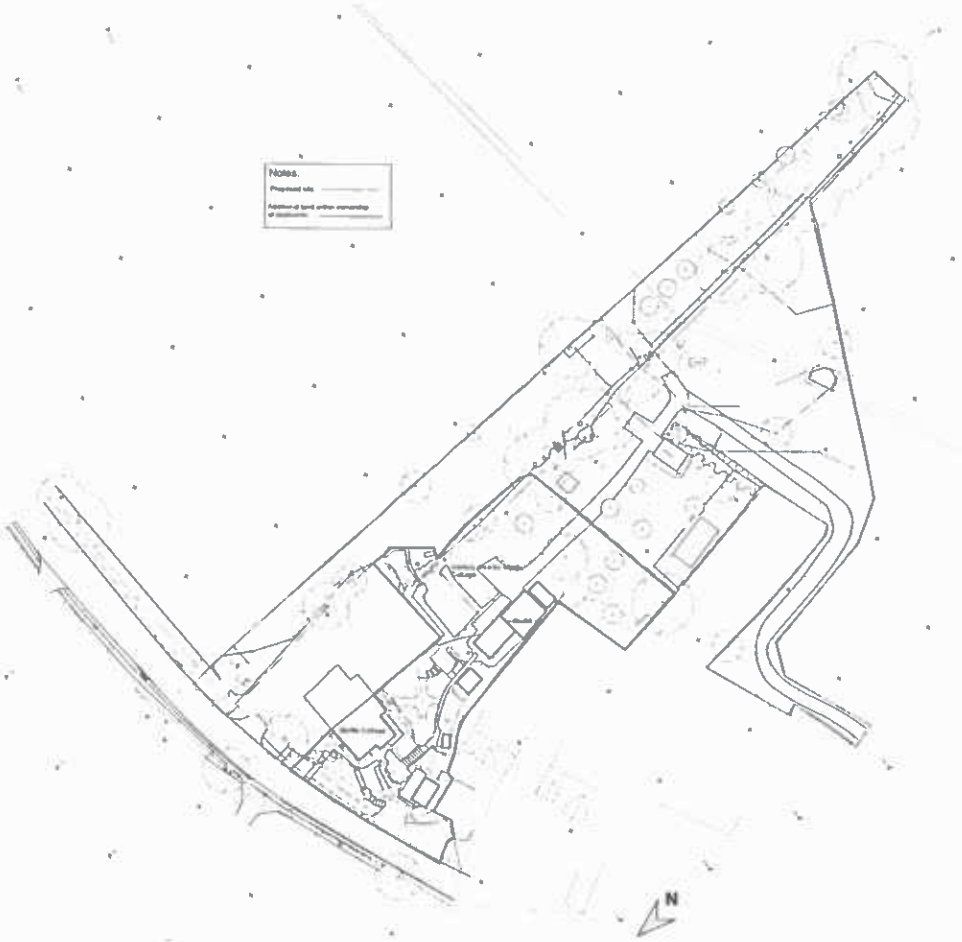

Block plan 1:500 @ A1

Application no. 17/00043/FUL	Purpose of Issue: Planning	Status @ A1	Project No. HBV2066	Horace Brown Ltd Cheltenham	New dwelling Gretton Land to the rear of Myrtle Cottage	Mr & Mrs Brookes	Existing Block plan	AHBV2066E-6	1

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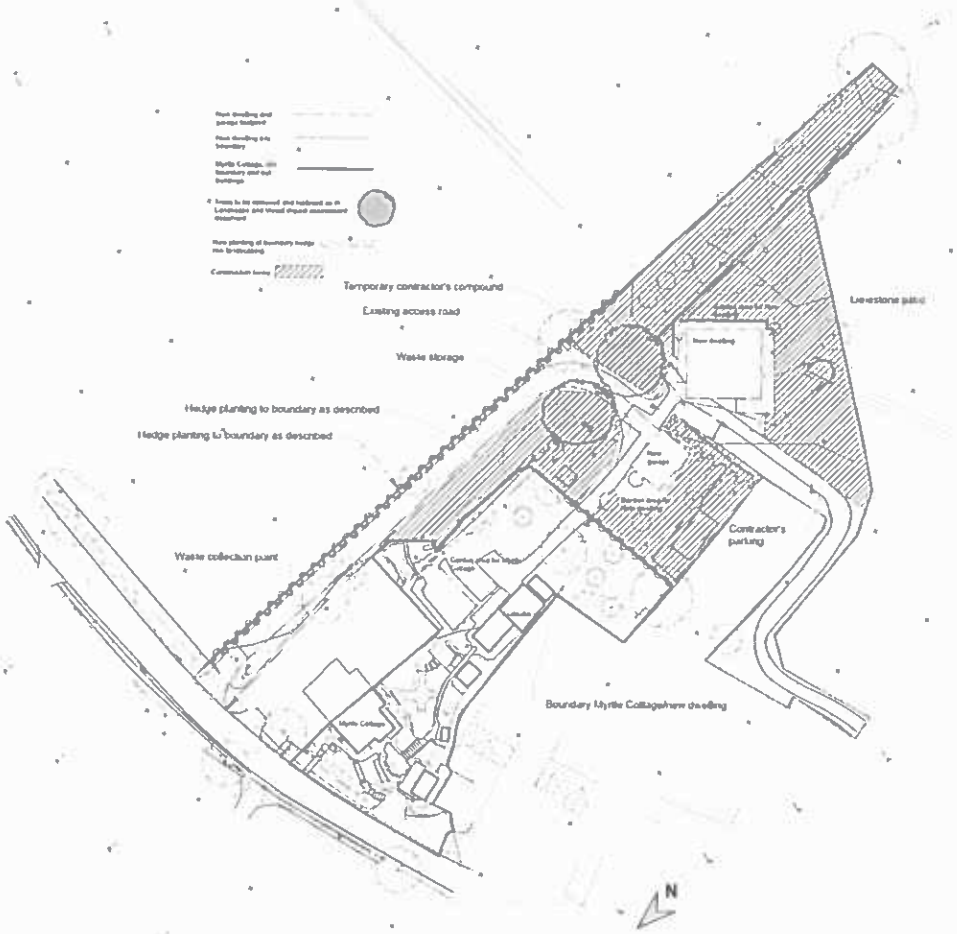
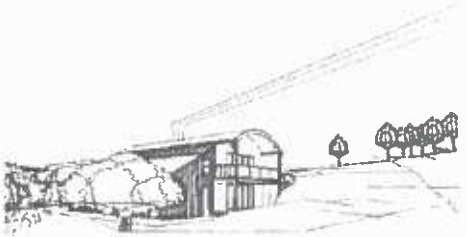
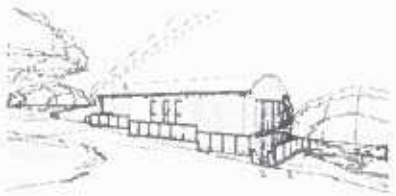
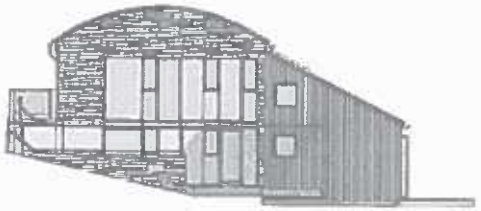


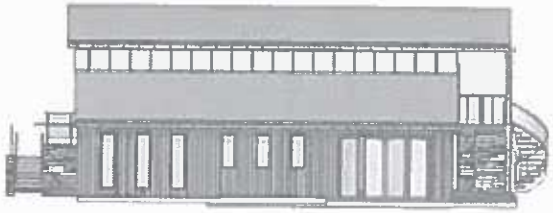
Block plan 1:500 @ A1

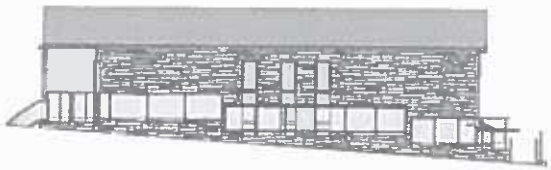




Application no. 17/00043/FUL		Planning			HBV2066	Horace Brown Ltd Cheltenham	New dwelling Gretton Land to the rear of Myrtle Cottage	Mr & Mrs Brookes	Proposed Block plan and views	A HBV2066P-6 2







HB

Horace brown Ltd.

Project.

New dwelling to the rear of Myrtle Cottage

Site address.

Myrtle Cottage
Grestor Road
Cheltenham
GL5 4SEP

Project number:	Drawing number
HBV2066	A04

Client

Mr & Mrs Pepperes

Layout

Proposed elevations

Scale

1:100

Date

30/01/2017

Drawn by

Ian brown

Revision

1

Application No. 17/00/[illegible]/PLL

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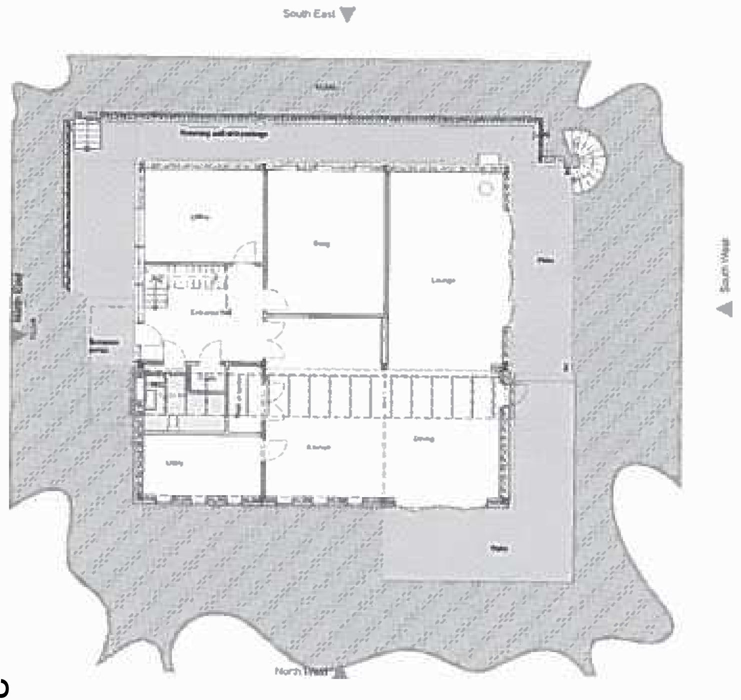
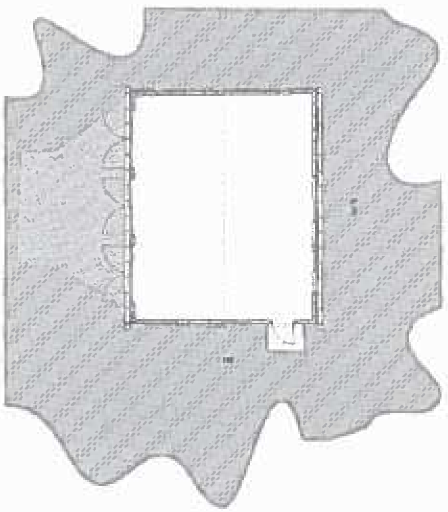
37

876 ID





38

8761FE

HB

Horace brown Ltd.

Project.
New dwelling to the rear of Myrtle Cottage

Site address.
Myrtle Cottage
Gretton Road
Cheltenham
GL54 5EP

Project number: HBs 2066
Drawing number: A01

Client
Mr & Mrs Brookes

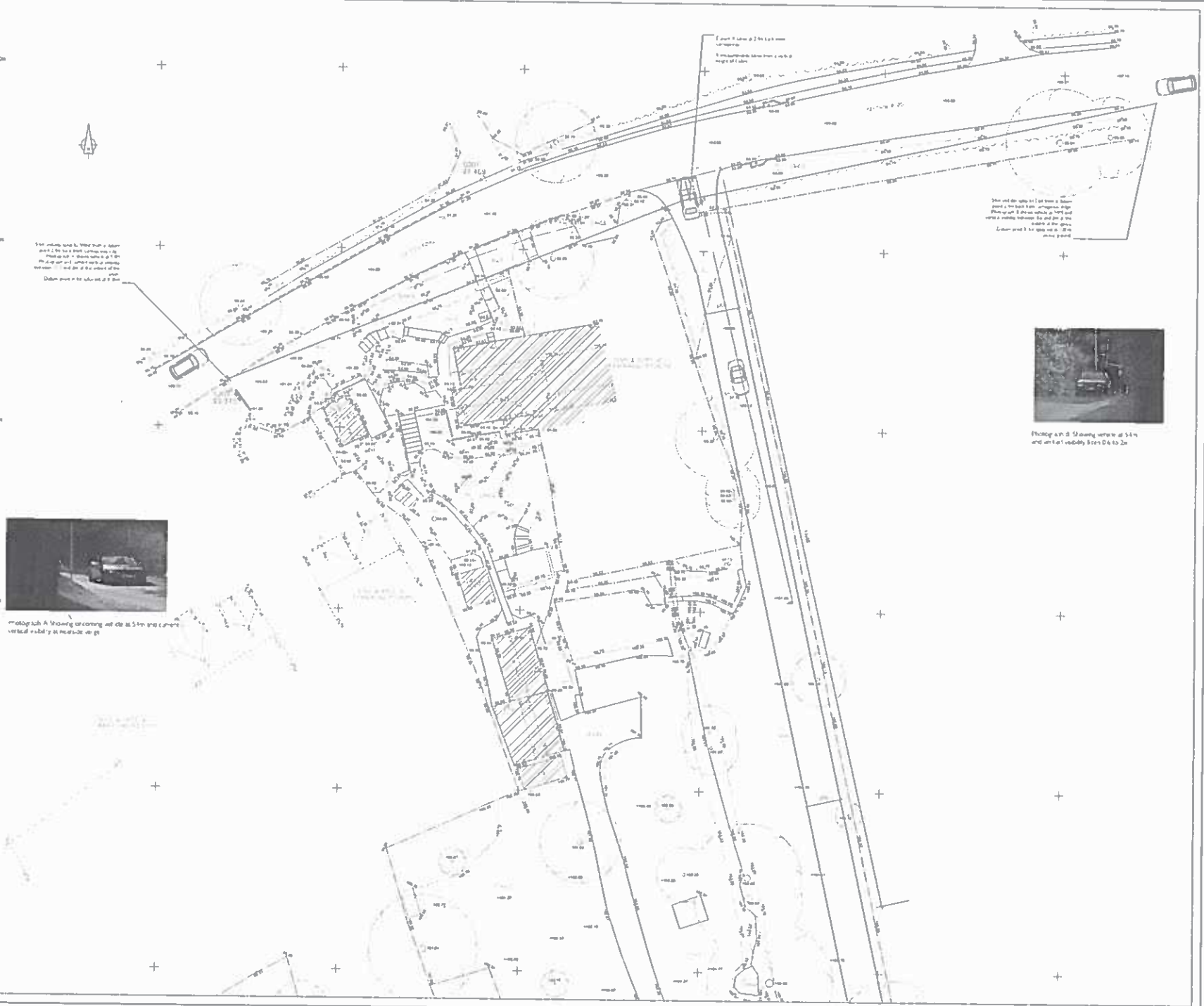
Layout
Proposed floor plans

Scale
1:100

Date
30/01/2017

Drawn by:
Ian brown

Revision
1



Key Plan:

Notes:

1. Some layers are frozen
2. The survey has been orientated to a local grid based on the OSGB 36 National Grid (OSTN02 and OSCAR02)
3. Station Co-Ordinates

Station	Easting	Northing	Level
5001	401799.349	230467.786	91.486
5002	401767.633	230444.102	90.375

4. Wall heights have been surveyed as strong information
5. Trees are positioned assumably. Bases & Canopys are indicative unless otherwise stated
6. All dimensions are in metres unless noted

Photograph A showing access at 5.4m and vertical visibility at 1.05m to the carriageway edge

Photograph B showing vehicle at 5.4m and vertical visibility 2.4m to 2m

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Client

Mr & Mrs Brookes

Project

Revised application for a proposed dwelling to rear of Myrtle Cottage, Gretton

Drawing

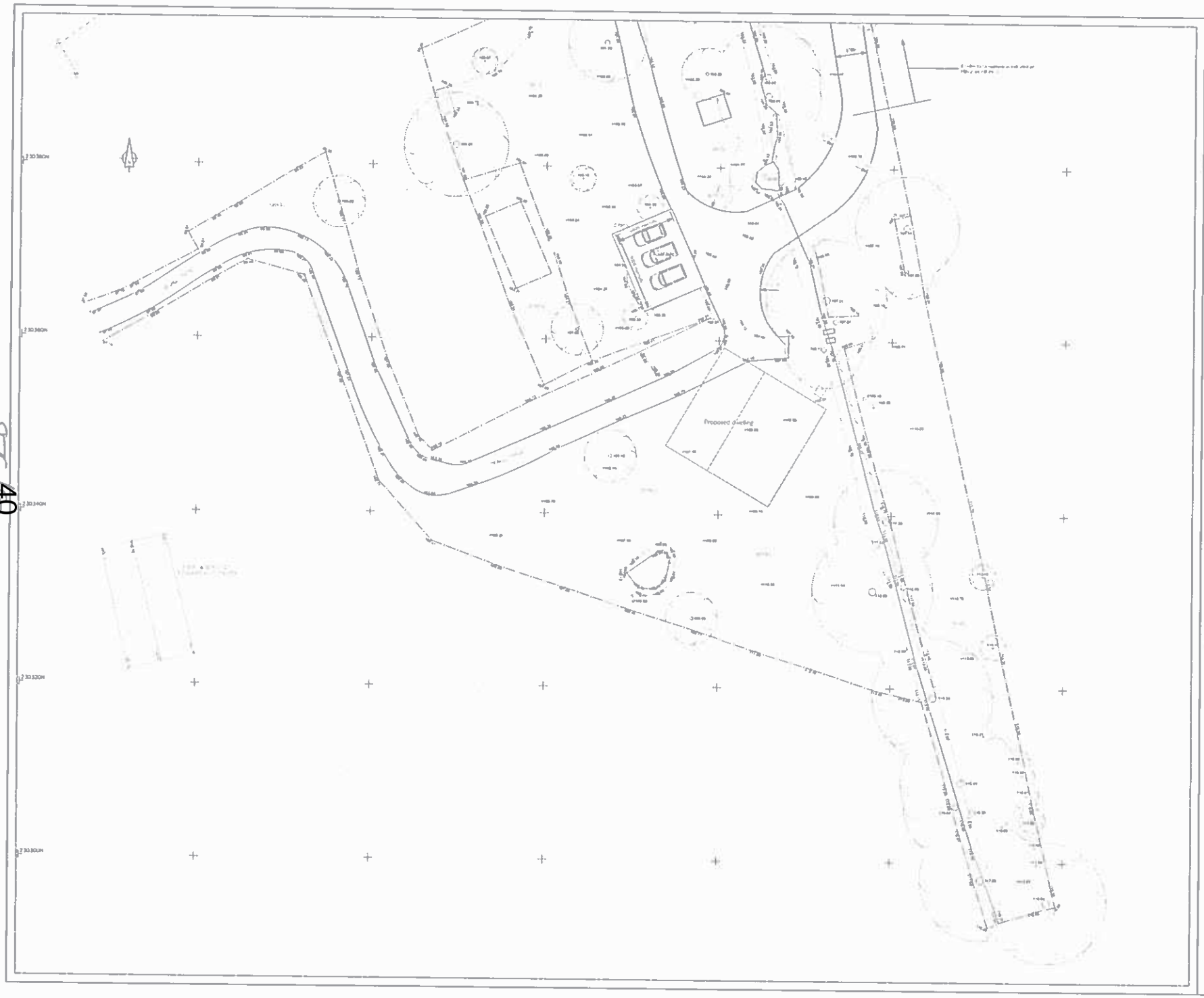
Proposed access, visibility splays and turning

Drawing No. HBV2066 1043 001 Part 1 of 3

Revision

Drawing Scale 1:200 @ A1

39



Key Plan:

Notes:

1 Some layers are frozen

2 This survey has been orientated to a local grid based on the OSGB 36 National Grid (OSTN02 via OSCAR22)

3 Station Co-Ordinates

Station	Easting	Northing	Level
S001	401295.549	230487.786	91.469
S002	401297.805	230444.102	90.375

4 Ball heights have been surveyed as strong information

5 Trees are positioned accurately. Bases & Canopies are indicative unless otherwise stated

6 All dimensions are in metres

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Client

Mr & Mrs Brooks

Erection of 1 no. detached dwelling and detached garage to rear of existing dwelling at Myrtle Cottage, including formation of dwelling garage and provision of parking and associated works, hard and soft landscaping.

Location Myrtle Cottage
Farmers Road London
Cheltenham Gloucestershire
GL54 1EP

Project

Revised application for a proposed dwelling to rear of Myrtle Cottage, Cranham

Drawing

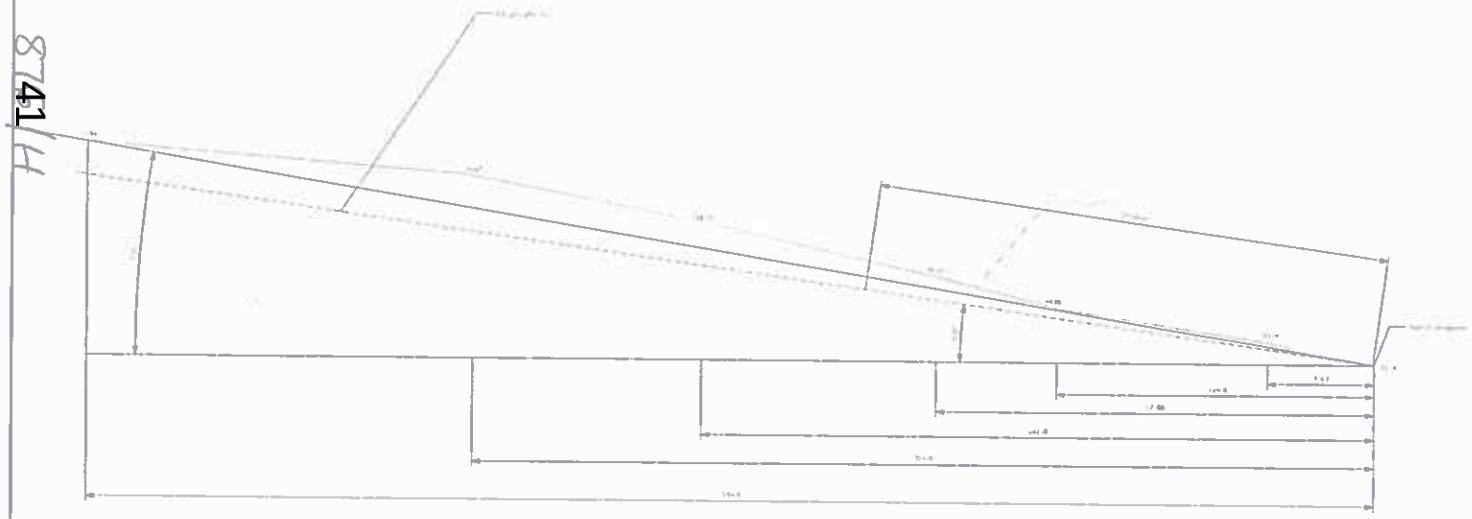
Proposed access drive, visibility splay and turning

Drawing No. HBV2066 HBG402
Part 2 of 2

Revision

Drawing Scale 1:200 @ A1

40/928



Proposed access road: Section of first 50m 1:100 @ A1

Notes:

Plans HBV2066-HIGH/01, 02 & 03 have been prepared from standing advice within:

Manual for Gloucestershire Streets (MGS)
Metric Handbook Planning and Design Data
(second edition)

The drawings have been prepared for a single access to a single dwelling.

The access road has been shown at 3.7m wide as a single track only to serve the single dwelling.

As Emergency service vehicles may be required excess of a minimum radius R7910 has been indicated. As this is a rural site there will be further width available for tracking and the radius can be increased upon request.

The internal garage has been indicated, due to the shape of the proposed drive there will be adequate space for reversing to enter and exit the proposed road in a forward direction at all times.

The existing topography provides an existing gradient of 11% which is above MGS guidance. A statement to justify a departure from National and local standards has been included separately with the application.

Further other visitors of the site reveal that some of the occupants, including the adjacent "Hillside Cottage" (albeit existing), reverse onto the carriageway at times from the steep gradient without any reported incident.

Consideration has also been given to surface water run-off. As the gradient has been reduced this should reduce the speed in which the water travels downward and would be further alleviated by the installation of rainwater drainage.

The application site outlined in red can be maintained as such by the owner. The visitors splay photograph to the West shows a bank, which could potentially obscure visibility if allowed to become untended. The land is owned by the applicant, outlined in blue, therefore can be maintained as such. Should ownership alter a condition of site would include such instruction. The vertical visibility to the West is currently restricted below 0.75m by the grass bank. This bank is owned by the applicant and could be removed to achieve the required vertical visibility of 0.6m. On coming road users can clearly be seen and there is no footpath to that side of the carriageway.

The red line of the site plan also includes part of the shared track from between Barns Cottage and Farmfield. Although, should permission be granted for the development, the proposed access road along Hillside Cottage would be the sole means of access for the proposed dwelling, the applicant wishes to retain the rights of passage within the title deed for the shared track for any future application that may be potentially forthcoming.

The proposed site offers a degree of flexibility due to the open nature of the site and ownership of land. The applicant would gladly work with Highways to achieve the safety requirements for the site and support for the application.

Prepared by

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Applicant

Mr & Mrs Brookes

[illegible]

Project

Revised application for a proposed dwelling to rear of Myrtle Cottage, Gretton

Drawing

Proposed access drive, visibility spay and turning

Drawing Number

HBV2066-HIGH/01
Part 3 of 3

Drawing Scale

1:100 @ A1

Proposed hedgerow planting scheme

All hedgerow planting should be carried out in accordance with BS4428 1989, Code of practice for general landscape operations.

Species of the newly planted hedgerow should be a mix of 70% hawthorn with the remaining 30% made up of fruit and nut producing species such as hazel and wild privet to encourage wildlife.

Hedging should be planted in two staggered rows with approximately 450mm between plants in the same row and 300-400mm between the rows.

Hedgerow shrubs to be [illegible] planted. Hedge trenches should be dug to a minimum depth of 400mm and 600mm wide to be excavated by machine.

All plants need to be well heeled in and watered in during dry weather. The hedging plants are supplied as bare root specimens therefore it is advisable to keep them wrapped in a moist cloth or in a bucket of water during planting.

New hedging should be planted between November and March, while the plants are still dormant but avoid planting in very cold or wet weather.

Galvanised stock netting to be used for protection from escape of children and livestock for the hedgerow to establish.

Considering the location there is a requirement for protection from deer or livestock. 75mm x 50mm Spiral tree guards are to be used supported with Bamboo cane if required.

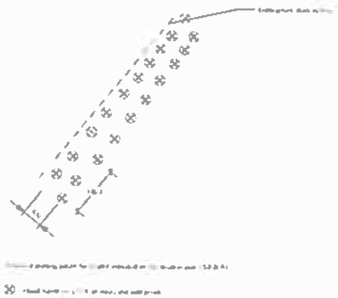
Management statement

Short term
Promote ground up hedgerows
Frequent trimming in the first 5 years to ensure dense structure
Replace any damaged or dying plants
Maintain and water as required by weather conditions
Coppice or adopt laying method if possible

Long term strategy
Encourage flowering and fruiting by trimming hedges on rotation and only once every three or more years
Avoid cutting hedge back to same point every time to increase berry crops and improve health
Avoid cutting in the bird breeding season (March to August)
Keep fertilisers and pesticides away from hedge bases
Encourage tussocky grass-rich growth to develop at the base of the shrub layer, preferably with wild flowers present.

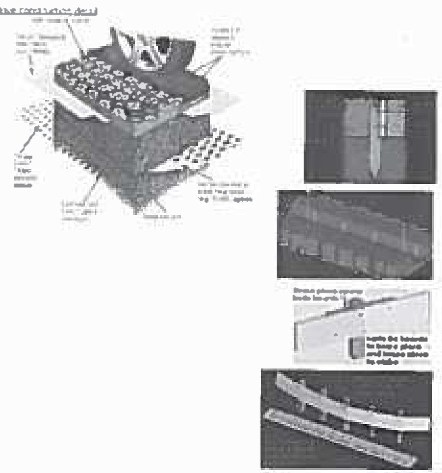
Proposed Hedgerow Planting

Location Plan for Proposed Hedgerow



Proposed new access road scheme

Typical drive construction detail



Detail of the proposed protection fencing to be erected prior to construction

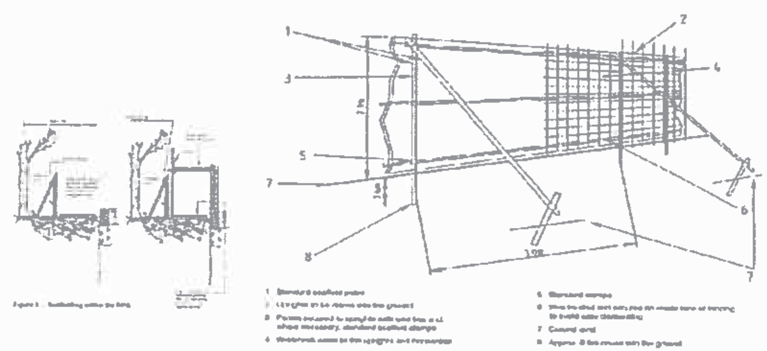


Figure 2. – Protective fencing for RPA

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Applicant

Mr & Mrs Brookes

Project

Revised application for a proposed dwelling to rear of Myrtle Cottage, Gretton

Drawing

Proposed Landscaping

Date 5th December 2017

Drawing Number

HB/2066 LA(4)

Drawing Scale

1:100 @ A1

15/01359/FUL	**Harrington House, Toddington, Cheltenham**	**3**
Valid 08.09.2016	Application for the erection of 2 dwellings with landscaping, access and associated works	
Grid Ref 404854 232459 Parish Stanway Ward Winchcombe	Mr & Mrs Holmes Harrington House Toddington Cheltenham Gloucestershire GL54 5DT	

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
Main Modification version of the Joint Core Strategy (MMJCS) - SD7, SD8, SD11, SD15, INF1, INF2, INF3
Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, TPT1, EVT2, EVT9, LND7, NCN5
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)
Cotswolds AONB

Consultations and Representations

Stanway Parish Council - No objection to revised scheme

Toddington Parish (adjacent parish) - No objection to revised scheme

Conservation Officer - No objection - The pair of units fronting the B4632 is a much simpler form, more characteristic of the area's traditions and Toddington generally.

Lead Local Flood Authority - No comment on revised plans which now refer to a much smaller development comprising the construction of 2 dwelling houses on a plot, now less than 1 hectare.

Highways Authority - No objection subject to imposition of conditions

Urban Design Officer - Object to initial scheme for 11 houses but revised scheme considered acceptable subject to amended access arrangements and removal of rear garages.

Landscape Officer - No objection subject to the submission of a comprehensive landscaping scheme showing the proposed development would be sympathetically integrated into the surrounding AONB landscape setting.

Health and Safety Executive - Do not advise against the granting of planning permission on health and safety grounds

E-on Central Networks - No comments received

Thames Water Utilities - No comments received

Local Residents 11 objections were received from local residents on the original scheme for 11 dwellings. 4 objections have been received on the amended scheme for 2 dwellings which are summarised as follows:

- There is no reason for the new properties to overlook St Leonards and St Leonards View.
- The boundary hedge is in no fit state to be retained and should be removed and replaced with fencing or appropriate boundary treatment.
- Building works should be restricted to hours of 0900 - 1700 as it is a residential area.
- The proposed dwelling will eventually be 3 storeys and will tower over St Leonards and St Leonards View which are chalet bungalows.

- The dwellings should be moved forward so the built form is spread across St Leonards and St Leonards View.
- The side elevation of the southern plot has patio doors and windows which would overlook the properties to the south given the level difference.
- The land acts an effective floodplain and run-off onto the road and neighbouring properties should be considered in detail.

Planning Officers Comments: Paul Instone

1.0 Application Site

1.1 The site is rectangular, comprises of grassland and is bounded by rear gardens of residential properties to the south, the B4362 to the west with residential properties beyond, agricultural fields to the north and grassland/farmland and an agricultural building to the east which is also owned by the applicant. There is an existing farmtrack which runs through the application site providing access to agricultural building to the east. There is a pylon/electricity lines on the front of the site adjacent to the highway.

1.2 The site is accessed off an existing track from the B4362 and there is an existing lay-by off the B4362 which lies adjacent to the site.

1.3 The site is located adjacent to Newtown/Toddington which is identified as a Service Village within the emerging Joint Core Strategy (MMJCS). The application site lies outside of a recognised settlement boundary as defined by the saved policies of the Local Plan. The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

2.0 Planning History

None of relevance

3.0 Current Application

3.1 Full planning permission is sought for the erection of two dwellings with internal garages. Each dwelling would have an individual access off the B4362 and parking is proposed to the front of the dwelling. A new access is to be created to the north of the dwellings to provide access to the agricultural land to the east.

3.2 The two dwellings are both 4 bedroom properties with pitched roofs and are orientated such that the principal entrance faces the B4362 to the west.

3.3 The applicant submitted amended plans for two dwellings after officers confirmed that the original proposals for 11 dwellings on a wider application site were unacceptable.

4.0 Policy Context

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

4.2 Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework (NPPF), and the emerging Cheltenham, Tewkesbury and Gloucester Joint Core Strategy. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

4.3 The application site lies outside of a recognised settlement boundary as defined by the Local Plan. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing.

4.4 The Council is able to demonstrate a five-year supply of deliverable housing sites and saved policy HOU4 is considered up-to-date. In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise), the presumption in favour of sustainable development set out in paragraph 14 of the NPPF does not apply.

4.5 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. In this case as reiterated in paragraph 12 of the NPPF, the presumption is against the grant of planning given the conflict with HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

4.6 Framework Paragraph 115 advised that 'great weight' should be given to conserving the landscape and scenic beauty of AONB's. The advice regarding conservation and enhancement of the beauty of the AONB landscape is reflected with Policy SD8 of the MMJCS.

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

5.0 Analysis

Principle of Development

5.1 The application site lies outside of a recognised settlement boundary as defined by the Local Plan. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. The presumption is against the grant of planning permission given the conflict with policy HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

5.2 Toddington (including Newtown) is a named Service Village in the MMJCS and emerging Policy SP2 of the JCS states that Service Villages will accommodate lower levels of development, proportional to their size and function, and also reflecting their proximity to Cheltenham and Gloucester. New development is to be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans.

5.3 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

5.4 The Framework also recognises the need to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28) and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that there is a need to balance this against other objectives set out in the Framework - particularly in rural areas. Although it is accepted that the new residents would to a large extent be reliant on the car, this would be in common with all the Service Villages and recent appeal decisions in Alderton and Twyning have made it clear that neither national nor local planning policy regards this as sufficient reason in itself to prevent any further residential development in such communities. Rather, it is one of the many considerations that need to be taken into account when assessing specific proposals.

5.5 This application must be considered on its own merits. The proposal is for two dwellings and is adjacent to existing dwellings and whilst the proposal is not in the heart of the village, it represents a logical proportionate extension to the built environment in Newtown and follows the traditional linear development pattern.

5.6 Toddington/Newton contains some services facilities including a village hall, a shop and a public house and is serviced by bus routes to larger centres. As such, it is considered that the proposal would not represent new isolated homes in the countryside.

5.7 It is recognised that there would be a clear conflict with policy HOU4 of the Local Plan to which substantial weight should be applied. However, Toddington/Newtown is identified in the MMJCS as a suitable location for some limited residential development, and this fact alongside other material considerations are to be taken into account in the decision making process and the overall planning balance.

Form, Character and Design

5.8 The surrounding area is characterised by traditional 2 storey detached/semi detached dwelling with pitched roofs which are in a linear form fronting the highway.

5.9 The layout and architectural approach has been informed through discussions with officers and it is considered that the layout of the dwellings seeks to replicate the prevailing frontage development in the immediate area, being set back from the highway with a front garden/driveway.

5.10 The proposed development is considered to be acceptable in terms of its scale as it is of a comparable height to the surrounding properties and is not considered to appear unduly prominent within the street scene on this gateway site. The architectural approach is considered to represent an appropriate design response to the site.

5.11 Details of landscaping, hardsurfacing and boundary treatment have been included in the application and individual accesses are proposed to be created onto the highway for the two dwellings. In addition a new access is proposed to provide vehicular access to the agricultural buildings to the west. The design approach allows for narrower driveways and reduces the amount of hardstanding to the front and north of the proposed dwellings, increasing opportunities for planting, including along the northern boundary which it is considered will break up the built form of the development.

5.12 In conclusion it is considered that the proposal would respect the built form and the layout provides an appropriate design response to site. The appearance of the dwellings would be sympathetic to the surroundings and maintain and reinforce local distinctiveness.

Landscape Impact

5.13 The site is located wholly within the AONB and the proposal would be visible from a number of public vantage points as well as from private property. The NPPF states that great weight should be given to conserving landscape and scenic beauty in AONB's which have the highest status of protection in relation to landscape and scenic beauty. Policy SD8 of the Main Modifications Version of the Joint Core Strategy reflects this advice.

5.14 The application site is in a prominent location when entering Newtown from the north along the B4632, albeit the site is screened by existing vegetation and is read against the backdrop of the existing dwelling to the south.

5.15 Due to the prominence of the site, Officers advised that the original proposals for 11 dwellings on the site would have an unacceptable landscape impact. Similarly Officers advised that access arrangements which included a 6 metre wide driveway to the north and detached garages to the rear of the dwellings were unacceptable due to impact on the AONB landscape.

5.16 It is considered that the current proposals provide an appropriate design response to this sensitive site allowing for an enhanced landscaping screen to the north of the site and incorporating features such as hedgerow planting and post and rail fencing to mitigate the visual impact of the proposal.

5.17 The proposed development would principally be seen against the context of the existing dwellings in Newtown to the south and this reflects the characteristics of the site which detracts from the AONB. Moreover the application site is a relatively narrow field and appears separate from the agricultural fields to the north.

5.18 On the basis of the above and subject to the imposition of conditions, it is considered that the degree of harm would be limited taking account of the setting and existing development nearby. Nevertheless, this limited harm to the AONB's landscape and scenic beauty is a matter that weighs against the proposal.

Residential Amenity

5.19 The application site is adjoined by back gardens of residential properties to the south and objections have been received from these residents. Concerns include that the proposed dwellings would be over-dominating and would facilitate overlooking to the detriment of residential amenity.

5.20 The nearest proposed dwelling is located approximately 30 metres from the existing dwellings to the south and there is a slight increase levels between the application site and the existing dwellings. There are no windows proposed at first floor level in plot 2 facing south towards the existing dwellings and a 1.8 metre high fence is proposed along the southern boundary of the application site which would screen the proposed development at ground floor level.

5.21 Officers have visited a property to the south of the application site and consider that the proposed dwellings would not have an unacceptable impact on existing residents by reason of overbearing or over-dominating impact. In addition it is considered by virtue of the architectural approach and the boundary treatment that the proposed dwellings would not overlook existing dwellings or rear gardens and there would not be an unacceptable detrimental impact on the living environment of existing occupiers.

5.22 In respect to the residential amenity of future residents, it is considered that the proposal would provide an acceptable living environment for future occupiers.

Parking and Access

5.23 The County Highways Authority have been consulted on the application and do not object to the proposal subject to the imposition of conditions to secure the vehicle accesses and parking areas.

5.24 The proposal would necessitate the loss of a tarmac informal lay-by area adjacent to the site frontage. However the Highways Authority consider that the loss of this informal hard standing, which can only accommodate approximately two vehicles, would not detrimentally impact on highway safety given the off-street parking available for existing dwellings.

5.25 Moreover each unit provides off-street parking for at least 3 cars and this level of parking is considered acceptable.

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

Drainage

5.27 Concerns have been raised about the drainage of the site and potential for increased run off arising from built form on the site. In order to secure appropriate drainage on the site it is recommended a condition is imposed to secure a comprehensive evidence based detail drainage design including a SuDS/drainage management plan. The applicant has also stated that the dwellings would not be connected to the mains sewer. The details of waste treatment can be secured by condition.

Other Matters

5.28 Electricity lines and infrastructure would need to be relocated to facilitate the proposal. The applicant has confirmed that they have contacted the service provider who have provided a quotation to remove the overhead cables and install low level equipment outside of the site.

6.0 Conclusions and Planning Balance

6.1 As set out above the starting point for determination of this application is the conflict with policy HOU4, to which substantial weight should be applied. Whilst the Council is able to demonstrate a 5 year supply of deliverable housing sites, it is also of course a rolling calculation and the Council must ensure that sufficient sites are granted planning permission to meet the ongoing need for housing in the Borough.

6.2 The site is located in a reasonably accessible location adjacent to a named Service Village in the emerging MMJCS with access to local services and facilities and which is therefore suitable in principle for some limited residential development proportionate to its size and function. The application would contribute, albeit in a limited way, to the housing supply in the Borough and these are matters that weigh in favour of the proposal.

6.3 It is considered that the design of the proposed development responds to the site's constraints and the context of the site. The setting of the site against existing development is a consideration. However there would be some limited harm to the AONB's landscape and scenic beauty and this weighs against the proposal and great weight should be attached to conserving AONB's in the decision making process.

6.4 The design, scale, layout and appearance of the dwelling is considered acceptable and the proposal would not unacceptably impact on residential amenity.

6.5 It is considered that the benefits of the application, and the location of the site adjacent to a service village, outweigh the conflict with the development plan in respect of policy HOU4 and other identified harms including to the AONB's landscape and scenic beauty. The proposal is considered to represent sustainable development and the application is therefore recommended for **Permit.**

RECOMMENDATION Permit

Conditions:

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan as Proposed Drawing Number 50 Rev A received 25th January 2017
- Site Plan as Proposed Drawing Number 51 Rev A received 25th January 2017
- Site Plan 52 Rev G received 3rd March 2017
- Floor Plans as Proposed - Plot 1 Drawing Number 53 Rev C received 25th January 2017
- Elevations as Proposed - Plot 1 Drawing Number 54 Rev C received 25th January 2017
- Floor Plans as Proposed - Plot 2 Drawing Number 55 Rev C received 25th January 2017
- Elevations as Proposed - Plot 2 Drawing Number 56 Rev C received 25th January 2017

3 The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan 52, and those facilities shall be maintained available for those purposes thereafter.

4 No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 5m of the proposed accesses, including junctions with the existing public road has been completed to at least binder course level and footways to surface course.

5 Notwithstanding any indication of materials which have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.

6 No development shall take place before a fully detailed landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority in accordance with approved Site Plan 52 Rev G. This shall include details of the existing landscaping which is to be retained. The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings, or the completion of the development, whichever is sooner. Any trees, plants or areas of turfing or seeding, which, within a period of 5 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

8 No work shall commence on site until details of existing and proposed levels with reference to a fixed datum point, to include details of finished floor and ground levels, have been submitted to and approved by the Local Planning Authority. All development shall be carried out in accordance with the approved details.

9 No development approved by this permission shall be commenced until a detailed drainage strategy including a scheme of surface water treatment and foul water has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall be supported by evidence of ground conditions, soakaway tests and modelling of the scheme to demonstrate that it is the most appropriate strategy and is technically feasible. In addition, full details, including size, location and maintenance regimes of the waste treatment facilities to deal with the foul drainage shall be submitted. Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through third party land or to their network, system or watercourse. The drainage scheme shall be carried out and subsequently maintained for the lifetime of the development in accordance with the approved details.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement or alteration, 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.

Reasons:

1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that 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 paragraph 35.

4 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework paragraph 35.

5 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.

6 In the interests of amenity and to protect the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.

7 In the interests of amenity and to protect the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.

8 In the interests of residential amenity and to protect the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.

9 To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding in accordance with policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 and the advice on flood risk in the NPPF. It is important that these details are agreed prior to the commencement of development.

10 To protect the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.

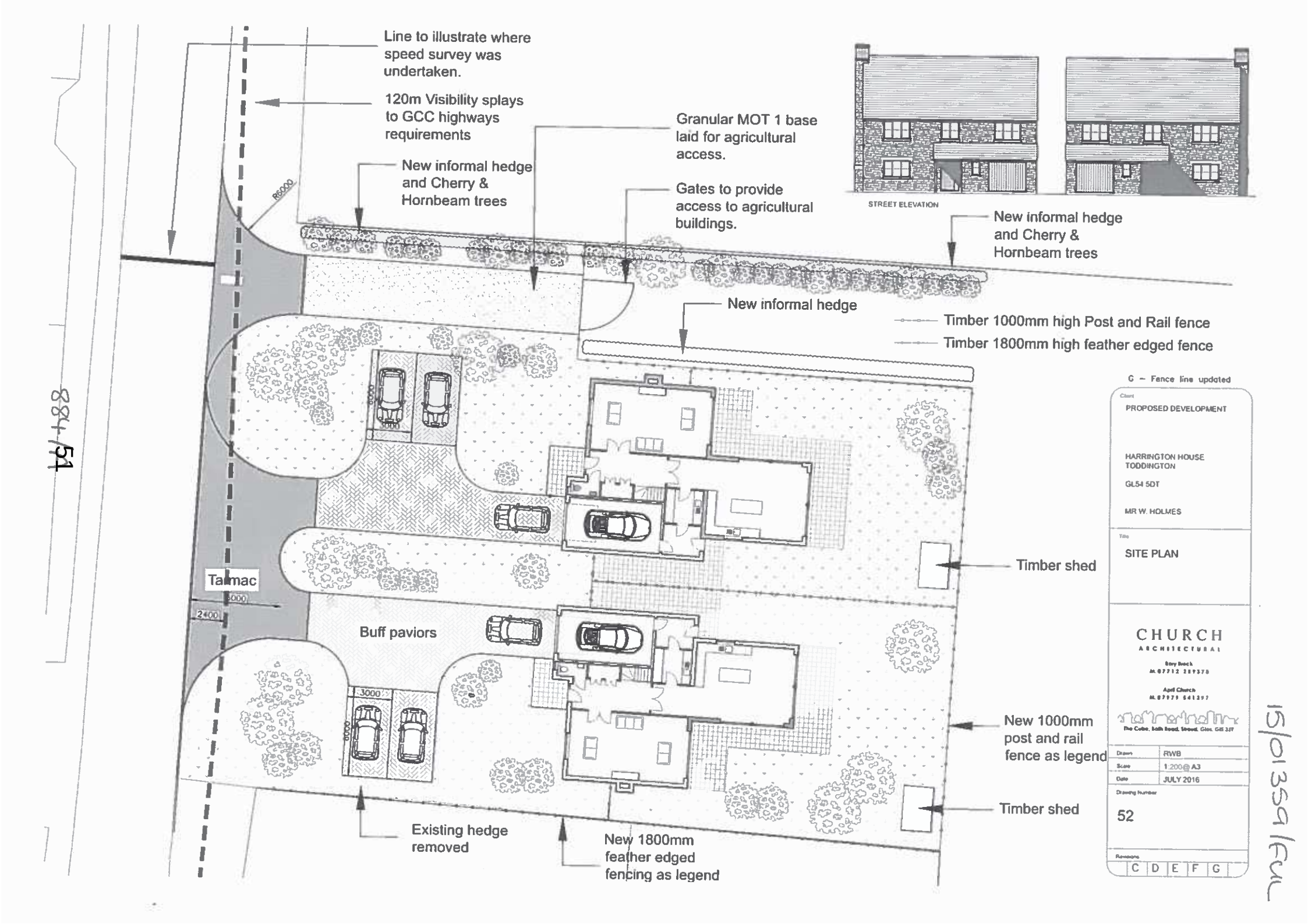
Notes:

1 **Statement of Positive and Proactive Engagement**

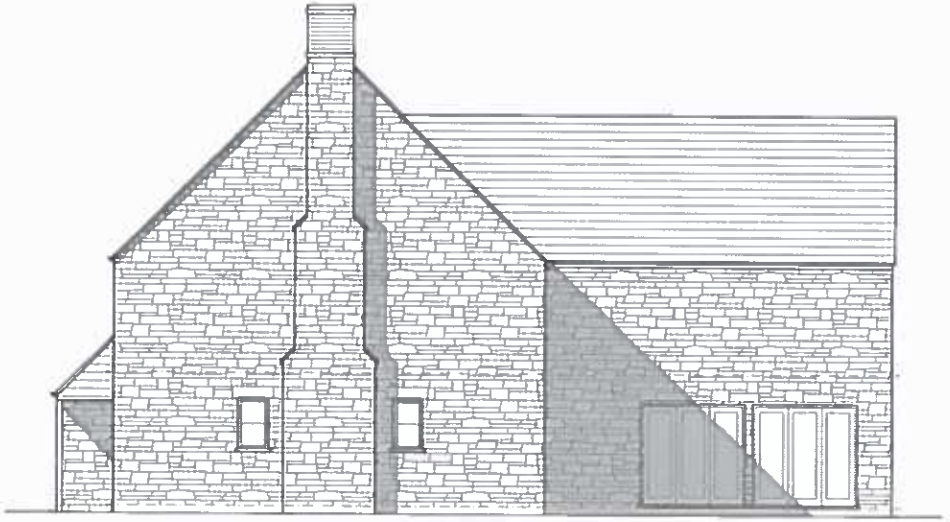
In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating a reduced number of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

2 The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

3 The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.


Line to illustrate where speed survey was undertaken.
120m Visibility splays to GCC highways requirements
New informal hedge and Cherry & Hornbeam trees
Granular MOT 1 base laid for agricultural access.
Gates to provide access to agricultural buildings.
STREET ELEVATION
New informal hedge and Cherry & Hornbeam trees
New informal hedge
Timber 1000mm high Post and Rail fence
Timber 1800mm high feather edged fence
G – Fence line updated
Tarmac
Buff paviors
Timber shed
New 1000mm post and rail fence as legend
Timber shed
Existing hedge removed
New 1800mm feather edged fencing as legend
PROPOSED DEVELOPMENT
HARRINGTON HOUSE
TODDINGTON
GL54 5DT
MR W. HOLMES
SITE PLAN
CHURCH
ARCHITECTURAL
Drawn RWB
Scale 1:200@A3
Date JULY 2016
Drawing number 52
Revisions C D E F G
88+/51
15/01359/FUL

FRONT (W) ELEVATION



SIDE (S) ELEVATION

REAR (E) ELEVATION

REAR (N) ELEVATION

C – Design changes

B – Design changes

A – Design changes

Client

PROPOSED DEVELOPMENT

HARRINGTON HOUSE
TODDINGTON

GL54 5DT

MR W. HOLMES

Title

ELEVATIONS
AS PROPOSED - PLOT 2

CHURCH
ARCHITECTURAL

Tony Church
M. 07712 289378

April Church
M. 07979 541397

The Cube, Bath Road, Stroud, Glos. GL5 3JY

Drawn	RWB
Scale	1:100@A3
Date	JULY 2016

Drawing Number

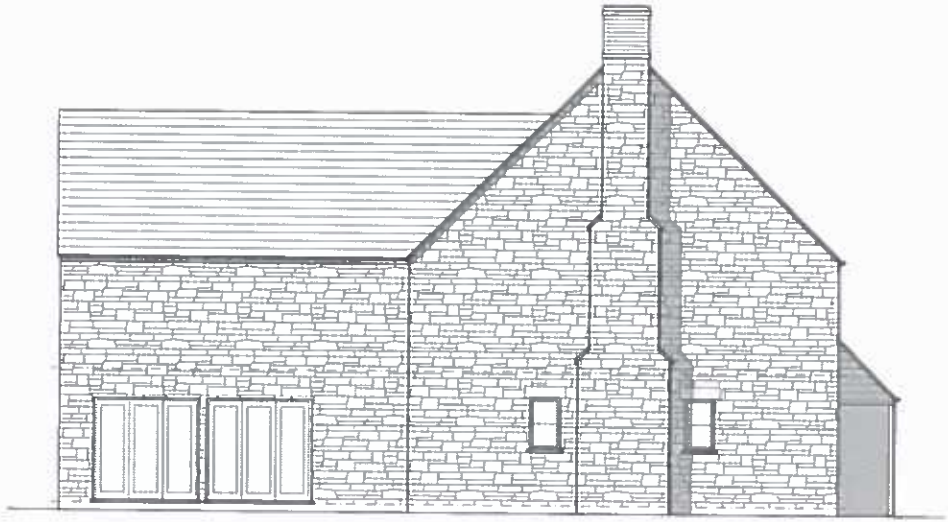
56

Revisions

	A	B	C		

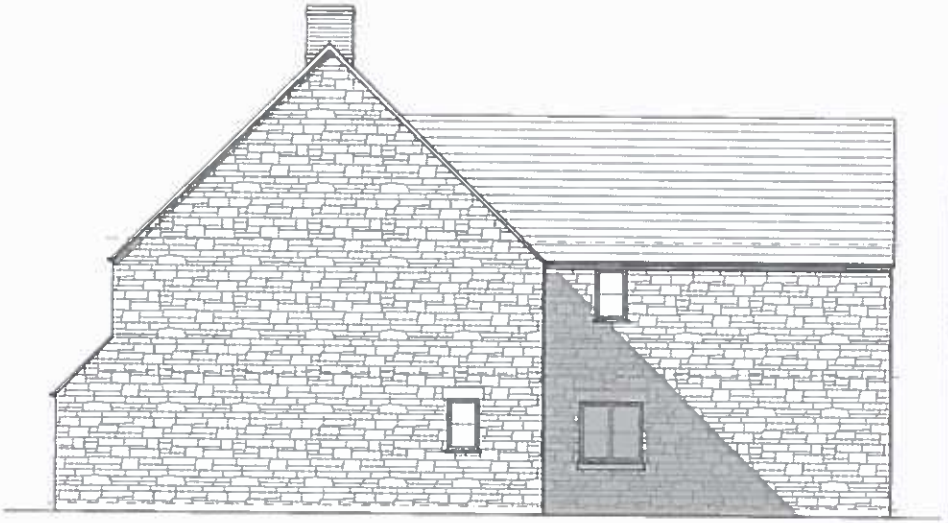
88/52/6

FRONT (W) ELEVATION



SIDE (N) ELEVATION

REAR (E) ELEVATION



REAR (S) ELEVATION

C – Design changes
B – Design changes
A – Design changes

Client
PROPOSED DEVELOPMENT

HARRINGTON HOUSE
TODDINGTON
GL54 5DT

MR W. HOLMES

Title
ELEVATIONS
AS PROPOSED - PLOT 1

CHURCH
ARCHITECTURAL
Rory Brock
M 07712 259378
April Church
M 07979 541597
The Cube, Bath Road, Stroud, Glos. GL5 3JY

Drawn	RWB
Scale	1:100@A3
Date	JULY 2016

Drawing Number
54

Revisions
A B C

16/01422/FUL	**Ashgrove, Toddington, Cheltenham**	**4**
Valid 22.12.2016 Grid Ref 404880 232454 Parish Stanway Ward Winchcombe	Residential development on domestic garden land Robert Deacon Builders Ltd C/O Agent	

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
Joint Core Strategy Main Modifications - SD7, SD8, SD9, SD11, SD15, INF1, INF2, INF3
Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, TPT1, EVT2, EVT9, LND7, NCN5
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)
Section 66 (1) of the Planning (Listed Buildings & Conservation Areas) Act 1990
Countryside and Rights of Way Act 2000
Area of Outstanding Natural Beauty (AONB)

Consultations and Representations

Parish Council - No comments received
County Highways - No objection.
National Grid - No objection.
Wales and West Utilities - No objection.
Local Residents - No letters of neighbour representation received.

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 Ashgrove, a residential dwelling within the village of Toddington. The surrounding area is predominantly semi-rural in character. However, to the south is a garden centre and the entrance to Toddington Railway station. The site is located within the AONB and is located within Floodzone 1.

2.0 Planning History

2.1 15/00537/FUL - Erection of 2 No new dwellings, Permitted April 2016. This permission is extant but is yet to be implemented. The development proposed, would mean that only either the current application or the extant permission could be build and not both.

3.0 Current Proposal

3.1 The application has been amended since its original submission and has seen the removal of detached garages which were sited forward of the proposed dwelling and breached the established building line within the street. It is now proposed to erect 4 detached dwellings and an associated detached garage serving plot 3. Two new accesses are proposed onto the B4077 to serve the dwellings. Plots 1 and 2 would share one of these accesses and Plots 3 and 4 would share the other.

4.0 Policy Context

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

4.2 Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework (NPPF), and the emerging Cheltenham, Tewkesbury and Gloucester Joint Core Strategy. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

4.3 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 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.

4.4 The Council is able to demonstrate a five-year supply of deliverable housing sites and saved policy HOU4 is considered up-to-date. In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise), the presumption in favour of sustainable development set out in paragraph 14 of the NPPF does not apply.

4.5 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. In this case as reiterated in paragraph 12 of the NPPF, the presumption is against the grant of planning given the conflict with HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

4.6 Framework Paragraph 115 advised that 'great weight' should be given to conserving the landscape and scenic beauty of AONB's. The advice regarding conservation and enhancement of the beauty of the AONB landscape is reflected with Policy SD8 of the Main Modifications Version of the Joint Core Strategy (MMJCS).

4.7 Section 85 of the Countryside and Rights of Way Act 2000 (the CRoW Act) requires that in exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

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

5.0 Analysis

Principle of development

5.1 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. The presumption is against the grant of planning permission given the conflict with policy HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

5.2 Toddington is a named Service Village in the Main Modifications Version of the Joint Core Strategy and emerging Policy SP2 of the JCS states that Service Villages will accommodate lower levels of development, proportional to their size and function, and also reflecting their proximity to Cheltenham and Gloucester. New development is to be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans.

5.3 The NPPF states that applications for housing should be considered in the context of the presumption in favour of sustainable development and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

5.4 The Framework also recognises the need to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28) and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that there is a need to balance this against other objectives set out in the Framework - particularly in rural areas. Although it is accepted that the new residents would to a large extent be reliant on the car, this would be in common with all the Service Villages and recent appeal decisions in Alderton and Twyning have made it clear that neither national nor local planning policy regards this as sufficient reason in itself to prevent any further residential development in such communities. Rather, it is one of the many considerations that need to be taken into account when assessing specific proposals.

5.5 This application must be considered on its own merits and 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 Toddington. Toddington benefits from a reasonable level of local services and facilities, including a pub, two shops, a village hall, garden centre and railway station. 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 B4077 which provides connections to Tewkesbury, Cheltenham and Gloucester City. It is also material that, as set out at section 2 above, planning permission already exists for two dwellings on this site.

5.6 It is recognised that there would be a clear conflict with policy HOU4 of the Local Plan to which substantial weight should be applied. However, Toddington is identified in the JCS as a suitable for location for some limited residential development, and this fact alongside other material considerations are to be taken into account in the decision making process and the overall balancing exercises.

Design and layout

5.7 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.

5.8 The proposed development would incorporate the erection of 4 dwellings. The proposal is a linier form of development which respects the existing building line on this side of the B4077. It provides positive frontage to the highway and incorporates a scale of buildings which would be appropriate in this location.

5.9 Overall it is considered that the proposal is of an acceptable design and would sit comfortably within the street scene.

Landscape impact

5.10 The application site is located within the Cotswolds AONB. Policy SD8 of the JCS Submission Version requires new development within the AONB to conserve and where appropriate enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. The proposed development would be well related to the existing built development and would not appear prominent within the AONB. The application site also forms part of the residential curtilage of Ashgrove and is domestic in character. Overall it is not considered that the development would be significantly harmful to the landscape character of the area. However the proposal would erode the openness of the site which would undoubtedly result in some limited landscape harm and this must be considered in the planning balance.

Residential Amenity

5.11 Paragraph 17 of the NPPF sets out the 'Core Principles' of the NPPF, one of which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

5.12 The proposed dwellings would be located to the east of Ashgrove with no other immediate neighbours. It is considered that the proposal would provide for an appropriate level of amenity for the existing and proposed dwellings. The proposal would satisfactorily integrate the development within the surrounding settlement and the proposal is therefore considered acceptable in light of the Core Principles of the NPPF in respect of living conditions.

Highway considerations

5.13 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.

5.14 Two vehicular accesses would serve the dwellings with each one a shared access between the two dwellings. The CHA confirm that appropriate visibility can be achieved at the access and have confirmed that they raise no objection and that a condition should be imposed requiring the visibility to be achieved and maintained at the access.

Other Matters

5.15 The site 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.

5.16 The application site is intersected by a major hazard pipeline and therefore there is potential risk when developing the site. The Health and Safety Executive have been consulted on this application and do not advise against the development and the pipeline operator also confirms they have no objection.

6.0 Overall balancing exercise and conclusions

6.1 As set out above the starting point for determination of this application is the conflict with Policy HOU4, to which substantial weight should be applied. Whilst the Council is able to demonstrate a 5 year supply of deliverable housing sites, it is also of course a rolling calculation and the Council must ensure that sufficient sites are granted planning permission to meet the ongoing need for housing in the Borough.

6.2 The site is located in a reasonably accessible location adjacent to a named Service Village in the emerging JCS with access to local services and facilities and which is therefore suitable in principle for some limited residential development proportionate to its size and function. The application would contribute, albeit in a limited way, to the housing supply in the Borough and these are matters that weigh in favour of the proposal. Permission also already exists for two dwellings on this site.

6.3 It is considered that the design of the proposal development responds to the site's constraints and the context of the site. However there would be some limited harm to the AONB's landscape and scenic beauty and this weighs against the proposal and great weight should be attached to conserving AONB's in the decision making process.

6.4 The design, scale, layout and appearance of the dwelling is considered acceptable and the proposal would not detrimentally impact on residential amenity.

6.5 The consideration of material planning issues on this application is finely balanced. However, on balance, it is considered that the benefits of the application, and the location of the site adjacent to a service village, outweigh the conflict with the development plan in respect of policies HOU4 and other identified harms including to the AONB's landscape and scenic beauty. The proposal is considered to represent sustainable development and the application is therefore recommended for **Permit**.

RECOMMENDATION Permit

Conditions:

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

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 following approved plans, 1056.02 Rev B, 1056.03 Rev A, 1056.04 Rev A, 1056.06, 1056.06, 1056.07 Rev A and 1056.08 received 2nd February 2017.

Reason: To ensure that the development permitted is carried out in accordance with the approved plans.

3 The finished floor levels shall be fully in accordance with those shown on Drawing no. 1056.02 Rev B unless alternative details are first submitted to and agreed in writing with the Local Planning Authority. Any subsequently approved scheme 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.

4 Building operations shall not be commenced until samples of the facing and roofing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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.

5 Notwithstanding the provisions of Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development shall take place other than that expressly authorised by this permission.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and protect the through pressure gas line which runs through the application site.

6 The vehicular accesses hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m 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 82m to the west and 85m to the east (the Y points). The area between those splays and the carriageway shall be cleared of vegetation cut back and obstructions, and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

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 paragraph 32.

7 The vehicular accesses hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.5m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway/verge, and the area between those splays and the footway/verge shall be cleared of obstruction and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

Reason: To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 32.

8 Prior to first occupation, details of a proposed footway along the frontage of the site linking to the existing footway on the northern side of the B4077 shall be submitted to and approved in writing by the Local Planning Authority, the approved works shall be completed in all respects prior to first occupation and shall be similarly maintained thereafter, until and unless adopted as highway maintainable at public expense.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up, and ensure safe and adequate access in accordance with paragraph 32 of the National Planning Policy Framework.

9 The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan 0526.02B , and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

i. specify the type and number of vehicles;
ii. provide for the parking of vehicles of site operatives and visitors;
iii. provide for the loading and unloading of plant and materials;
iv. provide for the storage of plant and materials used in constructing the development;
v. provide for wheel washing facilities;
vi. specify the intended hours of construction operations;
vii. specify measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework. .

11 Prior to the commencement of the development hereby permitted a scheme shall be submitted to and approved in writing by the Local Planning Authority of hard and soft landscaping, which shall include indications of all driveways, existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection, in the course of development. The approved scheme shall be in accordance with National Grid's Notes For Guidance - Tree Planting Restrictions On Pipelines and shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason: To limit the impact of the development on the rural character and appearance of the area.

Notes:

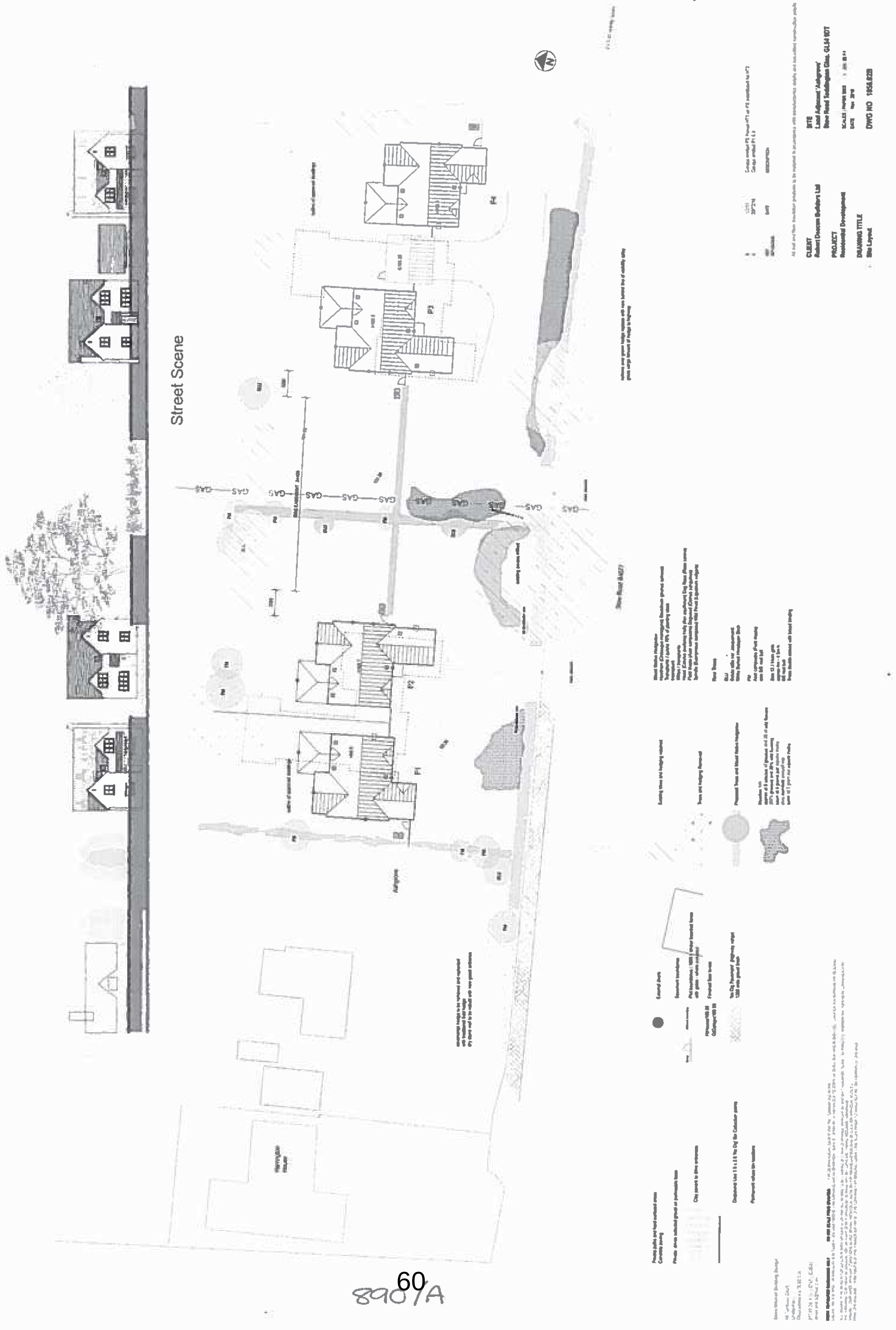
1 **Statement of Positive and Proactive Engagement**

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 The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

3 You are advised that a high pressure pipeline runs through the site and you should contact National Grid for further information about carrying out works in or near the pipeline easement.

16/01422/FUL



8901/A

CLIENT Robert Deacon Builders Ltd

SITE Land Adjacent Ashgrove Stow Road Toddington Glos. GL54 9DT

PROJECT Residential Development

DRAWING TITLE Floor Plans HT1

DRAWING NUMBER 1056.03A

SCALES / PAPER SIZE		1 : 100 @ A3
DATE		Nov. 2016
REVISION	DATE	DESCRIPTION
A	20/12/16	Garage omitted

Sch 61/B

Plots 1 & 4 (Plot 4 handed)

Ground Floor Plan

Fl. Area 185 sm (excluding conservatory)

Plots 1 & 4

Steve Mitchell Building Design

48 Cambray Court,
Cheltenham,
Gloucestershire GL50 1JX

01242 261415 / 07973 520581
email smbd@mac.com

CLIENT Robert Deacon Builders Ltd

SITE Land Adjacent Ashgrove Stow Road Toddington Glos. GL54 9DT

PROJECT Residential Development

DRAWING TITLE Elevations HT1

DRAWING NUMBER 1056.04A

SCALES / PAPER SIZE		1 : 100 @ A3
DATE		Nov 2016
REVISION	DATE	DESCRIPTION
A	20/12/16	Garage omitted

8062/C

mineral fibre slate roofs
cement verge

conservation style flush fitting roof window

black plastic rwg's

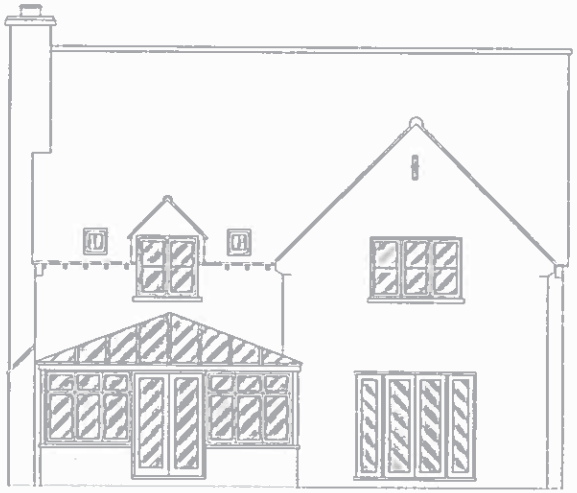
Natural stone walling
render to bay window and dormer cheeks

timber windows and external doors
cast stone window cills

East

South

West



North

Plots 1 & 4

Steve Mitchell Building Design

48 Cambray Court,
Cheltenham,
Gloucestershire GL50 1JX

01242 261415 / 07973 520581
email smbd@mac.com

CLIENT Robert Deacon Builders Ltd

SITE Land Adjacent Ashgrove Stow Road Toddington Glos. GL54 9DT

PROJECT Residential Development

DRAWING TITLE Floor Plans HT2

DRAWING NUMBER 1056.05

SCALES / PAPER SIZE 1 : 100 @ A3

DATE Nov 2016

REVISION DATE DESCRIPTION

01/2018

Ground Floor Plan

Fl . Area 198sm (excluding conservatory)

First Floor Plan 99 sm

Plots 2 & 3

Steve Mitchell Building Design

48 Cambray Court,
Cheltenham,
Gloucestershire GL50 1JX

01242 261415 / 07973 520581
email smbd@mac.com

CLIENT
SITE
PROJECT

Robert Deacon Builders Ltd
Land Adjacent Ashgrove Stow Road Toddington Glos. GL54 9DT
Residential Development

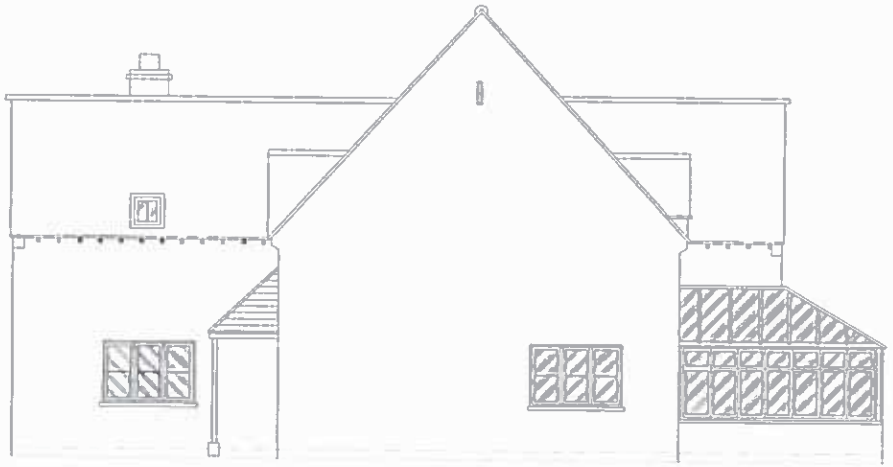
DRAWING TITLE Elevations HT2

DRAWING NUMBER 1056.06

SCALES / PAPER SIZE		1 100 @ A3
DATE		Nov. 2016
REVISION	DATE	DESCRIPTION
A	20/12/16	Garage omitted

Page 64

mineral fibre slate roofs
cement verge

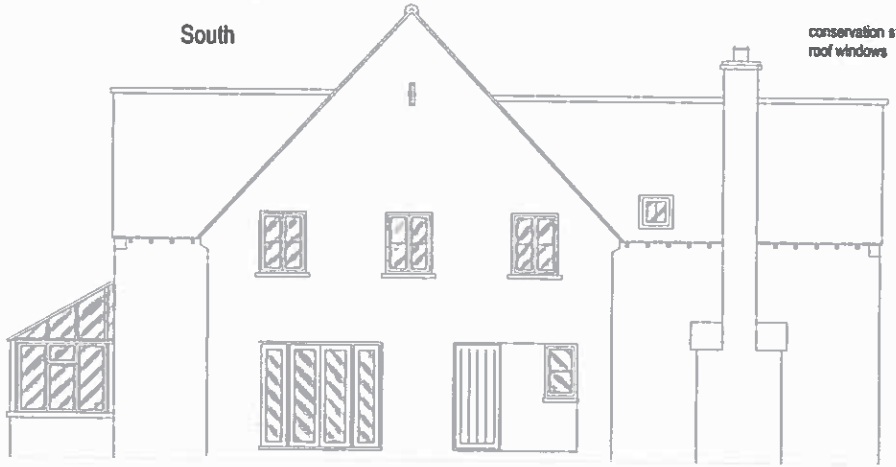


East

Naural stone walling
render to bay window and dormer cheeks

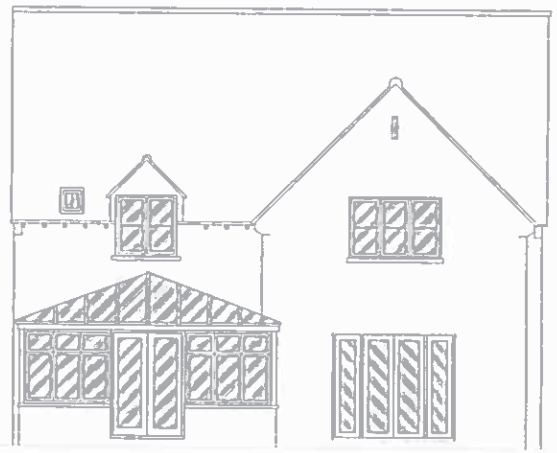
timber windows and external doors
cast stone window cills

South



conservation style flush fitting
roof windows

black plastic rwg's



West

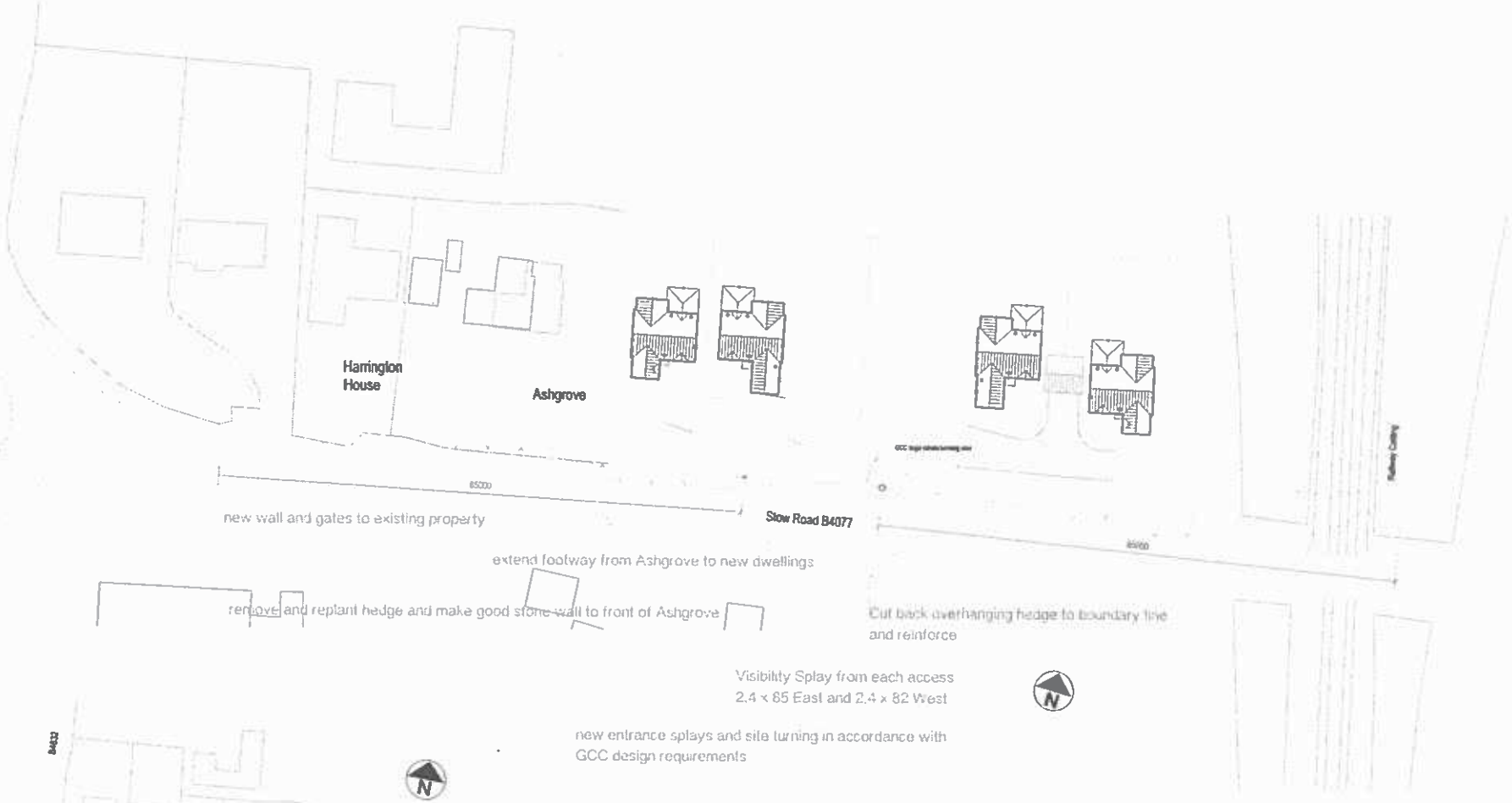
North

Plots 2 & 3

Steve Mitchell Building Design

48 Cambray Court,
Cheltenham,
Gloucestershire GL50 1JX

01242 261415 / 07973 520581
email smbd@mac.com



Site Location Plan : Scale 1 : 1250 @ A1

Steve Mitchell Building Design

48 Cambray Court
Cheltenham,
Gloucestershire GL50 1JX

01242 261415 / 07973 522581
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REF	DATE	DESCRIPTION
REVISIONS		
B	1/2017	Garage omitted P2 House HT1 on P2 substituted for HT2
A	20/12/16	Garage omitted P1 & 4

CLIENT
Robert Deacon Builders Ltd

PROJECT
Residential Development

DRAWING TITLE
Site Location & Off Site Works

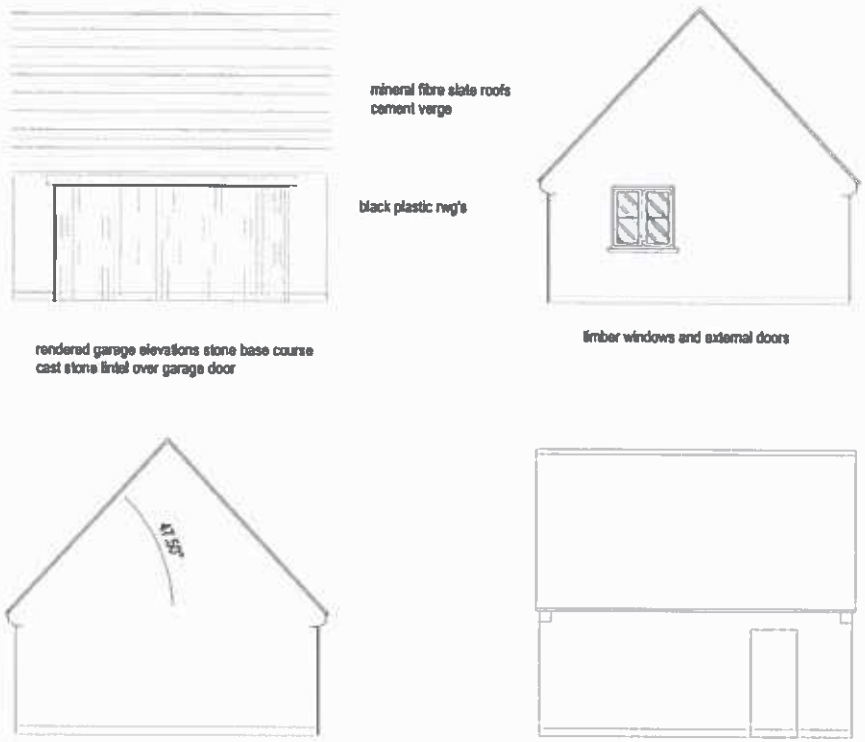
SITE
Land Adjacent 'Ashgrove'
Stow Road Toddington Glos. GL54 9DT

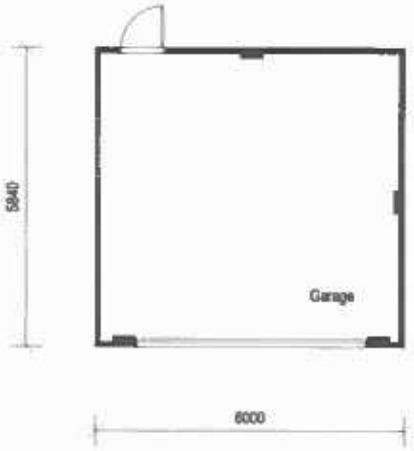
SCALES / PAPER SIZE 1 500 @ A1
DATE Nov 2016

DWG NO 1056.07A

WORK TO FIGURED DIMENSIONS ONLY DO NOT SCALE FROM DRAWING CHECK DIMENSIONS ON SITE BEFORE COMMENCING WORK
ALL DISCREPANCIES AND / OR AMBIGUITIES BETWEEN SITE CONDITIONS, THE DRAWINGS AND INFORMATION GIVEN ELSEWHERE TO BE REFERRED TO STEVE MITCHELL BUILDING DESIGN FOR CLARIFICATION BEFORE PROCEEDING
ALL WORKS SITE TO BE READ IN CONJUNCTION WITH SPECIFICATION AND ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH LATEST BRITISH STANDARDS / CODES OF PRACTICE AND MANUFACTURERS INSTRUCTIONS
THIS DRAWING TO BE READ IN CONJUNCTION WITH ANY OTHER SPECIALIST CONSULTANT OR SUBCONTRACTOR'S DRAWINGS
ENSURE COMPLIANCE WITH ANY CONDITIONS NOTED WITHIN WITH LOCAL AUTHORITY PLANNING AND BUILDING REGULATION APPROVAL NOTICE
FINAL EXTERNAL FINISHES / COLOURS OF PIPE / ABRICATED UNITS TO BE CONFIRMED BY MANUFACTURER / INSTALLER PRIOR TO MANUFACTURE OR FORMING OF ENTRANCE

CLIENT	Robert Deacon Builders Ltd	**DRAWING TITLE**	Detached Garage	SCALES / PAPER SIZE	1 : 100 @ A3
SITE	Land Adjacent Ashgrove Stow Road Toddington Glos. GL54 9DT			DATE	Nov. 2016
PROJECT	Residential Development	**DRAWING NUMBER**	1056.08	REVISION DATE	DESCRIPTION





Steve Mitchell Building Design

48 Cambray Court,
Cheltenham,
Gloucestershire GL50 1JX

01242 261415 / 07973 520581
email smbd@mac.com

17/00100/FUL	**5 Apple Orchard Close, Gretton, Cheltenham**	**5**
Valid 27.01.2017 Grid Ref 400929 230270 Parish Gretton Ward Winchcombe	Extension to existing conservatory to rear elevation. Mr & Mrs J Fleck 5 Apple Orchard Close Gretton Cheltenham Gloucestershire GL54 5DA	

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework
Planning Practice Guidance
Planning (Listed Buildings and Conservation Area) Act 1990
Tewkesbury Borough Local Plan to 2011 - March 2006 - HEN2, HOU8
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
Joint Core Strategy Submission Version November 2014
The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Gretton Parish Council: No objection to the proposal on planning grounds. However, they are concerned about the stability of the sloping ground and ask that Building Control confirm that the ground is secure.

Conservation Officer: No objection. Apple Orchard Close is a modern development which post-dates the 1975 Gretton Conservation Area. No. 5's rear elevation is fairly secluded and given that it already has a standard conservatory the extension proposed is unlikely to have any net additional impact.

Local Residents: One letter of support and one objection have been received. The comments are summarised below:

Support:
- The proposal is a perfectly reasonable project which will not affect anyone else, as such there is no reason to object.

Objection:
- The land at the site is very liable to landslip which is a danger to public safety, the residents of Gopshill Lane and also my property. There is already evidence of a landslip at my property.
- The applicant built the existing conservatory in June/July 2012 without applying for planning permission and also built a 4 metre high retaining wall within his curtilage without Conservation Area planning consent. The retaining wall has stabilised the northern end of his garden enabling to have an area of flat lawn.
- The extension to the conservatory was started without planning permission.
- The applicant should take measures to re-inforce/ underpin the western slope of the escarpment to secure his terrace and ensure that landslip does not occur- this could be achieved with another retaining wall.

Councillor Mason has requested Committee determination to allow members to assess the impact on the neighbouring property, the impact on the street scene and the neighbouring listed building.

Planning Officers Comments: Fiona Martin

1.0 Application Site

1.1 The application relates to 5 Apple Orchard Close which is a two storey property located within the cul-de-sac of Apple Orchard Close **(see site location plan attached)**.

1.2 The property is located within the Area of Outstanding Natural Beauty and Gretton Conservation Area. The permitted development rights for the property have been removed.

2.0 Planning History

2.1 Planning application for the erection of five detached houses with garages was permitted in May 1993.

2.2 There have been a number of historic applications for works to trees in the Conservation Area and for the retention of a fence 06/00210/FUL,

3.0 Current application

3.1 The current application is for the erection of a single storey rear extension to the existing conservatory (see attached plans). The proposal would increase the size of the existing conservatory.

4.0 Policy Context

4.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment.

4.2 Policy HOU8 of the Local Plan sets out, inter alia, that extension to existing dwellings will be permitted provided that the proposal respects the character, scale, and proportion of the existing dwelling. The policy requires that proposals must not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking. The proposal must also respect the character and appearance of the surrounding area. This policy is considered consistent with the framework and as such should be given due weight according to paragraph 215 of Annex 1 of the framework.

4.3 Section 12 of the NPPF relates to "conserving and enhancing the historic environment", paragraph 129 of the NPPF outlines that when determining applications Local Planning Authorities should assess how the heritage may be affected by the proposal.

4.4 Policy HEN2 of the Local Plan is consistent with the aims of the NPPF with regards to Conservation Areas. The policy requires that new development within Conservation Areas must be of a high standard of design and preserve or enhance the character or the appearance of the Conservation Area in terms or scale, form, materials and quality.

5.0 Analysis

5.1 The main issues to be considered with this application are: the design and its impact on the impact on the streetscene and Conservation Area, its on the setting of neighbouring listed building; and the impact on the residential amenity of the neighbouring property.

Design & Impact on the Street Scene

5.2 The proposed conservatory would have a total height of 3.5 metres to match the existing conservatory. The extension to the conservatory would see the total width increase to 6.4 metres, with the depth being 2.8 metres. By virtue of the size of the proposed extension the proposal would be of an appropriate size and design in keeping with the character and appearance of the property and would comply with the requirements of HOU8 in this regard.

5.3 The proposed extension to the conservatory would not be visible from the street scene as no.5 is higher than the existing street scene. Officers note that the existing conservatory is also not visible from the street scene of Gopshill Lane or Apple Orchard Close.

Impact upon the Conservation Area

5.4 No. 5 Apple Orchard Close is located within the Gretton Conservation Area and is within 50 metres of three listed buildings. The property post-dated the 1975 Gretton Conservation Area. The Council's Conservation Officer has assessed the application and comments that whilst the proposal is in close

proximity to listed buildings and within the Conservation Area the proposal would not detrimentally impact the character or appearance of the Conservation Area as the proposed conservatory would be single storey and modest in scale. As a result, it is considered that the proposal would comply with the requirements of HEN2.

Residential amenity

5.5 The proposed conservatory would be located to the south of the existing conservatory. Whilst the proposed extension would be located closer to the boundary with the neighbouring property (no.4), there would remain a distance of approximately 10 metres between the conservatory and the existing boundary and it is not considered that it would have an overbearing impact. It is also considered that the proposal would not create an adverse impact regarding overlooking in comparison to the existing situation.

5.6 Overall, after careful consideration, it is not considered that the proposed extension would cause demonstrable harm to the amenities of the neighbouring dwellings and would be in line with Policy HOU8 of the Local Plan.

Other issues

5.7 The neighbour has raised concerns that the proposal may impact on ground conditions which, it is argued, is liable to slippage. This is not however a planning issue and a matter controlled under Building Regulation. A note will be added to the decision notice advising the applicant to contact Building Control to ensure the ground is secure.

6.0 Conclusion

6.1 Overall, it is considered that the proposal would not result in an unacceptable loss of residential amenity to neighbouring dwellings and would be of an acceptable size and design. There would also not be any harm to the existing street scene, the Conservation Area or to the setting of nearby listed buildings. The proposal would therefore accord with the Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Policies HEN2 and HOU8 of the Local Plan and is **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.

2 The development hereby permitted shall be carried out in accordance with details within the application form and approved plans/drawings: site location plan, existing and proposed side elevations 1, existing and proposed side elevations 2, existing rear elevation, proposed rear elevation, proposed block plan, and proposed ground floor plan all received by the Local Planning Authority on 27th January 2017.

Reasons:

1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2 For the avoidance of doubt and in the interest of proper planning.

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 You are advised to contact building control and confirm that the ground is secure.

17/00100/FUL

Location Plan of GL54 5DA

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Scale: 1:1250, paper size: A4

Fleck Conservatory

Location Plan

Proposed conservatory extension to rear of property.

8937/A

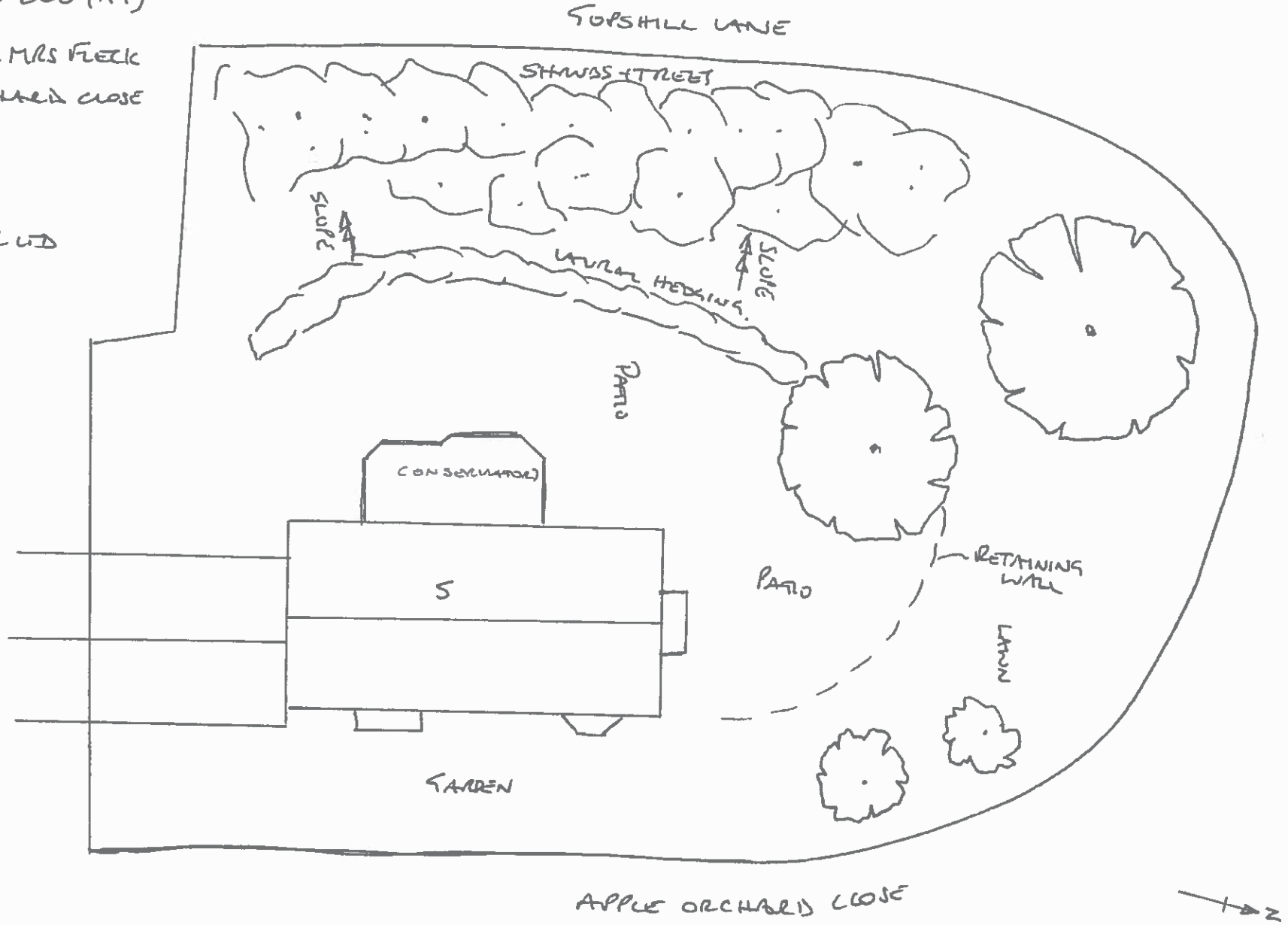
plans ahead by emapsite™

Prepared by: Paul Pearce, 26-01-2017

BLOCK PLAN 1:200 (A4)

APPLICANT : MR & MRS FLECK
SAPLE ORCHARD CLOSE
GRETTON
GL54 5DA

AGENT : F.T.P. LTD



8/71/B

APPLICANT: MR & MRS FLECK
5 APPLE ORCHARD CLOSE
GRETTON
GLOS GL54 5DA

EXISTING REAR ELEVATION 1:100 (A4)

8037/2

APPLICANT: MR & MRS FLECK
5 APPLE ORCHARD CLOSE
GRETTON
GLOS GL54 5DA

PROPOSED REAR ELEVATION 1:100 (A4)

08/03/08

17/00124/FUL	**46 Crispin Road, Winchcombe, Cheltenham**	**6**
Valid 04.02.2017 Grid Ref 402379 228858 Parish Winchcombe Ward Winchcombe	Single storey front extension Mr & Mrs Bruton 46 Crispin Road Winchcombe Cheltenham Gloucestershire GL54 5JX	

RECOMMENDATION Permit

Policies and Constraints

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

Consultations and Representations

Winchcombe Town Council - Objection - Concerns of overdevelopment on the site, the detrimental impact on the street scene and the impact on the neighbouring property to the south.

Local residents - No representations received

The application has been publicised through the posting of a site notice and no letters of representation have been received in the 21 day statutory consultation period or since.

Planning Officers Comments: Mr James Lloyd

1.0 Application Site

1.1 This application relates to 46 Crispin Road which is a semi-detached bungalow in Winchcombe. The application is also within the Cotswold Area of Outstanding Natural Beauty (AONB).

2.0 Planning History

2.1 10/01177/FUL - Construction of a single storey extension and garage to the rear of the property - Permitted 2010

3.0 Current Application

3.1 The current application seeks planning permission for the erection of a single storey front extension (see attached plans).

3.2 The proposed extension would project approximately 4.3 metres from the front elevation of the bungalow and would measure approximately 5.69 metres in width. The proposed extension would face 'gable' onto the road and the existing front entrance would be repositioned. The proposed height would measure approximately 4 metres to the ridge and 2.1 metres to the eaves. The extension would be constructed using external brick work and concrete pantiles to match the existing building. The existing window on the front elevation would be re-used.

4.0 Policy Context

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

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

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

4.4 Paragraph 115 of the NPPF states that 'great weight' should be given to conserving the landscape and scenic beauty of the AONB.

4.5 Policy SD8 of the Proposed Main Modifications version of the Joint Core Strategy (PMMJCS) reflects this requirement to conserve and enhance the special landscape, scenic beauty and cultural heritage of the AONB

5.0 Analysis

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

Design, Size and Visual amenity

5.2 The Parish Council have objected on the grounds that the proposal would not be in-keeping with the surrounding bungalows and would be detrimental to the street scene.

5.3 The Parish Council's concerns are noted, however, the proposed front extension would not project beyond the front building lines of the detached bungalows directly to the north which also face 'gable' onto the street. Whilst the front extension would alter the linear appearance of the existing bungalow there are many examples of bungalows in the immediate area that share this 'gable' on relationship with the road. It is also considered that the design of the proposed extension would be sympathetic in scale, form and materials to the existing dwelling, and would not unreasonably detract from the existing garden area within the curtilage of the dwelling. Overall, it is judged that the proposed development would respect the character and appearance of the area and would protect the visual attractiveness of the AONB and would not be considered harmful or out of keeping with the existing street scene and existing property.

Residential amenity

5.4 The Town Council have also objected to the proposal on the grounds that the proposed extension would have a negative impact on the neighbouring property directly to the south.

5.5 The proposed extension would be set off the southern edge of the application site where there is an existing boundary treatment (a mature hedge). The proposed extension has been designed with a pitch roof with a maximum height of 4 metres and a ridge height of approximately 2.1 metres.

5.6 With regard to residential amenity, the height of the proposed extension, when considered in relation to existing boundary treatments, it is not considered to have an overbearing impact on the neighbouring property to the south or other neighbouring properties. The eaves height would match that of the existing property and the roof would slope northwards away from the neighbouring property. Although it would extend the built form of the existing dwelling, the proposal would not have an unduly overbearing impact on neighbouring property that would warrant refusal on these grounds. There is a proposed new window opening on the side elevation facing south, however, it is considered that due to the fact that the window would look forward of the neighbouring property into the front garden (an area not considered to be a protected residential space), the proposal would not cause any undue impact on the amenity of neighbouring property in terms of overlooking or loss of light in accordance with Policy HOU8 of the Local Plan.

6.0 Conclusion

6.1 Whilst the Town Councils comments have been taken into account, it is considered that the proposed front extension would not be harmful to the appearance of the area, nor would it result in an unacceptable loss of residential amenity to neighbouring dwellings. It would also be of an acceptable size and design, and would therefore accord with Policy HOU8 of the Local Plan and the NPPF. 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.

2 The development hereby permitted shall be carried out in accordance with details within the application form and approved plans/drawings Nos. 46.CR.WP.R1.01 & 46.CR.WS.U.01 received by the Local Planning Authority on 1st February 2017

3 The external materials of the proposed extension shall match as near as possible the materials of the existing dwellinghouse (46 Crispin Road).

Reasons:

1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interest of proper planning.

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

Note:

Statement of Positive and Proactive Engagement

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

46 Crispin Road, Winchcombe, Glos

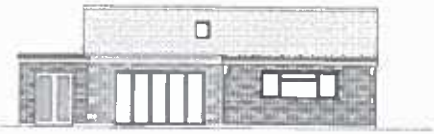
Proposed Alterations

Survey Drawing

North Elevation
Scale 1:100

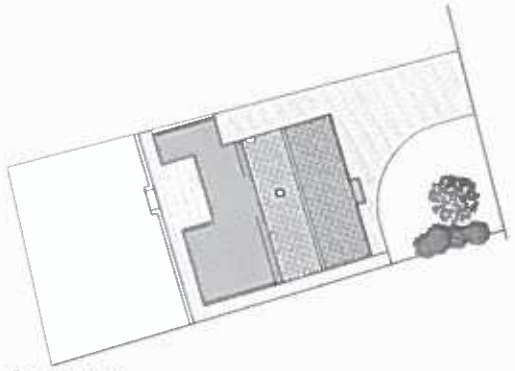
East Elevation
Scale 1:100

South Elevation
Scale 1:100

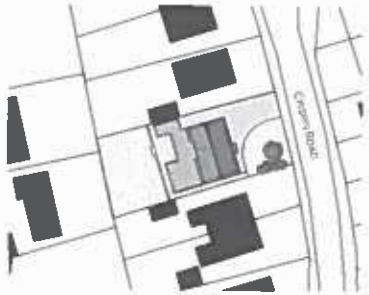


West Elevation
Scale 1:100

Ground Floor Plan
Scale 1:50



Site Plan
Scale 1:200



Block Plan
Scale 1:500

Location Plan
Scale 1:1250

0	FIRST ISSUE	11.01.2017
REVISION	NOTES	DATE

Mr and Mrs Bruton

Rainbow End
46 Crispin Road
Winchcombe
Cheltenham
Glos

Survey Drawing

CONSTRUCTION SPECIALTIES

UP	Jan 2017	UP	Jan 2017
AS STATED A1	46.CR.W.SU.01		0

896/A
77

17/00124/FUL

46 Crispin Road, Winchcombe, Glos

Proposed Alterations
Proposed Extension

896/B

78

17/00186/FUL	**47 Stanton Road, Mitton, Tewkesbury**	**7**
Valid 14.02.2017 Grid Ref 390024 233532 Parish Tewkesbury Ward Tewkesbury Town With Mitton	Two storey side and single storey rear extensions Mr & Mrs Adams 47 Stanton Road Mitton Tewkesbury Gloucestershire GL20 8AE	

RECOMMENDATION Permit

Policies and Constraints

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

Consultations and Representations

Tewkesbury Town Council - Objection - Proposal includes a flat roof and is out of proportion to existing property.

Local residents - No representations received

The application has been publicised through the posting of two site notices and no letters of representation have been received in the 21 day statutory consultation period or since.

This application is to be determined by the Planning Committee because one of the applicants is an employee of Tewkesbury Borough Council.

Planning Officers Comments: Mr James Lloyd

1.0 Application Site

1.1 This application relates to 47 Stanton Road a semi-detached property located within Mitton, Tewkesbury. There are no landscape designations. The property is located within an established residential estate of similar dwellings (see attached site location plan).

2.0 Planning History

None pertaining to this application

3.0 Current Application

3.1 The current application is for the erection of a two storey side extension and a single storey rear extension (see attached plans).

3.2 Both extensions are proposed to be constructed with materials to match the existing building.

4.0 Policy Context

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

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

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

5.0 Analysis

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

Design & visual impact

5.2 The proposed two-storey side extension would not result in a disproportionate addition to the existing property. The proposed side extension would have a pitched roof to replicate the pitch of the existing property and the materials would also match. Furthermore there are a number of similar sized two storey side extensions in the immediate vicinity. The design and scale of the proposed side extension is considered acceptable and it is considered that it would respect the character and appearance of the existing property and surrounding area.

5.3 The Town Council have raised an objection to the design of the single-storey rear extension and considered that it is out of proportion to existing property. The original scheme proposed a flat roof (that measured approximately 2.6 metres in height) with a parapet wall on either side of the extension (measuring approximately 3.2 metres in height). Officers consider that the parapet was an unnecessary design feature that added approximately 0.50 metres to the height of the extension and suggested that a more traditional flat roof extension would be appropriate. The applicants have submitted revised plans (see attached plans) removing the large parapet element from the scheme and replacing it with a much smaller parapet. It is considered that this change is now acceptable.

5.4 The single storey rear extension would project approximately 4.5 metres into the rear garden, which although of a significant size is not visually prominent within the surrounding area. Furthermore the property benefits from a large garden and it is not considered the proposal would result in a cramped form of development and warrant refusal in this case. The proposed materials would also match those of the existing property. The application is therefore considered to accord with the principles set out in HOU8 of the Local Plan with regards to design.

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

Residential Amenity

5.6 The application site is orientated at a right angle to the properties located on Carrant Road (see attached plans). The eastern (side) boundary of the application side forms the rear boundary to the gardens of Nos. 77 and 79 Carrant Road. The side extension would run close to the party boundary with these two properties with an approximate distance of 11.5 metres between the proposed side extension and the neighbouring dwellings. No. 77 Carrant Road has a detached single storey garage located at the end of the garden set on the boundary between the two properties; a boundary fence/wall separates the garage from the garden. Whilst the two storey extension would be set on the boundary it would be located adjacent to the garage of No.77 Carrant road with approximately 3 metres from the rear amenity space associated with this property.

5.7 Given both the orientation of the property and the fact that the proposed extension would be separated from the amenity space by a garage, it is considered that the proposal would not have a significant adverse impact on the amount of light received by the neighbouring properties. Furthermore given the existing relationship and distance between the properties it is not considered that the proposal would result in an adverse impact in terms of overbearing and loss of outlook.

5.8 No windows are proposed in the side elevation of the two-storey extension and therefore no overlooking would occur to the neighbouring properties to the east. The neighbouring property to the west benefits from a single storey extension of similar height to the proposal and it is considered that there would be no loss of privacy or adverse impact on the amount of light received by this property.

5.9 With the above in mind, it is considered that there would not be a significant loss of residential amenity in terms of loss of light and overbearing impact to neighbouring properties and consequently it is not considered that there would be an undue impact upon their amenity in accordance with Policy HOU8.

6.0 Conclusion

6.1 Whilst the Town Councils comments have been taken into account, it is considered that the revised proposal would not result in an unacceptable loss of residential amenity to neighbouring dwellings, would be of an acceptable size and design and there would not be a harmful impact on the surrounding area. The proposal would therefore accord with the NPPF and Policy HOU8 of the Local Plan and is recommended for permission subject to conditions.

RECOMMENDATION Permit

Conditions:

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

2 The development hereby permitted shall be carried out in accordance with details within the application form and approved plans/drawings Nos. 17.1811.SP02 received by the Local Planning Authority on 14th February 2017 and the approved revised plans/drawings Nos. 17.1811.06A & 17.1811.07A received by the Local Planning Authority on 27th March 2017.

3 The external materials of the proposed extensions shall match as near as possible the materials of the existing dwelling house.

Reasons:

1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interest of proper planning

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

Notes:

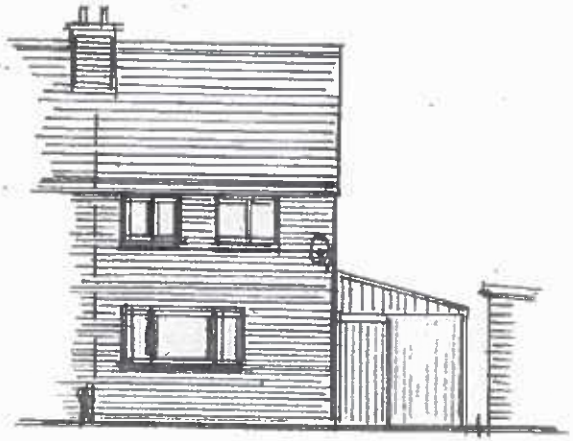
1 **Statement of Positive and Proactive Engagement**

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

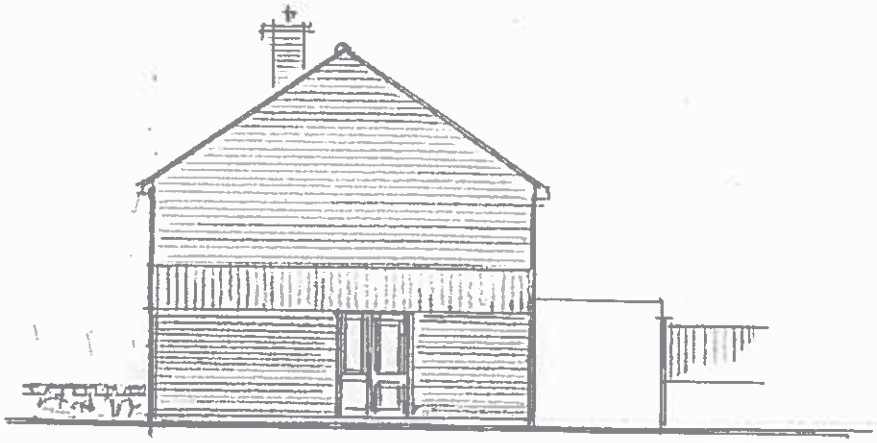
2 This decision relates to the revised plans received by the Local Planning Authority on 27/03/2017.

17/00186/FUL

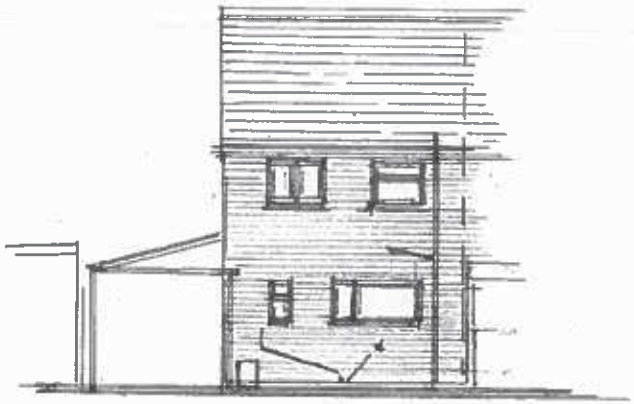
8A/A



FRONT ELEVATION.



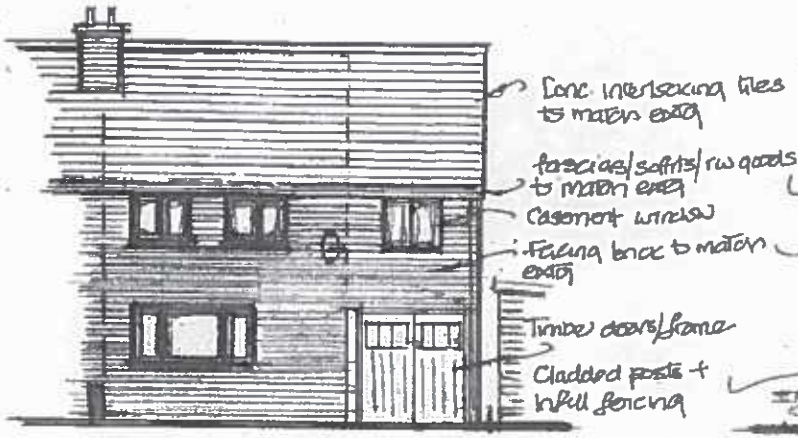
SIDE ELEVATION.



REAR ELEVATION.

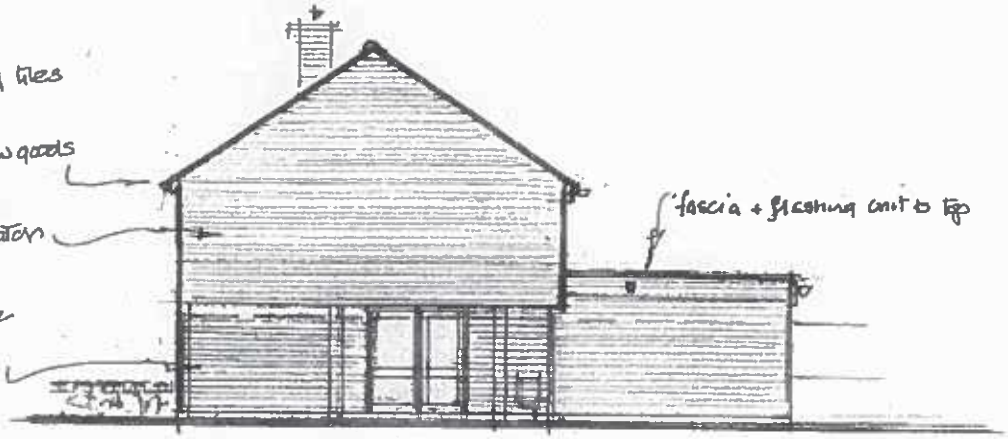
PLANNING AND DEVELOPMENT SERVICES
Officer: .....
Scanned: .....
Rec'd 14 FEB 2017
Ack'd .....
Ans'd .....
File .....

Nº 47 STANTON ROAD. TEWKESBURY.
GLOS. GL20 8AE.
ELEVATIONS AS EXISTING. 1:100
17: 1811: 03 FEB 2017
Dennis L Rayton tel 01242 620818.



FRONT ELEVATION.

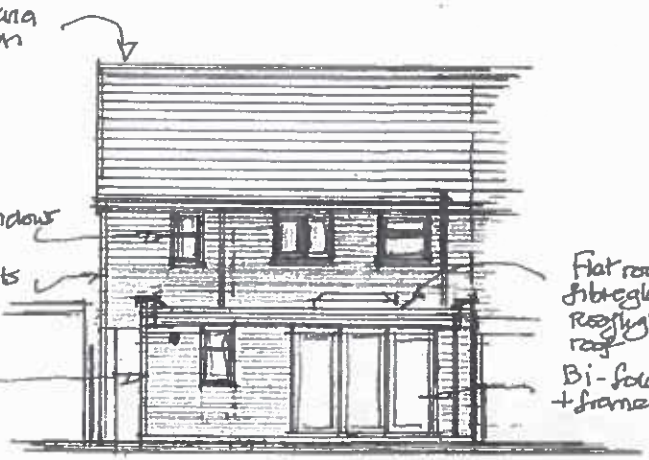
2 Storey extension



SIDE ELEVATION.

2 storey extension

Single storey extension



REAR ELEVATION.

single storey extension

2 Storey extension

84/C

TV BOROUGH COUNCIL
OPERATIONS
27 MAR 2017

Revision
A Parapet walls omitted to flat roof. 24 3 17

No 47 STANTON ROAD. TEWKESBURY.
GLOS. GL20 8AE.
ELEVATIONS AS PROPOSED. 1:100
17: 1811 : 07A. FEB 2017
DENNIS L RAYTON TEL 01242 620818.

17/00105/FUL	**Willowdene, Gloucester Road, Staverton**	**8**
Valid 27.01.2017	Construction of dwelling to replace existing dwelling and outbuildings, and associated works.	
Grid Ref 389504 222471 Parish Staverton Ward Badgeworth	Mr Shaun Gorman C/O Agent	

RECOMMENDATION Refuse

Policies and Constraints

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
Main Modification Version Joint Core Strategy (2017) - SD5, SD6, SD7, INF1, INF2, INF3
Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, HOU7, GRB1 TPT1, EVT9, LND7
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)
Countryside and Rights of Way Act 2000
Green Belt
Public Right of Way

Consultations and Representations

Staverton Parish Council - No comments received

County Highways - No highways objection is raised.

Local Residents - No comments received

Councillor Vines has requested that the application is taken to committee to assess the suitability of this proposal given its Green Belt location.

Planning Officers Comments: Paul Instone

1.0 Application Site

1.1 The application site is located to the north of the B4063 Gloucester Road and to the west of the M5 motorway in the Parish of Staverton. The site is not within a recognised residential development boundary as defined in the Tewkesbury Borough Local Plan and is located in the Gloucestershire Green Belt. A public footpath runs along the sites western boundary. There is an existing single storey dwelling and associated outbuildings located on the application site.

2.0 Relevant Planning History

2.1 The site has an extensive planning history and there have been various attempts to extend the amount of living accommodation on site. There have also been a number of enforcement cases and unsuccessful applications relating to the use of land for the sale and display of motor vehicles and for the stationing of touring caravans.

2.2 In 2000 an application was submitted for the erection of a replacement single storey dwelling (ref: 00/01132/FUL). Planning permission was granted in October 2000 but never implemented and the permission has now expired.

2.3 In April 2016 permission was granted for a replacement dwelling (ref: 16/00446/FUL). The permitted dwelling is a 'U' shaped single storey dwelling and would replace the existing single storey dwelling and associated outbuildings on the site.

2.4 In August 2016 permission was granted for a revised scheme to planning permission 16/00446/FUL (ref: 16/00763/FUL) for the erection of a replacement dwelling and associated works including alterations to the residential curtilage boundary. The permitted dwelling was a 'U' shaped single store dwelling with dormers at first floor and would replace the existing single storey dwelling and associated outbuildings on the site.

2.5 In December 2016 planning permission (ref: 16/01093/FUL) was refused for the erection of replacement dwelling and associated works including alterations to the residential curtilage boundary. This proposal was similar to the current application and was for a 2-storey dwelling but with a higher ridge height as well as a protruding rooflight. The application was refused for being inappropriate development in the Green Belt and adversely impacting on the character and appearance of the landscape. The permission has not been implemented.

2.6 In January 2017 permission was granted for a new agricultural building (ref: 16/01066/FUL).

3.0 Current Application

3.1 This application seeks planning permission for the erection of a replacement dwelling. The proposed dwelling would have 5 bedrooms and replace an existing single storey dwelling and associated outbuildings with a two storey dwelling with a pitched roof with a ridge height of circa 7 metres in approximately the same position on the site. The ridge height of the dwelling permitted by 16/00763/FUL is circa 6.4 metres and the ridge height of the proposed dwelling refused by 16/01093/FUL was circa 8.2 metres.

3.2 The proposed dwelling includes dormer windows on the front and rear elevation and a front facing projecting gable. The proposed dwelling would have a different shaped footprint to the approved scheme. The access and drive arrangements would remain the same as already approved as would the extent of the garden. Both the existing application and approved scheme propose that the existing dwelling and outbuildings are to be removed **(see proposed plans and elevations)**.

3.3 The existing dwelling which is to be replaced is single storey with a footprint of circa 120 sq m and in addition the outbuildings have a cumulative floor area of approximately 89 sq m.

4.0 Policy Context

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

4.2 Section 9 of the NPPF makes clear that the Government attaches great importance to Green Belts and states Local Planning Authorities should regard the construction of new dwellings as inappropriate development in the Green Belt. Such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 sets out that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.3 There are exceptions, however, to the construction of new buildings in the Green Belt. Paragraph 89 sets out that the replacement of a building is not inappropriate development in the Green Belt provided the new building is in the same use and not materially larger than the one it replaces. This is reflected in Policy GRB1 of the Local Plan which considers the replacement of dwellings to be acceptable provided that any replacement is not materially larger than the dwelling it replaces.

4.4 In seeking to protect the countryside policy HOU7 is consistent with the aims of the Framework in that it seeks to protect valued landscapes. Similarly the requirement of Policy LND4 of the Local Plan to consider the need to protect the character and appearance of the rural landscape is consistent with the aims of the Framework. In addition policy SD7 of the Main Modifications Version of the Joint Core Strategy (MMJCS) seeks to protect landscape character and is considered consistent with the NPPF and would therefore carry some weight.

4.5 However, the requirement of Policy HOU7 for replacement dwellings to not be significantly larger than the dwelling it would replace is not considered consistent as there are no specific policies in the Framework to indicate that development of this nature should be restricted. The conflict with Policy HOU7 should be considered against the Framework which supports the enhancement and improvement of the places in which people live their lives whilst, whilst conserving the natural environment.

4.6 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

5.0 Analysis

5.1 The main issues for consideration in the application are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
- the effect of the proposal on the openness of the Green Belt;
- the effect of the proposal on the character and appearance of the area; and
- whether the harm, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so would this amount to the very special circumstances necessary to justify the proposal
- the design of the proposal and impact on the character of the landscape

Green Belt Policy

Inappropriate Development

5.2 As set out above, Policy GRB1 of the Local Plan states that the replacement of dwellings can be acceptable provided that any replacement is not materially larger than the dwelling it replaces. This policy is consistent with paragraph 89 of the NPPF which states that new buildings in the Green Belt are inappropriate development unless they fall within the given exceptions, which include that they are not materially larger than the building being replaced.

5.3 The existing dwelling has a floorspace of approximately 120sq m. There are also a number of existing outbuildings on the site, which have a cumulative floor area of approximately 89 sq m. The applicant has stated that these would be removed as part of the current proposal and that the removal of the outbuildings and the impact on the openness of the Green Belt should be considered as part of the application. While paragraph 89 specifies the replacement of a 'building' rather than 'buildings', it has been established in recent case law that there is no reason why the objective of Green Belt policy cannot be met by the application of this exception to a group of buildings as well as a single building and therefore it is considered the impact of the removal of the outbuildings is a consideration of the application.

5.4 The proposed replacement dwelling would be two storey with a footprint of approximately 175sq m and a combined floorspace of approximately 350sq m. This would be significantly larger than the existing dwelling and even taking into account the outbuildings would be materially larger (by approximately 141 sq.m). Notwithstanding this, an assessment of whether the proposal is 'materially larger' should be considered in the site context and this not only depends on building footprint, but also height and depth which effect the bulk, mass and prominence of the dwelling. The existing dwelling is a modest bungalow with a low ridge height. The proposed replacement dwelling by contrast would be a two storey dwelling with a ridge height of circa 7 metres and would appear significantly larger than the existing dwelling and outbuildings it would replace.

5.5 The applicant considers that approved application 16/00763/FUL, which is still extant, should provide a fallback position and contends that the current proposal is not materially larger than the extant consent. However, the NPPF makes clear at paragraph 89 (bullet point 4) that for replacement buildings to be appropriate development, the replacement building should not *"be materially larger than the one it replaces"*. To argue the case that the consideration should be whether a replacement building is materially larger than an extant permission would create opportunities for applicants to submit multiple applications to seek incremental increases in size and make the case that the proposal is not materially larger than a previous consent. This cannot be the intention of the NPPF.

5.6 Notwithstanding this matter, extant permission 16/00763/FUL is for a single storey dwelling with dormers at first floor and overall ridge height of circa 6.4 metres and a footprint of 210 sq m **(see permitted application 16/00763/FUL elevations**. By virtue of the architectural approach the extant consent would appear as a single storey structure. Whilst the footprint of the extant permission is larger than the current scheme, by contrast the current proposal appears as a two storey dwelling. It is considered that by virtue of the increased roof height as well as the additional bulk and mass at the upper levels, that the current proposal would appear materially larger than extant planning permission 16/00763/FUL.

5.7 It is therefore concluded that the development would constitute inappropriate development contrary to Paragraph 89 of the Framework, as well as Local Plan Policy GRB1.

Openness

5.8 With regard to openness, visually the application site is in an isolated location on the northern side of Gloucester Road and is surrounded by fields to the north, west and east all of which are located in the Green Belt. The existing dwelling on the site is a single storey structure positioned towards the front of the site and the existing outbuildings (also single storey) are low key structures generally located to the rear of the site. Their impact on openness is therefore limited. Whilst the outbuildings would be removed by the proposal, the proposed replacement dwelling would be a two storey building that would be highly visible from the road to the front and Public Right of Way (PROW) running immediately adjacent to the western boundary of the site. It is concluded therefore that the proposal would materially harm the openness of the Green Belt in this location. Having regard to paragraph 88 of the NPPF this harm must be afforded substantial weight against the proposal.

Design, Character, Appearance and Landscape Impact

5.9 Policy HOU7 stipulates that replacement dwellings should be of similar size and scale to the existing dwelling. The reasoned justification attached to Policy HOU7 sets out that the rebuilding and replacement of existing dwellings should not result in the introduction of large scale dwellings of alien design and inappropriate materials which may harm the local environment, and form incongruous features in the wider landscape setting. Policy LND4 of the Local Plan states that in considering proposals regard will need to be given to protect the character and appearance of the rural landscape. Policy SD7 of the MMJCS also seeks to protect landscape character and policy SD5 sets out design requirements.

5.10 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 better places for people.

5.11 NPPG advises that permission should be refused for development of poor design that fails to take account of the opportunities available for improving the character and quality of an area and the way that it functions.

5.12 In terms of character the application site is open and characterised by low key buildings which maintain the open, rural character of the site.

5.13 By contrast, it is considered that the architectural approach does not respond to the context of the site and the defining characteristic of the landscape and represents poor design. The dwelling is a prominent 2 storey structure and includes architectural features such as a prominent gable entrance, dormer windows and a chimney which visually appears unconnected to the building and the roofline. The incorporation of a flat roof also contributes to the perception of a sprawling built form when viewed from the east and west elevation All of these features increase the visual bulk of the building creating an urbanising character which is harmful to the essential characteristic of the landscape and would make the dwelling considerably more prominent than the existing dwelling, and indeed the previously permitted replacement dwelling, which is a single storey and relatively low key building. The architectural approach represents poor design which would conflict with the local distinctiveness and predominant character of the site and would be an incongruous and unsympathetic intrusion from the character and appearance of the area.

5.14 It is considered that the impact on the landscape of the proposed replacement dwelling, taking into account the removal of outbuildings, would be materially more harmful to the landscape character of the site than the existing situation. It is also considered that the design and appearance of the proposed development is considered incompatible and inappropriate to the context of the application site.

5.15 In this instance the design of the proposal is incompatible with the application site and the way that it functions in it's wider context. As such, it is considered that the proposal has failed to respond to the context of the site and would be harmful to the defining characteristics of the application site and the wider landscape and the application is contrary to the NPPF, policies SD5 and SD7 of the MMJCS and local plan policies HOU7 and LND4.

Residential Amenity

5.16 The proposed dwelling would be positioned some distance away from its nearest neighbours. The proposed replacement dwelling house would also be set in generous grounds which would further mitigate any adverse impact on residential amenity. It is considered that the proposed replacement dwelling would not have any significant adverse impact on the amenities of occupiers of neighbouring properties.

Highway Safety

5.17 Gloucester Road is subject to a designated speed of 50mph. The proposed development includes offstreet parking and turning areas and would utilise an existing access. There would be no intensification of the use given that the development relates to a one for one replacement. The County Highway Authority raises no objection to the proposals and it is not considered that the proposed development would be detrimental to highway safety.

6.0 Overall balancing exercise and conclusions

6.1 The NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, any harm to the Green Belt carries considerable weight. In this case it has been concluded that the proposed replacement dwelling would be materially larger than the existing dwelling (and the previously permitted replacement dwelling) and would harm the openness of the Green Belt. There would therefore be harm from inappropriateness in the Green Belt, as well as loss of openness. It is considered that there are no very special circumstances or any other consideration that outweigh the harm.

6.2 Similarly it is considered that the proposed replacement dwelling represents poor design, would not be of a similar size and scale to the existing dwelling and would be an incongruous intrusion, which has failed to respond to the context of the site and would have a visually urbanising effect that would be harmful to the defining characteristics of the application site and detrimental to the rural character and appearance of the area.

6.3 In light of the above, it is considered that the proposed development is inappropriate development in the Green Belt which would be harmful to the openness of the Green Belt. The dwelling is poor design would also be a visually intrusive and discordant feature in the landscape. The application is considered contrary to the NPPF, Policies LND4, HOU7 and GRB1 of the Local Plan and emerging policies SD5 and SD7 of the MMJCS. The application is therefore recommended for refusal.

RECOMMENDATION Refuse

Reasons:

1 The proposed development constitutes inappropriate development in, and would materially harm the openness of, the Green Belt in conflict with the purposes of including land in it. The proposal therefore conflicts with policy GRB1 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the provisions of the National Planning Policy Framework (2012).

2 The proposed dwelling would, by reason of its poor design, size and massing, appear visually intrusive and out of keeping with the surrounding development and would have a visually urbanising effect that would be detrimental to the rural character and appearance of the area, contrary to Policy LND4 of the Tewkesbury Local Plan - March 2006, Polices SD5 and SD7 of the Main Modifications Version of the Joint Core Strategy (2017) and the provisions of the National Planning Policy Framework.

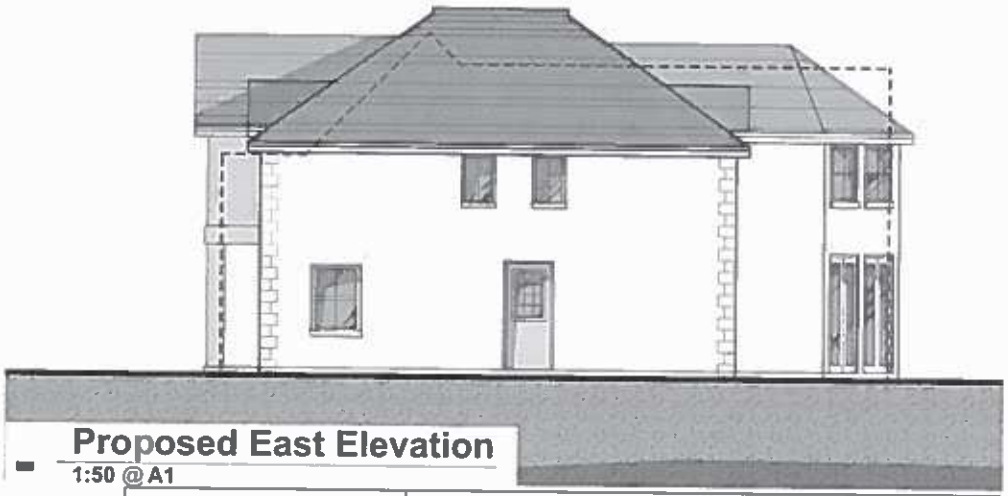
Note:

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

Proposed South Elevation
1:50 @ A1

Proposed North Elevation
1:50 @ A1

Proposed West Elevation
1:50 @ A1



Proposed East Elevation
1:50 @ A1

OUTLINE POSITION OF APPROVED NEW DWELLING PLANNING REFERENCE 16/00763/FUL

Revision Description	Date	Check	Rev
Amend windows & doors to align with Plan to PO comments 10.03.17	10.03.17	MP	B
Amendments to client instruction 16.01.17	17.01.17	MP	A

Client	Mr S Gorman
Project	Willow Dene Replacement Dwelling
Drawing Title	Proposed Elevation

Status	Local Authority	Date	March 2017	Drawn By	
Scale	1:100	Dwg No	2349-11	Revision	B

903/A 91

17/00051/FUL

16/00822/OUT	**Part Parcel 1228, Main Road, Minsterworth**	**9**
Valid 22.07.2016	Residential development of up to 6 dwellings with associated vehicle access.	
Grid Ref 378056 217205 Parish Minsterworth Ward Highnam With Haw Bridge	The beneficiaries of the estate of Michael Lunt C/O The Harps Great Parton Eardisley HR3 6NX	

RECOMMENDATION Permit

Policies and Constraints

NPPF
Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU4, HOU14, LND4, TPT1
Flood and Water Management SPD
Joint Core Strategy Main Modifications
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

Minsterworth Parish Council - No objection
County Highways - No objection, subject to conditions
Highways England - No objection
Drainage - No comments
Archaeology - No further archaeological investigation or recording is required
Community team - No comments
S106 Monitoring Officer - Sufficient school capacity to accommodate the expected increase of children.
Urban Design - No objection
Environmental Health - No objection

Representations - 1 letter of objection received, raising the following points:
- The A48 is a notoriously dangerous road, especially this stretch
- Limited visibility
- Proposal will add to an already dangerous stretch of road

Planning Officers Comments: Suzanne D'Arcy

1.0 Introduction

1.1 The application site is a green field site, located to the north of the A48.

1.2 Minsterworth does not have a housing development boundary. There is a linear form of development to the south of the A46 and some residential development to the west of the site.

2.0 Relevant Planning History

2.1 Outline planning consent was granted in September 2016 for the residential development of up to 4 dwellings with associated access (ref: 16/00823/OUT) on a site to the east.

3.0 Current application

3.1 This is an outline application for the erection of up to 6 dwellings, with access to be considered. All other matters are reserved.

4.0 Policy Context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

Development Plan

4.2 The development plan comprises the saved polices of the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy HOU4 of the Local Plan explains that within such locations new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry, involve the acceptable conversion of an existing building or the provision of affordable housing in accordance with Policy HOU14. Policy LND4 seeks to protect the character and appearance of the rural landscape. Policy TPT1 requires safe and convenient access for all transport modes and that development should have an acceptable impact on the safety and satisfactory operation of the highway network.

National Planning Policy Framework (NPPF)

4.3 The NPPF sets out the presumption in favour of sustainable development. Sustainable development has three dimensions: economic, social and environmental. Paragraph 14 of the Framework sets out that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

5.0 Analysis

5.1 The main issues to be considered are the principle of development, impact on the character of the area, highway safety and impact on residential amenity.

Principle of development

5.2 Minsterworth does not have a defined development boundary and as such, residential development should be considered in the context of Policy HOU4. On 31st January the Council approved for consultation the latest draft of the Joint Core Strategy (JCS). In doing so the Council approved the Objectively Assessed Need (OAN) for Tewkesbury which stands at 9,899. It is considered that this figure is robust having been arrived at following detailed consideration through the Examination in Public process. Following from the OAN there is an annual requirement to meet Tewkesbury's needs of 495 dwellings.

5.3 Using this robust figure, taking into account current supply, including planning permissions granted, those which the Planning Committee have determined to grant subject to finalisation of s106 legal agreements and a windfall allowance, the Council can demonstrate a 5.3 year supply with a 20% buffer applied.

5.4 In light of the fact that the Council is able to demonstrate a five-year supply of deliverable housing sites, saved Policy HOU4 of the Tewkesbury Borough Local Plan should no longer be considered out of date pursuant to paragraph 49 of the NPPF.

5.5 In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise), the presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply.

5.6 Section 38(6) of the Town and Country Planning Act 1990 provides that the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. In this case, as reiterated by paragraph 12 of the NPPF, the presumption is against the grant of permission given the conflict with policy HOU4 and as such permission should be refused unless material planning circumstances indicate otherwise.

5.7 Minsterworth is defined as a Service Village in the MMJCS however. The settlement contains some services facilities including a village hall, school, shop and a public house and is serviced by bus routes to larger centres. As such, it is considered that the proposal would not represent new isolated homes in the

countryside. It is recognised that there would be a clear conflict with policy HOU4 of the Local Plan to which substantial weight should be applied. However, Minsterworth is identified in the MMJCS as a suitable location for some limited residential development, and this fact alongside other material considerations are to be taken into account in the decision making process and the overall planning balance.

Impact on the character of the area

5.8 Scale, layout and appearance have not been applied for at this stage and the detail of the design would be considered at the reserved matters phase. It is considered that the site can accommodate 6 dwellings and this would not result in a cramped layout. The predominant scale of the adjacent dwellings is two storey and as such, a condition is proposed to ensure that the dwellings would be no higher than this. Conditions are also proposed requiring submission of materials to ensure that the appearance is acceptable.

Highway safety

5.9 Access is to be considered at this stage. The application proposes a single direct access from the A48, which has a 50mph speed limit at this stage. The applicants have submitted a transport assessment, which shows there have been three recorded collisions within 500m of the site.

5.10 The plans show the creation of a right turn lane, which is 3m wide. Whilst this is less than in the Design Manual for Roads and Bridges, it is considered to be acceptable given the circumstances of this case. The exact positioning and technical design of this would be subject to a technical approval and road safety audit, which falls outside of the planning process. The access would be conditioned so that the details and design would be in line with the technical requirements.

5.11 It has been demonstrated that the required visibility splays are achievable and their provision will not have an unduly adverse impact on the character of the area.

Impact on residential amenity

5.12 There are no nearby residential neighbours that would be impacted by the development. The site could accommodate up to six dwellings with sufficient amenity space for each. The impact of the individual dwellings on one another would be fully considered at reserved matters stage.

6.0 Conclusion

6.1 Given its location outside an identified housing development boundary, this application is the conflict with Policy HOU4, to which substantial weight should be applied. Whilst the Council is able to demonstrate a 5 year supply of deliverable housing sites, this is a rolling calculation and the Council must ensure that sufficient sites are granted planning permission to meet the ongoing need for housing in the Borough.

6.2 Minsterworth is identified as a Service Village in the JCS and therefore as a suitable location for some limited residential development, proportionate to their size and function, also reflecting their proximity to, in this case, Gloucester. There are social and economic benefits to the proposal in that the proposal would contribute to the supply of housing, albeit in a limited way, which would in turn create benefits for the local economy, both through construction and following occupation. There is also a reasonable level of accessibility to primary services. These matters weigh in favour of the proposal.

6.3 As set out above, the starting point for determination of this application is the conflict with Policy HOU4. Nevertheless, given the benefits of the proposed development (albeit limit by the small scale of the proposals) and lack of significant harms the proposals are considered to represent sustainable development. In view of this, the application is recommended for **PERMISSION.**

RECOMMENDATION Permit

Conditions:

1 The development hereby approved shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3 Approval of the details of the appearance, landscaping, layout and scale of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

4 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Drawings numbered 6587-1-5C, 6587-1-3, 0478 Sheet 1, 0478 Sheet 2, 0478 Sheet 3and 0478 Sheet 5, received by the Council on 18th July 2016.

5 All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

6 Details of proposed levels, including finished floor levels, shall be submitted as part of the Reserved Matters application(s). All development shall be carried out in accordance with the approved details.

7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

i. specify the type and number of vehicles;
ii. provide for the parking of vehicles of site operatives and visitors;
iii. provide for the loading and unloading of plant and materials;
iv. provide for the storage of plant and materials used in constructing the development;
v. provide for wheel washing facilities;
vi. specify the intended hours of construction operations;
vii. specify measures to control the emission of dust and dirt during construction

8 No development shall commence on site until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided in accordance with the approved details.

9 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m 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 160m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

10 No dwelling hereby permitted shall be occupied until a 2m footway from the site access to the eastbound bus stop east of the site on the A48 and a tactile drop kerb crossing to the central refuge island to the footway south of the A48 have been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

11 Notwithstanding the submitted plans, no development shall commence until details of a right turn lane across the central hatching and associated highways alterations have been submitted to and approved in writing by the Local Planning Authority. The right turn lane with associated highway alterations shall then be constructed in full accordance with the details so approved prior to the commencement of development on site.

12 No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

13 The dwellings hereby approved shall be no more than two storeys in height.

14 Notwithstanding the submitted drawings no development shall commence until details of the access accommodating the swept path of a 3 axle refuse vehicle and an estate car simultaneously passing have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the access being brought into beneficial use.

15 No dwelling on the development shall be occupied until the carriageway (including surface water drainage/disposal, vehicular turning heads and street lighting) providing access from the nearest public Highway to the dwellings has been completed to at least binder course level and the and shared surface carriageway and footway(s) to surface course level.

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

Reasons:

1 As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

3 This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

4 To define the terms and extent of the permission.

5 To ensure that the new development will be visually attractive in the interests of amenity.

6 To ensure that the development integrates harmoniously with the surrounding development and to safeguard the amenities of residents of adjoining properties.

7 To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with paragraph 35 of the National Planning Policy Framework.

8 To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

9 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 35.

10 To ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework and provide access to high quality public transport facilities in accordance with paragraph 35 of the National Planning Policy Framework.

11 To reduce potential highway impact by ensuring that a safe, suitable means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework 35.

12 In the interests of the appearance of the development and the surrounding area.

13 In the interests of the appearance of the development.

14 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework 35.

15 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework 35.

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

Notes:

1 **Statement of Positive and Proactive Engagement**

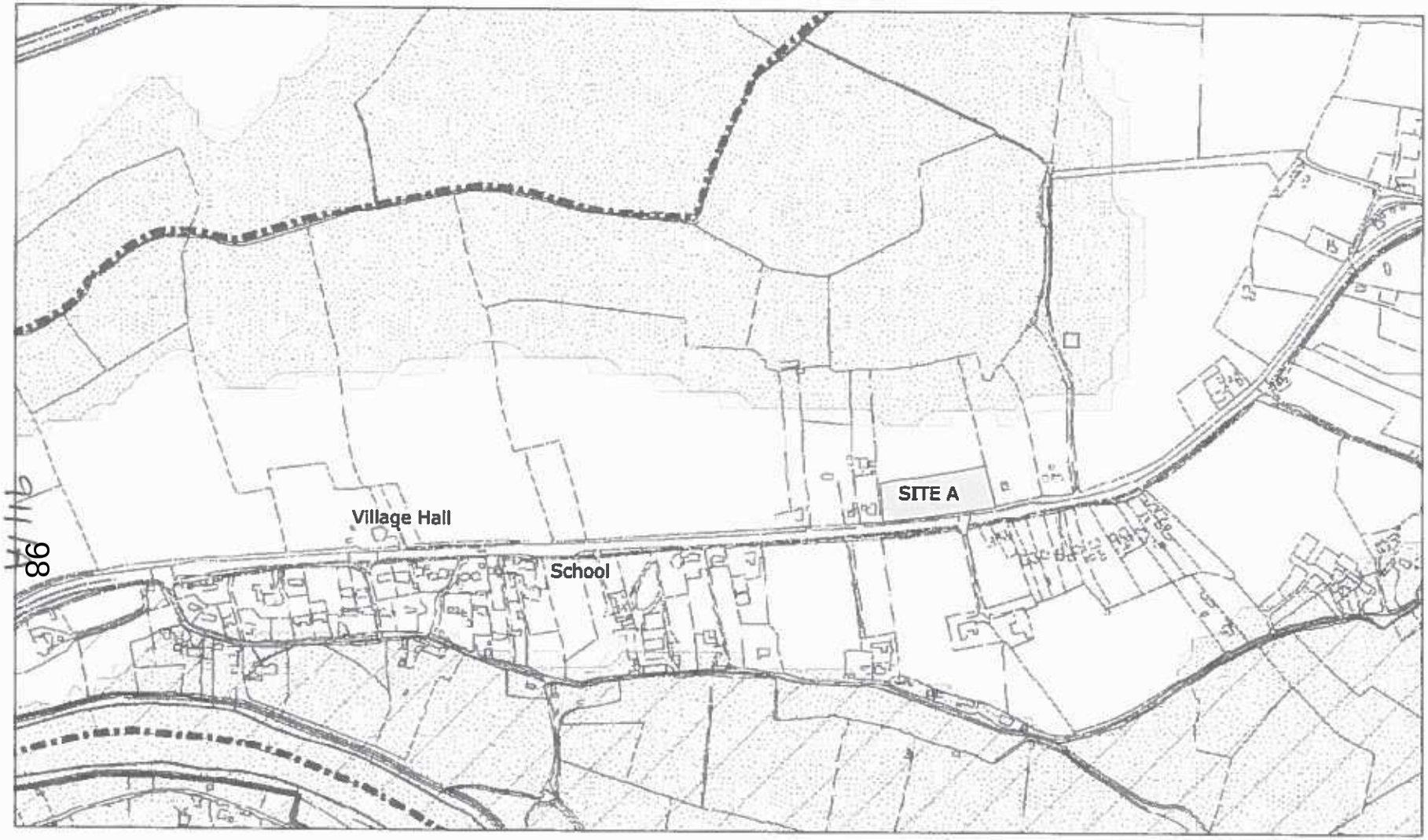
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received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

2 The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.

3 The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

4 Note: The applicant is advised that to discharge condition 16 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

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



KEY

EXTENT OF FLOOD ZONE

LANDSCAPE PROTECTION ZONE

BOROUGH BOUNDARY

hookmason architecture

Hook Mason Limited
41 Widemarsh Street
Hereford
HR4 9EA

t. 01432 352280
f. 01432 352272
e. info@hookmason.co.uk
w. hookmason.co.uk

EXECUTORS FOR THE ESTATE OF MICHAEL LUNT

LAND ADJACENT A48
MINSTERWORTH
GLOUCESTERSHIRE, GL2 8JH

LOCATION PLAN - SITE A

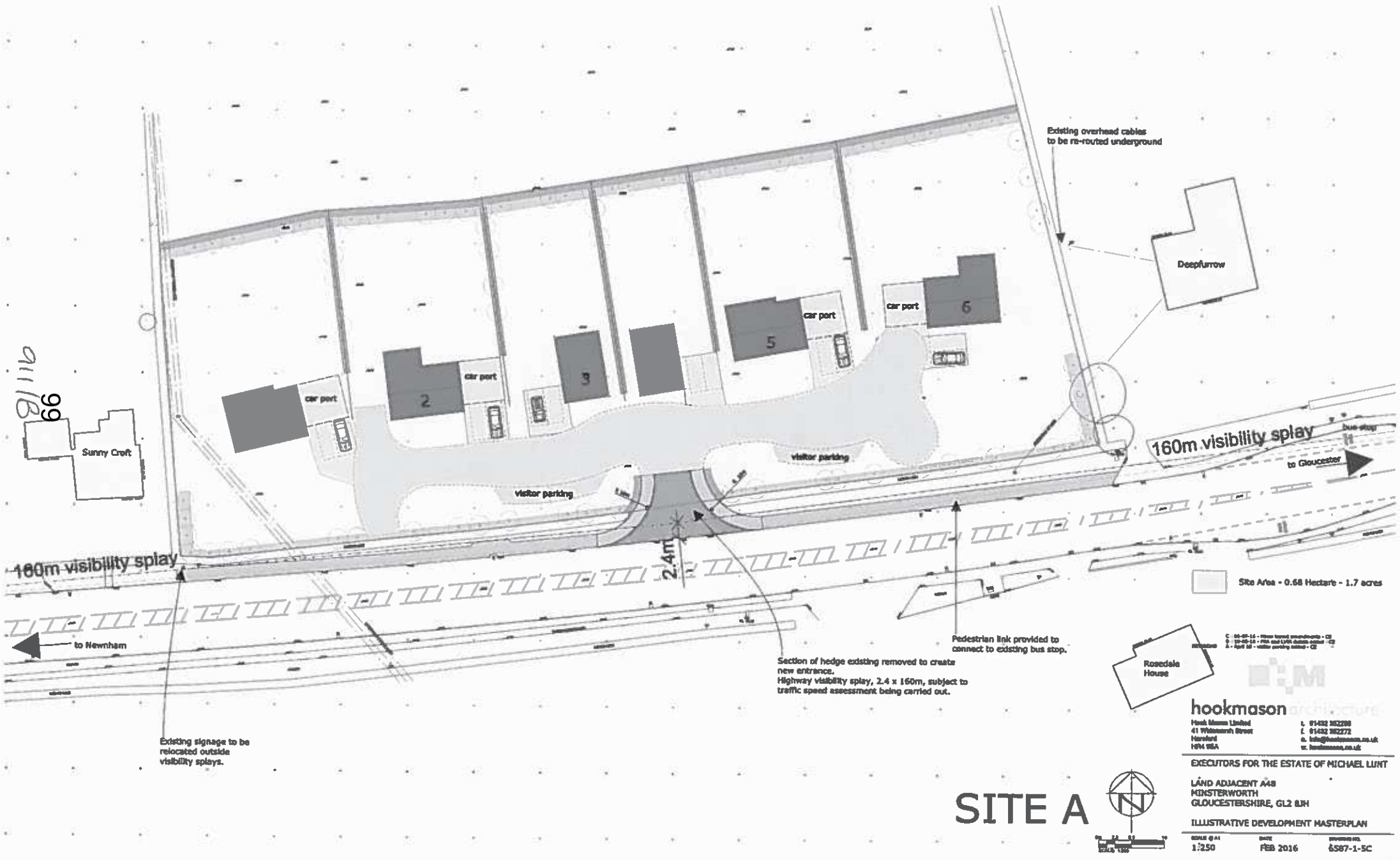
SCALE @ A1	DATE	DRAWING NO.
1:2500	APRIL 15	6587-1-3

DRAWN BY

CHECKED BY

16/00822/GUT

98


Existing overhead cables
to be re-routed underground
Deepfurrow
car port
car port
car port
2
3
5
6
visitor parking
visitor parking
Sunny Croft
99
160m visibility splay
bus stop
to Gloucester
160m visibility splay
2.4m
to Newnham
Site Area - 0.68 Hectare - 1.7 acres
Pedestrian link provided to
connect to existing bus stop.
Section of hedge existing removed to create
new entrance.
Highway visibility splay, 2.4 x 160m, subject to
traffic speed assessment being carried out.
Existing signage to be
relocated outside
visibility splays.
Rosedale
House
SITE A
N
hookmason
EXECUTORS FOR THE ESTATE OF MICHAEL LUNT
LAND ADJACENT A48
MINSTERWORTH
GLOUCESTERSHIRE, GL2 8JH
ILLUSTRATIVE DEVELOPMENT MASTERPLAN
1:250
FEB 2016
6587-1-SC

16/01209/OUT	Vine House, Tewkesbury Road, Twigworth	10
Valid 26.10.2016 Grid Ref 385376 222987 Parish Twigworth Ward Coombe Hill	Erection of five dwellings. Mr & Mrs J Fury Vine House Tewkesbury Road Twigworth	

RECOMMENDATION Permit

Policies and Constraints

NPPF
Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies LND4, TPT1
MMJCS Submission Version (February 2017) - Polices SD5, SD7, INF2
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 -Objects:
- the house layout is incoherent.
- It is poor in design and land use.

Down Hatherley Parish Council - Objects, the layout is very poorly organised.

Planning Officers Comments: Mr Ciaran Power

1.0 The Application Site

1.1 The application relates to a piece of land to the north of Vine House which fronts onto the A38 in Twigworth **(see attached location plan)**. The surrounding area is predominantly semi-rural in character. However, the immediate area is characterised by ribbon development which straddles the A38 in this location. The site is not subject to any formal landscape designation and is not located within a recognised settlement boundary.

2.0 Planning History

2.1 Outline planning permission was refused for 2 single storey dwellings on the site in 2005 (Ref: - 05/00618/OUT). The application was refused on the basis that the site was not located within a recognised settlement boundary and would be overly reliant on the use of the private motor vehicle. It was also considered that the proposal would have a harmful impact on the landscape.

2.2 Outline planning permission was granted for the erection of 2 detached bungalows in 2014 on part of the application site.

2.3 Outline planning permission (15/00369/OUT) was granted for the erection of 5 detached dwellings in October 2016.

2.4 Outline planning application for 5 dwellings on land to the rear of the application site is currently under consideration (16/01210/OUT).

3.0 Current Proposal

3.1 The application proposes the erection of 5 detached dwellings. The application is in outline with all matters to be reserved for future consideration. Whilst all matters are reserved, the application is supported with drawings which show an indicative layout and indicative elevations and floor plans. The application is identical to that previously approved (15/00369/OUT), however the applicants are no longer proposing to

make an off-site contribution towards affordable housing. The approved application was subject to a legal agreement in respect of the contribution towards affordable housing. This application is identical to the previous approval in all respects other than that it is the applicant's intention not to agree to a Section 106 payment towards affordable housing. As the application, site and policy circumstances are unchanged, the sole issue remaining for consideration is whether the development should make a contribution towards affordable housing.

4.0 Analysis

Principle of development

4.1 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. The presumption is against the grant of planning permission given the conflict with policy HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

4.2 In this particular case the previous outline permission for 5 dwellings is a significant material consideration and this application could still be implemented.

4.3 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

4.4 The Framework also recognises the need to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28) and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that there is a need to balance this against other objectives set out in the Framework - particularly in rural areas. Although it is accepted that the new residents would to a large extent be reliant on the car, permission is sought for the same development as the extant outline permission.

4.5 It is recognised that there would be a clear conflict with policy HOU4 of the Local Plan to which substantial weight should be applied. However, the previous decision established the site as a suitable for location for this level of residential development, and as such the principle of development is considered to be acceptable.

Design, layout and residential amenity

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. 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.

4.7 Whilst all matters relating to design and layout are reserved for future consideration, the application is supported with an indicative layout and indicative elevations and floorplans for the proposed bungalows. These details are identical to those previously approved. The indicative plans show an access road off of the A38 through the centre of the site with 5 dwellings positioned around this in a cul-de-sac style. The two dwellings on the development frontage would front onto the A38 and would be bungalows in keeping with the adjacent bungalows to the north. Whilst the bungalows shown have large footprints, they have relatively low eaves and ridge heights and reflect the scale of surrounding property. The bungalows follow approximately the same building line as the existing bungalows to the north and are comparable to the two bungalows which were granted planning permission in 2014. The proposal also includes the erection on 3 two storey dwellings beyond the frontage bungalows. Whilst these dwellings would extend into open countryside beyond the rear building line of the dwellings to the north and south they would be sited around a small cul-de-sac. Twigworth has developed in a ribbon form with occasional ca-de-sacs off the main road in various places including nearby Broadclose Road. The indicative plans show three two storey dwellings beyond the proposed bungalows and whilst they would be higher, the ridge and eaves have been shown relatively low which would assist in integrating the development in this location.

4.8 Whilst there is potential for some overlooking as a result of the proposed development it is considered that careful design and orientation of windows would ensure that the development could be accompanied in an acceptable manner and these matters would be addressed through any subsequent reserved matters applications. It is therefore considered that the plans show that 5 dwellings could be accommodated on the site in an acceptable manner.

4.9 The Urban Design Offer has raised some concern about considering the current application and the adjacent development site separately. Nevertheless it must be acknowledged that permission has already been granted for the development of 5 dwellings on the application site and this application has been submitted in order to consider the need for the offsite affordable housing contribution.

4.10 The applicant has requested that the application, to which this report relates, is determined in its current form. They are considering their options in relation to the development of the adjacent site and it is officer's view that if that site were to be developed it would need to be brought forward in an manner which delivers a joined up development across both that site and the application site. Further it is also officer's view that the proposals to develop the adjacent land for 5 dwellings should be considered as forming part of the site associated with this application and therefore it is likely that the threshold of 1000 sq metres would be exceeded and an affordable housing contribution required. Nevertheless, it is considered that this application can be determined without prejudicing the concerns identified by officers in respect of developing the adjacent site.

Landscape impact

4.11 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.

4.12 As set out above, the surrounding area is semi-rural in character. However, the site itself sits in close proximity to existing residential development and is heavily influenced by the A38. The proposal would introduce development into an open piece of land and would interrupt views of the open countryside beyond. However the proposals are identical to the extant planning permission.

Highway considerations

4.13 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.

4.14 Access is proposed to be reserved for future consideration. However, the indicative layout shows a single access directly off the A38 which would serve all 5 dwellings. No objections have been received from County Highway Authority. It is considered that appropriate visibility, turning and manoeuvring can be achieved and the addition of 5 dwellings would not generate significant traffic movement to warrant refusal.

Affordable Housing

4.15 At the time the previous planning application was permitted an off-site affordable housing contribution was required. However there has be a shift if Planning Policy since then and the Government's Planning Practice Guidance states that affordable contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The indicative layout indicates the gross floorspace would be approximately 850 sqm and the applicant has also confirmed that the development would fall below 1,000sqm when reserved matters are submitted. The maximum amount of floorspace can be controlled by condition. Should the Reserved Matters floorspace exceed 1,000 sqm gross then an affordable housing contribution would be required in accordance with Planning Practice Guidance.

Other Matters

4.16 The site 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. It is recommended that a condition be imposed requiring the submission of full drainage plans at the reserved matter stage, to ensure the most appropriate drainage solution be investigated.

6.0 Overall balancing exercise and conclusions

6.1 Planning permission has previously been development at the application site for 5 dwellings. 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 would be limited and would not significantly and demonstrably outweigh the benefits. Overall, the proposals are considered to represent sustainable development in the context of the NPPF and the application is therefore recommended for **Permit**.

RECOMMENDATION Permit

Conditions:

1 The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and external appearance of the building(s), landscaping, and the means of access thereto (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.

Reason: The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.

2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4 All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

5 Details of existing and proposed levels, including finished floor levels, shall be submitted as part of the reserved matters application in accordance with condition 1. All development shall be carried out in accordance with the approved details.

Reason: To ensure that the development integrates harmoniously with the surrounding development and to safeguard the amenities of residents of adjoining properties.

6 No works shall commence (other than those required by this condition) on the development hereby permitted until the first 20 m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

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

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

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

8 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m 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 160 m 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 paragraph 32 of the National Planning Policy Framework and TPT1 of the Tewkesbury Borough Local Plan to 2011 - 2006.

9 The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 2 bicycles per dwelling has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 35 of the National Planning Policy Framework and TPT1 of the Tewkesbury Borough Local Plan to 2011 - 2006.

10 The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the buildings hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans. The vehicular parking and turning facilities approved shall be maintained available for those purposes for the duration of the development.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

11 No street lighting shall be erected on any part of the site unless a scheme for such is first submitted to and agreed in writing with the Local Planning Authority. Any such scheme shall be carried out in accordance with the approved details.

Reason: To ensure that the development integrates harmoniously with the surrounding development and to safeguard the amenities of residents of adjoining properties.

12 The reserved matters submitted pursuant to Condition 1 shall be accompanied by a full drainage scheme for the development. The approved scheme shall be completed in accordance with the approved details prior to the first occupation of that part of the development and the scheme shall be managed and maintained thereafter in accordance with the approved details.

Reason: To ensure that the development is provided with a satisfactory means of drainage in accordance with the saved policies and NPPF guidance.

13 Any dwellings fronting the site onto Tewkesbury Road shall be bungalows not exceeding 5.5 metres in height. All other dwellings shall have a maximum ridge height of 8 metres.

Reason: This is an outline planning permission and compliance with the parameters is required to ensure that the size of the dwelling is related to adjacent properties and aid the transition between the open country side and built development in order protect the character and appearance of the area.

14 The combined gross floorspace of the development shall be no more than 1,000 square metres gross internal area.

Reason: To allow consideration of whether an affordable housing contribution is required in accordance with Planning Practice Guidance

Note:

Statement of Positive and Proactive Engagement

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

16/01209/ART

Vine House Twigworth GL2 9PX

N

OS MasterMap 1250/2500/10000 scale
27 October 2014, ID: CM-00372171
www.centremapslive.co.uk

1:1250 scale print at A4, Centre: 385361 E, 223048 N

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Mapping sourced from Ordnance Survey

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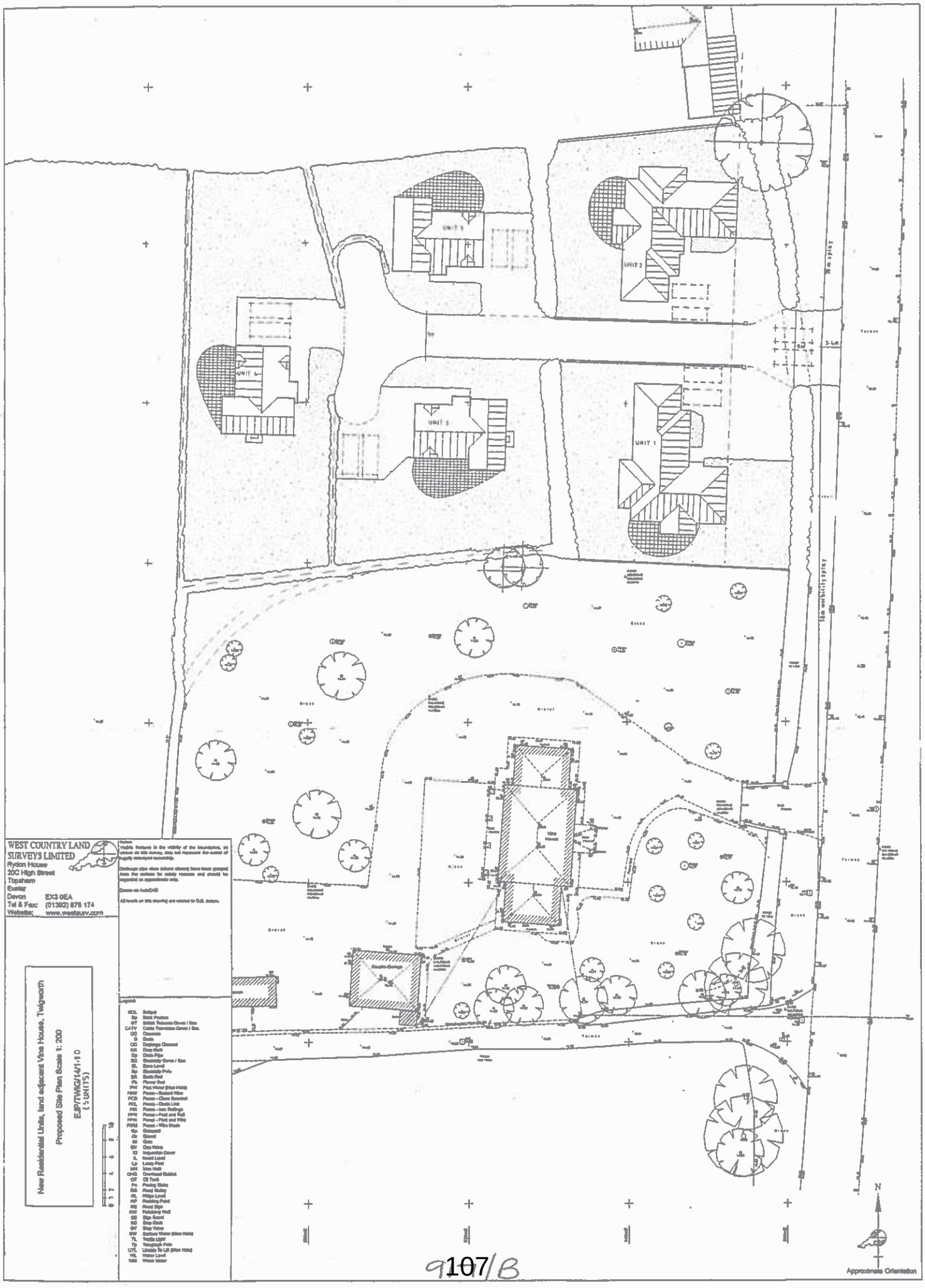
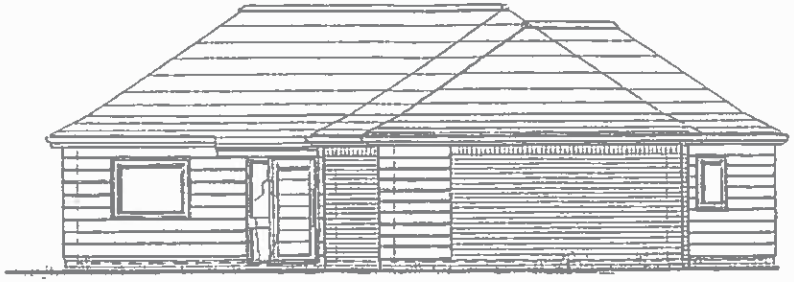

UNIT 1
UNIT 2
UNIT 3
UNIT 4
WEST COUNTRY LAND SURVEYS LIMITED
Rydon House
20C High Street
Topsham
Exeter
Devon EX3 0EA
Tel & Fax: (01392) 876 174
Website: www.westsurv.com
New Residential Units, land adjacent Vine House, Twigworth
Proposed Site Plan Scale 1: 200
EJP/TWIG/14/1-10
(5 UNITS)
Approximate Orientation

017/C108



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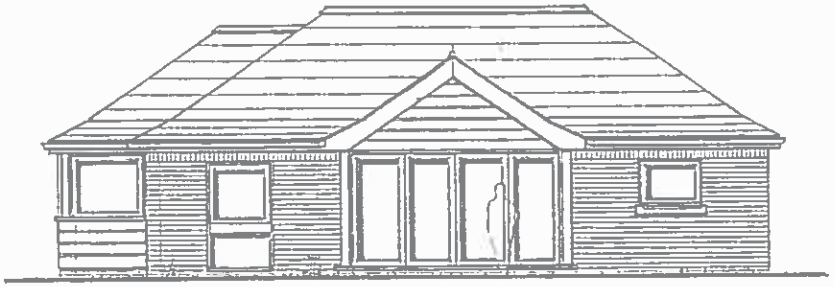
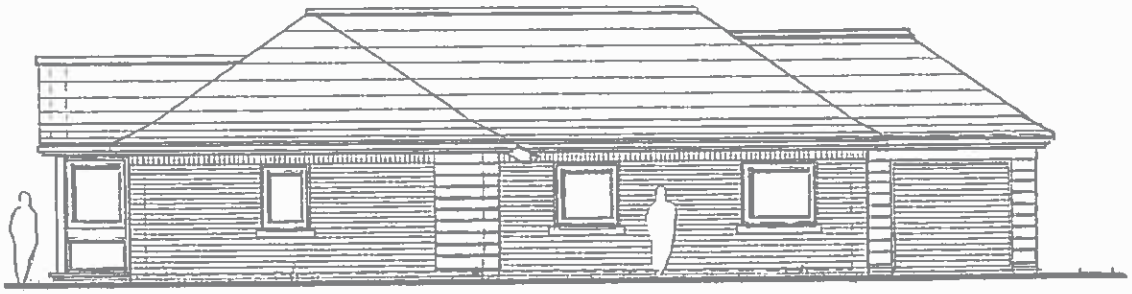


REAR



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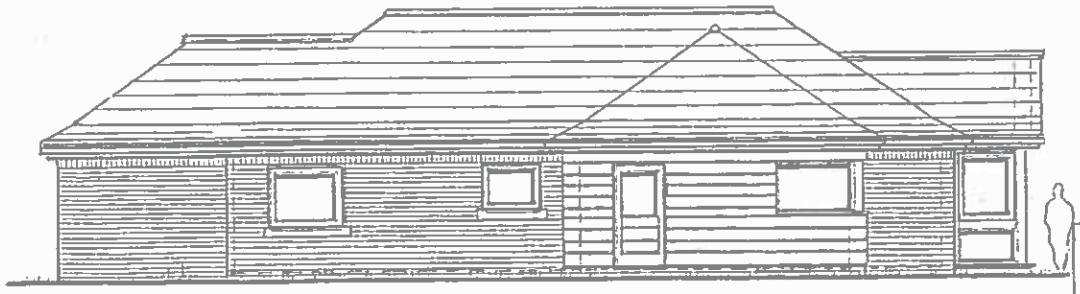

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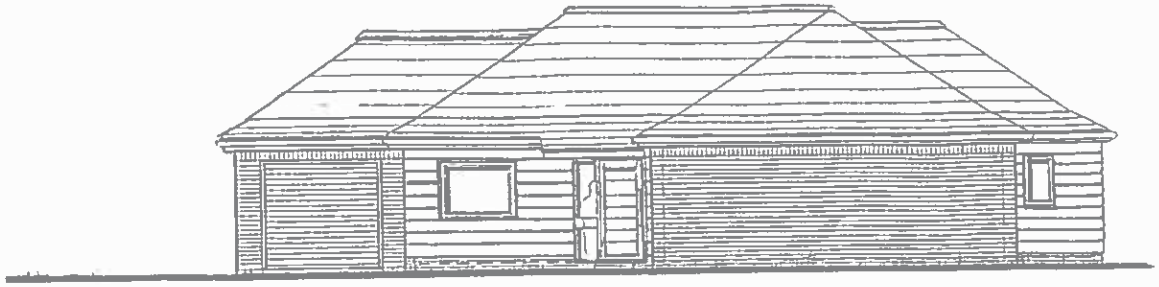
New Residential Units, land adjacent Vine House, Twigworth

Unit 1, Elevations

EJP/TWIG/14/1-3 A



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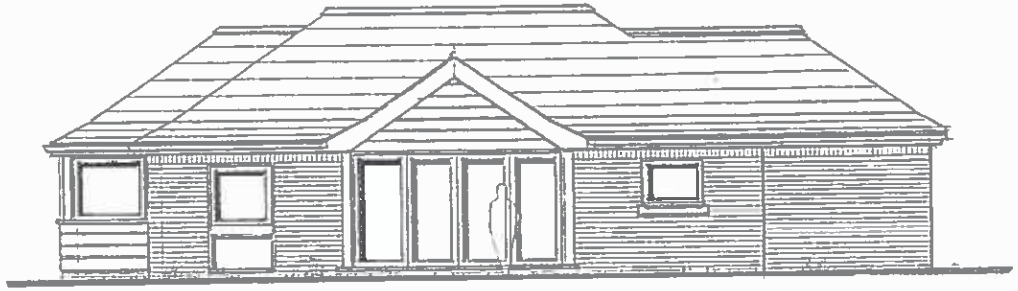

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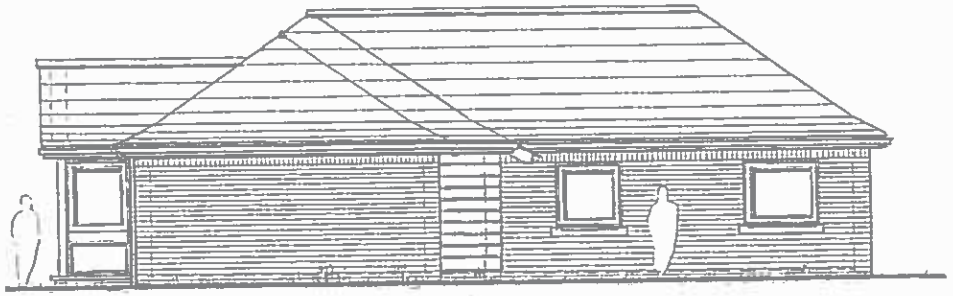

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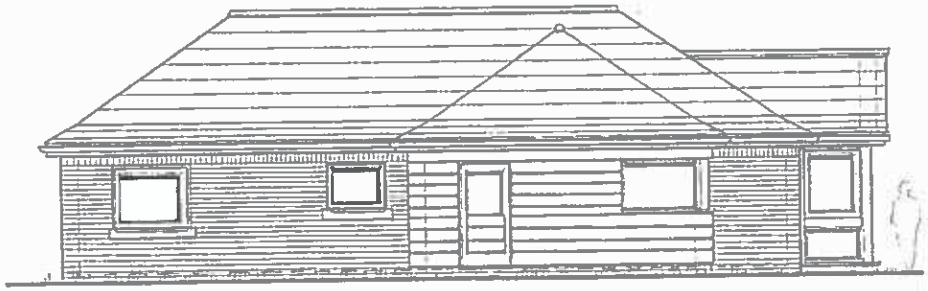

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New Residential Units, land adjacent Vine House, Twigworth

Unit 2, Elevations

EJP/TWIG/14/1-5

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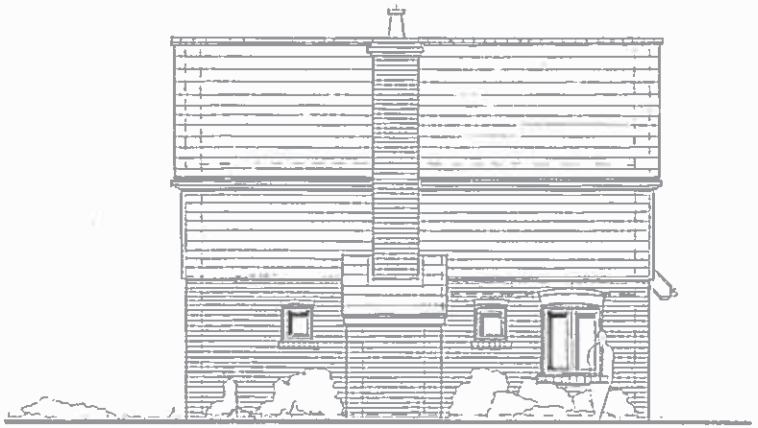

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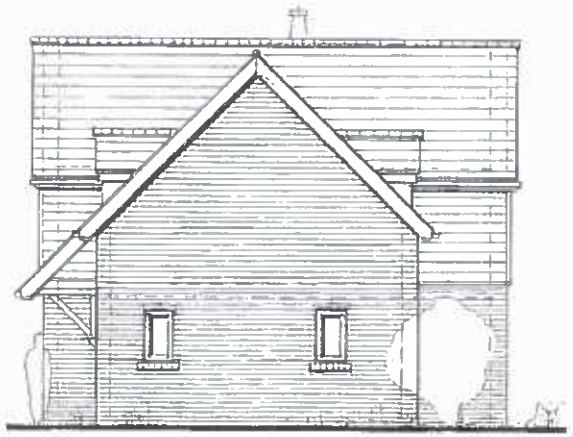

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New Residential Units, land adjacent Vine House, Twigworth

Units 3,4,5 Proposed Elevations

EJP/TWIG/14/1-7

P/17/0110

16/01313/FUL	8 Ermin Street, Brockworth, GL3 4HJ	11
Valid 23.11.2016	Application to remove and vary conditions relating to application 14/00052/FUL. Remove Condition 1 to allow continued use of site for prayer and bible study and reading of holy scriptures and variation of condition 2 to allow up to 40 persons to attend the site at any one time.	
Grid Ref 388613 216622 Parish Brockworth Ward Brockworth	Carlton Gospel Hall Trust 315 Stroud Road Gloucester GL1 5LG C/o Mr J Griffiths	

RECOMMENDATION Permit

Policies and Constraints

NPPF
Planning Practice Guidance
Submission JCS (November 2014)
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies EVT3, TPT1

Consultations and Representations

Brockworth Parish Council - Object on the grounds of noise and disturbance and lack of parking provision.

Highways Officer - No objections.

Environmental Health - Confirm that no complaints have been received and that it could be argued the impacts are acceptable.

Three letters of Objection have been received. Their comments are summarised as follows:

- Brockworth and Ermin Street has become much busier and there are plans for road improvements in the future.
- Street Parking is generally a problem in the area
- Parking would not be provided to the required standard.
- Planning permission has previously been refused for an increase in numbers of attendees
- The proposed parking arrangements would affect the visual amenity of the local area.
- The proposal would result in noise and disturbance.
- The proposal results in light pollution.
- It is questions whether or not the use has been operating at the higher numbers over the past 12 months.
- The conditions of approval should state the meeting times as stated in the original Design and Access Statement application 14/00052/FUL.

Planning Officers Comments: Mr Ciaran Power

1.0 Application Site

1.1 The application relates to 8 Ermin Street which is a detached bungalow in a residential area of Brockworth. The property fronts onto a relatively busy main road and is bounded on either side by existing residential property. To the rear of the property is the Invista site.

2.0 Planning History

2.1 In 2014 Planning permission was granted for a change of use of the property for prayer and bible study and reading of Holy Scriptures and additional parking provision (Ref: - 14/00052/FUL).

2.2 A subsequent application for the variation of condition 2 to allow no more than 25 persons to be accommodated at the premises at any one time was refused in May 2014 (Ref: - 14/00052/FUL) for the following reason:

"Permission for the use was granted on a temporary basis in order to monitor and assess any potential noise and disturbance arising from the use which could affect the amenity of neighbouring property. Furthermore, the occupation of the premises was restricted to no more than 17 persons at any one time as any increase in intensity would require further consideration of the impact on the amenities of local residents. In the absence of any meaningful evidence to indicate that the current level of use is acceptable, and without any restrictions on the hours of use, it is considered that the proposed increase in numbers from 17 to 25 would give rise to unacceptable noise and disturbance at unsociable hours which would be detrimental to the amenity of neighbouring property. The proposal therefore conflicts with Section 11 of the NPPF (Conserving and enhancing the natural environment) and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 (March 2006)."

2.3 15/00278/FUL - Application to remove and vary conditions relating to application 14/00052/FUL. Remove Condition 1 to allow continued use of site for prayer and bible study and reading of Holy Scriptures and variation of condition 2 to allow up to 40 persons to attend the site at any one time. Temporary Planning permission granted in 5th October 2015 for a 12 month period.

3.0 Current Application

3.1 This application proposes to remove and vary conditions relating to application 14/00052/FUL. It is proposed to remove Condition 1 to allow continued use of site for prayer and bible study and reading of Holy Scriptures and variation of condition 2 to allow up to 40 persons to attend the site at any one time.

4.0 Policy Context

4.1 NPPF and policies EVT3 and TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

5.0 Analysis

Noise and Disturbance

5.1 Planning permission was granted in 2015 for the temporary use of the application site for up to 40 persons at any one time. The purpose of the temporary permission was to ascertain whether the increase in numbers would result in any significant detrital impact upon residential amenity.

5.2 The use has been operating at the higher numbers for the past 12 months and Environmental Health have confirmed that there have been no noise complaint lodge during this period. Whilst some of the letters of represent question whether the use has actually been operating at the higher numbers, the applicant has confirmed that this is the case. On that basis it is not considered that a reason for refusal could be substantiated in relation to noise and disturbance from the proposed activities.

Visual Amenity

5.3 Some concern has been raised regarding the impact of the proposed parking area on the residential amenities of the area, however these arrangements hare currently in place and have been for some time and there is no requirement for these to be removed even in the current application was refused planning permission.

Highway Safety

5.4 Under the previous planning permission, 12 car parking spaces were provided including 2 disabled spaces to cater for the increase to up to 40 attendees. These arrangements were considered appropriate by the County Highway Authority on the previous application and it is not considered that there has been any change in circumstances to warrant a requirement for increase in parking levels or to raise highway safety objections to the proposal. The County Highway Authority raised no objection to the previous scheme and confirms they have no comments to make on the current application.

Other Matters

5.5 A suggestion has been made that additional conditions should be imposed based on what was originally set out in the applicants Design and Access statement on the 2014 (14/00052/FUL) planning permission. However conditions need to be reasonably necessary and an assessment of their requirements was made at the time. In addition the activity has been operating at increased numbers over the past 12 months without incident and therefore it would be difficult to justify additional conditions beyond those previously imposed.

6.0 Conclusion

6.1 Overall it is considered that the proposed use of the site on a permanent basis for up to 40 persons is acceptable as the temporary period previously allowed at these numbers have elapsed without any complaints being received in relation to noise. Further the existing parking provision remains in place and there are no identified material changes in circumstances to warrant the refusal of planning permission of highway safety grounds.

6.2 Having regard to the above it is recommended that condition 1 be removed. Condition 2 should be varied to allow the use of the premises for up to 40 people. Subject to the imposition of appropriately worded conditions the proposal would accord Section 11 of the NPPF (Conserving and enhancing the natural environment) and Policies EVT3 and TPT1 of the Tewkesbury Borough Local Plan to 2011 (March 2006).

RECOMMENDATION Permit

Conditions:

1 The premises shall accommodate no more than 40 persons at any one time.

2 The premises/land shall be used for the purposes of Bible study and distribution of Bible literature, Prayer, Reading of holy scripture, Counsel to attendees and General discussion with attendees in association with the Plymouth Brethren Christian Church and for no other purpose; including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reasons:

1 In the interests of residential amenity and highway safety.

2 Planning permission is granted for use by the applicant only as other organisations falling with the same use class could operate in a very different and intensive way having a detrimental impact upon highway safety and residential amenity.

Note:

Statement of Positive and Proactive Engagement

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

16/01313/FUL

STANFORDS
FOR BUSINESS

Map data

Produced 18 Nov 2016 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Metres
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8, Ermin St, Brockworth, Gloucester GL3 4HJ

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Order Licence Reference: Ol1061907
Centre coordinates: 388613 216622

16/01354/FUL	**3 Barrow Hill, Churchdown, Gloucester**	**12**
Valid 02.12.2016	Side extension over existing garage, with single storey extension to the rear with double storey gable over	
Grid Ref 388581 219381 Parish Churchdown Ward Churchdown Brookfield	Mr Jonathon Evans 3 Barrow Hill Churchdown Gloucester GL3 2LW	

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework
Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8
Main modifications Joint Core Strategy
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Parish Council - original plans - no objections save for the proximity to the property at no 2 Barrow Hill. Revised plans - Object. The Parish fully concur with the two objections that have been received.
Local Residents - Two letters of objection have been received from local residents. The reasons for objection are summarised as follows:

- Design and close proximity of the extension to no 2 Barrow Hill.
- Proposal would create an overcrowded terraced looking house with no gap in between. The area is very much based around detached and semi-detached houses and the proposal would change the character of the road.
- The two adjacent houses are in close proximity to each other within a prominent elevated position. The proposal would make the dwellings feel overcrowded and cramped.
- Loss of residential amenity to no 2 Barrow Hill - loss of light to their downstairs family room and upstairs main bedroom.
- The juliet style balcony would create overlooking to their patio area and loss of privacy.
- The proposed front gable would overpower the two houses.
- Concerns regarding foundations.

Revised plans - Two letters of objection has been received from local residents. The concerns raised are summarised as follows:

- previous concerns are still relevant regarding the creation of 'overcrowded terrace' looking houses.
- the revised plans fail to address the Owner of no 2 Barrow Hill's previous concerns.
- the floor plans are misleading as the boundary line with No 2 and accurate principal dimensions appear to be omitted.
- the close proximity of the proposed extension would be detrimental to both dwellings and a sensible gap between the two properties should exist in order to preserve the residential amenity.
- the rear elevation remains unchanged so there would be a loss of privacy / overlooking and a loss of light to their principle rooms.

Planning Officers Comments: Mrs Sarah Barnes

1.0 Application Site

1.1 This application relates to 3 Barrow Hill a semi-detached brick property in Churchdown **(site location plan attached).**

2.0 Current application

2.1 The current application is for a side extension over the existing garage with a first floor single storey extension to the rear **(plans attached)**. Revised plans were submitted on the 14th February 2017 **(plans attached)**.

3.0 Policy Context

3.1 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment.

3.2 Policy HOU8 of the Local Plan sets out that extension to existing dwellings will be permitted provided they respect the character, scale and proportions of the existing dwelling and do not have an unacceptable impact on adjacent property and residential amenity. This policy is considered consistent with the framework and as such should be given due weight according to paragraph 215 of Annex 1 of the framework.

4.0 Analysis

Design, Size and Visual amenity

4.1 The Parish Council and local residents have objected on the grounds that the proposal would have a harmful impact on the street scene and would create a terracing effect. In order to address the concerns raised, revised plans were submitted on the 14th February 2017 **(plans attached)** reducing the size of the proposal and improving the design. The proposal would now have a lower ridge line, a front dormer rather than an oversized gable, and would be set back from the front elevation by about 1.8 metres so it would now read as more subservient. Although the proposal would still enclose some of the space between no's 2 and 3 Barrow Hill given that the ridge height would be lower and the extension would be set back, it would not have such a terracing effect as the original scheme. The new front dormer would also compliment/ be in-keeping with the existing front dormer. On balance, it is considered that the impact on the visual amenity of the area would not be detrimental / adverse and the proposal would not warrant the refusal of permission.

Residential amenity

4.2 With regards to the concerns raised about loss of privacy and overlooking to no 2 Barrow Hill the outlook from the new rear bedroom window would be an oblique angled view so the overlooking is not considered to be unduly harmful. The neighbour is also concerned that there would be a first floor terrace at the rear. There would not however be a first floor terrace area and if the applicants did want one in the future it would require planning permission.

4.3 Finally, the neighbour is also concerned that the proposal would result in a loss of light to their property, in-particular their main first floor bedroom. In terms of the bedroom, this window would be approximately 1.5 metres from the side of the proposed extension. The proposed extension would not significantly breach a 45 degree horizontal or vertical splay from this neighbouring bedroom window. Furthermore, given that the orientation of the sun, along with the roof design, the proposal would not result in an unacceptable loss of light or outlook that would warrant a refusal on these grounds.

4.4 Overall, after careful consideration, it is not considered that the proposal would cause demonstrable harm to the amenities of the neighbouring properties in line with Policy HOU8 of the Local Plan.

Other Issues

4.5 With regards to the neighbour's concerns about the impact on their foundations this is a matter for building control not a planning issue.

5.0 Conclusion

5.1 Overall, it is considered that the proposed extension (as revised) would not be harmful to the appearance of the existing dwelling nor the street scene and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal (as revised) would also be of an acceptable size and design. It would therefore accord with Policy HOU8 of the Local Plan and the NPPF. 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.

2 The external materials of the proposed extensions shall match as near as possible the materials of the existing dwelling.

Reasons:

1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

Notes:

1 **Statement of Positive and Proactive Engagement**

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

2 This decision relates to the revised plans received by the Local Planning Authority on 14.2.2017 and 24.3.2017.

LOCATION PLAN 1:1250

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PROJECT

EVANS FAMILY
HOUSE REMODEL

DRAWING TITLE

SITE PLAN
3 BARROW HILL

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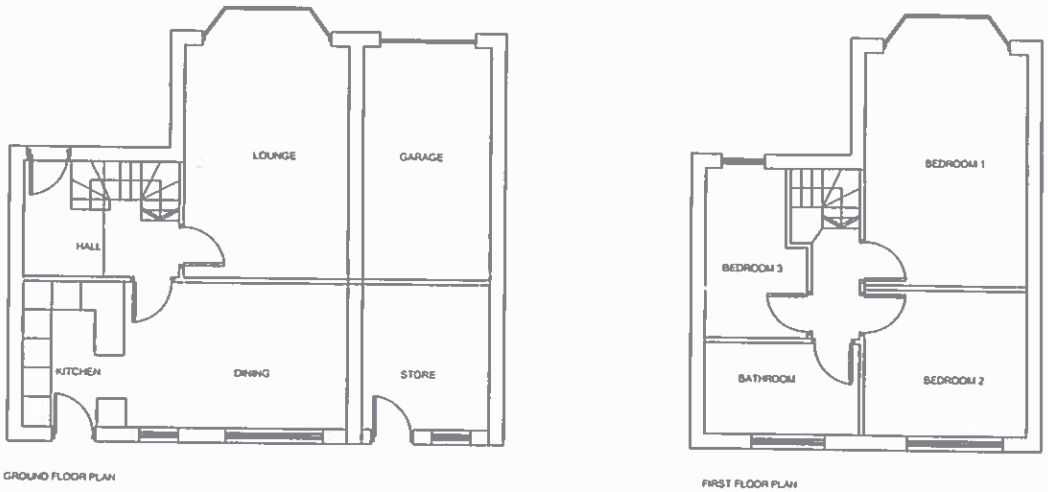

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PROJECT

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HOUSE REMODEL

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PROJECT :

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HOUSE REMODEL

DRAWING TITLE

SITE PLAN
3 BARROW HILL

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SITE PLAN 1:200

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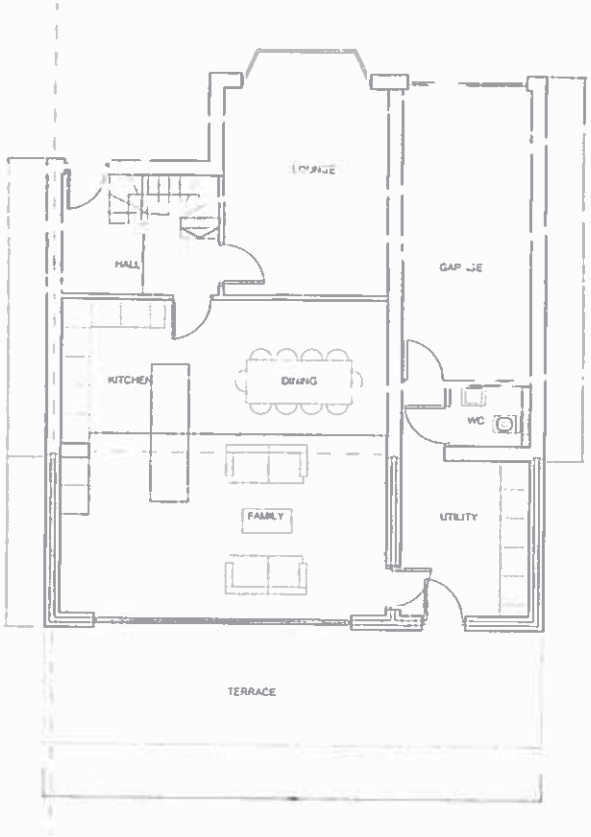
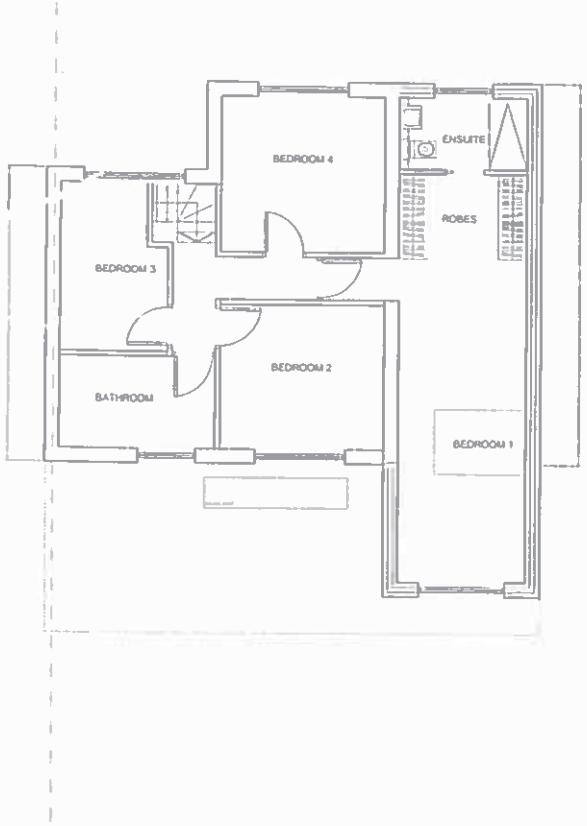


GROUND FLOOR PLAN 1:100



FIRST FLOOR PLAN 1:100

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PROJECT

EVANS FAMILY
HOUSE REMODEL

DRAWING TITLE

FLOOR PLANS
3 BARROW HILL

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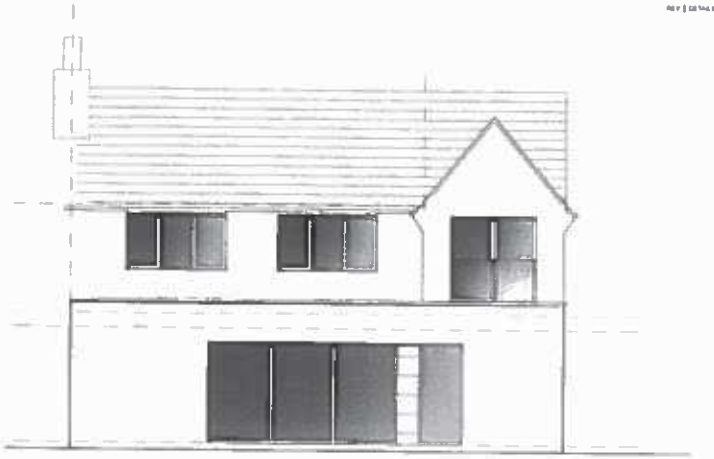

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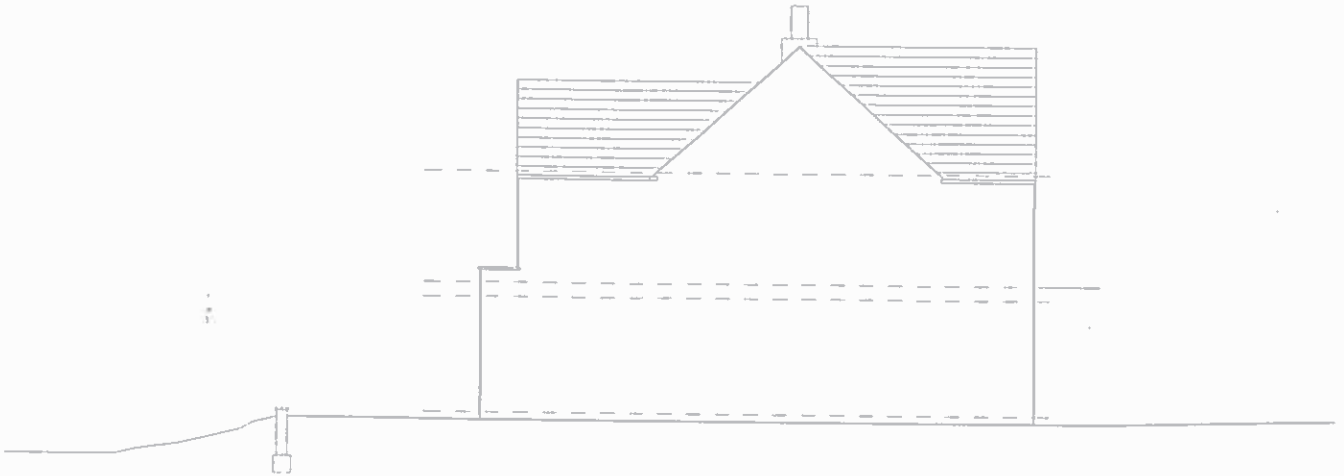

SIDE ELEVATION 1:100

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PROJECT :

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HOUSE REMODEL

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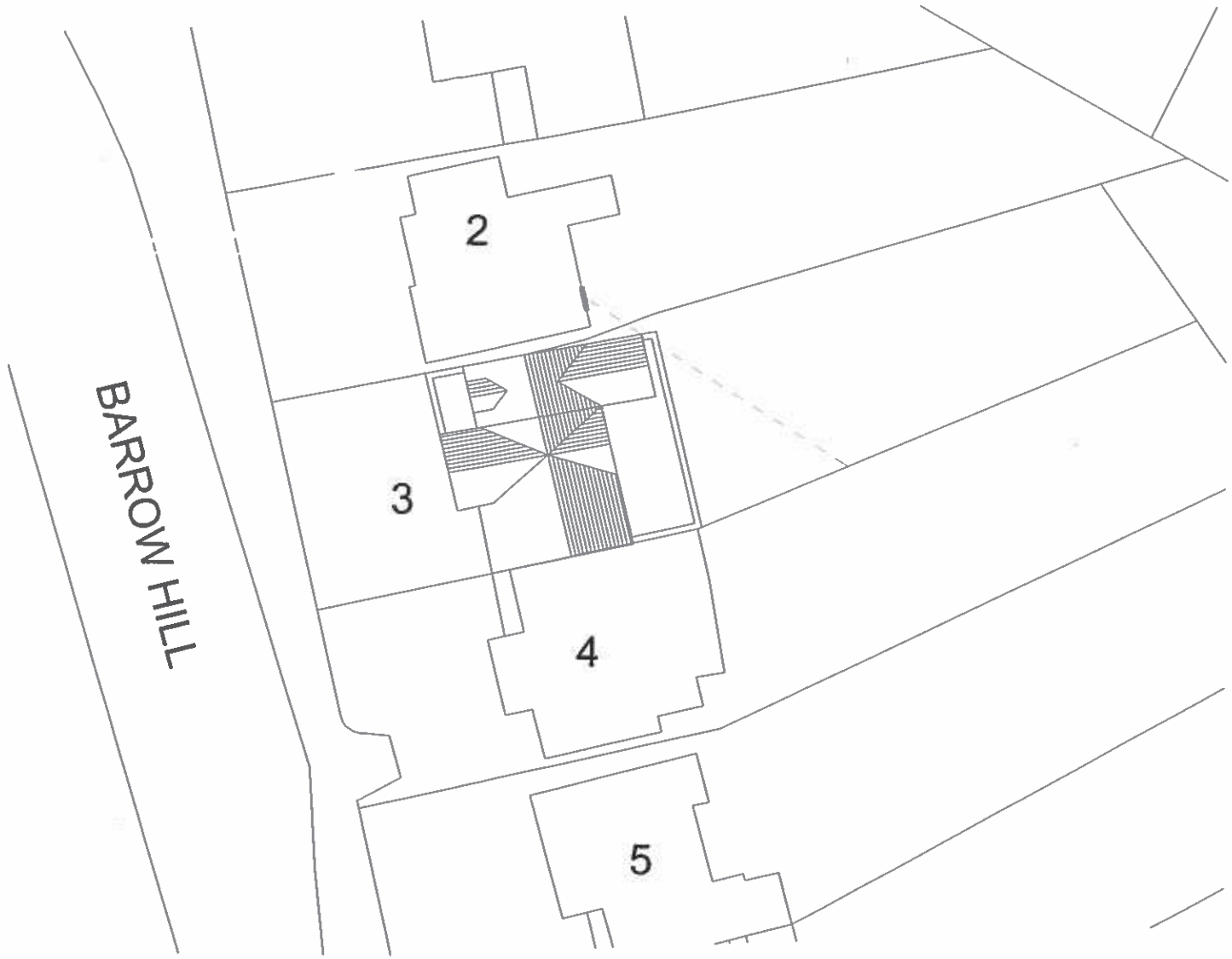

SITE PLAN 1:200

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PROJECT

EVANS FAMILY
HOUSE REMODEL

DRAWING TITLE

PROPOSED PLANS
SITE PLAN

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Revised block plan
16/01254/FUL

16/01354/Ref
Revised plans - 14th Feb 17

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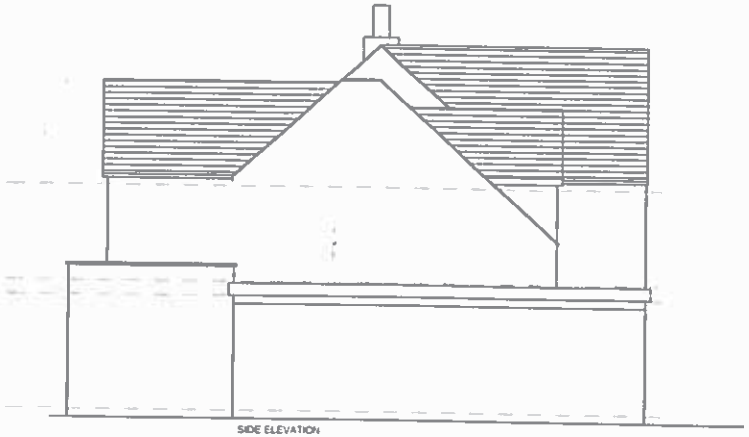
FRONT ELEVATION

REAR ELEVATION


SIDE ELEVATION

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PROJECT

EVANS FAMILY
HOUSE REMODEL

DRAWING TITLE

AS PROPOSED ELEVATIONS

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14th feb 17 16/01354/ful - revised plans

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PROJECT
EVANS FAMILY
HOUSE REMODEL

DRAWING TITLE
AS PROPOSED PLANS

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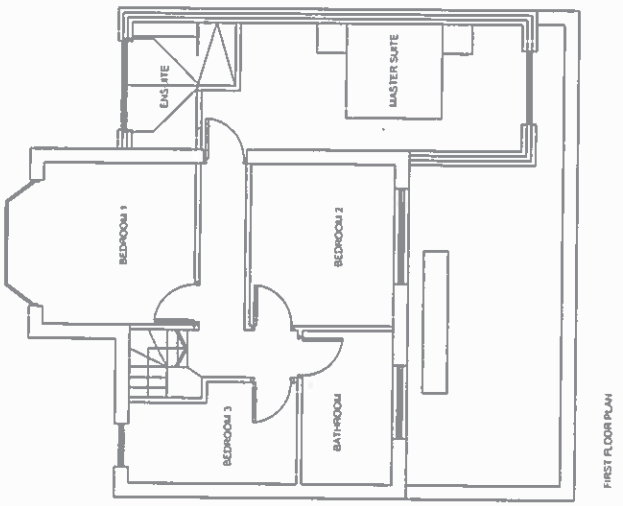
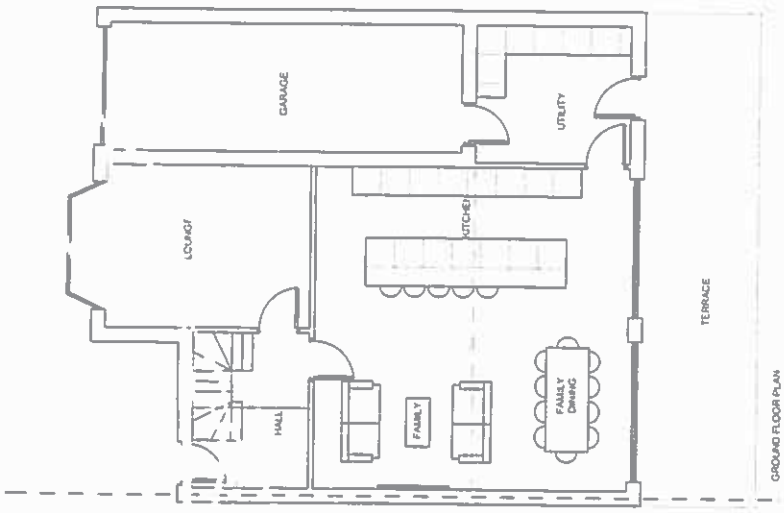


FIRST FLOOR PLAN



GROUND FLOOR PLAN

923/14

17/00017/FUL	**Noverton Farm, Noverton Lane, Prestbury**	**13**
Valid 10.01.2017	Two Flood Storage Areas, creating new ditches and installation of new culverts.	
Grid Ref 398121 223545 Parish Southam Ward Cleeve Hill	Gloucestershire County Council 1st Floor, Block 5 Shire Hall Westgate Street Gloucester GL1 2TG	

RECOMMENDATION Permit

Policies and Constraints

NPPF
Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policy TPT1
Cheltenham Borough Local Plan Second Review (2006)
Flood and Water Management SPD
Joint Core Strategy Proposed Main Modifications version
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

Southam Parish Council - Object to the proposal, offering the following comments:
- No record of any flooding in the area and no evidence of flooding has been provided
- No need for the works to be carried out

Landscape Officer - No objection, subject to conditions

County Archaeologist - No objection, subject to conditions

Environment Agency - Offer the following comments:
- Following the amended plans, the scheme is no longer within 8m of a Main River; the EA are therefore no longer a statutory consultee .

Natural England - No objection, offering the following comments:
- Impact on the AONB should be assessed using national and local policy and your own landscape advice
- The AONB Partnership or Conservation Board should be consulted
- Standing advice should be applied in relation to protected species

Cheltenham Borough Council - No comments received

Flood Risk Management Officer - No comments received

Cotswold AONB Board - No comments received

Representations - 4 letters of objection (from 3 interested parties) received, raising the following material planning issues:
- No accurate study or survey of how the flood alleviation scheme will affect existing agricultural land
- Will be harmful to the existing business at Noverton Farm
- Proposed bund will destroy existing land drains
- Will be impossible for modern grass conservation machinery to use safely
- Land is managed and is no unkempt, which is implied by the archaeology/ecology report
- Temporary road access will be a danger to those learning to ride horses
- Inaccurate information submitted

- Flood alleviation scheme is to facility the new crematorium at Cheltenham
- Following the development, the land would be agriculturally unprofitable
- The site has significant and unique archaeology
- Adverse impact on Drakes Farm, a grade II listed building
- Potential adverse structural impact on adjacent properties
- Highway safety issues from plant traffic
- Access route will have an adverse impact on residential amenity of Drakes Farm
- Adverse impact on ecology
- Increase in flooding to the Lake House

The application has been called to Committee by Councillor Dean to assess the landscape impact, particularly from the Cotswold escarpment and the wider AONB.

Planning Officers Comments: Suzanne D'Arcy

1.0 Introduction

1.1 The application site is located at Noverton Farm and Priors Farm and is currently a green field. The application site is partly in Tewkesbury Borough (Noverton Farm) and part in Cheltenham Borough (Priors Farm) **(see attached location plan).**

1.2 The site is located within the Area of Outstanding Natural Beauty (AONB) and there are footpaths across the site.

2.0 Relevant Planning History

2.1 None relevant

3.0 Current application

3.1 This is a full application for the provision of two flood storage areas. The flood storage area falling within Tewkesbury Borough (TFSA) would be sited adjacent to the western boundary of the field, which can be accessed from Westwood Lane.

3.2 The proposed TFSA would measure 220m at its longest and 100m at its widest point. The eastern side would cut and this earth would be used to create a bund to the western wide. The difference in height between the highest and lowest points would be 3m. The Cheltenham FSA is proposed at Prior's Farm to the south west of the TSFA and south of the existing cemetery.

3.3 There would be two outlets, one on the north western corner and the other to the north eastern corner. The culvert for this outlet would be under the footpath and adjacent to the field boundary and discharge adjacent to Noverton Farm to the north.

3.4 As part of the site falls within Cheltenham Borough, an application has also been submitted to Cheltenham Borough Council. Both applications would need to be permitted to allow the development to proceed.

4.0 Policy Context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

Development Plan

4.2 The development plan comprises the saved polices of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Main Modifications - Joint Core Strategy (February 2017)

4.3 Policy INF3 seeks to manage flood risk. Paragraph 5.3.10 states that *"The JCS authorities will, in principle, support measures proposed by the Environment Agency and others to reduce flood risk.* This includes measures to defend areas against flooding as it will counteract the increased threat of flooding through climate change.

National Planning Policy Framework (NPPF)

4.4 The NPPF sets out the presumption in favour of sustainable development. Paragraph 100 states that Local Authorities should use opportunities offered by new development to reduce the causes and impacts of flooding.

5.0 Analysis

5.1 The main issues to be considered are impact on the Cotswold Area of Outstanding Natural Beauty (AONB), impact on flooding, and impact on archaeology.

Impact on the AONB.

5.2 The site is located within the AONB and 115 of the NPPF states that *"great weight should be given to conserving [the] landscape and scenic beauty".* Following a request from Officers, the applicant has provided additional information, in terms of the site selection methods and photographs, showing the site both pre and post construction.

5.3 The site is criss-crossed with public footpaths and there are elevated and panoramic views from the Cotswold escarpment. It is visually prominent and forms part of the wider setting of the escarpment.

5.4 The proposed works would result in remodelling of the ground and have the potential to significantly change the natural appearance of the terrain through the introduction of man-made elements that may appear incongruous.

5.5 It is likely that the proposed development would cause some harm to the setting and appearance of the AONB. This harm caused must be balanced against the benefits of the scheme, in terms of flood protection, and any mitigation through the use of conditions.

5.6 As set out above, the applicants have provided additional information relating to the justification and site selection. The scheme is designed to prevent flooding in the lower parts of the catchment and must therefore hold back water in the upper part of the same catchment. The nature of the scheme dictates the selection of the sites. Turning to the precise location, this is dictated by the location of the existing watercourses, the extent of the catchment, the topography and proximity of the existing development. The position that has been chosen is considered to be the only location that can fulfil this function.

5.7 The submitted information sets out that this area is known to be vulnerable to flooding and suffered from significant flooding in the extreme events in July/July 2007. The Cheltenham Surface Water Management Plan (SWMP) identifies this area as at high risk from flooding.

5.8 The Landscape Officer has been consulted and originally raised objection on the basis that insufficient justification and assessment of the landscape impact had been put forward by the applicant. Further information has now been submitted and the Landscape Officer is content that, on balance, the proposals would, subject to appropriate mitigation, have an acceptable impact on the landscape. It is therefore considered that the location and design of the proposals has been justified and, with appropriate landscaping, the impact on the AONB landscape can be mitigated. Nevertheless there would be harm to the AONB and this is something that must be weighed in the overall planning balance.

Impact on flooding

5.9 Concerns have been raised that, should the culverts become blocked, there may be an increased likelihood of flooding to properties around Noverton Farm. As detailed above, the purpose of the development is to protect nearby residential properties from flooding. A condition is proposed to require the submission of a management plan to ensure that appropriate management of the culverts is maintained.

5.10 On applications of this nature, the usual specialist advisor would be the County Council as Lead Local Flood Authority. However in this case, the LLFA is of course the applicant and as such the Council's Flood Risk Management Officer has been consulted and **an update will be provided at Committee**.

Impact on heritage archaeology

5.11 The application has been supported by a geophysical survey and a field evaluation. Excavations of trial tranches were undertaken on the site and significant archaeology relating to evidence of Roman settlement, in particular in relation to land around the Priors Farm part of the site (in Cheltenham Borough). The archaeology is not however considered to be of the first order of preservation and the County Archaeologist has recommended a condition for a written scheme of investigation to be submitted and approved prior to the commencement of development.

5.12 Concerns have been raised that the proposed development would have an adverse impact on the Grade II listed Drakes Farm. The Conservation Officer raised no objections to the application. Due to the relationship between the property and the development, it is not considered that there would be any adverse impacts on the setting of the listed building. There may be some minor impacts from the access road, during the construction phase. However, these could be assessed and safeguarded against as part of the construction management plan proposed by condition. Any temporary low level of harm would be outweighed by the public benefits of the proposals in line with the requirements of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Other matters

5.13 Concerns have been raised regarding the impact of construction traffic on residential amenity and surrounding occupiers. Some disruption and disturbance is an inevitable consequence of most construction activity associated with new development. However, such impacts are temporary in nature and any significantly harmful impacts can be controlled through separate legislation and guidelines e.g. environmental health legislation and the Consideration Constructors Scheme. Furthermore, to mitigate any potential adverse impacts on both this and highway safety, a condition is proposed requiring the submission and approval of a construction management plan.

5.14 The submitted Ecological Appraisal identifies that the site has potential for a number of protected species and sets out recommendations that should be carried out. A suitably worded planning condition is proposed to ensure that these recommendations are undertaken to safeguard protected species.

5.15 Concerns have been raised that the proposed access route and the loss of land may be harmful to the existing business at Noverton Farm. As set out above, the access route is temporary to allow for construction and the construction management plan can mitigate against this. In relation to the loss of land, as stated previously, the applicant advises that the site represents the only technical solution for the implementation of this particular flood alleviation scheme. The application is on land that is outside of the ownership of the County Council and should planning permission be granted, the County Council would have powers under the Compulsory Purchase Order Act to purchase the land if the scheme is in the public benefit.

5.16 The public benefits of the scheme have been set out throughout this report. Whilst it is acknowledged that the scheme would result in the loss of land to Noverton Farm, this would be dealt with through compulsory purchase legislation and is not a planning matter. The applicant has served the necessary notices on the landowner and the application must be considered on its land use planning merits. In any event the regional agricultural land classification map indicates that the land is not 'best and most versatile' agricultural land and there would be no sustainable planning objection on this ground.

6.0 Conclusion

6.1 The application seeks to provide flood storage areas, which would safeguard the nearby residential properties from flooding. Flood water would be stored and its release controlled to prevent flooding in case of heavy rainfall. Whilst it is acknowledged that the proposed flood storage areas would have an impact on the scenic beauty of the landscape of the AONB, it is considered that the benefits are capable of outweighing the harm to the landscape, subject to no objections being raised by the Flood Risk Management Officer and conditions which would help mitigate the landscape harm.

6.2 It is therefore recommended that **permission is delegated to the Development Manager subject to no objection being raised by the Flood Risk Management Officer and the imposition of any additional conditions necessary**.

RECOMMENDATION Permit

Conditions:

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2 No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved CMP.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity.

3 No development shall commence until details of a future management programme have been submitted to and approved in writing by the Local Planning Authority. This programme shall include details of the maintenance of the culverts and channels to ensure they remain free from debris. The development shall thereafter be carried out in accordance with the details so approved.

Reason: In the interests of flood prevention.

4 No development shall commence until all the recommendations in the Ecological Appraisal (received by the Council on 17th January 2017) have been implemented. All measures shall be retained for the duration of the construction.

Reason: To prevent ecological harm and to protect protected species

5 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

Drawings numbered 652358-DD-030, -031, -032, and -033, received by the Council on 9th January 2017 and drawings numbered 652358-DD-001, -002 1 and -200 1, received by the Council on 6th March 2017.

Reason: To define the terms and extent of the permission.

6 No development shall commence until a soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

Reason: To safeguard the scenic beauty of the AONB.

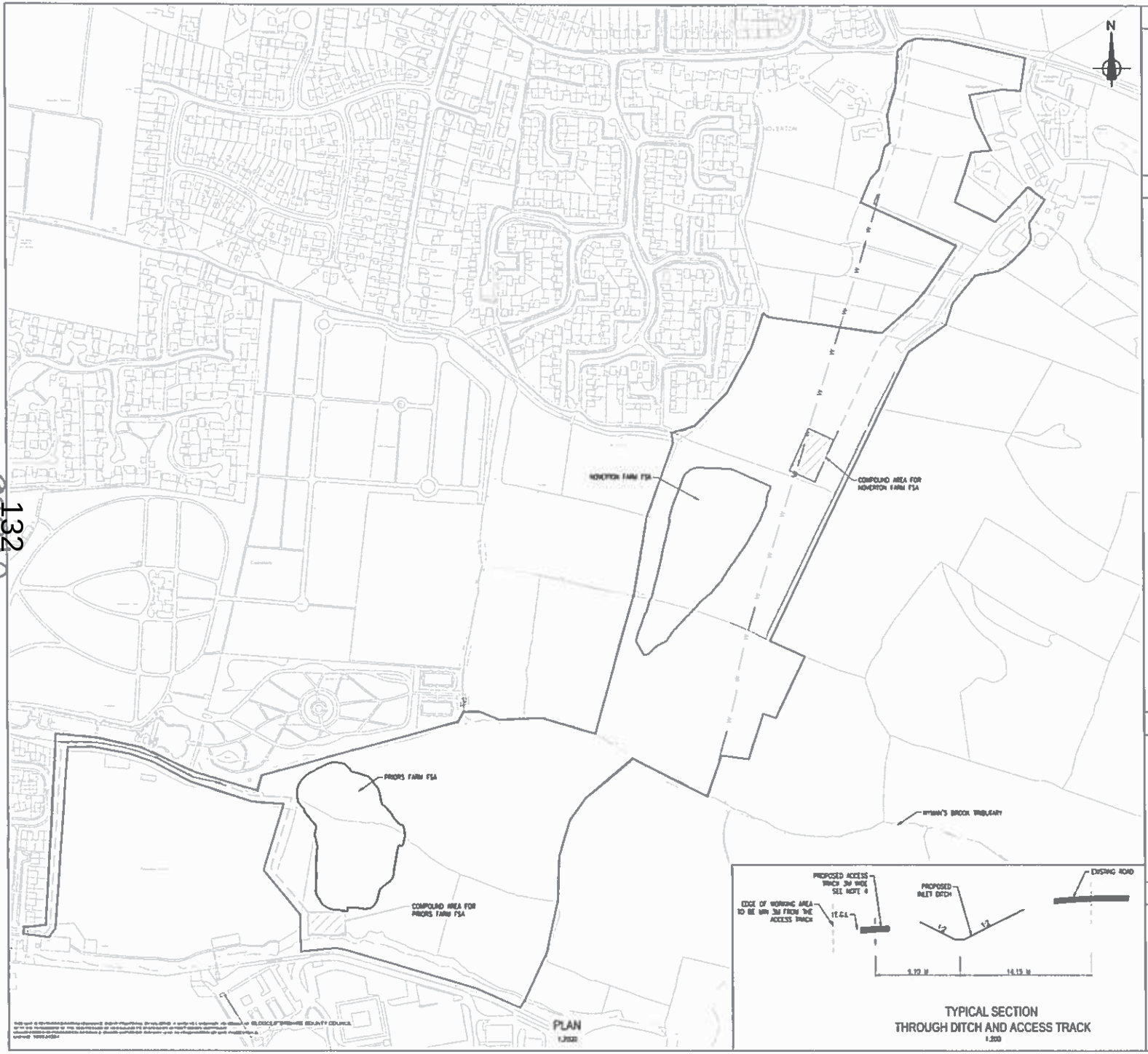
7 All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained

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.



GENERAL NOTES

1. DO NOT SCALE FROM THIS DRAWING.
2. WHERE SERVICES ARE NOT SHOWN THIS SHALL NOT BE TAKEN AS EVIDENCE THAT NO SERVICES ARE PRESENT AND RELEVANT RECORDS SHOULD BE CONSULTED PRIOR TO ANY EXCAVATION.
3. HEDGEROW AND TREES TO BE REMOVED WHERE REQUIRED.
4. TEMPORARY ACCESS TRACK (METAL TRACK) TO BE MIN 3M FROM THE EDGE OF NEW DITCH.
5. ALL LEVELS GIVEN IN METRES ABOVE ORDNANCE DATUM (mAOD).

NOTES

SAFETY HEALTH AND ENVIRONMENTAL INFORMATION

CONSTRUCTION
1. Working over or adjacent to water (risk of hypothermia drowning, leptospirosis)
2. Working at height (slips, trips and falls)
3. Manual handling
4. Fuel or other chemical leak
5. Noise
6. Underground cables, electrocution
7. Working on and next to the Public (resident houses, public rights of way)

MAINTENANCE
1. Working over or adjacent to water (risk of hypothermia drowning, leptospirosis)
2. Working at height (slips, trips and falls)
3. Working on and next to the Public (resident houses, public rights of way)
4. Poor access

DECOMMISSIONING/DEMOLITIONS
1. Working over or adjacent to water (risk of hypothermia drowning, leptospirosis)
2. Working at height (slips, trips and falls)
3. Working on and next to the Public (resident houses, public rights of way)

DETAILED DESIGN

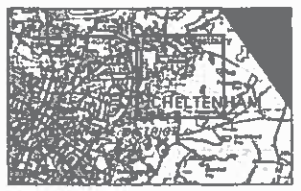
SCALE 1:200 (A1) 0 5 10 20 METRES

SCALE 1:2000 (A1) 0 50 100 200 METRES

LEGEND

- RESERVOIR BOUNDARY
- ACCESS ROUTE
- SITE COMPOUND
- WATER MAIN
- WORKING AREA

KEY PLAN



REV	STATUS	DATE	DR	CHK	APVD	DRG STATUS	DRG REV
3	D2	23/02/2017	PRIORS FARM OPTIMISATION			KB	BYK
2	B3	20/12/2016	DETAILED DESIGN			BZ	BYK
1	B0	14/11/2016	INITIAL DESIGN			IB	

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Gloucestershire

CH2MHILL.

Wheddon Flood Alleviation Scheme

Site Location, Access Route And Existing Services

DRAWN TO A1
VERIFY SCALE
BAR IS 25mm ON ORIGINAL DRAWING
0 25mm

DATE	20/12/2016
PROJ	652358
DWG	652358-DD-002
SHEET	1 of 1

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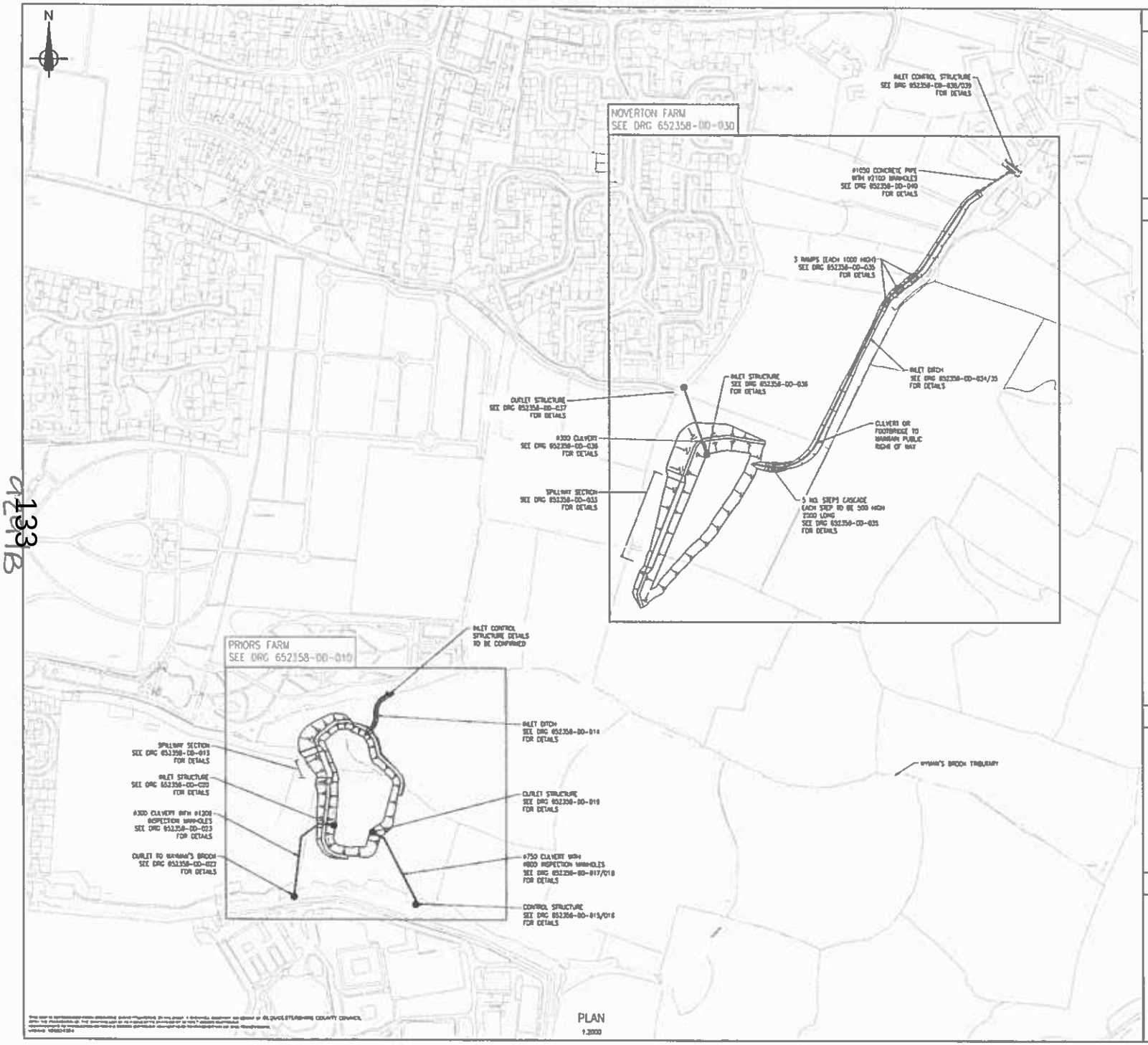

PLAN
1:2000

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5. FOR ACCESS DETAILS SEE DRG 652358-DD-002.
6. ALL LEVELS GIVEN IN METRES ABOVE ORDNANCE DATUM (mAOD).

NOTES

SAFETY HEALTH AND ENVIRONMENTAL INFORMATION

Numbers do not necessarily apply / appropriate with no. 1 being at risk. Designers to identify and numbers verify not the unless shown on drawing apply

CONSTRUCTION
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2. Working at height (slips, trips and falls)
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2. Working at height (slips, trips and falls)
3. Working on and next to the Public (resident houses, public rights of way)

DETAILED DESIGN

0 50 100 200
SCALE 1:2000 (A1)
METRES

LEGEND

PROPOSED EXCAVATION
PROPOSED EMBANKMENT

KEY PLAN

REV	STATUS	DATE	DR	CHK	APVD
3	D2	23/03/2017	PRIORS FARM OPTIMISATION	SB	BYK
2	S3	20/12/2016	DETAILED DESIGN	SZ	BYK
1	D0	14/11/2016	INITIAL DESIGN	SB	BY
REV	STATUS	DATE	REVISION	CHK	APVD

DRG STATUS: D2 DRG REV: 3

CH2M
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Gloucestershire County Council

CH2MHILL

Wheatacre Flood Alleviation Scheme
Storage Areas
General Arrangements

DRAWN TO A1
VERIFY SCALE
BAR IS 25mm ON ORIGINAL DRAWING
0 25mm

DATE 20/12/2016
PROJ 652358
DWG 652358-DD-021
SHEET 1 of 1

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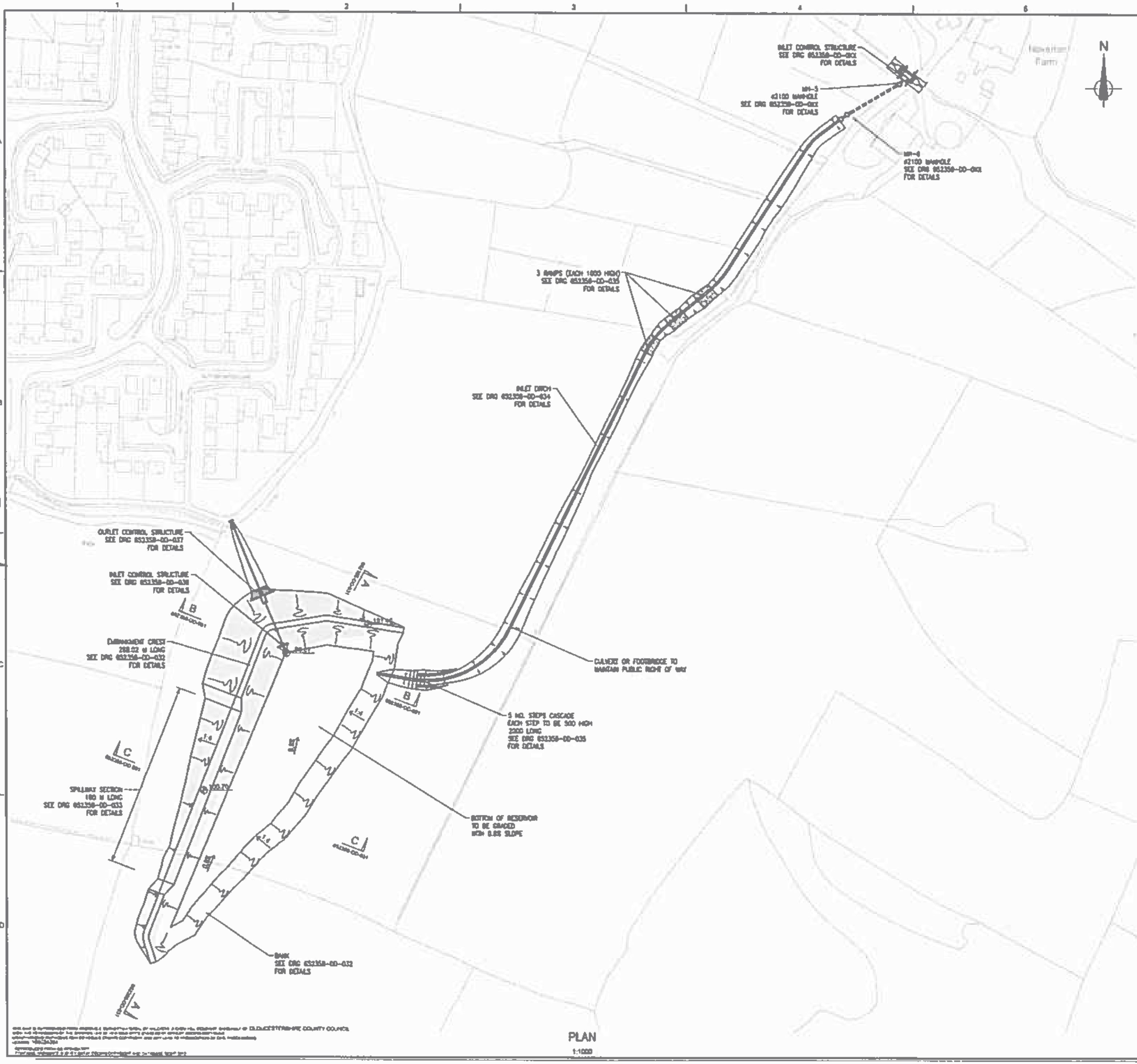

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NOTES

SAFETY HEALTH AND ENVIRONMENTAL INFORMATION

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2. Working at height (slips, trips and falls)
3. Working on and next to the Public (resident houses, public rights of way)

DETAILED DESIGN

0 10 20 30 40 50 60 70 80 90 100
SCALE 1:1000 (A1) METRES

LEGEND

PROPOSED EMBANKMENT
PROPOSED EXCAVATION

KEY PLAN

CHELTENHAM

REV	STATUS	DATE	REVISION	BY	APVD
2	S3	20/12/2016	DETAILED DESIGN	SZ	SYK

DSGN | DR | CHK | SZ | PC | APVD | SYK
DRG STATUS S3 | DRG REV

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Gloucestershire

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Warden Hill Flood Alleviation Scheme
Noverton Farm Flood Storage Area
General Arrangement

DRAWN TO A1
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DATE	20/12/2016
PROJ	652358
DWG	652358-DD-030
SHEET	1 of 1

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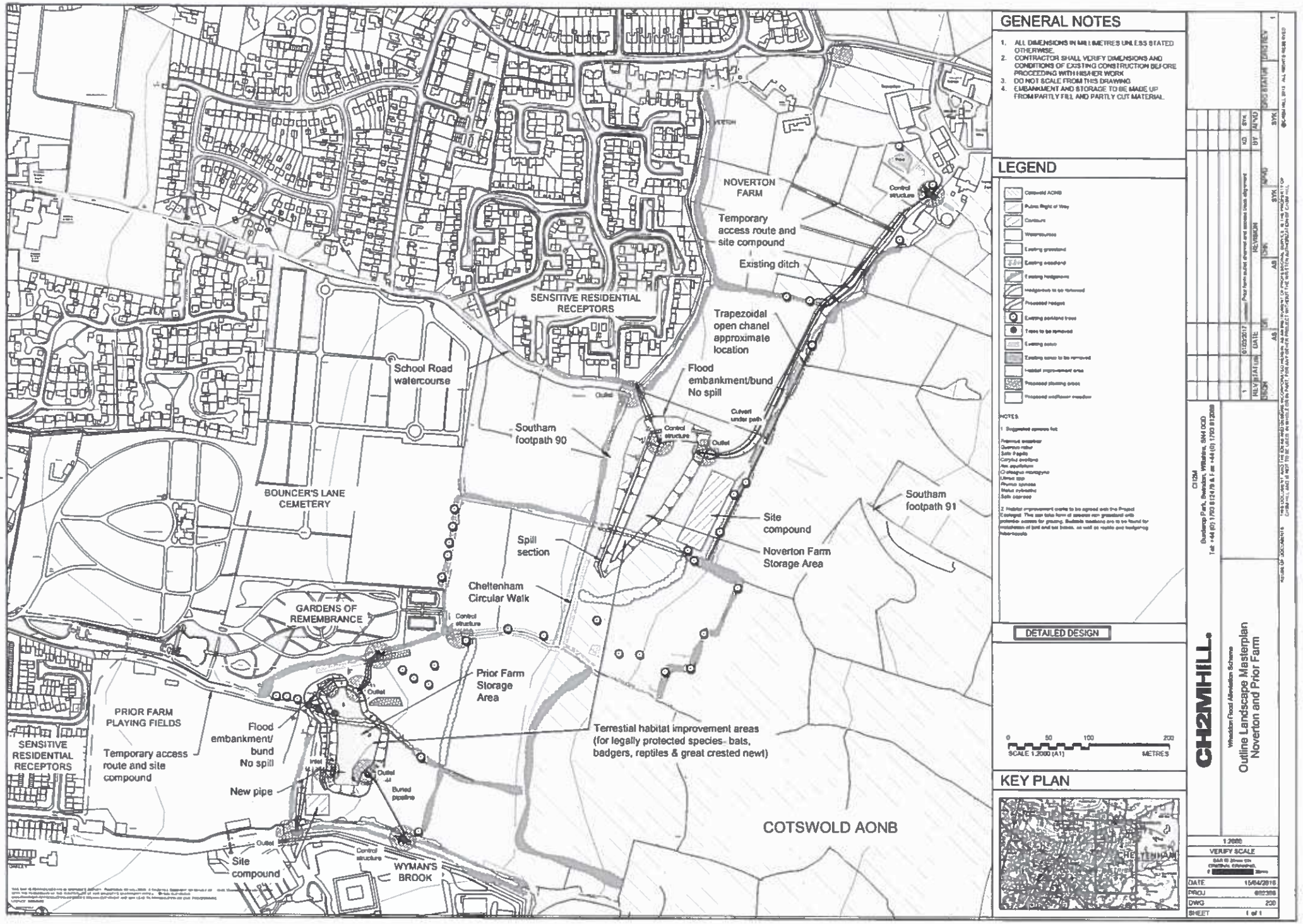
NOVERTON FARM
Temporary access route and site compound
Existing ditch
SENSITIVE RESIDENTIAL RECEPTORS
Trapezoidal open chanel approximate location
School Road watercourse
Flood embankment/bund No spill
Southam footpath 90
Culvert under path
Control structure
Outlet
BOUNCER'S LANE CEMETERY
Southam footpath 91
Site compound
Spill section
Noverton Farm Storage Area
Cheltenham Circular Walk
GARDENS OF REMEMBRANCE
Prior Farm Storage Area
PRIOR FARM PLAYING FIELDS
Flood embankment/ bund No spill
Terrestial habitat improvement areas (for legally protected species- bats, badgers, reptiles & great crested newt)
SENSITIVE RESIDENTIAL RECEPTORS
Temporary access route and site compound
New pipe
Buried pipeline
COTSWOLD AONB
Site compound
WYMAN'S BROOK
GENERAL NOTES
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3. DO NOT SCALE FROM THIS DRAWING.
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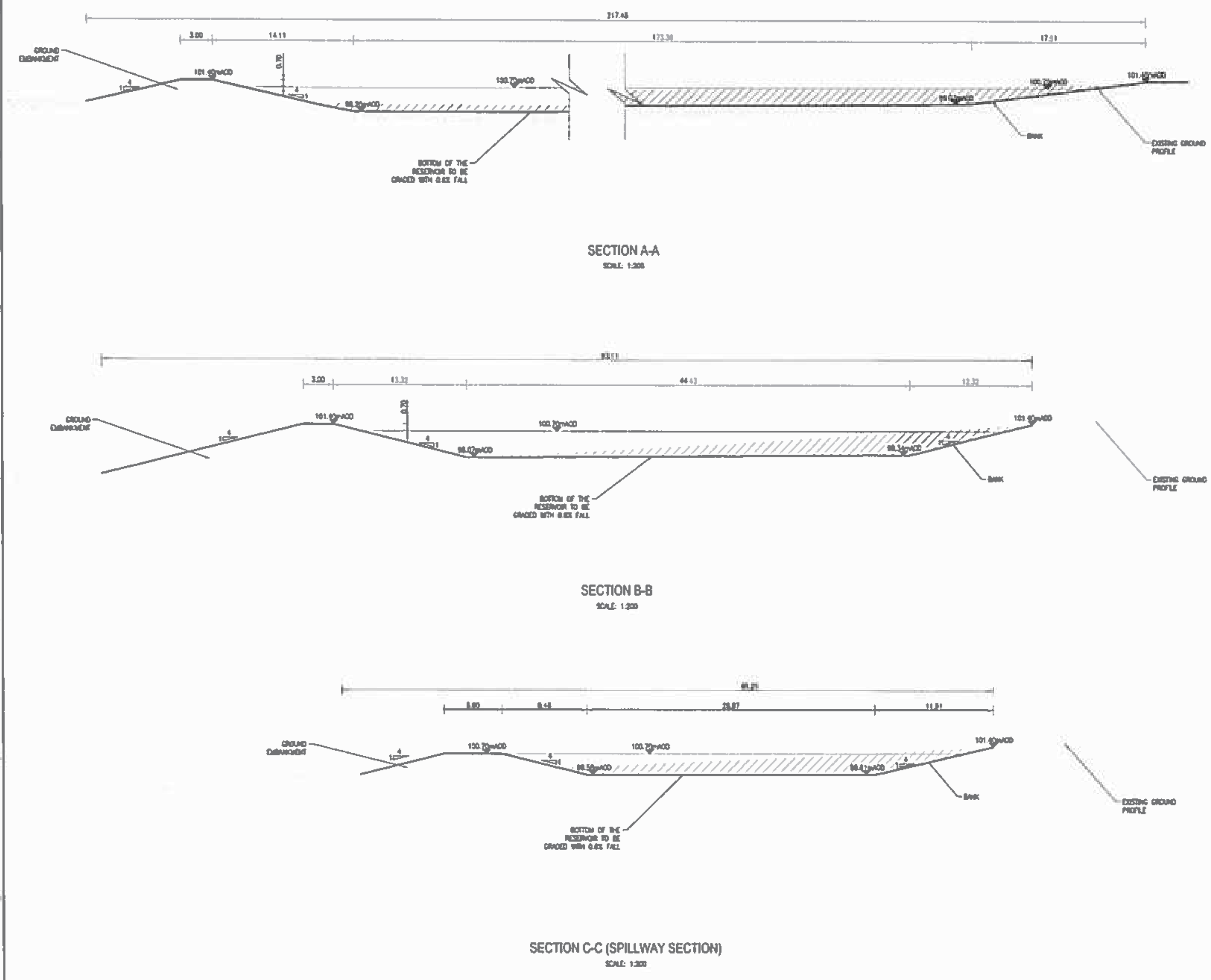
LEGEND
DETAILED DESIGN
0 50 100 200
SCALE 1:2000 (A1) METRES
KEY PLAN
CHELTENHAM
CH2MHILL
Wheeldon Flood Alleviation Scheme
Outline Landscape Masterplan
Noverton and Prior Farm
1:2000
VERIFY SCALE
DATE 15/04/2016
PROJ 662366
DWG 230
SHEET 1 of 1

92135



SECTION A-A
SCALE 1:200

SECTION B-B
SCALE 1:200

SECTION C-C (SPILLWAY SECTION)
SCALE 1:200

GENERAL NOTES

1. ALL DIMENSIONS IN METRES UNLESS STATED OTHERWISE.
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3. DO NOT SCALE FROM THIS DRAWING.
4. EMBANKMENT AND STORAGE TO BE MADE UP FROM PARTLY FILL AND PARTLY CUT MATERIAL.
5. DRAWING TO BE READ IN CONJUNCTION WITH 652358-DD-030/32.

NOTES

SAFETY HEALTH AND ENVIRONMENTAL INFORMATION

CONSTRUCTION:
1. Working over or adjacent to water (risk of hypothermia, drowning, leptospirosis)
2. Working at height (slips, trips and falls)
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4. Fuel or other chemical leak
5. Noise
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2. Working at height (slips, trips and falls)
3. Working on and next to the Public (resident houses, public rights of way)

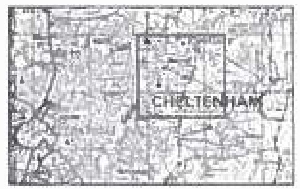
DETAILED DESIGN

0 5 10 20
SCALE 1:200 (A1) METRES

LEGEND

CUT MATERIAL
FILL MATERIAL

KEY PLAN



REV	STATUS	DATE	REVISION	BY	APVD
2	S3	20/12/2016	DETAILED DESIGN	SZ	SYK

DGSN: [illegible] DN: [illegible] CHK: PC APVD: SYK

ORG STATUS: S3 ORG REV: [illegible]

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Burderop Park, Swindon, Wiltshire, SN4 0QD
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Gloucestershire

CH2MHILL.

Wheddon Flood Alleviation Scheme

Noverton Farm Flood Storage Area
Sections Through Reservoir

DRAWN TO A1
VERIFY SCALE

DATE	20/12/2016
PROJ	652358
DWG	652358-DD-031
SHEET	1 of 1

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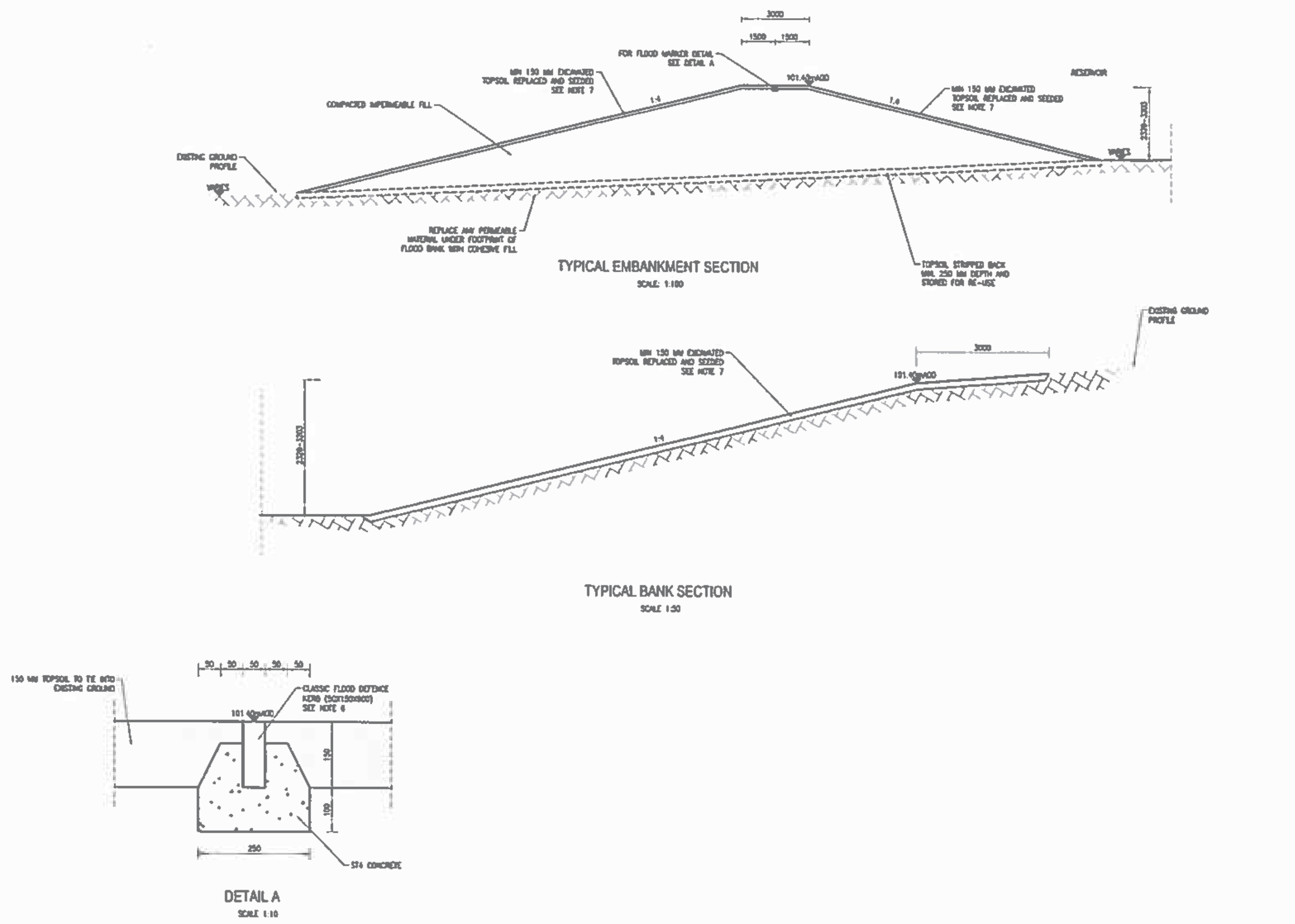


GENERAL NOTES

1. ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE.
2. CONTRACTOR SHALL VERIFY DIMENSIONS AND CONDITIONS OF EXISTING CONSTRUCTION BEFORE PROCEEDING WITH HIS/HER WORK.
3. DO NOT SCALE FROM THIS DRAWING.
4. EMBANKMENT AND STORAGE TO BE MADE UP FROM PARTLY FILL AND PARTLY CUT MATERIAL REFER TO GEOTECH. SPECIFICATION FOR DETAILS.
5. DRAWING TO BE READ IN CONJUNCTION WITH 652358-DD-030
6. FLOOD MARKER KERB TO BE PLACED ALONG THE EMBANKMENT CREST
7. RESERVOIR EMBANKMENTS TO BE HYDROSEEDED CONTRACTOR TO PROVIDE DETAILS.

NOTES

SAFETY HEALTH AND ENVIRONMENTAL INFORMATION

CONSTRUCTION
1. Working over or adjacent to water (risk of hypothermia, drowning, leptospirosis)
2. Working at height (slips, trips and falls)
3. Manual handling
4. Fuel or other chemical leak
5. Noise
6. Underground cables, electrocution
7. Working on and next to the Public (resident houses, public rights of way)

MAINTENANCE
1. Working over or adjacent to water (risk of hypothermia, drowning, leptospirosis)
2. Working at height (slips, trips and falls)
3. Working on and next to the Public (resident houses, public rights of way)
4. Poor access

DECOMMISSIONING/DEMOLITIONS
1. Working over or adjacent to water (risk of hypothermia, drowning, leptospirosis)
2. Working at height (slips, trips and falls)
3. Working on and next to the Public (resident houses, public rights of way)

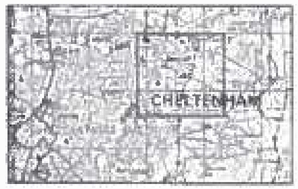
DETAILED DESIGN

SCALE 1:10 (A1) — 0 100 200 300 400 500 1000 MILLIMETRES
SCALE 1:20 (A1) — 0 0.5 1 2 METRES
SCALE 1:50 (A1) — 0 1000 2000 3000 4000 5000 MILLIMETRES
SCALE 1:100 (A1) — 0 5 10 METRES

LEGEND

CUT MATERIAL
FILL MATERIAL

KEY PLAN



REV	STATUS	DATE	REVISION	BY	APVD
2	S3	20/12/2016	DETAILED DESIGN	SZ	SYK

DSGN | DR | CHK SZ | APVD PC | SYK | DRG STATUS S3 | DRG REV

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Gloucestershire County Council

Whaddon Flood Alleviation Scheme
Noverton Farm Flood Storage
Typical Embankment And Bank Section Details

DRAWN TO A1
VERIFY SCALE

DATE	20/12/2016
PROJ	652358
DWG	652358-DD-032
SHEET	1 of 1

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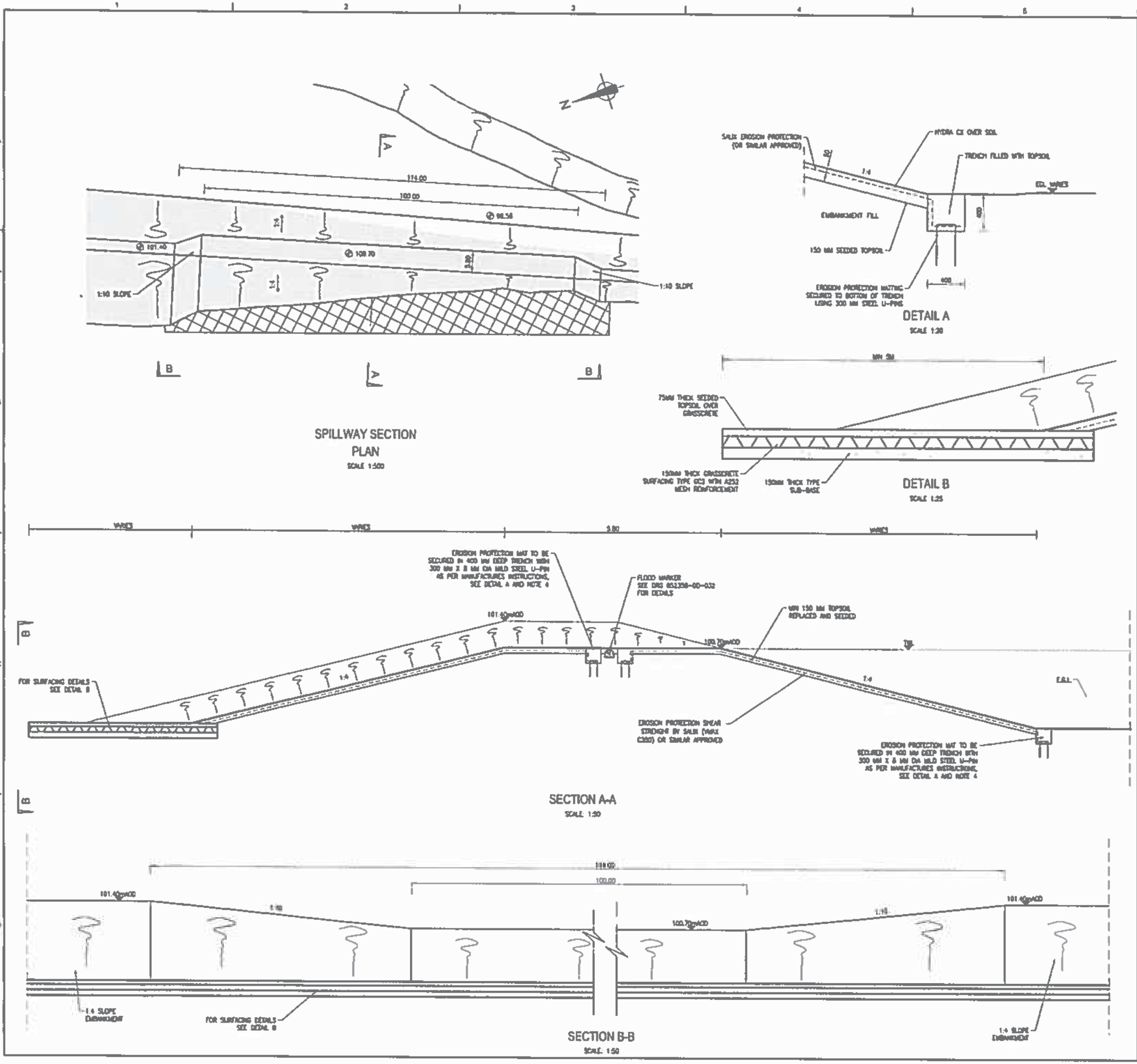

GENERAL NOTES

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2. CONTRACTOR SHALL VERIFY DIMENSIONS AND CONDITIONS OF EXISTING CONSTRUCTION BEFORE PROCEEDING WITH HIS/HER WORK
3. DO NOT SCALE FROM THIS DRAWING
4. EROSION PROTECTION MAT TO BE LAYED ALSO 200MM VERTICALLY UP THE SIDE SLOPES.

NOTES

SAFETY HEALTH AND ENVIRONMENTAL INFORMATION

CONSTRUCTION:
1. Working over or adjacent to water (risk of hypothermia, drowning, leptospirosis)
2. Working at height (slips, trips and falls)
3. Manual handling
4. Fuel or other chemical leak
5. Noise
6. Underground cables, electrocution
7. Working on and next to the Public (resident houses, public rights of way)

MAINTENANCE:
1. Working over or adjacent to water (risk of hypothermia, drowning, leptospirosis)
2. Working at height (slips, trips and falls)
3. Working on and next to the Public (resident houses, public rights of way)
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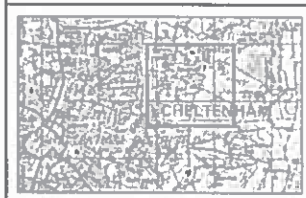
DECOMMISSIONING/DEMOLITION:
1. Working over or adjacent to water (risk of hypothermia, drowning, leptospirosis)
2. Working at height (slips, trips and falls)
3. Working on and next to the Public (resident houses, public rights of way)

DETAILED DESIGN

SCALE 1:100 (A1) METRES
SCALE 1:200 (A1) METRES
SCALE 1:250 (A1) METRES
SCALE 1:500 (A1) METRES

LEGEND

KEY PLAN



REV	STATUS	DATE	REVISION	BY	APVD
2	S3	20/12/2016	DETAILED DESIGN	SZ	SYK

DSGN | DR | CHK | PC | APVD | SYK | S3 | DRG STATUS | DRG REV

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Gloucestershire

Woodton Flood Alleviation Scheme

Noverton Farm Flood Storage Area
Spillway Section Details

DRAWN TO A1
VERIFY SCALE

DATE	20/12/2016
PROJ	652358
DWG	652358-DD-033
SHEET	1 of 1

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92138/G

15/00898/OUT	**Part Parcel 2691, Tewkesbury Road, Twigworth**	**14**
Valid 08.09.2015	Outline application for the erection of up to 10 dwellings, with all matters to be reserved for future consideration	
Grid Ref 385290 222935 Parish Twigworth Ward Coombe Hill	Mr Rob Walker C/o Agent	

RECOMMENDATION Delegated Permit

Policies and Constraints

Tewkesbury Borough Local Plan to 2011 (March 2006) - policies HOU4 (Other Settlements/Rural Areas), HOU13 (Affordable Housing), GN11 (Implementation), TPT1 (Access for Development), TPT6 (Cycle Parking), EVT2 (Light Pollution), EVT3 (Noise Pollution), EVT9 (Sustainable Urban Drainage Systems) and LND4 (Landscape - Countryside Protection)
JCS (Submission Version) November 2014
Affordable Housing Supplementary Planning Guidance (November 2006)
Flood and Water Management SPD
National Planning Policy Framework (2012)
Planning Practice Guidance
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property

Consultations and Representations

Twigworth Parish Council - no response at the time of writing.

County Highway Authority - no objection subject to conditions.

Strategic Housing & Enabling Officer advises that on-site provision of affordable housing (40%) would be required. In this instance there is no justification for off-site/financial contributions.

Environmental Health Officer raises no objection subject to conditions.

Urban Design Officer advises suggests some amendments to the layout as shown in the indicative plan, and has suggested that a reduction of roughly 2 units would allow for a much more satisfactory design and layout.

Land Drainage Officer - no comments at the time of writing.

Gloucestershire County Council S106 Officer - no comments at the time of writing.

Community Development Officer - no comments at the time of writing.

5 letters of representation have been received raising the following issues:

- Too many dwellings - not in keeping with character of the area. The volume of proposed properties and the spacing between them is not in keeping with the semi-rural character or the area
- The siting of the proposed dwelling nearest to 'Stonehaven' should have a reasonable gap from both properties' boundaries with appropriate boundary treatment.
- All proposed dwellings with immediate individual access from the private road should be built in line with existing dwellings and should not be sited any further back from the private road - to be in-keeping with the character of the area and to minimise noise, disturbance and odour.
- The proposed dwellings should all have garages to help with traffic and parking issues, and to be in-keeping with the character of the area
- Landscaping needs to be sufficient for the site as a number of trees and hedges have already been removed from this site and along the A38 frontage.
- Road safety concerns at the junction of Twigworth Fields with the A38 - Access onto the A38 from Twigworth Fields is currently hazardous due to the volume and speed of traffic, together with restrictive

vision from the lane towards the Down Hatherley Lane turning due to the curve in the road.

- Twigworth Fields is a private road, and should be upgraded by the developer and adopted by the County Council for future maintenance purposes. Extra traffic would cause considerable wear and tear to the surface and there would be a requirement for the verges to be maintained.
- Appropriate and safe provision should be made for refuse collection.
- The existing utilities that service the four properties are not adequate.
- The existing rainwater drainage at the junction of Twigworth Fields and the A38 is already inadequate and substantial flooding occurs at each and every occurrence of rainfall. Any standing water drainage from the proposed site, unless appropriately catered for, will result in increased risk of road flooding.
- The existing pumping station is inadequate and sewage has been known to back up as far as the last property in the lane which is not only unpleasant, but dangerous for the health and well-being of the residents. It is highly unlikely that, without substantial modification, it will be able to support a development of this size.
- There are minimal amenities in Twigworth and Norton, all of which are outside 'walking' distance. Norton Primary School is reported to be over-subscribed and the bus services are inadequate. In their current form, they will not support a development of the proposed size. The outline proposal does not provide details of the upgrading of these local amenities for further residents in the area.

Planning Officers Comments: Emma Blackwood

1.0 Application Site

1.1 The application site comprises 0.9ha of land and is located immediately adjacent to the west of the A38 in Twigworth, which is a small rural "service village" approximately 4.5km north of Gloucester City Centre, 10km west of Cheltenham and 11km south of Tewkesbury. The site is accessed from Twigworth Fields; a private road leading off the A38 (see site location plan). The site is predominantly flat and clear, and there is some vegetation along the eastern and southern boundaries of the site.

1.2 There are currently 4 no. detached dwellings accessed via Twigworth Fields which, at the closest point, are set back approximately 130 metres from the A38. The immediate area is characterised by ribbon development which straddles the A38 in this location. Vine House and Woodvine House, both detached dwellings, are located to the north and south of the site respectively, both of which are accessed from the A38. There are also a number of residential dwellings to the north of the site along the A38 and at Broadclose Road. The southern site boundary also lies adjacent to the Twigworth Breaker's Yard. Land immediately to the east of the A38, opposite the application site, lies within the Green Belt. The land within the curtilage of the application site, however, is not subject to any formal landscape designation and is not located within a recognised settlement boundary.

2.0 Relevant Planning History

2.1 There are no relevant planning applications relating to residential development within the curtilage of the application site. However, it is noteworthy that outline planning permission was granted for the erection of 2 detached bungalows on land to the north of Vine House in January 2014 (reference 14/01047/OUT). An outline application for the erection of five dwellings on this land is currently pending consideration (reference 15/00369/OUT).

2.2 Pre-application advice was sought in May 2015 for the erection of up to 10 residential dwellings, not exceeding a total of 1,000 square metres of floor space, on the application site.

2.3 Within the pre-application advice, it was advised that the site is considered to be within a reasonably sustainable location and, as such, the principal of a residential scheme is likely to be considered acceptable here. However, some amendments to the layout and design of the scheme were suggested, as follows: It was advised that the density of the scheme be reduced to be more in-keeping with the neighbouring generously sized plots. 4 no. dwellings were shown on the part of the site which runs parallel with the A38 and it was suggested that this be reduced to 3 dwellings, removing the dwelling furthest towards the north and providing more of a gap between the 2 more centrally positioned dwellings. It was also suggested that the 6 dwellings shown on the part of the site which runs perpendicular to the A38 be reduced to 5 dwellings, again therefore increasing the spacing between the dwellings here. It was further advised moving these dwellings slightly further north within the site, to sit level with the building line formed by the existing dwelling at Stonehaven, and making sure the front building line across these dwellings is level (the submitted indicative layout showed each dwelling at a slight angle relative to the adjacent building).

2.4 The Local Highway Authority was consulted as part of this pre-application enquiry and advised that they did not have an in principle objection to the development, subject to a number of details being submitted with any subsequent application.

2.5 It is noteworthy that, in the current outline application, the submitted indicative layout makes no changes to the layout or general design of the proposed development as originally shown in the pre-application enquiry.

3.0 Current Application

3.1 This application proposes the erection of up to 10 dwellings. The application is in outline with all matters to be reserved for future consideration. Whilst all matters are reserved, the application is supported with an indicative site layout plan which, the Planning, Design and Access Statement advises, have been submitted for indicative purposes only (see attached plans). Further, the application is supported by 2 no. indicative street scene drawings; one with 1.5 storey dwellings and the other with two storey dwellings.

3.2 The indicative layout and the submitted Planning, Design and Access Statement advises that the proposed dwellings are likely to be accessed via the existing Twigworth Fields, upon which the applicant has a right of access.

4.0 Analysis

Principal of Development

4.1 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 National Planning Policy Framework, 2012 (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.

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 and Down Hatherley. Twigworth benefits from a reasonable level of local services and facilities, including a post office, 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. There is footway provision on the eastern edge of the A38 providing linkage to local amenities, schools and sustainable transport. The indicative plan (8019SK002 Rev C) proposes the provision of a 2 metre footway on the southern edge of the access road. The footway would extend onto the A38 where a dropped kerb and tactile crossing point would provide suitable linkage to the existing footway provision on the A38. This would ensure suitable accessibility to these local amenities and sustainable transport provisions.

4.4 The site is also located in close proximity to bus stops on the A38 which provide connections to Tewkesbury, Cheltenham and Gloucester City. The Local Highway Authority advises that the nearest bus stop provision is approximately 140 metres north of the site which is within the desired comfortable walking distance recommended by the IHT providing for journeys on foot guidance (table 3.2). The bus services available here are the 71 and a number of limited school services. The 71 provides an hourly service with peak hour service between Tewkesbury and Gloucester, providing a sustainable transport method to a number of employment areas as well as further regional and national sustainable transport options. It is therefore considered that the site is located in a reasonably accessible location.

Impact on Character and Appearance of Area

4.5 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.

4.6 Whilst all matters relating to design and layout are reserved for future consideration, the application is supported with an illustrative site layout plan and street scene which, the Planning, Design and Access Statement advises, have been submitted for indicative purposes only.

4.7 The indicative layout shows that the site would be accessed via the existing Twigworth Fields access on to the A38, and six of the proposed dwellings would face onto this existing private road. The remaining four proposed dwellings would face east onto a new stretch of road which would lie parallel with the A38.

4.8 The Urban Design Officer has viewed the application and supports the observations made by the Planning Officer at pre-application stage, regarding the cramped nature of the proposed development and the building line. The indicative layout shows the dwellings arranged very close to each other, giving the appearance of a continuous building line and, in this rural location, a looser development form would be more appropriate. Most of the dwellings near the site are detached properties set in large plots. The applicant is advised that attention should be paid to the corner building, which should be designed to turn the corner and have active fenestration on both elevations. Further, due to the cramped arrangement of the buildings on the indicative layout, most parking would be accommodated to the front of the dwellings, which would create a very car dominated street scene.

4.9 The Urban Design Officer concludes that this site is appropriate for housing in design terms. However, in order for these to be comfortably accommodated within the site, it is advised that a reduction of roughly 2 units would allow for a much more satisfactory design and layout.

4.10 The indicative layout shows detached dwellings only, and there is very little spacing between the proposed buildings. Alterations could be made to the proposal by alternatively providing, for example, some semi-detached dwellings on site and therefore increasing the gaps between buildings. Any subsequent reserved matters application would need to demonstrate that up to 10 dwellings could be accommodated within the curtilage of the application site in an appropriate and attractive arrangement. Therefore it is considered that ten dwellings could be accommodated on the site in an appropriate way; however, the illustrative layout submitted with the current application is not considered appropriate for the reasons set out above. A note is suggested which will highlight this to any future developer of the land.

4.11 Whilst the concerns of local residents are noted in respect of the quantity, size and design of the dwellings, this would be addressed through any subsequent reserved matters application.

Landscape Impact

4.12 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.

4.13 As set out above, there are no landscape designations affecting the site. The site itself sits in close proximity to existing residential development and is heavily influenced by the A38. The proposal would introduce development into an open piece of land. However, by virtue of the positioning of existing dwellings towards the end of Twigworth Fields, the proposal would not significantly interrupt views of the open countryside beyond. Whilst the development would be fairly prominent from the road and would change the character of the site by virtue of the location of existing dwellings on Twigworth Fields and the extent of existing ribbon development along the A38, it is not considered that the visual impact would be so significant as to warrant a refusal of planning permission in this particular case. Further, the submitted Planning, Design and Access Statement advises that a landscape buffer would be introduced adjacent to the breaker's yard and that the existing planting along the A38 would be retained, to soften the visual impact, and it is recommended that a condition is attached to any approval of planning permission requiring the submission of details relating to landscaping. Notwithstanding this, the harm, albeit limited, does weigh against the proposal in the overall planning balance.

Impact on Residential Amenity

4.14 The nearest dwellings to the proposed development would be the 4 no. detached dwellings located towards the end of Twigworth Fields and Vine House and Woodvine House. At this stage, the layout is purely indicative, but is does show that 10 no. dwellings could be provided on the site whilst maintaining a separation distance of approximately 8 metres at the closest point between the proposed dwellings and the nearest existing adjacent dwelling, at Stonehaven. Whilst there is potential for some impact on adjoining occupiers as a result of the proposed development, it is considered that careful design and orientation of the proposed dwellings and their fenestration would ensure that the development could be accommodated in an acceptable manner and these matters would be addressed through any subsequent reserved matters application.

4.15 The indicative layout shows that each dwelling could be provided with a generous private garden area. As such, it is judged that this would provide an acceptable environment for future occupiers of the proposed dwellings.

4.16 By virtue of the location of the application site adjacent to 'Twigworth Breakers', a car scrap yard, and the A38, the application is supported by the submission of an Environmental Noise Report which provides details on a site noise monitoring survey and assesses the impact of external environmental noise on the proposed residential development. The monitoring location is shown in the Environmental Noise Report; approximately 110 metres from the centre of the carriageway of the A38, in the field adjacent to the scrap yard.

4.17 The Environmental Noise Report (ENR) advises that the main source of noise affecting the measurement location was road traffic on the A38, and that noise from the adjacent breaker's yard was occasional and barely audible above the ambient road traffic. The main source of industrial noise was from an electric screwdriver unbolting car panels, and there was also the noise of moving materials. The ENR advises that the noise from the breaker's yard was not measurable above the road traffic noise level at the monitoring location, which was in close proximity to the boundary with the breaker's yard.

4.18 The ENR concludes that noise levels within the majority of plots across the site, with an open window, are predicted to fall within the British Standard 8233:2014 criteria and are not expected to affect the residential amenity of the properties adversely. Plots closest to the road would require noise mitigation measures in the form of acoustic attenuated trickle vents with the windows kept closed. This would achieve the aims of the National Planning Policy Guidance and the Noise Policy Statement for England. The ENR further advises that noise levels within the residential amenity areas have been predicted and it is demonstrated that all plots have an area where the predicted noise level is below 55 LAeq dB and that the noise level in the gardens of the majority of plots is below the desirable level of 50 LAeq dB.

4.19 The Environmental Health Officer has analysed the ENR and advises that they agree with the methodologies used. In terms of noise levels from the adjacent breakers yard, the Environmental Health Officer assumes that this does not operate at night. Planning permission was granted on 1st October 1996 for the variation of condition 7 relating to the operating hours attached to planning permission 96/9493/0260/FUL for a single storey steel framed cover over the existing storage yard at Twigworth Breaker's, for the building to not be utilised except between the hours of 0800 and 1730 hours on Mondays to Sundays (inclusive).

4.20 The findings of the ENR gained through modelling show the site can comply with the required noise criteria with little need for mitigation. However, the Environmental Health Officer advises that a condition should be attached to any approval of planning permission for those plots highlighted within the ENR, to have alternative ventilation which enables the internal noise criteria to be met as per BS8233. Further, as the proposed development would be close to other residents, the Environmental Health Officer advises that the developer be referred to a construction guidance document provided by Environmental Health, which details how to minimise impact in this phase.

Impact on Road Safety

4.21 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 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.

4.22 Objections have been received from local residents on the grounds of highway safety. It is suggested that the A38 is very busy and cannot take any more vehicles and is dangerous at this location. Access is proposed to be reserved for future consideration. However, the indicative layout shows that the site would be accessed via the existing Twigworth Fields access onto the A38, which is subject to a 50mph speed limit at the point of access. Currently the access is approximately 11m in width with a driveway of 3.5m in width. The proposed development would modify the access to a 21m approximately wide bell mouth style priority T-Junction with give way markings from the minor to the major highway. The road would be widened to a width of 5.5 metres in order to allow two-way vehicular movements and the road would be constructed to adoptable standards, the design of which would be secured through a subsequent reserved matters application. The Local Highway Authority has confirmed that this access arrangement would be suitable for two way working leading to a 5.5m wide carriageway which can accommodate the passing of two HGV's.

4.23 In the absence of a speed survey the required emergent visibility would be 2.4m x 160m to the nearside kerb edge in either direction in accordance with DMRB standards. Indicative plan 8019SK004 has demonstrated visibility splays of 2.4m x 160m, with the splays within highway maintainable verge and do not cross third party land. The Local Highway Authority has confirmed that the required visibility splays are achievable with verge vegetation clearance, required to ensure the splays are maintained free of obstruction, and this can be dealt with by way of a planning condition.

4.24 As this is an outline application with all matters reserved, details of layout and parking would be reserved for future consideration. However, the Local Highway Authority has provided guidance for the applicant, against Paragraph 39 of the NPPF and the DCLG Residential Car Parking Research Document. The local car ownership levels for the ward in accordance with census data determined an average car or van availability of 2 per dwelling. The Local Highway Authority therefore advises that any subsequent reserved matters application should demonstrate the provision of 2 parking spaces per dwelling and that the spaces should comply with the minimum dimensions of 2.4m x 4.8m for a standard space, with 6.0m of drivable space in front of them for ease of access.

4.25 The turning facility as shown on any subsequent reserved matters application would need to be designed and constructed to adoptable standards. Vehicle tracking of a 3 axle refuse vehicle (of the type used for refuse collection in the TBC area) would need to be submitted at reserved matters stage.

4.26 Further, as the cul-de-sac part of the proposed development with the road lying parallel with the A38 would be 20 metres or longer, this would require adoptable standard turning facilities. A swept path analysis would also be required for a 3 axle refuse vehicle, with the tracking coming no closer than 500mm from any upright structure, tree or formal parking space.

4.27 The Local Highway Authority advises that the development consisting of 10 dwellings would generate approximately 50 daily vehicle trips, and that approximately 20 trips would occur at peak hours. They advise that an increase in the number of trips from a suitable access onto a class 1 highway would not be regarded as significant and that the residual cumulative impacts of the development would not be regarded as severe. No objections have been received from the Local Highway Authority, subject to conditions. It is considered that appropriate visibility, turning and manoeuvring can be achieved and the addition of the proposed dwellings would not generate significant traffic movement to warrant refusal.

Affordable Housing

4.28 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing. Furthermore, Affordable Housing Supplementary Planning Guidance (SPG) was adopted by the Council in August 2005. The purpose of the SPG is to assist the implementation of affordable housing policies contained within the Local Plan and it is a material consideration in the determination of planning applications. Emerging Policy SD13 (Joint Core Strategy Submission document) states that sites greater than 0.4 hectares are to meet an Affordable Housing contribution of 40%. The Housing Background Paper for the Joint Core Strategy evidences the requirement for 40% Affordable Housing on qualifying development sites.

4.29 The Strategic Housing & Enabling Officer confirms that the Council's requirement for a 40% contribution would need to be met on this site and that, if a reduction in the number of units on this development is proposed at a later stage, then the application should not fail to meet the 40% requirement. The Strategic Housing & Enabling Officer advises that four affordable homes should be provided on the site, comprising 2 no. 1-bed dwellings and 2 no. 2-bed dwellings, in order to meet the identified housing need.

4.30 The Council's policy is to meet its housing need first and foremost with on-site delivery of new affordable homes. Whilst the council would consider off-site/financial contributions for some applications, there is no justification to do so in case of this application. By securing housing need on-site, this ensures that homes are delivered and, importantly, in the area in which the development is built. The parish has identified a housing need and the housing register specifies that, as at 5th November 2015, 13 households have identified that Twigworth is an area that can meet their housing need; 3 of which live in the village, 5 live in the local area (surrounding parishes) and 5 live in the north of the borough. By virtue of the number of households in need, the Council's requirement for a 40% contribution would need to be met on this site and, without a demonstrated viability issue with this proposal, the Council would not seek to reduce the numbers delivered on-site.

4.31 The submitted Draft Heads of Terms for S106 Agreements confirms that the applicant is prepared to consider making a contribution towards affordable housing in one of the two following ways, in the following order of preference: (1) The provision of a financial contribution towards the off-site delivery of affordable housing to meet the needs of the local area, the figure of which is to be first agreed with the Council's Housing Enabling Officer; or (2) The provision of on-site affordable housing in accordance with the Council's adopted SPD on affordable housing, including an element of social rented accommodation to meet the identified housing needs of families in Twigworth.

4.32 The applicant has agreed to the principle of contributing towards affordable housing on-site and therefore, should members be minded to grant planning permission, it is recommended that authority be delegated to officers to allow for the provision of on-site affordable housing to be agreed.

Community Contributions

4.33 Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 (March 2006) states that permission will not be granted for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided. It further states that the nature of the infrastructure required will vary in relation to the nature and scale of the development proposed, the character of the site, demands made by the scheme on the local infrastructure and changing local community needs. At the very least, facilities for drainage and access must either exist or be provided.

4.34 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations relates to limitations on the use of planning obligations, and specifies that such obligations may only constitute a reason for granting planning permission for the development if the obligation is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

4.35 There have been no requests for community contributions to meet the community needs arising from the development proposed to date. **An update will be provided at Committee.**

Ecological Considerations

4.36 A Preliminary Ecological Appraisal, commissioned by Countryside Consultants Ltd and carried out in August 2015, has been submitted with the application. This concludes that all habitats on the site are of low ecological value with only limited potential association with bats and some likely association with nesting birds.

4.37 The Appraisal advises that the site comprises a mixture of trees and scrub, which are likely to have some value for nesting birds, making them of local value. Further, the mature crack willows provide suitable opportunities for roosting bats. The Appraisal advises that there is a low potential of encountering great crested newt, reptile and hedgehog, although the existing scrub provides a suitable habitat. Further, there are no signs of the use of the site by badgers and no badger setts on or within 30 metres of the site.

4.38 The potential impacts of the proposed development would be: (1) the loss of approximately 0.9 hectares of common and widespread habitats of low ecological value, other than for species they may support, with low scale impact; (2) the loss of bird nesting and foraging habitats; (3) the potential for loss of bat roosting opportunities, if present within mature willow; and (4) low risk of harm or injury to individual reptiles or hedgehog.

4.39 In order to avoid or mitigate for any potential impacts, the Appraisal recommends the retention of trees (predominantly those along the eastern boundary) and, in terms of those trees to be removed and the ground to be disturbed, for this to be done carefully and at an appropriate time. The Appraisal further recommends the use of bird and bat bricks and tubes within the proposed dwellings to mitigate for the potential impacts, and for the compensatory replacement of orchard, species-rich grass and native tree and shrub planting as well as general 40% green infrastructure across the development (including garden space). Subject to suitably worded conditions to be attached to any approval of planning permission, it is considered that the ecological impact of the proposed development would be acceptable.

Other Matters

4.40 The site 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. It is noted that there are concerns regarding mains and sewage capacity in the area. However, no details relating to the method for disposal of foul sewage has been specified at the stage, and this would need to be confirmed at the reserved matters stage. It is therefore recommended that a condition is attached to any approval of planning permission requiring the submission of full drainage plans at the reserved matters stage, to ensure the most appropriate drainage solution be investigated.

4.41 The Environmental Health Officer advises that, as this site is adjacent to a site of potentially contaminated land, a condition is attached to any approval of planning permission for a site investigation of the nature and extent of contamination to be carried out prior to the commencement of development in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority.

5.0 Overall Balancing Exercise and Conclusions

5.1 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. 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 would be limited and would not significantly outweigh the benefits. Overall, the proposals are considered to represent sustainable development in the context of the NPPF and tit is therefore recommended that **permission is delegated to the Development Manager subject to conclusion of a S106 legal agreement to secure 40% affordable housing on the site; any community contributions; and any alterations necessary to conditions.**

6.0 Update

6.1 At the meeting in November 2015 Planning resolved to delegate permission to the Development Manager subject to the conclusion of a S106 legal agreement to secure 40% affordable housing on the site and any community contributions, to include £30,898 to Norton Primary, £28,272 to Churchdown Secondary and £776 per household to off-site POS. To date this agreement has not been concluded however there have been changes in material circumstances since the resolution in November 2015 which justify reconsideration by the Planning Committee.

Principle of Development

6.2 Since the presentation of the application to the Planning Committee meeting in November 2015 there has been a significant change in material circumstances. On 31st January 2017 the Council approved for consultation the Proposed Modifications version of the JCS (MMJCS). In doing so the Council approved the Objectively Assessed Need (OAN) for Tewkesbury which stands at 9,899. It is considered that this figure is robust having been arrived at following detailed consideration through the Examination in Public process. Following from the OAN there is an annual requirement to meet Tewkesbury's needs of 495 dwellings. Using this robust figure, the Council can demonstrate a 5.3 year supply with a 20% buffer applied. In light of the fact that the Council is able to demonstrate a five-year supply of deliverable housing sites, saved Policy HOU4 of the Tewkesbury Borough Local Plan should no longer be considered out of date pursuant to paragraph 49 of the NPPF.

6.3 In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise), the presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply.

6.4 Section 38(6) of the Town and Country Planning Act 1990 provides that the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. In this case, as reiterated by paragraph 12 of the NPPF, the presumption is against the grant of permission given the conflict with policy HOU4 and as such permission should be refused unless material planning circumstances indicate otherwise. Twigworth is no longer defined in the latest draft of the JCS as a "service village due to the inclusion of a Strategic Allocation at Twigworth. The conflict with policy HOU4 weighs substantially against the development.

6.5 Whilst the Council is able to demonstrate a 5 year supply of deliverable housing sites, it is also of course a rolling calculation and the Council must ensure that sufficient sites are granted planning permission to meet the ongoing need for housing in the Borough.

6.6 The Applicant's Agent considers that, until a time where the alleged 5-year supply has been formally tested on appeal, this should be treated with caution. Notwithstanding the Council's current position as set out above, the Agent considers that the presumption in favour of sustainable development applies in any event because the Adopted Local Plan is time expired as it was only designed to cover the period up to 2011.

6.7 The agent therefore considers that the application should be determined on the basis of whether the development is sustainable or not in the overall planning balance. In this regard the case is made that the decision to remove Twigworth's Service Village status was not due to the unsustainability of the settlement, but rather because it is so sustainable that it will become the new urban edge of Gloucester following the completion of the Strategic Allocation. The Agent considers that this will make the application site more sustainable than all of the designated Service Villages. The Agent considers that Twigworth is a sustainable location for new housing development and makes the case that the designation of Service Villages should not be determinative.

6.8 The Agent considers that the Officer's recommendation within the November 2015 committee report demonstrates that there are material benefits through boosting supply and economic factors that outweigh any limited harm that could be said to be had, and that the same conclusions, that there are strong material considerations that warrant the granting of planning permission, must similarly be reached, regardless of the existence of a 5-year housing supply. In light of the above, and in acknowledgement of the Council's need to carry on delivering housing in order to meet its rolling 5 year supply requirements, the Agent concludes that the benefits of the proposal clearly outweigh any limited harm that could be said to be had in this case.

6.9 Officers consider that the application site is considered to be in a reasonably sustainable location. In considering the requirement to promote and support sustainable development, and in order to meet the ongoing need for housing in the Borough, it is considered that a departure from policy HOU4 is appropriate in this case.

Affordable Housing

6.10 There has also been a change in material circumstances relating to the provision of affordable housing. Planning Practice Guidance (PPG) states there are specific circumstances where contributions for affordable housing obligations should not be sought. This follows the order of the Court of Appeal dated 13 May 2016, which in effect confirmed the Government's policy set out in the written ministerial statement of 28 November 2014. Of relevance to this application, the PPG states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area). The application proposes less than 1,000 sq m gross internal area of floorspace and thus does not meet the thresholds set out in the PPG.

6.11 Saved Local Plan Policy HOU13 states that in order to address the demonstrated lack of affordable housing across the Borough, the Council will seek to negotiate with developers for the provision of an element of affordable housing on sites of 15 or more dwellings or on sites in excess of 0.5 hectares. Within settlements of with a population of 3,000 or fewer, the threshold will be 5 dwellings. It was on this basis that the contribution was sought on the previous application. However, emerging policy SD13 of the MMJCS states that the JCS authorities will seek outside of the Strategic Allocation sites, on sites of 11 dwellings or more, or sites with a maximum combined gross floor space of greater than 1000sqm; a minimum of 20% affordable housing will be sought on developments within the Gloucester City administrative area and a minimum of 40% will be sought within the Cheltenham Borough and Tewkesbury Borough administrative areas.

6.12 In light of this change in material circumstances, in particular the emerging MMJCS policy, it is considered that the s106 legal agreement is no longer required to include a clause to secure affordable housing, subject to the floor space of the development not exceeding 1000 square metres. This can be secured by an appropriately worded planning condition.

Overall Conclusion and Recommendation

6.13 Taking into account all of the above, the proposals are considered to represent sustainable development in the context of the NPPF and it is therefore recommended that permission is delegated to the Development Manager subject to conclusion of a S106 legal agreement to secure any community contributions, to include £30,898 to Norton Primary School, £28,272 to Churchdown Secondary School (subject to confirmation from the Local Education Authority that these sums are still appropriate) and £776 per household to off-site POS, and any alterations necessary to conditions.

RECOMMENDATION Delegated Permit

Conditions:

1 The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and external appearance of the building(s), landscaping and the means of access thereto, and all matters referred to in conditions 4 - 14 below, (hereinafter referred to as "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority.

2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

4 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected to the boundaries of the proposed dwellings, and where the application site adjoins the existing adjacent dwelling known as 'Stonehaven'. The boundary treatments shall be completed in accordance with the approved details before the buildings are occupied.

5 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall provide for a vehicular access with visibility splays measuring 2.4m (X-distance) x 160m (Y-distance) to the nearside carriageway edge in either direction and no occupation of the dwellings shall occur until the area between those splays and the carriageway have been reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

6 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include the layout and internal access roads within the site, and the development shall be carried out in accordance with the approved plans. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal and vehicular turning head(s)) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

7 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include vehicular parking and turning facilities within the site, and the dwellings shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes thereafter.

8 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include a full drainage scheme for the development. The approved scheme shall be completed in accordance with the approved details prior to the first occupation of that part of the development and the scheme shall be managed and maintained thereafter in accordance with the approved details.

9 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include the location of the storage space for waste and recycling facilities associated with each dwelling and a refuse and recycling bin collection management plan. The approved scheme shall be implemented in accordance with the approved details prior to the first occupation of the development and thereafter maintained for the life of the development.

10 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include details of the provision of alternative ventilation to be used in those plots highlighted within the Environmental Noise Report commissioned by Acoustic Consultants Ltd (reference 6136/DO/pw, and dated September 2015), which shall enable the internal noise criteria to be met as per BS8233.

11 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include details of proposed bird and bat bricks and tubes within the proposed dwellings, as recommended in the Ecological Appraisal commissioned by Countryside Consultants Ltd. Development shall be carried out in accordance with the approved details, and the bird and bat bricks and tubes shall be retained and maintained for the duration of the development.

12 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include existing and proposed levels, including finished floor levels. All development shall be carried out in accordance with the approved details.

13 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include a landscape scheme for the whole site. The submitted design shall include the proposed new landscaping scheme on scaled drawings accompanied by a written specification clearly describing the species, sizes, densities and planting numbers. The submitted drawings shall also include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and which are to be removed and how those to be retained are to be protected (a tree protection plan to BS5837:2005 or subsequent revisions). Development shall be carried out in accordance with the approved details.

14 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include full details regarding adequate measures to protect trees and hedgerows have been submitted to and approved in writing by the local planning authority. This shall include:

A. Fencing. Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2005 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the local planning authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the local planning authority. Such fencing shall be maintained during the course of development,
B. Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the local planning authority. The TPZ shall be maintained during the course of development.

15 All planting, seeding or turfing in the approved details of landscaping required by condition 13 shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

16 Before the commencement of any building works, details and samples of materials to be used externally on the buildings and all surface materials within their curtilages shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

17 Before the commencement of any building works precise details of the surfacing treatments to be used on the approach road and the turning and parking areas shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

18 Before the commencement of any building works a site investigation of the nature and extent of contamination shall be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

19 Before the commencement of any building works, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

i. specify the type and number of vehicles;
ii. Provide for the parking of vehicles of site operatives and visitors;
iii. Provide for the loading and unloading of plant and materials;
iv. Provide for the storage of plant and materials used in constructing the development;
v. provide for wheel washing facilities;
vi. Specify the intended hours of construction operations;
vii. Measures to control the emission of dust and dirt during construction

20 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: 08:00 to 18:00 on weekdays, and from 08:00 to 13:00 on Saturdays, nor at any time on Sundays, Bank or Public Holidays, unless emergency works are required to any utility services.

21 Prior to occupation of the proposed development, details of an uncontrolled pedestrian tactile crossing point at the site access with the A38 to allow pedestrian access to the existing public transport facilities and relevant Stage 1 Road Safety Audit shall be submitted to and approved in writing by the Local Highway Authority and the crossing points shall be constructed in accordance with the approved details.

22 No street lighting shall be erected on any part of the site unless a scheme for such is first submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

Reasons:

1 The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.

2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4 In the interests of the visual amenity of the area and the amenities of the occupiers of neighbouring properties in accordance with policy LND4 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012)

5 To ensure that cost effective improvements are undertaken to the transport network that mitigate the significant impacts of the development in accordance with paragraph 32 of the National Planning Policy Framework (2012).

6 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 and 35 of the National Planning Policy Framework (2012).

7 To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Paragraph 35 of the National Planning Policy Framework (2012).

8 To ensure that the development is provided with a satisfactory means of drainage in accordance with policy EVT9 of the Tewkesbury Borough Local Plan to 2011 (March 2006).

9 To ensure a satisfactory form of development in the interests of the visual amenities of the built environment in accordance with policy LND4 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).

10 To protect the residential 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).

11 To enhance the nature conservation value of the site, in accordance with policy NCN5 of the Tewkesbury Borough Local Plan to 2011 (March 2006).

12 In the interests of the visual amenity of the area and the amenities of the occupiers of neighbouring properties in accordance with policy LND4 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).

13 To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with policy LND4 of the Tewkesbury Borough Local Plan to 2011 (March 2006).

14 To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area in accordance with policies LND4 and NCN5 of the Tewkesbury Borough Local Plan to 2011 (March 2006).

15 To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with policies LND4 and NCN5 of the Tewkesbury Borough Local Plan to 2011 (March 2006).

16 To ensure that the materials and exterior building components harmonise with its surroundings in accordance with policy LND4 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).

17 In the interests of visual amenity and to ensure adequate off-street parking and access arrangements are provided in accordance with policy LND4 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).

18 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19 To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework (2012).

20 To protect the amenity of local residents in accordance with Policies EVT2 and EVT3 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).

21 To ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework (2012).

22 To ensure the development integrates harmoniously with the surrounding development and to safeguard the amenities of residents of adjoining properties, in accordance with policies LND4 and EVT2 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 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

3 A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is £97 per request. The fee must be paid when the request is made.

4 The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

5 Terms of reference should be made in the construction phase to the document entitled "Tewkesbury Borough Council, Code of Good Practice, Building and Demolition Site Operators", produced by Tewkesbury Borough Council Environmental Health. This document gives guidance on how the applicant should comply with appropriate legislation so not to cause nuisance, suggested construction / delivery times etc.

6 All birds, their nests and eggs are protected by law and it is thus an offence to:

- Intentionally kill, injure or take any wild bird
- Intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- Intentionally take or destroy the egg of any wild bird
- Intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to £5,000, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from English Nature.

7 It is an offence for any person to:

- Intentionally kill, injure or take a bat. Under the Habitats Regulations it is an offence to deliberately capture or kill a bat.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
- Under the Habitats Regulations it is an offence to damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and Conservation Regulations 1994 that works to trees or building where that work involves the disturbance of a bat is an offence if a licence has not been obtained by DEFRA. If a bat is discovered while work is being undertaken, all work must stop and advice sought from English Nature. You can also call the UK Bat helpline on 0845 133 228.

8 The applicant is advised that any subsequent reserved matters application should show the provision of 2 vehicular parking spaces per dwelling, which should comply with the minimum dimensions of 2.4m x 4.8m for a standard space, with 6.0m of drivable space in front of them for ease of access.

9 The applicant is advised that any subsequent reserved matters application would need to demonstrate that up to 10 dwellings could be accommodated within the curtilage of the application site in an appropriate and attractive manner which would respect the character and appearance of the area.

15/00898/OUT

Application Site Plan

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Scale: 1:2500, paper size: A4

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plans ahead by emapsite™

Prepared by: Nathan McLoughlin, 13-08-2015

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McLoughlin Planning Ltd

Land at Twigworth

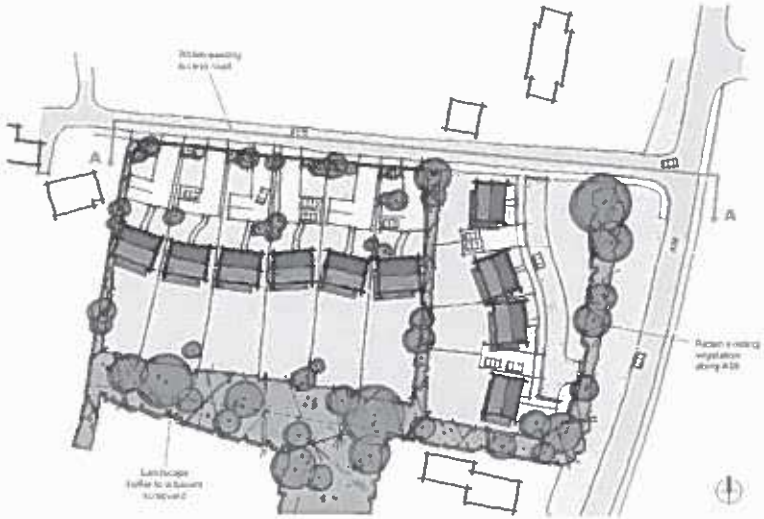
INDICATIVE LAYOUT

The Carriage Building, Bruton Way, Gloucester, GL1 1DG T. 03333 405 500 E. mail@robertslimbrick.com

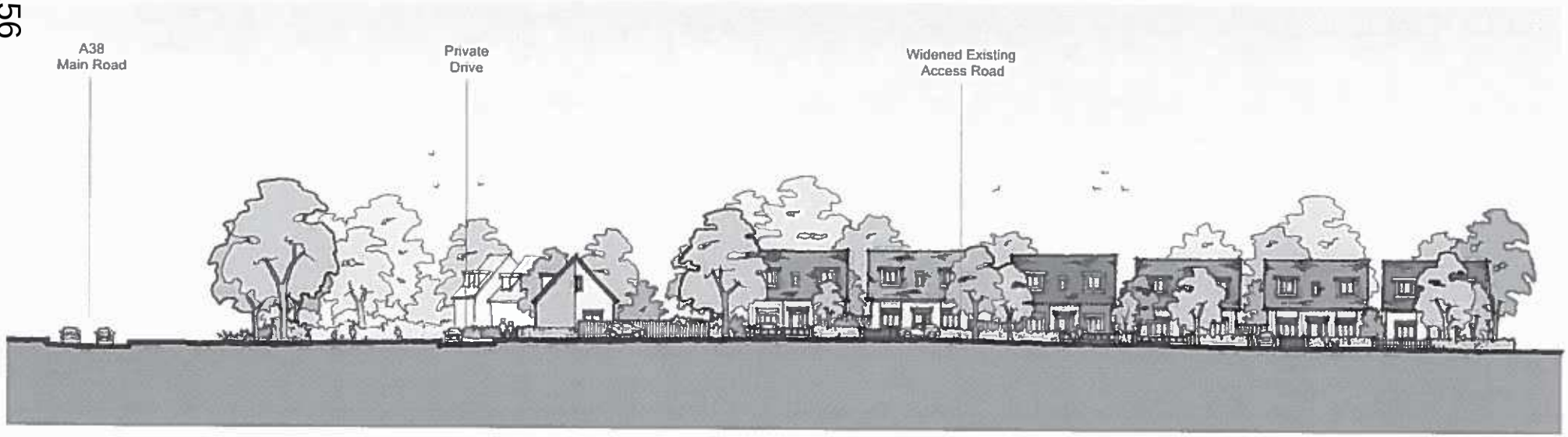
Date: 08-07-2015 Scale: 1:500 @ A3 Dwg No: 8019 SK002C

Roberts Limbrick ARCHITECTS

Elevation Location Plan



Elevation A-A



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McLoughlin Planning Ltd

Land at Twigworth

INDICATIVE ELEVATION

The Carriage Building, Bruton Way, Gloucester GL1 1DG03333 405 500 E. mail@robertslimbrick.com

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Date: 29-04-2015 Scale 1:200 @ A1 Dwg No 8019 SK003

Roberts Limbrick ARCHITECTS

16/00191/FUL	**Walnut Farm, Tewkesbury Road, Norton**	**15**
Valid 18.02.2016 Grid Ref 385469 223781 Parish Norton Ward Coombe Hill	Redevelopment to include 4 dwellings and associated works Mr & Mrs S & G Wilding C/O Agent	

RECOMMENDATION Delegated Permit

Policies and Constraints

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
Main Modification Version Joint Core Strategy- SD7, SD11, SD13, SD15, INF1, INF2, INF3
Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, HOU10, TPT1, EVT3, EVT9, LND4, LND7, NCN5
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

Norton Parish - Supports the application

County Archaeologist - No objection

Urban Design Officer - No objections now this is a full application. I would expect the use of high quality materials. Details of tiling, brick screen walls and paving/surfacing materials in the courtyard should be secured by condition.

Environmental Health Officer -The proposed development is on the upper limits of acceptability in terms of how the noise from the A38 will impact future residents amenity in outdoor areas. Conditions should be imposed to protect the amenity of future residents.

County Highways - No objection subject to conditions to secure visibility splays within and on entry to the site, provision of fire hydrants, implementation and maintenance of shared surface carriageway and construction method statement. A highway works legal agreement is also separately required to secure forward visibility between a southbound vehicle on the A38 and a vehicle waiting to turn right on the A38 into the site of 167m. The A38 bends in this location and vegetation and roadside boundaries on the land opposite the site, which is owned by Gloucestershire County Council/Highways England, would need to be set back/removed to deliver the required visibility splay.

Housing Enabling Officer - In accordance with the Joint Core Strategy Policy SD13 main modifications, the council will seek a financial contribution from this development due to the floor space of the dwellings being greater than 1000sqm (1193sqm). The required contribution is 40% (equivalent of 2 dwellings). An affordable housing contribution of £129,500 is required. These monies will be used by the council to finance other Affordable Housing projects in the borough.

Local Residents - No comments received.

Planning Officers Comments: Paul Instone

1.0 Application Site

1.1 The application site known as Walnut Farm contains a number of existing agricultural buildings in varying states of disrepair as well as a single storey timber clad dwelling. The site extends to 0.39 hectares. The site is situated immediately adjacent to the A38 and is accessed via a short drive. Existing hedgerows and trees lie between the buildings on the site and the A38.

1.2 To the north of the site is a residential dwelling known as Chestnut Farm beyond which is another dwelling known as Old Lane Cottage. To the west and south the application site is surrounded by open countryside.

1.3 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. The nearest settlement to the application site is Norton, which is identified as a Service Village in the Main Modification Version Joint Core Strategy (MMVJCS). Norton is located approximately 200 metres to the north of the application site. It is considered that the application site is not located within Norton as there is a field that separates the application site and the two adjacent dwellings from the settlement.

1.4 There are no planning land uses designations on the site although the Green Belt is located to the east beyond the A38.

2.0 Relevant Planning History

2.1 The site has a lengthy planning history, with proposals relating to farming activities and agricultural occupancy dwellings. Of relevance to this proposal planning application ref: 15/00870/OUT - Outline application for 7 new dwellings and associated works (considering access only) - was withdrawn in December 2015.

3.0 Current Application

3.1 The application seeks full permission for the erection of 4 dwellings within the built up area of Walnut Farm, following the demolition of existing buildings. The design of the proposal is based on a courtyard of farmstead buildings and proposes 2 no. adjoined six bedroom houses with an internal garage, 1 no. five bedroom house with a detached garage and 1 no. six bedroom dwelling with a detached garage. The dwellings would be located around a courtyard and would be accessed from the existing access from the A38. The existing trees and hedges adjacent to the A38 are proposed to remain.

4.0 Policy Context

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

4.2 Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework (NPPF), and the MMVJCS. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

4.3 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 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.

4.4 The Council is able to demonstrate a five-year supply of deliverable housing sites and saved policy HOU4 is considered up-to-date. In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise), the presumption in favour of sustainable development set out in paragraph 14 of the NPPF does not apply.

4.5 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. In this case as reiterated in paragraph 12 of the NPPF, the presumption is against the grant of planning given the conflict with HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

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

5.0 Analysis

5.1 The main planning issues to be considered in the determination of this application are the principle of development, affordable housing provision, design and siting, residential amenity, access and highway safety.

Principle of Development

5.2 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. The presumption is against the grant of planning permission given the conflict with policy HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

5.3 Norton is a named Service Village in the MMVJCS and emerging policy SP2 of the JCS states that Service Villages will accommodate lower levels of development, proportional to their size and function, and also reflecting their proximity to Cheltenham and Gloucester. New development is to be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans.

5.4 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

5.5 The Framework also recognises the need to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28) and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that there is a need to balance this against other objectives set out in the Framework - particularly in rural areas. Although it is accepted that the new residents would to a large extent be reliant on the car, this would be in common with all the Service Villages and recent appeal decisions in Alderton and Twyning have made it clear that neither national nor local planning policy regards this as sufficient reason in itself to prevent any further residential development in such communities. Rather, it is one of the many considerations that need to be taken into account when assessing specific proposals.

5.6 This application must be considered on its own merits. Norton is located approximately 200 metres to the north of the application site. It is considered that the application site is not located within Norton as there is a field that separates the application site from the settlement.

5.7 Norton village provides a range of services facilities including a primary School and a village hall, located approximately 280 metres and 340 metres from the application site respectively. There is also a place of worship and playing pitches. Two bus stops are located near the village hall providing services to Gloucester City Centre 4 miles away and Tewkesbury Town Centre 6.5 miles away. These services are considered to be within acceptable walking and cycling distance from the application site.

5.8 The proposed dwellings would be situated adjacent to existing dwellings and on a site on which buildings are currently located. The proposal is therefore not considered to have a harmful impact on the character and appearance of the countryside in this particular location. Moreover, the site is located on a primary transport route and there is a bus stop in the vicinity which provides a good service between Gloucester and Tewkesbury.

5.9 It is recognised that there would be a clear conflict with policy HOU4 of the Local Plan to which substantial weight should be applied. However, Norton is identified in the MMVJCS as a suitable location for some limited residential development, and this fact alongside other material considerations are to be taken into account in the decision making process and the overall planning balance.

Affordable Housing

5.10 The application proposes 4 dwellings which extend to 1,193 sq m gross internal area. The application site extends to 0.39 hectares.

5.11 Planning Practice Guidance states there are specific circumstances where contributions for affordable housing obligations should not be sought. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the written ministerial statement of 28 November 2014 and should be taken into account.

5.12 Of relevance to this application, the Guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area). The application proposes in excess of 1,000 sq m gross internal area of floorspace and the proposed development is therefore not excluded from affordable housing contributions set out in the Practice Guidance.

5.13 Saved Local Plan Policy HOU13 states that in order to address the demonstrated lack of affordable housing across the Borough, the Council will seek to negotiate with developers for the provision of an element of affordable housing on sites of 15 or more dwellings or on sites in excess of 0.5 hectares. Within settlements of with a population of 3,000 or fewer, the threshold will be 5 dwellings.

5.14 Emerging policy SD13 of the MMVJCS states that the JCS authorities will seek outside of the Strategic Allocation sites, on sites of 11 dwellings or more, or sites with a maximum combined gross floor space of greater than 1000sqm; a minimum of 20% affordable housing will be sought on developments within the Gloucester City administrative area and a minimum of 40% will be sought within the Cheltenham Borough and Tewkesbury Borough administrative areas.

5.15 The weight to be given to each policy in the MMVJCS needs to be considered in each case having regard to the advice in paragraph 216 of the NPPF 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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

5.16 Emerging policy SD13 in the MMVJCS is considered consistent with national guidance and significant weight can be afforded to this emerging policy. It is therefore recommended that should the committee determine that planning permission is granted a S106 obligation should be secured in accordance with the requirements of the Housing Enabling and Policy Officer.

5.17 Subject to the completion of a S106 contribution to secure the required contribution for affordable housing it is considered that the proposal would meet the Council's adopted and emerging policy requirements.

Design, layout and visual impact

5.18 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Similarly, policy SD5 of the MMVJCS seeks to encourage good design and is consistent with the NPPF and so should be afforded considerable weight.

5.19 The existing dwellings adjacent to the application site are substantial detached dwellings on large plots which are set back from the A38 and maintain a rural character on the western side of the A38. There are a variety of building materials in the area including red brick and white render.

5.20 The proposed dwellings are arranged in a farmstead pattern to form an east facing courtyard within a hard and soft landscape setting. The design and proportions of the dwellings takes cues from traditional agricultural buildings and at 2.5 storeys are an appropriate mass and scale for the site context.

5.21 The gardens to the rear are irregular in shape and would be bounded by hedges and post and wire fences which would soften the visual impact of the proposal when viewed from open countryside to the south and west.

5.22 In order to deliver a high quality design it is considered necessary to impose conditions to control external building and surface materials.

5.23 Overall it is considered that the design approach is an appropriate response to the context of the site and it is considered the dwellings are a high quality design which respects the agricultural cues of its context and the architectural approach reduces the impact of the domestication of the site, particularly from the most open viewpoints to the south and west.

Residential Amenity

5.24 Paragraph 17 of the NPPF sets out 'Core Principles', one of which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

5.25 In respect to existing residents, the nearest dwelling to the application site is Chestnut Farm which is located approximately 25 metres to the north of the most northerly proposed dwelling. There are a number of outbuildings at Chestnut Farm located between the existing dwellings and the proposed dwellings.

5.26 There are a number of windows in unit 4 at ground, first and attic floor level which face towards Chestnut Farm, however the orientation and angled relationship between the proposed dwelling and the existing dwelling is such that the windows in unit 4 would not overlook the dwellinghouse at Chestnut Farm, but would instead face towards the existing single storey outbuildings on the site.

5.27 Due to this angled relation and the presence of intervening structures, it is not considered that the proposal would result in a detrimental impact on the living environment of existing occupiers by reason of overlooking or overbearing buildings.

5.28 In respect to future residents, the application site is adjacent to the A38 and traffic is a source of noise pollution. A Noise Assessment has been submitted as part of the planning application which has been reviewed by Environmental Health. Environmental Health consider that the proposed development is on the upper limits of acceptability in terms of how the noise from the A38 will impact future residents amenity in outdoor areas. In addition Environmental Health have advised that if some windows are opened in the proposed dwellings then noise levels would exceed the internal noise criteria set out in BS 8233: 2014 Guidance on sound insulation.

5.29 The proposal has been designed in response to the background noise levels on the site. The plans indicate that the hedgerow and trees to the front of the site, which run parallel to the A38, would be retained as part of the development. This would be controlled by way of condition, along with other suitable boundary treatments. In addition two metre brick high walls with a recessed lower level to provide a visibility splay have been incorporated into the design of the proposals to form a courtyard and to provide acoustic barriers. As a result the layout of the proposal is such that the outdoor amenity areas are to the rear of the buildings/walls and the built form thus acts as noise barrier against road traffic from the A38.

5.30 Noise attenuation measures have been suggested in the submitted Noise Assessment to negate the noise pollution levels. These include the installation of acoustic trickle vents and the installation of a double glazing system comprising 4mm glass, 12mm air gap and 6mm glass. It is considered that mitigation measures could ensure internal and external noise criteria standards are met. With this in mind, it is recommended that a condition is imposed to secure a scheme to protect the development from noise.

5.31 Subject to a condition requiring implementation of noise mitigation details, the proposal is considered to comply with the National Guidance and Policy EVT3.

5.32 Overall it is considered that the proposed development would not detrimentally impact on the residential amenity of existing residents. In respect to future residents, it is considered that the residential amenity of future residents would be acceptable. A final figure for the contribution is to be agreed and **an update will be provided at Committee**.

Highway Safety

5.33 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 available. Paragraph 32 of the NPPF also requires safe and suitable access to be achieved but states that development should only be refused on transport grounds where the cumulative impacts of the development are severe.

5.34 County Highways have been consulted on the application and do not object to the application subject to the conditions to secure visibility splays within and on entry to the site, provision of fire hydrants, implementation and maintenance of the shared surface carriageway and submission of an appropriate construction method statement.

5.35 Forward visibility to a vehicle waiting to turn right into the site from the A38 is restricted by existing verge vegetation within a fenced area on the opposite side of the A38 from the application site. Based on recorded vehicle speeds a visibility splay of 167 sq m is required which will necessitate the removal/setting back of some fencing vegetation.

5.36 This land is not controlled by the applicant and is owned by Highways Authority/Highways England. It is recommended that a Grampian condition is imposed on the planning permission to secure these works prior to the commencement of development. However the planning permission does not give authority for the applicant to carry out any works to remove/cut back hedges or other boundary features on the public highway. The applicant is required to separately enter a suitable highway works legal agreement before such works are commenced. The scope of works will be controlled by planning condition, but it is considered that the required works are achievable in terms landscape/ecology impact and the imposition of the Grampian Condition is considered reasonable. The applicant has confirmed that they accept the condition and the highways authority have confirmed that once the highway verge is created through an appropriate legal and highway works agreement the highway authority would maintain the visibility splay.

5.37 In light of the above it is considered that the proposed development would not have an unacceptable impact upon highway safety subject to relevant conditions/legal agreements.

Ecology

5.38 The NPPF sets out at paragraph 109 that the planning system should contribute to and enhance the natural and local environment, by amongst other things, minimising impacts on biodiversity. This advice is reflected in Local Plan Policy NCN5.

5.39 An Extended Phase 1 Habitat Survey was submitted in support of the application which notes that the site does not constitute, fall within or lies adjacent to any statutory or non-statutory wildlife site.

5.40 The survey found no evidence of bats, but judged that two of the buildings which are to be demolished were judged to have at least some (low -moderate) potential for use as bats roosts. The Habitat Survey recommends that prior to demolishing the buildings at least 2-3 watches be undertaken for bats.

5.41 The survey also recommends that the native hedgerow along the sites north eastern boundary is retained and that consideration be given to planting new native hedgerows along the site boundaries where they are currently absent. In addition the survey recommends that working practices should be implemented to ensure that the development proposals do not damage or destroy badger setts or the nest of any wild bird.

5.42 Having regard to the above and subject to the imposition of appropriate conditions it is considered that the proposed development would have an acceptable impact on protected species and their habitats.

Drainage

5.43 To secure appropriate drainage on the site it is recommended a condition is imposed to secure a comprehensive evidence based detail drainage design including a SuDS/drainage management plan.

6.0 Conclusions and Planning Balance

6.1 As set out above the starting point for determination of this application is the conflict with policy HOU4, to which substantial weight should be applied. Whilst the Council is able to demonstrate a 5 year supply of deliverable housing sites, it is also of course a rolling calculation and the Council must ensure that sufficient sites are granted planning permission to meet the ongoing need for housing in the Borough.

6.2 The site is located in a reasonably accessible location adjacent to a named Service Village in the emerging MMVJCS with access to local services and facilities and which is therefore suitable in principle for some limited residential development proportionate to its size and function. The application would contribute, albeit in a limited way, to the housing supply in the Borough and towards affordable housing, and these are matters that weigh in favour of the proposal.

6.3 It is considered that the design of the proposal development responds to the site's constraints and the context of the site. The design, scale, layout and appearance of the dwelling is considered acceptable and the proposal would not unacceptably impact on residential amenity.

6.4 It is considered that the benefits of the application, and the location of the site in proximity to a service village, outweigh the conflict with the development plan in respect of policy HOU4. The proposal is considered to represent sustainable development and the application is therefore recommended that **Permission is delegated to the Development Manager subject to the completion of a section 106 legal obligation to secure the following heads of terms:**

- **Affordable housing contribution - to be confirmed.**

RECOMMENDATION Delegated Permit

Conditions:

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Proposed Site Layout 2622-001C
- Proposed Elevations 2622-003B
- Unit 1-Proposed Plans and Elevations
- Unit 2 and 3 Proposed Plans and Elevations 2622/005A
- Unit 4 - Proposed Plans and Elevations 2622/006
- 2 bay garage - Proposed Plans and Elevations 2622/007
- Garages-Proposed Plans and Elevations 2622/008
- Site Access Arrangement H01 Issue B

3 Notwithstanding any indication of materials which have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.

4 No development shall take place before a fully detailed landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. This shall include indications of all existing trees and hedgerows on the land and details of any to be retained, in accordance with Proposed Site Layout Plan 2622-001C, together with measures for their protection during the course of development. The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings, or the completion of the development, whichever is sooner. Any trees, plants or areas of turfing or seeding, which, within a period of 5 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

6 No work shall commence on site until details of existing and proposed levels with reference to a fixed datum point, to include details of finished floor and ground levels, have been submitted to and approved by the Local Planning Authority. All development shall be carried out in accordance with the approved details.

7 No development approved by this permission shall be commenced until a detailed drainage strategy including a scheme of surface water treatment and foul water has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall be supported by evidence of ground conditions, soakaway tests and modelling of the scheme to demonstrate that it is the most appropriate strategy and is technically feasible. In addition, full details, including size, location and maintenance regimes of the proposed Package Treatment Plant to deal with the foul drainage shall be submitted. Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through third party land or to their network, system or watercourse. The drainage scheme shall be carried out in accordance with the approved details and subsequently maintained to the required standard.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement or alteration, 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.

9 Notwithstanding plan SK-01 the proposed development shall not commence until the existing roadside boundaries, vegetation and features have been set back/removed to provide forward visibility extending from a driver position of a southbound vehicle on the A38 167m to the rear of the most regularly expected vehicle waiting to turn right into the site access, measured along the centre of the southbound lane with details to be submitted and approved to the LPA in writing. The area between those splays and the carriageway shall be reduced in level with boundaries, vegetation and features removed as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the carriageway level.

10 Notwithstanding the submitted plans prior to development commencement the proposed 2m wall illustrated on drawing H01 Issue B between proposed dwelling 1 and the garage for proposed dwelling 4 shall be set back at least 2m and shared surface road widened from the wall south to dwelling 1 vehicle access, bollards or similar features shall be installed 500mm from the corner of the dwelling 4 garage in line in line with the 2m wall on drawing H01 Issue B and facing dwelling 2, and the 2m wall adjacent to the vehicle access into dwelling 4 parking and garage reduced in height to 600mm within 2m.

11 No building on the development shall be occupied until the shared surface carriageway (including surface water drainage/disposal, vehicular turning heads and street lighting providing access from the nearest public highway to that dwelling have been completed and footways to surface course level.

12 No development shall commence on site until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants (served by mains water supply) or sprinklers and no dwelling shall be occupied until the hydrant or sprinklers serving that property has been provided in accordance with the scheme so approved.

13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

i. specify the type and number of vehicles;
ii. provide for the parking of vehicles of site operatives and visitors;
iii. provide for the loading and unloading of plant and materials;
iv. provide for the storage of plant and materials used in constructing the development;
v. provide for wheel washing facilities;
vi. specify the intended hours of construction operations;
vii. specify measures to control the emission of dust and dirt during construction

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

15 The development hereby approved shall be carried out in accordance with the interpretations and recommendations of the Walnut Farm Buildings, Norton, Gloucestershire, Extended Phase 1 Habitat Survey dated 19th March 2015 as follows:

- prior to demolishing building B1 or B7 at least 2-3 separate watches be maintained on them for bats coming/going over dusk/dawn sometime between mid-May and August inclusive. At least one such watch should be over dawn and at least one over dusk. Survey methodology should be in accordance with guidance given in 'Bat Survey Good Practice Guidelines 2nd Edition' unless otherwise justified.
- within 3-6 months of the commencement of works a check is made on the status and extent of the adjacent sett by an appropriately qualified ecologist who can then advice if any precautions are warranted to avoid committing an offence in relation to it.
- any significant removal of vegetation should be carried out between October and February inclusive (so as to avoid the nominal bird nesting season) or otherwise only following a thorough check to confirm that no active birds nests are present at the time. Should birds commence nesting upon or within buildings at any time then all works liable to impact upon such nests should be delayed until the nests are no longer occupied.

16 No dwelling hereby permitted shall be occupied until a scheme to protect the proposed development from traffic noise from the A38 has been implemented in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the indoor ambient noise levels in living rooms and bedrooms and external amenity areas meet the standards in BS 8233:2014 for the appropriate time period.

Reasons:

1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

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

4 In the interests of amenity and to ensure a satisfactory standard of landscaping.

5 In the interests of amenity and to ensure a satisfactory standard of landscaping.

6 In the interests of residential amenity and to secure a satisfactory external appearance.

7 To ensure that the development is provided with a satisfactory means of drainage; as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution, all in accordance with the saved policies and NPPF guidance.

8 To secure a satisfactory external appearance.

9 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 paragraph 35 and Local Plan policy TPT1.

10 To ensure a safe and suitable layout that minimises hazards, inconvenience and conflicts between vehicles, pedestrians and cyclists in accordance with National Planning Policy Framework paragraph 35.

11 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework paragraph 35.

12 To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

13 To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

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

15 To ensure appropriate protection of biodiversity.

16 To protect the residential amenity of future residents.

Note:

1 **Statement of Positive and Proactive Engagement**

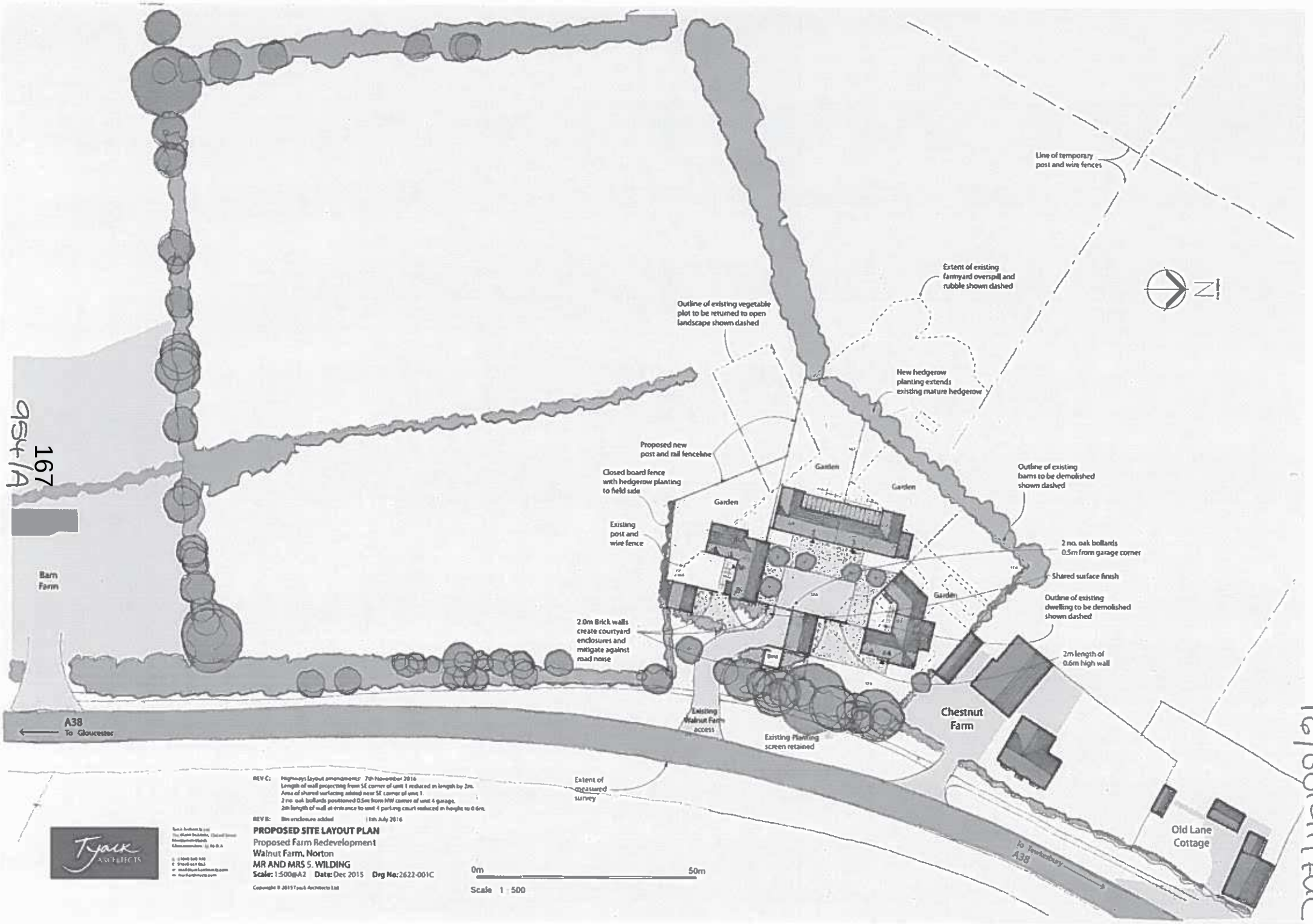
In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating a revised submission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

2 This planning permission does not give any authority to the Applicant to carry out any hedge/boundary/feature cutting back/removal works on the public highway referred to in Condition 9 with suitable highway works legal agreement separately required before commencement of such works between and to ensure future maintenance.

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

4 The applicant is advised that to discharge condition 14 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

5 The proposed development involves works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.



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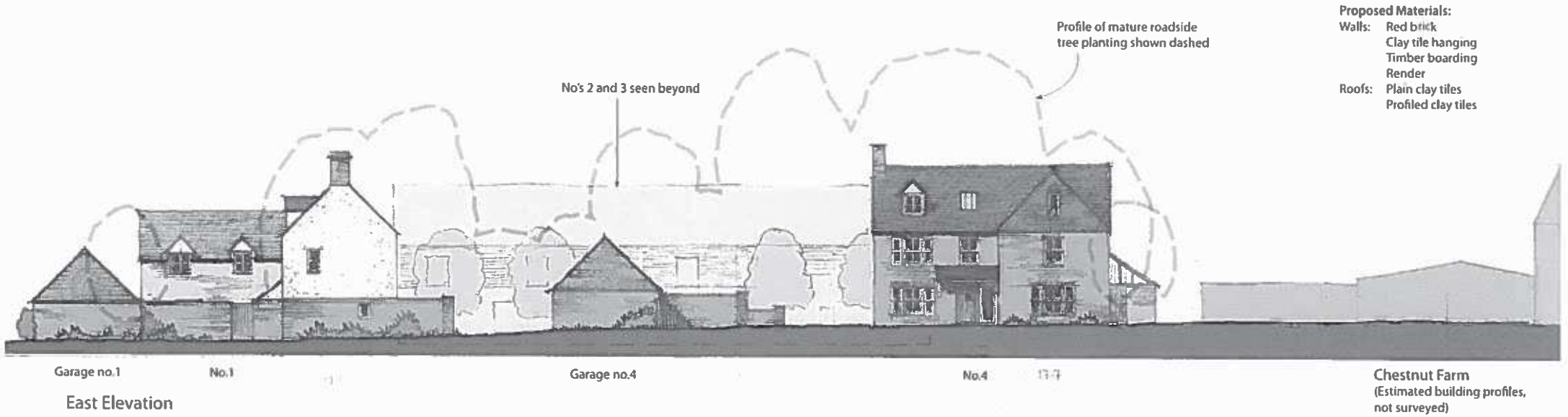

East Elevation

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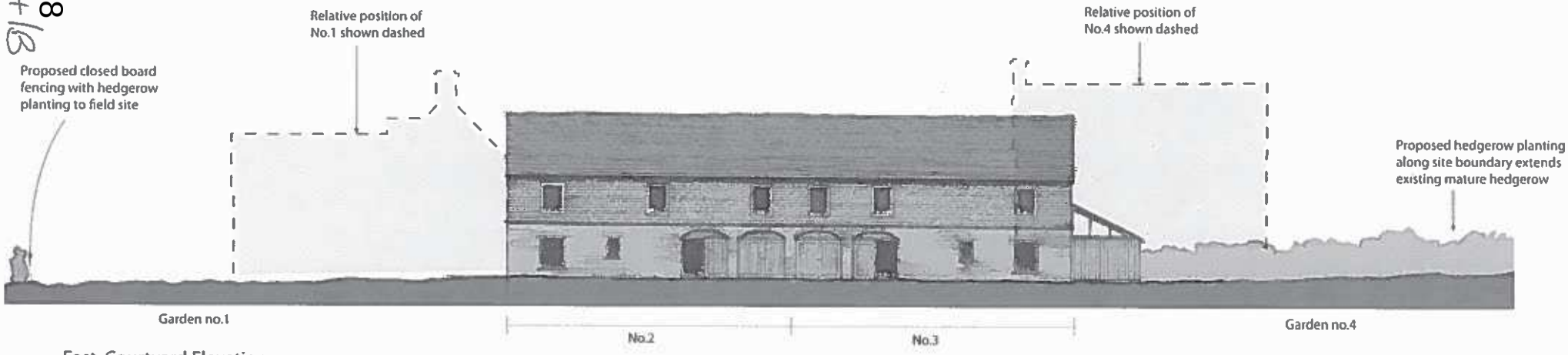

East, Courtyard Elevation
Scale 1:200

0m 10m 20m

Scale 1 : 200

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PROPOSED INDICATIVE ELEVATIONS
Proposed Farm Redevelopment
Walnut Farm, Norton
MR & MRS S. WILDING
Scale: 1:200@A3 **Date:** Feb 2016 **Drg No:** 2622-003B

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16/00853/FUL	**Land to East of Tewkesbury Road & North of Longford Lane, Longford**	**16**
Valid 27.01.2017 Grid Ref 384234 220925 Parish Longford Ward Coombe Hill	Erection of 197 dwellings with associated works. Persimmon Homes Ltd Aspen House Birmingham Road Studley B80 7BG FAO Miss Elizabeth Woods	

RECOMMENDATION Delegated Permit

Policies and Constraints

Tewkesbury Borough Local Plan to 2011 - March 2006 - GNL2, GNL8, GNL11, HOU4, HOU13, TPT1, TPT3, TPT5, TPT6, TPT12, EVT1, EVT3, EVT4, EVT5, EVT9, LND4, LND7, RCN1, RCN2, NCN5,
Main Modifications JCS
NPPF
Planning Practice Guidance
Affordable housing Supplementary Planning Guidance
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
Flood and Water Management SPD
The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Innsworth Parish Council - Object: The Council objects in principle to the application as this is a Green Belt site. The Council commends the Urban Design Officer for her report. The Council is also concerned about lack of infrastructure for this site.

Longford Parish Council - The development has a ghetto like appearance and the lack of Parking. Further extra dwellings will increase the risk of flooding and also put additional burden on an already overloaded infrastructure.

It should be noted that these comments were submitted prior to the amended scheme and no updated comments have been made by either Parish Council.

LLFA - No objection, subject to conditions.

Urban Design Officer – No objection to scheme as amended.

County Archaeologist – No objection.

Highways England – No objection.

Environment Agency – No objection, however the EA suggest further details should be sought. These have been submitted by the application and the EA's further comments are awaited.

Natural England – No objection (29/09/16) and Further information requested on 3rd March 2017).

County Highway Authority – Formal comments awaited.

Severn Trent Water – No objection, subject to conditions.

EHO – No objection, subject to conditions.

Stagecoach West – Support the application.

Neighbour Representations - No letters of representation received from local residents.

Planning Officers Comments: Mr Ciaran Power

1.0 Application Site

1.1 The application site comprises approximately 5 hectares. The site is located at the north of Gloucester, immediately north of the existing A40 dual carriageway corridor beyond which is existing development within Gloucester. The eastern and north eastern site boundaries are largely continuous with offsite development areas within the wider outline approved development, including active construction sites, new residential development, roads and SUDs features. The north western and western site boundaries are located within a single wider former agricultural field. The site is located outside of a recognised settlement boundary and part of the site is within the Green Belt **(see attached location plan)**.

2.0 Planning History

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

2.2 The Appeal Inspector also allowed a separate application for the demolition of 2 dwellings on Longford Lane to provide a secondary access for the above housing development under reference (07/00916/FUL).

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

2.4 In September 2011 reserved matters approval was granted for the construction of a primary access road, including associated footways, cycleways, services and drainage to serve Phase 1 of the development (11/00385/APP) this road has now been completed.

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

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

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

2.8 In July 2015 a further reserved matters application was submitted by Persimmon Homes for Phase 2a of the residential element of the development for 107 units. This was approved in April 2016.

2.9 A subsequent reserved matters application was submitted in April 2016 for one part of the local centre which is currently being considered.

2.10 Condition 2 attached to the outline consent states "Applications for the approval of reserved matters shall be made to the Local planning Authority no later than 3 years from the date of this permission. The decision notice is dated 17th May 2013 therefore the expiry for submission of reserved matters was 17th May 2016. As the reserved matters for the remaining residential element for the development was not submitted in this time.

3.0 Current Application

3.1 The current full application has been amended since its original submission and now proposes the erection of 197 dwellings and associated works. 131 dwellings would be market dwellings with 66 being affordable. The applicant confirms that the number of affordable units within this phase equates to (33%) and has been increased to ensure that the affordable housing requirement derived from the original outline consent for the overall site is satisfied.

3.2 Although it is acknowledged that the current application is not necessarily bound by the constraints of the previous outline permission it is important that the proposals integrate well and function as part of the wider site. The scheme has been designed in general accordance with the outline approved 'Masterplan Phasing and Design Code' document. The layout provides a permeable network of primary, secondary and shared surface streets that will each contain particular characteristics. It would also provide a high level of accessibility for pedestrians and cyclists, with the central community uses encouraging walking and cycling rather than use of the vehicle. The scheme provides on average 2 spaces for all properties excluding garages.

3.3 The development is served by an existing vehicle access off Longford Lane by way of a traffic lit junction through a community zone in the form of a local centre and a single form entry primary school.

3.4 With regards to developer contributions it is proposed that a Deed of Variation for s106 agreement shall link this application with the original outline and reserved matters.

4.0 The Community Infrastructure Levy Regulations

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

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

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

4.3 The CIL regulations also provide that as from 6 April 2015, no more contributions may be collected in respect of an infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

5.0 The Development Plan and NPPF

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan for this area comprises the saved polices of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the Highnam Neighbourhood Development Plan 2011-2031.

<u>Tewkesbury Borough Local Plan to 2011 - March 2006</u>

5.2 The application site lies outside any recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing.

5.3 Local Plan Policy GRB1 (Green Belts) considers the construction of new buildings to be inappropriate within the Green Belt, unless it involves, inter alia, development necessary for the efficient use of agriculture or forestry; essential facilities for outdoor sport and recreation; for cemeteries and other uses of land which preserve the openness of the Green Belt, and which do not conflict with the purposes of including land within it. New housing developments are not listed as those which are acceptable in the Green Belt and therefore the parts of the current proposals lying within Green Belt must be considered to constitute inappropriate development within the Green Belt. As this advice is repeated in the NPPF, this policy is considered to be up-to-date and carries full weight in the determination of this application, however it should be noted that the NPPF allows for inappropriate development where there are very special circumstances which clearly outweigh green belt harm.

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

Emerging Joint Core Strategy

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

5.6 The Main Modifications Version of the Joint Core Strategy (MMJCS) is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. This document, inter alia, sets out the preferred strategy to help meet the identified level of need.

5.7 Policy SP2 of the MMJCS sets out the overall level of development and approach to its distribution. The policy states that to support their economic roles as the principal providers of jobs, services and housing, and in the interests of prompting sustainable transport, development will be focused at Gloucester and Cheltenham, including urban extensions to those settlements. Approximately 8,565 new homes are to be provided within Tewkesbury Borough - to be met through Strategic Allocations and through smaller scale development meeting local needs at Tewkesbury town in accordance with its role as a 'Market Town'. A certain quantum of housing is also to be provided at the 'Rural Service Centres' and 'service villages' identified in the MMJCS. Policy SD6 of the MMJCS sets out that the boundaries of the reviewed Green Belt are identified on the Proposed Changes to the Green Belt Boundary map (at appendix 2 of the MMJCS). This map identifies the part of the of the current application site within Green Belt to be removed from it. The site is also identified as an existing housing commitment on Indicative Site Layout 1, which identifies the Innsworth Urban Extension.

5.8 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).

5.9 The MMJCS is at an advanced stage of examination however 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 considered having regard to the criteria set out above. Relevant JCS policies and the weight that can be attributed to them will be considered in the appropriate sections of this report.

Other Material Considerations

National Planning Policy Framework and Planning Practice Guidance

5.10 The NPPF aims to promote sustainable growth and requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental.

- the economic role should contribute to building a strong, responsive and competitive economy;
- the social role should support strong, vibrant and healthy communities; and
- the environmental role should protect and enhance the natural, built and historic environment.

These roles should not be undertaken in isolation, because they are mutually dependant.

5.11 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, which for decision taking means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant polices are out-of-date, granting permission

  unless:

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

5.12 Footnote 9 to paragraph 14 gives examples of where policies in the Framework indicate that development should be restricted and includes land designated as Green Belt, which applies to part of the application site in this case.

5.13 In terms of economic growth, one of the 'core principles' of the NPPF is to proactively drive forward and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth.

5.14 In terms of housing delivery, the NPPF sets out that local authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing, including identifying key sites which are critical to the delivery of the housing strategy over the plan period. Paragraph 49 states 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.

5.15 The NPPF attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

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

5.16 On 31st January the Council approved for consultation the latest draft of the Joint Core Strategy (JCS). In doing so the Council approved the Objectively Assessed Need (OAN) for Tewkesbury which stands at 9,899. It is considered that this figure is robust having been arrived at following detailed consideration through the Examination in Public process. Following from the OAN there is an annual requirement to meet Tewkesbury's needs of 495 dwellings.

5.17 Using this robust figure, taking into account current supply, including planning permissions granted, those which the Planning Committee have determined to grant subject to finalisation of s106 legal agreements and a windfall allowance, the Council can demonstrate a 5.3 year supply with a 20% buffer applied.

5.18 In light of the fact that the Council is able to demonstrate a five-year supply of deliverable housing sites, saved Policy HOU4 of the Tewkesbury Borough Local Plan should no longer be considered out of date pursuant to paragraph 49 of the NPPF.

5.19 In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise), the presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply.

5.20 Section 38(6) of the Town and Country Planning Act 1990 provides that the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. In this case, as reiterated by paragraph 12 of the NPPF, the presumption is against the grant of permission given the conflict with policy HOU4 and as such permission should be refused unless material planning circumstances indicate otherwise.

<u>Conclusions on the principle of residential development</u>

5.21 In view of the above it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits.

6.0 Other Planning Considerations

6.1 In determining the 2008 appeal in relation to the wider outline planning application, the Secretary of State considered that the main environmental implications of the development were in relation to highway safety and congestion, green belt impact and flood risk. However, she concluded that the proposed development would not have a materially greater adverse effect on highway safety or traffic congestion. In addition, she concluded that except for two playing pitches the development would be within Flood Zone 1 (low risk), and subject to planning conditions the development would therefore not be at undue risk of flooding, nor would it cause flood risk elsewhere.

6.2 In relation to Green Belt impact, the Secretary of State attached substantial weight to the location of part of the site being within the Green Belt, and considered that the development was inappropriate in that regard. However, she considered that other factors in favour of the development outweighed the harm that would be caused in this case, which justified the development of Green Belt land. Therefore subject to planning conditions and the submission of details within future reserved matters applications, it was considered that the development would have minimal environmental impact. Further, as set out above, Policy SD6 of the MMJCS sets out that the boundaries of the reviewed Green Belt are identified on the Proposed Changes to the Green Belt Boundary map (at appendix 2 of the MMJCS). This map identified the part of the of the current application site within Green Belt to be removed from it. The site is also identified as an existing housing commitment on Indicative Site Layout 1, which identifies the Innsworth Urban Extension. Further, as set out above, the site is treated as an existing housing commitment in the MMJCS and is proposed to be removed from the Green Belt.

7.0 Green Belt

7.1 The proposal constitutes inappropriate development in the Green Belt. The NPPF provides that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local authorities should ensure that substantial weight is given to any harm to the Green Belt by reason of inappropriateness. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

7.2 As set out above, the application site is included as a housing commitment in the MMJCS and as such is proposed to be removed from the Green Belt. As a commitment, the site contributes to the current 5 year supply and the trajectory in the short term. The application site has the majority of its external infrastructure in place and the surrounding highway infrastructure, less the internal roads, is in place. The developers plan to commence development on this phase shortly following completion of a previous phase.

7.3 Having regard to the above it is clear that the application site forms an integral part of the wider site which has previously been granted planning permission. There are significant impacts on the wider site and the payment of developer contributions that would result if permission was withheld for the application site. Further a refusal of planning permission would impact on the supply of housing in the short term and would impact on the Council's 5 year supply. Having regard to this under these circumstances it is considered that these factors do represent very special circumstances.

7.4 In terms of the harms associated with the development there would be an inherent loss of openness however the application site adjoins the wider developed site to the west and a Sewage Treatment works to the north east. It is also bounded by the A40 Duel carriageway along its southern boundary. The development forms an integral part of the wider site covered by the previous outline permission. The site also would be enclosed to the north by playing pitches associated with the whole development. The site's context has changed significantly since the previous permission was granted given that all other phases of the 'Longford' site have been almost completed and given the infrastructure which has already been put in place under the original permission for the wider site. On that basis the impact on the Green Belt would be reduced since the previous decisions when the benefits associated with the development of the site for housing and commercial use were considered to represent very special circumstances which outweighed the harm to the Green Belt and other harms.

7.5 In light of the above it is considered that very special circumstances exist in this case which clearly outweigh the identified Green Belt and other harms.

8.0 Landscaping/Biodiversity

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

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

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

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

8.5 The Council's Landscape Officer has assessed the proposals and following revisions and the submission of an Arboricultural Method Statement he raises no objection to the proposed development.

9.0 Design and Layout

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

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

9.3 The approved masterplan document associated with the previous outline planning permission proposed a range of densities which have been generated through analysis of existing local contextual development. The proposed development would now closely reflect the densities identified for the site. However initial concerns were raised in respect of the number of proposed dwellings, the design of a number of plots, house types and frontage parking. The scheme has subsequently been amended to address these concerns resulting in a decrease in the proposed number of dwellings from 213 to 197. Further, the amendments also improved a number of the house types, removed an over provision of frontage parking, provided an increase in street trees and details of boundary treatments and increase the number of visitor parking spaces.

9.4 Following amendments to the scheme the Councils Urban Design Officer is now satisfied that the proposed development is acceptable in Urban Design terms and is compatible with the wider development of the site and would deliver an acceptable scheme.

10.0 Accessibility and Highway Safety

10.1 Section 4 of the NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. It states at paragraph 29 that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that "opportunities to maximise sustainable transport solutions will vary from urban to rural areas". Paragraph 32 states that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure. Furthermore, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

10.2 The NPPF also requires safe and suitable access to all development sites for all people. Policy TPT1 of the Local Plan requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided. Similarly policies INF1 and INF2 of the MMJCS seek to provide choice in modes of travel and to protect the safety and efficiency of the transport network.

10.3 The application site is served by an existing vehicle access off Longford Lane by way of a traffic lit junction through a community zone in the form of a local centre and a single form entry primary school. The external road arrangements have been designed in order to accommodate the development of the application site. The application has been accompanied with a Transport Assessment and the Local Highway Authority confirms that the conclusions of the submitted TA are accepted. As for the internal layout the CHA confirm that this is better following the revised layout however there is still some concern regarding availability of visibility through the central shared surface street. Further information is requested by the CHA in order to ascertain whether appropriate visibility can be achieved. **(An update will be provided at Committee).**

11.0 Residential Amenity

11.1 One of the core planning principles of the NPPF is to ensure a good standard of amenity for all existing and future occupants of land and buildings. This advice is reflected in Policy SD15 of the MMJCS which seeks to ensure that new development does not cause an unacceptable harm to local amenity including amenity of neighbouring occupants.

11.2 The application site form part of a wider site which is currently being developed. The location of plots, separation distances, orientation and associated amenity space have all been careful designed and it is considered that there would be an acceptable impact on the living conditions of existing residents as well as future occupiers.

11.3 The application site is also located in close proximity to the A40 and the application has been accompanied by a noise assessment. The EH Officer confirms that she broadly agrees with the methodologies used within the noise assessment. The proposed mitigation detailed within section 8 of the report (recommendations) stipulates what is required to ensure that internal noise criteria is met with the glazing specified and the requirement for alternative ventilation for those facades that overlook the A40. The Noise Assessment also concluded that the development would benefit from reduced traffic noise levels attributable to the proposed acoustic barrier along the A40 boundary and from the location of a 5m landscape buffer between the site boundary to the A40 and the line of development.

11.4 The EHO officer confirms that the proposed development would be acceptable in terms of noise when the proposed mitigation is incorporated. This can be secured by an appropriately worded planning condition.

12.0 Affordable Housing

12.1 Local Plan Policy HOU13 sets out that provision will be made for affordable housing on appropriate sites. The outline planning permission provides for 30% affordable housing across the site and its provision is set out in the Unilateral Undertaking signed in March 2008. Whilst the current application is in full it proposes that a deed of variation is singed to the S106 in order to require this development to meet the remaining obligations of the previous S106. Specifically this requires payment towards education and library facilities and the provision of 30% affordable housing across the whole site.

12.2 The other phases of development associated with the Outline planning permission has under delivered on the 30% requirement and there is an expectation that the application site would pick up any short fall. Indeed the current application would include approximately 33% affordable housing which would result in the average across the wider side being 30% in accordance with the requirement of the S106 and Masterplan for the whole site.

12.3 The Council's Strategic Housing and Enabling Officer (SHEO) has considered the proposals and after raising some initial concerns regarding clustering, house type and tenure split the applicant submitted a revised scheme. The SHEO confirms that the revised scheme results in acceptable house types, tenures and clustering perspective. This can be secured by a variation to the existing s106 obligations.

13.0 Flood Risk and Drainage

13.1 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.

13.2 Policy EVT5 of the local plan and Policy INF3 of the MMJCS seek to prevent development that would be at risk of flooding. Policy EVT5 requires that certain developments within Flood Zone 1 be accompanied by a flood risk assessment and that development 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.

13.3 The adopted Flood and Water Management Supplementary Planning Document has the following key objectives: to ensure that new development does not increase the risk of flooding either on a site or cumulatively elsewhere and to seek betterment, where possible; to require the inclusion of Sustainable Drainage Systems (SuDS) within new developments, which mimic natural drainage as closely as possible (e.g. permeable paving, planted roofs, filter drains, swales and ponds) and provision for their long-term maintenance, in order to mitigate the risk of flooding; to ensure that development incorporates appropriate water management techniques that maintain existing hydrological conditions and avoid adverse effects upon the natural water cycle and to encourage on-site storage capacity for surface water attenuation for storm events up to the 1% probability event (1 in 100 years) including allowance for climate change.

13.4 The site is located within Flood Zone 1 (FZ1) and the application has been supported by a Flood Risk Assessment (FRA) which concludes that the development would not cause any adverse impacts to the site or surrounding area in relation to flooding risk. The FRA demonstrates that the proposal would appropriately manage the flooding risk within the site through incorporating SUDS measures to manage surface water appropriately. The attenuation features would be located within FZ1, complying with Sequential Test procedures and recommendations.

13.5 Gloucestershire County Council as the Lead Local Flood Authority (LLFA) has considered the FRA and considers that the proposed development would be acceptable subject to appropriate drainage conditions attached to any planning permission granted. In addition Severn Trent Water raise not objection to the proposals subject to the imposition of a condition relating to foul and surface drainage.

13.6 The Environment Agency (EA) have also been consulted on the application and advise that they have no objection to the proposals. However they point out that the finished floor levels quoted no longer concur with current guidance on the issue of climate change, as this has changed as of February 2016. Having regard to this it is considered that should members be minded to grant planning permission that a condition be imposed requiring details of FFL to be submitted to and agreed in writing with the LPA. The EA also raise an issue with the location of the outfalls which depart slightly form the outline planning permission and would not be acceptable. In response to this the applicants have submitted revisions to address these concerns in full, however the EA has not yet confirmed that this is now acceptable. **An update will be provided at Committee**.

14.0 Open Space, Outdoor Recreation and Sports Facilities

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

14.2 The provision of open space, outdoor recreation and sports facilities for the wider site was secured through the previous legal agreement associated with the outline planning permission. The applicants have submitted draft deeds of variation in respect of these and would commit to provide the outstanding contributions/obligations required.

15.0 Education and Library Provision

15.1 The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Plan Policy GNL11 and Policy INF5 of the MMJCS highlight that permission will not be provided for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided. These policies are consistent with the NPPF.

15.2 The proposed deed of variation would ensure that appropriate contributions are made towards both education and library provision.

16.0 Historic Environment

16.1 The NPPF includes a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (para.17 NPPF). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. No other planning concern is given a greater sense of importance in the NPPF. 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.

16.2 In terms of archaeology, the County Archaeological Officer (CAO) advises that in 2004 the area of proposed development formed part of a wider area where archaeological assessment and evaluation was undertaken to inform the determination of a planning application (05/0883/OUT). On the basis of the results of that investigation the whole of the area to the east of Black Ash Lane, including the current application site, was specifically excluded from any further archaeological investigation

16.3 Having regard to this the County Archaeologist recommends that no archaeological investigation or recording should be required.

17.0 Ecology

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

17.2 The site is located at the north of Gloucester, immediately north of the existing A40 dual carriageway corridor beyond which is existing development within Gloucester. The eastern and north eastern site boundaries are largely continuous with offsite development areas within the wider outline approved development, including active construction sites, new residential development, roads and SUDs features. The north western and western site boundaries are located within a single wider former agricultural field, such that the land immediately adjacent to the site within these areas was recorded to comprise grassland continuous with the site itself, beyond which is a watercourse (Horsbere Brook) and a former water treatment works The western part of the site includes worked areas, forming compound and storage associated with the existing construction areas within phase 2a of the wider approved outline development area. The central part of the site is occupied by an area of hardstanding, bare/compacted ground, buildings and manure heaps associated with Field Farm. The eastern part of the site forms part of a larger agricultural field, dominated by grassland at the time of most recent.

17.3 The application has been accompanied by an Ecological Appraisal. The appraisal refers to a number of previous ecological surveys carried out for past planning applications as well as a more recent site survey carried out in November 2016. The purpose of the submitted Ecological Appraisal is to provide an appraisal of the likely ecological effects of the proposals, an assessment of the importance of the habitats and species present and where necessary recommend avoidance, mitigation and compensation measures to safeguard any significant existing ecological interest within the site and where appropriate, opportunities for ecological enhancement are proposed with reference to national conservation priorities and local Biodiversity Action Plans (BAPs).

17.4 The application site is not subject to any statutory ecological designations however it is located in close proximity to designated sites. The nearest statutory designation is Innsworth Meadow Site of Special Scientific Interest (SSSI), which is located approximately 800 m north east of the site. The SSSI is designated as it represents one of a very small number of unimproved grasslands remaining in the Severn Vale, with vegetation including a good example of old ridge and furrow grassland with a good range of plant species. The closest international level ecological designation to the site is the Cotswold Beechwoods Special Area of Conservation (SAC), which is located approximately 7.2km south east of the site at its closest point and as such is well-separated from the site, including by considerable existing development within Gloucester.

17.5 The appraisal concludes that given the nature and scale of the proposals and separation from all identified statutory ecological designations, the proposals are considered unlikely to adversely affect any such designations. This view was shared with Natural England (NE) in their response of the 29th September 2016 where NE confirmed that they had assessed the application using the Impact Risk Zones data (IRZs)

and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Innsworth Meadow SSSI has been notified. NE therefore advise that this SSSI does not represent a constraint in determining this application. Following amendments reducing the development from 213 to 197 NE were re-consulted as a matter of course and **an update will be provided at Committee)**.

17.6 With regard to protected species on the site itself, on the basis of the survey work undertaken, the grassland field supports a very limited range of species. It is noted that the most recent survey work was undertaken outside of the optimal period for grassland, however the dense, matted nature of the sward and limited herb species present provide a clear indication that the grassland is species-poor and indicative of agricultural management and resulting high nutrient conditions, reflecting the previously recorded situation. The site has been subject to long-term intensive agricultural input, reflecting the species-poor nature of the habitat, such that its loss to the proposals would be unlikely to be of ecological importance and does not, therefore, appear to provide a potential constraint on the current proposals.

17.7 Section 6 of the appraisal outlines required ecological mitigation and enhancement measures which include:

- General construction safeguards and working practices. In order to minimise any potential adverse effects on ecological receptors.
- Protection measures for the watercourse corridor.
- Hedgerow Protection.
- Measures to prevent the inadvertent spread of non native plant species.
- Prior to any demolition works update/check survey work, (including internal inspection).
- New lighting to the eastern part of the site kept to a minimum.
- Additional Planting.
- Precautionary approach be put in place in respect of clearance works, in particular affecting vegetated and boundary habitats.
- Care taken to avoid disturbance to nesting birds.
- Bat and bird boxes.

17.8 Having regard to the above, and considering NE's original response it is considered that subject to the imposition of an appropriately worded planning condition requiring the development to be carried out in accordance with the recommendation of the Ecological Appraisal the proposed development would accord with the NPPF and policy NCN5 of the Local Plan.

18.0 Overall Balancing Exercise

18.1 The site is located outside the Longford Residential Development Boundary where new housing development conflicts with Policy HOU4 of the Local Plan. In addition, part of the application site is located within the Green Belt where such development would be harmful to its open character and the purposes for including land within the Green Belt, in conflict with Policy GRB1 of the Local Plan. For these reasons, the proposal is contrary to the Development Plan. However these conflicts with policy must be weighed against other material considerations in favour of the development

Beneficial Effects

18.2 It is considered that the proposal would achieve a good mix of housing and would deliver much needed affordable housing in a location which is in close proximity to employment, existing housing, community facilities and is well served by public transport. The delivery of housing on this site has also been included with the MMJCS committed numbers and permission would ensure that the evidence base remains accurate. The development would also result in a slight increase in units being delivered on the site then initially anticipated and this would contribute towards the Council's 5 year supply. The development is also expected to be delivered in the short term and therefore would importantly contribute towards the Councils delivery of sites and housing trajectory. These are benefits which weigh significantly in favour of the development. Further, the additional increased patronage from the development would be beneficial to the ongoing support for the local services and facilities. New employment would also be created during construction and some businesses connected with the construction industry would likely be local suppliers and trades, which would boost the local economy. In addition, it is considered that the proposal would be of an acceptable design.

Harmful Effects

18.3 Whilst the proposal is capable of being mitigated, the proposed development would result in some landscape harm as a result of the loss of a relatively undeveloped field. Further part of the site is located within the Green Belt and whilst it is considered that very special circumstances exist to overcome the in principle Green Belt objection the proposal would inevitably impact on the openness. Nevertheless, the part of the of the current application site within Green Belt is proposed to be removed from it by the emerging JCS and the site is also identified as an existing housing commitment.

Neutral Effects

18.4 It is considered that the proposed development would not have an unacceptable risk of flooding and would not exacerbate flooding problems for third party property. In terms of ecology and nature conservation, it has been demonstrated that the development would not have a detrimental impact upon biodiversity. It must also be recognised that through a Section 106 Agreement, developer contributions would provide towards the contributions required under the previous S106 agreement associated with the previous outline permission including the provision of affordable housing to meet the wider site requirement.

Overall Planning Balance and Conclusion

18.5 In weighing up the planning balance, it is considered that, based upon the three-stranded definition of Sustainable Development within the NPPF, the proposal would represent a sustainable form of development.

18.6 Due to the scale and nature of the proposal and the location of part of the site within Green Belt, the application will need to be referred to the Secretary of State for Communities and Local Government to see if he wishes to determine the application himself. It is therefore recommended that the decision is **DELEGATED to the Development Manager to resolve the matters raised by the Environment Agency and Natural England, to refer the application to the Secretary of State for Communities and Local Government and to complete a Deed of Variation s106 obligation to ensure all requirements of the previous s106 agreement are met.**

RECOMMENDATION Delegated Permit

Conditions:

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: P-2-01 Location Plan, P-2-02 REV E Scheme Proposals Phase 2, P-2-03 REV C External Materials Plan, P-2-04 REV A Affordable Housing Plan, P-2-05 Tenure Plan, P-2-06 REV A Storey Heights Plan, P-2H-01 Corfe, P-2H-02-1 REVA Chedworth (Render), P-2H-02-2 Chedworth (103), P-2H-02 REVA Chedworth, P-2H-03 Kendal, P-2H-04 Roseberry, P-2H-05 REVA Leicester, P-2H-06 REV A Lumley, P-2H-07-1 REVA Clayton (Render), P-2H-08 REVA Clayton Corner, P-2H-08 -1 REV A Clayton Corner (Render), P-2H-09 REVA Hatfield, P-2H-10 Souter, P-2H-11 Rufford, P-2H-13 Bickleigh, P-2H-14 Hanbury Plus, P-2H-15 Alnwick Plus, P-2H-16 Apartment Type 2BF, P-2H-18 HQI 79, P-2H-19 HQI 65, P-2H-20 HQI 102, P-2H-21 HQI 83, P-2H-22 HQI 84, P-2H-23 HQI 73, P-2H-24 REVA HQI 63, P-2H-25 REVA HQI 50 (brick), P-2H-25 REVA HQI 50 (render), P-2H-26 HQI 45, P-2H-28 Garages, P-2H-29 Conservatory Layout, P-2H-29-1 REVA Himbleton Render, P-2H-29 REVA Himbleton Brick

Reason: To ensure that the development is carried out in accordance with the approved plans.

3 Notwithstanding the submitted details, no development shall take place until details of existing and proposed ground levels and ground floor slab levels of the buildings hereby permitted, relative to Ordnance Datum Newlyn, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the development integrates harmoniously with the surrounding development and in the interest of flood resilience.

4 Notwithstanding the submitted details, the construction of the dwellings and garages hereby permitted shall not commence until samples of the proposed external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter all such materials used in the development shall conform to the approved samples.

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

5 No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours

6 Notwithstanding the provisions of condition no. 2 above, no development shall take place until a comprehensive Landscaping Scheme has been submitted to and approved in writing by the local planning authority. The Landscaping Scheme shall include details of all existing trees (including spread and species) and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of construction. The Landscaping Scheme shall also include details of all proposed planting, including species, density, and the height and spread of trees; and details of the design, position, height and materials of all the proposed boundary treatments including the proposed noise mitigation details in respect of the solid barrier and associated planting to be provided along the entire length of the south east site boundary.

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

7 The approved landscaping scheme shall be implemented in full, unless any variation is submitted to and approved in writing by the Local Planning Authority. All planting, seeding and turfing detailed in the approved Landscaping Scheme shall be carried out in the first planting and seeding season following the first occupation of any of the buildings hereby permitted or completion of the development, whichever is the sooner, or in accordance with a further programme of implementation that has been submitted to and approved by the Local Planning Authority. Any trees or plants which, within a period of five years from completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. The boundary treatments detailed in the approved Landscaping Scheme shall be implemented before any of the dwellings hereby permitted are first occupied.

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

8 No development shall take place until a SuDS maintenance plan for all SuDS/attenuation features and associated pipework, in accordance with The SuDS manual (CIRIA, C753), has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

i. specify the type and number of vehicles;
ii. provide for the parking of vehicles of site operatives and visitors;
iii. provide for the loading and unloading of plant and materials;
iv. provide for the storage of plant and materials used in constructing the development;
v. provide for wheel washing facilities;
vi. specify the intended hours of construction operations;
vii. specify measures to control the emission of dust and dirt during construction
viii. Give consideration into the location and use of heavy machinery, plant or material in areas where infiltration has been proposed, and avoid soil compaction of such locations.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework and to ensure that during the construction phase heavy machinery, plant or material is not stored/used inappropriately in the areas where infiltration SuDS are proposed, to avoid soil compaction and severely impacting infiltration rates.

10 Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100+40% event has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To ensure satisfactory drainage of the site and avoid flooding.

11 The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and 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 to reduce or exacerbate a flooding problem and to minimise the risk of pollution

12 No external lighting shall be erected on any part of the site without the prior express permission of the Local Planning Authority.

Reasons: In the interests of amenity and ecology.

13 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Ecological Appraisal 1004775 received 9th January 2017.

Reason: To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

14 Prior to the first occupation of the dwellings hereby permitted the noise mitigation detailed within section 8 of the Report on Existing Noise Climate, by Hoare LEA Acoustics dated 24th July 2015 (recommendations) shall be implemented in full to ensure that internal noise criteria set out in the report is met.

Reason: In the interest of residential amenity.

15 The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the approved drawings, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

16 No development shall commence on site until a scheme has been submitted to, and approved in writing by the Local Planning Authority, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the fire hydrant serving that property has been provided tin accordance with the scheme so approved.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

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

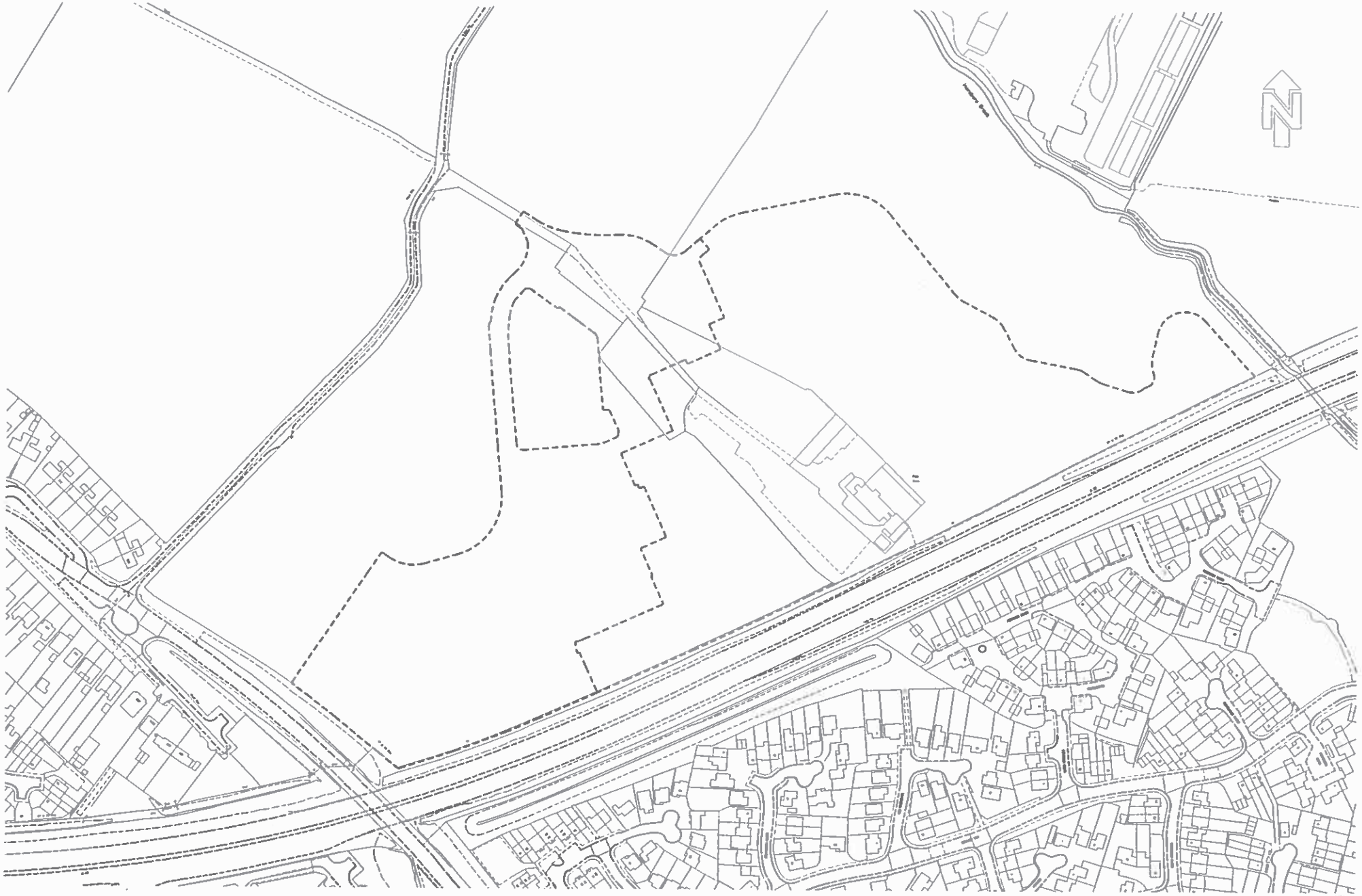
Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive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

18 No works hereby permitted shall commence on site (other than those required by this condition) until the first 20m of the proposed access road, including the junction with the existing public road has been completed to at least binder course level.

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

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

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



PERSIMMON

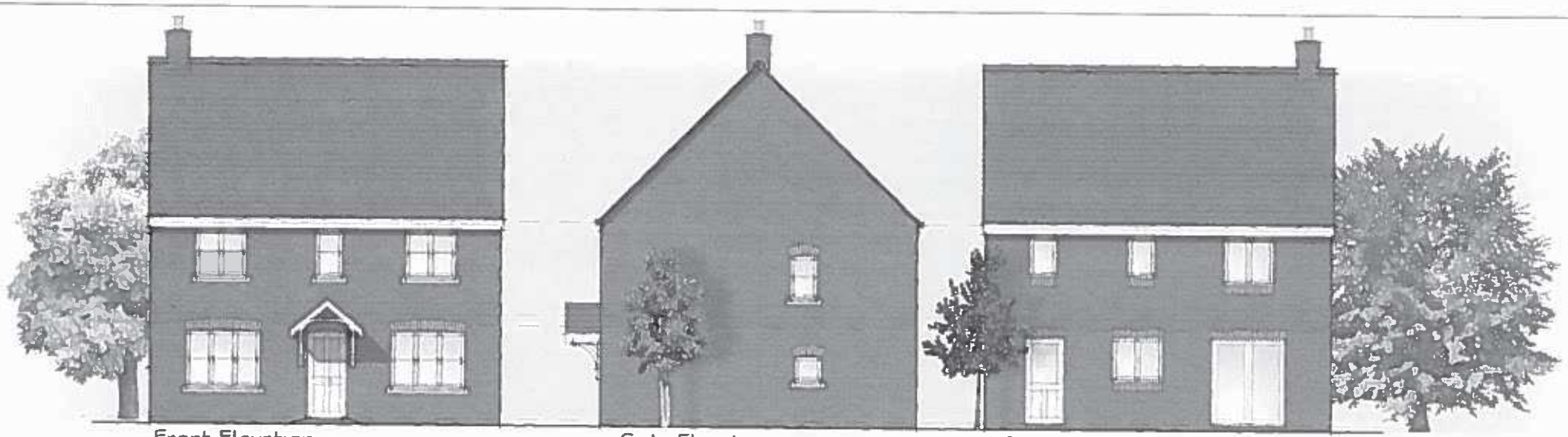
LONGFORD LANE, GLOUCESTER (PHASE 2)

Location Plan

drawing reference: P-2-01

16/00853/FUL

969/8



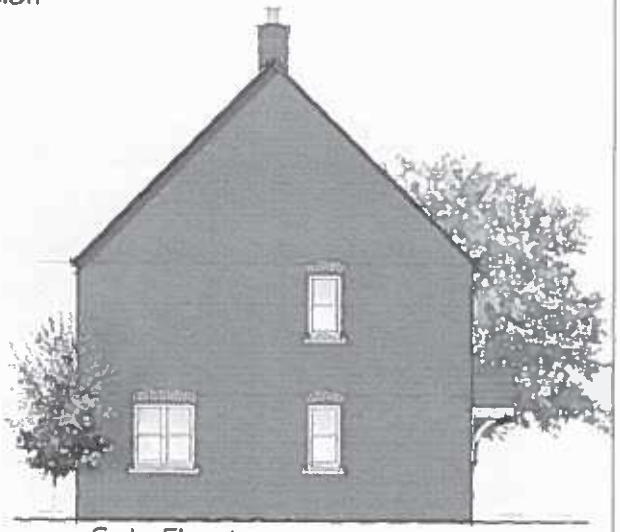
Front Elevation

Side Elevation

Rear Elevation

Ground Floor Plan.

First Floor Plan.



Side Elevation

185

Longford Lane, Gloucester (Phase 2)

Plot 103

Chedworth House Type scale: 1:100@A3

drawing reference: P-2H-02-2

PERSIMMON

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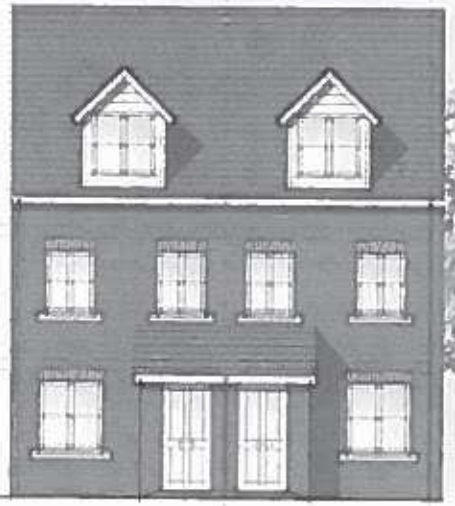
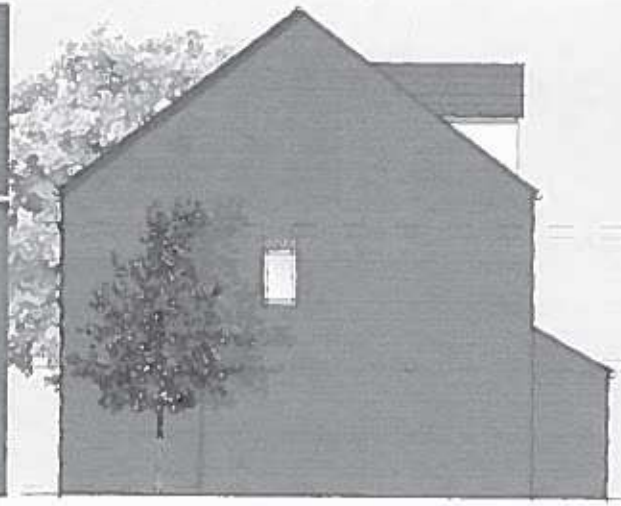
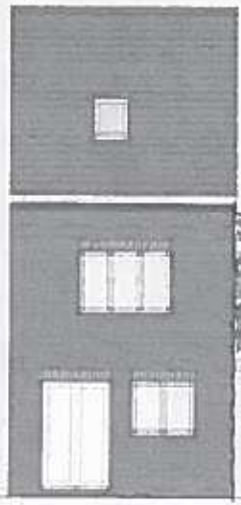
Aspen House
Birmingham Road, Studley
Warwickshire, B80 7HG
Tel. 01527 851200 Fax: 01527 851222



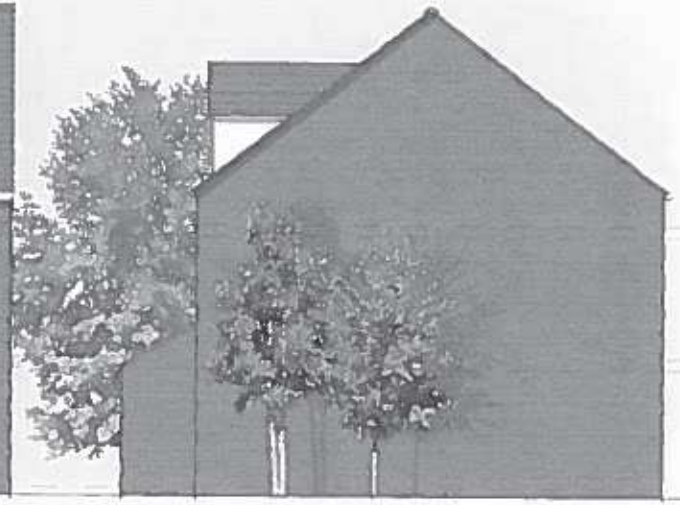
Front Elevation



Side Elevation

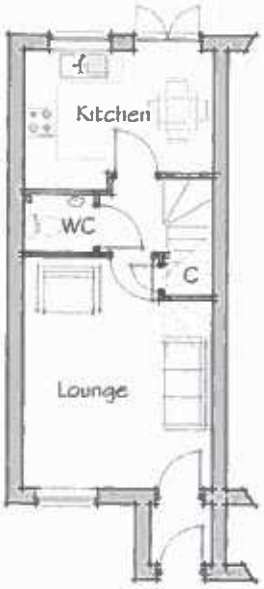


Rear Elevation



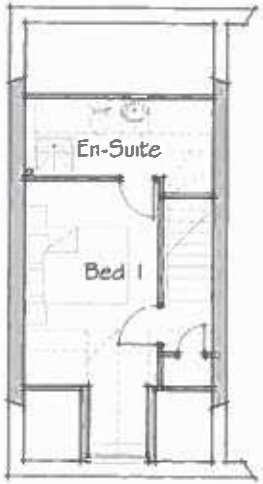
Side Elevation

186 /C



Ground Floor Plan.

First Floor Plan.



Second Floor Plan.

Longford Lane, Gloucester (Phase 2)

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Aspen House
Birmingham Road, Studley
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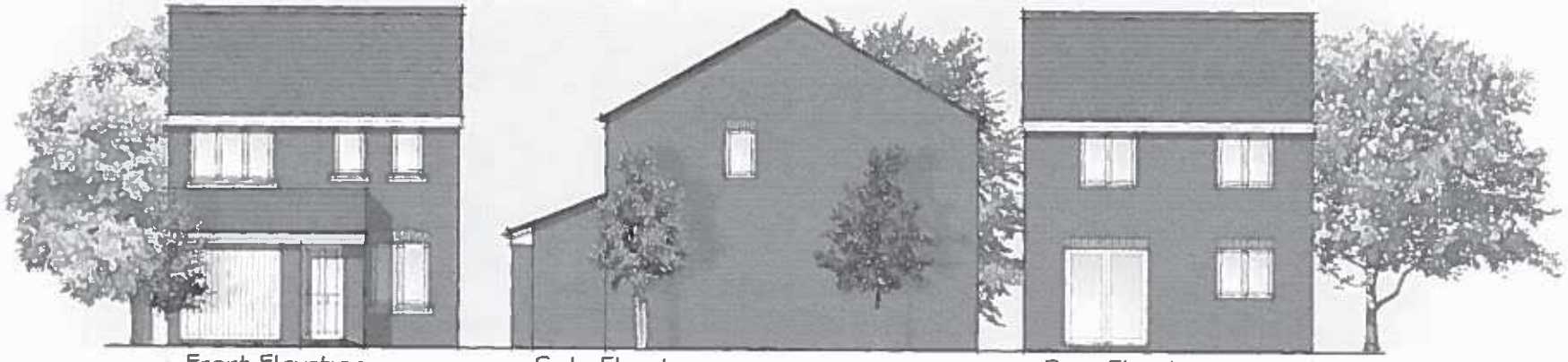
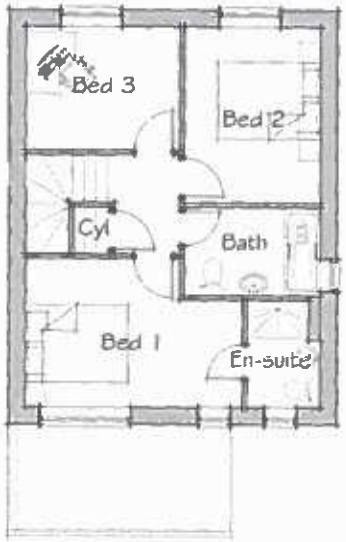
Souter Housetype scale: 1:100@A3 drawing reference: P-2H-10



Front Elevation Side Elevation Rear Elevation

Ground Floor Plan.



First Floor Plan.

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Warwickshire, B80 7HG
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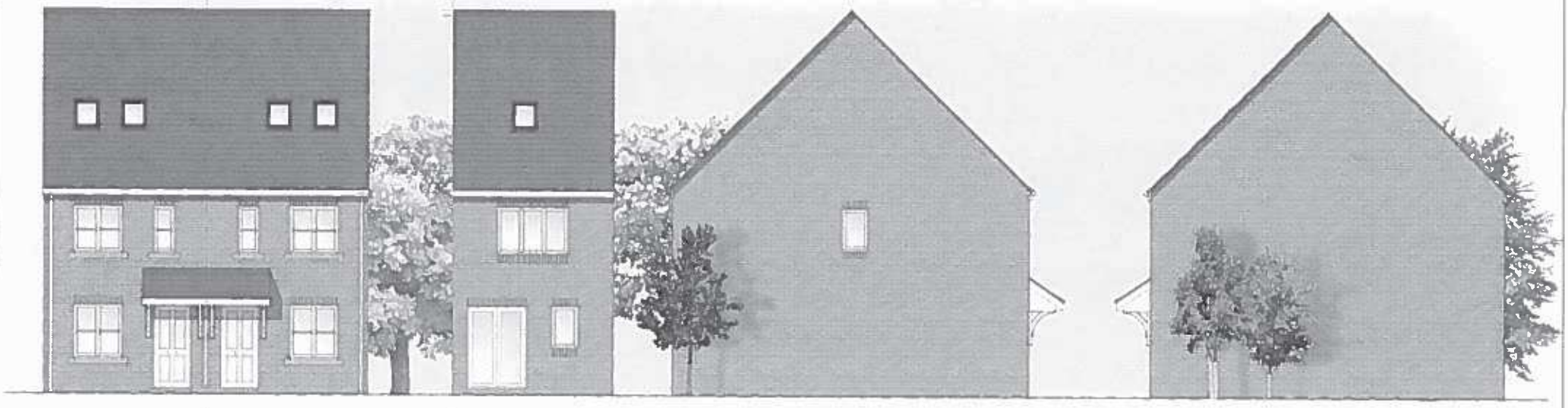
Longford Lane, Gloucester (Phase 2)

Rufford House Type scale 1:100@A3 drawing reference: P-2H-11

G187/D



Front Elevation | Rear Elevation | Side Elevation | Side Elevation

Ground Floor | First Floor | Second Floor

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Longford Lane, Gloucester (Phase 2)

Bickleigh Housetype scale: 1:100@A3 drawing reference: P-2H-13

188/E

Front Elevation

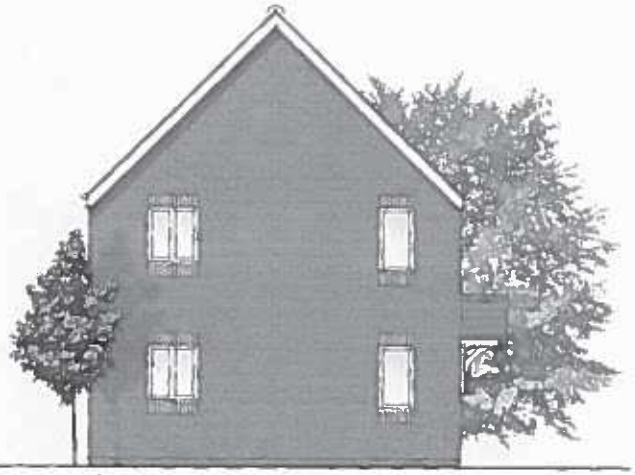
Side Elevation

Rear Elevation

189

Ground Floor Plan.

First Floor Plan.



Side Elevation

PERSIMMON
PERSIMMON HOMES (South Midlands) LTD
Aspen House
Birmingham Road, Studley
Warwickshire, B80 7BG
Tel: 01527 851200 Fax: 01527 851222

Longford Lane, Gloucester (Phase 2)

Plots 183-184 ONLY

HQI 50 (Brick) House Type scale: 1:100@A3 drawing reference: P-2H-25 Rev A

Front Elevation

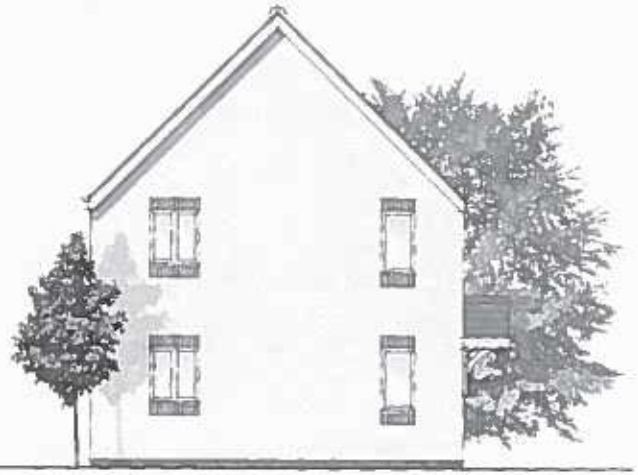
Side Elevation

Rear Elevation

190

Ground Floor Plan.

First Floor Plan.



Side Elevation

PERSIMMON

PERSIMMON HOMES (South Midlands) LTD
Aspen House
Birmingham Road, Studley
Warwickshire, B80 7BG
Tel 01527 851200 Fax. 01527 851222

Longford Lane, Gloucester (Phase 2)

Plots 250,251,257,258,262,263 ONLY

HQI 50 (Render) House Type scale. 1:100@A3

drawing reference. P-2H-25-1 Rev A

DEVELOPMENT BY OTHERS
Approved Phase 1 scheme
A69
191
PERSIMMON
LONGFORD LANE, GLOUCESTER
Scheme Proposals - Phase 2
P-2-02 Rev E

192

PERSIMMON

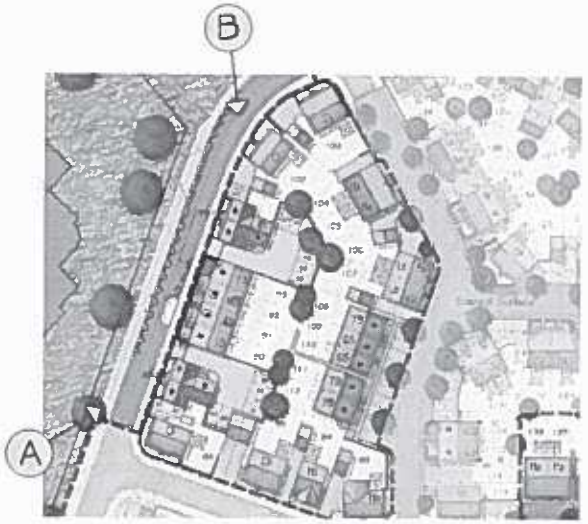
Longford Lane, Gloucester (Phase 2)

Street Scenes

P-2-07 rev B

View A

View B



Key Plan (N.T.S)

Longford Lane, Gloucester

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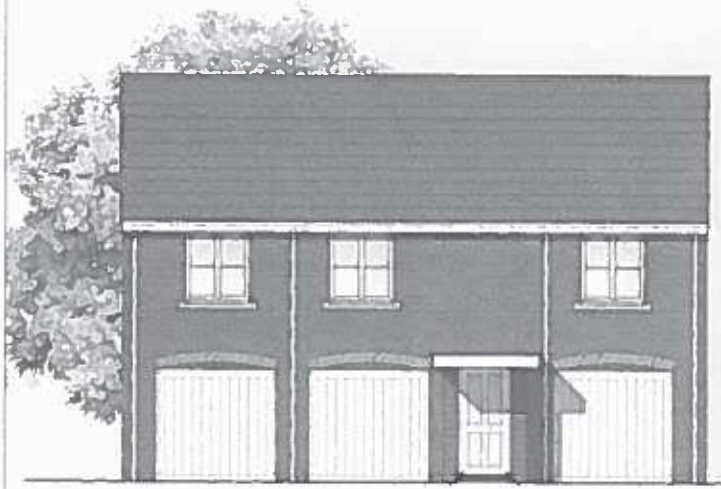
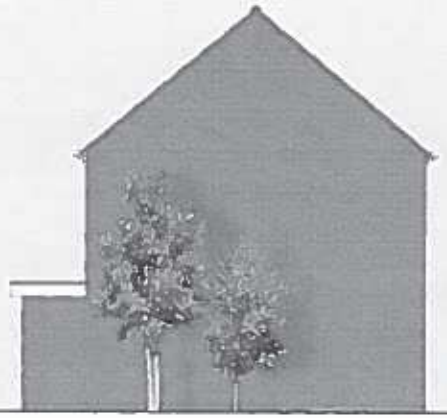
Tel: 01527 851200 Fax: 01527 851222

Plots 86 - 103 3D views scale: nts drawing reference: P-3D-10

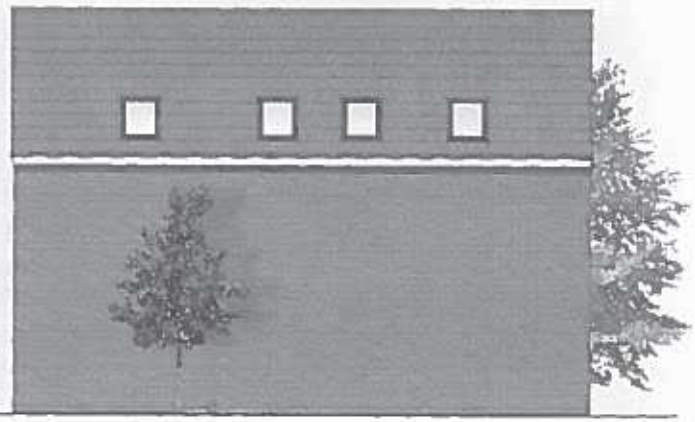
193 15



Front Elevation

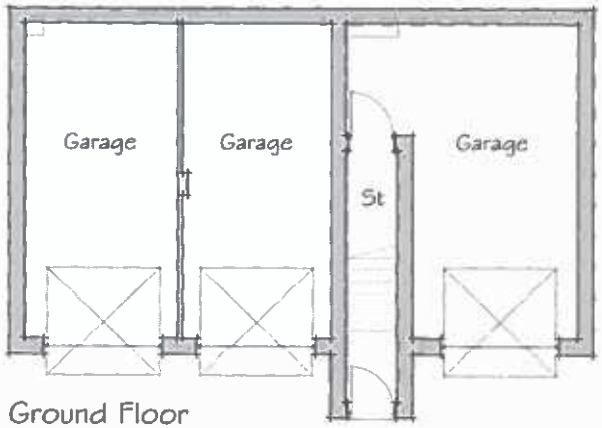


Side Elevation



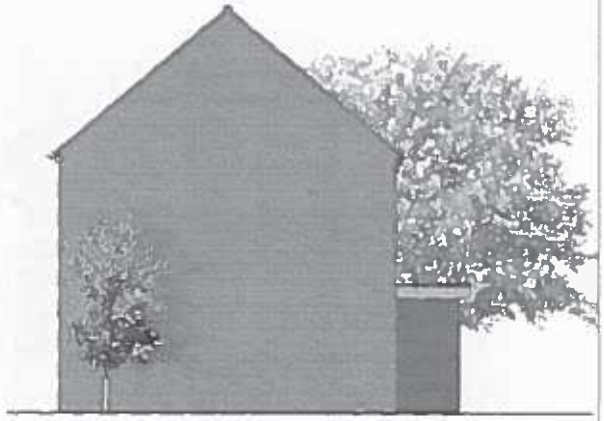
Rear Elevation

494 / K



Ground Floor

First Floor



Side Elevation

PERSIMMON
PERSIMMON HOMES (South Midlands) LTD
Aspen House
Birmingham Road, Studley
Warwickshire, B80 7HG
Tel: 01527 851200 Fax: 01527 851222

Longford Lane, Gloucester (Phase 2)

HQI Type 63 scale: 1:100@A3 drawing reference: P-2H-24 rev A

16/01172/FUL	**Part Parcel 3100, Wainlode Lane, Norton**	**17**
Valid 22.11.2016 Grid Ref 385466 224203 Parish Norton Ward Coombe Hill	Erection of 22 new dwellings. Bayhill Property Ltd Bayhill House Orchard Drive Cheltenham Gloucestershire GL51 4AD	

DEFERRED AT 14.3.2017 COMMITTEE (Item No 15, Page No 843)

RECOMMENDATION Delegated Permit

Policies and Constraints

NPPF
Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, HOU4, HOU13, HOU14, TPT1, TPT3, TPT6, EVT2, EVT3, EVT5, EVT9, LND4, LND7, RCN1, RCN2, NCN5
Main Modifications JCS - SP1, SP2, SD1, SD4, SD5, SD7, SD10, SD11, SD12, SD13, SD15, INF1, INF2, INF3, INF4. INF5, INF6, INF7, INF8
Affordable Housing SPG
Flood and Water Management SPD
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Parish Council - Object for the following reasons:

- Proposal would result in significant landscape harm.
- Identified as key view by the Parish Council.
- Site was rejected in the SHLAA
- Proposal would exacerbate foul water problems
- Proposal would result in flooding.
- Previous development in Norton has secured off-site contributions and these could have reduced the need for cross subsidy.
- Norton has already provided low cost housing.
- The case for the number of affordable houses is questionable.
- Other alternative sites should have been explored further.
- Highway safety concerns.

County Highways Authority - No objection subject to conditions.

Lead Local Flood Authority - No objection subject to condition requiring detailed drainage strategy.

Strategic Housing and Enabling Officer - Supports the application as the proposals would meet local housing needs.

County S106 Officer - Contributions required for pre-school, primary and secondary education.

Severn Trent - No objections subject to conditions to secure and implement drainage plans for the disposal of foul and surface water flows

Natural England - No objection.

Crime Prevention Officer -Recommended that the development is built to meet Secured by Design standards.

Landscape Officer - No objection, subject to conditions.

Urban Design Officer - No objection.

County Archaeologist - Updated comments awaited.

Planning Policy - It is considered that Norton is in general a suitable location for some new housing having regard to Policy SP2 of the JCS. The proposed development is therefore considered to be acceptable in principle.

Local Residents - 12 Objections have been received from local residents (summarised):

- The existing pumping station is already frequently overloaded as is the rest of the drainage on Wainlode Lane.
- The proposal would result in flood issues.
- The development is out of keeping with the character and appearance of the existing area.
- Highway safety concerns are raised.
- Proposal results in landscape harm
- Proposal would fail to enhance the vitality of the rural community.
- Local need could be met elsewhere.
- cross-subsidise the affordable is against policy.
- Housing needs survey is inaccurate.
- This is clearly a speculative application

Planning Officers Comments: Mr Ciaran Power

1.0 Application Site

1.1 The application site comprises part of an agricultural field located on the south western sider of Wainlode Lane, Norton. The application site has an area of approximately 1.5 hectares and is generally flat. No Residential Development Boundary for Norton is defined in the Tewkesbury Borough Local Plan - March 2006 but the application site is located in close proximity to the settlement which is designated as a service village in the Submission JCS. The village has a small school (Norton Church of England Primary School), a village hall, a sports pitch and a public house.

1.2 The site is not located within any designated landscape areas but is with the open countryside. It is located wholly within Flood Zone 1.

2.0 Planning History

2.1 There is no relevant planning history for the site.

3.0 Current Application

3.1 The application is made in full and proposes the erection of 22 no. dwellings; 12 no. affordable and 10 no. market dwellings with associated infrastructure and landscaping (see layout plan).

3.2 The 12 affordable housing units proposed comprise:

- 6 no. 2 bedroom dwellings
- 2 no. 3 bedroom dwellings
- 2 no. 1 bedroom dwelling in two storey houses
- 2 no. 1 bedroom in bungalows.

The 10 market dwellings which make up the remainder of the application site comprise:

- 4 no. 3 bedroom two storey detached dwellings
- 4 no. 4 bedroom two storey detached dwellings
- 2 no 5 bedroom properties

3.3 The proposed density would be 14 dwellings per hectare.

3.4 Access to the site would be via two new accesses off Wainlode Lane. The first access serves plots 1 to 3 with the other dwellings served by the proposed estate road.

3.5 The application has been submitted in response to a Housing Needs Survey of Norton undertaken by Gloucestershire Rural Community Council Rural Housing Needs Enabler. The application seeks to deliver the identified affordable housing need by using market housing to cross subsidy the affordable housing. This is an approach allowed by the NPPF.

3.6 The application is supported by Tewkesbury Council's Strategic Housing and Enabling Officer who concludes that the development will meet local housing needs and is situated in the most appropriate location in the village close to the village centre with school and village hall, and accessible to the A38 and main bus route to Cheltenham, Tewkesbury Town and Gloucester. The development offers a range of suitable house types and tenures for the local community.

4.0 Policy Context National and Local Planning Policy

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

4.2 Paragraph 14 of the NPPF indicates that sustainable development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or where specific policies within the Framework indicate that development should be restricted.

4.3 Paragraph 54 of the NPPF states that *"In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate"*.

4.4 Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for 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 would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling

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

4.6 Policy HOU4 of the local plan seeks to promote sustainable development. Policy HOU4 advises, inter alia, that residential development outside of a residential development boundary will only be permitted where essential to the efficient operation of agriculture or forestry or the provision of affordable housing in accordance with Policy HOU14.

4.7 Policy HOU14 seeks to provide affordable housing. Policy HOU14 states that the Council will permit, subject to a legal agreement and/or planning condition, residential development which can be demonstrated to meet in perpetuity a particular local need that cannot be met in any other way. Proposed sites should be small in size and located in or adjoining villages or settlements where there are adequate local facilities, including public transport services, for residential schemes where the occupation can be controlled in the long term.

4.8 Policy LND4 relates to proposals in the rural areas and provides that regard will be given to the need to protect the character and appearance of the rural landscape.

4.9 Local Plan Policy LND7 states that new developments will require the provision of high quality landscaping which should form an integral part of the overall development.

4.10 Policy TPT1 of the local plan seeks to reduce the need to travel by car and promote alternative modes of transport and to ensure that highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network, nor cause an unacceptable loss of amenity to users of adjacent land.

4.11 Policy NCN5 of the local plan seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats.

5.0 Analysis

Principle of Development

5.1 Policy HOU14 is consistent with the NPPF when considering affordable housing exceptions sites however it must be recognised that the NPPF (Paragraph 54) advises that in rural areas, local planning authorities should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs, as is the case in this application.

5.2 The Councils Strategic Housing and Enabling Officer (HEO) has commented that the application has come about following a housing needs survey for Norton and that the application will meet local housing needs. The Parish Council has raised concern regarding how the assessment of housing need has been calculated. Indeed the need it derived from combining the results of a 2013 and 2016 survey. The Councils Strategic Housing and Enabling Officer points out that whilst the 2016 survey is the most up to date this only attracted 15 respondents compared with 83 respondents in 2013. Further at the present time only 4 shared ownership homes in the Parish; sold in 2013 and there have been no re-sales since. Having regard to this it is clear that the 2013 needs were not met which identified the need for 9 affordable dwellings and given the time passed it is reasonable to assume that the need will have increased which is a pattern true across Tewkesbury Borough. Further even with the limited responses received in the 2016 survey this still identified the need for 5 affordable houses. Having regards to above the Strategic Housing and Enabling Officer considers that the two surveys combined are likely to best reflect the true affordable housing need in Norton in the context of Tewkesbury Borough and the nature of the responses received. The proposed market housing is intended to facilitate the affordable housing need and NPPF states that local authorities should consider this approach. The amount of market housing required to facilitate the affordable housing provision has been examined by the DVS Valuation Specialists who concluded that the scheme would be unviable without the inclusion of 10 market housing units to cross-subsidise the proposed affordable units.

5.3 Whilst the Parish Council feel that the proposal would be contrary to Policy HOU14 as there has been no serious search for sites and liaison with the Parish Council and joint discussions regarding alternative sites has been denied. Policy HOU14 requires development to meet local need which cannot be met any other way. Clearly the Council's Strategic Housing and Enabling Officer is of the strong view that the development would contribute towards meeting Local Need. In addition the Borough as a whole has an acute affordable housing shortfall. The applicant has considered 9 alternative sites before selecting the current application site. The applicant's confirm that following numerous approaches to landowners only the application site was deemed suitable, achievable and available on behalf of the landowner at 'rural exception' land values. Whilst the Parish Council suggest that two other sites have not been considered and have provided details, it is important that the applicant cannot be expected to be aware of all potential sites and in any event the proposals are much smaller sites which would deliver smaller numbers of dwellings. No assessment of viability has been carried out on these alternative sites. Having regard to this whilst the Parish Council's aims of meeting their affordable housing need is understood and could be explore through the NDP it is not considered that there is currently any realistic prospect of accommodating the identified need.

5.4 The principle of the application is therefore considered acceptable providing wider planning objectives are met **The SHEO will also be in attendance at Committee to clarify any points in respect of the above.**

Access to local services and facilities

5.5 Local Plan Policy HOU14 states that proposed exception sites should be located in or adjoining villages or settlements where there are adequate local facilities, including public transport services. This is generally consistent with the aims of the NPPF which seeks to promote sustainable modes of transport (Section 4). However, the Framework also recognises the need support economic growth in rural areas in order to create

jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28) and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that there is a need to balance this against other objectives set out in the Framework - particularly in rural areas.

5.6 Norton is identified as a service village within the MM JCS. There are local service facilities including a school, village hall, public house and Norton is located adjacent to the A38 which is defined in the local plan as a Public Transport Corridor. Having regard to this Norton is considered to be appropriate for some level of growth and is expected to contribute towards the Housing requirements of Tewkesbury Borough.

Layout and Design

5.7 The NPPF sets out that the Government attaches great importance to the design of the built environment (paragraph 56). Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 57 the NPPF advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. At paragraph 61 the NPPF states that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

5.8 NPPG advises that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns are mitigated by good design. However at paragraph 64, the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

5.9 Planning decisions should not attempt to impose architectural styles or particular tastes through requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness and character.

5.10 The site is located adjacent to the main settlement of Norton, it is opposite the recent development at Cooks Lane and opposite recently approved housing along Wainlode Lane. There is also residential housing associated with the village to the west of the site and the playing fields which are a core facility for the village are directly adjacent to the site. Therefore it is considered that the site has good potential to integrate well with the existing community and this would make a logical extension to the village, whether for affordable housing or otherwise.

5.11 The layout fronts out to the south of the site creating a defined edge and allowing for a loose landscaped approach on this boundary. The properties fronting onto Wainlode Lane are set back with large front gardens to allow for the retention of the hedgerow, which would maintain a rural character along the lane without seeking to hide the development, allowing a new residential character to add positivity to the character of the area and to encourage integration.

5.12 The open space to the east which is necessary to accommodate a pipeline is now a positive space with active surveillance and provides good opportunities for informal recreation for both existing and new residents.

5.13 The proposed density is considered appropriate in this edge of settlement location and it is considered that the proposal would acceptably assimilate with the existing settlement.

Landscape and Visual Impact

5.14 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, amongst other things, protecting and enhancing valued landscapes.

5.15 The application site is not located within any nationally or locally landscape designations however it is located within the open countryside. Policy LND4 relates to proposals in the rural areas and provides that regard will be given to the need to protect the character and appearance of the rural landscape.

5.16 The application has been accompanied by an LVIA to assess the visual impact of the proposal on the Landscape. The LVIA concludes that the impact of the development on Landscape character would be a minor loss of key landscape elements and the introduction of elements that may be prominent but not

uncharacteristic would occur however the landscape effects are not considered significant. The LVIA also assesses the development impact form a number of viewpoints including PROW located in the vicinity. The Councils Landscape Officer (LO) confirms that as per the LVIA, the proposed development does not have unacceptable adverse landscape and visual impacts, in terms of the setting of the village, and the rural setting of the wider countryside. The LVIA also appropriately assesses the longer distance and higher terrain viewpoints from Norton Hill. The LO does however stress the importance of the retention of existing hedges and boundary trees along Wainlode Lane, as they provide a rural feel to the village edge setting, and in landscape terms are important to be retained and further strengthened as part of the development proposal.

5.17 The LO raises no objection to the proposed development subject to appropriate conditions in relation to tree and hedge retention, planting and maintenance schedule and a landscape scheme. However the proposal would clearly result in some limited landscape harm given that developments encroachment into open countryside and this needs to be considered in the overall planning balance.

Flood Risk and Drainage

5.18 The site is situated within flood zone 1 (low risk) however it has been accompanied by a drainage strategy. The Strategy concludes that Storm water disposal should always be undertaken as close to source as possible. However as the underlying strata is not suitable for infiltration methods of storm water disposal a mixture of underground pipes, cellular storage and detention basin / pond would reduce flow rates to the equivalent of Greenfield Runoff.

5.19 The disposal of the foul water from the proposed Site is to be via gravity sewers to the existing public sewer system via the existing pumping station at the junction of Cook Lane and Wainlode Lane. There is local concern that the existing sewage system could not accommodate the proposed development. Severn Trent Water has carried out a Sewage Capacity Assessment which confirms that there are no issues arising from the development and they would support connection into their storm sewer and foul pumping station which are both in close proximity to the site. It is also noted that there is local concern about the existing foul drainage system at times of high rainfall however the development requires separate foul and storm drainage and therefore storm water does not enter into the foul system in any way so the relatively insignificant foul flows resulting from the development would not detrimentally impact on the current system.

5.20 The Lead Local Flood Authority (LLFA) are satisfied that the applicant has demonstrated ground conditions do not support infiltration (soakaways) as a drainage strategy and that discharge to the Severn Trent Water surface water sewer is appropriate. Severn Trent Water themselves do not raise any objection to the proposal subject to a condition relating to the submission of drainage plans.

5.21 In light of the above, it is considered that based on the LLFA comments, the Severn Trent Water capacity assessment **(Attached in full to this Committee Report)** and subject to the imposition of conditions, that the applicant's drainage strategy is acceptable.

Highway Safety

5.22 The application site is adjacent to Wainlode Lane, a single two-way Carriageway road that varies in width, between approximately 4.3m-4.8m wide, and which is subject to a 30mph speed limit. A footway, separated by grass verge, runs along the entire frontage of the application site. The footway provides access to the central area of Norton Village, including Norton Church of England Primary School and bus stops. Wainlode Lane connects to Old Tewkesbury Road via a priority junction.

5.23 The proposed layout demonstrates that appropriate visibility can be achieved at the proposed access points and that the internal arrangements would allow appropriate manoeuvrability for refuse vehicles and cars to pass. A total of 50 parking spaces have been provided, and whilst no visitor parking is allocated the carriageway is wide enough to accommodate short term parking.

5.24 Gloucestershire County Highways Authority (CHA) have assessed the proposal and raise no objection to the proposed development subject to the imposition of appropriately worded planning conditions.

5.25 Subject to the above, the proposal is considered to be acceptable in terms of Guidance within the NPPF and Local Plan Policy TPT1.

Residential Amenity

5.26 The impact of the proposal upon the residential amenity of neighbouring properties has been given careful consideration as part of the planning merits of the proposal. Significant separation distance would exist between existing and proposed dwellings so that the proposal would not result in any direct overlooking of existing properties.

5.27 In respect to the amenity of future residents, the layout of the scheme ensures that there would not be unacceptable overlooking between residential properties and each dwelling is provided with its own garden. It is considered that the proposal would provide an acceptable living environment for future occupiers.

Ecology and Nature Conservation

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

5.29 The application has been supported by a walk-over ecological survey, the purpose of which was to determine the existence and location of any valuable areas and to record any evidence of protected species.

5.30 The Ecological Report confirms that there are no ecological statutory or non-statutory designated sites within or adjacent to the application site. Natural England have been consulted on the application and raise no objection

5.31 The survey concludes that the site is of limited ecological value and no evidence of badgers, bats, herpetofauna or other species of any note were recorded. The proposed development is considered to accord with the NPPF and policy NCN5 of the Local Plan.

Archaeology

5.32 The County Council's Archaeologist advises that the western part of the application site is located on an area where historic aerial photographs indicate the former presence of a substantial medieval or postmedieval building platform. In addition, finds indicative of Roman settlement are known to be present in this locality. He therefore considered that ground works required for development at this location may have an adverse impact on significant archaeological remains. He therefore has recommended that in accordance with the NPPF, paragraph 128, in advance of the determination of this planning application the applicant should provide the results of a programme of archaeological assessment and evaluation which describes the significance of any archaeological remains contained within the application site and how these would be affected by the proposed development. The applicant has carried out the necessary investigation and comments are awaited from the County Archaeologist **(Update to be provided prior to Planning Committee)**.

Community, Education and Library Provision

5.33 Local Plan Policy GNL11 highlights that permission will not be provided for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided. This is supported by and consistent with section 8 of the NPPF.

5.34 With regards to education, following consultation with Gloucestershire County Council, it is advised that the development would create a need for additional educational places and a contribution of £35,290 towards primary provision and £28,150 towards secondary school places would be required and an option on a 0.2ha piece of land adjacent to Norton Primary School, in the control of the applicant, for GCC infrastructure purposes. No library contribution is required.

5.35 In terms of the primary provision the County Council Education Authority have raised concerns about the ability to accommodate additional places at Norton C of E Primary School as it is forecast to remain, over-capacity and it is not possible to grow the school within its current site, nor to increase capacity through other temporary measures.

5.36 Having regard to the above the applicant and the Education Authority have agreed in principle that 0.2ha of land would be provided to assist in meeting the demand generated by the development and allow potential future expansion. The Education Authority also would require a financial contribution towards primary and secondary education however the viability of the scheme would not allow more than a £30,000 financial contribution to be made. The Education Authority are mindful of how full contributions would affect the viability of the scheme and the shortfall would need to be considered in the planning balance. However it is advised that the situation is most critical at primary level where the school is at capacity and therefore if members are minded to grant planning permission it is recommended that a S106 agreement should require £30, 000 towards primary provision as well as the option of 0.2ha of land for expansion of the existing school.

5.37 Whilst a contribution towards off-site playing pitches, off-site sports facilities, off-site play provision and community facilities would normally be sought the proposal is supported by a viability assessment which has been verified by DVS and this indicates that the site would not be viable should these additional developer contributions be sought. Given that the site is being brought forward to address a local housing need and would contribute to the further expansion of the existing school to accommodate the needs of the development as well as additional capacity it is also considered that these are significant benefits in themselves. Nevertheless the shortfall in the schemes ability to meet all the required development contributions needs to be considered in the overall planning balance.

Other Matters

5.38 The Parish Council raise concerns that the application site was rejected as a site in the SHLAA, however whilst the site which was assessed included the application site it was substantially larger than the application site and was assessed on the basis of a development of up to 142 dwellings. Clearly a development of such a scale would have significantly greater impacts than that proposed as part of this application.

6.0 Overall Balancing Exercise and Conclusions

6.1 Whilst the site lies outside any recognised residential development boundary, it does comply with policy HOU14 of the Local Plan in that it proposes to meet, in perpetuity, a local housing need. Whilst the proposal includes an element of cross-subsidy to help meet this need this is allowed for in the NPPF and PPG.

6.2 The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. In terms of the social role, NPPF states that planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the need of present by creating a high quality built environment, with accessible local services that reflect the community's needs and support its wealth, social and cultural well-being.

Benefits

6.3 The proposal would provide affordable and open market housing and this is given significant positive weight in line with social dimension of sustainability set out in the NPPF. In terms of the economic benefits it is now widely accepted that new housing developments bring benefits during the construction phase and through the additional spending power in the local economy as a result of the increased population. Whilst the viability of the scheme would not allow full development contributions to be sought in relation to community, education and sports facilities the scheme is proposed to make land available to facilitate the expansion of the already oversubscribed village school. Without the development the Education Authority would have limited opportunity to expand the school to cater for existing place forecasts and some future need. In addition the proposal does provide an area of public open space in the south eastern part of the site which would provide a relatively central area of POS which Norton does not currently benefit from. These matters weigh in favour of the proposal.

Harms

6.4 It is considered the proposal would result in some limited landscape harm which weighs against the development. Further the viability of the proposal means that the scheme is not able to provide the full amount of developer contributions identified by consultees and this weighs against the development

Neutral

6.5 There would be no undue impact in terms of residential amenity, heritage assets, biodiversity or the local highway network subject to the approval of technical details.

Conclusion

6.6 Having regard to the benefits to the proposal as set out above, it is considered that the these would outweigh the identified harms and therefore the proposal would represent sustainable development in the context of the NPPF and is recommended that **Permission is delegated to the Development Manager subject to completion of s106 obligations to secure the following:**

- Education - Primary Education - £30,000 and 0.2ha of Land for GCC Infrastructure requirements.
- Affordable Housing - 12 affordable dwellings.

RECOMMENDATION Delegated Permit

Conditions:

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

D00 Site Location Plan received by the Planning Authority on 12th October 2017 and D01 Rev ZB Site Layout Plan, D02 Rev C House type D, D03 Rev D House type K, D04 Rev C House type E, D05 House type G2, D06 House type F, D07 Rev D House type B, D08 Rev C House type C, D09 House type G, D10 Rev C House type M received by the Local Planning Authority on 6th March 2016.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3 Notwithstanding the submitted details, no development shall take place until details of existing and proposed ground levels and ground floor slab levels of the buildings hereby permitted, relative to Ordnance Datum Newlyn, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the development integrates harmoniously with the surrounding development.

4 Notwithstanding the submitted details, the construction of the dwellings and garages hereby permitted shall not commence until samples of the proposed external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter all such materials used in the development shall conform to the approved samples.

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

5 No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.

6 Notwithstanding the provisions of condition no. 2 above, no development shall take place until a comprehensive Landscaping Scheme has been submitted to and approved in writing by the Local Planning Authority. The Landscaping Scheme shall include details of all existing trees (including spread and species) and hedgerows on the land, and details of any to be retained together with measures for their protection during the course of construction. The Landscaping Scheme shall also include details of all proposed planting, including species, density, and the height and spread of trees; and details of the design, position, height and materials of all the proposed boundary treatments.

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

7 The landscaping scheme approved under condition 6 above shall be implemented in full, unless any variation is submitted to and approved in writing by the Local Planning Authority. All planting, seeding and turfing detailed in the approved Landscaping Scheme shall be carried out in the first planting and seeding season following the first occupation of any of the buildings hereby permitted or completion of the development, whichever is the sooner, or in accordance with a further programme of implementation that has been submitted to and approved by the Local Planning Authority. Any trees or plants which, within a period of five years from completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. The boundary treatments detailed in the approved Landscaping Scheme shall be implemented before any of the dwellings hereby permitted are first occupied.

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

8 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m 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 1.05m and 2.0m at the X point and between 0.26m and 2.0m 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.

9 The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted Proposed site layout plan, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

i. specify the type and number of vehicles;
ii. provide for the parking of vehicles of site operatives and visitors;
iii. provide for the loading and unloading of plant and materials;
iv. provide for the storage of plant and materials used in constructing the development;
v. provide for wheel washing facilities;
vi. specify the intended hours of construction operations;
vii. specify measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

11 No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Local Planning Authority, for the provision of a physical barrier to prevent vehicles parking on the verges adjacent to plots 13 and 14 and opposite plots 1, 2 and 3.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

12 No development shall commence on site until a scheme has been submitted to, and approved in writing by the Local Planning Authority, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the fire hydrant serving that property has been provided tin accordance with the scheme so approved.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

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

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

14 No works hereby permitted shall commence on site (other than those required by this condition) until the first 20m of the proposed access road, including the junction with the existing public road has been completed to at least binder course level.

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

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

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

16 No development approved by the permission shall be commenced until an approved detailed drainage strategy (including drainage plans for the disposal of foul and surface water flows) based upon drainage strategy ref. 16-019 DS - 300916 and amendments dated 17 December 2016 has been submitted to and approved in writing by the Local Planning Authority. If an alternative strategy or amendments are required, it must first be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be carried out in accordance with the approved details.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage and water quality in the locality.

17 No external lighting shall be erected on any part of the site without the prior express permission of the Local Planning Authority.

Reasons: In the interests of amenity and ecology.

18 The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Ecological Assessment report form AA Environmental Limited dated 3rd October 2016.

Reason: To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Notes:

1 **Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has 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 The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

16/01172/FUL

Notes

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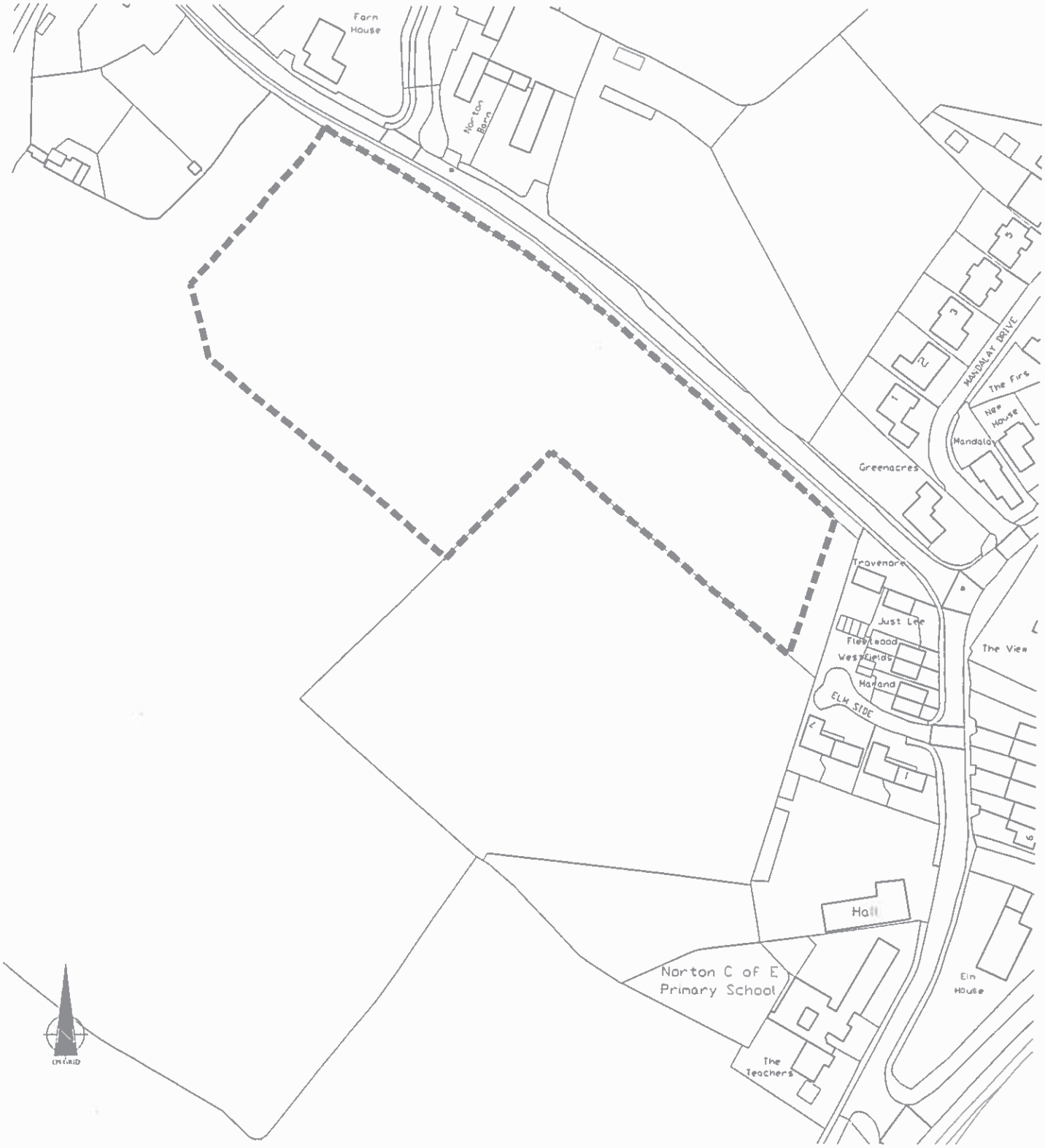

Revision	Date	By	Chkd	Project	Drawing	Client	
				PROPOSED DEVELOPMENT LAND OFF WAINLODE LANE. NORTON	SITE LOCATION PLAN 981/A		

Scale	Dated	Job No.	Drawing No.	Drawn by	Checked	CdSb Element	Revision
1:1250@A3	08.06.16	53042	001	LP	MA	FEASIBILITY	B

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PROPOSED SITE LAYOUT Scale 1:500

EXISTING LOCATION PLAN Scale 1:2000

Key

1.8M HIGH FEATHEREDGE CLOSE BOARDED FENCING ON CONCRETE POSTS, WITH 3 NO ARRIS RAILS & 150MM CONCRETE GRAVEL BOARDS

1.1M HIGH POST AND RAIL FENCE

NEW TREES

PLANTING

SITE RED LINE BOUNDARY

IN SAME OWNERSHIP

SCHEDULE OF ACCOMMODATION - Market

Code	Type	Area (m²)	No
	3 Bed 5P (Bungalow)	128	02
	3 Bed 5P	100.80	02
	4 Bed 6P	130.0	02
	4 Bed 6P	167.0	02
	5 Bed 9P	221	02
		TOTAL	10

Affordable

Code	Type	Area (m²)	No
	2 Bed/4P	79.0	06
	3 Bed/5P	90.0	02
	1Bed/2P(House)	54.8	02
	1Bed/2P (Bungalow)	52.6	02
		TOTAL	12

SITE AREA

Red Line Site area: 15,877m² / 3.91 acres
Blue Line Extended Site area(s) Total: 51,009 m² / 12.604 acres
Parking Space: 42

Revision				
L	T 31.08.18	LP	MA
M	U 16.08.18	LP	MA
N	V 17.08.18	LP	MA
O	Z 03.10.18	LP	MA
P			
Q			
R			

Date	By	Chkd
14.08.18	LP	MA
26.08.18	LP	MA
27.08.18	LP	MA
08.07.18	LP	MA
09.07.18	LP	MA
12.07.18	LP	MA
12.07.18	LP	MA
[illegible]	LP	MA

Project: PROPOSED DEVELOPMENT LAND OFF WAINLODE LANE NORTON

Drawing: PROPOSED SITE LAYOUT PLAN

Client: VARIES | Date: JUN 18 | Job No.: 53042 | Drawing No.: D01 | Drawn by: LP | Checked: MA | LBP Element: FEASIBILITY | Revision: Z

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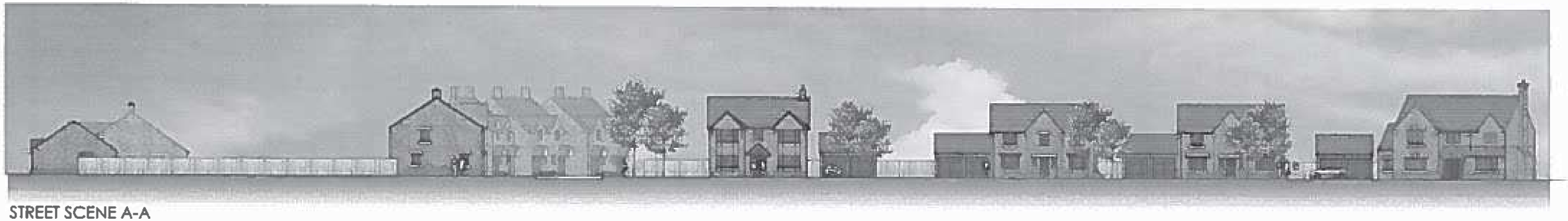
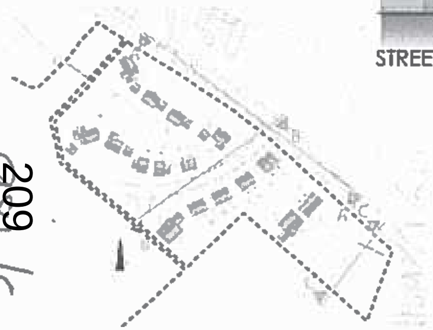
98/208



STREET SCENE A-A

STREET SCENE B-B



STREET SCENE C-C

Revision	A 11.08.16 LP MA; B 16.08.16 LP MA
Project	PROPOSED DEVELOPMENT LAND OFF WAINLODE LANE NORTON
Drawing	STREET SCENES
Scale	VARIES
Dates	AUG16
Job No	53042
Drawing No	D12
Drawn by	LP
Checked	MA
Status	FEASIBILITY
Revision	B

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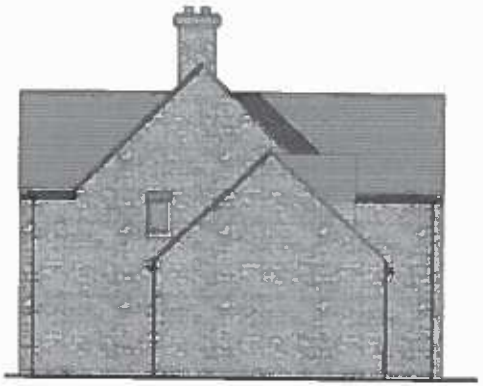
981 /C

FIRST FLOOR 104.4m²

FRONT ELEVATION

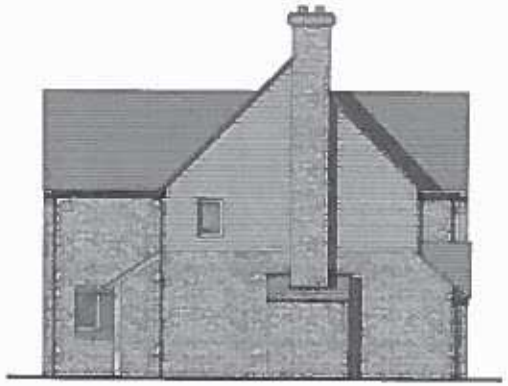


SIDE ELEVATION

GROUND FLOOR 116m²

TOTAL 221m²

REAR ELEVATION



SIDE ELEVATION

KEY

1- Brown concrete interlocking tiles
2- Multi-red brick
3- White double glazed PVC windows
4- Reconstructed stone
5- Black Fascia
6- Cast iron
7- Timber cladding
8- Secured by design door
9- Fair ligs
10- Red tile & tarbelling

Notes	Revision	Date	By	Chkd
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Project	Drawing	Client
PROPOSED DEVELOPMENT LAND OFF WAIRLODE LANE NORTON	HOUSE TYPE K PLAN & ELEVATIONS	

Scale	Dated	Job No.	Drawing No.	Drawn by	Checked	Cable Firmware	Revision
1:100@A2	AUG 18	53042	D-03	LP	MA	FEASIBILITY	B

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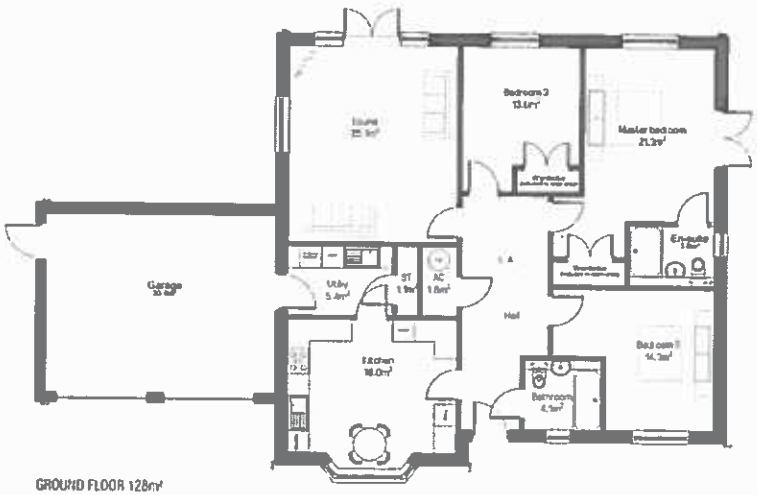
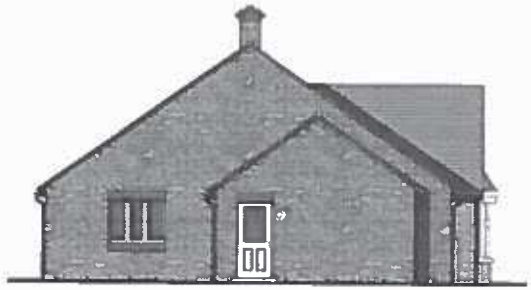


GROUND FLOOR 128m²

SIDE ELEVATION



SIDE ELEVATION

FRONT ELEVATION

REAR ELEVATION

KEY

1- [illegible]
2- Black Fascia
3- Black PVP
4- Mini red brick
5- reconstituted stone
6- [illegible]
7- Secured by design door
8- White Uplvc double glazed windows
9- Red brick curtaining

Notes	Revision	Date	By	Chkd
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Project	Drawing	Client
PROPOSED DEVELOPMENT LAND OFF WAINLODE LANE NORTON	HOUSE TYPE E PLAN & ELEVATIONS	

Scale	Dated	Job No	Drawing No	Drawn by	Checked	Cable Element	Revision
1:100@A3	AUG 18	53042	D-04	LP	MA	FEASIBILITY	B

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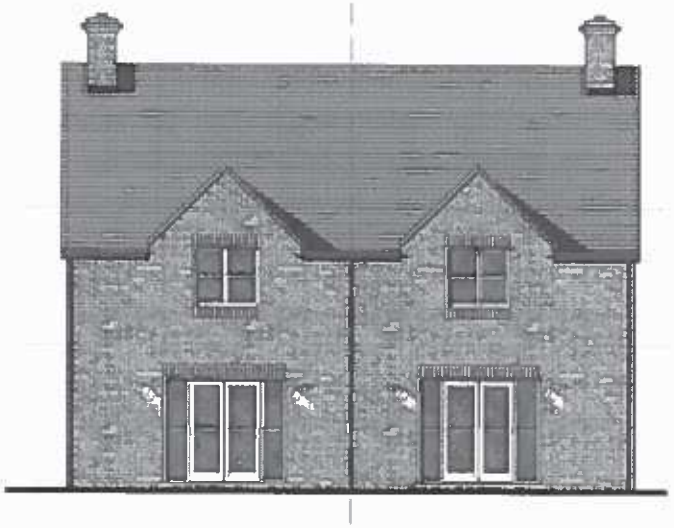
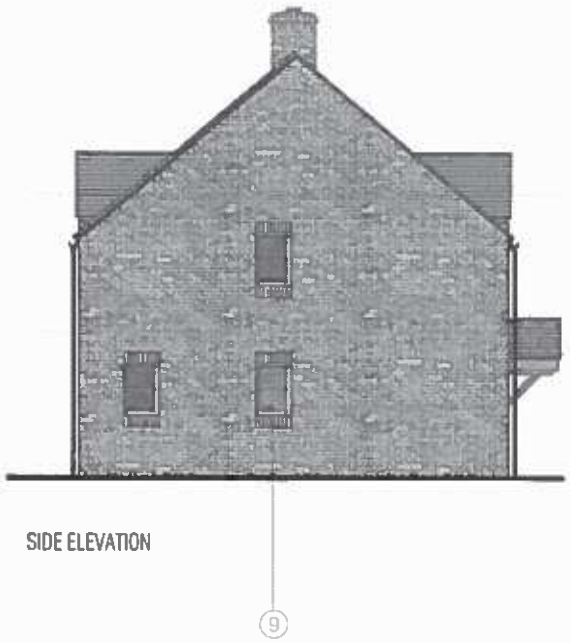
98 211 E

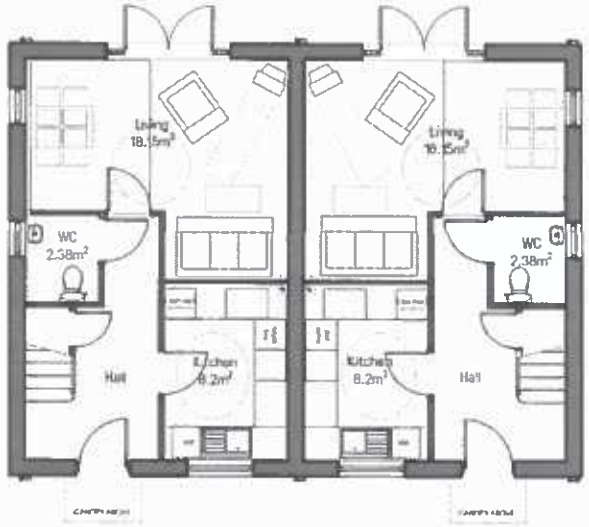
FIRST FLOOR 39.5m²



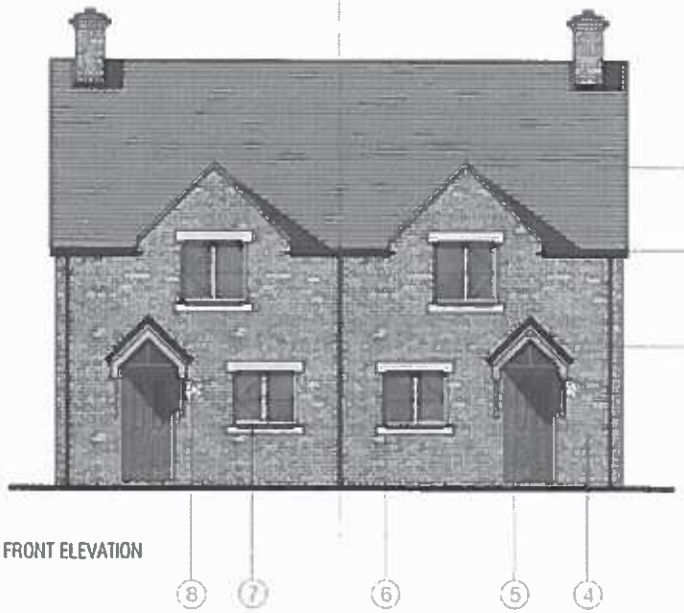
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR 39.5m²



FRONT ELEVATION

KEY

1- Brown concrete interlocking tiles
2- Black Fascia
3- Black RWP
4- Multi red brick
5- Secured by design door
6- Reconstituted stone
7- White Upvc double glazed windows
8-PIR Light
9- Red brick corbelling

Notes	Revision	Date	By	Chkd		Project	Drawing	Client	
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Scale	Dated	Job No	Drawing No	Drawn by	Checked	CdSib Element	Revision
1:100@A3	AUG 16	53402	D-05	LP	MA	FEASIBILITY	B

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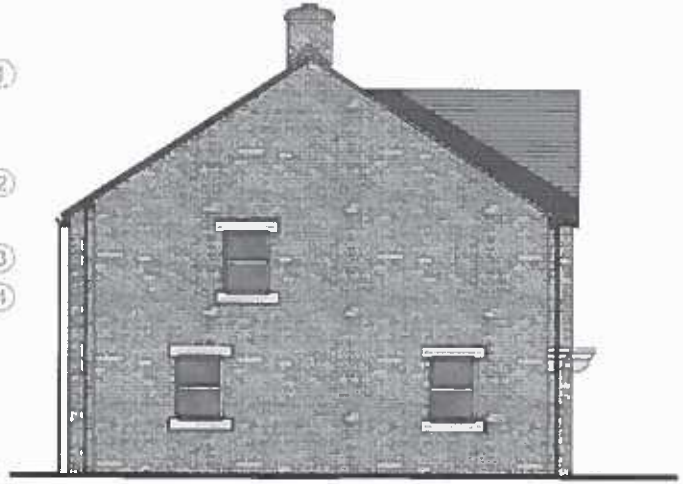
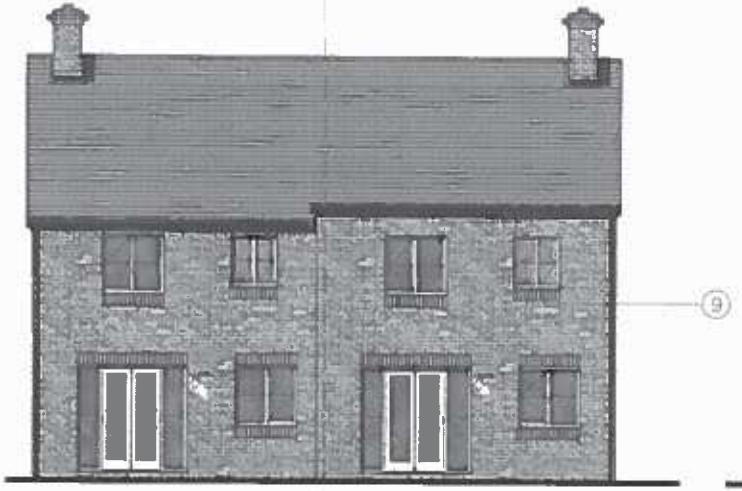
GROUND FLOOR 45m²

FIRST FLOOR 45m²

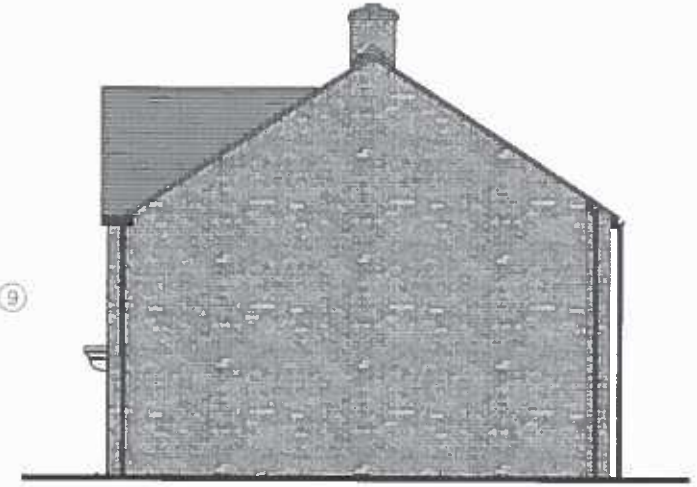
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

KEY

1- Brown concrete interlocking tiles
2- Multi-Red brick
3- White double glazed PVc windows
4- Reconstructed stone
5- Black Fascia
6- Black RWP
7- Secured by design door
8- P/R light
9- Red brick corbelling

Notes	Revision	Date	By	Chkd
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Project	Drawing	Client
PROPOSED DEVELOPMENT LAND OFF WAINLODE LANE NORTON	HOUSE TYPE F PLAN & ELEVATIONS	

Scale	Dated	Job No.	Drawing No	Drawn by	Checked	CISb Element	Revision
1:100@A3	AUG16	53402	D-06	LP	MA	FEASIBILITY	C

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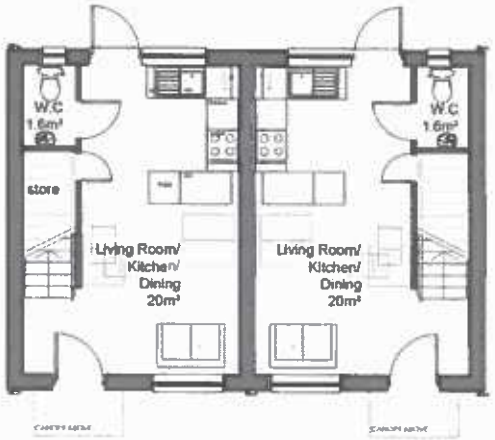
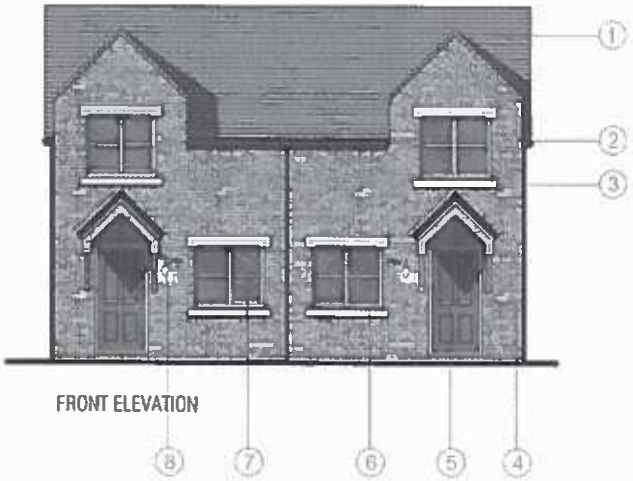
98/16

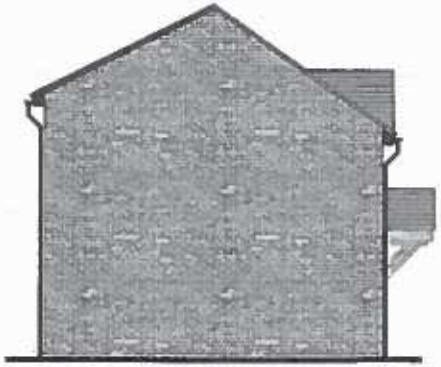
213



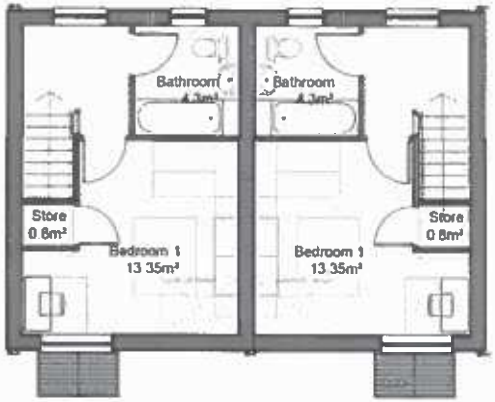
GROUND FLOOR 25.1m²



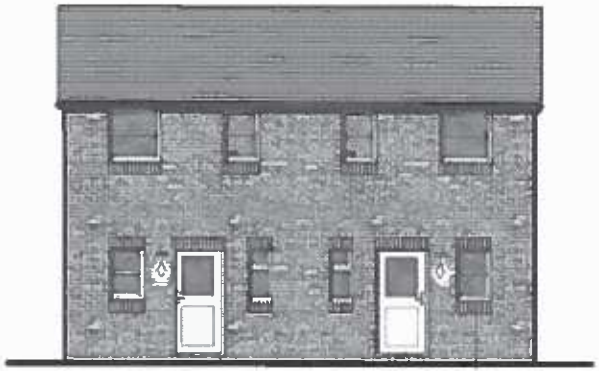
FRONT ELEVATION



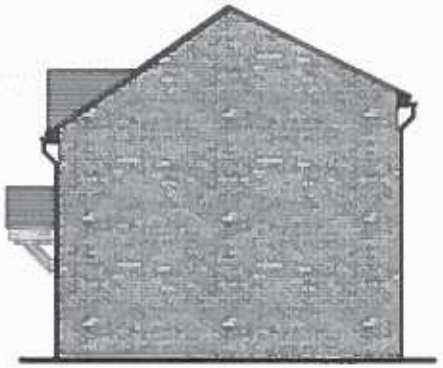
SIDE ELEVATION



FIRST FLOOR 25.1m²



REAR ELEVATION



SIDE ELEVATION

KEY

1- Brown concrete interlocking tiles
2- Black Fascia
3- Black RWP
4- Multi red brick
5- Secured by design door
6- Reconstituted stone
7- White Upvc double glazed windows
8-PIR Light
9-Red brick corbelling

Notes	Revision	Date	By	Chkd
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Project	Drawing	Client
PROPOSED DEVELOPMENT LAND OFF WAINLODE LANE NORTON	HOUSE TYPE B PLAN & ELEVATIONS	

Scale	Dated	Job No	Drawing No	Drawn by	Checked	CDM Element	Revision
1:100@A3	AUG 16	53402	D-07	LP	MA	FEASIBILITY	C

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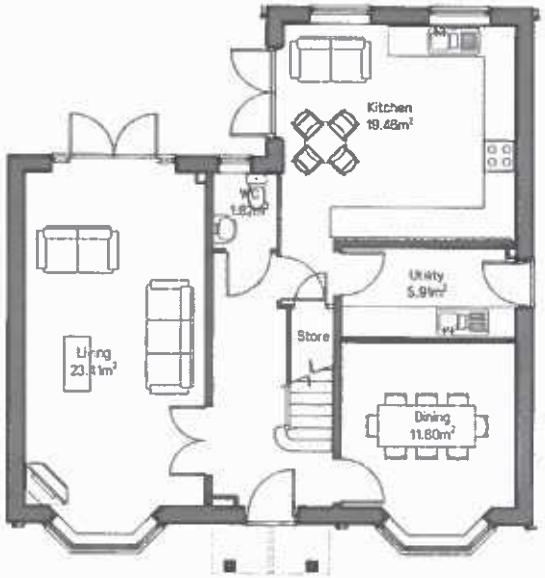
Ref 214

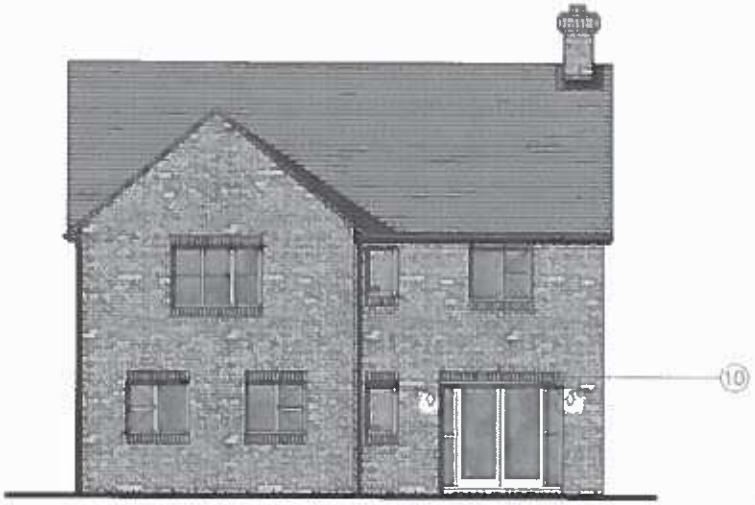


GROUND FLOOR 65m²

FRONT ELEVATION

SIDE ELEVATION

FIRST FLOOR 65m²



REAR ELEVATION

SIDE ELEVATION

KEY

1- Brown concrete interlocking tiles
2- Multi-Red brick
3- White double glazed PVC windows
4- Reconstituted stone
5- Black Fascia
6- Black RWP
7- Timber cladding
8- Secured by design door
9- Pell light
10- Red brick cortbelling

Notes	Revision	Date	By	Chkd
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Project	Drawing	Client
PROPOSED DEVELOPMENT LAND OFF WAINLODE LANE NORTON	HOUSE TYPE C PLAN & ELEVATIONS	

Scale	Dated	Job No	Drawing No	Drawn by	Checked	CiSib Element	Revision
1:100@A3	AUG 16	53402	D-06	LP	MA	FEASIBILITY	B

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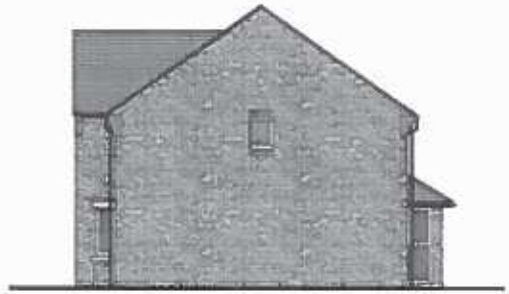
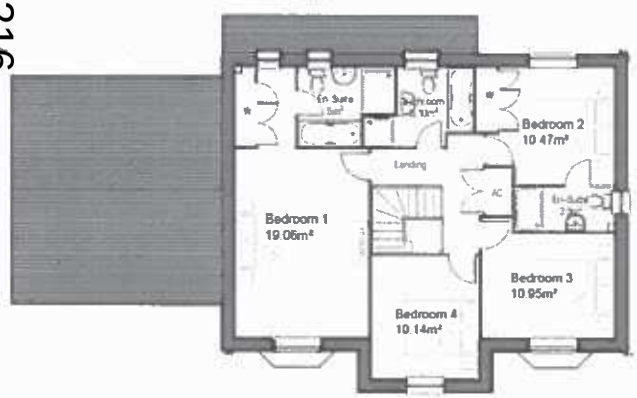
FIRST FLOOR 86m²

FRONT ELEVATION



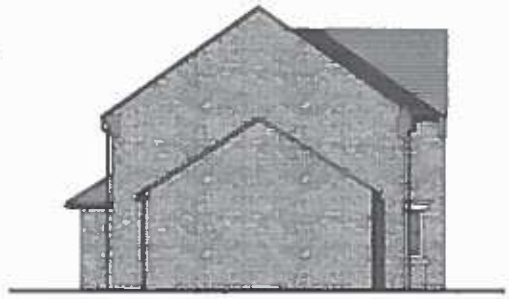
SIDE ELEVATION

2165



FIRST FLOOR 81m²

REAR ELEVATION



SIDE ELEVATION

KEY

1. Brown concrete interlocking tiles
2. Multi-Red brick
3. White double glazed PVC casements
4. Horizontal band stone
5. Black Fascia
6. Black RWP
7. Secured by design door
8. PIR light
9. Red brick corbelling

Notes	Revisions	Date	By	Chkd
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	D	10.09	LP	MA
	E	17.08	LP	MA

Project	Drawing	Client
PROPOSED DEVELOPMENT LAND OFF WAINLODE LANE NORTON	HOUSE TYPE G PLAN & ELEVATIONS	

Scale	Dated	Job No	Drawing No	Drawn by	Checked	Client Approval	Revision
1:100@A2	AUG '16	S3042	D-09	LP	MA	FEASIBILITY	E

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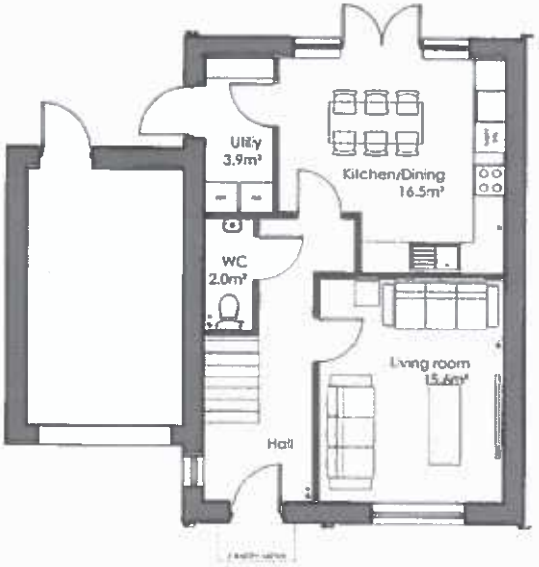
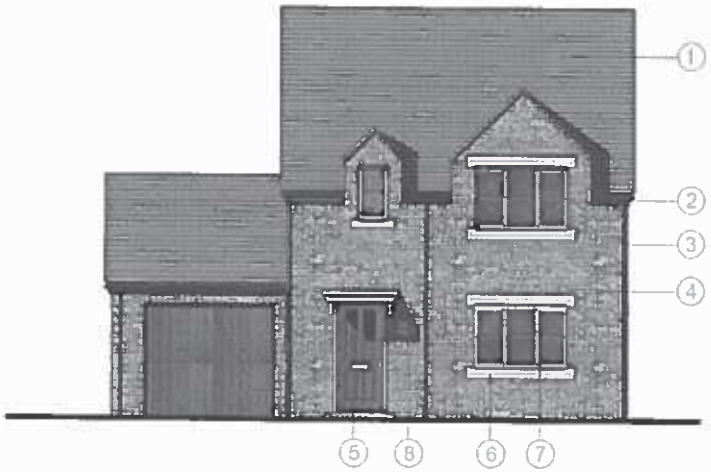


GROUND FLOOR 50.4m²

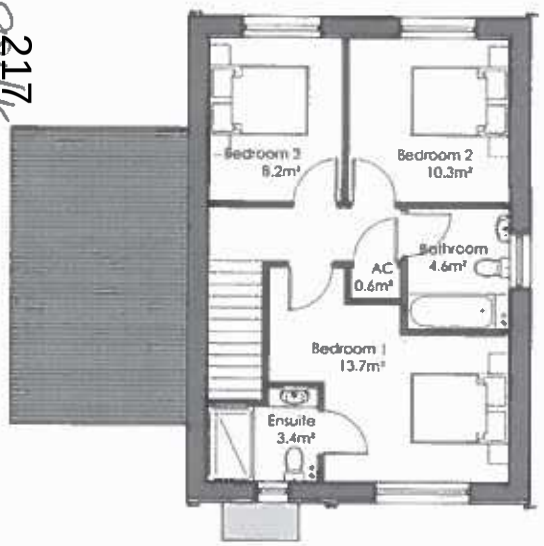


FRONT ELEVATION

SIDE ELEVATION

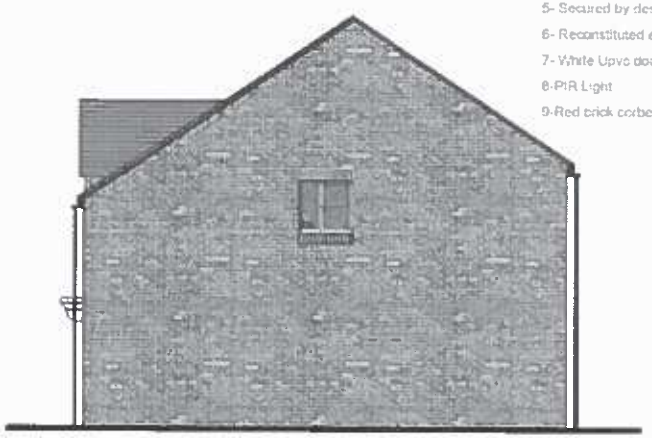
KEY

1- Brown concrete interlocking tiles
2- Black Fascia
3- Black RWP
4- Multi red brick
5- Secured by design door
6- Reconstituted stone
7- White Upvc double glazed windows
8-PIR Light
9-Red brick corbelling



FIRST FLOOR 50.4m²

REAR ELEVATION



SIDE ELEVATION

Notes	Revision	Date	By	Chkd
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Project	Drawing	Client
PROPOSED DEVELOPMENT LAND OFF WAINLODE LANE NORTON	HOUSE TYPE M PLAN & ELEVATIONS	

Scale	Dated	Job No	Drawing No	Drawn by	Checked	CdSb Element	Revision
1:100@A3	AUG 16	53402	D-10	LP	MA	FEASIBILITY	B

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SEVERN TRENT WATER

Sewer Capacity Assessment

Wainlode Lane, Norton, Gloucestershire

DE-1607-722

Version 2

Date: 10th February 2017

Black & Veatch Ltd.
60 High Street
Redhill
Surrey
RH1 1SH

BLACK & VEATCH

Sewer Capacity Assessment Summary

Sewer Capacity Assessment prepared for	Bayhill Property Ltd, Bayhill House, Orchard Drive, Badgeworth, GL51 4AD	
Development location and existing use	South of Wainlode Lane, Norton, Gloucestershire, Easting – 385395 Northing –224201 This site is a greenfield site.	
Development proposals	New housing estate consisting of 22 new residential properties	
Study aim	The aim of the study is to identify the potential impact of foul and surface water flows from the proposed development on the sewerage system.	
Impact of proposed development on public sewer network	Sewer flooding	Medium
	Combined Sewer Overflows	N/A
	Sewage Pumping Stations	Low
Requirement for Capacity Improvements	Capacity improvements are not required to accommodate flows from the proposed development.	
Sewage Treatment Works capacity	The site drains to Netheridge sewage treatment works. There is sufficient capacity at the STW to accommodate flows from this development.	

Important Information:

This Sewer Capacity Assessment has been prepared by Black & Veatch Ltd on behalf of Severn Trent Water Ltd for Bayhill Property Limited. This report is based on the best available information at the time of undertaking, including Severn Trent Water hydraulic models and development proposals submitted by Bayhill Property Limited. If there are any changes to the development proposals after the date of submission that may affect waste water, Severn Trent Water must be informed as there may be a requirement to revisit the assessment. If there is a delay in submitting the planning application or commencing construction on site from the anticipated dates provided, the information in this report may have become out of date and Severn Trent Water must be informed as there may be a requirement to revisit the assessment based on new information.

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1 Introduction

1.1 Site Location

The proposed residential development site is located in the village of Norton, approximately 5km north of Gloucester. The site is located on a greenfield site in a field off Wainlode Lane. The approximate grid reference is East 385,395, North 224,201.

The site location is shown in Figure A-1, Appendix A.

1.2 Local Sewerage Network

There is a small sewage pumping station owned by Severn Trent on the opposite side of Wainlode Lane. This pumps to a 150mm diameter foul sewer at the southern end of Wainlode Lane around 230m away which in turn drains to Cold Elm PS. From there foul flows are pumped via a further three pumping stations in series before arriving in the main Gloucester sewer system. There have been flooding and surcharging issues in the system draining to Cold Elm PS exacerbated by high infiltration into the system particularly in the winter months. There are no CSOs downstream of the development before the flows arrive in the main Gloucester system.

There is an existing 225mm diameter surface water drain owned by Severn Trent in Wainlode Lane that runs to a small watercourse to the north-west.

The local sewerage network and the location of critical sewer assets are shown in Figure A-2, Appendix A.

1.3 Proposed Development

The proposed development consists of 22 residential units. The developer proposes to connect foul flows to an existing small pumping station at the junction with Cook Lane which has a pump rate of 0.6 l/s. The rising main from this pumping station discharges into manhole SO85246108 at the southern end of Wainlode Lane. The developer's preferred connection location for surface water is to manhole SO85244201 in Wainlode Lane near the junction with Cook Lane. The developer is proposing to supply storage on the new surface water system within the development boundary and to control the outflow with a throttle which will limit flows to a maximum of 5 l/s.

The proposed development is summarised in Table 1-1. Development plans are included in Appendix A.

Table 1-1: Summary of proposed development

Development Type	Units
Housing	*22 units*

1.4 Study Aims and Objectives

The aim of the study is to identify the potential impact of flows from the proposed development on the public sewer network. This will be achieved through undertaking hydraulic computer modelling of the proposed development and assessing the impact at key points on the sewer network. Where capacity improvements are likely to be required to accommodate flows from the development, the preferred notional solution is provided.

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2 Sewer Capacity Assessment

2.1 Methodology

Hydraulic modelling has been used to assess the impacts of the proposed development. The methodology is summarised below:

- The best available model for the area was used as the 'baseline model'. This was the 'Current As Built' model for Netheridge SMP. A review of the model was undertaken to ensure that it is suitable to inform the assessment.
- This section of network has recently been added to the Netheridge SMP model. Previously it was in the Tewkesbury Rural model for which no updates have been logged since conversion to InfoWorks ICM in 2014. MICAS scores have not been generated.
- The development comprising 22 residential dwellings was added into the 'proposed model'. Foul flows from the development were assumed to connect by gravity to a small pumping station on the junction of Wainlode Lane and Cook Lane. The discharge point from this pumping station is manhole SO85246108 at the southern end of Wainlode Lane.
- The developer's proposal for surface water flows is to limit them to a maximum of 5 l/s and discharge into manhole SO85244201 in Wainlode Lane near the junction with Cook Lane.
- Details of proposed development flows used in the assessment are included in Section 2.2.
- The 'baseline model' and 'proposed model' were run for dry weather flow analysis and the 20 and 40 year return period rainfall events for a suite of storm durations. The results for the critical storm duration are reported throughout this report.
- The model results were analysed to determine the impact of the additional flows on network performance and identify whether capacity improvements are required.

2.2 Proposed Development Flows

Foul flows arising from the proposed development have been derived using Severn Trent Water standard guidance. The occupancy rate was assumed based on the population of the surrounding sub-catchments which were calculated to have a population of 2.76 per building. This resulted in a total population of 61. A per capita flow of 157 litres per head per day was assumed resulting in an average flow of 0.1 l/s (peak flows will be higher). There are no commercial flows planned for the development. It has been assumed that a flow rate of 5 l/s will occur into the surface water system during wet weather.

2.3 Impact of Proposed Development on Sewer Capacity

The impact of the proposed development on predicted flooding from both the foul and surface water sewers is summarised in

. The impact at each location is assigned an 'Impact Risk Level', which considers whether a change in performance as a result of the development is acceptable based on the risk of sewer flooding.

The impact of the proposed development on Sewage Pumping Stations (SPS) is included in

. The Impact Risk Level considers the change in flood risk, pollution risk from emergency overflows and pump operation as a result of the proposed development.

Table 2-1: Predicted impact on sewer flooding for modelled scenarios (baseline and post-development)

Location		Baseline performance			Post-development impact			Impact
Road	Manhole reference	DWF	20 year event	40 year event	DWF	20 year event	40 year event	Risk Level
Old Tewkesbury Road	SO85246102 (foul)	Surcharged	0	0	17mm depth increase	0	0	Low
Old Tewkesbury Road	SO85246107 (foul)	Surcharged	0	0	14mm depth increase	0	0	Low
Old Tewkesbury Road (Norton School)	SO85236901 (foul)	No surcharge	Known external flooding	Known external flooding	No surcharge	Minor increase in flood volume (<20m^3)	Minor increase in flood volume (<20m^3)	Low
Old Tewkesbury Road	SO85247101 (foul)	No surcharge	Known internal flooding	Known internal flooding	No surcharge	No flooding predicted	No flooding predicted	Medium*
Wainlode Lane	SO85244201 (surface water)	No flow	11m^3	15m^3	No flow	15m^3	20m^3	Low

* Model may be failing to predict actual flooding. It is likely that any flooding that does occur will be made very slightly worse by the Wainlode Lane development.

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Table 2-2: Predicted Sewage Pumping Station performance for modelled scenarios (baseline and post-development)

Sewage Pumping Station	Emergency overflow		Baseline performance (m^3)			Post-development performance (m^3)			Impact Risk Level
	Receiving watercourse	Special designation?	DWF	20 year event	40 year event	DWF	20 year event	40 year event	
Cold Elm PS	N/A	N/A	60.5	55.1	57.7	69.8	60.6	62.9	Low
Broadclose PS	N/A	N/A	85.7	116.6	126.6	95.6	122.1	131.1	Low
Ash Lane PS	N/A	N/A	658.7	478.4	514.4	669.6	483.8	518.8	Low
Innsworth PS	N/A	N/A	838.5	829.8	896.9	845.3	837.6	913.5	Low

There are no overflows at these pumping stations so the quoted numbers are pump forward flow volumes. The ratio of dry weather flow to pump capacity does not change significantly at any pumping station.

226/T

2.4 Capacity Improvement Requirements

The proposed development is expected to have a medium impact on the foul sewerage network. Capacity improvements to the foul system are not likely to be required to accommodate flows from the entire development.

3 Conclusions and Recommendations

3.1 Conclusions

- The impact of foul flows arising from the proposed development at Wainlode Lane on the sewer network has been assessed using hydraulic modelling.
- The proposed development is predicted to have the following impacts on the foul system:
  - Sewer Flooding: Medium
  - Combined Sewer Overflows: N/A
  - Sewage Pumping Stations: Low
- It is envisaged that capacity improvements are not likely to be required to accommodate foul flows from the entire proposed development.

3.2 Recommendations

- Modelling has shown that 22 dwellings can be accommodated by the existing foul system before capacity improvements are required and that 5 l/s can be accommodated by the existing surface water system before capacity improvements are required.

Appendix A: Site and Development Information

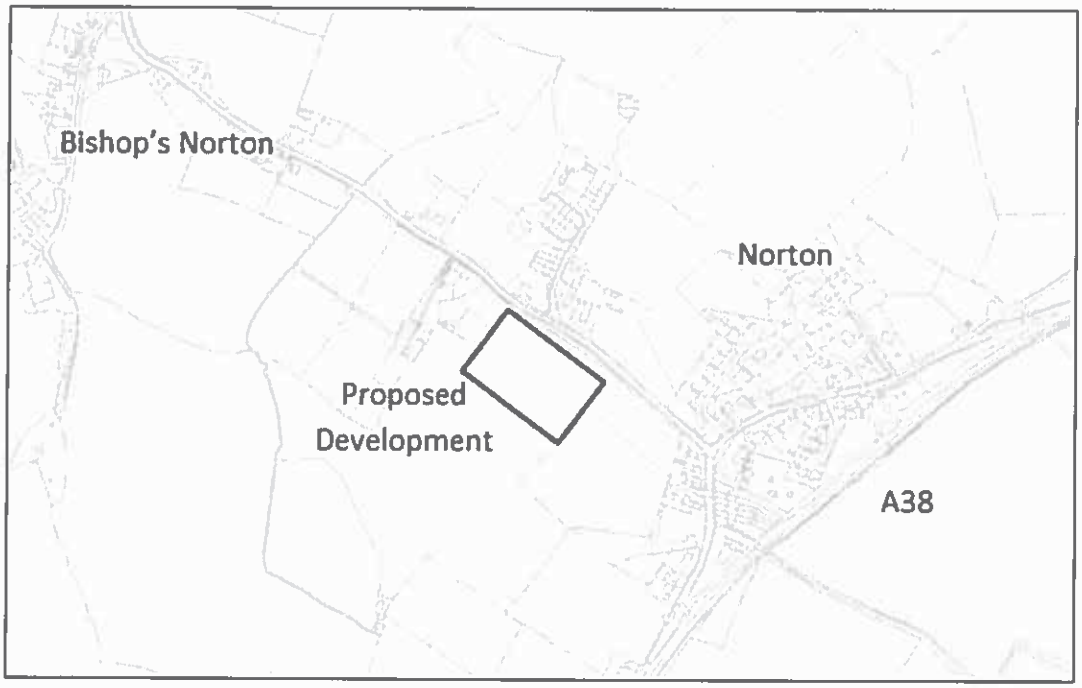

Figure A-1: Site location plan

9817W

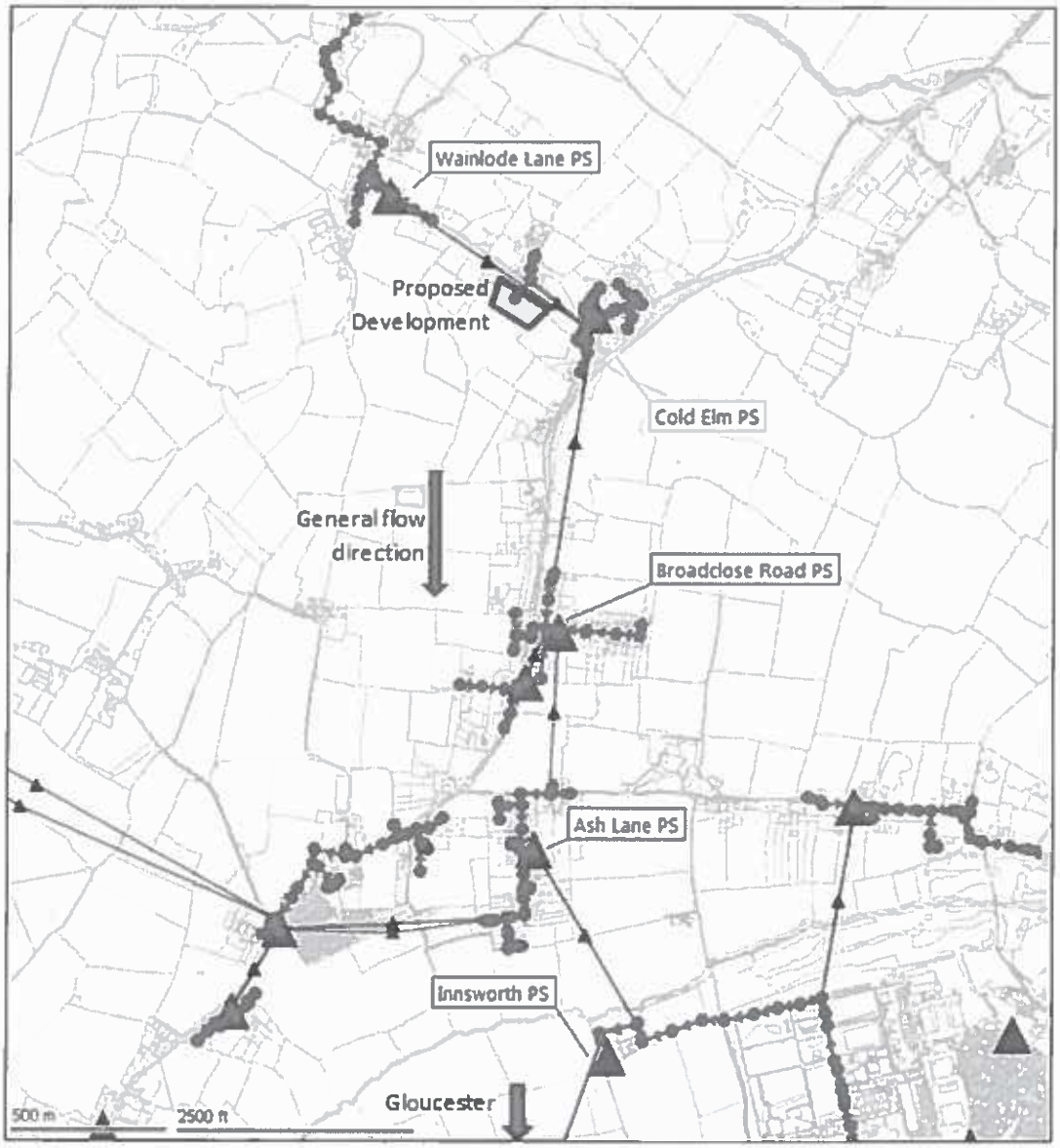

Figure A-2: Local foul sewerage network and critical assets

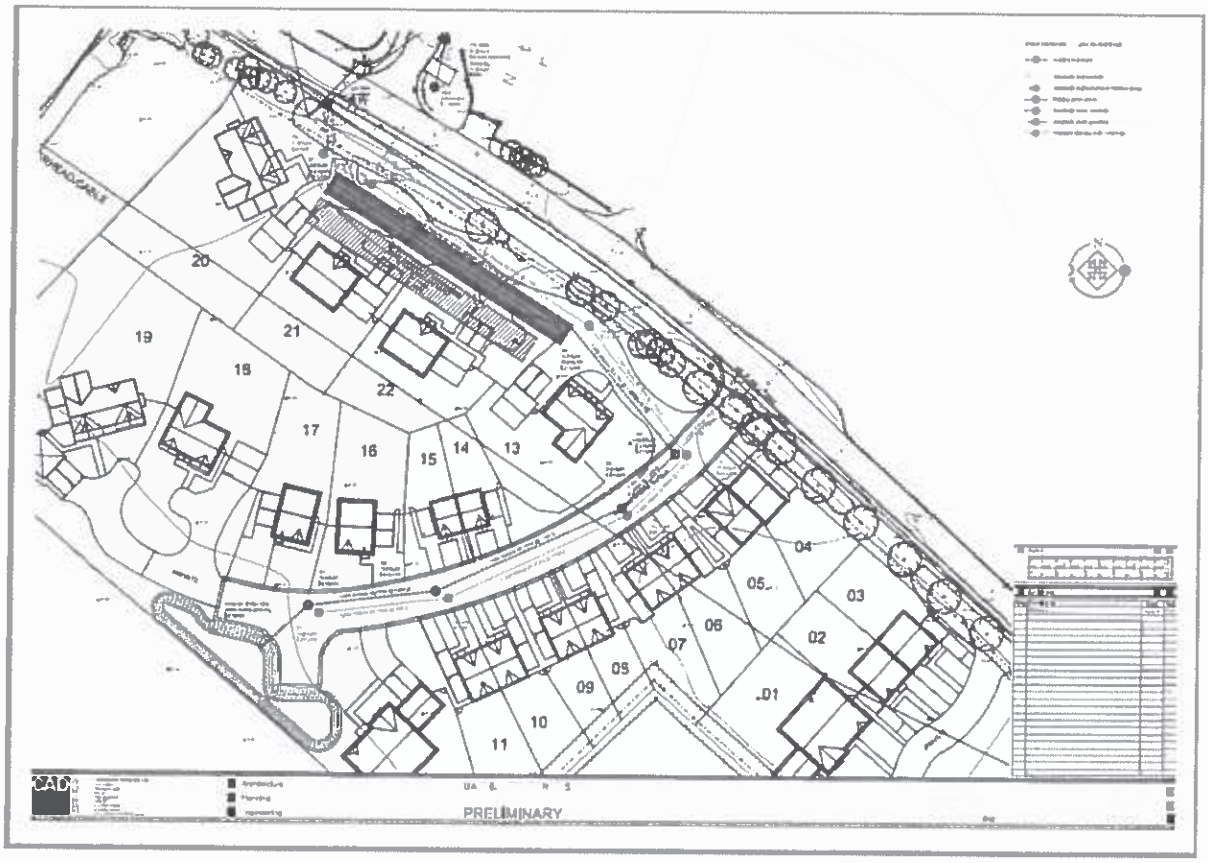

Figure A-3: Proposed Development Layout

BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019

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

11 May 2015

Please destroy previous lists.