

**TO EACH MEMBER OF THE
PLANNING COMMITTEE**

22 August 2017

Dear Councillor

PLANNING COMMITTEE- THURSDAY 31 AUGUST 2017

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

Agenda Item	Description	
5a	Schedule	1 - 113
	To consider the accompanying Schedule of Planning Applications and proposals, marked Appendix "A".	

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

Yours sincerely



Lin O'Brien
Head of Democratic Services



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

TEWKESBURY BOROUGH COUNCIL

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 31 August 2017

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(194 - 242)	(243 – 268)

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. (194 - 268)

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) 31st August 2017

Parish and Reference	Address	Recommendation	Item/page number
Brockworth 17/00201/FUL Click Here To View	Green Lea Green Street Brockworth	Permit	7 / 243
Churchdown 17/00550/FUL Click Here To View	11 Kaybourne Crescent Churchdown	Permit	9 / 253
Minsterworth 17/00104/OUT Click Here To View	Land adjacent to Rosedale House Main Road Minsterworth GL2 8JH	Delegated Permit	10 / 258
Minsterworth 17/00448/OUT Click Here To View	Deepfarrow House Main Road Minsterworth	Permit	8 / 247
Tewkesbury 17/00718/CLP Click Here To View	58 Courtney Close Tewkesbury GL20 5FB	Grant Certificate	6 / 241
Toddington 17/00424/FUL Click Here To View	Land at Consell Green Tewkesbury Road Toddington	Refuse	3 / 216
Twynning 16/01152/FUL Click Here To View	Stratford Bridge Garage Stratford Bridge Ripple Tewkesbury	Permit	5 / 230
Twynning 17/00452/OUT Click Here To View	Land to the North of Shuthonger Garage A38 Pages Lane to Church End Lane Shuthonger Tewkesbury	Refuse	4 / 222
Winchcombe 16/01425/OUT Click Here To View	Land to the East of Evesham Road Greet	Refuse	1 / 194
Winchcombe 16/01426/OUT Click Here To View	Land to the East of Evesham Road Greet	Refuse	2 / 205

16/01425/OUT

Land to the East of Evesham Road, Greet

1

Valid 04.01.2017

Outline application for the erection of up to 4 dwellings and associated development. All matters reserved for future consideration except for access.

Grid Ref 402425 230113

Parish Winchcombe

Ward Winchcombe

Mrs R Quilter, Mrs C Ward & Mr B Day
C/O agent

RECOMMENDATION Refuse

Policies and Constraints

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - GNL8, GNL11, HOU4, TPT1, TPT6, EVT2, EVT9, LND2, LND7, NCN5

Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031 - Policies 1.1, 3.1, 5.1, 5.2

Proposed Main Modifications Joint Core Strategy - SD4, SD5, SD7, SD10, SD11, INF1, INF8

Special Landscape Area

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

Winchcombe Town Council - Unanimous objection on the following grounds:-

- The site is within a Special Landscape Area which is designated to protect the landscape against inappropriate development. Building on this site would deprive the settlement of Greet with views of the AONB.
- The development would result in the loss of an important green space in the community which separates Littleworth from Greet. These would merge into a village without services.
- Inappropriate development given the emerging policies in the JCS.
- There have been several recent development proposals in Greet. The Winchcombe and Sudeley Neighbourhood Plan applies equally to Greet as it does to Winchcombe and focuses on infill development. This application is not considered to be a genuine infill and does not meet other policies in the Neighbourhood Plan which includes accessibility to services in the Town Centre.
- The Town Centre is a lengthy walk which, in part, has no footpath and is very narrow. This poses a danger to pedestrians when attempting to walk to and from the services available in Winchcombe.
- Greet is not defined as a service village in terms of the JCS and the scale of recent approvals granted for development in Greet is inappropriate in that context.
- It has a dangerous access.
- There is a lack of public transport possibilities.
- Following the County Archaeologist's comments there should be a full archaeological survey carried out on the site before the application is determined.
- Following the comments by Gloucestershire County Council, Lead Local Flood Authority who object to the proposal, the Flood Risk Assessment does not comply with the relevant flood risk management required by the NPPF.
- If Tewkesbury Borough Council are minded to grant permission, it must be subject to a Section 106 Agreement where proper pedestrian access from this development to Winchcombe Community School is provided. Also, provision should be made for a proportion of affordable housing on site.
- This development is out of line with the JCS and Winchcombe and Sudeley Neighbourhood Plan. The Town Council expect the decision to be made in accordance with the statutory plans and reinforce their concerns about the dangerous lack of pedestrian access.

County Highways Authority - No response received.

County Archaeologist - In view of the site's archaeological sensitivity since it contains earthworks indicative of medieval and/or post-medieval settlement, the CA recommends that a programme of archaeological assessment and evaluation should be carried out prior to determination of the application.

Landscape Officer - Objection on the grounds of inappropriate encroachment into the open countryside, landscape harm and harmful visual impact affecting the setting of the Cotswold AONB.

Urban Design Officer - The illustrative layout shows housing set quite far back into the site. It would be more appropriate to follow the existing building line and limit encroachment into the field. This proposal could be improved but the principle of limited development here is considered to be acceptable from a design perspective.

Environmental Health Officer - No objection subject to appropriate planning conditions to secure thermal double glazing in accordance with BS8233 for the dwelling closest to the highway.

Natural England - Protected Species - Standing Advice;

Protected landscapes - Statutory nature conservation sites - Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites. The proposed development is for a site within or close to a nationally designated landscape namely Cotswolds AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.

CPRE Gloucestershire - Objection to the proposal on the following grounds:

- The site is an open field which is clearly visible from the surrounding AONB;
- Greet is not a designated Service Village and has no facilities;
- There are a number of recent permissions for housing developments in Greet which are already sufficient for this small hamlet;
- The lack of pavements serving the site represent a highways safety concerns for pedestrians.

Flood Risk Management Engineer - Objection on the basis that the proposed drainage system does not provide appropriate mitigation measures to ensure the development is not at risk of flooding and to ensure the development will not increase flood risk from surface water to existing development beyond the site boundary.

Revised surface water attenuation proposals and Technical Note - The Flood Risk Management Engineer maintains their objection on the basis that proposed disposal of surface water is via a ditch which lies outside of the red line boundary and therefore cannot be relied upon in perpetuity, should the adjoining site be subsequently sold off to new owners.

Severn Trent - No objection subject to appropriate planning conditions.

Local Residents - 41 letters of objection have been received from local residents. There concerns are summarised as follows:-

- the field contains ancient ridge and furrow which should be preserved not destroyed;
- The site is important open green space and development would ruin the village landscape, harm the Special Landscape Area and the setting of the adjoining AONB;
- the site and bordering hedgerows are an important wildlife habitat for grass snakes, newts and birds;
- the field is often waterlogged and the drains along Evesham Road require constant clearing to prevent driveways from flooding;
- the site is not a brownfield site;
- The field is excellent grazing land and is in regular use for this purpose;
- The site is elevated from the road, which increases its prominence and the resulting undesirable ribbon development would serve to merge Greet and Littleworth;
- Greet has no services/facilities and residents of the development would have to travel for work, shopping and leisure by private car;
- Evesham Road is busy and dangerous with no street lighting of footpaths along this stretch. Strongly context accompanying highways report which states that the footpaths are adequate within 200 yards. The footpath is narrow and overgrown and adequate for one person only. The lack of footpath serving the development would result in severe highway dangers for children walking to school etc;
- A speed awareness device has been installed in Littleworth in recognition of the high traffic speeds along Evesham Road. The bend in the road also limits visibility and the development would add further traffic onto the highway, increasing highway dangers;
- The design, form and layout of the scheme would be out of keeping with the settlement character and would be visually intrusive;
- There have been three other recently granted residential schemes within Greet and the has already had a severe impact upon residents;

- The supporting information is inaccurate - The Harvest Home Public House is stated to be a village facility but this has been demolished. Furthermore, the GWSR operates infrequent, slow-moving summer trips and could not be utilised for commuting to Cheltenham;
- the development would result in additional light pollution;
- the proposed development would be contrary to the policies of the Neighbourhood Development Plan. The NDP does not identify Greet as suitable for development;
- the proposed dwellings are not appropriate to meet identified local housing need.

1 letter of general representation has been received from a local resident -
Their comments are summarised as follows:

- Not against small-scale development within the village provided the dwellings are affordable for young people and the elderly.

A letter of objection has also been received from Laurence Robertson MP, outlining the following concerns;

- the application would result in detrimental impact upon the landscape;
- the proposal would be contrary to the Winchcombe and Sudeley NDP;
- Greet is a small village and the immediate surrounding area has already seen a massive increase in building in recent years;
- there is little provision for residents, who will have to travel for work, shopping and leisure;
- Infrastructure and footpaths are inadequate and roads are narrow and busy with poor visibility;

Committee determination required as the applicants are relatives of a Borough Councillor.

Planning Officers Comments: Miss Lisa Dixon

1.0 Introduction

1.1 The application relates to part of a large field which is currently used for agricultural/grazing purposes. The site falls wholly within the Special Landscape Area (SLA) and the Cotswold AONB is visible to the west.

1.2 The B4078 Evesham Road adjoins the site to the west, and the site occupies an elevated position relative to the highway. The south of the site is adjoined by existing linear residential development which lines this section of the Evesham Road. Beyond the northern and eastern boundaries lies the wider field parcel which also falls within the applicant's ownership. Smithy Lane adjoins the wider field parcel to the north of the site and 'The Manor Farm', including its listed farmhouse and associated farmstead is located to the east of the site, adjacent to Market Lane (see location plan attached).

2.0 Planning History

2.1 There is no relevant planning history pertaining to the site.

2.2 An alternative outline application for the erection of 10nos. dwellings on the site also appears on the schedule under planning reference: 16/01426/OUT.

3.0 Current Application

3.1 This application seeks outline planning permission for the erection of up to 4 detached dwellings with all matters reserved except for access. (See attached plans)

3.2 An indicative layout plan has been submitted in respect of the application which proposes 2nos. 5-bedroom, two-storey dwellings with separate double garages and 2nos. 4-bedroom, two-storey dwellings with single garages. The dwellings would be arranged around a semi-circular access road, incorporating a single turning head and single point of access to/from Evesham Road.

3.3 Existing hedgerow planting to the southern and western boundaries is proposed for retention apart from a section along the western edge which would be removed in order to accommodate the proposed vehicular access to the site.

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).

Tewkesbury Borough Local Plan to 2011 - March 2006

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 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, approximately, a 5.3 year supply with a 20% buffer applied. 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 in accordance with 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.

Winchcombe and Sudeley Neighbourhood Plan - 2011 – 2031

4.6 The formal adoption of the Winchcombe and Sudeley Neighbourhood Plan (WSNP) on the 24th January 2017 now means that it forms part of the Development Plan for the area and includes the settlement of Greet.

4.7 Policy 3.1 of the WSNP provides that residential development on infill and redevelopment sites will be supported within the built up areas as shown within the adopted proposals map. The settlement of Greet lies outside of the Built up Area boundary, as defined by Policy 3.1 of the WSNP.

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

Emerging Joint Core Strategy

4.9 The emerging development plan will comprise the Joint Core Strategy (JCS) and Tewkesbury Borough Plan. These are currently at varying stages of development.

4.10 The proposed Main Modifications Version of the Joint Core Strategy (MMVJCS) 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.

4.11 Policy SP2 of the MMVJCS 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 9,899 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 JCS, including at Winchcombe which is designated as a Rural Service Centre. Policy SP2 confirms that such development is proposed to be delivered through allocations in the Tewkesbury Borough

Plan and Neighbourhood Development Plans, proportional to their size and function and also reflecting their proximity and accessibility to Gloucester and Cheltenham, taking into account the environmental, economic and social impacts. Other relevant emerging JCS policies are set out as appropriate below.

Other Material Considerations

4.12 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not change the status of the development plan as the starting point for decision making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise (paragraph 12).

4.13 The NPPF is supplemented by the Government's Planning Practice Guidance (PPG). Of relevance to this case is the section on rural housing which states that it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. It follows that a thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.

5.0 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 considerations indicate otherwise.

5.2 Greet is not a named Service Village in the MMVJCS and as such, emerging Policy SD11 is relevant which states that outside of the existing built-up areas of towns, cities, Service Centres and Service Villages, new housing development will only be permitted under the following circumstances:

- It is for affordable housing on a rural exception site in accordance with Policy SD13, or
- It is infilling within the existing built up areas of cities, towns and villages, or
- It is brought forward through Community Right to Build Orders, or
- There are other specific exceptions/circumstances defined in district or neighbourhood plans.

5.3 The NPPF seeks to promote sustainable development in rural areas, where housing should be located where it will enhance or maintain the vitality of rural communities. The NPPF also recognises the need to support economic growth in rural areas in order, inter alia, to promote the retention and development of local services and facilities in villages (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.

5.4 Although the settlement of Greet falls within the adopted plan area of the Winchcombe and Sudeley Neighbourhood Plan, it nevertheless is a settlement in its own right and is geographically detached from Winchcombe town. It is therefore, accepted that the new residents would to a large extent be reliant on the private motor car to access Winchcombe's services and facilities.

5.5 It is recognised that there would be a clear conflict with policy HOU4 of the Local Plan to which substantial weight should be applied. Furthermore, there would also be clear conflict with Policy 3.1 of the WSNP which seeks to support new residential development on infill and redevelopment sites, provided they are within the built up area as defined by Appendix 1 of the proposals map. Therefore the starting point is that the proposal should be refused in accordance with the development plan unless other material planning considerations indicate otherwise. The fact that Greet is not a named service village in the emerging JCS is a material consideration which must be weighed in the overall planning balance.

Conclusions on the principle of residential development

5.6 The Council can now demonstrate a five year supply of housing and the proposal conflicts with Development Plan policy regarding the location of new housing. Having regard to s38(6) of the 2004 Act it is necessary therefore to consider whether there are other material considerations that are sufficient to outweigh the conflict with Local Plan Policy HOU4 and Policy 3.1 of the WSNP.

Design and Visual Impact

5.7 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. This policy is consistent with the NPPF and so should be accorded considerable weight.

5.8 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Policy LND2 of the Local Plan also requires that regard be given to the need to protect and enhance the character and appearance of the Special Landscape Area. Policy SD7 of the MMVJCS echoes these requirements.

5.9 The application site is currently an open fields and due to the elevated topography of the application site relative to the Greet Road, provides a strong, pastoral rural buffer to the settlement. This is particularly pronounced when approaching/entering the village from Littleworth to the north. As such, the application site provides an important contribution to the character of the rural landscape and to the village itself, and appears as part of the open countryside and distinctly separate to the built form to the south, along this section of the Evesham Road.

5.10 The Landscape Visual Impact Assessment submitted with the application noted that the proposal would result in a minor adverse visual effect with 'minor permanent and/or temporary loss or alteration to one or more key elements or features within the landscape'. Furthermore, the LVIA notes that the proposal would 'not quite fit into the scale, landform and pattern of the landscape'.

5.11 It is considered however that the applicant's LVIA underplays the harm that would be caused by the proposed development. The houses at the existing edge of Greet are enclosed by mature hedging to the north that links with the surrounding enclosed field, and the field currently affords open views of Manor Farm and the rear of residential properties along Market Lane. The open views across the site form part of the character of this landscape and there is a potential to irrevocably affect this.

5.12 This proposal would extend development along the eastern side of the Evesham Road. It is noted that planning permission has recently been granted for 4nos. houses on the opposite (western) side of the Evesham Road under planning references: 15/00515/OUT and 16/00850/APP. The case officer in this instance noted that whilst the proposed development could be mitigated to a degree by its design and proposed landscaping, it would nevertheless result in harm to the landscape and this factor weighed against the proposal in the overall planning balance. It must also be noted that at the time of the assessment of the application the Council was unable to demonstrate a five year supply of housing and a different planning balance applied.

5.13 The Landscape Officer (LO) has been consulted in respect of the current proposal and has commented that the cumulative effect of the current proposal and the permitted development to the western side would be to weaken the strong rural definition to the approaches that characterises Greet and potentially adversely affect the long distance attractive views over the site of the hills forming the AONB escarpment.

5.14 In landscape terms the pastoral site provides a strong landscape buffer within the AONB and separation of the built up area to the wider and rural countryside. Maintaining this area of land substantially free of development is important on the longer term, as it provides a landscape buffer to prevent development encroaching inappropriately within the surrounding open countryside and completely infilling the pastoral countryside.

5.15 Whilst the LO commented that a well designed, small scale extension may be acceptable in landscape terms, the current layout proposed was considered to fail to relate sympathetically to the form, layout and design of the existing dwellings related to the village edge location. Furthermore, the LO considered that the current proposal fails to address landscape character, and appropriate mitigation and enhancement of the development. In view of the above, the LO raised concerns in respect of the scheme.

5.16 The elevated field level which increases to the north would substantially exacerbate the landscape and visual impact of these dwellings on the surrounding AONB setting. Longer distance views both looking towards and from the Cotswold escarpment would be adversely affected and there would be landscape harm to the setting of the Cotswold AONB.

5.17 The Council's Landscape Officer therefore, raised concerns with regards to the siting, form and layout of the proposal and the unacceptable adverse landscape and visual impacts that would result in this regard.

5.18 All matters relating to design and layout are reserved for future consideration apart from the proposed means of access which would be via a single point of access off the Evesham Road. Nevertheless, the application has been supported with an indicative layout plan showing 4 relatively substantial detached houses. The indicative plan shows a curved development, set around a semi-circular access road, with development substantially encroaching out to the east, behind the existing linear row of semi-detached dwellings which lie to the immediate south of the site.

5.19 The Council's Urban Design Office (UDO) has advised that the current proposal shows housing set quite far back into the site and considered it more appropriate to follow the existing building line and limit encroachment into the field and integrate into the existing settlement. As such, the UDO raised concerns in respect of the form and layout of the current indicative proposal.

5.20 In light of the above, it is considered that the proposal would have an unacceptable impact on the character and appearance of the rural landscape and would be unacceptably intrusive on what is a prominent site. The proposal would represent significant and demonstrable harm to the Special landscape Area and this is a matter which weighs significantly against the proposals.

Highway Safety

5.21 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. Local Plan Policy TPT1 relates to access for developments and 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. This is reflected in emerging JCS policy INF1.

5.22 The proposed dwellings are to be accessed via a single point of access from the Evesham Road. The illustrative plans show a turning head at the northern end which would be required in order to allow refuse lorries to turn within the development and exit in a forward gear.

5.23 Gloucestershire County Highways Authority (CHA) have been consulted, although no response had been received at the time of writing of this report. **An update on this issue will be provided at Planning Committee.**

5.24 Nevertheless, with regard to car parking and cycle storage the CHA generally considers 2 car parking spaces and 1 cycle parking space per dwelling to be acceptable and this level of parking is broadly indicated on the submitted illustrative plan in addition to the proposed garaging for each dwelling.

5.25 Subject to a satisfactory response from CHA, the proposal is considered to be acceptable in terms of guidance within the NPPF, Local Plan Policy TPT1 and JCS policy INF1 in relation to highway safety.

Flood Risk and Drainage

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

5.27 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.

5.28 The site lies wholly within Flood Zone 1 where there is a low risk of flooding from all sources. The application proposes to discharge from the site into a drainage ditch, sited some 70 metres to the east of the site, on land within the applicant's ownership. This, in turn, is noted within the submitted drainage information to discharge to a Severn Trent foul sewer, located on Market Lane. The Flood Risk Management Engineer raised an objection to this means of drainage and requested additional information. The FRME currently maintains their objection on the basis that proposed disposal of surface water is via a ditch which lies outside of the red line boundary and therefore cannot be relied upon in perpetuity, should the adjoining site be

subsequently sold off to new owners. The applicants subsequently provided a technical note which has been considered by the Lead Local Flood Authority (LLFA) in respect of the tandem application for 10 dwellings which also appears on the schedule (16/01426/OUT). The LLFA subsequently considered that the Technical Note provided sufficient evidence to support the applicant's proposal to attenuate surface water for the development and discharge it to the ditch at a controlled rate of 1 litre per second. The Note also provided evidence to show that the existing site drains to the ditch in question and that it has connectivity to a public sewer in Market Lane. Severn Trent water have conditionally agreed to this method of surface water disposal. The LLFA confirmed that this approach is acceptable subject to the imposition of conditions.

5.29 In light of the above, the Flood Risk Management Engineer is currently considering the additional information in the light of the LLFA's withdrawal of their initial objection. **An update on this issue will be provided at Committee.**

Ecology and Nature Conservation

5.30 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.

5.31 The application is supported by a Preliminary Ecological Appraisal which assesses the ecological impact of the proposal. The report identifies that the creation of the visibility splay would result in the loss of approximately 6 - 8 metres of hedgerow and that the proposals would result in the loss approximately 0.46ha of improved grassland habitat.

5.32 The report concludes that the proposal would not result in the loss of any rare or unusual plants or vegetation communities of any great botanical diversity. Furthermore, the site offers limited foraging habitat or shelter for reptile species or small mammals. The semi-mature Ash tree on the site (proposed for retention) offers low potential for roosting bats and provided an appropriate buffer and strict low-level lighting scheme is adopted, the impact of the proposal is considered to be negligible.

5.33 In light of the above, and subject to the imposition of conditions, there is no evidence to suggest that there are any overriding ecological constraints to the development of the site for residential purposes.

Affordable Housing

5.34 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.

5.35 Policy 3.2 of the WSNP provides the following;

'Where six or more homes are proposed (or 11 or more outside the designated AONB area) the development must include provision of affordable housing'.

5.36 The site lies outside of the Cotswolds AONB, within the Special Landscape Area. As such, in accordance with adopted Policy 3.2 of the WSNP, the proposed provision of four dwellings would not be subject to an affordable housing requirement. Therefore, in accordance with the Development Plan, no affordable housing requirement (or off-site contribution in lieu of affordable housing contributions) would be sought for the proposed development.

Impact on Heritage Assets

5.37 Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest throughout. This is reiterated in Section 12 of the NPPF which requires local planning authorities to recognise that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance.

5.38 The County Archaeologist (CA) advised that the application site is archaeologically sensitive since it contains earthworks indicative of medieval and/or post-medieval settlement. The CA disagreed with the originally submitted Heritage Statement which noted that the scheme would have a limited potential to

disturb archaeological remains. Consequently, the CA, in accordance with the NPPF, paragraph 128, recommended that 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.

5.39 This was duly undertaken by the applicant's and the CA advised that, on the basis of the assessment, the archaeological remains were not of the highest significance. For that reason, the CA subsequently withdrew his objection subject to the provision for the recording of any archaeological remains, to be secured via planning condition should the application be permitted.

5.40 A number of listed buildings are located within the vicinity of the site, the closest of which is the Grade II Listed Manor Farmhouse. The accompanying Heritage Statement notes that the proposed development would not result in substantial harm to nearby heritage assets, primarily due their relative distance, together with the presence of existing structures which separate the proposed development from Manor Farm and other Heritage Assets.

5.41 The Conservation Officer (CO) has been consulted in this regard and considers that the proposal would have a neutral impact upon heritage assets. As such, the proposal is considered to preserve the setting of heritage assets within the vicinity of the site, in accordance with Section 12 of the NPPF.

Residential Amenity

5.42 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.

5.43 The indicative layout demonstrates that the site could accommodate the proposed dwellings with a good sized self-contained private rear garden, with adequate parking facilities to the side. Suitable boundary treatments would be required via condition. In addition, whilst there are residential properties located to the south of the site, it is not considered that, subject to careful consideration and positioning at the design stage, that the proposed development would have a significantly detrimental impact on the residential amenities of adjacent properties. It is considered that the future occupiers of these properties would have an acceptable level of residential amenity and no significantly detrimental impact would result on living conditions within existing residential property.

Accessibility

5.44 Paragraph 55 of the NPPF seeks to avoid isolated new dwellings in the countryside. In this case, the proposed development would be situated on the edge of an existing settlement. Greet is a small settlement with some limited access to local employment, at Park Farm Industrial Estate being located approximately 0.6 miles from the application site and Winchcombe Town Centre which is located approximately 1 mile from the application site. However the route to Park Farm Industrial estate is along Evesham Road and there are no pedestrian footpaths therefore pedestrians are required to walk within the road or on highway verges. There is also no street lighting provided between the application site and Park Farm Industrial Estate. However it is acknowledged that these employment opportunities are located in close proximity to the application site and whilst it is likely they would be accessed via private car the NPPF accepts that transport solutions will vary from urban to rural locations.

5.45 To access services in Winchcombe pedestrians have to travel along the Evesham Road where there are no pedestrian footpaths however, as the Evesham Road becomes the Greet Road footpaths do become available through to Winchcombe. Concerns have been raised by local residents with regards to the lack of connectivity of the site to Winchcombe town and in particular, the absence of pedestrian footpaths and safe walking routes for pedestrians/school children. Winchcombe School is located on the Greet Road approximately 0.4 miles from the application site there is an absence of street lighting along the part of the Evesham Road outside of the application site until Greet village is reached, where footpaths and street lighting exist.

5.46 In terms of primary service provision it is concluded that these are limited as employment is not readily accessible and there are some constraints in accessing the nearby school. However the site is located in relatively close proximity to Winchcombe and there are existing, albeit limited secondary services of a garage and a children's play area within the settlement.

5.47 Access to Winchcombe and the surrounding villages is available via bus. The nearest bus stop is approximately 400 metres away. The stop is served by the 606 which provides 5 services every weekday and three services every Saturday in each direction. The 656 also operates along this route at a frequency of one every day in each direction. The accessibility to the main settlement by public transport is therefore served by an infrequent bus service located from a bus stop a reasonable walk from the proposed application site. There is also an opportunity to walk to Winchcombe, although as mentioned above, lack of footpath connectivity is a potential barrier to this. Given the distance of the site to Winchcombe, cycling is also a possibility although, as with walking, this will not always be an attractive proposition, particularly in the winter months.

5.48 Whilst public transport opportunities exist these are limited. However pedestrian or cycling opportunities also exist. Whilst Greet is not identified in the MMVJCS as a service village, it is not considered that the application site could be described as isolated in the context of paragraph 55 of the NPPF. Whilst not determinative, the locational disadvantages mean that the proposals would be likely to place reliance on the private car and this is a negative factor in the overall planning balance.

6.0 Overall Balancing Exercise and Conclusion

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 should be recognised that 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 The conflict with Policy 3.1 of the WSNP, which forms part of the adopted Development Plan for the area, must also be given substantial weight accordingly.

6.3 Furthermore, Greet itself is a modest sized settlement, with a limited range of services and facilities and is not identified as a Service Village within the MMVJCS. As such, Policy SD11 of the MMVJCS would be of relevance which seeks to restrict housing within villages which are not Service Villages, to infilling.

Benefits

6.4 The benefits of the proposal arises from the delivery of market housing, although it is accepted that those benefits are limited by virtue of the small scale of the development proposed. Such limited benefits must also be considered in the light of the fact that the Council can demonstrate a five year supply of deliverable housing sites. In terms of economic benefits it is now widely accepted that new housing developments bring benefits during the construction phase and through additional spending power in the local economy as a result of the increased population. Again, given the scale of development, these benefits are limited.

Harms

6.5 As well as conflict with the development in terms of its location, the proposal would result in harm to the character and appearance of the landscape as a result of the loss of the field and its replacement with 4 substantial dwellings and associated infrastructure/paraphernalia. This is a prominent, elevated site which forms part of the rural landscape open of the designated Special Landscape Area and it is considered that the proposal would represent an incongruous and urbanising intrusion into the open countryside.

Neutral

6.6 There would be no undue impact in terms of residential amenity, biodiversity, flood risk or the local highway network subject to the approval of technical details.

6.7 Furthermore, the impact of the proposal upon nearby heritage assets is considered to be neutral.

7.0 Conclusion

7.1 It is concluded that the proposed development subject to the current application is contrary to saved policy HOU4 of the Local Plan and adopted Policy 3.1 of the Winchcombe and Sudeley Neighbourhood Plan. The principle is therefore against the grant of planning permission unless other material planning considerations indicate otherwise. In this case it is not considered that the planning benefits of the proposal outweigh the conflict with the development plan in respect to policy HOU4, Policy 3.1 and identified harm to the rural landscape of the Special Landscape Area. There are no material planning circumstances which indicate that determination be made other than in accordance with the development plan.

7.2 For the reasons given above, it is concluded the proposal would not comprise sustainable development and the harms resulting from the proposal would outweigh the benefits when assessed against the policies of the Framework as a whole. The application is therefore recommended for **refusal**.

RECOMMENDATION Refuse

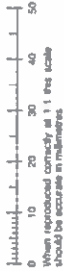
Reasons:

- 1 The proposed development conflicts with Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy 3.1 of the Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031 in that the site lies outside the defined residential development boundary and 'built up areas' boundary of the settlement in a location where new housing is strictly controlled.
- 2 The proposed development, by reason of the prominent location and rural character of the site and the layout design as indicated on the illustrative layout plan, would result in unacceptable harm to the Special Landscape Area and represent an incongruous and urbanising intrusion into the rural landscape and open countryside. As such, the proposed development is contrary to advice set out in the National Planning Policy Framework, emerging Policy SD7 of the Proposed Main Modifications version of the Joint Core Strategy (2017) and Policy LND2 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. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.



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NOTE

All works to be carried out in accordance with relevant British and European Standards and Codes of Practice. All products and materials to be used shall be of a quality acceptable to the relevant authorities and shall be subject to BBA certification. Any conflicts to be notified to architect at earliest opportunity.

This drawing to be read in conjunction with all relevant Architects' and other Specialist's drawings, details and specifications.

Significant risks are not identified in this drawing. The greatest risk, but those including health and safety, are identified in the drawing. It is the responsibility of the contractor to manage any other risks. It is likely to be difficult to manage any other risks. Significant Health and Safety risks.

Location Plan B
 YH 24.10.2016
 Checked KD 15.12.2016
 For Issue KD 15.12.2016
 Drawing Format A3
 Drawing Scale 1:1250
 Drawing Status

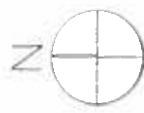
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Drawing Number and Revision:
2016/K824/003(-)

















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Option B Site Area =
 5000sqm / 0.5Hectares
 / 1.24Acres

KEY

-  Existing tree to be retained
-  Indicative proposed tree planting location
-  Existing post and rail fence/vegetation to be retained
-  Proposed hedge
-  Existing post and rail fence/vegetation to be removed outside of bird nesting season
-  Proposed grassed area
-  Proposed drainage attenuation to grassed area, see engineer's drawing
-  Proposed hard landscaping
-  Proposed parking spaces
-  Proposed new adopted highway
-  Indicative location for access to future adjacent development
-  25m Visibility splay
-  Proposed traditional bird box
-  Proposed Sparrow terrace

SCHEDULE OF ACCOMMODATION

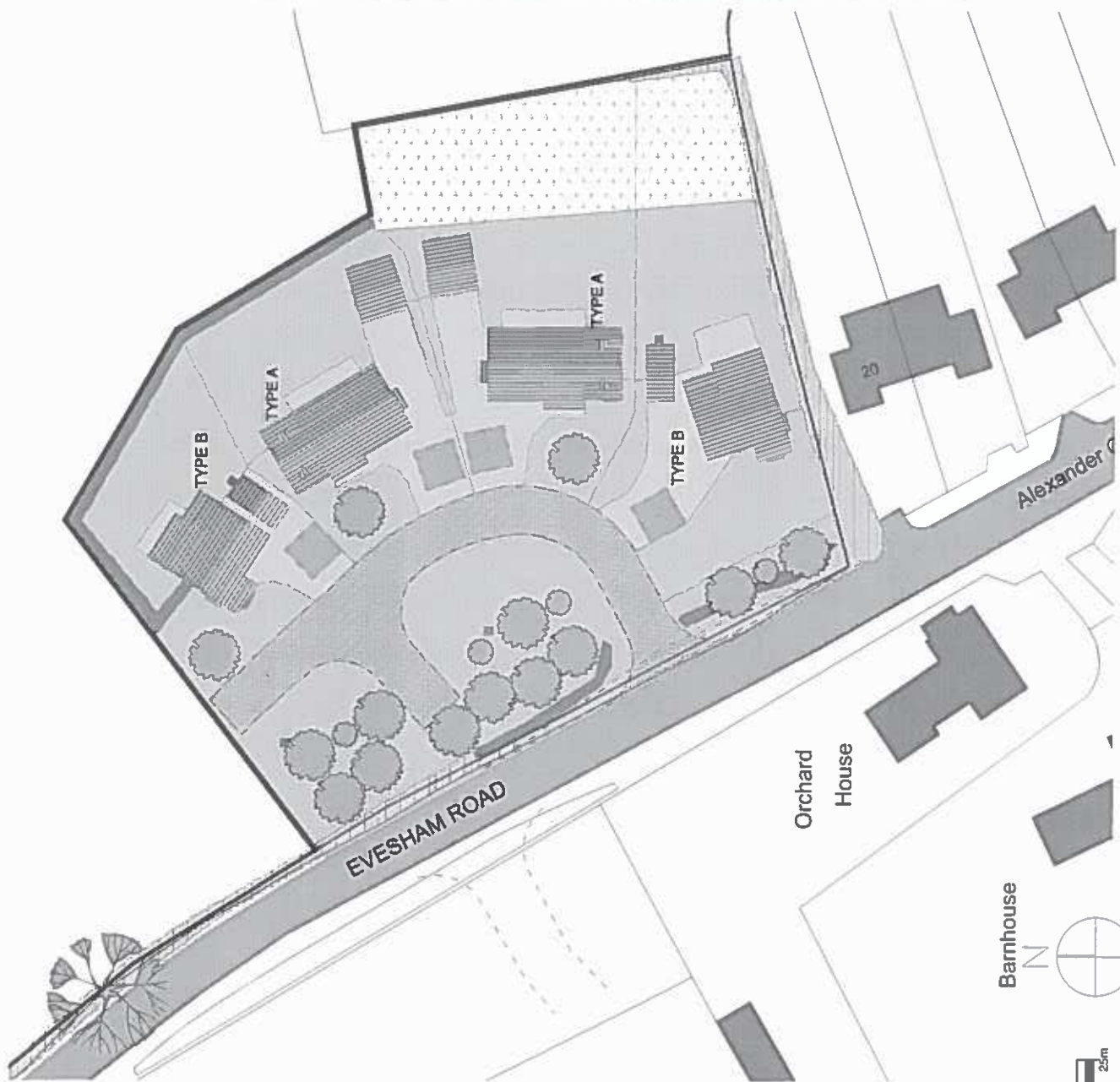
-  2No. Type A 5 Bedroom 2 Storey Houses With Double Garage
Total area including external walls = 3000sqm
-  2No. Type B 4 Bedroom 2 Storey Houses With Single Garage
Total area including external walls = 2000sqm
-  Total area of development including external walls = 10000sqm
-  2No. Parking spaces per unit



Barnhouse



Orchard House



When reproduced correctly at 1:1 this scale should be accurate in millimetres

NOTE:

All works to be carried out in accordance with relevant British and European Standards and Codes of Practice. All products and materials used shall be of a suitable quality and suitable for the intended use. Any recommendations and schedules BGA contracts. Any conflicts to be notified to architect at earliest opportunity.

This drawing to be read in conjunction with all relevant Architects and other Specialist's drawings, details and specifications.

Significant risks are not shown on this drawing. The contractor shall identify health risks that are not covered by the design and shall consult with a competent contractor or other specialist as appropriate. It is likely to be difficult to manage all risks. Significant Health and Safety risks.

B. 01/01/2017 RD
 Quarterly documents updated
 A. 12/12/2016 TN
 Site boundary amended to 0.5%.

Mrs Rose Quilter
 Evesham Road,
 Greet

Proposed Site Plan B
 Drawn YH 25.10.2016

Checked
 Drawing Format A3
 Drawing Scale 1:500

PLANNING

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DJD

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Drawing Number and Reference:

2016/K824/008(B)

20418

Valid 04.01.2017

Outline application for the erection of up to 10 dwellings and associated development. All matters reserved for future consideration except for access.

Grid Ref 402425 230113

Parish Winchcombe

Ward Winchcombe

Mrs R Quilter, Mrs C Ward & Mr B Day
C/O Agent

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

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - GNL8, GNL11, HOU4, HOU13, TPT1, TPT6, EVT2, EVT9, LND2, LND7, NCN5

Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031 - Policies 1.1, 3.1, 3.2, 5.1, 5.2

Proposed Main Modifications Joint Core Strategy - SD4, SD5, SD7, SD10, SD11, SD13, INF1, INF8

Affordable Housing SPD

Special Landscape Area

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

Winchcombe Town Council - Unanimous objection on the following grounds:-

- The site is within a Special Landscape Area which is designated to protect the landscape against inappropriate development. Building on this site would deprive the settlement of Greet with views of the AONB.
- The development would result in the loss of an important green space in the community which separates Littleworth from Greet. These would merge into a village without services.
- Inappropriate development given the emerging policies in the JCS.
- There have been several recent development proposals in Greet. The Winchcombe and Sudeley Neighbourhood Plan applies equally to Greet as it does to Winchcombe and focuses on infill development. This application is not considered to be a genuine infill and does not meet other policies in the Neighbourhood Plan which includes accessibility to services in the Town Centre.
- The Town Centre is a lengthy walk which, in part, has no footpath and is very narrow. This poses a danger to pedestrians when attempting to walk to and from the services available in Winchcombe.
- Greet is not defined as a service village in terms of the JCS and the scale of recent approvals granted for development in Greet is inappropriate in that context.
- It has a dangerous access.
- There is a lack of public transport possibilities.
- Following the County Archaeologist's comments there should be a full archaeological survey carried out on the site before the application is determined.
- Following the comments by Gloucestershire County Council, Lead Local Flood Authority who object to the proposal, the Flood Risk Assessment does not comply with the relevant flood risk management required by the NPPF.
- If Tewkesbury Borough Council are minded to grant permission, it must be subject to a Section 106 Agreement where proper pedestrian access from this development to Winchcombe Community School is provided. Also, provision should be made for a proportion of affordable housing on site.
- This development is out of line with the JCS and Winchcombe and Sudeley Neighbourhood Plan. The Town Council expect the decision to be made in accordance with the statutory plans and reinforce their concerns about the dangerous lack of pedestrian access.

County Highways Authority - No response received.

County Archaeologist - In view of the site's archaeological sensitivity since it contains earthworks indicative of medieval and/or post-medieval settlement, the CA recommends that a programme of archaeological assessment and evaluation should be carried out prior to determination of the application.

Landscape Officer - Objection on the grounds of inappropriate encroachment into the open countryside, landscape harm and harmful visual impact affecting the setting of the Cotswold AONB.

Urban Design Officer - Objection on the grounds of detrimental impact upon the character of the settlement.

Housing and Enabling Officer - Requirement for 40% affordable housing equating to 4nos dwellings within the site of an off-site financial contribution.

Environmental Health Officer - No objection subject to appropriate planning conditions to secure thermal double glazing in accordance with BS8233 for the dwelling closest to the highway.

Natural England - Protected Species - Standing Advice;

Protected landscapes - Statutory nature conservation sites - Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites. The proposed development is for a site within or close to a nationally designated landscape namely Cotswolds AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.

CPRE Gloucestershire - Objection to the proposal on the following grounds:

- The site is an open field which is clearly visible from the surrounding AONB;
- Greet is not a designated Service Village and has no facilities;
- There are a number of recent permissions for housing developments in Greet which are already sufficient for this small hamlet;
- The lack of pavements serving the site represent a highways safety concerns for pedestrians.

Lead Local Flood Authority - Objection on the basis that the proposed drainage system does not provide appropriate mitigation measures to ensure the development is not at risk of flooding and to ensure the development will not increase flood risk from surface water to existing development beyond the site boundary.

Revised surface water attenuation proposals - The LLFA withdraw their objection on the basis that sufficient evidence has been provided to demonstrate that a sustainable drainage scheme would be viable for the development. However, further information is required regarding the detailed design, safe management of surface water during extreme rainfall events and a maintenance plan. A condition is required to this effect.

Severn Trent - No objection subject to appropriate planning conditions.

Local Residents - 41 letters of objection have been received from local residents. There concerns are summarised as follows:-

- the field contains ancient ridge and furrow which should be preserved not destroyed;
- The site is important open green space and development would ruin the village landscape, harm the Special Landscape Area and the setting of the adjoining AONB;
- the site and bordering hedgerows are an important wildlife habitat for grass snakes, newts and birds;
- the field is often waterlogged and the drains along Evesham Road require constant clearing to prevent driveways from flooding;
- the site is not a brownfield site;
- The field is excellent grazing land and is in regular use for this purpose;
- The site is elevated from the road, which increases its prominence and the resulting undesirable ribbon development would serve to merge Greet and Littleworth;
- Greet has no services/facilities and residents of the development would have to travel for work, shopping and leisure by private car;
- Evesham Road is busy and dangerous with no street lighting of footpaths along this stretch. Strongly context accompanying highways report which states that the footpaths are adequate within 200 yards. The footpath is narrow and overgrown and adequate for one person only. The lack of footpath serving the development would result in severe highway dangers for children walking to school etc;
- A speed awareness device has been installed in Littleworth in recognition of the high traffic speeds along Evesham Road. The bend in the road also limits visibility and the development would add further traffic onto the highway, increasing highway dangers;
- The design, form and layout of the scheme would be out of keeping with the settlement character and would be visually intrusive;
- There have been three other recently granted residential schemes within Greet and the has already had a severe impact upon residents;

- The supporting information is inaccurate - The Harvest Home Public House is stated to be a village facility but this has been demolished. Furthermore, the GWSR operates infrequent, slow-moving summer trips and could not be utilised for commuting to Cheltenham;
- the development would result in additional light pollution;
- the proposed development would be contrary to the policies of the Neighbourhood Development Plan. The NDP does not identify Greet as suitable for development;
- the proposed dwellings are not appropriate to meet identified local housing need.

1 letter of general representation has been received from a local resident - Their comments are summarised as follows:

- Not against small-scale development within the village provided the dwellings are affordable for young people and the elderly.

A letter of objection has also been received from Laurence Robertson MP, outlining the following concerns:

- the application would result in detrimental impact upon the landscape;
- the proposal would be contrary to the Winchcombe and Sudeley NDP;
- Greet is a small village and the immediate surrounding area has already seen a massive increase in building in recent years;
- there is little provision for residents, who will have to travel for work, shopping and leisure;
- Infrastructure and footpaths are inadequate and roads are narrow and busy with poor visibility.

Planning Officers Comments: Miss Lisa Dixon

1.0 Introduction

1.1 The application relates to part of a large field which is currently used for agricultural/grazing purposes. The site falls wholly within the Special Landscape Area (SLA) and the Cotswold AONB is visible to the west.

1.2 The B4078 Evesham Road adjoins the site to the west, and the site occupies an elevated position relative to the highway. The south of the site is adjoined by existing linear residential development which lines this section of the Evesham Road. Beyond the northern and eastern boundaries lies the wider field parcel which also falls within the applicant's ownership. Smithy Lane adjoins the wider field parcel to the north of the site and 'The Manor Farm', including its listed farmhouse and associated farmstead is located to the east of the site, adjacent to Market Lane (see location plan attached).

2.0 Planning History

2.1 There is no relevant planning history pertaining to the site.

2.2 An alternative outline application for the erection of 4nos. dwellings on the site also appears on the schedule under planning reference: 16/01425/OUT.

3.0 Current Application

3.1 This application seeks outline planning permission for the erection of up to 10 detached dwellings with all matters reserved except for access. (See attached plans)

3.2 An indicative layout plan has been submitted in respect of the application which proposes a linear row of detached 3 bedroom, two-storey dwellings, with 2nos. off-road parking spaces provided for each dwelling.

3.3 The development is proposed to be served by a single point of vehicular access onto the Evesham Road, with an internal access road with turning heads set back from the main highway and intervening planting proposed. Existing hedgerow planting to the southern and western boundaries is proposed for retention apart from a section along the western edge which would be removed in order to accommodate the proposed vehicular access to the site.

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).

Tewkesbury Borough Local Plan to 2011 - March 2006

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 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, approximately, a 5.3 year supply with a 20% buffer applied. 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 in accordance with 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.

Winchcombe and Sudeley Neighbourhood Plan - 2011 – 2031

4.6 The formal adoption of the Winchcombe and Sudeley Neighbourhood Plan (WSNP) on the 24th January 2017 now means that it forms part of the Development Plan for the area and includes the settlement of Greet.

4.7 Policy 3.1 of the WSNP provides that residential development on infill and redevelopment sites will be supported within the built up areas as shown within the adopted proposals map. The settlement of Greet lies outside of the Built up Area boundary, as defined by Policy 3.1 of the WSNP.

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

Emerging Joint Core Strategy

4.9 The emerging development plan will comprise the Joint Core Strategy (JCS) and Tewkesbury Borough Plan. These are at varying stages of development.

4.10 The proposed Main Modifications Version of the Joint Core Strategy (MMVJCS) 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.

4.11 Policy SP2 of the MMVJCS 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 9,899 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 JCS, including at Winchcombe which is defined as a Rural Service Centre. Policy SP2 confirms that such development is proposed to be delivered through allocations in the Tewkesbury Borough Plan and Neighbourhood Development Plans, proportional to their size and function and also reflecting their proximity and accessibility to Gloucester and Cheltenham, taking into account the environmental, economic and social impacts. Other relevant emerging JCS policies are set out as appropriate below.

Other Material Considerations

4.12 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not change the status of the development plan as the starting point for decision making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise (paragraph 12).

4.13 The NPPF is supplemented by the Government's Planning Practice Guidance (PPG). Of relevance to this case is the section on rural housing which states that it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. It follows that a thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.

5.0 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 considerations indicate otherwise.

5.2 Greet is not a named Service Village in the MMVJCS and as such, emerging Policy SD11 is relevant which states that outside of the existing built-up areas of towns, cities, Service Centres and Service Villages, new housing development will only be permitted under the following circumstances:

- It is for affordable housing on a rural exception site in accordance with Policy SD13, or
- It is infilling within the existing built up areas of cities, towns and villages, or
- It is brought forward through Community Right to Build Orders, or
- There are other specific exceptions/circumstances defined in district or neighbourhood plans.

5.3 The NPPF seeks to promote sustainable development in rural areas, where housing should be located where it will enhance or maintain the vitality of rural communities. The NPPF also recognises the need to support economic growth in rural areas in order, inter alia, to promote the retention and development of local services and facilities in villages (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.

5.4 Although the settlement of Greet falls within the adopted plan area of the Winchcombe and Sudeley Neighbourhood Plan, it nevertheless is a settlement in its own right and is geographically detached from Winchcombe town. It is therefore, accepted that the new residents would to a large extent be reliant on the private motor car to access Winchcombe's services and facilities.

5.5 It is recognised that there would be a clear conflict with policy HOU4 of the Local Plan to which substantial weight should be applied. Furthermore, there would also be clear conflict with Policy 3.1 of the WSNP which seeks to support new residential development on infill and redevelopment sites, provided they are within the built up area as defined by Appendix 1 of the proposals map. Therefore the starting point is that the proposal should be refused in accordance with the development plan unless other material planning considerations indicate otherwise. The fact that Greet is not a named service village in the emerging JCS is a material consideration which must be weighed in the overall planning balance.

Conclusions on the principle of residential development

5.6 The Council can now demonstrate a five year supply of housing and the proposal conflicts with Development Plan policy regarding the location of new housing. Having regard to s38(6) of the 2004 Act it is necessary therefore to consider whether there are other material considerations that are sufficient to outweigh the conflict with Local Plan Policy HOU4 and Policy 3.1 of the WSNP.

Design and Visual Impact

5.7 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. This policy is consistent with the NPPF and so should be accorded considerable weight.

5.8 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Policy LND2 of the Local Plan also requires that regard be given to the need to protect and enhance the character and appearance of the Special Landscape Area. Policy SD7 of the MMVJCS echoes these requirements.

5.9 The Landscape Visual Impact Assessment submitted with the application noted that the proposal would result in a minor adverse visual effect with 'minor permanent and/or temporary loss or alteration to one or more key elements or features within the landscape'. Furthermore, the LVIA notes that the proposal would 'not quite fit into the scale, landform and pattern of the landscape'.

5.10 It is considered however that the applicant's LVIA underplays the harm that would be caused by the proposed development. The application site is currently an open field and due to the elevated topography of the application site relative to the Greet Road, provides a strong, pastoral rural buffer to the settlement. This is particularly pronounced when approaching/entering the village from Littleworth to the north. As such, the application site provides an important contribution to the character of the rural landscape and to the village itself, and appears as part of the open countryside and distinctly separate to the built form to the south, along this section of the Evesham Road.

5.11 The houses at the existing edge of Greet are enclosed by mature hedging to the north that links with the surrounding enclosed field, and the field currently affords open views of Manor Farm and the rear of residential properties along Market Lane. The open views across the site form part of the character of this landscape and there is a potential to irrevocably affect this.

5.12 This proposal would extend development along the eastern side of the Evesham Road. It is noted that planning permission has recently been granted for 4nos. houses on the opposite (western) side of the Evesham Road under planning references: 15/00515/OUT and 16/00850/APP. The case officer in this instance noted that whilst the proposed development could be mitigated to a degree by its design and proposed landscaping, it would nevertheless result in harm to the landscape and this factor weighed against the proposal in the overall planning balance. It must also be noted that at the time of the assessment of the application the Council was unable to demonstrate a five year supply of housing and as such, a different planning balance applied.

5.13 The Landscape Officer (LO) has been consulted in respect of the current proposal and has commented that the cumulative effect of the current proposal and the permitted development to the western side would be to weaken the strong rural definition to the approaches that characterises Greet and potentially adversely affect the long distance attractive views over the site of the hills forming the AONB escarpment.

5.14 In landscape terms the pastoral site provides a strong landscape buffer within the AONB and separation of the built up area to the wider and rural countryside. Maintaining this area of land substantially free of development is important on the longer term, as it provides a landscape buffer to prevent development encroaching inappropriately within the surrounding open countryside and completely infilling the pastoral countryside.

5.15 Historically these areas of pasture and orchards are important in the local landscape and form part of the local landscape identity to the village; and to the north of the site there are pastoral fields with remnants of former orchards which once predominated in this part of Greet and such areas of landscape are important to retain, conserve and enhance as part of the AONB designation. It is considered that the landscape and visual impacts of the proposed development of ten houses would irrevocably change and adversely affect the strong separation between the countryside and the existing built up area of Greet.

5.16 The elevated field level which increases to the north would substantially exacerbate the landscape and visual impact of these dwellings on the surrounding AONB setting. Longer distance views both looking towards and from the Cotswold escarpment would be adversely affected and there would be landscape harm to the setting of the Cotswold AONB.

5.17 The Council's Landscape Officer has raised strong concerns with regards to the siting, form and scale of the proposal. The LO cited inappropriate encroachment into the open countryside and unacceptable adverse landscape and visual impacts that affect the setting of the Cotswold AONB in this regard.

5.18 All matters relating to design and layout are reserved for future consideration apart from the proposed means of access which would be via a single point of access off the Evesham Road. Nevertheless, the application has been supported with an indicative layout plan showing 10 detached houses. The indicative plan shows a linear form of development, set back slightly from the existing row of semi-detached properties to the immediate south of the site. The plan shows the existing vegetation fronting the Evesham Road is to be predominantly retained and an internal, single service road with turning head running parallel with the dwelling frontages.

5.19 The Council's Urban Design Office (UDO) has advised that the proposal would extend too far along the lane and that the pattern of development shown in the illustrative plan is also out of character with the existing settlement. This site is very open and forms part of the rural character of the approach to this village and this development would effectively fill the gap between the main core of the village and Smithy Lane. This would have a significant urbanising effect especially with this number of units proposed. The UDO has therefore, raised an objection to this application on the grounds that it would have a detrimental impact on the character of the settlement.

5.20 In light of the above, it is considered that the proposal would have an unacceptable impact on the character and appearance of the rural landscape and would be unacceptably intrusive on what is a prominent site. The proposal would represent significant and demonstrable harm to the Special landscape Area and this is a matter which weighs significantly against the proposals.

Highway Safety

5.21 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. Local Plan Policy TPT1 relates to access for developments and 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. This is reflected in Policy INF1 of the MMVJCS.

5.22 The proposed dwellings are to be accessed via a single point of access from the Evesham Road. The illustrative plans show a turning head at the northern end which would be required in order to allow refuse lorries to turn within the development and exit in a forward gear. An additional turning head is also shown between the first and second dwellings, towards the southern extent of the site.

5.23 Gloucestershire County Highways Authority (CHA) have been consulted, although no response had been received at the time of writing of this report. **An update on this issue will be provided at Planning Committee.**

5.24 Nevertheless, with regard to car parking and cycle storage the CHA generally considers 2 car parking spaces and 1 cycle parking space per dwelling to be acceptable and this level of parking is broadly indicated on the submitted illustrative plan.

5.25 Subject to a satisfactory response from CHA, the proposal is considered to be acceptable in terms of guidance within the NPPF, Local Plan Policy TPT1 and JCS policy INF1 in relation to highway safety.

Flood Risk and Drainage

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

5.27 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.

5.28 The site lies wholly within Flood Zone 1 where there is a low risk of flooding from all sources. The application proposes to discharge from the site into a drainage ditch, sited some 70 metres to the east of the site, on land within the applicant's ownership. This in turn, is noted within the submitted drainage information to discharge to a Severn Trent foul sewer, located on Market Lane. The LLFA raised an objection to this means of drainage and requested additional information. The applicant's subsequently provided a technical note which the LLFA considered, provided sufficient evidence to support the applicant's proposal to attenuate surface water for the development and discharge it to the ditch at a controlled rate of 1 litre per second. The Note also provided evidence to show that the existing site drains to the ditch in question and that it has connectivity to a public sewer in Market Lane. Severn Trent water have conditionally agreed to this method of surface water disposal and the LLFA confirmed that this approach is acceptable subject to the imposition of conditions.

5.29 Notwithstanding the position of the LLFA, it will be noted that on application reference 16/01425/OUT for four dwellings, which also appears on the Schedule, the Council's Flood Risk Management Engineer (FRME) is concerned that the proposed disposal of surface water is via a ditch which lies outside of the red line boundary and therefore cannot be relied upon in perpetuity should the adjoining site be subsequently sold off to new owners. The FRME is currently considering the additional information in the light of the LLFA's withdrawal of their initial objection. **An update on this issue will be provided at Committee.**

Ecology and Nature Conservation

5.30 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.

5.31 The application is supported by a Preliminary Ecological Appraisal which assesses the ecological impact of the proposal. The report identifies that the creation of the visibility splay would result in the loss of approximately 6 - 8 metres of hedgerow and that the proposals would result in the loss approximately 0.46ha of improved grassland habitat.

5.32 The report concludes that the proposal would not result in the loss of any rare or unusual plants or vegetation communities of any great botanical diversity. Furthermore, the site offers limited foraging habitat or shelter for reptile species or small mammals. The semi-mature Ash tree on the site (proposed for retention) offers low potential for roosting bats and provided an appropriate buffer and strict low-level lighting scheme is adopted, the impact of the proposal is considered to be negligible.

5.33 In light of the above, and subject to the imposition of conditions, there is no evidence to suggest that there are any overriding ecological constraints to the development of the site for residential purposes.

Affordable Housing

5.34 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.

5.35 Policy 3.2 of the WSNP provides the following;

'Where six or more homes are proposed (or 11 or more outside the designated AONB area) the development must include provision of affordable housing'.

5.36 The site lies outside of the Cotswolds AONB, within the Special Landscape Area. As such, in accordance with adopted Policy 3.2 of the WSNP, the proposed provision of ten dwellings would not be subject to an affordable housing requirement. Therefore, in accordance with the Development Plan, no affordable housing requirement (or off-site contribution in lieu of affordable housing contributions) would be sought for the proposed development.

Impact on Heritage Assets

5.37 Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest throughout. This is reiterated in Section 12 of the NPPF which

requires local planning authorities to recognise that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance.

5.38 The County Archaeologist (CA) advised that the application site is archaeologically sensitive since it contains earthworks indicative of medieval and/or post-medieval settlement. The CA disagreed with the originally submitted Heritage Statement which noted that the scheme would have a limited potential to disturb archaeological remains. Consequently, the CA, in accordance with the NPPF, paragraph 128, recommended that 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.

5.39 This was duly undertaken by the applicant's and the CA advised that, on the basis of the assessment, the archaeological remains were not of the highest significance. For that reason, the CA subsequently withdrew his objection subject to the provision for the recording of any archaeological remains, to be secured via planning condition should the application be permitted.

5.40 A number of listed buildings are located within the vicinity of the site, the closest of which is the Grade II Listed Manor Farmhouse. The accompanying Heritage Statement notes that the proposed development would not result in substantial harm to nearby heritage assets, primarily due their relative distance, together with the presence of existing structures which separate the proposed development from Manor Farm and other Heritage Assets.

5.41 The Conservation Officer (CO) has been consulted in this regard and considers that the proposal would have a neutral impact upon heritage assets. As such, the proposal is considered to preserve the setting of heritage assets within the vicinity of the site, in accordance with Section 12 of the NPPF.

Residential Amenity

5.42 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.

5.43 The indicative layout demonstrates that the site could accommodate the proposed dwellings with a good sized self-contained private rear garden, with adequate parking facilities to the side. Suitable boundary treatments would be required via condition. In addition, whilst there are residential properties located to the south of the site, it is not considered that, subject to careful consideration and positioning at the design stage, that the proposed development would have a significantly detrimental impact on the residential amenities of adjacent properties. It is considered that the future occupiers of these properties would have an acceptable level of residential amenity and no significantly detrimental impact would result on living conditions within existing residential property.

Accessibility

5.44 Paragraph 55 of the NPPF seeks to avoid isolated new dwellings in the countryside. In this case, the proposed development would be situated on the edge of an existing settlement. Greet is a small settlement with some limited access to local employment, at Park Farm Industrial Estate being located approximately 0.6 miles from the application site and Winchcombe Town Centre which is located approximately 1 mile from the application site. However the route to Park Farm Industrial estate is along Evesham Road and there are no pedestrian footpaths therefore pedestrians are required to walk within the road or on highway verges. There is also no street lighting provided between the application site and Park Farm Industrial Estate. However it is acknowledged that these employment opportunities are located in close proximity to the application site and whilst it is likely they would be accessed via private car the NPPF accepts that transport solutions will vary from urban to rural locations.

5.45 To access services in Winchcombe pedestrians have to travel along the Evesham Road where there are no pedestrian footpaths, however as the Evesham Road becomes the Greet Road footpaths do become available through to Winchcombe. Concerns have been raised by local residents with regards to the lack of connectivity of the site to Winchcombe town and in particular, the absence of pedestrian footpaths and safe walking routes for pedestrians/school children. Winchcombe School is located on the Greet Road approximately 0.4 miles from the application site there is an absence of street lighting along the part of the Evesham Road outside of the application site until Greet village is reached, where footpaths and street lighting exist.

5.46 In terms of primary service provision it is concluded that these are limited as employment is not readily accessible and there are some constraints in accessing the nearby school. However the site is located in relatively close proximity to Winchcombe and there are existing, albeit limited secondary services of a garage and a children's play area within the settlement.

5.47 Access to Winchcombe and the surrounding villages is available via bus. The nearest bus stop is approximately 400 metres away. The stop is served by the 606 which provides 5 services every weekday and three services every Saturday in each direction. The 656 also operates along this route at a frequency of one every day in each direction. The accessibility to the main settlement by public transport is therefore served by an infrequent bus service located from a bus stop a reasonable walk from the proposed application site. There is also an opportunity to walk to Winchcombe, although as mentioned above, lack of footpath connectivity is a potential barrier to this. Given the distance of the site to Winchcombe, cycling is also a possibility although, as with walking, this will not always be an attractive proposition, particularly in the winter months..

5.48 Whilst public transport opportunities exist these are limited. However pedestrian or cycling opportunities also exist. Whilst Greet is not identified in the MMVJCS as a service village, it is not considered that the application site could be described as isolated in the context of paragraph 55 of the NPPF. Whilst not determinative, the locational disadvantages mean that the proposals would be likely to place reliance on the private car and this is a negative factor in the overall planning balance.

6.0 Overall Balancing Exercise and Conclusion

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 should be recognised that 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 The conflict with Policy 3.1 of the WSNP, which forms part of the adopted Development Plan for the area, must also be given substantial weight accordingly.

6.3 Furthermore, Greet itself is a modest sized settlement, with a limited range of services and facilities and is not identified as a Service Village within the MMVJCS. As such, Policy SD11 of the MMVJCS would be of relevance which seeks to restrict housing within villages which are not Service Villages, to infilling.

Benefits

6.4 The benefits of the proposal arises from the delivery of market housing, although it is accepted that those benefits are limited by virtue of the small scale of the development proposed. Such limited benefits must also be considered in the light of the fact that the Council can demonstrate a five year supply of deliverable housing sites. In terms of economic benefits it is now widely accepted that new housing developments bring benefits during the construction phase and through additional spending power in the local economy as a result of the increased population. Again, given the scale of development, these benefits are limited.

Harms

6.5 As well as conflict with the development in terms of its location, the proposal would result in harm to the character and appearance of the landscape as a result of the loss of the field and its replacement with 10 dwellings and associated infrastructure/paraphernalia. This is a prominent, elevated site which forms part of the rural landscape open of the designated Special Landscape Area and it is considered that the proposal would represent an incongruous and urbanising intrusion into the open countryside.

Neutral

6.6 There would be no undue impact in terms of residential amenity, biodiversity, flood risk or the local highway network subject to the approval of technical details.

6.7 Furthermore, the impact of the proposal upon nearby heritage assets is considered to be neutral.

7.0 Conclusion

7.1 It is concluded that the proposed development subject to the current application is contrary to saved policy HOU4 of the Local Plan and adopted Policy 3.1 of the Winchcombe and Sudeley Neighbourhood Plan. The principle is therefore against the grant of planning permission unless other material planning considerations indicate otherwise. In this case it is not considered that the planning benefits of the proposal outweigh the conflict with the development plan in respect to policy HOU4, Policy 3.1 and identified harm to the rural landscape of the Special Landscape Area. There are no material planning circumstances which indicate that determination be made other than in accordance with the development plan.

7.2 For the reasons given above, it is concluded the proposal would not comprise sustainable development and the harms resulting from the proposal would outweigh the benefits when assessed against the policies of the Framework as a whole. The application is therefore recommended for **refusal**.

RECOMMENDATION Refuse

Reasons:

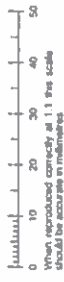
- 1 The proposed development conflicts with Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy 3.1 of the Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031 in that the site lies outside the defined residential development boundary and 'built up areas' boundary of the settlement in a location where new housing is strictly controlled.
- 2 The proposed development, by reason of the prominent location and rural character of the site and the layout design as indicated on the illustrative layout plan, would result in unacceptable harm to the Special Landscape Area and represent an incongruous and urbanising intrusion into the rural landscape and open countryside. As such, the proposed development is contrary to advice set out in the National Planning Policy Framework, emerging Policy SD7 of the Proposed Main Modifications version of the Joint Core Strategy (2017) and Policy LND2 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. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.

16/01426/WT



NOTE:
 All works to be carried out in accordance with relevant British and European Standards and Codes of Practice. All products used shall comply with current CE marking requirements. Any contracts to be reached at earliest opportunity.
 This drawing to be read in conjunction with all relevant Architects and other Specialist's drawings, details and specifications.
 Significant risks are not identified in this drawing, but those including health risks that are likely to be identified by a competent contractor or other signatory.
 It is likely to be difficult to manage effectively.
 Significant Health and Safety Risks.

Location Plan A

Client: Mrs Rose Quilter
 Address: Evesham Road, Greet

Drawn: YH 26.12.2016
 Checked: KD 15.12.2016
 Approved: KD 15.12.2016

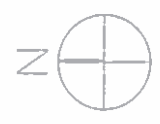
Drawing Format: A3
 Drawing Scale: 1:1250
 Drawing Status: FOR COMMENT

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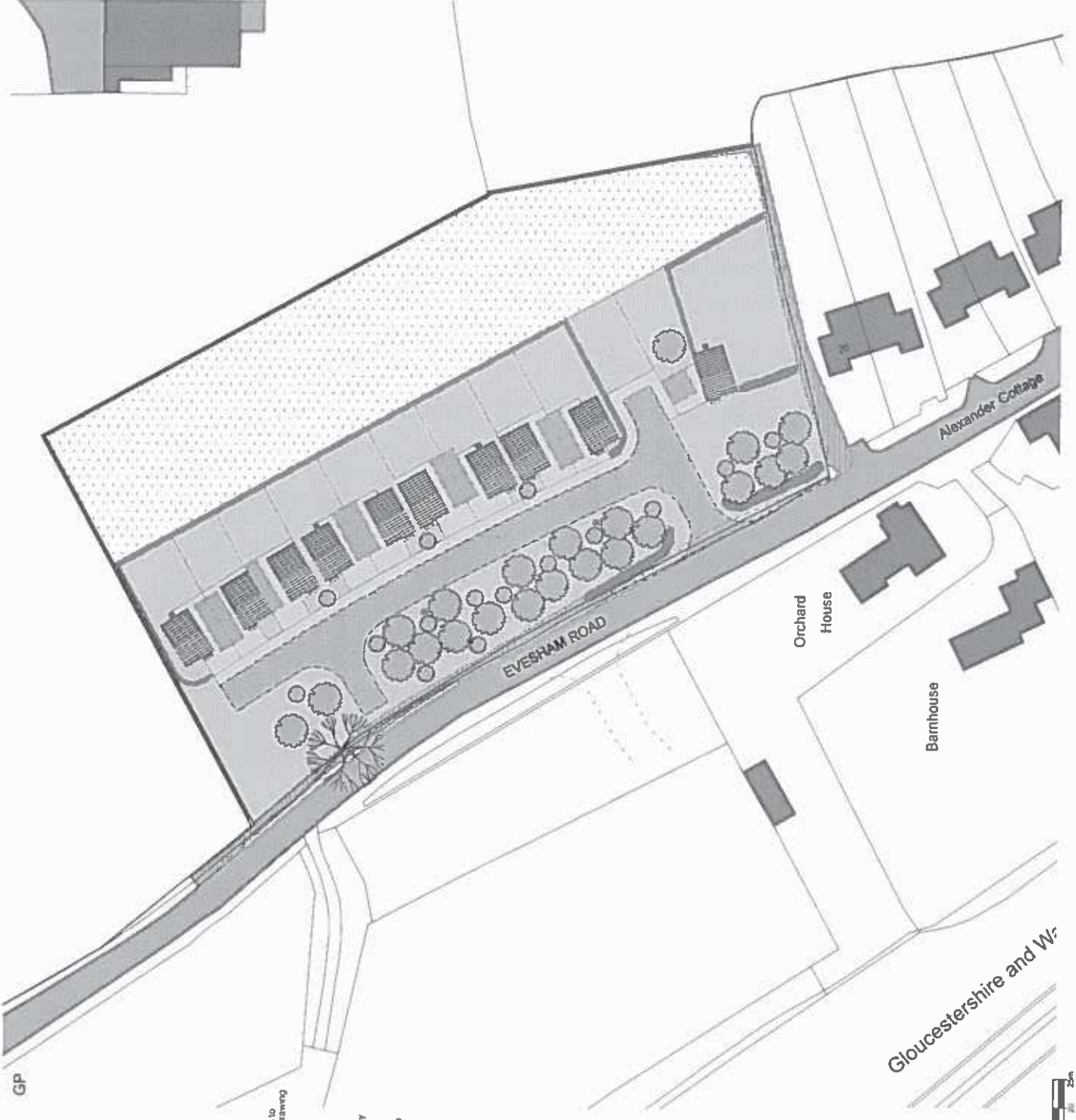
Drawing Number and Revision: **2016/K824/002(-)**



Option A Site Area =
 8995sqm / 0.9Hectares /
 2.22Acres



Mapping contents (c) Crown copyright and database rights 2016 Ordnance Survey 100035207
 Scale 1:1250
 Scale 1:1250 0 5 10 15 20 25m



GP

NOTE
 All works to be carried out in accordance with relevant British and European standards. The drawings are to be used in accordance with manufacturers' recommendations and any applicable BS standards. Any conflicts to be notified to architect at start of works.
 The drawings are the responsibility of relevant Architects and other Specialist's drawings, details and specifications.
 Significant risks are not necessary those that involve the following:
 a) not likely to be obvious to a competent contractor or other
 b) unusual or be difficult to manage effectively.
 Significant Health and Safety Risks

A 04.07.2017 RD
 Boundary description updated.

Mrs Rose Quiller
 Evesham Road,
 Great

Proposed Site
 Plan A

Date YH 25.10.2016

Drawing No. A2
 Drawing Scale 1:500

PLANNING
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 www.djdarchitects.com
 DJD ARCHITECTS TO BE CONTACTED ON
 THE DRAWING IS COMPLETE AND
 WITHOUT LIABILITY

Drawing Number and Revision
 2016/K824/007(A)

KEY

- Existing tree to be retained
 - Indicative proposed tree
 - Existing post and rail fence / vegetation to be retained
 - Proposed post and rail fence / vegetation to be retained
 - Proposed hedge / planting
 - Proposed grassed area
 - Proposed drainage attenuation to grassed area, see engineer's drawing
 - Proposed hard landscaping
 - Proposed parking spaces
 - Proposed new adopted highway
 - Indicative location for access to future adjacent development
 - 25m Visibility splay
 - Proposed traditional bird box
 - Proposed Sparrow terrace
- SCHEDULE OF ACCOMMODATION
- 10 No. 3 Bedroom 2 Storey Houses
 - Total area including external walls = 108sqm
 - Total development area including walls = 1000sqm
 - 2 No. Parking spaces per unit

21529



17/00424/FUL

Land at Consell Green, Tewkesbury Road, Toddington

3

Valid 13.04.2017

Proposed 5 No dwellings with garages, parking, improved vehicle access, access roads/footpath and landscape.

Grid Ref 404292 232433

Parish Toddington

Ward Isbourne

Mr & Mrs P Workman

1 Consell Green

Tewkesbury Road

Toddington

RECOMMENDATION Refuse

Policies and Constraints

National Planning Policy Framework (2012)

Planning Practice Guidance

The Proposed Main Modifications version of the Joint Core Strategy (MMJCS) 2017 - SD5, SD7, SD11, SD13, SP2.

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies HOU4, LND2 and TPT1

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

Consultations and Representations

Toddington Parish Council - Object to proposal:

- Site Lies within Special landscape area and is overlooked by AONB.
- Would not protect or enhance natural environment
- Urban Cul-de-sac design is out of keeping with linear development of New Town
- Urban style is on contrast to rural setting
- Driveway looks like a single carriageway with no place for passing
- Problems with sewage.
- No capacity with 33 new houses being built

Local Highways Authority - Insufficient information has been provided to assess the highway safety implications of the application.

Landscape Officer - Objects due to unsympathetic development which would harm the SLA and impact on the setting of the AONB.

Environmental Health Officer - no objections.

Local Residents 12 individual representations have been received in response to this application and comprise 10 objections and 2 in support. The comments raised are summarised below:

Object

- 3 storey development is out of keeping with the area
- Overlooking of property from 3rd floor directly into garden and dining area
- Will block views
- Tree planting would overshadow garden
- Increased noise pollution
- Out of scale with properties in New Town
- Out of keeping with layout of existing properties which have long narrow gardens
- Will access be private or adopted
- Developments have already been approved ion the area
- Levels of proposed development are not clear
- Additional vibration and blasts of air from vehicles
- 6 bed homes may result in 30 new residents
- Speed limit rarely adhered to and road is used by agricultural and heavy vehicles
- Visibility is limited in both directions
- Impact on community with 5 dwellings in addition to 33 already approved
- School spaces are limited
- Impacts upon the landscape will be high

Support

- Echoes other developments in the village
- Provides non-linear development which accounts for building lines
- Small developments are ideal for maintaining local community
- Supports local services
- In keeping with homes in the village
- Positive growth for village which should be supported
- Does not harm vernacular of the area
- Struggled to find suitable family home
- Village has efficient road network.
- New development can support infrastructure, broadband, public transport

Councillor Mason has requested Committee determination to allow members to assess the impact on the neighbouring properties.

Planning Officers Comments: Bob Ristic

1.0 Application Site

1.1 The application site is located on the southern side of the B4077 at the western end of the New Town area of Toddington. The area is defined by linear development fronting the highway with substantial rear gardens to the rear. The site is located outside of any residential development boundary and is identified as a Special Landscape Area (SLA). See attached location plan.

1.2 The application site is located at land to the rear of 'Consell Green', the right hand property in a pair of white rendered 2 storey dwellings. The site measures 0.87 hectares in area and comprises two field parcels which extend along the rear boundaries of properties fronting onto the B4077.

1.3 The site is screened to the east and west by a variety of trees and shrubs. The southern boundary is enclosed by post and rail fencing with open views of the surrounding countryside. The northern boundary with the rear gardens to properties fronting onto the B4007 comprises wire fencing with some sporadic planting within adjoining gardens.

2.0 Relevant Planning History

2.1 There have been no recent planning applications at the site.

2.2 Of note is a recently permitted scheme for 33 dwellings at 'Parcel 5736' New Town Toddington, to the east of the application site - Outline application No.15/00394/OUT and Reserved Matters application No.17/00179/APP.

3.0 Current Application

3.1 The current application seeks planning permission for 5 substantial detached dwellings with integral double garages. Each of the properties would be 2 storeys high with a further floor of accommodation within the attic space. The proposed dwellings would be 8.9 metres high to the ridge and each of the properties would have a floor area in excess of 410 square metres. (see attached elevation & floor plans) .

3.2 The development would be accessed from the B4077 via the existing access drive serving 'Consell Green' which would be upgraded. The drive would run along the western boundary of the site and would terminate in a cul-de-sac and turning head within the middle party of the site. Plots 1-4 would be aligned across the southern part of the site fronting onto the access drive and Plot 5 would be turned through 90 and would front towards the turning head. (see attached block plan) .

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

5.0 Analysis

Principle of Development

5.1 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.

5.2 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.

5.3 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.

5.4 JCS Policy SP2 Spatial Strategy sets out the strategy for meeting Tewkesbury Borough's housing needs which is centred around development at Tewkesbury Town and smaller-scale development meeting local needs at Rural Service Centres and Service Villages. Toddington (including New Town) is identified in the JCS as a Service Village.

5.5 Committed housing developments within the Service Villages have already delivered almost all the 880 dwellings required in Policy SP2 of the MMVJCS, despite the end of the plan period being some 14 years hence. Whilst it is accepted that this figure may rise as part of the ongoing examination of the JCS, New Town has already made a significant contribution towards this through the grant of planning permission for 33 dwellings to the east of the application site fronting the B4077 which in itself constitutes an approximate 50% increase in housing within New Town. Seven further dwellings have been permitted in New Town during the JCS plan period.

5.6 In conclusion, the principle is against permission being granted. Whilst Toddington is a named service village in the JCS, this is not considered to outweigh the conflict with policy HOU4 as there has already been significant development delivered in Newtown during the plan period.

Design & Layout

5.7 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. Policy SD5 of the MMVJCS advises that 'New development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting'.

5.8 New Town is characterised by its linear form fronting the B4077 and comprises development from various periods since the mid-19th Century with compact Cotswold stone, estate cottages on the northern side of the street with more recent 20th century brick and render houses on the southern side of the road. While there is a variety of styles in the area the scale of properties is retained and the distinct linear pattern to the settlement prevails.

5.9 It is noted that planning permission was recently granted for a development of 33 dwellings to the east of the site. While this development has some depth it would provide a frontage onto the B4077 maintaining the existing linear character of the area. Furthermore, the properties would harmonise with the prevailing character, appearance and scale of the surrounding area.

5.10 The application proposes 5 large 6 bedroom dwellings within a back-land location. The proposed dwellings and cul-de-sac layout would have a suburban character which would be at odds with the prevailing form of the area. Furthermore, the proposed development would appear isolated and prominent in its siting which would be set over 100 metres from the back elevations of properties fronting the road and would fail to respond positively to the character of development in the area.

Landscape Impacts

5.11 The proposed development would be located upon two open fields which are sited within the SLA and in proximity to the Cotswolds AONB. The application has not been accompanied by a landscape appraisal and there is little evidence that the SLA designation has been considered by the applicant or how it has influenced design of the proposed development.

5.12 The council's Landscape Officer has raised concerns with regards to the layout, density and scale of the development proposed and advised that the site consists of two pastoral fields. The field boundary to the south is open and with the topography descending to the south. There is a long distance view of the site through the existing field gate along the B4632, although intervening hedges and trees limit the visibility of the site from the B4632. There is a public right of way to the west of the application on the western approaches to Toddington along the B4077 continues to the south of the site from where the development would be visible.

5.13 It is considered that the proposal would result in an unacceptable intrusion within the natural landscape and would be contrary to Policy LND2 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and Policy SD7 of the MMVJCS.

Accessibility & Highway Safety:

5.14 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 32 of the NPPF requires safe and suitable access to be provided to all development sites for all people.

5.15 The site is located outside of a RDB but is within an identified service village in the MMVJCS and reflects the availability of limited services which include a village store, public house and village hall within walking distance of the site, the area is also served by a limited bus service (606) which operates at peak times. Whilst services in the village are not ideal and occupiers will be reliant on the private motor vehicle for access to employment the site is not considered to be isolated.

5.16 In dismissing the previous appeal on the neighbouring site, the Inspector noted that *"Although acceptable for a rural settlement, the provision of facilities and public transport in New Town is far from good. In consequence, a disproportionate number of its residents are likely to use the private car for many journeys. Development at the appeal site is less likely to result in modal shifts in favour of public transport than would developments in or adjacent to the urban areas, or larger settlements...In this particular case, the absence of opportunities to use more sustainable modes of transport, and the associated implications in terms of increased pollution, constitute an adverse impact that will need to be weighed in the overall planning balance. Overall I find that the site's locational disadvantages are significant and that this weighs heavily against the proposal."*

5.17 The Inspector was looking at a scheme for 75 dwellings. As noted above the site is a Service Village in the JCS nevertheless 40 dwellings have been permitted at Newtown in the JCS plan period. Whilst not determinative perhaps, the limited facilities placing reliance on the private car to meet most day to day needs is a matter which weighs against the proposal.

5.18 Policy TPT1 requires that traffic generated by development does not impair the safety or satisfactory operation of the highway network and that safe and convenient access is provided for pedestrians and cyclists.

5.19 The County Council Highways Officer has assessed the proposal and has raised concerns with regarding whether suitable visibility splays can be achieved to serve the access onto the B4077. A speed survey has not been submitted which would support any reduced visibility splays in accordance with advice contained within the Manual for Gloucestershire Streets. Furthermore, details of forward visibility for vehicles on the B4077 are also required and the application has not demonstrated that this can be achieved.

5.20 The submitted layout plan provides no details of vehicle tracking within the site and has not demonstrated that vehicles can safely pass. Similarly there are concerns with regards to the carriageway width and provision for pedestrians within the development and therefore conflicts with policy TPT1.

Impact on Amenity of Adjacent Occupiers

5.21 Paragraph 17 of the NPPF that the planning system should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

5.22 The development would be set over 32 metres from the rear boundaries of properties fronting the B4077 and over 100 metres away from the rear elevations of those houses. Considering this separation the proposed dwellings would have no adverse impacts on the living conditions of the occupiers of the existing properties in terms of overlooking, loss of privacy or any overbearing effects. The proposal would have an acceptable relationship to existing properties in planning terms.

Affordable Housing

5.23 Policy SD13 of the MMVJCS sets out that, '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 1,000sqm; a minimum of 40% affordable housing will be sought within the Cheltenham Borough and Tewkesbury Borough administrative areas'.

5.24 The proposed development would have a floor area of approximately 2,110 square metres. As the proposed development would exceed 1,000sqm, a contribution towards affordable housing will be required.

5.25 The applicant has made no proposal to provide affordable housing within the scheme and it is unlikely that the proposed dwellings would be suitable to meet the needs of households who cannot afford to buy or rent. The proposal therefore conflicts with Policy SD13 of the MMVJCS and Policy HOU4 of the Tewkesbury Borough Local Plan to 2011.

6.0 Balancing Exercise and Summary

6.1 The site is located outside any recognised settlement where new housing development conflicts with Policy HOU4 of the Local Plan. For this reason, the proposed development is contrary to the Development Plan which is considered to be up to date as the Council can demonstrate a five year supply of deliverable housing sites. The presumption is therefore that planning permission should be refused in line with S38(6) of the Planning and Compulsory Purchase Act 2004, unless material planning circumstances indicate otherwise.

6.2 The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. It makes clear these roles are mutually dependent and should not be taken in isolation.

6.3 In terms of the economic dimension, it is recognised that housing development contributes to economic growth both directly and indirectly. New employment would be created during construction and businesses connected with the construction industry would also benefit, some of which would likely be local suppliers and trades; all of which would boost the local economy. Residents of the development would also spend some of their income locally. These are very minor benefits given the small scale nature of the proposal.

6.4 With regards to the social dimension, the proposal would provide five substantial dwellings which would make a small contribution towards the Borough's housing need.

6.5 With regards to the environmental dimension, the proposed development would result in development outside of a defined settlement boundary and within an area of open countryside which is identified as a Special Landscape Area and in proximity to the Cotswolds AONB. The proposal is considered to be unduly prominent and of an unsympathetic design which would encroach upon the open countryside and would harm the character and visual amenities of the area. This weighs heavily against the proposal. Furthermore, the back land location would fail to relate to the established linear character of New Town. This would have an adverse impact on the character of the area and weighs against the proposal.

6.6 In weighing up the planning balance, it is not considered that material planning considerations exist that would outweigh the conflict with the development plan. It is considered that the harms identified above significantly and demonstrably outweigh the benefits and as such the proposal is not considered to represent sustainable development in the context of the NPPF.

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

RECOMMENDATION Refuse

Reasons:

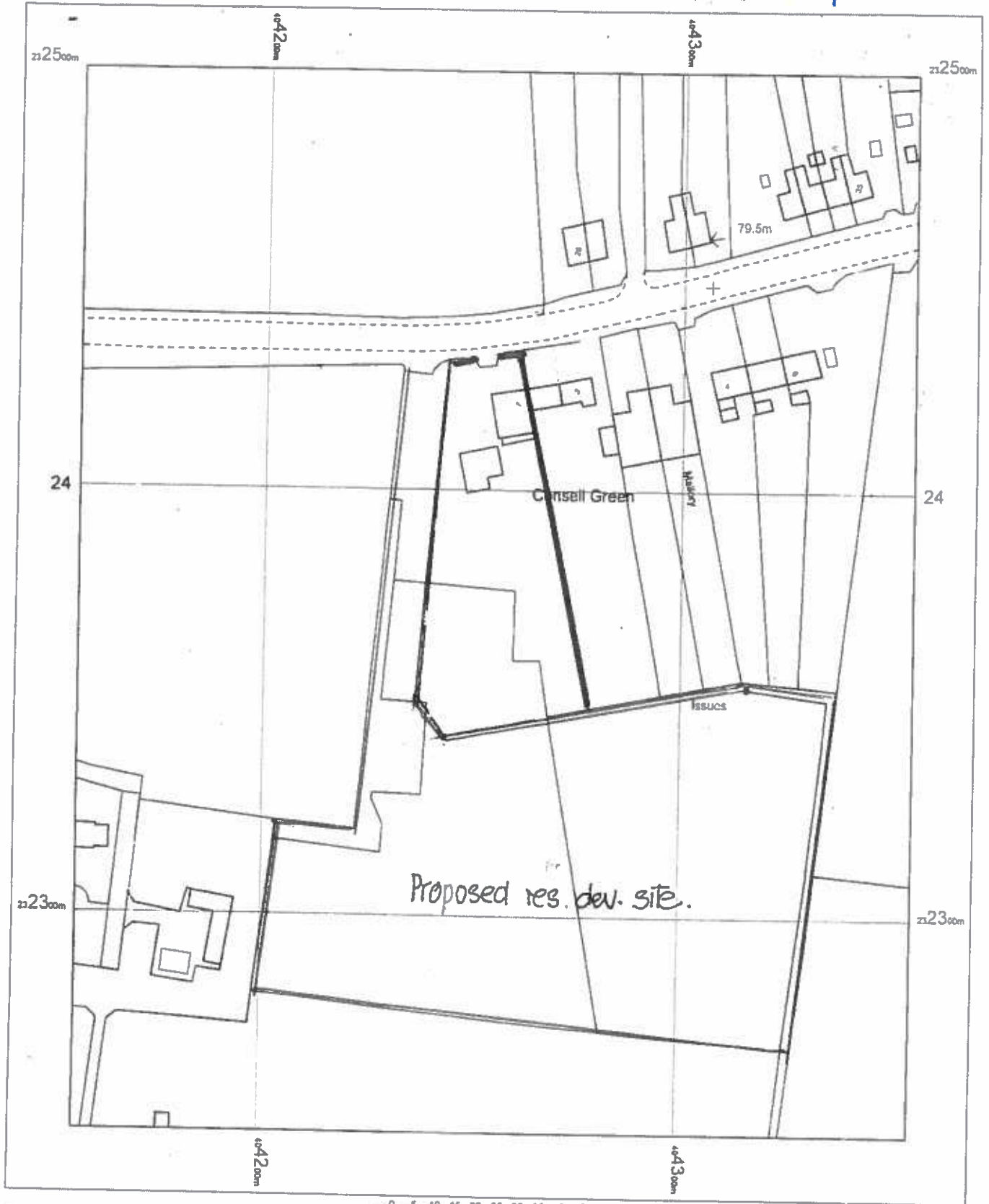
- 1 The proposed development conflicts with Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 in that the site lies outside any recognised settlement in a location where new housing is strictly controlled and it is not essential to the efficient operation of agriculture or forestry.
- 2 The proposed development would result in an unwarranted intrusion into the rural landscape, which as a result of the design, siting and scale of the development would have a harmful impact on the character and appearance of the area. The proposed development conflicts with the National Planning Policy Framework, saved Policy LND2 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging Policy SD7 of the Main Modifications Version Joint Core Strategy (2017).
- 3 The application has failed to demonstrate that safe and suitable access can be achieved to serve the development. The proposal therefore conflicts with Policy TPT1 Tewkesbury Borough Local Plan to 2011 - March 2006.
- 4 The application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and policies SD13 of the Main Modifications Joint Core Strategy Submission (2017).

Note:

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

O.S. MASTERMAP - 1:1250 SCALE

17/00424/Full



LAND AT CONSELL GREEN
 NEWTOWN
 TODDINGTON
 GL54 5DU

OS MasterMap 1250/2500/10000 scale
 13 November 2014, ID: CM-00377312
 www.centremapslive.co.uk

1:1250 scale print at A4, Centre: 404256 E, 232374 N

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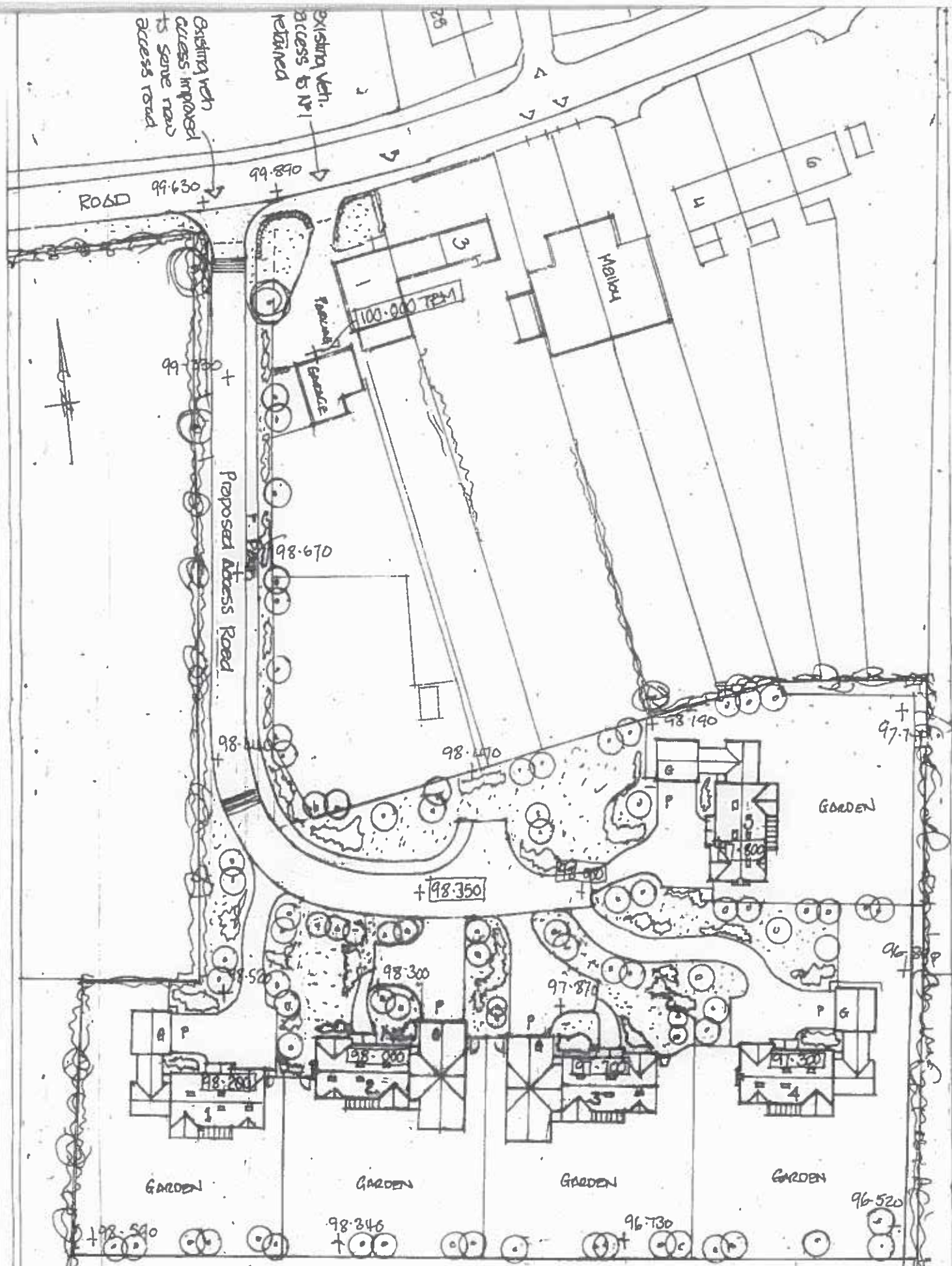


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221 36 1A



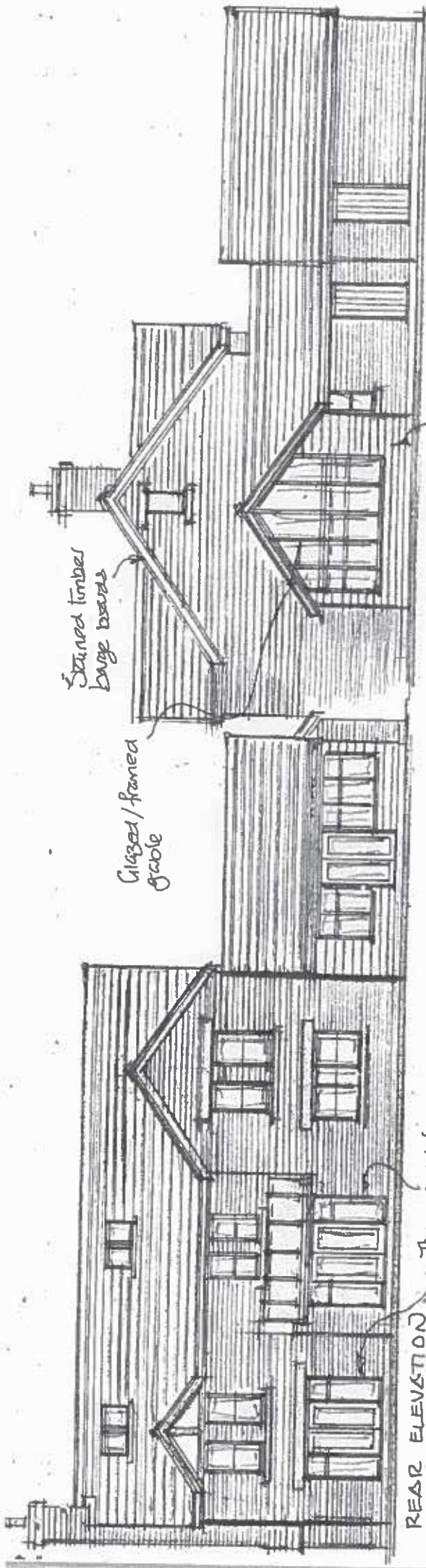
LAND AT CONSELL GREEN. NEWTOWN.
TODDINGTON. GLOS. GL54 5DU.

SITE PLAN AS PROPOSED.

1: 50037/1814: 1736: SP04/L MARCH 2017

DAVID L. RAYTON. TEL 01452 620818

+ 98.440 etc existing levels
+ proposed if not to
be changed
+ 98.000 etc prop. ground floor
levels ± 0.00 ± 0.00



REAR ELEVATION

These could be bi-fold doors

rooftops

plain tiles

Glassed / framed gable

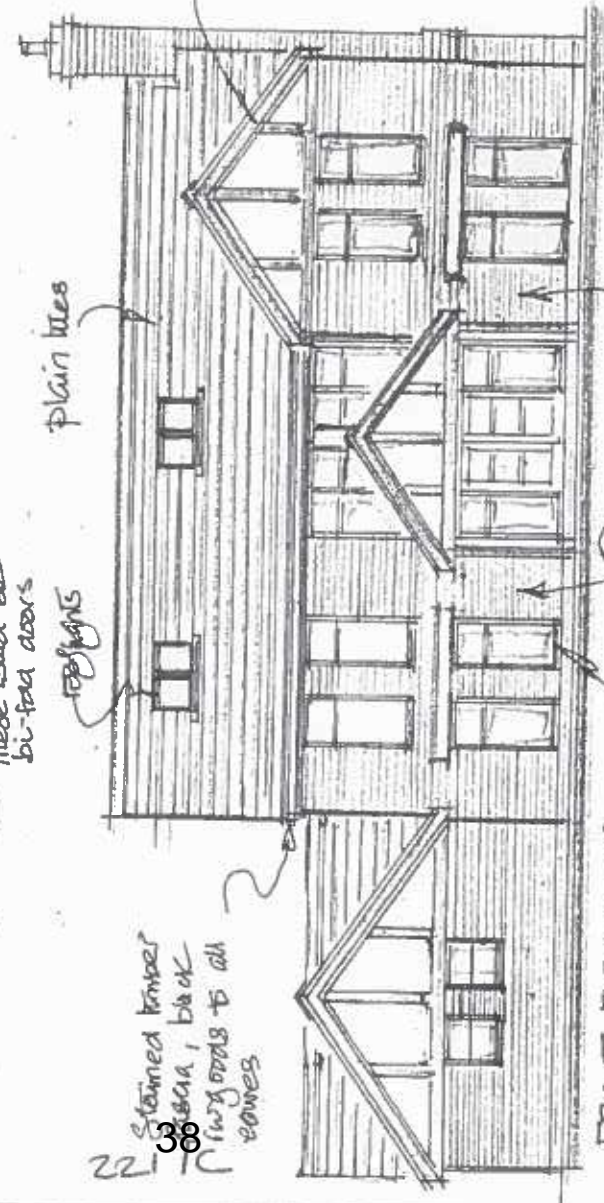
Stained timber barge boards

SIDE ELEVATION

Stained horizontal boarding to family room walls only

Stained timbers feature with render infill panels to gables

2 main gable ends - obscure glassed windows with restrictions for fire escape



FRONT ELEVATION

Flowers coated all doors / windows / frames

Walls - facing brickwork stone faced lintels + cills where shown.

SIDE ELEVATION

timber doors and frames

LAND AT CONBELL GREEN, NEWTOWN, TODDINGTON. GLDS GLS4 SDU
 PROPOSED DWELLING - ELEVATIONS
 1: 100

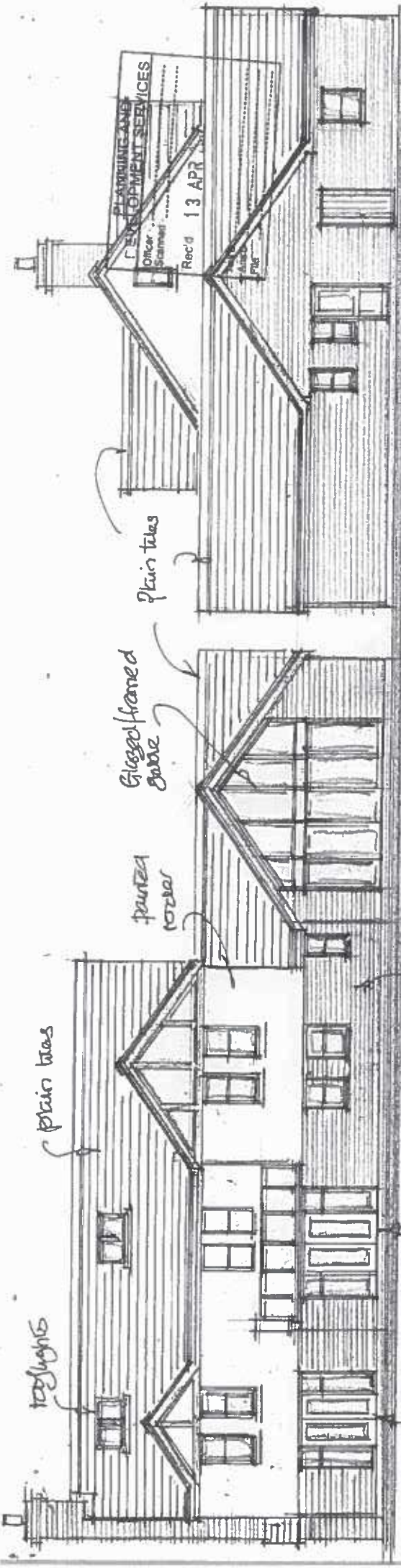
14: 1736: 04

MARCH 2017

Dennis L Rayton Tel 01242 628818

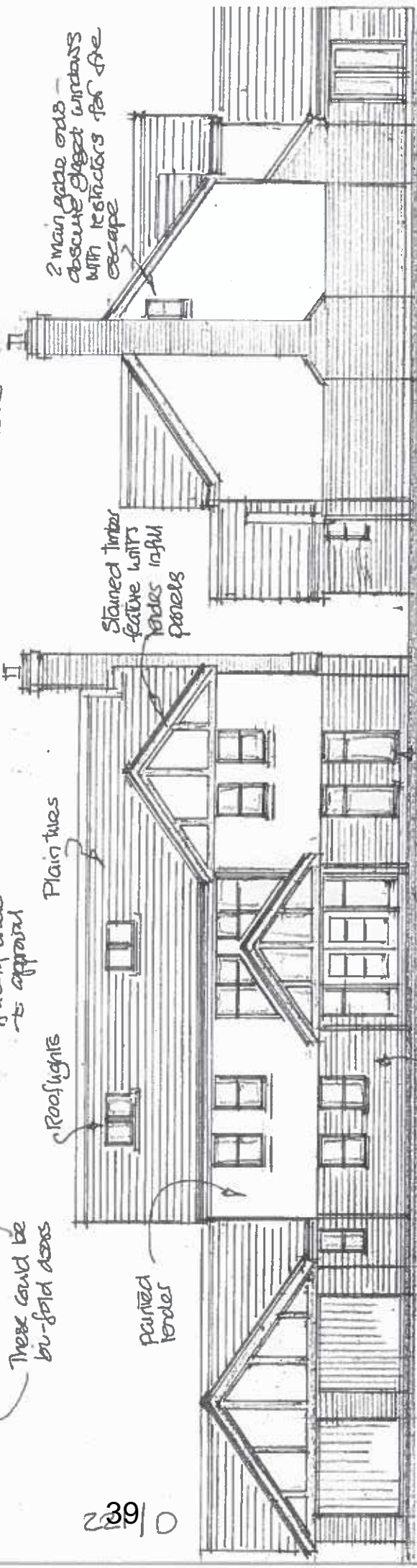
FLAT 5.

22
 Stained timber
 black, black
 (w) doors to all
 eaves



REAR ELEVATION.
These could be built doors

SIDE ELEVATION



SIDE ELEVATION.

FRONT ELEVATION.

walls - facing brickwork to approval
powder coated all doors/windows frames

LAND AT CONSELL GREEN, NEWTON.
TODDINGTON, GLOS. G15L 5DU.
PROPOSED DWELLING - ELEVATIONS
1:100 14:1736:07 MARCH 2017
Dennis C. Baylton Tel 01242 620818

PLOT 2 (PLOT 3 HANDED.)

17/00452/OUT

Land to the North of Shuthonger Garage, A38 Pages Lane to Church End Lane, Shuthonger

4

Valid 26.04.2017

Outline application for 4No. self-build dwellings (all matters apart for vehicular access reserved for future consideration)

Grid Ref 388927 235771

Parish Twyning

Ward Twyning

Mr John Burston

c/o SF Planning Limited

DEFERRED AT LAST PLANNING COMMITTEE (Item No 2, Page No 146)

RECOMMENDATION Refuse

Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU4, TPT1, LND4

Joint Core Strategy Proposed Main Modifications Version (2017) - Policies SD7, SD11, INF1

Twyning Neighbourhood Development Plan Consultation Draft April 2017

The First Protocol, Article 1 (Protection of Property)

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

Consultations and Representations

Twyning Parish Council - Object. The proposal is outside of the village development boundary and contrary to the draft Twyning Neighbourhood Plan. A number of residents have drawn attention to flooding and sewer issues and no further development should occur until Severn Trent overcomes these problems.

Highways England - No objections

County Highways Authority - No objections subject to conditions.

Severn Trent Water - No objections subject to conditions.

Local Residents -The application was advertised by site notice. No public representations have been received during the 21 day consultation period or since.

Councillor Spencer has requested Committee determination to allow the consideration of the proposal to deliver four self-build properties in the absence of a specific policy, proximity to existing residential and business premises. There are historic concerns with drainage.

Planning Officers Comments: Bob Ristic

1.0 Introduction

1.1 The site is located on the eastern side of the A38 at Shuthonger, directly to the north of a car wash and car repair garage and to the south of a ribbon of dwellings and a GPO Repeater Station, approximately 1.4 miles to the southwest of Twyning and 1.5 miles to the north of Tewkesbury High Street. (See attached location plan).

1.2 The site comprises a flat field set behind a substantial hedge, which runs along the back edge of the highway. The site is broadly rectangular in shape and measures approximately 0.9 hectares in area and would be accessed from an existing field access set to the south-eastern corner of the site.

2.0 History

2.1 There have been no previous planning applications at the site.

3.0 Current Application

3.1 This application seeks outline planning permission for 4no. self-build dwellings with all matters except means of access reserved for future consideration.

3.2 Although the application has been submitted in outline (with appearance, landscaping, layout and scale reserved for future consideration), the application has been accompanied by an illustrative site plan, which demonstrates how four detached dwellings could be accommodated upon the site. The drawings show the development being served by a single point of access from the A38 and each of the properties could in turn be served by a private drive, to the east of the existing boundary hedge, which would be retained. (see illustrative layout plan).

3.3 The plan indicates a mix of four substantial houses capable of accommodating 3-6 bedrooms with floor areas of between 167m² and 260m² plus double garages. Each of the properties would also benefit from substantial rear gardens measuring over 25 metres in depth and aligning with the rear boundaries to the GPO Repeater Station and dwellings to the north.

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

5.0 Analysis

Principle of Residential Development

5.1 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 of deliverable housing land with a 20% buffer applied.

5.2 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.

5.3 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 in conflict with policy HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

5.4 Policy S1 of the draft NDP provides that proposals for new housing outside of the development boundary, and not on allocated sites, in the open countryside will be supported if they meet the following criteria:

- a) Replacement dwellings;
- b) Rural exception housing to meet an identified Parish need in accordance with Tewkesbury Borough Council policy, taking account of other policies in this Plan;
- c) Agricultural and forestry dwellings;
- d) Where proposals would involve the re-use or conversion of an existing building and accords with the relevant development principles set out at Policy GD1.

5.5 The proposal is again in clear conflict with this draft policy. Whilst the NDP is yet to reach an advanced stage the above policy is consistent with the NPPF and policy HOU4 of the Local Plan and should be afforded some, albeit limited, weight in the determination of the application.

Self Build & Custom Housing

5.6 The Self-build and Custom House Building Act 2015 requires the council to maintain a self-build and custom house building register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes. The purpose of the register is to information on the demand for self-build and custom housebuilding in the authority area and to form an evidence base of demand for this type of housing.

5.7 The Planning Practice Guidance (PPG) advises that councils have a duty to have regard to the register in terms of plan making and decision-taking functions and that the registers that relate to their area may be a material consideration in decision-taking.

5.8 The Council's register currently has 28 people expressing an interest in self-build or custom housing as of 4th July 2017 and of these entries 8 specifically seek a rural or semi-rural location. The other entries are either not specific or seek locations within existing settlements ie. Tewkesbury, Winchcombe, Bishops Cleeve.

5.9 While the council needs to account for this type of housing in its plan making function the demand is relatively small in relation to the authority's overall housing need of 9,899 dwellings as established in the OAN. The legislation however does not mean that local planning authorities should permit housing in unsuitable locations, in conflict with the development plan. Applications must continue to be considered in light of s38(6) of the 2004 Act however it is possible that the need to provide self build housing could be a material consideration in the determination of applications.

5.10 The applicant has offered to complete a legal agreement to ensure that the development is brought forward on the basis of self-build plots. While a draft obligation has been provided a formal S.106 agreement or unilateral undertaking has not been completed or discussions entered into, given the in principle conflict with policy HOU4. It is not considered that such an obligation would meet the necessary statutory tests as the fact that the proposed dwellings would be self build, would not make the development acceptable in planning terms.

Accessibility

5.11 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. 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.

5.12 The application site is located among a cluster of existing residential and commercial buildings and as a result is not considered to be an 'isolated' site, nevertheless facilities within the immediate area are limited. The applicant has identified a pub, takeaway and carwash in the immediate area, with a furniture shop, café and sports facilities farther afield. The absence of day-to-day facilities such as a convenience store, post office and school is apparent and future occupiers will need to travel for these services.

5.13 While the site benefits from bus service which runs on an hourly basis (approximately) the site is a significant distance from Tewkesbury town centre and Twyning such that future residents would be reliant on the motorcar. The absence of a dedicated cycle lane and topography is also likely to discourage walking or cycling to Tewkesbury or other settlements.

5.14 Furthermore it is considered that given the direct link to Tewkesbury town centre along the A38 future residents are likely to turn to this centre for their needs over the local services offered by Twyning Village (a service village in the MMVJCS) and it would be unlikely that the development would specifically benefit or sustain the services within this nearby village. The locational disadvantage of the site is a matter which weighs against the proposal in this case.

Highway Safety

5.15 Policy TPT1 of the Local Plan requires that appropriate access is provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. Highway access should be provided to an appropriate standard and should not adversely affect the safety or satisfactory operation of the highway network. Additionally, the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.16 The application has been reviewed by the Highways England and the County Council Highways Officer who have raised no objections to the proposal on highway safety grounds, subject to conditions.

Landscape and impacts on the street scene

5.17 The applicant site comprises the western part of a larger field which is also in the applicant's ownership. While the western boundary of the site adjacent to the A38 is screened to a significant degree by existing planting the site and proposed development would be visible along the length of a public right of way which runs along the eastern boundary of the larger field and to the rear of dwellings fronting Church End Lane.

5.18 While there are no landscape designations on the site Policy LND4 of the Local Plan seeks to ensure that developments in rural areas, outside of designated areas, protect the character and appearance of the rural landscape. This is in conflict with one of the core planning principles of the NPPF which is that the planning system should recognise the intrinsic character and beauty of the countryside.

5.19 The proposed development, would be visible in part above the existing boundary hedge to the A38 as well as from the public right of way running to the east of the site. At present the undeveloped character of the field serves as a visual buffer between the prominently sited Twyning Garage to the south of the site and the cluster of dwellings to the north. The proposed development would join these developments visually to create a formal ribbon of development within the area which presently comprises informal, small, clusters of development interspersed with open space.

5.20 It is therefore considered that the proposal would result in an unacceptable encroachment into the countryside resulting in landscape harm, contrary to Policy LND4 of the Local Plan and this weighs against the proposed development

Residential Amenity

5.21 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 the amenity of neighbouring occupants.

5.22 The illustrative layout plan indicates that the built development could be set over 35 metres away from the nearest dwelling to the north along the A38 and over 30 metres from the nearest dwelling at church End Lane to the southeast. As a result of this separation the proposed development could be accommodated upon the site adverse impacts to the living conditions presently enjoyed by the occupiers of these properties.

5.23 While the proposed dwellings are shown as being set back from the A38 it is likely that the development may suffer from associated vehicle noise. A noise assessment has not been provided with this application and it has not been possible to assess whether noise impacts could be mitigated against in order to provide an acceptable living environment for future occupiers. Nevertheless, it is considered that this matter could be addressed by a suitably worded planning condition.

Other Matters

5.24 Concerns have been raised with regards to past flooding at the site. The site is located within Flood Zone 1 and is not identified as being at risk of flooding on the Government Flood Map for Planning website. Furthermore, the Severn Trent Water officer has raised no objections to the development and it is considered that any risk from flooding can be mitigated by way of an appropriately worded condition.

6.0 Conclusions and Planning Balancing Exercise

6.1 The site is located outside any recognised settlement where new housing development conflicts with Policy HOU4 of the Local Plan. For this reason, the proposed development is contrary to the Development Plan which is considered to be up to date as the Council can demonstrate a five year supply of deliverable housing sites. The presumption is therefore that planning permission should be refused in this case, unless material planning circumstances indicate otherwise.

6.2 The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. It makes clear these roles are mutually dependent and should not be taken in isolation.

6.3 In terms of the economic dimension, it is recognised that housing development contributes to economic growth both directly and indirectly. New employment would be created during construction and businesses connected with the construction industry would also benefit, some of which would likely be local suppliers and trades; all of which would boost the local economy. Residents of the development would also spend some of their income locally and these are benefits but are limited due to the small scale nature of the development.

6.4 With regard to the social dimension, again there would be a very minor benefit in terms of the delivery of housing, however this is tempered by the fact that services in the immediate area are limited and the scale of the development is unlikely to have a significant impact in supporting these services.

6.5 With regards to the environmental dimension, the proposed development would intrude into the open landscape and would result in an undesirable erosion of the countryside and this weighs against the proposal in the planning balance. Furthermore, it is recognised that residents would be reliant upon the private car to access employment and other day-to-day services due to the sites location outside any recognised settlement and this is a matter that weighs against the sustainability credentials of the proposal.

6.6 In weighing up the planning balance, it is not considered that material planning considerations exist that would outweigh the conflict with the development plan. It is therefore considered that the harms identified above significantly and demonstrably outweigh the benefits and as such the proposal is not considered to represent sustainable development in the context of the NPPF.

6.7 It is therefore recommended that planning permission is **refused**.

7.0 UPDATE

7.1 This application was deferred by the 1st August planning committee to allow officers to consider the implications of appeal no. APP/Y3940/W/16/3150774 in relation to land at Boreham Road, Warminster, a copy of which was circulated by the applicant on the evening of 31st July 2017.

Policy Context

7.2 Further to section 5 above, the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) requires the Council to keep a Register of individuals and associations of individuals who are seeking to acquire serviced plots of land in it's area for their own self-build and custom housebuilding. It also imposes two duties on the Council (which the Planning Practice Guidance advises are concerned with increasing availability of land for self build and custom housebuilding). These duties are to have regard to the register when carrying out specified functions, including in relation to planning ("duty as regards registers") and a duty to give suitable development permission in respect of enough serviced plots to meet the demand for self-build and custom housebuilding in the in the authority's area arising in each base period (known as the "duty to grant planning permission etc").

7.3 The first base period ended on 30 October 2016 and each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period (so from 31 October to 30 October). At the end of each base period the Council has 3 years within which to give suitable development permission in respect of enough serviced plots of land to meet the demand arising from that base period.

7.4 For the base period ending 30 October 2016 the council currently has an outstanding demand of 16 plots. Assuming that remains the case, entries can be removed on request/the person no longer being eligible for entry in the Register, the Council has until 30 October 2019 to give suitable development permission for that demand.

7.5 The subsequent base period will run to 30 October 2017 and therefore the total numbers for that base period (which will only be those additional to the demand in the first base period and not cumulative with the demand within the first base period) are not yet known, but at present this has a demand of 12 plots on the register. Demand for the base period ending 30 October 2017 will need to be met by 30 October 2020.

7.6 Development permission means both planning permission and the granting of permission in principle (by development order in relation to land allocated for development) and development is suitable if it is permission in respect of development that could include self-build and custom housing building. There is no duty to grant permission on land which specifically meets the requirements expressed by those on the register, but the Planning Practice Guidance advises that authorities should use preferences expressed by those on the register to guide its decisions when looking at how to meet its "duty to grant planning permission etc". It should also be noted that interested persons can be registered with one or more authority at any one time.

7.7 Policy SD12 of the JCS PMM provides that "self-build housing and other innovative housing delivery models will be encouraged as part of an appropriate mix", with the delivery section of that policy stating that where necessary, more detailed and locally specific policies will be provided in district plans to support the implication of specific elements of the policy, including self-build housing.

Boreham Road Warminster Appeal

7.8 The appeal was for 'the erection of up to 35 no. custom build residential dwellings with access details included' and was recovered for determination by the Secretary of State (SoS) as the proposal comprised a development of over 25 units in an area where a neighbourhood plan has been submitted but not (at the time of recovery) been made.

7.9 The appeal application had been refused planning permission by the local planning authority on the grounds that the proposal was outside of the 'limits of development' (development boundary) for Warminster and the proposal would erode the undeveloped countryside and a gap between the built up areas of Bishopstrow and Warminster with the resultant impacts on the character and appearance of the area contrary to its plan policy CP2.

7.10 This appeal also centred on the council's ability to demonstrate 5 year housing land supply which changed during the determination process from a position of 'not being able to demonstrate' a position where the council was able to demonstrate a 5 year + 5% buffer.

7.11 The SoS agreed with the inspector in that the proposal was outside of the development limits for Warminster and that the proposal was contrary to Policy CP2, which as a result of the 5 year supply position attracted full weight and Paragraph 14 of the framework was not engaged. Nevertheless the SoS considered that this did not negate the benefits arising from the proposed development, particularly the contribution to custom built housing and affordable housing.

7.12 The SoS also agreed with the Inspector's assessment that the site was well screened and would not result in coalescence between Bishopstrow and Warminster and the inspector concluded that the site was located in a 'location highly suitable for new housing'. Warminster had been identified as a location for significant new strategic employment and housing growth with good road and rail connectivity and the site has reasonable non-car accessibility to the town centre, is within walking distance and by public transport with 2 bus stops adjacent to the road.

7.13 In assessing the proposal the SoS agreed with the Inspector that the type of housing proposed, custom build, is of a kind receiving Government support and for which there was a demand locally. Furthermore, the proposal would be beneficial in providing 30% affordable housing on a site reasonably well located in relation to existing development and with accessibility to the town centre and these material considerations outweighed the conflict with policy.

Applicants further comments

7.14 The applicant has made a further representation in respect of this application and the Warminster appeal and this is attached to this report.

Comparison with current application

7.15 It is not considered that the Warminster appeal is comparable to this application however. While this appeal related to a custom build housing scheme that proposal was of a considerably different scale of development namely 35 dwellings in comparison to the 4 proposed by this application. The appeal indicated that a variety of housing sizes would be provided along with a policy compliant 30% level of affordable housing and the site was in a sustainable accessible location all of which weighed in that schemes favour. Warminster was identified as a market town in the relevant Core Strategy's settlement strategy, with Warminster set to provide for 1920 dwellings, with 900 to be through a 900 dwelling extension to another part of Warminster, leaving a further 1,020 remaining. The appeal proposal was therefore considered as being in/an extension to the market town with the potential for significant development and was reasonably located in relation to existing development.

7.16 This appeal application differs significantly to the current application. It is not disputed that the application site lies outside of a recognised settlement and thereby conflicts with Policy HOU4. This should be the starting point for the consideration of this application. Furthermore the council is able to demonstrate a 5.3 year supply of deliverable land with a 20% buffer within sustainable locations. Accordingly it is considered that the council is already significantly boosting the supply of housing.

7.17 The site at Shuthonger is located a significant distance from Tewkesbury Town Centre and associated employment and services. The distance and gradient leading to Shuthonger from the town centre and infrequent bus services are likely to result in the occupiers of the development being dependent upon car borne journeys. This is not comparable to the appeal at Warminster, which was in a "location highly suitable for new housing".

7.18 The application site is located to the western side of an open field. While the development would be screened from the road to a significant degree existing hedge and tree planting the southern and eastern boundaries would be exposed and the intrusive nature of the proposed development would be visible from the footpath network which would be harmful to the character of the area.

7.19 It is noted that in determining the Warminster appeal the SoS gave significant weight to custom and self-build housing demand, together with other housing benefits (the provision of 30% affordable housing, as site reasonably well located in relation to existing development and accessibility to the town centre; the provisions of a New Homes Bonus and jobs during construction). However each case must be considered on its merits. In the current case it is not considered that the proposal to limit the proposed development to self-build houses justifies a departure from the development plan. This is because it is not considered that the proposed benefits would outweigh the harm identified throughout the report and that there are strong reasons in addition to the council's five year housing supply position to justify the refusal of the application.

RECOMMENDATION Refuse

Reasons:

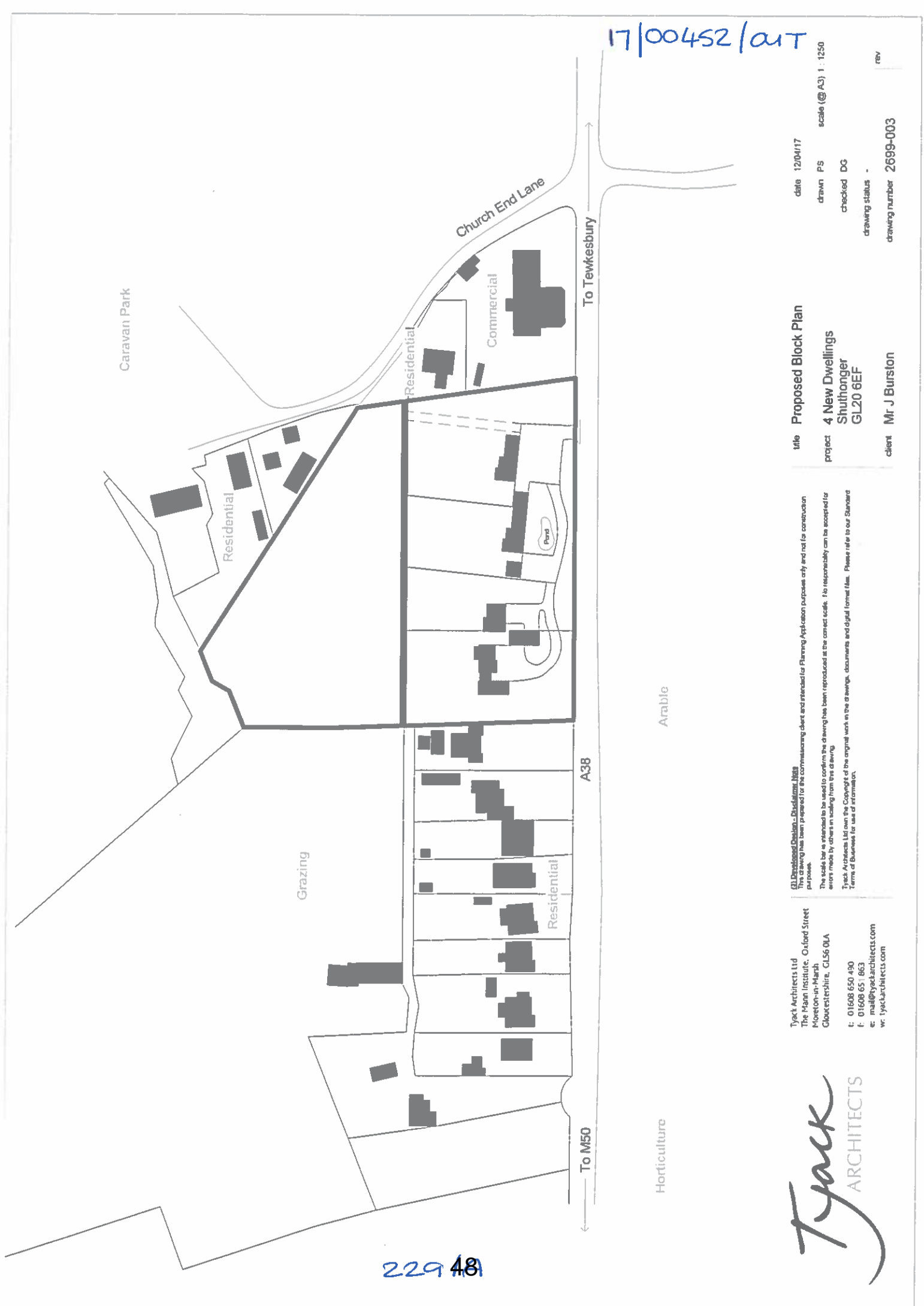
- 1 The proposed development conflicts with Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 in that the site lies outside any recognised settlement in a location where new housing is strictly controlled and it is not essential to the efficient operation of agriculture or forestry.
- 2 The proposed development would result in an unwarranted intrusion into the rural landscape, which would have a harmful impact on the character and appearance of the locality. As such, the proposed development conflicts with the National Planning Policy Framework, saved Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging Policy SD7 of the Main Modifications Version Joint Core Strategy (2017).

- 3 In the absence of an appropriate planning obligation the application does not make adequate provision to secure the dwellings for Self-build or custom builders and would therefore be contrary to Paragraph 50 of the NPPF.
- 4 The site is not well served by public transport, pedestrian or cycling facilities and residents of the proposed development would be heavily reliant on the use of the private motor car to meet their daily transport needs. The proposed development is therefore contrary to the core principles of land-use planning set out at paragraph 17 of the NPPF, sections 4 (Promoting Sustainable Transport), 8 (Promoting healthy communities), policies TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SP1 and SD7 of the Proposed Main Modifications version of the Joint Core Strategy.

Note:

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 matters were not able to be resolved during negotiation through the application process.

17/00452/a17



229 481

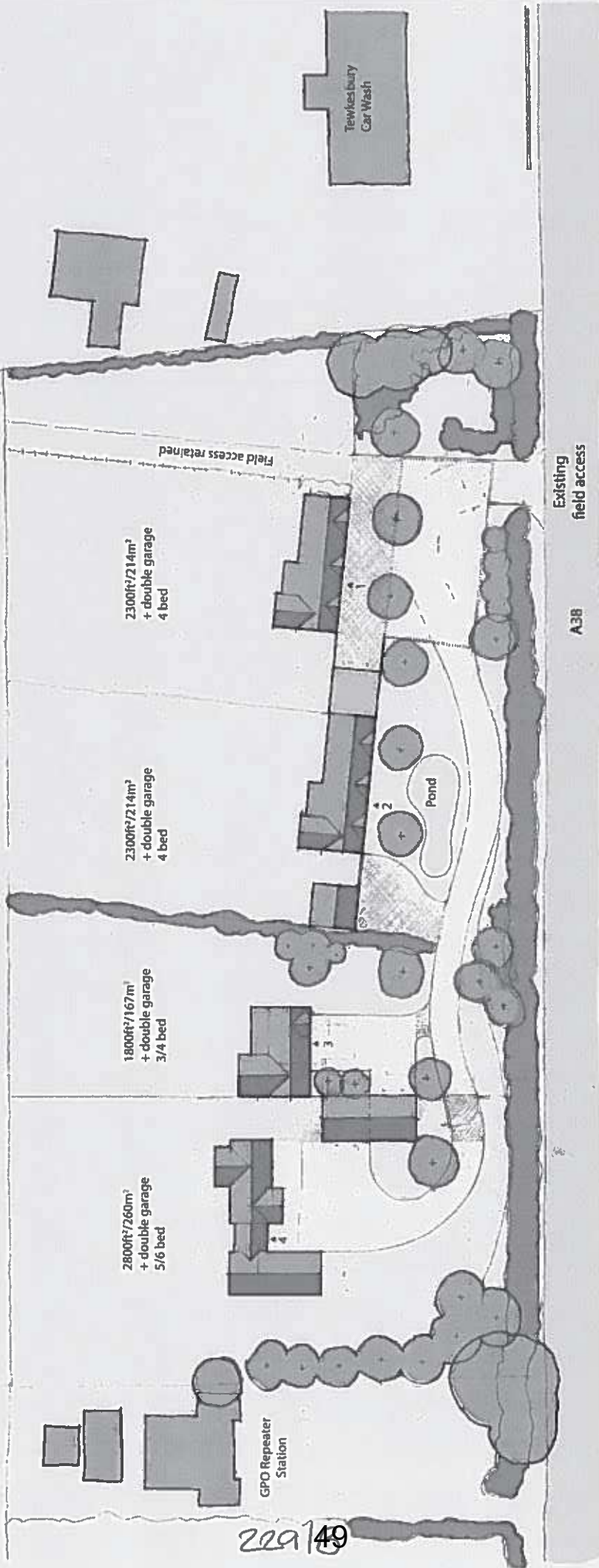
date 12/04/17
 drawn PS
 checked DG
 drawing status -
 drawing number 2699-003
 rev

title Proposed Block Plan
 project 4 New Dwellings
 Shuthonger
 GL20 6EF
 client Mr J Burston

(L) Disposition Decision - Disclaimers (N33)
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Scale 1 : 500

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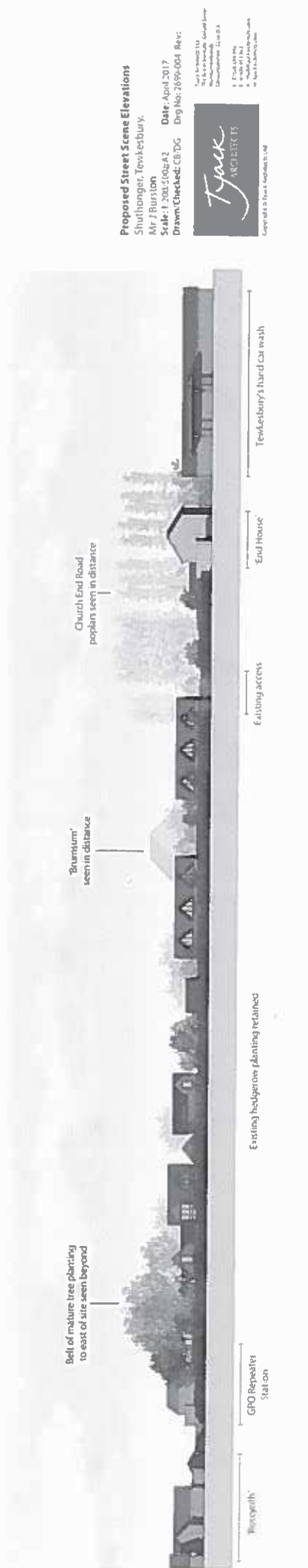
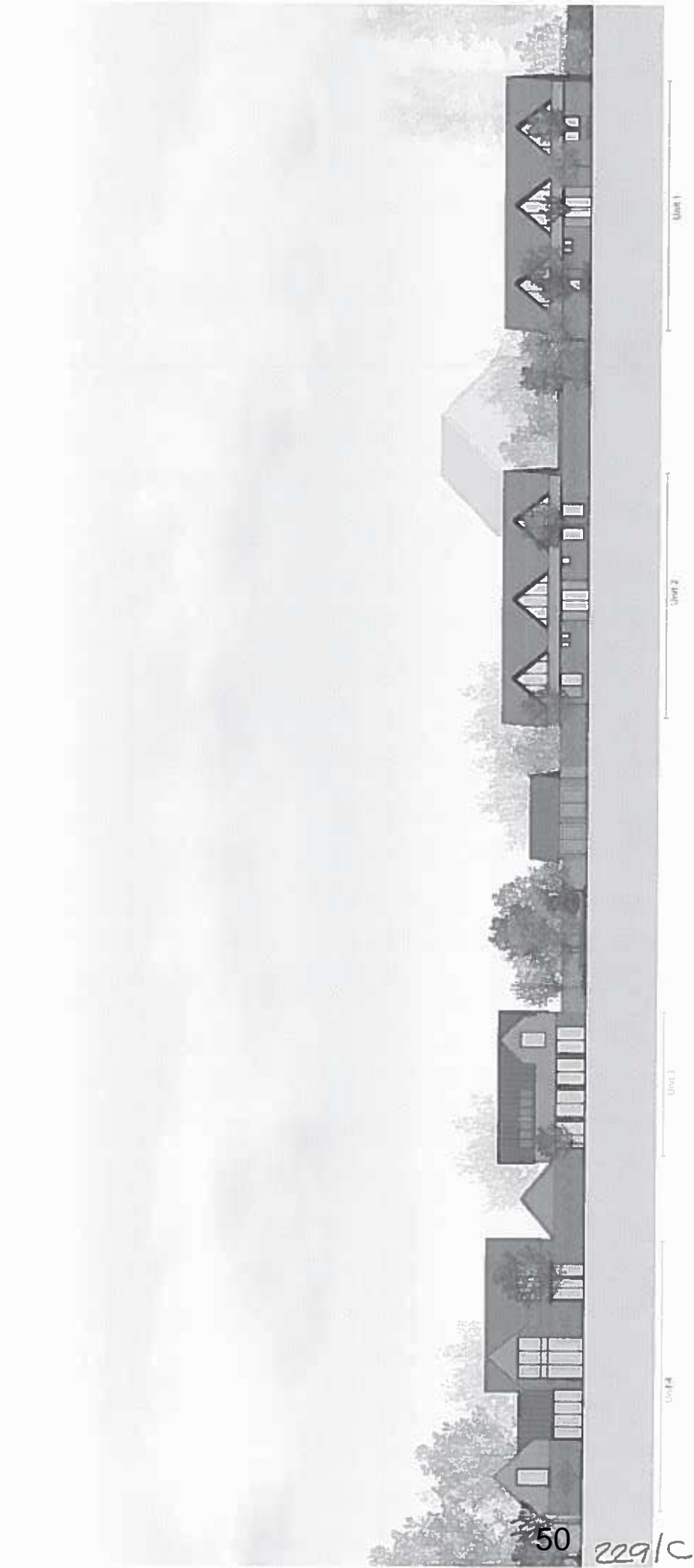
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Sketch Layout Plan
4 New Houses, Shuthonger, Glos
Mr J Burston
Scale: 1:500@A3
Drawn/Checked: DG/MR

Date: April 2017
Drg No: 2699-001 Rev: A



Proposed Street Scene Elevations

Shutlonger, Tewkesbury,
Mr J Burston
Scale: 1:200 (50% A2)
Drawn/Checked: CB/DG

Date: April 2017
Dwg No: 2699-004 Rev:
1
2
3
4
5



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16/01152/FUL

Stratford Bridge Garage, Stratford Bridge, Ripple

5

Valid 03.01.2017

Demolition of existing automotive repair premises and bungalow and erection of 3no. detached residential dwellings. Change of use of site from part commercial/part residential to wholly residential.

Grid Ref 388276 238655

Parish Twyning

Ward Twyning

Ms Susan Raybould
Stratford Bridge Garage
Stratford Bridge
Ripple
Tewkesbury

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - Policies HOU4, TPT1, EVT3, EVT9, LND4, LND7, Joint Core Strategy Proposed Main Modifications Version (2017) - Policies SP2, SD7, SD9, SD11, SD15, INF1, INF2, INF3

Twyning Neighbourhood Development Plan Consultation Draft April 2017

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

The First Protocol, Article 1 (Protection of Property)

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

Within the vicinity of the following designated heritage assets:

- Long Thatch Grade II listed building
- Barn south of Phelp's Farmhouse Grade II listed building
- Milestone on A38 Grade II listed building

Consultations and Representations

Parish Council - Support the application subject to a condition to ensure the frontages remain open plan to protect highway visibility.

Environmental Health - Noise - Concern that the outdoor amenity of the house closest to the A38 would not comply with the requirements of BS 8233:2014 Guidance on sound insulation and noise reduction for buildings or the criteria set out in the World Health Organisation (WHO) Guidelines for community noise. Recommends a condition to ensure the internal and external noise criteria meet the standards set out in BS8233: 2014 which would involve sound testing to ensure compliance.

Environmental Health - Contamination - No objection subject to the imposition of conditions requiring site investigation and remediation in view of the site's current garage use.

Highways Authority - Requested additional information relating to visibility splays for each driveway and swept path analysis for vehicles accessing driveways.

Highways England - No objection.

Severn Trent - No response received.

Conservation Officer - Original scheme: Objection - The scheme is far too dense, relates poorly to the site and is inappropriate in design. This results in less than substantial harm to the nearby heritage assets.

Local Residents

1 objection:

- The proposed houses appear too large for the plot
- The proposed off-road parking may require vehicles to reverse onto the narrow and busy land which would not be safe

- The potential removal of trees from the boundary with 'Long Thatch' would result in loss of garden privacy for residents
- Some of the land shown within the red line may belong to County Highways rather than falling within the applicant's ownership.

1 general comment:

- The Severn Trent water supply runs across the entrance to the garage and this must be protected during development works and beyond.

Planning Officers Comments: Miss Lisa Dixon

1.0 Introduction

1.1 The application site comprises a corner plot containing an existing garage/vehicle repair business with associated single-storey building and detached bungalow, located on the north-eastern side of the A38 and to the north-west of Twyning . The plot has an area of approximately 2,000 square metres and has an open frontage which provides vehicular access via a service road off the A38 Trunk road. **See attached site location plan**

1.2 The site is generally divided into two parts, with the operational garage business and associated hardstanding to the frontage and the residential bungalow and associated curtilage occupying the rear (eastern) portion adjoining the lane.

1.3 The site is bounded by the A38 and its service road to the west and the lane to the south which is a no through route and continues on to the east/north-east as a Public Right of Way. To the immediate north is the residential caravan site of Country Choice Caravan Park and beyond the eastern boundary lies the Grade II Listed Building of 'Long Thatch.

1.4 The site does not fall within a recognised settlement boundary as defined in the Tewkesbury Borough Local Plan - March 2006 and the site is not affected by any landscape designations. A PROW continues on from the lane to the east of the site and continues to the opposite side of the A38. A further PROW runs within the vicinity of the site to the east and continues to the north through the adjoining caravan park.

2.0 Planning History

2.1 An application for the demolition of the existing automotive repair premises and residential bungalow and erection of 5no. detached residential dwellings was submitted on 09.06.2016 and subsequently withdrawn on 20.07.2016 under planning reference: 16/00551/FUL.

3.0 Current Proposal

3.1 The current proposal represents a revised scheme following withdrawal of application ref: 16/00551/FUL for the demolition of the existing automotive repair premises and residential bungalow and erection of 3nos. detached dwellings within the site. **See attached plans**

3.2 The proposed dwellings would be of one and a half storey 'chalet' style with integral garages and on-site parking for each dwelling for 2nos. vehicles. Plots 2 and 2A to the eastern portion of the site would access/exit the site via the lane and parking/turning would be shared to the frontage of the site. Plot 1 to the frontage (western portion) of the site would have designated parking and turning with vehicular access via the existing A38 service road.

3.3 All three dwellings would be of brick walling and plain roofing tile construction and comprise four bedrooms at first floor level.

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).

Tewkesbury Borough Local Plan to 2011 - March 2006

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 in accordance with 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.

Emerging Joint Core Strategy

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

4.8 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.

4.9 Policy SP2 of the Submission JCS 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 9,899 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 JCS. Twyning is identified as a Service Village within the Main Modifications version of the JCS and although the site itself falls within Twyning Parish, it should be noted that the site lies physically remote from Twyning settlement, within a rural countryside location.

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

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

4.11 The JCS was submitted to the Secretary of State on 20 November 2014. Its Examination in Public commenced in May 2015 and is still ongoing. The Inspector published her interim report in May 2016 and following this the three JCS Councils have approved the Main Modifications for consultation. Whilst the emerging plan is now at an advanced stage, it is not yet formally part of the development plan for the area and the weight that can be attached to its policies will be 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

4.12 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not change the status of the development plan as the starting point for decision making. Proposed development that conflicts with an up-to-date development plan should be refused unless materials considerations indicate otherwise.

4.13 The NPPF is supplemented by the Government's Planning Practice Guidance (PPG). Of relevance to this case is the section on rural housing which states that it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. It follows that a thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.

5.0 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 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 of deliverable housing land with a 20% buffer applied.

5.3 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.

5.4 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 in conflict with policy HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

5.5 Policy S1 of the draft NDP provides that proposals for new housing outside of the development boundary, and not on allocated sites, in the open countryside will be supported if they meet the following criteria:

- a) Replacement dwellings;
- b) Rural exception housing to meet an identified Parish need in accordance with Tewkesbury Borough Council policy, taking account of other policies in this Plan;
- c) Agricultural and forestry dwellings;
- d) Where proposals would involve the re-use or conversion of an existing building and accords with the relevant development principles set out at Policy GD1.

5.6 The proposal can be seen to be in conflict with this draft policy. Whilst the NDP is yet to reach an advanced stage the above policy is consistent with the NPPF and policy HOU4 of the Local Plan and should be afforded some, albeit limited, weight in the determination of the application.

Accessibility

5.7 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. 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.

5.8 The application site is located among a cluster of existing residential buildings which stretch along the A38 and along the lane to the immediate south/south-east. The Cotswold Manor Country Park residential caravan site adjoins the site to the north and comprises a densely clustered arrangement of permanent residential units.

5.9 As a result, the site cannot be considered to be an 'isolated' site but nevertheless, facilities within the immediate area are limited. There is a bus stop immediately to the frontage of the site, which links Worcester to Tewkesbury, via Upton-Upon-Severn and this provides an option for public transport use as an alternative to the private motor car. The bus route operates 7 trips per day, Monday to Friday, 5 trips on Saturdays but does not operate on Sundays. However, the absence of day-to-day facilities such as a shops, post office and school is apparent within this location and future occupiers would need to travel for these services.

5.10 Whilst it is noted that the site benefits from a relatively frequent bus service, the site is still located a significant distance from Tewkesbury town centre and Twynning and as such, future residents would be reliant on the motorcar. The absence of a dedicated cycle lane and the fact that this section of the A38 is a Trunk road is also likely to discourage walking or cycling to Tewkesbury or into Twynning in order to access services and facilities.

5.11 Furthermore it is considered that given the direct link to Tewkesbury town centre along the A38 future residents are likely to turn to the town for their needs over the local services offered by Twynning Village (a service village in the MMVJCS) and it would be unlikely that the development would specifically benefit or sustain the services within this nearby village. The locational disadvantage of the site is a matter which weighs against the proposal in this case.

5.12 Whilst the proposed development would place reliance on the private car, in assessing the relative accessibility of the site, it must also be noted that the site is previously developed land, with an existing dwellinghouse sited on the plot. Furthermore, an established car repair garage also exists within the site. The business remains operational at the current time and this intensive use of the site has a bearing upon trip generation and frequency from both employees and customers.

Highway Safety

5.13 Policy TPT1 of the Local Plan requires that appropriate access is provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. Highway access should be provided to an appropriate standard and should not adversely affect the safety or satisfactory operation of the highway network. Additionally, the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.14 The application has been reviewed by the Highways England and the County Council Highways Officer. The County Highways Officer requested additional information regarding visibility splays, swept path analysis for vehicles accessing the proposed new driveways and conformation that the development would not encroach onto the public highway. This information was subsequently provided and no objections are raised to the proposal on highway safety grounds, subject to conditions.

Landscape, impacts on the street scene and detailed design

5.15 The existing corner plot occupies a prominent location adjacent to the A38. The site is read in the context of the existing cluster of residential development within the immediate vicinity, where boundary walls and domestic buildings are readily visible from the adjoining highway. The existing frontage of the site is open and as such, the operational activities of the current garage premises are readily visible/apparent. Numerous vehicles are parked within the frontage of the site, including larger 'recovery' vehicles and employee/customer parking.

5.16 While there are no landscape designations on or around the site, Policy LND4 of the Local Plan seeks to ensure that developments in rural areas, outside of designated areas, protect the character and appearance of the rural landscape. Furthermore, one of the core planning principles of the NPPF provides that the planning system should recognise the intrinsic character and beauty of the countryside. Emerging Policy SD7 of the MMVJCS echoes this advice regarding the requirement to protect the rural landscape for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.

5.17 The proposed development, would be readily visible within the street scene due to its corner-plot location and proximity to the A38. The application has engaged with the LPA to re-orientate the proposed dwellings within the plot and to reduce their size and scale. Furthermore, the proposed palette of materials has been simplified to a red brick external walling, plain roofing tile and rendered dormers. The proposed dwellings have been kept to one and a half storeys in order to reduce their perceived bulk and the frontage of the site is proposed to remain open in order to present an active street presence.

5.18 It is therefore considered that the proposal would be acceptable with regards to design, landscape impact and impact upon the prevailing character and street scene of the immediate vicinity, in accordance with Policy LND4 of the Local Plan.

Residential Amenity

5.19 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 the amenity of neighbouring occupants.

5.20 Plot 1 to the frontage of the site would be sited some 1.2 metres from the shared boundary with adjoining residential caravan site. Whilst this relationship is relatively close to the shared boundary with the nearest residential caravan, no windows are proposed within the northern gable of the proposed dwelling. Furthermore, the existing garage building is sited directly on the shared boundary line and as such, its rear elevation currently presents a rather unsympathetic boundary treatment to the adjoining neighbour. Plots 2 and 3 are orientated such that their rear gardens would adjoin the neighbouring caravan site, with a 1.8 metre high close boarded fence to the shared boundary. All dormers have been positioned and orientated such that no overlooking would ensue to each plot or to the residential caravans beyond.

5.21 As a result, it is considered that the proposed development could be accommodated within the plot without adverse impacts to the living conditions of neighbouring, existing occupiers or the new occupiers of these properties.

5.22 Whilst plots 2 and 3 are shown as being set back from the A38, plot 1 would be located towards the frontage of the site. The Environmental Health Officer has raised concerns with regards to the potential noise levels arising from the A38 highway and its associated vehicle noise impacts upon future occupiers of the new dwellinghouse. Consequently, a full noise assessment was requested and this has been duly submitted by the applicants. On the basis of the submitted noise report it is considered that a suitably worded planning condition would ensure that appropriate mitigation measures are incorporated into the development in order to protect the amenity of future occupiers from unacceptable noise levels.

Impact upon Designated Heritage Assets

5.23 The proposal falls within the setting of the following designated heritage assets:

- Long Thatch Grade II listed building
- Barn south of Phelp's Farmhouse Grade II listed building
- Milestone on A38 Grade II listed building

The NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through...development within its setting...' It also states that '[local planning authorities should] take account of the desirability of new development making a positive contribution to local character and distinctiveness' (paras 132 & 126).

5.24 The Conservation Officer has been consulted in this regard and has raised general concerns in respect of the design approach taken. However, the Conservation Officer has nevertheless confirmed that the impact of the proposal upon the significance of nearby heritage assets is considered to be less than substantial. Paragraph 134 of the NPPF provides where a proposal would lead to less than substantial harm to heritage assets, this harm should be weighed against the public benefits of the proposal.

5.25 It is considered that the tangible public benefits in this instance would comprise the removal of an existing 'un-neighbourly' use in terms of the garage business, and its replacement with residential properties, more appropriate to the surrounding residential context.

Drainage

5.26 The new dwellings are proposed to be served by individual cesspools due to the absence of mains drainage facilities in this location. The Council's Flood Risk Management Engineer (FRME) has been consulted in respect of this issue and has raised concerns regarding how the surface water is to be managed as desktop study indicated that the whole vicinity has low permeability. The FRME has also requested further information regarding the available space within each plot to adequately accommodate each cesspool as Building Regulations require that they are located a minimum of 5m from any building or infrastructure.

5.27 The agent has advised that advice has been sought from a leading supplier who has confirmed the suitability of a 6000ltr tank for a 4 Bedroom house. Furthermore, the existing workshop, office and bungalow are served by just one septic tank which is emptied once a year and the applicant has confirmed there have been no difficulties with this in respect of capacity or odour. Furthermore, the cesspools would be located within the open space on the corner of each site which would allow a distance of 7m to be achieved from all buildings, together with easy access for emptying.

5.28 Severn Trent have raised no objections to the development and it is considered that an appropriately worded planning condition would ensure that suitable drainage arrangements are incorporated and maintained

6.0 Conclusions and Planning Balancing Exercise

6.1 The site is located outside any recognised settlement where new housing development conflicts with Policy HOU4 of the Local Plan. For this reason, the proposed development is contrary to the Development Plan which is considered to be up to date as the Council can demonstrate a five year supply of deliverable housing sites. The presumption is therefore that planning permission should be refused in this case, unless material planning circumstances indicate otherwise.

6.2 The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. It makes clear these roles are mutually dependent and should not be taken in isolation.

6.3 In terms of the economic dimension, it is recognised that housing development contributes to economic growth both directly and indirectly. New employment would be created during construction and businesses connected with the construction industry would also benefit, some of which would likely be local suppliers and trades; all of which would boost the local economy. Residents of the development would also spend some of their income locally. These are all benefits of the scheme but are limited due to the small scale nature of the development.

6.4 With regard to the social dimension, again there would be a very minor benefit in terms of the delivery of housing, however this is tempered by the fact that services in the immediate area are limited and the scale of the development is unlikely to have a significant impact in supporting these services. Also in this regard is the fact that the proposal would remove an existing, intensive and potentially un-neighbourly use from the site, in favour of infill residential development akin to the immediate vicinity.

6.5 With regards to the environmental dimension, the proposed development would result in visual improvement by removing a large area of hardstanding together with various employee, customer and recovery vehicles associated with the existing repair garage use. This would be replaced with three dwellings and associated landscaping/planting, more appropriate to the context of the site.

6.6 With regards to heritage asset setting, it is considered that the less than substantial harm resulting from the proposed development would be outweighed by the removal of an existing un-neighbourly business/use from this location.

6.7 In weighing up the planning balance, it is considered that material planning considerations exist that would, on balance, outweigh the conflict with the development plan in this instance. It is therefore considered that the perceived benefits identified above significantly and demonstrably outweigh the harms and as such the proposal is considered to represent sustainable development in the context of the NPPF.

6.8 On balance, it is therefore recommended that planning permission is **granted**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 16030/3/1 (Proposed site plan); 16030/3/8; 16030/3/9 (Elevations - House type 1); 16030/3/10; 16030/3/11 (Elevations - House type 2); 16030/3/12; 16030/3/13 (Elevations - House type 2A); 16030/3/2; 16030/3/5 (Floor plans - House type 1); 16030/3/3; 16030/3/6 (Floor plans - House type 2); 16030/3/4; 16030/3/7 (Floor plans - House type 2A), received by the Local Planning Authority on 10.05.2017 and any other conditions attached to this permission.
- 3 Prior to built development commencing, details, or where appropriate samples, of all external materials including render colour, garage door and timber windows paint or stain finish, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 4 Prior to built development commencing details of existing and proposed levels with reference to a fixed datum point, to include details of finished floor and ground levels, shall be submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 5 Prior to above ground development a scheme for the hard and soft landscaping including details of means of enclosure and boundary treatments for the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers. The landscaping scheme shall be implemented in accordance with the approved details no later than the first planting season following the occupation of the buildings, or the completion of the development, whichever is sooner. If at any time within a period of 5 years of the completion of the development the approved trees or plants die, are removed or become seriously damaged or diseased, they shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 6 During the construction phase, 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 on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 7 Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with approved drawing no.16030/3/1, with any gates situated at least 5.0metres back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway, with the area of driveway within at least 5.0metres of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.
- 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 2.4 metres back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 120 metres 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 metres and 2.0 metres at the X point and between 0.26 metres and 2.0 metres at the Y point above the adjacent carriageway level.
- 9 The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with approved drawing no. 16030/3/1 and those facilities shall be maintained available for those purposes thereafter.
- 10 Prior to built development commencing, a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

- 11 Prior to built development commencing, details of hard surfacing/driveway materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 12 A scheme to protect the proposed development from traffic noise from the A38 shall be implemented in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority before any dwelling hereby permitted is occupied. 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.
- 13 **Construction Method Statement**
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 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 and full details, including size, location and maintenance regimes of the proposed cesspools to deal with the foul drainage. Where surface water requires disposal off site (i.e. not infiltrated) evidence of consent to discharge/connect through third party land or to their network, system or watercourse shall be provided as part of the detailed drainage strategy. The drainage scheme shall be carried out in accordance with the approved detailed drainage strategy and subsequently maintained to the required standard.
- 15 Notwithstanding the submitted details, a written report of the findings of an investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site, which has first been submitted to and approved in writing by the Local Planning Authority. The report of the findings of the investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences and shall include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- 16 The remediation scheme approved under condition 16 (iii) above shall be carried out in accordance with its terms prior to the commencement of development (other than works required to carry out remediation). The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

- 17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Where contamination is found, an investigation and risk assessment shall be undertaken in accordance with the requirements of condition 16 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 17 above, which shall first be submitted to and approved in writing by the Local Planning Authority.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 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 To ensure a satisfactory appearance to the development and in accordance with the NPPF.
- 5 In the interests of amenity and to ensure a satisfactory standard of landscaping to the development in accordance with the NPPF.
- 6 To ensure that the proposed construction work does not cause undue nuisance and disturbance to the occupiers of neighbouring properties and in accordance with the NPPF.
- 7 To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 35 of the National Planning Policy Framework.
- 8 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 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 In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 11 To ensure that the new development will be visually attractive in the interests of amenity.
- 12 To protect the residential amenity of future residents.
- 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 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.
- 15 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.
- 16 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.

- 17 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.

Notes:

1 Statement of Positive and Proactive Engagement

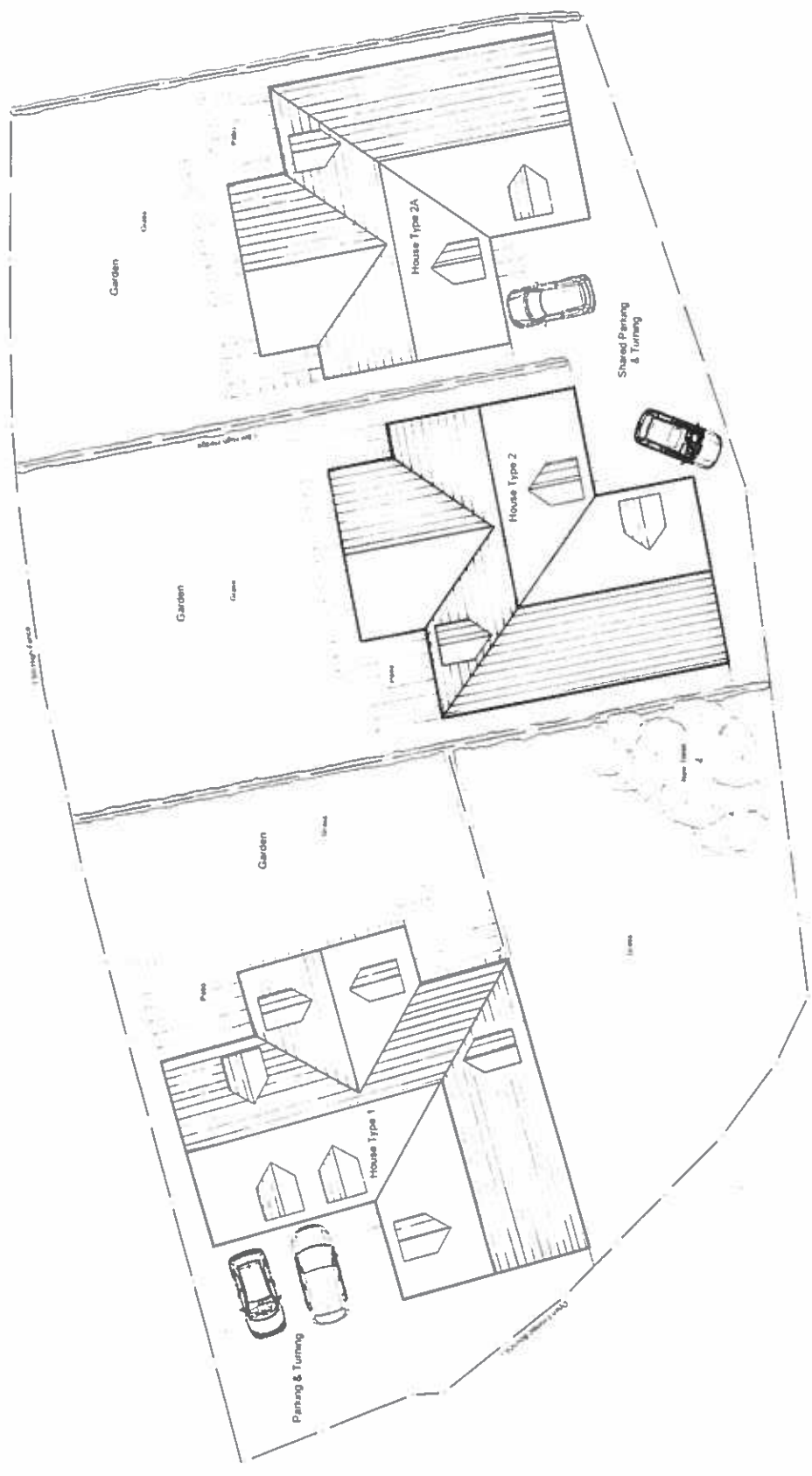
In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating revised design, scale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

- 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 appropriate bond) with the county council before commencing 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 Amey Gloucestershire (08000 514514) before commencing any works on the highway.

16/01152/FUL

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01452 714500

Do Not Build From This Drawing. An
approved contract must be obtained on the
prior to commencement of any work.



Proposed New Houses at
Ripple
Tewkesbury
Glos

SITE PLAN AS PROPOSED

Scale 1:100

16030/3/1

24062

PSK

architect

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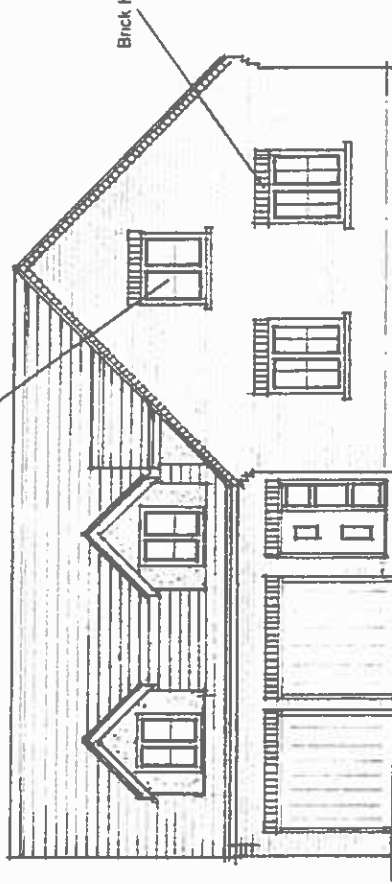
Do Not Scale From This Drawing. All dimensions must be checked on site prior to commencement of any work

Dark Stained Timber Window Frames

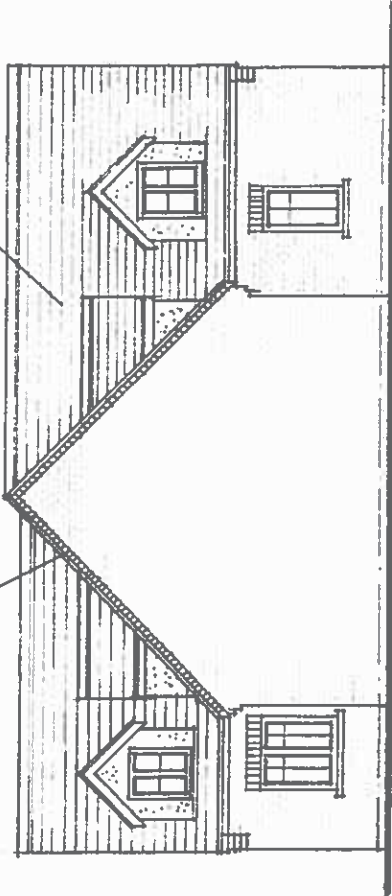
Redland (or similar) Rustic Red Roof Tile

Brick Corbeling

Brick Headers



FRONT



SIDE

Proposed New Houses at
Ripple
Tewkesbury
Glos.

**HOUSE TYPE 1
ELEVATIONS AS
PROPOSED**

Scale 1:100

16030/3/8

24633

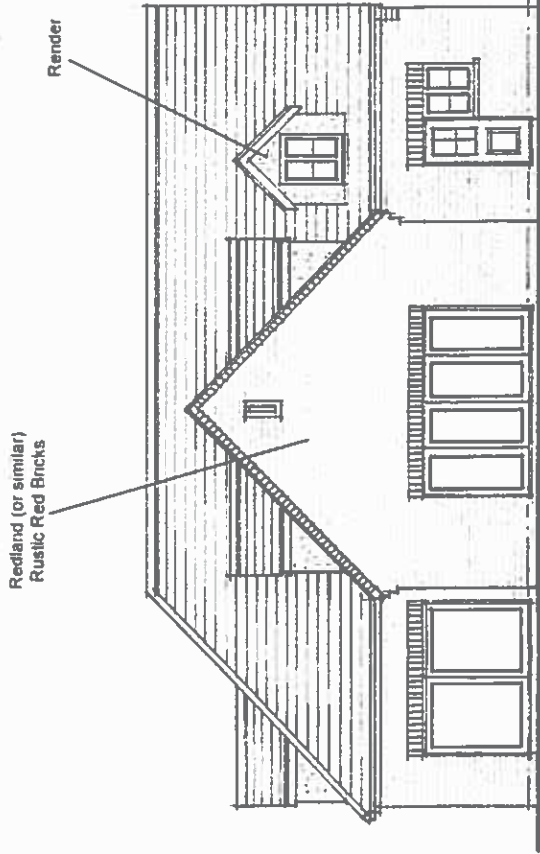
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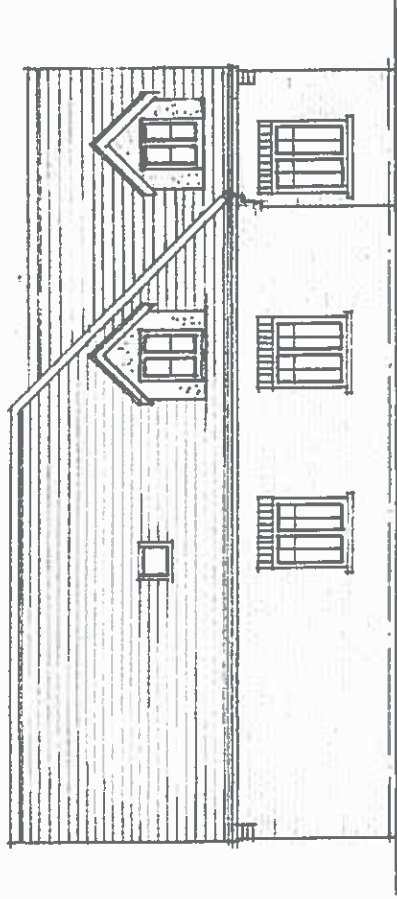
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REAR



SIDE

Proposed New Houses at
Ripple
Tewkesbury
Glos.

**HOUSE TYPE 1
ELEVATIONS AS
PROPOSED**

Scale 1:100

16030/3/9

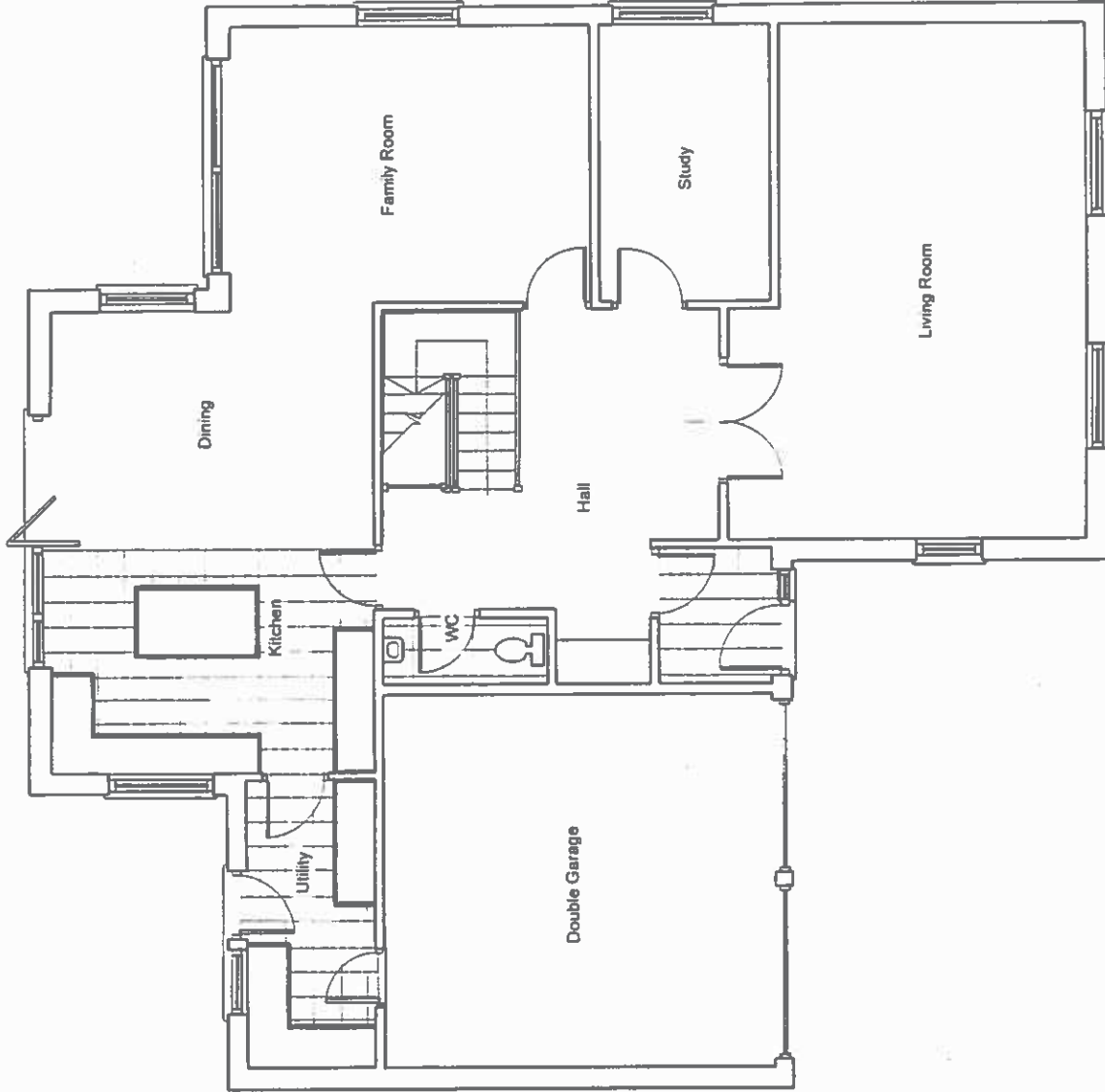
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Do Not Scale From This Drawing. All dimensions must be checked on site prior to commencement of any work.



Proposed New Houses at
Ripple
Tewkesbury
Glos.

HOUSE TYPE 1
GROUND FLOOR AS
PROPOSED

Scale 1:50

16030/3/2

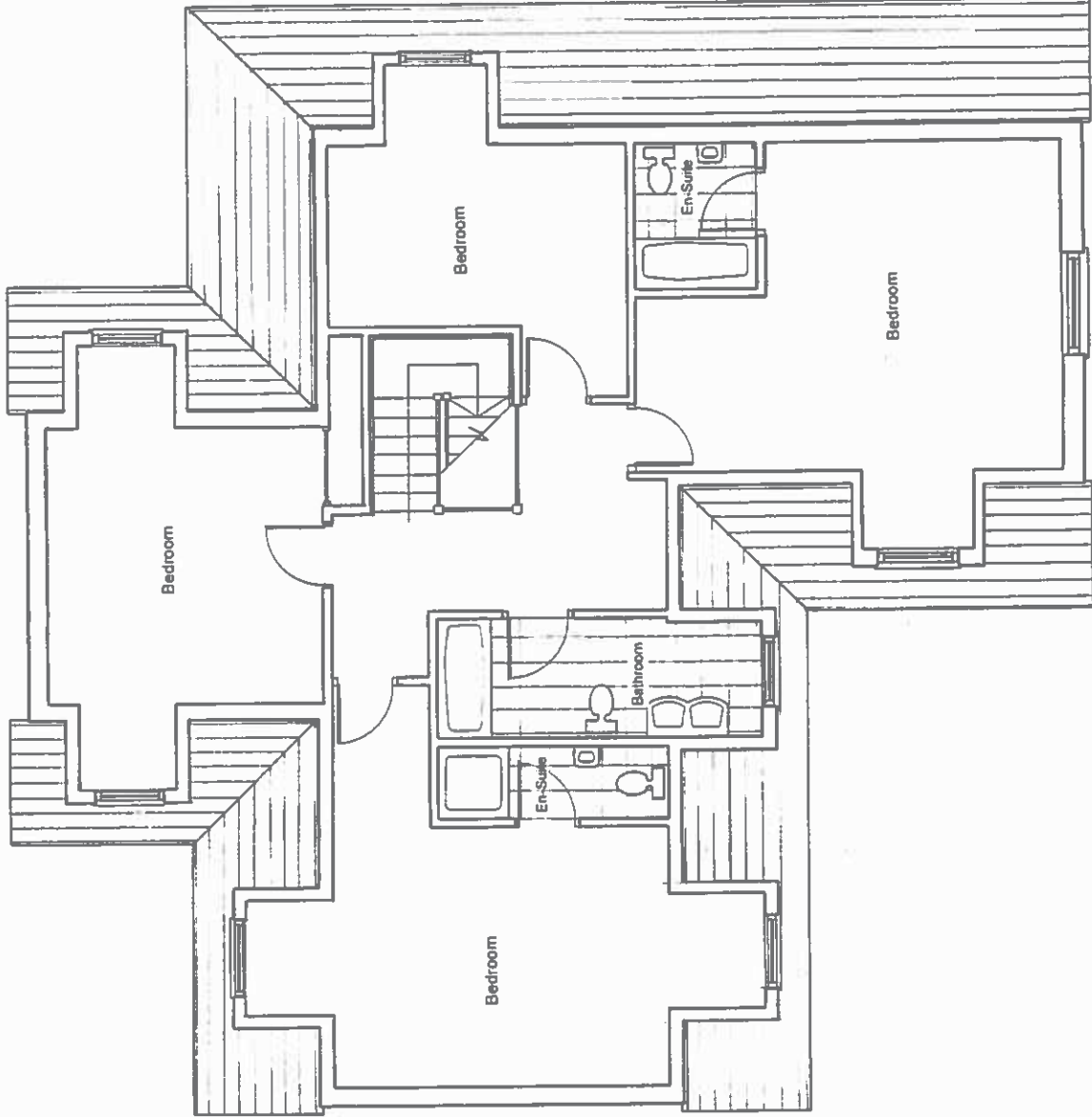
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Proposed New Houses at
Ripple
Tewkesbury
Glos.

HOUSE TYPE 1
FIRST FLOOR AS
PROPOSED

Scale 1:50

16030/3/15

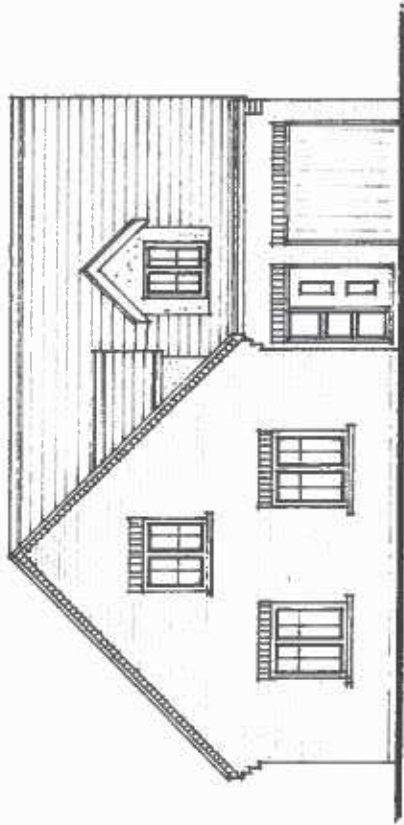
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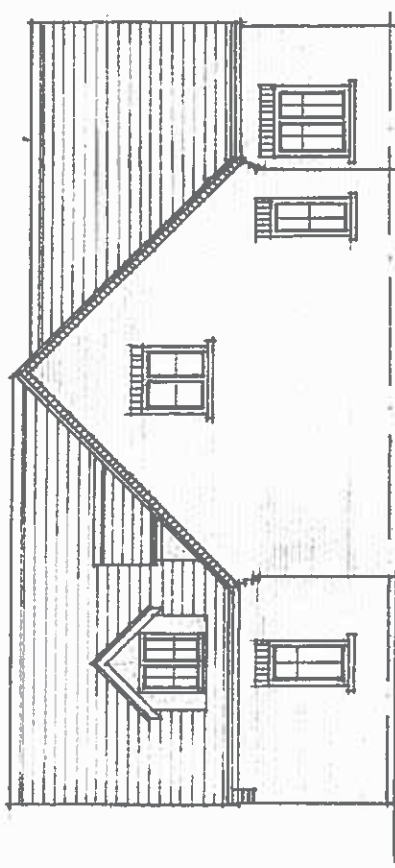
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Do Not Scale From This Drawing. All dimensions must be checked on site prior to commencement of any work



FRONT



SIDE

Proposed New Houses at
Ripple
Tewkesbury
Glos.

**HOUSE TYPE 2
ELEVATIONS AS
PROPOSED**

Scale 1:100

16030/3/10

2670 ff

PSK

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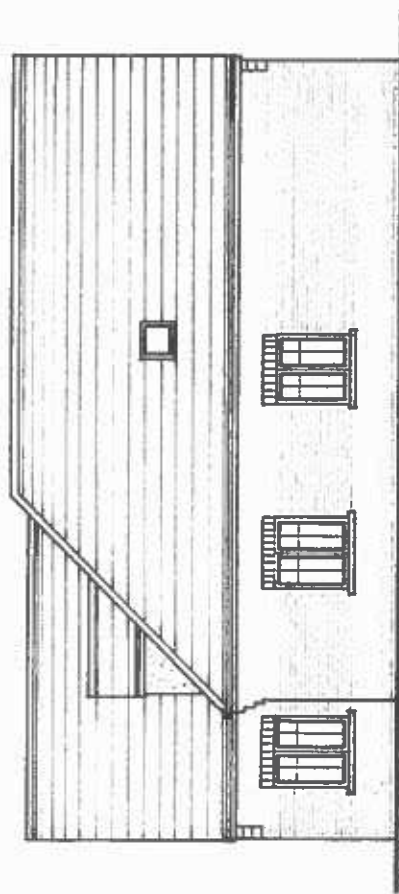
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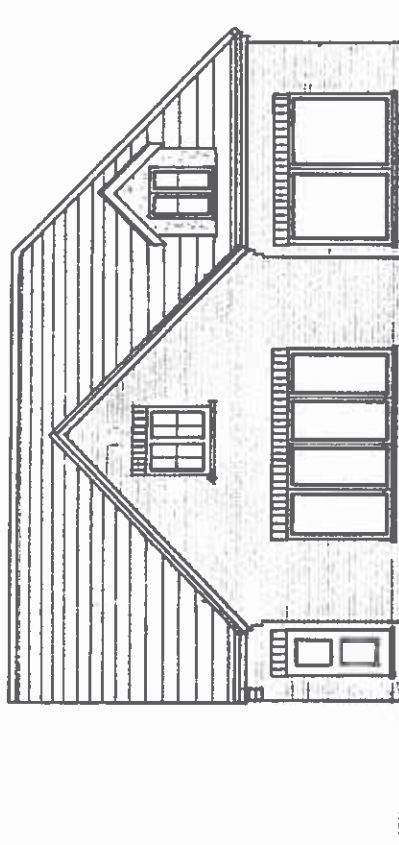
01452 714598



Do Not Scale From This Drawing. All dimensions must be checked on site prior to commencement of any work



SIDE



REAR

Proposed New Houses at

Ripple
Tewkesbury
Glos.

**HOUSE TYPE 2
ELEVATIONS AS
PROPOSED**

Scale 1:100

16030/3/11

68+0/G

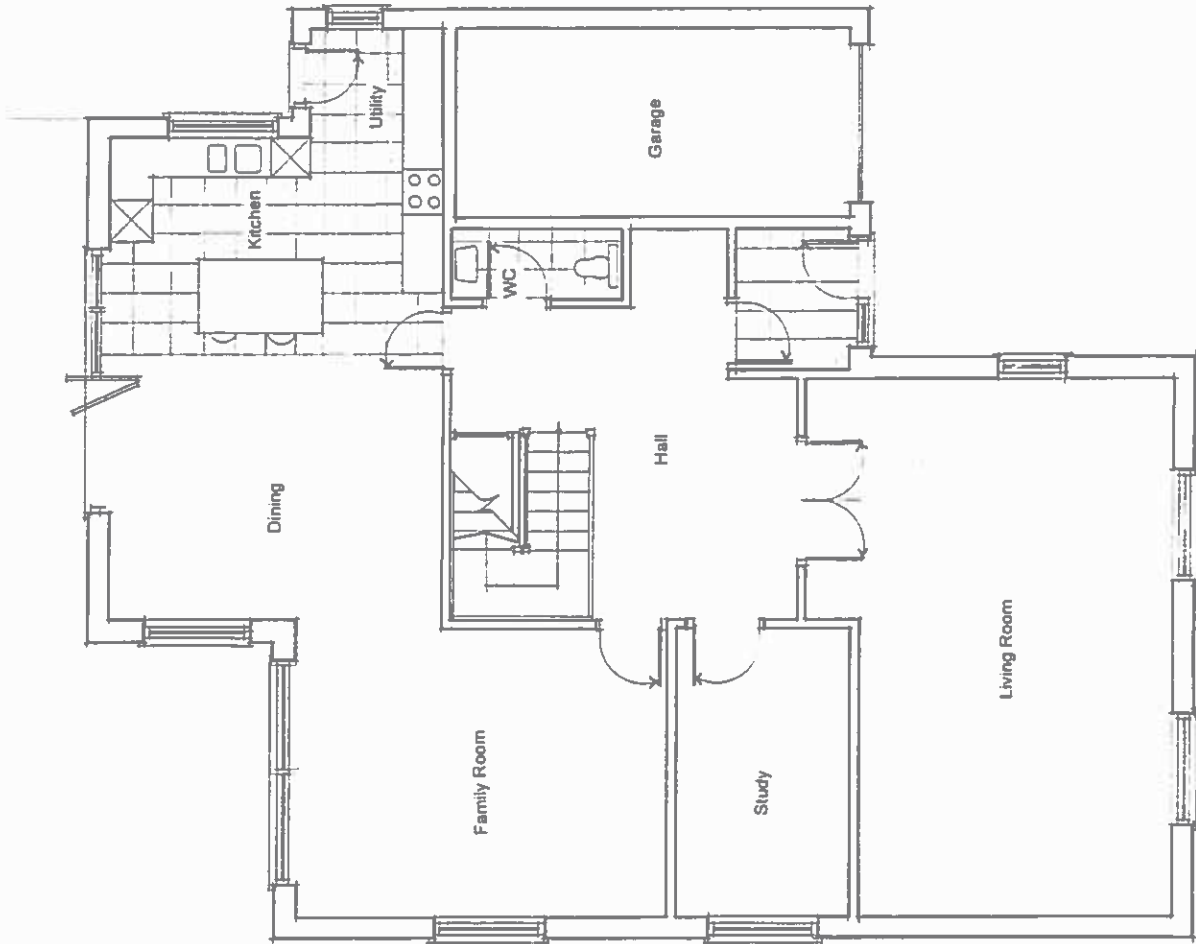
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Do Not Scale From This Drawing. All
Dimensions must be checked on site prior
to commencement of any work.



Proposed New Houses at
Ripple
Tewkesbury
Glos.

**HOUSE TYPE 2
GROUND FLOOR AS
PROPOSED**

Scale 1:50

16030/3/3

69 H/O 2

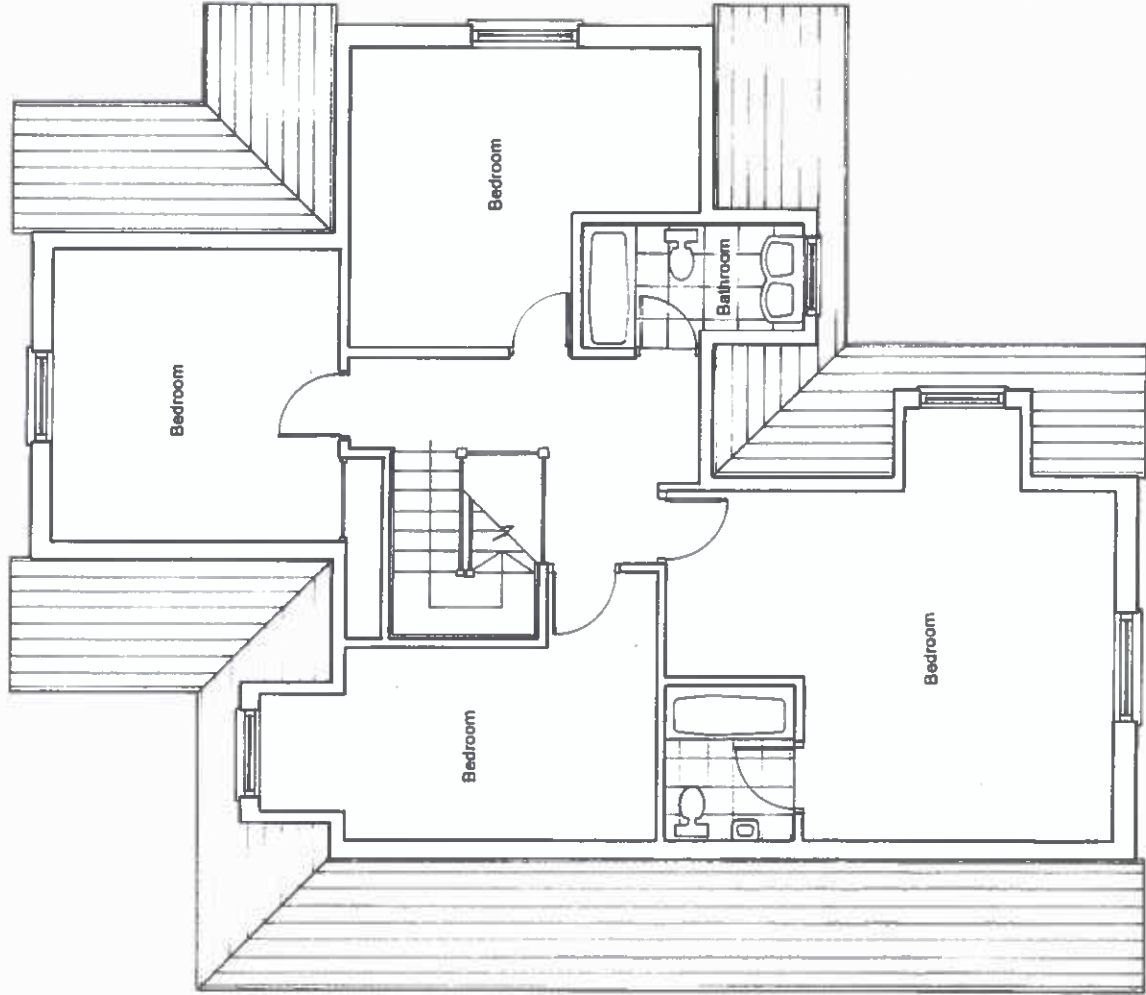
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Dimensions must be checked on site
prior to commencement of any work



Proposed New Houses at
Ripple
Tewkesbury
Glos.

**HOUSE TYPE 2
FIRST FLOOR AS
PROPOSED**

Scale 1:50

16030/3/6

200/I

Valid 03.07.2017

Construction of a single storey side extension.

Grid Ref 389659 231085

Parish Tewkesbury

Ward Tewkesbury Priors Park

Mr & Mrs Fenn
58 Courtney Close
Tewkesbury
Gloucestershire
GL20 5FB

RECOMMENDATION Grant Certificate

Policies and Constraints

Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Consultations and Representations

This notification requires Committee determination as one of the applicants works for Tewkesbury Borough Council

Planning Officers Comments: Bob Ristic

1.0 Application Site

1.1 The application relates to 58 Courtney Close in Tewkesbury. The property comprises a detached 2 storey dwelling sited on the eastern side of the street, approximately 40 metres to the south of the junction with Mowbray Avenue (**site location plan attached**).

1.2 It is noted that the application property benefits from permitted development rights.

2.0 Current application

2.1 The current application is for a Certificate of Lawful Proposed Development for a single storey lean-to extension to the southern side elevation of the property (**block plan attached**). The proposed extension would be set back from the front of the dwelling house and would have a staggered footprint ranging from 1.35 metres in width to 2.13 metres in width to the rear part. The height to the eaves would be 2.57 metres and the proposal would have an overall height of 2.8 metres.

2.2 It must be noted that this submission is not a planning application. The applicant seeks a declaration that the works proposed do not require planning permission. This is a technical assessment based on permitted development rights conferred by the Town and Country Planning (General Permitted Development) Order 2015 (the GDPO). Therefore there can be no planning policy judgement as to whether the proposals are acceptable or otherwise against planning policies, it is a matter of fact of law as to whether the proposals represent permitted development.

3.0 Analysis

3.1 The proposal works fall and are therefore assessed under Class A of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), which permits *the enlargement, improvement or other alteration of a dwellinghouse*.

3.2 In respect of the restrictions to permitted development under Class A:

- (a) Permission for the use the dwellinghouse as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3 of Schedule 2.
- (b) As a result of the works, the total area of ground covered by buildings / structures within the curtilage of the dwellinghouse (other than the original dwellinghouse), the proposed works not exceed 50% of the total area of the curtilage;
- (c) The height of the proposed side extension would not exceed the highest part of the roof of the existing dwellinghouse;

- (d) The height of the eaves of the side extension would not exceed the height of the eaves of the existing dwellinghouse;
 - (e) The side extension would not extend beyond a wall which (1) fronts a highway, nor (2) forms either the principal elevation or a side elevation of the original dwellinghouse.
 - (f) The side extension would not (1) extend beyond the rear wall of the original dwellinghouse (2) exceed 4 metres in height;
 - (g) The side extension would be within 2 metres of the boundary of the curtilage of the dwellinghouse; however the proposed height of the eaves would not exceed 3 metres;
 - (h) The proposed extension would extend beyond a wall forming a side elevation of the original dwellinghouse; however it
 - (i) would not exceed 4 metres in height
 - (ii) would not be more than a single storey
 - (iii) would not have a width greater than half the width of the original dwellinghouse
 - (i) It would not consist of or include:
 - (j) the construction or provision of a veranda, balcony or raised platform,
 - (ii) the installation, alteration or replacement of a microwave antenna,
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse;
- A.2. The dwellinghouse is not located on article 2(3) land.

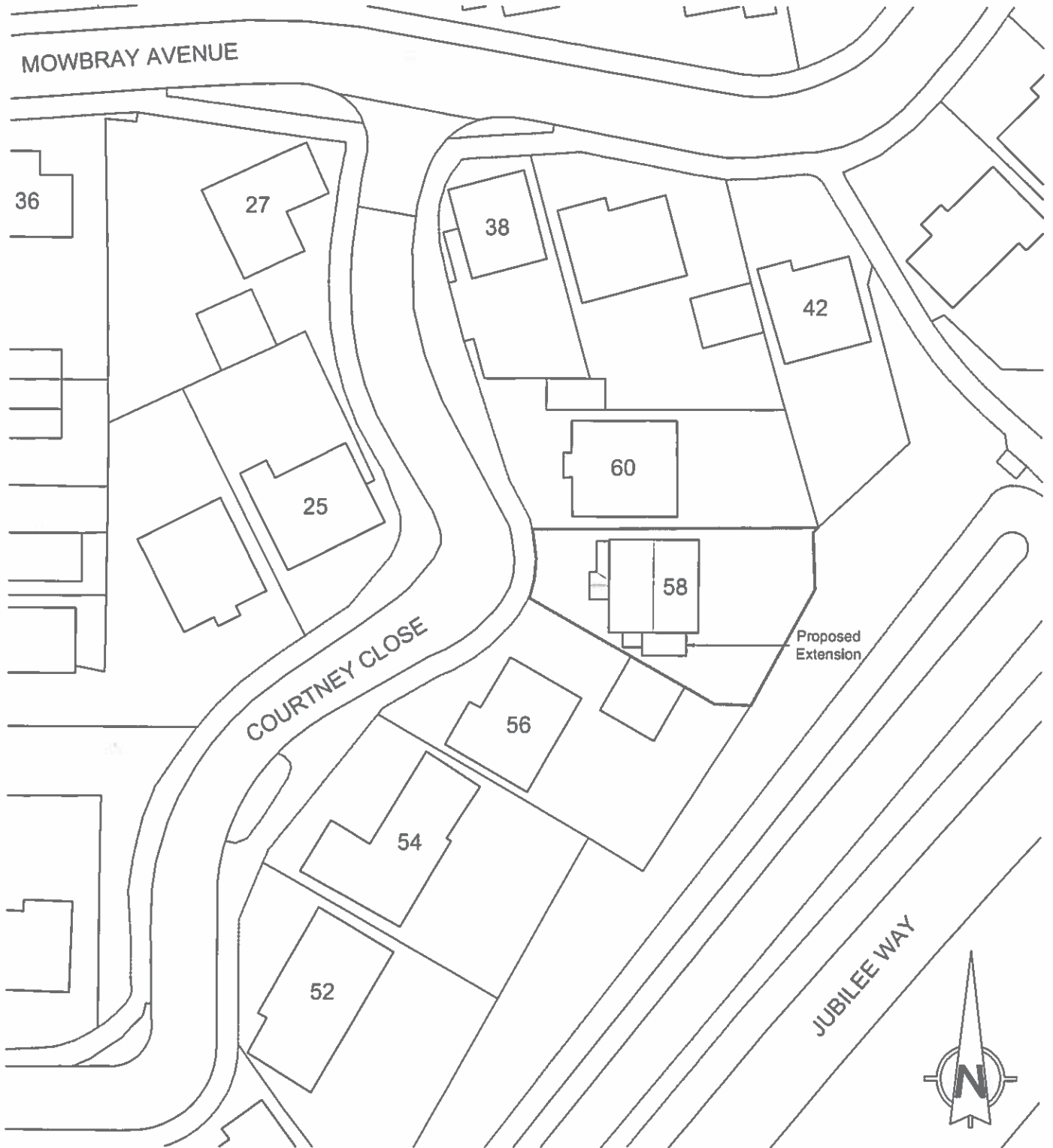
3.3 Based on the information received by the Local Planning Authority on the 3rd July 2017, the applicant has demonstrated that the proposed side extension **does not require the express permission of the Local Planning Authority** by virtue of it constituting permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

RECOMMENDATION Grant Certificate


Reason:

Based on the information received by the Local Planning Authority on the 3rd July 2017, the applicant has demonstrated that the proposed side extension does not require the express permission of the Local Planning Authority by virtue of it constituting permitted development under Schedule 2, Part 1, Class A and of the Town and Country Planning (General Permitted Development) (England) Order 2015.

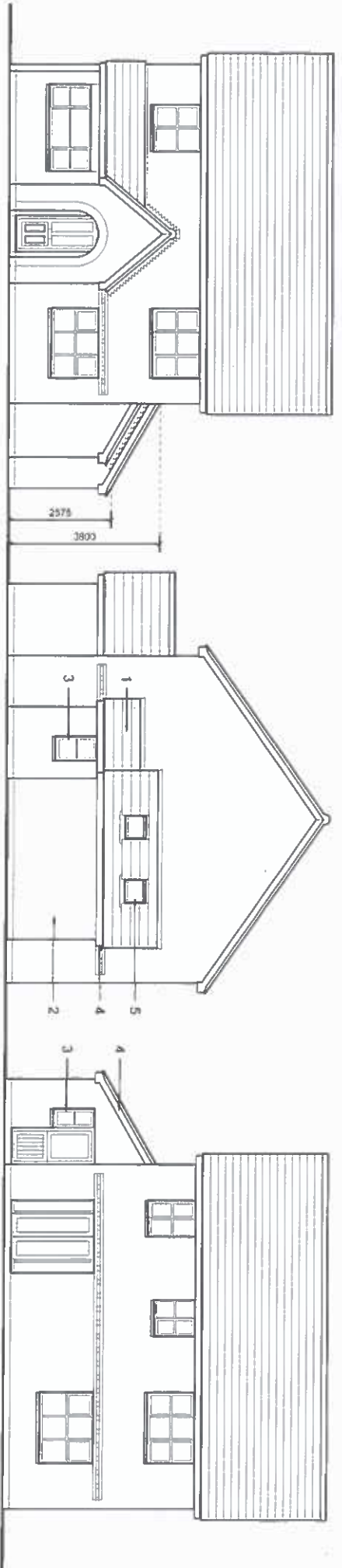
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Client				 URBAN ASPECTS LAND · PLANNING · DESIGN			
Project							
Drawing Title							
Mr D Fenn							
58 Courtney Close, Stonehills, Tewkesbury							
Proposed Block Plan							
Date	Scale	Drawn	Status	Job No.	Drw No.	Rev.	
June 2017	1:500 @ A4	GMP	PA	FNN17.01	03	-	

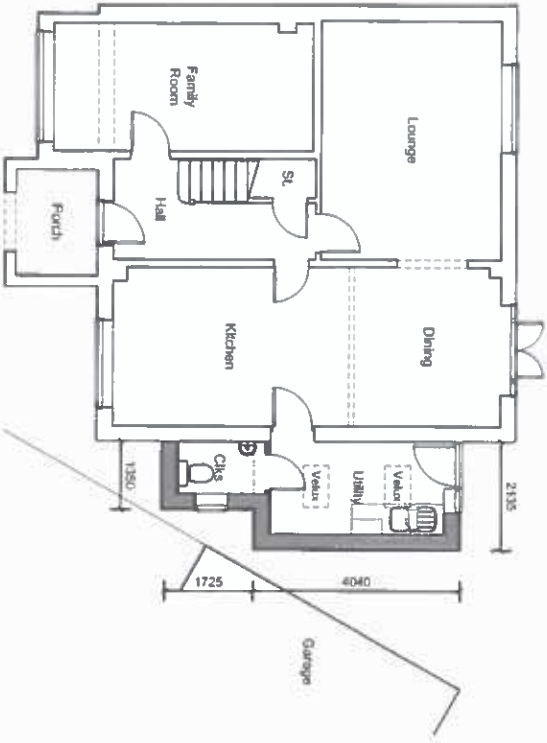
24273A



Front Elevation

Side Elevation

Rear Elevation



Ground Floor

Materials

1	Concrete tiles to match existing
2	Facing brickwork to match existing
3	White PVCU door and windows
4	White PVC fascia and barge boards
5	550mm x 960mm Velux roof lights

247/B

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Client		Mr D Fenn	
Project		58 Courtney Close, Stonehills, Tewkesbury	
Drawing Title		Proposed Plan & Elevations	
Date	Scale	Drawn	Scale
June 2017	1:100 @ A3	GMP	PA
Drawn by		Date	
FNN17.01		05	



Pure Offices • Cheltenham Office Park • Hatherley Lane • Cheltenham • GL51 6SH
 T 01242 806170 M 07766 112132 E gary@urbanaspects.co.uk

www.urbanaspects.co.uk

Valid 24.05.2017

Tool shed and garden room. Also siting of Air Source Heat Pump for main house heating. Design and finish to match main house.

Grid Ref 388982 215407

Parish Brockworth

Ward Brockworth

Miss Sherry Moore

Green Lea

Green Street

Brockworth

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8

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

Joint Core Strategy Proposed Main Modifications version - SD8,

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Brockworth Parish council originally had no adverse comments to make.

Following revised plans, Brockworth Parish Council are concerned with the noise levels of the proposed heat pump and recommends that a site visit occurs.

The application has been publicised through the posting of two site notices, three letters of objection have been received in the 21 day statutory consultation period or since. The comments are outlined below:

- The application appears to be trying to regain the footprint and size of dwelling sought in the original application.
- The proposed alignment, shape and length of the garden room suggests a future intension to connect in to the main house.
- The proposal damages the character of Green Street and the surrounding AONB from introducing a new property
- The introduction of a garden room disregards the planning officers comments from the original application which stated that there should be a visual gap between the garage of Hermit Cottage and the new property.
- There is a 18 inch diameter cast iron water main directly under the site of the proposed garden room that cannot be built over
- The garden room is sited too close to the boundary with Hermit Cottage (wrongly called Little Dormers on the plan) and if built would undermine our garage foundations.
- No structural evaluation has been submitted which must be a requirement given the history of subsidence damage at Green Lea.
- The developer must be held responsible for any damage to the garage.
- The main sewer piper should not be affected by the development.
- The current footpath has been moved against our boundary- which we strongly object to.
- The proposed air source heat pump will create noise throughout the day and night.
- The proposed garden room must not be changed into an annexe of bedroom and must be restricted to avoid noisy activities.
- The proposed air source heat pump should never be audible from outside the boundary of the property.
- The applicant needs to formally apply for the diversion of the footpath- which we object to.

Planning Officers Comments: Fiona Martin

1.0 Application Site

1.1 The application relates to Green Lea in Brockworth (**see site location plan attached**). The plot has an existing dwelling on but the application relates to the proposed dwelling which was previously approved under 17/00027/FUL. The site is situated within the Cotswold Area of Outstanding Natural Beauty.

2.0 Planning History

2.1 16/00036/FUL - Construction of one detached dwelling with private garden space, access and parking - permitted on 24.08.2016.

2.2 17/00027/FUL - Variation of Condition 2 of planning permission 16/00036/FUL to allow construction of one detached dwelling with private garden space, access and parking (Revised application to 16/00036/FUL). - permitted on 30.03.2017.

3.0 Current application

3.1 The current application is for the erection of a single storey outbuilding which would form a tool shed and garden room to the south of the proposed new dwelling. The application also seeks permission for the siting of an air source heat pump for the property (see attached plans). It is noted that the new dwelling has not been built yet.

3.2 The diversion of a footpath which runs through the site is required as a result of the proposals however this would need to be dealt with under the Highways Act.

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. 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, 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.

4.3 Policy HOU8 is considered to be consistent with the 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 impacts the proposed garden room and air source heat pump would have on the residential amenity of neighbouring residents and the size, scale and design of the proposed garden room.

Design & Impact on the Street Scene

5.2 Concerns have been raised by neighbouring residents relating to the shape of the garden room and the damage it would cause to the character of Green Street and the surrounding AONB. It is noted that some of the comments raised relate to the impact of the new dwelling, planning permission has been granted for the dwelling and this application only relates to the siting of the garden room and the installation of the air source heat pump.

5.3 The proposed garden room would not be visible from the street scene of Green Street as the site is set down from the road, additionally the proposed garden room would be behind the garage of the neighbouring property Hermit Cottage (wrongly named Little Dormers on the plans). Whilst comments suggest that the garden room removes the visual gap between the new property and Hermit Cottage it is considered there is still a gap as the garden room would not be visible. Whilst it is noted that the garden room could be attached to the main residential dwelling in the future that would need to be a separate application and should not have an impact on determining this application.

5.4 Officers note that the site is located within the Cotswold AONB the proposed garden room is not considered to be detrimental to the landscape as it would be within a residential area. Additionally, the proposed garden room would be finished in materials to match the proposed dwelling.

5.5 The proposed air source heat pump would be located on the eastern (front) elevation of the proposed dwelling and would be a substantial distance from neighbouring properties. Environmental Health have been consulted on the application but have made no comments on the application. The proposed air source heat pump would not be visible from the street scene due to the levels of the property.

5.6 Whilst the proposal is within the Cotswold AONB it is not considered to have a detrimental impact on the landscape. Additionally, it is considered that the proposed garden room and air source heat pump would not have a detrimental impact on the character or appearance of the area. As such, the proposed garden room is considered to comply with the requirements of HOU8 of the Local Plan.

Residential amenity

5.7 The proposed garden room would be located to the south of the new proposed dwelling. Policy HOU8 seeks to ensure proposals do not have an unacceptable impact on adjacent properties. The proposed garden room would be located close to the boundary with Hermit Cottage however it is not considered to have an overbearing impact upon the neighbouring property due to the boundary. Additionally, concerns have been raised about the use of the garden room and the potential noise from the room if it was turned into an annexe; a condition will be added to the decision notice to ensure the proposed garden room is ancillary to the property.

5.8 The air source heat pump would create some noise however it is located some distance from neighbouring properties. It is noted that had the permitted development rights not been removed the installation of an air source heat pump would have been permitted development. Environmental Health have no comments to make regarding the proposal and whilst there would be some noise associated with the air source heat pump it is not considered that it would be unduly detrimental to the living conditions of nearby residential properties.

5.9 Overall, it is not considered that the proposed garden room and air source heat pump would cause demonstrable harm to the amenities of the neighbouring dwellings and would be in line with Policy HOU8 of the Local Plan.

Other Matters

5.10 Officers note the comments raised regarding the water main under the site. The applicant has advised that there is no water main under the site, however it is not considered to be a planning matter. It should be noted that Officers also do not deem it necessary for a structural evaluation to be submitted for a proposed garden room and air source heat pump application. Additionally, the comments raised regarding the possibility that the proposed garden room would undermine the foundations of the garage relating to Hermit Cottage is a building control/civil matter.

6.0 Conclusion

6.1 Overall, it is considered that the proposal would not harm the existing street scene and is of an acceptable size and design. Additionally it is not considered to result in demonstrable harm to the residential amenity of surrounding properties. The proposal would therefore accord with the NPPF and policy HOU8 of the Local Plan and it 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 garden room hereby permitted shall only be used in conjunction with and as ancillary to the residential enjoyment of the adjoining dwellinghouse known as Green Lea.
- 3 The development hereby permitted shall be carried out in accordance with details within the application form and approved plans/drawings: site location plan, site sections, proposed elevations, proposed street scene, air source heat pump specifications all received by the Local Planning Authority 24th May 2017.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To protect the residential amenity of neighbouring residents in accordance with policy HOU8 of the Tewkesbury Borough Local Plan to 2011.
- 3 For the avoidance of doubt and in the interest of proper planning.

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.

A. Siteplan and Location Plans amended,
 30/12/2015

no. 14-112236 date 2/11

project

Proposed New House,
 Adjacent to 'Green Lea',
 Green Street,
 Brockworth,
 Glos GL3 4RT

client for

Mr G. Moore,
 7 The Sidings,
 Station Road,
 Shepreth,
 Herts SG8 6PZ

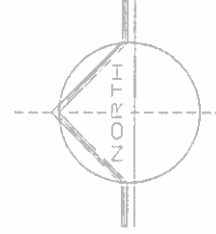
drawing
 Location and Siteplans
 status
 Planning

drawn by: J-DW
 checked by: J-DW
 date: 10/10/2015
 scale: 1:2500(1:500@A3)

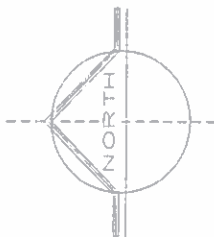
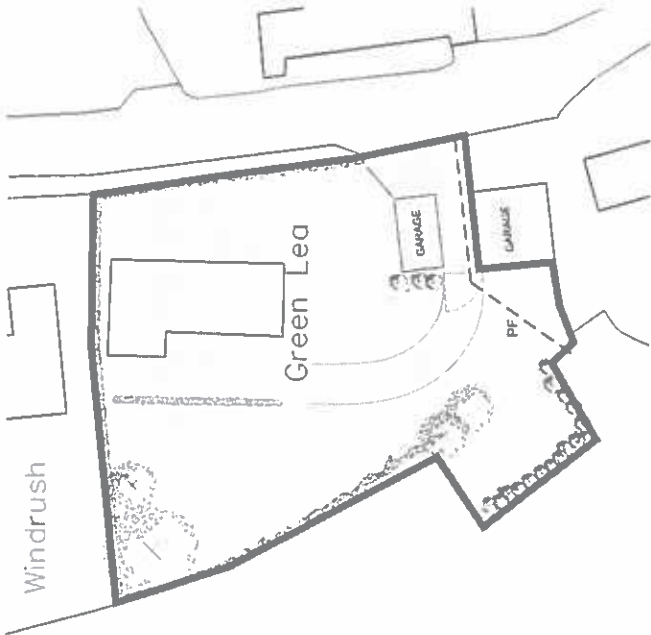
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151123/PL/002 G

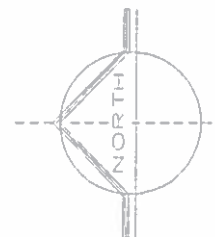
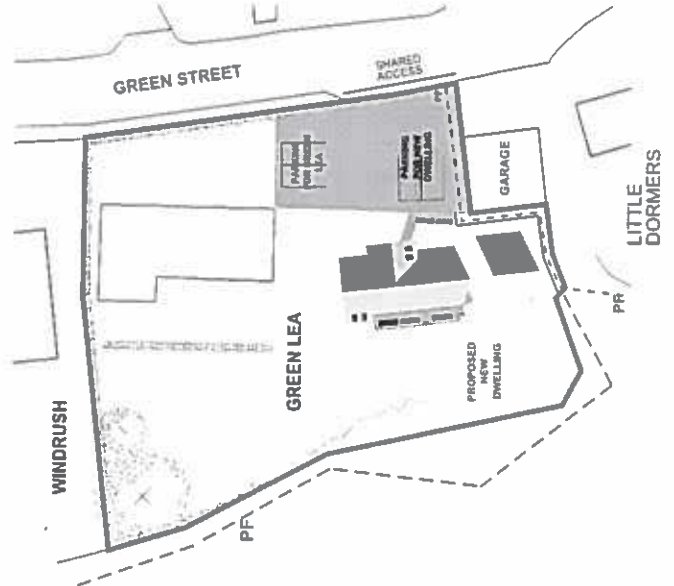
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LOCATION PLAN
 Scale 1:500



SITEPLAN EXISTING
 Scale 1:500



SITEPLAN PROPOSED
 Scale 1:500

24679A

Materials:

1. Zinc standing seam roof.
2. Walls: Combination of coursed random rubble stonework and larch cladding.
3. PP coated aluminium glazed doors, windows and screens.
4. Zinc gutters and downpipes.

client: Mr G. Moore
 project: Proposed New House, Adjacent to 'Green Lea', Green Street, Brockworth, Glos GL3 4RT

drawing no: 151123/PL/013 I

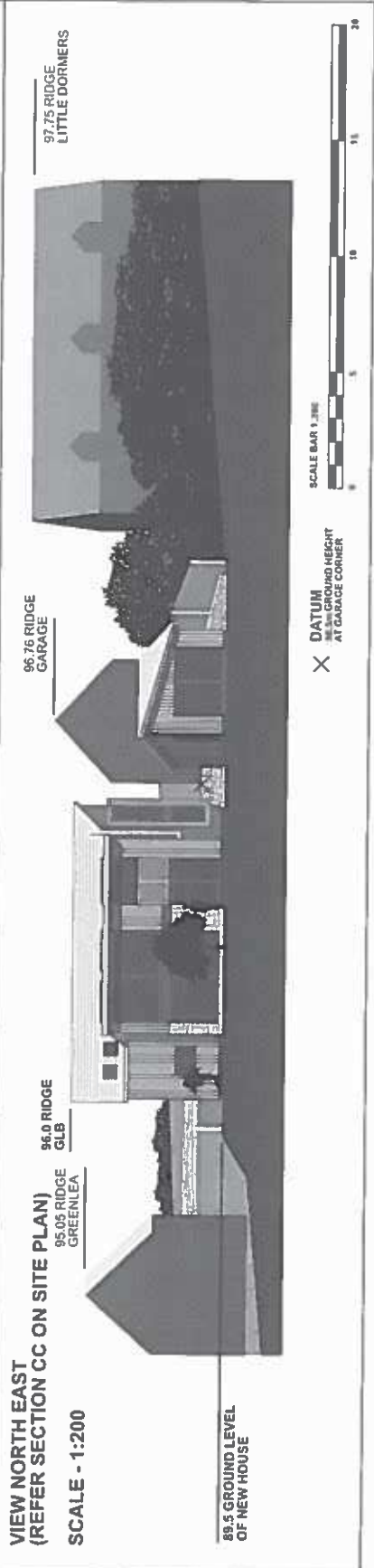
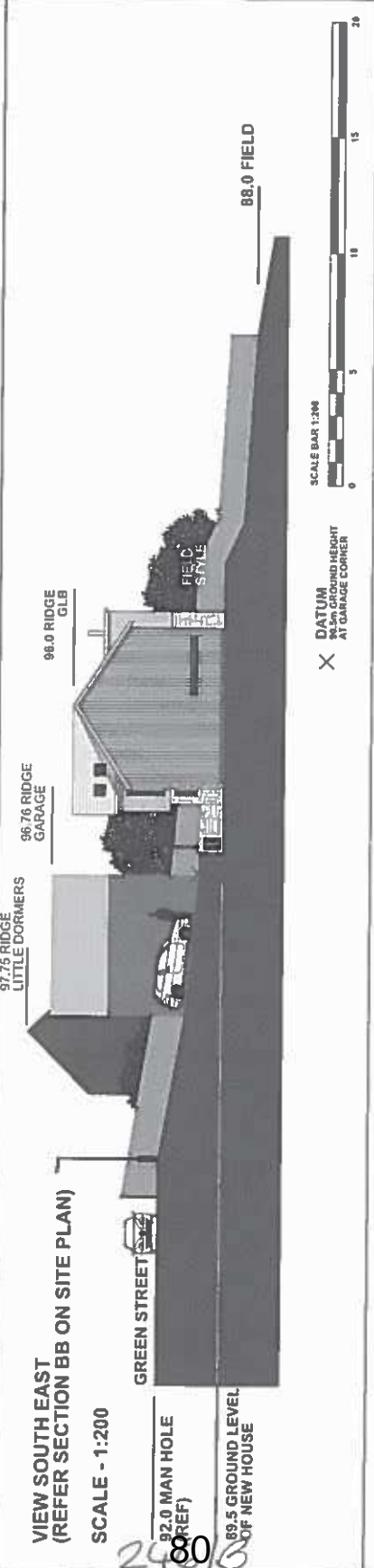
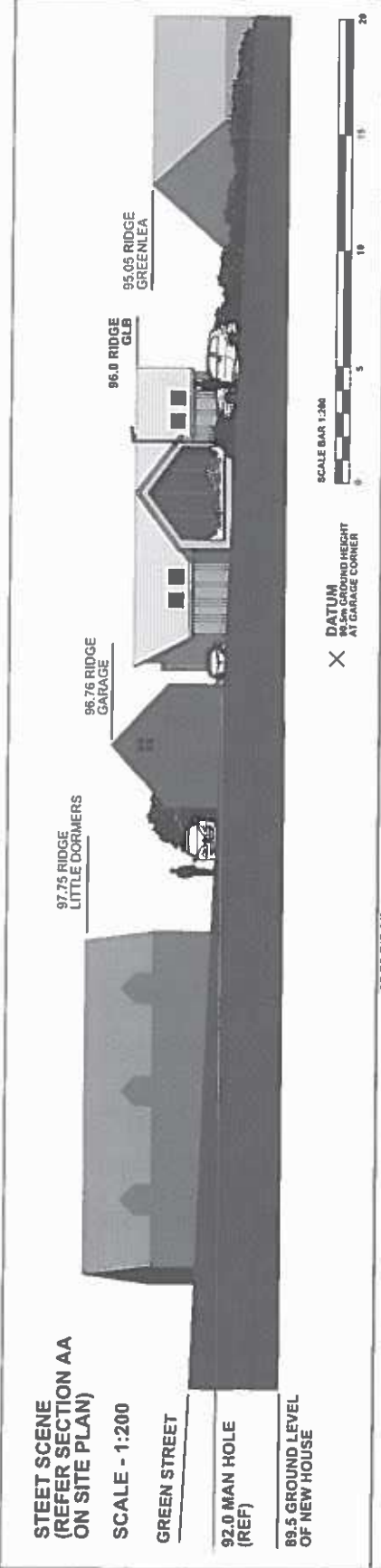
client: Mr G. Moore,
 7 The Sidings,
 Station Road,
 Shepreth,
 Herts SG8 6PZ

drawing status: Street scene / site sections
 Planning

drawn by: JDW
 checked by: JDW
 date: 15/11/2017
 scale: 1:200@A3

drawing no: 151123/PL/013 I

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17/00448/OUT

Deepfurrow House, Main Road, Minsterworth

8

Valid 02.05.2017
Grid Ref 378219 217236
Parish Minsterworth
Ward Highnam With Haw
Bridge

New 4 bedroom, 2 Storey dwelling adjacent Deepfurrow House.

Mr Paul Gwilliam

Deepfurrow House
Main Road
Minsterworth
Gloucestershire
GL2 8JH

RECOMMENDATION Permit

Policies and Constraints

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, HOU1, HOU4, TPT1, TPT3, TPT6, TPT11, EVT2, EVT3, EVT5, EVT9, LND2, LND7, NCN5
Proposed Main Modifications JCS
Flood and Water Management SPD
NPPF
Planning Practice Guidance
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Minsterworth Parish Council - no objections to this application.

Gloucestershire County Council Highways - no objection to the proposal subject to conditions.

Severn Trent Water - No comments received.

Planning Officers Comments: Fiona Martin

1.0 Application Site

1.1 The application site relates to land to the east of Deepfurrow House in Minsterworth. The site is located on Main Road (A48) and within flood zone 1. The village of Minsterworth is to the west of the site.

2.0 Relevant Planning History

2.1 There is no relevant planning history to the site, however there are a number of sites nearby that benefit from outline planning permission.

3.0 Current Application

3.1 Outline planning permission is sought for the erection of a detached dwelling with the matters of appearance and layout being reserved for subsequent approval. An indicative layout has been provided in support of the application. Revised plans to alter the residential boundaries were received on 3rd July 2017.

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).

Tewkesbury Borough Local Plan to 2011 - March 2006

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 As set out above, 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 in accordance with 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.

Emerging Joint Core Strategy

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

4.8 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.

4.9 Policy SP2 of the Submission JCS 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 9,899 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 JCS, including at Minsterworth.

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

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

4.11 The JCS was submitted to the Secretary of State on 20 November 2014. Its Examination in Public commenced in May 2015 and is still ongoing. The Inspector published her interim report in May 2016 and following this the three JCS Councils have approved the Main Modifications for consultation. Whilst the emerging plan is now at an advanced stage, it is not yet formally part of the development plan for the area and the weight that can be attached to its policies will be 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.

National Planning Policy and Guidance

4.12 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not change the status of the development plan as the starting point for decision making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise.

4.13 The NPPF is supplemented by the Government's Planning Practice Guidance (PPG). Of relevance to this case is the section on rural housing which states that it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. It follows that a thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.

5.0 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 Minsterworth is a named Service Village in the current submission version of the JCS 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.

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 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 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 JCS 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 balancing exercise. It is also material that, as can be seen on the attached site location plan, planning permission has been granted for four and six houses respectively on land to the east and west of the application site (permission references 16/00823/OUT and 16/00822/OUT). An application also appears on the schedule for five proposed dwellings to the south of the A48 opposite the current application site and this is recommended for permission.

Design and Impact on the character of the area

5.6 Matters of appearance and layout have been reserved and are to be considered at a later stage although the application is supported by indicative layout and elevation plans.

5.7 There would be a small degree of harm to the character and appearance of the area through the infilling of the gap between Deepfurrow House and the neighbouring dwelling, Deepfurrow Bungalow. Nevertheless, as set out above, planning permission exists for 10 dwellings either side of these properties and it is not considered, in that context, that a dwelling on the application would appear out of place in principle. However the designs shown in the indicative material is not considered to reflect the more simple traditional style of dwellings in Minsterworth. Whilst there have been different styles introduced to the area in different periods, the characteristic style in the area is that of simple red brick dwellings which can be seen across the Severn

Vale. The indicative dwelling however is more redolent of a 1980s/1990s suburban estate type dwelling. It has an unfortunate two-storey projection off the front elevation which would result in an incongruous feature, unsympathetic to the local area.

5.8 Overall, an appropriately designed dwelling could be provided at the site, subject to the detailed matters which would be considered at reserved matters stage. It is recommended however that a note is attached to any permission granted making it clear that the indicative design for the proposed dwelling is not considered to be acceptable for the reasons outlined above.

Impact on residential amenity

5.9 The application is accompanied by an indicative plan showing that one dwelling could be accommodated within the site with an acceptable level of private amenity space for both the existing dwelling and proposed dwelling. It is not considered the proposal would result in any significant adverse impacts on the residential amenity of existing occupiers from this proposal.

Highway safety

5.10 The matter of access is being sought within this application. The site is located on the Main Road in Minsterworth, there would be a shared existing access with the host dwelling, Deepfurrow House. The Main Road is subject to a 50mph speed limit. The submitted plans show that visibility splays of 160 metres can be achieved in both directions and it is not considered that the intensification of the access to serve one further dwelling would result in any undue harm to the safety of the local highway network. As such, there are no objections to the access to the site subject to conditions.

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, 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 Minsterworth is identified as a Service Village in the JCS and therefore as a suitable location for some limited residential development. There are social and economic benefits to the proposal in that the proposal would contribute to the supply of housing which would in turn create benefits for the local economy, both through construction and following occupation. However these benefits are very limited given the scale of development proposed. Additionally, the development is sited adjacent to the defined settlement boundary with a good level of accessibility to primary services within easy walking distance of the site. Importantly in this case permission exists for 10 new dwellings either side of this property and its neighbour, Deepfurrow Bungalow. These matters weigh in favour of the proposal.

6.3 Taking into account all of the above it is therefore recommended that the application is **Permitted**.

RECOMMENDATION Permit

Conditions:

- 1 The development for which permission is hereby granted shall not be begun before detailed plans there of showing the layout, scale and external appearance of the building(s) and the landscaping of the site (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development hereby permitted shall be begun before the expiration of two years from the sate of approval of the last of the reserved matters to be approved.
- 4 Details of existing and proposed levels, including finished floor levels shall be submitted as part of the Reserved Matters application(s) in accordance with Condition 1. All development shall be carried out in accordance with the approved details.

- 5 During the construction phase no machinery shall be operated, no process shall be carried shall be carried out and no deliveries taken at or despatched outside the following times:07:30 to 18:00 on weekdays and from 08:00 to 14:00 on Saturdays. There shall be no outside working on Sundays and Public or Bank Holidays.
- 6 The details submitted for the approval of reserved matters shall include a plan indicating the positions, design, materials and type or boundary treatments to be erected. The boundary treatments shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
- 7 The details submitted for the approval of reserved matters shall include details and/ or samples of the external facing materials and hard surfacing proposed to be used. Development shall be carried out in accordance with the approved detail.
- 8 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.
- 9 Applications for reserved matters pursuant to condition 1 above shall include parking and turning facilities which allow vehicles to enter and leave the highway in forward gear and those facilities shall be provided in accordance with the details so approved before the dwelling hereby permitted is first occupied.

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 To ensure that the development integrates harmoniously with the surrounding development and to safeguard the amenities of adjoining properties in accordance with Policy HOU5 of the Tewkesbury Borough Local Plan March 2006 and the Core Planning Principles of the NPPF.
- 5 To protect the amenity of neighbouring properties.
- 6 To protect the amenity of neighbouring properties.
- 7 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.
- 8 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.
- 9 In the interests of highway safety.

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 Applicant and any future developers of the site are advised that the indicative design and layout of the proposed dwellings submitted alongside this application are not considered to represent an acceptable form of development.

17/00448/OUT

RES ARCHITECTURE

RES Architecture Ltd
Highnam Business Centre, Highnam
Gloucestershire, GL3 5DH
Email: info@resarchitecture.co.uk
Web: www.resarchitecture.co.uk



Rev	Description	Drawn By	Checked By
001	Initial drawing submission		
002	Final boundary agreement		

OUTLINE

Client
MR & MRS P GWELIAMA

Project
NEW DWELLING
ADJACENT DEEPFURROW HOUSE
MIRSTERWORTH
GLOUCESTER, GL2 8JH

Drawing Description
SITE LOCATION PLAN
AERIAL PHOTOGRAPH
AS EXISTING

AS NOTED A1 APR 2017

NCR NUG

ARC.1328 01 OP1

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Site Location Plan - 1:1250



Aerial Photograph - 1:1250 (Approx)

2521A 87

Project Name	Client
Project No	Drawn By
Project Date	Checked By
Project Status	Scale
Project Location	Drawn Date
Project Description	Scale
Project Details	Scale
Project Notes	Scale

OUTLINE

Client: MR & MRS P WILLIAM

Project: NEW DWELLING ADJACENT DEEPFURROW HOUSE MINSFERNORH GLOUCESTER, GL2 8JH

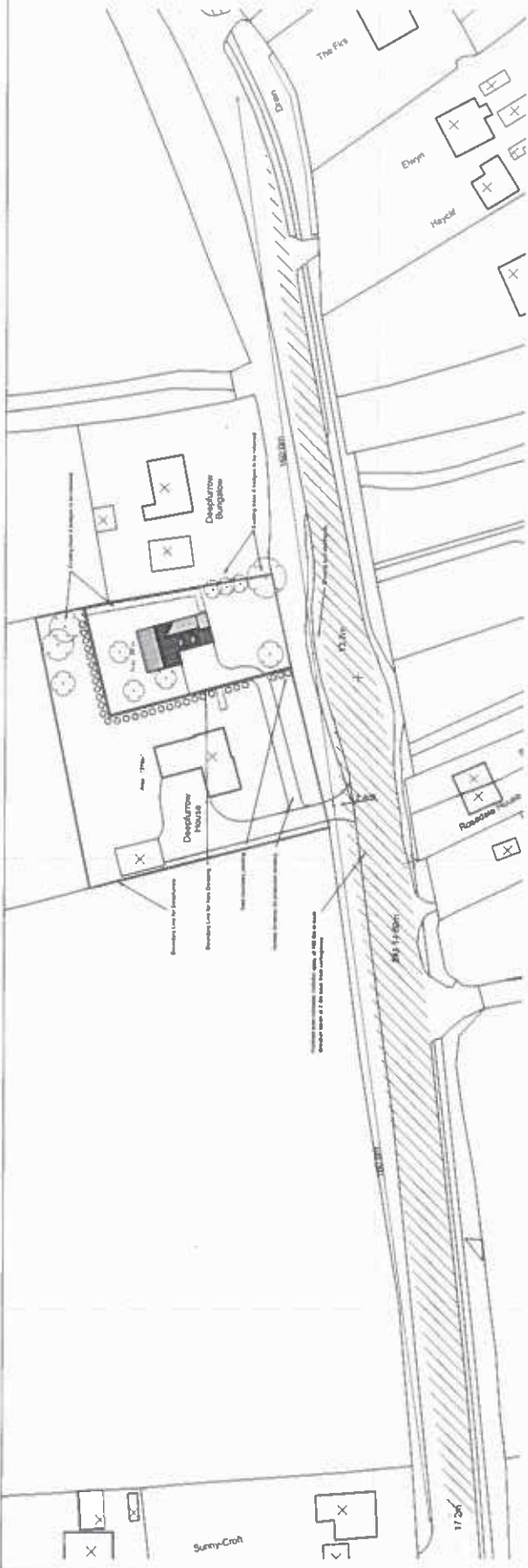
Drawing Description: SITE PLAN, STREET SCENE & HOUSE PLANS / ELEVATIONS AS PROPOSED

AS NOTED A1 APR 2017

NCR N/J

ARC.1328 02 OP1

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Proposed Site Plan - 1:500

88
252/B



Existing Street Scene - 1:200



Proposed Street Scene - 1:200



Floor Plans - 1:200

Elevations - 1:200

17/00550/FUL

11 Kaybourne Crescent, Churchdown, Gloucester

9

Valid 22.05.2017

Grid Ref 388851 220120

Parish Churchdown

Ward Churchdown Brookfield

Construction of 1 No 2 bedroom bungalow

Mr George Williamson
11 Kaybourne Crescent
Churchdown
Gloucester
GL3 2HL

RECOMMENDATION Permit

Policies and Constraints

NPPF

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU2, HOU5, TPT1, LND7, EVT5 and EVT9

JCS Main Modifications February 2017

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

Churchdown Parish Council - Object to the proposal, raising the following points;

- Overdevelopment of the plot
- Compromise the visibility to drivers using the end of the cul-de-sac
- Exacerbate parking problems in the vicinity, particularly with the installation of a dropped kerb.

Representations - 2 letters of objection received, raising the following points:

- The only difference between this and previous applications is the fence will be removed
- Encroachment on driveway of 5 Kaybourne Crescent
- Loss of privacy to 5 Kaybourne Crescent
- Highway safety issues
- Overdevelopment of the plot

Planning Officers Comments: Suzanne D'Arcy

1.0 Introduction

1.1 The application site relates to the area of garden to the north of 11 Kaybourne Crescent. It is broadly triangular in shape and measures approx. 0.045 hectares.

1.2 The site is located within the settlement of Churchdown, which is considered to be a service village.

1.3 The area is characterised by mixed style residential dwellings. The site is bounded to the north and west by Kaybourne Crescent.

2.0 Relevant Planning History

2.1 Full planning permission has been granted for the erection of a single storey dwelling (ref: 15/00374/FUL)

2.2 Planning permission has been refused for the erection of a two bedroom single storey dwelling (refs: 15/01387/FUL and 16/00652/FUL). The applications were both refused as they represented overdevelopment of the plot. Planning application ref: 16/00652/FUL was also refused as it would have had an overbearing impact on 11 Kaybourne Crescent and the application had failed to demonstrate that adequate visibility could be achieved.

2.3 Planning permission was refused in February 2017 for the erection of a two bedroom bungalow (ref: 16/01371/FUL). The proposed dwelling would have had an adverse impact on the street scene, as it would have been set forward of the building line, failed to address the street scene and introduced an outbuilding into the frontage.

3.0 Current application

3.1 The current application is for the erection of a dwelling.

3.2 The proposed dwelling would be a single storey, two bedroom dwelling. It would be constructed of brick with a concrete tile roof.

3.3 The proposed dwelling would have a footprint of 8.6m by 7m. It would be 2.4m high to the eaves and rise to a height of 5.7m at the ridge.

3.4 The application differs from the previously refused application as the proposed dwelling has been pulled back to be more in line with the existing building at number 11.

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 policies of the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy HOU2 states that residential development will be supported, provided it integrates well with the framework of the settlement and does not adversely impact the amenity of the area or residential occupiers. Furthermore, Policy HOU5 of the Local Plan requires new housing development to respect the existing form and character of the adjacent area; not result in unacceptable loss of amenity; be of high quality design and make provision for appropriate access and parking. 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.

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

National Planning Policy Framework (NPPF)

4.4 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.

5.0 Analysis

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

Principle of development

5.2 The site is located within the settlement of Churchdown and as such, residential development is acceptable in principle, subject to other material considerations.

Impact on the character of the area

5.3 Saved Local Plan Policy HOU5 requires new housing development respect the existing form and character of the adjacent area and be of high quality design. Policy SD5 of the submission version of the JCS requires proposals for all new development to clearly demonstrate that a number of design principles have been reflected in proposals.

5.4 Kaybourne Crescent is characterised by a mix of bungalows and one and a half storey dwellings. The existing dwellings are sited in relatively close proximity with limited spacing between them and amenity space to the rear. Number 11 is an anomaly in the street scene with its principle amenity space being sited adjacent to the side of the dwelling rather than to the rear. The proposed dwelling would be sited on this land and would have a similar relationship with number 11 as that demonstrated elsewhere in the street. In view of this, and the highway to the north of the site, it would not have a cramped appearance on the plot.

5.5 The most recent application was refused as it was considered that the proposed dwelling would have an adverse impact on the street scene. The proposed dwelling has been resited on the site to be more in line with the existing dwelling at number 11. Furthermore, it is broadly in line with the siting of the proposed dwelling in the extant permission. Many of the dwellings in Kaybourne Crescent do not have the front door on the elevation adjacent to the street and it is located further into the site and on the side elevation. Given that the proposed dwelling would have two street facing frontages and the front door would address one of these, it is considered that this is acceptable.

5.6 Kaybourne Crescent is characterised by open frontages. The site is currently enclosed by a 2m high boundary fence. The proposed development would largely result in this fence being removed thus opening up the frontage. The shed shown on the drawings is an existing building and its retention would not result in an unacceptable impact on the streetscene.

5.7 Whilst the application site is limited in size, the proposed development has been designed to limit the land take required as well as reflecting the general design of dwellings in the area. Furthermore, it is of a similar size, scale and massing as that of the previously approved dwelling. It is therefore considered, on balance, that the proposed development would comply with Saved Local Plan Policies HOU2 and HOU5 and Policy SD5 of the Submission Joint Core Strategy.

Impact on residential amenity

5.8 Policy HOU5 sets out that new housing development within existing residential areas must not result in an unacceptable loss of amenity for existing and proposed dwellings. This is reflected in one of the NPPF's 'Core Principles', which is to ensure a good standard of amenity for all existing and future occupants of land and buildings.

5.9 The proposed development would be sited on the residential garden of the existing dwelling at number 11. The Council has previously accepted the resultant level of amenity space for the existing dwelling through the extant permission. The proposed dwelling has been resited on the plot and would therefore be approx. 4m from the boundary with number 11. Due to this relationship, it is not considered that there would be any significant adverse impacts on the residential amenity of occupiers of number 11 from this proposal.

5.10 There is no immediate neighbour to the north and properties to the west are located on the opposite side of Kaybourne Crescent. The grounds of Chosen Hill School are located to the east. Having regard to the sites location it is not considered that there would be any significant adverse impacts on adjacent residential properties as a result of the proposal.

5.11 The proposed dwelling would have approx. 50square metres of residential garden to the south. The proposed dwelling would have reasonable sized rooms, including two bedrooms, a kitchen and living room. It is therefore considered that future occupiers of the proposed dwelling would result have an acceptable level of residential amenity.

5.12 Overall, it is not considered that the proposed development would have a detrimental impact on the residential amenities associated with adjacent dwellings. It is also considered that the proposal would provide an appropriate level of amenity for the proposed dwelling. The proposal would satisfactorily integrate the development within the surrounding settlement and the proposal is therefore considered acceptable in light of policies HOU2 and HOU5 of the Local Plan and one of the Core Principles of the NPPF in respect of living conditions.

Impact on highway safety

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

development should only be refused on safety grounds where the cumulative impacts of development are severe. Policy INF1 of the submission version of the JCS states that developers should aim to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.

5.14 The Parish Council have objected to the application on highway safety grounds. They are particular concerned about the lack of parking provision for the proposed dwelling as well as the sites location in close proximity to the cul-de-sac's turning head. It is noted that the Council has previously accepted the proposed parking area in the location proposed by this development when granted planning permission for application ref: 15/00374/FUL.

5.15 It is acknowledged that the off street car parking space would be located in close proximity to the turning head the proposed development would actually result in an improvement in visibility given that it would require the removal of the existing 2 metre high boundary treatment. Further the application site already has an access in this vicinity which, although it may not be regularly used by the current occupiers, is still in existence.

5.16 Parking space is proposed within the site for one car. Whilst there is only provision for one off-street parking space it is considered that this is appropriate given the small size of the proposed dwelling. Whilst the proposal would potentially result in additional cars parking on the street, numbers of vehicles associated with the development is likely to be limited and therefore it is not considered that the additional parking pressure from the development would result in significantly demonstrable harm to warrant refusal on these grounds. In term of visibility from the proposed access it is considered that appropriate visibility could be achieved.

5.17 Having regard to the above it has not considered that the proposed development would be detrimental to highway safety and the proposal would therefore accord with Development Plan Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006, emerging Policy INF1 of the Submission Joint Core Strategy (November 2014) and the provisions of the NPPF.

6.0 Conclusion

6.1 Paragraph 14 of the NPPF states that where relevant policies are out of date, planning permission should be granted unless the 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.

6.2 The site is located within a settlement and therefore it is considered to be in a sustainable location. The proposed access arrangements will not have an adverse impact on highway safety.

6.3 The proposed dwelling would not have a significant adverse impact on residential amenity nor the character of the area. In view of this, the application 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 the following drawings

Drawings numbered 15007 and 3 x drawings numbered 17045, received by the Council on 22nd May 2017.
- 3 No development shall commence until details, including elevations, of the proposed ridge heights/finished floor levels/eaves heights/slab levels in relation to an identified datum level have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 4 Prior to the first occupation of the proposed dwelling the car parking facilities shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.

- 5 No development shall take place until samples of all external facing and roofing materials has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples.
- 6 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.
- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.
- 8 Before the dwelling hereby authorised is first brought into use, the area of driveway within 5 metres of the carriageway edge of the public road shall be surfaced in bound material, and shall be maintained thereafter.

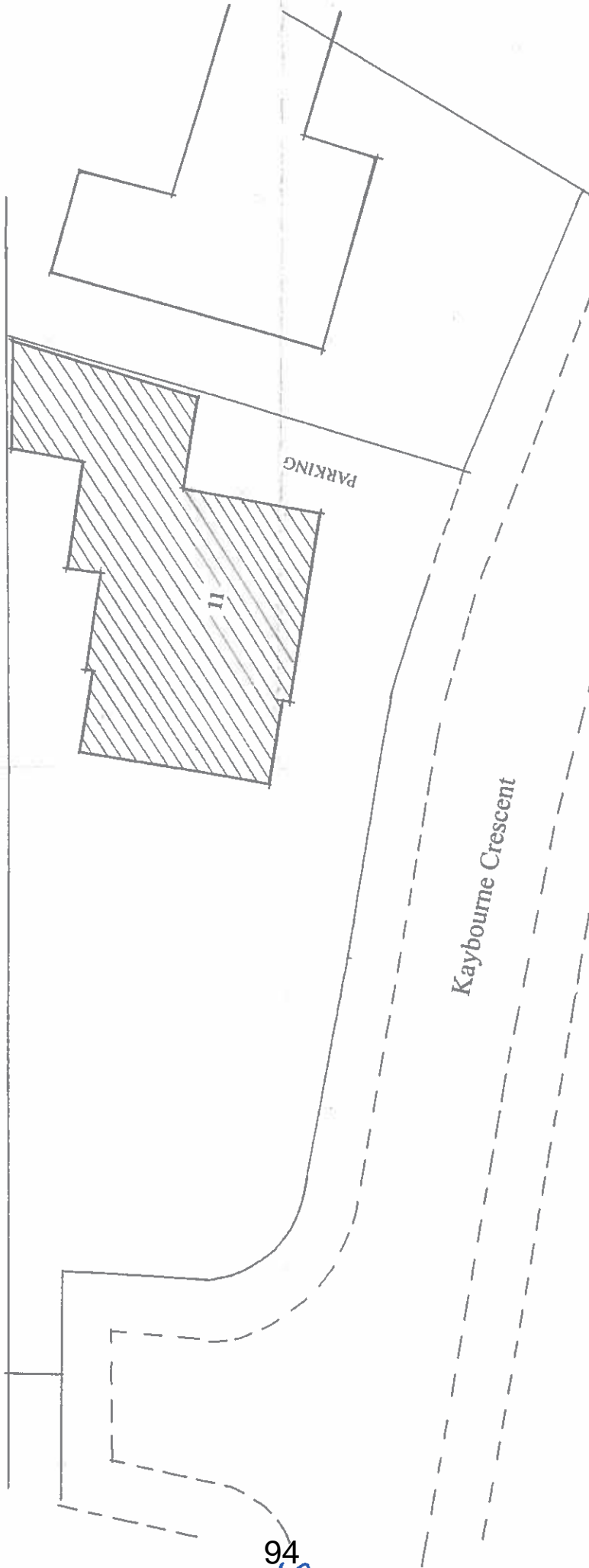
Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the extent of the permission for avoidance of doubt.
- 3 To protect the amenity of adjoining occupiers in accordance with Policy HOU5 of the Tewkesbury Borough Local Plan to 2011 and the Core Planning Principles of the National Planning Policy Framework 2012.
- 4 To enable vehicles to enter and leave the highway in forward gear in the interests of highway safety, in accordance with the provisions of the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 5 To ensure that the external appearance of the building is satisfactory.
- 6 In the interests of visual amenity and the character of the area.
- 7 To ensure that the appearance of the development is satisfactory.
- 8 In the interests of highway safety.

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.



Mr George Williamson
 Proposed New Dwelling at
 11 Kaybourne Crescent
 Churchdown
 Glos.

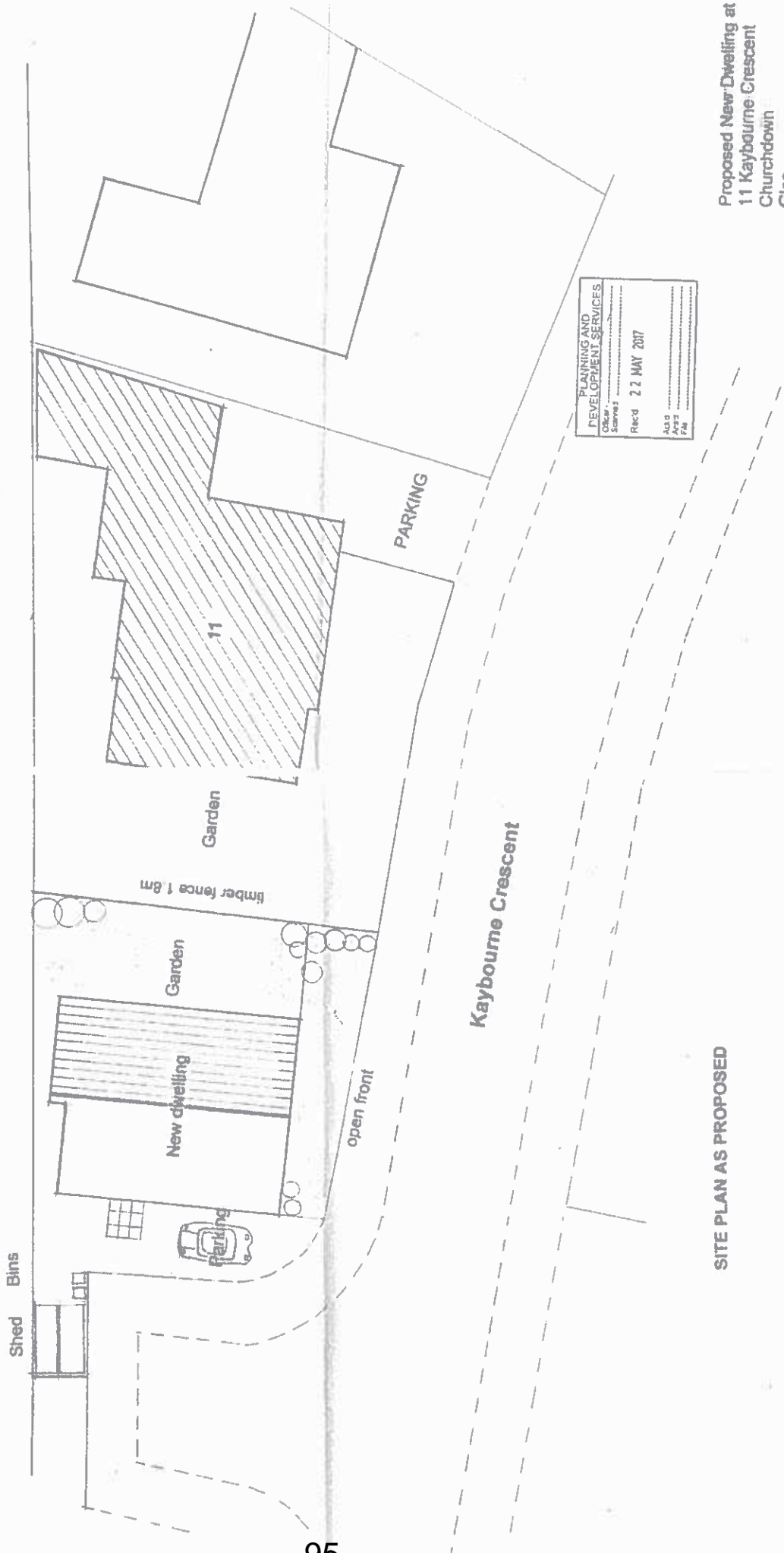
PLANNING AND
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SITE PLAN AS EXISTING

Mar 2015 1:100 PK

15007

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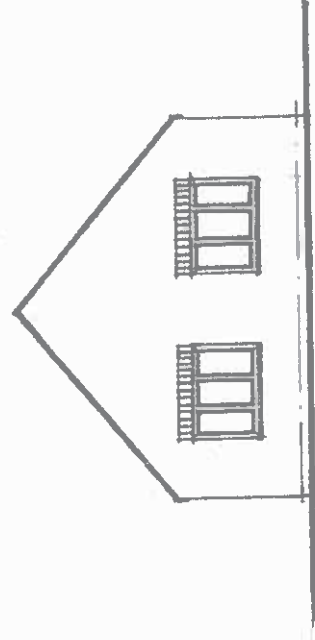
SITE PLAN AS PROPOSED

Proposed New Dwelling at
 11 Kaybourne Crescent
 Churchdown
 Glos.

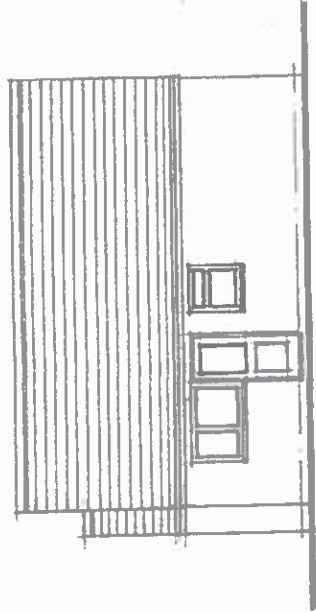
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Front Elevation

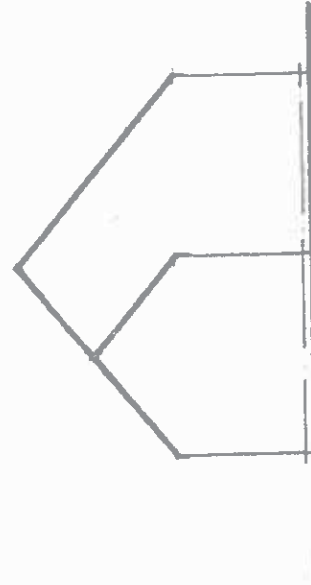


Side elevation

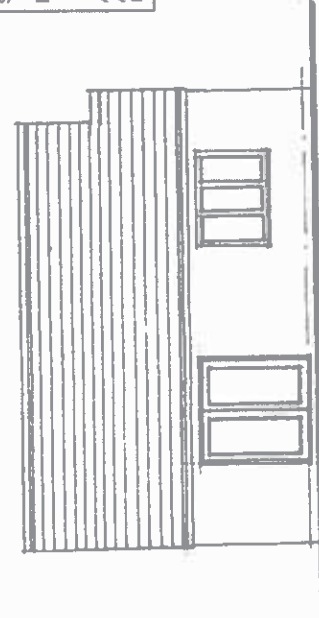
conc tiles

facing brick

PLANNING AND DEVELOPMENT SERVICES	
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Rec'd	22 MAY 2017
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Rear Elevation



Side elevation

Proposed New Dwelling at
11 Kaybourne Crescent
Churchdown
Glos.

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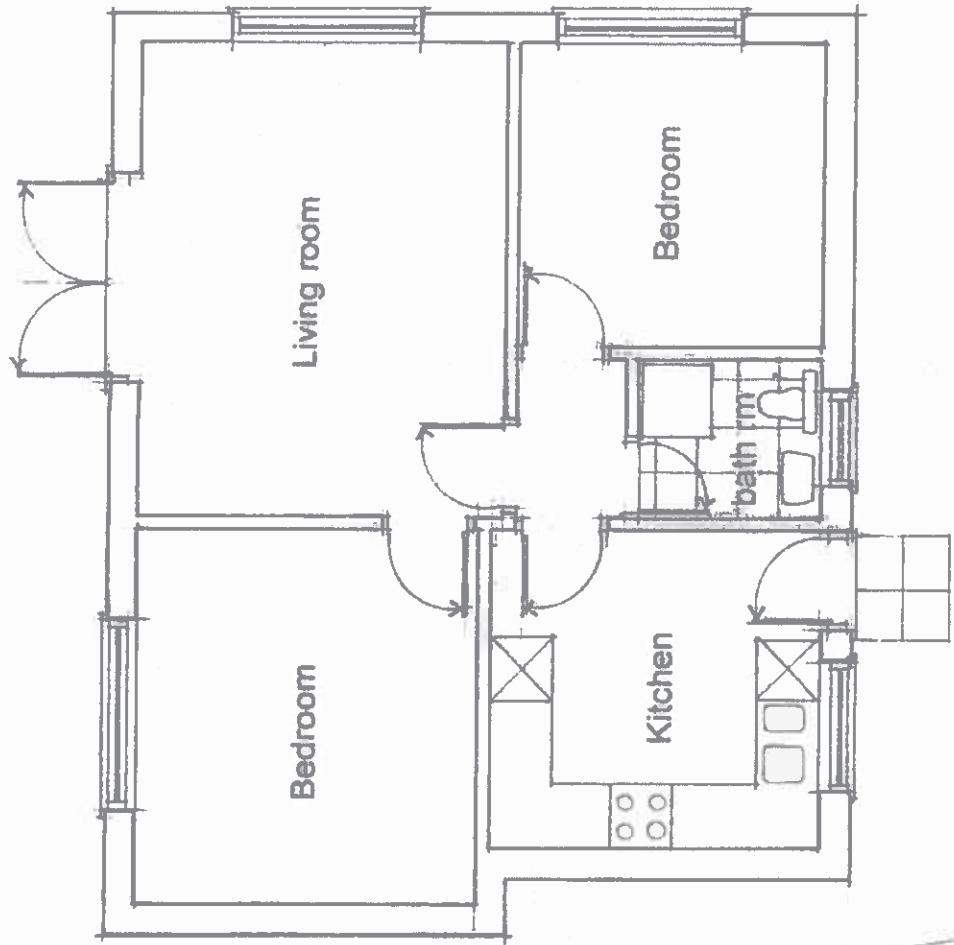
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Proposed New Dwelling a
 11 Kaybourne Crescent
 Churchdown
 Glos.

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17045



PARKING

Living room

Bedroom

Bedroom

Kitchen

bath rm

FLOOR PLAN

97
 257/10

Approved plans
15/00374/ful



Mr George Williamson
Proposed New Dwelling at
11 Kaybourne Crescent
Churchdown
Glos.

Mar 2015 1:100 PK

15007

PSK

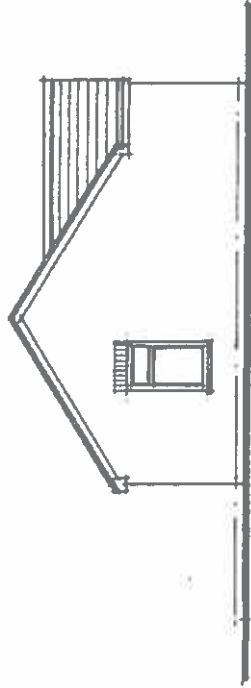
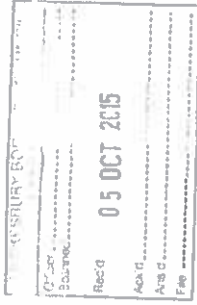
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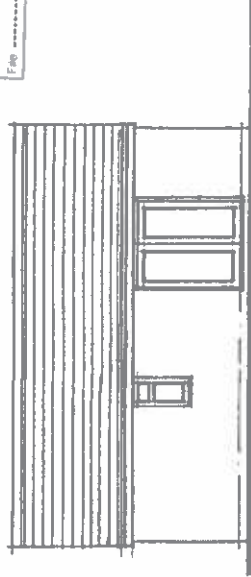
pskarchitect@btinternet.com
www.psk-architect.co.uk

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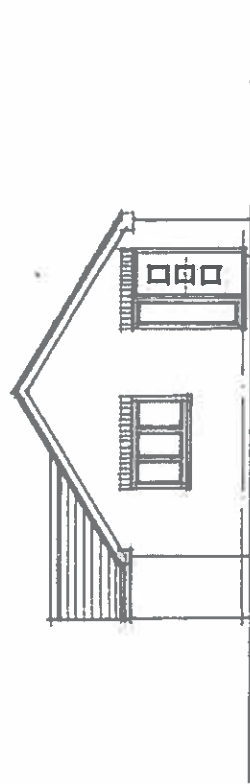
Approved plans
15/00374/FUL



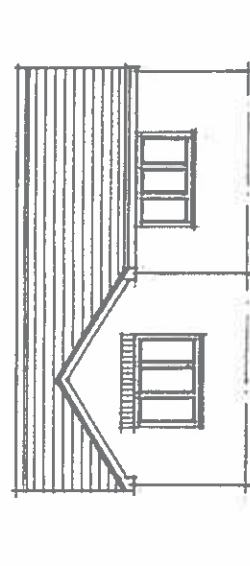
Rear Elevation as Proposed



Side Elevation as Proposed



Front Elevation as Proposed



Side Elevation as Proposed

Mr George Williamson
Proposed New Dwelling at
11 Kaybourne Crescent
Churchdown
Glos.

ELEVATIONS

Mar 2015 1:100 PK

15007

2991/F

17/00104/OUT Land adjacent to Rosedale House, Main Road , Minsterworth 10

Valid 30.01.2017 Outline planning permission for the erection of 5 dwellings with access and layout for approval.

Grid Ref 378216 217178

Parish Minsterworth

Ward Highnam With Haw

Bridge

Oxygen Real Estate Group

C/O Agent

RECOMMENDATION Delegated Permit

Policies and Constraints

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

Proposed Main Modifications JCS

Flood and Water Management SPD

NPPF

Planning Practice Guidance

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Parish Council - Supports this application.

Highway England No objection.

County Highways Authority -

County Archaeologist - Recommend that no archaeological investigation or recording is required in connection with this scheme.

Severn Trent - No objections to the proposals subject to a condition requiring drainage details.

Local residents - Two letters have been received from the occupier of the neighbouring property making the following comments:

- Four houses would be sufficient. Five is too cramped.
- Concerns about the proximity of visitor parking spaces to my boundary that would affect our amenity in the back garden.
- The access would mean we would be affected by traffic on both sides.
- There are concerns about foul and surface water drainage.
- Point out that part of the site was used as a Blacksmiths Forge for many years.

Planning Officers Comments: Mr John Hinett

1.0 Introduction

1.1 The application site comprises the large part of a field that appears to be a former orchard which is bound to the east by the side elevation and garden of Rosedale House and by a strip of land to the south of the Rosedale House. Beyond this strip of land lies The Rookery. A collection of farm buildings occupy the southern boundary. The driveway to Eame Hill Farm House runs along the western boundary with open fields beyond. The application site fronts onto the A48 to the north with open fields beyond. The site contains a large agricultural shed close to the road frontage which is proposed to be demolished.

1.2 The site does not fall within a recognised settlement boundary as defined in the Tewkesbury Borough Local Plan - March 2006 and the site is not affected by any landscape designations. The site is located within Flood Zone 1. There are no public rights of way crossing the site.

1.3 There is an existing agricultural access into the field off the A48.

2.0 Planning History

2.1 There is no relevant planning history on this site.

2.2 Of relevance, application 16/00822/OUT for 6 dwellings on land directly opposite the site was permitted in April this year.

3.0 Current Application

3.1 The application is an Outline application for 5 detached two storey dwellings with Access and Layout being considered at this stage and Appearance, Landscaping and Scale reserved for future consideration. The dwellings would be served off a single access onto the A38 with a single dwelling fronting the road and a further four to the rear (see layout plan).

3.2 The application has been revised so that the combined floorspace of the dwellings proposed is less than 1000sq.m. The proposed density would be approximately 12.5 units per hectare.

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).

Tewkesbury Borough Local Plan to 2011 - March 2006

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 As set out above, 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 in accordance with 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.

Emerging Joint Core Strategy

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

4.8 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.

4.9 Policy SP2 of the Submission JCS 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 9,899 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 JCS, including at Minsterworth.

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

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

4.11 The JCS was submitted to the Secretary of State on 20 November 2014. Its Examination in Public commenced in May 2015 and is still ongoing. The Inspector published her interim report in May 2016 and following this the three JCS Councils have approved the Main Modifications for consultation. Whilst the emerging plan is now at an advanced stage, it is not yet formally part of the development plan for the area and the weight that can be attached to its policies will be 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

4.12 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not change the status of the development plan as the starting point for decision making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise.

4.13 The NPPF is supplemented by the Government's Planning Practice Guidance (PPG). Of relevance to this case is the section on rural housing which states that it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. It follows that a thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.

5.0 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 thus 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 Minsterworth is a named Service Village in the current submission version of the JCS 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.

5.3 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. 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 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.

5.4 Whilst the proposal is not located in the heart of the village, it is not considered that the proposal would represent new isolated homes in the countryside. Minsterworth is a linear settlement in nature, without a defined centre and it is considered that the proposal is proportionate to the size and function of the settlement. Furthermore the site is located approximately 3 miles from the centre of Gloucester service facilities including supermarkets, schools and doctors. With regard to access to public transport, there are bus stops located either side of the A48 within 20 metres of the application site.

5.5 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, Minsterworth is identified in the JCS 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 balancing exercise.

Design and Visual Impact

5.6 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 Main Modifications JCS seeks to encourage good design and is consistent with the NPPF and so should be accorded considerable weight.

5.7 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Policy LND4 of the Local Plan also requires that regard be given to the need to protect the character and appearance of the rural landscape.

5.8 Although the application is outline, layout is not reserved and is considered at this stage. The layout has responded to previous pre-application advice by omitting two units and leaving a strip of land between site and the rear garden of The Rookery. The density would be approximately 12.5 dwellings per hectare. The layout proposes a dwelling to the site frontage adjacent to Rosedale House with 4 units behind it, all served off a single access road. Whilst the cul-de-sac development is not typical of the immediate residential development, Plot 1 would not project forward of Rosedale House and plots 2 and 3 would follow the building line of the majority of the dwellings along the A48 in this location which are set further back from the frontage. The rear plots would be largely hidden from view, or seen in the context of the farm buildings to the rear from more distant views. The density would allow for adequate amenity space and separation distances between dwellings (both existing and proposed). The plans show that a hedgerow could be planted along the site's eastern boundary and the existing trees retained. The Council's Urban Design Officer has no objection to the proposal.

5.9 It is therefore considered that the proposed development could be successfully integrated into the site. The detailed design and size of the dwellings would be addressed through any subsequent reserved matters application. Nevertheless, the proposal would result in development of open countryside and this is a matter that weighs against the proposals in the overall planning balance.

Noise and Residential Amenity

5.10 The NPPF provides that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from noise pollution. 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 (paragraph 17 bullet point 4).

5.11 Local Plan Policy EVT3 sets out that appropriate steps must be taken during construction to reduce levels of noise pollution and planning permission should not be granted for development where noise would cause harm and could not be ameliorated.

5.12 The site is within close proximity to the A48 - a busy and heavily trafficked road. Although most of the units have been set well back off the road plot 1 would be within approximately 20 metres from it. In view of this issue the Environmental Health Officer has recommended a condition requiring that external and internal areas must meet the requirements set out in BS 8233:2014.

5.13 By virtue of their siting relative to neighbouring properties 'Rosedale House' and 'The Rookery' the proposed dwellings would not be overbearing and subject to a condition controlling windows in first floor there would be no unacceptable loss of privacy.

5.14 Subject to a condition requiring submission of noise mitigation details that incorporate the suggested mitigation measures, the proposal is considered to comply with the National Guidance and Policy EVT3.

Highway Safety

5.15 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. Local Plan Policy TPT1 relates to access for developments and 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.

5.16 Access is proposed at this stage and would be via a single entrance off the A48. A Transport Statement (TA) submitted with the application which sets out that the scheme is predicted to result in three 2-way trips during the morning and evening peak hour periods that would have no detriment on the local highway network. Furthermore the proposed access into the site, via a priority junction with right-hand turn lane has been found to be safe and suitable by an independent Road Safety Audit. Highways England have been consulted and raise no objections.

5.17 Gloucestershire County Highways Authority (CHA) note that the A48 through Minsterworth is subject to a 50mph with footway on the south side and no street lighting. Following extensive consultation, a revised plan has been submitted which includes a right turn holding lane for site vehicles to enter the site from the west without interrupting eastbound traffic towards Gloucester whilst waiting to enter the site access across the existing central highway hatching. This has been designed to follow a right turn holding lane to the north into the approved 16/00822/OUT application site which has been amended to accommodate both site access right turning lanes. The internal shared surface estate road layout has been tracked on plan 160531-TK10 A illustrating inter-visible passing internally sufficient for expected vehicles and turning on plan 160531-TK06 B.

5.18 Each property would have 2 off-road parking spaces with a double garage which the CHA consider is sufficient. The site access connects to an existing footway on the south side of the A48 allowing pedestrian access to westbound bus stops and Minsterworth amenities, however to ensure suitable pedestrian access to the eastbound bus stop towards Gloucester the CHA consider a condition necessary for tactile drop kerb crossing and pedestrian island (as necessary). Subject to conditions the CHA therefore have no highway objections to the proposal. However there is a currently unresolved issue relating to proposed highway works required under planning application 16/00822/OUT. Accordingly, if members are minded to permit this current application, permission would need to be delegated to the Development Manager to allow this outstanding issue to be resolved.

5.19 Subject to the above, the proposal is considered to be acceptable in terms of guidance within the NPPF and Local Plan Policy TPT1.

Flood Risk and Drainage

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

5.21 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.

5.22 The site lies wholly within Flood Zone 1 where there is a low risk of flooding from all sources. The site is less than 1 hectare in area and therefore no Flood Risk Assessment is required.

5.23 The application is accompanied by a Drainage Strategy Report which outlines a proposed Sustainable Drainage Strategy (SuDS) for the site that utilises soakaways and permeable paving providing on-site attenuation and treatment prior to discharge via infiltration into the underlying geology. The proposed SuDS would be designed to cater for the 1 in 100 year plus 40% allowance for climate change event in accordance with the requirements of the Lead Local Flood Authority.

5.24 The report identifies that there are no foul sewers available to serve the site and therefore proposes a packaged sewage treatment system. This sewage system would also be designed to accommodate the foul waste from Rosedale House in order to enable the removal of the existing septic tank for this property that lies underneath the north-eastern corner of the site. This is a benefit of the proposal.

5.25 Severn Trent have no objections subject to a planning condition requiring drainage details prior to development commencing and therefore it is considered that the proposal therefore complies with the guidance contained within the NPPF, and Policies EVT5 and EVT9 of the Development Plan.

Ecology and Nature Conservation

5.26 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.

5.27 The Preliminary Ecological Appraisal concludes the site is of low ecological value with limited opportunities to support protected species such as breeding birds and bats. The site contains some mature fruit trees, but is not designated as a Traditional Orchard Priority Habitat, and its loss would not cause any significant impacts. No further ecology surveys are required, but recommendations have been made to enhance the site's ecological value. Suggestions include integrated bird, bat and insect boxes, as well as wildlife beneficial planting and can be required by condition.

5.28 The Tree Report/Tree Reference Plan and an Arboricultural Impact Report/Impact Assessment Plan demonstrate that adequate protection can be provided to ensure all retained trees are protected throughout development in the form of barriers and/or ground protection.

5.29 In light of the above, and subject to the imposition of conditions, there is no evidence to suggest that there are any overriding ecological constraints to the development of the site for residential purposes

Affordable Housing

5.30 Saved Policy HOU13 states that the Council will seek affordable housing contributions on sites of 5 dwellings or more where the population of the settlement is less than 3,000. Policy SD13 of the MMJCS states that that on sites of 10 dwellings or less, no contribution towards affordable housing will be sought. 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. This is an outline application and the applicant has confirmed that the development would fall below 1,000sqm when reserved matters are submitted. The maximum amount of floorspace can be controlled by condition.

Contamination

5.31 The occupier of the adjoining house 'Rosedale' has written to inform the Authority that part of the site was historically used as a Blacksmiths Forge. A precautionary condition has therefore been recommended by the Council's Environmental Health Officer requiring soil investigation prior to commencement of development.

6.0 Overall Balancing Exercise and Conclusion

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 should be recognised that 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.

Benefits

6.3 The benefit of the proposal arises from the delivery of market housing, although it is accepted that those benefits are limited by virtue of the small scale of the development proposed. Nevertheless the proposal would contribute to enhancing and maintaining rural communities by providing houses within a Service Village which is proportionate to the size and function of the settlement. In terms of economic benefits it is now widely accepted that new housing developments bring benefits during the construction phase through additional spending power in the local economy as a result of the increased population. The removal of the existing septic tank is also a minor benefit

Harms

6.4 The proposal would result in some landscape harm as a result of the loss of the field and its replacement with 5 dwellings and associated infrastructure/paraphernalia.

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 The consideration of material planning issues on this application is finely balanced. However, on balance, it is considered that the benefits set out above, and the location of the site within an identified Service Village and in relative close proximity to facilities (School, Village Hall and Church) within the heart of the village, outweigh the conflict with the development plan in respect of policies HOU4 and other identified harms. The proposal is considered to represent sustainable development and the application is therefore recommended that permission is **DELEGATED subject to the resolution of the highway matters.**

RECOMMENDATION Delegated Permit

Conditions:

- 1 For those matters not reserved for later approval, the development hereby permitted shall be carried out in accordance with the following approved plans:
 - LP-01 - Site Location Plan
 - SL.01 Rev L - Site Layout
 - 160531-13 D - Proposed Highway Arrangement
 - 160531-TK11 B - Swept Path Analysis Refuse Vehicle

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

- 2 The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the scale and appearance of the buildings and the landscaping of the site (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.

- 3 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 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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.

- 5 The reserved matters submitted pursuant to condition 1 above shall include details of existing and proposed ground levels and finished floor levels of the buildings relative to Ordnance Datum Newlyn. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity to accord with the NPPF.

- 6 Applications for the approval of the reserved matters shall be in accordance with the principles and parameters described in the approved Design and Access Statement dated January 2017.

Reason: To ensure the development is carried out in accordance with the agreed principles and parameters and to ensure that the new development will be visually attractive in the interests of good design and amenity.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the first windows in the side (east facing) elevations shall, prior to the first occupation of the dwellings they serve, be fitted with obscured glass and be non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. The windows shall be maintained in this state thereafter.

Reason: In the interests of visual amenity in accordance with the NPPF.

- 8 The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 2 above shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 9 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: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 10 The details submitted for the approval of reserved matters shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved plan before the buildings are occupied.

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 11 The details submitted for the approval of reserved matters shall include details or samples of the external facing materials and hard surfacing proposed to be used. Development shall be carried out in accordance with the approved details.

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

- 12 The site access shall be provided in general accordance with plans 160531-13 D and 160531-TK11 B before any other development is carried out on site.

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 paragraph 35 and the Local Plan.

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

Reason: 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 paragraph 35 and the Local Plan.

- 14 The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plans, 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 paragraph 35 and the Local Plan.

- 15 No building 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 with footway and shared surface highway 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 paragraph 35 and the Local Plan.

- 16 No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 15m 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 paragraph 35 and the Local Plan.

- 17 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 protect the residential amenity of future residents.

- 18 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 scheme so approved.

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

- 19 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.

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

Reason: To avoid light pollution in the interest of preserving the rural character of the area.

21 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 and full details, including size, location and maintenance regimes of the proposed Package Treatment Plant to deal with the foul drainage. 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 detailed drainage strategy prior to occupation and subsequently maintained to the required standard.

Reason: 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.

22 No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall be in accordance with the required actions set out in the Preliminary Ecological Appraisal prepared by Countryside Consultants Ltd dated June 2016. It shall include a working method statement, habitat creation and replacement plans, a timetable for implementation and details of how the areas concerned will be maintained and managed. Development shall be carried out in accordance with the approved details and timetable in the EMP.

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.

23 No development shall take place until a site investigation of the nature and extent of contamination has been 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 remedied in accordance with the approved measures before the development commences.

Reason: To ensure that any contamination existing or exposed during development is identified and remediated in accordance with policy contained within the National Planning Policy Framework.

24 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.

- 25 A scheme to protect the proposed development from traffic noise from the A48 shall be implemented before any dwelling hereby permitted is occupied 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.

Reason: To protect the residential amenity of future residents.

Notes:

1 Statement of Positive and Proactive Engagement

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

- 2 The pedestrian crossing provided to access the westbound bus stop shall be in accordance details assessed as suitable in accordance with guidance including LTN 1/95 and approved by the County Council.

- 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 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.

- 5 The applicant is advised that to discharge the condition for future management and maintenance of the proposed streets 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.

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

NOTES

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KEY	DESCRIPTION	DATE	AUTH	REV
1	Proposed new to site report	15/01/2016	JM	1
2	Site boundary and other relevant	15/01/2016	JM	2
3	Existing buildings	15/01/2016	JM	3
4	Proposed new buildings	15/01/2016	JM	4
5	Proposed new parking	15/01/2016	JM	5
6	Proposed new landscaping	15/01/2016	JM	6
7	Proposed new access	15/01/2016	JM	7
8	Proposed new boundary	15/01/2016	JM	8
9	Proposed new boundary	15/01/2016	JM	9
10	Proposed new boundary	15/01/2016	JM	10
11	Proposed new boundary	15/01/2016	JM	11
12	Proposed new boundary	15/01/2016	JM	12
13	Proposed new boundary	15/01/2016	JM	13
14	Proposed new boundary	15/01/2016	JM	14
15	Proposed new boundary	15/01/2016	JM	15



Scale 1:500

PLANNING

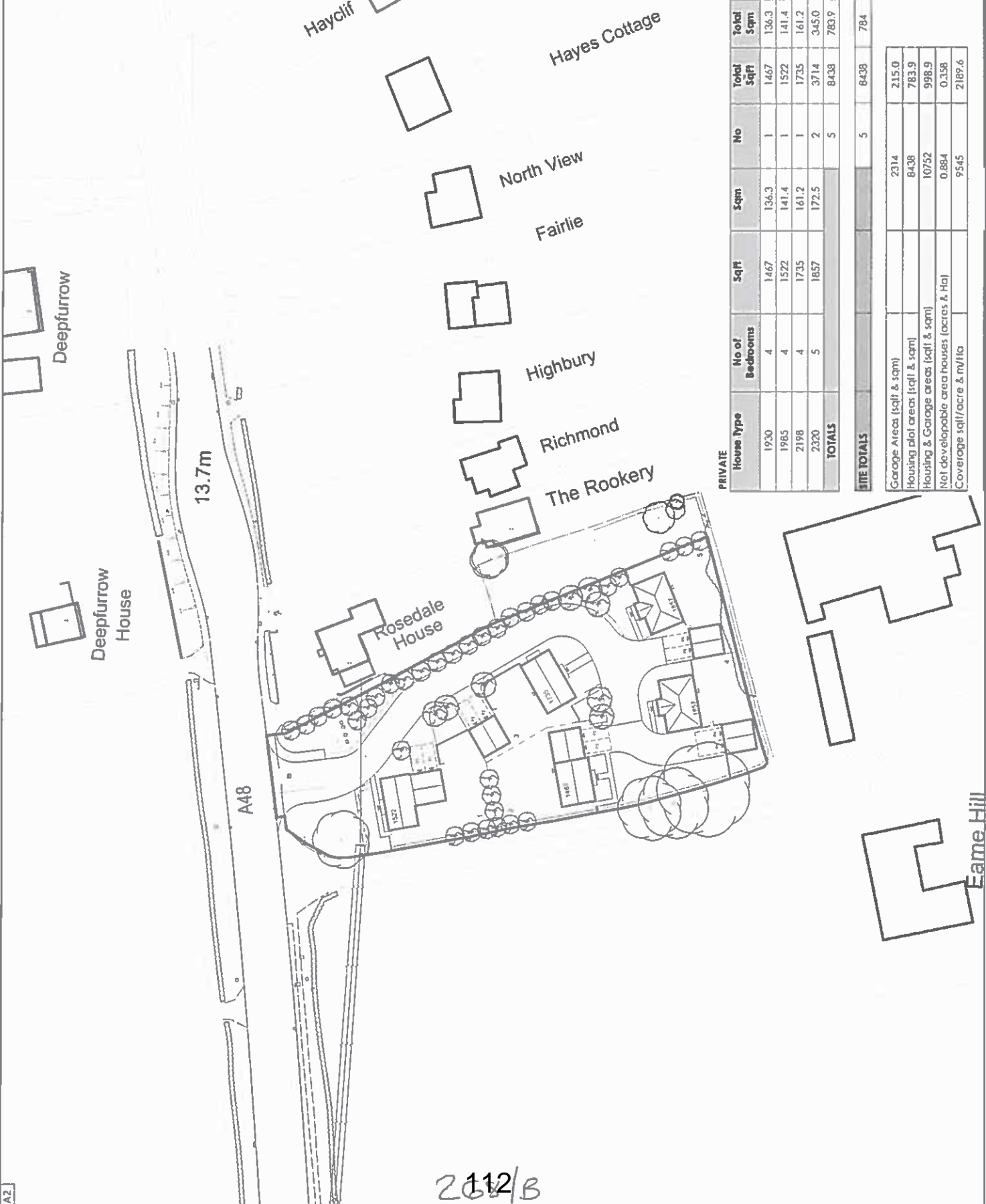


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PROJECT
 Land Adjacent to Rosedale House
 Minsterworth Gloucester GL2 6JH
 for Oxygen Real Estate Group

Site Layout

DATE	15/01/2016
BY	JM
SCALE	1:500 @ A2
PROJECT NO.	DXYG160506
SL. NO.	SL.01



House Type	No of Bedrooms	Sqft	Sqm	No	Total Sqft	Total Sqm
1930	4	1467	136.3	1	1467	136.3
1985	4	1522	141.4	1	1522	141.4
2198	4	1735	161.2	1	1735	161.2
2320	5	1857	172.5	2	3714	345.0
TOTALS				5	8438	783.9
SITE TOTALS				5	8438	784
Garage Areas (sqft & sqm)				2314	215.0	
Housing plot areas (sqft & sqm)				8438	783.9	
Housing & Garage areas (sqft & sqm)				10752	998.9	
Net developable area houses (acres & ha)				0.884	0.358	
Coverage sqft/acre & m ² /ha				9545	2187.6	

BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019

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

11 May 2015

Please destroy previous lists.