

**TO EACH MEMBER OF THE
PLANNING COMMITTEE**

18 September 2017

Dear Councillor

PLANNING COMMITTEE- TUESDAY 26 SEPTEMBER 2017

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

Agenda Item	Description	
(i)	Schedule	1 - 139
	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 26 September 2017

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(269 - 327)	(328 – 348)

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. (269 - 348)

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) 26th September 2017

Parish and Reference	Address	Recommendation	Item/page number
Ashleworth 17/00585/FUL Click Here To View	Lawn Road Ashleworth GL19 4JS	Refuse	2 / 277
Badgeworth 15/01229/FUL Click Here To View	Reddings Farm Badgeworth Road Badgeworth	Split decision	9 / 328
Bishops Cleeve 17/00789/FUL Click Here To View	11 Vilverie Mead Bishops Cleeve	Permit	11 / 337
Brockworth 17/00201/FUL Click Here To View	Green Lea Green Street Brockworth Gloucester	Permit	10 / 333
Churchdown 17/00804/OUT Click Here To View	48 Brookfield Road Churchdown	Permit	12 / 341
Leigh 17/00478/FUL Click Here To View	Vine Tree Farm The Wharf Coombe Hill	Permit	5 / 301
Maisemore 17/00538/APP Click Here To View	Land rear of Rectory Farm Maisemore	Approve	13 / 348
Stoke Orchard And Tredington 17/00678/FUL Click Here To View	Land off Banady Lane Stoke Orchard	Permit	6 / 311
Teddington 17/00195/FUL Click Here To View	Vine Tree Farm Teddington Tewkesbury	Refuse	1 / 269
Tewkesbury 17/00921/FUL Click Here To View	34 Ashchurch Road Tewkesbury	Permit	8 / 326
Twynning 16/01152/FUL Click Here To View	Stratford Bridge Garage Stratford Bridge Ripple	Permit	3 / 283

Winchcombe 17/00438/FUL Click Here To View	78 Gretton Road Winchcombe	Permit	4 / 294
Winchcombe 17/00785/FUL Click Here To View	82 Gretton Road Winchcombe	Permit	7 / 319

Valid 20.02.2017

Redevelopment of farmyard to create 4No. new dwellings in place of existing farm buildings.

Grid Ref 396349 233047

Parish Teddington

Ward Isbourne

Mr J Hesketh
C/O Unit 8
Berkeley Mews
29 High Street
Cheltenham
GL50 1DY

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 - SD7, SD8, SD9.

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies HOU4, LND2 HEN2, NCN5 and TPT1

Northern part of site within Special Landscape Area

Southern part of site within Cotswolds Area of Outstanding Natural Beauty

Grade I and II listed buildings nearby

Planning (Listed Buildings and Conservation Area) Act 1990

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

Consultations and Representations

Teddington Parish Council - The Parish Council notes some similarity to recently refused application for development at Manor Farm buildings in Alstone.

- The site has become an eyesore and nuisance and there is support in the village for an appropriate development that would end the current situation and could be an enhancement to the built environment.
- Vine Tree Farm effectively ceased to operate as an agricultural unit when purchased by the current owner with the majority of the land has since been sold in parcels as amenity land. The farm buildings are therefore redundant and some have fallen into disrepair whilst others have non-agricultural use.
- The yard has also been used for the dumping of building and other waste
- The supporting evidence on sustainability of the development is factually incorrect. Bus services in the village do not support daily commuting to nearby towns. There is no longer a private school in the village hall it ceased some time ago and there has never been a school at Alstone. The shop at Teddington Hands is not within easy walking distance and is along a busy main road with no footpath. The majority of those in the village currently using these facilities do so by car and the proposed development is only viable with private car ownership
- If the scheme were to be delivered as proposed, in particular the planting of an orchard to ameliorate the impact on St. Nicholas Church, it would be an appropriate development for the site and undoubtedly improve the village (and the AONB).
- The Council seeks assurance that enforceable and enforced planning conditions are imposed and not subject to subsequent alteration post-approval.
- The applicant should donate the proposed orchard (once established) to the Parish as a community orchard (to protect it)
- Consider whether the reinstatement of Vine Tree Farm house to a single family dwelling, restoring it to its original listed building status and reducing the number of cars, should be a condition of the granting of planning approval.
- Parish Council, does not object to this application but cannot support it without seeing a set of enforceable planning conditions

Historic England - No comments on application but seek advice from conservation officer and archaeologist.

Conservation Officer - Historic map evidence shows that the farmstead was based around a regular courtyard south-west of the farmhouse, all traces of which have been obliterated by the present post-war utilitarian buildings on the site. Its current setting clearly detracts from the character of Vine Tree Farmhouse.

There would be some benefit in reinstating a context which echoes the layout of the farmstead, at least in form and massing. It was recommended previously that an approach setting out a basic vocabulary of forms, massing and materials would actually be more appropriate than conjectural reconstruction. These parameters have been applied to produce a more honest scheme, which reflects the priorities and requirements of C21 housing which now fulfils the conservation objectives for development on the site.

Urban Design Officer - Site is located on southern edge of the village and there are a number of agricultural buildings on the site. The character and appearance of the proposed dwellings is significantly different to what is existing and would be out of character with rural agricultural nature of existing site. The proposals would have a negative impact on the character of the area and the amended plans do not overcome concerns.

County Archaeologist - No objection.

Local Residents - Representations from five individuals have been received, including three letters of objection and two in support. The comments raised are summarised below:

Objection

- Site would harm the AONB set precedent for other green fill sites around village
- Access to site is limited and the proposal could bring 16 cars and delivery vehicles which is not sustainable, as well as construction traffic
- Limited local amenities are not within walking distance
- There is no school in Alstone. Existing schools are oversubscribed
- Limited bus routes from Teddington unlikely to change with 4 houses with working people driving to work
- Reinstatement of orchard and ponds is nothing but a sweetener - who would manage them?
- Who will sort sewage overflow problems?
- Benefit to wildlife is thin
- Pond is on land sold by applicant
- Teddington has existed as a hamlet for centuries setting improvements are not needed
- Development is in proximity to two listed buildings
- Photovoltaic systems proposed are not suitable for listed buildings
- No detail of how materials will match adjoining buildings
- Design and access statement (DAS) advises development will be provided with rainwater harvesting system. Grey water or rainwater not capable of supplying safe drinking water
- Severn Trent would not allow development to connect to existing infrastructure
- Plans do not fit or resemble a Grade II listed farm
- Submitted application resembles a traditional brick building with modern fenestration sizes and openings and roof construction and profile
- Plans do not detail energy strategy
- Plans do not indicate Western Power Infrastructure crossing plots
- Development and orchard will restrict access to pole mounted transformers
- Proposed pond will not drain land as water table is high and would increase flooding downstream

Support

- Development would greatly improve look of existing farmyard
- Would have a positive impact on the area visually by cleaning up the old farmyard which is a tipping ground
- Environmental improvements by reinstating old dew ponds and orchard

This application has been brought for Committee determination as the applicant is an elected member of the council.

Planning Officers Comments: Bob Ristic

1.0 Application Site

1.1 The application site is located on the eastern side of Gander Lane, narrow road serving a cluster of dwellings to its northern part and a series of agricultural buildings to the southern part.

1.2 This application relates to a number of portal frame agricultural and buildings and associated structures located to the south of Vine Tree Farm, a Grade II Listed heritage asset. The northern part of the site lies within a Special Landscape area (SLA) and the southern part is within the Cotswolds Area of Outstanding Natural Beauty (AONB). (See attached Location Plan).

1.3 The existing buildings at the site are no longer in agricultural use and appear to be used for the informal storage of domestic paraphernalia, building materials and general waste all of which contribute to a rather neglected appearance to the site.

2.0 Relevant Planning History

2.1 The site has a lengthy history of applications the most relevant of which are summarised below:

05/00789/OUT - Outline application for 5 No. detached houses to replace farm buildings - Refused 12.10.2005

06/00911/OUT - Application for erection of 2 dwellings and removal of all existing buildings. (including siting and means of access) - Refused 17.10.2006

14/01119/FUL - Upgrading existing Agricultural Track - Permitted 04.02.2015

15/00587/FUL - Erection of stabling for Alpaca breeding herd - Refused 17.07.2015

3.0 Current Application

3.1 The current application seeks full planning permission for the redevelopment of farmyard to create 4 new dwellings in place of existing farm buildings. The proposed development would be laid out in a 'U' shape to the south of Vine Tree Cottage and would be accessed from the existing track to the northeastern corner of the site. The development would be laid out with a series of buildings to form a courtyard.

3.2 Starting at the north-eastern end the proposal would provide a three bay garage block which would be attached to the northern end elevation of Plot 1, which comprises a two storey 4 bedroom dwelling.

3.3 Plots 2 and 3 would be located to the southern part of the site and would comprise two, two-storey detached dwellings set either side of detached two storey home office building. Plot 4 would be located on the eastern side of the courtyard and would comprise a two-storey dwelling with a 4 bay garage to its northern end elevation.

3.4 Each of the dwellings would have brick built end elevations and slate roofs. The front and rear elevations would be clad in vertical timber boarding with vertical louvers in front of some of the window openings. Plots 1 and 4 would also have solar PV panels to their rear roof slopes. **(See attached Elevations and floor plans).**

3.5 In addition to the dwellings the application also proposes landscaping works comprising the planting of an orchard, mixed trees and hedging upon the area to the south and east of the site. The landscaping would also include the formation of two new ponds. **(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).

4.4 Other relevant local 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 Teddington is not recognised as a settlement in the local plan as being suitable for new residential development given its limited facilities and services and the application site lies outside of a recognised settlement boundary. 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. Furthermore 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. Teddington comprises a small linear village which with limited services and does not benefit from a residential development boundary nor is it identified as a service village in the MMVJCS.

5.4 Section 38(6) of the Town and Country Planning Act 1990 provides that the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. In this case 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.

Historic Environment

5.5 The application site is located to the south of Vine Tree Farmhouse, a Grade II listed building (NHLE ref 1340181). The property has 17-18th century origins and has been subdivided into two properties. Vine Tree Cottage dates from the 17th century and comprises a timber framed range to the northern part, which abuts a stone 18th Century return wing to the south and adjacent to the application site. To the south east of the site is St Nicholas's Church which is Grade I listed (NHLE ref 1340161) and is located approximately 75 metres away from the nearest part of the proposed development.

5.6 Section 66(1) of the Listed Buildings and Conservation Areas Act 1990 sets out that in considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.7 Paragraph 132 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 133 of the NPPF advises that where proposed development would lead to substantial harm to the significance of a designated heritage asset consent should be refused unless the harm or loss is outweighed by substantial public benefits. Paragraph 134 sets out that where the harm is less than substantial, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

5.8 This requirement is emphasised by Policy SD9 of the MMVJCS which requires that designated and undesignated heritage assets and their settings are conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.

5.9 The proposed development would result in the removal of the existing 20th century agricultural buildings and ancillary structures, which as a result of Vine Tree Farm no longer being a viable working farm have fallen out of agricultural use and into disrepair. The present neglected state of the buildings and the wider site has a negative effect on the setting of the listed buildings particularly from adjacent views within Gander Lane.

5.10 The proposed development has been revised since it was first received in order to simplify the overall form of the proposed buildings. The Borough Conservation Officer has advised that notwithstanding the policy restrictions, there is some benefit in reinstating a context which echoes the layout of the farmstead

at least in form and massing and the revisions have resulted in a more honest scheme, which reflects the priorities and requirements for 21st century housing and now fulfils the objectives for development on the site. The Conservation Officer considers that the proposed development would conserve the setting of the adjoining listed buildings, in part due to the poor condition of the site which has been allowed to deteriorate.

5.11 However, in planning terms, the fact that a site has been neglected and used without permission for the storage of building materials and general waste cannot be used to justify the grant of planning permission. Otherwise, this would encourage other landowners to neglect their sites in the hope that they could achieve planning permission in locations which would otherwise be unsuitable. The proper way of addressing such sites through the planning system is via enforcement action.

5.12 Nevertheless it is recognised that, notwithstanding the state of the site, there would be some benefit in reintroducing a farmstead layout, however it is not considered that this necessarily justifies the provision of four large dwellings. This objective could easily be achieved by a more low-key development which in itself could have a less harmful impact on the setting of the farmhouse. On balance, it is considered that the proposal would have a neutral impact on the setting of the farmhouse.

5.13 The site is also within the setting of the Grade I listed Church of St Nicholas. On that basis Historic England have been consulted however they do not wish to offer comment and are happy for the proposals to be assessed by the Council. It is considered that the setting of the Church changed significantly as a result of largely 20th century development and there would be no undue impact as a result of the development proposed here.

Accessibility & Highway Safety:

5.14 In terms of accessibility, 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. 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. 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.

5.15 Policy TPT1 of the Local Plan requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. 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 site is located on the edge of Teddington a small village with few services. While the site is within walking distance from bus stops within the village the services are restricted to school buses and supermarket (Tesco) linked services. Furthermore the village is located a significant distance from Tewkesbury, Bishops Cleeve or Winchcombe and future residents will have to rely on car borne journeys for work and leisure. As a result of the absence of local services and the lack of viable alternative means of transport to the private car, it is considered that the proposal would not constitute a sustainable development. The site's locational disadvantages therefore weigh against the proposal in the overall planning balance.

5.17 Gander Lane itself is an unclassified road with a single carriageway width, which terminates at an adjoining farm, approximately 25 metres to the south of the site. The proposal would make use of the existing site access. Considering the nature of the proposed use and alignment of the road, a safe and suitable access to serve the development can be achieved in accordance with Policy TPT1 of the Local Plan.

5.18 The proposed development would result in approximately 20 daily vehicular trips. This increase in traffic would not result in a severe impact upon the highway network and a refusal on highways grounds could not be sustained.

Design and Impact on Character and Appearance of Area

5.19 The site is located on the southern edge of Teddington and partially within the SLA and partially within the AONB. Paragraph 115 of the NPPF specifies that great weight should be given to conserving landscape and scenic beauty in AONBs, which, along with National Parks and the Broads, have the highest status of protection in relation to landscape and scenic beauty. Policy SD8 of the MMJCS reiterates this advice.

5.20 The Cotswolds AONB Landscape Character Assessment, identifies most of Vine Tree Farm within the Character Type of 'Settled Underwood Vale' with its specific Character Area being '18A Vale of Gloucester Fringe'. It is close to Character Type 'Escarpment Outlier', Character Area '1C Oxenton and Dixon Hills' which lies on the higher ground to its south.

5.21 The application has been accompanied by a Landscape Appraisal (LA) which advises that the site is contained within the southern part of the village and the site is only openly visible from the south along Teddington Footpath with restricted and seasonal views from elsewhere.

5.22 The LA acknowledges that there is a potential for a negative visual impact to result from the proposed development which would be mitigated by the proposed layout and contemporary vernacular style which is considered to be sympathetic and in keeping with its former use and also respect the close relationship with adjoining heritage assets.

5.23 The effect on landscape character of the housing development have been identified in the LA as ranging between neutral to beneficial and that the proposed orchard and hedge planting on the adjacent field will be beneficial. The visual impact within the area is identified as small due to the contained nature of the site and the limited extent of the views that are possible, the one exception being the views from along Teddington Footpath as it runs north down from Oxenton Hill.

5.24 The LA concludes that the proposals would not be detrimental to the landscape character and would represent an enhancement of local landscape character that would also improve the areas ecological value.

5.25 While the condition of the site is declining and is particularly apparent from adjacent views, from farther afield to the south, the existing buildings are seen in the context of similar agricultural buildings at the adjacent farm to the west. This group of 20th century agricultural buildings mark the edge of the built up area of the village and contribute to the agricultural character of the area when viewed from the south.

5.26 While the proposed development would introduce an element of formality to the farm yard area by creating a courtyard development reflecting a more traditional layout of buildings, it would nevertheless introduce a residential development to the southern edge of the built up area of Teddington and within the AONB.

5.27 While the proposed buildings have been designed to have a simple barn form and would not be of a scale dissimilar to a threshing barn, the articulation and fenestration particularly to the upper floors would allude to the buildings being in residential use. While some of the windows are screened by louvres, the domestic use would be revealed in winter months and evenings where internal lighting would be apparent from the wider area.

5.28 The application proposes dwellings would be of a size suitable for family occupation. While each property would benefit from substantial private gardens which would meet the reasonable demands of future occupiers, the proposal is likely to result in further visual intrusion to the wider area as a result of the introduction of domestic paraphernalia such as laundry drying lines, children's play equipment, outdoor seating and dining areas, outdoor furniture and boundary treatments which would detract from the agricultural character the development proposes to achieve.

5.29 The proposed orchard, tree and hedge planting along with the reinstatement of ponds at the site would result in a positive visual and ecological benefit. Nevertheless it should be noted that the landscaping will take significant maintenance and a number of years to become established to a position where it would be able to afford meaningful screening to the development proposed.

5.30 Overall the proposal would result in some harm to the AONB landscape and this weighs against the proposal in the overall planning balance.

Other Issues

5.31 The applicant has proposed that if the application is not supported that the existing buildings on the site could be converted to a residential use under class Schedule 2, Part 3 Class Q of the Town and Country General Permitted Development) Order 2015. Recent case law has clarified that the works to bring such portal frame barns into a residential use would exceed what would be reasonably described as a conversion and this is not considered to be a valid fall back position.

6.0 Balancing Exercise and Summary

6.1 The site is located outside any recognised settlement and in a location 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.

Benefits

6.2 The benefits of the scheme arise largely from the social and economic benefits of providing 4 new dwellings on the site. 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. These benefits are limited given the scale of the proposal and given the fact that the Council can demonstrate a five year supply of deliverable housing sites.

Harms

6.3 The conflict with housing policy (HOU4) is in itself a significant harm. The proposal is in an unsustainable location with limited local amenities available by means other than the private car. The proposed dwellings and associated domestication would adversely affect the rural setting of the area within the AONB.

Neutral

6.4 On balance it is considered that the proposals would have a neutral impact on the setting of the listed farmhouse and would not result in harm to the setting of the Grade I listed Church. While the proposal would remove disused agricultural and associated buildings from the AONB and create new orchard planting are positive, these are offset by the harm to the AONB identified above.

Overall Planning Balance

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 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, by reason of its edge of village siting, design and residential use and associated domestication would erode the agricultural appearance of this part of the village to the detriment of the character and appearance of the area. As such, the proposed development conflicts with Policy LND2 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policies SD7 and SD8 of the Main Modifications Version Joint Core Strategy (2017).

- 3 The site is located beyond any defined residential development boundary and is remotely located relative to the nearest amenities and facilities and is not served by adequate cycleways or public transport facilities. The proposal would therefore increase reliance on the private motor vehicle, contrary to the National Planning Policy Framework (2012), saved policy TPT1 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and emerging policy INF1 of the Proposed Main Modifications Version of the Joint Core Strategy (February 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.

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ALL planning on today, from the middle and bottom to be implemented in a company is a high-risk bet.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

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1. The first step is to identify the problem. This involves understanding the current situation and the goals that need to be achieved.

2. Next, it is important to gather information. This can be done through research, interviews, and data analysis.

3. Once the information is gathered, the next step is to develop a plan. This plan should outline the steps that need to be taken to solve the problem.

4. After the plan is developed, it is time to implement it. This involves putting the plan into action and monitoring progress.

5. Finally, it is important to evaluate the results. This involves assessing whether the goals have been achieved and whether the plan was effective.

NEW TREE PLANTING

1. **Leafy Decid.** 1 inch diameter 1 in. standard 1 year 20%
 2. **1 inch standard** 1 year 20%
 3. **1 inch standard** 1 year 20%
 4. **1 inch standard** 1 year 20%
 5. **1 inch standard** 1 year 20%
 6. **1 inch standard** 1 year 20%
 7. **1 inch standard** 1 year 20%
 8. **1 inch standard** 1 year 20%
 9. **1 inch standard** 1 year 20%
 10. **1 inch standard** 1 year 20%

All trees to be reduced and planted by 1 inch, and
 one good hard frost before planting.

NEW HEDGE PLANTING


1. **Leafy Decid.** 1 inch diameter 1 in. standard 1 year 20%
 2. **1 inch standard** 1 year 20%
 3. **1 inch standard** 1 year 20%
 4. **1 inch standard** 1 year 20%
 5. **1 inch standard** 1 year 20%
 6. **1 inch standard** 1 year 20%
 7. **1 inch standard** 1 year 20%
 8. **1 inch standard** 1 year 20%
 9. **1 inch standard** 1 year 20%
 10. **1 inch standard** 1 year 20%

All trees to be reduced and planted by 1 inch, and
 one good hard frost before planting.

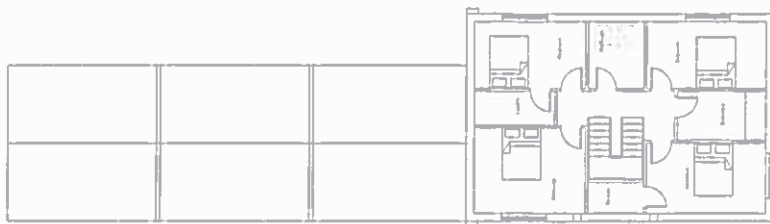
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**THE
SMITH HOTCHEN
PARTNERSHIP**
Unit 8 Berkeley Mews
Cheltenham
GL50 1DY
00242 245273

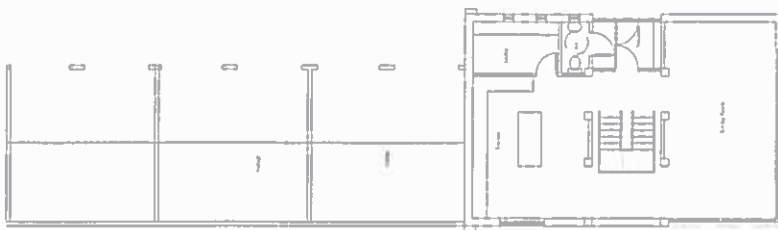
Mr Hesceth
Vine Tree Farm
Gander Lane
Teddington
Glos

<p>Proposed Block Plan</p>	<p>Scale 1:500 </p>	<p>Date <u>November 2014</u></p> <p>Drawn by <u>A.J. Smith</u></p>
<p>2014 / 55 / 07 B</p>		

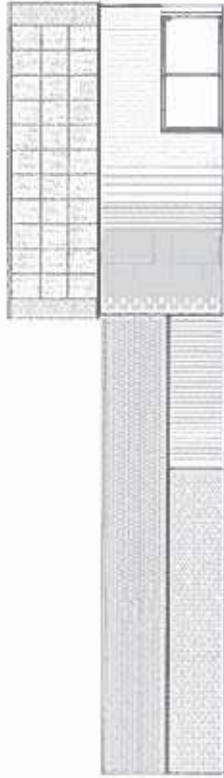




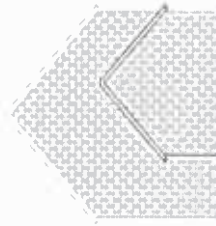
First Floor Layout



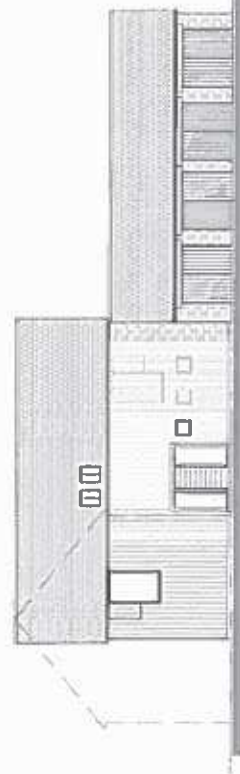
Ground Floor Layout



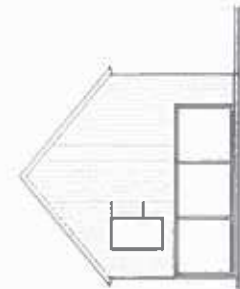
West Elevation



North Elevation



East Elevation



South Elevation

THE
SMITH HOTCHEN
PARTNERSHIP
Unit 11, Berkeley Mees
29 High Street
Cheltenham
GL50 1DY
01242 345273

Mr. Hesketh

Redevelopment
Vineyree Farm

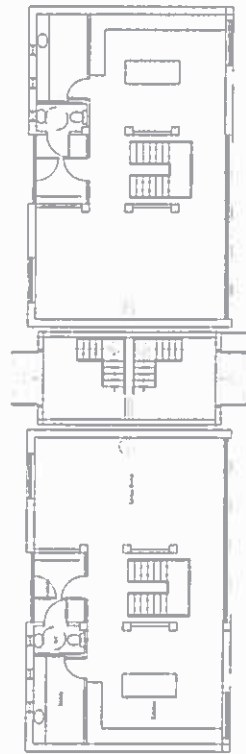
Proposed
Plans and Elevations
Plot 1

Scales 1:50 @A1

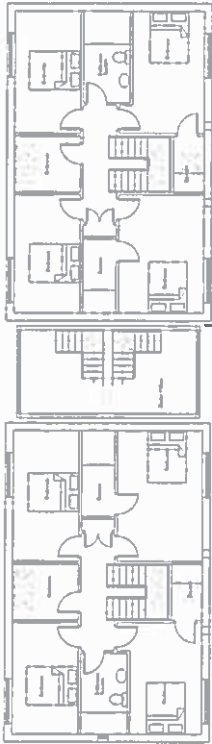
Date
October 2014

Drawn By
2014 / 55 / 09 C

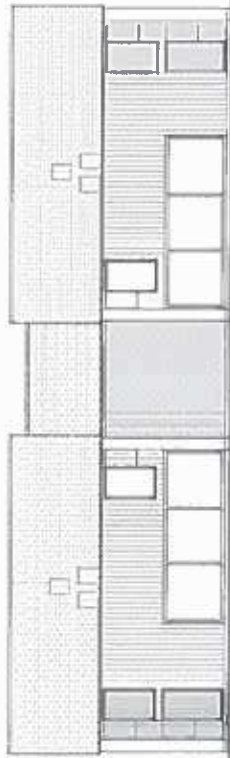
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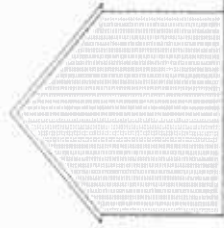
Ground Floor Layout



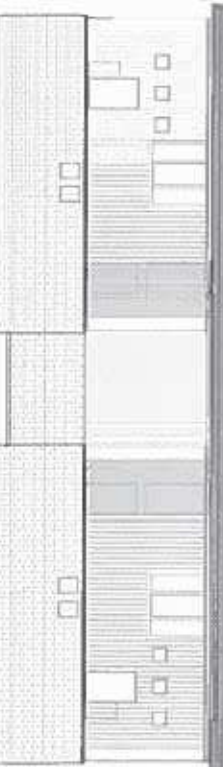
First Floor Layout



South Elevation



East Elevation



West Elevation

THE
SMITH HOTCHEN
PARTNERSHIP
Unit 8, Berkeley Ales
29 High Street
Cheltenham
GL50 1DY
01242 243273

Mr Hesketh

Redevelopment
Vinefree Farm

Proposed
Plans and Elevations
Plot 2 and 3

Scales 1:50 @A1

Date October 2014

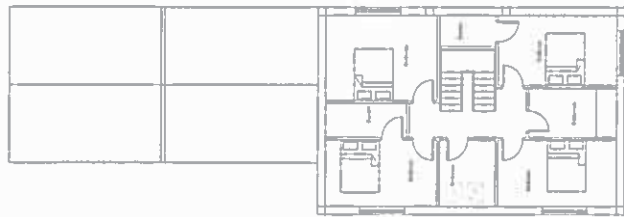
Drawn By

2014 / 55 / 10 A

27460



First Floor Layout



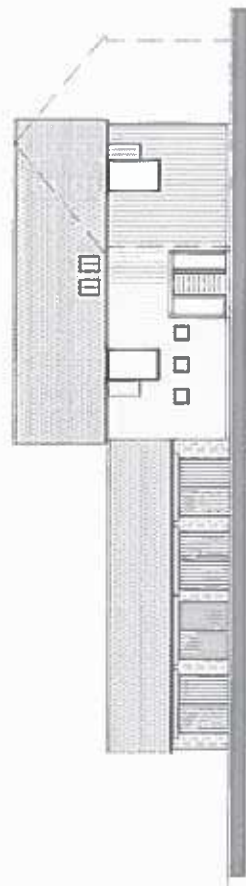
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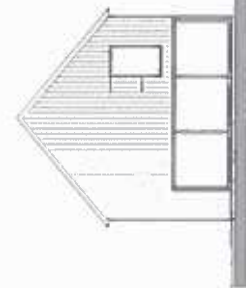
West Elevation



North Elevation



East Elevation



South Elevation

THE SMITH HOTCHEN PARTNERSHIP
Unit 8, Berkeley News
29 High Street
Cheltenham
Glos GL50 1DY
01242 242273

Mr. Hesketh

Redevelopment
Vinevec Farm

Proposed
Plans and Elevations
Plot 4

Scales 1:50 @A1

Date October 2014

2014/55/11C

Valid 05.06.2017

The construction and use of 4 dwellings (2 x semi detached & 2 x detached) and associated development including garages and improvements to internal access road.

Grid Ref 381003 225991

Parish Ashleworth

Ward Highnam With Haw Bridge

GSPR Ltd

8 Hollams Drive
Tewkesbury
GL20 5DG

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.

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies HOU3, HOU4, LND3 and TPT1

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

Landscape Protection Zone

Consultations and Representations

Ashleworth Parish Council - Object to proposal:

- Development is outside the settlement boundary
- Conflicts with Policies HOU3 and HOU4
- Access point is known to be hazardous,
- Close to two bends on a narrow stretch of road.
- Minor collisions are already commonplace
- Concerns with increased levels of traffic and highway safety
- Narrow winding road is difficult particularly in adverse weather/winter
- Junction of Lawn Road with the A417 is notorious for accidents,
- Insufficient parking is being planned.
- May result in excessive on-street parking.
- Existing drainage system is inadequate to handle surface water and foul water during heavy rain.
- Proposal will exacerbate this.
- Supporting statement indicates that adjoining site is not conducive to soakaways and surface water will be directed to an existing watercourse.
- Irresponsible to have no credible plan for surface water.
- Heavy rain almost invariably causes surface water flooding
- Foul water from this development will make the existing situation worse.

Local Residents Four individual representations have been received in response to this application. The comments raised are summarised below:

- Access point opposite the end of Foscombe Lane would be hazardous.
- Would generate significant additional journeys
- Lane is narrow in both directions, with limited visibility
- Could site be accessed through the adjoining development
- Vehicles may park in access point
- Site is outside the village boundary
- Site is currently an open field and agricultural space.
- Would not be infilling
- Four houses would be pushing the village perimeter outwards.
- Homes are not needed at this time.
- Ashleworth (approx. 220 households) has 35 permitted new homes and a possible further 8 which are under appeal.
- These 43 homes would form a significant proportion of the Village
- Will take time for the Village to adapt to keep its rural character.
- Would urbanise the area
- Concerns regarding surface drainage and run off

- Significant worries about developments already approved
- Site plan shows the access road going across the entrance to my field.
- Was agreed that we could use entrance for access to field, but owner changed his mind
- Had to move stable block & put in our own access to the (adjoining) field

Councillor Workman has requested Committee determination. While there is a conflict with HOU4 the site is also adjacent to the Bloor site which was won on appeal last September so maybe not that clear cut.

Planning Officers Comments: Bob Ristic

1.0 Application Site

1.1 The application site is located on the southern side of Lawn Road and to the west of its junction with Foscombe Lane. The application site comprises a narrow, triangular parcel of land with an access track running along its northern edge, which serves a barn/commercial building to the southwestern end of the site. See attached location plan.

1.2 The site is broadly triangular in shape and widens to its southern end. The western boundary comprises a post and rail fence and separates the site from an area of paddock which is in separate ownership. The eastern boundary is screened by a hedge, beyond which is a field upon which outline planning permission was recently allowed at appeal for a residential development of upto 35 dwellings.

2.0 Relevant Planning History

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

2.2 Land off Nup End, Ashleworth (adjoining the application site)

17/00783/APP - Application for the approval of reserved matters (appearance, landscaping, layout, and scale) pursuant to outline planning application no.15/00965/OUT as allowed under appeal no. APP/G1630/W/16/3150236 for the erection of 35 dwellings - Pending Consideration

15/00965/OUT - Development of up to 35 dwellings on land off Nup End, Ashleworth with all matters except for "access" reserved for future consideration - Appeal allowed.

3.0 Current Application

3.1 The current application seeks full planning permission for the construction of 4 dwellings, comprising a pair of 3 bed semi's to the northern part of the site, with a further pair of 4 bed detached dwellings with attached garages to the southern part of the site. **See site layout plan**

3.2 The dwellings would front onto the access drive running along the northern part of the site and would each benefit from a minimum of two off street parking spaces. Furthermore, the existing access track is to be upgraded with a tarmac drive.

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 (although it is not necessarily accepted that a 20% buffer is applicable as the annual housing requirement has been exceeded for the past 4 years).

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.

Design & Layout

5.4 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'.

5.5 Ashleworth comprises a variety of house styles and sizes which contributes to the linear character of the village. Where recent development has taken place this is generally laid out in the form of cul-de-sacs with opportunities taken for development to front onto the principal streets through the village, thereby maintaining the built up frontage and the grain of the village.

5.6 The application site is set away from and unrelated to the main built up area of the village. The proposed dwellings would be set over 40 metres back from Lawn Road and the development would flank towards the street. This would be at odds with the prevailing character of the area where dwellings line the road. The proposal would therefore fail to relate to the prevailing character of the village.

5.7 The applicant has compared this proposal to the adjoining unimplemented development advising that this would also be set back from the road. The two proposed layouts are not considered to be comparable however. The submitted reserved matters drawings show that the properties on the adjoining site would be set back a maximum of 20 metres from the road and the properties would be laid out to front towards the street maintaining the existing pattern of development and active street frontage which would be visible above the hedge line, differing considerably to this proposal.

5.8 In terms of the dwellings proposed, plots 1 and 2 would comprise a pair of semis with a half eaves dormer design. While the design approach seems attempt to recreate a traditional cottage appearance, it is considered that the proposal would fail to achieve this as a result of the uncharacteristic and disproportionate width of the property which measures in excess of 16 metres. Furthermore the front doors would be set to the side of a projecting gabled feature and would conflict with the established character of dwellings within the village which have principal doors set within their front elevations.

5.9 Plot 3 would comprise a detached 2 storey dwelling with an attached garage. While this unit is again designed to reflect of a cottage design, it would be a full two storeys in height with a pitched roof feature to give the appearance of more traditional buildings. Furthermore, the proposed 45 degree pitch to the roof significantly increases the overall height and prominence of the building. This pitch is also reflected on the attached garage, and gives a disproportionate and 'top heavy' appearance to this element. The concerns with the overall height also remain with Plot 4 which would also have a substantial scale and would be located on the highest part of the site which slopes up from the north.

5.10 It is considered that the proposal would fail to deliver a development which would integrate with or improving the character and quality of an area and would be contrary to advice contained within the NPPF, Policy LND3 of the Local Plan and Policy SD5 of the Proposed Main Modifications Version Joint Core Strategy (2017). This weighs against the proposal.

Accessibility & Highway Safety

5.11 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.

5.12 While the site is located outside of the RDB to Ashleworth, the village itself provides a range of local services including a post office, shop, pub and village hall, the site is also on the 351 Tewkesbury to Gloucester bus route.

5.13 While the sites location is not considered to be 'isolated' given the proximity to the village and services, the absence of a pavement outside of the site and restricted visibility, occupiers are likely to be reliant on the private motor vehicle for access to day to day facilities. It is also noted that Ashleworth is not identified as a Service Village in the emerging JCS. This weighs against the proposal.

5.14 Policy TPT1 of the Local Plan requires that traffic generated by development should not impair the safe or satisfactory operation if the highway network and that safe and convenient access is provided for pedestrians and cyclists.

5.15 While the submitted block plan indicates a 13.2 metre wide site access it has been brought to the council's attention that the applicant does not control all of this land and that the western part which serves the adjoining paddock is in separate ownership.

5.16 While the applicant has now served notice upon the owner of this land this does not give the applicant any rights to use this land without the adjoining owner's consent. If access rights over this land were to be restricted, this would result in visibility to the east being reduced as the driveway width would be restricted.

5.17 The application has not been accompanied by any details to demonstrate that adequate visibility splays can be achieved from the site access, in particular to the east as the road bends around to the right. The ability to achieve adequate visibility could be further impacted by a substantial tree at the site access and hedge planting along the back edge of the highway which lies outside of the applicant's control. Furthermore, the site does not benefit from a footway link to the village and would restrict pedestrian safety.

5.18 The proposal conflicts with policy TPT1 of the TBLP as the applicant has failed to demonstrate that safe and suitable access can be achieved for all and this weighs significantly against the proposal.

Landscape Impact

5.19 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. The NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy LND3 of the TBLP applies to the Landscape Protection Zone (LPZ) and requires that within the LPZ special protection is given to the ecology and visual amenity of the river environment. Development will not be permitted which has a detrimental visual or ecological effect on the character of the river banks or associated landscape setting of the Severn Vale, or has an adverse impact on the water environment.

5.20 The site is relatively contained with a narrow street frontage. Existing hedge planting along the eastern boundary to the site and the northern boundary to the adjoining paddock with Lawn Road provides a degree of screening and enclosure. While the site is relatively contained, the proposal would nevertheless result in development outside of the settlement boundary and would extend the village envelope out into the open countryside which should be protected for its own intrinsic character. This landscape harm must be considered in the planning balance.

Other Issues

5.21 Concerns have been raised with regards to drainage provision. It is noted that the site lies in flood zone 1 and is at a low risk of flooding. It is considered that the precise drainage details could be secured by an appropriately worded planning condition.

5.22 In terms of amenity, the proposed development would be set a significant distance from nearby dwellings and would not result in any adverse impacts in terms of overlooking or loss of light.

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 proposal 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 a mix of 3 and 4 bed dwellings which would make a small contribution towards the boroughs housing need. Nevertheless the proposal would fail to integrate with the character and grain of the village. There is no pavement outside of the site and the bend in the road to the east of the site reduces visibility and would potentially discourage pedestrian trips to local services and integration with the village. This weighs heavily against the proposal.

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 Landscape Protection Zone. Furthermore, the separated location and proposed and design layout would fail to integrate with the established character of Ashleworth and this 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 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 For these reasons, it is therefore recommended that planning permission is **refused** for the following reasons.

RECOMMENDATION Refuse

Reasons:

- 1 The proposed development conflicts with saved 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, by reason of its siting, design and layout fails to respect the local context and would harm the character and appearance of the area which is designated as a Landscape Protection Zone. As such the proposed development fails to take the opportunities available for improving the character and quality of an area and the way it functions and is contrary to the National Planning Policy Framework, saved Policy LND3 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and emerging Policy SD5 of the Proposed 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 saved Policy TPT1 Tewkesbury Borough Local Plan to 2011 - March 2006.

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.

17/00585/AUL



Proposed Residential Development
Ashleworth

Survey / Site Plan & Location Plan
At Existing

Scale: 1:250 & 1:1250 @ A1.

1:500 & 1:2500 @ A3

Date: May 2017

Dwg No.: 2172001

Clive Petch

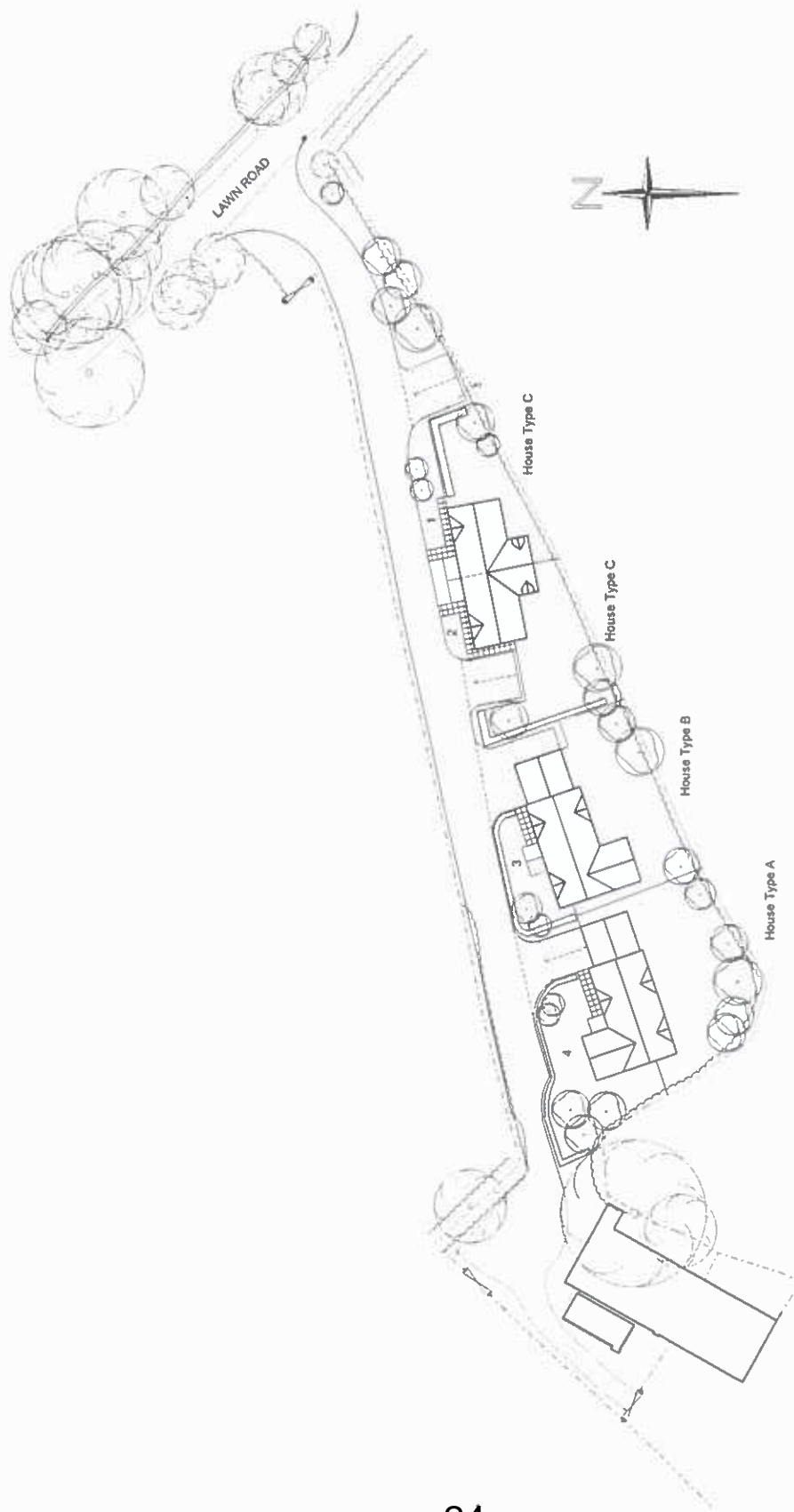
3 Fiddlers Way
Newbury, Berkshire
RG16 2JF
Tel: 01357 521888
Email: clive@clivepetch.co.uk
www.clivepetch.co.uk



LOCATION PLAN Scale 1:1250



282²³/A



0 Metres

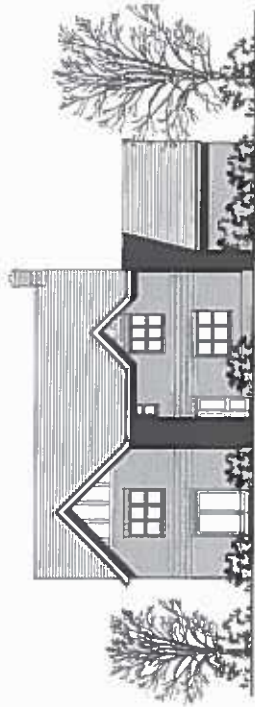
Proposed Residential Development
AUNM0000

Site Plan
As Proposed

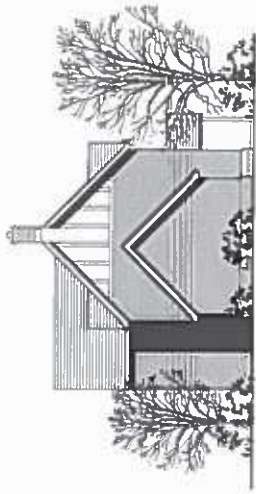
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Date May 2017
Dwg No. 2172002

Clive Petch

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WR1 1JF
01902 821609
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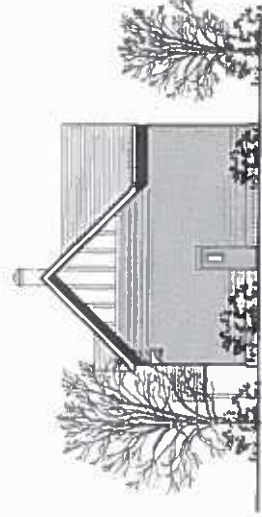
SOUTH EAST ELEVATION



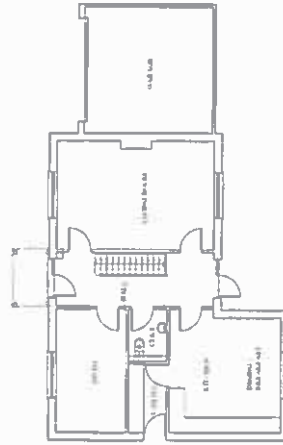
NORTH EAST ELEVATION



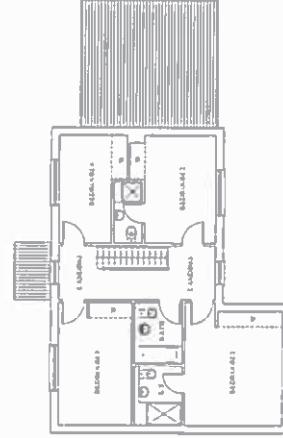
NORTH WEST ELEVATION



SOUTH WEST ELEVATION



GROUND FLOOR PLAN
TYPE B



FIRST FLOOR PLAN



Residential Development
Application
Class

House Type B
Proposed Extensions
As Proposed

Scale 1:100 @ A1, 1:200 @ A3
Date May 2017
Drawn By 2172004

Clive Petch

3 York Road
Ardwick, Leeds LS16 5JF
Clive Petch Ltd

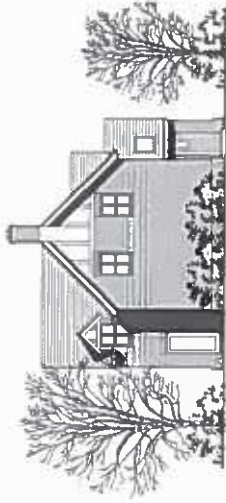
Class
GL13 294

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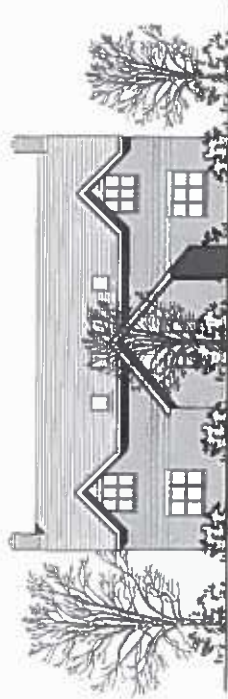
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SOUTH EAST ELEVATION



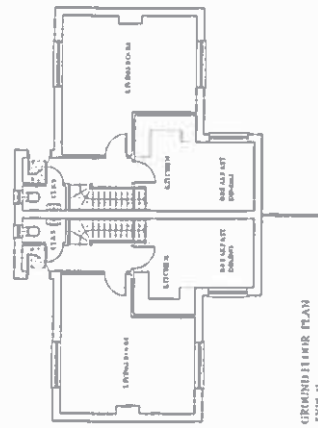
NORTH EAST ELEVATION



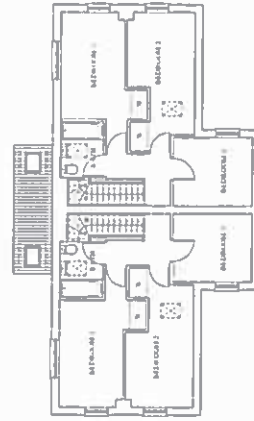
NORTH WEST ELEVATION



SOUTH WEST ELEVATION



GROUND FLOOR PLAN
TYPE C



FIRST FLOOR PLAN



Residential Development
Ambleworth
Class

House Type C
Plans and Elevations
As Proposed

Scale 1:100 @ A1 1:200 @ A3
Date May 2017
Dwg. No. 2172005

Clive Petch
Architect

5 Tughol Street
Wincoburn Street
Chesham
Ches
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e clive@clivepetch.com
www.clivepetch.com

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 Twynning

Ward Twynning

Ms Susan Raybould
Stratford Bridge Garage
Stratford Bridge
Ripple
Tewkesbury

DEFERRED AT LAST PLANNING COMMITTEE FOR SITE VISIT (Item No 5, Page No 230)

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

Twynning 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 Phelps 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.

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

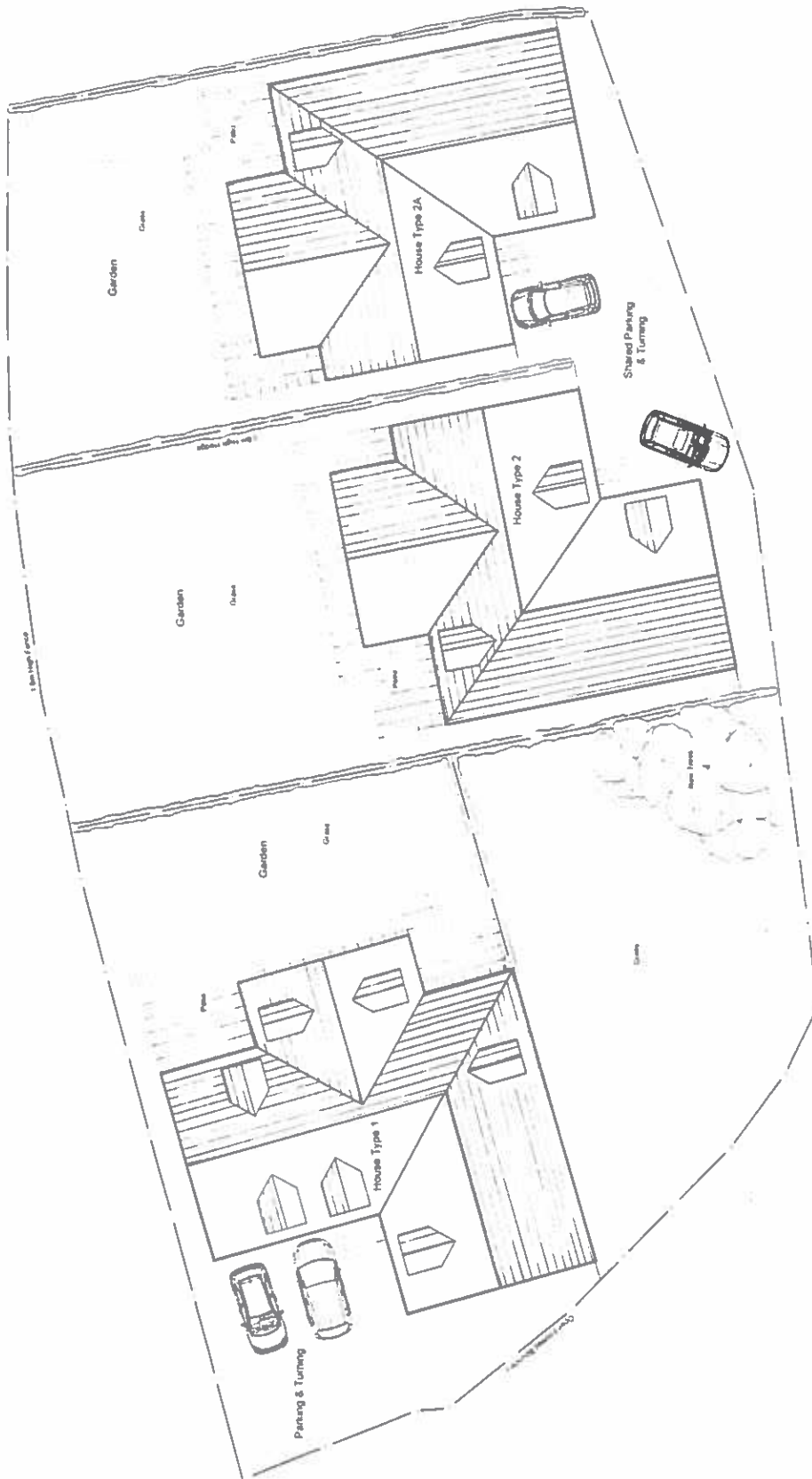
16/01152/FUL

Proposed New Houses at
Ripple
Tewkesbury
Glos.

SITE PLAN AS PROPOSED

Scale 1:100

16030/3/1



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293/A

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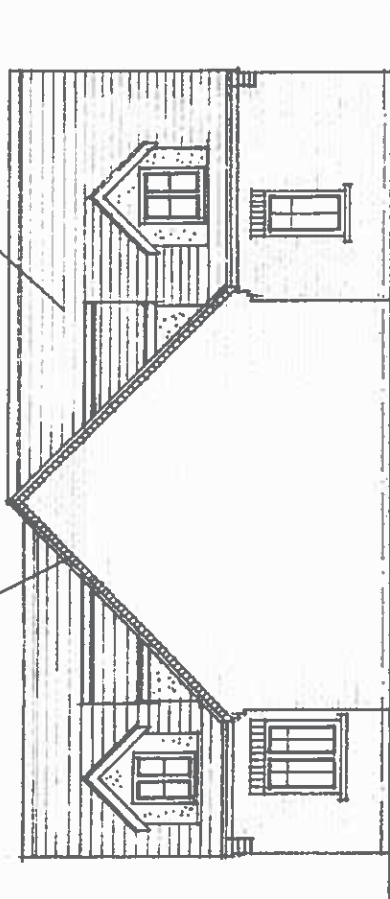
Do Not Scale From This Drawing. All dimensions must be checked on site prior to commencement of any work

Dark Stained Timber Window Frames

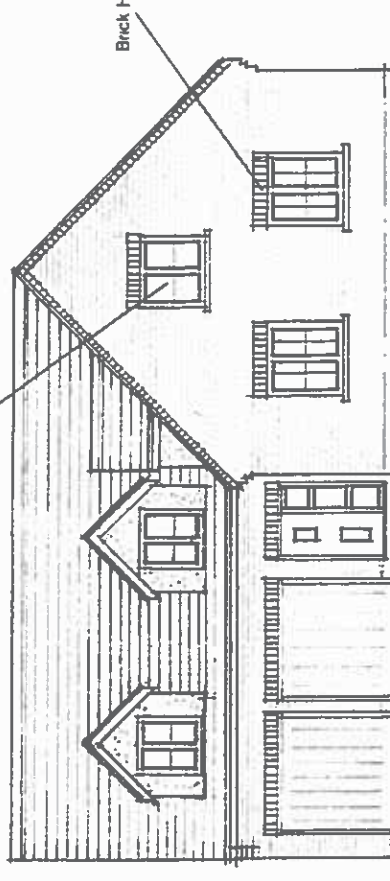
Redland (or similar) Rustic Red Roof Tile

Brick Corbeling

Brick Headers



SIDE



FRONT

Proposed New Houses at
Ripple
Tewkesbury
Glos.

**HOUSE TYPE 1
ELEVATIONS AS
PROPOSED**

Scale 1:100

16030/3/8

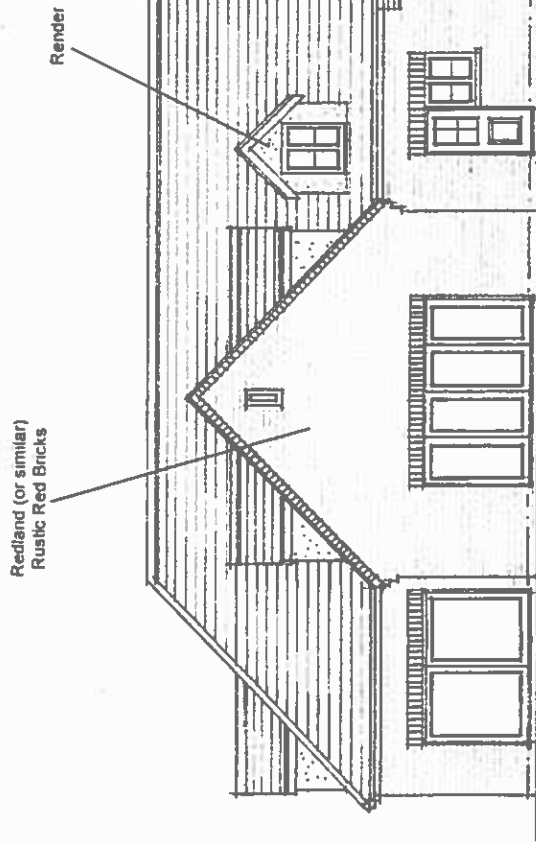
PSK

architect

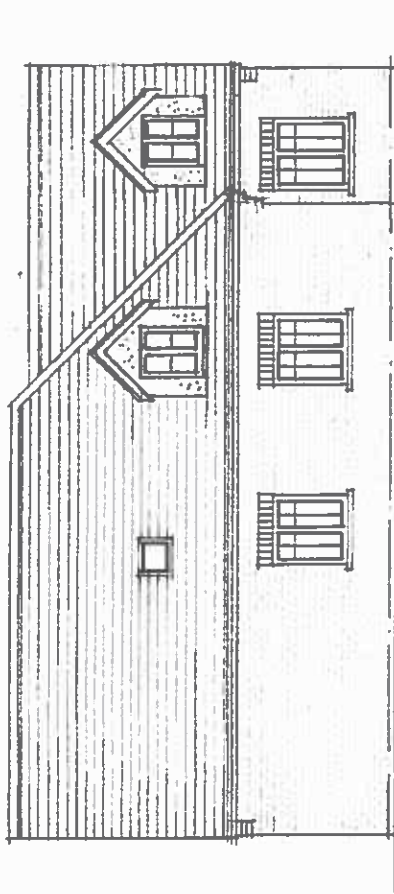
hello@psk-architect.co.uk
www.psk-architect.co.uk
01452 714596



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REAR



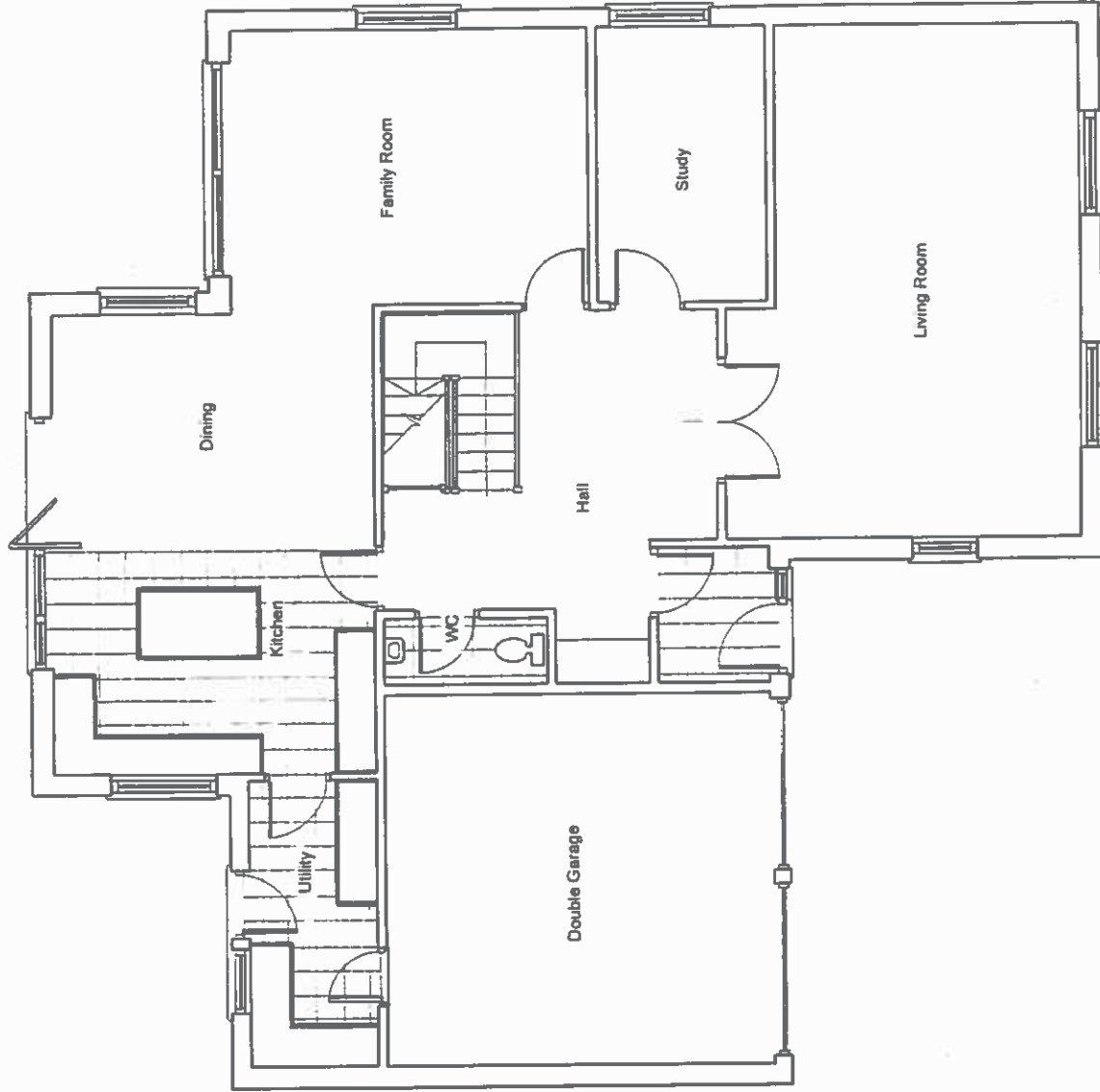
SIDE

Proposed New Houses at
Ripple
Tewkesbury
Glos.

**HOUSE TYPE 1
ELEVATIONS AS
PROPOSED**

Scale 1:100

16030/3/9



Proposed New Houses at
Ripple
Tewkesbury
Glos.

**HOUSE TYPE 1
GROUND FLOOR AS
PROPOSED**

Scale 1:50

16030/3/2

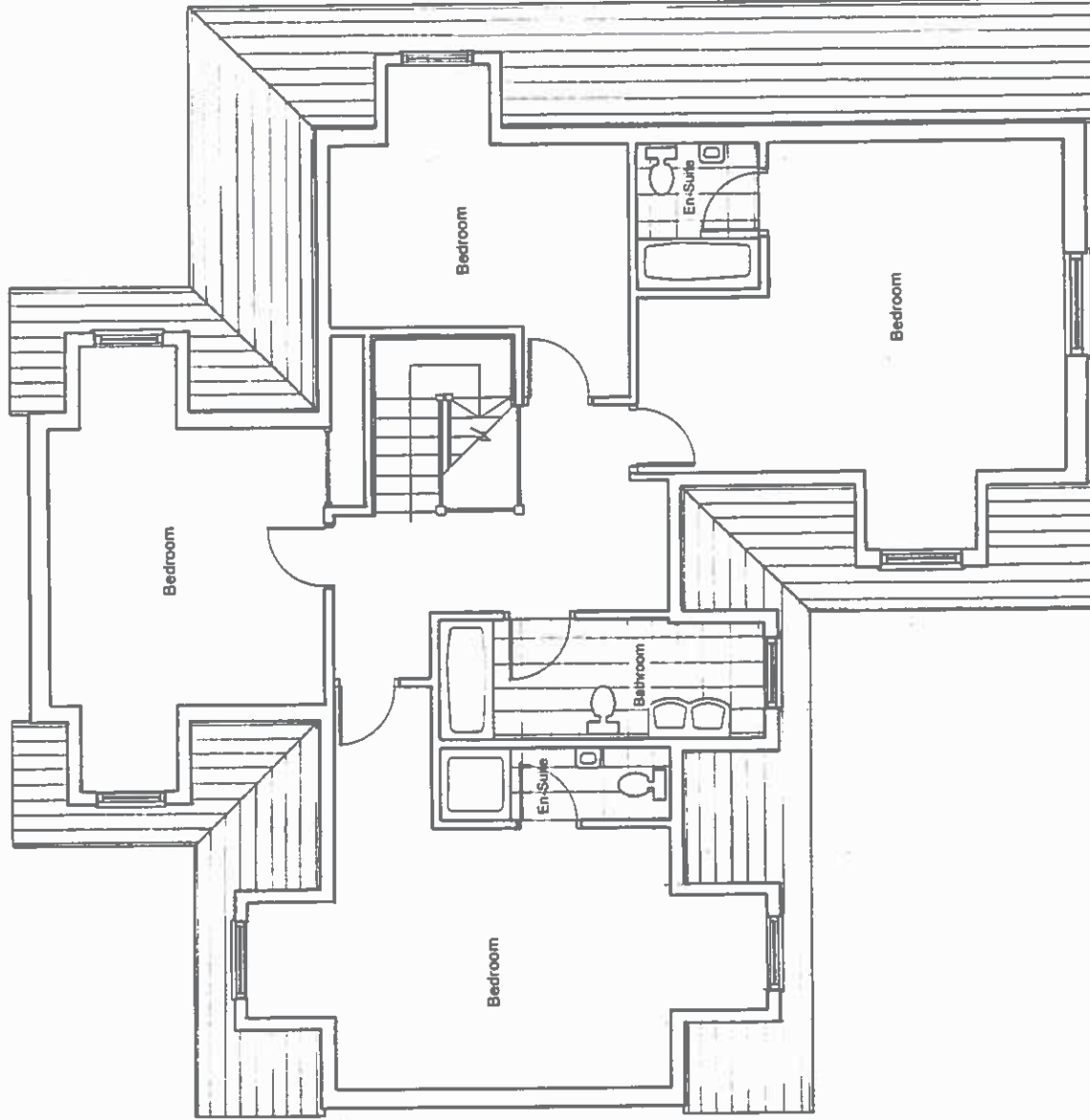
PSK

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01452 714596



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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 1
FIRST FLOOR AS
PROPOSED

Scale 1:50

16030/3/5

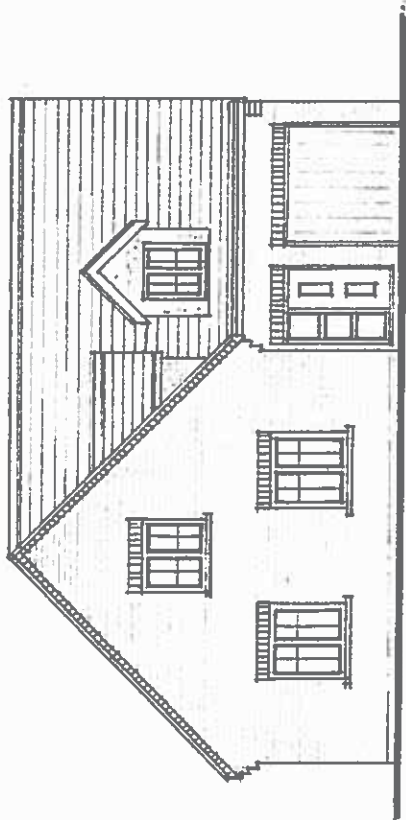
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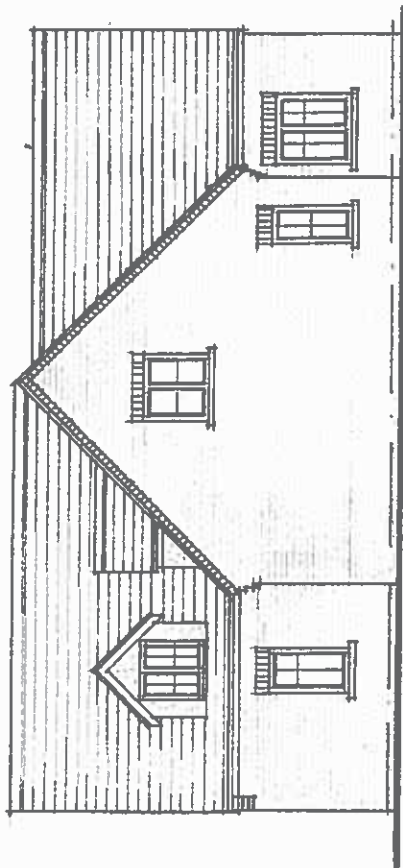
hello@psk-architect.co.uk
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FRONT



SIDE

Proposed New Houses at
Ripple
Tewkesbury
Glos.

**HOUSE TYPE 2
ELEVATIONS AS
PROPOSED**

Scale 1:100

16030/3/10

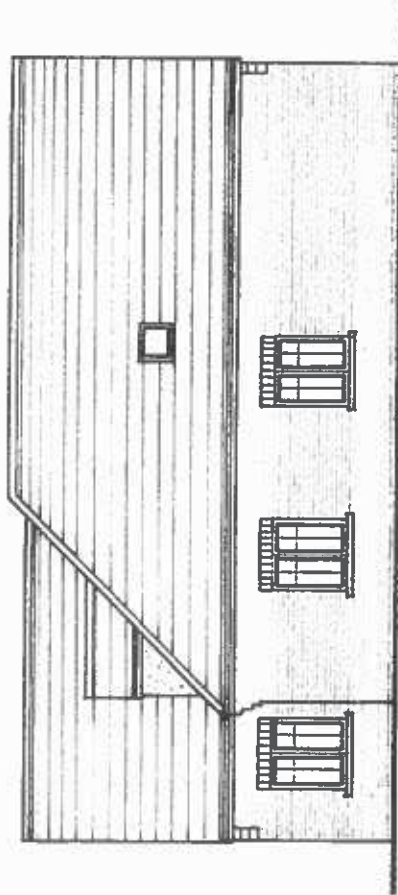
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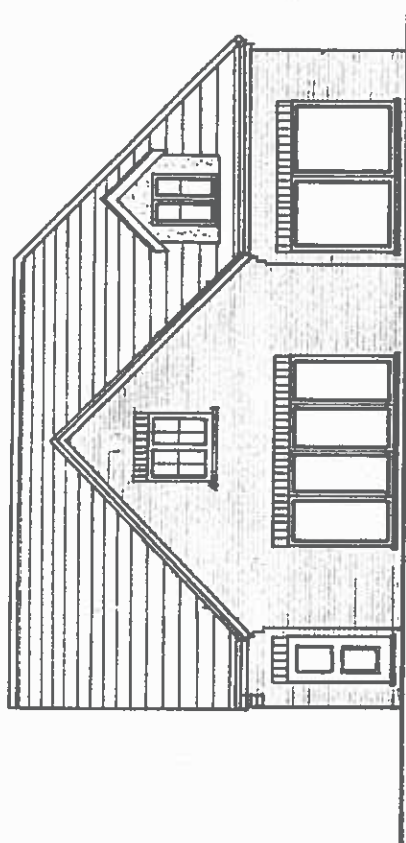
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01452 714599



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SIDE



REAR

Proposed New Houses at
Ripple
Tewkesbury
Glos.

**HOUSE TYPE 2
ELEVATIONS AS
PROPOSED**

Scale 1:100

16030/3/11

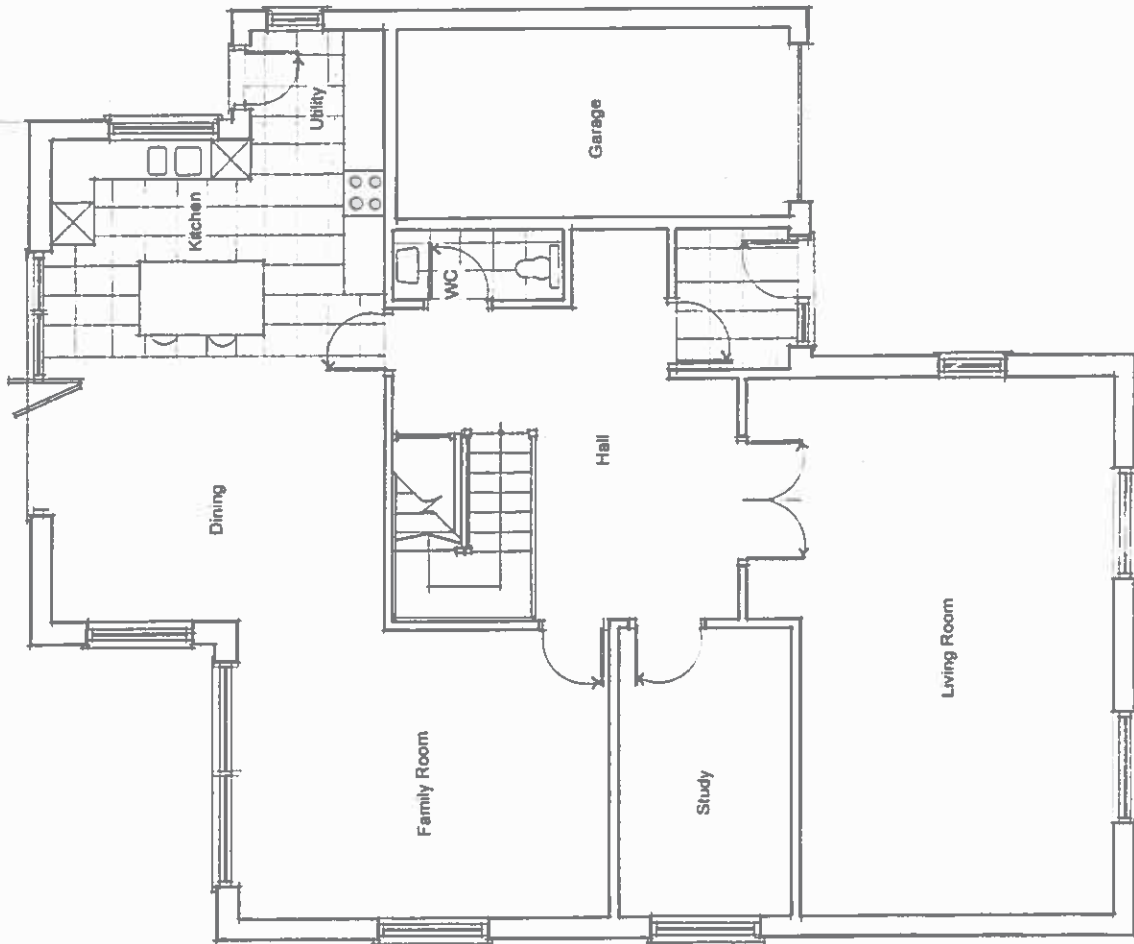
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01452 714596



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

29346-1

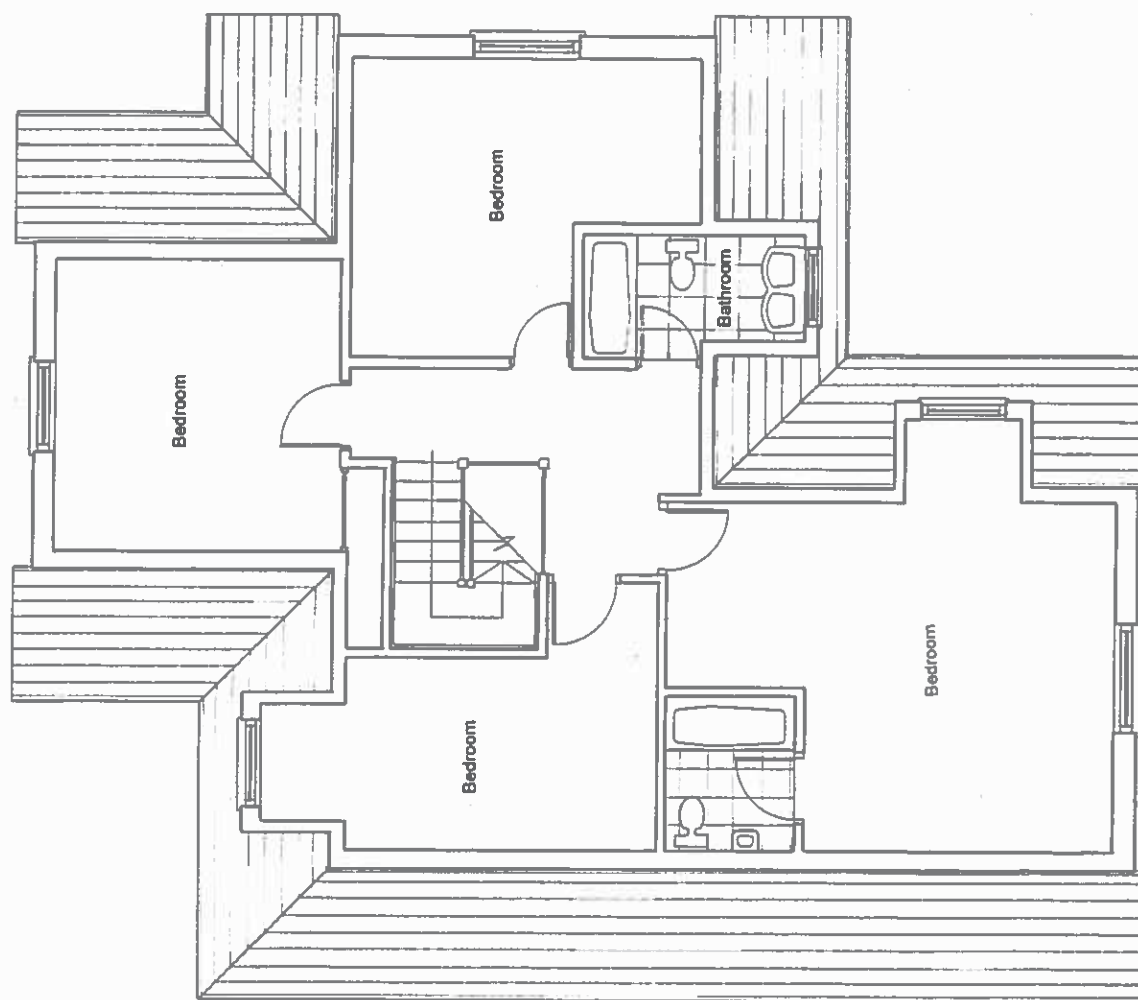
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01452 714598



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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

29-47 I

Valid 03.05.2017
 Grid Ref 402240 229197
 Parish Winchcombe
 Ward Winchcombe

Subdivision of garden for the creation of a new dwelling

Mr & Mrs C Ind
 78 Gretton Road
 Winchcombe
 Cheltenham
 GL54 5EL

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework
 Planning Practice Guidance
 Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies HOU2, HOU5, LND2, LND7 and TPT1
 Main Modifications Version Joint Core Strategy (2017) - Policies SD5, SD7, SD11, SD12, SD15
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
 The First Protocol, Article 1 (Protection of Property)
 Special Landscape Area

Consultations and Representations

Town Council - Object on the following grounds:

Overdevelopment;
 Site and access too narrow;
 Development would spoil neighbouring amenity of adjoining gardens.

County Archaeologist - No objection but in view of the archaeological sensitivity of the locality of the application site, a condition is recommended with regard to securing archaeological recording.

County Highways Officer - No objection - Standing advice.

Local Residents - 1 letter of objection has been received from the adjoining neighbour.

- Their concerns are summarised as follows:
- The development would result in loss of privacy and overlooking;
- The proposal is too large and imposing and would create a feeling of being hemmed in;
- The existing properties would conceal the development yet neighbours would see it every day;
- There is no precedent as only one dwelling granted planning permission within neighbouring gardens has actually been constructed;
- The proposed car parking poses an unacceptable loss of amenity to our home and other neighbours - the driveway would generate traffic, disturb wildlife and increase noise levels;
- This would add to the already serious depletion of the AONB.

Planning Officers Comments: Miss Lisa Dixon

1.0 Site

1.1 The application site relates to part of the rear garden to number 78 Gretton Road; a one and a half storey detached property, set back approximately 15 metres from the highway. The dwelling is set within a long, rectangular plot, with the rear garden extending some 67 metres towards Godwin Road **site location plan attached.**

1.2 The site is surrounded on all sides by residential development. The rear garden to number 80 Gretton Road is located to the immediate north of the site and is subject to planning permission for a two storey dwelling (ref. 13/00301/FUL), although this has not been implemented and has now lapsed. Planning permission has been granted no. 82 Gretton Road, for a substantial, contemporary, detached dwelling within the rear garden (application ref: 15/00295/FUL, permitted 08.07.2015). This dwelling is nearing completion and a current, pending application seeks to vary a number of the planning conditions pertaining to this development (application ref: 17/00785/FUL, which also appears on this schedule). The site is adjoined to

the east by the rear gardens serving the bungalows of Godwin Road. Planning permission has recently been granted within the rear garden of no.25 Godwin Road, which partially adjoins the site to the east, for the erection of a new, detached dwelling (planning reference: 17/00184/FUL, permitted 31.07.2017). The land to the north of the site is occupied by the Redrow Homes development site (planning permission ref. 12/00464/OUT and 13/00986/APP) and this has relatively recently been completed.

1.3 The site is located within the Residential Development Boundary of Winchcombe as defined in the Tewkesbury Borough Local Plan to 2011 (TBLP). The site is also located within the Special Landscape Area (SLA) and adjacent to the Cotswolds AONB.

2.0 History

2.1 An application for the erection of a detached dwelling within the rear garden of the site was submitted on 21.06.2016 under planning reference: 16/00643/FUL. The application was subsequently withdrawn on 04.10.2016, following officer concerns regarding the size, scale and detailed design of the scheme.

3.0 Application

3.1 The current application represents a revised submission for the erection of a single, detached dwelling within the rear garden of the site, following withdrawn application ref: 16/00643/FUL. The application is a reduced scheme with regards to overall height, scale and footprint and proposes a three bedroom dwelling with family bathroom at first floor level with open-plan kitchen/diner and lounge and utility room, lobby and part M Building Regulations compliant bathroom at ground floor level. **Floor and elevation plans attached**

3.2 The proposed materials comprise natural Cotswold stone and 'off-white' coloured walling with natural slate roofing. Windows and doors are proposed to be painted timber.

3.3 The existing single garage serving no.78 Gretton Road is proposed for removal to allow the driveway to be continued along the southern boundary to provide access, turning and parking for 3nos. vehicles for the new dwelling. Parking to the frontage of the existing dwellinghouse is proposed to be retained in order to provide off-road parking for 3nos.vehicles in connection with no.78.

4.0 Planning 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 circumstances indicate otherwise. In this case, the Development Plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 (TBLP) and the Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031(WSNP).

Tewkesbury Borough Local Plan to 2011 - March 2006

4.2 The site is located within the Residential Development Boundary of Winchcombe as defined by the Local Plan. Policy HOU2 of the Local Plan states that new housing development within such areas is acceptable in principle provided that the development can be satisfactorily integrated within the framework of the surrounding development. Furthermore, Local Plan Policy HOU5 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.

4.3 This advice reflects one of the NPPF's 'Core Principles', which is to ensure a good standard of amenity for all existing and future occupants of land and buildings. The advice of Policy HOU5 is also reflected in Section 7 of the NPPF which makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also makes it clearly that obviously poor designs should be refused.

4.4 Policy LND2 of the Local Plan requires that regard be given to the need to protect and enhance the character and appearance of the Special Landscape Area. This advice regarding the requirement for protection and enhancement of valued landscapes is reflected within Section 11 of the NPPF.

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

4.6 The above referenced policies of the TBLP are therefore considered to be consistent with the provisions of the NPPF and should therefore carry considerable weight in the determination of the application.

Winchcombe and Sudeley Neighbourhood Plan - 2011-2031

4.7 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.

4.8 Policy 3.1 of the WSNP provides that residential on infill and redevelopment sites will be supported within the built up areas as shown within the adopted proposals map. The site lies wholly within the built up area, as defined by Policy 3.1 of the WSNP.

4.9 Policy 5.1 (Design of new development) of the WSNP requires new development to reflect the character of its surroundings, compliment the prevailing size, height, scale, materials, density and access of surrounding development and demonstrate that the amenities of neighbouring residential occupiers are not unduly affected through overlooking, loss of light, over-dominance or disturbance.

4.10 Policy 5.2 of the WSNP concerns off-street parking and advocates the provision of appropriate off-street parking as part of development proposals and Policy 5.6 sets the requirement for new residential development to provide private garden space, where possible.

Emerging Joint Core Strategy

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

4.12 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.

4.13 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.

5.0 Analysis

The principle of the development

5.1 The site is located within the Residential Development Boundary of Winchcombe as defined by the Tewkesbury Borough Local Plan. Policy HOU2 of the Local Plan states that new housing development within such areas is acceptable in principle provided that the development can be satisfactorily integrated within the framework of the surrounding development.

5.2 Furthermore, Policy HOU5 of the Local Plan requires new housing development to respect the existing form and character of the adjacent area; not result in unacceptable loss of amenity; be of high quality design and make provision for appropriate access and parking.

5.3 This advice reflects one of the NPPF's 'Core Principles', which is to ensure a good standard of amenity for all existing and future occupants of land and buildings. The advice of policy HOU5 is also reflected in the NPPF which makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also makes it clear that poor designs should be refused.

5.4 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.

5.5 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.

5.6 The main issues for consideration are the design of the proposal, its impact on the visual amenity of the area and its integration with surrounding development. The impact of the proposal on the amenity of surrounding occupiers has also been considered.

Design/visual amenity/integration with surrounding development

5.7 The overall scale and design of the current proposal has been amended significantly following withdrawal of the original planning application on the site. The original scheme proposed a significantly larger two-storey, four bedroom dwelling with dressing room/en-suite serving the master bedroom and garden room element to the rear.

5.8 The current scheme is a one and a half storey property and the main ridge height has been reduced by 0.5m from the previously proposed 7.5 metres. The proposed length has been reduced from 15.7 metres to 10 metres. Furthermore, the scheme proposes high quality, natural materials and a simple, vernacular design.

5.9 The proposal would also be significantly smaller than the newly erected dwelling within the rear garden of no.82 Gretton Rd under planning reference:15/00295/FUL. The new dwelling at no.82 is of contemporary design and comprises five bedrooms with an overall ground floor length of 18 metres (14.6 m first floor length). The width of the dwelling is some 13.45 metres and the development also includes a double garage.

5.10 By contrast, the current proposed scheme at no.78 is more modest in scale than either the constructed new dwelling at no.82 or the lapsed planning permission on the adjoining site at no.80. The site occupies a discreet position behind the existing development on Gretton Road and the newly completed Redrow development. The site is not readily visible from public vantage points, being enclosed on all sides by existing residential development. Notwithstanding the screened nature of the site, the overall design, high quality materials, size and scale are considered to be appropriate for the wider site context.

5.11 As mentioned above, the application site is located in a Special Landscape Area and Policy LND2 of the Local Plan states that proposals must not adversely affect the quality and visual attractiveness of the environment within this area. The application should be considered in the context of the screened nature of the site, together with recently completed development within the immediate vicinity such as the Redrow development and new contemporary dwelling at no.82 Gretton Road. As such, the development would form part of the built-up area of Winchcombe and would not intrude into the surrounding countryside. It is therefore considered that the proposal would not adversely impact on the Special Landscape Area.

5.12 On the above basis it is considered that the visual effect of the proposal would be largely contained within the immediate confines of the site and the adjoining domestic gardens. The visual effect on public land is considered to be minor and in any event positive considering the overall design approach and high quality materials utilised within the proposal.

5.13 The scheme is therefore considered to accord with Policy HOU5 of the Local Plan, Policy 3.1 of the WSNP and emerging Policy SD5 of the Main Modifications Version of the JCS. Furthermore, with regard to impact upon the SLA, the proposal is considered to accord with Policy LND2 of the Local Plan, Policy 1.1 of the WSNP and emerging Policy SD7 of the MMVJCS.

Residential amenity impacts

5.14 Policy HOU5 of the Local Plan 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 within 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

5.15 Concerns have been expressed by the adjoining occupiers to the south and the proposal's impact on existing residential amenity has been given careful consideration as part of the assessment of the current proposal.

5.16 The first floor windows to the front of the proposal would be located some 34 metres from the rear of the existing dwellinghouse on the site. The proposed windows would also be sited in excess of 45 metres from the rear windows of the adjoining dwelling to the south (no.76). Rear first floor windows within the proposed new dwelling would face towards nos.23 and 25, Godwin Road. However, the dwelling would be set in some 12m from the rear boundary of the site and the relative window to window positioning between the new dwelling and no.23 Godwin Road would be approximately 27 metres, with intervening tree/shrub boundary screening. In view of the relative distances between the proposed dwelling and neighbouring properties adjoining the site, it is considered that there would be no unacceptable impact upon the residential amenity of neighbours by reason of loss of privacy, loss of light or outlook and overbearing.

5.17 Planning permission has recently been granted at Planning Committee, for the erection of a single-storey dwelling within the rear garden of no.25 Godwin Road (application ref: 17/00184/FUL - permitted 6th June 2017). Due to the proposed siting of this dwelling within the northern corner of the plot, together with its single-storey design, orientation and positioning of windows, it is considered that the current proposal at no.78 Gretton Road would result in no unacceptable harm to the residential amenity of future occupiers of the new dwelling at no.25 Godwin Road.

5.18 The adjoining neighbours have also raised concerns with regards to the proposed driveway extension serving the proposed dwelling and its resulting impact upon their amenity in respect of disturbance and vehicle fumes. The proposed driveway would extend the driveway serving no.78 and the existing single garage would be removed in order to accommodate this. The line of the driveway would run parallel with the southern shared side boundary with no.76, until it opens up to provide a turning/parking area to the frontage of the new dwelling. No.76 is set in from the shared boundary by 2 metres and the existing garage which currently provides parking for no.78, is sited adjacent to the shared boundary and set back behind both dwellings.

5.19 It is acknowledged that the extension of the existing driveway would effectively continue vehicular movements further back within the site and therefore, in closer proximity with the rear garden of no.76. However, it is also of note that this relationship exists to a certain extent at the current time due to the positioning of the existing driveway and garage within the site. As such, it is considered that the proposed extension of the driveway to serve a single, three-bedroom dwelling, would not result in such significant additional vehicular movements over and above the existing arrangement within the site so as to warrant refusal of the application on neighbour amenity grounds.

5.20 The proposal is therefore considered acceptable in this regard, in accordance with Policy HOU5 of the Local Plan.

Highways

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

5.22 The layout provides a turning area that would enable vehicles to manoeuvre safely within the site and enter/exit the site in a forward gear. The proposal also provides 3nos. on-site parking spaces to serve the new dwelling and retains 3/4 on-site spaces for the existing dwellinghouse. The County Highways Officer has been consulted and has raised no objections, referring to standing advice. It is considered that one additional dwelling sharing the existing access would not result in any significant increase in the level of traffic generated to and from the site or compromise highway safety. Furthermore, the level of proposed parking and retained parking for no.78 is considered acceptable.

5.23 Concern has also been expressed by the adjoining neighbour with regards to the proposed width of the extended driveway and its inability to accommodate emergency vehicles. The supporting information in respect of the application confirms that the new access drive for the proposal property would be some 2.9m at the narrowest part. The 2.9m wide access would provide sufficient access for emergency vehicles should the need ever arise. The Local Highways Department accepts that to reach a fire; 'over short distances' an access route can be reduced to 2.75m. This point is confirmed within the application submission with a supporting email from the County Highways Officer. The email also confirms that according to the Freight Transport Association, a fire appliance is 2.40m in width.

5.24 Overall, the proposal is therefore considered to be acceptable on highway grounds.

6.0 Conclusion

6.1 The proposed dwelling would have a limited visual effect on the adjacent area and would in any event involve an appropriate design and high quality materials that would reflect local vernacular. Furthermore, it is considered that no adverse residential amenity impacts would result from the development. Taking into account all of the above, subject to the imposition of conditions, the proposal is considered to be acceptable in accordance with policies HOU2 and HOU5 of the TBLP, and Policy 3.1 of the WSNP. The proposal is also consistent with the relevant advice within the NPPF. There are no other material considerations that would warrant the refusal of the application. 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:
 - Proposed site plan, proposed floor and elevations - Drawing no.99-008 Rev B, Received by the Local Planning Authority on 24.04.2017.
- 3 The dwelling hereby approved shall be constructed wholly in accordance with the schedule of materials detailed within approved drawing no.99-008 Rev. B, unless an alternative material is first approved in writing by the Local Planning Authority.
- 4 No development shall take place before a fully detailed landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development. The scheme shall also include screen planting/fencing to protect the visual amenities of neighbouring properties on the north, south and eastern boundaries, in addition to protection of the amenity of the existing dwelling on the site. The development shall be implemented in accordance with the approved details and maintained as such thereafter unless an alternative is otherwise first agreed in writing by the Local Planning Authority.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings, or the completion of the development, whichever is sooner. Any trees, plants or areas of turfing or seeding, which, within a period of 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
- 6 No work shall commence on site until details of existing and proposed levels with reference to a fixed datum point, to include details of finished floor, ground levels and ridge levels, have been submitted to and approved by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no extensions or outbuildings shall be erected without the prior express permission of the Local Planning Authority.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no windows or roof lights other than those expressly authorised by this permission shall be installed or constructed above ground floor ceiling height without the prior express permission of the Local Planning Authority.
- 9 Prior to the occupation of the proposed dwelling the car parking and manoeuvring facilities for the proposed dwelling shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.

- 10 No development shall commence on site until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the details so approved prior to first occupation.
- 11 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 12 No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place 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.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 4 In the interests of amenity and to ensure a satisfactory standard of landscaping.
- 5 In the interests of amenity and to ensure a satisfactory standard of landscaping.
- 6 In the interests of residential and visual amenity.
- 7 In the interests of residential and visual amenity.
- 8 In the interests of residential amenity.
- 9 In the interests of highway safety.
- 10 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem.
- 11 It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework.
- 12 To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.

Note:

Statement of Positive and Proactive Engagement

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





Valid 30.05.2017

Proposed erection of replacement three-storey dwelling with attached orangery, additional basement level and basement level garaging. Associated re-grading, land and hard and soft landscaping and new access/driveway - Revised scheme further to allowed appeal ref: 15/01007/FUL & withdrawn application ref: 16/00410/FUL.

Grid Ref 388550 227043

Parish Leigh

Ward Coombe Hill

Mr John McCreadie

c/o Agent

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

Planning Practice Guidance

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

Tewkesbury Borough Local Plan to 2011 - March 2006 - LND3, LND7, HOU7, TPT1, EVT5, EVT9

Proposed Main Modifications Joint Core Strategy - SD5, SD7, SD9, INF3

Landscape Protection Zone

PROW

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** - Unanimous objection on the following grounds:

- Contrary to Local Plan Policy HOU7 with regards to size and height;
- The application represents a further 50% increase in floor area;
- Harmful visual impact upon the landscape;
- Close proximity of the application site to the Key Wildlife Area;
- The proposed dormers would overlook neighbouring properties;
- Major earthworks have been undertaken within Flood Zone 3;
- The vast number of concurrent applications submitted by the applicant has caused confusion;
- The proposed building would be visible from miles around;
- All previous conditions attached to 15/01007/FUL should be re-attached, should the current application be permitted.

Environment Agency - Object unless the ground levels of the paddock/wildflower area are returned to their previous levels.**Conservation Officer** - No objection to the proposed additions over and above the allowed appeal.**Landscape Officer** - No objection - the current scheme would not result in discernible harm to the Landscape Protection Zone.**Local Residents** - 4 Letters of objection have been received from members of the public. Their concerns are summarised as follows:

- The additional attic space and basement would more than double the floor space of the existing planning permission;
- The proposed south and west elevation windows would have a direct impact upon the houses below the site and windows would look directly into bedroom and bathroom neighbouring windows;
- The new house would be elevated above tree screening - visual intrusion would be exacerbated;
- Unnecessary raising of ground levels will exacerbate flooding to local residents;
- The badger sett has not been protected;
- The Ecological Report is out of date;
- The proposal exceeds Policy HOU7 requirements;
- There is no precedent for a three-storey building in the area;
- The proposed orangery would add to the overall bulk;
- There are already planning breaches on the site;
- The design is totally at odds with its surroundings;
- The current work undertaken within the site is based upon the proposed current design - therefore, the application is retrospective which sets a bad precedent for determining applications.

1.0 Application Site

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

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

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

2.0 Planning History

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

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

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

2.4 Planning permission was granted at Planning Committee on 24.08.2015 for the erection of a replacement dwelling and detached double garage, hard and soft landscaping and the provision of new access and driveway (planning reference: 14/01224/FUL). It is clear that this permission has not been implemented given the works that have taken place on site.

2.5 15/01373/FUL - Proposed replacement dwelling with attached garage building. Hard and soft landscaping. Provision of new access and driveway - Revised scheme following planning permission ref: 14/01224/FUL (Alternative scheme to application ref:15/01007/FUL with stone/render proposed in place of brick) - Refused at Planning Committee on 16.03.2016 on the grounds that the proposed development would result in a significant adverse impact on the rural landscape of the Landscape Protection Zone by reason of its size, bulk, design and materials, would fail to respect the scale and character of the dwelling it seeks to replace and the proposed store would result in additional unwarranted harm to the Landscape Protection Zone.

2.6 15/01345/FUL - Removal of Condition 14 attached to Application Reference: 14/01224/FUL (Permitted Development Rights) - Refused at Planning Committee on 16.03.2016 on the grounds that the site is located within a Landscape Protection Zone and the removal of condition 14 would allow for significant additional development which could potentially result in significant and demonstrable harm over and above the replacement dwelling permitted on this site.

2.7 15/01007/FUL - Proposed replacement dwelling with attached garage building. Hard and soft landscaping. Provision of new access and driveway. - Revised scheme following planning permission ref: 14/01224/FUL - Minded to Refuse at Planning Committee on 15.03.2016 on the grounds that the proposed development would result in a significant adverse impact on the rural landscape of the Landscape Protection Zone by reason of its size, bulk, design and materials and would also fail to respect the scale and character of the dwelling it seeks to replace and the proposed store would result in additional unwarranted harm to the Landscape Protection Zone. The application was therefore considered contrary to the aims of the NPPF, policies HOU7 and LND3 of the Local Plan and Policy SD7 of the Submission Version Joint Core Strategy

(November 2014) .- **This application was subsequently allowed on appeal on 12.07.2016 -appeal ref: APP/G1630/W/15/3140970** . However, given the works that have been carried out on site, again, it is not considered that this permission has been implemented.

3.0 Current Application

3.1 This current application represents a further revised replacement dwelling scheme, following the granting of planning permission at Planning Committee on 04.08.2015 (14/01224/FUL) and the subsequent allowed appeal (15/01007/FUL) a proposed replacement dwelling, associated re-grading of land, hard and soft landscaping and new access/driveway.

3.2 The proposed dwelling would differ from the previously permitted schemes with regards to overall size and detailed design. The original permission proposed an 'L-shaped' dwelling, further to the east of the site than the previously permitted outline scheme (ref: 12/01216/OUT). That proposed dwelling had an overall footprint of 157 square metres with a maximum length of 17.4m, width of 12.1m and height of 9.3m. The originally permitted footprint, including the detached garage would have been some 191 square metres, with a maximum garage height of 4m. The allowed appeal proposed to 'infill' the previously permitted L-shape layout to create a rectangular dwelling and to increase the size of the garage to 9.6m in length by 7m in width, with a linked 'lobby' which would physically connect the house and garage together. The overall dwelling height was shown to be increased in from 9.3m to 9.6m, and the garage increased in height to 4.4m.

3.3 The allowed appeal also revised the proposed construction materials so the dwelling would be of stone rusticated render at ground floor level with stone coloured render above with stone cornice and parapet detailing. The garage was also revised to be stone coloured render with stone cornice and parapet detail. The windows and doors were also revised and proposed for construction in aluminium rather than the permitted predominantly timber construction. Other revisions allowed as part of the appeal included changes to the driveway/access material from bound gravel to tarmac and the introduction of an additional tarmac 'pull-in' area.

3.4 The allowed appeal also proposed the construction of a new 'store'/bat roost building on the footprint of the existing outbuilding serving the farmhouse. The building would have measured some 6m by 6m, with a ridge height of 4.8m. The building would have been located outside the residential curtilage, within the paddock/meadow area and would be open-fronted with purpose built bat loft created within the roof space **see attached plans**. The Inspector noted at Paragraph 17 of the appeal decision that the proposed building was not included within the plans submitted in respect of the appeal and as such, she did not take this into consideration as part of her deliberations.

3.5 This current application proposes to add a basement level to the approved dwelling, which is of a similar floor area to the ground floor of the approved dwelling by way of digging into the bankside.

3.6 Additionally, it is proposed to add an additional internal floor to the dwelling to provide for guest accommodation. The plans and supporting information submitted in respect of the application note that this would not result in an increase in the overall height of the dwelling from that approved by the allowed appeal. In order to facilitate the insertion of a second floor, it is proposed to insert dormer windows. Furthermore, the house is proposed to be constructed entirely from natural stone with slate roof as opposed to the rusticated render with stone cornice detailing allowed by the recent appeal.

3.7 As part of this application it is also proposed to relocate the garage from the ground floor, as approved by the allowed appeal (15/01007/FUL), to the new basement level. An orangery is proposed to be located on the ground floor level in place of the relocated garage and above the newly created 'underground' garaging.

3.8 Additional landscaping and tree planting is also proposed as part of the current scheme and a new, stand-alone bat roost building is proposed within the wildflower paddock area of the site.

3.9 Works are currently ongoing within the site and engineering operations have been carried out within the lower portion/wildflower paddock of the site which have placed large quantities of topsoil in this area, thereby effectively raising ground levels within the flood plain. As part of the current planning application, the applicant seeks to remove this topsoil from the site, thereby reducing ground levels back to their approved level as part of the allowed appeal **See attached plans**.

4.0 Policy Context

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

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

4.3 Local Plan Policy TPT1 relates to access for developments and states that development will be permitted where, inter alia, it would not impair the safety or satisfactory operation of the highway network; and highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network, nor cause an unacceptable loss of amenity to users of adjacent land.

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

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

4.6 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest. These requirements are set out at paragraphs 126 and 131 of the NPPF and are echoed within emerging plan policy SD9 of the Main Modifications Version of the JCS. The NPPF advises 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.

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

5.0 Analysis

5.1 The main planning issues to be considered in this application are size, scale and design, landscape impact, ecology and the impact on surrounding residential amenity, being mindful of course of the previously permitted/allowed schemes.

Size, Scale, design and Landscape Impact

5.2 The recently allowed appeal has already established the principle of development for a substantial two-storey rectangular-shaped replacement dwelling with linked triple-bay garage building. The proposed attached orangery would occupy a similar position in relation to the dwellinghouse, as the allowed linked garage building. The projection/length from the main house would be unchanged (11.8m for both the allowed garage and the proposed orangery) and a similar design approach has been taken for both buildings. It is acknowledged that the width of the proposed orangery would be greater than the allowed garage (9.6m width as opposed to 7m). However, given the consistent design approach and positioning relative to the main dwellinghouse, it is not considered that this proposed change would render the development unacceptable in design/landscape terms. In the determination of planning appeal ref.

APP/G1630/W/15/3140970, the Inspector noted the following at paragraph 7 of the decision notice: "The visual impact of the larger garage and the linking lobby, when viewed in the context of the wide and imposing two storey main front elevation of the dwelling, would be immaterial and as such would not be harmful to the character and appearance of the surrounding area." In this regard, it is considered that the proposed orangery, when viewed in the context of the main building, would not be unduly harmful to the character and appearance of the rural context of the Landscape Protection Zone.

5.3 Similarly, it is considered that the proposed basement level and basement/underground garaging result in negligible landscape impact. The overall height of the building would remain unchanged from the allowed appeal and its overall character/design would not be compromised as a result of the proposed additional elements.

5.4 The proposed introduction of a second floor would utilise the roof space already permitted under the allowed appeal, but with an additional element of dormers to all four elevations in order to provide light and outlook. The proposed dormers would reflect the Georgian period styling of the dwelling and therefore, it is considered that they would not be out of context or inappropriate in this regard.

5.5 The Inspector within the determined appeal ref. APP/G1630/W/15/3140970 concluded at paragraph 11 that the proposal would not harm the rural landscape of the Landscape Protection Zone, and it therefore does not conflict with adopted Local Plan Policy LND3. It is considered that the additional elements proposed within the current application would not result in discernible additional landscape harm over and above the allowed appeal proposal and as such, the scheme is considered to accord with Policy LND3 of the Local Plan, Section 11 of the NPPF and emerging plan Policy SD7 in this regard.

5.6 The current scheme also comprises regrading works to the top portion/eastern extent of the site in order to accommodate the proposed dwellinghouse and assimilate it within the plot. This regrading would be incorporated as part of the overall landscaping scheme for the site, the majority of which has previously received agreement via discharge of the landscaping condition pertaining to the allowed appeal.

5.7 The application site is located in the open countryside and the site rises up towards the Coombe Hill ridge which is located towards the south-eastern end of the field. The PRoW, which crosses the site, offers views up and down the site. The Landscape Officer has been consulted with regards to the additional regrading works proposed and considers, when viewed as part of the overall landscaping scheme for the site, these additional works would not be inappropriate nor result in discernible harm to the setting of the Landscape Protection Zone.

5.8 As such, the proposed regrading works are considered acceptable in accordance with Policy LND3 of the Local Plan, Section 11 of the NPPF and emerging plan Policy SD7 of the MMVJCS.

Impact on the setting of Heritage Assets

5.9 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires Authorities to have special regard to the desirability of preserving any listed building or its setting and this is reflected within paragraphs 126 and 131 of the NPPF.

5.10 The site is located within close proximity of Evington House, which is a Grade II listed building. At paragraph 21 of allowed appeal decision ref. APP/G1630/W/15/3140970, the Inspector notes:
"[...] I have considered the impact of the proposal on the setting of the adjacent Evington House which is Grade II Listed. This property is well screened from the appeal site and set some distance away. As such it appears visually separate. I therefore find no harm in this regard."

5.11 The Conservation Officer has been consulted in respect of the current proposal and has raised no objection on the basis that the currently incorporated changes/additions to the overall scheme would have a negligible impact upon the heritage asset, over and above what has been allowed under the recent appeal.

5.12 In conclusion on this issue, the current proposal is considered to have a neutral impact upon the designated heritage asset of Evington House, in accordance with Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Section 12 of the NPPF.

Residential Amenity

5.13 The impact of the extant replacement dwelling upon the residential amenity of neighbouring properties was given careful consideration as part of the assessment of the planning merits of proposal. Furthermore, the Inspector considered this issue within paragraph 20 of the allowed appeal and commented as follows;
"The roof of the replacement dwelling might be visible from Coombe Bank, but given distances between the two I find no harm to living conditions of occupiers of this property; even if windows were to be inserted at a later date into the roof. I note the Council raised no objection in this regard and I find no reason to conclude otherwise".

5.14 The occupiers of the nearest property to the south-east of the site, Coombe Bank raised objections to the previous proposal on the grounds that it would constitute an oversized and wrongly positioned house which would be viewed by existing houses in the area, including their own and 'Waltham Lea'. The previous application subject to the allowed appeal, was accompanied by a site section drawing, showing the proposed dwelling in relation to the neighbouring property to the east, Coombe Bank. This indicated that, due to the sloping topography of the site and the relative distance of the proposed dwelling from Coombe Bank, the new building would not be visible from Coombe Bank itself or from the A38. The current proposal is not considered to alter the acceptability of the extant permission on residential amenity grounds. The overall height of the dwelling would remain unchanged and as noted by the Inspector, although the roof of the proposed dwelling might be visible from Coombe Bank, the relative distance between the two properties would mitigate loss of residential amenity to occupiers.

5.15 The immediate residential property to the south-west of the application site is 'Evington Lodge'. Given the siting and orientation of the proposed dwelling and orangery, it is not considered that the proposal would result in an adverse impact in terms of residential amenity. Furthermore, due to the orientation and proximity of the proposed dormers serving the second floor to Evington Lodge (64m), it is considered that there would be no adverse residential impact with regard to loss of privacy or overlooking. The scheme is therefore considered to accord with Policy HOU7 of the Local Plan in this regard.

Ecology

5.16 Concerns have been raised by the Parish Council and local residents with regards to the impact of the proposal upon the active badger's sett which is located across the southern boundary of the site, where the new driveway/access serving the site is located. Natural England has been consulted and advised that, as before, the scheme would be subject to standing advice in respect of protected species. Any works affecting the active bat roost on the site or further works affecting the identified badgers sett over and above those agreed within the terms of the previously issued Natural England Licence, would require an appropriate licence from NE. Furthermore, NE advised that the new driveway works recently carried out across the site in respect of the extant permission, were subject to an appropriate NE licence regarding the interference of the active badgers sett. This licence has now expired and any further works affecting the sett would require a fresh licence from NE. The current scheme does not seek to alter or amend the access/driveway element of the proposal, already granted consent by the allowed appeal.

5.17 The current scheme has been supported by the submission of an Ecological Habitat Survey in view of the identified active bat roost within the site (the existing dwelling) and the active badger sett which straddles the southern boundary of the site, extending within and beyond the extent of the recently constructed driveway. A bat mitigation strategy and badger mitigation strategy has been included within the ecological survey. However, the survey appears to have remained unaltered from that submitted within the allowed appeal and had not initially been revised/updated to take account of the Ecological Consultants previous recommendations. The allowed appeal also proposed the erection of a new, purpose built bat roost within the paddock area of the site, although this element was not given consideration by the Inspector at the time of the appeal. Following discussions with the case officer, amended drawings have been received which propose a bespoke bat roost building (omitting the previously proposed 'garden store' element) adjacent to the northern boundary of the wildlife paddock area. Furthermore, the revised bat roost proposal incorporates the previous recommendations of the Ecological Consultant with regards to elements such as flying access and proximity to lighting sources etc.

5.18 The current proposal is therefore considered to accord with the provisions of the NPPF, Policy SD10 of the JCS Submission Version and Policy NCN5 of the Local Plan with regard to ecological protection. It should also be noted that the demolition of the existing farmhouse (current bat roost) will require a separate Licence from Natural England.

Flood Risk

5.19 The existing Vine Tree Farm buildings lie almost entirely within Flood Zone 3 (High Risk) and defined within the Flood and Coastal Change section of the National Planning Practice Guidance (NPPG). The Environment Agency have been consulted in respect of the current planning application and have reiterated their approval of the relocation of the proposed replacement dwelling within the higher portion of the site, outside the floodplain, within Flood Zone 1 (Low Risk). This follows the sequential approach in accordance with the National Planning Policy Framework (NPPF) and the NPPG.

5.20 Furthermore, the EA also concur that the proposed finished floor levels for all buildings of 19.59 and 20.00 m AOD(N) meet recommendations to ensure new property is not at risk of internal flooding including an allowance for climate change. Indeed, this level is well in excess of those peak flood levels recorded on the site during the July 2007 event.

5.21 However, recent engineering operations undertaken within the site include the stockpiling of material/alteration to ground levels within the wildflower paddock area on part of the site that is currently designated to be located within the historic floodplain of the River Severn.

5.22 The submitted plan shows a general raising of ground levels of up to 1 metre over this part of the site compared to original ground levels on the same plan which was submitted in support of previous planning applications. On this basis, the EA objects to this element of the application as it will result in a net loss of flood storage volume contrary to the principles of the NPPF and NPPG. It also fails to accord with local plan policy EVT5, the Flood and Water Management Supplementary Planning Document and emerging Joint Core Strategy policy INF3- Flood Risk Management.

5.23 In order to address the EA's concerns with regards to the current application, amended plans have been sought and submitted by the agent accordingly, which show no net loss in flood plain storage to ensure compliance with the NPPF, NPPG and local plan policies; both adopted and emerging. It is considered that this element of the proposal should be secured via appropriate planning condition in order to ensure that the ground levels are returned to their previous lower level and retained as such thereafter, in accordance with the NPPF and Policy EVT5 of the Local Plan.

5.24 The revised drawings have also sought to remove the existing hardstanding/access from this portion of the site and this is considered to be of additional benefit in both flood compensation and landscape terms.

6.0 Conclusion

6.1 The starting point for consideration of the current application is the extant allowed appeal for a substantial replacement dwelling and linked garage building within the site.

6.2 The concerns of the Parish Council and local residents with regards to the overall scale and size of the proposed replacement dwelling over and above that of the modest farmhouse it seeks to replace are fully acknowledged. The resulting conflict with Local Plan Policy HOU7 in this regard is also acknowledged. However, the allowed appeal and the extant permission prior to this (14/01224/FUL) have already agreed the principle of a replacement dwelling which far exceeds the existing farmhouse with regards to footprint, size and scale. As such, it is considered that a refusal on HOU7 policy grounds could not be substantiated in this instance, given the extant permissions which exist on the site.

6.3 It is considered that the proposed development would not result in significant adverse impact on the rural landscape of the Landscape Protection Zone over and above the previously allowed scheme. The impact of the proposal upon the residential amenity of neighbouring properties has also been given careful consideration and it is considered that there would be no undue harm to residential amenity by reason of overlooking, loss of privacy or overbearing. Furthermore, it is considered that the current scheme would have a neutral impact upon the setting of the nearby heritage asset. In conclusion, the application is therefore considered to accord with the aims of the NPPF, Policy SD7 of the Main Modifications Version of the JCS and Policy LND3 of the Local Plan. The application is therefore **recommended for permission**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site section: Drawing no.106; Elevations: Drawing no.104; Floor plans: Drawing nos. 100; 101; 102 and 103; Revised Block plan/site layout - Drawing no.105 Rev.B, received 01.09.2017; Revised Bat house details (Figures 4 and 5) received 01.09.2017.
- 2 Within two months of the decision date of the development hereby approved, samples of the walling and roofing material along with the design and detail of the doors and windows to be used in the development hereby approved shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 3 Within two months of the decision date of the development hereby approved a scheme of landscaping, which 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 in the course of development shall be submitted to and approved in writing by the local planning authority.
- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling, 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 approval to any variation.
- 5 A plan indicating the positions, design, materials and type of boundary treatment, including gates, to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed in accordance with the approved details prior to the first occupation of the development and permanently retained thereafter.
- 6 Within two months of the decision date of the development hereby approved, details of existing and proposed levels, including finished floor 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.
- 7 Within two months of the decision date of the development hereby approved, a plan showing the proposed means of access off of the A38 highway, including visibility splays and the provision of simultaneous access/egress, shall be submitted to and approved in writing by the local planning authority. The visibility splays shall be provided in accordance with the approved details prior to the commencement of development. The means of access shall be provided in accordance with the approved details prior to first occupation of the dwelling. The visibility splays and access shall be maintained as approved thereafter.
- 8 Within two months of the decision date of the development hereby approved, drainage plans for the disposal of surface water and foul sewerage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the dwelling is occupied.
- 9 Within two months of the decision date of the development hereby approved, an up to date protected species method statement shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with a timetable approved as part of the protected species method statement referred to above.
- 10 The existing dwelling and outbuilding known collectively as 'Vine Tree Farm', shown as a dotted outline within the approved block plan no.105 B, shall be demolished and all resultant debris and materials shall be removed from the site within one month of the dwelling hereby permitted being occupied.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), the area denoted as 'Wildflower paddock' within the approved Block plan no.105 Rev.B shall be retained for this purpose thereafter and no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.
- 13 In accordance with the details hereby approved (Figures 4 and 5: Bat Roost building, received on 01.09.2017), at no time shall doors be installed to enclose the building and at no time shall any lighting be installed on or within the building or within 10 metres of the vicinity of the building.

- 14 Within one month of the decision date of the development hereby approved, 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
- 15 Prior to the first occupation the dwelling 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 dwelling or anywhere else within the site other than in accordance with the approved External Lighting Strategy, unless the written approval of the local planning authority has first been obtained.
- 16 Within two months of the decision date of the development hereby approved, the ground levels within the 'wildflower paddock' area shall be returned to their former level as shown within Drawing no.P103 (proposed site layout) of allowed appeal ref: 15/01007/FUL and shall be retained as such thereafter.

Reasons:

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 3 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 4 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 5 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 6 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 7 In the interests of highway safety.
- 8 To ensure that 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.
- 9 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.
- 10 To ensure that the new development will be visually attractive in the interests of visual amenity in accordance with the NPPF and Policy HOU7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 11 To ensure that the appearance of the building(s) will be in harmony with the character of development in the rural landscape in accordance with the NPPF and Policy HOU7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 12 To ensure that the new development will be visually attractive in the interests of visual amenity in accordance with the NPPF and Policy HOU7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 13 To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 14 To protect the residential amenity of residents in the locality.
- 15 To avoid light pollution in the interest of preserving the rural character of the area.
- 16 In order that the development does not result in a net loss of flood storage volume in accordance with the principles of the NPPF and Policy EVT5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

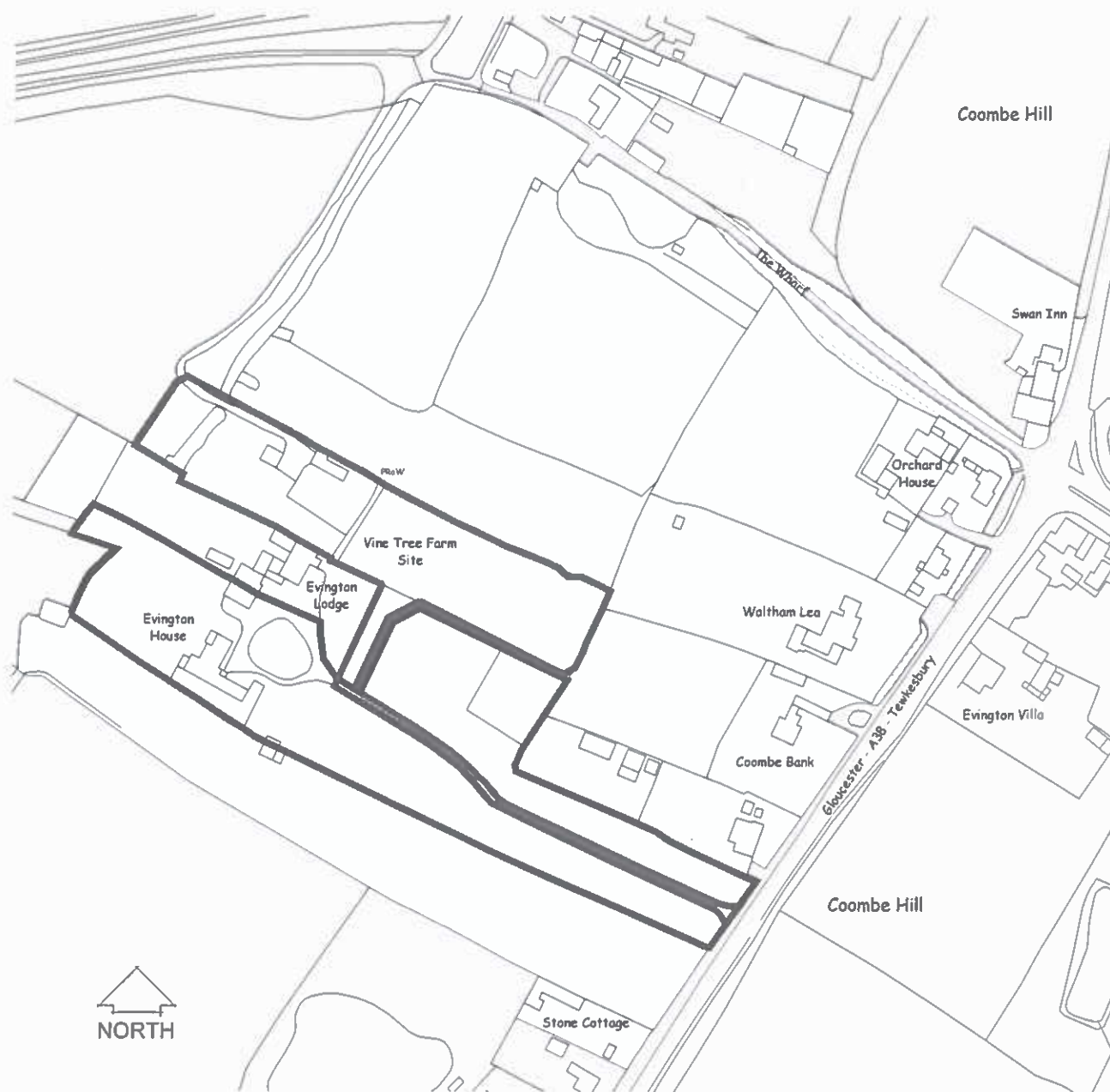
Notes:

1 Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating improvements to proposed bat roost building removal of hardstanding and access track within paddock.

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

- Statutory approvals and all other relevant agreements are to be received prior to commencement of works.
- Do NOT scale from this drawing. Check dimensions on site against site survey prior to any new works.

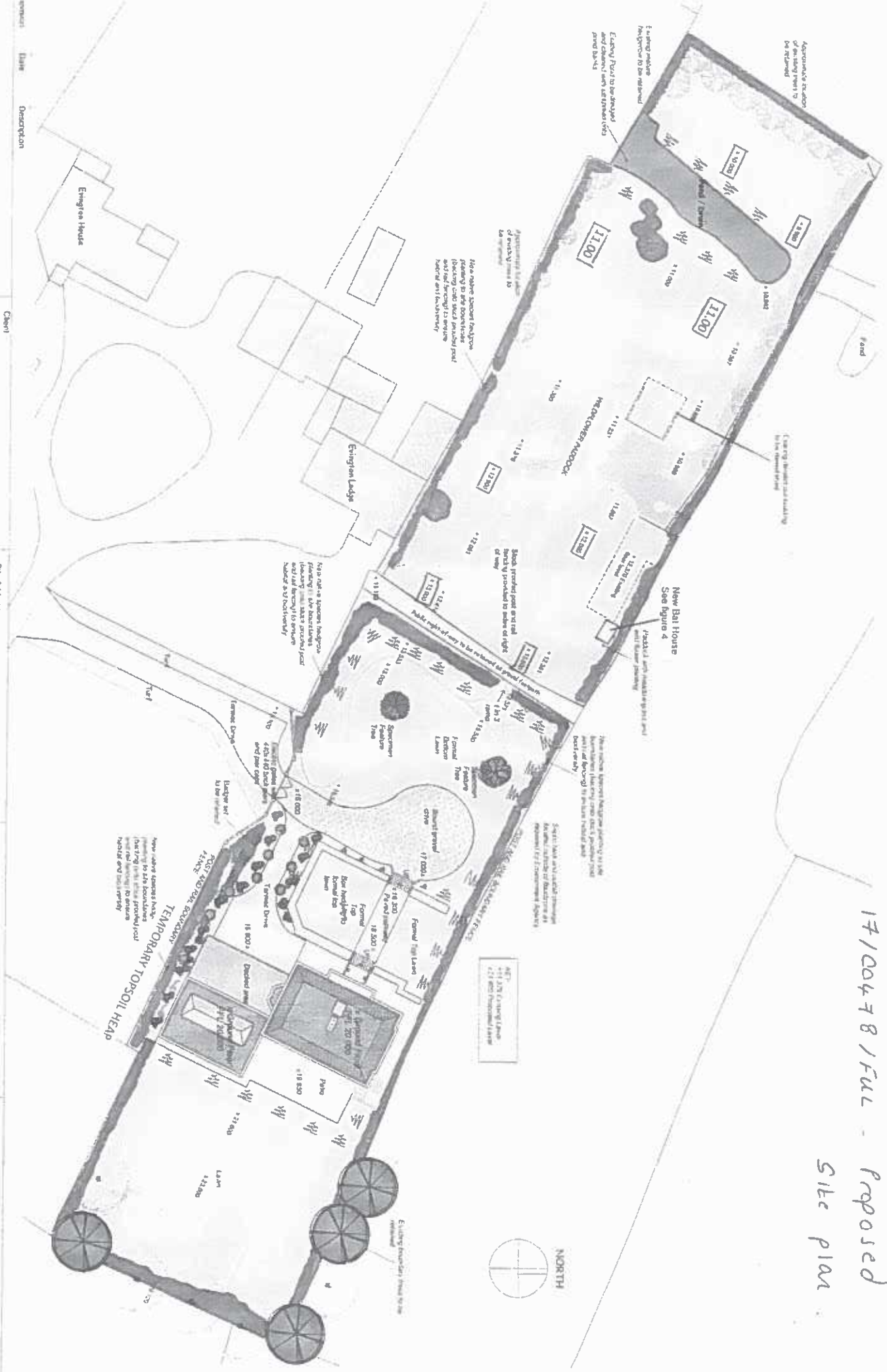


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Revision		
Client: Mr & Mrs McCreddie	Scales:	1:2500
Site Address: Vine Tree Farm Tewkesbury Road Coombe Hill	Project Number:	592
Drawing Title: Site Location Plan	Drawing Number:	117
Date: March 2017	Original Paper size:	A4

31067A

17/00478/FUL - Proposed
Site Plan



3106B

Client

Mr & Mrs McCreddie

Description

VINE TREE FARM, TEWKESBURY ROAD
COOMBE HILL, CHELTENHAM

Drawing Title

PLANNING BLOCK PLAN

Project Number

592

Drawing Number

105

Revision

8

Scale

1:500 @ A3

Date drawn

AUG 17

Drawn by

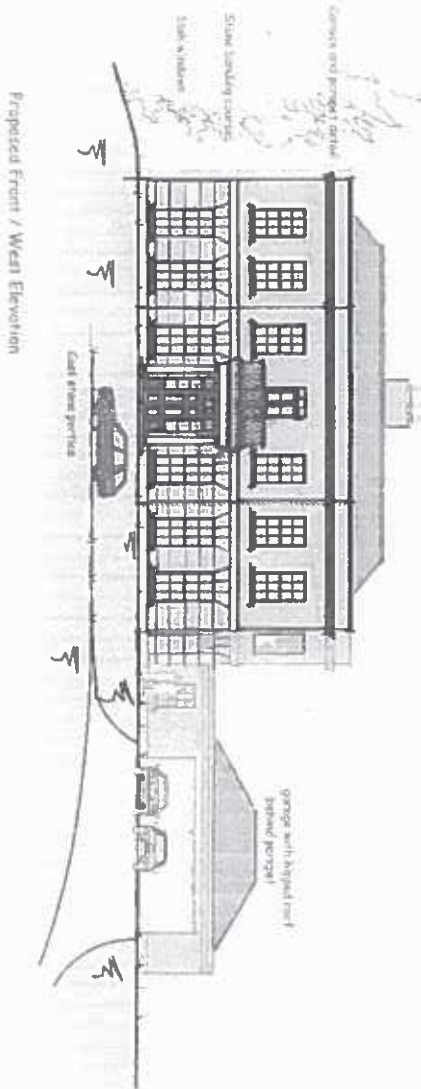
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Status

PROPOSED SUBSOIL LEVELS

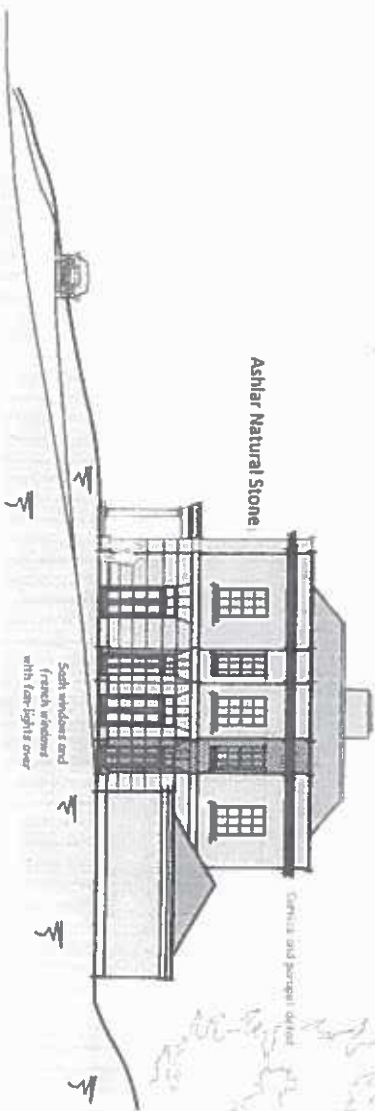
17/00478 / Full . Allowed Appeal
(15/01007 / Full)

Ashlar Natural Stone to West Elevation



Proposed Front / West Elevation

Ashlar Natural Stone



Proposed Side / South Elevation

coombes : everitt architects limited
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- ☐ Preliminary
- ☐ Feasibility
- ☐ Planning
- ☐ Building Regulations
- ☐ Tender
- ☐ Construction Issue
- ☐ As Built

RIBA
Chartered Practice

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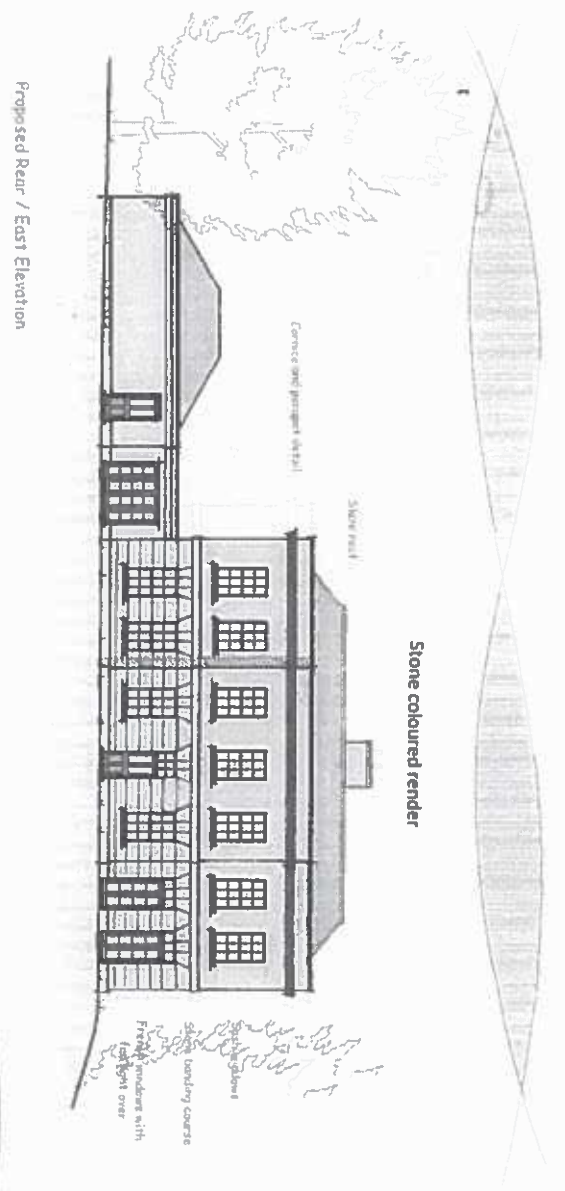
Drawing title: Proposed Elevations
Client: Mr & Mrs MacCready
Drawn by: AM
Checked: JE
Job number: 14.10.019/A
A- NATURAL ASHLAR STONE TO WEST & SOUTH
STONE COLOURED RENDER TO EAST & NORTH

Project: Vine Tree Farm, Tewkesbury Rd,
Coombes Hill, Nr Cheltenham
Scale: 1:200 @ A3
Date: September 2018
Draw no: P106

coombes : everitt architects

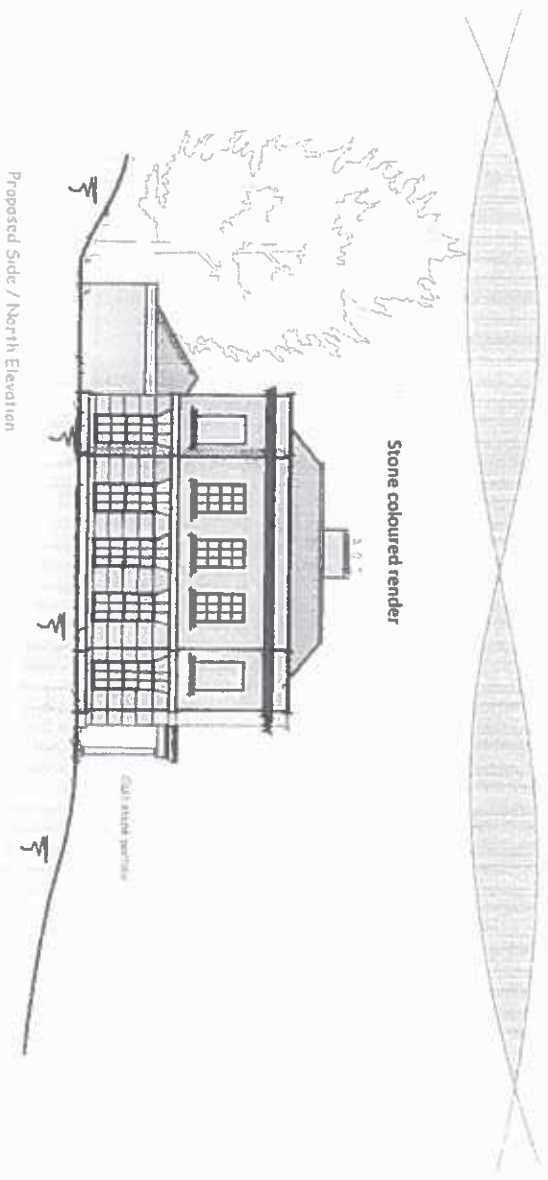
310700

17/00478/FUL - Allowed Appeal
(15/01007/FUL)



Proposed Rear / East Elevation

23 NOV 2015
TENNESBURRY RUGBY CLUB COUNCIL
OPERATION

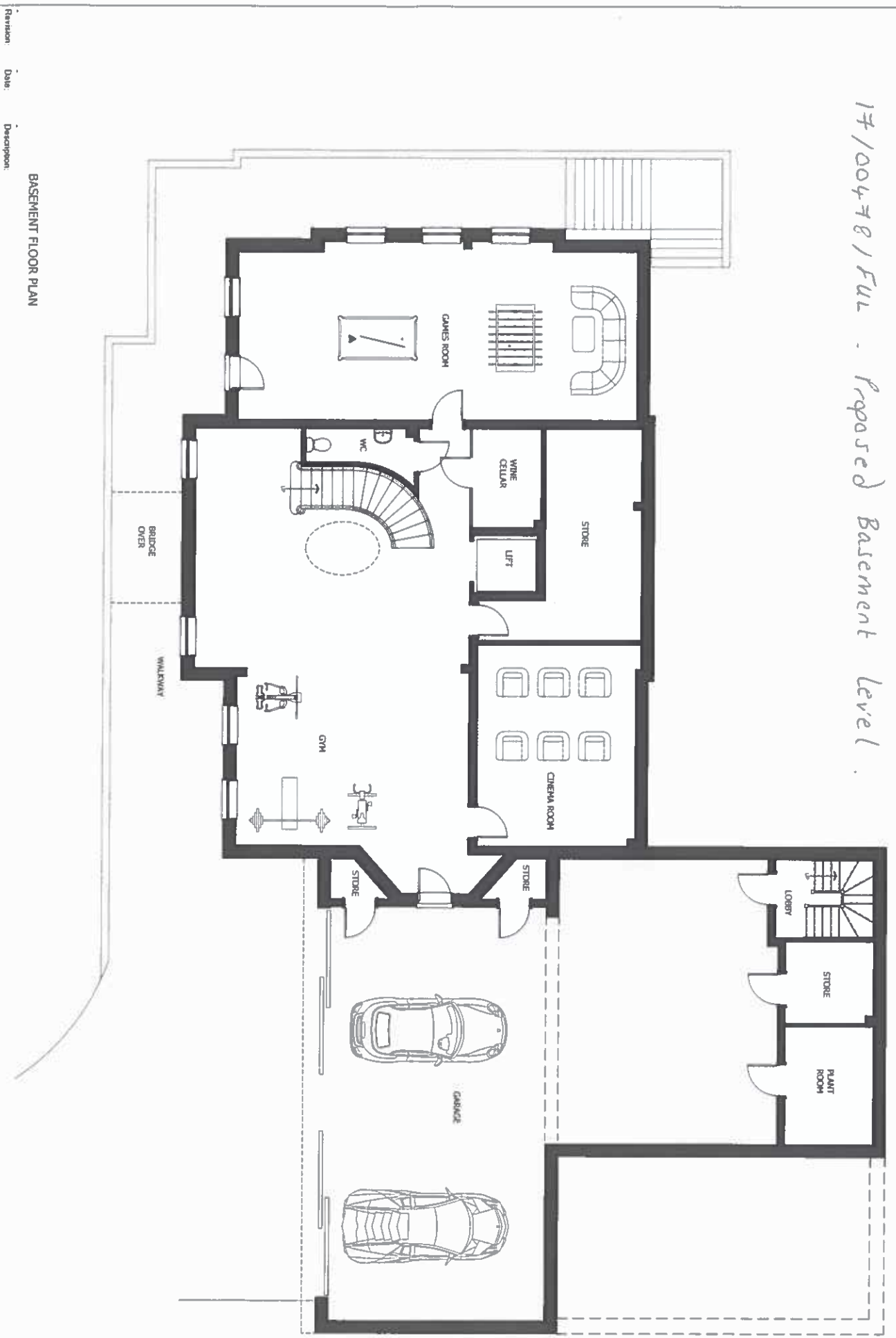


Proposed Side / North Elevation

coombes : everitt architects limited Unit No. 1, The Old Dairy Rutley Lane Whitcombe Gloucestershire GL54 5JE t: 01242 807727 f: 0845 6579433 e: info@co-eva.co.uk www.co-eva.co.uk		<input type="checkbox"/> Preliminary <input type="checkbox"/> Feasibility <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Building Regulations <input type="checkbox"/> Tender <input type="checkbox"/> Construction Issue <input type="checkbox"/> As Built		RIBA Chartered Practitioner 1. The drawing and content is copyright © of coombes : everitt architects limited 2. Do not scale drawing, all dimensions to be checked on site prior to construction and any discrepancies reported to relevant administrator	
Drawing title: Proposed Elevations Client: Mr & Mrs MacCracken Drawn by: AH Checked: JE Job number: 14.10.019/A A: NATURAL ASHLAR STONE TO WEST & SOUTH STONE COLOURED RENDER TO EAST & NORTH		Project: Vine Tree Farm, Tewkesbury Rd, Coombe Hill, Nr Cheltenham Scale: 1:200 @ A5 Date: September 2015 Draw no: P107			

31071E

17/00478/FUL - Proposed Basement Level



BASEMENT FLOOR PLAN

Revision: Date: Description:

Client:

Mr & Mrs McCreadie

Site Address:

VINE TREE FARM, TEWKESBURY ROAD
COOMBE HILL, CHELTENHAM

Drawing Title:

BASEMENT FLOOR PLAN

Scale:

1:100 @A3

Date drawn:

MARCH 2017

Drawn by:

PM

Project Number:

592

Drawing Number:

100

Revision:

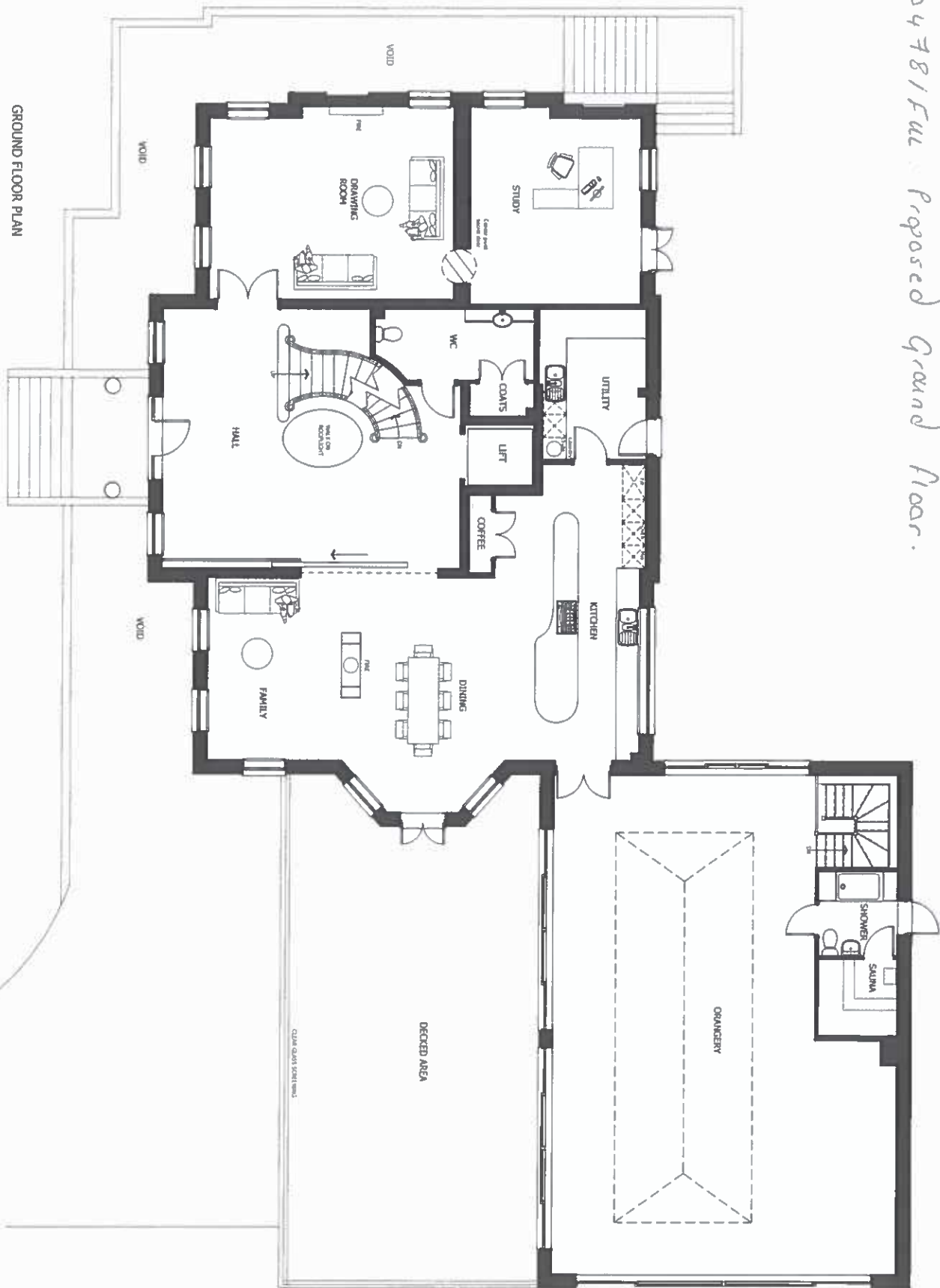
-

Status:

PRELIMINARY

310/72

17/00478/Fur Proposed Ground Floor.



Revision: Date: Description:

Client: Mr & Mrs McCreadie

Site Address: VINE TREE FARM, TEWKESBURY ROAD COOMBE HILL, CHELTENHAM

Drawing Title: GROUND FLOOR PLAN

Scale: 1:100 @ A3 Date drawn: MARCH 2017 Drawn by: PM

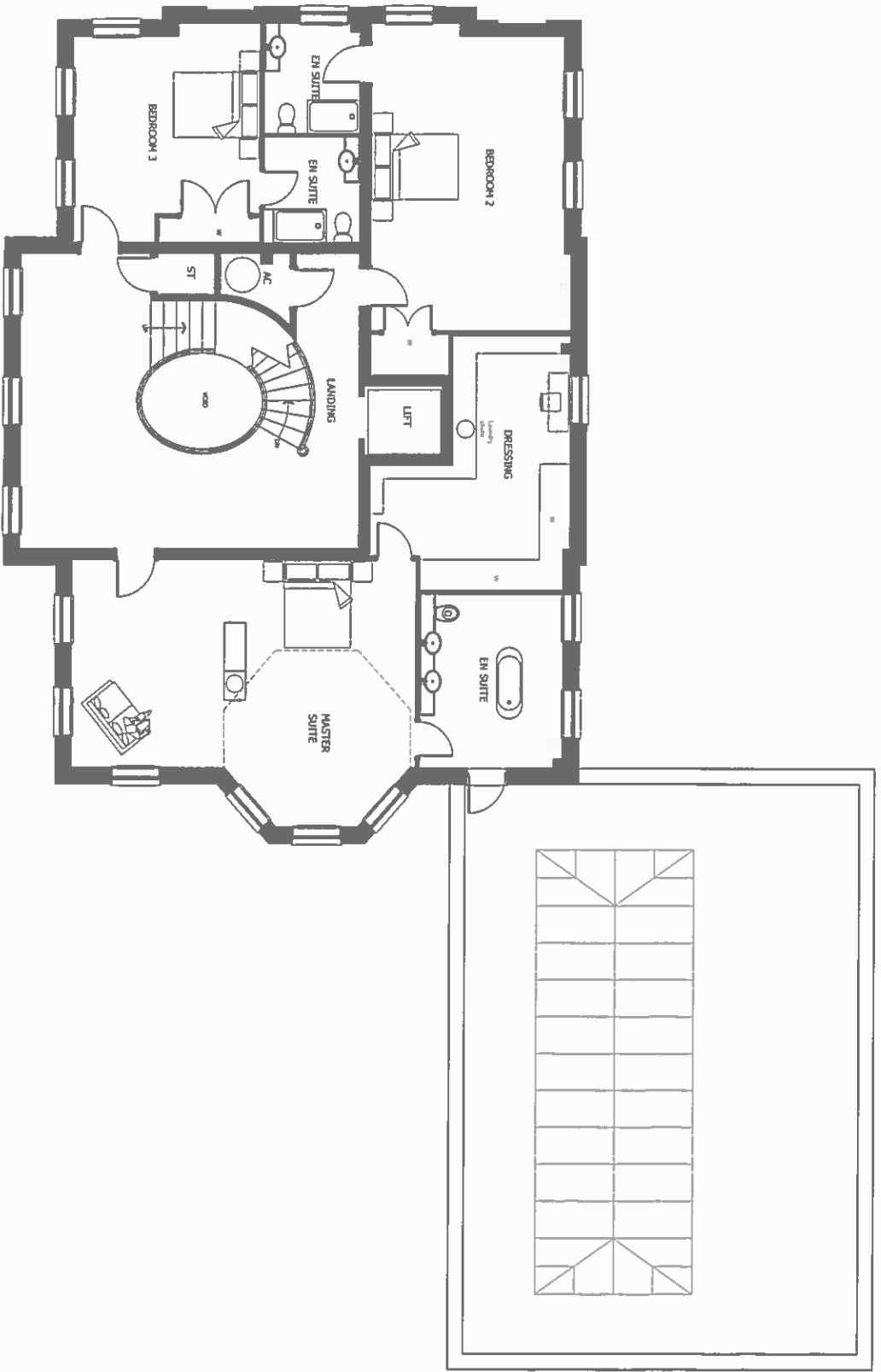
Project Number: 592

Drawing Number: 101

Revision: PRELIMINARY

373/G

17/00478 / Full - Proposed first floor

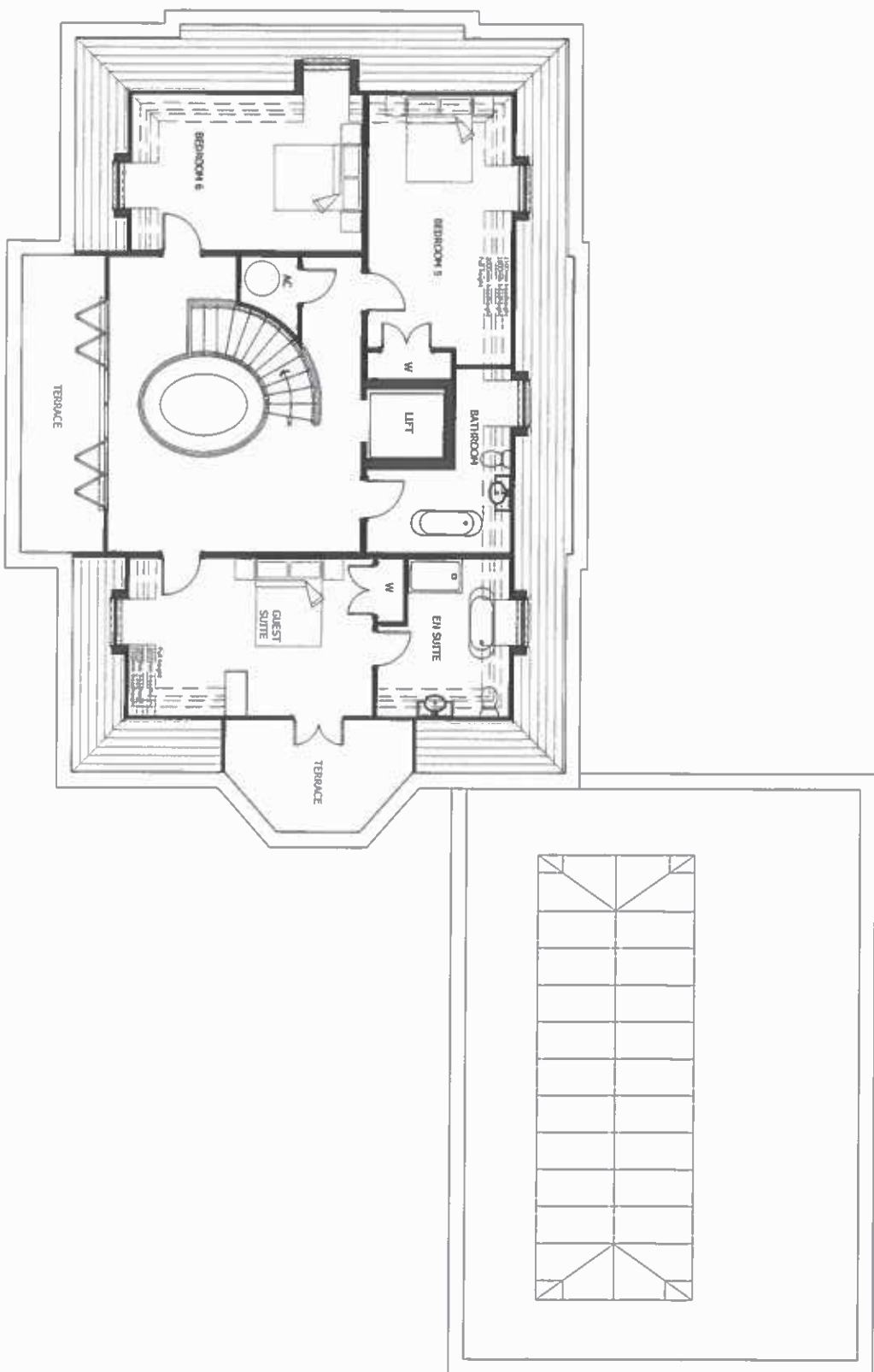


FIRST FLOOR PLAN

3194H

Revision:	Date:	Description:	Client:		Site Address:		Drawing Title:		Project Number:	Drawing Number:	Revision:
			Mr & Mrs McCreadie		VINE TREE FARM, TEWKESBURY ROAD COOMBE HILL, CHELTENHAM		FIRST FLOOR PLAN		592	102	-
			Scale:	Date drawn:	Drawn by:	Status:	PRELIMINARY				
			1:100 @A3	MARCH 2017	PM						

17/04/78 / Full Proposed second floor



310/I
75

SECOND FLOOR PLAN

Revision:	Date:	Description:	Client:	Site Address:	Drawing Title:	Project Number:	Drawing Number:	Revision:
			Mr & Mrs McCreadie	VINE TREE FARM, TEWKESBURY ROAD COOMBE HILL, CHELTENHAM	SECOND FLOOR PLAN	592	103	-
					Scale: 1:100 @ A3 Date drawn: MARCH 2017 Drawn by: PM	Status: PRELIMINARY		

Valid 23.06.2017
 Grid Ref 392400 228344
 Parish Stoke Orchard And
 Tredington
 Ward Oxenton Hill

Erection of 5 dwellings and associated landscaping

R Gilder & Sons
 c/o Agent

RECOMMENDATION Permit

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, SP2.
 Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies HOU4 and TPT1
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

Consultations and Representations

Stoke Orchard and Tredington Parish Council - No objections but dwellings should be of a cottage style in keeping with that part of the village.

Local Highways Authority - Application can be assessed under standing advice.

Public Rights of Way Officer - This development does not appear to affect the public right of way.

Urban Design Officer - no objections to revised layout

Severn Trent Water - no objections

Local Residents - Eight public representations have been received (including multiple submissions from the same person) in response to the consultation process. The comments raised are summarised below:

- No details of where works compounds would be situated
- Does not reflect properties developed by Knarsboro Homes
- Site accessed from farm track
- What measures would be put in place to prevent further creep
- Issues with visibility and further 20 vehicles
- More cars increase likelihood of accidents
- Merchant's service is potentially being withdrawn
- Junction with Banady Lane and Stoke Orchard Road is congested
- 2 dwellings under construction should end the development
- Inevitable trees would need to be removed
- Would damage local natural environment

Councillor Gore has requested Committee determination to allow members to assess the impact on infrastructure and cumulative effect of additional development in Stoke Orchard.

Planning Officers Comments: Bob Ristic

1.0 Application Site

1.1 The application site is located at the eastern side of Stoke Orchard and is located at the eastern end of the Knarsboro Homes development at Banady Lane, which is nearing completion.

1.2 The application site is presently accessed via a gated farm track located at the end of Banady Lane. The site comprises a small field measuring approximately 0.36 hectares in area. The field is enclosed by a mature hedgerow to the western side boundary and informal tree and hedge planting to the eastern boundary. The northern boundary is screened by a hedge beyond which is a 2 storey detached dwelling. Beyond the southern boundary of the site and access track is the Stoke Orchard Distribution Centre site.

2.0 Relevant Planning History

2.1 While there have been no previous planning applications at the application site. A number of planning permissions have been granted on adjoining land and these are set out below:

Land at rear of Little Orchard (Adjoining the application site)

16/00794/FUL - Erection of 2no detached dwellings with garages, together with new road access - Revised scheme following planning permission ref: 15/00405/FUL.

15/00405/FUL - Two detached houses - Permitted

Knarsboro Homes development off Banady Lane

15/00352/APP - Reserved matters application for the erection of 45 dwellings (29 Open Market and 16 Affordable Houses) with access from Banady Lane, the provision of balancing ponds and swale and Public Open Space (including a LAP) - pursuant to outline consent 14/00074/OUT - Permitted

14/00074/OUT - Outline application for the erection of 45 dwellings (open market and affordable homes), construction of new vehicular access from Banady Lane, provisions of road and drainage infrastructure and public open space (all matters reserved except access) - Allowed at appeal

3.0 Current Application

3.1 The current application seeks planning permission for the construction of five detached dwellings with attached garages. The site would be accessed from the end of Banady Lane along the existing farm track which would be resurfaced in tarmac.

3.2 The application proposes two different house types. Each would be 2 storeys high and would provide 4 bed properties with floor areas of between 158 and 178 square metres.

3.3 The proposed development would be laid out with three houses (plots 1-3) across the northern part of the site fronting towards the access drive and two further plots (4 and 5) to the eastern side of the site, which would face westwards towards Banady Lane.

3.4 The application has been amended since it was first submitted in order to reduce the dominance of the originally proposed detached garages, which were positioned in front of a number of the dwellings, siting plots 1 to 3 farther south-wards and the inclusion of hedges and planting and landscaping to the property frontages.

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 2017, 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 (although it is not necessarily accepted that the 20% buffer applies as the annual housing requirement has been exceeded for the past four years).

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. Stoke Orchard is identified in the MMVJCS as a Service Village and therefore considered capable of accommodating housing development.

5.5 It is noted that Stoke Orchard has been subject to significant development and growth in recent years with development at the former CRE site and a further 45 dwellings at the Knarsboro Homes development on Banady Lane (as well as other smaller scale developments). While the proposal would deliver further new development within the village, it is considered that the development of 5 further dwellings would not adversely impact social cohesion in the area and there is no evidence to suggest this is the case. In this respect it is noteworthy that the Parish Council have not raised this as an issue and it has not been referenced in the letters of objection received. It is also noted that in determining the appeal for 45 houses at Banady Lane, the Inspector concluded that there was no evidence that social cohesion would be harmed, notwithstanding the more than 100% growth that would result in combination with other development in the village (most notably at the CRE site)

Design & Layout

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. 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'.

5.7 The application site would be located directly to the east of two recently permitted dwellings and the larger Knarsboro Homes development beyond and would provide a continuation of the existing street.

5.8 The proposed dwellings would comprise 2 different house types, which would have a traditional appearance and would be in keeping with the style of dwellings within the adjoining developments. The cul-de-sac layout has been subject to revisions following discussions with the Borough Urban Design Officer and it is considered that the layout would be acceptable and the additional landscaping proposed would enhance the development.

5.9 It is therefore considered that the proposed dwellings would harmonise with the prevailing character, appearance and scale of the surrounding development.

Landscape & the Natural Environment

5.10 Policy LND4 of the TBLP states that regard will need to be given to protect the character and appearance of the rural landscape, furthermore Policy SD7 of the JCS MMV also seeks to protect landscape character.

5.11 The application site is not subject to any landscape designations. The site itself is relatively well screened from the wider fields to the east, by existing hedge and orchard tree planting which differentiate and separate the site from the wider countryside beyond. Furthermore, the site is enclosed to the north south and west by existing development against which the development would be viewed. As a result it is considered that the proposal would not result in an unacceptable intrusion into the open countryside.

5.12 The application has been accompanied by an Ecological and Great Crested Newt report as well as an arboriculture assessment. The assessments advise that as a result of the nature of the site it is of limited ecological value. Furthermore, the submitted reports propose a number of measures to protect the environment and wildlife during the construction phase as well as providing ecological enhancements including bird and bat boxes.

5.13 While newts have been recorded in the wider area the site which is identified as improved grassland does not provide permanent optimal terrestrial habitat for amphibians. The report sets out a number of measures to prevent harm to newts during the development stage and the report recommends the provision of ecological enhancements in the form of two hibernacula to be provided within the undeveloped orchard area, which has been identified as the only optimal habitat.

5.14 An arboriculture report has been submitted which advises that the majority of the trees to the boundary of the site, including ten remaining orchard trees would be retained as part of the development and in order to provide screening.

5.15 The proposed development would be contained within the site and would not adversely impact the natural environment, and the landscaping, conservation and mitigation measures can be secured by condition.

5.16 Overall, whilst there would be some landscape harm arising from the development of this currently undeveloped site, given the immediate surroundings it is considered that the development proposed can be satisfactorily accommodated on the site.

Accessibility & Highway Safety:

5.17 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.

5.18 The site not within a residential development boundary defined in the adopted Local Plan, however Stoke Orchard is identified as a Service Village in the MMVJCS and reflects the availability of services available. Stoke Orchard benefits from a community centre, which includes a small shop and café, a church, children's play area and a multi-use games Area (MUGA). Furthermore the village is on the M14 bus service between Tewkesbury and Bishops Cleeve, which operates on an hourly basis and including morning and evening commuting hours as well as a school bus.

5.19 The site is located just over 2 miles from Bishops Cleeve, 4 miles from Tewkesbury and 4.5 miles from Cheltenham. Whilst services in the village are not ideal in terms of employment and shopping, Stoke Orchard is linked to nearby settlements by public transport. Furthermore the site is also located opposite a public footpath which links through to Stoke Road and bus stops. As a result the site is not considered to be isolated and enjoys a reasonable level of services.

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

5.21 The development would be served by a private drive, which would access onto Banady Lane at the eastern end of the Knarsboro Homes development, which in turn exits onto Stoke Road. Each of the properties would be served by a minimum of two off street parking spaces and a further garage space, which would meet the reasonable requirements of future occupiers of the development as a result the proposal would not impair the operation of the highway network.

5.22 The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (Paragraph 32). A single dwelling is assumed to generate approximately 5 vehicular trips per day; therefore it is not considered that an additional 25 trips per day on the local highway network would be 'severe'.

Impact on Amenity of Adjacent Occupiers

5.23 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.

5.24 The dwellings at plots 1-3 have been set away from the northern boundary of the site and the applicant has proposed the planting of heavy standard trees along the boundary, between the new development and the adjoining dwelling to the north. The proposed dwellings at plots 2 and 3 would be set over 23 metres away from the rear elevation of that property. Considering this separation and the proposed planting the proposal would not result in demonstrable harm to the amenities of the occupiers of this property in terms of overlooking or loss of light.

5.25 Notwithstanding the separation it is considered reasonable to restrict the installation of any dormer windows or roof lights within the rear roof slope of plots 2 and 3 in order to avoid any overbearing impacts or perceived overlooking. It is also considered reasonable to require that the proposed boundary trees are planted and thereafter maintained by condition.

5.26 Plots 4 and 5 would be set away from the adjoining development to the west and separated by the proposed access drive. As a result of the separation and these properties flanking towards the application site, there would be no adverse impacts on the amenities of the future occupiers of these properties.

5.27 Subject to compliance with conditions, the proposal would have an acceptable relationship to existing properties in planning terms and would not adversely impact the living conditions of adjoining occupiers.

6.0 Balancing Exercise and Summary

6.1 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 nevertheless be noted that this is a rolling calculation and the Council must ensure that sufficient sites are granted planning permission to meet the on-going need for housing in the Borough. Furthermore the site located within a named Service Village in the emerging MMVJCS with access to local services and facilities.

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 minor benefits given the small scale nature of the proposal.

6.4 With regards to the social dimension, the proposal would provide five family size dwelling, which would make a contribution towards the boroughs housing need although again, these benefits are limited given the scale of the proposed development. The site would integrate with the adjoining development in terms of design and character and would help to sustain services and facilities in the village, some of which have only recently been established following the development of the CRE site. This weighs in favour of the proposal.

6.5 With regards to the environmental dimension, the proposed development would result in the loss of a field at the eastern edge of the village. The applicant has demonstrated that the development would not adversely impact protected species or result in the loss of any protected trees. The proposal would also provide additional landscaping and planting which would soften the appearance of the development and the impact on the environment. Furthermore, the ecological enhancement measures would be a benefit.

6.6 In weighing up the planning balance, it is considered that material planning considerations namely the delivery of housing within a named service village, the context of surrounding development, it is considered that the benefits outweigh the conflict with policy HOU4 and the proposal would represent sustainable development in the context of the NPPF.

6.7 It is therefore recommended that the application is **permitted**.

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 shall be carried out in accordance with drawing nos.21617/02/C, 21617/03/A and 21617/04/A received at the local planning authority on 6th September 2017 and any other conditions attached to this permission.
- 3 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 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

The development shall thereafter be carried out in accordance with the agreed Construction Phase Method Statement.

- 4 Prior to the commencement of development (including site preparation and clearance), the ecological mitigation and protection measures set out within the All Ecology Ecological appraisal and Great Crested Newt Survey shall be implemented and maintained for the duration of the construction works. The proposed hibernacula shall be retained in perpetuity.
- 5 Prior to the commencement of built development, a detailed landscaping scheme and maintenance strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of:
 - i) New planting details including plant species/densities; tree species/sizes and precise locations
 - ii) measures to protect existing trees during the construction process.
 - iii) Means of enclosure to the development

The approved scheme shall be implemented in accordance with the approved details no later than the first planting season following the completion of the development. The planting shall be maintained for a period of 5 years. If during this time any trees, shrubs, or other plants are removed, die or are seriously retarded, they shall be replaced during the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent for any variation.

- 6 The proposed heavy standard trees to the northern boundary of the site shall be planted upon commencement of development and shall be protected during the construction phase in accordance with details, which shall be submitted to and approved in writing by the Local Planning Authority.
- 7 Prior to built development commencing drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved by the Local Planning Authority and the development shall subsequently be implemented in accordance with the approved details before the development is occupied.
- 8 Prior to any construction works above DPC level, details or where appropriate samples of all external materials (including windows and doors and their colour) shall submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 9 Prior to the first occupation of any dwelling to which this permission relates the access ways, turning areas and parking facilities shown on the approved plan shall have been properly consolidated, surfaced, drained, free of loose stone and otherwise constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and these areas shall be thereafter be retained and kept available for those uses at all times.
- 10 The development shall not be occupied until precise details of bird and bat boxes have been provided in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be retained in accordance with the approved details thereafter.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no dormer windows or roof lights shall at any time be constructed in the northern roof slope of Plots 2 and 3 without prior written approval of the Local Planning Authority.
- 12 The development shall be carried out in accordance with the levels shown on approved drawing no.21617/02/C

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To define the permission and to ensure satisfactory development of the site and in accordance the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 3 To protect the amenities of the occupiers of adjoining properties and in accordance with the NPPF.
- 4 To conserve the natural environment and in accordance with Policy SD10 of the MMVJCS (2017).
- 5 To ensure a satisfactory appearance to the development in the interests of visual amenity in accordance with the NPPF.
- 6 To preserve the residential amenities currently enjoyed by the occupiers of adjoining properties and to enhance the visual amenities of the development in accordance with advice contained within the NPPF.
- 7 To ensure adequate disposal of foul and surface water drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies EVT5 and EVT7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 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 and in accordance with the NPPF.
- 9 In the interests of highway safety and to ensure the appropriate provision of parking on the site in accordance with the National Planning Policy Framework.
- 10 To conserve the natural environment and in accordance with Policy SD10 of the MMVJCS (2017).
- 11 These details will require further consideration in order to protect the residential amenities of the occupiers of the adjoining and in accordance with the NPPF.
- 12 To define the terms of the permission and in the interest of the visual amenities of the area in accordance with the NPPF.

Note:

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



Land off Bandy Lane
Stoke Orchard
Glos GL52 7SJ

Location Plan
As Existing

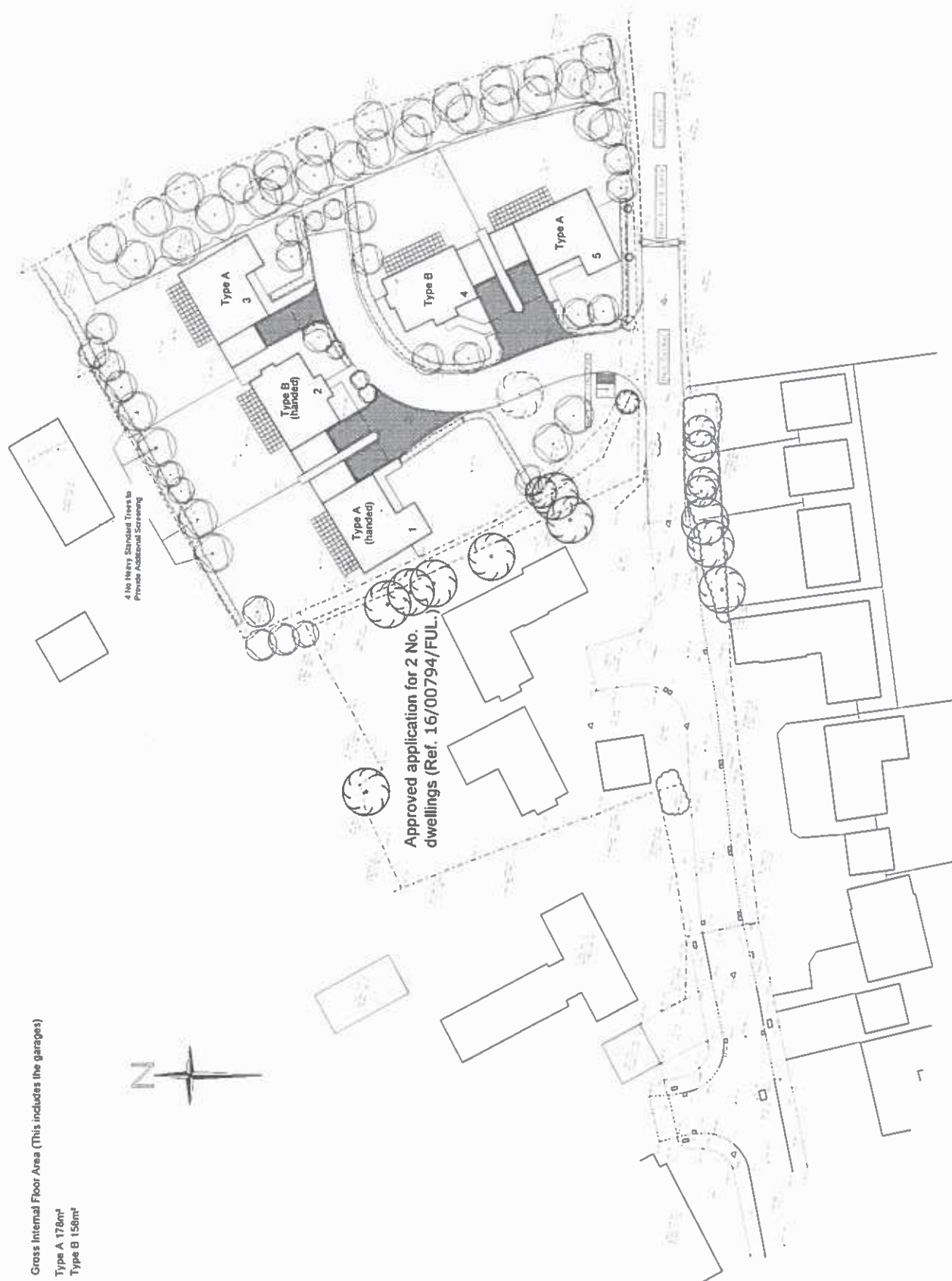
Scale 1:1250 @ A3
Date May 2017
Dwg. No. 2161705

Clive Petch
ARCHITECTS

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Whitcombe Street
Cheltenham
Glos
GL52 2HF
01242 521608
0 0843006788@clivepetch.com
www.clivepetcharchitects.co.uk

Type A 178m²
Type B 158m²

318⁸⁵13



4 No Heavy Standard Trees to Provide Additional Screening

Approved application for 2 No.
dwellings (Ref. 16/00794/FUL.)

Land off Baneely Lane
Stoke Orchard
Glouce

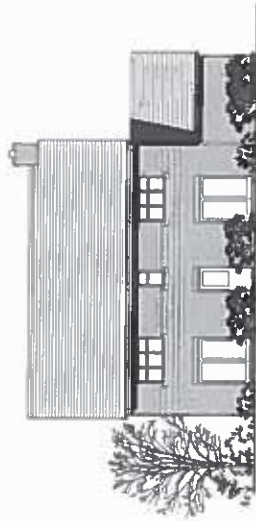
Proposed Site Plan on Existing Survey Plan

Scale 1 250 @ A1, 1 500 @ A3
Date April 2017
Desg. No. 21017/02/C

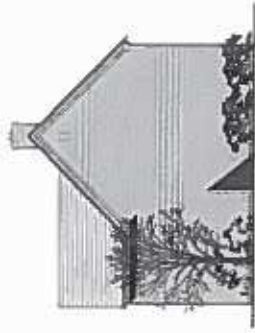
Clive Petch

2014년 12월 31일 현재
 2014년 12월 31일 현재
 2014년 12월 31일 현재

31886



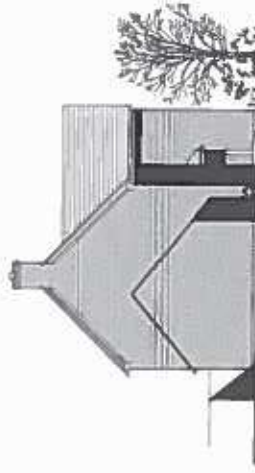
SIDE ELEVATION



SIDE ELEVATION



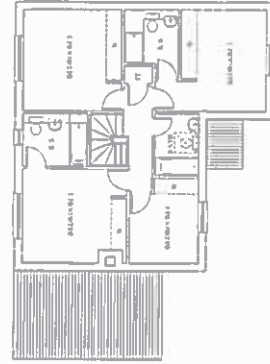
FRONT ELEVATION



FRONT ELEVATION



GROUND FLOOR PLAN
HOUSE TYPE A



FIRST FLOOR PLAN



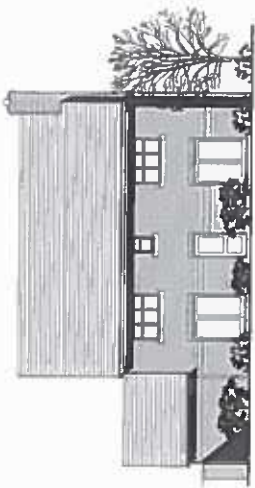
Land off Blandy Lane
Stone Orchard
Glas

House Type A
Plans and Elevations
As Proposed

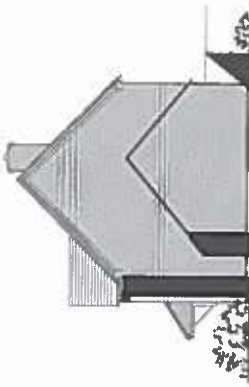
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Date May 2017
Dwg No. 21617/031 A



3 Tipton, Walsley
West Midlands, B67 7JY
C. 0121 717 1111
Glas 0121 717 1111
www.clivepetch.co.uk



REAR ELEVATION



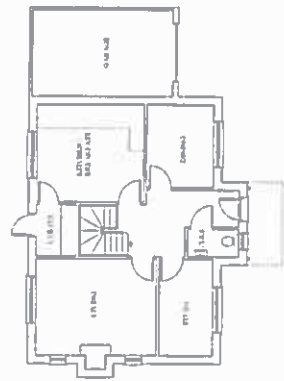
SIDE ELEVATION



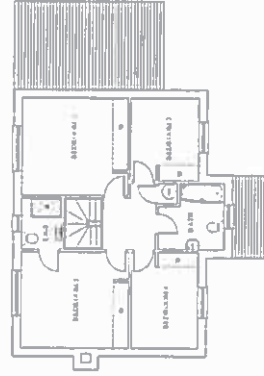
FRONT ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN
HOUSE TYPE B



FIRST FLOOR PLAN



Land off Barnaby Lane
Stoke Orchard
Dorset

House Type B
Proposed Development
As Proposed

Scale 1:100 @ A1, 1:200 @ A3
Date May 2017
Dwg. No. 216177/04/A



3 Telford Street
Weston-super-Mare
Clive Petch
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Valid 15.08.2017

Variation of Condition 2 (Approved plans) and Condition 13 (Levels) and removal of Condition 1 (Commencement period), Condition 3 (Materials), Condition 8 (Site operatives parking), Condition 9 (Drainage), Condition 10 (Landscaping), Condition 12 (Boundary treatments) of planning permission no. 15/00295/FUL in order to regularise the development as implemented on site.

Grid Ref 402234 229224

Parish Winchcombe

Ward Winchcombe

Mr & Mrs Lee
C/O Agent

RECOMMENDATION Permit

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.

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies HOU2, HOU5, LND2 and TPT1

Winchcombe & Sudeley Town Plan 2011-2031 - Policy 3.1

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

Consultations and Representations

Winchcombe Town Council - Object to the application:

- Not in accordance with development approved under application no.15/00295/FUL
- Building is as much as a metre higher than permitted
- Overlooking of neighbouring properties
- Concerned about landscaping plan

Request following conditions if consented:

- Construction of boundary to protect privacy of garden to no.80
- Full compliance with windows and glazing shown on drawings approved in 2015.
- Adequate drainage not to threaten adjoining property
- Suggest removing permitted development

Severn Trent Water - No objections.

Local Residents - Six individual representations have been received in response to this application. The planning related comments raised are summarised below:

- Clay soil has limited capacity for soak away
- Water through ground would impact adjoining property
- Overspill from roof would fall towards adjoining land
- Dwelling more than 600mm higher
- Not in accordance with approved details
- Conditions not dealt with
- Overbearing impact
- Affects residential amenity
- Height possibly raised to allow drainage
- Overlooking into garden at rear
- Property is approximately 1 metre higher
- Object to any increase in height of fence (adjoining the Redrow development) or planting to this boundary
- Contractor parking not being used
- Development resembles a warehouse
- Blocks views
- Balcony gives clear view into garden
- Extra height has negative impact on homes

Councillor Mason has requested Committee determination in order to assess the impact on the neighbouring property and surrounding properties.

Planning Officers Comments: Bob Ristic

1.0 Application Site

1.1 This application relates to the rear garden of no.82 Gretton Road. The site is located within the Residential Development Boundary of Winchcombe as defined in the Tewkesbury Borough Local Plan to 2011 (TBLP) and is also located within the Special Landscape Area (SLA). **See attached site location plan**

1.2 Planning permission was granted in 2015 for the construction of a detached dwelling house and associated garage with an access drive running along the northern boundary of no.82 Gretton Road. The dwelling is of a contemporary design with a flat roof and provides a contrast in architectural style to surrounding development. The construction works are well advanced on site.

1.3 To the north of the site is the recently completed Redrow Homes development which includes a terrace of dwellings which back directly towards the property being built. To the south of the site is the rearmost part of the garden to no.80 Gretton Road and to the rear (east) are bungalows at Godwin Road. The land at and around the application site slopes down to the south and east.

2.0 Relevant Planning History

2.1 The recent planning history at the site is summarised below:

15/00295/FUL - Proposed new dwelling on land to the rear of Number 82 Gretton Road, Winchcombe - Permitted

12/01249/FUL - Proposed residential development of 1no. 5 bed house and double garage on land to the rear of 82 Gretton Road (Revised Scheme planning permission: 08/01165/FUL) - Permitted

11/01308/FUL - Demolition of existing single storey extension. Erection of new two storey extension & related internal alteration - Permitted

08/01165/FUL - Proposed residential development of 1no. 4 bed house on land to the rear of 82 Gretton Road (Revised Scheme) - Permitted

2.2 Planning permission has previously been granted for a detached dwelling within the rear garden of no.80 Gretton Road. This remains unimplemented and has now time lapsed.

13/00301/FUL - Subdivision of garden and construction of a two storey dwelling. (Extend the time limit of planning application 10/00317/FUL) - Permitted

10/00317/FUL - Subdivision of garden and construction of a two storey dwelling - Permitted

2.3 Planning permission has also been granted for a detached bungalow within the rear garden of 25 Godwin Road which is yet to be implemented.

17/00184/FUL - Proposed dwelling, parking, turning and landscaping - Permitted

3.0 Current Application

3.1 As the construction works it became apparent that the development permitted under application no.15/00295/FUL was not being carried out in accordance with the approved details principally Condition 13 in respect of levels.

3.2 The finished floor level of the building has been set approximately 615mm higher than approved and the building as constructed is also approximately 550mm higher than approved.

3.3 The works have also included other changes to the design including revisions to a number of windows and doors and an increase in the height of the parapet contrary to Condition 2 of 15/00295/FUL, which required compliance with approved drawings.

3.4 The applicant has also failed to discharge a number of pre-commencement conditions to permission no. 15/00295/FUL including Condition 3 (Materials), Condition 8 (Site operatives parking), Condition 9 (Drainage), Condition 10 (Landscaping) and Condition 12 (Boundary treatments).

3.5 This application seeks planning permission to retain the building as built and to remove the following conditions by approval of submitted details:

- Remove Condition 1 as the development has already commenced on site and this condition is no longer relevant
- Vary Condition 3 to allow for the retention of the building in the materials as constructed, principally natural stone to the ground floor and render to the first floor. Powder coated grey aluminium casements window.
- Remove Condition 8 as details have been provided with this application showing the areas reserved for operatives parking within the site.
- Remove Condition 9 as details of the proposed drainage arrangements have been submitted and proposed that foul and surface water would be discharged to a connection at Gretton Road.
- Remove Conditions 10 and 12 as landscaping and boundary treatment details have been submitted which confirm that the existing close board fence along the northern boundary of the site would remain unaltered. The existing tree and shrub planting along the rear boundary of the site would be retained and bolstered with additional planting. The southern boundary with the rear garden to no.80 Gretton Road would be screened with new close board fencing. The screening would range between 1.8 and 2.5 metres in height. (see attached section and 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 site is located within the Residential Development Boundary of Winchcombe as defined by the TBLP. Policy HOU2 of the TBLP states that new housing development within such areas is acceptable in principle provided that the development can be satisfactorily integrated within the framework of the surrounding development. Furthermore, Policy HOU5 of the TBLP 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.

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

5.0 Analysis

Principle of Development

5.1 The principle of a detached dwelling with a modern flat roof architectural appearance has already been established at the site. There has been no change in planning policy, since the original decision was made in 2015 and the principle of a dwelling at the site is still considered acceptable.

5.2 The main consideration is therefore whether the development as being implemented on site at present is acceptable in terms of design, residential amenities, drainage and highway safety.

Design & Layout

5.3 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'.

5.4 The dwelling as built is similar in design to that originally approved, in that it is a 2 storey flat roof 'modern' building and the footprint has remained the same. The principal changes include a simplified materials palette of stone and render and the redesigning of the windows. The applicant has advised that in total the area of glazing throughout the building has reduced slightly over that permitted. Notwithstanding these changes, the character of the building would remain similar to that previously approved.

5.5 The most significant change to the building is the increase in overall height by approximately 0.55 metres. While the building itself is higher in solely design terms it would be similar in design and appearance to the dwelling previously approved and is still considered appropriate.

Residential amenity

5.6 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. This is echoed by Policy HOU5 of the TBLP which requires that new housing development does not result in unacceptable loss of amenity.

5.7 The development has been built at a higher level than previously permitted and the overall height of the building is also higher. This has the potential to impact the amenities of occupiers of adjoining properties in terms of increased overshadowing, overbearing impacts and overlooking.

5.8 The application building is set to the south of a terrace of dwellings at Stanley Close, which back onto the application site. These properties are set approximately 1 metre above the floor level of the application property and are set in excess of 12.5 metres from the flank elevation of the new dwelling.

5.9 The building as built presents a larger flank elevation towards these new properties as a result of the increase in slab level and increased parapet height. While the northern elevation of the building is approximately 6.6 metres, it is set approximately 1 metre lower than the slab level of the adjoining Redrow properties. As a result, the top of the flat roof aligns broadly with the eaves of these properties which are approximately 5.5 metres high to the eaves and 9.2 metres high to the ridge. Notwithstanding the increased height, the proposal as a result of its layout, orientation and separation, would not result in any demonstrable harm in terms of loss of light or overbearing effect.

5.10 In terms of the relationship with no.34 Lidcombe Road to the northeast, the increased floor level of the new building has allowed for oblique views into the garden of no.34 from the balcony to Bedroom 1. It is understood that the occupier of that property has planted a row of trees within their garden, which has allowed for some additional screening, which will increase over time and is within their control in terms of future retention. Nevertheless there presently exists the opportunity for some overlooking to the rear patio and garden area as well as first floor windows. Nevertheless, with careful design, a screen could be installed to the rear wall perpendicular to the balcony, which could secure an acceptable level of amenity in terms of overlooking to no. 34. This can be required by condition.

5.11 The occupier of 34 Lidcombe Road property has also raised concerns with regards to not being notified of the development by their conveyance and loss of view. These are not planning related matters that should influence the determination of this application. Furthermore, the new property is set some distance away and it is not considered that it would result in any unacceptable overshadowing or overbearing impacts upon the occupiers of this property.

5.12 The rear boundary of the site is screened by substantial trees and hedging, which is proposed to be bolstered as part of the submitted landscaping scheme. Furthermore the building is set over 16.8 metres from this boundary and does not introduce any additional windows to this rear elevation. As a result of the screening and separation there would be no adverse impacts in terms of overlooking or any overbearing impacts to the properties at Godwin Road.

5.13 The relationship to no.80 Gretton Road is particularly sensitive as a result of the land at this property being at lower level to the application site and the increased overall height of the development.

5.14 The application property is located adjacent to the rear most part of the extensive garden to no.80 and the boundary presently comprises a 1.5 metre (approx) high chestnut-paling fence. While this area of garden is used significantly less than the patio and garden area to the immediate rear of no.80, which is set over 39 metres from the application dwelling, the fence at present provides insufficient protection from overlooking from the dining room, living room and terrace of the new property.

5.15 This application proposes a new close board fence along the boundary with the rear part of the garden to no.80. It is considered that the fence as proposed would provide an acceptable level of screening and can be secured and retained by condition.

5.16 While the building as built is higher than previously approved, as set out above, it is located adjacent and to the north of the rearmost part of the garden to no.80 and is of lower amenity value than the area to the immediate rear of the dwelling. As a result and on balance the proposal would not result in an unacceptable impact to the living conditions of the occupiers of this property in term of any overbearing effect or direct overshadowing.

5.17 The new property includes several windows to the side elevation at first floor level and these serve bathrooms and ensuites. The applicant has confirmed that these are fitted with obscure glazing and it is considered reasonable to require a condition that they are retained as such in perpetuity in order to avoid any overlooking of neighbouring gardens. Furthermore, considering the sensitive relationship to neighbouring properties and the constrained nature of the site, it is also considered reasonable to remove permitted development rights for any extensions or outbuildings to ensure that there would be no undue impacts on adjoining occupiers.

Drainage

5.18 The application has been accompanied by drainage details, which indicate foul and surface water will be discharged to the public sewer on Gretton Road. The applicant has advised that a soakaway at the site would not be feasible given the 'heavy clay' ground composition in the area.

5.19 A drainage strategy has been provided which advised that the scheme would utilise rainwater harvesting for garden use and flushing of toilets with the overflow being pumped to the mains storm water gravity fed system at a discharge rate of 1 litre per second. The proposal would also provide a 2500ltr storage tank plus 3000ltrs of capacity in the underground pipework.

5.20 These details are considered to be acceptable and would ensure that adequate drainage is provided to serve the development and mitigate and impacts on adjoining land.

5.21 Two overshoots have been installed to the southern side roof elevation. These have been provided to allow rainwater to escape from the roof should the gutters become blocked and so as not to overload the structure of the building. The applicant has agreed to connect these overflows into the rainwater drainage system in order to overcome concerns with water discharging over adjoining land and amended drawings have been submitted.

5.22 It is therefore considered that the development would be served with acceptable means of drainage and would not exacerbate the risk of flooding.

Accessibility & Highway Safety:

5.23 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.

5.24 The submitted plans indicate that during the remaining construction phase, contractors parking would be provided in front of no.82 with a materials compound and a works office located to the rear part of the site. This is considered appropriate and would reduce the need for contractors to park upon the highway.

5.25 The site access drive would be surfaced in tarmac for the first 10.7 metres of the drive measured from the back edge of the pavement and will prevent loose materials being brought onto the highway from the remainder of the access drive which would be surfaced in crushed stone.

5.26 The development would provide adequate off street parking and turning facilities to serve the dwelling and there would be no adverse impacts upon highway safety.

6.0 Conclusion and recommendation

6.1 The principle of the development has already been established. While the development has not been undertaken in accordance with the previously approved details this application has been considered on its own merits.

6.2 It is evident that while the proposal differs to the previous approval, the building as constructed does not result in substantial harm which would warrant permission being refused. Furthermore any potential impacts can be mitigated against through the use of conditions. For these reasons, on balance, it is that recommended that planning permission is **granted**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be carried out in accordance with drawing no.2015/24/203C received by the Local Planning Authority on 3rd August 2017, drawing no.2015/24/302A received by the Local Planning Authority on 25th August 2017 and drawing no.2015/24/220D received by the Local Planning Authority on 3rd September 2017 and drawing no. 2015/24/303A(1) received by the Local Planning Authority on 13th September 2017, and any other application conditions attached to this permission.
- 2 The first floor windows in the northern and southern (side) elevations of the dwelling shall be fitted with obscure glazing with a (Pilkington Privacy Level of 4 or greater) and shall be similarly maintained in perpetuity.
- 3 Prior to the first occupation of the dwelling hereby permitted, the boundary treatments as shown on drawing no. 2015/24/220D shall be completed in accordance with those approved details and shall be similar maintained for the duration of the development.
- 4 Prior to the first occupation of the development hereby permitted a screen to reduce overlooking of the rear garden to no.34 Lidcombe Road from the balcony to Bedroom 1, shall be installed in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. The screen shall thereafter be retained in perpetuity in accordance with the approved details.
- 5 Prior to the first occupation of the proposed dwelling the vehicular access and driveway, and the car parking and turning facilities to serve the proposed dwelling, shall be completed in accordance with drawing no.2015/24/220D and shall be similarly maintained thereafter.
- 6 Prior to the first occupation of the proposed dwelling the drainage (including the connection of the roof overshoots to the rainwater drainage system) shall be completed in accordance with approved drawing nos. 2015/24/220D and 2015/24/303A(1) and specifications set out in the Smith Hotchens letter dated 25th August 2015.
- 7 The landscaping scheme as shown on drawing no. 2015/24/220D shall be completed no later than the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner. If 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.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no extensions or outbuildings shall be constructed without the prior express permission of the Local Planning Authority.

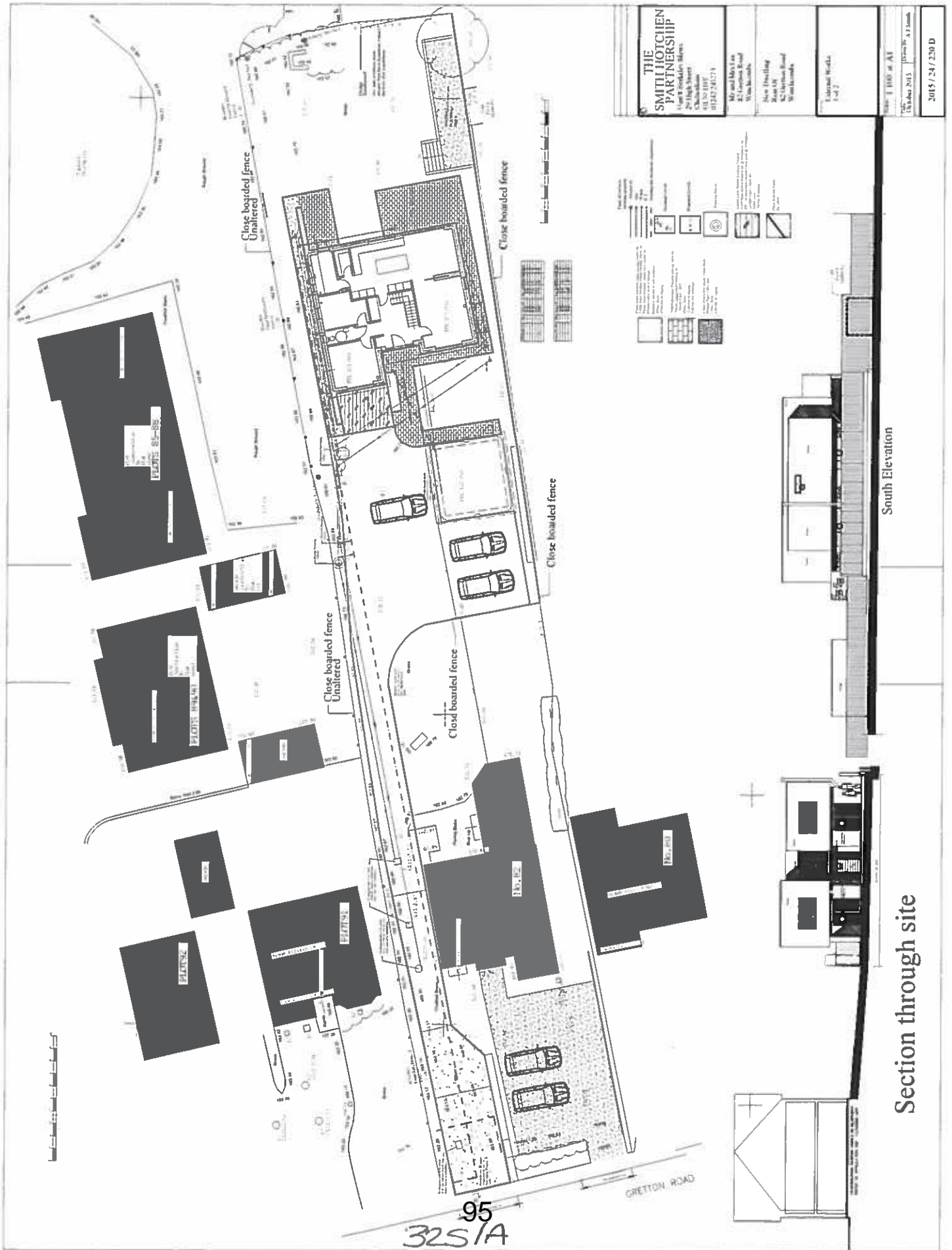
Reasons:

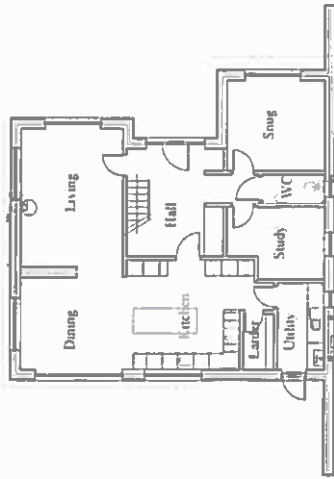
- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To protect the amenity of adjoining occupiers in accordance with Policy HOU5 of the Tewkesbury Borough Local Plan to 2011 and the Core Planning Principles of the National Planning Policy Framework 2012.
- 3 To protect the amenity 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 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.
- 5 In the interest of highway safety and in accordance with policy TPT1 of the Tewkesbury Borough Local Plan to 2011 and the Core Planning Principles of the National Planning Policy Framework 2012.
- 6 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policy EVT9 of the Tewkesbury Borough Local Plan to 2011 and the advice at sections 10 and 11 of the National Planning Policy Framework 2012.
- 7 To ensure a satisfactory appearance to the development and 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.
- 8 These details will require further consideration in order 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.

Note:

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

17/00 785 / ful



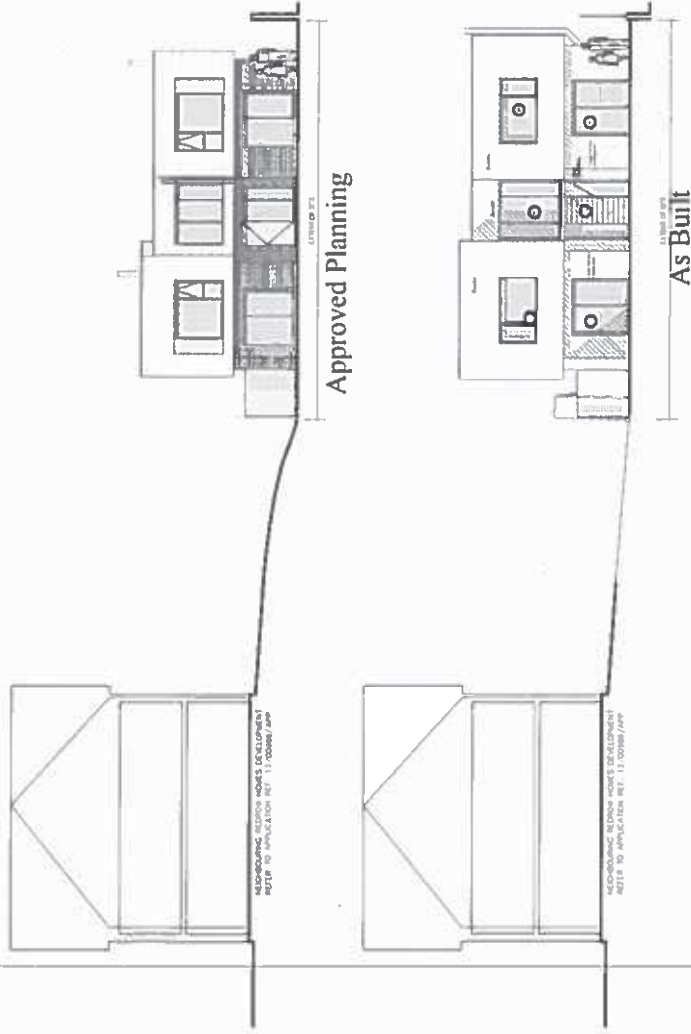


Ground Floor Layout



First Floor Layout

Approved Planning And As Built Plans

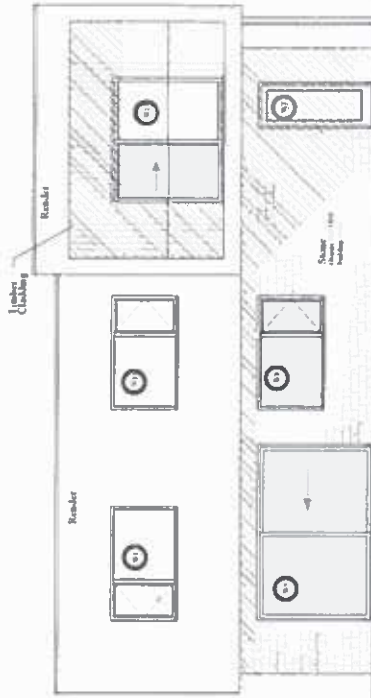


Section through site

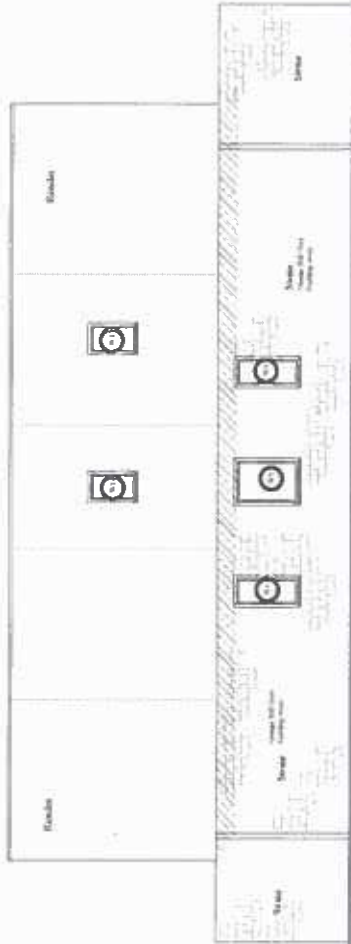


2015 / 24 / 302 A	
July 2017	Drawn by A.J. Smith
1:50 @ A1	
As Built	
Plans and Site Section	
New Dwelling	
Rear Of	
82 Greston Road	
Winchcombe	
Mr and Mrs Lee	
Winchcombe	
Unit 8 Berkeley Mews	
29 High Street	
Cheltenham	
GL50 1DY	
01242 245273	

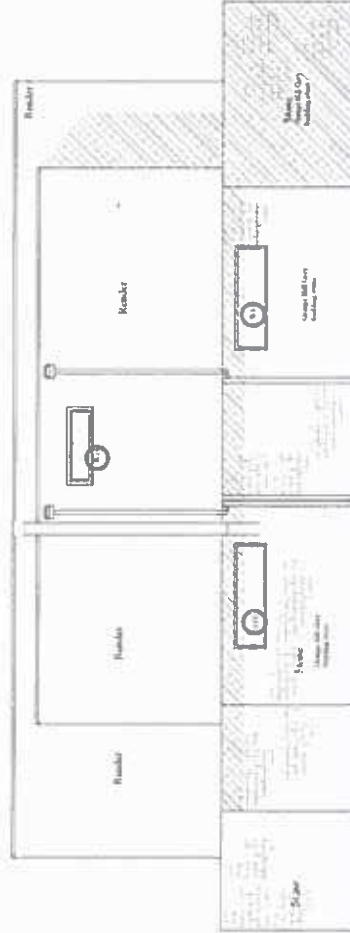
East Elevation



North Elevation



South Elevation



West Elevation



2015 / 24 / 303 A (1)	
July 2017	Drawn by A. J. Smith
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Elevations	
New Dwelling	
82 Greston Road	
Winchcombe	
Mr and Mrs Lee	
82 Greston Road	
Winchcombe	
Unit 8 Berkeley Mews	
29 Fifth Street	
Cheltenham	
GL50 1DY	
01242 245273	
THE SMITH HOTCHEN PARTNERSHIP	
Architects	

17/00921/FUL

34 Ashchurch Road, Tewkesbury, Gloucestershire

8

Valid 15.08.2017

Removal of raised kerb/highway verge to allow wider vehicular access to property

Grid Ref 390531 233055

Parish Tewkesbury

Ward Tewkesbury Newtown

Mr Norman Hunt

34 Ashchurch Road

Severn Dale

TEWKESBURY

GL20 8BT

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006

JCS Proposed Main Modifications

Consultations and Representations

Tewkesbury Town Council - Objection, the Town Councils concerns are summarised below:

- The proposal would negatively impact the character of the road

Highway Authority - No objections

Local residents - No representations received

Planning Officers Comments: Mr James Lloyd

1.0 Application Site

1.1 This application relates to 34 Ashchurch Road, a semi-detached property located along the Ashchurch Road to the east of Tewkesbury. The property is located within an established residential estate of similar dwellings (see attached site location plan).

2.0 Relevant Planning History

2.1 79/00583/FUL - Construction of a new vehicular access - Permitted 1979

3.0 Current Application

3.1 The current application seeks planning permission for the removal of a raised kerb/highway verge to create wider access into the application site.

3.2 The area removed would be re-laid with a tarmac surface to match the existing lower level kerbs and pavements in the vicinity.

5.0 Analysis

5.1 The proposal would remove an existing kerb/highway verge located between the main Ashchurch Road (A438) and the footpath, leading into the driveway and parking area for No.34. The property already benefits from vehicular access and a wide parking area. The dropped kerb would allow the occupants more space to access into the site.

5.2 The Gloucestershire County Highways Officer has been consulted and has raised no objection to the scheme. It is considered that the removal of this kerb would allow a 'less' restricted access into the site and easier mobility which will be more beneficial from a highway safety point of view.

5.3 The Town Council have objected to the scheme on the basis that it would negatively impact the character of the road. The A438 is a long stretch of road leading out of Tewkesbury towards Junction 9 of the motorway. The area is a mixture of residential with commercial and school unit's scattered throughout. There are many examples of the kerbs being removed along the road to make way for vehicular access. The verge is small in nature and whilst it does add some small benefit to the appearance of the area, it is considered that the proposal would not unduly harm the character of the surrounding area.

5.4 It is therefore considered that the proposed dropped kerb would be acceptable in terms of highway safety and visual amenity. A condition would be attached to the permission to ensure that the materials used would match the existing kerb. It would therefore accord with the NPPF and Policy TPT1 of the Local Plan.

5.5 With the above in mind It is considered that dropping the kerb would not reduce the existing visibility and there would not be any issues from a highway safety point of view. The widened entrance and the increased parking area would be surfaced in porous tarmac so there would not be any issues with excess surface water.

6.0 Conclusion

6.1 Whilst the Town Councils comments have been taken into account, it is considered that the proposal would not result in an unacceptable impact on the surrounding area and would therefore accord with the NPPF and Local Policies and is recommended for permission subject to conditions.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby approved shall be carried out fully in accordance with the plans and information submitted to the Local Planning Authority on 8th August 2017.
- 3 The proposed area shall be surfaced in a tarmacadam material to match those on the pavement/driveway.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt and in the interest of proper planning.
- 3 In the interests of visual amenity in accordance with the NPPF.

Notes:

1 Statement of Positive and Proactive Engagement

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

- 2 The proposed development will require works to be carried out on the public highway together with creating a vehicle crossing and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including appropriate bonds) with the Local Highway Authority (Gloucestershire County Council), before commencing works on the development. Further details can be viewed at <http://www.gloucestershire.gov.uk/mfgs>.

34, Ashchurch Road, Tewkesbury, Gloucestershire, GL20 8BT



Block Plan shows area bounded by: 390570 44, 233048 91 390606 44, 233084 91 (at a scale of 1:200), OSGridRef: SO90583306. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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34, Ashchurch Road, Tewkesbury, Gloucestershire, GL20 8BT



Site Plan shows area bounded by: 390517.73, 232996.2, 390859.15, 233137.63 (at a scale of 1:1250). The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Valid 04.05.2017

Change of use from agricultural to general purpose storage in three farm buildings, demolition of two farm buildings and retention of the infilling in of slurry pit to create caravan/motorhome storage yard

Grid Ref 390265 220408

Parish Badgeworth

Ward Badgeworth

C E Pullen & Son
Reddings Farm,
Badgeworth Road
Badgeworth

RECOMMENDATION Split decision

Policies and Constraints

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 (March 2006) - GRB1, AGR4, LND4, TPT1 and EVT3.

Joint Core Strategy 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

Badgeworth Parish Council - Object to the application, raising the following points:

- Inappropriate development in the Green Belt
- Harmful to its open character, appearance and function
- Additional caravans would further compound the adverse impact on the Green Belt

County Highway Authority - No objection, subject to conditions

Environmental Health - No objection

Representations - None received

Planning Officers Comments: Suzanne D'Arcy

1.0 Introduction

1.1 The application site forms part of the farm complex of Reddings Farm. A slurry pit was located on part of the site, which has been filled in. There are 3 Dutch barns on the western part of the site.

1.2 The site is located outside any identified settlement boundary and within the Green Belt.

1.3 The area to the north of the site is currently used for caravan storage.

2.0 Relevant Planning History

2.1 Planning permission was granted in 2005 for the conversion of redundant farm buildings to create 4 no. self-contained office units with covered parking at Reddings Farm. However, this permission was not implemented and has now lapsed (05/0524/0571/FUL).

2.2 Planning permission was refused in 2012 for the change of use of agricultural land for the storage of caravans and retention of the hardstanding (ref: 12/00602/FUL) to the north of the site. The development was considered to represent inappropriate development in the Green Belt and the encroachment into the open countryside was considered to have an urbanising effect.

2.3 Planning permission was granted in 2014 for the change of use of the land to provide caravan storage in 2014 (ref: 14/00401/FUL). The Planning Committee considered that there were Very Special Circumstances, which outweighed the harm caused to the Green Belt. These were that there was a local need for caravan storage, which would prevent people storing caravans on domestic driveways, it would provide a safe and secure means of storage, and the tourism and there would be economic benefits associated within caravanning.

3.0 Current application

3.1 This is a full application for the change of use of part of the land for caravan storage and change of use of three farm buildings for storage.

3.2 The application description refers to the demolition of two farm buildings and the filling in of a slurry pit. The slurry pit works have already been carried out. This is an engineering operation that requires planning permission in its own right so the application is effectively to retain these unauthorised works.

3.3 The applicant has put forward the following points which they consider constitute the Very Special Circumstances required to justify inappropriate development in the Green Belt. The entirety of the change of use will take place within the existing farmyard. Planning permission has been previously granted for caravan storage on adjacent land and it would be inconsistent to refuse this application for expansion onto previously developed land. The application site is not a green field. The demolition of buildings would provide a visual enhancement and the landscaping proposals from the 2014 application were beneficial to the application site. The modest nature of Reddings Farm requires income from some form of diversification to support the care and management of the landscape. Furthermore, one of the partners of the farm has recently suffered an injury, which restricts his ability to be hands on, so the additional income would be crucial to the continued employment of a farm worker. It is also stated that the current site is full and has a waiting list.

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 GRB1 seeks to guard against inappropriate development in the Green Belt. Policy LND4 seeks to protect the character and appearance of the rural landscape. Policy TPT1 requires safe and convenient access for all transport modes and that development should have an acceptable impact on the safety and satisfactory operation of the highway network. Policy EMP4 of the Local Plan sets out that new small scale employment uses appropriate to their local context will be permitted, inter alia, where it can be demonstrated that a rural location is necessary and they can be satisfactorily integrated into the landscape.

National Planning Policy Framework (NPPF)

4.3 The NPPF sets out the presumption in favour of sustainable development. Sustainable development has three dimensions: economic, social and environmental. Paragraph 12 of the NPPF confirms that applications should be dealt with in accordance with s38(6) of the 2004 Planning Act. Section 9 gives guidance on protecting green belt land and provides that inappropriate development should be refused unless very special circumstances exist which clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm - this is discussed further in section 5 of this report, below. Section 3 of the NPPF seeks to encourage economic growth in rural areas, by taking a positive approach to sustainable new development, through, inter alia, farm diversification and supporting rural tourism and leisure developments that benefit the local economy.

5.0 Analysis

5.1 The main issues to be considered are the principle of the development, impact on the Green Belt and highway safety.

Principle of development

5.2 The site is located within the Green Belt, strict controls exist to guard against inappropriate development, which is harmful by definition. Paragraphs 89 and 90 of the NPPF list the forms of development that are not considered to represent inappropriate development. Change of use of the land does not fall into any of these criteria and therefore the proposed change of use is considered to be inappropriate development.

5.3 Paragraphs 89 and 90 set out the forms of development that are not considered to be inappropriate development. Paragraph 81 of the NPPF allows for development that positively enhances the Green Belt. The applicants' agent contends that as the site is already developed, its aesthetics are compromised and the change of use would have a low impact on the Green Belt. However, the Green Belt is not an aesthetic designation and as stated previously, inappropriate development is harmful by definition. Furthermore, land that is or has been previously occupied by agriculture is specifically excluded from the definition of previously development land. The change of use of the land would represent inappropriate development.

5.4 As set out above, the applicant has put forward a case in favour of the development. The applicant makes various statements regarding the need for additional income to support the wider farming enterprise and the need for such storage. Whilst it is noted that the proposal would represent a form of diversification (supported by Local Plan policy AGR4) which would bring in additional income to the farm business, no evidence has been put forward to substantiate the statement that the recent closure of other caravan and general storage facilities has created exceptional demand for storage from local people. It is not considered that there is sufficient justification therefore to represent the very special circumstances required to clearly outweigh the harm to the Green Belt in respect of caravan storage in this case. In respect of the caravan storage therefore, this aspect represents inappropriate development which is by definition harmful to the Green Belt and it is not considered that circumstances exist which clearly outweigh this harm.

5.5 The application also proposes the change of use of three farm buildings for use as storage. The applicants' agent has advised that this storage is for personal use and not associated with either the proposed or existing caravan storage. Following a request from Officers, additional information was submitted, stating that the proposed storage is *"likely to comprise classic motor cars, some building materials and containers to house personal effects... The storage is likely to be for individuals as opposed to commercial entities."* The reuse of buildings of this nature is a form of development listed in paragraph 90 and as such, is not considered an inappropriate form of development. Whilst it is possible that conditions could be used to control the nature of the storage, the floor space proposed for this use is unusual and further details would be required to properly consider such a use. It is also noted that the buildings are open sided which is not normally appropriate for storage uses. The application suggests that there is a shortage of such use following closure of local facilities however again there is no evidence put forward to justify this statement. Given the vague nature of the storage, it is not considered that sufficient information has been put forward to allow for a full assessment of this aspect of the proposals.

5.6 Paragraph 90 does allow for engineering operations that preserve the openness of the Green Belt. It is considered that the infilling of the slurry pit fulfils this and as such, this element of the scheme is not considered to represent inappropriate development.

Impact on the openness of the Green Belt and landscape impact

5.7 Whilst it is acknowledged that there are other buildings and caravans sited on the wider site, the area that it is proposed to site caravans is currently open. The introduction of caravans onto the site would reduce the sense of openness on this part of the site and would result in clear harm to the openness of the Green Belt.

5.8 The site is visible from public vantage points and as such, whilst it is acknowledged that the caravans would set against existing buildings, the visual impact of the caravans would have a detrimental impact on the character and appearance of the open countryside. The site currently provides a visual break between the existing caravan storage and the rest of the site. The infilling of this area with caravans would lead to a visual intrusion into the countryside and the use would not be satisfactorily assimilated into the countryside, which is contrary to policies LND4 and EMP4 of the Local Plan.

5.9 The proposed change of use to the barns does not involve any external alterations and as such, it is not considered that this element of the scheme would have a detrimental impact on the openness of the Green Belt or the character and appearance of the openness countryside.

Highway safety issues

5.10 The application proposes utilising the existing access from Badgeworth Lane, which is 50mph at this point. There is limited visibility, due to the existing buildings and topography of the ground. A speed survey was carried out previously, which is still relevant and this shows a wet weather speed of approx. 48mph and this would require a visibility splay of 140m.

5.11 There are existing visibility splays of 120m to the north and 160m to the south, which were approved under the previous permission (ref: 14/00401/FUL). This level of visibility was considered acceptable for the 2005 application, which would have resulted in a greater trip generation.

5.12 In view of this, it is considered that the proposed development would provide for safe and suitable access and not have a severe impact on the highway network.

Impact on residential amenity

5.13 The only residential property affected by the proposed development is that of the main farmhouse of Reddings Farm. It is not considered that the proposed development would have a significant adverse impact on residential amenity.

6.0 Conclusion

6.1 The NPPF provides that when considering planning applications, LPAs should ensure that substantial weight is given to any harm to the Green belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness or any other harm, is clearly outweighed by other considerations. The proposed change of use to caravan storage would represent inappropriate development, which is harmful to the Green Belt by definition. Furthermore, the introduction of additional caravans into an area currently free from development would represent an intrusion into the countryside and be harmful to the openness of the Green Belt. Whilst it is noted that the proposal would result in some economic benefits to the farm business, and that the NPPF supports rural enterprise, the case put forward in support of the caravan storage proposal is not considered to provide for the very special circumstances that would clearly outweigh the harm to the Green Belt.

6.2 There would be no adverse impacts on highway safety or residential amenity from the proposal. It is also accepted that proposal would represent agricultural diversification, which is supported in both Policy AGR4 and the NPPF which weighs in favour of the proposed development.

6.3 The information regarding the change of use of the buildings for storage is not considered to provide sufficient clarity to allow for the proper assessment. It is unusual for open fronted buildings of this size to be used for storage and the submitted information is not specific enough to ensure that any future use would not be harmful to the Green Belt.

6.4 Weighing these matters into the balance, it is not considered that the benefits of the development outweigh the clear harm that it would cause both by definition and to the openness of the Green Belt, and the identified harm to the rural landscape. As such, the proposal is considered to conflict with the Development Plan and would not represent sustainable development in the context of the NPPF. Furthermore, there are no very special circumstances that clearly outweigh the level of harm that would be caused. The change of use of the land and the buildings for storage is therefore recommended for **REFUSAL**.

6.5 The retention of the infilling of the slurry pit does not represent inappropriate development in the Green Belt and does not harm its openness. This element of the scheme is therefore considered acceptable and is recommended for **APPROVAL**.

RECOMMENDATION Split decision

PERMIT

Conditions - None

Note:

1. This decision notice relates solely to the retention of the infilling of the slurry pit. That part of the application relating to the change of use of the land to caravan storage and the change of use of the farm buildings to storage was refused. This decision notice forms only one of two parts of the formal decision of the Local Planning Authority relating to the application reference 15/01229/FUL.

2. 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.

REFUSE

Reasons:

1. The proposed change of use of land to caravan storage and buildings to storage conflicts with the NPPF and Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 in that it represents inappropriate development in the Green Belt, which compromises its open character, appearance and function.
2. The proposed development encroaches in to the countryside and has an adverse, urbanising impact on the character and appearance of the surrounding rural landscape. The development therefore conflicts with Policies LND4 and EMP4 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

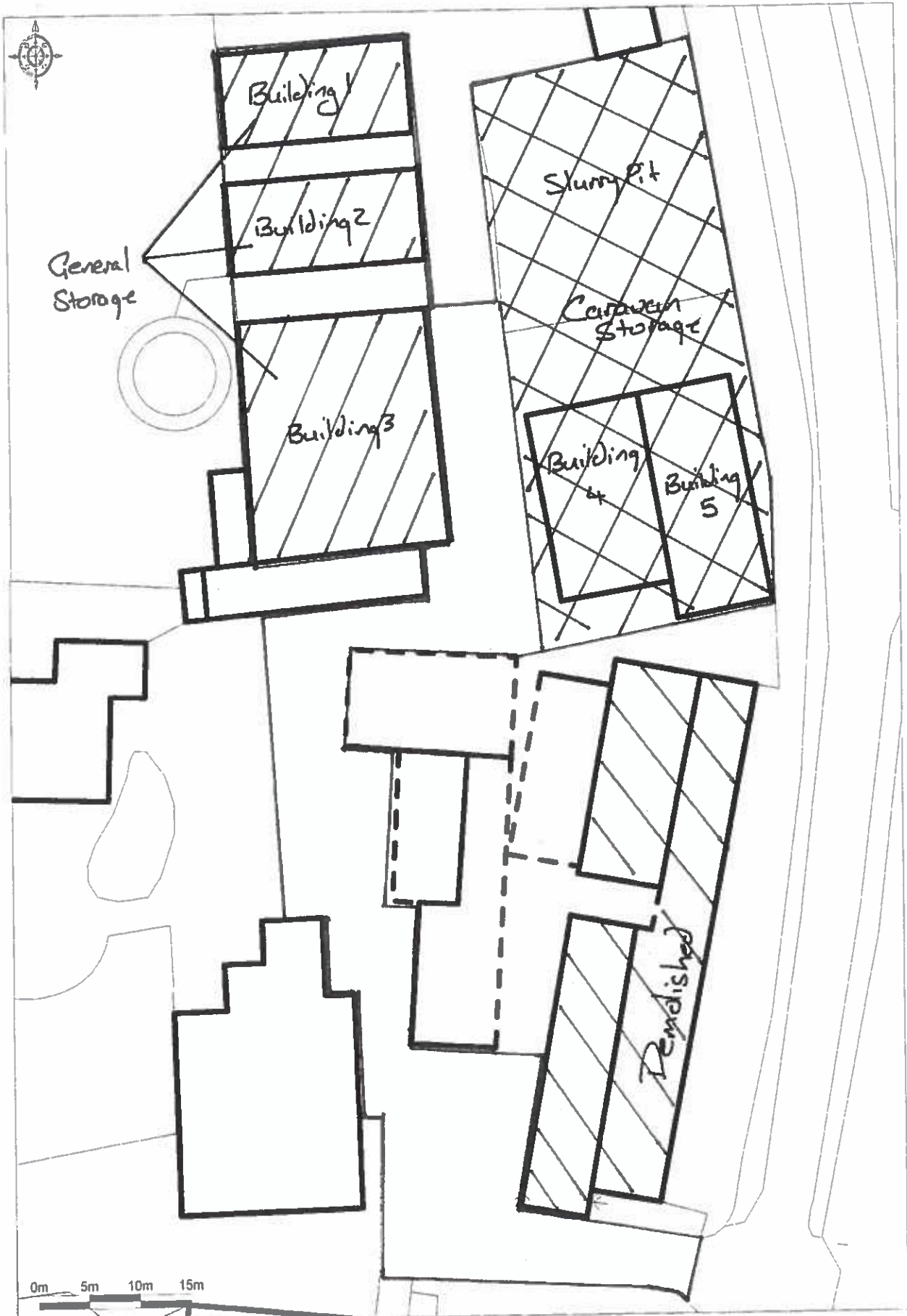
Notes:

1. This decision notice relates solely to the proposed change of use of the land to caravan storage and the building to storage. The part of the application relating to the retention of works for infilling the slurry pit was granted planning permission. This decision notice forms only one of two parts of the formal decision of the Local Planning Authority relating to the application reference 15/01229/FUL.

2. Statement of Positive and Proactive Engagement

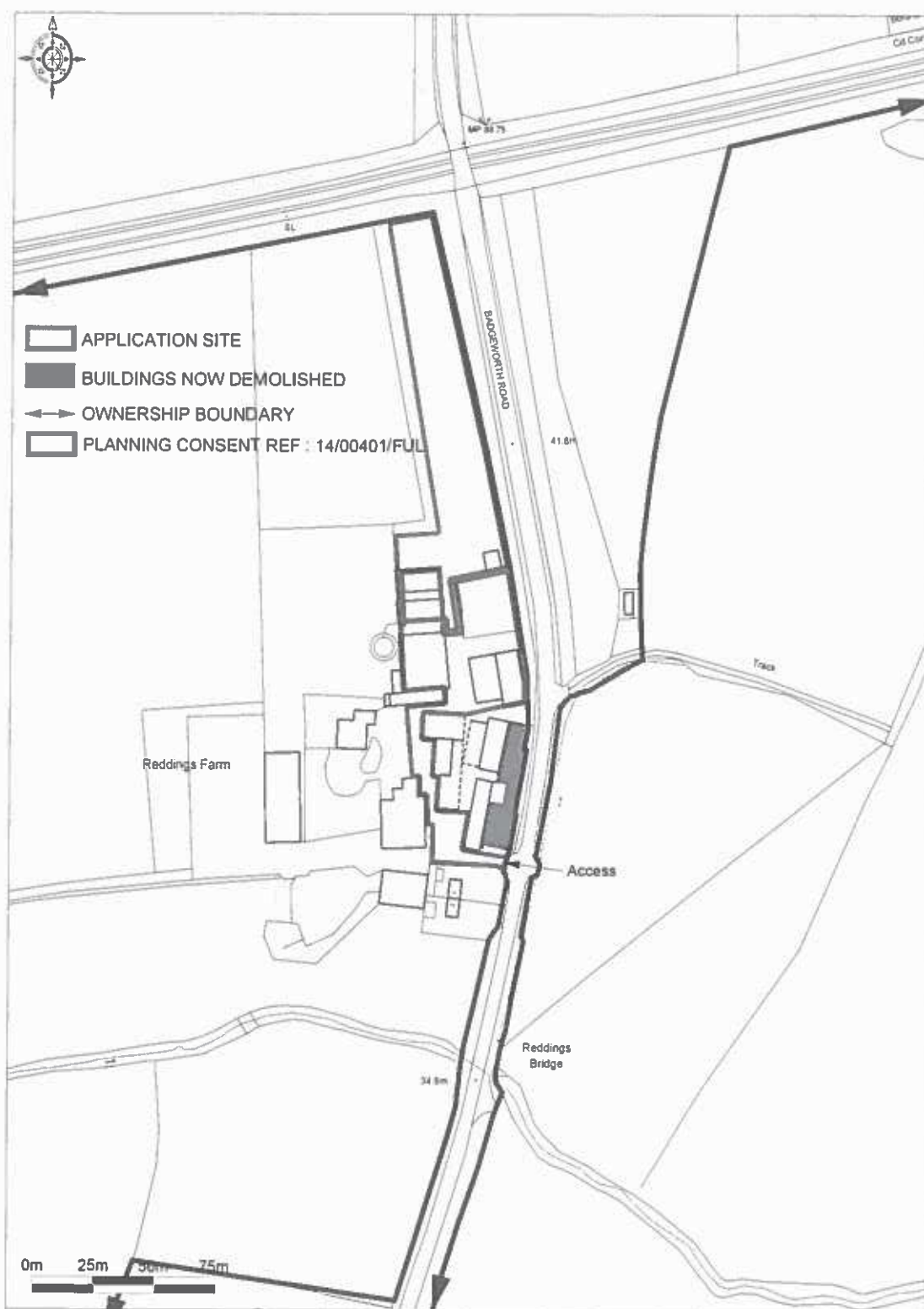
In accordance with the requirements of the NPPF, the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve address the concerns regarding the harm caused by the inappropriate nature of the development.

PLAN 4 - REDDINGS FARM, BADGEWORTH LANE, CHELTENHAM



PLAN 3 - REDDINGS FARM, BADGEWORTH ROAD, CHELTENHAM

APPLICATION FOR CARAVAN STORAGE AND GENERAL STORAGE - 15/1229/FUL



Promap

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332/B
108

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

DEFERRED AT LAST PLANNING COMMITTEE FOR SITE VISIT (Item No 7, Page No 243)

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.

extend Architecture
 45 Sydenham Villas Road
 Cheltenham
 GL52 6EE
 07900 876971
 e: info@extendarchitecture.co.uk
 w: www.extendarchitecture.co.uk

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

REV NO DATE

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

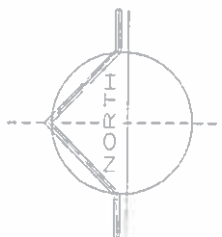
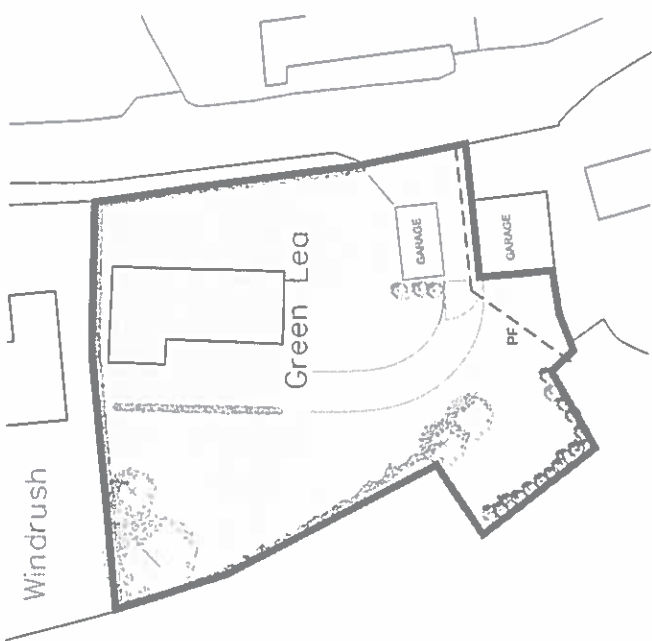
drawing
 Location and Siteplans
 status
 Planning

drawn by: JOW
 checked by: JOW
 date: 10/10/2016
 scale: 1:500/1:500@A3

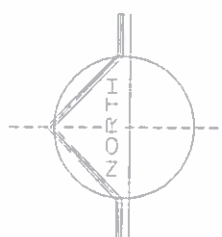
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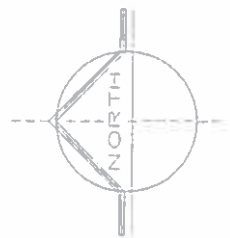
17/00201/FUL



SITEPLAN EXISTING
 Scale 1:500



SITEPLAN PROPOSED
 Scale 1:500



LOCATION PLAN
 Scale 1:500



3303A

Materials

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

REV 15/01/2017 DATE

Project

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

for client

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

drawing
Street scene / site sections
status
Planning

drawn by: JD-W
checked by: JD-W
date: 15/01/2017
scale: 1:200(A3)

drawing no.

151123/PL/013 I

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STEET SCENE (REFER SECTION AA ON SITE PLAN)

SCALE - 1:200

GREEN STREET

92.0 MAN HOLE
(REF)

89.5 GROUND LEVEL
OF NEW HOUSE

97.75 RIDGE
LITTLE DORMERS

96.76 RIDGE
GARAGE

96.0 RIDGE
GLB

95.05 RIDGE
GREENLEA

× DATUM
90.5m GROUND HEIGHT
AT GARAGE CORNER

SCALE BAR 1:200

VIEW SOUTH EAST (REFER SECTION BB ON SITE PLAN)

SCALE - 1:200

92.0 MAN HOLE
(REF)

89.5 GROUND LEVEL
OF NEW HOUSE

GREEN STREET

97.75 RIDGE
LITTLE DORMERS

96.76 RIDGE
GARAGE

96.0 RIDGE
GLB

FIELD
SPILL

88.0 FIELD

× DATUM
90.5m GROUND HEIGHT
AT GARAGE CORNER

SCALE BAR 1:200

VIEW NORTH EAST (REFER SECTION CC ON SITE PLAN)

SCALE - 1:200

89.5 GROUND LEVEL
OF NEW HOUSE

96.0 RIDGE
GLB

95.05 RIDGE
GREENLEA

96.76 RIDGE
GARAGE

97.75 RIDGE
LITTLE DORMERS

× DATUM
90.5m GROUND HEIGHT
AT GARAGE CORNER

SCALE BAR 1:200

114 336/B

Valid 26.07.2017

Erection of a single storey front and rear extension as well as conversion of existing garage.

Grid Ref 394965 227563

Parish Bishops Cleeve

Ward Cleeve West

Mr Rob Garnham

11 Vilverie Mead

Bishops Cleeve

GL52 7YY

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)

Main Modifications Version Joint Core Strategy

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Bishops Cleeve Parish Council - objects to the proposal stating that the drawing are inadequate and lack clarity in design detail. They also object because the application description appears inaccurate - the existing garage is to be converted to a utility and shower room and the garden room is a new extension.

One letter of representation has been received; the comments are summarised below:

- This is the third extension to the property extending the property considerable distance to the rear boundary of our properties and abutting our joint property boundary;
- The description of the proposal is misleading as the garage is being converted to a utility shower room not a garden room - the garden room is an additional extension;
- The drawings are not accurate we have found the following points to be inaccurate:
 - o The fencing is not represented correctly and hides the scale of the proposed extension;
 - o Patio level of existing garage is not correct;
 - o At least one major dimension is inaccurate;
 - o Offset between joint fence and "garden room" appears less than stated
- The architects drawings are not a good representation of the existing and proposed development and should be disregarded as being misleading;
- The proposal is overdevelopment and overcrowding of the plot;
- The aesthetics of the proposed single storey is out of scale with the main two storey house;
- The proposal is out of scale with other developments in the locality;
- The exterior of the proposed extension is visually unsightly and not in character with the general design of the area;
- The proposal is out-of-scale, overbearing and visually intrusive. Our outlook will become unacceptably closed in;
- Natural day light to our patio and possibly our greenhouse will be reduced at certain times of the day;
- The proposal may disturb the root system of out 25 year old grape vine and other fruit trees and bushes on the boundary.

This application is to be determined by the Planning Committee because the applicant is a Councillor for Tewkesbury Borough Council.

Planning Officers Comments: Fiona Martin

1.0 Application Site

1.1 The application relates to 11 Vilverie Mead which is a detached two storey property in Bishops Cleeve (see site location plan attached).

1.2 The property was built in the 1990s and is within the settlement of Bishops Cleeve. There are no designations on the site which would impact the development.

2.0 Planning History

2.1 08/00936/FUL Single storey rear extension and porch to front
Application Permitted 14.08.2008

2.2 98/00556/FUL Proposed single storey rear extension
Application Permitted 15.07.1998

3.0 Current application

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

4.0 Policy Context

4.1 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. 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 on the neighbouring property and the impact on the streetscene.

Design & Impact on the Street Scene

5.2 The proposed single storey front extension would be visible from the street scene of Vilverie Mead, the extension would create a store room and would extend beyond the existing elevation by 2.25 metres with a total height of 3.3 metres matching the existing height and would continue the gable roof. The front extension would be finished to match the existing garage elevation including a garage door with the materials also matching existing. As a result this part of the proposal is not considered to have a detrimental impact on the street scene.

5.3 The proposed rear extension would be staggered, with a small rear extension being in line with the existing garage, extending 1.1 metres. This part of the extension would have a total height of 3.3 metres and would also continue the gable roofline. This part of the extension would be built on the boundary between the host dwelling and no.12. This part of the extension would be finished in materials to match the existing dwelling and garage.

5.4 The second part of the rear extension which would form the garden room would be staggered and would be 0.9 metres from the boundary with no.12. Additionally this extension would be set down within the site by circa 0.6 metres to reduce the impact on neighbouring residents. The extension would have a flat roof with a total height of 2.8 metres. The proposed extension would be finished in timber with a grey fibre glass roof, and whilst this does not match the existing dwelling it is not considered to be unacceptable in design terms.

5.5 The proposed change of use of the existing garage is not considered to have a detrimental impact upon the street scene. The only visible changes would be the introduction of two roof lights on the southern roof plane.

5.6 Policy HOU8 of the Local Plan highlights that proposals must respect the character, scale and proportions of the original dwelling, have a design that complements or reflects the existing building and overall respects the character and appearance of the area. Overall, it is considered that the proposal respects the character of the existing dwelling and surrounding properties and whilst it is clear that the property has been extended a number of times it is not considered to represent overdevelopment. Additionally, the proposed materials are considered to be acceptable. As a result it is considered that the proposal complies with the requirements of policy HOU8 of the Local Plan in relation to the design of the proposal.

Residential amenity

5.7 Policy HOU8 of the Local Plan states development will only be permitted when it does not have an unacceptable impact on the residential amenity of adjacent properties .

5.8 The proposed single storey front extension is not considered to harm the residential amenity of neighbouring dwellings. Whilst it would be visible from no.12 it is not considered that the proposal would have an overbearing impact. The conversion of the existing garage would create a utility room. Whilst there are two roof lights proposed on the southern roofline of the building these are not considered to result in overlooking towards the private amenity space of no.12 and would not have an unacceptable impact in relation to residential amenity.

5.9 The proposed rear extension which would be in line with the existing garage. This would be visible from no.12 however because of the size of the extension in comparison to the existing garage it is not considered to result in a significant overbearing increase in comparison to the existing situation. Nor would this part of the extension result in any overlooking.

5.10 The staggered part of the rear extension which would form the garden room has been designed to minimise the impact on neighbouring properties. The proposed garden room would be set down within the site to reduce any overbearing impact as a result only 0.3 metres of the extension would be visible above the 1.8 metre timber boundary treatment. The proposed garden room is not considered to have an overbearing impact on the neighbouring property. Furthermore, there would be no windows in the southern elevation which would result in overlooking.

5.11 Overall, whilst the proposal seeks a large extension it is not considered to have an unacceptable impact on the residential amenity of neighbouring properties and as such it complies with the requirements of Policy HOU8 of the Local Plan.

Other Matters

5.12 Comments have been received suggesting the quality of the drawings however officers consider them to be sufficient for planning purposes. They are to a recognised scale and clearly show the existing and proposed plans and elevations. Additionally, comments have been raised about house prices, however this is not a material planning consideration.

6.0 Conclusion

6.1 Overall, it is considered that the proposal would not result in an unacceptable loss of residential amenity to neighbouring dwellings and would be of an acceptable size and design. There would also not be any harm to the existing street scene. The proposal would therefore accord with the NPPF and Policy HOU8 of the Local Plan and is **recommended for permission**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with details within the application form and approved plans/drawings: proposed block plan, site location plan, existing elevations and floor plan (2017/07/01B) and proposed elevations and floor plan (2017/07/02C) all received by the Local Planning Authority on 17th July 2017.

- 3 The proposed single storey front extension would be finished in materials to match the existing dwelling.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To protect the visual amenity of the area and to comply with Policy HOU8 of the Tewkesbury Borough Local Plan (2006) to 2011.

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.

17/007891/FUL

Notes:
1. All dimensions are in metres unless otherwise stated.
2. The site is shown in the context of the surrounding area.
3. The site is shown in the context of the surrounding area.
4. The site is shown in the context of the surrounding area.
5. The site is shown in the context of the surrounding area.
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9. The site is shown in the context of the surrounding area.
10. The site is shown in the context of the surrounding area.

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17/007891



Existing Location 1:1250@A1



Existing Location 1:500@A1



Proposed Site Layout 1:200@A1

34919



A.C. CLARKE DESIGN

ARCHITECTURAL DESIGN SERVICES

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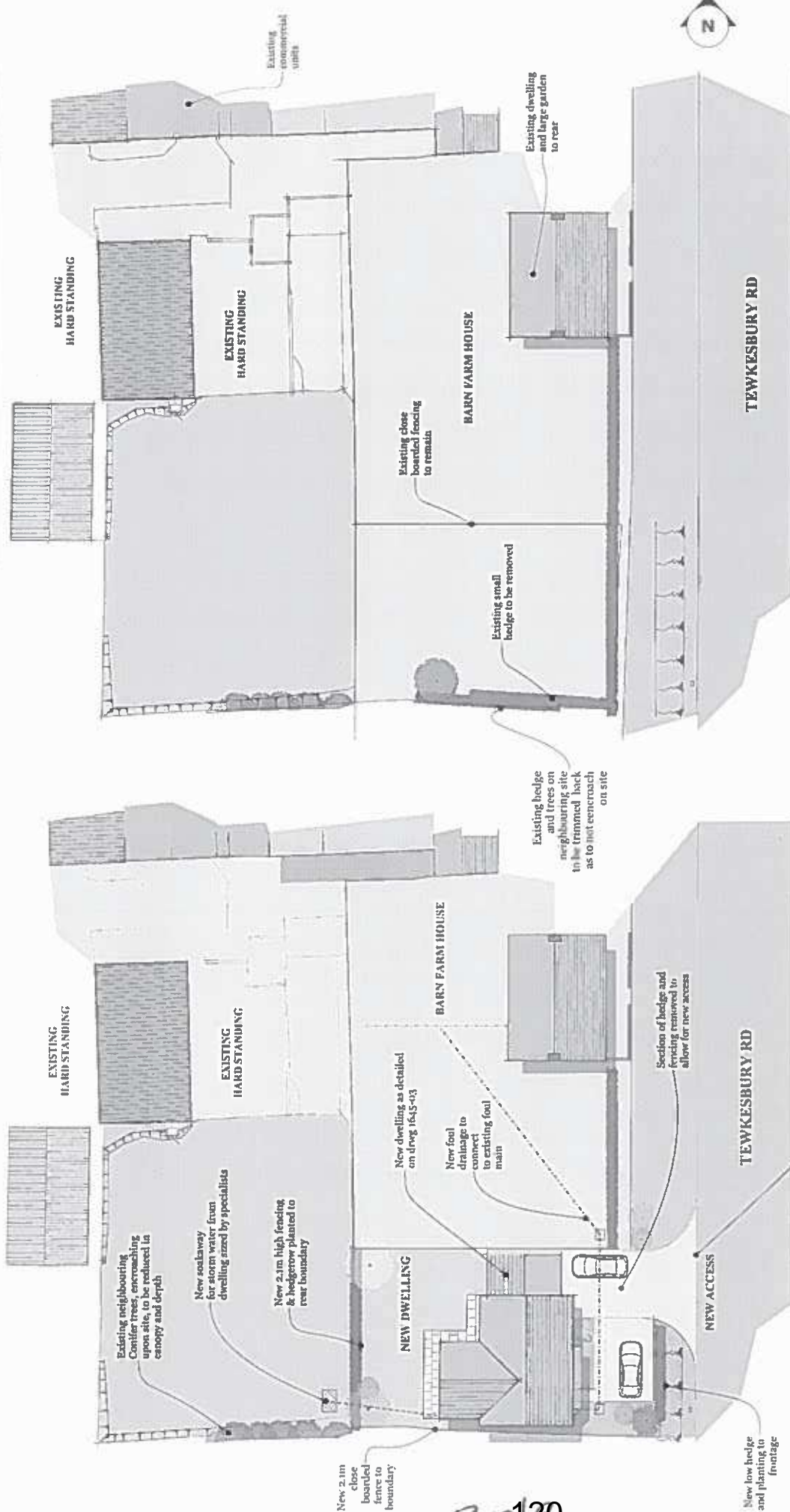
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Proposed Site Plan 1:200@A2

Existing Site Plan 1:200@A2

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Prepared new dwelling
 Barn Farm Business Park
 Tewkesbury Road, Tewkesbury
 Mr. Bill Giddard

PROPOSAL 2 - SITE PLANS	
1645-05	PLANING
1645-05	17
AC	

340120

340/c
121

Section of hedge
and fence removed
to allow for new access



Proposed Street Scene from the A38 - 1:100@A2



Reconstituted stone
cills and lintels
where denoted



Proposed Side Elevation - 1,100



Proposed Rear Elevation - 1.100

Valid 17.07.2017

Outline application for the erection of 1 detached bungalow with access from drive serving rear of 42.

Grid Ref 388825 219930

Parish Churchdown

Ward Churchdown Brookfield

Brookfield Development
48 Brookfield Road
Churchdown
GL3 2PB

RECOMMENDATION Permit**Policies and Constraints**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU5, LND4, TPT1 and EVT9

Proposed Main Modifications Joint Core Strategy - SD1, SD5, SD11, INF1

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 - Strongly Object for the following reasons:**

- The single proposed entry/exit point to both developments lies just around a blind bend when approaching from Chosen Hill school and in addition, is in close proximity to a bus stop, present on both sides of Brookfield Rd.
- The proposed access road is very narrow and will significantly compromise access, visibility and the safety of vehicular traffic. A Resident has already collided with a bus at this location. The access to and from this property will exacerbate high traffic volume especially at schools start and end times-it is already very difficult to negotiate the junction with Brookfield Road especially at these times.
- Emergency vehicle access will be severely compromised if not impeded completely.
- Access between number 42 and 48 will be shared which will significantly narrow the access and compromise turning thus impairing safe vehicular movement. The Amenity of this location will also be compromised.
- Concerns about loss of trees.

County Highways - Offer Standing Advice**Local Residents - 5 letters have been received from local residents objecting to the proposal for the following reasons:**

- The application should be a full detailed application so the Council can properly assess the impact.
- The proposal constitutes overdevelopment. A new dwelling has already been permitted to the rear of no. 42 Brookfield Road.
- This section of Brookfield Road is very busy, particularly with additional through traffic and school traffic serving 3 schools. There are also bus stops either side of the proposed access. The Council have previously refused planning permission on this land for new dwellings. Traffic has increased since then and therefore the reason to refuse is even more relevant now.
- Access for emergency vehicles will be compromised by the shared access with the new dwelling to the rear of no. 42. The increase in the number of vehicles would also compromise road safety.
- Myself and our neighbours view this bend as "a serious accident waiting to happen."
- The proposal will have a detrimental impact on the amenity of existing neighbouring properties.

A petition signed by 10 local residents has been submitted making the following objections:

- The proposed bungalow is larger than the one approved in 2004.
- Full planning should be applied for, not outline.
- There are strong objections from the Parish Council re access on to Brookfield Road.
- Emergency vehicle access will be severely compromised also.
- Access between no.s 42 and 48 will be shared which will significantly narrow the access and compromise turning thus impairing safe vehicular movement. The amenity of the new house at 42 will be compromised.

4 letters of support have been received from members of the applicant's family in support of the application and in response to the objections made. The comments are summarised as follows:

- The comments made in relation to the access and dangerous road are wrong. The access is wide enough (wider than other accesses) with sufficient space for parking and emergency vehicle on the site.
- The access is over 60 metres from the bend.
- The application is outline and the planning officer would have control over the design and size. It would have sufficient amenity space and be far enough away from neighbouring properties.

One letter of support has also been received from a resident of Badgeworth making the following comments:

- I believe this new application to be a far more sensible approach to the last one, as this new design/layout clearly fits in with the plots that are adjacent to it. I can't personally see how this new application could possibly effect anyone and believe that a single storey dwelling of this size and scale is a much more sensible option on this plot.

Planning Officers Comments: Mr John Hinett

1.0 Application Site

1.1 The site is located within the Residential Development Boundary of Churchdown, as defined by the Tewkesbury Borough Local Plan to 2011 (March 2011). The existing building is a large detached two storey property which was formerly a pair of semi-detached dwellings. Two accesses serve the site. The property has a large rear garden flanked on all sides by the gardens of neighbouring properties. This part of Churchdown comprises a mix of two storey dwellings and bungalows which provide the context for the site.

2.0 Planning History

2.1 The site has been the subject of a number of previous planning applications.

2.2 Planning permission was Refused in January 1996 for the erection of 5 detached houses on the site (96/9785/1068/FUL) for the reasons that: the proposal would comprise a cramped, over-intensive form of layout which was considered to be out of keeping with existing development; its effect on the amenities of occupiers of adjoining dwellings and the sub-standard access to the site from Brookfield Road (restricted visibility).

2.3 Outline application (97/9785/0633/OUT) for three dwellings to the rear of 42 - 48 Brookfield Road was refused for the reasons that the proposed access would have a detrimental impact on the amenity of neighbouring properties and would be likely to have a detrimental impact on highway safety.

2.4 Outline planning permission (04/01514/OUT) was granted in 2004 for the demolition of existing dwelling and the erection of one dwelling house and one bungalow (to the rear of the new dwelling).

2.5 The Outline planning permission was renewed in 2007 (07/01714/OUT), in 2010 (10/01031/OUT) and again in 2013 (13/01114/OUT). The last permission has now expired.

2.6 Outline application 17/00257/OUT for the erection of 2 detached houses with access from drive serving rear of 42 was refused in June 2017 for the reasons that:

- The proposed outline application fails to adequately demonstrate that development of the site with two dwellings would not have a cramped appearance that would represent overdevelopment and which would fail to respect the character of the area and respond to the local context. The proposed development would therefore be harmful to the character and appearance of the area contrary to Policy.
- The proposed outline application fails to adequately demonstrate that development would not have a detrimental, overbearing impact upon the living conditions of the occupants of neighbouring residential properties by reason of overbearing impact and noise and disturbance, contrary to Policy.

Other relevant history

2.7 It is relevant that planning application 16/01096/FUL for the erection of a 4 bedroom detached house with integral garage to the rear of no. 42 was permitted in November 2016.

3.0 Current Application

3.1 The current application is outline and seeks planning permission for a single bungalow. All matters are reserved for future consideration, although an indicative layout has been provide of a two bedroomed bungalow with a single detached garage within the rear garden of no. 48 Brookfield Road. The dwelling would be served off a single, recently created access onto Brookfield Road that serves a new dwelling to the rear of no. 42 (see layout plan).

4.0 Planning Policy Context

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

4.2 This advice reflects one of the NPPF's 'Core Principles', which is to ensure a good standard of amenity for all existing and future occupants of land and buildings. The advice of Policy HOU5 is also reflected in Section 7 of the NPPF which makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also makes it clearly that obviously poor designs should be refused.

4.3 Policies HOU2 and HOU5 of the TBLP are therefore considered to be consistent with the provisions of the NPPF and should therefore carry considerable weight in the determination of the application.

5.0 Analysis

Principle of Development

5.1 The site is located within the Residential Development Boundary (RDB) of Churchdown, as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006, where the principle of new housing development is supported by Policy HOU2. It is also material that Outline planning permission for a single bungalow on this site has previously been granted. The current proposal must therefore be considered acceptable provided that the development can be satisfactorily integrated within the framework of the surrounding development, and subject to other local plan policies and material considerations.

5.2 Having regard to the policy framework set out above and the views of consultees and local residents it is considered that the main issues are:

- The impact on residential amenity;
- The Design and Appearance; and
- Access/highway safety issues

Impact on residential amenity

5.3 Policy HOU5 sets out that any new development should not result in an unacceptable low degree of residential amenity for existing or proposed dwellings.

5.4 The application site is surrounded on all sides by the rear gardens of residential properties. The submitted 'illustrative layout' demonstrates that a two bedroomed bungalow and detached garage could be accommodated on the plot without resulting in an overbearing impact on neighbouring properties. The illustrative layout shows a dwelling could be set back from the rear boundaries of the most affected neighbours to the north (No.s 54 and 58) a sufficient distance from the intervening boundary (at least 5m) and could straddle the boundary of those dwellings such that only a relatively small part of their rear boundaries would be affected (see illustrative layout). The impact would not be dissimilar to that of the previously permitted bungalow (renewed 13/0114/OUT). Conditions could be imposed removing permitted development rights for further extensions, outbuildings and dormer windows and roof lights that would ensure amenity of neighbours would be protected in the future.

5.5 The illustrative layout also demonstrates that the parking and turning area could be accommodated within the site and could be set back from the neighbours' rear boundaries and would allow space for landscaping and erection of acoustic fencing/walling within the applicants land. Given that the application is for a single dwelling (rather than two dwellings as recently refused planning permission), and vehicle

movements would be relatively low, it is considered the impact on neighbours in terms of noise and disturbance would be acceptable.

5.6 Whilst the Council does not have a specific policy for minimum standards, the level of amenity for future residents is a material consideration in the determination of applications for housing. The illustrative layout shows a building with a footprint of approximately 86sq.m, which would allow for a dwelling with an internal floorspace above the National Described Space Standards. Similarly, the dwelling could benefit from a relatively generous garden and would have a reasonably good outlook and would not result in accommodation which would be considered 'overcrowded' in terms of the Housing Act.

5.7 It is considered therefore that the proposal could be accommodated on the site with detrimentally affecting the amenity currently enjoyed by neighbouring properties. The proposal is considered to accord with Policy in this regard.

Impact on the character of the area

5.8 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Paragraph 64 states that *"permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"*. Policy HOU5 requires new residential development to respect the existing form and character of the adjacent area and street scene. 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.

5.9 Brookfield Road is characterised by a mixed style of dwellings, sited in plots of varying sizes. Generally the existing dwellings front onto the road, but a precedent for 'back land' development has been set by the previous planning approval for a single bungalow on this site (04/01514/OUT) and also the recent permission (16/01096/FUL). As set out above, layout and appearance are not being applied for at this stage. However, the illustrative layout demonstrates that a single dwelling could be accommodated on the site that would not appear cramped or constrained, and would not appear at odds with the form and character of the adjacent residential development, contrary to Local Plan Policy HOU5. The proposal is considered to comply with Policy in this regard.

Highway safety

5.10 Policy TPT1 of the Local Plan sets out that development will be permitted where, inter alia, highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network. The Parish Council have objected to the proposal on highway safety grounds.

5.11 Access is a reserved matters, although the submitted illustrative plans show that access would be shared with that permitted under permission (16/01096/FUL). In considering that application it was determined that the proposed 4m access met the criteria laid out in Manual for Gloucestershire Streets and it was not considered that the proposed development would result in an adverse impact on highway safety. The required visibility splays necessitated the relocation of the fence to the front of number 42. This fence has now been relocated and the required visibility achieved.

5.12 Whilst the concerns of the Parish Council and local residents are noted, given the above, it is not considered that the use of the approved access by a further single dwelling would result in a 'severe' additional impact in terms of the NPPF.

5.13 The illustrative layout demonstrates a detached garage with a parking space is proposed for the dwelling. The level of parking proposed is considered to be acceptable.

6.0 Conclusion

6.1 It is concluded that there are no significant adverse material issues that would result from the proposal and the proposal would have an acceptable impact on the character and appearance of the area, highway safety and residential amenity. The application is therefore considered to accord with relevant Government Guidance and Development Plan Policies relating to new residential development in existing residential areas. It is therefore considered that outline permission should be **granted**.

RECOMMENDATION Permit

Conditions:

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

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

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

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

- 3 The development hereby permitted shall be begun either before:
 - (i) the expiration of five years from the date of this permission, or
 - (ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure, or structures of any kind shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking and re-enacting that Order) no windows or roof lights other than hereby permitted shall be installed above ground floor ceiling height without the prior express permission of the Local Planning Authority.

Reason: To safeguard the privacy of residents in the locality in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 6 The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with condition 2 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: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies LND7 and LND8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

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

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 8 The reserved matters details required in accordance with condition 1 shall include full details of existing ground levels and finished floor levels. The development shall only be completed in strict accordance with the finished floor levels so approved.

Reason: To ensure the completed development has an acceptable impact on the character and appearance of the area and living conditions of neighbouring residents.

- 9 The details submitted for the approval of reserved matters shall include a plan indicating the positions, design, materials and type of boundary treatments, (that shall include provision of acoustic fencing to the rear boundaries of no.s 48 and 54 Brookfield Road), 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 residential amenity and to ensure dwellings have satisfactory privacy.

- 10 Notwithstanding the submitted details, no development shall take place until drainage arrangements for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage.

- 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 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: 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/Bank Holidays.

Reason: To protect the amenity of neighbouring properties.

- 13 The details submitted for the approval of reserved matters shall make provision for a minimum of 2 car parking spaces for the proposed dwelling within the site; those facilities shall be provided in accordance with the approved details prior to the occupation of the proposed dwelling and shall be retained as such thereafter.

Reason: To ensure an acceptable level of car parking is provided and maintained, in the interests of highway safety in accordance with policy TPT1 of the TBLP and the sustainable transport advice within the NPPF.

- 14 The proposed development shall not be brought into use until adequate visibility splay lines have been provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority, with the area in advance of the splay lines so defined cleared of obstructions to visibility and similarly maintained free of obstruction thereafter.

Reason: To ensure that adequate visibility is provided for the duration of the use and maintained in the interests of highway safety in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

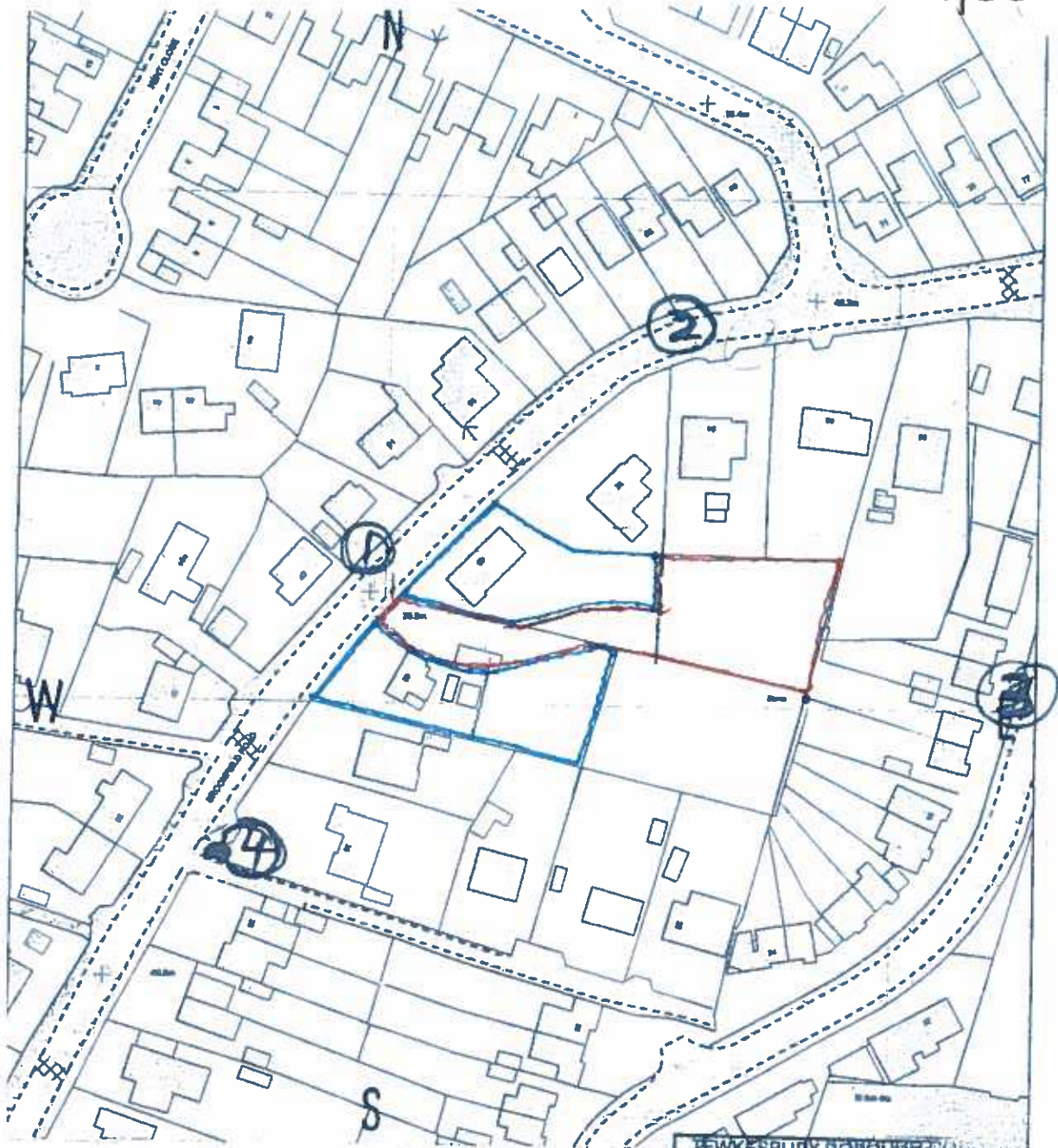
Notes:

1 **Statement of Positive and Proactive Engagement**

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

- 2 The proposed development will require the provision of a vehicular crossing from the carriageway and the applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 before commencing works on the highway.

17/00804/art



1:1250 scale LOCATION PLAN.

PEWKESBURY BOROUGH COUNCIL	
OPERATIONS	
Officer
Scanned
Rec'd	17 JUL 2017
Ack'd
Ans'd
File

1490-

PROPOSED
48 Brookfield Road
Churchdown. Gloucester.

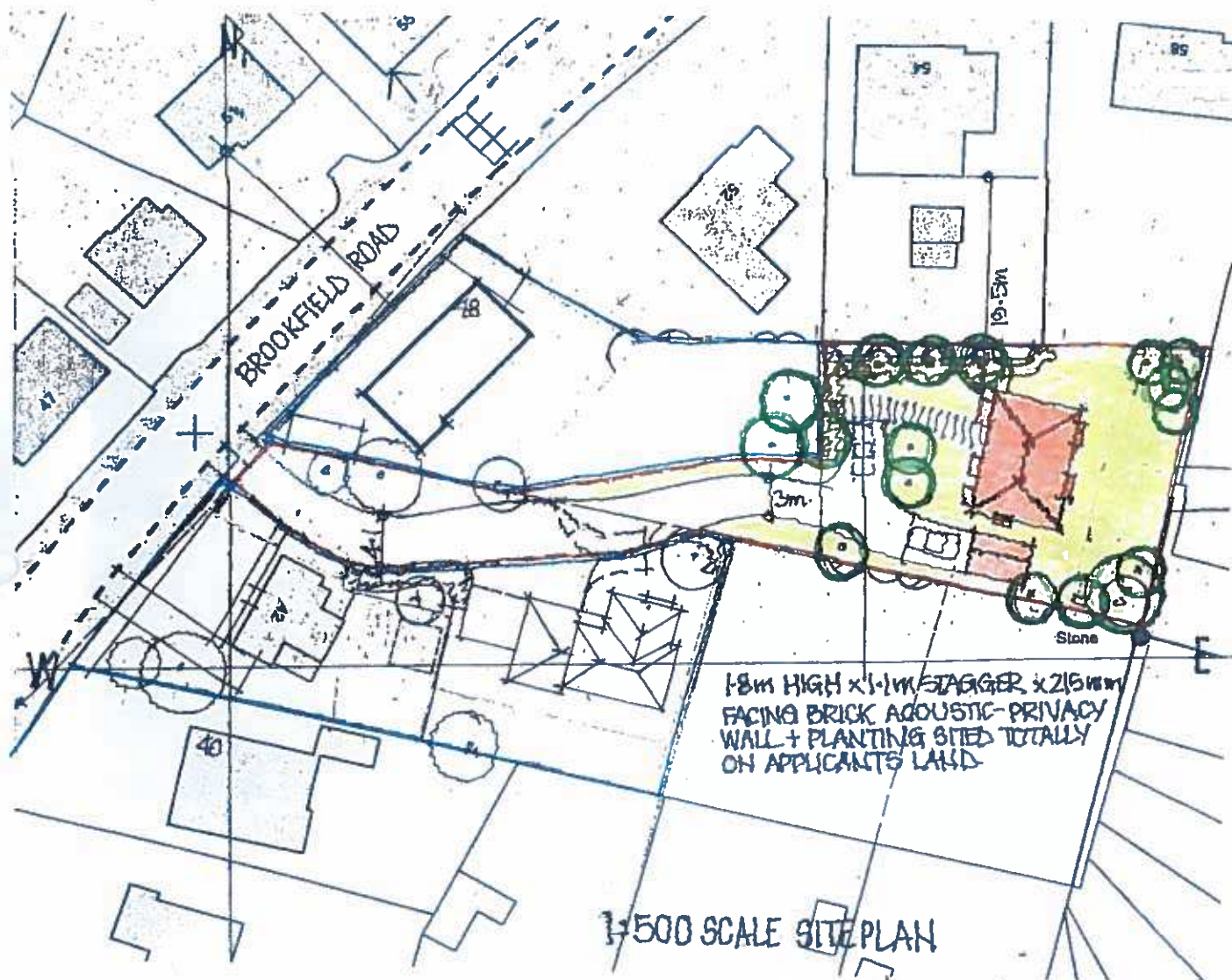


DAVID SMITH architect RIBA

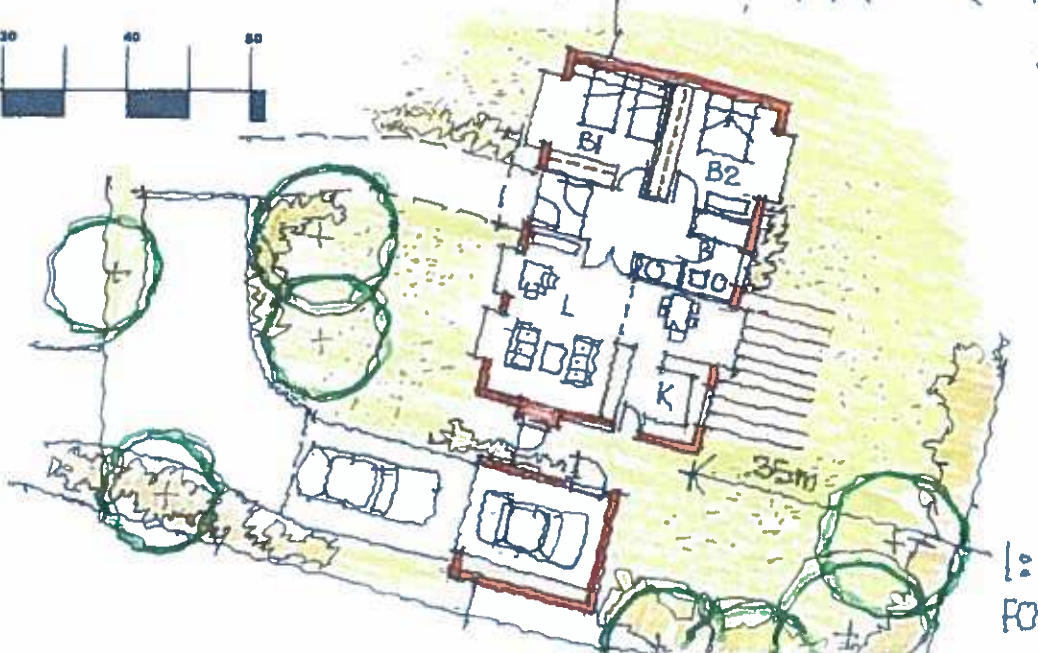
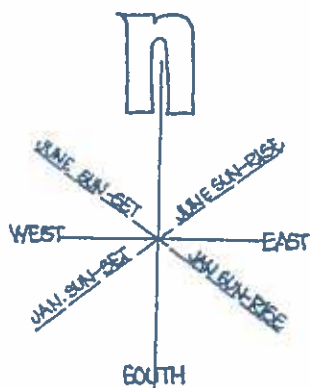
Lower Ground Floor, 15 Old Christchurch Lane,
Bournemouth, Dorset, BH1 2JE
T. 07733 125962 E. smithriba@googlemail.com

200 SCALE BUNGALOW PLAN.
FOR ILLUSTRATIVE PURPOSES.

3129/A



1:500



Valid 16.05.2017

Erection of 28 dwellings, parking, landscaping and associated works
(Reserved Matters details relating to Appearance and Landscaping
pursuant to outline planning permission reference 15/00131/OUT).
(Amended Plans Recieved)

Grid Ref 381169 221167

Parish Maisemore

Ward Highnam With Haw
Bridge

Newland Homes Ltd
Brighthouse Court
Barnett Way
Barnwood
Gloucester
GL4 3RT

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

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, TPT1, EVT9, LND3, LND7, RCN1, NCN5

Main Modifications Version Joint Core Strategy (2017) (MMVJCS) - SD5, SD7

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

Maisemore Parish Council - Welcome many features but object on following grounds:

- Level of the proposed access road is higher than what was agreed at Outline stage.
- Wall with 'The Ridings' is Lower than what was agreed at Outline stage.
- Loss of amenity to residents of The Ridings.
- Planting adjacent to access road should be low maintenance and of native species.
- Should be adequate off street parking during construction and sales phase and site promotion should be limited to black and yellow new home signs.
- Existing issues with foul sewage.
- Option to take sewage through new pipe to pumping station.
- Scheme should use grey water harvesting.
- Proposed discharge to ditch needs clarity about capacity and route to rivers.
- Ducting should be installed to connect to new future fibre infrastructure.
- There should be no street lighting on the development.
- Conditions should set out which roads are to be adoptable.
- No details of how the 10 year maintenance of the POS will be achieved.
- Details required of what happens in the long term.
- Commitment from highway authority required with regards to a crossing over A417.

The Parish Council were notified of the receipt of amended plans. No further comments have been received.

County Highways Authority - No objections

County Archaeologist - No objections

Borough Landscape Officer - No objections

Strategic Housing & Enabling Officer - Affordable housing mix is acceptable

Environmental Health Officer - No comments

Severn Trent Water - No objections

Local Residents - Six representations have been received from Local Residents (including multiple comments from the same person). The comments raised are summarised below:

- Condition of outline permission required the level of the access road to be no higher than the existing road. The proposed new road is 300mm higher
- Screening wall was to be 2m high
- Top of wall will be significantly lower than required
- Amenity of local residents will not be protected
- Would result in overlooking by pedestrians and drivers
- Unsure of where the 'drainage ditch' goes to beyond that shown on drawing
- A number of typographical errors have also been highlighted.

No further comments have been received following receipt of amended plans and additional publicity.

Planning Officers Comments: Bob Ristic

1.0 Introduction

1.1 The application site comprises a former livery located on the southern boundary of Maisemore with an area of approximately 3.43ha /b (see location plan) . The site comprised a collection of buildings (including stables and outbuildings) located on the eastern part of the site and associated paddock land located on the western part. The site backs onto residential properties along the sites northern boundary and part of the western boundary, with open countryside to the remaining boundaries.

1.2 The site is accessed off the A417 via the existing drive and there are no public rights of way crossing the site nor does the site fall within any landscape designations.

1.3 The site benefits from outline planning permission for up to 28 dwellings and associated open space. Appearance and landscaping were reserved for future consideration and these details are subject of this application.

2.0 Planning History/Background

2.1 15/00131/OUT - Outline application for a mixture of 28 open market and affordable dwellings and associated infrastructure (appearance and landscaping to be reserved for future consideration) - Permitted

2.2 89T/8567/01/01 - Outline planning application for the erection of a detached dwelling with garage including means of access - Refused

2.3 88G/4912/01/02 - Erection of 16 loose boxes - Permitted.

3.0 Current Application

3.1 The original outline application considered access, layout and scale with appearance and landscaping to be reserved for future consideration. This application seeks the approval of those reserved matters, namely the appearance and landscaping of the development.

3.2 The proposal would provide a mixture of dwellings comprising 4 x 1 bed bungalows, 4 x 2 bed dwellings, 7 x 3 bed 2 storey houses and 13 x 4 bed 2 storey houses which would be located to the northern part of the site.

3.3 The landscaping to the housing element would include hedge and tree planting and the remaining land to the south and east would be laid out as an informal open space with a focus on restoring and enhancing the landscape. (see layout landscape plan).

Plans will be displayed at Committee.

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

5.0 Analysis

5.1 The application seeks approval of reserved matters pursuant to Outline Planning Permission 15/00519/OUT. The reserved matters for which approval is sought are design and landscaping.

Design

5.2 The NPPF sets out at paragraph 56 that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 57 the NPPF advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

5.3 Policy SD5 of the MMVJCS sets out that new development should respond positively to, and respect the character of the site and its surroundings and enhance local distinctiveness, in terms of layout, mass and form. Furthermore, development should be of a scale, type, density and materials appropriate to the site and its setting.

5.4 The layout of the scheme was agreed at the outline stage. Similarly, the scale and heights were set and it is a condition of the outline consent that all dwellings should be no more than two storeys (with a maximum ridge height of 9 metres). The submitted housing layout accords with the approved layout and none of the submitted dwelling designs exceed two storeys (9 meter ridge height).

5.5 In terms of the detailed design, the proposed development would provide a mixture of dwellings and the submitted design statement sets out how the design of the dwellings draws on the character of existing development within the village in terms of form and materials. The design statement has identified that brick is the predominant material in the area with occasional render or painted brick properties, which are roofed in a variety of clay tiles and slates. Other identified characteristics include chimneys, head and cill details constructed of brick and a variety of door canopies and policies.

5.6 The application proposes a variety of house types and designs, which includes three pairs of semi-detached bungalows to the western edge of the site backing onto existing bungalows at Persh Lane. The remainder of the site would comprise two storey dwelling houses, with 2 pairs of semi's to the western part of the site and the remainder comprising detached dwellings.

5.7 The proposed houses would have a 'traditional' appearance and would incorporate a variety of design features found in the local area as identified in the submitted design statement, including dentil coursing, window detailing, chimneys and storm porches resulting in a development with good local distinctiveness.

5.8 The external materials include two different red brick types and a natural white render for the walls and three different roof finishes. The front doors and where applicable garage doors would be colour coordinated in a selection of 4 colours.

5.9 It is considered that the proposed design and materials are of an appropriately high standard which would draw upon the local distinctiveness of Maisemore and result in a high quality development.

Landscaping

5.10 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, amongst other things, protecting and enhancing valued landscapes. Policy SD5 of the MMVJCS sets out that new development should ensure that the design of landscaped areas, open space and public realm are of high quality, provide a clear structure and constitute an integral and cohesive element within the design.

5.11 The residential part of the site would provide significant soft landscaping to the property frontages, which would include open areas of lawn, hedge enclosures to frontages and additional tree planting. The hard landscaping would include brick pavements to private drives and hard standings, while the principal access routes would be surfaced in tarmac.

5.12 The development also provides a substantial area of public open space to the southern and eastern parts of the site. The condition of this land has deteriorated significantly as a result of the past livery use and the landscaping principles for this area are to restore and enhance the land.

5.13 The open space would be informal with a central area of short mown grass and the introduction of tussock and wildflower meadow seeding. The proposal would also introduce significant hedge planting and repair as well as additional tree planting throughout.

5.14 The open space would be maintained by a private management company and the application has been accompanied by a 10 year management strategy for the land. The on-going maintenance beyond this period will repeat the management routines set out within the report.

5.15 The landscaping details have been reviewed by the borough landscape officer who is satisfied with the details provided. It therefore is considered that the proposed landscaping scheme is appropriate for the site and will result in an enhancement for the built and natural environments.

Other Matters

5.16 A number of issues have been raised by the parish council, including site operatives and marketing suite parking, S106 contributions, lighting within the development, highway crossing provision and advertising. These matters were considered at the outline stage and are covered by appropriate conditions.

5.17 Concerns were raised with regards to the level of the access road exceeding the existing access track and the height of the proposed 'entrance wall'. The plans have subsequently been amended to retain the road levels as existing and the boundary wall adjoining the access drive now complies with the specifications set out in Condition 22 of the outline planning consent. It is considered that the amendments have addressed the concerns raised and no further representations have been received since these amended details were received.

5.18 Concerns have been raised with regards to the ability of the drainage system in the area to cope with the development. It is noted that drainage related issues were assessed at the outline stage. While drainage details have been included on the drawings for this application and no objections have been raised by Severn Trent, the complete drainage strategy including SUDS provision is covered by Condition 14 of the outline planning consent and this will be subject to a separate discharge of conditions application and formal approval process.

6.0 Conclusions

6.1 The proposal accords with the parameters of the outline planning permission and proposes a suitably high quality development that would integrate well with the built and natural environment of Maisemore. It is therefore recommended that this reserved matters application is **approved**.

RECOMMENDATION Approve

Conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved drawing nos. 749-01__Location Plan_A3, 749-06__Building Heights Key Plan_A1, 749-08__External Material Finishes Key Plan_A1, 749-08-01__External Materials Schedule_A3, 749-09__Boundaries and Enclosures Key Plan_A1, 749-10__Tree Protection Fencing Plan_A1, 749-50__Site Sections_A1, 749-60__Street Scenes_A1, 749-20-01__House Type PB4_A3, 749-20-02__House Type PB4_A3, 749-21-01__House Type PW5_A3, 749-21-02__House Type PW5_A3, 749-22-01__House Type WB4_A3, 749-22-02__House Type WB4_A3, 749-22-03__House Type WB4_A3, 749-23-01__House Type HT4_A3, 749-23-02__House Type HT4_A3, 749-24-01__House Type HO3_A3, 749-25-01__House Type AB1_A3, 749-26-01__House Type AB2_A3, 749-27-01__House Type S2_A3, 749-28-01__House Type 3BH_A3, 749-40-01__Garages_A3, 749.05.01 2016.12.02 Rev - Drainage Strategy, received by the local planning authority on 16th May 2017, Amended drawing nos. 749_A_Design Statement_A4, 749-05_A_Planning Layout_A1, 749-07_B_Affordable Housing Key Plan_A1 received by the local planning authority on 21st June 2017, Amended drawing nos. 749-151 rev D, 749-141 rev D Ext Wrks Plan, 749-141-1 rev B Ext Wrks 1-500, 749-142-1 rev C Drainage and Levels sheet 1 of 2 749-142-2 rev C Drainage and Levels sheet 2 of 2, External Works Details - Walls, Fences and Railings received by the local planning authority on 2nd August 2017 and Landscape Maintenance 17/440/02 C and Landscape Maintenance 17/440/03 C received on 6th September 2017 and any other conditions attached to this permission.
- 2 Notwithstanding the submitted details and prior to any construction works above DPC level, details or where appropriate samples of all external materials 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.
- 3 The landscaping scheme hereby approved shall be carried out concurrently with the development and shall be completed no later than the first planting season following the completion of the development and shall thereafter be maintained in accordance with the Peter Quinn Associates 'Landscape Maintenance Programme' dated 2nd March 2017 and received by the Local Planning Authority on 16th May 2017.

Reasons:

- 1 To a satisfactory external appearance to the development in the interests of visual amenity and in accordance with the NPPF.
- 2 To ensure a satisfactory appearance to the development in the interests of visual amenity in accordance with the NPPF.
- 3 To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with advice contained in the NPPF.

Note:

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 measures to preserve the residential amenities of adjoining occupiers.

A3

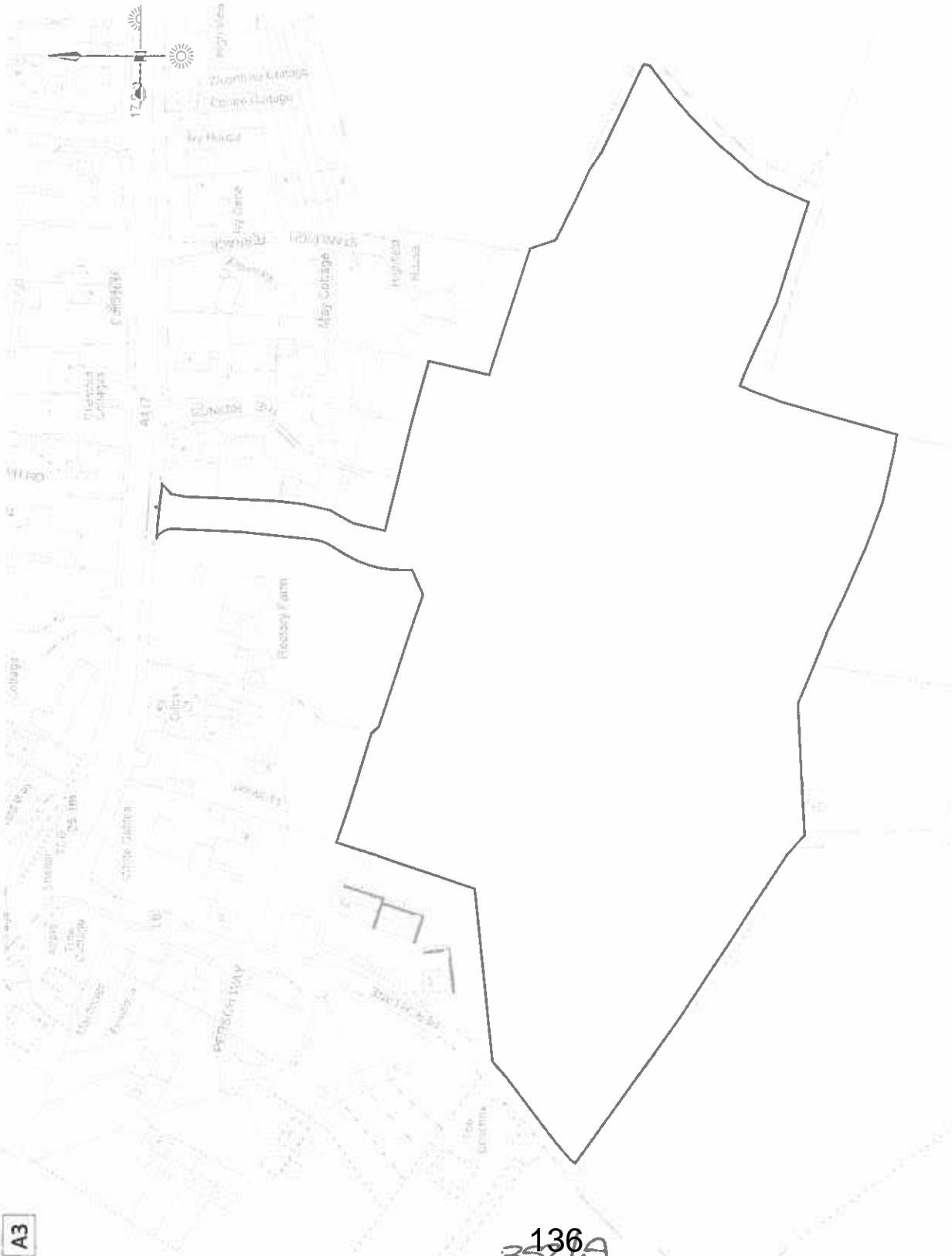
136

DO NOT SCALE FROM THIS DRAWING

All dimensions to be checked on work prior to manufacture of prefabricated items. Any discrepancy or query to be reported and clarified before associated work proceeds. All construction to be in accordance with relevant Trade and Professional Standards and Guidelines, Statutory requirements and product manufacturers' specifications. Read in conjunction with Fixing specification, Workmanship specification, all other associated drawings issued and details which may be issued from time to time.

Legend

— Redline Boundary



REV DATE INITIAL



Newland
HOMES

Rectory Farm, Maisemore Location Plan

cc
22 June
May 2017
first issue
on
beginning

11250@A3
749-01
Drawing No.

© 2017 Newland Homes Ltd

17/00538/APP



A497

PERISH LANE

4248 452920

RECTORY FARM

THE RINGS

LANDSCAPE RESTORED

LANDSCAPE RESTORED

Proposed Landscaping

[illegible]

Newland
HOMES

Rectory Farm, Maisemore Planning Layout

749-05

11

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.