

**TO EACH MEMBER OF THE
PLANNING COMMITTEE**

05 March 2018

Dear Councillor

PLANNING COMMITTEE- TUESDAY 13 MARCH 2018

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

Agenda Item	Description	
5a	Schedule	1 - 174
	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 13 March 2018

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(652 - 717)	(718 -747)

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. (652 - 747)

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) 13th March 2018

Parish and Reference	Address	Recommendation	Item/page number
Alderton 17/01344/FUL Click Here To View	27 Willow Bank Road Alderton Tewkesbury Gloucestershire	Permit	7 / 689
Alderton 17/01364/FUL Click Here To View	Part Parcel 8900 Dibden Lane Alderton Tewkesbury	Permit	8 / 695
Ashchurch Rural 17/01245/FUL Click Here To View	Claydon Farm Claydon Tewkesbury Gloucestershire	Permit	5 / 677
Bishops Cleeve 18/00041/FUL Click Here To View	Land to the rear of The Brambles Brockhampton Lane Brockhampton Cheltenham	Refuse	12 / 723
Buckland 17/00968/FUL Click Here To View	Woodbine Cottage The Lane Buckland Broadway	Permit	2 / 662
Churchdown 17/01262/FUL Click Here To View	Ashville Business Park Commerce Road Churchdown Gloucester	Permit	13 / 729
Churchdown 17/01263/FUL Click Here To View	Ashville Business Park Commerce Road Churchdown Gloucester	Permit	14 / 738
Gotherington 17/01162/APP Click Here To View	Parcel 7561 Malleon Road Gotherington Cheltenham	Delegated Approve	10 / 708
Gretton 17/01279/FUL Click Here To View	Gardeners Cottage Gretton Cheltenham Gloucestershire	Permit	6 / 682

Sandhurst 17/01114/FUL Click Here To View	Margarets Cottage Sandhurst Lane Sandhurst Gloucester	Refuse	11 / 718
Stoke Orchard And Tredington 17/01046/FUL Click Here To View	Land at Banady Lane Stoke Orchard Cheltenham	Delegated Permit	9 / 701
Tewkesbury 17/01139/FUL Click Here To View	Tewkesbury Borough Council Offices Gloucester Road Tewkesbury Gloucestershire	Permit	4 / 673
Winchcombe 17/00935/FUL Click Here To View	Owl Cottage Corndean Lane Winchcombe Cheltenham	Refuse	1 / 652
Winchcombe 17/01112/FUL Click Here To View	24 Gloucester Street Winchcombe Cheltenham Gloucestershire	Permit	3 / 667

17/00935/FUL

Owl Cottage, Corndean Lane, Winchcombe

1

Valid 23.08.2017

Construction of one dwelling following demolition of existing garage, and associated work.

Grid Ref 401893 227701

Parish Winchcombe

Ward Winchcombe

Mr M Farrer
C/O Agent

RECOMMENDATION Refuse

Policies and Constraints

NPPF

PPG

Sections 66 and 72 (Listed Buildings and Conservation Areas) Act 1990

Joint Core Strategy (2017) (JCS) - SP2, SD4, SD7, SD8, SD9, SD10, INF1, INF2

Tewkesbury Borough Local Plan to 2011 - March 2006 - HEN2

Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031

Cotswolds Area of Outstanding Natural Beauty

Winchcombe Conservation Area to the East, South and West of the site

Coates Mill House Grade II Listed Building to the south

Flood Zones 2 and 3

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Town Council - No objection in principle. However, it notes the historic significance of the existing building as the first purpose built bus garage in the town and requires that, should permission be granted, a full photographic survey should be undertaken to record the structure for the future and be kept for historical reference by the Town Museum.

County Highways - No objection subject to conditions

Natural England - No objection; Protected Species - Standing advice.

Conservation Officer - No objection.

Flood Risk Management - In light of this being development of a brownfield site, no objection subject to conditions.

Cotswolds Conservation Board - No response.

Severn Trent Water - No response.

Local Representations - 1no. local representation has been received in respect of the proposal. Their comments are considered neutral and raise no objection, making reference to the proposal providing improved security to the neighbouring house and garage.

Councillor Mason has requested Committee determination in order to assess the impact of the proposal on the AONB and surrounding properties

Planning Officers Comments: Miss Lisa Dixon

1.0 Introduction

1.1 The application site is located on the southern periphery of Winchcombe town, adjacent to Corndean Lane. The site currently forms part of a wider parcel belonging to the residential property of Owl Cottage and comprises a single-storey, timber and corrugated metal outbuilding, enclosed by way of hedgerow planting, post and rail fencing and drystone walling. The outbuilding is noted by the Town Council, to be the first purpose built bus garage within the town, operated by Albert Matthew Coaches. The Planning Statement which accompanies the proposal advises that the building is used as a garage in connection with the main house. The site also contains a number of established trees, many of which are sited in close proximity to the outbuilding itself.

1.2 The River Isbourne bounds the site to the west and continues north-wards. The nearest neighbouring property to the site is Pike House, which lies in close proximity to the west, immediately beyond the River Isbourne. The detached dwelling of Owl Cottage itself lies to the east of the site and Corndean Lane adjoins the site to the south. (see attached site location plan).

1.3 A network of Public Rights of Way, cross land to the east and south/south-west, in close proximity to the site, including the Cotswold Way. The site lies wholly within the Cotswolds Area of Outstanding Natural Beauty and in close proximity, but outside of the Winchcombe Conservation Area, which wraps around the site to the west, south and east.

1.4 The entire site lies within Flood Zone 2 and the western extent of the site lies within Flood Zone 3 by virtue of its close proximity to the River Isbourne.

1.5 The site lies within the Built up Area boundary for Winchcombe as defined within the Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031 (WSNP).

2.0 Planning History

2.1 Planning permission was granted for alterations and extensions to Owl Cottage itself in 1985 under planning reference: T.1927/B.

3.0 Current Proposal

3.1 The current proposal seeks to demolish the existing outbuilding on the site and erect a single dwelling in its place. The dwelling would be set over two floors, with the ground floor comprising an entrance hall/utility, a kitchen/diner, a living room and a shower room/WC and the first floor will provide two bedrooms. Pedestrian and vehicular access would be gained via Corndean Lane using the existing access and the two car parking spaces in front of the existing garage would be retained for use by the occupiers of the new dwelling (See attached floor and elevation plans).

3.2 The proposed dwelling would be on a similar footprint to the existing garage, but slightly larger with the addition of a single storey lean-to 'extension' on the eastern side. The design of the proposed dwelling would be relatively contemporary but of simple, traditional plan form and constructed in Cotswold natural stone and black-stained horizontal timber cladding. Dark grey standing seam metal roof is proposed and the windows and doors are shown as dark grey aluminium.

3.3 The footprint of the proposed dwelling would be some 82 square metres and the first floor area amounts to some 65 square metres. The eaves height of the main part of the dwelling would be 3.7 metres on the eastern side rising to 4 metres on the western side as the levels fall away. The ridge height would be some 5.7 metres. The eaves height of the single storey 'lean-to' would be 2.3 metres and its mono-pitch roof would meet the main part of the dwelling at a height of 3.1 metres.

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 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 Joint Core Strategy (2017), the Winchcombe and Sudeley Neighbourhood Plan 2011 - 2031 and the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Cheltenham, Gloucester and Tewkesbury Joint Core Strategy - December 2017

4.2 The Joint Core Strategy (JCS) was adopted in December 2017 and is part of the Development Plan for the area. Various policies in the JCS superseded some of the policies in the Tewkesbury Borough Local Plan to 2011 which had hitherto been saved by direction of the Secretary of State.

4.3 The JCS sets out the key spatial policies for the JCS area over the period of 2011-2031 and the preferred strategy to help meet the identified level of need. Policy SP1 sets out the overall strategy concerning the amount of development required, and Policy SP2 sets out the distribution of new development. These two policies, combined with Policy SD1 on the economy, provide the spatial strategy for the plan. This strategy, together with its aims, is expressed in relevant policies throughout the plan and will be supported by forthcoming district plans and neighbourhood plans.

4.4 Policy SP1 of the JCS sets out the need for new development and the overall housing requirement for each authority. Policy SP2 sets out the policy for the distribution of new development across the area. The needs of Cheltenham Borough (at least 10,996 new homes) will be provided within the Cheltenham Borough administrative boundary and cross-boundary urban extensions at North West Cheltenham and West Cheltenham (both of which are partly within Tewkesbury Borough) defined in Policy SA1, as well as commitments covered by any Memoranda of Agreement.

4.5 Tewkesbury Borough's needs (at least 9,899 new homes) will be provided through existing commitments, development at Tewkesbury Town in line with its role as a market town, smaller-scale development meeting local needs at Rural Service Centres and Service Villages, and sites covered by any Memoranda of Agreement.

4.6 Policy SP2 also provides that in the remainder of the rural area, Policy SD10 will apply to proposals for residential development. Further, the unmet needs of Gloucester and Cheltenham, beyond their administrative boundaries, will only be delivered on Strategic Allocation sites allocated through Policy SA1 and any other sites with an agreed sharing mechanism through a Memorandum of Agreement between the relevant local planning authorities. The identification of any additional urban extensions to help meet the unmet needs of a local planning authority must be undertaken through a review of the plan. Consideration will also be given to meeting needs in another local authority area where it is clearly established that they cannot be met within the JCS area, or provide a more sustainable and appropriate option.

4.7 Policy SD10 sets out that on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury Town, rural service centres and service villages except where otherwise restricted by policies within district plans. Housing development on other sites will only be permitted subject to certain exceptions.

Winchcombe and Sudeley Neighbourhood Plan - 2011 - 2031

4.8 The Winchcombe and Sudeley Neighbourhood Plan (WSNP) received formal adoption on the 24th January 2017. The formal adoption of the WSNP now means that it forms part of the Development Plan for the area. Thus, in view of the adopted status of the Plan, it is considered that the relevant policies detailed below carry full weight in respect of the current application.

4.9 Policy 1.1 (Protecting the Distinctive Character of the Area) of the WSNP provides that development should respect local character and must protect and enhance the Cotswolds AONB. The reasoned justification sets out the importance of protecting the town, when viewed from the AONB and also sets out the importance of protecting the AONB, in relation to its setting for the town.

4.10 Policy 3.1 (Infill Development) supports residential development on infill and redevelopment sites, provided that they are within the built up areas (as shown within the proposals map), well designed and meet all relevant requirements set out elsewhere within the plan.

4.11 Policy 5.1 (Design of new development) sets out that new development should reflect the character of its surroundings and should complement and enhance the prevailing size, height, scale and materials, layout, density and access of any surrounding development.

4.12 Policy 5.3 (Winchcombe Conservation Area) seeks to conserve and/or enhance the conservation area of the Town and provide an assessment of the significance of heritage assets together with the impact of any proposal upon those assets.

Emerging Development Plan

4.13 The Tewkesbury Borough Plan is at an early stage of preparation. Initial consultation took place in 2015 and a Pre-submission consultation is expected to take place in early 2018. Given its stage of preparation, in light of guidance at paragraph 216 of the NPPF, very limited weight can be given to the emerging Borough Plan.

Other Material Considerations

National Planning Policy Framework and Planning Practice Guidance

4.14 Paragraph 12 of the NPPF confirms that the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

4.15 Paragraph 14 of the NPPF identifies the presumption in favour of sustainable development and what this means for decision taking.

4.16 Paragraph 17 sets out Core Planning Principles that should underpin both plan making and decision taking. Relevant principles include the need to take into account the different roles and character areas recognising the intrinsic character and beauty of the countryside (fifth bullet point) and to contribute to conserving and enhancing the natural environment (seventh bullet point).

4.17 Paragraph 115 provides that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

4.18 Paragraph 49 makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

4.19 Paragraph 55 states that in promoting sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Planning decisions should aim to ensure that that development adds to the overall quality of the area and to establish a strong sense of place.

4.20 Paragraph 198 states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. Other specific relevant policies are set out within the appropriate sections of this report.

5.0 Analysis

The Principle of Development

5.1 The application site is subject to Policy SD10 of the JCS which provides that proposed new housing development outside of allocated sites with the development plan will be permitted on previously-developed land in the existing built-up areas of rural service centres and service villages. Housing development on other sites will only be permitted where it represents infilling within the existing built-up areas.

5.2 The application lies within the WSNDF infill development boundary (Policy 3.1), which seeks to restrict new residential development to infilling of existing built-up areas. Whilst the WSNP does not allocate specific sites for new residential development, it does support infill development within the built-up policy area (Policy 3.1) in order to make provision for sustainable growth, commensurate with the town's size and function as a Rural Service Centre.

5.3 As such, the Winchcombe and Sudeley Plan, as part of the development plan, identifies the built-up area of the town.

5.4 The principle of new residential development on the site is therefore, acceptable in accordance with Policy SD10 of the JCS and Policy 3.1 of the adopted Neighbourhood Plan. Thus, in accordance with Section 38(6) of the Town and Country Planning Act 1990 and Section 12 of the NPPF, permission should be granted unless material circumstances indicate otherwise.

Impact upon Heritage Assets

5.5 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it processes. As the site lies within close proximity of the Winchcombe Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant. This requires that special attention is paid in the exercise of planning

functions to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This requirement is reflected in saved Policy HEN2 of the Local Plan, Policy 5.3 of the WSNP and Policy SD8 of the JCS. The impact on the setting of the nearby Grade II Listed Coates Mill House, is also a material consideration.

5.6 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. It also advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Furthermore, the NPPF states that, where development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits.

5.7 The site lies outside of the Winchcombe Conservation Area but relates closely to it, particularly on its western, southern and eastern sides. The Conservation Officer (CO) has been consulted in this regard and advises that the scale and aesthetic of the proposed dwelling relate closely to the existing outbuilding on the site and therefore, the net impact upon the nearby conservation area and Grade II Listed Building would be minimal.

5.8 As such, it is considered that the proposal would have a neutral impact upon the setting of the conservation area and Grade II Listed Building of Coates Mill House.

Design, Landscape impact and impact upon the AONB

5.9 Paragraph 115 of the NPPF provides that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty which has the highest status of protection in relation to landscape and scenic beauty. This advice is reflected within Policy SD7 of the JCS and Policy 1.1 of the WSNP.

5.10 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy SD4 of the JCS echoes this advice and provides that new development should respond positively to, and respect the character of the site and its surroundings, enhancing local distinctiveness.

5.11 The Council's Landscape Officer (LO) has advised that the site is visible from along the public footpath to the north east, that takes a north westerly route across open pasture into Winchcombe, and there are distant views from the along the Cotswold Way. The existing structure, with its modest size and rustic agricultural appearance, does not adversely affect the surrounding rural countryside. The existing building is visually unobtrusive within the surrounding setting along Corndean Lane, the riparian setting of the River Isbourne, and from public footpaths and views looking across open pasture towards the edge of Winchcombe.

5.12 However the site has major landscape constraints in view of the small size of the site, high degree of visual prominence, and the need to conserve the rural character of the riparian and landscape setting are considered by the LO to represent major landscape constraints. As such, in landscape terms this site is vulnerable and potentially sensitive to landscape harm, with a low capacity to accept landscape change without adversely affecting the setting.

5.13 With respect to Paragraph 115 of the NPPF and JCS Policy SD7, development would only be permitted in this location, subject to ensuring that the development proposals do not adversely affect the natural beauty of the AONB, and that the development proposals conserve the surrounding landscape setting. Following pre-application advice which sought to replace the existing building with a two storey dwelling; the current proposal represents a revised scheme for a one and a half storey property which is supported by an Arboricultural Implications Assessment that proposes to retain most of the trees within the site. The current scheme has been further supported by a Landscape and Visual Impact Assessment (LVIA).

5.14 The Arboricultural Assessment demonstrates that the majority of trees and hedgerows within the site would be retained, with only a relatively small section of hedgerow removed. Furthermore, the LVIA seeks to demonstrate that there would be a very low level of change and potential negative impact upon the surrounding landscape and in particular the character of the Cotswolds AONB.

5.15 The earlier pre-application proposal was considered to represent a specific local force for change identified in the Cotswold Conservation Board's Landscape Strategy and Guidelines for the Cotswolds AONB by representing encroachment of development onto visually prominent slopes of the Outliers and the proliferation of suburban building styles.

5.16 However, due to the reduced height and scale, simplified design, appropriate palette of materials and retention of established landscaping, the current revised proposal is considered to accord with Policy SD7 of the Joint Core Strategy, Policy 1.1 of the WSNP and section 11 of the National Planning Policy Framework with regard to impact upon the special landscape character of the AONB.

Access and Highway Safety

5.17 Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network.

5.18 The County Highways Officer (CHO) has advised that Corndean Lane is a class 3 highway and is subject to the national speed limit of 60mph. There is limited street lighting with no pedestrian footways within in the vicinity of the site.

5.19 The proposed dwelling would utilise an existing access from a single point off of the Corndean Lane and this would also continue to serve the existing dwelling within the site of Owl Cottage. The CHO is satisfied that sufficient space exists within the applicants control to accommodate this access arrangement.

5.20 With regards to visibility, the CHO advises that access into the site should provide adequate levels of junction visibility to create safe and secure layouts which minimise conflict between traffic and cyclists or pedestrians in accordance with paragraph 35 of the National Planning Policy Framework (NPPF). As the highway fronting the proposed development site is subject to the sign posted 60mph speed limit, the deemed to satisfy visibility standards require emerging visibility splays of 215m along the nearside carriageway edge in both directions (left and right) at a 2.4m setback from the carriageway edge along the centre line of the access.

5.21 Based upon the speed survey submitted in respect of the proposal, the CHO confirms that the required visibility in both directions can be achieved and that the required splays are achievable and within the applicants control. This could be secured by way of an appropriate planning condition.

5.22 With regards to parking and turning, the CHO is satisfied that the submitted plans demonstrate that there is sufficient space within the site to accommodate the requirements for parking and turning of cars to enter, park and leave in a forward gear.

5.23 Due to the adequate levels of visibility, parking, manoeuvring space and the nature of the adjacent highway, the CHO considers that the proposal would result in no detrimental highway impact and raises no objection accordingly, subject to appropriate planning conditions.

Flood Risk and Drainage

5.24 The NPPF requires local planning authorities to take account of the risk of flooding when preparing their local plans and in decision making. The NPPF sets out a sequential, risk based approach to the location of development to avoid where possible flood risk to people and property, and to manage any residual risk. It is expected that the impacts of climate change are taken into account when considering flood risk, as properties built now are expected to last at least 100 years. This advice is echoed within Policy INF2 of the JCS.

5.25 In order to direct development, where possible, away from areas at highest risk of flooding, the NPPF requires local planning authorities to carry out a 'sequential test' when assessing applications for new development.

5.26 The aim of decision-makers should be to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, decision makers should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 and 2 should decision-makers consider the suitability of sites in Flood Zone 3, taking account the flood risk vulnerability of land uses and applying the Exception Test if required.

5.27 Within each flood zone, new development should be directed first to sites at the lowest probability of flooding and the flood vulnerability of the intended use matched to the flood risk of the site, i.e. higher vulnerability uses should be located on parts of the site at lowest probability of flooding. Due to the risks of developing on land liable to flooding, the intention is to minimise risks to people and property, including visitors to the site who may not be familiar with flood risks at the site, and the emergency services.

5.28 The proposed dwelling would be located entirely within Flood Zone 2 (FZ2) (medium risk of fluvial flooding (between 1 in 100 and 1 in 1000 annual probability of fluvial flooding). The majority of the garden area would also be located within Flood Zone 2, with part of the garden (western portion of the site) being located within Flood Zone 3 (1 in 100 or more annual probability of fluvial flooding). In accordance with the requirements of the NPPF and Policy INF2 of the JCS, a Flood Risk Assessment (FRA) and Sequential Test (ST) accompany the current planning application.

5.29 The submitted sequential test assessment considered potential sites listed within the Council's Assessment of Land Availability 2015-2016 (SALA) which was published in March 2017. The submitted ST indicates that the search area has been restricted to Winchcombe only. The smallest site identified had a stated site capacity of 6 dwellings, with the largest site identified as having a site capacity for some 232 dwellings. The assessment makes reference to extant planning permission reference: 15/01284/FUL for the erection of a single dwelling and the Sequential Test that was undertaken in respect of this application. The site in question (Jean's Piece) lies within close proximity of the Owl Cottage site (approximately 50 metres to the north), also within Flood Zone's 2 and 3. As such, the agent considers this of relevance to the current application since the Sequential Test area of search in this instance was restricted to the Winchcombe area. As such, the same area of search has been identified in respect of the current proposal at Owl Cottage. The ST in respect of the current scheme is also noted to include a review of the sites allocated in the Draft Tewkesbury Borough Plan (albeit some of the sites identified were included within the SALA), and also a review of the Council's own website in order to identify sites that had been granted planning permission for a development similar to or the same as the development proposal. The ST notes that a 'desktop assessment' has also been carried out with the intention of discovering whether any land within the 'catchment area' is currently available for purchase and might offer some development potential. Finally, a review of PlotFinder website has been undertaken but the ST notes that 'no land was available in the catchment area which could be considered as an alternative to the site of the current application'.

5.30 The submitted ST concludes that none of the sites identified within the SALA could be considered as a reasonably alternative site with lower probability of flooding, to that of the current proposal site. This conclusion was largely reasoned on the basis that the overall size of the SALA sites would allow for a much higher quantum of development and would not lend themselves to the development of a single dwelling.

5.31 The ST further concludes that no land was available within the PlotFinder website which could be considered as an alternative to the site of the current application. The submitted ST provided no evidence of their findings in respect of the desktop exercise undertaken or the review of the Council's website.

5.32 The Sequential Test to be applied under the NPPF does not require sites to be comparable or deliverable nor does it limit the test to land within the applicant's ownership. The sequential test should seek to demonstrate that there are no reasonably available alternative sites appropriate for the proposed development in areas within a lower probability of flooding.

5.33 The Planning Practice Guidance (PPG) advises that development proposals will fail to pass the Sequential Test if alternative sites are identified within the search area that are at lower risk of flooding, would be appropriate for the proposed development and are 'reasonably available' for development. The Council's recently adopted Flood and Water Management SPD advises on pages 20-21 that:

"The Applicant should agree with the LPA the geographical area over which the test is to be applied. This will normally be based on the circumstances and requirements of the proposed development in question. For example, where a large scale strategic housing development is proposed it will normally be appropriate to consider the Borough as a whole; however, where a small scale housing development meeting local needs is proposed the geographical area may be more refined and based on that local area."

5.34 The SPD does not provide specific guidance with regards to comparison sites identified as part of the ST, other than the requirement for such sites to be able to accommodate the general requirements of the development. When considering whether an alternative site can accommodate the general requirements of

the development, the SPD advises that the Council will expect a flexible approach to be employed. As an example of this the SPD advises that, where appropriate, applicants will be required to consider disaggregating proposals where two or more alternative sites with a similar combined capacity have been identified.

5.35 Alternative sites for small-scale proposals of fewer than 10 dwellings cannot readily be identified from sources such as SALA sites. As such, ST evidence in respect of smaller sites can often be gathered by consulting local property agents' listings or sites such as PlotFinder.

5.36 A cursory search of the Plotfinder website reveals as the first 'hit', a plot for sale with detailed planning permission, within Winchcombe itself. Single plots are also for sale, elsewhere within the Borough. Similarly there are other, larger sites which are available and deliverable within the Winchcombe area which could accommodate the proposals. Notwithstanding the extent of the search area therefore, it is considered that the Sequential Test fails to demonstrate that there are no reasonably available alternative sites appropriate for the proposed development in areas within a lower probability of flooding.

5.37 The submitted Flood Risk Assessment in respect of the proposal which concludes that the flood risks to the site are low and it will have no practical impact upon third parties. The FRA recommends that finished floor levels are set a minimum of 600 mm above that flood level i.e. at 94.8m AOD. The FRA also concludes that the proposed increase in impermeable area arising from the development would lead to an increase in the peak rate of runoff leaving the site but it is proposed to mitigate this by directing excess flows to soakaways.

5.38 The Council's Flood Risk Management Officer (FRMO) has stated that the approach of the submitted Flood Risk Assessment (FRA) is accepted and in principle, in the light of the application being development of a brownfield site. Consequently, there are no technical objections to the proposal at this stage subject to the imposition of a condition to secure a satisfactory SuDS/Drainage Management Plan to be submitted for approval. However, leading on from the FRA; until the site layout is conclusively finalised, ground conditions specifically investigated and subsequent detailed drainage design is completed, the amount of infiltration/attenuation capacity cannot be calculated and assessed definitively. The FRMO strongly encourages the use of permeable surfacing and in addition; the layout and landscaping of the site should most definitely route water away from any vulnerable property, and avoid creating hazards to access and egress routes whilst also not increasing the flood risk beyond the site boundary.

5.39 Notwithstanding the above, it should be noted that, the lack of technical objections to the scheme does not override the primacy of steering developments to areas of lower probability of flooding, in this case to sites located within Flood zone 1. This view was clearly highlighted by the EA within a recent Appeal Decision at Christchurch in Devon (APP/R3650/W/15/3136799 see attached). In that case, the Inspector concluded that **'if the Council can demonstrate that there are other locations available in areas of lower flood risk, then the appeal proposal does not pass the Sequential Test ... It is also irrelevant that the land is the only land within the ownership of the Appellant and therefore not reasonably available. The aim of flood prevention policy would not be well served if landownership was to be accepted as a reason to ignore or set aside the sequential test'**

5.40 In conclusion on this matter, there are alternative sites available within Flood Zone 1, within Winchcombe Town and its surrounding hinterland as well as in the wider Tewkesbury Borough area. Consequently, the proposed development is contrary to Policy INF2 of the Adoption Joint Core Strategy and the aims and objectives set out in the NPPF. This factor weighs heavily against the proposal in the planning balance.

Ecology

5.40 The application has been supported with a Preliminary Ecological Appraisal, including an Extended Phase 1 Habitat Survey, and a separate Bat Survey Report, in view of the site's semi-rural nature and the proposed removal of the existing outbuilding.

5.41 A desk study revealed a number of bat species records within 2.0km of the site, including Common and Soprano Pipistrelle. This suggested that if any suitable features were present on/within the building, the property could be utilised by roosting bats. The Bat Survey concluded that no signs of bat activity or occupation were found, and the suitability for roosting pipistrelles or other bat species was considered to be negligible. Therefore, the report concluded that, at the time of the survey the garage was not considered to be a bat roost and as such no further surveys or mitigation are required. The Survey also noted that there were also no signs of breeding birds in or on the building.

5.42 The Appraisal notes that there is 1 statutory designated nature conservation site within the 2 km search area, which is Cleeve Common SSSI, located 1.9 km west of the site. The nearest local Key Wildlife Site of nature conservation importance to the study area is Humblebee How Gloucestershire Wildlife Trust (GWT) Nature Reserve, located some 1.9 km to the south. Langley Hill.

5.43 No records were returned in respect of great crested newts, badgers or dormice within the site and the site survey found no evidence of these species within the site.

5.44 The submitted Preliminary Ecological Appraisal concluded that certain potential and transient ecological impacts are associated with both the construction and operational phases of the development proposal and that some of these impacts may contravene current nature conservation legislation and planning policy if not appropriately mitigated for.

5.45 However, the report makes recommendations and considers that, if implemented as directed, should mitigate for these potential impacts. The report concluded that, subject to the recommended mitigations, the proposed development could be implemented without engendering significant transient or permanent adverse ecological impacts. Such measures include directing any proposed external lighting away from the River Isbourne wildlife corridor in order to protect potential foraging routes of bats.

5.46 Natural England has raised no objection to the proposal on the basis that the proposal is unlikely to affect any statutorily protected sites.

5.47 Having regard to the above, should members be minded to grant planning permission a condition should be imposed requiring the measures identified in the surveys being carried out. Subject to appropriate planning conditions to secure protection of existing habitats, biodiversity enhancements and mitigation as necessary the proposed development is therefore considered to accord with the NPPF and Policy SD9 of the JCS.

Residential Amenity

5.48 The nearest residential properties to the site are the existing detached dwelling of Owl Cottage itself, which lies to the east of the site and Pike House, which lies in close proximity to the west, immediately beyond the River Isbourne. The proposed rear garden for the new dwelling would lie within 3m of Pike House at its closest point, with the dwellings themselves being separated by a distance of some 14m.

5.49 Due to the relative distance between the two properties and the intervening River Isbourne and established tree screening, it is considered that the proposal would not result in detriment to residential amenity to either the occupiers of the new dwelling or of Pike House. Similarly, the existing property of Owl Cottage is set within a substantial plot some considerable distance away from the proposed siting of the new dwelling. As such, it is considered that the relationship between the two buildings would be acceptable with regards to residential amenity.

6.0 Overall Balancing Exercise and Conclusions

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

6.2 The site is located within the Winchcombe Built-up Policy Area, as defined within the Policy 3.1 of the Winchcombe and Sudeley Neighbourhood Plan 2011 - 2031. As such, the principle of residential development within 'infill and redevelopment sites' will be supported, provided they are well designed and meet all relevant requirements set out in the plan.

6.3 There are also noted to be modest social and economic benefits to the proposal in that it would contribute to the supply of housing which would in turn create modest benefits for the local economy, both through construction and following occupation.

6.4 It is also considered that the overall design of the scheme would have an acceptable impact upon the special landscape setting of the Cotswolds Area of Outstanding Natural Beauty and would result in neutral impact upon the setting of nearby listed buildings and the adjoining Winchcombe Conservation Area. In addition, subject to appropriate planning conditions, it is considered that the ecological impact of the proposal would accord with the provisions of the NPPF and Policy SD9 of the JCS.

6.5 However, the site is located within Flood Zones 2 and 3 and it is not considered that the proposal meets the requirements of the sequential test which aims to direct development to areas of lowest flood risk. In weighing up the planning balance, it is considered that this represents an identified harm which significantly and demonstrably outweighs any perceived benefits identified above. As such, the proposal is not considered to represent sustainable development in the context of the NPPF. It is therefore, recommended that the application be **Refused** accordingly.

RECOMMENDATION Refuse

Reason:

- 1 The site is located within Flood Zones 2 and 3. The applicant has not demonstrated that there are no alternative sites with a lower probability of flooding that could accommodate the proposed residential development. For this reason, the proposal does not represent sustainable development within the context of Section 10 (Meeting the challenge of climate change, flooding and coastal change) and INF2 of the Joint Core strategy 2017.

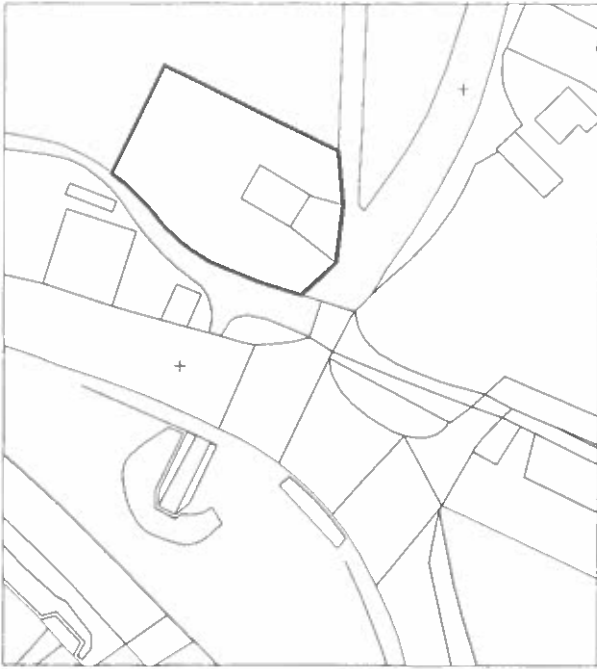
17/00935/FUL

A. CLARKE DESIGN
 Planning & Design Services
 101-103, The Quadrant, Cambridge, CB2 1RQ
 01223 316111
 www.aclarke.co.uk

Prepared in preparation of
 agricultural building and erection
 of new dwelling

MR M Farrer

EXISTING SIT. & EX LOCATION
 Y&APAS
 1654-02B
 JUNE 17
 PLANING



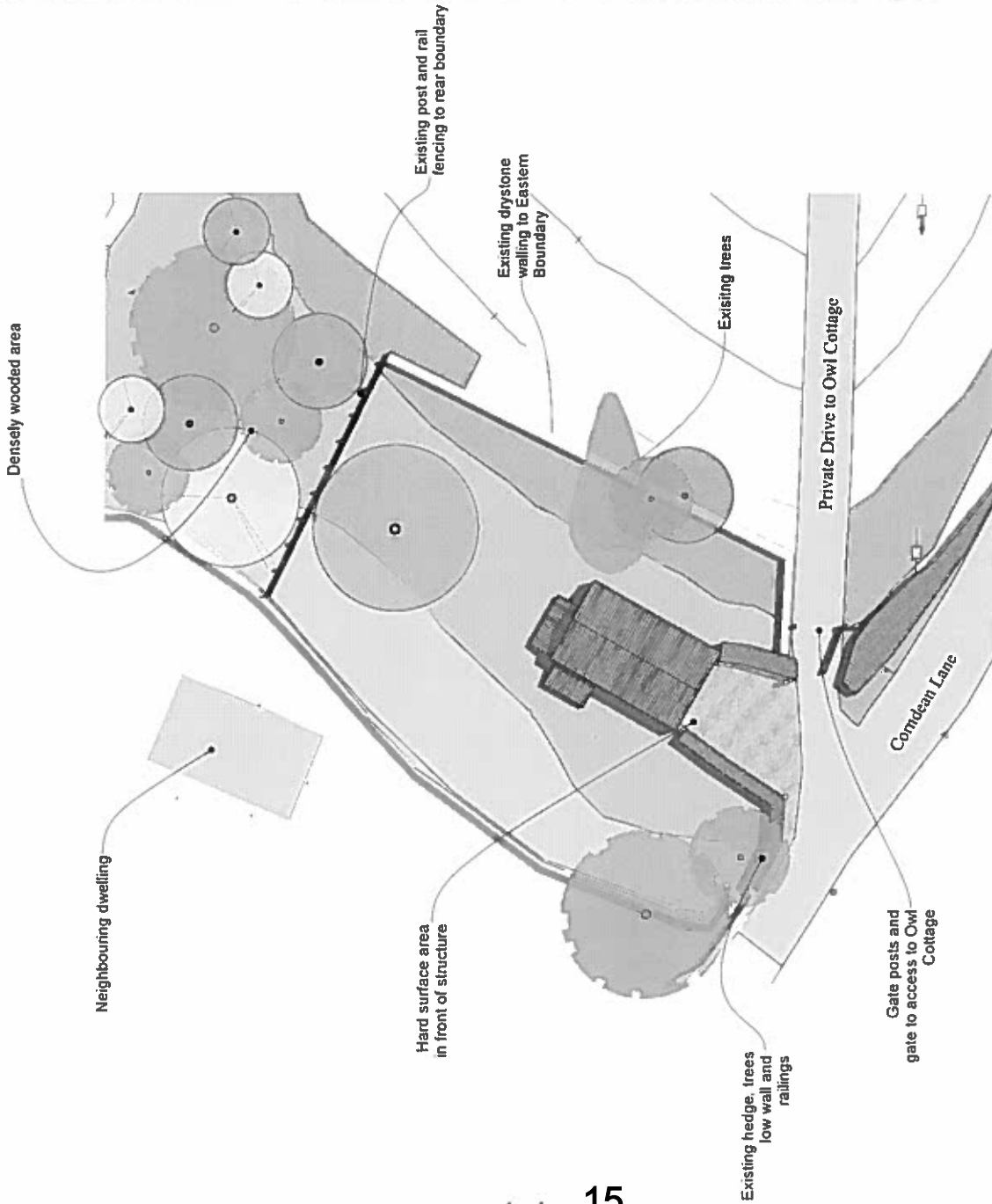
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Existing Location Plan - 1:1250



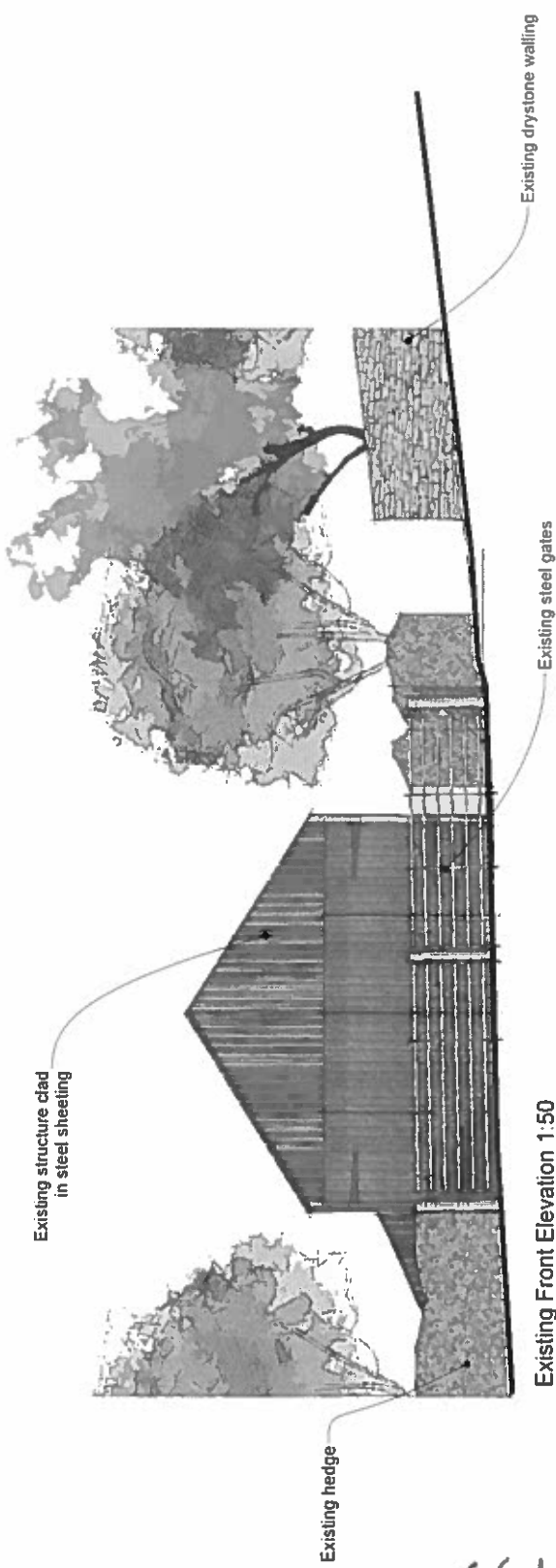
Existing Site Plan and Location - VARIOUS



Existing Site Plan - 1:200

661¹⁵a

17/00935/FUL - Existing



Existing structure clad in steel sheeting

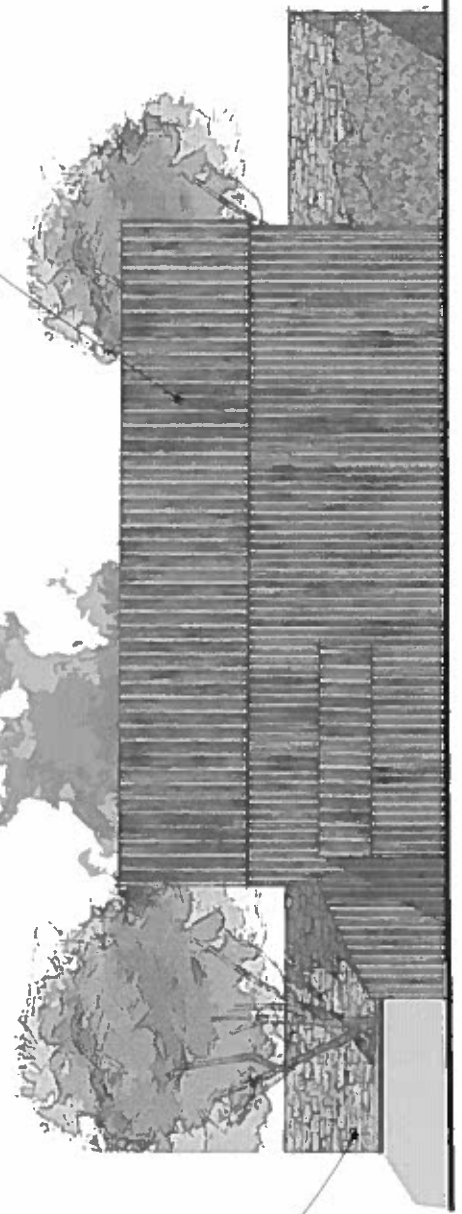
Existing hedge

Existing Front Elevation 1:50

Existing steel gates

Existing drystone walling

Steel sheeting to roof of structure



Existing drystone walling

Existing Side Elevation 1:50

661-b 16

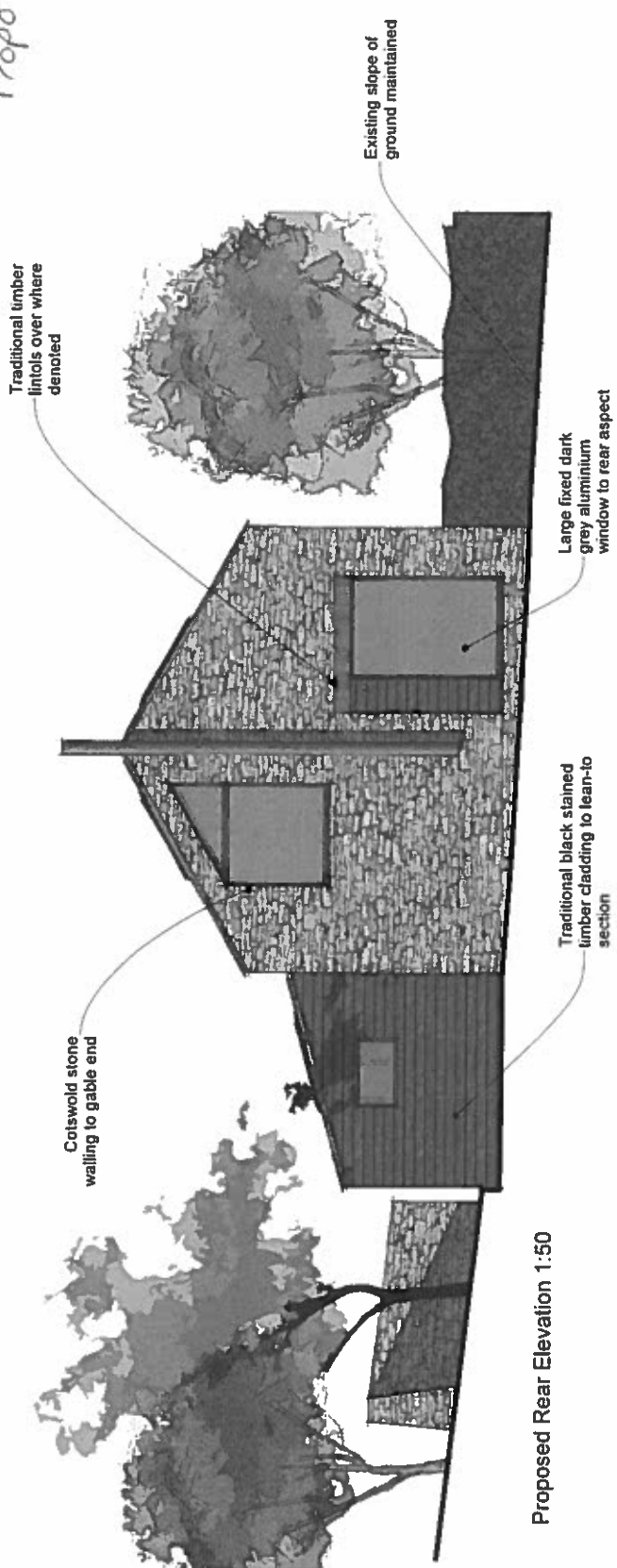
Scale	1:50	1:100	1:200
<p>A. CLARKE DESIGN ARCHITECTURAL DESIGN SERVICES 10000 Highway 101, Suite 100 Columbia, Maryland 21046 Phone: 410-326-7000 Fax: 410-326-7001 www.clarke-design.com</p>			
<p>Proposed demolition of agricultural building and erection of new dwelling</p>			
<p>Mr. J. J. J. J.</p>			
<p>EXISTING ELEVATIONS L&S</p>			
Project No.	1654-08		
Date	JUNE 17, 2008		
Sheet No.	AC		
<p>PLANS</p>			

Existing Elevations 1 of 2 - 1:50

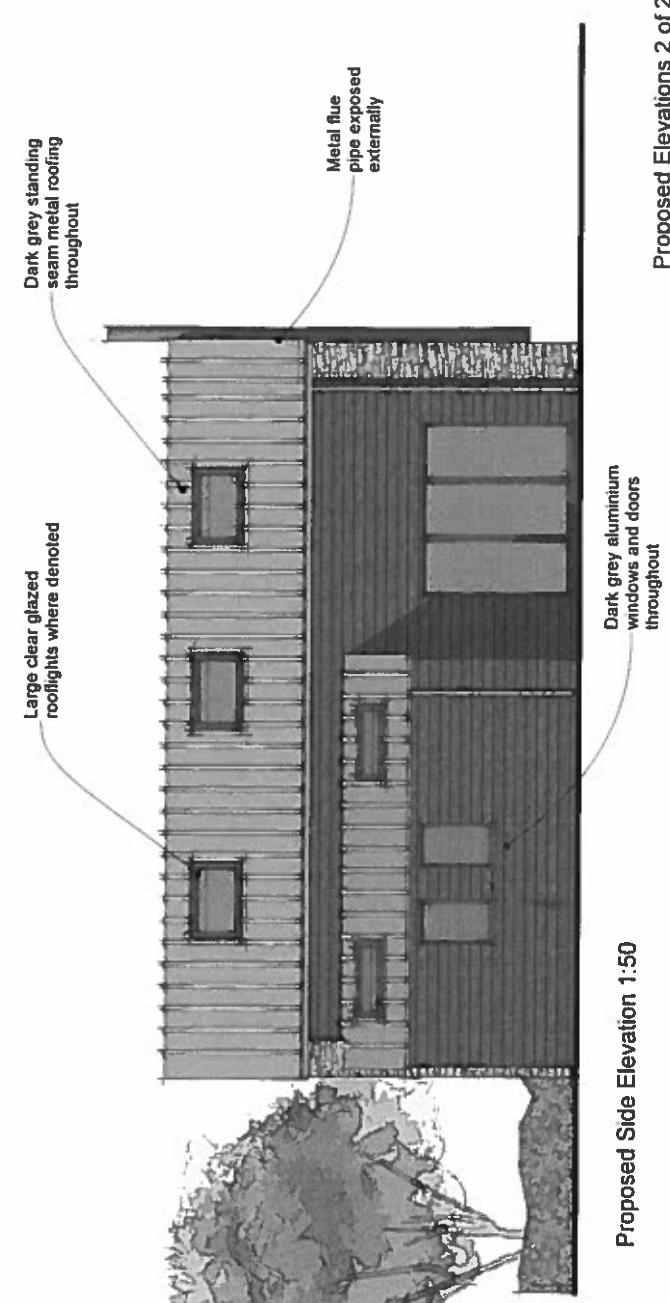
17/00935/Ful Existing

17/00935/FUL

Proposed



Proposed Rear Elevation 1:50



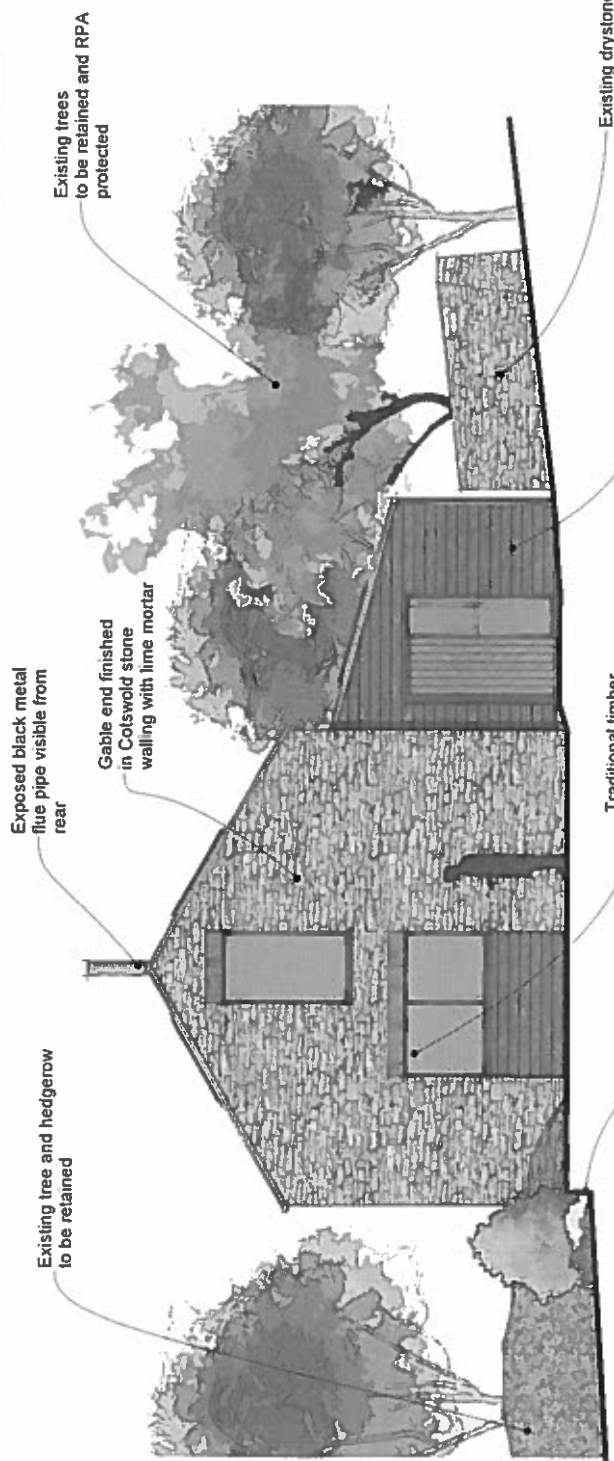
Proposed Side Elevation 1:50

Proposed Elevations 2 of 2 - 1:50

A. CLARKE DESIGN
 ARCHITECTS
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1654-11A
 PLANNING

17/00935 / Full
Proposed Elevations



Proposed Front Elevation 1:50

Exposed black metal flue pipe visible from rear

Gable end finished in Cotswold stone walling with lime mortar

Existing trees to be retained and RPA protected

Traditional timber lintels over openings where denoted

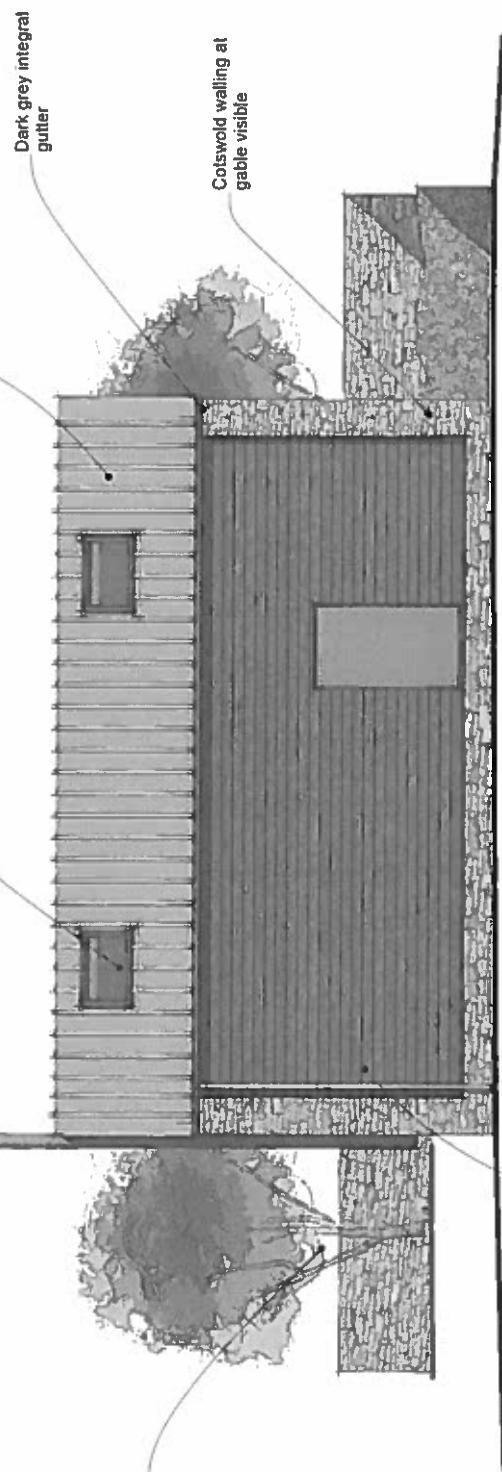
Traditional black stained timber cladding

Existing dry stone walling

Ground built up at parking area - ground retained at hedge with low walls/sleepers

Large clear glazed rooflights where denoted

Dark grey standing seam metal roofing throughout



Proposed Side Elevation 1:50

Trees retained at higher level where denoted on site plan

Dark grey integral gutters

Cotswold walling at gable visible

Traditional black stained timber cladding set back from stone walling

DATE: 17/08/2024
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1:50

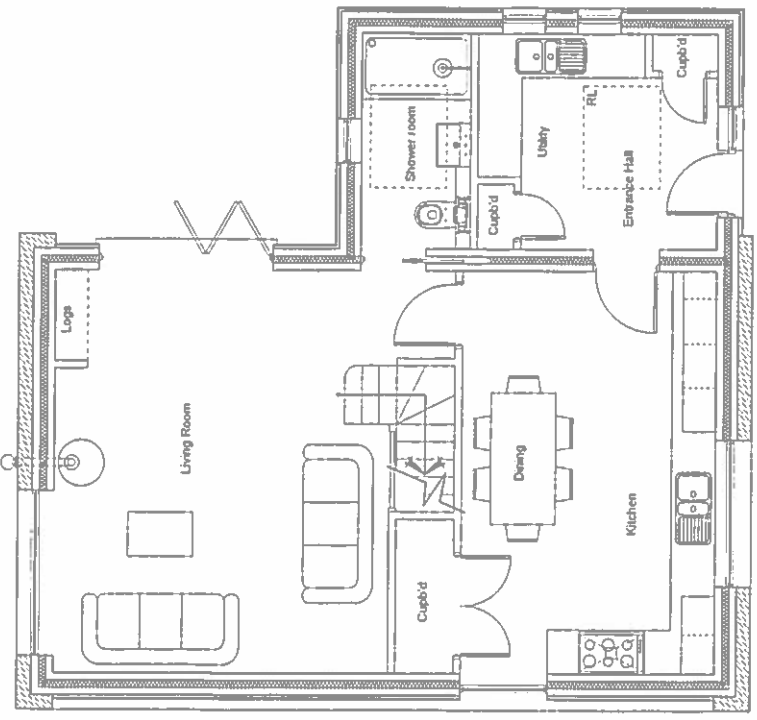
A. CLARKE DESIGN
ARCHITECTURAL DESIGN SERVICES
100, [Address]
[City], [County], [Postcode]
Tel: [Phone Number]
Email: [Email Address]
www.ackdesign.co.uk

Proposed drawings of agricultural buildings and erection of new dwelling

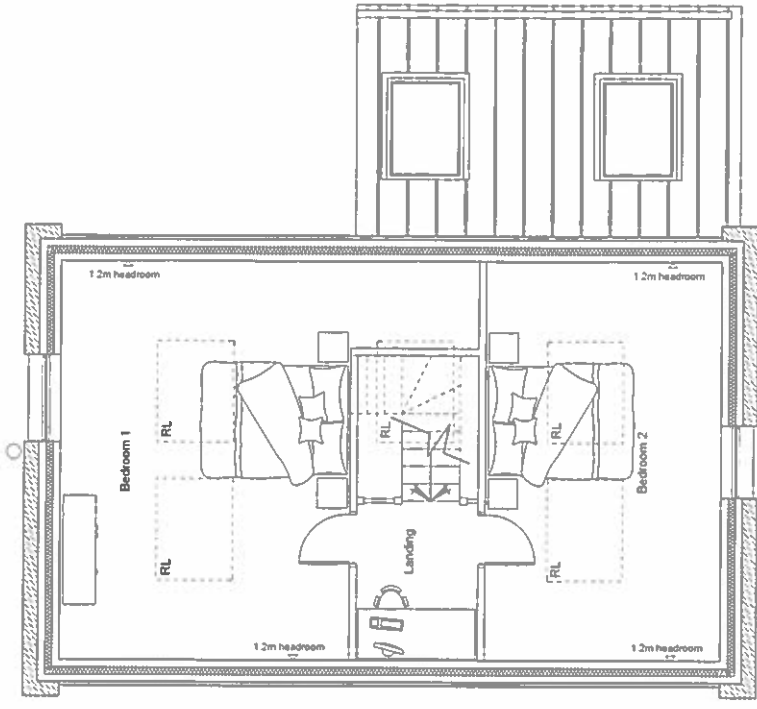
MR M J [Name]
ELEVATIONS 1 of 2

1654-10A
PLANNING

1. The drawings are to be read in conjunction with the specification and the contract conditions. The client is responsible for ensuring that the drawings are complete and correct. The architect is not responsible for any errors or omissions in the drawings. The architect is not responsible for any errors or omissions in the drawings.



Proposed Ground Floor 1:50 @A2



Proposed First Floor 1:50 @A2

DATE	NO	BY	REV

The drawings are to be read in conjunction with the specification and the contract conditions. The client is responsible for ensuring that the drawings are complete and correct. The architect is not responsible for any errors or omissions in the drawings.

A. CLARKE DESIGN
 ARCHITECTURAL DESIGN SERVICES
 15, Clontarf Avenue, Dublin 17, Ireland
 Tel: 01 856 8888
 Email: info@aclarkedesign.ie
 Website: www.aclarkedesign.ie

New Dwelling
 Land adj. Old Cottage
 Brinsford
 Mr. M. Farrel
 DRAFT LAYOUTS FOR APPROVAL

NO.	1:5098A2	DISCUSSION
DATE	02.06.17	1654-05
SCALE	AC	

17/00935/FUL - Proposed floor plan



Appeal Decision

Site visit made on 16 January 2018

by **David Richards BSocSci DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 January 2018

Appeal Ref: APP/E1210/W/17/3175948

Vacant brownfield site, part of Willow Way Marina, Adjacent to 9 Kingfishers and 13 Willow Way, Christchurch, Dorset, BH23 1JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs May and Floodline Developments against the decision of Christchurch Borough Council.
- The application Ref 8/16/1003/FUL, dated 3 June 2016, was refused by notice dated 24 February 2017.
- The development proposed is 2 x two-storey, 4-bed, flood resilient detached dwelling houses with associated parking, amenity space and landscaping.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on flood risk.

Reasons

3. Descriptions of the proposed development are included within the Flood Risk Assessment (FRA) and the Design and Access Statement (DAS). In summary, the proposal is to build 2 x 4 bedroom flood resilient, water compatible houses, with on-site parking, gardens and berths for boats. A new 'Can-Float' design is proposed, which uses a flood resilient foundation design to allow the buildings to rise with any flood water. The foundation is designed to ensure that there would be no displacement of water, so there would be no increase in the risk of flooding to the surrounding area. The principle is based on a lightweight timber-frame house on a re-inforced concrete pontoon structure filled with expanded polystyrene. This pontoon would be attached to two concrete and steel guide piles (referred to as 'dolphins') positioned diagonally to the footprint. The pontoon structure sits within a reinforced concrete dry dock located below ground level. When the site floods, water enters the dry dock, raising the pontoon and making the house float under the guidance of the piers and their rollers/sliders.
4. The Appellant states that as part of the design, during a flood event, safe escape routes are provided for pedestrians along 'non-slip' gangways from the front of the houses out towards the highest points on Willow Way. These gangways are attached to the perimeter decking surrounding the houses by pivot joints, allowing vertical movement. They also have wheels at the opposite

end that sit on the ground. When the house rise, the gangways rise with them, but with the ends staying on the ground within 'safe' egress areas. This would provide a constant escape route even during a 1 in 100-year flood plus climate change event.

5. The design incorporates access panels to the front and back of the dry dock, covered with metal grilles, to allow access for maintenance and cleaning, and also to a low level sump and pump.
6. The Appellant considers that the proposal is sensitive, appropriate and respectful of the immediate and local context. The layout, scale and appearance of the scheme would be reflective of the quality and nature of this part of Christchurch and would safeguard the local context. The Council's refusal reason was limited to the flood risk issue, and did not suggest that the scheme would be harmful to the character and appearance of the locality, nor to the living conditions of neighbours.
7. The site falls within the River Stour Frontage, close to Christchurch Town Centre. Development in this part of Christchurch may be characterised as an area of relatively modern development that extends around the river frontage from the Meridians to the edge of the Quomps. It includes a mix of modern riverside apartments and pockets of earlier detached riverside houses, including some with boat moorings. The earlier riverside houses are generally individual properties of some architectural character. They are set close to the river on long narrow plots. Some plots have been subdivided to provide an extra dwelling on the road frontage.
8. The river frontage has provided a distinctive setting to this area. The river corridor at this point is relatively narrow and sections of the banks are well vegetated with riverside trees. The site is also adjacent to Willow Way Marina, its access road, and the residential property No 13 Willow Way to the west. The marina has gravelled hard standing for formal parking, together with a single storey, pitched roof outbuilding serving as the marina office. No 13 is a 2 and three storey house with pitched roof and multiple hipped ends. The site boundary to the west includes vertical open-slatted timber fencing, rendered brick walls and the entrance gate to the marina.

Planning Policy

9. The Development Plan for the area includes the Christchurch and East Dorset Core Strategy, adopted April 2014 (CS). Policy ME6 addresses flood risk and requires that when assessing new development, the local authorities will apply the sequential and exception tests set out in the National Planning Policy Framework. The Policy is supported by a Level 2 Strategic Flood Risk Assessment. The Council intends to prepare a Supplementary Planning Document on flood risk to provide guidance to developers but this has not happened yet, so consideration of development in relation to flood risk is reliant upon national guidance.
10. The National Planning Policy Framework (The Framework) states that the purpose of planning is to help achieve sustainable development and that development that is sustainable should go ahead without delay. Paragraph 47 of the Framework emphasises that local planning authorities should boost significantly the supply of housing.

11. Section 10 of the Framework sets out national guidance for 'Meeting the challenge of climate change, flooding and coastal change.' Para 100 advises that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere
12. Paragraph 101 states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding. A sequential approach should be used in areas known to be at risk from any form of flooding.
13. If following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for development to be located in zones with a lower probability of, The Exception Test can be applied if appropriate. For the test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, and that the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk overall and where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be permitted (NPPF paragraph 102).
14. More detailed guidance is set out in Planning Practice Guidance (PPG). Under the heading 'Manage and mitigate flood risk' the Guidance advises that 'where development needs to be in locations where there is a risk of flooding as alternative sites are not available, local planning authorities and developers [should] ensure development is appropriately flood resilient and resistant, safe for its users for the development's lifetime, and will not increase flood risk overall.'
15. For the purposes of applying the Framework, areas at risk from all sources of flooding are included, principally land within Flood Zones 2 and 3. In decision-taking, where necessary, local planning authorities also apply the sequential approach. This involves applying the Sequential Test for specific development proposals and, if needed, the exception test.

Reasons

16. The site lies within Flood Zones 2 and 3a. The flood boundaries provided by the Environment Agency (figure 13 of the FRA Report) show the boundaries of the site varying from flood zone 2 at Willow Way to Flood Zone 3b beside the river. However the two property footprints lie within Flood Zones 2 and 3a. A small encroachment by one corner of one of the properties did initially occur, in response to which the Appellants offered to relocate the building back slightly, but the EA did not object to what they considered to be a very minor encroachment.
17. Flood Zone 2 is has a medium probability of flooding, and Zone 3a a high probability (PPG Table 1: Flood Zones).

18. Prior to determination by the Borough Council, the Appellant prepared a revised FRA (Rev B., dated 14 September 2016). In response the EA confirmed that based on the content of the letter from Floodline Consulting Limited dated 20 September 2016 and the revised FRA their objection would be withdrawn. A number of caveats were recorded however, chief of which was that the Council needed to ensure that the development passes the NPPF Sequential Test, and also whether the exception test (Part 1) is passed. They also highlighted the need to consider emergency planning and the safety of future occupants.
19. The EA also stated that only the Council could determine whether the development could pass these tests. In an appeal, the responsibility passes to the decision maker. The EA highlighted a recent Appeal Decision (APP/R3650/W/15/3136799) which, while relating to a different authority, concluded that *'The lack of technical objections to the scheme, however, does not override the primacy of steering developments to areas of lower probability of flooding, in this case to sites located within Floodzone 1.'*
20. With regard to the exception test, the EA commented on the contention that the proposal should be considered 'water compatible' and 'less vulnerable', advising that it was for the Council to decide what vulnerability category the development falls in. The EA's view is that the development is for two dwellings (where none at present exist), pointing out the Planning Practice Guidance (PPG) considers dwellings to be 'more vulnerable' development.
21. With regard to flood levels the EA commented as follows:

'Assuming the lifting mechanism of the proposed dwellings work as intended for the lifetime of the scheme then the properties will remain 'safe' for future occupants because the revised FRA shows the dwellings can rise to 3.63m AOD (ground floor level), hence 600mm above the design flood level ... While the proposed floating dwellings should remain safe, the site, if developed as proposed, will still be at risk of flooding to depths in excess of 1 meter within the lifetime of the proposal (reference page 35 of the revised FRA).'¹

22. Finally, the EA commented on the system whereby the two proposed dwellings rise above the flood water: *'The integrity of the buildings may be vulnerable during major flood events, however, by virtue of the presence of debris, movement of flood water and these factors would need to be taken into account by the developer at the final design stage. It is not within our remit to endorse the mechanics of the structure to allow the proposed buildings to rise and fall during flood events. We recommend the LPA seek independent specialist advice to ensure they are satisfied the buildings will remain safe during major flood events for the lifetime of the development.'*

The sequential test

23. The Appellant has undertaken a Sequential Test, which purports to show that there are no appropriate alternative sites suitable for this development within Flood Zone 1. Table 1 of the NPPG categorises the different flood Zones. The appeal site lies within Zones 2 and 3a. Table 2 sets out the vulnerability of different uses to flood risk. This states that buildings used for dwelling houses are classed as 'More vulnerable'. There are also lengthy lists of 'Less

¹ The FRA states that the guide piles will be designed to provide the 1 in 1000 year flood protection, in excess of the design flood level which resulted in the approved 3.63 m max flood level. It states that the finished floor level of the property will remain buoyant 600mm above any given flood level.

vulnerable' and 'Water-compatible development', neither of which include reference to residential accommodation, other than essential ancillary sleeping or residential accommodation for staff required by uses in the water compatible. The Appellant considers that this is not refined enough to recognise the special category of water compatible dwellings, as proposed in the appeal scheme.

24. Paragraph 101 of the Framework states that 'The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.'
25. The Appellant argues that the particular nature of the development – flood resilient, water compatible dwellings are, by definition, only appropriate in specific locations i.e. the edge of flood risk areas with safe access in time of flood. It is therefore unrealistic to consider sites within Flood Zone 1 are appropriate to locate this form of development.
26. To my mind this is a mis-reading of national guidance on flood risk. The guidance identifies dwelling houses as 'more-vulnerable development', for which it is necessary to undertake a Sequential Test where development is proposed on land in higher-categories of flood risk. It does not distinguish between normal dwellings and 'water compatible dwellings'. The Framework requires the Council to apply the Sequential Test when considering proposals in areas of high flood risk. In assessing whether there are sites in lower flood risk categories capable of accommodating the development, there is no requirement in guidance for the local planning authority to make a distinction between normal housing and flood resilient, water compatible housing. The Framework is concerned with boosting the supply of housing, but also with minimising flood risk. In this context the development should be regarded as providing two dwelling houses, without regard to the special nature of the design. If the Council can demonstrate that there are other locations available in areas of lower flood risk, then the appeal proposal does not pass the Sequential Test. It is not necessary to show that there are other sites available for special categories of dwelling such as flood resilient, water compatible dwellings.
27. It is also irrelevant that the land is the only land within the ownership of the Appellant and therefore not reasonably available. The aim of flood prevention policy would not be well served if landownership was to be accepted as a reason to ignore or set aside the sequential test.
28. I have read the submission by Mr Peter Bide CGeol, CEng, FCS, MIMM who I am informed was the author of the relevant text within the Framework and the Practice Guidance. He suggests that 'whilst the Sequential Test has general application, it was appreciated that accommodation needed to be made for small infill plots where the applicant does not have a realistic, reasonably available and comparable site elsewhere. This was one of the reasons that the Exception Test was introduced to accompany the Sequential Test. The key part of the Exception Test in this case is that development is that the development is on previously developed land, or if it is not, there are no reasonable alternative sites. He goes on to say that 'For this reason, if Can-Float or other flood resilient developments on small, non-strategic plots are deemed safe by

the EA they are deemed to have passed the Sequential Test and pass all parts of the Exception Test. Traditional development, however, should continue to be directed to Flood Zone 1 but flood resilient, Can-Float homes can be safe in Flood Zones 2 and 3.'

29. Ultimately it is for the courts to determine the meaning of guidance where there is any ambiguity, but there does not appear to me anything in the Framework or the Practice Guidance which supports this interpretation in relation to dwellings.
30. The Appellant also sought a legal opinion from leading counsel. His advice was that the proposal must be subjected to the sequential test. This advice was subject to two caveats. Firstly, that the application of the sequential test requires judgement, including the assessment of alternatives, such that it would in principle have been reasonable to conclude that the sequential test had been passed. Secondly, that since the Sequential Test is set out only in policy, the local planning authority is not obliged to 'slavishly adhere' to it. The Sequential Test is well and good for the vast majority of cases, but the particular, exceptional circumstances that are found here justify departing from policy and so not applying the Sequential Test at all.
31. In my judgment it is not necessarily to adhere to it 'slavishly' to recognise the utility in a policy which seeks to direct residential development to areas of lowest flood risk. The consequences of not doing so are readily apparent in the regular incidents of flooding which the policy is designed to avoid. There may be exceptions when a different approach is justifiable, as where there is genuinely no alternative prospect of accommodating housing need, but that is not the case here. I do not consider the fact that the Appellants do not own any other land to be a justification for setting aside the requirement to apply the Sequential Test.
32. The Council states that it can demonstrate a 5 year supply of housing land according to the latest assessment (November 2017). The document (which covers the combined Districts of East Dorset and Christchurch) includes a schedule of sites and their potential to make up that supply. The schedule includes numerous sites that the Council considers are capable of accommodating 2 dwellings or more in Christchurch alone.
33. In response, the Appellant has carried out an extensive review of housing land availability, disputing the availability of a 5 year supply, and the suitability and availability of small sites to accommodate 2 dwellings.
34. With regard to the 5 year supply issue, my attention was drawn to a very recent appeal decision concerning Land to the North of Ringwood Road, Alderholt (APP/U1240/W/17/3169111), dated 6 November 2017. The Inspector concluded on the basis of the evidence available to him for the period 2016 – 2021 that the Council could not demonstrate a 5 year supply of deliverable housing sites (Paragraph 34). I acknowledge that the Councils have published an updated assessment for November 2017 which shows a supply of 5.1 years (a surplus of 77 dwellings) based on data for 2017 – 2022. The Appellant puts forward analysis to demonstrate that the Councils have been over-optimistic in their assessment of overall supply to the extent that they cannot demonstrate a supply of specific deliverable sites sufficient to provide a deliverable 5 year supply. The Appellant has applied average delivery rates derived from data provided by national and regional housebuilders to suggest a reduction in

predicted completions of 197 dwellings, enough to eliminate the Councils' claimed surplus. In addition, the Appellant has undertaken a more detailed analysis of sites allocated as new neighbourhoods in the LP, identifying issues which could delay implementation and delivery, amounting to a shortfall of 1122 dwellings, or a supply of 3.54 years.

35. In the light of the Alderholt Inspector's recent finding of no 5 year supply, and the marginal nature of the claimed supply for 2017 to 2022, I accept on balance that there is some evidence of likely slippage, which could reduce the deliverable supply below 5 years. Nevertheless I do not consider that in the case the 'tilted balance' is engaged, the NPPF advice clearly amounting to a policy which indicates that development should be restricted in areas of higher flood risk, to which Footnote 9 of paragraph 14 of the NPPF applies.
36. With regard to the availability of alternative sites for 2 dwellings in areas of lesser flood risk, the Council has put forward a list of 88 potential sites on the current 5 year housing list (Appendix E of the Council's statement). Of these, the Appellant states that 12 are located in Flood Zones 3 and 2. In the Christchurch Urban Area alone, the Council has identified a list of 42 sites for comparison with the site at Willow Way. Of these, the Appellant states that 7 are located in Flood Zones 3 and 2, 10 sites have already been built, 22 sites are too big for comparison as they are allocated for 4 to 330 houses, 1 site has been excluded by the Council, 5 sites have been refused planning permission, 3 sites are owner occupier and therefore not available, 1 site is in multiple ownership and is not available.
37. To my mind there is no necessity for the Council to demonstrate the availability of sites of exactly equivalent size, or sites which are available to the Appellant, to show the availability of sites in areas of lower flood risk than the appeal site. Nor is there any particular requirement to demonstrate the availability of sites within the urban area of Christchurch, given that the housing market area also covers East Dorset. The Council's list (Appendix E of the Council's statement) clearly show that there is a wide range of small sites capable of accommodating residential development in areas of lower flood risk than the appeal site within the combined area of the Districts. I note the Appellant's claim that the Council has been inconsistent in granting residential permissions on sites in Flood Zones 3 and 2. However my approach to this appeal must be on the basis of my understanding of the advice in the NPPF and the PPG, and previous decisions by the Council should not be regarded as irresistible precedents.
38. I conclude that Sequential Test is not passed in respect of this proposal, in that there are alternative sites in areas of lower flood risk where 2 dwellings could be provided.

The exception test

39. Paragraph 101 of the Framework advises that 'development should not be allocated or permitted where there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. As I have found that there are such sites available, there is no need to apply the exception test.

Planning Balance

40. The Appellant considers that the Council erred in law by finding the development to be contrary to the development plan and the advice in the NPPF, without taking into account material considerations which are capable of outweighing such conflict. It is argued that the two dwellings proposed are only subject to a 'philosophical' flood risk and not a tangible one, as buildings will float 600 mm above any given flood level. Furthermore, that the exception test is passed because (i) the FRA report demonstrates that the development provides wider sustainability benefits to the community and reduces flood risk locally by the large flood storage capacity provided by the foundations of the proposed dwellings (154m³) and (ii) the site specific FRA demonstrates that it will be safe for its lifetime taking account of future residents without increasing flood risk elsewhere but in fact reducing risk by providing extra storage capacity.
41. I accept that the concept of floating houses, though novel in the UK, has precedents in low-lying European countries, and Canada. Technical validation of the system has been provided by an experienced firm of consulting engineers, Messrs Techniker. Whilst the engineering aspect seem feasible, the construction of the floating docks would appear to be energy and resource intensive, which raises a question mark against the scheme's sustainability credentials. The design allows for maintenance of the wet dock and flotation system, though the EAs concern with the potential for storm debris to interfere with the workings of the mechanism, and the potential for occupants to be put at risk is not addressed.
42. Nevertheless, the engineering concept appears sound in principle, and the EA accepts that the design would be safe for its lifetime. Safe access and egress could be provided via Willow Way through the use of movable pathways with the potential to float. I accept that the floating design would avoid increasing flood risk elsewhere, and even contribute a wider sustainability benefit from the provision of additional flood storage capacity amounting to 154m³, though this would have no more than a modest effect in reducing flood levels across the wider area. With regard for the need to boost the supply of dwellings, the construction of two dwellings would represent a positive, though very modest contribution to housing supply, with commensurate modest social and economic benefits.
43. Weighing against this is the clear policy advice in national guidance that development should not be allocated or permitted where there are reasonably available sites for the proposed development in areas with a lower probability of flooding. The guidance identifies residential development as 'more vulnerable development' and does not make any reference to 'flood resilient' or 'water compatible' development in respect of dwelling houses.
44. I have found that there are reasonably available sites for the proposed development in areas of lower flood risk in Christchurch and East Dorset. Notwithstanding the lack of technical objection to the proposal I conclude that the benefits claimed in respect of sustainability and housing supply do not outweigh the primacy of steering developments to areas of lower probability of flooding as set out in the advice in paragraphs 101 - 103 of the Framework, the associated advice in Planning Practice Guidance and Policy ME6 of the CS.

45. I have taken into account the examples drawn to my attention of other authorities which have permitted development in higher risk flood zones. In both cases the authorities decided there was no requirement to apply the Sequential Test to minor schemes. However I consider this to be a misinterpretation of the national guidance, for reasons set out above. It has also been suggested that Christchurch BC has accepted in the past that the fact that there was no other land available to the Applicant justified a conclusion that the sequential test was met. Again, I consider this to be a misinterpretation of the guidance. Such an approach if widely adopted would seriously undermine the intent of policy to steer development to areas of lower flood risk.

46. For all these reasons I conclude that the appeal should be dismissed.

David Richards

INSPECTOR

Valid 04.09.2017
 Grid Ref 407976 236243
 Parish Buckland
 Ward Isbourne

Replacement of existing garage with single storey annexe.

Mr Andrew Megson
 C/O Agent

RECOMMENDATION Permit

Policies and Constraints

Joint Core Strategy (2017) - SD4, SD6, SD7, SD8, SD9
 Tewkesbury Borough Local Plan to 2011 (March 2006) - HOU8, HEN2
 National Planning Policy Framework (2012)
 Planning Practice Guidance
 Planning (Listed Buildings and Conservation Area) Act 1990
 Cotswolds AONB Management Plan
 Human Rights Act 1998 - Article 8
 The First Protocol - Article 1
 Woodbine Cottage Grade II Listed Building
 Garage at the Rectory Grade II Listed Building
 Buckland Conservation Area
 Article 4 Direction
 Area of Outstanding Natural Beauty

Consultations and Representations

Buckland and Laverton Parish Council (summarised) - Objection to both the original proposal and the revised proposal for the following reasons:

- Unacceptable impact on residential amenity;
- Scale of building would dominate the garden;
- Impact upon setting of surrounding listed buildings;
- Development would compromise highway safety;
- Harmful impact upon the AONB and Conservation Area;
- No need for additional living accommodation;
- Design (use of materials) not in-keeping with the area

Conservation Officer - No objection.

Landscape Officer - No objection.

County Archaeologist - Development has low potential to have any adverse impact on archaeological remains. Therefore no archaeological investigation or recording should be required in connection with this scheme.

Planning Officers Comments: Victoria Stone

1.0 Introduction

1.1 This application relates to Woodbine Cottage, which is located along The Lane in Buckland (See attached location plan).

1.2 Woodbine Cottage is a Grade II listed, semi-detached, characteristic Cotswold stone cottage with side access, a detached timber garage, associated outbuildings and an enclosed garden area to the rear.

1.3 The application site is approximately 55 metres north-east of The Rectory, a Grade I listed building and also falls in the Buckland Conservation Area, the Cotswolds Area of Outstanding Natural Beauty and is subject to an Article 4 Direction.

2.0 Planning History

2.1 08/01598/FUL - Demolish rear porch, garage. Erect rear kitchen/lobby and side extensions. Erect replacement garage with car port. Internal alterations. Reform front stone wall/entrance gates and parking area - Split Decision (Garage with car port was refused) - 23.01.09

2.2 14/00470/FUL - Demolition of existing kitchen and ancillary outbuildings. Erection of new two-storey extension and conversion of part of existing barn/outbuilding to provide new kitchen and utility. Erection of new double garage with storage/workshop above - Refused - 28.07.14.

3.0 Current Application

3.1 This application seeks permission to demolish the existing timber garage and replace it with a stone built detached outbuilding to be used as ancillary accommodation in association with the main dwelling.

3.2 The accommodation would provide a guest bedroom and en-suite facilities, a bar and lounge. A small spiral cellar for the storage of wine would be located in the lounge area.

3.3 The building would have a length of 9.9 metres, a width of 5 metres and a ridge height of 4.3 metres. It would be constructed of a Cotswolds stone wall with a slate roof to reflect the traditional character of Woodbine Cottage.

3.4 The front elevation facing The Lane would have a single window, with a door on the side elevation facing the main dwellinghouse. The rear elevation would feature full height glazing to maximise natural light into the annexe.

3.5 The proposal would require the felling of three trees; two Silver Birches and one Rowan. An Arboricultural Impact Assessment accompanies the application. In addition, a Silver Birch overhangs the site from an adjacent garden to the west.

3.6 The existing vehicular access off of The Lane would be utilised.

3.7 The application has been subject to revised plans. During the course of the application the proposed annexe building has been relocated 6.5 metres to the north, further into the garden. This is so that the development would avoid the root protection zone of the Silver Birch that overhangs the site.

4.0 Policy Context

4.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of The Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which "indicate otherwise". Section 70(2) provides that in determining applications 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 materials considerations."

4.2 The development plan comprises the Joint Core Strategy (JCS) (2017) and saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).

4.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework.

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

5.0 Analysis

5.1 The main issues to be considered are the impact upon the surrounding heritage assets, landscape character, design and visual amenity and residential amenity.

Impact of Heritage Assets

5.2 Policy SD8 of the JCS and Policy HEN2 of the TBLP reflects the general duty of the Planning (Listed Buildings and Conservation Area) Act 1990, to pay special attention to S66 (1) and S72 of the Act, amongst other matters, to have special regard to the setting of Listed Buildings and Conservation Areas. Any decisions relating to listed buildings and their settings and Conservation Areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as satisfying the relevant policies within the Framework and Local Plan.

5.3 Protecting and enhancing the historic environment is an important component of the Frameworks drives to achieve sustainable development. The appropriate conservation of heritage assets forms one of the 'Core Planning Principles' that underpin the planning system.

5.4 The existing garage building is of a standard modern timber structure and makes little concession to the historic character or distinctiveness of the area. Although the proposed annexe is a somewhat larger, more substantial stone building, it benefits from the unobtrusive siting of its predecessor and maintains an appropriate level of subservience to the host building. It employs good quality architectural details and materials and as such would represent a modest enhancement over the existing situation. The traditional stone built building would be more sympathetic to the historic character and appearance of the locality than the modern 1990s pre-fabricated timber garage. As such, the proposed development should not cause any harm to the setting of the nearby listed buildings or the Conservation Area.

Impact upon Area of Outstanding Natural Beauty

5.5 The site is wholly within the Cotswolds AONB. The NPPF states that great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty. Policy SD7 of the JCS reflects this advice.

5.6 Being part of the existing developed edge of the village and due to the considered design approach, appropriate scale and form of development, the proposed annexe building should not have significant impacts to the surrounding AONB countryside. The Landscape Officer has raised no objection to the proposal.

5.7 The development requires the felling of three trees; two Silver Birches and one Rowan. These trees are protected because the site is within the Conservation Area. The Arboricultural Impact Assessment (AIA) assesses these trees as having a low impact on visual amenity. Taking into account the amenity of these trees and their contribution to the surrounding residential setting, their removal would not have significant impacts to the surrounding landscape setting.

5.8 An existing Silver Birch overhangs the site from an adjacent garden to the west. The specimen is important to protect as being more prominent within the setting and visible from along The Lane. The AIA states that the roots of the Silver Birch extend beneath the concrete slab foundations of the existing garage and would have been within the proposed footprint of the annexe building in its original location. The Landscape Officer asked for further information prior to the determination to demonstrate that this specimen would be retained, roots not severed and levels changed or the ground compacted. Following receipt of these comments the proposed development was amended by relocating the proposed annexe building outside of the root protection zone of the Silver Birch. Accordingly, the additional information requested from the Landscape Officer is no longer required and no objections are raised to the proposed landscape works.

Design and Visual Amenity

5.9 All development is expected to be of a high design quality. Good design, including appropriate attention to detail, typically makes the difference between a high-quality and successful development and a mediocre or unsuccessful one. Development at any scale and location should make a positive contribution to providing better places for communities.

5.10 The proposed annexe building has been designed to take the form of a traditional simple shaped outbuilding with stone walls and a pitched slate roof. Given the site's rural location this design approach would ensure the annexe building would complement the host dwelling and integrate effectively with its surroundings.

5.11 The scale, height and massing of the proposed building would be appropriate to the setting of the site. It would be seen as an ancillary building to the host dwelling when taking account of the proximity and relationship between the proposed outbuilding and the host dwelling. To ensure the building remains ancillary to Woodbine Cottage and to avoid the building becoming a self-contained dwelling a condition restricting the use is recommended.

5.12 With regard to the impact upon visual amenity, the application site is surrounded on both sides by existing residential development. The proposed development would be viewed in the context of this and as such would not be out of character with the area.

5.13 Given the narrowness of The Lane there are no long views of Woodbine Cottage, merely oblique views of it as one of the row of cottages; similarly the gap between it and the neighbouring property to the west, Sundial Cottage, is initially barely perceptible. Only as you pass the site is the gap apparent. As the proposed building would be sited in a set-back position off the roadside and coupled with the considered design approach this would ensure the introduction of the detached outbuilding would not cause any harm to the visual amenities of the area.

5.14 In light of the above, the development would be of a satisfactory design quality and accord with the requirements of policy SD4 of the JCS and HOU8 of the TBLP.

Residential Amenity

5.15 Policy HOU8 of the TBLP states that development will only be permitted if the proposal does not have an unacceptable impact on the adjacent property in terms of bulk, massing, size and overlooking. Similarly Criterion 1 (iii) of Policy SD4 of the JCS states that new development should have no detrimental impact on the amenity of existing or new residents or occupants.

5.16 The impact of the proposal upon neighbouring properties has carefully been assessed. Given the siting of the proposed annexe building set into the garden, the relatively low height of the proposed building and as the building would incorporate a pitched roof which would slope away from boundary with the neighbouring property to the west it is considered that there would not be an undue impact upon residential amenity.

Other Matters

5.17 The Parish Council consider granting permission would set a precedent in the area. However, any future applications would be considered on their own merits and on the basis of the relevant policy context at the time.

5.18 The Parish Council refer to a previously refused proposal for a double garage at the site in 2014, reference 14/00470/FUL. This scheme also included the demolition of several existing outbuildings and the erection of a new two storey extension. The proposed garage was proposed to be located at the end of a range of buildings which would have extended to the northern boundary of the site. In addition the garage proposed was materially larger than the annexe building proposed as part of this scheme. As such the previously refused scheme is significantly different in nature to this proposal and therefore the planning merits are not comparable.

5.19 Whilst the Parish Council's concerns re highway safety are noted, the existing access and parking provision would remain unaffected by the development. Therefore it is considered the development could be accommodated at the site without compromising highway safety.

6.0 Conclusions

6.1 The proposed annexe building would be acceptable in this location. The development would represent a considered design approach, one which would be sympathetic to and respect the surrounding heritage assets and the scenic landscape quality of the locality. In addition the proposed development should not cause any adverse harm upon visual amenity, residential amenity nor would it prejudice highway safety. Accordingly the application is recommended for **Permission**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information (including details on the proposed materials) provided on the application form and the following plans/drawings/documents:
Location Plan (received 01.03.18)
GA_01 Rev B - Proposed Site Plan
Floor Plan and Elevations (As Proposed)
Roof Plan (As Proposed)

- 3 Prior to their installation as part of the development hereby approved, a sample of the proposed Cotswold Stone and roof tiles shall be submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials as approved.
- 4 The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Woodbine Cottage, The Lane, Buckland. The development shall not be used as an independent dwelling.

Reasons:

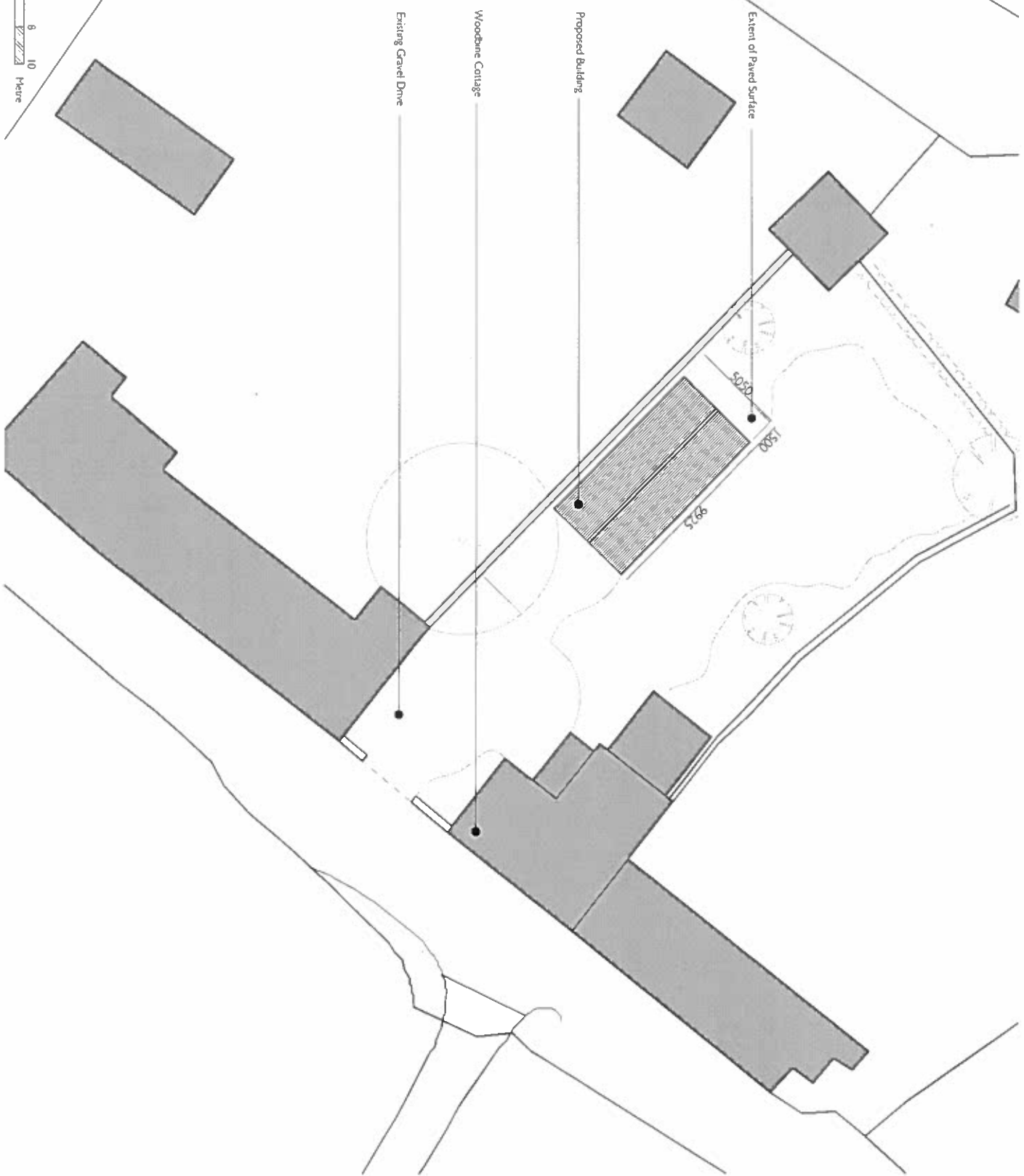
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To define the permission.
- 3 To ensure the new materials would protect, conserve and enhance the significance of the heritage assets, the special qualities of the Cotswolds Area of Outstanding Natural Beauty and represent quality design.
- 4 The site is not in an area intended for general development. Permission is solely granted to reflect the need accepted by the granting of the earlier permission.

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 further information and discussing possible amendments.

17/00968/FUL.



GENERAL NOTES
 1. THE MAIN STAFF BUILDING IS TO BE RECONSTRUCTED TO THE LOCAL AUTHORITY'S REQUIREMENTS. THE LOCAL AUTHORITY WILL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE LOCAL AUTHORITY WILL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE LOCAL AUTHORITY WILL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE LOCAL AUTHORITY WILL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING.

66684a

Rural Solutions
 The Sustainable Planning and Project Management Specialists

Customer Name: Mr & Mrs A. Ferguson
 Project Name: The Garage at Woodbine Cottage
 Site: Woodbine Cottage, 1001 Old Farm Road, Woodbine, NSW 2259

Client: Mr & Mrs A. Ferguson

Project: The Garage at Woodbine Cottage

Type: Proposed Site Plan

Scale: 1:200@A3
 Date: 27.02.2018

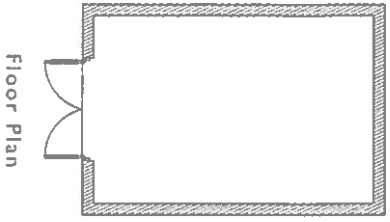
Drawn: GMR
 Checked: MJB

Drawing Number: GA_01
 Revision: B

ISO 9001:2015 CERTIFIED
 © Rural Solutions

Please note: All drawings are indicative and subject to a measured survey

6356-b

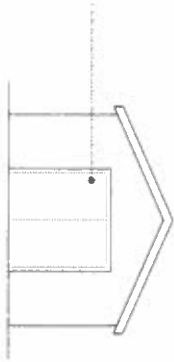


Floor Plan

Area of existing garage: 26m²

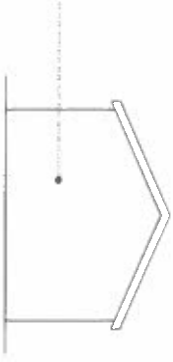


Stained timber doors



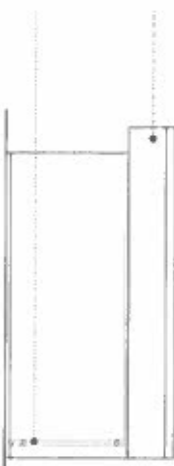
Front Elevation

Stained timber horizontal cladding



Rear Elevation

Timber shingles

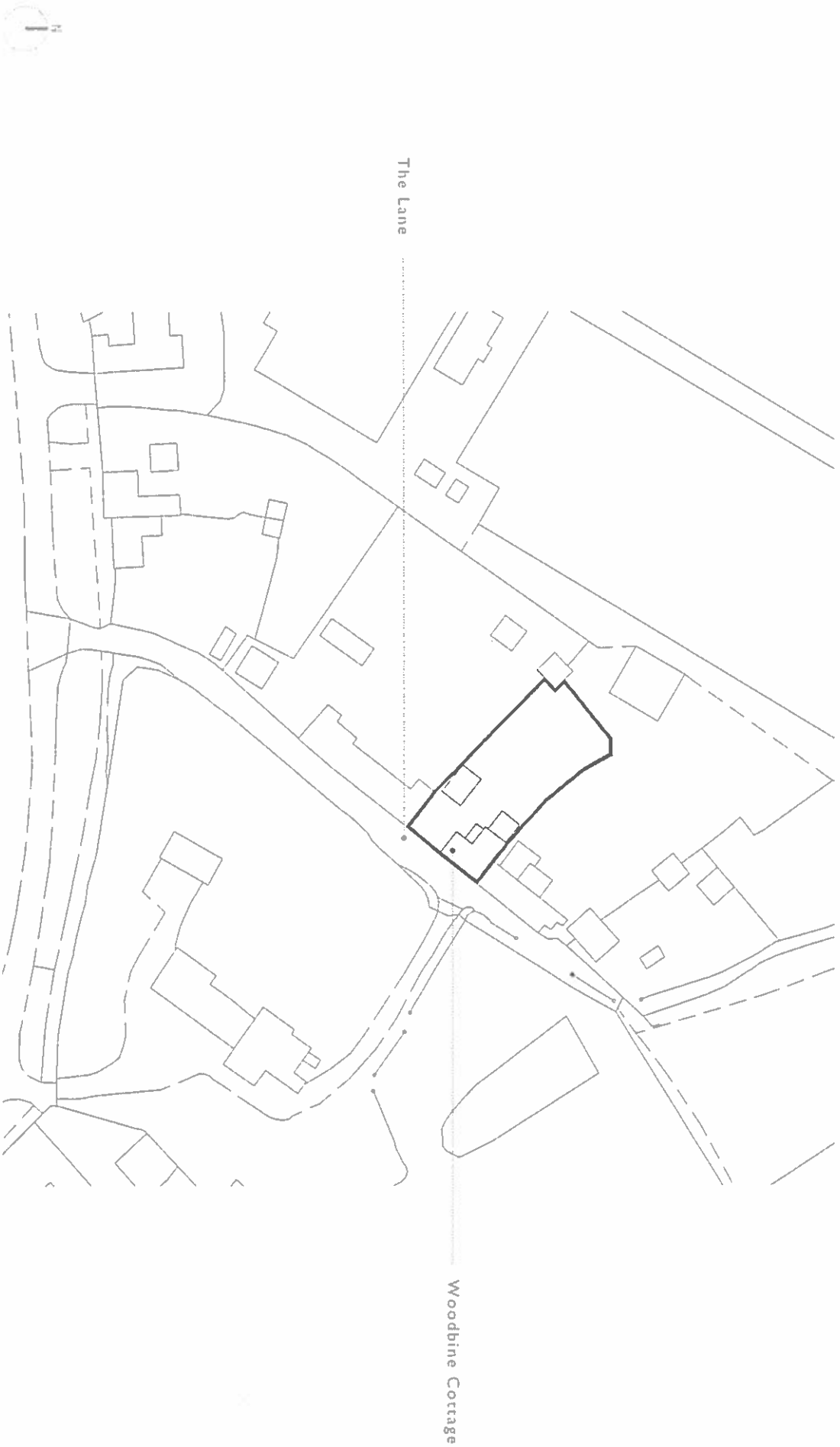


Side Elevation

Black metal rainwater goods



Side Elevation



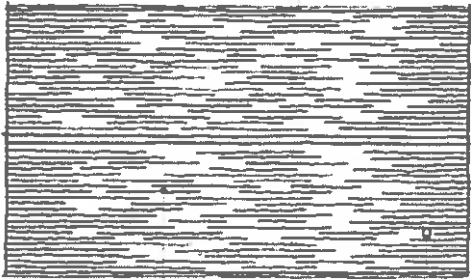
Location Plan - 1:1250 @ A3

Annex at Woodbine Cottage, Buckland - Andrew and Jane Megson



Roof Plan (As Proposed) - 1:100 @ A3

Black metal
rainwater
goods



Chimney flue

Grey slate
roof tiles
to match
existing
dwelling

Annex at Woodbine Cottage, Buckland - Andrew and Jane Megson

37666-D

Valid 13.10.2017
 Grid Ref 402189 228185
 Parish Winchcombe
 Ward Winchcombe

Two storey and single storey rear extension

Mrs P. Parkes
 24 Gloucester Street
 Winchcombe
 Cheltenham
 Gloucestershire
 GL54 5LX

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework
 Planning Practice Guidance
 Adopted Joint Core Strategy (AJCS) - November 2017 - Policies SD4, SD7, SD8
 Tewkesbury Borough Local Plan to 2011(TBLP) - March 2006 - Policies HOU8 & HEN2
 Winchcombe and Sudeley Neighbourhood Plan (WSNP) - Policy 5.1
 Planning (Listed Buildings and Conservation Areas) Act 1990
 Conservation Area
 Cotswolds AONB

Consultations and Representations

Winchcombe Town Council - Objection - Concern regarding the potential adverse impact of the first floor extension on the neighbouring properties (Nos. 22 & 26 Gloucester Street)

Conservation officer - No objection

Local residents - x 7 letters of objection have been received from 2 separate households (Nos. 22 & 26 Gloucester Street). The objections are summarised below:

- Overbearing impact of 2 storey extension on No. 26 Gloucester Street
- Loss of light to the rear of No.26 Gloucester Street (Including internal rooms)
- Loss of vies from No.26 Gloucester Street
- Disturbance and noise throughout the construction stage
- Over development of a small plot of land
- Lack of materials details
- Lack of details regarding water run off
- Errors and inaccuracies in the drawings and submitted details
- Loss of boundary treatment to neighbouring properties due to the proximity of proposal to neighbours
- Overbearing impact on No. 22 Gloucester Street
- Loss of light to No. 22 Gloucester Street
- Use of render as a finishing material
- Works to Holly tree within the boundary of No. 26 Gloucester Street / potential loss of tree
- Height of the roof lantern
- Shadow diagrams or not accurate and simplistic in nature
- Concerns that need for new footings would impact existing buildings (neighbouring properties)

Planning Officers Comments: Mr James Lloyd

1.0 Application Site

1.1 The property is located within a long terrace of residential properties, on the southern side of Gloucester Street. The northern elevation of the building fronts immediately onto Gloucester Street with the rear gardens facing due south. There are many examples of properties along this terrace that have been extended to the rear with a range of single and two storey extensions. (See attached location plan).

1.2 The application site is located within the Winchcombe Conservation Area, Area of Outstanding Natural Beauty and an Article 4 Area.

2.0 Relevant Planning History

T.2598 - Proposed bathroom and kitchen extension at rear of premises - 1957

17/00545/FUL - Two storey rear extension, installation of front porch canopy and two Velux windows - withdrawn 2017

3.0 Current Application

3.1 The current application is for the erection of a two storey and single storey rear extension. The proposed single storey extension would replace an existing single storey extension. The extensions would be constructed from materials to match the existing building and would provide additional living accommodation on the ground floor and the ability to re-locate the bathroom from ground to first floor. (see attached plans).

3.2 The proposal also includes the replacement of two windows on the front elevation and a replacement front door. The front windows would be double glazed replacement sash windows and the door would be a solid core flush style front door.

4.0 Policy Context

4.1 As the site lies within the Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant. This requires that special attention is paid to the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This requirement is reflected in Policy SD8 of the AJCS, Policy HEN2 of the TBLP.

4.2 The application site is located within the Cotswolds AONB which over-washes a large part of Winchcombe. One of the NPPF's core principles is the need to take into account the different roles and character areas recognising the intrinsic character and beauty of the countryside (fifth bullet point) and to contribute to conserving and enhancing the natural environment (seventh bullet point). Paragraph 115 provides that great weight should be given to conserving areas of outstanding natural beauty. Policy SD6 and SD7 of the AJCS is consistent with this advice and seeks to ensure new development is appropriate to the landscape character of the locality and contributes to local distinctiveness.

4.3 One of the NPPF's core principles is to ensure a good standard of amenity for all existing and future occupants of land and buildings. Section 7 of the NPPF also makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also makes it clear that obviously poor designs should be refused. Policy SD4 of the AJCS closely reflects this advice. Policy HOU8 of the TBLP supports the principle of residential extensions subject to satisfying certain design criteria. Similarly, WSN DP Policy 5.1 sets out that new development should reflect the character of its surroundings and should complement and enhance the prevailing size, height, scale, materials, layout, density and access of surrounding development.

4.4 Another of the defined core principles of the NPPF is that a good standard of amenity for all existing and future occupants of land and buildings be achieved. Policy SD4 of the AJCS and Policy HOU8 of the TBLP closely reflects this advice.

5.0 Analysis

Principle of the development

5.1 The application site lies within the heart of Winchcombe and proposes a modest sized domestic extension. Policy HOU8 of the TBLP is generally supportive of this form of development subject to the satisfaction of the relevant policy criteria. The site is subject to a number of constraints posed by local and national designations (Conservation Area, AONB). The significance of the impact of the development on these constraints/ assets must therefore be considered in assessing if the principle of the development is acceptable.

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

- Impact on Heritage Assets: Conservation Area
- Design and Visual Impact
- Residential Amenity
- Landscape Impact: AONB
- Other matters

Impact on Conservation Area

5.3 The rear extensions and alterations proposed do not markedly alter the existing situation and given their position, their impact is strictly limited. The Conservation Officer has been consulted and raises no objection to the scheme, advising that the proposals, located on the rear of the building, would have relatively little impact on the wider Conservation Area. As such the proposals would have an acceptable impact on the Conservation Area meeting the statutory test in section 77 of the 1990 Act.

Design and Visual Impact

5.4 The proposed extensions would be located on the rear of the building; the single storey element would replace an existing single storey extension. The existing extension is constructed on an 'L' shaped floorplan, projecting approximately 6.3 metres from the rear wall of the original building. The proposed single storey extension would 'infill' the 'L' shape floorplan and would retain the same distance from the rear wall of approximately 6.3 metres. The extension would be constructed with a flat roof (maximum height of approximately 2.8 metres) with a glazed pyramid roof lantern (maximum height approximately 3.2 metres). The extension would be finished in render to match the existing extension.

5.5 The two storey element of the scheme involves extending the existing rear gable to provide a larger second bedroom and bathroom at first floor level. The gable would project an additional 1.72 metres from the existing, which would result in a total projection of this gable of 2.5 metres from the rear wall of the original building. The form and appearance of this gable would mirror the existing with a pitch roof that has a matching ridge and eaves height. However, the facing materials would change from the existing stone to a render finish. Notwithstanding the use of render as a facing material, the appearance of the extensions is not overly different from the previous additions. The principle of a single storey flat roof and a pitch gable at first floor would remain and it is noted that there are many examples of this type of extension within close proximity of the site. The heights of the extensions would match the existing additions and the increase in floor space (approximately 12.3 sqm over the existing footprint) is not considered harmful to the existing building.

5.6 The scheme would however introduce the use of a render finish at first floor level which would result in the loss of the exposed stone located on the rear gable extension. Whilst this loss is unfortunate there are many examples of the use of render as a finishing material on immediate neighbouring properties (examples at Nos. 20, 22, and 26). It is also noted that the extensions are not viable from the immediate public realm and from any long distance views they would be seen wholly in the context of the residential curtilage of the host dwelling. With this in mind, whilst the use of stone would be a preferred material choice it is judged that the use of render would not be harmful to the existing building that would justify refusal in this instance.

5.7 The proposed extensions are therefore considered to be of an acceptable design which would respect the original building and would not have an adverse impact on the character and appearance of the host dwelling and the wider area.

5.8 The principle of replacing the front windows and door is acceptable, however further information is required as to the design, material and colour etc. This can be obtained by way of a condition.

Residential amenity

5.9 Objections have been received with regards to the impact of the second floor extension would have on the amenity of the immediate neighbours (nos. 22 & 26 Gloucester Street). These will be addressed in turn:

Impact on No.26 Gloucester Street

5.10 The proposed extension at first floor level would span the rear of 24 Gloucester Street and would be sited on the boundaries between each neighbouring property. The extension would project approximately 1.7 metres beyond the existing rear wall. Objections that were raised by the occupants of no. 26 highlight that the additional projecting gable would cause a loss of light to the windows on the rear elevation of their property. These include; a first floor bedroom window (closest to the boundary) a first floor bathroom window, a ground floor door leading to a utility/kitchen with an opaque roof covering over and a ground floor kitchen window and door.

5.11 The rear elevations of the properties face South, where sunlight is at a relative premium for large parts of the day. The applicants architect has provided a drawing seeking to demonstrate the impact of the proposal in terms of shadowing. The drawing applies the 45 degree light test on the proposed extension to assess the impact on the neighbouring property. The test consists of drawing a 45 degree angle from the eaves of the extension to the neighbouring property, both in plan and elevation, and if the line extends above or beyond the centre point of the window in both parts of the test, it is considered that the affected window would not receive adequate natural daylight.

5.12 The test demonstrates that the proposed extension would break both lines of the ground floor door and opaque roof of the utility area and would fail the test for these elements of the proposal. The test also demonstrates that the 45 degree line of the ground floor kitchen would be broken (on the elevation plan) and the line of the first floor window (on the floor plan) would also be broken. However, given that these lines are only broken on one plan these elements of the proposal would not fail the 45 degree test.

5.13 The test demonstrates there would be a shadowing impact on the ground floor opaque ceiling and door to utility; however, other considerations include the orientation of the site. The rear of the properties face due south and therefore the greatest impact on this area of the neighbouring property would be early - mid morning; by midday it is expected that the sun would face head onto the rear of the property allowing light into these areas. It is acknowledged that there would be an element of overshadowing to this area of the neighbouring property, however, given the orientation of the plot, and the rooms functional use (utility room/access into kitchen) it is not considered that the effects on daylight and sunlight to this door and roof would be so significant as to cause unacceptable harm to the occupiers' living conditions that would warrant refusal in this instance.

5.14 The 45 degree rule has been applied to the other windows mentioned above. The drawings show that some of the lines breach mid points but these only occur on one part of the test per window. It is therefore considered that the proposal does not fail the test and therefore it is not considered that the development would result in an unacceptable loss of light to these windows. Notwithstanding the light test it is also noted that the bedroom served by the first floor window also benefits from a secondary window on the front elevation. Also as mentioned above the rear elevation faces due south and it is considered that any overshadowing would only occur for a short duration in the early part of the day.

5.15 In relation to privacy there would be no windows in the proposed extensions facing directly towards no. 26. A window is proposed on the gable end of the two storey extension; however, this would face into the rear gardens and would replicate a relationship that already exists with the neighbouring properties.

5.16 On balance it is considered that whilst there would be an element of overshadowing to certain areas on the rear of no. 26 that the loss of daylight is not considered unacceptable in terms of Policy HOU8 of the TBLP, Policy SD4 of the AJCS, Policy 5.1 of the WSNDF and the principles of the NPPF.

Impact on No.22 Gloucester Street

5.17 The main area for concern is the single storey extension located on the rear of no. 22 Gloucester Street. This extension provides habitable living accommodation for the occupier by way of a kitchen/dining room, and is constructed as a glazed garden room/partial conservatory (with a glazed roof). This is a main source of light for this living accommodation.

5.18 The daylight test submitted demonstrates that the proposed extension would break the line of the conservatory/garden room and shadowing would occur. However, it is also considered that the extension would not extend beyond the rear of the conservatory/garden room and whilst at first floor level and given the eaves height of the extension this loss would not be overly significant to cause material harm. It is noted that the ceiling of the conservatory is glazed and light is taken through this and the doors on the rear. As with No.26 the rear of the property is orientated due south and therefore any loss of light would occur more so in the evening.

5.19 There is also a first floor window on the rear gable of No.22 at first floor level. The light test demonstrates that this window would not be impacted by the two storey extension.

5.20 On balance it is considered that whilst there would be an element of overshadowing to part of the conservatory of no. 22 the loss of daylight is not considered to be unacceptable and warrant refusal in this instance in terms of Policy HOU8 of the TBLP, Policy SD4 of the AJCS, Policy 5.1 of the WSNPD and the principles of the NPPF.

Landscape Impact: AONB

5.21 Since the application site is located within the urban area of Winchcombe and has been found to be of an acceptable design in the context of the host dwelling and wider Conservation area it is considered that it would have no unacceptable adverse impact on the character and appearance of the Cotswolds AONB.

Other Matters

5.22 Comments have been raised about the loss of a view, financial impact on neighbouring properties, party wall issues, lack of details as to construction methods and disturbance throughout the construction period. Whilst these comments are acknowledged it must be stressed that these are not material planning considerations and some areas (party wall act, construction methods and disturbance) would be subject to building regulations or other non-planning legislation.

6.0 Conclusion

6.1 It is acknowledged that the proposed extensions would have some impact on the adjacent neighbour at number 22 and 26 Gloucester street. However, it is not considered that these impacts would be significant enough to warrant a reason for refusal.

6.2 The proposed extensions would respect the character and form of the existing building and have a subservient appearance to the host dwelling. The scheme would have an acceptable impact on the wider conservation area and AONB.

6.3 The application is therefore recommended for **PERMISSION**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with details in the application form and approved drawing nos. 170829/PL/001 A, 170829/PL/002 A, 170829/PL/003 B, 170829/PL/004 A, 170829/PL/005 C, 170829/PL/006 A received by the Local Planning Authority on 10th January 2018, and any other conditions attached to this permission
- 3 The external facing roof slates on the pitch roof extension hereby permitted shall match in colour, form and texture those of the existing building.
- 4 Notwithstanding the submitted information no work shall start on replacing the front windows and door until detailed drawings of the proposed windows and door have been submitted to and approved in writing by the Local Planning Authority, the windows and door shall be fitted in accordance with the approved drawings. The elevations shall be at a minimum scale of 1:20 and the sections shall be at a minimum scale of 1:5 and shall indicate profiles at full size.
- 5 Notwithstanding the submitted plans and details, building operations shall not be commenced on the extensions until a sample of the render finish including colour, proposed to be used for both of the extensions have been submitted to and approved 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 interest of proper planning
- 3 To ensure that the development hereby permitted is in keeping with the existing building
- 4 To ensure that the appearance of the proposed works will be in keeping with the special and historic character of the Winchcombe Conservation Area
- 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.

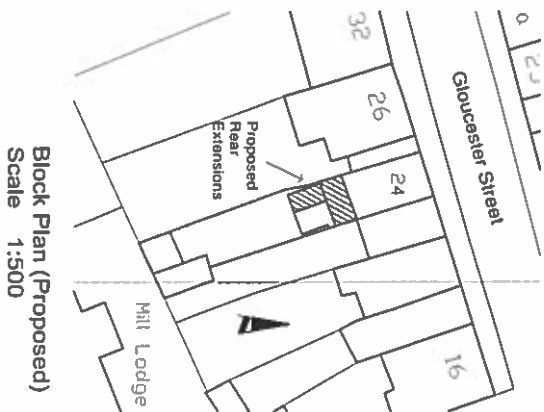
Notes:

1 **Statement of Positive and Proactive Engagement**

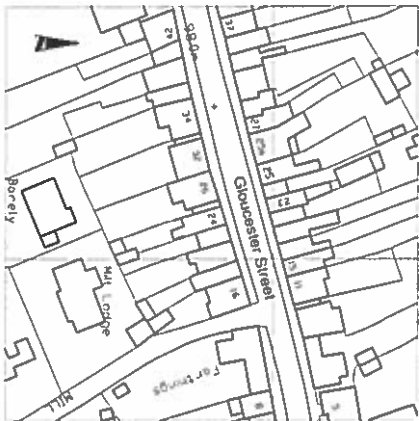
In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating further daylight information.

- 2 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 3 A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is £34 per request. The fee must be paid when the request is made.

17/0112/FUL



Block Plan (Proposed)
Scale 1:500



Location Plan (Existing)
Scale 1:1250

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672-a

44

A Hatch to infill extension area to shoe slight gap 29/12/17
 REV EXTENSION DATE

project

Rear Extension,
 24 Gloucester Street,
 Winchcombe,
 Glos. GL54 5LX
 for

client

Ms P.Parkes,
 24 Gloucester Street,
 Winchcombe,
 Glos. GL54 5LX

drawing
Location and Block Plan

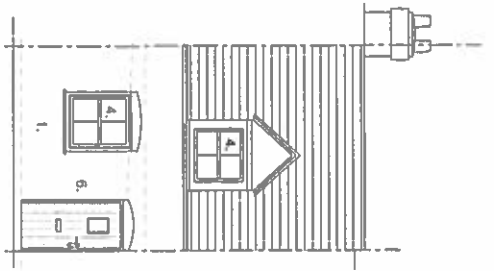
status
Planning

drawn by: J.W
 checked by: J.W
 date: 29/17
 scale: 1:1250, 500/25

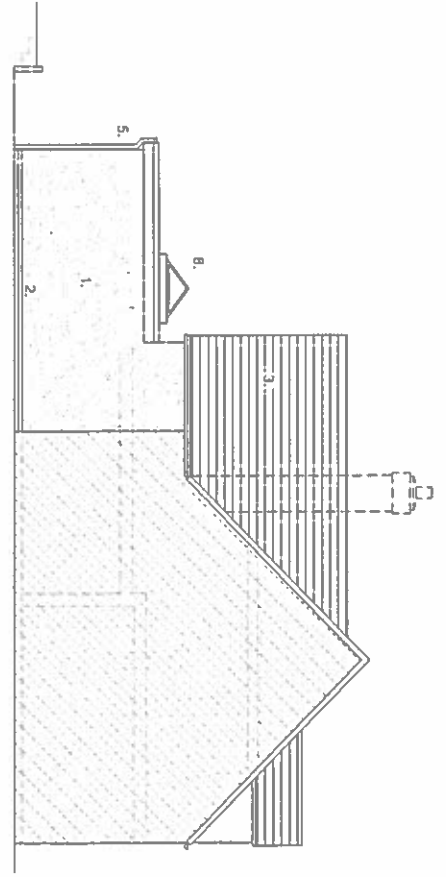
drawing no.
170829/PL/001 A

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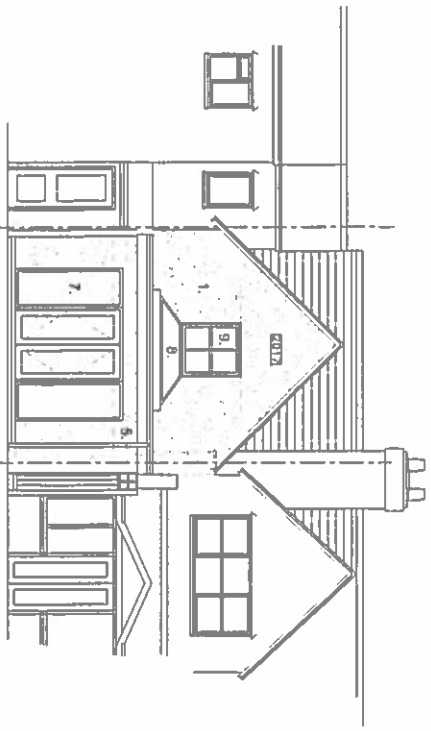
17/01112/FUL



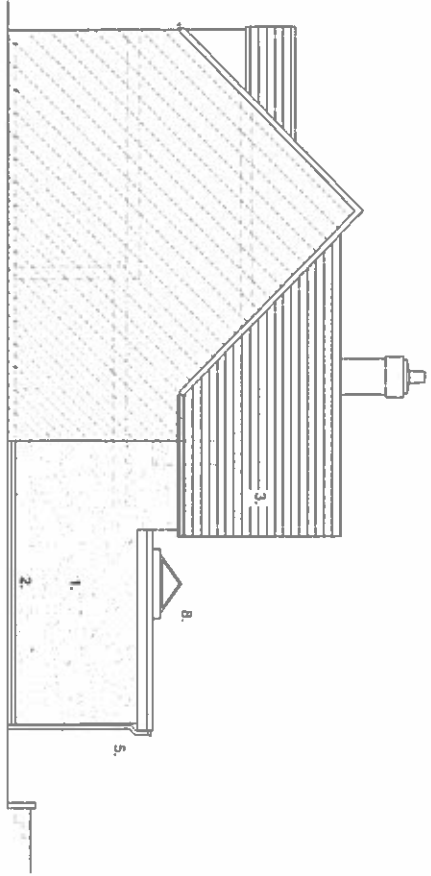
North (Front) Elevation Proposed
Scale 1:100 @ A3



East Sectional Elevation Proposed
Scale 1:100 @ A3



South (Rear) Elevation Proposed
Scale 1:100 @ A3



West Sectional Elevation Proposed
Scale 1:100 @ A3

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Materials:

- 1. Woodblock render finish, Col: Downland Stone.
- 2. Two courses red engineering bricks below dpc.
- 3. Slate roof finish to match existing.
- 4. Painted sw double-glazed replacement sash windows, Col: Woodland Sage.
- 5. Black uPVC gutters and downpipes.
- 6. Solid core flush cottage style front door, painted gloss olive green or clear varnished.
- 7. PP coated aluminium front windows and sashlight, Col: White.
- 8. Glazed lantern light by Vision Rooflights grey frame.
- 9. Painted sw double-glazed replacement casement window, Col: Woodland Sage.

9-1219

C. Ex'g chimney position adjusted slightly to north and slightly to west of existing position of No 26 and garden fence of No 22
27/12/17

B. Gable amended and detail added to Nos 22 & 26
27/10/17

A. Frame colour of lantern changed, and alt. front door colour selected
27/12/17

45

project

Rear Extension,
24 Gloucester Street,
Winchcombe,
Glos. GL54 5LX
for

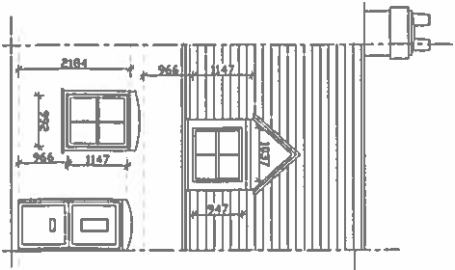
client
Ms P.Parkes,
24 Gloucester Street,
Winchcombe,
Glos. GL54 5LX

drawing
Proposed Elevations
sheets
Planning

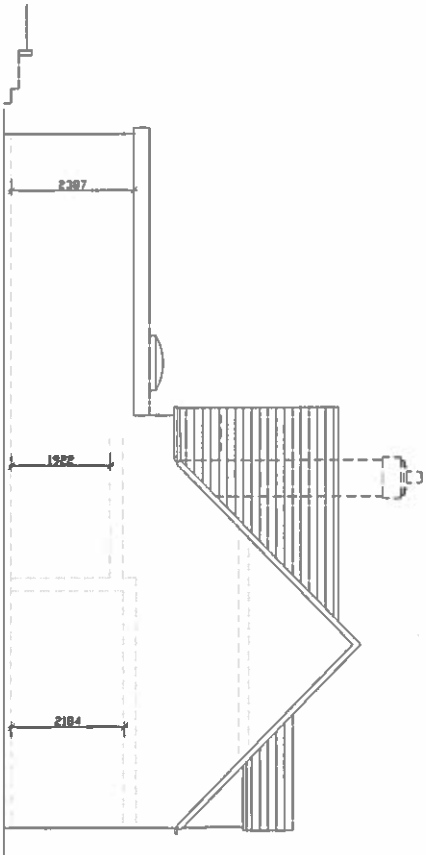
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checked by: JDM
date: 25/1/17
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drawing no.
170829/PL/005 C

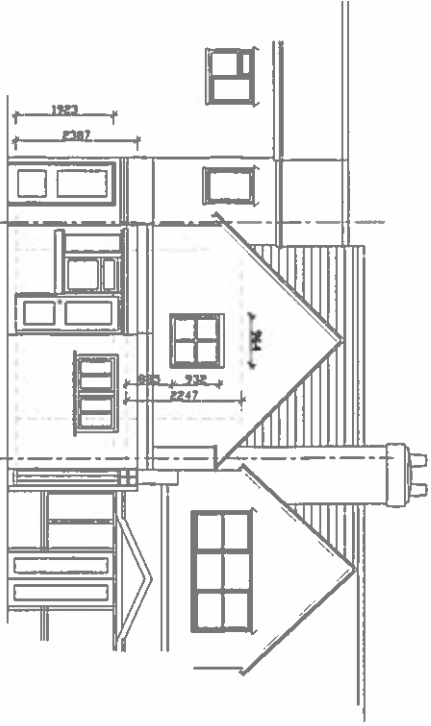
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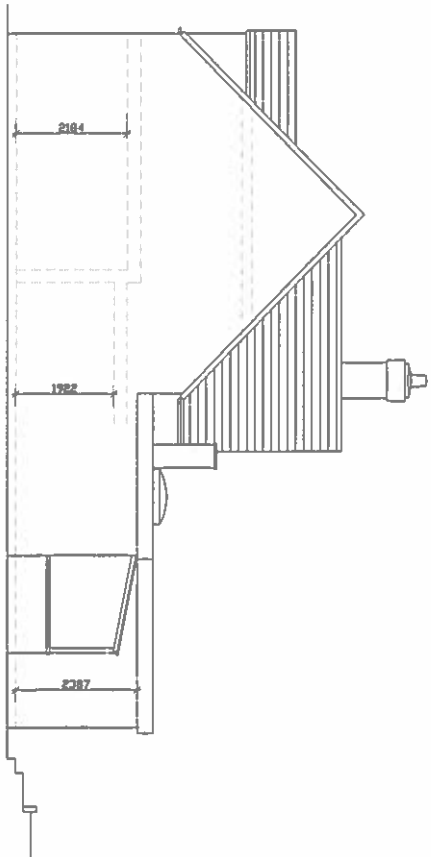
North (Front) Elevation Existing
Scale 1:100 @ A3



East Sectional Elevation Existing
Scale 1:100 @ A3



South (Rear) Elevation Existing
Scale 1:100 @ A3



West Sectional Elevation Existing
Scale 1:100 @ A3

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C-672

B. Existing chimney position adjusted slightly to north and slightly to west for adjustments to rear of No.25 and garden fence of No.22.
29/12/17
A. Gable overhauled and detail of Nos. 22 & 26.
27/10/17

46

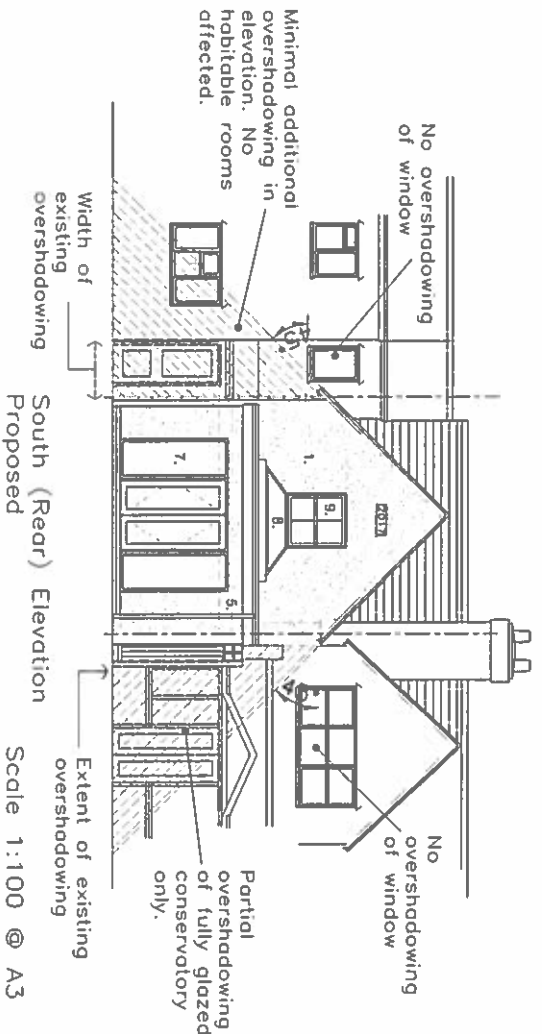
project
Rear Extension,
24 Gloucester Street,
Winchcombe,
Glos. GL54 5LX
for
client
Ms P Parkes,
24 Gloucester Street,
Winchcombe,
Glos. GL54 5LX

drawing
Existing Elevations
status
Planning

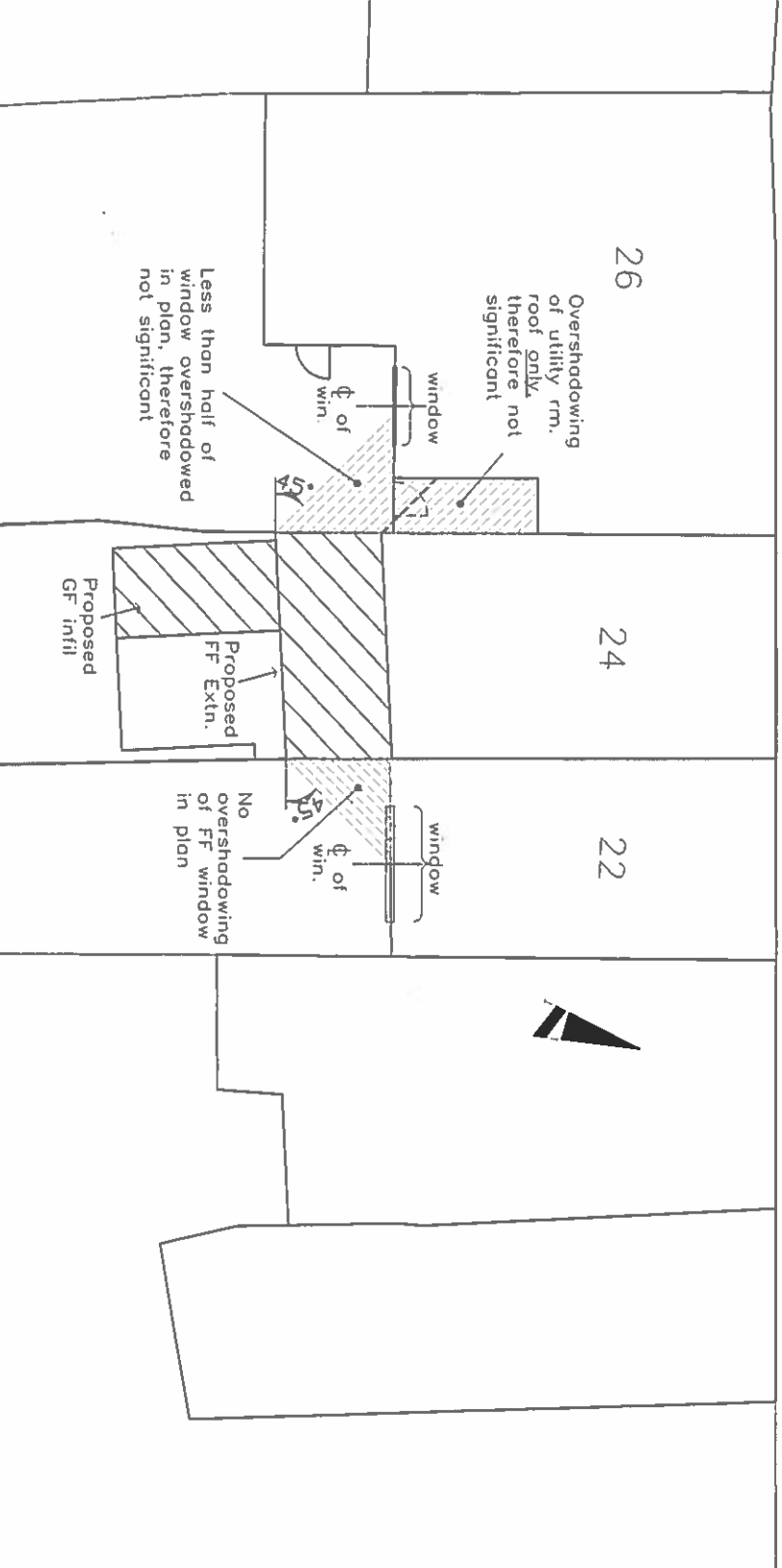
drawn by: JMW
checked by: JMW
date: 29/17
scale: 1:100 @ A3

drawing no.
170829/PL/003 B

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In summary, the extension passes the 45 deg. assessment test and does not create unacceptable additional overshadowing.



D-2L9

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A Elevation of Node slightly adjusted Shadow diagram adjusted 29/12/2017
 DATE 47

project
 Rear Extension,
 24 Gloucester Street,
 Winchcombe,
 Glos. GL54 5LX
 for

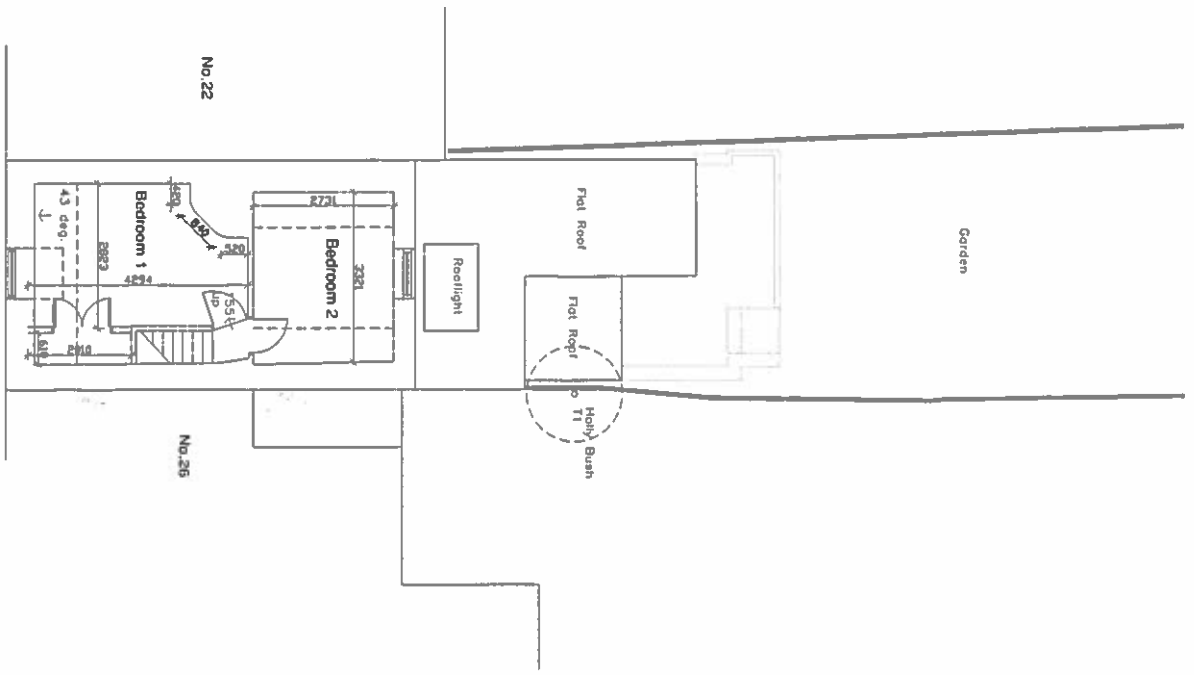
client
 Ms P.Parkes,
 24 Gloucester Street,
 Winchcombe,
 Glos. GL54 5LX

drawing
 Shadow Diagrams
 status

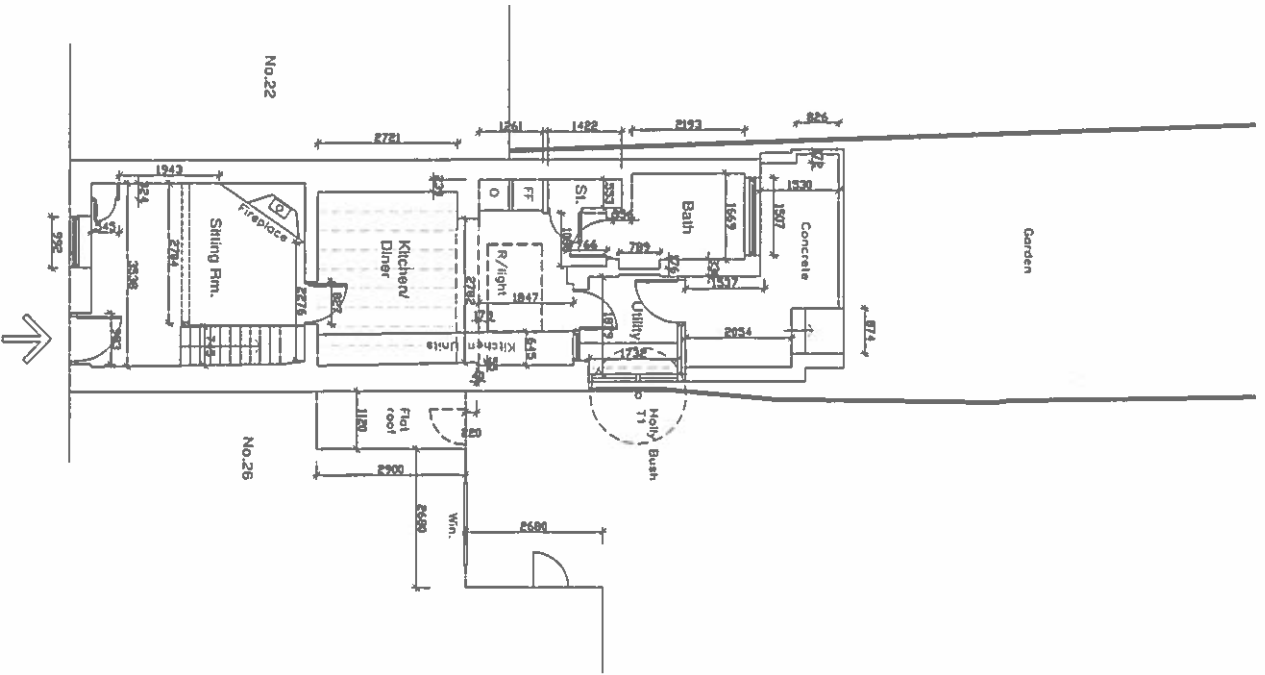
Planning
 drawn by: J.P.W.
 checked by: J.P.W.
 date: 28/11/17
 scale: 1:100@A3

drawing no.
 170829/PL/006 A

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First Floor Plan Existing
Scale 1:100 @ A3



Ground Floor Plan Existing
Scale 1:100 @ A3

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2-679

48

project
 Rear Extension,
 24 Gloucester Street,
 Winchcombe,
 Glos. GL54 5LX
 for

client
 Ms P. Parkes,
 24 Gloucester Street,
 Winchcombe,
 Glos. GL54 5LX

drawing no.
 170829/PL/002 A

drawing status
 Existing Plans
 Planning

drawn by: JD-W
checked by: JD-W
date: 29.8.17
scale: 1:100 @ A3

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Valid 24.11.2017

A refurbishment of the existing landscaped area outside the entrance to the council offices.

Grid Ref 388779 232064

Parish Tewkesbury

Ward Tewkesbury Priors Park

Asset Manager - Tewkesbury Borough Council
Tewkesbury Borough Council Offices
Gloucester Road
Tewkesbury
Gloucestershire
GL20 5TT**RECOMMENDATION Permit****Policies and Constraints**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Joint Core Strategy (JCS) December 2017) - Policies SD4, SD6, INF1

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HEN2, HEN24

Flood and Water Management Supplementary Planning Document

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

The First Protocol, Article 1 (Protection of Property)

Historic Battlefield

Setting of a Conservation Area

Consultations and Representations**Tewkesbury Town Council** - Objects to the proposed development on the following grounds:

- Don't understand the rationale behind the changes proposed. The revised scheme is worse than the current and previously proposed layouts.
- Concerned with the design of the proposed cycle parking and DDA compliant car parking elements of the scheme.
- Concerned by the lack of a suitable footway connecting the building entrance to the pedestrian accesses to the Public Services Centre site.

County Archaeologist - No objection in principle to the revised proposals but that it would be prudent to make provision for the archaeological monitoring of this scheme.**Historic England** - No comments to make**Landscape Officer** - No comments received**County Highways** - No objection**Local residents** - The application and revised application have both been publicised through the posting of site notices and no letters of representation have been received in the 21 day statutory consultation period or since.**Planning Officers Comments:** Mr James Lloyd**1.0 Application Site**1.1 The application relates to the front of the Tewkesbury Borough Council offices (entrance) and land immediately to the front, including around the pond area. **(see attached location plan).**

1.2 The site itself also forms part of the Battlefield and adjoins a designated Conservation Area. The site is not subject to any formal landscape designation.

2.0 Relevant Planning History

2.1 There is various planning history which relates to the council offices. However, none is considered to be specifically relevant to this current application.

3.0 Current Application

3.1 This application seeks full planning permission for refurbishment and changes to the existing front entrance space of the Tewkesbury Borough Council Offices. The landscape changes include the following:

- Changes to the access ramp leading to the front entrance
- Changes to the disabled parking bays (including regrading of grassed area to the north)
- Re-configuration of the hard landscaping which includes new access steps and retaining walls for planters
- Provision of cycle stands
- Provision of new soft landscaping (planting of shrubs and plants)
- Removal of heavy vegetation around the pond area

(see attached plans for all details).

4.0 Policy Context

4.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of The Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which "indicate otherwise". Section 70(2) provides that in determining applications 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 materials considerations."

4.2 The development plan comprises the Joint Core Strategy (JCS) (2017) and saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).

4.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework.

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

5.0 Analysis

5.1 The main issues to be considered are the impact on the character and appearance of the area, heritage assets and highway safety.

Impact on character and appearance of area

5.2 The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. This advice is reflected by Policy SD4 of the JCS which highlights that design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live.

5.3 The proposed changes would take place at the front of the TBC offices, an area that has previously been developed and landscaped. The scheme proposes improvements to the entrance that would provide a more attractive and welcoming space for visitors. Land to the north/north east is currently used as car parking and vehicle and pedestrian accesses into the site, the Tewkesbury Leisure Centre and its parking facilities are located immediately to the east.

5.4 It is considered that the proposed refurbishment and new landscaping are minor in nature and only affect a small area of the overall site. The scheme includes the incorporation of new planted areas and the retention of existing grass verges; for example a grass verge would remain between the rear car parking area and the front entrance. New planting is also proposed including replacements for 5 conifers which are

proposed to be removed, and the details as submitted are considered acceptable. The application has provided information as to the protection of existing trees on site and the proposed replanting. The main removal of trees comprises of 5 no. coniferous species.

5.5 Details as to the specific finishes to the scheme, such as replacement paving, bricks for walling, cycle stands etc. have all been provided and are considered acceptable in the context of the Council Offices.

5.6 The proposed design would improve access into the building and would open up the existing entrance by providing a clearer means of access through the formation of a new central set of steps. The additional planting would create a more welcoming feel and the change from roadway into shared space would create a more communal space. The pond feature is intended to be 'tidied' up by removing heavy planting, opening up the entrance to the building. It is considered that these design changes would create a more attractive and open access into the public service building that would be an improvement over the existing. Therefore, it is considered that the development is acceptable in design terms and would contribute positively to making places better for people as outlined in the NPPF.

5.7 It is therefore considered that given the site context and level of development proposed, the proposals would have an acceptable impact on the character and appearance of the locality and therefore comply with national and local policy in this regard.

Heritage Assets

5.8 Policy HEN2 of the Local Plan states that proposals for development within or in close proximity to a conservation area, particular attention should be paid to the developments impact on the conservation area and its setting, including any existing trees.

5.9 With regards to the Conservation Area, the proposed development would be visible from areas within the Conservation Area; namely from Gloucester Road. However, the Council site is not one of the key open spaces associated with the Conservation Area and it is considered that the changes proposed would not affect its significance.

5.10 With regards to archaeology, the County Archaeologist advises that the application site is archaeologically sensitive, however, notes that the proposed development is within an area which has previously been subject to extensive landscaping, and that many of the proposed works are relatively superficial. Given this the County Archaeologist raises no objection to the principles of the scheme and a condition is applied to make provision for the monitoring of ground works, in order to record any discoveries of archaeological deposits or finds which arise during the refurbishment.

5.11 With regards to the Battlefield, policy HEN24 of the Local Plan states that in assessing proposals for development within the Battlefield, regard will be paid to the conservation of the historic landscape.

5.12 Historic England has been consulted and wishes to make no comments to the application. Notwithstanding this the application has been assessed against policy HEN24 and regard has been given to the historic landscape. The proposed works would be contained within an existing developed area of the site, directly in front of the council building. It is therefore considered that by virtue of the nature of the proposal and the surrounding site context and, the proposed works will not harm or noticeably alter the setting of the Battlefield or historic landscape.

Impact on Highway Safety

5.13 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 32 specifically requires safe and suitable access to all development sites for all people. Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network.

5.14 The proposed remodelling of the disabled bays would meet the current recommendations with the relevant access space around each vehicle bay. In addition to the redesign of the current bays an additional disabled parking bay is being provided at the end of the leisure centre parking adjacent to the council building. The re-design also proposes a wider and more accessible set of steps with a hand rail and an access ramp. Provision for cycle parking has also been provided. The remodelling of the front entrance would not result in a loss of parking spaces for visitors, which are available in the car park to the south and north of the site.

5.15 Gloucestershire County Council Highway Authority has been consulted and raise no objection to the proposals. It is therefore considered that the disabled/accessible spaces and cycle provision are sufficient, a safe and suitable access to the development can be achieved and the residual cumulative impacts of the development on the highway network would not be severe.

6.0 Summary

6.1 Taking into account all of the above, the proposal would result in an acceptable impact on the historic environment, the character and appearance of the wider area and on highway safety. It is therefore recommended that planning permission is **Permitted** subject to the conditions set out below.

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 approved drawing nos. 21712/01 REV B, 21712/02 REV A, 21712/03 REV A received by the Local Planning Authority on 28th February 2018 and any other conditions attached to this permission.
- 3 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
- 4 All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development, 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.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To define the extent of the permission for avoidance of doubt.
- 3 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
- 4 To protect the existing trees on the site during the course of building work in the interests of 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 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 3 A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is £116 per request. The fee must be paid when the request is made.

17/01139/FUL

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3. This drawing is the property of RRA Architects and should not be reproduced or used in any way without the prior written permission of RRA Architects Ltd.
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THE GROWTH HUB



Tewkesbury Borough Council

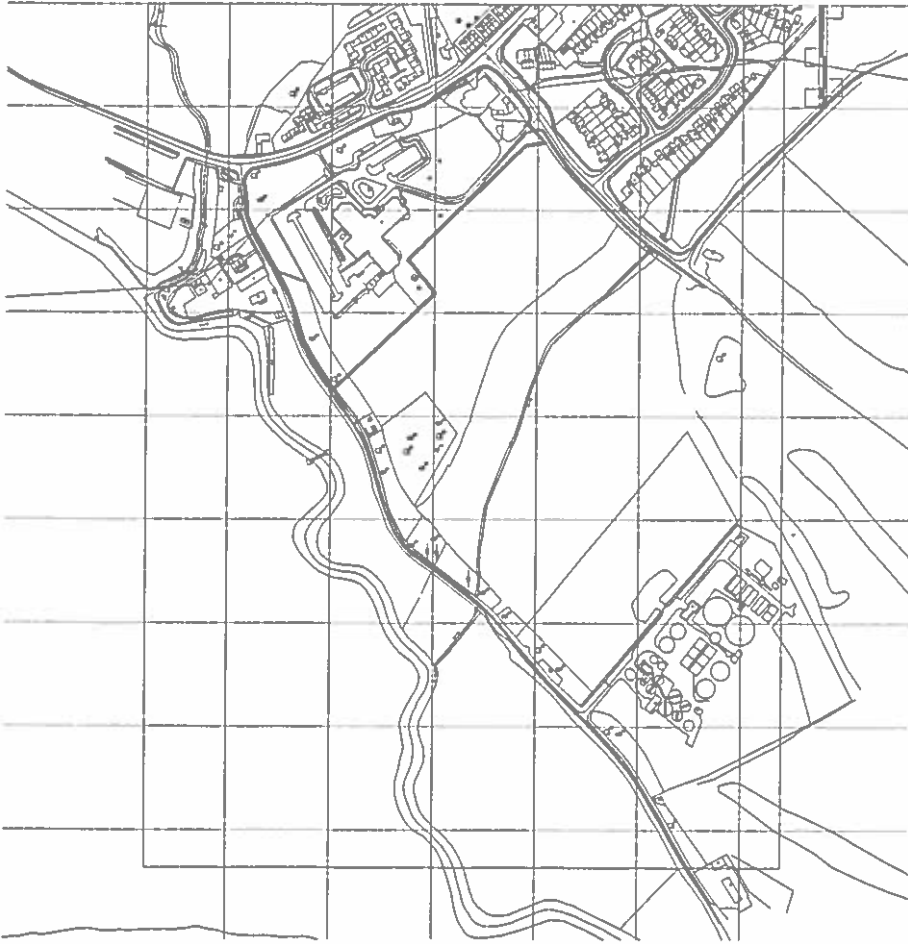
Revision Description Date Drawn



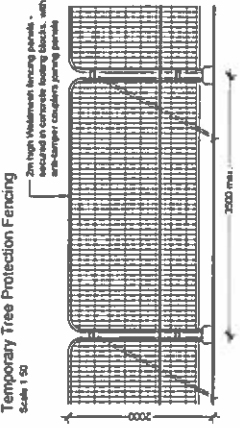
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Client: Tewkesbury Borough Council
Project: Tewkesbury Borough Council Offices
Location: Gloucester Road, Tewkesbury, Gloucestershire, GL20 5TT.
Drawing Title: Block Plan

Drawn	25/10/17	Checked	RAJ
Issue	1	Date	25/10/17
Scale	1:2500 @ A1	Project	



676-a



Existing trees to be retained are to be protected in accordance with BS 5837:2005 (Trees in relation to construction).

Protective fencing is to be: Heras fencing panels with a hoistpole threaded through the panels to prevent them being moved during construction.

No demolition or construction work is to take place until the temporary protective fencing has been erected. Work is to be immediately adjacent to the temporary protective fencing. The location of the fencing is to be shown on the site plan and where applicable, cast hanging branches. Signs identifying the fencing are to be provided and laid to the fences, minimum size A4 at 10m intervals.

Any tree roots larger than 250mm diameter exposed during safe operations are to be covered up immediately, either with soil or polythene to protect them from desiccation and / or frost. Obtain instructions before proceeding.

Where indicated works within fencing to be carried out with no dig construction. Fences shall remain in situ until all construction work is completed and all plant and other equipment is removed from the vicinity of the protected vegetation.

- NOTES**
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STATUS	PLANNING	REV	DATE	DESCRIPTION	EL	TO
A	28/02/18	Approved to reflect revised landscape plan				

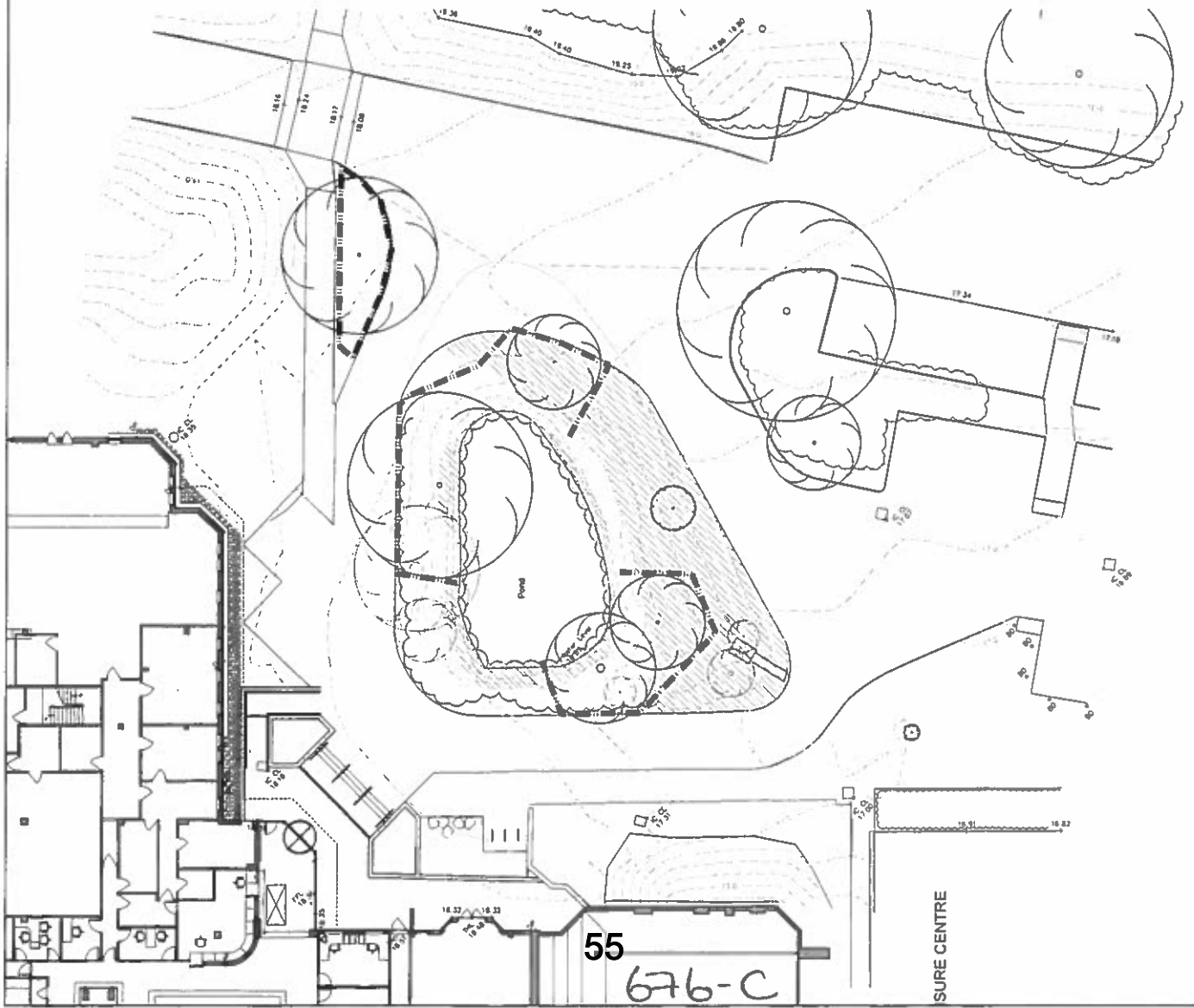
illmanyong
The Woodlands, Knapwell Building 4,
Middlesbrough Road, Conisbrough, CL3 9JL,
North Yorkshire, UK. Tel: 01747 821100. Fax: 01747 226646
www.illmanyong.com

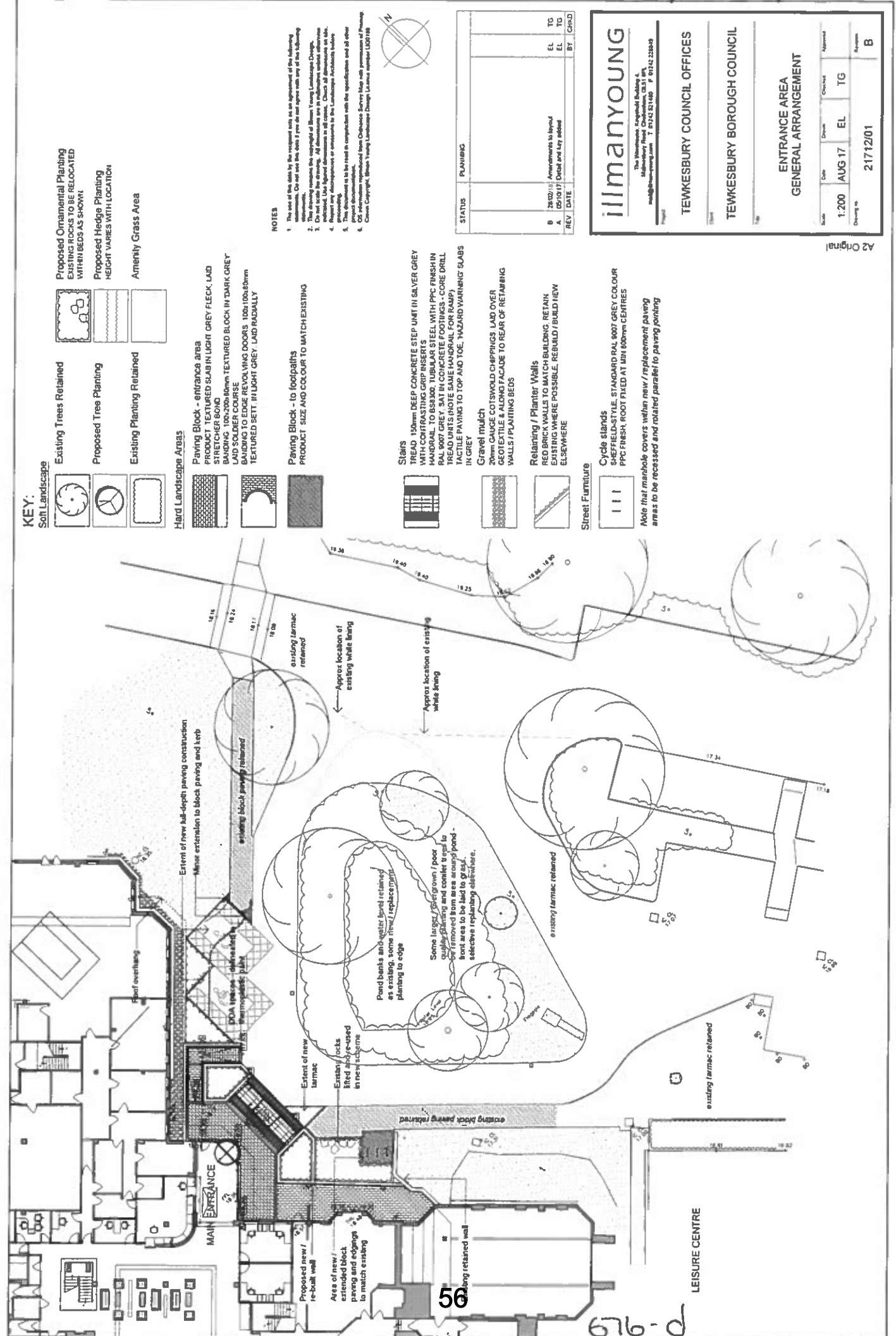
Tewkesbury Council Offices
TEWKESBURY BOROUGH COUNCIL

**ENTRANCE AREA
TREE REMOVALS + PROTECTION**

Date	Drawn	Checked	Approved
1.200	SEP 17	EL	TG
Drawing No.	21712/02		
Revision	A		

- KEY**
- Existing trees recorded on topographic survey (circle with cross-hairs)
 - Existing trees to be retained (circle with dot)
 - Trees to be removed (circle with diagonal lines)
 - Existing vegetation (hatched area)
 - Existing vegetation to be removed (diagonal lines)
 - Tree Protection Fence (dashed line)
- Heras fencing to be retained for duration of works to protect trees. Refer to steel details. Fencing is shown running along outside edge of tree canopies or adjacent existing kerblines depending on location.





KEY:

Soft Landscape

- Existing Trees Retained
- Proposed Tree Planting
- Existing Planting Retained

Hard Landscape Areas

- Paving Block - entrance area
TEXTURED SLAB IN LIGHT GREY FLECK LAM
STRUCKER WITH 100-200mm TEXTURED BLOCK IN DARK GREY
LAND SOLDER COURSE
- Paving Block - to footpaths
PRODUCT SIZE AND COLOUR TO MATCH EXISTING

Stairs

- TREAD 150mm DEEP CONCRETE STEP UNIT IN SILVER GREY
WITH CONTRASTING GRIP INSERTS
HANDRAIL TO BS8300, TUBULAR STEEL WITH PPC FINISH IN
RAL 9007 GREY. SAI IN CONCRETE FOOTINGS - CORE DRILL
TREAD UNITS (NOTE SAME HANDRAIL FOR RAMP)
TACTILE PAVING TO TOP AND TOE, HAZARD WARNING SLABS
IN GREY

Gravel mulch

- 20mm GAUGE COTSWOLD CHIPPINGS LAM OVER
GEOTEXTILE & ALONG FACADE TO REAR OF RETAINING
WALLS / PLANTING BEDS

Retaining / Planter Walls

- RED BRICK WALLS TO MATCH BUILDING. RETAIN
EXISTING WHERE POSSIBLE. REBUILD / BUILD NEW
ELSEWHERE

Cycle stands

- SHEFFIELD-STYLE, STANDARD RAL 9007 GREY COLOUR
PPC FINISH. FOOT PIED AT 1000mm CENTRES

Note that manhole covers within new / replacement paving areas to be recessed and rotated parallel to paving joints

- NOTES**
1. The use of the site by the recipient is on an agreement of the following conditions, to last for the next 10 years from the date of this planning permission.
 2. This drawing contains the copyright of Simon Young Landscape Design.
 3. All dimensions are in millimetres unless otherwise stated. Check all dimensions on site.
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STATUS	PLANNING	REV	DATE	BY	TC	TD	CRD
0	26/02/18		Amendments to layout				
1	06/07/18		Check and layout added				

illmanyoung
The Warehouse, Longfield Building 4,
Millthorpe Road, Chesham, Ch.S1 6PL
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TWUKESBURY COUNCIL OFFICES
TEWKESBURY BOROUGH COUNCIL

**ENTRANCE AREA
GENERAL ARRANGEMENT**

Scale	Date	Drawn	Checked	Approved
1:200	AUG 17	EL	TG	

Drawing no: 21712/01

Revision: B

17/01245/FUL

Claydon Farm, Claydon, Tewkesbury

5

Valid 23.11.2017

Erection of an 'American Barn' style stable building (to include 7 stables, 2 tack rooms and open ended hay/straw barn)

Grid Ref 393520 231386

Parish Ashchurch Rural

Ward Ashchurch With Walton
Cardiff

Mr & Mrs Williams

Claydon Farm
Claydon
Tewkesbury
Gloucestershire
GL20 7BH

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Joint Core Strategy (JCS) December 2017) - Policies SD4, SD6, INF1, INF3

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policy RCN6

Flood and Water Management Supplementary Planning Document

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Ashchurch Parish Council - Objects to the proposed development on the following grounds:

The proposed stable is very large, and would be intrusive on the landscape, in its current position

Environmental Health Officer - No adverse comments to make

Environmental Health Officer (Contamination) - No objections subject to watching brief condition

Local Highway Authority - No Highway objection is raised, subject to a suitable worded condition preventing a commercial venture being used on the site.

Local residents - The application was publicised through the posting of site notices for the 21 day statutory consultation period and 1 letter of objection and 2 letters of support have been received.

The main points raised in the letters of objection relate to:

- The applicant owns other land and has not provided a site selection process to eliminate other possible sites within their ownership
- The site is located on a dung heap and within proximity to a watercourse
- Impact on the adjacent buildings that are not within the ownership of the applicant
- The principle of the 400m 'cordon sanitaire' rule applies
- Concern over potential nuisance caused by dust (from the straw stored in the open end of the barn), light and noise
- Design principles for fire risk have not been considered when siting this barn
- The style of the barn is not in keeping with the style of the adjacent property

The main comments in support of the application are:

- As neighbours we fully support the application
- The development of an American Barn is certainly in keeping with the immediate area and given its location in relation to the bridle paths makes perfect sense
- We currently live approximately 500 metres from the proposed site and fail to see that it would have anything but a positive impact on the immediate area ... surely a 'barn' is more attractive to look at than a muck heap?

- We chose to live in an agricultural area, surrounded by fields and horses. It is obvious to us that this would include agricultural buildings such as barns and stables and for there to be an objection to the proposed building of a barn seems senseless.

Planning Officers Comments: Mr James Lloyd

1.0 Application Site

1.1 Claydon Farm is located off a minor lane just to the east of Fiddington which lies about one mile south-west of Tewkesbury. Permission was granted in 2011 for an equestrian workers dwelling (11/01195/FUL) this has now been constructed and is formally known as 'The Furrows'. The applicants have recently sold this dwelling along with the livery yard and 40 acres belonging to Claydon Farm.

1.2 The applicants now reside in the original farmhouse (Claydon Farm) and have retained approximately 100 acres of pasture and arable land and an outdoor manège. As part of the sale no other buildings were retained.

1.3 The specific site that this application relates to is located to the south west of Claydon Farm and is currently used as horse manure storage. The site is made up of hardstanding and measures approximately 815ms. The site is accessed directly off the farm driveway. The site is not located within any landscape designated areas; however, a footpath runs along the farm driveway to the north of the site.

2.0 Relevant Planning History

2.1 There is extensive planning history pertaining to the wider site (Claydon Farm), the majority of this relates to the equestrian uses on site. There is no planning permission pertaining to the specific area of land that this application relates to.

3.0 Current Application

3.1 The current application seeks full planning permission for the erection of an American barn to be used in conjunction with the personal equestrian uses associated with Claydon Farm. The barn will include 7 stables, 2 tack rooms and an open ended hay/straw barn. The muck heap currently in situ will be moved within the site associated with the Furrows and a new smaller muck heap is proposed to the south of the equestrian building.

(see attached plans for all details).

4.0 Analysis

4.1 Policy RCN6 is the main policy for consideration and provides that proposals for the development of horse riding facilities should be well related to an existing group of buildings and must propose measures for the control of nuisances to other users in the area. It also requires that facilities must not have an adverse impact on the landscape or create local traffic problems, these points are discussed below

Impact on the landscape:

4.2 The proposal has been considered having regard to policy RCN6 of the Tewkesbury Borough Local Plan and Policies SD4 & SD6 of the Joint Core Strategy.

4.3 The proposed building would measure approximately 22.86 metres by 12.19 metres with a ridge height of approximately 5.23 metres and an eaves height of approximately 3.6 metres. The building would be constructed of concrete panels to a height of 2 metres with Plastisol coated box profile sheets to the eaves. The roof would be constructed from fibre cement Anthracite (Farmscape) sheets which would be a dark grey in colour, the building would be served by 5 roof lights on each roof slope. The barn would be accessed by an existing vehicular access and no additional hardstanding would be required around the site.

4.4 The barn would be constructed on a large footprint (approximately 294.89m²), however would have a relatively low height. The building would be located on a site that is currently being used as a manure heap. In this instance there are no existing buildings on the site, however, a large unauthorised red brick building has been constructed on the site immediately to the west of the site (this building is currently subject

to a live planning application). Notwithstanding this building there are also buildings located further west (a single storey outbuilding) and a two storey farmhouse known as Claydon House Farm. The barn would be located in close proximity to the access track to the north adjacent to field boundaries to the north and west. It is considered that this would help to reduce the visual impact of the proposed structures on the landscape.

4.5 The area of land that the proposed barn would be located in makes up an individual parcel that is separated from the open fields to the south by a post and rail fence and gate. To the south east of the site is a strong field boundary comprising of a mixture of trees and shrubs. It is considered that any long distance views of the site from the south and east would be obscured by the existing field boundaries and vegetation. Notwithstanding this in winter months, it is considered that any long distance views of the building would be read in conjunction with the existing buildings and farmstead to the north. The site is visible from the road to the north (which is also a public footpath) and but views are largely obscured and interrupted by a dense pockets of trees along this boundary. Whilst the building would be visible from this vantage point it is considered that whilst it is a large building, given its height and use of typically agricultural materials the building would be read in context with the surrounding buildings and would not appear incongruous in its setting.

4.6 Whilst the concerns of the Parish Council are acknowledged it is considered that the siting and design/materials would respect the agricultural character of the site and the surrounding landscape and it would assimilate with the area appropriately. Overall it is considered that the proposed stables would have an acceptable impact on the landscape

Highways matters

4.7 The applicant's agent has confirmed in writing that the proposed stables would only be used privately for horses that they own (currently 6) and there is no intention for the stables to be commercially used as livery.

4.8 The Highways Authority raise no objection to the application given the limited vehicular movements that would be associated with the proposals. It is noted that the applicants currently live less than 100 metres from the proposed equestrian unit and would therefore not normally require a vehicle to access the site. It is also considered that as the applicant proposes to utilise an existing access which currently serves the site and wider sites where equestrian use already occurs the residual cumulative impact of the proposed development on highway safety would not be severe.

4.9 Given the comments of the Highway Authority it is considered reasonable to apply a restrictive condition to prohibit commercial business on the site in the interests of highway safety and residential amenity. Therefore, any future proposal to do so would require the benefit of planning permission.

Impact on Residential Amenity

4.10 A dwelling house which is independent of the agricultural/equestrian use and outside of the applicants ownership is located approximately 32 metres to the west of the stables/barn. There is currently a large red brick unauthorised building located between the residential property and the application site.

4.11 Objections have been received from the owner of the adjacent residential property raising concerns about the impact of the equestrian use on residential amenity, in terms of potential nuisance caused by dust (from the straw stored in the open end of the barn), light and noise.

4.12 The Environmental Health Officer (EHO) raises no objection in terms of noise, light and dust pollution and it is considered that the residential building is sited as such that the intensification of activity over and above the surrounding equestrian uses would not have a material detrimental impact on residential amenity.

4.13 It is therefore considered that the impact of the application on the residential amenity of existing residential property is acceptable.

Public Bridleways

4.14 Policy RCN6 of the Local Plan states that horse riding facilities must generally be well related to the existing bridleway network. The application site benefits from a manège facility and around 100 acres of land that can be used. There is a selection of Bridleways within riding distance of the site than can be accessed.

Although there are no public bridleways located in the immediate vicinity of the application site (leading up to the site), it is considered that as the purpose of the application is primarily to stable horses the absence of nearby public bridleways is considered acceptable.

Other Matters

4.15 Concerns have been raised in regards to the buildings proximity to the water course (north of the building). The Flood Risk Management Officer has been informally consulted and advises that whilst it is acknowledged the site shows a risk of surface water flooding (although the site is not actually mapped for fluvial flooding due to catchment size) it is considered that this is acceptable given the non-residential nature of the development".

4.16 The EHO has also advised that the historical maps for the development site show the presence of a pond on the site until at least the 1970s, and have recommended a condition for the developer to keep a watching brief for contaminated land during development. This is because there is no current information as to whether the pond was infilled, and if it was, the nature of materials used.

5.0 Summary

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

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with approved drawing 'Revised Site Location Plan' received by the Local Planning Authority on 19th January 2018 and approved drawing nos. '001 V2', '002 V2' and '003 V2' received by the Local Planning Authority on 24th February 2018
- 3 The development shall only be used for private recreational purposes in association with the property currently known as 'Claydon Farm' and not for any commercial livery or other equestrian use.
- 4 Notwithstanding the submitted details the agricultural barn hereby permitted shall be constructed using concrete panels to a height of 2 metres with Plastisol coated box profile sheets to the eaves and a roof covering of to 'Anthracite (Farmscape)' fibre cement sheets in a dark grey colour, unless otherwise agreed by the Local Planning Authority in writing
- 5 A watching brief approach shall be maintained during the course of development in case any unexpected contamination is identified during site works. Should unexpected contamination be identified, then the developer shall suspend development on that part of the site affected until such time as measures for the remediation of this source of contamination have been submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the measures so approved.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 3 The site is not capable of commercial operation without further assessment from the Local Planning Authority.

- 4 In the interests of visual amenity.
- 5 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

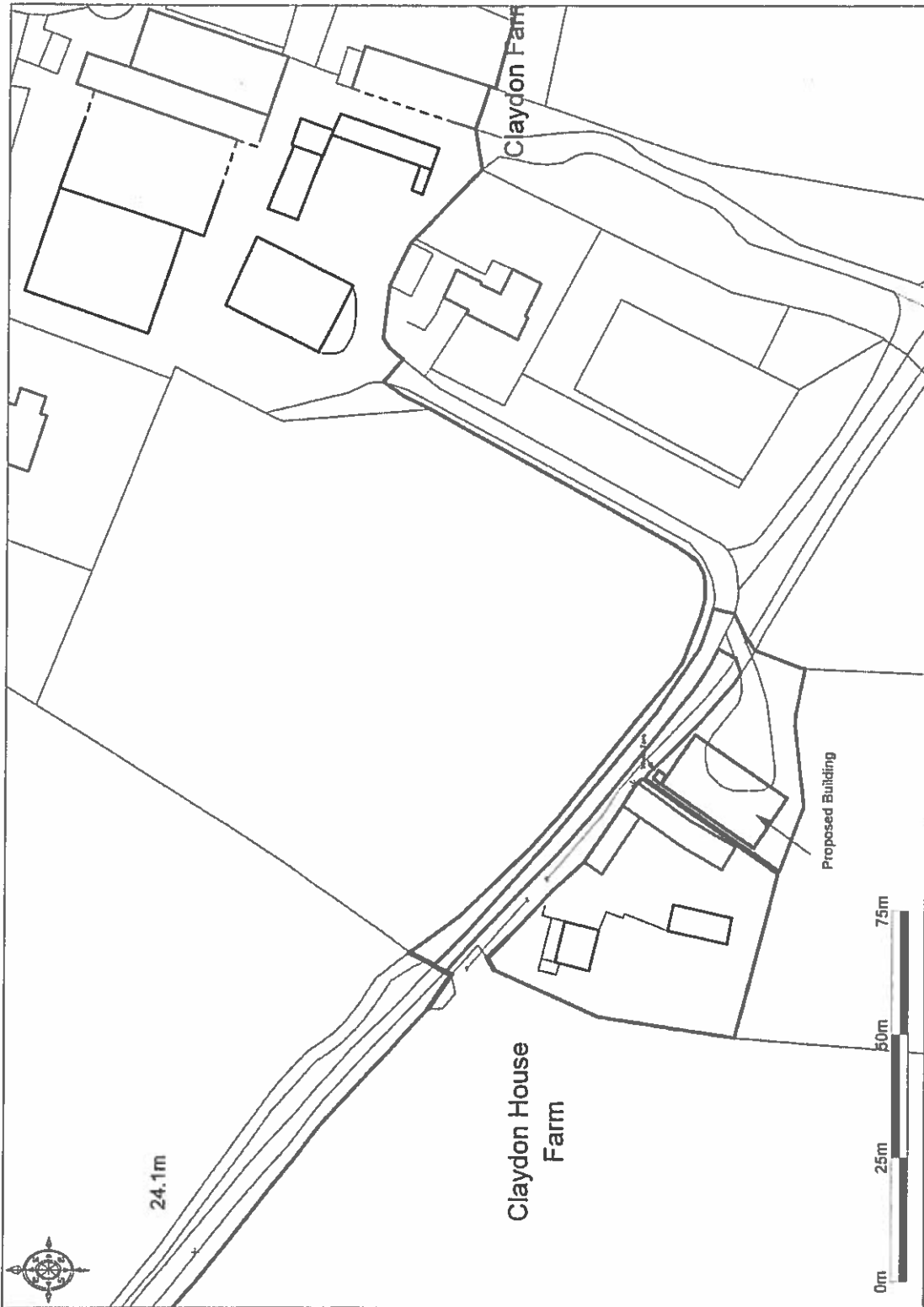
Notes:

- 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 the amount of roof lights and roof colour.

- 2 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

Location Plan

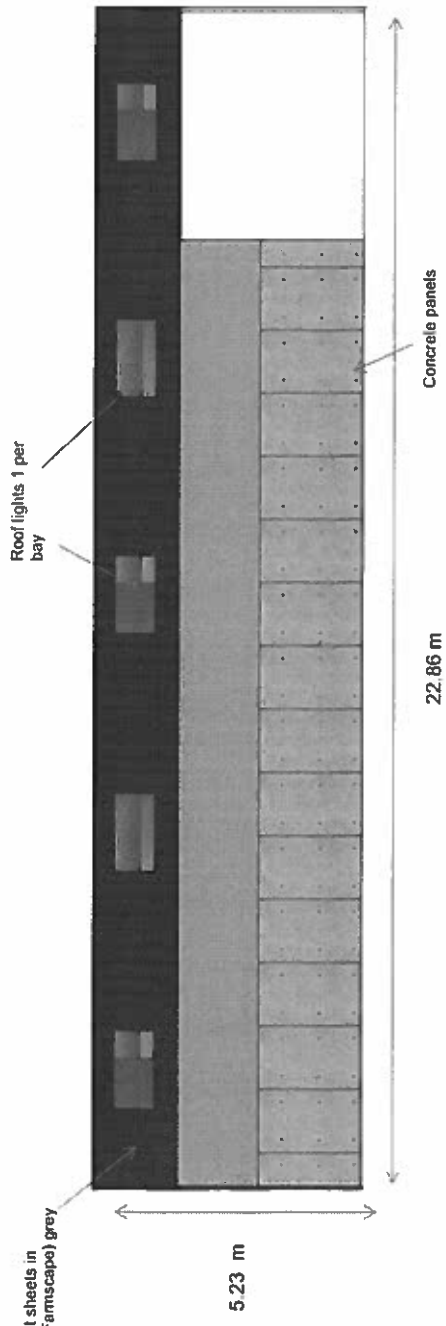


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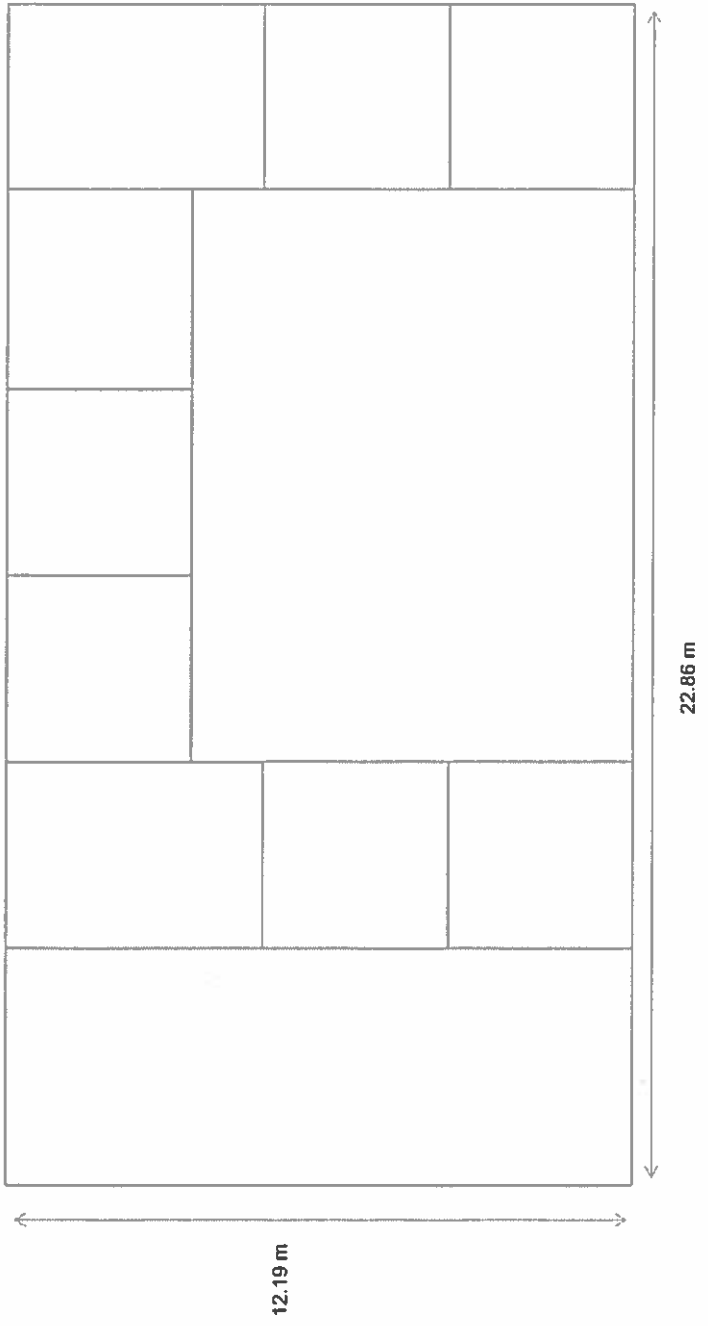
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West View




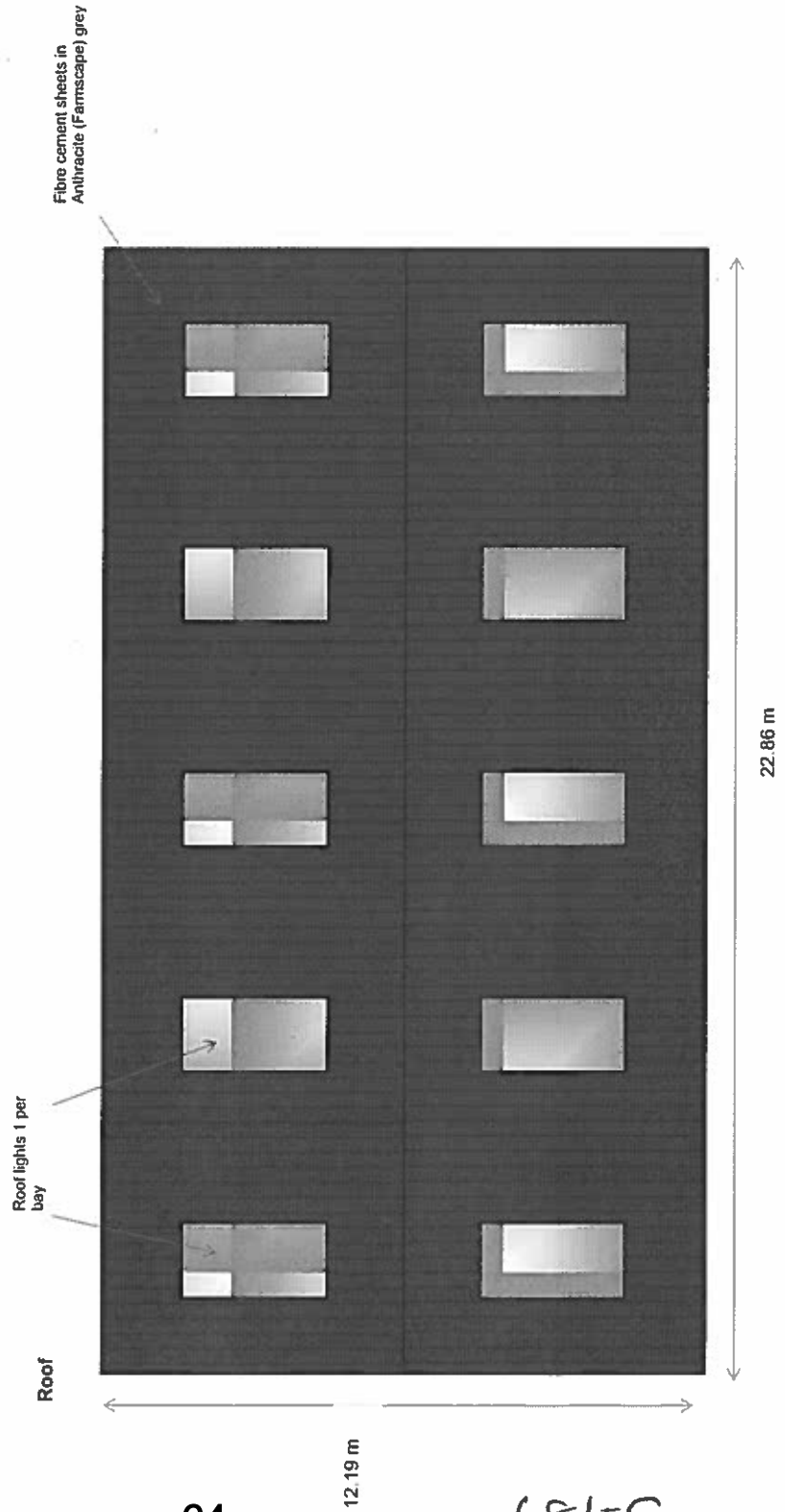
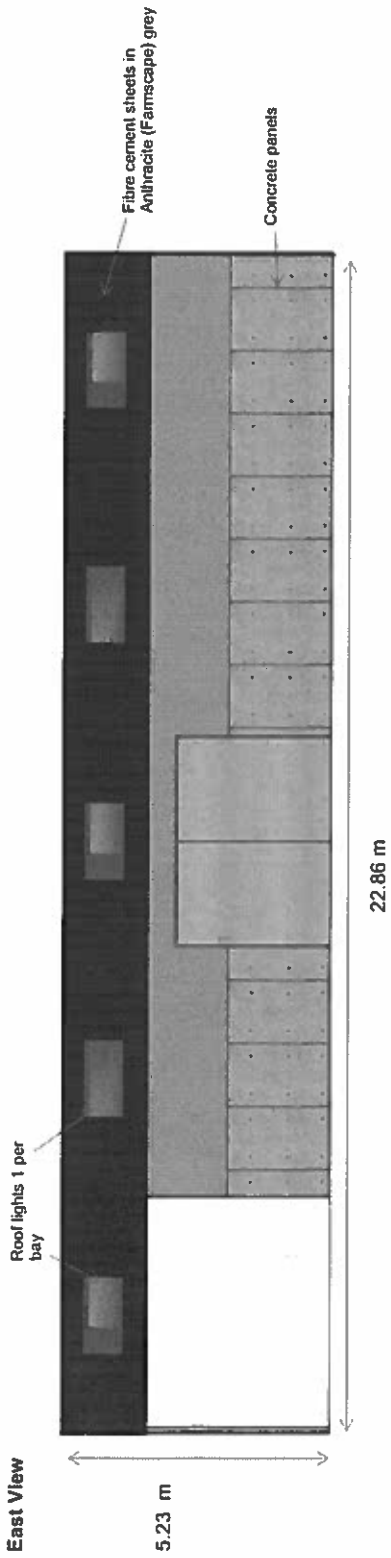
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Floor Plan



681-b


<p>Title: Proposed Development Client: Williams – Claydon Farm DRWG: Version 2: 003 Date 19/02/2018 Scale: 1:100 @ A3</p>	<p>For Identification Purposes Only</p> <p>This plan is based upon the Ordnance Survey map with the sanction of the Controller of HM Stationery Office Crown Copyright Reserved</p> <p>Licence No ES75007E00</p>	 <p>Carver Knowles RURAL PROPERTY CONSULTANTS Tel: 01684 853400 Fax: 01684 853401 Email: enquiries@carverknowles.co.uk</p>
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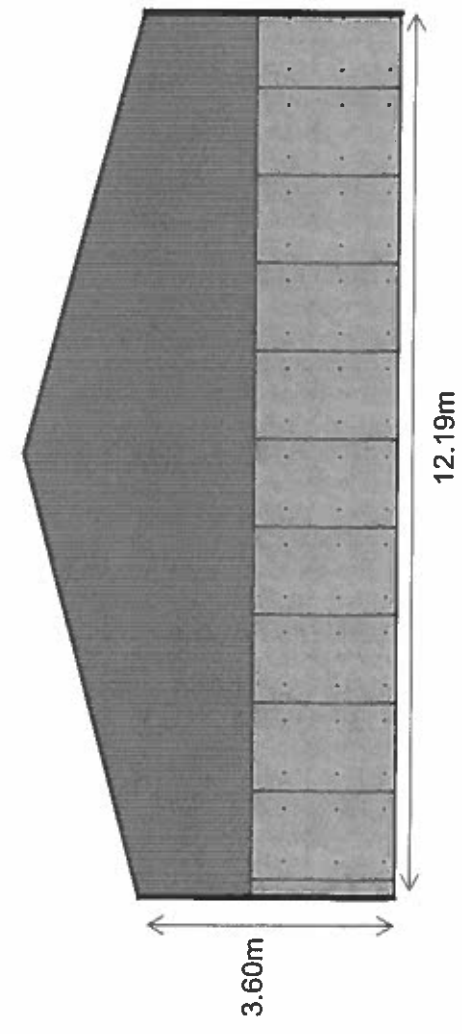
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12.19 m

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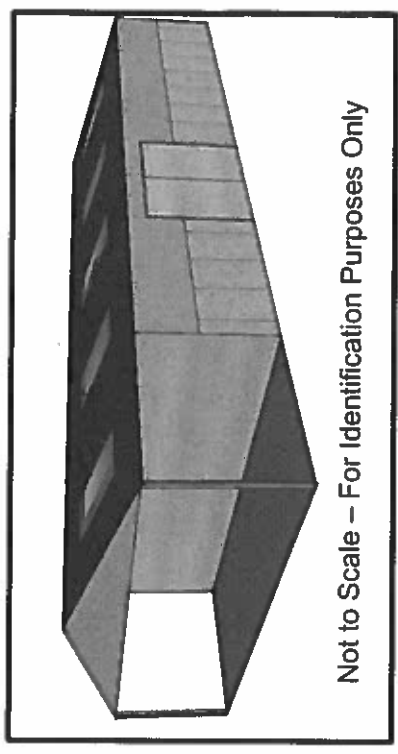
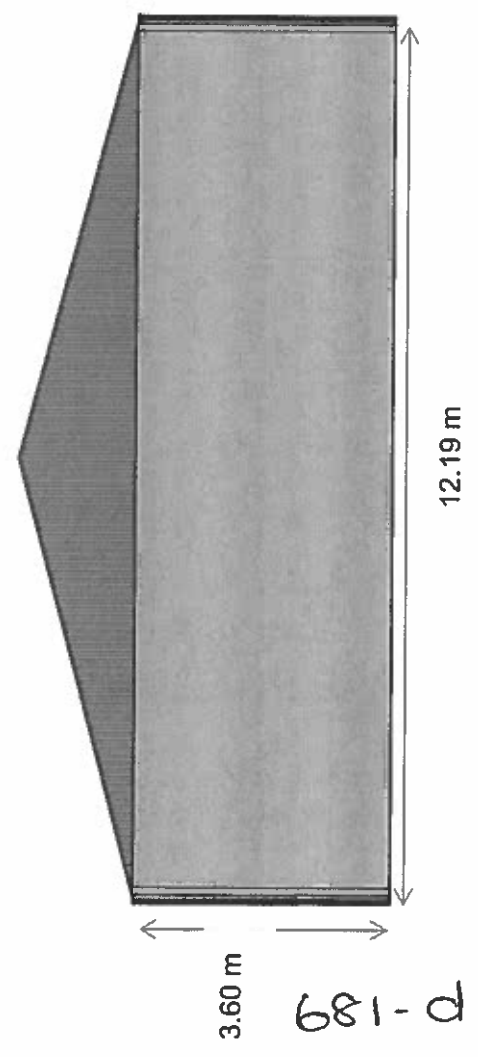
<p>Title: Proposed Development Client: Williams – Claydon Farm DRWG: Version 2: 002 Date 19/02/2018 Scale: 1:100 @ A3</p>	<p>For Identification Purposes Only</p> <p>This plan is based upon the Ordnance Survey map with the sanction of the Controller of HM Stationery Office Crown Copyright Reserved</p> <p>Licence No ES75007E00</p>	 <p>Carver Knowles RURAL PROPERTY CONSULTANTS Tel: 01684 853400 Fax: 01684 853401 Email: enquiries@carverknowles.co.uk</p>
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North View



65

South View



Title: Proposed Development
 Client: Williams – Claydon Farm
 DRWG: Version 2: 001
 Date 19/02/2018 Scale: 1:100 @ A4

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 Email: enquiries@carverknowles.co.uk

Valid 15.01.2018

Creation of new access, including dropped kerb, and associated driveway.

Grid Ref 400953 230341

Parish Gretton

Ward Winchcombe

Mr Connaughton

C/O Agent

RECOMMENDATION Permit**Policies and Constraints**

National Planning Policy Framework; 2012 (NPPF)

Planning Practice Guidance

The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS)

Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)

Planning (Listed Buildings and Conservation Areas) Act 1990

Flood and Water Management Supplementary Planning Document

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

The First Protocol, Article 1 (Protection of Property)

Within 50m of multiple listed buildings

Conservation Area

Area of Outstanding Natural Beauty

Classified highway

20m from TPO tree

Consultations and Representations

Gretton Parish Council objects to the application on the following grounds:

- Traffic and safety grounds, making the following points:
- 'No reported accidents in 5 years' does not make it safe; it just means that currently drivers recognise the danger.
- The corner has a natural traffic calming/slowing effect and is therefore useful in the centre of the village. This junction will make the road feel wider at this point, possibly encouraging traffic to feel less restricted and move faster.
- Neighbouring cottages have no off-road parking and cars, vans and service vehicles are frequently parked on the road outside them. Whilst the splays might seem acceptable, if vehicles are parked in front of Gardeners or Forge cottages, vehicles exiting Gardeners Cottage would have no visibility.
- If turning left intending to travel towards Winchcombe then they would have to stop and check their road was clear before proceeding to overtake parked vehicles with very limited sight lines. However, if turning right to go towards Alderton they would be turning into a traffic flow with basically no idea what was coming.
- For the road user travelling from Winchcombe, west, towards Alderton the parked vehicles would hide their view of vehicles exiting from that driveway until the parked vehicles were passed, and if there was a vehicle turning out the westbound vehicle would be in collision with it, having almost no thinking/braking distance available at all.
- The argument that an estate car can drive in and turn so there would be no need to reverse out onto the junction is noted. That would only apply when there are no other cars already parked on-site, and no other obstructions onsite. History tells us that this rule rarely applies. There are frequently more than one car per household, trades people park on the drive, and some traffic will be reversing out.
- The portion of the driveway traversing the grassed area could be used to accommodate additional vehicles causing a loss of vision for road users and a danger to pedestrians.
- Delivery or service vehicles are likely to park across the drive causing hazards on this corner.
- Environmental grounds, making the following points:
- A prior application was rejected because it proposed knocking down a historic wall associated with a listed building. The access request is for a new location, slightly round the corner, so they are now knocking down a different bit of the same wall, which is now also directly associated with a listed building. The historic wall is still being taken down, so this is only a technical evasion of the previous rejection.

- The Parish Council is proposing to change the status of the land in Barn Close and the land adjacent and opposite our existing Village Green to all holding Village Green status. The intention being to give the Village a more obvious rural community feel; this new drive undermines this ethos which is integral to the related traffic and parking policy which has been accepted after consultation with the Community.
- The Parish Council's proposed application for a Licence to Cultivate, which is the subject of advanced discussions with Highways and Tewkesbury Borough Council, would include this parcel of land. Again, this undermines the proposal.
- Gretton Parish Council considers that this proposal undermines the Parish Council's carefully considered and consulted plans to improve road safety and the village environment and advises that it vigorously objects.

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

The **Local Highway Authority (LHA)** raises no objection subject to conditions.

The comments from Gretton Parish Council were forwarded to the LHA for their comment. In response, the LHA advised that it deems the proposed creation of a new access, including dropped kerb and associated driveway, to be in accordance with Paragraph 35 of the NPPF, whereby a safe and a secure layout would be provided (ref: drawing number SK01 rev B and SP01 rev A), and that the recommendation of no highway objection subject to condition still stands.

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

Planning Officers Comments: Emma Dee

1.0 Application Site

1.1 The application site is a garden area associated with and located to the western and south-western side of Gardeners Cottage; a Grade II listed C17 house, formerly two (NHLE ref 1091486), located in the centre of the Gretton Conservation Area, in the parish of the same. It is a limestone ashlar building with a stone slate roof, of two storeys plus attic in the classic Cotswold manner. The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

1.2 The application site also includes an area of grass verge and public highway immediately to the south-west of Gardeners Cottage, which is in the ownership of Gloucestershire County Council (See 'Site Location Plan', and 'Existing Site Plan').

2.0 Relevant Planning History

2.1 A planning application proposing the construction of a new vehicular access and hardstanding at Gardeners Cottage (reference T.6670/A) was refused in 1986.

2.2 A planning application proposing the retention of excavation of entrance, the erection of a dry stone wall with 2 no. piers and steps into the property at 2 Gardeners Cottage (reference 02/6770/1518/FUL) was refused on 19th December 2002 for the following reasons:

1. The development conflicts with Policies S6, S7 and NHE4 of the Gloucestershire Structure Plan Second Review and Policies GEN12 and LAN1 of the Tewkesbury Borough Local Plan to 2011 (Revised Deposit) in that it creates a discordant feature which detracts from the quality of the built historic environment within the Cotswolds Area of Outstanding Natural Beauty by reason of its design, form and materials.

2. The development conflicts with Policy NHE6 of the Gloucestershire Structure Plan Second Review and Policies CON1 and CON2 of the Tewkesbury Local Plan to 2011 (Revised Deposit) in that it creates a discordant feature which fails to preserve or enhance the character, appearance and setting of the conservation area by reason of its design, form and materials.

3. The development conflicts with Policy NHE6 of the Gloucestershire Structure Plan Second Review and Policy CON15 of the Tewkesbury Borough Local Plan to 2011 (Revised Deposit) in that it creates a discordant feature which adversely affects the setting of the listed building by reason of its design, form and materials.

2.3 A planning application proposing the retention of excavation works and part of an existing stone wall and the erection of a stone boundary wall at 2 Gardeners Cottage was granted on 2nd October 2003 (reference 03/6770/0994/FUL).

2.4 A listed building consent application proposing the installation of a bathroom compartment on the second floor (attic) landing of Gardeners Cottage was granted on 26th October 2017 (reference 17/00916/LBC).

3.0 Current Application

3.1 The application seeks planning permission for the provision of a dropped kerb and vehicular access over an existing grassed verge to the south-west of Gardeners Cottage and the provision of an associated driveway, vehicular parking space and turning head to serve the dwelling known as Gardeners Cottage, on an area currently laid to lawn (See 'Proposed Site Plan' and 'Existing and Proposed Street Scene'). The dwelling currently does not benefit from off-street parking. It is proposed that Cotswold Stone coloured gravel would be used on the driveway and the parking and turning area, and that resin bound Cotswold Stone coloured gravel over a tarmac course base would be used on the first 5 metres of the proposed access.

3.2 The application advises that, since the refusal of a previous application proposing the provision of a new vehicular access and associated hardstanding, the applicant has purchased adjacent land at the property known as Torsmead. The proposed access would be situated on this recently acquired land. The application makes the case that the current proposal would enable vehicular access to Gardeners Cottage, without removal or modification of the existing drystone wall in front of Gardeners Cottage, which is a listed building.

3.3 It is proposed to remove a 4 metre wide section of the existing 0.9 metre high Cotswold Stone walling along the part of the boundary previously forming part of the adjacent land at Torsmead in order to facilitate the new access. This section of wall is not listed. A 10 metre wide section of the existing hedge planting is also proposed to be removed to allow for visibility.

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 Adopted Joint Core strategy (2017) and saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP).

4.2 Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework (NPPF).

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

5.0 Analysis

Impact on setting of listed building:

5.1 As noted above, Gardeners Cottage is a Grade II listed C17 house (NHLE ref 1091486). Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the Local 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.

5.2 Policy SD8 of the JCS, which relates to the "Historic Environment", specifies that designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. It further specifies that consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy. Policy SD8 also sets out that development should aim to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation whilst improving accessibility where appropriate.

5.3 This is consistent with Section 12 of the NPPF which relates to "Conserving and enhancing the historic environment" and one of the core land-use planning principles of the NPPF which specifies that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

5.4 The existing drystone walling in front of Gardeners Cottage, which is listed, would be unaffected by the proposed development. There is a visible difference between the drystone wall to the front of the listed Gardeners Cottage and the adjacent Cotswold Stone wall to the front of the un-listed Torsmead (part of which has recently been purchased by owners of Gardeners Cottage), and it is part of this Cotswold Stone wall which is proposed to be removed in order to facilitate the new access. It is therefore judged that the proposed removal of this section of walling would preserve the listed building.

5.5 By virtue of the scale and surfacing materials of the proposed driveway, parking and turning area, it is considered that the proposed development would preserve the setting of the listed building.

Impact on character and appearance of area:

5.6 As noted above, the application site is located within the Cotswolds AONB. Policy SD7 of the JCS requires all development proposals within the setting of the Cotswolds AONB to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. It further sets out that proposals will be required to be consistent with the policies set out in the Cotswolds AONB management plan. This is consistent with the NPPF which, at paragraph 115, sets out 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.

5.7 The application site is also located within the Gretton Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 specifies that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Policy SD8 of the JCS and Section 12 of the NPPF, as referred to above in paragraphs 6.2 and 6.3 of this report respectively, are also of relevance in terms of assessing the impact on the designated conservation area.

5.8 As well as removing the 4 metre wide section of the existing walling, it is also proposed to remove a 10 metre wide section of the existing hedgerow planting to allow for visibility. This would provide views into part of the application site, and an existing close boarded fence which separates Gardeners Cottage from Torsmead would then be visible from public vantage points. Whilst the proposed removal of part of the existing boundary wall and hedgerow planting would have some impact on the appearance of the street scene, dwellings in this part of Gretton have a mix of frontages, mostly in the form of low level boundary treatments or planting. There are other examples in close proximity of the application site, for example directly opposite the application site at Tithe Farm Cottage, where vehicular accesses and driveways have been provided across grass verges. It is therefore considered that, in this instance, the proposals would have a neutral impact on the Conservation Area.

5.9 The application sets out that the resin bound Cotswold Stone coloured gravel over a tarmac course base, which would be used on the first 5 metres of the proposed access, has been proposed to allay some of the concerns of the Parish Council about the rural feel of the village. The applicant considers that the proposed resin bound gravel would appear better than ordinary tarmac, and that it would have a higher quality finish than the majority of neighbouring existing driveways. The application refers to the Gloucestershire County Council "Enhanced Materials Policy"; October 2010 (EMP), which allows for resin bound surfacing materials. The Local Highway Authority (LHA) has confirmed that this material is acceptable in this location.

5.10 Cotswold Stone coloured gravel would be used on the remainder of the proposed driveway and the parking and turning area. It is considered that the proposed surfacing materials would respect the character and appearance of surrounding development.

5.11 As a whole it is considered that the proposed development would preserve the character and appearance of the conservation area and would conserve the landscape and scenic beauty of the AONB.

Impact on Residential Amenity:

5.12 By virtue of the scale and form of the development proposed, it is considered that there would be no significant adverse effect on adjoining occupiers in terms of loss of privacy nor in terms of noise levels or general disturbance.

5.13 It is considered that the proposed development would not unreasonably detract from the garden areas at the dwellings known as Gardeners Cottage and Torsmead and, as such, it is considered that an acceptable living environment would continue to be provided for occupiers of both dwellings.

Impact on Highway Safety:

5.14 Section 4 of the NPPF relates to "Promoting sustainable transport" and, at paragraph 32, specifies that decisions should take account of whether safe and suitable access to the site can be achieved for all people, and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 35 of the NPPF specifies that developments should be located and designed where practical to, inter alia, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. Policy INF1 (Transport Network) of the JCS reflects this advice.

5.15 A Transport Statement (TS), commissioned by Cotswold Transport Planning, has been submitted with the planning application.

5.16 The TS confirms that the Crash Map database has been consulted, and confirms that there has only been no recorded personal injury collision in the vicinity of the site in the five-year period to the end of 2016. It therefore considers that there is no existing safety problem that would be exacerbated by the proposed new access.

5.17 The submitted TS advises that this access has been designed in accordance with the design parameters set out in *Manual for Gloucestershire Streets Appendix C Standing Advice-Technical Note 2nd Edition* for a single domestic vehicle access from the adopted highway. The TS confirms that an Automatic Traffic Counter was installed on the unnamed road fronting Gardeners Cottage between the 5th and 11th July 2017 to determine the existing mean and 85th percentile speeds in the vicinity of the site.

5.18 The submitted TS confirms that the recorded 24-hour mean speeds were 21mph west bound and 18.1mph east bound, and that the 85th percentile dry weather speeds were 25.7mph west bound and 23.2mph east bound. The TS advises that these have been adjusted in accordance with paragraph 3.4 of TA22/81 to take in to account wet weather speed, which gives the recorded 24-hour average 85th percentile wet weather speeds of 23.2mph west bound and 20.7mph east bound. Based on these adjusted speeds for wet weather, the TS advises that it would be appropriate to quantify junction visibility based on Manual for Streets criteria.

5.19 The submitted TS confirms that the standard Manual for Streets 2 visibility splay methodology has been used and that the resultant necessary access visibility splays to enable a vehicle to safely see and be seen by other road users is 2.4m x 30m to the east (looking left) and a 2.4m x 26m access visibility splay is achievable to the west (looking right). This is illustrated in Appendix B of the TS (see '**Proposed Driveway Access**'). The TS confirms that these splays are achievable within land under the control of the Applicant or within the extent of the adopted highway.

5.20 The TS also confirms that the layout of the proposed private driveway would enable a vehicle to enter and exit the site in forward gear. The swept-path analysis is illustrated in Appendix E of the TS (see '**Proposed Driveway Access - Swept Paths**').

5.21 The submitted TS concludes that the proposed site access arrangement to serve Gardeners Cottage is considered suitable and appropriate emerging visibility splays, commensurate to the 85th percentile speed of traffic are achievable.

5.22 The Local Highway Authority has been consulted on the proposed development and raises no objection subject to conditions, including the required visibility splays (see condition 3 below).

5.25 The application proposes that a resin bound Cotswold Stone coloured gravel over a tarmac course base would be used on the first 5 metres of the proposed access. The LHA advises that it would accept the provision of this type of bound material on the area of driveway within 5 metres of the carriageway edge of the public road.

5.26 Subject to the conditions referred to above, it is considered that the residual cumulative impact of the proposed development on highway safety would not be severe, and that it would be in accordance with the relevant policies.

6.0 Summary

6.1 The concerns of the Parish Council are noted however, taking into account all of the above, the impact of the proposal is considered to be acceptable and in accordance with the relevant policies. It is therefore recommended that planning permission is granted subject to conditions.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with approved drawing no. "SK02" and details within the covering letter and Transport Statement and all associated appendices (including drawing nos. "SK01 Revision B" at appendix B and "SP01 Revision A" at appendix E) received by the Local Planning Authority on 29th November 2017, approved drawing no. "SK03 Revision B" received by the Local Planning Authority on 11th January 2018, details within the application form received by the Local Planning Authority on 15th January 2018, approved drawing no. "1658-12B" received by the Local Planning Authority on 21st February 2018, approved drawing no. "1658-10B" received by the Local Planning Authority on 23rd February 2018, and any other conditions attached to this permission.
- 3 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 26m (Right) and 30m (Left) (the Y points). The area between those splays and the carriageway shall be maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.6m and 2.0m at the Y point above the adjacent carriageway level.
- 4 The vehicular access shall be laid out and constructed in accordance with drawing no. "SK01 Revision B", as shown at Appendix B within the approved Transport Statement received by the Local Planning Authority on 29th November 2017, with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

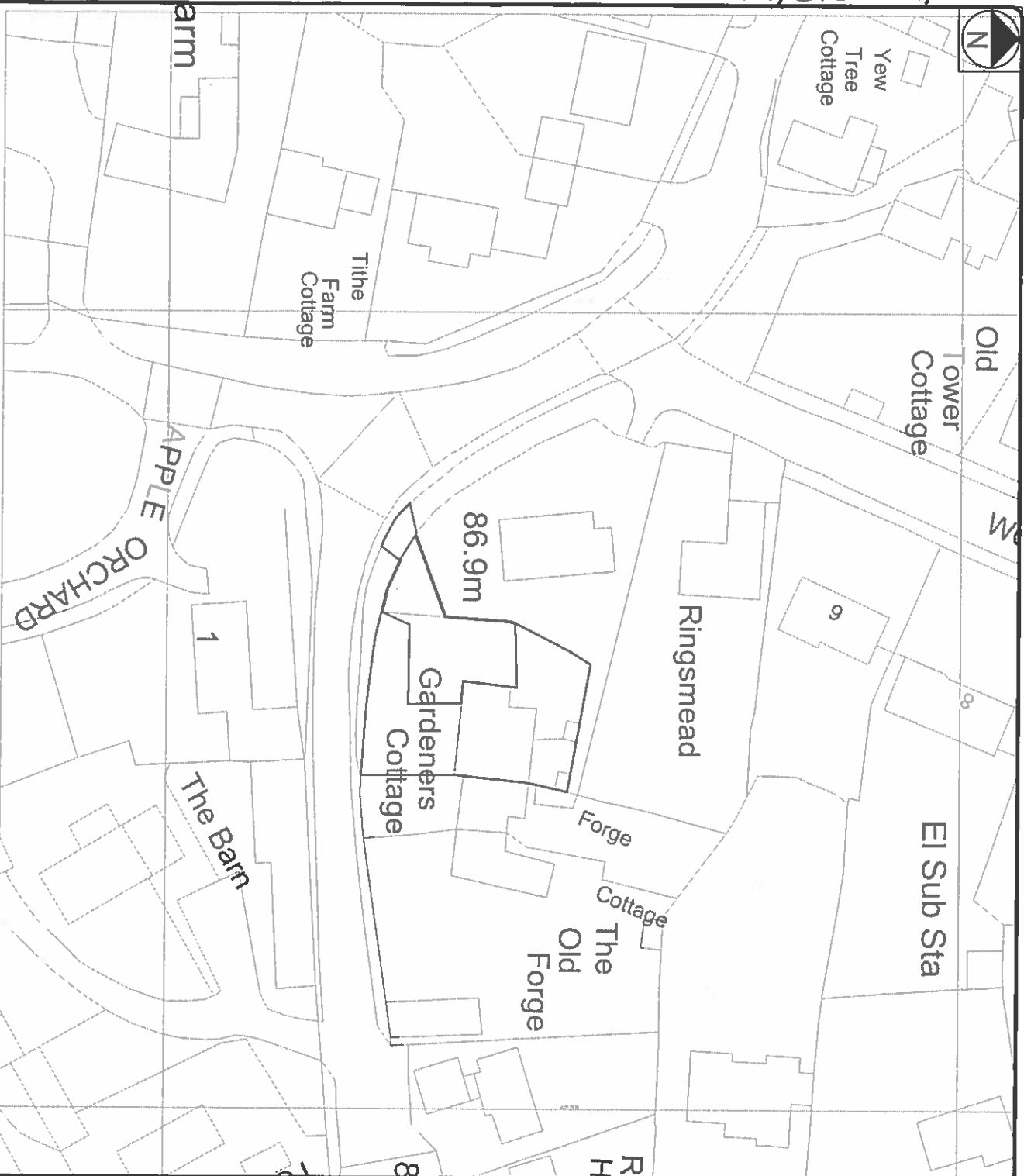
Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans.
- 3 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 (2012).
- 4 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 (2012).

Notes:

- 1 **Statement of Positive and Proactive Engagement**
In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

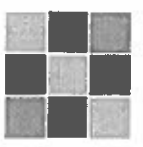
- 2 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 3 The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Amey Gloucestershire on 08000 514 514 or gcchighway@amey.co.uk before commencing any works on the highway.



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Notes:

- Key
- Application boundary
 - Land in the Applicant's control



**COTSWOLD
TRANSPORT
PLANNING**

Cotswold Transport Planning Ltd
121 Promenade
Cheltenham
Gloucestershire
GL50 1NW
www.cotswoldip.co.uk

Tel: 01242 370283
cheltenham@cotswoldip.co.uk

Drawing Title:
Site Location Plan

Client:
Mr P Connaughton

Project:
Gretton, Gloucestershire

Drawing No:
SK03

Revision: **B**

Date Drawn:
21.12.17

Issue Date:
11.01.17

Drawn by:
MP

Checked by:
BQ

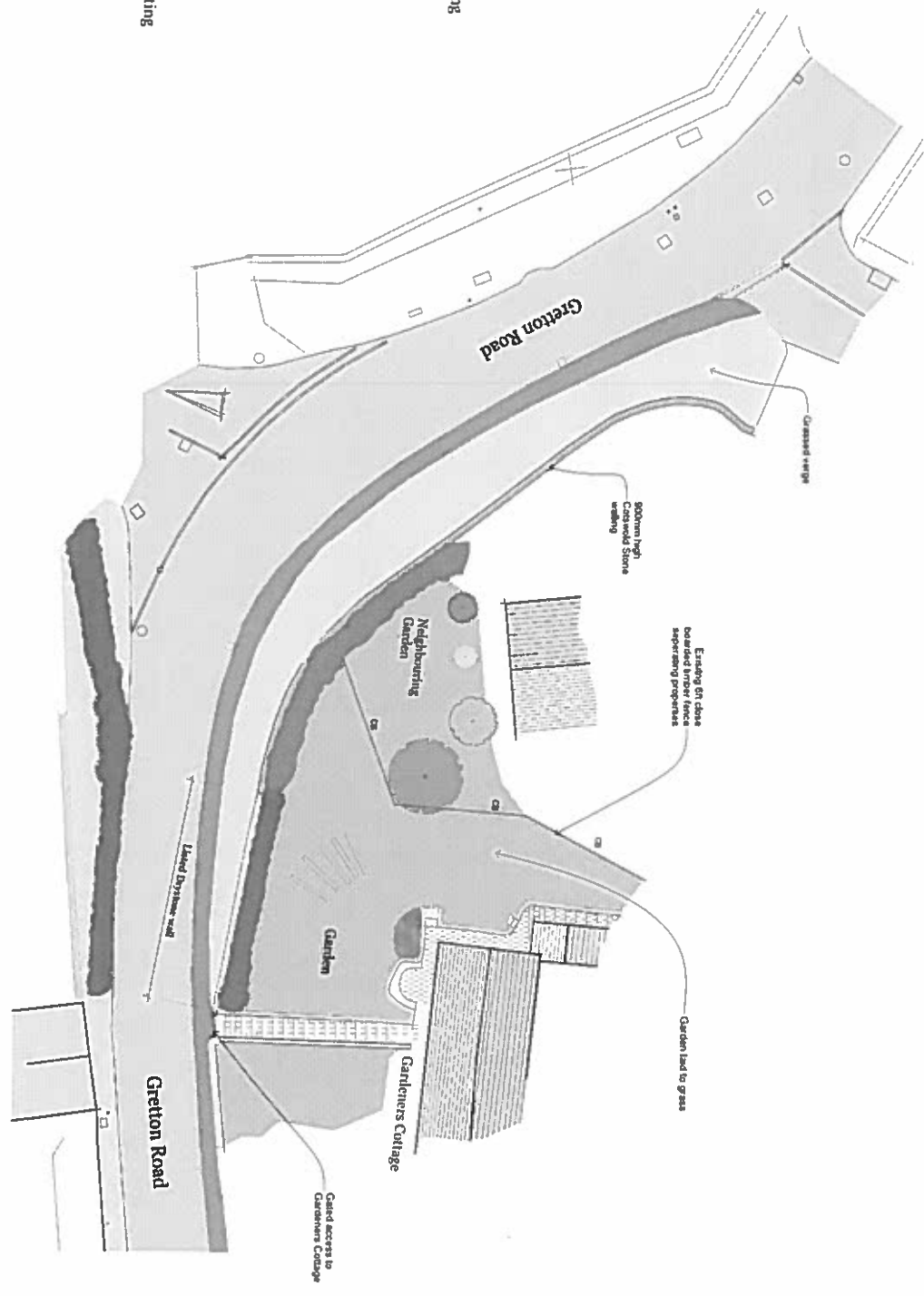
Project Code:
CTP-17-348

Scale at A3:
1:500

Drawing Status:
Preliminary

688-a

- Private gardens laid to grass
- Grass verge
- Existing tree planting
- Existing pedestrian footway
- Highway general
- Existing timber closeboard fencing 1.8m high
- Existing hedge planting



Gardeners Cottage, Gretton - Existing Site Plan

A. CLARKE DESIGN

1658-11
PLANNING

Client: **PLANNING**

Project: **1658-11**

Site: **PLANNING**

Scale: **1:100**

Author: **PLANNING**

Checked: **PLANNING**

Date: **1658-11**

Project: **1658-11**

Site: **PLANNING**









Scale: **1:100**

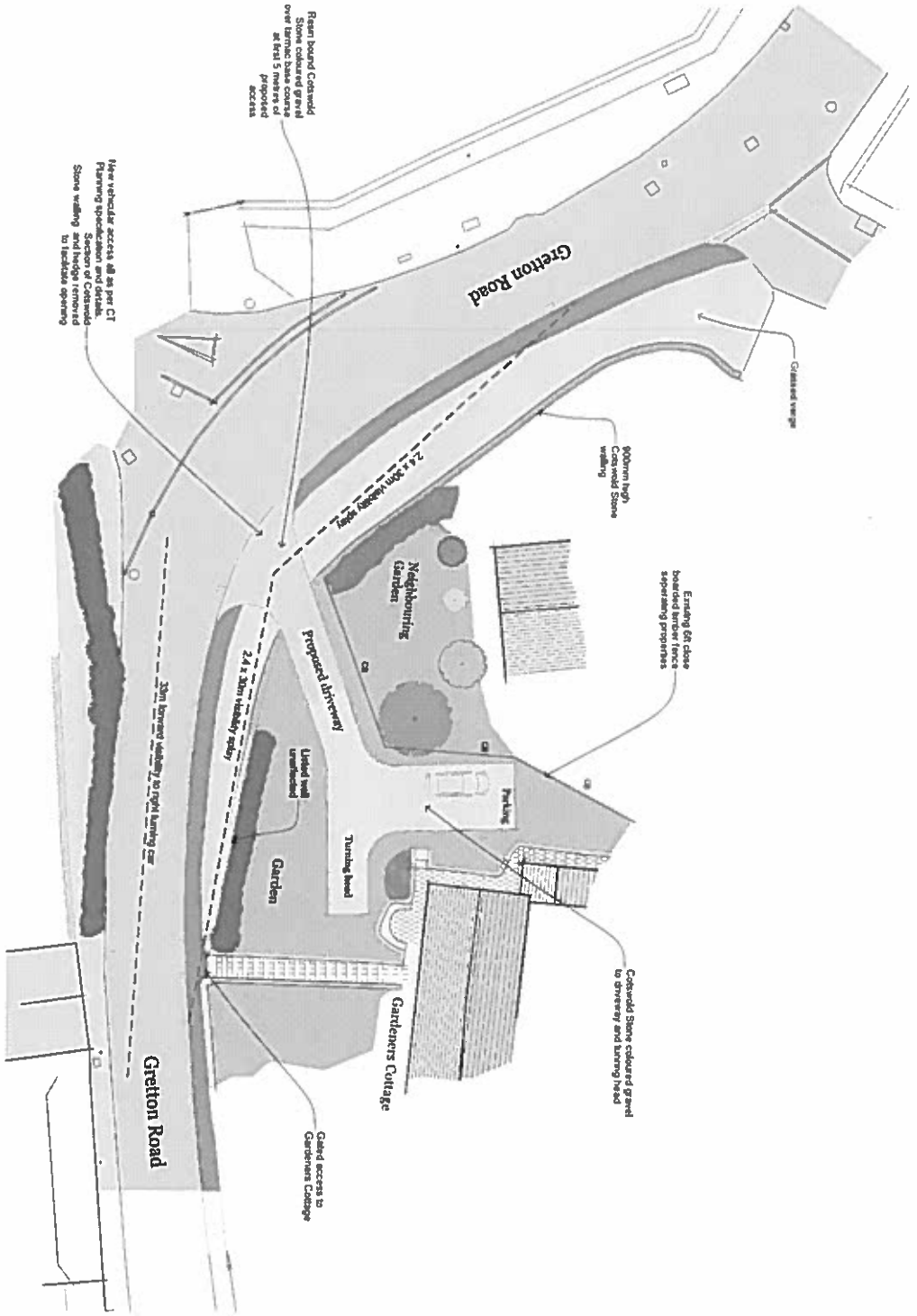
Author: **PLANNING**

Checked: **PLANNING**

Date: **1658-11**

KEY:

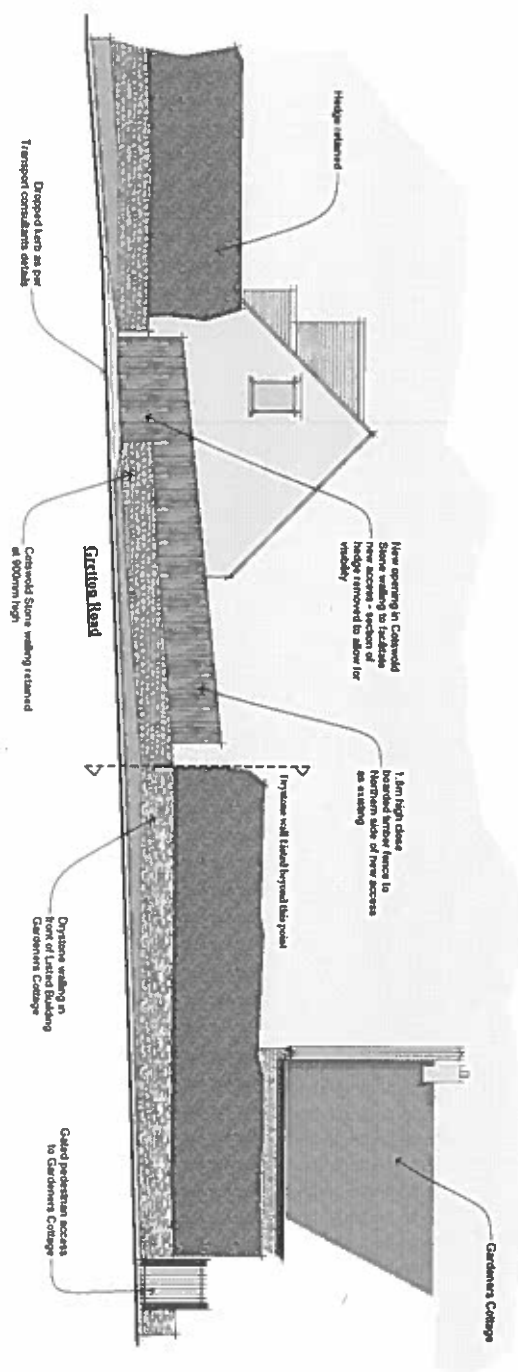
-  Private gardens laid to grass
-  Grass verge
-  Existing tree planting
-  Existing pedestrian footway
-  Highway general
-  Existing timber closeboard fencing 1.8m high
-  Existing hedge planting
-  Indicates visibility see CT Planning documentation



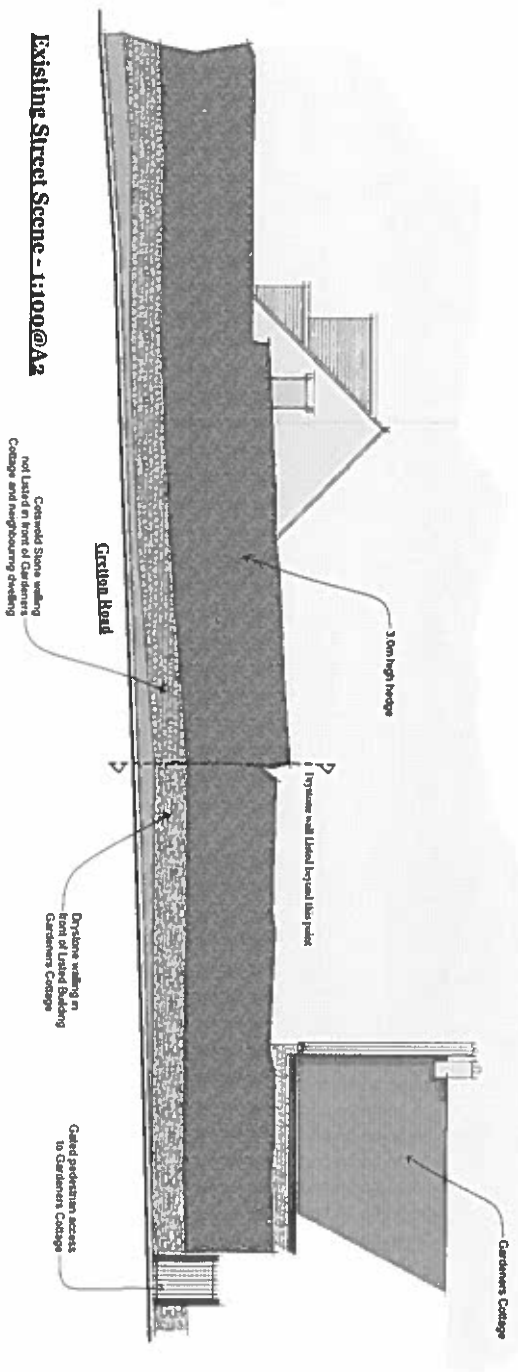
Gardeners Cottage, Gretton - Proposed Site Plan

ACL/RIKE DESIGN
 1658-12B
 142218
 PLANNING
 17/01279/Fu

Proposed Street Scene - 1:100@A2



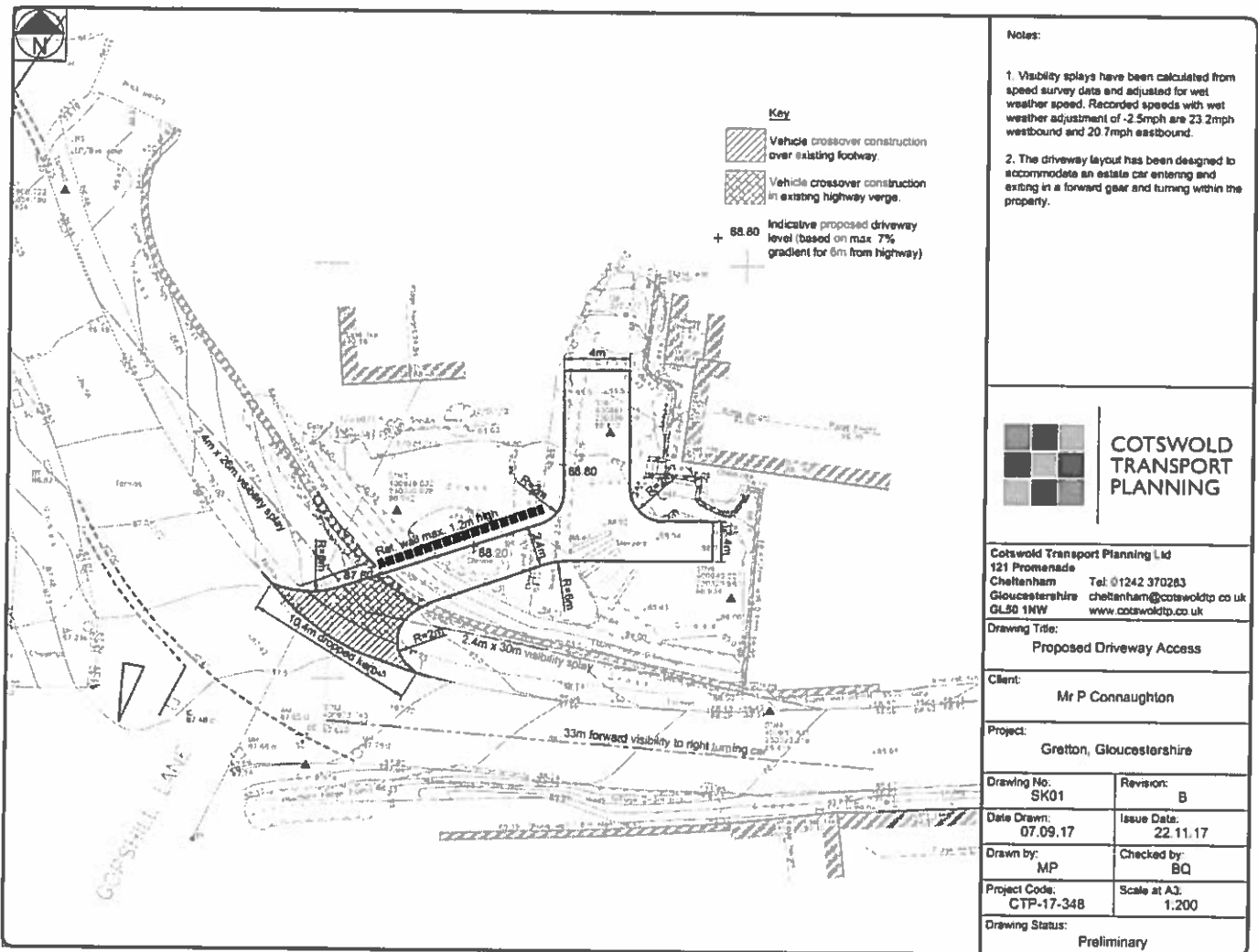
Existing Street Scene - 1:100@A2

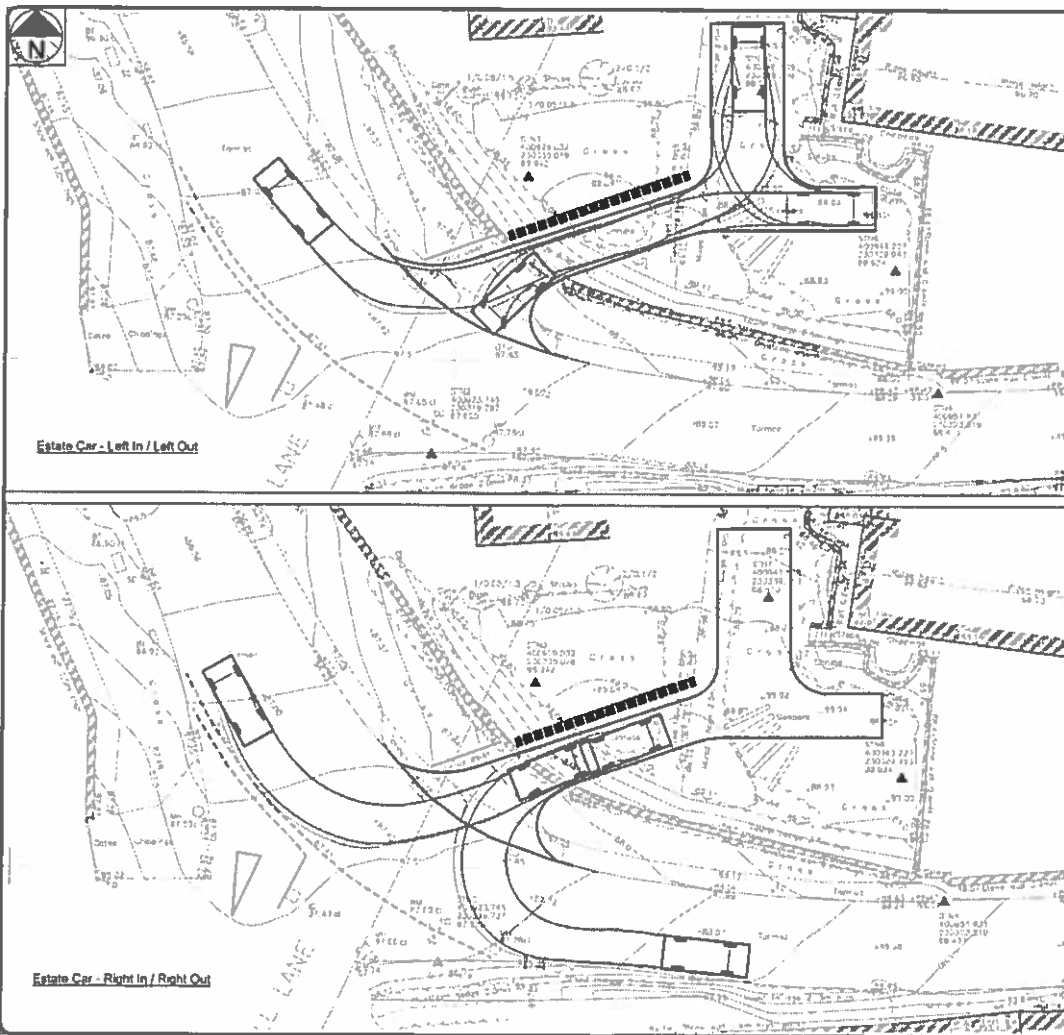


Gardens Cottage, Gritton - Proposed Driveway Access

688-d

17/01279/R2
 1658-10B
 PLANNING
 ACLKRKE DESIGN
 141 St. Andrew's Road
 Gritton, Dorset, DT2 8SD
 01328 820000
 info@aclkrkedesign.co.uk
 www.aclkrkedesign.co.uk
 GARDENS COTTAGE, GRITTON
 EASTING & PROP. STREET SCENE
 14/01/2018





Notes:



Estate Car (2006)	4.750m
Overall Length	1.804m
Overall Width	1.443m
Max Body Ground Clearance	0.197m
Max Track Width	1.750m
Lock to Lock Time	4.00s
Keck to Keck Turning Radius	8.550m



**COTSWOLD
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 121 Promenade
 Cheltenham Gloucestershire
 GL50 1NW
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 cheltenham@cotswoldtp.co.uk
 www.cotswoldtp.co.uk

Drawing Title:
Proposed Driveway Access - Swept Paths

Client:
Mr P Connaughton

Project:
Gretton, Gloucestershire

Drawing No: SP01	Revision: A
Date Drawn: 07.09.17	Issue Date: 22.11.17
Drawn by: MP	Checked by: BQ
Project Code: CTP-17-348	Scale at A3: 1:200

Drawing Status:
Preliminary

Valid 15.12.2017

Construction of new dwelling to rear (Revised scheme following approval of application no.15/00512/FUL).

Grid Ref 399952 233233

Parish Alderton

Ward Winchcombe

Move Developments Ltd

Mr Thomas Deacon

C/O Agent

RECOMMENDATION Permit**Policies and Constraints**

Joint Core Strategy (JCS) - SP2, SD4, SD10, INF1.

Tewkesbury Borough Local Plan (TBLP) to 2011 - March 2006 - Policies, LND2

NPPF

Planning Practice Guidance

Alderton Neighbourhood Development Plan 2011-2031 (ANDP) Regulation 15 Submission Version (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**Alderton Parish Council** - Object to the planning application for the following reasons:

- New dwelling has a larger footprint compared to that previously approved.
- Scheme provides little parking and amenity areas.
- Garage and store building now remain with 27 Willow Bank Road.
- Dwelling is now situated right up to the southern boundary of the site.

Two Letters of representation have been received from members of the public. The comments raised are summarised below:

- Plot size reduced
- Footprint increased
- Majority of green space replaced by development
- Overdevelopment
- Double garage no longer included
- 2 parking spaces lost
- Solar panels, rainwater harvesting and ground source heat pump now omitted
- More appropriate orientation
- Increased privacy
- Simplified design is more appropriate
- Security during construction
- Storm drain to front of original houses not used

Planning Officers Comments: Bob Ristic**1.0 Application Site**

1.1 The application site comprises the rearmost part of the former gardens to Nos. 25 and 27 Willow Bank Road and is accessed via an existing driveway between nos. 25 and 27. The site is located within the residential development boundary of Alderton and within the Special Landscape Area (SLA). **(See attached site location plan)**

2.0 Planning History

2.1 The application site has been subject to one previous planning application which is outlined below:

Application no. 15/00512/FUL - Erection of 1 dwelling with associated garage, drive, parking and turning area - Permitted August 2015.

3.0 Current Application

3.1 This application seeks planning permission for a detached, single storey, three bed bungalow within the rearmost (eastern) part of the application site. The main body of the dwelling would extend across the width of the plot, and would include two 'wings' which would extend part way along the northern and southern parts of the site.

3.2 The proposed vehicular access would be provided off Willow Bank Road via an existing access drive running between no's 25 and 27 Willow Bank Road. The access would terminate in an area of hardstanding which would accommodate a minimum of two off-site parking spaces and a turning area.

3.3 The area around the dwelling would be laid out with paving slabs and an area of lawn would be provided to the southwestern part of the site in front of the propose dwelling. **(See attached plans)**

4.0 Policy Context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are 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 key consideration in assessing the principle of development therefore are the existing and emerging plans for the area and Government policy in respect of new housing development.

4.2 The Joint Core Strategy (JCS) was adopted in December 2017 and is part of the Development Plan for the area. Various policies in the JCS superseded some of the policies in the Tewkesbury Borough Local Plan (TBLP) to 2011 which had hitherto been saved by the Secretary of State.

4.3 The JCS sets out the key spatial policies for the JCS area over the period of 2011-2031 and the preferred strategy to help meet the identified level of need. Policy SP1 sets out the overall strategy concerning the amount of development required, and Policy SP2 sets out the distribution of new development. These two policies, combined with Policy SD1 on the economy, provide the spatial strategy for the plan. This strategy, together with its aims, is expressed in relevant policies throughout the plan and will be supported by forthcoming district plans and neighbourhood plans.

4.4 Tewkesbury Borough's needs (at least 9,899 new homes) will be provided through existing commitments, development at Tewkesbury Town in line with its role as a market town, smaller-scale development meeting local needs at Rural Service Centres and Service Villages.

4.5 Alderton is identified as a Service Village in the settlement hierarchy of Policy SP2 and is considered a suitable location to provide 'lower levels' of development proportional to its size and function.

4.6 Policy SD10 sets out that on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury Town, rural service centres and service villages except where otherwise restricted by policies within district plans.

4.7 The saved policies of the TBLP also comprise part of the Development Plan for the area in respect of the application site. Policy LND2 requires special attention to be paid to the protection and enhancement of the special landscape character of the SLA, which is of local significance. Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.

4.8 The Alderton Neighbourhood Development Plan 2011-2031(ANDP) Submission Version (August 2017) has been out to public consultation and the hearing is scheduled to start in February 2018. The plan is at an advanced stage however there are outstanding objections as a result of the public consultation process. Policy H1 of the Submission Version ANDP supports infill and windfall development within the settlement boundary and advises that development of residential gardens for new housing should demonstrate that the loss of garden space to existing properties is proportionate and that adverse impacts on residential amenity are minimised. Furthermore the policy advises that proposals for accessible, single storey dwellings will be encouraged. It is also noted that the application site is identified as a 'housing commitment' on Map 4 of the ANDP.

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

4.10 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

5.1 The main planning issues to be considered in this application are, the principle of the development, design and layout, highway safety, impact on living conditions and landscape impact.

Principle of Development

5.2 The application site is located within the built up area of Alderton which is a named Service Village in the JCS and is identified as being suitable to accommodate further development. The principle of residential development at the site is considered acceptable provided that the development would not adversely affect the character of the settlement or compromise environmental quality and subject to no conflicts with other local plan policies and material considerations.

5.3 It is noted that planning permission has already been granted for a detached dwelling at the application site and this permission remains extant and remains a 'fall-back'.

Design and layout

5.4 This application proposes an alternative designed dwelling to that permitted under application no.15/00512/FUL. The previously permitted scheme was for a detached dwelling, providing accommodation over two levels, with the lower floor set into the ground and a total floor area of approximately 280 square metres. The dwelling would have been set to central and norther part of the site with a garden area to the south. (See attached plans)

5.5 The current application proposes a more 'conventional' and simplified single storey bungalow which would be set to the eastern part of the site. The previous 'gable and valley' roof form would be replaced with hipped roof design, maintaining the same overall height as that previously approved. The building would be constructed of red brick with timber board detailing to the southwestern gable and the roof would be finished in natural slate.

5.6 The dwelling would not be readily visible from outside of the application site or within the street scene save for distant glimpses along the access drive. The surrounding area includes a variety of house types, designs and materials and it is therefore considered that the proposals would have an acceptable appearance and would accord with the principles of policy SD4 of the JCS.

5.7 The proposal would provide an area of lawn in front of the southwestern elevation of the property which would be approximately 9.6 metres deep, as well as a small patio area to the rear of the kitchen. The proposed amenity space although compact is considered to be of an appropriate size to serve the reasonable requirement of the future occupiers of the property. The design and layout of the development is therefore considered acceptable.

Highway safety

5.8 The proposed development would utilise an existing drive which runs between nos. 25 and 27 Willow Bank Road and this element would remain unaltered from the previously approved scheme. The driveway is of an acceptable width and provides appropriate visibility onto Willow Bank Road.

5.9 The proposal would provide a minimum of two off street parking spaces upon an area of hardstanding to the front of the proposed dwelling as well as a manoeuvring area to allow for cars to turn and exit the site in a forward gear. This provision is considered appropriate for the scale of the development proposed.

5.10 Off street parking would also be retained to the front of both No's 25 and 27 Willow Bank Road providing each with a minimum of 2 car parking spaces. No.27 would also benefit from a recently constructed double garage to the west of the application site. Having regard to the above it is considered that the proposed development would not have a detrimental impact upon highway safety and would accord with Policy INF1 of the JCS.

Impact on living conditions

5.11 The proposed dwelling would be located to the eastern part of the substantial rear gardens to nos. 25 and 27 Willowbank Road and adjacent to the eastern boundary with the rear garden to bungalows at Ellenor Drive and adjacent to the rear most parts of the gardens to nos. 23 and 29 Willow Bank Road.

5.12 The dwelling would be set down in the site and a new close board boundary fence is proposed along the eastern boundary of the site and the proposed dwelling would be set over 16 metres from the rear elevations of the properties at Ellenor Drive. The proposed fence would prevent overlooking from the new dwelling and the hipped roof design, sloping away from the boundary (in place of the previously approved twin gables) would minimise the massing of the proposal when viewed from these properties. The visual impacts of the proposal would be further mitigated by the presence of shrub planting within the rear gardens to nos.6 and 8 Ellenor Drive. The proposal would not therefore result in any adverse impacts to the living conditions of the occupiers of these properties in terms of overlooking, loss of light or any overbearing effect.

5.13 In terms of impacts on nos. 21, 23 and 29 Willowbank Road, the proposed dwelling would be located adjacent to the rearmost parts of the substantial gardens to these properties and over 25 metres from the rear elevations. It is noted that the adjoining gardens are used more informally than the areas to the immediate rear of those properties and include a number of domestic outbuildings which along with the boundary fence would provide sufficient screening to the proposed dwelling. Furthermore, the proposed roof design would slope away from these boundaries and would serve to minimise any impacts from overshadowing, loss of light or overbearing impacts.

5.14 For these reasons it is considered that the proposed development would not result in demonstrable harm to the residential amenities currently enjoyed by the occupiers of neighbouring properties.

Landscape impact

5.15 The site lies within the Special Landscape Area (SLA) and the Cotswold Area of Outstanding Beauty (AONB) lies to the North of the Alderton settlement. The application site is located with a 'built up' part of Alderton and would be surrounded by existing residential development. Having regard to this context, the proposal would not have a detrimental impact on the landscape character of the area and the proposal would not conflict with Policy LND2 of the TBLP or Policy SD6 of the JCS.

Other matters

5.16 Concerns have been raised that the site area is smaller than the previous application and would exclude an existing outbuilding and previously proposed double garage from the current application. The existing outbuilding would remain within the curtilage and use of no.27 Willow Bank Road and it is noted that a garage has been constructed upon part of the former application site to serve the existing property. As set out above it is considered that the proposed dwelling would benefit from sufficient parking and amenity space and this does not weigh against the proposal.

5.17 Concerns have been raised that future extensions would impact the limited site area. It is considered reasonable to restrict the permitted development rights of the property in order to protect the proposed parking and garden areas and this can be secured by condition.

5.18 The current proposal also omits solar panels, rainwater harvesting and ground source heat pumps which formed part of the previous approval. While this is regrettable these elements are not necessary to make this application acceptable. This does not weigh against the proposal which has been considered upon its own merits.

6.0 Conclusion and recommendation

6.1 The site is located within the built up area of Alderton where the principle of new housing development is considered acceptable. The proposal would be of an acceptable design and scale which would not adversely impact the character of the area or the living conditions of adjoining occupiers. It is considered that the proposal would be acceptable and it is therefore recommended that permission is **approved** subject to the conditions set out below.

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 approved drawing nos.1102.01, 02 and 03 received by the Local Planning Authority on 14th December 2017 and any other conditions attached to this permission.
- 3 The finished floor level of the dwelling hereby permitted shall be in accordance with the details shown on drawing no. 1102.01 unless otherwise agreed in writing by the Local Planning Authority.
- 4 Prior to the first occupation of the proposed dwelling the car parking and manoeuvring facilities shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.
- 5 The development shall be carried out in accordance with materials set out on approved drawing no.1102.02 and shall be similarly maintained thereafter.
- 6 Prior to the first occupation of the dwelling hereby permitted, the replacement boundary fence shall be completed in accordance with the details shown on approved drawing nos. 1102.01 and 1102.02 and shall be similarly maintained thereafter.
- 7 Notwithstanding the provisions of Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development shall take place other than that expressly authorised by this permission.
- 8 The area of driveway within 5 metres of the carriageway edge of the public road shall be surfaced in bound material, and shall be maintained thereafter.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the extent of the permission for avoidance of doubt.
- 3 To protect the amenity of adjoining occupiers.
- 4 To enable vehicles to enter and leave the highway in forward gear in the interests of highway safety.
- 5 To ensure an acceptable external appearance to the development.
- 6 To preserve the amenity of the occupiers of adjoining properties.
- 7 In the interests of visual amenity and the character of the area.
- 8 In the interests of highway safety.

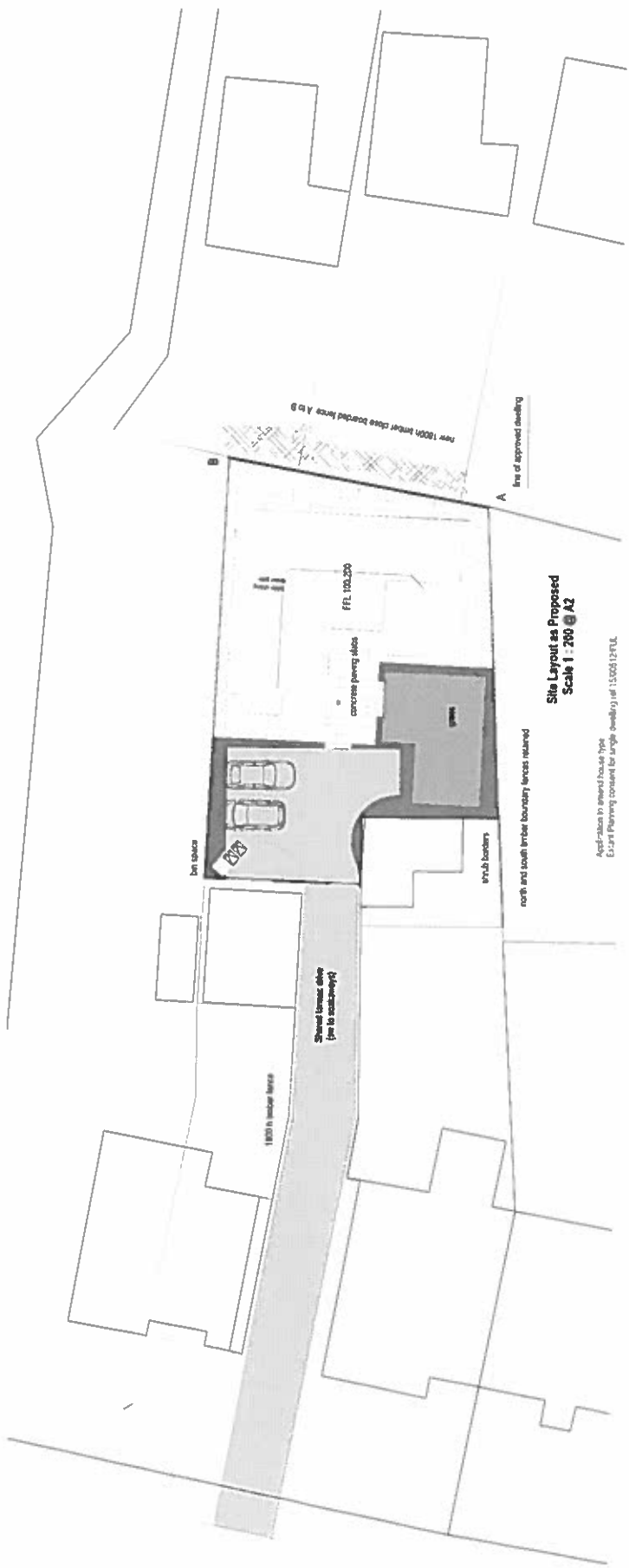
Notes:

- 1 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 Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:
 - Work on an existing wall or structure shared with another property
 - Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property
 - Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 - explanatory booklet.

- 3 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

17/01344/FUL

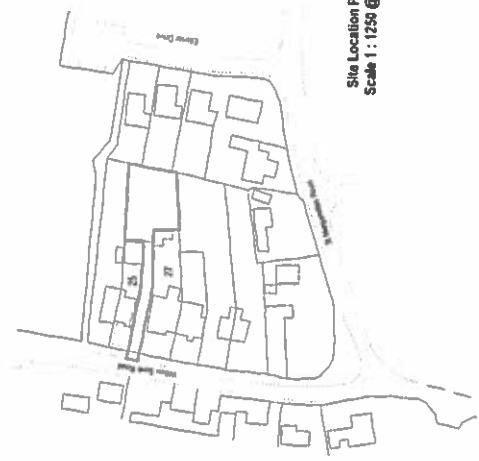


Site Layout as Proposed
Scale 1 : 200 @ A2

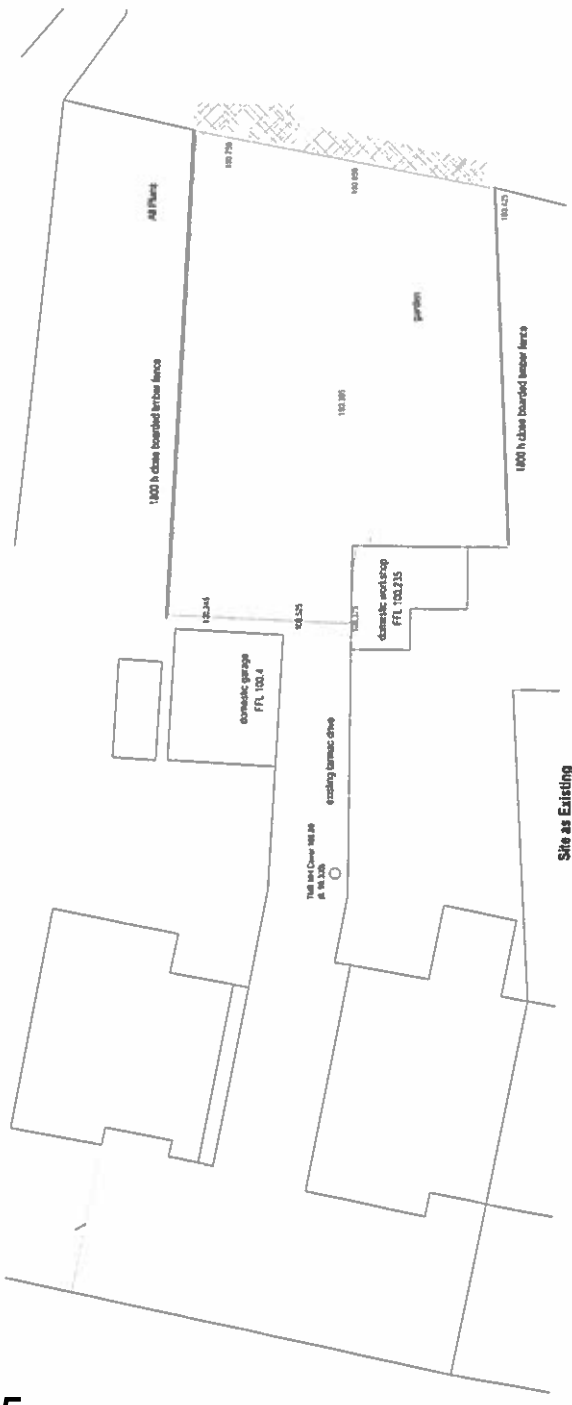
Application to extend House Type
Exempt Planning consent for single dwelling of 15,000 sq ft LUL

north and south timber boundary fences retained

85
694-a



Site Location Plan
Scale 1 : 1250 @ A2



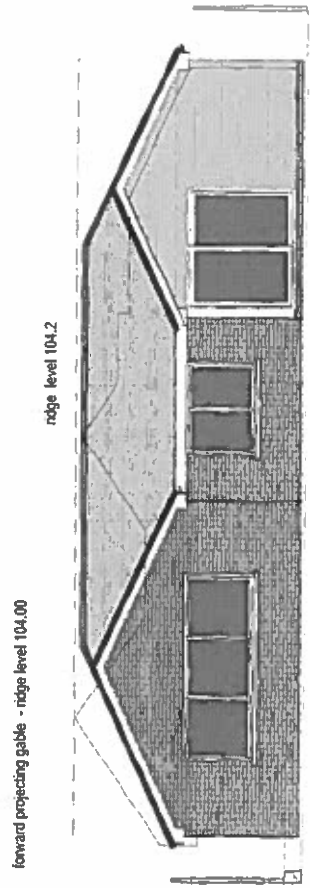
Site as Existing
Scale 1 : 200 @ A2

CLIENT
SITE
PROJECT

Move Developments Ltd
Land to the Rear 25-27 Willow Bank Road Allerton Glos. GL20 8NU
New Dwelling

DRAWING TITLE Proposed Elevations
DRAWING NUMBER 1102.02

SCALES / PAPER SIZE 1:100 @ A3
DATE 5/6/17
REVISION **DATE** **DESCRIPTION**



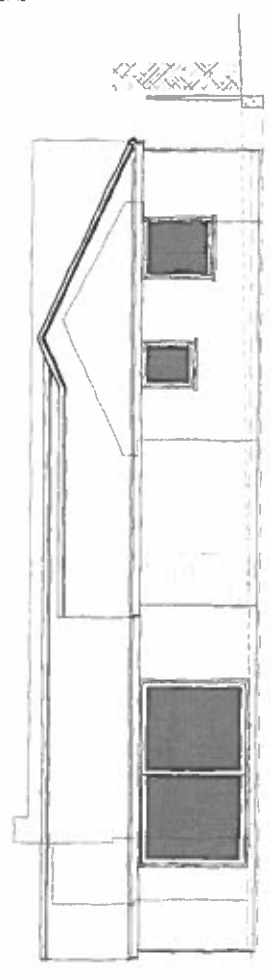
ridge level 104.2

forward projecting gable - ridge level 104.00

West

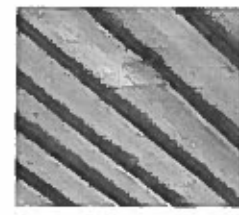
Grey upvc windows

not treated 'larch' wall cladding allowed to 'silver'



South

'larch' wall cladding



Roof - Natural slate

Horizontal rough cut 'Larch' cladding

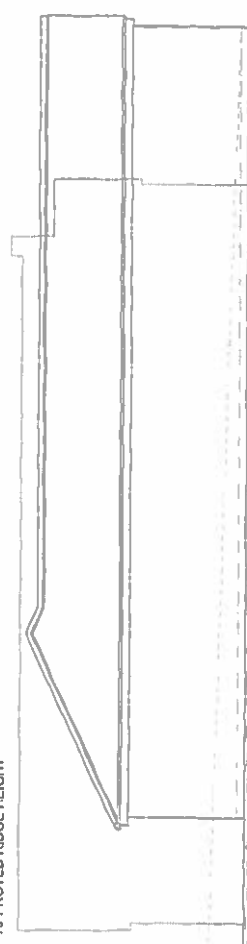


Facing brick - Northcot reclaim mixture



Boundary fence

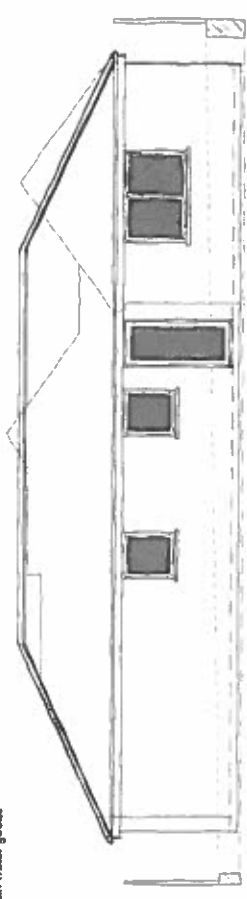
APPROVED RIDGE HEIGHT



North

grey upvc fascias, barge boards and rain water goods

East



17/01344/FUL



new boundary fence - existing planting on adjoining land

East (elevation to boundary from adjoining properties)

Steve Mitchell Building Design
48 Cambrey Court,
Cheltenham,
Gloucestershire GL50 1JX
01242 261415 / 07973 520581
email smtd@mac.com

86
694-b

CLIENT
SITE
PROJECT

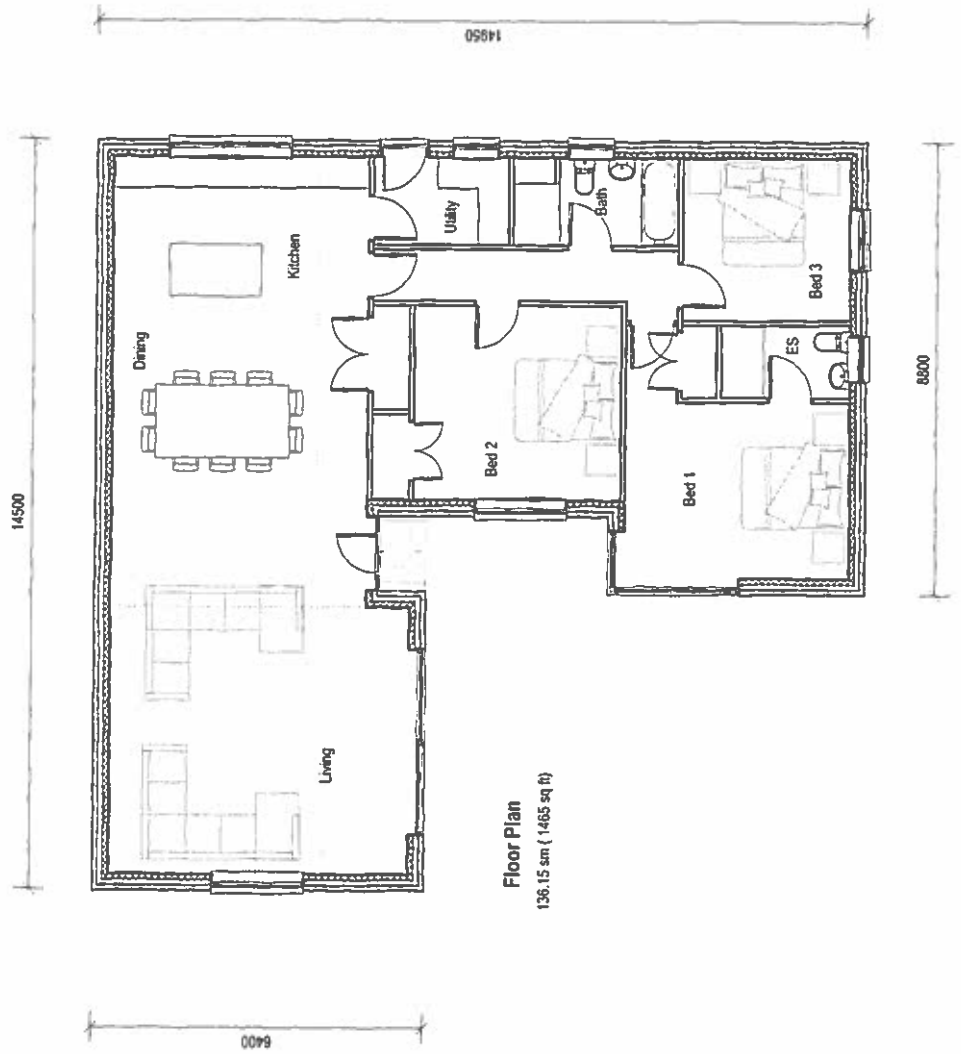
Move Developments Ltd
Land to the Rear 25-27 Willow Bank Road Alton
New Dwelling

DRAWING TITLE Proposed Plan
DRAWING NUMBER 1102.03

SCALES/PAPER SIZE
DATE
REVISION **DATE**
DESCRIPTION

1 : 100 @ A3
Sept 2017

17/01344/R



Steve Mitchell Building Design
48 Cambry Court,
Challinham,
Gloucestershire GL50 1JX
01242 261415 | 07973 526581
email: sm25@stmbd.co.uk

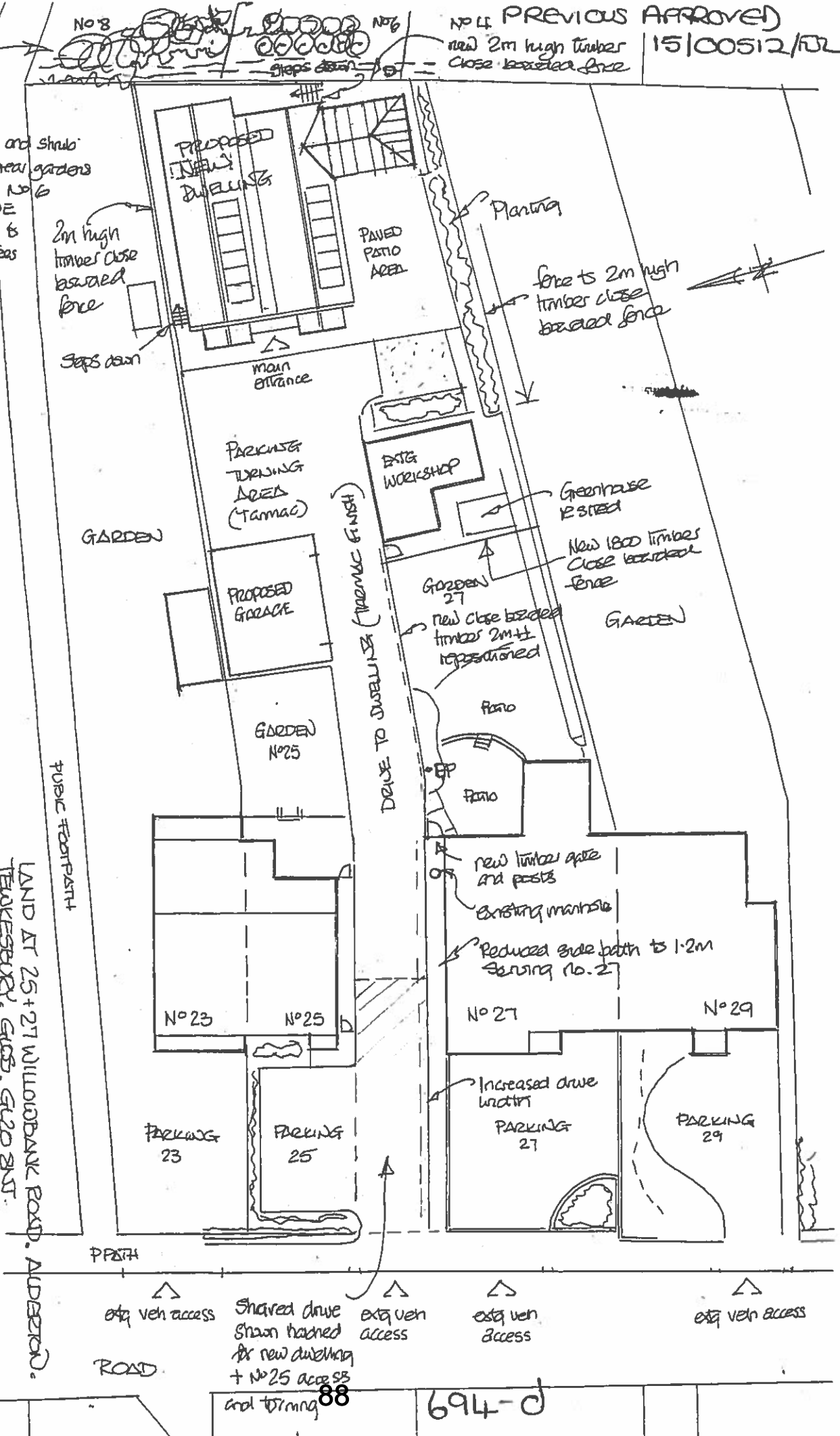
87
694-C

PREVIOUS APPROVED
15/00512/FUL
No 4
new 2m high timber
close boarded fence

extensive trees and shrubs
screening within rear gardens
of both No 8 and No 6
ELLENOR DRIVE
3m High Conifers to
No 4 + mixed trees
in excess of 4m
high.

Revision
A conservation depth reduced 29/4/15

LAND AT 25+27 WILLOWBANK ROAD, ALDERTON,
TEWKESBURY, GLOS. GL20 8UT.
SITE PLAN AS PROPOSED.
1:200 APRIL 2015
14:1728:12A.
Dennis L'raugh for 01242 620818.



ROAD

Path

ext veh access

Shared drive shown hatched for new dwelling + No 25 access and turning

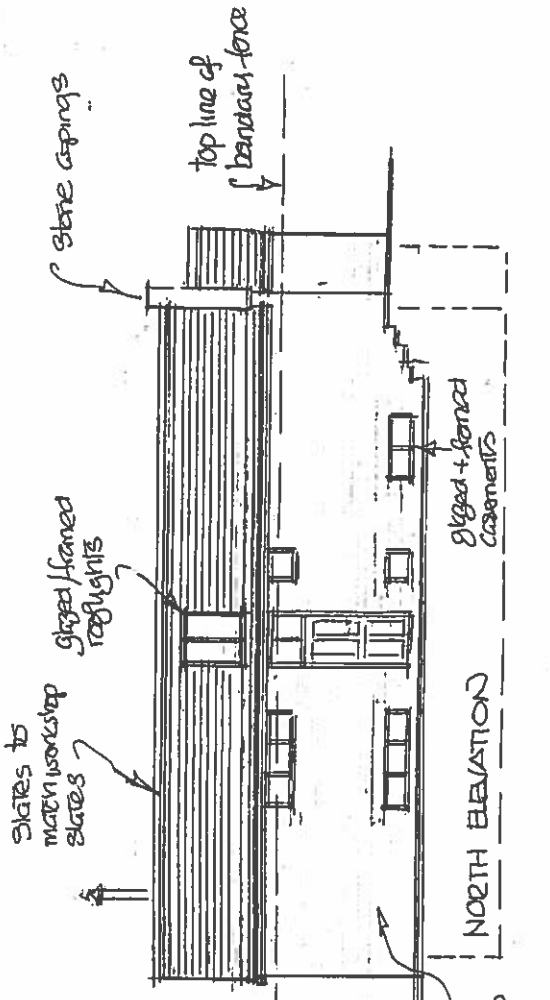
ext veh access

ext veh access

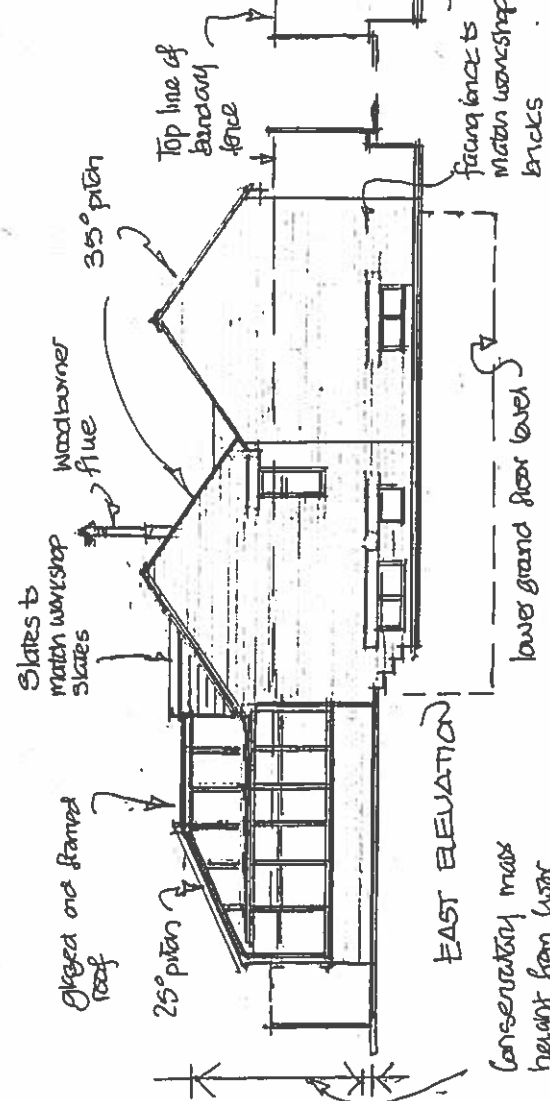
ext veh access

17/01344/FUL
PREVIOUS APPROVED

15/00512/FUL

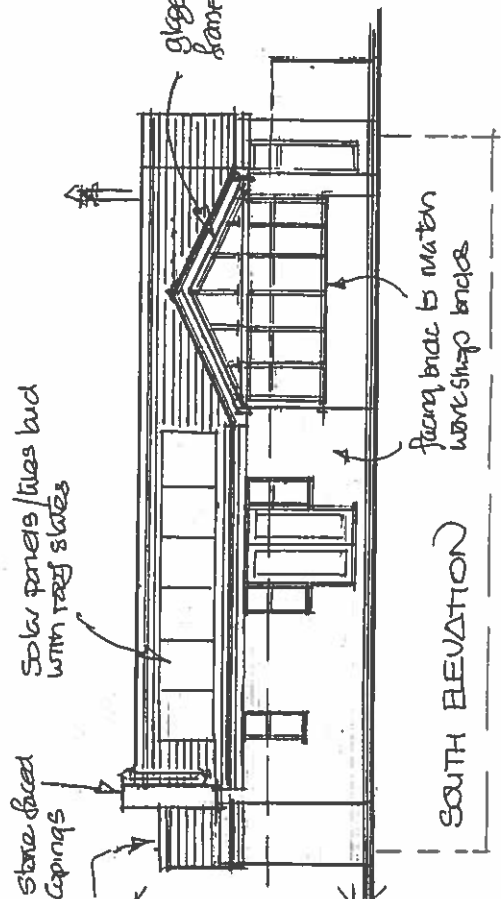


NORTH ELEVATION

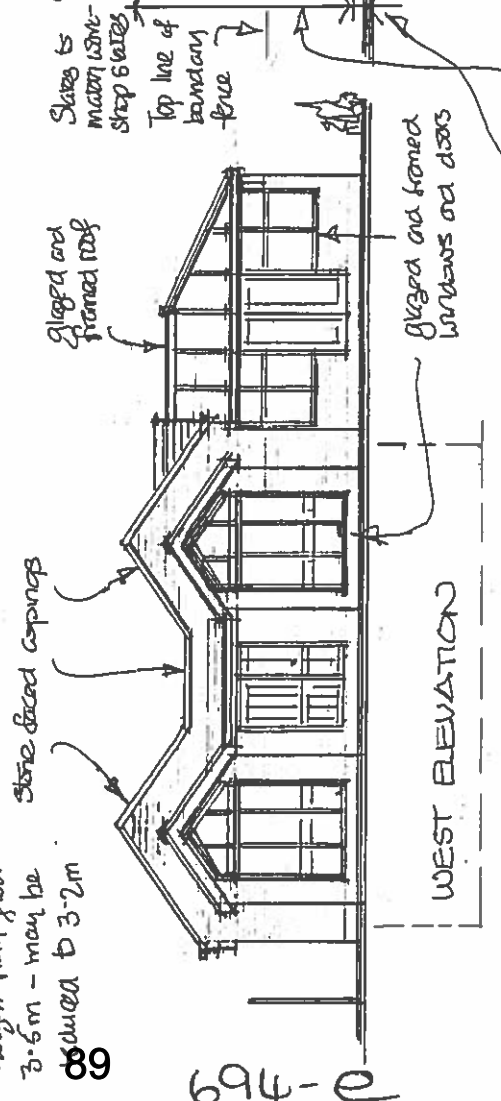


EAST ELEVATION

Conservatory max height from floor 3.5m - may be reduced to 3.2m



SOUTH ELEVATION



WEST ELEVATION

4250mm floor to top main roof ridge
150mm floor to ground level

LAND AT 25+27 WILLOWBANK ROAD, ALBERTON, TEWKESBURY, GLOS. GL20 8NJ.

PROPOSED DWELLING ELEVATIONS.

1:100 APRIL 2015

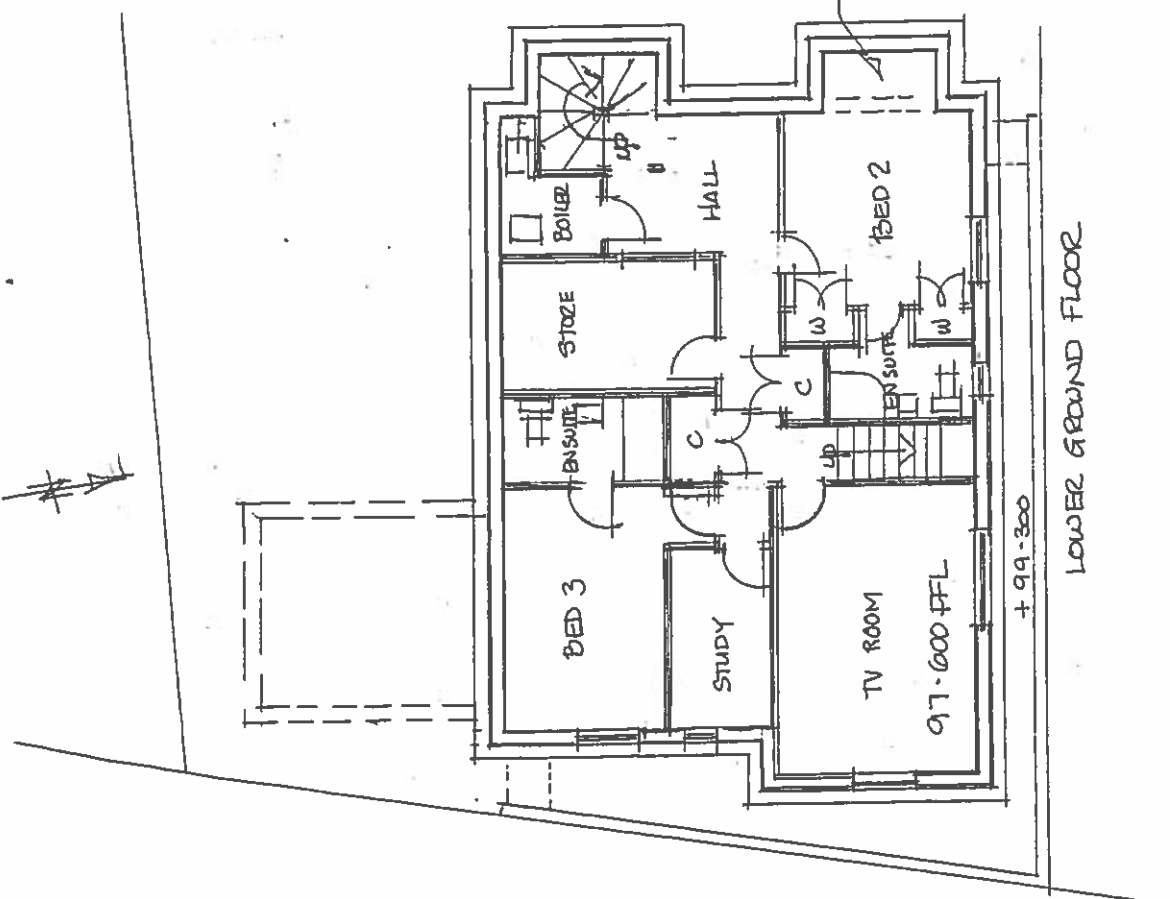
ILL: 1728 : 15A

Dennis L Roughton Tel 01242 620818

Revision
A Main rafter lowered to start at opening heads. Conservatory roof pitch + walls changed + conservatory depth reduced 22/5/15

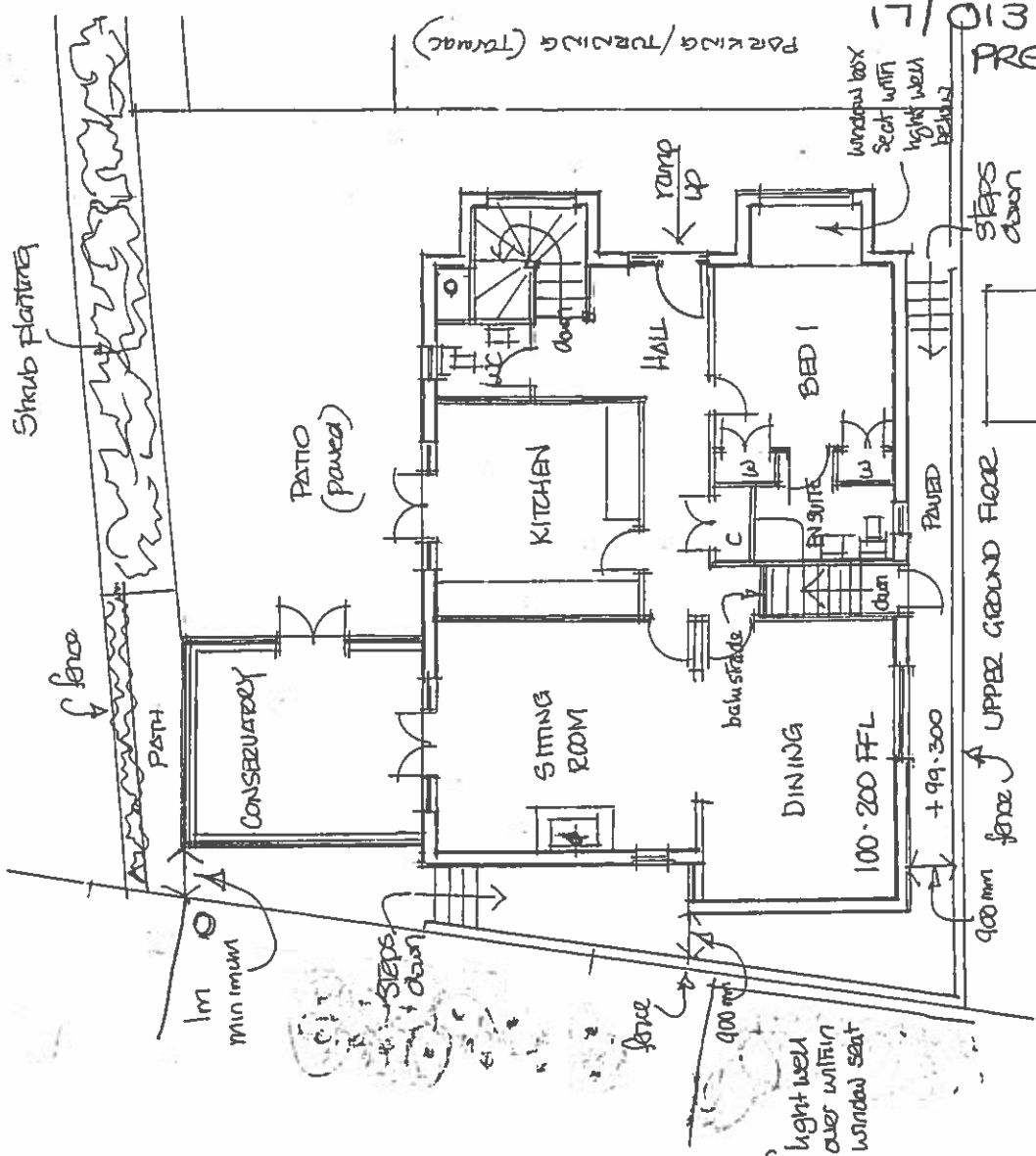
694-0

9094 f



LOWER GROUND FLOOR

Revision
A Conservatory depth 22/5/15
reduced



UPPER GROUND FLOOR

PREVIOUS APPROVED
15/00512/FUL
17/1314/L1

LAND AT 25+27 WILLOWBANK ROAD, ALBERTON, TOWKESBURY, COS. G120 ENT.

PROPOSED DWELLING PLANS.

1:100. APRIL 2015

14:1728:14A

Dennis L Rayton Tel 01242 620818

Shrub Planting



PARKING/TURNING (Tarmac)

Window box
Seat with
light well
below

Steps down

900mm fence

Valid 20.12.2017

Change of use of land, erection of timber building and access track to be used for agriculture and private equestrian purposes.

Grid Ref 400915 232887

Parish Alderton

Ward Winchcombe

Mr Tony Perry
32 Newtown
Toddington
Cheltenham
Glos
GL54 5DU

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Joint Core Strategy (JCS) December 2017) - Policies SD4, SD6, SD7 & INF1

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policy RCN6 & LND2

Flood and Water Management Supplementary Planning Document

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

The First Protocol, Article 1 (Protection of Property)

Special Landscape Area (SLA)

Consultations and Representations

Alderton Parish Council - Objects to the proposed development on the following grounds:

- The site is too divorced from any farm or residential settlement
- The site lies in the Special landscape Area and adjacent to the AONB
- This application may set precedent for further development east of Alderton
- Does the applicant require a licence from Highways to cross the verge
- The proposal should demonstrate that there is no impingement on the watercourse

Environmental Health Officer - No objection to the application in terms of noise / nuisance.

Local Highway Authority - No Highway objection.

Landscape Officer - No comments received

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

This application has been submitted to the Planning Committee as Alderton Parish Council have objected to the application on the grounds of landscape impact

Planning Officers Comments: Mr James Lloyd

1.0 Application Site

1.1 The site forms a parcel of arable field that has recently been subdivided and split in ownership. The parcel of land pertaining to this application is approximately 0.0671 Hectares / 0.16 Acres and has been used for agricultural uses. The site is located to the east of Alderton village, with field boundary hedges containing trees bordering the site to the north and east, and hedging to the south. Access into the site is via Dibden Lane, located directly north of the site. This parcel of land has been separated from the neighbouring parcel by a post and rail fence erected by the adjacent owner.

1.2 The immediate area is predominantly rural with open fields to the north, east and south. The site is located within a Special Landscape Area (SLA) as designated by the Tewkesbury Borough Local Plan; the Area of Outstanding Natural Beauty is situated to the north.

2.0 Relevant Planning History

2.1 There is no relevant planning history to the application site however the adjacent parcel of land is subject of an ongoing enforcement complaint. That site has had post and rail fencing, gates, three stables (loose boxes/field shelters) and associated hardstanding/access track installed without the benefit of planning permission. Whilst it is acknowledged that some works maybe undertaken under permitted development the majority of the works are considered unauthorised.

3.0 Current Application

3.1 This application seeks full planning permission to change the use of the land from agricultural to mixed agricultural and private equestrian use. The scheme also proposes the erection of a timber clad building to be used in connection with the changing use. The applicant advises that the building would be used to house two ponies (owned by the applicants), as well as providing shelter during the lambing season for the applicants sheep. Whilst it is clear the development would on occasion be used for agriculture the proposal would be used for stabling the majority of the time and therefore it is considered that the application should be considered on that basis. The building would measure approximately 12 metres by 4 metres (with three internal 'bays') and would measure approximately 3.4 metres in height (to the ridge) (2.5 metres to the eaves).

3.2 The scheme also proposes the creation of an access track leading from the main road to the outbuilding; the track would be permeable and constructed from Cotswold stone.

(see attached plans for all details).

4.0 Policy Context

4.1 Section 11 of the NPPF sets out that the planning system should contribute to and enhances the local environment by, inter alia, protecting and enhancing valued landscapes. Policy LND2 of the Local Plan states that in considering proposals for development in Special Landscape Areas, special attention will be accorded to the protection and enhancement of the landscape character of the SLA which are of local significance. Proposals must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology, or detract from the quiet enjoyment of the countryside. The SLA plays a role in providing the foreground setting for the adjacent Cotswolds AONB which lies further to the east of the application site. Framework Paragraph 115 advises that 'great weight' should be given to conserving the landscape and scenic beauty of AONB's. The advice regarding conservation and enhancement of the beauty of the AONB landscape is reflected in Policy SD7 of the JCS.

4.2 Policy SD6 of the JCS seeks to protect the countryside for its intrinsic value.

4.3 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy SD4 of the JCS echoes this advice and provides that new development should respond positively to, and respect the character of the site and its surroundings, enhancing local distinctiveness.

4.4 Policy RCN6 of the Local Plan provides that horse riding facilities must generally be well related to the existing bridleway network and must not have an adverse impact on the landscape, nor must they create local traffic problems.

4.5 Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network

4.6 The above JCS and local plan policies are considered to be consistent with the NPPF.

5.0 Analysis

Principle of Development

5.1 Policy RCN6 of the Local Plan supports the provision of new horse riding facilities providing that there are no adverse impacts on the landscape, residential amenity or traffic problems. The aforementioned issues are considered in the sub-sections below.

Impact on the landscape (SLA & AONB) :

5.2 The site consists of an arable field (approximately 4 Acres) that provides an attractive rural setting to the Special Landscape Area providing the foreground setting to the Cotswold AONB escarpment, and is therefore considered to be located in an area of high landscape sensitivity. This arable parcel of land field is generally unenclosed by fencing and structures, with existing hedgerows and the long distance open views to the AONB Cotswold escarpment characterising the surrounding countryside setting.

5.3 The proposed stable would be sited in the north eastern corner of the application site where there are existing trees and hedgerow forming part of the sites northern and eastern boundaries. Whilst land levels to the south of the site gently slope upwards, the area of land where the proposed stable would be located is flat. There are partial views of the site from higher terrain to the North West, from along Dibden Lane and the land directly to the north which slopes upwards. Partial views into the site are also available when travelling along Dibden lane (parallel to the northern boundary of the site); the site is of course more visible in the winter months. There are long distance and partial views of the site from along the B4077 corridor to the south, although the higher land to the west of the site is more visible from across the wider landscape to the south. The site is not highly visible to the east, as Dibden Lane and the surrounding terrain takes a lower course and intervening boundary trees and hedges screen the views.

5.4 The applicant has proposed additional planting to the eastern boundary of the site and whilst the building may be partially visible to the north, west and some locations to the south it would not be prominent given the established boundary treatments which would help to assimilate it into the landscape. The structure would undoubtedly be visible from the Public Rights of Way network, particularly the PROW which runs to the north (Alderton 24) along the eastern however it is located approximately 50 metres away at its nearest point.

5.5 However, the size, scale and design of the stable block is considered common in rural locations such as this and would not result in significant visual harm to the character and appearance of the Special Landscape Area or setting of the AONB. It is considered that the building is proportionate to the size of the application site and whilst it is not located in relation to any other buildings its agricultural appearance and low level height are considered appropriate in this sensitive location. In addition the proposed dual use of the land is considered acceptable however it is considered that conditions should be imposed prohibiting, jumps being erected, and temporary structures being stored on site.

5.6 The proposal also seeks permission for the construction of a track leading to the stable. The stable would be sited so as to minimise the length of track required (approximately 20 metres) and would run parallel to the road and in front of the proposed building. Whilst the applicants have not submitted full details of the access track they have advised that it would be permeable and constructed from Cotswold stone. The principle of this is considered acceptable and the predominant area of track would be in front of the building and only be 3.5 metres wide. Given the proposed material use and the volume of track to be laid it is considered that this would not have an unduly detrimental impact on the SLA or the setting of the AONB, however, a condition is considered necessary to obtain the specifics of the layout and samples of the materials proposed to be used.

5.7 The applicants have also advised that no external lighting is required (only lighting within the stable) and horse manure would be stored in small quantities and moved regularly . It is considered that these methods are acceptable within this sensitive location.

5.8 Overall, whilst the building would be visible in partial views of the site, it is not considered that the proposal would result in an unacceptable impact in landscape terms that would warrant the refusal of this application. The application would therefore meet the requirements set out in the NPPF Policies SD4, SD6, SD7 of the JCS & Policies RCN6 and LND2 of Tewkesbury Borough Local Plan to 2011.

Highways Matters

5.9 The applicants have advised that the site would be used for private purposes in connection with the keeping of two horses and sheep and there is no intention for the stables to be commercially used as livery.

5.10 The application site would continue to be accessed off Dibden Lane. The proposal does not seek any alterations to the existing access arrangements and the proposed development would be used to stable the applicants own horses and therefore are for personal use only. In addition the land is also used for the grazing of sheep and due to the lightly trafficked nature of the adjacent highway, daily trips spread throughout the day would not have a significant impact on highway safety. The Highways Authority have been consulted and raise no objection to the scheme. The development would accord with Policy INF1 of the JCS.

Residential Amenity

5.11 The proposed stable would be located some distance from the nearest residential properties and it is not considered that there would be a significantly detrimental impact on residential amenities.

Other Matters

5.12 As set out earlier in this report the site adjacent to this parcel of land has undergone a recent change from open arable land to the keeping of horses. Some of the physical changes may be considered permitted development, however, it is considered that the change of use of the site and the erection of stables/shelters, hardstanding/access tracks and the storage of horse boxes/trailers is unauthorised. Given the unauthorised development, concern has been raised by the Parish Council that permitting this application may set precedent for other similar development in the future i.e. the site next door; however each application must be assessed on its own merits.

6.0 Summary

6.1 In summary, it is considered that the proposed development would be of an acceptable size and design and would not harm the character and appearance of the Special Landscape Area or the setting of the AONB. The impact of the proposal on nearby properties has been carefully assessed and it is concluded that there would not be an undue impact on their amenity. Finally, subject to a relevant condition controlling the private use of the stables, the proposed development is considered acceptable in this location. In light of the above, the application is therefore recommended for permit.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the Design and Access Statement and the following approved plans: 'Proposed Floor and Elevations', 'Block Plan', 'Site Location Plan' and 'Location Plan', received by the Local Planning Authority on 20th December 2017.
- 3 The development hereby permitted shall only be used for agricultural use and / or the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose (other than agriculture) whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.
- 4 Notwithstanding the approved plans, no development shall commence on site and no machinery or materials shall be brought onto the site for the purpose of development until full details of the proposed surfacing for the access track and hard standing to the front of the stable,, including materials and colour, have been submitted to and approved in writing by the Local Planning Authority. The surfacing shall accord in all respects with the approved details and shall be maintained as such thereafter.
- 5 Other than to facilitate the storage of manure on site there shall be no parking of horse boxes, caravans, trailers or other vehicles overnight on the site.
- 6 No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior express permission of the Local Planning Authority.

- 7 Notwithstanding the approved plans, no development shall commence on site and no machinery or materials shall be brought onto the site for the purpose of development until a landscape scheme has been submitted to and approved in writing by the local planning authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained together with measures for their protection during the course of development and which are to be removed.
- 8 The landscaping scheme approved under condition 4 of this consent shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The planting shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation
- 9 No external lighting shall be installed in connection with the development hereby permitted.
- 10 No fences or jumps shall be erected on the site without the prior express permission of the Local Planning Authority.
- 11 Notwithstanding the approved plans the stables shall be faced with Larch lap timber cladding (left to weather naturally) and Marley Anthracite Farmscape roof sheets.

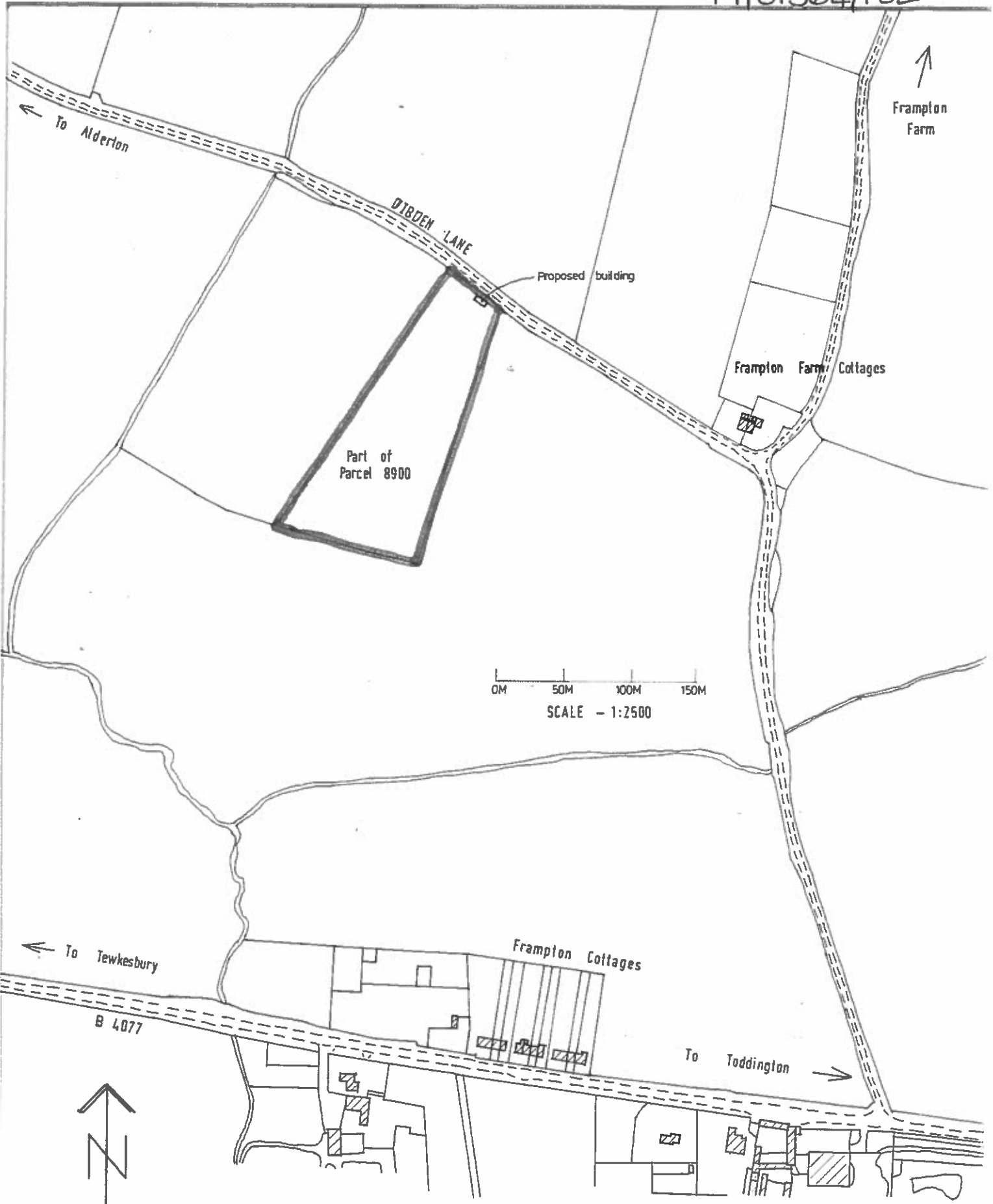
Reasons:

- 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 no commercial business is established without the further consideration of the Local Planning Authority in the interests of highway safety.
- 4 In order to conserve the landscape and scenic beauty of the SLA, Cotswolds Area of Outstanding Natural Beauty and the rural landscape
- 5 In order to protect the SLA, AONB and the rural landscape.
- 6 In order to protect the SLA, AONB and the rural landscape.
- 7 In order to conserve the landscape and scenic beauty of the SLA, Cotswolds Area of Outstanding Natural Beauty and the rural landscape,
- 8 In order to conserve the landscape and scenic beauty of the SLA, Cotswolds Area of Outstanding Natural Beauty and the rural landscape
- 9 To minimise light pollution in order to conserve the landscape and scenic beauty of the SLA, Cotswolds Area of Outstanding Natural Beauty and the rural landscape
- 10 In order to protect the SLA, AONB and the rural landscape.
- 11 In order to conserve the landscape and scenic beauty of the SLA, Cotswolds Area of Outstanding Natural Beauty and the rural landscape

Notes:

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

- 2 This permission does not imply any rights of entry to any adjoining property or land nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 3 A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is £116 per request. The fee must be paid when the request is made.



SITE LOCATION PLAN

Proposed agricultural building & track

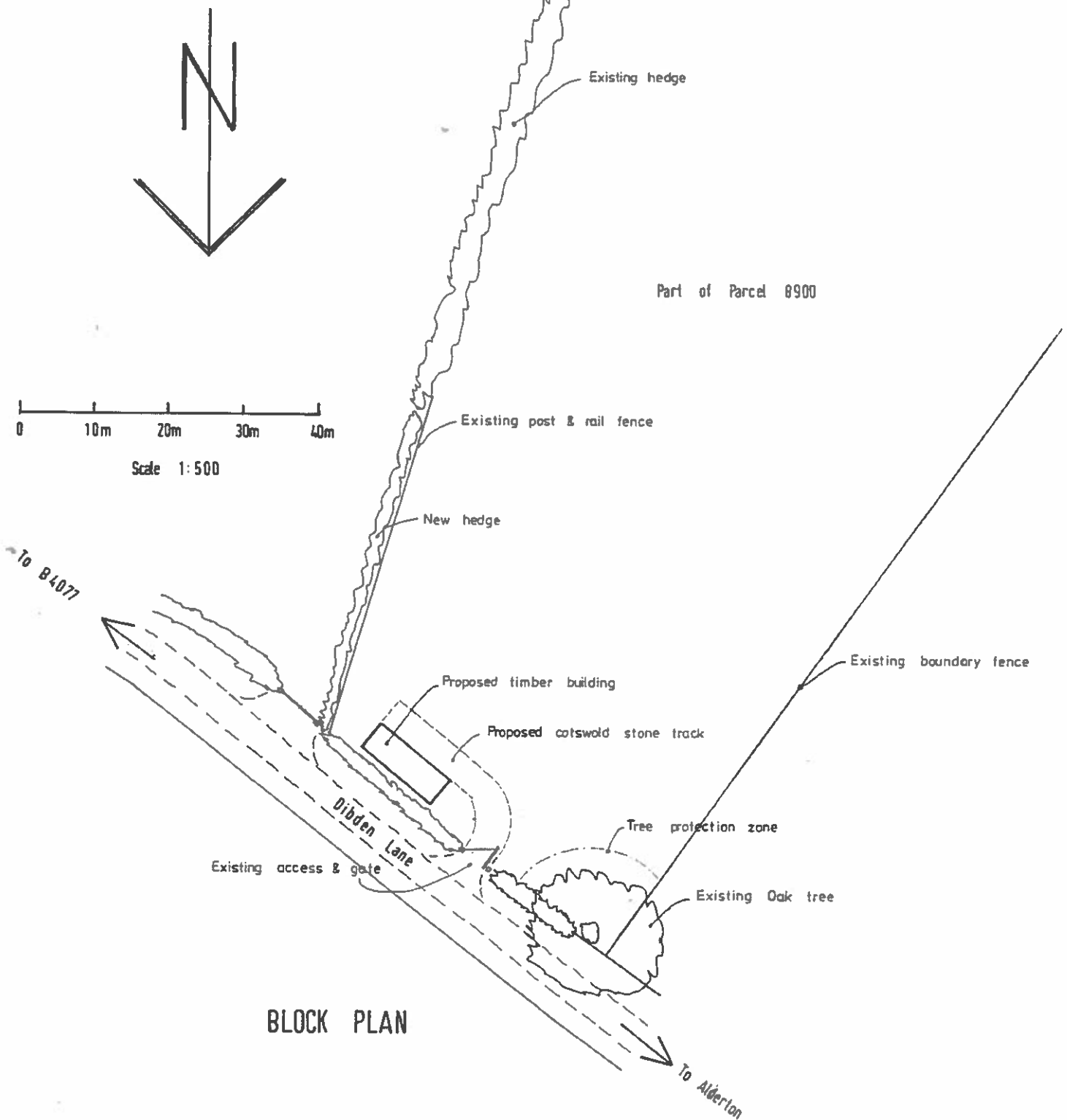
Part of Parcel 8900,

Dibden Lane, Alderton, Gos.

GL20 8NT

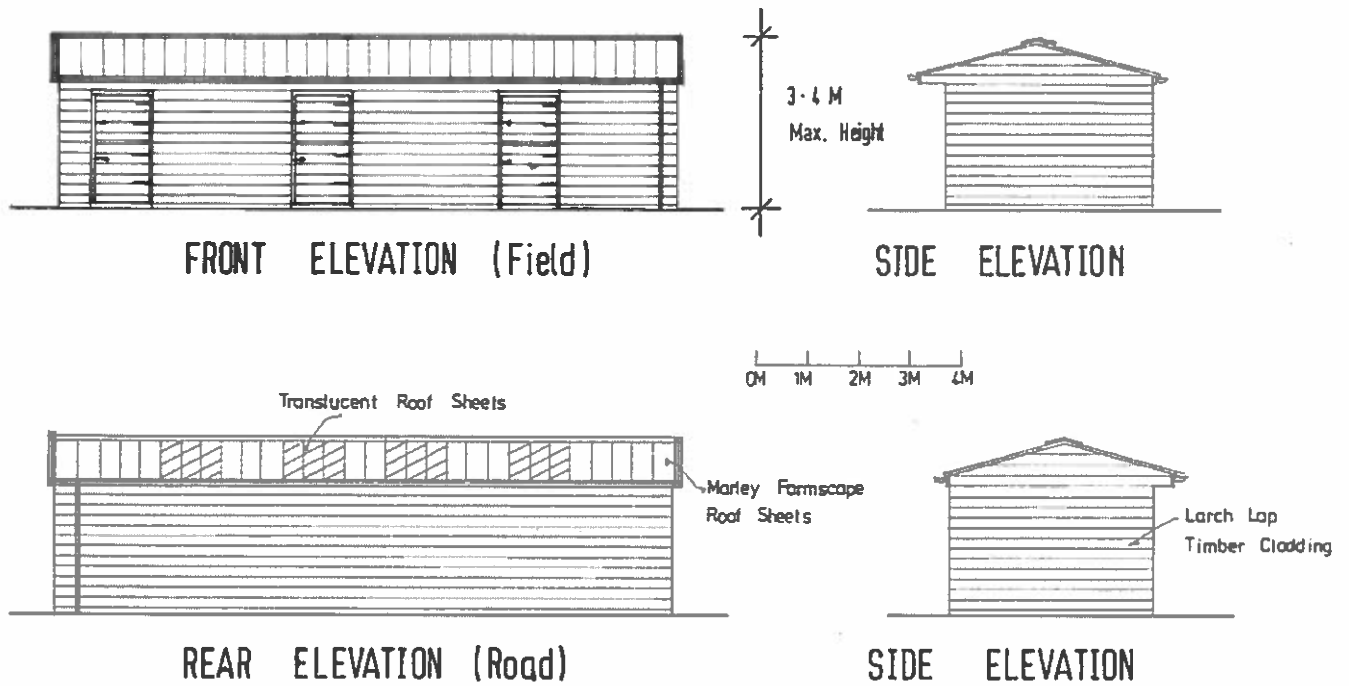
For Mr. A. Perry 97

100a

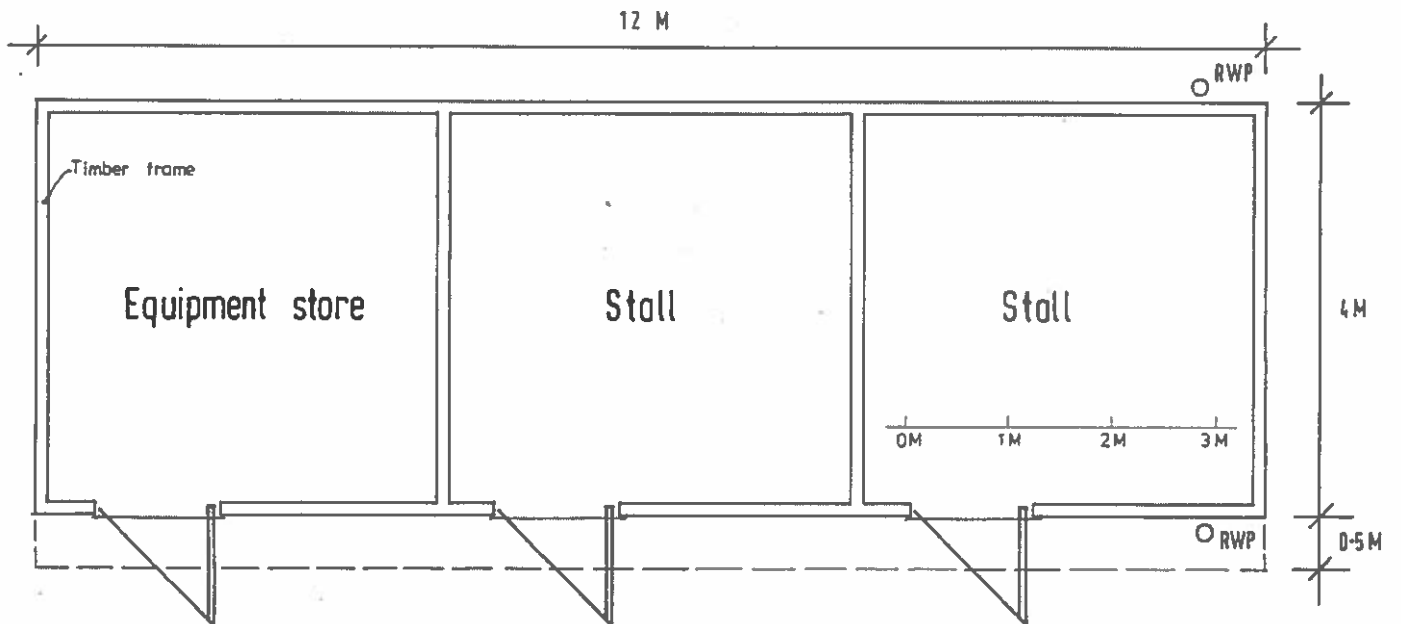


BLOCK PLAN

Proposed agricultural building & track
 Part of Parcel 8900,
 Dibden Lane, Alderton, Glos. GL20 8NT
 For Mr. A. Perry



PROPOSED ELEVATIONS - Scale 1:100



PROPOSED FLOOR PLAN - Scale 1:50

Proposed agricultural building
 Part of Parcel 8900,
 Dibden Lane, Alderton, Glos. GL20 8NT
 For Mr. A. Perry 99

700-C

Valid 28.09.2017

Felling of a Perry Pear tree and the subsequent erection of 3no Affordable dwellings with associated car parking and private amenity.

Grid Ref 392332 228220
 Parish Stoke Orchard And
 Tredington
 Ward Oxenton Hill

Knarsboro Homes Limited
 The Old Granary
 Whitlence Farm
 Whitlence Lane
 Kidderminster
 Worcestershire

RECOMMENDATION Delegated Permit

Policies and Constraints

National Planning Policy Framework (2012)
 Planning Practice Guidance
 Joint Core Strategy (MMJCS) 2017 - SP2, SD4, SD10, SD11, SD12 and INF1.
 Tewkesbury Borough Local Plan to 2011 (March 2006)
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

Consultations and Representations

Stoke Orchard and Tredington Parish Council - object to the proposal for the following reasons:

- Other trees previously removed
- Has changed rural character
- Tree is covered by a Preservation Order (TPO)
- Tree is an excellent specimen
- Tree is in good health & bears fruit
- TPO was imposed to preserve the sites former orchard link
- Perry Pear trees are common to this part of the Country
- Cider and Perry orchards were common to parishes
- Tree is a link to village name and heritage
- Unnecessary urbanisation
- Three more affordable houses are greedy
- Already overcrowded layout.

Strategic Housing and Enabling Officer - Supports the application

Urban Design Officer - No objections.

Landscape Officer - Objects to the proposed loss of the tree.

Local Residents - Two public representations have been received in response to the consultation process. The comments raised are summarised below:

- Will result in loss of public space
- Removal of last tree is not acceptable
- Developer has not replaced other removed trees
- Loss of space is unnecessary
- Vehicles already exceed number of spaces
- Vehicles already affect access
- Sufficient affordable housing on development

Planning Officers Comments: Bob Ristic

1.0 Application Site

1.1 The application site is located at Balladine Crescent, within the new Knarsboro Homes development which is accessed from Stoke Road via Banady Lane. The application site is located to the eastern edge of the development and is adjoined by residential development to the north south and west and backs onto a public footpath and commercial development to the east (rear). **See attached site location plan.**

1.2 The site comprises a 0.05ha pocket of land which includes a mature Perry Pear Tree surrounded by an area of grass and is enclosed by a post and rail fence. The area of land is in the ownership of the developer and does not form part of the public open space which is located to the southern part of the development.

2.0 Relevant Planning History

2.1 A number of planning applications have been submitted on the site, the most recent are summarised below:

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

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

15/01036/FUL - Variation of Condition 7 attached to 14/00074/OUT relating to an amendment of tree and landscape planting to the development of 45 dwellings - Permitted

3.0 Current Application

3.1 The current application seeks planning permission for the construction of a terrace of three, two storey dwellings which would reflect the design of the existing houses to the north and south of the site and would continue the street scene.

3.2 The development would provide 2 x 3 bed dwellings and 1 x 2 bed dwelling which would provide three shared ownership affordable houses for Rooftop Housing Group. The development would provide 5 off street parking spaces to the front of the properties and a cycle shed for two bicycles per dwelling would be provided within the rear garden of each property. **See attached plans**

4.0 Planning Policy Context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are 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 key consideration in assessing the principle of development therefore are the existing and emerging plans for the area and Government policy in respect of new housing development.

4.2 The Joint Core Strategy (JCS) was adopted in December 2017 and is part of the Development Plan for the area. Various policies in the JCS superseded some of the policies in the Tewkesbury Borough Local Plan (TBLP) to 2011 which had hitherto been saved by the Secretary of State.

4.3 The JCS sets out the key spatial policies for the JCS area over the period of 2011-2031 and the preferred strategy to help meet the identified level of need. Policy SP1 sets out the overall strategy concerning the amount of development required, and Policy SP2 sets out the distribution of new development. These two policies, combined with Policy SD1 on the economy, provide the spatial strategy for the plan. This strategy, together with its aims, is expressed in relevant policies throughout the plan and will be supported by forthcoming district plans and neighbourhood plans.

4.4 Tewkesbury Borough's needs (at least 9,899 new homes) will be provided through existing commitments, development at Tewkesbury Town in line with its role as a market town, smaller-scale development meeting local needs at Rural Service Centres and Service Villages.

4.5 Stoke Orchard is identified as a Service Village in the settlement hierarchy of Policy SP2 and is considered a suitable location to provide 'lower levels' of development proportional to its size and function.

4.6 Policy SD10 sets out that on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury Town, rural service centres and service villages except where otherwise restricted by policies within district plans.

4.7 Policy INF3 of the JCS (Green Infrastructure) sets out that existing Green Infrastructure will be protected and that development proposals that will have an impact on woodlands, hedges and trees will need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the local planning authority to mitigate the loss. Mitigation should be provided on-site or, where this is not possible, in the immediate environs of the site.

4.8 The saved policies of the TBLP also comprise part of the Development Plan for the area in respect of the application site. Policy LND2 requires special attention to be paid to the protection and enhancement of the special landscape character of the SLA, which is of local significance. Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.

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

4.10 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 proposed development would constitute infilling within the built-up area of Stoke Orchard; the general principle of development is therefore acceptable under policy SD10 of the JCS. The proposal would result in social and economic benefits arising from the development of new, affordable, housing however the economic benefits in particular would be tempered by the small scale nature of the proposals.

5.2 As set out above, Policy INF3 presumes against the loss of trees unless it can be justified why such impacts cannot be avoided. Clearly in this case, the proposal would result in the loss of a mature, attractive tree and the principle of the loss of this tree will be considered in the overall planning balance.

Landscape & the Natural Environment

5.3 Policy SD6 of the JCS seeks to protect landscape character for its own intrinsic beauty and Paragraph 118 of the NPPF states; inter alia, that planning permission should be refused for development resulting in the loss of aged or veteran trees. Policy INF3, referred to above is particularly relevant to this case.

5.4 The application site is not subject to any landscape designations and is enclosed by residential and commercial development. The developed nature of the area surrounding the application site would limit the impacts of the proposed dwellings upon the open countryside.

5.5 The application has been accompanied an arboricultural assessment which advises that the tree is a mature pear (*Pyrus sp.*) with a height of approximately 11 metres. The report, while identifying a number of defects in the tree, concludes that these are signs of its age but are typical features of a pear of its age. Furthermore, the report advises that the tree is not at high risk of structural failure and has several more decades of useful life.

5.6 The tree is protected by a Tree Preservation Order (TPO 368) dated 30th October 2013. However, the applicant considers that the TPO is inaccurate and therefore the tree is not protected. The applicant advises that the Order identifies tree (T3) to which the application relates as an apple (*Malus domestica*) whereas the tree is in fact a Pear (*Pyrus sp.*). Furthermore, the grid reference of the tree on the Order is inaccurate and refers to a point approximately 35 metres to the south of the actual position and within the footprint of Plot 30 which has since been constructed.

5.7 The status of the Order in respect of this tree is being reviewed by the Borough solicitor and **an update will be provided at committee.**

5.8 The applicant has advised that to compensate the loss of the tree further planting could be provided within the public open space to the south of the site. No details of the type, number or size of replacement trees have been provided though it is acknowledged that these details can be secured by condition.

5.9 It is considered that the loss of a veteran tree would result would result in harm to the character and appearance of the area, albeit of localised significance and the compensatory planting proposed would provide limited mitigation considering the age of the tree. The proposal would therefore conflict with Policy INF3 of the JCS and this weighs against the proposal.

Affordable housing

5.10 JCS Policy SD12 sets out that where possible affordable housing should be provided on site and should be seamlessly integrated and distributed throughout the development scheme and that regard should be had to Policy SD11 with regards to type, mix and tenure of residential development. Policy SD11 sets out that development should provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market.

5.11 The existing development includes a 37% proportion of affordable housing which the Inspector in allowing the appeal for the existing development considered proportionate to local need. The current proposal would provide a further three (shared ownership) affordable dwellings for Rooftop Housing Group and the proposal would provide a mix of two and three bedroom properties.

5.12 The applicant has advised that the development has been proposed to meet the needs set out in the Tewkesbury Borough Council Housing Strategy 2017-2021 and the application has been supported by a letter from Andrews Agents (Bishops Cleeve office) which advises that 32+ applicants have registered in the past year looking for shared ownership properties in the area. This is in addition to 206 people who are register and looking for property up to £150,000. Furthermore they advise that the properties at the site have proven very popular.

5.13 The Councils Strategic Housing Enabling Officer (SHEO) has confirmed that the councils housing register has 85 applicants who wish to live in Stoke Orchard and/or have a local connection to the area, of these, 28 are looking for 2 bed properties and 10 are looking for 3 bed properties.

5.14 It is considered that the proposed dwellings would contribute towards a demonstrated need for affordable housing in the area and the proposal would provide an appropriate mix of dwellings and the proposal would accord with Policies SD11 and SD12 of the JCS. This is a matter which weighs in favour of the proposals.

Design & Layout

5.15 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 SD4 of the JCS 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'.

5.16 The proposed dwellings would match the design of the properties to the north and south of the application site. The proposed dwellings would integrate well into the existing development, would provide an acceptable continuation of the street scene and would harmonise with the prevailing character, appearance and scale of the surrounding development. The proposal would accord with policy SD4 of the JCS and is considered acceptable in design terms.

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 Stoke Orchard is identified as a Service Village in the JCS and reflects the availability of services available. In allowing the appeal for the estate, the inspector opined that Stoke Orchard is a sustainable location for residential development and benefits from a community centre, and small shop, children's play area and a multi-use games Area (MUGA). Furthermore the village is located in proximity to and well connected to Bishops Cleeve, Tewkesbury and Cheltenham.

5.19 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. The development would be served by the existing estate road from Banady Lane, which in turn exits onto Stoke Road. The properties would have five off street parking spaces (2 each for the 3 bed dwellings and one space for the 2 bed), 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.

5.20 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). It is not considered that an additional 15 trips per day associated with the proposed three dwellings would not be 'severe'.

Impact on Amenity of Adjacent Occupiers

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

5.22 The proposed dwellings would be located between existing development to the north and south and would align with these properties. The adjoining dwellings have doors and landing windows to their flank elevations adjoining the application site. As these openings do not serve habitable rooms the proposal would not result in any demonstrable harm in terms of loss of light or overbearing effect. Similarly the alignment with existing development would ensure that the proposal does not adversely impact the private amenity areas to these properties in terms of any overlooking or loss of light. The proposal would therefore have an acceptable relationship with existing properties and would not adversely impact the living conditions of those occupiers.

6.0 Balancing Exercise and Summary

6.1 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.

6.2 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 albeit temporarily. Residents of the development would also spend some of their income locally and would support local services. These benefits weigh in favour of the development although they are tempered to a degree by the scale of the proposals.

6.3 With regards to the social dimension, the proposal would provide three shared ownership/affordable houses suitable for small families and those on lower incomes. This would make a contribution towards the boroughs housing need in terms of numbers and meeting the needs of households whose needs are not met by the market. Furthermore, 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. These benefits weigh in favour of the proposal.

6.4 With regards to the environmental dimension, the proposed development would result in the loss of an attractive fruit tree and small area of grass around. The submitted details confirm that the veteran tree is sound and has many years of useful life remaining. The site contributes to the visual amenities of the

development providing some relief to the street scene and this harm weighs against the development. The applicant has proposed further tree planting to compensate against the proposed loss of the tree, however any new planting will take to establish and mature.

6.5 This is a finely balanced case. It is considered that the delivery of affordable housing within a named service village and in the context of an existing housing development, would, on balance outweigh the loss of the tree and adjoining open space. It is therefore recommended that the decision is **DELEGATED to the Development Manager to secure the completion of a section 106 ensuring that the dwellings provide affordable housing** and subject to conditions set out below.

RECOMMENDATION Delegated Permit

Conditions:

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

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

- 2 The development hereby permitted shall be carried out in accordance with approved drawing nos.KH/01/12.3,KH/01/17.1 and KH/01/15.210.2 received by the Local Planning Authority on 26th September 2017 and any other conditions attached to this permission.

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

- 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. specify the intended hours of construction operations;
 - vi. 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.

Reason: To protect the amenities of the occupiers of adjoining properties and in accordance with the NPPF.

- 4 Prior to the commencement of built development, a detailed landscaping scheme, for the compensatory tree planting 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 commencement 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.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity.

- 5 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.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings.

- 6 Prior to the first occupation of any dwelling to which this permission relates the 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.

Reason: In the interests of highway safety and to ensure the appropriate provision of parking.

- 7 No dwelling hereby permitted shall be occupied until provision has been made for the safe, secure and covered parking of no less than two bicycles per dwelling has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: in the interest of highway safety and to promote sustainable transport.

- 8 The development shall be carried out in accordance with the levels shown on approved drawing no.KH/01/15/17.1.

Reason: To define the terms of the permission and in the interest of the visual amenities of the area.

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.

17/01046/FL



- LEGEND**
- 227L Water Butt
 - Composting Bin 330L
 - Space for 2x Refuse Bins
 - Timber Shed 8' x 6' [no windows]*
 - Timber Shed 8' x 4' [no windows]*
 - Rotary Dryer
 - Application Site
 - Street Lighting Column
 - New tree/shrub planting
 - 5m wide Sewer easement

Kraushorn Homes
BY DAVID PAYNE

Residential Planning
The Old Coach, Cheltenham Road, Cheltenham, Gloucestershire, GL52 0JG
Tel: 01242 811111 Fax: 01242 250 400
www.kraushornhomes.co.uk

Drawn: RJP/pps	Date: 14.10.16	Sheet: A1
Dwg. No. KH/01/15/17.1		Scale: 1:200

**RESIDENTIAL DEVELOPMENT AT:
LAND AT BANADY LANE
STOKE ORCHARD,
CHELTENHAM GL52 7SJ**

**AFFORDABLE HOUSING LAYOUT
PHASE II**

Revisions			
Ref	Description	Init	Date
A	General Update	RJP	31.03.17

HOUSE TYPES

Affordable Housing - Shared Ownership [Plots 51 - 53];

A	2 Bed Semi Det/Terrace	1
B	3 Bed Semi Det	2
C	1 Bed Apartment	-
D	2 Bed Bungalow Semi	-
Total		3



17/01046/FL Affordable Housing Layout Phase II.dwg 27/08/2017 07:32:07

Kingsford Homes
 BY **DAVID PAYNE**
 The Home Plan Library
 1000 Lakeshore Drive, Suite 100
 Westborough, MA 01581, USA
 Tel: +1 508 853 2200
 Fax: +1 508 853 2201
 www.kingsfordhomes.com

Sheet: **AI**
 Dwg No **KH/01/15/210.2**
 Drawn: **Rub Phipps** Date: **Scale 1:50 @ 1:100**

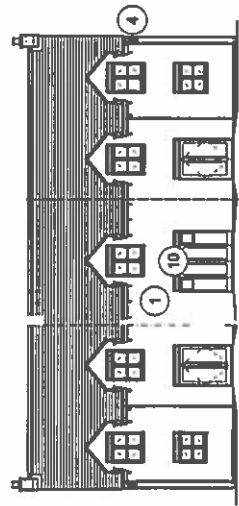
SITE: **STONE ORCHARD**
 PLOTS: **51-53**
 PENNYCRESK
 FIELDS

TYPES A & B : 2 & 3 BED AFFORDABLE HOUSES PLANNING DRAWING

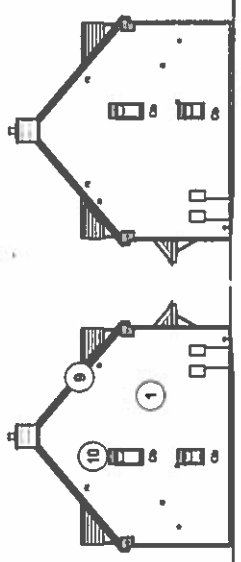
Rev	Description	Date

Drawing Status:
 C = Complete
 D = Design Stage
 A = Final
 B = Issue

17/01046/FL

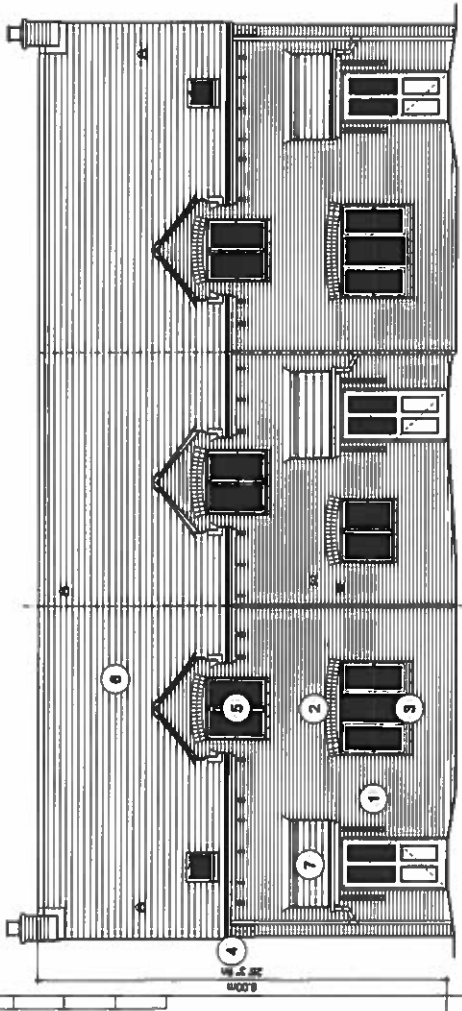


REAR ELEVATION



RH SIDE ELEVATION

LH SIDE ELEVATION

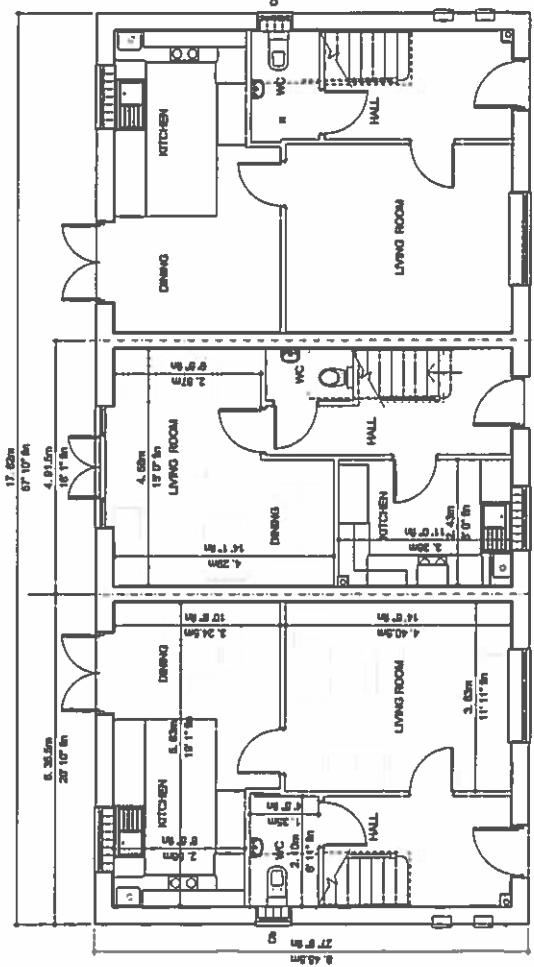


TYPE B FRONT ELEVATION

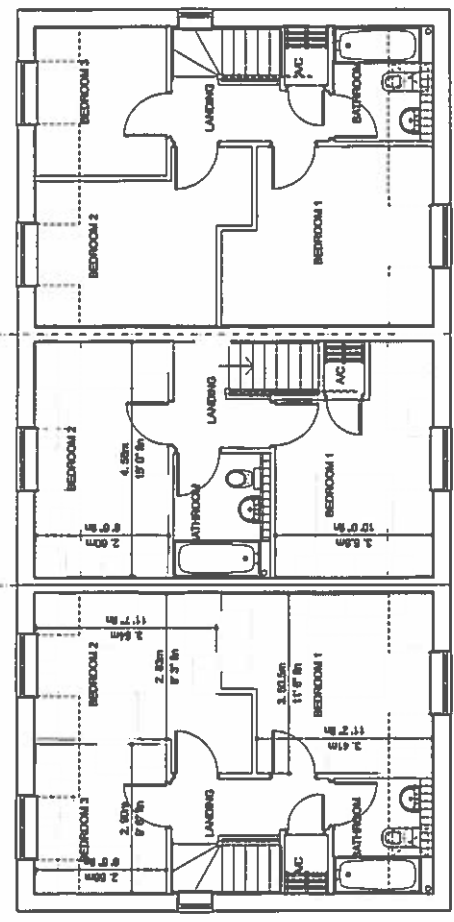
TYPE B

TYPE A

- KEY FOR MATERIALS**
- 1 Red clay facing brickwork
 - 2 Facing brick double sweep Soffers
 - 3 Smooth Red Plain Cls
 - 4 Facing brick Corbels
 - 5 Facing brick Chimney
 - 6 Plain concrete Block
 - 7 Tiled Porch Canopy with timber Gullows Brackets
 - 8 Open timber rafters to eaves
 - 9 Facing brick Verges
 - 10 Facing brick soffits to side / rear



GROUND FLOOR PLAN



FIRST FLOOR PLAN



Valid 27.10.2017

Reserved Matters submission (to include appearance, layout, scale and landscaping) for the erection of 50 dwellings and associated infrastructure pursuant to outline planning permission 16/00965/OUT.

Grid Ref 395745 229616

Parish Gotherington

Ward Oxenton Hill

Charles Church Developments Limited

Aspen House

Birmingham Road

Studley

B80 7BG

FAO Miss Elizabeth Woods

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

Planning Practice Guidance

Joint Core Strategy (December 2017) - Policies SP2, SD4,SD6, SD11, SD12, SD14, INF1, INF2

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policy RCN1

Gotherington Neighbourhood Plan 2011-2031 - Policies GNDP02, GNDP04, GNDP07, DGNDP09

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**Gotherington Parish Council: Objection**

- Concerns with A435 junction improvements.
- Request to restrict movement of construction vehicles between 08:15-09:15 & 15:00-16:15 and weekends to be free of construction work.
- Object to 2.5 storey units; should be restricted to 2-storey units
- Request plots 19,20 ,27 & 28 be re-orientated so as not to impact on neighbouring properties.
- Concerns with the properties along the southern boundary.
- Welcome proposed play area on site but the MUGA should be installed alongside the play area.

Urban Design Officer: The proposals comply with the illustrative material provided with the outline application. No objections.

Housing Enabling Officer: No objection. The off-site affordable housing contribution is confirmed in the S106 agreement signed 24/10/17 pursuant to outline permission 16/0965/OUT.

Landscape officer: Amendments required to the proposed landscaping plans have been addressed.

County Highway Authority: No highway objections.

LLFA: Submitted drainage strategy is not fully compliant.

County Waste Team: No comments received on requested Waste Minimisation Statement.

Local Residents: The application was advertised by means of site notices. 7 separate letters of objection have been received to date citing the following matters:

- The proposed junction improvement works should be completed before any work on the development commences because construction traffic will make a dangerous junction more hazardous, especially when turning right.
- Proposed widening at the junction with A435 is not enough - the junction is overloaded and there have been numerous and recent accidents: the speed limit should be reduced to save lives, traffic lights or a roundabout should be installed for safety of pedestrians and drivers and traffic calming introduced in Gotherington.

- Addition of a footpath on Malleson Road will increase the number of people walking to and across the junction with Evesham Road, e.g. to use the garage shop.
- During and after completion the section of Malleson Road to the junction will be hazardous to walkers and horse riders. What will be done to address this?
- Three entrances/exits from the site is too many, one would be ample.
- The proposed cycle link onto Shutter Lane is unsafe and unnecessary. Exiting would be safer directly from the site onto Malleson Road, perhaps with a new cycle path along Malleson Road?
- Lamp post lighting is not required as it would be out of character with the village and have an adverse impact on bats.
- A new on-site playground is not needed and will be detrimental to social cohesion. New residents will not integrate with existing residents or walk to other facilities in the village e.g. the village shop. The existing playground should instead be extended by moving the boules pitch.
- Do not build a playground on site; the noise and nuisance will be intolerable.
- The design shows two different roof tile colours and some red brick. It is considered all facing should be 'Cotswold stone' and all roof finishes to be the same colour to match existing dwellings and respect views from the AONB. Homes should be a maximum of two storeys.
- Play area equipment should be simple and designed for use by local residents children only as there is insufficient parking nearby for visitors.

Planning Officers Comments: Catherine Ashby

1.0 Introduction

1.1 The application site is located on the western edge of the village of Gotherington and comprises agricultural land, presently laid to pasture. The site measures 3.7ha in size and is situated to the south of Malleson Road and northwest of Shutter Lane. The site is broadly rectangular in shape and its boundaries are comprised of hedgerows with the occasional trees.

1.2 To the north of Malleson Road are residential properties that extend along its length as far as the western boundary of the site. Residential properties also adjoin the site to the east and south east. A public right of way runs along the southern boundary of the site from Shutter Lane linking the A435.

2.0 Relevant Planning History

2.1 Outline permission no. 16/00965/OUT for 'the construction of up to 50 dwellings, the formation of a new vehicular access onto Malleson Road, pedestrian and cycle links to Malleson Road and Shutter Lane, the laying out of a public open space, landscaping and associated infrastructure', was permitted on 26th October 2017. Layout, Scale, Appearance and Landscaping were reserved for future consideration.

3.0 Current Application

3.1 This application seeks reserved matters approval for the Layout, Scale, Appearance and Landscaping of the development. Conditions on the original permission also required details of the existing and proposed ground levels, and finished floor levels (condition 4) and details of vehicular turning and parking facilities (condition 13) to be submitted with the Reserved Matters application and accordingly form part of this application.

Layout

3.2 The layout shows 50 dwellings laid out around an internal estate road, with an area of public open space to the west. The existing site levels and proposed finished floor levels of which have been provided. The principal access off Malleson Road was permitted under the outline permission. The estate road has three spurs into individual cul-de-sacs which lead onto private access drives for serving some of the dwellings. The dwellings on the frontage of the site with Malleson Road and the western boundary of the site fronting the open space would be arranged so as to provide frontage development. The remaining properties front the internal access roads and a number would be sited to provide designed corner plots within the development. Along the eastern and southern boundaries, which address existing properties to the west and south respectively, the dwellings would be laid out to provide appropriate distances between existing properties and their curtilages to preserve residential amenity. The above arrangement would result in the rear gardens of the proposed dwellings largely backing onto one another.

3.3 The area to the west/ southwest of the site would be laid out to a landscaped public open space and contains three pedestrian access points: from the development, from Malleson Road and from Shutter Lane. It would also accommodate the flood attenuation and storage measures for the development, including reed bed and permanent pool, temporary storage pond and swales. Footpaths would be laid out through the site to avoid this area and to connect the access points. A requirement of the outline permission was the accommodation on site of a children's play area and this is proposed in the centre of the public open space. The hard landscape proposals show an indicative play area layout, the fine detail of which is recommended to be secured by condition.

Scale

3.4 The proposed development is mainly two-storey, but includes 7 two and a half storey detached/semi-detached properties six of which would be located within the site and one fronting Malleson Road. Three bungalows would be sited on the southern boundary adjacent to Shutter Lane, two of which are dormer bungalows with a second storey in the roof space. The housing mix comprises: nine 5-bed, seventeen 4-bed, thirteen 3-bed, nine 2-bed and two 1-bed dwellings. Of the total, this would include 9 affordable dwellings on site, 5 of which would be shared ownership and 5 affordable rented.

Appearance

3.5 The application proposes seventeen different house types across the site. The affordable dwellings comply with Design Quality standards. The proposed house types would be mainly two-storey and of a gabled design, constructed in a reconstituted stone with slate or tile roofs. The individual detailing of each house type varies but would include a mix of reconstituted stone sills, lintels, quoins, parapet gables, gable features, bay windows and chimneys. A variety of front porches are proposed and range from classical pillared, Georgian lead/lattice and cottage-style timber frames on the larger properties, to simple flat roof or gabled porch covers on the smaller. The two and half storey houses and dormer bungalows would utilise the roof space which would be served by small dormer windows on the front elevations and rooflights to the rear.

3.6 The exception to the above is the 'Bond' house type which has been included in the scheme as a feature dwelling on three corner plots within the development. This is a hipped roof design with front gable, chimney, classical porch and would be finished in cream render with a russet tiled roof.

3.7 The garages would be a mix of single/ double/ triple of a gabled design. They would be finished in red brick as befitting of their secondary status within the development.

3.8 A large number of the dwellings have rear conservatories, some of which are single and some double. The conservatory plan for a double conservatory has not been submitted and the applicant has been requested to provide the details of all conservatory types before the Planning Committee meeting, in order these be added to the list of proposed plans.

3.9 As suggested above, the proposed materials for the dwellings would be artificial 'Bradstone' style walling (rough dressed, buff colour), including all dwellings fronting Malleson Road, with three dwellings within the site finished in a contrasting cream render. All garages would be finished in a red-multi brick. The roof materials for dwellings and garages include a mix of artificial blue/black slate and artificial russet tiles. The door and window finishes comprise a palette of soft traditional colours (willow green, buttermilk and white), the garage doors would be steel with an oak timber grain effect and rainwater goods to be black. External materials samples could be confirmed through condition.

3.10 The boundary treatments visible in the public realm and principal street elevations would be artificial stone to match the dwellings. Plots 46, 38 and 32 show front boundary walls finished in red brick which is a plan labelling anomaly as this is not the approach agreed with the applicant. A condition could be attached to ensure that the walls for these plots are finished in the same artificial stone material to ensure visual consistency. 1.8m close boarded timber fencing would be restricted to rear boundaries, including inside the existing hedge on the eastern boundary where it adjoins the dwellings Rhossiu, Meadow House and Larkfield, to properly define the boundary with the existing properties. The materials for the boundary treatments could be confirmed through condition.

Landscaping

3.11 Hard landscape proposals for the site show that the roads, footways and driveways/ parking finished in tarmac. The internal junctions and associated raised tables, footways and turning areas would be a shared surface demarcated by block paving. Some of the driveways/parking adjacent to these areas would also be finished in block paving. Footpaths across the public open space would be constructed in crushed aggregate with timber edging. External hard surface materials could be confirmed by condition.

3.12 The proposed soft landscape plans show a comprehensive landscaping approach across the entire site for both private and public areas. This represents a revised scheme that responds to comments made by the Landscape Officer. The application includes an Arboricultural Assessment (February 2017) which details the hedge and tree protection measures that will be in place across the site in respect of retained trees. This confirms that trees located close to the site boundary (in neighbouring gardens) will also be protected. A Landscaping Management Plan has also been submitted.

Internal access, parking and turning

3.13 The layout proposes a standard 5.5m carriageway and standard raised 2.0m footways and flush shared surface streets for the secondary estate roads. The internal junctions would consist of raised tables to ensure a flush transition with the shared surface and standard footways. In response to Condition 13 of the outline permission which requires full details of vehicular parking and turning facilities to be submitted with the reserved matters, the applicant has submitted detailed highway geometry and visibility and refuse vehicle swept path assessment for all new junctions and road access points within the site. This is accompanied by a Road Safety Audit and Designers Response.

3.14 The layout proposes 129 in-curtilage or off-street parking spaces as well as 59 garages to serve the 50 dwellings. Garage floor plans and elevations confirm the proposed dimensions of garage parking. The majority of the dwellings would have 2 allocated spaces with a large proportion having 3-4 available spaces. Only two dwellings would have 1 space, which are the two 1-bed units. The overall parking provision would therefore be approximately 2.58 spaces per unit rising to 3.76 spaces if the available garages are included in the provision. Off-street visitor parking is also provided. The proposed garages would accommodate cycle storage.

3.15 The proposed off-site highway improvements to the Gotherington Cross junction do not form part of this Reserved Matters application and will be dealt with by the separate discharge of Condition 19 of the outline permission.

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.

4.2 The development plan comprises the Joint Core strategy (2017), the Gotherington Neighbourhood Plan 2011- 2031 and saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

4.3 Other material policy considerations include the National Planning Policy Framework (NPPF) and National Planning Practice Guidance.

4.4 Other relevant policies are set out within this report.

5.0 Analysis

5.1 The application site is allocated for housing in the Gotherington Neighbourhood Development Plan (GNDP) and the principle of a residential development for 50 dwellings at the site has already been established through the grant of outline planning permission. This application relates to the approval of the layout, appearance, landscaping and scale of the development.

Scale, character and appearance

5.2 Policy SD4 of the JCS advises that new development should respond positively to and respect the character of the site and its surroundings, enhance local distinctiveness and the grain of the locality. Neighbourhood Plan Policy GNDP07 sets out the design principles for assessing planning applications and requires new buildings to enhance the distinctive character of the village by way of their layout with provision of off road parking.

5.3 The overall design and layout responds to the character of Gotherington as it has developed over a period of time. The location of the site on the on the edge of the village means it is inevitably sited in proximity to dwellings from different eras in varying plot sizes.

5.4 The proposed layout of the proposed development complies with the illustrative layout that was provided and discussed as part of the outline permission. The dwellings have all been laid out to address existing and proposed streets and the proposed open space, with rear gardens located to the rear. This is preferable in design terms in respect of creating a good visual and functional relationship with the existing village and new areas of public open space and public realm.

5.5 The proposed scale of the development is considered appropriate, being predominantly two-storey in height but with a mix of some single/ one and half and two and half storey elements. The Parish and residents have commented that two and half storey dwellings would not be appropriate. However, it is the officer opinion that the scale and design of these dwellings is not inappropriate as they serve to add variation in the street scene and they are few in number.

5.6 There is a wide range of existing styles and design of dwellings in Gotherington, particularly on the edge of the village. This proposed extension to the village, whilst not faithful to the Cotswold vernacular takes on board a number of design references, including gabled forms, use of appropriate materials, traditional details, chimneys etc. However, the development is undoubtedly modern as the scale of the buildings is larger to meet current requirements and incorporates a wide range of detailing that is not present on local vernacular buildings but is not, in itself, considered inappropriate in its proposed context.

5.7 The officer has queried the incorporation of the 'Bond' house type as its hipped design appears at odds with the remaining dwellings, but the applicant wishes to retain it to add variation. It is considered that its proposed limited use wholly within the development would not have such a significant adverse visual impact to give rise to a reason for refusal.

5.8 A number of elements have been re-designed in response to officer comments, including the landscaping scheme and the replacement of close board fencing with boundary wall treatments in areas within public view, both of which will improve the overall appearance of the development and its integration into the local context.

5.9 It is considered that the proposed design approach is appropriate and would not have an adverse impact on the character and appearance of the area and would contribute to local distinctiveness. It is therefore considered to accord with the adopted policies of the JCS and GNDP.

Access, turning and parking

5.10 Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network. Policy SD4 (vii) also requires development be well integrated with the movement network within and beyond the development itself, ensuring links by other modes and to green infrastructure.

5.11 Whilst concerns have been raised by the proposed access into the site by some local residents the main access arrangements into the site were approved as part of the outline permission.

5.12 The proposed new internal access arrangements are considered to present a logical and legible extension to the local movement network. The main and secondary estate roads are legible, assisted by the legible layout of the dwellings that address the street. They are also well connected to the existing village via cycle and footway linkages to Shutter Lane and Malleson Road, through the site and into the proposed new public open space.

5.13 The County Highway Authority has considered the proposed access, visibility, turning and parking arrangements within the site and confirms that no objection be raised. In terms of layout and visibility vehicle tracking has been provided demonstrating a 3 axle refuse vehicle passing a private car. The swept path analysis demonstrates that the most vehicles could pass one another in the majority of the layout. There are locations where vehicles could not pass but it has been demonstrated that there is sufficient inter-visibility between vehicles to allow them to give way. The analysis also demonstrates that a refuse vehicle and motor car could pass one another on the shared surface estate roads whilst maintaining a 2.0m wide pedestrian corridor clear of obstruction ensuring pedestrian safety. Appropriate vehicular forward/ emerging and pedestrian visibility splays have been provided at internal junctions, bends and private access driveways commensurate with target design speeds. The visibility splays are all accommodated within what is to become adopted Highway and are regarded as acceptable. The recommendations of the auditor of the Stage 1 Road Safety Audit have also been taken on board in the design.

5.14 In respect of the proposed parking arrangements within the site the Highway Authority has assessed the proposal against the Local Car Ownership 2011 Census data to determine acceptability of provision. The overall parking demand is calculated as 1.848 spaces per dwelling. The proposed provision is in excess of this figure and is regarded as sufficient. The parking spaces are also compliant with the dimensions set out in Chapter 9 of the local design guidance, Manual for Gloucestershire Streets. The manual also requires a minimum provision of 1 cycle space per dwelling within garages or secure rear garden structures. The proposed garages are confirmed as an acceptable means of cycle storage.

5.15 Whilst a number of comments have been made in relation to the safety of the Gotherington Cross junction and the proposed safety improvements for that junction, both in terms of the design and timing, this does not form part of the Reserved Matters application. Condition 19 was attached to the outline permission at the request of the Highway Authority and requires no work to commence on site until a scheme of works has been submitted to and approved by the Council, and for no more than 15 dwellings to be occupied on the site until the works have been completed.

5.16 It is considered that the proposed movement layout, access, turning and parking arrangements are satisfactory and the development therefore accords with the adopted policies of the JCS.

Trees, landscaping and open space

5.17 JCS Policy SD6 seeks to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. All applications will consider the landscape and visual sensitivity of the area in which they are to be located and which they may affect. Furthermore, Policy GNDP09 seeks to protect and enhance the local landscape. Criterion (e) requires that the existing settlement pattern is preserved including the strong east-west form of the village, by avoiding encroachment into the open countryside. JCS Policy SD4 (iv) requires the design of open space and landscaped areas to be of a high design, proving a clear structure and constitute an integral and cohesive element of the design.

5.18 The principle of the development in the open countryside adjacent to the village, which is not subject to any landscape designation, has been established by the outline permission and the allocation of the site for housing in the GNDP. Nevertheless, the site must be carefully designed to ensure its successful integration with the village and the surrounding landscape. This is in part achieved by the dedication of an area of public open space to the western part of the site, which incorporates SUDS drainage and a children's play area.

5.19 Detailed landscaping plans have been drawn up for the entire site and have been amended following the comments of the Landscape Officer. This includes an Arboricultural Assessment (AA) and Landscape Management Plan both of which are satisfactory. The proposal would involve the loss of some trees and hedgerow, particularly along the northern boundary to Malleson Road, but the majority of existing boundary trees and hedgerows would be protected as set out in the AA (including trees outside but adjacent to the site boundaries), retained and augmented to ensure appropriate native landscape buffers are retained around the edges of the development. The housing development itself would benefit from significant tree and shrub planting within front and rear gardens which would serve to compensate for the loss of existing trees. Front boundaries to dwellings would also be demarcated by new hedge planting in some locations and gardens from robust ornamental planting.

5.20 The layout of the open space has been designed to ensure it is functional (SUDS drainage, play and access) but to retain an informal appearance. It would benefit from significant new native tree planting within the site and native tree/ hedge planting at site boundaries, utilising an appropriate mix of species, to assimilate the development into the wider countryside.

5.21 The proposed play area is located in the middle of the site over 30m from the boundary of the nearest new dwelling. This is also proposed to be laid out more informally to reduce its visual impact. The detailed design/ materials of the play area could be the subject of a condition.

5.22 Overall it is considered that the landscaping of the site, including that of the open space, is appropriate and would ensure the effective integration of the site into the wider area. The scheme also takes the appropriate measures to protect retained trees and mitigate for the loss of existing trees/ hedgerows. It is therefore in accord with the relevant policies of the JCS and GNPD.

Foul and Surface Water Drainage

5.23 JCS Policy INF2 (2) (iv) requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. Policy INF6 also requires that the infrastructure requirements generated by a proposal are met, including by adequate on and off site infrastructure.

5.24 Illustrative drainage concept plans have been submitted with the application showing flood attenuation and storage within the public open space, including reed bed and permanent pool, temporary storage pond and swales, to demonstrate how this can be achieved within the site layout. The Local Lead Flood Authority has not approved this illustrative scheme but has provided comments to inform the production of the final scheme. The full details will be required to discharge Conditions 10 and 11 (detailed drainage strategy and SUDS maintenance plan respectively) of the outline permission and will therefore be considered as part of a separate application. Nevertheless the submitted details demonstrate that the drainage scheme could be accommodated within the proposed layout.

Existing and future residential amenity

5.25 Policy SD4 (iii) requires that new development should enhance comfort, convenience and enjoyment through the assessment of the opportunities for light, privacy and external space, and the avoidance of mitigation of potential disturbance, including visual intrusion, noise, smell and pollution. Policy SD14 further requires that new development must cause no harm to local amenity, including the amenity of neighbouring occupiers.

5.26 The site layout has been carefully considered to ensure that the development can achieve acceptable levels of amenity between the proposed new dwellings and also between the new development and existing dwellings, which abut the north, east and southern boundaries.

5.27 The most sensitive boundary with existing neighbours lies to the east. In this location three plots are sited side-on in close proximity to the boundary. Plot 20 ('Winchcombe' house type) would be positioned with its two-storey side gable elevation 3 metres from the joint boundary with Meadow House; facing onto the Meadow House driveway and part of the front elevation of the dwelling (the elevations would be staggered) which is 14m distant. Plot 27 ('Winchcombe' house type) would be sited 4m from the joint boundary with Larkfield and face towards the rear garden. The gable elevation of this house type contains only a single bathroom window at first floor level which could be conditioned to be maintained as obscure glazed and with restricted opening to ensure no overlooking/loss of privacy to the adjacent properties. The distances and alignment between properties are such that the side facing gables would not have an unacceptable overbearing impact or loss of light. The Parish has requested the re-orientation of these properties, but it is considered that there would be a far greater impact as a consequence as this would cause the rear facing windows of two pairs of semi-detached properties to face towards the neighbouring properties.

5.28 The side-facing gable of the one and half storey bungalow of Plot 35 ('Tagwell' house type) would face the side elevation of Larkfield, at a distance of between 5m and 8m, but contains no side-facing windows and the scale, siting and boundary landscaping would ensure no overbearing impact.

5.29 Concerns have been raised about the impact of the properties on the southern boundary on existing properties along Shutter Lane. The impact of the new single storey and one and half storey dwellings would be minimised due to their scale and distances between the new and proposed dwellings. Furthermore the trees and hedgerow fronting Shutter Lane will be maintained as part of the development which provides an effective screen. Similarly, the distances between the existing and new dwellings on Malleson Road, together with the intervening road and existing/proposed landscaping ensures no unacceptable impact on residential amenity.

5.30 The application also contains details of the existing and proposed site levels, and finished floor levels of the development. These have been examined in relation to the surrounding road levels and levels at the site boundary. The proposed finished floor levels of the dwellings are broadly similar to the existing levels around the perimeter of the site, albeit would be very slightly elevated in some instances, which is to be expected. The proposed levels are considered to be acceptable in terms of their impact on the character and appearance of the development and would not have any unacceptable consequential impact in relation to loss of amenity from overlooking or overbearing impact.

5.31 Overall, it is considered that the proposed development would result in acceptable levels of amenity being maintained for future residents of the estate and existing residents surrounding the site in accordance with the relevant JCS policies.

Housing Mix and Affordable Housing

5.32 JCS Policy SD11 requires new housing development to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Further to this Policy GNDP04 seeks to achieve a suitable mix of housing types and sizes in new development. JCS Policy SD12 seeks 40% affordable housing to be provided, where possible, on site.

5.33 The housing mix comprises: nine 5-bed, seventeen 4-bed, thirteen 3-bed, nine 2-bed and two 1-bed dwellings. The majority would be detached dwellings, with 9 pairs of semi-detached properties and attached flats. Of the total, this would include 10 affordable dwellings on site, 5 of which would be shared ownership and 5 affordable rented, and a mix of 1, 2 and 3-bed homes. The affordable housing scheme was agreed and approved in the outline scheme. The Housing Enabling officer has raised no objection to the proposed on site affordable housing provision.

5.34 The scheme is considered to provide an appropriate mix of dwelling sizes, types and tenures and the requirement for affordable housing, in accordance with the relevant policies of the JCS and GNDP, and the approved outline permission.

Other matters

5.35 The Parish has requested that the MUGA that is funded by this development be located in the new public open space. Nevertheless, this is not a matter which is subject to the current proposal. The MUGA is subject of a financial contribution secured via the s106 agreement attached to the outline permission. The final location and scheme design for the MUGA will be subject of separate approvals.

5.36 Some residents have suggested that the play area would be better located on the village recreation ground by extending the existing play area and that the proposed location in the new public open space could hinder social cohesion and cause noise and disturbance to residents. The play area was secured in the outline permission as the new development creates a need for easily accessible outdoor playing space (Policy RCN1 of the TBLP). This is a small play area that will serve the needs of the future residents of the new development and residents in the village who may wish to visit on foot. It is not a neighbourhood scale facility and it is appropriate that it be located in close walking distance of the new development. Furthermore the distance between the front curtilage boundary of the nearest new property and the boundary of the play area would be over 30m (over 100m from the nearest existing residence) which exceeds the minimum distances required for this scale of facility. The location of the play area is not therefore considered to have an adverse impact on existing or future residential amenity or on social cohesion.

5.37 Concerns have been expressed that the site could be blighted by street lighting as Gotherington is currently a street light-free village. There is no proposal in this Reserved Matters application to provide street lighting. Furthermore, condition 9 of the outline planning permission places controls over external lighting within the site to prevent it being erected without the prior consent of the Council. Furthermore, it is understood that any proposals for streetlighting on publicly adoptable highway would be subject to consultation with the Parish Council.

5.38 Concerns have been raised regarding hours of working and deliveries. However hours of construction (which include vehicular access) were fixed in condition 5 of the outline permission (0730 - 1800 Monday-Friday, 0800-1400 Saturdays, and no working on Sundays, Public or Bank Holidays without the prior written permission of the Council). It would not be possible to prohibit vehicles using the public highway in the vicinity of the site over which they have a legal right to pass.

6.0 Conclusions & Recommendations

6.1 Overall, it is considered that the proposal would result in an acceptable layout, scale, appearance and landscaping, which would relate to the character and grain of the village and would be well integrated into the surrounding landscape of the open countryside.

6.2 It is recommended that authority be delegated to the Development Manager to **Approve the application subject to minor detailing matters concerning boundary treatments, conservatories and house types being resolved and any other associated revisions to conditions.**

RECOMMENDATION Delegated Approve

Conditions:

- 1 The development hereby approved shall be carried out in accordance with the following approved plans and documents:

P-01 Site Location Plan
P-02 Rev J Scheme Proposals
P-03 Rev B External Materials dated 06/02/18
P-04 Affordable Housing Plan
P-05 Tenure Plan
P-06 Storey Heights Plan
P-08 Green Open Space Plan
AAJ5091 LS-01 Rev C Detailed Soft Landscape Proposals Sheet 1 dated 19/02/18
AAJ5091 LS-02 Rev C Detailed Soft Landscape Proposals Sheet 2 dated 19/02/18
AAJ5091 LS-03 Rev C Detailed Soft Landscape Proposals Sheet 3 dated 19/02/18
AAJ5091 LS-05 Rev B Detailed Hard Landscape Proposals Sheet 1 dated 19/02/18
AAJ5091 LS-06 Rev B Detailed Hard Landscape Proposals Sheet 2 dated 19/02/18
AAJ5091 LS-07 Rev B Detailed Hard Landscape Proposals Sheet 3 dated 19/02/18
02995-001 Rev C - Highway Geometry and Visibility (Sheet 1) dated 15/12/17
02995-002 Rev C - Highway Geometry and Visibility (Sheet 1) dated 15/12/17
02995-003 Rev C - Refuse Vehicle Swept Path Assessment (Sheet 1) dated 15/12/17
02995-004 Rev C - Refuse Vehicle Swept Path Assessment (Sheet 2) dated 15/12/17
02995-005 Rev C - Refuse Vehicle Swept Path Assessment (Sheet 3) dated 15/12/17
AAC5299-SK3 Conceptual Existing and Proposed Levels Strategy Sheet 1 dated 07/02/18
AAC5299-SK4 Conceptual Existing and Proposed Levels Strategy Sheet 2 dated 07/02/18
P - H - 01 - 1 Tiddington Housetype - Floorplans
P - H - 01 - 2 Tiddington Housetype - Elevations
P - H - 02 - 1 Campden Housetype - Floorplans
P - H - 02 - 2 Campden Housetype - Elevations
P - H - 03 Portland
P - H - 04 Holborn
P - H - 05 Regent
P - H - 06 Bond
P - H - 06 - 1 Bond
P - H - 07 Marylebone
P - H - 08 Carnaby
P - H - 09 Tagwell
P - H - 10 Newland
P - H - 11 Castle
P - H - 12 Farmcote
P - H - 13 Winchcombe
P - H - 14 Type 67
P - H - 15 Type 85
P - H - 16 HQI Type 86
P - H - 17 HQI Type 50
P - H - 19 Garages
P - H - 20 Conservatory Layout

Arboricultural Assessment, February 2017, prepared by FPCR Environment & Design.
Landscape Management Plan & Maintenance Schedule for all Amenity Areas, 08-2017, prepared by RPS.

- 2 Notwithstanding the external wall and roof materials detailed in approved Drawing P-03 Rev B External Materials, samples of all external materials, including boundary treatments and hard landscaping, shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of any dwellings from floor plate upwards. The development shall be implemented in accordance with the approved details.
- 3 Notwithstanding the boundary walls detailed in approved drawin 'P-03 Rev B External Materials' relating to Plots 46,38 and 32, these boundary walls shall be finished in artificial stone as approved in Condition 2 of this permission.
- 4 Notwithstanding details of screen walls shown on Drawing LS-05 Rev B Detailed Hard Landscape Proposals Sheet 1 of 3, details of the elevations of all proposed boundary and screen walls shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of any dwellings from floor plate upwards. The development shall be implemented in accordance with the approved details.
- 5 Prior to the construction of any dwellings from floor plate upwards, details of the proposed on site play area, to include the surfacing and equipment, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 6 The first floor windows (serving bathrooms) in the east gabled elevations of Plots 20 and 27 shall be obscure glazed and fitted with 'DGS Egress Friction Stays with inbuilt child restrictors' to restrict the opening of the windows to a maximum of 150mm. The windows shall thereafter be retained as such and not altered without the prior express permission of the Local Planning Authority.

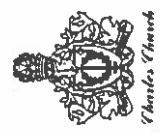
Reasons:

- 1 To define the terms and extent of the permission.
- 2 Reason: In the interests of the appearance of the development
- 3 Reason: In the interests of the appearance of the development
- 4 Reason: In the interests of the appearance of the development
- 5 Reason: In the interests of the appearance of the development
- 6 To safeguard the privacy of adjacent residents

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 improvements to the design of the development.



CHARLES CHURCH (South Wales) LTD
Apopa House
Hemrygham Road, Swaleley
Wormsley, Bath BA20 7BE
Tel: 01227 831200 Fax: 01227 631222

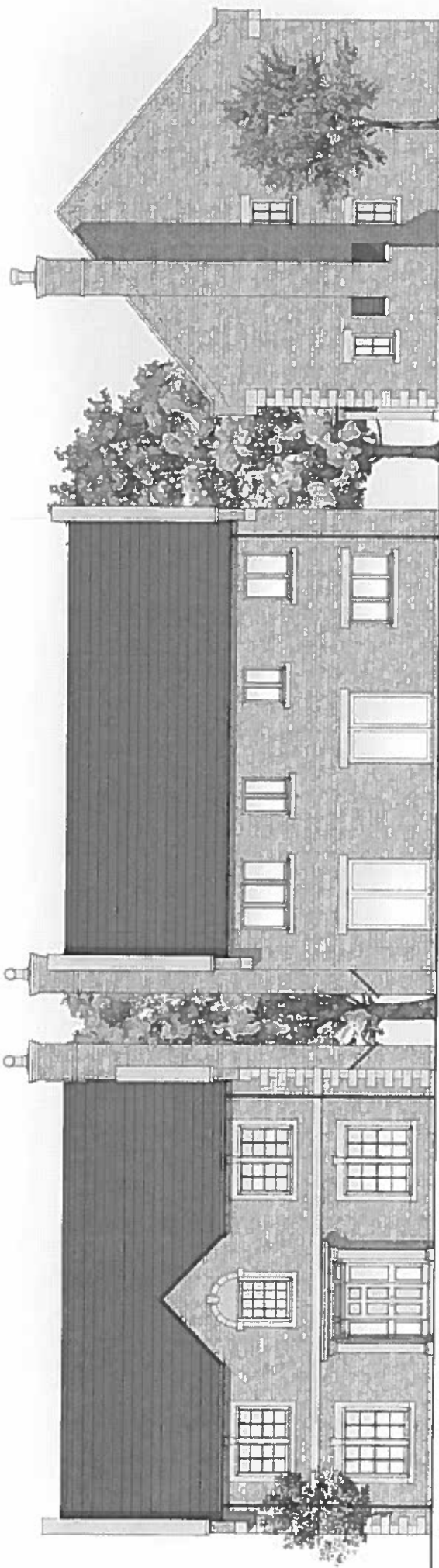
Location Plan scale: 1:2500/3
Drawing reference: P-01



Malleson Road, Gotherington

71720

17/01162/APP



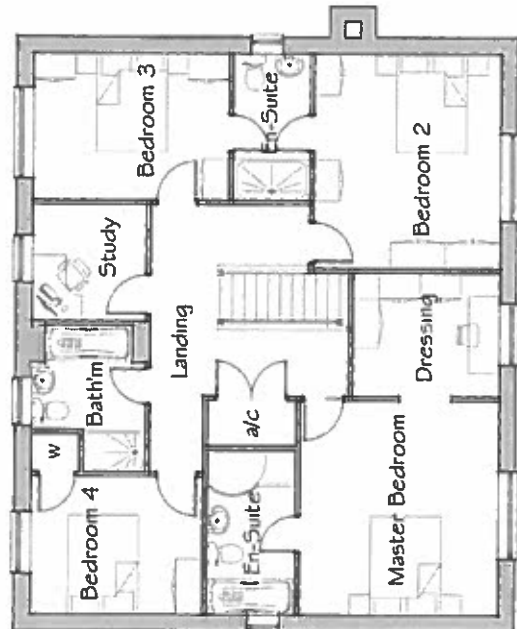
Front Elevation

Rear Elevation

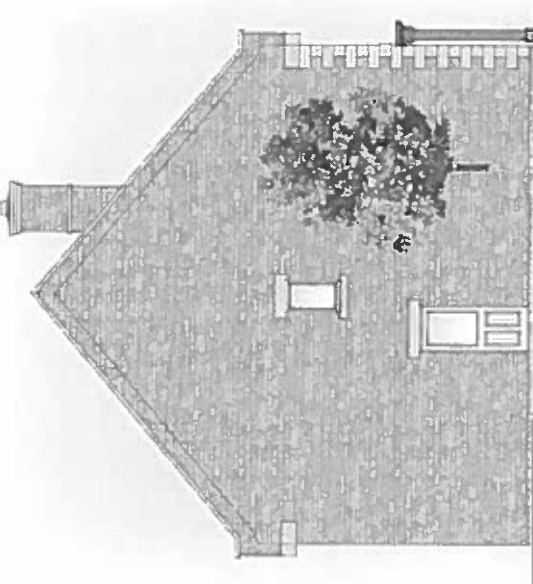
Side Elevation



Ground Floor Plan



First Floor Plan



Side Elevation



CHARLES CURRECHI (South Midlands) LTD
Architects
Bromborough Road, South
Warricholas, IP89 7HQ
Tel: 01527 851200 Fax: 01527 851222

Planned

drawing reference P-H-03

Portland Housetype scale: 1:100@A3

Malleson Road, Gotherington

1221-C

17/01162/APP



Side Elevation

Rear Elevation

Front Elevation

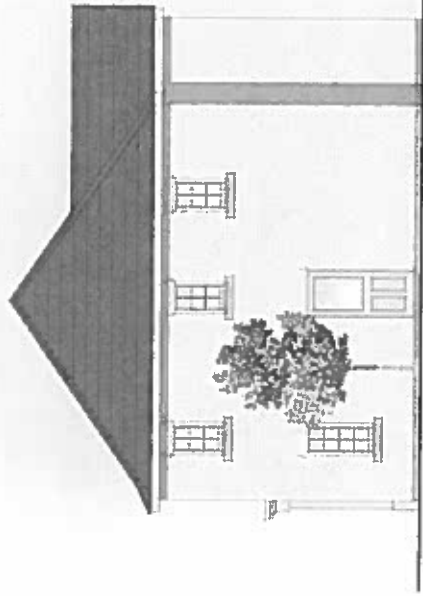
71123



Ground Floor Plan



First Floor Plan



Side Elevation



CHARLES CHURCH (South Midlands) LTD
Aston House
Herrington Road, Soudby
Warrickshire, CV34 7BN
Tel: 01527 851200 Fax: 01527 851222

Planning Reference: P-H-06-1

Malleson Road, Gotherington



CHARLES CHURCH South Midlands LTD
Agents Home
Harrington Road, Seabry
Warwickshire, CV35 9NY
Tel: 01527 811200 Fax: 01527 811222

Charles Church

Winchcombe House Type scale 1:100g-3J
drawing reference P-H-13

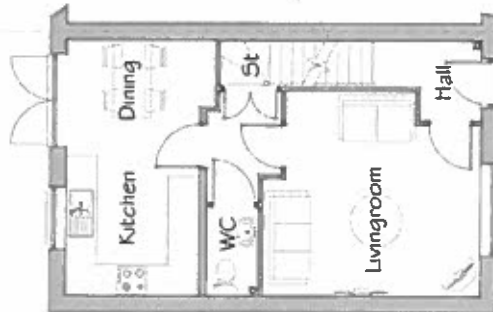
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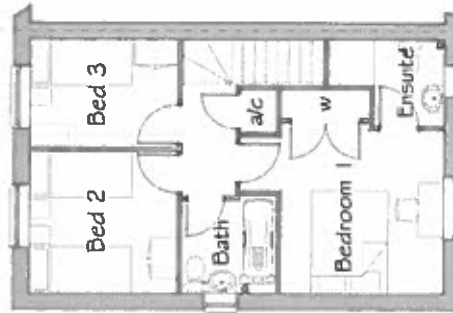
Front Elevation

Side Elevation

Rear Elevation



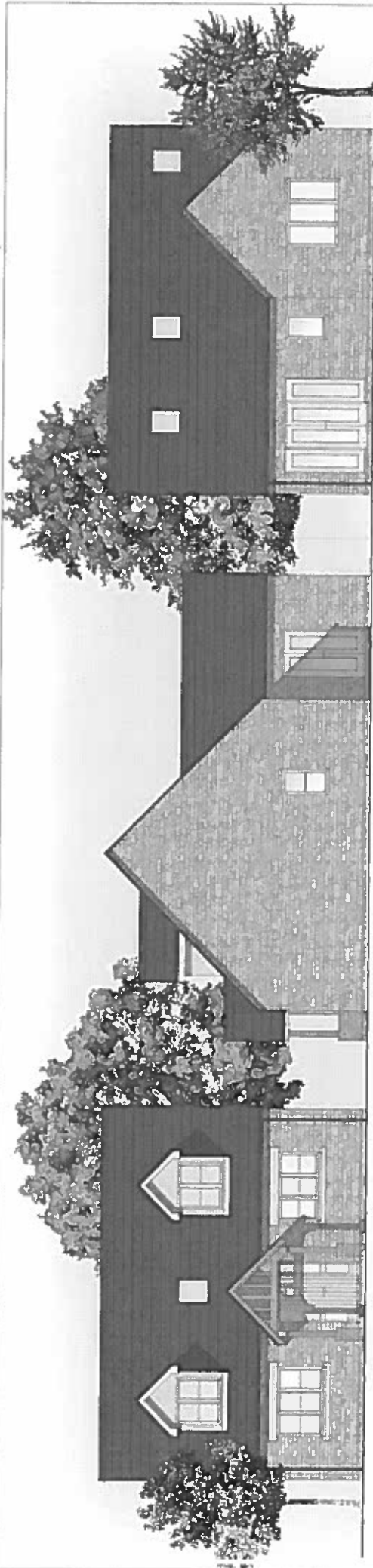
Ground Floor



First Floor

Malleson Road, Gotherington

17/01162/APP



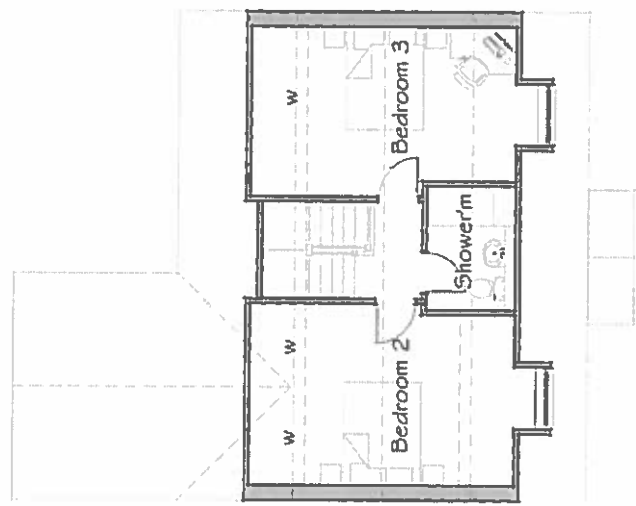
Rear Elevation

Side Elevation

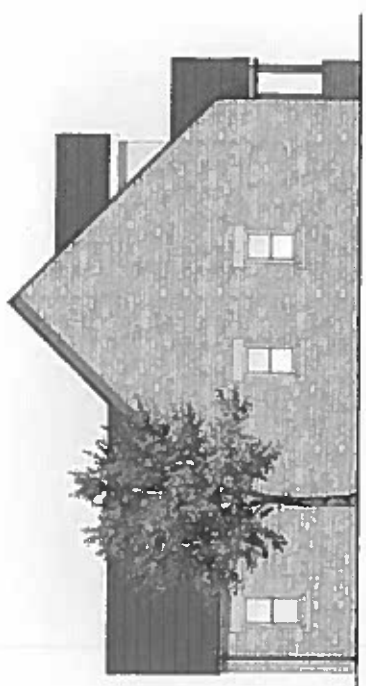
Front Elevation



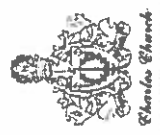
Ground Floor Plan



First Floor Plan



Side Elevation



CHARLES CHURCH (South Midlands) LTD
Aston Lane
Warwick, Warwickshire, CV35 9EF
Tel: 01527 851200 Fax: 01527 851222

Tagwell House type 2-310 1, 1000G-33
Drawing reference: P-H-09

7125-f

Malleson Road, Gotherington

17/01162/APP



CHARLES HENRY (London) Limited
Architects
100, Abchurch Lane, London EC4N 3DF
Tel: 0127 851222
Fax: 0127 851200

STREET SCENES 1 of 1 (2003A)

Planning reference: P-07



Streetscene A-A

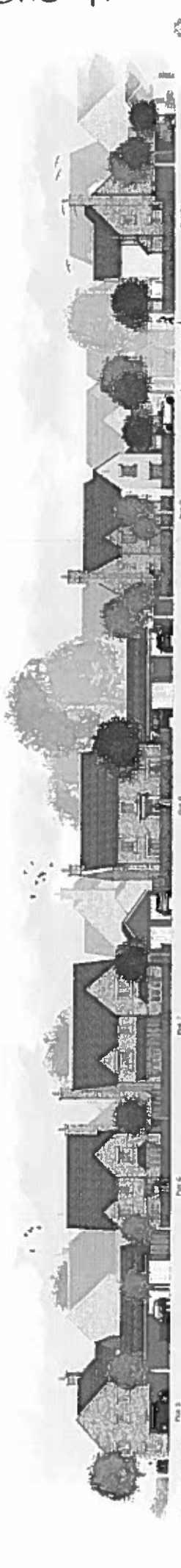


Streetscene B-B

4267-9

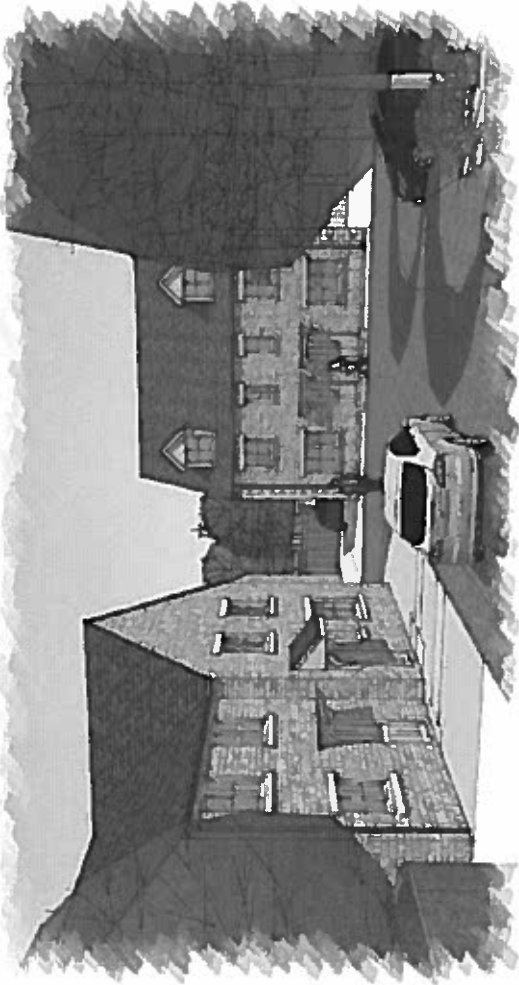


Streetscene C-C

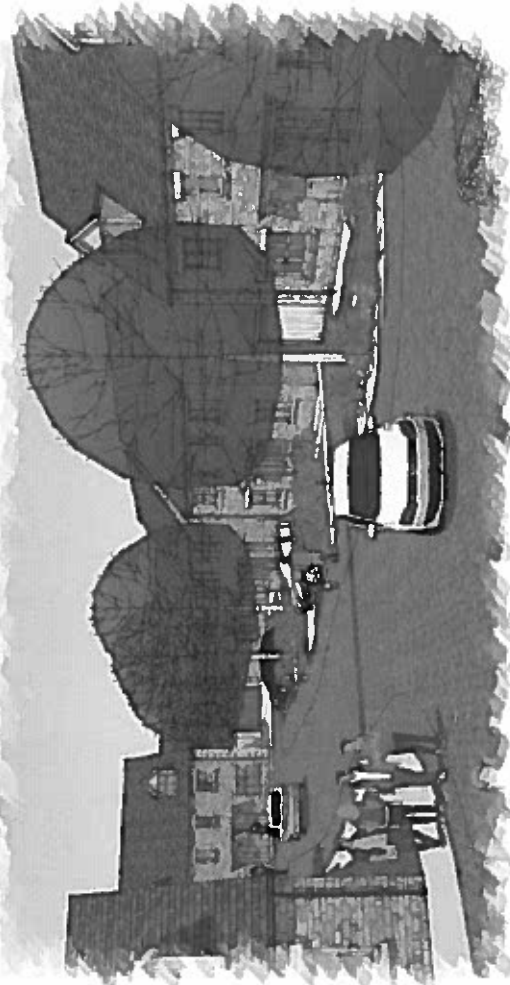


Streetscene D-D

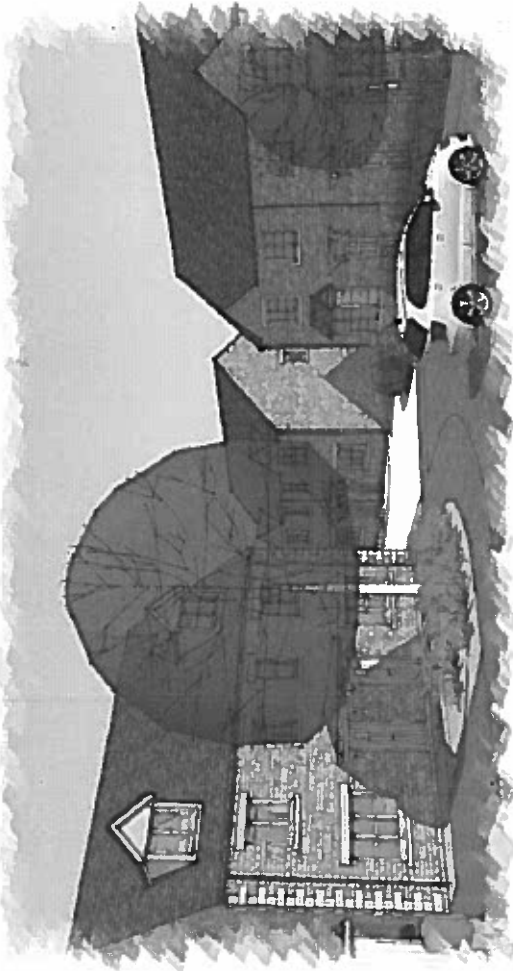
Malleson Road, Gotherington



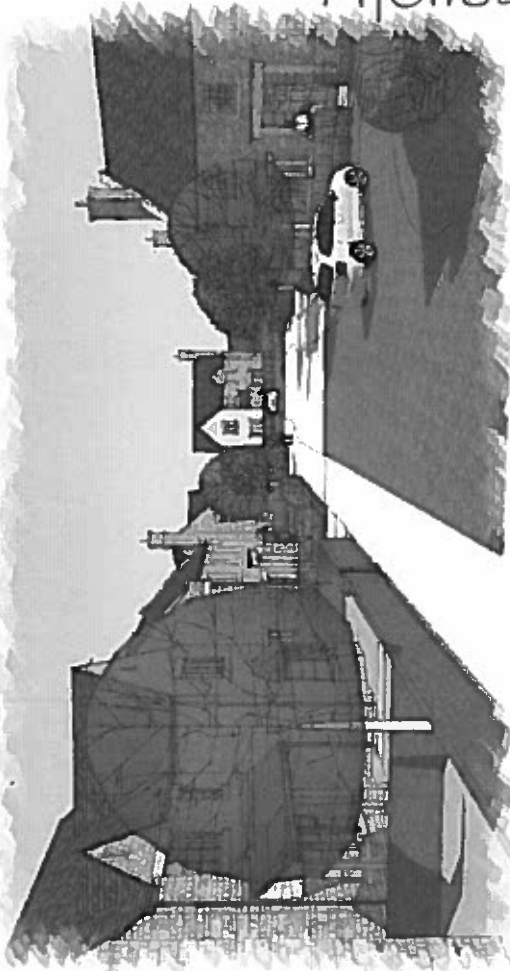
View towards plots 17 and 18



View towards plots 25 and 26



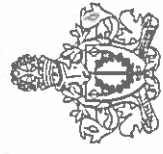
View towards plots 25 and 26



View along main spine road towards plot 31

127
4-7-h

17/01162/APP



CHARLES CHURCH (South Midlands) Ltd
 Aspen House
 100 Park Square
 Nottingham NG2 7BN
 Tel: 01527 851200 Fax: 01527 851222

Charles Church

drawing reference: P-3D-4

3D Development Core scale: 1:1500

Malleson Road, Gotherington

17/01114/FUL

Margarets Cottage, Sandhurst Lane, Sandhurst

11

Valid 26.10.2017
Grid Ref 382749 223304
Parish Sandhurst
Ward Coombe Hill

Erection of a single dwelling and associated works.

Mr David Eggleton
Margarets Cottage
Sandhurst Lane
Sandhurst
Gloucester
Gloucestershire

RECOMMENDATION Refuse

Policies and Constraints

Planning (Listed Building and Conservation Areas) Act 1990
NPPF
Planning Practice Guidance
Joint Core Strategy - December 2017 - SD4, SD6, SD8, SD10, INF1,
Tewkesbury Borough Local Plan - March 2006 - LND3
Flood and Water Management SPD
Human Rights Act 1998 - Article 8 (right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)
Landscape Protection Zone
Within 50m of Grade II* listed building - St Lawrences Church
Within 50m of Grade II listed buildings - Samuel Olive monument, Thomas Cother monument, Joseph Drinkwater monument, Lovering & Salcombe monument Grade II listed building

Consultations and Representations

Sandhurst Parish Council - Object to the proposal, raising the following points;
- Development is cramped
- Not in keeping with the village
- Facing sideways with neighbouring properties

Conservation Officer - Objects to the proposal, raising the following points;
- Disruption to the views of Margarets Cottage
- Form of development is alien and incongruous in this location

County Archaeologist - No further archaeological work is required

Representations - None received

The application has been called to Committee at the request of Cllr Waters to assess the impact on the street scene and the size and scale of the development.

Planning Officers Comments: Suzanne D'Arcy

1.0 Introduction

1.1 Margarets Cottage is sited at the edge of the village of Sandhurst, adjacent to the Village Hall. It is within the Landscape Protection Zone (LPZ).

1.2 St Lawrences Church is sited to the east of the site and is Grade II* listed. Four monuments within the churchyard are Grade II listed in their own right.

2.0 Relevant Planning History

2.1 Outline planning permission was refused in 1997 for the erection of a single dwelling (ref: 97/00504/OUT) and was later dismissed on appeal. This application sought outline permission, with all matters reserved, for a single dwelling in broadly the same plot as proposed by this application. It was refused by the Council, as

it would unacceptably consolidate the built environment within the village and would be harmful to the street scene, and the proposed development would be harmful to the setting of the adjacent Grade II* listed church.

2.2 In determining the appeal, the Inspector concluded that, while infill development was acceptable in principle, the site was too small to accommodate a two storey dwelling that would preserve the setting of Margarets Cottage and furthermore, it was likely that the proposed dwelling would result in an adverse impact on the residential amenity of Margarets Cottage. He also considered that the proposed dwelling would have an adverse impact on the setting of the listed church, as the existing site made a positive contribution to preserve what remains of the rural setting of the church. The introduction of a dwelling into the site would materially harm the setting of the church.

2.3 An application for two dwellings to the rear of Margarets Cottage (ref: 17/00404/FUL) was withdrawn in June 2017.

3.0 Current application

3.1 This is a full application for the erection of a two storey dwelling, adjacent to Margarets Cottage. The proposed dwelling would be set back from both Margarets Cottage and Donvia, and be single storey. It would have a broadly rectangular footprint that would be 8.5m wide by 15m deep with a courtyard set into the south elevation. It would have a flat roof at a height of 3m with the rooflights projecting above.

3.2 The proposed dwelling would be screened by a brick wall to the front with white render to the other elevations and a flat roof. The proposed dwelling would have the appearance of a courtyard style property.

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.

4.2 The site is located adjacent to the Grade II* listed Church and as such, the Council has a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'in considering whether to grant planning permission for development which affects a listed building or its setting' to '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.'

Development Plan

4.3 The development plan comprises the Joint Core Strategy (JCS) and the saved policies of the Tewkesbury Borough Local Plan (TBLP). JCS Policy SD10 seeks to direct residential development towards the most sustainable locations. Point 4(ii) of this policy allows for infilling within Tewkesbury's villages. Policy SD8 requires new development that would affect the setting of heritage assets to conserve or enhance their significance. Policy INF1 seeks to ensure that new development has safe access to the transport network and offers a range of transport options. TBLP Saved Policy LND3 gives special protection to the landscape features.

National Planning Policy Framework (NPPF)

4.4 The NPPF sets out the presumption in favour of sustainable development. Sustainable development has three dimensions: economic, social and environmental. One of the Core Planning Principles set out in paragraph 17 relates to the conservation of heritage assets so they can be enjoyed for their contribution to quality of life. Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework sets out the Government's high-level policies concerning heritage and sustainable development. (The Historic Environment Planning Practice Guide published jointly by CLG, dcms, and English Heritage) provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites.

5.0 Analysis

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

Principle of development

5.2 Policy SD10 seeks to direct development to the most sustainable locations. Point 4(ii) of the policy allows for *"infilling within the existing built up areas of ... Tewkesbury Borough's towns and villages."* Infilling, in this context, is defined in paragraph 4.11.5 of the explanation as *"the development of an under-developed plot well related to existing built development."* The site forms part of the garden and has residential development to both sides, with Sandhurst Lane to the front. In view of this, it is considered that the plot can be considered an infill plot and the development is acceptable in principle, subject to other material considerations.

Impact on the historic environment

5.3 St Lawrences Church is sited to the east of the site and is grade II* listed. In 1997, planning permission was refused and dismissed on appeal for the erection of a dwelling on the site that is the subject of this application. **Appeal decision is attached to this report.** The Inspector drew specific reference to the church tower, which he considered to be the most important visual feature in Sandhurst. It is most readily seen from the lane in relation to the surrounding houses. He considered that the site was particularly important in views from the south, appearing initially as a green gap, enhancing Margarets Cottage, *"the only other traditional building in view, which reflects Sandhurst's past, before providing views out westwards from the churchyard towards the open countryside"* (paragraph 12 of the appeal decision). He concluded that the site as a garden makes an important positive contribution to the preservation of what remains of the rural setting for the church.

5.4 The application is accompanied by a Planning Statement, which states that the *"low profile of the dwelling [would] retain views from the wider area across the site to the Parish Church of St Lawrence. This was the primary concern to the appeal inspector when determining the appeal in 1997."* In the planning history section, it considers that the previous appeal was too long ago to be considered relevant as there have been *"significant material change to the planning system as [a] whole in the intervening period."*

5.5 The 1997 appeal was for an outline application, with all matters reserved. The agent at the time clearly states to the Inspector that no layout or design has been submitted, though it is apparent that a dwelling that was at least part two storey was under consideration at the time.

5.6 It is acknowledged that the policy framework has moved on since this decision. However, the Council's statutory duty under section 66 of the Act was in force at the time of this decision. The context of the site, in terms of its relationship with the church and the adjacent dwellings is also comparable to the situation in 1997. JCS Policy SD8 requires that the setting of heritage assets be conserved or enhanced for their important contribution to local character, distinctiveness and sense of place. It is acknowledged that the proposed dwelling is single storey in nature. It does have the appearance of a solid wall to the front, which would create a barrier to the wider views when seen from the churchyard. It is therefore considered that the introduction of a dwelling on this site would close this gap and have an adverse impact on the rural setting of St Lawrences Church, which is contrary to s66 and Policy SD8.

5.7 Paragraph 134 of the NPPF states that if a proposal would *"lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal."* It is acknowledged that the proposal would lead to an additional dwelling to count towards the Council's five year housing target and that there would be some social and economic benefits through its construction. This weighs in the developments favour. However, the Council can demonstrate a five year housing supply and the additional benefits of a single dwelling would be limited. It is therefore considered that the public benefits of the proposal do not outweigh the harm caused to the setting of the building.

5.8 Margarets Cottage itself is acknowledged by the previous Inspector as a traditional building that reflects Sandhurst's past. It is considered that it meets the tests in the NPPF and should be considered as a non-designated heritage asset, resulting in the provisions of paragraph 135 being taken into account, alongside JCS Policy SD8, which refers specifically to non-designated assets and their importance in contributing to local character, distinctiveness and sense of place.

5.9 The existing cottage benefits from the openness of its site and the space to the south allows for views of both the front and side elevations simultaneously. The proposed dwelling would disrupt this by largely obscuring the side elevations when viewed from the road. Whilst the proposed dwelling has sought to keep a low profile through its single storey design, the design as a courtyard house is an alien form of development in Sandhurst, thus would result in further attention being drawn to it. Paragraph 135 requires a balanced judgement to be taken when considering the harm caused to a non-designated heritage asset. The benefits of the proposal have been outline in paragraph 5.7 and these are not considered to outweigh the harm caused by the proposed dwelling through its relationship with Margarets Cottage.

5.10 The application is accompanied by an archaeological field evaluation, which has confirmed that were no archaeological remains observed during the works. The County Archaeologist has confirmed that the site has a low potential for archaeological remains and as such, no additional work in terms of archaeology is required.

5.11 In view of the above, the proposed development would be harmful to the rural setting of St Lawrence Church and Margarets Cottage. It is therefore contrary to s66 of the Act, JCS Policy SD8 and the advice contained within the NPPF.

Impact on the landscape and the character of the area

5.12 The character of this part of Sandhurst is a low density, rural settlement. It is sited within the Landscape Protection Zone. JCS Policy SD6 states that development will seek to "*protect landscape character for its own intrinsic beauty.*" The site represents a green space that facilitates views both to and from the adjacent open countryside.

5.13 The applicant contends that as the development would be confined to the existing site boundaries and would not encroach further into the countryside, the landscape impact is minimal. The low level of the dwelling and its design behind the country wall would ensure that it would not be visually conspicuous and it would be clearly seen as part of the existing village and built form. The Planning Statement describes the proposed dwelling as a "*contemporary courtyard style set behind a traditional country style wall set in a cottage garden.*" It states that it would not be visible in the street scene as it would be screened by the country wall, and would be a high quality contemporary design with a modern aesthetic that adds interest to the character of the area.

5.14 The introduction of a dwelling in the site would close this and would result in a disconnection between the village and the wider countryside beyond by blocking these views. This would lead to an erosion of the intrinsic beauty of the landscape through its relationship with the village of Sandhurst.

5.15 The site is currently residential garden for Sandhurst and makes an attractive contribution to the wider street scene as it helps to retain the rural character of this part of the village. The comments of the applicant are noted but the introduction of the "country wall" would be clearly visible in the street scene and would result in the closing of the gap. The form and design of the proposed dwelling is not characteristic of Sandhurst as courtyard properties of this nature are more readily associated with smaller, urban sites and would therefore represent an alien and incongruous form of development. This is contrary to JCS Policy SD4.

5.16 The proposed dwelling is therefore contrary to JCS Policies SD4 and SD6.

Impact on residential amenity

5.17 The proposed dwelling would be set behind the building line of both of the adjacent dwellings and be single storey in nature. The proposed dwelling would have not side windows and conditions could be used to revoke permitted development rights for the insertion of new openings. Due to the relationship with the adjacent dwellings, it is not considered that there would be any adverse impacts on their residential amenity.

5.18 It is considered that the layout of the proposed dwelling would afford future occupiers a good standard of amenity. The proposed dwelling would have sufficient private amenity space. It is therefore not considered that the proposed dwelling would result in a significant adverse impact on residential amenity.

Highway safety

5.19 A new access would be created to access the site. The proposed access would be approx. 2.5m wide and, subject to conditions, there would be appropriate levels of visibility. It is not considered that the proposed development would have an adverse impact on highway safety.

6.0 Conclusion

6.1 The proposed development would lead to an erosion of the rural setting of St Lawrence Church and to Margarets Cottage. The infilling of an important gap in the landscape would result in an erosion of the rural character of the area through disconnecting the views to and from village with the countryside beyond. The proposed dwelling has a courtyard style dwelling, which would be an alien form of development in the landscape. These matters weigh against the proposal.

6.2 The proposed development would result in an additional dwelling towards the Council's housing target and there would be some economic and social benefits through the construction phase of the development. These benefits would be limited in nature, due to the small scale nature of the scheme. There would be no adverse impacts on residential amenity or highway safety as a result of the proposal. These matters weigh in favour of the development.

6.3 In view of the above, the harms identified in terms of the conflict with the adopted Development Plan and the NPPF are not outweighed by the benefits of the proposal and it is therefore recommended for **REFUSAL**.

RECOMMENDATION Refuse

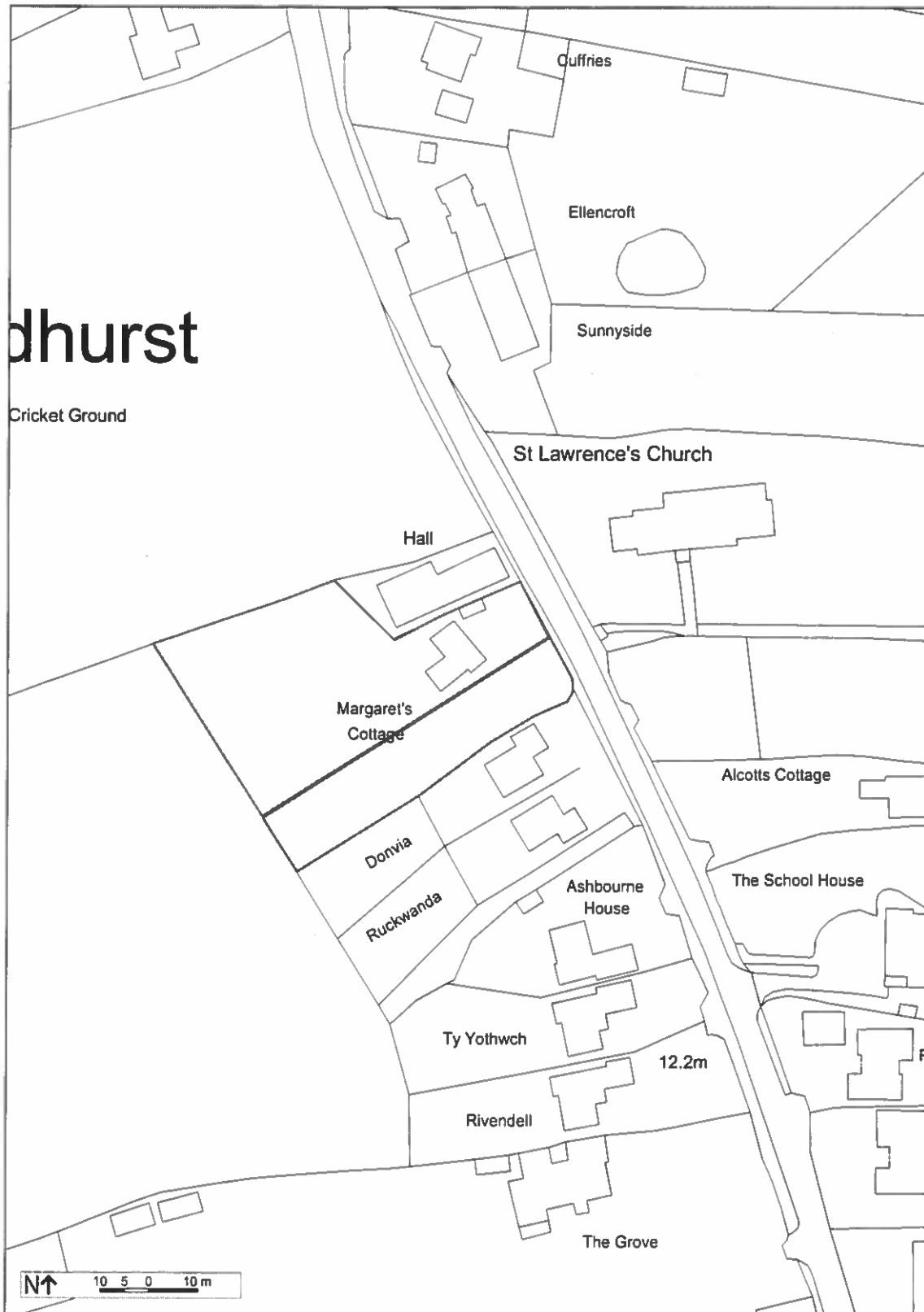
Reasons:

- 1 The proposed dwelling, by reason of its siting and design, detract from the setting of the Grade II* listed St Lawrence Church through the restriction of views between the church and the wider countryside and the erosion of the rural character through the infilling of the space. This is contrary to section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Policy SD8 of the Joint Core Strategy (December 2017) and the advice contained within the NPPF.
- 2 The proposed dwelling, by reason of its siting and design, detract from the setting of Margarets Cottage, which is a non-designated heritage asset, through the erosion of the rural character through the infilling of the space. This is contrary to section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Policy SD8 of the Joint Core Strategy (December 2017) and the advice contained within the NPPF.
- 3 The proposed dwelling, by reason of its design and siting, would introduce an incongruous form of development into area, which would be harmful to its rural character. This is contrary to Policies SD4 and SD6 of the Joint Core Strategy (December 2017) and the advice contained within the NPPF.

Note:

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF, the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area.



Map Information

Scale 1:1250
 Date: 13/10/17
 Reference 13181
 Order No: 1897683

Location Plan

Margaret's Cottage
 Sandhurst
 Gloucester
 GL2 9NP



133

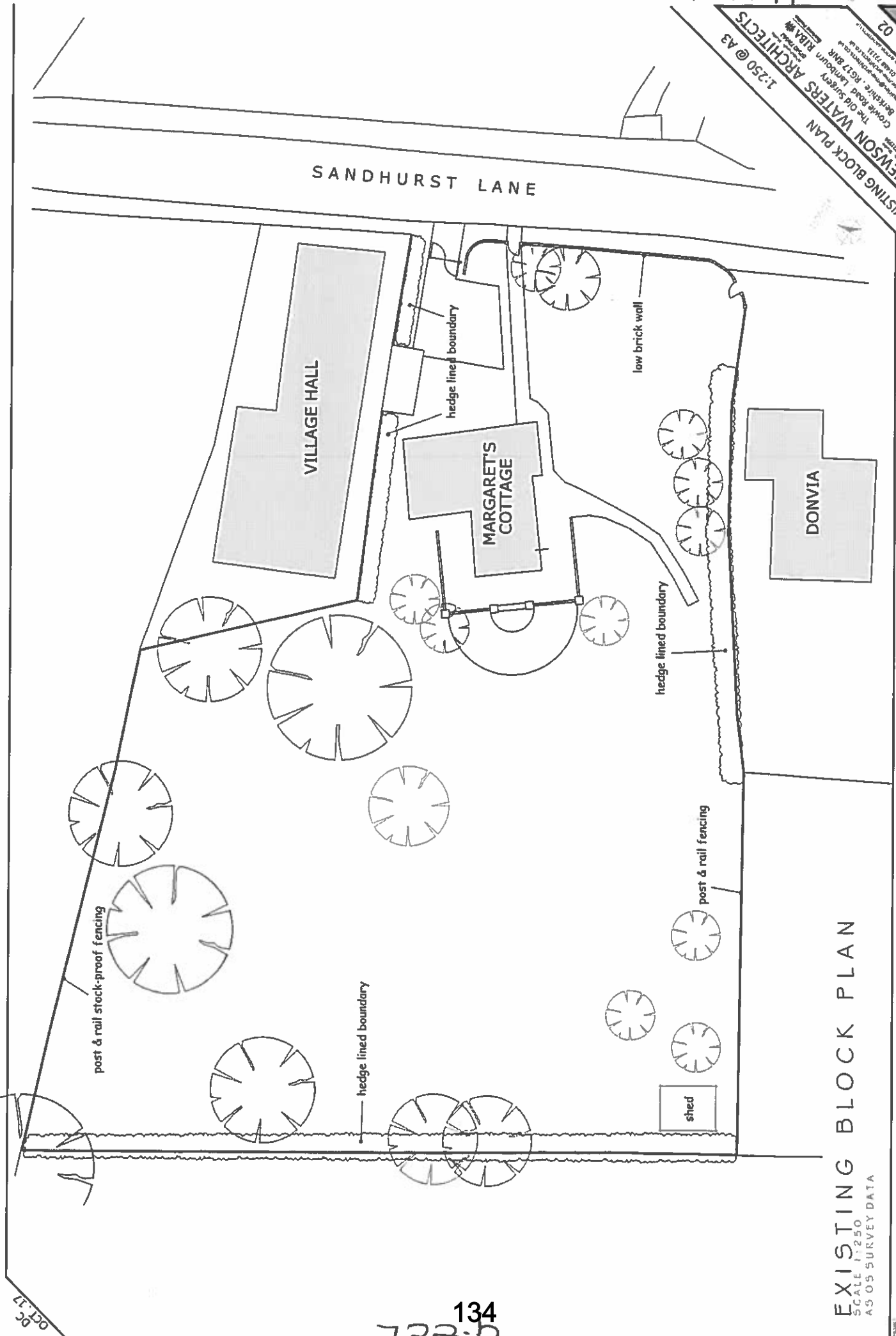
722-a



17/01/14/FUL

MATHEWSON WATERS ARCHITECTS
1:250 @ A3
2, London Road, Sandhurst, RG27 9NR
Tel: 01353 650000
www.matthewsonwaters.co.uk

SANDHURST LANE



EXISTING BLOCK PLAN
SCALE 1:250
AS OS SURVEY DATA

MARGARET'S COTTAGE, SANDHURST



134
0-22-7



The Planning Inspectorate

Room 1202w
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987 8775
Switchboard 0117-987 8000
Fax No 0117-987 8804
GTN 1374

17/01114/FUL

10/214

16/10

The Solicitor
Tewkesbury B.C.
P O Box 7
Council Offices
Gloucester Road
TEWKESBURY
Glos GL20 5TT

Your Ref:
97/100079/0504/OUT
Our Ref:
APP/G1630/A/97/285036

Date: 14 October 1997

Dear Sir or Madam

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
APPEAL BY DAVID R EGGLETON
LAND AT MARGARETS COTTAGE, SANDHURST LANE, SANDHURST,
GLOUCESTER

1. I am writing to inform you that the Inspector appointed by the Secretary of State to determine the above appeal in accordance with the provisions of Schedule 6 of the Act is Mr G Holland OBE BArch MCD MRTPI.
2. As notified by telephone recently, the Inspector will visit the site on Tuesday 4th November 1997. It is understood that you will arrange for him to be met at the site at 10.00 am to enable the inspection to be made.
3. The Inspector will expect to be accompanied by representatives of both parties. If one of the parties fails to arrive, the Inspector will determine the most suitable course of action, which could mean that he will conduct the visit unaccompanied. In other circumstances, the visit might have to be aborted.
4. At the commencement of the site inspection the Inspector will make it clear that the purpose of the visit is not to discuss the merits of the appeal or to listen to arguments from any of the parties. The Inspector will ask the parties to draw attention to any physical features on the site and in its vicinity. In turn the Inspector may wish to confirm particular features referred to by interested parties in their written representations.

17/01114/FUL

5. In general, decision letters are issued within 5 weeks of the date of the Inspector's site visit, although we cannot be precise about individual cases. If despatch of the letter is likely to be significantly delayed, due for example to the receipt of late representations, we will let you know.

Yours faithfully

Miss K Bakehouse

NB: All further correspondence should be addressed to the Case Officer (see initial correspondence). (209C 5/4/94)

18/00041/FUL

Land to the rear of The Brambles , Brockhampton Lane,
Brockhampton

12

Valid 16.01.2018

Proposed erection of stable block comprising 2no. stable boxes and a tack room

Grid Ref 394037 226109

Parish Bishops Cleeve

Ward Cleeve Grange

Mr & Mrs Andrew Huckfield

The Brambles

Brockhampton Lane

Brockhampton

Gloucestershire

RECOMMENDATION Refuse

Policies and Constraints

National Planning Policy Framework (2012)

Planning Practice Guidance

Joint Core Strategy (2017) - SD4, SD5, SD6

Tewkesbury Borough Local Plan to 2011 (March 2006) - RCN6

Human Rights Act 1998 - Article 8

The First Protocol - Article 1

Green Belt

Consultations and Representations

Bishops Cleeve Parish Council - Supports the application.

Conservation Officer - No objection.

Councillor Hillier-Richardson has requested Committee determination because she considers there are special circumstances to allow the development to be permitted in the Green Belt.

Planning Officers Comments: Victoria Stone

1.0 Introduction

1.1 This application relates to land to the rear of The Brambles, which is located along Brockhampton Lane (**See attached location plan**). The application site is rectangular in shape, relatively flat and measures approximately 125 square metres. The site forms part of a larger parcel of land measuring approximately 0.25 hectares.

1.2 The application site and adjoining land is currently used as a paddock for private use by the applicants who live in the neighbouring property, The Brambles.

1.3 To the west of the site is Brockhampton Lane, which serves a number of residential properties. This boundary comprises a mix of treatments, which includes hedgerow on the far southern part, a field access gate and a post and rail fence. A substantial hedgerow forms the southern boundary, except for a field access to The Brambles.

1.4 The application site is some 60 metres due east of Lower Farm, a C17 Grade II listed building and the site is wholly located within the Gloucestershire Green Belt.

2.0 Planning History

2.1 17/00936/FUL - Proposed erection of stable block comprising 2no.stable boxes and a tack room - Withdrawn - 30.11.17

3.0 Current Application

3.1 This application seeks permission for the construction of a stable block and tack room to be used for private purposes only by the occupiers of the neighbouring property, The Brambles. The building would provide shelter for the applicants' existing horse and pony which currently graze on the paddock land.

3.2 The stable/tack room block would be located in the south western corner of the paddock, between the two existing field gates.

3.3 The stable building is of a typical design comprising two stables and a tack room. The building would have a length of 9 metres and a width of 4.5 metres and a ridge height of 3 metres. The walls would be treated timber shiplap cladding and the roof would comprise black corrugated Onduline sheeting.

3.4 As part of the proposal, the applicant proposes to supplement the planting along the western boundary with native hedgerow.

3.5 The existing access to the paddock from both the rear garden of The Brambles and from the land which runs along the west boundary would be utilised.

4.0 Policy Context

4.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of The Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which "indicate otherwise". Section 70(2) provides that in determining applications 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 materials considerations."

4.2 The development plan comprises the Joint Core Strategy (JCS) (2017) and saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).

4.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework.

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

5.0 Analysis

5.1 The main issues to be considered are the principle of the development, the impact upon the Green Belt, the surrounding heritage asset, landscape, amenity and highway safety.

Principle of Development

5.2 Policy RCN6 of the Tewkesbury Borough Local Plan (TBLP) supports new horse riding facilities providing that they are well related to an existing group of buildings and there are no adverse impacts on the landscape, residential amenity or highway. There are no other buildings on the land therefore the building cannot be sited close to existing buildings. However the development should not have an adverse impact upon the landscape, residential amenity or create traffic properties. As such the principle of the development is considered acceptable subject to other material considerations.

Green Belt

5.3 Policy SD5 of the JCS sets out that, to ensure the Green Belt continues to serve its key functions it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm actually caused.

5.4 The NPPF provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF provides that when considering any planning application, local planning authorities 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, and any other harm, is clearly outweighed by other considerations.

5.5 Paragraph 89 of the NPPF sets out that the construction of new buildings in the Green Belt is inappropriate other than for a number of exceptions. These include the provision of appropriate facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. As such whether or not the new stable block constitutes an appropriate facility for outdoor recreation, the harm to the openness of the Green Belt and the purposes of including land as Green Belt must be considered to establish if the development would be harmful by reason of inappropriateness.

Does the proposal provide 'appropriate' facilities?

5.6 The keeping of horses is generally accepted as an outdoor recreational pursuit that one expects to see in a countryside location. The provision of stable facilities for those horses/ponies in providing a form of shelter for welfare purposes would fall within the category of appropriate facilities associated with this form of outdoor recreation.

5.7 There is currently no stabling or field shelter at the site. The proposed stable building with associated tack room would be approximately 9 metres in length, 4.5 metres in width and would have a ridge height of 3 metres. The proposed stables are of a size consistent with the recommendations in the British Horse Society Guidelines and are not excessive for the intended stabling.

5.8 The amount of development overall would therefore be small scale and appropriate in size for the keeping of two horses/ponies. The building would also be constructed in timber which would ensure that it would have a functional appearance that would not be seen as incongruous in a rural setting.

5.9 As such, the proposed stable building would be of an appropriate size for the use for which it is reasonably required, thus it would amount to the provision of appropriate facilities for outdoor sport and outdoor recreation.

Preservation of openness

5.10 Openness, as highlighted in the NPPF, is an essential characteristic of Green Belts to which the Government attaches great importance and which is a separate issue from the character and appearance of an area. It is a matter of its physical presence rather than its visual qualities.

5.11 The application site is set within a larger paddock which currently contributes to the openness of the Green Belt in this location. The proposal would introduce a building that would materially impinge on that current openness. This would be regardless of the limited extent to which it would be seen from public vantage points due to the existing and proposed landscape screening. For those reasons, the proposed development would cause harm to the openness of the Green Belt.

Purposes of including land as Green Belt

5.12 The Green Belt serves five purposes:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.13 By reason of its siting on land which is currently free from development, the proposed stable building would inevitably increase the built-up area of the appeal site. As such the proposal would fail to safeguard the countryside from encroachment.

Inappropriate development in the Green Belt?

5.14 In light of the above, whilst the proposed development would provide appropriate facilities for outdoor recreation, it would fail to preserve the openness of the Green Belt and would conflict with the purposes of including land within it. Accordingly the proposal would represent inappropriate development, which by definition, is harmful to the Green Belt and should not be approved except in very special circumstances.

Applicants' Very Special Circumstances

5.15 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Notwithstanding their view that the proposal does not represent inappropriate development, the applicant has advanced 'very special circumstances'. These are:

- *The horse owned by the applicant, aptly named 'Bramble', is a thoroughbred horse, not a hardy breed, and unable to live outside all year round. A letter has been submitted in support of the application from the vet responsible for Brambles care which confirms that in order to meet his environmental needs he will need to be stabled at some point over the winter during inclement weather and that he will need periods of box rest in the future. It is also set out in the Design and Access Statement that Bramble could suffer from laminitis, a disease that affects the feet of hooved animals, which requires immediate box rest.*
- *The applicant, Mrs Huckfield, suffers from an ongoing medical condition which requires 24 hour continual care at home. This care is provided by Mr Huckfield which makes it difficult for him to travel to any stables off site.*

Analysis of the applicants Very Special Circumstances

5.16 With regard to the first circumstance put forward, whilst the letter from Cheltenham Equine Vets confirms Bramble would need to be stabled at some point over the winter and may need periods of box rest it doesn't say the horse has to be stabled at the application site. In addition to this, whilst the Design and Access Statement sets out that Bramble is currently being stabled 'some distance from the applicants home', the agent has confirmed that the applicants do use stables which are in the village of Brockhampton when they are free, although there is no formal arrangement or agreement and this could be stopped permanently at any time. The agent has stated that when the local stabling is not available the applicant has to rely on friends and his contacts to find accommodation for Bramble, sometimes at short notice. However no information has been submitted to demonstrate how often Bramble is stabled at a site outside of Brockhampton.

5.17 In respect to the second circumstance advanced, whilst officers fully appreciate the difficulty faced by the applicant, it should be noted that planning permission runs with the land and it is rarely appropriate to provide otherwise. Guidance in the Planning Practice Guidance sets out that a condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building.

5.18 In addition there wouldn't be a requirement to remove the stable building after the personal circumstances no longer exists. A condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness.

Conclusion on Green Belt Matters

5.19 The proposed development would be inappropriate development in the Green Belt which is harmful by definition. In addition, there is identified harm to the openness and the development would conflict with the purposes of designating land as Green Belt. This carries substantial weight against the proposal.

5.20 In this particular case, the applicant has advanced 'very special circumstances'. However, it is considered that these would not outweigh the identified harm and development plan conflict so as to justify inappropriate development in the Green Belt.

5.21 The overall conclusion in respect of Green Belt harm is dependent on the identification of any other harm which may arise following analysis of all material planning considerations which are discussed in the following sections of this report.

Impact upon surrounding heritage assets

5.22 The application site is some 60m due east of Lower Farm, a C17 Grade II listed building. The hedge along the west boundary should provide adequate screening in views from the lane. This coupled with the small scale nature of the proposed stable building and the appropriate design, would ensure the setting impact is likely to be acceptable.

Impact upon visual amenity

5.23 The proposed stables would be sited close to the south-west corner of the paddock where it is lined with a fairly dense band of overgrown hedgerow and small trees. These would effectively help screen views of the building from the south. Adding to this the scale of the proposed building is small and the proposed wooden construction would be appropriate in the existing rural landscape. As such, the development would not have an adverse impact upon the visual amenity and landscape character of the locality. The supplementary landscaping proposed could be secured via condition should members resolve to approve the application.

Impact upon residential amenity

5.24 The stable building would be located approximately 50 metres to the east of Lower Farm, 35 metres to the north-east from St Magdalene's Farm House and 42 metres to the north-west of Walnut Cottage.

5.25 The neighbouring properties are a sufficient distance away to prevent harm to amenity in terms of overshadowing, loss of light or outlook. The stables are small in scale and as horses/ponies already graze on the land the introduction of the stables should not cause any harm in terms of noise or nuisance.

5.26 No details of the proposed storage and removal of manure or any external lighting have been submitted. Should members resolve to approve the application a condition could secure this information.

Highway Safety

5.27 Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network.

5.28 The existing field access from both the rear garden of The Brambles and from Brockhampton Lane would be utilised. The development does not include any changes to either access.

5.29 Therefore it is considered the development could be accommodated at the site without compromising highway safety.

Other Matters

5.30 The agent has submitted two appeal decisions for stable buildings, at sites outside of the Borough, in support of their case. The decisions have been considered in detail. One relates to a proposed scheme which is materially different to this application; and whilst the other is for a similar scheme, it should be noted that the submitted appeal decisions represent a minor proportion of the decisions related to this type of proposal. The council are aware of several appeal decisions where the Inspector took a different approach. Each proposal should be considered on its own planning merits and the appeal decisions submitted do not alter the conclusions as part of this assessment.

6.0 Conclusions

6.1 It is acknowledged that there would be personal benefits arising from the proposal and the introduction of a stable building so close to the applicants property may result in a reduction in traffic movement, thereby the development would contribute, albeit very limited, to the social and environmental elements of sustainability as defined in the NPPF. Further the development should not have an adverse impact upon the setting of the surrounding heritage asset, the landscape character, visual amenity, residential amenity nor would it be prejudicial to highway safety.

6.2 However the proposed development would conflict with Policy SD5 of the JCS in that it constitutes inappropriate development in the Green Belt. For the reasons explained in this report there are significant harms by reason of inappropriateness, harm to openness, and conflict with the purposes of designating land as Green Belt.

6.3 Overall, it is not considered that very special circumstances exist in this case in that the harm to the Green Belt by reason of inappropriateness, harm to openness and the conflict with the purposes of designating land as Green Belt, is not clearly outweighed by other considerations. The application is therefore recommended for Refusal.

RECOMMENDATION Refuse

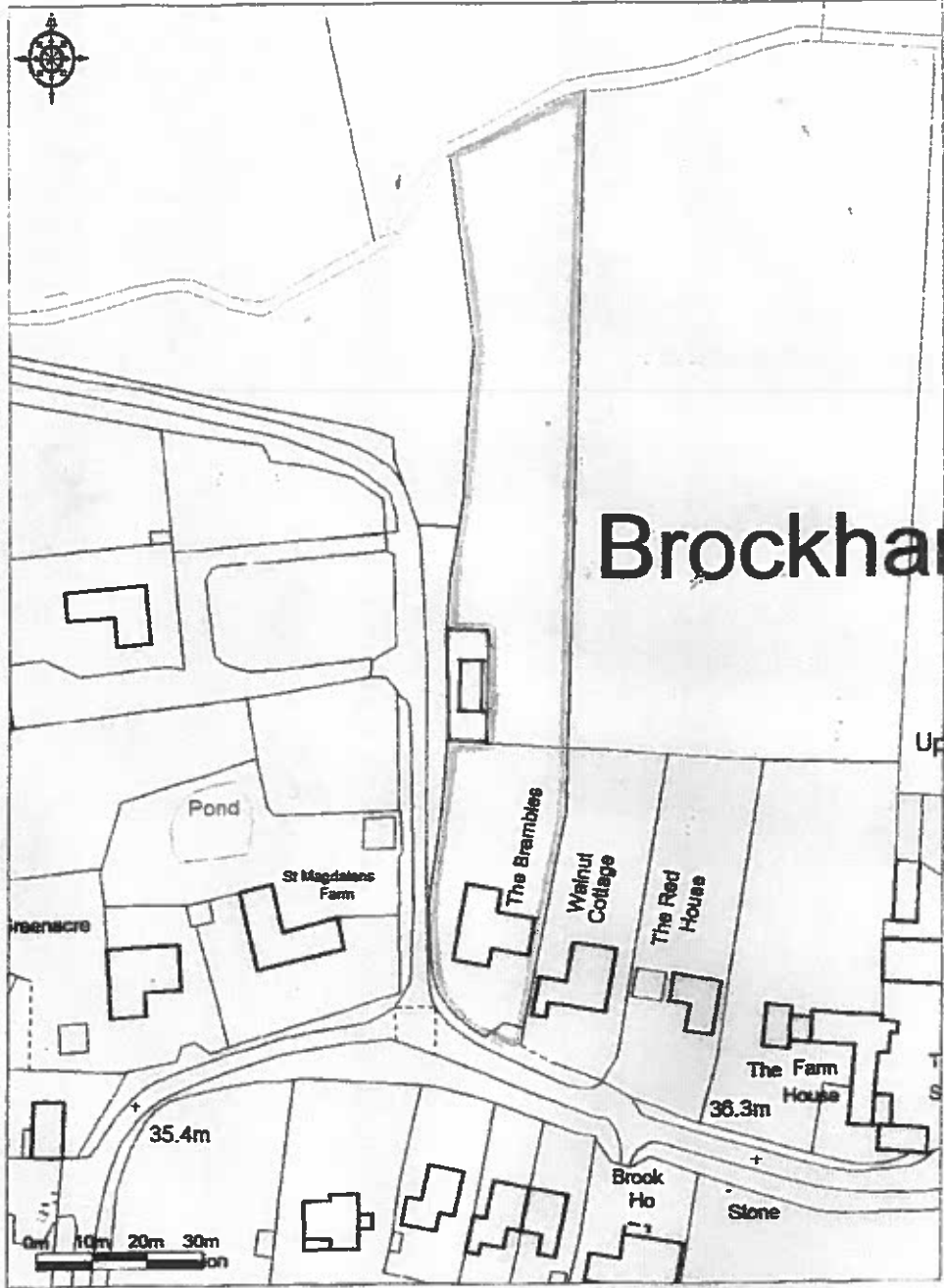
Reason:

The proposal would represent inappropriate development in the Green Belt that would cause harm to the openness of the Green Belt and conflict with one of the purposes of the Green Belt to protect the countryside from encroachment. The proposed development would thus conflict with Policy SD6 of the Joint Core Strategy (December 2017) and the provisions of the National Planning Policy Framework.

Note:

Statement of Positive and Proactive Engagement

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



Brockham



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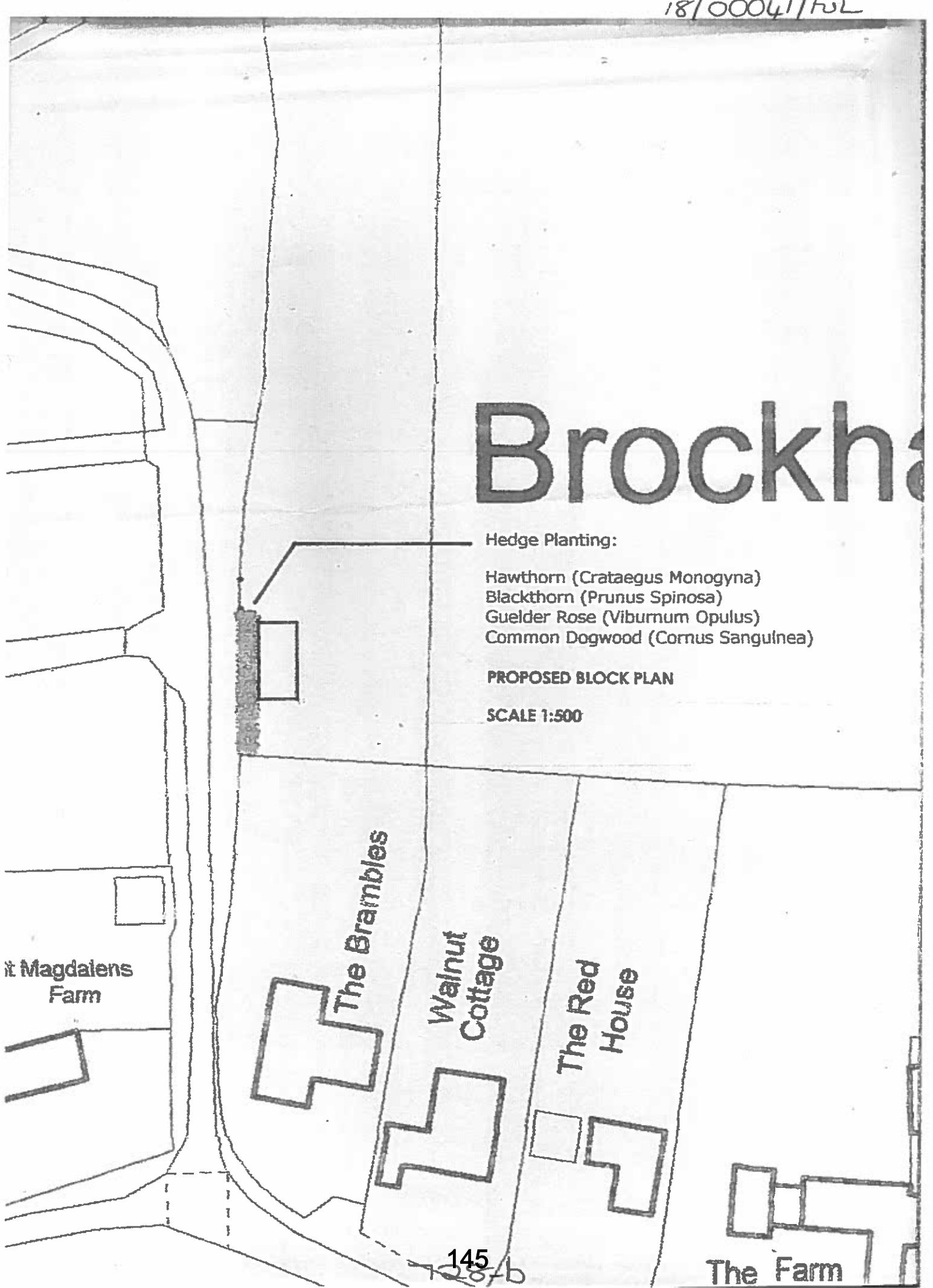
Brockha

Hedge Planting:

- Hawthorn (*Crataegus Monogyna*)
- Blackthorn (*Prunus Spinosa*)
- Guelder Rose (*Viburnum Opulus*)
- Common Dogwood (*Cornus Sanguinea*)

PROPOSED BLOCK PLAN

SCALE 1:500



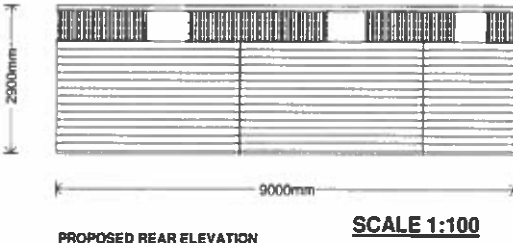
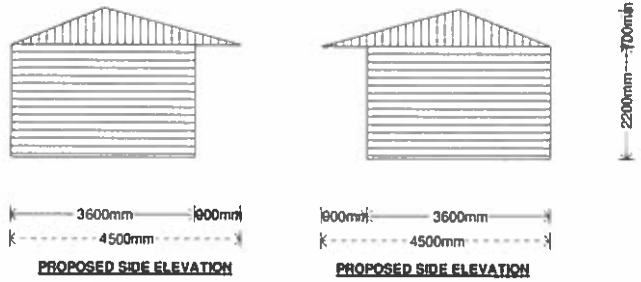
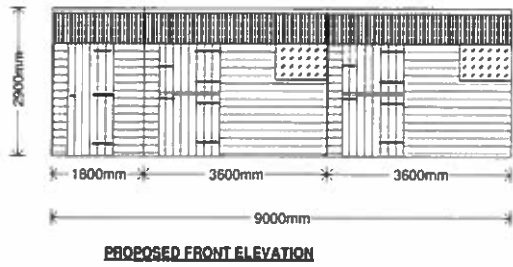
Magdalens Farm

The Brambles

Walnut Cottage

The Red House

The Farm



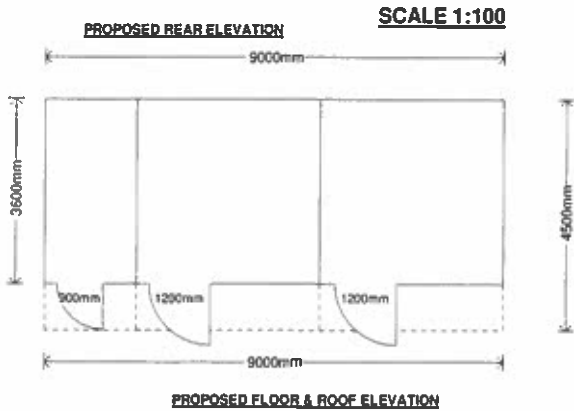
SCALE 1:100

MATERIALS

ROOF: BLACK CORRUGATED ONDULINE SHEETS ON 100 X 47 TIMBER PURLINS WITH ONE CLEAR SHEET PER STABLE AT THE REAR

WALLS: 150mm X 19mm TREATED TIMBER SHIPLAP CLADDING ON 75mm X 47mm TIMBER FRAMING

DOORS: 150mm X 19mm TREATED TIMBER SHIPLAP CLADDING ON TIMBER FRAMES WITH HEAVY DUTY GALVANISED HINGES AND DOOR FURNITURE



PROPOSED FLOOR AND ROOF PLAN

17/01262/FUL

Ashville Business Park, Commerce Road, Churchdown

13

Valid 28.11.2017

Construction of a new Jaguar Land Rover showroom and associated facilities.

Grid Ref 388275 222270

Parish Churchdown

Ward Churchdown St Johns

Pendragon JLR Cheltenham
C/O Agent

RECOMMENDATION Permit

Policies and Constraints

Joint Core Strategy - SP1, SD1, SD3, SD4, SD5, SD6, SD8, SD9, INF1, INF2,
Tewkesbury Borough Local Plan to 2011 (March 2006) - EMP1
National Planning Policy Framework
Planning Practice Guidance
Gloucestershire Waste Core Strategy
Human Rights Act 1998
The First Protocol, Article 1 (Protection of Property)
Green Belt

Consultations and Representations

Churchdown Parish Council - Object for following reasons:

- Significant encroachment on Green Belt
- Previously objected to development
- Permission previously granted for the housing of medical equipment
- This application is of a more commercial nature.
- JCS Inspector opposed further development on Green Belt in Churchdown

County Archaeologist - A recent investigation has shown that the site has low potential to contain any Archaeological remains. No further investigation or recording is required.

County Highways Authority - No objections subject to conditions

Lead Local Flood Authority - No comments

Flood Risk Management Engineer - Observations are awaited

Urban Design Officer - No objections subject to appropriate landscaping and boundary treatment details

Natural England - No objections

County Waste Authority - Regard should be had to the Gloucestershire Waste Core Strategy

Planning Officers Comments: Bob Ristic

1.0 Application site & its location

1.1 The application relates to approximately 1.26ha of land comprising Stratstone Land Rover dealership and adjoining field which are located to the east of the Ashville Business Park and on the northern side of Cheltenham Road East (B4063) (see attached location plan). The site is accessed off Commerce Road, which serves the existing business park.

1.2 To the south of the site is Meteor Business Park with Gloucestershire Airport beyond. To the north of the site is an access road (which is under construction) which will serve the recently permitted Spectrum Medical site which is located immediately to the east of the application site. To the northern side of the new access road is a vehicle compound, which is used by Stratstone Land Rover, and an area of undeveloped field. Beyond this to the north is open countryside.

1.3 The existing showroom site is designated as a 'Major Employment Site' in the Tewkesbury Borough Local Plan to 2011 - March 2006 whereas the undeveloped eastern part of the application site is located within a designated Green Belt.

2.0 Relevant planning history

13/00420/FUL- Construction of temporary vehicle storage compound on land adjacent to Stratstone Land Rover, Staverton - Permitted

13/00957/OUT - Outline application for the extension of Ashville Business Park to include B1, B2 and B8 uses comprising of up to 16,000m² of additional floorspace (all matters to be reserved for future consideration) - Refused - Appeal dismissed

15/00755/FUL - Extension to Ashville Business Park to provide accommodation for Spectrum Medical and Stratstone Land Rover - Permitted

3.0 Current application

3.1 This application seeks full planning permission for the redevelopment and extension to the Stratstone Land Rover site with a new joint, Jaguar and Land Rover (JLR) showroom, servicing facilities and associated vehicle display areas.

3.2 Planning permission (15/00755/FUL) was recently granted for a new detached showroom building to the eastern part of the current application site, this application seeks to provide a single building to house both (JLR) brands under one roof. The site would be laid out with a new showroom building to the south western corner of the site, which would have a central entrance, with two glazed display windows fronting towards Cheltenham Road East as well as further glazing to the side elevations towards Commerce Road to the west and the proposed external display area to the east.

3.3 To the north of the showroom the application proposes a 22 bay service block, parts store and service drop off building which would link the two elements. The setback to the service link would give a perceived break between the two elements. The customer vehicle entrance would remain on Commerce road with a new vehicular exit being formed onto the northern access road serving the Spectrum Medical site.

4.0 Planning Policy Context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are 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 key consideration in assessing the principle of development therefore are the existing and emerging plans for the area and Government policy in respect of the Green Belts and economic development.

4.2 The Joint Core Strategy (JCS) was adopted in December 2017 and is part of the Development Plan for the area. Various policies in the JCS superseded some of the policies in the Tewkesbury Borough Local Plan (TBLP) to 2011 which had hitherto been saved by the Secretary of State.

4.3 The JCS sets out the key spatial policies for the JCS area over the period of 2011-2031 and the preferred strategy to help meet the identified level of need. Policy SP1 sets out the overall strategy concerning the amount of development required and Policy SP2 sets out the distribution of new commercial and residential development. These two policies, combined with Policy SD1 on the economy, provide the spatial strategy for the plan. This strategy, together with its aims, is expressed in relevant policies throughout the plan and will be supported by forthcoming district plans and neighbourhood plans.

4.4 The JCS sets out that in order to support economic growth in the JCS area, at least 192 hectares of B-class employment land will be required with 84 hectares delivered on strategic allocations with further capacity to be identified in District Plans.

4.5 The saved policies of the TBLP also comprise part of the Development Plan for the area in respect of the application site. The western part of the application site falls within a Major Employment allocation in the adopted local plan and policy EMP1 of the Local Plan provides that within such sites, proposals for B1, B2 and B8 uses will be supported.

4.6 Other material policy considerations include NPPF which sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not change the status of the development plan as the starting point for decision making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. The NPPF is supplemented by the Government's Planning Practice Guidance (PPG).

4.7 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. The NPPF sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay.

4.8 One of the core planning principle of the NPPF is that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. Furthermore, the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

4.9 The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF provides that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, Local Authorities should ensure that substantial weight is given to any harm to the Green Belt by reason of inappropriateness. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.10 The NPPF sets out that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. There are exceptions to this; however, new commercial buildings are not an exception. This advice is reflected in JCS Policy SD5.

5.0 Green Belt

5.1 Policy SD5 of the JCS sets out that, to ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm.

5.2 The NPPF provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF provides that when considering any planning application, Local Planning Authorities 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, and any other harm, is clearly outweighed by other considerations.

5.3 Paragraphs 89 and 90 of the NPPF set out various exceptions where the construction of new buildings in the Green Belt are not considered to be inappropriate; none of those exceptions apply in this case. That part of the development proposed located within the Green Belt is therefore inappropriate development in the Green Belt, which is harmful by definition having regard to the NPPF.

5.4 As well as the harm by reason of inappropriateness the harm to openness and the purposes of including land as Green Belt must also be considered, along with any other harms.

Harm to Openness and Green Belt Purposes

5.5 In addition to the existing showroom site, which falls within the Major Employment allocation, the proposal would extend into an area of land, which is designated as Green Belt, and would constitute inappropriate development in the Green Belt. As set out above, such development should be refused unless there are very special circumstances, which clearly outweigh the harm to the Green Belt, by inappropriateness and other harms.

5.6 Part of the proposed building and the external display area when occupied by vehicles would result in a reduction in openness, changing the land from the present open grass to a commercial use. The loss of open land would reduce the gap that exists to development beyond the application site to the east and contribute to the merging of settlements, albeit to a limited degree. However with reference to paragraph 88 of the NPPF substantial weight must be given to the harm to the Green Belt. As such, the development can only be permitted if there are very special circumstances, which clearly outweigh the harm to the Green Belt, by reason of inappropriateness, loss of openness and other harms.

5.7 The NPPF at paragraph 80 sets out that Green Belt serves five purposes, the relevant of which for this application are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; and to assist in safeguarding the countryside from encroachment. These purposes would be offended by the proposed development however as set out above, the harm would be limited.

Other Harms

5.8 When considering proposals for development in the Green Belt, consideration must be given to the other harms that may arise from proposals. Other material planning considerations which may give rise to 'other harms' are discussed in the following sections of the report.

Applicants Very Special Circumstances Case

5.9 The applicant has submitted that there are other considerations, which need to be taken into account in determining the current application.

- The site benefits from an extant planning permission and is a fall-back position.
- No demonstrable harm to the openness of the Green Belt, when compared to the extant consent.
- The specific needs of JLR in order to ensure the continued growth of the Jaguar Land Rover brand.
- Without the extension plan being approved the company would have no choice but to re-locate.
- The need for additional employment land to be identified in order to meet the significant requirement identified within the JCS.
- The support for the site within the Councils evidence base as a suitable site which should go on to be allocated for employment development
- Additional job creation of up to an additional 15 jobs from that previously approved.

Analysis of the applicants' Very Special Circumstances Case

5.10 While the proposal would result in the expansion and retention of an existing of an existing local business, with associated social and economic benefits, this in itself would not constitute very special circumstances. However in granting planning application no.15/00755/FUL the council accepted that the retention and expansion of the dealership in the area (in combination with the proposals for Spectrum Medical) and the associated economic benefits amounted to very special circumstance and this assessment would similarly apply to the current application.

5.11 Furthermore, the fact that planning permission has previously been granted at the site for a new Stratstone showroom (with the resultant loss of openness) is a consideration which weighs in favour of this application.

Conclusion on Green Belt Matters

5.12 The proposed development is inappropriate development in the Green Belt, which is harmful by definition. The above matters are considerations which weigh in favour of the application and are capable of amounting to very special circumstances justifying inappropriate development in the Green Belt in this case. The overall conclusion in respect of Green Belt harm is dependent on identification of any other harms which may arise following analysis of all material planning considerations which are discussed in the following sections of this report.

6.0 Landscape, Design and Layout

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

communities. The NPPF goes on to advise that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 61). Similarly Policy SD4 of the JCS seeks to encourage good design which, respond to the context and character of the area in terms of scale, density and materials. Policy SD6 sets out that landscape character will be protected and that applications will consider the landscape and visual sensitivity of a site.

6.2 Application no. 15/00755/FUL permitted a new separate showroom building adjoining the existing building, which was proposed to be retained. The current application is for a single building to replace the existing and to allow for a joint dealership. The applicant has advised that this new application and design format is required to comply with the corporate Jaguar Land Rover 'Dual Arch' showroom concept and for the regeneration of the whole site.

6.3 The proposed building would front Cheltenham Road east and would include two large display windows which would be framed in dark profiled metal cladding, set either side of a shared contrasting entrance link. The frameless curtain glazing would extend to the side elevations of the showroom block, which would create transparency and visual interest from more distant views along Cheltenham Road East and Commerce Road. The proposed design is a significant improvement over the previously approved showroom at the site and would replace the existing showroom, which has a somewhat dated appearance when compared to more recent development in the area.

6.4 The service workshop part of the building would be set to the northern elevation of the showroom and away from Cheltenham Road East and would have a more utilitarian appearance; it would be located further into the business park and within the context of existing development at Commerce Road and is considered appropriate.

6.5 The building would be 8 metres high, which would be 0.5 metres higher than the highest part of the existing building and would be the same height as the previously approved showroom building at the site. Considering the scale of adjoining commercial buildings and the adjoining permitted Spectrum Medical building which would be up to 11.75 metres high, the proposed building would be of an acceptable scale which is in keeping with commercial development in the area.

6.6 The proposal has opportunities to provide additional landscaping to enhance the development and an appropriate landscaping scheme can be secured by condition. Similarly further details will be required with regards to any means of enclosure to the site and these details can be secured by condition in order to secure a satisfactory appearance to the development.

6.7 The proposed development is considered to be of an acceptable design, which would not have an undue impact on the character of the landscape in this location, would result in a significant enhancement to the site and wider street scene and would result in an acceptable development in terms of design and landscape impact.

7.0 Accessibility and Highway Safety

7.1 Policy INF1 of the JCS requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals should provide for safe and efficient access to the highway network for all transport modes; encourage maximum potential use of walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. Planning permission will be granted only where the impact of development is not considered to be severe. Policy INF1 further requires developers to provide transport assessments to demonstrate the impact, including cumulative impacts, of the prospective development along with travel plans where appropriate.

7.2 Access to the site would be taken from Commerce Road which is an unclassified internal road that serves the existing Ashville Business Park and a further access point from the new access road to the Spectrum Medical Site. Commerce Road itself is accessed from Cheltenham Road East (B4063) via the existing signal controlled junction.

7.3 The application is supported by a Transport Assessment (TA) which considers the impacts of the proposed development on the highway network. The TA concludes that the site is accessible by public transport with a frequent bus service stopping within easy walking distance of the site. Good pedestrian and cycle access is also available. In terms of traffic, the TA concludes that the existing traffic light junctions

serving Commerce Road and Down Hatherley Lane would continue to operate below capacity following development. Overall the TA concludes that there are no transportation reasons why planning permission should not be granted.

7.4 The submitted details for the showroom and service building have been reviewed County Highways Officer (CHO) who has raised no objections to the proposed development. The submitted vehicle tracking has demonstrated that there would be sufficient space for cars and small vehicles to access and egress the proposed car showroom site. The applicant has advised that larger vehicles including car transporters would only use the workshop/compound and this arrangement would be controlled by condition.

7.5 The transport statement has demonstrate that the proposed parking provision as informed by the existing showroom use and similar TRICS site uses data would be sufficient to serve the development. Furthermore, it is advised that the proposed (combined) car showroom and servicing sites would generate 57 AM and 50 PM peak hour trips and it is considered that this would not adversely impact the operation of the highway network or junction capacity.

7.6 The CHO has advised that the applicant has demonstrated suitable visibility splays can be achieved from the site egress onto the new estate road and that the details of the showroom splay to the west can be secured by condition. It is therefore considered that the proposal would have an acceptable impact in terms of highways safety and would not result in a severe impact upon the highway network. The proposal would therefore accord with Policy INF1 of the JCS.

8.0 Ecology and nature conservation

8.1 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. JCS Policy SD9 seeks to protect and enhance biodiversity and geological resources.

8.2 The application is supported by an Ecological Assessment (EA) which includes a Phase 1 Habitat Survey. The report updates previous investigations at the wider site with further survey work which advises that the site principally comprises scrub and semi-improved grassland. The northern part of the site includes disturbed ground as a result of the construction works associated with the Spectrum Medical access road.

8.3 The report advises that the proposal would not result in any significant adverse effects on any statutory or non-statutory sites of nature conservation interest from the development proposal. The report also makes recommendations including further planting and bird and bat boxes to enhance biodiversity as well as measures to protect wildlife through the construction process. These measures can be secured by condition requiring compliance with the ecological report and will ensure that the development conserves biodiversity.

9.0 Overall balancing exercise and conclusions

9.1 The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. In terms of the economic dimension it is recognised that the proposal would provide jobs, both directly and indirectly. The proposal would therefore contribute towards building a strong, competitive economy. The proposal would allow for an existing business to expand and remain in the area and these matters are given significant weight in line with the NPPF.

9.2 With regards to the social dimension, the proposal would again provide jobs which would help support local communities. In addition, the proposed design is acceptable and an improvement over the extant scheme for the site. Furthermore the proposal would not adversely impact the safety and satisfactory operation of the highway network.

9.3 Turning to the environmental dimension, the proposals would introduce new development to a largely undeveloped green site. While this in itself would be harmful to the character and appearance of the landscape this needs to be weighed against the fact that the site benefits from an extant planning consent for a showroom development. Whilst part of the site falls within the Green Belt, there would be limited impact on the openness of the Green Belt and the purposes of including land given its location adjacent to the already permitted scheme.

9.4 The proposed development represents inappropriate development in the Green Belt which is harmful by definition. This weighs considerably against the proposal. However it is considered in that very special circumstances exist in this instance, namely an existing consent on the land, the retention and expansion of an existing business which would outweigh the harm to the Green Belt. There are no other identified harms which weigh against the proposals.

9.5 On balance it is considered that in the absence of other harms and the very special circumstances that have been identified, the proposal would constitute a sustainable development in the context of the NPPF and is recommended that permission is granted subject to the conditions set out below.

RECOMMENDATION Permit

Conditions:

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

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

- 2 The development hereby permitted shall be carried out in accordance with drawing nos.2882/23B, 24B, 25A, received by the Local Planning Authority on 27th November 2017 and drawing nos.2882/20G, 21E (with the exception of the proposed fencing details) and drawing no.12716-CRH-00-DR-D-6176 Rev.P3 received by the Local Planning Authority on 28th February 2018 and any other conditions attached to this permission.

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

- 3 Notwithstanding the submitted plans the proposed development shall be completed in accordance with a schedule of materials (and where appropriate samples) for the buildings, and hard landscaping which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity.

- 4 The proposed development shall be completed in accordance with finished floor levels which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity.

- 5 Notwithstanding the submitted details, the proposed development shall be completed in accordance with a plan showing the location and design and colour of all proposed boundary treatments which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development will be in keeping with the character of the area in the interests of visual amenity.

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

Reason: To reduce the potential impact on the public highway and neighbouring amenities.

- 7 The development hereby permitted shall not start until comprehensive evidence based drainage details, based on the submitted Flood Risk Assessment and including a SuDS/drainage management plan, have been submitted and approved in writing by the Local Planning Authority. These details should fully incorporate the principles of sustainable drainage and improvement in water quality, and include a robust assessment of the hydrological influences of the detailed drainage plan, including allowances for climate change. The scheme shall be implemented before the development is finished and put into use and subsequently maintained for the lifetime of the development in full accordance with the approved details.

Reason: To ensure that the development is provided with a satisfactory means of drainage, as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution.

- 8 Notwithstanding the submitted details no development shall take place until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of hard and soft landscaping, 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. 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.

- 9 No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 10m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

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

- 10 No works above DPC level shall commence on site until a scheme has been submitted for the provision of fire hydrants for the benefit of the commercial development in a location agreed with the Council and should meet the requirements of Building Regulations Approved Document B Volume 2 Sections 15 & 16 (Fire Hydrants/Water Supplies and Vehicle Access). The commercial development buildings shall not be occupied until the hydrants have been provided to the satisfaction of the Council.

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

- 11 The vehicular egresses 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 2m back along the centre of the access measured from the estate road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.6m and 2.0m at the Y point above the adjacent carriageway level.

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

- 12 The buildings hereby permitted shall not be occupied or used until details of a delivery/service management plan has been submitted and approved in writing by the Local Planning Authority and the development shall operate in accordance with the approved details.

Reason: To reduce potential highway impact by ensuring that suitable servicing and delivery arrangements are in place for safe and suitable access for all people that minimises the conflict between traffic and cyclists and pedestrians.

- 13 The buildings hereby permitted shall not be occupied or used until the vehicular parking and turning and loading/unloading facilities have been provided in general accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians.

- 14 The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the opportunities for sustainable transport modes are taken up.

- 15 No external lighting shall be installed on the site which has not first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of general amenity.

- 16 The development shall be carried out in accordance with the recommendations contained within the Ecological Assessment prepared by Ecology Solutions Ltd dated November 2017.

Reason: To ensure proper provision is made to safeguard protected species and their habitats and to enhance the ecological value of the site.

- 17 No flags, banners or other freestanding signs shall be displayed at the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to protect the character and appearance of the area.

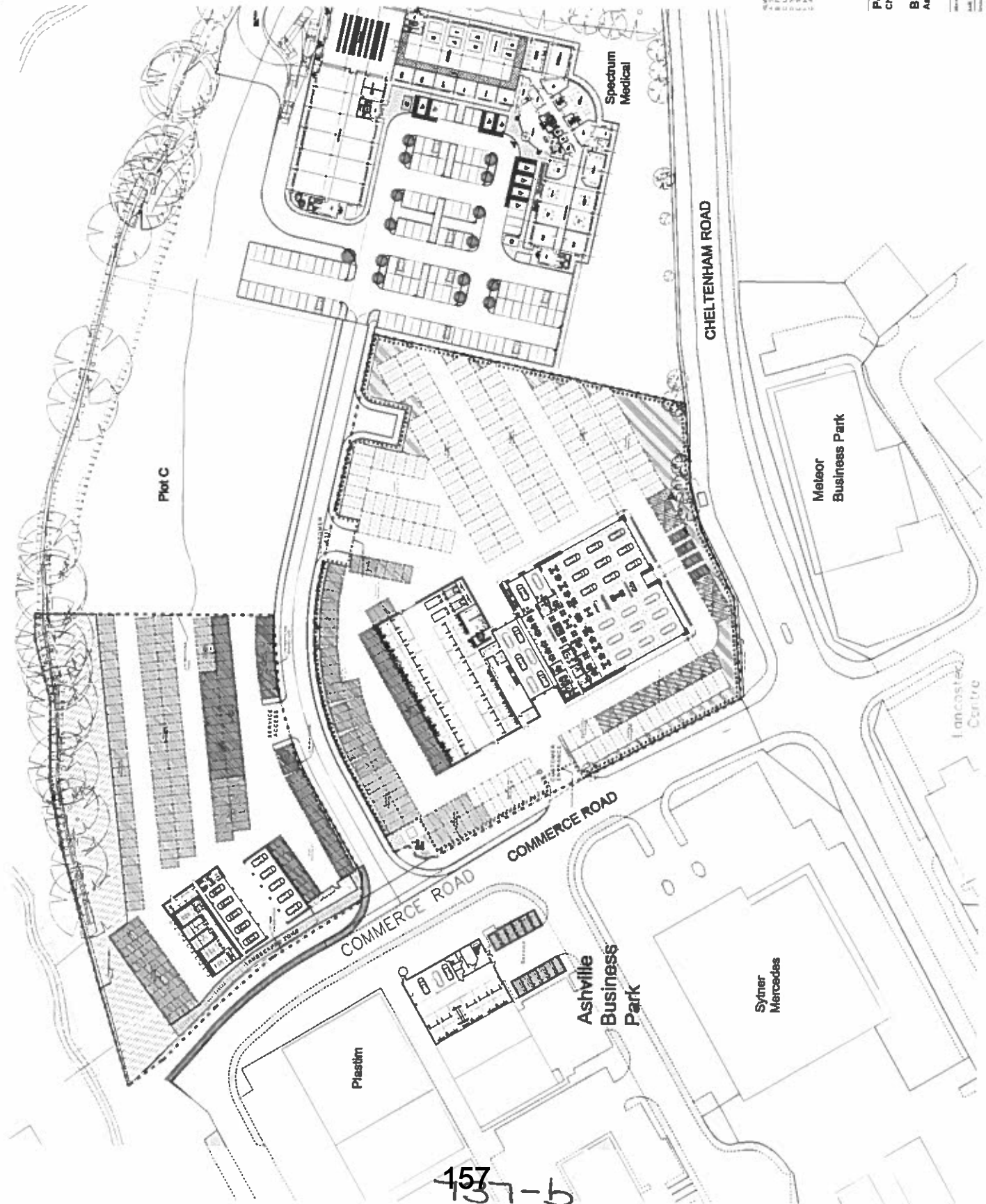
Notes:

- 1 In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating the design of the proposals.
- 2 The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

17/01262/FUL

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NO. OF PAGES	1
DATE	17/01/2017
BY	UNWIN JONES PARTNERSHIP
FOR	UNWIN JONES PARTNERSHIP
PROJECT	17/01/2017
SCALE	1:1000
STATUS	AS PROPOSED

Pendragon Jaguar Landrover
Cheltenham

Block Plan
As Proposed

UNWIN JONES PARTNERSHIP

157-6

157-6

17/01262/R/L



SOUTH-EAST ELEVATION



NORTH-WEST ELEVATION



SOUTH-WEST ELEVATION



NORTH-EAST ELEVATION

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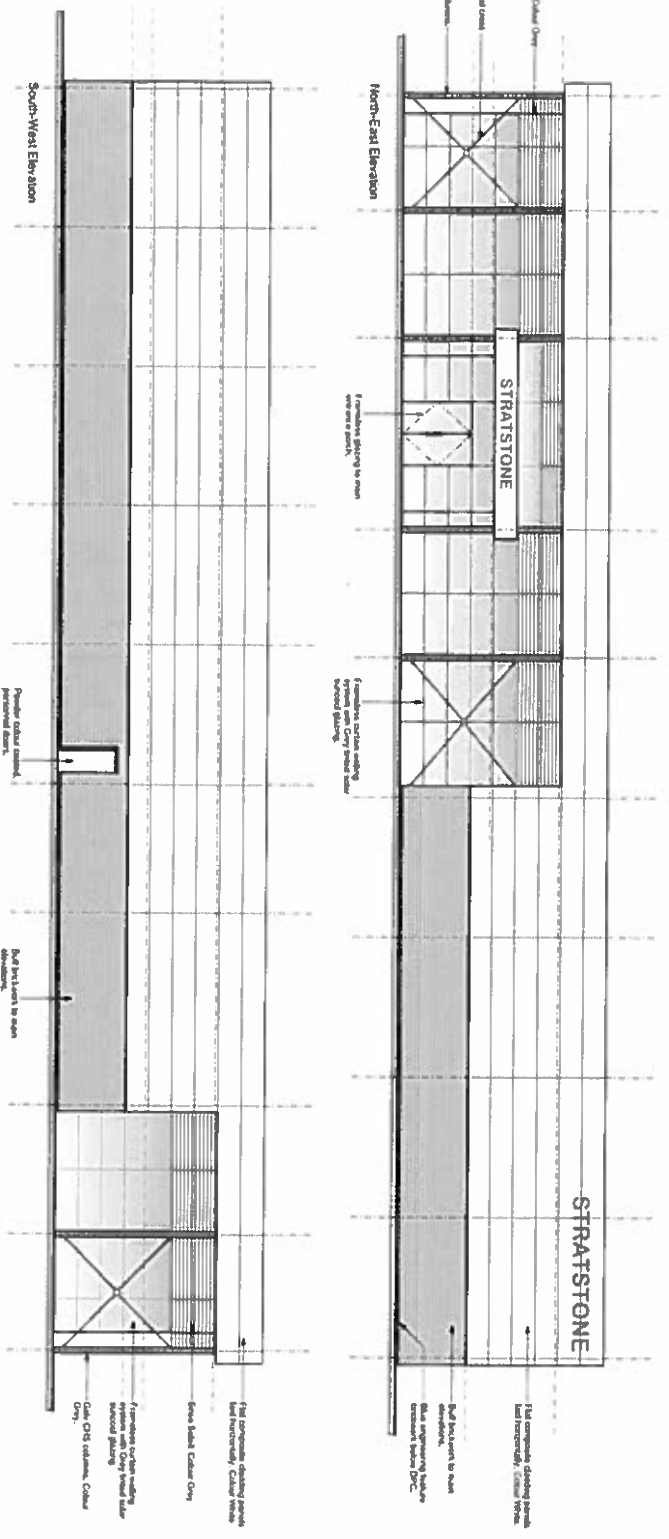
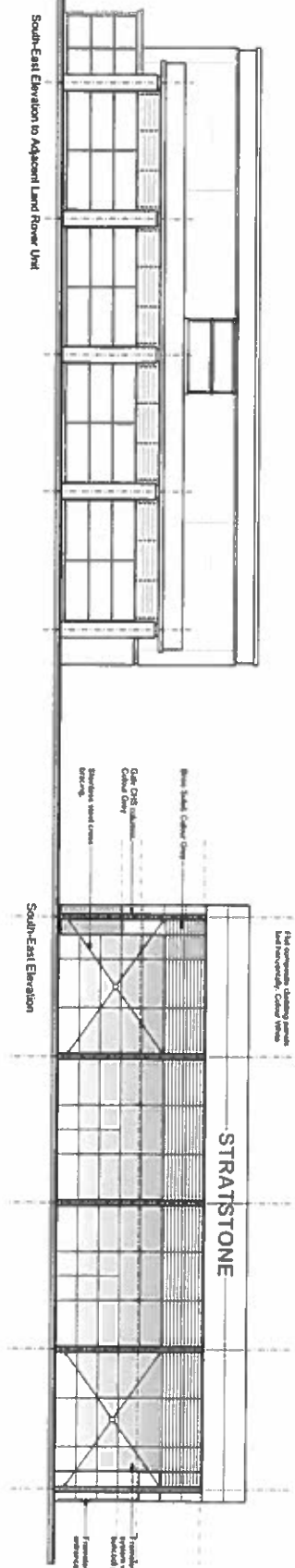
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Pendragon Jaguar Landrover
 Chesterham
Elevations - SALES
 As Proposed



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 www.unwinjones.co.uk

17/01262/FUL
 (PREVIOUS APPROVED
 15/00775/FUL)



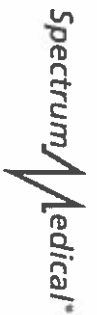
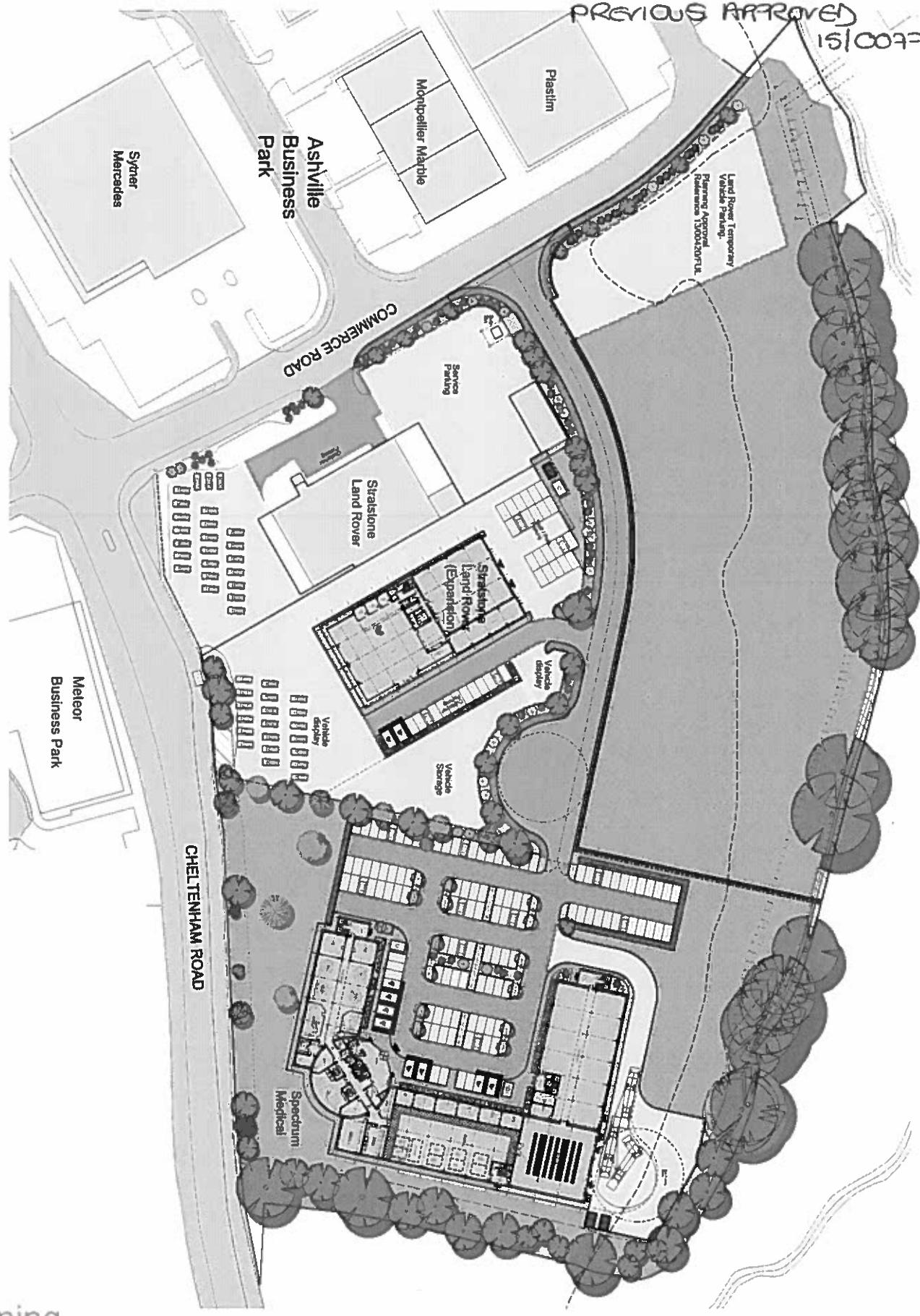
Planning

Chartered Institution of Architectural Technicians	
RW Architectural Services Limited	
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Client:	Advertis Services Ltd
Drawn by:	[Name]
Checked by:	[Name]
Date:	11/01/2015
Project No:	1131-PL10
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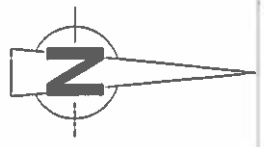


Planning

 WVA WVA Architectural Services Limited		Chartered Institute of Architectural Technicians
Project: Regional Expansion to Ashville Regional Park, Stevenage	Client: Ashville Services Ltd	Date: 11/13/PL03
Drawing No: 11/13/PL03	Date: 11/13/PL03	Scale: 1:1000



- LEGEND**
- On Site
 - Covered cycle parking
 - Existing Lines
 - Proposed Lines
 - New Buildings
 - New Road Areas
 - Type of Area
 - Paved Areas
 - Existing / Proposed Landscaping with
 - Parking Spaces
 - EA National limit of flood (don't show detail)
 - Land Rover Temporary Vehicle Storage Area
 - Site Parking Boundary
 - Adjoining Land in Applicant's Ownership



Valid 28.11.2017

Ancillary preparation building and car compound associated with Jaguar Land Rover.

Grid Ref 388275 222270

Parish Churchdown

Ward Churchdown St Johns

Pendragon

C/O Agent

RECOMMENDATION Permit**Policies and Constraints**

Joint Core Strategy - SP1, SD1, SD3, SD4, SD5, SD6, SD8, SD9, INF1, INF2,
Tewkesbury Borough Local Plan to 2011 (March 2006) - EMP1

National Planning Policy Framework

Planning Practice Guidance

Gloucestershire Waste Core Strategy

Human Rights Act 1998

The First Protocol, Article 1 (Protection of Property)

Green Belt

Consultations and Representations**Churchdown Parish Council** - Object for following reasons:

- Significant encroachment on Green Belt
- Previously objected to development
- Permission previously granted for the housing of medical equipment
- This application is of a more commercial nature.
- JCS Inspector opposed further development on Green Belt in Churchdown

County Archaeologist - A recent investigation has shown that the site has low potential to contain any Archaeological remains. No further investigation or recording is required.

County Highways Authority - No objections subject to conditions

Lead Local Flood Authority - No objections subject to conditions

Urban Design Officer - No objections subject to appropriate landscaping

Environmental Health Officer - No objections

Natural England - No objections

Planning Officers Comments: Bob Ristic

1.0 Application site & its location

1.1 The application relates to approximately 0.77ha of land located to the east of Commerce Road and to the rear of the Stratstone Land Rover dealership at Ashville Business Park, Churchdown. The site fronts onto a new access road which will serve the recently permitted Spectrum Medical development and backs onto a landscaped buffer to the Hatherley Brook beyond. (see attached location plan)

1.2 The western part of the site is used as a vehicle compound associated with Stratstone Land Rover, with an area of presently undeveloped field to the east. The existing compound is located upon land designated as a 'Major Employment Site' in the Tewkesbury Borough Local Plan to 2011 - March 2006 whereas the undeveloped eastern part of the application site is located within a designated Green Belt.

2.0 Relevant planning history

13/00420/FUL- Construction of temporary vehicle storage compound on land adjacent to Stratstone Land Rover, Staverton - Permitted

13/00957/OUT - Outline application for the extension of Ashville Business Park to include B1, B2 and B8 uses comprising of up to 16,000m² of additional floorspace (all matters to be reserved for future consideration) - Refused - Appeal dismissed

15/00755/FUL - Extension to Ashville Business Park to provide accommodation for Spectrum Medical and Stratstone Land Rover - Permitted

3.0 Current application

3.1 This application seeks full planning permission for an ancillary vehicle preparation building and vehicle compound which would be accessed from the new access road serving the Spectrum Medical site and running along the southern boundary of the site. The development is proposed in association with the proposed Jaguar and Land Rover (JLR) showroom which is subject of a separate planning application no. 17/01262/FUL which also appears on this schedule.

3.2 The proposed building would be located to the western side of the plot and would comprise a 5 bay smart repair workshop and 5 bay 'dry valet' building which would be 4.95 metres high to the ridge. Adjoining this would be a 5 bay 'wet wash' building which would have a lean-to roof with an overall height of 4.5 metres. These buildings would be located broadly upon the land identified as a 'Major Employment Site' in the Tewkesbury Borough Local Plan.

3.3 In addition to the buildings the application proposes 194 parking spaces to the north south and east of the proposed buildings to provide staff and service parking as well as the storage of vehicle stock. This eastern part of the site lies within the Green Belt.

4.0 Planning Policy Context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are 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 key consideration in assessing the principle of development therefore are the existing and emerging plans for the area and Government policy in respect of the Green Belts and economic development.

4.2 The Joint Core Strategy (JCS) was adopted in December 2017 and is part of the Development Plan for the area. Various policies in the JCS superseded some of the policies in the Tewkesbury Borough Local Plan (TBLP) to 2011 which had hitherto been saved by the Secretary of State.

4.3 The JCS sets out the key spatial policies for the JCS area over the period of 2011-2031 and the preferred strategy to help meet the identified level of need. Policy SP1 sets out the overall strategy concerning the amount of development required and Policy SP2 sets out the distribution of new commercial and residential development. These two policies, combined with Policy SD1 on the economy, provide the spatial strategy for the plan. This strategy, together with its aims, is expressed in relevant policies throughout the plan and will be supported by forthcoming district plans and neighbourhood plans.

4.4 The JCS sets out that in order to support economic growth in the JCS area, at least 192 hectares of B-class employment land will be required with 84 hectares delivered on strategic allocations with further capacity to be identified in District Plans.

4.5 The saved policies of the TBLP also comprise part of the Development Plan for the area in respect of the application site. The western part of the application site falls within a Major Employment allocation in the adopted local plan and policy EMP1 of the Local Plan provides that within such sites, proposals for B1, B2 and B8 uses will be supported.

4.6 Other material policy considerations include NPPF which sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not change the status of the development plan as the starting point for decision making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. The NPPF is supplemented by the Government's Planning Practice Guidance (PPG).

4.7 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. The NPPF sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay.

4.8 One of the core planning principle of the NPPF is that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. Furthermore, the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

4.9 The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF provides that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, Local Authorities should ensure that substantial weight is given to any harm to the Green Belt by reason of inappropriateness. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.10 The NPPF sets out that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. There are exceptions to this; however, new commercial buildings are not an exception. This advice is reflected in JCS Policy SD5.

5.0 Green Belt

5.1 Policy SD5 of the JCS sets out that, to ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm.

5.2 The NPPF provides that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF provides that when considering any planning application, Local Planning Authorities 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, and any other harm, is clearly outweighed by other considerations.

5.3 Paragraph's 89 and 90 of the NPPF set out various exceptions where development in the Green Belt is not considered to be inappropriate; none of those exceptions apply in this case in relation to the storage of vehicles. That part of the development proposed to be located within the Green Belt is therefore inappropriate development in the Green Belt, which is harmful by definition having regard to the NPPF.

5.4 As well as the harm by reason of inappropriateness the harm to openness and the purposes of including land as Green Belt must also be considered, along with any other harms.

Harm to Openness and Green Belt Purposes

5.5 In addition to the proposed preparation buildings, which fall within the Major Employment allocation and is acceptable in principle, the proposal would include the use (for the parking of vehicles) of an area undeveloped of land to the east, which is designated as Green Belt, and would constitute inappropriate development in the Green Belt. As set out above, such development should be refused unless there are very special circumstances, which clearly outweigh the harm to the Green Belt, by inappropriateness and other harms.

5.6 While Paragraph 90 of the NPPF identified certain forms of development that are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include engineering operations, however it is considered that while the hard surfacing of a car park/storage area may not impact openness, the parking of vehicles upon the hardstanding would result in a reduction in openness. This loss of open land would reduce the gap that exists to development beyond the application site to the east and would contribute to the merging of settlements, albeit to a limited degree. However with reference to paragraph 88 of the NPPF substantial weight must be given to the harm to the Green Belt. As such, the development can only be permitted if there are very special circumstances, which clearly outweigh the harm to the Green Belt, by reason of inappropriateness, loss of openness and other harms.

5.7 The NPPF at paragraph 80 sets out that Green Belt serves five purposes, the relevant of which for this application are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; and to assist in safeguarding the countryside from encroachment. These purposes would be offended by the proposed development however as set out above, the harm would be limited.

Other Harms

5.8 When considering proposals for development in the Green Belt, consideration must be given to the other harms that may arise from proposals. Other material considerations which may give rise to 'other harms' are discussed in the following sections of the report.

Applicants Very Special Circumstances Case

5.9 The applicant has submitted that there are other considerations, which need to be taken into account in determining the current application, which constitute very special circumstances and are set out below:

- Council previously supported Stratstone Land Rover expansion
- Previously permitted development on adjoining Green Belt land (Spectrum Medical and Stratstone Land Rover)
- Expansion of other businesses permitted in Green Belt - (Swanbrook Coaches and Staverton Connection)
- Facilities are operationally required for the proposed new JLR showroom;
- The proposals will increase the number of people employed by JLR
- Only the parking and access are located in the Green Belt
- The nature of the development does not materially affect the openness of the Green Belt
- Engineering operation could be considered an appropriate form of development within the Green Belt;
- Will be a direct benefit to the local economy
- Would provide 13 additional jobs
- The expansion of JLR is in accordance with the strategic development objectives.

Analysis of the applicants' Very Special Circumstances Case

5.10 While the proposal would result in the expansion and retention of a local business, with associated social and economic benefits, this in itself would not constitute very special circumstances. However in granting planning application no.15/00755/FUL the council accepted that the retention and expansion of the dealership in the area (in combination with the proposals for Spectrum Medical) and the associated economic benefits amounted to very special circumstance and this assessment would similarly apply to the current application.

5.11 It is noted that the principle of development within this part of the Green Belt has been established through the granting of planning permission no. 15/00755/FUL and the application site now remains a 'pocket' of Green Belt land with development to the south, west and east, diminishing the purpose of this remaining land in terms of separating settlements.

Conclusion on Green Belt Matters

5.12 The proposed development is inappropriate development in the Green Belt, which is harmful by definition. The above matters are considerations which weigh in favour of the application and are capable of amounting to very special circumstances justifying inappropriate development in the Green Belt in this case. The overall conclusion in respect of Green Belt harm is dependent on identification of any other harms which may arise following analysis of all material planning considerations which are discussed in the following sections of this report.

6.0 Landscape, Design and Layout

6.1 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. The NPPF goes on to advise that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic

considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 61). Similarly Policy SD4 of the JCS seeks to encourage good design which, respond to the context and character of the area in terms of scale, density and materials. Policy SD6 sets out that landscape character will be protected and that applications will consider the landscape and visual sensitivity of a site.

6.2 The proposed preparation buildings while of a utilitarian design would be set away from Cheltenham Road East and would be located amongst other commercial development. The buildings would be of a significantly smaller scale and overall height when compared to adjoining development and would not appear unduly obtrusive within the street scene. Furthermore, the existing landscaped buffer along the northern boundary of the site, would be retained and would screen the development from the open countryside to the north.

6.3 The application has been amended since it was first received in order to reposition the preparation buildings away from Commerce Road and to allow for the provision of a landscape zone adjacent to the highway to soften and provide screening to the development. The precise details of the landscaping can be secured by a condition.

6.4 The revised plans also propose the substitution of the originally proposed Palisade fencing to the site boundaries with more appropriate Paladin ('weldmesh') security fencing which is more visually more appropriate to the context of the site. The finished colour and overall height will require further consideration and this can be secured by condition.

6.5 The main parking area would be set to the eastern part of the site and would be screened to a significant degree by the proposed workshop buildings and landscape buffer to the eastern boundary of the site. Furthermore, it would be viewed in the context of the previously permitted car park to the Spectrum Medical site to the east and would not be unduly intrusive or out of character with the area. The proposed development is considered to be of an acceptable design and layout which would be in keeping with the commercial character of the area.

6.6 The proposed development would not have an undue impact on the character of the landscape in the location and is considered to be of an acceptable design and layout which would be in keeping with the commercial character of the area.

7.0 Accessibility and highway safety

7.1 Policy INF1 of the JCS requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals should provide for safe and efficient access to the highway network for all transport modes; encourage maximum potential use of walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. Planning permission will be granted only where the impact of development is not considered to be severe. Policy INF1 further requires developers to provide transport assessments to demonstrate the impact, including cumulative impacts, of the prospective development along with travel plans where appropriate.

7.2 Access to the site would be taken from Commerce Road which is an unclassified internal road that serves the existing Ashville Business Park and a further access point from the new access road to the Spectrum Medical Site. Commerce Road itself is accessed from Cheltenham Road East (B4063) via the existing signal controlled junction.

7.3 The application is supported by a Transport Assessment (TA) which considers the impacts of the proposed development on the highway network. The TA concludes that the site is accessible by public transport with a frequent bus service stopping within easy walking distance of the site. Good pedestrian and cycle access is also available. In terms of traffic, the TA concludes that the existing traffic light junctions serving Commerce Road and Down Hatherley Lane would continue to operate below capacity following development. Overall the TA concludes that there are no transportation reasons why planning permission should not be granted.

7.4 The submitted details for the showroom and service building have been reviewed County Highways Officer (CHO) who has raised no objections to the proposed development. The submitted vehicle tracking has demonstrated that there would be sufficient space for cars and small vehicles to access and egress the proposed car showroom site. The applicant has advised that larger vehicles including car transporters would only use the workshop/compound and this arrangement would be controlled by conditioned.

7.5 The transport statement has demonstrate that the proposed parking provision as informed by the existing showroom use and similar TRICS site uses data would be sufficient to serve the development. Furthermore, it is advised that the proposed (combined) car showroom and servicing sites would generate 57 AM and 50 PM peak hour trips and it is considered that this would not adversely impact the operation of the highway network or junction capacity.

7.6 The CHO has advised that the applicant has demonstrated suitable visibility splays can be achieved from the site egress onto the new estate road and that the details of the showroom splay to the west can be secured by condition. It is therefore considered that the proposal would have an acceptable impact in terms of highways safety and would not result in a severe impact upon the highway network. The proposal would therefore accord with Policy INF1 of the JCS.

8.0 Ecology and nature conservation

8.1 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. JCS Policy SD9 seeks to protect and enhance biodiversity and geological resources.

8.2 The application is supported by an Ecological Assessment (EA) which includes a Phase 1 Habitat Survey. The report updates previous investigations at the wider site with further survey work which advises that the site principally comprises scrub and semi-improved grassland with a hedgerow along the northern boundary. The southern part of the site includes disturbed ground as a result of the construction works associated with the Spectrum Medical access road.

8.3 The report advises that the proposal would not result in any significant adverse effects on any statutory or non-statutory sites of nature conservation interest from the development proposal. The report also makes recommendations including further planting and bird and bat boxes to enhance biodiversity as well as measures to protect wildlife through the construction process. These measures can be secured by condition requiring compliance with the ecological report and will ensure that the development conserves biodiversity.

9.0 Drainage & flood risk

9.1 Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. Proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. For sites of strategic scale, the cumulative impact of the proposed development on flood risk in relation to existing settlements, communities or allocated sites must be assessed and effectively mitigated. Development should also aim to minimise the risk of flooding and provide resilience to flooding, taking into account climate change and where possible reducing overall flood risk. Where appropriate applications should be informed by a Flood Risk Assessment (FRA) and incorporate suitable Sustainable Drainage Systems (SuDS) to manage surface water drainage. Policy A2 of the JCS requires development proposals to deliver adequate flood risk management across the site and ensure that all more vulnerable development is located in Flood Zone 1.

9.2 The application has been accompanied by a Flood Risk Assessment (FRA). The report advises that the majority of the site is in Flood Zone 1, with the area along the northern boundary indicated within Flood Zone 2. The report advises that flood waters would be contained within the landscaped area and the risk to people and property within the proposed development would be minimal.

9.3 The Lead Local Flood Authority (LLFA) has reviewed the submitted details and advised that the site is located in proximity to the Hatherley Brook with the majority of the area within Flood Zone 1 and none of the site area outside of Flood Zone 1 is proposed to be used.

9.4 The application proposes to discharge the surface water runoff from the impermeable area of the site into an existing private surface water sewer in Commerce Road. This then discharges to the Hatherley Brook. The LLFA is satisfied that the infiltration test that the applicant has provided rules out infiltration as an effective drainage strategy and accepts the proposal to discharge to the private surface water sewer given its proximity to the Hatherley Brook particularly as direct discharge to the Brook.

9.5 A climate change allowance of 20% used by the applicant is in line with the latest Environment Agency recommendations according to the life span of the development. The surface water discharge from the impermeable area into the sewer is proposed at the green field QBar rate of 2.6 l/s which is acceptable to the

LLFA and to the owners of the sewer. Attenuation of the surface water would comprise underground storage tank and permeable paving. Furthermore, the LLFA is satisfied that for car parking areas the permeable paving would be sufficient for water quality control and oil interceptors are proposed to be fitted for the workshop area.

9.6 It is therefore considered that subject to compliance with conditions the proposal would not exacerbate the risk of flooding or adversely impact water quality.

10.0 Overall balancing exercise and conclusions

10.1 The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. In terms of the economic dimension it is recognised that the proposal would provide jobs, both directly and indirectly. The proposal would therefore contribute towards building a strong, competitive economy. The proposal would support the redevelopment and expansion of an existing business allowing Stratstone to remain in the area and these matters are given significant weight in line with the NPPF.

10.2 With regards to the social dimension, the proposal would again provide jobs which would help support local communities. In addition, the proposed design subject to compliance with conditions is acceptable. Furthermore the proposal would not adversely impact the safety and satisfactory operation of the highway network.

10.3 Turning to the environmental dimension, the proposals would introduce new development to a largely undeveloped green site. While this in itself would be harmful to the character and appearance of the landscape this needs to be weighed against the fact that the site is contained by existing and permitted development to the south, east and west. Views from the north would be screened by existing boundary planting along the boundary which would remain unaffected and the impact would be neutral from outside of the business park. Whilst part of the site falls within the Green Belt, there would be limited impact on the openness of the Green Belt and the purposes of including land given its location adjacent to the already permitted scheme.

10.4 The proposed development represents inappropriate development in the Green Belt which is harmful by definition. This weighs considerably against the proposal. However it is considered in that very special circumstances exist in this instance, namely an existing consent on the land, the retention and expansion of an existing business which would outweigh the harm to the Green Belt. There are no other identified harms which weigh against the proposals.

10.5 On balance it is considered that in the absence of other harms and the very special circumstances that have been identified, the proposal would constitute a sustainable development in the context of the NPPF and is recommended that permission is granted subject to the conditions set out below.

RECOMMENDATION Permit

Conditions:

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

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

- 2 The development hereby permitted shall be carried out in accordance with drawing nos.2882/23B, 24B, 25A, received by the Local Planning Authority on 27th November 2017 and drawing nos.2882/20G, 22J (with the exception of the proposed fencing details) and drawing no.12716-CRH-00-DR-D-6176 Rev.P3 received by the Local Planning Authority on 28th February 2018 and any other conditions attached to this permission.

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

- 3 Notwithstanding the submitted plans the proposed development shall be completed in accordance with a schedule of materials (and where appropriate samples) for the buildings, and hard landscaping which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.

- 4 The proposed development shall be completed in accordance with finished floor levels which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.

- 5 Notwithstanding the submitted details, the proposed development shall be completed in accordance with a plan showing the location and design and colour of all proposed boundary treatments which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development will be in keeping with the character of the area in the interests of visual amenity in accordance with the NPPF.

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

Reason: To reduce the potential impact on the public highway and neighbouring amenities.

- 7 No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 10m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

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

- 8 No works above DPC level shall commence on site until a scheme has been submitted for the provision of fire hydrants for the benefit of the commercial development in a location agreed with the Council and should meet the requirements of Building Regulations Approved Document B Volume 2 Sections 15 & 16 (Fire Hydrants/Water Supplies and Vehicle Access). The commercial development buildings shall not be occupied until the hydrants have been provided to the satisfaction of the Council.

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

- 9 The vehicular egresses 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 2m back along the centre of the access measured from the estate road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.6m and 2.0m at the Y point above the adjacent carriageway level.

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

- 10 The buildings hereby permitted shall not be occupied or used until details of a delivery/service management plan has been submitted and approved in writing by the Local Planning Authority and the development shall operate in accordance with the approved details.

Reason: To reduce potential highway impact by ensuring that suitable servicing and delivery arrangements are in place for safe and suitable access for all people that minimises the conflict between traffic and cyclists and pedestrians.

- 11 The buildings hereby permitted shall not be occupied or used until the vehicular parking and turning and loading/unloading facilities have been provided in general accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided.

- 12 The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the opportunities for sustainable transport modes are taken up.

- 13 No development approved by the permission shall be commenced until a detailed drainage strategy based upon the approved drainage strategy submitted in the Flood Risk Assessment and Drainage Strategy document No. 12716 has been submitted to and approved in writing by the Local Planning Authority. If an alternative strategy or amendments are required, it must be submitted to and approved by the Local Planning Authority in advance. The drainage scheme shall be carried out in accordance with the approved details.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage and water quality in the locality.

- 14 No development shall be put in to use/occupied until a SUDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding

- 15 Notwithstanding the submitted details no development shall take place until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of landscaping, 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. 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.

- 16 No external lighting shall be installed on the site which has not first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of general amenity.

- 17 The development shall be carried out in accordance with the recommendations contained within the Ecological Assessment prepared by Ecology Solutions Ltd dated November 2017.

Reason: To ensure proper provision is made to safeguard protected species and their habitats and to enhance the ecological value of the site.

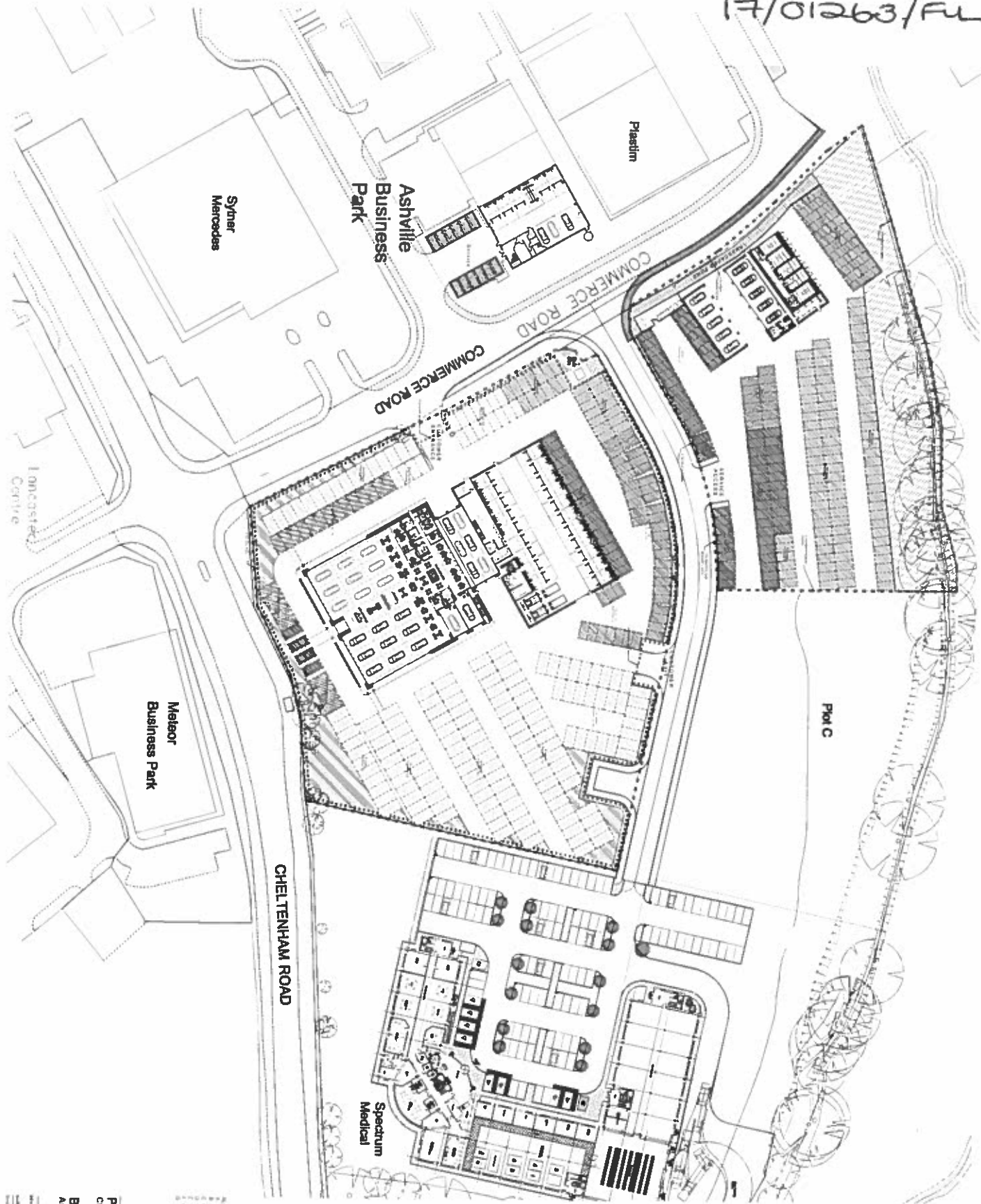
- 18 No flags, banners or other freestanding signs shall be displayed at the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to protect the character and appearance of the area

Notes:

- 1 In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating the layout of the proposals.
- 2 The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency
- 3 Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.
- 4 Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.
- 5 The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

17/01263/FUL



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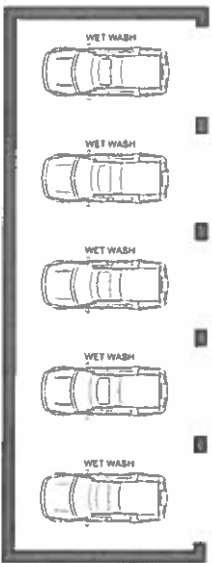
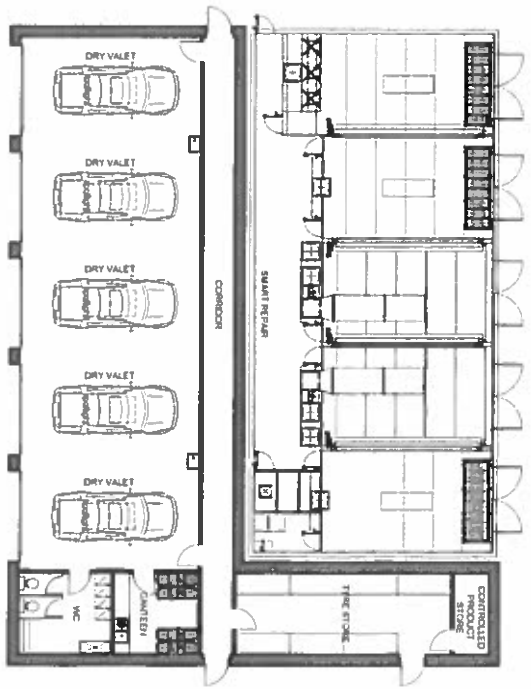
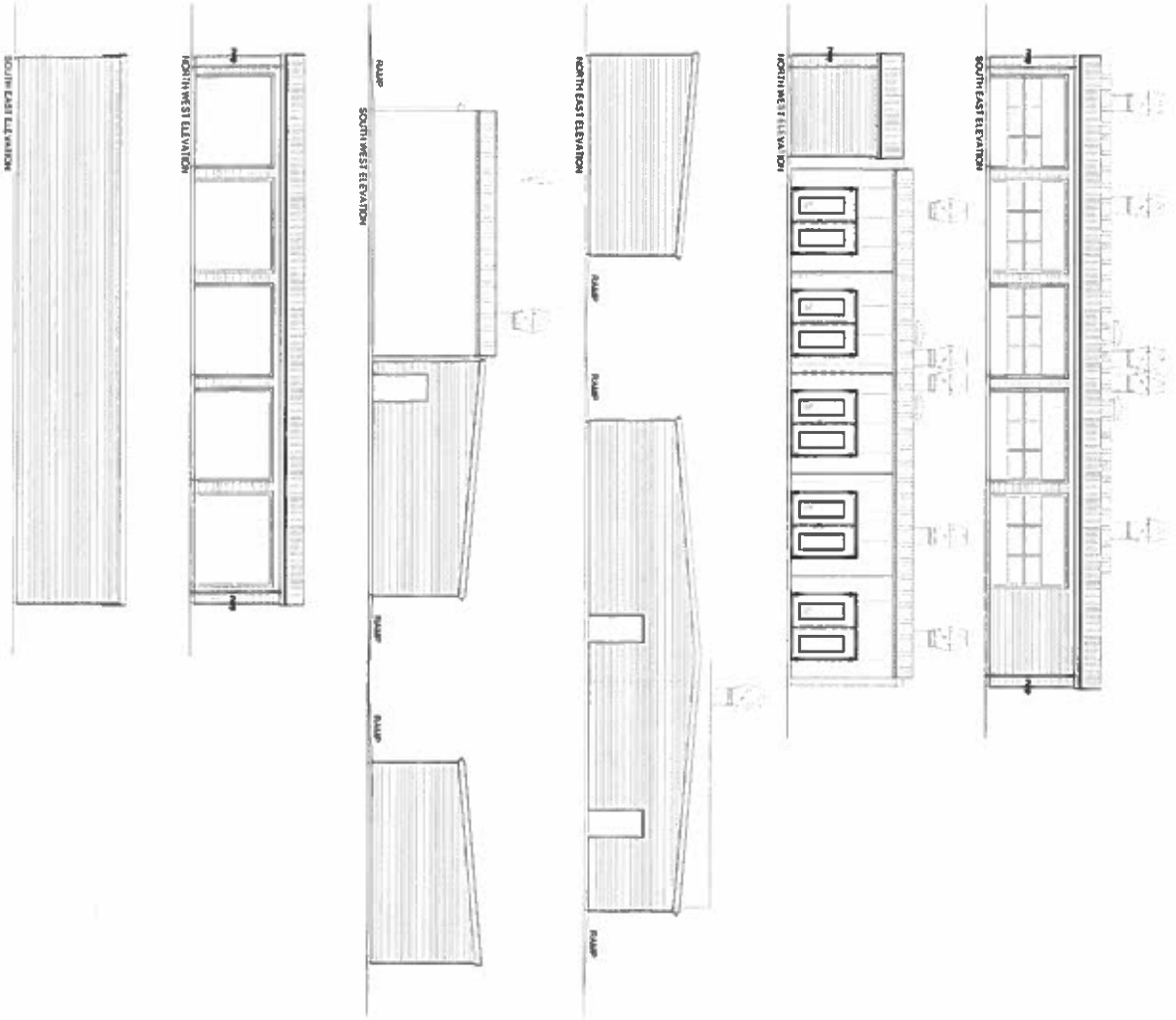
Pendragon Jaguar Landrover
 Cheltenham
Block Plan
 As Proposed

Scale: 1:500 @ A1
 Date: 28/07/2017
 Author: J. JONES
 Check: J. JONES
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Pendragon Jaguar Landrover
 Chairman
Plan & Elevations - Service
 As Proposed



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