

**TO EACH MEMBER OF THE
PLANNING COMMITTEE**

21 August 2018

Dear Councillor

PLANNING COMMITTEE- THURSDAY 30 AUGUST 2018

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

Agenda Item	Description	
5a	Schedule	1 - 48
	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

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 30 August 2018

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(185 - 213)	(-)

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 Technical Planning 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. (185 - 213)

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) 30th August 2018

Parish and Reference	Address	Recommendation	Item/page number
Buckland 18/00730/FUL Click Here To View	Crab Tree Cottage Laverton Broadway	Permit	3 / 203
Leigh 18/00057/FUL Click Here To View	Land Near Wharf Office The Wharf Coombe Hill GL19 4BB	Refuse	1 / 185
Tewkesbury 18/00396/FUL Click Here To View	Aldi Stores Gloucester Road Tewkesbury	Delegated Permit	4 / 207
Tewkesbury 18/00630/FUL Click Here To View	4 Abbey Court Gloucester Road Tewkesbury	Permit	2 / 199

Valid 30.01.2018
 Grid Ref 388621 227202
 Parish Leigh
 Ward Coombe Hill

Erection of 1 no. detached dwellinghouse

RECOMMENDATION Refuse

Policies and Constraints

- National Planning Policy Framework (2018)
- Planning Practice Guidance
- The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS)
- Tewkesbury Borough Local Plan to 2011 (March 2006)
- 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)
- Public Right Of Way (PROW)
- Flood zone 2 and 3
- Landscape Protection Zone (LPZ)
- Key Wildlife Site
- Site of Special Scientific Interest (SSSI)

Consultations and Representations

The Leigh Parish Council recommends refusal of planning permission regarding the proposed plans as originally submitted and also as revised, and raises the following points:

- The proposed single dwelling would fit loosely within the emerging Leigh Neighbourhood Development Plan (NDP), as this application is considered an infill. However, the Parish Council notes that the emerging NDP explains that infill should not severely affect other peoples' views and access.
- The size of the dwelling is too big for the plot and also the existing cluster of houses.
- The design and style of the new dwelling is too modern and would be out of character with the existing group of Wharf houses.
- The introduction of blue bricks to doors, windows and chimney, as shown in the revised plans, are not in keeping with the existing houses.
- The plot of land is subject to great landscape and visual sensitivity due to its location adjacent to the WWWT Nature Reserve and the SSSI site as well as sitting in the Landscape Protection Zone.
- The height of the proposed dwelling suggests that the existing 6 Wharf houses would be overlooked.
- Concerns regarding drainage proposals, the treatment of foul water from the new build, together with current grey water issues from existing houses in the area - the Parish Council advises that there are numerous soakaways within a short distance of this plot, and that grey water seeps down to lower ground, of which there is evidence in the culvert in the flood bund together with further evidence of pollution in the canal basin.
- Third party interests in the land regarding an existing soakaway which is covered by a legal easement which gives two other Wharf residents permanent access to their soakaway systems and pipes.
- The positioning of the house and its resident parking has the potential to create long term issues with visibility when joining the lane. Existing access onto Wharf Lane has poor visibility.
- In terms of the construction phase of development, there is insufficient space on the plot to accommodate site worker parking and the siting of their necessary welfare facilities, and the access lane cannot be blocked for service vehicles or other residents. There are 8 other residents that use the access and development would have a negative impact on the route through to other dwellings.
- As there is no weight limit and the speed limit on the lane is not known, residents believe that the track and car park belonging to the WWWT will be damaged by large vehicles.
- The revised plans/details had not been sufficient to ease residents' concerns on the grounds of size and location, how it would function with the drainage issues and its relationship with its immediate surroundings as it would be so out of character with the Wharf housing cluster together with its proximity to the Nature Reserve and SSSI site.
- Conditions would need to be included on any approval to ensure that current access/rights of way are protected, existing parking arrangements for other residents remain unaltered and that vegetation is maintained to ensure that the other residents are protected from encroachment.

- Noted that all the residents at The Wharf have objected to this proposal, and that the supporting comments came from people that did not live at the Wharf and would be unaffected by the proposal.

The **Local Highway Authority** raises no objection subject to condition for the vehicular access to be laid out and constructed in accordance with the submitted plan drawing no. 1844-P-07 and with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material prior to the occupation of the proposed dwelling, and for this to be maintained thereafter.

The **PROW Officer** has not commented at this stage but did comment on application reference 18/00169/FTP, proposing a slight diversion of footpath ALH2, and raises no objection to this proposal, providing the width of the path is no less than 1.5 metres.

The **Environmental Health Officer** raises no objection to the application in terms of noise impacting on future residents.

Severn Trent Water advises that, as the proposal has minimal impact on the public sewerage system, they have no objections to the proposals and do not require a drainage condition to be applied. Further advice that there may be a public sewer located within the application site which may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals.

Natural England advises that, based on this additional information, the proposed development would not have significant adverse impacts on designated sites and has no objections, assuming approval from the Environment Agency regarding the proposed design for waste water treatment. Based on the plans submitted, Natural England considers that the proposed development would not damage or destroy the interest features for which the Coombe Hill Canal Site of Special Scientific Interest (SSSI) has been notified and has no objection.

The **Gloucestershire Wildlife Trust** advises that it agrees with the comments originally submitted by Natural England regarding the need to ensure that waste water from the proposed development is dealt with adequately and does not involve any discharge or seepage into the canal.

The **Campaign to Protect Rural England (CPRE)** considers that the application is for a dwelling in a very sensitive location and that, as the Reserve is frequently flooded so that access is limited, this area is unsuited to development. The CPRE considers that it is too close to the SSSI and Nature Reserve as any even very small leakage from its drainage or damage to drainage of nearby properties could very quickly pollute the canal, thus causing environmental harm to the water creatures and many insect varieties as well as the birds on this Reserve. The CPRE further considers that the proposed house would be very big and out of keeping with neighbouring buildings, and that it would not enhance the area as required by the NPPF. The CPRE notes that the original houses were required for the function of the canal but considers that further development of this small and very special area would be unsuitable and unnecessary.

The **Environment Agency (EA)** raises no objection, and provides the following comments:

- Even when assessing the potential impacts of climate change using the local nominal allowances published by the EA in March 2016 and updated in May 2017, the defence would still not be overtopped in the most extreme event. The new dwelling would be located on the highest part of the plot as shown on drawing 1844-P-04 and finished floor levels would be set at 12.55m AOD(N) as shown on drawing 1844 - P01A, which are just under 300mm above the 35% nominal allowance for climate change and also above local historic flood levels.
- Should a breach of the embankment occur then internal flooding of the property would only be likely to happen during the worse-case 1% ARP with a 70% nominal allowance for climate change. Therefore the EA recommends that flood resilient materials are incorporated into the design of the property to a height of 12.70m AOD (N), including setting of electrical sockets.
- There would be no raising of ground levels on the site behind the defence as a result of the development. The EA recommends that adequate easement be provided for the lifetime of the development to be able to access the defence embankment in the form of legal agreements on the deeds of the property (if these do not already exist), but that this is solely a matter for The Wharf Flood Bund Management Company.
- Safe dry access to and from the property would be available at all times and advises that the location is served by a comprehensive Flood Warning service in this local area. The EA advises that a trigger level may be sought to assist in evacuation if deemed necessary.

The Flood Risk Management Officer (FRMO) raises an objection in relation to the foul drainage, and in particular the relationship between the infrastructure already present and the proposed building. The FRMO has severe reservations in potentially approving an application which would be an empty permission by way of not being able to achieve Building Regulation approval. The FRMO advises that discharge from package treatment works must have a secondary treatment, such as a discharge to ground (if the ground can accommodate it), and reference is made to Paragraph 1.27 of Approved Document H2 of the Building Regulations, which states that drainage fields to provide secondary treatment from package treatment plant must be sited:

C. at least 15m from any building;

D. sufficiently far from any other drainage fields, drainage mounds or soakaways so that the overall soakage capacity of the ground is not exceeded.

The FRMO advises that the site cannot accommodate this as there is an existing infiltration system, located within the red line boundary, serving two other properties, which have a legal easement for access and maintenance routines. The development as proposed would appear to prevent this by being built over the infrastructure. The FRMO further notes that if it is proposed to utilise the existing soakaway for the proposed new connection, then this would also not conform to the regulations by being too close and so should not be allowed.

With regard to flood risk, the FRMO advises that surface water has been witnessed to flow down the road and into the site and that this was a contributing factor during the 2013/14 flood event when a number of properties flooded. The FRMO further advises that the Flood Zones indicate the probability of river and sea flooding, ignoring the presence of defences and do not take account of the possible impacts of climate change. The EA's guidance on Flood Risk and Coastal Change sets out that for a non-major development such as this, as a proxy for re-running hydraulic modelling, nominal allowance on top of the 1% event can be used. It is noted that the nominal allowance for the Lower Severn is 1000mm, which gives a flood level of 12.67m, which correlates to the modelling information held by the EA from 2007. This flood level would inundate the site where the bund meets the road however a freeboard of 600mm to take account of any uncertainties in modelling/flood levels and storm surge effects should be added, which would be especially prudent given the modelling is over a decade old. This would bring a potential flood level of 13.27m which would seriously put people and property at an unacceptable risk. Whilst the crest level of the bund is stated as 12.772m, the levels shown on the topographic survey of the unprotected road adjacent the site has levels lower than this and the point where they meet appears to show the potential for inundation of the site. With all these elements, there is some uncertainty but a precautionary approach not to approve must be adopted.

The application as originally submitted was publicised through the posting of 3 site notices and a press notice and 16 letters of representation were received in the 21 day statutory consultation period or since; 13 letters of objection and 3 letters of support. The revised plans, received by the Local Planning Authority on 14th June 2018, were publicised by the posting of letters to nearby residents, and an additional 12 letters of objection have been received.

In terms of the letters of objection, the main points raised relate to:

- Recognition that there is a need for new housing, acknowledging that Coombe Hill is designated a Service Village by the Joint Core Strategy, but consider that this application has little or no relevance to the above strategy - this application is at odds with the well planned larger development, which should offer the opportunity for local people needing a new home.
- The 'modern' and 'bland' design of the proposed dwelling is not sympathetic or compatible with local rural architectural styles and is not in character with the existing dwellings at The Wharf, which all have an historic connection with the Coombe Hill Canal. The proposed dwelling would be detrimental to the historic character of its surroundings.
- The minor cosmetic alterations as shown in the revised plans make this application no more acceptable than the original submission.
- The proposed dwelling would not be sympathetic in scale or form to the existing buildings and would not be proportionate in size to the proposed site - it would be too large and would visually dominate the other properties.
- The roof line of the proposed dwelling as shown in the revised plans is the same as number 3, but this house is built on a rising slope and therefore the new build would in fact be the tallest house on the Wharf.
- Wharf House, the largest dwelling in the Wharf, is set below the level of Wharf Lane and would be dominated by and shadowed by this proposal.
- The proposed dwelling would dwarf the historic Canal building next to it.

- The proposed dwelling would greatly diminish the landscape, SSSI and Landscape Protection Zone and would impact negatively on the rural aspect that has existed for 200 years.
- Walkers, ornithologists and Horse riders enjoying the picturesque and unspoilt Coombe Hill canal will be confronted by the rear elevation of this building for a considerable distance down the linear towpaths.
- Reference made to impact on an existing PROW running across the site.
- Impact on shared drainage and sewage systems, as rain water run off down Wharf Lane, shared septic tanks, soakaways, and grey water drainage would all increase by the addition of another property.
- Concern raised regarding sewage outfall into the Canal basin, where nesting birds habitually frequent, as there is no main sewage system in the vicinity.
- Beneath the application site lies the septic tank soakaway and associated pipes serving the communal Klargester Sewerage Treatment Unit for the two dwellings to the east of the plot (The Old Barn and Wharf House).
- Any new soakaways proposed on the site by the applicants would be in close proximity to the soak away system that serves Wharf House and The Old Barn. This would compromise that existing system and could result in potentially serious foul water flooding of existing properties at The Wharf.
- The site is situated within a flood plain, and the newly built 'bund' has not yet been tried and tested.
- Impact of a new dwelling (and existing business) on shared access, vehicle driveways and parking in the area.
- If approved there would be serious access issues for refuse, sewerage and emergency vehicles, due to the narrowness of the track, parts of which are 3.4metres wide.
- Detrimental effect on the privacy and enjoyment of surrounding properties.
- Overbearing impact, loss of light and infringement of privacy for occupiers of no. 4 The Wharf - by virtue of the scale, height and aspect, the proposed dwelling would look directly into the bathroom, en-suite and bedroom of no. 4.
- Nobody who lives by the scheme is in favour - "supporters" do not live by it.

In terms of the letters of support, the main points raised relate to:

- The house design would be sensitive to the surroundings and would fit well within the curtilage of the surrounding homes. The house design would be unfussy and plain enough to fit well among the surrounding homes.
- The materials for this build would give it an established look and therefore it would meld well into the environment.
- This flat piece of land with easy access is an ideal place to build a new home.
- There is now a bund protecting the area from flooding.
- Pleased to see that, in working out their plans, a double garage was removed in favour of retaining the Wharf Office and therefore preserving both the building and the home of the bats that currently have their home in the chimney there.
- The design of the house would aim to be as close as possible to 'passive house' air tightness and the ecological approach to reduce the environmental impact their build will have is applauded.
- Prefer to see single developments in Coombe Hill than the large scale developments currently looking for planning approval, and support the Local Development Plan which encourages owner-occupier self builds

The application is presented to the Planning Committee at the request of Councillor Waters, to assess the size and scale of the proposed dwelling and the impact on the landscape.

Planning Officers Comments: Emma Dee

1.0 Application Site

- 1.1 The application site comprises a parcel of land (covering some 0.05 hectares in area), located towards the far western end of The Wharf, Coombe Hill (See 'Location Plan' and 'Existing Site Plan and Levels'). The public highway terminates at a small car park area located some 20 metres to the west of the application site. Otherwise, the highway provides direct access to 2 no. dwellings (known as "The Old Barn" and "Wharf House") on its northern side, which are both located to the south-east of the application site. The public highway also leads to a private driveway immediately adjacent to the south-eastern boundary of the application site which provides access to a small number of existing dwellings at The Wharf, Coombe Hill, which are located to the north-east and east of the application site.

1.2 The application site is bounded on three sides by a hedgerow. There is an existing single storey red-brick building (6.6 metres by 4.4 metres), under a pitched roof, located towards the south-western side of the application site. The application advises that this building is being used as an annex to the main house at Wharf Cottage; currently in use as a home office/clinic by the occupants in connection with their profession and previously as accommodation/bedroom annex. The submitted Landscape and Visual Impact Assessment (LVIA) advises that part of the site is currently used as parking for clients and visitors. The remainder of the enclosed area is grassed and the applicants advise that this is being used as part of the garden to the main house at Wharf Cottage.

1.3 There is an existing Public Right Of Way (PROW) which crosses the application site towards its north-eastern side. This PROW continues on land immediately adjacent to the application site.

1.4 The application site is located within the Landscape Protection Zone (LPZ) as defined by the Local Plan Proposals Map. It is located in close proximity of a Site of Special Scientific Interest (SSSI) and a Key Wildlife Site (KWS), both located to the west of the application site.

1.5 Flood defences by way of earth bunds have been constructed to the west of the site. The site is predominantly located within flood zone 2 ('Medium Probability'; Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding), with a small section towards the north-western corner located within flood zone 3, as defined by the Environment Agency flood risk maps. A Flood Risk Assessment (FRA) has been submitted with the application.

2.0 Relevant Planning History

2.1 A planning application proposing the use of land and building at 'The Green', The Wharf, for residential use within the curtilage of Wharf Cottage was permitted subject to conditions on 8th October 1990 (reference 90T/5499/01/02). A restrictive condition was attached to this approval pertaining to the erection or construction of private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind on this site. Another condition attached to this approval specified that the development shall only be used in conjunction with and as ancillary to the adjoining dwellinghouse, known as Wharf Cottage, by the occupants for the time being of the adjoining dwellinghouse for purposes incidental to the enjoyment thereof.

2.2 A planning application proposing the construction of a flood embankment to protect six houses at The Wharf, Coombe Hill, was granted subject to conditions on 5th March 2013 (reference 12/01107/FUL).

2.3 An application proposing the diversion of public footpath ALH2 is currently pending consideration (reference 18/00169/FTP).

3.0 Current Application

3.1 The application seeks planning permission for the erection of a two storey detached 3-bed dwelling, on a rectangular plan under a dual-pitched roof, to the side of the existing red-brick single storey building on site. The plans originally submitted with the application proposed that the dwelling would be 12.6 metres wide and 8.35 metres deep, plus an enclosed porch on the front elevation and a glazed canopy on the side elevation. It was shown as measuring 5.2 metres in height to eaves on its front elevation and 8.7 metres in height to ridge. Proposed street scene drawings were submitted, which demonstrated that the proposed dwelling would considerably exceed the scale and height of other existing nearby dwellings (See '**Superseded Proposed Elevations**' and '**Superseded Proposed Street Views**').

3.2 Revised plans were subsequently submitted which show the height of the dwelling reduced, to measure 3.7 metres in height to eaves on its front elevation and 7.5 metres in height to ridge, and to show the insertion of 2 no. dormer windows into each roof slope in order to accommodate living accommodation at first floor level. The revised plans also include the addition of blue brick detailing above windows and doors and to the brick chimney which, the Agent advises, has been introduced to reflect the details on the adjacent office building. Materials would match the colour of the brickwork and roof tiles of the office building. The porch has also been redesigned as an open porch in oak framing (See '**Site Plan**', '**Site Plan and Proposed Levels**', '**Proposed Elevations**', '**Proposed Floor Plans**' and '**Street Views**').

3.3 It is proposed that the existing building on the site will be retained in its present use which, the Agent confirms, is an office/consulting room used by the applicant in connection with her business. There is no planning history relating to this building.

3.4 The application confirms that the existing hedge which surrounds three sides of the application site, would be retained in its entirety.

3.5 The applicants make the case that the proposed dwelling would provide them with a more private and self-contained property than their existing dwelling at Wharf Cottage, which is landlocked on 3 sides with boundaries to adjacent properties. As such, the applicants advise that their privacy is very limited at Wharf Cottage, as is cool air, as their windows cannot be opened very far without restricting both neighbours' pathway and the joint shared pathway which is immediately the other side of these windows.

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 LPA 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 (JCS), and saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP). Coombe Hill does not currently have an adopted Neighbourhood Development Plan.

4.2 Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework; 2018 (NPPF).

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

5.0 Analysis

Principle of Development:

5.1 Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area. Policy SP2 states that new development will be focused at Gloucester and Cheltenham, including urban extensions to these areas. Policy SP2 specifies that, to meet the needs of Tewkesbury Borough, none of which is being met by the urban extensions to Gloucester and Cheltenham, the JCS will make provisions for at least 9,899 new homes. It states that at least 7,445 dwellings 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. Policy SP2 further states that Rural Service Centres and Service Villages will accommodate lower levels of development to be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportionate to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester, taking into account the environmental, economic and social impacts including existing levels of growth over the plan period. Policy SP2 of the JCS specifies that, over the plan period to 2031, rural service centres will accommodate 1860 new homes, and service villages will accommodate 880 new homes (2740 in total).

5.2 Policy SD10 of the JCS specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. It sets out that housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. Policy SA1 of the JCS formally designates seven Strategic Allocations on the edges of existing urban areas and focuses on the need to deliver comprehensive development in each of these areas. The application site for reference 18/00057/FUL is located outside of a Strategic Allocation.

5.3 Policy SD10 specifies 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. Coombe Hill is identified as a 'Service Village' within Table SP2c ("Settlement hierarchy") of the JCS.

5.4 The applicant sets out that the existing single storey building on site is being used as an annex to the main house at Wharf Cottage (currently in use as a home office by the occupants in connection with their profession and previously as accommodation/bedroom annex) and that part of the site is currently used as parking for clients and visitors, with the remainder of the enclosed grassed area being used as part of the garden to the main house at Wharf Cottage. The planning site history shows that planning permission was granted on 8th October 1990 under reference 90T/5499/01/02 for the use of land and building at 'The Green', The Wharf, for residential use within the curtilage of Wharf Cottage.

5.5 The NPPF describes 'Previously developed land' as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. It specifies that this excludes, inter alia, land in built-up areas such as residential gardens, parks, recreation grounds and allotments. It is considered that the application site is located within a built-up area of the service village and, as such, the application site, forming the residential garden area of Wharf Cottage, does not comprise 'previously developed land' as defined by the NPPF.

5.6 Policy SD10 further states that housing development on other sites will only be permitted where, inter alia, it is infilling within the existing built up areas of Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans. The JCS specifies that infill development in this context means the development of an under-developed plot well related to existing built development. As noted above, it is considered that the application site is located within the built-up area of the service village. It is further considered that the proposed dwelling, sited adjacent to the existing single storey red-brick building, would be located within the existing cluster of dwellings in this part of The Wharf. Therefore, it is judged that the proposal would result in the development of an under-developed plot well related to existing built development, and would therefore constitute "infilling". As such, the application accords with Policy SD10 of the JCS, and the principle of the proposed development is considered to be acceptable.

Design and Impact on Character and Appearance of Area:

5.7 Section 12 of the NPPF relates to "Achieving well-designed places" and, at paragraph 124, sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 specifies that planning policies and decisions should ensure that developments, inter alia: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and, will establish or maintain a strong sense of place.

5.8 Paragraph 192 of the NPPF specifies that, in determining applications, local planning authorities should take account of, inter alia, the desirability of new development making a positive contribution to local character and distinctiveness.

5.9 In this regard, Policy SD4 (Design Requirements) of the JCS sets out 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. It further sets out that design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, and having appropriate regard to the historic environment.

5.10 Whilst the submitted Street Views drawing shows that the overall height of the proposed dwelling would be similar to that of no. 3 The Wharf, this drawing shows that no. 3 is located on a higher land level than the proposed dwelling. Further, no. 3 is a mid-terrace dwelling with a long and narrow footprint, which is viewed in the context of adjoining dwellings which similarly have a long and narrow footprint, but which are shorter in height. The submitted Street Views drawing shows that all other nearby dwellings would be lower in height than the proposed dwelling.

5.11 The applicant advises that the existing adjacent built development originally had functional purposes for the operation of The Wharf (office, pub, warehouse etc.) but that it has since been developed into separate residential properties. By virtue of the proposed dwelling's location on a predominantly open parcel of land in a rural setting which is prominent from surrounding public vantage points, and by virtue of the scale, mass and form of the proposed dwelling relative to existing nearby dwellings, it is considered that the proposed dwelling would appear as an incongruous form of development which would not respond positively to, nor respect the character of, the site and its surroundings, and would not be of a scale which would be appropriate to the site and its setting. This is particularly evident from the submitted Street Views drawing (1844-P-06A) and Site Plan drawing (1844-P-07). The proposed development would therefore be contrary to Policy SD4 of the JCS, and Section 12 of the NPPF.

Landscape Impact:

5.12 Policy SD6 of the JCS specifies that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. It also requires proposals to have regard to the local distinctiveness and historic character of the different landscapes in the JCS area, and to demonstrate how the development would protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area. Policy SD6 further states that all applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect.

5.13 Section 15 of the NPPF relates to "Conserving and Enhancing the Natural Environment" and, at paragraph 170, specifies that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and protecting and enhancing valued landscapes.

5.14 As noted previously, the site is located within the LPZ as defined by the TBLP Proposals Map. The LPZ seeks to protect, enhance and conserve the riparian landscape of the river valley including the floodplain, tributaries lined with trees, adjacent hills and areas of visual and ecological importance. Saved Policy LND3 of the TBLP specifies that, within the LPZ, special protection is given to the ecology and visual amenity of the river environment. It states that development will not be permitted which:

- A. Has a detrimental impact or ecological effect on the character of the river banks or associated landscape setting of the Severn Vale.
- B. Has an adverse impact on the water environment.

5.15 Whilst the planning application site history shows that planning permission was granted in 1990 for the use of this land and building for residential use within the curtilage of Wharf Cottage, this site currently appears open in nature, and is in a rural setting. It is bounded on three sides by a hedgerow, but is open on its south-eastern boundary, providing clear views into the site. Aside from the existing single storey red-brick building, the remainder of the site is open, and application reference 90T/5499/01/02 was granted subject to a restrictive condition removing permitted development rights, in order to ensure the maintenance of the open rural character of the area.

5.16 The application site is located in very close proximity of the Coombe Hill Canal and within the floodplain of the River Severn, and is clearly visible from Public Rights Of Way (PROWs). It is clear that the proposal would introduce built development into a currently predominantly open parcel of land. Whilst the new dwelling would be set from certain viewpoints against the backdrop of the existing dwellings at The Wharf, this is not a good justification for further sporadic development in the countryside. By virtue of the scale and form of the proposed dwelling, and its location within the river area around the Severn, it is considered that the proposed development would materially detract from the landscape character of this rural area and would have a detrimental visual impact on the river environment and on the landscape setting of the Severn Vale. It is judged that the proposed development would fail to protect the visual amenity of the river environment within the LPZ. As such, the proposal is contrary to Section 15 of the NPPF, Policy LND3 of the TBLP and Policy SD6 of the JCS.

Impact on Residential Amenity:

5.17 Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

5.18 In terms of 'Amenity and Space', Policy SD4 of the JCS sets out that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution. Policy SD14 of the JCS, which relates to 'Health and Environmental Quality', specifies that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.

5.19 By virtue of the internal space which would be provided within the proposed dwelling, the extent of associated garden area, and its location, it is considered that the proposed development would provide an acceptable living environment for future occupiers. The Environmental Health Officer raises no objection to the application in terms of noise impacting on future residents, and it is therefore considered that the amenity of existing and future occupiers would not be unreasonably affected in terms of noise levels or general disturbances.

5.20 At the closest point, the proposed dwelling would be set back some 14.8 metres from the nearest dwelling (no. 4 The Wharf) and some 10.2 metres from the residential amenity areas associated with both no. 4 The Wharf to the north-east and the dwelling known as Wharf House to the south-east.

5.21 By virtue of the scale and form of the proposed dwelling and its proximity to adjacent sites, it is considered that there would be no significant adverse effect on nearby occupiers in terms of overshadowing or overbearing impact.

5.22 No fenestration is proposed for installation in the north-eastern side elevation of the dwelling, and a restrictive condition pertaining to the formation of any fenestration or openings within this elevation could be attached to any approval of planning permission. Subject to such a condition, it is considered that there would be no significant adverse effect on adjoining occupiers at no. 4 The Wharf in terms of overlooking or loss of privacy. It is proposed to install 2 no. dormer windows and 2 no. roof lights on the front (south-east) elevation roofslope of the dwelling. The 2 no. dormer windows would serve a dressing room and a bedroom, and the rooflights would serve the hallway/landing. There is an existing hedgerow along the north-western boundary of Wharf House which is approximately 2 metres high. By virtue of the proximity of the proposed first floor level windows on the front elevation of the proposed dwelling to the site at Wharf House, it is considered that views could be afforded into this adjacent site, particularly in the winter months when it would be expected that there would be at least glimpses through the hedging on the north-western boundary of Wharf House. However, this area to the north-west of the dwelling at Wharf House is primarily used for vehicular parking and also appears to be overlooked to some degree by No4 The Wharf. The principal garden area associated with Wharf House is, alternatively, located immediately to the south-east of the dwelling. As such, it is considered that the proposed development would not unreasonably affect the amenity of adjoining occupiers at Wharf House in terms of overlooking or loss of privacy. The proposed development is therefore considered to accord with paragraph 127 of the NPPF and policies SD4 and SD14 of the JCS in this regard.

Flood Risk Considerations:

5.23 The EA advises that the site is technically located in Flood Zone 2 based on the EA's River Severn hydraulic model results, as contained in appendix 2 of the submitted FRA, and as defined in Table 1 of sub-section 25 within the Flood and Coastal Change section of the National Planning Practice Guidance (NPPG). There are currently only outbuildings upon the site and the proposed residential use is deemed to be defined as 'more vulnerable' as set out in Table 2 of sub-section 25 within the Flood and Coastal Change section of the NPPG. Although the site is located in Flood Zone 2, part of the plot has flooded historically during the July 2007 event to a level of approximately 12.0m AOD (N). Since 2007 a private defence has been constructed to protect properties at The Wharf. The embankment has been registered with the EA as set out in their correspondence dated 26th May 2017 in appendix 3 of the FRA.

5.24 Policy INF2 of the JCS relates to "Flood Risk Management" and specifies that development proposals must avoid areas at risk of flooding, in accordance with a risk-based sequential approach. 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.

5.25 Policy INF2 of the JCS further sets out that minimising the risk of flooding and providing resilience to flooding, taking into account climate change, will be achieved by:

- I. Requiring new development to, where possible, contribute to a reduction in existing flood risk
- II. Applying a sequential test for assessment of applications for development giving priority to land in Flood Zone 1, and, if no suitable land can be found in Flood Zone 1, applying the exception test.
- III. Requiring new development that could cause or exacerbate flooding to be subject to a flood risk assessment which incorporates the latest available updates to modelling and climate change data and historic data and information and guidance contained in SFRAs and Supplementary Planning Documents, in order to demonstrate it will be safe, without increasing flood risk elsewhere.
- IV. Requiring new development to incorporate suitable Sustainable Drainage Systems (SuDS) where appropriate.
- V. Working with key partners to ensure that any risk of flooding from development proposals is appropriately mitigated and the natural environment is protected in all new development

5.26 Policy INF2 of the JCS is in accordance with Section 14 of the NPPF, which relates to "Meeting the challenge of climate change, flooding and coastal change".

5.27 The Flood Risk Management Officer (FRMO) advises that surface water has been witnessed to flow down the road and into the site and that this was a contributing factor during the 2013/14 flood event when a number of properties flooded.

5.28 The NPPG specifies that flood zones, as defined on the Environment Agency flood risk maps, refer to the probability of river and sea flooding, *ignoring the presence of defences*. They also do not take account of the possible impacts of climate change. The FRMO refers to the EA's guidance on Flood Risk and Coastal Change (Climate Change allowances for planning - SHWG area; March 2016), as referred to in the NPPG, which demonstrates the process in using nominal climate change allowances. The FRMO has based their calculations on this as a verification of stated values and notes that, in this instance, the 1% level (Flood Zone 3) is stated as circa 11.67m. It is noted that the nominal allowance for the Lower Severn is 1000mm, which gives a flood level of 12.67m, which correlates to the modelling information held by the EA from 2007. The FRMO advises that this would inundate the site where the bund meets the road. However, the FRMO Officer notes the advice is to add a freeboard of 600mm to take account of any uncertainties in modelling/flood levels and storm surge effects, which the FRMO considers would be especially prudent given the modelling is over a decade old. This would bring a potential flood level of 13.27m which, the FRMO advises, would seriously put people and property at an unacceptable risk. Whilst the crest level of the bund is stated as 12.772m, the FRMO acknowledges that the levels shown on the topographic survey of the unprotected road adjacent the site has levels lower than this and the point where they meet appears to show the potential for inundation of the site. With all these elements, the FRMO recognises that there is some uncertainty but considers that a precautionary approach not to approve should be adopted in this case. For this reason, the proposed development would be contrary to Policy INF2 of the JCS and Section 14 of the NPPF.

5.29 The NPPF details the requirement for a risk-based Sequential Test in determining planning applications (paragraphs 157-158). Advice is also provided within the Flood Risk and Coastal Change Section of the government's NPPG.

5.30 Paragraph 158 of the NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ST. It states that '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'. NPPG provides further guidance stating that *"The aim (of the Sequential Test) is to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making 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 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required"*.

5.31 The Council's adopted Flood and Water Management Supplementary Planning Document advises that the applicant should agree with the Local Planning Authority 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. Any application would need to clearly explain how the local circumstances relating to the catchment area for the type of development proposed have defined the area to which the Sequential Test has been applied. It would be expected that any application where the sequential test is applicable should include a list of all sites which had been investigated as part of the Sequential Test and a reason why each was not reasonably available.

5.32 Section 8.0 of the submitted FRA relates to the "Sequential Test" and specifies the following: *"Using a commercial subscription package to search for development sites, a search was made using criteria taken from the Bristol City Council Sequential Test Guide. Criteria used included geo-locality, proximity to transport nodes, site type, site size, planning status, ownership and flood risk. No reasonably alternative sites were identified within the study area, and as such it is deemed that the sequential test has been passed."* This is the only paragraph within the FRA beneath the sub-heading "The Sequential Test", and no evidence has been provided here, nor elsewhere within the FRA, to demonstrate that the sequential approach has been properly considered to show that there are no sequentially preferable sites for housing in areas with a lower probability of flooding. The proposed development therefore conflicts with Section 14 of the NPPF and Policy INF2 of the JCS which aim to steer development away from areas of flood risk.

Highways Impact:

5.33 The site is located on a Class 4 highway there are no footways or street lighting in the area. The Local Highway Authority has been consulted on the application and considers that the proposed addition of 1 no. dwelling from the existing access, which would generate 5 two way trips, would not be a large increase in trip generation. The Local Highway Authority raises no objection to the proposed development subject to condition for the vehicular access to be laid out and constructed in accordance with the submitted plan drawing no.1844-P-07 and with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material prior to the occupation of the proposed development, and for it to be maintained thereafter. This condition is necessary 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.

5.34 The PROW 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. It is, however, noteworthy that the PROW Officer has provided comments on application reference 18/00169/FTP, proposing a slight diversion of footpath ALH2, and raises no objection to this proposal, providing the width of the path is no less than 1.5 metres. The PROW Officer advises that they have visited this site and note that currently the footpath is not signed or fenced in and that it is not immediately obvious where the path is.

Ecological Impact:

5.35 The application is supported by a Preliminary Ecological Appraisal & Arboricultural Report (November 2017) commissioned by Sharpe Ecology, which details the findings of an Extended Phase 1 Habitat Survey carried out in October 2017.

5.36 The Report confirms that the site supports a bat roost (roost type, species and numbers currently unknown) within the building and has limited potential to support a small range of common garden bird species, reptiles, common toad (two individuals encountered on site) and hedgehog. It confirms that badgers, great crested newt and hazel dormouse are deemed to be absent from site and that no impacts on these species are anticipated.

5.37 Sharpe Ecology has confirmed via email that, if the existing single storey red-brick building is not impacted by the proposed development, that the existing hedgerows remain intact and that no new lighting is directed towards or onto the existing building or existing hedgerows, then there would be no direct or indirect impacts on the bats roosting within the building and therefore detailed bat roost surveys will not be required. As such, it is considered that the proposed development would accord with the relevant parts of Policy SD9 (Biodiversity and Geodiversity) of the JCS and Section 15 (Conserving and enhancing the natural environment) of the NPPF.

Impact on National and Locally Designated Sites of Importance for Biodiversity:

5.38 As noted above, the application site is located in close proximity of the Coombe Hill Canal SSSI and a Key Wildlife Site (KWS). A SSSI is a site designated by Natural England under the Wildlife and Countryside Act 1981. There are international, national and locally designated sites of importance for biodiversity. Both the NPPF and the JCS confirm that national sites include SSSI's. The NPPF defines Local Wildlife Sites as locally designated sites.

5.39 Paragraph 175 of the NPPF specifies that, when determining planning applications, local planning authorities should applying the following principle:

- Development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSI's.

5.40 The JCS sets out a number of objectives. Strategic Objective 4 of the JCS relates to "Conserving and enhancing the environment", and sets out to ensure that planning policy and decisions conserve, manage and enhance the area's unique natural environment and great biodiversity, including SSSI's, and maximise the opportunities to use land to manage flood water.

5.41 Policy SD9 of the JCS relates to "Biodiversity and Geodiversity", and contributes towards achieving Objective 4. Policy SD9 sets out that the biodiversity and geological resource of the JCS area will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures. It specifies that this will be achieved by, amongst other things, ensuring that European Protected Species and National Protected Species are safeguarded in accordance with the law, and conserving and enhancing biodiversity and geodiversity on internationally, nationally and locally designated sites, and other assets of demonstrable value where these make a contribution to the wider network, thus ensuring that new development both within and surrounding such sites has no unacceptable adverse impacts.

5.42 Policy SD3 of the JCS relates to "Sustainable Design and Construction" and specifies that development proposals will demonstrate how they contribute to the aims of sustainability by increasing energy efficiency, minimising waste and avoiding the unnecessary pollution of air, harm to the water environment, and contamination of land or interference in other natural systems. In doing so, proposals (including changes to existing buildings) will be expected to achieve national standards. Policy SD3 also states that proposals must demonstrate that development is designed to use water efficiently, will not adversely affect water quality, and will not hinder the ability of a water body to meet the requirements of the Water Framework Directive. Further, Policy SD3 states that all development will be expected to incorporate the principles of waste minimisation and re-use.

5.43 The 'Explanation' for Policy SD3 of the JCS advises that Policy WCS2 of the Gloucestershire Waste Core Strategy (which was adopted in November 2012 and forms part of the statutory development plan) specifically sets out how waste reduction should be considered, including through new development, over the JCS area as well as the rest of county. This policy is supported by adopted Supplementary Planning Document (SPD) entitled 'Waste Minimisation in Development Projects'.

5.44 Natural England has been consulted on the proposed development and stated that the proposed development would need to be designed to modern standards and be sufficient in order to maintain water quality in the adjacent Coombe Hill SSSI. The Gloucestershire Wildlife Trust similarly advised that the application would need to demonstrate that waste water from the proposed development would be dealt with adequately and that it would not involve any discharge or seepage into the canal. Upon request from both consultees, additional details were submitted outlining plans for waste water treatment and the position and handling of the associated outfall/soakaway (point of discharge). The submitted details included a diagram illustrating the position of the planned Package Treatment Plant, associated soakaway and infrastructure, a brochure containing the specification of the proposed package wastewater treatment plant to process sewerage and grey water, and the proposed Package Treatment Plant Test Certificate to demonstrate conformity to the Environment Agency policies and standards.

5.45 The applicant further advised that there is an existing pipework infrastructure from the application site which takes wastewater from Wharf Office and Wharf Cottage via a pump system up to a septic tank and soakaway on another plot of land owned by the applicants which is both outside of the EA designated flood zones and some 150 metres away from the SSSI. As a contingency the applicants propose to also ensure that the new soakaway would have an overflow pipe connected to the aforementioned pipework, in order to ensure that the impact of outfall in and around the proposed site is either contained in the dedicated new soakaway or pumped up to the existing wastewater system. In the unlikely event that the Coombe Hill Flood Bund is overtopped, the applicant confirms that this plant would be fitted with a double sealed and recessed manhole cover and that all aspects of the new build would be constructed in such a manner as to avoid sewage matter being leaked in the event of a flood, such as the kitchen gully which would be flood proofed with a 4 inch solid stack. The applicant further advises that, as the application site is wholly contained within The Wharf Flood Bund, this would provide a natural barrier between the application site and the SSSI, preventing any outflow from the waste water treatment plant leaking into the SSSI.

5.46 Based on this additional information, Natural England considers that the proposed development would not have significant adverse impacts on designated sites and has no objections. Natural England notes that its conclusion of no objection assumes approval from the Environment Agency regarding the proposed design for waste water treatment. Based on the plans submitted, Natural England considers that the proposed development would not damage or destroy the interest features for which the Coombe Hill Canal Site of Special Scientific Interest (SSSI) has been notified and has no objection. Accordingly, it is considered that the proposed development would comply with paragraph 175 of the NPPF and Policy SD9 of the JCS.

Other Matters:

5.47 Concerns have been raised from nearby residents, as well as the Council's FRMO, regarding the relationship between existing infrastructure on the site and the proposed development. Nearby residents have advised that there is an existing infiltration system (a septic tank soakaway as well as associated pipes serving the communal Klargester Sewerage Treatment Unit) located within the application site, which serves two other properties; The Old Barn and Wharf House. It is further understood that the third parties involved have a legal easement for access and maintenance routes to this drainage system, and the development as proposed would appear to prevent this by being built over the infrastructure. Concern has therefore been raised that the proposed development would prevent any future access for which there is an easement linked to the two connected properties for replacement or remedial works to be carried out at a future date, and that it would sever the pipes leading to the soakaway pit and/or destroy the existing system as a result of digging and setting foundations.

5.48 As the easement referred to above is detailed in the deeds of dwellings known as The Old Barn and Wharf House, this matter is not covered by planning policy, and can therefore hold no weight in the determination of this planning application. This would alternatively be a civil matter. The applicant is, however, advised that the proposed development may not be able to achieve Building Regulations approval as a result of this. In terms of drainage and waste disposal, any subsequent Building Regulations application would need to identify the proposed methods of drainage for the new dwelling and, if it is to be connected on to the existing system, then it would need to be supported by the results of a full survey of the drainage system to show that the existing system has the capacity to take the additional waste from the new dwelling, and the application would be assessed against Approved Document H (Drainage and Waste Disposal). The Cheltenham and Tewkesbury Building Control Service further advises that, in addition to an assessment of the existing drainage system, any subsequent Building Regulations application must also give consideration as to the siting of drainage mounds or fields serving a septic tank or sewage treatment plant, and reference is again made to an extract from Approved Document H.

6.0 Summary

6.1 A balancing exercise has been performed to weigh the benefits of the proposal against the disadvantages. The Council considers that benefits which would be derived from the development would be a contribution, albeit in a small way, towards providing housing in the Borough, within a service village. From an economic perspective there would be, again, limited benefits both during construction and as a result of additional expenditure in the service village from future occupiers that may help sustain local services.

6.2 However, whilst the site can be considered to fall within the built-up area of Coombe Hill in respect of Policy SD10 of the JCS, by virtue of the proposed dwelling's location on a predominantly open parcel of land in a rural setting which is prominent from surrounding public vantage points, and by virtue of the scale, mass and form of the proposed dwelling relative to existing nearby dwellings, it is considered that the proposed dwelling would appear as an incongruous form of development which would not respond positively to, nor respect the character of, the site and its surroundings. The proposed development would therefore be contrary to Policy SD4 of the JCS, and Section 12 of the NPPF

6.3 Further, by virtue of the scale and form of the proposed dwelling, its location within a predominantly open parcel of land within a rural setting, and its proximity to the River Severn, the Coombe Hill Canal and Public Rights Of Way, it is further considered that the proposed development would materially detract from the landscape character of this rural area and would have a detrimental visual impact on the river environment and on the landscape setting of the Severn Vale. The proposed development would therefore fail to protect the visual amenity of the river environment within the Landscape Protection Zone. As such, the proposed development is contrary to Section 15 of the NPPF, Policy LND3 of the TBLP and Policy SD6 of the JCS.

6.4 It is further considered that inadequate information has been provided to demonstrate that people and property would be safe from flooding, and also that the application fails to adequately demonstrate that there are no sequentially preferable sites reasonably available for the proposed dwelling within sites of lower flood risk probability. As such the proposal would unnecessarily introduce additional residential accommodation into Flood Zone 2, contrary to Section 14 of the NPPF and the associated NPPG, and Policy INF2 of the JCS.

6.5 These matters weigh heavily against the proposal, and it is concluded that this would not be a sustainable form of development. Therefore, for the reasons given above, it is recommended that **planning permission is refused**.

RECOMMENDATION Refuse

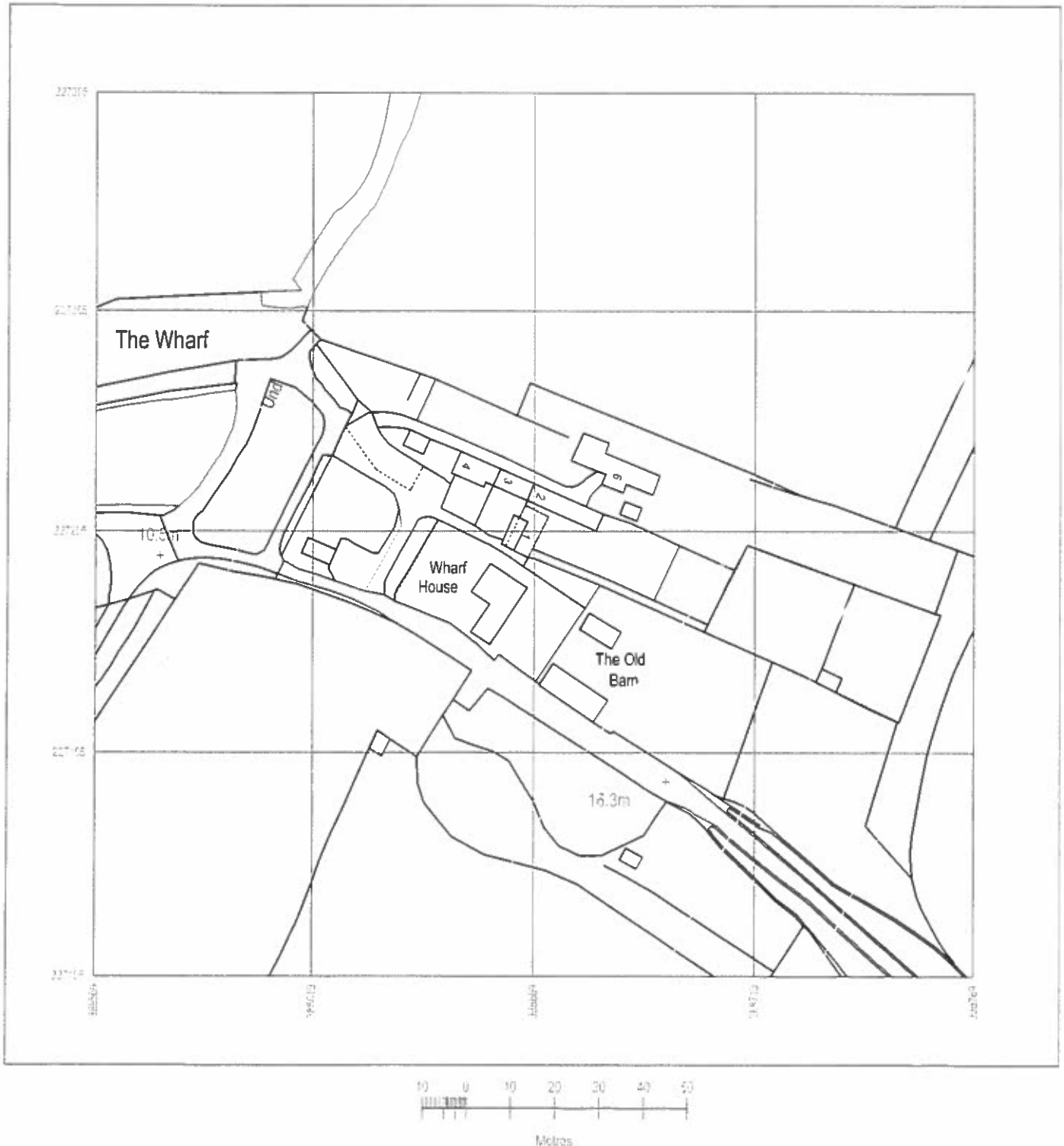
Reasons:

- 1 By virtue of the scale, mass and form of the proposed dwelling and its location within a predominantly open parcel of land within a rural setting which is prominent from surrounding public vantage points, it is considered that the proposed dwelling would appear as an incongruous form of development which would not respond positively to, nor respect the character of, the site and its surroundings. The proposed development is therefore contrary to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), and Section 12 of the National Planning Policy Framework (2018).
- 2 By virtue of the scale, mass and form of the proposed dwelling, its location within a predominantly open parcel of land within a rural setting which is prominent from surrounding public vantage points, and its proximity to the River Severn and the Coombe Hill Canal, the proposed development would materially detract from the landscape character of this rural area and would have a detrimental visual impact on the river environment and on the landscape setting of the Severn Vale. The proposed development would therefore fail to protect the visual amenity of the river environment within the Landscape Protection Zone. As such, the proposed development is contrary to Section 15 of the National Planning Policy Framework (2018), Policy LND3 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017).
- 3 The application fails to adequately demonstrate that there are no sequentially preferable sites reasonably available for the proposed dwelling within sites of lower flood risk probability and inadequate information has been provided to demonstrate that people and property would be safe from flooding. As such the proposal would unnecessarily introduce additional residential accommodation into Flood Zone 2, contrary to Section 14 of the National Planning Policy Framework (2018) and the associated National Planning Practice Guidance, and Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017).

Note:

Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework (2018), 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.



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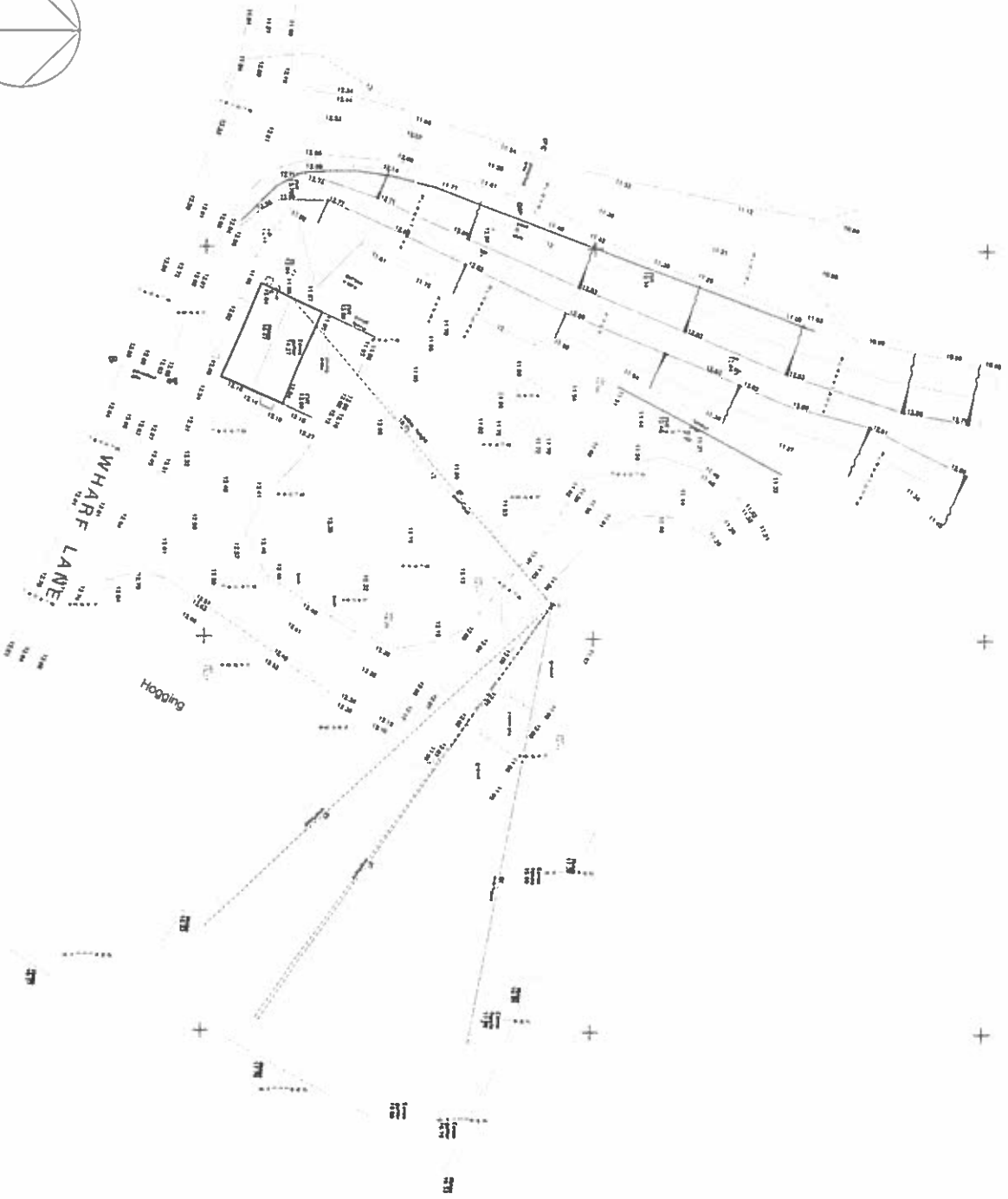
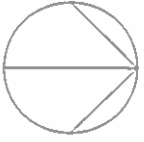
This map shows the area bounded by 375414,193519 375414,193660 375555,193660 375555,193519

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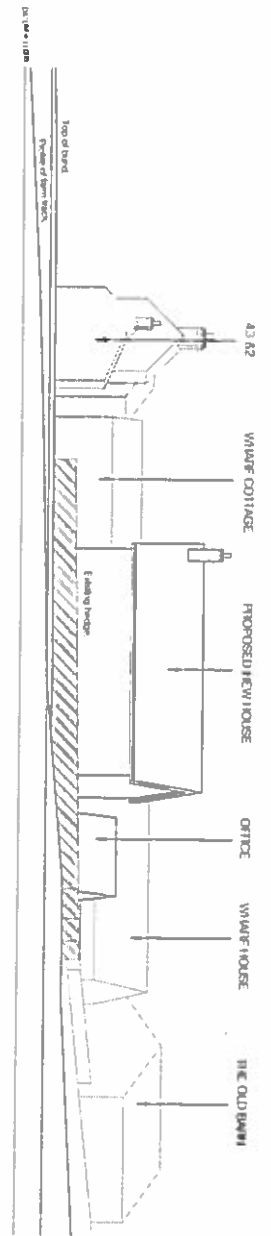
Paul & Wendy Crawford
 Technical Supervisor, 01 10 30
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EXISTING SITE PLAN AND LEVELS

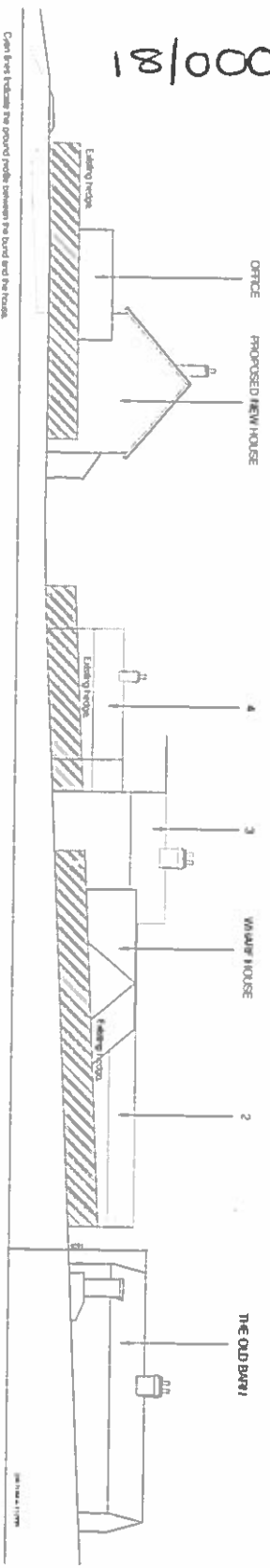
NEW HOUSE
 WHARF LANE, COOMBE HILL

client
 date JAN 2018
 scale 1:200 @ A2
 project
 owner DFLS
 1844-P-04

18/00057/R2



SECTION B-B



SECTION A-A

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PLANNING DRAWING

SUPERSEDED
 PROPOSED
 STREET VIEWS
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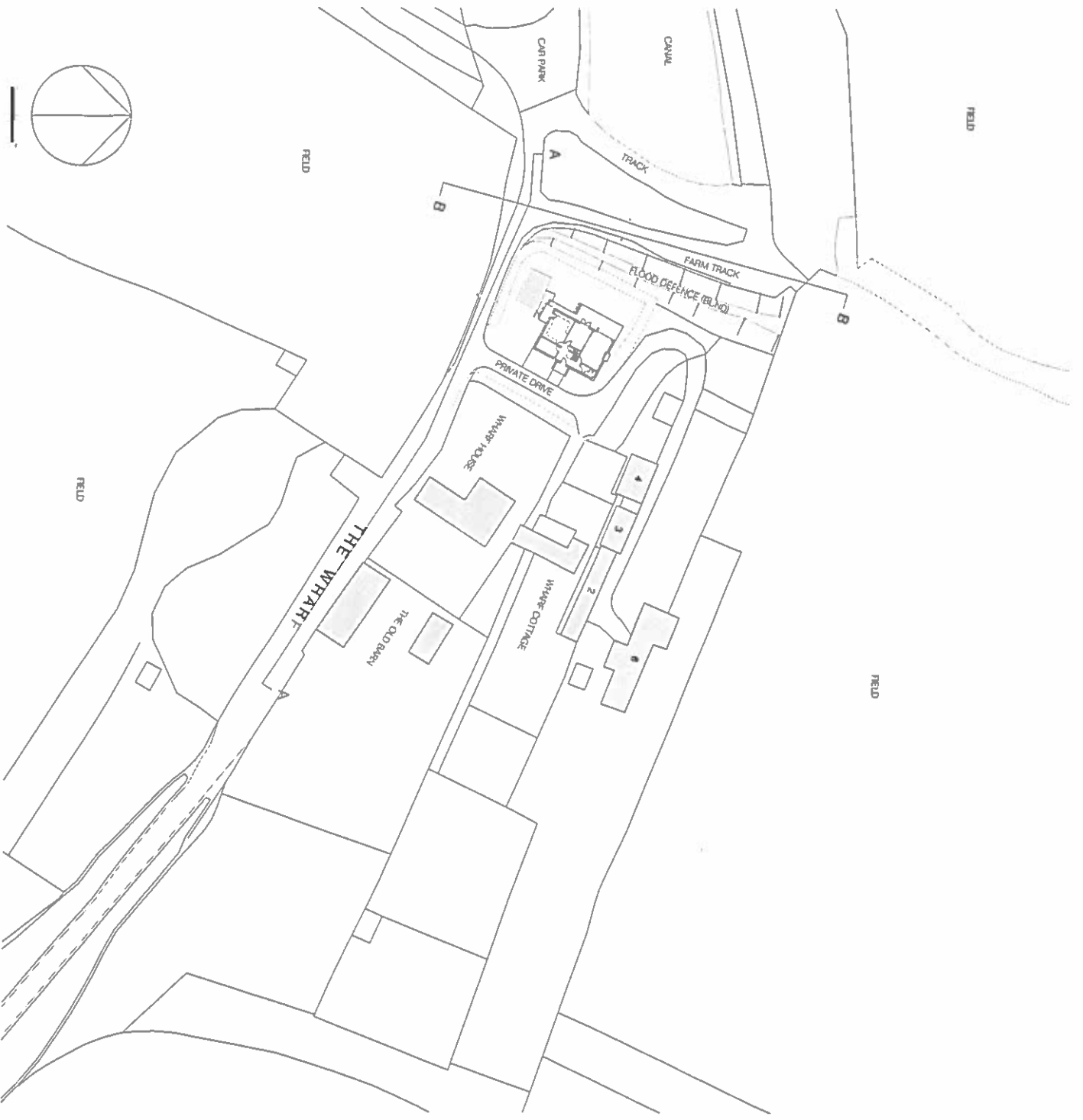
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Scale: 9 Metres Contour
 Proposed Spot-heights: 01.10.23
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 STREET VIEWS

NEW HOUSE
 WHARF LANE COOMBE HILL
 FEB 2018
 1:500 @ A2
 1844-P-06A

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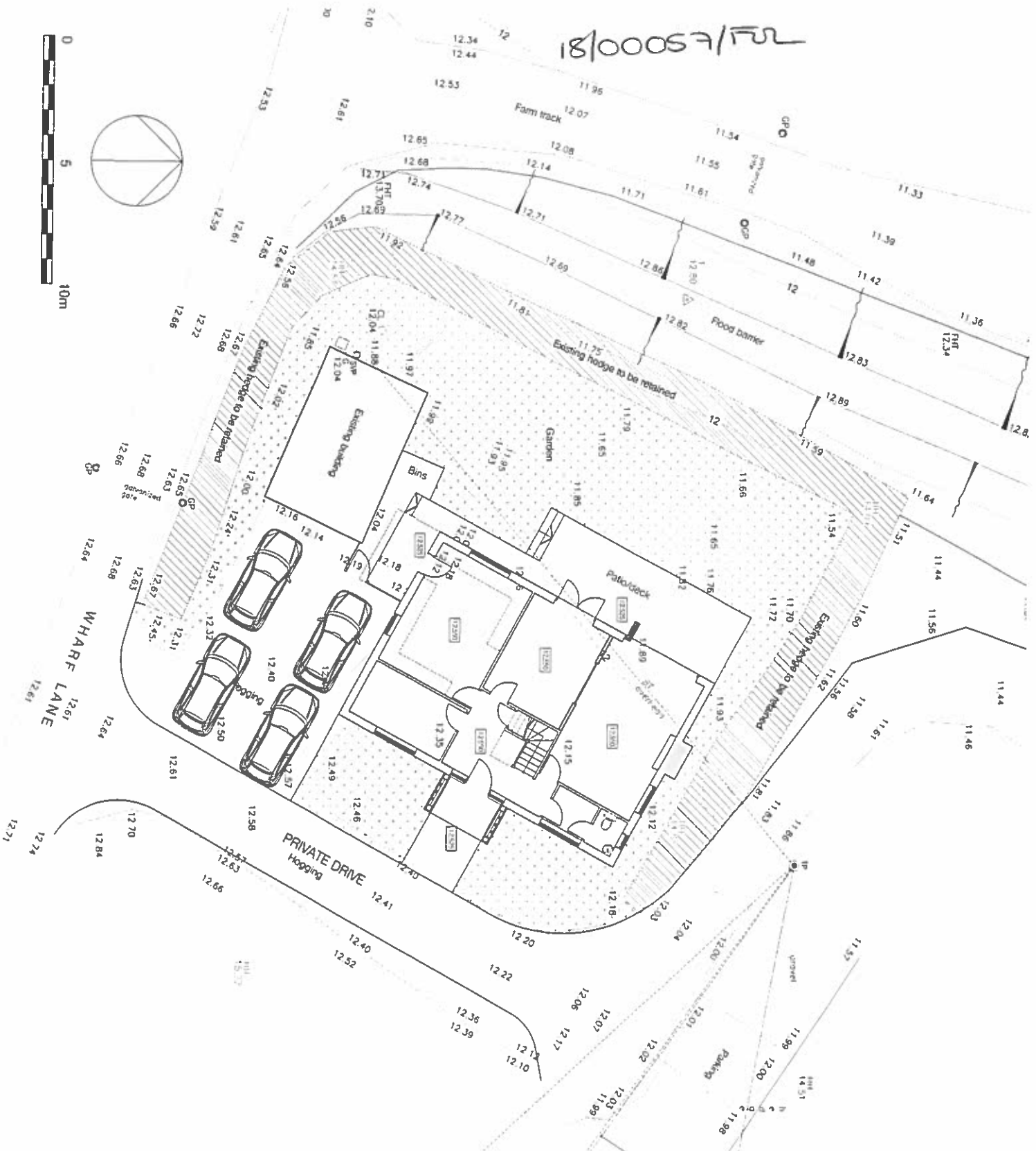
Rev	Description	Date	Drawn
B	Issue for planning application	14.01.18	DPS
A	Client and issue address change removed notes added	17.11.18	DPS
0	Creation		

BUILDING REGULATIONS
DesignForLiving
 Scale 9:10000
 Wharf Lane, Coombe Hill, Uxbridge, Middlesex, UB8 3PH
 Tel: 01895 279988, Fax: 01895 279999, Email: info@designforliving.co.uk

SITE PLAN
 NEW HOUSE
 WHARF LANE, COOMBE HILL

date: FEB 2018
 scale: 1:500 @ A2
 project: NEW HOUSE
 client: WHARF LANE, COOMBE HILL
 drawn: DPS
 1844-P-05B

18/00057/FUL



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Proposed building levels shown thus: 12.55

Symbol	Description	Level	Units
□	Level to be proposed	12.55	DPS
○	Level to be retained	12.55	DPS
△	Level to be proposed	12.55	DPS
◇	Level to be retained	12.55	DPS

DesignForLiving

SITE PLAN AND PROPOSED LEVELS

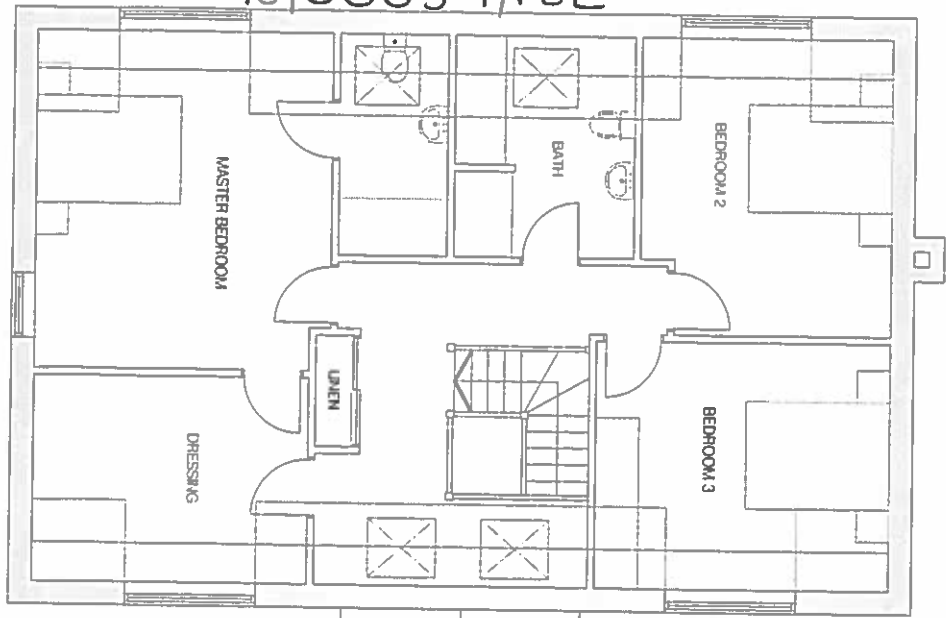
**NEW HOUSE
WHARF LANE, COOMBE HILL**

Project: NEW HOUSE WHARF LANE, COOMBE HILL
 Date: JAN 2018
 Scale: 1:100 @ A2
 Drawn: DPS
 1844-P-01B

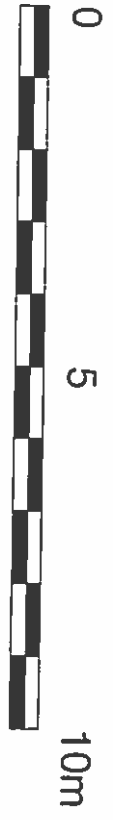
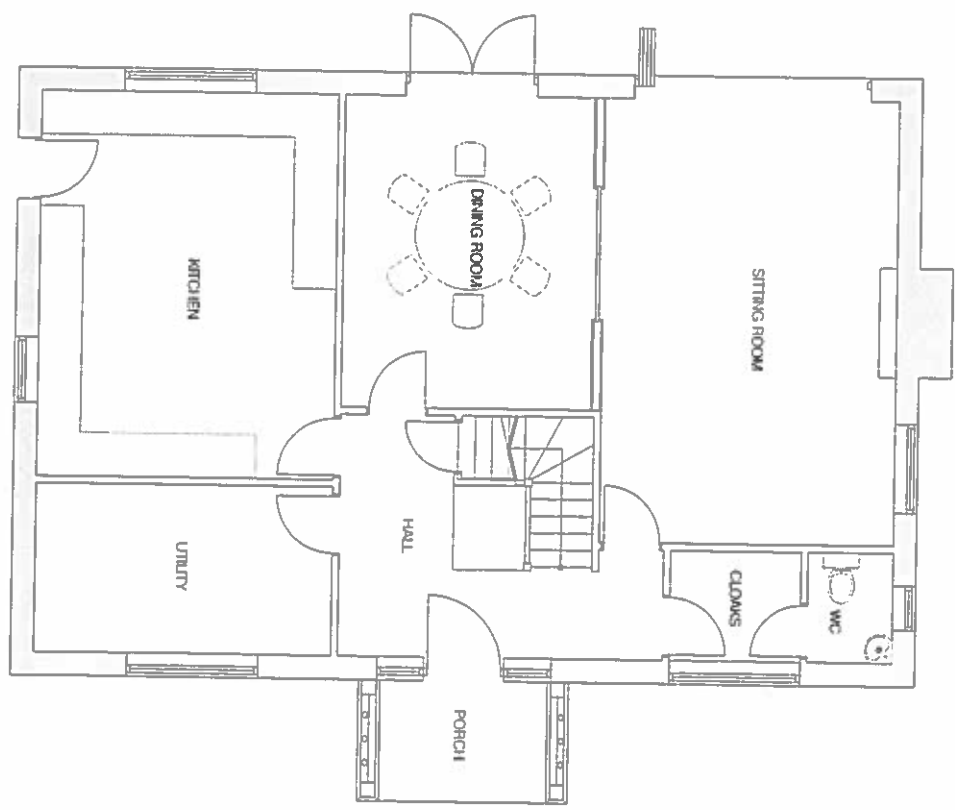
23/198/f

18/00057/FUL

FIRST FLOOR PLAN



GROUND FLOOR PLAN



PLANNING DRAWING

The figure dimensions do not scale
 All drawings, notes, details and descriptions are
 to be read in conjunction with the drawings and any
 other documents forming part of the project
 to be designed by
 DesignForLiving
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Building Regulations
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 14 01 43 799200 Mark 01/18 595200 595200@designforliving.com

PROPOSED FLOOR PLANS

NEW HOUSE
 WEARF LANE COOMBE HILL

date: JAN 2018
 scale: 1:50 @ A2
 project: 1844-P-02B

198/h

18/00630/FUL

4 Abbey Court, Gloucester Road, Tewkesbury

ITEM 2

Valid 25.06.2018

Replacement of four timber framed windows with aluminium at the front of the property.

Grid Ref 388922 232427

Parish Tewkesbury

Ward Tewkesbury Town With

Mitton

RECOMMENDATION Permit

Policies and Constraints

Policies and Constraints

National Planning Policy Framework; 2012 (NPPF)

Planning Practice Guidance

The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS)

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

Planning (Listed Buildings and Conservation Area) Act 1990

Flood and Water Management Supplementary Planning Document

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

The First Protocol, Article 1 (Protection of Property)

Tewkesbury Conservation Area

Article 4 Direction Boundary

Flood Zones 2 & 3

Consultations and Representations

Consultations and Representations

Tewkesbury Town Council - Objects to the proposed development on the following grounds:

- The use of aluminium windows in this location within the conservation area is inappropriate.

Local residents - No representations received

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

Conservation Officer - No objection.

Planning Officers Comments: Emily Pugh

1.0 Application Site

1.1 This application relates to no.4 Abbey Court in Tewkesbury, a mid-terrace property within a series of 6 modern dwellings constructed in an eclectic pseudo historic style.

1.2 The property is located within the Tewkesbury Conservation Area and is thus subject to a restriction of permitted development rights relating to new windows due to an Article 4 Direction (**see site location plan**).

2.0 Relevant Planning History

2.1 No relevant history pertaining to this application site. Relevant planning history on nearby sites is discussed below.

3.0 Current Application

3.1 The current application seeks full planning permission for the replacement of four timber framed windows on the front elevation of the property serving the kitchen, first floor bedroom, second floor bedroom and bathroom with painted aluminium storm casement windows -specification Sapa Crown 75 Aluminium B508B29S in Vandyke Brown (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 upon the surrounding heritage assets and whether the proposal would have an acceptable impact upon neighbouring resident's amenity.

Impact of Heritage Assets & Existing Building

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 The application property is a modern end of terraced dwelling on a block of other residential properties. The property is in a prominent position at the entrance to Tewkesbury town centre, on its south western side. The properties at Abbey Court have been constructed using red facing bricks, red hanging tiles, brown roof tiles and brown timber/powder coated aluminium windows and doors.

5.4 Whilst the site is located within the Conservation Area and within close proximity to listed buildings the Conservation Officer has advised the following:

"4 Abbey Court is one of a series of 6 modern dwellings constructed in an eclectic pseudo historic style and is not considered to fully reflect the historic character of the conservation area. The conservation area appraisal for Tewkesbury features this development with the following caption: 'Some of the housing developments from the latter half of the twentieth century have also cut across burgage plots and do not respect their contexts either in scale, massing, siting or materials'. The buildings were constructed with timber storm casement windows painted brown.

Note: Permission was granted for replacement of timber front windows with powder coated aluminium on the front elevation of No2 Abbey Court in 2006 (06/00906/FUL) and at No1 Abbey Court in 2011 (11/00773/FUL) and 2018 (18/00512/FUL).

The Conservation Officer goes on to state that the buildings are not historic and the windows with which they were constructed with are not in a historic style. It is not considered that a unity of window type is necessary on these eclectic buildings however a consistency of colour finish should be maintained in this instance.

Due to the age and eclectic style of the dwellings and the non-historic design of the current windows it is not considered that the replacement of the timber windows with aluminium windows of a similar pattern would be detrimental to the character and appearance of the conservation area (colour finish to match the rest of the dwellings). However the information submitted (a trade brochure) is not sufficient to understand the design details of the windows. At least scaled cross section drawings would be required. Approval is therefore recommended on the premise that a condition is attached to secure the detailing of the window casements prior to commencement of works."

5.5 On that basis, given the age of Abbey Court, materials on nearby buildings and design/colour of the windows proposed, it is considered that the use of aluminium in this instance would have an acceptable impact on the Conservation Area and existing building.

Impact on Residential Amenity

5.6 Policies HOU8 and SD4 also state that development will only be permitted if the proposal does not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking.

5.7 The replacement windows and doors would be located in the same position as the existing. It is therefore judged that there would be no significant adverse effect on adjoining occupiers in terms of loss of privacy or overlooking.

6.0 Conclusion & Recommendation

6.1 Whilst the Town Council's comments have been considered the proposed scheme would be 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 the following documents:
 - Revised block/site plan, received on 25th June 2018
 - Appendix 1/1 (kitchen, first floor front bedroom and second floor bedroom), received 15th June 2018
 - Appendix 1/2 (bathroom), received 15th June 2018and any other conditions attached to this permission.
- 3 The colour of the replacement window frames hereby permitted shall be Sapa Crown 75 Aluminium B508B29S in Vandyke Brown.
- 4 The development hereby permitted shall only be carried out in accordance with full details of proposed storm casement windows, including scaled elevational drawings, which have first been submitted to and approved in writing to the Local Planning Authority.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the development is carried out in accordance with the approved plans.
- 3 To ensure that the development hereby permitted is in keeping with the existing building.
- 4 In the interests of preserving the character and appearance of the conservation area.

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 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 Elevation drawings Appendix 1/1 (kitchen, first floor front bedroom and second floor bedroom), received 15th June 2018 and Appendix 1/2 (bathroom), received 15th June 2018 should be read in conjunction with photo number 723321, received 25th June 2018

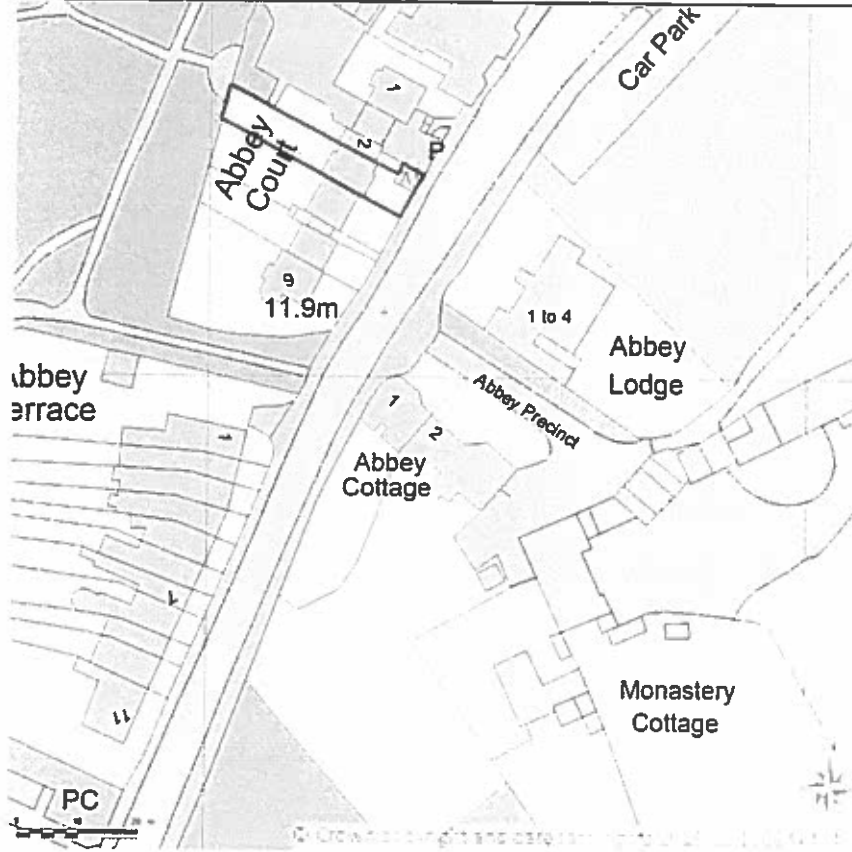
18/00630/FUL



SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4

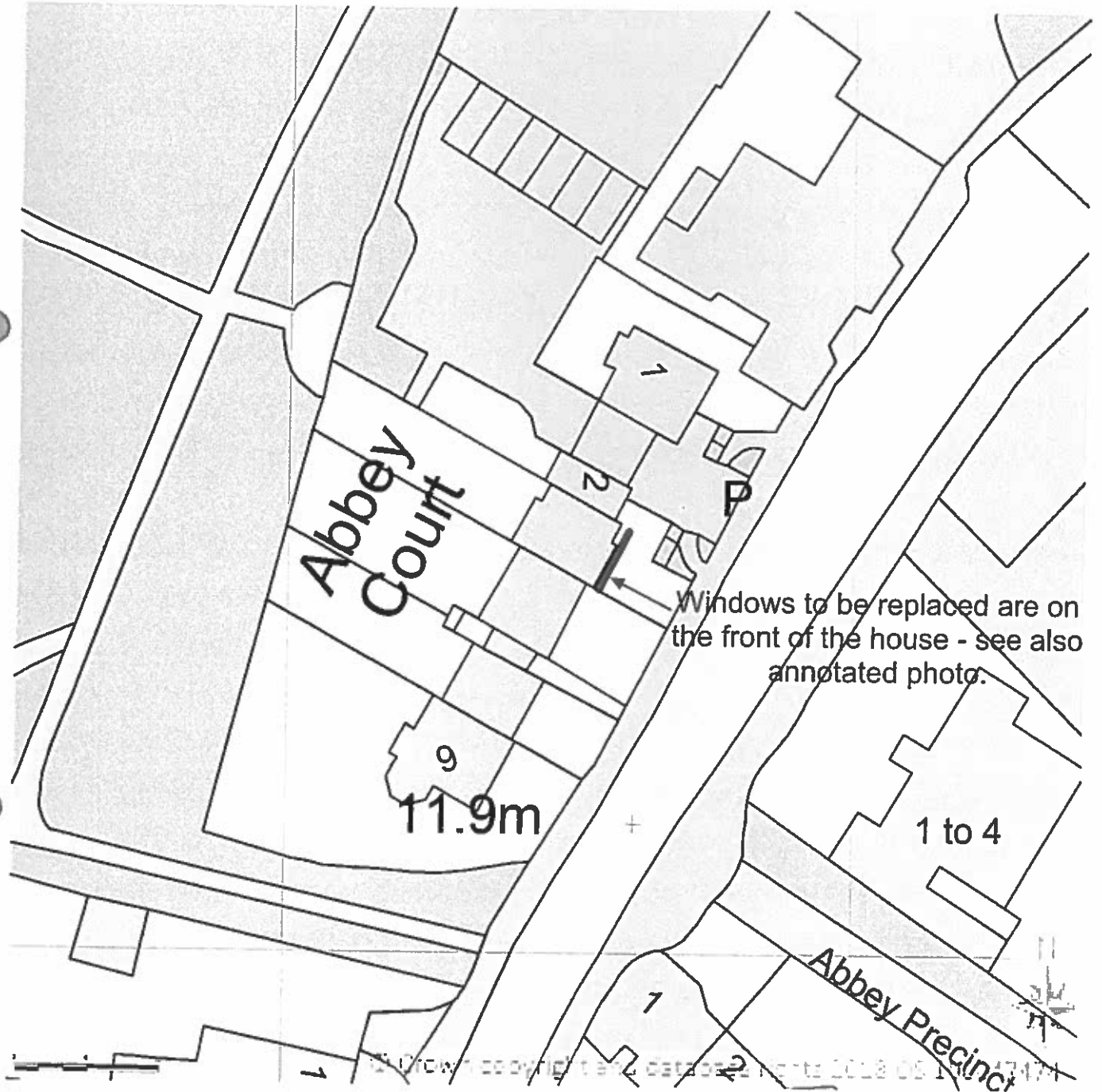
CENTRE

Area edged in red is 4 Abbey Court. The road in front is Gloucester Road



Supplied by Streetwise Maps Ltd
www.streetwise.net
Licence No: 100047474
25/06/2018 17:10

BLOCK/SITE PLAN
AREA 90m x 90m
SCALE 1:500 on A4
CENTRE COORDINATES: 388922, 232434



Supplied by Streetwise Maps Ltd
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18/00730/FUL

Crab Tree Cottage, Laverton, Broadway

ITEM 3

Valid 19.07.2018

Retrospective application to change the garage doors to a window on the detached garage/annexe.

Grid Ref 407375 235542

Parish Buckland

Ward Isbourne

RECOMMENDATION Permit

Policies and Constraints

Policies

- National Planning Policy Framework; 2018 (NPPF)
- Planning Practice Guidance
- The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS)
- Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP) Policies HOU8 and HEN2
- Flood and Water Management Supplementary Planning Document
- Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

Constraints

- Within 50m listed Building - 25/18: Hill Farm, Warren Lane, Laverton, Broadway, Gloucestershire
- Area of Outstanding Natural Beauty
- Article 4 Direction - ART4 - Article 4 Direction Laverton
- Conservation Areas - Laverton Conservation Area

Consultations and Representations

Buckland Parish Council - Object. 'The Parish Council strongly objects to the change of garage door to the window that has been installed. The original plans stated that the new development was to be a garage and study on the ground floor. Accommodation on the first floor. The study is now a kitchen and the garage if allowed will become a sitting room. We were given no information re these changes and feel that we have been misled regarding the whole development. This change of use should not be permitted without serious consideration. Any consent must be on the basis that this building cannot be sold or disposed of as a separate property and must remain as part of the main house. Future developments of this nature should not be encouraged'.

Conservation Officer - No objection.

Three letter of objection have been received which can be summarised as follows:

- The building is no longer a garage but is now a separate dwelling and the owners should be required to revert to the original plans.
- Similar developments locally have been refused permission.

Planning Officers Comments: Kirk Denton

1.0 Application Site

1.1 The application relates to a detached annexe of Crab Tree Cottage, a detached post-war 'Bradstone'-faced dwelling situated within the settlement of Laverton. The building was granted planning permission in 2016 as a garage/annexe. It is adjacent to Crab Tree Cottage, located to the rear of the site, set back from the street frontage with a mature garden addressing the road. A gravel drive leads from the road to the property and garage.

1.2 The application site is located within Laverton Conservation Area and the Cotswolds AONB. There are a number of Listed Buildings within the vicinity of the site (Hill Farm & Potters Farm) although the setting of these is not influenced by the site.

2.0 Relevant Planning History

2.1 16/00099/FUL - Proposed detached garage/annexe

3.0 Current Application

3.1 The applicant is seeking planning permission to retain the unauthorised works carried out.

3.2 Condition 2 attached to the decision notice for the building states;

'The development hereby permitted shall be carried out in accordance with details in the application form, design and access statement and approved drawings Nos. 2322-019 & 2322-018, received by the Local Planning Authority on 29th January 2016.'

3.3 The approved drawings noted in the condition showed a garage on the ground floor served by timber garage doors. However, the building was not constructed in accordance with the approved plans with the proposed garage doors replaced with a timber casement window and natural Cotswold stone. This is in breach of condition 2 attached to the approved planning application.

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 Section 6 of the NPPF seeks to support a prosperous rural economy and business and enterprise of all types in rural areas, including, inter alia, through well-designed new buildings. Section 15 of the NPPF specifies that the planning system should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes. Paragraph 172 of the NPPF specifies that great weight should be given to conserving landscape and scenic beauty in AONBs which, along with National Parks and the Broads, have the highest status of protection in relation to landscape and scenic beauty.

4.3 Policy SD7 (The Cotswolds AONB) of the JCS specifies that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. It specifies that proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.

4.4 Policy HOU8 of the Tewkesbury Borough Local Plan (domestic extensions) is applicable in this application. Whilst the proposal would not strictly involve an extension to the existing dwelling, it would involve extended living accommodation in connection with the property and thus Policy HOU8 is considered to be a relevant policy consideration.

4.5 Policy HEN2 of the Tewkesbury Borough Local Plan (Conservation Area) is applicable to this application due to the application site being within the Laverton Conservation area.

4.6 Section 16 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 184 recognises that heritage assets are an irreplaceable resource, therefore the Framework provides significant protections to heritage assets and their setting.

5.0 Analysis

Size, Design and Visual Impact

5.1 Policy HOU8 of the Local Plan states that development must respect the character, scale and proportion of the existing dwelling and the surrounding development. The detailed design, materials and layout of buildings and structures must be appropriate to their setting and the character of the surrounding area. This is consistent with guidance contained in the National Planning Policy Framework (NPPF). Policy HEN 2 requires developments to be of a high standard of design and preserve or enhance the character or appearance of the conservation area.

5.2 The building stone, timber window and a timber lintel used in the works match other materials in the annexe. The use of these traditional materials and traditional design is sympathetic to the design of the existing building and particularly important in maintaining the attractiveness of a conservation area.

5.3 The Conservation Officer has been consulted and raises no objection to the proposal. The Conservation Officer considers that the development would not cause harm to the character or appearance of the conservation area.

5.4 Whilst the garage doors have been replaced it is considered that the simplistic design of the building and works carried out reflect its ancillary status and respect the character of the main dwelling house. The proposals are therefore considered to be in accordance with the NPPF and Policies HOU8 and HEN2 of the Local Plan.

6.0 Residential Amenity

6.1 Policy HOU8 of the Local Plan states that proposals should not have an unacceptable impact on adjacent property and the protection of residential amenity, in terms of bulk, massing, size and overlooking.

6.2 There is sufficient distance between the existing garage and detached properties located to the side and rear of the application site (Ladybrook and Pine Tree Cottage) to not cause any undue impact through the loss of privacy, loss of light or overlooking. The replacement of the garage doors with a window has had no impact upon this.

6.3 It is concluded that the development carried out has not caused any undue impact on the residential amenity of neighbouring property and is in accordance with Policy HOU8 of the Local Plan.

7.0 Other matters

7.1 Whilst the garage is no longer present the use of the building has remained the same, being ancillary accommodation to the main dwelling house. Sufficient parking and turning space is available on site.

7.2 The previous 2016 tied the annex by way of condition, to be ancillary to the residential enjoyment of Crab Tree Cottage in order to prevent an additional, separate unit of residential accommodation being created at the site. The Parish Council have requested this condition to be added. This condition is suggested to be included on any permission granted, for the avoidance of doubt.

8.0 Conclusions and recommendations

8.1 Taking into account all of the above, whilst the concerns of the Parish Council and neighbours are noted, given the previous permission on the site the proposal is considered to be acceptable and in accordance with the relevant policies and The National Planning Policy Framework, and it is therefore recommended that planning permission be granted subject to conditions.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall only be used in conjunction with and as ancillary to the residential enjoyment of the adjoining dwellinghouse known as Crab Tree Cottage.
- 2 The first floor window in the side (north-western) elevation shall be glazed with obscure glass (Pilkington level 4 or equivalent) and shall be fitted with fasteners which restrict the extent of its opening in accordance with the scheme submitted to and approved by the Local Planning Authority in relation to planning permission reference 16/00099/FUL.

Reasons:

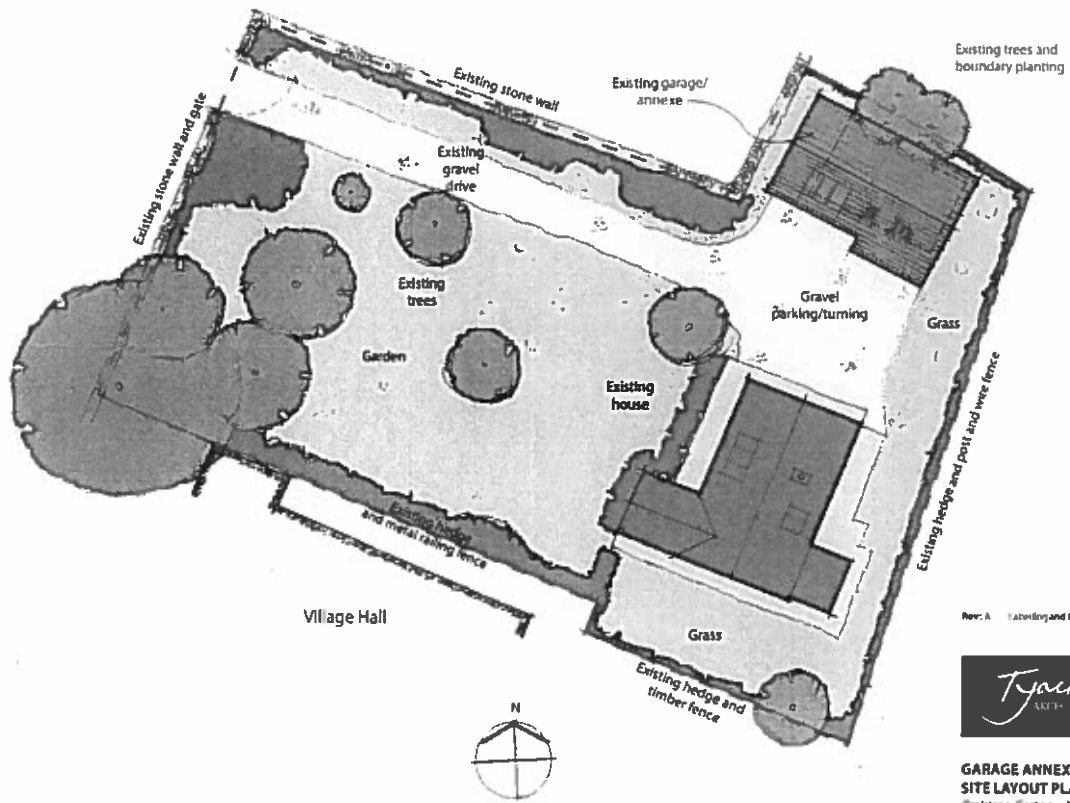
- 1 The development is not appropriate for use as a separate dwelling by virtue of its isolated location, remote from existing services and facilities and its close proximity to the existing dwelling which may result in unacceptable loss of residential amenity to the occupiers of both units, should unrestricted use be granted.
- 2 In order to safeguard the privacy of the occupiers of the neighbouring property.

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.

18/00730/R2



Rev: A Labeling and title block amendments July 2018 RA



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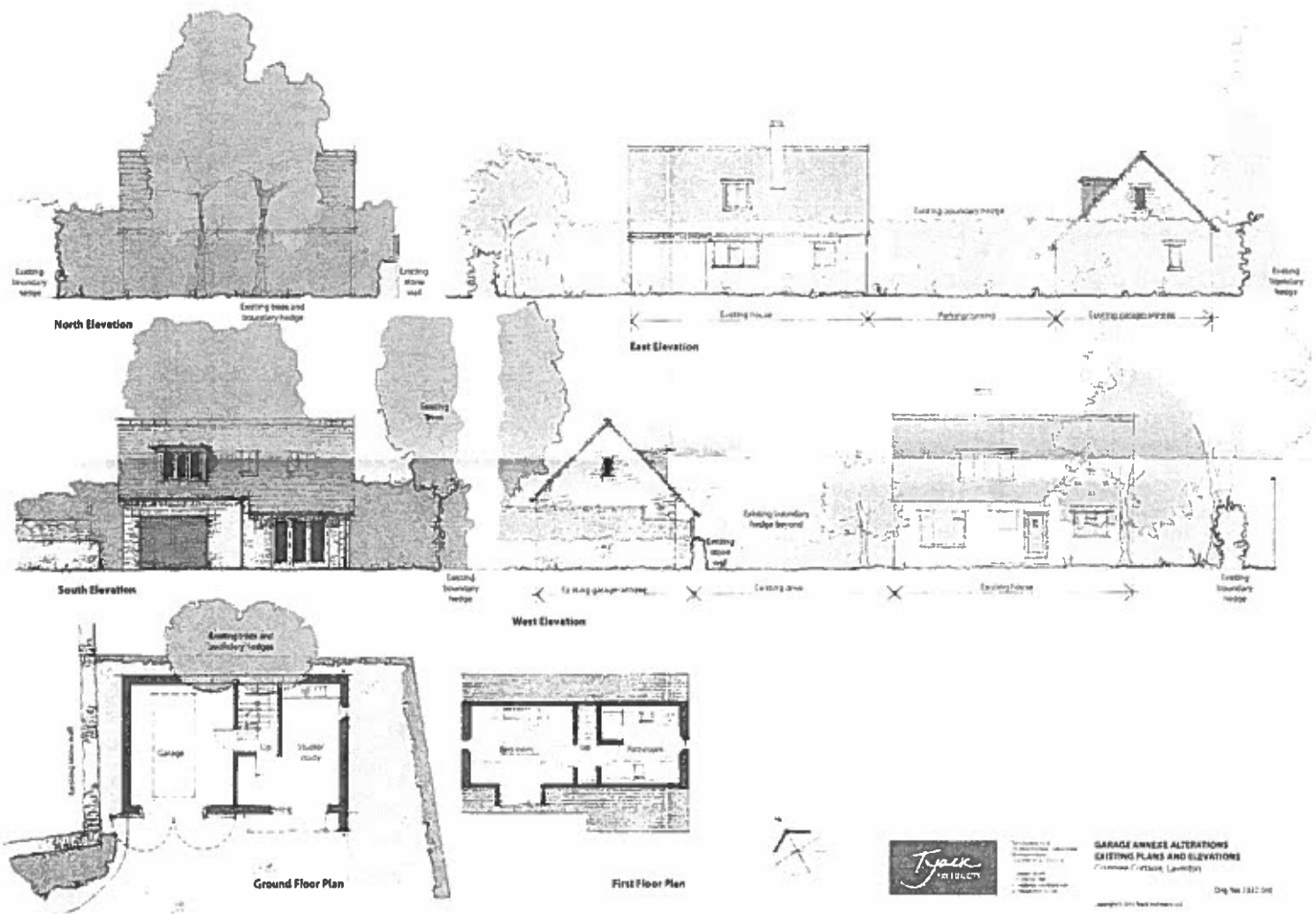
**GARAGE ANNEXE ALTERATIONS
SITE LAYOUT PLAN**

Crabtree, Laverton

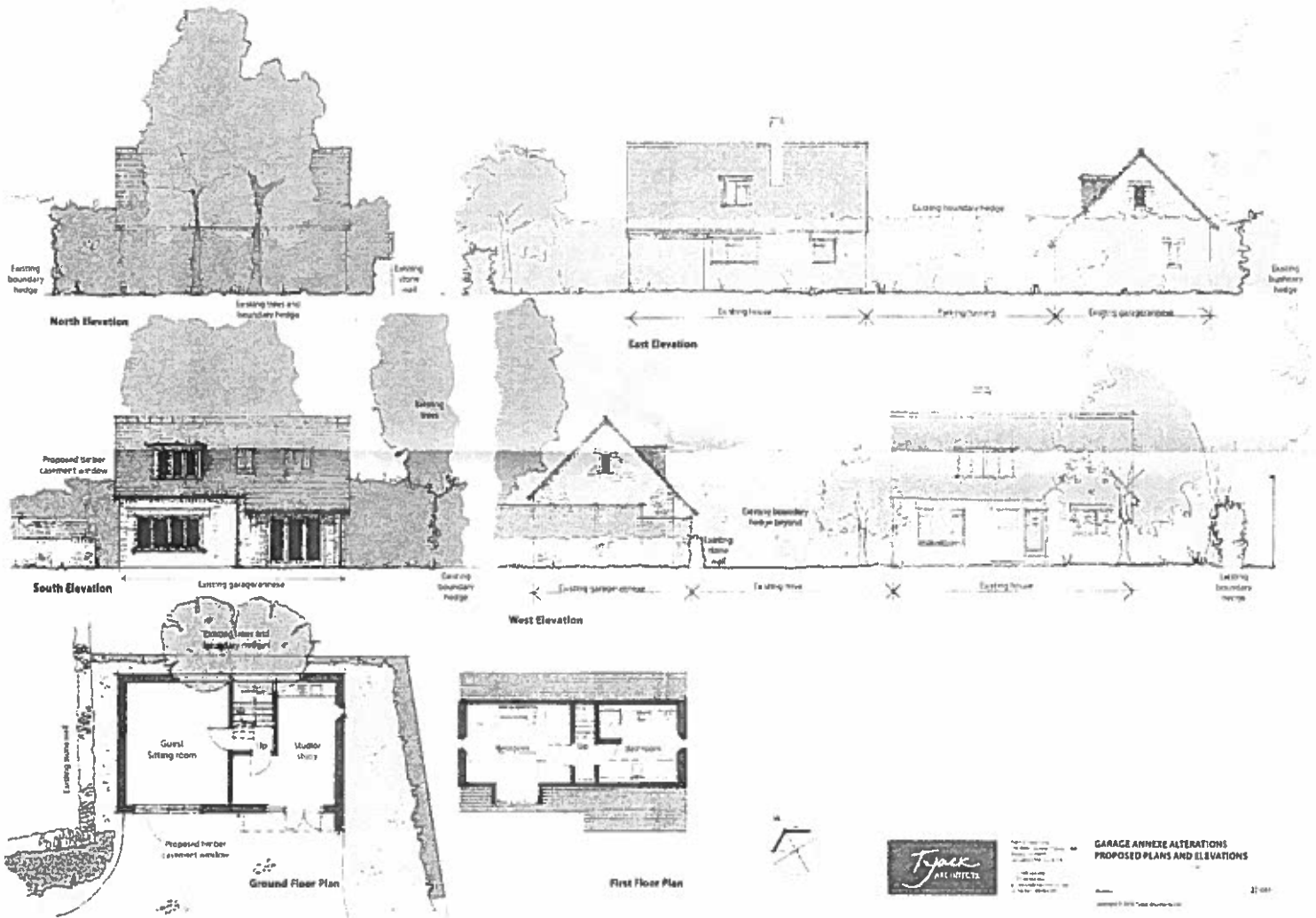
Drwg No: 2222 @ 1:6A

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18100730/FUL



18100730/FUL.



18/00396/FUL

Aldi Stores, Gloucester Road, Tewkesbury Gloucestershire ITEM 4

Valid 25.04.2018

Change of use of land to additional car parking and landscaping.

Grid Ref 388987 231864

Parish Tewkesbury

Ward Tewkesbury Priors Park

RECOMMENDATION Delegated Permit

Policies and Constraints

National Planning Policy Framework; 2012 (NPPF)

Planning Practice Guidance

The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS)

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

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

Consultations and Representations

Tewkesbury Town Council - No objection. Expressed particular interest in respect of the proposed off-site mitigation.

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

Gloucestershire County Archaeologist - No archaeological investigation or recording need be undertaken in connection with this scheme.

Historic England - Do not wish to offer any comments to the scheme.

Gloucestershire County Council Highways - No objection

Landscape Consultant - Amendments suggested to the originally submitted landscape scheme - No objections raised to the revised landscaping scheme.

Local residents - The application has been publicised through the posting of site notices and no.5 letters of objection have been received, some of these are on behalf of the local residents association and the Battlefield Society. Concerns are summarised below:

- The land is of important archaeological significance and an investigation should be undertaken prior to any commencement of works.
- The additional car parking is unnecessary
- Concerns regarding the car park layout which may lead to congestion
- Concerns regarding the loss of the tress and the impact that this would have on the neighbours environment and quality of life.
- Request for additional planting and extended hedges
- Request to retain the spring bulbs within the site

Planning Officers Comments: Mr James Lloyd

1.0 Application Site

1.1 This application relates to a parcel of land adjacent to the Aldi retail food-store located along Gloucester Road, Tewkesbury. The parcel of land is located to the north-west of the superstore, at the junction of Gloucester Road and Lincoln Green Lane. A public footpath follows the northern and western boundary of the site, residential properties abut the Southern boundary. The parcel of land measures approximately 726m and is covered by grass and a mixture of mature trees (see attached location plan).

1.2 The site is located within the Registered Battlefield boundaries (as defined by the Tewkesbury Borough Local Plan - Adopted March 2006) associated with the Battle of Tewkesbury (1471).

2.0 Relevant Planning History

2.1 Planning permission was refused in 2009 for the redevelopment of the existing site to provide a 1,510 square metres gross class A1 Aldi food-store, access and parking but subsequently allowed on appeal (Ref:08/01445/FUL). In the appeal decision, the Inspector considered that the proposed hours of opening, represented an acceptable balance between a viable business and protecting neighbouring amenity.

2.2 Planning permission was granted for variation of Condition 2 (to allow 08.00 opening Monday - Saturday) and Condition 7 (to allow use of render rather than cast concrete) attached to planning ref: 08/01445/FUL dated 3rd September 2009, for redevelopment of existing site to provide a 1,510 square metres gross Class A1 Aldi food store, access and parking in February 2012 (Ref: 11/01230/FUL).

2.3 Planning permission was granted for variation of Condition 2 to planning permission 11/01230/FUL (to allow 08.00 - 21:00 opening Monday - Saturday), in September 2012 (Ref: 12/00771/FUL).

3.0 Current Application

3.1 The current application seeks full planning permission for the change of use of the land to additional car parking associated with the superstore. The Applicant suggests that although the provision of a net increase of 13 spaces is a relatively modest increase it would represent a material benefit in terms of customer experience and will reduce pressure and congestion within the parking areas.

3.2 The scheme would involve the removal of an existing wall that currently separates the site from the carpark, and the extension of the carpark by providing an additional 15 parking spaces finished in tarmac surfacing (some of the surfacing in close proximity to the trees would be 'Cellular confinement surfacing'). The existing highway access into and out of the site along Gloucester Road would remain the same. As a consequence of the proposal 12 established trees would need to be removed. The Applicant has submitted an on-site landscaping mitigation scheme which involves the replanting of 6 new trees, hedgerow and the addition screening along the top wall of the southern boundary (see Pin Up plans for all details).

3.3 The Applicant has also suggested providing additional off-site landscape mitigation incorporating tree planting and/or possible public art on either side of Lincoln Green Lane for the loss of trees which could be secured by way of a legal agreement.

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 for consideration are the impact of the additional car parking area upon the character and appearance of the area, highway safety and the impacts on living conditions of nearby residents.

Impact on character and appearance of area

5.2 Section 15 of the NPPF advises on the requirement for planning decisions to contribute to and enhance the natural and local environment by protecting valued landscapes and recognising the intrinsic character and beauty of the countryside. This advice is echoed within Policy SD6 of the JCS.

5.3 The site is located in a prominent position on the junction between Gloucester road and Lincoln Green Lane. The land is currently undeveloped, predominantly covered with grass and plays host to a group of mature trees. This parcel of land is considered to be an important area of green infrastructure to an otherwise built up urban area which contributes significantly to the character and appearance of the area.

5.4 The scheme proposes the provision of 13 additional parking spaces, surface in tarmac with an area closer to the retained trees to be surfaced with a Cellular confinement surface to protect the root protection areas. In order to facilitate the scheme 12 trees would need to be removed. The agents Arboricultural Impact Assessment (AIA) advises that there would be six 'B-grade', three 'C-grade' and three 'U-grade' (dead) trees removed.

5.5 The original scheme was assessed by the Council's Landscape Consultant (LC) who raised concerns regarding the planting proposals. The Applicant subsequently submitted a revised landscape scheme on the 25.05.2018. This revised scheme offers the replanting of 11 trees and a privet hedge along the boundary of the car parking spaces to the west and south west.

5.6 However, given the importance that the existing cluster of mature trees plays in the character and appearance of the area it is considered that whilst the on-site planting would provide a level of green infrastructure, this level would not be sufficient to mitigate the loss of the existing trees and the role they play in the wider area.

5.7 Policy INF3 of the JCS requires existing green infrastructure to be protected. Development proposals that will have an impact on woodlands, hedges and trees will need a justification for why this impact cannot be avoided and incorporate measures acceptable to the local planning authority to mitigate the loss. The proposed on-site scheme would provide a level of mitigation, however, this would not be proportionate to the amount or quality of the trees and green space that would be lost through this proposal.

5.8 Having regard to policy INF3, it is considered that additional mitigation is therefore required. As set out above, the applicant has from the outset offered additional off-site mitigation for the loss of the trees. Indicative plans have been submitted showing additional planting and possible public art along Lincoln Green Lane and the applicant has offered to make financial contributions to this through an appropriate legal agreement. There is no indication what the public art would be and any such installation may require the benefit of planning permission in its own right. Given that the land along Lincoln Green Lane is under the ownership of the County Highways Authority (CHA) this would require their agreement to enter into such an arrangement. The CHA have been consulted on the proposed mitigation scheme and an **update will be provided at Committee.**

5.9 Whilst the loss of mature trees and existing green infrastructure is unavoidable with a scheme such as this, it is considered that, on balance, the on-site replanting and additional indicative mitigation proposed, albeit in draft form, would provide an enhancement to the wider area which would compensate for the loss of green infrastructure in this instance. Subject to the provision of appropriate mitigation, the scheme is therefore considered acceptable in accordance with Policies SD6 & INF3 of the JCS and the relevant sections of the NPPF.

Impact on Highway Safety

5.10 Policy INF1 of the JCS states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters and that proposals should ensure that safe and efficient access is provided to the highway network for all transport modes. Section 9 of the NPPF also requires planning decisions to ensure that safe and suitable access to the site can be achieved for all highway users and also advises that development should only be refused or prevented on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.11 Gloucestershire County Highways Authority have raised no objections to the development proposal.

5.12 The proposal would seek to provide 13 net additional parking spaces. It is considered that the additional parking spaces would not significantly affect the existing access and layout. The site would generate the same level of vehicle traffic with or without the additional parking spaces, with the only difference being the number of vehicles which could be accommodated on site. Furthermore, the proposed spaces are of suitable dimensions and aisle width, as advised by the Highways Authority. Accordingly, the development should not compromise highway safety and would accord with Section 9 of the NPPF and Policy INF1 of the JCS.

Impact on Residential Amenity

5.13 Paragraph 180 of the NPPF states that planning decisions should ensure new development is appropriate for its location which includes that proposals should mitigate and reduce potential adverse impacts arising from noise. Policy SD14 of the JCS echoes this policy and also advises that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.

5.14 The southern boundary of the site abuts the residential gardens of Nos. 1 - 15 Lincoln Green Lane. The car park is set approximately 4 metres (at its closest point) from the rear boundary walls of the immediately adjoining properties. The proposal would change the dynamic of the land to the rear of these properties and inevitably there would be an increase in noise levels as customers park up and walk to and from the superstore. However, the store is limited (by way of planning condition) to opening hours of 08.00 - 21:00 Monday - Saturday and 10.00 - 17.00 (Sundays and Bank Holidays) and the site would be screened by the existing trees that are due to be retained along this boundary. The applicant is also proposing to erect additional timber screening along the top wall of the boundary which will facilitate noise mitigation.

5.15 The Council's Environmental Health department have been consulted and raises no objection to the application in terms of noise / light nuisance. It is therefore considered that the scheme would accord with the relevant sections of the NPPF and SD14 of the JCS.

Other Matters

Archaeology and Impact on Historic battlefield

5.16 Saved policy HEN24 advises that proposals within the registered site of the Battle of Tewkesbury (1471) will give due regard to the conservation of the historic landscape.

5.17 The County Archaeologist (CA) has been consulted in respect to the impact of the proposal upon the Historic Battlefield. No objections are raised in terms of archaeological implications and it is noted that Aldi Stores was the subject of an archaeological field evaluation, the result of that investigation was negative in that no significant archaeological remains were observed. The County Archaeologist therefore advises that no archaeological investigation or recording need be undertaken in connection with this scheme.

5.18 In terms of the Historic Battlefield the County Archaeologist advises the following:

"I checked the application site against the County Historic Environment Record and it is located immediately adjacent to Tewkesbury's Registered Battlefield. However, I note that the proposed development area is relatively small and lies within an area where considerable development has already taken place. For those reasons I am of the view that the proposed development will have no significant impact on the Registered Battlefield or its setting".

5.19 Concerns have been raised by the Battlefield Society that notwithstanding the CA's comments the site is of important significance and should be further investigated. With this in mind Historic England were consulted and advised that they do not wish to make any comments in this instance and that the County Archaeologist should be consulted.

5.20 It is therefore considered that it would be unreasonable to require the applicant to undertake any investigations in this instance.

Drainage

5.21 The application site is not within a recognised floodplain. The Environment Agency Flood Risk Maps show the site as being entirely within Flood Zone 1.

5.22 The application form states that surface water would be disposed of through a Sustainable Drainage System, the full details of which have not yet been submitted. Given that a portion of the site would be surfaced with tarmac it is considered necessary to obtain additional details which can be secured by way of a condition.

6.0 Conclusion

6.1 The proposal would provide additional parking provision to the supermarket and would accord with relevant policies in terms of highway safety, residential amenity impact and the impact upon the Registered Battlefield.

6.2 However, the scheme would result in a loss of mature trees and Green Infrastructure that positively contributes to the character of the area. Whilst efforts have been made to revise the onsite planting mitigation it is deemed that appropriate off-site mitigation is required to mitigate the loss of the trees, in line with the NPPF and policy INF3 of the JCS. This has therefore been factored into the planning balance and taking into account all other relevant national and local planning policies, it is therefore recommended that permission is **delegated to the Technical Planning Manager subject to completion of a s106 obligation to secure a scheme for the provision of additional off-site mitigation.**

RECOMMENDATION Delegated 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 approved shall be carried out in accordance with the following approved plans and reports; "Proposed Roadside Elevations - Drawing No. 160758 P (1) 04", "Existing Site Plan - Drawing No. 160758 P (1) 02" and "Site Location Plan - Drawing No. 160758 P (1) 01" all received by the Local Planning Authority on 18th April 2018 and "Revised Proposed Site Plan - Drawing No. 160758 P (1) 03 REV D", "Arboricultural Method Statement - dated 23/05/2018 - Undertaken by Bosky Trees Arboricultural Consultancy" and "Arboricultural Impact Assessment and Tree Protection Plan - dated 23/05/2018 - Undertaken by Bosky Trees Arboricultural Consultancy" all received by the Local Planning Authority on 25th May 2018.
- 3 The approved development shall be carried out in accordance with the approved Arboricultural Method Statement - dated 23/05/2018 and Tree Protection Plan - dated 23/05/2018 undertaken by Bosky Trees Arboricultural Consultancy. Before the development is first brought into use a signed certificate of compliance by the appointed Arboriculturalist shall be submitted to and approved in writing by the Local Planning Authority.
- 4 All replacement and additional tree and hedge planting, seeding or turfing works shall be carried out in accordance with the approved Arboricultural Method Statement - dated 23/05/2018 and Tree Protection Plan - dated 23/05/2018 undertaken by Bosky Trees Arboricultural Consultancy. The works shall be carried out during the next available planting season following completion of the development. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 5 No development including demolition or site clearance shall be commenced on the site or machinery or material brought onto the site for the purpose of development until the tree protection measures set out in the approved Arboricultural Method Statement - dated 23/05/2018 - and Tree Protection Plan - dated 23/05/2018 - undertaken by Bosky Trees Arboricultural Consultancy, have been implemented on site. These protection measures shall be retained in accordance with the approved details for the duration of the construction process.

- 6 No work shall commence on site until details of existing and proposed levels with reference to a fixed datum point, to include details of finished ground levels, have been submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 7 The development hereby permitted should not commence until drainage plans for the disposal of surface water flows (In accordance with SUDs principals) have been submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 8 Building operations shall not be commenced until details of the design and position of all external lighting units proposed to be installed have been submitted to and approved by the local planning authority. The details shall include the design of any lighting columns and a scheme for the configuration, installation and hours of operation of all external lighting. All development shall be carried out in accordance with the approved details.
- 9 Prior to first use of the development hereby permitted the proposed screening on top of the boundary wall to the south of the site shall be completed in strict accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the design of the screening, details of how the screen will be affixed to the wall, materials to be used and details of any finishing products to be applied.

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 in the interests of proper planning.
- 3 To ensure that trees to be retained are not adversely affected by the development proposals in accordance and to ensure that the approved method statement is complied with for the duration of the development.
- 4 To ensure that the new development will be visually attractive in the interests of amenity
- 5 The proposed development will involve excavation in close proximity of the root protection areas of the trees to be retained.
- 6 In the interests of residential amenity and to secure a satisfactory external appearance
- 7 To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.
- 8 In the interests of residential amenity and to secure a satisfactory external appearance
- 9 In the interests of residential amenity and to secure a satisfactory external appearance

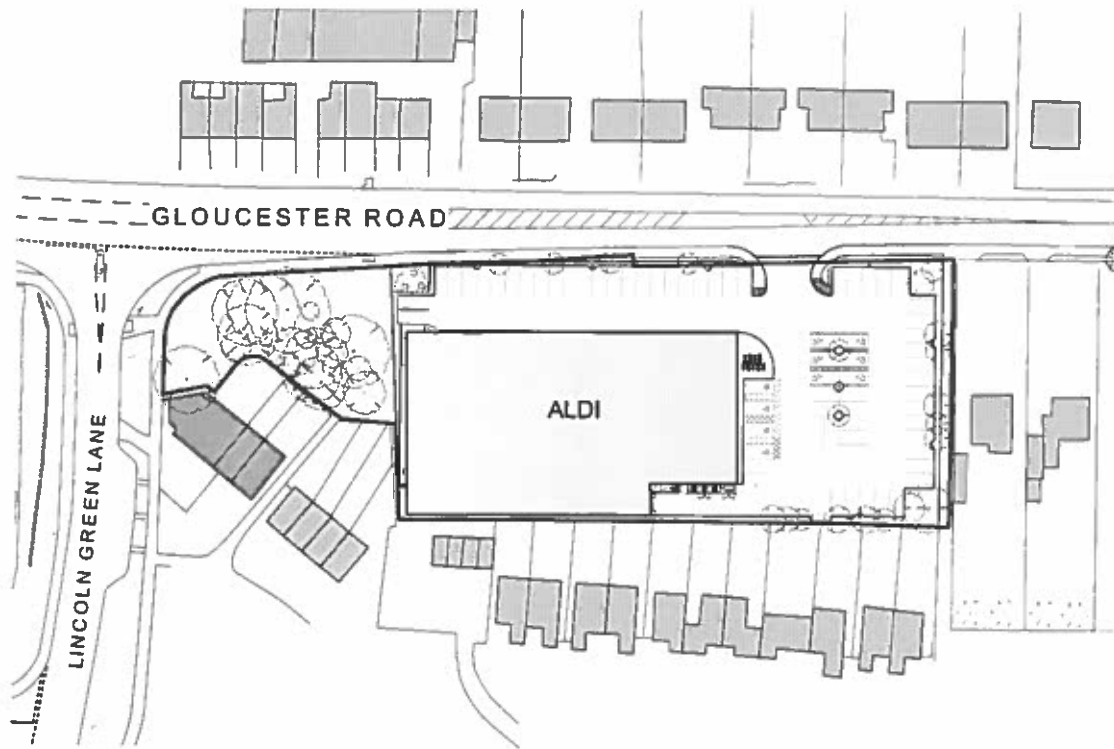
Notes:

- 1 **Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating an improved on-site planting scheme.
- 2 The proposed development may involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

- 3 The Applicant/Developer should refer to the WRS "Code of Best Practice for Demolition and Construction Sites" Guidance and ensure its recommendations are complied with.
- 4 Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable. You must not build over any of our plant or enclose our apparatus.
- 5 It is advised that Severn Trent Water public sewers maybe located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval. Severn Trent also request that the proposed outfall points and discharge rates are provided pursuant to condition 4 in order to ensure there is suitable capacity at Winchcombe Treatment Works.
- 6 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.
- 7 The Wildlife and Countryside Act 1981 (as amended) makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs. In addition the Act states that it is an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest building, or at (or near) a nest containing eggs or young, or disturb the dependent young of such a bird. This advice note should be passed on to any persons/contractors carrying out the development.
- 8 If at any time nesting birds are observed on site then certain works which might affect them should cease and advice sought from a suitably qualified ecological consultant or Natural England. This is to comply with the Wildlife & Countryside Act 1981 (as amended) and avoid possible prosecution. You are additionally advised that tree or shrub removal works should not take place between 1st March and 31st August inclusive unless a survey to assess nesting bird activity during this period is undertaken. If it is decided on the basis of such a survey to carry out tree or shrub removal works then they should be supervised and controlled by a suitably qualified ecological consultant. This advice note should be passed on to any persons/contractors carrying out the development.
- 9 Conditions attached to this planning permission require written approval of details. A fee is payable where written approval is required by condition. Current fees at the time of this decision are £116 per request for written approval. The fee is payable per request and not per condition. Fees are subject to change and you are advised to check the fee information on our website prior to submitting a request for written approval.

18/00396/22



 Denotes application site area

Site Address:

Aldi,
Gloucester Rd,
Tewkesbury.
GL20 5SY

Site Area: 4,679 msq



0 15 30 45 M

Scale = 1:1250 @ A4



Kendall Kingscott



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Project
**Aldi Stores, Gloucester Road,
Tewkesbury, Car Park Extension**
Client
Aldi Stores Ltd

Scale Paper Size Filename
1:1250 A4 160758carparkextension.vwx

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Rev Date By Ap Note

Drawing Title
Site Location Plan

Project Number Drawing Number - Revision

160758 P(1)01

Date Drawn Checked Status
11/1/18 SK MW PLANNING

Check all dimensions and levels on site

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
			Innsworth with Down Hatherley	Down Hatherley Innsworth	G J Bocking
Badgeworth	Badgeworth Boddington Great Witcombe Staverton	R J E Vines	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	Oxenton Hill	Gotherington Oxenton Stoke Orchard and Tredington	M A Gore
Churchdown Brookfield	Brookfield Ward	R Bishop D T Foyle	Tewkesbury Newtown	Tewkesbury Newtown	V D Smith
Churchdown St John's	St John's Ward	K J Berry A J Evans P E Stokes	Tewkesbury Prior's Park	Tewkesbury (Prior's Park) Ward	K J Cromwell J Greening
			Tewkesbury Town with Mitton	Tewkesbury Town with Mitton Ward	M G Sztymiak P N Workman
Cleeve Grange	Cleeve Grange	S E Hillier- Richardson	Twyning	Tewkesbury (Mythe Ward) Twyning	T A Spencer
Cleeve Hill	Prescott Southam Woodmancote	M Dean A Hollaway			
Cleeve St Michael's	Cleeve St Michael's	R D East A S Reece	Winchcombe	Alderton Gretton Hawling Stanway Sudeley Winchcombe	R E Allen J E Day J R Mason
Cleeve West	Cleeve West	R A Bird R E Garnham			
Coombe Hill	Deerhurst Elmstone Hardwicke Leigh Longford Norton Sandhurst Twigworth Uckington	D J Waters M J Williams	20 October 2017		
			Highnam with Haw Bridge	Ashleworth Chaceley Forthampton Hasfield Highnam Maisemore Minsterworth Tirley	P W Awford D M M Davies