

**TO EACH MEMBER OF THE  
PLANNING COMMITTEE**

17 September 2018

Dear Councillor

**PLANNING COMMITTEE- TUESDAY 25 SEPTEMBER 2018**

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

<b>Agenda Item</b>	<b>Description</b>	
	<b>Schedule</b>	<b>1 - 112</b>
	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 25 September 2018

	<b>(NORTH)</b>	<b>(SOUTH)</b>
General Development Applications Applications for Permission/Consent	(214 - 241)	(242 - 272)

#### **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. (214 - 272)**

### **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) 25th September 2018

Parish and Reference	Address	Recommendation	Item/page number
Badgeworth 18/00568/FUL <a href="#">Click Here To View</a>	Oakland Farm Barns Dog Lane Witcombe	Refuse	5 / 242
Bishops Cleeve 18/00025/APP <a href="#">Click Here To View</a>	Land Rear Of Lidl Uk Evesham Road Bishops Cleeve	Delegated Approve	9 / 265
Bishops Cleeve 18/00587/FUL <a href="#">Click Here To View</a>	19 Hertford Road Bishops Cleeve	Permit	6 / 249
Boddington 18/00334/FUL <a href="#">Click Here To View</a>	1 Slate Mill Farm Tewkesbury Road Elmstone Hardwicke	Refuse	4 / 235
Highnam 18/00710/FUL <a href="#">Click Here To View</a>	2 Gordon Close Highnam	Permit	7 / 252
Norton 18/00073/FUL <a href="#">Click Here To View</a>	Walnut Farm Tewkesbury Road Norton	Delegated Permit	8 / 254
Stoke Orchard And Tredington 18/00312/FUL <a href="#">Click Here To View</a>	Pussy Willows Cattery Stoke Road Stoke Orchard	Delegated Permit	3 / 226
Tewkesbury 18/00588/FUL <a href="#">Click Here To View</a>	Riverside Cafe The Gazebo Back Of Avon Tekwkesbury	Permit	1 / 214
Tewkesbury 18/00589/LBC <a href="#">Click Here To View</a>	Riverside Cafe The Gazebo Back Of Avon Tekwkesbury	Consent	2 / 222

Valid 05.06.2018

Change of use of Gazebo to Cafe (A3). Associated external alterations and terraced seating area. Reinstatement of a bank side mooring adjacent to the Gazebo.

Grid Ref 389152 232736

Parish Tewkesbury

Ward Tewkesbury Town With

Mitton

## **RECOMMENDATION Permit**

### **Policies and Constraints**

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)

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)

Grade II Listed Building

Tewkesbury Conservation Area

Article 4 Direction Boundary

Flood Zones 2 &amp; 3

Tewkesbury Back of Main Streets

### **Consultations and Representations**

Consultations and Representations

Tewkesbury Town Council - Objection

Conservation Officer - No objection subject to conditions

Economic Development service - Supports the scheme

Environment Agency - No objection

Natural England - No objection

Conservation Officer - No objection

Avon Navigation Trust - No objection

Canal &amp; Rivers Trust - No requirement to consult as a statutory consultee

Environmental Health Officer - No objection

Tewkesbury Civic Society - Objection based on the proposed bin storage

**Members of the public** - Two letters of support have been received, one from a nearby resident and one from the Tewkesbury Historical Society.

Letters of objection have been received, predominantly from the residents at Elliott Court adjacent to the application site. The applicant has sought to address any concerns raised by residents, this correspondence has been saved online. Whilst some of the residents' concerns were met, some outstanding issues still remain, these are summarised as follows:

- A3 use - concern regarding the potential ability to serve alcohol and the impact this may have
- Outside storage - where and how will tables, chairs, parasols and other paraphernalia be stored outside of trading hours?
- Hours of operation - Concerns have been raised as to the operating hours and the noise nuisance that may occur
- Deliveries - how and when will these be undertaken and where will onsite bin's be stored
- Flag Pole - Concern regarding the flag pole and the noise disturbance this may cause

**At the request of the residents a site visit was undertake by the planning officer to view the scheme from the garden of one of the properties at Elliot Court.**

**Planning Officers Comments: Mr James Lloyd**

## **1.0 Application Site**

1.1 This application relates to a Grade II Listed building referred to as 'The Gazebo' located in Tewkesbury town centre along the bank of the river Avon ('the back of Avon'). The immediate area is predominantly residential, a modern housing development known as Elliot Court is situated to the East, which is separated from the site by a public footpath which facilitates the 'Riverside Walk'. Additional modern housing is located to the North. Priors Court and commercial premises, namely the beer garden to the Royal Hop Ole public house is located to the South/South East. The River Avon runs the length of the Western boundary. (see attached location plan).

1.2 The Gazebo is a small remnant of a simple garden building associated with a domestic curtilage. Now surrounded by later development the gazebo stands in isolation adjacent to modern decking constructed on the stone piers of a former boathouse. The building is constructed from red brick under a 'Pyramid' slate roof and is modest in size, measuring approximately 15.40sqm. The decking terrace is currently open with railings adjacent to the river; the terrace measures approximately 73.76sqm.

1.3 The site is located within the Tewkesbury Conservation Area and Article 4 Designated Area. It is situated within the Tewkesbury Back of Main Streets (as defined by the Tewkesbury Borough Local Plan - Adopted March 2006) as well as Flood Zones 2 and 3 as defined by the Environment Agency.

## **2.0 Relevant Planning History**

2.1 03/00280/LBC - Erection of a street lamp on north east corner of building - Grade II Listed Building Ref: 859-1/6/392

## **3.0 Current Application**

3.1 The current application seeks full planning permission for the material change of use of the building to Class A3 (Food & Drink Establishment). As a consequence the scheme also seeks to renovate the existing, derelict Grade II listed building and its terrace area. The scheme also proposes re-instate the bankside mooring to enable the start-up of a new Riverside Café facility for locals and tourists (land and water based).

3.2 The scheme would result in a riverside café, providing light refreshments for people passing by on foot and along the river. The applicant states that no alcohol will be served from the premises and all food will be heated/re-heated rather than cooked on site. The business is proposed to be open on a seasonal basis, between April and October, with a requested operating/serving time of between 09:00 - 18:30 every day of the week including Sundays and Bank Holidays.

3.3 The application also requested planning permission for the erection of a flagpole. The erection of a flag pole flying any country's national flag does not, however, require permission as they are identified as flags which can be flown without the consent of the local planning authority. Therefore the erection of the flagpole has been removed from the application, albeit it is shown on the submitted drawings. More information regarding this is detailed in paras 5.38 - 5.40.

## **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 impacts of the proposal are considered to be the principle of an A3 use in this location, the impact of the use on residential amenity, the impact of the proposal on the listed building and Conservation Area, flood risk impacts and the impact upon the wider area.

### Principle of change of use

5.2 Section 6 of the NPPF relates to "Building a strong, competitive economy", and paragraph 80 specifies that *"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*.

5.3 Section 7 of the NPPF seeks to ensure the vitality of town centres. Paragraph 85 advises that *"Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation"*.

5.4 Policy SD2 (Retail & City - Town Centres) of the Joint Core Strategy echoes this requirement to promote and support the vitality and viability of town centres and recognises that successful centres are about more than shopping and that they need a range of complementary uses to attract visitors and to prosper. Policy SD2 of the JCS also requires that (inter alia) proposals for retail and other main town centre uses that are not located in a designated centre, and are not in accordance with a policy in either the JCS or district plans, will be robustly assessed against the requirements of the sequential test and impact test, as set out in NPPF and associated national PPG, or locally defined impact assessment thresholds as appropriate.

5.5 The site is located approximately 126 metres from the main Tewkesbury High Street, situated between a number of residential properties. The site is easily accessed via a public footpath that runs parallel to the Main High Street and Church Street, both of these streets are considered to form part of the designated centre. Given its location the site is situated outside of the recognised Shopping Policy areas RET1 (Tewkesbury Town Centre primary Shopping Frontages) and RET2 (Tewkesbury Town Centre Mixed Use Frontages) as defined by the TBLP. However, the site is within an area that is subject to a Local Policy as defined in the TBLP; saved Policy TY6 (Tewkesbury - Back of Main Streets). This policy seeks to strengthen the existing mixed use character of the areas within the defined area.

5.6 With the above in mind it is evident that whilst the site is not directly located along the primary of secondary shopping frontages it is geographically within close proximity to these retail areas, situated on an accessible route for members of the public and is also covered by a specific saved Local Plan Policy (TY6). It is therefore considered that the site is within the Town Centre of Tewkesbury and it is not necessary to have regard to the advice on the sequential test set out at paragraphs 86 and 89 of the NPPF or Policy SD2 of the JCS.

5.7 Notwithstanding this the proposal must comply with saved policies RET3 (Retail Areas) and TY6 of the TBLP. Given the dormant use of the building, cross referencing through the planning history, it appears that the site has not been recently used and therefore it is considered that its current use class in planning terms is C3 (residential).

5.8 Policy RET3 sets out that within the retail areas of Tewkesbury (not covered by policies RET1 OR RET2) food and drink (Class A3) at ground floor level be permitted provided that they are consistent with the

scale and function of the centre. The scale of the proposed enterprise is relatively modest and would operate on a seasonal basis. The use falls under the preferred use as outlined by policy RET3 and given the variety and size of Tewkesbury Town Centre it is considered that this proposal would be consistent with the surrounding scale and function.

5.9 Policy TY6 states that small scale retail and tourism related uses are considered appropriate within this area subject that the development does not create an unacceptably adverse environmental impact. The policy also seeks to protect the historic character of these areas by promoting re-use of existing historic buildings and walls. The 'Reasoned Justification' that supports this policy acknowledges the importance of a mix of uses in these areas which constitutes an important part of the Town's character. The building is Grade II Listed and currently unused, the proposal would make use of a redundant heritage asset that is an important part of the Town's character. The proposal would also introduce another food and drink establishment adjacent to the river. There are few establishments in the area that front the river and the proposed use would provide an important mix to this part of the Town.

5.10 The Council's Economic Development Services team have been consulted and advise that the Riverside location has been identified as a key area for regeneration and economic growth, adding that the Riverside café fits into the category of increasing the vitality of the riverside. In addition, the council also supports the growth of a business which will bring extra employment to the town. The council has identified the importance of growth through its Economic Development and Tourism Strategy. The café would provide extra jobs as well as an attraction for the riverside and assist in the 'opening up' of the riverside for tourist and visitor use and enjoyment.

5.11 Given the above it is therefore considered that the scheme would benefit the local community and support the local economy by providing employment, new facilities and bringing a vacant building back into use. The proposal is therefore considered to be acceptable in principle, in compliance with the local development plan and advice in the NPPF which sets out its support for development that can enhance the vitality and viability of town centres. Notwithstanding the overriding principle, the proposed development must also be assessed against all other relevant policies in the development plan, as set out in the following sections of the report.

#### **Impact on Heritage Assets (Grade II Listed Building & Conservation Area)**

5.12 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.

5.13 Although there is no conservation dimension to the strict change of use, the scheme proposes to refurbish the existing Grade II Listed building. The proposal seeks to retain the building as is, with no intention to extend the building. The sash windows will be restored and re-painted in a colour to be approved, the front door would be modified to incorporate glass panels, an extraction vent will be created on the side of the building, the existing decking will be repaired/replaced where necessary and CCTV cameras will be discreetly placed on the building. The outside bin storage has been proposed and the creation of a new mooring on the river bank is also proposed.

5.14 The Conservation Officer has met the applicant on site to discuss the proposals and the applicant has agreed to make certain changes to the scheme to allow for a more sympathetic impact upon the building and the wider Conservation Area. Following these discussions revised plans and details have been submitted and the Conservation Officer has been consulted. The only outstanding issue is the requirement for outside storage (to house the tables and chairs whilst the business is closed) however, the Conservation officer has advised that this information can be secured by way of an appropriate condition.

5.15 Given the above and the work that has taken place in discussion with the Conservation Officer it is considered that the proposed development would not adversely affect the listed building or the Conservation Area.

#### **Impact on amenity of adjacent occupiers**

5.16 Policy SD14 of the MMVJCS requires that new development does not cause unacceptable harm to the amenity of neighbouring occupants or unacceptable levels of air, noise, water, light or soil pollution or odour.



5.17 The site is situated in close proximity to residential properties. Elliot Court is located directly to the East of the site, this is a complex of townhouses with the rear gardens facing towards the application site. Priors Court is a modern block of apartments located to the North/North east of the site. The public footpath separates the two residential blocks from the application site. Concerns have been raised by the residents of these properties regarding the potential for nuisance to occur from the proposed business given its proximity to residential units.

5.18 The applicant has advised that the café would serve hot and cold drinks, cakes, panini, sandwiches etc. It is considered that the nature of café use and associated cooking processes (heating food on site) would not give rise to unacceptable levels of noise or smell (for example, when compared to a more intensive restaurant or takeaway use).

5.19 The application form advises that the café would be open on a seasonal basis, between April and October and its hours of opening would be between 09:00am and 18:30. The Environmental Health Officer has been consulted and raises no objection to the principle of the scheme, however, has advised that given the proximity of the business to residential properties the opening hours should be reduced from 18:30 - 18:00, the applicant has been consulted on this and agrees the change. Given the comments from the Environmental Health Officer it is considered these hours to be reasonable and would not give rise to noise associated with customers congregating or leaving the premises during evening times when adjoining occupiers may be more susceptible to noise disturbance.

5.20 The Environmental Health Officer has also suggested that should the scheme be permitted conditions be applied to limit outside storage on site (to reduce the risk of anti-social behaviour) and restrict the opening hours, which is considered reasonable. Comments were also raised regarding the flagpole and bin storage, however, these would be controlled by way of other legislation.

5.21 Whilst the proposal is in proximity to residential properties, the use and service it intends to provide, along with the seasonal opening and hours of operation, are considered acceptable in this location. It is therefore considered that the proposed change of use would not unreasonably affect the amenity of adjoining occupiers.

#### **Design/visual amenity**

5.22 Section 12 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. This is echoed within Policy SD4 of the JCS.

5.23 As previously discussed the site lies within Tewkesbury Conservation Area and is readily visible from the public right of way which runs parallel with the opposite bank of the Mill Avon. The scheme does not propose any extensions to the building and the external changes are minimal, the essence of the gazebo building would remain. With this in mind there would be no real net change in terms of design and visual impact on the building.

5.24 The decking area would be utilised as a café dining area, with tables and chairs and potentially parasols. This would alter the character of this part of the river bank with a more commercial use. However, the use would be confined inside the decking area and would only be prevalent during operating hours and throughout the trading season. The Conservation Officer and Town Council have raised concerns regarding the storage of items whilst the business is closed and the applicant has advised that these could be stored within the building itself. This could be secured by way of a reasonably worded condition. It is acknowledged that there would be a slight visual change along this side of the river, however, it would be read against large existing residential buildings and other operating businesses (Weatherspoon's public house beer garden) located within close proximity.

5.25 The mooring would also add additional built form to the side of the river bank. The applicant has liaised with the Environment Agency in this regard and has been issued with a Permit (reference: EPR/NB3155MR). The applicant also advises that the mooring has been designed to minimise the impact of the surrounding landscape. The Conservation Officer has advised that the posts for the mooring are painted in an appropriate colour (black) to help with the new structure to integrate against the Listed Building. Information provided within the Design and Access statement also demonstrates that there has been a strong boating history relating to this site and that the foundation columns of the terrace (associated with this application) once formed the foundations of a Boat House. Given the historic nature of the site and the existing mooring situated a short distance south of the application site it is not considered that the new mooring would cause any undue harm of the visual amenity or characteristics of the area.

## Highway Safety

5.26 Policy INF1 states that safe and efficient access should be provided to the highway network for all modes of transport and should be designed so as to encourage maximum potential use.

5.27 No car parking is proposed as part of the current application but, as noted above, the site is located in close proximity of a number of the Town Centre and public car parks. Deliveries would need to be made to the site and local residents have raised this as a concern. The applicant has advised that any suppliers will have the responsibility to park in a safe and secure manner and any deliveries will be taken by hand or on a trolley round to the application site. Given the nature and scale of the business it is not expected that deliveries will be a regular occurrence, it is therefore considered that this will have an acceptable impact upon the highway network.

5.28 Given the location of the site it is expected that most customers will walk, cycle or moor up to the site. The applicant has advised that cycle parking provision could be made available to the site. The site is located in close proximity of amenities and facilities within Tewkesbury town centre and to bus services, and is considered to be in a reasonably sustainable location. Further, as set out above, it is considered that the residual cumulative impacts on the road network would not be severe, and that the proposed development would not result in an unacceptable impact on highway safety. The application is therefore considered to be in accordance with paragraphs 108 and 109 of the NPPF and Policy INF1 (Transport Network) of the JCS.

## Flood Risk

5.29 The application site is located in Flood Zones 2 and 3. However, as the development is a change of use of an existing building resulting in 'less vulnerable' development in the form of a café (as defined by Table 2, sub-section 25 in the Flood and Coastal Change section of the National Planning Practice Guidance (NPPG)) there is not a requirement to apply the Sequential Test (ST) to the proposed development.

5.30 The application has, however, been accompanied with a Flood risk assessment (FRA).

5.31 The Avon Navigation Trust (ANT) and Environment Agency (EA) have been consulted in respect application and have raised no objection.

## Use of the Building

5.32 The Environment Agency go on to advise the following:

*"The proposed development is a change of use of an existing building resulting in 'less vulnerable' development in the form of a café, as defined by Table 2, sub-section 25 in the Flood and Coastal Change section of the National Planning Practice Guidance (NPPG). The site is located in Flood Zone 3a as shown by our Flood Map for Planning and defined by Table 1 of sub-section 25 within the Flood and Coastal Change section of the NPPG. Considering these factors the development is deemed as being 'appropriate' according to Table 3 of sub-section 25 within the Flood and Coastal Change section of the NPPG".*

5.33 The EA advise that as there is no change to the footprint of the existing structure, no impacts to flood storage should arise from this development. However, the provision of suitable flood resilience measures such as: location of electrical sockets above the highest recorded flood level of 12.88m AOD, use of flood resilient materials and the safe storage or securing of any outdoor furniture during non-operational times are recommended to minimise future disruption to business and potential health and safety risks as a result of flooding.

5.34 The Council's Flood Risk Management Engineer has also been verbally consulted and raises no objection to the scheme.

## Reinstated River Mooring

5.35 The Environment Agency has also been consulted in respect to the re-instatement of the mooring and does not object to this application for the reasons outlined below:

*"The proposed new moorings have been the subject of an application of a Permit for Flood Risk Activity from the Environment Agency which has been granted by us as referenced within the Flood Risk Assessment (FRA)"*

5.36 The Council's Flood Risk Management Engineer has been verbally consulted and raises no objection to the installation of the mooring, advising that whilst the site is located within Flood zones 2 & 3 the structure is an 'open structure' that would not give rise to additional flood risks in the area.

5.37 Given the scale and nature of the proposal, it is not considered that the proposed mooring and change of use of the building would exacerbate flooding or increase the level of risk to the safety of the wider environment. Similarly, it is not deemed necessary in this case to require the development to incorporate sustainable drainage systems (SuDS).

## **Other Matters**

### **Flag Pole**

5.38 The erection of a flag pole was initially included in this application and comments/objections have been raised regarding this element of the scheme. However, having full regard to the application it has become apparent that the erection of a national flag (in this instance the Union Jack) and associated pole would not require permission as it is identified as a flag which can be flown without consent of the local planning authority.

5.39 Flags are treated as advertisements for the purposes of the planning regime and some require formal consent (permission) from the local planning authority. The relevant regulations in this instance would be the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. These regulations advise that a national flag of any country would be classified as "Advertisements which are excluded from direct control" and therefore does not require consent from the Planning Authority.

5.40 Whilst the concerns of noise nuisance from the flag are acknowledged, the flag and flag pole in their current form cannot be assessed through this application and have therefore been removed from the description of development. However, should noise become an issue this can be properly controlled by other non-planning legislation.

## **6.0 Summary**

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

## **RECOMMENDATION Permit**

### **Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following plans and documents:
  - Details within the Flood Risk Assessment received by the Local Planning Authority on 5th June 2018;
  - Details within the email sent by the applicant on the 2nd July 2017 with additional and amended details;
  - Approved drawings "Block Plan & "Site Location Plan" received by the Local Planning Authority on 5th June 2018;
  - Approved drawing nos. "G/EFP/052018/001/6", "G/PFP/052018/002/6", "G/PLP/052018/003/6", "G/ERP/052018/004/6", "G/EFE/052018/005/6", "G/PFE/052018/006/6", "G/ERE/052018/007/1", "G/PRE/052018/008/6", "G/ELE/052018/009/6", "G/PLE/052018/010/6", "G/ERE/052018/011/6", "G/PRE/052018/012/6" received by the Local Planning Authority on 2nd July 2018; and any other conditions attached to this consent.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes specified in the application and for no other purpose (including any other purpose in Class A3) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

- 4 Any Class A3 (food and drink for consumption on the premises) shall not be open to customers outside the hours of 09.00 to 18:00 Monday to Sundays and bank or public holidays.
- 5 The A3 use hereby permitted shall only be operational between the months of April and October inclusive.
- 6 Notwithstanding the details hereby approved the galvanised riser posts that form part of the mooring shall be painted black within 3 months of completed construction of the mooring.
- 7 Outdoor furniture (including but not limited to; tables/chairs/parasols/umbrellas/canopies/gazebo/marquees and awnings) in association with the operation of the cafe shall be removed from the decking area and stored inside the premises outside of the cafe opening hours unless a scheme of outside storage is submitted to and approved in writing by the Local Planning Authority.
- 8 The windows shall be painted in Farrow & Ball GREEN BLUE 84 and shall thereafter be maintained in the approved colour unless otherwise agreed in writing by the Local Planning Authority.

**Reasons:**

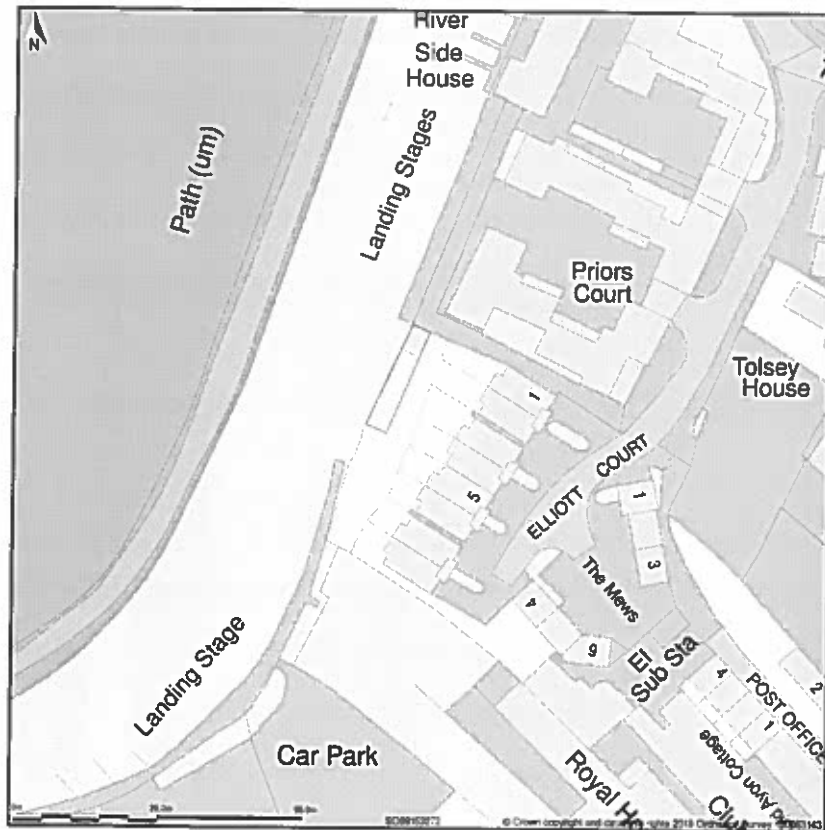
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans.
- 3 The approved use only has been found to be acceptable in this location and other uses within the same use class may require further detailed consideration by the Local Planning Authority.
- 4 To safeguard the amenity of adjacent residential occupiers
- 5 To safeguard the amenity of adjacent residential occupiers
- 6 To safeguard the traditional character and appearance of the listed building to accord with the Planning (Listed Buildings and Conservation Areas) Act 1990
- 7 To safeguard the traditional character and appearance of the listed building and conservation area to accord with the Planning (Listed Buildings and Conservation Areas) Act 1990
- 8 To safeguard the traditional character and appearance of the listed building to accord with the Planning (Listed Buildings and Conservation Areas) Act 1990

**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 details around operating hours and design of the scheme.
- 2 A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is currently £116 per request. The fee must be paid when the request is made.
- 3 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 4 Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the local planning authority before those works are undertaken.

18/00588/PL

Riverside Café, The Gazebo, Back of Avon, Tewkesbury, Gloucestershire, GL20 5AJ



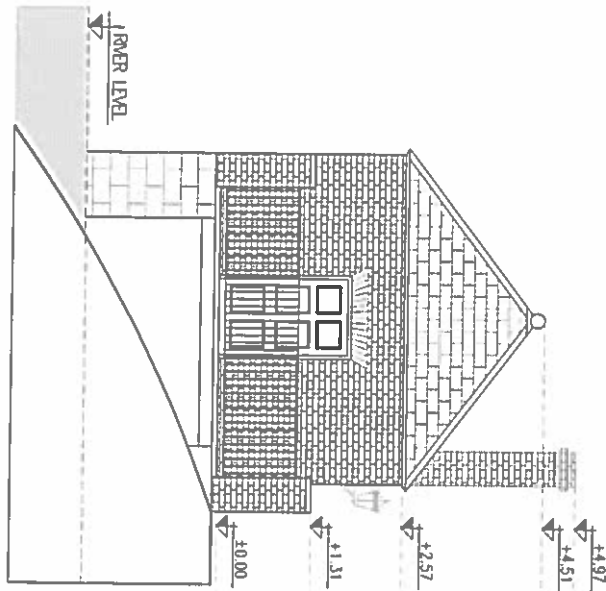
Site Plan shows area bounded by: 389081.56, 232650.83 389222.98, 232792.25 (at a scale of 1:1250), OSGridRef: SO89153272. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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221/12

EXISTING RIGHT SIDE ELEVATION  
Scale 1:50



A2

SHEET

1:50

SCALE

30/06/2018

DATE

REF. No.: G/ERE/052018/011/6

DRAWINGS PROVIDED BY DEMESNE

PROJECT DESCRIPTION

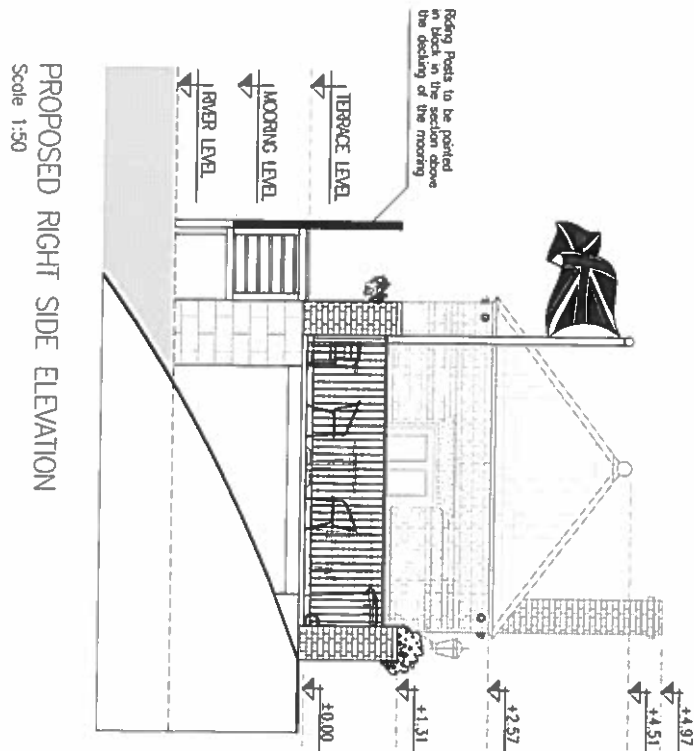
Riverside Cafe - The Gazebo  
Back of Avon Tewkesbury GL20 5A

SUBTITLE

EXISTING RIGHT ELEVATION

No.	Description	Rev.	Date

18/00588/FUL.



A2

SHEET

1:50

SCALE

30/05/2018

DATE

REF.No.: G/PRE/052018/012/6

DRAWINGS PROVIDED BY DEMESNE

PROJECT DESCRIPTION

Riverside Cafe - The Gazebo  
Back of Avon, Tewkesbury, GL20 5A

SUBTITLE

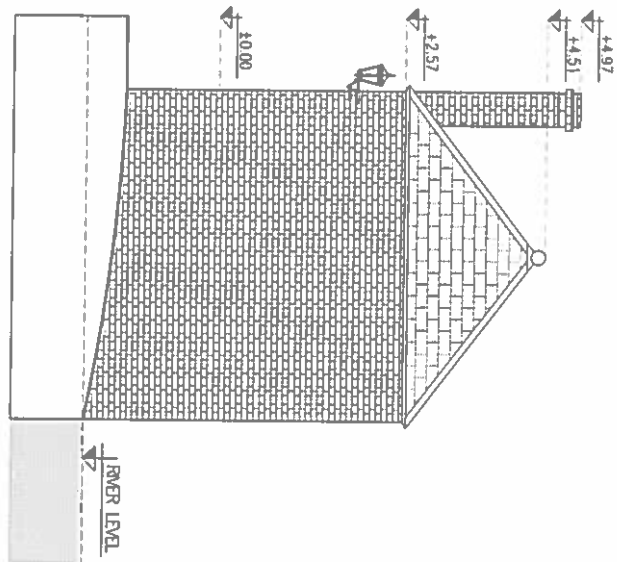
PROPOSED RIGHT ELEVATION

No.	Description	Rev.	Date

14  
221/C

18/00588/R2.

EXISTING LEFT SIDE ELEVATION  
Scale 1:50



15  
22/1/18

A2

SHEET

1:50

SCALE

30/06/2018

DATE

REF. No.: G/ELE/052018/009/6

DRAWINGS PROVIDED BY DEMESNE

PROJECT DESCRIPTION

Riverside Cafe - The Gazebo  
Back of Avon, Tewkesbury, GL20 5P

SUBTITLE

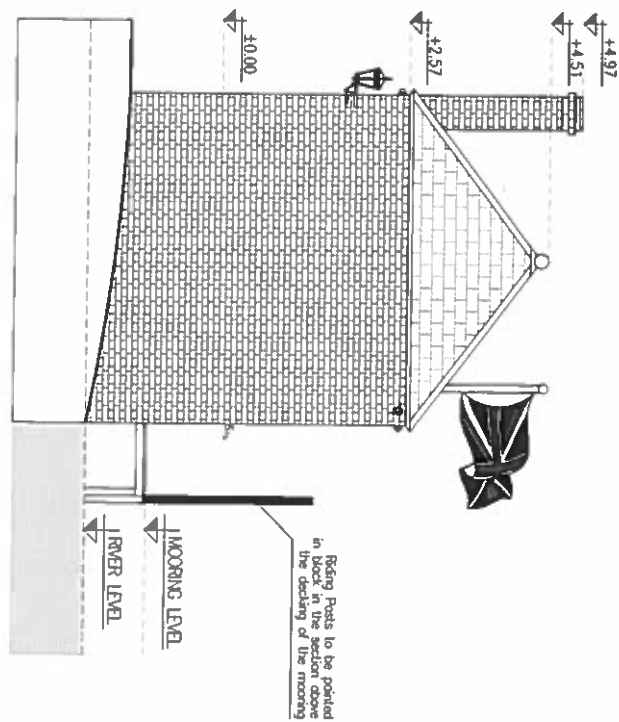
EXISTING LEFT ELEVATION

No.	Description	Rev.	Date



18/00588/RUL.

PROPOSED LEFT SIDE ELEVATION  
Scale 1:50



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DATE

30/05/2018

REF.No.: G/PLE/052018/010/6

DRAWINGS PROVIDED BY DEMESNE

PROJECT DESCRIPTION

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Back of Avon, Tewkesbury, GL20 5A

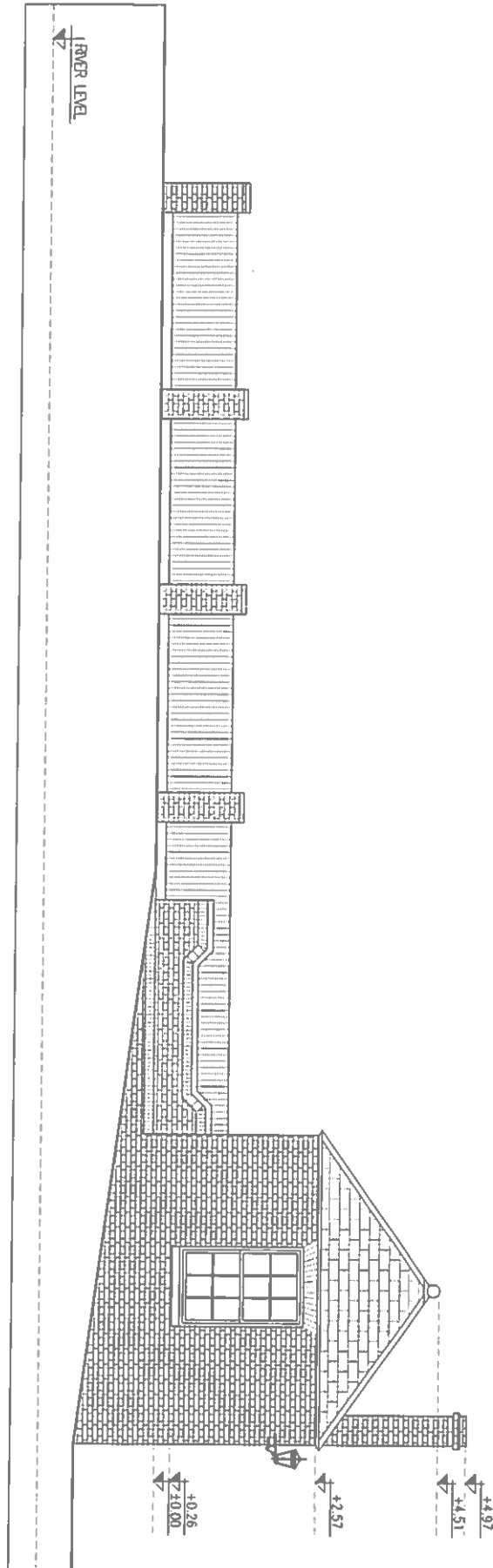
SUBTITLE

PROPOSED LEFT ELEVATION

No.	Description	Rev.	Date

18/00588/HZ.

EXISTING REAR ELEVATION  
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A2

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SCALE

30/06/2018

DATE

REF. No.: C/ERE/052018/007/1  
DRAWINGS PROVIDED BY DEMESNE

PROJECT DESCRIPTION

Riverside Cafe - The Gazebo  
Back of Avon, Tewkesbury, GL20 5A

SUBTITLE

EXISTING REAR ELEVATION

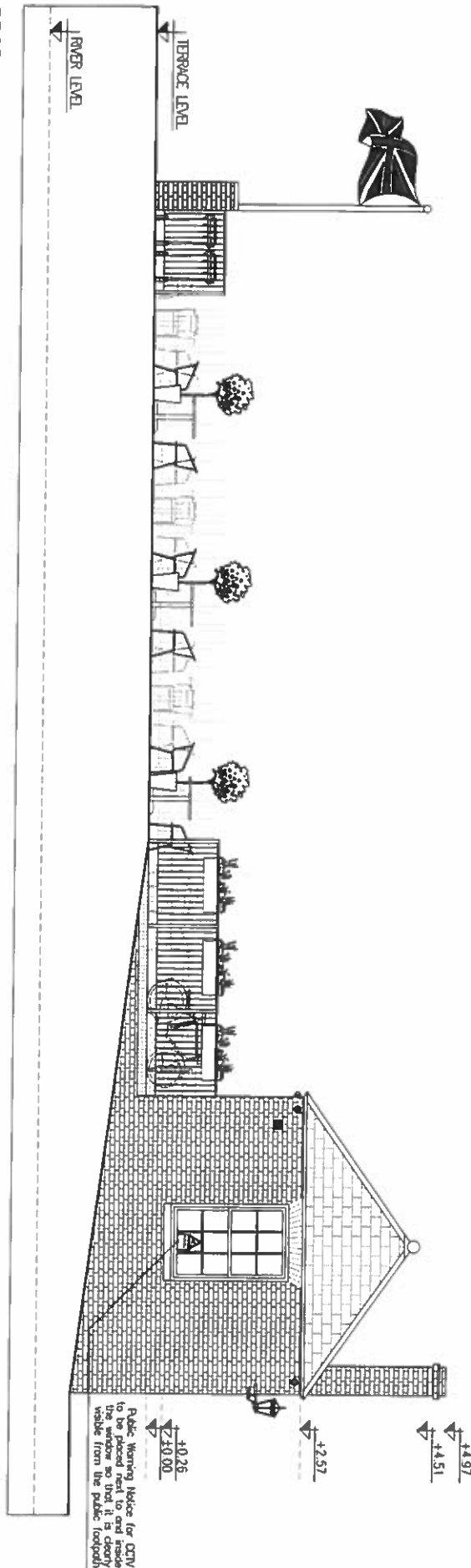
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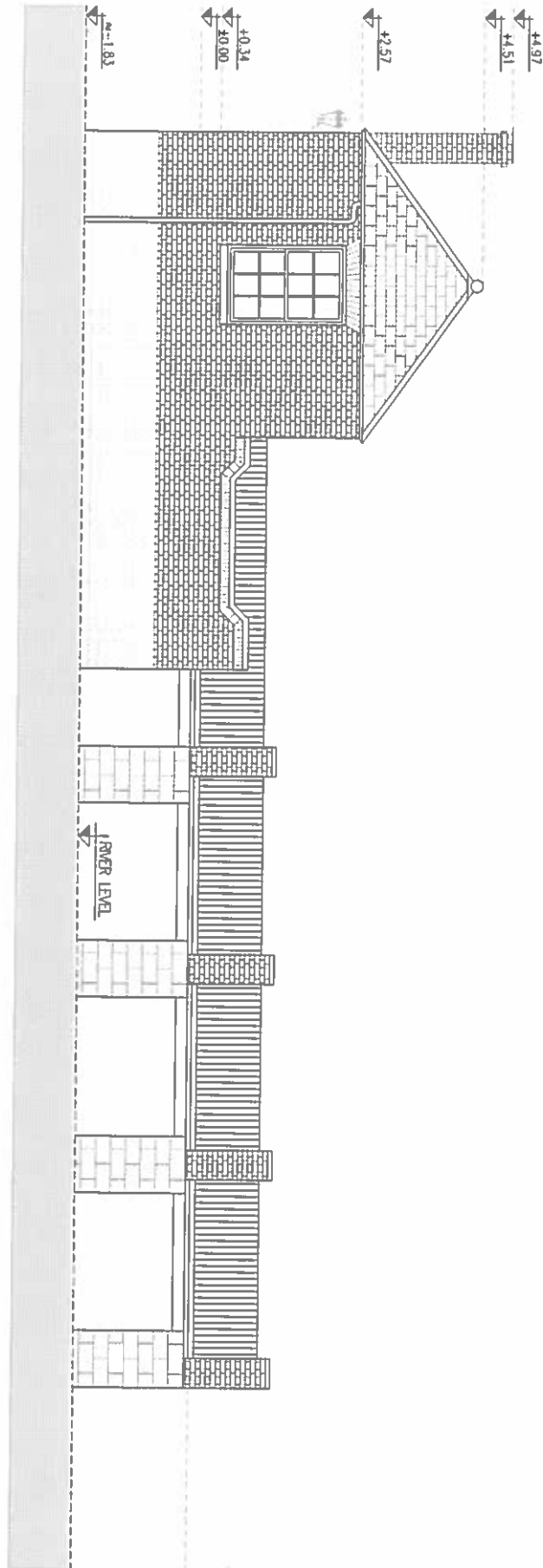
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A2	SHEET	SCALE 1:50	DATE 30/06/2018	REF.No.: G/PRE/052018/008/6	PROJECT DESCRIPTION Riverside Cafe - The Gazebo Back of Avon, Tewkesbury, GL20 5	SUBTITLE PROPOSED REAR ELEVATION	<table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Rev.</th> <th>Date</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	No.	Description	Rev.	Date																
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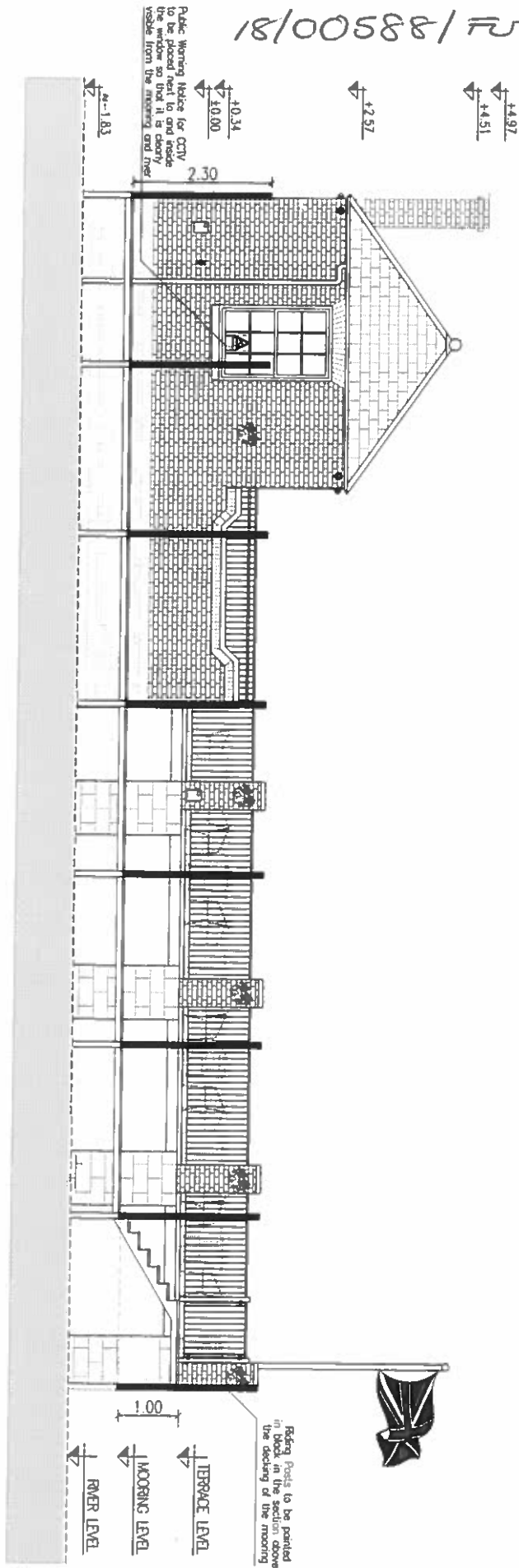
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EXISTING FRONT ELEVATION  
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No.	Description	Rev.	Date

18/00588/FUL.



PROPOSED FRONT ELEVATION  
Scale 1:50

A2	SHEET	SCALE 1:50	DATE 20/05/2018	REF No.: G/PFE/052018/006/6	PROJECT DESCRIPTION Riverside Cafe - The Gazebo Back of Avon, Tewkesbury, GL20 5P	SUBTITLE PROPOSED FRONT ELEVATION	<table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Rev.</th> <th>Date</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	No.	Description	Rev.	Date																
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Valid 05.06.2018

Internal and external alterations to Grade II Listed Gazebo associated with change of use to Cafe (A3).

Grid Ref 389152 232736

Parish Tewkesbury

Ward Tewkesbury Town With

Mitton

**RECOMMENDATION Consent****Policies and Constraints**

Section 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990

National Planning Policy Framework 2018

Adopted Joint Core Strategy 2017

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

Historic England Advice Note 2 'Making Changes to Heritage Assets' 2016

Grade II Listed Building

Tewkesbury Conservation Area

Article 4 Direction Boundary

**Consultations and Representations****Tewkesbury Town Council** - Objection**Conservation Officer** - No objection subject to conditions**Economic Development service** - Supports the scheme**Environment Agency** - No objection**Natural England** - No objection**Conservation Officer** - No objection**Avon Navigation Trust** - No objection**Canal & Rivers Trust** - No requirement to consult as a statutory consultee**Environmental Health Officer** - No objection**Tewkesbury Civic Society** - Objection based on the proposed bin storage**Members of the public** - Two letters of support have been received, one from a nearby resident and one from the Tewkesbury Historical Society.

Letters of objection have been received, predominantly from the residents at Elliott Court adjacent to the application site. The applicant has sought to address any concerns raised by residents, this correspondence has been saved online. Whilst some of the residents' concerns were met, some outstanding issues still remain, these are summarised as follows:

- A3 use - concern regarding the potential ability to serve alcohol and the impact this may have
- Outside storage - where and how will tables, chairs, parasols and other paraphernalia be stored outside of trading hours?
- Hours of operation - Concerns have been raised as to the operating hours and the noise nuisance that may occur
- Deliveries - how and when will these be undertaken and where will onsite bin's be stored
- Flag Pole - Concern regarding the flag pole and the noise disturbance this may cause

**At the request of the residents a site visit was undertaken by the planning officer to view the scheme from the garden of one of the properties at Elliot Court.**

**Planning Officers Comments: Mr James Lloyd**

## **1.0 Application Site**

1.1 This Listed Building Consent application relates to a Grade II Listed building referred to as 'The Gazebo' located in Tewkesbury town centre along the bank of the river Avon ('the Back of Avon'). The immediate area is predominantly residential; a modern housing development known as Elliot Court is situated to the East, which is separated from the site by a public footpath which facilitates the 'Riverside Walk'. Additional modern housing is located to the North. Priors Court and commercial premises, namely the beer garden to the Royal Hop Ole public house, are located to the South/South East. The River Avon runs the length of the Western boundary. **(see attached location plan).**

1.2 The Gazebo is a small remnant of a simple garden building associated with a domestic curtilage. Now surrounded by later development the gazebo stands in isolation adjacent to modern decking constructed on the stone piers of a previous boathouse. The building is constructed from red brick under a 'Pyramid' slate roof and is modest in size, measuring approximately 15.40sqm. The decking terrace is currently open with railings adjacent to the river, the terrace measures approximately 73.76sqm.

1.3 The site is located within the Tewkesbury Conservation Area and Article 4 Designated Area. It is situated within the Tewkesbury Back of Main Streets (as defined by the Tewkesbury Borough Local Plan - Adopted March 2006) as well as Flood Zones 2 and 3 as defined by the Environment Agency.

## **2.0 Relevant Planning History**

2.1 03/00280/LBC - Erection of a street lamp on north east corner of building - Grade II Listed Building Ref: 859-1/6/392

## **3.0 Current Application**

3.1 The current application seeks listed building consent for Internal and external alterations to the Grade II Listed Gazebo associated with the full planning application (18/00588/FUL) to change of use of the building to a Cafe (A3).

3.2 The external operations summarised below:

- The erection of a bankside mooring and access gate leading from decking down to mooring
- The insertion of new railings along the Eastern boundary
- The installation of CCTV cameras and notices erected in windows to advise that CCTV is in operation (7 cameras in total)
- The installation of an extraction vent cover on the Eastern elevation of the building
- Restoration and painting of existing sash windows
- Modification to the front door to include two vertical lights/glazed panels
- Replacement of damaged boards on the decked area

3.3 The Internal operations summarised below:

- The addition of a new brick partition wall to form a toilet and welfare facilities (use of reclaimed bricks and lime mortar)
- Addition of work surfaces and counters to facilitate business

## **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 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.

5.2 Although there is no conservation dimension to the strict change of use, the scheme proposes to refurbish the existing Grade II Listed building. The proposal seeks to retain the building as is, with no intention to extend the building. The sash windows will be restored and re-painted in a colour to be approved, the front door would be modified to incorporate to glass panels, an extraction vent will be created on the side of the building, and the existing decking will be repaired/replaced where necessary and CCTV cameras will be discreetly placed on the building. The outside bin storage has been proposed and the creation of a new mooring on the river bank is also proposed. There are several internal changes to the building, as outlined in para 3.3 above.

5.3 The Conservation Officer has met the applicant on site to discuss the proposals and the applicant has agreed to make certain changes to the scheme to allow for a more sympathetic impact upon the building and the wider Conservation Area. Following these discussions revised plans and details have been submitted and the Conservation Officer has been consulted. The only outstanding issue is the requirement for outside storage (to house the tables and chairs whilst the business is closed) however, the Conservation officer has advised that this information can be secured by way of an appropriate condition.

5.4 Given the above it is considered that the proposal is to be carried out in a manner that is measured, appropriate and would not impact adversely upon the significance of the listed buildings or the character and appearance of the Conservation Area. The proposal will also serve to promote the future viability of the building. As such the proposal is in compliance with Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF and Policies SD8 of the JCS and HEN2 of the TBLP. It is therefore recommended that the application be approved with the recommended conditions.

## **RECOMMENDATION Consent**

### **Conditions:**

- 1 The works hereby permitted shall be begun before the expiration of five years from the date of this consent.
- 2 The development hereby permitted shall be carried out in accordance with the following plans and documents:
  - Details within the email sent by the applicant on 2nd July 2018 with additional and amended details;
  - Approved drawings "Block Plan & "Site Location Plan" received by the Local Planning Authority on 5th June 2018;
  - Approved drawing nos. "G/EFP/052018/001/6", "G/PFP/052018/002/6", "G/PLP/052018/003/6", "G/ERP/052018/004/6", "G/EFE/052018/005/6", "G/PFE/052018/006/6", "G/ERE/052018/007/1", "G/PRE/052018/008/6", "G/ELE/052018/009/6", "G/PLE/052018/010/6", "G/ERE/052018/011/6", "G/PRE/052018/012/6" received by the Local Planning Authority on 2nd July 2018; and any other conditions attached to this consent.
- 3 Notwithstanding the submitted details the galvanised riser posts that form part of the mooring shall be painted black within 3 months of completed construction of the mooring.



- 4 The windows shall be painted in Farrow & Ball GREEN BLUE 84 and shall thereafter be maintained in the approved colour unless otherwise agreed in writing by the Local Planning Authority.
- 5 Outdoor furniture (including but not limited to; tables/chairs/parasols/umbrellas/canopies/gazebo/marquees and awnings) in association with the operation of the cafe to be removed from the decking area and stored inside the premises outside cafe opening hours unless a scheme of outside storage is submitted to and approved in writing by the Local Planning Authority.

Reasons:

- 1 To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans.
- 3 To safeguard the traditional character and appearance of the listed building to accord with the Planning (Listed Buildings and Conservation Areas) Act 1990
- 4 To safeguard the traditional character and appearance of the listed building to accord with the Planning (Listed Buildings and Conservation Areas) Act 1990
- 5 To safeguard the traditional character and appearance of the listed building to accord with the Planning (Listed Buildings and Conservation Areas) Act 1990

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 opening times and the design of the proposal.
- 2 A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is currently £116 per request. The fee must be paid when the request is made.
- 3 This consent 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.
- 4 Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the local planning authority before those works are undertaken.

Valid 25.05.2018

Proposed removal of existing residential log cabin and mobile home on the site and erection of detached dwelling, for occupation in connection with the existing cattery enterprise. Associated site works.

Grid Ref 393409 227924  
Parish Stoke Orchard And  
Tredington  
Ward Oxenton Hill

## **RECOMMENDATION Delegated Permit**

### **Policies and Constraints**

National Planning Policy Framework (2018)  
Planning Practice Guidance  
Joint Core Strategy (2017) - SP1, SP2, SD1, SD4, SD5, SD6, SD10, SD14, INF1  
Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU12  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)  
**Green Belt**

**Committee determination requested by Councillor Gore in order to assess the impact of the proposal upon the Green Belt**

### **Consultations and Representations**

**Stoke Orchard and Tredington Parish Council** - No objections subject to the addition of a planning condition should permission be subsequently granted, which restricts the weight of delivery vehicles to 26 tonnes.

**GCC Highway Authority** - No objection raised.

**Environmental Health** - No objection raised with regards to noise/nuisance

The EHO has recommended a condition, should planning permission subsequently be granted, which requires site investigation of the nature and extent of potential site contamination to be carried out prior to commencement of works.

**Local Representations** - 1 letter of objection received from a local resident which makes reference to the existing property being a five-bedroom bungalow and queries why this is not sufficient for to accommodate the existing family.

**Planning Officers Comments:** Miss Lisa Dixon

### **1.0 Introduction**

1.1 This application relates to Pussy Willows commercial cattery, its associated dwellinghouse and adjoining complex of small business units. The site lies within a rural location, approximately 1.25km to the east of Stoke Orchard village and is located entirely within the Green Belt (**See attached location plan**).

1.2 The entire site is broadly triangular in shape and is bounded to the north by the Stoke Road and to the east by open fields. The existing railway line lies in close proximity to the west of the site and Grundon's landfill site lies a short distance to the east and south-east.

1.3 As briefly mentioned above, the site comprises the following;

4-bedroom bungalow with garage/store and its associated residential curtilage. The property is tied by way of planning condition to the adjoining cattery enterprise;

Commercial cattery comprising buildings and cages and parking area;

Single-storey commercial/industrial unit, benefitting from established B1/B8 use, sited to the immediate south of the cattery and benefitting from its own parking, separate from the main house and cattery. The unit is located adjacent the south-eastern site boundary and is currently divided into 7nos. units which are rented by various small businesses.

A second, single-storey unit is located at right-angles to the first and benefits from a Certificate of Lawfulness for the use of part of the building as 2nos. self-contained flats under planning reference: 09/01040/CLE. The

flats have recently been vacated and are unoccupied at the present time. The remainder of this building houses the in-door cattery, together with storage/workshop areas. In addition, a small 'log cabin' is sited in close proximity to the commercial units which benefits from lawful use as a residential dwelling under Certificate of Lawfulness application ref: 09/00624/CLE.

1.4 The existing uses within the site all utilise the same, single vehicular access off the Stoke Road, with separated parking available for each of the three elements of the site (residential, cattery and commercial/business units).

## **2.0 Planning History**

2.1 The site has a rather protracted planning history, summarised as follows;

2.2 Formal use of the site as a cattery was granted planning permission in March 1990 and subsequent expansion of the business permitted in June 1991, under planning references: 89/91917/FUL & 91/95361/FUL respectively.

2.3 91/95362/FUL - The retention of an existing mobile home was refused permission on 04.06.1991

2.4 A Certificate of Lawfulness, ref: 09/00623/CLE was granted in August 2009 for the continued use of a mobile home as a residential dwelling place. The mobile home is sited to the immediate rear of the commercial/business units and is currently vacant/unoccupied. The applicants have advised that the mobile home would be permanently removed from the site as part of the current application.

2.5 A further Certificate of Lawfulness was granted at the same time (August 2009 under planning reference: 09/00624/CLE) for the continued use of a second mobile home as a residential dwelling place. The mobile home had originally been occupied by the previous site owner's mother and permission had been retrospectively been granted solely for this relative's use and tied as such, via planning condition. The ensuing certificate of lawfulness application sought to demonstrate non-compliance with the condition, with a number of tenants occupying the mobile home for a continuous period of more than ten years. The Certificate was subsequently granted.

2.6 The conversion of a former agricultural building to provide 7no. business units for mixed B1/B8 use was granted planning permission on 27.04.2010 under planning reference: 10/00213/FUL. The units remain in use for this purpose at the current time.

2.7 In December 2013, planning permission was granted for the continued use of part of the former cattery building as 2no. residential dwelling units, following the granting of a Certificate of Lawfulness for this use under 09/01040/CLE. The application also included internal and external alterations to the building to provide slightly larger accommodation, log burner flues and minor changes to window and door openings.

2.8 Extensions to the main dwellinghouse were permitted in March 2016 under planning ref: 15/01332/FUL to provide the erection of a single-storey extension and replacement garage and carport.

## **3.0 Current Application**

3.1 This application seeks planning permission for the erection of a new dwelling within the site, together with associated site works. The original scheme also proposed the change of use of the 2 no. existing flats to a flexible commercial use (Use Classes B1 - Business; B8 - Storage and Distribution and D2 - Assembly and Leisure), although this element has subsequently been removed from the application and the flats will remain in situ.

3.2 The existing residential 'log cabin' and mobile home are proposed for permanent removal from the site as part of this current application.

3.3 The existing commercial units and mixed use (cattery/residential/storage/workshop) building would remain unchanged as part of the overall scheme.

3.4 The supporting information notes that the proposed dwelling would be for the applicants' personal use, in connection with the continued operation of the existing cattery enterprise. The proposed dwelling would be of single-storey construction and comprise horizontal oak-effect wood composite clad walling, wood-effect Upvc

windows and doors and grey tiled roofing. The dwelling, as originally proposed would measure 17.98 metres in length and 6.62 metres in width and of pitched roof design. The originally proposed dwelling would have provided approximately 110 square metres of accommodation, comprising 2nos. double bedrooms (one with en-suite), open-plan lounge, kitchen/diner, study, bathroom and utility room. The proposed dwelling would be located within a central part of the overall site, between the main dwellinghouse (to be retained) and the cattery. The associated curtilage for the new dwelling would be delineated by way of post and rail fencing, with parking for 2nos. vehicles being provided to the frontage (**See attached plans**).

3.5 The extent of the proposed dwelling has been revised since original submission and reduced in size in order to closely reflect the footprint of residential buildings proposed for removal as part of the current application. Revised floor and elevation drawings of the proposed new dwelling are awaited from the applicant and will **displayed at Planning Committee**.

#### **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 2018.

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 in the determination of this application are the principle of development and the Green Belt, the design and visual impact of the proposal on the landscape character of the area, impact on amenity of neighbouring land uses and highways safety.

##### **Principle of Development - Proposed new dwelling**

5.2 In terms of economic growth, one of the 'core principles' of the NPPF is to proactively drive forward and support sustainable development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth.

5.3 JCS Policy SD1 relates to employment related development (except retail). Criterion (viii) offers support to the development of small and medium sized enterprises, subject to all other policies of the plan. The supporting information states that the existing dwellinghouse within the site, currently houses three generations of the family; the applicants themselves, their daughter and her partner and two teenaged children. The Design and Access Statement notes that the applicant and her daughter are Directors of the cattery business and at least one of the Directors must be present on site at all times of the day and night in order to care for the animals within the cattery (in order to administer medication etc). The main house is noted within the DAS to be too small to comfortably house all of the existing family members and unsuitable for further extension due to construction/layout constraints. As such, the DAS sets out the proposed new dwelling is required within the site in order to secure the continued successful operation of the existing cattery business. The new dwelling would house one of the Directors of the business and her husband, whilst allowing the second Director to remain with her partner and children within the main house. The existing residential flats within the former cattery building and mobile home within the site are noted to be unsuitable within the DAS and as such, could not be utilised by the family. Therefore, as part of the current application, it is proposed to 'give up' the established residential elements within the site of the log cabin and mobile home, in lieu of the proposed dwelling.

5.4 The DAS also makes further reference to the existing log cabin within the site, which is located adjacent the cattery and commercial buildings and some 48 metres south-east of the proposed new dwelling. The DAS advises that the relative distance of the log cabin from the main house would render it unsuitable for use by the applicants as an alternative to the provision of a new dwelling, due to the very special circumstances that are apparent and which will be discussed in detail later within this report.

5.5 It is considered that the proposal would allow for the continued successful operation of an existing business in accordance with JCS Policy SD1. However, JCS Policy SD1 makes clear that the acceptability of the proposal is subject to its compliance with other relevant policies and the site's location in the Green Belt means this constraint must be considered in establishing whether the principle of development is acceptable.

### **Green Belt**

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

5.7 The NPPF 2018, at paragraph 143 provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.8 The applicants have advised that the existing 2nos. residential units (log cabin and mobile home), which are located in close proximity to the cattery and commercial buildings, would be given up' in lieu of the proposed new dwelling. Paragraph 145 of the NPPF 2018 sets out that the construction of new buildings in the Green Belt is inappropriate other than for a number of exceptions. One of the exceptions identified within paragraph 145 is whereby the construction of a new building replaces an existing building, provided the new building is in the same use and not materially larger than the one it replaces. The existing mobile home, which has established residential use and which is proposed for removal as part of the current scheme, measures 3 metres in width by 8.5 metres in length. The existing log cabin is shown within the submitted site layout plan to measure some 6 metres in width by 12 metres in length. As such, the total area of residential buildings proposed for removal from the site would be 97.5 square metres. The originally proposed new dwelling measured some 6.62 metres in width by 17.98 metres in length (119 square metres). As such, although the proposal would constitute the replacement of buildings by a new building in the same use, the new dwelling would be materially larger than those it seeks to replace, thereby rendering the proposal contrary to 'exception d' paragraph 145 of the NPPF. Therefore the original scheme represents inappropriate development in the Green Belt, which by definition, is harmful to the Green Belt and should not be approved except in very special circumstances.

5.9 Following discussions with officers, the applicants have agreed to reduce the footprint of the proposed new dwelling so that the building would not be materially larger than the 2nos. residential buildings it seeks to replace. Amended plans to illustrate the reduced proposal are to be submitted by the applicants and will be displayed at Committee. As such, subject to the amended plans demonstrating that the new dwelling would not be materially larger than the combined footprint of the existing log cabin and mobile home, the revised scheme is considered to accord with paragraph 145 of the NPPF 2018 and JCS Policy SD5 with regard to the appropriate construction of new buildings in the Green Belt. The application will be required to be subject to a Legal Agreement in order to secure the removal of the existing log cabin and mobile home from the site. In addition, it is recommended that permitted development rights be removed from the new dwelling via appropriate planning condition, in order to ensure that the building remains materially no larger than the buildings it has replaced.

### **Preservation of openness**

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

5.11 The proposed dwelling would be centrally positioned within the overall site and well screened by the existing main dwelling to the north and the cattery and commercial units to the south. As such, it is considered that the proposed development would introduce a new building that would not materially impinge on the openness of the Green Belt and this is further strengthened by the limited extent to which it would be seen from public vantage points due to the enclosed nature of the site. For those reasons, it is considered that the proposed development would not cause harm to the openness of the Green Belt and would not represent inappropriate development in the Green Belt by virtue of its compliance with exception 'd' of paragraph 145 of the NPPF.

#### Purposes of including land as Green Belt

5.12 The Green Belt serves five purposes:

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

5.13 By reason of its enclosed and well screened siting within the site and removal of existing buildings as part of the scheme, it is considered that the development would not increase the built-up area of the site. As such the proposal would safeguard the countryside from encroachment.

#### Applicant's Very Special Circumstances

5.14 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicants have advanced 'very special circumstances' in relation to the requirement for a new dwelling on the site. The VSC relate to the requirement for a least one of the Directors of the existing cattery business to be on site at all times for security purposes and in order to ensure appropriate levels of care for the animals housed within the cattery, including the required administering of medication in some circumstances. The VSC set out that the existing dwellinghouse, which is tied by planning condition to occupation in connection with the cattery business, is unsuitable/insufficient accommodation to cater for the three generations of family who currently occupy the property, two of which (mother and daughter) are the Directors of the business.

5.15 As such, the VSC set out that additional dwelling is wholly required in order to facilitate the successful and ongoing operation of the cattery business.

5.16 Further VSC have been put forward by the applicants with regard to specific medical requirements of the immediate family. For reasons of data protection/confidentiality, the specific reasons have not been reproduced within the committee report.

#### Analysis of the Very Special Circumstances

5.17 The 'very special circumstances' advanced by the applicant have been carefully considered. However, it is considered that the justification put forward does not represent 'very special circumstances' in this instance. Notwithstanding this view, as outlined above, the proposal is considered to fall within one of the identified 'exceptions' of paragraph 145 of the NPPF and is also considered to preserve the openness of the Green Belt. Furthermore, the proposal would not conflict with the purpose of the Green Belt. Paragraph 143 of the NPPF advises that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 provides that *'very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'*. Therefore, in light of the above, the applicant is not required to demonstrate very special circumstances in support of the revised scheme.

#### Conclusion on Green Belt Matters

5.18 The development would represent appropriate development in the Green Belt and, in addition, there would be no identified harm to the openness and no identified conflict with the purpose of the Green Belt. This carries substantial weight in favour of the proposal.

5.19 In this particular case, the applicants have advanced 'very special circumstances'. However, in light of the revised proposal being considered to constitute appropriate development within the Green Belt, there is no requirement for very special circumstances to be demonstrated in this instance.

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

### **Impact upon the Landscape**

5.21 The application site is located within a relatively rural location, and lies remote from the village of Stoke Orchard to the west, and the larger settlement of Bishops Cleeve to the east. The National Planning Policy Framework 2018 (NPPF) makes clear that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

5.22 Policy SD6 (Landscape) of the JCS specifies that development proposals should seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.

5.23 The application site is currently laid to grass/pasture and is well screened by mature planting to the perimeter, and by the main dwelling to the north and cattery/commercial units and related hardstanding/parking to the south. The site also lies in close proximity to the established Grundon's landfill site. The proposed new dwelling would be sited in between the main house and cattery business, with access gained via the existing driveway which presently serves all of the various uses within the site. It is considered the proposed dwelling would have a greater impact upon the landscape character of the area than its current pasture use. However, given the site context, the single-storey height of the building and the existing tree screening and additional screening afforded by existing buildings, the overall impact upon the landscape would be limited. On balance, it is considered the proposed development would not result in discernible harm to the rural landscape and the proposal is therefore, considered to accord with Section 15 of the NPPF 2018 and JCS Policy SD6 in this regard.

### **Design**

5.24 All development is expected to be of a high design quality. Development at any scale and location should make a positive contribution to providing better places for communities. Policy SD4 of the JCS states that new development should respond positively to, and respect the character of, the site and its surroundings.

5.25 Due to scale, height, simple linear design of the proposed dwelling and its central location within the overall site, it is considered the development would be appropriate in design terms and should not have a harmful impact on the character and appearance of the area.

### **Highway Safety/Access**

5.26 Section 9 of the NPPF 2018 requires safe and suitable access to be achieved for all users and advises that development should only be refused on highways grounds if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 103 also advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision-making. JCS Policy INF1 reflects this requirement and advises that developers should provide safe and efficient access to the highway network.

5.27 The site is adjacent to a Class 2 highway, there are no footways or street lighting in the area and there is a posted speed limit of 40mph. The proposal will use an existing access, with off-road parking provided for 2nos. vehicles within the site. Although not raising any formal objection to the scheme, the Parish Council have raised concerns with regards to the potential increase in traffic access and in particular, large vehicles, due to the sites close proximity to the railway bridge. As such, the Parish have raised no objection to the application on condition that standard delivery vehicles should not exceed 26 tonnes. It should be noted however, that their comments were made on the basis of the original proposal and the inclusion of change of use of the residential flats to provide a flexible B1, B8 and D2 use. As outlined above, the revised scheme no longer includes this element and the residential units will remain unchanged. Furthermore, the current proposal seeks to remove 2nos. established residential units from the site, which have previously been occupied by private tenants, unconnected to the cattery enterprise. These units, along with the associated

vehicle travel movements that they incur, would be removed from the site. The new dwelling would house occupants already inhabiting the main dwellinghouse on the site, one of whom (the applicant) is and would continue to be fully employed within the adjoining cattery. As such, the number of vehicular movements would decrease as a result of the proposal and would be restricted to day to day domestic travel movements as opposed to commercial/industrial transport movements. The imposition of the recommended condition required by the Parish Council is therefore, not deemed necessary or reasonable in this instance.

5.28 The County Highways Officer has been consulted in respect of the proposal and has raised no objection. It is considered that the current proposal would result in a net decrease in vehicular movements and would not result in any detriment to highway safety. The scheme is therefore, considered to accord with the NPPF and Policy INF1 of the JCS in this regard.

### **Other Matters**

5.29 Given the nature of the proposed development and the requirement of the new dwelling in connection with the continued operation of the existing cattery business, it is considered that there would be no harmful impact upon the residential amenity of its occupiers or the occupiers of the existing main dwellinghouse.

5.30 The applicant has indicated they would consider a temporary permission, which would be restricted to the lifetime of the applicants. However, due to compliance of the scheme with prevailing policy, when weighed in the overall planning balance, it is considered that such a restriction via condition, would not be required or reasonable in this instance.

### **6.0 Conclusions**

6.1 The development would not have an adverse impact upon the landscape, visual amenity, residential amenity nor would it be prejudicial to highway safety.

6.2 Furthermore, the development would constitute appropriate development within the Green Belt, as set out within paragraph 145 of the NPPF 2018. The proposal would not result in harm to openness, nor conflict with the purposes of the Green Belt. Substantial weight is given to the compliance of the proposal with prevailing Green Belt policy. It is therefore, recommended that permission is **delegated to the Technical Planning Manager subject to completion of a Legal Agreement to secure the removal of the existing log cabin and mobile home from the site prior to first occupation of the new dwelling and to secure the revised plans in respect of the reduced footprint dwelling via appropriate planning condition.**

6.3 Consequently the application is recommended for **Delegated permission.**

### **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 No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The site shall be remediated in accordance with the approved measures before development begins.  
If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.



- 3 Prior to the installation of any external materials in connection with the development hereby approved, samples of the materials to be used in the construction of the external surfaces of the dwelling, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and maintained as such thereafter.
- 4 The development shall not be occupied or brought into use until vehicle parking has been provided in accordance with the approved plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
- 5 Before any above ground development hereby permitted is commenced, full details of all proposed hard and soft landscape works, including details of boundary treatments, paved areas and other hard surfaces and landscape planting, shall be submitted to and approved in writing by the local planning authority. All landscaping works shall be carried out in accordance with the approved details before the end of the first planting season either following the first occupation of a dwelling or the substantial completion of development, whichever is sooner. Any trees or plants which within a period of 5 years from substantial completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.
- 6 No part of the development shall be occupied/ brought into use until the surface water drainage works serving the said development have been permanently carried out in accordance with details to be first approved in writing by the Local Planning Authority
- 7 The foul water drainage to serve the development hereby approved, shall be completed in all respects prior to first occupation of the dwelling, in accordance with the submitted Foul Water Statement received by the Local Planning Authority on 22.05.2018. The development shall be maintained thereafter in accordance with the approved details unless an alternative scheme is first submitted to and approved in writing by the Local Planning Authority.
- 8 The occupation of the dwelling hereby approved shall be limited to a person or persons solely or mainly employed at the adjoining cattery known as 'Pussy Willows Cattery' or a dependant of such a person residing with him or her or a widow or widower of such a person.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 4 In the interests of highway safety in accordance with the NPPF.
- 5 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 6 To ensure that an adequate means of surface water drainage is provided to serve the development, in accordance with the NPPF.

- 7 To ensure that an adequate means of foul water drainage is provided to serve the development, in accordance with the NPPF.
- 8 The site is not in an area intended for general residential development. Permission is granted for the present proposal solely to meet the specific occupational needs of the applicant.
- 9 The site is located within the Green Belt where inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF sets out that the construction of new buildings is inappropriate in the Green Belt, aside from certain exceptions including the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces. Therefore, permitted development rights are restricted in this instance in order to ensure that the building hereby permitted remains thereafter, no larger than the buildings it has sought to replace, in accordance with exception 'd', paragraph 145 of the NPPF 2018.

Note:

**Statement of Positive and Proactive Engagement**

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

18/00312/FUL - SITE PLAN

TEWKESBURY BOROUGH COUNCIL  
OPERATIONS  
Office .....

Close boarded fence  
Post and Rail Fence  
Hedge  
Tree

34  
234/a



<p> <b>NAME</b> _____  <b>DATE</b> _____  <b>GRADE</b> _____  <b>TEACHER</b> _____  <b>ADDRESS</b> _____  <b>CITY</b> _____  <b>STATE</b> _____  <b>ZIP</b> _____ </p>	<p> <b>STUDENT</b> _____  <b>DATE</b> _____  <b>GRADE</b> _____  <b>TEACHER</b> _____  <b>ADDRESS</b> _____  <b>CITY</b> _____  <b>STATE</b> _____  <b>ZIP</b> _____ </p>
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Object description	18.001
18.001	

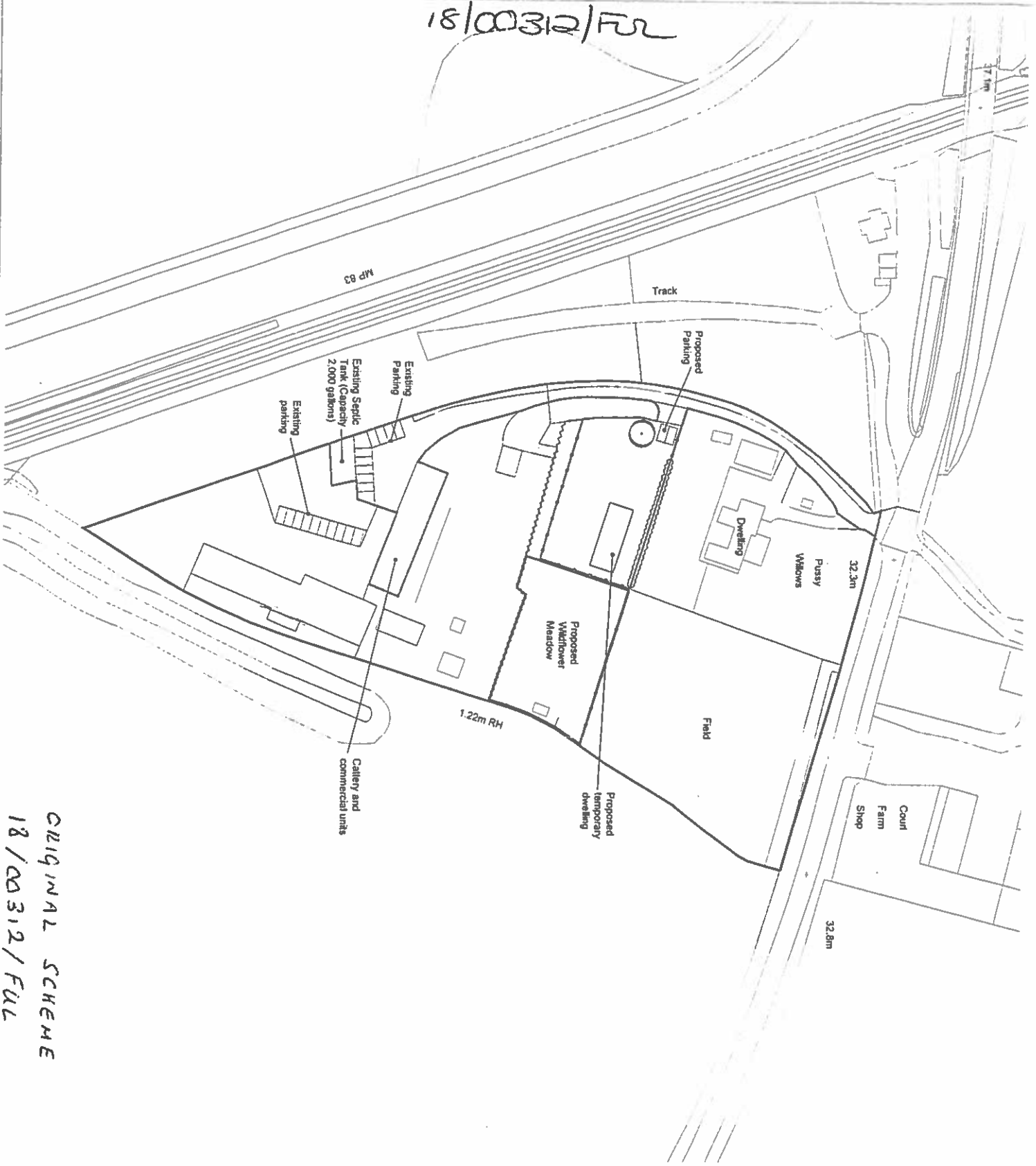
Pussy Willows Gallery, Stoke Orchard

## Existing Site Plan

18.001-102	1:1000 @ A3	March '18
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# PLANNING Ø

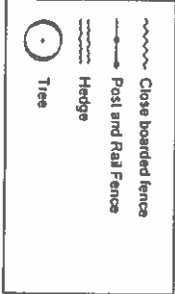
18/00312/FUL



ORIGINAL SCHEME  
18/00312/FUL



LEWESBURGH BOROUGH COUNCIL	
OPERATIONS	
DATE	22 MAY 2018
TIME	
FILE	
PROJECT	
DATE	
TIME	



35 2346




PROJECT	Stoke New
NO	01212 894 861
DATE	18/001-103
CLIENT	Stoke New
PROJECT	18/001

Proposed Site Plan  
Pussy Wilms Cattery, Stoke Orchard

DATE	18/001-103
SCALE	1:1000 @ A3
DATE	March 18
PROJECT	PLANNING
DATE	0

18/00312/FUL

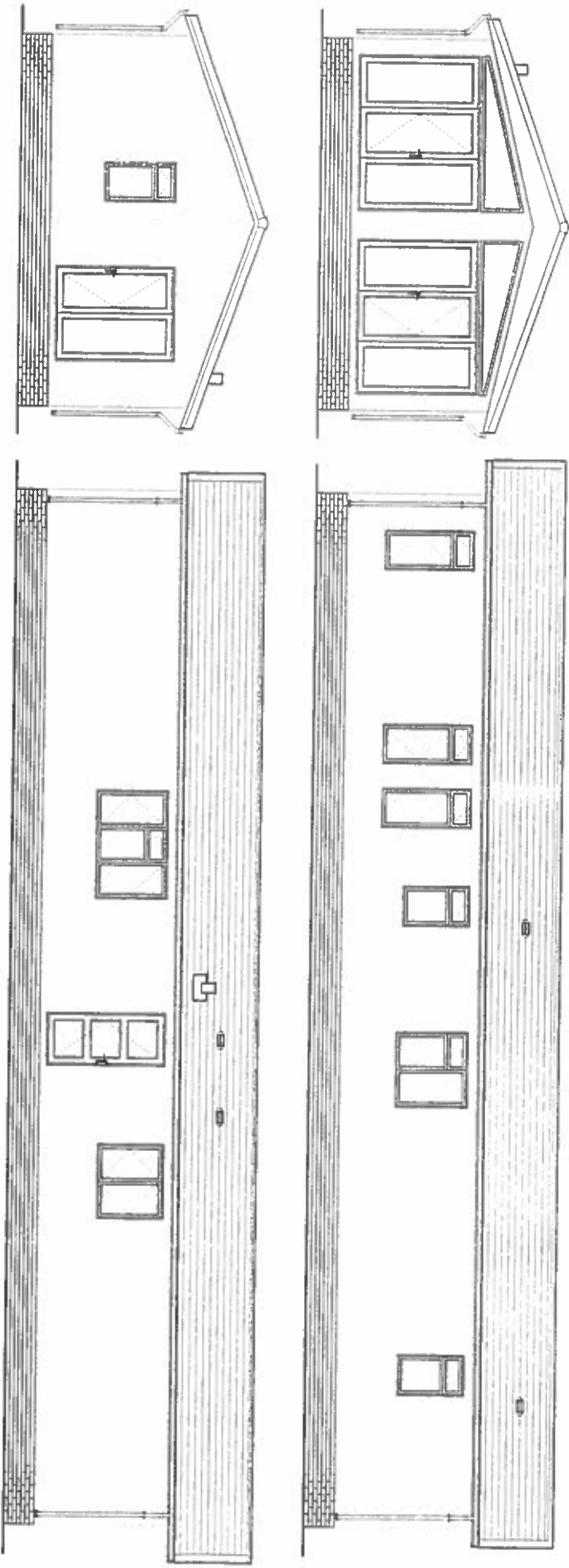
**WESSEX**  
UNIQUE LOOKS & PARK HOMES  
London Road, Brandon, Suffolk, IP27 0NE  
Phone: 01842 810673 - Fax: 01842 814328

17.983m x 6.622m (59'-0" x 22')
Special 2DB Utility & Study - Elevation
Own Land - Spawton

Date:	20-07-17	17140
Scale:	1:75	
Drawn By:	BUE - PLA - BUE	
Drawing No:	24 17 0062	
Serial No:		

No.	Section	Draw

13° Vaulted Ceiling Throughout




234/C

18/00312/FUL - ORIGINAL SCHEME. PROPOSED ELEVATIONS

Drawings are subject to Wessex Park & Home Homes Limited  
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No part of these drawings may be reproduced or copied

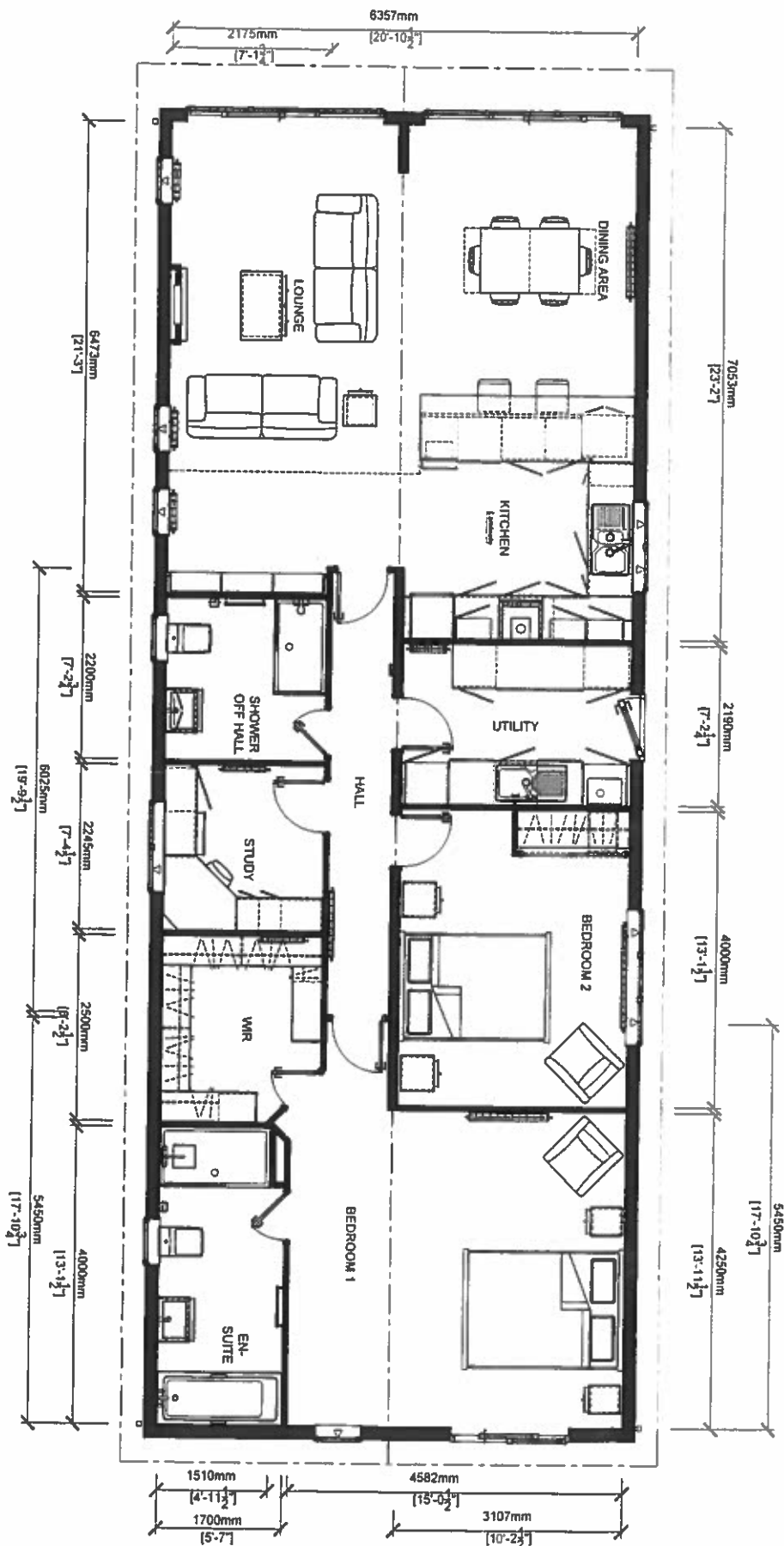
18/00312/FUL

 <b>WESSEX</b> UNIQUE LODGES & PARK HOMES	
Date:	20-07-17 17:10
Scale:	1:60
Drawn By:	BJE - PLA - BJE
Drawing No:	24 17 0062
London Road, Brandon, Suffolk IP27 0NE Phone: 01842 810673 - Fax: 01842 814328	

17.983m x 6.622m (59'-0" x 22')
Special 2DB Utility & Study
Own Land - Spawton

**Please Note:**  
 This layout is a draft layout only. It is intended to illustrate what the layout of your home could look like and is subject to any alterations necessary to meet British or European standards

1.3° Vaulted Ceiling Throughout



10 234/d

18/00312/FUL - ORIGINAL PROPOSED FLOOR PLANS

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18/00334/FUL

1 Slate Mill Farm, Tewkesbury Road, Elmstone Hardwicke ITEM 4

Valid 05.04.2018  
Grid Ref 389070 226449  
Parish Boddington  
Ward Badgeworth

Proposed residential annex to provide additional living accommodation.

## **RECOMMENDATION Refuse**

### **Policies and Constraints**

National Planning Policy Framework (NPPF) (2018)  
Planning Practice Guidance  
Joint Core Strategy (JCS) (2017) - SP1, SP2, SD4, SD5, SD6, SD10, INF1 and INF2  
Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies HOU8, HOU10  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

### **Consultations and Representations**

**Boddington Parish Council** - No Comments

**Severn Trent Water** - No objections.

**Flood Risk Management Engineer** - No objections subject to condition.

**Local Residents** The application was advertised by site notice. One representation has been received in support of the application. The comments raised are summarised below:

- The applicant was brought up in the mill
- Appropriate to return to live at the location
- Health would make it very difficult to return to the mill,
- Annex would allow independence while within the family unit

**Councillor Vines** has requested **Committee determination** in order for members to assess the suitability of the proposal given its **Green Belt** location.

**Planning Officers Comments:** Bob Ristic

### **1.0 Application Site**

1.1 The application site comprises an area of land adjacent to the southern boundary to the garden of no.1 Slate Mill Farm. While the land forming the application site is in the same ownership it however lies outside of the residential curtilage to that property and comprises agricultural land.

1.2 The site is located within the open countryside and outside of any identified settlement, is within the Green Belt and within Flood Zones 2 and 3.

### **2.0 Relevant Planning History**

2.1 The relevant planning history is summarised below:

17/00875/OUT - Single 2 bed dwelling on scrubland adjacent to existing farmhouse - Refused under officers delegated powers on 27th November 2017 for the following reasons:

1 *The proposed development lies outside any recognised settlement boundary, where new housing is strictly controlled and it is not essentially for the efficient operation of agriculture or forestry. This is contrary to Policy HOU4 of the Tewkesbury Borough Local Plan - March 2006 and Policy SD10 of the Joint Core Strategy Adoption Version (November 2017).*

2        *The proposed development would represent an inappropriate form of development in the Green Belt, which is harmful by definition, and would compromise its open character, appearance and function. The proposal would therefore be contrary to Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Policy SD5 of the Joint Core Strategy Adoption Version (November 2017) and Section 9 of the National Planning Policy Framework.*

3        *By reason of its form and location, the proposed dwelling would result in harm to the rural character and appearance of the open countryside, which harm is exacerbated by the fact that, in order to facilitate appropriate flood protection, the proposed dwelling would be raised above the natural ground level increasing the harm to the landscape. This is contrary to Policy LND4 of the Tewkesbury Borough Local Plan - March 2006 and policy SD6 of the Joint Core Strategy Adoption Version (November 2017).*

4        *The site is located within an area which is categorised as being at risk of flooding as defined in the NPPF. The submitted Flood Risk Assessment is inadequate as it does not demonstrate that people and property would be safe during flood events. Furthermore, it has not been adequately demonstrated that the Sequential Test has been undertaken to demonstrate that there are no sites in areas with a lower probability of flooding that would be appropriate for such a development. The proposed development would therefore be contrary to the core principles of land-use planning set out at Section 10 (Meeting the challenge of climate change, flooding and coastal change) , saved Policy EVT5 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policy INF2 of the Joint Core strategy Adoption Version (November 2017).*

5        *The proposed dwelling would be sited in an unsustainable location that is remote from services. This would lead to an increased reliance on the private car and is contrary Policy TPT1 of the Tewkesbury Borough Local Plan - March 2006 and Policy INF1 of the Joint Core Strategy Adoption Version (November 2017).*

12/01191/APP - Reserved matters application for the erection of an agricultural workers dwelling pursuant to outline permission ref 11/01001/OUT - Approved

11/01001/OUT - Erection of an agricultural workers dwelling (all matters reserved) - Permitted 28th February 2012

08/00265/OUT - Erection of a dwelling - Refused

07/00529/OUT - Erection of an agricultural works dwelling - Refused

05/00077/CLE - Application for Lawful Development Certificate for existing development - use of Slate Mill as two independent dwellings - Permitted

04/01789/FUL - Single storey side extension and conservatory - Withdrawn

04/00649/FUL - Erection of two storey extension to one dwelling - Permitted

02/01707/FUL - Conversion of outbuilding - existing use snooker room and household storage - to granny annexe - Permitted

### **3.0        Current Application**

3.1        This application is submitted following the refusal of outline planning permission for a detached, single and two storey house at the site.

3.2        The current application seeks planning permission for a detached single storey building for use as an annexe, in order to allow the applicant to live in proximity to her family due to poor health.

3.3        The proposed building would have a simple pitched roof design, with a ridge-line running in an east-west direction. The building would measure approximately 12.9 metres x 7.35 metres and would have an overall height of 3.85 metres. The footprint of the building would measure approximately 94 square metres and the submitted drawings show a bedroom/en-suite with a floor area of approximately 14.4 metres with the remaining floor area annotated as 'living space'. **(See attached plans).**



## **4.0 Policy Context**

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

4.2 The development plan comprises the Joint Core Strategy (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 which was revised in July 2018.

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

## **5.0 Analysis**

5.1 The main issues in the consideration of this application are, the principle of the development, appropriateness of the development in the Green Belt, the impact upon the rural character of the area, design and flood risk.

### **Principle of Development**

5.2 This application follows the refusal of outline planning application no. 17/00875/OUT for a detached two storey dwelling at the site. The applicant advises that the previous application was ill informed in respect of planning policy and that the applicant's requirements are actually for an annexe rather than a new dwelling and this is required due to ill health.

5.3 The current application is for a single storey building which would be accessed through the garden to 1 Slate Mill Farm. The annexe would have no curtilage itself and would share the garden area with the main dwelling.

5.4 However the application is proposed as an annexe to No.1 Slate Mill farm, the site lies outside of the residential curtilage to that property and is therefore agricultural land. While the applicant disputes this opinion, no evidence has been presented to demonstrate that the application site forms part of the residential curtilage. This application would therefore entail the change of use of agricultural land to residential curtilage.

5.5 TBLP Policy HOU10 advises that the change of use of agricultural land to residential curtilage will not be permitted unless there is no adverse encroachment into the surrounding countryside, and that the form is not incongruous with the characteristic pattern of surrounding gardens. The RJ to the policy advises that care must be taken to ensure that the extension of residential gardens does not affect the environment through domestication of the land and would not typically be permitted within the Green Belt given the objectives of the designation.

5.6 The southern extent of the residential curtilage to Slate Mill Farm, is clearly defined by a historic red brick wall, which separates the residential curtilage from the wider farm area. The proposed building would 'jut-out' into this presently open area, would encroach into the countryside and would be at odds with the regular linear boundaries to the existing property and nearby development within the farm complex. The harm would be further exacerbated by the proposed annexe which comprises a sizable building which would be located in an elevated position (in order to overcome the risk from flooding). The proposal is therefore considered unacceptable in principle.

### **Green Belt**

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

5.8 The NPPF provides that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.9 Paragraph 145 of the NPPF sets out that development in the Green Belt is inappropriate other than for a number of exceptions. The change of use of land for the purpose of enlarging a residential curtilage and the construction of an annexe are not listed as exceptions. Furthermore, the proposed annexe cannot be considered as an extension to the dwelling house as it lies outside of the residential curtilage and is separated from that building. As such the proposal would represent inappropriate development within the Green Belt which by definition would be harmful to the Green Belt and should not be approved except in very special circumstances.

#### Preservation of openness

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

5.11 The proposed development would introduce a substantial building which would materially impact openness, which is accepted as a state of being free from built development and the absence of buildings. For these reasons, the proposed development would cause harm to the openness of the Green Belt. This is in addition to the harm arising from the inappropriate nature of the proposal.

#### Purposes of including land as Green Belt

5.12 The Green Belt serves five purposes:

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

5.13 By reason of the extension of the residential curtilage and the construction of the proposed annexe, it is considered that the proposal would inevitably increase the built-up area and would fail to safeguard the countryside from encroachment.

#### Applicant's Very Special Circumstances

5.14 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. The applicant has advanced 'very special circumstances.' These are summarised below:

- *The specialist and genuine need for additional annexe accommodation by a registered disabled person*
- *Current property is unsuitable to meet the applicant's needs*
- *Need for single storey open plan accommodation*
- *Similar circumstances have been found to be very special circumstances - allowed appeal at The Chalet, Down Hatherley*

#### Analysis of the Very Special Circumstances

5.15 It is accepted that the applicant's progressive condition will entail increased need for support and care over time which is best provided within the family unit. Equally it is accepted that level and accessible accommodation is required. However, no evidence, other than personal preference has been provided to demonstrate why the existing property could not be adapted or extended in the first instance to meet the needs of the applicant which (dependant on design and siting) within the residential curtilage could comply with Green Belt policy.

5.16 The supporting medical letters recommend that ground floor living accommodation is required however, no justification has been provided with regards to the need for the size of the proposed building, other than personal preference and being reflective of the ground floor area of the previously refused dwelling at the site.

5.17 While a bedroom/en-suite (14.4 square metres) has been indicated on the drawings and is accepted as necessary, no justification has been provided as to the essential needs for the remaining 67 square metres of 'living space' which appears somewhat disproportionate, bearing in mind that an annexe should provide ancillary accommodation to the main dwelling and not provide accommodation of a scale capable of independent occupation.

5.18 The applicant proposes that the annexe represents a proportionate increase in development (56% of the floor area of Slate Mill Farm) however the reference to extending the existing property and TBLP Policy HOU8 is not applicable as the building is separate from 1 Slate Mill Farm and lies outside of its curtilage and cannot therefore be considered as an extension.

5.19 Furthermore the appropriateness and accessibility of the proposed annexe is questioned. The submitted drawings show the proposed building facing onto and being accessed from the garden to Slate Mill Farm. It is noted that in order to minimise the risk of flooding the finished floor level would be set at 19.8 metres and some 1.5 metres higher than the assumed Ground Floor and courtyard level to the west of Slate Mill Farm, which may prove challenging to traverse in winter conditions or at night time due to impaired mobility. Further development in the form of access ramps, and hand rails may therefore also be required and appear not to have been considered in designing this scheme and have not been shown on the submitted drawings. Such works would further impact the openness of the Green Belt.

5.20 The applicant has referred to an allowed appeal at The Chalet, Down Hatherley, where the inspector afforded considerable weight to the applicant's personal circumstance. While the floor area increase allowed in this instance was greater than that proposed in this application it is noted that the development in that instance was an extension to the existing property, located within the curtilage of the dwelling and there was a fall-back in terms of permitted development rights to undertake significant works. Those circumstances differ significantly to this proposal where the annexe would be located outside of the curtilage to the dwelling, would comprise a separate building and no such fall-back exists.

#### Conclusion on Green Belt Matters

5.21 The proposal would be inappropriate development in the Green Belt which is harmful by definition. In addition, there would be an identified harm to the openness and conflict with the purpose of the Green Belt. This carries substantial weight against the proposal.

5.22 In this particular case, the applicant has advanced 'very special circumstances'. While the applicant's personal circumstances are afforded significant weight it is considered that this would not outweigh the identified harm and conflict with the development plan and NPPF so as to justify inappropriate development in the Green Belt.

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

#### *Impact on the Landscape and Design*

5.24 The proposed development would be located within the open countryside and outside the curtilage of the dwelling house. The NPPF sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and JCS Policy SD6 seek to protect landscape character for its own intrinsic beauty.

5.25 Furthermore, The NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy SD4 of the JCS advises that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.

5.26 The existing dwellings in the area consist of the 1 and 2 Slate Mill Farm, a converted mill building, a farmhouse and a small complex of converted barns, all of which retain a traditional agricultural appearance and contribute to the farmyard character.

5.27 The proposed building would be set back from the existing courtyard edge and would fail to reflect the character existing pattern of development and would not fit within the context of the farmyard. Furthermore, the building would have a simplistic suburban appearance which would fail to reflect the rural and historic character of the adjoining farmstead.

5.28 While a levels survey for the application site has been provided it does not provide a finished floor level for (Slate Mill Farm, which is assumed to be similar to the forecourt at 18.3 metres AOD), furthermore no levels are provided within the garden to No.1 Slate Mill Farm which has a considerable gradient up to the north east and through which the annexe is proposed to be accessed.

5.29 The applicant has advised that the finished floor level would be set at 19.8 metres AOD, however no site sections have been provided and the elevations show the building apparently on a level. However it is noted from the site survey that the land to the west of the building is 18.5 metres AOD (some 1.3 metres lower than the proposed building), the point nearest the northern boundary with the garden to Slate Mill Farm as 20.8 metres AOD (some 1 metre higher) and the land to the east at 20.2 metres AOD. (0.4, metres higher). While the submitted elevations show the building as being on a level it is apparent that the development will entail significant engineering works to provide appropriate retaining walls and the formation of a level.

5.30 It is likely that the building will require significant footings and potentially 1.3 metres of exposed brickwork before the finished floor level is reached. This would be particularly apparent when viewed from the west and would result in a poor and unacceptable appearance to the development. Alternatively the adjoining land may require significant regrading, however such an engineering operation would be outside of the 'red-line' site boundary and would constitute further inappropriate development in the Green Belt and further encroachment into the countryside.

5.31 It is therefore considered that the design and location of the building and the proposed elevated finished floor level would result in a poorly designed development which would fail to harmonise with adjoining development and would be harmful to the open countryside character, thereby detracting from the rural appearance of the area.

#### Flood risk

5.32 JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change.

5.33 The site is principally located within Flood Zones 3. The application has been accompanied by a flood risk assessment which sets out that the finished floor levels should be set at 19.8 metres in order to ensure that the development and future occupiers are safe from the risk of flooding.

5.34 The submitted flood risk assessment has been reviewed by the councils flood risk management engineer who has advised that he is satisfied the suggested finished floor level of 19.8m AOD is acceptable, however it is recommended that the building should be constructed of resilient materials in order to reduce the consequences of flooding and facilitate recovery from the effects of flooding sooner than traditional buildings.

#### Impact on highway safety

5.35 The annexe would be served by the existing private drive which serves the farm complex and the dwellings on site. The access is formed of hard surface and there are passing places along it. There is sufficient visibility at the junction with the highway network to allow for safe egress. While the proposed development would result in the intensification of the access, it is not considered that this would result in a severe adverse impact on the highway network.

## 6.0 Balancing Exercise and Conclusions

6.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act 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.

### Benefits

6.2 The provision of annexe accommodation to allow the applicant to be cared for by family members is afforded significant weight and will bring social benefits to the applicant and their family and would allow her existing accommodation to return to the market. Additionally the construction phase will provide economic benefit by supporting the building trades albeit to a relatively minor degree.

### Harms

6.3 Considerable harm arises as a result of the conflict with the NPPF and local plan policy. The proposal would result in inappropriate development within the Green Belt there would be an identified harm to the openness and conflict with the purpose of the Green Belt. The very special circumstances forwarded by the applicant would not outweigh this substantial harm. Furthermore, the poor design and siting of the development would harm the rural landscape.

### Neutral

6.4 Subject to the imposition of suitable planning conditions relating to finished floor levels, type of construction and consideration of evacuation routes, any future occupier would not be at an unacceptable risk from flooding.

### Conclusion

6.5 On the basis of the above, it is considered that the benefits of the proposed development would not outweigh the significant harms identified. As such, the proposal is not considered to represent sustainable development and it is therefore recommended that the application is **REFUSED**.

## RECOMMENDATION Refuse

### Reasons:

- 1 The proposed development would represent an inappropriate form of development in the Green Belt, which is harmful by definition, and would compromise its open character, appearance and function. The proposal would therefore be contrary to Policy SD5 of the Joint Core Strategy (2017) and Section 13 of the National Planning Policy Framework.
- 2 The proposed development by reason of its location, siting and design would be of a poor design which would fail to integrate with existing development and would result in harm to the rural character and appearance of the open countryside. The proposal is therefore contrary to Policies SD4 and SD6 of the Joint Core Strategy (2017).

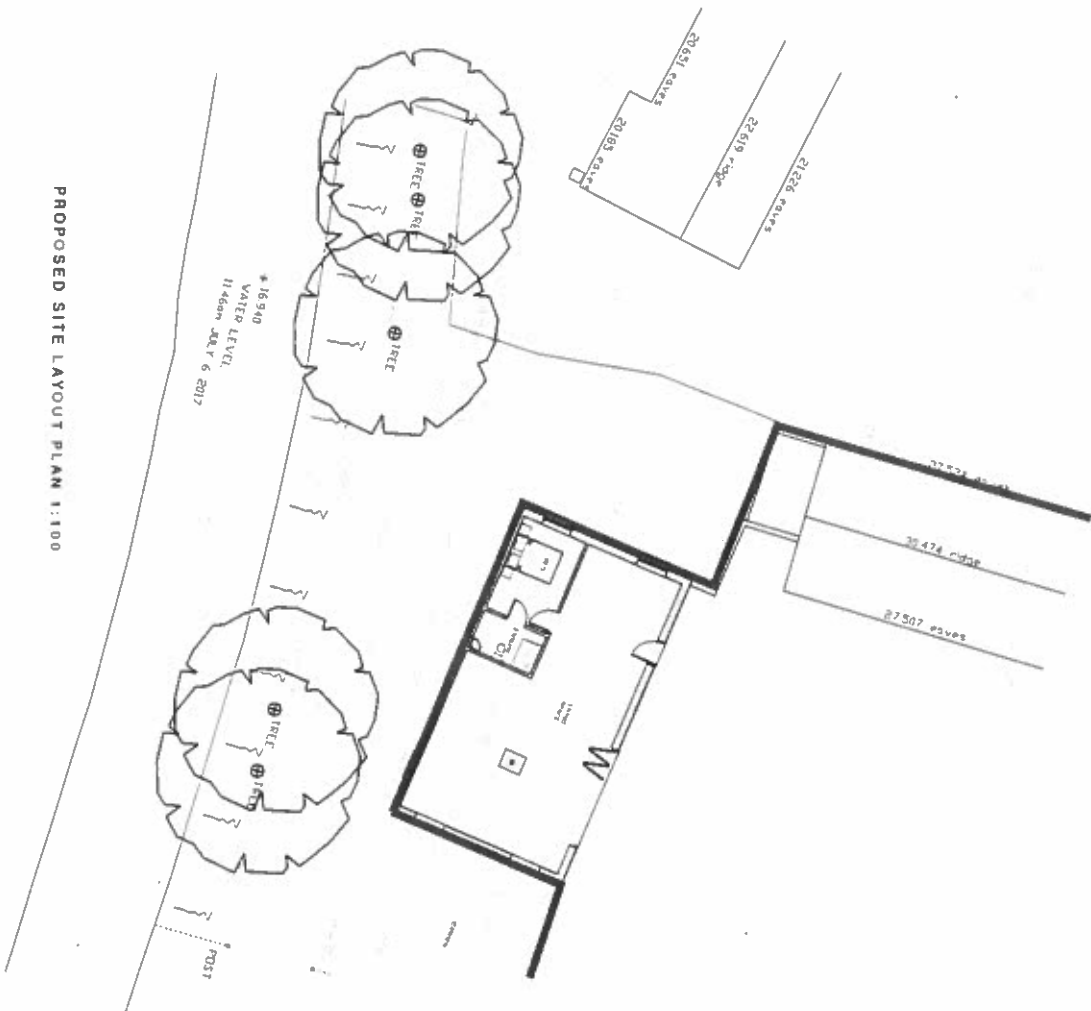
### Note:

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with Development Plan Policy it has not been possible to negotiate an acceptable scheme.



[illegible]

PROPOSED SITE LAYOUT PLAN 1:100



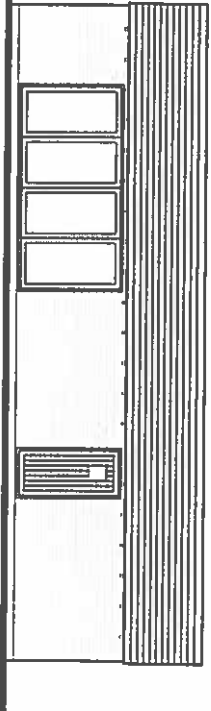
<h1 style="margin: 0;">RES</h1> <h1 style="margin: 0;">SUR-</h1> <h1 style="margin: 0;">VEYING</h1>	
<p> <b>RE:</b> 8 Surveys 115              Highway Review (Cemco)              05/27/94              05/27/94              P: 214-2 Surveys              E: mshelton@surveys.com              www.surveys.com           </p>	<p> <b>RE:</b>      <b>DATE:</b>      <b>DATE:</b>  <b>05/27/94</b>      <b>05/27/94</b>      <b>05/27/94</b> </p>
<p style="text-align: center;"> <b>Proposed Site Layout</b>  <b>Plan</b> </p>	
<p> <b>DRAWING</b>  <b>PROJECT NO.</b>      <b>\$600,123</b>  <b>DATE</b>      <b>3/7/97/2017</b>  <b>DRAWN BY</b>      <b>KL</b>  <b>CHECKED BY</b>      <b>KL</b> </p>	<p style="font-size: 2em; margin: 0;">102</p> <p style="font-size: 0.8em; margin: 0;">1:100 @ A1</p>



PROPOSED GROUND FLOOR PLAN 150

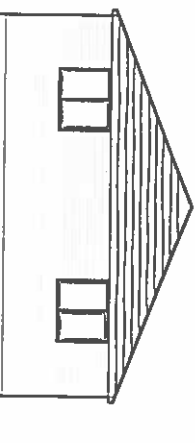
PROPOSED ROOF PLAN 1:50

**SOUTH ELEVATION 1:50**



A line drawing of a house. It has a chimney on the left side and a window on the right side. The house is oriented horizontally.

EAST ELEVATION 1:50



WEST ELEVATION 1:50

- Red old English style brickwork
- Waney edge timber cladding
- Artificial slate roof
- Timber glazing units and external doors

**All materials listed above to match existing adjacent buildings in style and colour.**

[illegible]

241d48

CLIENT	
DRAWING	<p>Proposed Floor Plans and Elevations</p>
PROJECT NO	SUR-12345
DATE	27/07/2017
DRAWN BY	RL
CHECKED BY	RL
	L03
SCALE	1:50 @ A1

Valid 05.06.2018

Demolition of existing barn and pig pens and replacement with single dwelling

Grid Ref 392066 216448

Parish Badgeworth

Ward Badgeworth

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

National Planning Policy Framework (2018)

Planning Practice Guidance

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

Tewkesbury Borough Local Plan to 2011 (March 2006)

Tewkesbury Borough 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)

Cotswolds Area of Outstanding Natural Beauty (AONB)

Green Belt

**Consultations and Representations**

**County Highways Authority** - Further information is needed to show the required visibility splays can be achieved. If this is not possible, the results of a speed survey should be submitted to demonstrate whether a reduction in the visibility splays would be accepted.

**Badgeworth Parish Council** - The Council has consulted neighbours and there have been no specific objections, and many have supported this application. The proposal is within the AONB and Green Belt. There is little significant difference between this application and the previous proposal and appeal in 2006 (refused & dismissed) except that it is smaller in scale and lower in height. It is not clear whether there are very special circumstances to outweigh the harm to the AONB and Green Belt.

**Public** - 13 letters of representation have been received from local residents in support of the application for the following reasons:

- The proposal will be a big improvement on what is already there. The existing buildings are ugly and have not been in use since the 1990s and have become an eyesore. The proposal would improve the AONB.
- The applicant is a longstanding and dedicated member of the local community and the proposal will help keep people in the local area while also presenting the ideal opportunity for the applicant to get on the housing ladder in an area where housing is in short supply.
- The application site is already developed and the proposal would cause no negative visual or ecological impact on the environment. It would replace existing unused and unsightly buildings which can only enhance the natural surroundings.
- The proposal is for a single dwelling and there would be no increase in traffic movement as the applicant is already a resident on Dog Lane.
- The proposed development would not impact on the Green Belt and would be a visual improvement. It would have less impact on the Green Belt than what has been approved and built on Dog Lane recently.

**The application is presented to the Planning Committee at the request of Councillor Vines, to assess the proposal in relation to its location in the Green Belt and Cotswolds AONB.**

**Planning Officers Comments:** Mrs Helen Stocks

**1.0 Application Site**

**1.1** The application relates to Oakland Farm Barns, Dog Lane, Witcombe. The site comprises a corrugated iron clad agricultural barn, a single storey outbuilding and row of former pig pens which were originally associated with Oakland Farm, located approximately 60 metres south-east. Access to the site is gained from Dog Lane via a rubble track which sweeps down to the buildings sited on a level area of ground excavated into the side of the hill (see attached location and block plan).

1.2 The site is located in the open countryside in a remote, sparsely populated location of the steeply sloping west facing side of the Cotswold Escarpment. The site is situated in the Cotswolds Area of Outstanding Natural Beauty (AONB) and the Green Belt.

## **2.0 Planning History**

2.1 A planning application was submitted in April 2006 for the demolition of the agricultural barn and the erection of a large four bedroom house (ref: 06/00486/FUL). This application also proposed the retention of the single storey outbuilding for storage purposes and the demolition of the former pig pens to enable the erection of a five bay car port. This planning application was refused in November 2006 on grounds that the proposal would constitute inappropriate development in the Green Belt which would compromise its open character, appearance and function; its location in the open countryside (outside of a recognised settlement boundary) would be contrary to Local Plan Policy HOU4 and would result in housing development taking place in an unsustainable location; harm to visual qualities of the Cotswolds AONB; and, use of a sub-standard road unable to cater for the increase in traffic resulting from the proposed development. This application was later dismissed at appeal in September 2007 (ref: APP/G1630/A/07/2045382 - attached).

2.2 Pre-application advice was given in September 2015 for the replacement of the existing livestock barn with a three bedroom dwelling. It was advised at this stage that the site remains subject to the same constraints as those applicable in 2006 and despite the introduction of the NPPF, there had been no material change in circumstances since the previous refusal of planning permission and the proposed development would be inappropriate in this location.

## **3.0 Current Application**

3.1 The current application seeks full planning permission for the demolition of the existing barn and pig pens and replacement with a single dwelling. The existing single storey outbuilding would be retained as part of the proposal and would be used as a storage building in connection with the proposed dwelling.

3.2 The proposed 3-bed dwelling would be sited in place of the main agricultural building on site (referred to on the attached plans as 'Barn B') and would occupy a smaller 'L' shaped footprint of approximately 120 square metres. It would be single storey, with an eaves and ridge height of 3 metres and 5.3 metres respectively. External facing materials would be Cotswold stone and red roof tiles (**see attached plans. Plans will also be displayed at Committee**).

## **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 (July 2018).

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

## **5.0 Analysis**

5.1 The main issues to be considered are the principle of development in the Green Belt; location and sustainability; the scale and design of the proposed dwelling and its impact on the landscape character and visual qualities of the Cotswolds AONB; local amenity; nature conservation; and, access and highways safety.

## Green Belt

5.2 The application site is located in the Green Belt. The NPPF makes clear that local planning authorities should regard the construction of new buildings as inappropriate development except in specific circumstances as set out in paragraphs 145 and 146 of the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. JCS Policy SD5 (Green Belt) is consistent with the advice contained in the NPPF.

### Is the proposal inappropriate development?

5.3 The Planning, Design and Access Statement submitted in support of the application suggests the proposal would comply with the following exception listed in paragraph 145 of the NPPF:

*"g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- *not have greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

5.4 However, the application site is not classed as previously developed land given its former agricultural use. This is made explicitly clear in the NPPF's definition of 'previously developed land', as set out in Annex 2: Glossary. Furthermore, while there are a cluster of dwellings located along Dog Lane, the site is located in the open countryside and outside of a recognised settlement which means the proposed dwelling cannot be regarded as "limited infilling".

5.5 The proposal does not comply with any of the exceptions listed in paragraphs 145 and 146 of the NPPF. Thus, for this reason, the siting of a new dwelling in this location would constitute inappropriate development in the Green Belt which is harmful by definition and contrary to JCS Policy SD5 and the NPPF.

5.6 As well as harm by reason of inappropriateness, the harm to openness and the purposes of including land in the Green Belt must also be considered, along with any other harm.

### Harm to Openness and Green Belt Purposes

5.7 Openness, as highlighted in the NPPF, is an essential characteristic of the Green Belt to which the Government attaches great importance and is a separate issue from the character and appearance of an area. It is a matter of physical presence rather than its visual qualities and although there is no formal definition of 'openness', it is generally accepted to be the absence of built form or otherwise urbanising development. In *(Lee Valley Regional Park Authority) v Epping Forest DC [2016] EWCA Civ 404 Lindblom LJ* said *"The concept of "openness" here means the state of being free from built development, the absence of buildings - as distinct from the absence of visual impact"*. Further, in the *Hampstead Heath* case, *Sullivan LJ* (as he was then) said *"While it may not be possible to demonstrate harm by reason of visual intrusion as a result of an individual - possibly very modest - proposal, the cumulative effect of a number of such proposals, each very modest in itself, could be very damaging to the essential quality of openness of the Green Belt ..."* - it is here that the "death of a thousand cuts" analogy was introduced.

5.8 The application proposes to replace an existing agricultural barn (barn B) with a dwelling that would have a smaller footprint (by approximately 25 percent), but with a ridge height approximately 0.1m higher. It is also proposed to demolish part of an outbuilding (barn A - former pig pens), with part retained for use as a storage building. It is the applicant's position that the replacement single storey dwelling would have no greater impact on the openness of the site, and that overall the quantum of development proposed would be less than the existing situation which would therefore improve the site and its openness.

5.9 There is no dispute that the overall footprint of the buildings on site would be reduced. However, the proposed dwelling would have a very similar visual impact on openness as the existing barn (and with a greater ridge height). Whilst the removal of the pig pens would increase openness, those existing buildings (being low in height) currently have a limited visual impact. It is also the case that the change in use of land from agricultural to residential would result in the domestication of the site (with the inevitable accumulation of residential paraphernalia) which would materially affect the openness of the Green Belt as compared to the existing agricultural use.

### *Safeguarding the countryside from encroachment*

5.10 One of the five purposes of the Green Belt is to safeguard the countryside from encroachment. In dismissing the 2007 Appeal, the Inspector reasoned (paragraph 7) that the existing farm buildings were seen in the context of the nearby farm group and of a type of construction commonly found in the countryside. The replacement of the agricultural buildings with residential ones, together with the creation of a large residential curtilage (and the inevitable accumulation of paraphernalia) would urbanise the rural character of the site, thereby undermining the green belt's purposes, and damaging the countryside's character and appearance.

### Very Special Circumstances

5.11 The supporting Planning, Design and Access Statement makes clear that the applicant considers the proposal to constitute appropriate development in the Green Belt and no case has therefore been made for 'very special circumstances' to justify the development. Given the above, it is concluded that very special circumstances have not been demonstrated.

### Conclusion on Green Belt Matters

5.12 The proposed development would be inappropriate development in the Green Belt which is harmful by definition. In addition, the proposal would fail to safeguard the countryside from encroachment. These are matters that carry substantial weight against the proposal. Whilst there would be a reduction in the overall footprint of buildings on the site, the benefits on openness would be limited and offset by the creation of residential curtilage and accumulation of associated paraphernalia. The development would therefore conflict with the purposes of designating land as Green Belt.

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

### **Principle of Location and Sustainability**

5.14 The principle of the proposed residential use in this location should be considered having regard to the advice at paragraph 79 of the NPPF, which states local planning authorities should avoid new isolated homes in the countryside unless there are specific circumstances, and JCS Policies SP2 and SD10.

5.15 Paragraph 79 of the NPPF does identify that the re-use of a redundant or disused building can amount to a special circumstance where the proposal leads to an enhancement of the setting. However, the proposal is for the demolition of the existing agricultural buildings (apart from one) and the erection of a new dwelling. As such, the proposal would not be re-using a building and is not considered to meet this particular criterion. Other circumstances which support isolated homes in the countryside include the essential need for a rural worker or where the design is of exceptional quality, in that it is truly outstanding or innovative and would significantly enhance the immediate setting. Neither of these circumstances can be applied to the current proposal.

5.16 The application site is in an isolated location, approximately 2 kilometres east of Brockworth on the outskirts of Gloucester which provides a wide range of services and facilities. The settlements of Benthams and Little Witcombe are within closer range but neither are identified as 'service villages' in JCS Policy SD2 and have very limited service provision.

5.17 JCS Policy SD10 applies to all proposals for new residential development. It states that on sites that are not allocated, housing development will be permitted on previous development land within the built up areas of Gloucester City, the Principle Urban Area of Cheltenham and Tewkesbury Town, Rural Service Centres and Service Villages except where otherwise restricted by policies within District or Neighbourhood Plans. It is also worth noting criterion 4(ii) which allows for infilling within existing built up areas of [...] Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans. In addition, criterion 5 states that proposals for the sensitive, adaptive re-use of vacant or redundant buildings will be encouraged subject to the requirements of other policies.

5.18 As previously mentioned, the site is not classed as previously developed land given its former agricultural use and its location outside of a recognised settlement means the proposed dwelling cannot be regarded as infill development for the purposes of JCS Policy SD10. Thus, the proposal is deemed contrary to JCS Policy SD10 and there are not considered to be any special circumstances as set out in paragraph 79 of the NPPF which would support new residential development in this location.

## **Scale, design and landscape impact on the Cotswolds AONB**

5.19 The scale and design of the proposed dwelling has altered since the previous refusal of planning permission and dismissed appeal which related to the erection of a large, 2 storey dwelling. The current proposal is for the erection of a single storey 3-bed dwelling in an 'L' shape arrangement sited in place of the main agricultural building ('Barn B'). It would have a simple form and its design would be in keeping with the local vernacular, with Cotswold stone and red roof tiles to be the main palette of materials. The proposal is deemed to comply with JCS Policy SD4 in this regard.

5.20 In terms of landscape impact, the site is located in the Cotswolds AONB which is afforded the highest status of protection in relation to landscape and scenic beauty. Policy SD7 of the JCS requires all development proposals within the setting of the Cotswolds AONB to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals are also required to be consistent with the policies set out in the Cotswolds AONB Management Plan. Policies DTP1, LP1 and LP2 are considered most relevant in this particular case and require development to, amongst other things, be compatible with the distinctive character of the location, be designed to respect local building styles and materials, and protect, and where possible enhance, landscape and biodiversity.

5.21 The application has been accompanied by a Landscape and Visual Impact Assessment (LVIA) which considers the existing buildings to be of low value and a visual detractor in the AONB landscape. It is subsequently concluded that the proposed development would offer an opportunity to improve the site and its surroundings by delivering an enhanced landscape character without harm to local visual amenity. Furthermore, it is commented that the views of the site from the east and north are screened by the landform of the escarpment and woodland, with greater potential for views from lower areas in the south-west and north-east but these are somewhat limited due to the presence of foreground vegetation. In any case, the LVIA makes reference to potential landscape mitigation, including new native hedging along the south-east boundary and orchard planting in the adjoining field to the west (also in the applicant's ownership), to screen the proposed development and enhance the landscape and visual qualities of the Cotswolds AONB. No formal details have been submitted although it is acknowledged that some of the proposed mitigation could be controlled by way of condition.

5.22 It is acknowledged that the proposal would lead to a reduction in footprint and the volume of built form of the site and the single storey nature of the proposed dwelling would limit its visual prominence when viewed from public vantage points. This is an improvement of the previously refused scheme which, with a ridge height of 8.5 metres, would have been more prominent in the landscape. However, while the applicant has sought to demonstrate the poor condition of the agricultural buildings are unsightly and detrimental to the AONB, as was concluded in the 2007 Appeal, the existing buildings are typical and common place in such rural settings. The main agricultural building ('Barn B'), by virtue of its siting, construction and colour, is well assimilated into the landscape. The scale, design and materials used for the proposed dwelling would not appear out of character in this location but the proposal, taken in its entirety, would ultimately lead to the domestication of the site, and the inevitably accumulation of residential paraphernalia would therefore make the resultant development far more prominent and would have harmful, visual urbanising effect on the landscape. The fact the proposal would not be readily seen from public vantage points, aided by additional landscape planting, is not a reason to allow the development to take place. Indeed, the Cotswolds AONB Management Plan iterates the coherence of the landscape can be harmed by numerous small-scale incremental changes and it is considered that the proposal would erode the landscape character in an area afforded one of the highest levels of protection. Thus, for these reasons, the proposal is considered contrary to JCS Policy SD7, Local Plan Policy HOU10 and the advice contained in the NPPF.

## **Local Amenity**

5.23 JCS Policy SD14 requires new development to cause no unacceptable harm to local amenity, including the amenity of neighbouring occupants. In this case, the site's isolated location means there would no resultant harm to the residential amenity of neighbouring occupants from the proposed dwelling in terms of overbearing impact, loss of light or privacy. Similarly, the proposed dwelling is deemed to afford future occupants with sufficient private amenity space and would not conflict with neighbouring land uses. The proposal is therefore considered to accord with the requirements of JCS Policy SD14 in this regard.

## **Nature Conservation**

5.24 The application has been accompanied by an Ecology Report to determine the current ecological value of the site and the presence of any protected species and/or habitat. The report considers the habitat within the site to be limited to very small areas of ruderal grassland and scrub between the agricultural buildings,

which are both deemed to be of low ecology and nature conservation value. Land within the wider ownership boundary was assessed as having more potential but it is considered that this would not be directly affected by the current proposal.

5.25 The buildings have also been assessed and it is noted that the main agricultural building ('Barn B') and the former pig pens have negligible potential to support bat roosts. The slightly older outbuilding (to be retained as part of the current proposal) has been identified as having high potential for roosting bats, having a number of suitable roosting features present. The report confirms evidence of bat activity in this building although it is noted that no bats were observed at the time of the survey being undertaken. Given this building is to be retained, the proposal is considered to have no unacceptable adverse impacts on this protected species in accordance with JCS Policy SD9.

5.26 The Ecology Report observed no notable bird species within the site boundary although it is recommended that any construction works should take place outside of the bird nesting season to avoid disturbance to nesting birds that could be present within vicinity of the site. In addition, there is recorded presence of Great Crested Newts (GCNs) within 500 metres of the site and a pond offering suitable habitat for GCNs within 75 metres of the site boundary. However, GCNs were not observed at the time of the survey and it is considered unlikely that the application site provides suitable habitat.

5.27 Subject to the recommendations and mitigation measures detailed in the Ecology Report, the proposal is not considered to result in unacceptable adverse impacts to biodiversity in accordance with the requirements of JCS Policy SD9.

### **Access and Highways Safety**

5.28 JCS Policy INF1 requires all proposals to provide safe and efficient access to the highway network. It is stated that planning permission will be granted only where the impact of the development is not considered to be severe.

5.29 The proposed dwelling would be accessed via the existing rubble track which joins Dog Lane and is already used in connection with two residential properties ('The Bungalow' and 'Oakland Farmhouse'). The County Highways Authority were consulted on the application and requested that the applicant demonstrate that suitable visibility splays in accordance with their standards could be provided. If this is not possible the County Highways Authority has advised on the need for a speed survey to demonstrate whether a reduction to the required visibility splays could be accepted. Without this information, it is not possible to assess the acceptability of the proposed access arrangements. While it is noted the existing access serves two residential properties, the proposed dwelling would lead to additional vehicle movements and the intensification of a potentially sub-standard access could cause harm increase highway dangers and hazards contrary to the interests of highways safety. Thus, it is considered that insufficient information has been provided to fully assess the impact of the proposal with regard to JCS Policy INF1 and this should therefore form an additional refusal reason.

## **6.0 Conclusion and Recommendation**

6.1 For the reasons explained in this report, the principle of residential development in this location is unacceptable and contrary to JCS Policy SD10. In addition, the site is located in the Green Belt and the proposal would conflict with JCS Policy SD5 and the advice contained within Section 13 of the NPPF in that it constitutes inappropriate development in the Green Belt and would conflict with the purposes of designating land as Green Belt. The proposal would also result in other harms by virtue of the site's location in the Cotswolds AONB where it is considered that the proposed dwelling would result in the erosion of rural character and domestication of the land contrary to JCS Policy SD7. Furthermore, insufficient information has been submitted to fully assess and determine the acceptability of the proposed access arrangements, which could lead to the intensification of a sub-standard access thus causing harm to highways safety in conflict with JCS Policy INF1.

6.2 Overall, it is not considered that very special circumstances exist in this case and the harm to the Green Belt by reason of inappropriateness, and the other identified harms resulting from the proposal, is not clearly outweighed by other considerations. The application is therefore recommended for **Refusal**.

## **RECOMMENDATION Refuse**

### **Reasons:**

- 1 The proposal would represent inappropriate development in the Green Belt and would conflict with its purposes. There are no 'very special circumstances' to outweigh the harm to the Green Belt, and any other harms, and the proposed development would therefore conflict with Policy SD5 of the Joint Core Strategy (December 2017) and the provisions of the National Planning Policy Framework (2018).
- 2 The proposed development is located in the open countryside. The site does not constitute previously developed land given its former agricultural use and the erection of a new dwelling in this location would not represent infilling within the existing built up area of a town or village or the sensitive, adaptive re-use of vacant or redundant buildings. The proposal would not satisfy any of the other criteria within Policy SD10 of the Joint Core Strategy and there are no other specific exceptions/circumstances defined in district or neighbourhood plans which indicate that permission should be granted. The proposed development therefore conflicts with Policy SD10 of the Joint Core Strategy (December 2017) and is contrary to the advice contained in the National Planning Policy Framework (July 2018).
- 3 The proposed development would ultimately lead to the domestication of the site which would be more visually prominent and would have a harmful, visual urbanising effect on the landscape. This would result in the erosion of the landscape and scenic beauty of the Cotswolds AONB, which is afforded one of the highest levels of protection. Thus, the proposal is contrary to Policy SD7 of the Joint Core Strategy (December 2017), Saved Policy HOU10 the Tewkesbury Borough Local Plan to 2011 (March 2006) and the advice contained in the National Planning Policy Framework.
- 4 Insufficient information has been provided for the Council to fully assess the suitability of the proposed access arrangements for the proposed dwelling. The proposal has therefore failed to demonstrate safe and efficient access to the highway network and is contrary to Policy INF1 of the Joint Core Strategy (December 2017) and the National Planning Policy Framework.

### **Note:**

#### **Statement of Positive and Proactive Engagement**

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



Officer:- .....

Scanned:- .....

Rec'd 19 SEP 2007

Ack'd .....

Ans'd .....

File .....



## Appeal Decision

Site visit made on 28 August 2007

by R J Yuille Msc Dip TP MRTPI

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Date: 17 September  
2007

**Appeal Ref: APP/G1630/A/07/2045382**

**Oaklands Farm Barns, Dog Lane, Witcombe, GL3 4UG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr T Haines against the decision of Tewkesbury Borough Council.
- The application Ref: 06/00486/FUL, dated 03/04/06, was refused by notice dated 14/11/06.
- The development proposed is a new dwelling to replace an existing redundant barn.

### Decision

1. I dismiss the appeal.

### Background

2. There are three buildings on the appeal site. It is proposed to demolish the largest of these, a block built barn clad in corrugated iron and replace it with a four bedroom house. In order to get more sunlight and to achieve a practical form of construction the proposed house would be located in a different, but overlapping, position to the existing building. A row of pig pens of rendered block construction with a corrugated iron roof would be altered to form a 5 bay car port. A single storey cattle byre built of Cotswold stone and brick with a clay tile roof would be retained.

### Main Issues

3. The appeal site is in the Green Belt and the Cotswolds Area of Outstanding Natural Beauty (AONB). That being so I consider the main issue in this appeal to be whether the appeal scheme would be inappropriate development in the Green Belt and, if it would, whether there are any very special circumstances which would outweigh the harm that this would cause to the Green Belt and any other harm it would cause to the AONB, to highway safety and to the aim of avoiding development that would be unduly reliant on the private car.

### Reasons

#### Green Belt

4. Policy GB.1 of the *Gloucestershire Structure Plan Second Review* (the Structure Plan) and Planning Policy Guidance 2; *Green Belts* set out a general presumption against inappropriate development in the Green Belt. Policy GRB1 of the *Tewkesbury Local Plan to 2011* (the Local Plan) makes clear that new

buildings will only be permitted where they are for a number of specified purposes. The proposed dwelling, which would be for general purpose housing, does not fall into any of these categories and would, therefore, be inappropriate development in the Green Belt.

5. Inappropriate development is by definition harmful to the Green Belt. Very special circumstances to justify such development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
6. In essence the very special circumstances advanced by the appellant are that a dilapidated barn would be removed and replaced with a less imposing house and this would cause less harm to the Green Belt than the building it would replace. The first point to make in connection with this approach is that dilapidated farm buildings in the countryside are commonplace and that any argument based on the removal of such buildings is not, therefore, very special in the sense that it is unusual or uncommon.
7. Moreover, I am not satisfied that the proposed building would be beneficial to the openness of the Green Belt. The existing buildings on the site are substantial structures but the main building is cut into a steep slope which reduces its visual impact as does the green colour of its corrugated sheeting. All the buildings on the site are seen in the context of the nearby farm group and while they are in a dilapidated condition they are of a type of construction commonly to be found in the countryside. These factors mean that the buildings have only a limited effect on the openness of the Green Belt.
8. According to the appellant's unchallenged calculation the appeal scheme would lead to a 40% or so reduction in the developed area of the site and the majority of the existing hardstanding on the site would be removed. These are factors that weigh in favour of the appeal scheme. The improvement of the track serving the site, if done in appropriate materials, need amount to no more than the reinstatement of the stone track that is already in place; this, therefore, is a neutral point in the equation.
9. On the other hand the proposed house would be considerably taller than the barn that it would replace (8.5 metres as compared to 5 metres) and, while the extent of the curtilage of the proposed house has not been defined I, like the Council, consider that any house on the site would bring with it an inevitable accumulation of domestic paraphernalia. These factors, together with the proposal to site the house marginally further from the shelter of the bank than the existing barn, would make the building more prominent than the existing buildings when seen from fields to the north and from the higher ground within the existing farm group.
10. I accept that neither the existing nor the proposed buildings would be easily seen from nearby public viewpoints but this on its own would not be a reason to grant planning permission for the appeal scheme. Such an argument could be made too often and if successful would, cumulatively, undermine the purposes of including land in the Green Belt.
11. On balance I consider that the increased height and prominence of the proposed house would outweigh the benefit of reducing the footprint of

buildings on the site. I do not, therefore, consider that the appeal scheme would lead to an increase in the openness of the Green Belt.

12. In coming to this view I have taken account of the appellant's willingness to exclude the car ports from the appeal scheme and or to remove the pig pens on which they would be based. However, this would have only a limited impact on the appeal scheme as a whole and would not alleviate my principal concerns about the scheme which relate to the proposed house on the site.
13. I do not, therefore, consider that points put forward by the appellant amount to very special circumstances that clearly outweigh the harm that the proposed development would cause to the Green Belt by reason of its inappropriateness and its effect on openness. It would, therefore, conflict with the aims of Structure Plan Policy GB.1 and Local Plan Policy GRB1.

#### *AONB*

14. Structure Plan Policy NHE.4 and Local Plan Policy LND1 give priority to the conservation and enhancement of the natural beauty of the landscape in the AONB. For the reasons set out above when considering Green Belt matters I do not consider that the appeal scheme, which would lead to the construction of a taller more prominent building on the site, would meet this end.

#### *Highway Safety*

15. The junction between the appeal site and the lane that serves it, Dog Lane, is poorly surfaced, steep and acutely angled. Dog Lane itself is in places narrow, steep and twisting. Forward visibility is limited on some sections of the lane and for considerable stretches it is not possible for oncoming vehicles to pass; there are, moreover, no proper passing bays. Dog Lane leads to Bentham Lane and thence to the junction with the A46 where traffic emerging from Bentham Lane has restricted visibility. The proposal to locate an additional house on a site with such severe limitations on its access would, I consider, be contrary to the aims of Local Plan Policy TPT1 which seeks to ensure that development does not adversely affect the safety or satisfactory operation of the highway network.

#### *Car Usage*

16. The aim of reducing the need to travel, especially by car, is set out in, amongst other places, Structure Plan Policy T.1. The appeal site is in the open countryside well away from any settlement as defined in the Local Plan. Although the appellant disputes this, I, like the Council, regard the site as being in a remote location in that it is not within easy walking distance (normally taken to be some 600m or so) of shops schools or other facilities.
17. The site is, moreover, almost 2 kilometres (1.2 miles) from the nearest bus stop and although this may have been used by the appellant and his family in the past I consider the distances involved and the narrow, unlit nature of the intervening lanes with their lack of footways or useful verges would deter most walkers while their steepness would be a powerful disincentive to cyclists.
18. I am satisfied, therefore, that the appeal scheme would run counter to the aims of Structure Plan Policy T.1 in that it would not minimise the length or number of car journeys or encourage the use of public transport, walking and cycling.

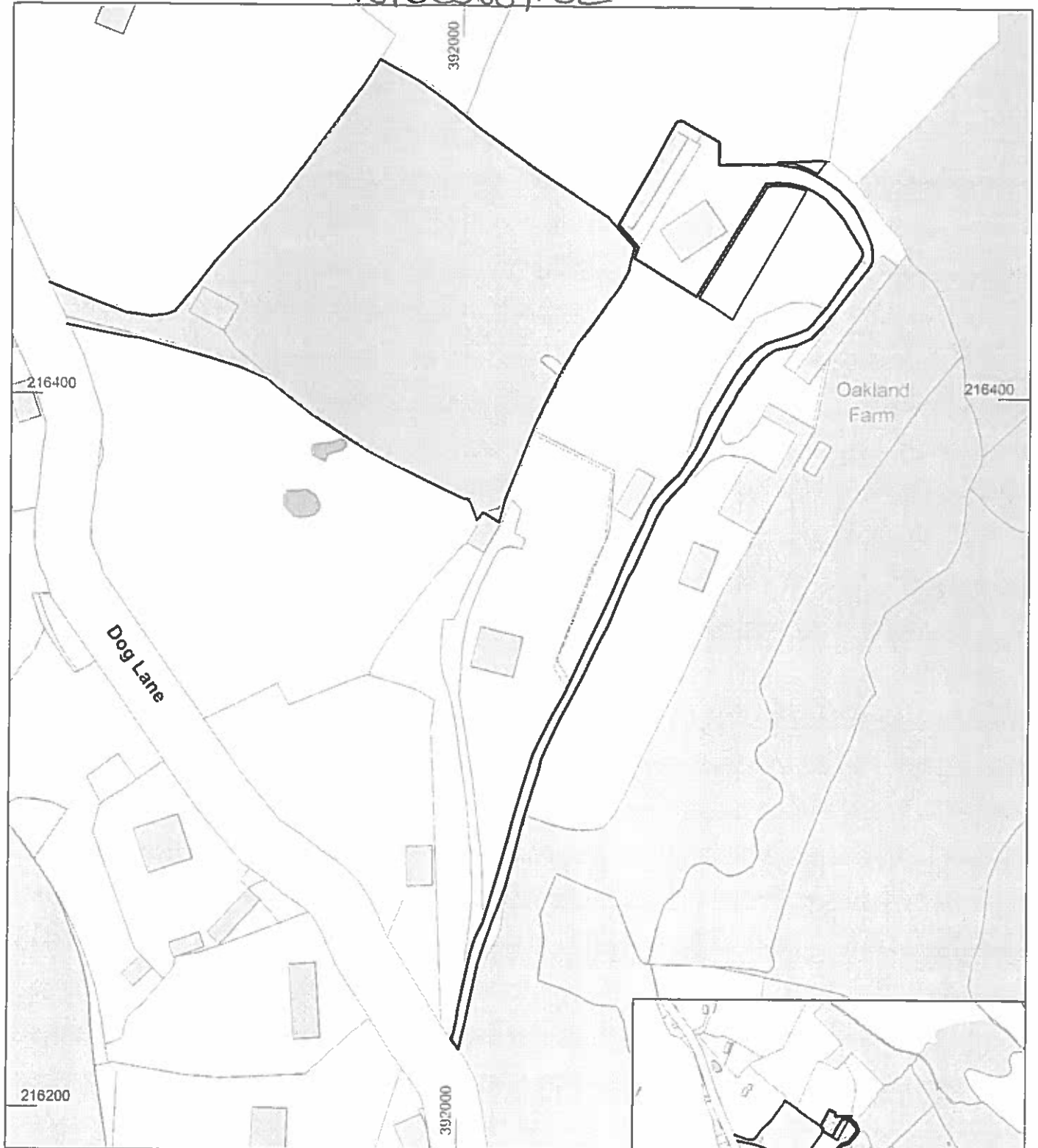
*Conclusions*

19. I acknowledge that this is an opportunity for the appellant to build a house at a price he can afford. However, the term affordable housing, when used in a planning context, assumes that mechanisms will be put in place to ensure that such affordability is passed on to subsequent occupiers. No such mechanism has been put forward in this instance. Nonetheless, I recognise that the appeal scheme would be an opportunity for the appellant to live in an area in which he has close local links and where his proposals have received support from local people.
20. However, the appeal site is in the Green Belt where there is a strong presumption against inappropriate development such as that proposed. I am not satisfied that the arguments in support of the appeal scheme are in themselves very special nor do I consider that the appeal scheme would be beneficial in that it would improve the openness of the Green Belt. Furthermore, it would not conserve or enhance the natural beauty of the landscape in the AONB, it would have an adverse effect on highway safety and it would run counter to the aim of reducing reliance on the private car. The proposed development would, therefore conflict with the aims of the development plan policies set out above.
21. For these reasons and having regard to all other matters raised, including the Council's reference to the fact that the site is in the open countryside – a matter that I deal with when considering Green Belt - I conclude that the appeal should be dismissed.



*RJ Yuille*

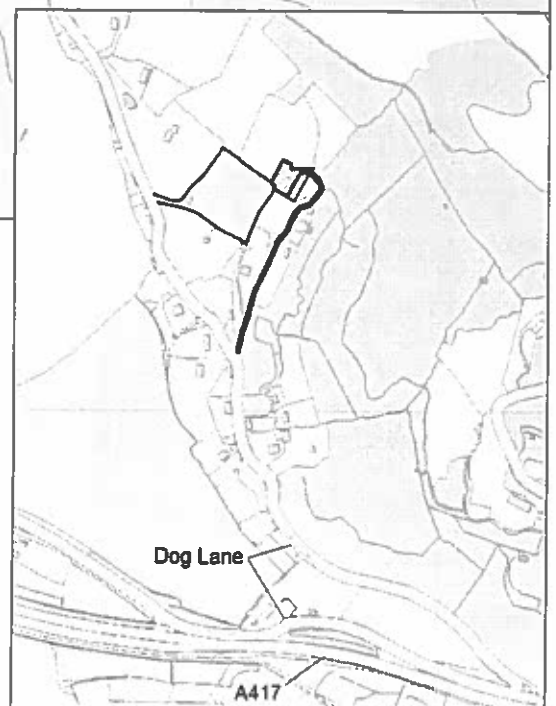
Inspector

18/00568/FUL

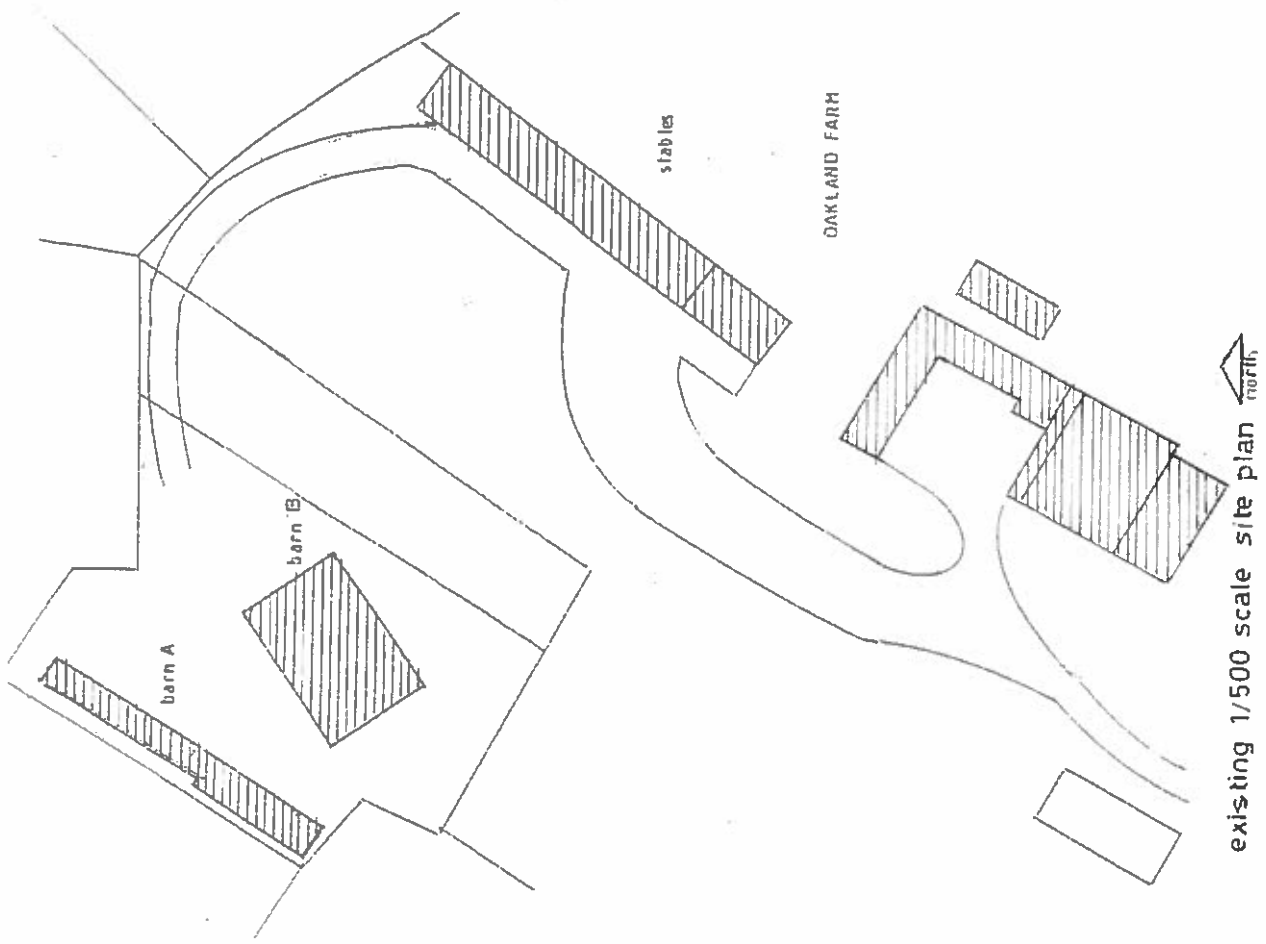


0 50m  
1:1500

-  Site boundary (area 0.2162 ha)
-  Land in same ownership



60  
248/e

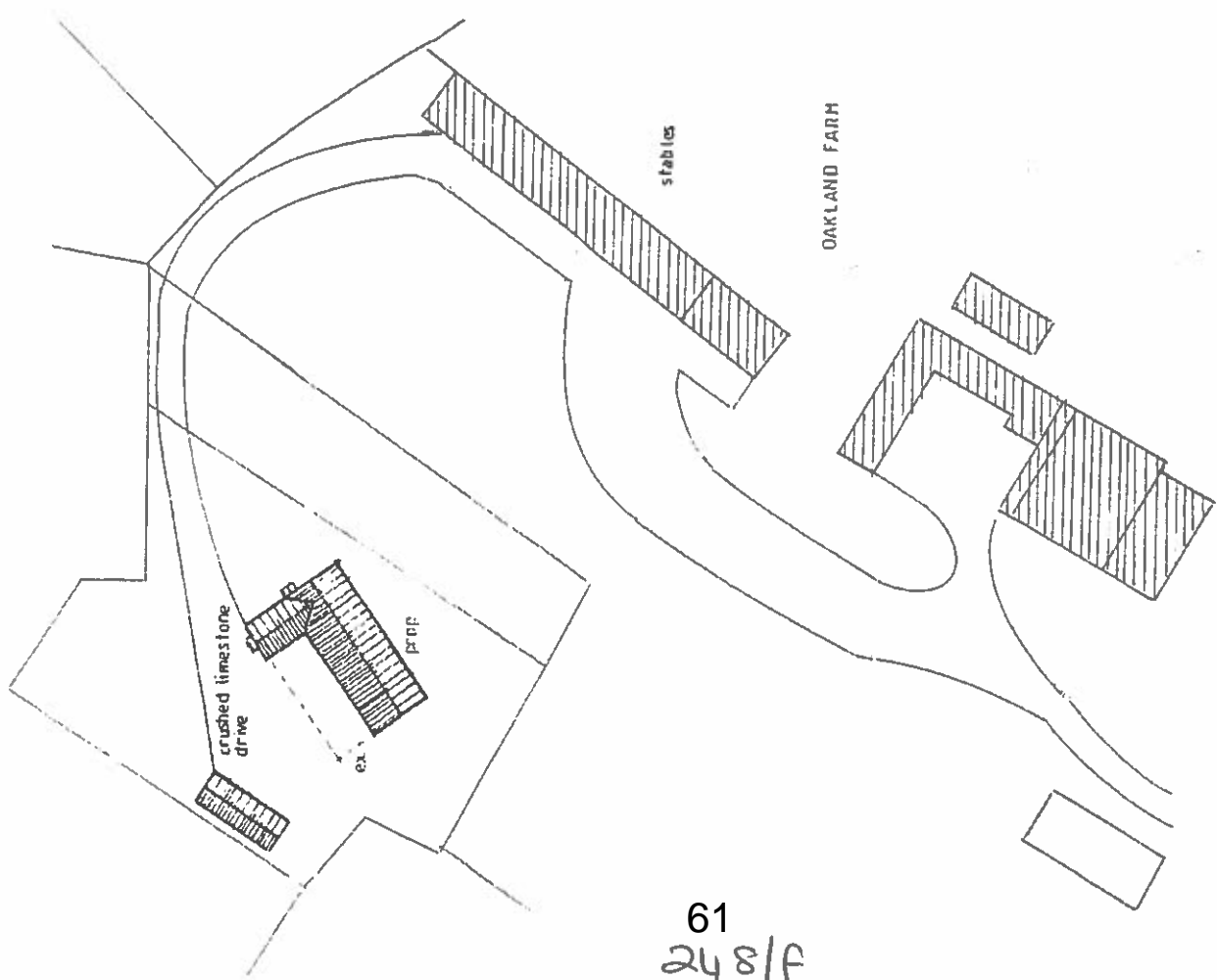


existing 1/500 scale site plan

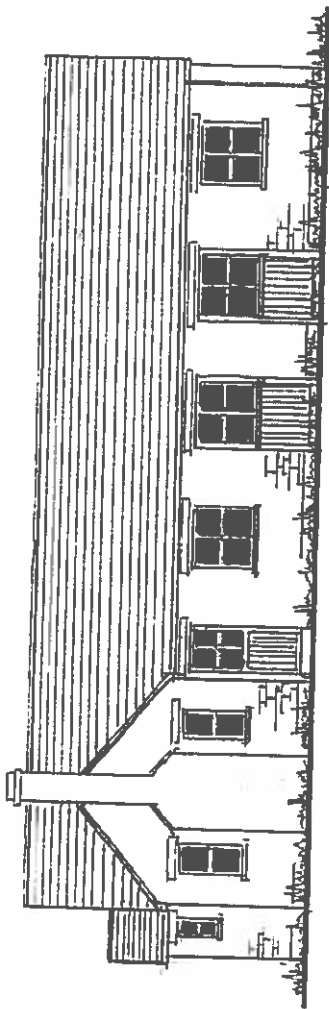
Proposed dwelling to replace existing barns at:  
OAKLAND FARM, WITCOMBE, GLOS. GL3 4UG.

Proposed and existing 1/500 scale site plans. Ref:- 20/04/2017-E

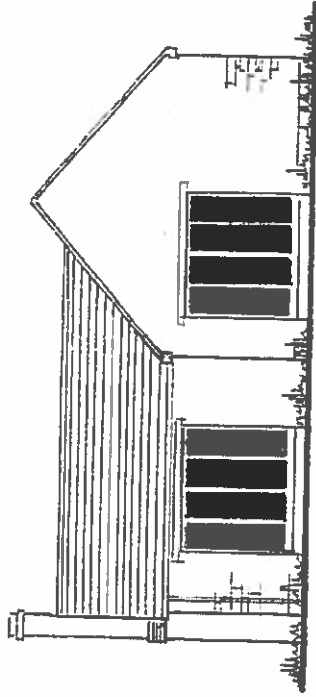
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Albert Road, Cheltenham, GL52 3HZ



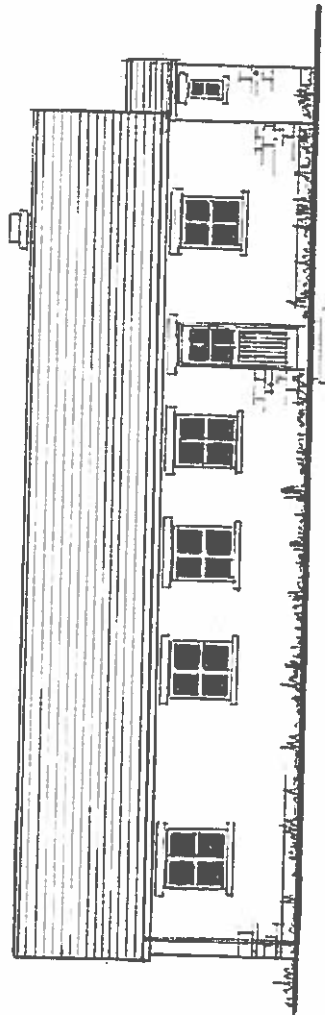
proposed 1/500 scale site plan



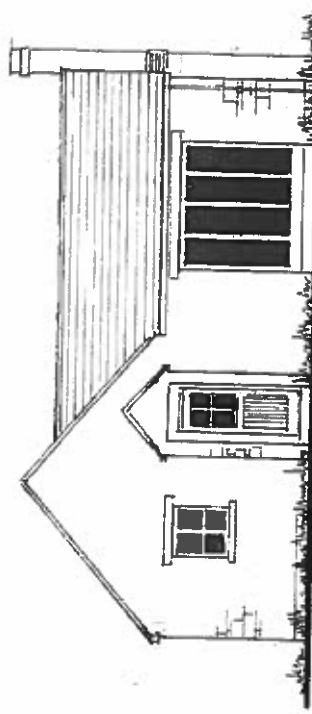
front elevation (north-west)



side elevation (south-west)



rear elevation (south-east)

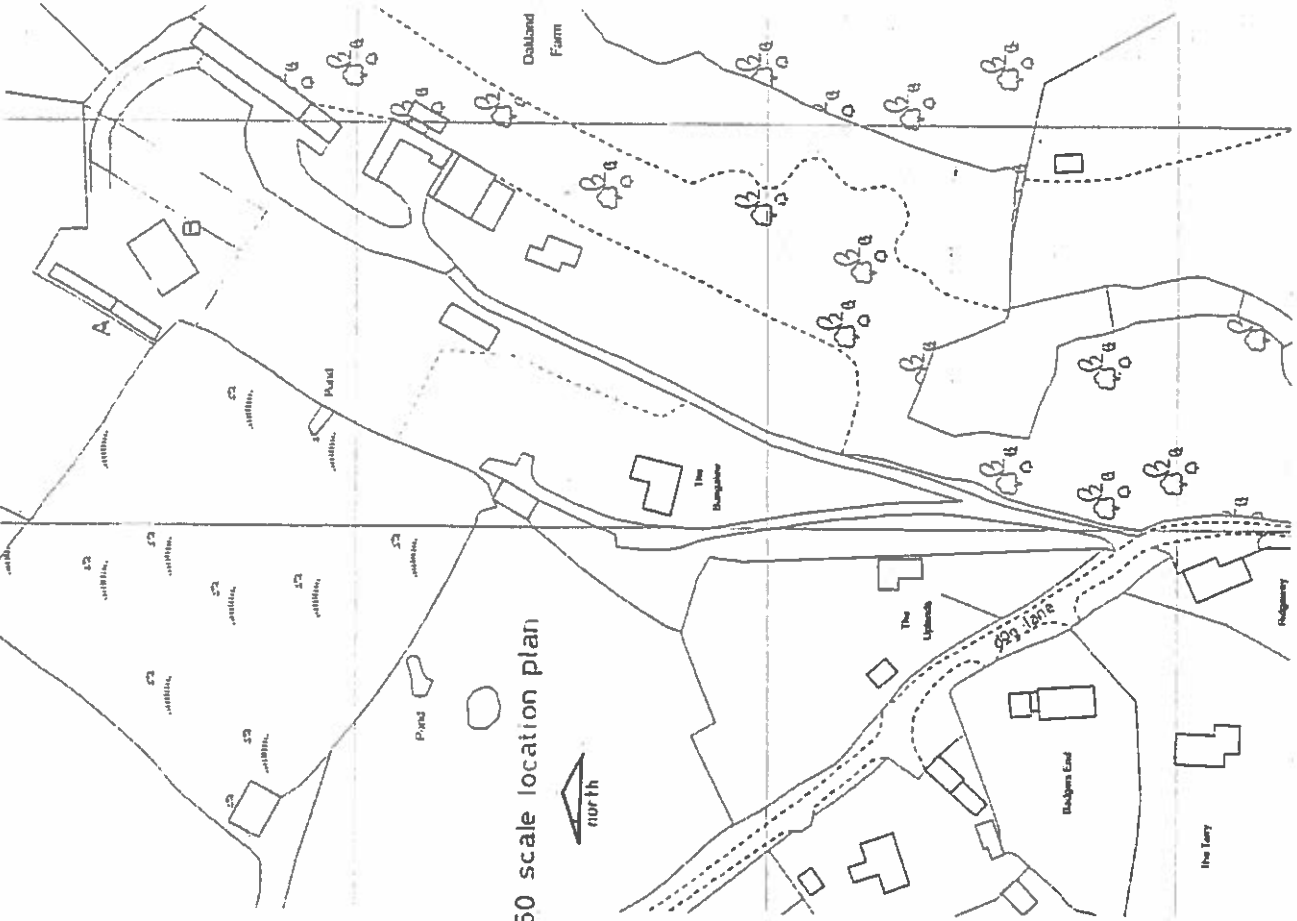


side elevation (north-east)

Proposed dwelling to replace existing barns at:  
OAKLAND FARM, WITCOMBE, GLOS. GL3 4UG.

1/100 scale elevations proposed dwelling. Ref:- 2004/2017-D

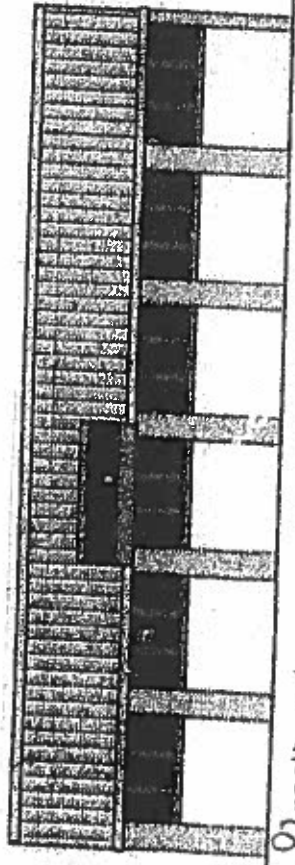
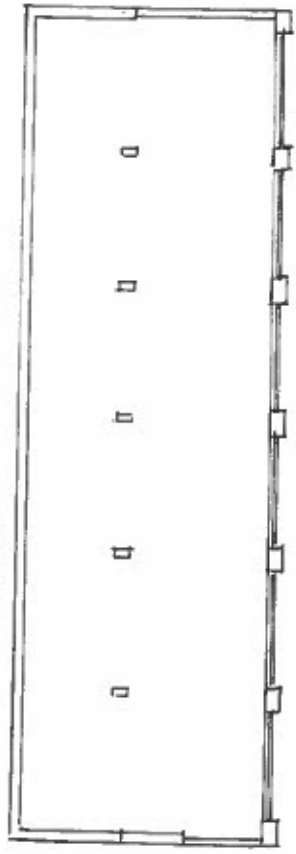
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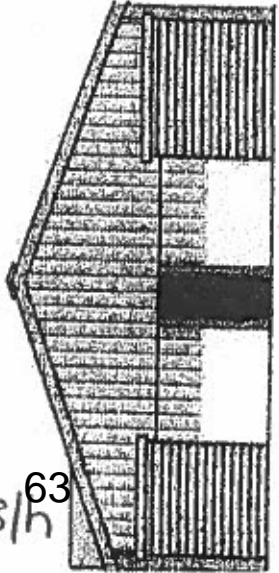
1/1250 scale location plan

Proposed dwelling to replace existing barns at:  
OAKLAND FARM, WITCOMBE, GLOS. GL3 4UG.  
1/1250 location plan and 1/100 floor plan/elevations BARN B  
Ref: 2004/2017-A

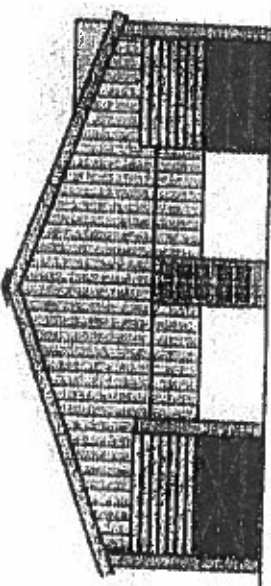
floor plan barn B



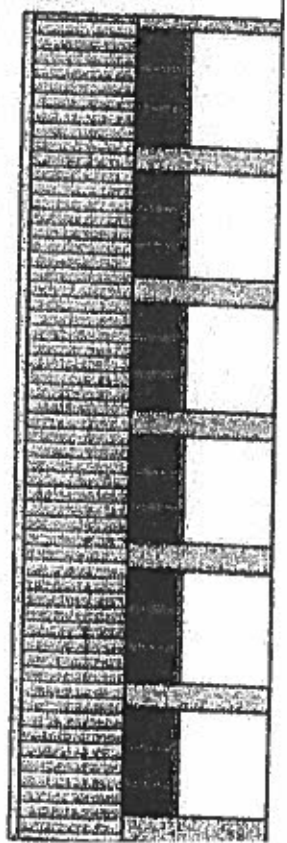
north-west



north-east

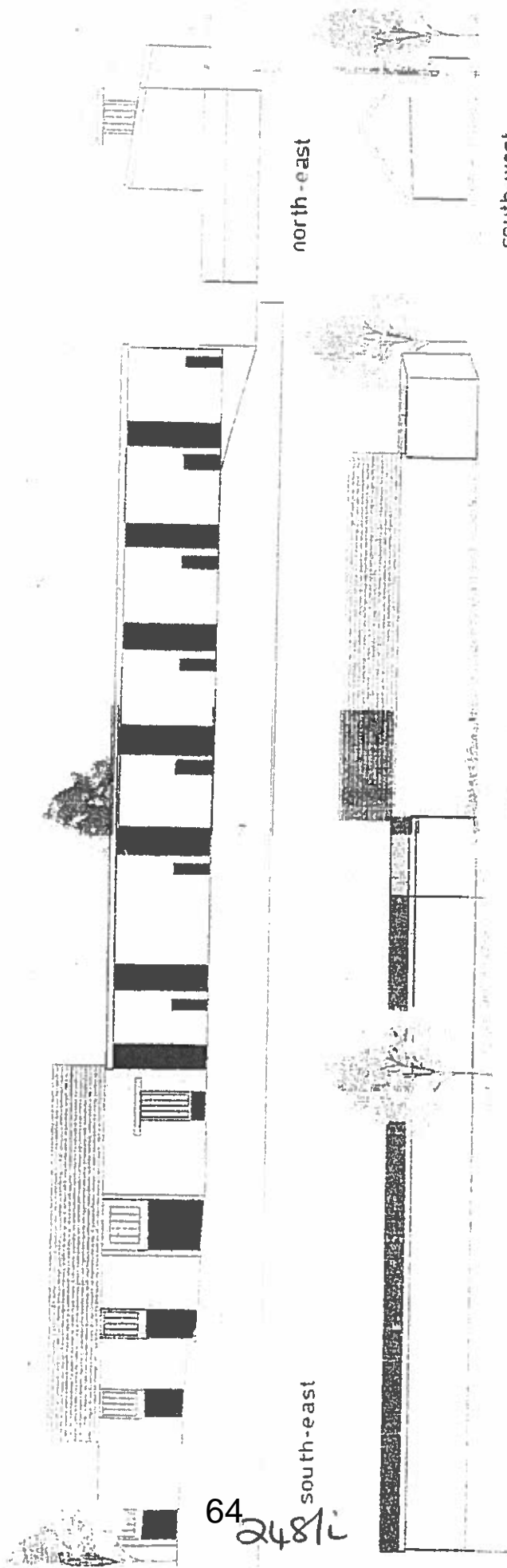
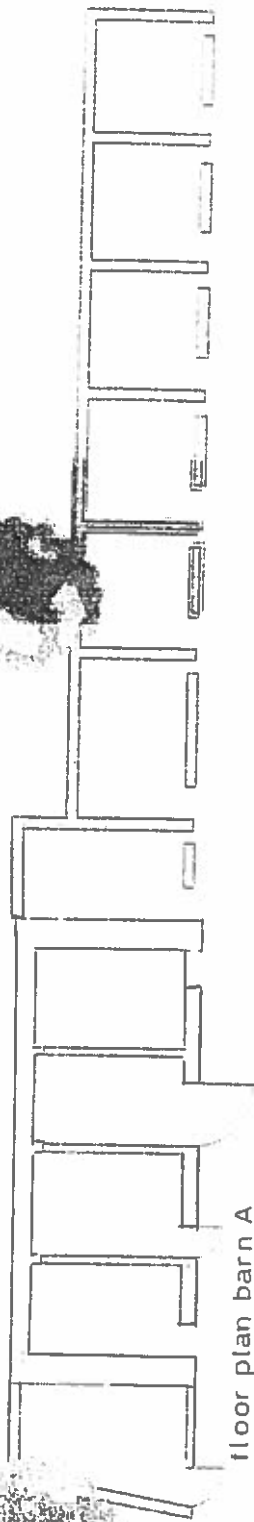


south-west



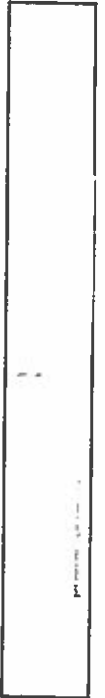
south-east

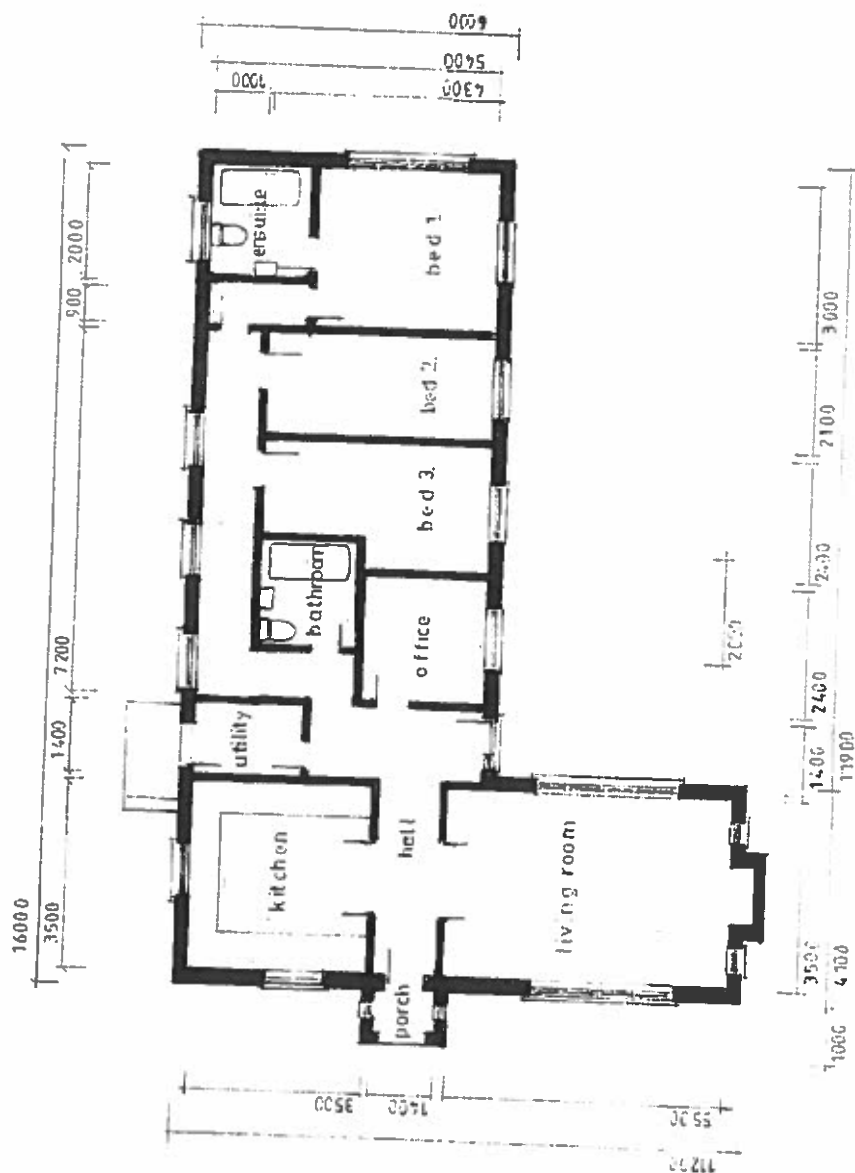




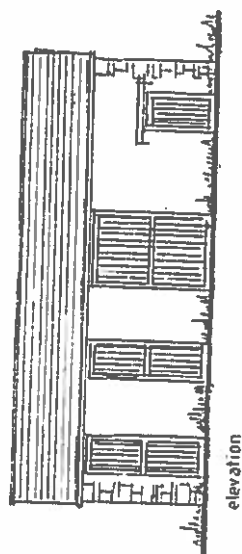
Proposed dwelling to replace existing barns at:  
OAKLAND FARM, WITCOMBE, GLOS. GL3 4UG.

1/100 floor plan/elevations BARN A    Reel:- 2004/2017-B



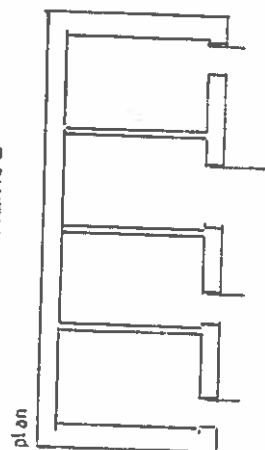


ground floor plan



elevation

ex. barn A to be retained



01.00

Proposed dwelling to replace existing barns at:  
OAKLAND FARM, WITCOMBE, GLOS. GL3 4UG.

1/100 scale floor plan proposed dwelling. Ref:- 20/04/2017-C



Valid 21.06.2018

Erection of a two storey side extension and roof alterations to accommodate loft conversion.

Grid Ref 396076 227945  
Parish Bishops Cleeve  
Ward Cleeve St Michaels

## **RECOMMENDATION Permit**

### **Policies and Constraints**

Joint Core Strategy (2017) (JCS) - Policy SD4  
Tewkesbury Borough Local Plan to 2011(TBLP) - March 2006 - Policy HOU8  
National Planning Policy Framework 2018  
Planning Practice Guidance  
Human Rights Act 1998 - Article 8 (right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

Parish Council - Objects. The proposed extension is incongruous in terms of its scale and visual amenity.  
Revised plans - Bishops Cleeve Parish Council maintains its objection. Although the dormers have been reduced in size the proposed extension remains incongruous in terms of its scale and visual appearance.  
Local residents - one letter of objection has been received from the owner of no 17 Hertford Road. The objections are summarised as follows:

- Loss of light / overshadowing to his hallway, bathroom and the kitchen.
- Close proximity of the proposed extension to his boundary.
- Loss of privacy
- Excessive glazing in the rear dormers
- Concerns that there would be insufficient space to maintain the applicants' boundary.
- Concerns about how the extension would be safely constructed without disturbing his boundary

**Planning Officers Comments:** Mrs Sarah Barnes

### **1.0 Application Site**

1.1 This application relates to 19 Hertford Road, a semi-detached dormer style bungalow located in Bishops Cleeve (site location plan attached).

### **2.0 Current application**

2.1 The current application is for a two storey side extension and roof alterations to create a loft conversion (plans attached).

### **3.0 Recent History**

3.1 There is no recent / relevant history.

### **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 Policy HOU8 of the TBLP supports the principle of residential extensions subject to satisfying certain design criteria. It sets out that extensions to existing dwellings will be permitted provided they respect the character, scale and proportions of the existing dwelling and do not have an unacceptable impact on adjacent property and residential amenity.

4.3 Section 12 of the NPPF seeks to ensure the creation of high quality buildings and places. 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.

4.4 Policy SD4 of the JCS reiterates the importance of good design and requires proposals to respond positively to, and respect the character of, the site and its surroundings.

## **5.0 Analysis**

### **Design, Visual and Residential amenity**

5.1 The Parish Council have raised concerns about the proposal and consider that the proposed extension would be incongruous in terms of its scale and visual amenity. The Parish Council's concerns were taken into consideration and revised plans were requested to reduce the size of the dormers. Revised plans were received on the 17th August 2018. Overall, it is considered that the proposal (as revised) would be of an appropriate size and design in keeping with the character and appearance of the property. In terms of visual amenity, there are lots of other dormers along this road both at the front and rear so the proposal would not be out of keeping with the street scene. Similar side extensions have recently been permitted along this road, for example at 7 Hertford Road.

5.2 With regards to residential amenity, the neighbour to the west at no 17 Hertford Road has objected on the grounds that there would be a detrimental loss of light / overshadowing to his hallway, bathroom and kitchen. The neighbour is also concerned that there would be a loss of privacy. With regards to the loss of light, the nearest windows on the western side elevation are a bathroom window which is obscure glazed and the front door serving the hallway (neither are habitable rooms). To the rear there is a side door which currently provides light to the kitchen, however, there would still be about 2.5-3 metres between the side of no 17 and the side of the new extension. The proposed extension would also not project any further back than the line of the existing dwelling (see proposed block plan).

5.3 In terms of overlooking it should be noted that there is already a dormer window on the rear elevation of this property. The outlook from the new rear dormer window would be an oblique angled view of the neighbours' garden so the overlooking would not be harmful / detrimental. The impact of the proposal upon neighbouring properties has therefore carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8 of the Local Plan.

### **Other Issues**

5.4 In relation to the neighbours' concerns about access for construction, this is a civil matter.

## **6.0 Conclusion**

6.1 Overall, it is considered that the proposal (as revised) would not be harmful to the appearance of the existing dwelling nor the street scene and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal (as revised) would also be of an acceptable size and design. It would therefore accord with Policy HOU8 of the Local Plan, Policy SD4 of the Joint Core Strategy and the NPPF 2018. The application is therefore recommended for **permission**.

## **RECOMMENDATION Permit**

### **Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The external materials of the proposed extension shall match as near as possible the materials of the extension.
- 3 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Site plan, existing elevations / existing floor plans, received by the Local Planning Authority on the 5th June 2018, proposed block plan received by the Local Planning Authority on the 11th June 2018 and revised proposed elevations / floor plans received on the 17th August 2018.

**Reasons:**

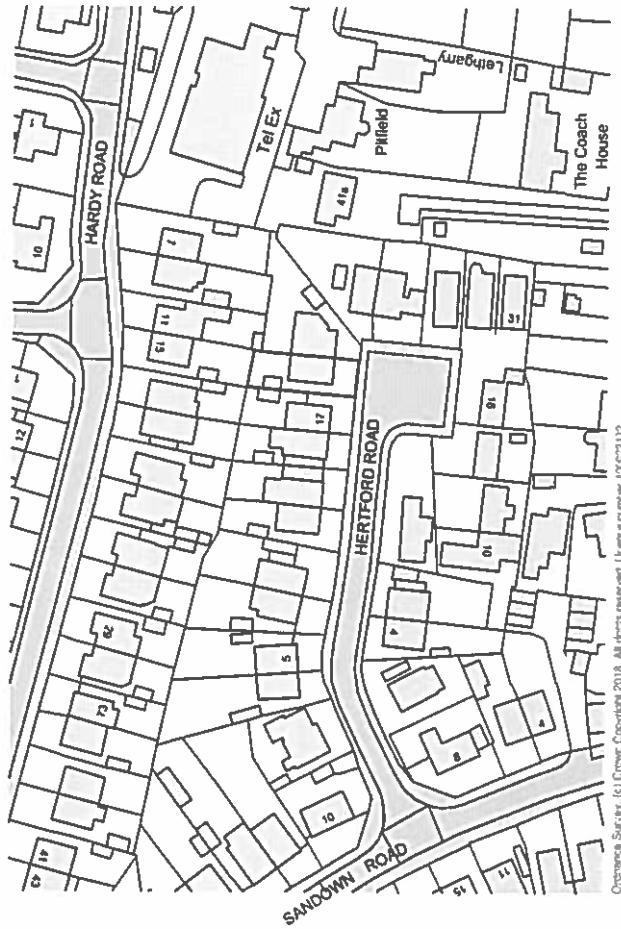
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the extension is in keeping with the existing building.
- 3 To define the terms and extent of the permission.

**Note:**

**Statement of Positive and Proactive Engagement**

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

18/00587/ful



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Linear Scale 1/1250



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19 Hertford Road,  
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Project  
Loft Conversion and Alterations  
19 Hertford Road, Bishops Cleeve,  
Cheltenham, Glos, GL52 8DA

Project Number  
HA 201805150902 dpp

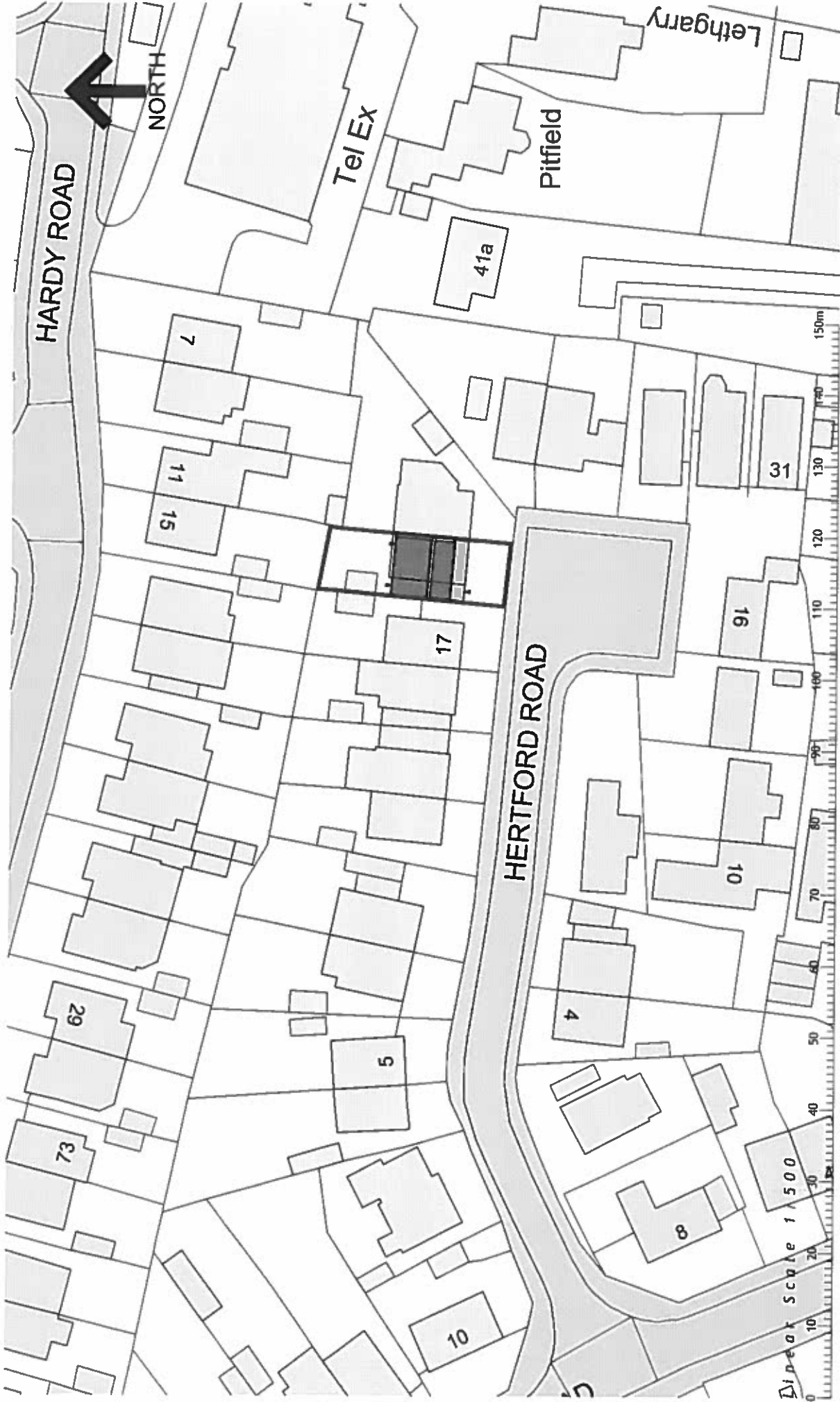
Drawing Title  
Existing  
Site Location Plan

Drawing Number  
1.1


Scale	1:1250 @ A3	Drawn	Daryn Parfitt
Date	May 2018	Checked	Daryn Parfitt

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18/00587/FUL



70  
251/b

<b>Scale</b> 1:500 @ A3	<b>Drawn</b> Daryn Parfitt	<b>Project Title</b> Proposed Site Layout Plan	<b>Project</b> Loft Conversion and Alterations 19 Hertford Road, Bishops Cleeve, Cheltenham, Glos, GL52 8DA	<b>Tel</b> 03333 209966 <b>M</b> 07968 472164 <b>mail@hepsarchitecture.co.uk</b> <b>hepsarchitecture.co.uk</b> Birmingham Cardiff London	 <b>HEPS Architecture</b>
<b>Date</b> June 2018	<b>Checked</b> Daryn Parfitt	<b>Drawing Number</b> 2.3	<b>Project Number</b> HA 201805150902 dpp		
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18/00587/AEL - Existing



### 1.10 Ground Floor Plan

Linear Score 1/100

## 1.11 First Floor Plan

### 1.12 Roof Plan

Support materials | Student resources

[illegible]

4

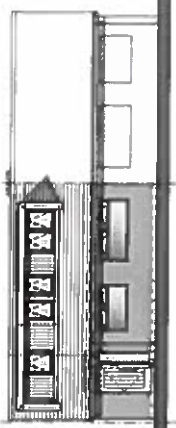
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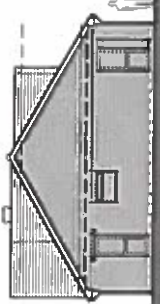


18/10/2018/1HLL - proposed original

HEPS Architecture



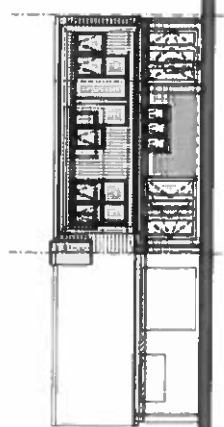
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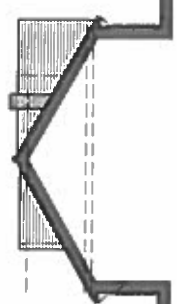
2.21 Left Hand Side Elevation



2.23 Right Hand Side Elevation



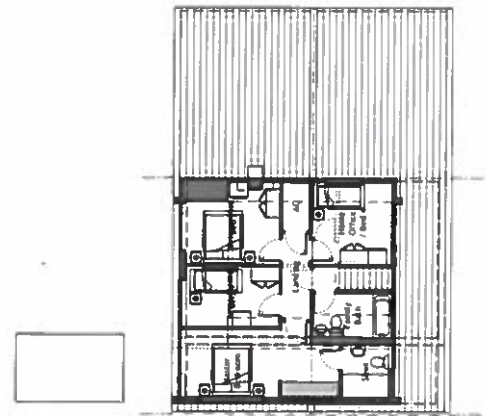
2.22 Rear Elevation



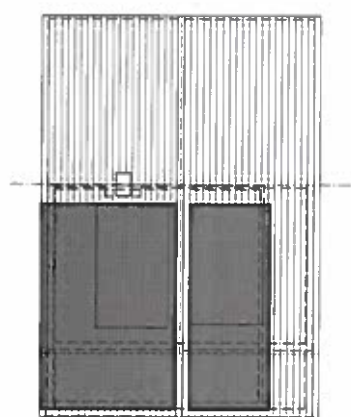
2.20 Front Elevation



2.10 Ground Floor Plan



2.11 First Floor Plan



2.12 Roof Plan

HEPS Architecture Ltd  
19 Hertford Road, Bishop's Cleeve,  
Cheltenham, Gloucestershire, GL51 8DA

Project Name  
Loft Conversion and Alterations  
19 Hertford Road, Bishop's Cleeve,  
Cheltenham, Gloucestershire, GL51 8DA

Project Manager  
Daryn Parfitt

Project Date  
May 2018

Project Location  
Cheltenham, Gloucestershire, GL51 8DA

Project Reference  
HA 201805150902 opp

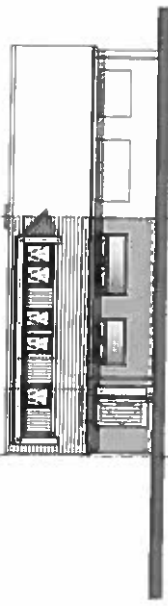
Project Status  
2.10 - 2.30

Project Reference  
HA 201805150902 opp

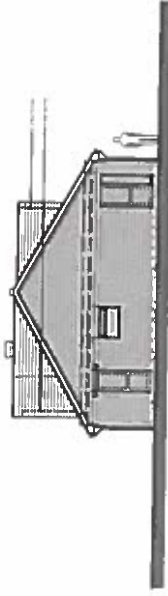
Project Status  
2.10 - 2.30

1810058/1141

Revised plans - 17th August 2018



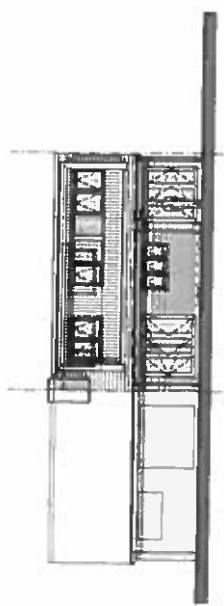
2.20 Front Elevation



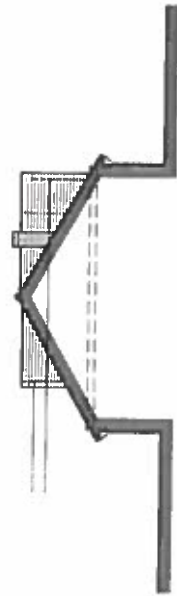
2.21 Left Hand Side Elevation



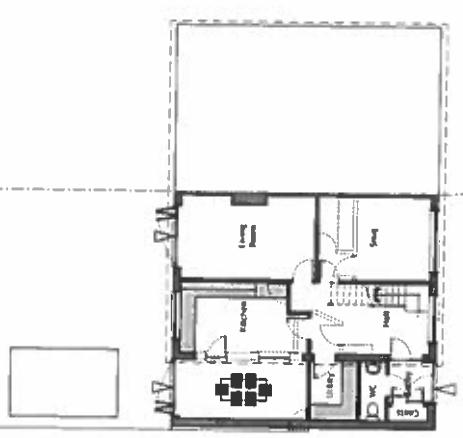
2.23 Right Hand Side Elevation



2.22 Rear Elevation

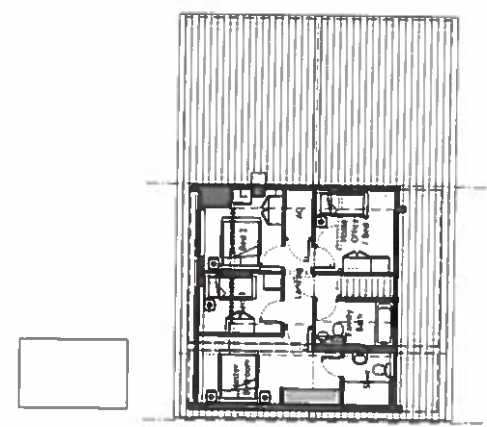


2.30 Section

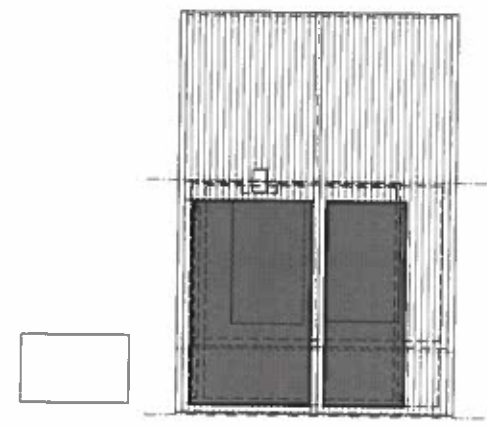


2.10 Ground Floor Plan

Linear Scale 1:100



2.11 First Floor Plan



2.12 Roof Plan

A		18 August 2018, New 1:100 scale based on the previous 1:200 scale.
Rev	Rev	Drawings and Notes
B		01/08/2018
C		01/08/2018
D		01/08/2018
E		01/08/2018
F		01/08/2018
G		01/08/2018
H		01/08/2018
I		01/08/2018
J		01/08/2018
K		01/08/2018
L		01/08/2018
M		01/08/2018
N		01/08/2018
O		01/08/2018
P		01/08/2018
Q		01/08/2018
R		01/08/2018
S		01/08/2018
T		01/08/2018
U		01/08/2018
V		01/08/2018
W		01/08/2018
X		01/08/2018
Y		01/08/2018
Z		01/08/2018

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A		18 August 2018, New 1:100 scale based on the previous 1:200 scale.
Rev	Rev	Drawings and Notes
B		01/08/2018
C		01/08/2018
D		01/08/2018
E		01/08/2018
F		01/08/2018
G		01/08/2018
H		01/08/2018
I		01/08/2018
J		01/08/2018
K		01/08/2018
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R		01/08/2018
S		01/08/2018
T		01/08/2018
U		01/08/2018
V		01/08/2018
W		01/08/2018
X		01/08/2018
Y		01/08/2018
Z		01/08/2018

Valid 17.07.2018  
Grid Ref 380052 220275  
Parish Highnam  
Ward Highnam With Haw  
Bridge

Erection of a single storey and two storey rear extension.

## **RECOMMENDATION Permit**

### **Policies and Constraints**

Joint Core Strategy (2017) (JCS) - Policy SD4  
Tewkesbury Borough Local Plan to 2011(TBLP) - March 2006 - Policy HOU8  
National Planning Policy Framework 2018  
Planning Practice Guidance  
Human Rights Act 1998 - Article 8 (right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

Parish Council - feel that this application represents 'overdevelopment' of a fairly restricted site  
Local residents - none

**Planning Officers Comments:** Mrs Sarah Barnes

#### **1.0 Application Site**

1.1 This application relates to 2 Gordon Close a detached dwelling located in a cul-de-sac in Highnam (**site location plan attached**).

#### **2.0 Current application**

2.1 The current application is for a single storey and a two storey rear extension (**plans attached**).

#### **3.0 Recent History**

3.1 In 2015 permission was granted for a summerhouse in the rear garden.

#### **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 Policy HOU8 of the TBLP supports the principle of residential extensions subject to satisfying certain design criteria. It sets out that extensions to existing dwellings will be permitted provided they respect the character, scale and proportions of the existing dwelling and do not have an unacceptable impact on adjacent property and residential amenity.

4.3 Section 12 of the NPPF seeks to ensure the creation of high quality buildings and places. 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.

#### **5.0 Analysis**

##### **Design, Size and Residential amenity**

5.1 The proposal would create a larger kitchen / living area at ground floor level and an additional bedroom at first floor level. It would be constructed from red brick and tiles to match the existing dwelling. It is considered that the proposal would be of an appropriate size and design in keeping with the character and appearance of the property. Therefore, it is considered that the proposal would have an acceptable impact

on the character of the surrounding area and complies with the requirements of Policy HOU8 of the Local Plan and the NPPF.

5.2 In relation to the Parish Council's concerns regarding the 'overdevelopment' of the site, their concerns have been noted. However, it is not considered that the proposal would result in 'overdevelopment' given that the dwelling has not been previously extended and there would still be a sufficient amount of garden space left free from additions / extensions.

5.3 The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8. A condition would be attached to the permission to ensure that the rear bedroom high level window is obscure glazed with restricted opening to prevent any overlooking to the dwelling at the rear.

## **6.0 Conclusion**

6.1 Overall, it is considered that the proposal would not be harmful to the appearance of the existing dwelling nor the street scene and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal would also be of an acceptable size and design. It would therefore accord with Policy HOU8 of the Local Plan, the Joint Core Strategy and the NPPF 2018. The application is therefore recommended for permission.

## **RECOMMENDATION Permit**

### **Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The external materials of the proposed extensions shall match as near as possible the materials of the existing dwelling.
- 3 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Plan numbers 1814.GC.01 received on the 11th July 2018 and 1814.GC.02 REVD received on the 17th July 2018.

- 4 The first floor window in the rear elevation of the extension serving the bedroom shall be glazed in obscure glass to level 4 Pilkington or equivalent and fitted with 'DGS Egress Friction Stays with inbuilt child restrictors' to restrict the opening of the windows to a maximum of 150mm. The window shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority.

### **Reasons:**

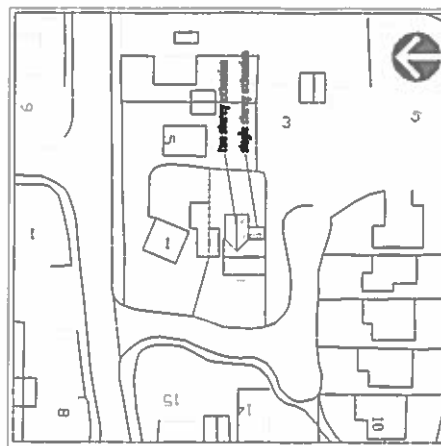
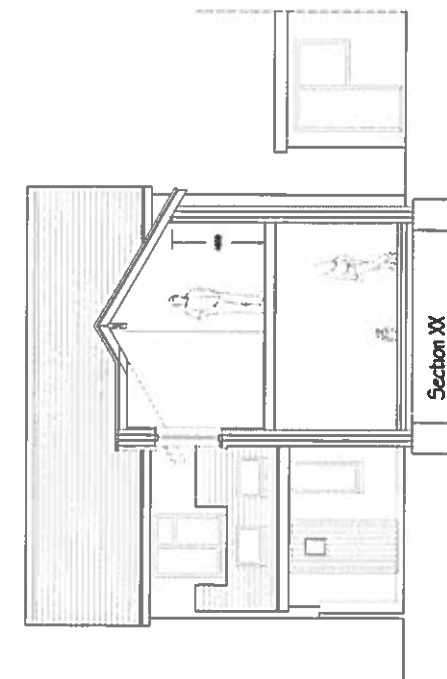
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the extension is in keeping with the existing building.
- 3 To define the terms and extent of the permission.
- 4 To safeguard the privacy of residents in the locality.

### **Note:**

#### **Statement of Positive and Proactive Engagement**

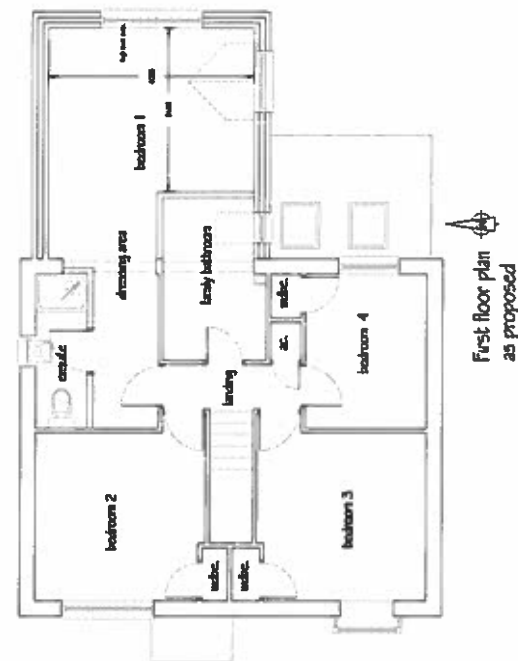
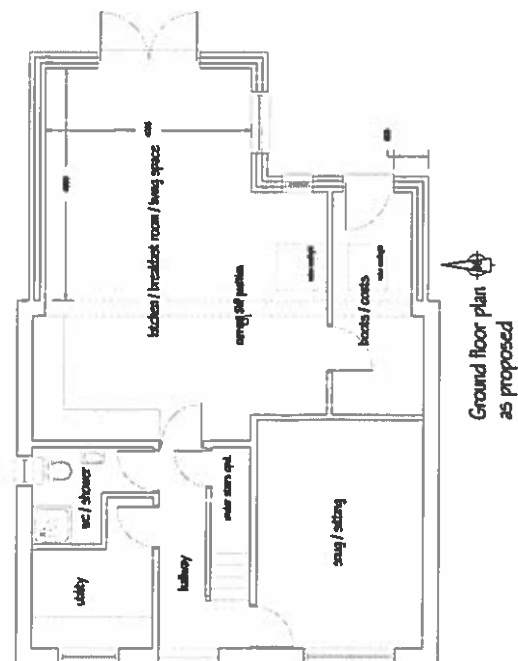
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received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

The architectural drawings show the exterior elevations of a house. The drawings are arranged horizontally, with the North elevation on the left and the South elevation on the right. The East and West elevations are shown in the middle. A section view is shown on the far right. The drawings include details of the roof, windows, doors, and siding. The North elevation features a gabled roof and a small window. The South elevation features a gabled roof and a large window. The East and West elevations feature a gabled roof and a large window. The section view shows the interior of the house, including the roof, walls, and floor.



**Proposed block plan 1500**

Site location plan 14250



REV: D 170718 and outline of school building to west increased  
REV: C 200908-04a location and proposed layout plan added  
REV: B 100816 storm water management  
REV: A 100616 storm management

But only if you're ready to do the work. The only way to ensure that you're getting the most out of your training is to make sure you're ready to do the work. That means you need to be in the right frame of mind, and you need to be in the right place. That means you need to be in the right frame of mind, and you need to be in the right place. That means you need to be in the right frame of mind, and you need to be in the right place.

© 1994 by the American Psychological Association, 0893-3200/94/\$04.00  
DOI: 10.1037/0893-3200.10.4.475

**Darren Mills RIBA Architect**  
The first choice. Award winning. Commercial and domestic.

PROJECT: 2 Gordon Close

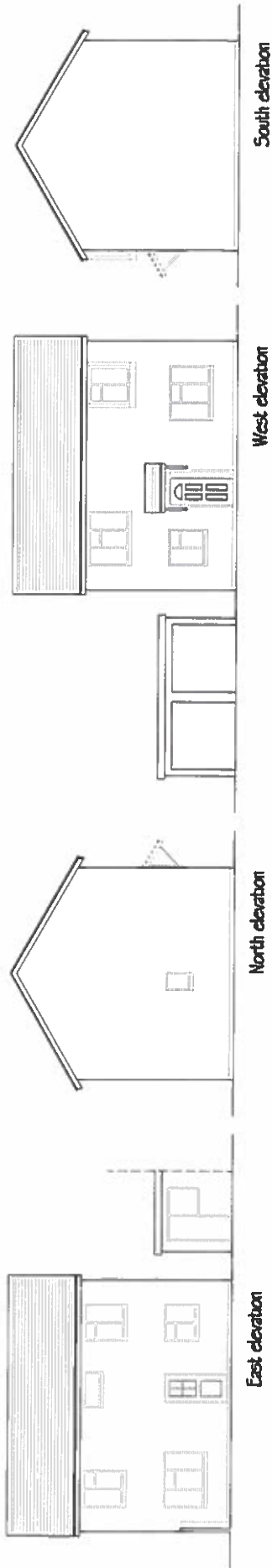
Highway  
6102 811

DATE	TIME	LOCATION	CLIENT	TITLE	ALTERATIONS AND EXTENSION
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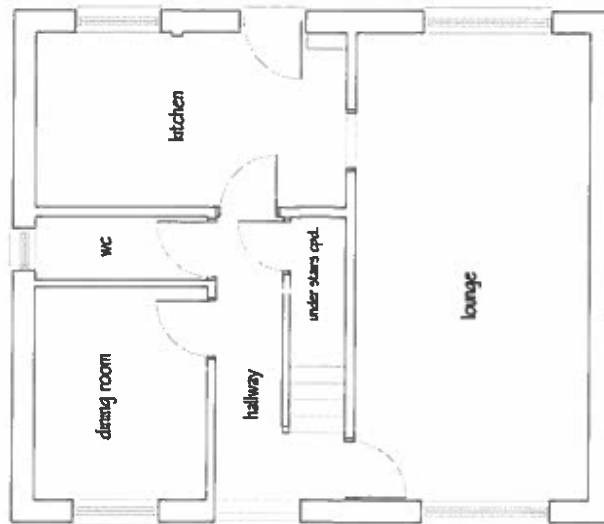
SCALE 1:50 & 1:100 @ A1 DWG NO: 404 C C C C  
DATE April 2018

1814.66.020

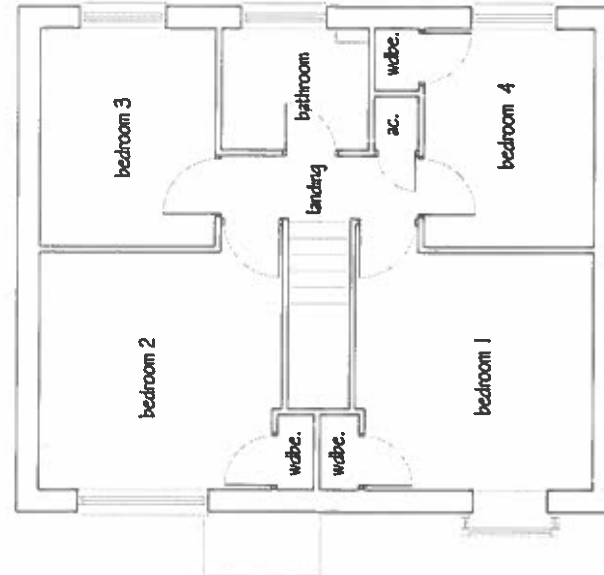
18/00710/fu(



253/6<sup>77</sup>



Ground floor plan  
as existing



First floor plan  
as existing

1. The drawing is prepared for the use of a professional architect or engineer and is not to be used for any other purpose.  
2. The drawing is prepared for the use of a professional architect or engineer and is not to be used for any other purpose.  
3. The drawing is prepared for the use of a professional architect or engineer and is not to be used for any other purpose.  
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9. The drawing is prepared for the use of a professional architect or engineer and is not to be used for any other purpose.  
10. The drawing is prepared for the use of a professional architect or engineer and is not to be used for any other purpose.

<b>Darren Mills RIBA Architect</b> <small>The Ted House, Pinner, Middlesex, Uxbridge, Chesham, Bucks SL1 1 8UF  T: 01895 777002 M: 07957 132008 E: darren@darrenmills.co.uk</small>	
PROJECT:	2 Gordon Close Highnam Glos. GL2 8LL
TITLE:	As Existing
CLIENT:	
SCALE: 1:50 & 1:100 @ A2 DWG NO: 1814.GC.01 DATE: April 2018 DRAWN: DJM	

Valid 30.01.2018

Demolition of existing agricultural buildings and erection of 5 No. dwellings with associated works.

Grid Ref 385469 223781

Parish Norton

Ward Coombe Hill

**RECOMMENDATION Delegated Permit****Policies and Constraints**

Joint Core Strategy- SP2, SD4, SD6, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3

National Planning Policy Framework (NPPF) (2018)

Planning Practice Guidance (PPG)

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

The First Protocol, Article 1 (Protection of Property)

Staverton Airfield Safeguarding Zone - 45.7m

Class 1 Highway - A38

**Consultations and Representations****Norton Parish****Comments on application as submitted**

Norton Parish Council strongly opposes this scheme. We supported the previous proposal for the site in the context of needing to achieve dwelling target numbers, which we did. However this proved unnecessary once the borough council gave consent to a much larger scheme on an open field outside the village boundary, despite the continuing lack of capacity at the village school. The previous proposal showed that a 'farmstead' style of development is more suited to the village and we encouraged that. The Parish Council agrees entirely with the comments of the Urban Design Officer and we urge rejection of this development proposal.

**Comments on revised plans** - The Parish Council were happy with the original proposal for 4 dwellings in a farmstead arrangement and the highways agreed the better entry/access arrangements. That was approved and permission granted, so we do not now seek to revoke that permission.

However there have been subsequent proposals to increase the number of dwellings to 5 which has led to much more rigid courtyard arrangements, this is far less attractive layout. This latest version is not an improvement on the rejected proposal from February.

We also support the comments by the Urban Design Officer - "The site is located away from main settlement of Norton and is therefore isolated and disconnected from the existing community. Although the level of development is small, it represents a piecemeal form of development that adds very little to the character of the settlement."

and also the comment that

"I do not feel that this is the correct location for the village of Norton to expand into. I feel that this site begins to encroach into Twigworth and it is important to maintain a distinction between these two settlements."

The Parish Council seek to maintain a distinct boundary.

**Urban Design Officer**

The revised plans are an improvement however I still feel that they are not of an equivalent quality to the extant permission. Apart from my general concern about the overall quality of design, I have the following more detailed concerns;

- The 3 storey houses are too tall and bulky especially as 4 out of the 5 dwellings are 3 storey.
- The access road is overly engineered, does it have to be that wide and is it necessary to have a footway on both sides?
- It would be better if the car ports were pushed back a bit so that you can also park a car in front of them.
- The plot in the north west corner looks directly at the side elevation of the adjacent dwelling.
- There is a car port right at the access to the site and this will appear as the main view as you enter the site.

**County Highways** - No objection subject to conditions

**Housing Enabling Officer** - 40% affordable housing in line with Policy SD12 would result in a contribution of £195,965 based on 2x2 bed properties.

**County Archaeologist** - There is a low risk that significant archaeological remains will be present within the application site. Therefore, I recommend that no archaeological investigation or recording should be undertaken in connection with this planning application, and I have no further observations regarding this scheme

**Local Residents** - No comments received

**Planning Officers Comments:** Paul Instone

### 1.0 Application Site

1.1 The application site known as Walnut Farm contains a number of existing agricultural buildings in varying states of disrepair as well as a single storey timber clad dwelling. The site extends to 0.55 hectares. The site is situated immediately adjacent to the A38 and is accessed via a short drive. Existing hedgerows and trees lie between the buildings on the site and the A38.

1.2 To the north of the site is a residential dwelling known as Chestnut Farm beyond which is another dwelling known as Old Lane Cottage. To the west and south the application site is surrounded by open countryside.

1.3 Planning permission (ref:16/00191/FUL) was permitted on a smaller site for 4 dwellings in August 2017 which extended to approximately 0.43 ha. The current application site extends to 0.55 hectares ha and includes part of fields to the south.

1.4 The application site lies outside of any of Tewkesbury Borough's Town and Villages. The nearest settlement to the application site is Norton, which is identified as a Service Village in the Joint Core Strategy. Norton is located approximately 200 metres to the north of the application site. It is considered that the application site is not located within Norton as there is a field that separates the application site and the two adjacent dwellings from the settlement.

1.5 There are no planning land uses designations on the site.

### 2.0 Relevant Planning History

2.1 The site has a lengthy planning history, with proposals relating to farming activities and agricultural occupancy dwellings. The applications of relevance to this proposal are:

15/00870/OUT - Outline application for 7 new dwellings and associated works (considering access only) - was withdrawn in December 2015.

16/00191/FUL - Redevelopment to include 4 dwellings and associated works. Permitted August 2017

### 3.0 Current Application

3.1 The application seeks full permission for the erection of 5 dwellings within and adjacent to the built up area of Walnut Farm, following the demolition of existing buildings. The design of the proposal is based on a courtyard of contemporary two storey buildings and car ports comprising of 4 no. five bedroom dwellings and 1 no. four bedroom dwelling. The dwellings would be located around a courtyard and would be accessed from the existing access from the A38. The existing trees and hedges adjacent to the A38 are proposed to remain.



3.2 The layout of the scheme has been revised further to the original proposals on the advice of officers to provide a courtyard layout.

#### **4.0 Policy Context**

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

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

##### *Joint Core Strategy (2017)*

4.3 The application site lies outside of Tewkesbury's town and villages.

4.4 Policy SP2 of the JCS sets out the overall level of development and approach to its distribution. The policy states that to support their economic roles as the principal providers of jobs, services and housing, and in the interests of prompting sustainable transport, development will be focused at Gloucester and Cheltenham, including urban extensions to those settlements. Approximately 9,899 new homes are to be provided within Tewkesbury Borough with at least 7,445 new homes provided through existing commitments, development at Tewkesbury Town in line with its role as a 'Market Town' and smaller-scale development meeting local needs at the 'Rural Service Centres' and 'Service Villages'.

4.5 Rural Service Centres and Service Villages will accommodate development which will be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportionate to their size and function. In the remainder of the rural area, Policy SD10 will apply for proposals for new residential development.

4.6 Policy SD10 states that on sites that are not allocated, housing development will be permitted on previously developed land within the existing built up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury Town, Rural Service Centres and Service Villages except where otherwise restricted by policies within District Plans. Housing on other sites will only be permitted where specific criteria set out in Policy SD10 is met, which includes, inter alia, if it is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages and also where there are specific exceptions/circumstances defined in district or neighbourhood plans.

4.7 Other relevant Joint Core Strategy policies are set out in the appropriate sections of this report.

#### **Emerging Neighbourhood Plan**

4.8 An examination of The Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011 - 2031 ("the NDP") started in August 2018 and is still ongoing. Following the examination, and subject to the examiner's report and the Borough Council's legal checks, there will be a referendum held locally to decide whether to accept the Neighbourhood Development Plan. If successful at local referendum, the Neighbourhood Development Plan will then be put forward to Full Council for formal adoption to become part of the Council's Development Plan. At this stage, given the extent and content of the NDP can be given some weight in the determination of applications.

4.9 The application site is outside the settlement boundary identified in the NDP as a site within the emerging Plan which has planning permission for 4 no. dwellings. Policy H1 refers to new housing development in Norton.

4.10 Other relevant national and local policies are set out in the appropriate sections of this report.

#### **5.0 Analysis**

5.1 The main planning issues to be considered in the determination of this application are the principle of development, affordable housing provision, design and siting, residential amenity, ecology, access and highway safety.

## **Principle of Development**

5.2 The application site is not allocated for housing and lies outside of Tewkesbury's towns and villages. Policy SD10 states that housing development on such sites will only be permitted subject to accordance with certain policy exceptions. The proposal does not meet any of the policy exceptions of policy SD10.

5.3 The emerging NDP sets out a housing policy for Norton (Policy H1). Policy H1 provides that if the application is outside the defined settlement boundary new housing development will only be permitted for a property intended for small business or to support such a business and outside the LPZ or under the circumstances defined in paragraph 55 of the NPPF (2012) (equivalent provisions of which are now at paragraph 77 of the revised NPPF (2018)). None of those circumstances apply in this case.

5.4 Nevertheless the NDP recognises that there is an extant planning permission for 4 no. dwellings at Walnut Farm. The current application site is slightly larger than that on the previously permitted scheme and proposes 5 no. dwellings. Section 11 of the revised NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst also recognising the need to safeguard and improve the environment.

5.5 The extant planning permission for four dwellings is clearly a material consideration, however, the presumption is against the grant of planning permission for an additional dwelling given the conflict with policy SP2 and SD10 of the JCS and also the emerging NDP.

5.6 In dealing with the application for 4 dwellings at Walnut Farm it was recognised that although the Council could demonstrate a five year supply of deliverable housing sites, this is a rolling calculation and the Council must ensure there is an ongoing supply of houses to meet the identified needs. The site's location close to Norton, a named service village in the then emerging JCS, and its location on a good public transport route was also recognised. It was also considered that the design approach in that case was an appropriate response to the context of the site and the dwellings were of a high quality design.

5.7 Whilst the site is larger than for the previous permission, for the reasons set out below, it is not considered in this case that there would be significant harm over and above the permitted scheme from a landscape perspective.

5.8 An additional dwelling would raise a clear conflict with housing distribution policies SP2 and SD10 of the JCS to which substantial weight should be applied, and also Policy H1 of the emerging NDP which attracts at this stage lesser weight. 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. There are some additional economic and social benefits associated with the provision of an additional dwelling on the site however these are very limited given the scope of the application.

5.9 However, there is already an extant planning permission for 4 no. dwellings on the site and this fact alongside other material considerations are to be taken into account in the decision making process and the overall planning balance.

## **Design, layout and visual impact**

5.10 The NPPF 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. The NPPF also advises that decisions should ensure that development will function well and add to overall quality of an area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and 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 optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development. This advice echoes the requirements of Policy SD4 and Policy SD11 of the JCS.

5.11 At paragraph 130 the NPPF advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking account of any local design standards or style guides in plans or other supplementary planning documents.

5.12 Paragraph 130 of the NPPF also states that local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Whilst there is no case law on this matter as yet, given that the NPPF is so recent, officers do not consider this means that subsequent applications for planning permission can be automatically refused where it is judged that the design quality is lower than a previously permitted scheme.

5.13 The extant planning permission (see plans as approved under application reference 16/00191/FUL) was considered by officers to be an appropriate design response to the context of the site and it was considered that the dwellings were of a high quality design which respected the agricultural cues of its context and the architectural approach reduced the impact of the domestication of the site.

5.14 The application site has since changed ownership and the new applicant is seeking a more contemporary design approach and has questioned the viability of the extant permission although no firm evidence has been submitted to justify this assertion.

5.15 The current proposal has been submitted further to extensive discussions between the applicant and officers. The layout has been amended to a farmstead arrangement based around a central courtyard albeit the layout is relatively uniform and domestic in character.

5.16 The dwellings themselves in the current proposal are relatively bulky structures and plots 1, 2, 4 and 5 have a ridge height of 8.7 metres. By contrast the ridge height of the tallest structure in the extant permission is 8.2 metres. There is also concern from officers that there is little variation in form between the dwellings and that the elevations in places are relatively stark.

5.17 On balance, whilst it is not considered that the proposed design achieves the same high quality as the extant permission, officers consider that the design and layout of the current proposal is acceptable.

#### **Residential Amenity**

5.18 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.

5.19 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.

5.20 In respect to existing residents, the nearest dwelling to the application site is Chestnut Farm which is located approximately 35 metres to the north east of the most northerly proposed dwelling. There are a number of outbuildings at Chestnut Farm located between the existing dwellings and the proposed dwellings.

5.21 There are a number of windows in plot 5 at ground, first and attic floor level which face towards Chestnut Farm, however the orientation and angled relationship between the proposed dwelling and the existing dwelling is such that the windows in plot 5 would not overlook the dwelling house at Chestnut Farm, but would instead face towards the existing single storey outbuildings on the site.

5.22 Due to this angled relation and the presence of intervening structures, it is not considered that the proposal would result in a detrimental impact on the living environment of existing occupiers by reason of overlooking or overbearing buildings.

5.23 In respect of future residents, the application site is adjacent to the A38 and traffic is a source of noise pollution. The extant planning permission was subject to a condition requiring that no dwelling shall be occupied until a scheme to protect the proposed development from traffic noise from the A38 has been implemented in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

5.24 A Noise Assessment has been submitted with the current application with some suggested mitigation measures, however this has not been updated to reflect the latest layout.

5.25 However, the proposal has been designed in response to the background noise levels on the site. The plans indicate that the hedgerow and trees to the front of the site, which run parallel to the A38, would be retained as part of the development. This would be controlled by way of condition, along with other suitable boundary treatments. Brick walls and hedgerow would also act as acoustic barriers.

5.26 Noise attenuation measures have been suggested in the submitted Noise Assessment to negate the noise pollution levels. These include the installation of acoustic trickle vents and the installation of a double glazing system. With this in mind, it is recommended that a condition is imposed to secure a scheme to protect the development from noise.

5.27 Subject to a condition requiring implementation of noise mitigation details, the proposal is considered to comply with the National Guidance and Policy SD14 of the JCS.

### **Highway Safety**

5.28 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.

5.29 County Highways have been consulted on the application and do not object to the application subject to conditions to secure parking spaces, visibility splays within and on entry to the site, a footway link to the A38, implementation and maintenance of the access and submission of an appropriate construction method statement.

5.30 Forward visibility for vehicles waiting to turn right into the site from the A38 is restricted by existing verge vegetation within a fenced area on the opposite side of the A38 from the application site. This land is not controlled by the applicant and is owned by Highways Authority/Highways England. It is recommended that a Grampian condition is imposed on the planning permission to secure these works. However the planning permission does not give authority for the applicant to carry out any works to remove/cut back hedges or other boundary features on the public highway. The applicant is required to separately enter a suitable highway works legal agreement before such works are commenced. The scope of works will be controlled by planning condition, but it is considered that the required works are achievable in terms landscape/ecology impact and the imposition of the Grampian Condition is considered reasonable.

5.31 In light of the above it is considered that the proposed development would not have an unacceptable impact upon highway safety subject to relevant conditions.

### **Ecology**

5.32 The NPPF sets out at paragraph 170 that the planning system should contribute to and enhance the natural and local environment, by amongst other things, minimising impacts on and providing net gains for biodiversity. This advice is reflected in policy INF3 of the JCS.

5.33 The proposed development of the Site will require the demolition of the current onsite buildings and a preliminary Ecological Assessment has been submitted in support of the application.

5.34 The survey identified four bat droppings in one of the structures on site but advises that the building is unlikely to qualify as a resting place as the buildings have been subject to significant disturbance and in their current state are reasonably unlikely to support or provide potential roosting opportunities for any bat species. However, there is evidence that individual bats have irregularly used the building in the past. Therefore it is proposed that two bat boxes (a Schwegler type 2F and a Schwegler type 2FN) could be installed on mature trees along the hedgerow with trees on the eastern boundary of the site. This would safeguard the overall ecological functionality of the Site.

5.35 The proposed development is likely to impact nesting birds using the site. Evidence of an old bird box and the number of trees and hedgerow surrounding the site means that there is a high chance of nesting birds being present during the nesting bird season. The Assessment therefore advises that any vegetation clearance should be undertaken outside of nesting bird season to avoid any killing/injury or disturbance to nesting birds. It is also recommended that nesting accommodation for birds should be included onsite.

5.36 Having regard to the above and subject to the imposition of appropriate conditions to secure the ecological mitigation it is considered that the proposed development would have an acceptable impact on protected species and their habitats.

### **Drainage**

5.37 To secure appropriate drainage on the site it is recommended a condition is imposed to secure a comprehensive evidence based detail drainage design including a SuDS/drainage management plan.

### **Affordable Housing**

5.38 Policy SD12 of the JCS states that the JCS will seek, through negotiation, for new development to deliver new affordable housing. Criteria 1 (ii) states that outside of the Strategic Allocation sites, on sites of 11 dwellings or more, or sites with a maximum combined floorspace of greater than 1000 sq m; a minimum of 40% affordable housing will be sought on developments within the Tewkesbury Borough administrative area. This policy was written to reflect Government policy at the time of the JCS adoption and is reflected in the Planning Practice Guidance.

5.39 However there has been a significant change in material considerations since the adoption of the JCS with the publication of the revised NPPF earlier this year. The NPPF (2018) advises at paragraph 63 that "Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas". The NPPF defines major developments in Annex 2 as *"For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more"*. The application site extends to 0.55 hectares and the proposal is therefore defined as major development. This represents a significant change in respect of material considerations since the application was submitted. The previous Government policy the threshold beneath which affordable housing contributions should not be sought having been for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 sq m. The revised NPPF thresholds should be given more weight than the thresholds set out in the JCS on the basis that it is more recent and because the explanation to Policy SD12 relies heavily on the national thresholds which had been set out in previous government policy.

5.40 Significant negotiations have taken place during the application process both in terms of design, and affordable housing and it is unfortunate that the change in policy has taken place so late in the application process. Nevertheless, applications must be considered in light of prevailing policy at the time of the decision. As the application site exceeds the 0.5 hectare threshold introduced following the publication of the revised NPPF an affordable housing contribution is required.

5.41 The Housing Enabling Officer (HEO) has commented on the application and considers that to achieve the policy compliant 40% affordable housing provision, an off-site contribution of £195,695 is required. This is based the provision of 2 x 2 bed affordable units which reflects the need for the area, and on current sales values for such properties in the area.

5.42 The applicant has questioned this calculation on the basis that the proposed contribution is significantly higher than the contribution required on the previous 4 dwelling scheme (which exceeded 1,000 sq m combined gross in floorspace) circa £103,000. The main reasons for this are that the calculation has been based on the requirement for 2 dwellings (40% of 5) as opposed to 1.6 dwellings (40% of 4), and because the calculation is based on more recent evidence of sales values in the area whereas the contribution for the previous scheme was based on evidence contained in a 2013 housing needs survey.

5.43 The applicant asserts that this affects the viability of the scheme, particularly as the land was purchased on the basis of the affordable housing contribution contained in the s106 agreement for the previous scheme. No firm evidence has been produced to justify this assertion. The applicant also considers that the current scheme better reflects market conditions and would sell quicker than the consented scheme, although, again, this is anecdotal.

5.44 Nevertheless, it is recognised that there has been a significant change of circumstances late in the application process. Furthermore, there is a scenario whereby the application site could be reduced to below the 0.5 hectare threshold and this would result in a poorer scheme in design terms, and with no affordable housing contribution. The applicant could also revert to the previous scheme which, although for the reasons set out above would be of higher quality, would achieve a much lower affordable housing contribution. It is also recognised that the change in sales prices is based on a much longer period (as set out above, the contribution for the 2016 application was based on 2013 prices) than that between the grant of permission for the 4 dwelling scheme and now.

5.45 Negotiations have been ongoing with the applicant in this respect and agreement has been reached on a contribution of £160,000. Whilst this does not meet the 40% required by the HEO, it is considered reasonable in the context of this particular case given the fall-back position.

## **6.0 Conclusions and Planning Balance**

6.1 As set out above the starting point for determination of this application is the conflict with policy SP2 and SD10 of the JCS, and to a lesser extent the emerging NDP, arising from an additional dwelling on the site. The application site is larger than that previously permitted however the additional landscape harm arising as a result would be limited.

6.2 However, there is an extant planning permission for four dwellings on the site which is a material consideration in the determination of the application. The site is located in a reasonably accessible location close to a named Service Village in the JCS with access to local services and facilities and the proposal could help support these facilities. The proposal would also make more effective use of land in line with the NPPF. In addition, the proposal would contribute, albeit in a very limited way, to the housing supply in the Borough and to the economy and these are matters that weigh in favour of the proposal. An acceptable affordable housing contribution has also been negotiated which results in an additional social benefit arising from the scheme.

6.3 It is considered that the design and layout of the current proposal is acceptable. Further, the proposal is considered acceptable in respect to highway safety, residential amenity and ecology subject to the imposition of conditions.

6.4 On balance, whilst the objections of the Parish Council are noted, it is recommended that permission is **delegated to the Technical Planning Manager subject to the completion of a planning obligation to secure an affordable housing contribution of £160,000.**

## **RECOMMENDATION Delegated Permit**

### **Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
PL17-243-27 Plans and Elevations Plot 1  
PL17-243-28 Plans and Elevations Plot 2  
PL17-243-29 Plans and Elevations Plot 3  
PL17-243-30 Plans and Elevations Plot 4  
PL17-243-31 Plans and Elevations Plot 5  
PL17-243-32 Car Ports Elevations 1 to 5  
PL17-243-33 Typical Sections 1 to 5  
P17-243-34 Rev A Proposed Soft and Hard Landscaping Site Layout Plan  
PL17-243-43 Rev A Proposed Site Plan
- 3 Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan PL17-243-43 Rev A and shall be maintained thereafter.
- 4 The existing emerging and forward visibility splays as shown on drawing CTP-17-596 shall be maintained with the area between those splays and the carriageway kept clear obstruction to a level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
- 5 Prior to occupation of the proposed development a 2m footway shall be provided from the entrance of the development linking to the existing footway on the A38.
- 6 No building on the development shall be occupied until the carriageway (including surface water drainage/disposal, vehicular turning head) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

- 7 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.
- 8 The dwellings(s) hereby permitted shall not be occupied until the associated vehicular parking facilities have been provided in accordance with the submitted plan PL17-243-43 Rev A, and those facilities shall be maintained available for those purposes thereafter.
- 9 The dwellings(s) hereby permitted shall not be occupied until the visitor vehicular parking facilities have been provided in accordance with the submitted plan PL17-243-43 Rev A, and those facilities shall be maintained available for those purposes thereafter.
- 10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- i. specify the type and number of vehicles;
  - ii. provide for the parking of vehicles of site operatives and visitors;
  - iii. provide for the loading and unloading of plant and materials;
  - iv. provide for the storage of plant and materials used in constructing the development;
  - v. provide for wheel washing facilities;
  - vi. specify the intended hours of construction operations;
  - vii. specify measures to control the emission of dust and dirt during construction
- 11 Notwithstanding any indication of materials which have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any development takes place above DPC level. The development shall be carried in accordance with the approved details.
- 12 The development hereby permitted shall be carried out in strict accordance with a fully detailed landscaping scheme for the site which has first been submitted to and approved in writing by the Local Planning Authority. This shall include indications of all existing trees and hedgerows on the land and details of any to be retained, in accordance with Proposed Soft and Hard Landscaping Site Layout Plan PL17-243-34 Rev A, together with measures for their protection during the course of development.
- 13 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings, or the completion of the development, whichever is sooner. Any trees, plants or areas of turfing or seeding, which, within a period of 5 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
- 14 The development hereby permitted shall be carried out in accordance with details of existing and proposed levels with reference to a fixed datum point, to include details of finished floor and ground levels, which have first been submitted to and approved in writing by the Local Planning Authority.
- 15 The development hereby permitted shall be carried out and subsequently maintained in accordance with a detailed drainage strategy including a scheme of surface water treatment and foul water which has first been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall be supported by evidence of ground conditions, soakaway tests and modelling of the scheme to demonstrate that it is the most appropriate strategy and is technically feasible. In addition, full details, including size, location and maintenance regimes of the proposed Package Treatment Plant to deal with the foul drainage shall be submitted. Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through third party land or to their network, system or watercourse.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement or alteration, private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.
- 17 The development hereby approved shall be carried out in accordance with the Conclusions and Recommendations of the Preliminary Ecological Assessment prepared by Wildwood Ecology, document reference WWE17212\_ECIA\_REV\_A dated January 2018
- 18 No dwelling hereby permitted shall be occupied until a scheme to protect the proposed development from traffic noise from the A38 has been implemented in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the indoor ambient noise levels in living rooms and bedrooms and external amenity areas meet the standards in BS 8233:2014 for the appropriate time period. The development shall be carried out in strict accordance with the details so approved.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 of the National Planning Policy Framework.
- 4 To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Paragraph 108 and 110 the National Planning Policy Framework.
- 5 To ensure safe and suitable access is provided for all users and to provide priority to pedestrians in accordance with Paragraph 108 and 110 of the National Planning Policy Framework
- 6 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.
- 7 To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with Paragraphs 108 and 110 the National Planning Policy Framework.
- 8 To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
- 9 To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Paragraph 108 and 110 the National Planning Policy Framework.
- 10 To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with paragraph 108 and 110 of the National Planning Policy Framework.
- 11 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.

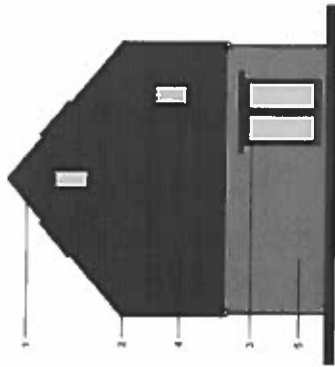


- 12 In the interests of amenity and to ensure a satisfactory standard of landscaping
- 13 In the interests of amenity and to ensure a satisfactory standard of landscaping
- 14 In the interests of residential amenity and to secure a satisfactory external appearance
- 15 To ensure that the development is provided with a satisfactory means of drainage; as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution
- 16 To secure a satisfactory external appearance
- 17 To ensure appropriate protection of biodiversity
- 18 To protect the residential amenity of future residents

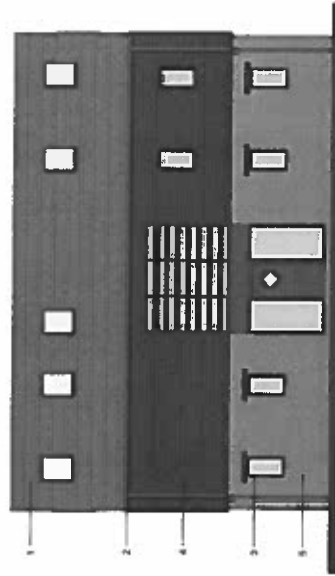
Notes:

- 1 **Statement of Positive and Proactive Engagement**  
In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating a revised design.
- 2 The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.
- 3 To provide the forward visibility splay permission of the land owner (Highways England) will be required to remove the vegetation structures.

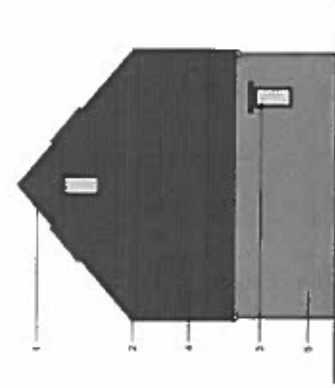
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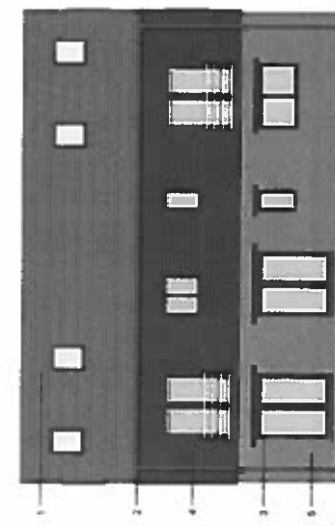
EAST ELEVATION - 1:100



NORTH ELEVATION - 1:100



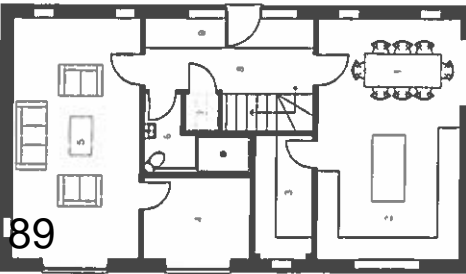
WEST ELEVATION - 1:100



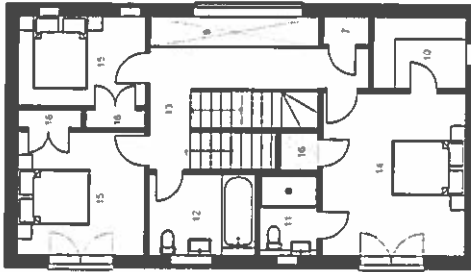
SOUTH ELEVATION - 1:100

Materials Key

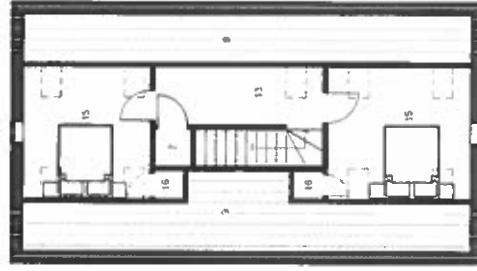
- 1= Silver Roof
- 2= Aluminum Gutters & Downpipes
- 3= Polyester Powder Coated Aluminum Windows and Doors
- 4= Stained Timber Horizontal Cladding (Dark Grey)
- 5= Facing Bricks (Red Multi)



GROUND FLOOR PLAN - 1:100



FIRST FLOOR PLAN - 1:100

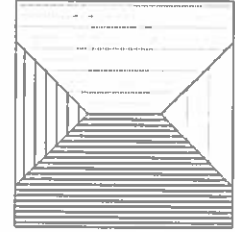
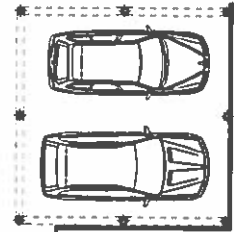


ATTIC FLOOR PLAN - 1:100

Gross Internal Area (m<sup>2</sup>)

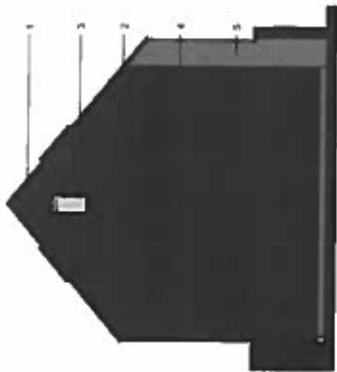
Ground Floor	63.17m <sup>2</sup>
First Floor	77.00m <sup>2</sup>
Attic Floor	43.00m <sup>2</sup>
Total GIA (m <sup>2</sup> )	183.17m <sup>2</sup>

2 cars parked  
Garage (Pls 1  
independent from  
main building)

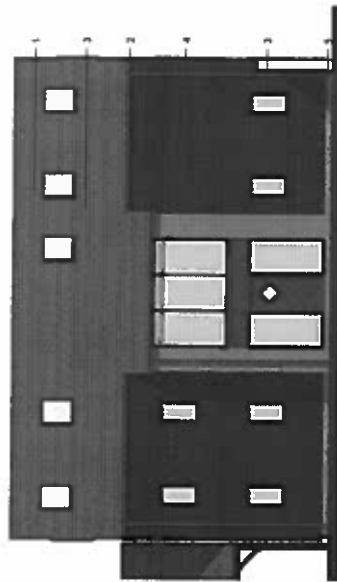


Key Plan

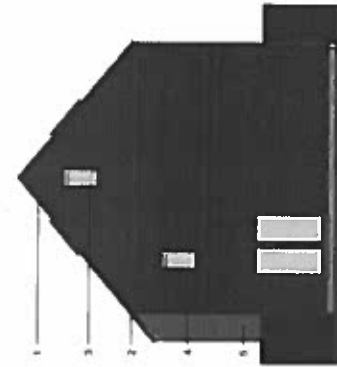




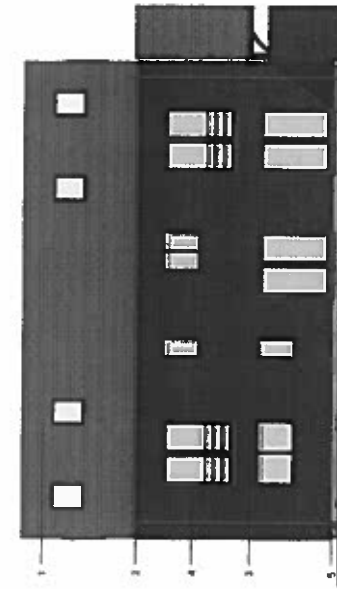
EAST ELEVATION - 1:100



NORTH ELEVATION - 1:100



WEST ELEVATION - 1:100



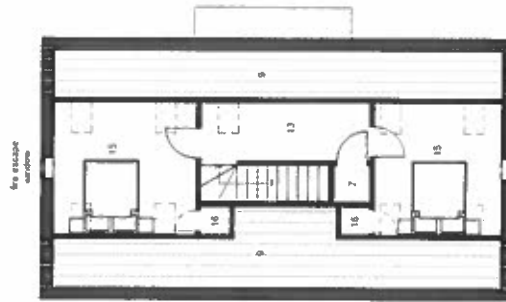
SOUTH ELEVATION - 1:100

Materials Key

- 1 = Slate Roof
- 2 = Aluminum Siding & Chimneys
- 3 = Polycarbonate Paneling Aluminum Windows and Doors
- 4 = Stained Timber Horizontal Cladding (Oak Grey)
- 5 = Facing Bricks (Red Matt)

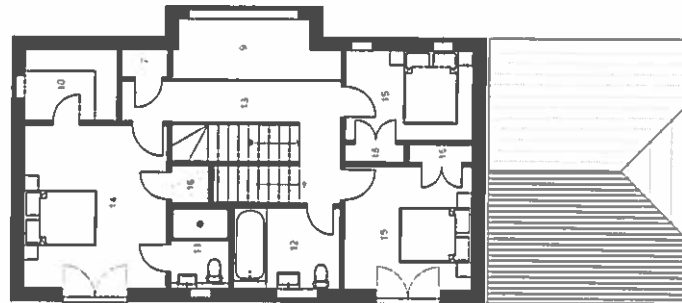
Room Key

- 1 = Dining Room
- 2 = Kitchen
- 3 = Utility
- 4 = Central Stair
- 5 = Lounge
- 6 = WC / Shower
- 7 = Cupboard Store
- 8 = Entrance Hall
- 9 = Void
- 10 = Dressing
- 11 = En-Suite
- 12 = Bathroom
- 13 = Landing
- 14 = Men Bedroom
- 15 = Bedroom
- 16 = Bull in Void



See escape routes

See escape routes



Overall Internal Area (m <sup>2</sup> )	
Ground Floor	63.00m <sup>2</sup>
First Floor	77.00m <sup>2</sup>
Attic Floor	43.00m <sup>2</sup>
<b>Total GFA</b>	<b>183.00m<sup>2</sup></b>



Open ended  
Carport Plot 2  
not shown  
(See Plot 2)

GROUND FLOOR PLAN - 1:100

ATTIC FLOOR PLAN - 1:100

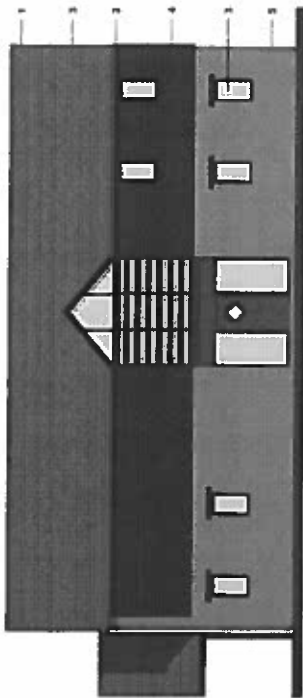


Key Plan

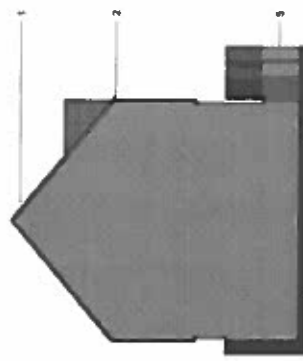
18/00073/KUL

264/b

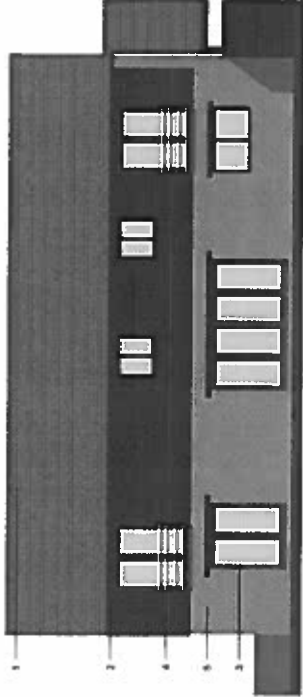
18/00073/FUL



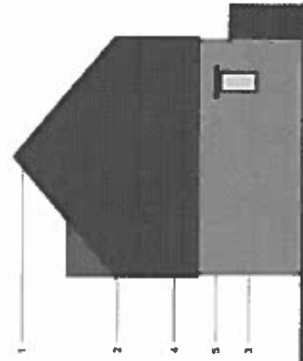
EAST ELEVATION - 1:100



SOUTH ELEVATION - 1:100



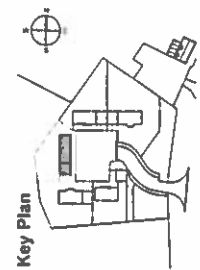
WEST ELEVATION - 1:100



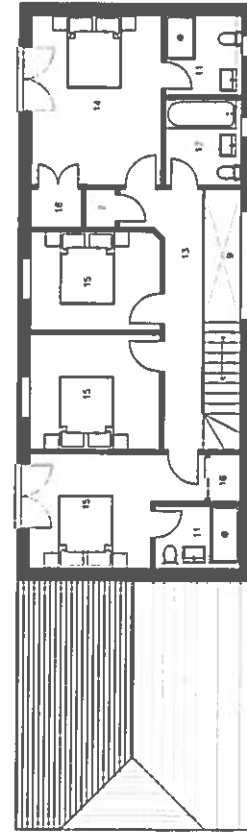
NORTH ELEVATION - 1:100

- Materials Key**
- 1 = Slate Roof
  - 2 = Aluminium Gutter & Downpipes
  - 3 = Polyester / Powder Coated Aluminium Windows and Doors
  - 4 = Stained Timber Horizontal Cladding (Dark Grey)
  - 5 = Facing Bricks (Red Matt)

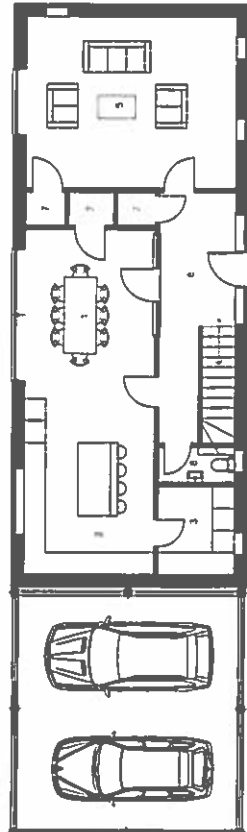
- Room Key**
- 1 = Dining Room
  - 2 = Kitchen
  - 3 = Utility
  - 4 = Office Snug
  - 5 = Lounge
  - 6 = WC / Shower
  - 7 = Cupboard Store
  - 8 = Entrance Hall
  - 9 = Vest
  - 10 = Driveway
  - 11 = Ex-Site
  - 12 = Bathroom
  - 13 = Landing
  - 14 = Men Bedroom
  - 15 = Bedroom
  - 16 = Built in Wardrobe



Key Plan



FIRST FLOOR PLAN - 1:100



GROUND FLOOR PLAN - 1:100

Gross Internal Area (m <sup>2</sup> )	
Ground Floor	80.0m <sup>2</sup>
First Floor	85.0m <sup>2</sup>
<b>Total GIA</b>	<b>174.0m<sup>2</sup></b>

Overhead  
Carport for 3  
vehicles  
Bicycle  
Storage

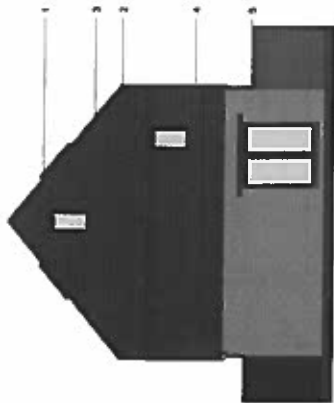


**THOMAS DEAN  
ARCHITECTS**  
100-102, High Street, Exeter, Devon, EX1 1AB, UK  
Tel: 01392 266111 Fax: 01392 266112  
Email: t.d@thomasdeanarchitects.co.uk

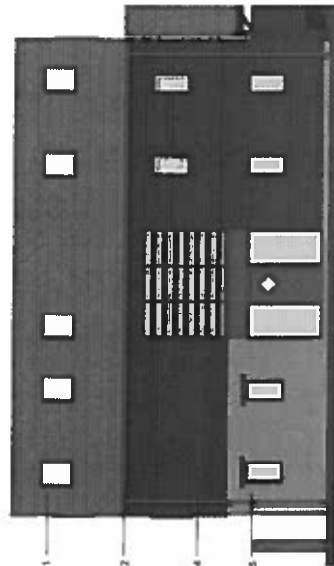
Revisions	
No.	Description
1	Issue for Planning
2	Issue for Building Regulations
3	Issue for Construction
4	Issue for Completion

Project Name: Walnut Farm, Newton, Devon - Proposed Re-Development	
Drawing No: Proposed Plans and Elevations - Plot 3	
Sheet	Drawn by
Planning	1:100 @ A3
Building	1:100 @ A3
Construction	1:100 @ A3
Completion	1:100 @ A3

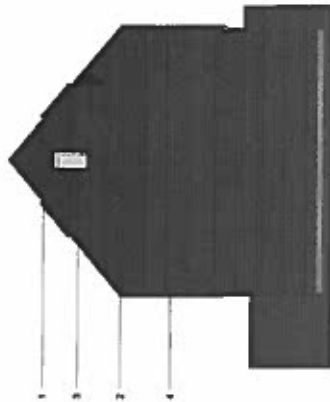
91  
264/C



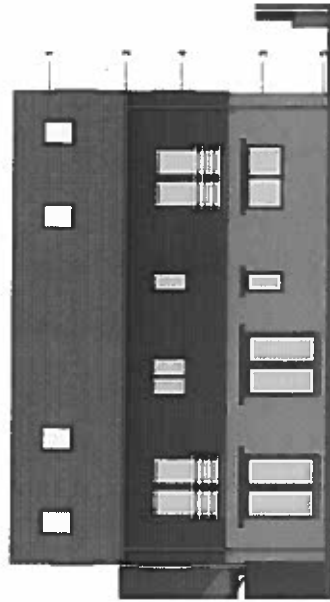
WEST ELEVATION - 1:100



SOUTH ELEVATION - 1:100



EAST ELEVATION - 1:100



NORTH ELEVATION - 1:100

Materials Key

- 1 = Slate Roof
- 2 = Aluminium Gutter & Downpipes
- 3 = Polymer Powder Coated Aluminium Windows and Doors
- 4 = Stained Timber Horizontal Cladding (Oak Grey)
- 5 = Facing Bricks (Red Mud)

18/00073/F2

- Room Key
- 1 = Dining Room
  - 2 = Kitchen
  - 3 = Utility
  - 4 = Office/Study
  - 5 = Lounge
  - 6 = WC / Shower
  - 7 = Cupboard / Store
  - 8 = Entrance Hall
  - 9 = Vest
  - 10 = Dressing
  - 11 = En-Suite
  - 12 = Bathroom
  - 13 = Landing
  - 14 = Main Bedroom
  - 15 = Bedroom
  - 16 = Bull in Warehouse



Key Plan



Gross Internal Area (m <sup>2</sup> )	
Ground Floor	88.75m <sup>2</sup>
First Floor	77.00m <sup>2</sup>
Attic Floor	43.00m <sup>2</sup>
Total GIA (m <sup>2</sup> )	208.75m <sup>2</sup>

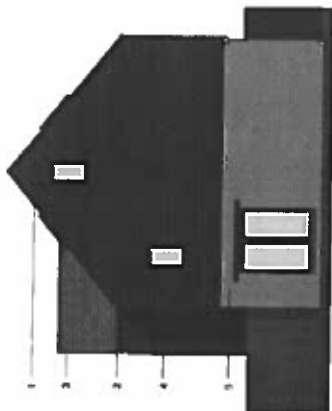


GROUND FLOOR PLAN - 1:100

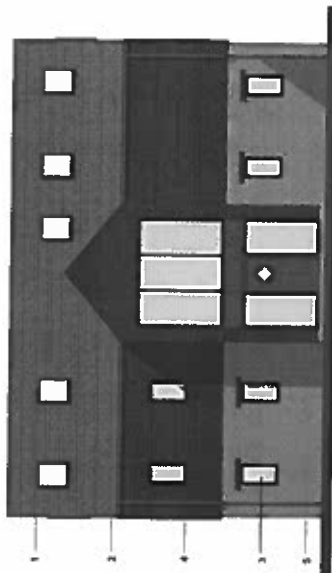


FIRST FLOOR PLAN - 1:100

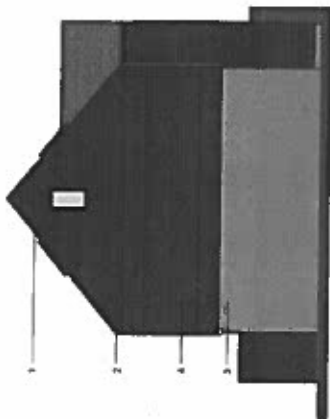
ATTIC FLOOR PLAN - 1:100



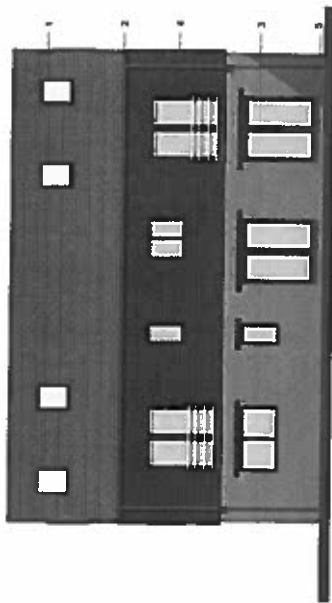
EAST ELEVATION - 1:100



SOUTH ELEVATION - 1:100



WEST ELEVATION - 1:100



NORTH ELEVATION - 1:100

- Materials Key**
- 1 = Blue Roof
  - 2 = Aluminium Cladding & Downpipes
  - 3 = Polymer Render Colored Aluminium Windows and Doors
  - 4 = Stained Timber Horizontal Cladding (Dark Grey)
  - 5 = Facing Bricks (Red Matt)

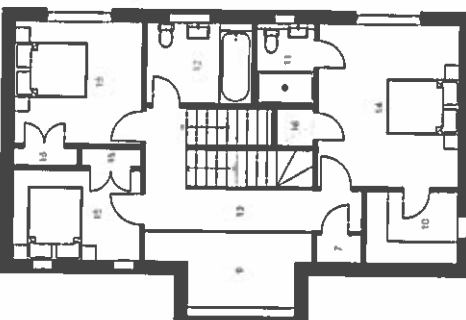
- Room Key**
- 1 = Dining Room
  - 2 = Kitchen
  - 3 = Utility
  - 4 = Office/Study
  - 5 = Lounge
  - 6 = WC / Shower
  - 7 = Cupboard Store
  - 8 = Entrance Hall
  - 9 = Yard
  - 10 = Dressing
  - 11 = Entry Suite
  - 12 = Bedroom
  - 13 = Landing
  - 14 = Main Bedroom
  - 15 = Bedroom
  - 16 = Bath in Vanolite

Gross Internal Area (m <sup>2</sup> )	
Ground Floor	84.50m <sup>2</sup>
First Floor	77.00m <sup>2</sup>
Attic Floor	43.00m <sup>2</sup>
<b>Total GIA (m<sup>2</sup>)</b>	<b>204.50m<sup>2</sup></b>

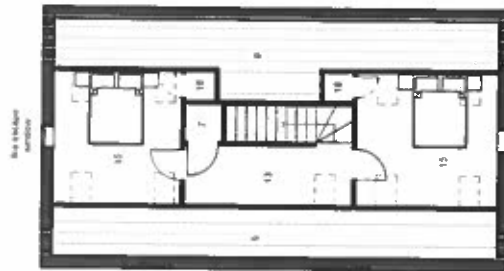
Open ended  
Carport Flt 5  
Room when  
dormitory



GROUND FLOOR PLAN - 1:100



FIRST FLOOR PLAN - 1:100



ATTIC FLOOR PLAN - 1:100



18/00073/FUL

93

264/e

**THOMAS DEAN**  
ARCHITECTS



Rev	Description	Date
1	Issue for Planning	11/04/21

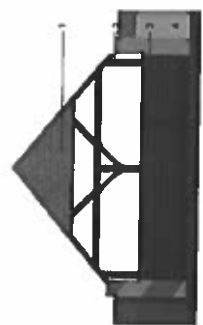
Rev	Description	Date
1	Issue for Planning	11/04/21

Rev	Description	Date
1	Issue for Planning	11/04/21

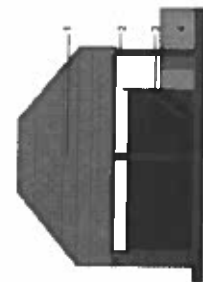
Rev	Description	Date
1	Issue for Planning	11/04/21

Notes:  
1. The client has agreed to the proposed development.  
2. The client has agreed to the proposed development.  
3. The client has agreed to the proposed development.  
4. The client has agreed to the proposed development.  
5. The client has agreed to the proposed development.  
6. The client has agreed to the proposed development.  
7. The client has agreed to the proposed development.  
8. The client has agreed to the proposed development.  
9. The client has agreed to the proposed development.  
10. The client has agreed to the proposed development.

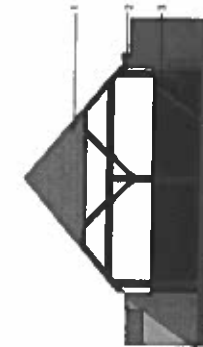
Project Name: Walnut Farm, Norton, Ohio - Proposed Re-Development  
Drawing No: Proposed Plans and Elevations - Part 6  
Scale: 1:100 @ A2  
Drawing No: 11/04/21  
Date: 11/04/21



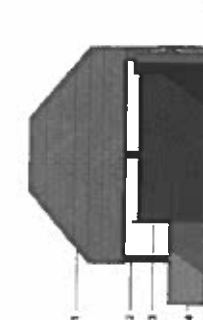
CAR PORT 1  
EAST ELEVATION - 1:100



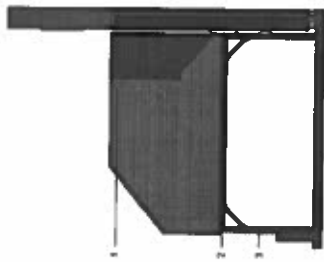
CAR PORT 1  
NORTH ELEVATION - 1:100



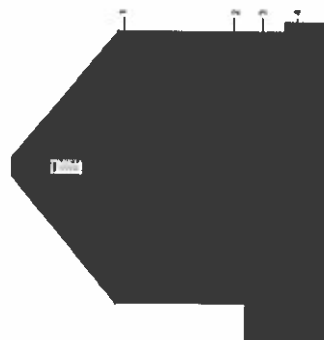
CAR PORT 1  
WEST ELEVATION - 1:100



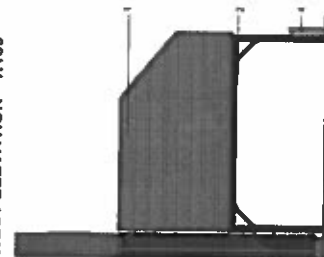
CAR PORT 1  
SOUTH ELEVATION - 1:100



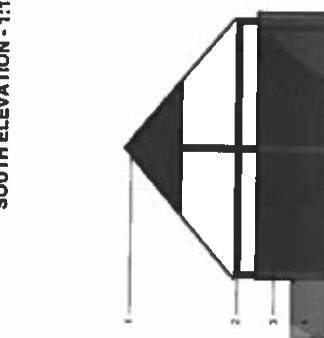
CAR PORT 2  
NORTH ELEVATION - 1:100



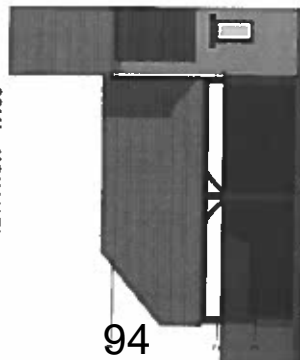
CAR PORT 2  
EAST ELEVATION - 1:100



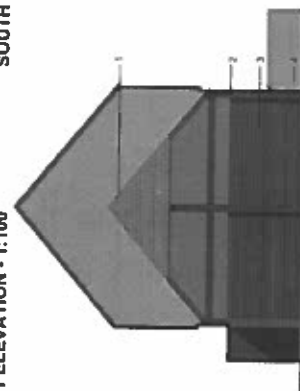
CAR PORT 2  
SOUTH ELEVATION - 1:100



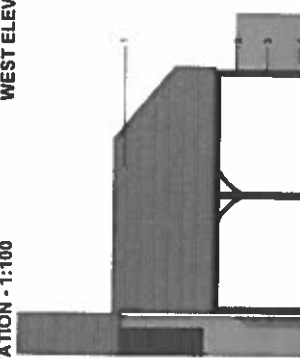
CAR PORT 2  
WEST ELEVATION - 1:100



CAR PORT 3  
EAST ELEVATION - 1:100



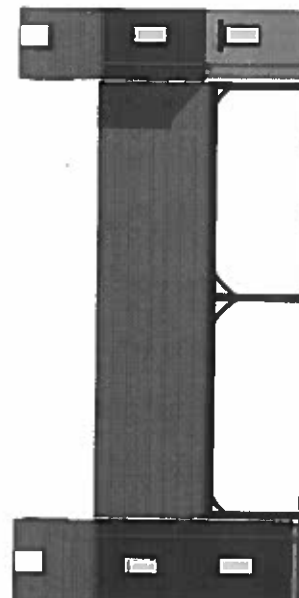
CAR PORT 3  
SOUTH ELEVATION - 1:100



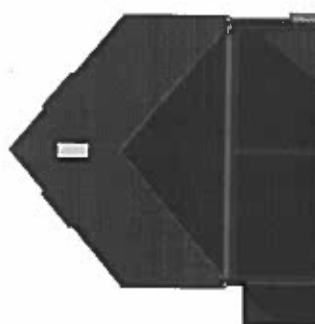
CAR PORT 3  
WEST ELEVATION - 1:100



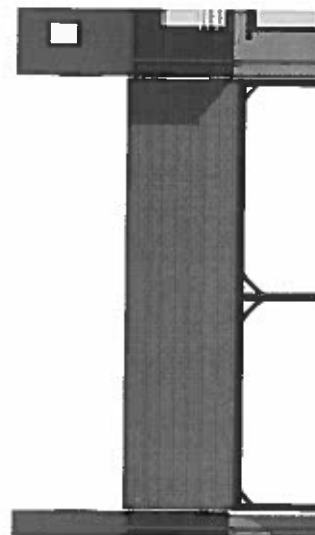
CAR PORT 3  
NORTH ELEVATION - 1:100



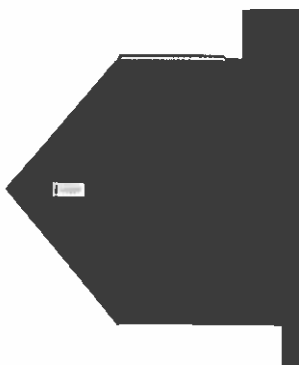
CAR PORT 4 & 5  
SOUTH ELEVATION - 1:100



CAR PORT 4 & 5  
WEST ELEVATION - 1:100



CAR PORT 4 & 5  
NORTH ELEVATION - 1:100



CAR PORT 4 & 5  
EAST ELEVATION - 1:100

18/00073/01

- Materials Key
- 1 - Stone Road
  - 2 - Oak Structure
  - 3 - Stained Timber Horizontal Cladding (Dark Grey)
  - 4 - Facing Brickwork (Red Mud)

Key Plan



94  
264/F

THOMAS DEAN  
ARCHITECTS



Rev	Description	Date
1	Issue for Planning	11/01/18
2	Issue for Planning	11/01/18
3	Issue for Planning	11/01/18
4	Issue for Planning	11/01/18
5	Issue for Planning	11/01/18
6	Issue for Planning	11/01/18
7	Issue for Planning	11/01/18
8	Issue for Planning	11/01/18
9	Issue for Planning	11/01/18
10	Issue for Planning	11/01/18

Project Name	Weymouth Farm, North, Essex - Proposed Re-development
Drawing No.	Proposed Car Port Elevations - Plot 1 - 9
Sheet	Planning
Date	11/01/18
Scale	1:100 @ A2
Drawn by	11/01/18
Rev	11/01/18

Profile of mature roadside tree planting shown dashed

**No's 2 and 3 seen beyond**

Garage no.1

No. 1

Garage no.4

No. 4

17.4

**Chestnut Farm**  
(Estimated buildings  
not surveyed)

$$\begin{array}{r} 95 \\ 264 \overline{) 9} \end{array}$$

18/00073/52

Relative position of  
No.1 shown dashed

Relative position of  
No.4 shown dashed

Proposed closed board  
fencing with hedgerow  
planting to field site

**Proposed hedgerow planting  
along site boundary extends  
existing mature hedgerow**

Garden no.1

**East, Courtyard Elevation**  
**Scale 1:200**

No. 3

#### Garden no.4

Scale 1 : 200

[illegible]

**Tyack**  
ARCHITECTS

**PROPOSED INDICATIVE ELEVATIONS**  
Proposed Farm Redevelopment  
Walnut Farm, Norton

016 Drg No: 2622-0038

For the following, find  $\frac{dy}{dx}$  or  $\frac{dz}{dt}$ .



18/00073/2L



Line of temporary post and wire fences

Extent of existing farmyard overtop and rubble shown dashed

New hedgerow planting extends existing mature hedgerow

Outline of existing vegetable plot to be returned to open landscape shown dashed

Outline of existing barn to be demolished shown dashed

2 no. oak bollards 0.5m from garage corner

Shared surface finish

Outline of existing dwelling to be demolished shown dashed

2m length of 0.6m high wall

Chestnut Farm

Old Lane Cottage

To A38

Proposed new post and rail fence line

Closed board fence with hedgerow planting to field side

Existing post and wire fence

2.0m brick walls create courtyard enclosures and mitigate against road noise

Existing planting screen retained

Extent of registered survey

0m 50m  
Scale 1 : 500

REV C: Highways layout amendments. 27th November 2015  
Length of wall proposed from SE corner of lane 1 reduced in length by 7m.  
Area of shared surface added near SE corner of lane 1  
2 no. oak bollards positioned 0.5m from NW corner of wall 4 garage  
2m length of wall in distance corner 6 parking court reduced in length to 0.6m  
REV B: See enclosure added 11th July 2015  
**PROPOSED SITE LAYOUT PLAN**  
**Proposed Farm Redevelopment**  
MR David Evans, Nuffield  
SCHEME: 1274/2014/04 - 14/04/15 - 15/04/15  
Copyright © 2015 Tux Architects Ltd

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1: 1000 001 001  
1: 1000 001 001  
1: 1000 001 001  
1: 1000 001 001



264/96

Barn Farm

Valid 12.01.2018

Approval of reserved matters to planning permission reference 15/00215/OUT (erection of nine dwellings). Revised submission to withdrawn application 17/00681/APP

Grid Ref 395740 227788  
Parish Bishops Cleeve  
Ward Cleeve St Michaels

## **RECOMMENDATION Delegated Approve**

### **Policies and Constraints**

National Planning Policy Framework (2018)  
Planning Practice Guidance  
Tewkesbury Borough Local Plan to 2011 - March 2006 - BI1  
Joint Core Strategy (2017) SD6, SD8, SD11, SD14, INF1, INF2 and INF3  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

**Councillor Reece - Request the application be determined by planning committee in order to assess the impact of the proposal on the surrounding area.**

### **Bishops Cleeve Parish Council**

Comments on Original Plans - The Parish Council maintains its objections. The applicant has failed to address the Urban Design Officers concerns which are echoed by the Parish Council. The proposal does not appear to adhere to design requirements detailed in the Joint Core Strategy Policy SD5.

Comments on Revised Plans - The Parish Council maintains its objections. Whilst the layout appears to be an improvement, the design and materials are not appropriate for the setting and consideration should be given to using high quality materials which are in keeping with neighbouring properties. In particular, the Parish Council echoes the concerns of the Highways department in respect of access and road safety.

**County Highways Authority:** Following consultation a suitable access arrangement has been agreed in principle by the Highway Authority and the Highways Authority raise no objection to the application subject to conditions.

**Environmental Health:** As long as the houses are no closer as part of this application than the outline permission and the recommends of the Noise Report which accompanied the Lidl application no objection is raised. **An update will be provided at committee**

**Flood Risk Management Engineer: An update will be provided at committee**

**Local Residents:** One objection received as follows:

- The space is constantly being used daily and there is not enough green spaces left and it is ruining the village
- There is absolutely no need for more buildings and there are enough being built elsewhere

**Planning Officers Comments:** Paul Instone

### **1.0 Application Site**

1.1 The application relates to a parcel of land to the rear of the Lidl store, running from Evesham Road to Church Road in Bishops Cleeve. The land is currently laid to grass.

1.2 The land is part of a larger site allocated in the Local Plan for community/housing/car parking uses in the adopted Local Plan (Policy Saved Policy BI1).

1.3 Outline planning permission (ref: 15/00215/OUT) with all matters reserved was granted for residential development (up to nine dwellings), including infrastructure, ancillary facilities, open space and landscaping and construction of a new car park and vehicular and pedestrian access in January 2016.

1.4 The outline planning permission is for a larger site than the current application site and extended to Cheltenham Road to the east and also included a parcel of land adjacent to Evesham Road. A copy of the Indicative Site Layout for outline planning permission (ref: 15/00215/OUT) is provided in the Committee Schedule.

1.5 In January 2017 planning permission (ref: 17/00133/FUL) was granted for the demolition of the existing Lidl store which is located to the east of the application site and the erection of a replacement Lidl store (Class A1) and associated works. The replacement store and associated car parking also includes a parcel of land between the Lidl Store and Evesham Road which was in the red line of planning permission ref: 15/00215/OUT and was shown to provide car parking in the Indicative Site Layout for the outline planning permission. A copy of the Existing and Proposed Site Plan for planning permission ref: 17/00133/FUL is provided in the Committee Schedule.

## **2.0 Planning History**

2.1 Part of the land (to the Evesham Road end of the site) was transferred to Tewkesbury Borough Council as part of a Section 106 Legal Agreement relating to planning application reference: 93/4402/0519/FUL for the Erection of a Class A1 retail store (currently known as Lidl). The land was covenanted so as to be restricted to use for community purposes, i.e. those which "in the opinion of the Council are for the benefit of inhabitants of the Borough of Tewkesbury or any of them".

2.2 A Crown Notification was submitted in 2003 for the erection of prefabricated building for use by cadets, with associated site works (ref: 03/5806/1162/CRN. However, this proposal was not proceeded with. Planning permission 05/4402/1272/FUL was granted by the Committee at its meeting on 27th July 2006 for the erection of two storey cadet building with parade area and parking and the construction of vehicular access.

2.3 06/00852/FUL - Residential development of 14 units. Construction of a new public car park and vehicular and pedestrian access permitted 24th October 2008. This planning permission has lapsed.

2.4 11/01102/FUL - Residential development of 14 units. Construction of a new public car park & vehicular & pedestrian access (application to extend the time limit for the implementation of 06/00852/FUL), permitted 09 March 2012. This planning permission has lapsed.

2.5 15/00215/OUT - Residential development (up to nine dwellings), including infrastructure, ancillary facilities, open space and landscaping. Construction of a new car park and vehicular and pedestrian access. Permitted January 2016.

2.6 16/00063/CONDIS Condition 9 of planning permission 15/00215/OUT which required the submission of full engineering details of the access to the site was discharged in September 2016

2.7 In November 2017 a Non-Material Amendment (ref: 16/00082/MINOR) was granted to modify Condition 10 of planning application reference 15/00215/OUT to require a Car Park Management Plan (CPMP) to have been submitted, approved and implemented prior to beneficial occupation of the car park. Previously the condition required the submission of the CPMP details prior to the commencement of development of the whole site

2.8 17/00161/CONDIS Condition 7 (archaeological works) of planning permission 15/00215/OUT was discharged in November 2017

2.9 17/00681/APP - Approval of reserved matters to planning permission reference 15/00215/OUT (erection of eight dwellings). Withdrawn December 2017

## **Adjacent Site**

17/00133/FUL - Demolition of the existing Lidl store and erection of a replacement Lidl store (Class A1) and associated works. Permitted January 2018

### **3.0 Current Application**

3.1 The current application seeks approval of reserved matters pursuant to the outline planning permission mentioned above (ref: 15/00215/OUT) and seeks approval for access, appearance, landscaping, layout and scale. Amended layouts have been submitted during the application process further to comments from Officers.

3.2 The application also seeks to discharge conditions 5 (levels), 6 (drainage scheme), and 12 (details of layout and access) of the approved outline application.

3.3 The application proposes 9 no. 3 bedroom open market dwellings with access onto Evesham Road. The proposed dwellings are in a linear form with an access road located to the west of the dwellings which runs the length of the site.

3.4 The application site for the reserved matters application is smaller the application site for outline planning permission (ref: 15/00215/OUT) and excludes land to the front of the site adjacent to Evesham Road which was previously shown to be a car park as well as land adjacent to Cheltenham Road which was shown to accommodate two dwellings in the outline planning permission.

### **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 The site forms part of Allocation BI1 in the Local Plan which states that the Borough Council will support proposals for development of land at Gilders Corner as defined on the proposals map for community uses/church/affordable housing/car parking provided that such proposals make provision for and a landscape corridor for a footpath/cycleway between Finley Way and Evesham Road.

4.4 Other relevant national and local policies are referred to in the appropriate sections of this report

### **5.0 Analysis**

5.1 The principle of housing on the application site is established by virtue of outline planning permission 15/00215/OUT. The application seeks approval of reserved matters pursuant to the outline planning permission. The reserved matters for which approval is sought are access, layout, scale, appearance and landscaping.

#### **Access**

5.2 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.

5.3 The application proposes a revised access arrangement to the proposed access which was discharged further to the outline planning permission (ref:16/00063/CONDIS)

5.4 Following extensive consultation suitable access arrangements have been agreed in principle by the Highway Authority. The proposal includes the removal of the existing historic ghost island opposite the proposed site access and rationalisation of the junction of Finlay Way and Evesham Road with a simple priority junction including the approach two lanes to one lane from Evesham Road south to the give-way line with Finlay Way, relocation of the pedestrian crossing and island over Finlay Way further east of the junction away from vehicle movements.

5.5 The new junction arrangement has been modelled and will not impact on future years capacity accounting for existing traffic flows, development traffic and future years growth by 2023. The new junction arrangement has been tracked with swept path tracking for the largest legal HGV and refuse vehicle and estate car tracking into and out of the new site junction. Suitable visibility splays are available for the new junction arrangement and site access.

5.6 In order to account for the release of the DfT Inclusive Transport Strategy and new National Planning Policy Framework (NPPF) the layout and access been amended to include continuous footways so all dwellings segregated from the road and connections to parking spaces.

5.7 In respect to parking provision, the Highways Authority consider that based on census local vehicle ownership the provision of two spaces per dwelling is sufficient.

5.8 In light of the above it is considered that the proposed development would not have an unacceptable impact upon highway safety subject to relevant conditions/legal agreements

## Layout

5.9 The NPPF 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. The NPPF also advises that decisions should ensure that development will function well and add to overall quality of an area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and 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).

5.10 This advice echoes the requirements of Policy SD4 of the JCS.

5.11 At paragraph 130 the NPPF advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking account of any local design standards or style guides in plans or other supplementary planning documents.

5.12 It continues by stating that local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

5.13 The application site is a linear parcel of land which is constrained by the proximity of the Lidl Store to the north. An outline planning permission exists on the site which agrees the general principles of how the site can be developed. An Indicative Layout was submitted in support of the outline planning application showed 9 dwellings on a similar site, which at that time excluded the car park to the front and extended to Cheltenham Road to the south.

5.14 In determining the outline application officers had regard to the Indicative Layout and considered that *'Whilst all matters are reserved for future consideration an indicative layout has been submitted by the applicant in support of the development of this site. It is considered that this demonstrates that 9 dwellings could be accommodated on the site and it is also relevant that the local planning authority previously considered the site was capable of accommodating 14 dwellings as well as a car park.'*

5.15 Further to the grant of outline permission there have been changes to the application site by virtue of permission being granted for the replacement Lidl which incorporates some of outline application site and due to the fact that the parcel of land closest to Cheltenham Road is not within the applicant's ownership.

5.16 Nevertheless, the reserved matters proposed layout is broadly consistent with the approved Outline Indicative Layout insofar as the dwellings are located adjacent to the Lidl store and an access road runs along the western boundary of the site.

5.17 It is considered that the reserved matters layout responds to the challenges of the constrained site. The layout is such that two dwellings are located to the front of the site adjacent to Evesham Road to provide a street frontage. The remaining dwellings are located in three parts in proximity to the rear of the Lidl store and are arranged to provide a continuous frontage along the access road. Each dwelling would sit comfortably within its plot, provide adequate separation and private amenity space.

5.18 The private amenity space for all of the dwellings and the habitable room windows of plots 5, 6 and 7 in particular would be overshadowed by the Lidl store and the two metre high acoustic fence. However, given the constraints of the site it is not considered that there is an alternative design solution which would avoid this relationship whilst maintaining adequate separation distances between habitable room windows.

5.19 In conclusion it is considered that the proposed revised layout has responded to the constraints of this narrow parcel of land. The omission of the car park area has allowed for the creation of a frontage to Evesham Road which is considered beneficial.

5.20. On the basis of the above, and subject to the imposition on conditions, the revised layout is considered acceptable and to generally accord with the principles of development which have been established by the outline planning permission.

### **Scale and Appearance**

5.21 The proposed dwellings would be two storey pitched roof buildings with ridge heights ranging 8.3 - 8.8m. The applicant has provided a levels plan and it is considered that the levels, size and massing of the proposed dwellings are appropriate in relation to existing and neighbouring properties. On this basis the proposal is considered to be of an acceptable scale.

5.22 The proposed dwellings are shown to be of red brick construction with clay roofs which take cues from existing dwellings in the area, which comprise a variety of different materials including red brick. The architectural approach is consistent with surrounding dwellings, and on this basis the proposal is considered acceptable in terms of appearance. **Elevations will be displayed at Committee.**

5.23 However, it is considered reasonable and necessary to impose a condition to control the external materials in the interest of visual amenity

### **Landscaping**

5.24 In terms of landscaping, the application proposes a variety of surface treatments including permeable tarmac in the communal areas and concrete buff paving and grass in private areas which would demarcate public and private space and contribute to visual amenity of the development.

5.25 In respect to boundary treatments, native hedgerow planting is proposed to the front of the site, adjacent to plot 3 and to the rear of the site. This hedgerow would help to break up the visual impact of the built form at the most prominent viewpoints. Landscape screening is also proposed between the application site and Lidl which would contribute to reducing the impact of the stark boundary treatments.

5.26 A mixture of screen walling and close board fencing is proposed to enclose the private amenity spaces and notably screen walling is proposed to the south which would provide an appropriate transition to the open space beyond.

5.27 On this basis it is considered that the proposed landscaping is acceptable.

### **Residential Amenity and Noise**

5.28 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.

5.29 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.

5.30 The existing Lidl store is approximately 2m from the rear boundary and is approx. 3.6m high to the eaves at this point. However, the recently approved application for the replacement Lidl Store would site its rear elevation between 2m and 10m away from the boundary. The element that would be closest to the proposed site boundary would have a height of 4m (see layout plan).

5.31 The proposed dwellings are located in proximity to the delivery area and external plant area of the existing and proposed Lidl Store.

5.32 In respect to the replacement store, the existing 2 metre high solid barrier fence between Lidl and the application site is proposed to be retained and/or replaced. The external plant would be located approximately 3 metres from the site boundary at the closest point and would be enclosed by a 3 metre high solid timber fence. The plant would comprise of 2 no. dry air coolers and 2 no. heat pumps. The heat pumps operate in a reduced mode when the store is closed.

5.33 The front of the proposed delivery yard would be located approximately 17 metres from the application site boundary. Conditions 14 and 15 of the planning permission for the replacement Lidl restrict external unloading of products and state that there should be no more than 2 HGV deliveries per day without the prior written approval of the Local Planning Authority.

5.34 A Noise Impact Assessment was submitted in support of the replacement Lidl application. The Assessment included an analysis of the impact of the replacement store on the proposed dwellings shown on the outline planning permission albeit the layout was not fixed at this time. The Noise Impact Assessment was assessed by the Environmental Health team which included consideration of the potential impact on the adjacent site.

5.35 The submitted noise report was considered to be acceptable in terms of its assessment and methodologies. It concluded that the background noise levels would be unlikely to increase as a result of the proposed development. Furthermore, the potential for noise nuisance on the amenity space of future occupiers is unlikely to be significantly different to the existing situation. In addition the submitted noise report demonstrated that the level of noise from the deliveries would not have a significant adverse impact on residential amenity.

5.36 Environmental Health have been consulted on the current application and advise that providing the houses are no closer on the reserved matters application than the scheme which was shown on the outline consent there is no objection.

5.37 There is some variation in orientation of the dwellings between the outline and reserved matters layouts which would indicate that habitable room windows may be closed to the external plant. In light of this officers have asked for further comments from Environmental Health whether the impact on residential amenity would be acceptable and whether it is necessary to impose a condition to secure noise mitigation measure. **An update will be provided at committee**

#### **Impact on heritage assets**

5.38 Section 66 of the Listed Buildings and Conservation Area Act places a statutory duty on LPAs to have special regard to the desirability of preserving the setting of listed buildings. Policy SD8 of the JCS sets out that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.

5.39 The proposed development would be located opposite a Listed Building (no. 20 Evesham Road). However, the site is some distance from that building and separated from it by the main road and it is not considered that there would be harm to the setting of the listed building. In addition the proposal would not harm the setting of the listed Kings Head public house due to the separation distance.

#### **Flood Risk**

5.40 Paragraph 163 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. This echoes policy INF2 of the JCS

5.41 Condition 6 of the outline planning permission requires that the reserved matters be accompanied by a full drainage scheme. The current application is accompanied by full drainage details which includes details of the culvert layout at the site access and a scheme of surface water management.

5.42 The Council's Flood Risk Management Engineer has been consulted on the application and requested clarification on the drainage details which have been provided by the applicant. **An update will be provided at committee**

#### **Other Matters**

5.43 This reserved matters application addresses the pre-commencement conditional requirements of condition 1 (reserved matters), condition 2 (reserved matters) condition 3 (reserved matters), condition 5

(levels) and condition 12 (layout and access). It will be confirmed at committee whether the submitted information is sufficient to discharge condition 6 (drainage)

5.44 Condition 7 (archaeological works) of planning permission 15/00215/OUT was discharged in November 2017

5.45 The applicant is advised that the following conditions of planning permission 15/00216/OUT still need to be complied with, some of which require the submission of details prior to the commencement of development. Condition 5 (landscape implementation), condition 8 (future management of streets), condition 11 (construction management plan, conditions 13 (fire hydrants), condition 14 (car parking and turning implementation)

### **Recommendation and Conclusion**

Taking the above matters into consideration it is recommended that **Approval be delegated to the Development Manager subject to confirmation of the acceptability of: the drainage details and noise mitigation measure and other conditional requirements (as necessary).**

### **RECOMMENDATION Delegated Approve**

Conditions:

- 1 The development shall be carried out in accordance with the following approved plans:  
1635 -10 G Proposed Site Layout  
1835-23C Plots 8 &9  
1835-24D Plots 5,6 and 7  
1635025 B Garage Plot 1&2  
1635-26 B Plots 1&2  
1635-30B Plots 3&4  
1635-40 A Proposed Site Sections

Drainage Plans to be confirmed

Reason: For the avoidance of doubt and in the interests of proper planning

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

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

- 3 Notwithstanding the submitted plans a 2m width footway connection shall be provided generally from the site footways on plan 1635-10G fronting plot 7 to the existing public footpath to west linking Finlay Way to Cheltenham Road prior to dwelling occupations and maintained thereafter.

Reason: To ensure that the opportunities for sustainable transport modes can be taken up and is designed to give priority to non-vehicle movements in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

- 4 The vehicular access to plot 2 hereby permitted shall not be brought into use until the boundaries and vertical features have been set back to provide a visibility splay extending from a point 2m back along the southern edge of the access, measured from where it meets the back edge of the footway into the parking space and 2m south along the back footway edge, and the area between that splay and the footway are maintained to provide clear visibility at a height of 600mm above the adjacent footway level.

Reason: To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 110.



- 5 No building on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

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

- 6 The new hedge planting shown on plan 1635-10G shall not be provided over 0.6m high and the land between the proposed estate road carriageway edge and the existing public footpath from opposite plots 1 and 2 garage to the tactile drop kerb footway crossing alongside Finally Way shall be kept clear between 0.6m and 2m above carriageway level of vertical features except for a permeable vehicle restraint over the stream.

Reason: To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 110.

- 7 No works shall commence on site until details of vehicular parking and turning facilities within the site, and the buildings hereby permitted, 18/0 have been submitted to and approved in writing by the Local Planning Authority. The buildings shall not be occupied until those facilities have been provided in accordance with the approved plans including provision for electric vehicle charging and shall be maintained available for those purposes for the duration of the development.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 110 and policy INF1 of the Joint Core Strategy.

- 8 No works shall commence on site (other than those required by this condition) on the development hereby permitted until the junction works to the Evesham Road/Finlay Way junction generally illustrated on the submitted plans including the first 20m of the proposed access, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework paragraph 110 and 108 and the Joint Core Strategy Policy INF1.

Notes:

1 **Statement of Positive and Proactive Engagement**

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

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

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

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



### **WASTE PLAN FOR REFERENCE**



1. *Phragmites* (Common Reed) - *Phragmites australis* (Cav.) Rostk Schmidt  
2. *Scirpus* (Sedges) - *Scirpus atrovirens* (L.) Link.  
3. *Cyperus* (Cyperus) - *Cyperus tenuifolius* (L.) Rostk Schmidt

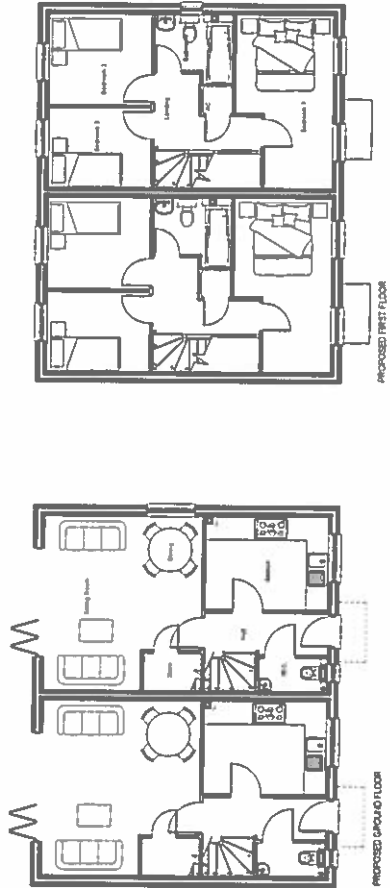
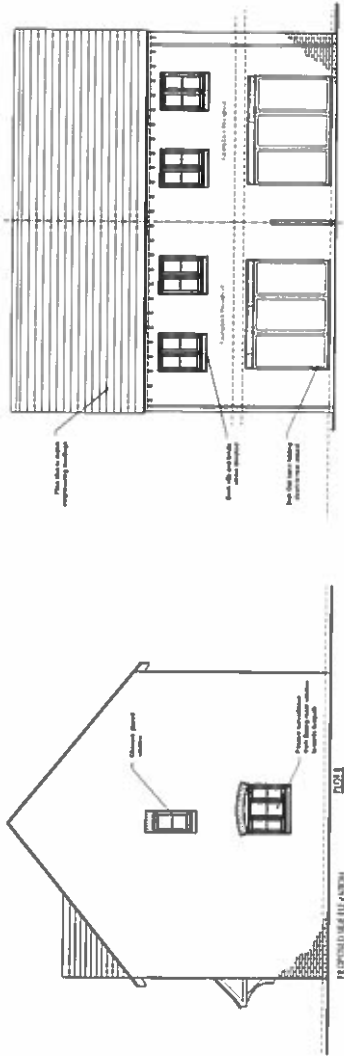
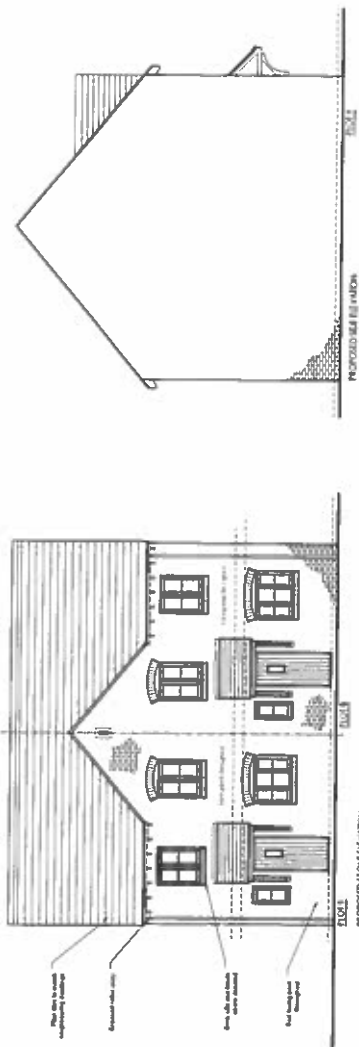
**A. CLARKE DESIGN**

**A. Clarke Design Ltd**  
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Chesham, Bucks. HP8 4JG  
01494 430046  
adrian@aclarkdesign.co.uk  
www.aclarkdesign.co.uk

PROPOSED NEW DWELLINGS  
LAND AT REAR OF UCL.  
EVESHAM ROAD, BISHOPS CLEEVE

Proposed Helmsleys  
HOUSE TYPE F-LOTS M9

1000A2	PLANNING
08/11/17	1635-23C
AC	



HOUSETYPE F - PLOTS 5&6 - PROPOSED LAYOUTS

PROPOSED LOT 100

PROPOSED LOT 101

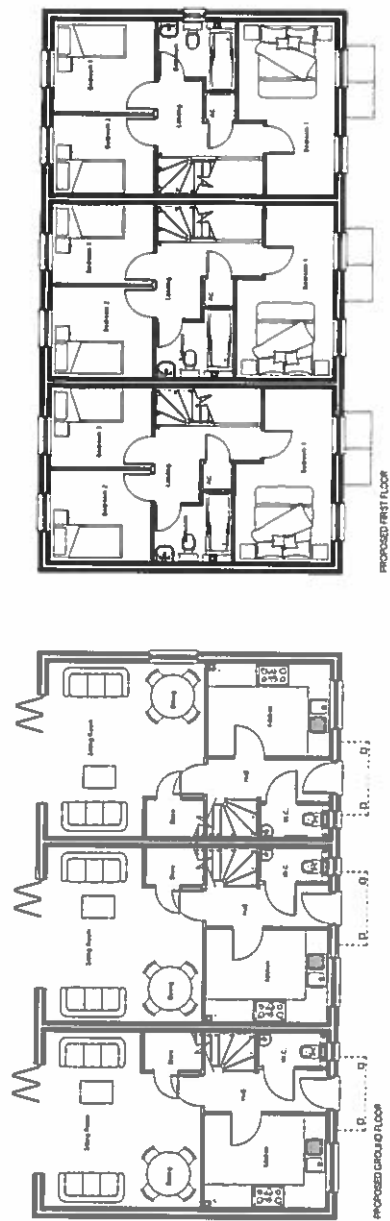
107

107

SITE PLAN FOR REFERENCE



PROPOSED MATERIALS SCHEDULE	
Proposed Vending	Back Stage as per sample submitted
Proposed roof Mem	Concrete plant slabs to match drawings adjacent - colour as approved
Proposed windows colour	Irish Oak Light
Proposed doors colour	Dark effect computer/light grey

[illegible]

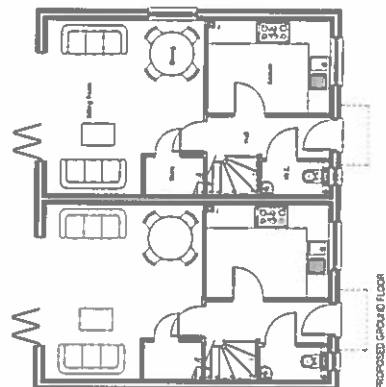
HOUSETYPE G - PLOTS 5,6&7 - PROPOSED LAYOUTS

108

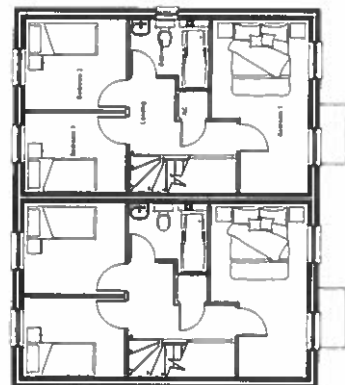
### SITE PLAN FOR REFERENCE



PROPOSED MATERIALS SCHEDULE	
Proposed Vending	Back issue on per sample submitted
Proposed and Web	Canvassing plan here to match drawings adjacent - submit to approval
Proposed weather column	Insert On 1/1/92
Proposed new column	On subject computer/1/1/92



### PROPOSED GRADING FLORA



PROPOSED FIRST FLOOR

Architectural drawing of the proposed house plan, showing a front elevation and a side elevation. The front elevation features a gabled roof, a central entrance with a small porch, and two large windows. The side elevation shows a long, low profile with a series of windows and a small porch. Labels indicate 'Proposed House Plan', 'Front Elevation', 'Side Elevation', and 'Rear Elevation'.

7001

See also page 7001 for details

7002

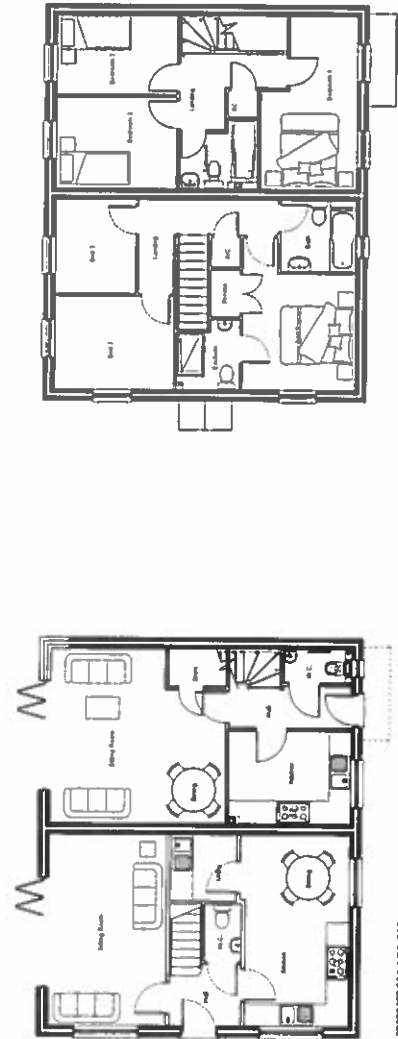
DATE	10/11/77	PLANNING
BY	CHS/117	1635-268
AC		

HOUSETYPE G1 - PLOTS 1&2 - PROPOSED LAYOUTS

109 27216

272/e

### SITE PLAN FOR REFERENCE



### PROPOSED MATERIALS SCHEDULE

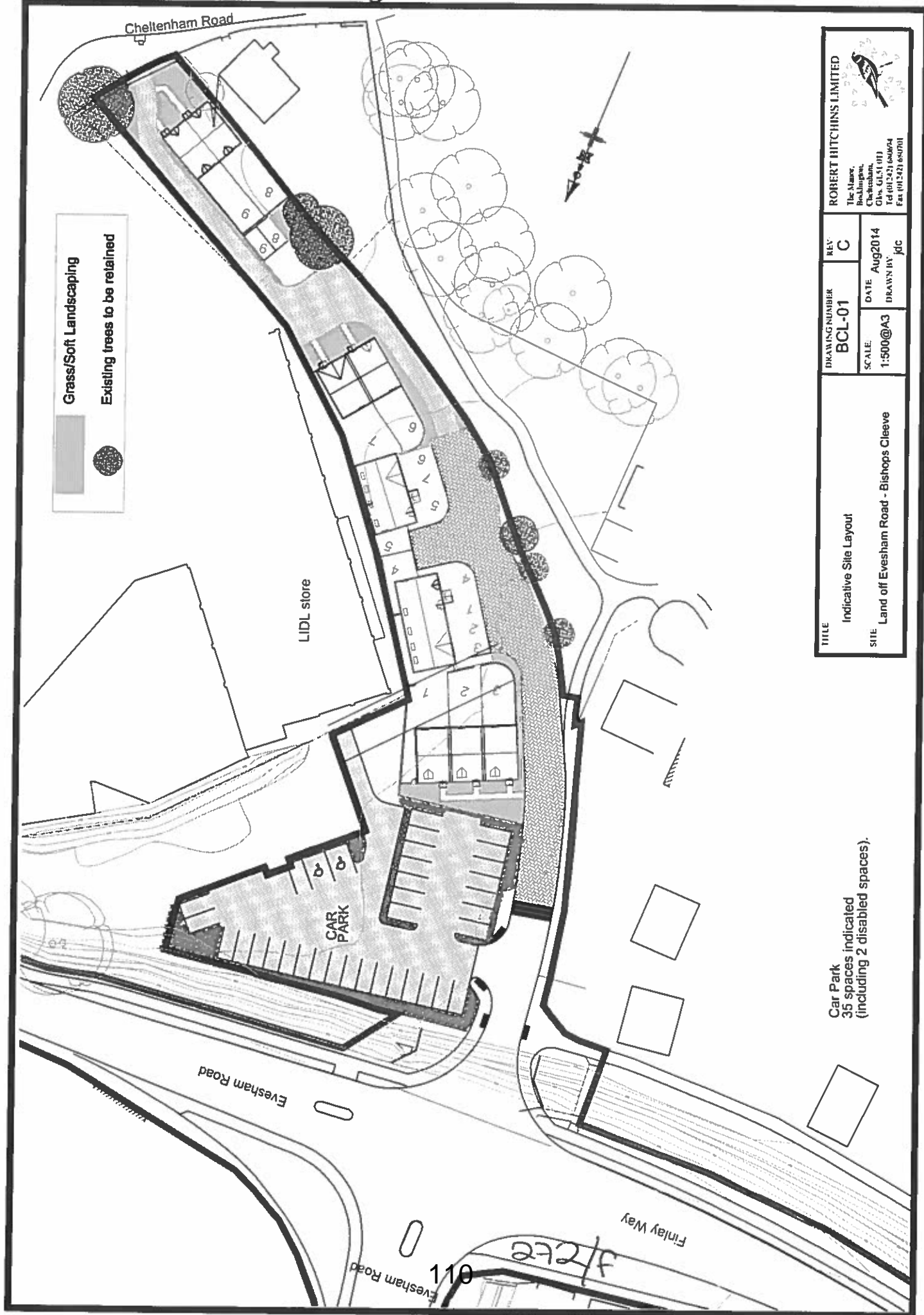
Prepared Working	Read Working book and approval	Committee plan this to match savings before call to approval	Send Club type	Club officer completed
Prepared read idea				
Prepared working colour				
Prepared done colour				

**A. CLARKE DESIGN**

<b>ARCHITECTURAL DESIGN SERVICES</b> A. C. Cline, President 12000 Highway 112 Suite 100 Conroe, Texas, 77385 713-321-5300 713-321-5301 www.a2c-architects.com	<b>PROPOSED NEW DWELLINGS</b> LAND AT REAR OF LUDL EVESHAM ROAD, BISHOPS CLEEVE	Proposed Houseplans HOUSE TYPE PLULOTS 3 & 4	<b>PLANNING</b> <b>1635-30B</b>
			Title 1 10004-2 Date 08 03 10 Spec AC

## HOUSE TYPE H - PLOTS 3 & 4 - PROPOSED LAYOUTS

# INDICATIVE OUTLINE LAYOUT.



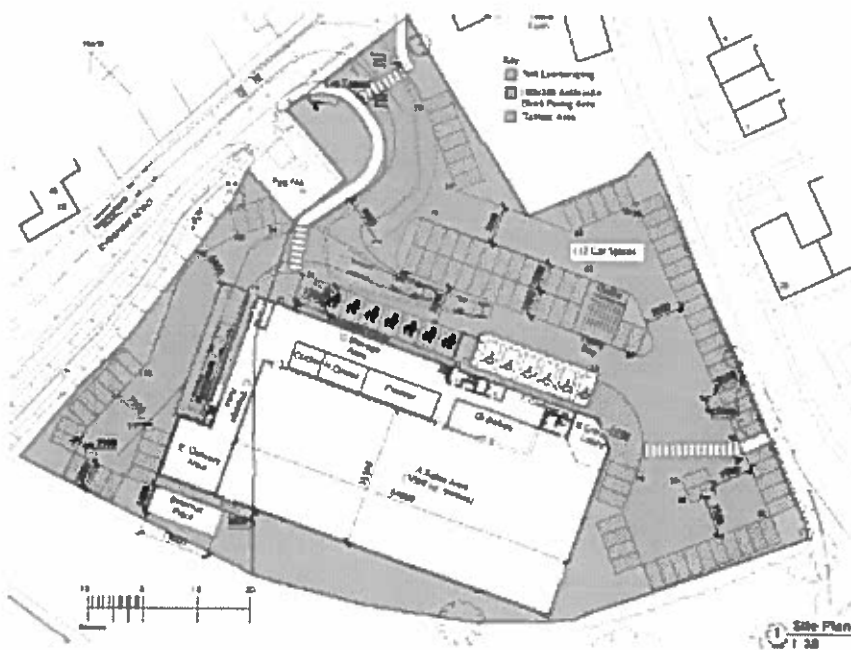
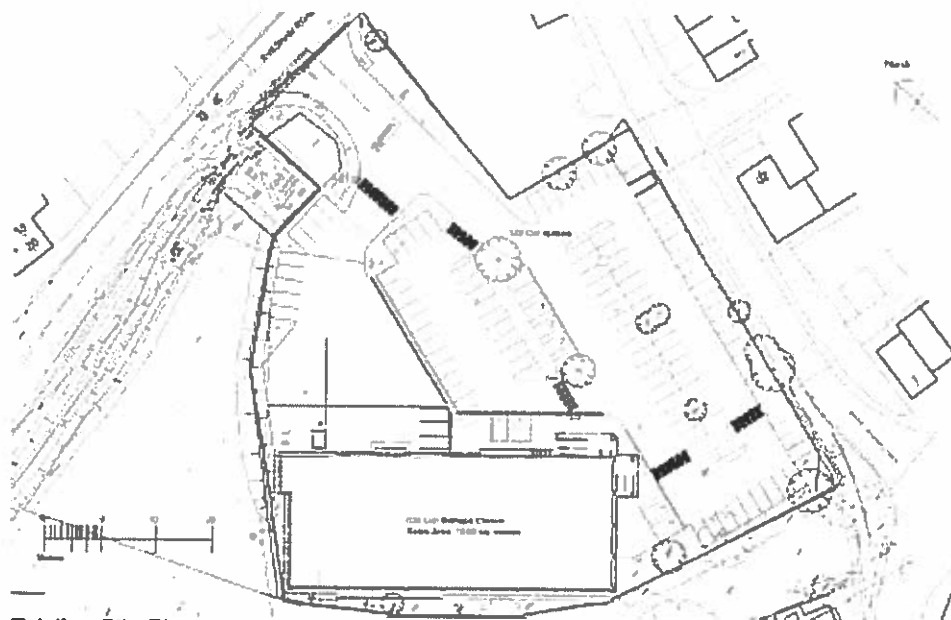
Car Park  
35 spaces indicated  
(including 2 disabled spaces).

TITLE  
Indicative Site Layout  
SITE  
Land off Evesham Road - Bishops Cleeve

DRAWING NUMBER <b>BCL-01</b>	REV. <b>C</b>
SCALE <b>1:500@A3</b>	DATE <b>Aug 2014</b>
	DRAWN BY <b>jdc</b>

**ROBERT HITCHINS LIMITED**  
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Tel (01242) 640604  
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111  
272/9



# BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019

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

20 October 2017

Please destroy previous lists.