

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 13 February 2018 commencing at  
9:00 am**

## **Present:**

Chair  
Vice Chair

Councillor J H Evetts  
Councillor R D East

## **and Councillors:**

P W Awford, G F Blackwell, D M M Davies, M Dean, D T Foyle, R Furolo, M A Gore,  
J Greening, R M Hatton, A Hollaway, E J MacTiernan, J R Mason, A S Reece, T A Spencer,  
P E Stokes, P D Surman and P N Workman

## **also present:**

Councillors R E Allen, K J Berry and G J Bocking

## **PL.59 ANNOUNCEMENTS**

- 59.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 59.2 Members were reminded that, at its meeting on 17 May 2016, the Council had confirmed the Scheme for Public Speaking at Planning Committee as a permanent arrangement. The Chair gave a brief outline of the scheme and the procedure for Planning Committee meetings.

## **PL.60 DECLARATIONS OF INTEREST**

- 60.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.
- 60.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
P W Awford	17/00187/FUL The Abbey Old House, Cowl Lane, Winchcombe.	Had been contacted in relation to the application but had not expressed an opinion.	Would speak and vote.
	17/00188/LBC The Abbey Old House, Cowl Lane, Winchcombe.		

P W Awford	16/00738/OUT Parcel 3745, Cheltenham Road East, Churchdown.	Is a life member of the National Flood Forum.  Is a Borough Council representative on the Lower Severn (2005) Internal Drainage Board.  Is a representative on the Severn and Wye Regional Flood and Coastal Committee and on the Wessex Regional Flood and Coastal Committee.	Would speak and vote.
G F Blackwell	17/01078/FUL Land off Broadway Road, Part Parcel 9070, Toddington.	Had spoken to the applicant but had not expressed an opinion.	Would speak and vote.
G F Blackwell	16/00738/OUT Parcel 3745, Cheltenham Road East, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
J Greening	17/01078/FUL Land off Broadway Road, Part Parcel 9070, Toddington.	Had spoken to the applicant but had not expressed an opinion.	Would speak and vote.
A Hollaway	17/01348/FUL Kayte Farm, Southam Lane, Southam.	Is the applicant.	Would not speak or vote and would leave the Chamber for consideration of this item.
J R Mason	General Declaration.	Had received correspondence and telephone calls in relation to various applications but had not expressed an opinion.	Would speak and vote.

J R Mason	17/00187/FUL The Abbey Old House, Cowl Lane, Winchcombe.  17/00188/LBC The Abbey Old House, Cowl Lane, Winchcombe.	Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.
P E Stokes	16/00738/OUT Parcel 3745 Cheltenham Road East, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.

60.3 There were no further declarations made on this occasion.

## **PL.61 MINUTES**

61.1 The Minutes of the meeting held on 16 January 2018, copies of which had been circulated, were approved as a correct record and signed by the Chair.

## **PL.62 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

### **Schedule**

62.1 The Development Manager submitted a Schedule comprising planning applications and proposals with recommendations thereon. Copies of this had been circulated to Members as Appendix A to the Agenda for the meeting. The objections to, support for, and observations upon the various applications as referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by Members prior to decisions being made on those applications.

### **17/01078/FUL – Land off Broadway Road, Part Parcel 9070, Toddington**

62.2 This application was for the erection of six dwellings with associated vehicular access. The Committee had visited the application site on Friday 9 February 2018.

62.3 The Planning Officer reiterated that this was a full application for the erection of six detached four and five bed dwellings with a new access road on agricultural land to the rear of existing dwellings on the B4077, located within the Cotswold Area of Outstanding Natural Beauty. In terms of the history of the site, two dwellings had been granted permission on a site to the north-west after the original scheme was scaled down from 11 dwellings. The larger site for 11 dwellings included the current application site. She explained that 11 dwellings were considered to be unacceptable due to the impact on the Area of Outstanding Natural Beauty; whilst it was considered that two dwellings would cause some limited harm to the Area of Outstanding Natural Beauty, it was felt to be an appropriate design response to the site and a logical proportionate extension to the built environment of the village. She drew attention to Page No. 571, Paragraph 6.16 of the Officer report, which stated that the Council had not been able to demonstrate a five year housing land supply at the time the decision had been made. She clarified that there had been a five year housing land supply at the time but the Council had been in negotiation with the applicant for well over a year in the context of there being no five year supply. The decision to permit the scheme was taken on the basis that, despite being contrary to Policy HOU4, Toddington/Newtown had been identified as a Service Village in the emerging Joint Core Strategy and, therefore, a suitable

location for some limited residential development. It was considered that the benefits of the application for two dwellings, and the location of the site adjacent to a Service Village, outweighed the conflict with the development plan in respect of Policy HOU4 and other identified harms, including harm to the Area of Outstanding Natural Beauty's landscape and scenic beauty.

- 62.4 The current scheme was for six dwellings immediately adjacent to the extant permission for two dwellings and, therefore, in combination, represented a very similar scheme to the one for 11 dwellings that was initially rejected by Officers on the grounds of harm to the Area of Outstanding Natural Beauty. The Planning Officer pointed out that it was being considered in a different policy context with an established five year housing land supply and the adopted Joint Core Strategy. The application was contrary to the adopted development plan and the Officer recommendation was to refuse the application on four grounds. In terms of the principle of development, Toddington/Newtown was a named Service Village but the proposal did not accord with the Joint Core Strategy for distribution of development in respect of Policy SD10 (4ii) as it was not considered to be an infill plot within an existing built-up area. The applicant had submitted further information, included in the Additional Representations Sheet attached at Appendix 1, suggesting that, given the recent appeal decisions for two individual plots on Cleeve Hill, the site should be considered as an infill site in the context of the Joint Core Strategy definition. These were under-developed plots, well-related to the existing development and Officers did not see them as comparable to the current application which was for six dwellings and in a very different context. In respect of defining what constituted an infill plot, there was no set of rules that could be universally applied; each application must be taken on its own merits, taking account of the local context. It was not felt that the case could be made for an infill plot in this instance and the harm that would arise to the Area of Outstanding Natural Beauty would be significant, unlike the two individual plots at Cleeve Hill. In any case, the Council could demonstrate a five year housing land supply and the development plan was not absent, silent or out of date in respect of new housing development. Recent significant development in the Service Village meant there was no current urgent need for new housing land supply in Toddington itself. On that basis, the proposal was considered to be contrary to Policy SDP2 and Policy SD10 of the Joint Core Strategy and it should be determined in accordance with the development plan. The second reason for refusal related to the form, character and design of the scheme. Policy SD4 of the Joint Core Strategy required new development to respond positively to and respect its site and surroundings; however, this application represented back land development that did not reflect the existing settlement pattern and was not considered a positive design response, contrary to Policy SD4 of the Joint Core Strategy. The third reason for refusal related to the impact on the Cotswold Area of Outstanding Natural Beauty. The site was located wholly within the Area of Outstanding Natural Beauty in a prominent location entering Newtown from the north and would be viewed in combination with the two permitted dwellings. It was considered that it would encroach on and erode the soft rural edge of the village and would not reflect the existing settlement pattern. As such, it would result in significant and unacceptable harm to the Area of Outstanding Natural Beauty, contrary to Policy SD7 of the Joint Core Strategy. The final reason for refusal related to affordable housing and the Planning Officer explained that there was an error in the report as the applicant had submitted Heads of Terms for the provision of a commuted sum for off-site affordable housing. This offer had been revised, as set out in the Additional Representations Sheet, to take account of the scheme in

combination with the two extant dwellings. Whilst this offer still stood, should

Members be minded to refuse the application, it was considered that the affordable housing reason should be included to enable affordable housing to be secured in the event of a planning appeal.

62.5 The Chair invited the applicant's agent to address the Committee. He reiterated that this was an application for six houses in the Toddington Service Village as defined by the Joint Core Strategy. The Joint Core Strategy pointed to new small scale housing growth in these villages and that was evidenced by the granting of planning permission for six houses on adjoining land only a few months earlier and four dwellings to the rear. These neighbouring developments were under construction, as was the Newland Homes scheme for 30 plus dwellings just down the road. Toddington had seen only 20% growth as part of its Service Village requirement and this application would only increase that to 22% - well below the 30% plus additions permitted in most of the other Service Villages to date. This application was recommended for refusal based on a technicality of whether the development was in the built-up area and whether it was classed as infilling. He made reference to the recent appeal decision on the Joint Core Strategy interpretation of infilling which was attached to the Additional Representations Sheet. Here the Inspector had correctly established that infilling simply meant development of an under-developed plot well-related to the existing built-up area; this differed from the makeshift definition chosen in the Officer report. He indicated that it was also established that under-developed simply meant a plot "currently free from development". The Inspector had clarified that infill did not need to be frontage development along a road; the appeal case was actually in backland form and abutted the countryside on two sides which was very similar to the case before Members and clearly fitted with the Joint Core Strategy in his view. He was confused by the criticism of the form and density of the proposal in the Officer report and pointed out that this had been purposely copied from the neighbouring development to the south – he questioned how it could be harmful when it reflected exactly what had been built next door. He also raised concern as to why the scheme was described as overly dense at eight dwellings per hectare when the Newland Homes scheme was considered to be an appropriate density at 17 dwellings per hectare. He went on to indicate that the proposal had also been criticised for creating a second row of housing which was said to not reflect the single depth linear form of the village; however, Members would have seen that the Newlands Homes scheme provided a form of four deep housing which, ironically, was said to be "well-designed and reinforces local distinctiveness". The suggestion seemed to be that no more housing was needed post-adoption of the Joint Core Strategy; far from it, the Joint Core Strategy was a pro-growth strategy which relied on suitably sized schemes coming forward. The best way to keep supply ticking over was to permit small scale schemes like this, built by local people, which the local community was happy to absorb and he highlighted that neither Toddington nor Stanway Parish Council had objected to this application. A housing embargo would only result in another long period of undersupply which, as before, would open the flood gates for large scale housing in rural villages; small pockets of development was wanted, not village swamping and he hoped that Members would support the application.

62.6 The Development Manager indicated that the reference to the Coach House appeal decision was not, in the Officers' view, particularly relevant to this case as it was a single plot and a very different context. In terms of the appeal decisions, the appeal site for the proposed new dwelling included the Coach House and the Inspector had therefore considered it to be an under-developed plot in that context. He reiterated that it was a completely different context for a single dwelling and each case needed to be considered on its own merits. In terms of the criticism of the Officer report, he stressed that Officers certainly did not take the view that there was no need to deliver more housing. Policy SD10 was a permissive policy in certain contexts; however, Officers maintained the view that this application was

contrary to policy. This was a matter of planning judgement, as was the case for the two dwellings permitted previously. There were other material planning considerations which justified a departure from the development plan in respect of the two dwellings and the context in terms of the Area of Outstanding Natural Beauty was very different to the application for two dwellings which was considered to cause limited harm. Members would see from the Landscape Officer's comments, and the Officer report, that the current proposal would result in significant harm to the Area of Outstanding Natural Beauty in the Officers' view and that was a key reason for the recommendation to refuse the application.

- 62.7 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be refused in accordance with the Officer recommendation. A Member explained that he had visited the site and seen what was happening in the area and the fact remained that Toddington had been identified as a Service Village which could accommodate growth, therefore, the proposal should be considered in a positive light. The site was ideally situated in terms of its proximity to the local shop and the linear pattern of development which had once characterised the village had been altered by other housing developments in the area. He did not believe that the proposal would result in significant harm to the Area of Outstanding Natural Beauty, particularly when weighed against the fact that Service Villages needed to be developed. For these reasons, he was not able to support the proposed refusal. Upon being put to the vote, the proposal to refuse the application was lost. It was subsequently proposed and seconded that the application be permitted on the basis that - by reason of its location, form, density and layout - it would not have an unacceptable impact on the Area of Outstanding Natural Beauty, or the character and appearance of the village, and the economic and social benefits of delivering housing in this Service Village location - including contributions to affordable housing provision - would outweigh the conflicts with planning policies outlined in the Officer report. The Planning Officer advised that, if Members were minded to permit the application, it should be subject to the completion of a Section 106 Agreement to secure the affordable housing contribution for the commuted sum for three dwellings off-site which had been offered by the applicant. She also suggested the inclusion of a number of conditions relating to site levels and fluvial flood levels, landscaping, tree protection, highways, visibility splays, footway access, on-site parking, foul and surface water drainage, and the removal of permitted development rights. The proposer and seconder of the motion confirmed they would be happy to amend their proposal to a delegated permit, subject to the completion of a Section 106 obligation in respect of affordable housing and to impose appropriate conditions and, upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the completion of a Section 106 obligation in respect of affordable housing and the imposition of appropriate conditions.

62.8 This application was for a proposed agricultural building.

62.9 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to a Section 106 obligation to secure non-implementation of the extant planning permission reference 94/6064/0802/FUL and removal of the existing hardstanding, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. Upon being taken to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to a Section 106 obligation to secure non-implementation of the extant planning permission reference 94/6064/0802/FUL and removal of the existing hardstanding.

**17/00187/FUL – The Abbey Old House, Cowl Lane, Winchcombe**

62.10 This application was for the demolition of a single storey wing, lean-to glasshouse and low garden wall, and erection of a single storey extension.

62.11 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**17/00188/LBC – The Abbey Old House, Cowl Lane, Winchcombe**

62.12 This was a listed building consent application for the demolition of a single storey wing, lean-to glasshouse and low garden wall, and erection of a single storey extension.

62.13 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to grant consent and he invited a motion from the floor. It was proposed and seconded that the application be granted consent in accordance with the Officer recommendation and, upon being put to the vote, it was

**RESOLVED** That the application be **GRANTED CONSENT** in accordance with the Officer recommendation.

**17/001184/APP – Land South of A46, Pamington Lane, Ashchurch**

62.14 This was a reserved matters application to outline planning permission 14/00972/OUT relating to appearance, landscaping, layout and scale of the proposed development of plot numbers 46-54, 69-87, 96-102, 107-109, 118-123 and 132-150.

62.15 The Chair invited the applicant's representative to address the Committee. He explained that the application sought to amend and substitute 17 plot numbers as identified in the Officer report. By way of background, he advised that Linden Homes had submitted the reserved matters application jointly with Bloor Homes in 2015; since that application received consent, Bloor Homes had decided not to progress with the scheme and Linden Homes was taking forward the whole development. As a result, it was seeking to substitute a number of plots, the majority of which were the previously approved Bloor house type designs. This would create a more comprehensive scheme, as set out in the design compliance statement submitted in support of the application. The road layout would remain the same as previously approved with only minor tweaks to plot drives to

incorporate the plot substitutions. The landscape and public open space designs remained as approved, with only minimal amendments to on-plot landscape designs where they had been affected by the house type substitution. The replacement house types had been designed to reflect the approved designs. He clarified that none of the affordable housing plots, or plots 1-45 to the west of the access road, were impacted by the revised application.

62.16 The Chair indicated that the Officer recommendation was to approve the application and he sought a motion from the floor. It was proposed and seconded that the application be approved in accordance with the Officer recommendation. A Member queried whether the estate could adequately accommodate refuse and emergency vehicles if there was on-street parking. In response, the Development Manager confirmed that County Highways did look at proposals in terms of refuse and emergency vehicles and no issues had been raised in relation to this particular application. He recognised that this had been a problem on other estates in the past but Officers were satisfied in terms of this scheme. Another Member drew attention to the streetscene elevations set out at Page No. 597/D of the Officer report, in particular the last house on the right of the bottom row with double eaves, and she questioned where this was on the layout plan on Page No. 597/C. The Development Manager explained that it was on the northern edge facing MoD Ashchurch but was greyed out as it did not form part of the current application.

62.17 Upon being taken to the vote, it was

**RESOLVED** That the application be **APPROVED** in accordance with the Officer recommendation.

**17/01339/FUL – Tug Hill House, Hawling**

62.18 This application was for demolition of a garage and annex; and erection of a single and double storey side and rear extension. The Committee had visited the application site on Friday 9 February 2018.

62.19 The Chair invited a local resident to address the Committee. He indicated that the low eaves and ridgelines of the original building had been added to significantly and the application now proposed further extensions, one of which would be higher than all other buildings despite being at a lower level – it would be the size of a house and more bulky than any other part of the building. He did not consider this to represent good design of the type required by the Council's policies or those within the National Planning Policy Framework, particularly when concerning a building recognised as a heritage asset. He agreed with the Planning Officer that the proposed additions would have a more dominant appearance when the property was viewed as a whole but he did not agree that turning the block at right angles with its gable end facing the lane had reduced the dominance. There were other public views from which the higher and larger extension would be seen and an extension dominating the original building could not represent good planning and design, or comply with policies that sought to respect the character, scale and proportion of the existing or original dwelling. Historic England advice, referenced at Page No. 600, Paragraph 5.4 of the Officer report, supported this view stating that proportion, height, massing and bulk were some of the main issues to be addressed and setting out that it was not normally good practice for new work to dominate the original asset - or its setting - in either scale, materials or siting. He considered that the cumulative increase in floor space at Tug Hill would be excessive and referred to the reason for refusing the previous application, set out at Page No, 600, Paragraph 5.1 of the Officer report, which was equally applicable to this application as the proposal included an extension that would be taller than the host building and, with its bulk, would represent poor design. If a balanced judgement were to be made, this application should be refused for a similar reason to the 2016 proposal with reference also being made to the applicable policies of the Joint Core Strategy. He hoped Members would take these comments into



account and refuse the application.

62.20 The Chair invited the applicant's representative to address the Committee. He indicated that the applicant had consulted directly with the Council's Planning and Conservation Officers and, as part of that process, had pushed the footprint back and located the proposed extension further away from their neighbours, removing any first floor windows overlooking their property, keeping the ground floor glazing below the level of the existing wall and lowering the ridge and eave lines. The design of the rear garden room had also been amended in accordance with the Conservation Officer's advice. He pointed out that the applicants had produced several more drawings for their neighbours to help them to understand that the impact to them would be minimal. In his view, the applicants could not have been more reasonable, consultative or respectful of the neighbours, or the area in general. In terms of subservience, which seemed key to the application, he indicated that this was not just about the setting of the lower ridge line but about how the designs were perceived in general. Whilst a lower ridge line may be a good guide, it was not a definitive measure of subservience; it was about the relationship of the extension to the host building, massing, the shape and pitch of the roof, materials used and so on. The Conservation Officer was the Council's heritage and design expert and his guidance in respect of subservience had been accommodated. Anecdotally, he advised that the applicant had originally approached architects which had advised them to exploit a loophole in permitted development rights which would allow the current footprint to be extended by up to five times. The fact that the applicants had refused to pursue this because they felt it was underhand and disrespectful summed up their character. They had done everything they could to make the application work, not just for them but for their neighbours and the village, and he hoped this would assist Members with their decision.

62.21 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed that the application be refused on the basis of its size and bulk and the impact on the neighbouring listed building; however, there was no seconder for the proposal. It was subsequently proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being taken to the vote, it was

**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**17/01042/APP – Crane Hill Farm, Woolstone**

62.22 This application was for the erection of a general purpose agricultural building. The Committee had visited the application site on Friday 9 February 2018.

62.23 The Development Manager advised that the current application had been submitted as a prior notification under Class A, Part 6 Schedule 2 of the General Permitted Development Order 2015. He explained that certain agricultural buildings could be built under permitted development and the local authority could require prior approval based on siting, design and/or external appearance only. Officers considered that prior approval was needed in this instance due to its prominent location in the Area of Outstanding Natural Beauty and further information had been requested. The applicant had subsequently provided this information and Officers considered that the proposal was acceptable in terms of siting, design and external appearance, therefore, it was recommended that prior approval be approved.

62.24 The Chair indicated that there were no public speakers for this application and he sought a motion from the floor. It was proposed and seconded that prior approval

be approved in accordance with the Officer recommendation. A Member noted that Oxenton Parish Council had objected to the proposal and he asked that the building be sited as low as possible. A Member indicated that he had noted on the Committee Site Visit that there was a substantial ditch to the front which was likely to be lost given the size and scale of the proposed building and he questioned how water would be managed considering its location on an escarpment where water could only flow one way i.e. down towards neighbouring properties. Another Member felt it was very important to consider the comments made by both Oxenton and Gotherington Parish Councils in relation to the impact of the building on a very sensitive site. She reiterated the height of the proposed building and the need to try to filter the views toward it. The proposer and seconder of the motion indicated they would be happy to include a levels condition in their proposal. In terms of the ditch, the Development Manager clarified that the only matters that could be considered for this type of application were design, external appearance and siting; however, when the level details were received he undertook to consult the Council's Flood Risk Management Engineer to ensure that they were not going down to a level that would result in an unacceptable impact.

62.25 Upon being put to the vote, it was

**RESOLVED** That **PRIOR APPROVAL** be **APPROVED** in accordance with the Officer recommendation, with the addition of a levels condition.

**17/01223/FUL – Land Adjacent to Farthing Cottage, Farm Lane, Great Witcombe**

62.26 This application was for an extension to a holiday let and associated works.

62.27 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**17/01293/FUL – Land at Stallards Butts, Evesham Road, Bishop's Cleeve**

62.28 This application was for the erection of five detached houses and construction of a new vehicular access (revised proposal to 17/00858/FUL to reduce the garage size to plot 1).

62.29 A Member indicated that there seemed to be a conflict with the dates referenced at Page No. 611, Paragraph 2.2, and Page No. 613, Paragraph 5.5, of the Officer report. In response, the Development Manager explained that an application for five detached houses on the site was permitted at Planning Committee in October 2017, subject to the completion of a Section 106 obligation; however, planning permission had not been formally issued until January 2018 subsequent to the Section 106 obligation having been completed. Another Member raised concern that plots 1 and 2 were proposed to be four bed dwellings and yet the garage for plot 1 was being reduced.

62.30 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the

floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being taken to the vote, it was

**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**17/01348/FUL – Kayte Farm, Southam Lane, Southam**

62.31 This application was for change of use of an existing agricultural building for the storage of caravans.

62.32 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he invited a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation and, upon being put to the vote, it was

**RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**16/00738/OUT – Parcel 3745, Cheltenham Road East, Churchdown**

62.33 This was an outline application for residential development comprising 465 new family homes, public open space, landscaping, drainage and other facilities with associated vehicular and pedestrian access. The Committee had visited the application site on Friday 9 February 2018.

62.34 The Planning Officer clarified that the application sought outline planning permission for 465 dwellings and associated infrastructure with all other matters reserved. The proposal would provide public open space and 35% affordable housing in accordance with the Joint Core Strategy policy requirement for strategic allocations. The application site was located to the south-west of Parkside Drive and Dancey Road, Churchdown and formed part of the wider strategic allocation as set out in the Joint Core Strategy. The indicative parameters plan showed how the site would be laid out with a single point of access from Cheltenham Road East with emergency only access to be provided from Parkside Drive. There would be a landscaping buffer between the dwellings and Cheltenham Road East with an area of open space to the western corner of the site and a landscape strip along the northern boundary. The application site was a strategic allocation in the Joint Core Strategy covered by Policy A2 which related to the wider Churchdown allocation that spanned Cheltenham Road East and the A40. The policy set out that the three parcels which made up the allocation were expected to deliver 1,100 new dwellings, employment and community facilities with primary accesses from Cheltenham Road East, Pirton Lane and the A40. In addition, the policy required the delivery of green infrastructure, flood risk management and community facilities.

62.35 He advised that Churchdown Parish Council had raised concerns around the proposal being premature in terms of the Joint Core Strategy, loss of Green Belt, highways, traffic, flooding, education, infrastructure, open space and emergency access to Parkside Drive, amongst other things. Since that representation was received, the Joint Core Strategy had been allocated and the land removed from the Green Belt. With regard to the specific issues, the application had been assessed both on its own merits and in terms of the wider strategic allocation to ensure that development could be brought forward without prejudicing the remaining two parcels of land. The Planning Officer clarified that the applicant and owner of the site had no control over the other two parcels of land and they were some way behind in the planning process in terms of coming forward. The Joint Core Strategy housing trajectory expected 50 dwellings to be delivered across the allocation in 2019 and this was an opportunity to consider an application to meet

those housing requirements.

- 62.36 In terms of specific impacts, the proposal had been considered by statutory consultees and their comments were set out in the Officer report. Concern had been raised in highway terms regarding the impact on Cheltenham Road East and the Elmbridge Court roundabout and it was reiterated that the highway impact had been assessed in terms of this application and the wider cumulative impact of the strategic allocation as a whole. Policy A2 relating to the application stated that the parcel of land had to be accessed from Cheltenham Road East and Pirton Lane and the proposed access to the site was in compliance with that. Highways England had assessed the proposal and was satisfied that the development would not adversely impact the strategic road network. The local County Highways Authority had assessed the traffic generation of the development and the wider strategic allocation and was satisfied there was sufficient capacity on the road network to accommodate the development. The northern and western parts of the site were subject to flooding and the application had been assessed by the Lead Local Flood Authority which had raised no objection, subject to a condition in respect of the submission of precise details on attenuation which was usual for a large application such as this. The proposed conditions were set out in the Officer report. With regard to education, school places in the area were limited and the education authority required contributions to be used flexibly, either to provide resources to existing schools or to provide a new school. Policy A2 did not require the provision of a school on the allocation, and the application proposal was too small to generate the need for a school on site, but there may be something which the education authority wanted to explore or use the funds towards. In addition, the application would provide areas of public open space including pockets of play areas within the residential development, larger parcels of open space to the north-west corner and a landscape buffer across the site to provide transition to open countryside. Officers were working through the requirements but would be seeking a contribution to improve the local playing pitch provision and to increase the capacity at local facilities such as John Daniel's field. The application was recommended for delegated permission in order to allow Officers to conclude the Section 106 negotiations and finalise any further action required as regards conditions.
- 62.37 The Chair invited the applicant's agent to address the Committee. He explained that the site had been discussed extensively with Officers over the last four years which had resulted in the resolution of technical issues and, consequently, its allocation in the Joint Core Strategy. The site would bring forward 465 dwellings, a policy compliant level of affordable housing provision and an agreed amount of Section 106 contributions towards education, highways infrastructure and local green space. The Joint Core Strategy was predicated on the timely delivery of housing at the strategic allocations and South Churchdown was identified in the trajectory to begin delivering in 2019 – this was the only parcel of land within the allocation that was able to begin to deliver much needed homes within this timeframe, subject to planning permission being granted. The impact on the local road network in this location would be mitigated through improvement measures identified within this proposal; of critical importance was the Elmbridge roundabout. Ongoing discussions had been held with County Highways and the agreed solutions had been robustly assessed. The access from Cheltenham Road East had also been subject to rigorous assessment and, in order to comply with the wording in Joint Core Strategy policy, had been designed to facilitate a signalised crossroads enabling access to the southern part of the allocation if required in the future. In addition, they had worked with the Council's Urban Design Officer to ensure the site was safe and accessible for pedestrians and that provision had been made for crossing points across Cheltenham Road East to promote pedestrian movement throughout the South Churchdown site. With regard to flood risk, the site had been assessed by the Environment Agency and the Lead Local

Flood Authority which had raised no objection and the application dealt comprehensively with surface water, drainage and flood risk mitigation. No other objections had been raised from stakeholders. Granting planning permission would not prejudice the remainder of the South Churchdown allocation and would allow housing to begin to be delivered in a planned for and joined up manner. On that basis, he hoped that Members would feel able to support the delivery of this allocated site.

62.38 The Chair invited a local Ward Member to address the Committee. She reiterated that the application site formed part of the Joint Core Strategy strategic allocation South Churchdown which was for the construction of 1,100 dwellings. As a Member of the Joint Core Strategy Member Steering Group, she had asked if developers would be able to cherry pick parts of the strategic site for development and had been assured by Planning Officers that all strategic sites would need to be masterplanned to ensure the best outcomes with regard to access and infrastructure as per Policy SA1. As such, she had been surprised to see this application being recommended for delegated permission. Pages No. 628-629, Paragraphs 6.1-6.6, of the Officer report attempted to give reasons for the omission of a masterplan but she disagreed that the application complied fully with Policies SA1 and A2 of the Joint Core Strategy. She considered that the provision of contributions towards education was a major reason why the application should be refused; Churchdown Parish Council and some of the individual objections cited the lack of school places as a reason for refusal and she totally agreed. The revised Education Contribution Statement received by Officers on 2 October 2017 – which had not been included in the Committee papers – clearly stated that there was no capacity in the local schools, both primary and secondary, to admit any of the children from this site and that the full development of the South Churchdown strategic allocation would require the addition of a three form entry primary school, hence the need for a masterplan. She questioned where the new school would be built if the site was split. Whilst she appreciated that the developer would make Section 106 contributions towards education, as set out at Page No. 637, Paragraph 16 of the Officer report, this money would be no use to the children of the families in the 465 dwellings who would not be able to find local school places. She pointed out that the school in Longford had been built during the first phase of development and that was what should be happening here. Paragraph 16.1 of the Officer report referenced community, education and library provision and stated that “Policy INF4 of the Joint Core Strategy highlighted that permission would not be provided for development unless the infrastructure and public services necessary to enable the development to take place were either available or could be provided; Policies INF6 and INF7 of the Joint Core Strategy supported this requirement. The National Planning Policy Framework stated that the government attached great importance to ensuring that a sufficient choice of school places was available to meet the needs of existing and new communities”. In light of there being no masterplanning on the Churchdown South strategic site, and given that there was currently no capacity in the local schools for the children of families moving into these homes, she asked that the Committee reject the application. If it was permitted it could set a precedent for developers to cherry pick parts of strategic sites with no regard to the overall site development.

62.39 The Chair indicated that the Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to resolving the outstanding highways, open space and community facility contributions; additional/amended planning conditions; and the completion of a Section 106 Agreement to secure various Heads of Terms, and he sought a motion from the floor. It was proposed and seconded that the application be refused on the basis of prematurity and the lack of a comprehensive masterplan for the South Churchdown strategic allocation and due to the inadequate provisions for education and the adverse highways impact that would result from additional traffic

generated by the development. The proposer of the motion indicated that she was deeply concerned about the education aspect and lack of school places in the area. The roads in the area were already congested, particularly at peak times, and she felt that local knowledge must be taken into consideration. The seconder of the motion pointed out that some of these issues could be resolved with a masterplan for the strategic allocation.

- 62.40 A Member indicated that he was extremely concerned about what the local Ward Member had said in relation to the lack of school places in the area and he questioned how a development of 465 houses could be delivered without the infrastructure to support it. The Development Manager reminded Members that the site was part of a strategic allocation in the Joint Core Strategy and, whilst he noted Members' concerns, he clarified that highway issues had been debated during the development plan process. This was an outline application and it needed to demonstrate there would be satisfactory solutions and to show that the delivery of 465 houses would not cause an unacceptable impact on the network when the detailed applications came in. He reiterated that specialist consultees had been consulted on the application including Highways England, which was responsible for the strategic road network i.e. A40 and M5, and County Highways, which looked after the local road network, and both had been heavily involved throughout the Joint Core Strategy process. The consultees had considered the application in terms of the 465 houses proposed and also in the wider context of the strategic allocation. The same was true of education; Gloucestershire County Council had been involved as the local education authority and had been consulted throughout the Joint Core Strategy process as well as on this particular application where the importance of the wider strategic allocation had also been stressed. Gloucestershire County Council had indicated that, subject to conditions, there was no reason to withhold planning permission. Prematurity was a very difficult argument - as had been demonstrated in one of the Bishop's Cleeve appeals - particularly given the views expressed by the specialists involved, and that was the context in which Officers had made their recommendation. In terms of education, the Planning Officer explained that the education authority had assessed that the development would generate an additional 130 primary school pupils once built-out in its entirety and a Section 106 contribution had been requested in order to provide additional education capacity in surrounding schools. Whilst the wider strategic allocation was large enough to require a new primary school, it was unclear when other schemes may come forward, therefore it would be necessary to secure some land within the development site to allow temporary provision of school places if needed – this might be an expansion of existing schools or a temporary location for a new school.
- 62.41 Whilst he understood that Officers relied on the advice given by the specialist consultees, the Member expressed the view that it would have been beneficial for representatives to attend the Committee in order to explain their position and answer any questions Members may have. Another Member raised concern that the Committee had not been provided with a copy of the Education Contribution Statement, referenced by the local Ward Member in her speech. A Member indicated that he would like the opportunity to question the Lead Local Flood Authority. It was subsequently proposed and seconded, that the application be deferred in order to secure more detailed information on education, highways and drainage matters and to invite statutory consultees to attend the Committee.
- 62.42 During the debate which ensued, a Member reiterated that this was a strategic site and Members had been clear throughout the development plan process that it should come forward in a comprehensive way. She could not see how the proposed infrastructure to link the sites would go ahead if nobody else wanted to build on the rest of the land. Another Member pointed out that this had happened before with the South Cheltenham site – Members had been advised by Officers that if the development went ahead it would be done comprehensively and yet

planning permission had been refused for the site within the Cheltenham Borough area leaving the site within Tewkesbury Borough without a school or shop. He totally agreed with the local Ward Member that a masterplan was crucial and that the strategic allocation should not be delivered on a piecemeal basis. A Member indicated that she had been surprised at the level of noise generated by existing traffic when she had visited the application site and she had concerns about the cumulative impact of the new development.

- 62.43 A Member pointed out that the Council had spent a long time producing a development plan for the area and it was important that it now started to deliver the housing which was set out in the Joint Core Strategy. Notwithstanding this, he appreciated the points that had been made about the lack of information and felt this could be addressed through a deferral; however, he urged Members to consider the bigger picture – the Joint Core Strategy had been adopted and housing would be delivered in Churchdown regardless of personal opinions as to whether this was wanted or not. The Development Manager reiterated the strategic nature of the site and the importance of delivering housing in terms of the five year housing supply going forward and the trajectory of the Joint Core Strategy. He was not suggesting permitting all development at any cost but it was necessary to consider the advice of the specialist consultees. He explained that South Cheltenham was a very different context and this site had been removed as an allocation during the Joint Core Strategy process. Ideally sites would come forward with a single developer and a single development but that had not happened, nor was it likely to happen. This proposal had been treated as part of a wider scheme and consultees had been asked to consider it in that way as Officers were keen to ensure that permitting this application would not prejudice the remainder of the strategic allocation coming forward. Members had indicated that they needed additional information and, if they were minded to defer the application, he would endeavour to ensure that the specialist advisers were available when the application was brought back before the Committee. In the event that they did not come to the meeting, a Member asked that full reports be provided and, upon being put to the vote, it was

**RESOLVED** That the application be **DEFERRED** to secure more detailed information on education, highways and drainage matters and to invite statutory consultees to the Committee meeting.

**17/00449/OUT – Local Centre Plots 7 & 8, Cleavelands, Bishop’s Cleeve**

- 62.44 This application was for the erection of up to 30 dwellings (Class C3). The application had been deferred at the last meeting of the Committee in order to investigate the marketing of the site for live-work units, to provide further advice generally on the site’s status and for Officers to have further discussions with the developer.
- 62.45 The Chair invited the applicant’s agent to address the Committee. He noted the concern that had been raised at the last meeting in terms of the live-work units at Cleavelands and whether they had been adequately marketed. He clarified that the previous outline planning permission for Cleavelands had now lapsed so it was not possible to submit any further reserved matters applications - for live-work units or anything else - and the current application was essentially writing a new chapter for the local centre. He drew attention to the letter from Bruton Knowles, the key property consultant for the area, set out at Pages No. 651/C-651/E of the Officer report. The site had been marketed for live-work units and the employment element but there had been no expressions of interest since March 2013. The only serious expression of interest had been from a private investor that was considering a speculative development of small commercial units; however, having conducted their own research, they had come to the conclusion that the site was unsuitable for taking forward. There had been no other expressions of interest in either of the uses at the Cleavelands local centre. He reiterated that there had

been attempts to find potential developers and occupiers for the live-work units; however, if such plots were delivered in the current planning context, they would remain vacant which was not a positive planning solution. It would be better if the local centre was completed in some form and he hoped that Members would support the application.

- 62.46 In response to a Member query regarding housing numbers, the Development Manager clarified that the sum total of dwellings on site was 520 through reserved matters approvals; should this application be permitted this would bring the total number of dwellings permitted on the Cleavelands site to 550. The Chair indicated that the Officer recommendation was to delegate authority to the Development Manger to permit the application, subject to the completion of Section 106 Agreements to secure 40% affordable housing and contributions towards the village hall (£40,974.90), libraries (£5,880) and education (£224,881), and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. Upon being taken to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the completion of Section 106 Agreements to secure 40% affordable housing and contributions towards the village hall (£40,974.90), libraries (£5,880) and education (£224,881).

#### **PL.63 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

- 63.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 27-35. Members were asked to consider the current planning and enforcement appeals received and the Department for Communities and Local Government appeal decisions issued.
- 63.2 A Member sought an update on the status of the Joint Core Strategy and the Head of Development Services confirmed that the challenge period had expired.
- 63.3 It was

**RESOLVED** That the current appeals and appeal decisions update be **NOTED**.

The meeting closed at 10:57 am



## Appendix 1

**SCHEDULE OF PLANNING APPLICATIONS**  
**ADDITIONAL REPRESENTATIONS**

Date: 13 February 2018

The following is a list of the additional representations received since the schedule of applications was prepared and includes background papers received up to and including the Monday before the Meeting.

A general indication of the content is given but it may be necessary to elaborate at the Meeting.

<b>Page No</b>	<b>Item No</b>	
566	1	<p><b>17/01078/FUL</b></p> <p><b>Land off Broadway Road, Part Parcel 9070, Toddington</b></p> <p>The applicant has provided an updated S106 Heads of Terms <b>as attached in full below</b> confirming that they would provide 40% affordable housing in accordance with Policy SD12 of the JCS. This would be in the form of a financial contribution of £199,500 for the provision of off-site affordable housing and equates to 3 affordable dwellings, which arises from the combination of the current planning application for 6 dwellings and the extant permission for 2 dwellings. The Affordable Housing Officer has confirmed that this is acceptable.</p> <p>The applicant has also provided additional information in support of their case in light of a recent appeal decision at land at the Coach House, Cleeve Hill, in relation to what constitutes an infill site. Members of the Planning Committee will already have received this information direct from the applicant and it is also <b>attached as a late representation for completeness below.</b></p>
593	5	<p><b>17/01184/APP</b></p> <p><b>Land South of A46, Pamington Lane, Ashchurch</b></p> <p><u>Consultations and Representations:</u></p> <p>Following the drafting of the report, the County Highway Authority has responded to the application - no highway objection is raised.</p>
598	6	<p><b>17/01339/FUL</b></p> <p><b>Tug Hill House, Hawling</b></p> <p><u>Consultations and Representations:</u></p> <p>Following the drafting of the report a further letter of objection was submitted by the resident of the neighbouring property. As a result of this, a letter of representation was submitted by an agent acting on behalf of the applicants. <b>Both letters are attached in full below for reference.</b></p> <p>Notwithstanding the contents of both letters of representation the recommendation remains as set out in Paragraph 6.1 of the Committee Report.</p>

## Item 1 - 17/01078/FUL - (draft heads of term)

**S106 PLANNING OBLIGATIONS - UPDATED TERMS**

Land Off Broadway Road, Toddington – 17/01078/FUL

February 2018

This application originally included a S106 Planning Heads of Terms document, which offered a financial contribution of £133,000 in accordance with the Council's established formula. This was based on the proposed development of 6 dwellings, of which 2 qualified as part of the affordable housing contribution. This figure was accepted by the Council's Strategic Housing and Enabling Officer within his consultation response dated 8<sup>th</sup> November 2017.

However, following the publication of the Officer's Committee Report, published 5<sup>th</sup> February, the Planning Officer advises that this original offer is insufficient. This is because the Council consider this development, together with the two houses granted at Harrington House last year, to comprise a cumulative development of 8 houses. On this basis, the development is required to make a contribution towards 3 affordable houses, rather than 2. On this basis, the following updated offer is made:

**Affordable Housing Obligation**

The provision of a financial contribution of **£199,500** towards the delivery of off-site affordable housing, as per the methodology set out by the Council's Housing & Enabling Officer as follows:

Land off Broadway Road, Newtown, Toddington: Calculation for affordable housing		17/01078/FUL		
Total Number of homes subject to calculation		8		
<b>Requirement:</b>				
% affordable housing		40%		
N.o. affordable homes (rounded to nearest whole number)		3		
<i>Justification: National PPG for small sites in Designated Area (ADNB) &amp; exceeds 1,000 sqm</i>				
<b>Open Market Value (OMV)</b>			<b>Number required</b>	<b>Total Value</b>
2 bed house	£190,000		3	£570,000
			<b>Total OMV</b>	<b>£570,000</b>
Multiply by percentage paid by housing providers for Tewkesbury Borough affordable housing units		65%		
Affordable Housing Value (AHV) [OMV x %]		£370,500		
Affordable Housing contribution required [OMV - AHV]		<b>£199,500</b>		

As per other recent planning decisions in Tewkesbury Borough, it is proposed that 50% of the contribution be due on the occupation of the 50% occupation of the development, with the remaining 50% due on the 100% and final occupation of the development.

The applicant is content to discuss the trigger points for this contribution if necessary. The financial contribution will be secured by means of Section 106 Agreement or Unilateral Undertaking, which can be completed following a resolution to grant planning permission. Please refer to original S106 Heads of Terms of document for other general terms.

## Item 1 - 17/01078/FUL - (additional information from agent, Page 1 of 12)



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10 February 2018

Planning Committee Members  
Tewkesbury Borough Council  
**VIA EMAIL ONLY**

Dear Councillor

**Planning Committee - Item 1 - Land off Broadway Road, Newtown, Toddington  
17/01078/FUL - Full planning application for 6 dwellings**

I refer to the above planning application, which will be heard by the Planning Committee on Tuesday the 13<sup>th</sup> February 2018.

I would like to draw your attention to a highly relevant appeal decision within Tewkesbury Borough that was issued last week. The appeal was allowed and relates to an "infill housing" development at Cleeve Hill, within the AONB. This appeal is the first of its kind and clarifies the interpretation of the Council's "Infill housing" policy, following the adoption of the JCS.

You will note that the recommendation before you is that our proposal does not constitute 'Infill development' in context of the JCS definition. However, this appeal decision demonstrates that our proposal actually fits squarely with the JCS infill policy, as set out in the Inspector's reasoning.

As with our proposal, this appeal site was sited within the AONB and with existing development on two of its sides. The other two sides directly abutted countryside land.

I have attached the appeal decision in full for your consideration. The key conclusions are summarised as follows for ease of reference:

- JCS policy SP2 provides the spatial strategy for the delivery of new housing, which is to provide housing in the defined Rural Service Villages and Service Centres.
- The Inspector clarifies that the correct definition of 'infill' is the one found in the JCS policy, which is "*Development of an under-developed plot well related to existing built development within a village*", rather than the make shift definition provided within the Officer's Report.
- The term 'under-developed' means a site which is "*currently free from development*", as is the case with the site at Toddington.
- Given that the site was immediately adjacent to other properties it was "*well related to existing built development*".
- For the purposes of the policy, a village constitutes an "*appreciable group of buildings*".
- The Inspector confirms that Infill can mean building behind existing development rather than fronting the road (which is precisely the case at our site at Toddington).
- The Inspector notes that small-scale housing growth will support services in small villages. Providing such development will assist in maintaining the vitality of rural communities.

**Item 1 - 17/01078/FUL - (additional information from agent, Page 2 of 12)**

Land off Broadway Road  
Newtown, Toddington  
10 February 2018

- 5 year housing supply is a minimum requirement rather than a cap on housing. Therefore, the fact that the Council has a 5 year supply does not mean that development should not be supported.
- It is also worth noting that this development was within the AONB, which is clearly not a fundamental barrier to new housing.

I trust you will see that our application at Toddington fits perfectly with how the Planning Inspectorate interpret the JCS definition of 'Infill', in accordance with the provisions of policies SP2 and SD10. I hope you will therefore feel able to support our proposal.

Please do not hesitate to contact me if you require any further clarification.

Yours sincerely

A black rectangular box redacting the signature of Oliver Rider.

**Oliver Rider MSc MRTPI**  
**Director**

Item 1 - 17/01078/FUL - (additional information from agent, Page 3 of 12)



The Planning Inspectorate

## Appeal Decision

Site visit made on 12 December 2017

by **JP Tudor BA (Hons), Solicitor (non-practising)**

an Inspector appointed by the Secretary of State

**Decision date: 06 February 2018**

**Appeal Ref: APP/G1630/W/17/3184561**

**Land at The Coach House, Post Office Lane, Cleeve Hill, Cheltenham, Gloucestershire GL52 3PS**

- 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 Andrew P Jones Associates against the decision of Tewkesbury Borough Council.
- The application Ref 17/00338/FUL, dated 20 March 2017, was refused by notice dated 28 June 2017.
- The development proposed is construction of a new dwelling.

### Decision

1. The appeal is allowed and planning permission is granted for construction of a new dwelling at Land at The Coach House, Post Office Lane, Cleeve Hill, Cheltenham, Gloucestershire GL52 3PS in accordance with the terms of the application, Ref 17/00338/FUL, dated 20 March 2017, subject to the attached schedule of conditions.

### Procedural Matter

2. Subsequent to the Council's refusal of planning permission, the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy (JCS) was adopted on 11 December 2017 and became part of the development plan. It supersedes the majority of the policies contained in the Tewkesbury Local Plan to 2011 (LP)<sup>1</sup>, including policies HOU4 and TPT1. The main parties have had the opportunity to comment on the evolving policy framework during the course of the appeal process. I must consider the appeal on the basis of the current development plan.

### Main Issues

3. The main issues are:
  - whether the proposed development would be in a suitable location, with particular regard to the Council's spatial strategy and in relation to access to services and facilities; and,
  - the effect of the proposed development on the character and appearance of the countryside, having particular regard to the location of the site within the Cotswolds Area of Outstanding Natural Beauty (AONB).

<sup>1</sup> March 2006

## Item 1 - 17/01078/FUL - (additional information from agent, Page 4 of 12)

Appeal Decision APP/G1630/W/17/3184561

## Reasons

### *Suitability of location*

4. The appeal site is located to the west of The Coach House, which itself stands behind dwellings which front onto Post Office Lane. To the south is a further dwelling at Phoenix House, with a further dwelling to the north east. The site is, therefore, partially enclosed by residential development. To the north is an overgrown wooded area, which is believed to have once formed an orchard. West of the site is open the open countryside of the Cotswold Escarpment, although views towards it are limited from the site by surrounding trees and vegetation. The site lies within the AONB.
5. As the site slopes from south to north, it is proposed to construct a split level house which would be of contemporary design with a flat sedum planted roof. The elevations would be of natural stone and rendered masonry with cedar clad features. A garage would be attached at the western end. It would be accessed via an existing driveway which runs between an electricity substation and a residential dwelling which front onto Post Office Lane.
6. The Council's original reasons for refusal referred to the location of the appeal site outside any defined residential development boundary. That aspect pertained to Policy HOU4 of the LP, which has been superseded by policies in the JCS. Policy SP1 of the JCS recognises the need for new development and Policy SP2 provides the spatial strategy for how that development will be distributed and delivered.
7. Policy SP2 advises that: *'the JCS will make provisions for at least 9,899 new homes. At least 7,445 dwellings will be provided through existing commitments, development at Tewkesbury Town in line with its role as market town, smaller-scale development meeting local needs at Rural Service Centres and Service Villages, and sites covered by any Memoranda of Agreement.'*
8. Cleeve Hill is not listed as a Rural Service Centre or a Service Village within Table SPC2c of the JCS. Therefore, part 6 of Policy SP2 becomes relevant, as it says: *'In the remainder of the rural area, Policy SD10 will apply to proposals for residential development'*. Policy SD10 of the JCS advises that housing development will be permitted at sites allocated for housing through the development plan, including strategic allocations and allocations in district and neighbourhood plans.
9. Policy SD10 also says, however, that housing on other sites will be permitted if it meets certain limited exceptions. One of those exceptions at 4.ii is if: *'It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban area of Cheltenham or Tewkesbury's towns and villages except where otherwise restricted by policies within district plans'*. Paragraph 4.11.5 of the 'Explanation' to Policy SD10 explains that for the purpose of 4.ii, infill development means *'the development of an under-developed plot well related to existing built development.'* The term 'under-developed' is not defined within the JCS. Therefore, it is appropriate to consider its everyday meaning and dictionary definition of *'not fully developed'*.
10. The plot at the appeal site consists largely of an open sloping grassed area enclosed by fences and stone walling with mature vegetation and trees and The Coach House to the east. The Council confirms in paragraphs 10.5 and 10.6 of

## Item 1 - 17/01078/FUL - (additional information from agent, Page 5 of 12)

Appeal Decision APP/G1630/W/17/3184561

its appeal statement that the appeal site is currently free from development. On that basis, it is reasonable to consider the appeal plot to be *'under-developed'*.

11. Given that the appeal site is immediately adjacent to the Coach House, to the east, and Phoenix House, to the south, with further ribbon development along Post Office Lane and the B4632, it is also *'well related to existing built development'*. In a recent appeal decision relating to Inglecroft (the Inglecroft appeal)<sup>2</sup>, just to the south east of The Coach House, the Inspector found that *'Cleeve Hill does constitute an appreciable group of buildings that includes a public house and as such it can be reasonably considered to be a small village.'* I see no reason to disagree with that view.
12. Although the Council has asserted that the proposal does not represent infilling in an existing built up area, it does not explain why it considers that to be so. Whilst the appeal plot is behind existing development rather than fronting the road, The Coach House is also to the rear of linear development along the road, as is another property further east on the other side of Post Office Lane.
13. On the basis of the context given above, I disagree with the Council's view and find that it is reasonable to consider that the appeal proposal would constitute infilling within the existing built up areas of Tewkesbury Borough's towns and villages. Therefore, it would comply with Policies SP2 and SD10 of the JCS. That general line of reasoning is also consistent with the Inglecroft appeal decision referred to above.
14. The Council has also expressed concern about the accessibility of services and facilities from the site. Whilst it is accepted that Cleeve Hill has limited services, it is agreed that Woodmancote is approximately 900 metres to the west of the appeal site. Woodmancote is categorised as a Service Village in the JCS, meaning that it has two or more primary services, two or more secondary services and benefits from bus services and/or road access to a major employment area. Bishop's Cleeve, immediately west of Woodmancote, is defined as a Rural Service Centre, which, according to the JCS, offers a higher range of services and facilities within the rural areas. Therefore, there are sufficient services and facilities settlements in fairly close proximity to the appeal site to meet the everyday needs of future occupiers.
15. It is acknowledged that Post Office Lane and Stockwell Lane which lead towards Woodmancote are relatively narrow and that the topography would presents some challenges, especially on the return journey. However, Woodmancote is under a kilometre away and no objective evidence has been presented by the Council to suggest that the route is heavily trafficked, although the anecdotal evidence from some local residents is acknowledged. Indeed, whilst accepting that the nature of route would deter some future occupiers from walking or cycling to Woodmancote and Bishop's Cleeve, the Inspector in the Inglecroft appeal said that the lanes appeared to be lightly trafficked.
16. There are also a number of bus stops on the B4632, which has footways, not far from the appeal site. Although some may not benefit from shelters, a regular bus service operates from them from Mondays to Saturdays to a variety of destinations, including Winchcombe (another Rural Service Centre) and Cheltenham. There are also services to Woodmancote and Bishop's

<sup>2</sup> APP/G1630/W/17/3175111

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Cleeve, although local residents suggest that those services are less convenient. Whilst the Parish Council and some local residents have suggested that the bus service is limited, it appears to be agreed that there are hourly bus services which to my mind represents a reasonable level of service in a rural location. Therefore, the location does offer some sustainable transport choices, in accordance with paragraph 29 of the National Planning Policy Framework (the Framework).<sup>3</sup> In any event, even if it is accepted that future occupiers would be likely to rely more often on use of the private motor car, the Framework recognises, also within paragraph 29, that opportunities to maximise sustainable transport will vary from urban to rural areas.

17. Even if future occupiers did use a car to access the services and facilities in Woodmancote and Bishop's Cleeve, such journeys would be relatively short and the additional traffic generated and effects on greenhouse emissions would be limited.
18. The Council refers to an appeal decision at Toddington<sup>4</sup>, a Service Village, where the Inspector found that site did not meet the requirement in paragraph 34 of the Framework that development should be located where the use of sustainable transport modes can be maximised. However, paragraph 34 specifically deals with *'developments that generate significant movement'*. As the appeal before me relates to one dwelling, which would not generate significant movement, paragraph 34 would not be directly applicable. Therefore, that appeal decision has limited relevance.
19. Taking the above factors into account, I find that future occupiers of the proposed dwelling would have reasonable access to everyday services and sustainable transport options. Therefore, the proposal would be in accordance with Policy INF1 of the JCS, which requires the provision of safe and accessible connections to the transport network to enable travel choices for residents and commuters and relevant parts of the Framework.
20. It is also submitted by Council that the appeal site is not located where it would help to enhance or maintain local services. However, given that there some, albeit limited, services within Cleeve Hill, such as a public house and more extensive services within Woodmancote and Bishop's Cleeve, relatively nearby, I do not agree with the Council. Furthermore, paragraph 55 of the Framework, alluded to by the Council, is not a policy against development in settlements without or with limited facilities and services as it expressly recognises that development in a small village may support services in a village nearby. Therefore, it seems to me that, although the development is limited to one dwelling, future occupants would make some contribution to enhancing or maintaining the vitality of rural communities in the vicinity.
21. The Planning Practice Guidance (PPG)<sup>5</sup> also recognises that *'all settlements can play a role in delivering sustainable development in rural areas and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.'*

<sup>3</sup> Published March 2012

<sup>4</sup> APP/G1630/W/15/3003302

<sup>5</sup> Paragraph: 001 Reference ID: 50-001-20160519



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22. The JCS spatial strategy articulated in Policy SP2, already referred to, seeks to distribute development via a settlement hierarchy focusing on Cheltenham, Gloucester and Tewkesbury and then Rural Service Centres and Service Villages. The JCS has been examined for consistency with the Framework and the PPG and found to be sound. It also implicitly recognises that all settlements can play a role in delivering sustainable development as it does not preclude development on other sites where, for example, it is infilling with the existing built up areas of Tewkesbury Borough's towns and villages, as detailed Policy SD10.

23. Drawing the above findings together, I conclude that the proposed development would be in a suitable location, with particular regard to the Council's spatial strategy, in relation to access to services and facilities and in connection with enhancing or maintaining the vitality of rural communities. For the reasons already given, it would also comply with policies SP2, SD10 and INF1 of the JCS, the content of which is detailed above, and relevant parts of the Framework. Those conclusions are also consistent with a number of the findings of the Inspector in the Inglecroft appeal.

*Character and appearance of the AONB*

24. The appeal site is located within the AONB. Great weight should be given to conserving the landscape and scenic beauty of AONBs, as set out in paragraph 115 of the Framework. Policy SD7 of the JCS also seeks to conserve and, where appropriate, enhance the AONB and says that proposals should be consistent with policies set out in the Cotswolds AONB Management Plan 2013-2018 (CMP).

25. Although the site is on a hillside, it is behind significant existing residential development along Post Office Lane and the B4632 and on a site, sloping from south to north, largely enclosed by vegetation. Whilst the Council suggests that future occupiers would be likely alter the existing landscaping to take advantage of views, the appellant advises that much of the surrounding vegetation, particularly the woodland to the north, is outside their control. The dwelling would also be partially built into the slope and have a flat roof. Given those factors, any immediate views achievable from surrounding public roads would be limited. Whilst it would be seen from some adjacent properties, most obviously from The Coach House, the topography informing its split level design and its flat sedum roof would limit its visual impact.

26. The dwelling would be of contemporary design in an area with a range of buildings of different types and ages. It would also use many natural materials sympathetic to other dwellings in the vicinity. The relevant materials could be controlled by condition. The Council Officer's report says that the design is not considered to be of the highest quality but does not explain why. Design is not specifically referred to in the Council's reasons for refusal or in its Appeal Statement, save for references to the extent of glazing on the north elevation and the fact that an engineered solution would be required to construct a dwelling on a slope.

27. It was apparent from my site visit that there are other modern or contemporary dwellings in the immediate area, including the rebuilt Phoenix House, in a dominant position above the site, and a low level modern development to the south west fronting onto the B4632. I consider that the design compares reasonably with those other contemporary buildings, many of

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which are in more prominent positions. Therefore, the proposed dwelling would not appear out of place. Moreover, there would be relatively limited or distant views from public vantage points and it would not be an immediate presence in the street scene.

28. It is evident that, like much development, the proposal would result in a built form on currently undeveloped land, albeit that it would be one dwelling on a relatively modest area with some of it retained as garden. The Landscape and Visual Appeal Statement (LVAS), supplied by the appellant, identifies the appeal site as within the 'Escarpment (2D Coopers Hill to Winchcombe)' landscape character type.
29. The LVAS provides an assessment supported by photographs from relevant vantage points. Whilst the Council accepts that the identified viewpoints are appropriate, it suggests that the dwelling would be visible from the public footpath network and open access land to the north and north west of the appeal site on the lower slopes of the Cotswold Escarpment.
30. From Nottingham Hill to the north there are attractive open and panoramic views towards Cleeve Hill but the level of filtering from vegetation and context of existing built forms would mean that the proposal would not be noticeable. Views from open access land and public rights of way to the south and east, whilst closer, would be similarly obscured with development along the B4632 and Post Office Lane in the foreground providing an element of the wider rural vistas. Even allowing for some visibility from other vantage points one additional building of the scale and design proposed, in the context of other buildings, would not draw the eye.
31. Although the LVAS site visit was carried out in August 2017 when vegetation would have been in full leaf, as indeed acknowledged in LVAS, it also identifies the presence of evergreen species such as Laurel and Lleylandii in the area which would provide some screening throughout the year.
32. National and local planning policy seeks to conserve and, where possible, enhance AONBS but it does not completely preclude new residential development within them. Rather an assessment of whether a specific proposal will cause harm to the landscape, scenic beauty, wildlife, cultural heritage or other special qualities of the AONB, including its tranquillity, is required.
33. Whilst the development is to the immediate rear of existing residential development extending along Post Office Lane and the B4632, the site is grassed and enclosed by walls fences and vegetation. There are steps down to it from The Coach House and, although the Council say it was once referred to as a paddock, it now has more the character and appearance of an extended garden or grounds associated with that property. Therefore, it has more affinity with the residential dwelling next to it than with the open countryside beyond. As already established above, development in Cleeve Hill is not exclusively confined to linear development along the roadside, with The Coach House and another on the eastern side of Post Office Lane to the rear of existing development.
34. Given the enclosed nature and sloping gradient of the site, partially encompassed by more dominant existing residential development, I consider that any visibility of the development from open public areas would be against

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a backdrop of existing built forms and there would no significant perceptible change caused to the wider landscape and its character of appearance.

35. Although the Inglecroft appeal site is in a different position, albeit that plot is arguably in a more prominent as it fronts the road, the Inspector and the Council's Landscape Officer observed that it would also be seen in the context of existing development in longer views. My findings on the appeal before me are also broadly consistent with that assessment.
36. The above factors lead me to conclude that the proposed development would not appear prominent or harm the character and appearance of the countryside. Therefore, it would conserve the landscape, scenic beauty and other special characteristics of the AONB. It follows that it would comply with Policy SD7 of the JCS, relevant parts of the current CMP and the Framework which seek to conserve the AONB.

### Other Matters

37. In addition to the issues dealt with above, Woodmancote Parish Council (WPC) and a group of local residents have raised some additional matters. Paragraph 55 of the Framework lists a series of special circumstances where 'a new isolated home in the countryside' may be allowed. One of those exceptions is if a dwelling is of exceptional quality or innovated design. However, the appeal proposal is adjacent to existing housing within a settlement so it is not, as accepted by the Council, a new isolated home in the countryside, notwithstanding that Cleeve Hill is within the AONB. Therefore, it does not need to be justified by means of the special circumstances set out in paragraph 55 and there is no requirement for it to be truly outstanding or exceptional in its design. I have dealt with the design aspects above.
38. Although no biodiversity statement was submitted with the planning application, the Borough Council has not expressed concern and there is no specific evidence before me to indicate that protected species or designated or important habitats would be affected. A query has been raised about the 4 parking spaces referred to in the application. The appellant has advised that they would be located within and in the area to the front of the garage. Neither the Borough Council nor the highway authority has raised concern about parking provision. The appellant advises there is no proposal to physically alter 'The Coach House'.
39. WPC advises that with the adoption of the JCS Tewkesbury will have a healthy 5-year Housing Land Supply (HLS). The requirement for a 5-year HLS is intended as a minimum requirement rather than a cap on new housing. Irrespective of the HLS position, if a proposal is in accordance with the relevant development plan it should be approved without delay unless material considerations indicate otherwise.<sup>6</sup>
40. It has been suggested that allowing this appeal proposal could set a precedent for similar developments in the area leading to applications from landowners with open fields or householders with gardens. Whilst I appreciate concerns about a gradual erosion of the open countryside in the AONB, I do not consider the appeal site represents such an incursion or is akin to an open field for the reasons already given. In any event, any such applications, including those

<sup>6</sup> Paragraphs 11, 12 & 14 National Planning Policy Framework, s38(6) Planning and Compulsory Purchase Act 2004 and s70(2) Town and Country Planning Act 1990

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involving garden land, would be dealt with on their own individual merits and a generalised concern of that nature does not justify withholding permission in this particular case. Moreover, given that I have found that this proposal would be acceptable, I can no reason why it would lead to harmful developments on other sites in the area being approved.

41. Concern has been expressed about parking issues on Post Office Lane. A garage and an off-street parking area from part of the proposal. It also appears that a garage is provided at the adjacent Inglecroft appeal. The Borough Council and the highways authority have not raised concerns about the parking provision. Moreover, the level of additional traffic generated by the proposal is not likely to significantly affect on-street parking or traffic flows in the area. Obstruction of the highway would be a matter for the relevant civil authorities.
42. Whilst I appreciate concerns about disruption during the construction period, such disruption would be temporary and could be mitigated by a Construction Method Statement made the subject of a condition. I also note concerns about past land stability issues in the area, but the construction of the new dwelling would be subject to Building Regulations supervision and approval.
43. Various appeal decisions and cases have been cited by the parties, in addition to those referred to above. I have taken those into account so far as they are relevant.
44. Therefore, whilst I have considered the other concerns expressed, they do not lead me to alter my decision. It appears that similar issues were raised in relation to the Inglecroft appeal, which the Inspector similarly considered insufficient to warrant dismissal of that proposal.

**Conditions**

45. The Council has suggested conditions which I have considered, making minor amendments, if necessary, to ensure compliance with the tests contained in the Planning Practice Guidance. A condition setting a time limit for commencement of the development is required by statute. However, the normal time limit for permission granted on appeal is 3 years and I see no reason for a different period. Therefore, I have amended the condition accordingly.
46. It is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty. Conditions regarding materials and floor levels are necessary to safeguard the character and appearance of the area and the AONB. A drainage condition is appropriate to ensure that satisfactory drainage arrangements are put in place. It is necessary for there to be a condition requiring a Construction Method Statement to mitigate disruption for surrounding occupiers and to protect the public highway.
47. The Council has suggested a condition removing certain permitted development rights. Having regard to paragraph 115 of the Framework and given the great weight afforded to conservation of AONBs, I consider that a condition that has the effect of controlling development which could adversely affect the AONB is necessary to protect its landscape and scenic beauty and to ensure the retention of appropriate levels of outdoor living space. I have amended the

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condition by removing reference to Class D rights, as the erection or construction of a porch outside any external door would not be likely to result in such negative effects.

48. It is essential that the requirements of conditions 3-6 are agreed prior to development commencing to ensure that the character and appearance of the area is protected, that appropriate drainage arrangements are in place and to mitigate effects on the living conditions of adjacent occupiers and the highway network during construction.

### **Planning Balance and Conclusion**

49. The Council's decision notice referred to policy HOU4 and TPT1 of the LP, and much of the initial appeal submissions concerned debate about whether policy HOU4 should be considered out-of-date along with some discussion of the Council 5-year HLS position. However, as explained in the procedural section of this decision above, those policies and issues have been largely superseded by the adoption of the JCS which is now part of the development plan. Therefore, the development plan cannot be considered to be absent, silent or out-of-date. In such circumstances, unless material circumstances indicate otherwise, proposals that accord with an up-to-date development plan should be approved without delay.
50. There would be some economic uplift during construction and from the contributions of future occupiers. The proposal would make a contribution to the supply of housing, albeit that the Council holds that it can demonstrate a 5-year HLS. Future occupiers would also help to maintain the vitality of local services and facilities. It is recognised that as the proposal relates to one house, the above benefits would be relatively modest.
51. In environmental terms, I have found that the proposal would conserve the landscape and scenic beauty of the AONB. There would be some reliance on the private motor car but there are also some alternative more sustainable transport options and the site is in a relatively accessible location. The additional traffic and associated greenhouse gas emissions would be limited.
52. Local plans are intended to be the means by which sustainable development is secured. I have found that the proposal complies with the development plan, for the reasons explained above. Therefore, the proposal benefits from the presumption in favour of sustainable development within paragraph 14 of the Framework. There are no material considerations to indicate that the proposal should be determined otherwise that in accordance with the development.
53. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*JP Tudor*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 7728/1; 7728/2; 7728/3 and 7728/4.

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- 3) No development shall take place until details of all external materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the dwelling hereby approved have been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.
- 6) 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.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Classes A, B, C and E other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the local planning authority.

**END OF SCHEDULE**

**Item 6 - 17/01339/FUL (objection, page 1 of 5)**

Dear Councillors and Planning Officers,

I would like to confirm that you are welcome to visit Littlefield house and garden on Friday and we will leave the blue garden door in the lane open for you.

From our garden it is easy to visualise the scale and size of the proposed Tughill extension as the proposed extension's ridge starts at the top of the existing gable's chimney. As plan 603/C is very faint in the agenda, I have included it, together with some measurements using the Tewkesbury sites measuring tool, in the attachment. There are also some comments from an independent architect.

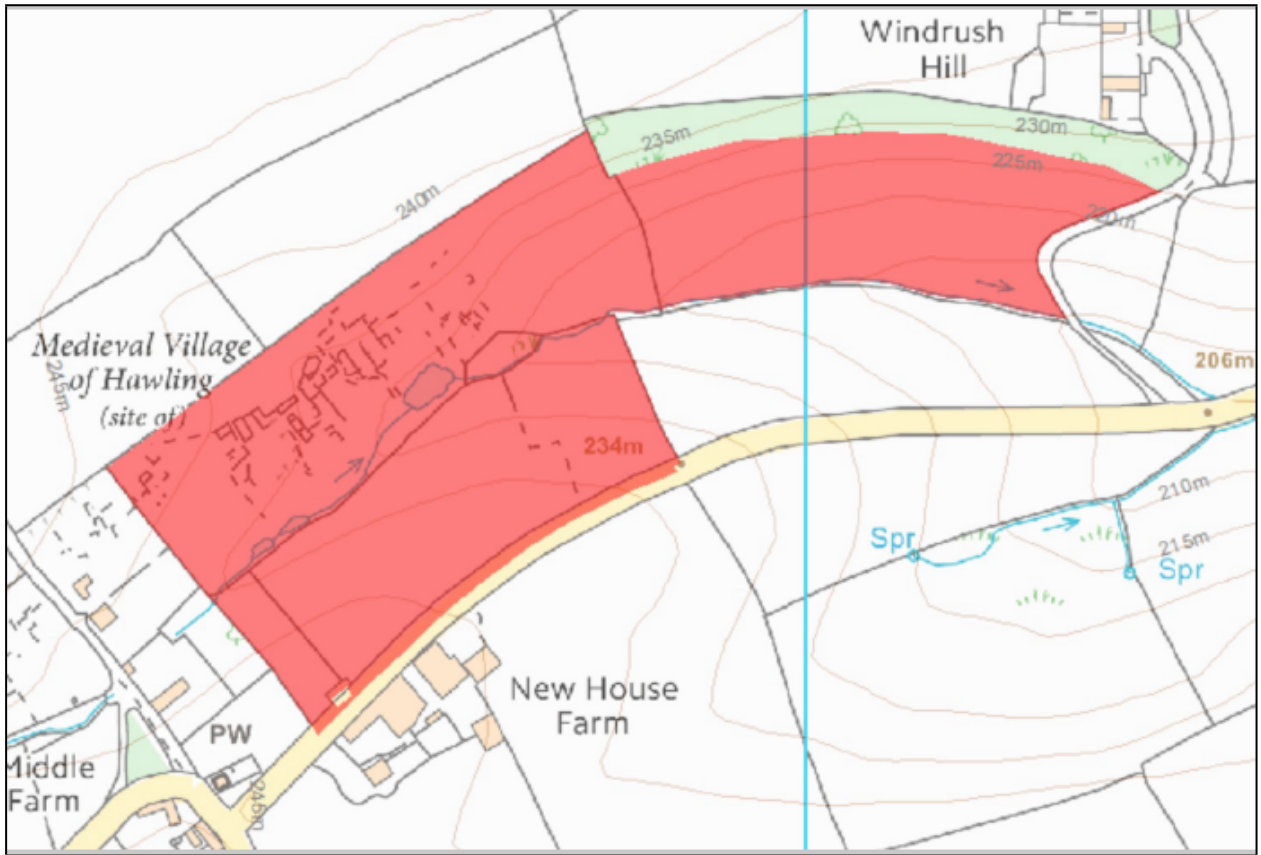
Also attached is a plan of the site of the medieval village which is next to Littlefield garden. Littlefield garden has opened for the NGS (National Gardens Scheme) from 2012 until 2017. In that time 2450 people have visited the garden and proceeds of £18,140 have been donated to charities. The garden raises significant publicity for the Cotswolds and has featured in Cotswold Life, Homes and Gardens, Gardens Illustrated as well as other publications.

See [www.littlefieldgarden.uk](http://www.littlefieldgarden.uk)

Best regards,

George and Federica Wilk

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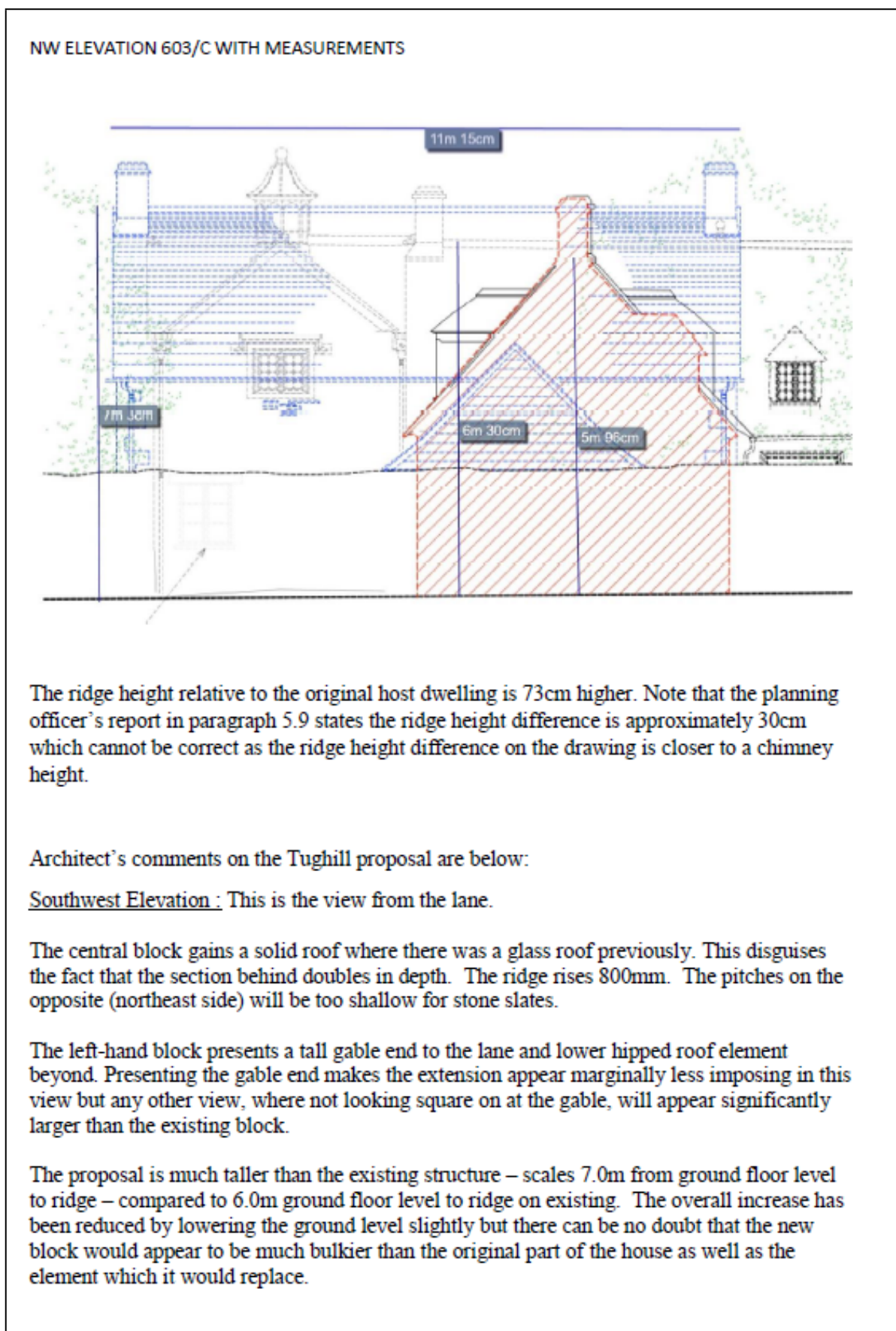
RECENT PHOTO CURRENT EXTENSION (NW ELEVATION)



SUPERIMPOSED PROPOSED EXTENSION ELEVATION NW 603/C SHOWING SCALE OF PROPOSAL



## Item 6 - 17/01339/FUL (objection, page 4 of 5)



**Item 6 - 17/01339/FUL (objection, page 5 of 5)**

There is a normal expectation in planning that an extension should be subservient to the host building. This will not be the case.

Northwest Elevation : Facing Littlefield

The proposal shows a block 11.0m wide with a hipped roof single storey element projection in front. The main block is 4.0m to eaves and 7.0m to ridge.

The volume of existing north cell (single storey plus dormers) is approximately 7.6m x 5.5m x 4.5m = 188cum (excluding bay and dormers). The volume of the proposed block is approximately 6.2m x 11.0m x 5.5m = 375cum, not including the hipped roof single storey projection. This is almost exactly double the volume. Scale and massing are generally a reflection of volume not of floor area.

Seen from anywhere except square on to the gable, particularly from Littlefield or the garden of Tughill House, this block will appear substantially taller and more massive than any other element on site.

Northeast Elevation : To garden

The wall to the kitchen / living room central bay is no longer in line with the existing range as it was before but projects 4.2m into the garden so what might appear at first sight to be a relatively marginal alteration is not so.

The scale of the proposed two storey extension and further single storey extension is out of scale with the retained part and much larger than the part it replaces (see volume calculation above). The dotted line showing the outline of the part to be replaced is misleading because this has a much small cross section, which is a vital criterion when judging relative scale and proportion.

Southeast elevation (Partial):

This is rather misleading. It purports to show the side wall of the kitchen / living room extension and so the heavier lines might be expected to show a section through the part of that space nearer the lane, but they do not. The elevation does not show the much higher block which rises above it so there is no elevation of the southeast face of the taller block which is the main issue.

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Our Ref: MC/EDS

Mr James Lloyd  
Development Management  
Tewkesbury Borough Council  
Council Offices  
Gloucester Road  
Tewkesbury  
Gloucestershire  
GL20 5TT

5<sup>th</sup> February 2018

Dear Mr Lloyd

### **Tug Hill House, Hawling, GL54 5SZ**

17/01339/FUL - Demolition of garage and annex. Erection of single and double storey side and rear extension.

We act for Mr and Mrs Montiero De Barros who have applied for planning permission for the above alterations required to meet their family needs. This submission addresses the various third party comments duly lodged as part of the Council's public consultation on the proposed works.

In considering the third party comments made, it is important to have regard to the context and background behind the proposed works. Tug Hill House comprises our clients' home. Our clients have lived in Hawling for nearly 5 years and are active members of the community. Since moving into the village Mr and Mrs Montiero De Barros' four children have grown and the family's accommodation needs have changed. It is important to note that in setting a brief to their architect, Mr and Mrs Montiero De Barros have been clear that they wish to work with, demolish or alter existing modern extensions which exist at the property; rather than – as many others do – simply add new additional structures to their property.

In many respects this proposal can be classed as the regeneration of modern structures which are no longer suited to meet modern living requirements.

A close inspection of the proposed plans demonstrates this is a genuine application to meet the needs of a growing family. In essence the plan is to adapt, change and replace existing fabric to add another bedroom, make a larger kitchen and add laundry / utility area and boot room.

Having a keen eye for design and the Cotswold style, and a strong opinion on the need to ensure new building work is fully sympathetic to its environment, our clients took some time to carefully choose a suitable local architectural practice with a proven track record in meeting those objectives.

The proposals subject of this planning application have been carefully prepared and have been long in their gestation. A fully collaborative approach has been undertaken by our clients' architect. That approach has



## Item 6 - 17/01339/FUL (additional information from agent, page 2 of 7)

resulted in detailed and considered pre-application discussions with the Council's planning and conservation officers who, through their considerable professional judgement, have helped shaped the form, scale and design of the alterations now proposed.

It is noted that the Council's Conservation Officer supports the proposed changes to the property.

It is also noted that Hawling Parish Meeting has also not raised any objections to our clients' proposed improvements.

Hawling is a small community and like most rural communities, in the modern day, residents use email to inform villagers of events or matters of note; such as incidents of crime or other village news matters. With a sense of good neighbourliness in mind, and in advance of the Council's notification, our clients sent an email to over 50 residents informing them that a planning application for the proposed works had been submitted. That email welcomed a meeting with anyone in the village that might like further information or who might have any concerns about what is being proposed.

Of the 20 or so households at Hawling, six have responded to the LPA's public consultation in respect of the proposed works. Of which, two households have supported our clients' home improvement works, and four households have objected. One of the objectors has commissioned LPC (Trull) Ltd, town planning consultants, to make additional representations.

The duly lodged letters of support confirm that Mr and Mrs Montiero De Barros are active members of the village, that they are a young family who contribute much to village life. A clear message is portrayed that Hawling, being a small community, needs to sustain the needs of young people; otherwise the community will see a loss in its social dimension. Those submissions also demonstrate the practical / domestic need for the proposed adaption of Tug Hill. They highlight the current configuration of the property isn't ideal for modern family living.

The supporting submissions note the time, effort and investment that Mr and Mrs Montiero De Barros have gone to, to ensure that the intended work prioritizes the sympathetic restoration and adaptation of the dwelling. There is support in that, it is set out, the proposals blend the need to have practical use of space with traditional, authentic building methods; the scheme *"appears to be a positive balance of form and function, e.g. the impact on the view-able elevations seems subtle and understated"*.

In contrast, while some of the four households who have lodged objections accept Mr and Mrs Montiero De Barros' family need to adapt the current configuration of Tug Hill, objections are raised in respect of the height, scale and design of the proposals. It is claimed the proposed works fail to respect the existing dwelling. Additionally, it is set out within those objections that the proposal will adversely impact upon the setting of the neighbouring listed building, Littlefield, as well as the setting of the nearby scheduled monument (Medieval village, entry 1405912). Matters of road safety during the construction period are raised as reasons to resist the development, as are matters of flood risk.

On behalf of the occupants of the neighbouring property, Littlefield, further submissions have been made by LPC (Trull) Ltd; a longstanding town planning consultancy with considerable experience of development management matters within Cotswold villages.

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In reviewing LPC (Trull) Ltd's submissions, it is noted that matters of road safety, flood risk and impact on the setting of the site of the former medieval village are not raised as reasons to resist the proposed development. Presumably because, in the professional judgement of that consultancy, there is no evidence of demonstrable harm caused by the proposed works to those matters.

The Planning Acts require that decision makers should determine planning applications in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. Writing on behalf of the owners the adjacent listed building, Littlefield, LPC (Trull) Ltd has rightly highlighted Local Plan Policy HOU.8 as a relevant planning policy against which the Tug Hill proposal must be assessed. That policy states:

*EXTENSIONS TO EXISTING DWELLINGS WILL BE PERMITTED PROVIDED THAT:*

- 1. THE PROPOSAL RESPECTS THE CHARACTER, SCALE, AND PROPORTION OF THE EXISTING OR, WHERE APPROPRIATE, THE ORIGINAL DWELLING.*
- 2. THE DETAILED DESIGN REFLECTS OR COMPLEMENTS THE DESIGN AND MATERIALS OF THE EXISTING DWELLING.*
- 3. THE PROPOSAL DOES NOT RESULT IN INADEQUATE CAR PARKING OR MANOEUVRING SPACE.*
- 4. THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE IMPACT ON ADJACENT PROPERTY AND THE PROTECTION OF RESIDENTIAL AMENITY, IN TERMS OF BULK, MASSING, SIZE, AND OVERLOOKING.*
- 5. THE PROPOSAL RESPECTS THE CHARACTER AND APPEARANCE OF SURROUNDING DEVELOPMENT.*

*WHERE AN EXTENSION IS CAPABLE OF BEING OCCUPIED AS A SEPARATE RESIDENTIAL UNIT, THE GRANT OF PLANNING PERMISSION WILL NORMALLY BE SUBJECT TO A CONDITION RESTRICTING ITS USE TO BEING ANCILLARY TO THE MAIN DWELLING.*

Analysis of the above policy demonstrates that the Borough Council is concerned to ensure domestic extensions generally respect host buildings in terms of 'character', 'scale', 'proportion' and the 'materials used'.

The Reasoned Justification to the Policy notes the intent is not to stifle imaginative design solutions, which are to be encouraged where they contribute to the character and visual interest of a building or townscape. In the context of LPC (Trull) Ltd's submission, it is important to note that HOU.8 is not prescriptive on matters of measured height or volume and, as noted above, the reasoned justification clarifies the non-prescriptive nature of the policy is intentional. To be clear, the policy tests as set out within Clause 1 of Policy HOU.8 are "*Character, Scale and Proportion*".

In addressing those tests, it is firstly important to note that decision makers are tasked with acting in the public interest. For Tug Hill House, which is not a listed building, this means assessing the visual impacts of the proposed works when seen from public vantage points. The Landscape Assessment submitted with the planning application demonstrates that the only readily available public vantage point of the proposed works is obtained from the track running in front of the property (looking to the south west elevation of Tug Hill).

The attached plan illustrates the south west elevation; both as existing and as proposed. An assessment of character, scale and proportion reveals that the existing property comprises an early building of a deep plan form, with steep roof pitches of natural stone and a gable wall

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fronting the highway. The older, original, host building presents neither a horizontal nor vertical emphasis when seen from the public vantage point to the south west. Our clients' proposed alterations to Tug Hill House do not affect the original building at the site; other than the replacement of a door and insertion of a small round window. It can, therefore, be concluded there is nothing other than a neutral impact on the character, scale and proportion of that element of the property.

A single storey 20<sup>th</sup> Century glazed linking structure of a non-traditional form and a further two storey block of accommodation are currently seen from the public vantage point to the south west. When seen together, those built structures present a strong horizontal emphasis. That horizontal emphasis when seen from the south west public vantage point is in direct contrast to the character of the original host building, as noted above.

By turning the accommodation block by 90 degrees the proposed development presents a gable, of traditional form and proportions to the south west vantage point. That change provides for a more in keeping array of gables and in turn introduces a variation of built form consistent with the Cotswold vernacular and with a patina of age. It could equally be said that the removal of the strong linear, horizontal form introduced by those 20<sup>th</sup> buildings and replacing it with the above described variation of built form would result in a less competitive new structure when seen in context of the oldest part of the house.

Additionally, the replacement of the glazed roof of the linking structure with Cotswold stone slates presents a significant enhancement in village scape terms. The use of natural stone slates will help make the proposed replacement structures appear more traditional, sympathetic in the arts and crafts manner, and wholly in keeping with the host building.

Additionally, there is a free standing garage of modern 20<sup>th</sup> Century proportions, also presenting its deepest plan form to the south west public vantage point. That structure is to be removed resulting in less 'clutter' when looking at Tug Hill from the south western public vantage point.

It is, therefore, considered the proposed scheme would be far more successful in presenting hierarchical extensions when seen from vantage points than the existing structures currently read. It is therefore concluded that the tests set out within Clause 1 of Local Plan Policy HOU.8 are met in full.

We note that the LPC (Trull) Ltd's submission refers to matters of bulk and massing; although, in the context of Policy HOU.8, those are the tests that are only relevant to the consideration of extensions in the context of the protection of residential amenities of neighbouring properties (Clause 4 of Policy HOU.8). In the matter of our clients' proposed alterations, as noted below, the distance between the proposed development and Littlefield is such that no demonstrable impacts arise in respect of matters of residential amenity. In that respect, bulk and massing are therefore not measurements relevant to the consideration of this proposal. Equally, LPC (Trull) Ltd's submission refers to matters of height, but that is not a test set out within Policy HOU.8.

Matters of proportion, height, massing, bulk, and use of materials are however highlighted within the LPC (Trull) Ltd submission in the context of English Heritage's Advice Note on making changes to heritage assets. Although, it should be noted that those matters are not prescriptively set out within that Advice Note and are referred to in the context of other matters; such as, social and economic considerations, durability and adaptability, use, enclosure, relationship with adjacent

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assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. It is clear English Heritage's guidance is generic and it is clear each proposal will need to be judged on its own merits. The overall advice set by English Heritage is that it is the "assessment of an asset's significance and its relationship to its setting that usually suggests the forms of extension that might be appropriate". For the reasons noted above, it is exactly that process that has led to the scheme which is now the subject of our Clients' planning application.

The above point is demonstrated by simple analysis of Littlefield, the property owned by LPC (Trull) Ltd's instructing client. Littlefield is a Grade II Listed building and comprises the neighbouring property to Tug Hill House. The photograph below shows the extent of extension and new build taken place by LPC (Trull) Ltd's instructing client since the year 2000. It is clear that in proposing those works, matters of proportion, height, massing, bulk, and use of materials have all been considered acceptable in the context of Littlefield – a statutorily listed building. Of course, Tug Hill does not share the same level of constraint afforded to a listed building.



Photo 1: Neighbouring Property: Littlefield, Hawling

For the reasons set out within the earlier pages of this submission, it is apparent that the detailed designs of the proposed changes to Tug Hill House reflect and complement the design and material of the traditional parts of the existing dwelling. It is, therefore, concluded that it can not - reasonably - be argued that the proposed development does nothing but conform with Clause 2 of Local Plan Policy HOU.8.

Our clients' proposal results in no change to the car parking or its associated vehicular manoeuvring space and as such the tests set out within Clause 3 of Local Plan Policy HOU.8 are met.

The alterations to Tug Hill House are located some 30 metres from the nearest residential neighbour, Littlefield. Tug Hill House is set lower, in topographical terms, than Littlefield and there are areas of planting and vegetation between the two properties. It can not therefore be



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reasonably said that the proposed development results in any harm to interests of residential amenity. As such, the tests set out within Clause 4 of Local Plan Policy HOU.8 are met.

As has been noted above, the proposed alterations reflect and complement the design and material of the traditional parts of the host dwelling. It has also been set out above that those alterations more successfully present a hierarchical form when seen from vantage points than that set by the existing modern structures to be replaced. It is, therefore, reasonable to conclude that the proposed works respect the character and appearance of the surrounding locality. As such, the tests set out within Clause 5 of Local Plan Policy HOU.8 are met in full.

In light of the above assessment, it is clear that the proposed works conform to all aspects of Local Plan Policy HOU.8; which is written in a manner that presents a presumption in favour of domestic extensions and associated alterations.

The LPC (Trull) Ltd submission concludes by highlighting the statutory duty to have regard to the desirability of preserving the setting of a Listed Building. On that matter, it is clear that the Council's Conservation Officer has undertaken such an assessment when advising on the current proposal. It is documented that while the proposal will result in change, that change does not cause harm to Littlefield in that the resulting scale of built form – in terms of setting - is of a similar magnitude to that which currently exists. The conclusion drawn is that the impact on that matter of acknowledged importance is a neutral one.

### **Conclusions**

This submission has addressed the issues raised by the four households who have objected to the proposed works at Tug Hill House. It has also highlighted the comments made by the two supporting households.

It has set out that in establishing a brief to their architect, Mr and Mrs Montiero De Barros were clear that they wish to work with, demolish or alter existing modern extensions which exist at the property; rather than – as many others do – simply add new additional structures. It has also been noted, that in that respect, this proposal can be classed as the regeneration of existing modern structures which are no longer suitable for modern living requirements.

This submission has made an assessment of the proposed works against the tests set out with Local Plan Policy HOU.8. It has demonstrated there is on inherent conflict with that policy.

Equally, it has been set out that the generic guidance established by English Heritage is not prescriptive in term of matters of height, volume and size, but instead that guidance notes appropriated forms of extension will be defined by the assessment of a host building's significance and setting.

While this submission has focused on the Environmental dimension of the proposed development, in determining the planning application currently before the Council there are, of course, matters of Social and Economic consideration to be had.

This planning application relates to the genuine needs of a growing family. It relates to a need to accommodate family members of more than one generation; an increasing pressure in the current climate of availability of housing stock in the rural areas and their affordability. It is clear from the

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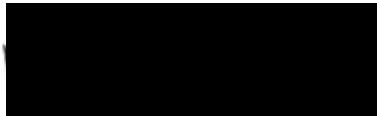
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third party comments that Mr and Mrs Montiero De Barros are active members of the village, that they have a young family who contribute much to village life. A clear message is also portrayed that Hawling, being a small rural community, needs to sustain the needs of young people; otherwise the community's social dimension will be eroded.

Equally, the Economic dimension is that the proposed alterations and regeneration of the existing modern structures at the property will result in employment for existing local craftspeople and trades; which in turn will provide support to the wider rural economy.

It is concluded that, notwithstanding the letters of objection, in all respects the development subject of this planning application - which has been long in gestation with guidance from professional officers at the Council - is acceptable in all aspects. And, that it constitutes sustainable development to which there is a presumption in favour of permitting.

Yours sincerely



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Enc: Plan of existing and proposed SW Elevation

CC: All Councillors of the Planning Committee