

9 March 2020

Committee	Planning
Date	Tuesday, 17 March 2020
Time of Meeting	10:00 am
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.



	Item	Page(s)
4.	MINUTES	1 - 17
	To approve the Minutes of the meeting held on 18 February 2020.	
5.	DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL	
	(a) 18/01251/FUL - Starveall Farm, Pamington Road, Pamington	18 - 54
	PROPOSAL: Hybrid planning application; full planning application for the proposed erection of a new poultry site for up to 360,000 birds with solar panels, biomass boilers and associated buildings and development; outline planning application for one agricultural worker's dwelling with all matters reserved apart from access.	
	OFFICER RECOMMENDATION: Permit	
	(b) 20/00042/FUL - Dixon Manor, Dixon, Gotherington	55 - 66
	PROPOSAL: Proposed demolition of existing stable block and replacement with new stable block and associated outbuildings; felling of six trees following previous consents 17/00048/FUL and 17/00049/LBC. Resubmission of application reference 19/00500/FUL and 19/00501/LBC.	
	OFFICER RECOMMENDATION: Refuse	
	(c) 20/00043/LBC - Dixon Manor, Dixon, Gotherington	67 - 77
	PROPOSAL: Proposed demolition of existing stable block and replacement with new stable block and associated outbuildings; felling of six trees following previous consents 17/00048/FUL & 17/00049/LBC. Resubmission of application reference 19/00500/FUL and 19/00501/LBC.	
	OFFICER RECOMMENDATION: Refuse Consent	
	(d) 19/00722/FUL - Land at Berry Wormington, Stanway Road, Stanton	78 - 95
	PROPOSAL: New livestock/general purpose store building and formation of new access track and yard.	
	OFFICER RECOMMENDATION: Permit	
	(e) 19/00723/FUL - Land at Berry Wormington, Stanway Road, Stanton	96 - 114
	PROPOSAL: New livestock housing/calf rearing building and formation of new access track and yard.	
	OFFICER RECOMMENDATION: Refuse	

Item	Page(s)
<p>(f) 19/00724/FUL - Land at Berry Wormington, Stanway Road, Stanton</p> <p>PROPOSAL: New agricultural workshop/storage building and formation of new access track and yard.</p> <p>OFFICER RECOMMENDATION: Permit</p>	115 - 132
<p>(g) 19/00781/OUT - Land on the South Side of Dibden Lane, Alderton</p> <p>PROPOSAL: Erection of up to 41 new residential dwellings, including 20 affordable houses, associated access and landscaping.</p> <p>OFFICER RECOMMENDATION: Refuse</p>	133 - 162
<p>(h) 19/00772/FUL - Land Parcel 0088, Willow Bank Road, Alderton</p> <p>PROPOSAL: Residential development of up to 28 units, including means of access and landscaping.</p> <p>OFFICER RECOMMENDATION: Refuse</p>	163 - 199
<p>(i) 19/01205/FUL - 53 Wynyards Close, Tewkesbury</p> <p>PROPOSAL: Erection of two storey rear extension.</p> <p>OFFICER RECOMMENDATION: Permit</p>	200 - 207
<p>(j) 19/01194/FUL - Land East of Old Gloucester Road, Staverton</p> <p>PROPOSAL: Change of use of land to provide nine travelling showperson's plots and associated works including hardstanding.</p> <p>OFFICER RECOMMENDATION: Permit</p>	208 - 234
<p>(k) 19/00758/OUT - Land at Homelands Farm, Gotherington Lane, Bishop's Cleeve</p> <p>PROPOSAL: Hybrid planning application seeking full planning permission for 65 residential units (to include affordable housing, public open space, associated highways and drainage infrastructure) and outline planning permission, with all matters reserved except for access, for up to 2,000sqm (GIA) small scale employment use (B1 use class) and associated demolition, parking and open space.</p> <p>OFFICER RECOMMENDATION: Refuse</p>	235 - 274
<p>(l) 20/00081/PIP - Land to the West of the A48, Minsterworth</p> <p>PROPOSAL: Residential development for between four to eight dwellings.</p> <p>OFFICER RECOMMENDATION: Permit</p>	275 - 283

Item	Page(s)
(m) 19/01083/FUL - 1 Severn Close, Maisemore	284 - 292
PROPOSAL: Installation of a new access and dropped kerb.	
OFFICER RECOMMENDATION: Permit	
6. CURRENT APPEALS AND APPEAL DECISIONS UPDATE	293 - 299
To consider current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions.	

DATE OF NEXT MEETING	
TUESDAY, 21 APRIL 2020	
COUNCILLORS CONSTITUTING COMMITTEE	
Councillors: R A Bird, G F Blackwell, R D East (Vice-Chair), J H Evetts (Chair), L A Gerrard, M A Gore, D J Harwood, A Hollaway, M L Jordan, E J MacTiernan, J R Mason, P W Ockelton, A S Reece, P E Smith, R J G Smith, S A T Stevens, P D Surman, R J E Vines, M J Williams and P N Workman	

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chair will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 18 February 2020 commencing
at 10:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

R A Bird, G F Blackwell, M A Gore, D J Harwood, A Hollaway, M L Jordan, E J MacTiernan,
J R Mason, P W Ockelton, A S Reece, P E Smith, R J G Smith, P D Surman, M J Williams
and P N Workman

also present:

Councillor C Softley

PL.50 ANNOUNCEMENTS

- 50.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
50.2 The Chair gave a brief outline of the scheme and the procedure for Planning Committee meetings including public speaking.

PL.51 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 51.1 Apologies for absence were received from Councillors L A Gerrard and R J E Vines. There were no substitutions for the meeting.

PL.52 DECLARATIONS OF INTEREST

- 52.1 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.

52.3 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
G F Blackwell	19/00997/FUL 95 Orchard Way, Churchdown. 19/01124/FUL Raleigh Lodge, Station Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
M L Jordan	19/00997/FUL 95 Orchard Way, Churchdown. 19/01124/FUL Raleigh Lodge, Station Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
R J G Smith	19/00997/FUL 95 Orchard Way, Churchdown. 19/01124/FUL Raleigh Lodge, Station Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.

52.3 There were no further declarations made on this occasion.

PL.53 MINUTES

53.1 The Minutes of the meeting held on 21 January 2020, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.54 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

Schedule

54.1 The Technical Planning 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.

19/00865/FUL – 6 The Square, Toddington

- 54.2 This application was for the construction of three outbuildings comprising a garden room, double garage and gazebo.
- 54.3 The Planning Officer advised that the application related to one of nine dwellings located within a Grade II listed converted stable block range. The site and immediate surroundings were of particular historical significance and the impact of the proposals upon this environment was the main matter for consideration. The first part of the proposal sought the erection of a garden room and garage which were recommended for refusal because they were considered to be harmful to the architectural and historical significance of The Square and St Andrew's Church; the applicant had not provided any justification or public benefit to offset this harm. The second part of the proposal sought the erection of a gazebo which was deemed to be acceptable and was recommended for permission.
- 54.4 The Chair indicated that there were no public speakers for this item. The Officer recommendation was for a split decision to permit the gazebo and to refuse the garage and garden room and he sought a motion from the floor. It was proposed and seconded that a split decision be issued in accordance with the Officer recommendation and, upon being put to the vote, it was

RESOLVED That a **SPLIT DECISION** be issued for the application to **PERMIT** the gazebo and **REFUSE** the garage and garden room.

18/01251/FUL – Starveall Farm, Pamington Road, Pamington

- 54.5 This was a hybrid planning application – a full planning application for the proposed erection of a new poultry site for up to 360,000 birds with solar panels, biomass boilers and associated buildings and development and an outline planning application for one agricultural worker's dwelling with all matters reserved except for access.
- 54.6 The Technical Planning Manager explained that Officers had been contacted the previous day by someone on behalf of the adjacent landowner who had directed them to consultation requirements in relation to the application which was subject to an Environmental Impact Assessment. In short, the regulations stated that, in such cases where the Local Planning Authority was aware of someone who was likely to have an interest in an application, but was unlikely to become aware of it as a result of the normal consultation process, the Local Planning Authority should notify that person in writing and provide them with 30 days to make any comments. The correspondence received made it clear that the person in question had not been made aware of the application in accordance with the regulations and, on that basis, it was Officers' firm recommendation that the application should be deferred to allow that consultation to take place. The risk of not doing so had been set out by Counsel on behalf of the person in question and any decision made by the Committee could be at risk in terms of judicial review.
- 54.7 The Chair indicated that the applicant had been intending to speak but was willing to forgo the opportunity if the Committee was minded to defer the application. The Officer recommendation was to defer the application in order to allow appropriate consultation to take place to accord with the Environmental Impact Assessment Regulations and he sought a motion from the floor. It was proposed and seconded that the application be deferred in accordance with the Officer recommendation. A Member indicated that he was happy to support a deferral but this was not the first application for a poultry farm and he questioned why Officers had not known about the consultation regulations. In response, the Technical Planning Manager clarified that this was a specific element of the Environmental Impact Regulations and was not something which had been raised previously; now that it had come to

light it was important that it was correctly addressed and, having taken advice, he reiterated that it was Officers' firm recommendation that the application be deferred.

54.8 Upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** in order to allow the appropriate consultation to take place to accord with the Environmental Impact Assessment Regulations.

19/00476/FUL – Part Parcel 5778, Malleson Road, Gotherington

54.9 This application was for the erection of nine residential dwellings and associated vehicular access. The application had been deferred at the Planning Committee meeting on 17 December 2019 to allow consideration of the applicant's email containing advice from Counsel and the evidence arising from the housing needs survey in accordance with the Officer recommendation.

54.10 The Technical Planning Manager advised that the main issue was around the threshold for affordable housing and whether it was required as part of this application. He explained that the Gotherington Neighbourhood Development Plan had a threshold of five dwellings which triggered the need for affordable housing but this had been superseded by the National Planning Policy Framework and Joint Core Strategy which had higher thresholds. The law was very clear that where there was a conflict between two development plan policies – in this case the Neighbourhood Development Plan and the Joint Core Strategy – the most recently adopted policy must be favoured as set out in Section 38(5) of the Planning and Compulsory Purchase Act 2004. Notwithstanding this, there may be instances where material considerations indicated that an application should be permitted and delivered otherwise than in accordance with the development plan which was why it had been considered necessary to wait for the results of the Gotherington Parish Housing Needs Survey Report. If the survey demonstrated a critical need in Gotherington which could not be met in any other way, this would be deemed as a material consideration which would justify a decision being made other than in accordance with the Joint Core Strategy policy; however, for the reasons set out at Page No. 662, Paragraphs 9.6-9.9 of the Officer report, this was not the case. The survey had shown a need for five affordable houses, of which four had indicated a need for affordable rented housing - two of those had no preference as to where they would like to move, one had indicated they would prefer to move anywhere within Tewkesbury Borough and the fourth had expressed a desire to move outside of the borough to be closer to their place of work; the fifth had expressed a need for home ownership within Gotherington Parish only. In respect of alternative options, there was a site on the opposite side of the road which was currently under construction and would provide 10 affordable dwellings, therefore, the need could theoretically be met on that site. As such, it was Officers' advice that this application should be granted planning permission in accordance with the Officer recommendation.

54.11 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. The proposer of the motion thanked the Officers for the work they had done to establish affordable housing need in Gotherington and, whilst she was disappointed with the outcome, she accepted that the legal position was that the Neighbourhood Development Plan had been superseded despite having been adopted just months prior to the adoption of the Joint Core Strategy – she pointed out that this could have implications for other Neighbourhood Development Plans across the borough. Another Member made reference to the Stoke Road and Fiddington appeals, particularly the latter where the Secretary of State had given little weight to the Joint Core Strategy due to the

stage it was at, and he questioned whether the Committee should also give little weight to the Joint Core Strategy and if that would change the Officer recommendation. In response, the Technical Planning Manager clarified that the Member had been referring to the Joint Core Strategy review; the Joint Core Strategy itself was adopted and formed part of the development plan. In terms of affordable housing policies, the Joint Core Strategy was in general accordance with the National Planning Policy Framework and should be given full weight in determination of this application. If the policy was in the emerging Joint Core Strategy or Tewkesbury Borough Plan then consideration would need to be given to the weight which it could be afforded but, given it was an adopted policy of the Joint Core Strategy, insofar as it related to this application, it should be given full weight. The Member explained that, like the proposer of the motion, he was concerned that a lot of time and effort was being spent by Parish Councils to put forward their Neighbourhood Development Plans only for them to be overtaken by other policies. Another Member sought clarification as to how this impacted future Neighbourhood Development Plans. In response, the Technical Planning Manager explained that everyone was gaining experience of Neighbourhood Development Plans as they went through the process and dealt with scenarios such as this. He advised that this related to a very specific policy in a plan and the timing issues in this case were extraordinary in that the Gotherington Neighbourhood Development Plan had been adopted one or two months before the Joint Core Strategy had been adopted with a different policy. If there was particular evidence of a specific need within a local area then a policy within a Neighbourhood Development Plan may be justified but circumstances could change as they had here – the 2014 housing need survey, which had been used to justify the Neighbourhood Development Plan policy, had been superseded by the recent survey which had different findings and was unlikely to justify that policy had the Neighbourhood Development Plan been considered at this time. It was very much a learning curve but Officers were alert to the possibility of issues such as this arising in future.

- 54.12 Another Member emphasised what a huge undertaking Neighbourhood Development Plans were for Parish Councils and she found it very disappointing that the government could change its mind and abandon the localism agenda which it had previously been championing. Given this situation, she questioned whether Parish Councils should be regularly updating their Neighbourhood Development Plans. The Technical Planning Manager reiterated the need to learn from experiences such as this in order to be in a better position to advise on Neighbourhood Development Plans but he reminded Members that an application in Twynning had been refused by the Planning Committee where the Neighbourhood Development Plan would be more than two years old if and when an appeal was lodged meaning that its impact on the tilted balance under National Planning Policy Framework provisions would not then come into play as it did now. In response to a Member comment that Neighbourhood Development Plans bore no weight on appeal as a decision was taken by an inspector or the Secretary of State, the Technical Planning Manager pointed out that Highnam told a different story so that was not necessarily a given.

- 54.13 Upon being put to the vote, it was

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

19/01056/FUL – Hayrob, 21 Wynyards Close, Tewkesbury

- 54.14 This application was for change of use of land to residential garden and erection of a new boundary fence.
- 54.15 The Planning Officer advised that there were no concerns or objections to the application which required a Committee decision because the small area of public open space which would be incorporated into the residential garden currently

belonged to the Council.

- 54.16 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.

19/01154/FUL – Little Haven, The Village, Ashleworth

- 54.17 This application was for a new single dwelling and garaging.

- 54.18 The Planning Officer advised that this site was an infill plot in the village of Ashleworth and within the landscape protection zone. It was a significantly sloping site with ground levels rising to the north. The application required a Committee decision due to an objection by the Parish Council on the basis of concerns regarding the siting, scale and mass of the garage, impact on neighbouring amenity in terms of overlooking, overbearing nature of the development and highway access. The proposal had been amended and plans submitted for a smaller garage set back from the front boundary in line with the dwelling to the south; the first floor window in the south side elevation had been removed and the ground floor secondary windows had been reduced in size. Notwithstanding this, the Parish Council maintained its objection. Officers considered that the proposal as amended was appropriate in terms of design, materials and impact on neighbour amenity. The proposal was read in conjunction with existing residential development in the vicinity of the site and appropriate landscaping would be provided subject to condition. As such, it was considered that the proposal would have minimal impact on the surrounding landscape and the development was considered acceptable in terms of highway safety and surface water drainage, subject to appropriate conditions. Therefore, the Officer recommendation was that the application as amended should be permitted, subject to conditions.

- 54.19 The Chair invited the applicant to address the Committee. The applicant confirmed he had been working with an architect and the Planning team to design a home in keeping with the local vernacular. A number of amendments had been made to respond to the three key objections and he explained that overlooking of the southern gable end over the neighbouring property had been addressed through the removal of an upper floor window and the size and position of the garage had been addressed by reducing the garage in size and setting it back so it would not extend beyond the building line of the dwelling to the south. The Parish Council had questioned the possibility of moving the access to a more southerly position and the applicant had undertaken a traffic survey and employed a traffic consultant who had advised that it was in the most southerly position possible allowing for visibility splays and safety requirements. He pointed out that no objections had been raised by County Highways. The Planning Officer had recommended the application for permission and no objections had been received from other parties so he hoped the Committee would feel able to permit the application.

- 54.20 The Chair indicated that 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 put to the vote, it was

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

19/00758/OUT – Land at Homelands Farm, Gotherington Lane, Bishop’s Cleeve

- 54.21 This was a hybrid application – a full planning application for 65 residential units (to include affordable housing, public open space, associated highways and drainage infrastructure) and an outline planning application, with all matters reserved except access, for up to 2,000sqm (GIA) small scale employment use (B1 class) and associated demolition, parking and open space.
- 54.22 The Technical Planning Manager indicated that all Members of the Committee had received an email from the applicant the previous day setting out their concerns in respect of the way the issue of education had been dealt with in the Officer report. The applicant had referred Members and Officers to a case in South Oxfordshire where a similar issue had arisen and had been dealt with in a particular way following Counsel advice on behalf of the applicant in that case. At the end of the email the applicant set out that, if the Council was in any doubt, they would suggest the application be deferred for a month; this would allow full research of the issue and, if necessary, for the Local Planning Authority to take Counsel advice itself. From an Officer perspective, it was considered wise to take up that suggestion in order to properly advise the Committee on the issue that had been raised and it was now recommended that the application be deferred.
- 54.23 The Chair indicated that the applicant had been intending to speak but was willing to forgo the opportunity if the Committee was minded to defer the application. The Officer recommendation was to defer the application to allow the issues raised in respect of education matters to be addressed and he sought a motion from the floor. It was proposed and seconded that the application be deferred in accordance with the Officer recommendation. A Member understood there was a significant shortfall of school places which was the responsibility of Gloucestershire County Council and, when the application came back to the Committee, he would like to know what it intended to do to cover that shortfall and the timeframe for that. Another Member agreed it was imperative that the issue with school places be resolved.
- 54.24 A Member expressed the view that the offer of £73 per dwelling for recycling and waste was inadequate given that the Council would potentially have to employ another crew or use an additional vehicle to service the new development and he felt that Officers needed to look carefully at this issue when negotiating with developers. This was noted by the Technical Planning Manager, although he pointed out that there was a difference between what the Council needed to provide a service and what each developer should be required to pay; £73 per dwelling was toward delivering the infrastructure, specifically waste and recycling bins. Whilst this could be considered, it should be borne in mind that there were other income streams to deliver services and care must be taken when seeking Section 106 obligations.
- 54.25 Upon being taken to the vote, it was
- RESOLVED** That the application be **DEFERRED** to allow Officers to address the issues raised in respect of education matters.

19/00997/FUL – 95 Orchard Way, Churchdown

- 54.26 This application was for the erection of a two storey side and rear extension, single storey rear extension and front porch.
- 54.27 The Planning Officer advised that the application required a Committee determination due to a Parish Council objection. The Officer report provided an assessment of the material considerations, which included the design and visual impact and the effect on residential amenity. No harm had been identified;

therefore, it was recommended that planning permission be granted.

- 54.28 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. A Member asked for assurance that the first floor window in the side elevation of the extension would be obscure glazed and confirmation was provided that this was included in the conditions set out at Page No. 695 of the Officer report. Upon being taken to the vote, it was

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

19/01124/FUL – Raleigh Lodge, Station Road, Churchdown

- 54.29 This application was for the erection of a single storey rear extension and first floor front extension over garage; extension to existing loft space with a rear dormer window and installation of timber cladding.

- 54.30 The Planning Officer advised that the application required a Committee determination due to a Parish Council objection. An assessment of the material considerations, which included the design and impact upon residential amenity, was set out at Pages No. 698-699 of the Officer report. No harm had been identified; therefore, it was recommended that planning permission be granted.

- 54.31 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 put to the vote, it was

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

19/01155/FUL – 19 Snowhill Drive, Bishop's Cleeve

- 54.32 This application was for change of use of land from public open space to a private residential garden including driveway.

- 54.33 The Planning Officer advised that the application required Committee determination as the Council owned the public open space to the side of the property and the Parish Council had objected to the proposal. The existing side boundary would be replaced by a new brick wall and timber fence with the side boundary to the front of the dwelling being open plan. Objections had been raised regarding the loss of part of the public open space which would have no public benefit, encouraged privatisation and would result in a disproportionate garden. Reference had also been made to the fact that public open space reduced the impact of building density. Members were informed that the proposed boundary treatment was considered to be in keeping with the character of other residential properties in the vicinity of the site; the gardens within the residential development varied in size and the open plan character of the estate would be retained; and low level planting on the front side boundary was proposed to mitigate for the loss of some of the existing low level landscaping. The majority of the public amenity area was retained and access through the area was not impeded. The proposal would provide additional off-road parking and improved visibility through the removal of the existing low level fence on the front side boundary and it was considered that it would not significantly impact highway safety or detract from the overall design and appearance of the wider area. Therefore, the Officer recommendation was to permit the application, subject to conditions.

- 54.34 The Chair indicated that there were no public speakers for this application. 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 put to the vote, it was

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

19/00817/APP – Local Centre Plot 7 and 8, Cleavelands, Evesham Road, Bishop's Cleeve

- 54.35 This was an approval of reserved matters application (access, appearance, landscaping, layout and scale) pursuant to outline planning permission 17/00449/OUT for the erection of 30 dwellings.
- 54.36 The Planning Officer explained that the outline consent, which related to approximately 0.53 hectares of land located within the Cleavelands development on the north-western edge of Bishop's Cleeve, was granted for the erection of up to 30 dwellings in December 2018 with all matters reserved for future consideration. The application site comprised two parcels of land each being served by its own access point. A total of 45 car parking spaces were proposed, set within a courtyard arrangement on each parcel. The majority of the proposed dwellings would be sited along the perimeter of the two parcels of land and front onto the adjacent highway network. The development would comprise a variety of dwelling types, including flats, terraced, semi-detached and detached properties. Whilst the outline consent offered a policy compliant scheme of both affordable and market housing, the residential development advanced under this reserved matters scheme would deliver 30 affordable rent and shared ownership houses and flats. An assessment of the material considerations was included within the Officer report at Pages No. 706-709. At the time of writing, a new consultation period had been commenced following receipt of revised plans and Members were informed this had expired on 11 February 2020. Since that time, the Parish Council had confirmed that it had no objection to the revised plans but noted there should be a parking management strategy to avoid on-road parking and a condition was recommended on that basis, as set out in the Additional Representations Sheet, attached at Appendix 1. The Additional Representations Sheet also stated that, as no adverse comments had been received during the revised consultation period, there were no longer any outstanding matters as it was considered that the proposed development would result in an acceptable access, layout, scale, appearance and landscaping, as such, the Officer recommendation was now for approve rather than delegated approve.
- 54.37 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to approve the application and he invited a motion from the floor. It was proposed and seconded that the application be approved in accordance with the Officer recommendation. A Member questioned why all 30 dwellings within this application were affordable and the Technical Planning Manager explained that the site had been purchased by an affordable housing provider. The Member raised concern that this would be against policy in terms of providing fully integrated developments without isolated pockets of affordable housing. The Technical Planning Manager confirmed that was always the aim when considering particular sites; however, in this instance, the site as a whole would deliver approximately 600 dwellings and 30 affordable dwellings in the form provided within the current application would not prevent it from being fully integrated. From a management perspective, affordable housing providers preferred to provide clusters and, in any event, it was not possible to control who purchased a site. There were no restrictions in the Section 106 Agreement to

prevent 30 affordable dwellings being provided as proposed by this application.

- 54.38 The Member went on to seek an explanation of the inconsistencies between this application and item 19/00758/OUT in respect of Land at Homelands Farm, which had been considered earlier on the Agenda, in terms of Gloucestershire County Council and the school position. The Technical Planning Manager stressed that there were no inconsistencies, the difference was that this was a reserved matters application so any issues around education would have been dealt with at the outline stage and he would be happy to provide those outside of the meeting should the Member so wish.

- 54.39 Upon being taken to the vote, it was

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

19/00996/APP – Land North of Innsworth Lane, Innsworth

- 54.40 This was an approval of reserved matters application for access, appearance, landscaping, layout and scale comprising Phase 2 of outline planning permission 15/00749/OUT for the erection of 175 dwellings with associated infrastructure.

- 54.41 The Planning Officer clarified that this reserved matters application represented residential Phase 2 of the wider outline planning permission granted on appeal for a total of 1,300 dwellings. Phase 2 proposed 175 dwellings with associated highways, drainage, landscaping and infrastructure. Members would recall the recent Phase 1 reserved matters approval for 235 dwellings and the reserved matters approval for the site-wide infrastructure including the main primary street/spine road and Sustainable Drainage System (SuDS)/attenuation pond which had both been granted delegated approval in June 2019. As with the preceding phase, layout, design and character areas were guided by the overarching site-wide masterplan document, approved under condition 8 of the outline planning permission. The current Phase 2 development would be largely served by the approved spine road which would skirt the south-western corner of the site. Phase 2 would also be served by a new secondary route which would skirt the western and northern perimeter of the site and provide the sole direct access onto Frogfurlong Lane. This secondary route had already received approval as part of the recent site-wide infrastructure application. As identified within the site-wide masterplan, the southern portion of the site would adjoin the neighbourhood centre and employment land which would come forward as a later phase. In view of the proximity and relationship with these areas, dwellings here would have a higher density with strong continuous frontage and a contemporary architectural approach. Revised plans and information had been submitted on 7 February 2020 to address the outstanding County Highways issues and these were under review. Formal comments were yet to be received, therefore, the recommendation was for a delegated approval, subject to a satisfactory response from the County Highways Officer and receipt of further revised plans to address the issues raised by the Landscape Consultant in response to the revised plans, as set out in the Additional Representations Sheet, attached at Appendix 1.

- 54.42 The Chair invited the applicant's representative to address the Committee. The applicant's representative explained that the application before Members was for Phase 2 of the Innsworth development and would provide a further 175 residential dwellings with associated access arrangements. It did not contain any of the associated public open space or community facilities as set out in the agreed Section 106 which would be coming forward in a separate application. Of the 175 dwellings proposed, 69 (approximately 39%) would be affordable housing in accordance with the Section 106 Agreement and those units were evenly distributed across the application area. The proposals had been developed in accordance with the site-wide masterplan and were very much a continuation of the character delivered in Phase 1; however, particular attention had been paid to

the commercial square frontage which had a distinct character of its own. The amount of parking had been a key consideration in the evolution of the scheme and he confirmed that 466 parking spaces would be delivered for 175 dwellings with all four bedroom properties benefitting from a minimum of three spaces, all three bedroom properties benefitting from a minimum of two spaces and so on with an average of 2.6 spaces per property being achieved. He recognised the surface water drainage concerns for the development and was pleased to confirm that the first sections of the approved system were currently under construction on the site and would be in place prior to first occupation. At the Planning Committee meeting which had considered the Phase 1 application, the applicant had pledged to continue community engagement and Members were advised that another public event had been held in January where updates were provided on site activity and Phase 2 progress. Further to that event, the applicant had also recently met with local Councillors on site to provide an update on the delivery of the drainage infrastructure and, during that meeting, had agreed to explore ways of improving the current arrangements along Innsworth Lane as well as improving the existing bus stop. The applicant's representative went on to explain that this application had been submitted using a Planning Performance Agreement and he wanted to take the opportunity to relay how well the process had worked. Finally, this development would host the applicant's northern training academy where it would work with Gloucestershire College to train up to 20 apprentices per year following which they would be given the opportunity to advance into full time employment.

- 54.43 The Chair indicated that the Officer recommendation was that authority be delegated to the Technical Planning Manager to approve the application, subject to a satisfactory response from the County Highways Officer and receipt of further revised plans to address the issues raised by the Landscape Consultant in response to the revised plans, as set out in the Additional Representations Sheet, and any other additional or amended conditions which may be required, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Technical Planning Manager to approve the application in accordance with the Officer recommendation. A Member indicated that he did have concerns regarding the application, particularly as there was no direct control of the vehicle movements on and off the site being generated by construction traffic which was putting additional pressure on roads – this was something which had been raised with Planning Enforcement on a regular basis. Access onto Frogfurlong Road had been identified as a concern by Churchdown and Innsworth Parish Councils and should be of concern to the Committee as completion of the A40 gateway would mean that anyone currently using it as a shortcut would go via Frogfurlong Lane. He questioned whether any traffic impact assessment was being carried out on the area between Cheltenham Road East and this site and raised concern that, if the A40 gateway and the work at Twigworth coincided, this would bring traffic to a standstill. The Technical Planning Manager advised that these issues were outside of the remit of this reserved matters application. He appreciated there may be long term consequences, and that was something the County Highways representative could advise on, but he reiterated that these matters had been discussed at the outline stage and did not form part of the reserved matters approval. The County Highways representative confirmed there was no highways objection to the layout. The Member had raised concern regarding damage caused by construction traffic and he provided assurance that the County Highways Authority had powers to recover the cost of any damage to the highway. He reiterated that this was a reserved matters application so the concerns in relation to access had been dealt with at the outline stage, and as part of the Joint Core Strategy, so infrastructure and the need for junctions had been technically assessed. Any infrastructure improvements deemed necessary had been identified and secured at the outline stage – the reserved matters application was not an opportunity to revisit this matter.

54.44 Another Member raised concern regarding the design of the neighbourhood centre and character area; whilst she realised design was subjective, her view was that the apartments would look terrible once completed. The Planning Officer confirmed that the apartments were blue/black brick and a design rationale had been put forward specifically for this area, which would be different to the character areas across the whole site and reflective of being higher density and adjacent to the employment area. She realised it was a strong architectural approach which was different to the rest of the site but it was considered appropriate to this specific part of the site. A Member noted that these dwellings would be part of the spine road and the houses opposite were red brick so she questioned how they would go together. The Planning Officer reiterated that this specific part of the site was reflective of the relationship with what would be an employment area comprising shops and offices; whilst there would be a relationship with the red brick properties to the rear of the apartments, there would be relief from the cladding which was a lighter grey/blue. The Urban Design Officer was happy with the approach given the specific context and the Planning Officer stressed that it would not be reflective of the wider area which would be traditional type houses with a contemporary element. Another Member indicated that the houses opposite were white rendered, not red brick, and whilst he was not fond of the design, he accepted that this was a matter of opinion and not a reason for refusal. He was of the view that Phase 1 of the development was already high density and he asked for clarification of the density for this phase. The Planning Officer confirmed that the overall density for Phase 2 was 38.5 although there was higher density along the spine road which would reduce going back along the character areas towards the top of Phase 2.

54.45 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Technical Planning Manager to **APPROVE** the application, subject to a satisfactory response from the County Highways Officer and receipt of further revised plans to address the issues raised by the Landscape Consultant in response to the revised plans, as set out in the Additional Representations Sheet, and any other additional or amended conditions which may be required.

PL.55 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

55.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 32-35. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

55.2 It was

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

The meeting closed at 11:40 am

Appendix 1

SCHEDULE OF PLANNING APPLICATIONS
ADDITIONAL REPRESENTATIONS

Date: 18 February 2020

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.

Page No	Item No	
621	1	<p>19/00865/FUL – 6 The Square, Toddington</p> <p>Letter received – copy attached.</p> <p>Officer comments in relation to attached letter –</p> <p>The proposed ancillary use of the outbuilding is not disputed. It is not accepted that the garden building possesses architectural features which mirror that of the host dwelling; it is comprised of a configuration of contrived features cherry-picked from historic and modern designs which are cumulatively discordant. The submitted revisions have failed to overcome those concerns.</p>
676	6	<p>19/00758/OUT – Land at Homelands Farm, Gotherington Lane, Bishops Cleeve</p> <p>County S106 Officer – Additional information has been received from GCC in respect of its request for a financial contribution to be secured towards library provision to serve the needs of future residents in connection with the current proposal. It is stated:</p> <p>The library contribution is necessary to make the development acceptable in planning terms as Bishop's Cleeve Library serves the local population and is the third busiest in the County; physical expansion is not possible. However, the library's opening hours, its stock and facilities could be expanded as a means of increasing capacity.</p> <p>The contribution is directly related to the development in that it will be used towards the nearest library which is Bishop's Cleeve library. Achieving reasonable levels of accessibility to local library services for new communities - The Gloucestershire Manual for Streets (Feb 2012) includes a local agreed definition of 'a walkable neighbourhood' as that which supports a range of facilities within 10 minutes (800m) safe walking distance of residential areas.</p> <p>The Library space provision is calculated by reference to the Public Libraries, Archives and New Development A Standard Charge Approach (May 2010) which sets out library space provision standard of 30sqm per 1,000 population which at the time was costed at £105 per person. The current GCC figure of £196 reflects the uplift in costs since 2010 and is considered to be fairly and reasonably related to the development in scale and kind. The contribution will be used to increase access to services in line with 'A Strategy for Library Services in Gloucester 2012' and may include capacity improvements, facilitating increased opening hours, increase in accessibility and support for digital and IT facilities and increasing library stock, for</p>

		<p>example.</p> <p>Planning Officers have reviewed the additional information and it is considered that the requested library contribution of £12,740.00 would comply with regulation 122. As such, it is recommended that the third reason for refusal should be amended to include reference library contribution as follows:</p> <p><i>In the absence of an appropriate planning obligation, the application does not make provision for the delivery of recycling/waste bins, library and education contributions for pre-school and secondary school provision. The proposed development is therefore contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (December 2017) and the National Planning Policy Framework.</i></p>
704	10	<p>19/00817/APP - Local Centre Plot 7 and 8, Cleevelands, Evesham Road, Bishops Cleeve</p> <p>Consultations and Representations</p> <p>As set out in Paragraph 3.7 of the Officer report, following receipt of revised plans, a new consultation period with relevant consultees was carried out. This expired on 11 February 2020.</p> <p>Since drafting the report, the Parish Council has confirmed it has no objection to the revised plans but notes there should be a parking management strategy to avoid on-road parking and a condition requiring a strategy is considered reasonable.</p> <p>Addressing Climate Change</p> <p>The applicant has confirmed that, whilst all the buildings will have photovoltaic panels on the roofs, the ground floor units in the blocks of flats (types B and C) would utilise a Mechanical Ventilation with Heat Recovery (MVHR) system. This is an energy efficient balanced and controlled forced air ventilation system that supplies both fresh and extracts stale air throughout the property and recycles the heat generated within it.</p> <p>Additional Conditions</p> <p>Prior to the first occupation of the development hereby permitted, a Parking Management Strategy, to include details of an implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The parking management strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.</p> <p>Reason – To ensure the private parking amenity is maintained and that it remains available for its intended purpose.</p> <p>Recommendation</p> <p>Given no adverse comments have been received during the revised consultation period, there are no longer any outstanding matters which require the application to be delegated to the Technical Planning Manager therefore the recommendation has been amended to one of Approval.</p>

711	11	<p>19/00996/APP – Land North of Innsworth Lane, Innsworth</p> <p>The formal consultation response of the Landscape Consultant has now been received. Their comments are summarised as follows:</p> <ol style="list-style-type: none"> 1. Add more trees to the development as advised by the Tree Officer. 2. Add drifts of spring bulbs on prominent verges – and particularly along the Green Corridor/Green Link. Narcissus ‘Tete a Tete’ or ‘February Gold’ (or similar) would be suitable, or Crocus tommasinianus. 3. Add a new hedge or shrubs to screen the car parking area to the front of Plots 382-385 (facing onto the Green Link). 4. Change the proposed hornbeam trees along the Green Link – hornbeam is not a locally indigenous or prevalent tree in the Severn Vale and it would be nice to use something that is – for example, Field Maple (Acer campestre). 5. As part of the planting proposals, details should be provided of how the existing hedgerows will be managed – for example, proposed height (they could be managed to anything from 2m to 10m high so this should be made clear), how wide, will there be specimen trees retained in the hedgerows? It is important to know how these existing landscape features will look, in order to ensure that the proposed planting around them will be appropriate. 6. Further details are required of how the green verges along the Green Link will be protected from cars parking on them. A combination of additional tree planting and carefully positioned bollards should be adequate – this should be indicated on a plan.
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Item No. 1 – 6 The Square, Toddington

Comments to Planning Committee: Planning application 19/00865/FUL, 6 The Square, Toddington, GL54 5DJ

The following comments have been submitted for the attention of members of Tewkesbury Borough Council Planning Committee on the above application recommended for split decision.

The scheme is for three outbuildings: a gazebo, garden room and garage. The gazebo is recommended for approval. The other two buildings are recommended for refusal.

The applicant accepts the refusal for the double-garage but wishes the committee to consider the refusal reasons for the garden room. In relation to the garden-room the reason for its refusal centres on its design, whilst acknowledging efforts made to create a building which was in keeping with the host dwelling.

Design of garden building

At 36 square metres, the garden room is domestic in size, scale and design to be considered ancillary to the enjoyment of a dwelling-house. The size falls below the space standards for domestic dwellings set out in the Nationally Described Space Standards.

The building is separated from the host dwelling by mature trees, which would provide a degree of screening. The materials used and architectural features would mirror those of the host dwelling and therefore respect the character of a Grade II listed building and its curtilage.

Whilst the case officer has interpreted the plans as the front elevation facing the host-dwelling, it was the intention of the application to have the front elevation facing the parkland, a detail that can be secured through planning condition.

On the issue of heritage, the impact of the garden room on the setting of the remains of Toddington Manor, a Grade II* heritage asset, have been assessed in full in the Heritage Statement submitted with the application. It is noted that the Conservation Officer in his comments (Proposal and its Impacts, Paragraph 3) did not take issue with the original proposal in relation to the impact of the garden room design on heritage assets. Despite this assessment, the case officer considers the design is unsympathetic to historic environment (Paragraph 5.12 – Delegated Report).

Engagement with local planning authority

During the course of determining the application, the applicant on several occasions sought clarification on what specific design issues were considered problematic. However, a response was not forthcoming. The response received (06 December, 2019) was:

In terms of the garden room; its design is unacceptable which results in harm to the HA's. You will understand that onus rests with you as an agent/applicant to provide more suitable designs; not the LPA.

Without any direction from the case officer as to what elements of the design were objectionable, a revised design was submitted. The changes were: removal of the roof lantern, replacement of flat roof with pitched (without a change to overall height) and replacement of wood with stone to match the host dwelling.

Whilst the applicant obviously has to provide alternative designs, the local planning authority also has a duty to, in accordance with planning legislation, policy and guidance, to engage positively and proactively with applicants to ensure effective planning decisions are made.

Other matters

Regarding other matters have been raised by the case officer, on the protection of mature trees and *potential* bat corridors, these could be satisfactorily dealt with by via an appropriately worded planning condition.

The applicant respectfully requests that Committee members assess the revised design proposal to judge for themselves whether the garden room design is contrived or out of keeping with the host dwelling. If they consider it is not it is requested that the recommendation at officer level for refusal of the garden-room be overturned and planning permission granted subject to conditions.

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	05.03.2020
Site Location:	Starveall Farm, Pamington Road, Pamington, Tewkesbury, Gloucestershire, GL20 8FG
Application No:	18/01251/FUL
Ward:	Isbourne
Parish:	Ashchurch Rural
Proposal:	Hybrid planning application; Full planning application for the proposed erection of a new poultry site for up to 360,000 birds with solar panels, biomass boilers and associated buildings & development. Outline planning application for one agricultural workers dwellings with all matters reserved apart from access
Report by:	Paul Instone
Appendices:	Site location plan Site layout plan Site plan Floor plan & elevations poultry unit Floor plan & elevations gate house
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Starveall Farm is located in the Parish of Ashchurch in an area of open countryside east of Tewkesbury. The nearest settlement is Pamington which is just less than one mile to the north, the edge of Tewkesbury is some 2.6 miles north west. The total landholding at Starveall Farm amount to 18.4 hectares.
- 1.2 There are four existing broiler rearing units on Starveall Farm Provision and associated infrastructure including 16 feed bins which were granted planning permission in 2014 (ref:12/01083/FUL). These units are owned and operated by the applicant and have been operating for approximately 5 years. Vehicular access to the poultry rearing units is via a private drive which connects to the B4079 to the north east of the site. This was granted planning permission in 2014 (ref: 14/03074/FUL). There is also an existing agricultural workers dwelling on the site which is located approximately 20 metres to the west of the existing poultry units. The remainder of the landholding including the application site itself is laid to grass and used for grazing.
- 1.3 The application site itself relates to a 6.6 hectare parcel of land located approximately 150 metres to the south of the existing poultry units at the closest point. The application site is broadly rectangular with established hedgerows on the east and west boundaries. The southern boundary of the application site is open field and the Gloucestershire Way Long Distance Footpath which is a Public Rights

of Way runs on an east west axis immediately to the south of the application site. The site is relatively flat with levels being around 31-32 AOD.

- 1.4 The land is situated in an area designated primarily as grade 3 land on the provisional land classification maps published by Defra. This grade is defined as land with moderate limitations due to soil, relief or climate, or some combinations of these factors.
- 1.5 The application site is not subject to any statutory designations other than being located within area designated as a Nitrate Vulnerable Zone under the European Commission Nitrates Directive.
- 1.6 A high pressure gas main runs across the northern part of the site in between the existing and proposed poultry units.
- 1.7 The nearest residential properties to the proposed poultry units, not associated with the agricultural holding, is the farmhouse at Claydon Farm, which is approximately 430m to the west of the proposal site. The other nearest properties are approximately 570 m to the west and Claydon Cottages, which are approximately 710 m to the west.
- 1.8 The application site is located in Flood Zone 1.
- 1.9 This is a hybrid application and comprises a full application for the erection of 6 broiler rearing units with capacity for 360,000 birds and well as biomass boiler buildings, 18 feed bins and other ancillary structures and infrastructure which is detailed below. The application also includes outline proposals for the erection of one agricultural workers dwelling. The application has been amended since submission reducing the proposed number of agricultural workers dwellings from two to one.
- 1.10 The six poultry units would site parallel to each other and each unit would measure 91.8 metres, by 27.7 metres, with an eaves height of 2.9 m and a ridge height of 5.3 metres. The units would be ventilated by side inlets and 15 high velocity ridge fans and 10 gable end fans on each unit. The gable end fans on the west elevation would be covered by a 3 metres canopy. Solar panels are proposed on the south facing roof slope of each unit.
- 1.11 To the front (east) of the units a 3 metre bio-secure control room corridor is proposed which would run across the front of the broiler rearing units. Adjacent to the bio-secure control room corridor two biomass boiler building are proposed in front of units which would have a ridge height of 7.2 metres and an eaves height of 6.2 metres. The majority of the remaining area to the front of the units would be covered by a canopy which would be the same height as the biomass boiler buildings and alongside the biomass boiler buildings would be 15 metres wide.
- 1.12 A total of 18 feed bins are proposed which would be located in two groups; one group of 12 in front of units 4 and 5 and one group of 6 to the front of unit 1. The proposed feed bins would be 7.2 metres high.
- 1.13 Between the poultry rearing units 5 mixer sheds are proposed with a footprint of 20 sq m and pitched roof with a ridge height of circa 4.8 metres.
- 1.14 At the northern end of the site, on the northern side of unit 1 is a proposed two storey biosecurity service and welfare building which would measure 10 metres by

15 metres with an attached storage area. The building would have a pitched roof and would have an eaves height of 6 metres and a ridge height of 6.8 metres.

- 1.15 To the front of the proposed poultry units would be a concrete yard and a parking area adjacent to the welfare building. Vehicular access would be provided by extending the existing access road serving the poultry units to the north by approximately 430 metres along the eastern boundary of the site where it would join the concrete yard. It is proposed that this track will continue to run along the eastern boundary past the proposed poultry units to allow farm vehicles and machinery to access the remainder of the holding.
- 1.16 Other associated development comprises:
- Two groups of 6 gas tanks located to the front of the of the poultry units
 - Provision of maintenance track to the rear of the poultry units
 - Three underground dirty water tanks located east of the units
 - One above ground water tank located east of the biosecurity and welfare building
 - One dead bird shed located to the front of the of the poultry units
 - One electrical generation cabin located by the parking area
 - Detention pond located at north-east of the proposed poultry units for the management of surface water.
 - Earth bund approximately 1.5m in height to the south of unit six.
- 1.17 Once operational the combined 6 poultry units would have a capacity for 360,000 bird places. Broilers would be brought into the farm at one day old and depopulated between 32 to 43 days (two phases). Including cleaning of the units there would be 7.75 cycles per year.
- 1.18 At the end of the production cycle, the birds are removed and transported to the processing site. The buildings then go through a thorough clean-out phase which involves dry-cleaning to remove organic material, wash down and disinfecting. The normal turn around period is around 7-10 days before the buildings can be re-stocked and the cycle starts again. The break between crops could be longer at certain times of the year such as Christmas or if clean-out is delayed.
- 1.19 It is proposed that all poultry litter/manure will be removed from the site and taken to third party land / sites by an approved local contractor. As part of this process records will be kept to record how much litter has been removed, where it has been taken to and confirmation from the recipient that it will be stored or spread in appropriate circumstances and conditions in compliance to their manure management plan and DEFRA guidelines (RB209).
- 1.20 The application also seeks outline planning permission for an agricultural workers dwelling which would be located approximately 112 metres to the north of the closest proposed poultry unit. The application for the dwelling is submitted with all matters reserved apart from access which is shown to be achieved via the proposed new access to the poultry units.
- 1.21 The existing Environmental Permit for the 4 existing poultry units and biomass boilers on the wider landholding was varied to include the 6 proposed units and additional biomass boilers. The varied permit was granted by the Environment Agency on 31st August 2017 (Permit number EPR/RP3534VV/V002). This Permit increased bird numbers from 215,000 to a maximum of 595,000.
- 1.22 Due to the size of the enterprise, the development falls under Schedule 1 of the

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which requires that all proposals for units in excess of 85,000 broilers must be the subject of an Environmental Impact Assessment (EIA). The application as submitted was accompanied by an Environmental Statement which includes sections covering the following areas:

- Description of Development
- Need for the Development
- Assessment of Alternative Planning Policy
- Air Quality, Health and Climate Impacts
- Landscape and Visual Impacts
- Highway Impacts
- Ecology Impacts
- Amenity Impacts
- Noise Impacts
- Odour Impacts
- Ammonia Impact
- Water Resources Impact
- Cultural and Heritage Impacts
- Summary and Conclusions

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
12/01083/FUL	Provision of new poultry unit for up to 200,000 birds to be formed by erection of four poultry houses and associated infrastructure including 16 feed bins.	PER	06.02.2014
12/01084/OUT	Outline application for erection of an agricultural workers dwelling.	PER	16.06.2014
14/00037/CON DIS	Application for the approval of details subject to conditions 2,4,6,8,12 and 16 of planning permission 12/01083/FUL	DISCHA	26.06.2014
14/00307/FUL	1. Proposed upgrade of existing access onto B4079 and new access track to serve poultry unit at Starveall Farm and agricultural land. 2. Removal of conditions 13, 14 and 15 (requiring details of passing bays and highway improvements to Starveall Lane and Pamington Lane) relating to planning permission 12/01083/FUL and variation of condition 10 (hours of operation) to allow limited collections outside of the stipulated delivery times.	PER	13.06.2014
14/00696/FUL	Provision of new poultry unit to be formed by erection of 4 new poultry houses and associated infrastructure including feed bins, biomass and cover for lorries	RET	09.10.2017
14/00704/OHL	Upgrading the line from single phase to three phase (adding a third wire)	NONINT	30.01.2015
14/00095/CON DIS	Application for the approval of details subject to conditions 1 , 4, 5, 8,9, 10 and 13 of planning application 12/01084/OUT	NOTPRO	04.09.2014

14/00770/FUL	Retention of agricultural storage building non livestock, bio-mass boiler (inside the storage building), landscape bund and two water tanks.	PER	01.04.2015
14/00873/APP	Erection of agricultural workers dwelling	APPROV	05.03.2015
14/00144/CON DIS	Application for approval of details subject to condition 13 of planning application 14/00307/FUL		
15/00110/CON DIS	Application for approval of details subject to condition 1 of planning application ref 14/00770/FUL.		
18/00001/SCO	EIA Scoping Opinion for proposed erection of six poultry units, biomass boilers, feed bins and associated development.	DONE	05.11.2018
18/00125/AGR	Agricultural building to provide a gatehouse and bio-secure building for Starveall Poultry Farm.	NONINT	17.10.2018
18/01251/FUL	Hybrid planning application; Full planning application for the proposed erection of a new poultry site for up to 360,000 birds with solar panels, biomass boilers and associated buildings & development. Outline planning application for one agricultural workers dwellings with all matters reserved apart from access		

3.0 RELEVANT POLICY

3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 National guidance

National Planning Policy Framework 2019 (NPPF)
National Planning Policy Guidance (NPPG)

3.3 Development Plan

3.4 Joint Core Strategy, Adopted 2017

SD1 - Employment - except retail development
SD3 - Sustainable Design and Construction
SD6 - Landscape
SD8 - Historic Environment
SD9 - Biodiversity and Geodiversity
SD10 - Residential Development
SD14 - Health and Environmental Quality
INF1 - Transport Network
INF2 - Flood Risk Management
INF3 - Green Infrastructure

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

AGR2 - Agricultural Workers Dwellings
AGR 5 - New Agricultural Buildings

3.6 Preferred Options Consultation, Tewkesbury Borough Plan 2011-2031 (2018):

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

The First Protocol, Article 1 (Protection of Property)
The Conservation of Habitats and Species Regulations 2017
Classified Highway - B4079
Public Right of Way
Gas Pipeline

3.7 **Neighbourhood Plan**

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

3.9 The First Protocol, Article 1 (Protection of Property)

4.0 **CONSULTATIONS**

Ashchurch Parish Council - Object for the following reasons:

- Further expansion will create an excess of traffic onto the site at the B4079/A435 junction, and will require significant measures to remedy and assurances will be needed that the junction remains in place.
- The smell from the site currently invades the surrounding area and an expansion from 4 to 10 bins can only exacerbate this
- Further expansion may ultimately result in a move to processing on site

Oxenton Parish Council Oxenton Parish residents have raised the following concerns:

- The effects of an inevitable increase in traffic on an already overloaded road network, (A435 & A460) and on a dangerous road (seven bends B4079)
- Periodic highly offensive smells drifting south westward in the prevailing winds affecting both our villages (Woolstone and Oxenton). Residents are already concerned about disgusting smells drifting in this direction from Starveall activities and have previously complained to the Council. Note if planning goes ahead we would like to see shed clearance expressly prohibited on any weekend or public holiday in particular.
- Resiting of footpath - we would hope this would not happen as a result of the buildings as many residents use this footpath on a regular basis.
- Intensive Chicken Farming of the nature proposed is cruel and in our modern enlightened society with increasing recognition of Animal Rights, there is no place for expanding and encouraging this outmoded practice. If it is to be allowed we would hope with the restriction of adhering to the higher welfare standards set out by the RSPCA and NOT than those of the 'Red Tractor' which are in our opinion inhumane (38kg per sq metre).

Environment Agency - No objection

Gas Pipeline

A major accident hazard pipeline is located within close proximity to the development site. Whilst we understand the pipeline is outside of the development site, the Council should seek comments from the pipeline operator before proceeding.

Environmental Permitting Regulations

The proposed development will accommodate up to 360,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2016, as amended. The Environment Agency have issued a variation to the existing Permit for the poultry operation on 31 August 2017 (reference EPR/RP3534VV). This allows six

additional poultry sheds on site, stocking a total of 595,000 birds. The whole installation site will also operate a total of twenty 230kWh biomass boilers. (Officer Note: Following inconsistencies identified between the Permit and the planning application the Environment Agency have advised that they are carrying out a review of the site's Permit).

Ammonia emissions

Ammonia may be emitted from livestock and from manure, litter and slurry, and may potentially impact on local people or conservation sites i.e. vegetation/habitat (permits may be refused if critical loads to the environment are exceeded).

With regard to 'cumulative impact', we only undertake a screening approach based on the potential impact of intensive poultry farms regulated by the Environment Agency. The same approach applies to cases when detailed ammonia modelling may be required to determine the risk to nature conservation sites.

There may be other poultry or livestock farms not regulated by the Environment Agency in the area which could be considered with respect to any 'in combination assessment' and Habitats Regulation Assessment (HRA) in your competent authority role for the planning application.

Environmental Permit Controls

The Environmental Permit will control relevant point source and fugitive emissions to water, air and land; including odour, noise, dust, from the intensive poultry farming activities within the permit 'installation boundary'.

The Environment Agency do not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.

Odour and Noise

As part of the permit determination, the Environment Agency do not normally require the applicant to carry out odour or noise modelling, but require a 'risk assessment' be carried out and if there are sensitive receptors (such as residential properties or businesses) within 400 metres of the proposed installation boundary then odour and noise management plans are required to reduce emissions from the site. A Management Plan should set out the best available techniques that the operator intends to use to prevent and minimise odour and noise nuisance, illustrating where this is and is not possible.

A management plan may not necessarily completely prevent all odours, or noise, or at levels likely to cause annoyance. The OMP can reduce the likelihood of odour pollution but is unlikely to prevent odour pollution when residents are in proximity to the units and there is a reliance on air dispersion to dilute odour to an acceptable level. In addition, the OMP/NMP requirement is often a reactive measure where substantiated complaints are encountered. This may lead to a new or revised OMP/NMP to be implemented and/or other measures to be in place.

The Environment Agency advise that they do not regulate all sources of odour and noise associated with a site and only to certain levels. For example, they cannot control noise and emissions from feed lorries/vehicles.

For the avoidance of doubt, they not directly control any issues arising from activities outside of the permit installation boundary.

Bio-aerosols and dust

Intensive farming has the potential to generate bio-aerosols (airborne particles that contain living organisms) and dust. It can be a source of nuisance and may affect human health.

Sources of dust particles from poultry may include feed delivery, storage, wastes, ventilation fans and vehicle movements.

As part of the permit determination, we do not usually require the applicant to carry out dust or bio-aerosol emission modelling. We do require a 'risk assessment' be carried out and if there are relevant sensitive receptors within 100 metres of the installation boundary, including the farmhouse or farm worker's houses, then a dust management plans is required.

Water Management

Clean Surface water can be collected for re-use, disposed of via soakaway or discharged to controlled waters. Dirty Water e.g. derived from shed washings, is normally collected in dirty water tanks via impermeable surfaces. Any tanks proposed should comply with the Water Resources (control of pollution, sludge, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Yard areas and drainage channels around sheds are normally concreted.

Buildings which have roof or side ventilation extraction fans present, may deposit aerial dust on roofs or "clean" yards which is washed off during rainfall, forming lightly contaminated water. The EP will normally require the treatment of such water, via french drains, swales or wetlands, to minimise risk of pollution and enhance water quality.

Manure Management (storage/spreading)

Under the Environmental Permit Regulations the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, in cases where this is done within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to regularly analyse the manure and the field soil to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration.

Any Plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable.

The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields. In cases where the applicant proposes to pass the manure to a third party they are required to keep quantity records of where the by-product has been transferred to and have a contingency plan in place for alternative disposal or recycling sites in cases of an emergency.

Separate to the above Environmental Permit consideration, the Environment Agency also regulate the application of organic manures and fertilisers to fields under the Nitrate Vulnerable Zone (NVZ) Rules where they are applicable, in line with Nitrate Pollution Prevention Regulations.

Environmental Health (Noise and Odour) - No objection further to clarifications from applicant

Environmental Health (Air Quality) - No adverse comments

Highways England - No objection

Highways Authority - No objection subject to conditions

Local Lead Flood Authority - No objection and no requirement for any conditions.

Public Rights of Way Officer - No objection subject to conditions

Planning Casework Unit - No comments to make on the Environmental Statement

County Archaeologist - No objection, the development has low potential to have any impact on archaeological remains.

Natural England - No objection, based on the plans submitted the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites

National Grid - Further to clarifications from applicant agree with the plans in principle subject to a Deed of Consent being completed

Health and Safety Executive - Do not advise against

Severn Trent - No objection

Conservation Officer - No objection

Homes England and a neighbouring landowner have been consulted under provision of Regulation 19(3)(d) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and have commented as follows:

Homes England - No comment

Neighbouring Landowner - The extension to the chicken farm is 500m away from our closest boundary and it does not appear from the reports that we will be impacted. The existing chicken units are 100m away. Within the Garden Town, we anticipate that 40% of the land will be green - public open space / landscaping and so forth, with planned manufacturing locations and residential. As such the Garden Town Masterplan can be designed around any impacts.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the posting of a site notice for a period of 21 days and through a press notice.

5.2 **Local Residents** - 3 representations have been received objecting to the proposal for the following reasons:

- There is sometimes odour noticeable from the site which would get worse if the size of the operation is increased
- The present site is visible from the AONB to the east and the increase in size would cause another unacceptable visual intrusion into the open countryside
- The increase in traffic would make the B4096 and the junctions to the north and south even more unsafe.
- The existing planning conditions are regularly flouted

6.0 **POLICY CONTEXT**

6.1 The determination of a planning application is to be made pursuant to section 38(6)

of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of The Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which "indicate otherwise". Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other materials considerations."

- 6.2 The development plan comprises the Joint Core Strategy (JCS) (2017) and saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).
- 6.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031.
- 6.4 The relevant policies are set out in the appropriate sections of this report.

Community Infrastructure Levy Regulations

- 6.5 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. The regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:
 - a) necessary to make the development acceptable in planning terms
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 6.6 As a result of these Regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development.' As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests and restrictions, it is 'unlawful' for those obligations to be taken into account when determining an application.
- 6.7 In October 2018 the Council adopted CIL and implemented the levy on the 1st January 2019. For CIL purposes the application site falls within a 'Generic Site' and is subject to the levy for residential development at £200 per square metre on all the market elements of the proposed development.
- 6.8 Infrastructure requirements specifically related to the impact of the development will be secured via a S106 legal agreement, which may include the provision of commuted sums. CIL would be collected in addition to any site specific S106 requirements.

7.0 ANALYSIS

- 7.1 The principal determining issues are the principle of the development, need and alternatives, effect on the character of the area including landscape and visual impact, transportation and highways, impact on residential amenity including bio-

aerosols, odour, noise, vibrations, traffic movements and drainage issues, flooding, ecological and environmental issues, impact on heritage assets, archaeology and impact on the emerging Tewkesbury Garden Town proposals. The principle of an agricultural workers dwelling in this location and the residential amenity of future occupiers, is also a determining issue. The proposals, in accordance with regulations, are considered on their own merit and in terms of the accumulation with other development.

Principle of Poultry Development

- 7.2 The definition of agriculture, provided by section 336 of the 1990 Town and Country Planning Act, includes 'breeding and keeping of livestock (including any creature kept for the production of food)'. The application does not include the processing of meat at the site and therefore it is considered that the proposal falls under the definition of an agricultural activity and should be assessed against agricultural policies in the development plan.

- 7.3 Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In respect to the rural economy paragraph 83 of the NPPF states that planning decisions should, inter alia, enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses

- 7.4 Policy SD1 of the JCS sets out that employment related development will be supported where it is located within or adjacent to a settlement or existing employment area and is of an appropriate scale and character; and farm diversification projects which are of an appropriate scale and use.

- 7.5 Policy AGR5 of the Tewkesbury Borough local Plan to 2011 - March 2006 supports proposals for the erection of agricultural buildings subject to certain criteria which are discussed in the relevant sections below. Similarly emerging policy AGR1 and AGR2 of the emerging Borough Plan support agricultural development subject to acceptable impacts on the area.

- 7.6 The broad principle of the proposals is therefore considered to be acceptable subject to the overall planning balance taking into account the material planning considerations.

Need

- 7.7 The applicant has advised that the need for the proposed poultry units primarily comes from a combination of a growing population and increasing demand for British grown food. The British Poultry Council's document, 'Economic Impact of the British Poultry Meat Industry 2015' states that "The UK poultry meat industry is estimated to support a £3.6 billion gross value added contribution to GDP through its direct, supply chain and wage consumption impacts".

- 7.8 The industry continues to grow to meet the demand of home grown produce and suppliers require sites. The continued growth of the UK poultry sector has made an

important contribution to the UK poultry meat production capacity and the proposed site at Starveall Farm is part of this process. This is part of the development of the industry to bringing the UK closer to being self-sufficient in poultry meat and reducing the need to import meat, reducing greenhouse gasses from fossil fuel in transportation and other associated pollution.

Alternatives

- 7.9 The Environmental Impact Assessment Regulations require the assessment of main alternatives considered by applicants and the main reasons for the chosen proposal taking into account environmental effects.
- 7.10 The applicants existing farm holding was discounted from the site selection process as it was closer to neighbouring residential properties and closer to existing poultry sites. The site at Starveall Farm was purchased by the applicant specifically with the idea of using it as a poultry site.
- 7.11 Against this context, the Environmental Statement confirms that the proposed location was selected for the following reasons:
- The site has direct access off the B4079 and is approximately 5.5 miles from the M5 based on the HGV route plan.
 - The existing on-site track can be utilised to access the poultry units.
 - The site is located over 400m from the nearest neighbouring residential properties and there are few residential properties in the locality.
 - An Environmental Permit was approved for the proposed poultry site.
 - The site has existing mature hedgerows on all its eastern and western boundaries, which will help screen the physical development.
 - The site has no special environmental or ecological designations.
 - Initial findings and research confirmed that environmental impacts and impacts of residential occupiers would be likely to be minimal.

Tewkesbury Garden Town

- 7.12 The Tewkesbury Garden Town is a development proposal for the Tewkesbury area. The size of the development will help to meet the housing and employment needs for the longer term. The Garden Community scheme is a Government led initiative to bring forward development to help meet the target of 300,000 homes delivered nationally per annum by 2025.
- 7.13 A Draft Concept Masterplan for the Tewkesbury Garden Town was published in January 2018. The Concept Masterplan provides an indicative boundary of the Garden Town which is centred around Ashchurch. The existing poultry units are located within but on the edge of the indicative boundary and the proposed poultry units would be located just to the south of the indicative boundary. The final phase of the Masterplan (phase 4) indicates that land approximately 300 metres to the north of the existing poultry units and 630 metres to the north of the proposed poultry units is a 'potential future residential area'.
- 7.14 The following sections of this report indicate that the proposal, alongside the existing poultry units, give rise to the potential for environmental impacts in respect to odour on some land identified for potential residential development within the Masterplan.
- 7.15 However, it is a material consideration that there are existing poultry units at Starveall Farm, which are an existing potential source of odour emissions, that are

located closer to the land identified for potential residential development within the Masterplan than the current proposal. In addition the current application is not introducing a new use onto the wider landholding.

- 7.16 Paragraph 182 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and that where the operation of an existing business facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. Future planning applications within the Masterplan Area would be determined in accordance with these principles (or in accordance with prevailing policy at the time of submission).
- 7.17 Section 38(6) of the Town and Country Planning Act 2004 requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which "indicate otherwise". Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 7.18 In this instance, given the very early stage in preparation of the Concept Masterplan, the indicative nature of the potential future land uses and the likely timeframe for the development proposals it is considered that very little weight can be afforded to the emerging development proposals in the decision making process.

Landscape Impact

- 7.19 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, inter alia:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)
 - recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 7.20 The application site is not identified as a 'valued' landscape in the development plan.
- 7.21 Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 7.22 Policy AGR5 of the Local Plan requires that proposals for the erection of

agricultural buildings should be well sited in relation to existing buildings, ancillary structures and works and landscape features in order to minimise adverse impact on the visual amenity of the locality. Furthermore, that the proposed development should be sympathetically designed in terms of height, mass materials, colour and landscaping where appropriate.

- 7.23 The application site is not within an area subject to any national or local landscape designation, although the AONB is located approximately 600 metres to the east of the site and the Gloucestershire Way PROW runs immediately to the south of the site. The application site itself is on level ground and there are mature hedgerows to the north, west and east of the site as well as well as hedgerows and woodland within the wider area which filter and screen views of the site from level ground within proximity, including from the B4079.
- 7.24 The application site is visible from the Gloucester Way Footpath which runs to the south of the site and the proposed development would be highly visible from short sections of this footpath, however the development would be viewed in the context of the existing poultry units to the north. The application also proposes a 1.5 metre high bund with tree planting between the proposed units and the PROW which would mitigate the visual impact of the proposal from the PROW as well as from further viewpoints to the south.
- 7.25 The application site is visible from more elevated viewpoints to the east, including from a PROW on Oxenton Hill **a photo of this viewpoint is provided in the Committee Presentation** which is located within the AONB. The application proposals would be viewed in the context of the existing broiler units to the north and by virtue of the scale of the proposal and the cumulative built form within the wider site the application would have an adverse effect on the landscape. However, the visual impact would be partially impacted by the colour of the proposed buildings which from distant viewpoint would help to mitigate the prominence of the built form.
- 7.26 The planning application is supported by a Landscape and Visual Impact Assessment which assesses the visual impact of the proposal from 10 viewpoints, including both short distance and long distance viewpoints and similarly concludes that visual impact from parts of the PROW to the south would be moderate/major adverse and that the impact from elevated viewpoints on Oxenton Hill would be minor adverse. Further to site visits officers agree with this assessment.
- 7.27 Overall, it is concluded that there would be harm to the landscape arising from the proposal, given the scale of the buildings and extent of the site. However, it is considered that the impact is primarily restricted to short sections of the PROW in the vicinity of the application site and there is precedent for large scale agricultural buildings in the vicinity, and it is considered that due to the low-lying nature of the site the proposed bund and planting would provide effective mitigation. It is also concluded that there would be a minor adverse impact on the landscape from elevated viewpoints to the east.
- 7.28 The harm to the landscape is a factor that weighs against the proposal in the overall planning balance, but the landscape impact is tempered by the colour of the built form, which will be controlled by condition, landscape mitigation and by virtue that the application site is not identified as a 'valued' landscape in the development plan.

Pollution Control, Residential Amenity and Local Amenity Considerations

- 7.29 The effect of a development upon the vitality and social inclusivity of a local community has been shown to be a material planning consideration that is rooted in planning policy guidance. Paragraph 8 of the NPPF states that the planning system performs a social role; supporting strong, vibrant and healthy communities. More specifically, paragraph 91 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Further to this, the PPG advises that local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making.
- 7.30 The NPPF states at paragraph 180 that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to the impacts that could arise from the development.
- 7.31 It also makes clear at paragraph 183 that when determining applications, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
- 7.32 Policy SD14 of the JCS states that development must cause no unacceptable harm to local amenity including the amenity of neighbouring residents and result in no unacceptable levels of air, noise, water, light or soil pollution or odour either alone, or cumulatively, with respect to relevant national and EU limit values.
- 7.33 Article 8 of the Human Rights Act gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the Country in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. The potential for cumulative impacts arising from the proposed development (site operations and vehicular HGV traffic generated by the development) upon the local area, including residents and all users of the highway and public rights of way network, is a key factor.
- 7.34 In order to operate, the proposed poultry units require an Environmental Permit as regulated by the Environmental Permitting (England and Wales) Regulations (EPR) 2016. The Environment Agency issued an Environmental Permit for the proposed development on 2nd August 2017, although this is currently being reviewed further to comments raised by the planning authority about the existing agricultural workers dwelling to the north.
- 7.35 Key environmental issues that are covered in the Permit include emissions to water, air and land including odour, noise, bio-aerosols and dust and relate to emissions that are generated from within the installation boundary. The Permit does not control any issues arising from outside the installation boundary.
- 7.36 No odour or noise modelling is submitted as part of the Permit application and Environment Agency policy is that odour and noise modelling is not required as part

of the intensive farming Environmental Permitting Regulation (EPR) application. Within the permitting process, where there are sensitive receptors within 400m of the installation boundary, the Environment Agency require Odour and Noise Management Plans to reduce emissions from the site. Under the EPR the applicant is also required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, in cases where this is done within the applicants land ownership.

- 7.37 Notwithstanding that a Permit has been issued for the proposal it is a requirement to submit an Environmental Impact Assessment in support of the application and the local authority are duty bound to robustly consider the applicant's submission which includes an assessment of odour, noise and dust arising from the proposal. The planning and permitting processes are separate from each other and are properly operated independently of each other. The permitting regime is concerned with the operation of facilities; the planning system looks at whether a proposed facility is acceptable in land use planning terms, including whether there are acceptable impacts, in planning terms, on the living conditions of the local community.
- 7.38 There have been a number of objections to the proposal on the grounds of potential smell and odour. The application site is located in a remote rural location with the nearest settlement (Pamington) lying just under one mile to the north, the edge of Tewkesbury is some 2.6 miles north west. The nearest residential property, not associated with the poultry units, is the farmhouse at Claydon Farm which is approximately 430 metres to the west; Claydon Farmhouse, approximately 570 metres to the west and Claydon Cottages which are located approximately 710 metres to the west.
- 7.39 There is also an existing agricultural workers dwelling located approximately 26 metres to the north of the existing poultry houses and this dwelling would be located approximately 380 metres from the proposed poultry houses. In addition a new agricultural workers dwelling is proposed between the existing and proposed poultry houses; and would be located approximately 110 metres from the proposed poultry houses and 125 metres from the existing poultry workers houses.
- 7.40 As part of the application process the local planning authority employed a specialist odour and bio-aerosol consultant to review the applicant's submission in order to assess the impact of the proposal on residential amenity and health. Public Health England, the Environment Agency and Environmental Health have also been consulted on the proposals.

Odour

- 7.41 The Environment Agency odour bench mark of 3.0 ouE/m³ 1-hour average 98%ile is proposed to ensure no reasonable cause for annoyance at neighbouring properties. An odour assessment has been submitted with the application which uses computer modelling to assess the impact of odour emissions. The assessment has also been updated further to comments from the Council's advisors.
- 7.42 In respect to odour, the Council's review of the assessments raised concerns over the robustness of the methodologies and considers that there are very little margins for errors in the predicted odour impact, but identifies that the maximum modelled odour concentration at the nearest sensitive residential receptor (Claydon Farm) is

2.8 ouE/m³ 1-hour average 98thile, being 93% of the Environment Agency's benchmark to ensure no reasonable cause for annoyance at neighbouring properties.

- 7.43 This allows very little margin in the modelling for unaccounted uncertainty without exceeding the Environment Agency benchmark. However, if the Environment Agency benchmark is exceeded causing unreasonable levels of odour in the neighbourhood, then measures to reduce odour emissions would be required by the Environment Agency through an odour management plan such as reducing the number of birds at the farm.
- 7.44 The odour contours presented in the odour dispersion model does identify that the Environment Agency benchmark is exceeded on some land identified for residential development in the Tewkesbury Garden Town Masterplan. However, for the reasons set out in Section 9 of this Report, very limited weight can be afforded to the potential future use of this land in the decision making process.
- 7.45 In respect to poultry litter, the Environmental Statement states that states that all poultry litter will be removed from the site and taken to third party land/sites by an approved local contractor via covered trailers to be stored or spread in compliance with their manure management plans and DEFRA guidelines. Environmental Health have confirmed that any complaints arising from the spreading of chicken litter would be dealt with under the provisions of the Environmental Protection Act 1990, Statutory Nuisance.
- 7.46 The Council's Environmental Health Officer has been consulted on the application and advises that there is no objection to the application in regard to odour.

Dust and Bio-aerosols

- 7.47 In respect to public health issues, the Environment Agency requires a bioaerosol risk assessment and dust management plans for instances where there is a sensitive receptor within 100 metres of the installation boundary, including agricultural workers dwellings.
- 7.48 There are no residential receptors located outside the applicant's landholding within 100 metres and the Environmental Statement concludes there is no risk to public health in this regard. Furthermore, in regard to the Tewkesbury Garden Town proposals, the applicant's submission advises that the background concentrations of dust and bioaerosol emissions would be well within air quality limit values.
- 7.49 There is public footpath located as close as 20m from the proposed broiler houses. However, it is the case that the duration and frequency of exposure to dust, bio-aerosols as well as other emissions would be infrequent and minimal on the PRoW. The short term air quality objective is 50µg/m³ as a daily (24-hour average) not to be exceeded for more than 35 times per year. This objective would not be exceeded at this location as members of the public would not be at this location for periods of 24 hours.
- 7.50 The proposed agricultural workers dwelling would be located approximately 110 metres from the proposed poultry houses and 125 metres from the existing poultry workers houses and similarly the applicant's submission and the Council's advisor conclude that there is no risk to public health for future residents of this dwelling.

- 7.51 However, the existing agricultural workers dwelling is located approximately 25 metres from the existing poultry units. The recent variation in the Permit has increased the number of birds consented by the Environment Agency in the existing poultry units to 235,000 birds, although the planning permission is for 200,000 birds. Should the number of birds be increased in the existing units, then the applicant would be required to vary the existing planning permission, or submit a new planning application. With 235,000 birds, the Council's advisor has advised that dust (PM10) concentrations would exceed the 24-hour mean PM10 air quality objective of 50 µg/m³ whereas the applicant shows that with 200,000 birds, the air quality objective would not be exceeded. There would also be an addition to PM10 concentrations from the proposed new poultry houses housing up to 360,000 birds.
- 7.52 This has been reported to the Environment Agency who are responsible under the Industrial Emissions Directive to ensure that the operation of an installation does not cause environmental quality objectives to be exceeded. It is understood that the Environment Agency are reviewing the Permit in light of this. Should environmental quality objectives be exceeded at the workers dwelling, then mitigation measures such as electrostatic precipitators treating air within the poultry houses could be required by the Environment Agency through a dust management plan.
- 7.53 Environmental Health have been consulted on the application and advise that the proposed development and cumulative process contribution of pollutants NO₂ (nitrogen dioxide) and PM10 (particulate matter) are 'negligible' and total pollutant concentrations are well below long term and short term Air Quality Objectives.
- 7.54 In conclusion, in respect to residential receptors outside of the applicant's landholding, the Council's advisor has advised that the proposed development would not cause the air quality objectives to be exceeded at the nearest sensitive development in compliance with the NPPF. The potential impact of the proposal on the existing agricultural workers dwelling has been reported to the Environment Agency who are responsible under the Industrial Emissions Directive to ensure that the operation of an installation does not cause environmental quality objectives to be exceeded.

Noise

- 7.55 Sources of noise arising from the proposal would be derived from both on-site and off-site sources, the latter of which would not be controlled through the Permit regime.
- 7.56 Sources of noise would include noise from ventilation fans, on-site vehicular activity of loading and unloading and additional heavy vehicles. The additional vehicle movements would also be a source of vibration.
- 7.57 The Environmental Statement includes an environmental noise assessment and assesses the operational period effects and construction period effects of the development proposals. The key noise source associated with the poultry houses relate to the operation of ventilation fans which do not operate continuously as they are controlled by a temperature control system.
- 7.58 The Environmental Noise Assessment has been reviewed by Environmental Health who have confirmed that there is no objection to the application in regard to noise emissions.

Conclusions Local Amenity Considerations

- 7.59 Overall it is considered that there is some potential for loss of amenity at residential receptors as a result of on-site and off-site operations. This is a matter which weighs against the proposal. However, given the relative remoteness of the application site and the presence of the existing facility it is considered that any loss of amenity arising from the proposal would be negligible. It is considered that any impact that would arise could be mitigated to an acceptable impact through the Environmental Permitting Regime and the imposition of planning conditions.
- 7.60 There would also be a detrimental impact on peace, tranquillity and amenity including through odour, noise and dust for users of parts of the PRoW network. This is a matter which weighs against the proposal. However, it also considered that the extent of the impact would be minimal within the overall context of the PRoW network in the vicinity of the application site and the environmental impact will be mitigated to an acceptable impact through the Environmental Permitting Regime.
- 7.61 The NPPF ultimately seeks to deliver social well-being for all, balanced against the economic and environmental gains of a proposed development. Policy SD14 of the JCS states that development must cause no unacceptable harm to local amenity including the amenity of neighbouring residents. The perception from within the community of the impact of the use on local amenity as a consequence of the environmental effects of the development (either alone or in combination) is also a consideration which weighs against the development in the planning balance.
- 7.62 However, taking into account the context of the site, it is concluded that the cumulative impact of odour, bioaerosols, dust, noise, vehicle movements, and vibrations from on-site and off-site activities would not cause unacceptable harm to the residential amenity enjoyed by nearby residents, the wellbeing of the community, and users of the PRoW network. It is considered that the impact on amenity would be acceptable and the proposed development does not conflict with the NPPF and policies INF1 and SD14 of the JCS.

Highway Issues

- 7.63 Paragraph 109 of the NPPF requires that safe and suitable access be achieved but states that development should only be refused on transport grounds where the cumulative impact is severe. This advice is echoed in Policy INF1 of the JCS.
- 7.64 Vehicular access to the poultry units would be obtained through a new build extension to the existing farm track via the existing access junction off the B4079. The geometry of the junction of the existing access onto the B4079 is designed so as to ensure that HGV's will only turn right out of the site and left into the site. During the determination of this application the County Highways Authority have also requested a routing strategy to demonstrate all site vehicles will only be routed to turn left into the site and have requested a condition is imposed on the planning permission to ensure that vehicles accord to the routing strategy.
- 7.65 The application is supported by a Transport Statement which reviews the highways implication so the proposed six poultry units as well as the cumulative impact arising from the existing poultry site to the north. The Transport Statement advises that the existing poultry units give rise to 70 one way HGV vehicle movements over

a 7 week crop cycle and that the proposed units would give rise to 109 one way HGV vehicle movements over a 7 week crop cycle. It is advised that to minimise the cumulative impact of the proposed existing operation it is proposed that the existing and proposed poultry buildings will run a staggered crop cycle with the proposed operation starting the rearing programme 3 weeks later than the existing units, to seek to avoid clusters of vehicle movements at times of deliveries and collections.

- 7.66 The County Highways Authority have been consulted on the application and have advised that forward visibility splays illustrated as available were below that required to right turning vehicles into the site based on ATC 85th percentile recorded speeds. However as the routing strategy demonstrates all site vehicles will only be routed to turn left (and the geometry of the junction also secures this) this application is acceptable in this regard. The Highways Authority has also confirmed that there is sufficient land for the largest expected vehicles to pass within the site and that the site also allows sufficient space for parking, although at least one electric vehicle and disabled vehicle parking space would be required. In conclusion, the County Highways Authority raised no objection to the application subject to conditions and advisory notes as required.
- 7.67 Highways England have also assessed the application and offer no objection.
- 7.68 Whilst the concerns of objectors are noted, it is considered that the proposal would not have a 'severe' impact on the safety or satisfactory operation of the highway network, and subject to conditions would accord with the NPPF and policy INF1 of the JCS.

Public Rights of Way

- 7.70 In respect to PRoW the Gloucestershire Way Long Distance Footpath (Ashchurch 55) runs on east west axis approximately 15-20 metres from the southern most poultry unit and would be located adjacent to parts of the bunds. Stock proof fencing is proposed immediately to the north of the PRoW. The proposed track would cross the PRoW providing access into the field beyond for vehicles. The applicant has indicated that this track would be surfaced with crushed stone and it is recommended that the surfacing is controlled by planning condition. The Ashchurch 54 PRoW is also located to the west of the units and runs on a north south axis, within a separate land parcel and is partially screened by vegetation and would be unaffected by the proposals
- 7.71 The Public Rights of Way Officer has been consulted on the proposals and raises no objection to the application subject to signage being erected to warn walkers of potential vehicles crossing the Gloucestershire Way. On this basis, and subject to the imposition of conditions the impact of the proposal on the PRoW network is considered acceptable.

Flood Risk and Drainage

- 7.72 The site boundary comprises an area of approximately 6.6 hectares and is located within Environment Agency Flood Zone 1. Flood Zone 1 is defined by the Environment Agency as being land having a low probability of flooding of less than 1 in 1,000 annual probability of river or sea flooding.
- 7.73 The NPPF states that a site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1 and when determining planning applications

local planning authorities should ensure that flood risk is not increased elsewhere.

- 7.74 Policy INF3 of the JCS requires new development to, where possible, contribute to a reduction in existing flood risk and proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere.
- 7.75 The application is supported by a Flood Risk Assessment and Surface Water Drainage Strategy which sets out that surface water drains will discharge into a detention basin to the north of the poultry units which will provide stormwater storage as well as flow attenuation. The maximum storage provided in the basin would be circa 2625m³ which exceeds the maximum storage volume required for the 1 in 100 year storm plus an increase in rainfall of 40% as an allowance for future climate changes.
- 7.76 The strategy confirms that that foul water from any welfare facilities on site will be captured and handled entirely separately from the surface water drainage system and cleaning (dirty) water system. The cleaning water used within the poultry houses would be intercepted by drains within the units and taken to dirty water tanks underground for removal and subsequent land spreading as fertiliser.
- 7.77 The Local Lead Flood Authority have been consulted on the application and advise that the Flood Risk Assessment and Drainage Strategy shows that the development can take place without creating a flood risk either within the development or offsite and that acceptable methods have been used to calculate runoff rates and attenuation storage requirements.
- 7.78 In light of the above, there is no objection to the application on flood risk/drainage grounds and it is considered that the proposal would accord with the NPPF and Policy INF2 of the Joint Core Strategy.

Ecology and Nature Conservation

- 7.79 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, inter alia:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); report
 - minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.
- 7.80 Policy SD9 of the JCS seeks to protect and enhance biodiversity in considering development proposals.
- 7.81 The Environmental Assessment includes an ecological assessment of the development site comprising a Desktop Study, an Extended Phase One Habitat Survey and a Great Crested Newt Assessment.

- 7.82 The Assessment identifies that there are no designated wildlife sites within 2 km of the site and there are no records of protected flora or fauna directly on the proposed site.
- 7.83 The Assessment concludes that the proposed development would affect areas of ecologically poor arable land and that the habitat of the proposed development site is of low ecological value. Although small sections of hedgerow will need to be removed to allow for the proposed development the assessment concludes that there will be no significant loss of habitats as a result of the development during the construction, operation or decommissioning stage.
- 7.84 The application also proposes the planting of trees as part of the proposed landscaping scheme which will provide an intermediate positive ecological effect.
- 7.85 In terms of ammonia, the applicant has provided an ammonia modelling assessment to assess the impacts from the existing and proposed poultry units and a Manure Management Plan.
- 7.86 All of the existing manure is exported off-site by a specialist licensed contractor, and taken to three local farms to be stored and spread across their farm holdings. The receiving farms store and spread the manure in accordance with their Manure Management Plans (MMP's), which they are required to have. Records are kept about the amount of manure being removed and where it is being taken to. If the manure cannot be taken direct to the farm when the manure is removed from the poultry units there is a storage facility at the former RAF Honeybourne Airfield, which is approximately 13 miles from Starveall Farm, where the manure can be stored temporarily. The same arrangements that are currently in place will be used for the proposals poultry units.
- 7.87 As the MMP's limit the amount of manure that can be applied such that there will be no additional application, ammonia, nitrogen and acid deposition from these sources would remain unchanged. Similarly, the manure storage facility at the former RAF Honeybourne Airfield is regulated by the Environment Agency with controls on the amount of manure that can be stored. As such ammonia, nitrogen and acid deposition would be regulated within existing capacities.
- 7.88 Natural England have been consulted on the application and advise that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
- 7.89 Overall, taking account of all of the above it is considered that the proposal accords with the NPPF and Policy SD9 of the Joint Core Strategy.

Impact on Heritage Assets

- 7.90 The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires special consideration to be given to the desirability of protecting and enhancing the setting of listed buildings. The NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 7.91 There are no designated heritage assets within the site and no designated heritage

assets within 1 km of the site. The Council's Conservation Officer has been consulted on the application and raises no objection to the application.

- 7.92 It is therefore considered that the development would not harm the setting of listed buildings. This is neutral factor in the overall planning balance.

Archaeology

- 7.93 Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should be consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 7.94 In line with a brief supplied by the County Archaeologist a 2% trenching evaluation took place in December 2018 in order to ascertain the nature, significance and survival of any archaeological remains on the site. The results showed that the only features present on the site were the remain of ridge and furrow cultivation.
- 7.95 The County Archaeologist has been consulted on the application and confirmed that the result of the archaeological evaluation was negative in that no archaeological remains were observed during the investigation. On that evidence it is the officer's view that the proposed development has low potential to have any impacts on archaeological remains and it is recommend that no further archaeological investigation or recording should be required in connection with this development proposal.
- 7.96 It is therefore considered that the application is acceptable in this regard.

Gas Pipeline

- 7.97 A gas pipeline is located to the north of the proposed poultry houses and proposed dwelling and the access to the proposed poultry houses and dwelling would run over the pipeline. National Grid and the Health and Safety Executive have been consulted on the application and raise no objection subject to a Deed of Consent being completed to allow the utilities to cross the pipeline.

Agricultural Workers Dwelling

- 7.98 The application proposes an agricultural workers dwelling and detached garage to serve the poultry enterprise permitted above. The application is made in outline with all matters reserved for future consideration apart from access, which is shown to be achieved via the existing track.
- 7.99 Although layout is a reserved matter a layout has been provided showing how the dwelling could be sited within the plot with a parking area and rear garden. The Design and Access Statement (DAS) also states that building would have external dimensions no greater than 15m x 10m with eaves and ridge heights not exceeding

5.5m and 8.0m respectively.

7.100 *Principle of Agricultural Workers Dwelling*

- 7.101 The site lies in the open countryside outside any recognised Residential Development Boundary. The NPPF sets out at paragraph 79 that Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as 'the essential need for a rural worker to live permanently at or near their place of work in the countryside'.
- 7.102 Policy SD10 of the JCS states that outside allocated sites housing development will only be permitted, inter alia, where there are specific exceptions defined in district plans. In this regard, Policy AGR2 of the Local Plan states that applications for new permanent agricultural dwellings in open countryside will only be permitted where the applicant can demonstrate that there is a long term agricultural need for the dwelling.
- 7.103 The Reasoned Justification for policy AGR2 states that a functional test will be necessary in all cases to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times.
- 7.104 Policy AGR2 and its Reasoned Justification are derived from the advice in the superseded PPG7. This guidance was replaced by the also superseded PPS7 which in its Annex A set out tests for agricultural workers' dwellings which are well established and widely understood. No guidance on this matter is provided in the NPPF. Nonetheless, it remains open to decision makers to include in their assessment the tests set out in Annex A, even though PPS7 has been replaced. The applicant's submission refers to these tests and in the absence of any alternative guidance, Annex A is a material consideration in this application, albeit this is not on the basis

Functional Need

- 7.105 There is already one agricultural workers dwelling on the wider landholding and the application proposes one additional dwelling. At the advice of officer's the application has been amended and now seeks one additional dwelling rather than two.
- 7.106 The most frequent reason for a functional need for a rural worker to be permanently based on a site is so that there is somebody experienced to be able to deal quickly with emergency animal welfare issues that are likely to arise throughout the majority of the year and during the middle of the night.
- 7.107 The day to day management of the sites will be planned for, with routines varying with each stage of flock development. When birds are 'in', this will involve checking the birds a few times a day and sometimes in the night depending at what stage, plus continually monitoring the automated systems. Due to the Securcom arrangement in place if anything environmental /technical became amiss the site manager and whosoever else is selected would become immediately aware.
- 7.108 The important factor is that there should be somebody readily available on site who can make the correct decision and take the right action and considering the scale of operation it would be essential for there to be somebody based close enough to be able to get to the site quickly during those periods the houses are occupied, which is a scenario that occurs throughout the year.

- 7.109 It is therefore considered essential to have at least one dedicated poultry worker based within easy access of both sites. The question is, whether it is essential to have any further dwellings within easy access of the Starveall Farm, in case of an emergency occurring out of hours on either or both sites, and also taking into account the system monitoring/adjustment responsibilities that have to take place sometimes into the night.
- 7.110 The application has been reviewed by an independent agricultural advisor who has stated that considering the scale of the whole operation and also the round the clock monitoring responsibilities, it would appear unsustainable to not have two dedicated experienced workers readily available at Starveall Farm. However, having a third worker on site might be convenient and financially advantageous, but there is not considered to be a functional need for more than two people to be close to the poultry units. This functional need for two people relates to full time workers.

Establishment and Viability

- 7.111 A permanent dwelling clearly cannot be considered essential unless the enterprise on which the proposed essential need is based is viable, and likely to remain so for the foreseeable future. The Council's Agricultural Advisor has reviewed that application and advises that there is no reason to doubt that the proposed expansion will prove to be a financially viable decision and that the site will continue to thrive for the foreseeable future in what continues to be a buoyant sector.

Other Dwellings

- 7.112 If a functional need is identified it is necessary to consider whether there are other suitable dwellings readily available. At the current time, there appear to be no less dwellings for less than £250K within a 1-mile radius of the application.

Conclusion on Principle and Essential Need

- 7.113 In consideration of paragraph 79 of the NPPF it is considered that there would be an essential need for a further dwelling at Starveall Farm, but a case has not been established that a third dwelling would be essential.

Other planning requirements of Agricultural Workers Dwelling

Design and Landscape Impact

- 7.114 Policy AGR2 requires that the siting of accommodation should where possible enhance the environment in its location, scale and design, and where practicable should be sited close to existing buildings. Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.
- 7.115 The proposal is made in outline with all matters reserved for future consideration. However, the Design and Access Statement (DAS) states that building would have external dimensions no greater than 15m x 10m with eaves and ridge heights not exceeding 5.5m and 8.0m respectively.

Although layout is a reserved matter, a plan has been provided which demonstrates how the dwelling could be satisfactorily accommodated within the site. The proposed dwelling would be in close proximity to the poultry units and in the context

of the wider development, it is considered the impact of the proposed dwelling would have a very modest additional impact. The proposal is therefore considered acceptable in terms of landscape impact.

Size and scale of Agricultural Workers Dwelling

- 7.116 Policy AGR2 requires inter alia, that the scale of agricultural workers dwellings should be related to the size and function of the farm unit and that it is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.
- 7.117 The DAS states that the detailed design would be agreed at reserved matters stage and would be commensurate with the enterprise and its occupant/s. Whilst upper limits have been stipulated in the DAS, it is considered size and scale is a matter that can be considered at reserved matters stage.

Highways Impact of Agricultural Workers Dwelling

- 7.118 The dwelling would be accessed via the existing track onto B4079 and the additional traffic arising from the dwelling would be minimal. The County Highways Authority have raised no objection to the application and it is considered acceptable in regard to highway safety.

Conclusions Agricultural Workers Dwelling

- 7.119 It is considered that a functional need for one additional agricultural worker's dwelling is established which relates to a full time worker in association with the permitted poultry enterprise in the best interest of animal welfare and bio-security. Furthermore, it is considered that the enterprise is viable and has a clear prospect of remaining so. Matters of size, scale and appearance would be considered at reserved matters stage.

8.0 CONCLUSION AND RECOMMENDATION

Benefits

- 8.1 The NPPF is supportive of development which promotes a strong rural economy and encourages policies which support the sustainable growth and expansion of all types of business and enterprise in rural areas, and which promote the development and diversification of agricultural and other land-based rural business. The supporting information submitted with the application sets out the need for a poultry enterprise. Although the proposal would not directly employ a large number of people, it would undoubtedly provide economic benefits to the area and the UK economy. This lends weight in favour of the social and economic dimensions of sustainability as defined in the NPPF.

Harms

- 8.2 There would be some harm to the landscape arising from the proposal and this is a factor that weighs against the proposal in the overall planning balance, but the landscape impact is tempered by the design approach, landscape mitigation and by virtue that the application site is not identified as a 'valued' landscape in the development plan.

- 8.3 There is the potential for loss of amenity at current and potential future residential receptors as a result of on-site and off-site operations. This is a matter which weighs against the proposal. However, it is considered that this could be mitigated to an acceptable impact through the Environmental Permitting Regime and the imposition of planning conditions.
- 8.4 There would also be a detrimental impact on peace, tranquillity and amenity including through odour, noise and dust for users of parts of the PROW network. This is a matter which weighs against the proposal. However, it is considered that the extent of the impact would be minimal within the overall context of the PROW network in the vicinity of the application site and the environmental impact will be mitigated to an acceptable impact through the Environmental Permitting Regime.
- 8.5 The perception from within the community of the impact of the use on local amenity as a consequence of the environmental effects of the development (either alone or in combination) is also a consideration which weighs against the development in the planning balance.

Neutral

- 8.6 There would be no undue impact in terms of the heritage assets, local highway network, ecology, archaeology and flooding.

Overall conclusion

- 8.7 It is considered that a functional need for one additional agricultural worker's dwelling is established which relates to a full time worker in association with the permitted poultry enterprise in the best interest of animal welfare and bio-security.
- 8.8 In respect to the poultry units, it is concluded that the proposed development is generally supported in principle by the NPPF and local plan policies. Whilst the site is not adjacent to a settlement or existing buildings, given the nature of the proposal it is important that such a use is not sited close to residential properties for the reasons explained above. Whilst there would be some impacts on the area as identified above, it is considered that the economic benefits of the proposal outweigh the harm in this case and the proposal is recommended for permission.

Conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Proposed Site Plan HA31028_02 P_G received 6th February 2020
- Proposed Block Plan HA31028-04 P_B received 17th January 2019
- Proposed Roof Plan illustrating Indicative Solar Panel Layout HA31028_06 P_E received 6th February 2020

- Proposed Site Section HA31028_05 P_A received 17th January 2019
- Proposed Site Plan Indicating Utilities Route HA31028_07 P_A received 18th December 2019
- Floor Plans & Elevations PRO-FP-ELEV Rev 9 received 4th February 2020
- Gate House Pro-Gatehouse (Rev 5) received 17th January 2019
- Electric Shed Pro-Mains and Pump Room received 4th February 2020
- Dead Bird Storage Shed Pro-Dead Bird received 4th February 2020
- Site Plan Illustrating Proposed External Surfaces HA31028_08 P_B received 6th February 2020

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

3. Notwithstanding the submitted details no development shall take place above DPC level until samples (to include the proposed colour and finish) of the external materials of all the buildings and structures including, poultry units, boiler house, pellets bins, feed bins and gatehouse have been submitted to and approved by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: In the interests of visual amenity

4. Notwithstanding the submitted details no development shall take place above DPC level until details of the proposed solar panels (to include the proposed colour, finish and size) have been submitted to and approved by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: In the interests of visual amenity

5. Notwithstanding the submitted details no development shall take place above DPC level until samples of all surface materials, including the access road, concrete apron and turning area have been submitted to and approved by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: In the interests of visual amenity

6. The finished floor levels and finished ground levels after the completion of the development shall accord with the approved details on drawings no. Proposed Site Section HA31028_05 P_A received 17th January 2019 Unless otherwise agree in writing by the Local Planning Authority

Reason: In the interests of visual amenity

7. No development shall take place above DPC level before a fully detailed landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be broadly in accordance with approved drawing no. HA31028_07 P_A and the Landscape Strategy Plan L006

The works shall be carried out before any part of the development is operational or in accordance with a programme submitted to and approved by the Local Planning Authority. Any trees, plants or areas of turfing or seeding, which, within a period of 5 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of visual and residential amenity and to ensure appropriate

protection of biodiversity

8. The development hereby approved shall be carried out in accordance with the mitigation recommended in the Ecological Assessment prepared by Star Ecology (ref KH/2108/18.2) dated 28th September 2018

Reason: In the interests of biodiversity

9. The development hereby approved shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy prepared by RSK ADAS Ltd dated November 2018

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

10. No fencing shall be erected on site other than in accordance with the approved details on Proposed Site Plan drawing no. HA31028_02 P_G unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of visual amenity.

11. No part of the development shall be commenced until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details must include the cross-sections of the proposed pond and grading and mounding of land. No part of the development shall be used until the approved scheme has been carried out.

Reason: To protect and enhance the visual amenities of the area and to ensure the satisfactory development of the site.

12. No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours

13. Deliveries to and from the site shall only take place between the hours of 7am -9pm Monday to Friday and 8am to 1pm Saturday. Collections from the site can take place between the hours of 7am -9pm Monday to Friday and 8am to 1pm Saturday with collections occurring no more than 30 days a year outside of these times, or if animal welfare issues should arise.

Reason: To ensure that the proposed development does not cause undue nuisance and disturbance to neighbouring properties and to protect the amenity of the locality (at unreasonable hours)

14. The lighting scheme proposed shall comply with the parameters of Environmental Zone 2 of the Institute of Lighting Engineers Guidance Notes for the Reduction of Intrusive Light.

Reason: To ensure that the light emitted from this development is not a source of nuisance to occupants of nearby residential property and to ensure that the new development

will be visually attractive in the interests of amenity.

15. Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities
- v. The vehicle routeing strategy 'Starvell Farm Location and Access Route Plan' shall be adhered to throughout the construction period.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods.

16. The vehicle routing strategy 'Starvell Farm Location and Access Route Plan' shall be adhered to for all development related traffic from occupation and beneficial use thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided.

17. No above ground works shall commence on site until a scheme has been submitted for the provision of fire hydrants for the benefit of the commercial development in a location agreed with the Council and should meet the requirements of Building Regulations Approved Document B Volume 2 Sections 15 & 16 (Fire Hydrants/Water Supplies and Vehicle Access). The commercial development buildings shall not be occupied until the hydrants have been provided to the satisfaction of the Council.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire.

18. The building(s) hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan HA31028_02 Rev P_G Proposed Site Plan with the addition of at least 1 electric vehicle charging space including charging infrastructure, and those facilities shall be maintained available for those purposes thereafter.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided.

19. The development hereby permitted shall not be occupied until secure and covered cycle storage facilities for a minimum of 1 bicycle per dwelling and 2 bicycles for employment floorspace has been made available.

Reason:- To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up.

20. No works shall take place above DPC level until details of signage to be on the Gloucestershire Way Public Right of Way to warn walkers of potential vehicles crossing have been submitted to and approved in writing by the Local Planning Authority. These

details must No part of the development shall be used until the approved scheme has been carried out and the signage shall thereafter be retained.

Reason: To protect users of the public rights of way network

21. The maximum number of birds within the poultry units hereby permitted shall be 360,000.

Reason: To ensure that the development operates in accordance with the parameters of the Environmental Impact Assessment

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

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

23. Application for the approval of the reserved matters for the agricultural workers dwelling shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

24. The development of the agricultural workers dwelling hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved

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

25. Samples of the external materials proposed to be used for the agricultural workers dwelling shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application in accordance with Condition 22 and all materials used shall conform to the sample(s) so approved.

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

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), the dwelling shall not be extended without the prior express permission of the Local Planning Authority.

Reason: To ensure that the size of the dwelling is related to the size and function of the holding.

27. A plan indicating the positions, design, materials and type of boundary treatment to be erected for the agricultural workers dwelling shall be submitted to and approved in

writing by the Local Planning Authority as part of the reserved matters application in accordance with Condition 22. The boundary treatments shall be completed in all respects in accordance with the approved details and thereafter retained.

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

28. No development shall commence on the agricultural workers dwelling until details of existing and proposed levels, to include details of finished floor levels, have been submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application in accordance with Condition 22. All development shall be carried out in accordance with the approved details.

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

29. The reserved matters application for the agricultural workers dwelling shall include details for the disposal of surface water and foul sewage to be submitted to the Local Planning Authority for approval in writing. The approved details shall be completed in all respects prior to first occupation of the dwelling.

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

30. The reserved matters application required by Condition 22 shall not exceed the parameters relating to the scale of development as set out within the design and access statement received 4th February 2020.

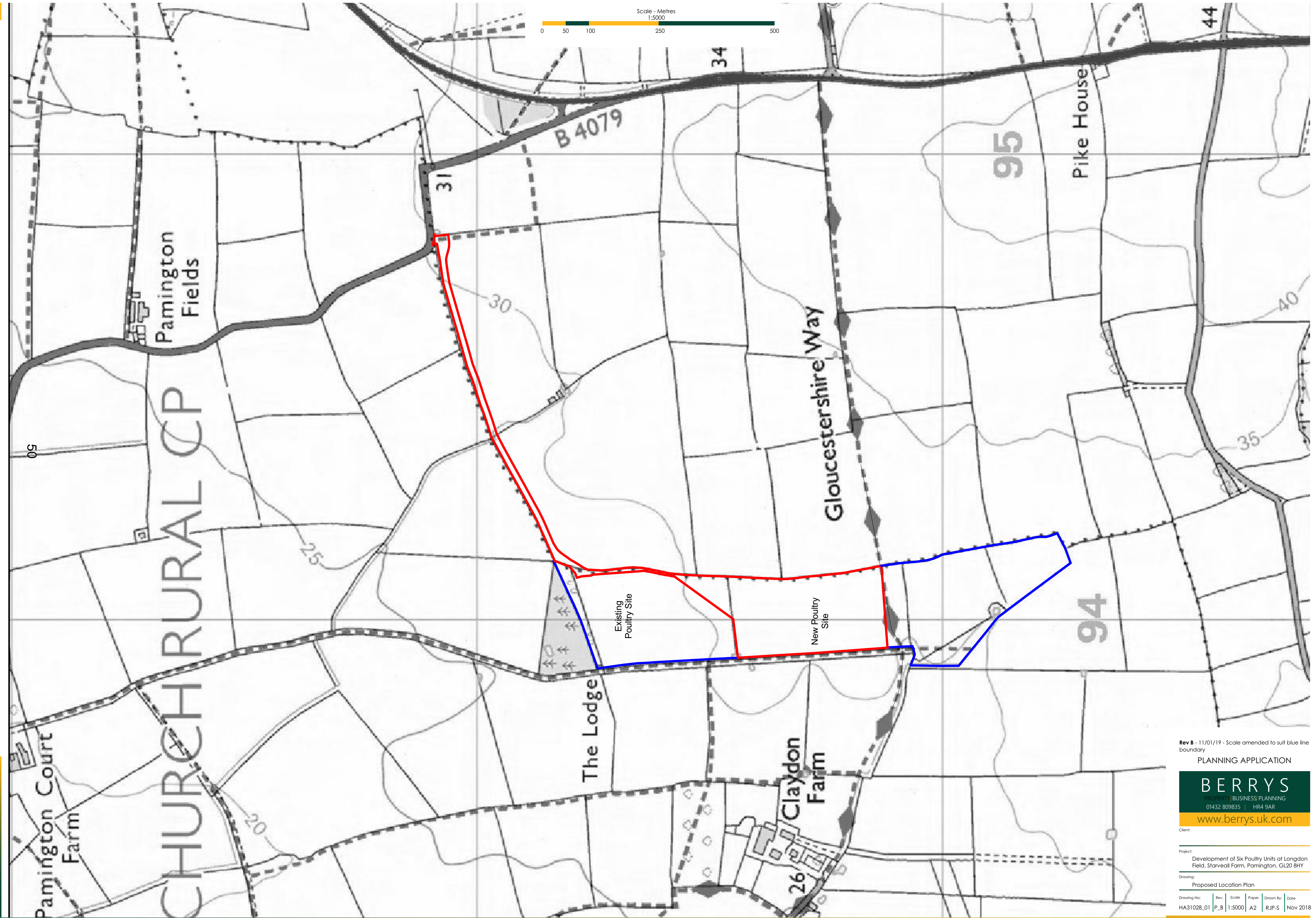
Reason: The permission for the agricultural workers dwelling is outline and compliance with the parameters is required to provide certainty and to ensure that the development integrates harmoniously with its surroundings.

31. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined by Section 336 of the Town and Country Planning Act 1990, or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person. No development shall commence until the related broiler unit has been completed and is about to be brought into full use.

Reason: The site is not in an area intended for general development. Permission is granted for the present proposal solely because the dwelling is required to house a person or persons employed or last employed in agriculture or forestry.

Informative

1. In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating the removal of an agricultural workers dwelling from the proposal.
2. The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.



Rev B - 11/01/19 - Scale amended to suit blue line boundary

PLANNING APPLICATION

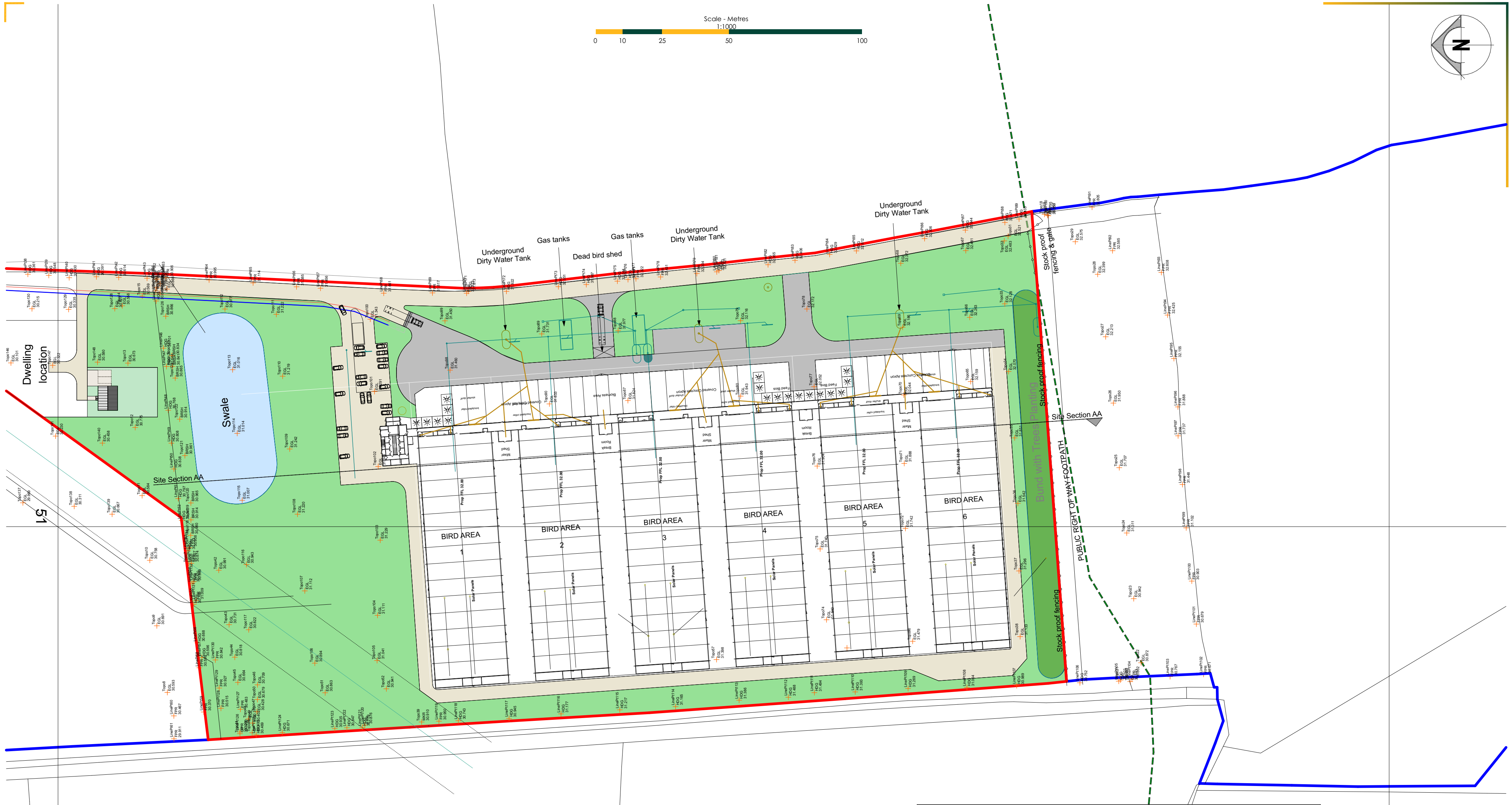
BERRYS
PROPERTY BUSINESS PLANNING
01432 809835 | HR4 9AR
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Client:

Project:
Development of Six Poultry Units at London Field, Starveall Farm, Pamington, GL20 8HY

Drawing:
Proposed Location Plan

Drawing No:	Rev:	Scale:	Paper:	Drawn By:	Date:
HA31028_01	P_B	1:5000	A2	RJP-S	Nov 2018



External Surface Material Key

-  Hard Landscaping Areas - Concrete
-  Hard Landscaping Areas - Crushed Stone
-  Soft Landscaping Areas - Grass
-  Soft Landscaping Areas - Planting

Rev P_B - 04/02/20 - Updated to suit Planning comments
Rev P_A - 31/01/20 - Planning Issue

PLANNING APPLICATION

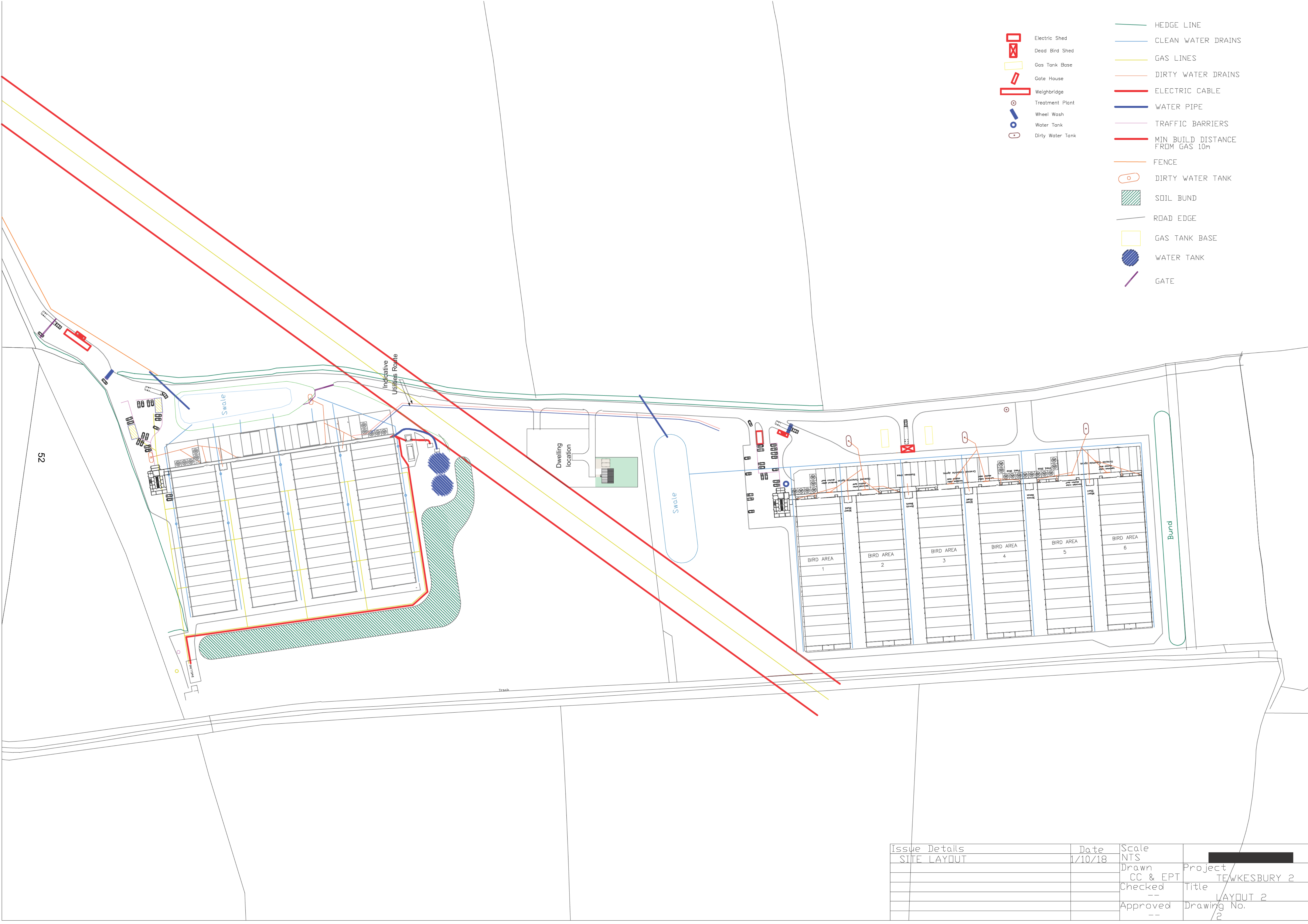
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PROPERTY BUSINESS PLANNING
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www.berrys.uk.com

Client:

Project:
Development of Six Poultry Units at Longdon
Field, Starveall Farm, Pamington, GL20 8HY

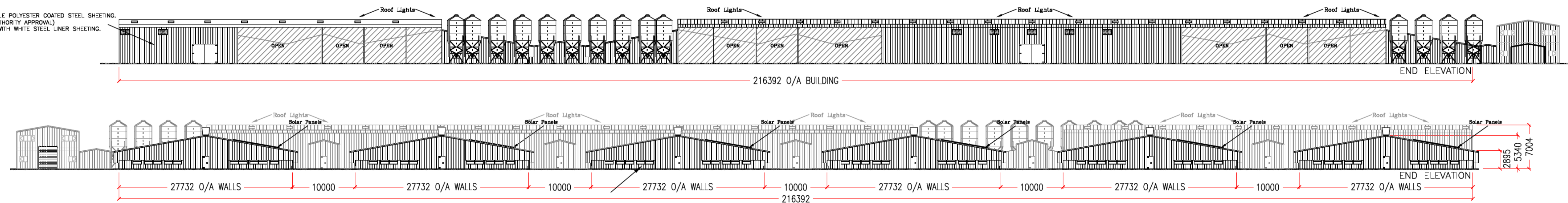
Drawing:
Site Plan Illustrating Proposed External Surfaces

Drawing No: HA31028_08_P_B Rev: 1 Scale: 1:1000 Paper: A2 Drawn By: RJP-S Date: Nov 2018



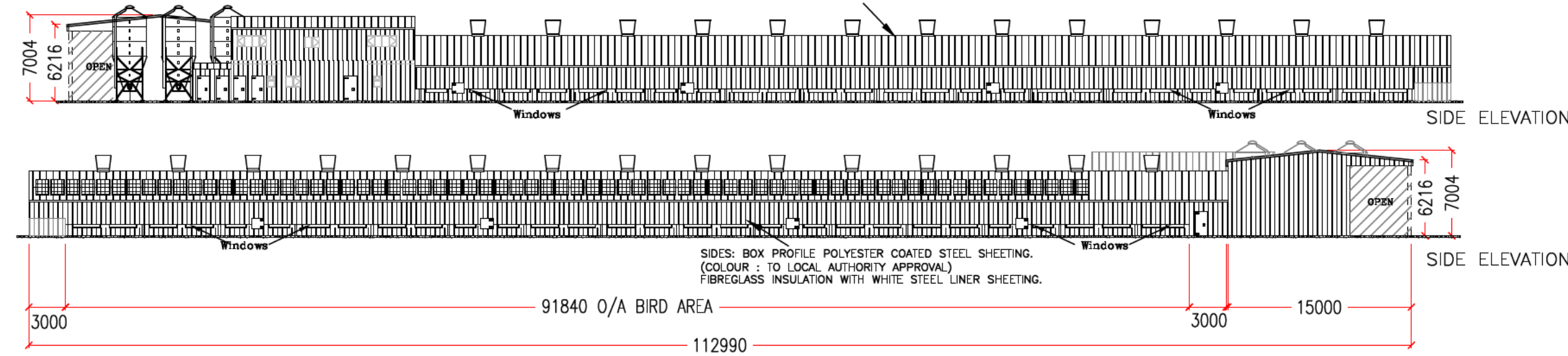
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SITE LAYOUT	1/10/18	NTS	
		Drawn CC & EPT	
		Checked --	
		Approved --	

GABLE ENDS: BOX PROFILE POLYESTER COATED STEEL SHEETING.
(COLOUR : TO LOCAL AUTHORITY APPROVAL)
FIBREGLASS INSULATION WITH WHITE STEEL LINER SHEETING.



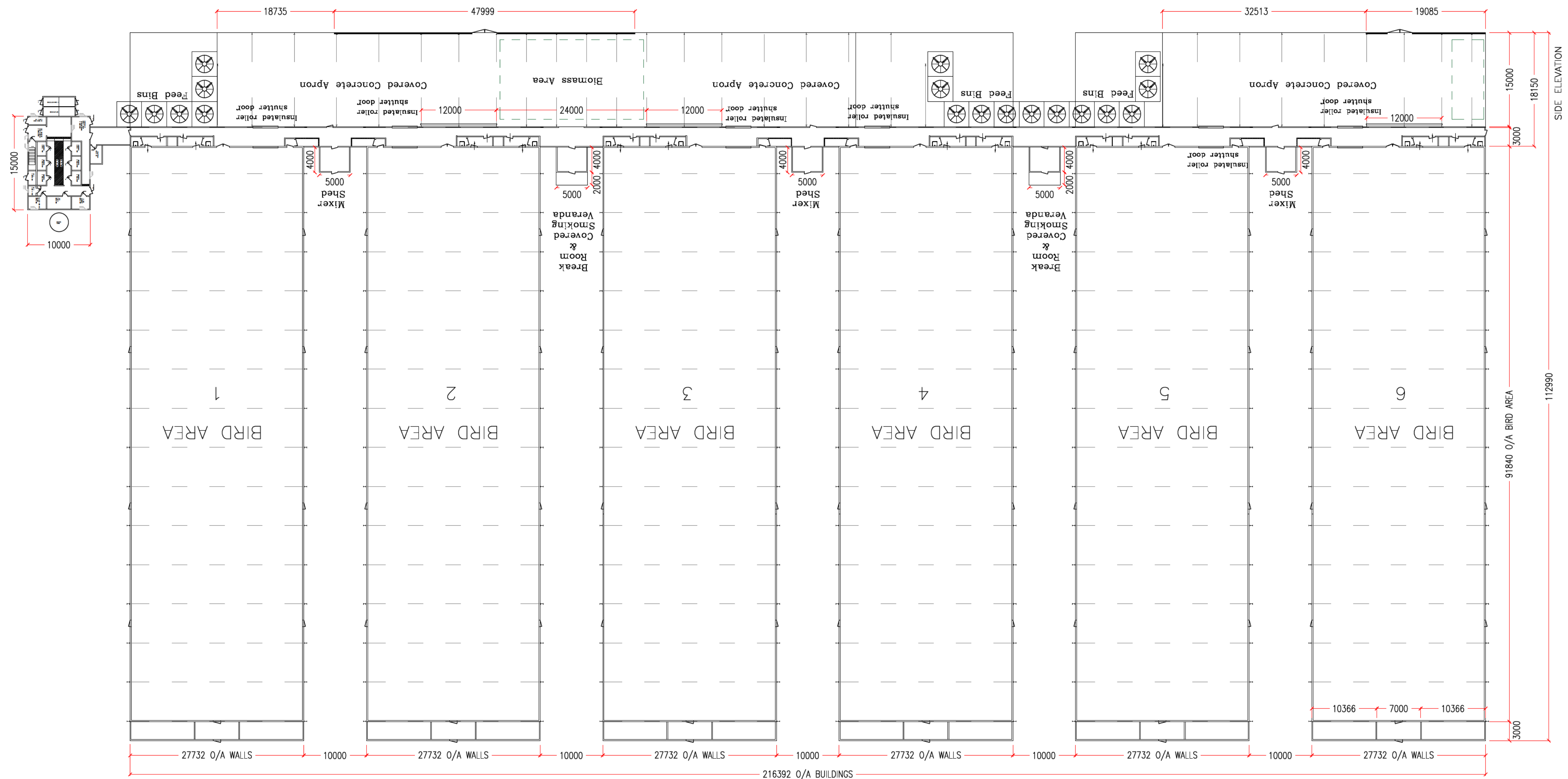
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FIBREGLASS INSULATION WITH WHITE STEEL LINER SHEETING.

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FIBREGLASS INSULATION WITH WHITE STEEL LINER SHEETING.



SIDES: BOX PROFILE POLYESTER COATED STEEL SHEETING.
(COLOUR : TO LOCAL AUTHORITY APPROVAL)
FIBREGLASS INSULATION WITH WHITE STEEL LINER SHEETING.

PROVISIONAL DRAWING
NOT FOR CONSTRUCTION



PROVISIONAL DRAWING
NOT FOR CONSTRUCTION

FLOOR PLAN & ELEVATIONS

NOTES:
FEED BIN AND
CONTROL ROOM
TO BE
POSITIONED AS
PER SITE PLAN

DRWG NO.
PRO-FP-ELEV
REV 9

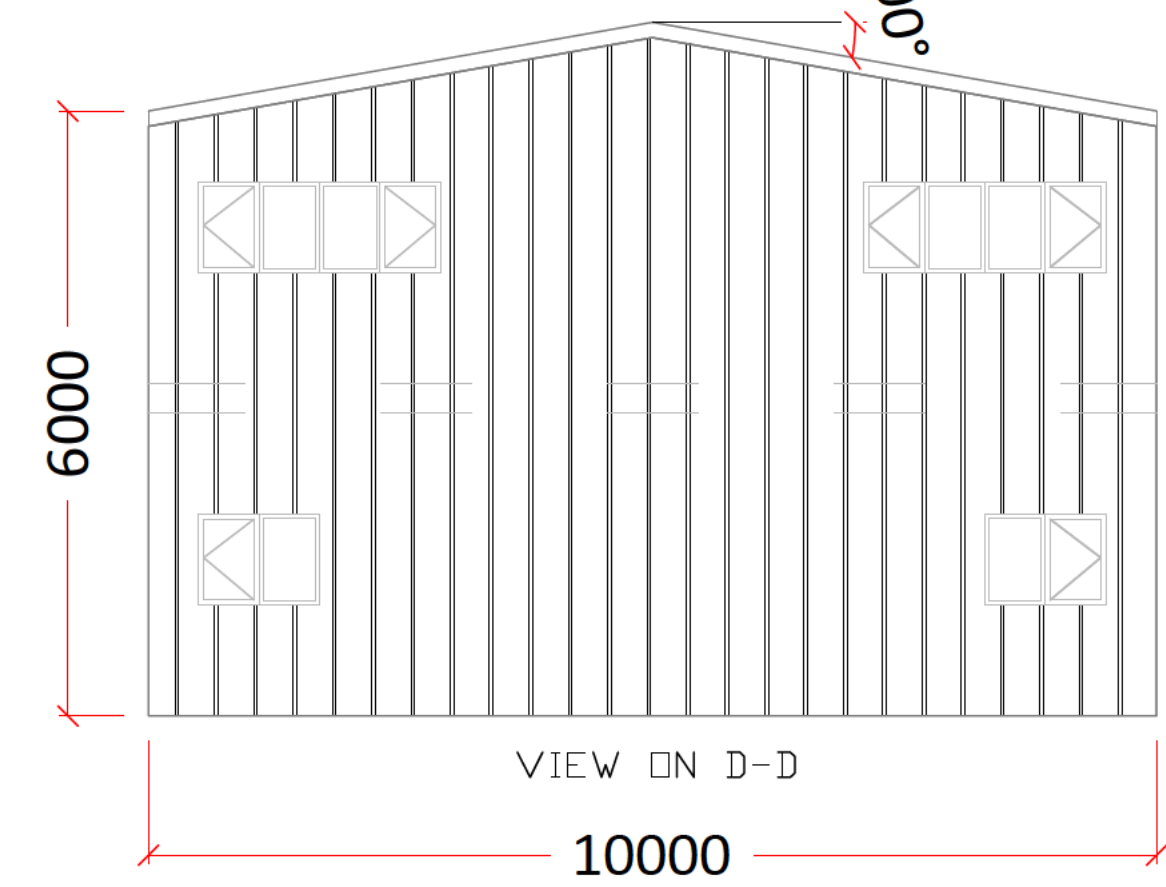
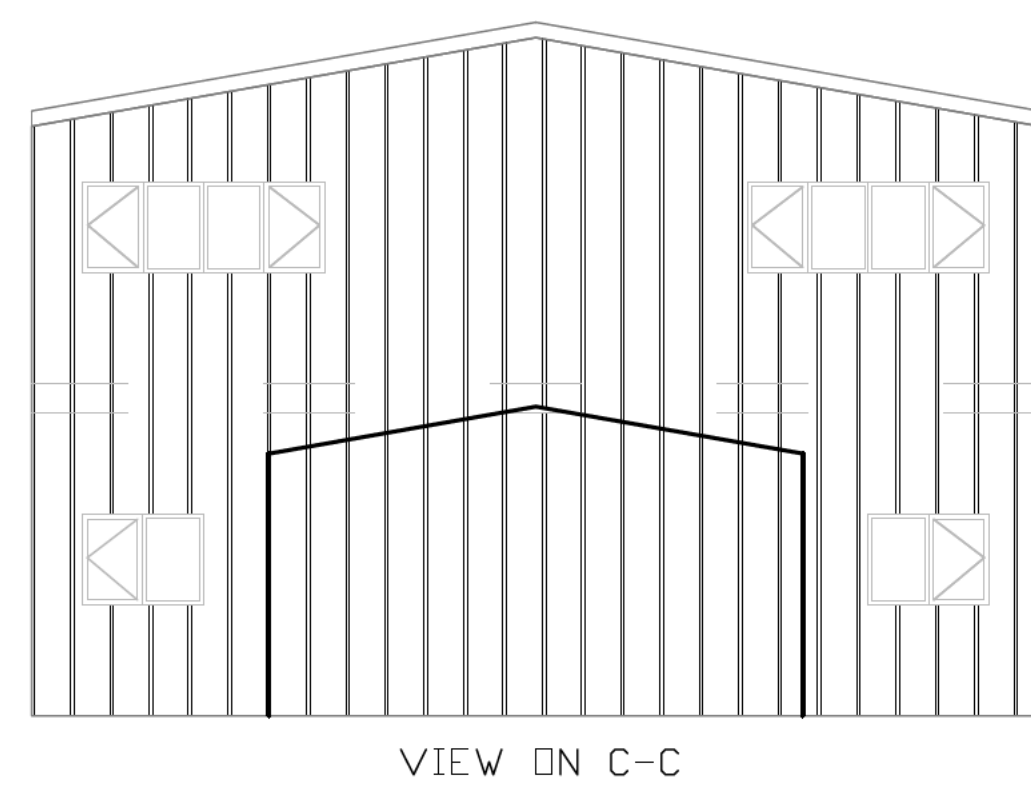
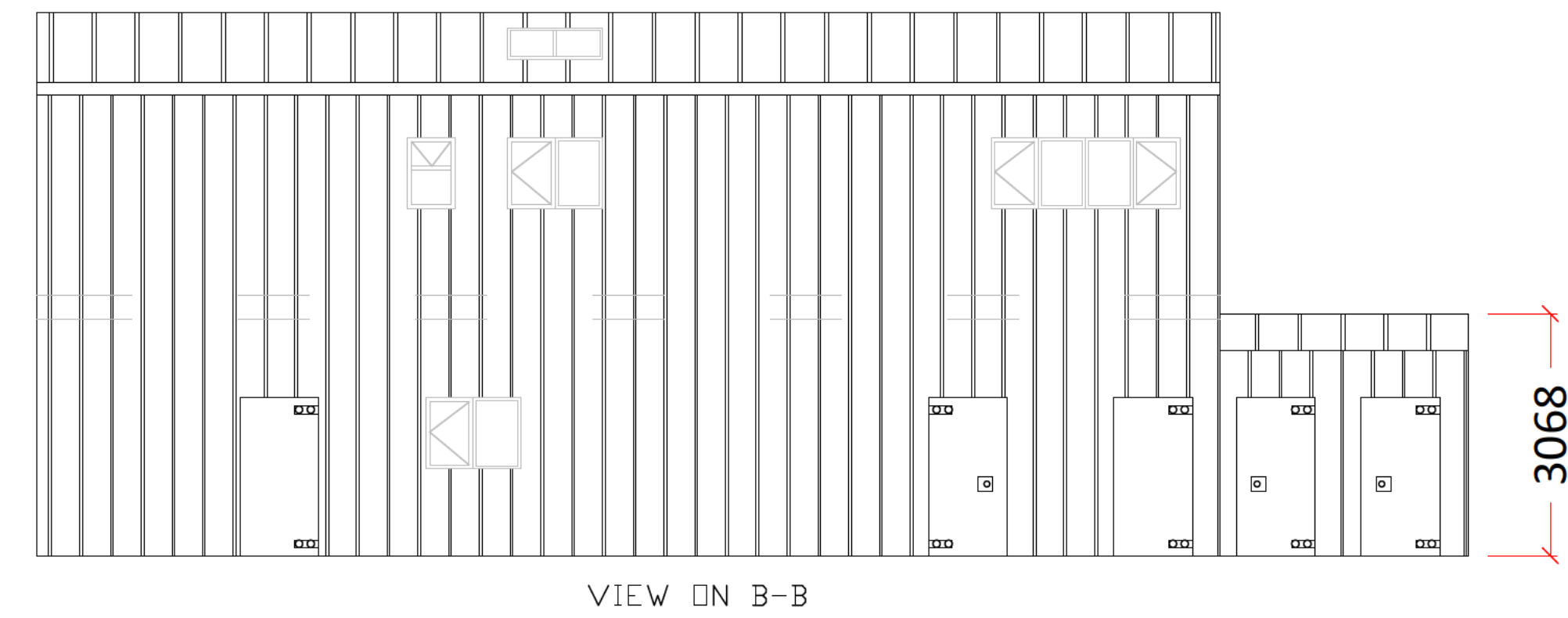
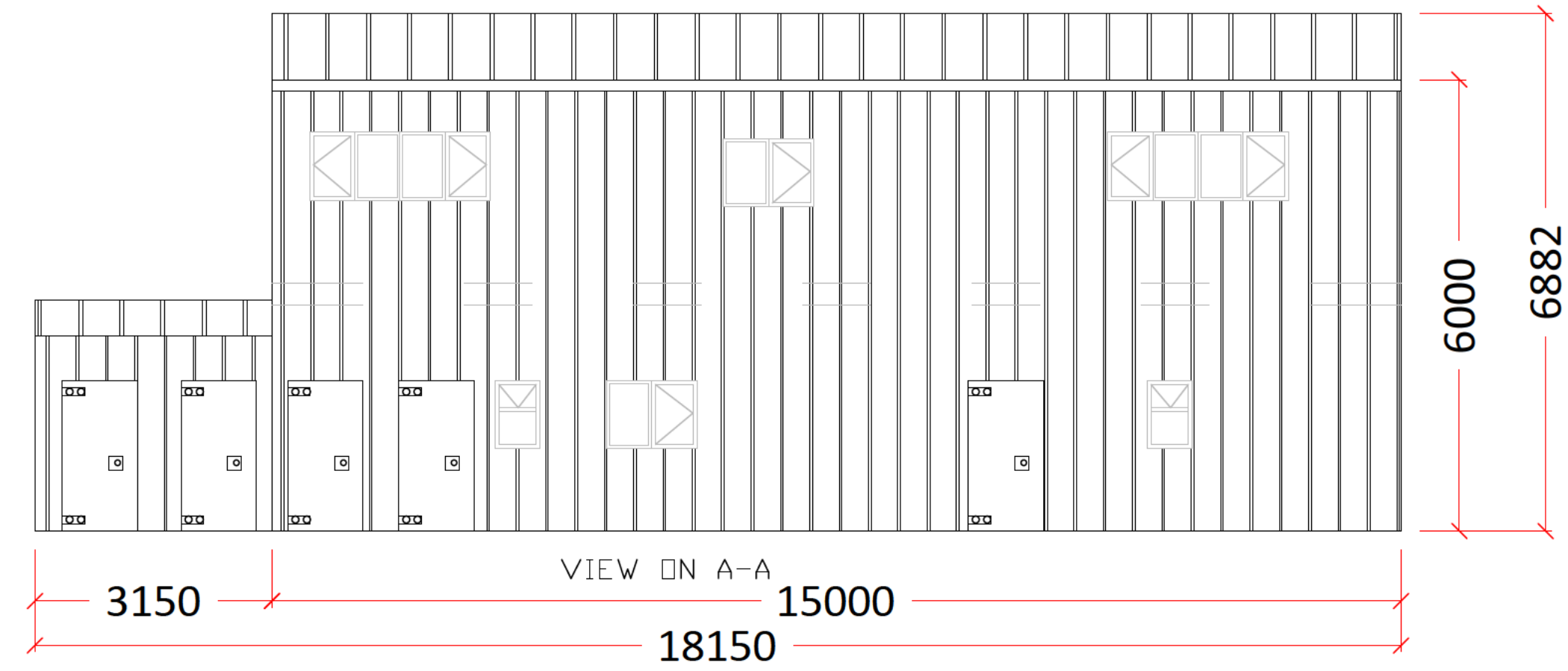
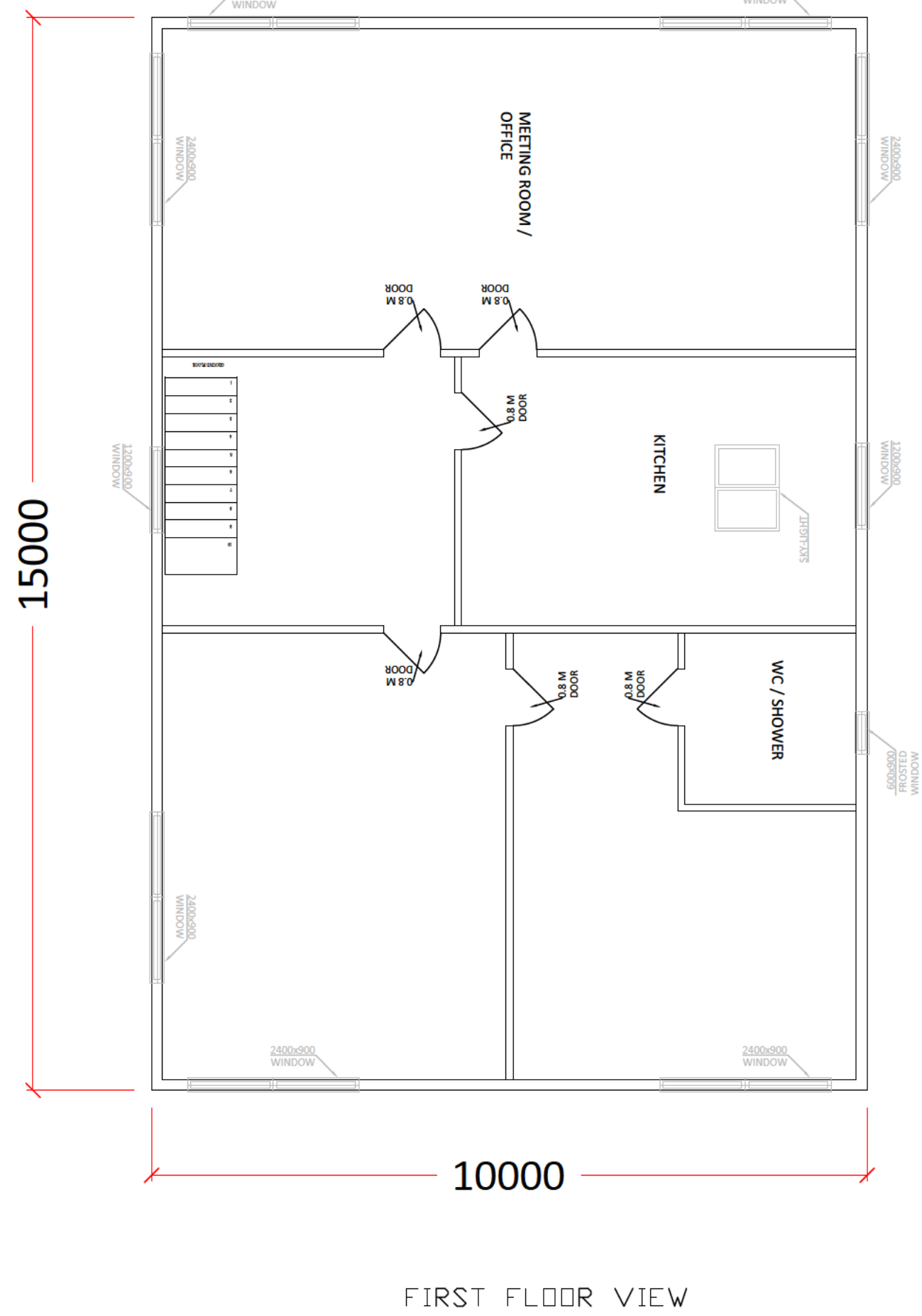
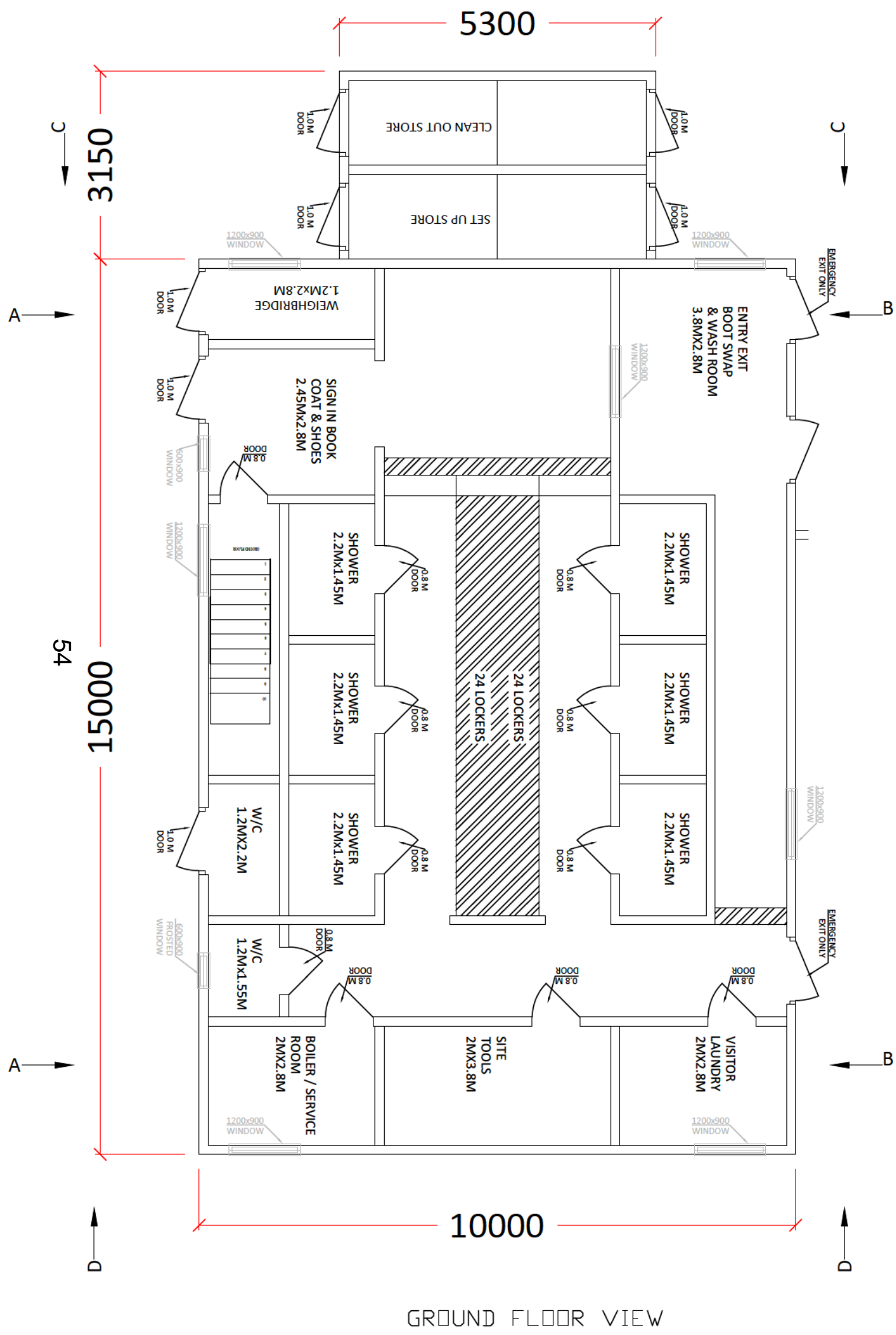
Morspan
CONSTRUCTION LTD

TEL: 01291 672334
FAX: 01291 673928
enquires@morspan.co.uk
www.morspan.com

DATE: 03/02/2020
DRWN BY: M.A.W
SCALE: 1:400 - A1
JOB No: TEWKESBURY 2
CLIENT: KINSEY HERN

TITLE: **TEWKESBURY 2**

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FAX: 01291 673928
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DATE: 26/06/2018
DRWN BY: M.A.W
SCALE: 1:75 - A1
JOB No: TEWKESBURY 2
CLIENT: KINSEY HERN

TITLE
TEWKESBURY 2

PROVISIONAL DRAWING
NOT FOR CONSTRUCTION
GATE HOUSE

NOTES:
FEED BIN AND
CONTROL ROOM
TO BE
POSITIONED AS
PER SITE PLAN

DRWG NO.
PRO-GATEHOUSE
(REV 5)

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	02.03.2020
Site Location:	Dixton Manor, Dixton, Gotherington, Cheltenham, Gloucestershire, GL52 9RB
Application No:	20/00042/FUL
Ward:	Winchcombe
Parish:	Alderton
Proposal:	Proposed demolition of existing stable block and replacement with new stable block and associated outbuildings, felling of 6no. Trees following on from previous consents 17/00048/FUL & 17/00049/LBC. Resubmission of application reference 19/00500/FUL and 19/00501/LBC.
Report by:	Emily Pugh
Appendices:	Site layout plan Proposed Elevations Elevations and floor plans
Recommendation:	Refuse

1.0 SITE DESCRIPTION AND PROPOSAL

This application relates to Dixton Manor, a Grade 2* listed 16th Century Manor House set amongst generous grounds. The site features a number of curtilage listed historic outhouses and stable buildings. The site is located within the Cotswold AONB however is not affected by further restrictive landscape designations.

The current application seeks permission for the demolition of an existing curtilage listed stable building, and its replacement with a modern c-shaped sectional range. The new building would form a courtyard around an existing gravelled area and would be used for stabling, vehicle storage, and uses ancillary purposes incidental to the enjoyment of the main dwelling (gym, games room, WC/shower room and dining hall).

The development would be constructed in red facing brick with Cotswold stone detailing, with reconstituted plain roof slates, painted steel windows and timber doors in stone mullion casements. **{b see attached plans for details}.**

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
07/00452/FUL	Alterations and new extension and reconfiguration of southeastern range. Relocation of garden wall.	PERMIT	24.09.2007
07/00453/LBC	Internal and external alterations and new extension and reconfiguration of the southeastern range. Demolition of existing C20 extensions and demolition and relocation of garden wall. (Grade II Star Listed Building Ref:- 29/18)	CONSEN	24.09.2007
07/01262/FUL	Erection of 12m squared wood pellet store in kitchen garden	PER	29.10.2007
07/01263/LBC	Addition of 12m squared wood pellet store in kitchen garden. (Grade II Star Listed Building Ref:- 29/18)	CONSEN	30.11.2007
08/01319/FUL	Refurbishment of historic brick and stone stable blocks, including demolition of 20th century extensions and replacement with new complementary to original. Demolition of other 20th century outbuildings and replacement with new oak-framed parking block. New walls and gates.	PER	09.04.2009
08/01320/LBC	Refurbishment of historic brick and stone stable blocks, including demolition of 20th century extensions and replacement with new complementary to original. Demolition of other 20th century outbuildings and replacement with new oak-framed parking block. (Grade II STAR Listed Building: 29/18)	CONSEN	02.07.2009
11/00029/FUL	Proposed garden steps and repair of existing terrace wall	PER	10.05.2011
11/00030/LBC	Proposed garden steps and repair of existing terrace wall (Grade II Star Listed Building Ref:- 29/18)	CONSEN	10.05.2011
11/00038/PRE	Improvements and replacement of outbuildings.		
11/01206/LBC	Removal of a lean-to porch on the rear elevation (Grade II_ Listed Building Ref:- 1091732).	CONSEN	03.02.2012
12/00092/FUL	Refurbishment of historic brick and stone stable blocks, including demolition of 20th century extensions and replacement with new complementary to original. Demolition of other 20th century outbuildings and replacement with new oak-framed parking block. New walls and gates. (Extension of time limit for implementation of planning application 08/01319/FUL)	PER	22.03.2012
12/00093/LBC	Refurbishment of historic brick and stone stable blocks, including demolition of 20th century extensions and replacement with new complementary to original. Demolition of other 20th century outbuildings and replacement with new oak-framed parking block. (Grade II Star Listed	CONSEN	22.03.2012

	Building Ref:- 1091732). (Extension of time for implementation of planning application 08/01320/LBC)		
13/00084/PRE	Amendments further to 12/00092/FUL & 12/00093/FUL.	DONE	28.05.2014
17/00048/FUL	Extend existing detached stables outbuilding to create new stable and outbuildings, forming courtyard enclosure, construction of new central horse trough feature within repaved courtyard area with new access gateways to existing paddock.	PER	20.03.2017
17/00049/LBC	Extend existing detached stables outbuilding to create new stable and outbuildings, forming courtyard enclosure, construction of new central horse trough feature within repaved courtyard area with new access gateways to existing paddock.	CONSEN	20.03.2017
19/00500/FUL	Demolition of existing stable block and erection of stables and outbuilding forming courtyard enclosure. Construction of central water trough within courtyard and new access gateway to existing paddock. (Revision of applications 17/00048/FUL & 17/00049/LBC)	WDN	18.09.2019
19/00501/LBC	Demolition of existing stable block and erection of stables and outbuilding forming courtyard enclosure. Construction of central water trough within courtyard and new access gateway to existing paddock. (Revision of applications 17/00048/FUL & 17/00049/LBC)	WDN	18.09.2019
19/00098/CONDIS	Application for approval of details subject to Condition 3 (Windows & Doors), 4 (Walling Samples), 5 (Roof Tile Samples), 6 (Window Dressing Samples), 8 (Hardsurfacing Samples) of the planning application ref number 17/00048/FUL & 17/00049/LBC.	DISCHA	19.11.2019
20/00042/LBC	Proposed demolition of existing stable block and replacement with new stable block and associated outbuildings, felling of 6no. Trees following on from previous consents 17/00048/FUL & 17/00049/LBC. Resubmission of application reference 19/00500/FUL and 19/00501/LBC.		

RELEVANT POLICY

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:
- 3.2 **National guidance**
Section 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990
National Planning Policy Framework; 2019 (NPPF)
Planning Practice Guidance
Historic England Advice Note 2 'Making Changes to Heritage Assets' 2016
- 3.3 **The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS)**
- 3.4 **Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)**

3.5 **Preferred Options Consultation, Tewkesbury Borough Plan 2011-2031 (2018)**

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

3.7 The First Protocol, Article 1 (Protection of Property)

4.0 **CONSULTATIONS**

4.1 Historic England - Objection. The collection of working buildings which are proposed to be demolished are not only evidence of former service activity, but also as testament to the status and grandeur of the manor. It is therefore considered the buildings contribute heavily to the significance of Dixon Manor. The level of loss to a historic Grade II* curtilage listed structure requires clear and convincing justification (paragraph 194 of the NPPF), and whilst a case has been put forward for the revisions to the consented scheme, we consider this justification to be inadequate for the total loss of the stable block which in this instance is considered to result in substantial harm.

Conservation Officer - Objection. The building is of medium to high significance in association with Dixon Manor. Demolition of the historic stable block would entirely destroy this heritage asset causing substantial harm to the asset and less than substantial harm to the setting of Dixon Manor a Grade II* Listed building. The loss of this building is wholly inappropriate and the harm generated cannot be mitigated as there is no justification or public benefit identified.

Alderton Parish Council - Objects to the planning application on the grounds of the demolition of the Stable Block which contributes to the significance of the Grade II* listed Manor, and raises concerns relating to the removal of trees and requests the Tree Officer be consulted.

Tree Officer – The Tree Officer notes that the scheme seeks to remove 6 trees which would be relocated to a proposed orchard. Conditions are therefore recommended to ensure that this is done (and struggling trees replaced), and further existing trees are formally protected.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the posting of a site notice for a period of 21 days and/or the neighbour notification scheme.

5.2 No representations received.

6.0 **POLICY CONTEXT**

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

determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other materials considerations."

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

Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019.

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

7.0 ANALYSIS

7.1 The main issue to be considered is the impact upon the historic environment.

Impact upon the Historic Environment

5.2 Paragraph 184 of the NPPF states that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

5.3 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.4 Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), requires clear and convincing justification.

5.5 Policy SD8 of the JCS sets out that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. Designated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.

5.6 Dixon Manor is designated as Grade 2* and, as such, is ranked in the top 8% of listed buildings in the country. The Manor itself is located in an elevated position within the hamlet of Dixon. It is accessed by way of a large gated driveway and is somewhat separate from its outbuildings, which are located beyond two cottages and across a formal garden to the East.

5.7 The existing outbuildings are comprised of a coach house, a stable block and an apple store – which are arranged in a courtyard setting, overlooking a stable yard. Albeit in an elevated position, the site is located within a terraced plateau which is screened by well-established trees to the north and east of the site and it is not readily visible from public vantage points.

5.8 The Manor, once a former farmstead, is still identifiable as such largely due to its rural setting and presence of rural historic curtilage listed outbuildings. The outbuildings themselves are evidently original and historic, and are curtilage listed in association with the main Manor. Those buildings are considered to be instrumental to the significance of the Dixon Manor, providing context and alluding to the former sense of grandeur. The stable block in particular contributes to the heritage value of the building group, its narrative and legibility and it forms an important feature within the site.

5.9 The proposal seeks to demolish one of those curtilage listed buildings (a historic stable block) in order to make way for a modern c-shaped arrangement of buildings to surround the stable yard, which would be used for ancillary purposes such as for a gym and storage.

5.10 The application is accompanied by a Historic Statement which attempts to justify the demolition of the stable block, ultimately concluding that *“the wall forming the rear retaining elevation (of the stable block) is deemed to be of historic value, however it requires extensive intervention to enable its repair and stabilisation that the result is tantamount to its demolition and reconstruction”*.

5.11 Essentially, this conclusion infers that, whilst it would be possible to repair and restore the stable block, it would be at great expense and it would be more cost effective to demolish and replace the building. Whilst this is noted, and the cost of works is regrettable, this is not considered to be a reasonable justification for the entire loss of a historic building.

5.12 Paragraph 196 states that, were a development results in less than substantial harm to the significance of a designated heritage asset, it must be refused, unless that harm is outweighed by public benefit. There is no further perceived public benefit for the demolition of the building (other than financial benefits to the applicant) and it is therefore not considered that the harm is outweighed by public benefit.

5.13 As such, the loss of the stable building is considered to be wholly inappropriate and the harm generated is neither mitigated nor justified. The scheme therefore results in demonstrable harm to the significance of the listed building, providing no public benefit and fails to comply with the requirements set out in JCS Policy SD8, and Section 16 of the NPPF.

Design

5.14 Policies HOU8 and SD4 state that development must respect the character, scale and proportion of the existing dwelling and the surrounding development. The detailed design, materials and layout of buildings and structures must be appropriate to their setting and the character of the surrounding area.

5.15 It is of note that a previous scheme was granted permission – which sought to retain the stable building and incorporate it into a new range as opposed to the revised scheme which seeks to demolish it entirely.

5.16 The current scheme seeks changes to the previously approved design. The range is proposed to be more grand and striking than the previous array which was seemingly designed to mimic the historic form and appearance of the stables and adjacent coach house. Although a simpler and more modest design would have

been preferred in order to better reflect the existing historic farmstead outbuildings which are comprised of a distinct agricultural character, the current design is not considered unacceptable or sufficient reason to warrant refusal. It would comprise of a traditional, vernacular appearance, featuring some important detailing to the stonework, roof and fenestration and the form and layout would be appropriate within the context of the site.

5.17 In view of the above, the design of the development is not disputed and is considered to be in accordance with Policies HOU8 and SD4.

Landscape Impact

5.18 Policy SD7 states that developments are required to enhance the landscape, scenic beauty, cultural heritage and other special qualities in The Cotswolds Area of Outstanding Natural Beauty (AONB). The Cotswolds AONB Management Plan is also a material planning consideration which sets out core values for the protection and future enhancement of the AONB with relevant emphasis placed on the creation of local distinctiveness.

5.19 Policy SD6 further states that development should seek to protect landscape character for its intrinsic beauty and for its benefit to economic, environmental and social well-being.

5.20 As set out above, the design of the development the development would comprise of a traditional, vernacular appearance and the form and layout would be appropriate within the context of the site. It is therefore considered that in itself the development would enhance the landscape, scenic beauty, cultural heritage and other special qualities of the AONB.

5.21 In order to facilitate the development, the proposal seeks the removal of six trees. The reason for this is set out in the design and access statement, which states that the trees and their roots are damaging the existing structure and it is implied that they would undermine the proposed structures. It is also stated that one of the trees (T3) is already dead.

5.22 The applicant has not submitted an Arboricultural Statement in support of this position and a number of additional trees are proposed to be planted in replacement of those removed.

5.23 The Tree Officer has been consulted and raises no objection.

Impact on Residential Amenity

5.24 Policy SD14 states that development should seek to improve environmental quality and must not exacerbate conditions that could impact on human health or cause health inequality. Developments should cause no harm to local amenity, and should result in no unacceptable levels of air, noise, water, light/soil pollution or odour. Mitigation measures should be incorporated into development.

5.25 The site is located some distance away from any neighbouring properties and, as such, it is not considered that the proposal would result in any adverse impact to residential amenity.

Highway Impact

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

5.27 The stable yard would be laid to concrete and a central water trough constructed in stonework implemented. Parking and turning arrangements would be unaffected and as such. The proposal is considered acceptable in relation to Policy INF1.

8.0 CONCLUSION AND RECOMMENDATION

8.1 Taking into account all of the above, the proposal is considered to be contrary to the relevant policies of the adopted development plan, and it is therefore recommended that planning permission be **refused**.

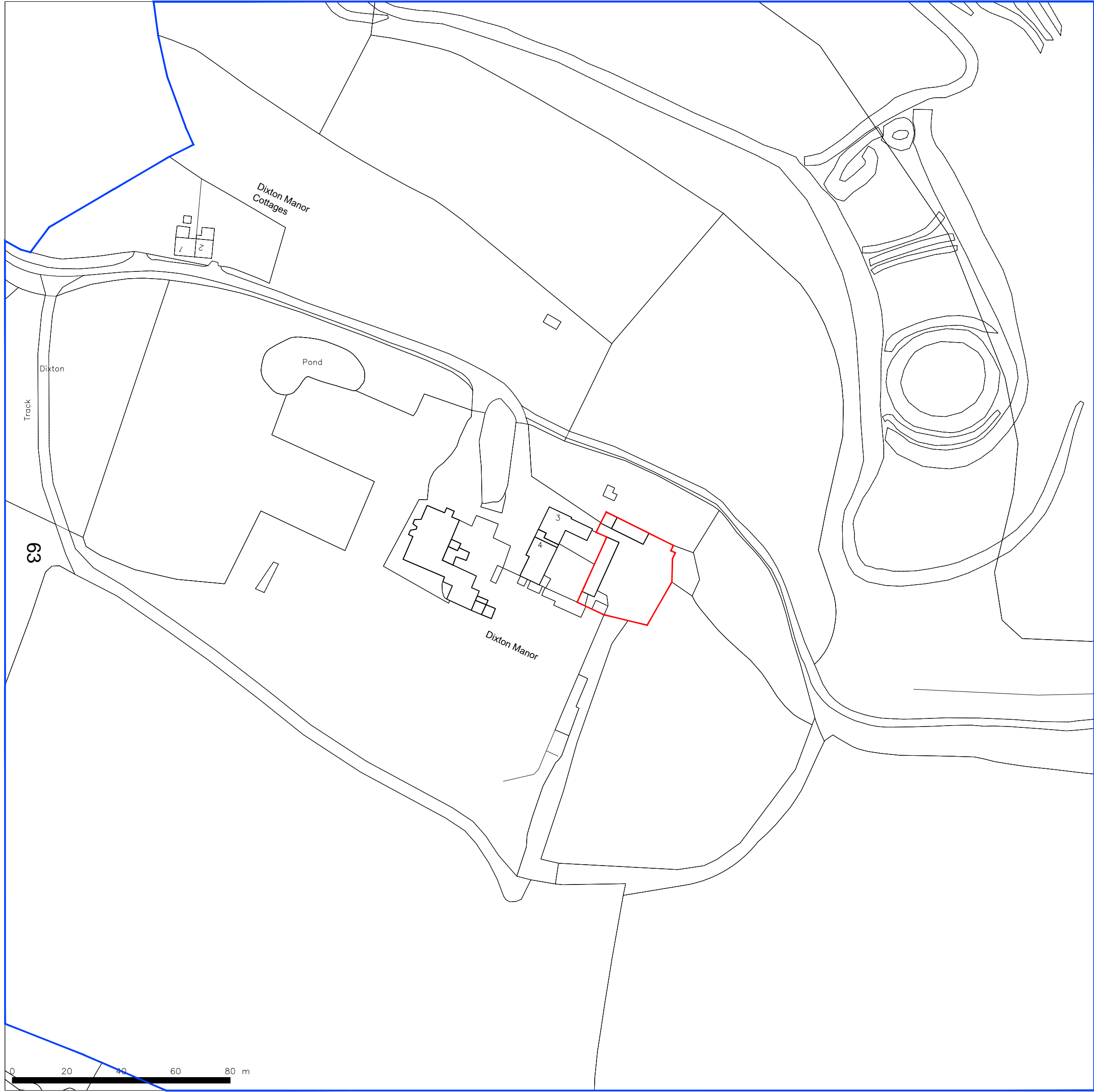
Reason(s):

The proposed development would result in demonstrable harm to the significance of the Grade 2* Listed Building by way of the unjustified and wholly inappropriate loss of the stable building, contrary to Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017), and the advice contained within the National Planning Policy Framework.

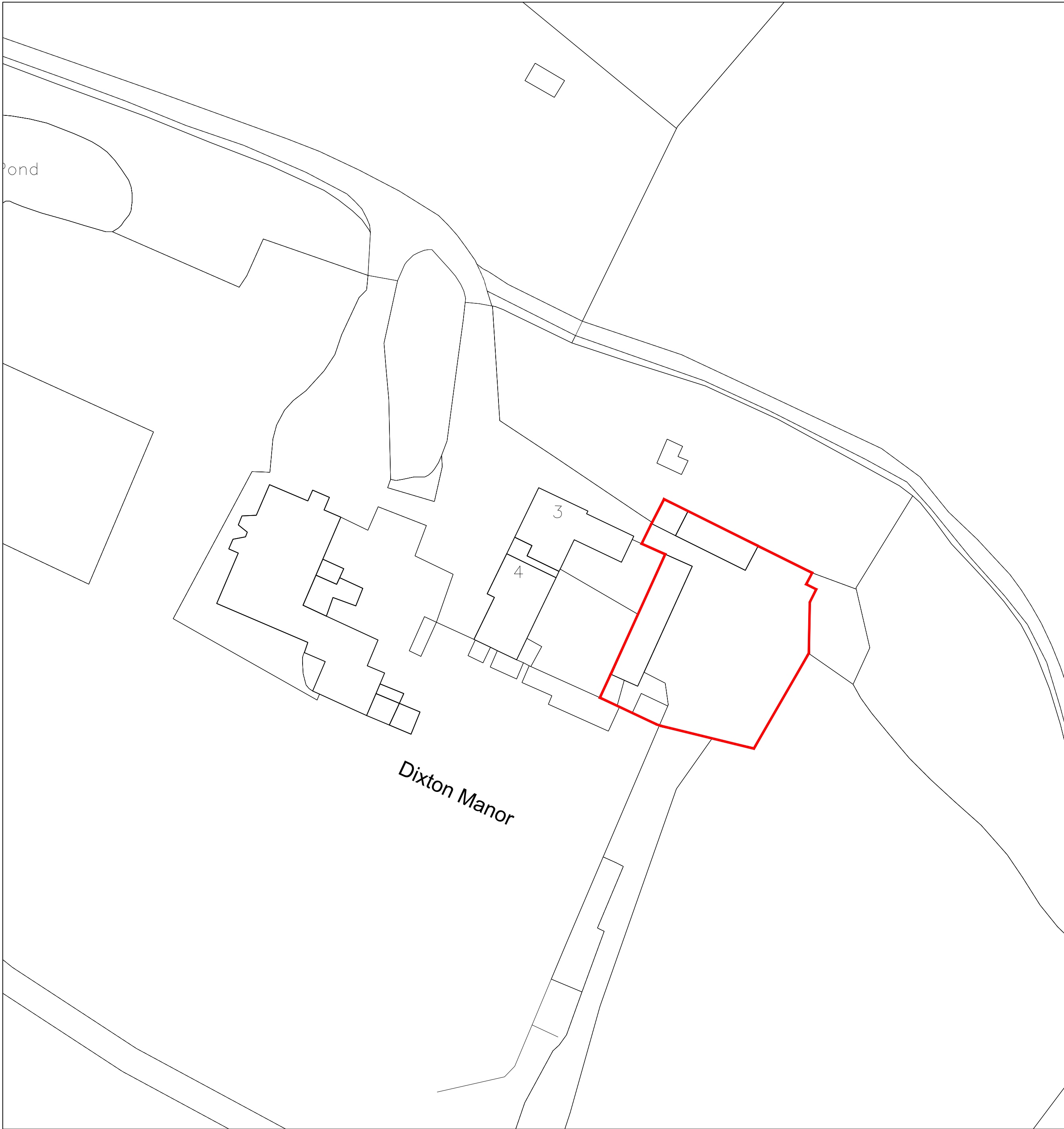
Informatives:

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

Notes:
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The responsibility for establishing the soil and sub-soil conditions rests with the contractor.



Location - 1:1250



Location - 1:500

Proposed Stable Block & Outbuildings - Location Plans - 1:1250 & 1:500@A1

REV			
REV	DATE	DESCRIPTION	INT

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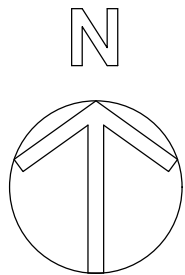
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Stanley Barn Farm, Stanley Pontlarge
Cheltenham, Glos, GL54 5HD
01242-620064
adam@aclarkedesign.co.uk
www.aclarkedesign.co.uk

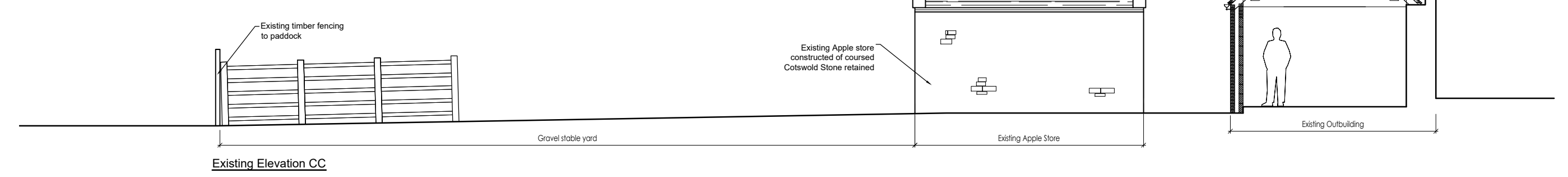
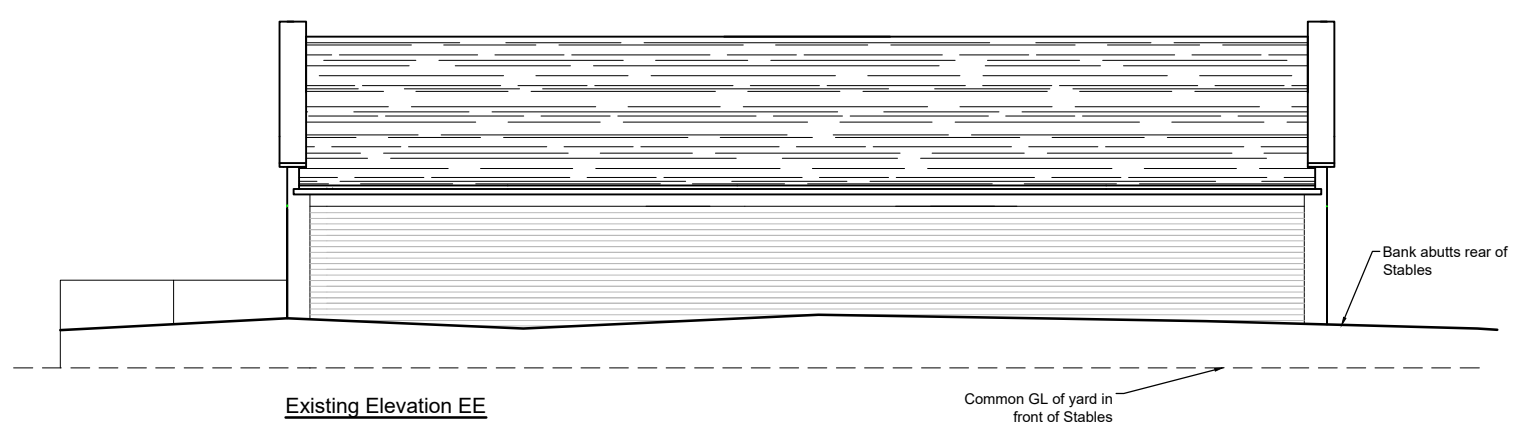
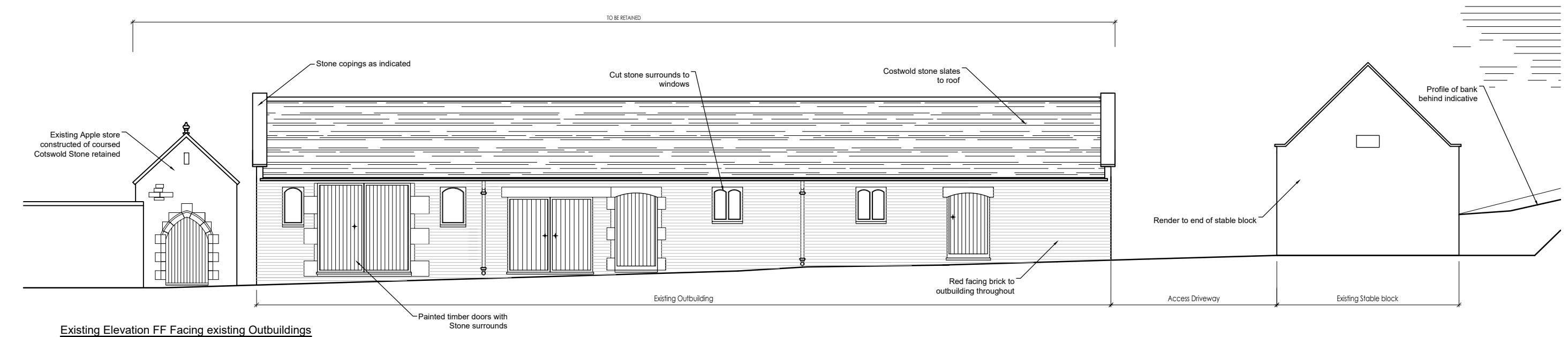
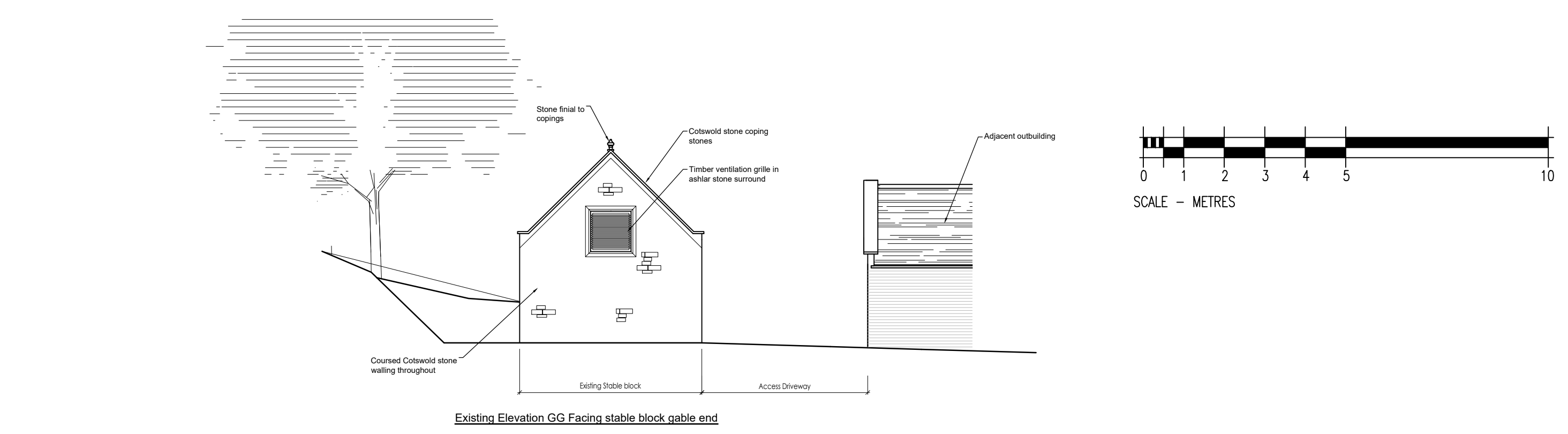
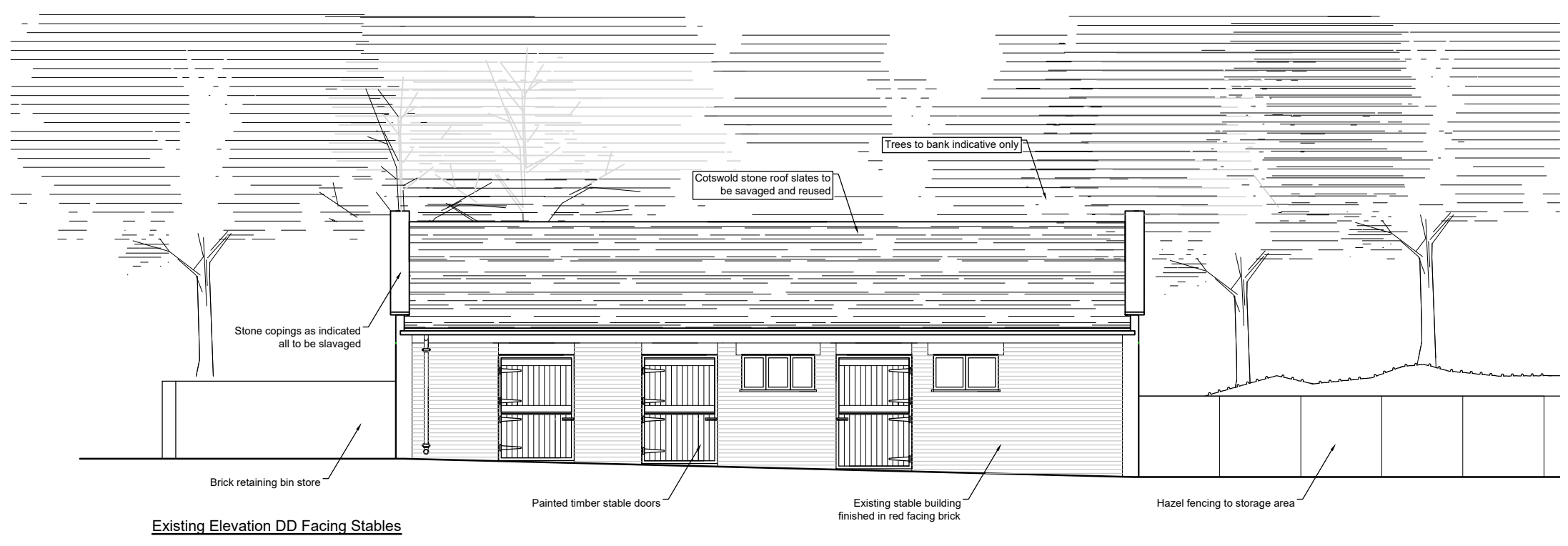
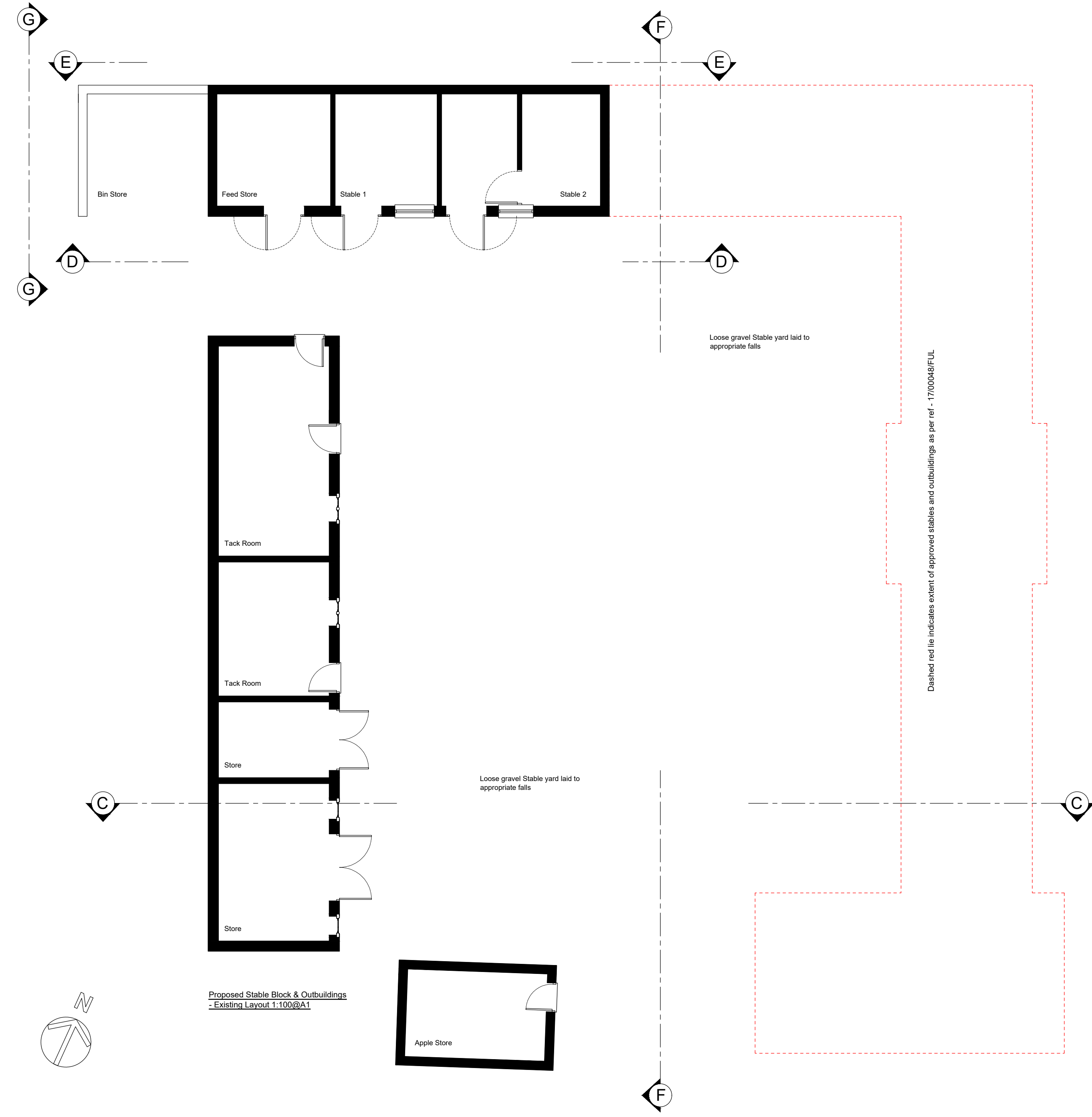
DIXTON MANOR
DIXTON, GOTHERINGTON, GL52 9RB

PROPOSED STABLES & OUTBUILDINGS

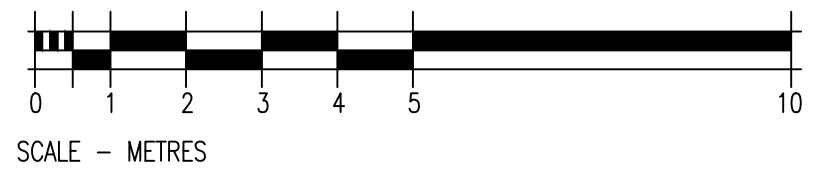
Proposed Location Plans

Scale	VAR@A1	PLANNING 1746-01
Date	06.01.20	
Drawn	AC	





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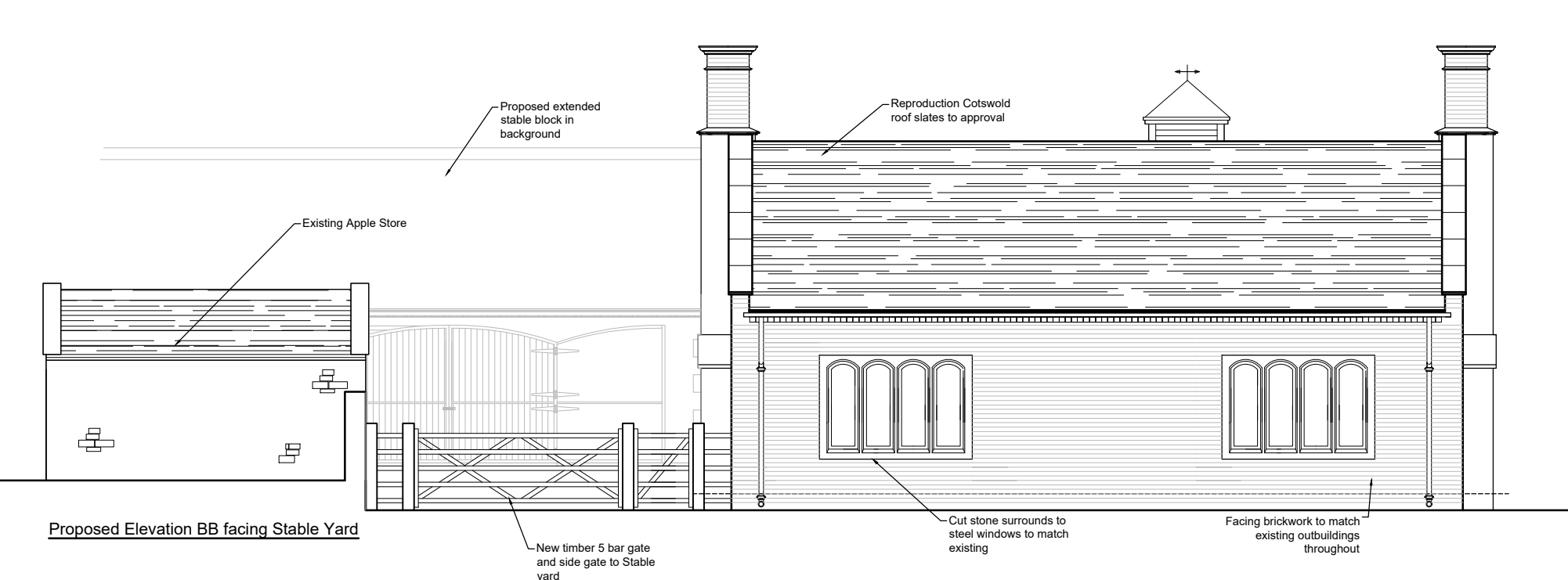
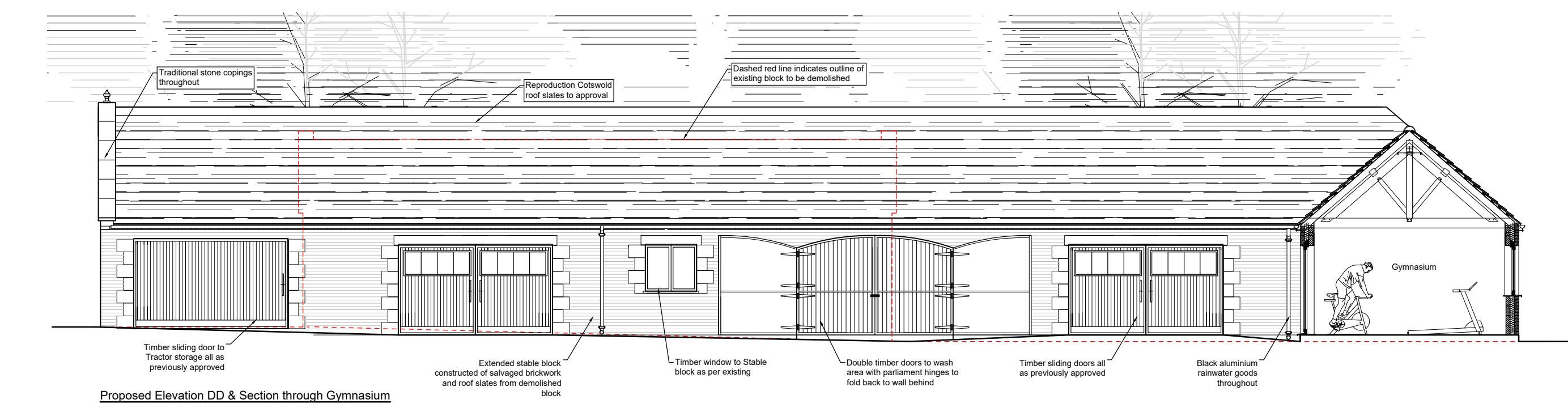
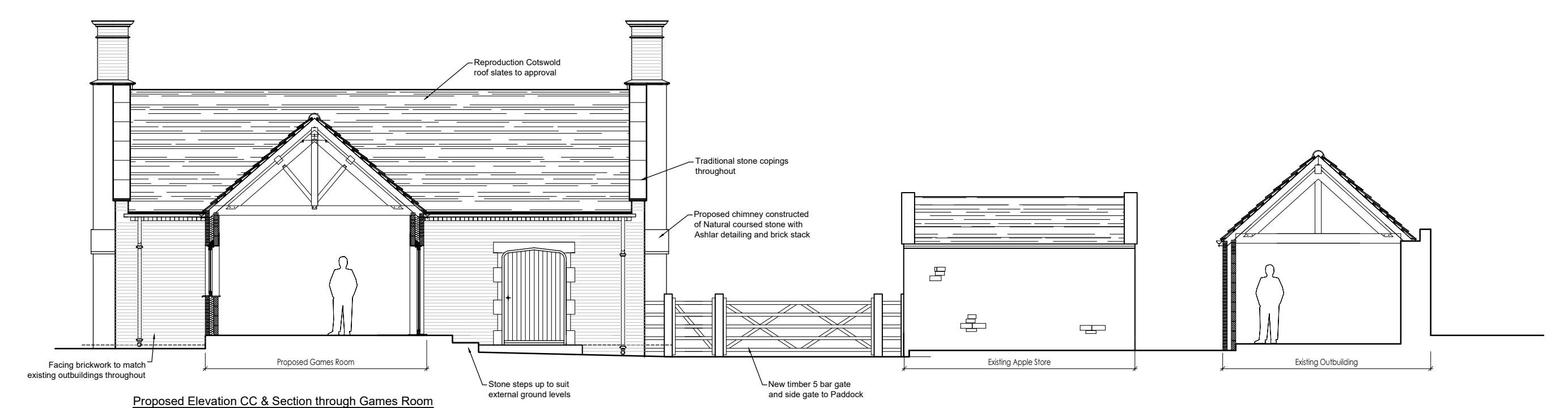
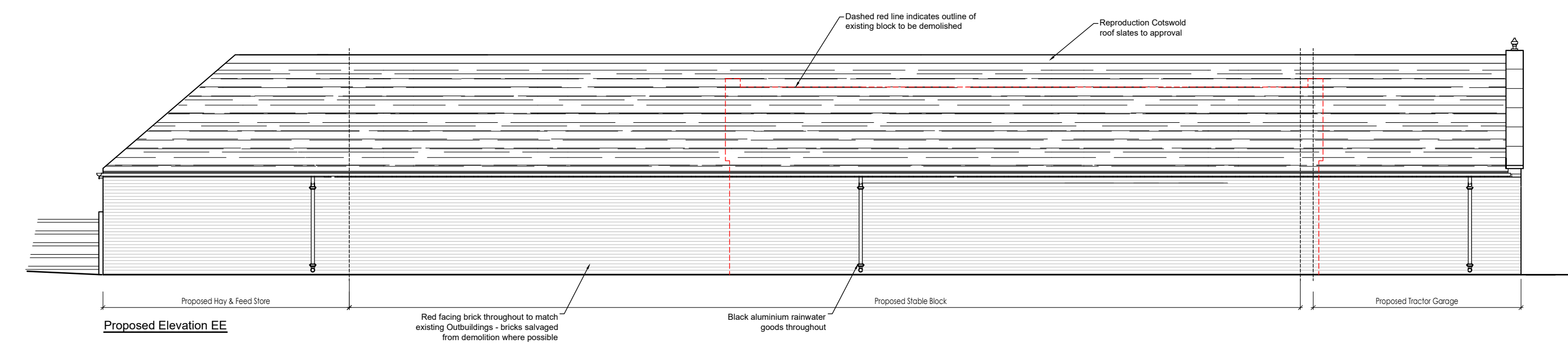
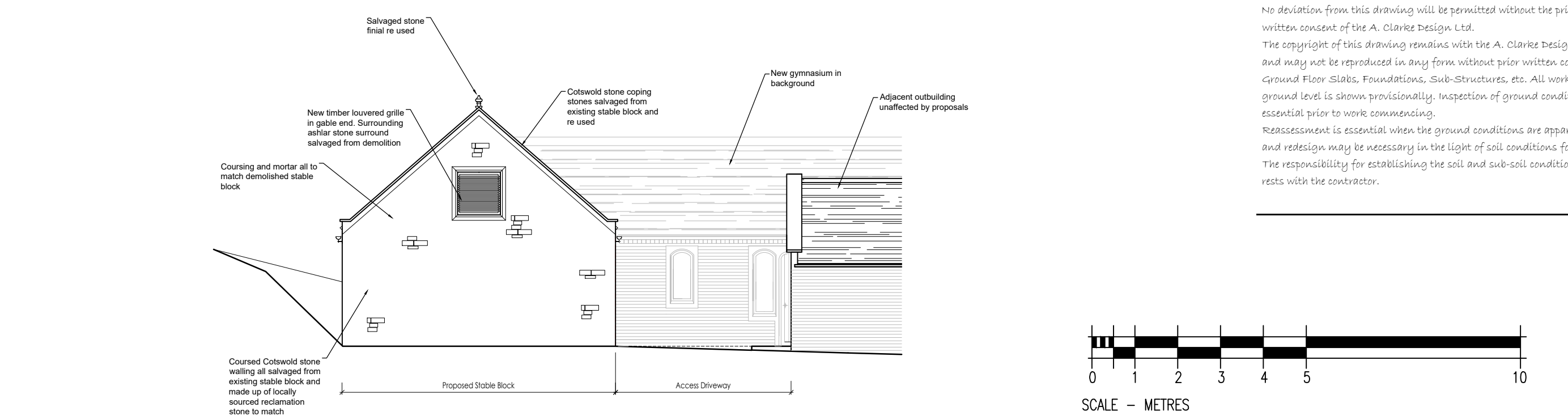
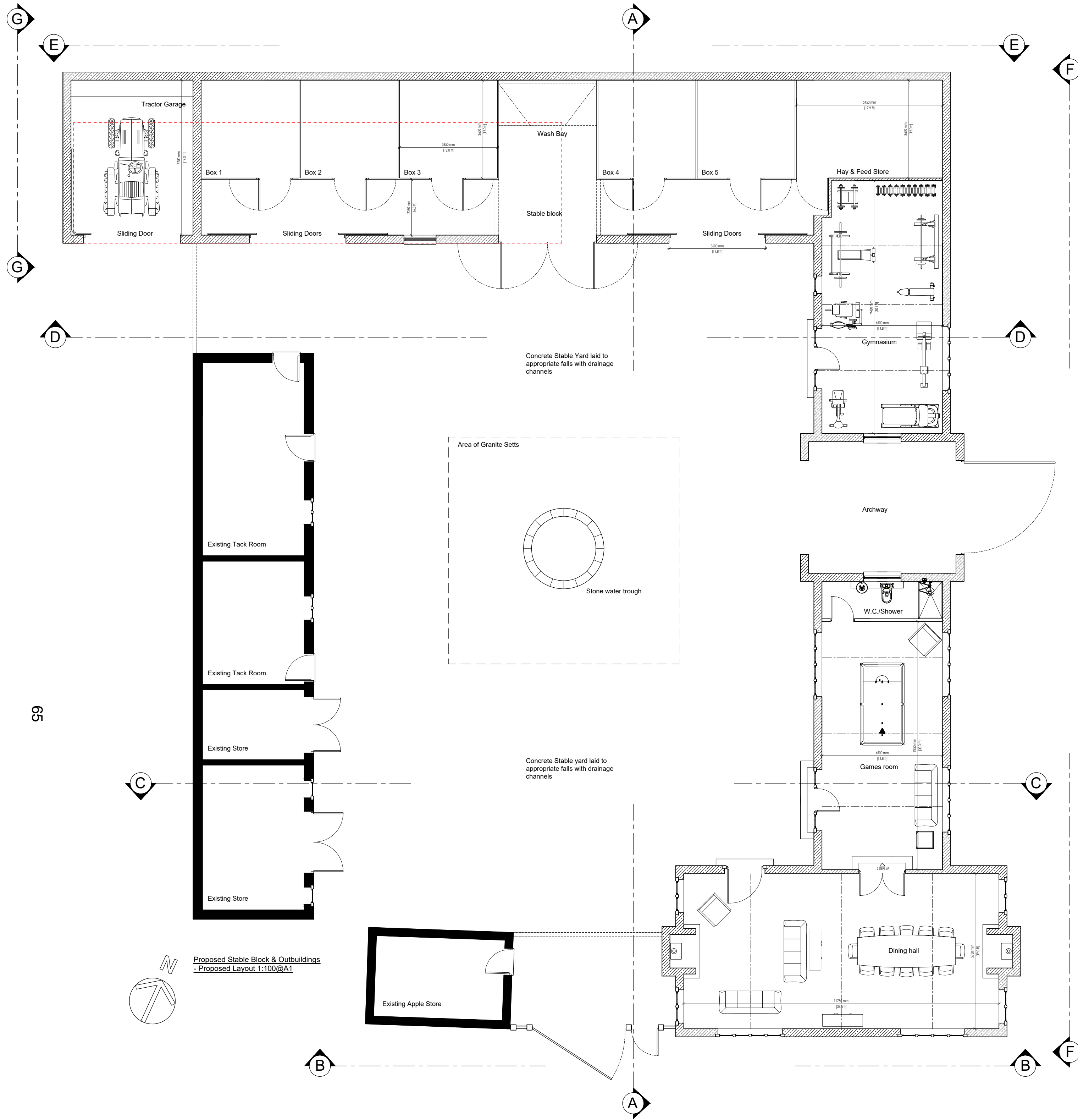
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A. Clarke Design Ltd
Stanley Barn Farm, Stanley Pontlarge
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01242 420064
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DIXTON MANOR
DIXTON, GOTHERINGTON, GL52 9RB

PROPOSED STABLES & OUTBUILDINGS

Existing Layout & Elevations

Scale 1:100@A1	PLANNING 1746-05
Date 06.01.20	
Drawn AC	



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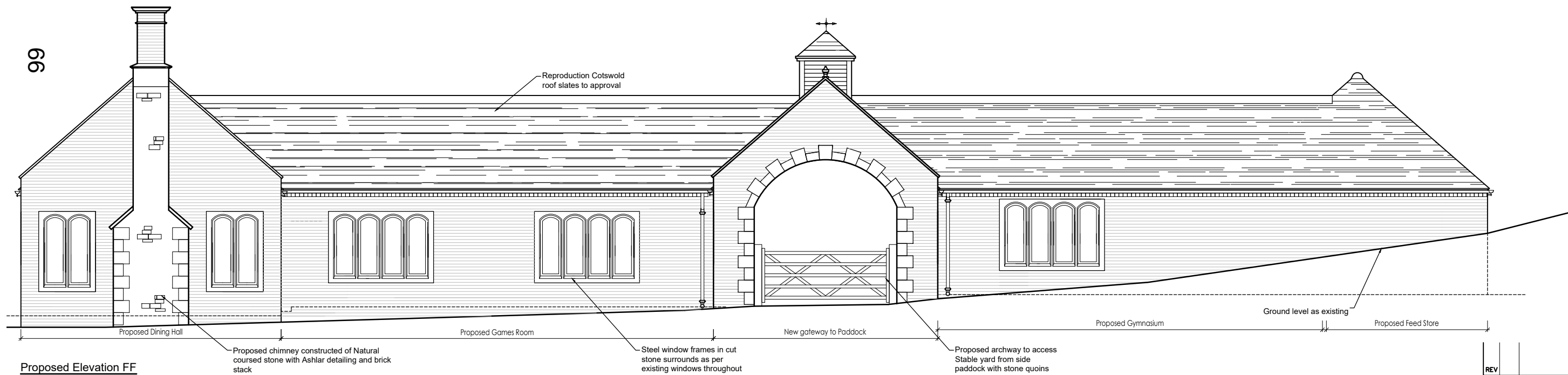
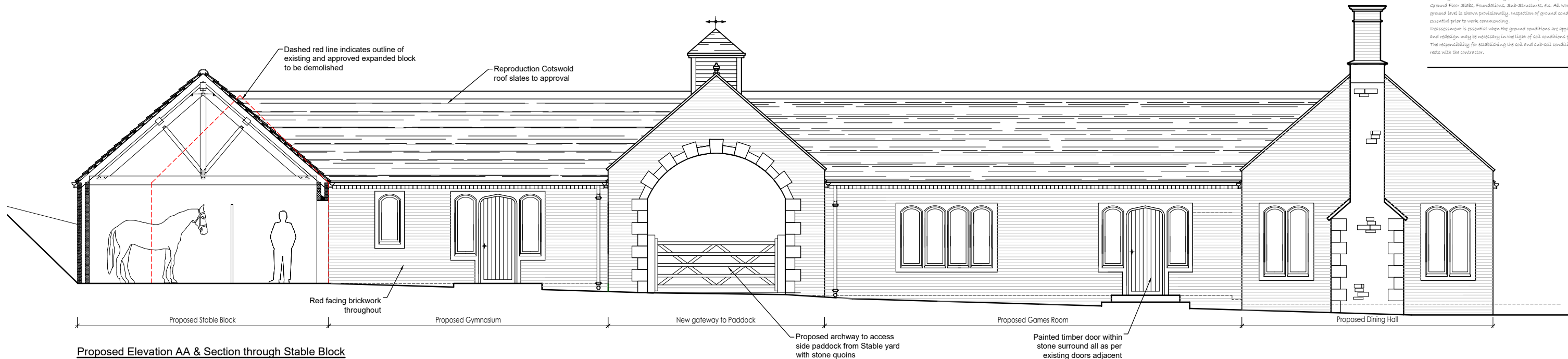
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PROPOSED STABLES & OUTBUILDINGS

Proposed Layout & Elevations

Scale 1:100@A1	PLANNING 1746-10
Date 06.01.20	
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Stanley Barn Farm, Stanley Pontlarge
Cheltenham, Glos, GL54 5HD
01242-620064
adam@aclarkedesign.co.uk
www.aclarkedesign.co.uk

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PROPOSED STABLES & OUTBUILDING

Proposed Elevations cont.

Scale	1:100@A3	PLANNING 1746-12
Date	06.01.20	
Drawn	AC	

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	02.03.2020
Site Location:	Dixton Manor, Dixton, Gotherington, Cheltenham, Gloucestershire, GL52 9RB
Application No:	20/00043/LBC
Ward:	Winchcombe
Parish:	Alderton
Proposal:	Proposed demolition of existing stable block and replacement with new stable block and associated outbuildings, felling of 6no. Trees following on from previous consents 17/00048/FUL & 17/00049/LBC. Resubmission of application reference 19/00500/FUL and 19/00501/LBC.
Report by:	Emily Pugh
Appendices:	Site layout plan Proposed Elevations Elevations and floor plans
Recommendation:	Refuse Consent

1.0 SITE DESCRIPTION AND PROPOSAL

This application relates to Dixton Manor, a Grade 2* listed 16th Century Manor House set amongst generous grounds. The site features a number of curtilage listed historic outhouses and stable buildings. The site is located within the Cotswold AONB however is not affected by further restrictive landscape designations.

The current application seeks listed building consent the demolition of an existing curtilage listed stable building, and its replacement with a modern c-shaped sectional range. The new building would form a courtyard around an existing gravelled area and would be used for stabling, vehicle storage, and uses ancillary purposes incidental to the enjoyment of the main dwelling (gym, games room, WC/shower room and dining hall).

The development would be constructed in red facing brick with Cotswold stone detailing, with reconstituted plain roof slates, painted steel windows and timber doors in stone mullion casements. **{b see attached plans for all details}.**

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
07/00452/FUL	Alterations and new extension and reconfiguration of southeastern range. Relocation of garden wall.	PERMIT	24.09.2007
07/00453/LBC	Internal and external alterations and new extension and reconfiguration of the southeastern range. Demolition of existing C20 extensions and demolition and relocation of garden wall. (Grade II Star Listed Building Ref:- 29/18)	CONSEN	24.09.2007
07/01262/FUL	Erection of 12m squared wood pellet store in kitchen garden	PER	29.10.2007
07/01263/LBC	Addition of 12m squared wood pellet store in kitchen garden. (Grade II Star Listed Building Ref:- 29/18)	CONSEN	30.11.2007
08/01319/FUL	Refurbishment of historic brick and stone stable blocks, including demolition of 20th century extensions and replacement with new complementary to original. Demolition of other 20th century outbuildings and replacement with new oak-framed parking block. New walls and gates.	PER	09.04.2009
08/01320/LBC	Refurbishment of historic brick and stone stable blocks, including demolition of 20th century extensions and replacement with new complementary to original. Demolition of other 20th century outbuildings and replacement with new oak-framed parking block. (Grade II STAR Listed Building: 29/18)	CONSEN	02.07.2009
11/00029/FUL	Proposed garden steps and repair of existing terrace wall	PER	10.05.2011
11/00030/LBC	Proposed garden steps and repair of existing terrace wall (Grade II Star Listed Building Ref:- 29/18)	CONSEN	10.05.2011
11/00038/PRE	Improvements and replacement of outbuildings.		
11/01206/LBC	Removal of a lean-to porch on the rear elevation (Grade II_ Listed Building Ref:- 1091732).	CONSEN	03.02.2012
12/00092/FUL	Refurbishment of historic brick and stone stable blocks, including demolition of 20th century extensions and replacement with new complementary to original. Demolition of other 20th century outbuildings and replacement with new oak-framed parking block. New walls and gates. (Extension of time limit for implementation of planning application 08/01319/FUL)	PER	22.03.2012
12/00093/LBC	Refurbishment of historic brick and stone stable blocks, including demolition of 20th century extensions and replacement with new complementary to original. Demolition of other 20th century outbuildings and replacement with new oak-framed parking block. (Grade II Star Listed Building Ref:- 1091732). (Extension of time for	CONSEN	22.03.2012

	implementation of planning application 08/01320/LBC)		
13/00084/PRE	Amendments further to 12/00092/FUL & 12/00093/FUL.	DONE	28.05.2014
17/00048/FUL	Extend existing detached stables outbuilding to create new stable and outbuildings, forming courtyard enclosure, construction of new central horse trough feature within repaved courtyard area with new access gateways to existing paddock.	PER	20.03.2017
17/00049/LBC	Extend existing detached stables outbuilding to create new stable and outbuildings, forming courtyard enclosure, construction of new central horse trough feature within repaved courtyard area with new access gateways to existing paddock.	CONSEN	20.03.2017
19/00500/FUL	Demolition of existing stable block and erection of stables and outbuilding forming courtyard enclosure. Construction of central water trough within courtyard and new access gateway to existing paddock. (Revision of applications 17/00048/FUL & 17/00049/LBC)	WDN	18.09.2019
19/00501/LBC	Demolition of existing stable block and erection of stables and outbuilding forming courtyard enclosure. Construction of central water trough within courtyard and new access gateway to existing paddock. (Revision of applications 17/00048/FUL & 17/00049/LBC)	WDN	18.09.2019
19/00098/CONDIS	Application for approval of details subject to Condition 3 (Windows & Doors), 4 (Walling Samples), 5 (Roof Tile Samples), 6 (Window Dressing Samples), 8 (Hardsurfacing Samples) of the planning application ref number 17/00048/FUL & 17/00049/LBC.	DISCHA	19.11.2019
20/00042/FUL	Proposed demolition of existing stable block and replacement with new stable block and associated outbuildings, felling of 6no. Trees following on from previous consents 17/00048/FUL & 17/00049/LBC. Resubmission of application reference 19/00500/FUL and 19/00501/LBC.		

3.0 RELEVANT POLICY

3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 National guidance

Section 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990
National Planning Policy Framework; 2019 (NPPF)
Planning Practice Guidance
Historic England Advice Note 2 'Making Changes to Heritage Assets' 2016

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

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

3.5 **Preferred Options Consultation, Tewkesbury Borough Plan 2011-2031 (2018)**

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

3.7 The First Protocol, Article 1 (Protection of Property)

4.0 **CONSULTATIONS**

4.1 Historic England - Objection. The collection of working buildings which are proposed to be demolished are not only evidence of former service activity, but also as testament to the status and grandeur of the manor. It is therefore considered the buildings contribute heavily to the significance of Dixon Manor. The level of loss to a historic Grade II* curtilage listed structure requires clear and convincing justification (paragraph 194 of the NPPF), and whilst a case has been put forward for the revisions to the consented scheme, we consider this justification to be inadequate for the total loss of the stable block which in this instance is considered to result in substantial harm.

Conservation Officer - Objection. The building is of medium to high significance in association with Dixon Manor. Demolition of the historic stable block would entirely destroy this heritage asset causing substantial harm to the asset and less than substantial harm to the setting of Dixon Manor a Grade II* Listed building. The loss of this building is wholly inappropriate and the harm generated cannot be mitigated as there is no justification or public benefit identified.

Alderton Parish Council - No comments have been received in relation to the LBC application, however on the parallel FUL application, the Parish objects to the planning application on the grounds of the demolition of the Stable Block which contributes to the significance of the Grade II* listed Manor.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the posting of a site notice for a period of 21 days and/or the neighbour notification scheme.

5.2 No representations received.

6.0 **POLICY CONTEXT**

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

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

Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2019.

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

7.0 ANALYSIS

- 7.1 The test to be applied in this case is whether the proposal would cause harm to the significance of the listed building.

Principle of Development

7.2 Paragraph 184 of the NPPF states that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

7.3 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

7.4 Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), requires clear and convincing justification.

7.5 Policy SD8 of the JCS sets out that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. Designated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.

7.6 Policies HOU8 and SD4 further state that development must respect the character, scale and proportion of the existing dwelling and the surrounding development. The detailed design, materials and layout of buildings and structures must be appropriate to their setting and the character of the surrounding area.

7.7 Dixon Manor is designated as Grade 2* as such, is ranked in the top 8% of listed buildings in the country. The Manor itself is located in an elevated position within the hamlet of Dixon. It is accessed by way of a large gated driveway and is somewhat separate from its outbuildings, which are located beyond two cottages and across a formal garden to the East.

7.8 The existing outbuildings are comprised of a coach house, a stable block and an apple store – which are arranged in a courtyard setting, overlooking a stable yard. Albeit in an elevated position, the site is located within a terraced plateau which is screened by well-established trees to the north and east of the site and it is not readily visible from public vantage points.

7.9 The Manor, once a former farmstead, is still identifiable as such largely due to its rural setting and presence of rural historic curtilage listed outbuildings. The outbuildings themselves are evidently original and historic, and are curtilage listed in association with the main Manor. Those buildings are considered to be instrumental to the significance of the Dixon Manor, providing context and alluding to the former sense of grandeur. The stable block in particular contributes to the heritage value of the building group, its narrative and legibility and it forms an important feature within the site.

7.10 The proposal seeks to demolish one of those curtilage listed buildings (a historic stable block) in order to make way for a modern c-shaped arrangement of buildings to surround the stable yard, which would be used for ancillary purposes such as for a gym and storage.

7.11 The application is accompanied by a Historic Statement which attempts to justify the demolition of the stable block, ultimately concluding that *“the wall forming the rear retaining elevation (of the stable block) is deemed to be of historic value, however it requires extensive intervention to enable its repair and stabilisation that the result is tantamount to its demolition and reconstruction”*.

7.12 Essentially, this conclusion infers that, whilst it would be possible to repair and restore the stable block, it would be at great expense and it would be more cost effective to demolish and replace the building. Whilst this is noted, and the cost of works is regrettable, this is not considered to be a reasonable justification for the entire loss of a historic building.

7.13 Paragraph 196 states that, were a development results in less than substantial harm to the significance of a designated heritage asset, it must be refused, unless that harm is outweighed by public benefit. There is no further perceived public benefit for the demolition of the building (other than financial benefits to the applicant) and it is therefore not considered that the harm is outweighed by public benefit.

7.14 As such, the loss of the stable building is considered to be wholly inappropriate and the harm generated is neither mitigated nor justified. The scheme therefore results in demonstrable harm to the significance of the listed building, providing no public benefit and fails to comply with the requirements set out in JCS Policy SD8, and Section 16 of the NPPF.

Design

7.15 Policies HOU8 and SD4 state that development must respect the character, scale and proportion of the existing dwelling and the surrounding development. The detailed design, materials and layout of buildings and structures must be appropriate to their setting and the character of the surrounding area.

7.16 It is of note that a previous scheme was granted permission – which sought to retain the stable building and incorporate it into a new range as opposed to the revised scheme which seeks to demolish it entirely.

7.17 The current scheme seeks changes to the previously approved design. The range is proposed to be more grand and striking than the previous array which was seemingly designed to mimic the historic form and appearance of the stables and adjacent coach house. Although a simpler and more modest design would have been preferred in order to better reflect the existing historic farmstead outbuildings

which are comprised of a distinct agricultural character, the current design is not considered unacceptable or sufficient reason to warrant refusal. It would comprise of a traditional, vernacular appearance, featuring some important detailing to the stonework, roof and fenestration and the form and layout would be appropriate within the context of the site.

7.18 In view of the above, the design of the development is not disputed and is considered to be in accordance with Policies HOU8 and SD4.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 Taking into account all of the above, the proposal is considered to be contrary to the relevant policies of the adopted development plan, and it is therefore recommended that listed building consent be **refused**.

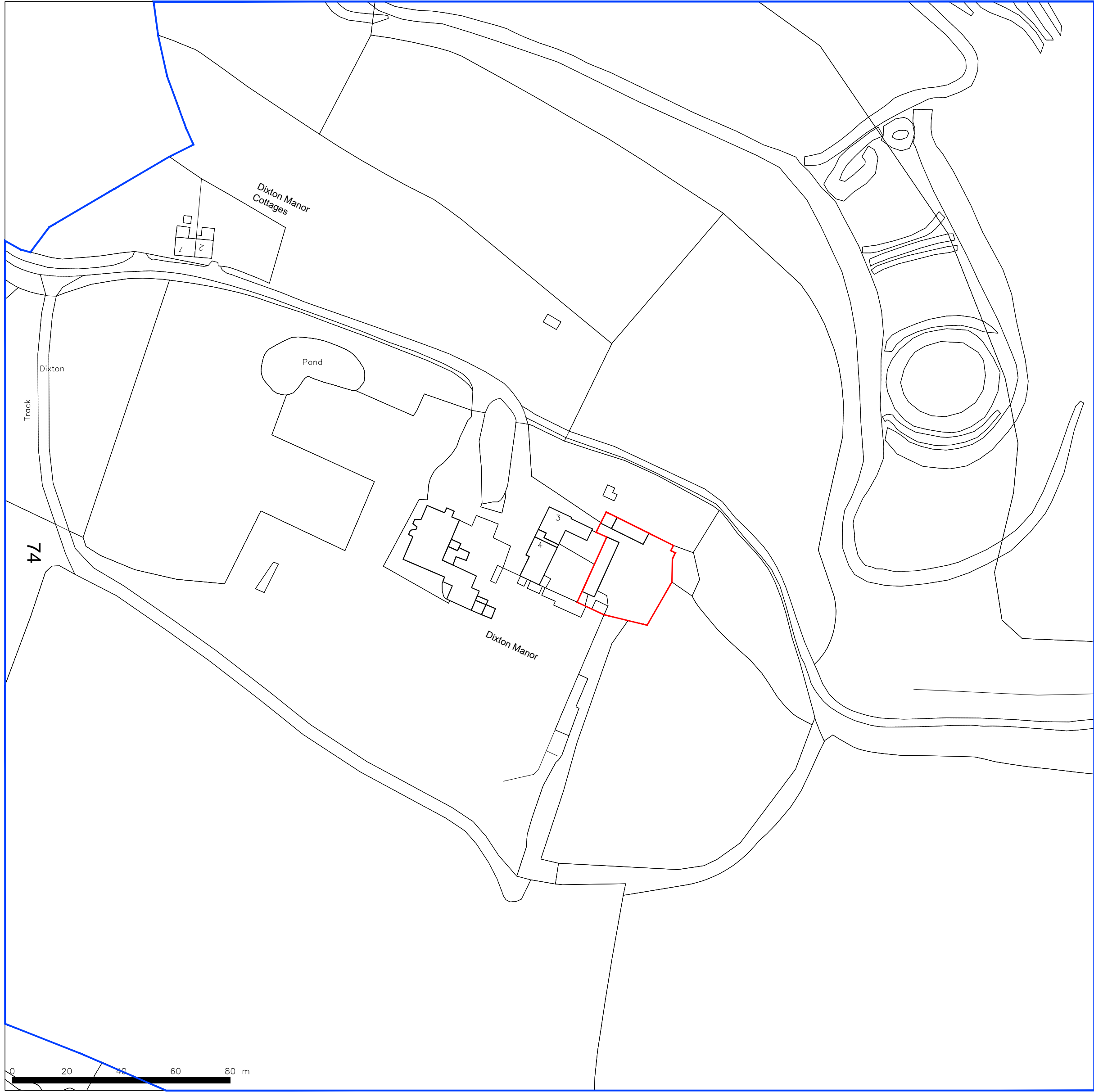
Reason(s):

The proposed development would result demonstrable harm to the significance of the Grade 2* Listed Building by way of the unjustified and wholly inappropriate loss of the stable building, contrary to Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017), and the advice contained within the National Planning Policy Framework.

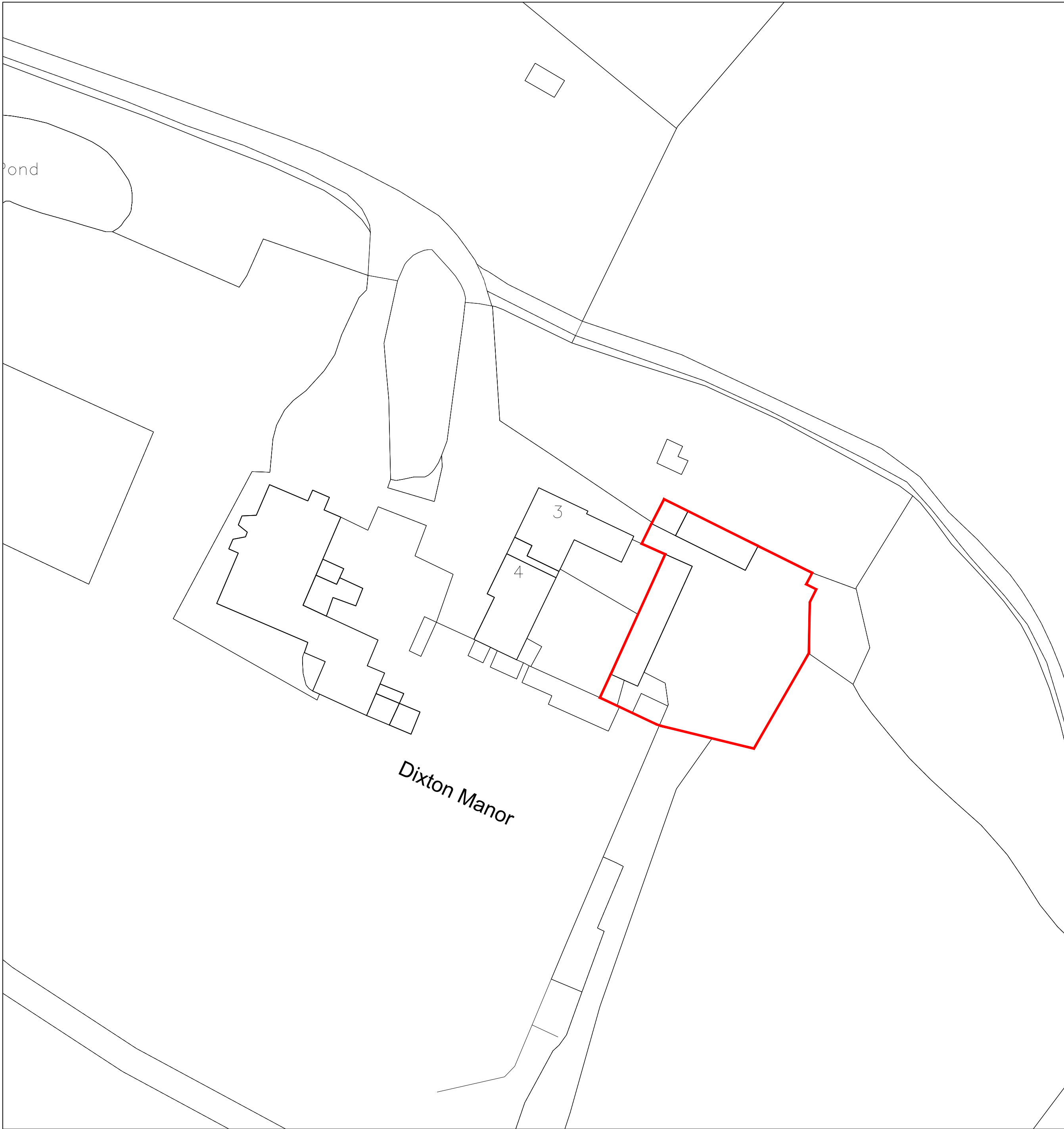
Informatives:

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

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Location - 1:1250



Location - 1:500

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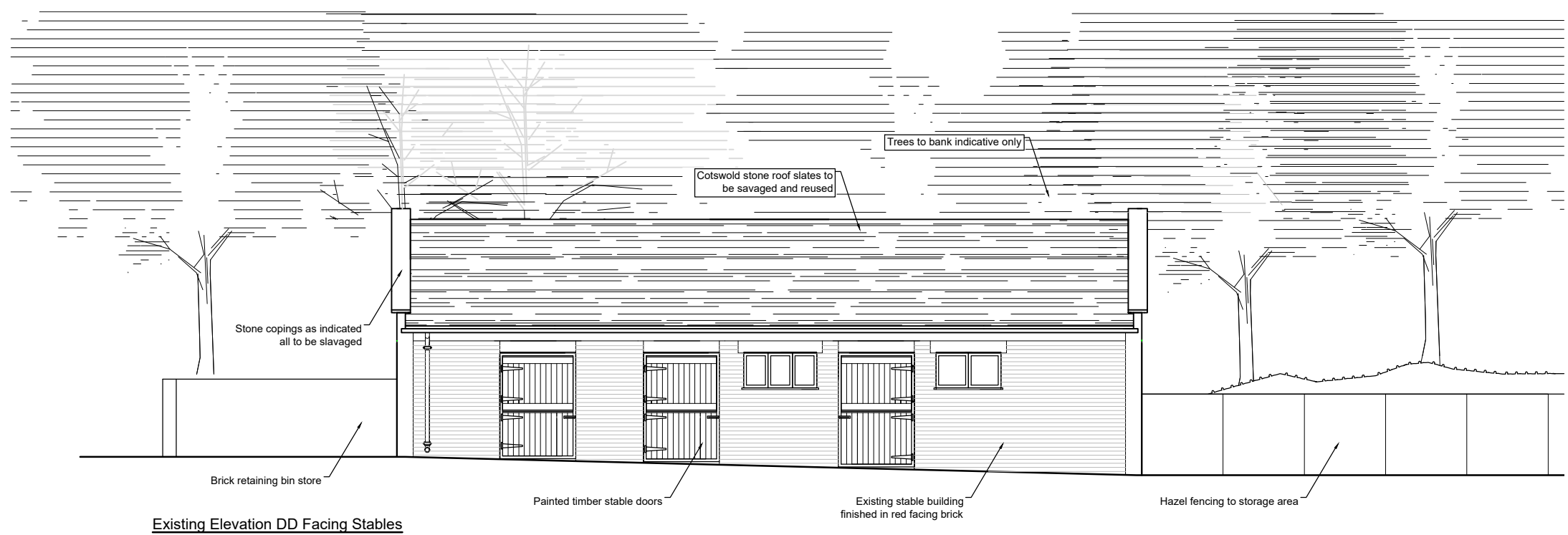
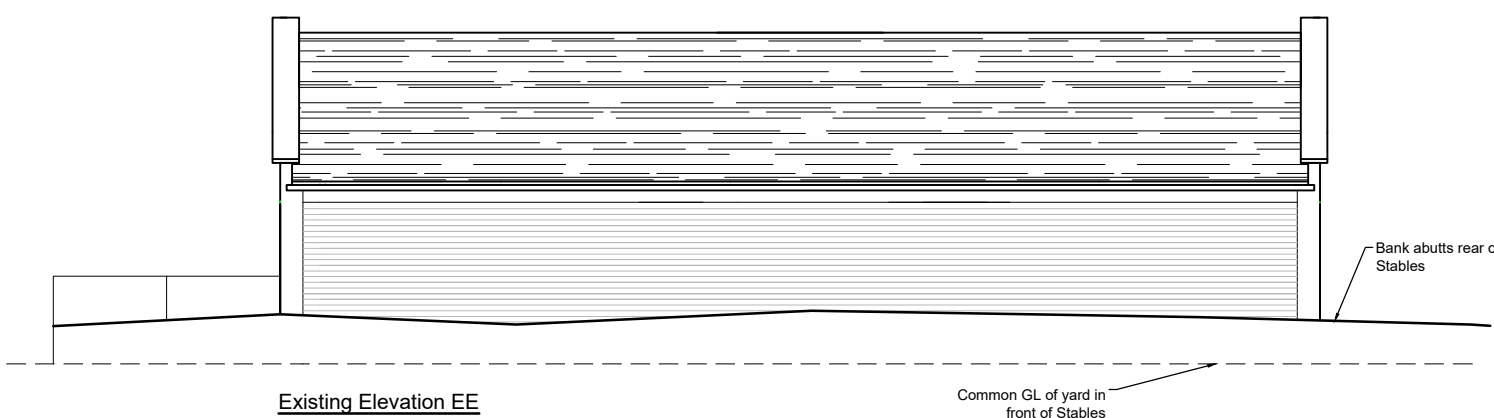
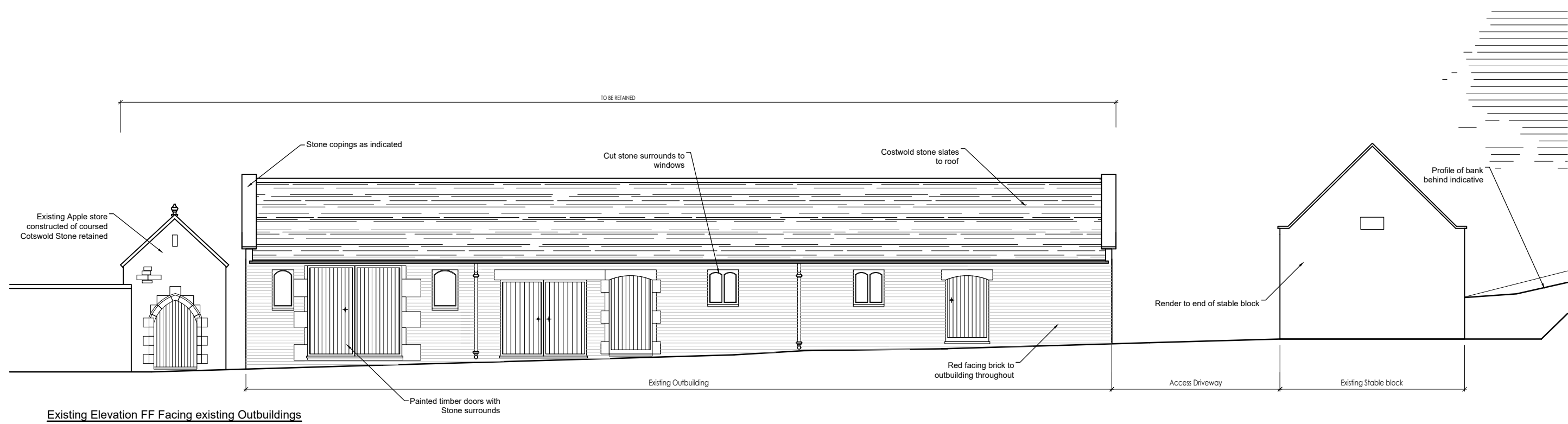
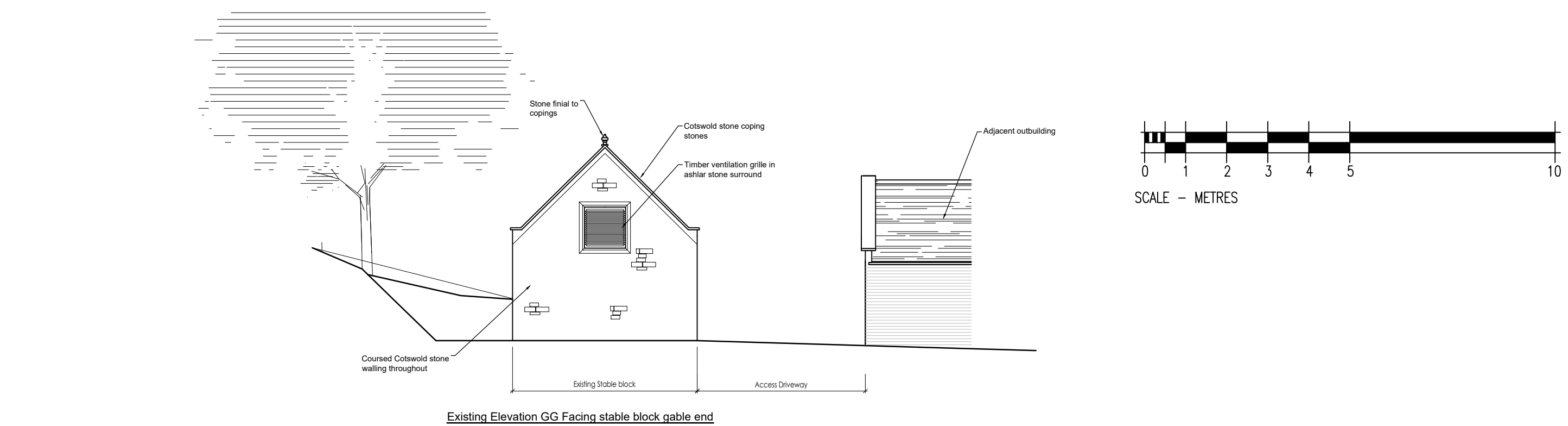
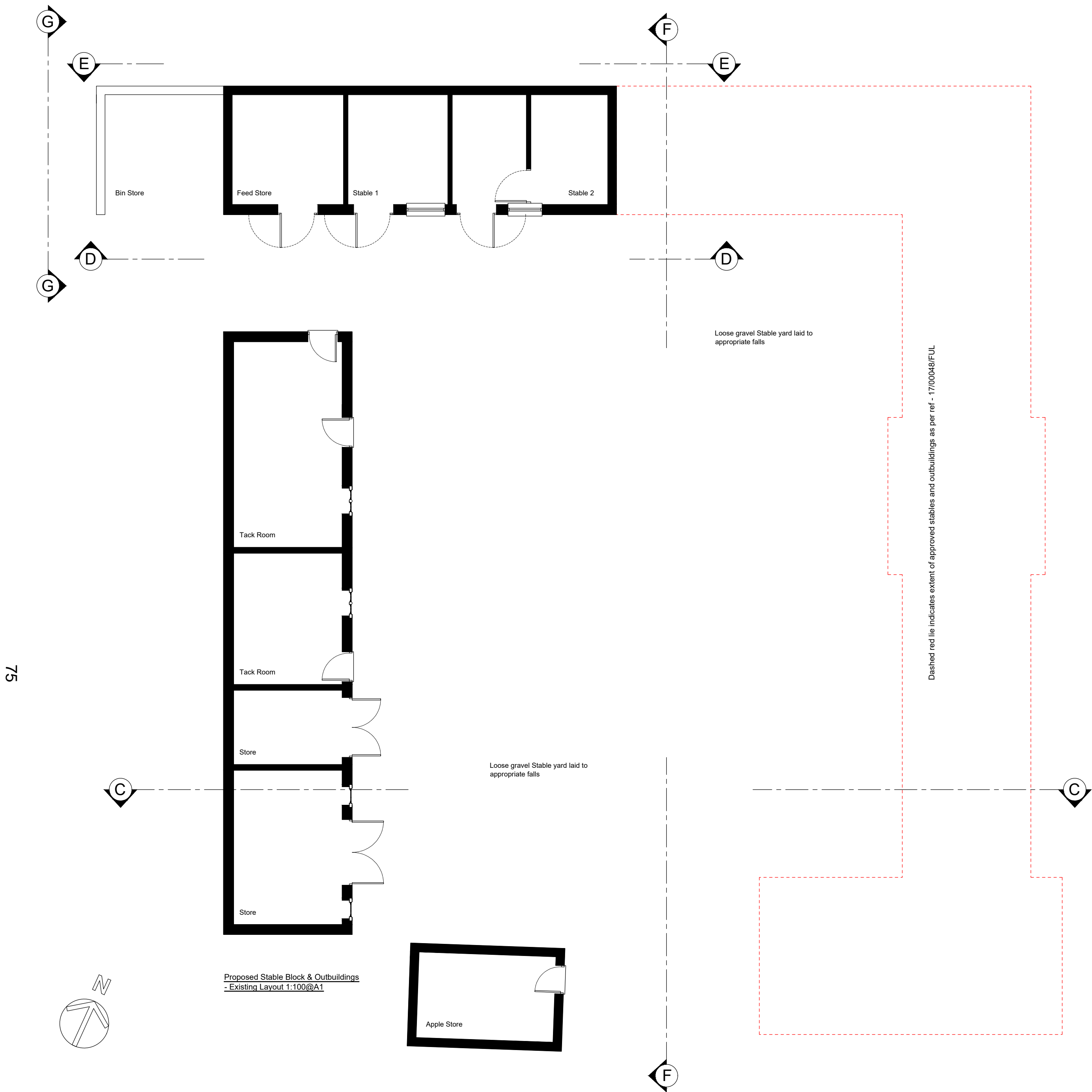
PROPOSED STABLES & OUTBUILDINGS

Proposed Location Plans

Scale	VAR@A1	PLANNING 1746-01
Date	06.01.20	
Drawn	AC	

Proposed Stable Block & Outbuildings - Location Plans - 1:1250 & 1:500@A1

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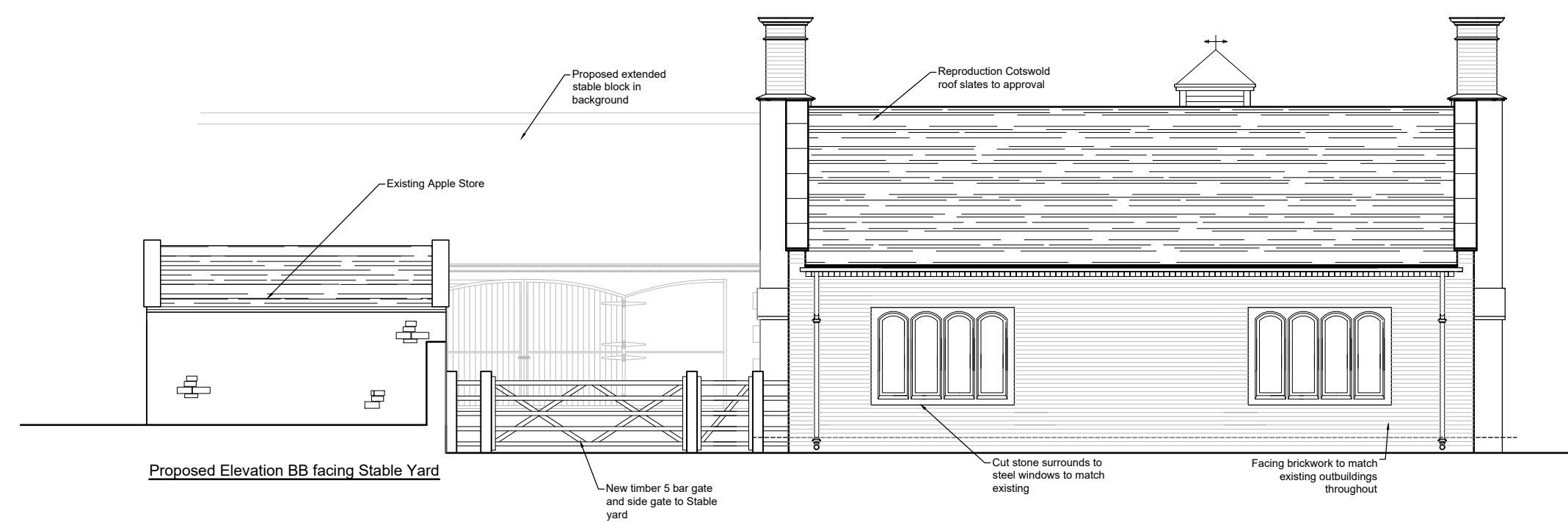
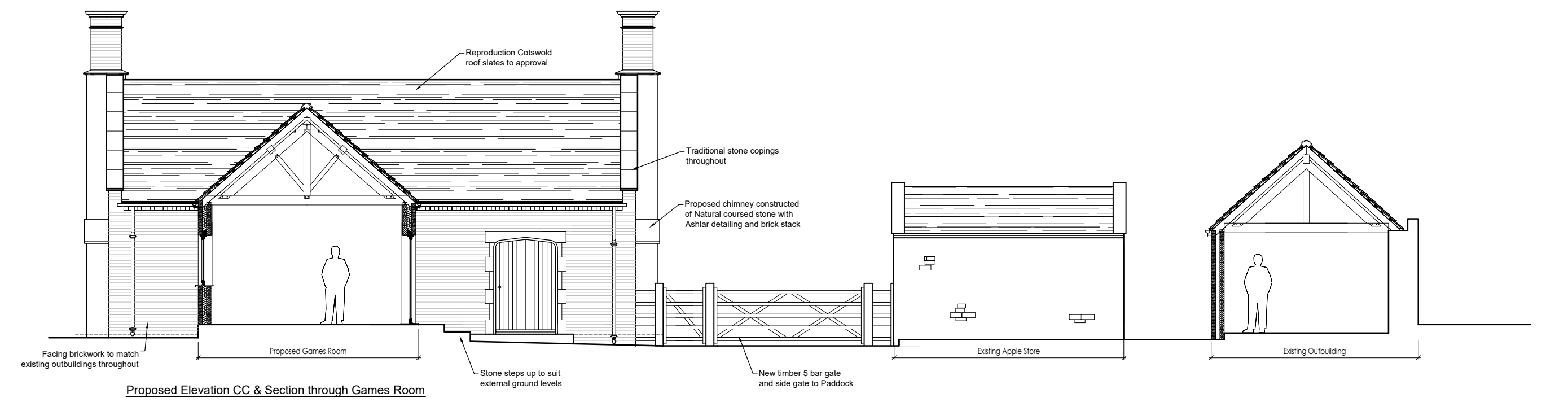
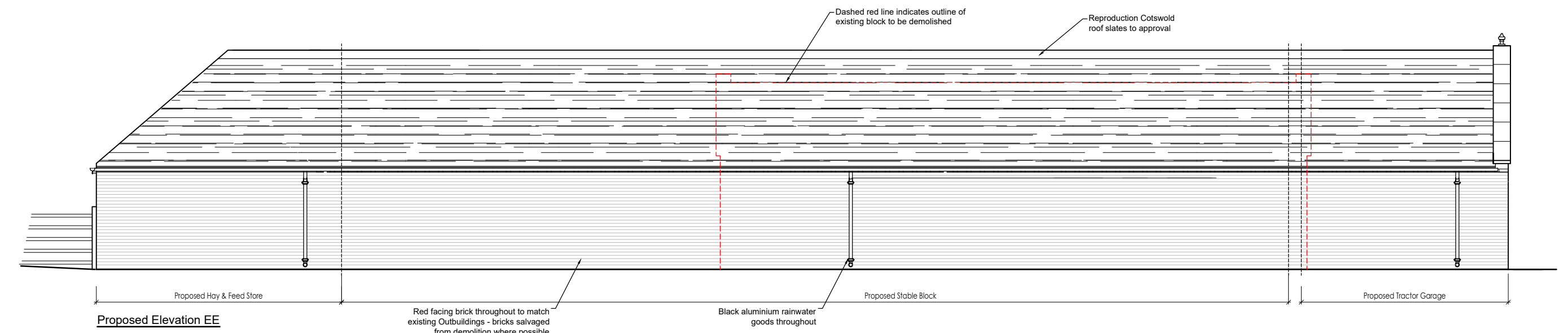
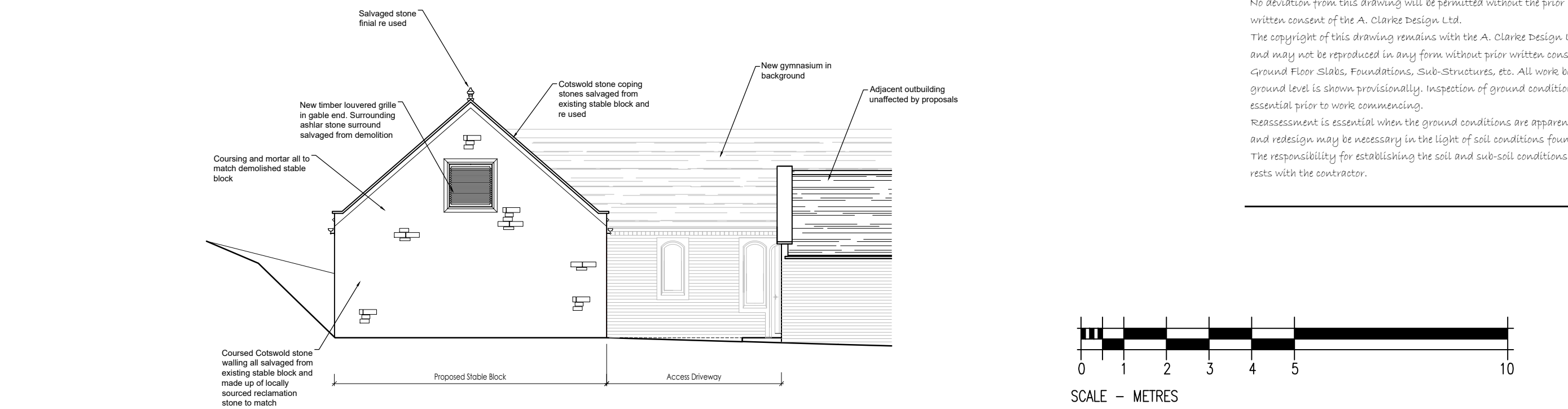
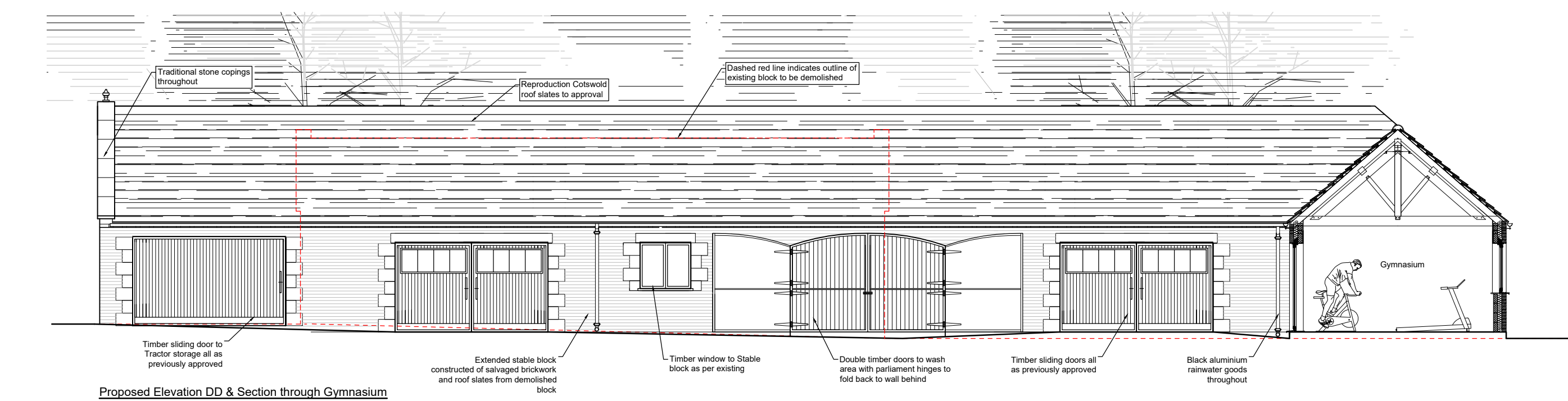
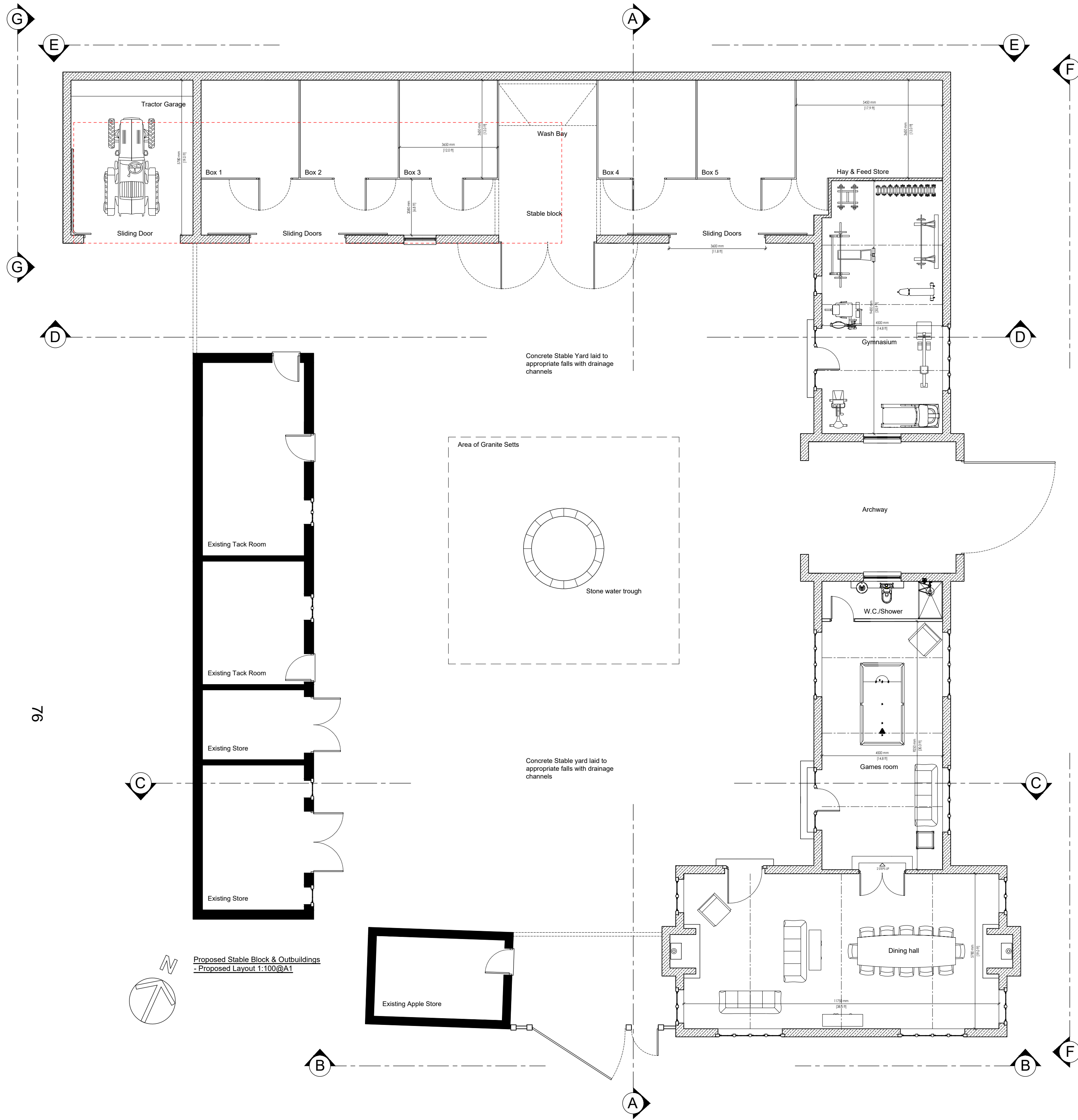
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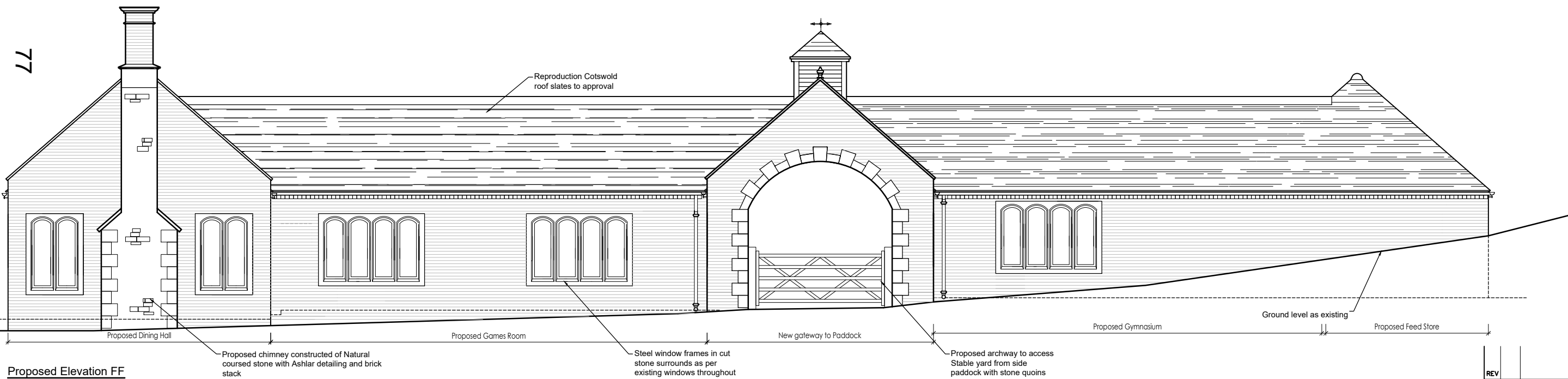
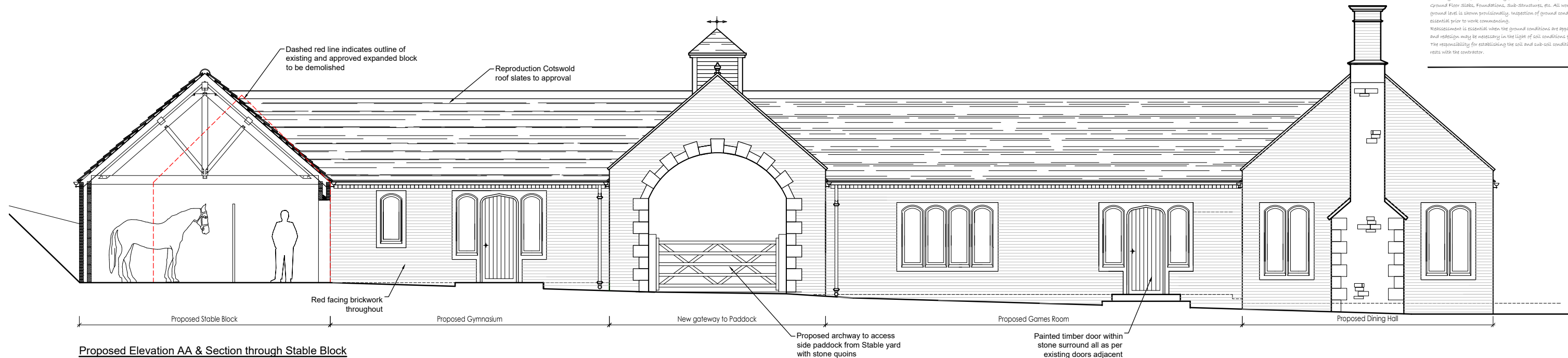
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PROPOSED STABLES & OUTBUILDINGS

Proposed Layout & Elevations

Scale 1:100@A1	PLANNING 1746-10
Date 06.01.20	
Drawn AC	

Notes:
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REV	DATE	DESCRIPTION	INT

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A. CLARKE DESIGN
ARCHITECTURAL DESIGN SERVICES

A. Clarke Design Ltd
Stanley Barn Farm, Stanley Pontlarge
Cheltenham, Glos, GL54 5HD
01242-620064
adam@aclarkedesign.co.uk
www.aclarkedesign.co.uk

DIXTON MANOR
DIXTON, GOTHERINGTON, GL52 9RB

PROPOSED STABLES & OUTBUILDING

Proposed Elevations cont.

Scale	1:100@A3	PLANNING 1746-12
Date	06.01.20	
Drawn	AC	

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	17.03.2020
Site Location:	Land At Berry Wormington, Stanway Road, Stanton, Broadway, Gloucestershire,
Application No:	19/00722/FUL
Ward:	Isbourne
Parish:	Stanton
Proposal:	New livestock/general purpose store building and formation of new access track and yard.
Report by:	Bob Ristic
Appendices:	Site location plan Plan & Elevations Levels plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to an agricultural field located on the western side of the B4632, approximately $\frac{3}{4}$ of a mile to the north of New Town Toddington and immediately to the south of Berry Wormington Farm.
- 1.2 More specifically the site relates to the south-western corner of the field, which is screened from the road by a hedge and various trees and shrubs which run along the southern boundary. The wider field slopes down to the southwest from a crest in the central part of the site.
- 1.3 The site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB) and is bound by watercourses to the south and west, with the south-western part of the site falling within Flood Zone 3 (**see site location and layout plans**).
- 1.4 The application seeks planning permission for a livestock/general purpose store building (building 1) which would be located within the south-western corner of the site and would have a floor area of approximately 370 square metres. The building would be 12.2 metres wide x 30.5 metres long and 6.5 metres high to the ridge.
- 1.5 The building would have a north to south orientation and would be enclosed on 3 elevations. It would be constructed with a 2 metre high concrete panel plinth with Yorkshire boarding above. The roof would comprise profiled metal sheets.
- 1.6 The applicant has advised that the proposed building is required for livestock housing (Lambing in batches January - June) and storage of fodder and hay

outside these times.

- 1.7 The proposal also seeks permission for a new access track from the B4632 which would 'dog-leg' north before running westwards through the field to the site of the proposed building and is common to all 3 applications.
- 1.8 The site is subject to two further application for agricultural buildings which are also on this agenda (see section 2 below), which if permitted could form a group of 3 buildings.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
19/00723/FUL	New livestock housing/calf rearing building (2) and formation of new access track and yard.	Pending	
19/00724/FUL	New agricultural workshop/storage (3) building and formation of new access track and yard.	Pending	
18/00883/FUL	Proposed agricultural building (1) for livestock housing and general purpose storage, associated access track and yard area.	WDN	15.05.2019
18/00884/FUL	Proposed agricultural building (2) for livestock housing, associated access track and yard area.	WDN	15.05.2019
18/00885/FUL	Proposed agricultural building (3) for livestock housing, associated access track and yard area.	WDN	15.05.2019
18/00886/FUL	Proposed agricultural building (4) for storage and workshop use, associated access track and yard area.	WDN	15.05.2019

3.0 RELEVANT POLICY

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 National guidance

National Planning Policy Framework (NPPF) (2019)
Planning Practice Guidance (PPG)
Planning (Listed Buildings and Conservation Areas) Act 1990

3.3 Development Plan

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

SD6 – Landscape
SD7 – The Cotswolds Area of Outstanding Natural Beauty
SD8 – Historic Environment
SD14 – Health and Environmental Quality
INF1 – Transport Network
INF2 – Flood Risk Management

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

AGR5 – New Agricultural Buildings

3.5 **Preferred Options Consultation, Tewkesbury Borough Plan 2011-2031 (2018):**
AGR1 – Agricultural Development

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

3.7 The First Protocol, Article 1 (Protection of Property)

4.0 **CONSULTATIONS**

4.1 **Stanton Parish Council** - Welcomes the substantial reduction of the landscape and visual impacts of the new proposals

- Planning officer to determine whether the proposed agricultural units are reasonably necessary to support the agricultural enterprise
- Proposed works include a 500m access road / track
- Would result in the total development area exceeding 1000 sqm.
- No proposal for a dwelling to support the agricultural enterprise.

Toddington Parish Council - No objections

- Agree with comments from Highways and Stanton Parish Council

Cotswolds AONB Conservation Board

- Board objected to the previous planning applications
- Board provided pre-application advice to the applicant
- Much of our pre-application advice has been taken on board in terms of location, layout and potential landscaping and biodiversity enhancement measures.
- The reduction in the number of buildings and overall footprint of these buildings (from approximately 1,310m² to 761m²) is a significant factor.
- Photomontages help to assess the visual impact
- Proposals represent a significant improvement
- Potential adverse effects on the AONB would be significantly reduced
- Adverse visual effects for receptors on the Cotswold Way National Trail on the Cotswold escarpment and the B4632 would be reduced, as would the adverse effects on the setting of Grade II listed Berry Wormington Farmhouse.
- Overall effect on the Cotswolds AONB is still likely to be adverse, albeit relatively minor compared to the previous applications.
- High landscape sensitivity of this location.
- Significance of adverse effects will depend on how the applicant addresses light pollution
- Submission does not explain how lighting will be sympathetic
- Dark skies are one of the attributes of the AONB which makes it so outstanding
- Open-sided layout of two of the buildings and roof lights on the third building pose the risk of light pollution from within the buildings
- External lighting would potentially cause additional light pollution.
- Conditions should be imposed to (i) avoid and (ii) minimise light pollution, in line with Policy CE5 (Dark Skies) of the Cotswolds AONB Management Plan 2018-2023
- For the LPA to decide the overall balance of adverse and beneficial effects.
- Proposals for additional buildings in this location are highly unlikely to be appropriate.
- Further development is likely to exceed the 'landscape capacity' of the site

Environmental Health - No objection to the application in terms of noise / odour

/ pests adversely impacting the nearest sensitive receptor(s)

County Highways - No objection

Land Drainage Officer - No objection subject to conditions

Environment Agency Flood Risk - No comment

Environment Agency - No comments regarding the livestock/storage buildings
- Any muck store should comply with relevant NVZ/Silage Slurry & Agricultural Fuel Oil (SSAFO) regulations
- If any agricultural fuel oil is to be stored then it should comply with SSAFO regulations where relevant.

Gloucestershire Highways - No objection subject to conditions

County Archaeologist - No objections
- No known archaeology at this location or in the immediate locality
- Low risk that archaeological remains will be adversely affected by this development proposal

Health and Safety Executive – No objections
Site lies within consultation distance of a major pipeline

Building Control - No comment

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the posting of a site notice for a period of 21 days. In response, 11 representations have been received and the comments raised are summarised below:

5.2 Object
- Impact on landscape still significant
- Would make a big impact on AONB
- Would detract from landscape quality
- Would be visible from Cotswold Way, other footpaths and steam railway
- Applicant previously had plans for a dwelling at the site & remains a future possibility
- Closer to watercourse
- Concerns about waste, slurry and pollution
- Will increase surface runoff
- Would be contrary to policy to protect landscape
- Land bought without buildings
- Land previously farmed with no buildings
- Employed staff are vet students during lambing not locals
- Will open doors to other building on green land
- Access is from a fast road
- Recent accident/fatality
- Applicant has HGV and other vehicles
- Slow moving vehicles are a hazard
- Light pollution has not been addressed
- Development will reduce available land
- No real business plan to decide if viable

Support

- Berry Wormington is a former livestock farm
- Fantastic applicant's want to build livestock sheds on farmland
- Adjoining owners appear to have converted farm buildings
- Need to support local farmers
- View of Farm Buildings expected in countryside
- Prefer this to eyesore of converted barns that locals can't afford
- Proper buildings required to house lamb stock
- Lambing and calving are a 24hour commitment
- Purchased land will give a permanent base
- Will allow business to grow
- Stock Farming is backbone of agriculture and shapes the AONB landscape
- Would reduce livestock mortality
- Difficult to get onto farming ladder without a 'silver spoon'
- Buying a farm in the area is beyond realms of normal farmers
- Necessary to allow applicant's to keep farming
- No intentions to stop renting land to applicant
- Long term agreements not possible due to land being in family trust
- Hundreds if not thousands of houses have been granted in AONB
- Surprised other issues are more important than food

6.0 POLICY CONTEXT

- 6.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of The Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which "indicate otherwise". Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other materials considerations."
- 6.2 The development plan comprises the Joint Core Strategy (JCS) (2017) and saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).
- 6.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031.
- 6.4 The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

- 7.1 Paragraph 83 of the National Planning Policy Framework states planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 7.2 Policy AGR5 of the Local Plan states that the erection of new agricultural buildings will be permitted provided that the proposed development is well sited in relation to existing buildings and landscape features in order to minimise adverse impact on the visual amenity of the locality, the proposed development is

sympathetically designed, that there is adequate operational access and that suitable provision is made for all waste products.

- 7.3 The application advises that the applicant has been farming for over 25 years with the present livestock business being built up over the past 20 years on rented premises. While the applicant continues to rent agricultural land, the rented buildings have been taken back by landowners.
- 7.4 In addition to rented land the applicant owns 60 hectares of land which includes the application site. The applicant advises that buying an established farm/buildings in the area is prohibitively expensive and is therefore seeking planning permission for the proposed development in order to allow the business to continue to be viable and to grow.
- 7.5 The applicant sets out that livestock enterprise currently comprises:
- o 1200 breeding ewes (600 cross bred sheep, plus 600 north country Cheviots)
 - o Up to 2400 following lambs
 - o 30 breeding rams
 - o 12 suckler cows
 - o 12 suckler calves (around 6 months coming into winter housing)
 - o 12 older suckler calves

In addition the applicant makes approximately 50 acres of grass into hay and owns a number of agricultural vehicles, machinery and associated equipment.

- 7.6 The Council's Agricultural Consultant (CAC) has assessed the application case for the proposed building to provide covered lambing through the spring and hay/straw storage for the remainder of the year. The CAC has confirmed that the proposed building would be of a commensurate size and necessary for a 60 acre holding with some rented land. The agricultural need for the building as proposed is considered to be justified.
- 7.7 As set out above, the NPPF states that decisions should enable the sustainable growth and expansion of all types of business in rural areas, including through well-designed new buildings. The principle of the development is therefore acceptable subject to an assessment of other material considerations including landscape and heritage impact, flood risk and pollution, highway safety and residential amenity.

Landscape character and Visual Amenity

- 7.8 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan and Paragraph 172 sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection.
- 7.9 JCS Policy SD6 sets out that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social wellbeing which should have regard to the local distinctiveness and historic character of the different landscapes. Policy SD7 sets out that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and where appropriate enhance its landscape,

scenic beauty, wildlife and cultural heritage.

- 7.10 The Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023 sets out at Policy CE10 that development should have regard to and help to deliver the purposes of Conserving and enhancing the natural beauty of the AONB and Policy CE5 sets out that Proposals that are likely to impact on the dark skies of the Cotswolds AONB should have regard to these dark skies, by seeking to (i) avoid and (ii) minimise light pollution.
- 7.11 The site is located within the "Unwooded Vale" between the AONB to the south and the outliers of Dumbleton Hill to the north and between the Cotswold Scarp at Lidcombe Hill and Dumbleton Hill and occupies part of a shallow valley floor next to a small brook that flows north from Stanway to join the River Isbourne at Wormington. The site and its surroundings feature in elevated views from the east forming part of the wide open vale landscape however there are no public footpaths in the immediate vicinity of or crossing the site.
- 7.12 The Cotswolds Conservation Board Officer (CBO) has advised that the board objected to the previous planning applications for 4 buildings on an elevated and prominent part of the site. The Board subsequently provided pre-application advice to the applicant before they submitted the current planning applications.
- 7.13 The CBO confirms that much of the advice has been taken on board in terms of location, layout and potential landscaping and biodiversity enhancement measures the potential adverse effects on the AONB would be significantly reduced, compared to the previous planning applications. In particular, the adverse visual effects for receptors on the Cotswold Way National Trail on the Cotswold escarpment and the B4632 would be reduced, as would the adverse effects on the setting of the nearby Grade II listed building of Berry Wormington Farmhouse.
- 7.14 However, given the high landscape sensitivity of this location, lying as it does between the Cotswold Escarpment and the Escarpment Outliers of Dumbleton and Alderton Hills, in an area with relatively few man-made structures, the Board considers that the overall effect of the proposed developments on the Cotswolds AONB is still likely to be adverse, albeit relatively minor compared to the previous applications. However the significance of these residual adverse effects will depend, to some degree, on how the applicant addresses the issue of light pollution and protecting dark skies. Further information in respect of the proposed lighting to the development has been requested from the applicant and **an update will be provided at committee.**
- 7.15 The Council's Landscape adviser (CLA) has reviewed the proposal on the basis that while the barns have been submitted as separate applications, the applicant has advised that 3 buildings proposed are inter-dependent and would all be required for continued viable operation the agricultural enterprise.
- 7.16 While there are concerns with regards to the impact of lighting, spread of clutter and ephemera that might arise as part of a new agricultural holding the CLA considers that other than these concerns the simple forms and muted materials of the proposed structures, as well as the revised siting of the building at a lower level would result in some minor visual harm from the B4632 and elevated footpaths in the AONB to the east however the harm to the special qualities of the AONB would not be material.

- 7.17 The proposed new access would entail the loss of hedgerow adjacent to the B4632 which would result in some landscape harm particularly in the short term. The applicant has proposed the reinstatement of the frontage hedgerow outside of the required visibility splay to the new access along with further hedgerow planting has been proposed along the length of new track as it dog-legs to the east in order to provide screening from the highway. The impact of the track through the site would be mitigated by the topography of the site with an east-west crest running through the central part (to the north of the track) which would restrict views from the wider area. Materials can be controlled by planning condition.
- 7.18 Nevertheless, it is considered that the proposal would be intrusive in an undeveloped, sweeping valley linking Wormington Grange and Stanway and as a consequence of this local visual intrusion and local landscape character harm the proposal could have a material impact upon the setting of Wormington Grange and the heritage impacts of this are discussed below.
- 7.19 The applicant has proposed further native hedge planting throughout the site to screen the development and contribute to biodiversity and an indicative landscaping strategy is being prepared. The precise details of the location, species, size, mix and density, along with the future maintenance of the planting could be secured by condition. In addition the applicant is preparing further information to clarify the extent of the external hard surfacing (apron) associated with the proposed development. These details are awaited and **an update will be provided at committee.**
- 7.20 Overall, subject to the additional details referred to above, it is considered that there would be some harm to the sensitive AONB landscape which weighs against the proposal, however this harm can be further mitigated through additional strategic landscaping and controls.

Historic Environment

- 7.21 Paragraph 184 of the NPPF states that, 'Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.'
- 7.22 Paragraph 193 of the NPPF states that, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'
- 7.23 Paragraph 194 of the NPPF states that, 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'
- 7.24 Policy SD8 of the JCS states that: 'Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. The policy also states that

'Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.'

- 7.25 The Borough Conservation Officer (BCO) has advised that the development is potentially within the parkland setting of Wormington Grange (Grade II* Listed). As such when determining planning applications the LPA has a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving the setting of these listed buildings.
- 7.26 The historic parkland setting of The Grange is currently largely unspoilt. The BCO advises that the sensory experience of the approach to the grange is considered to be very sensitive to change particularly from the drive approach from the formal entrance off the B4632 (including the Grade II Listed Lodge and the Gates and associated piers and railings) up the avenue and turning towards the 'reveal' of the Grange's façade
- 7.27 In terms of the impact of the proposed development the BCO sets out that there would be some views of the proposed buildings from the foreground of Wormington Grange with the top 1 – 1.5 metres of the roof visible from parts of the drive. These peripheral views have the potential to be moderately distracting but would not be overwhelmingly prominent or dominant.
- 7.28 The BCO advises that the proposal would result in less than substantial to the setting of the heritage asset and, it is considered that this harm could be mitigated through the control levels, strategic tree and hedge planting to bolster existing boundaries and further consideration of materials, external lighting and landscaping can be secured by condition. Subject to these matters being addressed in a satisfactory manner The BCO advises that there would be no harm to the setting of Wormington Grange.
- 7.29 Berry Wormington Farm lies to the northeast of the larger field parcel and is a Grade II designated heritage asset. The proposed development would have no adverse impact on the setting of these buildings due to the separation and ground levels across the site which would screen the proposed development.
- 7.30 Overall, in heritage terms, subject to the mitigation referred to in paragraph 7.28 above, the proposal would preserve the setting of nearby designated heritage assets.

Flood Risk & Pollution

- 7.31 JCS Policy INF2 sets out that development must avoid areas at risk of flooding and proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on site or elsewhere. Policy SD14 sets out that High-quality development should protect and seek to improve environmental quality, should not create or exacerbate conditions that could impact human health or result in unacceptable levels of pollution.
- 7.32 The south-western part of the site falls within Flood Zone 3 and the application has been accompanied by a flood risk assessment and drainage strategy. The report sets out that while alternative locations have been explored within the wider field parcel the application site has been selected due to its low lying position and the reduced landscape harm. Furthermore, the applicant has

advised that there have been no recorded instances of flooding on the site within the past 20 years.

- 7.33 The proposal has been reviewed by the Council's Flood Risk Management Engineer (FRME) who has advised that given the 'less vulnerable' vulnerability class of the agricultural buildings, the siting of the units is in accordance with the NPPF however any increase in impermeable surfacing has the potential to increase surface water runoff and disturb flood flows and this, particularly in view of the cumulative effect of the 3 applications (721 m² of impermeable surfaces) will need to be addressed in accordance with the adopted SPD.
- 7.34 The area is understood to have low permeability, so soakaways would not be viable to the required standard, however a suitable solution should be achievable given the proximity of the watercourse. The FRME is satisfied that precise details can be secured by condition.
- 7.35 There is potential for effluent to leach from the site and into the watercourses as diffuse pollution. While the addition of organic matter and nutrients to soils may be beneficial in agricultural terms, their entry to water resources is detrimental and has the potential to kill native flora and encourage weed growth.
- 7.36 The FRME has advised that the primary objective of effluent management is to treat the organic matter and reuse the nutrients in a beneficial and ecologically sustainable manner and would involve managing dust, odour, gaseous releases and nutrients that may all adversely affect soils, water resources, flora and fauna as well as the general amenity of neighbours. It is considered that an appropriate management plan can be secured by condition.
- 7.37 The Environment Agency have raised no objections to the proposal in terms of flood risk or contamination subject to compliance with relevant Nitrate Vulnerable Zone Silage Slurry & Agricultural Fuel Oil (SSAFO) regulations to which the applicant's attention is drawn.

Highway Safety

- 7.38 JCS Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network.
- 7.39 While the wider field benefits from an existing access from the B4632 to its north-eastern corner, this would not achieve required visibility splays required and would result in the formation of an access track running across the prominent, elevated parts of the site.
- 7.40 The proposed access location is set approximately 400 metres to the south of the existing access point. The application has been accompanied by a transport report and drawings which demonstrate that appropriate visibility splay of 2.4 x 215 metres can be achieved in either direction within the highway and over land within the applicants' control.
- 7.41 The proposal would entail the loss of some hedgerow in order to achieve the required splays and the applicant has advised that this would be compensated for through the planting of new hedgerow outside of the splay and along the access track. These details can be secured by condition.
- 7.42 The County Highways Authority have been consulted on the application and no

objection in respect of highway safety have been raised subject to compliance with conditions.

Residential Amenity

- 7.43 Policy SD14 of the JCS states that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.
- 7.44 The nearest dwellings to the proposed development is Berry Wormington Farm which is set over 450 metres to the northeast of the proposed building and Lydes Farm which is over 270 metres to the southwest and in an elevated position.
- 7.45 The application seeks the use of the agricultural building for livestock which may give rise to odour and noise emissions within the vicinity. However the Environmental Health adviser has confirmed that as a result of the separation, the proposed barn and associated use would not cause unacceptable harm to the amenity of neighbouring occupants in terms of noise, odour or pests.

Other Matters

- 7.46 Concerns have been raised that the proposed development particularly when considered cumulatively with the other proposed agricultural buildings at the site may give rise to the need for an agricultural dwelling at the site.
- 7.47 The Council's Agricultural Consultant has advised that Lambing is seasonal so there would be no functional need for a temporary or permanent dwelling at the site. However, when combined with calf rearing (Application no.19/00723/FUL building 2) which involves the care of vulnerable animals (especially up to three months old), on and off throughout the year, and Suckler cows calving during the autumn, the operation may enter into the realm of an essential need for there to be somebody permanently based on site however the functional need element would depend on the actual scale or proposed scale of the enterprises which would rely to an extent on the security of tenure on the other rented land. However it is noted that the proposed building and use itself would not necessitate someone being on site permanently.
- 7.48 Furthermore, it is noted that the Cotswolds Conservation Board have explicitly advised that any future proposals to build additional buildings in this location are highly unlikely to be appropriate as further development is likely to exceed the 'landscape capacity' of the site (i.e. the capacity of the site to accommodate development without significant adverse effects on the Cotswolds AONB). These concerns are shared by the Council's Landscape Advisor who advises that the proliferation of residential development in this sensitive location would likely have a more pronounced detrimental effect upon landscape character. Similar conclusions are reached and in respect of impact on heritage assets, and in particular the setting of Wormington Grange.
- 7.49 While any subsequent application for development would need to be considered on its own merits the applicant's attention is drawn to the above concerns in terms of the likely unacceptable landscape and heritage harm from further development at the site. Should planning permission be granted, the Applicant is advised to bear this in mind before making any decisions in terms of investing further in the site.

8.0 CONCLUSION AND RECOMMENDATION

8.1 The proposal would introduce built development within a sensitive landscape setting. While the proposal would result in some adverse impact to the landscape this can be mitigated subject to concerns related to lighting being addressed by the applicant and these details can be controlled/secured by condition. Subject to this being addressed in an acceptable manner it is considered that the economic benefits arising as a result of securing the certainty of agricultural buildings for an existing, viable agricultural business would outweigh this limited landscape harm.

8.2 It is therefore considered that, on balance, and subject to compliance with conditions the proposal would be acceptable and it is recommended that authority be **delegated to the Technical Planning Manager to Permit the application subject to receipt of satisfactory information in respect of landscaping, lighting, pollution control and clarification of the extent of the apron to the building and the imposition or revision of conditions as appropriate.**

Conditions:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers nos.4804-001A, 4804-101A, 4804-105A, 3513008A-SSM 001 A3, SK01, 2532_01 and Location Plan Building 1 except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans

3. No development including site clearance or preparation shall take place until details of measures to protect trees and hedging along the southern and eastern boundaries of the site have been installed in accordance with BS:5837:2012 and details which shall first be submitted to and approved in writing by the Local Planning Authority. The protective fencing shall be retained in accordance with the approved details for the duration of the construction phase.

Reason: In the interest of the visual amenity of the area.

4. Notwithstanding the submitted details, no construction works shall take place above slab level until precise details and where appropriate samples of the following have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and shall be similarly maintained there after:-

- External facing and roofing materials including colour and profile,
- Surfacing material to the access track
- Details of all boundary treatments and enclosures
- Details of any external lighting to the building and site - including luminance,

light spread and envisaged duration of illumination.

Reason: To ensure a high quality finish to the development in the interest of the visual amenities of the area.

5. Prior to the development hereby permitted first being brought into use a waste management plan for processing of the manure, effluent, dust and any other material which may give rise to pollution shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved details for the duration of the use.

Reason: To ensure that waste materials are treated appropriately and do not affect the natural environment including watercourses.

6. The building hereby permitted shall not be brought into use until a landscaping scheme has setting out precise details of the position, size, species and mix of new planting to screen the development has been submitted to and approved in writing by the Local Planning Authority. The Landscaping shall be implemented in accordance with the approved details no later than the first planting season following the completion of the development. The landscaping shall thereafter be maintained for a period of 10 years. If during this time any trees, shrubs or other plants are removed, die, or are seriously diseased these shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 10 year maintenance period.

Reason: Interest of the visual amenity of the area.

7. Throughout the construction period of the development hereby permitted provision shall be made within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. wheel washing facilities

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods.

8. The development hereby permitted shall not be brought into use until fire hydrants have been provided within the site in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire.

9. Prior to the occupation of the development hereby permitted the vehicular access shall be laid out and constructed and thereafter maintained in accordance with the submitted plan drawing no. SK01, but with a minimum entrance width of 6.0m, kerbed entry/exit radii of 10.0m. Any gates shall be situated at least 10.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and the area of access road within 10.0m

of the carriageway edge of the public road shall be surfaced in bound material.

Reason: To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

10. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 215m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained free from obstruction so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

11. No construction above slab level shall take place until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy have been submitted to and approved in writing by the Local Planning Authority. The maintenance and management strategy shall demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

12. No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

13. The development shall be carried out in accordance with the levels set out on drawing no.4804-105A.

Reason: In order to minimise the impact of the development upon the wider landscape.

14. Any external lighting approved under Condition 4 above shall be PIR

operated and shall be extinguished other than for use during access and egress or for security purposes.

Reason: In order to protect the natural environment from light pollution

15. No further external lighting other than that approved under Condition 4 shall be installed at the site without the prior express permission of the Local Planning Authority.

Reason: In order to protect the natural environment from light pollution.

Notes:

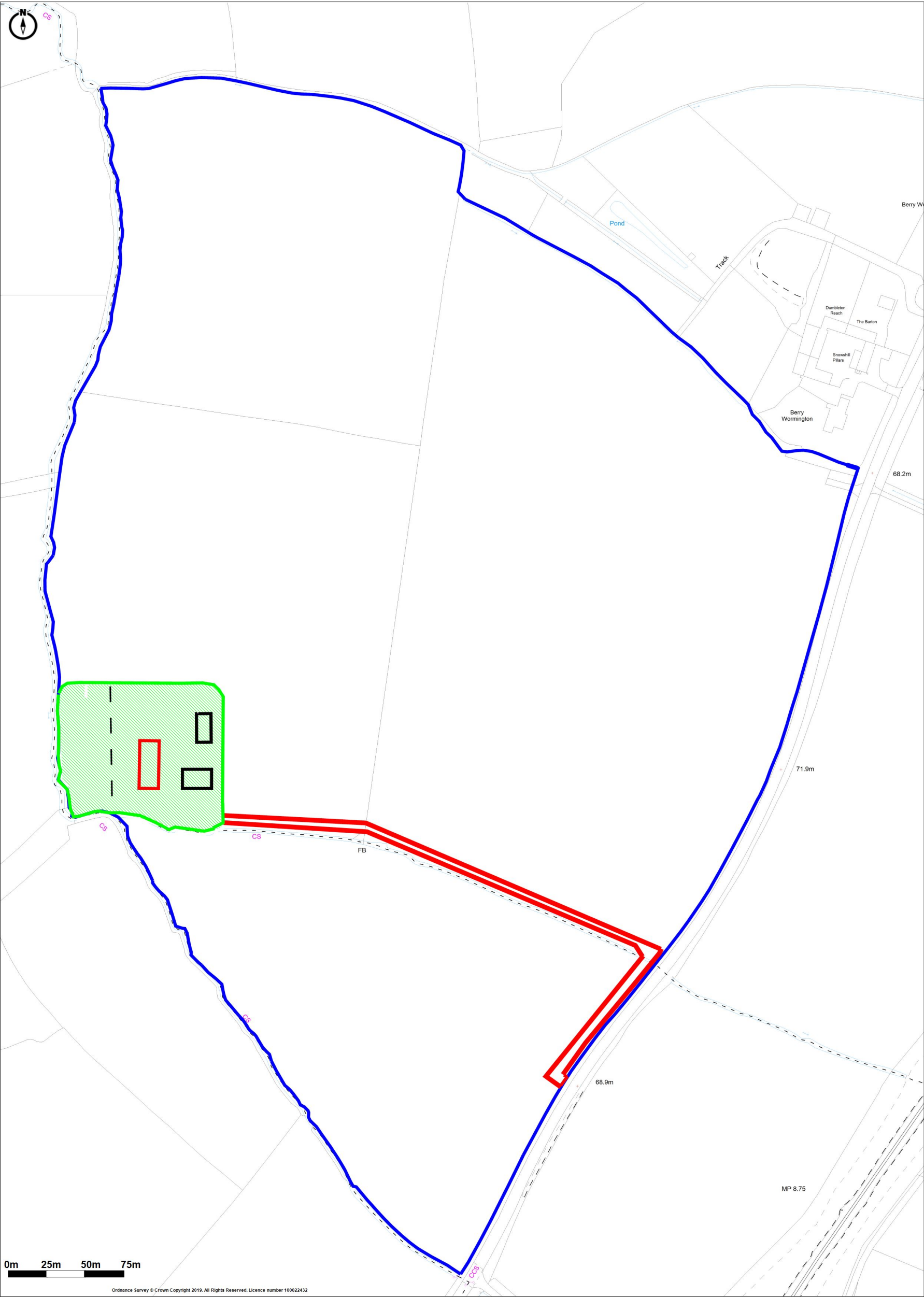
1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received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

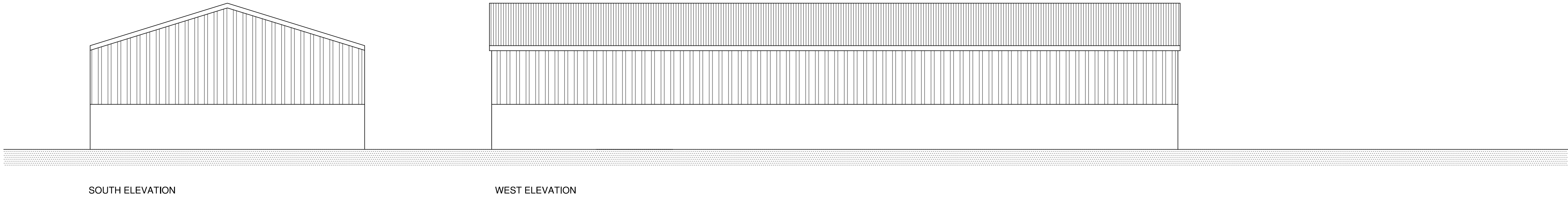
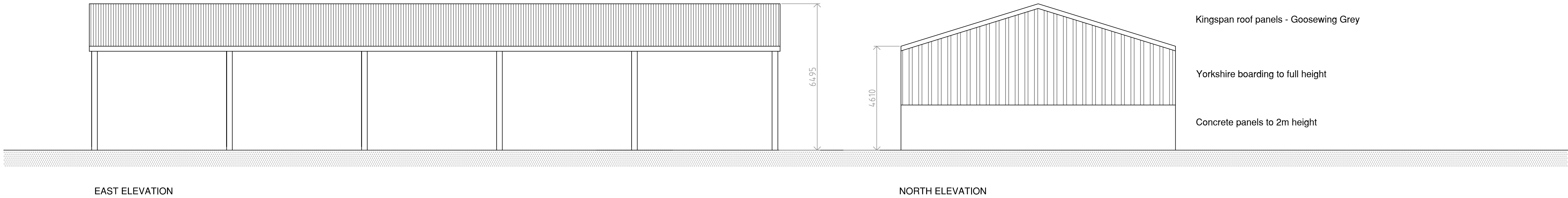
2. The applicant is advised that any future proposals to build additional buildings in this location are highly unlikely to be appropriate as further development (such as agricultural buildings or a new dwelling) are likely to exceed the 'landscape capacity' of the site with resultant harm to the special qualities of the AONB and the setting of nearby listed buildings.

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

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

5. Your attention is drawn to guidance regarding the Storing silage, slurry and agricultural fuel oil set out on the following webpage <https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil>





a	24.09.18	dims added	
rev.	date	description	drawn

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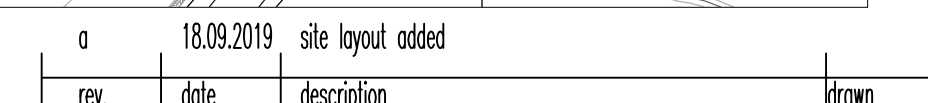
42 Waterloo Road, Bidford on Avon, Warks B50 4JP
P/F: 01789 508442 M: 07980 014487 E: mail@absolutearchitecture.co.uk
www.absolutearchitecture.co.uk
company number 6853959 VAT Reg No. 934 5463 12

project title
PROPOSED BUILDINGS AT BERRY
WORMINGTON,

drawing title
LIVESTOCK SHED 1

scales	drawn
1:100 AT A1	SB
date	number
19.06.18	4804-001A

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42 Waterloo Road, Bidford on Avon, Warks B50 4JP
P/F: 01789 508442 M: 07980 014487 E: mail@absolutearchitecture.co.uk
www.absolutearchitecture.co.uk
company number 6853959 VAT Reg No. 934 5463 12

project title

PROPOSED BUILDINGS AT BERRY
WORMINGTON.

drawing title
SITE LAYOUT

scales	drawn
1:500 AT A1	SB
date	number
19.06.18	4804-105A

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FE 63.28

MKR

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	02.03.2020
Site Location:	Land At Berry Wormington, Stanway Road, Stanton, Broadway, Gloucestershire,
Application No:	19/00723/FUL
Ward:	Isbourne
Parish:	Stanton
Proposal:	New livestock housing/calf rearing building and formation of new access track and yard.
Report by:	Bob Ristic
Appendices:	Site location plan Plan & Elevations Levels plan
Recommendation:	Refuse

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to an agricultural field located on the western side of the B4632, approximately $\frac{3}{4}$ of a mile to the north of New Town Toddington and immediately to the south of Berry Wormington Farm.
- 1.2 More specifically the site relates to the south-western corner of the field, which is screened from the road by a hedge and various trees and shrubs which run along the southern boundary. The wider field slopes down to the southwest from a crest in the central part of the site.
- 1.3 The site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB) and is bound by watercourses to the south and west, with the south-western part of the site falling within Flood Zone 3 (**see site location and layout plans**).
- 1.4 The application seeks planning permission for a livestock shed (building 2) which would be located within the south-western corner of the site and would have a floor area of approximately 220 square metres. The building would be 12.2 metres wide x 18.1 metres long and 6.5 metres high to the ridge.
- 1.5 The building would have an east to west orientation and would be enclosed on 3 elevations. It would be constructed with a 2 metre high concrete panel plinth with Yorkshire boarding above. The roof would comprise profiled metal sheets.
- 1.6 The applicant has advised that the proposed building is required for livestock housing/calf rearing and ancillary storage of feed and straw. The barn is proposed to allow for the farm business to diversify and the proposal would allow for the

rearing of 60 calves per batch and would accord with 'Red Tractor' requirements for welfare/space standards.

- 1.7 The proposal also seeks permission for a new access track from the B4632 which would 'dog-leg' north before running westwards through the field to the site of the proposed building and is common to all 3 applications.
- 1.8 The site is subject to two further application for agricultural buildings which are also on this agenda (see section 2 below), which if permitted could form a group of 3 buildings.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
19/00722/FUL	New livestock/general purpose store building and formation of new access track and yard.	Pending	
19/00724/FUL	New agricultural workshop/storage (3) building and formation of new access track and yard.	Pending	
18/00883/FUL	Proposed agricultural building (1) for livestock housing and general purpose storage, associated access track and yard area.	WDN	15.05.2019
18/00884/FUL	Proposed agricultural building (2) for livestock housing, associated access track and yard area.	WDN	15.05.2019
18/00885/FUL	Proposed agricultural building (3) for livestock housing, associated access track and yard area.	WDN	15.05.2019
18/00886/FUL	Proposed agricultural building (4) for storage and workshop use, associated access track and yard area.	WDN	15.05.2019

3.0 RELEVANT POLICY

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 National guidance

National Planning Policy Framework (NPPF) (2019)
 Planning Practice Guidance (PPG)
 Planning (Listed Buildings and Conservation Areas) Act 1990

3.3 Development Plan

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

SD6 – Landscape
 SD7 – The Cotswolds Area of Outstanding Natural Beauty
 SD8 – Historic Environment
 SD14 – Health and Environmental Quality
 INF1 – Transport Network
 INF2 – Flood Risk Management

- 3.4 **Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)**
AGR5 – New Agricultural Buildings
- 3.5 **Preferred Options Consultation, Tewkesbury Borough Plan 2011-2031 (2018):**
AGR1 – Agricultural Development
- 3.6 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- 3.7 The First Protocol, Article 1 (Protection of Property)
- 4.0 **CONSULTATIONS**
- 4.1 **Stanton Parish Council** - Welcomes the substantial reduction of the landscape and visual impacts of the new proposals
- Planning officer to determine whether the proposed agricultural units are reasonably necessary to support the agricultural enterprise
 - Proposed works include a 500m access road / track
 - Would result in the total development area exceeding 1000 sqm.
 - No proposal for a dwelling to support the agricultural enterprise.
- Toddington Parish Council** - No objections
- Agree with comments from Highways and Stanton Parish Council
- Cotswolds AONB Conservation Board**
- Board objected to the previous planning applications
 - Board provided pre-application advice to the applicant
 - Much of our pre-application advice has been taken on board in terms of location, layout and potential landscaping and biodiversity enhancement measures.
 - The reduction in the number of buildings and overall footprint of these buildings (from approximately 1,310m² to 761m²) is a significant factor.
 - Photomontages help to assess the visual impact
 - Proposals represent a significant improvement
 - Potential adverse effects on the AONB would be significantly reduced
 - Adverse visual effects for receptors on the Cotswold Way National Trail on the Cotswold escarpment and the B4632 would be reduced, as would the adverse effects on the setting of Grade II listed Berry Wormington Farmhouse.
 - Overall effect on the Cotswolds AONB is still likely to be adverse, albeit relatively minor compared to the previous applications.
 - High landscape sensitivity of this location.
 - Significance of adverse effects will depend on how the applicant addresses light pollution
 - Submission does not explain how lighting will be sympathetic
 - Dark skies are one of the attributes of the AONB which makes it so outstanding
 - Open-sided layout of two of the buildings and roof lights on the third building pose the risk of light pollution from within the buildings
 - External lighting would potentially cause additional light pollution.
 - Conditions should be imposed to (i) avoid and (ii) minimise light pollution, in line with Policy CE5 (Dark Skies) of the Cotswolds AONB Management Plan 2018-2023
 - For the LPA to decide the overall balance of adverse and beneficial effects.
 - Proposals for additional buildings in this location are highly unlikely to be appropriate.
 - Further development is likely to exceed the 'landscape capacity' of the site

Environmental Health - No objection to the application in terms of noise / odour / pests adversely impacting the nearest sensitive receptor(s)

County Highways - No objection

Land Drainage Officer - No objection subject to conditions

Environment Agency Flood Risk - No comment

Environment Agency - No comments regarding the livestock/storage buildings
- Any muck store should comply with relevant NVZ/Silage Slurry & Agricultural Fuel Oil (SSAFO) regulations
- If any agricultural fuel oil is to be stored then it should comply with SSAFO regulations where relevant.

Gloucestershire Highways - No objection subject to conditions

County Archaeologist - No objections
- No known archaeology at this location or in the immediate locality
- Low risk that archaeological remains will be adversely affected by this development proposal

Health and Safety Executive – No objections
Site lies within consultation distance of a major pipeline

Building Control - No comment

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the posting of a site notice for a period of 21 days. In response, 11 representations have been received and the comments raised are summarised below:

5.2 Object
- Impact on landscape still significant
- Would make a big impact on AONB
- Would detract from landscape quality
- Would be visible from Cotswold Way, other footpaths and steam railway
- Applicant previously had plans for a dwelling at the site & remains a future possibility
- Closer to watercourse
- Concerns about waste, slurry and pollution
- Will increase surface runoff
- Would be contrary to policy to protect landscape
- Land bought without buildings
- Land previously farmed with no buildings
- Employed staff are vet students during lambing not locals
- Will open doors to other building on green land
- Access is from a fast road
- Recent accident/fatality
- Applicant has HGV and other vehicles
- Slow moving vehicles are a hazard
- Light pollution has not been addressed

- Development will reduce available land
- No real business plan to decide if viable

Support

- Berry Wormington is a former livestock farm
- Fantastic applicant's want to build livestock sheds on farmland
- Adjoining owners appear to have converted farm buildings
- Need to support local farmers
- View of Farm Buildings expected in countryside
- Prefer this to eyesore of converted barns that locals can't afford
- Proper buildings required to house lamb stock
- Lambing and calving are a 24hour commitment
- Purchased land will give a permanent base
- Will allow business to grow
- Stock Farming is backbone of agriculture and shapes the AONB landscape
- Would reduce livestock mortality
- Difficult to get onto farming ladder without a 'silver spoon'
- Buying a farm in the area is beyond realms of normal farmers
- Necessary to allow applicant's to keep farming
- No intentions to stop renting land to applicant
- Long term agreements not possible due to land being in family trust
- Hundreds if not thousands of houses have been granted in AONB
- Surprised other issues are more important than food

6.0 POLICY CONTEXT

- 6.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of The Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which "indicate otherwise". Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other materials considerations."
- 6.2 The development plan comprises the Joint Core Strategy (JCS) (2017) and saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).
- 6.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031.
- 6.4 The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

- 7.1 Paragraph 83 of the National Planning Policy Framework states planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and the development and diversification of agricultural and other land-based rural businesses.
- 7.2 Policy AGR5 of the Local Plan states that the erection of new agricultural

buildings will be permitted provided that the proposed development is well sited in relation to existing buildings and landscape features in order to minimise adverse impact on the visual amenity of the locality paying particular regard to areas of outstanding natural beauty, the proposed development is sympathetically designed, that there is adequate operational access and that suitable provision is made for all waste products.

- 7.3 The application advises that the applicant has been farming for over 25 years with the present livestock business being built up over the past 20 years on rented premises. While the applicant continues to rent agricultural land, the rented buildings have been taken back by landowners.
- 7.4 In addition to rented land the applicant owns 60 hectares of land which includes the application site. The applicant advises that buying an established farm/buildings in the area is prohibitively expensive and is therefore seeking planning permission for the proposed development in order to allow the business to continue to be viable and to grow.
- 7.5 The applicant sets out that livestock enterprise currently comprises:
- 1200 breeding ewes (600 cross bred sheep, plus 600 north country Cheviots)
 - Up to 2400 following lambs
 - 30 breeding rams
 - 12 suckler cows
 - 12 suckler calves (around 6 months coming into winter housing)
 - 12 older suckler calves

In addition the applicant makes approximately 50 acres of grass into hay and owns a number of agricultural vehicles, machinery and associated equipment.

- 7.6 The Council's Agricultural Consultant (CAC) has assessed the application case for the proposed building to provide a calf rearing unit which has been supported by correspondence from 'Meadow Quality' which sets out their requirements and standards for calf rearing buildings and enterprises. The submitted letter from Meadow Quality also advises that, subject to planning permission being secured for the proposed building, the applicant would be recruited to supply 60 calves per batch on a 3-4 month rotation. The CAC has advised that based on the submitted information the agricultural requirements of a building of the proposed design and size are justified for the proposed use.
- 7.7 As set out above, the NPPF states that decisions should enable the sustainable growth and expansion of all types of business in rural areas, including through well-designed new buildings. The principle of the development is therefore acceptable subject to an assessment of other material considerations including landscape and heritage impact, flood risk and pollution, highway safety and residential amenity.

Landscape character and Visual Amenity

- 7.8 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan and Paragraph 172 sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection.

- 7.9 JCS Policy SD6 sets out that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social wellbeing which should have regard to the local distinctiveness and historic character of the different landscapes. Policy SD7 sets out that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and where appropriate enhance its landscape, scenic beauty, wildlife and cultural heritage.
- 7.10 The Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023 sets out at Policy CE10 that development should have regard to and help to deliver the purposes of Conserving and enhancing the natural beauty of the AONB and Policy CE5 sets out that Proposals that are likely to impact on the dark skies of the Cotswolds AONB should have regard to these dark skies, by seeking to (i) avoid and (ii) minimise light pollution.
- 7.11 The site is located within the "Unwooded Vale" between the AONB to the south and the outliers of Dumbleton Hill to the north and between the Cotswold Scarp at Lidcombe Hill and Dumbleton Hill and occupies part of a shallow valley floor next to a small brook that flows north from Stanway to join the River Isbourne at Wormington. The site and its surroundings feature in elevated views from the east forming part of the wide open vale landscape however there are no public footpaths in the immediate vicinity of or crossing the site.
- 7.12 The Cotswolds Conservation Board Officer has advised that the board objected to the previous planning applications for 4 buildings on an elevated and prominent part of the site. The Board subsequently provided pre-application advice to the applicant before they submitted the current planning applications.
- 7.13 The Board confirms that much of the advice has been taken on board in terms of location, layout and potential landscaping and biodiversity enhancement measures the potential adverse effects on the AONB would be significantly reduced, compared to the previous planning applications. In particular, the adverse visual effects for receptors on the Cotswold Way National Trail on the Cotswold escarpment and the B4632 would be reduced, as would the adverse effects on the setting of the nearby Grade II listed building of Berry Wormington Farmhouse.
- 7.14 However, given the high landscape sensitivity of this location, lying as it does between the Cotswold Escarpment and the Escarpment Outliers of Dumbleton and Alderton Hills, in an area with relatively few man-made structures, the Board considers that the overall effect of the proposed developments on the Cotswolds AONB is still likely to be adverse, albeit relatively minor compared to the previous applications. However the significance of these residual adverse effects will depend, to some degree, on how the applicant addresses the issue of light pollution and protecting dark skies. Further information in respect of the proposed lighting to the development has been requested from the applicant and **an update will be provided at committee.**
- 7.15 The Council's Landscape Adviser (CLA) has reviewed the proposal on the basis that while the barns have been submitted as separate applications, the applicant has advised that 3 buildings proposed are inter-dependent and would all be required for continued viable operation the agricultural enterprise.
- 7.16 While there are concerns with regards to the impact of lighting, spread of clutter

and ephemera that might arise as part of a new agricultural holding the CLA considers that other than these concerns the simple forms and muted materials of the proposed structures, as well as the revised siting of the building at a lower level would result in some minor visual harm from the B4632 and elevated footpaths in the AONB to the east however the harm to the special qualities of the AONB would not be material.

- 7.17 The proposed new access would entail the loss of hedgerow adjacent to the B4632 which would result in some landscape harm particularly in the short term. The applicant has proposed the reinstatement of the frontage hedgerow outside of the required visibility splay to the new access along with further hedgerow planting has been proposed along the length of new track as it dog-legs to the east in order to provide screening from the highway. The impact of the track through the site would be mitigated by the topography of the site with an east-west crest running through the central part (to the north of the track) which would restrict views from the wider area. Materials could be controlled by planning condition.
- 7.18 Nevertheless, it is considered that the proposal would be intrusive in an undeveloped, sweeping valley linking Wormington Grange and Stanway and as a consequence of this local visual intrusion and local landscape character harm the proposal could have a material impact upon the setting of Wormington Grange and the heritage impacts of this are discussed below.
- 7.19 The applicant has proposed further native hedge planting throughout the site to screen the development and contribute to biodiversity and an indicative landscaping strategy is being prepared. The precise details of the location, species, size, mix and density, along with the future maintenance of the planting could be secured by condition. In addition the applicant is preparing further information to clarify the extent of the external hard surfacing (apron) associated with the proposed development. These details are awaited and **an update will be provided at committee.**
- 7.20 Overall, subject to the additional details referred to above, it is considered that there would be some harm to the sensitive AONB landscape which weighs against the proposal, however this harm can be further mitigated through additional strategic landscaping and controls.

Historic Environment

- 7.21 Paragraph 184 of the NPPF states that, 'Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.'
- 7.22 Paragraph 193 of the NPPF states that, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

- 7.23 Paragraph 194 of the NPPF states that, 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'
- 7.24 Policy SD8 of the JCS states that: 'Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. The policy also states that: Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.'
- 7.25 The Borough Conservation Officer (BCO) has advised that the development is potentially within the parkland setting of Wormington Grange (Grade II* Listed). As such when determining planning applications the LPA has a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving the setting of these listed buildings.
- 7.26 The historic parkland setting of The Grange is currently largely unspoilt. The BCO advises that the sensory experience of the approach to the grange is considered to be very sensitive to change particularly from the drive approach from the formal entrance off the B4632 (including the Grade II Listed Lodge and the Gates and associated piers and railings) up the avenue and turning towards the 'reveal' of the Grange's façade
- 7.27 In terms of the impact of the proposed development the BCO sets out that there would be some views of the proposed buildings from the foreground of Wormington Grange with the top 1 – 1.5 metres of the roof visible from parts of the drive. These peripheral views have the potential to be moderately distracting but would not be overwhelmingly prominent or dominant.
- 7.28 The BCO advises that the proposal would result in less than substantial to the setting of the heritage asset and, it is considered that this harm could be mitigated through the control levels, strategic tree and hedge planting to bolster existing boundaries and further consideration of materials, external lighting and landscaping can be secured by condition. Subject to these matters being addressed in a satisfactory manner the BCO advises that there would be no harm to the setting of Wormington Grange.
- 7.29 Berry Wormington Farm lies to the northeast of the larger field parcel and is a Grade II designated heritage asset. The proposed development would have no adverse impact on the setting of these buildings due to the separation and ground levels across the site which would screen the proposed development.
- 7.30 Overall, in heritage terms, subject to the mitigation referred to in paragraph 7.28 above, the proposal would preserve the setting of nearby designated heritage assets.

Flood Risk & Pollution

- 7.31 JCS Policy INF2 sets out that development must avoid areas at risk of flooding and proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on site or elsewhere. Policy SD14 sets out that High-quality development should protect and seek to improve environmental quality, should not create or exacerbate conditions that

could impact human health or result in unacceptable levels of pollution.

- 7.32 The south-western part of the site falls within Flood Zone 3 and the application has been accompanied by a flood risk assessment and drainage strategy. The report sets out that while alternative locations have been explored within the wider field parcel the application site has been selected due to its low lying position and the reduced landscape harm. Furthermore, the applicant has advised that there have been no recorded instances of flooding on the site within the past 20 years.
- 7.33 The proposal has been reviewed by the Council's Flood Risk Management Engineer (FRME) who has advised that given the 'less vulnerable' vulnerability class of the agricultural buildings, the siting of the units is in accordance with the NPPF however any increase in impermeable surfacing has the potential to increase surface water runoff and disturb flood flows and this, particularly in view of the cumulative effect of the 3 applications (721 m² of impermeable surfaces) will need to be addressed in accordance with the adopted SPD.
- 7.34 The area is understood to have low permeability, so soakaways would not be viable to the required standard, however a suitable solution should be achievable given the proximity of the watercourse. The FRME is satisfied that precise details can be secured by condition.
- 7.35 There is potential for effluent to leach from the site and into the watercourses as diffuse pollution. While the addition of organic matter and nutrients to soils may be beneficial in agricultural terms, their entry to water resources is detrimental and has the potential to kill native flora and encourage weed growth.
- 7.36 The FRME has advised that the primary objective of effluent management is to treat the organic matter and reuse the nutrients in a beneficial and ecologically sustainable manner and would involve managing dust, odour, gaseous releases and nutrients that may all adversely affect soils, water resources, flora and fauna as well as the general amenity of neighbours. It is considered that an appropriate management plan can be secured by condition.
- 7.37 The Environment Agency have raised no objections to the proposal in terms of flood risk or contamination subject to compliance with relevant Nitrate Vulnerable Zone Silage Slurry & Agricultural Fuel Oil (SSAFO) regulations to which the applicant's attention is drawn.

Highway Safety

- 7.38 JCS Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network.
- 7.39 While the wider field benefits from an existing access from the B4632 to its north-eastern corner, this would not achieve required visibility splays required and would result in the formation of an access track running across the prominent, elevated parts of the site.
- 7.40 The proposed access location is set approximately 400 metres to the south of the existing access point. The application has been accompanied by a transport report and drawings which demonstrate that appropriate visibility splay of 2.4 x 215 metres can be achieved in either direction within the highway and over land within the applicants' control.

- 7.41 The proposal will entail the loss of some hedgerow in order to achieve the required splays and the applicant has advised that this would be compensated for through the planting of new hedgerow outside of the splay and along the access track. These details can be secured by condition.
- 7.42 The County Highways Authority have been consulted on the application and no objection in respect of highway safety have been raised subject to compliance with conditions.

Residential Amenity

- 7.43 Policy SD14 of the JCS states that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.
- 7.44 The nearest dwellings to the proposed development is Berry Wormington Farm which is set over 450 metres to the northeast of the proposed building and Lydes Farm which is over 270 metres to the southwest and in an elevated position.
- 7.45 The application seeks the use of the agricultural building for livestock which may give rise to odour and noise emissions within the vicinity. However the Environmental Health adviser has confirmed that as a result of the separation, the proposed barn and associated use would not cause unacceptable harm to the amenity of neighbouring occupants in terms of noise, odour or pests.

Other Matters

- 7.46 Concerns have been raised that the proposed development particularly when considered cumulatively with the other proposed agricultural buildings at the site may give rise to the need for an agricultural dwelling at the site.
- 7.47 The applicant sets out that the proposed building is required to allow the business to expand and diversify into calf rearing which needs to take place under cover and with strict controls to ensure bio-security and that this new enterprise would also allow for the business to diversify its income and aid with cash flow throughout the year.
- 7.48 The Council's Agricultural Consultant has advised that the proposed calf rearing enterprise would involve the care of vulnerable animals (especially up to three months old) and suckler cows calving during the autumn. The nature of this use may enter into the realm of presenting an essential need for there to be somebody permanently based on site in the form of a caravan or subsequently a dwelling as the new enterprise establishes.
- 7.49 The Cotswolds Conservation Board have explicitly advised that any future proposals to build additional buildings in this location are highly unlikely to be appropriate as further development such as further agricultural buildings or a new dwelling are likely to exceed the 'landscape capacity' of the site (i.e. the capacity of the site to accommodate development without significant adverse effects on the Cotswolds AONB). These concerns are shared by the Council's Landscape Advisor who advises that the proliferation of residential development in this sensitive location would likely have a more pronounced detrimental effect upon landscape character. Similar conclusions are reached in respect of impact on heritage assets, and in particular the setting of Wormington Grange.

- 7.50 While any subsequent application for development would need to be considered on its own merits it should be noted that the proposed calf rearing use is likely to require a level of continual monitoring throughout day and night over and above that required for sheep or the present cattle business.
- 7.51 The applicant has advised that they presently farms across a number of land parcels and are accustomed to making visits across various sites throughout the course of a day and night as required and that on this basis no on-site residential accommodation is proposed or required.
- 7.52 Nevertheless, while any subsequent application for development would need to be considered on its own merits the applicant's attention is drawn to the above concerns in terms of the likely unacceptable landscape and heritage harm from further development at the site. Should planning permission be granted, the Applicant is advised to bear this in mind before making any decisions in terms of investing further in the site.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 The proposal would introduce built development within a sensitive landscape setting. While the proposal would result in some adverse impact to the landscape this is likely to be minor subject to concerns related to lighting being addressed by the applicant and these details can be controlled/secured by condition. Subject to this being addressed in an acceptable manner it is considered that the economic benefits arising as a result of securing the certainty of agricultural buildings for an existing, viable agricultural business would outweigh this limited landscape harm.
- 8.2 It is therefore considered that, on balance, and subject to compliance with conditions the proposal would be acceptable and it is recommended that authority be **delegated to the Technical Planning Manager to Permit the application subject to receipt of satisfactory information in respect of landscaping, lighting, pollution control and clarification of the extent of the apron to the building and the imposition or revision of conditions as appropriate.**

Conditions:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers nos.4804-001A, 4804-101A, 4804-105A, 3513008A-SSM 001 A3, SK01, 2532_01 and Location Plan Building 1 except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. No development including site clearance or preparation shall take place until details of measures to protect trees and hedging along the southern and eastern boundaries of the site have been installed in accordance with BS:5837:2012 and details which shall first be submitted to and approved in writing by the Local Planning Authority. The protective fencing shall be retained in accordance with the approved details for the duration of the construction phase.

Reason: In the interest of the visual amenity of the area.

4. Notwithstanding the submitted details, no construction works shall take place above slab level until precise details and where appropriate samples of the following have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and shall be similarly maintained there after:-

- External facing and roofing materials including colour and profile,
- Surfacing material to the access track
- Details of all boundary treatments and enclosures
- Details of any external lighting to the building and site - including luminance, light spread and envisaged duration of illumination.

Reason: To ensure a high quality finish to the development in the interest of the visual amenities of the area.

5. Prior to the development hereby permitted first being brought into use a waste management plan for processing of the manure, effluent, dust and any other material which may give rise to pollution shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved details for the duration of the use.

Reason: To ensure that waste materials are treated appropriately and do not affect the natural environment including watercourses.

6. The building hereby permitted shall not be brought into use until a landscaping scheme has setting out precise details of the position, size, species and mix of new planting to screen the development has been submitted to and approved in writing by the Local Planning Authority. The Landscaping shall be implemented in accordance with the approved details no later than the first planting season following the completion of the development. The landscaping shall thereafter be maintained for a period of 10 years. If during this time any trees, shrubs or other plants are removed, die, or are seriously diseased these shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 10 year maintenance period.

Reason: Interest of the visual amenity of the area.

7. Throughout the construction period of the development hereby permitted provision shall be made within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;

iv. wheel washing facilities

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods.

8. The development hereby permitted shall not be brought into use until fire hydrants have been provided within the site in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire.

9. Prior to the occupation of the development hereby permitted the vehicular access shall be laid out and constructed and thereafter maintained in accordance with the submitted plan drawing no. SK01, but with a minimum entrance width of 6.0m, kerbed entry/exit radii of 10.0m. Any gates shall be situated at least 10.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and the area of access road within 10.0m of the carriageway edge of the public road shall be surfaced in bound material.

Reason: To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

10. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 215m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained free from obstruction so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

11. No construction above slab level shall take place until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy have been submitted to and approved in writing by the Local Planning Authority. The maintenance and management strategy shall demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

12. No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

13. The development shall be carried out in accordance with the levels set out on drawing no.4804-105A.

Reason: In order to minimise the impact of the development upon the wider landscape.

14. Any external lighting approved under Condition 4 above shall be PIR operated and shall be extinguished other than for use during access and egress or for security purposes.

Reason: In order to protect the natural environment from light pollution

15. No further external lighting other than that approved under Condition 4 shall be installed at the site without the prior express permission of the Local Planning Authority.

Reason: In order to protect the natural environment from light pollution.

Notes:

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

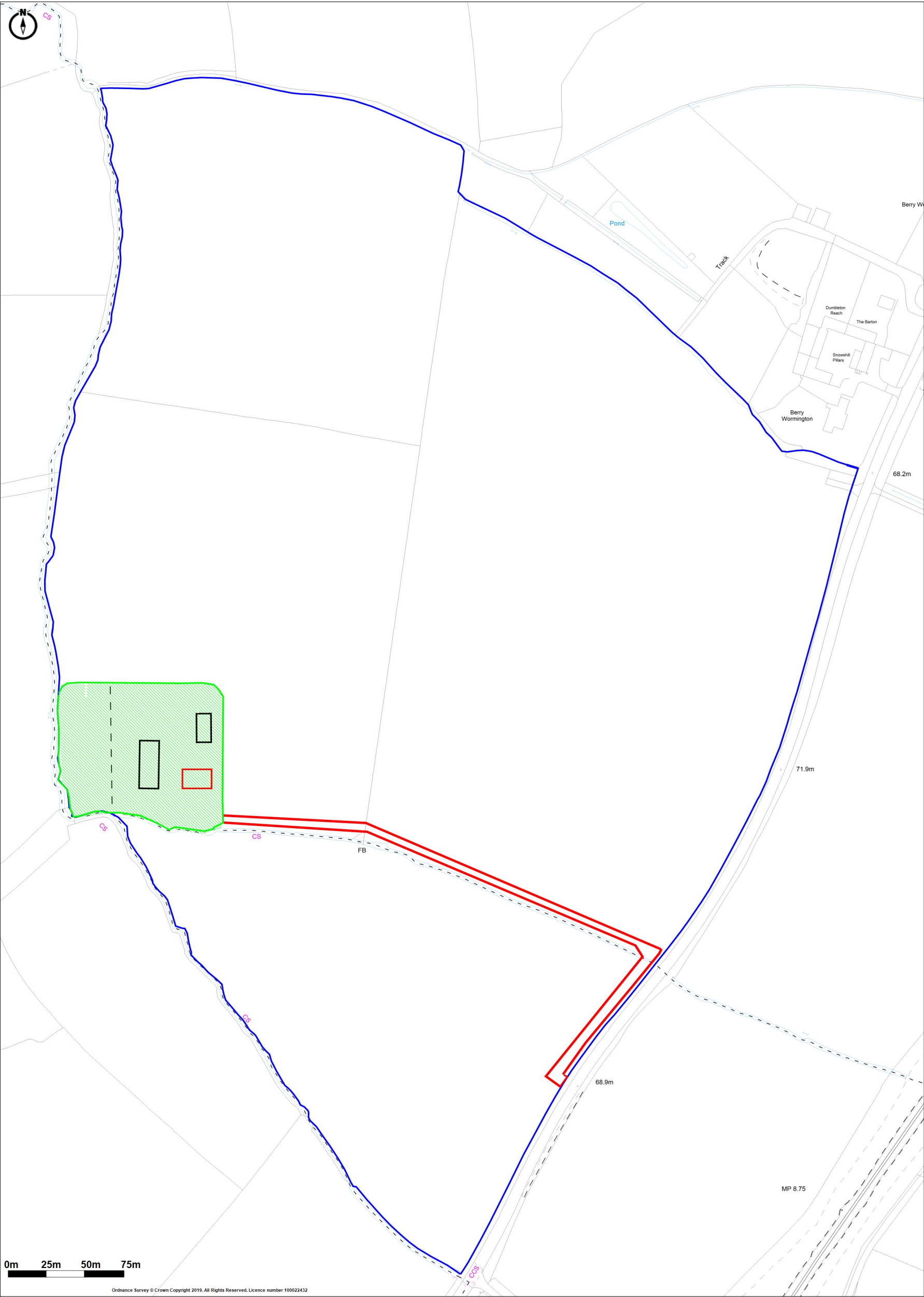
2. The applicant is advised that any future proposals to build additional buildings in this location are highly unlikely to be appropriate as further development (such as agricultural buildings or a new dwelling) are likely to exceed the 'landscape capacity' of the site with resultant harm to the special qualities of the AONB and the setting of adjoining listed buildings.

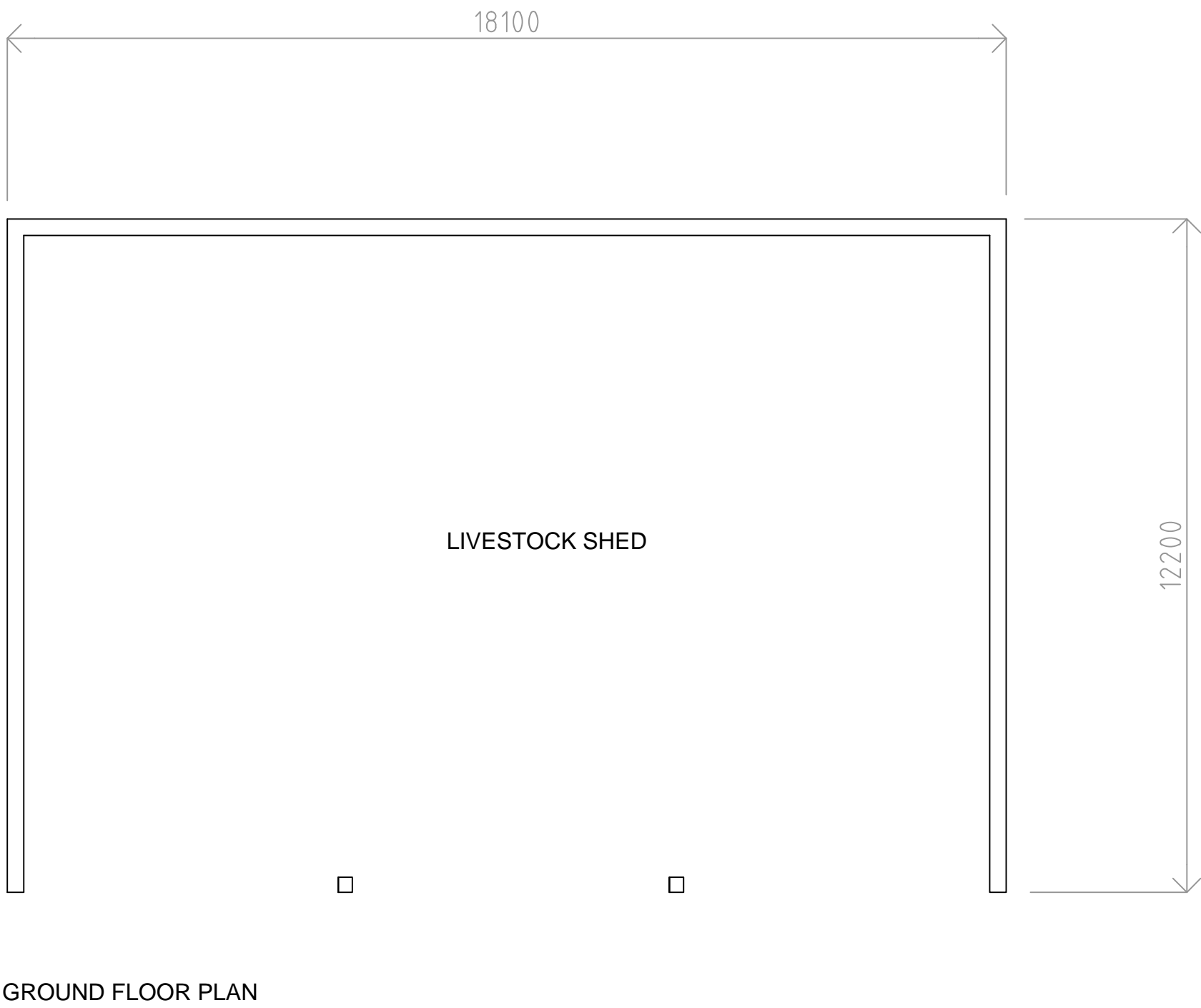
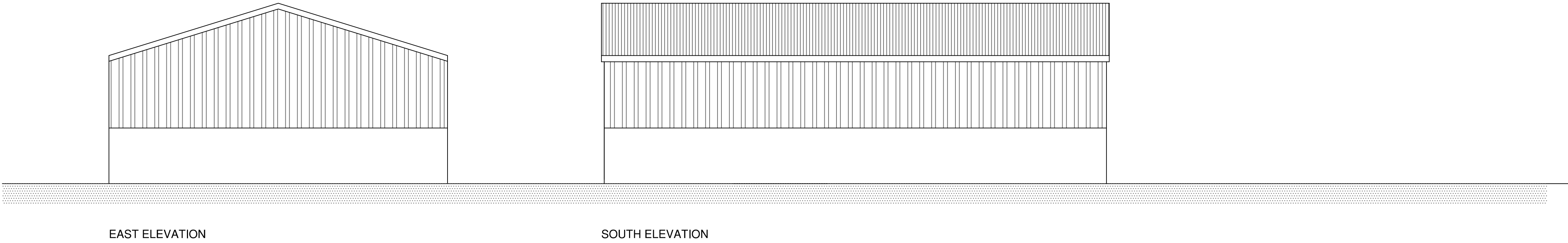
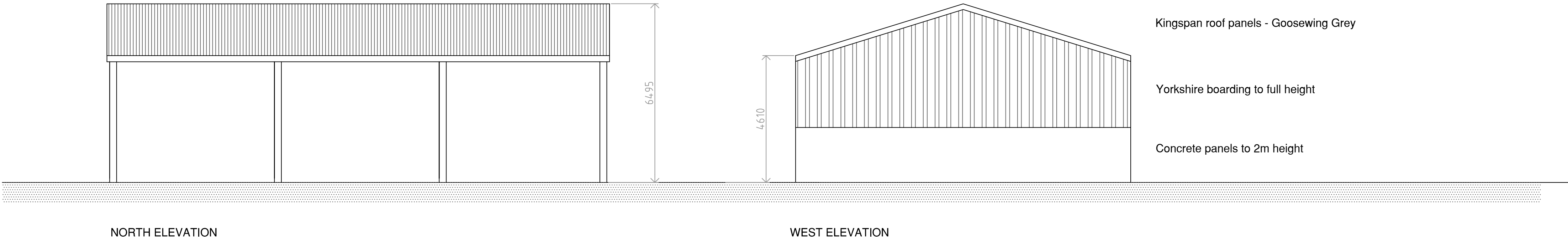
3. The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

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

5. Your attention is drawn to guidance regarding the Storing silage, slurry and agricultural fuel oil set out on the following webpage

<https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil>





a	24.09.18	dims added	
rev.	date	description	drawn

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ARCHITECTS

42 Waterloo Road, Bidford on Avon, Warks B50 4JP

P/F: 01789 508442 M: 07980 014487 E: mail@absolutearchitecture.co.uk

www.absolutearchitecture.co.uk

company number 6853959 VAT Reg No. 934 5463 12

project title
PROPOSED BUILDINGS AT BERRY WORMINGTON,
drawing title
LIVESTOCK SHED 2

scales	drawn
1:100 AT A1	SB
date	number
19.06.18	4804-002A

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TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	02.03.2020
Site Location:	Land At Berry Wormington, Stanway Road, Stanton, Broadway, Gloucestershire,
Application No:	19/00724/FUL
Ward:	Isbourne
Parish:	Stanton
Proposal:	New agricultural workshop/storage building and formation of new access track and yard.
Report by:	Bob Ristic
Appendices:	Site location plan Plan & Elevations Levels plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to an agricultural field located on the western side of the B4632, approximately $\frac{3}{4}$ of a mile to the north of New Town Toddington and immediately to the south of Berry Wormington Farm.
- 1.2 More specifically the site relates to the south-western corner of the field, which is screened from the road by a hedge and various trees and shrubs which run along the southern boundary. The wider field slopes down to the southwest from a crest in the central part of the site.
- 1.3 The site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB) and is bound by watercourses to the south and west, with the south-western part of the site falling within Flood Zone 3 (**see site location and layout plans**).
- 1.4 The application seeks planning permission for an Agricultural workshop/storage building (building 3) which would be located to the eastern side of the site and would have a floor area of approximately 168 square metres. The building would be 9.2 metres wide x 18.3 metres long and 6.68 metres high to the ridge.
- 1.5 The building would have a north to south orientation and would constructed of profiled metal sheets. The building would have 2 personnel doors at either end of the eastern elevation with a further roller shutter opening for vehicles. The roof would include 5 roof lights to each of the 2 (eastern and western) pitches.
- 1.6 The applicant has advised that the proposed building is required for the secure storage of various agricultural vehicles, machinery, tools and materials as well as a workshop area. A full schedule has been provided and has been reviewed by the

council's agricultural consultant.

1.7 The proposal also seeks permission for a new access track from the B4632 which would 'dog-leg' north before running westwards through the field to the site of the proposed building and is common to all 3 applications.

1.8 The site is subject to two further application for agricultural buildings which are also on this agenda (see section 2 below), which if permitted could form a group of 3 buildings.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
19/00722/FUL	New livestock/general purpose store building and formation of new access track and yard.	Pending	
19/00723/FUL	New livestock housing/calf rearing building (2) and formation of new access track and yard.	Pending	
18/00883/FUL	Proposed agricultural building (1) for livestock housing and general purpose storage, associated access track and yard area.	WDN	15.05.2019
18/00884/FUL	Proposed agricultural building (2) for livestock housing, associated access track and yard area.	WDN	15.05.2019
18/00885/FUL	Proposed agricultural building (3) for livestock housing, associated access track and yard area.	WDN	15.05.2019
18/00886/FUL	Proposed agricultural building (4) for storage and workshop use, associated access track and yard area.	WDN	15.05.2019

3.0 RELEVANT POLICY

3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 National guidance

National Planning Policy Framework (NPPF) (2019)

Planning Practice Guidance (PPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

3.3 Development Plan

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

SD6 – Landscape

SD7 – The Cotswolds Area of Outstanding Natural Beauty

SD8 – Historic Environment

SD14 – Health and Environmental Quality

INF1 – Transport Network

INF2 – Flood Risk Management

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

AGR5 – New Agricultural Buildings

3.5 **Preferred Options Consultation, Tewkesbury Borough Plan 2011-2031 (2018):**
AGR1 – Agricultural Development

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

3.7 The First Protocol, Article 1 (Protection of Property)
The following planning guidance and policies are relevant to the consideration of this application:

4.0 **CONSULTATIONS**

4.1 **Stanton Parish Council** - Welcomes the substantial reduction of the landscape and visual impacts of the new proposals

- Planning officer to determine whether the proposed agricultural units are reasonably necessary to support the agricultural enterprise
- Proposed works include a 500m access road / track
- Would result in the total development area exceeding 1000 sqm.
- No proposal for a dwelling to support the agricultural enterprise.

Toddington Parish Council - No objections

- Agree with comments from Highways and Stanton Parish Council

Cotswolds AONB Conservation Board

- Board objected to the previous planning applications
- Board provided pre-application advice to the applicant
- Much of our pre-application advice has been taken on board in terms of location, layout and potential landscaping and biodiversity enhancement measures.
- The reduction in the number of buildings and overall footprint of these buildings (from approximately 1,310m² to 761m²) is a significant factor.
- Photomontages help to assess the visual impact
- Proposals represent a significant improvement
- Potential adverse effects on the AONB would be significantly reduced
- Adverse visual effects for receptors on the Cotswold Way National Trail on the Cotswold escarpment and the B4632 would be reduced, as would the adverse effects on the setting of Grade II listed Berry Wormington Farmhouse.
- Overall effect on the Cotswolds AONB is still likely to be adverse, albeit relatively minor compared to the previous applications.
- High landscape sensitivity of this location.
- Significance of adverse effects will depend on how the applicant addresses light pollution
- Submission does not explain how lighting will be sympathetic
- Dark skies are one of the attributes of the AONB which makes it so outstanding
- Open-sided layout of two of the buildings and roof lights on the third building pose the risk of light pollution from within the buildings
- External lighting would potentially cause additional light pollution.
- Conditions should be imposed to (i) avoid and (ii) minimise light pollution, in line with Policy CE5 (Dark Skies) of the Cotswolds AONB Management Plan 2018-2023
- For the LPA to decide the overall balance of adverse and beneficial effects.
- Proposals for additional buildings in this location are highly unlikely to be appropriate.
- Further development is likely to exceed the 'landscape capacity' of the site

Environmental Health - No objection to the application in terms of noise / odour / pests adversely impacting the nearest sensitive receptor(s)

County Highways - No objection

Land Drainage Officer - No objection subject to conditions

Environment Agency Flood Risk - No comment

Environment Agency - No comments regarding the livestock/storage buildings
- Any muck store should comply with relevant NVZ/Silage Slurry & Agricultural Fuel Oil (SSAFO) regulations
- If any agricultural fuel oil is to be stored then it should comply with SSAFO regulations where relevant.

Gloucestershire Highways - No objection subject to conditions

County Archaeologist - No objections
- No known archaeology at this location or in the immediate locality
- Low risk that archaeological remains will be adversely affected by this development proposal

Health and Safety Executive – No objections
Site lies within consultation distance of a major pipeline

Building Control - No comment

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the posting of a site notice for a period of 21 days. In response, 11 representations have been received and the comments raised are summarised below:

5.2 Object

- Impact on landscape still significant
- Would make a big impact on AONB
- Would detract from landscape quality
- Would be visible from Cotswold Way, other footpaths and steam railway
- Applicant previously had plans for a dwelling at the site & remains a future possibility
- Closer to watercourse
- Concerns about waste, slurry and pollution
- Will increase surface runoff
- Would be contrary to policy to protect landscape
- Land bought without buildings
- Land previously farmed with no buildings
- Employed staff are vet students during lambing not locals
- Will open doors to other building on green land
- Access is from a fast road
- Recent accident/fatality
- Applicant has HGV and other vehicles
- Slow moving vehicles are a hazard
- Light pollution has not been addressed
- Development will reduce available land
- No real business plan to decide if viable

Support

- Berry Wormington is a former livestock farm
- Fantastic applicant's want to build livestock sheds on farmland
- Adjoining owners appear to have converted farm buildings
- Need to support local farmers
- View of Farm Buildings expected in countryside
- Prefer this to eyesore of converted barns that locals can't afford
- Proper buildings required to house lamb stock
- Lambing and calving are a 24hour commitment
- Purchased land will give a permanent base
- Will allow business to grow
- Stock Farming is backbone of agriculture and shapes the AONB landscape
- Would reduce livestock mortality
- Difficult to get onto farming ladder without a 'silver spoon'
- Buying a farm in the area is beyond realms of normal farmers
- Necessary to allow applicant's to keep farming
- No intentions to stop renting land to applicant
- Long term agreements not possible due to land being in family trust
- Hundreds if not thousands of houses have been granted in AONB
- Surprised other issues are more important than food

6.0 POLICY CONTEXT

- 6.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of The Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which "indicate otherwise". Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other materials considerations."
- 6.2 The development plan comprises the Joint Core Strategy (JCS) (2017) and saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).
- 6.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031.
- 6.4 The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

- 7.1 Paragraph 83 of the National Planning Policy Framework states planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 7.2 Policy AGR5 of the Local Plan states that the erection of new agricultural buildings will be permitted provided that the proposed development is well sited in relation to existing buildings and landscape features in order to minimise adverse impact on the visual amenity of the locality, the proposed development is sympathetically designed, that there is adequate operational access and that

suitable provision is made for all waste products.

- 7.3 The application advises that the applicant has been farming for over 25 years with the present livestock business being built up over the past 20 years on rented premises. While the applicant continues to rent agricultural land, the rented buildings have been taken back by landowners.
- 7.4 In addition to rented land the applicant owns 60 hectares of land which includes the application site. The applicant advises that buying an established farm/buildings in the area is prohibitively expensive and is therefore seeking planning permission for the proposed development in order to allow the business to continue to be viable and to grow.
- 7.5 The applicant sets out that livestock enterprise currently comprises:
- o 1200 breeding ewes (600 cross bred sheep, plus 600 north country Cheviots)
 - o Up to 2400 following lambs
 - o 30 breeding rams
 - o 12 suckler cows
 - o 12 suckler calves (around 6 months coming into winter housing)
 - o 12 older suckler calves

In addition the applicant makes approximately 50 acres of grass into hay and owns a number of agricultural vehicles, machinery and associated equipment which needs to be stored securely and separately from the livestock.

- 7.6 The Council's Agricultural Consultant (CAC) has assessed the application case for the proposed building to provide secure storage of agricultural machinery and equipment. The CAC has confirmed that a secure storage building for equipment and an associated workshop would be considered reasonably necessary with the ownership of 60 acres and some allowance for rented land. The building is not overly large and it is reasonable to allow for extra space which may be required for equipment or for unforeseen use linked to any possible expansion of the business. The agricultural need for the building as proposed is considered to be justified.
- 7.7 As set out above, the NPPF states that decisions should enable the sustainable growth and expansion of all types of business in rural areas, including through well-designed new buildings. The principle of the development is therefore acceptable subject to an assessment of other material considerations including landscape and heritage impact, flood risk and pollution, highway safety and residential amenity.

Landscape character and Visual Amenity

- 7.8 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan and Paragraph 172 sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection.
- 7.9 JCS Policy SD6 sets out that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social wellbeing which should have regard to the local distinctiveness and historic character of the different landscapes. Policy SD7 sets

out that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and where appropriate enhance its landscape, scenic beauty, wildlife and cultural heritage.

- 7.10 The Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023 sets out at Policy CE10 that development should have regard to and help to deliver the purposes of Conserving and enhancing the natural beauty of the AONB and Policy CE5 sets out that Proposals that are likely to impact on the dark skies of the Cotswolds AONB should have regard to these dark skies, by seeking to (i) avoid and (ii) minimise light pollution.
- 7.11 The site is located within the "Unwooded Vale" between the AONB to the south and the outliers of Dumbleton Hill to the north and between the Cotswold Scarp at Lidcombe Hill and Dumbleton Hill and occupies part of a shallow valley floor next to a small brook that flows north from Stanway to join the River Isbourne at Wormington. The site and its surroundings feature in elevated views from the east forming part of the wide open vale landscape however there are no public footpaths in the immediate vicinity of or crossing the site.
- 7.12 The Cotswolds Conservation Board Officer (CBO) has advised that the board objected to the previous planning applications for 4 buildings on an elevated and prominent part of the site. The Board subsequently provided pre-application advice to the applicant before they submitted the current planning applications.
- 7.13 The CBO confirms that much of the advice has been taken on board in terms of location, layout and potential landscaping and biodiversity enhancement measures the potential adverse effects on the AONB would be significantly reduced, compared to the previous planning applications. In particular, the adverse visual effects for receptors on the Cotswold Way National Trail on the Cotswold escarpment and the B4632 would be reduced, as would the adverse effects on the setting of the nearby Grade II listed building of Berry Wormington Farmhouse.
- 7.14 However, given the high landscape sensitivity of this location, lying as it does between the Cotswold Escarpment and the Escarpment Outliers of Dumbleton and Alderton Hills, in an area with relatively few man-made structures, the Board considers that the overall effect of the proposed developments on the Cotswolds AONB is still likely to be adverse, albeit relatively minor compared to the previous applications. However the significance of these residual adverse effects will depend, to some degree, on how the applicant addresses the issue of light pollution and protecting dark skies. Further information in respect of the proposed lighting to the development and omission of unnecessary roof lights to the building have been requested from the applicant and **an update will be provided at committee.**
- 7.15 The Council's Landscape adviser (CLA) has reviewed the proposal on the basis that while the barns have been submitted as separate applications, the applicant has advised that 3 buildings proposed are inter-dependent and would all be required for continued viable operation the agricultural enterprise.
- 7.16 While there are concerns with regards to the impact of lighting, spread of clutter and ephemera that might arise as part of a new agricultural holding the CLA considers that other than these concerns the simple forms and muted materials of the proposed structures, as well as the revised siting of the building at a lower level would result in some minor visual harm from the B4632 and elevated

footpaths in the AONB to the east however the harm to the special qualities of the AONB would not be material.

- 7.17 The proposed new access would entail the loss of hedgerow adjacent to the B4632 which would result in some landscape harm particularly in the short term. The applicant has proposed the reinstatement of the frontage hedgerow outside of the required visibility splay to the new access along with further hedgerow planting has been proposed along the length of new track as it dog-legs to the east in order to provide screening from the highway. The impact of the track through the site would be mitigated by the topography of the site with an east-west crest running through the central part (to the north of the track) which would restrict views from the wider area. Materials can be controlled by planning condition.
- 7.18 Nevertheless, it is considered that the proposal would be intrusive in an undeveloped, sweeping valley linking Wormington Grange and Stanway and as a consequence of this local visual intrusion and local landscape character harm the proposal could have a material impact upon the setting of Wormington Grange and the heritage impacts of this are discussed below.
- 7.19 The applicant has proposed further native hedge planting throughout the site to screen the development and contribute to biodiversity and an indicative landscaping strategy is being prepared. The precise details of the location, species, size, mix and density, along with the future maintenance of the planting could be secured by condition. In addition the applicant is preparing further information to clarify the extent of the external hard surfacing (apron) associated with the proposed development. These details are awaited and an update will be provided at committee.
- 7.20 Overall, subject to the additional details referred to above, it is considered that there would be some harm to the sensitive AONB landscape which weighs against the proposal, however this harm can be further mitigated through additional strategic landscaping and controls.

Historic Environment

- 7.21 Paragraph 184 of the NPPF states that, 'Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.'
- 7.22 Paragraph 193 of the NPPF states that, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'
- 7.23 Paragraph 194 of the NPPF states that, 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'
- 7.24 Policy SD8 of the JCS states that: 'Development should make a positive contribution to local character and distinctiveness, having regard to valued and

distinctive elements of the historic environment. The policy also states that: Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.'

- 7.25 The Borough Conservation Officer (BCO) has advised that the development is potentially within the parkland setting of Wormington Grange (Grade II* Listed). As such when determining planning applications the LPA has a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving the setting of these listed buildings.
- 7.26 The historic parkland setting of The Grange is currently largely unspoilt. The BCO advises that the sensory experience of the approach to the grange is considered to be very sensitive to change particularly from the drive approach from the formal entrance off the B4632 (including the Grade II Listed Lodge and the Gates and associated piers and railings) up the avenue and turning towards the 'reveal' of the Grange's façade
- 7.27 In terms of the impact of the proposed development the BCO sets out that there would be some views of the proposed buildings from the foreground of Wormington Grange with the top 1 – 1.5 metres of the roof visible from parts of the drive. These peripheral views have the potential to be moderately distracting but would not be overwhelmingly prominent or dominant.
- 7.28 The BCO advises that the proposal would result in less than substantial to the setting of the heritage asset and, it is considered that this harm could be mitigated through the control levels, strategic tree and hedge planting to bolster existing boundaries and further consideration of materials, external lighting and landscaping can be secured by condition. Subject to these matters being addressed in a satisfactory manner the BCO advises that there would be no harm to the setting of Wormington Grange.
- 7.29 Berry Wormington Farm lies to the northeast of the larger field parcel and is a Grade II designated heritage asset. The proposed development would have no adverse impact on the setting of these buildings due to the separation and ground levels across the site which would screen the proposed development.
- 7.30 Overall, in heritage terms, subject to the mitigation referred to in paragraph 7.28 above, the proposal would preserve the setting of nearby designated heritage assets.

Flood Risk & Pollution

- 7.31 JCS Policy INF2 sets out that development must avoid areas at risk of flooding and proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on site or elsewhere. Policy SD14 sets out that High-quality development should protect and seek to improve environmental quality, should not create or exacerbate conditions that could impact human health or result in unacceptable levels of pollution.
- 7.32 The south-western part of the site falls within Flood Zone 3 and the application has been accompanied by a flood risk assessment and drainage strategy. The report sets out that while alternative locations have been explored within the wider field parcel the application site has been selected due to its low lying position and the reduced landscape harm. Furthermore, the applicant has advised that there

have been no recorded instances of flooding on the site within the past 20 years.

- 7.33 The proposal has been reviewed by the Council's Flood Risk Management Engineer (FRME) who has advised that given the 'less vulnerable' vulnerability class of the agricultural buildings, the siting of the units is in accordance with the NPPF however any increase in impermeable surfacing has the potential to increase surface water runoff and disturb flood flows and this, particularly in view of the cumulative effect of the 3 applications (721 m² of impermeable surfaces) will need to be addressed in accordance with the adopted SPD.
- 7.34 The area is understood to have low permeability, so soakaways would not be viable to the required standard, however a suitable solution should be achievable given the proximity of the watercourse. The FRME is satisfied that precise details can be secured by condition.
- 7.35 There is potential for effluent to leach from the site and into the watercourses as diffuse pollution. While the addition of organic matter and nutrients to soils may be beneficial in agricultural terms, their entry to water resources is detrimental and has the potential to kill native flora and encourage weed growth.
- 7.36 The FRME has advised that the primary objective of effluent management is to treat the organic matter and reuse the nutrients in a beneficial and ecologically sustainable manner and would involve managing dust, odour, gaseous releases and nutrients that may all adversely affect soils, water resources, flora and fauna as well as the general amenity of neighbours. It is considered that an appropriate management plan can be secured by condition.
- 7.37 The Environment Agency have raised no objections to the proposal in terms of flood risk or contamination subject to compliance with relevant Nitrate Vulnerable Zone Silage Slurry & Agricultural Fuel Oil (SSAFO) regulations to which the applicant's attention is drawn.

Highway Safety

- 7.38 JCS Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network.
- 7.39 While the wider field benefits from an existing access from the B4632 to its north-eastern corner, this would not achieve required visibility splays required and would result in the formation of an access track running across the prominent, elevated parts of the site.
- 7.40 The proposed access location is set approximately 400 metres to the south of the existing access point. The application has been accompanied by a transport report and drawings which demonstrate that appropriate visibility splay of 2.4 x 215 metres can be achieved in either direction within the highway and over land within the applicants' control.
- 7.41 The proposal will entail the loss of some hedgerow in order to achieve the required splays and the applicant has advised that this would be compensated for through the planting of new hedgerow outside of the splay and along the access track. These details can be secured by condition.
- 7.42 The County Highways Authority have been consulted on the application and no objection in respect of highway safety have been raised subject to compliance

with conditions.

Residential Amenity

- 7.43 Policy SD14 of the JCS states that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.
- 7.44 The nearest dwellings to the proposed development is Berry Wormington Farm which is set over 450 metres to the northeast of the proposed building and Lydes Farm which is over 270 metres to the southwest and in an elevated position.
- 7.45 The application seeks the use of the agricultural building as a workshop and for the storage of machinery the Councils Environmental Health adviser has confirmed that as a result of the separation, and proposed use the development would not cause unacceptable harm to the living conditions of the occupiers of nearby residential properties.

Other Matters

- 7.46 Concerns have been raised that the proposed development particularly when considered cumulatively with the other proposed agricultural buildings at the site may give rise to the need for an agricultural dwelling at the site.
- 7.47 The Council's Agricultural Consultant has advised that Lambing is seasonal so there would be no functional need for a temporary or permanent dwelling at the site. However, when combined with calf rearing (Application no.19/00723/FUL building 2) which involves the care of vulnerable animals (especially up to three months old), on and off throughout the year, and Suckler cows calving during the autumn, the operation may enter into the realm of an essential need for there to be somebody permanently based on site however the functional need element would depend on the actual scale or proposed scale of the enterprises which will rely to an extent on the security of tenure on the other rented land. However it is noted that the proposed building and use itself would not necessitate someone being on site permanently.
- 7.48 Furthermore, it is noted that the Cotswolds Conservation Board have explicitly advised that any future proposals to build additional buildings in this location are highly unlikely to be appropriate as further development is likely to exceed the 'landscape capacity' of the site (i.e. the capacity of the site to accommodate development without significant adverse effects on the Cotswolds AONB). These concerns are shared by the Council's Landscape Advisor who advises that the proliferation of residential development in this sensitive location would likely have a more pronounced detrimental effect upon landscape character. Similar conclusions are reached in respect of impact on heritage assets, and in particular the setting of Wormington Grange.
- 7.49 While any subsequent application for development would need to be considered on its own merits the applicant's attention is drawn to the above concerns in terms of the likely unacceptable landscape and heritage harm from further development at the site. Should planning permission be granted, the Applicant is advised to bear this in mind before making any decisions in terms of investing further in the site.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 The proposal would introduce built development within a sensitive landscape setting. While the proposal would result in some adverse impact to the landscape this is likely to be minor subject to concerns related to lighting being addressed by the applicant and these details can be controlled/secured by condition. Subject to this being addressed in an acceptable manner it is considered that the economic benefits arising as a result of securing the certainty of agricultural buildings for an existing, viable agricultural business would outweigh this limited landscape harm.
- 8.2 It is therefore considered that, on balance, and subject to compliance with conditions the proposal would be acceptable and it is recommended that authority **be delegated to the Technical Planning Manager to Permit the application subject to receipt of satisfactory information in respect of landscaping, lighting, pollution control and clarification of the extent of the apron to the building and the imposition or revision of conditions as appropriate.**

Conditions:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers nos.4804-101A, 4804-105A, 3513008A-SSM 001 A3, SK01, 2532_01 and Location Plan Building 1 except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans

3. No development including site clearance or preparation shall take place until details of measures to protect trees and hedging along the southern and eastern boundaries of the site have been installed in accordance with BS:5837:2012 and details which shall first be submitted to and approved in writing by the Local Planning Authority. The protective fencing shall be retained in accordance with the approved details for the duration of the construction phase.

Reason: In the interest of the visual amenity of the area.

4. Notwithstanding the submitted details, no construction works shall take place above slab level until precise details and where appropriate samples of the following have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and shall be similarly maintained there after:-

- External facing and roofing materials including colour and profile,
- Surfacing material to the access track
- Details of all boundary treatments and enclosures
- Details of any external lighting to the building and site - including luminance, light spread and envisaged duration of illumination.

Reason: To ensure a high quality finish to the development in the interest of the visual amenities of the area.

5. Prior to the development hereby permitted first being brought into use a waste management plan for processing of the manure, effluent, dust and any other material which may give rise to pollution shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved details for the duration of the use.

Reason: To ensure that waste materials are treated appropriately and do not affect the natural environment including watercourses.

6. The building hereby permitted shall not be brought into use until a landscaping scheme has setting out precise details of the position, size, species and mix of new planting to screen the development has been submitted to and approved in writing by the Local Planning Authority. The Landscaping shall be implemented in accordance with the approved details no later than the first planting season following the completion of the development. The landscaping shall thereafter be maintained for a period of 10 years. If during this time any trees, shrubs or other plants are removed, die, or are seriously diseased these shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 10 year maintenance period.

Reason: Interest of the visual amenity of the area.

7. Throughout the construction period of the development hereby permitted provision shall be made within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. wheel washing facilities

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods.

8. The development hereby permitted shall not be brought into use until fire hydrants have been provided within the site in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire.

9. Prior to the occupation of the development hereby permitted the vehicular access shall be laid out and constructed and thereafter maintained in accordance with the submitted plan drawing no. SK01, but with a minimum entrance width of 6.0m, kerbed entry/exit radii of 10.0m. Any gates shall be situated at least 10.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and the area of access road within 10.0m of the carriageway edge of the public road shall be surfaced in bound material.

Reason: To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

10. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 215m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained free from obstruction so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

11. No construction above slab level shall take place until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy have been submitted to and approved in writing by the Local Planning Authority. The maintenance and management strategy shall demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

12. No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

13. The development shall be carried out in accordance with the levels set out on drawing no.4804-105A.

Reason: In order to minimise the impact of the development upon the wider landscape.

14. Any external lighting approved under Condition 4 above shall be PIR operated and shall be extinguished other than for use during access and egress or for security purposes.

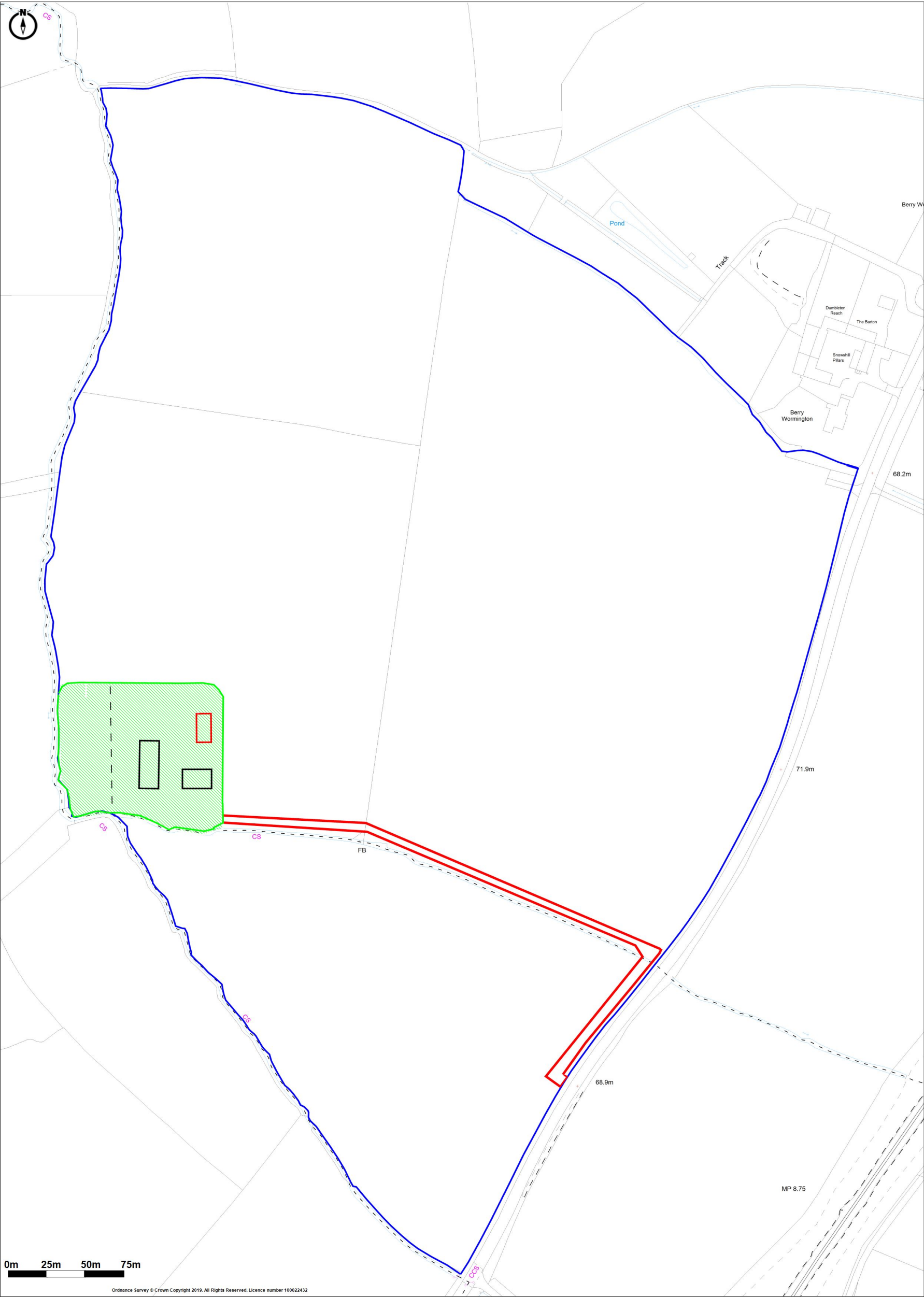
Reason: In order to protect the natural environment from light pollution

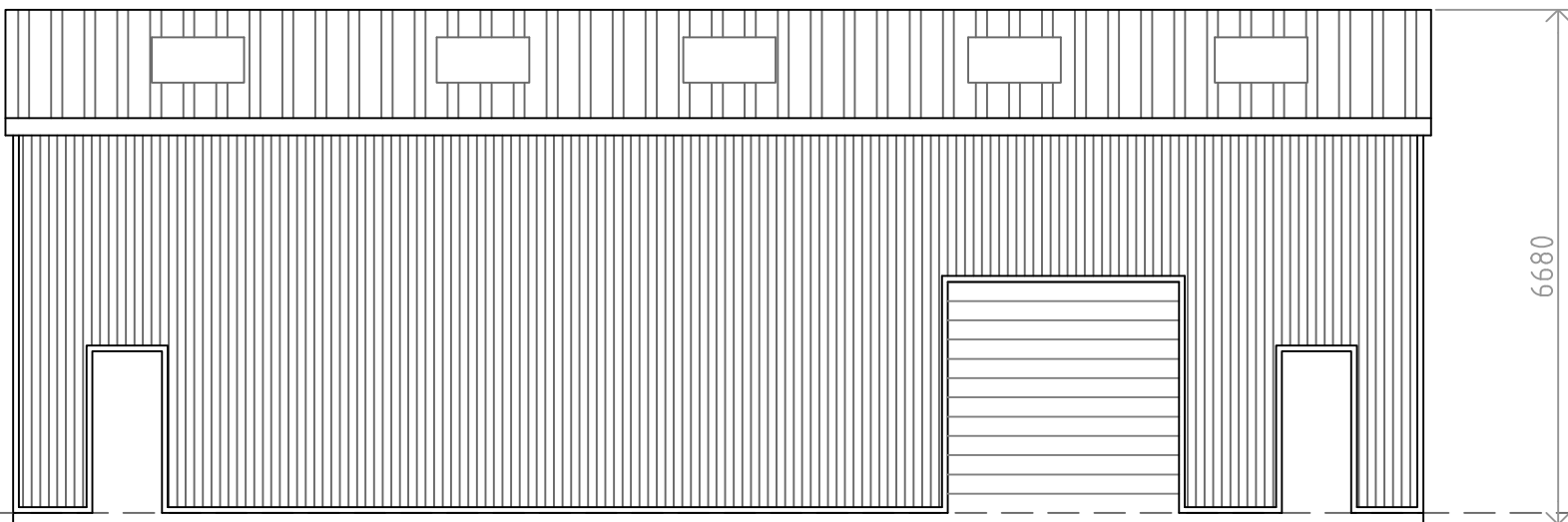
15. No further external lighting other than that approved under Condition 4 shall be installed at the site without the prior express permission of the Local Planning Authority.

Reason: In order to protect the natural environment from light pollution.

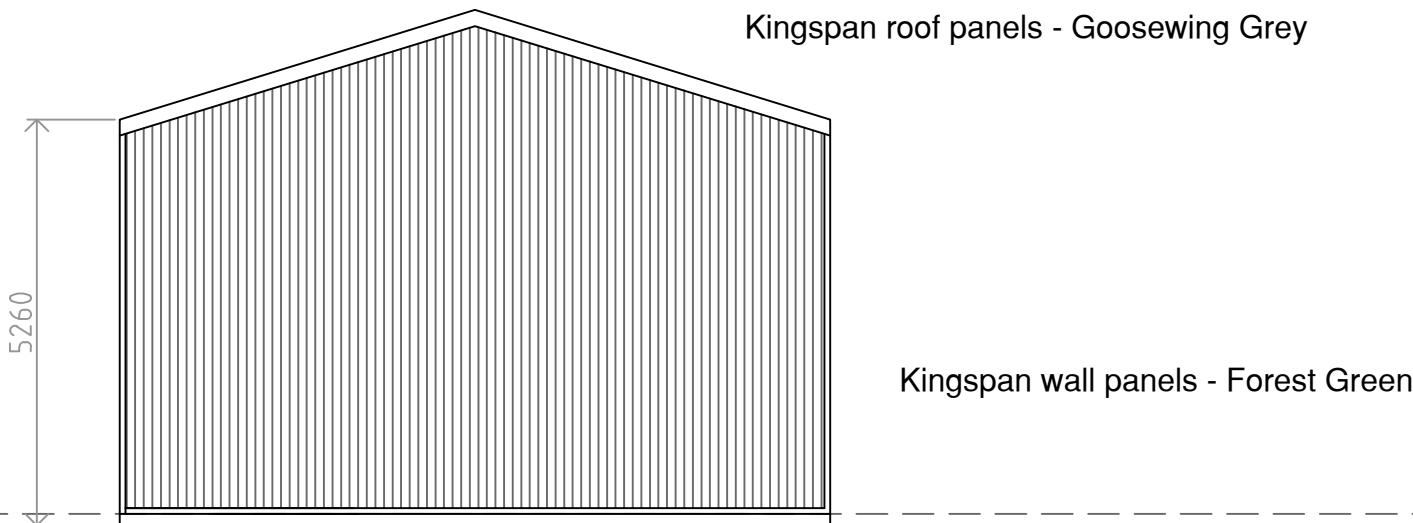
Notes:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. The applicant is advised that any future proposals to build additional buildings in this location are highly unlikely to be appropriate as further development (such as agricultural buildings or a new dwelling) are likely to exceed the 'landscape capacity' of the site with resultant harm to the special qualities of the AONB and the setting of adjoining listed buildings.
3. The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.
4. The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.
5. Your attention is drawn to guidance regarding the Storing silage, slurry and agricultural fuel oil set out on the following webpage <https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil>

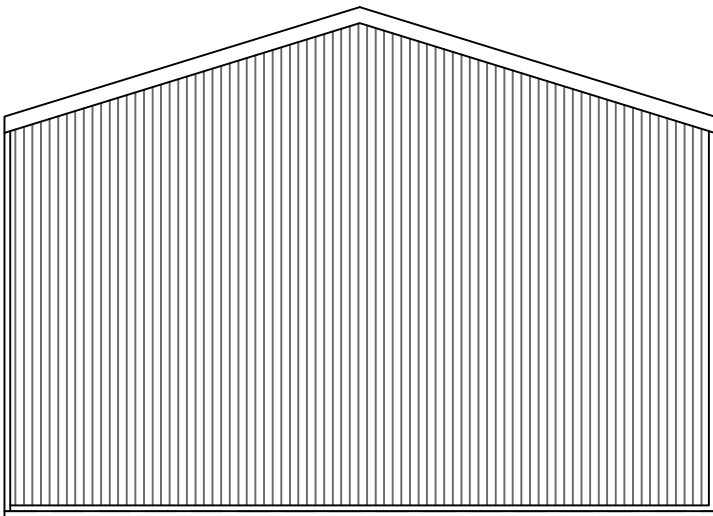




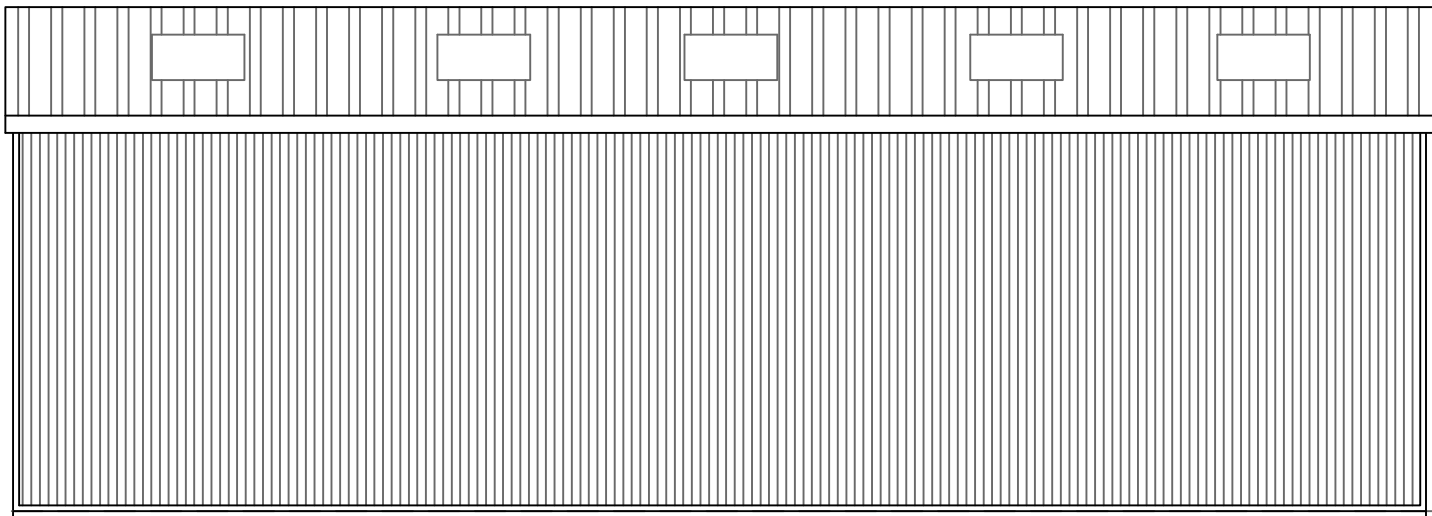
EAST ELEVATION



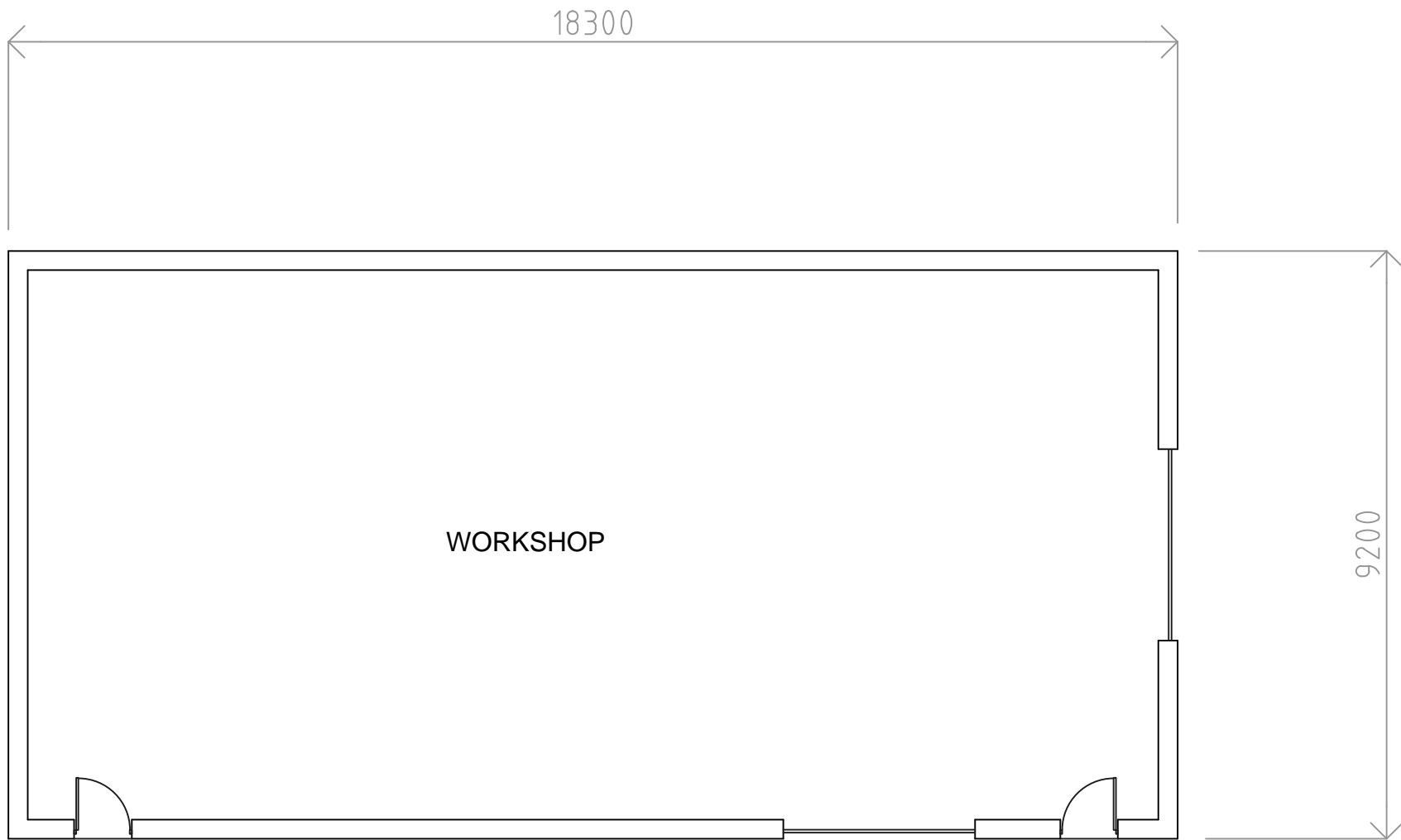
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



GROUND FLOOR PLAN

a	24.09.18	dims added	
rev.	date	description	drawn

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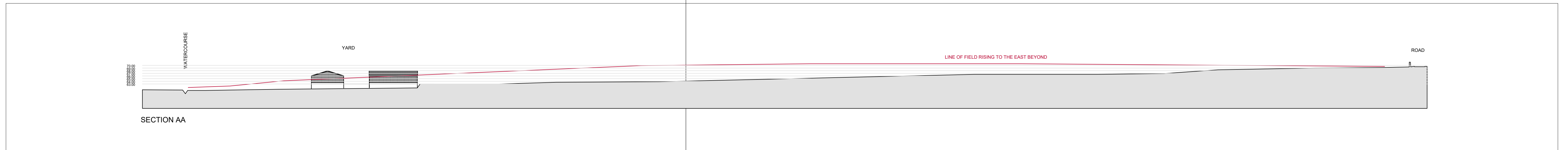
42 Waterloo Road, Bidford on Avon, Warks B50 4JP
P/F: 01789 508442 M: 07980 014487 E: mail@absolutearchitecture.co.uk
www.absolutearchitecture.co.uk
company number 6853959 VAT Reg No. 934 5463 12

project title
PROPOSED BUILDINGS AT BERRY
WORMINGTON,

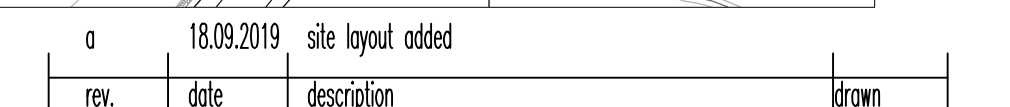
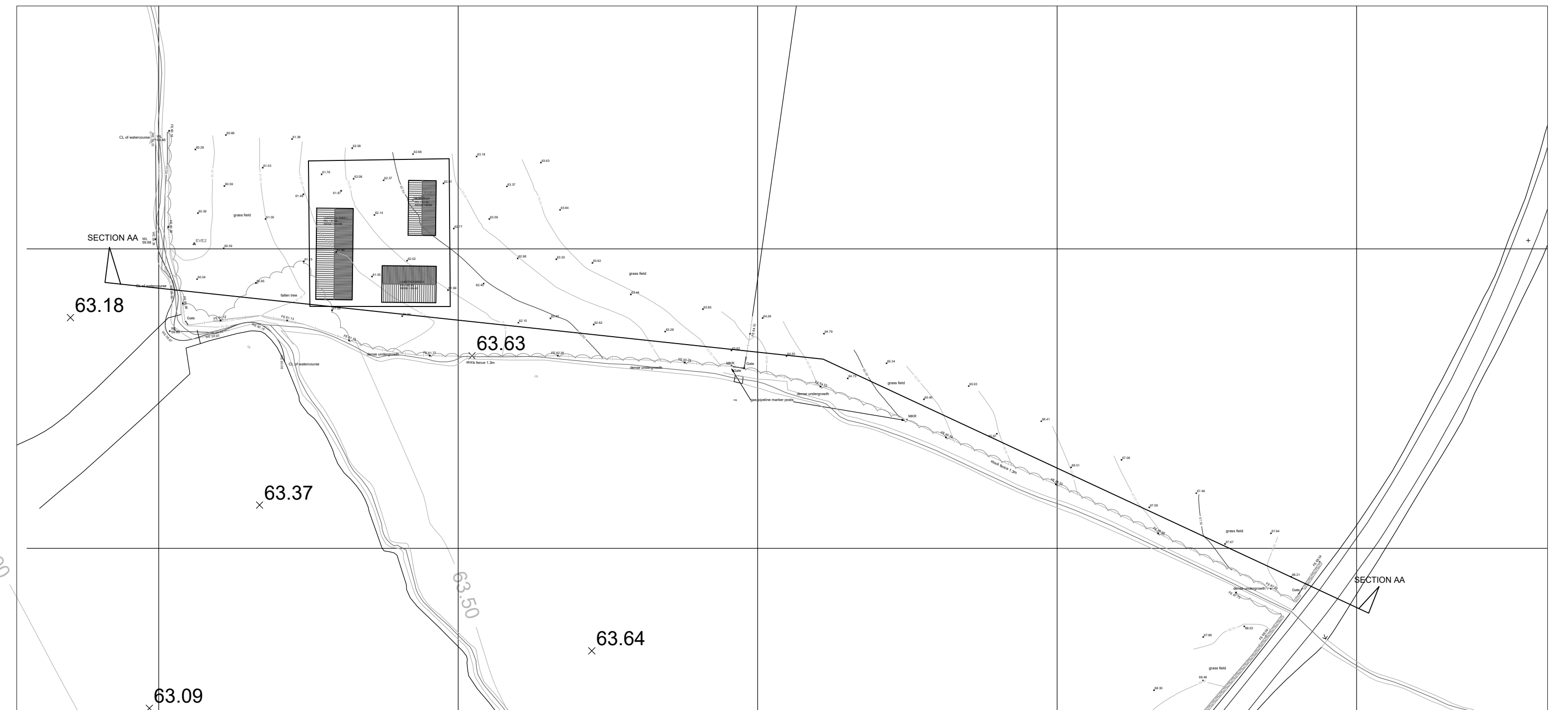
drawing title
WORKSHOP BUILDING

scales	drawn
1:100 AT A1	SB
date	number
19.06.18	4804-004A

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SITE SECTION 1:750

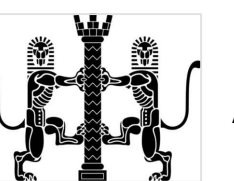


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42 Waterloo Road, Bidford on Avon, Warks B50 4JP
P/F: 01789 508442 M: 07980 014487 E: mail@absolutearchitecture.co.uk
www.absolutearchitecture.co.uk
company number 6853959 VAT Reg No. 934 5463 12

project title

PROPOSED BUILDINGS AT BERRY
WORMINGTON,

drawing title

SITE LAYOUT

scales

1:500 AT A₁

date

19.06.18

rawn

SB

number

04-105A

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MKR

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	27.02.2020
Site Location:	Land On The South Side Of, Dibden Lane, Alderton, Tewkesbury, Gloucestershire,
Application No:	19/00781/OUT
Ward:	Winchcombe
Parish:	Alderton
Proposal:	Erection of up to 41 new residential dwellings, including 20 affordable houses, associated access and landscaping
Report by:	Mr Adam White
Appendices:	Site location plan Illustrative masterplan Indicative access arrangements
Recommendation:	Refuse

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to a parcel of agricultural land measuring approximately 1.9ha located to the south of Dibden Lane on the eastern edge of Alderton village (see location plan).
- 1.2 The site is generally flat with a gentle slope towards the south. The northern boundary comprises a low clipped hedgerow along Dibden Lane whereas the western boundary is formed by existing trees along garden boundaries of houses on the eastern edge of Alderton. The eastern and southern edges are currently undefined as they run through an open field. There is existing residential development to the east of the site with open countryside to the north, east and south.
- 1.3 The site lies outside but adjacent to the Area of Outstanding Natural Beauty (AONB), which starts to the north of Dibden Lane, and within the Special Landscape Area (SLA) as designated in the Tewkesbury Borough Local Plan to 2011. The site also sits outside but adjacent to the settlement boundary for Alderton as defined in the adopted Alderton Neighbourhood Development Plan.
- 1.4 There are no Public Rights of Way (PROW) crossing the site, however, footpaths AAL7 and AAL8 run close to the south west of the site. These footpaths also form part of the Winchcombe Way, which also runs along the frontage of the site on Dibden Lane. A listed building is located to the west of the site (The Old Rectory) along with a group of protected trees. The site also sits within Flood Zone 1 and is therefore at a low risk from flooding.

- 1.5 The application is made in outline for the erection of up to 41 dwellings. 20 (48%) of the dwellings would be affordable. All matters are reserved for future consideration.
- 1.6 Whilst the application is made in outline with all matters reserved, the application is supported by an indicative masterplan. The indicative masterplan details an access directly off Dibden Lane, areas of open space, drainage infrastructure tree planting (see indicative masterplan attached).

2.0 RELEVANT PLANNING HISTORY

- 2.1 Of direct relevance to this site is an outline application for up to 60 units (Over 55 scheme) including landscaping, 1.6ha of employment land, vehicle access, SUDs drainage and associated works, which was withdrawn in September 2019 (Ref: 18/00338/OUT).
- 2.2 Also of relevance are a number of relatively recent appeal decisions in Alderton. On the 22nd May 2014, an appeal was allowed for 47 dwellings on land to the south of Beckford Road, Alderton (LPA Ref: 13/00114/FUL – PINS Ref: APP/G1630/A/13/2209001). That permission was implemented with the development substantially completed in 2015.
- 2.3 On the 17th March 2015, an appeal was dismissed for an outline application for up to 60 dwellings (net increase of 59 dwelling) on land east of St Margaret's Drive, Alderton (LPA Ref: 13/00734/OUT – PINS Ref: APP/G1630/A/14/2222147).
- 2.4 On the 17th July 2015, an appeal was dismissed for an outline application for up to 53 dwellings on land to the west of Willow Bank Road, Alderton (LPA Ref: 14/00747/OUT – PINS Ref: APP/G1630/W/15/3003278). On the same date, an appeal for 24 dwellings at land east of Willow Bank Road, Alderton was allowed (LPA Ref: 14/00414/FUL – PINS Ref: APP/G1630/W/14/3001584). Permission was subsequently granted in 2016 to redesign a number of plots and provide an additional unit, effectively increasing the development to 25 dwellings (Ref: 16/00403/FUL). That permission was implemented with the development substantially completed in 2017.

3.0 RELEVANT POLICY

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

National guidance

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

Policies: SP1, SP2, SD3, SD4, SD6, SD8, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF4, INF6, INF7

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

Policies: TPT3, TPT5, TPT6, LND2, RCN1

Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (July 2019)

Policies RES2, RES3, RES5, RES12, RES13, DES1, HER2, HER4, LAN1, NAT1, NAT2, NAT3, ENV2, RCN1, COM2, COM4, TRAC1, TRAC2, TRAC3, TRAC9

Alderton Neighbourhood Development Plan

Policies H1, H3, H4, LC1, LC2, LE1, LE2, LR1, RP1, RP2

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

The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

Alderton Parish Council – The objections to the proposal are summarised as follows:

- The Alderton Neighbourhood Plan, developed in conjunction with Tewkesbury Borough Council, does not provide for any development on this proposed site off Dibden Lane which is outside the village boundary and is not infill, windfall or a rural exception site. Nor is it within a future strategic development plan or identified through a plan led process.
- Neighbourhood Plans have been encouraged within Tewkesbury Borough as part of the planning process and a recognition of the importance of localism.
- Alderton has already had 23 affordable houses built in the last 5 years as part of the two recent developments.
- The Parish Council considers that the Landscape and Visual Appraisal vastly underrates the impact of the proposed development.
- The Parish Council considers that this proposed development would seriously harm the character and beauty of the countryside.
- Landscape considerations formed a key part of Inspectors' decisions to refuse planning permission for development on a small site next to this site on the south of Dibden Lane at Gretton View. This site is directly adjacent to the proposed site on the south of Dibden Lane and therefore landscape considerations are very similar.
- This development would move the settlement boundary out on a new limb on one side with open AONB countryside on the other.
- The Parish Council believes that the building of 41 more houses would seriously damage social cohesion in the village and that the proposal does not attempt to address this issue.
- The Parish Council notes that the County Archaeologist is not satisfied with the archaeological work to date and has recommended the need for an archaeological field evaluation.
- The Parish Council hold that the development of the site will be harmful to the setting of the Grade II Old Rectory.
- The applicant's Planning Statement is incorrect and misleading. Point 2.7 states that the building is largely screened from the site by tree planting along its boundary. This is not the case. There is no screening at all from the Grade II listed building in the direction looking directly East over the proposed site. Indeed, it provides exceptional views that the building's owners have enjoyed for centuries with a direct open relationship between the Old Rectory and the open countryside.
- The applicant appears to conclude that it is acceptable for the national speed

limit of 60mph to apply, but that visibility splays at the junction are acceptable based on 26mph average speed. The Parish Council contends that the speed survey is not specific to the junction concerned and that average speeds do not adequately cover the risk of those travelling closer to the permitted speed limit of 60 mph. As such, visibility splays of 215m are required. Their proposal on visibility splays also make no allowance of the gradient and curvature of the road.

- Dibden Lane is single track with ad hoc passing points that are extremely difficult to navigate in winter when they become rutted and muddy. It is not a suitable highway for a significant housing and commercial development.
- Dibden Lane is a popular route for walkers and horse riders. The Winchcombe Way itself passes alongside the proposed development with walkers needing to use the roadway itself. It is not sensible or safe to introduce significant extra traffic and a road junction into the mix.
- The Parish Council believes the Report is insubstantial and flawed and fails to identify wildlife that is present, including unusual species.
- The Parish Council supports the LLFA who object to the proposal because the drainage strategy report is inadequate.
- The A435 connected to Tewkesbury and the M5 has become increasingly congested with queues sometimes extending from the Aston Cross traffic lights to the Teddington Hands roundabout. It is prone to delays at any time and will be exacerbated as more houses are built in the vicinity.

Environmental Health Consultant – No objections.

County Archaeologist – It is recommended that in advance of the determination of the planning application the results of an archaeological field evaluation, which describes the significance of any archaeological remains contained within the site and how these would be affected by the proposed development should be provided.

Gloucestershire County Council Highways – Objects on sustainable transport grounds. Further comments are awaited in respect of highway safety.

Gloucestershire County Council Lead Local Flood Authority – Object on the basis that insufficient information has been provided to demonstrate that a viable discharge strategy is achievable.

Conservation Officer – Objects on the basis of harm to the setting of the Grade II listed Old Rectory and harm to the approach and setting of the historic core of the village as a non-designated heritage asset.

County Planning Section 106 Monitoring Officer – Contributions are sought in respect of education and libraries.

Minerals & Waste Policy - No objections.

Housing Enabling And Policy Officer – No objections subject to the applicant agreeing to the preferred affordable housing mix provided.

Natural England - Natural England's West Midlands Area Planning team does not have the capacity to assess the application at the present time.

Severn Trent Water – No objections subject to drainage conditions.

Tree Officer – No objections.

Ecology Planning Consultants - Further detail required on Biodiversity Net Gain and potential impacts on nearby SAC's.

Landscape Consultant – It is concluded that the landscape and visual harm associated with these proposals is likely to be material.

CPRE – Object on the grounds that the village has already built more than its allotted number of houses required. The application also conflicts with the Alderton Neighbourhood Development Plan.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised through the posting of a site notice for a period of 21 days. A press advertisement was also placed in the Gloucestershire Echo.

5.2 91 letters of objection have been received. Their comments are summarised as follows:

- Dibden Lane has only a few passing places and number of blind bends, including a blind dip. The lane cannot take the increase in traffic that a housing development will create.
- The proposed site is not allocated for housing in the adopted Alderton NDP nor is it proposed to be allocated as such within the TBC plan.
- Recently completed housing developments have already increased the size of the community by 26%, which is a considerable increase to a local community.
- There is no industry etc. within the village to provide work for further housing. This means all new home owners have to have the use of a car.
- The village has already exceeded its NDP allocation and this proposed substantial increase in housing will only exacerbate an already difficult set of circumstances.
- The site is outside of the village boundary on land within a Special Landscape Area.
- The proposed visibility splays are for a 30mph zone and not an unrestricted road.
- This section of country lane is part of the Winchcombe Way and is frequently used by walkers.
- Historically there has always been a significant gap between the village boundary and the B4077.
- The increase of 36% in village size that this development would bring in a few short years is not sustainable and could only be considered as 'building blight'.
- We have already had 75 houses built in the last few years which all impact on an Area of Outstanding Natural Beauty, and which is eroding.
- Rural life and enjoyment is being eroded.
- The site is highly visible from the Winchcombe Way and the Cotswold AONB.
- Alderton has already exceeded its requirement for new housing as a service village in the plan period up to 2031.
- The residents of Alderton like living in a small village, where people know and recognise each other. The bigger it gets the less attractive it becomes as a place to live.
- Another new separate development of 41 houses will not help community cohesion and integration into our village.
- The existing public transport does not enable residents without access to their

own cars to visit local towns.

- Alderton's current communication infrastructure services are inadequate to meet the basic needs of the current residents.
- In the last few years the sewers can't cope and neither can the water supply.
- Continuously building further housing dilutes the village environment and is not conducive to the local amenities and community feel.
- A smaller development, with provision for all types of resident, young and old would be more appropriate, with a guarantee of proper passing places and maintenance in Dibden Lane.
- New houses already built have not enhanced village life and the local primary school is still struggling for pupils.
- There is insufficient evidence to demonstrate that the proposed options for discharging surface water are viable.
- The proposal would increase flood risk in the area due to increased surface water runoff.
- Development would substantially encroach into open countryside and significantly alter the character of the area.
- The site is close to a blind bend and visibility is poor.
- Access for emergency vehicles is severely compromised by access along the narrow Dibden Lane and the potential of meeting oncoming traffic, animals or agricultural machinery.
- The additional residents have had no impact on the willingness of the bus companies to increase the frequency of the services or improve accessibility to local services.
- The development is too close to a listed building.
- In view of recent carbon footprint goals, surely building in rural areas is not environmentally healthy.
- A large cul-de-sac development like this will create an estate separate from the village. The presence of disconnected housing estates undermines the natural community cohesion of a village as currently exists.
- Older homes such as the Old Rectory will be obscured from view from Dibden Lane and therefore the village will lose a visible landmark.
- The view from Dibden Lane over this field over the fields and to the hills beyond is a major source of pleasure to walkers, cyclists, dog walkers, horse riders and visitors.
- Dibden Lane is a narrow single track country lane with no purpose made passing places, no pavements and a ditch on one side.
- Exit from both junctions onto the B4077 (Dibden Land and Willow Bank) have become increasingly challenging.
- There has been a considerable increase in houses, cars and people over the last few years that has distorted the relationship of new and old. A period of readjustment is required.
- The proposed development would be fully visible from the rear of The Old Rectory. The development would totally obliterate the view and open rural aspect, which has been enjoyed since 1832. This amounts to significant harm.

6.0 **POLICY CONTEXT**

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

- 6.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess.
- 6.3 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans. Of particular relevance to this application is the Alderton Parish Neighbourhood Development Plan 2011-2031, adopted as part of the development plan on the 24th July 2018.
- 6.4 The Pre-Submission version of the Tewkesbury Borough Plan (PSTBP) was approved for publication and submission at the Council meeting held on 30 July 2019. On the basis of the stage of preparation the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded limited to moderate weight, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).
- 6.5 Other material policy considerations include the National Planning Policy Framework and its associated Planning Practice Guidance.
- 6.6 The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of Development

- 7.1 Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. On sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans. Policy SD10 follows that housing development on other sites will only be permitted where:
- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
 - ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
 - iii. It is brought forward through Community Right to Build Orders, or;
 - iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans.
- 7.2 At a local level, Policy H1 of the Alderton Neighbourhood Development Plan (ANDP) states:

'Within the settlement boundary of Alderton village, as shown on Map 4 Alderton NDP Policies Map, small windfall development will be supported together with infill

housing development of 1 – 2 dwellings within existing built-up frontages when it is consistent with the scale, proportion and density of existing houses and gardens in the adjacent area.

Proposed development of residential gardens for new housing units should demonstrate that:

- 1. Any loss of garden space of existing properties is proportionate and acceptable; and*
- 2. Any adverse impacts on residential amenity are minimised. Proposals for accessible, single storey dwellings on infill sites and small windfall sites will be encouraged to meet the needs of older persons or those with limited mobility.*

Proposals for new housing brought forward under a Community Right to Build Order will be supported subject to other policies in the Plan.

In the event that a future development plan identifies an additional need for further housing development in Alderton (as a service village), beyond what is being accommodated within the settlement boundary, then sites outside of the boundary will be considered in line with the other policies of the plan.'

- 7.3 The application site is Greenfield land that lies outside of the defined settlement boundary for Alderton as defined in the Alderton Neighbourhood Development Plan and is not allocated for housing development. The site does not represent previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policy H1 of the ANDP.

Council's 5 Year Housing Land Supply

- 7.4 Whilst the proposal is contrary to Policies SP2 and SD10 of the JCS and Policy H1 of the ANDP, it is also currently the case that the Council cannot demonstrate a 5-year supply of deliverable housing sites. It is the Council's current position that a 4.33 years supply of housing can be demonstrated. In this scenario, paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless:
- i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.5 The Framework clarifies (footnote 7) that planning policies for housing will be judged out of date where, *inter alia*, the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Footnote 6 to paragraph 14 also clarifies which policies in the Framework provide a clear reason for refusing development and includes policies relating to heritage assets.

Alderton Neighbourhood Development Plan (ANDP)

- 7.6 Whilst the tilted balance is triggered in this instance, paragraph 14 of the

Framework states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

- 7.7 The ANDP was adopted as part of the development plan on the 24th July 2018. However, it does not contain policies and allocations to meet its identified housing requirement. There were specific reasons for this due to a number of developments being granted permission at the time the ANDP was being prepared. This is discussed further in this report. Nonetheless, the ANDP does not meet all of the requirements and paragraph 14 of the Framework is not engaged.

Scale of Development and Social Impacts

- 7.8 The Framework recognises that sustainable development includes a social objective and how healthy communities can be promoted. Indeed, the ANDP throughout explicitly refers to social cohesion in the village. The ANDP states that it is important that its policies seek to conserve the active, cohesive nature of the Parish community into the future by enabling sustainable growth that does not compromise existing social bonds or overwhelm the Parish's rural infrastructure. Furthermore, one of the objectives of the ANDP seeks to ensure that any development in Alderton Parish makes a positive contribution to enriching the vitality, health, wellbeing and social cohesion of its communities. The ANDP also points out that concerns over the potential loss of the Parish's rural character and the impact on social cohesion arising from rapid change in Alderton village are evident in all consultations undertaken for the Plan between 2013 and 2015.
- 7.9 It is clear from the Parish Council's consultation response and the numerous representations made by local residents that the social well-being of Alderton and community cohesion remains a serious and ongoing concern. It is also clear from a number of relatively recent appeal decisions that this has been an important and determining factor in some cases.
- 7.10 A common theme amongst the objections is the rate of growth at Alderton and the fact that it has grown by 26% in a short period of time due to the relatively recent developments in the village. The addition of a further 41 homes proposed here would increase that growth to 41%. If you further consider the proposed development at Willow Bank Road, Alderton for 28 dwellings (application reference 19/00772/FUL, which also appears on this Agenda), this has the potential to cumulatively increase the size of the village by over 50%.
- 7.11 The JCS recognises that the retention of services within rural service centres is intrinsically linked to the size and distribution of the resident population and it is important that these services remain viable, although more development will be accommodated at the rural service centres than at the service villages. In response

to this, Policy SP2 of the JCS sets out that rural service centres and service villages will accommodate lower levels of development to be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts, including existing levels of growth over the plan period (emphasis added).

- 7.12 The Council's approach to the disaggregation of the residual housing requirement to the rural service centres and service villages is explained in the housing background paper (October 2019), which forms part of the evidence base for the emerging Borough Plan to 2031. The paper stresses that the disaggregation process is only the starting point for considering an appropriate level of development for each rural settlement. It follows that in addition to the 'top down' approach of the disaggregation process, there should also be a 'bottom up' element whereby the availability of sustainable sites at each settlement will also be a factor in determining the most appropriate distribution of development. For example, there may be situations where a settlement is unable to achieve its disaggregated requirement due to a lack of suitable, sustainable sites or due to constraints such as the Green Belt and AONB. Conversely, there may also be situations where a settlement can exceed its disaggregated requirement due to suitable, sustainable sites being available at the settlement. This will however need to be balanced alongside the size, function and accessibility of the settlement in order to achieve a sustainable pattern of development and avoid issues associated with social cohesion.
- 7.13 The paper goes on to state that there will also be positive and negative social impacts from new development. Positive effects include meeting people's housing needs, supporting village services and shops and improving physical and mental health through creating a high quality built environment. Negative social impacts can however result where the number of dwellings in a settlement is substantially increased without proportionate increases in infrastructure, employment opportunities and other local services. This risks eroding community cohesion.
- 7.14 As far as Alderton is concerned, the disaggregated indicative housing requirement set out in the housing background paper is 53 dwellings. However, given that 75 dwellings have been provided in the village as a result of the developments at Beckford Road and Willow Bank Road, the emerging Borough Plan to 2031 does not allocate any further development at Alderton during the plan period. It is also for this very reason that the ANDP does not contain any allocations. However, that is not to say that no further development will be provided at Alderton. On the contrary, the ANDP does and has allowed for further growth within the defined settlement boundary, albeit in a more organic and managed way.
- 7.15 In terms of local services, facilities and infrastructure, there is no evidence to suggest that Alderton cannot accommodate the additional 28 dwellings proposed here, subject to securing appropriate contributions. However, as the Inspector noted in the land east of St Margaret's Drive appeal decision (APP/G1630/A/14/2222147), community cohesion goes beyond this in a small rural settlement. In that appeal, the Inspector also noted the significance of the capacity for the settlement and the community to accept the impacts that a rate of change for the construction of 107 houses would have over a relatively short period of time in a settlement of only 265 dwellings (as was the case at the time of the appeal). The Inspector stated: *'Alderton has grown organically and slowly over a long period of time and its physical character would change as a result of the major development that would arise from the Beckford Road scheme and the appeal proposals which,*

together, would represent a 39% increase in the number of dwellings. Alderton would appear more suburbanised and less of a rural settlement and it would be adversely affected as a consequence'.

- 7.16 Apart from the physical changes that would occur the Inspector recognised that a sizable expansion to the village could take the community some time to adapt to and there could be adverse consequences for the social and cultural wellbeing of existing residents. The Inspector went on to state: *'I recognise that, as in cases elsewhere, there is a danger that potential adverse impacts of new housing on an existing community is a consideration that needs to be weighed in the planning balance. This goes beyond a community's natural resistance to change. Indeed, the APC has indicated that a number of residents would sell up and leave the village because Alderton would no longer be a quiet rural village'*. The Inspector went on to conclude that the proposed development would have a disproportionate effect on the village in terms of the cumulative impact development and also on the social wellbeing of the community.
- 7.17 In considering a later dismissed appeal at land to the west of Willow Bank Road in Alderton for up to 53 dwellings, the Inspector also gave significant weight to the previous Inspector's findings in respect of the social well-being of the community. Similar to the St Margaret's Drive appeal, the Inspector found no substantive evidence the scheme could not be accommodated by the existing facilities in Alderton. However, the Inspector again set out that in his view, social well-being and community cohesion goes beyond such considerations, particularly in a relatively modest rural village. The Inspector went on to state: *'Alderton currently accommodates between 268 and 277 dwellings, depending on which source is used. The proposal and the recent Beckford Road scheme would result in 100 new dwellings, an approximate increase of the community of 36-37%. For a relatively modest rural village, I consider such an increase to be substantial'*. Given that the development proposed here would result in a cumulative increase, which would be on a par with the previous dismissed appeals indicates that this proposal would also have similar adverse impacts in terms of social cohesion and social well-being.
- 7.18 During the appeal, the appellant suggested that the phasing of the developments would mitigate the impact on social cohesion by staggering the introduction of new dwellings and the subsequent occupiers. Whilst this was accepted by the Inspector, he noted that it would still result in a significant increase of 36-37% to Alderton in a relatively short period of time. The applicant makes a similar case here and suggests that it is anticipated that a start would be made on site in 2021. Properties would therefore be available for sale in the latter part of 2021 at the earliest. This would represent nearly 5 years since the first plot was sold on the adjacent Fletcher Close site (and 3 years from the sale of the last plot), and 6 years from the first plot of the Beckford Road site (and 5 years from the sale of the last plot). However, this still represents a significant amount growth in a very short period of time, especially when considered in the context of the historic growth rate of Alderton over many years. It is also a considerable amount of growth in a single plan period.
- 7.19 A further negative impact on social cohesion could also result from the local resentment arising from the perception that the recently adopted ANDP has been ignored. This is evident from a number of objections, which raise this as a particular concern. As set out in the NPPG: *'Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant*

planning permission for the new buildings they want to see go ahead.

Neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community's needs and where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area'. It is clear that local residents wished to take advantage of these powers and a considerable amount of time and effort was spent preparing the plan. That plan successfully passed referendum with 98.12% voting in favour of it. From the many objections received it is evident that many locals see this proposal as a significant departure from the ANDP and understandably question whether their efforts were worth it. This would naturally cause a great deal of local resentment if the scheme was to go ahead.

- 7.20 Albeit in a slightly different context, this was also recognised by the Inspector in the land east of Willow Bank Road appeal decision who made reference to a relatively comparable appeal in Feniton, Devon. The Inspector stated: *'The Inspector of the Feniton decision also noted that the residents of Feniton, like other communities, expect (quite rightly) that decisions about its capacity to accommodate more housing should be taken through the Local Plan process and in this context a considerable quantity of new housing being allowed on appeal in advance of this process is likely to lead to hostility and resentment towards the occupiers of the new housing. Given the concerns of the Parish Council, local residents and the specific circumstances of the eJCS, I consider that this is equally relevant to this proposal'*. Whilst it is currently the case the weight that can be afforded to the housing policies contained in the ANDP is reduced due to the Council's housing land supply position, the perception that local's wishes were being ignored would further impact on social cohesion.

- 7.21 In summary, it is considered that the cumulative growth in Alderton in such a relatively short period of time would have a negative impact on social wellbeing and social cohesion within Alderton. This weighs heavily against the proposal in the planning balance.

Landscape Impact

- 7.22 JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 7.23 Saved Policy LND2 of the Local Plan requires special attention to be paid to the protection and enhancement of the special landscape character of the Special Landscape Area (SLA), which is of local significance. Previous appeal decisions have confirmed that this part of the policy is in accordance with the NPPF, although the subsequent part of the policy which provides that *'proposals must demonstrate that they do not adversely affect the quality of the natural and built environment'* is not so, on the basis that there is no cost/benefit analysis element to that part of the policy. The reasoned justification for Policy LND2 qualifies that whilst the quality of the landscape is worthy of protection in its own right it also plays a role in providing the foreground setting for the adjacent AONB. Similarly, Policy LC2 of the ANDP states that proposals should demonstrate how they will integrate into the SLA and AONB by submitting a Landscape Visual Impact Assessment (LVIA) to enable their impact on the landscape to be assessed. It follows that special attention should be

paid to preserving significant views in or out of the settlement, or including mitigation measures that ensure such views are maintained as fully as possible.

- 7.24 The site lies within the eastern edge of the central part of the National Character Area 106: Severn and Avon Vales and within the Gloucester Landscape Character Study (2006) 'Teddington and Greet Vale' area, which is set out as an 'Unwooded Vale'. The key characteristics of this 'Unwooded Vale' landscape type include medium to large scale hedged fields with a combination of both regular and irregular field patterns, and a relatively sparsely settled landscape with rural villages and scattered farms and dwellings. It notes that the escarpment and outliers create a sense of enclosure within the Teddington and Greet Vale, and provide a backdrop to many views across it. At a local level, the site is located within parcel Ald-01 as defined in the Landscape and Visual Sensitivity Study - Rural Service Centres and Service Villages (November 2014). Parcel Ald-01 is defined as have having a 'medium' landscape sensitively and a 'high' visual sensitivity. The study comments further on the characteristic sense of separation between Alderton and the B4077 and notes that this feature of the local landscape is vulnerable to insensitive development.
- 7.25 The application is supported by a LVIA, which considers the impact of the proposed development on the landscape. The LVIA suggests that the scale and nature of development would be in keeping with the existing settlement and would appear as a logical and continuous extension of the village. It further suggests that the development would have a strong green character created by the comprehensive green infrastructure proposals. The LVIA goes on to find that in terms of the impact on landscape character, there would be some localised impact on a small number of the documented special qualities, however, there would be no wider impact on the Cotswold AONB. In visual terms, the LVIA states that there would be a small area within the eastern edge of Alderton where major/moderate visual effects would be experienced at completion. These would reduce to moderate as the landscape proposals establish and soften the impact of the development. From other settlements in the area, it is suggested that the visibility of the site would be limited and effects would be moderate or less. For road users on Dibden Lane, visual effects would be moderate at completion and onwards. It follows that users of the B4077 would experience minor effects reducing to negligible and from the Winchcombe Way and other footpaths in the vicinity, moderate effects would occur. The LVIA therefore concludes that the visual effects would be very limited and the landscape has the capacity to comfortably accommodate the proposed development.
- 7.26 Following consultation with the Council's Landscape Consultant (LC), it is pointed out that the site contributes to the distinctive foreground setting to a well-treed edge of Alderton near its historic core and church. It also plays an important role in the foreground setting of the AONB at Alderton Hill. The site is clearly visible from the B4077 and Dibden Lane and it is visible in elevated views from Oxenton Hill and Langley Hill. It is also visible from the Winchcombe Way as it descends from Alderton Hill. It is advised that the character of the edge of Alderton in the vicinity of this site is of well-treed, large gardens off Church Road. This part of the village has a distinctly different character from the rest of Alderton. The introduction of new estate development in front of this edge would be very conspicuous against this well-treed edge. The proposed development would also be seen as an eastwards expansion of Alderton beyond an established well-treed edge into open countryside. Moreover that extension would extend along the base of Alderton Hill and intrude into the foreground setting of the AONB.

- 7.27 The LC further states that Alderton has received a number of new estate developments in recent years to the south and west. There is also another pending application for further expansion to the south. Cumulatively these developments have substantially altered the settlement pattern and the extent to which the village is visible and influences the local landscape character. Alderton sits immediately adjacent to the AONB boundary at the base of Alderton Hill. It lies in a narrow vale between the Cotswold Scarp and the outlier at Alderton Hill. The role this landscape plays in contributing to the foreground setting of the AONB is reflected in the designation of Special Landscape Area. The continuing piecemeal expansion of Alderton is harming characteristics of the landscape that are valued. The LC considers that this development would not 'protect and enhance' features of the landscape that are of local significance and would harm the setting of the AONB.
- 7.28 On its own the proposal would create a conspicuous expansion of Alderton into open countryside at the base of Alderton Hill and would harm the foreground setting of the AONB. In combination with the other extensive developments around Alderton, it represents further urbanisation of this narrow vale within the SLA between the Cotswold Scarp and the Outlier at Alderton Hill. In light of this, it is considered that the proposal would have a harmful impact on the landscape within a Special Landscape Area, contrary to Policy SD6 of the JCS, Saved Policy LND2 of the Local Plan and Policy LC2 of the ANDP. This weighs heavily against the proposals in the planning balance.

Design and Layout

- 7.29 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. This is now reflected in the National Design Guide (NDG), which provides planning practice guidance for beautiful, enduring and successful places. The NDG sets out 10 characteristics for well-designed places which are:
- Context – enhances the surroundings.
 - Identity – attractive and distinctive.
 - Built form – a coherent pattern of development.
 - Movement – accessible and easy to move around.
 - Nature – enhanced and optimised.
 - Public spaces – safe, sociable and inclusive.
 - Uses – mixed and integrated.
 - Homes and buildings – functional, healthy and sustainable.
 - Resources – efficient and resilient.
 - Lifespan – made to last.
- 7.30 Policy SD4 of the JCS advises that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. This is reflected in Policy LC1 of the ANDP, which seeks to promote local distinctiveness in built form and sets out a number of ways this can be achieved.
- 7.31 Whilst the application is in outline with all matters reserved for future consideration, the application is supported with a Design and Access Statement (DAS), which explains how the site could be developed. The DAS provides an overview of the site and its context and presents a design concept, which includes an illustrative

masterplan. The DAS explains that the layout is based on providing a strong and sensitive frontage onto Dibden Lane and the open countryside to the south. The illustrative masterplan details a series of blocks with housing fronting onto an internal street hierarchy of primary streets and secondary shared surface lanes. At the centre of the site, the illustrative masterplan indicates an area of open space that could accommodate a play area and a SuDS pond. A further area of open space is shown to the front of the site adjacent to Dibden Lane. To the peripheries of the site, the illustrative masterplan shows a series of hedgerow and woodland belts designed to screen the development. The DAS states that the density of the development would be approximately 20 dwellings per hectare and would comprise a mixture of detached, semi-detached and potentially terraced housing.

- 7.32 Whilst it is entirely feasible that the quantum of development proposed could be technically accommodated on the site, it is considered that the development as a whole would not represent good design for a number of reasons. It is considered that the illustrative masterplan presents an insular and inward looking development that would be purposely screened on all sides. That screening would predominantly not follow any existing field boundaries and would introduce a somewhat artificial edge to the east of the village. It would also further isolate the development from existing residential development by design. In addition, when viewed from Dibden Lane, the retention of the hedgerow along the road frontage and the set-back of the dwelling would result in the development appearing visually divorced from the village, which would be emphasised by the existing intervening parcels of land that wrap around the properties in Gretton View. Moreover, there are no physical linkages into the village from the site and it is questionable as to whether these could be achieved in any event. This has been particularly highlighted by the Highways Officer.
- 7.33 In terms of the existing character and setting of Alderton, the Council's Conservation Officer points out that Alderton is not a conservation area but nevertheless has a charming historic core with a church, public house and a mix of historic buildings arranged along winding lanes. The historic character of the village has suffered as a result of later unsympathetic development from the 1960's onwards and also a proliferation of unsympathetic window replacements in unlisted historic buildings. However, there are areas where the charm of the village's historic character is surviving. Development which has a negative impact upon the character of the approach to the village would inevitably have a cumulative negative influence upon the historic core and the heritage assets therein. He goes on to state that the village remains relatively compact and nestled into the landscape with the exception of the recent housing developments on the Beckford Road to the west and Fletchers Close to the south. The proposed development represents a substantial extension to the east adjacent to the historic core of the village. Due to topography and scale, this proposal would have far reaching impacts similar or greater to that of Fletchers Close and would be much closer to the historic core of the village. As a result the cumulative visual impact upon the sense and character of the approach to the village from the east would be detrimental to its setting and historic rural character. Whilst it is recognised that the application is in outline, it is considered unlikely that the design and details of the buildings and landscaping could mitigate the harm. As such it is considered that the development would have a general cumulative negative impact upon the setting of the historic core of the village as a non-designated heritage asset. This view is also shared by the Council's Urban Design Officer.
- 7.34 In light of the above, it is considered that the proposed development fails to

understand and relate well to the site's local and wider context and identity, including existing built development, local heritage, access, movement and accessibility, landscape character and views. It therefore fails to integrate into its wider surroundings, physically, socially and visually. Furthermore, the development would fail to provide an integrated network of routes for all modes of transport. The proposal therefore does not represent good design, contrary to Policy SD4 of the JCS, Policy LC1 of the ANDP, the National Planning Policy Framework and the National Design Guidance. This weighs heavily against the proposal in the planning balance.

Residential Amenity

- 7.35 JCS Policy SD14 sets out that development should protect and seek to improve environmental quality and should not cause unacceptable harm to local amenity including the amenity of neighbouring occupants.
- 7.36 In terms of the impact on existing residents, the nearest properties are located to the west of the site. However, the majority of these are separated from the application site by a small intervening parcel of land, which wraps around the properties in Gretton View. This intervening land also incorporates vegetation along its eastern edge. The only properties that directly bound the site are numbers 9 and 9A Church Road, although their rear boundaries incorporate mature tree planting that provides a good degree of screening.
- 7.37 Whilst the detailed design of the development would be assessed at a later stage as part of any Reserved Matters application, the indicative masterplan does show how development could be accommodated on the site. This demonstrates that the development could be designed in such a way as to not adversely affect the residential amenity of existing residents in terms of light, privacy and outlook. The proposal is therefore considered to be acceptable in this regard.

Housing Mix

- 7.38 JCS Policy SD11 states that housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area, including the needs of older people as set out in the local housing evidence base, including the most up to date Strategic Housing Market Assessment (SHMA). This is further reflected in Policy H4 of the ANDP, which requires new housing in Alderton to include small and medium sized houses (with 1 to 3 bedrooms).
- 7.39 No precise housing mix has been put forward as part of this application, although the planning statement suggests that it would consist of a mix of 2, 3 and 4 bedroom houses. Whilst 1 bedroom properties would also be required, the indicative layout suggests the site would be capable of delivering an appropriate mix of dwellings. A condition would be required in order to secure an appropriate housing mix for any future reserve matters application in order that the development meets the needs of the Borough and as evidenced by the latest SHMA at the time of the reserved matters application.

Affordable Housing

- 7.40 JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought. It follows that they should be provided on

site and should be seamlessly integrated and distributed throughout the development scheme. Policy H3 of the ANDP supports new affordable housing in new developments through the allocation set by the local planning authority.

- 7.41 The current proposal seeks to provide 20 affordable dwellings, which equates to just under 49%. No suggested tenure mix has been submitted by the applicant with regard to the affordable housing provision, however, the Council's Strategic Housing Enabling Officer suggests the following preferred mix:
- 4 x 1 bedroom apartments/maisonettes – Social rent
 - 1 x 1 bedroom bungalow – Social rent
 - 1 x 1 bedroom bungalow – Shared ownership
 - 5 x 2 bedroom houses – Social rent
 - 3 x 2 bedroom houses – Shared ownership
 - 3 x 3 bedroom houses – Social rent
 - 2 x 3 bedroom houses – Shared ownership
 - 1 x 4 bedroom house – Social rent
- 7.42 The applicant has indicated that the suggested preferred mix is acceptable, which would be secured through a S106 Agreement. Whilst the provision of just under 49% affordable housing is above the policy requirement and would be a considerable benefit, no S106 has been advanced at the time of writing this report. This therefore weighs against the proposal.

Biodiversity

- 7.43 JCS Policy SD9 seeks the protection and enhancement of biodiversity and geological resources of the JCS area in order to establish and reinforce ecological networks that are resilient to current and future pressures. Improved community access will be encouraged so far as is compatible with the conservation of special features and interest. In a similar vein, Policy LE1 of the ANDP requires development proposals to assess the impact of new development or changes in land use on internationally and nationally recognised biodiversity and geodiversity sites in the Parish. It also requires development proposals to provide a full ecological survey to accompany any planning applications that seek to change, remove or in any way affect Priority Habitats such as brooks, ponds, hedgerows, old woodland or orchards.
- 7.44 The application is supported by an Extended Phase 1 Habitat Survey that determines the habitats and species present on the site and makes an assessment of their ecological value. The report notes that the site is entirely in agricultural use for the growing of arable crops. At the time of the survey the site was dominated by maize crop. The report also notes the hedgerows along the northern and western site boundaries. The report sets out that arable land within the site does not provide suitable habitat for protected species and is heavily managed. It follows that the site boundaries provide suitable habitat for nesting bird but are known to be heavily managed through seasonal flailing. There are no trees suitable to support roosting bats or large birds within the site boundaries and no trees are proposed to be lost as a result of the proposed development. The report concludes that the survey area provides few opportunities for protected species and there are no ecological reasons that would limit the development of the site.
- 7.45 Following consultation with the Council's Ecology Consultant, it is advised that the site is within 10km of Dixon Wood SAC and Bredon Hill SAC, which could be impacted upon by increased recreational pressure from the development.

Consequently, as submitted, the application could have potential significant effects on the Dixon Wood and Bredon Hill SACs, particularly in combination with other local housing schemes that are proposed. Therefore, further information is required in order to determine the significance of these impact and the scope for mitigation. As insufficient information has been submitted at this stage, it is not possible to conclude whether or not the proposal would have an adverse impact on any protected European sites. This therefore weight against the proposals in the planning balance.

Arboricultural Implications

- 7.46 Policy LE2 of the ANDP states that new development of all kinds should seek to minimise environmental harm and encourages tree and hedgerow planting to replace any such features lost through development.
- 7.47 The Council's Tree Officer notes that the mature hedgerow to the north of the site adjacent to Dibden Lane is quite dense and provides good screening. A section of this access would need to be removed to incorporate the new primary access, which should be kept to a minimum. The Tree Officer points out that the indicative masterplan indicates that there would be new tree planting but this is predominately to the perimeter of the site. There is plenty of opportunity for more tree planting within the site itself and also in the rear/front gardens of the proposed dwellings. This would be addressed at the detailed design stage.

Drainage and Flood Risk

- 7.48 JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SuDS) where appropriate to manage surface water drainage. This is reflected in emerging PSTBP policy ENV2 and the Council's Flood Risk and Water Management SPD. Similarly, Policy LE2 of the ANDP sets out that new development should seek to minimise environmental harm through the use of sustainable drainage systems to manage drainage of surface water and reduce flood risk.
- 7.49 The site is located within Flood Zone 1 and is therefore at a low risk from flooding. However, due to the size of the site, the application is supported by a Flood Risk Assessment (FRA). The FRA sets out that flooding is unlikely to affect the site from fluvial and/or tidal sources and is at a low risk from pluvial flooding. The site is not identified as being at risk of groundwater flooding or reservoir flooding or flooding from any other sources. In light of this, it is considered that the site is not at an unacceptable risk of flooding and is acceptable in this regard.
- 7.50 In terms of drainage, it is proposed to drain the surface water runoff through a combination of SuDS features comprising swales and infiltration ponds. If subsequent ground investigations show that SuDS are unfeasible, it is proposed that the attenuation and storage features would discharge surface water to a watercourse to the east of the site boundary.
- 7.51 Following consultation with the LLFA, it is advised that whilst a drainage report has been submitted that describes infiltration, discharge to a watercourse and discharge to a sewer as potential options for discharging surface water, the applicant has not provided sufficient evidence for either of these options to

demonstrate that any of them are viable. It is pointed out that no ground investigation or infiltration tests have been completed to show that infiltration rates are suitable and the drainage report concedes that the potential for infiltration is low given the geology of the area. Furthermore, in order to discharge to a watercourse the applicant must carry out work on land outside of the application site. It is also pointed out that there is not a public sewer (surface water or foul) in the vicinity of the site and no consultation with Severn Trent Water has been undertaken to determine the viability of this option. It concludes that if the applicant wants to use infiltration then tests must be submitted that show infiltration rates are suitable. If they want to discharge to a watercourse then they must provide approval from the third party whose land they will be crossing to discharge into the watercourse or extend the red line boundary to include access to the watercourse. And if they want to discharge to a public sewer then they need to consult with Severn Trent Water to agree the most appropriate sewer, while demonstrating the former two options are not viable. Once this information has been provided, the required discharge rate/storage volumes can be assessed.

- 7.52 Following the LLFA's comments, the applicant has presented a title plan showing that the land between the site and the nearest watercourse is in the same ownership, demonstrating there is a viable discharge strategy. However, no further information has been submitted. The LLFA further advise that whilst the applicant has demonstrates that they have a viable point of discharge into the watercourse to the east of the site, they uphold their initial objection until the other outstanding information is supplied. Without that information, it is considered that it is not possible to determine whether a suitable drainage strategy for the site can be achieved. This weights against the proposal in the planning balance.

Access and Highway Safety

- 7.53 The Framework sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Policy RP1 of the ANDP requires new development to be designed to include access to existing walking, cycling and passenger transport networks and encourage maximum potential use.
- 7.54 The application is supported by a Transport Statement (TS), which states that Dibden Lane is an unclassified road of approximately 4m in width. The road is rural in nature and subject to a 60mph speed limit in the vicinity of the site. Dibden Lane becomes subject to a 30mph speed limit immediately to the west of the site. The TS notes that a minimum of one footway is provided adjacent to the majority of roads within Alderton although there are no footways provided on Dibden Lane along the frontage of the site. The existing footway network terminates approximately 40m from the site. The nearest bus stops to the site are located on Dibden Lane and Blacksmiths Road, which provide access to Cheltenham, Winchcombe and Broadway. However, this service is limited with only one bus service in the AM peak hour. Additional services to Cheltenham and Chipping Camden can also be accessed from stops located on Willow Bank Road.
- 7.55 Access is proposed to be reserved for future consideration, however, an indicative access is shown directly off Dibden Lane with 70m visibility splays in either

direction. These visibility splays are based on a speed survey, which suggests average vehicle speeds are lower than 30mph in the vicinity of the site. However, the Parish Council and a number of objectors have raised concerns about the robustness of the speed survey on the basis of the date and weather conditions when the speed survey was undertaken. The indicative access details also show a footway link from the site that would connect to the existing footway network with tactile crossing points. In terms of the impact on the highway network, the TS states that the development would generate 40 trips (arrivals and departures) in the AM peak hour (8am-9am) and 34 trips in the PM peak hour (5pm-6pm). The TS also analyses the impact of the proposed development on a number of junctions and concludes that they would continue to operate well within capacity and there would be a negligible impact on the operation of the local highway network. Furthermore, the TS concludes that the existing form of Dibden Lane is appropriate to accommodate the forecast increase in traffic that would be generated by the development.

- 7.56 Following consultation with the Highways Officer, it is highlighted that there are no pedestrian facilities adjacent to the site and the network of footways available through Alderton are denoted by deficiencies in infrastructure such as width and lack of pedestrian crossings across the main roads and minor arms. Furthermore, whilst the 30mph speed limit may encourage cycling within its borders and to other villages, there are no cycle routes on the roads through and around Alderton. Consequently, the Highways Officer is of the opinion that cycling cannot be, at this point in time, promoted nor encouraged as a safe and suitable means of access due to car dependent destinations such as Tewkesbury, Cheltenham or Gloucester. Furthermore, due to the limited coverage of the bus services, it would be unlikely to provide an attractive alternative to the private motor vehicle for accessing key employment areas. The Highways Officer considers that this level of reliance is not acceptable for a development comprising nearly 49% affordable housing. In light of this, whilst there are some facilities within walking distance of the proposed development, the Highways Officer considers that the level of offer to be insufficient to address the needs of local residents as well as promoting sustainable transport. This applies to the existing settlement and further development would only worsen the reliance on private motor use. Furthermore, whilst the application is also supported by a Travel Plan, it is considered to be inadequate and insufficient to reduce the reliance on private vehicle trips. On that basis, the Highways Officer objects to the proposed development. This objection has to be balanced against the fact that Alderton is designated as a Service Village in the development plan.
- 7.57 In terms of the illustrative masterplan, whilst access is a reserved matter, the Highways Officer states that the suitability of the highway access around the site needs to be determined if suitable to accommodate additional vehicle and pedestrian movements. Moreover, it is advised that the proposed pedestrian access arrangements to and from the site as well as details of swept-path analysis are not clarified on the submitted information and the Highways Officer cannot determine whether the level of mitigation and analysis is acceptable for this proposal due to lack of full scale drawings. Additional information has subsequently been submitted by the applicant and the views of the Highways Officer has been sought. **An update will therefore be provided at Committee.**

Heritage Assets

- 7.58 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or

historic interest which they possess.

- 7.59 Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 7.60 The site is located in relatively close proximity to The Old Rectory, which is a Grade II listed building. Following consultation with the Council's Conservation Officer, it is advised that The Old Rectory is a fine stuccoed neo-classical detached house that has a reasonably generous mature enclosed garden around it. The principal elevation of the house faces away from the development site and the setting of the house does not appear to rely on vistas or views beyond the boundary of the plot. There is currently a gap in vegetation to the rear of the plot affording far reaching views across the open countryside and the landscape beyond. The Conservation Officer is of the opinion that if the proposal is permitted this view and sense of the open countryside would be obscured by new housing. Although not fundamental to the setting of the listed building, the loss of this sense of open countryside would have a negative impact upon the setting of the building. It is considered that this level of harm to the significance of the listed building would be less than substantial but this harm would nevertheless need to be balanced against any public benefits generated by the development.
- 7.61 The public benefits of the proposal arise mainly as a result of the delivery of market and affordable housing would provide a considerable social benefit, in the context of the current 5 year supply shortfall. In particular, the provision of nearly 49% affordable housing is in excess of the policy requirement. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy. Section 66(1) of the Listed Buildings Act imposes a statutory duty on local planning authorities to *"...have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. Where such a setting would be harmed, that is a matter to which considerable weight should be given and there is a strong presumption against the grant of planning permission. However, that presumption is rebuttable and it is for the decision-maker to decide how much weight should be given to the harm it identifies.
- 7.62 In this case, whilst there are substantial benefits arising from the proposed development, on balance, it is not considered that those benefits outweigh the less than substantial harm to the setting of The Old Rectory. This harm to an asset of particular importance provides a clear reason for refusal of the application which 'disapplies' the presumption to grant permission set out at paragraph 11(d) of the NPPF.
- 7.63 In terms of archaeology, the application is supported by a Heritage Assessment, which considers the archaeological potential of the site. The assessment sets out that a substantial amount of fieldwork has been undertaken on the southern and western fringes of Alderton although no archaeological fieldwork has been undertaken on the site itself. The assessment concludes that given the background of the area, the site has low potential to contain previously unrecorded assets of

archaeological interest, with the exception of later Prehistoric and Roman period field boundaries, for which there is moderate potential. It follows that such assets are likely to be of no greater than local importance, significant for their evidential value.

- 7.64 Following consultation with the County Archaeologist it is advised that the wider locality is known to contain widespread archaeological remains. Concerns are therefore raised that significant archaeological remains will be present on site that would be adversely affected by any construction ground works. The County Archaeologist notes the conclusions reached in the Heritage Assessment but strongly disagrees with them. It was therefore recommended that in advance of the determination of the planning application the applicant should provide the results of an archaeological field evaluation which describes the significance of any archaeological remains contained within the site and how these would be affected by the proposed development. No such works have been undertaken to date and therefore it is not possible to determine whether or not the proposed development would have a harmful impact on any archaeology that may be present. The proposal is therefore contrary to paragraph 189 of the Framework, which weights against the proposal in the planning balance.

Open Space and Play Facilities

- 7.65 The Framework sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. JCS Policy INF4 provides that where new residential development will create or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement. Saved Local Plan Policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population on sites of 10 dwellings or more.
- 7.66 As the application is in outline with all matters reserved for future consideration, the layout is not fixed at this stage. However, the illustrative masterplan does show that there is scope to provide a good degree of public open space. In particular, an open space, described as an 'area of parkland' in the DAS, is shown at the centre of the site, which could also accommodate a play area. A further area of open space is shown to the front of the site adjacent to Dibden Lane. The proposal does not provide for any sports pitches on site due to its size, however, there are playing pitches in relatively close proximity to the site at Beckford Road, which is within an acceptable walking distance.
- 7.67 In accordance with Fields in Trust guidance, the quantum of development proposed would also generate the requirement for a Local Equipped Area for Play (LEAP) to be provided on site. If on-site provision cannot be provided, an off-site contribution would normally be expected. Given the constraints of the site, it is not practical to provide a LEAP on site and therefore an off-site contribution would be appropriate in this instance. Following consultation with the Community and Place Development Officer, it is advised that the required contribution would be £33,784 which would be used to upgrade and/or maintain the existing play facilities located off Beckford Road.
- 7.68 Subject to securing the provision of a LEAP on site or an equivalent off-site contribution, it is considered that the proposal would be acceptable in terms of open

space and outdoor play facilities. However, at this stage there is no signed Section 106 Agreement in place to secure either the on-site provision or off-site contribution. On that basis the proposed development does not adequately provide for public open space and the proposed development therefore conflicts with Policies INF4, INF6 and INF7 of the JCS, Policy RCN1 of the TBLP and the NPPF.

Community Infrastructure Levy/Section 106 obligations

- 7.69 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. The regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:
- a) necessary to make the development acceptable in planning terms
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 7.70 As a result of these Regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development.' As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests and restrictions, it is 'unlawful' for those obligations to be taken into account when determining an application.
- 7.71 In October 2018 the Council adopted CIL and implemented the levy on the 1st January 2019. For CIL purposes the application site falls within a 'Generic Site' and is subject to the levy for residential development currently at £207.46 per square metre on all the market elements of the proposed development.
- 7.72 Infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. Requests have been made by consultees to secure the following contributions:
- Affordable housing = 20 dwellings
 - Provision of LEAP on-site or equivalent off-site contribution = £33,784
 - Pre-school Education = £185,619.30
 - Primary Education = £98,091.50
 - Secondary Education (11-16) = £159,818
 - Secondary Education (16-18) = £103,784.12
 - Libraries = £8,036
 - Recycling - £73 per dwelling
- 7.73 In respect of education, these figures have been generated using the GCC Guidance 'Child Yields in New Developments' where it is stated that planning contributions will be required in all cases where there is no identified surplus in the forecast for school places. Nevertheless, at this stage there is no specific evidence to indicate that the contributions sought meet the Regulation 122 tests and therefore the absence of a completed s106 obligation does not weigh against the proposal.
- 7.74 In respect of library provision, officers similarly consider there is currently insufficient justification from GCC to substantiate their request for £12,740.00 and further clarification has been sought on how this is directly related to the proposed development.

- 7.75 The requirement of an on-site play facility or an off-site contribution in lieu of this is a simple policy requirement having regard to policy RCN1 of the TBLP and an obligation would therefore meet the regulation 122 tests as would the recycling contribution.
- 7.76 At this stage, the applicant has not confirmed their acceptance of the requested contributions and, in any event, there is no S106 Agreement signed to secure the LEAP/ off site contributions, or the recycling contributions. This weighs against the proposal in the planning balance.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 8.2 The application site lies outside of the defined settlement boundary for Alderton and is not allocated for housing development. The site does not represent previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policy H1 of the ANDP. It is currently the case that the Council cannot currently demonstrate a five year supply of deliverable housing sites and therefore the Council's policies for the supply of housing are out of date. On that basis the application must be determined in accordance with paragraph 11(d) of the NPPF, i.e. planning permission should be granted unless the application of policies in the NPPF that protect assets of particular importance provide a clear reason for refusal; or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of NPPF as a whole.

Benefits

- 8.3 The delivery of market and affordable housing would provide a significant social benefit. In particular, the provision of nearly 49% affordable housing is in excess of the policy requirement. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy. Overall, given the scale of development, these benefits would attract significant weight in favour of granting permission in light of the Council's housing land supply position.

Harms

- 8.4 Harm arises from the conflict with development plan policies relating to housing, particularly JCS Policy SD10 and Policy H1 of the ANDP, although it is accepted that the Council's housing policies are currently out of date. Harm would also arise from the cumulative growth in Alderton in such a relatively short period of time, which would have a negative impact on social cohesion and social well-being. There would be a harmful impact on the landscape within a Special Landscape

Area and the proposal would not represent good design.

- 8.5 There would be less than substantial harm to the setting of a designated heritage asset, the Grade II listed 'The Old Rectory'. It is concluded in the 'Heritage Assets' section above that the benefits of the proposal would not, on balance, outweigh the harm to the setting of this asset. On that basis, the harm to the setting of The Old Rectory provides a clear reason for refusal of the application and therefore the NPPF's presumption that planning permission should be granted does not apply.
- 8.6 It has not been demonstrated that the proposal have an acceptable impact on any archaeology that may be present. Furthermore, insufficient information has been provided to determine whether a suitable drainage strategy for the site can be achieved and it is not known as to whether there would be an acceptable impact on local European sites as a result of indirect recreational pressures.
- 8.7 At this stage there is also no signed S106 Agreement to secure the requisite affordable housing along with the financial contributions required towards recycling and play facilities.

Neutral

- 8.8 The proposal does not raise any residential amenity issues in terms of a loss of light, outlook and privacy.

Conclusion

- 8.9 As set out above, there is unacceptable harm to the setting of a designated heritage asset which is not outweighed by the benefits of the proposed development. On that basis, the presumption in favour of sustainable development at paragraph 1(d) of the NPPF is misapplied. When applying an ordinary planning balance, for the reasons set out at paragraphs 8.4-8.7 above, the proposed development results in clear conflicts with the Development Plan and the NPPF.
- 8.10 For completeness, even in the event it was judged that the harm to the designated heritage asset was found not to provide a clear reason for refusal and the tilted balance was applied, the adverse impacts identified above would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.
- 8.11 It is therefore recommended that the application is **REFUSED**.

Reasons:

1. The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy H1 of the Alderton Neighbourhood Development Plan (July 2018) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.
2. The proposed addition of 41 dwellings at Alderton, in addition to the dwellings recently built at land at Beckford Road and land east of Willow Bank Road, would result in cumulative development, which would be of a scale disproportionate to the existing settlement. As such the proposed development would fail to maintain or enhance the vitality of Alderton and would have a harmful impact on the social

wellbeing of the local community, risking the erosion of community cohesion. As such, the proposal conflicts with Policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy H1 of Alderton Neighbourhood Development Plan (July 2018) and the National Planning Policy Framework.

3. The proposal, by virtue of its prominent open location to the east of Alderton, would represent a significant encroachment into the surrounding rural landscape. This encroachment would have a harmful impact upon the character and appearance of the landscape within a Special Landscape Area, which serves to protect the foreground setting of the nearby Area of Outstanding Natural Beauty. As such, the proposal conflicts with Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy LND1 of the Tewkesbury Borough Local Plan to 2011 (March 2006), Policy LC2 of Alderton Neighbourhood Development Plan (July 2018) and the National Planning Policy Framework.
4. The proposed development fails to understand and relate well to the site's local and wider context and identity, including existing built development, local heritage, access, movement and accessibility, landscape character and views. It therefore fails to integrate into its wider surroundings, physically, socially and visually. The proposal therefore does not represent good design contrary to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy LC1 of Alderton Neighbourhood Development Plan (July 2018), the National Planning Policy Framework and the National Design Guidance.
5. The proposed development by virtue of its scale and location would have a harmful impact upon the setting of the Grade II Listed Old Rectory. The harm to the significance of the designated heritage asset is less than substantial but is not outweighed by the benefits of the proposal. The proposed development is therefore contrary to Section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 199, Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Section 16 of the National Planning Policy Framework.
6. In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy H3 of Alderton Neighbourhood Development Plan (July 2018).
7. In the absence of an appropriate planning obligation, the application does not make provision for the delivery of recycling and outdoor play facilities and therefore the proposed development is contrary to Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 (March 2006), Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and the National Planning Policy Framework.
8. Insufficient information has been provided to demonstrate that a suitable drainage strategy for the site can be achieved. The proposed development is therefore contrary to Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy LE2 of Alderton Neighbourhood Development Plan (July 2018).
9. Insufficient information has been provided to demonstrate that the proposed

development would not have an adverse impact on protected European sites. The proposed development is therefore contrary to Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and advice set out in the National Planning Policy Framework.

10. The wider locality is known to contain widespread archaeological remains and archaeological investigations of land to the west of the application site have revealed both later prehistoric and Anglo-Saxon settlement. As such, there is the potential for significant archaeological remains to be present on the site that would be adversely affected by construction groundworks required for the development. In the absence of the results of an archaeological field evaluation, it has not been demonstrated that the proposed development would have an acceptable impact on any archaeology that may be present. The proposal is therefore contrary to Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and paragraph 189 of the National Planning Policy Framework.

Informatives:

1. Statement of Positive and Proactive Engagement

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

SITE LOCATION PLAN
 AREA 16 HA
 SCALE: 1:2500 on A4
 CENTRE COORDINATES: 400421 , 233189



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 11:34:13 29/07/2019



- Site Boundary
- Housing Layout
- Front Gardens
- Potential Vehicular Access
- Primary Access Street
- Lane / Shared Surface
- Footpath
- Hedgerow
- Tree Planting
- On-Street Parking Provision



Area	Hectareage / Acreage
Development Area	1.9 / 4.7

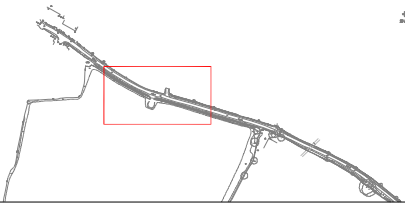
Unit Type	Unit numbers
Detached	31
Semi-detached	6
Terraced	4

TITLE: Dibden Lane - Masterplan Layout
 DATE: 28 June 2019
 SCALE: NTS



DO NOT SCALE FROM THIS DRAWING

Notes



Issue	Date	Description	By	Chkd	Verfd
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Project
DIBDEN LANE, ALDERTON

Client
GREENVOLT DEVELOPMENT LTD

Architect
-

Title
VISIBILITY SPLAY
2.5m X 70m

Drawing No. TCXX(90)4001a	Drawing Status INFORMATION
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Job No. 1016346	Scale 1:500
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CUNDALL

4th Floor, Partnership House
Regent Farm Road,
Gosforth,
Newcastle NE3 3AF
Telephone: +44 (0)191 213 1515
Website: www.cundall.com

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	02.03.2020
Site Location:	Land Parcel 0088, Willow Bank Road, Alderton, Tewkesbury, Gloucestershire,
Application No:	19/00772/FUL
Ward:	Winchcombe
Parish:	Alderton
Proposal:	Residential development up to 28 units, including means of access and landscaping.
Report by:	Mr Adam White
Appendices:	<ul style="list-style-type: none"> • Site location plan • Topographical survey • Proposed layout plan • Proposed streetscenes • Sample housetypes • Pond sections
Recommendation:	Refuse

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises an agricultural field located on the southern edge of Alderton village with an area of approximately 2.2ha (**see location plan**). The site slopes gently down from the north east towards an ordinary watercourse that forms the southern boundary of the site. A mature hedgerow forms the western boundary with Willow Bank Road beyond. The site adjoins a recently constructed residential development to the north, with open countryside to the south, east and west.
- 1.2 The site lies outside the Area of Outstanding Natural Beauty (AONB), which starts to the north of Beckford Road further to the north of the village, but within the Special Landscape Area (SLA) as designated in the Tewkesbury Borough Local Plan to 2011. The site sits outside but adjacent to the settlement boundary for Alderton as defined in the adopted Alderton Neighbourhood Development Plan.
- 1.3 There are no Public Rights of Way (PROW) crossing the site, however, footpath AAL9 intersects the field immediately to the south of the site. The southern boundary and land to the south west corner of the site lie within Flood Zones 2 and 3. The remainder of the site sits within Flood Zone 1.
- 1.4 The application is made in full for the erection of 28 dwellings. 11 (39.2%) of the dwellings would be affordable. The proposal includes a mixture of 1, 2, 3 and 4 bedroom properties. The majority would be detached with a few instances of semi-detached and terraced properties. The majority of the dwellings would also be

two storey with the exception of a handful of bungalows to the south east corner of the site. All properties would have a private garden and parking spaces, with the exception of a pair of maisonettes. The proposed density would be approximately 13 dwellings per hectare.

- 1.5 A new access is proposed to the north east corner of the site directly off Willow Bank Road (**see layout plan**).

2.0 RELEVANT PLANNING HISTORY

- 2.1 There is no planning history that is directly applicable to the application site itself. However, of relevance is the planning permission for 24 dwellings immediately to the north of the site, which was allowed on appeal in 2015 (LPA Ref: 14/00414/FUL – PINS Ref: APP/G1630/W/14/3001584). Permission was subsequently granted in 2016 to redesign a number of plots and provide an additional unit, affectively increasing the development to 25 dwellings (Ref: 16/00403/FUL). That permission was implemented with the development substantially completed in 2017.

- 2.2 Also of relevance are a number of other relatively recent appeal decisions in Alderton. On the 22nd May 2014, an appeal was allowed for 47 dwellings on land to the south of Beckford Road, Alderton (LPA Ref: 13/00114/FUL – PINS Ref: APP/G1630/A/13/2209001). That permission was implemented with the development substantially completed in 2015.

- 2.3 On the 17th March 2015, an appeal was dismissed for an outline application for up to 60 dwellings (net increase of 59 dwelling) on land east of St Margaret's Drive, Alderton (LPA Ref: 13/00734/OUT – PINS Ref: APP/G1630/A/14/2222147).

- 2.4 On the 17th July 2015, an appeal was dismissed for an outline application for up to 53 dwellings on land to the west of Willow Bank Road, Alderton (LPA Ref: 14/00747/OUT – PINS Ref: APP/G1630/W/15/3003278).

3.0 RELEVANT POLICY

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

National guidance

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

Policies: SP1, SP2, SD3, SD4, SD6, SD8, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF4, INF6, INF7

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

Policies: TPT3, TPT5, TPT6, LND2, RCN1

Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (July 2019)

Policies RES2, RES3, RES5, RES12, RES13, DES1, HER4, LAN1, NAT1, NAT2, NAT3, ENV2, RCN1, COM2, COM4, TRAC1, TRAC2, TRAC3, TRAC9

Alderton Neighbourhood Development Plan

Policies H1, H3, H4, LC1, LC2, LE1, LE2, LR1, RP1, RP2

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

The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

4.1 Alderton Parish Council – The objections to the proposal are summarised as follows:

- If this development were to go ahead there would be an increase of 37% in the number of houses in a few short years. That is an increase of 103 houses from the starting point of 277 houses. The increase would be through the addition of three suburban estates on the fringes of the village, two of which are already built. This is completely disproportionate.
- The Alderton Neighbourhood Plan, developed in conjunction with Tewkesbury Borough Council, does not provide for any development on this proposed site off Dibden Lane which is outside the village boundary and is not infill, windfall or a rural exception site. Nor is it within a future strategic development plan or identified through a plan led process.
- Alderton already has a margin of 24 houses [47%] above the figure of 51 and all those 75 houses are built. There is therefore no need for a further housing development in Alderton under the JCS.
- The emerging Borough Plan does not identify any sites in Alderton with development potential.
- The Parish Council believes that the building of 72 houses in two estates on the fringes of the village has already damaged social cohesion. 28 more houses would further worsen the position and the proposal does not attempt to address this issue.
- The Parish Council considers that this proposed development would seriously harm the character and beauty of the countryside.
- The landscape has obviously already been affected by the creation of CALA's first development. CALA have endeavoured to soften the impact by screening but in the Parish Council's view this is totally ineffective. A new line of stark housing coming further down the incline will make strips of new housing ever more prominent from all viewpoints to the south of the village.
- Building here will also radically move the line of settlement closer to the brook and footpath beyond, both of which are currently characterised as being separate from the village.
- The sense of separation between Alderton and the B4077 is characteristic and vulnerable to insensitive development. The new estate would breach the housing line, bringing the village boundary much closer to the B4077, weakening substantially what has always been a historic separation.
- The Parish Council notes that there are access issues raised in the report from Gloucestershire Highways, including the positioning of the 30mph speed limit.
- The village shop cum post office is a very small retail outlet. It is staffed by a single shopkeeper and in the course of the last 12 months has been closed for 2 months because of family commitments.
- The Parish Council has serious reservations about the risk of flooding. Many of

the 90 plus objections focus on this point. There is under current climatic conditions, not taking into account climate change, a risk of flooding in the attenuation basin, at the bottom left corner beyond the proposed development, and to the roads and buildings at the southern end of the site touching the flood zones.

- The Ecological Statement does not pay sufficient attention to local wildlife associated with the brook on what could be a key wildlife corridor.
- The Ecological Statement only considers the impact of the removal of a 10m section of hedgerow and the Arboricultural Statement refers to the protection of retained hedgerows. However the Access Design Plan suggests the loss of at least 59m. This hedgerow is an important landscape and ecological feature, particularly following the disappearance of hedgerow in the first phase.
- The Parish Council is concerned about the condition of the sewage pipe running over ground on the other side of Willow Bank Road.

Toddington Parish Council – Object for the following reasons:

- The site is not within the Alderton NDP.
- The site is outside the village boundary.
- The development is situated on flood plain.
- It will close the historic gap between the village and the B4077 and have huge safety implications for residents and road users.

Environmental Health Consultant – No objections.

County Archaeologist - No objections.

Gloucestershire County Council Highways - Objects on sustainable transport grounds. Further comments are awaited in respect of highway safety.

Gloucestershire County Council Lead Local Flood Authority - No objections.

Conservation Officer – Confirms that there are no designated heritage assets directly impacts by this proposal.

County Planning Section 106 Monitoring Officer – Contributions are sought in respect of education and libraries.

County Highways - Footpaths - No objections.

Highways England – No objections.

Environment Agency Midlands Region West Area – The EA do not wish to provide a bespoke response based on their consultation matrix.

Minerals & Waste Policy - No objections.

Housing Enabling And Policy Officer – No objections subject to the applicant agreeing to the preferred affordable housing mix provided.

Natural England - Natural England have not reviewed the application but highlight that one or more Impact Risk Zones have been triggered by the proposed development. The impact on SSSI's and SAC's need to be considered.

Severn Trent Water – No objections subject to drainage conditions.

Sport England South West – Standing advice provided.

Tree Officer – No objections

Wales & West Utilities - Attention is drawn to the proximity of a gas pipe in the vicinity.

Ecology Planning Consultants - Further detail required on Biodiversity Net Gain and potential impacts on nearby SAC's.

CPRE – Object on the grounds that village has already taken more than its share of new housing in numbers greater than its allotted intended amount. The application also conflicts with the Alderton Neighbourhood Development Plan, the Tewkesbury Local Plan and the JCS.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised through the posting of a site notice for a period of 21 days. A press advertisement was also placed in the Gloucestershire Echo.

5.2 107 letters of objection have been received. Their comments are summarised as follows:

- The proposal would affect the security of the adjacent properties in Fletcher Close and has no regard for guidance that is incorporated in Secured by Design guidance.
- The village has already grown by 75 houses over the last few years and the balance will be completely wrong with more new properties.
- When the original Cala Homes development was being considered the appeals officer noted that one reason why he was able to accept the development was that it did not 'result in the built development projecting further into the open countryside than the existing dwellings on the western side of Willow Bank Road' The proposed development projects fully and as such encroaches on the open countryside in a manner that would, by implication, have been rejected by the appeals officer.
- Planning applications for other sites have been rejected under appeal and substantial emphasis has been placed on the only housing requirement acceptable is for infill properties within the boundaries of the village. As such if Cala Homes had requested to build this development at the same time as the Fletcher Close scheme it would have been rejected due to a higher increase to the community than would have been deemed as acceptable.
- Any more new houses will begin to spoil the rural character of the village; one of its major attractions.
- It is no good having a robust Neighbourhood Plan if it can be set aside by the first Planning Application.
- Alderton has a well-developed neighbourhood plan which clearly establishes the village boundaries. This development, as acknowledged by the developer, lies outside the village boundary and as such should be rejected.
- Tewkesbury is now going ahead, with Government support, with the Garden Town at Ashchurch, which will meet local housing commitments identified under the JCS to 2031.
- Alderton has far exceeded requirements to add additional housing as a service village with a 26% increase from 277 houses and a further 2 dwellings in 2018-19
- This development extends beyond the current building area on the west side of

Willow Bank Road and extends into the site of special landscape area at a pinch-point between two boundaries of the Cotswolds Area of Outstanding Natural Beauty.

- The increased traffic movements that would be generated will jeopardise road safety and tranquillity of the rural lanes around Alderton. On-street parking is already a problem and additional traffic would add to this.
- The recent increase in housing has had no impact on the falling role of the village school or the footfall in the village shop.
- This development would substantially alter the view from the B4077 of a nucleated village settlement formed around a medieval church that is currently enjoyed by those travelling east towards the Cotswolds AONB.
- The developer puts forward no exceptional circumstances why Alderton should accept a level of development that is disproportionate to its size and function and its accessibility to major towns for work.
- Who monitors the weight of vehicles on the 3.5T bridge limit?
- Flooding at Arch Bridge deep enough to impede normal vehicular access has occurred four times in the 30 years we have lived in Alderton.
- I am concerned that with the extra houses built there will be increased vehicular traffic throughout the village which will also be exacerbated at the junction of Willow Bank Road and B4077.
- The area for proposed development has already suffered flooding/drainage problems, and I am concerned that the development will be built on this flood plain, not only causing problems for the houses to be built but also for residents in the nearby area.
- Access Design Plan 23791_08_020_01 clearly indicates that hedgerow along Willow Bank Road will need to be removed for the full extent of the visibility splay from the proposed site access. This will lead to the loss of at least 59.0m of hedgerow. The Ecological Appraisal identifies these hedgerows as important linear features, and only considers the ecological impact of the removal of a 10m section of hedgerow. Therefore, it is clear that the full ecological impacts of the removal of the hedgerow has not been considered in the application. 13
- Softening the southern and eastern edges of the development with tree planting is important to minimise the visual impact of the housing scheme.
- Alderton has already made a significant contribution to council targets for new houses and any further expansion of this type will spoil our village.
- 105 people attended the Community Consultation Event for this planning application - 89% of whom were not in favour of the development, 82% strongly disagreed that this development would provide much needed affordable housing and 82% strongly disagreed with the design and layout of CALA's proposed development. This is a clear indication of local opinion, surely?
- A large cul-de-sac development like this will create an estate separate from the village. The presence of disconnected housing estates undermines the natural community cohesion of a village as currently exists. A large influx of people will increase the number of children/teenagers/young adults. Activities for people in these age groups is very limited in a semi-rural community like Alderton and typically they have to travel to large towns for most activities. A sudden rise in numbers of people in these age groups will lead to an increase in the potential for crime, vandalism and general anti-social behaviour and will make Alderton a less safe and cohesive community that it has been previously.
- The shop in village does not benefit from extra housing as most of new residents are commuters and shop elsewhere.
- The land covered by this proposed development has a very clear and real flood risk. This land has flooded in previous serious flood events and while rare, the increasing frequency and severity of future floods must be taken into account.

- Village services simply don't support Alderton growing any more than it has in recent years.
- 98% of Alderton Parish residents endorsed the Alderton Neighbourhood Plan.
- We are in a climate crisis and in my opinion new homes need to be built on brown sites in town centres, near good rail and bus routes and near places of employment accessible to amenities and supermarkets.
- The village will be overdeveloped if this proposal goes ahead and it will look and feel like a housing estate not a village - the prime reason we live here.
- The development will exacerbate the traffic congestion and increased safety risks in and out of the village from the entrance to the development up to the village junction at the garage.
- The potential increased run-off and top soil loss attributable to the new development and the associated likelihood of silting up and clouding in the brook would have a detrimental effect on the wildlife in the lower reaches of the brook.
- The proposal totally ignores the wishes of the majority of the village and cannot be justified on a local demand/need basis.
- As a regular user of the popular bus service to Cheltenham (606), I was staggered to hear of the forthcoming changes to the timetable which further restricts the availability of public transport to/from the village.
- The village has already expanded significantly and disproportionately in the last couple of years. It needs time to assimilate.
- It would extend the footprint of the village southwards in what is otherwise a mainly east-west orientated village.
- Building luxury homes on green fields does not help those trying to get on the first rung of the housing ladder.
- The increase of 36% in village size that this development would bring in a few short years is not sustainable and could only be considered as 'building blight'.
- The village shop/Post Office proprietor has confirmed to me that the two new development already allowed have not lead to any further footfall or revenue, and the village primary is currently advertising for pupils so any 'advantages' did not fall that way either.
- Alderton's current communication infrastructure services are inadequate to meet the basic needs of the current residents. Broadband is too slow for people who plan to work from home and mobile phone services are desperately poor and unreliable.
- Let's build a few houses in a lot of villages and not a lot of houses in a few villages.
- Another separate development of commuters will not help community cohesion and integration into village life.
- Crime has been reported more regularly in the village.
- Continuously building further housing dilutes the village environment and is not conducive to the local amenities and community feel.

6.0 POLICY CONTEXT

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP),

and a number of 'made' Neighbourhood Development Plans. Of particular relevance to this application is the Alderton Parish Neighbourhood Development Plan 2011-2031, adopted as part of the development plan on the 24th July 2018.

- 6.3 The Pre-Submission version of the Tewkesbury Borough Plan (PSTBP) was approved for publication and submission at the Council meeting held on 30 July 2019. On the basis of the stage of preparation the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded limited to moderate weight, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).
- 6.4 Other material policy considerations include the National Planning Policy Framework and its associated Planning Practice Guidance.
- 6.5 The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of Development

- 7.1 Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. On sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans. Policy SD10 follows that housing development on other sites will only be permitted where:

- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
- ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
- iii. It is brought forward through Community Right to Build Orders, or;
- iv. There are other specific exceptions / circumstances defined in district or neighbourhood plans.

- 7.2 At a local level, Policy H1 of the Alderton Neighbourhood Development Plan (ANDP) states:

'Within the settlement boundary of Alderton village, as shown on Map 4 Alderton NDP Policies Map, small windfall development will be supported together with infill housing development of 1 – 2 dwellings within existing built-up frontages when it is consistent with the scale, proportion and density of existing houses and gardens in the adjacent area.'

Proposed development of residential gardens for new housing units should demonstrate that:

- 1. Any loss of garden space of existing properties is proportionate and acceptable; and*

2. Any adverse impacts on residential amenity are minimised. Proposals for accessible, single storey dwellings on infill sites and small windfall sites will be encouraged to meet the needs of older persons or those with limited mobility.

Proposals for new housing brought forward under a Community Right to Build Order will be supported subject to other policies in the Plan.

In the event that a future development plan identifies an additional need for further housing development in Alderton (as a service village), beyond what is being accommodated within the settlement boundary, then sites outside of the boundary will be considered in line with the other policies of the plan.'

- 7.3 The application site is Greenfield land that lies outside of the defined settlement boundary for Alderton as defined in the Alderton Neighbourhood Development Plan and is not allocated for housing development. The site does not represent previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policy H1 of the ANDP.

Council's 5 Year Housing Land Supply

- 7.4 Whilst the proposal is contrary to Policies SP2 and SD10 of the JCS and Policy H1 of the ANDP, it is also currently the case that the Council cannot demonstrate a 5-year supply of deliverable housing sites. It is the Council's current position that a 4.33 years supply of housing can be demonstrated. In this scenario, paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless:
- i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 7.5 The Framework clarifies that planning policies for housing will be judged out of date where, inter alia, the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Footnote 6 to paragraph 14 also clarifies which policies in the Framework provide a clear reason for refusing development and includes policies relating to heritage assets.

Alderton Neighbourhood Development Plan (ANDP)

- 7.6 Whilst the tilted balance is triggered in this instance, paragraph 14 of the Framework states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;

c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

- 7.7 The ANDP was adopted as part of the development plan on the 24th July 2018. However, it does not contain policies and allocations to meet its identified housing requirement. There were specific reasons for this due to a number of developments being granted permission at the time the ANDP was being prepared. This is discussed further in this report. Nonetheless, the ANDP does not meet all of the requirements and paragraph 14 of the Framework is not engaged.

Scale of Development and Social Impacts

- 7.8 The Framework recognises that sustainable development includes a social objective and how healthy communities can be promoted. Indeed, the ANDP throughout explicitly refers to social cohesion in the village. The ANDP states that it is important that its policies seek to conserve the active, cohesive nature of the Parish community into the future by enabling sustainable growth that does not compromise existing social bonds or overwhelm the Parish's rural infrastructure. Furthermore, one of the objectives of the ANDP seeks to ensure that any development in Alderton Parish makes a positive contribution to enriching the vitality, health, wellbeing and social cohesion of its communities. The ANDP also points out that concerns over the potential loss of the Parish's rural character and the impact on social cohesion arising from rapid change in Alderton village are evident in all consultations undertaken for the Plan between 2013 and 2015.
- 7.9 It is clear from the Parish Council's consultation response and the numerous representations made by local residents that the social well-being of Alderton and community cohesion remains a serious and ongoing concern. It is also clear from a number of relatively recent appeal decisions that this has been an important and determining factor in some cases.
- 7.10 A common theme amongst the objections is the rate of growth at Alderton and the fact that it has grown by 26% in a short period of time due to the relatively recent developments in the village. The addition of a further 28 homes proposed here would increase that growth to 36%. If you further consider the proposed development at Dibden Lane, Alderton for 41 dwellings, this has the potential to cumulatively increase the size of the village by over 50%.
- 7.11 The JCS recognises that the retention of services within rural service centres is intrinsically linked to the size and distribution of the resident population and it is important that these services remain viable, although more development will be accommodated at the rural service centres than at the service villages. In response to this, Policy SP2 of the JCS sets out that rural service centres and service villages will accommodate lower levels of development to be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts, including existing levels of growth over the plan period (emphasis added).
- 7.12 The Council's approach to the disaggregation of the residual housing requirement to the rural service centres and service villages is explained in the housing background paper (October 2019), which forms part of the evidence base for the emerging

Borough Plan to 2031. The paper stresses that the disaggregation process is only the starting point for considering an appropriate level of development for each rural settlement. It follows that in addition to the 'top down' approach of the disaggregation process, there should also be a 'bottom up' element whereby the availability of sustainable sites at each settlement will also be a factor in determining the most appropriate distribution of development. For example, there may be situations where a settlement is unable to achieve its disaggregated requirement due to a lack of suitable, sustainable sites or due to constraints such as the Green Belt and AONB. Conversely, there may also be situations where a settlement can exceed its disaggregated requirement due to suitable, sustainable sites being available at the settlement. This will however need to be balanced alongside the size, function and accessibility of the settlement in order to achieve a sustainable pattern of development and avoid issues associated with social cohesion.

- 7.13 The paper goes on to state that there will also be positive and negative social impacts from new development. Positive effects include meeting people's housing needs, supporting village services and shops and improving physical and mental health through creating a high quality built environment. Negative social impacts can however result where the number of dwellings in a settlement is substantially increased without proportionate increases in infrastructure, employment opportunities and other local services. This risks eroding community cohesion.
- 7.14 As far as Alderton is concerned, the disaggregated indicative housing requirement set out in the housing background paper is 53 dwellings. However, given that 75 dwellings have been provided in the village as a result of the developments at Beckford Road and Willow Bank Road, the emerging Borough Plan to 2031 does not allocate any further development at Alderton during the plan period. It is also for this very reason that the ANDP does not contain any allocations. However, that is not to say that no further development will be provided at Alderton. On the contrary, the ANDP does and has allowed for further growth within the defined settlement boundary, albeit in a more organic and managed way.
- 7.15 In terms of local services, facilities and infrastructure, there is no evidence to suggest that Alderton cannot accommodate the additional 28 dwellings proposed here, subject to securing appropriate contributions. However, as the Inspector noted in the land east of St Margaret's Drive appeal decision (APP/G1630/A/14/2222147), community cohesion goes beyond this in a small rural settlement. In that appeal, the Inspector also noted the significance of the capacity for the settlement and the community to accept the impacts that a rate of change for the construction of 107 houses would have over a relatively short period of time in a settlement of only 265 dwellings (as was the case at the time of the appeal). The Inspector stated: *'Alderton has grown organically and slowly over a long period of time and its physical character would change as a result of the major development that would arise from the Beckford Road scheme and the appeal proposals which, together, would represent a 39% increase in the number of dwellings. Alderton would appear more suburbanised and less of a rural settlement and it would be adversely affected as a consequence'*.
- 7.16 Apart from the physical changes that would occur the Inspector recognised that a sizable expansion to the village could take the community some time to adapt to and there could be adverse consequences for the social and cultural wellbeing of existing residents. The Inspector went on to state: *'I recognise that, as in cases elsewhere, there is a danger that potential adverse impacts of new housing on an existing community is a consideration that needs to be weighed in the planning balance. This goes beyond a community's natural resistance to change. Indeed, the APC has indicated that a number of residents would sell up and leave the village because*

Alderton would no longer be a quiet rural village'. The Inspector went on to conclude that the proposed development would have a disproportionate effect on the village in terms of the cumulative impact development and also on the social wellbeing of the community.

- 7.17 In considering a later dismissed appeal at land to the west of Willow Bank Road in Alderton for up to 53 dwellings, the Inspector also gave significant weight to the previous Inspector's findings in respect of the social well-being of the community. Similar to the St Margaret's Drive appeal, the Inspector found no substantive evidence the scheme could not be accommodated by the existing facilities in Alderton. However, the Inspector again set out that in his view, social well-being and community cohesion goes beyond such considerations, particularly in a relatively modest rural village. The Inspector went on to state: *'Alderton currently accommodates between 268 and 277 dwellings, depending on which source is used. The proposal and the recent Beckford Road scheme would result in 100 new dwellings, an approximate increase of the community of 36-37%. For a relatively modest rural village, I consider such an increase to be substantial'*. Given that the development proposed here would result in a cumulative increase, which would be on a par with the previous dismissed appeals indicates that this proposal would also have similar adverse impacts in terms of social cohesion and social well-being.
- 7.18 During the appeal, the appellant suggested that the phasing of the developments would mitigate the impact on social cohesion by staggering the introduction of new dwellings and the subsequent occupiers. Whilst this was accepted by the Inspector, he noted that it would still result in a significant increase of 36-37% to Alderton in a relatively short period of time. The applicant makes a similar case here and suggests that it is anticipated that a start would be made on site in 2021. Properties would therefore be available for sale in the latter part of 2021 at the earliest. This would represent nearly 5 years since the first plot was sold on the adjacent Fletcher Close site (and 3 years from the sale of the last plot), and 6 years from the first plot of the Beckford Road site (and 5 years from the sale of the last plot). However, this still represents a significant amount growth in a very short period of time, especially when considered in the context of the historic growth rate of Alderton over many years. It is also a considerable amount of growth in a single plan period.
- 7.19 A further negative impact on social cohesion could also result from the local resentment arising from the perception that the recently adopted ANDP has been ignored. This is evident from a number of objections, which raise this as a particular concern. As set out in the NPPG: *'Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community's needs and where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area'*. It is clear that local residents wished to take advantage of these powers and a considerable amount of time and effort was spent preparing the plan. That plan successfully passed referendum with 98.12% voting in favour of it. From the many objections received it is evident that many locals see this proposal as a significant departure from the ANDP and understandably question whether their efforts were worth it. This would naturally cause a great deal of local resentment if the scheme was to go ahead.

- 7.20 Albeit in a slightly different context, this was also recognised by the Inspector in the land east of Willow Bank Road appeal decision who made reference to a relatively comparable appeal in Feniton, Devon. The Inspector stated: *'The Inspector of the Feniton decision also noted that the residents of Feniton, like other communities, expect (quite rightly) that decisions about its capacity to accommodate more housing should be taken through the Local Plan process and in this context a considerable quantity of new housing being allowed on appeal in advance of this process is likely to lead to hostility and resentment towards the occupiers of the new housing. Given the concerns of the Parish Council, local residents and the specific circumstances of the eJCS, I consider that this is equally relevant to this proposal'*. Whilst it is currently the case the weight that can be afforded to the housing policies contained in the ANDP is reduced due to the Council's housing land supply position, the perception that local's wishes were being ignored would further impact on social cohesion.
- 7.21 In summary, it is considered that the cumulative growth in Alderton in such a relatively short period of time would have a negative impact on social wellbeing and social cohesion within Alderton. This matter weighs heavily against the proposal in the planning balance.

Landscape Impact

- 7.22 JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 7.23 Saved Policy LND2 of the Local Plan requires special attention to be paid to the protection and enhancement of the special landscape character of the Special Landscape Area (SLA), which is of local significance. Previous appeal decisions have confirmed that this part of the policy is in accordance with the NPPF, although the subsequent part of the policy which provides that 'proposals must demonstrate that they do not adversely affect the quality of the natural and built environment' is not so, on the basis that there is no cost/benefit analysis element to that part of the policy. The reasoned justification qualifies that whilst the quality of the landscape is worthy of protection in its own right it also plays a role in providing the foreground setting for the adjacent AONB. Similarly, Policy LC2 of the ANDP states that proposals should demonstrate how they will integrate into the SLA and AONB by submitting a Landscape Visual Impact Assessment (LVIA) to enable their impact on the landscape to be assessed. It follows that special attention should be paid to preserving significant views in or out of the settlement, or including mitigation measures that ensure such views are maintained as fully as possible.
- 7.24 The site lies within the eastern edge of the central part of the National Character Area 106: Severn and Avon Vales and within the Gloucester Landscape Character Study (2006) 'Teddington and Greet Vale' area, which is set out as an 'Unwooded Vale'. The key characteristics of this 'Unwooded Vale' landscape type include medium to large scale hedged fields with a combination of both regular and irregular field patterns, and a relatively sparsely settled landscape with rural villages and scattered farms and dwellings. It notes that the escarpment and outliers create a sense of enclosure within the Teddington and Greet Vale, and provide a backdrop to many views across it. At a local level, the site is located within parcel Ald-01 as defined in the Landscape and Visual Sensitivity Study - Rural Service Centres and Service

Villages (November 2014). Parcel Ald-01 is defined as have having a 'medium' landscape sensitivity and a 'high' visual sensitivity. The study comments further on the characteristic sense of separation between Alderton and the B4077 and notes that this feature of the local landscape is vulnerable to insensitive development.

- 7.25 The application is supported by a LVIA, which considers the impact of the proposed development on the landscape. The LVIA states that there would be a negligible impact on the published characteristics of the landscape with features on site retained, enhanced and managed. It goes on to note that the Parcel ALD-01, as defined in the Landscape and Visual Sensitivity Study, has been assessed as having a 'medium' landscape sensitivity and the application site, which occupies a part of that parcel, is identified as being an important characteristic that relates to 'openness between the settlement edge and the small stream'. The LVIA accepts that the field would be lost as a result of the development but suggests that the development would be set back within a sizeable green space and that the separation between the between the B4077 would be maintained through the undeveloped foreground field, green spaces of the new scheme and the scale/siting/massing of new buildings in the landscape. It concludes that proposals would not result in a notable change in the settlement pattern.
- 7.26 In terms of the visual implications, the LVIA includes a number of key visual receptors likely to experience a change in the view, which include motorists travelling along Willow Bank Road, people using the PROW network and residents with private views. When considering the visual effects, the LVIA recognises that the replacement of a field with development will always trigger change. However, it is argued that the introduction of 28 dwellings is not a large number and is considered to be appropriate in terms of local scale. Furthermore, whilst local views would be affected, it is suggested that the development is planned to be an attractive view, particularly as the landscape matures. In conclusion, the LVIA finds that the overall effect on landscape receptors will not be adverse, rather negligible and with a number of benefits accruing.
- 7.27 Following consultation with the Council's Landscape Consultant, it is observed that the Fletcher Close development forms a conspicuous and somewhat harsh southern edge to Alderton sitting as it does at the top of a distinct south-facing slope and exposed to the B4077. The application site occupies the slope itself down to a small brook and associated gappy tree line. It is pointed out that the site falls within an area considered to have a high sensitivity to visual effects. This sensitivity was as a consequence of its prominence from the A4077, the role it played in creating a distinctive foreground setting to Alderton including enabling views to the historic village core and church as well as the AONB beyond at Alderton Hill. To some extent, the qualities that attracted the high visual sensitivity of Area Ald-01 in the 2014 Study have been eroded by the new development at Fletcher Close. However, the Landscape Consultant is of the view that the application site does still make a positive contribution to the separation between Alderton and the B4077. The slope down to the stream accentuates this.
- 7.28 The Landscape Consultant advises that recent developments at Beckford Road and Willow Bank Road are conspicuous and have significantly increased the perceived size of the village along the base of Alderton Hill. The proposed development would be visible and would inevitably add to this incremental growth of the settlement beyond the established and defined village envelope. However, it would appear foreshortened and appear as a slight extension of the Fletcher Close scheme. On its own this change is unlikely to be significant in the wide-open views across the vale. However, it would contribute to the incremental and gradual prominence of Alderton

within this enclosed Vale landscape. Furthermore, the application site is conspicuous in views from the B4077 and is particularly prominent travelling east to west where there are sustained views from Frampton Cottages where the scheme would be seen in profile. It is further advised that the visual influence of the proposed development on the B4077 would be exacerbated by the elevated and sloping nature of the site and the planting along the stream would be unlikely to fully mitigate the new development at the top of the slope.

- 7.29 In conclusion, the Landscape Consultant advises that the proposals would contribute to the incremental increase in the prominence of Alderton within the distinctive Vale landscape within the setting of the AONB. However, the scale of development is unlikely to have a significant adverse effect upon the Vale landscape as a whole. The proposals also represent a further incremental expansion of Alderton south, beyond the established and defined settlement boundary. This expansion is in contrast to the traditional settlement pattern of a nucleated village at the base of Alderton Hill. It represents an expansion out onto the Vale towards the B4077 into land that has traditionally served to provide a distinctive foreground setting between the village and the road. Alderton has traditionally been perceived from the B4077 as a nucleated village set back from the road within a well-treed roofscape with the ancient church tower beyond meadows. This proposal would further erode that character by significantly reducing the remaining space between the road and the village and would occupy a prominent sloping site.
- 7.30 In considering the landscape impact of the proposal, the Inspectors findings in respect of the Land East of Willow Bank Road appeal are also important (Appeal Ref: APP/G1630/W/14/3001584). Whilst that appeal was allowed, the Inspector stated the following: *'During the site visit, I observed the appeal site from the B4077 and the PROW to the south and although the proposal would be clearly evident, it would be viewed within the context of the existing residential development to the north and west. It is also clear that the proposal would not result in built development projecting further into the open countryside than the existing developments on the western side of Willow Bank Road opposite the appeal site or to the east of the site. The proposal would in essence 'square-off' this part of the village. I consider that this limits the level of change to the settlement pattern and the harm that would be caused. The proposal would also leave open space between the settlement edge and the small stream and therefore would not harm this important characteristic as set out within the Toby Jones assessment.'* The development proposed here would clearly breach the existing development on the western side of Willow Bank Road and largely erode the open space between the settlement edge and the watercourse.
- 7.31 In light of the above, it is considered that the proposal would have a harmful impact on the landscape within a Special Landscape Area, contrary to Policy SD6 of the JCS, Saved Policy LND2 of the Local Plan and Policy LC2 of the ANDP. This weighs heavily against the proposals in the planning balance.

Design and Layout

- 7.32 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy SD4 of the JCS advises that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. This is reflected in Policy

LC1 of the ANDP, which seeks to promote local distinctiveness in built form and sets out a number of ways this can be achieved.

- 7.33 The submitted plans detail a relatively informal layout that is based on two perimeter blocks served off a single main access road, which in turn feeds a number of smaller access roads and private drives. The layout would provide for an outward facing development, with dwellings fronting onto Willow Bank Road as well as the watercourse to the south and the open countryside to the east. This would provide for active street scenes and good levels of natural surveillance. The submitted Design and Access Statement suggests that the development would be a continuation of the existing urban area and includes new development orientated along the western and southern boundaries as a continuation of the existing urban edge along with suitable setbacks to maintain a rural character. The layout provides lower density development around the edges of the site in order to provide a softer development edge. A variation in building separation distances across the streetscape also seeks to create focal points and reinforce the street hierarchy. Substantial areas of landscaping are proposed around the perimeter of the development, especially to the southern edge adjacent to the watercourse and around the SuDS feature.
- 7.34 The majority of the proposed dwellings are detached properties with the exception of a few examples of semi-detached and terraced units. The majority of properties would also be 2 storey, save for a handful of single storey bungalows to the south east corner of the site. In terms of their appearance, the submitted Design and Access Statement suggests that they draw upon the characteristics of the local residential vernacular, in particular that seen in the new residential development that adjoins the site to the north (Fletcher Close). This includes similar characteristics such as scale, form, proportion and detailing, use of local materials and boundary treatments. The houses would be faced in either reconstituted stone or red brick, with some examples of timber boarding. The dwellings include architectural details such as pitched and flat door canopies, casement windows, gables roofs and windows, brick dentil coursing, brick corbelling, exposed rafter feet and chimneys.
- 7.35 Notwithstanding the concerns raised in respect of landscape impact, the layout in itself is considered to be generally acceptable given the constraints of the site. The layout would provide for active frontages and good levels of natural surveillance. The development would provide good levels of amenity space and landscaping, whilst accommodating the necessary drainage infrastructure. In terms of the proposed housetypes, the proposed materials reflect that of the surrounding area, in particular the adjoining development to the north. Given the context of this surrounding area, it is considered that the proposed dwellings would be acceptable. Subject to conditions requiring the submission of materials and detailed design, the proposal is considered acceptable in this regard.

Residential Amenity

- 7.36 JCS Policy SD14 sets out that development should protect and seek to improve environmental quality and should not cause unacceptable harm to local amenity including the amenity of neighbouring occupants.
- 7.37 In terms of the impact on existing residents, the nearest properties are located directly to the north of the site on Fletcher Close. These properties generally back onto the application site with low boundary treatments to their rear gardens. The proposed access road would be located close to the northern site boundary, which would provide a good separation distance between the proposed properties and the existing properties in Fletcher Close. Additional buffer planting is also proposed

along the northern boundary. Given the distances involved, it is considered that there would be no undue impact on existing property in terms of light, outlook and privacy.

- 7.38 In terms of the proposed dwellings, the layout indicates that all properties would be provided with adequate outdoor amenity space. Furthermore, the relationship between the proposed dwellings is also considered to be acceptable with adequate separation distances and no instances of undue overlooking. The proposal is therefore considered to be acceptable in this regard.

Housing Mix

- 7.39 JCS Policy SD11 states that housing development will be required to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area, including the needs of older people as set out in the local housing evidence base, including the most up to date Strategic Housing Market Assessment (SHMA). This is further reflected in Policy H4 of the ANDP, which requires new housing in Alderton to include small and medium sized houses (with 1 to 3 bedrooms).
- 7.40 As set out in the ANDP, the Parish has a considerably higher proportion of 3 or 4 bedroom properties than 1 or 2 bedroom properties. Many of these are also under occupied. Furthermore, the ANDP notes that the demographic projections for older people in the village is projected to grow quite notably, with the number of people aged 85 or over expected to increase by over 100% by 2031. The provision of smaller housing is therefore required to balance the existing housing stock in Alderton and indeed the Borough as a whole.
- 7.41 The proposal as originally submitted featured the following mix:

Open Market housing

- 4 x 2 bedroom bungalows
- 7 x 3 bedroom houses
- 6 x 4 bedroom houses

Affordable housing

- 2 x 1 bedroom maisonettes
- 5 x 2 bedroom houses
- 3 x 3 bedroom houses
- 1 x 4 bedroom houses

- 7.42 The most up to date SHMA for Gloucestershire is the September 2015 publication (SHMA, Further Update, Affordable Housing). Insofar as open market housing is concerned, based on 17 units, the SHMA sets out the following mix:
- 11.3% 1 bedroom houses = 1.92 houses
 - 26.9% 2 bedroom houses = 4.57 houses
 - 42.7% 3 bedroom houses = 7.26 houses
 - 19.25% 4+ bedroom houses = 3.27 houses
- 7.43 Clearly it is not possible to provide a fraction of a house but the housing mix should be broadly in accordance with the SHMA. The mix of open market housing originally proposed did not accord with the SHMA in that it proposed a greater number of 4 bedroom properties and no 1 bedroom properties. The applicant has sought to address this by replacing a 4 bedroom housetype with a 3 bedroom housetype,

which would increase the proportion of 3 bedroom open market housing to 59%. The applicant has achieved this by simply amalgamating 2 smaller bedrooms into a larger single bedroom by removing an internal partition wall. However, other than that change, the housetype essentially remains the same as before in all other respects. It is therefore considered that it will not be any more affordable as a result and unlikely to be suitable for downsizing in the village. Moreover, there would not be any controls to prevent the internal partition wall simply being reintroduced at a later date since internal alterations would not represent development. In any event, this would still not address the imbalance due to the lack of any 1 bedroom open market houses. Whilst the proposal arguably complies with Policy H4 of the ANDP due to the provision of 1 and 2 bedroom affordable homes, the proposal is contrary to Policy SD11 of the JCS due to the proposed open market housing mix. The proposal would therefore fail to contribute to mixed and balanced communities and a balanced housing market. This weighs against the proposal in the planning balance.

Affordable Housing

- 7.44 JCS Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought. It follows that they should be provided on site and should be seamlessly integrated and distributed throughout the development scheme. Policy H3 of the ANDP supports new affordable housing in new developments through the allocation set by the local planning authority.
- 7.45 The current proposal seeks to provide 11 affordable dwellings, which equates to 39.2%. A proposed mix has been provided by the applicant but the tenure split has not been provided at this stage.
- 7.46 Following consultation with the Council's Strategic Housing Enabling Officer, the following preferred mix has been requested:
- 2 x 1 bedroom apartments/maisonettes - Affordable rent
 - 3 x 2 bedroom houses – Affordable rent
 - 2 x 2 bedroom houses – Shared ownership
 - 2 x 3 bedroom houses – Social rent
 - 1 x 3 bedroom house – Shared ownership
 - 1 x 4 bedroom house – Social rent
- 7.47 Notwithstanding the Strategic Housing Enabling Officer's preferred mix, it is the case that the provision of 11 affordable dwelling does not meet the minimum requirement of 40% as required by Policy SD12. Based on 28 dwelling, 40% provision would equate to 11.2 dwellings. In order to achieve a policy compliant scheme, it is therefore considered appropriate in this instance to secure an off-site financial contribution equivalent to 0.2 of an affordable dwelling in addition to the 11 dwellings that would be secured on site. It is advised that the off-site contribution would amount to £25,898.25.
- 7.48 The affordable housing currently proposed by the applicant meets the preferred mix but the applicant has yet to confirm the tenure split so it is not possible to ascertain at this stage whether the proposal is acceptable. In any event, the affordable housing would need to be secured through a S106 Agreement, which hasn't been advanced at this stage. This therefore weighs against the proposal.

Biodiversity

- 7.49 JCS Policy SD9 seeks the protection and enhancement of biodiversity and

geological resources of the JCS area in order to establish and reinforce ecological networks that are resilient to current and future pressures. Improved community access will be encouraged so far as is compatible with the conservation of special features and interest. In a similar vein, Policy LE1 of the ANDP requires development proposals to assess the impact of new development or changes in land use on internationally and nationally recognised biodiversity and geodiversity sites in the Parish. It also requires development proposals to provide a full ecological survey to accompany any planning applications that seek to change, remove or in any way affect Priority Habitats such as brooks, ponds, hedgerows, old woodland or orchards.

- 7.50 The application is supported by an Ecological Appraisal that determines the habitats and species present on the site and makes an assessment of their ecological value. The appraisal highlights that the habitats within the site are dominated by species poor semi-improved grassland with field perimeter hedgerows and a waterway with semi-mature trees and scrub on the southern boundary. There are no statutory sites of international or national nature conservation importance within the site while a total of thirty-one statutory designated sites are present within 15km of the site boundary.

- 7.51 The appraisal states that the grassland on site is of limited biodiversity value and is to be lost. This could be mitigated for through the provision of species-rich grassland within the site. All hedgerows are proposed to be retained with the exception of a section to be removed to facilitate the site access. No badger setts or activity were identified on site though suitable habitat is present for this species. Five semi-mature willow trees with low bat roosting potential along the brook are proposed to be retained and buffered. It is also proposed to retain and enhance existing potential bat foraging and commuting corridors around the site.

- 7.52 The site provides potentially suitable habitat for common species of reptiles and the appraisal advises that site clearance should be undertaken under ecological supervision in a directional manner during the reptile active season. No evidence of water vole or otter was identified within the site although it is considered that the brook could provide a potential corridor of movement for these species. Suitable nesting habitat is also present on site for birds and any removal of suitable nesting habitat should occur outside of the bird breeding season to minimise the risk of disturbance to breeding birds.

- 7.53 Following consultation with the Council's Ecology Consultant, it is recommended that the mitigation and enhancements described in the appraisal should be followed and written up in the form of a Construction Ecological Management Plan (CEMP). This could be secured by way of a planning condition. It was further advised that whilst the appraisal does screen out various potential effects on local European sites (Dixton Wood and Bredon Hill SACs), further analysis of indirect recreational impacts was required. Further information has subsequently been provided on this matter by the applicant, which has been forwarded to the Ecology Consultant for consideration. **An update will therefore be provided at Committee.**

Arboricultural Implications

- 7.54 Policy LE2 of the ANDP states that new development of all kinds should seek to minimise environmental harm and encourages tree and hedgerow planting to replace any such features lost through development.

- 7.55 The application is supported by an Arboricultural Statement and Tree Condition Survey, which notes that the only tree growing on the site is a crack willow on the northern bank of the watercourse. The remaining trees are all growing within or to the

southern side of the watercourse. A hawthorn hedge is also identified on the western boundary adjacent to the road. The report states that boundary vegetation will be retained and enhanced by additional planting. However, this is at odds with the Road Safety Audit Designers Response Schedule, which indicates that the hedgerow along Willow Bank Road would be removed to accommodate the visibility splays.

- 7.56 Following consultation with the Council's Tree Officer, it is advised that the one willow tree on the site could be managed by pollarding. A condition is also recommended to ensure that the trees and hedgerows are retained and protected in permission was granted. However, this does not take into account the requirement to remove the hedgerow along Willow Bank Road and further clarification has been sought from the applicant on this matter. **An update will therefore be provided at Committee.**

Drainage and Flood Risk

- 7.57 JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SuDS) where appropriate to manage surface water drainage. This is reflected in emerging PSTBP policy ENV2. Similarly, Policy LE2 of the ANDP sets out that new development should seek to minimise environmental harm through the use of sustainable drainage systems to manage drainage of surface water and reduce flood risk.
- 7.58 To the south of the site is watercourse, which is a tributary of the Carrant Brook, and classed as an ordinary watercourse. Due to the proximity of the watercourse, the southern sections of the application site lie within Flood Zones 2 and 3 as defined on the Environment Agency's Flood Map for Planning. However, additional modelling of the watercourse undertaken by the applicants show a reduction in flood extents when compared to the EA mapping. Historic flooding has also been recorded at the Arch Bridge along Willow Bank Road in close proximity to the application site. In light of the flood risk associated with the site, the application is supported by a Flood Risk Assessment (FRA).
- 7.59 The FRA sets out that the site is only impacted by flood waters in the south-western corner of the site and along the southern boundary. These areas have been designated in the proposed site layout as landscaped areas and drainage features. All of the proposed access roads and the residential units are shown to be located within Flood Zone 1. In this regard, only water compatible uses would be located in Flood Zones 2 and 3 and the sequential test is passed. The FRA also considers a blockage scenario of the Willow Bank Road Bridge. This shows that the flood levels and extents within the application site increase slightly but stay within the landscaped area along the southern boundary. This flooding would not impede the proposed site access. The FRA notes surface water flooding along Willow Bank Road but flows appear to be contained to the carriageway and are draining south into the watercourse.
- 7.60 In terms of drainage, it is proposed to drain the surface water runoff via a traditional piped network running under roads within the site. This would then be conveyed to a detention basin to the south west of the site. A hydro-brake or similar flow control would then control the runoff from the basin before it discharges into the watercourse. The foul drainage would comprise a foul network within the roads serving the development. The flows would be taken via gravity to a pumping station located on the southern boundary of the site before being conveyed northwards to

the existing Severn Trent Water sewer network near Fletcher Close.

- 7.61 The Lead Local Flood Authority (LLFA) have reviewed submitted information and are satisfied that there would be no buildings within Flood Zones 2 and 3 and no portion of the attenuation basin would be within Flood Zone 3. The revised information that has been submitted by the applicant details a reduction in the surface water discharge rate and an additional underground storage tank is proposed beneath the open space to the south of the entrance. The plans also now show that the side slopes of the detention basin would be 1 in 4. Details have also been provided to show how the drainage network would work when the watercourse is in flood. This shows that there would be some flooding from the network but this would be downstream of any buildings and would be contained within the freeboard of the detention basin.
- 7.62 In light of the additional and revised information submitted, the LLFA are of the view that the submitted details are acceptable subject to a planning condition to secure a SuDS management and maintenance plan for the lifetime of the development. This is neutral factor in the planning balance.

Access and Highway Safety

- 7.63 The Framework sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Policy RP1 of the ANDP requires new development to be designed to include access to existing walking, cycling and passenger transport networks and encourage maximum potential use. Policy RP2 follows and requires on-site parking at a minimum rate of 1.5 spaces per dwelling or make available in the vicinity some suitable provision for off-road parking for households and visitors with vans as well as private cars.
- 7.64 The application is supported by a Transport Statement (TS), which sets out that Willow Bank Road is a two-way single carriageway road measuring approximately 5.0-5.5m in width. Willow Bank Road is subject to a 30mph speed limit upon entry to the built-up area of Alderton. When heading southwards the B4077, the road is subject to the national speed limit of 60mph. The TS notes that there is a shortfall in the pedestrian footway along the eastern side of Willow Bank Road and that on-road cycling is suitable along roads which form part of the surrounding highway network due to their low traffic nature. There are 2 bus stops within close proximity of the site, which serve a number of bus services providing access to Chipping Camden, Cheltenham, Mickleton, Tewkesbury and Gretton. However, some of these services only operate once a week.
- 7.65 In terms of the access, the site is proposed to be accessed directly off Willow Bank Road with a footway provided on both sides. This footway would be extended north for approximately 50m in order to connect to the existing footpath at Fletcher Close. It is proposed to reposition the 30mph entry into Alderton in a location to be agreed with the County Council. Visibility splays of 2.4m x 63m are achievable to the north and visibility splays of 2.4m x 53m are achievable to the south. In terms of the impact on the highway network, the TS states that the development would generate 16 trips (arrivals and departures) in the AM peak hour (8am-9am) and 19 trips in the PM peak

hour (5pm-6pm).

- 7.66 Following consultation with the Highways Officer, it is highlighted that there are no pedestrian facilities adjacent to the site and the network of footways available through Alderton are denoted by deficiencies in infrastructure such as width and lack of pedestrian crossings across the main roads and minor arms. Furthermore, whilst the 30mph speed limit may encourage cycling within its borders and to other villages, there are no cycle routes on the roads through and around Alderton. Consequently, the Highways Officer is of the opinion that cycling cannot be, at this point in time, promoted nor encouraged as a safe and suitable means of access due to car dependent destinations such as Tewkesbury, Cheltenham or Gloucester. Furthermore, due to the limited coverage of the bus services, it would be unlikely to provide an attractive alternative to the private motor vehicle for accessing key employment areas. In light of this, whilst there are some facilities within walking distance of the proposed development, the Highways Officer considers that the level of offer to be insufficient to address the needs of existing and local residents.
- 7.67 In light of the above, the Highways Officer objects to the proposed development, which weighs against the proposal. However, this has to be balanced against the fact that Alderton is designated as a Service Village in the development plan. In recognition of this, the Highways Officer states that should the Council be of the view that the Service Village status outweighs the objection in respect of access to sustainable transport, mitigation measures should be sought. To that end, the Highways Officer states that a contribution of £3,000 per dwelling should be sought towards sustainable transport measures if permission is granted. Further information has been sought from the Highways Officer in order to assess whether the contributions sought meet the relevant tests set out in the CIL Regulations. Further clarification has also been sought as to the suitability of the proposed vehicular access off Willow Bank Road and the proposed internal road layout. **An update will therefore be provided at Committee.**

Heritage Assets

- 7.68 Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 7.69 In terms of archaeology, the application is supported by an Archaeological Desk-Based Assessment. Following consultation with the County Archaeologist, it is advised that the proposal has low potential to have any adverse impact on archaeological remains and no further work is required in this regard.
- 7.70 In respect of other heritage assets, there are no listed buildings within the immediate vicinity of the site, whose setting would be affected by the proposed development. The proposal is therefore considered to be acceptable in this context.

Open Space and Play Facilities

- 7.71 The Framework sets out that the planning system can play an important role in

facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. JCS Policy INF4 provides that where new residential development will create or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement. Saved Local Plan Policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population on sites of 10 dwellings or more.

- 7.72 The layout provides for a good level of publicly accessible open space to the edges of the site, particularly to the southern edge. However, it should be noted that a large portion of this land lies within Flood Zones 2 and 3 and also incorporates the drainage infrastructure for the development. Nonetheless, the area would be landscaped and available for informal recreational purposes for most of the year. The layout also incorporates a small Local Area for Play (LAP) at the centre of the site, which would cater for very young children. The proposal does not provide for any sports pitches on site due to its size, however, there are playing pitches in relatively close proximity to the site at Beckford Road, which is within an acceptable walking distance.
- 7.73 In accordance with Fields in Trust guidance, the quantum of development proposed would also generate the requirement for a Local Equipped Area for Play (LEAP) to be provided on site. If on-site provision cannot be provided, an off-site contribution would normally be expected. Given the constraints of the site, it is not practical to provide a LEAP on site and therefore an off-site contribution would be appropriate in this instance. Following consultation with the Community and Place Development Officer, it is advised that the required contribution would be £23,072 which would be used to upgrade and/or maintain the existing play facilities located off Beckford Road. In light of the policy requirement for open space, this would meet regulation 122 of the CIL Regulations.
- 7.74 Subject to securing the off-site contribution, it is considered that the proposal would be acceptable in terms of open space and outdoor play facilities. However, at this stage the applicant has yet to agree to the off-site contribution and in any event there is no signed Section 106 Agreement in place to secure the contribution. On that basis the proposed development does not adequately provide for public open space and the proposed development therefore conflicts with Policies INF4, INF6 and INF7 of the JCS and the NPPF.

Community Infrastructure Levy/Section 106 obligations

- 7.75 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. The regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:
- a) necessary to make the development acceptable in planning terms
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 7.76 As a result of these Regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development.' As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above

tests are met. Where planning obligations do not meet the above tests and restrictions, it is 'unlawful' for those obligations to be taken into account when determining an application.

- 7.77 In October 2018 the Council adopted CIL and implemented the levy on the 1st January 2019. For CIL purposes the application site falls within a 'Generic Site' and is subject to the levy for residential development currently at £207.46 per square metre on all the market elements of the proposed development.
- 7.78 Infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. Requests have been made by consultees to secure the following contributions:
- Affordable housing = 11 plus off-site contribution of £25,898.25
 - Contribution towards off-site playing facilities = £23,072
 - Pre-school Education = £97,186.04
 - Secondary Education = £103,636.80
 - Libraries = £5,488
 - Recycling = £73 per dwelling
- 7.79 In respect of education, these figures have been generated using the GCC Guidance 'Child Yields in New Developments' where it is stated that planning contributions will be required in all cases where there is no identified surplus in the forecast for school places. Nevertheless, at this stage there is no specific evidence to indicate that the contributions sought meet the Regulation 122 tests and therefore the absence of a completed s106 obligation does not weigh against the proposal.
- 7.80 In respect of library provision, officers similarly consider there is currently insufficient justification from GCC to substantiate their request for £12,740.00 and further clarification has been sought on how this is directly related to the proposed development.
- 7.81 As set out above, the requirement of an on-site play facility or an off-site contribution in lieu of this is a simple policy requirement having regard to policy RCN1 of the TBLP and an obligation would therefore meet the regulation 122 tests as would the recycling contribution.
- 7.82 At this stage, the applicant has not confirmed their acceptance of the requested contributions and, in any event, there is no S106 Agreement signed to secure the contributions. This weighs against the proposal in the planning balance.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 8.2 The application site lies outside of the defined settlement boundary for Alderton and is not allocated for housing development. The site does not represent previously developed land within the built up areas of a service village; is not a rural exception scheme; and does not represent 'infilling'. It has not been brought forward for development through a Community Right to Build Order and there are no policies in

the existing Tewkesbury Borough Local Plan to 2011 which allow for the type of development proposed here. The proposal therefore conflicts with Policies SP2 and SD10 of the JCS and Policy H1 of the ANDP. However, the Council cannot currently demonstrate a five year supply of deliverable housing sites and therefore the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the Framework, there are no policies in the Framework that protect assets of particular importance which provide a clear reason for refusing the development. On that basis the application must be determined in accordance with paragraph 11(d)(ii) of the NPPF, i.e. planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of NPPF as a whole.

Benefits

- 8.3 The delivery of market and affordable housing would provide a significant social benefit. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy. Overall, given the scale of development, these benefits would attract significant weight in favour of granting permission in light of the Council's housing land supply position.

Harms

- 8.4 Harm arises from the conflict with development plan policies relating to housing, particularly JCS Policy SD10 and Policy H1 of the ANDP, although it is accepted that the Council's housing policies are currently out of date. Harm would also arise from the cumulative growth in Alderton in such a relatively short period of time, which would have a negative impact on social cohesion and social well-being. There would be a harmful impact on the landscape within a Special Landscape Area and the development would not provide an appropriate mix of housing.
- 8.5 At this stage there is also no agreement as to the precise offer in respect of affordable housing and no signed S106 Agreement to secure it; nor is there a signed Agreement to provide for financial contributions required towards recycling and off-site recreational facilities. Furthermore, it is not known as to whether there would be an acceptable impact on local European sites as a result of indirect recreational pressures.

Neutral

- 8.6 In design terms, notwithstanding the concerns raised in respect of landscape impact, the layout in itself is considered to be generally acceptable given the constraints of the site. The proposal also does not raise any residential amenity issues in terms of a loss of light, outlook and privacy. The development would not be at an acceptable risk of flooding and appropriate drainage infrastructure can be provided. The proposal would not have an adverse impact on designated heritage assets and would have low potential to have any adverse impact on archaeological remains.

Conclusion

- 8.7 Whilst the 'tilted balance' is applied, it is considered that the adverse impacts listed above significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, the proposal is not considered to represent sustainable development and there are no material considerations which indicate that the proposal should be determined other than in

accordance with the development plan. It is therefore recommended that the application is **REFUSED**.

Reasons:

1. The proposed development conflicts with Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy H1 of the Alderton Neighbourhood Development Plan (July 2018) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.
2. The proposed addition of 28 dwellings at Alderton, in addition to the dwellings recently built at land at Beckford Road and land east of Willow Bank Road, would result in cumulative development, which would be of a scale disproportionate to the existing settlement. As such the proposed development would fail to maintain or enhance the vitality of Alderton and would have a harmful impact on the social wellbeing of the local community, risking the erosion of community cohesion. As such, the proposal conflicts with Policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy H1 of Alderton Neighbourhood Development Plan (July 2018) and the National Planning Policy Framework.
3. The proposal, by virtue of its prominent open location to the south of Alderton, would represent a significant encroachment into the surrounding rural landscape. This encroachment would have a harmful impact upon the character and appearance of the landscape within a Special Landscape Area, which serves to protect the foreground setting of the nearby Area of Outstanding Natural Beauty. As such, the proposal conflicts with Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy LND1 of the Tewkesbury Borough Local Plan to 2011 (March 2006), Policy LC2 of Alderton Neighbourhood Development Plan (July 2018) and the National Planning Policy Framework.
4. The proposed development fails to provide an appropriate mix of dwelling sizes that reflect the local housing evidence base including the most up to date Strategic Housing Market Assessment. The proposed development would therefore fail to contribute to mixed and balanced communities and a balanced housing market contrary to Policy SD11 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and the National Planning Policy Framework.
5. In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and Policy H3 of Alderton Neighbourhood Development Plan (July 2018).
6. In the absence of an appropriate planning obligation, the application does not make provision for the delivery of education, library provision and off-site outdoor play facilities and therefore the proposed development is contrary to Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 (March 2006), Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and the National Planning Policy Framework.
7. Insufficient information has been provided to demonstrate that the proposed development would not have an adverse impact on protected European sites. The

proposed development is therefore contrary to Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and advice set out in the National Planning Policy Framework.

Informatives:

1. Statement of Positive and Proactive Engagement

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

190

KEY

SITE LOCATION



N
W E
S

0 10 50m

WILLOW BANK ROAD, ALDERTON - SITE LOCATION PLAN



Survey Notes

This plan should be used for its original purpose only. M-EC accepts no responsibility for its drawings if they are supplied to any other party other than the original client.

The information shown has been surveyed in accordance to the accuracy of the base scale shown.

Boundaries shown are physical site features and may not represent legally conveyed ownership.

Man entry to sewers has not been undertaken. Depths and pipe sizes are estimated from ground level. This should be checked with local authority records or on site prior to the commencement of any works.

Reference numbers allocated to manholes are assigned by ourselves and are for identification purposes only.

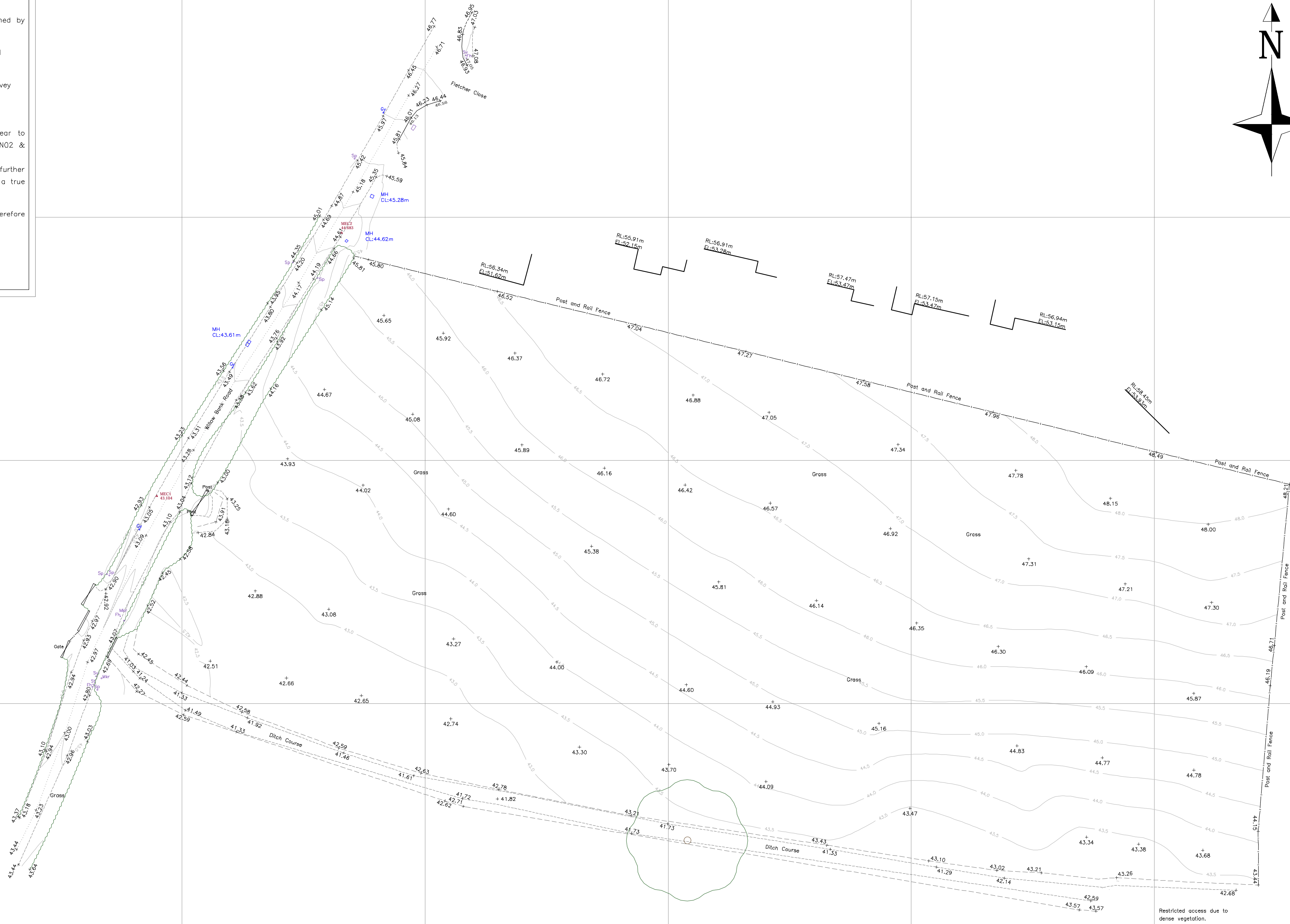
Some services may have been omitted due to parked vehicles.

This survey has been orientated to the Ordnance Survey (O.S) National Grid (OSGB36) via a Global Positioning System (GPS) and the O.S. Active Network (OS Net).

A true OSGB36 coordinate has been established near to the site center via a transformation using the OSTN02 & OSGM02 transformation models. The survey has been correlated to this point and a further one or more OSGB36 points established to create a true O.S. bearing for angle orientation.

No scale factor has been applied to the survey therefore the coordinates shown are not true O.S. coordinates.

Please refer to the survey station table to enable establishment of the on site grid.



Level Datum:	O.S (G.P.S. Verified)			
Grid Orientation:	O.S (G.P.S. Verified)			
Station Information:				
Station	Easting (m)	Northing (m)	Level (m)	Description
MEC1	399804.798	232882.663	43.104	Survey Nail
MEC2	399842.811	232936.809	44.683	Survey Nail
	</			

Topographical Legend

Feature Lines		Utilities	
—	Buildings	Water	Water
- - -	Building Canopy	Gas	Gas
- - -	Roof Extent	Elec	Electric
- - -	Walls	BT	British Telecom
- - -	Road	Fh	Fire Hydrant
- - -	Centre Line	SI	Stop Tap
- - -	Line Marking	SV	Stop Valve
- - -	Barrier	Wo	Wash Out
- - -	Track	Wm	Water Meter
- - -	Verge	CoMkr	Cable Marker
- - -	Top of Bank	SMkr	Service Marker
- - -	Bottom of Bank	Re	Rodding Eye
- - -	Security Fence	Av	Air Valve
- - -	Panel Fence	Lp	Lamp Post
- - -	Open Fence	Sp	Sign Post
- - -	Overhead Powerline	Ep	Electricity Post
- - -	Edge of Water	Tp	Telegraph Post
- - -	Contour Major	TL	Traffic Light
- - -	Contour Minor	Bus	Bus Stop
- - -	Boundary Line	FI	Floodlight
Drainage		Fp	Flagpole
- - -	Inspection chamber	Lb	Litter Bin
MH	Manhole	Bo	Bollard
Oy	Gully	IBo	Illuminous Bollard
BOy	Back Gully	TCB	Telephone Call Box
DP	Down Pipe	Re	Rodding Eye
CL	Cover Level	Er	Earth Road
IL	Pipe Invert Level	GPI	Gas Pipe Inlet
ø250mm	Pipe diameter	WPI	Water Pipe Inlet
- - -	Direction of flow Surface	Abbreviations	
- - -	Direction of flow Foul	Inv.Lvl	Invert Level
- - -	Direction of flow Combined	So.Lvl	Soffit Level
Symbols		WL	Water Level
□	Chamber	Sp.Lvl	Springing Level
○	Hedge	Bed Lvl	Bed Level
○	Gate	IFL	Internal floor level
○	Tree/Bush/Sapling	THL	Threshold level
○	Tadpole	Wall Lvl	Wall Level
○	Manhole	Fence Lvl	Fence Level
○	Trials Hole	Hedge Lvl	Hedge Level
○	Stakeout	Tree Lvl	Top of Tree Level
○		RL	Ridge Level
○		EL	Eaves Level
Stations		100.000m	Station Level
○		MEC1	Station and Name

REV:	AMENDMENTS:	DRN:	CHK:	DATE:
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WILLOW BANK ROAD ALDERTON				
DRAWING TITLE:				
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CLIENT:				
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ORDNANCE SURVEY © CROWN COPYRIGHT 2015. ALL RIGHTS RESERVED. LICENCE NUMBER 100055865.				



ACCOMMODATION SCHEDULE

WILLOW BANK ROAD, ALDERTON						
House Type	Bed Spaces	Storey Height	Area Ft2	No. of	Beds	Mix
Private Sale						
Bungalow	2	1	717	4	2	24%
Hunsley	3	2	1111	4		
Hurwicx	3	2	1,132	3	3	59%
Nessvale	3	2	1,588	3		
Osmore	4	2	1,758	3	4	17%
			20746	17		
Affordable						
Maisonette	1	1	510	2	1	18%
Belford	2	2	673	3	2	46%
Dinfield	2	2	747	2		
Fynford	3	2	804	1		
Himscof	3	2	963	1	3	27%
Homebrook	3	2	1008	1		
Jaybrook	4	2	1151	1	4	9%
			8456	11		
			29,202	28		
Areas and Densities						
				Acres		Hectares
Gross Area (Redline)				5.34		2.16
Net Developable Area				2.32		0.94
Total Square feet per Area (Net)				12,572		
Units per hectare (Net)				29.8		
Units per acre (Net)				12.1		

KEY



APPLICATION BOUNDARY

DWELLINGS



OPEN MARKET UNITS



AFFORDABLE UNITS



BIN COLLECTION POINT

LANDSCAPING



EXISTING LANDSCAPING



PROPOSED LANDSCAPING



WATERCOURSE

ENCLOSURE DETAILS



REAR GARDEN ACCESS GATE



1.8M CLOSE BOARDED FENCE



1.8M BRICK WALL

TIMBER CLADDING TO CREATE OUTBUILDING APPEARANCE

STREET SCENE A-A



STREET SCENE C-C



193 STREET SCENE B-B



WILLOW BANK ROAD, ALDERTON - STREET SCENES



STREET SCENE D-D



194

STREET SCENE E-E

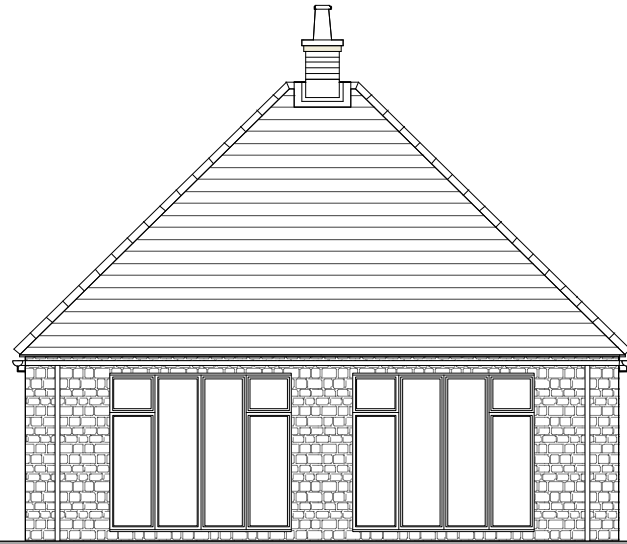


WILLOW BANK ROAD, ALDERTON - STREET SCENES

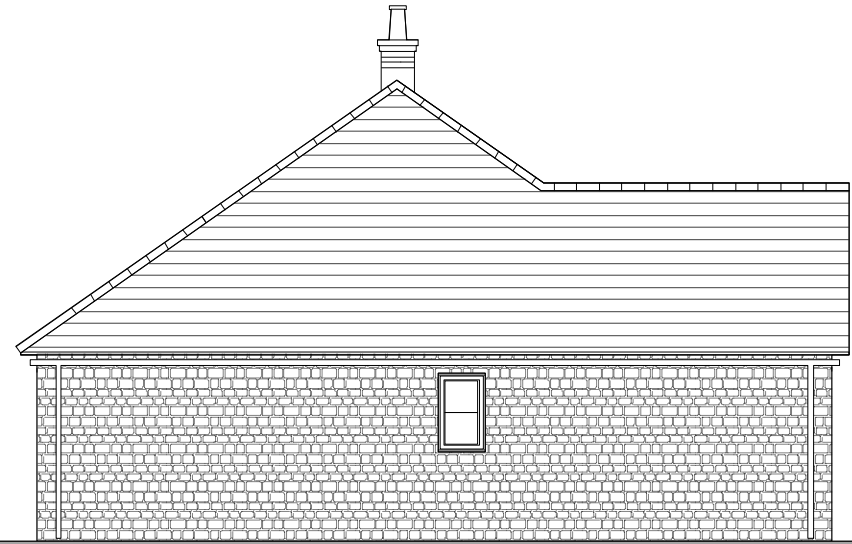




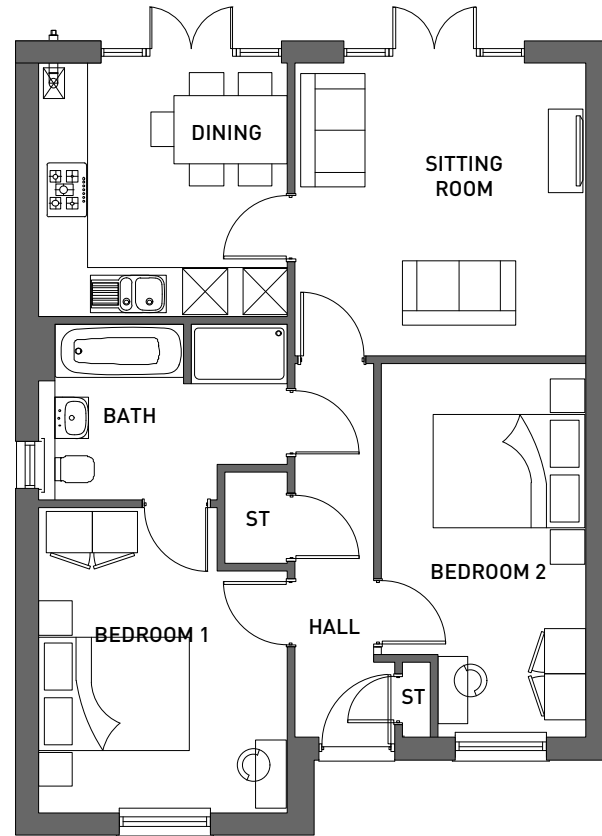
FRONT ELEVATION



REAR ELEVATION

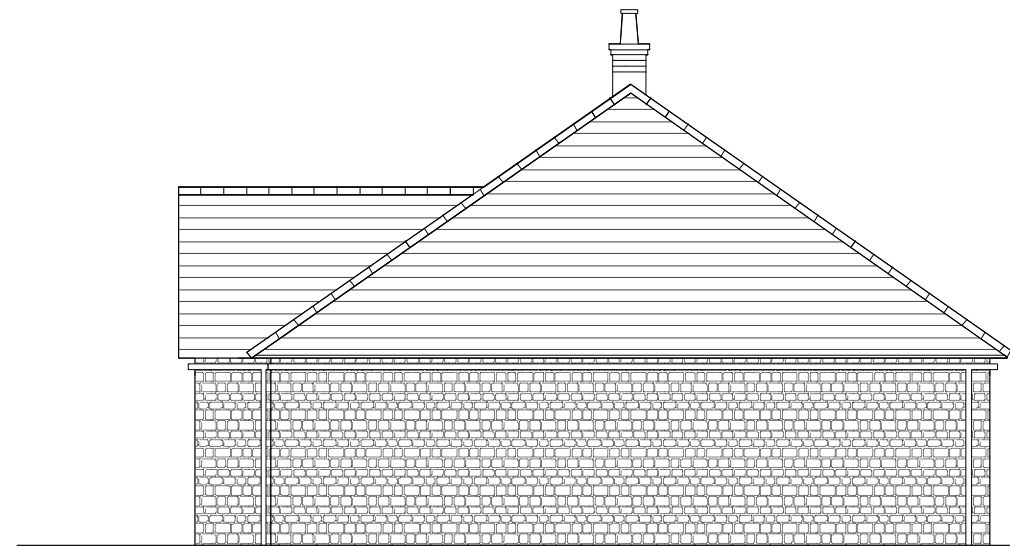


SIDE ELEVATION



1:100 Scale

0 1 3 5m



SIDE ELEVATION

WILLOW BANK ROAD, ALDERTON - BUNGALOW



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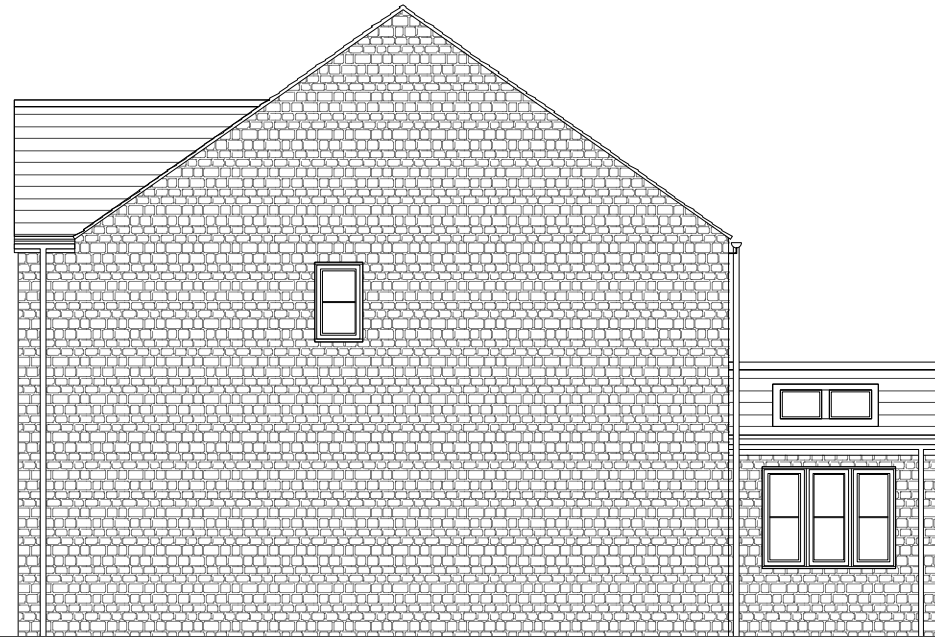
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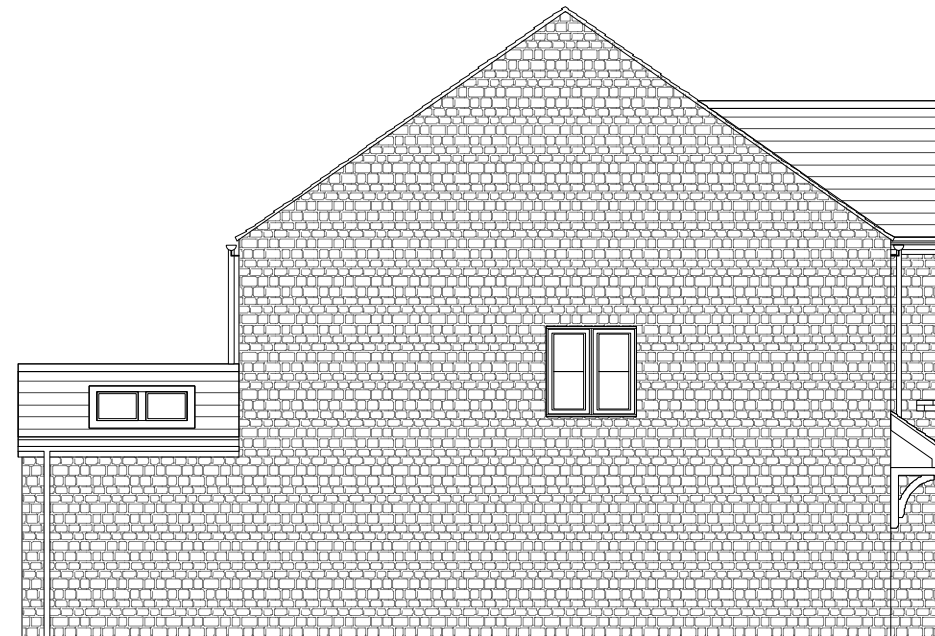
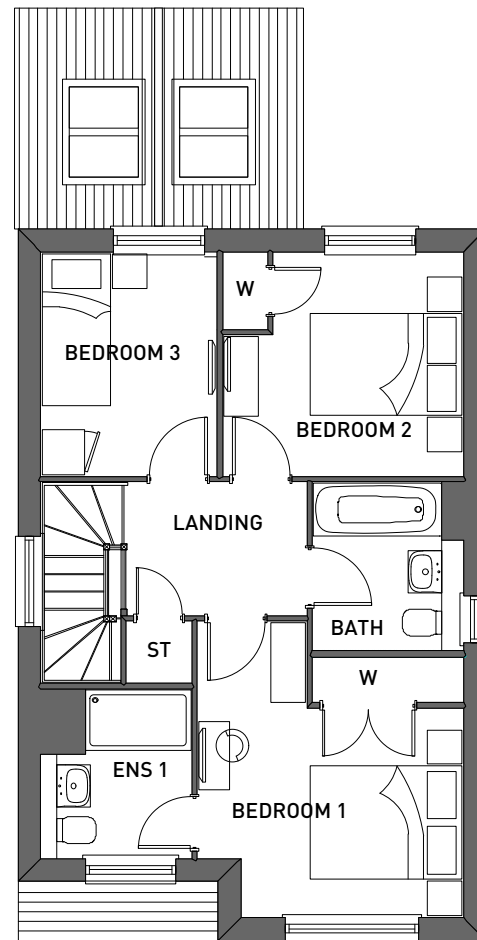
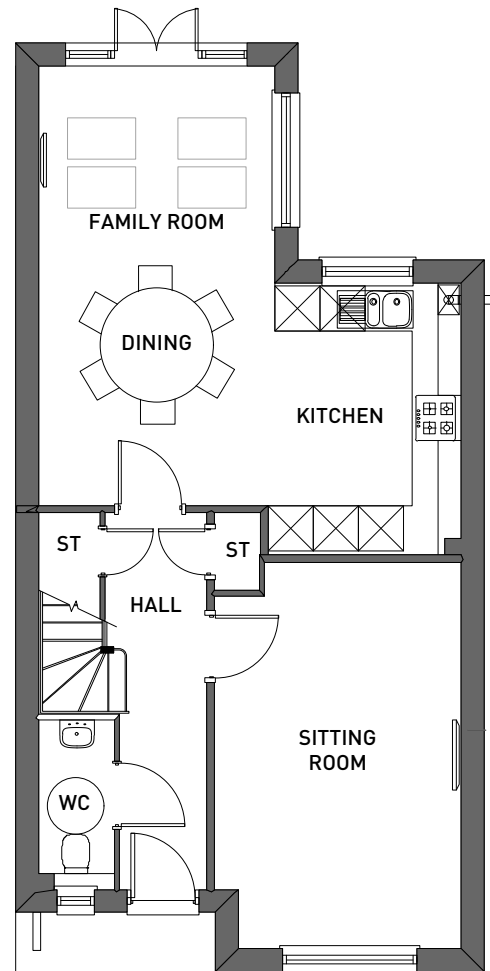
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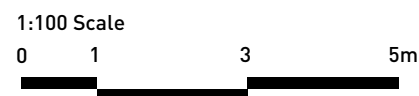
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SIDE ELEVATION



SIDE ELEVATION



WILLOW BANK ROAD, ALDERTON - HUNSLEY (STONE)

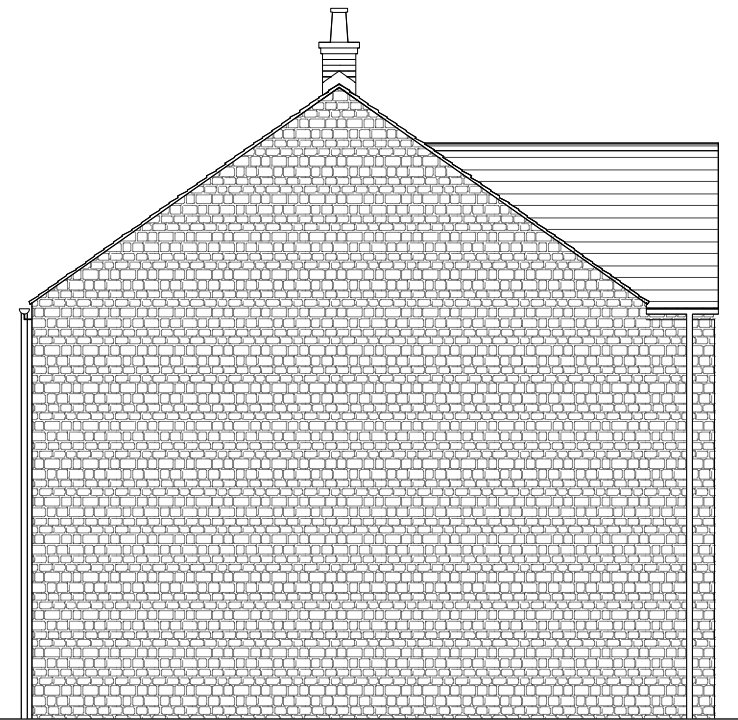




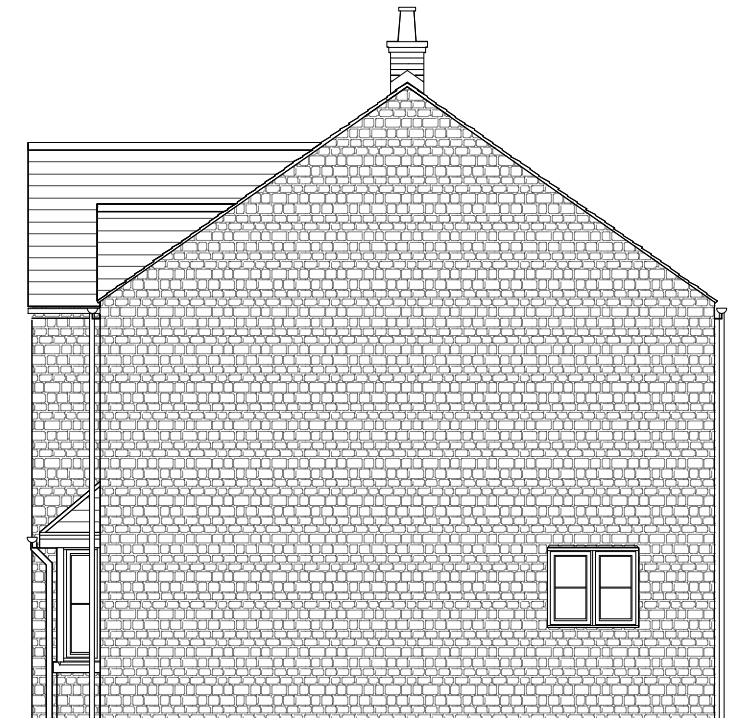
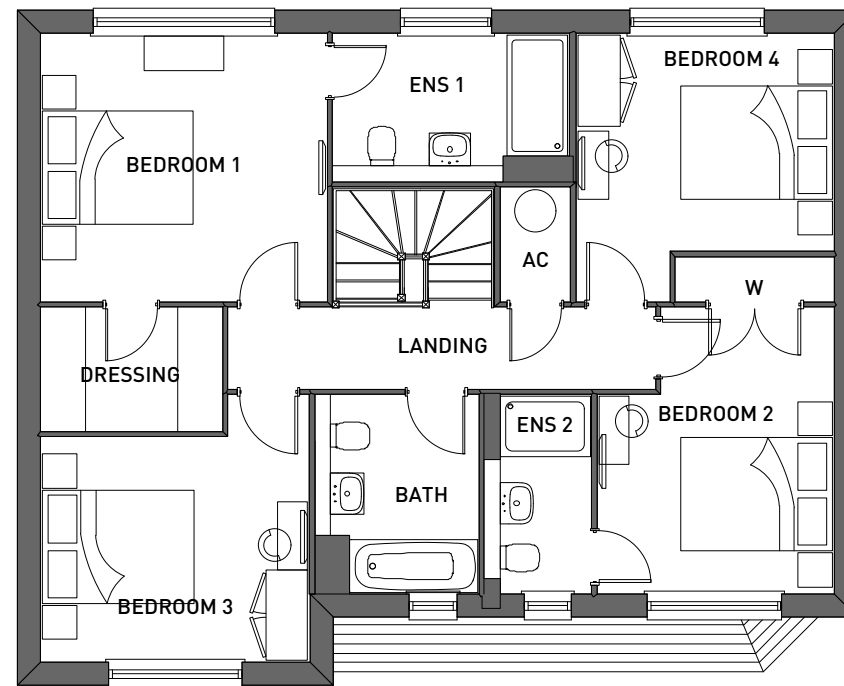
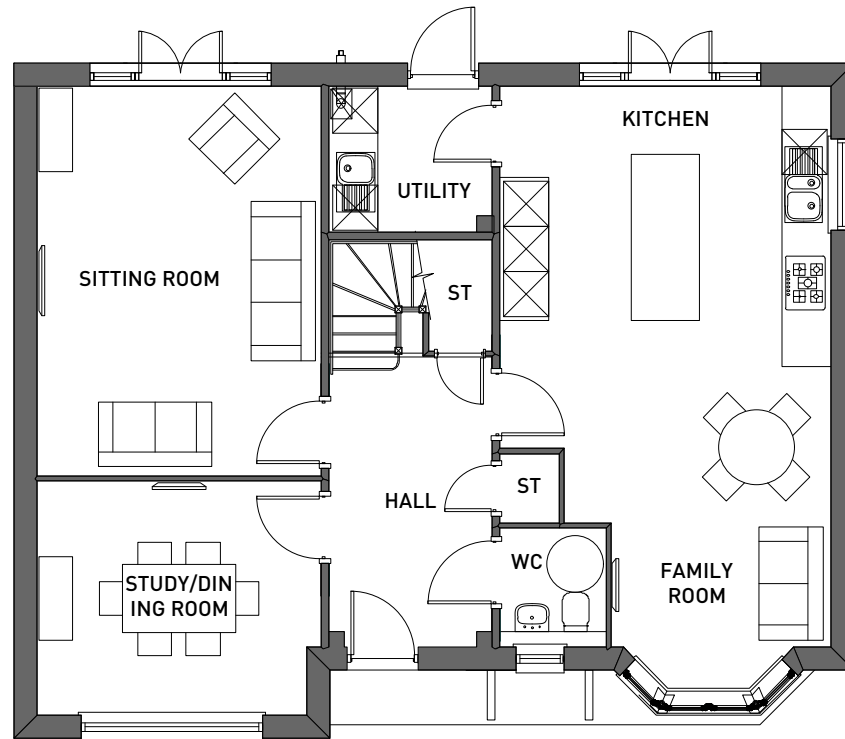
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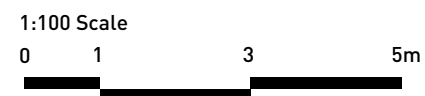
REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION



WILLOW BANK ROAD, ALDERTON - OSMORE (STONE)

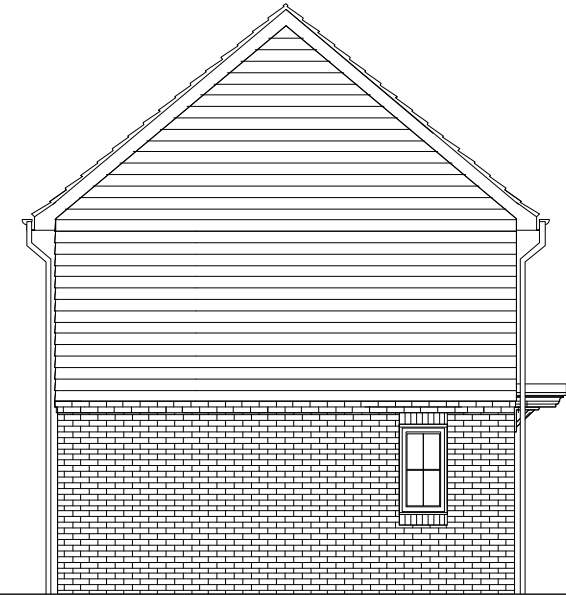




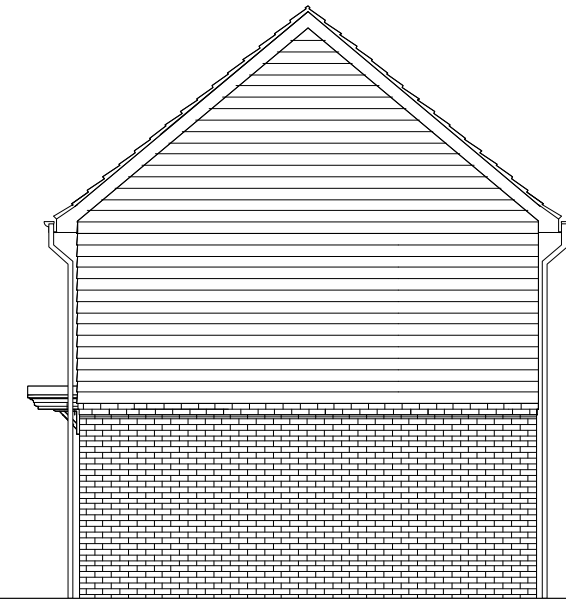
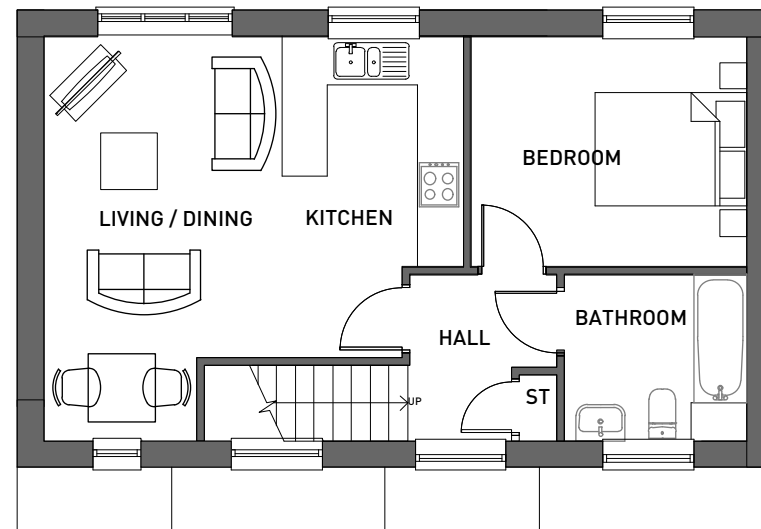
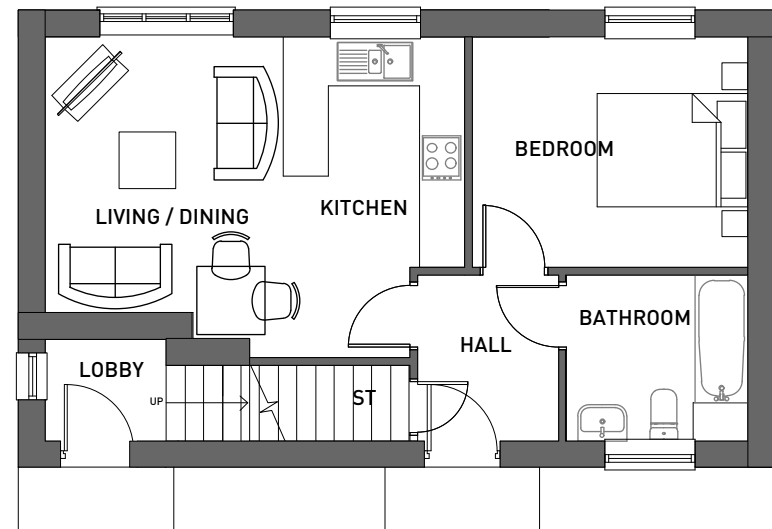
FRONT ELEVATION



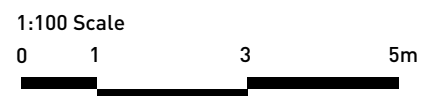
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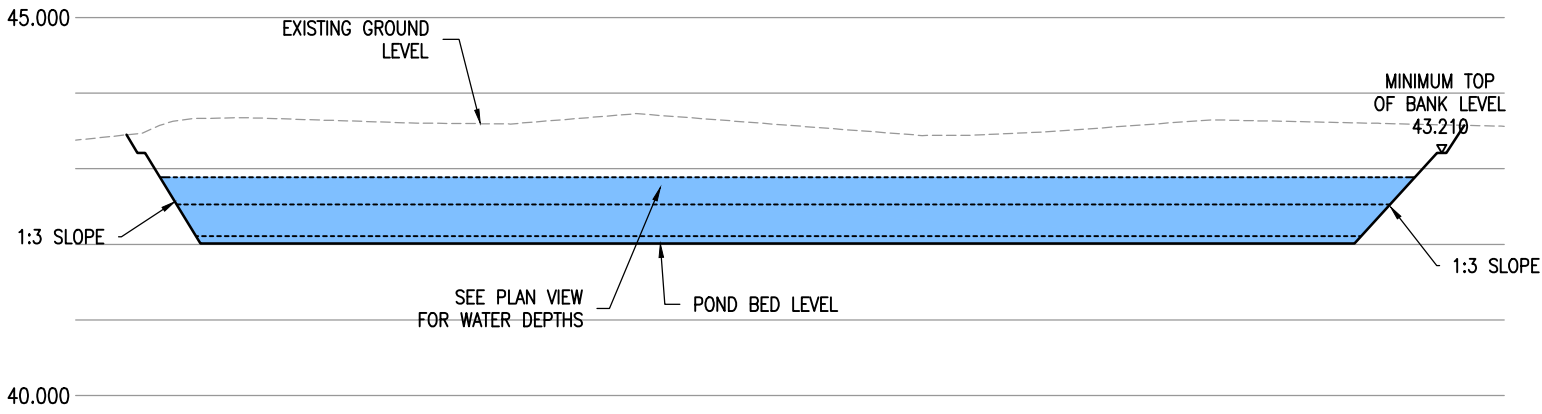


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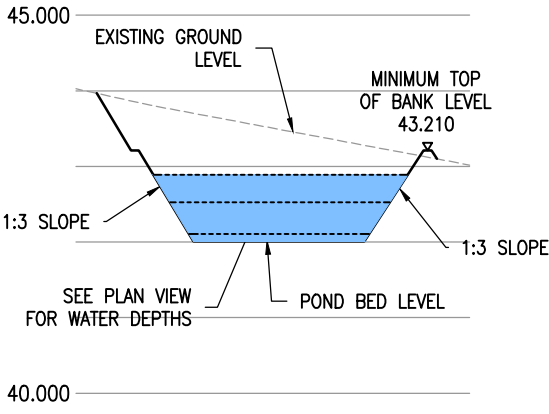


WILLOW BANK ROAD, ALDERTON - MAISONETTE

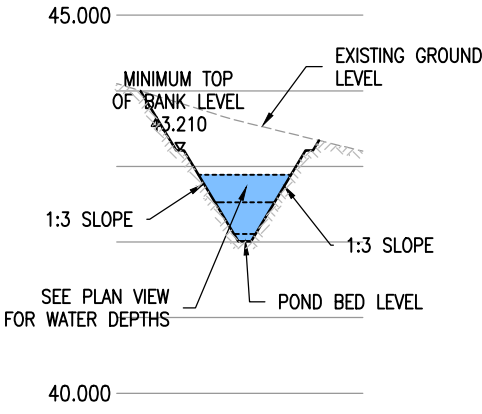




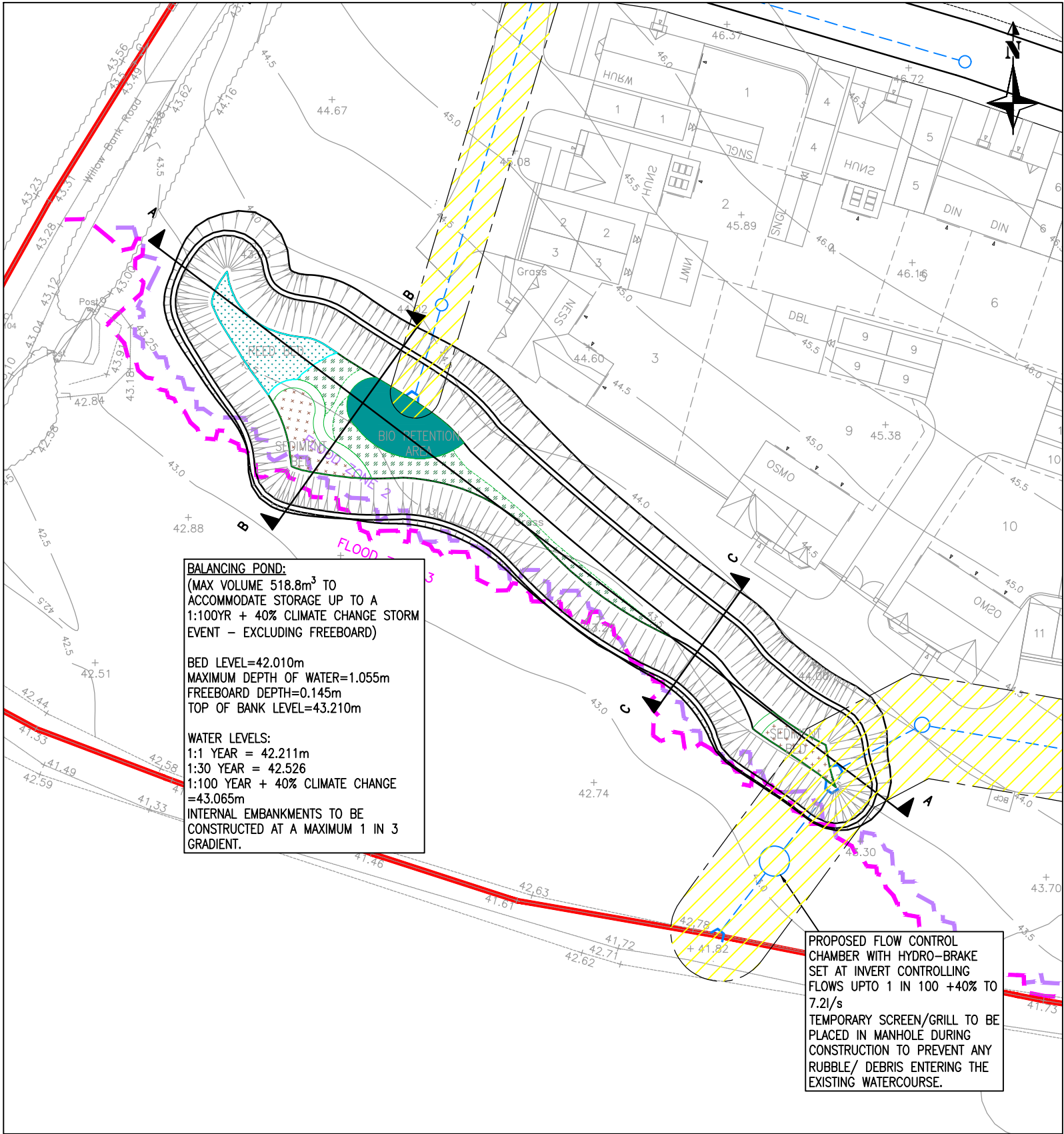
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PROPOSED POND LEVEL	43.210	43.210	43.210



POND SECTION B-B		DATUM 39.000	
CHAINAGE	0.000	5.000	10.000
EXISTING LEVEL	44.028	43.807	43.619
PROPOSED POND LEVEL	43.967	43.210	43.210



POND SECTION C-C		DATUM 39.000	
CHAINAGE	0.000	5.000	10.000
EXISTING LEVEL	44.097	43.786	43.508
PROPOSED POND LEVEL	44.000	43.210	43.210



- NOTES.
- DO NOT SCALE THIS DRAWING.
 - THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT ENGINEERS, ARCHITECTS AND SPECIALIST DESIGN DRAWINGS AND DETAILS.
 - ALL DIMENSIONS ARE IN METRES UNLESS NOTED OTHERWISE. ALL LEVELS ARE IN METRES UNLESS NOTED OTHERWISE.

KEY:

- PROPOSED BALANCING POND
- ADOPTABLE HIGHWAY SEWER
- SEWER EASEMENT
- FLOOD ZONE 2 EXTENTS
- FLOOD ZONE 3 EXTENTS
- SITE BOUNDARY

REV	FIRST ISSUE	GF	ARD	KA	05.08.18
REV	AMENDMENTS	DRN	CHK	APP	DATE
PROJECT: WILLOW BANK ROAD ALDERTON GLOUCESTERSHIRE					
DRAWING TITLE: POND SECTIONS					
CLIENT: CALA HOMES (MIDLANDS) LTD					
DRAWING NUMBER: 23791_02_010_10					
REVISION:	SHEET SIZE: A2	SCALE: 1:500			
STATUS: PRELIMINARY					
M-EC			Telephone: 01530 264 753 Email: group@m-ec.co.uk Website: www.m-ec.co.uk		
Consulting Development Engineers			ORDNANCE SURVEY © CROWN COPYRIGHT 2015. ALL RIGHTS RESERVED. LICENCE NUMBER 100055865.		

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	06.03.2020
Site Location:	53 Wynyards Close, Tewkesbury, Gloucestershire, GL20 5QZ
Application No:	19/01205/FUL
Ward:	Tewkesbury Town South
Parish:	Tewkesbury
Proposal:	Erection of a two storey rear extension
Report by:	Emily Pugh
Appendices:	Block plan Floor plans Elevations
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to 53 Wynyards Close, an end of terrace property located within a residential estate comprised of dwellings varying in form and appearances. The terraced row are arranged back-to-front; with the rear elevation facing the road. The site is located within flood zone 2 but is not affected by further constraints or designations.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
93/00275/FUL	Erection of a porch	PER	21.04.1993

3.0 RELEVANT POLICY

The following planning guidance and policies are relevant to the consideration of this application:

3.1 National guidance

National Planning Policy Framework and Planning Practice Guidance

3.2 **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017**

Policy SD4 (Design Requirements)
Policy SD14 (Health and Environmental Quality)

3.3 **Tewkesbury Borough Local Plan to 2011- Adopted March 2006 (saved policies not replaced by the JCS)**

Policy HOU8 (Domestic Extensions)

3.4 **Tewkesbury Borough Local Plan 2011 - 2031 - Pre-Submission version 2019**

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

3.6 The First Protocol, Article 1 (Protection of Property)

4.0 **CONSULTATIONS**

4.1 Tewkesbury Town Council - Objection. Concerns include:

- The proposal may impact to neighbouring amenity in terms of loss of sunlight
- The massing of the extension is of concern due to proximity to the boundary

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Local Residents – The application has been publicised through the posting of a site notice for a period of 21 days and two letters of representation have been received. Concerns include:

- The drawings are not accurate
- There will be a loss of light
- Aesthetic issues
- Similar proposals have been refused in the area

6.0 **PROPOSAL**

6.1 The current application seeks the erection of a two storey gable extension which would extends across the entire rear elevation. It would project 1.6 metres beyond the rear (north) elevation into the rear curtilage and be set down from the ridge of the dwelling by 0.7 metres. The extension is proposed to be constructed using materials to match that of the main dwelling (red facing brick with concrete interlocking roof tiles and UPVC doors and windows).

7.0 **ANALYSIS**

Design and Visual Amenity

7.1 JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design while Local Plan Policy HOU8 provides that development must respect the character, scale and proportion of the existing dwelling and the surrounding development.

- 7.2 The host dwelling is an end of terrace brick built property with no previous extensions. The application seeks to erect a two storey gable extension to project 1.6m beyond the rear elevation. The ridge height would be stepped down by some 0.7m from the original and the gable would be wide, covering the entire width of the dwelling.
- 7.3 The extension would be generally in keeping with the host dwelling and the residential surroundings. The proposal therefore complies with policies HOU8 and SD4.

Residential Amenity

- 7.4 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy HOU8 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.
- 7.5 It is noted that concerns have been raised by neighbours and the Parish Council in terms of the impact that the proposal would have on light and overshadowing and as such, this has been carefully assessed.
- 7.6 The proposed, north-facing extension would comprise a modest rear projection of 1.6 metres off the rear elevation of the property. Whilst this would result in a degree of overshadowing and loss of light to the neighbouring dwelling in the morning, this would not be the case in the afternoon/ evening. The rooms which would be affected are a downstairs kitchen, and upstairs bathroom. It is judged that, whilst there would be some impact, it is considered the proposed extension would not give rise to an unacceptable level of overshadowing sufficient to warrant refusal.
- 7.7 Likewise, the massing of the extension is not considered to be overbearing in terms of bulk or size and neither would it result in a loss of privacy or overlooking issues.
- 7.8 In view of the above, the proposal is considered to have an acceptable impact upon neighbouring amenity in accordance with Policies HOU8 and SD14.

Impact upon Flooding

- 7.9 The site is located within flood zone 2 as defined by the Environment Agency, and as such the application is accompanied by a flood risk assessment. It is set out that the finished floor levels would not be set lower than existing, and floor proofing has been incorporated into the development. This is in accordance with EA advice and would not worsen the impacts of flooding on the locality. It is therefore judged that the proposal has an acceptable impact to flooding in accordance with policy INF2.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 It is considered that the proposal would accord with relevant policies as outlined above. Therefore it is recommended that planning permission be granted subject to conditions.

Conditions:

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved documents:

- Proposed elevations; rear and side, received 29th January 2020
 - Proposed elevations; side, received 29th January 2020
 - Proposed floor plans, received 9th January 2020
 - Proposed block plan, received 6th January 2020
- ;except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans

3. The materials to be used in the construction of the external surfaces of the proposed development shall match those used in the existing dwelling.

Reason: To ensure that the proposed development is in keeping with the existing dwelling

Informatives:

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

2. Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- Work on an existing wall or structure shared with another property.
- Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- Excavating near a neighbouring building.

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

3. Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Building Control Team on Buildingcontrol@cheltenham.gov.uk.

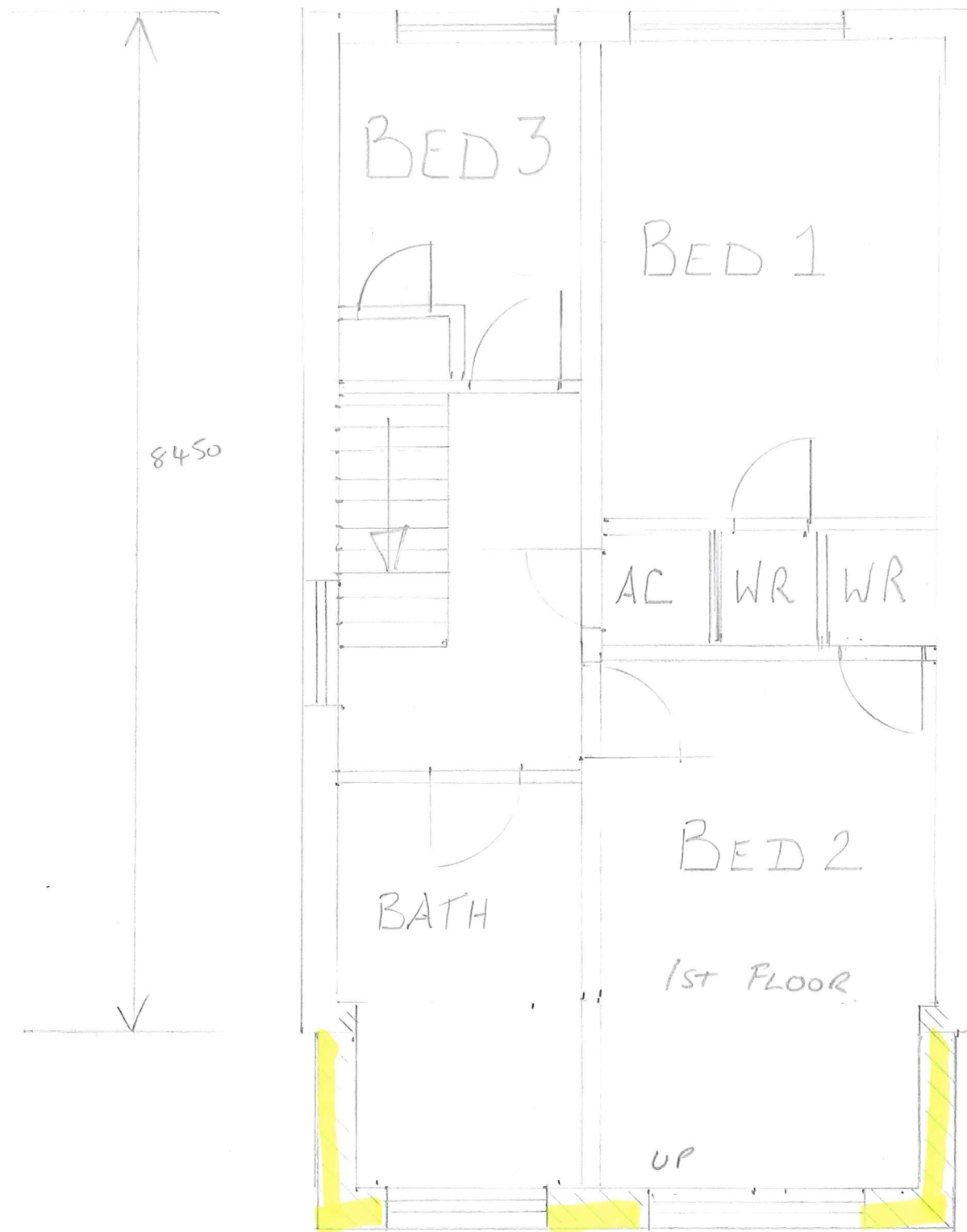
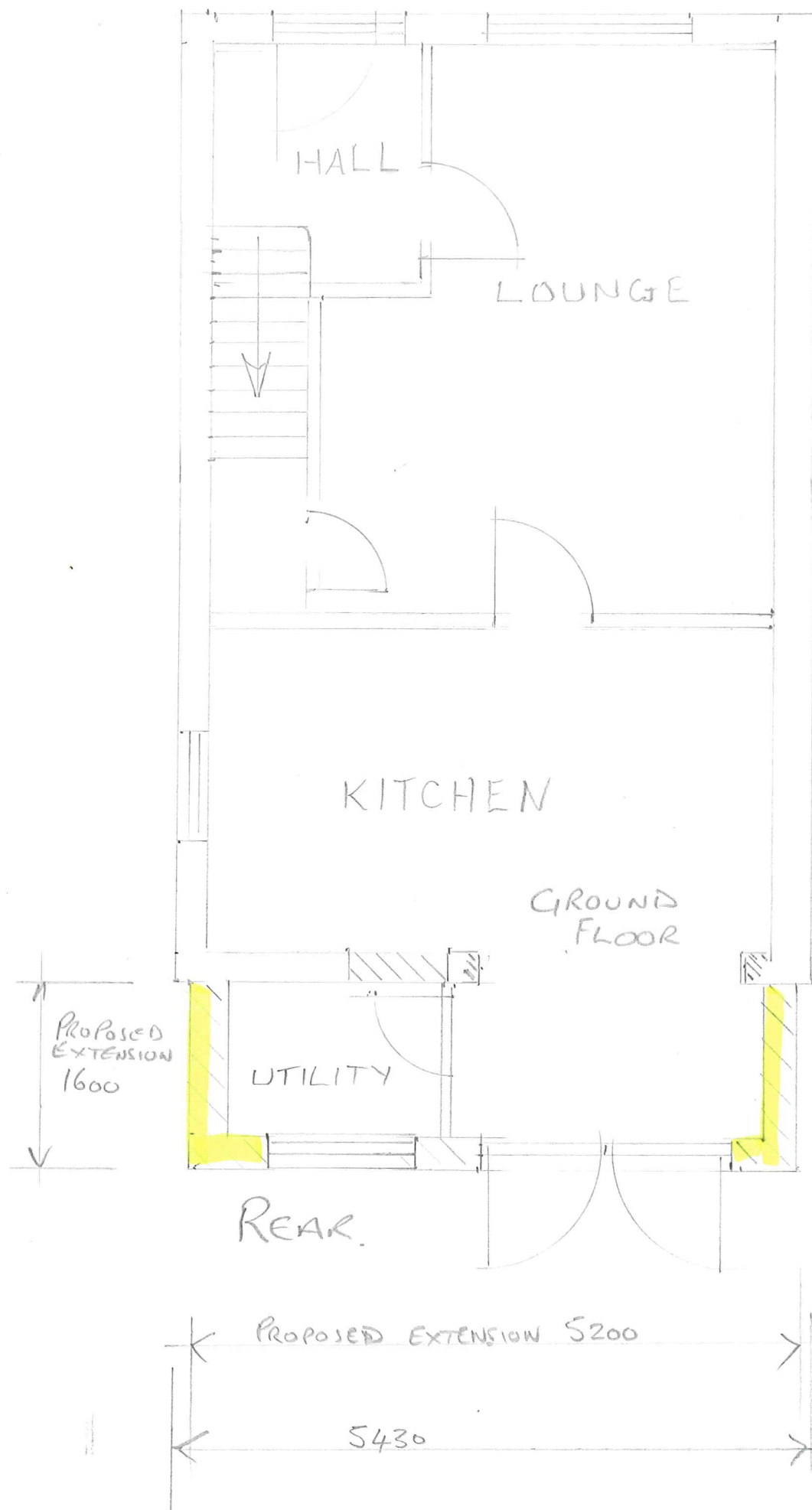
53 Wynyards Close Extension



Date Produced: 21 Dec 2019
Plan Reference Number: TQRQM19355111541816
Scale: 1:500 @ A4

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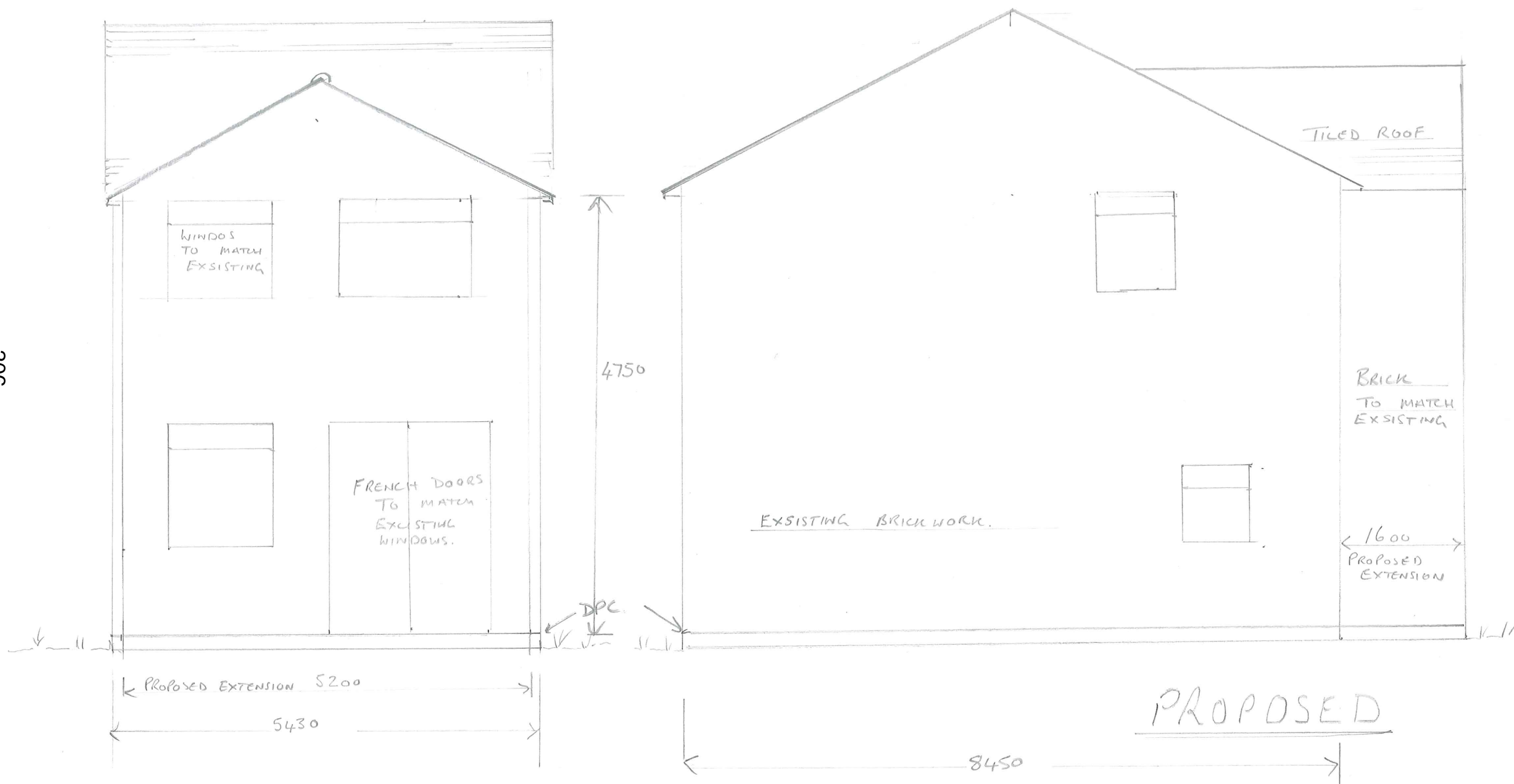
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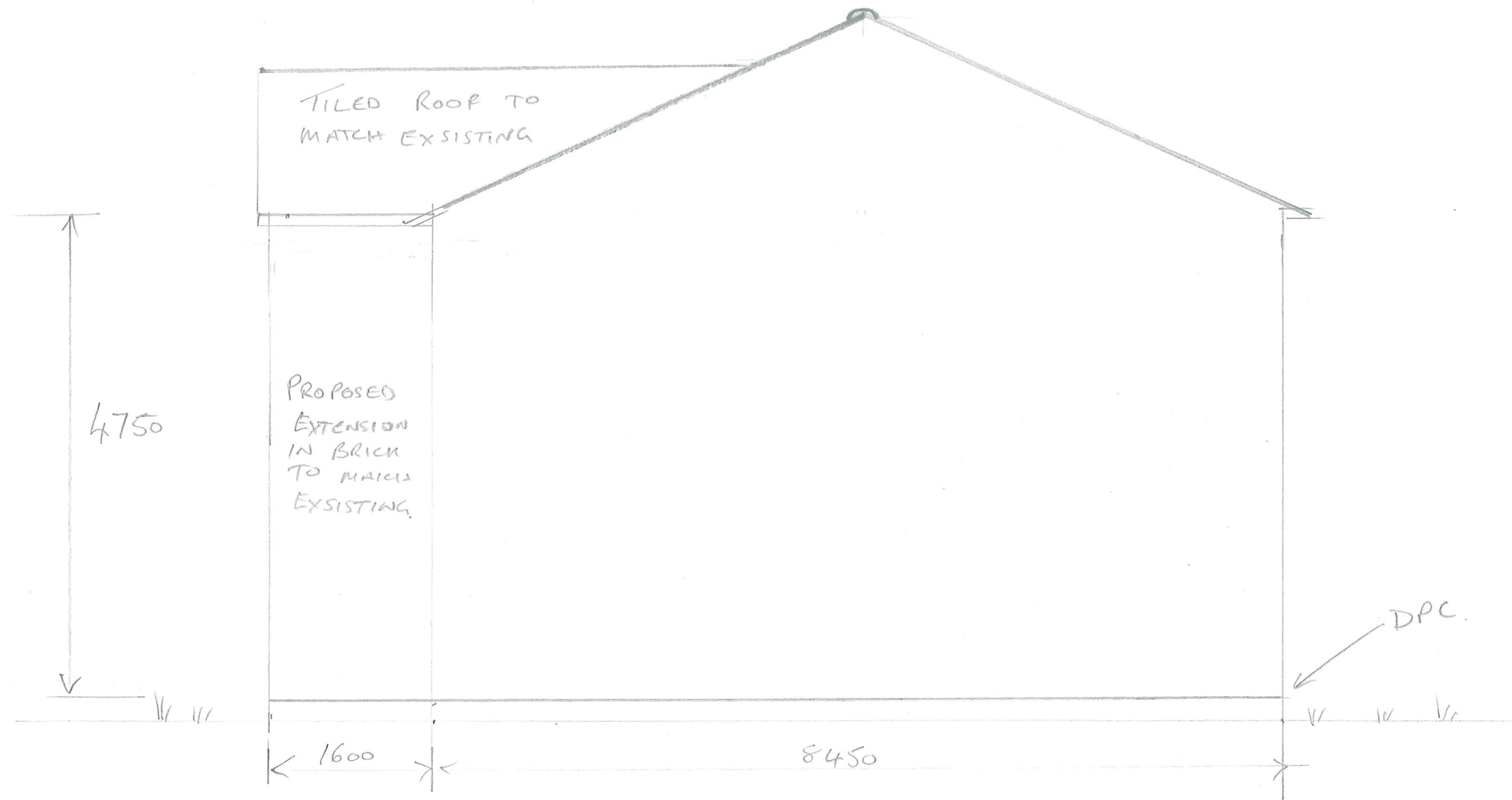
REAR ELEVATION

SIDE ELEVATION

206



SCALE 1:50



PROPOSED SIDE ELEVATION (ATTACHED)

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	28.02.2020
Site Location:	Land East Of Old Gloucester Road, Staverton , Gloucestershire, GL51 0TG
Application No:	19/01194/FUL
Ward:	Badgeworth
Parish:	Staverton
Proposal:	Change of use of land to provide 9 Travelling Showperson's plots and associated works including hardstanding
Report by:	Mr Adam White
Appendices:	Site location plan Proposed site layout Acoustic fence detail Surface water drainage strategy Sectional elevation Site access Visibility splays
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to a parcel of land to the south east of Old Gloucester Road and east of the M5 motorway, approximately half a mile to the south east of Staverton (see site location plan). The site measures approximately 2.13 hectares and is comprised of open pasture land bound on all sides by mature trees and hedgerows.
- 1.2 The site is located entirely within the Green Belt although it is not subject to any formal or informal landscape designation. The site is located in Flood Zone 1 and is therefore at a low risk from flooding.
- 1.3 Access to the site is gained off an existing entrance directly off the Old Gloucester Road (B4364), which then follows a track along the western boundary of the site to enter the field at the south western corner, using the existing field entrance. Public Right of Way also run along the northern and eastern boundaries of the site, however, these are not apparent on the ground due to dense vegetation.
- 1.4 The current proposal is a full application that seeks permanent permission for the use of the field for 9 Travelling Showpeople plots for Travelling Showpeople who fulfil the definition as set out in Annexe 1 of Planning Policy for Traveller Sites (PPTS 2015). The applicant states that all those proposed to be living on the site travel to fairs and events for work, mainly around the Gloucestershire area but also

further afield in the south west and towards Oxford. The work on fairs and events can happen throughout the year and all of the proposed adult occupants of the site are members of the Showman's Guild of Great Britain. It is accepted that the proposed occupants meet the PPTS definition and are Travelling Showpersons for the purposes of determining this application.

- 1.5 It is proposed that 4 larger plots would occupy the central part of the site with proposed lawn access in the middle. A further large plot is proposed to the south east edge of the site along with 4 smaller plots along the western boundary adjacent to the access track. It is proposed that there would be new hedgerow planting between each of the plots along with a number of new trees.
- 1.6 An acoustic fence of 2.2 metres is proposed along the western and southern boundary to reduce road traffic noise.
- 1.7 The proposed driveway, parking and courtyard areas are to be surfaced using quarry dust laid on a permeable base. The surface water is proposed to drain into adjacent drainage swales with an attenuation pond proposed to the north east boundary of the site.
- 1.8 The existing hedgerows surrounding the site would be retained, along with 8 key trees and a number of smaller trees along the boundary.

2.0 RELEVANT PLANNING HISTORY

- 2.1 A previously submitted application, which is identical to this current proposal, is currently the subject of a non-determination appeal (Council Ref: 18/01179/FUL – PINS Ref: APP/). That appeal is currently scheduled for an Informal Hearing to be held on the 16th April 2020 (CHECK!!).
- 2.2 In respect of that non-determination appeal, a report was presented to Members at the January Planning Committee, which sought a resolution as to what the Council's decision would have been had they gone on to determine the application. Members were of the view that the site was suitable for a permanent Travelling Showperson's site and Very Special Circumstances exist that outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. However, concerns were raised regarding the suitability of the proposed access and the ability to achieve the necessary visibility splays. Essentially, it was not clear as to whether the visibility splay to the north east could be provided on land entirely within the control of the Local Highway Authority. In the absence of that clarity, Members resolved that they would have been minded to refuse the application on the basis that the proposed vehicular access was currently substandard due to severely restricted visibility to the north east and insufficient information had been provided to demonstrate that the required visibility splays could be provided in their entirety, either on highway land or land within the control of the applicant and retained for that purpose thereafter. This is discussed in detail further in this report.

3.0 RELEVANT POLICY

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:
- 3.2 **National guidance**
National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)
Planning Policy for Traveller Sites (PPTS) 2015

3.3 **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017**

Policies SD4, SD5, SD6, SD9, SD13, SD14, INF1

3.4 **Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (July 2019)**

Policies GTTS1, GRB1, ENV2

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

3.6 The First Protocol, Article 1 (Protection of Property)

3.7 Equality Act 2010 - Public Sector Equality Duty

4.0 CONSULTATIONS

4.1 Environmental Health Officer – It is recommended that the acoustic fence/barrier should also extend along the northern boundary in order to further reduce noise levels on the site.

Gloucestershire County Council Highways - The matter relating to visibility has been satisfactorily considered by the applicant and demonstrated such that the Highway Authority is satisfied that any worded condition will relate to land in control of the Highway Authority or the applicant. Subject to no further materials coming to light from the further consultation period, the Highway Authority has no objection.

County Archaeologist – It is advised that there is a low risk that archaeological remains will be adversely affected by the proposed development and no further archaeological investigation or recording is required.

CPRE Cheltenham And Tewkesbury Sub-branch – Object on the basis that is compromises a sensitive part of the Green Belt, is inappropriate and would harm the character and appearance of the area.

Landscape Consultant – It is advised that there should be no increase or reduction of site levels within the RPA of the retained trees and boundary vegetation.

Tree Officer – No objection subject to a planning condition to secure tree protection measures.

Staverton Parish Council – Object as the development is inappropriate in the green belt, which should safeguard the countryside from urban encroachment. The application if approved would harm the rural character of the area. It is also stated that the local parishes, including Staverton already have a high number of permanent sites housing the travelling community.

Staverton Parish Council – Response to additional highway information:
Staverton Parish Council objects to this application, it runs alongside 18/01179/FUL, which is the subject of an Appeal against non-determination of an application by TBC and is basically the same application. The Borough council were minded to refuse the second application. The applicant has now adjusted the plans to give better view of the highway to aid the movement of traffic on and off the site. The application should be refused on the basis that it has already been refused, for the reasons

stated in their determination.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised through the posting of a site notice for a period of 21 days. A letter has also been sent to the registered land owners of the adjacent land to the north east of the site. That letter has been sent specifically in response of the additional information that has been received from the applicant in respect of the visibility splays and land ownership.

5.2 6 letters of objection have been received. Their comments are summarised as follows:

- There are potentially 13 proposed plots and not 9.
- There is a site on Bamfurlong Lane nearby that would be more suitable for this.
- Traffic approaching from Cheltenham at speed gives one a very short time to come into view if one is leaving Staverton village to turn right for the B4063. More traffic would make the situation more dangerous.
- The site is in the Green Belt and does not feature in local or regional plans for the area.
- The access would be dangerous for slow moving long vehicles turning into and out of the access on such a fast road.
- Concerns regarding drainage and flooding.

6.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

6.1 The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three overarching objectives are an economic objective, a social objective and an environmental objective.

6.2 Section 15 of the Framework seeks to conserve and enhance the natural environment. Paragraph 170 advises that this can be achieved, in part, by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

6.3 Section 13 of the Framework sets out that the Government attaches great importance to Green Belts. Paragraph 143 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (paragraph 144).

6.4 Paragraph 79 of the Framework states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
a) there is an essential need for a rural worker, including those taking majority control

of a farm business, to live permanently at or near their place of work in the countryside;

- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

- 6.5 With regard to highway safety, paragraph 108 of the Framework states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.6 Paragraph 109 follows and states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Planning Policy for Traveller Sites - August 2015 (PPTS)

- 6.7 The PPTS states that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community. For the purposes of planning policy the PPTS defines 'Travelling Showpeople' as:
'Members of a group organised for the purposes of holding fairs, circuses or shows (Whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependents' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers.'
- 6.8 Policy E: Traveller sites in Green Belt (paragraph 16) states that: *'Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'.*
- 6.9 Paragraph 17 of the PPTS advises that Green Belt boundaries should be altered only in exceptional circumstances and should only be done through the plan making process and not in response to a planning application.
- 6.10 Paragraph 23 of the PPTS highlights that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF, including landscape protection and highway safety considerations.

- 6.11 Paragraph 24 of the PPTS explains that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
- the existing level of local provision and need for sites
 - the availability (or lack) of alternative accommodation for the applicants
 - other personal circumstances of the applicant
 - that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
 - that they should determine applications for sites from any travellers and not just those with local connections.
- 6.12 Paragraph 25 of the PPTS states that local planning authorities should very strictly limit new traveller sites in open countryside that are away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
- 6.13 Paragraph 26 provides that when considering applications, local planning authorities should attach weight to the following matters:
- effective use of previously developed (brownfield), untidy or derelict land;
 - sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
 - promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and
 - - not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 6.14 Paragraph 27 of the PPTS sets out that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permissions except where the land is in the Green Belt, protected under the Birds and Habitats Directives and/or designated as a Site of Special Scientific Interest, Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).

Joint Core Strategy (JCS)

- 6.15 Policy SD13 of the JCS sets out a criteria based policy for dealing with proposals for Gypsies, Travellers and Travelling Showpeople who meet the 2015 who meet the definition of Travellers for planning purposes. The policy requires that: sites do not have an unacceptable impact on the character and appearance of the landscape, amenity of neighbouring properties and that proposals are sensitively designed; safe and satisfactory access; adequate utilities/services can be provided; and that no significant environmental barriers exist.

Emerging Tewkesbury Borough Plan

- 6.16 Emerging Policy GTTS1 identifies the 1.7 hectare site in Staverton for 9 plots (i.e. the current application site) as an allocated site for Travelling Showpeople.

7.0 ANALYSIS

Principle of development

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 72(2) of the Town and Country Planning Act 1990 require planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In terms of the adopted development plan, policy SD14 of the JCS sets out a criteria based policy for dealing with proposals for Gypsies, Travellers and Travelling Showpeople who meet the definition of Travellers for planning purposes. Whilst policy SD14 does not allocate sites for this purpose, it does provide 'hooks' for the lower level plans to consider site allocations for all members of the traveller community.
- 7.2 In this context, the emerging Tewkesbury Borough Plan to 2031 allocates a number of sites for Gypsies and Travellers to meet the identified need, which has been derived from the 2017 Gypsy and Traveller Accommodation Assessment (GTAA). Insofar as this relates to Travelling Showpeople, the emerging plan allocates a single site for 9 plots against an identified requirement of 18 plots up to 2021. The land, which is identified for that allocation, is also the subject of this current application and is a material planning consideration.

Green Belt

- 7.3 Of particular importance to this site is its location within a designated Green Belt. Policy SD5 of the JCS states: 'To ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated.' This reflects advice in the NPPF, which states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.4 The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt, save for a number of listed exceptions. The development proposed here does not meet any of those exceptions and therefore represents inappropriate development in the Green Belt. This position is accepted by the applicant. The main consideration is therefore whether 'very special circumstances' exist in this case, which clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other resulting harm.
- 7.5 In terms of the harm to the Green Belt, other than by reason of inappropriateness, the proposed development would fundamentally change the open nature of the site by introducing a considerable amount of built form in terms of access roads, hard surfacing and boundary treatment. This would be further compounded by the associated caravans, vehicles and fairground equipment that would be stored on the site. In this regard, the development of the land would fail to safeguard the countryside from encroachment, which is one of the purposes of including land in the Green Belt. Whilst the applicant argues that the harm to the Green Belt is limited as it doesn't conflict with the other purposes of the Green Belt, the extent to which the use of land fulfils these objectives is not itself a material factor in the including of land

within a Green Belt.

- 7.6 The impact on the openness of the Green Belt in visual terms is mitigated to a degree by the fact that the site is relatively well contained by mature trees and hedgerows, which limits most views into the site from public vantage points, with the exception of the immediate views from the Public Right of Ways, which run along the northern and eastern boundaries of the site. It would also be the case that many of the occupants and their associated equipment would be absent for quite lengthy periods throughout the year. Nonetheless, there would be demonstrable harm to the openness of the Green Belt, along with the inherent harm by reason of inappropriateness, and this weighs heavily against the proposal.

Whether 'Very Special Circumstances' exist?

- 7.7 The applicant makes the case that there is a continued lack of alternative sites in Tewkesbury Borough and there is still significant unmet need in the area. In view of the personal circumstances of the applicant and the proposed occupiers, it is argued that these considerations amount to very special circumstances that clearly outweigh any harm to the Green Belt. Furthermore, the applicant considers that, with the exception of its Green Belt location, the proposal site is consistent with national policy.
- 7.8 In summary, the 'very special circumstances' case advanced by the applicant is comprised of the follows:
- The need for Showpeople's sites in Tewkesbury
 - The lack of alternative sites
 - The historic and continuing difficulties of providing Showpeople's sites through the plan led process
 - The time limited option agreement on the application site
 - Personal circumstances
 - The best interest of the children
 - Human Rights
 - The compliance of the proposal with the relevant development plan policy
- 7.9 In advancing this case, the applicant also refers to relevant case law in respect of very special circumstances; namely *Basildon DC v First Secretary of State and Temple* [2004] EWHC 2759 Admin & *Wychavon DC v SSCLG and Butler* [2008] EWCA Civ 692. The first case essentially establishes that a number of factors ordinary in themselves can combine to create something very special. In a related vein, the second case establishes that a number of seemingly ordinary factors can combine to equate to very special circumstances. Such factors do not have to be 'rare' by definition. However, whether the case advanced by the applicant amounts to 'very special circumstances' in this instance will ultimately be for the decision-maker to decide as a matter of planning judgement.

The need for Travelling Showpeople's sites and the lack of alternative sites

- 7.10 The applicant refers to a shortage of Travelling Showperson plots in the Gloucestershire area and explains that this application is submitted in order meet some of that shortfall. The document specifically refers to a need identified within the Gloucestershire Gypsy and Traveller Availability Assessment (GTAA) for additional pitches.
- 7.11 In terms of 'plan-making', paragraph 9 of the PPTS sets out that local planning

authorities should set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople, which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities. Paragraph 10 follows that local planning authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets and a supply of specific, developable sites, or broad locations for growth, for years 6 to 10.

- 7.12 With respect to 'decision-taking' on specific applications, paragraph 24 of the PPTS cites the existing level of local provision and need for sites and availability (or lack) of alternative accommodation for the applicants among relevant matters for consideration in the determination process.
- 7.13 The Council's most current evidence for the provision of Traveller accommodation is the Gloucestershire (Cheltenham, Cotswold, Forest of Dean, Gloucester, Stroud and Tewkesbury) Gypsy and Traveller Accommodation Assessment (OPS Final Report March 2017). The assessment was based upon the new definition in the PPTS (August 2015) of Gypsies, Travellers and Travelling Showpeople for planning purposes (which compared to the previous PPTS (March 2012) no longer includes those who have ceased to travel permanently). The identified need for Tewkesbury Borough is for 24 plots up until 2031, with an immediate need for 18 plots.
- 7.14 As previously set out, the application site is also included as an allocation for up to 9 Travelling Showpeople's plots in the emerging Tewkesbury Borough Plan to 2031, which has recently been the subject of a final round of public consultation prior to submission to the Secretary of State for Examination in Public. That consultation finished on the 18th November 2019 and no objections were received in respect of that allocation. The proposed allocation is a material planning consideration since it indicates the Council's preferred 'direction of travel'.
- 7.15 Whilst the Council has been proactive in searching for Travelling Showpeople plots in suitable locations, this has proved difficult and in view of the uncertainties in terms of the overall need and the fact that the Borough Plan is unlikely to be adopted until 2020, a precautionary position should be adopted and at this time it cannot be demonstrated that the Council has a 5 year supply of deliverable plots for Travelling Showpeople.
- 7.16 The PPTS states at paragraph 27 that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. However, an exception to this is where the proposal is on land designated as Green Belt. In this context, paragraph 16 of the PPTS states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. Nonetheless, the current lack of a 5 year supply holds some weight in favour of the scheme in the planning balance.

Personal circumstances, the best interest the children and Human Rights

- 7.17 The applicant has provided a statement on the personal circumstances of the proposed occupiers of the site. In summary, the statement makes the case that due to the children that would be occupying the site, a settled base is essential to necessitate the security and stability of the family for the future. It stated that those children are all currently residing on insecure yards and overcrowded plots. It is the

applicant's opinion that the health and educational needs of the occupants would be prejudiced if the application was refused. In addition, it stated that a number of the family are without a yard and need to stop with friends and family in between travelling, which increases the uncertainty of a future base and education for the children.

- 7.18 Under the UN Convention on the Rights of the Child (UNCRC), the best interests of any children affected by a decision are a primary consideration. Case law confirms that this means that, in any decision, no other consideration may be treated as inherently more weighty. In this context, the implications of Article 3 of the UNCRC in planning decisions is addressed in *Stevens v Secretary of State* [2013] EWHC 792 concerns the implications of Article 3 of the UNCRC in planning decisions. Hickinbottom J said at paragraph 69:

'From these authorities, in respect of the approach of a planning decision-maker, the following propositions can be derived.

i. Given the scope of planning decisions and the nature of the right to respect for family and private life, planning decision-making will often engage article 8. In those circumstances, relevant article 8 rights will be a material consideration which the decision-maker must take into account.

ii. Where the article 8 rights are those of children, they must be seen in the context of article 3 of the UNCRC, which requires a child's best interests to be a primary consideration.

iii. This requires the decision-maker, first, to identify what the child's best interests are. In a planning context, they are likely to be consistent with those of his parent or other carer who is involved in the planning decision-making process; and, unless circumstances indicate to the contrary, the decision-maker can assume that that carer will properly represent the child's best interests, and properly represent and evidence the potential adverse impact of any decision upon that child's best interests.

iv. Once identified, although a primary consideration, the best interests of the child are not determinative of the planning issue. Nor does respect for the best interests of a relevant child mean that the planning exercise necessarily involves merely assessing whether the public interest in ensuring planning controls is maintained outweighs the best interests of the child. Most planning cases will have too many competing rights and interests, and will be too factually complex, to allow such an exercise.

v. However, no other consideration must be regarded as more important or given greater weight than the best interests of any child, merely by virtue of its inherent nature apart from the context of the individual case. Further, the best interests of any child must be kept at the forefront of the decision-maker's mind as he examines all material considerations and performs the exercise of planning judgment on the basis of them; and, when considering any decision he might make (and, of course, the eventual decision he does make), he needs to assess whether the adverse impact of such a decision on the interests of the child is proportionate.

vi. Whether the decision-maker has properly performed this exercise is a question of substance, not form. However, if an inspector on an appeal sets out his reasoning with regard to any child's interests in play, even briefly, that will be helpful not only to those involved in the application but also to the court in any later challenge, in understanding how the decision-maker reached the decision that the adverse impact

to the interests of the child to which the decision gives rise is proportionate. It will be particularly helpful if the reasoning shows that the inspector has brought his mind to bear upon the adverse impact of the decision he has reached on the best interests of the child, and has concluded that that impact is in all the circumstances proportionate ...'

- 7.19 The statement on the personal circumstances of the proposed occupiers of the site sets out that there are 15 children, the majority of which are currently attending various primary and secondary schools. The applicant considers that there is no doubt that their education would be greatly disrupted were they to be deprived of a settled base and that the health and educational needs of the occupants would be prejudiced if the application is refused. It would clearly be in the best interests of all the children to reside in secure, suitable and lawful accommodation. This would allow proper access to education and medical services and would avoid the hazards of unlawful encampments.

Article 8

- 7.20 Refusal of the application would undoubtedly result in the interference with the home and private life of the occupants of the site. The Council has identified this site within the emerging Borough Plan, no further alternative sites have been identified, therefore it is quite possible that refusal of this application the effect would be to render the families homeless in the future. However Article 8 is not an absolute right and it is necessary to consider whether, given the harm caused by the development, the interference occasioned by the refusal of planning permission would be justified within the terms of A8(2) and proportionate.

Equality Act 2010: Public Sector Equalities Duty

- 7.21 Section 149 of the Public Sector Equalities Duty (PSED) requires that in the exercise of their functions, those subject to the equality duty must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The Council accepts that the applicants are Travelling Showpeople and therefore a 'protected characteristic' for the purposes of the PSED.
- 7.22 The applicants argue that there would be an impact on the families if the application is refused and that the greatest impacts would be felt by the children who would benefit from access to education associated with having a settled base.
- 7.23 The Council has had due regard to its duties under Section 149 of the PSED which, as with the consideration with respect to Article 8 (above), must be balanced against the harm caused by the development.

The time limited option agreement

- 7.24 The applicant points out that there is an Option Agreement on the land, which ultimately expires on the 28th August 2020 (the 'Long Stop Date'). It was stated that in light of this Option Agreement, an application was required to secure the permission on the site in good time before the expiry date. It was suggested that if the Option Agreement expired prior to gaining a permission that was satisfactory to the applicant, the opportunity to secure the site for a Travelling Showperson's site could be lost completely, thus further frustrating the unmet need.

Compliance with Policy SD13 of the JCS

- 7.25 Part of the Very Special Circumstances case advanced includes the purported compliance with the relevant development plan policy; namely policy SD13 of the JCS. It is considered that compliance with policy SD13 does not necessarily add weight to the applicant's very special circumstances case since compliance with this policy would be expected in any event. Nonetheless, compliance with this policy would add weight in favour of the proposal when considered in the planning balance.
- 7.26 Policy SD13 states that proposals for new permanent and temporary, residential and transit Gypsy, Traveller and Travelling Showpeople sites will be assessed against the following criteria:
- i. Proposals on sites in areas of sensitive landscape will be considered in accordance with Policy SD6 (Landscape Policy) and Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty). In all other locations the proposal must not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and should be sensitively designed to mitigate any impact on its surroundings;
 - ii. The site has safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network;
 - iii. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where other forms of housing would not be suitable;
 - iv. The site is situated in a suitable location in terms of access to local amenities, services and facilities, including schools, shops, health services, libraries and other community facilities;
 - v. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site should also be large enough to enable vehicle movements, parking and servicing to take place, having regard to the number of pitches / plots on site, as well as enabling access for service and emergency vehicles, including circulation space along with residential amenity and play areas.

Landscape impact and tree protection

- 7.27 In terms of criterion (i.) of policy SD13, the site is not located in a designated or non-designated landscape but it does sit in open countryside. Policy SD6 of the JCS seeks to protect the character and appearance of the rural landscape. The policy states that all applications for development will consider the landscape and visual sensitivity of the area in which they will be located.
- 7.28 The current application is supported by a Landscape Character and Visual Impact Assessment (LVIA), which considers the impact of the proposed development on the landscape. In terms of landscape character, the LVIA describes the site as siting within a generally undulating to flat, predominantly pastoral, landscape, which is defined and enclosed by a network of traditional field boundary hedgerows and the associated mature hedgerow trees. The site is identified as siting within the 'Settled Unwooded Vale' Landscape Character Type and the 'Severn Vale' Landscape Character Area.
- 7.29 The LVIA sets out that the site's landscape context generally consists of a patchwork of both arable and pastoral fields enclosed by a strong hedgerow network. These hedgerows, together with their associated mature hedgerow trees, combine to give

the impression of a greater sense of tree cover within the landscape and the site's immediate setting in particular. Consequently, whilst long range views of distant hills are possible across the landscape, the enclosure provided by the natural vegetation of the area limits short to mid-range views and the visual influence of the site is restricted. It goes on to state that the landscape character of the site's immediate setting has been degraded by the presence of the M5 motorway and Old Gloucester Road (B4634), both of which significantly impact upon the tranquillity of the area. These busy transport routes, together with the visual presence of the Hayden Sewage Treatment Works, reduce the sensitivity of the landscape and increase its capacity to accommodate change.

- 7.30 In terms of the visual impact on the landscape, the LVIA assesses the impact from a number of viewpoints surrounding the site. The visual appraisal establishes that with the exception of two locations on Old Gloucester Road opposite the site access, views of the proposed development from the surrounding landscape and from locations accessible to the general public are screened by a combination of existing field boundary hedgerows and their associated mature hedgerow trees, existing tree planting associated with bridge and motorway embankments and, to a lesser degree, the topography of the area.
- 7.31 In terms of landscape mitigation and enhancement, the LVIA sets out a number of measures. These include:
- The introduction of 58 no. native trees, in-keeping in character with those already present, to provide landscape structure and enhance the arboricultural fabric and value of the site.
 - The introduction of 636 linear metres of new native hedgerows to provide landscape structure, define proposed pitches and improve the site's landscape fabric and bio-diversity value.
 - The introduction and careful positioning of 200 square metres of new native understorey plantations to improve screening provided by existing peripheral hedgerows, filter views of the site from Old Gloucester Road further and improve the site's landscape fabric and biodiversity value.
 - - The creation of a carefully integrated surface water drainage system (to include proposed interlinked swales discharging into a new attenuation/drainage pond) to ensure that surface water drainage is dealt with in a sustainable manner and, through appropriate planting, also improves the bio-diversity value of the site.
- 7.32 Subject to the implementation of these mitigation and enhancement measures, the LVIA concludes that the site is able to accommodate the permanent change of use of the land to a private Travelling Showperson's site without unacceptably impacting upon the visual amenity and landscape character area.
- 7.33 With regard to the impact of the proposed development on existing trees, the application is supported with a 'Pre-Development Trees Survey & Assessment', which assesses the existing trees located on and immediately adjacent to the site. This is supplemented by an Arboricultural Method Statement. The supporting information indicates that the proposed development would not result in the removal of any existing trees and details measures for their protection during construction and post construction. However, the information does not take into account any vegetation that may need to be removed to provide the required visibility splay to the north east. Following consultation with the Council's Tree Officer, it is advised that the proposed protection measures are acceptable and can be secured by way of condition. It is further advised that whilst some vegetation would be removed to achieve the required visibility splays, there are no trees of particular value that would

be affected.

- 7.34 In light of the above, it is clear that there would be some harm to the landscape. However for the reasons set out above, the harm can be mitigated to some degree by securing the proposed tree protection measures and landscape mitigation measures. This must be weighed in the overall planning balance.

Highways

- 7.35 In respect of criterion (ii.) of policy SD13, access to the site is currently gained off an existing entrance directly off the Old Gloucester Road (B4364), which then follows a track along the western boundary of the site to enter the field at the south western corner, using the existing field entrance. The proposal is to utilise the existing access off the Old Gloucester Road, which would be substantially improved to allow large HGV's to access and egress the site. This access would lead directly into the site, which would in turn connect to an internal network of roads leading to the various plots. The existing field access to the south western corner of the field would be blocked up, whilst the access to the adjoining land along the existing track would be retained. The submitted plans show tracking for 16.5m Articulated HGV's at the site entrance and 160m visibility splays in either direction.
- 7.36 Whilst appropriate visibility splays have been shown in either direction, concerns had previously been raised that it had not been demonstrated that the land over which the splays crossed were entirely within highway land or land within the control of the applicant. This specifically related to the required visibility splay to the north east. On that basis Members resolved that they would have been minded to refuse the application for that reason only.
- 7.37 Following those concerns, the applicant has provided further information in respect of the land ownership based on evidence obtained from the Land Registry. Following further consultation with the Highways Officer, it is advised that the matter relating to visibility has been satisfactorily considered by the applicant and it has been demonstrated that the visibility splay to the north east can be achieved over land within the control of the Highway Authority or the applicant. Therefore the Highways Officer is satisfied that a planning condition to secure the required visibility splays can be imposed. However, it was considered prudent to publicise the additional information to ensure that any interested party would have the opportunity to comment on the additional information. That additional consultation period was ongoing at the time of writing this report and an update will be provided at Committee. Subject to nothing material arising from that consultation, the Highways Officer does not object to the proposal.

Flood risk, drainage and ground conditions

- 7.38 Turning to criterion (iii.), the site is located in Flood Zone 1 (low risk) as defined by the Environment Agency's most up-to-date flood maps, where such development is considered acceptable in principle. There are no known surface water issues affecting the site and the site is not at an undue risk of flooding.
- 7.39 In respect of site drainage, policy INF2 of the JCS requires new development to incorporate suitable Sustainable Drainage Systems (SuDS) where appropriate to manage surface water drainage. To address this, the applicant has provided details of a surface water drainage strategy that incorporates drainage swales and an attenuation/drainage pond. Following consultation with the Council's Land Drainage Officer, it is advised that the proposed surface water drainage system is a very

sustainable option and no objections are raised in principle. It is not clear as to how the site would discharge from the proposed attenuation/drainage pond, however, these details can be secured by way of condition.

- 7.40 With regard to the site's ground conditions, there is no evidence of poor ground stability or other hazardous land given its undeveloped Greenfield status.

Suitability of the site's location

- 7.41 In respect of criterion (iv.) of policy SD13, the site is located in the open countryside and outside of any recognised residential development boundary and is therefore contrary to policy SD10 of the JCS insofar as the proposal relates to residential development. Furthermore, the proposal is at odds with paragraph 25 the PPTS, which states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. However, should be noted that the PPTS is explicit that issues of sustainability should not be considered narrowly solely in terms of transport mode and distances from services.
- 7.42 The site is located along the Old Gloucester Road (B4634), which is a busy road that connects Staverton and west Cheltenham as well as providing links to the M5 motorway. The site is not well served by footways and street lighting and it is therefore likely that the occupiers of the site would be reliant on the use of the private motor vehicle to reach the majority of community facilities and other services. The fairly remote location of the site is therefore considered to be a disadvantage to the application. However, the nature of travel for a Travelling Showperson is that they are likely to be off site working for a number of weeks or months at a time and would not always rely on the local facilities. It is also considered that the location of the site close to the transport links of the M5 would be beneficial to the occupiers due to the extent of travel and movement around the county and other areas of the country.
- 7.43 Whilst the location of the site is not ideal in terms of access to services and facilities, it is considered that the proposal would not dominate the local community, nor would the movement of large vehicles disturb any neighbours. The site's location also needs to be considered in the context of the lack of a 5-year supply of deliverable Travelling Showpeople sites and the fact that the site is currently indicated as an allocation in the emerging Tewkesbury Borough Plan to 2031.

Site services

- 7.44 The applicants advise that the site can be properly serviced and would be supplied by water, power, sewerage and waste disposal facilities. Moreover, subject to securing drainage details by way of condition, the site would be served by suitable drainage infrastructure. The site would be large enough to enable vehicle movements, parking and servicing to take place, and would enable access for emergency vehicles. Each plot would also give acceptable circulation space along with amenity areas. The proposal therefore accords with criterion (v.) of policy SD13.
- 7.45 In summary, notwithstanding the 'in-principle' objection to the scheme on Green Belt grounds, it is considered that the proposal is broadly in accordance with policy SD13 of the JCS, save for the site's location where occupiers of the site would be heavily dependent on the use of the private motor vehicle.

Noise

- 7.46 The NPPF states that local planning authorities should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and should consider whether such impacts can be mitigated through design or through the use of planning conditions. This is also a requirement of policy SD14 of the JCS, which requires new development to result in no unacceptable levels of noise.
- 7.47 Following consultation with the Council's Environmental Health Officer, it was advised that the site is close to the M5 and therefore could experience noise pollution on site from the road traffic noise. In order to address this, it was advised that a 2.2 metre acoustic fence should be erected along the southern and western boundary of the site. The applicant has now incorporated this into the scheme, which can be secured by way of a planning condition to ensure that it is retained in perpetuity. Conditions are also recommended to prevent any commercial activity on the site and to restrict the times when the testing and maintenance of fairground equipment can take place. Subject to these conditions, the proposal would be acceptable in respect of noise and disturbance.

Archaeology

- 7.48 Following consultation with the County Archaeologist, the applicant has provided the results of an archaeological field evaluation. Following that work, the County Archaeologist advised that the results were negative in that no archaeological remains were observed during the investigation. On that basis, the proposed development has low potential to have any impacts on archaeological remains and no further archaeological investigations or recording is required. The proposal is therefore acceptable in this regard.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 As required by paragraph 144 of the NPPF and paragraphs 16 and 17 of the PPTS substantial weight must be given to all the harms caused to the Green Belt. As set out in this report, the proposal is inappropriate development in the Green Belt and is harmful by definition. In addition to this, the proposed development would fundamentally change the open nature of the site by introducing a considerable amount of built form, which would be further compounded by the associated caravans, vehicles and fairground equipment that would be stored on the site. Whilst the impact on the openness of the Green Belt in visual terms is mitigated to a degree by the fact that the site is relatively well contained by mature trees and hedgerows, there would still be demonstrable harm to the openness of the Green Belt. This weighs heavily against the proposal in the planning balance.
- 8.2 In terms of any other harms, there would be a degree of landscape harm given the site's undeveloped Greenfield status and its location in open countryside. However, the site is reasonably well contained and the harm can be mitigated to some degree by securing the proposed tree protection measures and landscape mitigation measures.
- 8.3 The relatively isolated location also weighs against the proposal insofar as any future occupiers would be largely dependent on the private motor vehicle to access everyday services and facilities. Conversely, the site does offer good access to the M5 motorway, which would facilitate easy access around the country when travelling to different events. Moreover, the nature of travel for a Travelling Showperson is such that they are likely to be working away for a number of weeks or months at a time and would not always be reliant on local services and facilities.

- 8.4 In terms of the applicant's 'Very Special Circumstances', Members previously resolved that the case presented to them at the time amounted to very special circumstances that outweighed the harm to the Green Belt. Given that the same case is presented here and there are no known material changes to that case, it is considered that very special circumstances still exist in this instance, which justify inappropriate development in the Green Belt.
- 8.5 In terms of the other matters relevant to the application, subject to nothing material arising from the additional consultation, the site would be served by a safe and suitable access and the residual cumulative impact on the highway network would not be severe. The site would not be at an unacceptable risk of flooding and suitable drainage facilities can be provided, which can be secured by way of condition. Subject to the provision of acoustic fencing, the site would not be subject to unacceptable levels of noise and there would be no adverse impacts in respect or archaeology.
- 8.6 In balancing these considerations, it is considered that the factors in favour of granting permission advanced by the applicant outweigh the harm to the Green Belt. It is therefore considered that very special circumstances exist in this case to justify inappropriate development in the Green Belt. Subject to nothing material arising from the additional consultation in respect of the site access, the application is recommended for **Permit**.

Conditions:

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- TDA.2433.01: Site Location Plan
- TDA.2433.03 Rev. D: Proposed Site Layout & Detailed Landscape Scheme
- TDA.2433.04: Acoustic Fence Detail
- TDA.2433.06: Surface Water Drainage Strategy
- TDA.2433.07: Sectional Elevation A-A
- TDA.2433.10: Tree Protection Drawing
- TDA/2433/AMS/AMP/06.19 June 2019 (Updated October 2019): Arboricultural Method Statement
- 11553-HYD-02-XX-SK-S-001 Rev P1: Site Access General Arrangements
- 17154/02: Proposed Entrance

Reason: To clarify the terms of this permission and for the avoidance of doubt.

3. The occupation of the site hereby permitted shall be limited to members of the Showmen's Guild of Great Britain and their immediate families and shall not be subdivided into more than 9 plots as shown on the approved plans.

Reason: To ensure that the occupants are bona-fide Travelling Showpeople in accordance with the advice contained in Planning Policy for Traveller Sites (August 2015) and to ensure that the development integrates harmoniously with its surroundings locality in accordance with Policies SD5, SD6, SD13 and SD14 of the JCS.

4. Prior to the commencement of the development hereby approved (including all preparatory work), all tree and hedgerow protection must be in place in accordance with BS 5837:2012 and as shown on the submitted Tree Protection Drawing TDA.2433.10. All works shall be carried out in accordance with the submitted Arboricultural Method Statement TDA/2433/AMS/AMP/06.19 June 2019 (Updated October 2019). Any trees or hedgerows which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

Reason: To safeguard trees during the construction phases and in the interests of visual amenity in accordance with Policies SD5, SD6 and SD13 of the JCS.

5. All planting, seeding or turfing in the approved details of landscaping shown on drawing number TDA.2433.03 Rev. D (Proposed Site Layout & Detailed Landscape Scheme) shall be carried out in the first planting and seeding season following the first occupation of the site or completion of the development, whichever is the sooner, and any trees or plants which within a period of four years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and in accordance with Policies SD5, SD6 and SD13 of the JCS.

6. Notwithstanding the provisions of Part 2 of Schedule 2 of the Town And Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), other than those hereby permitted by condition 2, no gates, wall, fences or other means of enclosure shall be erected on the land unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with Policies SD5, SD6 and SD13 of the JCS.

7. No commercial activity other than the storage, maintenance and testing of fairground equipment shall take place on the application site.

Reason: The site is not appropriate for unrestricted commercial use in accordance with Policies SD5, SD6, SD13 and SD14 of the JCS.

8. The storage, testing and maintenance of fairground equipment shall be limited to equipment owned by those lawfully occupying the site and the testing and maintenance of fairground equipment shall not take place except between the hours of 09:00 to 17:00 Monday to Friday, 09:00 to 13:00 on Saturdays and at no time on Sundays or Public Holidays.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential property in accordance with Policy SD14 of the JCS.

9. No vehicle, fairground equipment or other item stored on the site shall exceed 4.5 metres in height (above ground level).

Reason: To ensure that the development integrates harmoniously with its surroundings locality in accordance with Policies SD5, SD6 and SD13 of the JCS.

10. There shall be no means of external lighting on the site other than in accordance with the details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise light pollution and to limit the impact on the openness of the Green Belt and rural landscape in accordance with Policies SD5 and SD6 of the JCS.

11. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 160m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with Policy INF1 of the JCS.

12. Prior to the occupation of the development hereby permitted the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. 11553-HYD-02-XX-SK-S-001 Rev P1 with any gates situated at least 16.5m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of access road within at least 20.00m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

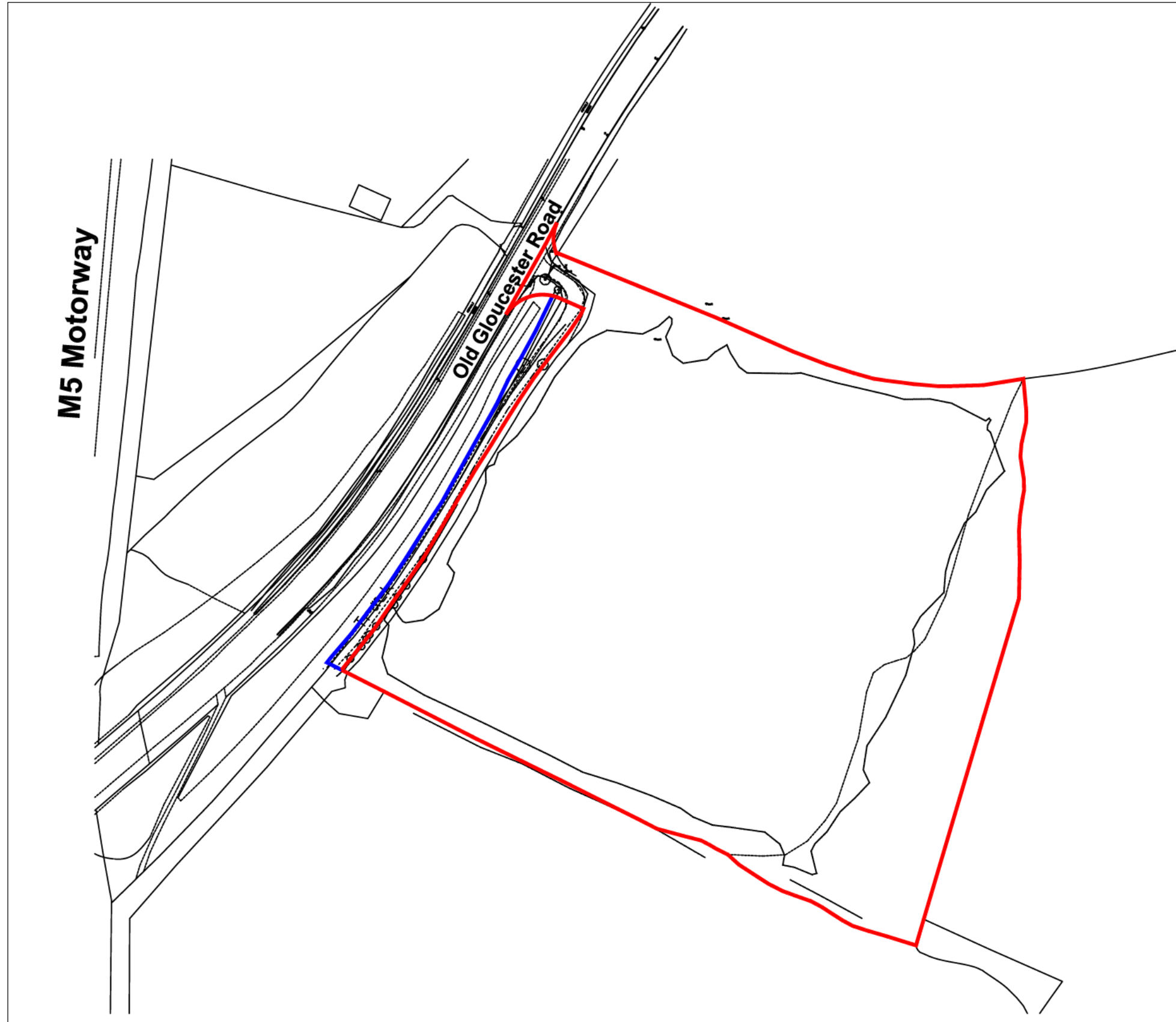
Reason: To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with Policy INF1 of the JCS.

13. Notwithstanding the submitted plans, development shall not be commenced until full details of the discharge of foul sewage and surface water drainage have been submitted to and approved in writing by the Local Planning. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied.

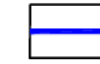
Reason: To ensure that the development is provided with a satisfactory means disposal for foul and surface water drainage in accordance with Policy SD14 and INF2 of the JCS.

Informatives:

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

**KEY:**

APPLICATION BOUNDARY



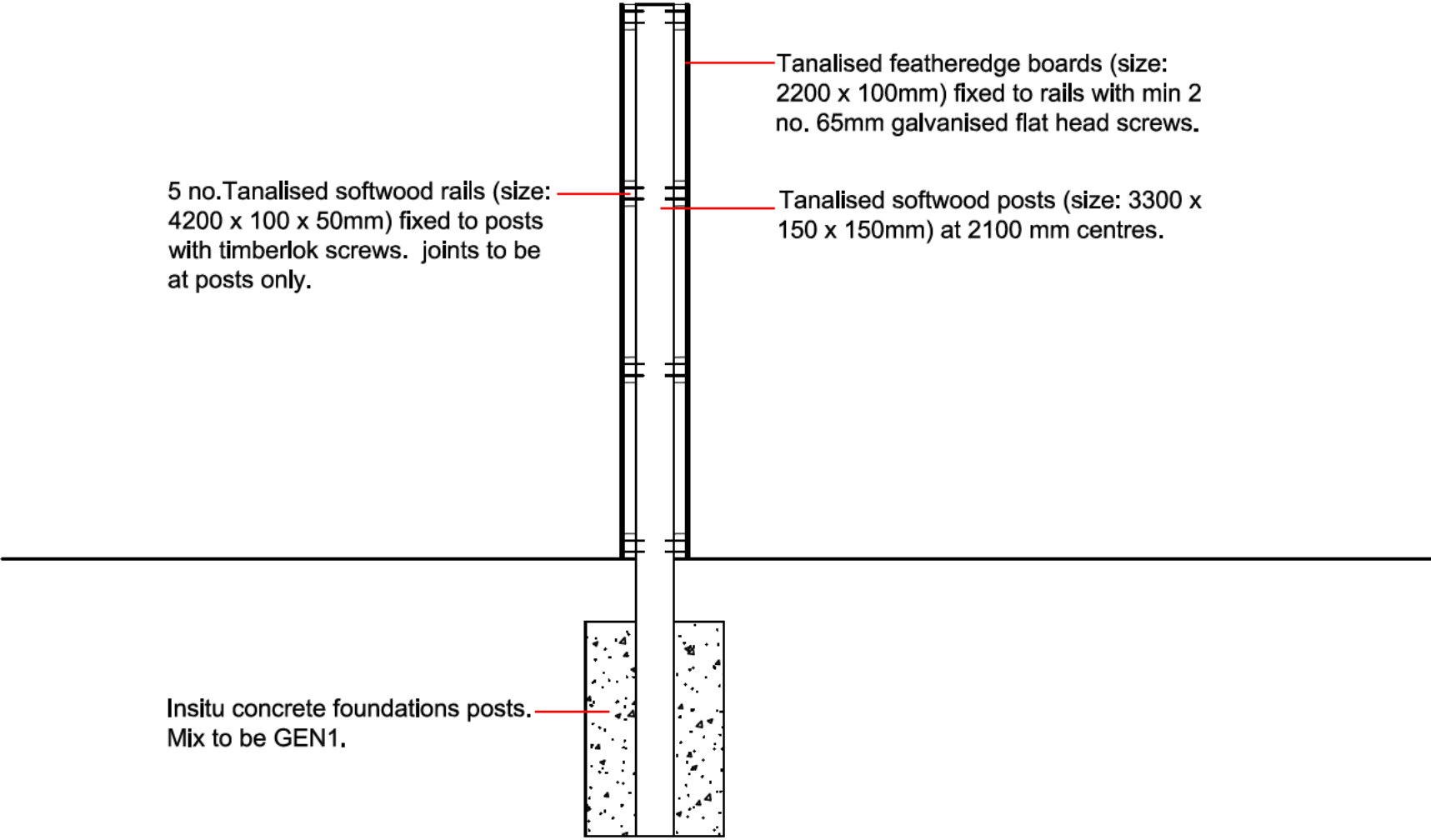
OTHER LAND WITHIN CLIENT OWNERSHIP

REV	NOTES	BY	DATE
<p>TDA THE GRANARY NEWLAND FAWR FARM LLANGAN CF35 5DN TEL: 01446 789367</p>			
CLIENT			
DRAWING NUMBER TDA.2433.01	SCALE 1:1250 @ A3		
DRAWN RhC	DATE AUGUST 2018		
PROJECT	PROPOSED SHOWMAN'S SITE ON LAND OFF OLD GLOUCESTER ROAD, STAVERTON		
DRAWING TITLE	SITE LOCATION PLAN		

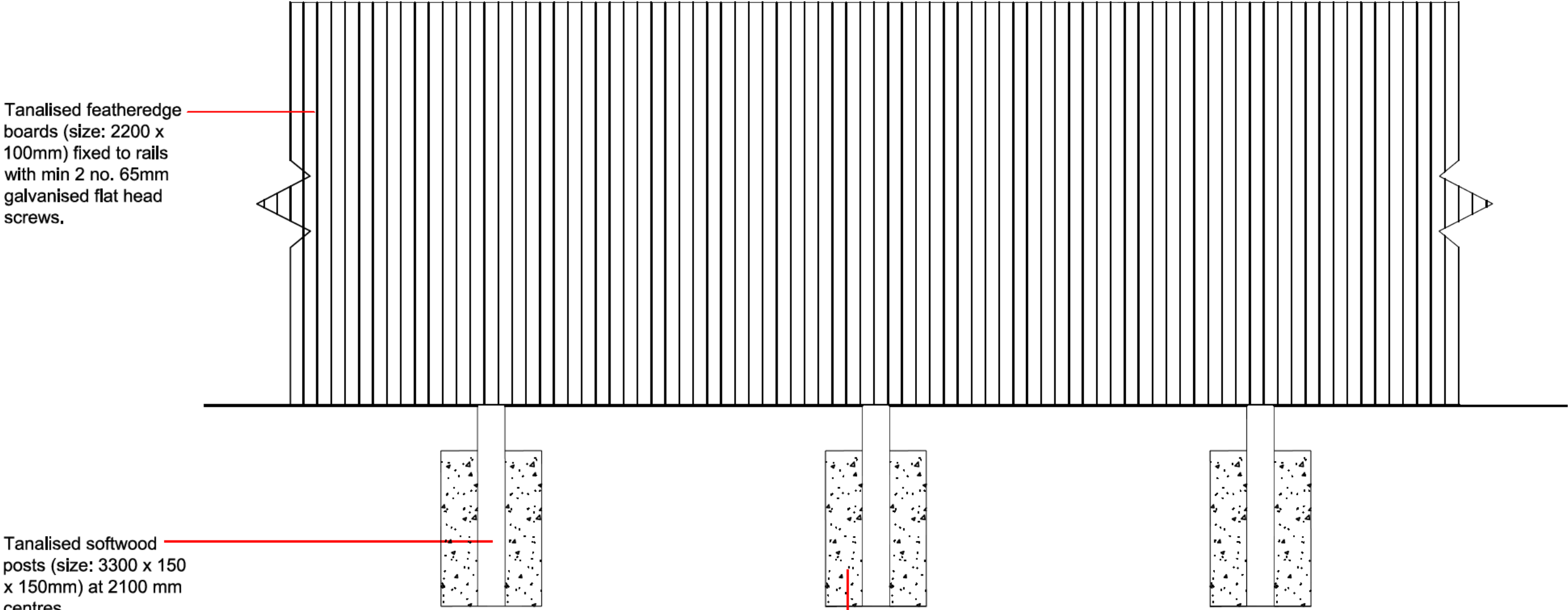


PROPOSED ATTENUATION/DRAINAGE POND
(Pond to be seeded with Emorsgate EM8 – Meadow mixture for wetlands, or similar approved and planted with Bulrush & Yellow Iris.

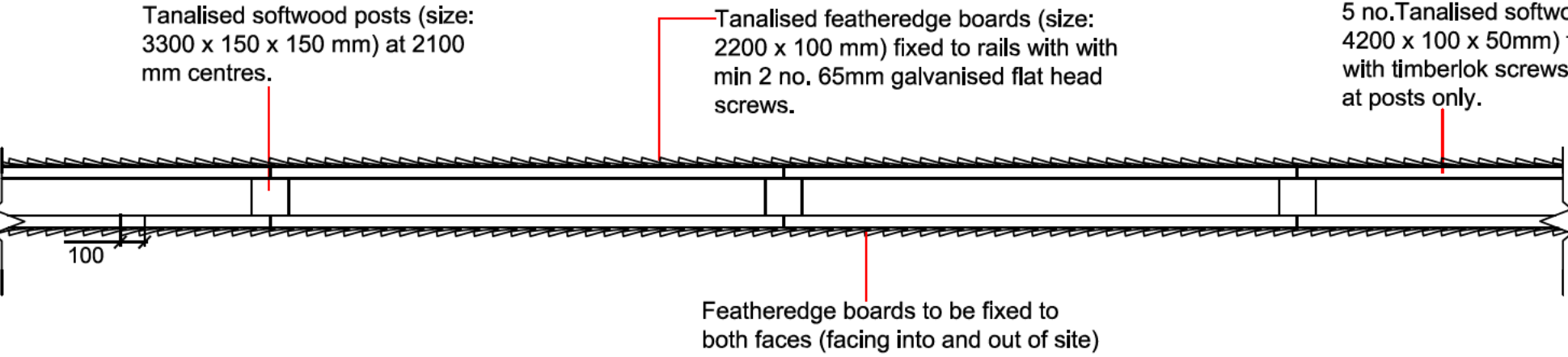
<p>TDA THE GRANARY NEWLAND FAWR FARM LLANGAN VALE OF GLAMORGAN CF35 5DN TEL: 01446 789367</p>			 <p>Environment • Landscape • Design</p>		
<p>CLIENT</p> 					
<p>DRAWING NUMBER</p> <p>TDA.2433.03</p>		<p>SCALE</p> <p>1:500@ A1</p>			
<p>DRAWN</p> <p>RhC</p>		<p>DATE</p> <p>NOVEMBER 2018</p>			
<p>PROJECT</p> <p>PROPOSED SHOWMAN'S SITE ON LAND OFF OLD GLOUCESTER ROAD, STAVERTON</p>					
<p>DRAWING TITLE</p> <p>PROPOSED SITE LAYOUT & DETAILED LANDSCAPE SCHEME</p>					



SECTION A-A (Scale 1:25 @ A1)




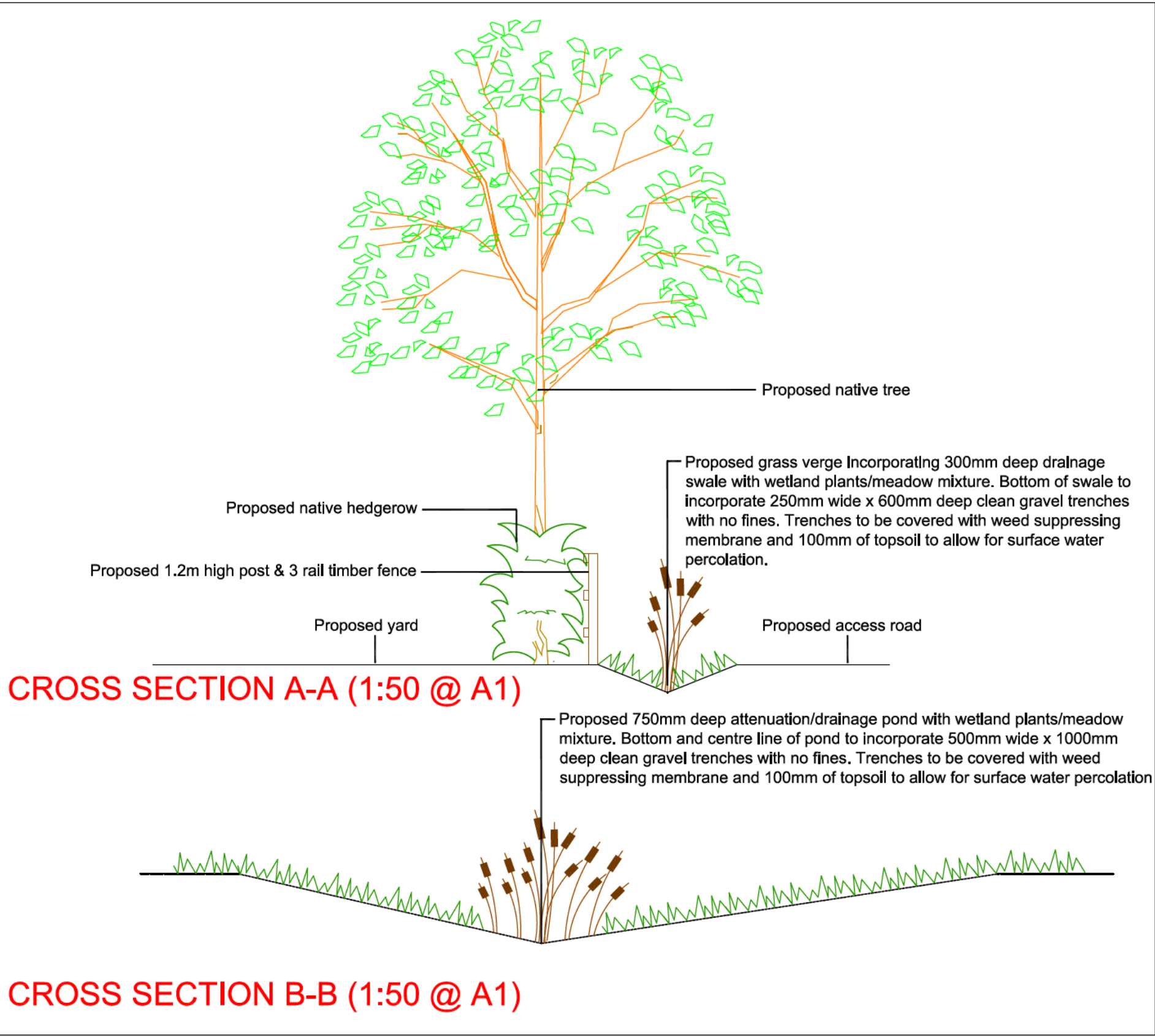
ELEVATION (Scale 1:25 @ A1)



PLAN (Scale 1:25 @ A1)

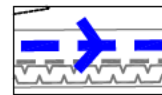
NOTES:
All dimensions in millimetres unless otherwise stated.
This is an A1 drawing. Do not rely on reduced copies for scaling.

REV	NOTES	BY	DATE
<div><div><div>TDA THE GRANARY NEWLAND FAWR FARM LLANGAN CF35 5DN TEL: 01446 789367</div><div> Environment • Landscape • Design</div></div><div>CLIENT</div><div><div>DRAWING NUMBER TDA.2433.04</div><div>SCALE 1:25 @ A1</div></div><div><div>DRAWN RhC</div><div>DATE DECEMBER 2018</div></div><div>PROJECT PROPOSED SHOWMAN'S SITE ON LAND OFF OLD GLOUCESTER ROAD, STAVERTON</div><div>DRAWING TITLE ACOUSTIC FENCE DETAIL</div></div>			



KEY:

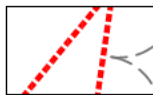
HARD LANDSCAPE KEY:



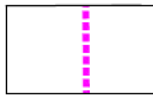
PROPOSED DRAINAGE SWALES
(Refer to Cross Section A-A for further details)



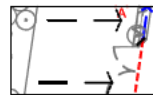
PROPOSED DWARF HEADWALLS



300MM DIA. DRAINAGE PIPES.
(Pipes to connect individual drainage swales)

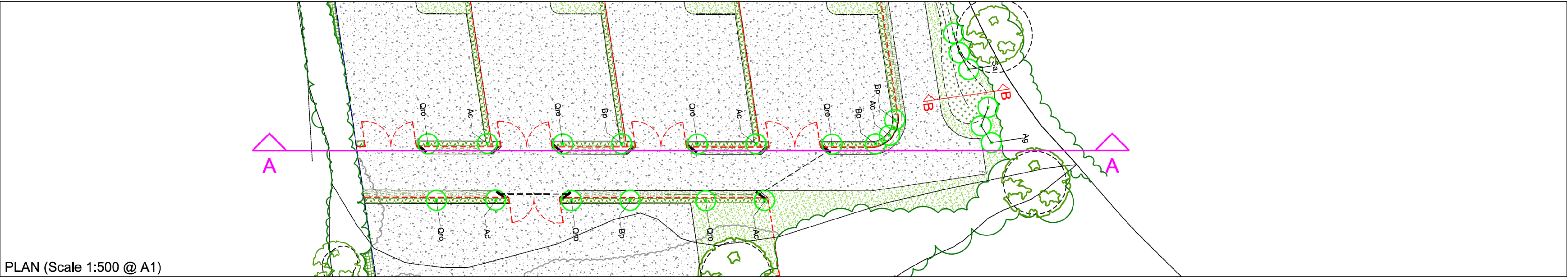


450 MM DIA. DRAINAGE PIPE.
(Pipe to connect drainage swales to attenuation/drainage pond)

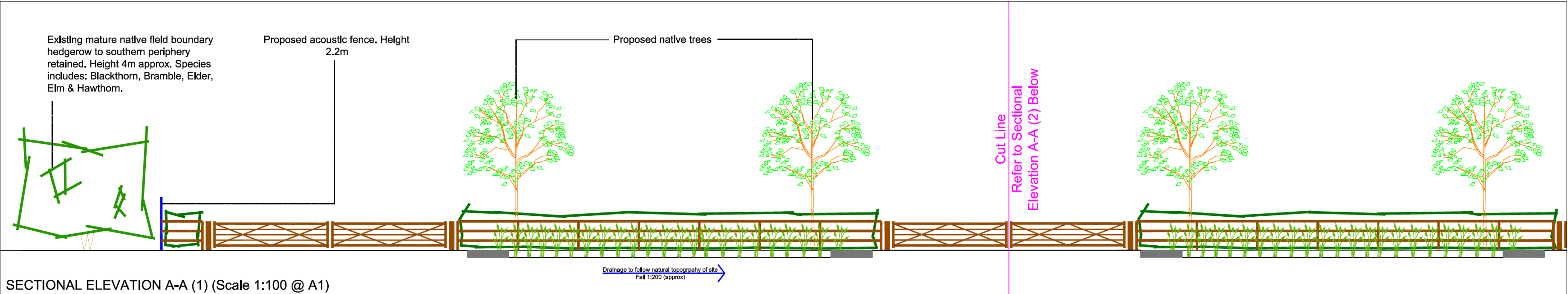


PROPOSED SURFACE FALLS
(Dashed arrows indicate direction of falls for proposed access roads and Showman plots to ensure surface water drainage into adjacent swales)

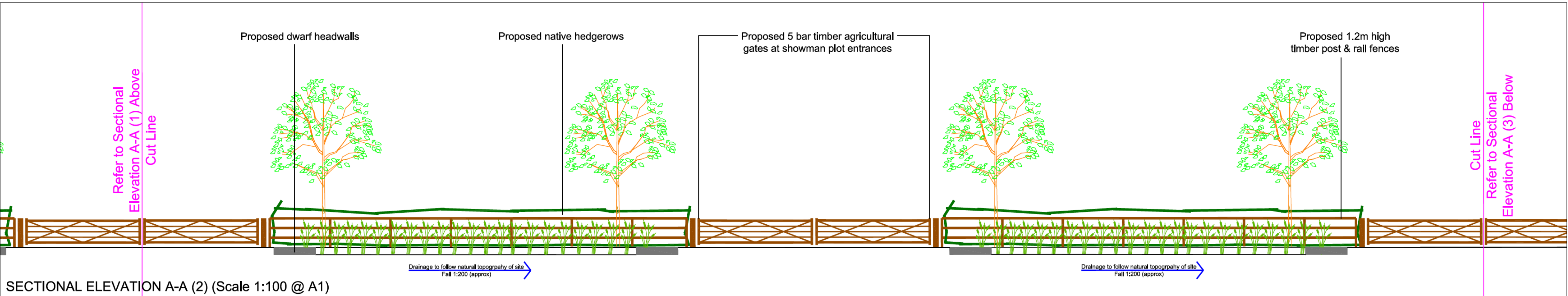
REV	NOTES	BY	DATE
<div><div><div>TDA THE GRANARY NEWLAND FAWR FARM LLANGAN VALE OF GLAMORGAN CF35 5DN TEL: 01446 789367</div><div> Environment • Landscape • Design</div></div><div>CIENT<div></div></div><div><div>DRAWING NUMBER TDA.2433.06</div><div>SCALE 1:500@ A1</div></div><div><div>DRAWN RhC</div><div>DATE JUNE 2019</div></div><div><div>PROJECT PROPOSED SHOWMAN'S SITE ON LAND OFF OLD GLOUCESTER ROAD, STAVERTON</div><div>DRAWING TITLE SURFACE WATER DRAINAGE STRATEGY</div></div></div>			



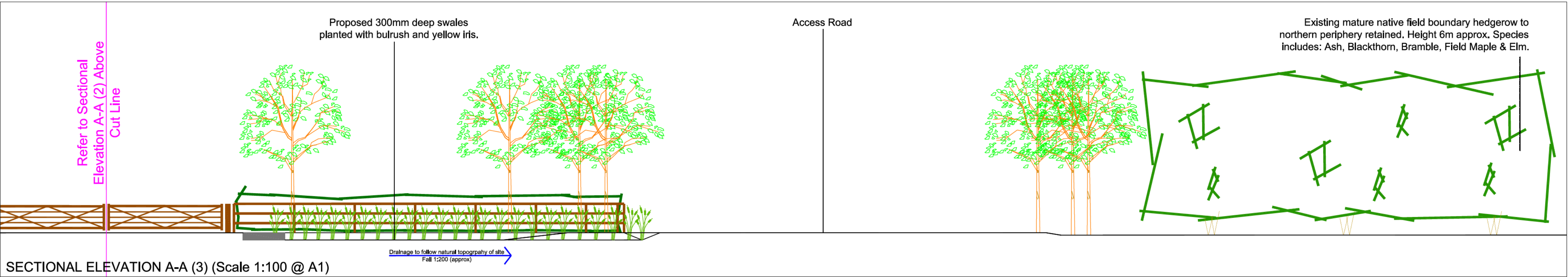
PLAN (Scale 1:500 @ A1)




SECTIONAL ELEVATION A-A (1) (Scale 1:100 @ A1)



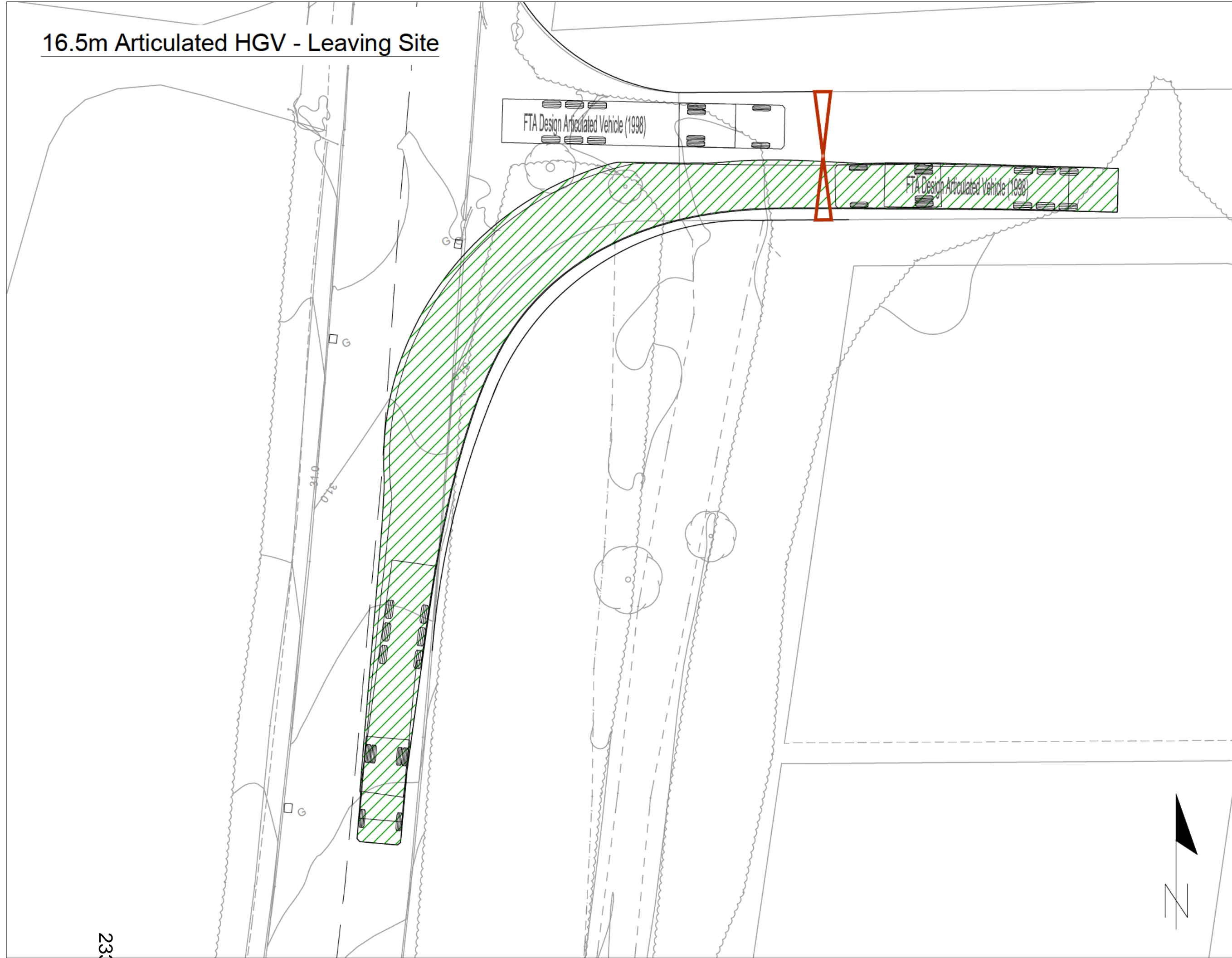
SECTIONAL ELEVATION A-A (2) (Scale 1:100 @ A1)



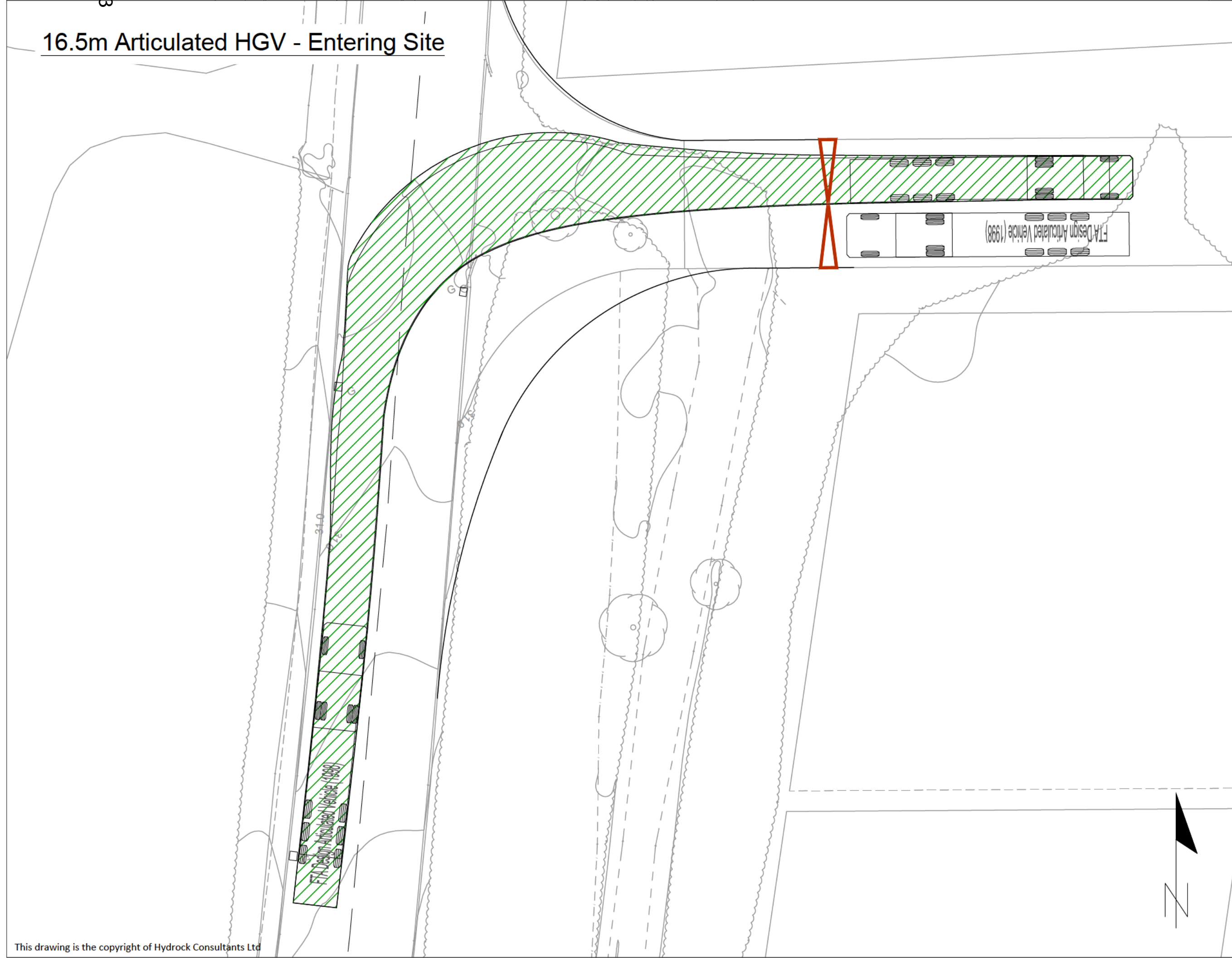
SECTIONAL ELEVATION A-A (3) (Scale 1:100 @ A1)

REV	NOTES	BY	DATE
<div><div><div>TDA THE GRANARY NEWLAND FAWR FARM LLANGAN VALE OF GLAMORGAN CF35 5DN TEL: 01446 789367</div><div> Environment • Landscape • Design</div></div><div>CIENT<div></div></div><div><div>DRAWING NUMBER TDA.2433.07</div><div>SCALE VAR @ A1</div></div><div><div>DRAWN RhC</div><div>DATE JUNE 2019</div></div><div>PROJECT PROPOSED SHOWMAN'S SITE ON LAND OFF OLD GLOUCESTER ROAD, STAVERTON</div><div>DRAWING TITLE SECTIONAL ELEVATION A-A</div></div>			

16.5m Articulated HGV - Leaving Site

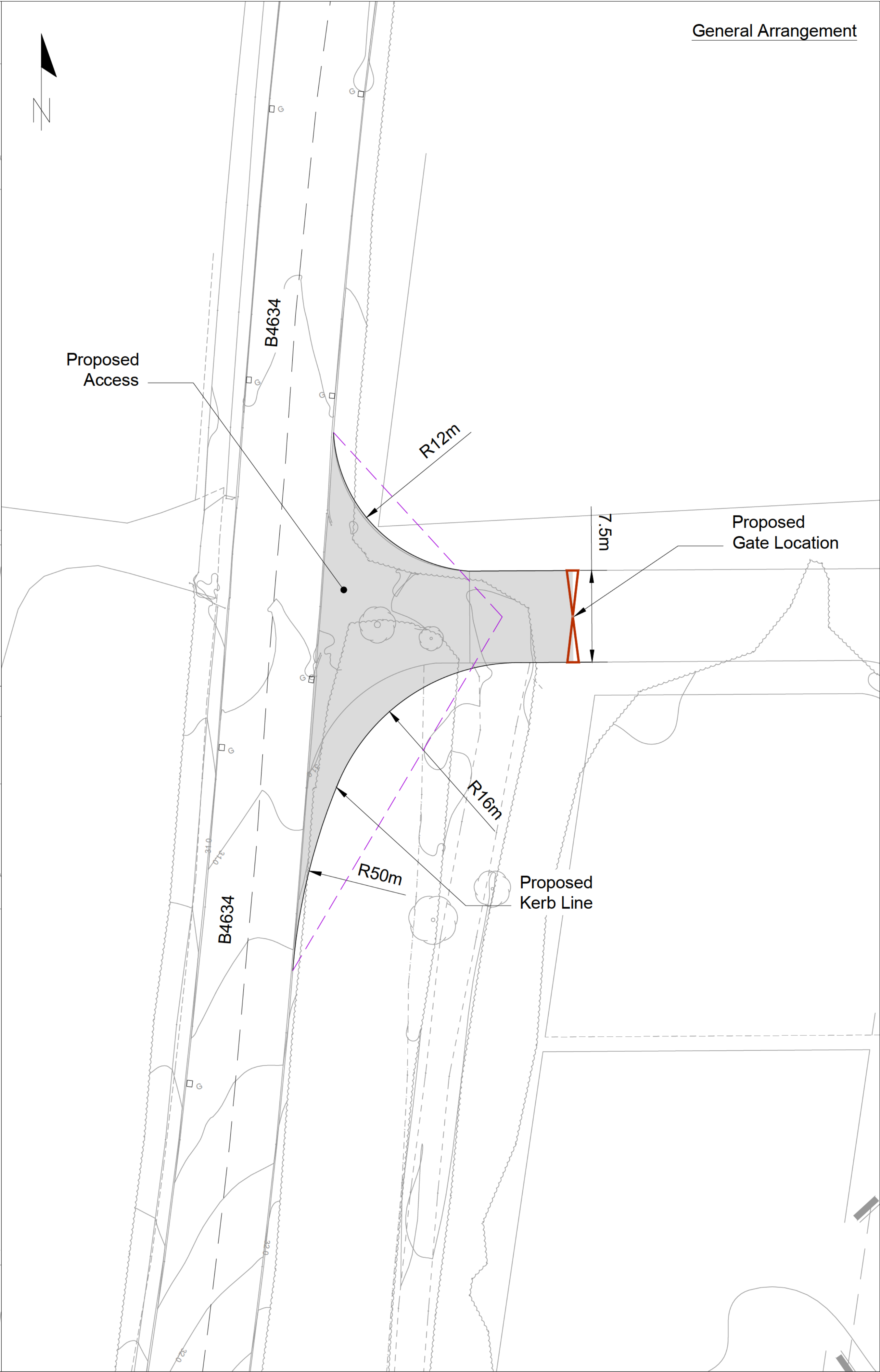


16.5m Articulated HGV - Entering Site



This drawing is the copyright of Hydrock Consultants Ltd

General Arrangement



Notes:

- All dimensions are to be checked on site before the commencement of works. Any discrepancies are to be reported to the Architect & Engineer for verification. Figured dimensions only are to be taken from this drawing.
- This drawing is to be read in conjunction with all relevant Engineers' and Service Engineers' drawings and specifications.

Key:

- Visibility Splay 15m
- New carriageway construction

Vehicular track (FTA Design Articulated 1998)

Overall length	16.480m
Overall width	2.550m
Overall body height	3.870m
Min. body ground clearance	0.515m
Max. track width	2.470m
Lock to lock time	3.00s
Kerb to kerb turning radius	6.550m

P1	23.01.2019	First Issue	TF	AC
Rev	Date	Description	By	Ckd

Architect :

TDA Landscape Design

Hydrock Consultants Ltd
239 Ashley Road
Hale, Cheshire
WA15 9NE
T +44 (0)161 233 0746
www.hydrock.com

Client :

Proposed Showman's Site on
land off Old Gloucester Road

Drawing Title:

Site Access
General Arrangement

Drawing Status:

PLANNING

Hydrock Job No:

C11553

Drawn	Checked	Scale @ A1	Date	Issue Date
TF	AC	1:200	21.01.2019	23.01.2019

Drawing Number:

11553-HYD-02-XX-SK-S-001

Revision:

P1

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	06.03.2020
Site Location:	Land At Homelands Farm, Gotherington Lane, Bishops Cleeve, Cheltenham, Gloucestershire, GL52 8EN
Application No:	19/00758/OUT
Ward:	Cleeve St Michaels
Parish:	Bishops Cleeve
Proposal:	Hybrid planning application, seeking; 1. Full planning permission for 65 residential units (to include affordable housing, public open space, associated highways and drainage infrastructure); and, 2. Outline planning permission, with all matters reserved except access, for up to 2,000 sqm (GIA) small scale employment use (B1 use class) and associated demolition, parking and open space.
Report by:	Mrs Helen Stocks
Appendices:	Site location plan Parameter plan Proposed layout House type – Eveleigh House type – Leverton House type - Mylne Street scene elevations
Recommendation:	Refuse
Reason for referral to committee:	Objection raised by the Parish Council

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the northern edge of Bishops Cleeve and to the south of Gotherington village. It comprises approximately 2.87 hectares of agricultural land (including existing farm buildings) which is bound by open fields to the north, Gotherington Lane to the east and the 'Homelands 2' development to south and west (**see attached location plan**).
- 1.2 The existing farm buildings are located in the northern part of the site, with access gained from Gotherington Lane. The southern part of the site comprises a largely flat, open field which is currently accessed from the north through Homelands Farm. There is mature hedgerow extending along the north and east site boundaries and a small watercourse (Middle Brook) which runs in an east-west alignment across the site and divides the agricultural buildings from the undeveloped field.

- 1.3 The application site lies in open countryside and is not subject to any heritage or landscape designations; the Special Landscape Area is located approximately 150 metres north of the existing farm buildings. There is a planned cycle path to the east of the site, on the opposite side of Gotherington Lane which was consented as part of the earlier 'Homelands' and 'Cleevelands' development, and would provide an off-road connection between Bishops Cleeve and Gotherington.
- 1.4 The site is located in Flood Zone 1 as defined on the Environment Agency's Flood Risk Maps.
- 1.5 It is material to note that the application site is identified as an emerging allocation - BIS2 (residential) and EMP2 (employment) - in the Pre-submission Tewkesbury Borough Plan (October 2019).
- 1.6 The current application is a hybrid application insofar as it seeks both full planning permission and outline planning permission for different elements of the proposed development:
- Full planning permission is sought for the erection of 65 dwellings to include affordable housing, public open space, associated highways and drainage infrastructure.
 - Outline planning permission is sought for the provision of up to 2,000 sqm (GIA) small-scale employment use (B1) and associated demolition, parking and open space. All matters are to be reserved for future consideration except for access.
- 1.7 The description of development has been amended over the course of the application, following the submission of revised plans, and the total number of proposed residential dwellings has been reduced from 70 to 65 units. The application sets out 40% of the proposed dwellings would be affordable, with a suggested tenure split of 75% social-rented and 25% shared ownership.
- 1.8 Access to the residential element of the proposed development would be gained from a sole point of access through the existing 'Homelands 2' development while access to the employment area would be from Gotherington Lane. An indicative layout has been provided in respect of the outline element of the proposal, which indicates the likely character of the development, and how this would relate to and function alongside the planned residential development to the south (**see attached plans**).

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
07/00166/EN Q	Queries concerning application at this site	DONE	
07/00448/OU T	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals.	NONDET	04.09.2007
78/00368/FU L	Erection of farm buildings totalling 5018 sq.m. and formation of a slurry lagoon.	PER	07.11.1978

09/00139/EN Q	Proposed development at Homelands Farm.		
09/00172/EN Q	Proposed outline application for mixed use development.		
09/00066/PR E	Residential development.	DONE	
09/00018/CO ND6	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals. Condition 6 - detailed masterplan.	DISCHA	21.09.2010
09/00014/CO ND8	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals. Condition 8 - detailed phasing scheme.	DISCHA	21.09.2010
09/00013/CO ND10	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals. Condition 10 - surface water drainage strategy.	DISCHA	21.09.2010
09/00029/CO ND6	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals. Condition 6 - detailed masterplan.	DISCHA	11.12.2010
09/00023/CO ND8	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals. Condition 8 - detailed phasing scheme.	DISCHA	11.12.2010
09/00023/CO ND10	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals. Condition 10 - surface water drainage strategy.	DISCHA	11.12.2010
09/01299/AP P	Development of approximately 450 dwellings and ancillary. Development including access proposals at Homelands Farm, North of Bishops Cleeve.	RET	15.03.2010
09/01301/OU T	Development of approx 450 dwellings and ancillary development including access proposals. (Renewal of planning permission 07/00448/OUT).	NOTPRO	21.02.2011

09/01309/FUL	Variation of conditions 6,8 and 10 of planning permission 07/00448/OUT to allow reserved matters applications to be submitted prior to the approval of the Detailed Masterplan, detailed phasing scheme and surface water drainage strategy.	RET	31.01.2012
10/00037/PRE	Proposed development extension and Reserved Matters	DONE	
10/00494/FUL	Engineering operation to create a revised access to land at Homelands Farm.	PER	18.08.2010
10/00001/COND22	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals. Condition 22 - primary vehicular access.	DISCHA	
10/00373/ENQ	Validation query		
10/01005/OUT	Outline application for up to 450 dwellings (use class C3), provision of a local centre comprising 450 SQ.M (total gross internal floor area) of use classes A1, A2, A3, A4 and A5, 500 SQ.M (total gross internal area) of use class B1, A, B, C accommodation, 350 SQ.M (gross internal floor area) of community hall (use class D1), 700 SQ.M (total gross internal floor area) health, leisure and nursery accommodation (use D1 and D2), strategic parkland (including allotments and orchards) POS facilities and ancillary landscaping, vehicular access and provision of foul, surface water and infrastructure	NONDET	16.07.2012
10/00114/PRE	Homelands approved area, reserved matters submission: Pre application discussion	DONE	
10/01381/APP	Phase 1 of Homelands Farm development for the erection of 44 dwellings including 11 affordable dwellings (Application for Approval of Reserved Matters 07/00448/OUT)	APPROV	11.05.2011
11/00003/COND15	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals. Condition 15 - ecological management plan	DISCHA	22.10.2011
11/00002/COND18	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals. Condition 18 - details of fire hydrants	DISCHA	21.03.2011
11/00003/COND20	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals.	DISCHA	05.08.2011

	Condition 20 - phasing programme of improvements		
11/00002/CO ND21	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals. Condition 21 - improvements to the walking and cycling routes	DISAPP	30.06.2011
11/00001/CO ND23	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals. Condition 23 - details and programme for implementation of link road	DISCHA	03.08.2011
11/00001/CO ND24	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals. Condition 24 - new secondary access junction		03.08.2011
11/00001/CO ND28	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals. Condition 28 - travel plan	DISAPP	03.08.2011
11/00001/CO ND30	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals. Condition 30 - temporary car parking area		03.08.2011
11/00001/CO ND34	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals. Condition 34 - scheme to deal with contamination of the site	DISCHA	15.06.2011
11/00003/CO ND1	Engineering operation to create a revised access to land at Homelands Farm. Condition 1 - details of revised access.	DISCHA	30.12.2011
11/00001/CO ND29	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals.	DISCHA	15.06.2011

	Condition 29 -Travel Plan Coordinator		
11/00001/CO ND31	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals. Condition 31 - plant, stacks of materials and vehicle wheel cleaning facilities.	DISCHA	15.06.2011
11/00001/CO ND33	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals. Condition 33 - bus service	DISAPP	30.06.2011
11/00031/PR E	Proposed development.		
11/00043/CO ND2	Engineering operation to create a revised access to land at Homelands Farm. Condition 2 - Programme of archaeological work	DISCHA	
11/00005/CO ND1	Phase 1 of Homelands Farm development for the erection of 44 dwellings including 11 affordable dwellings (Application for Approval of Reserved Matters 07/00448/OUT) Condition 1 - render colour and slate sample	DISCHA	
11/00595/AP P	Phases 2 and 3 of the Homelands Farm consent for the development of 372 dwellings including 115 affordable dwellings.	NODET	12.10.2011
11/00607/OU T	Extension of time limit for the submission of reserved matters applications for outline planning permission 07/00448/OUT.	PER	14.02.2012
11/00632/FU L	Engineering operation: Provision of vehicular and foot/cycle links between Homelands Farm consented area (07/00448/OUT) and current application/ appeal site to the north (10/01005/OUT).	NONDET	02.05.2012
11/00663/OU T	Erection of a small scale 'green' commercial/ business park (up to 4,025 sq m) with associated parking, amenity space, infrastructure, 3 dwellings and a pedestrian and cycle link.	REF	11.05.2012
11/00691/AP P	Alternative scheme for phase 2 and 3 of the Homelands Farm consent for the development of 372 dwellings including 115 affordable dwellings.	APPROV	17.11.2011
11/00805/AP P	Phases 2 and 3 to include 364 dwellings of the Homelands Farm development pursuant to Outline Consent 07/00448/OUT.	RET	
11/00003/CO ND21	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals.	DISCHA	03.08.2011

	Condition 21 - improvements to the walking and cycling routes		
11/00940/FUL	Engineering operation: Provision of vehicular and foot/cycle links between Homelands Farm consented area (07/00448/OUT) and current application/appeal (10/1005/OUT).	PER	27.04.2012
11/00490/ENQ	Query regarding open spaces and play areas etc.		
11/00511/ENQ	Various queries relating to the Homelands site.	DONE	
12/00001/CONDA4	Application for approval of details subject to condition 4 of planning application ref: 10/01381/APP	DISCHA	20.04.2012
12/00001/CONDA28	Outline application for the erection of approximately 450 dwellings and ancillary development including access proposals. Condition 28 - travel plan	DISCHA	
12/00256/CLP	Temporary use of land for the purposes of a temporary construction compound in association with the operations being carried out adjoining land at Phase 2 of Homelands 1 (application ref:- 11/0691/APP).	CLPCER	04.04.2012
12/00035/CONDIS	Application for approval of details subject to conditions 2 & 3 of planning permission 11/00691/APP.	DISCHA	16.08.2012
12/00026/MINOR	Substitution of approved stone material bradstone traditional walling colour weathered cotswold to rebastone rustic recon stone colour weathered cotswold.	GRANT	04.06.2012
12/00031/MINOR	Minor amendment to planning application 11/00691/APP - Garage doors added to Plots 161 and 152	GRANT	13.08.2012
12/00434/ENQ	Organic Anaerobic Digestion Biogas facility.	DONE	30.01.2013
12/00435/ENQ			
13/00031/CONDIS	Application for the approval of details subject to condition 30 of planning application 10/01005/OUT and further to subsequent Appeal Decision.	DISCHA	13.06.2013
13/00033/CONDIS	Application for the approval of details subject to condition 30 of planning application 10/01005/OUT and further to the subesquent Appeal decision.		
13/00063/CONDIS	Application for the approval of details subject to condition 28 of planning application 10/01005/OUT and further to subsequent Appeal Decision.		
13/00211/ENQ	Amendment to plots 132-134.		

13/01109/OUT	Proposed variation to Conditions 1 and 2 of outline planning permission 10/01005/OUT for the erection of up to 450 dwellings to allow for changes to the phasing of development: moving a parcel of 10 dwellings from Phase 1 to Phase 3; and moving local centre to a new Phase (4).	NOTPRO	26.11.2019
14/00002/PRE			
14/00008/MINOR	Non-material amendment for 11/00691/MINOR	GRANT	31.03.2014
14/00033/CONDIS	Application for the approval of details subject to conditions 3 & 10 of planning application ref 10/01005/OUT	DISCHA	15.01.2015
14/00316/APP	Phase 1 of Homelands 2 development for the erection of 133 dwellings including 53 affordable dwellings pursuant to Outline Consent 10/01005/OUT.	APPROV	23.12.2014
14/00481/APP	Reserved Matters application in respect of Phase 1B of outline planning permission (10/01005/OUT) for 22 dwellings (use class C3), 448 sqm of Use Class A floorspace, 500 sqm of Use Class B1 floorspace, strategic parkland, POS facilities and ancillary landscaping, vehicular access and provision of foul, surface water and infrastructure .	APPROV	01.12.2014
14/00028/MINOR	Non-material amendment to application 11/00691/APP amended public open space design phase 2 and 3 of Homelands Farm	GRANT	20.10.2014
14/00694/APP	Reserved Matters application in respect of Phase 1B of outline planning permission (10/01005/OUT) for 22 dwellings (use class C3), 448 sqm of Use Class A floorspace, 500 sqm of Use Class B1 floorspace, strategic parkland, POS facilities and ancillary landscaping, vehicular access and provision of foul, surface water and infrastructure. (Duplicate application to 14/00481/APP).	APPROV	24.04.2015
14/00097/CONDIS	Application for approval of details subject to conditions 17, H28.1 and H28.2 of planning application ref 10/01005/OUT	DISCHA	15.01.2015
14/00107/CONDIS	Application for the approval of details subject to condition 16 of planning application ref 10/01005/OUT	DISCHA	23.03.2015
14/00290/PRE	Reserved matters application for 127 dwelling and associated works at phase 2 of Homelands Farm following outline approval reference 10/01005/OUT	DONE	
14/01269/APP	Phase 3a Reserved Matters details under the outline planning permission for Homelands 2 (10/01005/OUT) in respect of 3 residential dwellings (Use Class C3) forming part of Phase 3.	APPROV	24.04.2015
14/00189/CONDIS	Application for the approval of details subject to conditions 2 & 27 of planning application ref 10/01005/OUT	DISPAR	14.04.2015
15/00012/CONDIS	Application for approval of details subject to conditions 2,3 & 4 of planning application 14/00316/APP	DISPAR	09.06.2015

15/00449/AP P	Reserved matters application for 52 residential dwellings (Use Class C3), LEAP area, public open space, allotments, road and drainage infrastructure in Phase 3B of outline planning permission (10/01005/OUT).	APPROV	12.11.2015
15/00071/CO NDIS	Application for approval of details subject to condition 3 of planning application ref 14/01269/APP	DISCHA	24.07.2015
60/00202/OU T	Outline application for the erection of two farm workers' cottages. Construction of vehicular and pedestrian accesses.	PER	15.11.1960
60/00203/FU L	Erection of Dutch Barn	PER	15.11.1960
61/00223/AP P	Proposed erection of one pair of agricultural worker's houses.	APPROV	21.02.1961
68/00218/OU T	Outline application for a Farm Manager's house.	PER	16.08.1968
15/00869/FT P	Alterations to a public right of way. To alter the legal route of Bishosp Cleeve Footpath 11.		
15/00107/CO NDIS	Application to discharge Condition 2 of reserved matters approval ref. 14/00694/APP	DISCHA	25.09.2015
15/00108/CO NDIS	Application to discharge Condition 2 of reserved matters approval ref. 14/01269/APP	DISCHA	25.09.2015
15/00011/CO NF	Confirmation of S106 agreements at Coswlip Drive, Washpool Road, Gotherington Land, Gorse Road, Tawny Close, Greenfinch Road and Wagtail Grove	NOTPRO	15.12.2016
15/00076/MI NOR	Phase 3a Reserved Matters details under the outline planning permission for Homelands 2 (10/01005/OUT) in respect of 3 residential dwellings (Use Class C3) forming part of Phase 3.	GRANT	23.10.2015
15/01159/AP P	Erection of new community building incorporating community hall and nursery accommodation.		
15/00148/CO NDIS	Application for approval of details subject to Condition 10 of planning application ref: 10/01005/OUT	DISCHA	05.01.2016
15/00287/PR E	Erection of 190 dwellings on site, with 450 dwellings across Homelands II		
15/01220/FU L	Proposed re-plan of plots 233-237 & 249-253 to accommodate the definitive route of public right of way.	PER	02.03.2016
15/00157/CO NDIS	Application for approval of details subject to condition(s) 3 of planning application ref 15/00449/APP	DISCHA	09.02.2016
15/01236/FU L	Application to vary condition 7(i) of application 10/01005/OUT to either: remove the condition or; to reduce the requirement to raise finished floor levels above the proposed ground level from 300mm to 150mm.	PER	05.02.2016

15/00176/CO NDIS	Application for approval of details subject to condition(s) 2 of planning application ref 15/00449/APP	DISCHA	24.03.2016
16/00093/FU L	<p>Condition Number(s): H29</p> <p>Conditions(s) Removal:</p> <p>The condition is designed to work with a previously approved phasing programme when the different phases were intended to be delivered consecutively, one after the other. An updated condensed phasing programme (6 years down to 3 years) was approved by the Borough Council during 2015 that represented the fact that there were going to be three different housebuilders active on site all intending to deliver their respective phases simultaneously. A varied condition to reflect the on-site build programme would avoid any potential delays but also ensuring the appropriate infrastructure is delivered in a timely manner.</p> <p>Phase 3 of the development shall not begin until full engineering details and a specification of the Gotherington Lane traffic calming scheme and Gotherington to Bishop's Cleeve cycle route shown on drawing PL01 rev A, as amended by PL11 rev A, have been submitted for technical approval by the Local Highway Authority. No more than 350 residential dwellings within the development shall be occupied until technical approval has been given by the Local Highway Authority and all highways works, not otherwise provided by others, have been completed in accordance with the approved plans, details and specification</p>	NOTPRO	26.11.2019
16/00002/CO NF	Confirmation of discharge of condition 33 of application 07/00448/OUT	DONE	03.08.2016
16/00025/CO NDIS	Application for approval of details subject to condition 3 (building samples) & Condition 6 (design and details of all boundary treatments) of planning application 15/00575/APP.	DISCHA	24.07.2017
16/00026/CO NDIS	Application for approval of details subject to condition 2 of planning application ref 15/00575/APP.	GRANT	20.06.2016
16/00030/CO NDIS	Application for approval of details subject to conditions 33 of planning application 07/00448/OUT.	DISCHA	18.04.2016
16/00029/MI NOR	Non-material amendment to application reference 10/01005/OUT / 15/00449/APP	GRANT	06.06.2016
16/00044/MI NOR	Alternative scheme for phase 2 and 3 of the Homelands Farm consent for the development of 372 dwellings including 115 affordable dwellings (11/00691/APP).		
16/00078/CO NDIS	Application for approval of details subject to condition 3 of planning application 14/00694/APP.		

16/00739/AP P	Reserved Matters details for 113 residential dwellings (Use Class C3), public open space, allotments, road and drainage infrastructure in Phase 3C of the outline planning permission for Homelands 2 (10/01005/OUT)	APPROV	30.11.2016
16/00124/CO NDIS	Application for approval of details subject to condition 10 of planning application ref 10/01005/OUT		27.02.2017
16/00179/PR E	Small mixed-use development to include B1 and B8 uses, three residential units and associated parking, amenity space and landscaping.	DONE	16.11.2016
17/00038/CO NDIS	Application for approval of details subject to condition 3 (External Materials) of planning application ref 16/00739/APP.	DISCHA	27.06.2017
17/00015/MI NOR	Non material minor amendment to application 15/00449/APP	GRANT	26.05.2017
17/00477/FU L	Variation of conditions 1 and 3 of planning permission reference 14/00694/APP	WDN	01.09.2017
17/00008/CO NF	Condition compliance for 07/00448/OUT - condions 1-9, 11-14, 16, 17, 19, 22, 25-29, 30-32, 34-37 10/01381/APP - condtion 2, 3 11/00607/OUT - condtions 1-32 11/00691/APP - condtion 1 Unilateral undertaking dated 05/03/2008, Section 106 agreement dated 29/02/2012 and Section 106 agreement dated 23/08/2012	DONE	21.06.2017
17/00106/CO NDIS	Notwithstanding the submitted details, before work starts, the design and details of all boundary treatments shall be submitted to and approved in writing by the local planning authority. All boundary treatments shall be implemented in accordance with the approved details and retained as such therefore unless otherwise agreed in writing by the local planning authority.		
17/00150/CO NDIS	Application for approval of details subject to condition 2 of planning application ref number 16/00739/APP	DISCHA	02.10.2017
18/00281/FU L	Application for alternative vehicular access for the eastern allotments as approved through outline planning permission 10/01005/OUT and Reserved Matters approval 16/00739/APP.	PER	05.06.2018
18/00027/MI NOR	Non material minor amendment for planning application 10/01005/OUT	GRANT	01.05.2018
18/00040/MI NOR	Non material minor amendment for planning application 10/01005/OUT	GRANT	17.10.2018
18/00140/PR E	Residential and employment on 2.87 ha	DONE	31.07.2019
19/00758/OU T	Hybrid planning application, seeking; 1. Full planning permission for 65 residential units (to include affordable housing, public open space, associated		

	highways and drainage infrastructure); and, 2. Outline planning permission, with all matters reserved except access, for up to 2,000 sqm (GIA) small scale employment use (B1 use class) and associated demolition, parking and open space.		
19/00004/CO NF	Confirmation that all conditions under planning reference 10/01381/APP, 11/00607/OUT, 11/00940/FUL have been complied with. Confirmation that there are no financial obligations outstanding in Unilateral Undertaking dated 5 March 2008.	DONE	30.09.2019

3.0 RELEVANT POLICY

3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 National guidance

National Planning Policy Framework (NPPF; 2019)
Planning Practice Guidance

3.3 Development Plan

3.4 Joint Core Strategy, Adopted 2017

SP2 – Distribution of New Development
SD1 – Employment – Except Retail Development
SD4 – Design Requirements
SD6 – Landscape
SD9 – Biodiversity and Geodiversity
SD10 – Residential Development
SD11 – Housing Mix and Standards
SD12 – Affordable Housing
SD14 – Health and Environmental Quality
INF1 – Transport Network
INF2 – Flood Risk Management
INF3 – Green Infrastructure
INF4 – Social and Community Infrastructure
INF6 – Infrastructure Delivery
INF7 – Developer Contribution

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

RCN1 – Outdoor Playing Space

3.5 Pre-Submission Version Tewkesbury Borough Plan (PSTBP; 2019)

RES1 – Housing Site Allocations
RES5 – New Housing Development
EMP2 – Rural Business Centre
DES1 – Advertisements, Signs & Notice Boards
LAN3 – Strategic Gaps
NAT1 – Biodiversity, Geodiversity and Important Natural Features
NAT3 – Green Infrastructure: Building with Nature
RCN1 – Public Outdoor Space, Sports Pitch and Sports Facility Provision
TRAC1 – Pedestrian Accessibility
TRAC2 – Cycle Network & Infrastructure
TRAC9 – Parking Provisions

3.6 Neighbourhood Plan

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

3.8 The First Protocol, Article 1 (Protection of Property)

3.9 Tewkesbury Borough Flood and Water Management SPD (2018)

4.0 **CONSULTATIONS**

4.1 **Bishops Cleeve Parish Council** - Object to the original and revised proposal for the following reasons (as summarised):

- Existing infrastructure cannot support additional housing. Schools are at capacity.
- Gotherington Lane is a country road which is coming under significant pressure from existing traffic and poor investment. The proposal would have long term infrastructural impacts for Bishops Cleeve.
- The application site is prime agricultural land which is of economic and environmental benefit.
- No on-site social infrastructure has been provided, with the nearest park/play area already serving a significant number of new homes.
- The proposed design subpar and fails to respect the character and appearance of Bishops Cleeve.
- Bishops Cleeve 'village' has been inundated with large scale residential development and is at saturation point in terms of absorbing new homes at a sustainable rate. This proposal will result in harm to social wellbeing and community cohesion.
- Homelands Farm is not a suitable location for employment. The additional traffic generation would be unacceptable.
- The submission of a hybrid application is unusual and suggests the developer is using this guise to somehow make the proposal more palatable.
- Further large scale development in Bishops Cleeve would skew the JCS spatial strategy. Future residential development should focus on Tewkesbury town - the principal settlement - where there is greater service provision, employment opportunities and close proximity to M5 corridor.

Gotherington Parish Council - Object to the original and revised proposal. In respect of the revised scheme, it is commented that the reduction in numbers by a small amount has not changed the Parish Council's original comments. The site was originally designated as a school site, required because of lacking infrastructure. This issue has not been addressed.

Urban Design Officer - No objection following the submission of revised plans which made amendments to the site layout and clarified the boundary treatments fronting onto areas of open space.

County Highways Authority - No objection subject to conditions for layout and access to be constructed in accordance with the submitted details.

Landscape Advisor - No objection to the revised proposal, although it is commented that additional planting should be provided in the landscaped green edge. Recommend conditions to secure planting details, the informal play equipment and landscaping details to be provided in connection with outline proposal.

Consultant Ecologist - No objection following submission of additional information, subject to conditions.

Tree Officer - No objection following submission of revised plans which increase the number of street trees across the development. Recommend conditions for the protection of existing trees to be retained.

Strategic Housing & Enabling Officer - The revised plans provide a positive schedule and affordable housing mix although it would be preferable to secure a 1x 4-bed social rented property on site to meet the identified housing needs.

Lead Local Flood Authority - No objection subject to conditions.

Severn Trent Water - No objection subject to condition.

County S106 Officer - Objection. GCC is currently discussing the need for a new school site with Tewkesbury BC to meet the requirement for places generated by developments across Bishops Cleeve. In the meantime GCC has no choice but to object to all Bishops Cleeve Primary Planning Area developments until a new primary school site becomes available; when this happens we will require a full s106 contribution towards school provision.

County Minerals & Waste - A detailed waste minimisation statement accompanies the application. No further comments.

Environmental Health Officer - No objection in terms of noise disturbance / pollution. In respect of the outline element of the proposal, any subsequent reserved matters should consider the layout in terms of plant equipment areas so that the commercial buildings can act as a screen to residential development.

Natural England - No objection.

County Archaeologist - No objection. The site is at low risk of archaeological remains and no further survey works would be required.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the posting of a site notice for a period of 21 days and press advert.

5.2 **Local Residents** - The application has been publicised in the Gloucestershire Echo and by the display of site notices allowing 21 days for any representations. A total of 21 letters of representation have been received in respect of the original proposal which raise the following objections / concerns (as summarised):

- The development would not be in keeping with the Gotherington NDP and would increase coalesce between Gotherington and Bishops Cleeve, undermining their separation.

- The ability of the roads to cope at peak times with the increase in traffic movements within the village and surrounding area.

- If approved, traffic should not be allowed to turn left out of the site to transit via Gotherington. Gotherington Lane is already used as rat-run and this will only add to the issue, reducing safety of pedestrians that cross the lane.

- The lack of safe crossing points for children walking to local schools from the north of the village, particularly on Finlay Way and Station Road.
- Clarification on access point for construction traffic. Linden Homes have informed this would be via Gotherington Lane. Any other route would have a negative impact on Homelands residents, road safety and the newly surface roads.
- There would be an increased amount of light pollution in the surrounding area. No street lighting or lighting leading to further light pollution should be allowed.
- There is a lack of infrastructure within the village to support additional developments; the existing village has facilities to support a 'village' not a small town.
- Sharing Grove and Croft Drive would become a thoroughfare as the primary access route to the proposed development. These internal estate roads are not equipped to accommodate traffic for the proposed development and there would be a danger to highways safety.
- Croft Drive is much too narrow for access to more than the existing two properties it serves and would be unsuitable for emergency vehicles and refuse trucks. Any widening of the access would compromise the designated green space.
- The proposal will decrease water drainage of the area by introducing more hard surfaces.
- New housing will increase noise and light pollution and create further waste and mess. The existing Homelands development already has a lot of rubbish surrounding the perimeter that is never cleaned up.
- The Statement of Community Involvement (SCI) is misleading in that some attendees were not offered the opportunity to complete a feedback form. New residents had been promised that no further housing would be built.
- Bishops Cleeve needs to be improved for existing residents before building new dwellings.
- The development will negatively impact on views from property.
- There does not seem to be any reason why the new residential development cannot be accessed directly from Gotherington Lane or through the Homelands Farm where the proposed business units are to be built.
- New development should be directed to brownfield sites, of which there are many in Gloucestershire.
- There is existing planning permission for hundreds of houses in this locality which are still to be built. These developments should be completed before granting planning permission for any more.
- The public transport provision in this area is very poor and there is no footpath and cycle paths to/from Gotherington past this area. Gotherington Lane is unsafe.
- Loss of hedgerows and wildlife.
- The application site should be used to accommodate a new school, where the community is being developed to enable walking to school rather than additional car journeys.

6.0 **POLICY CONTEXT**

- 6.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of The Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority 'shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations.'

- 6.2 The development plan comprises the Joint Core Strategy (JCS) (2017) and saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).
- 6.3 The Pre-Submission version of the Tewkesbury Borough Plan (PSTBP) was approved for publication and submission at the Council meeting held on 30 July 2019. On the basis of the stage of preparation the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded limited to moderate weight, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).
- 6.4 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework.
- 6.5 The relevant policies, and where necessary the weight to be afforded to them, are set out in the appropriate sections of this report.

7.0 **ANALYSIS**

- 7.1 The key issues to be considered in relation to this application are considered to be: the principle of development, scale and layout, house types, affordable housing provision, residential amenity, landscaping, ecology, highway and parking issues, flood risk and drainage, public open space and infrastructure requirements.

Principle of Development

Residential - 65 new dwellings

- 7.2 The application site is outside the recognised development boundary for Bishops Cleeve, as identified in the Tewkesbury Borough Local Plan to 2011 Proposals Map. It is however located adjacent to the northern edge of Bishops Cleeve and adjacent to the 'Homelands 2' development.
- 7.3 Bishops Cleeve is defined as a Rural Service Centre in the JCS and is recognised as a settlement that contains "higher range of services and facilities". JCS Policy SP2 sets out that Rural Service Centres and Service Villages will accommodate lower levels of development to be allocated through the Borough Plan and Neighbourhood Development Plans (NDPs), proportional to their size and function, and also reflecting their proximity to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts including existing levels of growth over the plan period.
- 7.4 With regard to the residential element of the proposal, JCS Policy SD10 is the relevant starting point in considering the principle of development. Policy SD10 sets out the Council's approach to housing development and states that residential development will be permitted at sites allocated for housing through the development plan. Proposals on unallocated sites will only be permitted under certain circumstances, none of which apply to the proposed development. The application is therefore in conflict with JCS Policy SD10 and this weighs against the proposal.
- 7.5 Notwithstanding the above conflict with the Development Plan, the application site does feature as one of the identified Housing Site Allocations for Bishops Cleeve in the PSTBP (2019) and would be included within the proposed residential

development boundary for the settlement. Emerging Policy RES1 (Housing Site Allocations) considers the application site to have an indicative capacity for 35 dwellings, with site specific requirements sets out in emerging Policy BIS2 (Land at Homelands Farm) as follows:

- Development should be well integrated with the adjacent housing development to the south and west;
- A landscaped green edge should be provided to the north of the site corresponding to, and providing visual and functional connectivity with, the green infrastructure in the adjacent development (Homelands 2) and providing biodiversity net gains;
- Vehicular access should be from the adjacent development to the south unless demonstrated not to be feasible; and
- Pedestrian and cycle connectivity with Gotherington Lane and the adjacent to the south and east should be achieved.

- 7.6 The PSTBP can be afforded limited weight at this stage of its preparation, with an unresolved objection to the site's allocation for housing development from Gloucestershire County Council on grounds that there is insufficient primary school provision available to meet the needs of local residents. It is cited that there has already been significant new housing development at several sites to the north of Bishops Cleeve in recent years with no site allocated for new primary school provision to serve these developments (this is discussed in more detail below). The nature of this unresolved objection to the allocation of this site means only limited weight can be afforded to emerging Policy BIS2 in accordance with paragraph 48 of the NPPF (2019).

Five Year Housing Land Supply

- 7.7 While the proposal is contrary to JCS Policy SD10, it is also currently the case that the Council cannot demonstrate a five year supply of deliverable housing sites. It is the Council's current position that a 4.33 years supply of housing can be demonstrated. In this scenario, paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means:
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 7.8 The NPPF clarifies (footnote 7) that planning policies for housing will be judged out of date, inter alia, where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Furthermore, there are no policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development in this instance. It is therefore considered that the 'tilted balance' is engaged.

Employment - up to 2,000 sqm (GIA) use class B1

- 7.9 For the purposes of JCS Policy SD1, the application site is located within the wider countryside where employment-related development will be supported provided

that it is:

- a) located within or adjacent to a settlement or existing employment area and of appropriate size and scale;
- b) employment-generating farm diversification projects, which are of an appropriate scale and use, particularly where they involve the re-use of appropriate redundant, non-residential buildings.

- 7.10 Emerging Policy EMP2 of the PSTBP identifies the northern part of the application site as a Rural Business Centre. The allocation itself is larger than the application site, measuring approximately 1.4 hectares, and extends to include the existing agricultural buildings to the west. The reasoned justification for this emerging policy sets out that the Homelands Farm allocation is considered appropriate on the basis that it relates to redundant farm buildings that would be suitable for conversion and/or redevelopment in accordance with Policy EMP2.
- 7.11 The employment element of the proposal is submitted in outline form. The site is considered to be located adjacent to Bishops Cleeve and its redevelopment for employment use would be of an appropriate scale and character when considered in relation to the surrounding context. It would be located in close proximity to existing and proposed residential development and would expand the local services and facilities available to existing and future residents in a location easily accessible by sustainable transport modes. The principle of development is therefore considered acceptable and would accord with JCS Policy SD1 (v) and emerging Policy EMP2 of the PSTBP.

Conclusion on principle of development

- 7.12 The proposed employment use is deemed acceptable in principle in accordance with JCS Policy SD1. However, the residential element of the proposal is not compliant with the requirements of JCS Policy SD10. There are emerging policies in the PSTBP which support the proposed development but these can only be afforded limited weight at present. The Council's five year housing land supply position means the 'titled balance' is engaged. Thus, there is a presumption in favour of sustainable development where planning permission should be granted unless there are adverse impacts resulting from the proposal that would significantly and demonstrably outweigh the benefits.

Access to local services and facilities

- 7.13 Bishops Cleeve is one of two Rural Service Centres in the Borough, along with Winchcombe, which are envisaged, as set out in JCS Policy SP2, to accommodate "in the order of" 1860 new homes in addition to existing commitments. Its status as a Rural Service Centre means Bishops Cleeve is recognised as a sustainable location for accommodating future growth. It benefits from a wide range of services and facilities, including public transport provision, which would be within reasonable walking distance from the application site. The proposal itself would also generate additional employment opportunities (approximately 2,000sqm of flexible office space to support at least 150 FTE jobs) to the benefit of new and existing residents that would further contribute towards the sustainability of the settlement, enabling people to live and work in the same area.
- 7.14 The Tewkesbury Borough Plan Housing Background Paper (HBP) (October 2019) provides an 'indicative' housing requirement for the Rural Service Centres by disaggregating the SP2 allocation according to their size, function and proximity/accessibility to Cheltenham/Gloucester. Bishops Cleeve is given an

indicative requirement of 1,263 dwellings; this would increase the size of the Service Village by approximately 28%. The HBP acknowledges there have already been 1,638 dwellings committed at the settlement within the plan period (as of April 2017), the most significant being at Cleavelands (550 dwellings) and Homelands Farm (866 dwellings). By reason of its publication date, the HBP does not take account of recent planning permissions, particularly the 215 dwellings at Stoke Road (ref: 18/00249/OUT) and the additional 40 dwellings at Cleavelands Phase 3 (ref: 18/01146/FUL) over and above the previous consents relating to the site. The inclusion of these recent permissions means there would be 1,893 dwellings already committed at Bishops Cleeve within the plan period.

- 7.15 Notwithstanding this increase in housing commitments, the PSTBP does acknowledge that the proposed site allocations for Bishops Cleeve would collectively provide in excess of the remaining JCS Policy SP2 requirement. It is subsequently made clear that the SP2 requirement is not intended to represent an upper limit to housing development at Rural Service Centres and Service Villages provided that the levels of housing growth identified for each settlement are balanced alongside the size, function and accessibility of the settlement whilst avoiding adverse environmental and social impacts. On this matter, the Inspector for the Stoke Road appeal (ref: APP/G1630/W/19/3229581) concluded that Bishops Cleeve is an appropriate location for development in accordance with the settlement strategy as set out in the JCS. It was reasoned that there was no evidence to suggest that Bishop's Cleeve, as a Rural Service Centre, lacks the physical, environment or social capacity to accommodate the appeal scheme and the infrastructure demands arising from the appeal proposal could be met with the provision of justified contributions in a planning obligation or through the CIL payment.
- 7.16 In terms of considering the current proposal, it is therefore necessary to assess whether the proposed housing development would be balanced alongside the size, function and accessibility of the settlement in the context of its designation as a Rural Service Centre and proximity to Cheltenham and Gloucester.
- 7.17 JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to cumulative impact, new development should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through s106 and CIL mechanisms as appropriate.
- 7.18 Several objections have been received from local residents and Bishops Cleeve Parish Council citing concerns over the lack of social infrastructure to accommodate additional housing growth. Gloucestershire County Council (GCC) has also objected to the proposal on grounds there is no capacity within existing schools to cater for the needs of children arising from the proposed development. GCC has calculated the pupil yield for each phase of education in respect of the revised proposal for 65 dwellings as follows:
- Pre-school: 15 pupils
 - Primary: 24 pupils
 - Secondary: 13 pupils

- 7.19 These figures have been generated using the GCC Guidance 'Child Yields in New Developments' where it is stated that planning contributions will be required in all cases where there is no identified surplus in the forecast for school places. A planning obligation has been sought towards each educational phase (pre-school, primary and secondary) on the basis that there is no capacity to accommodate the needs of new residents resulting from the proposed development. Notwithstanding the requested contribution in respect of primary education, GCC has identified primary school provision as a significant issue as there is no capacity within existing primary schools and currently no school site available in which to direct the requested sum. GCC has also objected to the draft allocation of the site in the emerging Borough Plan on this basis, and further information has been provided within that objection to substantiate the reason for their position. It is stated that there are five primary schools within the Bishops Cleeve area of Cheltenham and, with the exception of Gotherington Primary School, all primary schools have expanded to increase their reception intake due to the rise in birth rate and new housing developments in the area:

Bishops Cleeve Primary Academy permanently expanded from 1 form of entry (FE; 30 places per year group) in 2013 to become a 3 FE primary school (total 630 places);

Grangefield Primary School permanently expanded by 0.5 FE (15 places) on a temporary basis in 2015 and 2016 and permanently expanded by 1 FE (30 places) in 2017 to become a 2 FE primary school (420 places);

Tredington Community Primary School increased the school's Published Admission Number (PAN) from 12 to 14 places per year group in 2015. There has been a further permanent increase in PAN to 18 places per year group in 2019 (126 places); and

Woodmancote School expanded by 0.5 FE (15 places) on a temporary basis in 2015 and permanently expanded in 2016 to become a 2 FE primary school (420 places).

- 7.20 GCC has advised that there are limited provisions to further increase these schools to meet the additional demand on the basis that they have already been expanded to their maximum capacity in order to meet demand arising from early housing developments. It is subsequently advised that there is a current need from existing and approved housing for a 3 FE primary school to accommodate 630 pupils. The current application, which generates a primary school pupil yield of 24 pupils, would be in addition to these 630 places.
- 7.21 GCC has reiterated that it has a statutory obligation to ensure there are sufficient school places available where they are needed. The previous demand has been met through expanding existing primary schools. However, for the reasons stated above, these schools are unable to accommodate any future demand for places. GCC has therefore objected to the current proposal and has advised that no new housing development should be approved within the 'Bishops Cleeve Primary Planning Area' until a new school site becomes available. GCC would not otherwise be able to meet its statutory duty to deliver sufficient school places. The objection to this application stands irrespective of the developer's willingness to enter into a section 106 agreement to secure education contributions as there is currently no school site available in which to direct the requested sums.
- 7.22 The demonstrable absence of primary school capacity for meeting the needs arising from the proposed development, contrary to Policy INF6 of the JCS. This weighs significantly against the proposal in the overall planning balance.

Design and Layout

- 7.23 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. JCS Policy SD4 advises that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. PSTBP Policy RES5 similarly requires high quality development for new housing.
- 7.24 Full planning permission is being sought for the residential element of the proposal meaning the scale, layout and detailed design are for consideration at this stage. Officers initially raised concern in respect of the quantum of development for the original proposal (70no. dwellings) and questioned the scheme's ability to comply with the site-specific requirements in respect of emerging Policy BIS2 of the PSTBP which requires, amongst other things, development to be well integrated with adjacent housing development to the south and west and for a landscaped green edge to be provided to the north of site. In particular, it was considered that the provision of 70no. dwellings compromised the proposal's ability to achieve the landscaped green edge with a turning-head already shown to encroach into the narrow strip of land between the residential dwellings and proposed employment area.
- 7.25 Following detailed discussions, the number of proposed residential dwelling was reduced to 65 units and the description of development was amended accordingly. The revised plans show the overall perimeter block layout would remain the same and would be consistent with the housing layout of 'Homelands 2'. The area of public open space has been increased in the north-west part of the site to aid the creation of a feathered landscape edge and the proposed dwellings along the northern boundary have been spaced to give a 'looser' feel to the development. The revised plans also show the turning head has been removed from the landscape buffer and formal/informal footpath connections have been shown through to the adjoining public open space to the west and provision made for an informal play trail.
- 7.26 The Urban Design Officer has been consulted on the revised plans and is satisfied with the proposed layout. Further amendments have been made to address the Urban Design Officer's comments in terms of securing an active frontage onto areas of public open space by the turning of plots and minor alterations to the house types to ensure there are sufficient window openings on those dwellings which abut the open space in order to provide natural surveillance. Clarification has also been provided in respect of the proposed boundary treatments, with a mixture of brick walling and railings to be constructed in areas which border the open space and internal roads, to afford privacy to garden areas without compromising the character and appearance of the public realm and wider street scene with long runs of fencing.
- 7.27 The majority of parking would be provided on-plot, either to the side of dwellings within individual parking bays and garages set back behind the building line to allow both ease of access to the dwellings and prevent vehicles from dominating the street scene. Where on-street parking has been provided in respect of the mews/terraced housing, solutions have been included in the form of street tree and shrub planting to enable convenient parking close to the dwellings which they

serve, while also softening the visual impact of parked vehicles, improving the visual appearance of the street scene and providing valuable habitat for wildlife. A number of visitor parking spaces are also shown to be provided along the central road and side roads.

- 7.28 In respect of the proposed employment area, the proposal has been submitted in outline form. However, an illustrative layout plan with an accompanying Design and Access Statement (DAS) has been provided setting out the design rationale. The DAS indicates the design and layout would be reflective of the previous agricultural use of the site and suggests low pitched roofs could be appropriate, helping to blend the proposed office buildings into their rural setting. It also specifies the scale parameters for employment buildings as maximum 2 storeys in height, 10 - 45 metres in length and 5 - 20 metres in width. It is suggested that the proposed materials could comprise reconstituted stone, brick, timber or metal to retain an agricultural appearance.
- 7.29 The concept of retaining an agricultural feel to the development, with the creation of courtyards, is considered appropriate for this edge of settlement location and would aid the urban to rural transition. The Urban Design Officer has no objection to the indicative layout which would sit comfortably alongside the residential element of the proposal. Further consideration to the detailed design, scale, layout and appearance would be discussed and secured as part of any reserved matters approval.
- 7.30 To conclude, it is considered that the site layout is in accordance with the design principles specified in JCS Policy SD4 and would form a logical block structure in keeping with the character of the surrounding area. The proposal is deemed to be of acceptable design which, subject to securing the landscaping planting and boundary treatments, would create an attractive street scene. The hybrid scheme is therefore deemed to comply with JCS Policy SD4 and emerging Policies BIS2 and EMP2 in this regard.

House Types

- 7.31 The house types proposed in this current application are similar to those approved and built as part of the 'Homelands 2' development. There would be variances between the elevational and architectural detail to create interest across the development while ensuring consistency with the local vernacular and neighbouring 'Homelands 2'. The majority of residential dwellings within the development would be 2 storey with a ridge height of 8 metres although there would be some 2.5 storeys dwellings, with a maximum height of 9.2 metres, to add variety to the street scene. The proposed materials - red multi brick and reconstituted stone - are considered acceptable and would reflect the palette of materials used on 'Homelands 2' to ensure a seamless transition between the two development. It is considered that the proposed house types are acceptable subject to conditions to ensure appropriate materials are used.

Housing Mix

- 7.32 JCS Policy SD11 states, amongst other things, that housing development will be required to provide an appropriate mix of dwellings and tenures in order to contribute to mixed and balanced communities and a balanced housing market, and reflect the needs of the most up to date Strategic Housing Market Assessment (SHMA). PSTBP Policy RES13 reflects the JCS Policy. The most up-to-date evidence is from the latest JCS SHMA Update (2015) which identifies that in

Tewkesbury there is a greatest need for two and three bed dwellings, with the highest need being for 3 bedroom properties. The mix proposed in the current application closely reflects this need with 12% of the units being 1-bed, 23% 2-bed, 46% 3-beds and 19% 4-beds. The proposal is therefore considered to provide an appropriate mix of dwellings to contribute towards a balanced and mixed JCS community in line with JCS Policy SD11.

Affordable Housing

- 7.33 Policy SD12 sets out that on sites outside of strategic allocations, a minimum of 40% affordable housing will be sought, should be provided on site and should be seamlessly integrated and distributed throughout the development scheme.
- 7.34 The proposed development would provide 26 affordable houses, which represents a 40% proportion of the 65 dwellings proposed at the site. The proposed affordable housing mix is:
- 8no. 1 bed properties
 - 11no. 2 bed properties
 - 7 no. 3 bed properties
- 7.35 The Council's Strategic Housing Enabling Officer (SHEO) has recommended a 75/25 tenure split between social-rented and shared ownership in line with the latest Strategic Housing Market Assessment (SHMA) outputs. This would be secured by way of a section 106 agreement.
- 7.36 While it is accepted that the proposed dwellings would make a positive contribution towards the delivery of affordable housing in the borough, the SHEO has requested the provision of 1x 4-bed social rented property which would achieve an acceptable mix for this development. It is commented that the proposed mix for open-market dwellings includes 12no. 4 bed dwellings (approximately 30%) and the contribution of 1no. 4-bed affordable unit would be feasible in this location. This matter would be capable of resolution subject to the developer's agreement although no further amendments have been made and there is no signed s106 obligation to address affordable housing.

Residential Amenity

- 7.37 JCS Policy SD4 amongst other things requires that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution. JCS Policy SD14 states that new development must cause no unacceptable harm to local amenity and result in no unacceptable level of noise.
- 7.38 The proposed layout allows for an acceptable relationship between the proposed dwellings and provides for acceptable living conditions. There is also adequate back-to-back separation (approx. 21 metres) between existing and proposed dwellings. The layout is such that there would be no detrimental impact on existing properties in terms of overlooking, loss of light or overbearing impact. The proposal is therefore considered acceptable in this regard.
- 7.39 Environmental Health have been consulted on the proposal and have raised no objection in respect of the relationship between the proposed residential and employment areas which would be separated by the landscape buffer. Further, the Environmental Health Officer does not consider the remaining agricultural

buildings - currently used for grain store, tractor storage and occasional lambing - to have an adverse impact on the amenity of future residents. It is advised in respect of the outline proposal that the site layout should be given careful consideration at reserved matters stage to allow for the positioning of any plant equipment associated with the employment uses to be screened from the residential area by the siting of the proposed B1 commercial units.

Landscape and Visual Impact

- 7.40 JCS Policy SD6 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals should have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.

- 7.41 The Tewkesbury Borough Landscape and Visual Sensitivity Study for Rural Service Villages (2014) advises that Bishops Cleeve is sensitive to development that would reduce the perceived gap between Bishops Cleeve and Gotherington. It is also sensitive to development that is uncharacteristic of the existing settlement form and that protrudes into the open countryside on the expansive vale to the west. The application site falls within a smaller part of land parcel Bish-01 which is assessed as having medium landscape sensitivity and high visual sensitivity. The landscape character is summarised as:

"An open arable landscape set beneath the imposing Cotswold scarp. It is influenced by both the open vale to the west and the steep slopes and high ground of the AONB to the east. New development is proposed to the south which will heavily influence the character of this remaining parcel of land between Bishops Cleeve and Gotherington. [...] There is limited potential to mitigate new development in this open landscape."

"It is overlooked from elevated vantages including valued national trails and popular view points in the AONB. It is prominent in views from the local road network (Gotherington Lane) and the A435. The parcel plays an important role in separating Bishops Cleeve from Gotherington and this represents the greatest visual sensitivity. Consented development (Homelands 2) will reduce the visual gap considerably. This land assessment parcel will increase in its sensitivity to new development that might reduce the perception of the gap further both locally and as seen from elevated vantages."

- 7.42 Emerging Policy BIS2 of the PSTBP has acknowledged the landscape and visual sensitivities of the site and this forms the reasoning behind the site-specific requirement for an indicative capacity of 35 dwellings and a landscaped green edge to be provided to the north. The application has been accompanied by a Landscape and Visual Impact Assessment (LVIA) which considers the topography of the site, combined with hedgerow and tree planting, to limit short and middle distance views towards the site. Distant views of the site are possible from areas with a rising topography i.e. Crane Hill, Cleeve Hill and Nottingham Hill. It is considered that the retention of tree and hedgerow planting along the full extent of the site's eastern boundary with Gotherington Lane will continue to serve as a visual buffer to views of the development. The LVIA concludes that there are no issues arising which would override the benefits of the proposal and reiterates the design principles have been landscape-led.

- 7.43 A number of objections have been received from local residents and Bishops Cleeve and Gotherington Parish Councils in respect of the harm arising from the proposal by virtue of its encroachment into the landscape which would separate the gap between the two settlements. In this instance, the presence of the Homeland farm buildings to the north are considered to moderate the visual impacts of the proposal and would provide a definitive edge to the extent of urban development with countryside beyond. Nevertheless, it is considered important to limit the extent of encroachment northwards towards Gotherington, particularly in light of this proposal also seeking outline consent for the redevelopment of the existing farm buildings which would have an urbanising effect on the site. For this reason, it is considered pertinent to maintain openness and achieve sufficient separation between the proposed residential development and the employment area.
- 7.44 The Policy Team originally commented that the quantum of development is higher than envisaged which does create a denser form of development in this edge of settlement location. The revised proposal has sought to mitigate this by reducing the housing numbers and spacing the proposed dwellings in the northern part of the site to create a sense of transition between the development and open countryside. Further, the proposal does provide a landscaped green edge which separates the residential and employment areas, thus avoiding continuous development along Gotherington Lane. This limits the landscape and visual impacts of the proposal and it is acknowledged that the retention/enhancement of the hedgerow along the east boundary would provide a visual buffer to the site when viewed in short to middle distance views. It is also worth noting that the site itself is not included within the strategic gap as shown on the emerging PSTBP Proposals Map in connection with Policy LAN3 which serves to protect land between Bishops Cleeve and Gotherington. As such, it is concluded that the proposal would result in harm to character and appearance of the rural landscape as a result of the loss of open field and its replacement with 65 dwellings and associated infrastructure and the redevelopment of the farm buildings for employment use. However, this would be mitigated to an extent through site-specific landscaping (see below) and would need to be weighed in the overall planning balance.

Landscaping Details

- 7.45 In respect of site specific landscaping details, JCS Policy SD4 requires new development to ensure the design of landscaped area, open space and public realm areas are of high quality, provide a clear structure and constitute an integral and cohesive element within the design. The contribution of public realm designs, at all scales, to facilitate the preferential use of sustainable transport modes should be maximised.
- 7.46 The Council's Landscape Advisor raised concern in respect of the original proposal on grounds that additional tree planting and hedgerow improvements should be accommodated within the site boundary to provide visual softening of the development from within the site itself and in long-distance elevated viewpoints to the east. It was further commented that the removal of incongruous conifers and replacement of native trees would be benefit to the wider landscape. The incorporation of street trees was recommended; a viewpoint shared by the Council's Tree Officer. In respect of the landscaped green edge, the original proposal was considered to provide an insufficient planting scheme and it was recommended that provision should be made for native trees and hedgerows, plus marginal planting to the attenuation basin which would also offer an ecological benefit.

- 7.47 The revised proposal has sought to address many of these concerns and the Council's Landscape Advisor is satisfied with the amended residential layout which is taken to provide a sufficiently sized landscape buffer to the north of the site, although it is commented that further planting could be accommodated in this area. The inclusion of a play trail is also welcomed along with the inclusion of a perimeter footpath route to improve connectivity for local residents. It is recommended that sections of this path should be surfaced (e.g. 1.5m wide self-binding gravel path) to improve accessibility for all users. This could be secured by condition.
- 7.48 The landscaping of the outline scheme is reserved for future consideration although illustrative details have been provided (drawing no: 11237/P09A). The Council's Landscape Advisor and Tree Officer recommend strong perimeter planting and the inclusion of trees within the car parking areas to add amenity value. This would also have the added benefit of creating a shaded area to the vehicles parked. Adding seating around the attenuation pond and positioned where people would benefit from some shade from trees in warm months would be a welcome addition. These details would be given full consideration as part of any reserved matters application.
- 7.49 In summary, the detailed landscaping of the residential element of the proposal is deemed acceptable and would comply with JCS Policy SD4 and emerging Policies BIS2 and RES5 of the PSTBP.

Ecology and Nature Conservation

- 7.50 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Policy SD9 of the Joint Core Strategy seeks to protect and enhance the biodiversity of the JCS area. PSTBP Policy NAT1 requires that proposals conserve, and where possible restore and/or enhance biodiversity. It is also a site-specific requirement of PSTBP Policy BIS2 that the development should provide biodiversity net gains.
- 7.51 In terms of ecology, the application has been accompanied by an Extended Phase 1 Habitat Survey and detailed surveys relating to bats, badgers and water sampling for great crested newt DNA and reptiles. The surveys identified the site as being of low intrinsic ecological value but identified a small number of habitat features and protected species that would need to be respected. The Consultant Ecologist has assessed the proposal and has commented that the submitted information has provided a comprehensive assessment of the site's ecological features and has made provision for appropriate mitigation as part of the proposal. Mitigation measures for protected species include the retention/buffering of site-value habitats, including the majority of boundary plantings, and the provision of public open space to minimise impact on nearby habitats and designations.
- 7.52 The Consultant Ecologist concludes there to be no likely significant effect on the Cotswold Beechwood SAC as a result of the increased housing numbers provided the on-site open space is delivered in accordance with the submitted plans. Further, it is not considered that the development would have an adverse impact on wildlife or habitats and the Consultant Ecologist has raised no objection to the revised proposal subject to conditions requiring the submission of Ecological Construction Method Statement (ECMS), Local Ecological Management Plan (LEMP) and lighting plan prior to first occupation of the development.

- 7.53 In accordance with emerging Policies BIS2, NAT1 and NAT3 of the emerging PSTBP, the application has also been supported with a Biodiversity Impact Assessment which uses the DEFRA matrix calculations to demonstrate a net increase in biodiversity. This has been reviewed by the Consultant Ecologist who concurs with the findings of the assessment; the scheme accommodates a significant amount of green space and the revised proposal would provide a biodiversity net gain of 13.59% which is above the 10% requirement as detailed in emerging planning policy. The Consultant Ecologist has also welcomed the use of the Building with Nature (BwN) standards/assessment model and the revised proposal is assessed as achieving the BwN "good" standard.

Archaeology

- 7.54 Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. A geophysical survey and archaeological evaluation of the site was undertaken as part of the previous development. The County Archaeologist has assessed the proposal; the site is at low risk of archaeological remains and it is recommended that no further survey works would be required.

Highways and Parking Arrangements

- 7.55 Paragraph 109 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. JCS Policy INF1 requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. PSTBP Policy TRAC9 requires that developers demonstrate an adequate level of car parking for their proposals.
- 7.56 Access to the residential element of the proposal would be via a single point from Croft Drive / Sharing Grove in the south-west corner of the application site. This would provide connections to Gotherington Lane / Evesham Road through the wider 'Homelands 2' development. A separate access from Gotherington Lane would be provided to the employment area. The existing farm access would be relocated approximately 15 metres north of its current positioning to allow for a shared access to the proposed employment area and the retained agricultural buildings. There would not be any vehicular access between the proposed residential and employment areas although a hard-surfaced footpath is proposed.
- 7.57 Objections have been received from local residents in respect of the traffic implications of the development and the safety of the proposed access to the residential part of the site which would require future residents to travel along internal estate roads which are not capable of supporting the additional traffic generation.
- 7.58 The County Highways Authority (CHA) have assessed the proposal and have raised no objection, confirming they are satisfied with the proposed layout. Vehicle tracking has been undertaken and the relocated access from Gotherington Lane satisfies the required visibility. The revised proposal also makes adequate pedestrian and cycle connections across the site and through to neighbouring development to create a legible and accessible environment as required by

emerging Policy PSTBP BIS2. The County Highways Authority consider the two points of access to be acceptable and would not have a detrimental impact on the safe and efficient operation of the highways network subject to conditions securing the layout, parking and access to be built in accordance with the submitted details.

Flood Risk and Drainage

- 7.59 The NPPF states at paragraph 155 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe for its lifetime without increasing flood risk elsewhere.
- 7.60 JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. PSTBP Policy ENV2 set out additional principles that will need to be considered in any proposals.
- 7.61 The adopted Flood and Water Management Supplementary Planning Document (FWMSPD) seeks, amongst other things, to ensure that new development does not increase the risk of flooding either on a site or cumulatively elsewhere and to seek betterment, where possible, and to require the inclusion of Sustainable Drainage Systems (SuDS) within new developments.
- 7.62 The application site is located within Flood Zone 1 and is in a location that would be least at risk from flooding. The application is supported with a Flood Risk assessment and Drainage Strategy. This concludes that satisfactory surface water drainage and flood mitigation design can be provided on site in compliance with the aforementioned policies. Foul drainage from the site would be routed into the existing adopted sewerage system in Barleyfields Avenue.
- 7.63 The LLFA has raised no objection to the proposal based on the drainage strategy described in the Flood Risk Assessment produced by Callidus, dated 12 July 2019. The LLFA have recommended the necessity for a planning condition should permission be granted for details of the surface water drainage works to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any building works on site. This is to ensure the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of development.
- 7.64 Severn Trent Water have also been consulted on the application and have raised no objection subject to condition to secure drainage plans for the disposal of foul and surface water flows which would need to be submitted and approved prior to the commencement of development.

Waste Minimisation

- 7.65 The Minerals & Waste Planning Authority (M&WPA) requires all major applications (10 or more dwellings, residential sites of 0.5ha or more and other development in excess of 1,000m² or over 1ha) to be accompanied by an appropriately detailed Waste Minimisation Statement (WMS). This is a specific requirement of the development plan for Gloucestershire as set out under WCS Core Policy 02 - Waste Reduction.

- 7.66 The application has been accompanied by a detailed waste minimisation statement. This has been reviewed by M&WPA who have raised no objection to the proposal in this respect.

Open Space, Outdoor Recreation and Sports Facilities

- 7.67 Saved Local Plan Policy RCN1 requires public open space provision of 2.43ha/1000 population. Assuming that the 65 dwellings have an average of 2.4 occupants per dwelling, this would generate an additional population of 156 persons. As such, there would be a resulting requirement for provision of 0.36ha of open space.
- 7.68 The application complies with the open space requirement and would deliver in excess of the 0.36ha required. In addition, the site is well located in relation to neighbouring areas of open space delivered as part of the Homelands development which provided 16.58ha of open space. There is an existing LEAP within 400 metres (5 minutes) walking distance as recommended by the Fields in Trust (FiT) standards. As such, it is accepted that there is no requirement for another LEAP to be provided as part of this proposal. Instead, the Communities Team has sought provisions for informal play to be accommodated on site in the form of a natural play trail designed to integrate into the wider landscape. This is indicated on the revised plans and would require a planning condition to secure details of the equipment and its implementation.
- 7.69 There are no formal play or sports pitches proposed within the site itself but it is acknowledged that the adjoining area of green space would provide opportunities for informal recreation, with formal and informal footpath connections shown to be provided to/from the application site.

Community Infrastructure

- 7.70 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area.
- 7.71 On-site requirements (whether they are delivered on or off site), and specific infrastructure requirements that can be robustly justified as necessary to make the development acceptable in planning terms (and otherwise the application would be refused without that infrastructure) will still be delivered via s106 obligations. The regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:
- a) necessary to make the development acceptable in planning terms*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development.*
- 7.72 The CIL Amendment Regulations 2019 came into force on 1 September 2019 and made a number of important changes to the operation of CIL and s106 obligations. Amongst other matters, Regulation 123 of the CIL regulations has been removed in its entirety which removes the restriction on pooling funds for a single infrastructure from more than five s106 obligations. It also allows both CIL and s106 contributions to be secured for the same infrastructure project although the aforesaid tests (Regulation 122) continue to apply.

- 7.73 The NPPF sets out that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions or obligations. It makes clear that obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 7.74 As set out in paragraph 5.17 above, JCS policies INF6 and 7 combine to require infrastructure to be delivered to meet the infrastructure and services required as a consequence of development.
- 7.75 Primary education is considered at paragraphs 5.18 - 5.22 above. GCC has requested section 106 contributions to be secured towards pre-school and secondary education as well as library provision. The request towards education provision has been assessed as directly related to the development and is needed in order to mitigate the education needs arising from the proposal. Officers consider the requested contributions to meet the statutory tests and support the position taken by GCC. The agent has confirmed the developer is willing to enter into the s106 agreement as requested.
- 7.76 In respect of library provision, officers consider there is currently insufficient justification from GCC to substantiate their request for £12,740.00 and further clarification has been sought on how this is directly related to the proposed development. **An update will be provided to Members at Committee.**
- 7.77 Taking account of consultation responses, this application would result in the following infrastructure requirements to be secured by s106 obligations:
- Affordable Housing - 40%
 - Education - pre-school £225,610.45, secondary £255,659.30
 - Library contributions - tbc
 - Recycling & waste bins - £73 per dwelling
- 7.78 Bishops Cleeve and Gotherington Parish Councils have requested monetary contributions via s106 agreement towards the extension of the consented off-road cycle path which serves to connect Gotherington and Bishops Cleeve. This has been discussed with the County Highways Authority although it is considered that such requirement is not justified in the context of this application as it would not meet the three test as set out in paragraph 56 of the NPPF. The parishes have also requested sums towards the provision of facilities to be provided in connection with the 'Homelands' and 'Cleevelands' community buildings once built. This has been duly considered but is deemed to be covered by way of CIL rather than s106.

Overall Balancing Exercise

- 7.79 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 7.80 On the basis that the Council cannot at this time demonstrate a five year supply of deliverable housing sites, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide

a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

- 7.81 There are no NPPF policies for the protection of areas or assets of particular importance which apply in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Benefits

- 7.82 The delivery of market and social housing on the edge of a Rural Service Centre, which is recognised as a sustainable and accessible location with good links to Tewkesbury, Cheltenham, Gloucester, is a social and economic benefit arising from the proposal. There would be economic benefits arising from the proposal both during and post-construction, with the outline element of the application providing the delivery of 2,000 square metres of flexible B1 office space which could support approximately 150 FTE jobs. This complies with JCS Policy SD1 and emerging Policy EMP2 of the PSTBP. The employment use would be to the benefit of existing and future residents and would improve employment land provision within an accessible location, thus improving the sustainability of Bishops Cleeve. These are recognised as substantial benefits that weigh in favour of the proposed development.
- 7.83 The provision of public open space would be a social benefit which would serve the needs of the existing community as well as new residents and there would be a biodiversity net gain resulting from the site's development through additional landscaping and habitat improvement. These are recognised as limited benefits in support of development.

Harms

- 7.84 Harm arises from the conflict with the development plan and in particular JCS Policy SD10. While the principle of development would be consistent with PSTBP Policies RES1 and BIS2, these policies can be afforded limited weight at this time in light of the unresolved objections.
- 7.85 GCC have identified there is no capacity within existing schools to accommodate the needs of new residents as a result of the proposed development and have therefore raised an objection. In particular, there is no capacity within existing primary schools which have already been expanded to their maximum capacity to meet demand arising from previous consented schemes. No primary school site has been identified to accommodate new pupils and GCC has objected to the current proposal on the basis that no new housing development should be approved within the 'Bishops Cleeve Primary Planning Area' until a new school site becomes available otherwise GCC cannot meet its statutory duty to deliver sufficient school places. The developer has expressed a willingness to enter into a section 106 agreement to secure education contributions to pre-school, primary and secondary provision; however, GCC has made clear that in the absence of an identified primary school site there would be nowhere to direct the request contributions towards primary education. This indicates that Bishops Cleeve does not currently have the social infrastructure required to support the development in this respect which gives rise to further issues.

- 7.86 Landscape harm would arise from the loss of part of an existing field and the proposal would have an urbanising effect upon the area that would increase the amount of built form between Bishops Cleeve and Gothenington. However, it is accepted that the site itself is not located within the identified strategic gap (PSTBP Policy LAN3) and visual harm could be mitigated through the provision of a landscaped green edge, appropriate design and landscaping. These details would be secured by way of condition in respect of the outline element of the proposal and subsequently considered as part of any reserved matters application.
- 7.87 The absence of a signed section 106 agreement in respect of securing affordable housing and contributions for recycling/waste, pre-school and secondary education (and potentially library) weighs against the proposal at this stage. However, these matters could be resolved through the completion of appropriate section 106 obligations.

Neutral

- 7.88 Subject to compliance with conditions, the proposal would result in a neutral impact on ecology, archaeology, highways, flood risk and drainage.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 The Council cannot demonstrate a five year supply of deliverable housing sites which means that, in accordance with paragraph 11 of the NPPF, planning permission should be granted unless any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 8.2 The benefits arising from the proposal are substantial. However, the identified harms, particularly the absence of capacity to meet the needs of primary age children arising from the development, significantly and demonstrably outweigh the benefits in this case. The lack of social infrastructure to support the proposal would fail to achieve a healthy, inclusive and safe community and would not represent sustainable development, contrary to the provisions of the NPPF. For these reasons it is recommended that the application is **REFUSED**.

UPDATE TO MEMBERS

At the Planning Committee meeting on 18 February 2020 it was resolved that the application be deferred in order to consider additional information submitted by the applicant in respect of whether the lack of school places would justify refusing planning permission. Furthermore Members wished for Officers to seek information from the County Council Education department in respect of how the shortfall in primary school capacity is planned to be addressed.

Officers continue to liaise with the County Council and consider the additional information submitted by the applicant and AN UPDATE WILL BE PROVIDED AT COMMITTEE.

Conditions:



1. The proposed development is not on previously developed land and is outside of the built-up area of Bishop's Cleeve. Furthermore, the cumulative impact of consented housing schemes in Bishop's Cleeve has resulted in a lack of social infrastructure, specifically primary school provision, which would fail to satisfactorily accommodate the needs of new residents arising from the proposed development. As a result, the proposed development would not be served by adequate and appropriate infrastructure/services and for these reasons would not constitute sustainable development, contrary to policies SD10 and INF6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS) (December 2017) and the provisions of the National Planning Policy Framework (2019).
2. In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017).
3. In the absence of an appropriate planning obligation, the application does not make provision for the delivery of recycling/waste bins and education contributions for pre-school and secondary provision education. The proposed development is therefore contrary to Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) and the National Planning Policy Framework.

Informative

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



1:1250
0 50m

-  Outline Application site boundary
-  Outline Application with Full Details submitted site boundary

268

client:
Linden Homes

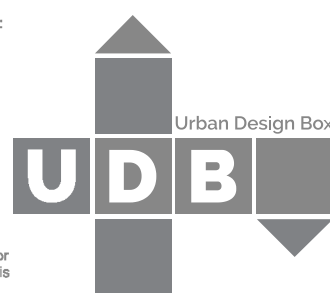
project:
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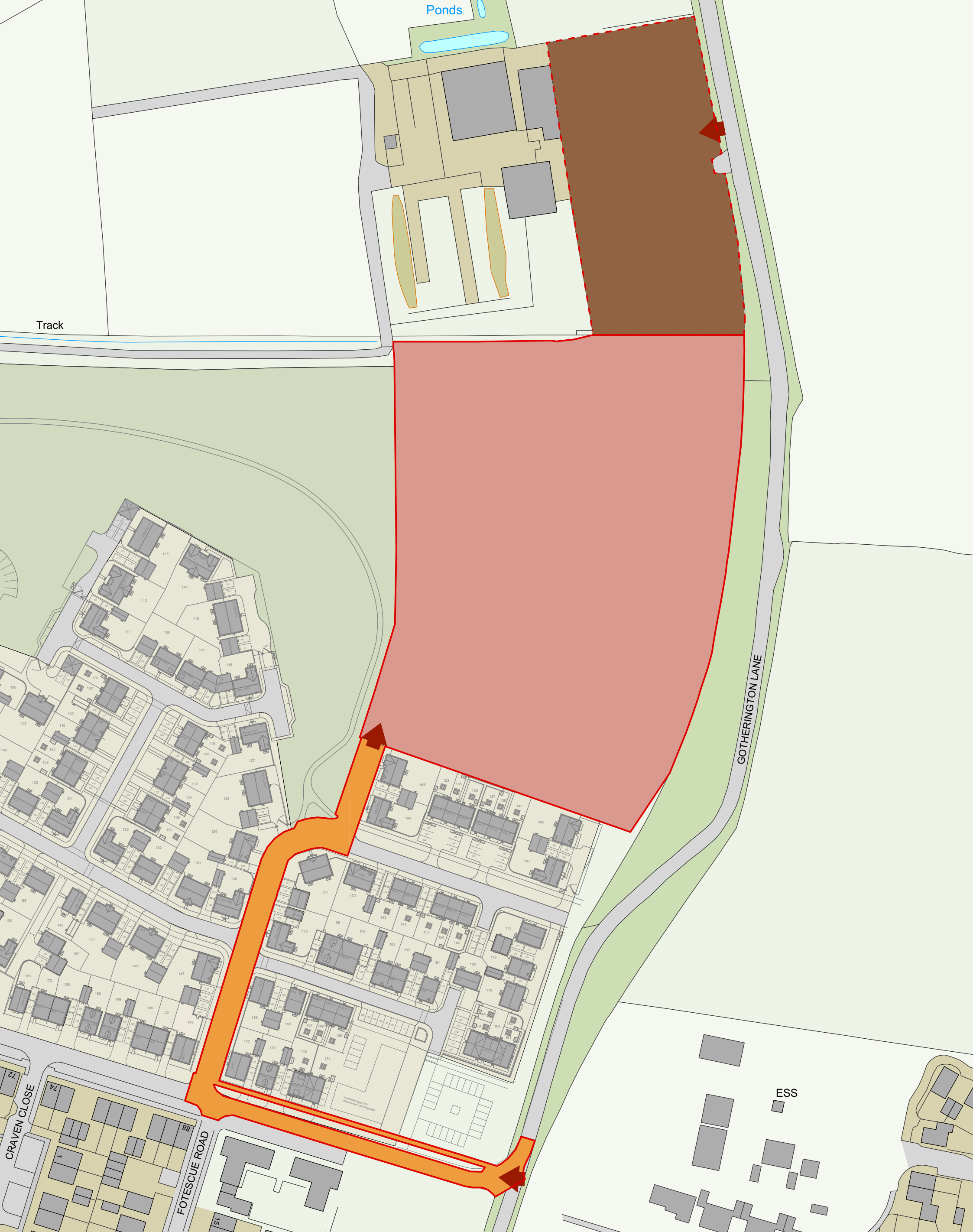
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Site Boundary Plan


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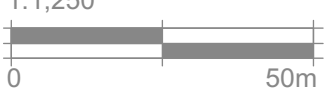
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LIN101	1001D
scale:	drawn:
1:1250@A2	AJ
date:	status:
June 2019	Planning













1:1,250



	Outline application site boundary		Land required to access adopted highway
	Full application site boundary		Residential development, see detail plans for further information
	Proposed all modes access		Employment development including streets, parking, landscaping and drainage area

client:
Linden Homes

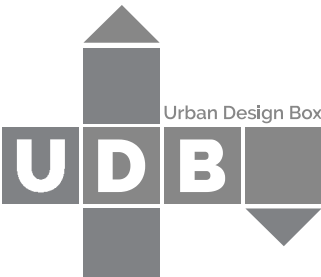
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drawing title:
269 Parameter Plan

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job number: LIN101	drawing number: 3501A
scale: 1:1250@A3	drawn: AJ
date: July 2019	status: Planning



Urban Design Box

Land at Homelands Farm, Bishops Cleeve

Accommodation Schedule		5004P							
Type	Housetype	quantity	Sq.ft	Sq.mt	Total Sqft	Total Sqm	Storeys	Parking	Beds
OPEN MARKET HOUSING									
Harcourt	2B terr	4	661	61.4	2,644	246	2	2sp	2
Eveleigh	3B terr	11	878	81.6	9,658	897	2	2sp	3
Emmet	3B semi	8	783	72.7	6,264	582	2	2sp	3
Mountford	3B semi/det	4	985	91.5	3,940	366	2	1sp+ 1g	3
Aslin	4B semi 2.5	3	1,131	105.1	3,393	315	2.5	2sp+ 1g	4
Myline	4B detached	3	1,152	107.0	3,456	321	2	2sp+ 1g	4
Leverton	4B detached	1	1,230	114.3	1,230	114	2	2sp+ 1g	4
Pembroke	4B detached	3	1,372	127.5	4,116	382	2	2sp+ 1g	4
Knightley	4B detached	2	1,448	134.5	2,896	269	2	2sp+ 1g	4
sub total (Open Market)		39			37,597	3,493			
AFFORDABLE HOUSING									
A10	1 bed	8	487	45.2	3,896	362	2	1sp	1
A20	2 bed	11	675	62.7	7,425	690	2	2sp	2
A30	3 bed	7	905	84.1	6,335	589	2	2sp	3
sub total (Affordable)		26	40%		17,656	1,640		23	visitor sp
TOTAL		65			55,253	5,133			
REDLINE			7.092	acres		2.87	ha		
GROSS RESI AREA (source: param plar			0.000	acres		0.00	ha		
NET RESI AREA			3.657	acres		1.48	ha		
COVERAGE (net net area)			15,109	sq ft / acres		3,468	sq m / ha		
DENSITY (net net area)			17.8	no./acre		43.9	no./ha		

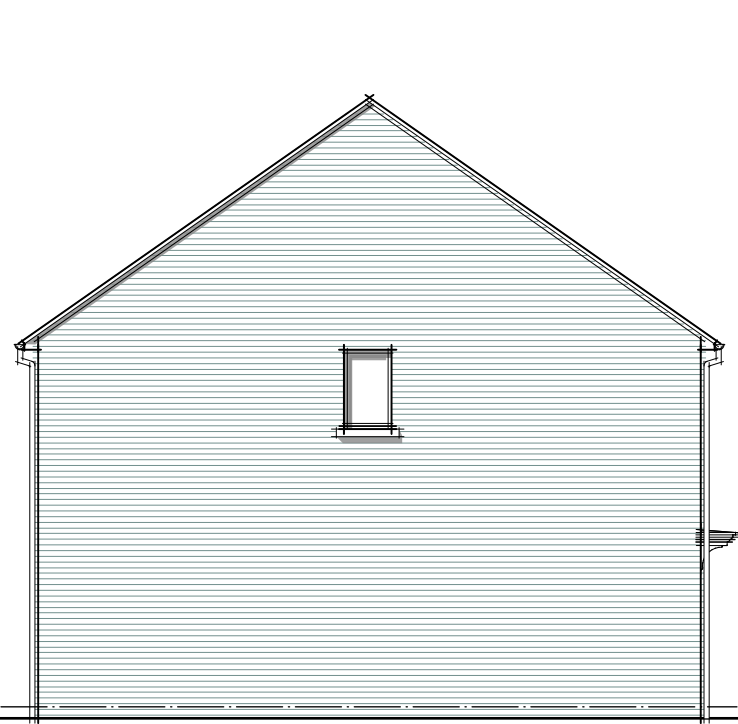
Note: Open market sizes are structural and not to be used for CIL calculation purposes

Note: Trim trail / play equipment details to be provided





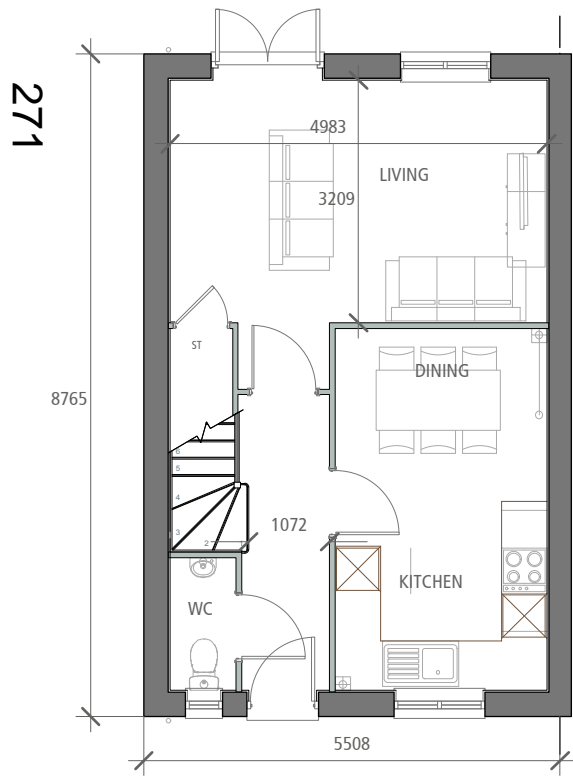
FRONT ELEVATION



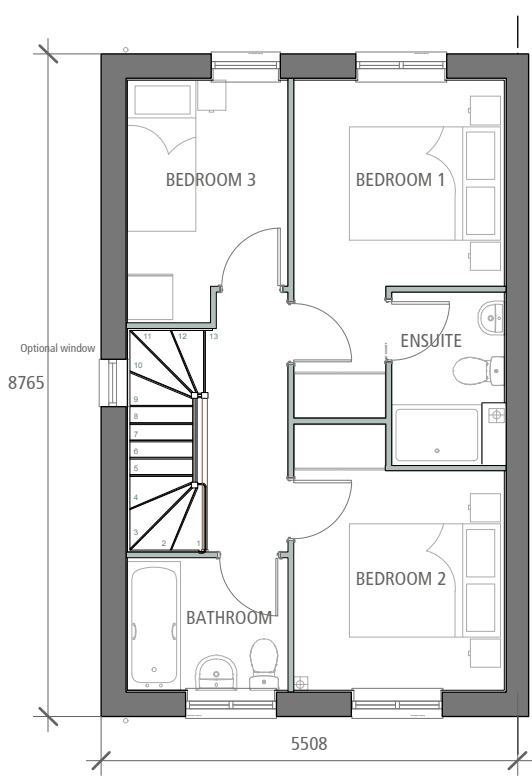
SIDE ELEVATION



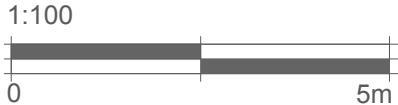
REAR ELEVATION



GROUND FLOOR



FIRST FLOOR



1:100

0 5m

housetype:
Eveleigh

bedrooms:
3

square feet:
878

variation:
brick

persons:
5

square metres:
81.57

Note: Roof and wall colours are indicative,
refer to Materials Plan for details

client:
Linden Homes Western

project:
Bishop's Cleeve

drawing title:
Eveleigh - Plans and Elevations

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job number:
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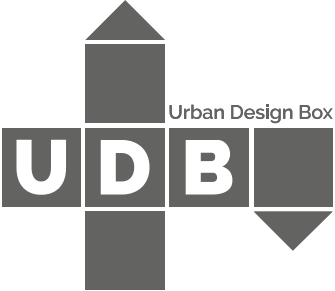
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date:
July 2019

drawing number:
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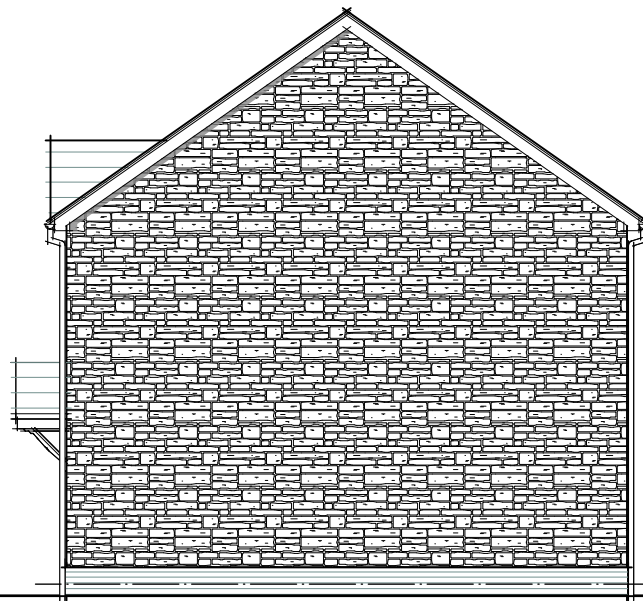
drawn:
jvs

status:
Planning

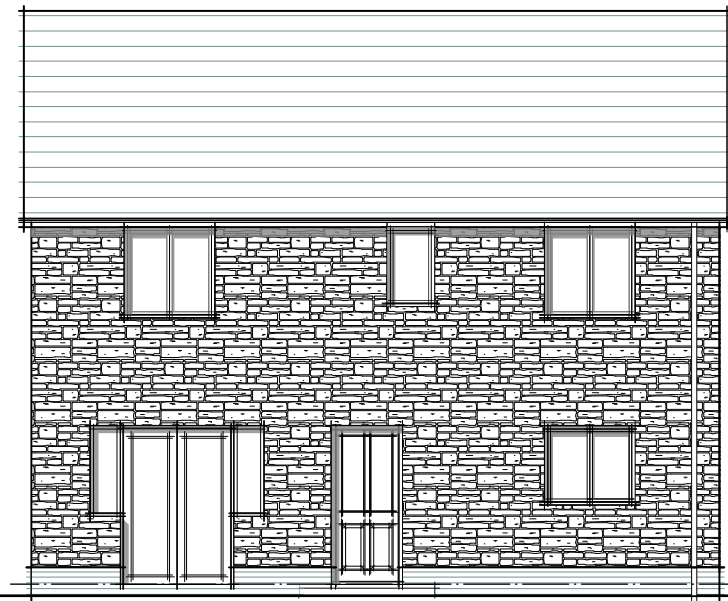




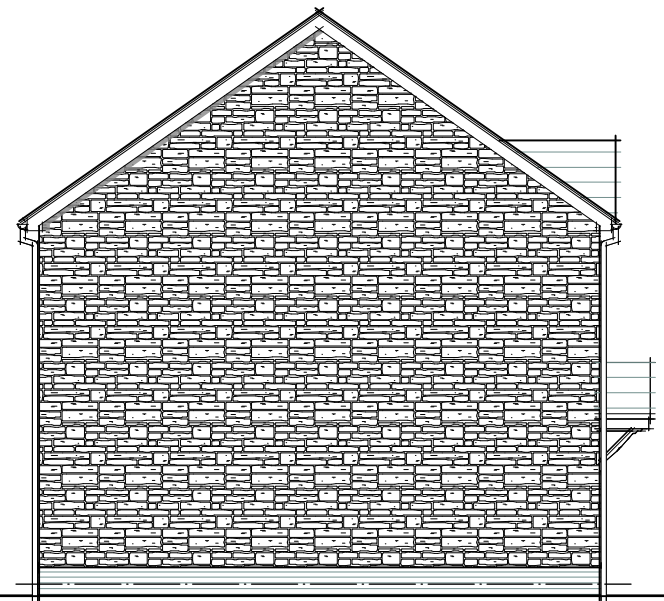
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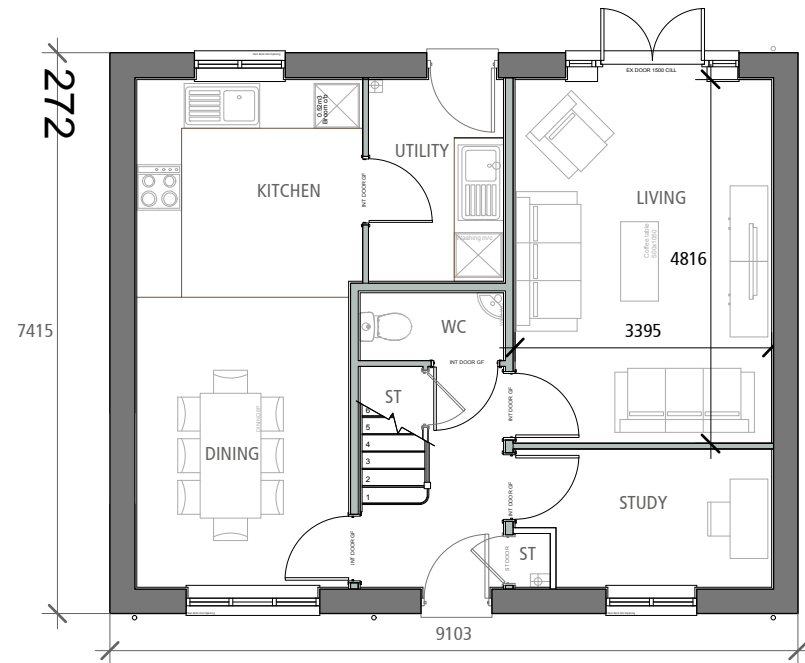
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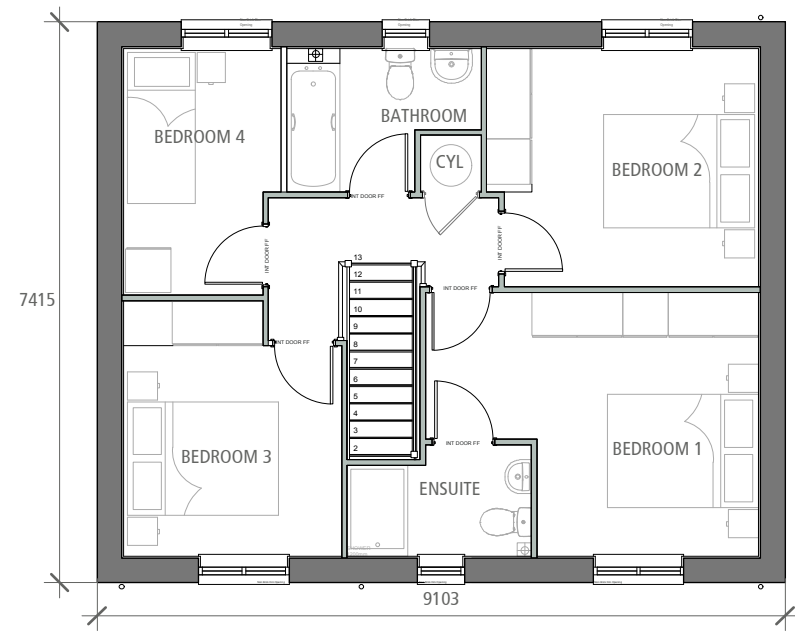
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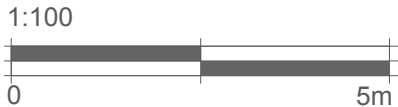
SIDE ELEVATION



GROUND FLOOR



FIRST FLOOR



1:100

0

5m

housetype:
Leverton

bedrooms:
4

square feet:
1230

variation:
brick

persons:
6

square metres:
114.3

Note: Roof and wall colours are indicative,
refer to Materials Plan for details

client:
Linden Homes Western

project:
Bishop's Cleeve

drawing title:
Leverton - Plans and Elevations

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job number:
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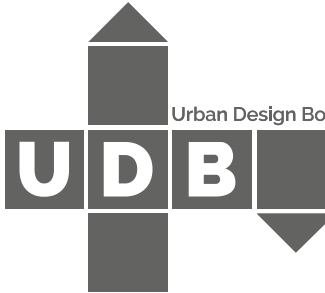
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date:
July 2019

drawing number:
5108

drawn:
jvs

status:
Planning





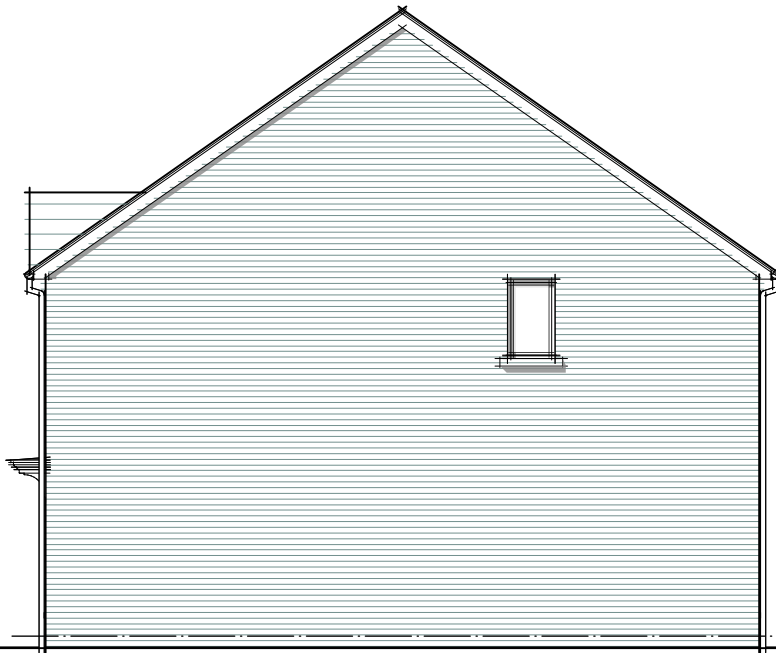
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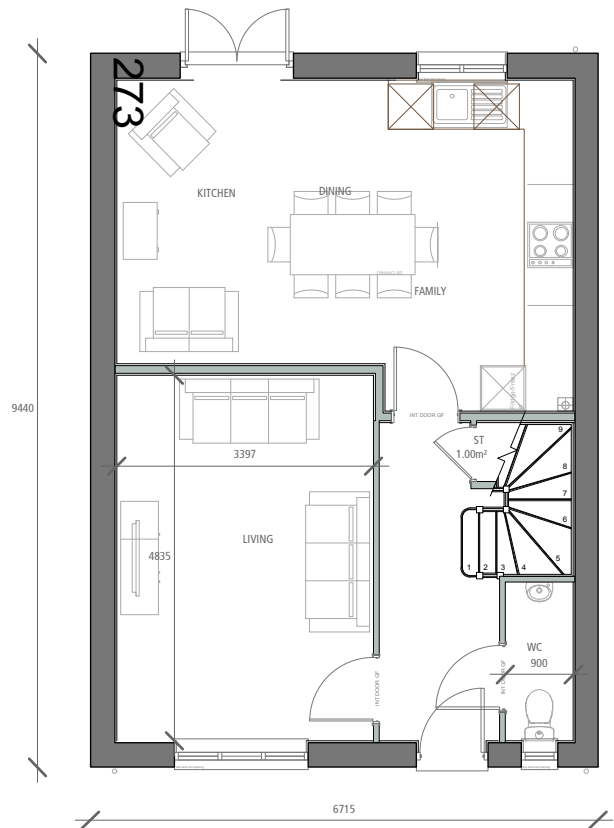
SIDE ELEVATION



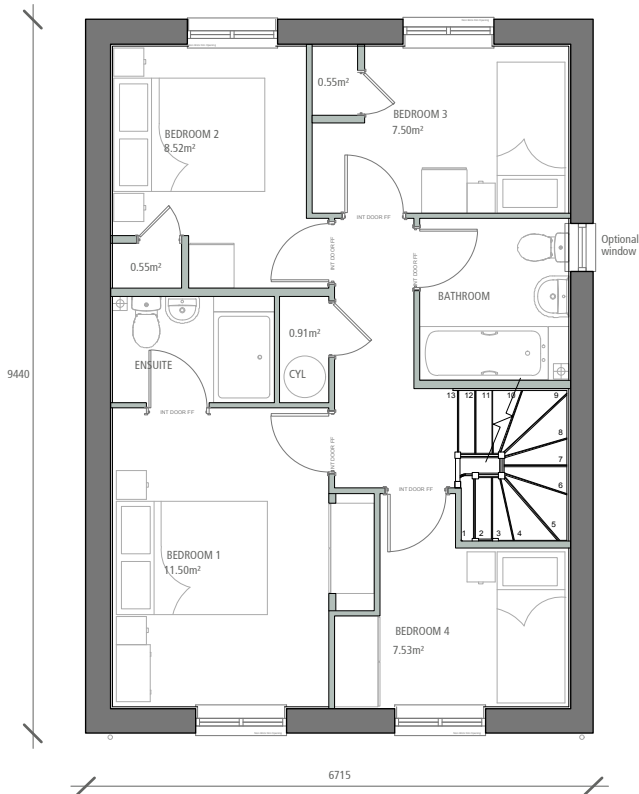
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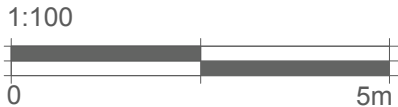
SIDE ELEVATION



GROUND FLOOR



FIRST FLOOR



1:100

housetype:
Mylne

bedrooms:
4

square feet:
1152

variation:
brick

persons:
6

square metres:
107

Note: Roof and wall colours are indicative,
refer to Materials Plan for details

client:
Linden Homes Western

project:
Bishop's Cleeve

drawing title:
Mylne - Plans and Elevations

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job number:
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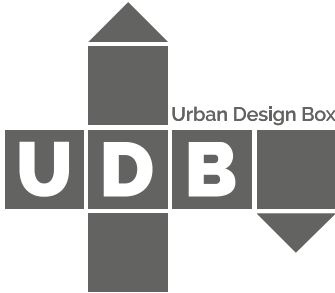
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date:
July 2019

drawing number:
5107

drawn:
jvs

status:
Planning





Street Scene Elevation AA



Street Scene Elevation BB



Street Scene Elevation CC



TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	02.03.2020
Site Location:	Land To The West Of The A48, Minsterworth Village, Minsterworth, Gloucestershire, GL2 8JH
Application No:	20/00081/PIP
Ward:	Highnam With Haw Bridge
Parish:	Minsterworth
Proposal:	Residential development for between 4 to 8 dwelling houses.
Report by:	Mrs Helen Stocks
Appendices:	Site location plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises a parcel of land, approximately 0.49 hectares, to the north-west of the A48 in Minsterworth. The site is currently used for agriculture (pastureland) and is located between existing residential properties 'Sharnbrook' and 'The Redlands'.
- 1.2 The site is not subject to any landscape designations. There is mature hedgerow along the site frontage onto the A48. The site lies within Flood Zone 1.
- 1.3 There is a Grade II Listed milestone along the road frontage which is currently buried beneath dense bushes and trees along the frontage.
- 1.4 The application seeks planning permission in principle for residential development between 4 to 8 dwellings.

2.0 RELEVANT PLANNING HISTORY

- 2.1 There is no relevant planning history pertaining to the site itself.
- 2.2 The adjoining parcel of land to the north (as shown within the blue line boundary on the attached site location plan) has been subject to recent applications for permission in principle for between 4 – 6 dwellings (ref: 19/00550/PIP and 19/00897/PIP). These applications were considered by Members of the Planning Committee in August 2019 and October 2019 respectively. It was resolved in both cases that permission in principle should be refused for the following reason:

The proposal is located outside of the defined settlement boundaries in Tewkesbury Borough Plan - Pre-submission version 2019; Policy RES2, and the site does not meet any of the other criteria within Policy RES3. The site is an encroachment into the countryside and does not comply with the

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 Policy SD10. There are no other specific exceptions/circumstances defined in district or neighbourhood plans which indicate that permission should be granted. Therefore the proposed application site is not an appropriate location for new residential development, and is contrary to the policies within the Joint Core Strategy 2017 and the emerging Tewkesbury Borough Plan 2019.

- 2.3 An appeal was subsequently lodged against the first refusal of permission in principle (ref: 19/00550/PIP). The Inspector acknowledged the proposal would be contrary to JCS Policies SP2 and SD10 and PSTBP Policies RES2 and RES3, the latter of which could only be afforded limited weight given the stage of plan preparation and nature of unresolved objections. It was considered that the site's position immediately adjacent to existing residential development and the proposal's ability to reflect the linear form of development in the vicinity would not encroach into the countryside to any greater extent than the adjoining development. Taking account of the Council's five year housing land supply position, where the 'tilted balance' is engaged, the Inspector concluded that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits. The appeal was therefore allowed on 20-01-2020 (ref: APP/G1630/W/19/3238070).

3.0 **RELEVANT POLICY**

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 **Town and Country Planning (Permission in Principle) Order 2017**

3.3 **National Planning Policy Framework (NPPF) (2019)**

3.4 **Planning Practice Guidance (PPG)**

3.5 **Gloucester, Cheltenham & Tewkesbury Joint Core Strategy (JCS) (Dec 2017)**

Policy SP1 – The Need for New Development

Policy SP2 – Distribution of New Development

Policy SD10 – Residential Development

3.6 **Tewkesbury Borough Local Plan to 2011 (TBLP) (Mar 2006)**

3.7 **Pre-submission Tewkesbury Borough Plan 2011-2031 (PSTBP) (2019) :**

Policy RES2 – Settlement Boundaries

Policy RES3 – New Housing Outside Settlement Boundaries

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

3.9 **The First Protocol, Article 1 (Protection of Property)**

4.0 **CONSULTATIONS**

4.1 **Minsterworth Parish Council – Objects to the application for the following reasons:**

- The development is not within the proposed settlement boundary for Minsterworth;
- Dangerous access and egress onto a fast and busy main road;
- Concerns regarding how drainage will be dealt with as the existing drainage

- in Watery Lane is already overloaded and road is regularly flooded;
- Concerns about the number of houses already proposed for Minsterworth as the infrastructure is not there to support further increases;
- If this application is granted, the Parish Council would request funding for the provision of an improved and adequate drainage.

4.2 **Gloucestershire County Council Highways** – No representations received.

4.3 **County Archaeologist** – No objection. There is low risk of archaeological remains within the application site. No archaeological investigation or recording required in connection with the application.

4.4 **Wales & West Utilities** – There are pipes in the area of the site. There is a risk that apparatus may be affected during construction works. Should the planning application be approved then the developer should contact Wales & West Utilities direct to discuss any requirements in detail prior to any work commencing on site. Any diversion works would be fully chargeable.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the posting of a site notice for a period of 21 days. No representations have been received.

6.0 **POLICY CONTEXT**

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

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

6.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework and the Pre-submission version of the Tewkesbury Borough Plan (PSTBP) (2019), the policies of which hold limited to moderate weight at this current time.

7.0 **ANALYSIS**

7.1 Planning Practice Guidance (paragraph 012) for permission in principle (PIP) states that the scope of the PIP is limited to:

- Location
- Land Use
- Amount

Each of these will be discussed in turn below.

7.2 The site layout, design, access details, landscaping, drainage and mix of dwellings would all be considered at the 'technical details' stage.

Location

- 7.3 JCS Policy SP2 identifies Minsterworth as a 'Service Village' which is capable of accommodating lower levels of development proportional to its size and function, proximity to Cheltenham and Gloucester and subject to environmental, economic and social impacts. A defined settlement boundary is proposed for Minsterworth within Policy RES2 of the Pre-Submission Tewkesbury Borough Plan (PSTBP). This policy can be afforded limited weight at present given the stage of plan preparation and the number of unresolved objections. The application site is not located within the proposed settlement boundary which is defined along the residential boundary of 'Sharnbrook' to the north-east.
- 7.4 JCS Policy SD10 specifies that new housing will be planned in order to deliver the scale and distribution of housing development set out in JCS Policy SP2. On sites that are not allocated, as in this instance, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas and housing development on other sites will only be permitted where it constitutes affordable housing or infilling within Tewkesbury's towns and villages. The JCS defines infill development as "the development of an under-developed plot well related to existing built development."
- 7.5 PSTBP Policy RES3 states that new residential development will only be considered acceptable outside of the settlement boundary if it meets one of the following criteria:
- (1) The reuse of a redundant or disused permanent building (subject to Policy RES7)
 - (2) The sub-division of an existing dwelling into two or more self-contained residential units (subject to Policy RES8)
 - (3) Very small scale development at rural settlements in accordance with Policy RES4
 - (4) A replacement dwelling (subject to Policy RES9)
 - (5) A rural exception site for affordable housing (subject to Policy RES6)
 - (6) Dwellings essential for rural workers to live permanently at or near their place of work in the countryside (subject to Policy AGR3)
 - (7) A site that has been allocated through the Development Plan or involves development through local initiatives including Community Right to Build Orders and Neighbourhood Development Orders.
- 7.6 The application site is adjacent to the property known as Redlands to the south-west and adjoins the parcel of land to the north that has recently been granted permission in principle at appeal for residential development between 4 to 6 dwellings. It is not located within the proposed settlement boundary which extends along the residential boundary of 'Sharnbrook' to the north-west, immediately adjoining the neighbouring PIP site.
- 7.7 Minsterworth is characterised by fairly sporadic development, with additional approved development throughout the village. In part of the settlement, around the former petrol station, there is a distinct pattern of linear development along both sides of the A48. The application site is located adjacent to built-form, with existing residential development to the south-west and the approved PIP site to the north with residential development beyond. However, the proposal is not considered to constitute infill development nor does it meet any of the criteria detailed above. The proposal is therefore deemed contrary to the emerging Policy RES3.
- 7.8 For the reasons, the principle of development would be contrary to JCS Policy SD10

and PSTBP Policy RES3.

Five Year Housing Land Supply

- 7.9 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means:

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 7.10 The NPPF clarifies (footnote 7) that planning policies for housing will be judged out of date, inter alia, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

- 7.11 Notwithstanding the conflict with the Development Plan, the Council's policies for the supply of housing are considered to be out-of-date having regard to paragraph 11 of the NPPF. In these circumstances, as set out above, the NPPF advises that the presumption should be that planning permission is granted unless there are adverse impacts of doing so which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

- 7.12 The balance of the principle of development against the harms of development is discussed further below.

Land Use

- 7.13 The guidance sets out that housing led development is an accepted land use for the PIP application process. The application is for up to 8 new dwellings and the site is considered to be fairly well related to the existing built development. The numbers proposed would correlate to a linear form of development to reflect the existing form and layout of the settlement which would be an acceptable pattern of development.

Amount

- 7.14 The application proposes between 4-8 dwellings to be accommodated on site. Officers are of the opinion that it would be possible to accommodate up to 8 dwellings in a linear form on this site and therefore the 'amount' of development is accepted.

Other Matters

Archaeology

- 7.15 Paragraph 189 of the NPPF states that in determining planning applications “where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”
- 7.16 The application has been accompanied by a desk-based archaeological assessment. The County Archaeologist has reviewed the submitted information and has raised no objection to the proposal, commenting that the site is of low risk of archaeological remains. No archaeological investigation or recording is therefore required in connection with the application.

Highways

- 7.17 The County Highways Authority has not provided comments on this application. However, it is not within the scope of this application to determine the details of access to the site, this would be given full consideration at the technical approval stage. Permission in principle could only be refused on this basis if there were insurmountable reasons why the development as proposed would have an unacceptable impacts on the operation of highway network.

Drainage

- 7.18 The Parish Council has raised concerns in respect of drainage. However, it is not within the scope of the PIP process to determine details of the site-specific drainage requirements and this would be addressed at technical matters stage.

Heritage

- 7.19 In respect of heritage assets, the Conservation has not raised any specific comments on the current application. However, it is noted that there is a Grade II listed milestone along the site frontage onto the A48. As with the neighbouring PIP proposal, there is potential for the proposed development to have an adverse impact on the milestone by virtue of potential access arrangements. This remains a matter for consideration at the technical matters stage and any issues that may arise would need to be addressed at that stage of the process. It is not within the scope of this PIP application.

Landscape Impact

- 7.20 The current proposal would align with the neighbouring PIP scheme which was allowed at appeal. In considering the appeal, the Inspector concluded that while the proposal would result in the introduction to built form into a currently undeveloped parcel of land, it would be positioned immediately adjacent to existing residential development, would reflect the linear form of development in the vicinity and would not extend westward into the countryside to any greater extent than the adjoining development. It was therefore concluded that the encroachment into the countryside would be limited, as would the adverse effects arising from the development.
- 7.21 Officers consider the same consideration should be given to the current proposal and do not consider that the development of the application site, alongside the neighbouring development, would amount to landscape harm to such an extent that would warrant the refusal of permission in principle. It is further considered that mitigation measures to limit the impact of the proposal on the landscape would be

agreed at technical approval stage.

8.0 OVERALL BALANCING EXERCISE AND CONCLUSION

Benefits

- 8.1 The proposal would deliver up to 8 new dwellings, which would contribute towards the shortfall in housing supply albeit limited by the scale of the development. There would also economic benefit arising from the proposal both during and post construction. Whilst this weight is limited by virtue of the scale of the development, it is nevertheless a matter which weighs in favour of the proposal, particularly in light of the five year housing land supply position.

Harms

- 8.2 Harm arises from the conflict with the development plan policies, in particular JCS Policy SD10 and PSTBP Policy RES3. However, this conflict must be considered having regard to the lack of a five year housing land supply and paragraph 11 of the NPPF. Furthermore, only limited weight can be afforded to PSTBP Policy RES3 at the current time given the stage of plan preparation and number of unresolved objections.
- 8.3 The proposal would be located outside the proposed settlement boundary and there would be encroachment into the countryside by virtue of the development of this undeveloped plot. However, the impacts would be limited and could be mitigated through careful design, layout and detailed landscaping which would be agreed at technical approval stage.

Neutral Impacts

- 8.3 Highways matters (subject to confirmation there are no insurmountable highway reasons why development should not be permitted), impact upon heritage assets, detailed design, mix, drainage and layout would be properly considered at technical details stage.

Conclusion

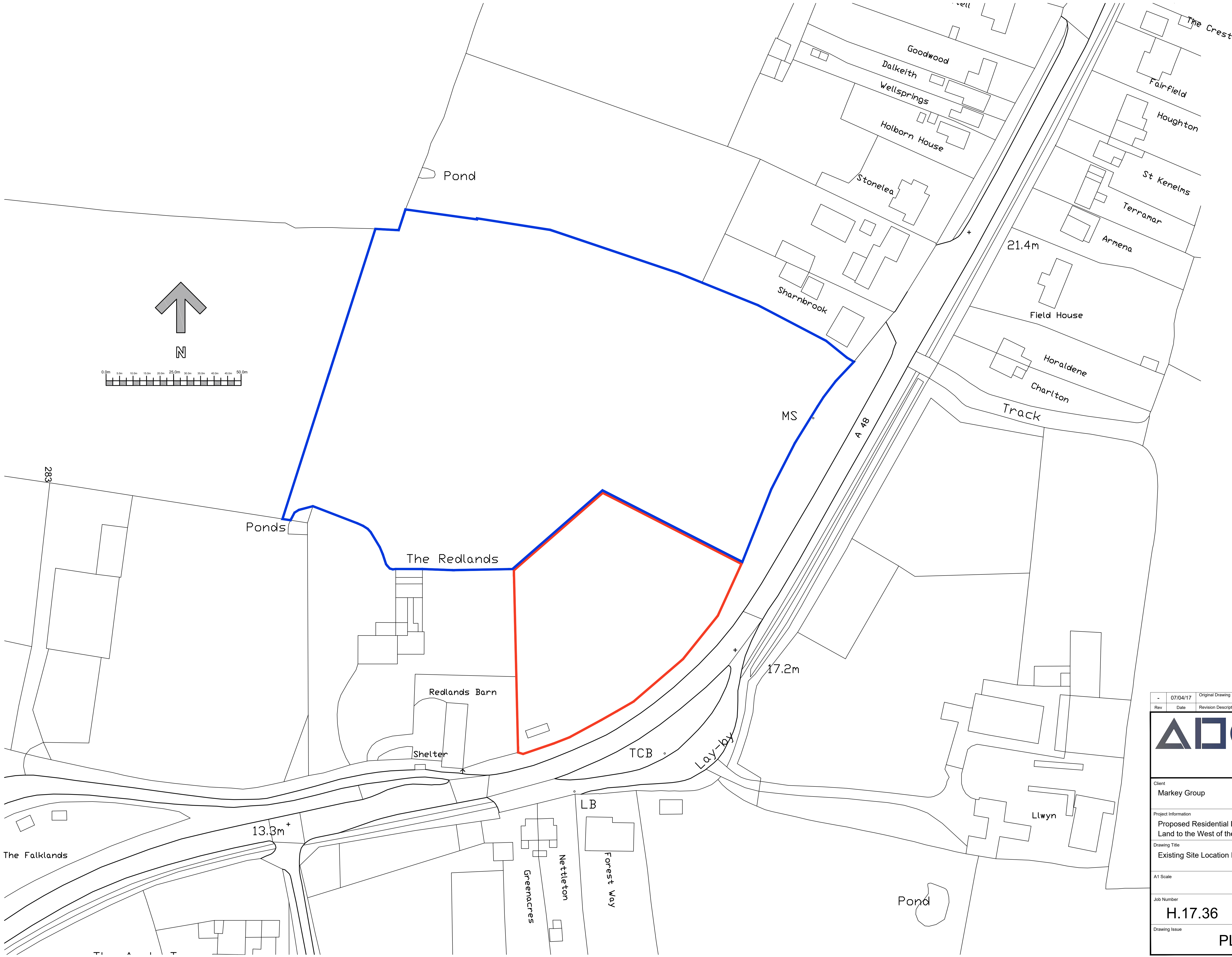
- 8.4 Although the application site's location is contrary to JCS Policy SD10 and PSTBP Policy RES3, the Council's lack of a five year land supply means that Paragraph 11 of the NPPF comes into effect. The test is whether any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 8.5 The proposal is considered to relate well to the existing built form of the settlement and the proposed number of dwellings (between 4 and 8) would allow for a linear form of development of a density similar to existing development in vicinity of the site. There would be harm to the landscape by reason of the proposed development's encroachment into the countryside; however, this is considered to be limited and could be mitigated. For these reasons, it is concluded that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits.
- 8.6 In light of the above, it is recommended that permission in principle is **GRANTED**.

Informatives:

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

2. Tewkesbury Borough Council operates a District Level Licence (DLL) scheme for GCN. The application site is located in a 'Red Zone' for Great Crested Newts (GCN) as identified by the NatureSpace Impact Risk Maps. Red zones are characterised as containing suitable habitat and most important areas for GCN. Further information will be required at technical approval stage to demonstrate (a) the proposal poses no risk to GCN or (b) an assessment is submitted in respect of the risk to GCN alongside any measures to safeguard for significant risks and compensate for any impacts. This may result in the need for a GCN site mitigation licence if the developer chooses not to use the DLL.

3. The applicant is hereby advised that there may be a requirement for affordable housing contributions at technical approval stage to accord with the requirements of JCS Policy SD12 when taking account of cumulative site area and/or number of dwellings to be delivered across the application site and the adjoining PIP site (ref: 19/00550/PIP) which are within the same ownership.



-	07/04/17	Original Drawing	JB	JB
Rev	Date	Revision Description	Drawn By	Approved By



ARCHITECTS
6 Pioneer Court, Darlington, DL1 4WD
t: 01325 464 111
e: studio@adgarchitects.co.uk
w: www.adgarchitects.co.uk

Client		
Markey Group		
Project Information		
Proposed Residential Development, Land to the West of the A48, Minsterworth		
Drawing Title		
Existing Site Location Plan		
A1 Scale		A3 Scale
		1:1250
Job Number	Drawing Number	Revision
H.17.36	(9-) 1	-
Drawing Issue		
PLANNING		

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TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	2.03.2020
Site Location:	1 Severn Close, Maisemore, Gloucester, Gloucestershire, GL2 8ET
Application No:	19/01083/FUL
Ward:	Highnam With Haw Bridge
Parish:	Maisemore
Proposal:	Installation of a new access and dropped kerb
Report by:	Mrs Sarah Barnes
Appendices:	Existing Site location plan Proposed Site location plan Existing Block plan Proposed Block plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to 1 Severn Close, a detached dwelling located in Maisemore (site location plan attached). The site falls within flood zone 3 and the Landscape Protection Zone.
- 1.2 The current application is for the installation of a new access and dropped kerb off the main A417 road (plans attached).
- 1.3 The application has been brought to the planning committee because of an objection raised by the Parish Council.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
92/00418/FUL	Alterations and two storey extension to provide a kitchen and utility room with bedroom en-suite over	PER	15.10.1992
18/00875/FUL	Erection of a single storey side extension and installation of window on front elevation.	PER	29.10.2018

19/00002/KE RB	Drop kerb	PERREQ	08.11.2019
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3.0 **RELEVANT POLICY**

3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 **National guidance**

National Planning Policy Framework; 2018 (NPPF) and Planning Practice Guidance

3.3 **Development Plan**

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

SD4 – Design requirements

SD7 – Landscape

SD14 – Health and environmental quality

INF1 – Transport network

INF2 – Flood risk management

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

LND3

3.5 **Preferred Options Consultation, Tewkesbury Borough Plan 2011-2031 (2018):**

LAN2 and ENV2

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

3.7 The First Protocol, Article 1 (Protection of Property)

4.0 **CONSULTATIONS**

4.1 Gloucestershire County Council Highways – no objections subject to the specified conditions being attached to the permission.

Maisemore Parish Council – objection. Concerns include:

- The creation of the new access would be on the bend after the entrance to Bridge Close and virtually opposite the entrance to The Rudge. It may create congestion on the bend where the bus stop is located.

- The drawings show no entrance splay and the entrance will only serve one property.

- There is currently adequate access to the A417 from the existing entrance to Severn Close.

- The grass verge over which the proposed plan cuts is in the ownership of the Local Authority. There are services located under this verge which would be compromised if an entrance was made.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the posting of a site notice for a period of 21 days and the neighbour notification scheme.

5.2 Local residents - Two letters of support has been received from a local residents. The reasons for support are summarised as follows:

- Too many vehicles currently access Severn Close which is directly opposite the access to the White Hart Public House which is getting increasingly busier.
- Delivery vehicles such as central heating oil tankers are struggling to access Severn Close due to the increased size of such vehicles. These such vehicles are stopping on the A417 to deliver their load which can be potentially dangerous to all parties.

6.0 **POLICY CONTEXT**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 6.2 The adopted Development Plan for Tewkesbury Borough comprises the Joint Core Strategy 2011 to 2031 (JCS) and the saved policies of the Tewkesbury Borough Local Plan to 2011 (TBLP). The Pre-Submission version of the Tewkesbury Borough Plan (PSTBP) was approved for publication and submission at the Council meeting held on 30 July 2019. On the basis of the stage of preparation the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded at least moderate weight, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given). Other material policy considerations include the National Planning Policy Framework; 2019 (NPPF).
- 6.3 The relevant policies of the adopted and emerging development plan are set out in the appropriate sections of this report.

7.0 **ANALYSIS**

Principle of development

- 7.1 The need for the new access is to provide a safer and more practical means of access into no 1 Severn Close. The applicants have confirmed that the new access / dropped kerb is required as delivery vehicles currently struggle to access Severn Close due to the tight bend on the entrance, particularly when cars are parked just inside the current shared drive. The new access would be off the A417 which is a classified road hence why planning permission is required.

Impact on character and appearance of the area

- 7.2 The site is located within a Landscape Protection Zone. Policy LND3 of the Local Plan advises that 'within the LPZ the local planning authority will seek to protect or enhance the environment where possible, provision will be made for improved public access. Important landscape features within the landscape protection zone will be retained and where appropriate enhanced to ensure their long term retention.'
- 7.3 The existing grass verge is owned by Gloucestershire County Council Highways Department. The proposal would result in the loss of a relatively small section of this grass verge but the majority of the grass verge would still be free from

development. A section (approximately 3m) of the existing hedge would also be required to be removed to form the access. The loss of this section of hedge would be regrettable, but it is not considered that it would be unacceptable.

- 7.4 The new access would be finished in hardcore and gravel so it would be in-keeping with other accesses in the immediate area.

Highway Safety

- 7.5 JCS Policy INF1 states developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. It requires all proposals to ensure that safe and efficient access to the highway network is provided for all transport modes and makes clear that planning permission will be granted only where the impact of development is not considered to be severe.
- 7.6 The plans submitted with the application show that the new access would enter directly from the main A417 across an existing grass verge. There are no gates proposed. The Parish Council have raised concerns that the creation of the new access would be on the bend after the entrance to Bridge Close and virtually opposite the entrance to The Rudge. It may create congestion on the bend where the bus stop is located. They also consider that there is currently adequate access to the A417 from the existing entrance to Severn Close. Whilst the Parish Council's concerns have been noted, the Gloucestershire Highways Officer has been consulted and has assessed the suitability of the access and has raised no objections in terms of highway impact / safety subject to conditions that requires suitable visibility is provided and maintained and the preferred surfacing. In relation to the bus stop, it is not on a bend, it is sited outside of the White Hart public house. The proposed driveway would in-fact be further away from the bus stop than the current access.

Flooding

- 7.7 The site falls within flood zone 3. The proposed access would be surfaced in porous materials so there would not be an increase in surface water.

Other Issues

- 7.8 In relation to the Parish Council's concerns about the impact on the existing services underneath the grass verge, the applicants are aware of this and would ensure that there would not be any disruption to the services.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 Overall, whilst the Parish Council's concerns are noted, it is considered that the proposal would not be harmful to the appearance of the area and it would be acceptable in terms of highway safety. It would therefore accord with Policy LND3 of the Local Plan, Policies SD4 and INF1 of the Joint Core Strategy and the NPPF 2019. The application is therefore, recommended for permission.

Conditions:

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved documents:

Proposed block plan dated 5th December 2019 and site location plan dated 2nd December 2019 except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. Prior to the access being used it shall be laid out and constructed in accordance with the submitted plans but with a minimum entrance width of 6 metres, with any gates situated at least 10m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of access road within at least 10m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic, cyclists and pedestrians.

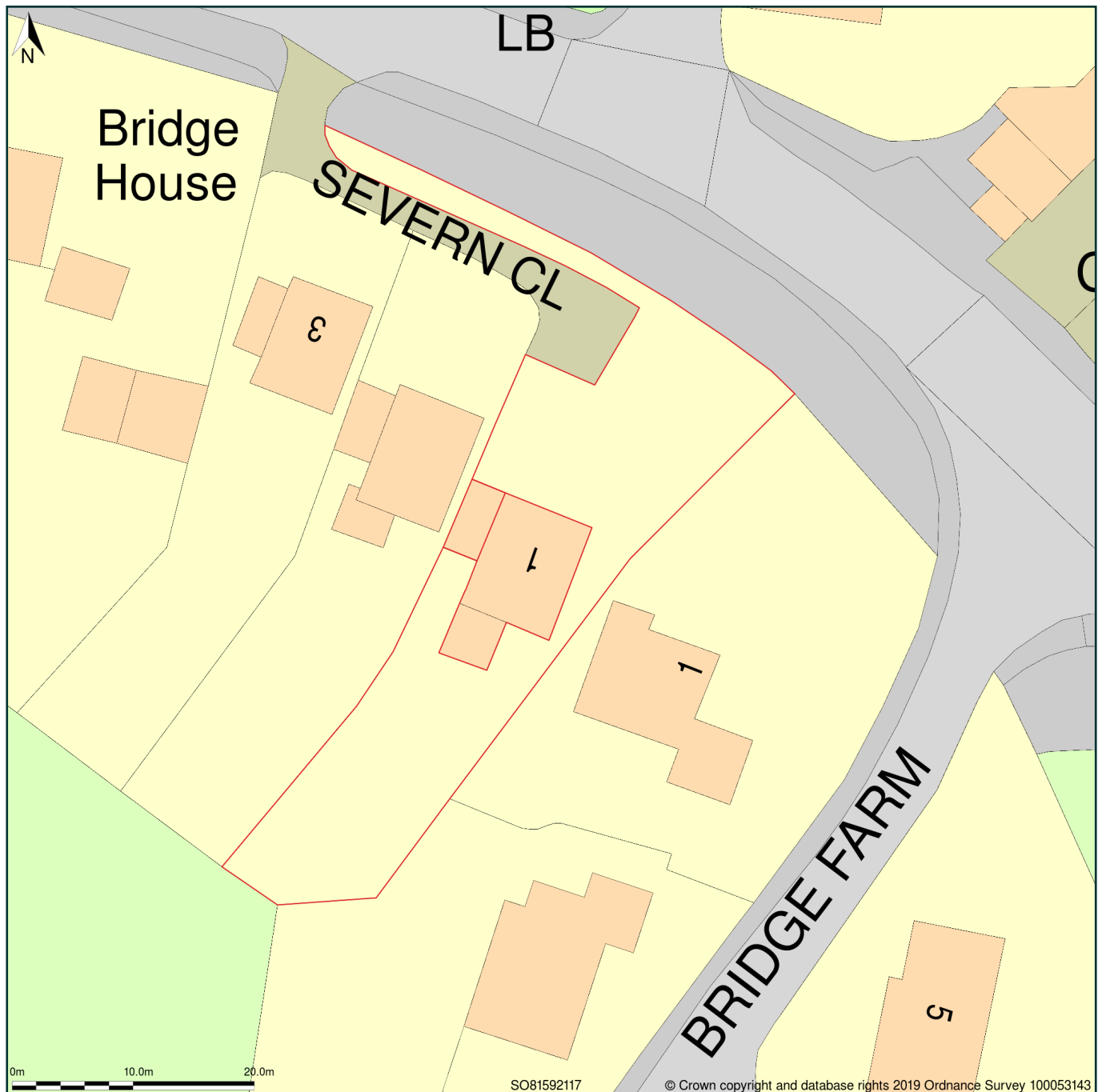
4. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54 m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To avoid an unacceptable impact on highway safety.

Informatives:

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

1, Severn Close, Maisemore, Gloucester, Gloucestershire, GL2 8ET



Block Plan shows area bounded by: 381546.04, 221131.93 381636.04, 221221.93 (at a scale of 1:500), OSGridRef: SO81592117. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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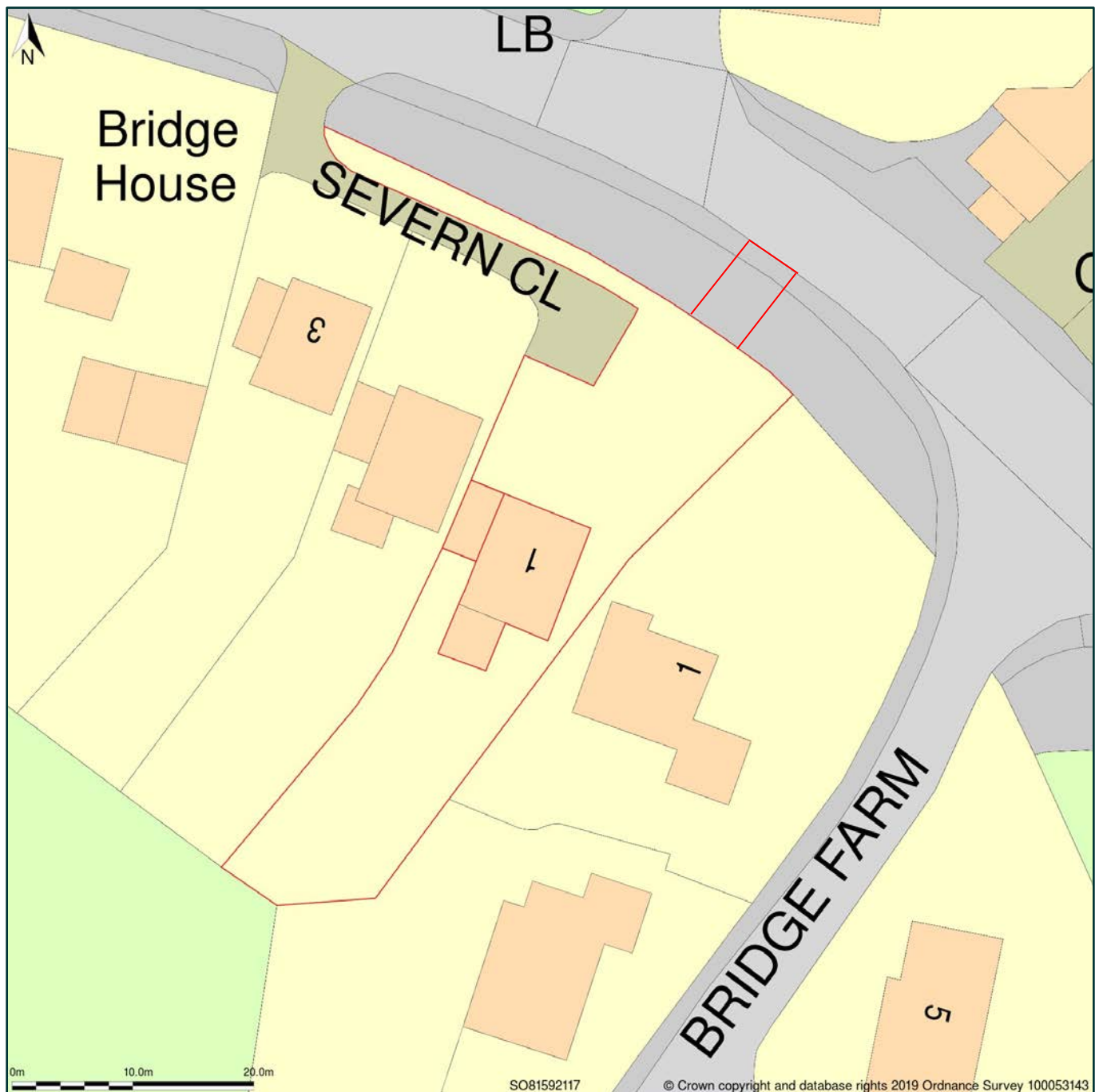


Site Plan shows area bounded by: 381520.32, 221106.22 381661.75, 221247.64 (at a scale of 1:1250), OSGridRef: SO81592117. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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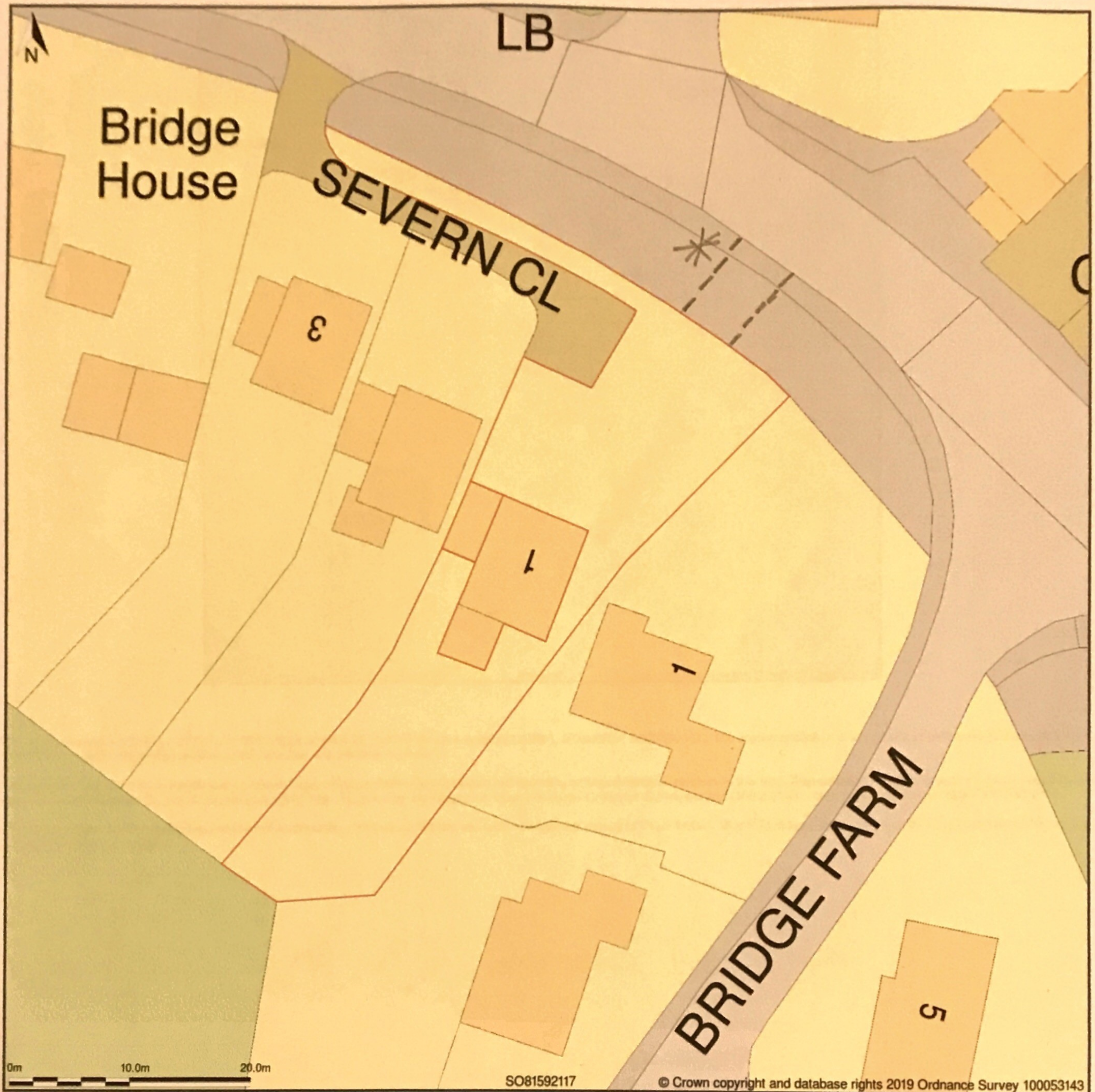


Block Plan shows area bounded by: 381546.04, 221131.93 381636.04, 221221.93 (at a scale of 1:500), OSGridRef: SO81592117. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Block Plan shows area bounded by: 381546.04, 221131.93 381636.04, 221221.93 (at a scale of 1:500), OSGridRef: SO81592117. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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** --- PROPOSED DRIVEWAY.*

TEWKESBURY BOROUGH COUNCIL

Report to:	Planning Committee
Date of Meeting:	17 March 2020
Subject:	Current Appeals and Appeal Decisions Update
Report of:	Development Manager
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	1

Executive Summary: To inform Members of current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions issued.
Recommendation: To CONSIDER the report.
Reasons for Recommendation: To inform Members of recent appeal decisions.

Resource Implications: None
Legal Implications: None
Risk Management Implications: None
Performance Management Follow-up: None
Environmental Implications: None

1.0 INTRODUCTION/BACKGROUND

- 1.1 At each Planning Committee meeting, Members are informed of current planning and enforcement appeals and Ministry of Housing, Communities and Local Government (MHCLG) appeal decisions that have recently been issued.

2.0 APPEAL DECISIONS

- 2.1 The following decisions have been issued by the MHCLG:

Application No	19/00550/PIP
Location	Land To The West Of The A48 Minsterworth Village Hygrove Lane Minsterworth Gloucester
Development	Permission in principle for residential development of between 4 to 6 dwelling houses.
Officer recommendation	PERMIT
Decision Type	Committee
DCLG Decision	Allow
Reason	<p>The Inspector considered the main issue for consideration to be whether or not the principle of the proposed development was acceptable, with specific regard to the site's location.</p> <p>The Inspector acknowledged the site was adjacent to the built-up area of Minsterworth but agreed with the Council's view that the site does not lie within the service village. Further, the Inspector reasoned that the proposal would not constitute "infill development" and would therefore conflict with JCS Policies SP2 and SD10. It was noted that the proposal would also conflict with Policies RES2 and RES3 of the PSTBP although the Inspector afforded these policies limited weight in the consideration of the appeal given the nature of unresolved objections in respect of both these policies.</p> <p>The Inspector considered the site's position immediately adjacent to existing residential development and the proposal's ability to reflect the linear form of development in the vicinity, which would not extend westward into the countryside to any greater extent than the adjoining development, would limit any encroachment into the countryside. The adverse effects arising from this encroachment would also be limited.</p> <p>Taking account of the Council's lack of a five year housing land supply, which means paragraph 11 of the NPPF was engaged, the Inspector concluded the proposal would contribute towards the shortfall in housing supply and would attract economic benefits, both during construction and afterwards. The Inspector attached moderate weight to these benefits. The site's conflict with emerging policies in the PSTBP and consequent location outside of a settlement boundary were afforded limited weight only. The proposal's encroachment into the countryside also attracted limited weight.</p>

	For these reasons, the Inspector found the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits and allowed the appeal.
Date	20.01.2020

Application No	19/00192/FUL
Location	Land On The East Side Of Broadway Road Stanway Cheltenham Gloucestershire
Development	Retention of an agricultural barn and associated works (Revised scheme Ref: 18/00449/FUL)
Officer recommendation	REFUSE
Decision Type	REFUSE
DCLG Decision	Dismiss
Reason	<p>The Inspector based his decision on the amended plans showing the omission of the fence which were received only the day before the meeting of the Planning Committee, on the basis that Members were advised of these amended plans and were therefore able to consider them when making their decision. The Inspector did acknowledge, however, that whilst the appellant referred to the removal of the fencing from the scheme, at the time of his visit the site remained enclosed by galvanised palisade fencing and the access to the site was gated. The Inspector acknowledged within the appeal decision that the building is plainly visible from the adjacent highway when approaching and passing the site. Within the appeal decision, the Inspector considered that the building, given its scale and the use of metal sheet cladding, has a somewhat industrial character and noted that it is also unrelated to, and isolated from, any other development which emphasises it as a conspicuous feature. Consequently, the Inspector considered that the development appears as a discordant and incongruous element within the landscape that detracts from its attractive rural nature.</p> <p>The Inspector acknowledged that the site benefits from an extant planning permission for a hay storage barn, which permitted a smaller building, clad in timber boarding, located closer to the highway with a smaller area of hardstanding. The Inspector noted that the permitted scheme would have a reduced visual impact than that of the appeal scheme, in that it would have a smaller visual presence due to its lesser scale and its more sympathetic use of materials.</p> <p>Whilst the Inspector considered that the partial setting down of the building below ground level serves, to some degree, to reduce the visual presence of the building and is not of itself unacceptable, he judged that this does not overcome the identified harm.</p> <p>The Inspector also recognised that, whilst the permitted building was to be open on one side, the building which is constructed on site includes roller shutter doors enclosing the east elevation. The Inspector noted that, whilst he appreciated the need for security, the inclusion of these</p>

	<p>three roller shutters impart a, and reinforce the, industrial nature of the building, which is at odds with the rural character of the area. The Inspector also noted that the appeal scheme includes a larger hardstanding area than that which was previously permitted and that, together with the location of the building further from the road, this results in development extending further into the countryside than previously permitted.</p> <p>As such, whilst the Inspector was cognisant of the extant permission, he noted that this was for a smaller building, with less visual presence and intrusion into the countryside, and considered that the appeal scheme results in greater harm. The Inspector acknowledged that this fall-back position had weight in his consideration, but that this did not outweigh the harm that results from the appeal scheme and is not a basis on which to allow the appeal.</p> <p>The Inspector concluded that the scheme results in harm to the character and appearance of the area, including that of the AONB, and that it therefore conflicts with saved policy AGR5 of the Tewkesbury Borough Local Plan to 2011, policies SD4, SD6 and SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (the JCS) and policy CE1 of the Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023 (the AONB Management Plan), as well as the design and conservation of the natural environment aims of the National Planning Policy Framework. For the reasons given above and having regard to all matters raised, the Inspector concluded that the appeal should be dismissed.</p>
Date	21.01.2020

3.0 ENFORCEMENT APPEAL DECISIONS

3.1 None

4.0 OTHER OPTIONS CONSIDERED

4.1 None

5.0 CONSULTATION

5.1 None

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 None

7.0 RELEVANT GOVERNMENT POLICIES

7.1 None

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 None

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 None

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 None

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 None

Background Papers: None

Contact Officer: Appeals Administrator
01684 272062 AppealsAdmin@teWKesbury.gov.uk

Appendices: Appendix 1: List of Appeals received

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
18/01179/FUL	Land East Of Old Gloucester Road Staverton Gloucestershire GL51 0TG	Change of use of land to provide 9 Travelling Showperson's plots and associated works including hardstanding.	27/01/2020	I	ALW	02/03/2020
19/00333/FUL	Part Parcel 2363 Butts Lane Woodmancote Cheltenham Gloucestershire	Erection of 5 dwellings with associated access	04/02/2020	W	VIS	10/03/2020
19/00538/FUL	19 Whitefields Road Bishops Cleeve Cheltenham Gloucestershire GL52 8RR	Erection of a two storey rear extension.	20/02/2020	FAS	SNB	
19/00246/FUL	Parcel 5762 Land Adjacent Rudgeley House Cold Pool Lane Badgeworth	Proposed change of use of land to a private Gypsy and Traveller site consisting of 1 pitch of 1x Mobile Home, 1x Touring Caravan.	24/02/2020	I	HMS	
PP-07821435	Court Farm Caravan & Camping Site Court Farm Tewkesbury Road Twigworth Gloucester Gloucestershire GL2 9PX	Change of use of land from agricultural to a caravan site to be used as holiday accommodation	25/02/2020	W	VIS	07/04/2020
19/00135/FUL	Bishops Leys Farm Butts Lane Woodmancote Cheltenham Gloucestershire GL52 9QH	The erection of a detached dwelling with integrated garage.	26/02/2020	W	DLL	01/04/2020

List of Appeals Received						
Reference	Address	Description	Date Appeal Lodged	Appeal Procedure	Appeal Officer	Statement Due
19/00682/FUL	Land At Cleeve Hill Southam Cheltenham Gloucestershire	Erection of 3no. infill dwellings, new vehicular access and landscaping	02/03/2020	W	ALW	06/04/2020
19/00800/FUL	Noreen Ashleigh Lane Cleeve Hill Cheltenham Gloucestershire GL52 3QF	Erection of an agricultural storage building	04/03/2020	W	DLL	08/04/2020

Process Type

- **FAS** indicates FastTrack Household Appeal Service
- **HH** indicates Householder Appeal
- **W** indicates Written Reps
- **H** indicates Informal Hearing
- **I** indicates Public Inquiry