

**APPENDIX A
Agenda Item No. 5A**

TEWKESBURY BOROUGH COUNCIL

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 24 November 2015

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(404 - 459)	(460 - 562)

PLEASE NOTE:

1. In addition to the written report given with recommendations, where applicable, schedule of consultation replies and representations received after the Report was prepared will be available at the Meeting and further oral reports may be made as appropriate during the Meeting which may result in a change to the Development Manager stated recommendations.
2. Background papers referred to in compiling this report are the Standard Conditions Booklet, the planning application documents, any third party representations and any responses from the consultees listed under each application number. The Schedule of third party representations received after the Report was printed, and any reported orally at the Meeting, will also constitute background papers and be open for inspection.

CONTAINING PAGE NOS. (404 – 562)

Codes for Application Types

OUT	Outline Application
FUL	Full Application
APP	Application for Approval of Reserved Matters
LBC	Application for Listed Building Consent
ADV	Application for Advertisement Control
CAC	Application for Conservation Area Consent
LA3/LA4	Development by a Local Authority
TPO	Tree Preservation Order
TCA	Tree(s) in Conservation Area

National Planning Policy

National Planning Policy Framework (NPPF)

Technical Guidance to the National Planning Policy Framework

Planning Policy for Traveller Sites

Planning Policy Statement 10: Planning for Sustainable Waste Management

Planning Policy Statement 11: Regional Spatial Strategies

INDEX TO PLANNING SCHEDULE (RECOMMENDATIONS) 24th November 2015

Ashchurch Rural 14/01245/OUT	Land Off Aston Fields Lane Ashchurch Tewkesbury Gloucestershire	Minded to Refuse	5
Click Here To View			
Badgeworth 15/01107/FUL	Yew Tree Cottage Church Lane Badgeworth Cheltenham	Refuse	8
Click Here To View			
Bishops Cleeve 15/00417/FUL	Land Adjacent To Millham House Evesham Road Bishops Cleeve GL52 8SA	Permit	11
Click Here To View			
Bishops Cleeve 15/00575/APP	Part Parcel 6134 Phase 2 Homelands Gotherington Lane Bishops Cleeve	Delegated Approve	20
Click Here To View			
Bishops Cleeve 15/01104/FUL	2 Southam Fields Farm Meadoway Bishops Cleeve Cheltenham	Refuse	7
Click Here To View			
Churchdown 14/01169/FUL	77 Cheltenham Road East Churchdown Gloucester Gloucestershire	Permit	9
Click Here To View			
Deerhurst 15/01088/FUL	Daffodil Cottage Deerhurst Gloucester Gloucestershire	Permit	4
Click Here To View			
Elmstone Hardwicke 15/00801/FUL	Land Off Cursey Lane Elmstone Hardwicke Cheltenham Gloucestershire	Permit	3
Click Here To View			
Gretton 15/00841/FUL	Land Rear Of Church Row Church Row Gretton Cheltenham	Refuse	2
Click Here To View			
Highnam 15/00409/FUL	Over Farm Over Bridge Over GL2 8DB	Permit	10
Click Here To View			
Highnam 15/00410/FUL	Land At Highnam Farm Two Mile Lane Highnam GL2 8DN	Delegated Permit	18
Click Here To View			

Longford 15/00814/APP	Land To East Of Tewkesbury Road And North Of Longford Lane Longford Gloucester	Refuse Approval	21
Click Here To View			
Norton 15/00893/OUT	Brooklands Tewkesbury Road Norton Gloucester	Permit	14
Click Here To View			
Shurdington 15/00443/FUL	Flight Farm Leckhampton Hill Leckhampton Cheltenham	Permit	12
Click Here To View			
Shurdington 15/00882/FUL	Burley Fields Farm Crippetts Lane Leckhampton Cheltenham	Refuse	6
Click Here To View			
Twigworth 15/00898/OUT	Part Parcel 2691 Tewkesbury Road Twigworth Gloucester	Delegated Permit	19
Click Here To View			
Uckington 15/00992/FUL	The Coach House Pigeon Farm Barns The Green Uckington	Permit	17
Click Here To View			
Winchcombe 15/00339/FUL	Giles Piece House Langley Road Winchcombe GL54 5QP	Refuse	1
Click Here To View			
Woodmancote 15/00680/FUL	Hillside Cottage Stockwell Lane Cleeve Hill Cheltenham	Permit	13
Click Here To View			
Woodmancote 15/00905/FUL	Badgerbank Farm Bushcombe Lane Woodmancote Cheltenham	Permit	15
Click Here To View			
Woodmancote 15/00981/FUL	12 Beverley Gardens Woodmancote Cheltenham Gloucestershire	Permit	16
Click Here To View			

Valid 21.05.2015

Demolition of existing cattle shed and erection of a detached dwelling together with associated landscaping and works.

Grid Ref 401522 228166

Parish Winchcombe

Ward Winchcombe

Mr M Le Grand
 10 Hillview Road
 Cheltenham
 GL52 5AD
 FAO: Mr M Le Grand

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

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies HOU4, EVT2 and TPT1.

The Joint Core Strategy (JCS) is at Examination and therefore can be given limited weight. The Relevant aspects of the JCS - SP2, SD8, SD11, SD15 and INF1

Winchcombe and Sudeley Neighbourhood Plan completed a 6 week formal consultation mid- February 2015.

Responses are being analysed with a view to putting a submission version to Tewkesbury Borough Council.

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

The First Protocol, Article 1 (Protection of Property)

Cotswold Area of Outstanding Natural Beauty

Consultations and Representations

Winchcombe Town Council - Object- It is outside the residential development boundary, in the AONB and would have an adverse impact. The Town Council would like the Conservation Officer to investigate possible listing of the existing building which is proposed for demolition as oral history suggests it may be of significance. It is hoped that the Town Council will be able to provide documentation from a local historian to support this claim.

Severn Trent Water - No objection subject to a condition

Cotswold Conservation Board - Object - This site is outside the settlement boundary, within the countryside of the nationally protected Cotswolds AONB. The site is visible from public viewpoints from the immediate surroundings and wider landscape. The removal of a modest barn and replacement with a dwelling and associated domestic features including a parking area, garden, fencing etc will lead to an obvious urbanisation of this part of Winchcombe, outside the established settlement boundary. This development will therefore result in a negative impact which will not conserve and enhance the AONB in breach of the purposes of the CRoW Act 2000. The NPPF affords the AONB "great weight" in the decision making process and the AONB has the highest status of protection in relation to landscape and scenic beauty.

Conservation Officer - No objection. The cattle shed does not have the historic or architectural merit to warrant listing.

1 letter of objection from a local resident objecting due to the impact of a large dwelling and stables in the green belt area of AONB in Winchcombe

Planning Officers Comments: Mr Andrew Thompson

1.0 Application Site

1.1 The application site comprises open agricultural land located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Agricultural buildings are sited on the land including a large cattle shed. The site measures 8775 square metres (2.17 acre) and is accessed from Langley Road via a five bar gate located on the southern boundary. Langley Road is approximately 4.6 metres wide and is located at the south western end of the town. Housing development on its northern side comprises a linear form of development and the road then continues into open countryside which is characterised with farm buildings/land with some sporadic housing development set in generous plots. There are open fields to the North and South and views over the village of Winchcombe to the South East.

2.0 Planning History

2.1 No relevant planning history

3.0 Current Application

3.1 The application proposes a detached two-storey, four bedroom dwelling following demolition of an existing cattle shed. The application includes planting of a fruit orchard at the front of the property and landscaping to the site. The site would be accessed from Langley Road using the existing farm gate. The submitted plans define a curtilage and garden area with an associated paddock also for users of the proposed dwelling.

3.2 Boundary treatment would be a 1.2 metre high five bar timber gate for the main vehicle and pedestrian access and a 1.4 metre high four bar timber fence to be constructed both sides of the driveway and a 1.4m high four bar timber fence for the purpose of dividing paddocks and in order to establish an amenity curtilage. The driveway would be constructed to be permeable with a septic tank proposed for foul drainage.

3.3 The application is supported by a Landscape and Visual Assessment (LVIA) and Design and Access Statement.

4.0 Principle of Development

The Development Plan

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Tewkesbury Borough Local Plan to 2011 - March 2006

4.2 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. However, HOU4 is based on the now revoked Structure Plan housing numbers and for that reason is considered out of date in the context of the NPPF in so far as it relates to restricting the supply of housing. The policy is also out of date in this context because the Council cannot at this time demonstrate a five year supply of deliverable housing sites.

Emerging Development Plan

4.3 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development.

4.4 Paragraph 216 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the 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 policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

4.5 The Submission version of the JCS was approved by the three JCS authorities in April 2014 for pre-submission publication. The JCS is now under examination in public and as such neither document can be given full weight.

4.6 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless 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; or where specific policies in the Framework indicate development should be restricted.

4.7 The NPPF requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

4.8 Paragraph 55 of the NPPF seeks to avoid isolated new dwellings in the countryside. In this case, the proposed development would be situated close to the existing settlement and could not be described as isolated in the context of the NPPF.

5.0 Impact of the proposed development on the AONB

5.1 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Sections 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes.

5.2 The site is located within the Cotswolds AONB and paragraph 115 of the NPPF sets out that great weight should be given to conserving landscape and scenic beauty in AONBs which, along with other designations, have the highest status of protection in relation to landscape and scenic beauty.

5.3. As detailed above, the site is located within the Cotswolds AONB and is located within the Langley Hill character area as identified in the Cotswolds Landscape Character Assessment for this area. This area (although it excludes the application site) was also subject of a landscape sensitivity assessment for the local plan which identified the land to the west of Winchcombe as having a medium landscape character sensitivity. The area is identified as 'having a distinct topography and a good sense of enclosure in association with a diverse range of boundary types. There is a strong influence from the existing settlement edge in the form of paddocks, ramshackle sheds and buildings and domestic gardens. This influence diminishes rapidly with distance. Heavily influenced by the overlooking high ground to the west.'

5.4 The applicant has submitted their own Landscape and Visual Assessment which highlights the following:

- The proposed buildings will occupy approximately 2% of the site. From the remaining approximately 5% will be permeable hard standing and 93% grass and soft landscaping.
- The land to the front of the dwelling will be landscaped with a combination plants and shrubs which will enhance the street scene significantly.
- The character of the area will benefit considerably from the landscaping, plants and foliage proposed.
- The proposals include Due to the sloping nature of the site, orientation and soil type, we have advised the applicant to incorporate an apple orchard and a small number of plum and pear trees in to the proposal as illustrated on drawing 14-183 03A.
- The most important orchard sites for wildlife are the older, traditional orchard sites with standard trees, because these tend to be neglected and contain over mature trees of a variety of species including apple, pear and plum. They support many insect species and a wide range of bird and bat species.
- An estimated ninety per cent of Gloucestershire's old orchards have been lost in the last 75 years. Old orchards mostly remain as small numbers of remnant trees and even an individual fruit tree can be an important wildlife and landscape feature. Today small managed orchards exist mainly in gardens, schools and community nature reserves and there are very few large commercial orchards left.
- Orchards were included as a national Biodiversity Action Plan habitat in 2007. They have been identified as a local BAP habitat in Gloucestershire.

- The proposals also include two semi-mature (approx. 3-5 metres in height) holm oaks be planted. One to the front of the property and one to the rear as shown on drawing 14-185 03A. The trees will provide a habitat for nesting birds and broad range of insects.
- The proposed construction materials are Cotswold stone and timber panelling, natural stone slates, Oak front door and exposed lintels, timber window frames, timber fascias and aluminium guttering and down pipes.

5.5 The applicant's LVIA concludes that the proposal has been amended to take account of landscape recommendations and the proposals would be an acceptable form of development to the landscape.

5.6 Whilst it is accepted that the existing cattle shed is of no aesthetic merit, it is agricultural in style, and to that extent it is in keeping with the rural nature of the surroundings. The cattle shed is very low key and not considered to be intrusive in the landscape. Whilst its removal could be argued to be a minor benefit, it would not be offset by the impact of the much larger and more visually intrusive dwelling house being proposed. The LVIA argues that the character of the area would benefit significantly from the proposed landscaping as orchards are a distinctive part of Gloucestershire's heritage and the proposed orchards would contribute to biodiversity, landscape character and local distinctiveness. The Council's Landscape Officer has researched historic maps of the area which appear to indicate evidence of orchards in the Winchcombe area and fruit trees on the site may be remnants of an old orchard but it is noted that the Landscape and Visual Sensitivity Assessment, discussed above, makes no reference to orchards. Whilst it is accepted that the proposed planting would help to soften the visual impact of the proposed development, the planting of orchard trees would not necessarily be characteristic of the existing open pastoral landscape character of this area and would not mitigate the significant visual harm that would arise from the new dwelling which would be sited in an elevated position.

5.7 The new dwelling, with its associated domestic paraphernalia would have an urbanising impact on this rural landscape and would fail to conserve the landscape and scenic beauty of the Cotswolds AONB in conflict with the NPPF and emerging policy SD8 of the JCS Submission Version (November 2014). These concerns are also shared by the Town Council and Cotswold Conservation Board.

6.0 The impact on the amenities of residents

6.1 The proposed development would be well separated from neighbouring properties and windows have been positioned to be away from existing neighbours. The proposal would not have an impact on neighbouring properties.

7.0 Highways issues

7.1 As set out above the site is within a reasonably accessible location given its proximity to Winchcombe and the services and facilities contained therein. The proposal would utilise the existing access and it is not considered that the number of vehicle movements associated with a single dwelling would create undue highway hazards over and above the current, albeit limited, use. Parking and manoeuvring space is provided within the site.

8.0 The planning balance

8.1 Whilst it is acknowledged that the Council cannot currently demonstrate a 5 year supply of deliverable housing land, the contribution of a single dwelling would carry very limited weight in the overall planning balance. The economic benefits of the proposal are recognised, however again, these would be limited by the scale of the proposal. Against these limited benefits, it is considered that the harm to the AONB landscape resulting from this development would significantly and demonstrably outweigh the benefits in the overall planning balance. The application is thus recommended for **refusal**.

RECOMMENDATION Refuse

Reason:

- 1 The site lies within the Cotswolds Area of Outstanding Natural Beauty where great weight is given to the protection of the landscape in accordance with the NPPF. The proposed development would be visually intrusive and would have an unduly harmful impact on the landscape and scenic beauty of the area.

Note:

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.

KEY

Foot print of proposed dwelling

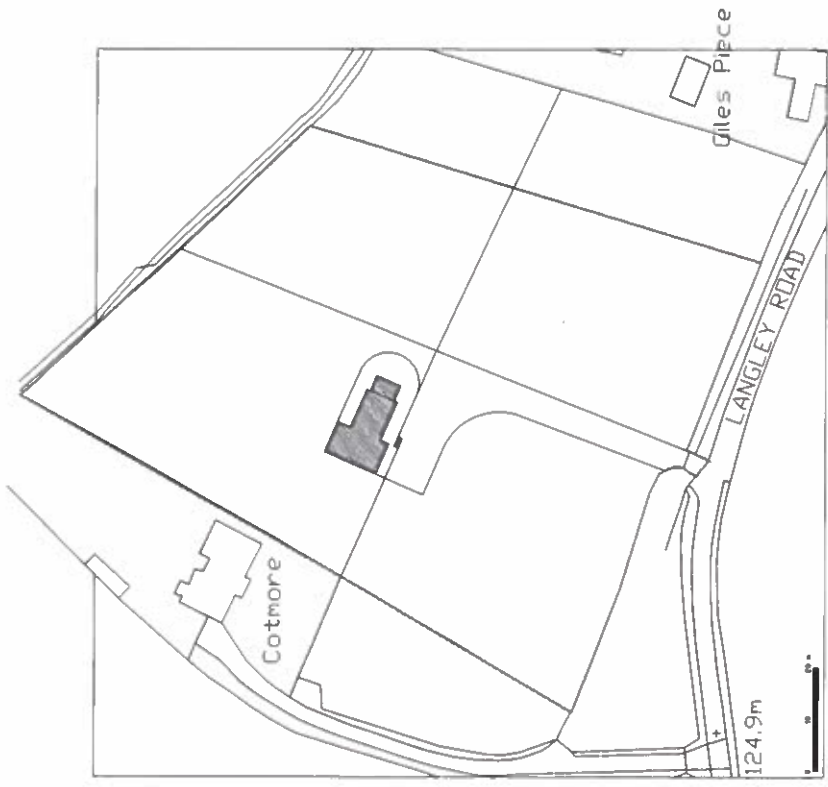


15/00339/FUL

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Email: mark@mlg.co.uk

ARCHITECTURAL SERVICES - PLANNING - PROJECT MANAGEMENT

CLIENT	N/A
PROPERTY/LAND	LAND ADJACENT TO GILES PIECE HOUSE, CL 14 190
DRAWING TITLE	BLOCK PLAN
SCALE	1:500 @ A3
DRAWN BY	MLG
DATE	MARCH 2015
DRAWING NO.	14-185-02
REVISION	A
ADDITIONAL INFORMATION	



BLOCK PLAN 1:500

408/A

15/00339/FUL

1.4 metre
high four bar
timber fence

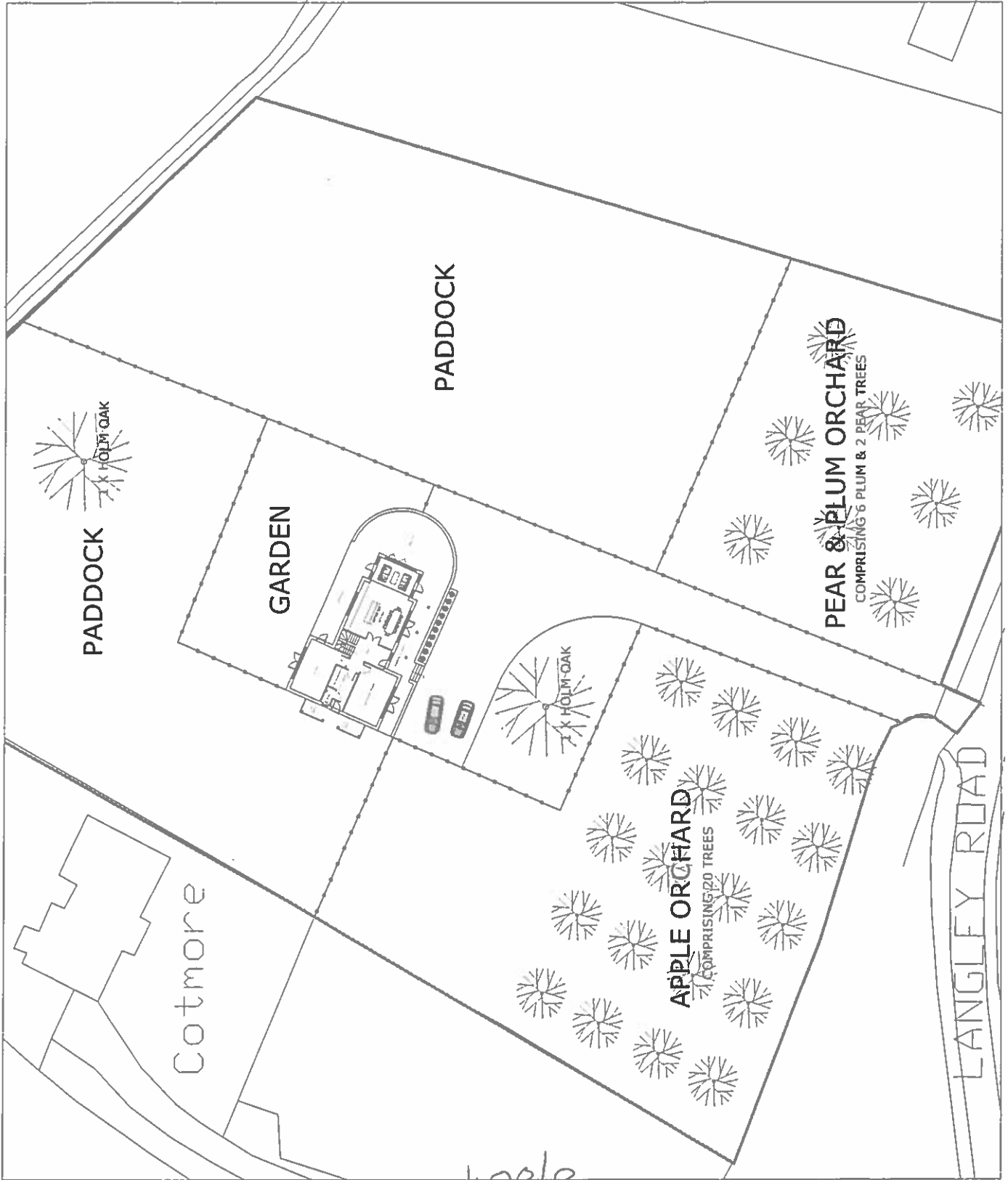


Tree



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CLIENT	N/A
PROPERTY/LAND	LAND ADJACENT TO GILES FEELE HOUSE, GLEBE WAY
DRAWING TITLE	PROPOSED SITE LAYOUT PLAN
SCALE	1:200 @ A1
DRAWN BY	HLC
DATE	MARCH 2015
DRAWING NO.	14/185/03
REVISION	A
ADDITIONAL INFORMATION	



SITE LAYOUT PLAN 1:200

408/B

Valid 26.08.2015

Residential development for the erection of 23 no. dwellings (including 9 affordable units) and associated landscaping, a new access, public open space and associated works

Grid Ref 400583 230623

Parish Gretton

Ward Winchcombe

Spitfire Properties LLP
C/o Agent**RECOMMENDATION Refuse****Policies and Constraints****NPPF**

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL11, HOU4, HOU13, TPT1, EVT2, EVT3, EVT5, EVT9, LND2, LND7, RCN1, RCN2, NCN5, NCN6, NCN7

Joint Core Strategy Submission Version November 2014 - Policies, SD1, SP2, SD5, SD8, SD7, SD9, SD13 INF1, INF3 and INF7

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

The First Protocol, Article 1 (Protection of Property)

Special Landscape Area

Consultations and Representations**Parish Council - Object for the following reasons:**

- Size of the development would be inappropriate as it would result in a 12% increase in houses in Gretton. It would not be proportionate to the size of the village.
- Would change the character of the village.
- Is located outside of the Settlement Boundary and a non-service village.
- Should not be included in TBC's Assessment of Land Availability.
- The proposal would result in flooding and drainage issues.
- The proposal would result in highway safety issues.
- The school has limited capacity and facilities.
- There would be landscape harm with the SLA.
- There would be damage to TPO trees.
- Inappropriate form and scale of development.
- Affordable housing would be poorly integrated.
- Open space provision is poor and unsuitable.
- Development of the site would result in intrusion into the open countryside.

County Archaeologist - Objects, as the application should be accompanied by an archaeological field evaluation.**Gloucestershire Constabulary - It is recommended that the development is built to meet Secured by Design standards.****Lead Local Flood Authority (GCC) - No objection.****Natural England - No objection.****Urban Design Officer - Objects** due to the impact of the proposed development on the character of the settlement and the design and layout of the proposal.**Cotswolds Conservation Board - No objection.****Conservation Officer - Objects**, impact on setting of Christ Church and the design of the proposal.**Severn Trent Water - No objection** subject to drainage condition.

Housing Enabling Officer - Objects due to the layout and design of the proposed development.

24 letters of neighbour representation raising the following (summarised) objections:

- proposal is too large in relation to the size of the village.
- Development will not be sustainable for the limited facilities of the village.
- The intention of the JCS is to put large developments where services can be provided. Putting these developments in non-service villages puts a strain on the infrastructure over a much larger area.
- The proposed development lies in open land outside Gretton village residential development boundary.
- The type of housing provided does not meet the needs of the village which needs housing for young families who will most likely be looking for affordable 3 bedroom houses.
- The proposal will result in the limited social infrastructure of the village being overstretched. There are no shops and one of the two public houses has just closed. There are limited public transport links. The development would increase vehicular traffic through the village.
- It is not currently practical or safe to cycle to Winchcombe for shopping.
- Although attempts have been made to shield the view of the development, the rooflines will be visible.
- This is low lying land and has flooded during recent exceptional rainfall periods.
- The developer proposes a mixture of stone, render and brick buildings. The developer shows photos of a mix of buildings spread through the village, however most houses in Gretton are of Cotswold stone.
- Surplus earth from the development could be used to level ridge and furrow land at the front of church row.
- The proposal would impact on existing utilities.
- Loss of views
- Impacts on birds, hedgehogs and protected species.
- Lack of school places to accommodate additional children.
- It is also extending the built-up boundary of the village northwards, potentially setting a precedent for further developments alongside the railway line.
- Proposal would result in an increase in traffic.
- Would impact on protected trees.
- The proposal would be detrimental to highway safety.
- There is little or no potential employment opportunity within the community.

Planning Officers Comments: Mr Ciaran Power

1.0 Introduction

1.1 The application relates to a parcel of land to the rear of Church Row which is located to the north western edge of the village of Gretton (**see attached location plan**). The site is currently in agricultural use and is open grassland. The site is generally flat it is accessed off Gretton Row via an existing field access.

1.2 The site is located within a designated Special Landscape Area which provides the foreground setting for the Area of Outstanding Natural Beauty (AONB) to the southern side of the railway line which passes through Gretton. The site is located outside of the Gretton settlement Boundary. Christ Church, a Grade II Listed Building abuts part of the southern site boundary. The site is bounded by hedgerow and a number of trees including trees adjacent to the site boundary on 3rd party land which are subject to Tree Preservation Orders.

2.0 Relevant Planning History

2.1 There is no planning history which is considered to be relevant to this current application.

3.0 Current Application

3.1 The application seeks full planning permission for 23 dwellings, with associated infrastructure. It is proposed that 40% of the dwellings would be affordable (9 dwellings). The site would be accessed from Gretton Row via the existing field access which would serve the whole development resulting in what would be essentially a large cul-de-sac. It is proposed that the development would include parking for 71 cars. In terms of market dwellings the proposal would include five 3 bedroom properties and nine four bedroom properties. In terms of affordable units 7 would be social rented and 2 would be intermediate affordable dwellings.

3.2 The applicant also proposes, where necessary, contributions towards education, libraries, open space, playing pitches and other community/sports facilities which would offset the impacts of development.

4.0 The Community Infrastructure Levy Regulations

4.1 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst Tewkesbury Borough Council has not yet developed a levy 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.

4.2 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, it is 'unlawful' for those obligations to be taken into account when determining an application. The need for planning obligations is set out in relevant sections of the report.

5.0 Principle of Development

The Development Plan

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Tewkesbury Borough Local Plan to 2011 - March 2006

5.2 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. However, HOU4 is based on the now revoked Structure Plan housing numbers and for that reason is considered out of date in the context of the NPPF in so far as it relates to restricting the supply of housing. The policy is also out of date in this context because the Council cannot demonstrate a five year supply of deliverable housing sites.

5.3 Other relevant local plan policies are set out in the appropriate sections of this report.

Emerging Development Plan

5.4 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development.

5.5 The Submission Joint Core Strategy (November 2014) is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. This document, inter alia, sets out the preferred strategy to help meet the identified level of need. Policy SP2 of the Submission JCS sets out the overall level of development and approach to its distribution.

5.6 Within the rural areas of Tewkesbury Borough, 2,612 dwellings are proposed to be delivered in the plan period to 2031. Approximately two thirds of this rural development has already been committed through planning permissions already granted. The remainder of this requirement will be allocated at rural service centres and service villages through the Tewkesbury Borough Plan and neighbourhood plans.

5.7 Paragraph 216 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the 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 policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.8 The JCS was submitted to the Secretary of State on 20 November 2014. Its Examination in Public commenced in May 2015 and is still ongoing. Whilst the emerging plan is now at a more advanced stage, it is not yet formally part of the development plan for the area and the weight that can be attached to its policies will be limited having regard to the criteria set out above.

5.9 The Tewkesbury Borough Plan (2011-2031) will sit beneath the JCS. A draft Site Options and Policies document has been published and was the subject of six weeks of public consultation, which closed on 13th April 2015. The draft plan invited views on possible site options for development at the rural service centres and service villages. The draft plan is at a much earlier stage of development than the JCS and thus can only be given very limited weight at this stage. The 'Approach to Rural Sites' Background Paper which supports the plan process includes within it a disaggregation process which provides an indicative figure for Service Centres and service villages, however it is relevant to note that Gretton is neither considered a Service Centre or service village.

National Policy/Guidance

5.10 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless 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; or where specific policies in the Framework indicate development should be restricted. Footnote 9 to paragraph 14 gives examples of where policies in the Framework indicate where development should be restricted and includes land designated as an Area of Outstanding Natural Beauty and designated heritage assets.

5.11 The NPPF requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

5.12 The NPPF is supplemented by the Government's Planning Practice Guidance (PPG). Of relevance to this case is the section on rural housing which states that it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. It follows that a thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.

5-Year Housing Land Supply and the implications of the NPPF

5.13 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where there has been a persistent under-delivery of housing, a 20% buffer is applied. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 49 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date.

5.14 The Council cannot currently demonstrate a five year supply of deliverable housing sites and on that basis, the Council's relevant policies for the supply of housing are out-of-date. In accordance with paragraph 14 of the NPPF, the presumption in favour of sustainable development would therefore apply and permission should be granted unless there are any adverse impacts of doing so which would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

6.0 Landscape and Visual Impact

6.1 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. The site itself is located within a Special Landscape Area and therefore Policy LND2 of the Tewkesbury Local Plan is relevant. Policy LND2 of the Local Plan states that special attention will be accorded to the protection and enhancement of the Special Landscape Area and that proposal must demonstrate that they do not adversely affect the environment, its visual attractiveness, wildlife or ecology or detract from the quiet enjoyment of the countryside. The reasoned justification to Policy LND2 explains that the identification of the Special Landscape Area aims to protect the foreground setting of the Area of Outstanding Natural Beauty (AONB) where the topography of the area is a continuation of the AONB and/or where the vegetation associated features are characteristic of the AONB. The Special Landscape Area is of a high landscape quality that is worthy of protection in its own right, but it also protects the setting of the nationally designated AONB. It is considered that policy LND2 is consistent with the NPPF and should be afforded considerable weight. Policy SD8 of the submission version of the JCS states that all development proposals in or adjacent to the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan. Policy SD7 of the submission version of the JCS seeks for development to protect or enhance landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.

6.2 The application has been accompanied with a Landscape and Visual Impact assessment (LVIA) which assesses the landscape and visual effects of the proposed development. Whilst the absence of wider impacts on the AONB described in the LVIA are generally accepted it is considered that the assessment underplays the impact the development would have on local views and the important landscape features of the settlement which the development site contributes towards. In particular the impact which a relatively urban form of development would have upon the local landscape character of this edge of settlement site has been given little weight in the assessment. The view of the village and Christ Church from the road as you approach the village is characteristically open and green. There are clear views across the Special Landscape Area towards the AONB. The development would interrupt these views and change the nature of the landscape here from open and green to developed, as roofscape will be distinctly visible as you approach the village. The LVIA assesses the view (Viewpoint 2) approaching the village from the north as having major landscape resources and visual amenity impacts in the first five years. It then considered that the impacts would be reduced to moderate beyond a five year period. Viewpoint 2 of the LVIA is recorded as approximately 220 metres from the application site and in officer's opinion even if the impacts are reduced to moderate after five years the development would become more prominent and harmful to the open landscape character the nearer you get to the settlement - eventually being confronted with a view of the development from viewpoint 1 of the LVIA which is a clear view into the site from the access point. Here the LVIA considered that development would have major effects to the landscape resource and the visual amenity of the area with no reduction in the harm following a five year period.

6.3 There are also a number of Public Rights of Way within the locality which the development would be visible from including those on the western side of Church Row (although no visual assessment has been carried out as part of the LVIA) and from the Winchcombe Way (LVIA viewpoint 3 and 4). Viewpoint 3 is taken approximately 950 metres to the west in an elevated position in the Cotswolds AONB Escarpment. The LVIA considers that the landscape resource effects would be minor but the visual amenity effect would be moderate reducing to minor in year 5. Viewpoint 4 is a view from the Winchcombe Way within the SLA approximately 420 metres from the application site. From here there are clear views of the church spire and its undeveloped foreground. The LVIA considers that the development would have moderate landscape resources and visual amenity impacts in the first five years and the identified effects would not decrease over time.

6.4 The LVIA also relies on the retention of existing boundary features as well as additional planting to mitigate the impacts of the development. However this would not mitigate the impact that a relatively dense roof-scape would have in this location, including the impact on views from the surrounding public footpath network and the existing settlement. There is a reliance on screening from new planting along the northern and eastern boundary; this suggests that the edges of the development are not as sympathetic or soft as they should be. This buffer is artificial and very linear and so would be obvious in the landscape; it would also alter and partially hide the views of the Church as you approach the village and from the PROW network. The buffer planting is also not within the public realm and as such its management cannot be guaranteed, as future residents may manage it differently.

6.5 The application site currently provides a gentle transition from the entrance into Gretton in a predominantly linear form. As you travel into the village densities increase and the same gentle transition occurs when leaving Gretton in all directions which helps assimilate it into its open countryside setting. The development at the proposed scale, in this location would appear as an alien feature and a bolt onto the existing settlement rather than a sensitive and considered addition.

6.6 Paragraph 1.4 of the submitted Arboricultural report states that those carrying out the survey have been informed that trees are not subject to any Tree Preservation Orders (TPO), however T4 appears to be the subject of a TPO and officers have concerns regarding compacting of soils around the Root Protection Areas (RPA) as the trees are already rather restricted and the entrance road would go very close to these trees encroaching within its RPA. Having regard to this it is not considered that the applicant has demonstrated that the proposal would not result in the damage and long term loss of this tree.

6.7 In conclusion, it is considered that the proposal would result in significant encroachment into the countryside and the harmful impacts to this valued landscape as outlined above weigh significantly against the development. These harms must be considered in the overall planning balance.

7.0 Impact on Heritage Assets

7.1 The NPPF places a strong emphasis on the conservation of heritage assets, and expects any harm to the historic environment to be offset by demonstrable public benefits. Furthermore it places a premium on the value of good design and by corollary, expects poor design 'that fails to take the opportunities available for improving the character and quality of an area' to be refused.

7.2 Policy SD9 of the submission version of the JCS seeks to promote the important contribution built, natural and cultural heritage has on settlements and the wider countryside. It states, amongst other things, that development should make a positive contribution to the local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. It 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. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy.

7.3 The application site abuts Christ Church, a Grade II Listed Building to the south east of the application site. This was built in the late C19 as a replacement for a medieval church in the centre of Gretton, and originally stood in relative isolation at the western extremity of the village. This relationship has been altered with the construction of the railway in the early C20 and the Church Row housing in the mid C20, but the church still occupies a commanding position with its spire visible as a landmark for a considerable distance, especially from the north.

7.4 The site is currently pasture, and given its intimate relationship with the church, any development in this location would affect the setting of church. The scheme would not enhance the setting of the heritage asset and would be harmful given its very nature. Whilst the Council's Conservation Officer concludes that the impact is unlikely to amount to substantial harm in the context of the NPPF this is a matter which weighs against the application in the planning balance.

7.5 In conclusion, the development as proposed would have a harmful impact upon the setting of the adjacent Listed Building and whilst less than substantial harm this does weigh against the development in the planning balance.

8.0 Design and Layout

8.1 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

8.2 The proposed development sits on the edge of the settlement of Gretton. Development in this location is generally linear and focused around the main route into or out of the village. Currently there is a row of semi-detached properties that front the main road and development here is generally one plot deep off the main road as the settlement disperses towards the edges. The centre of the village is focused around the cross roads and the railway line forms an edge to the core of the settlement. There is currently a gap between the existing semi-detached properties and the historic detached property that sits to the west of the proposed access. This gap and the linear form of development is characteristic of the dispersed rural nature of this approach to the village. This development is contrary to the characteristic urban form in this area and it is isolated and detached from the village core.

8.3 Paragraph 61 of the NPPF states that "*securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment*". This emphasises how important achieving appropriate integration and connectivity are to ensuring that new development will positively contribute to the relationships between people and places. The proposal is for a cul-de-sac development and is isolated from the village and has poor connectivity as there are no connections through the site into the countryside or the village itself. The development does not integrate with the existing form of development and presents no frontage to the existing road network.

8.4 In terms of the detailed design, Plot 1 presents a poorly fenestrated gable end and garage at the main gateway to the site. The location of the garage and parking to plot 21 is located some distance from the front door, this is not an ideal situation and perhaps a better arrangement would be to create a courtyard to the front of plots 20-21 where parking is possible outside the front door. The space between plots 20-21 appears somewhat 'left over' and designed around vehicle tracking. The distinction between public and private space here is not clear, the properties should have front boundary treatments.

8.5 The parking court for the affordable units presents secure by design issues and is not the best solution for providing parking. Parking courts should be used as a last resort and it is considered that other options for parking should have been explored here. As the parking court is not easily accessible to the front of properties then this would encourage anti-social parking on the street and neighbouring private drive. There is a distinct lack of visitor parking spaces and this would encourage anti-social parking on the street/pavement. The street should be designed to accommodate on street parking.

8.6 In conclusion the development fails to successfully integrate or connect with the village core and is at odds with the characteristic shape of development within the village. Its urban structure bears no relationship to the existing structure of the village and is therefore out of keeping. The proposed pattern of development or urban grain is also contrary to existing development immediately adjacent. This weighs significantly against the proposal in the planning balance.

9.0 Access to local services and facilities

9.1 Section 4 of the NPPF (Promoting sustainable transport) recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. It states at paragraph 29 that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that "opportunities to maximise sustainable transport solutions will vary from urban to rural areas". Paragraph 32 states that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure. Furthermore, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 34 states that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.

9.2 The NPPF also states at paragraph 28 (supporting a prosperous rural economy) that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

9.3 Section 4 of the NPPF (Promoting sustainable transport) recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. It states at paragraph 29 that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Policy SD5 of the submission version of the JCS requires new development to be designed to integrate, where appropriate, with existing development, and prioritise movement by sustainable transport modes, both through the application of legible connections to the wider movement network.

9.4 A number of objections have been received on the grounds that Gretton has very limited services and facilities and does not benefit from a frequent bus service. This would result in residents being largely dependent on the use of the private motor vehicle. The relative lack of access to services and facilities also has social implications which are discussed further in this report.

9.5 With regards to the amount of services and facilities within Gretton, the settlement is not identified as a service village in the Submission JCS. In terms of the provision of primary services the village itself hosts a primary school and a village hall and scores a total of 6 out of a possible 18 in the settlement audit. In terms of secondary services the village hosts 2 public houses, a public sports pitch, a children's play area and a church and scores 4 out of a possible 15 points. Having regard to the above whilst Gretton does offer some level of primary and secondary services the provision within the settlement is limited. Within the Settlement Audit, there are no local employment opportunities identified, no health care provision, post office or local shop. Primary services are required in order to support a healthy community in their day-to-day needs and the limited availability is likely to result on the community relying on accessing primary services within other settlements, and in Gretton's case Winchcombe would be the most likely. It is however acknowledged that sustainability of settlements is not only defined by services within the village but also the village's accessibility to services generally.

9.6 However access to Winchcombe is limited. Gretton is approximately 2.5 miles away from Winchcombe and is connected to it via a network of largely unlit country lanes and main vehicular routes without designated pedestrian or cycle routes. The lack of connectivity means that those wanting to access services within Winchcombe are unlikely to do so through these sustainable transport modes. Instead they would, most likely, be reliant on either the public transport services within the area or the private motor car. Gretton is served by a very limited bus service. The 606 service operates a weekday loop with 3 departing services and 2 returning on weekdays. In addition the 656 service offers one return service on Mondays and Fridays only. There are 3 school bus services. In addition a community bus service is available and runs Monday to Saturday, however this service has to be pre booked and pick ups from local bus stops are limited between 9am and 10.45am, returning between 12 noon and 3pm. The accessibility to the main Rural Service Centre of Winchcombe by public transport is therefore served by an infrequent bus service and the Settlement Audit scores Gretton in accessibility terms at 1 out of a possible 15.

9.7 Two recent appeal decision at Toddington (APP/G1630/W/15/3033470 and APP/G1630/W/15/3003302 are also relevant. In both cases the inspector concluded that "Paragraph 34 of the Framework says that decisions should ensure that developments that generate significant movement are located where the need to travel can be minimised and the use of sustainable transport modes can be maximised. I am not convinced that the appeal proposal would meet this requirement, although I recognise that it also says that this needs to take account of other policies set out elsewhere in the Framework. In this particular case, the absence of opportunities to use more sustainable modes of transport, and the associated implications in terms of increased pollution, constitute an adverse impact that will need to be weighed in the overall planning balance. Overall I find that the site's locational disadvantages are significant and that this weighs heavily against the proposal".

9.8 In conclusion the site is not considered to be well served by public transport, pedestrian or cycling facilities and although there is some level of services within the village, residents of the proposed development would be heavily reliant on the use of the private motor car to meet their daily transport needs. In this regard, it is also relevant to note that Gretton is not identified in the submission version of the JCS as a service village, which are deemed as suitable locations for some limited residential development. On this basis it is therefore considered that the application site is isolated in the context of paragraph 55 of the NPPF and the site's locational disadvantages weighs heavily against the proposal in the planning balance.

10.0 Highway Safety

10.1 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Local Plan Policy TPT1 relates to access for developments and requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway. Policy INF1 of the submission version of the JCS states that developers should aim to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.

10.2 The application is supported by a Transport Statement which appears to demonstrate that an appropriate level of visibility can be achieved at the proposed access point and that the level of traffic movements generated by the development would not result in demonstrable harm to the highway network and its smooth operation. However comments from Gloucestershire County Council have not been received and **an update will be provided on this matter prior to Planning Committee.**

11.0 Residential Amenity

11.1 One of the core planning principles of the NPPF is to ensure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17 bullet point 4).

11.2 There are residential properties abutting the southern and part of the northern boundary of the site. The proposed access would pass between Maudlays Cottage to the north and No. 1 Meadow Court to the south. In addition a number of the proposed dwellings would back onto the rear gardens of properties which front onto Church Row. Whilst there would inevitably be some overlooking of private amenity space as a result of the proposed development the dwellings would have back gardens between the new dwellinghouses the common boundary of at least 9 metres and given the length of the existing rear gardens it is not considered that the proposal would result in an unacceptable level of overlooking to warrant refusal. Although the location of the proposed access would have the potential to result in noise and disturbance to the nearest existing residential properties it is considered on balance that the proposed access arrangements would be acceptable.

11.3 It is therefore concluded that whilst the occupiers of the neighbouring dwellings would be affected by the proposed development, the impact would not be sufficiently harmful in policy terms to justify a refusal on these grounds.

12.0 Affordable Housing

12.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing and is supported by the Council's Affordable Housing Supplementary Planning Guidance (SPG). Policy SD13 of the submission version of the JCS states that Tewkesbury will seek through negotiation to deliver new affordable housing equating to 40% of the development on sites of 10 or more dwellings (or covering 0.4 hectares or more of land).

12.2 The proposal incorporates 9 affordable dwellings. This provision meets the council's requirement for 40% on-site and meets the housing needs of Tewkesbury Borough by providing a range of homes across tenures. 77% of the Affordable Housing is to be rented and 22% shared ownership.

12.3 Whilst the amount and tenure is considered acceptable the Council's Housing Enabling Officer raises concerns about the layout of the affordable housing and comments that the numbers of car parking spaces are not sufficient for the houses, providing only space per family home. There is also no visitor parking spaces or space to accommodate visitors particularly for plots 4-10. In addition the narrow roads are inadequate for on-street parking for visitors or overflow from the homes. It is more than likely that each house will require 2 spaces, the maisonettes 1 space and additional space for visitors. Further there are concerns regarding the potential for the car port and shared areas to increase the maintenance costs for the housing association and such costs are likely to be passed onto the tenant. In addition, shared areas can cause housing management issues.

12.5 In light of the above, it is considered that the affordable housing provision as currently proposed would fail integrate successfully into the development and therefore the proposal would not accord with Policy HOU 13 of the Local Plan. This is a matter which weighs against the development.

13.0 Flood Risk and Drainage

13.1 The NPPF states at paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

13.2 Policy EVT5 of the Local Plan requires that certain developments within Flood Zone 1 be accompanied by a flood risk assessment and that developments should not exacerbate or cause flooding problems. Furthermore, Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria. Policy INF3 of the submission version of the JCS states that no development should not result in unacceptable increase in flood risk and should utilise Sustainable Drainage Systems where appropriate.

13.3 The application has been supported by a flood risk assessment (FRA) which demonstrates that the site lies within Flood Zone 1 (FZ1) where there is a low risk of flooding from fluvial, ground water and sewerage sources.

13.4 Seven Trent Water have been consulted on this application and have raised no objection subject to the imposition of an appropriately worded condition requiring drainage plans for the disposal of surface water and foul water to be submitted and approved in writing by the Local Planning Authority.

13.5 The Lead Local Flood Authority (LLFA) have also commented on the application and consider that the surface water drainage proposals are acceptable and therefore raise no objection to the proposals subject to conditions relating to drainage design details, flow and discharge rates.

14.0 Open Space, Outdoor Recreation and Sports Facilities

14.1 The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. The NPPF follows that 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.

14.2 Local Plan Policy RCN1 also requires that for residential development of 10 dwellings or more, provision of outdoor playing space will be expected to be made in accordance with this standard to cater for the needs of future residents. Where provision of playing pitches is not proposed on site (as in this case), Local Plan Policy RCN1 states that equivalent provision off-site, or the equivalent financial contribution for existing provision, plus changing provision, should be made. Policy INF5 of the emerging JCS requires social and community infrastructure requires on or off-site contributions to social and community infrastructure where development proposals would create or add to need for facilities.

14.3 Whilst some open space has been provided within the development no contributions towards off-site facilities have been agreed. As such the development conflicts with Local Plan Policy RCN1 and Policy INF5 of the emerging JCS.

15.0 Community, Education and Library Provision

15.1 Local Plan Policy GNL11 highlights that permission will not be provided for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided. This is supported by and consistent with section 8 of the NPPF. Policy INF5 of the emerging JCS requires social and community infrastructure requires on or off-site contributions to social and community infrastructure where development proposals would create or add to need for facilities. Policy INF7 states where need is generated as a result of individual site proposals and/or as a consequence of cumulative impact, new development will be served and supported by adequate and appropriate on- and/or off-site infrastructure and services.

15.2 The development would yield a need for 4.75 primary school places and 2.85 secondary school places. It is anticipated that contributions to education would be required in order to accommodate the children generated by the proposed development however the County Council are yet to provide details of existing capacity and therefore if there are school places available some of the need may be accommodated. It is also officer's understanding that Gloucestershire County Council does not seek Library contributions from developments of less than 25 dwellings.

15.3 No contributions towards education have been agreed with the applicant. As such, and without any certainty that the number of pupils arising from the development could be accommodated at existing schools, the proposal does not make adequate provision for secondary education infrastructure, contrary to saved and emerging local plan policy. This is a matter which weighs against the proposal.

16.0 Archaeology

16.1 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. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This advice is reflected in Policy SD9 of the emerging JCS.

16.2 The County Archaeologist (CA) confirms the County Historic Environment Record indicates the wider locality is known to contain extensive archaeological remains relating to prehistoric and Roman activity and settlement, and given the large size of the proposed development area (c. 1.3 ha) the CA considers that there is high potential for significant archaeological remains to be present at this location. There are concerns that any such remains would be adversely affected by construction ground works required for this scheme. It is noted that this planning application is supported by an archaeological desk-based assessment compiled by CgMs Consulting (report dated March 2015). The assessment concludes that there may be potential for archaeological remains to be present on this site.

16.3 Therefore, in accordance with the NPPF, paragraph 128, the County Archaeologist recommends that in advance of the determination of this planning application the applicant should provide the results of an archaeological field evaluation which describes the significance of any heritage assets contained within the application site and how these would be affected by the proposed development. No such assessment has been provided and as such the proposed development conflicts with advice set out in the NPPF and policy SD9 of the emerging JCS.

17.0 Ecology and Nature Conservation

17.1 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals.

17.2 The application has been supported with an Ecological Survey which concludes that the site is considered to be of low ecological value with the main ecological value associated with the third party hedges and trees. The impact of the proposed development is therefore regarded as negligible. However it does acknowledge that the development does offer the opportunity for ecological enhancements.

17.3 Natural England (NE) make no comment on the impact of the proposal on protected landscape, but do advise that, in line with the application proposals to mitigate any landscape impacts on the Cotswold AONB (see LVIA para 7.30), a landscape mitigation strategy/masterplan should be submitted for approval before development can take place on site. NE offer standing advice with regard to protected species.

17.4 Subject to appropriate planning conditions to secure biodiversity enhancements and mitigation as necessary the proposed development is therefore considered to accord with the NPPF and policy NCN5 of the Local Plan.

18.0 Other Matters

18.1 The Parish Council has raised concerns that this site has been included with TBC's Assessment of Land Availability Interim Update (ALA). The ALA identifies potential housing sites and assesses whether these sites are developable, how many housing units could be accommodated on them and when they could be delivered. It includes all sites being proposed by landowners, developers and agents, as the site search has to be as wide ranging as possible. The Council cannot pick and choose which sites to include in the study. It provides the information from which decisions can be made on how much development to put where, and helps reveal the extent to which greenfield and Green Belt land might be needed to meet the area's housing requirement allowing Councillors to make informed choices. However it is not a policy document or a proposals and allocations document and does not determine whether any site is acceptable for future housing development, as that will be determined through the Local Plan.

18.2 The Parish Council's reference to a 12% increase in the size of the village is noted however it is not considered that this would by itself result in such significant harm to the village as to warrant refusal in this case. Furthermore, no specific evidence has been put forward to suggest how such an increase could not be accommodated.

19.0 Overall Balancing Exercise and Conclusions

19.1 Paragraph 14 of the NPPF states that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless 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; or where specific policies in the Framework indicate development should be restricted.

19.2 In this case the proposal conflicts with policy HOU4 of the local plan. However this policy is out of date for the reasons explained in section 5 of this report. As such planning permission should be permitted unless there are significant and demonstrable harms which outweigh the benefits.

19.3 The benefits of the proposal can be summarised as follows:

- The proposal would help meet the government's stated intention of boosting the supply of housing and contribute towards addressing the council's current five year housing land supply shortfall;
- Delivery of 9 affordable units;
- The proposals would provide potential new customers/patrons to help sustain existing and new facilities;
- The proposal would provide direct and indirect contribution to economic growth, including to the local economy.

19.4 The proposed development would have an acceptable impact in terms of ecology, and residential amenity.

19.5 The harms identified as a result of the proposed development are explained in detail above and can be summarised as follows:

- Landscape harm;
- Impact on TPO tree.
- Harm to the setting of the Grade II Listed Christ Church
- Design and layout;
- Reliance on the private car;
- The proposal does not provide a suitable form of affordable housing offer to meet identified housing needs;
- The proposal does not make adequate provision for recreational facilities;
- The proposal does not make adequate provision for secondary education infrastructure.
- Lack of sufficient archaeological investigation work.

19.6 Overall, the need to provide additional housing, including affordable housing, is one which must be taken very seriously and attracts significant weight in favour of permission. The economic benefits arising from the development of 23 dwellings similarly weigh in favour of the development. Nevertheless, in weighing up the planning balance, it is considered that the harms identified above significantly and demonstrably outweigh the benefits and as such the proposal is not considered to represent sustainable development in the context of the NPPF. Furthermore, as set out in the report, there are various Section 106 obligations which the applicant has indicated in their submission they would be willing to consider contributing towards. However, at this stage there is no signed Section 106 Agreement and as such these matters constitute reasons for refusal. The proposal is therefore recommended for **Refusal**.

RECOMMENDATION Refuse

Reasons:

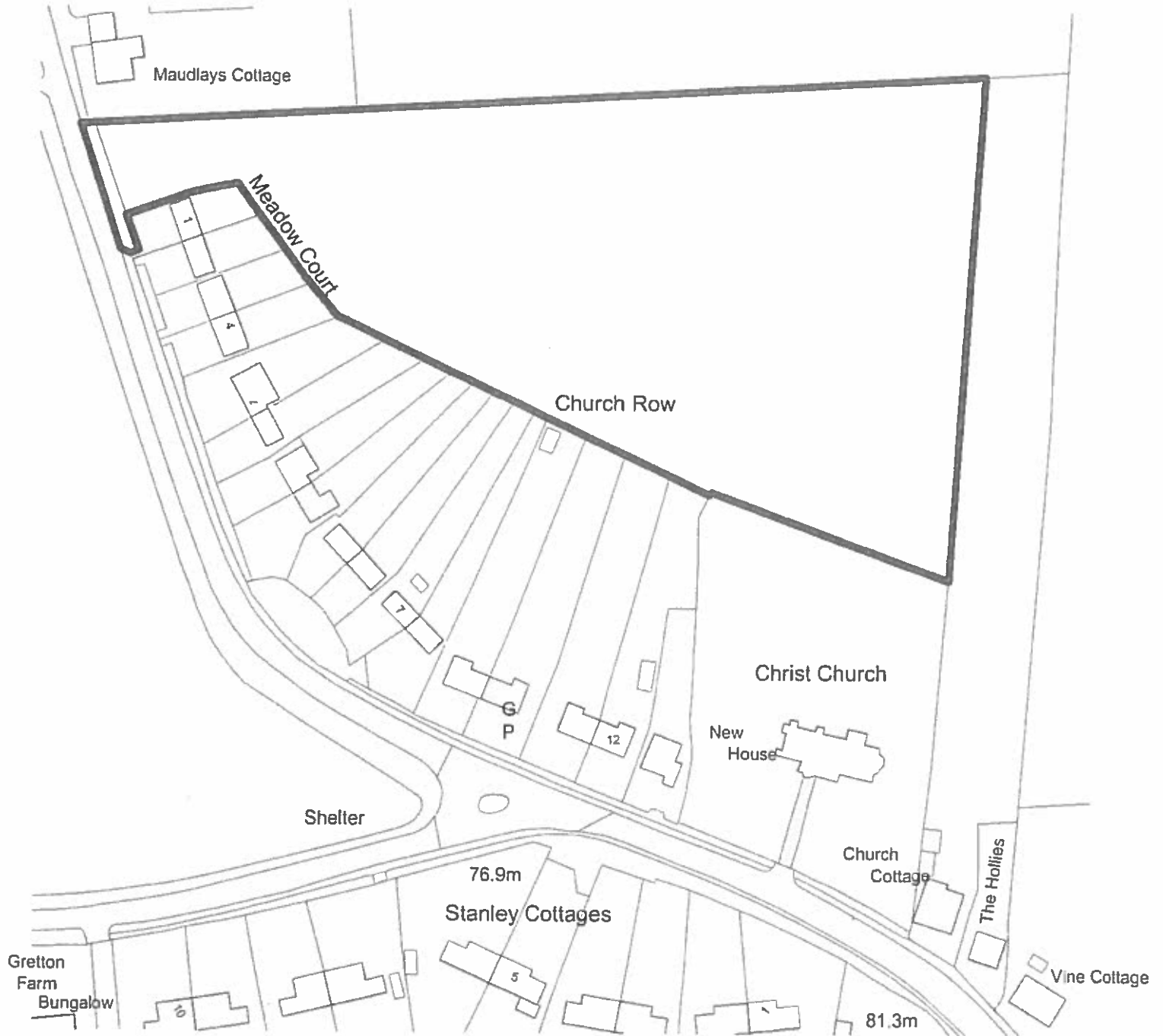
- 1 The proposal, by virtue of its design, layout and density, would result in a harmful visual impact on the street scene and would not be sympathetic to its sensitive edge of settlement location. Furthermore, the proposal would represent an isolated form of development which would be poorly connected to the wider settlement and would fail to establish a strong sense of place. The proposal would therefore not respect the form, character and history of the adjacent area and fail to achieve high quality and inclusive design contrary to section 7 of the NPPF (Requiring good design) and emerging Policy SD5 of the Submission Joint Core Strategy (November 2014).
- 2 The proposal, by virtue of scale, density and prominent edge of settlement location, would represent a significant encroachment into the surrounding rural landscape. The proposal would therefore 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 Area of Outstanding Natural Beauty. The proposal therefore conflicts with Policy LND2 of the Tewkesbury Borough Local Plan to 2011 - March 2006, emerging Policy SD8 of the Submission Joint Core Strategy (November 2014) and section 11 of the NPPF (Conserving and enhancing the natural environment).
- 3 The site is not well served by public transport, pedestrian or cycling facilities and residents of the proposed development would be heavily reliant on the use of the private motor car to meet their daily transport needs. The proposed development is therefore contrary to the core principles of land-use planning set out at paragraph 17 of the NPPF, sections 4 (Promoting Sustainable Transport), 8 (Promoting healthy communities), policies TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SP2 and SD7 of the Submission Joint Core Strategy (November 2014).
- 4 The proposed development would fail to preserve or enhance the setting of Christ Church, a Grade II Listed Building and the overall public benefits would not outweigh the harm caused. As such the proposed development is contrary to Section 12 of the NPPF and emerging Policy SD9 of the Submission Joint Core Strategy (November 2014).
- 5 The applicant has carried out inadequate levels of survey work and therefore has been unable to provide sufficient information on which to demonstrate that the proposed development would not be detrimental to archaeological remains. The proposed development is therefore considered to be, contrary to paragraph 128 of the NPPF.
- 6 The application would provide affordable housing that would be poorly integrated into the wider scheme. As such the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging Policies SD13 and INF7 of the Submission Joint Core Strategy (November 2014).
- 7 The application does not make adequate provision for on-site or off-site playing pitches with changing facilities and sports facilities to meet the needs of the proposed community. The application therefore conflicts with Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities).
- 8 The application does not make provision for the delivery of educational infrastructure and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006, emerging Policy INF7 of the Submission Joint Core Strategy (November 2014) and section 8 of the NPPF (Promoting healthy communities).

Note:

1 Statement of Positive and Proactive Engagement

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

Church Row Gretton - Site Location Plan

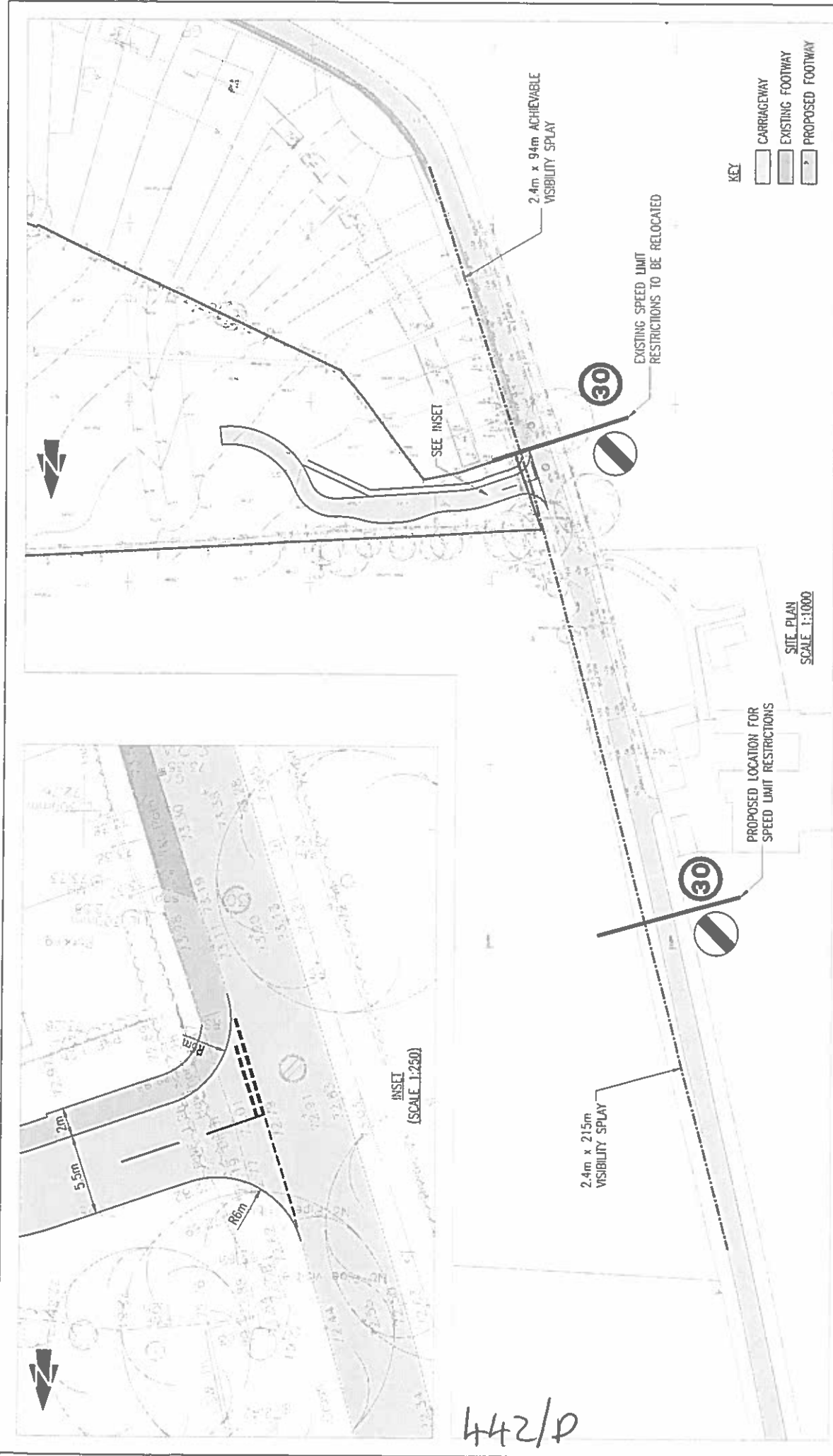


A Drawing revised following client comments. email received 30/6/15
 29.06.15
 Amendments By Date



422/A

Job No/Drawing No	Job Title			
13182/1030.A	Church Row, Gretton			
Scale	Date		Drawn	Drawing Title
1:1250	06.2015		JB	Site Location Plan
# A4 All Dimensions to be checked on site				
pad Design Ltd - The Tobacco Factory - Raleigh Road - Bristol BS3 1TF - Tel. 0117 9530059 - www.pad-design.com				



REV	DATE	BY	DESCRIPTION	CHK	APP
B	2.06.2015	SLW	SITE ACCESS EXTENDED	COM	
A	09.01.2015	SLW	ACCESS MOVED SOUTH	COM	
PLANNING					
PROJECT			CHURCH ROW GRETTON		
TITLE			SITE ACCESS ARRANGEMENTS		
SCALE @ A3			AS SHOWN		
DATE			FMM/1553-SK01		
PROJECT NO			FMM/1553		
DESIGNER			SLW		
CHECKED			BU		
APPROVED			CM		
DATE			16.12.2014		
PROJECT NO			SK01		
DRAWN BY			B		
© FMW Consultancy Ltd					

FMW consultancy

Trym Lodge, 1 Herbury Road, Westbury-on-Trym, Bristol BS9 3HQ
 Tel: +44 (0)117 959 6161 Fax: +44 (0)117 959 6165
 enquiries@fmwconsultancy.co.uk

SPITFIRE PROPERTIES LLP



FRONT ELEVATION



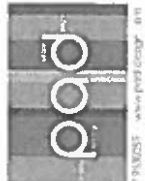
GROUND FLOOR PLAN



FIRST FLOOR PLAN

Drawing revised following client comments, email received 29.06.15
 30/6/15
 By Date

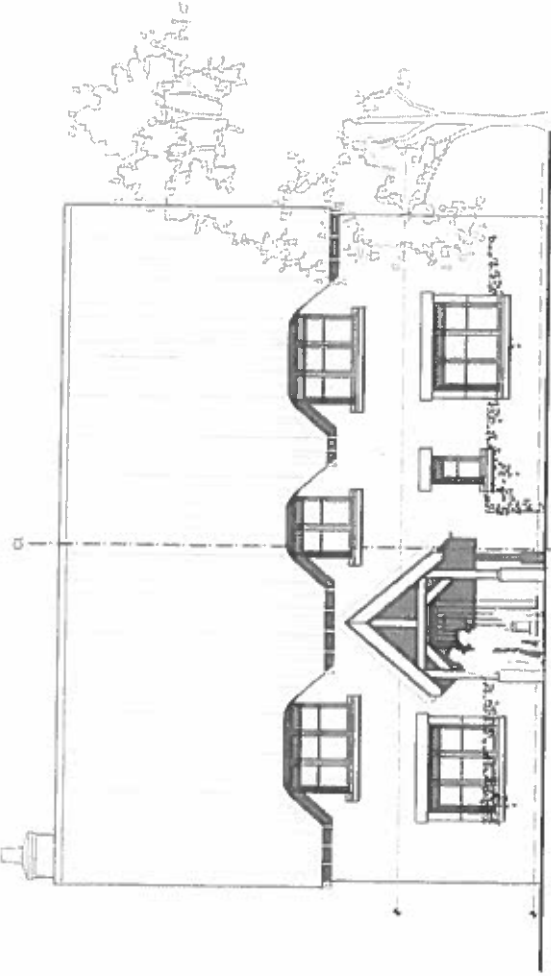
Job No. 13182/6001.1C
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 Scale 1:100
 Date 04/15
 Drawn by CPT
 Drawing Title 4B.8P 1904 P.016
 at A3



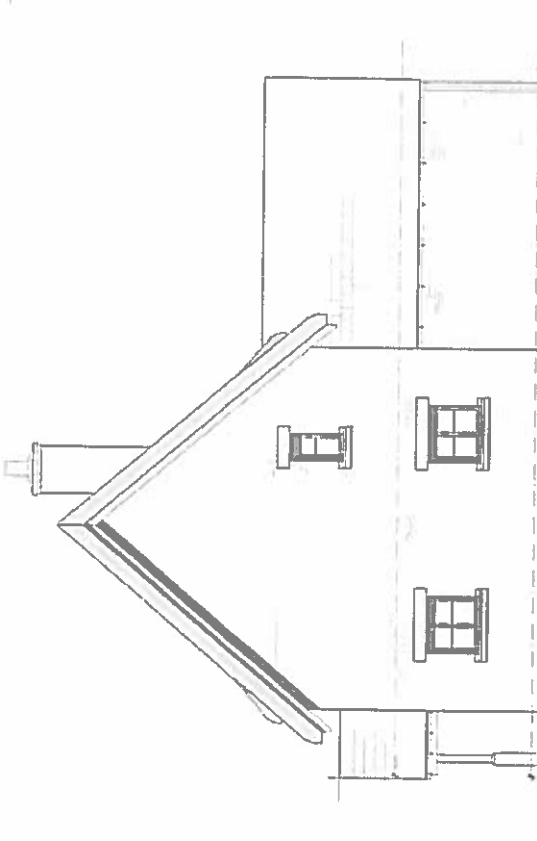
Gretton - 4B.8P - 176.9 SQM; 1904 SQFT (Plots 14 & 22)

422/E

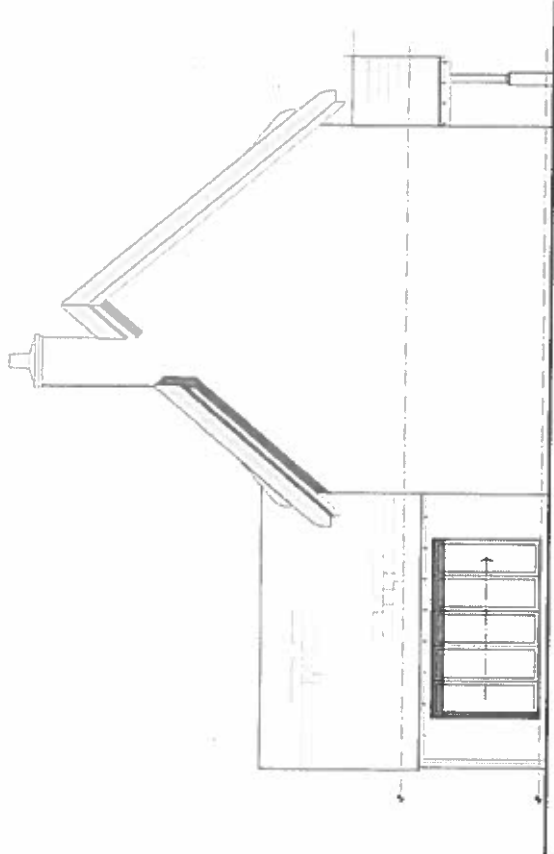
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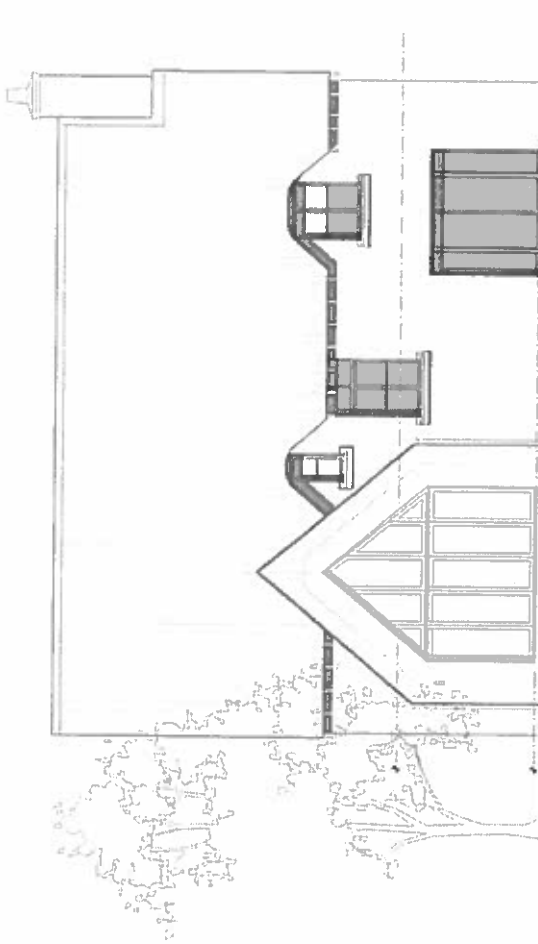
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION

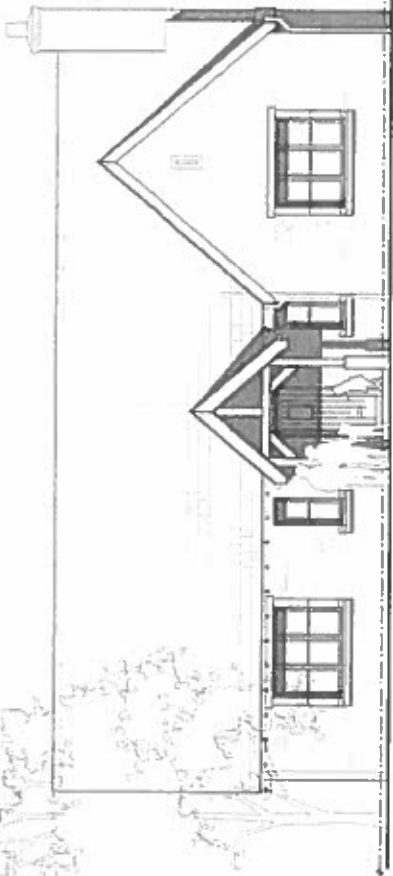
A Drawing revised following client comments, email received 22.06.15
30/6/15
By Date

Gretton - 4B.8P - 176.9 SQM; 1904 SQFT (Plot 23)

Job No/Working No	13182/6001.4A	Job Title	Charact Row, Gretton
Scale	1:100	Date	04/15
Drawn by	CP/RT	Drawn for	4B.8P, 1904 Elevations
W AS		All Dimensions to be checked on site	

Plot Design Ltd The Tobacco Factory Feggett Road Macclesfield M13 1JF Tel: 01753803333 www.plotdesign.com





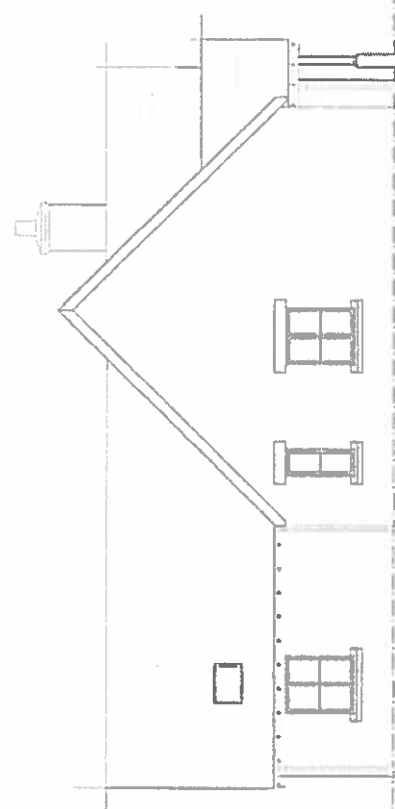
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



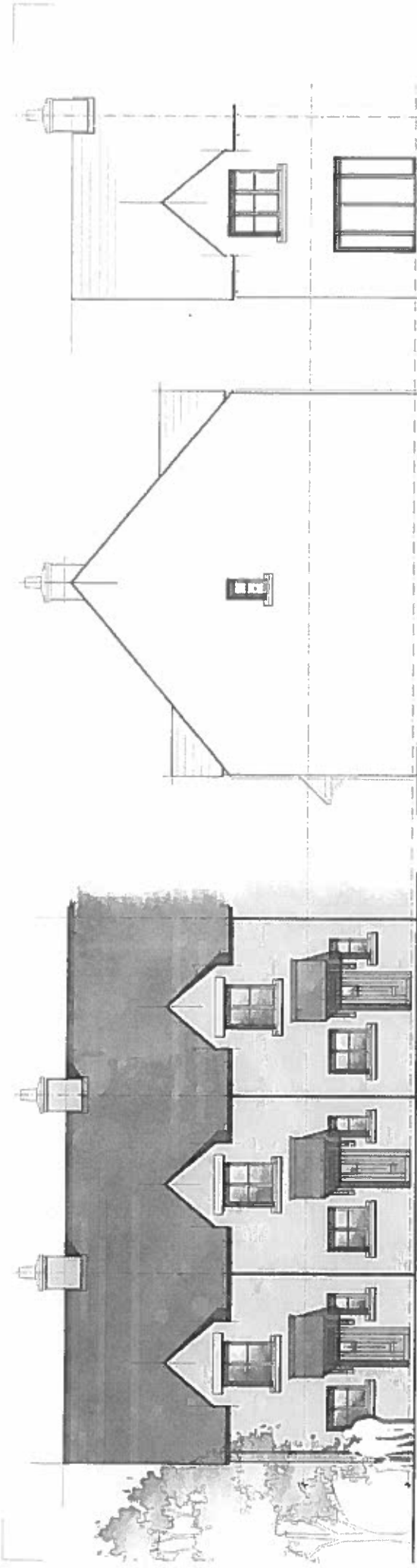
SIDE ELEVATION

1277/16

B. Drawing revised following client comments, email received 28.05.15
 2/6/15
 By Date

13182/6004.2B Church Row, Gretton
 Job No/Drawng No Job File
 Scale Date Drawn Drawing File
 1:100 04/15 E.P.H. Bungalow 1360 Elevations
 A3
 All dimensions to be checked on site
 pad Design Ltd The New Zealand Design Board - Initial \$51.111 Inc 017 236537 www.pad.org.nz

Gretton -Bungalow - 136 SQM; 1464 SQFT (Plots 20 & 21)



FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION

windows to plots 2 & 3 only



GROUND FLOOR PLAN

FIRST FLOOR PLAN

windows to plots 2 & 3 only

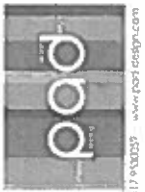
472/H

B Drawing revised following client comments, email received 28.05.15
 2/6/15
 Amendments by Bob

Job No/Drawing No	13182/6008.1B	Job Title	Church Row, Gretton
Scale	1:100	Drawn by	DR/ML
Date	02/15	Checked by	DR/ML
Plot	4 & 9	Drawn for	26.4P.807 Elevations in Plans

All Dimensions in Feet unless stated otherwise
 postdesign ltd the tobacco factory 4 avery road, radz 2 8 3 115 - tel 0117 930035 www.postdesign.com

Gretton - 2B.4P - 75.2 SQM; 809 SQFT (Plots 2, 3, 8 & 9)



Valid 22.07.2015

Proposed solar photovoltaic farm with associated landscaping, ground based racking systems, static mounted solar panels, associated infrastructure, site security fencing and security system.

Grid Ref 390794 228282
Parish Elmstone Hardwicke
Ward Coombe Hill

Good Energy Cursey Lane Solar Farm (No.6) Ltd
Good Energy
Monkton Reach
Monkton Hill
Chippenham
Wiltshire

RECOMMENDATION Permit

Policies and Constraints

Relevant planning policy

NPPF;
Planning Practice Guidance;
Environmental Impact Assessment Regulations
Localism Act
Community Infrastructure Levy Regulations
Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies LND7, TPT1, EVT1, EVT3, EVT5, EVT9 and NCN5.
The Joint Core Strategy (JCS) is at Examination and therefore can be given some weight. The Relevant aspects of the JCS - SD5, SD7, SD10, SD15, INF1, INF3, INF4 and INF6
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)
Flood Zone 2 and 3
Adjoining PROW

Consultations and Representations

Elmstone Hardwicke Parish Council - Object

The Parish Council facilitated a public meeting, the comments from which are detailed below:

- Visual Impact - completely out of place within a rural landscape. Visually it will impact upon the residents of Harrow Farm and Bramble Cottage and their quality of life. Statement that Grade 4 or 5 land is unavailable -untrue, Grade 4 land at Copse Green Farm, which belongs to the same landowner.
- Doubts regarding the claims made in the application regarding employment and benefits to the economy. No jobs will be provided on the site and economic benefits will only be to the applicant and the landowner.
- With the nearby solar farms at Troughtons' Stoke Orchard, Claydon Farm, Gretton Fields and proposed extension at Oxleys Farm, Tewkesbury Borough is fast becoming the 'dumping ground' for solar farms all to the detriment of the rural landscape in Gloucestershire. At least the Grain Store and Poultry Farms are in keeping with the rural area whereas solar farms are totally alien within the natural countryside.

Stoke Orchard & Tredington Parish Council strongly object to this application on the following grounds:

1. The visual and positional impact of the suggested site is totally unacceptable being adjacent to two residential properties to the South West and three more to the North East. The perimeter fencing and CCTV watchtowers sited along the boundary of the site as well as the impact of the Panels themselves.
2. This application on a totally unsuitable site will add unnecessarily to the cumulative impact on both the Parish and the rural scene given other solar farms which have been permitted in the area.
3. Grade 4 agricultural land is available in that area and in the possession of the owner of the land in the Application. This should be used in preference to the current site.

4. The access route suggested and stated in the Application for Construction traffic is unsuitable for the construction equipment involved and the logistics involved with the delivery of the thousands of panels. One access is suggested using the Gloucester Old Spot Junction and the other down Cursey Lane across the A 38 dual carriageway.

5. The Suggested access for the Power Cables is the Sub Station at Bishops Cleeve. This will involve the excavation of the Highway for the laying of three large pipes to carry the three phase cables some 2.5 miles along a road with a daily traffic flow of 9000+ vehicles. The impact on traffic on this main commuter route will be devastating and totally unacceptable.

6. As a Rural Community the Council further objects to the use of valuable agricultural land for this method of generating electricity, the efficiency of which is highly questionable and is a short term ideal with a long term impact on the rural environment

County Highways - No objection subject to conditions

Highways England - No objection

Environment Agency - No comment

Historic England - No objection - the proposals would not result in a loss of significance to the heritage asset to the South.

County Archaeologist - No objection subject to a condition relating to the impact on archaeological remains identified in supporting documentation is mitigated.

Wildlife Trust - Support given the considerable opportunity to enhance the site for wildlife, which if properly planned and implemented, could result in a net gain for wildlife.

24 letters of objection received stating the following grounds of objection:

- Solar panels should be placed on buildings not land and not agricultural land
- Support renewable energy but not here
- Confused as to the location/consultation issues/location of the green notices
- The land is on valuable agricultural land and no sequential test has been submitted.
- Other solar farms have been approved in the area, no more should be approved.
- Cumulative impact on the rural area from solar farms
- Proposals would be a blot on the landscape and an alien feature
- Too close to existing properties
- Impact on views
- Impact on the footpath and bridleway users
- There are better sites in the area
- Opposed to CCTV cameras
- The proposals are not economically viable without subsidies
- Photos are misleading and information is insufficient
- Impact on wildlife

6 letters of support from residents stating:

- The proposals will be well-screened by existing trees and hedgerows the developers will be planting a small fruit orchard and wildflower across the site to encourage wildlife and to minimise impact.
- There will also be grazing sheep to help maintain agricultural productivity.
- The annual community fund of £1,000 for each megawatt installed, which will be managed by the local community to support local initiatives.
- Solar power is a clean energy source that will help deal with the dangers of climate change.
- Well located and close to the Grid
- Will enable wildlife to thrive
- Will support the farm on a low yielding, poor draining field
- Visual impact will not be significant

Planning Officers Comments: Mr Andrew Thompson

1.0 Application Site

1.1 The application site is an arable field of approximately 10ha at the junction of Cursey Lane and Stoke Road with the M5 motorway to the east and north-east of the application site. There is a public right of way to the north of the site and nearest residential property is Harrow Farm to the south-west which is on the opposite side of Cursey Lane. The nearest heritage asset is approximately 350m to the south.

1.2 The proposal is on agricultural land currently used for arable and is classified as Grade 3b. It is bound by hedges (with a small number of small trees) to the south, east and west.

2.0 Planning History

2.1 There has been no recent or relevant planning history to the application site other than Environmental Impact Assessment screening and scoping opinions relating to the application submission.

3.0 Current Application

3.1 The current application proposes a solar farm on the site for a period of 30 years. The development includes:

- Installation and operation of approximately 17,000 photovoltaic panels, grouped in tables, and linked together to form long rows, or arrays. These would be angled at between 20-25 degrees and orientated for maximum energy yield from the site;
- A mounting system comprised of aluminium or steel frames would be used to support the panels with a maximum height of no more than 2.7m;
- Installation of inverters to convert the direct current generated by the panels to grid compatible alternating current. These would be housed in small buildings set at intervals amongst the arrays. There would be three of these buildings, painted or clad to LPA requirements (usually green or grey) with maximum measurements of 3mW x 6.5mL x 3mH. Cabling reaching from the panels to the inverters would be routed to the substation via a network of shallow trenches, which would be back filled;
- A small substation building would combine the generation from the inverters and transformers and step it up to the correct voltage to feed back to the national grid. The substation would consist of a small building measuring 6.25m x 8.85m x 3.2m high and would feed the electricity to the grid via an underground cable;
- A connection to the grid would be made via the existing Bishops Cleeve substation, and would involve an underground cable being taken from the site to the substation. The route of this cable is still to be decided but is likely to be routed along the public highway;
- A new site access point from Cursey Lane would be created. The new location would be further north west on the same lane as the existing access, following the hedgerow line;
- Internal access tracks would be created around the perimeter of the site with short stretches to the centrally located inverters. These would be of a permeable construction and are capable of being removed at the end of the operational period;
- A range of security measures are proposed which consist of a 2m high weld mesh fence and a CCTV security system. There is no requirement for permanent night time illumination;
- Other development includes a storage container for spare parts and a 4m high anemometry mast and weather station would also be installed. A small satellite dish supported on a pole would be installed adjacent to the substation;

3.2 The solar farm would be a temporary use of the land as the equipment would be removed and the land returned to a wholly agricultural usage when the development would be decommissioned following 30 years of operation.

3.3 The proposed scheme also includes orchard planting in the south-west corner, new hedge and tree planting along the northern site boundary and strengthening of other existing boundary hedges.

3.4 The application is supported by an Environmental Statement.

4.0 Policy Context

4.1 At the heart of the NPPF is a presumption in favour of sustainable development, of which there are three dimensions: economic, social and environmental. The NPPF does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning authorities having an up-to-date plan. According to paragraph 215 of Annex 1 of the NPPF, due weight should be given to relevant policies in existing development plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given).

4.2 Paragraph 216 of the NPPF sets out that that from the day of publication decision-makers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan. The weight to be attributed to each policy will be affected by the extent to which there are unresolved objections to relevant policies with the emerging plan (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency of the emerging policies to the NPPF. The more advanced the preparation of a plan, the greater the weight that may be given.

4.3 Local Plan Policy EVT1 states that renewable energy installations will be supported provided, inter alia, that they do adversely affect the quality of any designated landscape. Policy INF6 of the JCS Submission Version also supports proposals for the generation of energy from renewable resources provided the wider environmental, social and economic benefits of the installation would not be outweighed by a significant impact on the local environment.

4.4 Policy NCN5 of the local plan and Policy SD10 of the JCS (Submission Version) seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats.

4.5 Local Plan Policy EVT3 provides that new development should be sited away from sources of noise and planning permission should not be granted for development where noise would cause harm and could not be ameliorated. Similarly policy SD15 of the JCS (Submission Version) seeks to promote health and environmental quality and ensure that new development does not result in unacceptable levels of noise.

4.6 Policy EVT5 of the Local Plan requires that certain developments within Flood Zone 1 be accompanied by a flood risk assessment and that developments should not exacerbate or cause flooding problems. Furthermore, Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria. Similarly Policy INF3 of the JCS (Submission Version) seeks to ensure that development proposals avoid areas at risk of flooding and do not increase the level of flood risk.

4.7 Policy TPT1 of the local plan seeks to ensure that highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network, nor cause an unacceptable loss of amenity to users of adjacent land. Similarly policy INF2 of the JCS (Submission Version) seeks to protect the safety and efficiency of the transport network.

4.8 The above local plan policies in respect of conserving the natural environment and supporting renewable energy are considered to be consistent with the NPPF and are therefore considered to have significant weight. The JCS Submission Version policies detailed above are also considered to be consistent with the NPPF and as such should be accorded some weight.

5.0 Analysis

5.1 The principal determining issues are considered to be the principle of the development and its effect on the landscape character and visual amenity of the area, the impact of the development in terms of flood risk, biodiversity and highway safety.

Principle of development

5.2 The NPPF states that 'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.' When determining planning applications, local planning authorities are advised that they should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and
- approve the application if its impacts are (or can be made) acceptable.

5.3 Planning Practice Guidance (PPG) on 'Renewable and low carbon energy' advises inter alia, that the need for renewable energy does not automatically override environmental protections and that local topography is an important factor in assessing whether large solar farms could have a damaging effect on landscapes and recognise that the impact can be as great in predominantly flat landscapes as in hilly or mountainous areas. It also sets out particular factors a local planning authority (LPA) will need to consider which includes encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. Where a proposal involves greenfield land, an LPA will need to consider, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays. There have been a wide number of Government and Ministerial statements including a Written Ministerial Statement (WMS) dated March 2015 relating to solar energy, an April 2013 speech to the solar PV industry by the Minister of Energy and Climate Change and the advice in the Government's Planning Practice (PPG) relating to renewable and low carbon energy.

5.4 The panels would be connected to the national grid and it is anticipated that they would generate up to 4.0MW of power. The panels would be erected for a period of 30 years and would see renewable energy fed into the Grid, thus representing a contribution to the UK's renewable energy targets. The applicant states that the site would provide enough power for around 900 homes annually, achieving savings in CO₂ in the region of 1500 tonnes of CO₂ per annum that would otherwise be produced from the use of fossil fuel.

5.5 These benefits would accord with the NPPF's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development and that local communities have a responsibility to contribute to the generation of such energy amongst other things.

5.6 Whilst Stoke Orchard Parish Council and some residents have objected to the principle of solar energy in the form proposed here, as set out above, the NPPF advises that LPAs should not require applicants to demonstrate 'need' in respect of renewable energy developments. In this case the key issues in terms of the principle of development are the impact on the landscape and visual amenity of the area and whether it has been demonstrated that development of agricultural land is necessary and, if so, whether it has been shown that land of poorer agricultural quality has been chosen in preference to higher quality land. Both of these issues are considered below.

6.0 Use of Agricultural Land

6.1 The NPPF advises that account should be taken of the benefits of the best and most versatile (BMV) agricultural land, and where it is necessary to use agricultural land that poorer quality land should be used in preference to that of a higher quality. As noted above, this principle is espoused in PPG relating to solar farms and use of agricultural land and has been identified in a number of appeals. Best and most versatile is land within grades 1, 2 and 3a of the agricultural land classification and is the accepted definition of higher quality land.

6.2 The application site is classed as Grade 3b and therefore does not qualify as BMV agricultural land and is considered to be lower quality agricultural land as defined by the PPG. Whilst comments of local residents are noted with regard to the availability of Grade 4 agricultural land, the proposals are not sited on BMV agricultural land, and as such further assessment is not required and the proposals are acceptable in this regard and the applicant's assessment is accepted and supported.

7.0 Effect on landscape character and visual amenity of the area

7.1 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. The application site does not form part of a formal designation (e.g. AONB or Special Landscape Area).

7.2 The application is supported by a landscape and visual assessment (LVA) that shows visual receptors where in theory the proposed solar farm development would be visible from within the wider landscape surrounding the Site boundary. The LVA indicates that the visual effects of the proposal would generally be restricted to an area within 2 km of the Site boundary in an area to the west of the M5 motorway. However, the site is located within a relatively level, low lying area and the Viewpoint Assessment has established that the visual envelope of the proposal would be severely restricted by the layering effect of intervening vegetation.

7.3 The LVA has identified that initially the users of Cursey Lane would experience a moderate (not significant) visual effect at Year 1. This would be mitigated by allowing the existing roadside hedge, on the southern boundary of the Site, to grow to a height of at least 3m. As a consequence the visual effect would reduce to minor after 3 to 5 years, and therefore not be significant.

7.4 The LVA also notes that the proposal would initially result in a major (significant) visual effect to receptors using the short section of public right of way immediately to the north of the Site. However, as the proposed native hedgerow becomes established this effect would reduce to moderate (not significant). It is recommended and proposed that in order to maintain visual containment of the development boundary hedgerows on the Site would be managed at a minimum height of 3m.

7.5 The Council's Landscape Consultant has commented that large scale ground mounted solar arrays tend to be conspicuous as a result of their striated appearance, tone and texture contrasting with surrounding agricultural landscapes. In this case, the site is relatively well screened by local topography, mature hedges and tree belts. The proposal would occupy a large, open and relatively featureless field that is not well overlooked from any surrounding vantages. Views from the AONB are sufficiently distant that any effects would not be significant.

7.6 There would be views of the development from the two residential properties at the junction of Cursey Lane and Stoke Road (Harrow Farm and Bramble Cottage). Existing hedges managed to a 3m height and proposed planting would be effective in screening views of the solar arrays from ground floor rooms. There would inevitably be some residual views of the development from first floor windows. These views (in particular the loss of open views across the site) would represent harm, however it is not considered that this harm would be so significant as to warrant refusal in this case.

7.7 There would also be visual effects upon the local footpath network, however the path immediately to the north of the scheme is set within the woodland and mitigation would be effective in the long term to screen views across the development. There would be some glimpsed views of the development from Stoke Road, however the intervening hedges would prevent the scheme dominating these views.

7.8 In conclusion, it is considered that a development of this scale and form would represent a moderate to low impact in terms of the landscape impact. Nevertheless landscape harm would result from the development and this weighs against the proposals.

8.0 Cumulative Impact

8.1 Cumulative impact would occur in combination with the other solar farms or developments. When walking, cycling or riding along that route the user would have its own impacts and would be experienced separately in most cases. The only other approved solar farm is over 3km from the application site and development at Stoke Orchard is also separated from the application site by the M5 and is visually distinct from the application proposals. There is another solar farm with planning permission further beyond at Claydon. There have been a number of other developments in the area in recent years including a large grain store and a large poultry unit, both accessed off Cursey Lane.

8.2 Having regard to the separation distance, the other solar farms and other development, the combination of developments would not be seen together in the immediate context and substantial landscaping would reduce the impact of the proposals further. The individual effects of the proposals would not be compounded to such an extent that the impact on both character of the landscape and visual impact would be either significant or adverse.

8.3 The main concern lies with the cumulative effects upon local landscape character and the possible future prominence of ground mounted solar farms around Stoke Orchard. On a short drive or walk from Tredington to the Stoke Road the influence of large scale ground mounted solar farms would become notable and would become a key feature of the local identity and sense of place. Until recently ground mounted solar arrays did not feature in this landscape. This proposal, in addition to other solar farms granted permission in the area would become part of the perceived identity of Stoke Orchard and its surroundings and could come to define the place. This represents a material consideration in the determination of this application.

8.4 The cumulative impact would need to be weighed in the overall planning balance.

9.0 Impact on Heritage Assets

9.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker 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. Framework paragraph 132 advises that substantial harm to such buildings and their settings should be exceptional.

9.2 The application is supported by a Heritage Desk-Based Assessment which notes that there are no designated or non-designated heritage assets recorded within the site. The only features currently known within the site comprise the probable buried remains of infilled medieval furrows, a remnant of ridge and furrow earthworks formerly present across the site. Such remains are of insufficient archaeological interest to comprise 'heritage assets'.

9.3 The submitted assessment has identified archaeological remains within the study area related to Iron Age and Roman period settlement, situated approximately 700m to the north-east on the far side of the River Swilgate. As such there is a potential for remains of the same periods within the site. The assessment also identified tentative place name evidence suggesting that the site may have been, or have been located near to, an Anglo-Saxon 'hearg' a locally important place in the landscape venerated by pre-Christian people. Many such places were simply natural locations and thus are unlikely to have resulted in archaeological remains being present within the site.

9.4 Assessment of the potential effects of the development upon the settings of designated heritage assets has identified that the proposed development is not situated in the setting of any designated heritage asset and would therefore not cause harm to any asset's significance. The proposals thus accord with the guidance of the Framework Paragraph 132 which states that 'great weight' should be given to the conservation of designated heritage assets. The proposals would also comply with the requirement of Section 66(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 in that it would preserve the setting of listed buildings.

9.5 The County Council Archaeologist notes the conclusions of the Heritage Desk-Based Assessment and advises that there is no objection to the proposed development subject to the attachment of a planning condition to secure the exclusion of ground works from the area of archaeological interest.

10.0 Ecology

10.1 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats.

10.2 The application has been supported with an Ecological Appraisal Report and Great Crested Newt Appraisal.

10.3 On balance, it is considered that GCN are highly unlikely to be present within the terrestrial habitats within the Site. However, the occasional presence of GCN within the site cannot be altogether ruled out. Site-specific avoidance measures would be based on those outlined in the Natural England licence risk assessment and avoidance tool and the Great Crested Newt Mitigation Guidelines (English Nature, 2001). The adoption of a precautionary method of working with supervision by a suitably qualified ecologist is considered to be appropriate and proportionate, and non- licensable avoidance measures have been identified to ensure no GCN are harmed. In addition, further enhancement measures are recommended and are included as part of the scheme generally with on-site habitats either enhanced, maintained or replaced.

10.4 Subject to appropriate planning conditions to secure protection of existing habitats, biodiversity enhancements and mitigation as necessary the proposed development is therefore considered to accord with the NPPF and policy NCN5 of the Local Plan.

11.0 Flood risk

11.1 The NPPF states at paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. This advice is reflected in local plan policy detailed above.

11.2 The application is supported by a Flood Risk Assessment which summarises that there is negligible flood risk to the site, or from the site as a result of its change of land use. The site is located predominantly in Flood Zones 1, but intersects with Flood Zone 2 and 3. The development is designed to reduce vulnerability to fluvial flooding or surface water flooding at present; the proposal is not considered to present increased Flood Risk to downstream property or infrastructure and design would ensure this is the case (e.g. fencing specifications); and the development would deliver betterment with respect to flood risk, due to increased year round vegetation cover and implementation of surface water management measures.

11.3 The Environment Agency raise no comment to the proposals and the County Council LLFA have requested further information which has been submitted. The LLFA have sought assurances that the drainage levels and details are adequate. A Flood Risk Assessment has been submitted to the Local Planning Authority and the County Council. Further comments are awaited but the document has been prepared in consultation with the LLFA. **An update will be provided at Committee.**

12.0 Access and Highway Safety

12.1 Section 4 of the NPPF states that decisions should take account of whether safe and suitable highway access is provided and that development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe.

12.2 The applicant has submitted a revised Construction Management Plan and has liaised with the County Council Highways Officers with regard to the information required. Highways Officers have raised no objection in principle subject to confirmation that:

- (i) a safe and suitable access can be provided with the appropriate levels of visibility also accommodating the largest construction vehicles that would access the site;
- (ii) the site access can be designed to prevent construction traffic turning right onto Cursey Lane; and
- (iii) Cursey Lane from the proposed site entrance to the priority 'T' junction with Stoke Road is suitable to accommodate the largest construction vehicles.

12.3 The main consideration for highways would be during the construction period. Vehicular access is proposed via Cursey Lane with a site access located approximately 270metres northwest of the junction between Cursey Lane and Stoke Road. The applicant notes that the proposed access has been designed to prevent vehicles egressing the site turning right onto Cursey Lane. Swept path assessments have been submitted and the proposals include visibility splays of 2.4 x 215 metres to the nearside kerb can be achieved to the east and west of the site access. This is commensurate with guidance set out in the Design manual for Roads and Bridges (DMRB) for roads with a 60mph speed limit.

12.4 The applicant has confirmed from its experience of developing solar farms elsewhere in the UK that the solar farm would take approximately 16 to 20 weeks to complete. Construction at the site is proposed to generate 4MWp and as such this would equate to around 60 deliveries by 15.4m articulated vehicles. Assuming a 16 week construction period (total) and a six day working week this equates to, on average, up to one delivery per day by the largest vehicle (two movements). The site construction would be carried out Monday to Saturday 0800-1900.

12.5 The Construction Management Plan (CTMP) also notes that banksmen would be provided at the site access junction. They would not direct general traffic, but would indicate to heavy and large construction vehicles when it is appropriate for them to enter and leave the site. Priority would always be given to the background traffic on the adjacent highway network. If considered necessary by highway officers, employees with two-way radios could be situated at the junction between Cursey Lane and Stoke Road. These would inform employees on site when a delivery vehicles arrives.

12.6 Construction traffic would be designated specific time slots in which to arrive at the site and the drivers would be required to call ahead to notify the site management of their arrival. This would ensure multiple vehicles do not attempt to access or egress the site concurrently. Deliveries would be scheduled to avoid peak hours (0800-0900 and 1700-1800). Furthermore, drivers would be provided with a detailed map and directions to ensure construction traffic can make its way directly to the site to minimise the impact upon the highway. Additionally, a copy of the CTMP report would be provided to all delivery drivers and contractors prior to the initiation of work on the site.

12.7 The compound would provide space for construction vehicles to turn. Therefore all construction vehicles would be able to enter and exit the site in forward gear.

12.8 The proposed site access is therefore considered suitable to accommodate the limited number of HGVs associated with the construction phase. Overall subject to confirmation from the County Highways and any appropriate conditions, the proposals are considered acceptable.

13.0 Residential Amenity

13.1 In order to be found unacceptable the impact on living conditions must go beyond a view, and reach a position where a dwelling would be rendered an unpleasant place to live. The nearest residential properties are Harrow Farm (approximately 103m from nearest solar panel) and Bramble Cottage (approximately 120m from the nearest solar panel) which are opposite the application site. The proposals include planting and orchard planting on the immediate vicinity to the solar panels.

13.2 The Environmental Health Officers have advised that they are content with the results and conclusions of the Noise Assessment and have no adverse comments to make.

13.3 Even allowing for leaf fall in autumn any view of the solar panels would be very limited and not of such magnitude that it would materially impact upon living conditions. It is noted that significant elements of the landscaping existing in hedgerows would provide an all year screening.

13.4 So far as glint and glare from the panels is concerned, the applicant has provided a study which reveals that there would be a very limited potential for any impact at dwellings. The presence of intervening vegetation would mitigate any limited times at which glint and glare might occur, and indeed any minor view towards the panels from the nearest residential property would be at an oblique angle from many of the principal windows with the garage and blank wall elevation facing the application site, which would seem to preclude the possibility of glint and glare being experienced.

13.5 The impact on the amenities of neighbours is therefore a matter which is unlikely to cause undue significant harm.

14.0 Other matters

14.1 The applicant submits as part of the application and their Statement of Community Involvement that one simple mechanism of sharing the benefits of a renewable energy development is to establish a community fund, controlled by local people to support local good causes. Typically, the community funds provided in association with solar developments amount to a minimum of £1,000 per MW of installed capacity, index linked, for each year of the project's operational life. The scope and purpose of the fund, and the mechanisms for administering grants to local beneficiaries are subject to consultation with parish councils and other stakeholders.

14.2 Whilst a formal planning agreement would not accord with the provisions of the CIL regulations and as such cannot be given any weight in support of the planning application or entered into as part of the application.

15.0 Overall Planning balance and Conclusion

15.1 The economic, social and environmental roles for the planning system, which derive from the three dimensions to sustainable development in the NPPF, require that a balancing exercise be performed to weigh the benefits of the proposed solar panels against their disadvantages. The proposed development would make a significant contribution to renewable energy targets and towards the reduction of Greenhouse Gas emissions. It would contribute to the local economy and would have energy security benefits. It would also improve biodiversity and there are considered to be no available and would not affect areas of high quality agricultural land. Against the benefits of the proposed scheme there would be harm to the character and appearance of the area.

15.2 Overall it is considered that the limited harm to the local landscape, the cumulative and wider setting of the application site would not be sufficient to outweigh the benefits of the proposal identified above. The application is thus recommended for **permission**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans reference G.0246_01-A, G.0246_02-A, G.0246_03-A, G.0246_04-A, G.0246_05-A, G.0246_06-A, G.0246_07-A, G.0246_08-A, G.0246_09-A, G.0246_10-A, G.0246_11-A, G.0246_12-A, 7599_CTRP, GE-DNO-160-PL R01, GE-EL-160-PL R01, GE-EL-160-PL R02, GE-EL-160-PL R05, GE-SL-160-PL R07 ISSUE 2, GE.SF.160.PL R02, L599_LP_1 received by the Local Planning Authority on 22 July 2015.
- 3 Notwithstanding the submitted details, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; hard surfacing materials; planting plans, specifications and schedules and details of tree and hedgerow protection and long term maintenance for existing planting, to be retained, in accordance with BS 5837: Trees in relation to construction. All approved tree and hedge protection measures shall be in place prior to the commencement of the development and shall be retained thereafter until the development is complete. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.
- 4 No development, including site clearance works, shall carried out until a Landscape and Ecological Management Plan (LEMP) and a Construction Environmental Management Plan (CEMP) have been submitted to and approved in writing by the Local Planning Authority. The LEMP shall cover how retained habitats and newly planted areas will be managed to maximise their biodiversity value and achieve the objectives of ecological mitigation and compensation. The CEMP shall detail how the habitats within and surrounding the site will be protected during the construction phase. The LEMP and CEMP shall include the recommendations set out on page 30 of the Ecology Survey carried out by Clarkson and Woods dated July 2015.
- 5 No external lighting shall be installed on the site.
- 6 The planning permission hereby granted is for a period of 30 years from the date of first export of electricity from the development to the grid (the 'first export date') after which the development hereby permitted shall be removed. Written notification of the first export date shall be given to the Local Planning Authority no later than 14 days after the event.

- 7 Not less than 12 months before the cessation of the development hereby permitted, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Method Statement shall include details of the removal of the panels, supports, inverters, cables, buildings and all associated structures and fencing from the site, and a timetable. The DMS shall also include details of the proposed restoration. The site shall be decommissioned in accordance with the approved DMS and timetable within 6 months of the expiry of the 30 year period of planning permission.
- 8 Notwithstanding the submitted details development shall not begin until drainage details, incorporating sustainable drainage principles have been submitted to and approved in writing by the Local Planning Authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is brought into use.
- 9 The Construction Traffic Management Plan (reference: 1508-75/CTMP/01/B) shall be adhered to throughout the construction period.
- 10 Details of the construction method of any development proposed within the area of archaeological interest shall be submitted and approved in writing by the Local Planning Authority, and shall be constructed in accordance with the approved details.
- 11 The development hereby permitted shall be carried out in strict accordance with the recommendations set out in section 4 of the Great Crested Newt Appraisal carried out by Johns Associates dated 09.07.2015.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the development permitted is carried out in accordance with the approved plans.
- 3 In the interests of visual amenity and the character of the area and to ensure that the proposals mitigate the impact to the area.
- 4 In order to preserve and enhance ecological value of the site.
- 5 In the interests of visual amenity and to protect biodiversity in accordance with the guidance set out in the NPPF and Policies GRB1, LND4 and NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 6 In the interests of visual amenity to accord with the NPPF
- 7 In the interests of visual amenity to accord with the NPPF.
- 8 To ensure adequate disposal of surface water drainage and to reduce the risk of creating or exacerbating a flooding problem in accordance with Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 9 To ensure that the development does not compromise highway safety and deliveries by HGVs are managed.
- 10 To conserve significant archaeological remains, in accordance with paragraph 129 of the National Planning Policy Framework
- 11 To ensure that Great Crested Newts and their habitats are properly considered during development in accordance with section 11 of the National Planning Policy Framework.

Note:

1 Statement of Positive and Proactive Engagement

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

15/008011-001



Legend

- Site Boundary
- ▨ Photovoltaic Panels
- Security Fence
- CCTV pole position
- Access Tracks
- Communications Link
- Construction Compound
- Inverters
- Storage Container
- ~ Foliage
- Trees
- Substation

Notes:
 *Hedgerow to be left to grow up to 3m high.
 CCTV cameras not to face highway.

Good Energy
 Good Energy South
 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100



- KEY**
- Existing Footprint
 - Existing Trees
 - Existing Footprint
 - Proposed Trees
 - Proposed Footprint
 - Proposed Structure Footprint
 - Proposed Paved
 - Proposed Grass with Wetland - managed by secondary jobs planting and mowing (Eurasian Water Thrush, Great Reed Warbler, etc. - similar appropriate seed mix)
 - Watercourse (to be managed in situ to enhance biodiversity and improve water quality)
 - Drainage Ditch
 - Access Drive
 - DBI Substation
 - Boundary
 - Storage Shed
 - Columns
 - Security Canopy

Cursey Lane, Hardwicke

Site Layout and Planting Proposals

Client: Good Energy Generation Ltd

Prepared by: J. J. [unreadable] Drawn by: J. J. [unreadable]

Date: 14/11/13 06/11/14

1/10/14

Pegasus Environmental



Head Schedule Cursey Lane 01/14

All plants to be protected with planters.

Percentage	Species	Size	Approximate number of trees to be planted	Plant condition	Plant height (cm)	Plant width (cm)	Plant depth (cm)	Plant spacing (m)
55%	Columnar Photinia	Standard	112	Standard	150	150	150	1.5m
25%	Columnar Photinia	Standard	112	Standard	150	150	150	1.5m
15%	Columnar Photinia	Standard	112	Standard	150	150	150	1.5m
5%	Columnar Photinia	Standard	112	Standard	150	150	150	1.5m

Head Schedule Cursey Lane 01/14

All plants to be protected with planters.

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55%	Columnar Photinia	Standard	112	Standard	150	150	150	1.5m
25%	Columnar Photinia	Standard	112	Standard	150	150	150	1.5m
15%	Columnar Photinia	Standard	112	Standard	150	150	150	1.5m
5%	Columnar Photinia	Standard	112	Standard	150	150	150	1.5m

434/B

Truck Types - Maximal in cases of 2.5m or over - All plants to be protected with planters.

Percentage	Species	Size	Approximate number of trees to be planted	Plant condition	Plant height (cm)	Plant width (cm)	Plant depth (cm)	Plant spacing (m)
55%	Columnar Photinia	Standard	112	Standard	150	150	150	1.5m
25%	Columnar Photinia	Standard	112	Standard	150	150	150	1.5m
15%	Columnar Photinia	Standard	112	Standard	150	150	150	1.5m
5%	Columnar Photinia	Standard	112	Standard	150	150	150	1.5m

Orchard Crops

Percentage	Species	Size	Approximate number of trees to be planted	Plant condition	Plant height (cm)	Plant width (cm)	Plant depth (cm)	Plant spacing (m)
55%	Columnar Photinia	Standard	112	Standard	150	150	150	1.5m
25%	Columnar Photinia	Standard	112	Standard	150	150	150	1.5m
15%	Columnar Photinia	Standard	112	Standard	150	150	150	1.5m
5%	Columnar Photinia	Standard	112	Standard	150	150	150	1.5m

15/01088/FUL

Daffodil Cottage, Deerhurst,

4

Valid 02.10.2015
Grid Ref 387135 229678
Parish Deerhurst
Ward Coombe Hill

Proposed conversion of stable adjoining dwelling to form dining room.

Mr & Mrs Paul Mclain
Daffodil Cottage
Deerhurst
Gloucester
Gloucestershire
GL19 4BX

RECOMMENDATION Permit

Policies and Constraints

Planning Policy and Constraints

National Planning Policy Framework
Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 (March 2006) - Policy HOU8, AGR6 and AGR7
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)
Within 50m of Listed Building
Adjacent to Scheduled Ancient Monument
Flood Zone 2 and 3

Consultations and Representations

Parish Council - No objection to the proposals but concerned during building works about construction vehicles parking on the road as it is very narrow. Access for large vehicles (ie tractors) needs to be kept available at all times.

Conservation Officer - No objection - Daffodil Cottage is a small but characterful brick and timber-framed house of at least C18 origins. It is the focus of a tight cluster of similarly diminutive outbuildings, including the stable, a C18-19 brick 1½ storey building just to the south-west. Although altered, Daffodil Cottage fulfils the NPPF's definition of a heritage asset and should be considered as a candidate for the projected local list. The stable is already nominally attached to the house by the lean-to entrance hall and the present proposal to incorporate it into the habitable accommodation is a perfectly logical next step: the impacts in terms of alterations and demolitions are minimal and the proposal to include fenestration to the eastern doorway is discreet and compatible with its character.

County Archaeology - No objection

Committee determination is necessary as one of the applicants is an elected member of the Council

Planning Officers Comments: Mr Andrew Thompson

1.0 Application Site

1.1 The application relates to Daffodil Cottage which is a detached dwelling in Deerhurst. The application site is located within 50m of a listed building and scheduled ancient monument, the site is located in a Flood Zone 2 and 3.

2.0 Planning History

2.1 None relevant to this application

3.0 Current Application

3.1 The current application is for the conversion of an existing stable building, adjacent to the existing Daffodil Cottage, into residential use as an extension to the existing property. The proposals include a small link extension linking the proposed conversion to the existing house.

4.0 Analysis

4.1 The key determining issues are the principle of the conversion, impact on the character of the area including heritage assets and the relationship to neighbouring properties.

4.2 The proposals are a small stable building that sits adjacent to Daffodil Cottage and whilst it was in former use as a stable building, the proposals relate well to the main cottage. As the building is in need of repair and enhancement, the use of the building as residential extensions are considered the most appropriate use of the building.

4.3 The comments of the County Archaeologist and Conservation Officer are noted. The impact on the heritage assets, including the host building which is considered to be worthy of consideration as an undesignated heritage asset, have been carefully considered and the proposals would not harm the setting or character of the heritage assets in the area.

4.4 There are no residential properties adjacent to the stable building, and therefore the proposals would be seen in a similar context to the existing Daffodil Cottage. The proposals would not adversely impact on the amenities of the neighbours.

4.5 The comments of the Parish Council are noted. Whilst the width of the highway is noted, the building is substantially sound and therefore substantive building works are unlikely to be needed. The use of HGVs in this instance is unlikely and such a condition would be unnecessary.

4.6. It is noted that the building lies within Flood Zone 2 and 3 as does Daffodil Cottage. The building already exists and the re-use of the existing building would not exacerbate the risk of flooding. The proposals are considered acceptable in this aspect.

5.0 Overall Planning Balance

5.1 The proposals are considered to be an effective and welcome reuse of a building in disrepair. The proposals would be in keeping with the character of the area and do not harm the character of the area and are therefore supported.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the details submitted shown on drawing numbers 578/01, 578/02, 578/03, 578/04, 578/05
- 3 The development shall be constructed so that the floor levels in the proposed extension are either no lower than existing floor levels or 300 millimetres (mm) above the estimated flood level. Should the proposed floor levels be below 300mm above the estimated floor level flood resilience measures shall be submitted to and agreed in writing by the Local Planning Authority.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 In order to define the permission and to ensure satisfactory development of the site.
- 3 In order to ensure that the proposals are not at risk of flooding and in accordance with the Environment Agency minor extensions standing advice.

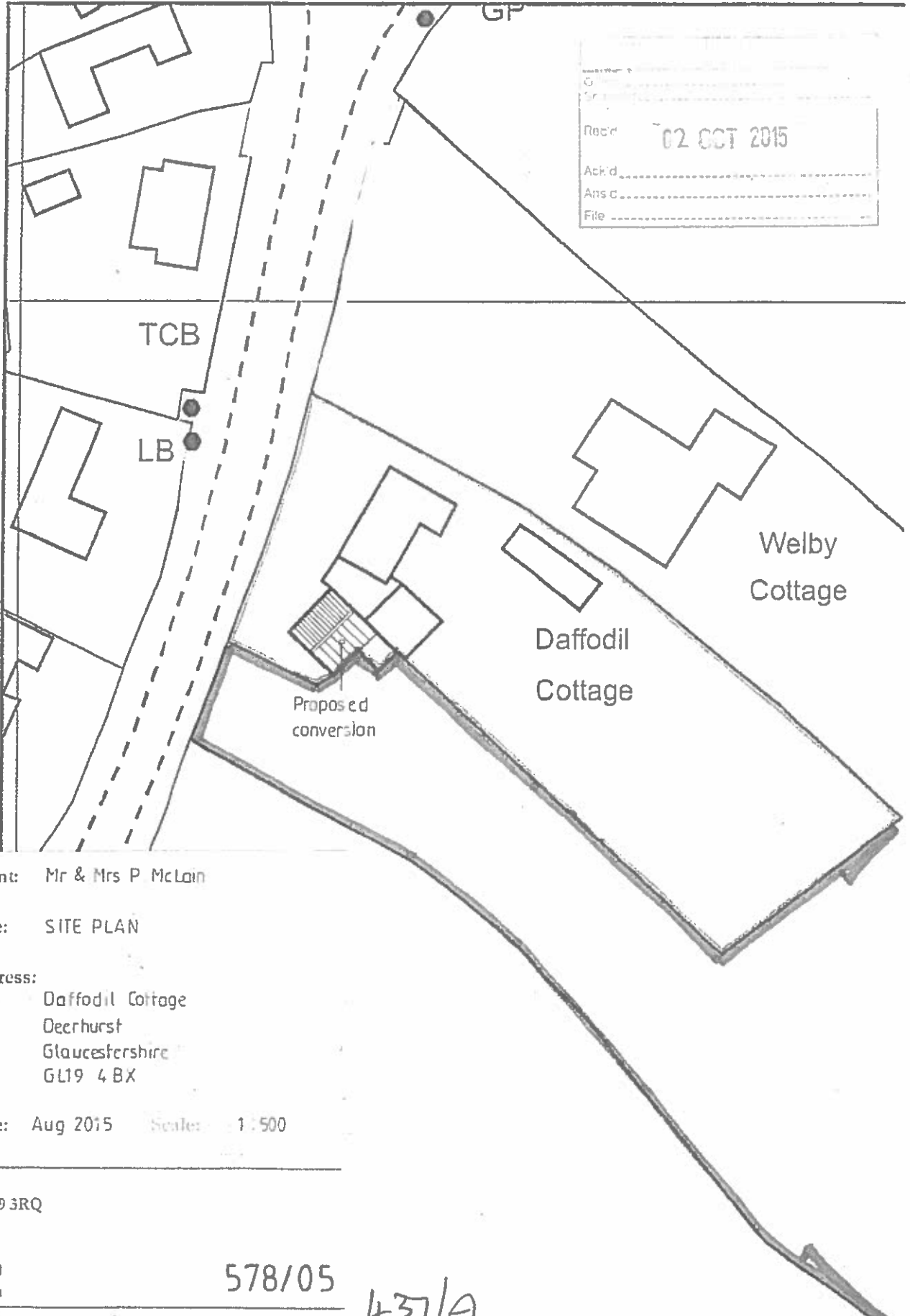
Note:

1 Statement of Positive and Proactive Engagement

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

71.00m

22.9700m



Received	
By	
Date	02 OCT 2015
Ack'd	
Ans'd	
File	



Client: Mr & Mrs P McLain

Title: SITE PLAN

Address:
 Daffodil Cottage
 Deerhurst
 Gloucestershire
 GL19 4 BX

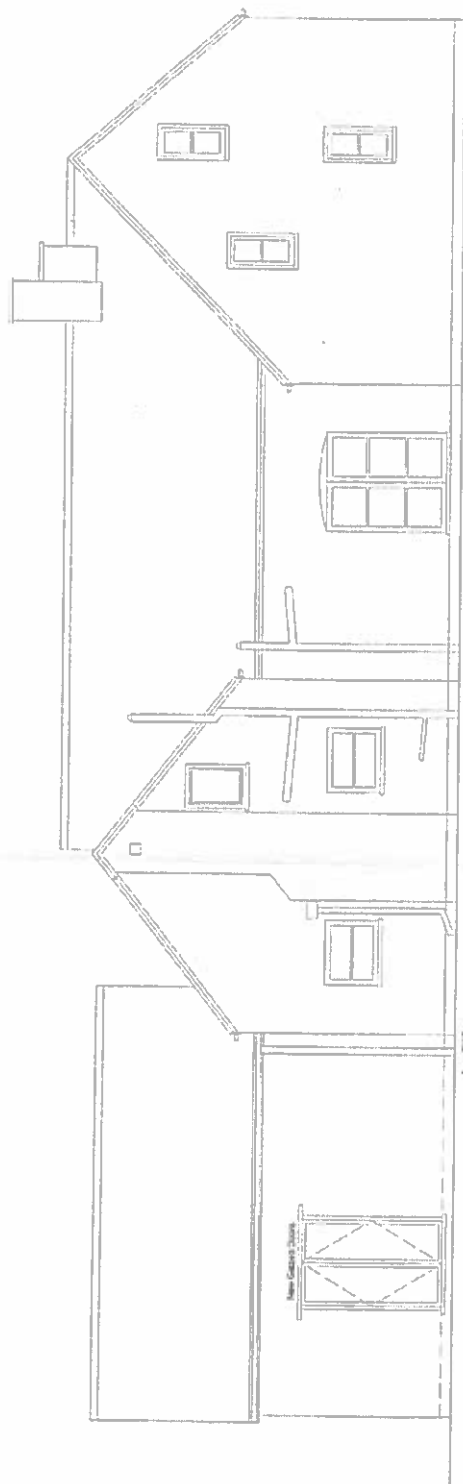
Date: Aug 2015 Scale: 1:500

Corse Grange, Corse
 Gloucestershire, GL19 3RQ
 Tel: 01452 849190
 Fax: 01452 849182
 Mobile: 07785 570580
 Email: Sdevcon@aol.com

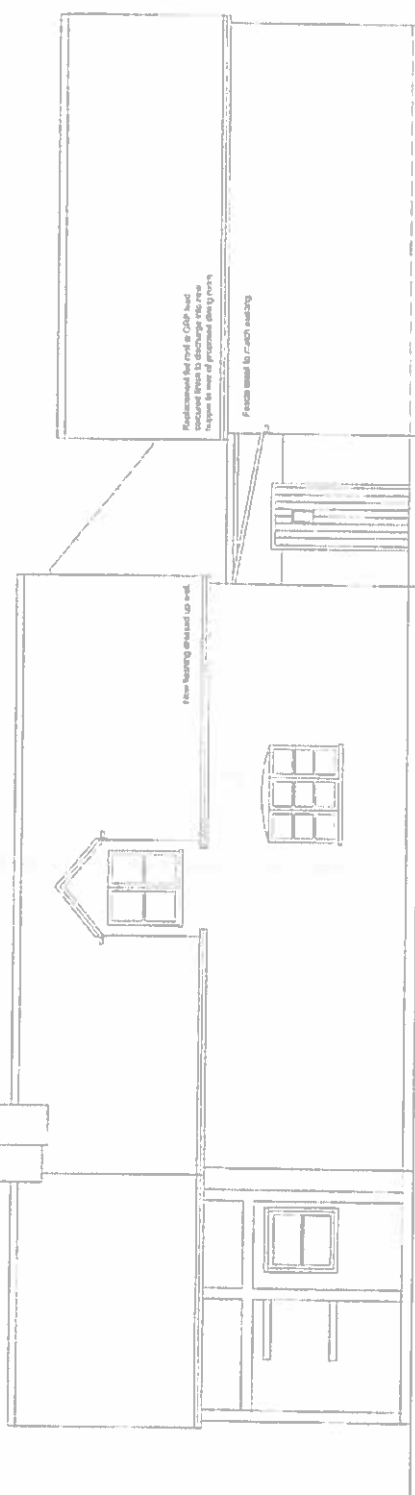
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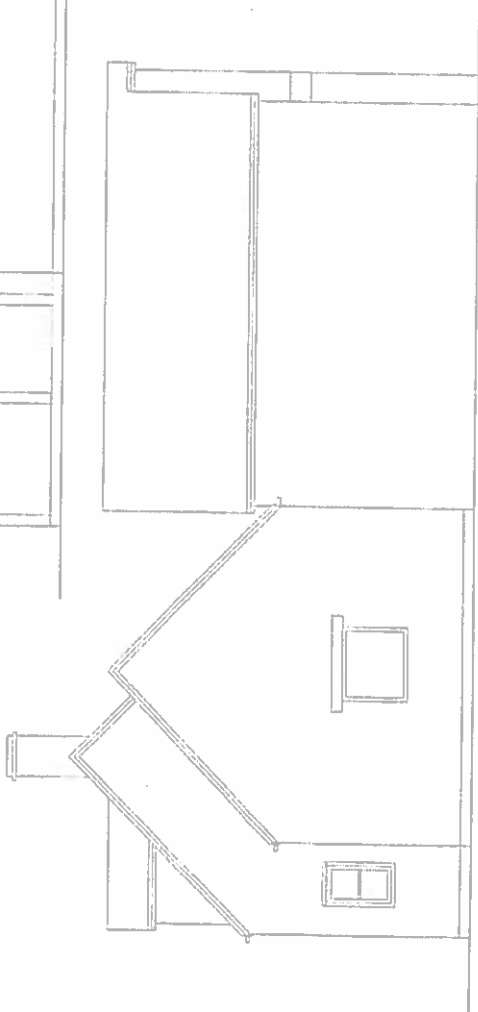
AGS Development Consultants, Inc. 1100 West 10th Street, Suite 100, Oklahoma City, Oklahoma 73106
 Phone: (405) 233-1100 Fax: (405) 233-1101
 www.agsdevelopment.com



Proposed Rear Elevation



Proposed Front Elevation



Proposed Side Elevation

02 OCT 2015
 11:00 AM
 11:00 AM
 11:00 AM

4371B

14/01245/OUT

Land Off Aston Fields Lane, Ashchurch, Tewkesbury

5

Valid 16.12.2014

Outline application for residential development (up to 550 dwellings), potential site for primary school, ancillary facilities, open space and landscaping. (Including means of vehicular access from Aston Fields Lane).

Grid Ref 393058 234312

Parish Ashchurch Rural

Ward Ashchurch With Walton
Cardiff

Robert Hitchins Limited

C/o Agent

RECOMMENDATION Minded to Refuse

Policies and Constraints

NPPF

Planning Practice Guidance

Planning Policy for Traveller Sites (PPTS)

JCS (Submission Version) - SA1, SP1, SP2, SD1, SD4, SD5, SD7, SD10, SD11, SD13, SD15, INF1-8

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, HOU1, HOU4,

HOU13, TPT1, TPT3, TPT4, TPT11, EVT1, EVT2, EVT3, EVT5, EVT9, LND4, LND7, RCN1, RCN2, NCN5.

SPG Affordable Housing

Flood and Water Management Supplementary Planning Document

Public Right of Way (AAS21 and AAS22)

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Ashchurch Rural Parish Council - Unanimously and wholly object to application on following grounds:

- APCR are aware that this piece of land is documented within the proposed JCS, but this land as is without the rest of the MOD site being developed first, has no infrastructure.
- The proposed access road from both east and west are hugely inappropriate. Being adjacent to a railway level crossing which Network Rail would need to upgrade significantly and even then it would still be inappropriate for most persons (on foot or car) to have to cross before access to the site.
- Grange Road and Aston Fields Lane cannot withstand approx 1100 cars. Aston Fields Lane is mainly single track with few passing places along its length and 2 x approx 90 degree bends. with no footpath or pedestrian refuge. it is a 'Sustrans' designated cycle route 45.
- Immediately left from the development is a railway crossing through to Grange Road. - Both deemed unworkable.
- If this site could wait until the MOD site was developed, access could be through the site with a proper infrastructure and not cause the same issues. The whole MOD site should be looked at as a whole and not done as piecemeal.
- This application is premature
- Concerned about the siting of the MUGA and play area right next to the railwayline. It is well known by Network Rail that this area is already an issue with youths behaviour on and around the line. So to deliberately add to this scenario is completely inappropriate.
- The land has a very high water table and is only approx 70M above sea level and is often completely waterlogged and the public footpaths inaccessible. Query how this will be addressed.

Northway Parish Council - Objects to this application on the grounds that it is premature and should be considered as part of a master plan with the M.O.D site. The Council feels that the infrastructure is not sufficient to accommodate a development of this size, nor are the roads adequate, even with proposed improvements, for the additional traffic movements that would result. The Parish Council also has concerns with regard to the railway crossing itself.

Bredon & Bredon's Norton Parish Council - Object on following grounds:

- Premature - Site forms part of the emerging strategic allocation A8 and a number of complex issues relating to road access, green infrastructure and landscape impacts can only be reasonably addressed strategically once the allocation has been adopted by means of a master plan approach
- Will lead to an increase in out-commuting both for work and retail, placing a strain on the highway network
- Will result in a significant increase in vehicular movements on the highway network. This will result in traffic congestion, economic costs through increased journey times, environmental harms in the form of air and noise pollution and would contribute to greenhouse gas emissions. Overcrowded roads are also socially harmful and travel delay causes stress and disruption to daily lives while traffic pollution causes illness.
- Aston Fields Lane is unsuitable for additional traffic use and development would increase the risk of accidents on the local road network.
- Concerned about negative effects on the Cotswolds AONB and in particular the likely large scale 'rat running' into the AONB and views out of the AONB from Bredon Hill.
- Application needs to make provision for reducing and mitigating the impact of the development on the ecology of the neighbouring Carrant Vale.

Beckford Parish Council - Support Bredon Parish Council's objections to application. Concerned about increase in traffic on A46 and traffic through village. Transport infrastructure needs to be in place before development is permitted.

Worcestershire County Council - Aston Fields Lane is a single track lane and unsuitable for the amount of traffic that is going to be generated by the development. The proposal will increase the risk of accidents in our local network in Worcestershire.

Wychavon District Council - Object of following grounds:

- Access is totally unsuitable
- Visibility at nearby junctions is deficient
- Access to Tewkesbury via a level crossing would prevent easy integration and connectivity to the main urban area.
- If development is allowed on this site it should only occur after the development of the MOD site with direct access onto the A46. Without such an access there is concern about rat running that would be generated through the south Bredon Hill villages.
- The development will be seen from Bredon Hill, part of the Cotswolds AONB. Adequate landscape mitigation has not been allowed for the indicative submissions.
- Urge Council to have regard to Kemerton Conservation trust comments and evidence re the ecological importance of Carrant Brook flood plain and to ensure the proposal, if allowed, includes sufficient mitigation.

Highways England - The application fails to provide satisfactory information to show that the operation of the A46 (T) and the M5 would not be adversely affected by the traffic impacts of the development proposal. Recommend non-determination of the application until agreement is reached on improvements necessary to mitigate the traffic impact of the development on the Strategic Road Network (SRN).

County Highways - Object on highway grounds.

County - Community Infrastructure - Recommend contributions towards primary education and library services.

Office of Rail Regulation - Traffic modelling may be flawed since the level crossing closure times will increase significantly when it is upgraded to Obstacle Detection. Recommend that the feasibility of closure of the level crossing, by for example, the construction of a bridge is discussed with Network Rail.

Network Rail - Have major safety concerns regarding the proposed development and the increase in usage of the level crossing. A Holding Objection is submitted to this proposal.

Environmental Health Officer - Recommended conditions in respect of noise mitigation measures, lighting, construction environmental management plan and land contamination to protect the amenity of future occupants of the proposed development. In respect of air quality the EHO is in agreement with the methodology used and the conclusions of the assessment and as such considers that no specific mitigation measures are necessary.

County Archaeologist - No objection in principle to the development of this site, with the proviso that an appropriate programme of work to excavate and record any significant archaeological remains which would be adversely affected by the proposed development should be undertaken in order to mitigate the ground impacts of this scheme.

Natural England - No objection to the application in respect of the likely impact of the proposed development on the Cotswolds AONB and Sites of Special Scientific Interest and note that the Ecological Statement correctly advises on the need for mitigation and enhancement measures for species which can be secured through appropriate planning conditions. Would encourage the incorporation of Green Infrastructure into this development

Environment Agency - No objection but refer to standing advice.

Severn Trent Water - No objection subject to drainage condition.

Police Crime Prevention Design Advisor - Recommend that development is built to meet the Secured by Design Standards.

The Cotswolds Conservation Board - Although the site is outside the AONB boundary there are still views into and out of the site from the AONB and we consider this site to be within the setting of the AONB. The views to and from Bredon Hill to the north of the site are particularly exposed and vulnerable to negative impacts from the development of this site. Again although the Board has not raised an in principle objection to the proposed Ashchurch allocation as part of the Joint Core Strategy, the expectation was that the JCS process would have at least ensured that all matters in relation to the site including AONB setting issues, would have been properly considered. Accordingly if the site was allocated we would have expected a master plan approach which would have included a strategic approach to landscaping of the whole allocation. This process would have allowed the Board to ensure the issues raised in our Setting and Transport Position Statements were properly considered and mitigated against before any planning applications were forthcoming. As it stands an application has now been submitted before this process has been completed. Our concerns relate to the very weak landscaping belt as proposed along the northern boundary of the development; the potential impact from allowing development up to 12m in height; lack of measures to reduce the impact from street lighting and new levels of light pollution; the impact from new levels of traffic generation and controlling "rat running" back into the AONB; the cumulative impact from this and the rest of the allocation coming forward. The Board therefore are unable to conclude based on the application as submitted, that this development has taken into consideration the Cotswolds AONB Management Plan 2013-2018 and the related attached Position Statements and therefore the scheme as submitted will result in a negative impact on the setting of the AONB.

Bredon Hill Conservation Group - Object on following grounds:

- Premature as forms part of a Strategic Allocation
- Would result in a significant increase in traffic on the highway network
- Would impose economic costs due to increased journey times
- Road congestion would cause environmental damage in form of air and noise pollution and contribute to greenhouse emissions
- Overcrowded roads are socially harmful as travel delays causes stress and disruption to daily lives and traffic pollution causes illness
- Aston Fields lane is unsuitable for traffic generated that would be by proposed development and its use would increase the risk of accidents in the vicinity of the site
- Would have a negative impact on the nearby AONB and would result in large scale 'rat running' into the AONB.
- Would have a negative impact on views out of the AONB from Bredon Hill. Impact of traffic could be mitigated by increasing the width of the proposed green infrastructure corridor to 50m.
- Needs to make provision for reducing and mitigating its impact on the ecology of the neighbouring Carrant Vale.

Kemerton Conservation Trust - Object to the application on landscape and ecology grounds. The site falls within the setting of the Cotswolds AONB and is visible from many viewpoints on Bredon Hill and so should be considered sensitive in landscape terms. The proposal should be properly screened on its northern edge by a sufficiently broad belt of woodland. In terms of ecology the Trust consider that the ecological importance of the lower Carrant Vale and the Carrant Brook Local Wildlife Site means that the risk of harm to the ecological interest of the countryside bordering the site to its north must be carefully assessed. Whilst it is accepted that there is little of ecological importance on the site itself, the application needs to make provision for reducing and mitigating the impact of the proposed development on the Carrant Vale. Without such mitigation, the proposal does not satisfy the NPPF.

Cheltenham & Tewkesbury Cycling Campaign - Objects to proposal due to its impact on cycling on roads in the area, particularly Aston Fields Lane which is part of the National Cycle Network and Northway Lane. Development should not proceed unless and until there can be provided direct motor vehicle access to the A46 and that any access to Aston Fields Lane should be restricted to cycles and pedestrians. The development, together with that of the MOD site, will require substantial improvement of routes for cyclists towards Tewkesbury if cycle use is to be encouraged, particularly for children going to Tewkesbury school.

Stagecoach - Formally object to application on the following grounds:

- Contrary to NPPF Paragraph 29 as does not encourage sustainable modes away from personal car use. The current traffic conditions in the area make the use of more sustainable modes less, not more attractive, and the development is likely in its current form to aggravate those conditions, reinforcing the negative spiral of car dependency.
- Contrary to NPPF para 32, it does not achieve safe or suitably efficient access to all people, and those who may require bus services in particular. The primary access to the site via the level crossing will seriously hinder the use of this access as bus route in future, owing to the length of delay, which cannot be exactly predicted, and its impact on reliable bus operation, especially on a regular urban service.

- This site is coming forward without any certainty of the timing of delivery of adjoining third party land. Until this occurs, about half of the site exceeds 500m walk from the nearest bus stops. In addition, the level crossing will act no doubt as some further deterrent to choosing to walk a considerable distance to use public transport, without being certain that still further time may be needed to allow for the barriers. Until the wider allocation comes forward, there is no possibility to turn a bus within the site, to provide a service within convenient reach of all dwellings.
- While the site is being promoted as part of a larger emerging allocation, Stagecoach is greatly concerned that there is little clarity, much less agreement, on the measures that will need to be put in place to ensure that already severe congestion on the A46 at the M5 junction is not further materially aggravated, both on this stand-alone scheme, and for the wider allocation. In addition an agreed costed mitigation package for the whole allocation is clearly essential to allow reasonable and proportionate division of the costs that need to be borne across the whole emerging allocation..
- Stagecoach does not see that the TA fully and comprehensively addresses the likely impacts on key junctions and links in the vicinity of the site, and as such the efficient and reliable operation of bus services in the area looks certain to be further compromised.

A letter has been received from Councillor Adrian Darby representing South Bredon Hill Ward objecting on 3 grounds relating to unsuitable access, prematurity and lack of green infrastructure.

A letter has been received from The Defence Infrastructure Organisation (DIO) objecting to the application on behalf of the Ministry of Defence on the following grounds:

- Premature to the comprehensive master planning of the whole strategic allocation and Policy SA1 of the emerging JCS
- Site is physically detached from A46 and proposed access is unsuitable and unsafe. TA fails to adequately assess transport impacts. Development will need to be served via a direct access to the A46 via MOD Ashchurch.
- Cumulative impacts of the development would be severe and contrary to the NPPF
- Site is greenfield land which has been allocated on the back of the adjoining strategic brownfield land at MOD Ashchurch to enable delivery of a comprehensive planned and sustainable community at Ashchurch with linkages to Northway. The approach adopted is irrational as development on the greenfield land is proposed ahead of the brownfield land without consideration being given of how the wider allocation would be delivered and without regards to the strategic infrastructure requirements. This piecemeal approach would be prejudicial to the outcome of the proposed allocation in the JCS.
- Contrary to NPPF and emerging policies in the JCS

38 letters have been received objecting to the application on the following grounds:

- Flooding concerns
- Access is dangerous
- Premature
- Additional traffic will exacerbate problems in the area
- Loss of visual amenity including views from Bredon Hill in AONB
- Insufficient local infrastructure to serve development and social provision
- Contrary to emerging policy and NPPF
- Loss of greenfield agricultural land
- Rural landscape will be destroyed
- Proposal fails to encourage sustainable modes of transport
- Access should be from the A46
- Negative effect on flora and fauna in the area
- Precedent for other development in conflict with the emerging Development Plan

Planning Officers Comments: Miss Joan Desmond

1.0 Introduction

Purpose of the Report

1.1 This application was made to the Council on 6th December 2014. Since that date, the Council's officers and a number of consultees have been seeking additional information from the applicants, so that the application could be put into an appropriate condition for presentation to this Committee. The appellants have not provided all of the required information however they have decided to lodge an appeal in respect of the application with the Secretary of State. The Council must therefore advise the Secretary of State of its views on the proposals.

Site location

1.2 The Application Site is located to the north west of the MOD Ashchurch site to the north east of Tewkesbury. The site extends to 21.5 hectares in area and predominantly comprises two arable fields with associated boundary hedgerows and vegetation. The site is generally flat although falls from north to south west by approximately 2m. The site is bound to the west by the Bristol to Birmingham mainline railway line, beyond which lies the Northway residential area. To the north the site adjoins Aston Fields Lane with agricultural land beyond. The southern boundary is formed by an area of woodland and watercourse (Northway Brook) beyond which lies agricultural land and the village of Ashchurch as well as a dismantled railway line that served the MOD site. To the east the site is bound by a hedgerow and agricultural land (**site location plan is attached**).

1.3 A Public Right of Way (PROW) runs in a north south direction from Aston Fields Lane at the north west corner of the site south along the western boundary before gently bending east and continuing to extend south across the adjoining agricultural land and dismantled railway line and across the A46. To the north the PROW continues north eastwards across the northern part of the site from the bend in Aston Fields Lane.

2.0 Planning History

2.1 The application has been submitted following community consultation in July 2014 and a scoping opinion for the required ES was issued in July 2014.

3.0 Appeal Proposal

3.1 This outline application is for residential development (up to 550 dwellings), potential site for primary school, ancillary facilities, open space and landscaping with all matters reserved apart from the principal point of access from Aston Fields Lane (**see attached plans**).

3.2 The application has been accompanied by an Environmental Statement required as the proposed development constitutes EIA (Environmental Impact Assessment) development in accordance with the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011. The Environmental Statement includes assessment of the following issues:

- Alternatives
- Socio-Economics
- Ecology and Nature Conservation
- Landscape and Visual
- Transport and Access
- Air Quality
- Noise and Vibration
- Hydrology, Drainage and Flood Risk
- Ground Conditions
- Cultural Heritage and Archaeology
- Soils and Agriculture

A copy of the Environmental Statement's Non-Technical Summary will be displayed in the Members Lounge

(Plans will be displayed at Committee)

4.0 The Community Infrastructure Levy Regulations

4.1 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst Tewkesbury Borough Council has not yet developed a levy 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.

4.2 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, it is 'unlawful' for those obligations to be taken into account when determining an application. The need for planning obligations is set out in relevant sections of the report.

4.3 The CIL regulations also provide that as from 6 April 2015, no more contributions may be collected in respect of an infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

5.0 Principle of Development

The Development Plan

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Tewkesbury Borough Local Plan to 2011 - March 2006

5.2 The application site lies outside any recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. However, HOU4 is based on the now revoked Structure Plan housing numbers and for that reason is considered out of date in the context of the NPPF in so far as it relates to restricting the supply of housing. The policy is also out of date because the Council cannot currently demonstrate a five year supply of deliverable housing sites.

5.3 Other relevant local plan policies are set out in the appropriate sections of this report.

Emerging Development Plan

5.4 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development.

5.5 The JCS Submission Version November 2014 is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. This document, inter alia, sets out the preferred strategy to help meet the identified level of need. Policy SP2 of the JCS Submission Version sets out the overall level of development and approach to its distribution.

5.6 The JCS strategy seeks to concentrate new development in and around the existing urban areas of Cheltenham and Gloucester to meet their needs, to balance employment and housing needs, and provide new development close to where it is needed and where it can benefit from the existing and enhanced sustainable transport network. Most of this development will be in the form of urban extensions within Tewkesbury Borough, because of the nature of the administrative boundaries in the JCS area. Development is also directed to Tewkesbury town in accordance with its role as a market town and to rural service centres and service villages. This site forms part of a strategic allocation at MOD Ashchurch (A8) which is identified for 2,225 dwellings. The site forms part of the greenfield part of the strategic allocation at MOD Ashchurch which is expected to be delivered once partial redevelopment on the brownfield MOD site has taken place, in order that a satisfactory access could be achieved through the MOD site off the A46. In terms of the proposed strategic allocations, Policy SA1 seeks to ensure that such sites are developed in a comprehensive manner to ensure that the development will integrate with and complement its surroundings in an appropriate manner. Proposals will also be required to demonstrate how the provision of new Gypsy, Traveller and Travelling Showpeople sites will be incorporated into development proposals for Strategic Allocations; to retain and enhance areas of local green space; ensure implementation of the Infrastructure Delivery Plan or provision of other necessary infrastructure, and provide an appropriate scale and mix of uses, in suitable locations, to create sustainable urban extensions that support and complement the role of existing settlements and communities.

5.7 Paragraph 216 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the 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 policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.8 On 20 November 2014 the JCS was submitted for examination and the examination hearings commenced in May 2015 and are still on-going. Having been submitted the JCS has therefore reached a further advanced stage, but it is not yet formally part of the development plan for the area and the weight that can be attached to each of its policies will be subject to the criteria set out above, including the extent to which there are unresolved objections. In respect of the distribution of housing (Policy SP2) there are significant strong objections to this policy. Further comments on the weight to be attributed to any policies in the JCS relevant to this application are discussed in the appropriate sections of this report.

Other Material Considerations

5.9 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless 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; or where specific policies in the Framework indicate development should be restricted. In this case, there are no specific policies which indicate that development should be restricted.

5.10 The NPPF requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

5-Year Housing Land Supply and the implications of the NPPF

5.11 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where there has been a persistent under-delivery of housing, a 20% buffer is applied. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 49 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date.

5.12 The Council cannot currently demonstrate a five year supply of deliverable housing sites and on that basis, the Council's relevant policies for the supply of housing are out-of-date. In accordance with paragraph 49 of the NPPF, the presumption in favour of sustainable development therefore applies and permission should be granted unless there are any adverse impacts of doing so which would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

Conclusions on the principle of residential development

5.13 In view of the above it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits which includes whether it would be premature to grant permission given the site's proposed allocation as part of the wider strategic allocation (A8) in the emerging JCS.

6.0 Landscape and Visual Impact

6.1 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, amongst other things, protecting and enhancing valued landscapes. Local Plan Policy LND4 provides that in rural areas regard will be given to the need to protect the character and appearance of the rural landscape and Policy SD7 in the JCS Submission Version November 2014 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.

6.2 The site does not fall under any statutory or non-statutory landscape designation. The Cotswold Area of Outstanding Natural Beauty (AONB) and Special Landscape Area are located 3 kilometres to the east of the site. The local landscape character is representative of the Settled Unwooded Vale landscape character type in that it is a rural landscape at the edge of urban and commercial centres with considerable influence from major communication routes.

6.3 The ES contains a chapter on Landscape and Visual Amenity which has looked at the landscape and visual impact of the proposals on the existing landscape character of the site and the wider context of the landscape (LVIA). The LVIA concludes that site features are rural in quality and scale but they are contained by significant built forms which dissect the landscape surrounding the site. The close proximity of large urban areas and substantial commercial areas, main highway and railway infrastructure has a significant impact on the landscape character and visual amenity. The site forms a point of transition from urban landscape to rural landscape. The LVIA identifies that the most sensitive landscape features on the site are:

- Woodland/copse
- Riparian features including watercourses, wet ditches and associated vegetation
- Hedgerows
- Field Trees

The most sensitive views of the site are from:

- The Gloucestershire Way at Oxenton Hill (AONB)
- Public rights of way across the site and adjacent footbridge
- Public right of ways on Bredon Hill (AONB)
- Adjacent residential dwellings off Northway Lane

6.4 The LVIA states that from the immediate vicinity the site is of high visibility due to the close proximity of visual receptors. Views are generally limited to walkers using public rights of way that cross/are immediately adjacent to the site, adjacent residential dwellings and motorists approaching from Aston Fields Lane. From long distance viewpoints the site is visible from elevated locations which allow panoramic views over the vale landscape. These views are distant and large scale landscape features including commercial structures, railway and motorway corridors can be identified assisting orientation of the view to the site. In all long distance views, the panoramic nature of the view shows an extensive area of the settled vale landscape which extends to the Malvern Hills in the west and Cotswold Hills to the east and south east. The site makes up a barely perceptible proportion of the view and as such its contribution to long distance views has been identified as negligible.

6.5 The LVIA concludes that the overall landscape and visual effects of the proposed development would result in the loss of openness and a corresponding infilling of the current urban area. This would result in a new urban edge being created along Aston Fields Lane where presently it is formed by the Ashchurch MOD site and related rail infrastructure. Structural landscaping to mitigate potential impacts would create a natural edge to the development and a landscape buffer between the new development and existing residential dwellings which would reduce the visibility of the new development. This vegetative margin would mitigate visual impacts both to existing elevated public rights of way within the AONB, residential properties off Northway Lane and public rights of way crossing and adjacent to the proposed development. Most significant effects are likely to be experienced on adjacent residential properties and public rights of way crossing the site. Proposed landscaping along the application boundary with Aston Fields Lane would establish a vegetative buffer that would screen new built form and retain a rural character to the lane. The LVIA concludes that the landscape and visual effects resulting from the development of the site would be acceptable in the context of the potential benefits arising from the development and the existing influence of urbanising character features within the area.

6.6 The Council's Landscape Consultant has reviewed the application. As the principle of residential development beyond the current settlement boundary of Ashchurch in this area is broadly accepted, given the site's inclusion within a strategic allocation in the emerging JCS, the Consultant has focused his landscape and visual observations upon the nature of the development proposed in this outline application and how it might relate to the wider strategic allocation. Whilst the LVIA includes a thoughtful Landscape Analysis Sketch of the site, the submitted illustrative Masterplan bears little resemblance to it. The Landscape Consultant concludes that the proposed development as illustrated in Masterplan, if delivered in isolation from the wider allocation, would result in a conspicuous encroachment into open countryside. The submitted masterplan and supporting Green Infrastructure parameters would result in a stark, highly visible urban edge that would be unsympathetic to the surrounding open countryside and views from the north and east. It is considered that these adverse effects would be material. In relation to the ability of the submitted scheme to be integrated into the wider allocation site, the application does not present a vision or strategy for the green infrastructure across the comprehensive masterplan (covering movement and linkages, amenity space, strategic planting, biodiversity and water). With no overarching green infrastructure strategy in place, it follows that the proposals for this part of the whole do not contribute to or respond to a comprehensive green infrastructure strategy.

6.7 The Cotswolds Conservation Board and a number of other organisations/bodies have raised concerns regarding the negative impacts from the development on the setting of the AONB and in particular on views to and from Bredon Hill to the north. The Cotswold Conservation Board are also concerned about the lack of a strategic approach to landscaping given that this site forms part of a wider strategic allocation at MOD Ashchurch where the issue of AONB setting needs to be properly considered.

6.8 In conclusion, whilst this site is allocated for residential development in the emerging JCS, the proposed development would result in a conspicuous encroachment into open countryside. The submitted masterplan and supporting Green Infrastructure parameters would result in a stark, highly visible urban edge that would be unsympathetic to the surrounding open countryside and views from the north and east. As such the proposed development would be visually intrusive and would have a harmful impact on the landscape. The concerns relating to the lack of a Green Infrastructure Strategy for the wider strategic allocation are discussed below.

7.0 Design and Layout

7.1 The NPPF sets out that the Government attaches great importance to the design of the built environment (paragraph 56). Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 57 the NPPF advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Similarly Policy SD5 of the JCS (Submission Version November 2014) seeks to encourage good design and is consistent with the NPPF and so should be accorded considerable weight.

7.2 Most matters relating to design and layout are reserved for future consideration but the application includes the proposed means of access which is to be via Aston Fields Lane. However, the application has been supported with an indicative layout which illustrates how the site could be developed and a Design and Access Statement (DAS). The Indicative Masterplan (**see attached plan**) shows the disposition of land uses and the proposed structure for movement within the development. The DAS states that a well-connected movement network, accessible by all users, is proposed which would help to ensure that all areas of the development are easy to navigate, safe and secure. Access to the site is achieved via the level crossing at Aston Farm Road to the north western corner of the site. A new junction would be constructed to allow access to Aston Fields Lane, which would become secondary to the proposed new primary access road. The proposed primary access road would extend eastward through the site to provide access to future development as part of the strategic allocation.

7.3 Once within the site the primary access route would provide access to lower category secondary streets, shared surface streets and private drives. The DAS states that the street hierarchy would be designed to reduce vehicular speeds and create a safe environment for vehicles, cycles and pedestrians. Densities across the development would include higher density towards the existing urban areas and lower densities near landscape sensitive areas. The design of the development proposals are broadly based on the principle of perimeter blocks and it is stated that the design solution for the site would reflect the variety in townscape form that can be seen in the area. Key frontages such as those following the main route through the development would be designed to ensure that they contribute positively to the quality and character of the new development. A variety of house types, tenures and sizes would be provided. The development would accommodate predominantly 2 storey houses with the potential for up to 2.5 storey in the geographical centre of the site. Landmark buildings, along with focal points would be designed to be distinctive from the adjacent built form. Four character areas have been defined within the development and each character area would contain its own individual design elements which aid in making it distinct from other areas (**see plan attached**). Materials would consist predominantly of red brick interspersed with natural coloured render with limited use of natural stone effect materials on landmark buildings and key locations. Roofs would consist of red, brown or grey tiles or slate effect roofing.

7.4 The Urban Design Officer (UDO) has commented that given that this application does not accord with the emerging JCS policy SA1 (which requires a comprehensive masterplan for the entirety of the Strategic Allocation site to be provided in order to demonstrate how new development will integrate with and complement its surroundings in a manner that is in accordance with design Policy SD5), it is somewhat academic, and most certainly difficult to fully assess the appropriateness of this design proposal in the context of the development of the entire Strategic Allocation site.

7.5 While superficially there are aspects of these proposals that might suggest that development of this site could be brought forward in advance of a comprehensive masterplan for the whole Strategic Allocation, (allowance for future linkage points, single use class designation, separation from main site by green infrastructure, etc), when considered in detail and in the context of the wider allocation, it becomes relatively obvious that without the benefit of a comprehensive masterplan, these proposals could actually compromise the ability to deliver a development that demonstrates a high quality of design across the entire Strategic Allocation.

7.6 Notwithstanding the above, in terms of the illustrative plan proposed the following comments are made:

- The DAS and illustrative masterplan fails to demonstrate how it would accord with emerging policy SD5 in terms of presenting a fragmented edge treatment to its edges to achieve a less harsh transition between naturalistic landscape setting and built form and how it would present outward facing active frontage to development edges.
- The sites primary route linkage to Grange Road is effectively creating a tangible disconnect between the movement network hierarchies of the existing and proposed residential areas and this is felt to reduce the inherent legibility of the proposed development in respect to how it relates to the existing residential settlement.
- The existing pedestrian footbridge over the railway is an important point of connection and linkage to the neighbouring area and should be properly embedded within the movement network and hierarchy of this development.
- The secondary road network is not creating a sufficiently legible hierarchy within the developments internal road network.
- The connection to Aston Fields Lane to the northern edge of the site is potentially an important linkage to the wider movement network and not given enough priority is being given to this within the existing layout.
- The layout provides 3 points of linkage to adjacent areas of potential new development on the MOD site. The potential link between this site and the main body of the MOD Strategic Allocation should be designed and articulated as a primary route connection.

7.7 Other issues raised relate to the number and lack of detail on the proposed character areas; rationalisation for the proposed scale and height parameters for the proposed built form; principles for the architectural design of any 2½ & 3 storey buildings should be clearly set out within the DAS; lack of detail on proposed density of development across the site; the new school should be an active part of the street scenes and the provision of green infrastructure should be utilised as a more defining and structuring design feature across the layout to create a much more "green and landscaped" character to the development. The UDO also considers that it is very unfortunate that the majority of built development around the principle area of green space do not overlook, activate and positively engage with this important community asset through principle active frontage, and although this space is relatively well connected, the character of this space will be rather isolated from the development instead of being a positively active element of it.

7.8 Following the comments of the UDO a revised illustrative Masterplan has been submitted but there is no supporting addendum to the DAS to explain the changes made. An annotated copy of the illustrative masterplan indicates the following changes:

- Road re-aligned to create frontage of green infrastructure
- Greater priority given to connection with Aston Fields Lane
- Frontage of school site opened up to become an active part of the street scene
- Provision of a primary route connection to the MOD site

7.9 The UDO welcomes the proposed changes but notes that other concerns/comments raised still stand. Nevertheless, in considering the scheme in isolation and given that it is in outline form only, with matters such as scale, appearance, layout and landscaping reserved for later consideration, it is considered that the illustrative masterplan demonstrates that an acceptable standard of design could be achieved on the site for the development proposed. The concerns relating to the lack of a comprehensive approach towards the wider strategic allocation still stand and this issue is dealt with later in the report.

8.0 Accessibility and Highway Safety

8.1 Section 4 of the NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. It states at paragraph 29 that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that "opportunities to maximise sustainable transport solutions will vary from urban to rural areas". Paragraph 32 states that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure. Furthermore, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

8.2 The NPPF also requires safe and suitable access to all development sites for all people. Policy TPT1 of the Local Plan requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided. Similarly policies INF1 and INF2 of the JCS (Submission Version) seek to provide choice in modes of travel and to protect the safety and efficiency of the transport network.

8.3 Whilst this is an outline application, all principle points of access are unreserved. All other matters are reserved for subsequent approval including the internal road layout. The site is proposed to be accessed off Aston Fields Lane at its northern end. The site adjoins the main railway line to the west and as such would involve traffic crossing the existing level crossing. The Lane would be realigned and the submitted drawings show widening of part of the Lane with proposed new access roads replacing an existing section of Aston Fields Lane. The section of the Lane which would be replaced would be closed to through traffic although access to land holdings served off the lane would be maintained. It is stated that the access arrangements would allow for the upgrading of the Northway Level crossing to full barriers with obstacle detection.

8.4 A comprehensive Transport Assessment (TA), has been submitted which examines the transport effects of the proposed development on the existing transport system and provides the basis for the assessment in the ES. A Residential Travel Plan has also been prepared as a guide to managing travel to and from the proposed development.

8.5 The TA concludes that during the construction phase the effects of construction traffic would be adverse, but the construction period is relatively short-term and therefore only temporary in its effects. Management control mitigation measures would be implemented during construction in the form of controls imposed by planning conditions, health and safety requirements and good construction site practices. The development would give rise to an increase in travel demand by all main modes of transport. To accommodate this additional demand a range of mitigation measures have been identified and would be implemented which include:

- Creation of safe, direct and attractive routes as part of the masterplan for both pedestrians and cyclists, with good linkages to existing and proposed networks;
- Improvements to the walking/cycling networks between the Application Site and existing key trip attractors;
- Improvements to existing bus stops along Northway Lane in the vicinity of the site;
- Upgrade of the Northway Level Crossing to full barriers with obstacle detection;
- Off-site highway works to Grange Road, Aston Fields Lane and the A46(T) approach to M5 Junction 9; and
- A Residential Travel Plan, which has been prepared as a guide to managing travel to and from the Proposed Development.

8.6 The TA concludes that with the implementation of the mitigation measures, whether designed, management control or physical in nature, the additional demand would be safely and satisfactorily accommodated on the local transport network. The overall residual effect of the proposed development in transport terms is likely to be minor adverse, or beneficial where mitigation measures have a wider benefit.

8.7 Highways England (HE) provide advice on the impact of developments on the strategic road network, in this case the A46 and County Highways (CH) consider the impact of development on the local road network. In addition, given the proposed access route across the existing railway level crossing from Northway, Network Rail (NR) has also been consulted on the application.

8.8 Since submission of the application HE have issued and renewed a series of non-determination recommendations, as the appellant has not provided satisfactory information to show that the operation of the A46 (T) and the M5 would not be adversely affected by the traffic impacts of the development proposal. Due to the scale of the development proposed and existing capacity issues on the A46 through Ashchurch, as well as junction 9 of the M5, HE have concluded that the proposals were likely to result in a severe impact upon the Strategic Road Network (SRN). Consequently a need for mitigation of the transport impacts has been identified. Over this period HE have been in further discussions with the applicants regarding the outstanding information and a number of significant matters have now been clarified and agreed. Nevertheless there are still outstanding matters requiring additional information and clarification from the appellant, which they have agreed to supply, but to date they have not provided to HE for review. These include:

- Confirmation from the Local Planning Authority regarding the committed developments used in the transport assessment. An alternative method with regards to the treatment of committed development to avoid any unnecessary further delay impacting on our requirement for traffic modelling has been proposed to the appellant;
- Assessment of the impacts upon the A46 trunk road including the proposed mitigation scheme via traffic modelling including an agreed sensitivity test scenario;
- Finalisation of the design of the proposed mitigation scheme at M5 Junction 9. This requirement is dependent on completion of the above traffic modelling which would provide HE with further information to enable them to make a substantive response to the suitability of the mitigation proposals put forward by the applicant.

8.9 The above information will help HE to assess the development impacts on the SRN in terms of both capacity and safety and conclude if they are considered acceptable or if further details and refinement of the mitigation proposals would need to be provided by the appellant. Notwithstanding the above, there are further matters including assumptions related to the routing of traffic flow to the SRN via the local highway network, which are affected by local network issues that are yet to be agreed by other Statutory Consultees to the planning application. These assumptions underpin the transport assessment and are thus critical to the position of HE. These issues include matters relating to access to the site and the complicating factor of a requirement for agreement with Network Rail regarding the use and improvement of the Northway level crossing. The latest comment from HE recommends non-determination of the application for a further period of 3 months beginning from 22 October 2015 until the above detailed information is clarified and HE have agreement with the appellant on improvements necessary to mitigate the traffic impact of the development on the SRN.

8.10 County Highways (CH) has raised an in principle objection to the use of the Grange Road level crossing as an access point to serve 550 dwellings. The level of delay which could be experienced by vehicles, pedestrians and cyclists could result in unsafe crossing with potentially fatal consequences. The alternative route using Aston Fields Lane is not of an appropriate standard, despite proposed upgrades, to accommodate any significant increased traffic flows. The lane is also part of the Route 45 cycle network and an increase in traffic is likely to be a significant disbenefit to pedestrians/cyclists. Aston Fields Lane could also experience significant spikes in traffic flows when the level crossing is down. Concerns have also been raised regarding the suitability of the proposed access arrangements for emergency vehicles. Additional information has been requested including speed survey data to provide evidence on the level of visibility required at the Aston Fields Lane/B4079 Bredon Road junction and no such information has been submitted. CH also recognises that the site is part of a JCS Strategic Allocation and considers that this piecemeal approach to development of the wider site does not provide safe and suitable access. They consider that the development of the full site would enable a more comprehensive and appropriate access strategy to be provided. CH are also of the view that the site cannot be considered to be well served by public transport without improvements to services and as such don't consider that the opportunities for sustainable transport modes have been taken up in line with NPPF.

8.11 Network Rail (NR) have submitted a holding objection to this proposal as it has major safety concerns regarding the above proposal and the increase in usage of the level crossing. A conservative estimate of daily extra road usage is 2500 vehicles, 500 pedestrians and 100 cyclists; that would be on top of current assessed 243 vehicles and 81 pedestrians/cycles daily. NR advise that the developer has offered a £500k contribution towards conversion to Automatic Full Barriers which they accept are inherently safer than Automatic Half Barriers, but comment that this road would be the main access to the site and as such there would still be a considerable residual risk to the railway which could be avoided by closure of the level crossing. Further development on adjoining land would also increase the number of users and the risk to the crossing. NR request that either a bridge (at or near the existing level crossing) or an alternative access avoiding the railway is preferred. Allowing this proposed development as it stands would severely reduce the scope to add a bridge in this area at a later stage. While the total level of pedestrians is not considered to be a problem in isolation with Automatic Full Barriers, the possibility of a higher proportion of vulnerable users such as primary schoolchildren gives NR safety concerns. Proximity to housing is already a factor in the number of reported incidents involving child misbehaviour here. NR also advise that the typical average cost of conversion to Automatic Full Barriers would be in the region of £1.25m to which NR cannot justify funding the shortfall due to this and other proposals. NR suggests that the Council safeguard land for a bridge to be erected and if the developer is unable to fund the total cost of the bridge then NR suggest that the Council pool resources from this and other proposed developments to enable the level crossing to be closed. NR also raise concerns about the potential location of the lagoon/pond adjacent to Network Rail's boundary and request that such a lagoon/pond should be at least 20m away from their boundary.

8.12 The Office of Rail Regulation consider that the traffic modelling may be flawed since the level crossing closure times would increase significantly when it is upgraded to Obstacle Detection and recommend that the feasibility of closure of the level crossing by, for example, the construction of a bridge is discussed with Network Rail.

8.13 Comments have also been received from Cheltenham & Tewkesbury Cycling Campaign (see representation section above) who are concerned about the impact on cyclists using roads in the area, particularly Aston Fields Lane which is part of the National Cycle Network and Northway Lane and Stagecoach who are concerned about its impact on bus services in the area and the fact that the development would not encourage sustainable modes of transport.

8.14 In conclusion, the appellant has not provided satisfactory information to show that the operation of the A46 (T) and the M5 would not be adversely affected by the traffic impacts of the development proposal. Furthermore, CH has raised some fundamental concerns including an in-principle objection to the use of the level crossing on Grange Road as the primary access route and consider that Aston Fields Lane is not of an appropriate standard, despite the proposed upgrades, to accommodate an increase in traffic flows as proposed. In addition they consider that the site is not well served by public transport without improvements to services and as such don't consider that the opportunities for sustainable transport modes have been taken up in line with the NPPF. Network Rail (NR) has also submitted a holding objection to this proposal as it has major safety concerns regarding the increase in usage of the level crossing. These are matters which weigh heavily against the proposals.

9.0 Residential Amenity

9.1 One of the core planning principles of the NPPF is to ensure a good standard of amenity for all existing and future occupants of land and buildings. This advice is reflected in Policy SD15 of the JCS (Submission Version) which seeks to ensure that new development does not cause an unacceptable harm to local amenity including amenity of neighbouring occupants.

9.2 The site is separated from development at Northway by the railway line and abuts the MOD site to the south east and open countryside to the north and west. As such there would be no adverse impact on the amenity of any nearby residential properties.

10.0 Noise/Air Quality

10.1 The NPPF states at paragraph 120 that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. In respect of air quality it advises that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs), and the cumulative impacts on air quality from individual sites in local areas.

10.2 Local Plan Policy EVT3 provides that new development should be sited away from sources of noise and planning permission should not be granted for development where noise would cause harm and could not be ameliorated. Policy SD15 of the JCS (Submission Version) also seeks to protect health and improve environmental quality. These policies are considered to be consistent with the NPPF and are therefore afforded significant weight.

10.3 A noise and vibration assessment has been undertaken which indicates that noise levels within the majority of the residential areas of the proposed development were relatively low and acceptable for residential use. Noise levels were noticeably higher along the western boundary of the site, adjacent to the railway line, associated with the regular railway movements along the line. The operation of the MoD site generally generates very low levels of noise, although an occasional helicopter was observed to fly into the site during the daytime periods. Given the infrequency of this activity, it is unlikely that it would result in potential disturbance. The construction of the proposed development has the potential to give rise to short term adverse effects upon existing noise sensitive receptors to the west of the site. Appropriate mitigation and control measures would be adopted during the construction to ensure any potential effects were minimised. Noise and vibration from the railway traffic generates relatively high levels within the western area of the site and careful consideration of this would be given during the design of the dwellings within this area of the site. Road traffic on the roads surrounding the proposed development would increase, with high adverse impacts identified along Grange Road west of the level crossing. Whilst the increases would be clearly noticeable, the overall traffic flows and thus noise levels would remain low and would seek to ensure that an acceptable noise environment was maintained at the existing dwellings along the road. The assessment concludes that with appropriate mitigation and control measures adopted during the construction and design of the proposed development, potential noise and vibration effects would be reduced to an acceptable level, achieving the requirements of the NPPF and thus ensuring the site is suitable for a residential led development.

10.4 The Environmental Health Officer has recommended conditions in respect of noise mitigation measures, lighting and a construction environmental management plan to protect the amenity of future occupants of the proposed development.

10.5 In terms of air quality it is recognised that during construction it would be necessary to apply appropriate constitution best practice measures to minimise dust emissions. Air quality guidance makes clear that, with the mitigation measures in place, the overall impacts during construction would not be significant. Existing conditions within the study area show acceptable air quality, with most concentrations below the air quality objectives. Concentrations of nitrogen dioxide have been above the annual mean objective at a couple of locations in Tewkesbury town centre, within an AQMA. The proposed development is located approximately 2.6 km northeast of the town centre. The additional traffic generated by the proposed development would affect air quality at existing properties along the local road network. The assessment has demonstrated that there would be an imperceptible increase in concentrations at relevant locations; concentrations would remain well below the objectives and the impacts would all be negligible. In the case of nitrogen dioxide, the increases are predicted to range from imperceptible to medium; concentrations would remain below the objectives, with the impacts all being negligible. Air quality conditions for residents within the proposed development have also been considered. Pollutant concentrations are predicted to be well below the air quality objectives at the worst-case locations assessed, and air quality conditions for new residents would be acceptable. The assessment concludes that overall, the construction and operational air quality impacts of the proposed development are judged to be insignificant.

10.6 The Environmental Health Officer is in agreement with the methodology used and the conclusions of the assessment and as such considers that no specific mitigation measures are necessary.

11.0 Affordable Housing

11.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing and is supported by an Affordable Housing Supplementary Planning Guidance (SPG) which was adopted by the Council in August 2005. Policy SD13 of the JCS Submission Version November 2014 specifies a requirement for 40% affordable housing and as identified above, this site forms part of a strategic allocation where 40% affordable housing would be expected to be provided to accord with the emerging JCS requirement to meet the future needs of the borough.

11.2 The appellant proposes that 30% of the proposed dwellings would be provided as affordable units. The submitted Draft Heads of Terms states that the Affordable Housing would comprise both rented housing and intermediate tenure housing in proportions to be agreed.

11.3 The Council's Strategic Housing & Enabling Officer has commented that a minimum of 40% affordable housing is required to accord with Policy SD13 of the JCS Submission Version November 2014, and the evidence base which supports the JCS, in order to meet the Borough's identified housing needs. The Draft Heads of Terms states that the affordable housing would be distributed in groups of not more than 16 dwellings but it is considered that the groups should not exceed 12 units and have an even split of rent and intermediate housing.

11.4 In conclusion, whilst the appellant proposes 30% affordable housing, Policy SD13 of the emerging JCS requires a provision of 40% on this strategic allocation site (A8) in order to meet current and future housing needs. In addition the proposed clustering arrangements are considered to be inappropriate but it is recognised that this issue could be addressed as part of any reserved matters application.

12.0 Flood Risk and Drainage

12.1 The NPPF states at paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

12.2 Policy EVT5 of the local plan and Policy INF3 of the JCS (Submission Version) seek to prevent development that would be at risk of flooding. Policy EVT5 requires that certain developments within Flood Zone 1 be accompanied by a flood risk assessment and that development should not exacerbate or cause flooding problems. Furthermore, Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria.

12.3 The adopted Flood and Water Management Supplementary Planning Document has the following key objectives: 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; to require the inclusion of Sustainable Drainage Systems (SuDS) within new developments, which mimic natural drainage as closely as possible (e.g. permeable paving, planted roofs, filter drains, swales and ponds) and provision for their long-term maintenance, in order to mitigate the risk of flooding; to ensure that development incorporates appropriate water management techniques that maintain existing hydrological conditions and avoid adverse effects upon the natural water cycle and to encourage on-site storage capacity for surface water attenuation for storm events up to the 1% probability event (1 in 100 years) including allowance for climate change.

12.4 A Flood Risk Assessment (FRA) has been prepared which confirms that the site falls within Flood Zone 1. The site is considered to be in an area of generally low sensitivity in terms of the water environment and no major flooding or water quality problems have been identified. The Environment Agency (EA) has identified potential problems with the Tirlle Brook and River Swilgate downstream which are currently failing to meet the Water Framework Directive (WFD) objective of a 'Good' status by 2027. The proposed development would not result in any deterioration of the status of the Tirlle and Swilgate and would not compromise the WFD objectives by preventing them from achieving a 'Good' status (currently 'poor' status). The use of SuDS together with ecological enhancements would help improve the quality of the existing watercourse and is considered to have a minor beneficial effect. The construction of the proposed development would generally have a negligible effect on the water environment however in the short-term there is a risk of temporary minor adverse effects on water quality. Proposed drainage measures would ensure that flood risk would not be increased downstream, and that overall flood risk in the area would be reduced. The use of SuDS as mitigation would manage and reduce flood risk and would provide improvements to water quality. The FRA concludes that the effects of the proposed development, on flooding, surface water drainage and water quality are considered to be minor beneficial. Severn Trent Water is carrying out an additional study on the impact that the development would have on their existing foul sewerage infrastructure. If the study identifies that improvements are required to accommodate the development then these would be funded by the Applicant through the requisition process.

12.5 The Environment Agency refers to its standing advice and advises that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). Comments area still awaited from the Council's Flood Risk Management Officer.

12.6 In light of the above, it is considered that the site is at a low risk of flooding and would not increase the risk of flooding to third parties. An appropriate sustainable drainage strategy could be secured by a planning condition.

13.0 Open Space, Outdoor Recreation and Sports Facilities

13.1 The NPPF 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. Furthermore, saved policy RCN1 of the Local Plan requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population.

13.2 In accordance with these policies, the proposal would generate a requirement for 3.1ha of open space of which 2.42ha should be playing pitches. As detailed above, this development is however, part of a wider strategic allocation where strategic open space would need to be provided but as detailed, below in the section on comprehensiveness, this application has been submitted in isolation and fails to consider the wider strategic needs. In terms of this appeal proposal the submitted DAS states that formal recreation would be located along the western boundary of the site, adjacent to the railway line. It is stated that this would form an effective buffer between the proposed new residential development and the railway and create a visual separation from existing development. In order to facilitate the proposed sports pitches the existing PROW is proposed to be diverted to the east following the line of the existing hedgerow that would form the eastern boundary of the proposed sports pitches. The illustrative masterplan also indicates a series of children's play areas, recreational spaces and green infrastructure which include a number of Local Areas of Play (LAPs) supplemented by a number of Locally Equipped Areas of Play (LEAPs) and a Neighbourhood Area of Play (NEAP) located within the proposed green infrastructure areas and adjacent to the reserved school site.

13.3 Comments of the Council's Community and Economic Development Manager are still awaited and **Members will be updated at Committee.**

13.4 A Draft Heads of Terms document has been submitted with the application which sets out a suggested mechanism for the delivery of Public Open Space/Formal Recreational Provision which would be dealt with through the reserved matters application process. There are no suggested contributions towards sports facilities or any other required off-site recreational facilities and no legal agreement to provide the required Public Open Space/Outdoor recreation and sports facilities has been agreed. It is also considered that the determination of this application would prejudice infrastructure delivery in relation to public open space and sports provision associated with the wider strategic development.

14.0 Community, Education and Library Provision

14.1 The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Plan Policy GNL11 and Policy INF5 of the JCS Submission Version highlight that permission will not be provided for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided. These policies are consistent with the NPPF.

14.2 The application includes the provision of a reserve site for a primary school which would be located on the eastern boundary of the site. In terms of education the submitted Draft Heads of Terms also states that the Developer would make such contribution as can be lawfully justified under the CIL Regulations to meet the educational needs of future occupiers of the development, including the reservation of a site for a primary school and a contribution to improving local library services.

14.3 Gloucestershire County Council (GCC) has considered the impact upon, and necessary mitigation, for the provision of pre-school / early years, education and library services. Following this assessment it is recommended that a contribution of £344,914 is required towards primary education (Northway and Carrant Brook schools) and a contribution of £107,800 towards Tewkesbury library and/or the mobile library service serving Ashchurch. In terms of health facilities, NHS England requires a contribution of £279,342 to support GP surgery development in the area. Comments from the Council's Community and Economic Development Manager on other community facilities are still awaited and **Members will be updated at Committee.**

14.4 The appellant has not indicated their agreement to pay the requested contributions and no legal agreement to provide the required community, education, health and library facilities has been agreed. It is also considered that the determination of this application would prejudice infrastructure delivery in relation to community, health, education/library facilities associated with the wider strategic development.

15.0 Gypsy and Traveller provision

15.1 The JCS Submission Version November 2014 sets out the preferred strategy to help meet the identified level of need for gypsy and traveller provision over the JCS area to 2031. It states that there will be a requirement for the provision of 151 permanent pitches for Gypsies and Travellers. Of these, 147 pitches relate to communities that currently reside in Tewkesbury Borough. Paragraph 4 of policy SA1 of the JCS Submission Version sets out the preferred strategy for meeting this need, which is through the strategic allocations. It states that proposals for the strategic allocations will be required to demonstrate how the provision of new Gypsy, Traveller and Travelling Showpeople sites will be incorporated into such development proposals.

15.2 The current application does not include on-site provision, and the applicants have not indicated any alternative provision to meet the future delivery of Gypsy, Traveller and Travelling Showpeople pitches within the JCS area in order to satisfy the requirements of emerging policy SA1.

16.0 Archaeology and Cultural Heritage

16.1 The NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

16.2 The ES includes an assessment of the likely significant effects of the proposed development on heritage resources. Examination of relevant data sources supplemented by site inspection have identified that there are no designated or recorded non-designated heritage assets of the highest significance situated within the site itself. A number of designated and non-designated built heritage assets are noted within the wider study area of the site, however it is concluded that the proposed development would have no cause to harm their significance or associated important elements of their setting.

16.3 Assessment and subsequent field studies have identified the site to contain below ground archaeological remains of low sensitivity, these comprising buried remains of former Medieval/early Post Medieval cultivation and a discrete focus of undated activity of probable agricultural origin within its north eastern extents. Proposed development during construction would result in a moderate to minor adverse effect on these recorded archaeological receptors, however, these effects could be suitably off-set or reduced through the implementation of an appropriate mitigation response. No operational or cumulative effects on cultural heritage assets from proposed development are identified.

16.4 The County Archaeological Officer (CAO) confirms that the results of the evaluation indicate that the archaeological remains are not of the first order of preservation, since they have undergone considerable erosion from later ploughing with the result that all surfaces associated with the remains have been destroyed. For that reason the CAO is of the view that the archaeology on this site is not of the highest archaeological significance, so meriting preservation in situ. On that basis the CAO raises no objection in principle to the development of this site, with the proviso that an appropriate programme of work to excavate and record any significant archaeological remains which would be adversely affected by the proposed development should be undertaken in order to mitigate the ground impacts of this scheme.

17.0 Ecology and Nature Conservation

17.1 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats. Policy NCN5 of the local plan and Policy SD10 of the JCS (Submission Version) seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats.

17.2 An assessment of the likely significant ecological effects of the proposed development has been undertaken. A walkover survey has been completed along with surveys for protected species including badgers, bats, otters, water voles, wintering birds, reptiles and Great Crested Newts. The site is not within a site protected for ecological reasons. The nearest protected site is Carrant Brook Local Wildlife Site (LWS) approximately 0.6km to the north. No significant adverse effects are considered likely to arise on any statutory or non-statutory designated sites. The assessment concludes that:

- the site is of low ecological value and that the proposed development provides the opportunity to enhance the ecological interest of the site.
- The loss of habitats of relatively greater interest in the context of the site, such as small sections of hedgerow and woodland, would be offset by new areas of tree planting of a greater area than that lost.
- The creation of new species-rich grassland within the areas of public open space would provide new and enhanced foraging opportunities for Badgers.
- The planting of new trees and hedgerows within the site, as well as the creation of new species-rich grassland and attenuation ponds, and the retention of dark corridors within the site would provide retained and enhanced navigational and foraging opportunities for bats. The erection of bat boxes would provide new roosting opportunities over the existing situation.
- The creation of new habitats would maximise the types of birds attracted to the site post-development. The provision of bird boxes would also provide new nesting opportunities.
- The creation of new rough species-rich grassland within the areas of public open space would provide retained and new habitat for reptiles, while the provision of log piles within the areas of longer grass would also provide enhanced shelter and hibernation opportunities for reptiles.
- With the mitigation proposed, the proposed development would not result in any adverse effects on habitats of species of any significance, and there would be no net loss of features of ecological importance.
- Where it is considered that there is a reduction in potential habitat for protected species, the proposed development would ensure that these are compensated for by replacement habitat of equal size and greater quality.
- Following mitigation and enhancement measures, overall impacts are considered to be positive local level and would ensure no net loss in biodiversity terms.

17.3 Kemerton Conservation Trust (KCT) object to the application on landscape and ecology grounds (see representation section above). In terms of ecology the Trust consider that the ecological importance of the lower Carrant Vale and the Carrant Brook LWS means that the risk of harm to the ecological interest of the countryside bordering the site to its north must be carefully assessed. Whilst it is accepted that there is little of ecological importance on the site itself, the application needs to make provision for reducing and mitigating the impact of the proposed development on the Carrant Vale.

17.4 Natural England (NE) has raised no objection to the application in respect of the likely impact of the proposed development on the Cotswolds AONB and Sites of Special Scientific Interest and note that the Ecological Statement correctly advises on the need for mitigation and enhancement measures for species which can be secured through appropriate planning conditions. It is also recognised that the proposed development is within an area that NE considers could benefit from enhanced green infrastructure (GI) provision and would as such NE encourages the incorporation of GI into this development as multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. NE notes that the application provides for an extensive green infrastructure which should be review carefully to ensure that it can be established and provide the required level of mitigation within an acceptable period; the planting design, species mix and other aspects of the scheme are appropriate to their landscape setting and the appropriate management of the green infrastructure is properly provided for in terms of funding and a long term management plan.

17.5 In light of the above, there is no evidence to suggest that there are any overriding ecological constraints to the development of the site for residential purposes. The proposals would deliver biodiversity enhancements which could be secured through appropriate planning conditions.

18.0 Comprehensive development and Prematurity

18.1 As detailed in the policy section above, this site comprises part of the proposed strategic housing allocation at Ashchurch (A8 MOD Ashchurch). The strategic allocation includes the MOD site which is in the process of being decommissioned as well as greenfield land to the north, of which the application site comprises the western parcel. Policy SA1 seeks to ensure that such sites are developed in a comprehensive manner to ensure that the development will integrate with and complement its surroundings in an appropriate manner.

18.2 The NPPG provides that prematurity is unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account. It advises that such circumstances are likely to be, but not exclusively, to be limited to situations where both: a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging local plan or Neighbourhood Planning and b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

18.3 The submitted DAS states that the appellant has concerns over the timely delivery of the MOD part of the allocation due to its current land use need for clearance and land remediation, before development can be commenced. The appellant considers that the appeal site could come forward in advance of the MOD part of the allocation whilst recognising potential linkages to the wider allocation. It is stated that the site is available and deliverable in the short term and can contribute to meeting Tewkesbury's housing needs and meeting the Council's five year housing land supply shortfall. By contrast the MOD part of the allocation is brownfield land and unlikely to deliver in the short term or even in the medium term due to major constraints (in particular the need to decontaminate the site) to viability and deliverability which will delay implementation. The appellant considers that the site can be brought forward at an early stage, without compromising delivery of the remainder of the allocation. The DIO has however advised that this statement is incorrect and that the first phase of land would be released by the MOD in 2016/17 with the first dwellings projected for delivery from 2017/18. The Defence Infrastructure Organisation states that MOD Ashchurch is a deliverable site with respect to paragraph 47 of the NPPF.

18.4 The Council has made it clear throughout the application process that the appellant would need to demonstrate how the delivery of this site would not prejudice the delivery of the wider strategic allocation. It is evident that the illustrative masterplan was developed in isolation, without regard to the wider allocation and the only supporting information has been the submission of an illustrative comprehensive masterplan for the strategic allocation which contains no rationale for the design approach adopted and has been clearly designed to retrofit the scheme originally proposed. The DIO has also advised that there has been no meaningful engagement between them or the appellant in relation to formulating a comprehensive masterplan for the strategic allocation. In addition the development fails to provide for a comprehensive scheme to ensure the delivery of the necessary infrastructure to serve the strategic allocation and there is no strategy for green infrastructure across the wider strategic allocation.

18.5 The appellant has referred to an appeal decision in Minehead to support their argument that it is unreasonable to require the formulation of a masterplan for the wider strategic allocation particularly where the Council has an under supply of housing. In that case the Inspector also acknowledged that play facilities and open space could be accommodated within the site and highway linkages made. The circumstances of this site are however considered to be very different, not least due to the fact that the development at Minehead would have represented a relatively small part of the housing numbers (approx. 9.5%) whereas in this case the housing would comprise approx. 25% of the total allocation; in this case the appellant has more than a 'small' interest in the wider site and this application has failed to demonstrate a suitable means of access, in trying to avoid direct access off the A46 through the MOD site and fails to demonstrate how the necessary infrastructure to serve the strategic allocation can be delivered.

18.6 In conclusion the JCS is at an advanced stage but not yet part of the development plan for the area. The proposed development is a substantial part of the emerging allocation at Ashchurch and granting permission at this stage would prejudice decisions about how this allocation should be delivered, especially in terms of the infrastructure necessary to achieve a high quality development.

19.0 Other matters

Loss of agricultural land

19.1 The proposed development would lead to the permanent loss of agricultural land (grades 3a and 3b) which would impact upon the arable land available to one agricultural business. The majority of the land is not classified as Best and Most Versatile (BMV) as defined in the NPPF and therefore from a national and regional level the loss of this land would have a minimal/negligible effect from an agricultural perspective. However, it is accepted that a small area (4 ha) of BMV land would be irreversibly lost following the development.

19.2 The land is currently under arable cropping as part of the larger agricultural business run by Boddington Estates. This area of land represents a small proportion of the overall land farmed by this business and therefore will have a slight adverse impact on the business. This land loss will not lead to the need for the business to alter its current enterprises or farming practice.

20.0 Overall Balancing Exercise

20.1 The site is located outside any recognised settlement where new housing development conflicts with Policy HOU4 of the Local Plan. For this reason, the proposed development is contrary to the Development Plan. This conflict with policy must be weighed against other material considerations in favour of the development. As set out previously, Tewkesbury Borough is currently unable to demonstrate a 5-year supply of deliverable housing sites. The NPPF therefore requires that the Council considers applications for housing in the context of a presumption in favour of sustainable development as set out at paragraph 49 of the NPPF.

20.2 The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. It makes clear these roles are mutually dependent and should not be taken in isolation.

20.3 In terms of the economic dimension, it is recognised that housing development contributes to economic growth both directly and indirectly. New employment would be created during construction and businesses connected with the construction industry would also benefit, some of which would likely be local suppliers and trades; all of which would boost the local economy. Residents of the development would also spend some of their income locally and these are benefits which weigh in favour of the proposal.

20.4 With regards to the social dimension, it is considered that the proposal could achieve a good mix of housing and would deliver much needed affordable housing but the proposed amount of affordable housing to be provided would not fully meet the identified needs for affordable housing as reflected in Policy SD13 of the emerging JCS. Neither is there any provision for Gypsy, Traveller and Travelling Showpeople accommodation. Whilst the illustrative plan indicates the provision of some community infrastructure (reserved site for primary school and POS/playing pitches) there is no agreed Section 106 Agreement to ensure that developer contributions would provide for education and library facilities, improved recreational facilities, open space and playing pitches, health and community facilities and improvements to public transport. These harms in combination carry substantial weight against the scheme.

20.5 With regards to the environmental dimension, the proposed development would intrude into open agricultural land and would be viewed from various public vantage points including public rights of way on Bredon Hill within the Cotswolds AONB. The development would also result in the loss of over 21 ha of agricultural land of which 4ha is Grade 3a (BMV farmland) but it is recognised that the site is allocated for residential development in the emerging JCS and the consequent implications of this. Nevertheless, the proposed development would result in a conspicuous encroachment into open countryside and this landscape impact would constitute harm in terms of the environmental sustainability of the proposal. The development would however, have no cause to harm the significance of any heritage assets in the wider area.

20.6 This application fails to provide satisfactory information to show that the operation of the A46 (T) and the M5 would not be adversely affected by the traffic impacts of the development proposal. In addition Network Rail and County Highways has indicated that the use of the level crossing on Grange Road is unacceptable and is likely to result in major safety concerns and County Highways have also raised fundamental concerns on highway safety grounds on the proposed use of Aston Fields Lane as the primary access route.

20.7 The proposed development would not be at an unacceptable risk of flooding and would not exacerbate flooding problems for third party property. The development would not have an unacceptable impact in terms of contamination of land or soil and would not raise any air quality issues. Any potential noise issues could be addressed by the imposition of appropriate conditions. In terms of ecology and nature conservation, it has been demonstrated that the development would not have a detrimental impact upon biodiversity.

20.8 In terms of prematurity the proposed development would prejudice the development of the wider strategic allocation at MOD Ashchurch (A8) as proposed in the emerging JCS including the necessary infrastructure to achieve a high quality development.

20.9 The NPPF sets out at paragraph 14 that in the context of the presumption in favour of sustainable development, proposed development that accords with the development plan should be approved without delay. For the reasons discussed above, the proposals do not accord with the development plan. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless, inter alia, 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. Given the current shortfall in terms of the 5 year supply of deliverable housing sites, this "planning balance" must be carried out in respect of the proposals.

20.10 In weighing up the planning balance, it is considered that the harms identified above significantly and demonstrably outweigh the benefits and as such the proposal is not considered to represent sustainable development in the context of the NPPF. Furthermore, as set out in the report, there are various Section 106 obligations which have not been agreed in principle and there is no signed Section 106 Agreement and as such these matters would, if unresolved, have constituted reasons for refusal.

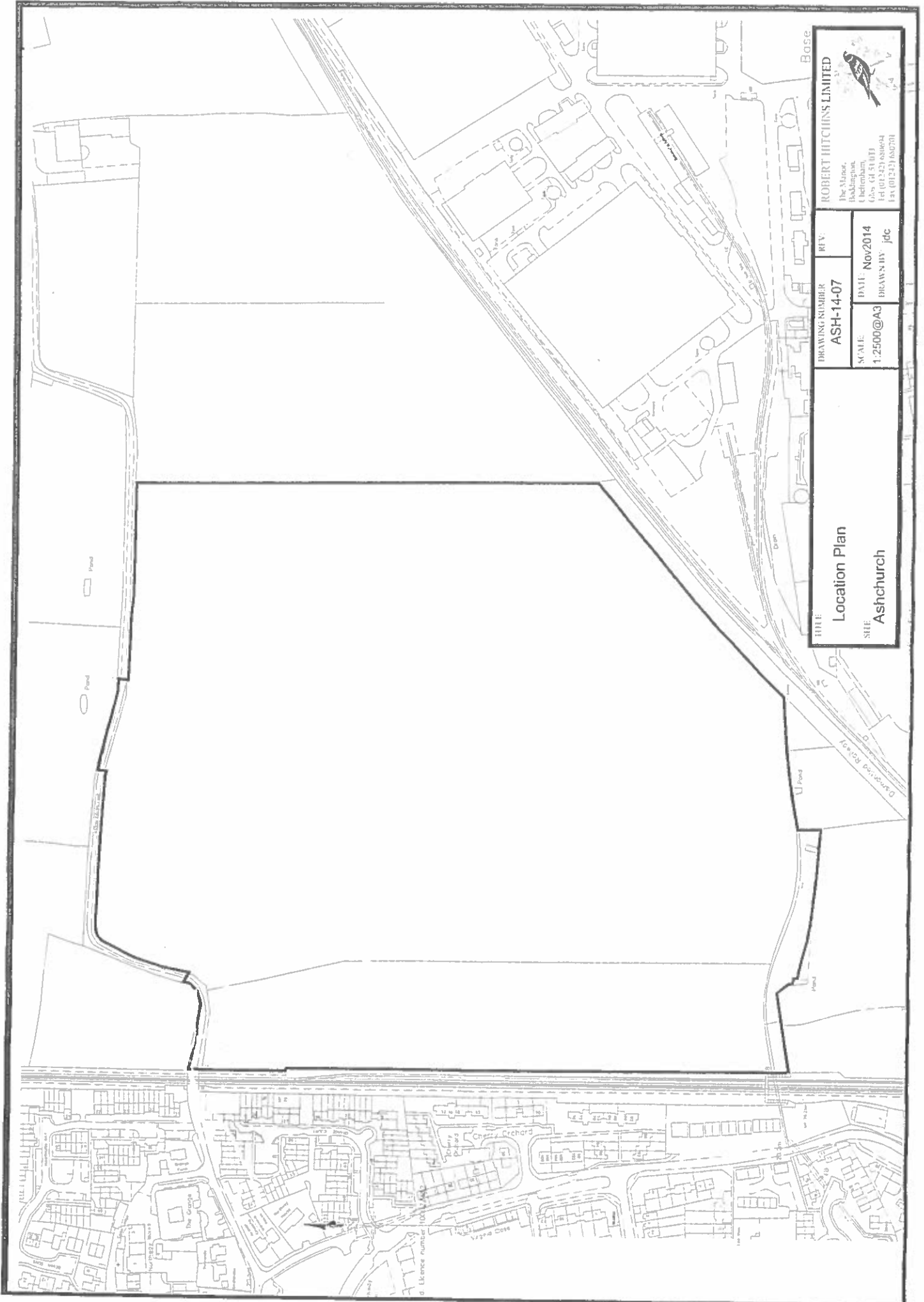
RECOMMENDATION Minded to Refuse

Reasons:

- 1 Whilst all matters relating to design, layout and landscaping are reserved for future consideration, the proposal would result in a conspicuous and severely harmful encroachment into open countryside. The carrying out of the development would result in a stark, highly visible urban edge that would be unsympathetic to the surrounding open countryside and views from the north and east. The proposed development would therefore be contrary to the core principles of land-use planning set out at paragraph 17 of the NPPF, section 11 (Conserving and enhancing the natural environment) of the NPPF, Policies LND4 and LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SD7 and INF4 of the Joint Core strategy Submission Version November 2014

- 2 The application fails to provide satisfactory information to show that the operation of the A46 (T) and the M5 would not be adversely affected by the traffic impacts of the development proposal and that the proposed development would not have a severe impact on the highway network in conflict with the NPPF, Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policies INF1 and INF2 of the Joint Core Strategy Submission Version November 2014
- 3 The proposed development does not provide safe and suitable access for all people, in conflict with the NPPF, Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policies INF1 and INF2 of the Joint Core Strategy Submission Version November 2014.
- 4 The proposed development fails to take up opportunities for sustainable transport contrary to the NPPF, Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy INF1 of the Joint Core Strategy Submission Version November 2014.
- 5 The proposed development would prejudice the delivery of the wider strategic allocation at MOD Ashchurch (A8) as proposed in the emerging JCS including the necessary infrastructure to achieve a high quality development in conflict with the NPPF and Policy SA1 of the Joint Core Strategy Submission Version November 2014.
- 6 For Reasons 1 to 5, the proposal does not represent sustainable development within the context of paragraph 7 of the NPPF. For the purposes of the "planning balance" in Paragraph 14 of the NPPF, the identified harms of the development would significantly and demonstrably outweigh the benefits of the proposal. The proposed development would be contrary to the core principles of land-use planning set out at paragraph 17 of the NPPF, sections 4 (Promoting sustainable transport) and 11 (Conserving and enhancing the natural environment) of the NPPF, Policies TPT1, LND4 and LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies INF1, INF2, SP2, SD5, SD7 and SD15 of the Joint Core strategy Submission Version November 2014.
- 7 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 Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and policies SD12 and SD13 of the Joint Core strategy Submission Version November 2014.
- 8 In the absence of an appropriate planning obligation, the application does not make adequate provision for on-site or off-site playing pitches with changing facilities and sports facilities to meet the needs of the proposed community. The application therefore conflicts with Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities) and policies INF5 and INF7 of the Joint Core strategy Submission Version November 2014. In any event, the approval of these proposals would prejudice infrastructure delivery in relation to public open space and sports provision associated with the wider strategic development.
- 9 In the absence of an appropriate planning obligation, the application does not make provision for the delivery of education, health and community infrastructure and library provision and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities) and policies INF5 and INF7 of the Joint Core strategy Submission Version November 2014.
- 10 In the absence of an appropriate planning obligation, the application does not make provision for on-site or off-site gypsy, traveller and travelling showpeople pitches/plots in conflicts with the NPPF, PPTS and Policies SD14 and SA1 of the Joint Core strategy Submission Version November 2014.

14/01245/OUT



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DRAWING NUMBER	REV.
ASH-14-07	
SCALE:	DATE:
1:2500@A3	Nov 2014
	DRAWN BY:
	jdc

TITLE: **Location Plan**
 SITE: **Ashchurch**

459/A

459/B

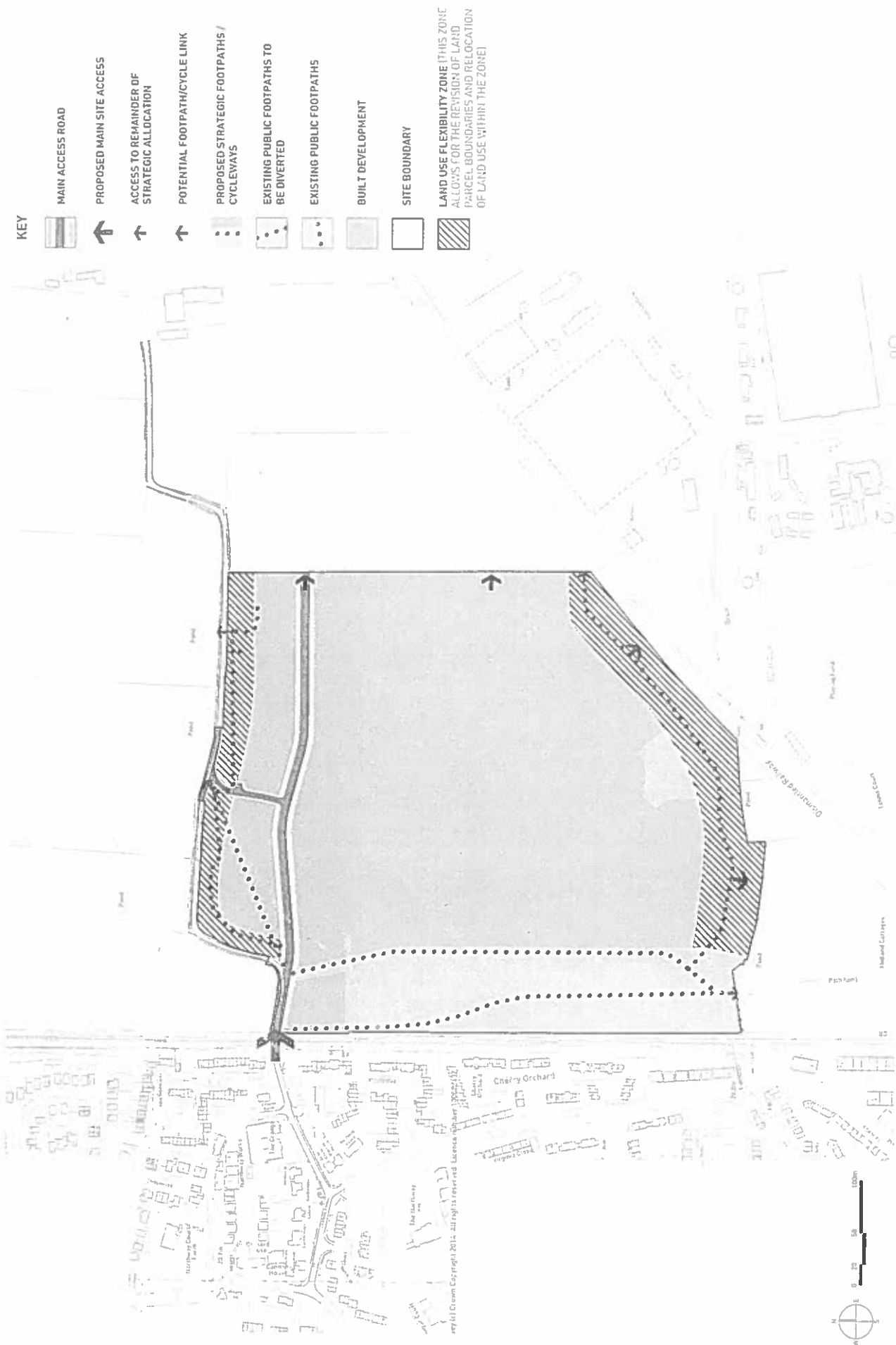
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- KEY**
- INDICATIVE HOUSING CELL
 - PROPOSED RESIDENTIAL/ PRIMARY SCHOOL
 - STRUCTURAL LANDSCAPING
 - FORMAL RECREATION (PITCHES)
 - PRINCIPLE PLAY AREAS
 - EXISTING TREES / HEDGES RETAINED
 - PROPOSED TREES
 - PROPOSED STRATEGIC FOOTPATHS / CYCLEWAYS
 - PUBLIC FOOTPATH TO BE DIVERTED
 - SUSTAINABLE DRAINAGE POND (SUDS)
 - MAIN ACCESS ROAD
 - SECONDARY ROAD
 - SHARED SURFACE STREETS
 - PROPOSED MAIN SITE ACCESS
 - ACCESS TO REMINDER OF STRATEGIC ALLOCATION
 - POTENTIAL FOOTPATH/CYCLE LINK
 - NEIGHBOURHOOD EQUIPPED AREA OF PLAY (NEAPI)
 - LOCAL EQUIPPED AREA OF PLAY (LEAPI)
 - LOCAL AREA OF PLAY (LAAP)
 - LANDSCAPED NOISE
 - APPLICATION BOUNDARY













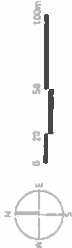
LAND OFF ASTON FIELDS LANE, ASHCURCH - INDICATIVE MASTERPLAN





KEY

-  MAIN ACCESS ROAD
-  PROPOSED MAIN SITE ACCESS
-  ACCESS TO REMAINDER OF STRATEGIC ALLOCATION
-  POTENTIAL FOOTPATH/CYCLE LINK
-  PROPOSED STRATEGIC FOOTPATHS / CYCLEWAYS
-  EXISTING PUBLIC FOOTPATHS TO BE DIVERTED
-  EXISTING PUBLIC FOOTPATHS
-  BUILT DEVELOPMENT
-  SITE BOUNDARY
-  LAND USE FLEXIBILITY ZONE (THIS ZONE ALLOWS FOR THE REVISION OF LAND PARCEL BOUNDARIES AND RELOCATION OF LAND USE WITHIN THE ZONE)



LAND OFF ASTON FIELDS LANE, ASHCURCH - ACCESS AND MOVEMENT PARAMETER



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459/C



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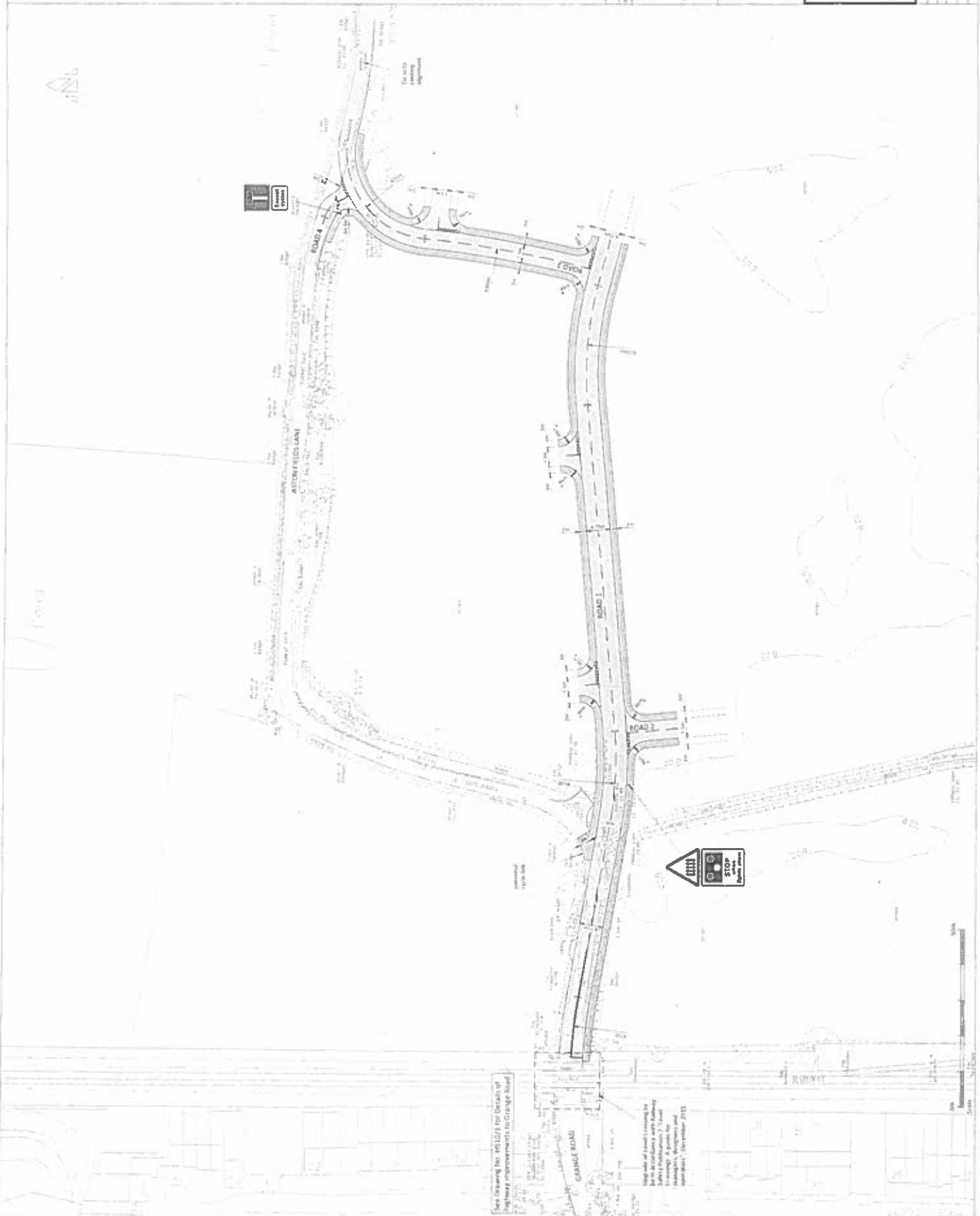
- NOTES**
1. All existing buildings are shown as of 1st January 2013 and are subject to the current planning consent. All buildings are shown as of 1st January 2013 and are subject to the current planning consent.
 2. All existing buildings are shown as of 1st January 2013 and are subject to the current planning consent. All buildings are shown as of 1st January 2013 and are subject to the current planning consent.
 3. All existing buildings are shown as of 1st January 2013 and are subject to the current planning consent. All buildings are shown as of 1st January 2013 and are subject to the current planning consent.
- KEY**
- New buildings to be constructed
 - New buildings to be demolished
 - New buildings to be retained

Robert Hitchins Limited
 10000 Park Road, 10000 Park Road
 Ashchurch, Glos GL54 3BE

Project
 Land Off Aston Fields Lane
 Ashchurch

Plan Showing Access
 Arrangements

Drawing No.	H510/4	Rev A
Date	12/08/2013	
Scale	1:500 @ A1	
Drawn By	PH	
Checked By	PH	
I. Date	12/08/2013	
File Ref	PH 10000 Park Road, 10000 Park Road	



4591/D



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NOTES

1. This plan is a proposed plan of proposed works. It is not intended to be used for construction or other purposes without the approval of the relevant authorities.
2. The proposed works are shown in grey.
3. The proposed works are shown in grey.
4. The proposed works are shown in grey.
5. The proposed works are shown in grey.

1:1000
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Robert Hitchens Limited

Project
 Land Off Aston Fields Lane
 Ashchurch

Drawing No.
 H510/2

Date
 11/10/14

Drawn By
 JH

Checked By
 JH

Scale
 1:1000

Project No.
 10000000000000000000

Rev
 1

Plan Showing
 Aston Fields Lane
 Potential Improvements

Drawing No.
 H510/2

Date
 11/10/14

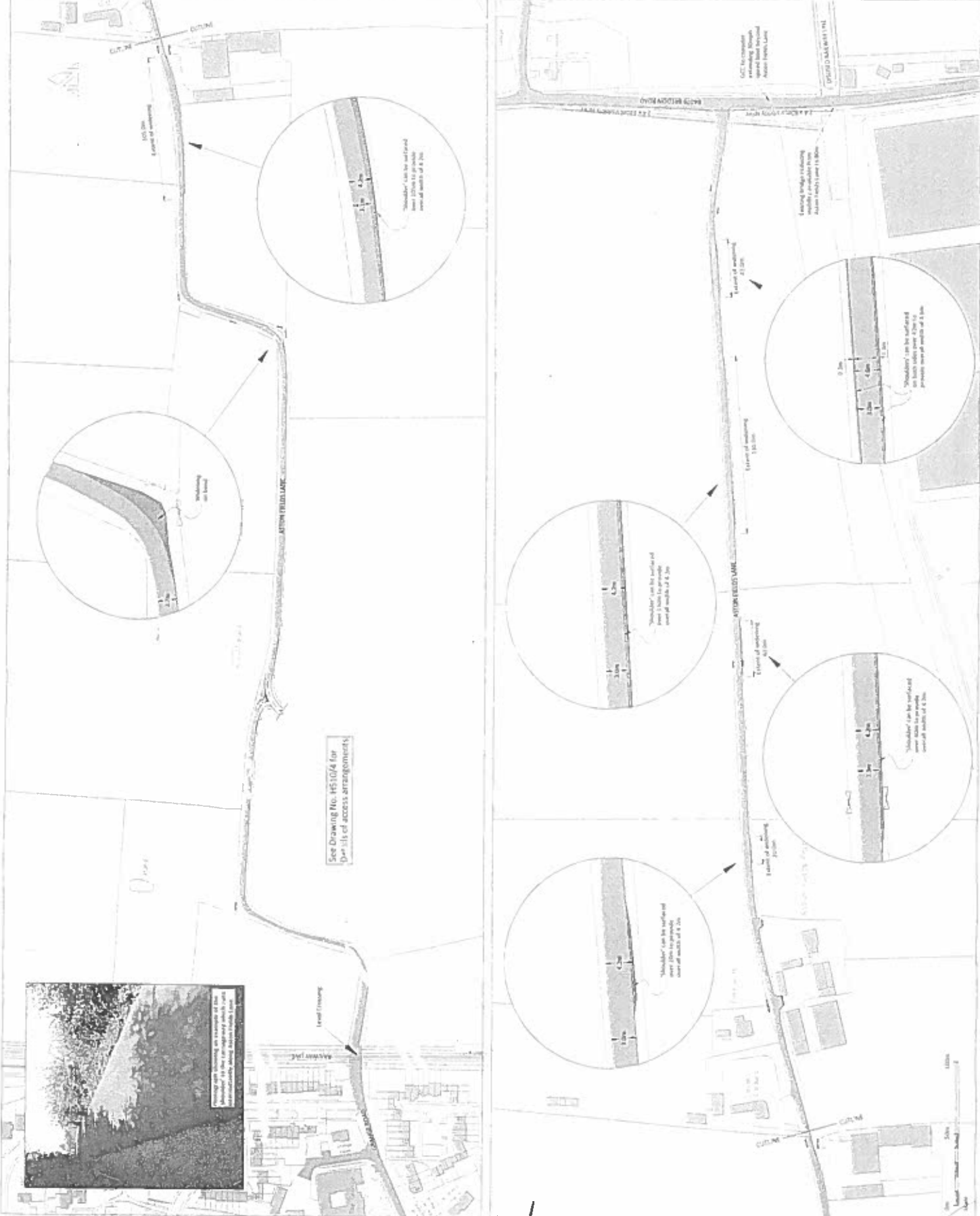
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




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Project No.
 10000000000000000000

Rev
 1



4591E

- KEY**
-  LOCAL CENTRE
 -  SCHOOL
 -  OFFICE
 -  RESIDENTIAL LAND
 -  GREEN INFRASTRUCTURE
 -  POND (SUDS)
 -  MAIN ACCESS ROADS
 -  MAIN ACCESS POINTS



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459/F

Valid 02.09.2015

Change of use of Agricultural land to a dog day care facility (Sui Generis). Proposal includes installing a 'port-a-cabin' for use as an office, and an agricultural livestock polytunnel for an all-weather facility.

Grid Ref 393532 218730

Parish Shurdington

Ward Shurdington

C/O Agent

RECOMMENDATION Refuse

Policies and Constraints

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies GRB1, EMP4, AGR4, TPT1, EVT5, LND7

Joint Core Strategy Submission Version (November 2014) - Policies SD2, SD6, SD7, SD8, INF1, INF2

Draft Tewkesbury Borough Plan - February 2015

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

Area of Outstanding Natural Beauty

Consultations and Representations

Shurdington Parish Council - No objection

Highways Authority - No objection subject to conditions relating to visibility splays and parking provision.

Environmental Health - No objections raised but advise that consideration will need to be given to the appropriateness of a dog day care facility with 25 dogs in such close proximity (50 meters) of a residential dwelling (Lynfield Farm). Advises that effective management of the site will be the key if the Council is minded to approve this application.

Local residents - 1 representation received supporting the proposal as there is considered to be a shortage of dog care facilities in Cheltenham. It is also considered that the proposal would preserve the basic land use, nature, openness and structure of the surrounding area, have no impact on the AONB. It would also improve the welfare of dogs who are currently left on their own for large stretches of the day.

3 objections received raising concerns over the proposal being in the AONB and Green Belt. Concerns also raised in relation to traffic generation and noise from dogs barking.

This application has been called in to Committee for determination by Councillor Surman in order to assess the impact on the Green Belt and AONB

Planning Officers Comments: Mr Matthew Tyas

1.0 Site

1.1 The site relates to part of Burley Fields Lake Farm; a working livestock farm, farm shop and fishing lakes.

1.2 The site itself comprises agricultural land split into small individual parcels located adjacent to the driveway leading from Leckhampton Lane to the fishing lakes and main farm complex. The site is currently used for the rearing of pigs and contains a number of small pig pens.

1.3 The site is located in the Green Belt and within an Area of Outstanding Natural Beauty.

2.0 History

2.1 There is no history relating to the site itself.

3.0 Application

3.1 The application proposes to change the use of the site from agricultural land to a day care facility for dogs. The proposal would provide daytime accommodation for up to 25 dogs daily as a service for owners who cannot care for their dogs within normal daytime hours.

3.2 The application proposes to install a portakabin on the site for use as an office and a polytunnel for use as an indoor activity area for dogs.

4.0 Planning Policy Context

4.1 The advice on protecting Green Belt land at Section 9 of the NPPF provides the most up to date policy guidance on Green Belts stating at paragraph 89 that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are various stated exceptions to this rule (i.e. agricultural buildings, replacement buildings, outdoor sport facilities) although this does not apply to new business uses. The material change of use of land is not specified in the NPPF as an exception to the inappropriate development rule. Such proposals must therefore be regarded as inappropriate development in the Green Belt.

4.2 This advice is generally reflected at Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 (TBLP) although the exception made for the making of a material change of use of land in that policy is not consistent with the NPPF and should not therefore be given weight in this decision.

4.3 The NPPF advises at paragraphs 87 and 88 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.4 Policy SD6 (Green Belt) of the Joint Core Strategy (JCS) - Submission Version (November 2014) is the main emerging policy for consideration. This reflects the Green Belt advice in the NPPF and provides that the Green Belt will be protected from harmful development. Development will be restricted to those limited types of development which are deemed appropriate by the NPPF unless very special circumstances can be demonstrated.

4.5 Other policies of relevance include Policy EMP4 (Rural Employment Policy), AGR4 (Agricultural Diversion), TPT1 (Access for Development), EVT5 (Noise Pollution) and LND7 (Landscaping of New Developments). The advice on the rural economy and protecting AONBs at sections 3 and 11 respectively is also of relevance. These policies and guidance will be considered in the relevant sections of this report.

5.0 Analysis

5.1 The main issue for consideration is Green Belt policy. It is also necessary to consider any other non-Green Belt impacts of the proposal including the noise impact on nearby residential occupiers, the effect of the proposal on the AONB and the traffic/highways impacts of the proposal.

Green Belt

5.2 As stated above the material change of use of land and the construction of new buildings for business purposes is regarded as inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.3 The proposed polytunnel would be of a fairly substantial scale at 18 metres long, 7 metres wide and 3 metres high. It would be physical attached by foundation tubes concreted into the ground. The portakabin would be 6 metres long, 3 metres wide and 2.35m high. It would be insulated and fitted with electricity. Both structures are central to the proposed use of the site and will remain in situ at all times. Having regard to their scale, physical attachment and relative degree of permanence the proposed portakabin and polytunnel are considered to constitute new buildings having regard to the established tests set out in case law.

5.4 The proposed buildings would detract from the openness of the Green Belt by introducing a built form to the site. Although it is appreciated that the proposed structures are of a less formal, low key nature, they do still reduce the openness of the site by a considerable amount. The proposed use would also significantly change the character of the site by introducing commercial activity and the coming and going of staff and customers. This would represent urban encroachment into the countryside which would conflict with one of the stated purposes of the Green Belt.

5.5 Before considering whether any very special circumstances exist it is first necessary to consider whether there are any other non-Green Belt harms caused by the proposal.

Noise impacts

5.6 The proposal has the potential to generate noise from dogs barking and customer comings and goings. The objections raised to the application by local residents are based on noise related concerns amongst others. There are concerns that the site's location adjacent to the access road to the farm, farm shop and fishing lakes would cause disruption to dogs as a result of regular vehicular activity.

5.7 The applicant advises that dogs attending the daycare centre would have the benefit of socialisation and additional training, influencing a dog's behaviour in a positive way, helping reduce a dog's level of stress, overcome anxiety and solve many behaviour problems such as excessive barking, leash pulling, aggression and fear. The applicant will continually monitor activity throughout the day, ensuring there is no inappropriate behaviour, such as barking, jumping and unruly play. Furthermore not all dogs would be accepted into the facility. Dogs would be assessed before enrolment to try and prevent disruptive individuals. It is also stressed by the applicant that the day care centre is not a kennels where dogs are caged for long periods promoting excessive, repetitive barking.

5.8 The Council's Environmental Health Officer (EHO) has been consulted on the application and advises that consideration will need to be given to the appropriateness of a dog day care facility with 25 dogs in such close proximity (50 meters) of a residential dwelling (Lynfield Farm). The EHO advises that effective management of the site would be the key if the Council is minded to approve this application.

5.9 In this regard, officers are mindful of the applicant's approach to minimising dog barking and this should help to prevent a noise issue occurring in the first place. The applicant has also advised that opening times will be 0800 - 18:30 Monday to Friday. No weekend opening is proposed unless there is a demand for the service. It is considered that any dog barking noise within these times is unlikely to cause a significant disturbance to nearby residents. These times could be secured by a condition attached to any planning permission granted. A physical barrier (i.e. fence) could also perhaps be installed along the boundary of the site within the driveway to keep vehicles out of the sight of dogs which may minimise disruption. Finally Members are advised that dog barking noise can be controlled through the statutory nuisance regime under the Environmental Protection Act 1990. Thus, if a nuisance still occurs after the suggested management/mitigation measures then provisions exist for it to be dealt with.

5.10 On the above basis it is not considered that noise from the proposed development would be a problem that could not be controlled. The application would therefore be in accordance with Policy EVT5 of the TBLP and the advice on noise at Section 11 of NPPF.

The effect of the proposal on the AONB

5.11 The site is fairly well contained within the landscape by existing mature tree planting along each of its boundaries. This would serve to limit its impact on the wider landscape and scenic beauty of the AONB. Notwithstanding this, as stated above the proposal would still detract from the rural character of the local area by introducing commercial activity to the site. This would be compounded by the proposed portakabin which is considered to be an unacceptable addition to the rural landscape of the immediate area.

Traffic/highways impacts

5.12 The proposal would utilise the existing highway access from Leckhampton Lane. A small hardsurfaced parking area exists at the south-eastern end of the site opposite an existing barn building. This would be available for staff and customer parking.

5.13 The County Highways Authority (CHA) has been consulted on the application and has raised no objection subject to conditions requiring the provision of appropriate visibility splays and the laying out and maintenance of parking provision to serve the proposal. On this basis it is considered that the highways impact of the development can be made acceptable in accordance with Policy TPT1 of the TBLP and the transport advice within the NPPF.

The case for very special circumstances

5.14 The applicant considers that the proposal will have benefits for the wider community. There has been a large increase in the number of dog walking companies. Frequently dogs are being walked in very large groups where the walker has little or no control over all the dogs. This is an intimidating situation to other dog walkers and their dogs but also anyone else who is out enjoying the countryside. This is a potential hazard to members of the public. Dog waste can also be an issue. Dogs being walked in large numbers often results in the dog walker missing picking up after the dogs. The proposed dog day care centre provides a safer, more advanced service that eliminates all of these issues but additional ensures that dogs are not being left alone at home, barking, howling and disturbing neighbours. The applicant considers that the proposal provides a viable alternative to dog walking and therefore avoids the above stated problems to the benefit of the community.

5.15 The applicant also considers that the proposal would result in economic benefits. During the business startup phase there is only one full time role but as the business grows then additional staff will be taken on. The applicant is also working with Jobcentre plus to become a work experience host, providing work experience placements for young, unemployed people providing them with a positive experience of the working world, providing opportunities, support and help.

5.16 In response to these points officers comment that it is an offence for owners/carers to not pick up their dog waste and it attracts a £1000 fine. Legal control therefore exists in respect of such matters and the application proposal should not therefore be seen an opportunity to help remedy such a problem.

5.17 The economic benefits are noted but these would only be relatively minor and not capable of outweighing the identified harm to the Green Belt.

5.18 Further to the above points the applicant considers the proposal to involve a form of agricultural diversification. In this regard officers are mindful of the general support given to rural diversification at Section 3 of the NPPF and at Policy AGR4 of the TBLP. However the proposed development is not considered to qualify as suitable diversification scheme. It does not utilise existing buildings nor would the proposed new buildings be well related to existing buildings. Furthermore, the fact that the proposal represents inappropriate development in the Green Belt raises doubts over its suitability as an agricultural diversification scheme.

5.19 Overall it is not considered that the above circumstances are very special. They are not therefore capable of outweighing the harm to the Green Belt.

6.0 Conclusion

6.1 The proposed change of use and its associated new buildings would represent an inappropriate form of development that would harm the openness of the Green Belt and would detract from the rural character of the area. For these reasons the proposal would also conflict with one of the stated purposes of the Green Belt to protect the countryside from encroachment.

6.2 It is not considered that the proposal would result in an unacceptable noise impact. Further advice is awaited on the highways impact of the proposal and Members will be updated on that matter prior to their meeting.

6.3 The benefits of the proposal are noted but are not considered to be substantial and are not capable of outweighing the identified harm to the Green Belt. Very special circumstances do not therefore exist and thus in accordance with the Green Belt advice within the NPPF it is recommended that planning permission is refused.

RECOMMENDATION Refuse

Reason:

- 1 The proposed change of use and its associated new buildings would represent an inappropriate form of development in the Green Belt that would harm the openness of the Green Belt, detract from the rural character of the area and conflict with one of the stated purposes of the Green Belt to protect the countryside from encroachment. No very special circumstances exist that are capable of outweighing the identified harm to the Green Belt. The proposal would therefore conflict with Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 and the advice on Protecting the Green Belt at Section 9 of the National Planning Policy Framework 2012.

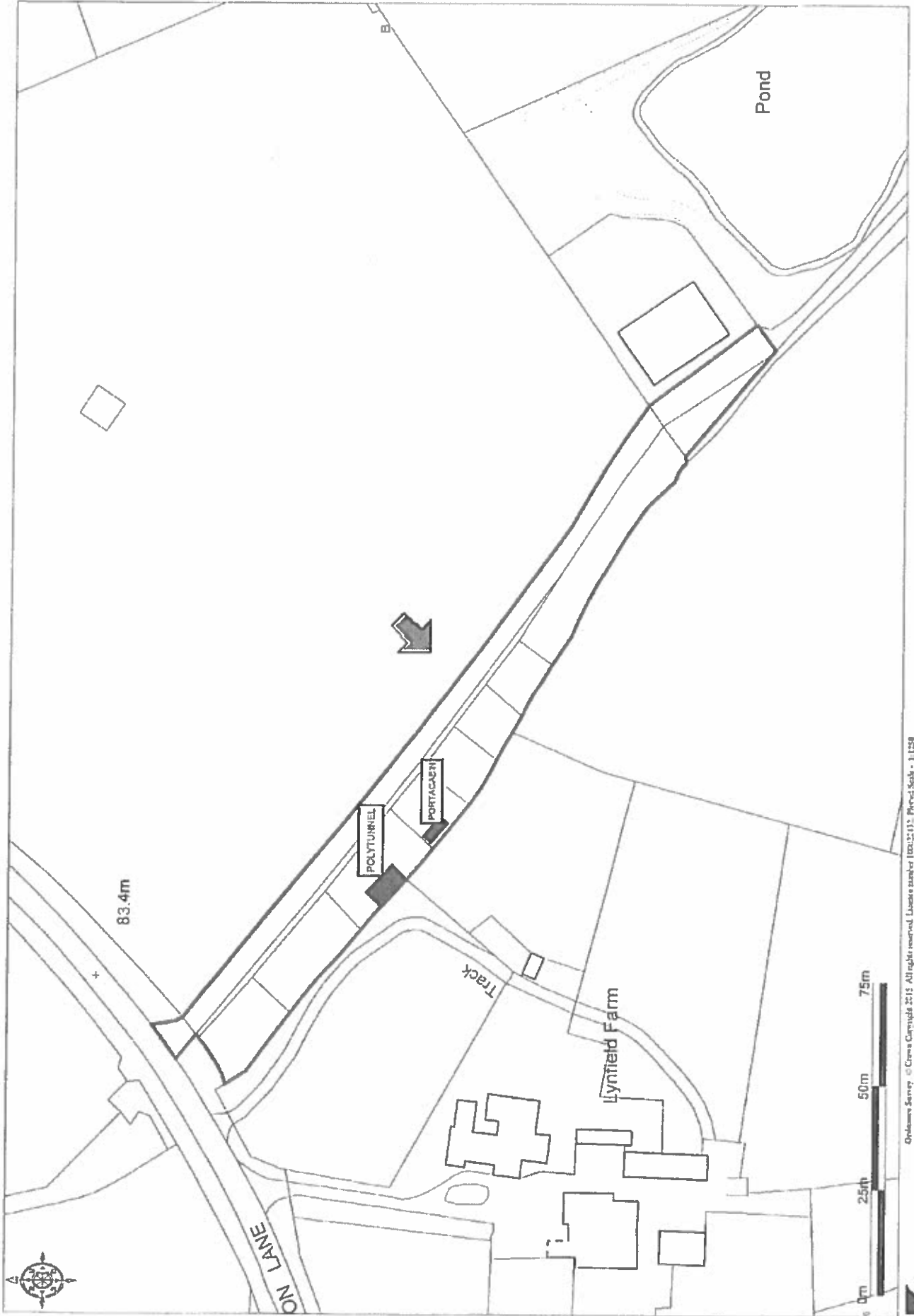
Note:

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

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

15/00882/FUL

Land at Burley Fields Farm, Leckhampton, Cheltenham, Glos. GL51 4XT



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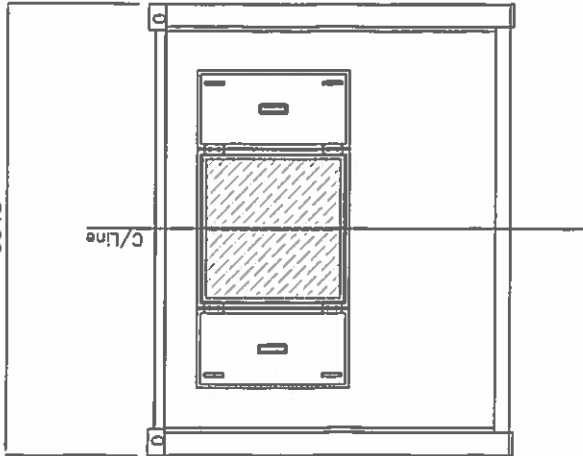
Promap

North & Letherby Ltd, Brick Cottage, Bilsham Lane, Olveston, South Gloucestershire. BS35 4HD

464/A

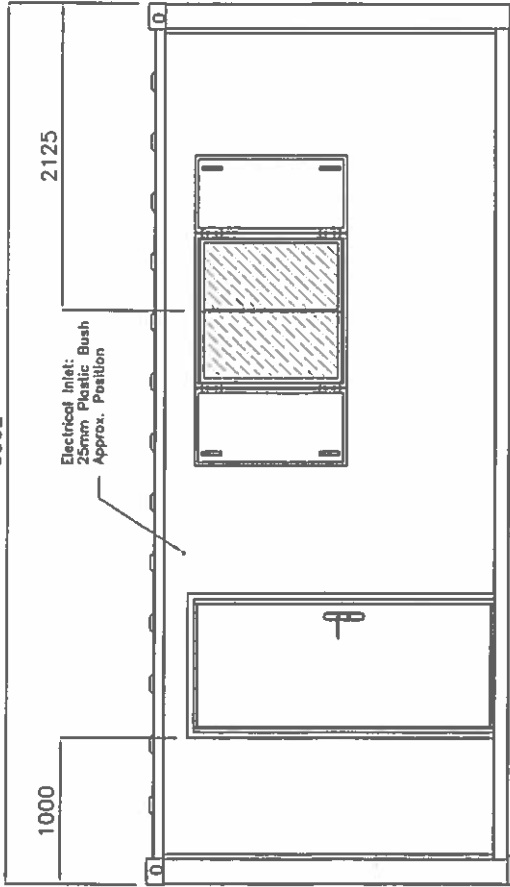
View C

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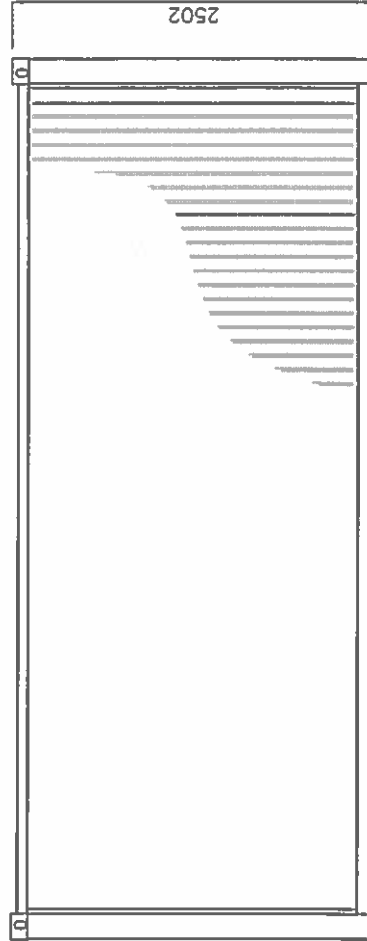
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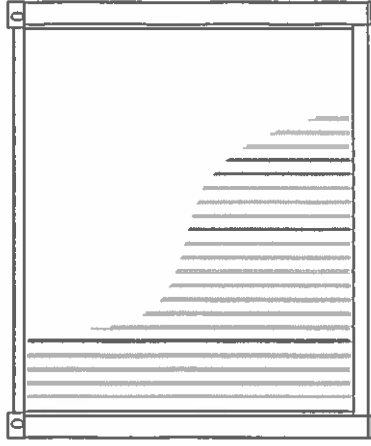


180°
'KIRRCROFT'
PERSONNEL
DOOR

View D



View B



C	14/12/12	Customer Request: Additional Sockets Added
A	01/12/11	FIRST ISSUE.
REV.	DATE.	DETAILS.
APPROVAL BOX		
Name:	Signature:	
Position:	Date:	
Drawn	JT	Date 01/12/11

Title.
Mac Containers
20'x8' -Office



Dwg. No.
MAC_2008OPND4
Tab 2 Of 2
Scale: 1-50 @ A4

464/B

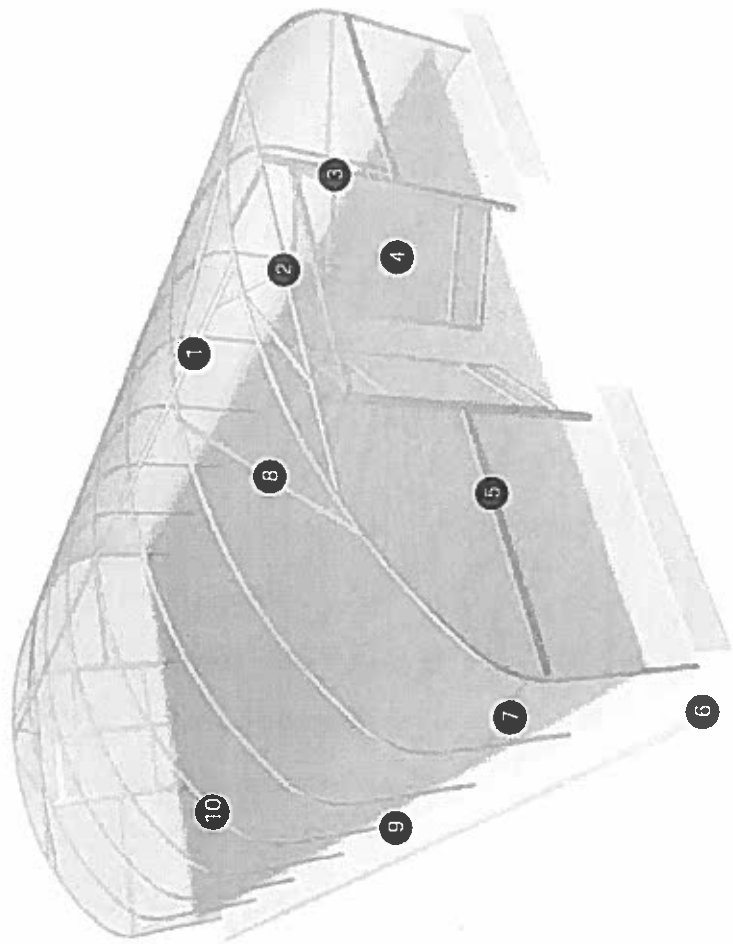
COMMERCIAL

24ft Wide

24ft COMMERCIAL POLYTUNNEL

KEY FEATURES...

SPECIFICATION



1	Ridge tube	Width	24ft	7.32m
2	Door rails x2 and stabiliser bars x6	Hoop spacing	6ft	1.83m
3	Door frames x2	Overall height	9ft 10in	2.9m
4	Double hinged doors with polythene x2	Straight side	4ft 6in	1.37m
5	Timber outrigger strengtheners	Head room*	5ft 10in	1.77m
6	Cover trenched into ground	Hoop diameter		50.8mm
7	Side stabiliser bars x4	Steel Specification	Z35 galvanised high tensile	
8	Roof stabiliser bars x4	Stabiliser bars per end	7	
9	Foundation tubes	Door opening	8ft	2.43m (width)
10	Hoops	Distance over hoop	36ft 5in	11.13m
		Door frame	4 x 2in	10 x 5cm
		Inner door	3 x 2in	7.6 x 5cm
		Height under crop bars**	7ft 10in	2.38m

* Bench in from side ** if ordered



FIRST TUNNELS

the growing season just got longer

464/C

15/01104/FUL

2 Southam Fields Farm, Meadowway, Bishops Cleeve

7

Valid 07.10.2015

Demolish stables / store building and erect single storey dwelling with parking etc.

Grid Ref 395095 226886

Parish Bishops Cleeve

Ward Cleeve Grange

C Stennett & D Barnett
2 Southam Fields Farm
Meadow Way
Bishops Cleeve
Cheltenham
Glos

RECOMMENDATION Refuse

Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - Policies HOU4, GRB1, LND4 and TPT1

Joint Core Strategy Submission Version November 2014

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

The First Protocol, Article 1 (Protection of Property)

Green Belt

Consultations and Representations

Councillor Hillier-Richardson has requested that this application is considered by Planning Committee to consider the impact on the Green Belt and the Very Special Circumstances for development.

Bishops Cleeve Parish Council - No response received at time of writing.

County Highways Authority - No objection subject to a condition relating to car parking provision.

Wales & West Utilities - There are pipes in the area and Wales & West Utilities has commented that their apparatus may be affected and at risk during construction works. Should the planning application be approved then Wales & West Utilities will require the promotor of these works to contact them directly to discuss any requirements in detail before any works commence on site.

Public Representations - Two letters of representation have been received in support of the current application. It is noted that the current outbuildings are an eyesore and the proposed two bed dwelling would be a vast improvement and would not obstruct any views or land.

Planning Officers Comments: Mrs Helen Stocks

1.0 Application Site

1.1 The application relates to a parcel of land within the residential curtilage of 2 Southam Fields, Meadow Way, on the outskirts of Bishops Cleeve. There is an existing store/stable building on site which is currently used for purposes incidental to the enjoyment of the main dwelling. The site is accessed via a private shared drive from the A435 and is bound by residential dwellings to the north and east and open fields to the south and west.

1.2 The site is located outside of a Residential Development Boundary (RDB), as defined in the Tewkesbury Borough Local Plan to 2011 - March 2006, and is situated in the Green Belt.

2.0 Planning History

94/00286/FUL - Planning permission was granted in May 1994 for the sub-division of the dwelling into two separate units and removal of condition (c) of planning permission Ref: T 2524/A.

04/01734/FUL - Planning permission was granted in February 2004 for the erection of a porch and conservatory.

15/00807/FUL - A planning application was submitted in July 2015 for the demolition of the existing stables/store building and erection of a single storey dwelling with associated parking. This application was withdrawn pending a refusal.

3.0 Current Application

3.1 The current application is a resubmission of the previous withdrawn scheme. It seeks planning permission for the demolition of the existing stables/store building and erection of a single storey dwelling with parking.

3.2 The proposed dwelling would have a footprint of 77 square metres. It would have a double pitch roof, with a valley extending the full length of the building, and a maximum roof height of 4 metres. External materials would comprise vertical timber cladding, natural stone and slate.

3.3 The applicant has submitted a supporting statement which seeks to demonstrate the proposal represents very special circumstances as it would allow the applicant's mother to reside in close proximity to the applicant and avoid the need for renting a property. Therefore it is the need of the applicant's mother to live in close proximity to the applicant which is put forward as very special circumstances to allow the development in the open countryside and Green Belt.

4.0 Policy Context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan for the area comprises the Tewkesbury Borough Local Plan to 2011 - March 2006 and the saved policies within it. Another material consideration includes the National Planning Policy Framework (NPPF). Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

4.2 At paragraph 14 the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless 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; or where specific policies in this Framework indicate development should be restricted, such as within areas of Green Belt for example.

4.3 In terms of local planning policy, the site is located outside any established residential development boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006, where Policy HOU4 of the sets out that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry, for the provision of affordable housing or for the acceptable conversion of existing rural buildings. The weight to be attached to this policy is set out in Section 5 of this report.

4.4 The NPPF provides the most up to date policy guidance on Green Belts and advises that the construction of new buildings in the Green Belt is inappropriate and should not be approved except in very special circumstances. Paragraph 88 sets out very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.5 Policy GRB1 of the Local Plan also regards the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this are, inter alia, buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport and recreation; and the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

4.6 Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy LND4 of the Local Plan states that in considering proposals for development in rural areas, regard will be given to protect the character and appearance of the rural landscape. This policy is therefore consistent with the NPPF.

4.7 Other key local and national planning policy guidance in relation to the matters of design, amenity and highway safety are set out in the relevant sections of this report, together with an explanation as to the weight to be attributed to these policies.

5.0 Analysis

Principle of Development

5.1 As set out above, the application site is located outside any recognised residential development boundary, and as such conflicts with local plan policy HOU4. However, Paragraph 49 of the NPPF states that where a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable housing sites then relevant policies for the supply of housing should not be considered up-to-date. Tewkesbury Borough Council is currently unable to demonstrate a five year supply of housing in the context of the requirement handed down by the NPPF and therefore policy HOU4 is considered out-of-date in this regard. Thus, applications for new housing should be considered in the context of the presumption in favour of sustainable development.

5.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless 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; or where specific policies in the Framework indicate development should be restricted. Footnote 9 to paragraph 14 gives examples of where policies in the Framework indicate where development should be restricted and includes land designated as Green Belt.

5.3 The NPPF and Policy GRB1 of the adopted Local Plan sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are, inter alia, buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport and recreation; and the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building. The NPPF indicates the replacement of existing building can also be considered as an exception, provided the new building is in the same use and not materially larger than the one it replaces.

5.4 In the case of this application, the proposed dwelling would replace an existing building which has an ancillary residential use to 2 Southam Fields. However, the proposal would involve the creation of a separate residential unit of accommodation and would not therefore be in the same use as the building it would replace. It constitutes the erection of a new dwelling and is therefore considered inappropriate development which is, by definition, harmful to the Green Belt.

5.5 Although the proposed dwelling would not be materially larger than the existing outbuilding and would have a better appearance; its position and height would reduce the openness of the Green Belt. It is considered that the modest benefits in favour of the proposal do not outweigh the significant harm in respect of its inappropriateness. The personal needs of the applicant / applicant's mother do not represent very special circumstances which would justify the approval of an inappropriate form of the development in the Green Belt. As such, the proposal is contrary to the NPPF and Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Design and Visual Impact

5.6 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Whilst the NPPF does not seek to impose architectural styles or particular tastes on development, it does consider it proper to seek to promote or reinforce local distinctiveness. In addition, one of the core planning principles of the NPPF is to secure a good standard of amenity for all existing and future occupiers of land and buildings. This is reflected in Policy SD5 of the emerging JCS Submission Version (November 2014) which sets out that new development should enhance comfort, convenience and enjoyment through assessment of opportunities for light, privacy and external space.

5.7 The proposed dwelling would be a single storey detached dwelling with a floor area of approximately 77 square metres. It would have a double pitch roof, with a valley extending the full length of the building, and external materials would comprise vertical timber cladding, natural stone and slate. The proposed dwelling would be located in the residential curtilage of 2 Southam Fields and would result in the sub-division of the plot. A new 1.8 metre high boundary fence would be erected between the proposed and existing dwellings along the northern boundary. There would be a number of openings on the north elevation where the proposed dwelling would set back from the new boundary fence by approximately 1 metre. Having reviewed the proposed floor plans, it is considered that the proposed dwelling would have a poor outlook from the north elevation, where openings would serve both the living and dining rooms, and would provide unsatisfactory living conditions for future occupiers.

5.8 The proposed dwelling would also have minimal outdoor private amenity space, with the proposed site plan showing provision for a small patio area to the front of the dwelling. This would have a maximum depth of approximately 8 metres and a width of approximately 3 metres. This would be out-of-character with the neighbouring properties (No.1 and No.2 Southam Fields) and coupled with the size of the proposed dwelling, it would cause it to appear cramped and result in the over-development of the site. It is therefore considered that the proposed development would fail to deliver acceptable living conditions for future residents and represents poor design, contrary to the NPPF and emerging Policy SD5 of the JCS Submission Version (November 2014).

Highways Safety

5.9 Policy TPT1 of the Local Plan highlights that development will be permitted where provision is made for safe and convenient access and where there is an appropriate level of public transport service and infrastructure available. The resulting development should also not adversely affect the traffic generation, safety and satisfactory operation of the highway network. Paragraph 32 of the NPPF also requires safe and suitable access to be achieved but states that development should only be prevented or refused on transport grounds where the cumulative impacts of development are 'severe'.

5.10 The County Highways Authority has been consulted on the proposal. Although no response has been received in relation to the current application, the County Highways Authority raised no objection to the previous withdrawn scheme subject to a condition ensuring the proposed car parking arrangements are provided in accordance with the submitted plans prior to the occupation of the dwelling. There has been no change in circumstances and the current application is a resubmission of the previous withdrawn scheme. The previous consultee comments are therefore considered to be appropriate in the determination of this application. The proposed development would utilise the existing access on to the A435 and the County Highways Authority is satisfied that safe and convenient access can be provided to the highway in accordance with Policy TPT1 of the Local Plan.

5.11 In light of the above, it is considered that the proposed development would have an acceptable impact on the highway safety subject to relevant conditions.

6.0 Conclusion

6.1 While there is existing residential development within the vicinity of the site, the surrounding area is predominately rural in character and the proposal would introduce a new dwelling in the Green Belt. In weighing up the planning balance, it is considered that the special circumstances offered by the applicant in this instance would not outweigh the clear harm to the Green Belt. In addition, the proposed development would provide unsatisfactory living conditions for future occupiers in terms of outlook and private outdoor amenity space.

6.2 The proposal is therefore considered inappropriate development and conflicts with the NPPF, Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and emerging Policy SD5 of the Joint Core Strategy Submission Version (November 2014). The application is recommended for **refusal**.

RECOMMENDATION Refuse

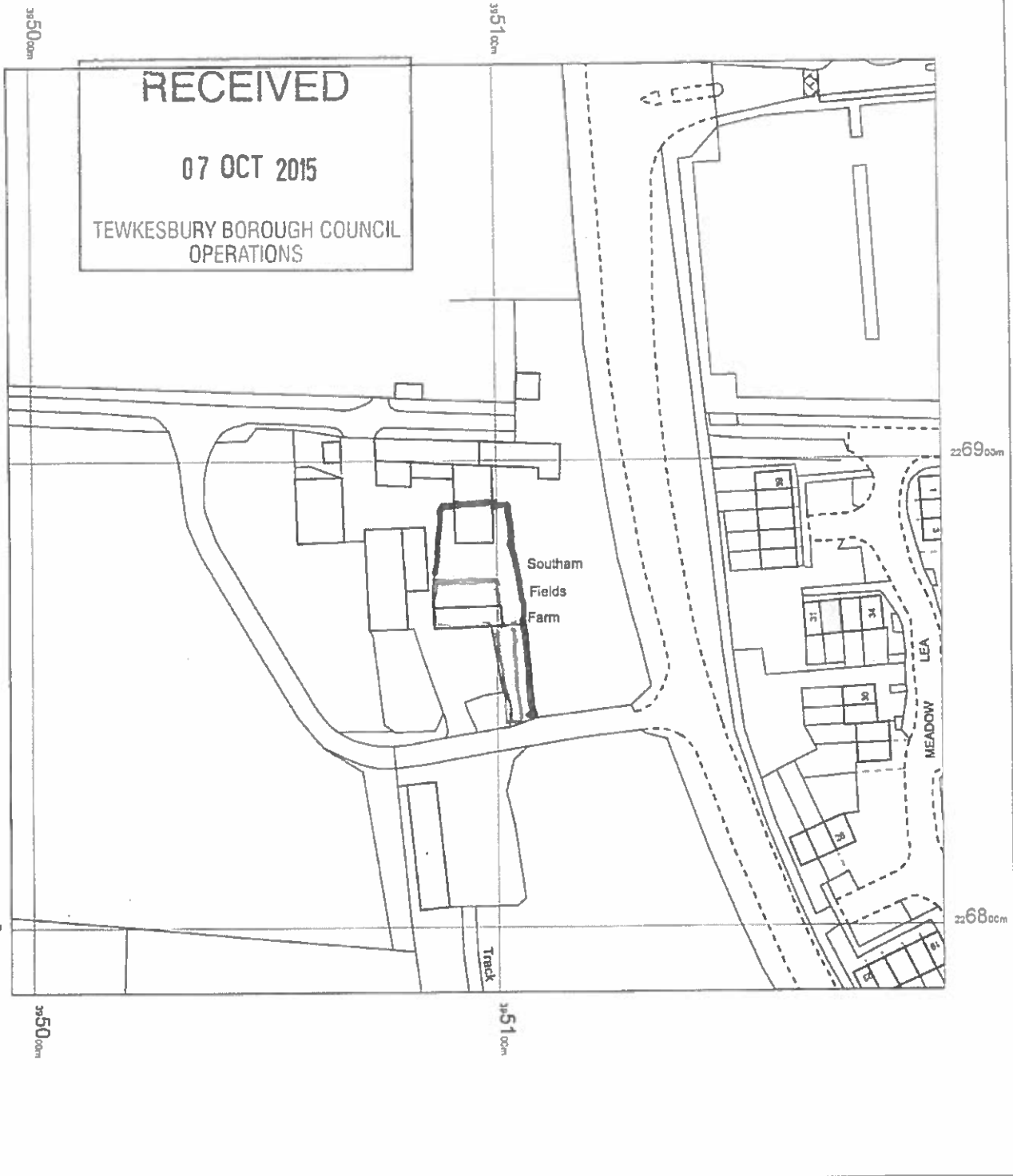
Reasons:

- 1 The proposed dwelling would represent an inappropriate form of development in the Green Belt that would cause harm to the openness and rural character of the Green Belt. It is not considered that any very special circumstances exist that would outweigh the identified harm. The proposal would therefore be contrary to Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 and Section 9 (Protecting Green Belt Land) of the National Planning Policy Framework 2012.
- 2 The proposed development would, by virtue of its size and design, result in over-development of the site and would provide unsatisfactory living conditions for future occupiers in terms of outlook and private amenity space. The proposal therefore represents poor design and conflicts with the NPPF and emerging Policy SD5 of the Joint Core Strategy Submission Version (November 2014).

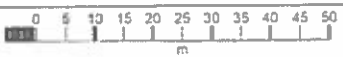
Note:

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RECEIVED
 07 OCT 2015
 TEWKESBURY BOROUGH COUNCIL
 OPERATIONS



2 SOUTHAM FIELDS FARM
 MEADOWAY
 BISHOPS CLEEVE
 GL52 8ND

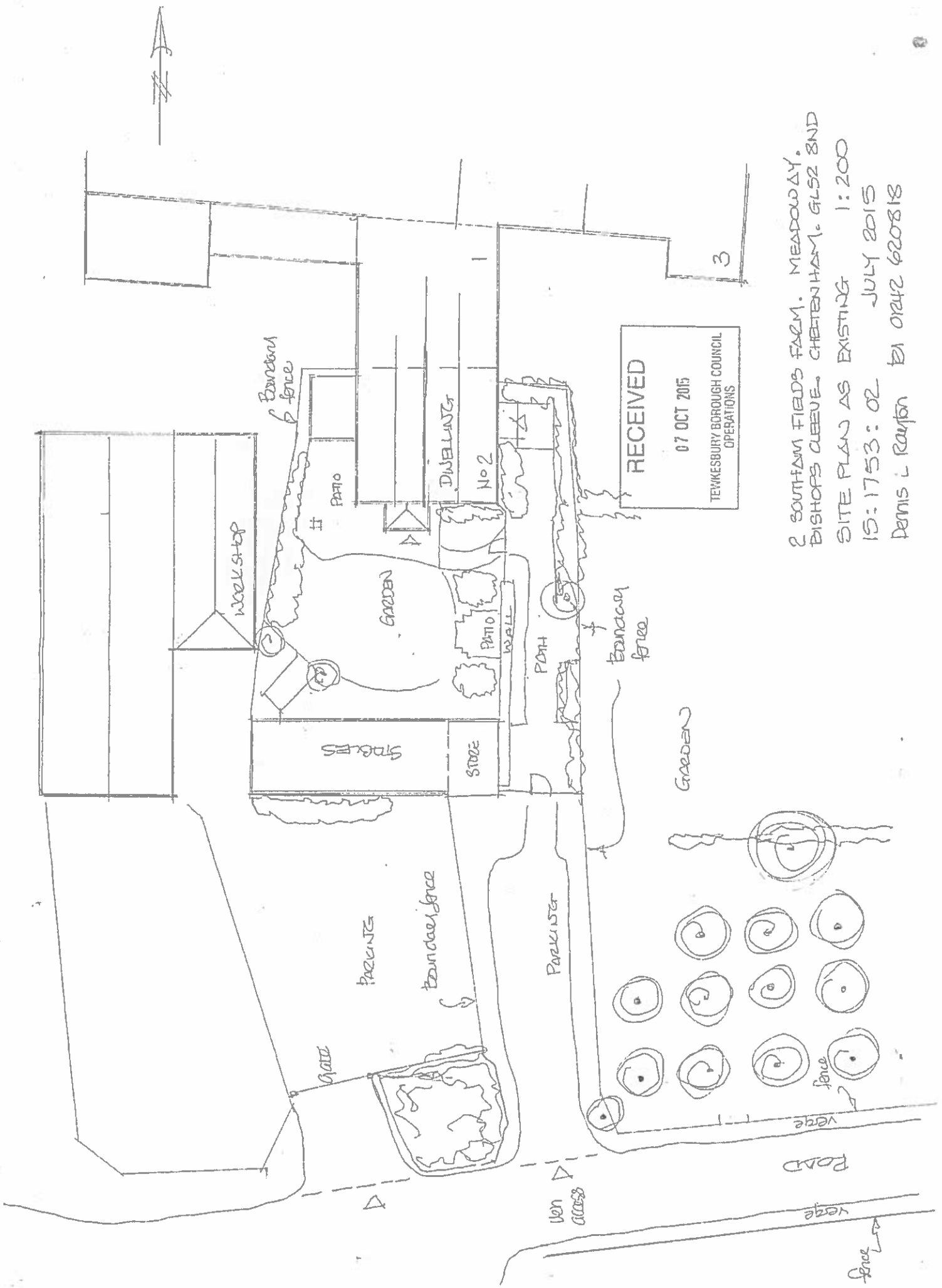
OS MasterMap 1250/2500/10000 scale
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 www.centremapslive.co.uk
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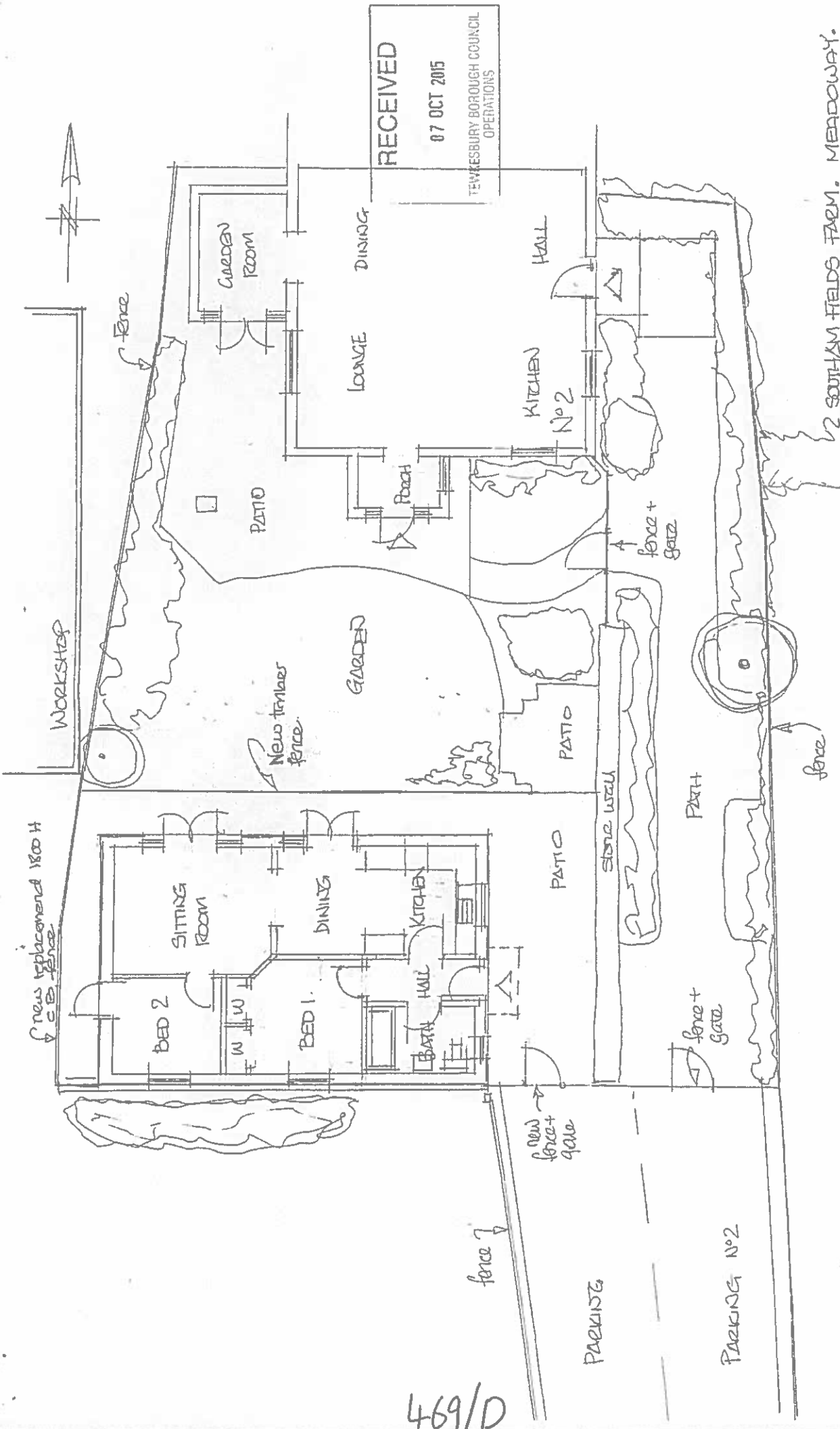
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469/B

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07 OCT 2015
TEWKESBURY BOROUGH COUNCIL
OPERATIONS

2 SOUTHAM FIELDS FARM. MEADOWAY,
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SITE PLAN AS EXISTING 1:200
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Dennis L Rayton BA 01242 620818

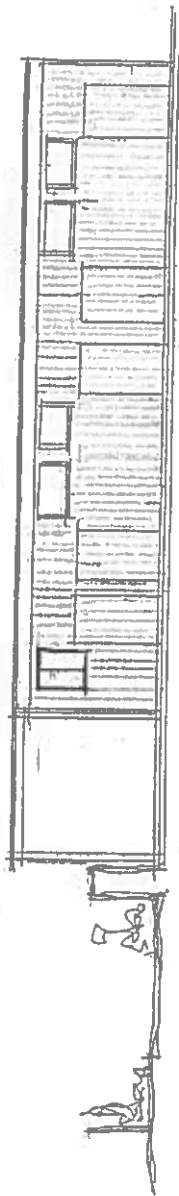


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07 OCT 2015
TEWKESBURY BOROUGH COUNCIL
OPERATIONS

2 SOUTHAM FIELDS FARM, MEADOWWAY,
BISHOPS CLEEVE, CHELTENHAM, GL52 8ND
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15:1753:07, JULY 2015
DENIS L RAYTON TEL 01294 620818

469/D

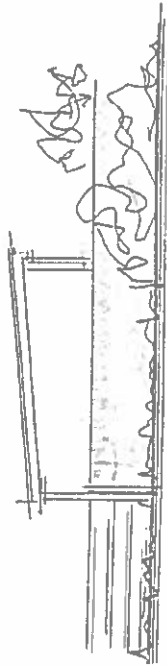
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07 OCT 2015
TENNESBURG BOROUGH COUNCIL
OPERATIONS



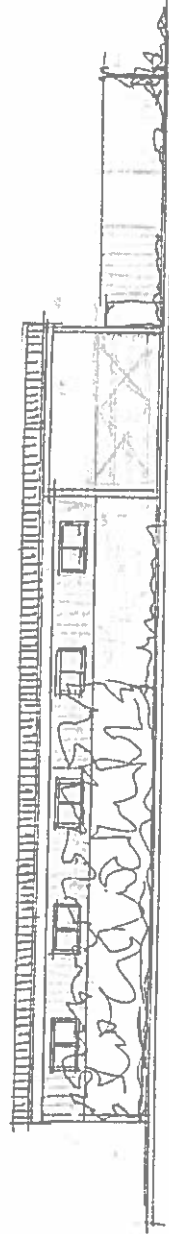
NORTH ELEVATION.



WEST ELEVATION.



EAST ELEVATION.

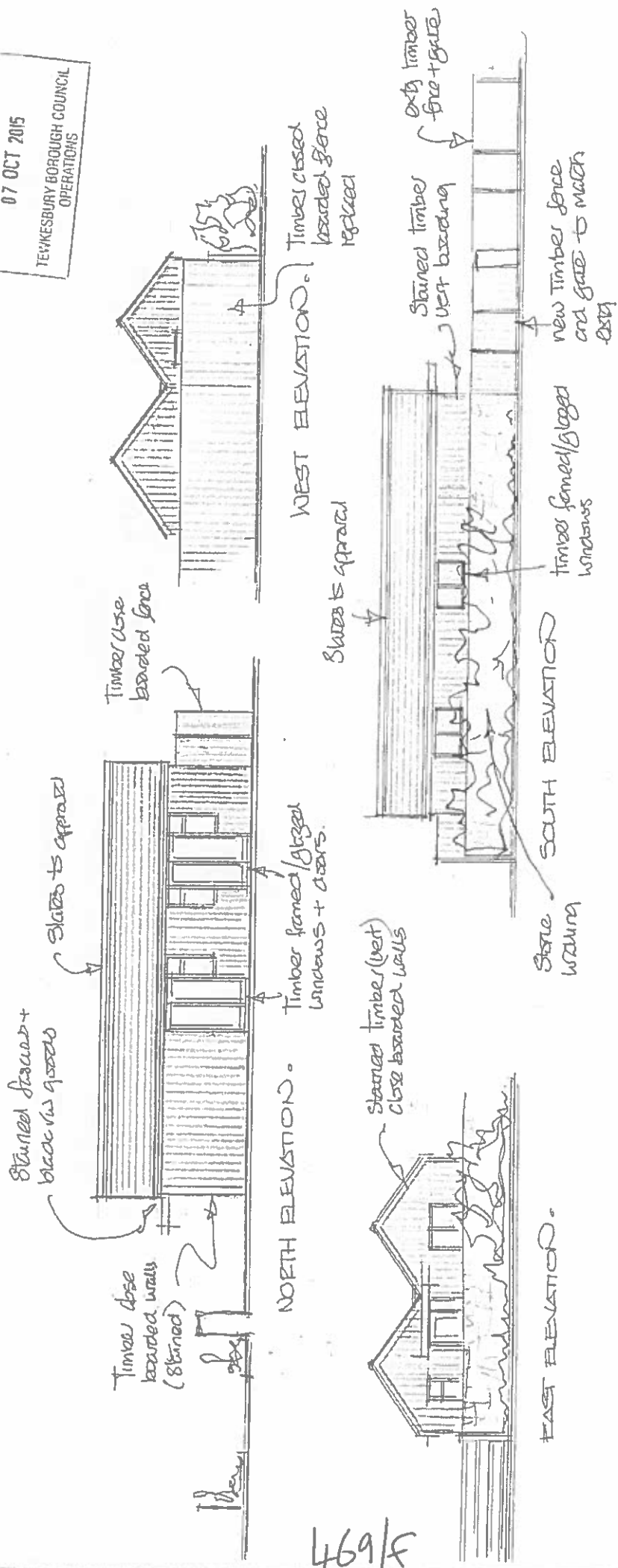


SOUTH ELEVATION.

469/E

2 SOUTHAM FIELDS FARM. MEADOWDALE.
BISHOPS CLEEVE. CHEBENHAM. GLS2 8ND
STABLES/STORE ELEVATIONS AS EXISTING
1:100 15:1753:04 JULY 2015
Dennis L Rayton Tel 01292 620818

RECEIVED
 07 OCT 2015
 TEWKESBURY BOROUGH COUNCIL
 OPERATIONS



469/F

2 SOUTHAM FIELDS FARM, MEADOWAY,
 BISHOPS CLEEVE, CHELTENHAM, GL52 8ND.
 PROPOSED DWELLING ELEVATIONS. 1:100
 15: 1753: 08. JULY 2015
 DANNY L Rayton tel 01212 620818.

Valid 07.10.2015
 Grid Ref 390370 218970
 Parish Badgeworth
 Ward Badgeworth

Single storey rear garden room extension

Mr Clive Bell
 Yew Tree Cottage
 Church Lane
 Badgeworth
 Cheltenham
 Gloucestershire

RECOMMENDATION Refuse

Policies and Constraints

National Planning Policy Framework
 Planning Practice Guidance
 Tewkesbury Borough Local Plan to 2011 - Policy HOU8, GRB1
 Joint Core Strategy Submission Version November 2014
 Green Belt
 Flood Zones 2 and 3

Consultations and Representations

Councillor Vines has requested this application to be determined at Planning Committee to consider the impact of the proposal on the Green Belt.

Badgeworth Parish Council - No response received at time of writing.
Public Representations - No representations received.

Planning Officers Comments: Mrs Helen Stocks

1.0 Application Site

1.1 The application relates to large detached property known as Yew Tree House (previously Yew Tree Cottage) located in a secluded rural area of Badgeworth. The dwelling is constructed in natural stone and set in an elevated position, with a terraced garden on different levels to the rear of the property. There is a large detached garage to the side of the dwelling with living accommodation above. The application site is located in the Green Belt. It also falls within Flood Zones 2 & 3.

2.0 Planning History

2.1 The application site has an extensive planning history and the dwelling itself has been subject to a number of alterations and extensions as summarised below.

T.4989/B - Planning permission was granted in 1986 for alterations and extensions to the existing dwelling to provide enlarged living accommodation. The proposal involved a very large extension to the rear of a modest cottage. This permission has been implemented and the original dwelling now forms the projecting wing to the front of the existing property.

91T/4989/01/02 - Planning permission was granted in 1991 for a detached double garage. This application was subsequently amended in 1992 to provide a storage area above.

07/00070/FUL - Planning permission was refused in 2007 for the erection of a first floor side extension and single storey rear extension with balcony above.

08/00491/FUL - Planning permission was refused in 2008 for a single storey rear extension to provide a garden room and first floor side extension to provide a bedroom and en-suite bathroom. It was considered that the proposed extensions represented inappropriate development in the Green Belt and the design failed to respect the character, scale and proportions of the existing dwelling.

15/00645/FUL - Planning permission was refused earlier this year (August 2015) for a single storey rear garden room and first floor bedroom en-suite side extension. Permission was refused on grounds that the proposal would result in disproportionate additions over and above the size of the original building and therefore represents inappropriate development which would be harmful to the Green Belt.

3.0 Current Application

3.1 The current application seeks planning permission for a single storey rear garden room extension. The proposed garden room would comprise a light weight timber structure with a flat roof, incorporating a large roof lantern. The proposed garden room would have a floor area of approximately 18.6 square metres.

4.0 Policy Context

4.1 Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment. Policy HOU8 of the Local Plan sets out, amongst other things, that extensions to existing dwellings will be permitted provided that the proposal respects the character, scale, and proportion of the existing dwelling. The policy also requires that proposals must not have an unacceptable impact on adjacent properties in terms of bulk, massing, size and overlooking. The proposal must also respect the character and appearance of the surrounding area.

4.2 With regards to the Green Belt, Local Plan policy GRB1 allows for the limited extension and alteration of dwellings provided that any extension or alteration does not result in disproportionate additions over and above the size of the original building. This is consistent with the NPPF which also allows for extensions or alterations to buildings provided that it does not result in disproportionate additions. The NPPF states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Emerging Policy SD6 of the JCS Submission Version (November 2014) further reiterates this advice.

5.0 Analysis

5.1 There are no objections to the application in terms of size, scale and design. The proposed garden room is considered acceptable in terms of design and would reflect the character and appearance of the existing dwelling. The property is in a secluded rural location and the proposed extensions would not harm the residential amenity of nearby property in line with Policy HOU8 of the Local Plan. In addition, the proposed garden room would have a finished floor level to match the existing levels and is not considered to raise any flooding issues.

5.2 With regard to the Green Belt, it would appear that the original dwelling comprised a modest two-storey bungalow constructed in natural stone with a floor area of 81 square metres. The dwelling has previously been the subject of a number of extensions and alterations (as set out in Section 2 of this Report) which has resulted in an overall floor area of 399 square metres. This equates to an increase in floor space of 392%.

5.3 The proposed garden room, with a floor area of approximately 18.6 square metres, would represent a further addition to the dwelling. It would increase the overall floor area to 417.6 square metres. The proposed garden room, combined with previous extensions, would result in a 416% increase in floor area over and above that of the original dwelling. This is clearly disproportionate and the proposal therefore represents inappropriate development in the Green Belt which is harmful by definition.

5.4 While the proposed garden room would not be overly prominent or visible from public vantage points, the proposal would introduce development where there was previously none. The proposal would therefore have a harmful impact on the openness of the Green Belt and would conflict with the purposes of including land within the Green Belt. Furthermore, no very special circumstances exist in this instance which would outweigh the harm to the Green Belt by reason of inappropriateness.

6.0 Conclusion

6.1 The proposed garden room, in conjunction with previous extensions, would represent a disproportionate addition to the original dwelling. The proposal therefore represents inappropriate development in the Green Belt and is contrary to Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 and Section 9 of the NPPF. For these reasons, the application is recommended for **refusal**.

RECOMMENDATION Refuse

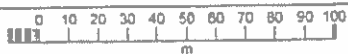
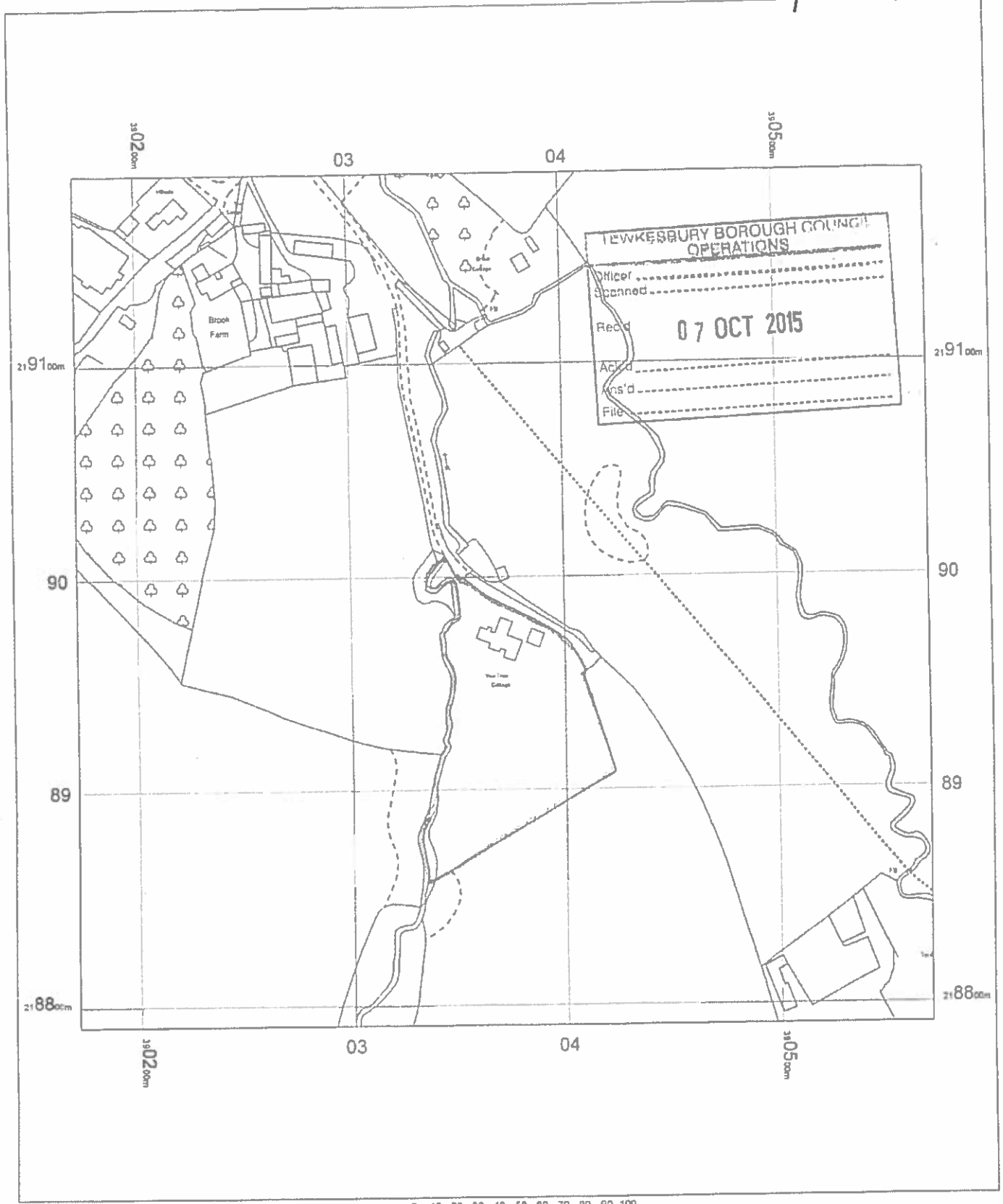
Reason:

- 1 The proposed development would result in a disproportionate addition over and above the size of the original building and therefore represents inappropriate development which would be harmful to the Green Belt in conflict with the NPPF, Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and Policy SD6 of the JCS Submission Version (November 2014).

Note:

1 Statement of Positive and Proactive Engagement

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



YEW TREE HOUSE
UPPER GREEN
BADGEWORTH
CHELTENHAM
GL51 4UL

OS MasterMap 1250/2500/10000 scale
 20 May 2015, ID: CM-00430437
 www.centremapslive.co.uk
 1:2500 scale print at A4, Centre: 390371 E, 218991 N
 ©Crown Copyright Ordnance Survey Licence no. 100019980

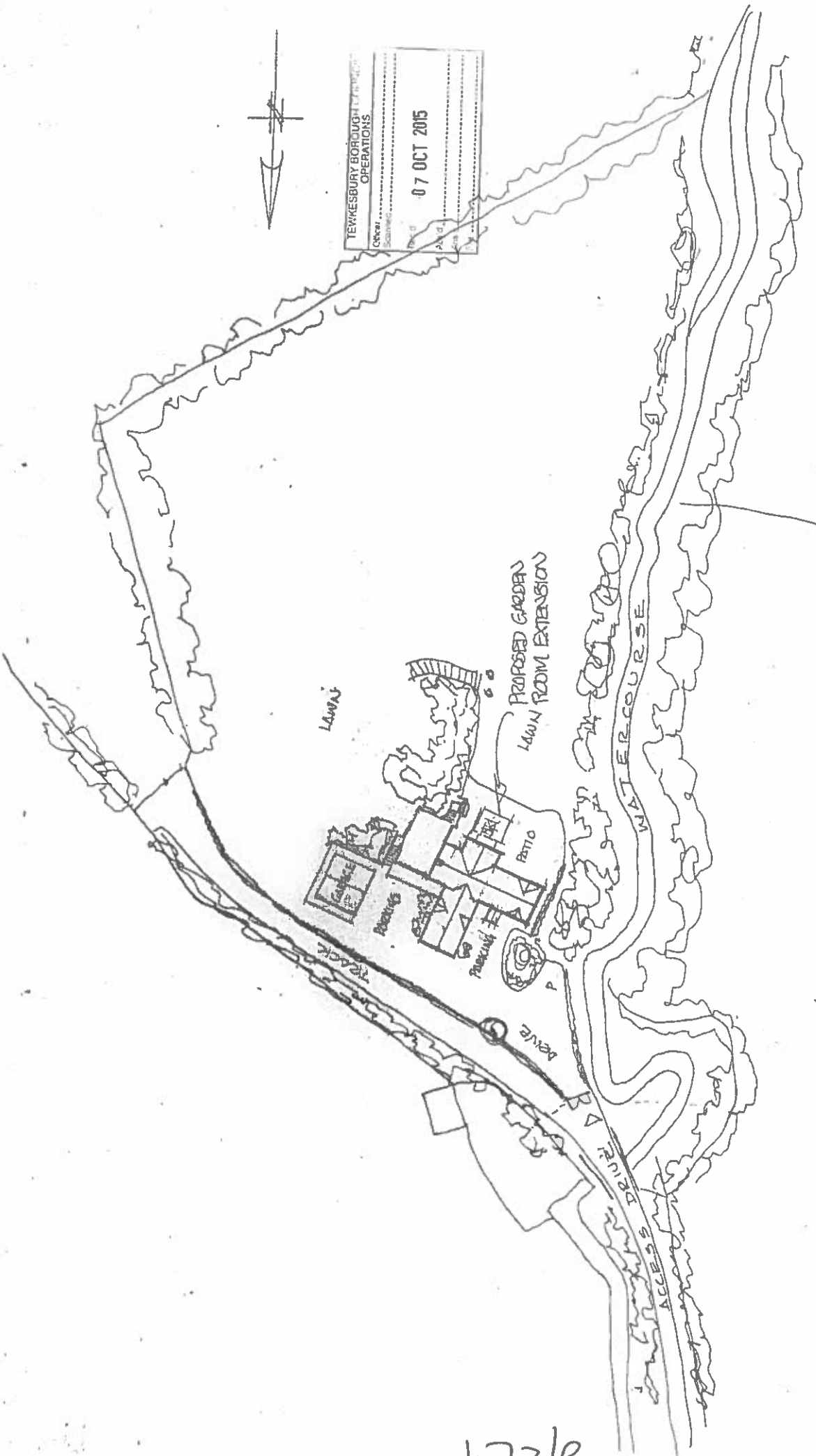


The Map Shop
 Upton upon Severn
 www.themapshop.co.uk



TEL: 01684 593146
 FAX: 01684 594559
 themapshop@btinternet.co.uk

472/A

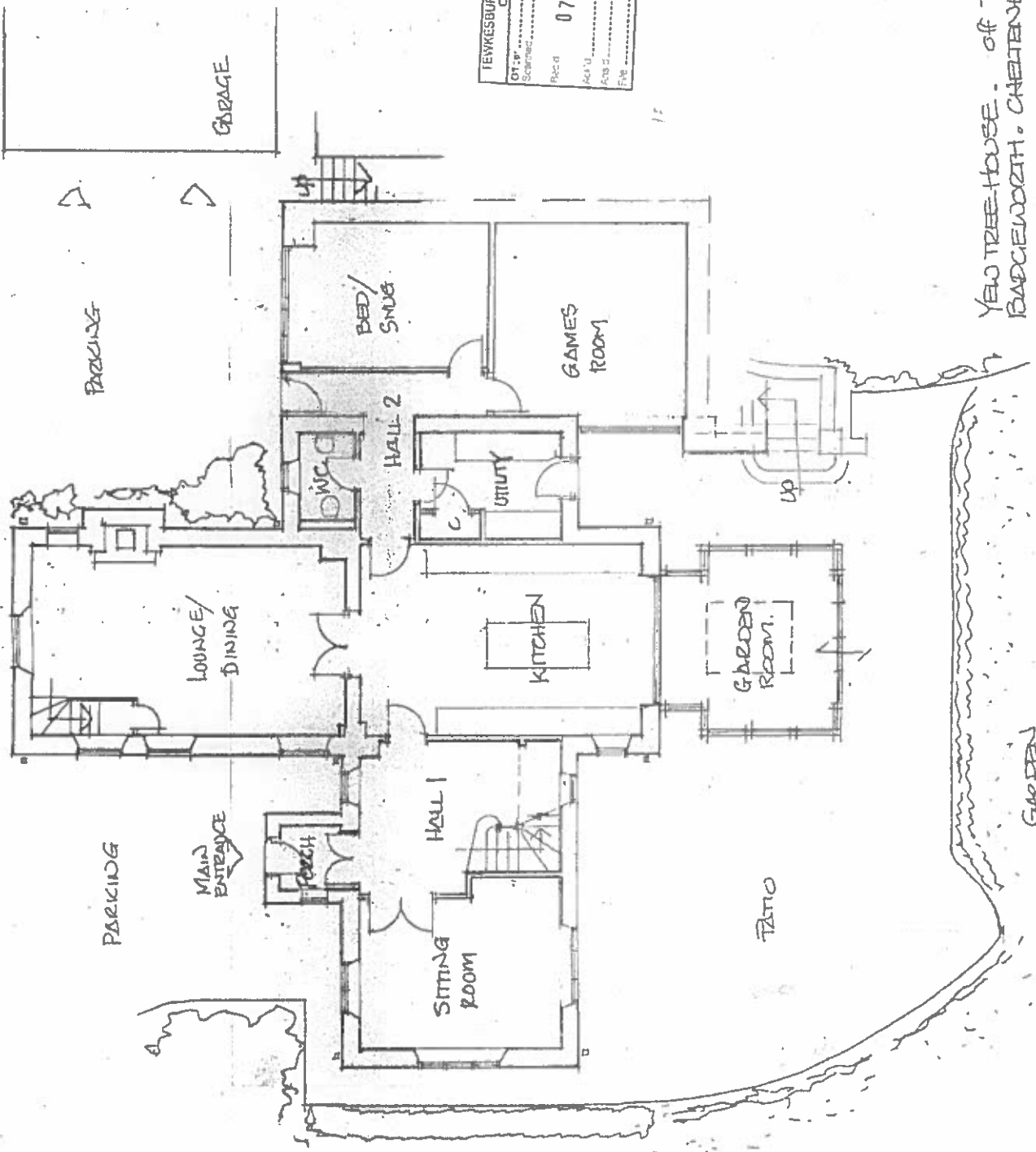


YEW TREE HOUSE, off the GREEN.
 BACKEWORTH, CHELTENHAM, G151 4UL.
 SITE PLAN AS PROPOSED. 1:500.
 15:1750:08 A. MAY 2015
 DENNIS L RAYTON BA 01242 620818..

472/B



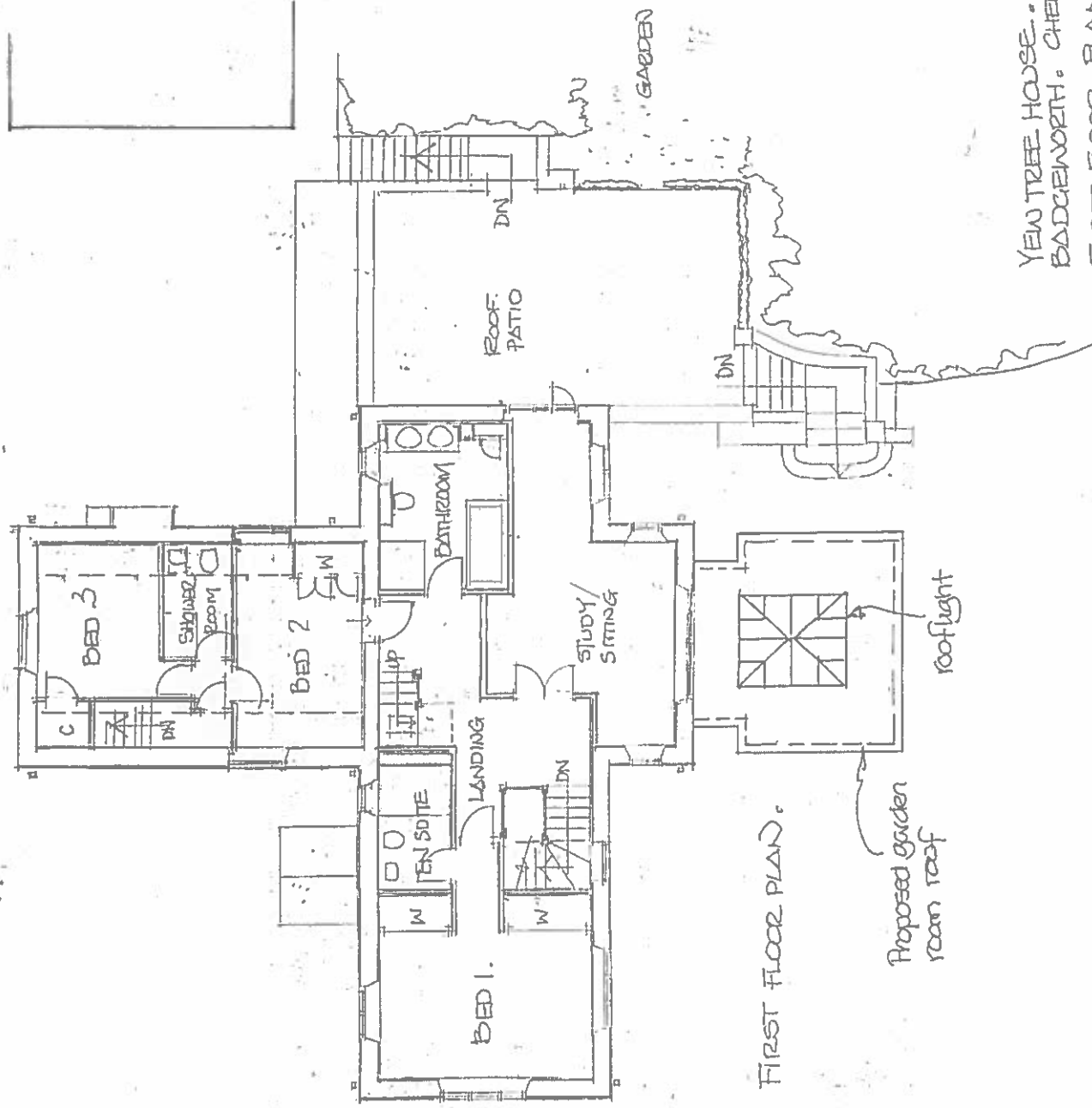
TEWKESBURY BOROUGH COUNCIL
 OPERATIONS
 07 OCT 2015
 DT: []
 Scale: []
 Recd: []
 App: []
 Act: []
 File: []



YEW TREE HOUSE - OF THE GREEN -
 BADDEWORTH, CHELTENHAM, GLS1 4UL.
 GROUND FLOOR PLAN AS PROPOSED. 1:100
 15: 1750: 09A. MAY 2015.
 DENNIS L Rayton TEL 01242 620818

GROUND FLOOR PLAN.

472/C



TEWKESBURY BOROUGH COUNCIL
OPERATIONS

Client:
Searched:
Head:
Ack'd:
Ans'd:
File:

07 OCT 2015

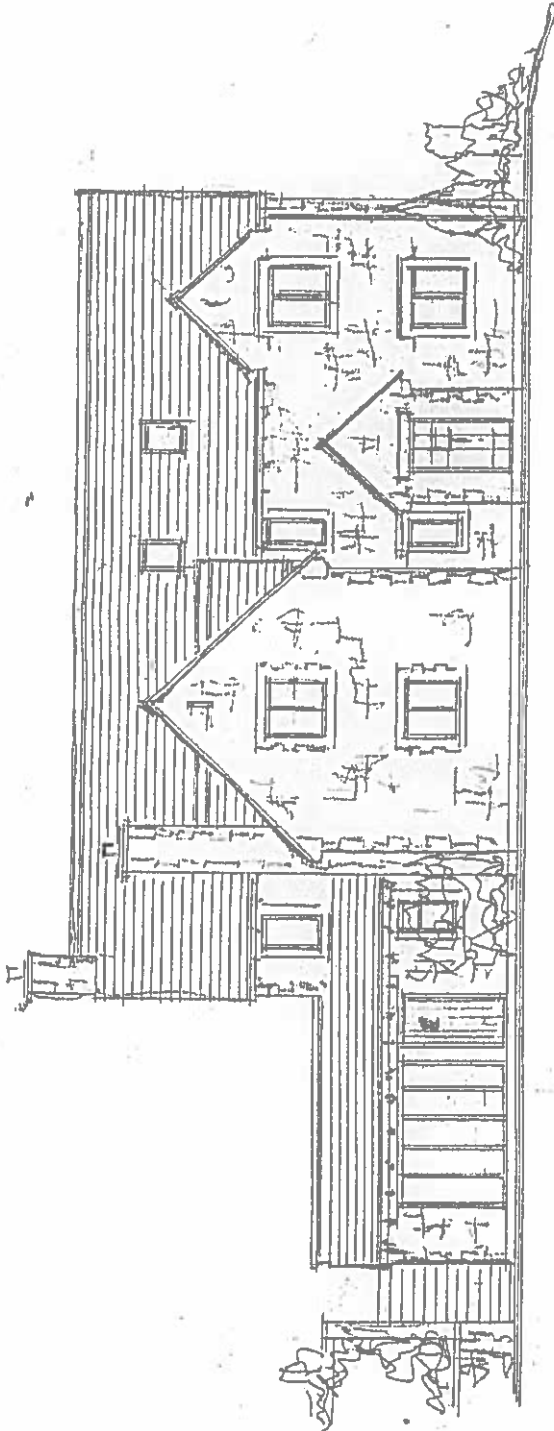
YEW TREE HOUSE, off THE GREEN,
BADGEMORTH, CHELTENHAM, GL51 4UL
FIRST FLOOR PLAN AS PROPOSED. 1:100
15 : 1750 : 10 Δ. MAY 2015.
Dennis L Bayten TEL 01242 620818.

FIRST FLOOR PLAN.

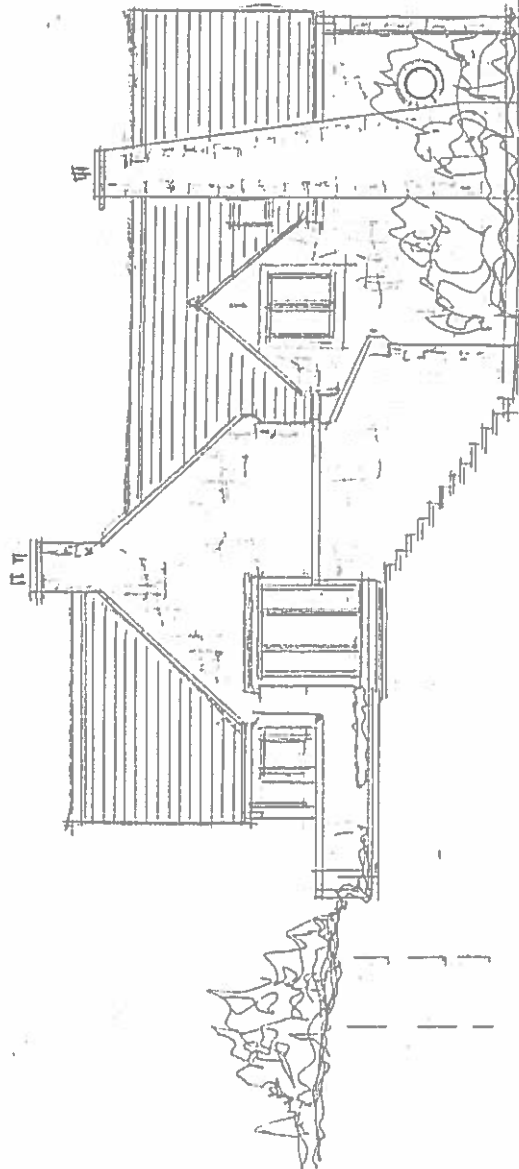
Proposed garden room roof

rooflight

472/D



FRONT ELEVATION (NE)

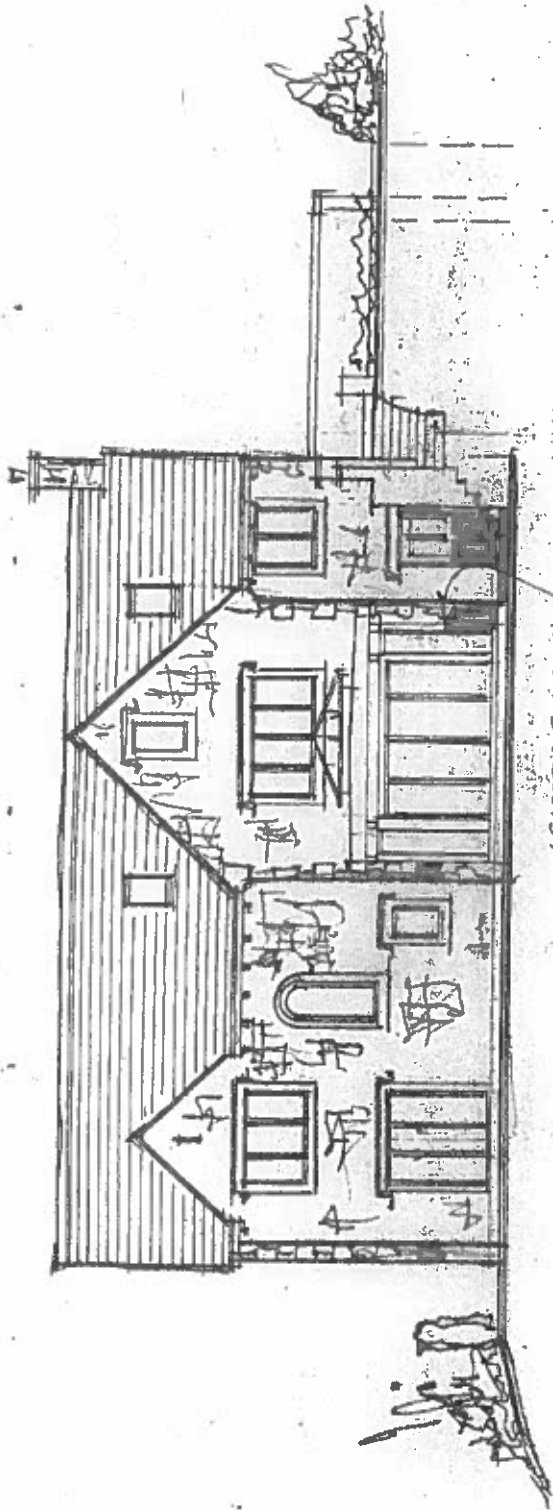


SIDE ELEVATION (SE)

TEWKESBURY BOROUGH COUNCIL OPERATIONS	
Client	
Scale	
Date	07 OCT 2015
App'd	
Ans'd	
File	

YEW TREE HOUSE. OF THE GREEN.
 BADDEWORTH. CHEBENHAM. GL51 4UL
 ELEVATIONS AS PROCEED. 1:100
 15:1750:11A. MAY 2015
 DENNIS L Rayton TEL 01242 660818

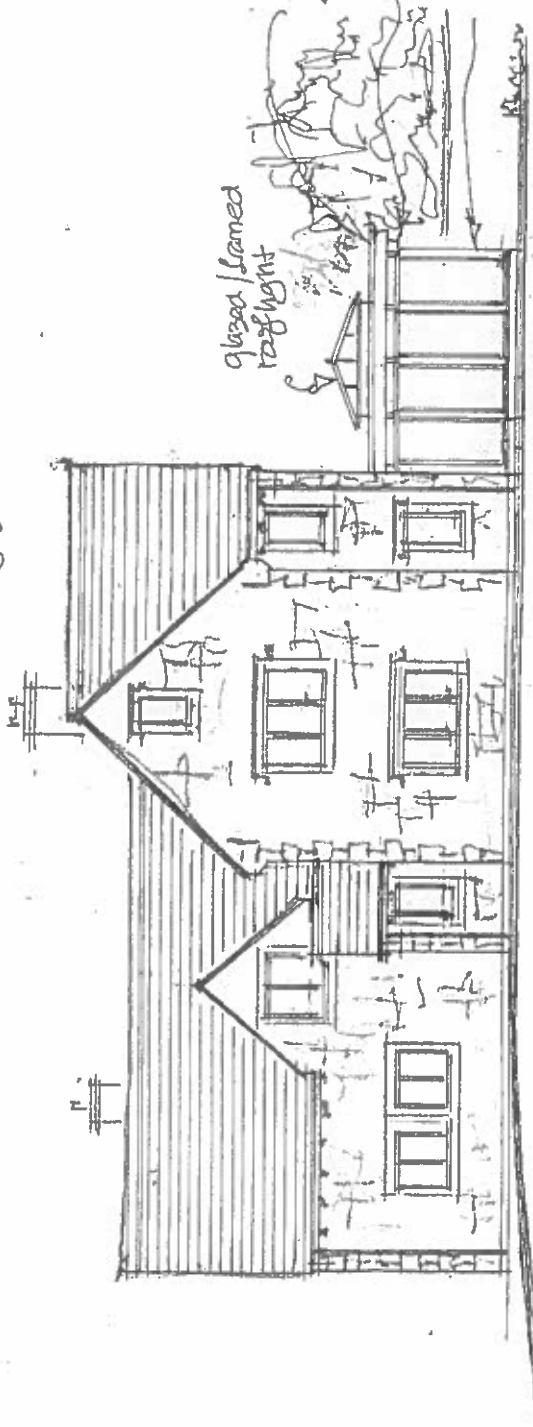
472/E



REAR ELEVATION (SW)
 GARDEN ROOM EXTENSION
 Timber frame + glazed units

472/f

TEWKESBURY BOROUGH COUNCIL OPERATIONS	
Checked Scanned	
Date	07 OCT 2015
App'd	
App'd	
Fr	



SIDE ELEVATION (NW)
 GARDEN ROOM EXTENSION

glazed / framed rooflight
 light grey fibreglass roof finish to flat roof
 timber beams + exposed projection timber ends
 Timber frame + glazed units

NEW TREE HOUSE. OFF THE GREEN.
 BADGEWORTH, CHESTERHAM, GL51 4UL
 ELEVATIONS AS PROPOSED 1:100
 15: 1750: 12A. MAY 2015
 DENNIS L RAYTON TEL 01242 620818

Valid 28.01.2015
 Grid Ref 387531 221448
 Parish Churchdown
 Ward Churchdown St Johns

Erection of 4 terraced dwellings

Town Cars
 65 - 75 Cheltenham Road East
 Churchdown
 Gloucester
 Gloucestershire
 GL3 1JN

RECOMMENDATION Permit

DEFERRED AT 27TH OCTOBER PLANNING COMMITTEE, (Item No 7, Page No 391)

Policies and Constraints

Policy and Planning Constraints

NPPF;
 Planning Practice Guidance;
 Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies HOU2, HOU5, TPT1 and TPT9
 The Joint Core Strategy (JCS) is at Examination and therefore can be given limited weight. The Relevant aspects of the JCS - SP2, SD1, SD5, SD11, SD15 and INF1
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
 The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

County Council Highways - No objection subject to conditions.

Churchdown Parish Council - Object - the proposals are an overdevelopment and not in keeping with the streetscene and concern regarding the height of the properties. Concern was also raised with regard to vehicular access onto a busy highway. Noted that the application site is run-down.

1 general comment received from a local resident raising no objection and stating that this development is attractive and will enhance the streetscene but highlighting the need to safeguard protected species and enhance biodiversity.

1 letter of objection from Gloucestershire Airport objecting that the proposed development lies some 400m from the end of the main runway at Gloucestershire Airport, the UK's busiest general aviation airport, handling up to 90 000 flights per annum. It is adjacent to the projected 57 dBA noise contour for the Airport. In the UK, Leq noise contours are normally plotted at levels from 57 to 72 dBA, in 3 dB steps. The 57 dBA level denotes the approximate onset of significant community annoyance.

Planning Officers Comments: Mr Andrew Thompson

1.0 Application Site

1.1 The application site is located on the west side of Cheltenham Road East and currently includes a two storey building. The site is located within the defined Churchdown settlement boundary. The land is relatively flat. Gloucestershire Airport is to the northeast with the end of the runway being approximately 390m to the northeast with the main airport buildings being approximately 1.5km to the east. Brockhampton Golf Course is located to the west/rear boundary. Opposite the application site are established residential properties and there are bus stops within close proximity of the site.

2.0 Planning History

2.1 Permission was granted in 2003 for 14 apartments and associated parking to the south west of the site (Ref: - 03/10166/1036/FUL).

3.0 Current Application

3.1 The application proposes a terrace of four properties together with associated car parking areas at the front of the properties and gardens to the rear. The proposals would be two and a half storeys with rooms in the roofspace and dormer windows to the rear.

4.0 Principle of Development

The Development Plan

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Tewkesbury Borough Local Plan to 2011 - March 2006

4.2 The application site lies within the recognised settlement boundary of Churchdown as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policies HOU2 and HOU5 and is located in a sustainable location and would utilise previously developed land.

4.3 It is noted that the Council cannot at this time demonstrate a five year supply of deliverable housing sites and therefore under national guidance there is a need to promote and deliver sustainable developments unless 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. The policies are:

Emerging Development Plan

4.4 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development.

4.5 Paragraph 216 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the 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 policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

4.6 The Submission version of the JCS was approved by the three JCS authorities in April 2014 for pre-submission publication. The JCS is now under examination in public and as such neither document can be given full weight.

National Policy/Guidance

4.7 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless 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; or where specific policies in the Framework indicate development should be restricted.

4.8 The NPPF requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

4.11 In this case, the proposed development would be situated on previously developed land, close to existing facilities and within the settlement boundary of Churchdown and having regard to these factors, the proposals are considered to be in a sustainable location.

5.0 The relationship of the proposed development to the street scene and character of the area

5.1 The application proposals are considered to be of similar size and scale to existing properties on Cheltenham Road East and are of modern design with features that would provide an active and interesting frontage.

5.2 The proposals to the rear would overlook the existing golf course which give an open outlook and would not result in unacceptable overlooking as a result of the proposals that would be generated by the additional storey.

5.3 The proposals would be set back from the road further than existing properties to the north and would be approximately 1.7m higher than the existing properties however there is a staggered building line and the proposals would fit in with the street scene, reflecting the terraced character of other properties in the vicinity.

5.4 Whilst the comments of the Parish Council are noted it is not considered that the proposals would result in an overdevelopment of the application site and the proposals would be in keeping with the area.

6.0 The impact of the proposals on Gloucestershire Airport

6.1 The application site is approximately 390m from the end of the runway of Gloucestershire Airport and approximately 1.5km from the main airport buildings. The comments of the Airport have been carefully considered and there is a need to ensure that the amenities of future residents are carefully considered, particularly having regard to paragraph 123 of the Framework and the need to ensure that businesses are not affected or restricted by new development.

6.2 In this instance, the distances from the airport are noted as are the residential properties that are adjacent to and in some cases closer to the airport. With appropriate noise attenuation and glazing specifications, the scheme would be able to deliver an appropriate level of amenity. It is noted that residential properties are closer to the airport and other developments have been approved in the area.

6.3 Therefore the noise environment and any potential impact needs to be considered in the planning balance.

7.0 The impact on the amenities of residents

7.1 The application proposes no side facing windows with privacy screens to balconies to the rear which would prevent any overlooking. Therefore there would be no impact in terms of the loss of privacy from the proposals.

7.2 The neighbouring property has a garage on the boundary and therefore there is a separation between the existing properties and the application proposals. The existing buildings are also of substantive scale and mass. The proposals would therefore result in a different relationship but would be on balance acceptable.

8.0 Highways and parking provisions

8.1 The proposals provide two parking spaces for each dwelling proposed and the comments of the County Council are also noted. The proposals are considered to be acceptable and would not result in an adverse impact on highways safety.

9.0 The planning balance

9.1 Whilst the comments of Gloucestershire Airport have been carefully considered the lack of housing land supply carries significant weight with the use of previously developed land and the site being in a sustainable location also being positive factors. The proposals would be an enhancement to the application site and provide a development that would be in keeping with the area. The impact on the airport and the noise environment are also noted however the impacts are outweighed by the positive benefits of the proposals with noise mitigation and appropriate glazing specifications also capable of being implemented. Overall, having carefully considered all matters and the comments of local residents discussed above, the proposals are considered acceptable.

Update since previous refusal

At Planning committee on 27th October 2015, the application was deferred to seek amendments to

1. Present a more active frontage to the road, in particular removing the porch detail
2. Reduce the height of the proposals to be more reflective of the area.

Amended plans have been received removing the porch and presenting a front door to the road and the ridge height has been reduced by approximately 500mm.

The proposals are considered to be acceptable and there are no material changes to the planning considerations from the previous report below. The application is considered acceptable.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans reference TCT-2412/14; DH001 Rev A and Street Scene/Slab Level Plan, received on 3 November 2015.
- 3 Following site clearance but before built development commences, a schedule of materials to be used on the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
- 4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
 - i. specify the type and number of vehicles;
 - ii. provide for the parking of vehicles of site operatives and visitors;
 - iii. provide for the loading and unloading of plant and materials;
 - iv. provide for the storage of plant and materials used in constructing the development;
 - v. provide for wheel washing facilities;
 - vi. specify the intended hours of construction operations;
 - vii. measures to control the emission of dust and dirt during construction;
 - viii specify the access points to be used and maintained during the construction phase(s);
- 5 None of the buildings hereby permitted shall be occupied until the vehicular parking facilities have been provided in accordance with the submitted drawing no DH001 and shall be maintained available for that purpose thereafter.
- 6 No beneficial occupation of the approved building(s) shall occur until the vehicular accesses from B4063, Cheltenham Road East has been laid out and completed the with visibility splays extending from a point 2.4 m 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 at least 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 1.05 m and 2.0 m at the X point and between 0.26 m and 2.0 m at the Y point above the adjacent carriageway level.

- 7 Prior to the commencement of development a scheme of noise mitigation and glazing specification shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 In order to define the permission and to ensure the satisfactory development of the application site.
- 3 In order to ensure that the development is in keeping with the character of the area.
- 4 To reduce the potential impact on the public highway and in accordance with paragraph 35 of the NPPF and TBC LP Policy TPT1.
- 5 To reduce potential highway impact in accordance with paragraph 39 of the NPPF and TBC LP Policy TPT12.
- 6 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph(s) 32 and 35 of the NPPF and TBC LP Policy TPT1.
- 7 To safeguard the amenities of future residents and having regard to the relationship of the application site to Gloucester Airport.
- 8 Having regard to the character of the area, the size of rear gardens and the future relationship between residents.

Notes:

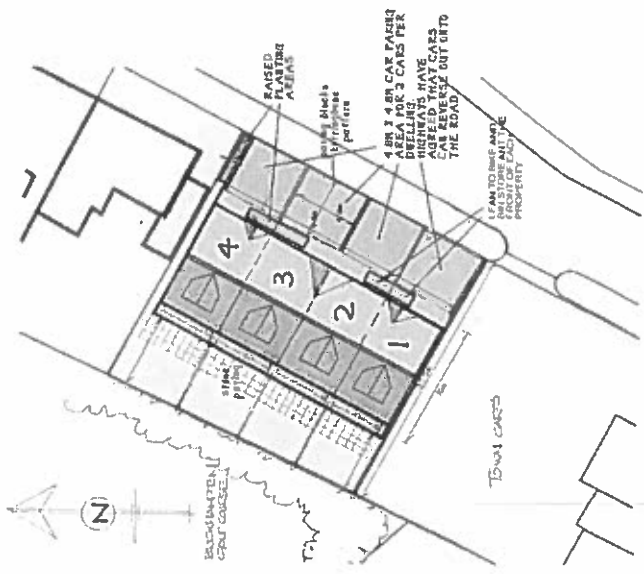
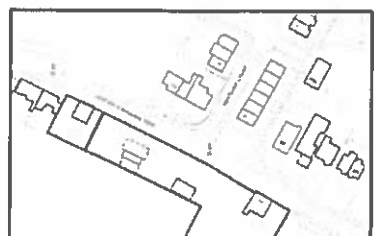
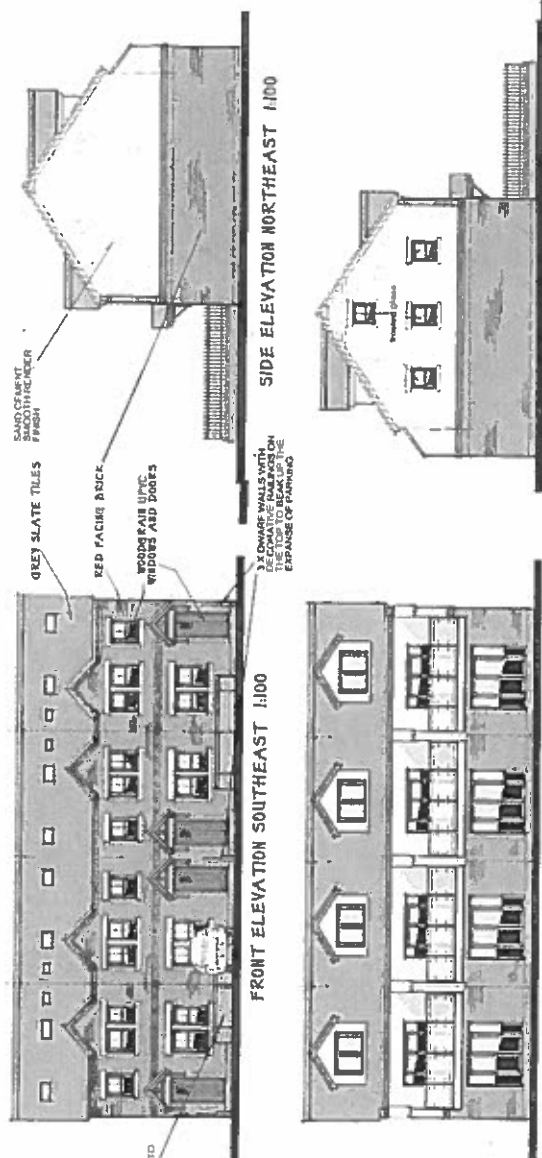
1 **Statement of Positive and Proactive Engagement**

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

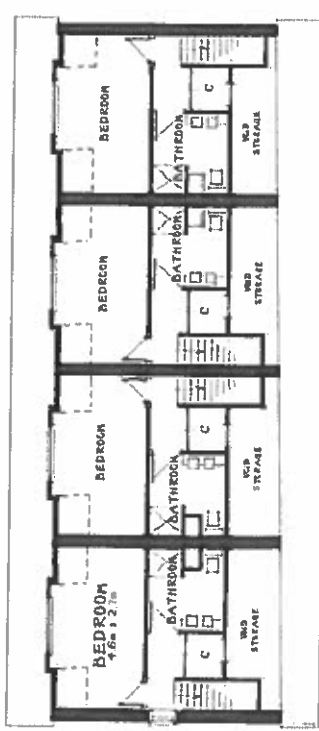
- 2 The proposed development will require works to be carried out on the public highway together with providing dropped kerbs for vehicle crossing(s) and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including appropriate bonds) with the Local Highway Authority, (Gloucestershire County Council), before commencing works on the development. Further details can be viewed at <http://www.gloucestershire.gov.uk/mfsg>

14/01/69 FUL

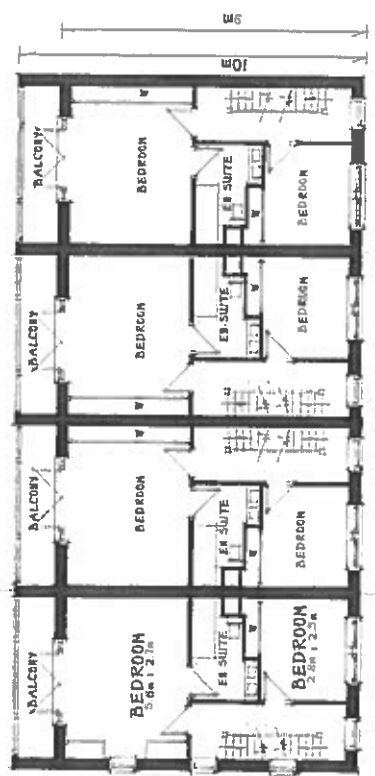
Hartley & Hartley Services 10, Ashmead Road, Farnham, Surrey, GU10 2JZ 01423 853022 or 01252 674977 info@hartleyandhartley.co.uk	
Chief: DAUG HARRIS	Title: THE PROPOSED DEVELOPMENT OF 4 STOREY RESIDENTIAL FLATS ON THE SOUTHWEST CORNER OF CHELSEA ROAD EAST, CHEECHOW, GLOUCESTER
Drawn: THE PROPOSED ELEVATIONS AND FLOOR PLANS	Scale: 1:75 1:100 1:200 1:1250 Date:
Drawn by: D.H.	



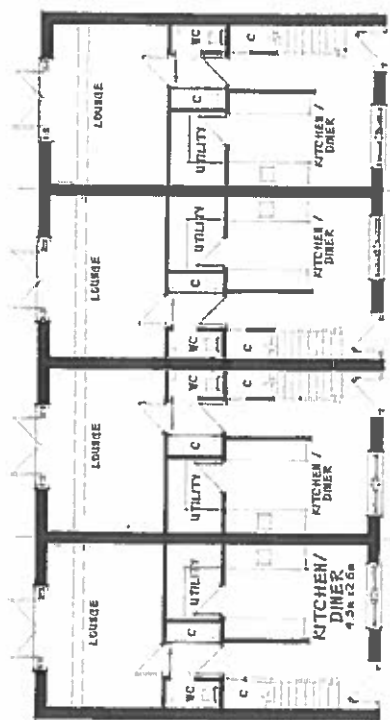
SITE PLAN 1:200



PROPOSED THIRD FLOOR 1:75



PROPOSED SECOND FLOOR 1:75



PROPOSED GROUND FLOOR

4771A

15/00409/FUL

Over Farm, Over Bridge, Over

10

Valid 28.05.2015

Construction of a ground-mounted solar PV generation project (including 9.6ha of solar panels) and associated works.

Grid Ref 381186 219535

Parish Highnam

Ward Highnam With Haw
Bridge

Over Farm Solar Ltd

C/o Agent

RECOMMENDATION Permit

Policies and Constraints

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

NPPF

Planning Practice Guidance

Speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013

Written Ministerial Statement - Solar energy: protecting the local and global environment - 25 March 2015.

JCS Submission Version November 2014 - SD1, SD7, SD10, SD15, INF2, INF3 and INF6

The Tewkesbury Borough Local Plan to 2011 - March 2006 - LND4, LND7, TPT1, EVT1, EVT3, EVT5 and NCN5.

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Highnam Parish Council objects to this application on the following grounds:

1. The land is currently being used to produce crops, and this should continue. We cannot afford to lose valuable agricultural land when other brown field sites might be available.
2. A development of this nature will have significant environmental impact, and will undoubtedly affect wildlife in the area.
3. Highnam Neighbourhood Development Plan, which is currently lodged with TBC, resists inappropriate development such as this, and this area is included in those areas that are not suitable for development.
4. There is a danger that these panels will cause significant glare for motorists travelling West on A40, and potentially could lead to accidents on this main trunk road.
5. The view travelling from Gloucester to Highnam on A40 will be significantly impacted by this development, and will undoubtedly detract from the view of the Grade 1 listed Church of the Holy Innocents whose spire is the prominent feature of this vista.
6. This development can only adversely impact on the risk of flooding on A40 and B4217. There was major flooding of the A40 in 2007 when this trunk road was closed to traffic for a number of days, and again in 2012 when there was not only flooding on A40 but also on B4217 at its junction with the A40. This was in part caused by run off from the area of this proposed development and caused major traffic problems with traffic being queued back to Highleadon at times, around 4 miles; this can only be made worse if this development were given the green light.
7. The heavy plant needed to help create such a development will cause significant problems and delays to traffic on A40.

Highways England - No objection.

Gloucestershire County Council Highways - No objection subject to conditions.

Environmental Health - No objections subject to a condition prohibiting the siting of any electricity inverters, transformer stations and metering substations within 100m of the nearest residential property.

County Archaeological Officer - No objection.

Historic England - No objection to the revised scheme subject to implementation of mitigation screening.

The Association of Garden Trusts - No objection to the revised scheme subject to implementation of mitigation screening.

RSPB - No objections.

Natural England - No objections

Local Residents: 20 letters have been received from local residents objecting to the proposal for the following reasons:

- During the Gloucester floods of 2007 the A40 was flooded from run off from these fields and blocked for a number of days.
- Further investigation off the Flood Risk Assessment is required by an independent third party to check this inaccuracy and for any others as the blocking of a major trunk road is of concern to the local and wider community.
- Concerned about the loss of good agricultural land for this purpose. The possible low level agricultural use such as grazing sheep is a poor substitute. The array of panels does not make this very practical. Solar developments ought to use poor or non-productive land first.
- Concerned about the visual impact as the site is on a slope and will be clearly visible from the A.40/48 and from across the river. It will also spoil the view of Highnam church from the main road.
- The proposal would also be clearly visible from the surrounding network of footpaths and cycleways.
- Floodlighting and security fences add to the visual harm. Would also affect bats.
- Concerned about the impact on archaeological remains.
- The Landscape Assessment fails to acknowledge the rising topography of the site and is therefore flawed. The development should be restricted to the eastern part of the site.
- Whilst the NPPF is supportive of renewable energy production, there has recently been an emphasis on also protecting our valuable countryside from inappropriate development and encouraging development on rooftops and brownfield sites.
- Glare from the proposed panels will not only add to their visual impact, but may be a hazard to road users.
- Not enough is understood about the impact of solar panels on soil and wildlife and on climatic conditions and carbon capture, Two third of electricity produced can be lost during transportation.
- Concerns about the impact on wildlife and on surrounding woodland.
- The proposal would not allow for sheep grazing due to the height of the panels,
- Will add to traffic during construction and maintenance checks.
- Insufficient public consultation.
- Not supported by the emerging Parish Neighbourhood Plan.
- There are errors in applicant's statements.
- No decommissioning method statement has been submitted by the applicant.

Revised Proposal

4 letters have been received from local residents in response to the revised proposal making the following objections:

- It is widely accepted that PV generation is most suitably sited on brownfield sites and industrial rooftops as well as commercial and domestic rooves.
- If solar farms are going to be given the go ahead then there needs to be a clear decommissioning method statement as part of the proposal to ensure that in 25 years the land doesn't become an industrial wasteland.
- Whilst the scheme is smaller still feel the visual impact will have a negative impact on the rural nature of the area and we will likely still be able to see the monstrous solar panels from our bedrooms
- Question why on the visual plans of the revised site our house, our two neighbours cottages (Cross Hands Cottages) and the cottage on the A40 which would all be in a very close vicinity to the new solar farm are not shown at all when they will be closest to them and most affected!
- The corner where the B4215 and the A40 where our house is situated is prone to flooding and worry this revised scheme will not help with this situation and the impact on A40 motorists of which there are thousands of regular commuters.
- The views from Over Farm/A40 towards the Grade 1 listed Highnam church will also be impacted The same still applies for the views of the ancient Lassington Woods from A40.
- The views from the cycle path from Highnam to Over Farm would still be negatively impacted. The security hedging and fencing would not be anywhere near as attractive.
- The Gov solar subsidies are ending soon as our quota met so it would seem the rush for the applicants is purely financial.
- The adjacent field hosts a Private Runway .The Solar Panels could be installed in place of this runway. This solution would have the advantage of preventing the noise and air pollution caused by micro light aircraft.

Planning Officers Comments: Mr John Hinett

1.0 Introduction

1.1 The site comprises two large arable fields with a combined area 25.71 hectares (63 acres) of agricultural land on the slopes of Lassington Hill. The fields are currently used as arable agricultural farmland and are located directly to the north of the A40 trunk road which provide the southern boundary to the site. The settlement of Highnam is located to the north west and Lassington Wood Nature Reserve to the north. Over Farm is located east. The site is surrounded by existing low level hedgerows with some individual trees incorporated. The fields contain no buildings, but there is a small coppice and pond at the centre with a drainage ditch running southwards down to the A40.

1.2 The site slopes from north to south towards the A40 and is south facing. There are no public rights of way (PROWs) crossing the site but there are a number of PROWs including the Gloucestershire Way, National Cycle path 42 and the Wysis Way, as well as well-used local footpaths on Lassington Hill itself. The fields are accessed via a track through the Over Farm situated to the east (see attached location plan).

2.0 History

2.1 The proposed development has been subject of a screening opinion which concluded that the proposal was not Environmental Impact Assessment (EIA) development for the purposes of the EIA Regulations.

3.0 Current Application

3.1 This application is for the construction of a solar park which includes the installation of solar pv panels; inverters; security fencing and cameras; a sub station building; and other associated works. Access would be off the A40 via an existing farm access.

3.2 The pv panels would be ground mounted on concrete bases and would not exceed 2.6m in height. The panels would be tilted at an angle 25 degrees and would be arranged in parallel arrays (see solar panel array layout plan). The application details state the solar array (as revised) would generate a total maximum output of 5.6 MW, the equivalent electricity generation sufficient to power 1,625 homes and the equivalent CO2 saving of 3,214 tonnes per annum.

3.3 The proposed inverters and substations are required to allow conversion of generated electricity from DC to AC and then connection to the grid from a location on the perimeter of the site boundary. A 2.4m high security fence is proposed to enclose the compound together with CCTV cameras (see elevations).

4.0 Policy Context

4.1 At the heart of the NPPF is a presumption in favour of sustainable development, of which there are three dimensions: economic, social and environmental. The NPPF does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning authorities having an up-to-date plan. According to paragraph 215 of Annex 1 of the NPPF, due weight should be given to relevant policies in existing development plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given).

4.2 Section 10 of the NPPF advises that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

4.3 Local Plan Policy EVT1 states that renewable energy installations will be supported provided, inter alia, that they do adversely affect the quality of any designated landscape. Policy INF6 of the JCS Submission Version also supports proposals for the generation of energy from renewable resources provided the wider environmental, social and economic benefits of the installation would not be outweighed by a significant impact on the local environment.

4.4 Local Plan Policy LND3 states that within the landscape protection zone special protection is given to the ecology and visual amenity of the river environment. Similarly policy SD7 of the JCS (Submission Version) seeks to protect landscape character.

4.5 Policy NCN5 of the local plan and Policy SD10 of the JCS (Submission Version) seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats.

4.6 Local Plan Policy EVT3 provides that new development should be sited away from sources of noise and planning permission should not be granted for development where noise would cause harm and could not be ameliorated. Similarly policy SD15 of the JCS (Submission Version) seeks to promote health and environmental quality and ensure that new development does not result in unacceptable levels of noise.

4.7 Policy EVT5 of the Local Plan requires that certain developments within Flood Zone 1 be accompanied by a flood risk assessment and that developments should not exacerbate or cause flooding problems. Furthermore, Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria. Similarly Policy INF3 of the JCS (Submission Version) seeks to ensure that development proposals avoid areas at risk of flooding and do not increase the level of flood risk.

4.8 Policy TPT1 of the local plan seeks to ensure that highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network, nor cause an unacceptable loss of amenity to users of adjacent land. Similarly policy INF2 of the JCS (Submission Version) seeks to protect the safety and efficiency of the transport network.

4.9 The above local plan policies in respect of conserving the natural environment and supporting renewable energy are considered to be consistent with the NPPF and are therefore considered to have significant weight. The JCS Submission Version policies detailed above are also considered to be consistent with the NPPF and as such should be accorded weight.

5.0 Analysis

5.1 The main issues in this case are considered to be the principle of the development and its effect on the landscape character and visual amenity of the area.

Principle of development

5.2 The NPPF states that 'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.' When determining planning applications, local planning authorities are advised that they should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy; and
- approve the application if its impacts are (or can be made) acceptable.

5.3 Further guidance is provided in the UK Solar PV Strategy (2013) which sets out four guiding principles for solar PV, the third of which states, amongst other things, that solar PV should be appropriately sited with proper weight being given to environmental considerations such as landscape and visual impact. Following publication of this strategy, the Minister for Energy and Climate Change produced a letter dated 1st November 2013 indicating that '*...inappropriately sited solar PV is something that I take extremely seriously and I am determined to crack down on*'.

5.4 In the House of Commons oral statement of 29th January 2014 the Planning Minister, stated the '*The policies in the NPPF are clear that there is no excuse for putting solar farms in the wrong places. The framework is clear that applications for renewable energy development, such as solar farms, should be approved only if the impact, including the impact on the landscape - the visual and the cumulative impact - is or can be made acceptable. That is a very high test.*'

5.5 Since that statement the Planning Practice Guidance (PPG) has been published on 'Renewable and low carbon energy'. The PPG advises inter alia, that the need for renewable energy does not automatically override environmental protections and that local topography is an important factor in assessing whether large solar farms could have a damaging effect on landscapes and recognise that the impact can be as great in predominantly flat landscapes as in hilly or mountainous areas. It also sets out particular factors a local planning authority (LPA) will need to consider which includes encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value. Where a proposal involves greenfield land, an LPA will need to consider, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays.

5.6 The panels would be connected to the national grid and it is anticipated that they would generate up to 5.6MW of power. The panels would be erected for a period of 25 years and would see renewable energy fed into the grid, thus representing a contribution to the UK's renewable energy targets. The Design and Access Statement (DAS) states that green energy generated would be sufficient to power 1,625 homes with additional energy still exported back to the grid. The CO2 saving is likely to be over 3,214 tonnes every year.

5.7 These benefits would accord with the NPPF's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development and that local communities have a responsibility to contribute to the generation of such energy amongst other things.

5.8 Notwithstanding these benefits, it is clear that the Government attaches great weight to the harmful impact that inappropriately located solar arrays can have on the landscape and that the benefits in terms of producing clean energy do not automatically outweigh the other environmental harms. It is necessary to consider the effect of the proposal on the landscape and visual amenity of the area and whether it has been demonstrated that development of agricultural land is necessary and, if so, whether it has been shown that land of poorer agricultural quality has been chosen in preference to higher quality land. Both of these issues are considered below.

6.0 Effect on landscape character and Heritage Assets

Landscape Impacts

6.1 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, amongst other things, protecting and enhancing valued landscapes. Policy LND4 of the Local Plan states that in considering proposals for development in rural areas, regard will be given to protect the character and appearance of the rural landscape. The Policy has been recently been accepted by the Planning Inspectorate as being fully consistent with the NPPF. Policy EVT1 sets out that proposals for the development of renewable energy installations will be supported, provided that they:

(a) do not result in unacceptable loss of amenity to local residents or businesses by reason of noise, traffic or other disturbance.

(b) do not adversely affect the quality of conservation areas or landscapes designated as area of outstanding natural beauty, special landscape area or landscape protection zone.

Policy SD7 in the Pre-Submission 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.

6.2 The site lies to the north of the A40 on the slopes of Lassington Hill. In terms of local landscape character, the site falls broadly at the boundary between the Unwooded Vale to the south and the Vale Hillocks to the north. In particular it occupies part of character area SV11c Lassington and Rodway Hills as defined in the 2006 Gloucestershire Landscape Character Assessment. This is an area of distinctive low hills that rise up from the surrounding lowland.

6.3 The majority of the site is unaffected by any landscape designations apart from the north-eastern corner which lies with the Landscape Protection Zone. There are no structures on site. However, the A40, together with the mainline railway line a little further to the south, form a major transport corridor and the large expanses of asphalt surfacing, street lighting and heavy traffic have an urbanising effect on the landscape in the southern section of the site. Major electricity transmission lines cross the valley and the river south of the railway and there is a further link going up the valley from Gloucester, a short distance to the east of the site. Over Farm lies immediately to the south east of the site and there is a residential property - Pope's Pool Cottages - on the boundary with the A40. There are no public rights of way (PROWs) crossing the site itself, but there are a number of PROWs - including the Gloucestershire Way and Severn Way - and a series local paths surrounding the site from various distances.

6.4 A Landscape and Visual Impact Assessment (LVIA) has been carried out of the likely landscape and visual effects of the proposed solar development at Over Farm taking into account the construction stage, immediately after construction and when mitigation planting becomes established. The LVIA concluded that while the landscape character of the immediate site would significantly change, the overall impacts on the surrounding landscape would not be significant and the LVIA considered that there would be only minor changes to topography given the relatively gentle slopes and the modest structures needed to mount the solar arrays. In terms of mitigation it is considered that the protection, retention and reinforcement of existing mature landscape features would be key and significant new native tree and shrub planting is proposed to add to the existing landscape features to create a strong visual framework to help assimilate the development in the local and wider landscape. Once the proposed landscaping is established the LVIA concluded that there would be no significant impacts to residential receptors, to users of the local footpath network and the cyclepath or road users. Overall, the LVIA concluded that the proposed development would be acceptable in landscape and visual terms.

6.5 The Council's **Landscape Advisor** assessed the LVIA and did not consider that the assessment adequately substantiated its conclusions given the nature, scale and form of the proposed development, the location of the site on a prominent hillside and the unprecedented nature of the development in the local landscape. In particular there were concerns that, due to the sloping topography of the site, the proposed mitigation would have limited effects and that the development would be clearly visible from the local road network and from promoted footpaths including the Gloucestershire Way within the Landscape Protection Zone and the Wysis Way. Concerns were also expressed about the potential cumulative effect in combination with another Solar Farm further to the east (just a minute away at 45mph). The Landscape Consultant concluded that large-scale ground mounted solar PV generation projects are not typical or characteristic of the area and the adverse landscape and visual impacts of the development at Over Farm would be magnified as a consequence of the site's hillside location. It was therefore concluded that the residual harm to the landscape as a result of the original scheme would have an unacceptable impact on the character and appearance of the area.

Heritage Assets

6.6 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires Authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest which it processes. 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. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

6.7 Both **Historic England (HE)** and **The Association of Garden Trusts (AGT)** also raised concerns about the impact of the original proposal on the Church of Holy Innocents and the Highnam Court Registered Park and Garden stating that in their opinion the proposed solar farm would impinge on these views and objected to the application.

Revised plans

6.8 In response to the above concerns, the applicant has submitted a revised and reduced layout (See **revised plans**). The revision proposes a substantial reduction to the area covered by panels (from approximately from 18.5ha to 9.6ha) which brings the western boundary behind the existing hedge running northwards from Popes Pool Cottages. The revision would bring the arrays fully off the slopes referred to in the Authority's Landscape advisor's consultation response. It is also proposed that the existing western hedge boundary would be further strengthened by additional native tree and shrub planting.

6.9 The Council's Landscape advisor comments that the proposed amendments represent a substantial improvement to the scheme and would greatly reduce the intrusion of the strings of solar panels onto the lower slopes of Lassington Hill. The revision would also respond to existing field boundaries and would sit more naturally in the landscape. The revised scheme would also reduce the prominence of the development both from the A40 and from vantages on Lassington Hill including Oakridge. Subject to the commitments made by the applicant relating surrounding hedges and new planting, the Landscape advisor considers that the scheme is now acceptable in landscape and visual terms and withdraws his objections.

6.10 Both Historic England and the Association of Garden Trusts have also commented on the revisions and consider that the removal of the arrays from the rising ground to the western side of the site go a long way to overcoming the objections in relation to the visual impact on both the Church of Holy Innocents and the Highnam Court Registered Park and Garden. Both organisations therefore withdraw their objections.

6.11 Natural England (NE) have assessed these documents in consultation with the AONB partnership and do not consider that the proposal would impact significantly on the purposes of designation of The Cotswolds Area of Outstanding Natural Beauty (AONB).

6.12 In conclusion, it is considered that subject to the implementation of the proposed screen mitigation planting, the reduced scheme would have an acceptable impact on the landscape and also upon the surrounding heritage assets. It is also the case that the impact of the development would also be ultimately reversible due to the life cycle of the solar farm (approximately 25 years) and thus any impact would not be permanent and a condition requiring the removal of the arrays to this effect is recommended. Nevertheless, the new solar farm would represent a notable new feature in the landscape and will result in some harm which is a matter that must be put into the planning balance to weigh against the benefits.

7.0 Sequential assessment

7.1 As detailed above, it is necessary to consider whether it has been demonstrated that development of agricultural land is necessary and, if so, whether it has been shown that land of poorer agricultural quality has been chosen in preference to higher quality land.

7.2 The applicants' assessment points out that the Agricultural Land Classification Report confirms that the site in its entirety comprised Class 3B land. Accordingly, it is considered the site does not comprise best and most versatile land and therefore, in accordance with the guidance, a sequential assessment is not required in this instance. Nevertheless, a sequential assessment has been submitted which concludes in any event that there are no available or suitable sites of lower quality agricultural land (Grade 4 or 5) suitable for the solar park development.

8.0 Archaeology

8.1 The NPPF sets out that great weight should be given to the conservation of heritage assets. 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.

8.2 The County Archaeological Officer (CAO) has assessed the proposal initially raised concerns over the likely impact of the proposed development on any archaeological remains that may exist on the site and requested that an archaeological field evaluation should be undertaken.

8.3 In response to these concerns the applicant has provided supplementary information which demonstrates that the solar array panels would be supported on concrete support beams laid on existing ground level (rather than on intrusive concrete foundations as originally proposed). The CAO notes that the revised construction method would mean that any impact on archaeological remains would be minimised, and recommends that no further archaeological investigation or recording should be provided in connection with this scheme - subject to a condition requiring that the array panels would be mounted on concrete support beams laid on existing ground level in accordance with the submitted details.

9.0 Ecology

9.1 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats.

9.2 The application is supported by an Ecological Constraints and Opportunities Assessment and a Great Crested Newt Survey. Potential constraints were identified in relation to five species groups stemming from the construction and/or operational activities of the proposed development; bats, great crested newts, reptiles, dormice and breeding birds. A number of recommendations are made including: the retention of field margins with a 10m buffer to allow suitable habitat to remain on site for great crested newts and reptiles; retention of trees on-site; and the avoidance of active nesting period (March to September inclusive) with a recommendation to carry out vegetation clearance works between October and February (inclusive), as both reptiles and newts will be hibernating below ground level at this time. Opportunities to enhance the wildlife potential, appropriate to this site, have been proposed.

9.3 The assessment of Newts concluded that great crested newts are likely to be absent from the site and therefore no impacts to great crested newts are anticipated to result from the proposed scheme. As such no specific measures for impact avoidance, mitigation or compensation were considered necessary. In accordance with the recommendations of the National Planning Guidance a 'Biodiversity Management Plan' has also been submitted, which sets out how the proposed Ecological mitigation and enhancement would be implemented and monitored.

9.4 Natural England have assessed these documents and comment that based upon the information provided, advise that the proposal is unlikely to affect any statutorily protected sites. Standing advice is offered with regard to protected species. Recommendations are made on potential opportunities for biodiversity and landscape enhancement that could be achieved via appropriate planning conditions. The RSPB have also been consulted and raise no objections. Subject to appropriate planning conditions following the recommendations of the Biodiversity Management Plan, the proposed development is considered to accord with the NPPF and policy NCN5 of the Local Plan.

10.0 Flood risk

10.1 The NPPF states at paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. This advice is reflected in local plan policy detailed above.

10.2 Local residents have raised concerns that surface run-off from the site onto the A40 has been a problem historically

10.3 The application has been supported by a Flood Risk Assessment (FRA) (and an addendum to account for the revised concrete pad foundation detail) which concludes that the site is currently used as agricultural fields, which are predominantly located in Flood Zone 1, and at no significant assessed risk from fluvial flooding. It is acknowledged that some storage may be lost due to static compaction of the soil underneath the concrete pads, but this would be off-set by the improvement of the soils over the remaining areas of the site resulting from cessation of agricultural use. Other adverse effects could however take place. Due to the north-south alignment of the concrete pads, surface flows running other than due south would come up obliquely against the pads, and would slow down before flowing around them in a southerly direction and proceeding downhill. This increase in flow path and slowing of the water flow would enable greater time for infiltration to take place and so would act to reduce overall run-off. Nonetheless the FRA recommends that interception swales at selected locations be provided to intercept any water streams, and provide some beneficial additional attenuation storage on the site.

10.4 Subject to the inclusion of a condition requiring the implementation of the measures proposed in the FRA and its addendum, the proposal is considered acceptable in flood risk terms and to accord with the NPPF.

11.0 Access and Highway Safety

11.1 Section 4 of the NPPF states that decisions should take account of whether safe and suitable highway access is provided and that development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe.

11.2 An Access Appraisal has been submitted with the application which considers the principal traffic impacts associated with the construction of the site, as follows:

- The existing highway network, including the existing access point to the site;
- The proposed access arrangements; and,
- The likely volume of construction traffic, including vehicle type, for the most intensive phase of the construction.

11.3 It is proposed to access the site from the south-eastern corner on to an existing farm track leading to the A40. This farm track is approximately 3m wide and passes to the south of the farm buildings, including buildings open to the public.

11.4 The construction period is expected to be approximately eight to twelve weeks. In order to access the solar park, it is proposed to use the existing traffic signalled controlled access onto the A40, to the south of the site. From this junction the site would be reached via an existing farm track. The Appraisal demonstrates that this access can accommodate the largest vehicles expected to access the site by a vehicle swept path analysis. It is anticipated that approximately 122 trips (two-way) would be generated by the proposals during an intensive two to three week phase of the construction, which equates to approximately eight to twelve trips per day. A number of mitigation measures are proposed in order to minimise any transport impacts.

11.5 The A40 in this location is a trunk road and therefore Highways England have been consulted. No objections are made. However, it is requested that any proposed signage would need to be submitted for approval. It is further requested that the proposed screen planting be implemented as soon as is possible and that the existing ditches and culverts be kept clear of debris.

11.6 The County Highways Authority (CHA) comment that they have concerns that potentially vehicular access to the site could be gained to the north west of the site via Oakridge and an existing field gate and track. On this basis a condition restricting access is recommended. Subject to this condition the CHA recommend that no highway objection be raised to this application.

12.0 Residential Amenity

12.1 There are residential properties that are located in close proximity to the solar park: Over Farm to the south east of the site; and Popes Pool Cottages immediately to the south. The Council's Environmental Health advisor has commented that inverters, transformer stations and metering substations have the potential to generate noise that can cause nuisance to neighbours. However, the advisor has commented that provided none of equipment is within 100m of the nearest residential property there would be no concerns. The applicants have confirmed that they have no objections to a condition stipulating this.

12.2 The Landscape and Visual Impact Appraisal acknowledges that residential receptors can be the most visually sensitive. With regard to Popes Pool Cottages the LVIA argues that there is currently tree cover on the site boundary which would limit visibility and that the further mitigation screen planting that is proposed would further limit the visual impact to *minor adverse* once established. Over Farm to the south east of the site faces southwards away from the site and it is argued that the proposed screen planting would similarly limit the visual impact to *minor adverse* once established. The Council's Landscape considers that applicant's the LVIA correctly judges the level of impact on completion and once mitigation (screen planting) becomes established. It is added that the proposed screen planting, whilst removing some longer distance views across the site would soften the impact of the solar array. It is also relevant that both Over Farm and Popes Pool Cottages are owned by the Over Farm Estate, whose land the arrays would be sited on, and no objections or concerns have been raised by the owners and tenants of those properties.

13.0 Balancing Exercise / Conclusion

13.1 One of the Core Principles of the NPPF (bullet point 6) is that planning should support the transition to a low carbon future in a changing climate, and encourage the use of renewable resources (for example, by the development of renewable energy). National planning policy (as set out above) establishes a clear presumption that a renewable energy project should be granted planning permission unless it is established that the significant positive weight that is given to such a project is outweighed by any adverse consequences that would be caused by its construction and operation. The proposed solar park would make a contribution towards meeting these targets and this is a matter that must be afforded significant weight. There are considered to be no available or suitable areas of lower quality agricultural land (Grade 4 or 5) suitable for the solar park development. The proposed reduction to the area of the solar arrays in combination with the proposed mitigation screen planting would limit the landscape impact of the proposal to an acceptable level. Similarly, the setting of neighbouring heritage assets would not be significantly harmed. All other matters including flood risk, highway safety and ecology are acceptable or can be made so by conditions. The benefits of the proposal are therefore considered to outweigh the dis-benefits and the proposal is considered to constitute sustainable development and is accordingly recommended for **Permit**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: S2090-1000 (received on 23rd October 2015); 01 Solar Panel Details; 02 Substation Details; 03 Switch House and Inverter Details; 04 Fence and CCTV Details (received on 27th August 2015).
- 3 Notwithstanding the submitted details, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; hard surfacing materials; planting plans, specifications and schedules and details of tree and hedgerow protection for existing planting, to be retained, in accordance with BS 5837: Trees in relation to construction. All approved tree and hedge protection measures shall be in place prior to the commencement of the development and shall be retained thereafter until the development is complete. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.
- 4 The recommendations outlined in the Biodiversity Management Plan, dated August 2015 shall be implemented in full in the timeframes stated unless otherwise agreed in writing with the Local Planning Authority.
- 5 Notwithstanding the submitted details, no external lighting shall be installed on the site at any time other than in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.
- 6 The planning permission hereby granted is for a period of 25 years from the date of first export of electricity from the development to the grid (the 'first export date') after which the development hereby permitted shall be removed. Written notification of the first export date shall be given to the Local Planning Authority no later than 14 days after the event.
- 7 Not less than 12 months before the cessation of the development hereby permitted, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Method Statement shall include details of the removal of the panels, supports, inverters, cables, buildings and all associated structures and fencing from the site, and a timetable. The DMS shall also include details of the proposed restoration. The site shall be decommissioned in accordance with the approved DMS and timetable within 6 months of the expiry of the 25 year period of planning permission.

- 8 Notwithstanding the submitted details development shall not begin until drainage details, incorporating sustainable drainage principles and mitigation measures as set out in the addendum Flood Risk Assessment (ref: TE1181/502/RB/B) have been submitted to and approved in writing by the Local Planning Authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is brought into use.
- 9 There shall be no access to the site other than via the A40, such provision shall be similarly retained thereafter.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development permitted is carried out in accordance with the approved plans and to make provision for the conservation of any archaeological remains, in accordance with the National Planning Policy Framework.
- 3 In the interests of visual amenity and the character of the area.
- 4 In the interests of visual amenity and the character of the area and to ensure ecological enhancements are appropriately managed.
- 5 In the interests of visual and residential amenity and to protect biodiversity in accordance with the guidance set out in the NPPF and Policies LND4 and NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 6 In the interests of visual amenity to accord with the NPPF.
- 7 In the interests of visual amenity to accord with the NPPF.
- 8 To ensure adequate disposal of surface water drainage and to reduce the risk of creating or exacerbating a flooding problem in accordance with Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 9 In the interests of highway safety, in accordance with paragraph 32 of The Framework.

Notes:

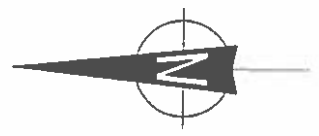
- 1 **Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating a significant reduction in the area of solar panels.
- 2 The applicant must submit a signing strategy to area2.streetworks@skanska.co.uk prior to erecting any signage on the Highway Network.

15/00409/FUL

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Project Details
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Project Reference
PVP 107

Drawing
Location Plan

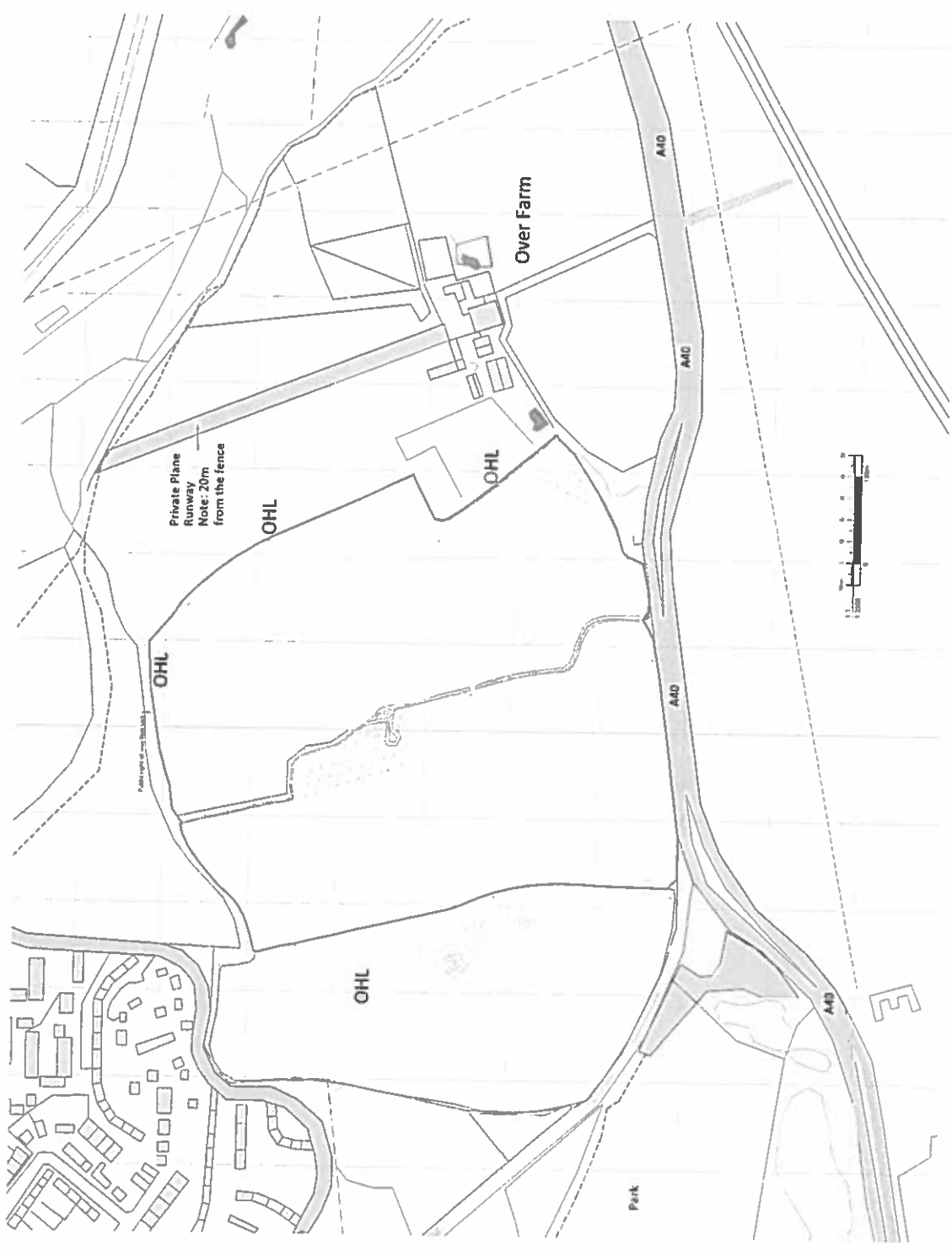
Date
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Revisions
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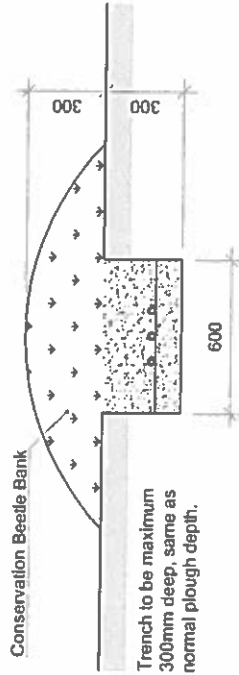
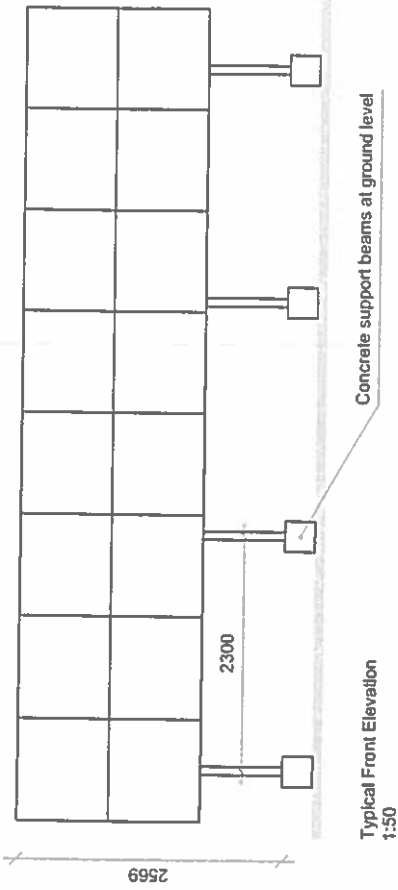
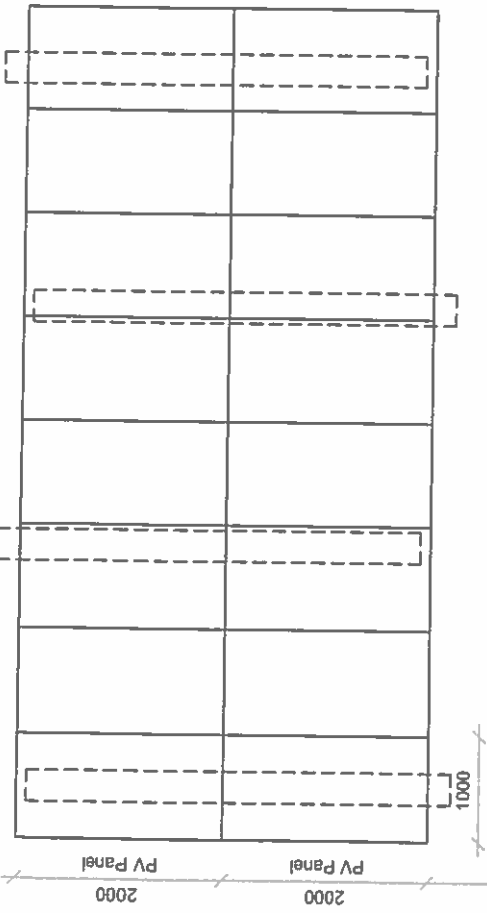
Scale
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Checked
Dated

Drawing No.
D1-00
Sheet
Preliminary Design

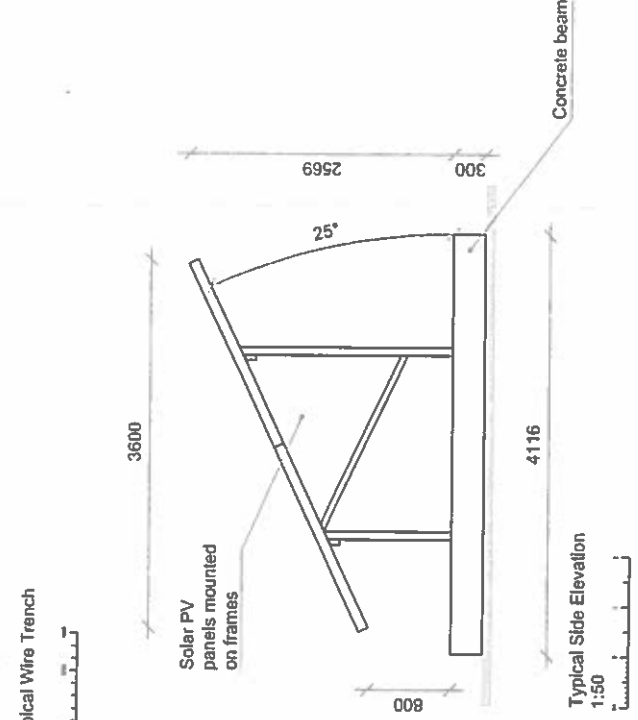
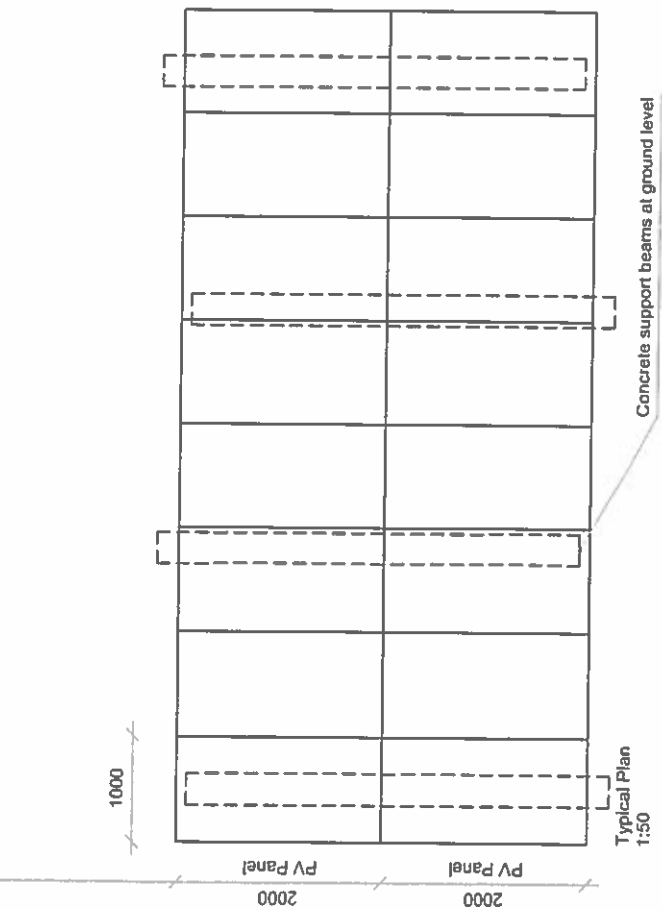
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488/A

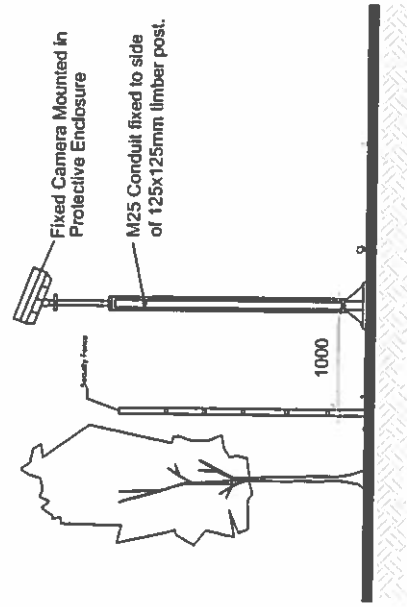


Note:
Indicated on Site Layout Plan as:



Project Details Over Farm, Over bridge Gloucester	
Client Over Farm Solar Ltd	
Description Solar Panel Detail	
Date July 2015	
Scale 1/50 & 1/20 @ A3	
Drawing No. 03	Name Pipening
All dimensions shall be checked and confirmed from the drawing.	

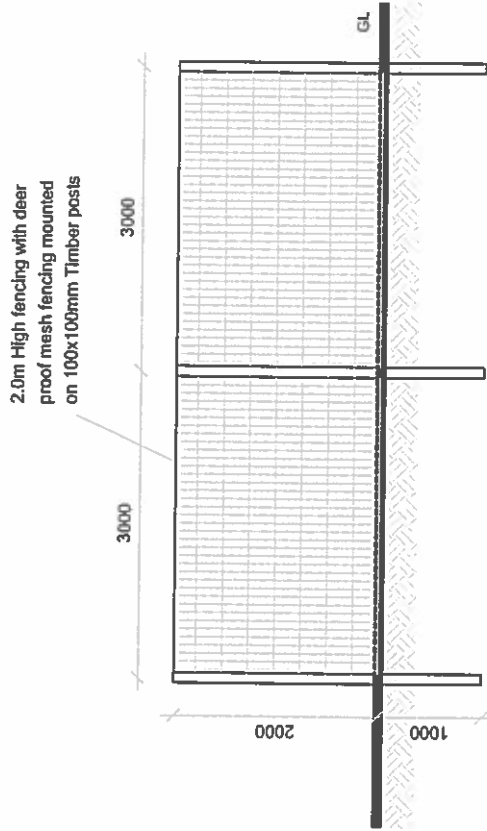
D/8874



Typical CCTV Arrangement Detail


Scale 1:50


Note:
 Indicated on Site Layout Plan as : 



Typical Fence Detail

Scale 1:50

Note:
 Indicated on Site Layout Plan as : 

	
Project Name: Over Farm, Over bridge Gloucester	
Client:	Over Farm Solar Ltd
Quantity:	Fence & CCTV Details
Date:	July 2015
Scale:	1:50 @ A3
Drawing No.:	04
All dimensions shall be taken from the approved and shall include 10mm tolerance	

488/E

15/00417/FUL

Land Adjacent To Millham House, Evesham Road,
Bishops Cleeve

11

Millham House
Valid 08.10.2015

Proposal for 2 no. dwelling houses (Use Class C3) together with associated hard and soft landscaping, drainage and access.

Grid Ref 395737 228347
Parish Bishops Cleeve
Ward Cleeve St Michaels

Comparo Ltd
C/o Origin3
Tyndall House
17 Whiteladies Road
Clifton, Bristol
City Of Bristol

RECOMMENDATION Permit

Policies and Constraints

NPPF and Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, TPT1, EVT5, EVT3, LND4

Joint Core Strategy (Gloucester Cheltenham Tewkesbury) Submission Version November 2014 - SD4, SD6, SD7, SD11, INF1 and INF3

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Parish Council - The Parish object to the application.

- There are concerns that regarding the loss of privacy to the existing property from 1st floor windows due to orientation and proximity of plot 2.
- No information on apparent existing trees and landscape impact.
- Concerns regarding scale - seem large for the size of the plot.

County Highways - No objections subject to conditions.

Local residents - None received

Planning Officers Comments: Mr John Hinett

1.0 Application Site

1.1 The application site consists of one parcel of land (measuring approximately 0.33ha) immediately to the north of the urban edge of Bishops Cleeve, approximately 1.2km south of the village of Gotherington. Access is gained via a single lane grass track off Evesham Road. The land currently comprises land associated with Millham House (a two storey dwelling) and contains some fruit trees and two small outbuildings. The eastern and northern boundaries consist of hedges with agricultural land beyond - albeit the land to the east has permission for residential development as part of the Homelands scheme. The western boundary abuts the garden to a neighbouring residential property. The southern boundary is formed by a stream/watercourse and grass verge to Evesham Road (**See attached location plan**).

1.2 Access to the site is via a lane along the eastern boundary of the site. The site lies on the edge, but outside the Bishops Cleeve Residential Development boundary as defined in the Tewkesbury Borough Local Plan to 2011 (March 2006). The site is not affected by any designations.

2.0 Planning History

2.1 There is no planning history in relation to the application site.

3.0 Current application

3.1 The application proposed the erection of 2 detached dwellings: one 5 bedroomed and one 4 bedroomed. Each property would have double garage: one being attached (plot 2) and the other detached (plot 1). Access to both properties would be via the existing track to the eastern boundary.

4.0 Policy Context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan for the area comprises the Tewkesbury Borough Local Plan to 2011- March 2006 and the saved policies within it. Another material consideration includes the National Planning Policy Framework (NPPF). Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

4.2 At paragraph 14 the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless 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; or where specific policies in this Framework indicate development should be restricted, such as within areas of Green Belt for example.

4.3 In terms of local planning policy, the site is located outside any established residential development boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006, where Policy HOU4 of the sets out that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry, for the provision of affordable housing or for the acceptable conversion of existing rural buildings. The weight to be attached to this policy is set out in Section 5 of this report.

4.4 Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy LND4 of the Local Plan states that in considering proposals for development in rural areas, regard will be given to protect the character and appearance of the rural landscape. This policy is therefore consistent with the NPPF.

4.5 Other key local and national planning policy guidance in relation to the matters of flood risk, design, amenity and highway safety are set out in the relevant sections of this report, together with an explanation as to the weight to be attributed to these policies.

5.0 Principle of Development

Housing Policy

5.1 As set out above, the site lies outside any recognised residential development boundary, and as such conflicts with local plan policy HOU4. However, Paragraph 49 of the NPPF states that where a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable housing sites then relevant policies for the supply of housing should not be considered up-to-date. Tewkesbury Borough Council is currently unable to demonstrate a five year supply of housing in the context of the requirement handed down by the NPPF and therefore policy HOU4 is considered out-of-date in this regard. The requirement is therefore for housing applications to be considered in the context of the presumption in favour of sustainable development as set out in paragraph 4.2 of this report.

5.2 Paragraph 55 of the NPPF sets out that isolated new homes in the open countryside should be restricted except in special circumstances, none of which apply in this case. Whilst the site is outside the recognised development boundary, it is located adjacent to the edge of the Bishops Cleeve and adjacent to new 'Homelands' housing developments. Bishops Cleeve is defined as a Service Centre in the Joint Core Strategy (JCS) Submission version (November 2014) and is a settlement that contains 'higher range of services and facilities'. By virtue of its close proximity to the edge of the settlements and the fact that Policy HOU4 is out-of-date, there is not considered to be any housing policy objections to the scheme.

6.0 Design and visual impact

6.1 Section 7 of the NPPF reflects this by making it clear that the Government attaches great importance to the design of the built environment. Whilst the NPPF does not seek to impose architectural styles or particular tastes on development, it does consider it proper to seek to promote or reinforce local distinctiveness. In addition, Policy LND4 of the Local Plan states that in considering proposals for development in rural areas, regard will be given to protect the character and appearance of the rural landscape. This is consistent with one of the NPPF's 'Core Principles', which is to recognise the intrinsic character and beauty of the Countryside.

6.2 The DAS states that the building line of the proposed two dwellings seeks to respond to those of the existing neighbouring dwellings, which face different directions (see layout plan). The siting and orientation is also a response to the constraints of the site and seeks to avoid any undue overlooking or overbearing impact.

6.3 The site is set behind an area of land containing a tree-lined watercourse and verge. Consequently views of the site are very limited. Whilst the siting of the proposed dwellings would not directly continue the established building line of existing dwellings to the west, they would still present their frontages to Evesham Road. Therefore, the dwellings would appear to continue the established building line - albeit slightly 'cranked' and would not appear as backland development.

6.4 The adjacent houses comprise a mix of styles ranging from older cottages to more modern dwellings on the adjacent housing estates. The proposed dwellings would be constructed from natural materials (dressed stone walls, slate roof tiles and timber windows). The form of the dwellings would be fairly traditional but would have contemporary detailing (see proposed elevations). It is considered the design would be of a high quality and an appropriate response to the varied housing typology in the area which lacks any definitive local distinctiveness.

6.5 The Parish Council have objected to the application on the basis that the size and scale of the proposed dwellings would appear to be large for the size of the site. In response to this objection the applicant has submitted a **street scene elevation** which shows the proposed dwellings in the context of the existing neighbouring properties.

6.6 Whilst it is true to say that proposed dwellings are larger than the existing dwellings containing more accommodation, it is relevant that each dwelling provides part of the accommodation in single-storey rear extensions (see proposed plans and elevations). As a consequence, the plan depth of the dwellings and the resultant roof pitch is not dissimilar to those of the existing dwellings. The streetscene elevations show that the ridge heights of the proposed dwellings would not be significantly greater than the neighbours and with eaves heights have been kept deliberately low to reflect those of the neighbouring properties. Each proposed dwelling would enjoy a more than adequate amount of garden land and consequently it is not considered that the development would appear cramped. Officers conclude on this issue that the scale of the dwellings would be appropriate to the context and that the layout is therefore considered acceptable in this regard and would comprise an effective use of land in accordance with paragraph 17 of the NPPF.

7.0 Residential Amenity

7.1 One of the core planning principles of the NPPF is to ensure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17 bullet point 4).

7.2 The Parish Council have also objected to the proposal on the basis that the first floor windows of plot 2 would result in overlooking of the amenity area of 'Millham House'. There would however, be a distance of 10m to the intervening boundary and furthermore, Millham House has a large garden much of which would remain private. Millham House itself has no windows in the side elevation facing plot 2. Whilst the first floor windows would overlook parts of the front garden area of plot 1, that plot would have a private rear garden area. It is not considered that the dwellings would overshadow or appear overbearing to the existing dwellings. It is therefore considered that the impact on residential amenity (on both the proposed and existing dwellings) would be acceptable in terms of local plan policy HOU5.

8.0 Highway safety

8.1 Policy TPT1 of the Local Plan highlights that development will be permitted where provision is made for safe and convenient access and where there is an appropriate level of public transport service and infrastructure available. The resulting development should also not adversely affect the traffic generation, safety and satisfactory operation of the highway network. Paragraph 32 of the NPPF also requires safe and suitable access to be achieved but states that development should only be prevented or refused on transport grounds where the cumulative impacts of development are 'severe'.

8.2 The County Highways Authority comment that the revised plans demonstrate that adequate visibility could be achieved from the access and that the tracking demonstrates that two cars could pass on the driveway. Although there is the potential for confusion for drivers following vehicles turning into the access, due to the close proximity of the access to the roundabout and the associated signalling on and off the roundabout, it is not considered that the relatively low number of vehicles using this access would have a severe impact. The

road safety audits carried out for the Evesham Road roundabout did not identify this revised access location as a road safety problem. Consequently, the CHO raises no objection to the application on highway safety grounds, subject to relevant conditions.

8.3 In light of the above, it is considered that the proposed development would have an acceptable impact on the highway safety subject to relevant conditions.

9.0 Other material matters

Impact on Trees

9.1 The Parish Council objected to the original application on the basis that there was scant information relating to the impact on existing trees. Similar concerns were raised by the Council's landscape advisor.

9.2 In response the applicant has provided an Arboricultural Constraints Report which assesses the existing trees on, and immediately adjacent to the site and categorises them in terms of both their amenity value and their health. A plan attached to the report shows the constraints imposed by the 'significant' trees in terms of which areas of the site are shaded and also the root protection zone around each tree. The report demonstrates that the significant trees are largely located along the southern and northern boundaries of the site with the fruit trees within the site having been poorly managed and are categorised as being of low quality and value. The proposed layout plan indicates that both proposed dwellings would be located outside of the root protection zones of the 'significant' trees. Furthermore, that the dwellings themselves would not be overshadowed by the trees. The submitted plans also indicate that some of the fruit trees could be retained within the gardens of the dwellings.

9.3 It is therefore considered that the impact on trees would be acceptable, subject to a condition requiring the provision of landscape details that reflect the recommendations of the Arboricultural Constraints Report.

Flooding and Drainage

9.4 The site is located in Flood Zone 1. A Drainage Statement has been submitted with the application which argues that initial infiltration tests indicated that the site is not ideally suitable for soakaways. It is proposed therefore to discharge surface water to a water course to the southern boundary of the site (South Stream) via a catchpit into an infiltration trench through a high level perforated pipe - which would act as a SuDS feature attenuating some low flows. Overflows would be passed forward through a continuation of the pipe to an outfall on the northern bank of South Stream.

9.5 The Council's Drainage Officer has assessed the proposal and has no objection to the proposal subject to a condition requiring the submission of a comprehensive evidence based drainage details, including a SuDS/drainage management plan.

9.6 It is proposed to connect Foul Drainage to the existing adopted sewer in Evesham Road. The Council's Drainage Officer notes that this is a matter for the sewerage undertaker, Severn Trent, who confirm they have no objections to the proposal.

10.0 Overall Balancing Exercise and Conclusions

10.1 The application proposes residential development outside the residential development boundary of Bishops Cleeve and therefore conflicts with Policy HOU4 of the Local Plan. However, Tewkesbury Borough Council is currently unable to demonstrate a five year supply of housing in the context of the requirement handed down by the NPPF and therefore policy HOU4 is considered out-of-date in this regard. In accordance with paragraph 14 of the NPPF there is therefore a presumption in favour of sustainable development.

10.2 The site immediately abuts the edge of the existing settlement and could not therefore be said to be within an isolated location. Bishops Cleeve has a good level of access to services, public transport and employment sites and a development of the size proposed is therefore considered to be sustainable in this location. The principle of the development is therefore considered to be acceptable in this case.

10.3 The proposed dwellings are considered to be of an appropriate size and design and would have an acceptable impact upon the appearance of the area. The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity. The impact on existing trees has been carefully assessed and subject to conditions there would

be no adverse impact. The proposal would provide 2 houses towards addressing the council's current shortfall. However, the weight to be given to this benefit is relatively limited given that the contribution would be so small.

10.4 The proposal is therefore considered to accord with the relevant policies of the NPPF and is considered to represent sustainable development. Therefore, in accordance with paragraph 14 of the NPPF the application is recommended for **PERMIT**

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - PL 601 Rev D
 - PL 602 Rev C
 - PL 603 Rev C
 - PL 610 Rev C
 - PL 611 Rev C
 - PL 620 Rev A
 - PL 621 Rev A
 - PL 622 Rev A
 - PL 623 Rev A
 - PL 624 Rev A
 - PL 625
 - PL 626 Rev A
 - 14-08 13 Rev C (Hard and soft landscaping)
 - TE/1224/400/B (drainage arrangements)
 - SK01 and SK02 (Visibility)
- 3 Notwithstanding the submitted details, no development shall take place until samples of all external facing and roofing materials has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples.
- 4 Notwithstanding the provisions of Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development shall take place other than that expressly authorised by this permission.
- 5 Notwithstanding the submitted details, no development shall commence until comprehensive evidence based drainage details, including a SuDS/drainage management plan, have been submitted and approved by the authority. These should fully incorporate the principles of sustainable drainage and improvement in water quality, along with a robust assessment of the hydrological influences of the detailed drainage plan, including allowances for climate change. Any infiltration structures must be designed to cope with the 1 in 100 year event, plus an allowance for climate change. The scheme to subsequently be implemented in accordance with the approved details before the development is finished and put into use, and subsequently maintained to the required standard. In addition, that the sewerage authority must first take any steps necessary to ensure that the public sewer will be able to cope with the increased load, and that there being in place adequate and appropriate sewerage facilities to cater for the requirements of the development without increase of flood risk or ecological damage.
- 6 Notwithstanding the submitted details, no development shall commence until details of existing and proposed levels, to include details of finished floor levels, have been submitted to and approved by the Local Planning Authority. All development shall be carried out in accordance with the approved details.

- 7 No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of landscaping, incorporating the recommendations of the Arboricultural Constraints Report (October 2014) and which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.
- 8 Prior to occupation of either of the proposed dwellings 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 [appropriate y distance] distant in both directions 49m. 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.
- 8 The dwellings shall not be occupied until the vehicular parking and improvements to the access have been provided in accordance with the submitted plan and those facilities shall be maintained available for those purposes thereafter.
- 9 No dwellings shall be occupied until their rear gardens have been screened from the neighbouring properties in accordance with a scheme which has been submitted to and approved by the Local Planning Authority.

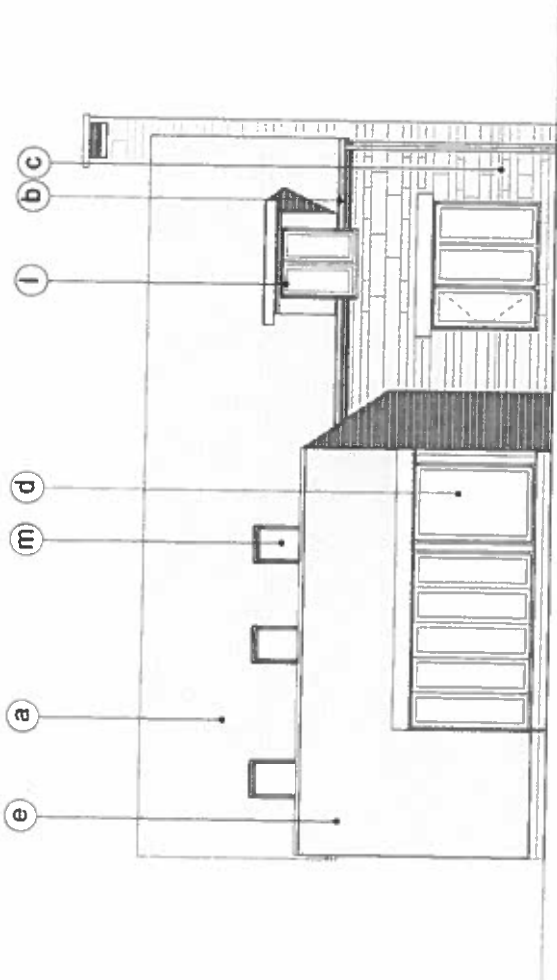
Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To define the extent of the permission for avoidance of doubt.
- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 4 In the interests of visual amenity and the character of the area.
- 5 To ensure that the development is provided with a satisfactory means of drainage, as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution, all in accordance with the saved policies and NPPF guidance
- 6 To ensure that the development integrates harmoniously with its surroundings and does not adversely impact upon existing residential properties in accordance with Policy HOU5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
- 8 To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
- 9 In the interests of visual amenity and privacy.

Note:

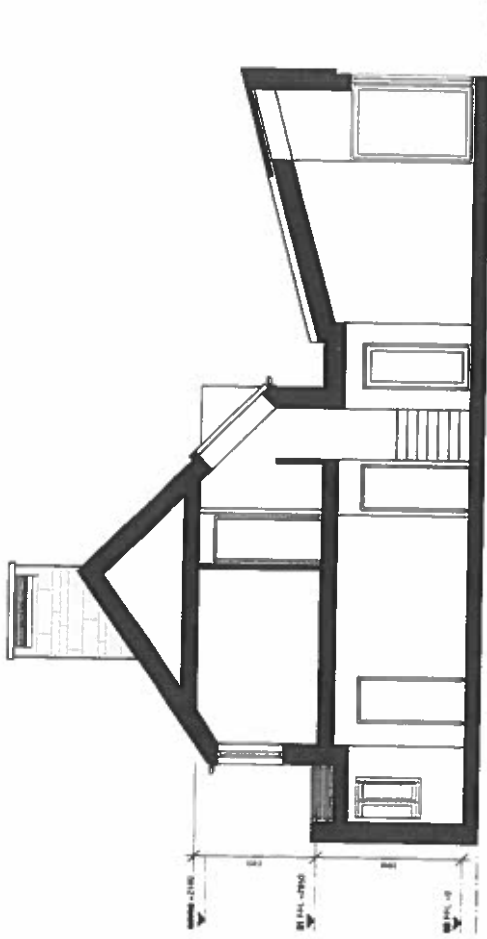
1 Statement of Positive and Proactive Engagement

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

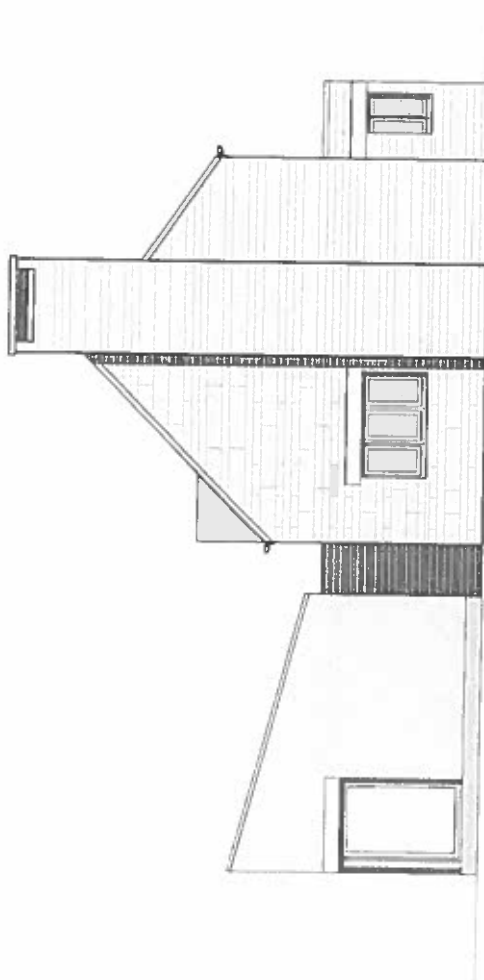


01 north elevation

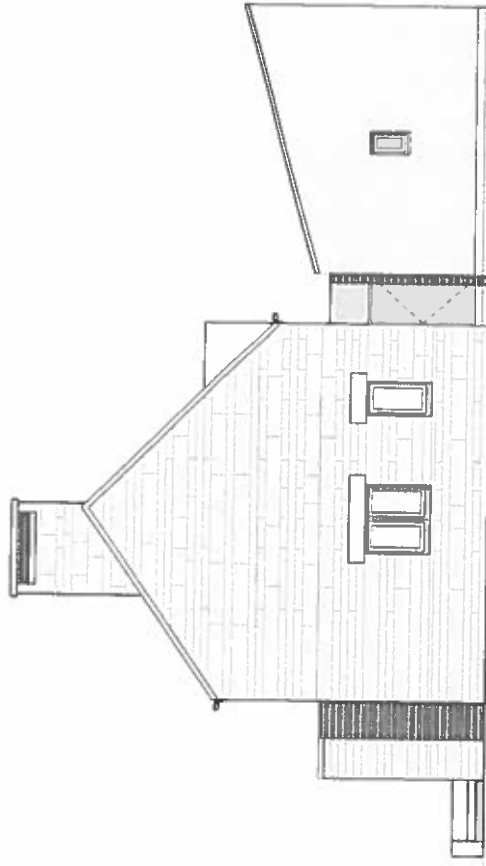
495/13



04 section



02 west elevation



03 east elevation

Rev	Date	Drawn	Checked	Description
A	24.09.15	RG	RG	Issue for planning

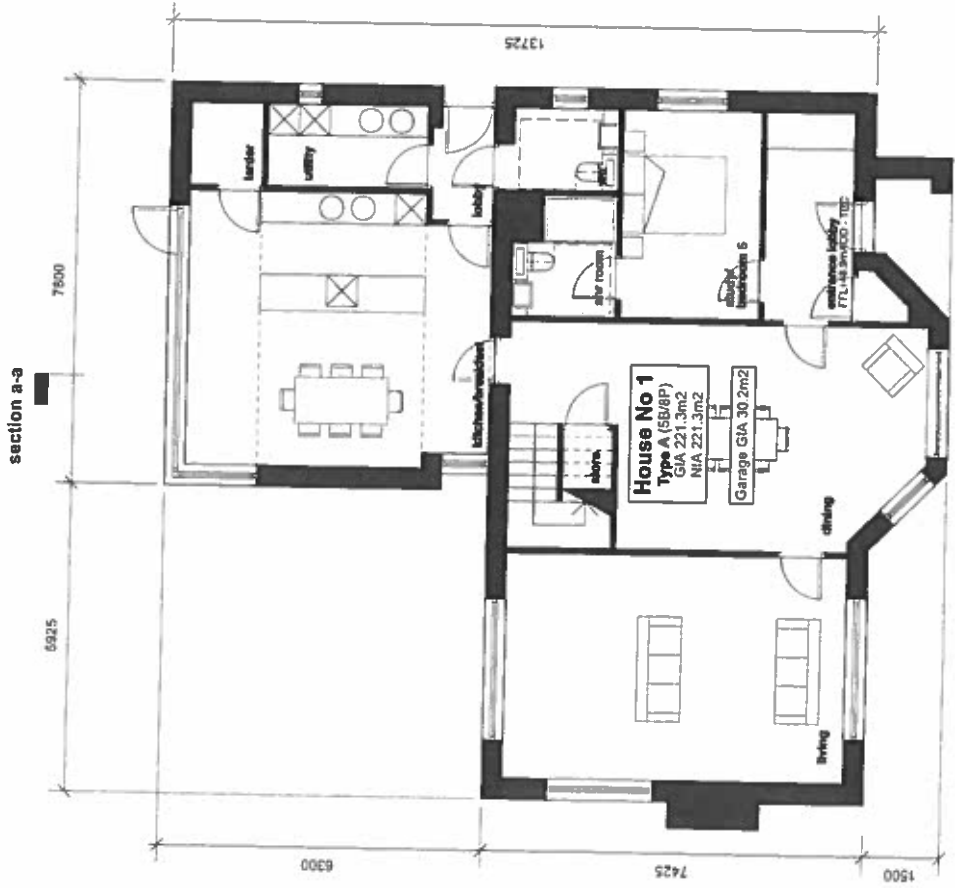
- Materials list:
- 1 Black stone roofing with lead flashings
 - 2 Black natural stone rubble walling (colouring indicative)
 - 3 Natural stone coursed rubble walling (colouring indicative)
 - 4 Coloured roof tiles
 - 5 Stone dressings
 - 6 Painted iron door
 - 7 Painted metal backdoor/balcony door
 - 8 Timber garage door
 - 9 Lead downpipe with 'boots and hair dipping
 - 10 Conservation style masonry

16 Great George Street Bristol BS1 5RH
 T 0117 925 9253 F 0117 925 9253
 E info@fergusonmannarchitects.co.uk
 W fergusonmannarchitects.co.uk



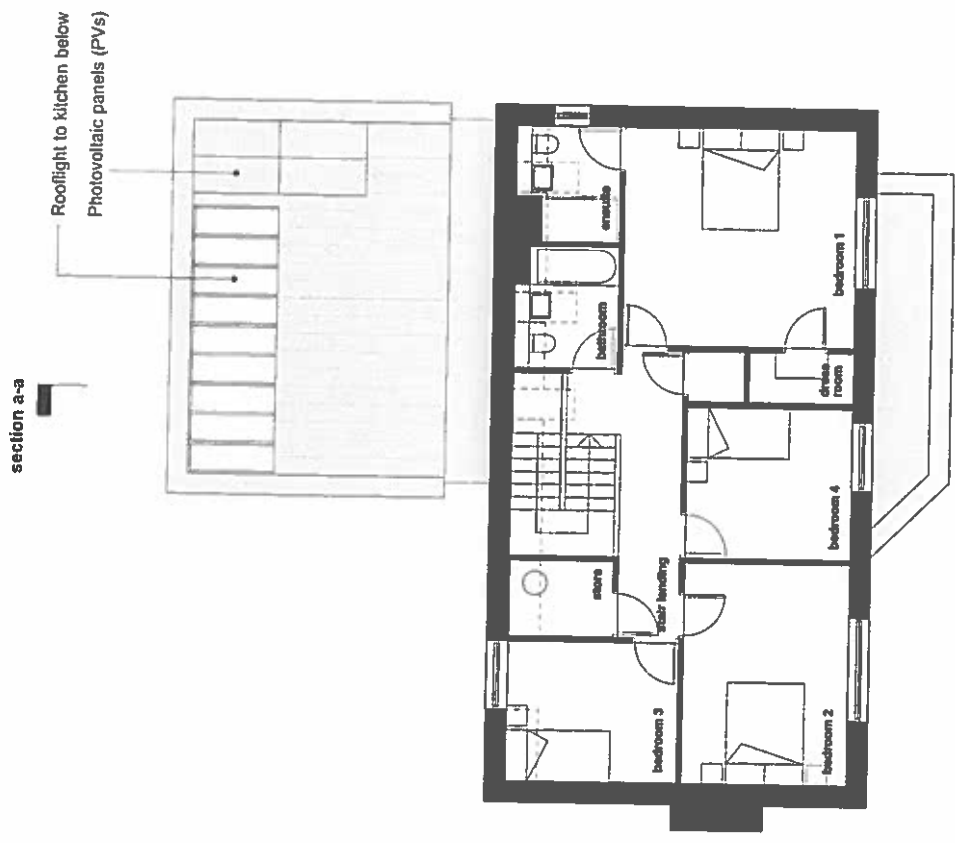
PLANNING Millham House, Bishop Cleeve Comparo Limited		Date: 01.09.14 Drawn: DB Checked: RG
Scale: 1:100 @ A3 Drawing No: 9964	Project No: PL 622	Rev: A

ferguson mann architects
 Proposed Elevations
 House Type H



01 ground floor plan

Refer to drawing PL626 for detached garage details



02 first floor plan

Rev	Date	Drawn	Checked	Description
A	24.09.15	RG		Issue for planning

- Materials list:**
- a) Natural stone paving with lead drainage
 - b) Natural stone paved terrace
 - c) Natural stone paved side walkway (courtyard entrance)
 - d) Natural stone paved entrance
 - e) Concrete paving with 'lock and key' coping
 - f) Stone of paving
 - g) Timber garage door
 - h) Timber garage door
 - i) Timber garage door

18 Great George Street, Bristol, BS1 6RH
 T 0117 929 5253 E info@fm-architects.co.uk
 F 0117 929 8255 W fm-architect.co.uk

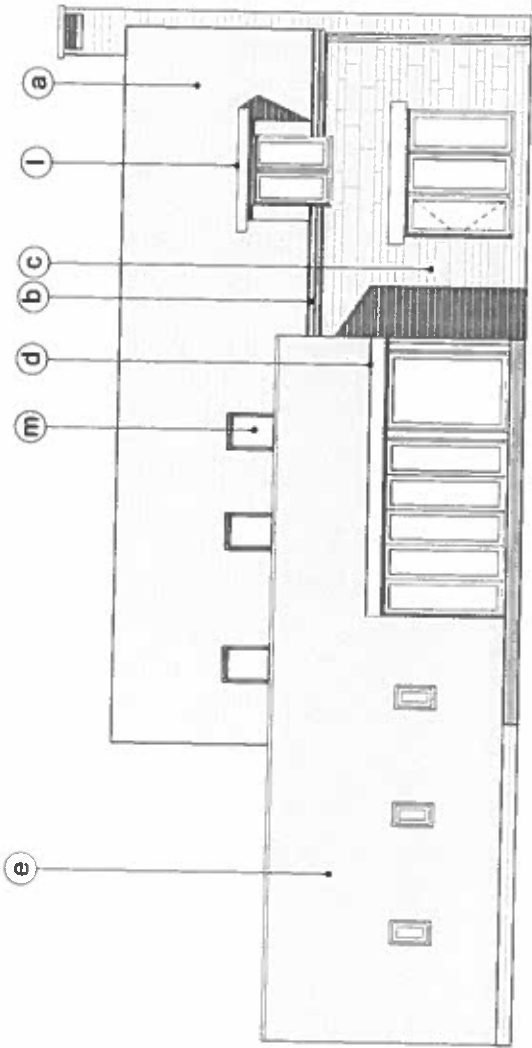
- All drawings are copyright
- No part of this drawing may be reproduced without the written permission of the architect
- All dimensions are to be checked on site



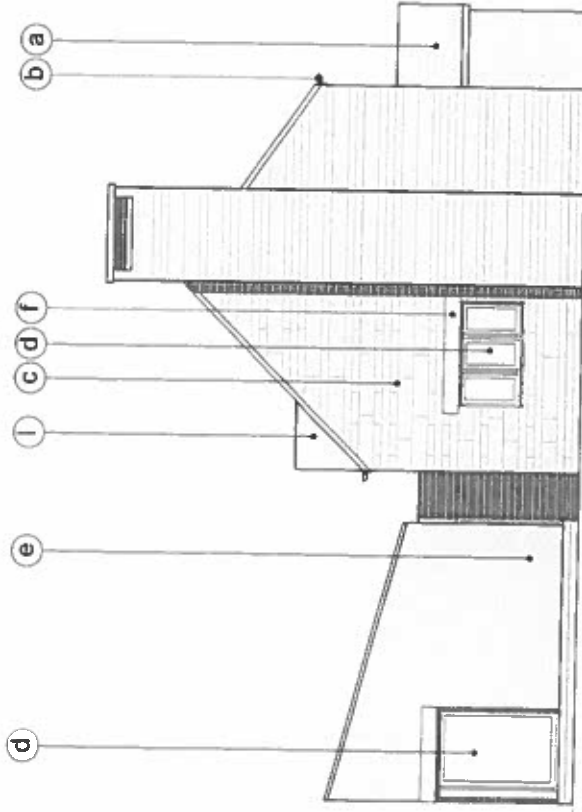
PLANNING

Client: Land adjacent Milham House, Bishops Cleeve
 Drawing No: ferguson mann architects
 Date: 10.06.14
 Scale: 1:100 @ A3
 Project No: 9964
 Drawing No: PL 620
 Rev: A

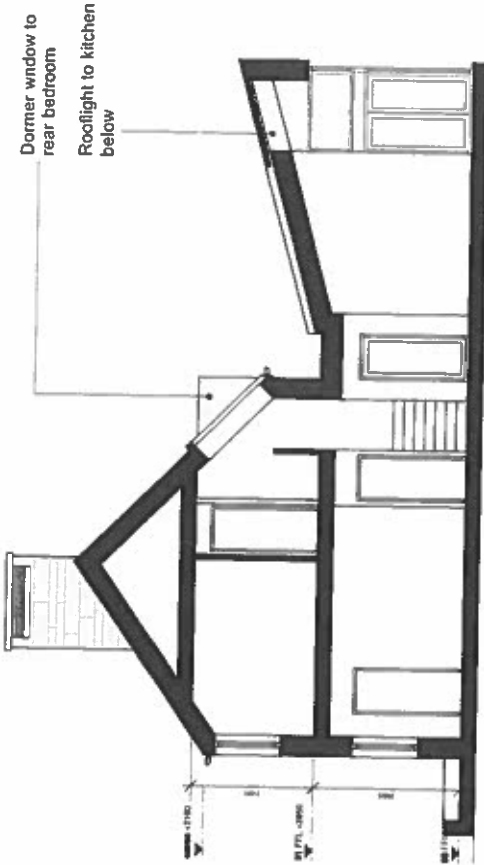
495/c



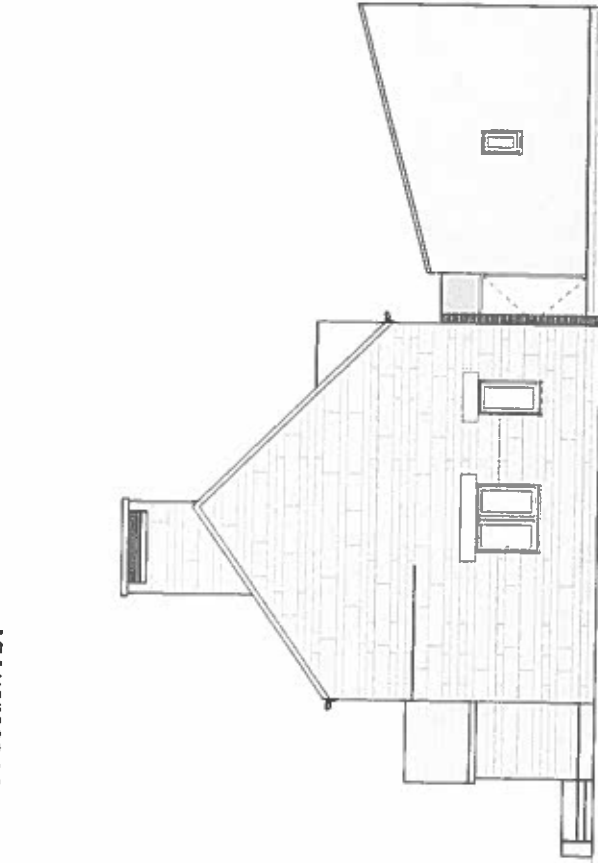
01 north elevation



02 west elevation



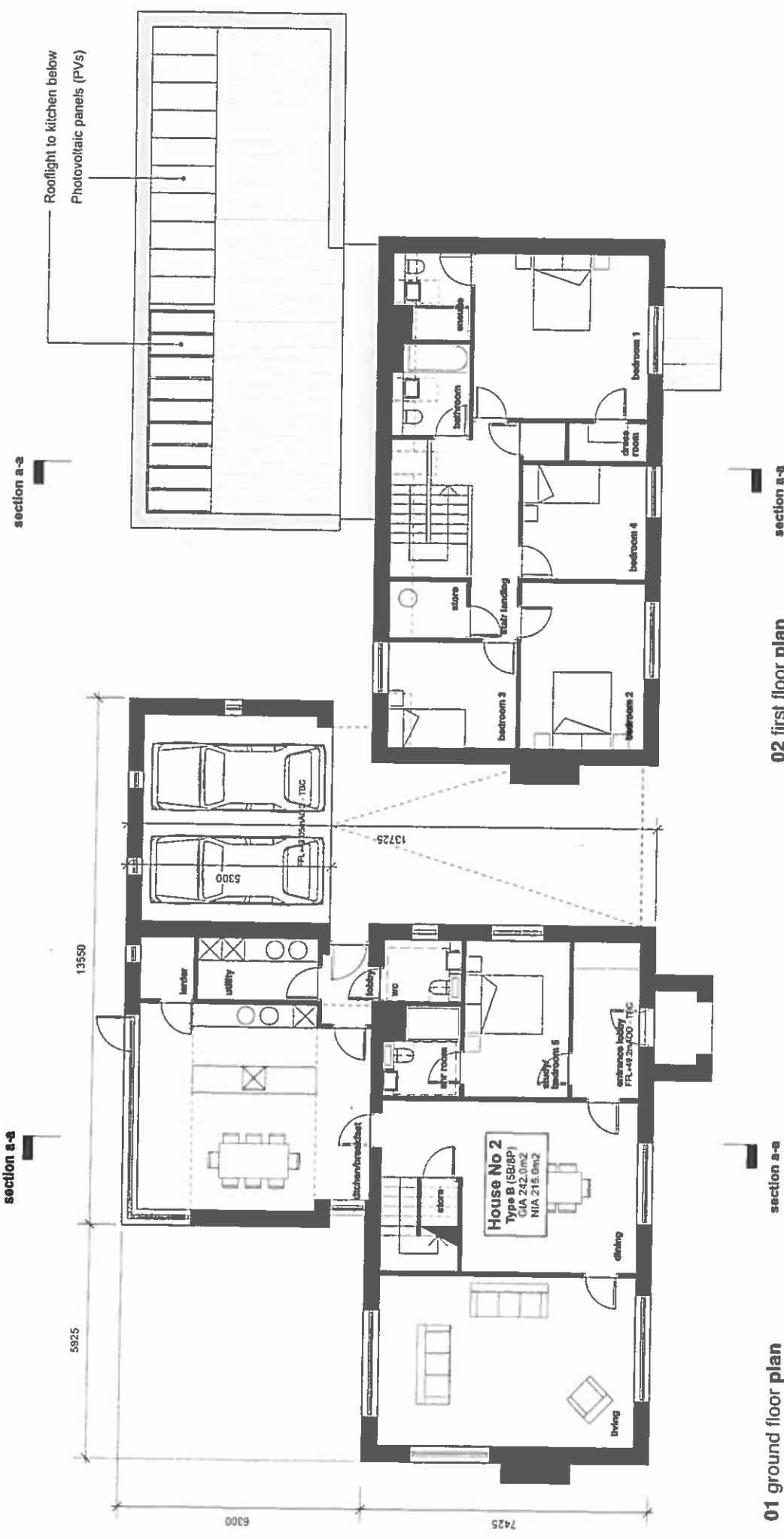
04 section AA



03 east elevation

495/17

Rev	Date	Drawn	Checked	Downloaded
<p> Notes a. External roof with lead flashing b. Black rainwater pipes on painted weathered fascia c. Natural stone coursed rubble walling (courting indicative) d. Coloured render e. Stone dressings f. Timber cladding g. Painted metal galvanized/alu/zinc h. Corner garage door i. Lead dormer j. Conservation style rooflight k. Conservation style rooflight l. Conservation style rooflight m. Conservation style rooflight </p>				
<p> Scale: 1:100 @ A3 Plot: 2 Sheet: 0 </p>				
<p> 15 Green George Street Bristol BS1 5RH T 0117 923 8233 W info@fergusonmann.co.uk F 0117 923 8233 W info@fergusonmann.co.uk </p>				
<p> Project Name: Proposed Elevations House Type J Client: Miltham House, Bishop Cleeve Architect: Ferguson Mann Architects Scale: 1:100 @ A3 Date: 01.09.14 Drawn: DB Checked: RG Project No.: 9964 Plot No.: PL 625 </p>				



4951/E

Rev	Date	Drawn	Checked	Description
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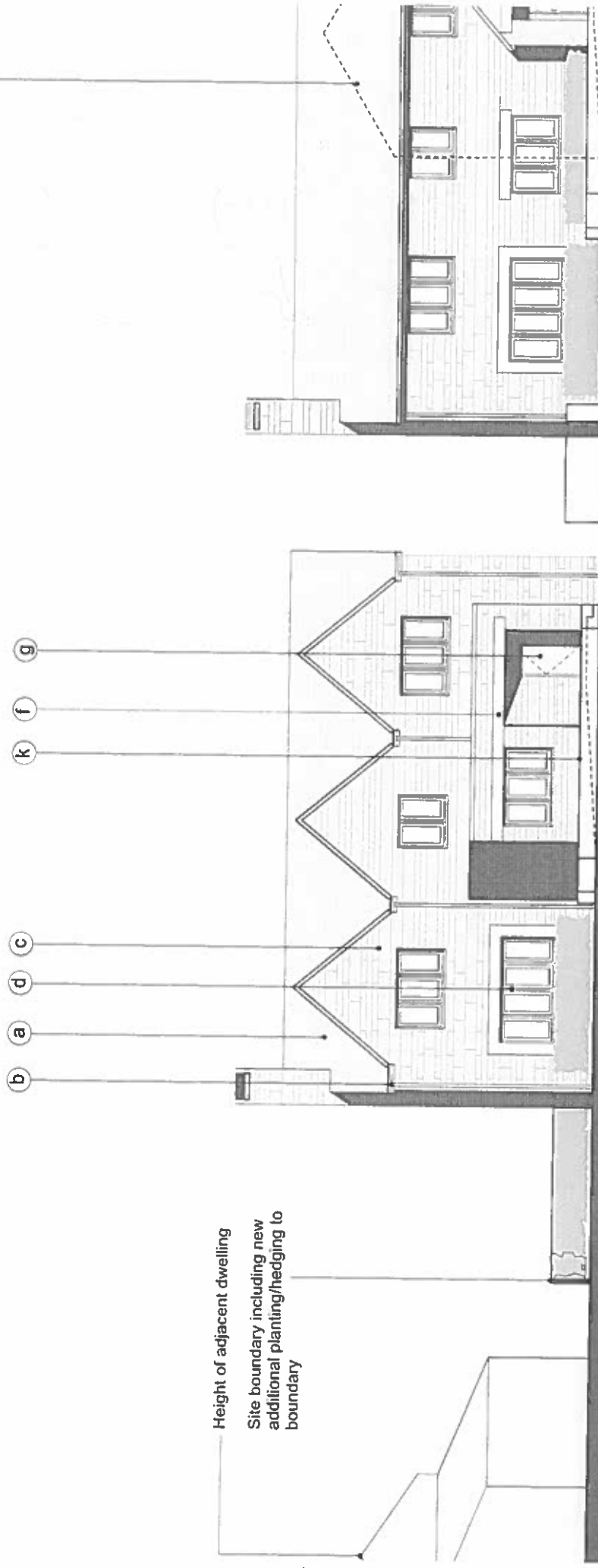
<p>outside list</p> <ul style="list-style-type: none"> a Natural oak roofing with lead flashings b Natural stone steps on paved entrance paths c Natural stone steps on paved entrance paths d Natural stone steps on paved entrance paths e Paved stone windows f Concrete stone walling with 'bass and herb' capping g Paved stone walling with 'bass and herb' capping h Paved stone walling with 'bass and herb' capping i Paved stone walling with 'bass and herb' capping j Paved stone walling with 'bass and herb' capping k Paved stone walling with 'bass and herb' capping l Timber garage door 		<p>plate: 2</p>
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<p>16 Great Corns Street, Bristol BS1 5RH T 0117 929 929 F 0117 929 929 E info@fergusonmann.co.uk F 0117 929 929 W fm-architects.co.uk</p>		<p>ferguson mann architects</p>
<p>Project Land adjacent Wilham House, Bishops Cleeve</p>		<p>Proposed Plans - House Type J</p>
<p>Client Compare Limited</p>		<p>5 Bed/8 Person - 212 sqm/2,277 sqft</p>
<p>Scale 1:100 @ A3</p>	<p>Date 10.02.15</p>	<p>Drawn RG</p>
<p>Checked DB</p>	<p>Project No 9964</p>	<p>Plan No PL 623</p>
<p>Rev A</p>	<p>Sheet A</p>	

495/F

Height of adjacent Millham House dwelling

Height of adjacent dwelling
 Site boundary including new additional planting/hedging to boundary



House No 1 (Type H)

House No 2 (Type J)

Rev	Date	Drawn	Checked	Discussed
A	24.09.15	RG	DB	RG
<p>Notes:</p> <ul style="list-style-type: none"> a) Masonry pointing with lead flashing b) Black reverse gable on painted and lead fascia c) Masonry stone coursed rubble walling (coursing indicated) d) Coloured render e) Stone dressings f) Painted metal balcony/balustrade g) Timber cladding h) Concrete garage slab i) Concrete walling with base and vent capping j) Lead cornice k) Conservation style roofing 				
<p>18 Great George Street Broad B51 4PH T 0117 829 8225 W www.fergusonmann.co.uk P 0117 829 8225 W www.fergusonmann.co.uk</p>				
<p>Scale: 1:100 @ A3 Date: 01.09.14 DB RG 9964</p>				
<p>Project: 1</p>				
<p>Client: Millham House, Bishop Cleeve Comparo Limited</p>				
<p>Architect: ferguson mann architects</p>				
<p>Proposed Elevations House Type H</p>				
<p>Scale: 1:100 @ A3 Date: 01.09.14 DB RG 9964</p>				<p>Plot No: PL 621</p>
<p>Rev: A</p>				<p>Rev: A</p>

15/00443/FUL
Flight Farm
Valid 29.04.2015

Flight Farm, Leckhampton Hill, Leckhampton

12

Grid Ref 394479 217962
Parish Shurdington
Ward Shurdington

Full application for an Exceptional New Dwelling - under the policy provisions of paragraph 55(4) of the National Planning Policy Framework.

Mr M Davey
4 Ewyln Road
Cheltenham
GL53 7PB
FAO: Mr M Davey

RECOMMENDATION Permit

Policies and Constraints

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990
NPPF
Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, TPT1, LND7, EVT5, EVT9 and NCN5
Joint Core Strategy Submission Version November 2014
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)
AONB

Consultations and Representations

Shurdington Parish Council - Object to the application on principle because it is in an area of Outstanding Natural Beauty with a very clear presumption against residential development. However, if the Planning Authority feels that the proposal falls within the remit of the definition of a "house of exceptional quality and innovative nature and design" and is inclined to permit the application, it would be on the very clear basis that this does not set a precedent for other new houses in the locality.

County Council Archaeology - No objections.

Historic England - No objections

Natural England - No objection

County Highway Authority - No objections.

Conservation Officer - No objection

Cotswolds Conservation Board - Object

- The site is outside and away from any settlement within the nationally protected Cotswolds AONB, which has the highest status of protection under paragraph 115 of the NPPF.
- The Board see no exceptional circumstances in this case to meet the tests of paragraph 55 of the NPPF, one requirement of which is that development should 'significantly enhance its immediate setting'. Currently the site contains only low key, rural buildings which maintain the character of this part of the AONB. The current proposal would bring considerably more development and would be lit at night and have residential paraphernalia and parking associated with it - irrespective of the design.
- The proposal would fail to 'significantly enhance its setting'.
- Occupiers would be reliant on the car and therefore the proposal fails to the tests of sustainability at paragraphs 6 and 7 of the NPPF.
- Proposals would lead to a precedent for other such developments across the open countryside of this nationally protected landscape.

Severn Trent Water - No objection

Local residents - One letter of support has been received which makes the following comments:

- I am familiar with this site and wish to praise the imaginative, most innovative and believable design solution. I have over 40 years experience in architectural design throughout Gloucestershire, nationwide and internationally and consider this proposal has the highest credentials. I therefore fully support the planning application which should be embraced and wholeheartedly approved.

1.0 Application Site

1.1 The application site comprises a rectangular parcel of land with an area of approximately 0.85ha. The site is heavily wooded and level along the western side, rising steeply to the eastern edge where it rises up the Leckhampton Hill. The site contains a number of single storey buildings: shacks/stables, a lean-to shelter and a small wooden cabin. The buildings are all located within clearings (or "glades") on the level part of the site (see location plan). Access exists to the site directly off Leckhampton Hill road via a gated entrance at the north western edge of the site

1.2 The site is considered to be within the open countryside on land that is designated within the Cotswold Area of Outstanding Natural Beauty (AONB). The Leckhampton Hill & Charlton Kings Common Site of Special Scientific Interest (which is also designated a Key Wildlife site in the Tewkesbury Borough Local Plan - March 2006) is located in close proximity to the east of the site. The site also lies close to the scheduled hill fort of Leckhampton Camp and tumulus to the north.

1.3 A number of public rights of way run along the eastern boundary of the site - the closest of which lies adjacent to the site's eastern boundary.

2.0 Planning History

2.1 There is limited planning history to the site, although it is understood that the site was originally used in association with the neighbouring dwelling for private equestrian/horsicultural use. A planning application was refused in 2005 for the erection of a temporary agricultural workers dwelling on the site.

3.0 Current Application

3.1 The current proposal is for the erection of a new detached four bedroomed dwelling over two floors. A large area of decking is proposed over part of the ground floor accommodation and a double garage (see proposed plans). Plans will also be displayed at planning committee.

3.2 A substantial package of supporting information has been submitted with the application which recognises that the site lies outside a recognised settlement boundary but argues that the proposed dwelling would be of exceptional quality and innovative nature of design which the applicants consider would satisfy the 'tests' set out at paragraph 55 (bullet point 4) of the NPPF which relates to the creation of new dwellings in rural locations.

3.3 The Design and Access Statement sets out that the central plank of the development proposals is the *"...creation of a highly sustainable house of truly outstanding quality of design and innovation that would further the Government's design and sustainability objectives by assisting in meeting the challenge of construction, together with landscape, ecological and land drainage enhancements, thereby helping to raise the standards of design more generally"*. Underpinning the proposals are important landscape enhancement works that seek to conserve, restore and enhance the landscape and ecological value of the site and surrounding area through the long-term protection of existing landscape features and the creation of new landscape features and natural habitats and connectivity. These various aspects of the proposal are discussed in detail further in this report.

3.4 The design of the dwelling is said to draw on the character and local features of the site and its environs and proposes a tall stand alone 'chimney' feature which, it is argued, is a structure that is firmly rooted to the area where limekilns were once a common feature. The use of natural materials: Cotswold Stone and Cedar Shingles are also considered to be a reflection of distinctive local materials.

4.0 Policy Context

The Development Plan

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Tewkesbury Borough Local Plan to 2011 - March 2006

4.2 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. However, HOU4 is based on the now revoked Structure Plan housing numbers and for that reason is considered out of date in the context of the NPPF in so far as it relates to restricting the supply of housing. The policy is also out of date in this context because the Council cannot demonstrate a five year supply of deliverable housing sites.

4.3 Other relevant local plan policies are set out in the appropriate sections of this report.

Emerging Development Plan

4.4 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development.

4.5 The Joint Core Strategy (Submission Version November 2014) is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. This document, inter alia, sets out the preferred strategy to help meet the identified level of need. Policy SP2 of the Submission JCS sets out the overall level of development and approach to its distribution.

4.6 Within the rural areas of Tewkesbury Borough, 2,612 dwellings are proposed to be delivered in the plan period to 2031. Approximately two thirds of this rural development has already been committed through planning permissions already granted. The remainder of this requirement will be allocated at rural service centres and service villages through the Tewkesbury Borough Plan and neighbourhood plans.

4.7 Paragraph 216 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the 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 policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

4.8 The JCS is currently undergoing public examination.

National Policy/Guidance

4.9 The NPPF requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

4.10 The NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. One such special circumstance is considered to be where a development proposes a dwelling of **exceptional quality or innovative nature of design**. Such a design should:

- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- Reflect the highest standards of in architecture;
- Significantly enhance its immediate setting; and
- Be sensitive to the defining characteristics of the local area.

4.11 Section 7 of the NPPF also makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. In determining planning applications, great weight should be given to outstanding or innovate designs which help raise the standard of design more generally in the area.

4.12 Section 11 of the NPPF seeks to conserve and enhance the natural environment by protecting valued landscapes. It states that great weight should be given to conserving landscape and scenic beauty in National parks, the Broads, and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

4.13 In relation to ecological impacts, Section 11 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's contribution to halt the overall decline in biodiversity. Paragraph 118 highlights that proposed development on land within or outside a SSSI likely to have an adverse effect on a SSSI should not normally be permitted.

4.14 Section 4 of the NPPF refers to Promoting Sustainable Transport, and states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Plans and decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

5.0 Analysis

5.1 The main issues for consideration within this application are:

- Whether the proposal complies with the housing policies of the Development Plan; and if not, whether there are other material considerations that outweigh the conflict with those policies.
- The highway safety and accessibility implications of the development;
- The visual impact on the AONB;
- The impact on biodiversity and protected species and
- The impact upon archaeology and heritage assets

Principle of Development

5.2 As the proposed dwelling lies outside any defined Residential Development Boundary, and the proposal is not intended for a rural worker who needs to live on the site at all times, and does not seek to provide affordable housing, the development must be considered unacceptable in terms of Policy HOU4 and is thus contrary to the Development Plan. As explained above however, this policy is out of date and can therefore only be given weight depending on its consistency with the NPPF. Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances. The applicant is seeking to argue that special circumstances apply in this case on the grounds that its exceptional quality and innovative nature of its design meets the special circumstances as set out in the NPPF (refer paragraph 4.10 above).

'Exceptional Quality' argument

5.3 The NPPF sets out that *"planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."* It continues by stating that *"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."*

5.4 The submitted Design and Access Statement (DAS) sets out that a detailed site analysis that has been carried out to inform the eventual design. Both the site's topography and its landscape character have been taken into consideration and have informed the layout and design of the proposal, the aim being to utilise only the open 'glades' within the woodland for development to protect the existing woodland - considered a key facet of the design proposal. The submitted documentation understands that for designs to be considered original or innovative or exceptional they should be of a form and appearance that is different to that which already exists. Furthermore, having regard to the NPPF, proposals should respond to the cultural history and built and historic environment. In this regard the DAS notes that the site lies within reasonably close proximity to the Iron Age Hill Fort and adjacent to the Leckhampton Hill and Kings Common SSSI, centred upon the former limestone quarries. Key features of the area include the exposed limestone of the former quarries, the heavily wooded Escarpment, the Devil's Chimney (thought to be built by the quarrymen), the Iron Age Hill Fort and the limekilns that were used to produce lime, remnants of which remain.

5.5 The DAS explains that the central concept for the design and appearance of the house is the grouping together of a series of structures, utilising the site's natural topography and responding to its specific features and characteristics. The tallest part of the house takes the form of a (apparently standalone) 'chimney', which has a square rounded base and narrows in width up to an angled circular skylight window. The chimney would be approximately 11.7 metres tall at its highest point and its form and limestone construction is intended to reflect the industrial heritage of Leckhampton Hill to ensure that: ...*"the building would be firmly rooted to this site, to this part of Leckhampton Hill and to this part of the Cotswolds AONB"*.

5.6 The initial draft proposal was submitted to the Gloucestershire Design Review Panel who provide detailed feedback on schemes. In summary the Panel considered that although certain elements of the proposal needed to be described more fully before a final comment on the architectural merit of the scheme could be judged as outstanding, the proposal could be described as innovative through the progressive approach to sustainable design. More specifically, the Panel considered more worked up landscape details to demonstrate how the aspirations (described above) could be implemented. Some concerns were also expressed with regard to the height of the proposed chimney element and also the stone tiles proposed for the lower roof element which it was considered would have sat heavily on the lightweight structure underneath it. Further justification for the concept of 'limekilns' was requested. It was also considered that 3D images should be provided together with a detailed Landscape Assessment that would demonstrate how visible the proposal would be in the landscape.

5.7 The current application notes the Review Panel's comments and includes a number of response to them. A Landscape Assessment has been provided which assesses the site's visibility from distant and near views. A detailed Landscape Masterplan has also been provided together with a Tree Survey demonstrating how the Masterplan could be implemented. 3D photomontages have also been provided. These details are discussed in the sections below.

5.8 In terms of the justification for the limekiln chimney, the DAS points out that the wooded escarpment immediately to the east of the site still contains vestiges of the former limestone quarries along the escarpment, including exposed limestone, limekilns and that part of its defining characteristics include the dominance of Cotswold stone as a local building material (buildings and walls and hardstanding) but also the historic Iron Age Hill and round barrow. It is the case that some ruined kilns have very recently undergone restoration (funded by Cheltenham, Borough Council) on Leckhampton Hill within a few hundred metres of the site. The applicants supporting documentation also includes some historic photographs of the industrial heritage of Leckhampton which clearly establish a local link to the cultural and historic industrial past of the area.

5.9 The height of the proposed 'chimney' would be 11.7m, which would be taller than most two storey dwellings. The applicant recognises the concerns of the Panel (regarding height) and the supporting documentation and Landscape Assessment indicate that due to the site topography and existing trees, views of the site would be limited to glimpsed views from the road and Public Right of Way (PROW) above. From the road, the chimney would be seen (where views are available) with the heavily wooded escarpment as a backdrop. The PROW to the rear occupies an elevated position above the site and the submitted details indicate that from those locations the chimney feature would not appear overly dominant.

5.10 The tiles of the secondary roof structure have been amended to cedar shingles which the applicant considers to have overcome the concerns about it appearing as a heavy structure. The DAS argues that cedar shingles would give the roof a much lighter appearance and one that would ...*float over the largely glazed area which wraps around the first floor element*, reflecting the nature of the tree canopies of the surrounding woodland ensuring that the two storey element would sit well with the heavier limestone chimney structure. The roof's double conical structure allows for two sun catchers that would allow daylight and direct sunlight for the benefit of the internal living spaces within the house. The roof of the flat roofed garage element would be a living roof which would vary in colour depending on the season. This would be separated from an area of wooden decking by a curved Cotswold Stone wall. The remainder of the ground floor element of the building would be clad with vertical timber cladding. The applicant therefore considers that rather than imposing itself on the landscape, the proposed dwelling would *"inhabit the landscape and would nestle into the escarpment without harming the integrity of the woodland"*. The applicants conclude that the proposed development has been purposely designed to meet the government's objectives for achieving a step change in the quality of design for all development and in accordance with the aspirations of the NPPF set out at paragraph 55(4).

Sustainability and Innovation

5.11 The DAS sets out that the architect built his own house of exceptional quality and design ('Crossway Passive House') in the countryside of Kent in 2009 under the policy provision of paragraphs 10 and 11 of PPS7 as it then stood. The Crossway Passive House has incorporated an array of monitoring systems that, in collaboration with Cambridge University, monitor various aspects of building physics, lifestyle and resource consumption. The data obtained over the past six years, and which continues to be collected, provides the Architecture with a truly unique and valuable evidence base from which they are able to innovate. The DAS continues by stating that underpinning the exceptional quality of the design of the proposed development are a series of innovative low carbon energy strategies that relate specifically to the site characteristics and the opportunities presented therein which, it is argued, have not been implemented in the proposed form in any building anywhere in the country.

5.12 The initial objective is to reduce the amount of energy the building needs in the first instance. This 'fabric first' approach would provide for extremely well insulated walls and triple glazed argon filled windows. Effective insulation would similar be used for the replacement 'eco' concrete floors and for the roof panel system. Having made the building envelope as efficient as possible, the sustainable energy strategy then moved to the consideration of how the energy needs of the house could be generated on-site, taking account of localised climatic conditions and landscape features. Based on experience at the Crossway Passive House the architect has established that energy production and demand varies from day to night and from summer to winter. The challenge therefore is to maximise efficiency at all times. This requires effective energy storage systems.

5.13 In terms of 'heating' it is proposed to utilise wood from the managed woodlands within the application site which it is estimated could provide for up-to 63% of the annual energy requirement. The shortfall would be made up by wood pellets supplied to the 'Froing' dual log / pellet boiler. A log burning stove with a top burner would also be used and mechanical ventilation that would ensure all fresh air entering the house would be warmed up beforehand. Any excess heat from the system would be transferred to a 'Phase Change Thermal Store' which uses Paraffin Wax Balls to provide Latent heat storage that it is argued has the hot water storage capacity of 10 average houses. An extensive network of underfloor heating would utilise the hot water to heat the house when required.

5.14 In terms of 'power' the architect argues that he is proposing a bespoke renewable energy system comprising an array of 24 Photovoltaic 250W mono black panels positioned within the south-facing garden to harness solar energy. A "*pioneering innovative battery control system*" which stores on site generated DC electricity during daylight hours and uses it during the evening hours would be used thereby dramatically improving the buildings independence from the National Grid and minimising the need for grid electricity. We are informed that first installation of this system is being trialled at Crossway Passive House with the results being examined by Cambridge University as part of their ongoing collaborative empirical research. The proposals also include an 'ImmerSUN' unit, which monitors the electricity, which is generated by the PV panels about to be exported to the grid and delivers it to the immersion heater in the heat store helping to reduce the amount of logs and pellets used in the boiler,

5.15 The drainage and water strategy for the development also forms part of the overall innovative, self-sufficient approach. Using the system, mains water would be heated by the heat store and used in showers and baths. The wastewater would then be collected by a 'Reaqua' unit, which filters and treats the water for use in flushing toilets, which also recycles the heat from the waste (grey) water and transfers it to the heat store. The solid waste from the toilets would be transferred into an 'Aquatron' System where approximately 98% of the liquid fraction is separated by using the momentum of the flushing water, centrifugal force and gravity. Solid waste falls down into a bio chamber where it is composted. The composting process is free from odour. The resultant liquid proceeds to the UV unit where it is exposed to Ultra Violet (UV) light, which kills the bacteria. In this case, the liquid (foul water) is treated by a packaged water treatment plant prior to its transportation to a 3,000 litre rainwater harvester for reuse. A rainwater harvester would also collect surface water to maximise water efficiency. The resultant potable water could be used to irrigate the produce (outdoor kitchen garden) area and the proposed drainage basin providing ecological and biodiversity benefits. The solid waste, once treated, would form a rich compost which (it is suggested) would be perfectly suited to growing fruit and vegetables.

5.16 In concluding on design and innovation, Officers consider that the current proposal has responded well to the concerns of the Gloucestershire Design Panel, both in terms of the revisions made and the further justification that was required. It is acknowledged that the question of outstanding design is a subjective judgement, however on balance, having regard to the four bullet points to paragraph 55 of the NPPF (see above) it is concluded that the proposed design does represent a form of development which is considered to be truly outstanding, reflecting the highest standards of in architecture and would help to raise standards of design more generally in rural areas. The proposal would incorporate elements of innovative energy technology that has not been used before in this combination, certainly not in the local area. The rationale for the design is considered to demonstrate how the dwelling would be sensitive to the defining characteristics of the local area and subject to the proposal in all its aspects being delivered in accordance with the submitted details, could significantly enhance the immediate setting.

Landscape Impact

5.17 Section 11 of the NPPF seeks to conserve and enhance the natural environment by protecting valued landscapes. It states that great weight should be given to conserving landscape and scenic beauty in National parks, the Broads, and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Cotswolds Conservation Board

5.18 The Cotswolds Conservation Board have commented on the application and object commenting that they do not consider there are any exceptional circumstances in this case that meet with the tests of Paragraph 55 of the NPPF that would overcome and take preference above the protections afforded to the AONB and to protection of the countryside generally from sporadic housing development. The Board argue that the existing buildings on-site are low-key and rural and that irrespective of the design of the proposed house and whether mature landscaping can be protected from being removed, the character of the site would clearly change to one of a developed residential property in a location where there is not one at the moment. Therefore in terms of assessing whether this proposal "conserves and enhances" the character and special qualities of the AONB, the Board consider that the addition of a new dwelling in this location would result in a negative impact on the AONB and therefore the proposal would not "significantly enhance its immediate setting".

5.19 A Landscape Assessment (LA) has been submitted with the application which undertakes a visual assessment of the site from 5 locations of varying distance from the outside the site both below and above from the escarpment, and a further 20 views from close proximity to the site taken from the public right of way which runs along the eastern boundary, and the road to the western boundary. In terms of the landscape impacts, the LA demonstrates that from distant viewpoints the proposed new dwelling would not be readily perceptible as a result of the existing vegetation and site topography. There would however be views available from the site entrance and from the adjacent PROW, more so the winter months when trees were without leaves allowing filtered views.

5.20 It is true to say that although there site is previously developed and contains a number of buildings; those buildings are low-key and have a limited impact on the character of the AONB in this location. The introduction of a large new dwelling and all the associated paraphernalia that would be associated with it would inevitably have a materially greater impact and, notwithstanding the proposed design, would serve to domesticate the appearance of the site. However, it is also the case that, as set out above, large dwellings set in large plots are a characteristic feature of the immediate locality with dwellings located both to the north and south of the site and also immediately opposite the site's frontage. In this sense, the proposed dwelling (and its residential curtilage) would not appear as an isolated intrusion into undeveloped open countryside, but would be considered more as infill development between existing residential development. It is also the case that proposed landscape/ecological strategy proposes the retention of the trees within the site and also proposes the introduction of new woodland and understorey tree planting that would enhance and bolster the existing vegetation providing increased screening. As a consequence, the site would be well contained with opportunities for residential paraphernalia being limited to small well-contained and screened areas within the site. A condition removing permitted development rights for extensions and outbuildings would further limit opportunities for further domestication. A condition would also be needed requiring the provision of a detailed landscape and ecological management plan to ensure the proposals were fully implemented.

5.21 Overall, it is not considered that the proposal would result in a prominent form of development within the landscape with views of the site being limited to those from locations immediately adjacent to the site during the winter months. Even from those viewpoints, the proposal would not appear as an isolated intrusive development. Given the quality of the proposed design and its deliberate links to the cultural and historic industrial past of the area, on balance it is considered that the impact of the proposal on the AONB would not be harmful and the proposal would enhance the immediate setting of the area.

Sustainable Transport and Highway Safety

5.22 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 32 specifically requires safe and suitable access to all development sites for all people. Policy TPT1 of the Local Plan requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided.

Accessibility

5.23 The site is located some distance from Leckhampton up a steeply sloping hill which would not encourage either walking or cycling to access services and facilities there. There is a bus stop located on 'Leckhampton Hill' within approximately 30m of the site entrance that would provide very convenient access to the centre of Cheltenham. However, it is likely that residents would utilise the car to access day to day facilities and services. However, on the basis that the proposal would qualify as being of exceptional quality or innovative design, the benefits would outweigh any harm associated with the inaccessible location of the dwelling.

Highway Safety

5.24 The application proposes to use the existing gated access located at the north western corner of the site. Plans have been submitted with the application which demonstrates that visibility splays (with a 2m set-back from the carriageway) of 120m can be achieved in both directions from the access. The County Highway Authority (CHA) have been consulted on the application and note that Leckhampton Hill is an unlit single carriageway road subject to the national 60mph speed limit with a narrow footway located on the west side of the road. It is noted that the site access is gated but has sufficient space in front of the gates for a car to be clear of the carriageway whilst waiting for the gates to open or close. The site is considered large enough to accommodate the likely parking demand for a residential dwelling. The CHA note that the lawful use of the site includes the keeping of horses which generates more or the same number of trips than a residential dwelling. On the basis of the above, the CHA raise no highway objection.

Flood Risk and Drainage

5.25 The NPPF aims to direct development away from areas at highest risk. Development itself should be safe and should not increase flood risk elsewhere. Policy EVT5 reflects this advice and Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SuDS) criteria.

5.26 The proposed development is in Flood Zone 1, and occupies an area less than 1 hectare and no flood risk assessment is required in support of the application. However, a sustainable surface and foul water system forms part of the overall 'package' of environmental proposals which make up the proposal, details of which have been provided. The approach is to minimise the need for and maximise the use of water, form part of the overall innovative strategy (as described above in paragraph 5.16). Clearly the proposed drainage strategy has the potential to provide environmental benefits that would add to the sustainability credentials of the proposal. Subject to a condition requiring details of drainage design to be submitted to and agreed with the Local Planning Authority, there are no objections to the proposal in this regard.

5.27 Severn Trent have been consulted on the application and raise no objection to the scheme.

Ecology and Nature Conservation

5.28 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. Furthermore, planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals.

5.29 The application is supported by an Ecological Appraisal which assesses the ecological impact of the proposed development. The Appraisal considers that most valuable ecological resource at the site is the mature beech woodland, which is contiguous with the Leckhampton Hill and Charlton Kings Common SSSI at the site's eastern boundary, which would be retained and enhanced through removal of non-native understorey species. In terms of habitats, it is argued that the development would affect habitats of little inherent value. Furthermore, no evidence of protected species were identified during the appraisal, and owing to the nature of the proposals and habitats affected, no requirement for further detailed surveys was identified. The Assessment recommends that precautionary measures are adhered to during construction to avoid harm to nesting birds and reptiles that might be present in low numbers. Trees should also be checked for bats prior to works, though no obvious potential roost sites were identified. The assessment concludes that through better management of retained habitats and creation of new ones, including within the built development, opportunities for fauna should be improved. A condition is recommended requiring appropriate Mitigation Measures.

5.30 Natural England have been consulted and have confirmed that provided the development is carried out in accordance with the submitted details and construction methods, it would not damage or destroy the interest features for which the site has been notified and that the SSSI does not represent a constraint in determining the application. Standing advice is offered with regard to protected species.

5.31 Having regard to the above, appropriate survey work has been carried and suitable mitigation has been proposed which could be secured through the imposition of an appropriately worded planning condition. The development as proposed would not have a detrimental impact upon protected species and the proposed development is considered to accord with Policy NCN7 of the Local Plan and the aims and objectives of the NPPF.

Archaeology and Cultural Heritage

5.32 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires Authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest which it processes. The NPPF sets out that great weight should be given to the conservation of heritage assets. 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.

5.33 The application has been supported by an archaeological desk-based assessment which concludes that the site has negligible potential for archaeological remains of Roman, Saxon and Medieval date. It is considered that the potential for Prehistoric, Post-medieval and Modern archaeology is also listed as low, based on a consideration of the proximity of archaeological remains of this date and the likelihood that any remains which did exist have not survived the quarrying activity. The County Archaeologist has assessed the applicants desk based assessment and agrees with its conclusions and therefore recommends that no further archaeological investigation or recording need be undertaken in connection with the scheme.

5.34 Historic England (HE) have also been consulted due to the site's proximity to the scheduled Hill Fort of Leckhampton Camp and tumulus. HE note that the application site lies close to the base of the escarpment and falls within potential views from the hill fort. However, it is noted that site is currently screened by mature tree growth which hides the modern buildings. Furthermore, that the new building would also be hidden with the building deliberately designed to match in with the landscape. Subject to the retention of the trees HE conclude that proposed new dwelling and its landscaping would not impact on the significance of the hill fort. Whilst the dwelling may be visible from the hill fort at certain times of the year and from certain locations, HE consider that it would not be visible in the key views out or within the cleared zone around the ramparts. HE therefore conclude that in the context of paragraph 132 of the NPPF, the development would not cause harm to the significance of the monument and therefore we have no objection to this application.

5.35 The Council's Conservation Officer (CO) has also assessed the application and notes that historic map evidence shows that the only pre C20 building in the vicinity is Beech Crest (originally Firsbrake), within whose historic curtilage the application site falls. The CO considers that the impact of the proposal on the historic built environment would be minimal and raises no objections to the application.

Other Issues

5.36 Whilst concern has been raised regarding the proposed development setting precedent for other developments in similar locations, each application must be assessed on their own merits.

6.0 Conclusion

6.1 In light of the above, it is considered that the proposal represents a development of outstanding innovative design. It is considered that the proposal complies with the four tests in the last bullet point to paragraph 55 of the NPPF. It is also concluded that the proposal would not unduly impact on the landscape character of the AONB and the proposed landscape enhancement measures would enhance the sites immediate setting. The application is therefore recommended for Permit

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans and methodologies contained within document 101_DO PN_3020 dated April 2015 and its supporting documentation submitted with the application.
- 3 Notwithstanding the submitted details, no development shall take place until samples of all external facing and roofing materials has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples.
- 4 Notwithstanding the provisions of Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development shall take place other than that expressly authorised by this permission.
- 5 Notwithstanding the submitted details, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials; planting plans, specifications and schedules and details of tree and hedgerow protection for existing planting, to be retained, in accordance with BS 5837: Trees in relation to construction. All approved tree and hedge protection measures shall be in place prior to the commencement of the development shall be retained thereafter until the development is complete. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.
- 6 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas that follows the principles set out within document 101_DO PN_3020 (dated April 2015) shall be submitted to and approved by the LPA before the dwelling is occupied. The landscape management plan shall be carried out as approved.
- 7 Prior to the first occupation of the dwelling hereby permitted, an External Lighting Strategy shall be submitted to and approved in writing by the local planning authority, and development shall be carried out in accordance with the approved details. Thereafter no external lights shall be installed on the dwellings or anywhere else within the appeal site otherwise than in accordance with the approved External Lighting Strategy, unless the written approval of the local planning authority has first been obtained.

- 8 Development is not to begin until comprehensive evidence based detailed drainage design, including a SuDS/drainage management plan, have been submitted and approved by the authority. These should fully incorporate the principles of sustainable drainage and improvement in water quality, along with a robust assessment of the hydrological influences of the detailed drainage plan, including allowances for climate change. The scheme to subsequently be implemented in accordance with the approved details before the development is finished and put into use, and subsequently maintained to the required standard.
- 9 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Ecological Appraisal report and the submitted Badger Survey both dated December 2014.
- 10 No development shall take place until details of existing and proposed ground levels and ground floor slab levels of the buildings hereby permitted, relative to Ordnance Datum Newlyn, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To define the extent of the permission for avoidance of doubt.
- 3 To ensure that the external appearance of the building is satisfactory.
- 4 In the interests of visual amenity and the character of the area.
- 5 To ensure that the appearance of the development is satisfactory.
- 6 In the interest of the amenity of the area.
- 7 In the interest of the amenity of the area.
- 8 To ensure that the development is provided with a satisfactory means of drainage; as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution, all in accordance with the saved policies and NPPF guidance.
- 9 To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 10 In the interests of visual amenity and the character of the area.

Note:

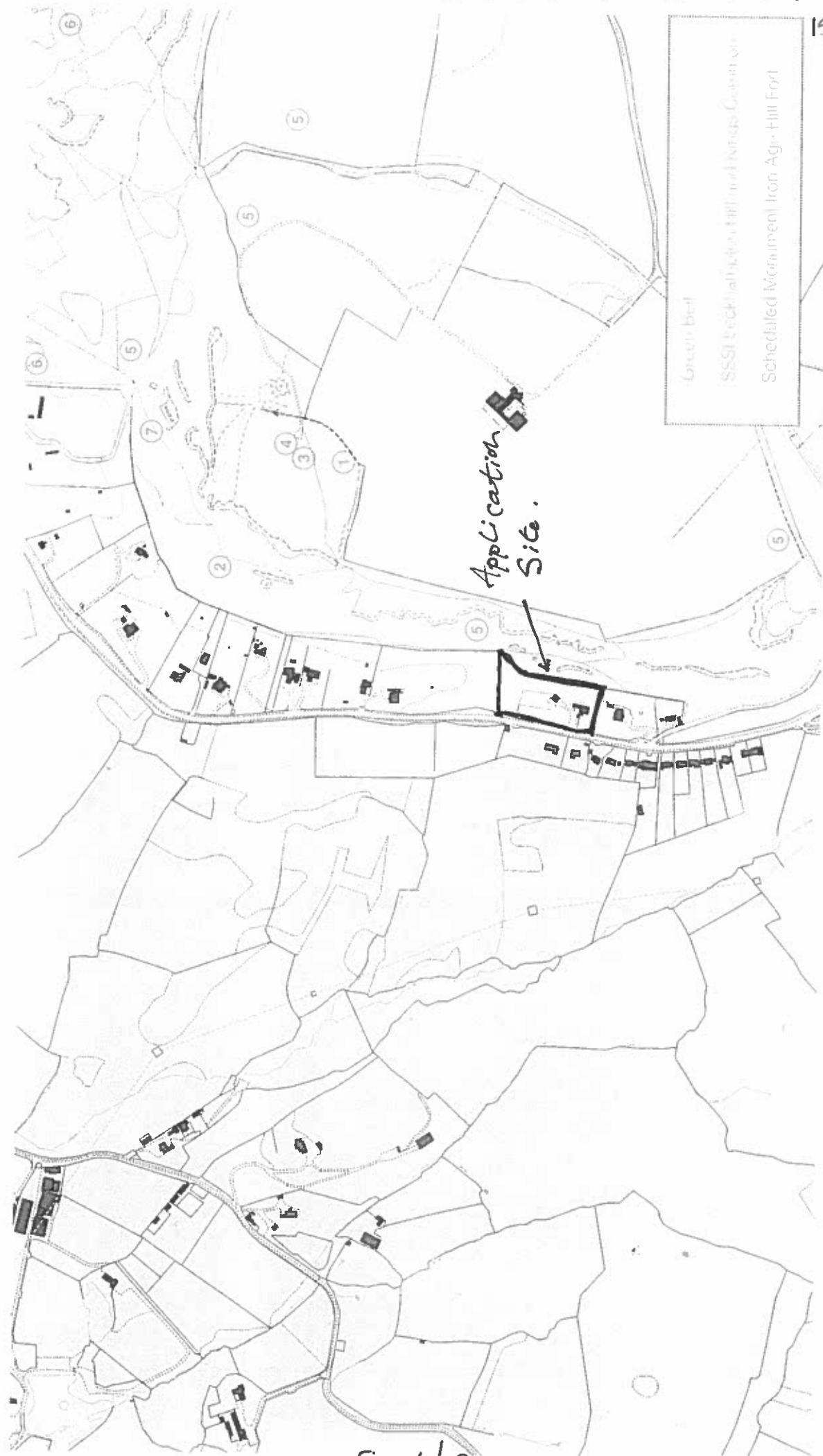
1 Statement of Positive and Proactive Engagement

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

LECKHAMPTON HILL LAND DESIGNATIONS

LANDSCAPE VISUAL APPRAISAL

101 194 PL 2006 A



Green belt
SSSI Leckhampton Hill and Kings Cleeve on
Scheduled Monument Iron Age Hill Fort

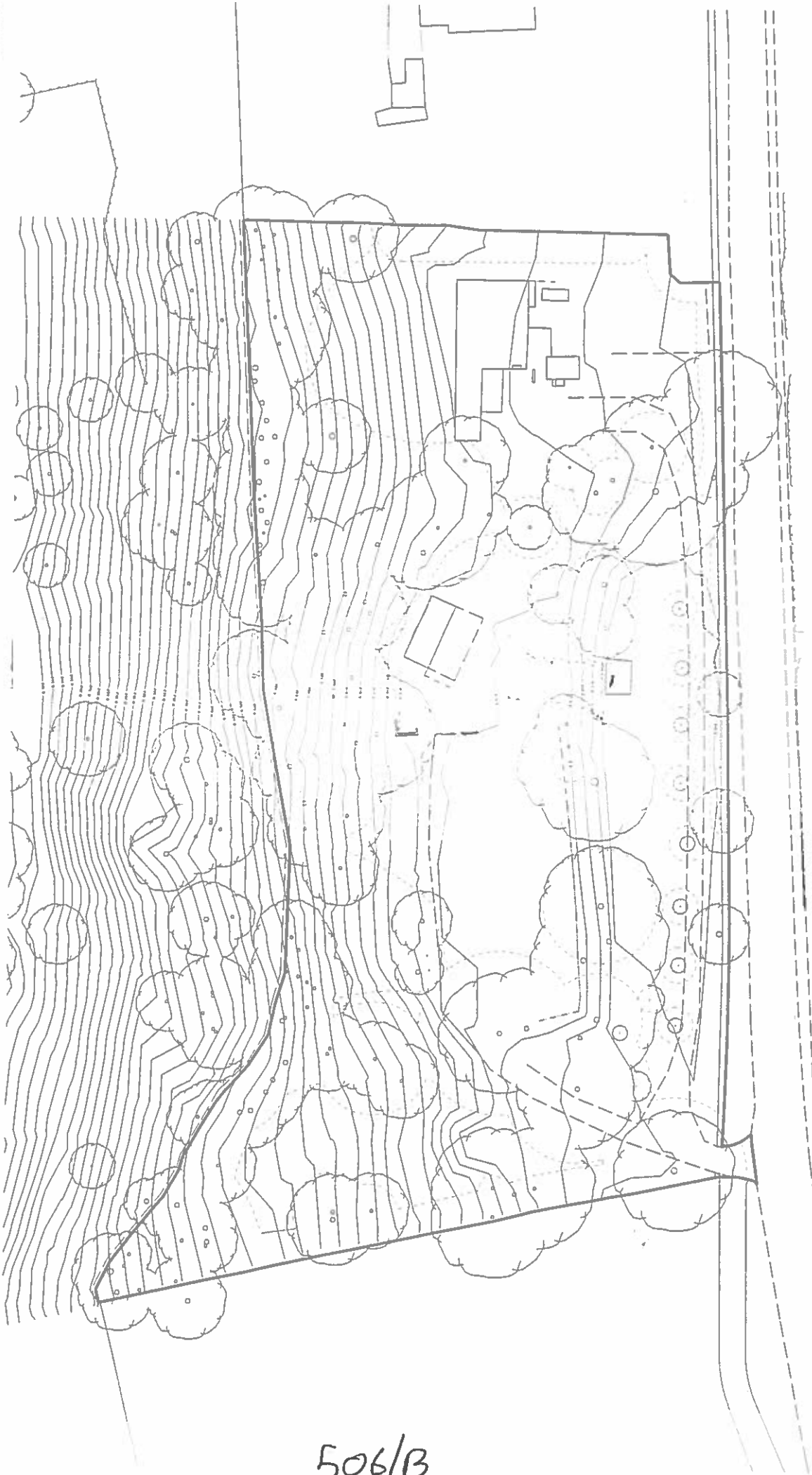
Application Site

15/00443/FUL

506/A

Scale 1:10,000
North arrow





506/B

Scale 1" = 40' or A3



HUGHES PLANNING
CHARTERED PROFESSIONAL ARCHITECTS

SQUIRES YOUNG
LANDSCAPE ARCHITECTURE

HAWKES
ARCHITECTURE

Valid 15.06.2015
 Grid Ref 398276 227192
 Parish Woodmancote
 Ward Cleeve Hill

Proposed detached double garage.

Mr Paul Keegan
 Hillside Cottage
 Stonewall Lane
 Woodmancote
 Cheltenham
 Gloucestershire

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework
 Planning Practice Guidance
 Tewkesbury Borough Local Plan to 2011 - Policy HOU8
 Joint Core Strategy Submission Version November 2014
 Cotswold Area of Outstanding Natural Beauty (AONB)

Consultations and Representations

Councillor Dean has requested this application to be determined at Planning Committee to assess the impact of the proposal on the Cotswold AONB.

Woodmancote Parish Council - No objection to the revised application 7 - 1. However, the altered drive is subject to an enforcement order (tarmac), this should be checked and approved/refused. There are no details of the new drive and the surface. Whilst we approve the reduced garage we would be concerned if a non-porous surface is permitted given the problems with surface water drainage on the lane.

Public Representations - No representations received.

Planning Officers Comments: Mrs Helen Stocks

1.0 Application Site

1.1 The application relates to Hillside Cottage, a two-storey detached dwelling located along Stockwell Lane on the fringes of Woodmancote, near to Cleeve Hill, and within the Cotswold Area of Outstanding Natural Beauty (AONB).

1.2 The main dwelling is constructed from reconstituted stone although there is a modern two storey extension which has rendered walls and a stone plinth. It is set within a large garden in an elevated position and is accessed via a steep driveway on the north side of Stockwell Lane. There is mature vegetation along the north and east boundaries of the application site which screens the property from public vantage points. The application site is also located within 50 metres of a Grade II Listed Building (Whistling Down Cottage) which lies beyond the northern boundary.

2.0 Planning History

2.1 There is considerable planning history to the site. Permission was originally granted in 1984 for a replacement dwelling. Planning permission was refused in 1992 for the erection of a detached garage (ref: 91/96438/FUL) on grounds that it would represented an inappropriate and unwarranted feature which would be detrimental to the visual, character and environmental amenities of the attractive rural landscape.

2.2 Planning permission was granted in 2012 for a two storey side extension to the main dwelling (ref: 12/01022/FUL). This permission has been implemented.

2.3 Aside from the current application, various works have taken place on site over recent months without the benefit of planning permission. Significant engineering works have taken place to re-landscape the front garden, with the creation of terraced levels, large retaining walls and a large pond. The existing access track has been re-surfaced and works have commenced on a side extension to the main dwelling, which also comprises a lower ground level to provide additional storage space. These works have been subject to an on-going enforcement case (ref: 15/00132/ENFC) although an application for planning permission has recently been submitted for the unlawful works (ref: 15/01186/FUL).

3.0 Current Application

3.1 The current application seeks planning permission for the erection of a detached double garage which would be sited in the north-east corner of the application site to the rear of the main dwelling. The proposed garage would replace an existing garage/out-building which was no longer considered fit for purpose.

3.2 The proposal has been subject to a number of revisions and the overall size and height of the proposed garage has been reduced following initial concerns raised by Planning Officers. The initial proposal included a games room at first floor level and large decking area, with the proposed garage having a footprint of 76.5 square metres (sqm) and eaves and ridge height of 2.3 metres and 7.2 metres respectively.

3.3 The revised scheme has sought to address concerns by removing the first floor games room and reducing the ridge height to 5.2 metres. The total footprint of the proposed garage has also been reduced to approximately 64.8sqm. External materials would comprise rendered blockwork, with stone quoins and roof tiles to match to existing dwelling.

4.0 Policy Context

4.1 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. It states good design is a key aspect of sustainable development and is indivisible from good planning.

4.2 Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 namely relates to domestic extensions but the reasoned justification explains this policy will also be applicable to garages and outbuildings. Policy HOU8 is supportive of development provided that the proposals respect the character, scale and proportions of the existing dwelling and the character and appearance of surrounding development. It stipulates that development should be of a suitable design and materials and should not harm the residential amenity of nearby property, in terms of bulk, massing, size and overlooking. It also requires that proposals do not result in inadequate car parking or manoeuvring space.

4.3 Policy HOU8 is considered to be consistent with the National Planning Policy Framework (NPPF) and should therefore be afforded full weight when determining this application in accordance with Paragraph 215 of Annex 1 of the NPPF.

4.4 The application site is also located within the Cotswolds AONB where special attention will be given to conserving the landscape in accordance with Section 11 of the NPPF. One of the core planning principles of the NPPF is to preserve the intrinsic character and beauty of the countryside. This is also reflected in Policy SD8 of the emerging Joint Core Strategy (JCS).

5.0 Analysis

5.1 The main issues for consideration in the determination of the application are the size, scale and design of the proposal and its impact on the visual amenity of the Cotswold AONB.

Size, Scale and Design

5.3 The initial proposal was for the erection of a large detached double garage with a games room above. It would have had a footprint of 76.5sqm and a ridge height of 7.2 metres (**see attached plans**). Having reviewed the submitted plans, Officers considered that the size and design of the initial proposal was unacceptable and contrary to Policy HOU8 of the Local Plan on grounds that it would fail to respect the character, scale and proportion of the existing dwelling. The ridge line of the proposed garage would not have been dissimilar to that of the main dwelling and overall size of the proposal could not be considered a proportionate addition to the property.

5.4 In light of the above, revised plans were submitted which sought to overcome those concerns raised by Planning Officers. The design of the proposed garage was substantially altered and the first floor games room was omitted from the proposal in order to reduce the ridge height of the building (see attached plans). The revised scheme is deemed to be a significant improvement which has reduced the bulk and mass of the proposed garage. Although the footprint (circa. 64.8sqm) still seems large for a detached double garage, it is understood that the applicant requires storage space for the parking of two vehicles and a trailer and also requires a small utility area as such provision cannot be accommodated within the main dwelling.

5.5 The Parish Council raised an objection to the original scheme but have indicated that they are satisfied with the revised scheme and support the proposed detached double garage. Furthermore, the revisions are considered to satisfactorily address previous concerns raised by Planning Officers and the proposed garage is deemed to be of an acceptable size, scale and design and would appear as a proportionate addition to the existing dwelling. Due to the siting of the proposed garage to the rear of the existing dwelling, there are not considered to be any issues relating to residential amenity and the proposal would have no undue impact on nearby properties. For these reasons, the revised scheme is considered to accord with the requirements of Policy HOU8 of the Local Plan to 2011.

Visual impact on Cotswold AONB

5.6 Section 11 of the NPPF sets out that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

5.7 The proposed garage would be located within the residential curtilage of the existing dwelling which lies in the Cotswold AONB. The proposed garage would be sited in the same location as the previous garage but would occupy a much larger footprint. It would be set behind the rear elevation of the existing dwelling, in the north-east corner of the application site, and would be screened by existing mature vegetation. The proposed garage would be built into the grass banking and would not be visible from public rights of way (PRoWs) to the west of the application site. Although there are on-going works at the application site which have significantly altered the appearance of the property and associated curtilage, the proposed garage would not be sited in a prominent position and is not considered to have an undue impact on the landscape and scenic beauty of the Cotswold AONB.

Other Matters

5.8 There is a Grade II Listed Building (Whistling Down Cottage) which is located approximately 40 metres the north of the application site. There is mature tree planting along the north boundary which separates the two properties and screens the proposed garage from view. As such, it is not considered that the proposal would have a harmful impact on the setting of the Listed Building.

5.9 The Parish Council has raised concerns regarding the surfacing materials of the driveway which has been altered as part of the on-going works at the application site. However, this is being dealt with as a separate matter and is not considered as part of the current application.

6.0 Conclusion

6.1 Following the submission of amended plans, the proposed detached double garage is considered acceptable and would respect the character, scale and proportion of the existing dwelling. It is positioned to the rear of the existing property and would be screened from public vantage points by mature vegetation. The proposal is not considered to harm the character and appearance of the Cotswold AONB or impact on the setting of the nearby Grade II Listed Building. For these reasons, the proposal is deemed to comply with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 and Sections 7 and 11 of the National Planning Policy Framework. The application is therefore recommended for permit.

RECOMMENDATION Permit

Conditions:

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 2.1 Rev C, 2.2 Rev C, 2.10 Rev E and 2.20-2.23 Rev E, received by the Local Planning Authority on 28 September 2015.
- 3 The external materials of the proposed detached double garage shall comprise render with stone quoins and stone tiles to match the existing dwelling.
- 4 The development hereby permitted shall only be used in conjunction with and as ancillary to the residential enjoyment of the adjoining dwellinghouse known as Hillside Cottage.

Reasons:

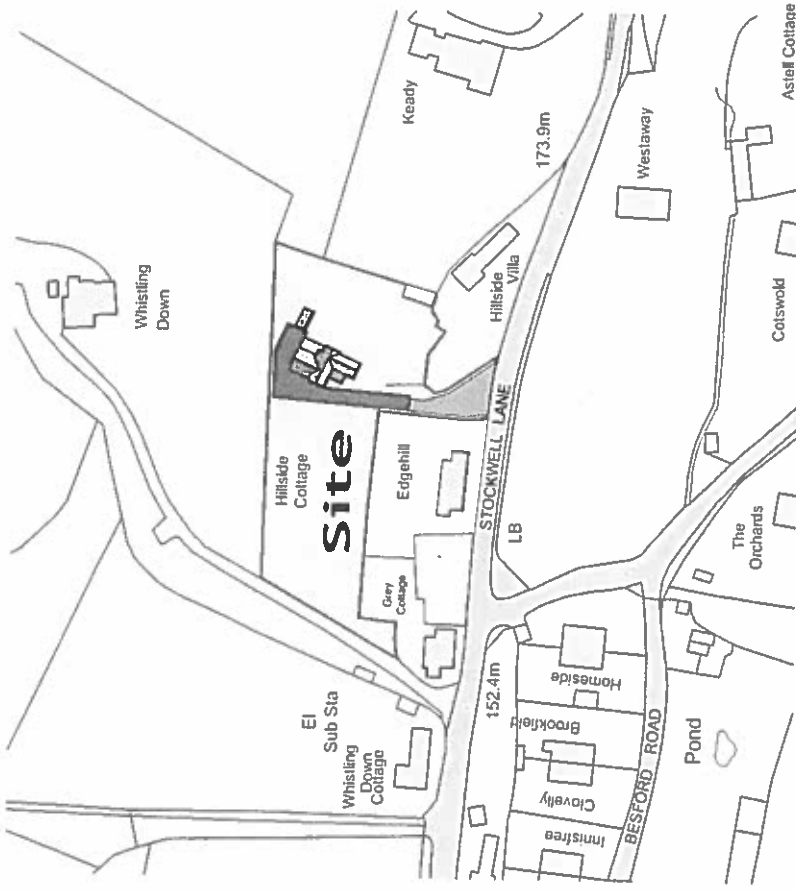
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the extension is in keeping with the existing building in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 4 The site is unacceptable for general residential use by reason of its location outside any recognised settlement allocated for residential development and poor relationship with the main dwelling (Hillside Cottage) in accordance with Policies HOU4 and HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Note:

1 **Statement of Positive and Proactive Engagement**

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

15/00680/FUL



Linear Scale 1/1250



Metropolis House, 49 George Street,
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03333 209966
mail@archi-tekton.co.uk
archi-tekton.co.uk

Client
Mr. and Mrs. P Keegan
Hillsklo Cottage, Stockwell Lane,
Woodmancote, GL523PU

Birmingham Cardiff London

Project
Proposed Garage and Games Room
Hillsklo Cottage, Stockwell Lane,
Woodmancote, GL52 3PU

Project Number
AT 201505061200 dpp

Drawing Title
Existing
Site Location Plan
Based on Promap

Drawing Number
1.1

Rev
B

Scale
1:1250 @ A3

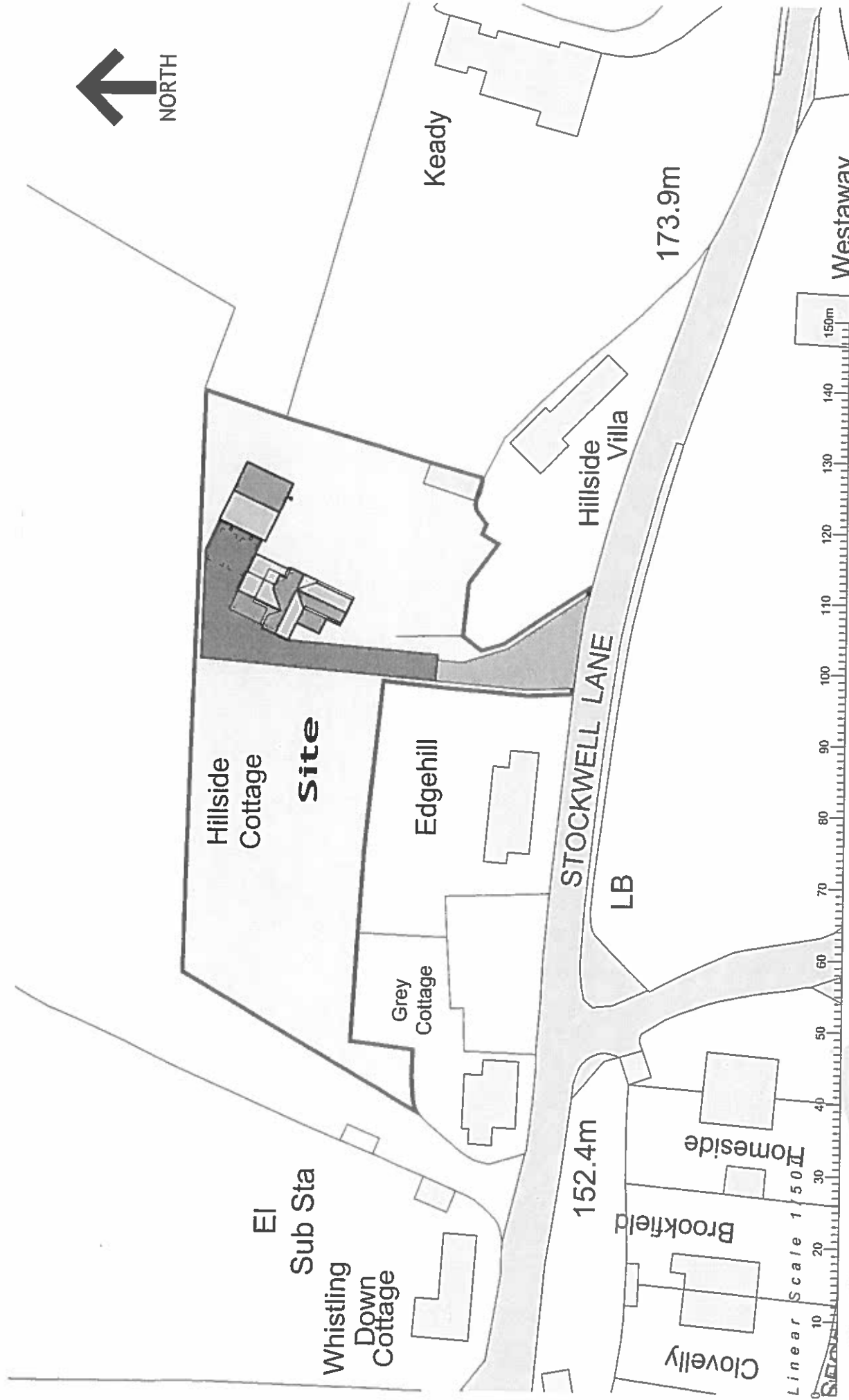
Drawn
Daryn Parfitt

Date
May 2015

Checked
Daryn Parfitt

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510/A



B/10/15



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Client
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Woodmancote, GL52 3PU

Birmingham Cardiff London

Project
Proposed Garage and Games Room
Hillside Cottage, Stockwell Lane,
Woodmancote, GL52 3PU

Project Number
AT 201505061200 dpp

Drawing Title
Proposed
Site Layout Plan
Based on Promop

Drawing Number
Z.2

Rev
C

Scale
1:500 @ A3

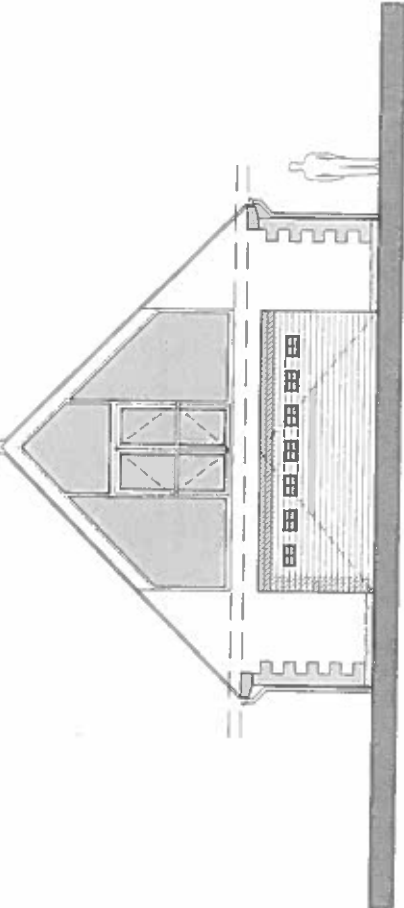
Date
June 2015

Drawn
Daryn Parfitt

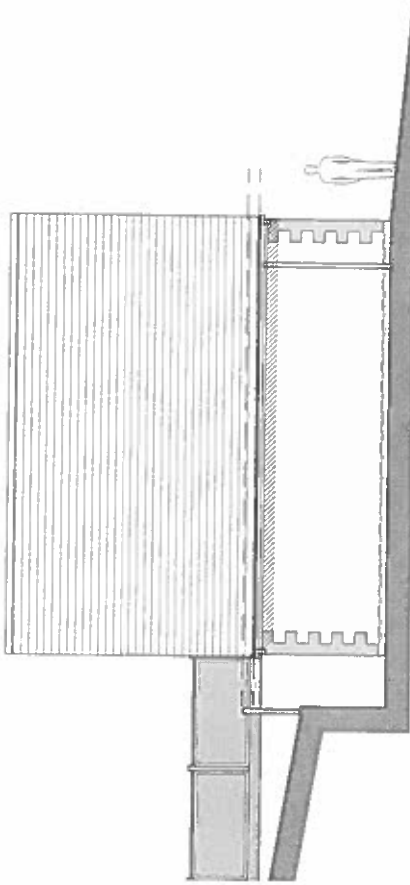
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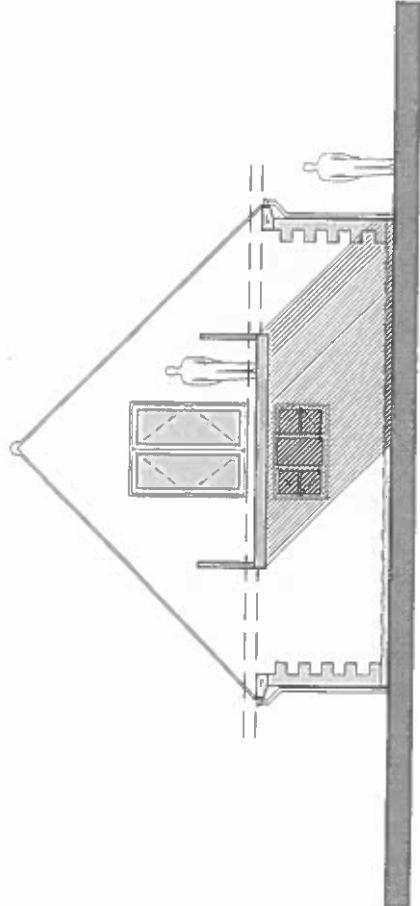
original scheme



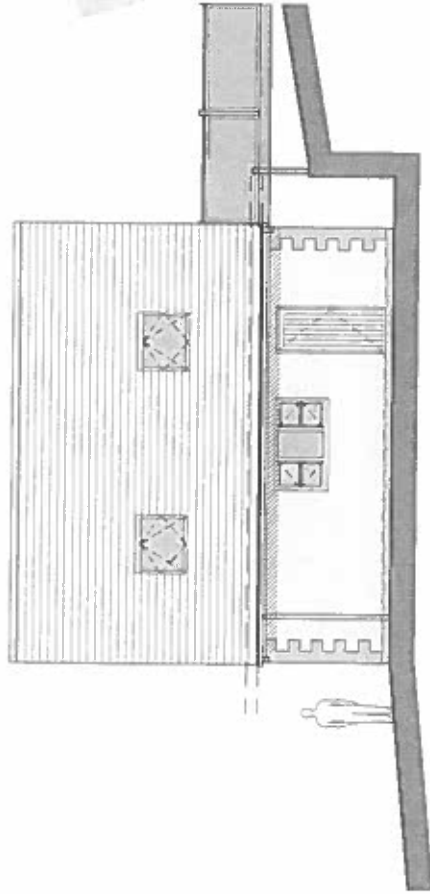
2.20 Front Elevation



2.21 Left Hand Side Elevation



2.22 Rear Elevation



2.23 Right Hand Side Elevation

Garage with Games Room Over
Games Room 45.5 sqm (541 sq ft)
Garage 48.6 sqm (527 sq ft)

Architect
archi tekton
Land Architecture
Project Management
Procurement
3D Printing
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Birmingham, B3 1QA
03333 309966
mail@archi-tekton.co.uk
archi-tekton.co.uk
Birmingham Cardiff London

Project Title
Proposed Garage and Games Room
Hillside Cottage, Stonewall Lane,
Woodmancote, GL52 3PU

Drawn
1:50 @ A1
1:120 @ A2

Client
Daryn Parfitt

Date
May 2015

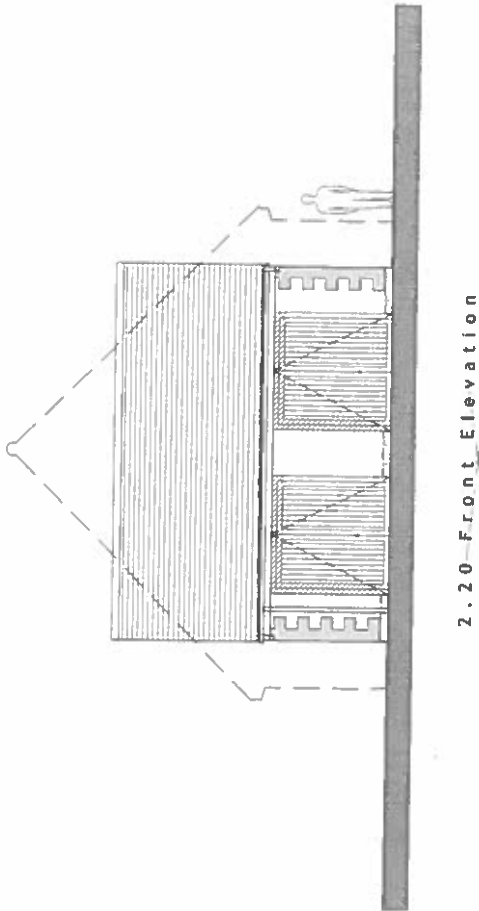
Project Number
AT 201505061200 dbp

Revision
2.20 - 2.23

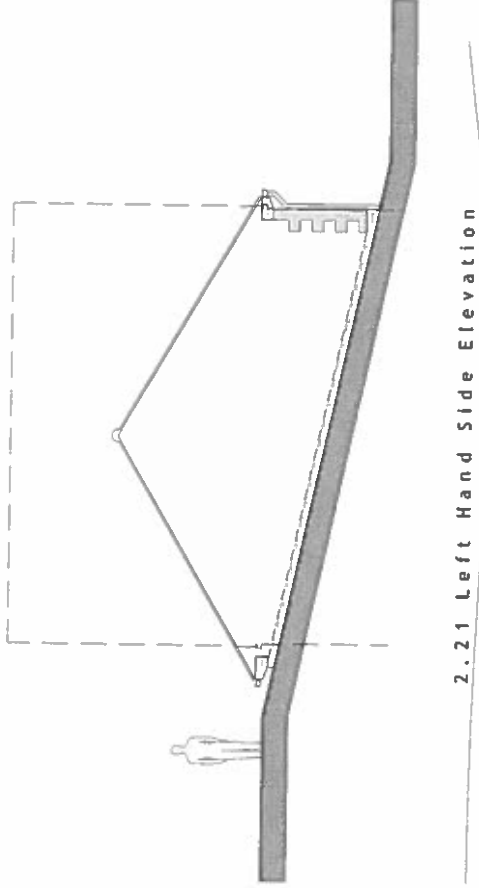
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510/1

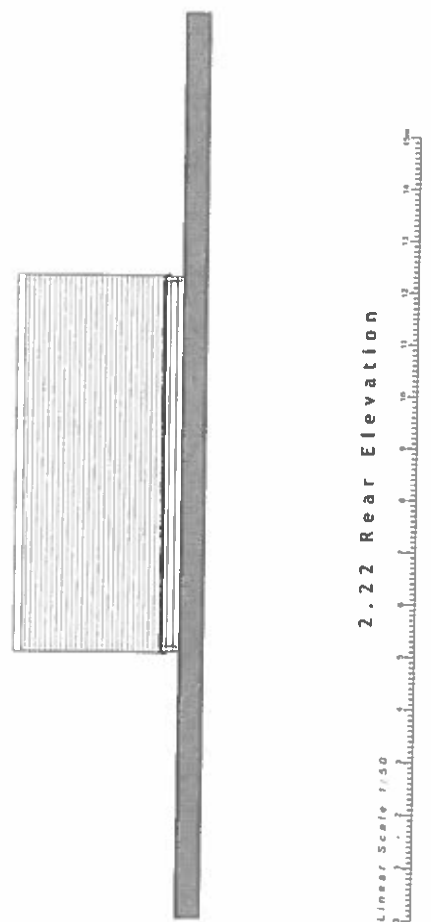
revised scheme.



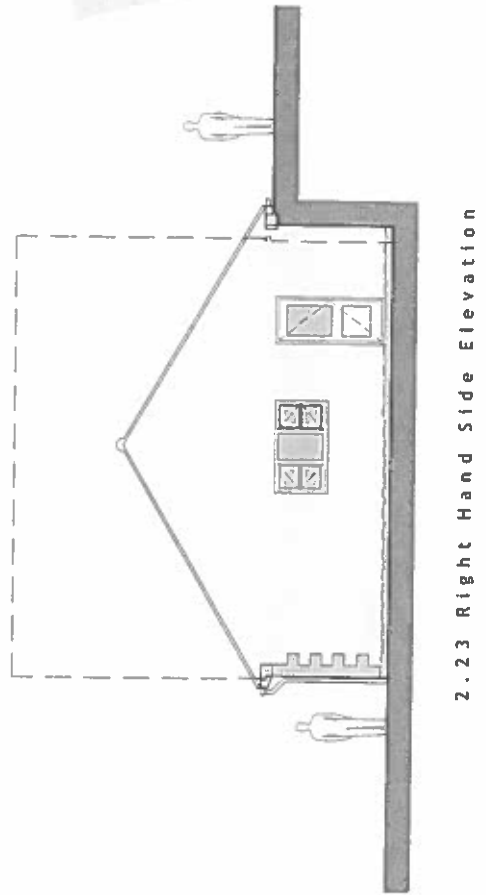
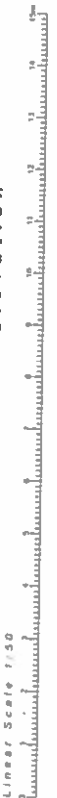
2.20 Front Elevation



2.21 Left Hand Side Elevation



2.22 Rear Elevation



2.23 Right Hand Side Elevation

15 September 2015, Rev'd and dpp
 16 September 2015, Rev'd and dpp
 17 September 2015, Rev'd and dpp
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 31 December 2015, Rev'd and dpp

Client
 Mr. and Mrs. P Keegan
 Hillside Cottage, Stonewall Lane,
 Woodmancote, GL52 3PU

Proposed Garage and Games Room
 Hillside Cottage, Stonewall Lane,
 Woodmancote, GL52 3PU

Proposed Elevations

Author
 Daryn Parlett
 Date
 May 2015



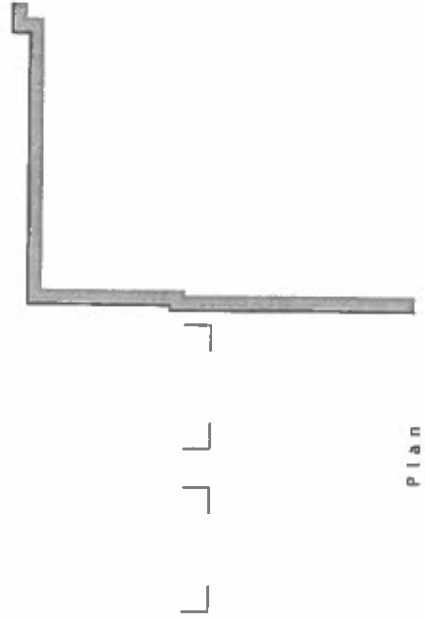
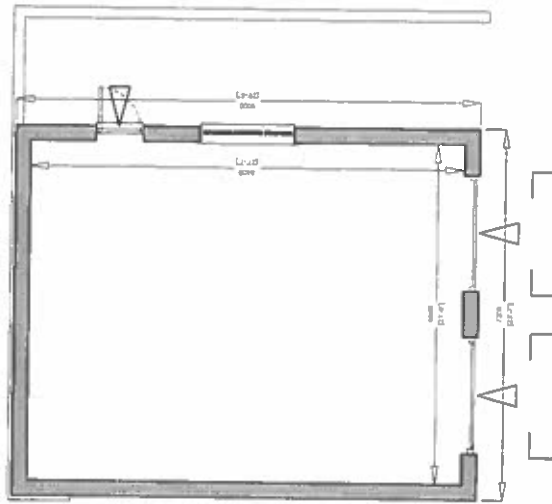
Land
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 Metropolis House, 49 George Street,
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 mail@archi-tektion.co.uk
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 Birmingham Cardiff London

AT 101505061000 dpp
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Scale
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5/10/15

Revised scheme:



Plan



510/E

- 1. 21 September 2015, Approved. ACP
- 2. 16 September 2015, Approved. ACP
- 3. 16 September 2015, Approved. ACP
- 4. 16 September 2015, Approved. ACP
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Proposed by:
Mr. and Mrs. P. Keegan
Hilbide Cottage, Stovehall Lane,
Woodmancote, GL52 3PU

Proposed for:
Proposed Plan

Drawn by:
Daryn Parfitt
Checked by:
Daryn Parfitt
Date:
May 2015

archi
tektion

Lead
Architecture
Project Management
Procurement
3D Printing

Metropolis House, 49 George Street,
Birmingham, B3 1QA
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Birmingham Cardiff London

Project Number:
AT 201505061200 dpp

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15/00893/OUT
Brookelands (805)
Valid 14.08.2015

Brookelands, Tewkesbury Road, Norton

14

Outline application for the erection of 3 no. detached dwellings (all matters reserved except access)

Grid Ref 385364 223227

Parish Norton

Ward Coombe Hill

Mr R Boote
C/o Agent

RECOMMENDATION Permit

Policies and Constraints

National Planning Practice Guidance

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU4, LND4, TPT1

Joint Core Strategy (Submission Version) November 2014 - Policies SD5, SD7, INF1, INF2

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Norton Parish Council - This proposal should be rejected in this form. The pattern of suburban 'ribbon development' it proposes is not appropriate to the rural landscape setting of the A38, characterised by tall hedges with mature trees, occasional traditional buildings and open views to the hills beyond. The development is poorly related to existing service village settlements and will add to sporadic development in conflict with borough council policy. Traffic generation would be relatively small but if similar schemes are allowed along this stretch of road the cumulative effect would be significant. The road is very busy and will become more so as the JCS proposals become reality. A large number of access points along the road is potentially dangerous. However, the Parish Council values this local horticultural business which fits well in this setting. It is important that it continues to thrive. We have spoken to the owner and his consultants and welcome his commitment to this, including the planned construction of new greenhouses. If the borough council is so minded, the proposal could be much improved while retaining the rural character and a well-maintained hedge frontage. This could include a small 'farm shop' with parking behind the hedge at the entrance, a limited cluster of housing in a 'farmstead' pattern at the rear close to other buildings, and new greenhouses at the north end of the site behind established trees and hedgerow. We ask that our views are reproduced in full in the committee report and we are very willing to take part in any round-table discussions aimed at achieving a better scheme.

County Highway Authority - No objection subject to conditions.

Urban Design Officer - No objection. The proposed dwellings appear in keeping with the existing street scene, the scale and massing is appropriate.

Environmental Health Officer - No objection subject to condition relating to contaminated land and hours of working/construction.

Severn Trent Water - No objection subject to condition requiring drainage details to be submitted to and approved by the Local Planning Authority.

Public Representations - One letter of representation has been received from a local resident objecting to the current application for the reasons stated below:

- The upstairs windows look straight down into our front lounge and bedroom windows and would invade our privacy.
- We expect there to be a limitation on any further development behind the proposed bungalows using the same access as it would increase the traffic volume accessing the high speed high volume traffic on the A38 to a dangerous level.
- The proposed dwellings will obscure our view of the escarpment to the Norton Hills.

Planning Officers Comments: Mrs Helen Stocks

1.1 The application site comprises approximately 0.18 hectares of agricultural land located on the western

side of the A38 in Norton (**see site location plan**). The site forms part of the Brookelands Nursery and lies adjacent to the former Norton Garage. There are a small number of buildings and glasshouses relating to the nursery business located to the west of the site, together with the owner's two-storey dwelling, which are set back from the highway and accessed via a private drive. The immediate area is characterised by ribbon development which straddles the A38 in this location.

1.2 The site is outside of a Residential Development Boundary (RDB) as defined in the Tewkesbury Borough Local Plan to 2011 - March 2006 and is not within any designated landscape protection areas. Land on the opposite side of the A38 is covered by the Gloucestershire Green Belt.

2.0 Planning History

2.1 There is no relevant planning history relating to the application site.

3.0 Current Application

3.1 The current application seeks outline planning permission for the erection of three detached dwellings. All matters are reserved for future consideration with the exception of access, details of which form part of the current application. Although design, layout, appearance and landscaping are reserved, the application is accompanied by illustrative plans which show an indicative layout and indicative elevations and floorplans. Vehicular access to the site would be via the existing junction with the A38 (**see attached plans**).

4.0 Analysis

4.1 The main planning issues to be considered in the determination of this application are the principle of development; neighbouring amenity; access and highway safety; the design and siting of the proposed dwellings and the effects the proposal would have on the character and appearance of the area, bearing in mind that the application is in outline form.

Principle of Development

4.2 The site is located outside of a recognised settlement boundary and therefore the proposal is contrary to Policy HOU4 of the Local Plan. However, paragraph 49 of the NPPF sets out that relevant policy for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Policy HOU4 is based on the now revoked Structure Plan housing numbers and for that reason is considered out of date in the context of the NPPF insofar as it relates to restricting the supply of housing. The policy is also out of date because the Council cannot currently demonstrate a five year supply of deliverable housing sites.

4.3 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless 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; or where specific policies in the Framework indicate development should be restricted. In this case there are no specific policies which indicate development should be restricted.

4.4 The NPPF also states that local authorities should avoid granting new isolated homes in the open countryside unless there are special circumstances. Although the site is located outside a residential development boundary, it is considered that the site is not isolated given its close proximity to existing residential development at Norton and Twigworth. The proposed dwellings would fall within a row of existing residential development and is not considered to have a harmful impact on the character and appearance of the countryside in this particular location. Moreover, the site is located on a primary transport route and there is a bus stop in the vicinity which provides a very frequent service between Gloucester and Tewkesbury.

4.5 In terms of service provision, Twigworth benefits from a post office, a general store, employment opportunities, a petrol station/garage and a place of worship. There is also a primary school at Norton. The majority of these services are considered to be within acceptable walking and cycling distance from the application site. It is therefore considered that the site is located in a reasonably accessible location.

4.6 While there would be a clear conflict with Policy HOU4 of the Local Plan, the principle of development is considered to be acceptable in this particular case subject to compliance with other environmental planning policy criteria in accordance with the NPPF.

Design and Visual Impact

4.7 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. Similarly, Policy SD5 of the JCS (Submission Version November 2014) seeks to encourage good design and is consistent with the NPPF and so should be accorded considerable weight.

4.8 The existing dwellings on the western side of the A38 comprise a mix of detached and semi-detached bungalows and detached 1.5 storey dwellings. On the eastern side of the A38, opposite the application site, there are detached bungalows and detached 2 storey dwellings. There are a variety of building materials in the area (red brick, render, pebble dash) and all properties are relatively low-key and set back from the highway.

4.9 With regard to the current application, most matters relating to design and layout are reserved for future consideration apart from the proposed means of access which is to be via the existing junction formed with the A38 and the existing driveway serving Brookelands Nursery. Nevertheless, the application has been supported with an indicative layout and indicative elevations and floorplans for the proposed dwellings. The indicative plans show the proposed dwellings would be of rectangular form, providing 3 bedrooms, and would be 1.5 storeys with a ridge height of approximately 6.3 metres. The proposed dwellings would be set back from the highway and would not protrude beyond the build line of existing dwellings to the south. The Urban Design Officer has reviewed the submitted information and is content that the proposed dwellings would appear to reflect the scale of surrounding property. It is not considered that the 1.5 storey dwellings would have a significant impact on the character and appearance of the existing street scene.

4.10 While the concerns of the Parish Council are noted, it is considered that the proposed development would successfully integrate into the context of the site and would have an acceptable impact on the character and appearance of the area and surrounding streetscape. The detailed design and size of the dwellings would be addressed through any subsequent reserved matters application; however, the indicative plans show that 3 detached dwellings could be accommodated on the site in an acceptable manner.

Residential Amenity

4.11 Paragraph 17 of the NPPF sets out 'Core Principles', one of which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.12 The proposed dwellings would benefit from good sized, self-contained rear gardens, with adequate parking facilities to the front. The Design and Access Statement (DAS) indicates the hedgerow to the front the site, which runs parallel to the A38, would be retained as part of the development. This would be controlled by way of condition, along with other suitable boundary treatments, and would require information to be submitted as part of any subsequent reserved matters application.

4.13 There are glass houses to the rear of the site (forming part of Brookelands Nursery); however, these would not impact on the living conditions of the proposed dwellings. Furthermore, it is not considered that the horticultural nursery would result in excessive noise and disturbance to future occupiers to warrant the refusal of planning permission. As such, it is considered the future occupiers of these properties would have an acceptable level of residential amenity.

4.14 An objection has been received which raises concern that the proposed dwellings would overlook the existing bungalows opposite the application site. There would, however, be at least 40 metres between the front elevation of the proposed and existing dwellings opposite, with the highway in between. As such, it is not considered that the proposed dwellings would unduly overlook the properties on the eastern side of A38. It is recommended that a planning condition is attached to ensure that construction works, deliveries and machinery used during the construction process does not take place outside the hours of 7:30am to 6pm on weekdays, and from 8am to 2pm on Saturdays. No outside working would be allowed on Sundays and Bank Holidays. Subject to this, it is considered that the development would provide an acceptable level of residential amenity for both existing and future residents.

Access and Highway Safety

4.15 The NPPF requires safe and suitable access to all development sites for all people. Policy TPT1 of the Local Plan highlights that development will be permitted where provision is made for safe and convenient access and where there is an appropriate level of public transport service and infrastructure available. The resulting development should also not adversely affect the traffic generation, safety and satisfactory operation of the highway network. This is also the thrust of Policy INF1 and Policy INF2 of the JCS.

4.16 As detailed above, the application includes the proposed means of access which is to be via the existing junction formed with the A38 and the existing driveway leading to Brooklands Nursery (**see attached plans**). County Highways have been consulted on the application and have raised no objections subject to appropriate planning conditions. It is noted that the submitted plans show visibility splays of 160 metres are available in both directions from the site and site access would provide adequate space for two vehicles to pass when entering/exiting the site without causing significant harm in highways safety terms. It is also considered that the proposed dwellings would not create a significant increase in traffic on the highway network and there are public transport links within walking distance of the application site which provide alternative modes of transport.

4.17 While there is no objection to the proposal in highway terms in line with Policy TPT1 of the Local Plan, it is imperative that the reserved matters application provides details of the layout and vehicular parking and turning facilities within the site. This will be secured via condition on the outline consent.

5.0 Planning Balance and Conclusion

5.1 In conclusion, the application proposes residential development outside a recognised residential development boundary and therefore conflicts with Policy HOU4 of the Local Plan. However, this policy can only be given limited weight in this case in light of its degree of conformity with the NPPF. Specifically, paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless 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.

5.2 The proposal would contribute, albeit in a small way, towards providing much needed housing in the Borough and it is recognised that housing development is an important economic driver. The site is located within a reasonably accessible location and there would be an acceptable impact upon the highway network. Furthermore, the illustrative layout demonstrates the site could be developed in a way that reflects the form and character of existing residential development in the immediate area. The site is not within an area at risk of flooding and there would not be a harmful impact upon ecology or biodiversity. While there would be a degree of harm to the landscape, it is considered that this harm is limited and the proposed dwellings as indicated would have an acceptable impact upon the street scene.

5.3 The comments of the Parish Council in respect of alternative, more preferable proposals are noted; nevertheless, the Council has a duty to consider the application as submitted. For the reasons set out above it is considered that the principle of development as submitted is acceptable, and whilst the aspirations of the Parish Council are noted and laudable, they do not constitute a justifiable reason for with-holding planning permission in this case.

5.4 In the absence of other material harm to weigh against the proposal, it is considered that the proposal would have an acceptable environmental impact. The proposal is therefore considered to represent sustainable development in the context of the NPPF and the application is therefore recommended for **Permit**.

RECOMMENDATION Permit

Conditions:

- 1 The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and external appearance of the buildings, and landscaping thereto (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development 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
- 4 Details of existing and proposed levels, including finished floor levels, shall be submitted as part of the reserved matters application in accordance with condition 1. All development shall be carried out in accordance with the approved details.
- 5 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.
- 6 The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 1 above shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.
- 7 All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 8 The details submitted for the approval of reserved matters shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
- 9 The details submitted for the approval of reserved matters shall include details or samples of the external facing materials and hard surfacing proposed to be used. Development shall be carried out in accordance with the approved details.
- 10 No development shall commence until details of a footway across the frontage of the site with dropped kerbs and tactile paving to link to the existing footway to the eastern side of Tewkesbury Road have been submitted to and agreed in writing by the Local Planning Authority, the approved works shall then be completed in all respects prior to first occupation of any of the proposed dwellings and shall be retained as such thereafter unless and until adopted as highway maintainable at public expense.
- 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.
- 12 No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.
- 13 Details of vehicular parking and turning facilities within the site shall be submitted as part of the reserved matters application in accordance with condition 1. The proposed dwellings shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

- 14 No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The site shall be remediated in accordance with the approved measures before development begins.
- 15 If, during the course of development, any contamination is found which has not been identified in the site investigation as required by condition 15, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reasons:

- 1 The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.
- 2 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.
- 3 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.
- 4 To ensure that the development integrates harmoniously with the surrounding development and to safeguard the amenities of residents of adjoining properties.
- 5 To ensure that the proposed construction work does not cause undue nuisance and disturbance to nearby properties at unreasonable hours.
- 6 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 To ensure that the new development will be visually attractive in the interests of amenity.
- 8 In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 9 To ensure that the new development will be visually attractive in the interests of amenity.
- 10 To ensure there is safe and suitable pedestrian routes from the site to sustainable transport facilities, in accordance with paragraph 32 and 35 of the NPPF.
- 11 To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with paragraph 32 of the National Planning Policy Framework.
- 13 To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with paragraph 32 and 35 of the National Planning Policy Framework.
- 13 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 and 35 of the National Planning Policy Framework.
- 14 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

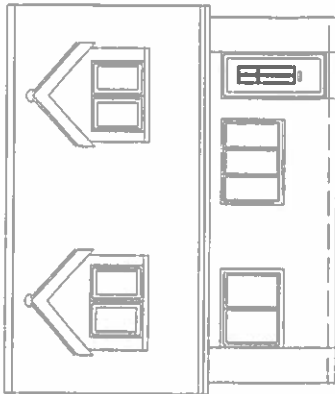
- 15 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

Notes:

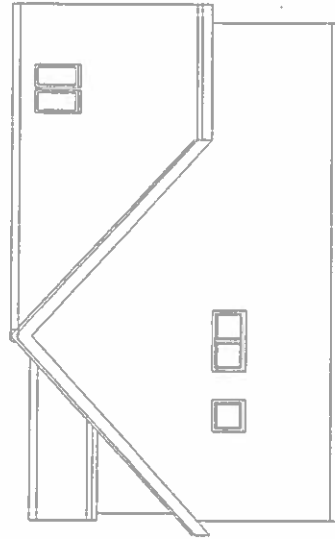
1 Statement of Positive and Proactive Engagement

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

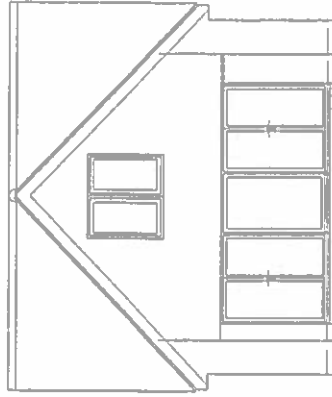
- 2 The proposed development will require to a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.



FRONT



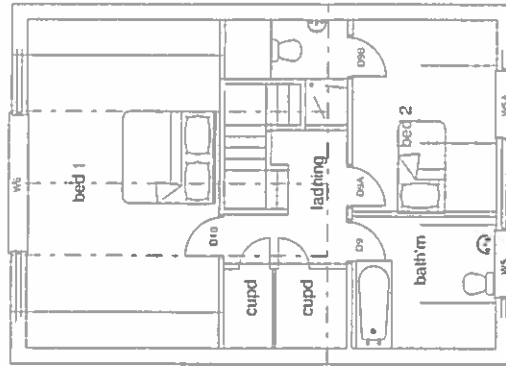
SIDE A



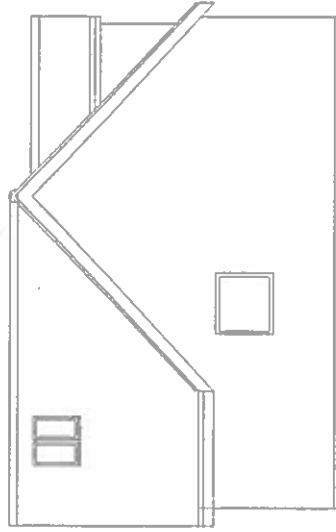
REAR



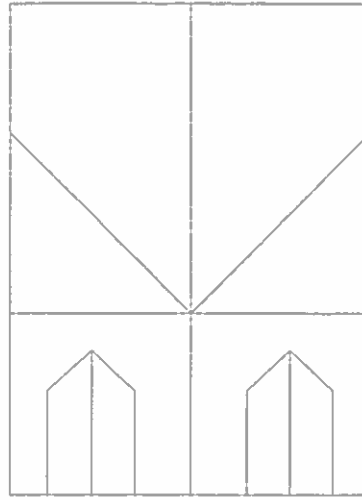
GROUND FLOOR



FIRST FLOOR



SIDE B



ROOF PLAN

ECAH 140 SQ M FLOOR AREA

REFER TO ALL DETAILS SPECIFICATIONS AND DETAIL NOTES
DETAIL NOTES ARE TYPICAL THROUGHOUT ALL WORKS
BY WOODBURN ASSK

Scale 1:100
4358/1

<p>South Eastern Architects of Cornwall T. 01327 418282 E. south@searh.co.uk</p>	<p>notes:</p> <p>Check that the drawings are correct and that the site is suitable for the proposed development.</p>	<p>client</p> <p>Mr R. Boole</p>	<p>project/site</p> <p>BROOKELANDS NURSERIES TEWKESBURY ROAD NORTON GLOUCESTER</p>	<p>title</p> <p>PROPOSED ELEVATIONS AND FLOOR PLANS TYPICAL</p>	<p>drawn</p> <p>Scale 1:100</p>	<p>date</p> <p>4358/1</p>
	<p>description</p>	<p>date</p>	<p>rev</p>	<p>drawn</p>	<p>Scale 1:100</p>	<p>date</p>

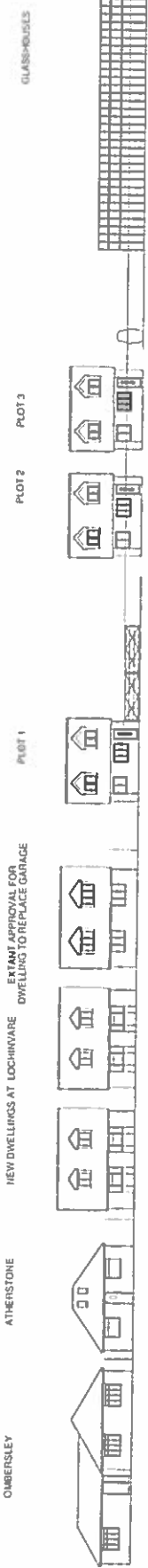
Health and safety procedures to be complied with
in all instances prior and throughout all works

517/B

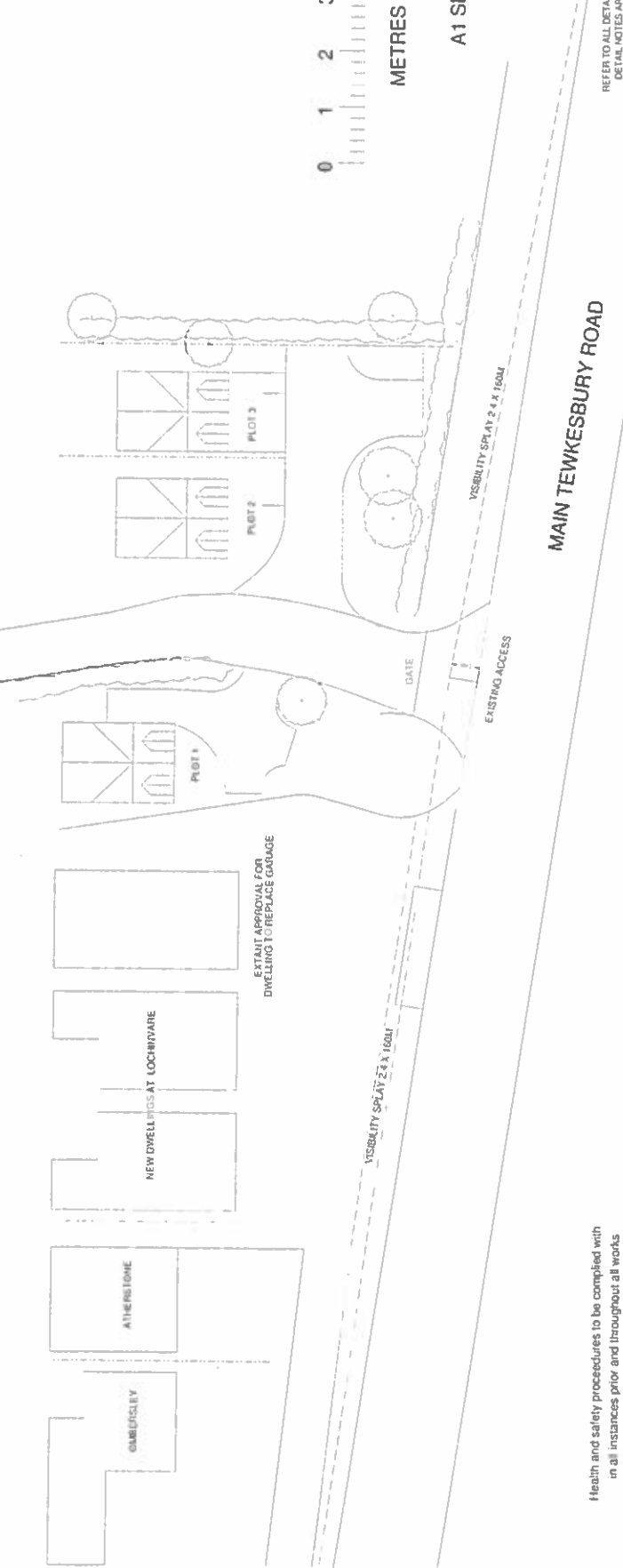
517/C



EXISTING STREET SCENE



PROPOSED STREET SCENE



REFER TO ALL DETAILS SPECIFICATIONS AND NOTES
DETAIL NOTES ARE TYPICAL THROUGHOUT ALL WORKS
IF IN DOUBT ASK

Health and safety procedures to be complied with
in all instances prior and throughout all works

 <p>South Birmingham Architectural Consultants 1, 01 142 313393, south.birmingham@btopenworld.co.uk</p>		<p>REV</p> <p>DATE</p> <p>DESCRIPTION</p>	<p>NOTES:</p> <p>Mr R. Boothe PLEASE CLIVE PURCHASERS OF S11 TO COME AND APPROVED SITE PLANS PLOT 1 TO 3 ON 10/04/2018</p>	<p>CLIENT</p> <p>Mr R. Boothe</p>	<p>PROJECT/SITE</p> <p>BROOKLANDS NURSERIES TEWKESBURY ROAD NORTON GLOUCESTER</p>	<p>TITLE</p> <p>PROPOSED AND EXISTING STREET SCENES AND SITING</p>	<p>DRAWN</p> <p>Scale 1:200</p>	<p>DATE</p> <p>4/3/18</p>
								<p>REV</p> <p>DATE</p> <p>4/3/18</p>

Valid 18.08.2015
Grid Ref 397574 227894
Parish Woodmancote
Ward Cleeve Hill

Conversion of existing stables to provide a single dwellinghouse

Mr Richard Everett
Badgerbank Farm
Bushcombe Lane
Woodmancote
Cheltenham
Glos

RECOMMENDATION Permit

Policies and Constraints

Planning Policy Context

NPPF;
Planning Practice Guidance;
Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies HOU4, HOU9, HOU10, EVT2, AGR6 and AGR7.
The Joint Core Strategy (JCS) - Policies SP2, SD8, SD11 and SD15
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)
Area of Outstanding Natural Beauty

Consultations and Representations

Woodmancote Parish Council - Object . Proposed dwelling outside of curtilage of the existing building and wholly within AONB, significant visual impact on the escarpment.

Site notice displayed. 1 letter of objection received raising the following:

- Increase in traffic from additional residents.
- On the edge of the AONB

Planning Officers Comments: Mr Andrew Thompson

1.0 Application Site

1.1 The application site is to the northern side of Bushcombe Lane to the east of the main settlement of Woodmancote. The application site is an existing stable block and is served off a private drive which also serves Badgerbank and Upper Beaches. There are existing areas of hardsurfacing on the site immediately surrounding the existing building with levels sloping up steeply from Bushcombe Lane to the site.

2.0 Planning History

2.1 No relevant or recent planning history.

3.0 Current Application

3.1 The application is to convert the existing building into a 4bedroom single storey dwelling. The proposals would use the existing bulk and mass of the building and create openings in particular for the dining and living areas and also use existing stable openings. Following negotiations there has been a reduction in the size of curtilage that would be attached to the proposed dwelling.

3.2 The application is supported by a structural survey of the existing building and an assessment of the building in terms of bats.

4.0 Analysis

4.1 The principal determining issues are the principle of the development and the impact of the proposals on the character of the Area of Outstanding Natural Beauty and the impact on protected species and wildlife (in particular bats).

The Principle of Development

4.2 Paragraph 55 of the NPPF seeks to avoid isolated dwellings in the countryside subject to various exceptions, including - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. Whilst the first paragraph of Policy AGR6 of the local plan is out of date, given that the NPPF actively encourages residential conversion of buildings the need to ensure that the building is capable of conversion and is in keeping is noted. Further policy HOU10 seeks to ensure that a new residential curtilage does not impact on the character of the countryside.

4.3 The applicant has submitted a structural survey existing building is structurally sound and capable of conversion. There is no reason to disagree with this assessment and the building is an established building in the countryside and set well into the landscape and would not be intrusive. The residential curtilage is defined as an existing area of mowed lawn and the boundary treatment would be post and rail fencing which would be in keeping with the setting of the site.

4.4 Policy AGR7 seeks to retain the character of converted rural buildings. The Reasoned Justification to this policy makes it clear that existing openings should be retained and incorporated into the new building and that additional openings should only be introduced exceptionally. In this case there are a significant number of new/altered openings. Whilst this may not strictly comply with policy AG7, that policy is very much aimed at protecting traditional character. The building subject of this application displays little architectural merit and it is not considered that the proposals would introduce any further identifiable harm in this particular case.

4.5 Whilst the proposals are in a location outside the settlement of Woodmancote, the building is in a position that is similar to other dwellings and there are a number of other dwellings on Bushcombe Lane. The proposals would not be isolated in nature and the proposals would be an effective re-use of the existing building.

4.6 In principle, having regard to the location and similar properties along Bushcombe Lane, the proposals are considered acceptable.

5.0 The Impact on the Area of Outstanding Natural Beauty

5.1 As stated above, the proposals would utilise and adapt an existing building without any identifiable harm in terms of the built form. There are also existing areas of hardsurfacing and terracing around the existing building. The proposals would utilise the existing access.

5.2 Having regard to the existing building and the existing areas of hardsurfacing, there would be limited impact on the AONB from the proposals. The proposed residential curtilage, as amended, is of modest size and would utilise existing lawn areas. The proposed boundary treatment would be in keeping with the semi-rural character of the area.

5.3 Whilst the comments of the Parish council are noted, there would be no significant impact on the character or appearance of the AONB that would justify a reason for refusal in this case.

6.0 Protected Species

6.1 The application is supported by a bat survey which highlights that the existing building would potentially result in the loss of historical probable night roost which is no longer in use and the loss of other features suitable for roosting bats. However the survey found no roosts.

6.2 Whilst there may be some alteration to the areas of sub-optimal bat foraging on the site and the immediate surrounding area, there are no significant issues identified that would harm protected species with sufficient surveys having been carried out to determine the likely absence of roosting bats from the site.

6.3 It is recommended within the survey that external lighting be kept to minimum in order to minimise disturbance of foraging bats that utilise the site. This is controlled by an appropriately worded planning condition.

7.0 Planning Balance

7.1 Whilst the comments of the Parish council are noted and carefully considered the re-use of the existing building is encouraged by policy and supported in principle with the existing building being structurally sound and capable of conversion. There would be limited impact on the AONB and there would be no undue impact on wildlife or protected species.

7.2 The proposals are therefore considered acceptable and the application is recommended for permission.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the submitted details on the submitted plans reference: 2553.001, 2553.002, 2553.003, 2553.004, 4362-23JUL15-01, C6372/02 REV 1
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no extensions, outbuildings, gates, fences, walls, other means of enclosure, satellite dishes or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site.
- 4 No external or decorative lighting shall be installed on the site.

Reasons:

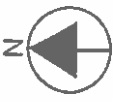
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To define the permission
- 3 To ensure that the regard to the application site and its setting in the landscape and Area of Outstanding Natural Beauty setting, levels on the site and character of the area.
- 4 To safeguard local bat populations and their foraging activity and minimise light pollution in the AONB.

Note:

1 **Statement of Positive and Proactive Engagement**

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

15/00905 / Ful



520/A

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SITE LOCATION PLAN

**Badgerbank, Bushcombe Lane, Woodmancote
Mr R. Everett**

Scale: 1:1250@A4 Date: Aug 2015 Drg No: 2553 001

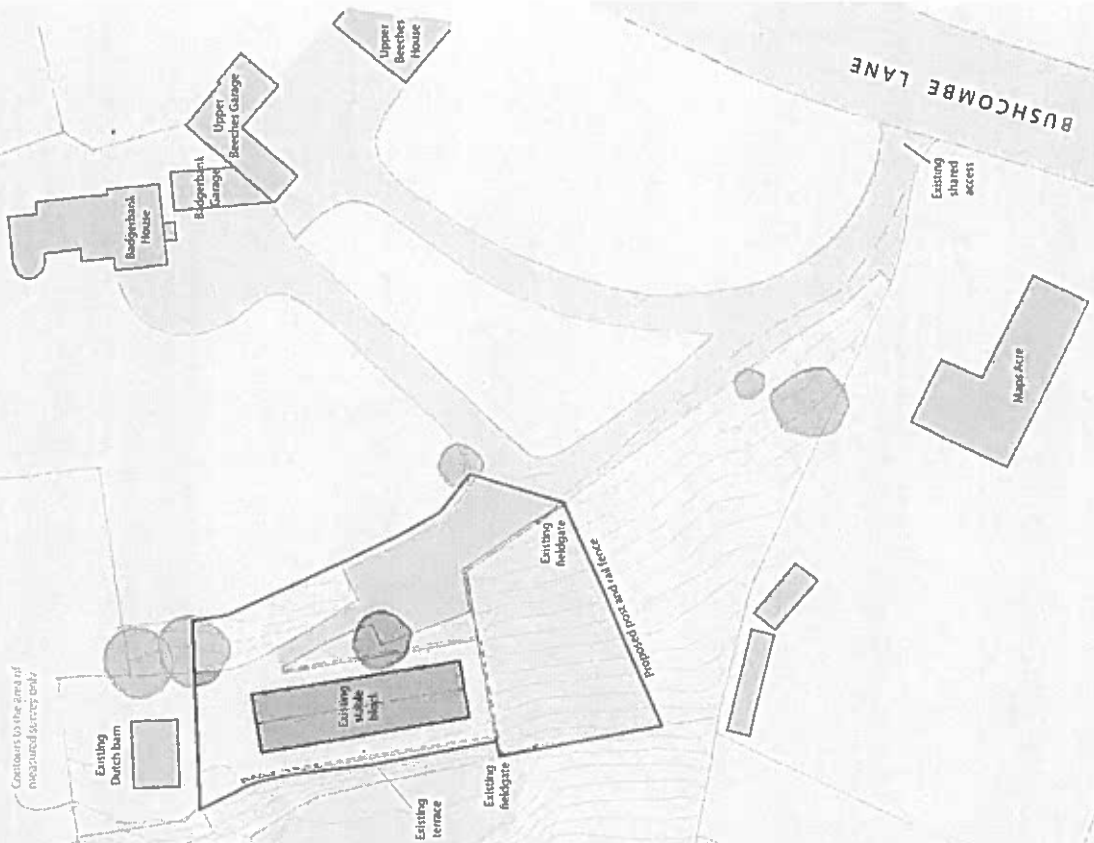
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Scale 1 : 1250



PROPOSED SITE LAYOUT PLAN
 Badgerbank, Bushcombe Lane, Woodmancote
 Mr R. Everett
 Scale: 1:500 (A1) Date: Aug 2015 Dwg No: 2133.002
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Contours to the level of measured survey only

Contours to the level of measured survey only

520/B



0m 50m
 Scale 1 : 500

15/00981/FUL
15.10.007 12 Beverley
Gardens...
Valid 05.09.2015

12 Beverley Gardens, Woodmancote, Cheltenham

16

Demolition of ancillary buildings and erection of a new two storey dwelling in the subdivided existing curtilage. Minor alterations to the existing bungalow to be retained and associated external works.

Grid Ref 397386 227366
Parish Woodmancote
Ward Cleeve Hill

Mr J Ferris
12 Beverley Gardens
Woodmancote
Cheltenham
Gloucestershire
GL52 9QD

RECOMMENDATION Permit

Policies and Constraints

Planning Policy and Constraints

NPPF
Planning Practice Guidance
Joint Core Strategy Submission Version (November 2014)
Saved Policies of Tewkesbury Local Plan to 2011 (March 2006) - HOU2, HEN2, TPT1
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)
Area of Outstanding Natural Beauty
Within 50m of Listed Buildings
Adjacent to Woodmancote Conservation Area
Larger Settlement Boundary

Consultations and Representations

Parish Council - Object to the erection of an additional dwelling on this inverted corner plot. The choice of design and materials do not fit in with the street scene. This is an overdevelopment of a site that is adjacent to a Grade 2 listed property on Stockwell Lane and the conservation area. The visual impact is detrimental to an AONB when viewed from higher up the escarpment. The proposed vehicle access is positioned across the front of the existing dwelling, this unacceptable also the surface of the proposed driveway to the new dwelling appears to be non-permeable.

Conservation Officer - No objection

1 letter of objection received, objecting on the following grounds:

- Higher and nearer than the existing bungalow resulting in overlooking
- It is totally out of character to the surrounding single storey bungalows
- Out of character with the conservation area, so looks completely out of character.
- Loss of privacy
- Impact on trees

Planning Officers Comments: Mr Andrew Thompson

1.0 Application Site

1.1 The application site is a detached bungalow and associated garden within the residential development boundary of Woodmancote located within a development of bungalows and dormer bungalows.

2.0 Planning History

2.1 There is no relevant planning history

3.0 Current Application

3.1 The application proposes a detached dwelling, including single storey and two storey elements in a modern and contemporary design with access creating a shared drive with 12 Beverley Gardens from the existing access.

4.0 Planning Policy Context

4.1 The site is located within the Residential Development Boundary of Woodmancote as defined by the TBLP. Policy HOU2 of the TBLP states that new housing development within such areas is acceptable in principle provided that the development can be satisfactorily integrated within the framework of the surrounding development. Furthermore, Policy HOU5 of the TBLP requires new housing development to respect the existing form and character of the adjacent area; not result in unacceptable loss of amenity; be of high quality design and make provision for appropriate access and parking.

4.2 This advice reflects one of the NPPF's 'Core Principles', which is to ensure a good standard of amenity for all existing and future occupants of land and buildings. The advice of Policy HOU5 is also reflected in Section 7 of the NPPF which makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also makes it clearly that obviously poor designs should be refused.

4.3 Policies HOU2 and HOU5 of the TBLP are therefore considered to be consistent with the provisions of the NPPF and should therefore carry considerable weight in the determination of the application.

5.0 Analysis

5.1 The principle of the development is acceptable subject to the requirements of the above policies being satisfied.

5.2 The main issues for consideration are the: design of the proposal; its landscape impact and the relationship to the AONB, Conservation Area and Listed Buildings; and its integration with surrounding development. The impact of the proposal on the amenity of surrounding occupiers has also been considered.

6.0 Landscape Impact and Relationship to the AONB

6.1 Framework paragraph 115 of advises that "great weight" should be given to conserving the landscape and scenic beauty of AONBs and paragraph 116 advises that planning permission should be refused for major developments within AONBs although this does not necessarily preclude all built development. The proposal does not constitute a major development for the purposes of Paragraph 116.

6.2 Policy SD8 of the Joint Core Strategy (JCS) sets out a requirement that development within or adjacent to the AONB conserves and where appropriate, enhances its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. This is consistent with both the Framework and the statutory duty to have regard to conserving and enhancing the scenic beauty of AONBs as laid down by Section 85 (S.85) of the Countryside and Rights of Way Act 2000 (the CRoW Act).

6.3 The application site is within the residential development boundary but borders the AONB. The existing edge is defined by managed hedgerows which give a defined edge to the settlement. When viewed from the AONB, the site is read in this context and alongside the Apple Tree Inn Public House. The site would therefore be seen in the context of the existing built form and would not harm the setting of the AONB.

6.4 There are also a number of overgrown trees on the boundary, some of which would be removed as part of the proposals. These trees are generally of poor quality and are not considered to be of significance given the number of forks in the trunks. The group is also sporadic of limited value with better and more significant groupings on the public house car park. The loss of trees as part of the proposals would not be significant.

7.0 Design and Layout

7.1 The proposals are a modern design and would use materials that would be in keeping with the area. The proposed area is characterised by a mix of bungalows with two storey houses to the rear. The contemporary nature of the proposals would be different to some of the properties in the area but is a modern interpretation of the neighbouring properties and would not appear incongruous or out of keeping. Paragraph 62 of the NPPF notes that innovative design should not be discouraged and whilst the comments of the Parish Council are noted the proposals are considered to be of high quality design that would be in keeping with the area.

7.2 The proposals would form an appropriate relationship with neighbouring properties and would be in keeping with the built form of the existing property at 12 Beverley Gardens. External alterations to 12 Beverley Gardens, which includes the blocking up of a side facing window would not be significant or detrimental to the design of the proposals. Whilst there are elements of two storeys in the proposals, the scale and mass of the proposals would not be taller than existing bungalows and the proposals would be of similar scale to the surrounding bungalows. The proposals would remain separated from properties to the rear and would not result in the loss of amenity to neighbouring properties.

7.3 The proposals would be accessed by a shared drive that already existing in front of 12 Beverley Gardens. The proposed access is therefore a continuation of existing built form. The proposed drive would be constructed of permeable material.

7.4 The proposals and the new house would have reasonable back gardens and would be in keeping with the character of the area. The comments of the Conservation Officer are noted with regard to the setting of the Conservation Area and nearby listed building. The proposals are separated from and visually distinct from the Conservation Area and the modern design helps distinguish the proposals from the heritage assets whilst the use of materials would respect the character of the area.

7.5 Officer's conclude that the proposals are considered respectful and innovative solution to the site and would be in keeping with the character of the area.

8.0 Parking and access

8.1 The proposed access as highlight above would run in front of the existing property and the proposals would be a shared drive using the existing access to 12 Beverley Gardens.

8.2 12 Beverley Gardens would retain its existing parking area to the right of the house. The proposals would include two new parking spaces.

8.3 The site is at the end of a cul-de-sac turning area and therefore there would not be significant and the opportunity for conflict would not be significant.

8.4 Overall the proposals would be acceptable.

9.0 Overall Planning Balance

9.1 Having considered all material planning considerations and noting the comments of neighbours and the Parish Council, the proposals are located in the residential development boundary where development should be permitted unless there are significant material adverse issues.

9.2 The proposals would not adversely affect the AONB and would be considered as part of the existing development including the Apple Tree Inn public house and Beverley Gardens. The proposals would be an innovative and interesting high quality design. The proposals would provide a suitable access and amount of parking.

9.3 The proposals would not significantly and adversely impact on the amenities of neighbours and would not adversely affect the local heritage assets in the vicinity.

9.4 The proposals are considered to be in keeping with the area and would be acceptable.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the submitted plans reference: PL001, PL002, PL003, PL004 Rev A, PL005 Rev A, PL006, and PL007.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.
- 4 Notwithstanding the submitted details, building operations shall not be commenced until samples of the external roof and walling materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 In order to define the permission and to ensure satisfactory development of the site.
- 3 Having regard to the size of the back gardens, relationship to neighbouring properties and the character of heritage assets in the vicinity
- 4 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.

Note:

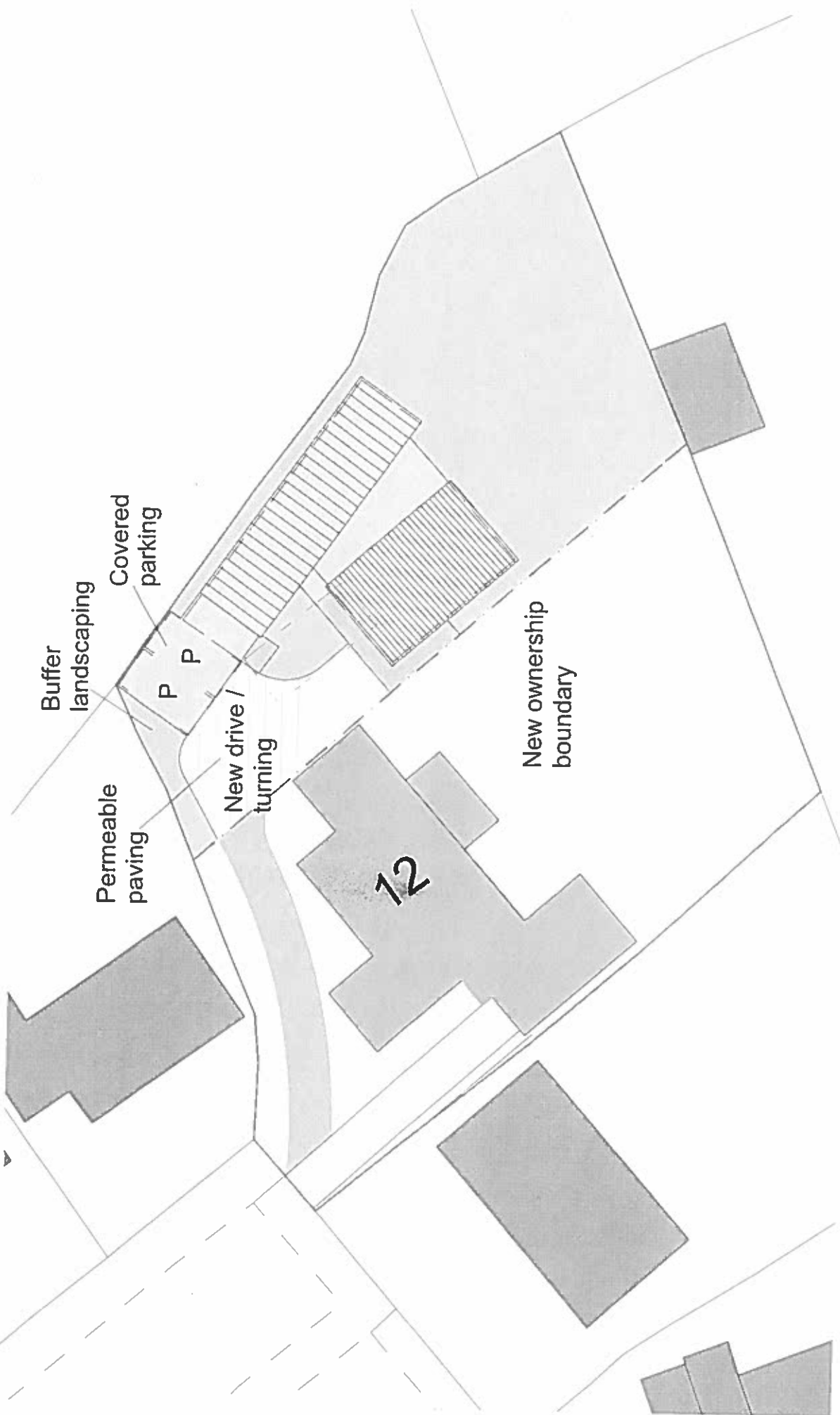
1 **Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating Alterations to the landscaping proposed and clarification on permeable paving to drive.

15/00981/FUL

No.12, Beverley Gardens,
Woodmancote, Glos

524/A



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Preliminary
 Feasibility
 Planning
 Building Regulations
 Tender
 Construction Issue
 As Built

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RIBA
 Chartered Architects

Rev A SW 21.10.2015
 Approved for planning comments.

Drawing title Proposed Site Plan
 Client Mr J Ferns
 Drawn by: SAW
 Checked JE
 Job number 15.10.007

Project No.12, Beverley Gardens, Woodmancote, Glos
 Scale: 1:100 @ A1
 Date: 27/08/2015
 Draw no: PL004 A

coombes event architects

15/00992/FUL
The Coach House
Valid 16.09.2015
Grid Ref 391706 225000
Parish Uckington
Ward Coombe Hill

The Coach House, Pigeon Farm Barns, The Green

17

Construction of a single-storey extension.

The Coach House, Pigeon Farm Barns,
The Green
Uckington
Cheltenham
Gloucestershire

RECOMMENDATION Permit

Policies and Constraints

Planning Policy and Constraints

NPPF,
Planning Practice Guidance,
Tewkesbury Local Plan to 2011 Saved Policies GRB1 and HOU8
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)
Green Belt
Within 50m listed Building

Consultations and Representations

Parish Council - expressed concern relating to the size of the proposed extension, noting that it would in effect increase the volume of the original dwelling by some 50%. In addition, it was felt that the proposed orientation would detract from the existing setting of traditional, rural farm barns. Finally, there was a consensus view that the proposal represented an inappropriate dwelling extension within the Green Belt. Site Notice displayed. No comments received

Conservation - No objection but rooflight amendment would be beneficial.

Planning Officers Comments: Mr Andrew Thompson

1.0 Application Site

1.1 The existing building comprises a single storey building that was converted to a dwelling. The building was originally part of a barn complex, all the buildings within which have been converted into a residential development. The site is located in the small hamlet of Uckington and is part of a built development area.

2.0 Planning History

1.2 The dwelling was created through planning permissions 05/01570/FUL and 10/00473/FUL. There have been no further changes since then. As such the dwelling is, for planning purposes, the original dwelling.

3.0 Current Application

3.1 The current application proposes a single storey extension to the rear. There are currently two rooflights to the rear elevation. The proposals would result in the loss of one of these, three new rooflights would be installed to the new roadside elevation with a new rooflight on the garden elevation.

4.0 Analysis

4.1 The key determining issues are the principle of development, the design and character of the proposed extension, the rooflights.

4.2 Whilst the building has been converted to a residential accommodation it is considered that the principles of Policy AGR7 still apply here. Policy AGR7 seeks to ensure that the essential scale, form and character of the original building and as much of the original structure and essential features (internal and external) as possible, should be retained. New works should be of a scale, form, type and materials compatible with the character of the original building (particularly where of a traditional construction) and the surrounding area. In this instance it is noted that the proposals were part of a conversion and redevelopment scheme (05/01570/FUL). Following implementation of that planning permission it became apparent that significant parts of the buildings to be converted had been demolished and subsequently rebuilt with new materials resulting in an application to retain those works (10/00473/FUL). Given that the buildings have, as a result of the rebuilding works, lost some of their original character, the proposed extension, in this instance, is considered to represent a sympathetic addition and in the context of the Council's conversion policies.

4.3 The principle of development is also established by Paragraph 89 of the NPPF and saved policies GRB1 and HOU8 that consider that extensions to dwellings are appropriate providing that they are not disproportionate and do not conflict with the purposes of the Green Belt, i.e. openness.

4.4 The application site is located in a small hamlet and is a contingent part of the built form in the area. The dwelling is a modest dwelling that is well contained and restricted by its own curtilage which is well defined. The proposals are proportionate to the existing dwelling in size and scale and would not harm the character or setting of the barn conversion. The existing building is approximately 65sqm with the proposed extension at approximately 33sqm, equating to a 51% increase in floorspace over and above the existing building. This is considered to comprise a proportionate addition in the context of Green Belt Policy. In terms of Policy HOU8, the proposed extension would not be of significant size and the step down in roof line would make the extension subservient in design. The proposals would retain the existing hedgerow which is well managed and would not be affected by the proposals.

4.5 The comments of the conservation officer are noted with regard to the rooflights which centre on the functionality of the bedroom rooflight (which is on the road frontage). The encouragement of using natural light is a factor in reducing the impact of development on natural resources. Further the rooflight adds balance to the roof externally. Rooflights are a common feature of the area and are used extensively and are generally well spaced on roofs of development although some clusters exist. Therefore whilst the comments of the Conservation Officer are noted the removal of the bedroom rooflight would lead to an unbalanced grouping which is more out of keeping with the spacing and character of the area. No change is therefore proposed.

4.6 The proposals are adjacent to the road, which is bordered by a well maintained and manicured hedgerow. The submitted plans show a minor encroachment into the hedgerow, however the extent of the hedge shown on the plan is more significant than actually exists on site. The proposed development would not automatically result in the loss of the hedgerow and the applicant highlights that it is proposed to retain this feature. It is noted that hedges and walls are a feature of the roadside boundary treatment, with houses alongside the road frontage. It is considered that the proposals are considered to be acceptable and would not harm the character of the area or the street scene.

4.7 The proposals are considered to be acceptable and in accordance with policy.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the plans submitted (reference: A1481-01, A1481-03, A1481-04, A1481-05, A1481-10 Rev A, A1481-11 Rev A)
- 3 The external materials of the proposed extension shall match as near as possible the materials of the main house, known as The Coach House.

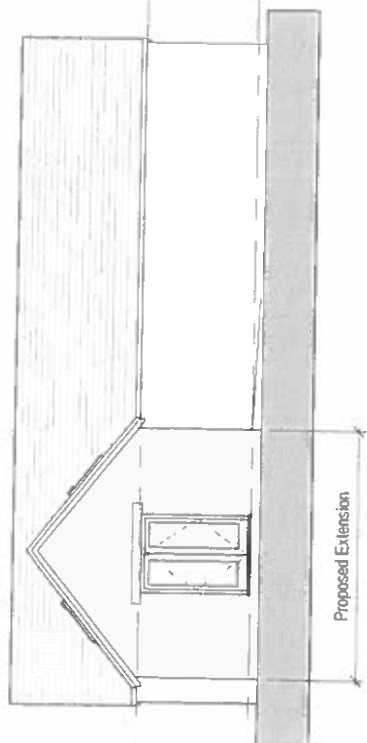
Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 In order to define the permission.
- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.

Note:

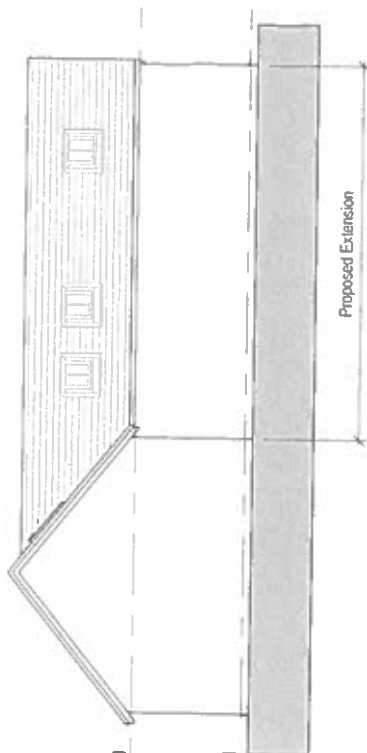
1 **Statement of Positive and Proactive Engagement**

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



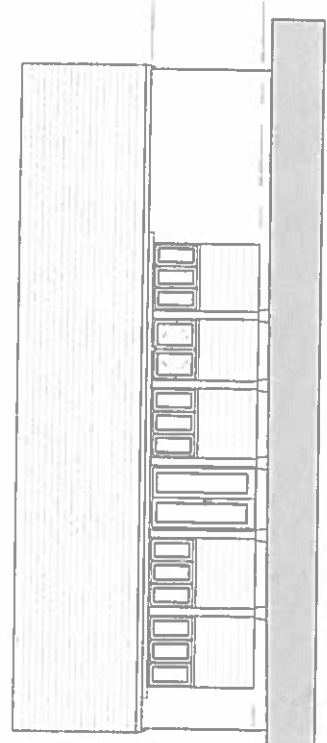
FFL 2.150 m
 ▶ 01 Lower Eaves Level
 FFL 0.000 m
 ▶ 00 Ground Floor Level

North
 1 : 100



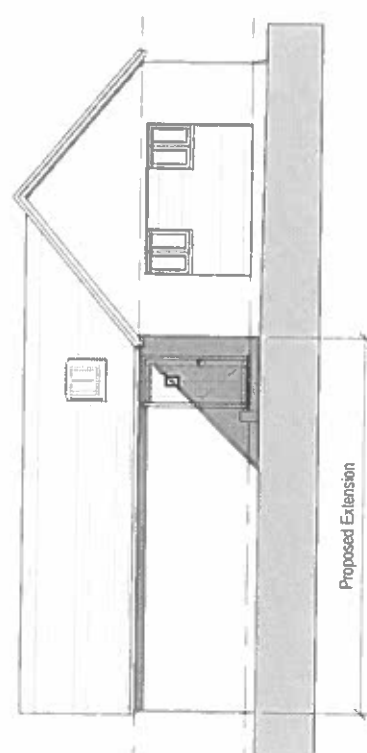
FFL 2.150 m
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 FFL 0.000 m
 ▶ 00 Ground Floor Level

East
 1 : 100



FFL 2.150 m
 ▶ 01 Lower Eaves Level
 FFL 0.000 m
 ▶ 00 Ground Floor Level

South
 1 : 100



FFL 2.150 m
 ▶ 01 Lower Eaves Level
 FFL 0.000 m
 ▶ 00 Ground Floor Level

West
 1 : 100



Revision	Date	Description
A	26.08.15	Dimensional adjustments.

HEATH | AVERY
Architects

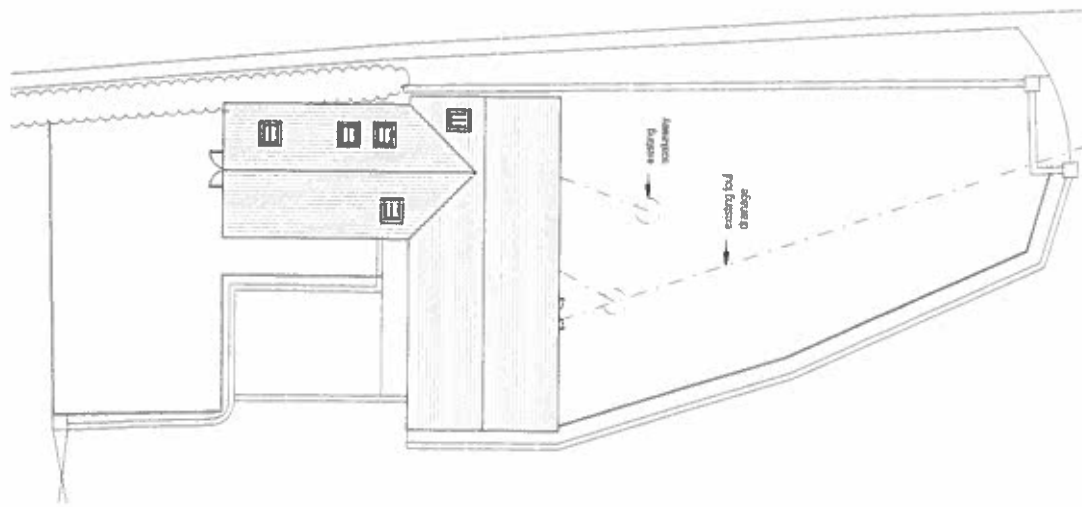
Project: The Coach House
 Title: Proposed Elevations
 Scale: 1:100 @A3
 Date: 10.08.15
 Revision: A
 Dwg No.: A1481-11

Heath Avery Architects Ltd
 Market House,
 22 Lansdown Industrial Estate,
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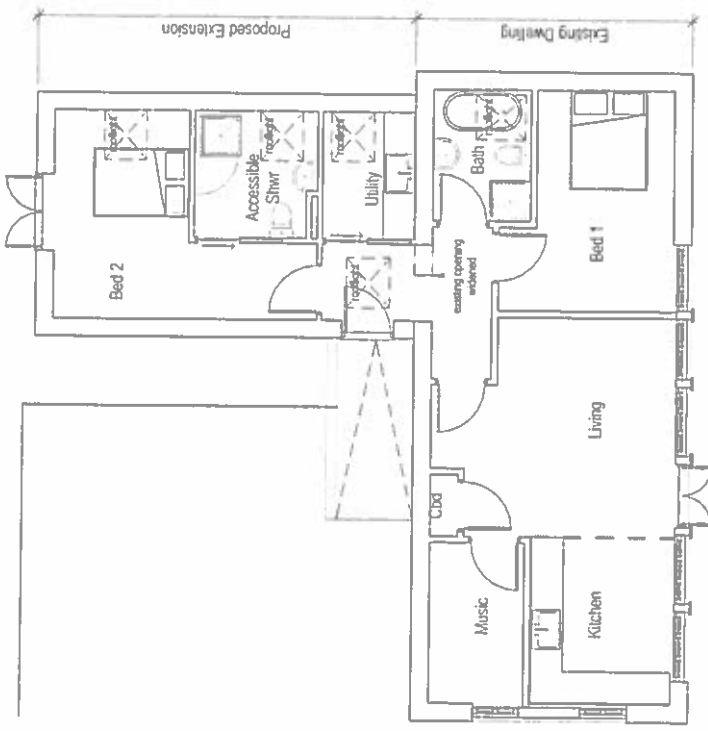
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 F 01242 573285
 E architects@heath-avery.co.uk

This drawing should not be scaled.
 Any discrepancies should be referred to the architect.
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527/A



Site
1 : 200



00 Ground Floor Level
1 : 100

Revision	Date	Description
A	26.08.15	Dimensional adjustments.

HEATH AVERY
Architects

Project The Coach House
 Title Proposed Site and Floor Plans
 Scale 1:100 @A3
 Date 10.08.15
 Drg No. A1481-10
 Revision A

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This drawing should not be scaled.
 Any discrepancies should be referred to the architect.
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527/B

Valid 16.06.2015

Construction of a ground-mounted solar PV generation project and associated works.

Grid Ref 378998 220073

Parish Highnam

Ward Highnam With Haw
Bridge

Highnam Farm Solar Ltd.

C/o Agent

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

Planning Practice Guidance

JCS Submission Version November 2014 - SD1, SD7, SD9, SD10, SD15, INF2, INF3 and INF6

The Tewkesbury Borough Local Plan to 2011 - March 2006 ,LND4, LND7, TPT1, EVT1, EVT3, EVT5 and NCN5.

Planning (Listed Buildings and Conservation Areas) Act 1990

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations**Higham Parish Council** - object to this application for the following reasons:

1. This land is currently producing much needed crops. This production would be lost at a time when we need home grown produce, and can only be replaced by an increase in imports, with the added effects on increased carbon emissions.
2. There is a significant risk due to the effect of this land not being farmed of significant water run-off causing an increased likelihood of flooding in Two Mile Lane
3. There are concerns with regard to the environmental impact of such development.

Gloucestershire County Council Archology - No objection**Environmental Health Officer** - No Objection**Historic England** - No objection**County Highway Authority** - Request further information.**Landscape Officer** - No objection to amended scheme.**Conservation Officer** - No objection.**Highways England** - No objection

13 Letters of neighbour objection received raising the following concerns (summarised):

- This land is currently producing much needed crops.
- Loss of Greenfield site, brown field should be used.
- Increased flood risk
- Concern regarding Environmental impact including on Highnam Woods and RSPB Reserve
- Proposal would impact on habitats.
- Proposal would result in highway safety issues.
- The landscaping proposals are not detailed enough
- Proposal would result in visual harm
- The solar farm could be granted permanent permission in the future.
- Loss of value to properties
- Proposal would be contrary to Highnam Neighbourhood plan.
- Proposal could attract criminal activity given the value of the solar panels.
- Detrimental Impact on Listed Buildings

Planning Officers Comments: Mr Ciaran Power

1.0 Introduction

1.1 The site covers an area of approximately 19.7 hectares of agricultural farmland at Highnam Farm, Two Mile Lane, Highnam. The site is located within open countryside with Two Mile Lane located to the east and the A40 to the south. Highnam Woods are located to the west of the site and there is a public footpath which runs in close proximity to the northern site boundary. The site comprises open fields, divided by well-established hedgerows with some mature trees. The site is located within Flood Zone 1.

2.0 History

2.1 A number of planning applications have been considered in respect of the Wider Highnam Farm agricultural holding for agricultural use, change of use of agricultural buildings and farm diversification however none are considered directly relevant in the determining of the current planning application.

2.2 The proposed development has been subject of a screening opinion which concluded that the proposal was not Environmental Impact Assessment (EIA) development for the purposes of the EIA Regulations.

3.0 Current Application

3.1 The application has been amended since its original submission to omit the western most part of the site from development. The amended proposals comprise the construction of a 6.3MW capacity solar farm to be operational for a 25 year period. The proposal constitutes the construction of PV panels laid out in rows of arrays running from west to east across the site. Each array will be mounted on a simple metal framework which is ground mounted on concrete pads. The height of any installation would be limited to 2.5m above ground level. The panels would be connected to a national grid connection beyond the site boundary.

3.2 The solar farm includes inverter transformer buildings, as well as one substation, fencing and CCTV.

4.0 Policy Context

4.1 At the heart of the NPPF is a presumption in favour of sustainable development, of which there are three dimensions: economic, social and environmental. The NPPF does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning authorities having an up-to-date plan. According to paragraph 215 of Annex 1 of the NPPF, due weight should be given to relevant policies in existing development plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given).

4.2 Paragraph 216 of the NPPF sets out that that from the day of publication decision-makers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan. The weight to be attributed to each policy will be affected by the extent to which there are unresolved objections to relevant policies with the emerging plan (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency of the emerging policies to the NPPF. The more advanced the preparation of a plan, the greater the weight that may be given.

4.3 Paragraph 93 of the NPPF advises that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is echoed in Policy EVT1 of the Tewkesbury Borough Local Plan which advises that proposals for the development of renewable energy installations will be supported provided that they;

- a) do not result in unacceptable loss of amenity to local residents or businesses by reason of noise, traffic or other disturbance.
- b) do not result in any risk to public health and safety.
- c) do not adversely affect the quality of conservation areas or landscapes designated as areas of outstanding natural beauty, special landscape area or landscape protection zone.

4.4 Policy INF6 of the JCS Submission Version also supports proposals for the generation of energy from renewable resources provided the wider environmental, social and economic benefits of the installation would not be outweighed by a significant impact on the local environment.

4.5 Policy LND4 of the Local Plan states "In considering proposals for development in rural areas other than the Area of Outstanding Natural Beauty, Special Landscape Area and Landscape Protection Zone, regard will be given to the need to protect the character and appearance of the rural landscape".

4.6 Policy NCN5 of the local plan and Policy SD10 of the JCS (Submission Version) seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats.

4.7 Local Plan Policy EVT3 provides that new development should be sited away from sources of noise and planning permission should not be granted for development where noise would cause harm and could not be ameliorated. Similarly policy SD15 of the JCS (Submission Version) seeks to promote health and environmental quality and ensure that new development does not result in unacceptable levels of noise.

4.8 Policy EVT5 of the Local Plan requires that certain developments within Flood Zone 1 be accompanied by a flood risk assessment and that developments should not exacerbate or cause flooding problems. Furthermore, Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria. Similarly Policy INF3 of the JCS (Submission Version) seeks to ensure that development proposals avoid areas at risk of flooding and do not increase the level of flood risk.

4.9 Policy TPT1 of the local plan seeks to ensure that highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network, nor cause an unacceptable loss of amenity to users of adjacent land. Similarly policy INF2 of the JCS (Submission Version) seeks to protect the safety and efficiency of the transport network.

4.10 The above local plan policies in respect of conserving the natural environment and supporting renewable energy are considered to be consistent with the NPPF and are therefore considered to have significant weight. The JCS Submission Version policies detailed above are also considered to be consistent with the NPPF and as such should be accorded some weight.

5.0 Analysis

5.1 The main issues in this case are considered to be the principle of the development and its effect on the landscape character and visual amenity of the area.

Principle of development

5.2 The NPPF states that 'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.' When determining planning applications, local planning authorities are advised that they should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and
- approve the application if its impacts are (or can be made) acceptable.

5.3 Planning Practice Guidance (PPG) on 'Renewable and low carbon energy' advises inter alia, that the need for renewable energy does not automatically override environmental protections and that local topography is an important factor in assessing whether large solar farms could have a damaging effect on landscapes and recognise that the impact can be as great in predominantly flat landscapes as in hilly or mountainous areas. It also sets out particular factors a local planning authority (LPA) will need to consider which includes encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value. Where a proposal involves greenfield land, an LPA will need to consider, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays.

5.4 Furthermore, the UK Solar PV Strategy (2013) sets out four guiding principles for solar PV, the third of which states, amongst other things, that solar PV should be appropriately sited with proper weight being given to environmental considerations such as landscape and visual impact. Following publication of this strategy, the Minister for Energy and Climate Change produced a letter dated 1st November 2013 indicating that *..Inappropriately sited solar PV is something that I take extremely seriously and I am determined to crack down on*'.

5.5 The provision of renewable energy development is encouraged in local plan policies EVT1 of the local plan and INF6 of the JCS Submission Version, as detailed above, but subject to the need to protect the quality of designated landscape areas. This site lies within the open countryside.

5.6 The panels would be connected to the national grid and it is anticipated that they would generate up to 6.3MW of power. The panels would be erected for a period of 25 years and would see renewable energy (RE) fed into the grid, thus representing a contribution to the UK's renewable energy targets. The applicants have indicated that the power generated by the proposal would power up to 1830 homes per year resulting in a saving of 3,616 tonnes of CO2 emissions per annum.

5.7 These benefits would accord with the NPPF's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development and that local communities have a responsibility to contribute to the generation of such energy amongst other things.

5.8 Notwithstanding these benefits it is necessary, as advised in the PPG, to consider the effect of the proposal on the landscape and visual amenity of the area, whether it has been demonstrated that development of agricultural land is necessary.

Sequential assessment

5.9 As detailed above, it is necessary to consider whether it has been demonstrated that development of agricultural land is necessary and, if so, whether it has been shown that land of poorer agricultural quality has been chosen in preference to higher quality land. A sequential analysis has been undertaken in support of the application.

5.10 The applicant's analysis considered land within 3KM of the application site. Alternative sites were identified through ensuring identified sites meet the following criteria:

1. Be available for the proposed development both in the short term, and for the life of the project.
2. Be located within 2 KM of a grid connection.
3. For said grid connection to benefit from available capacity for the power generated.
4. To be relatively flat, south facing land.
5. To be outside of an area which comprises a sensitive landscape or visual area to which the proposal may be to the detriment.
6. To be outside of a sensitive area as defined by EIA Regulations.
7. To comprise a suitable shape and orientation to accommodate the proposed development.
8. Be accessible in respect of highways during the construction phase of the project.
9. To be of an agricultural classification no better than 3A.
10. A land value which ensures the viability of the proposed development is not compromised.
11. Located outside of areas identified as liable to flooding.
12. To be suitable for a solar PV project in respect of national and local planning policy constraints / allocation.

Whilst alternative sites were identified through this analysis due to numerous factors including site constraints these were all discounted.

5.11 The application site comprises a mix of Grade 3B land (78%), 3A Land (11%) and grade 2 (11%) as indicated by the submitted agricultural classification. The agricultural appraisal informs that the soil profiles in the north east of the Site are limited to Grade 2 due to a slight droughtiness limitation for potatoes, caused by the very slightly stony, sandy loam profiles. Soil profiles in the centre of the Site are limited by soil wetness to Subgrade 3a due to the medium clay loam topsoil and the seasonally waterlogged (Wetness Class III) profiles. Soil profiles at the Site which have a heavy clay loam or clay topsoil and are seasonally waterlogged (Wetness Class III) or waterlogged for long periods in the winter (Wetness Class IV), i.e. auger locations in the north west and south of the Site, are limited by soil wetness to Subgrade 3b in this climate area (151-175 field capacity days). Whilst there would be some loss of food production land this would be in the minority following the amendments to the scheme and, no loss of the identified Grade 2 land would occur and only part of the identified Grade 3a land would be lost. The proposed use, although for 25 years is temporary and full reversible and the proposal would provide an annual income to the owners of Highnam Farm to continue to support the agricultural business and therefore it would not be practicable to look for other sites.

5.12 In conclusion, the assessment is considered to demonstrate that there are no available or suitable areas of PDL, nor sites of lower quality agricultural land (Grade 4 or 5), suitable for the proposed solar park development.

Effect on landscape character and visual amenity of the area

5.13 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application and a further addendum has been submitted following amendments to the scheme. Whilst the applicants maintain the view set out in the original LVIA, they consider that the amended scheme fully addresses officer concerns, commenting that the latest plan limits development to the western portion of the site maintaining the relative openness of the local landscape. The development would also reinstate hedgerows on their historic lines (with some minor modifications to allow for modern agricultural practices) adding to the local landscape character. Another benefit to the local landscape character will be the planting of an area of orchard near the southern site boundaries. Overall, the site is significantly smaller, further away from Two Mile Lane and set behind strong landscape boundaries which follow the lines of earlier historic hedgerows lost during 20th century agricultural improvements. These new hedgerows will add to local landscape character. The sense of openness in the valley is maintained as are the views to the eastern edges of Highnam Woods.

5.14 The Council's Landscape Advisor has assessed the amended scheme and considers that the proposed amendments to the solar arrays at Highnam Farm limit development to the west of the site and (re)establish a characteristic pattern of hedgerows around and across the development site. The revised scheme represents an improvement in so far as it would substantially reduce the influence of the development on Two Mile Lane by establishing an open "buffer". It is also considered that the proposed hedgerow planting, following historic boundaries, would be effective in screening and fragmenting views of the solar arrays and would substantially reduce the landscape and visual impacts. The Council's Landscape Advisor raises no objection to the scheme.

5.15 In light of the above, the proposed development would introduce development where there is currently none and whilst the impacts could be mitigated it would inevitably result in some landscape harm which weighs against the development and must be considered in the planning balance.

Archaeology and Historic Environment

5.16 The application has been submitted with a Historic Environment Assessment. The assessment classifies the application site as an area with low potential to contain any significant archaeological remains which would constrain the proposed development.

5.17 The wider locality is known to contain widespread archaeological remains relating to prehistoric, Roman and medieval settlement and activity, much of the evidence being obscured from view by the agricultural soils which cover the land. The applicants have confirmed that the proposed solar arrays would be sited on concrete bases with no requirement to dig foundations. The County Archaeologist has confirmed that given this method of siting it is not considered that any further archaeological investigation is required.

5.18 The application site is also located in close proximity to a number of Listed Buildings including No's 1 and 2 Two Mile Lane (both Grade II) located to the south east of the application site and Beauchamp Lodge located to the south (Grade II). Whilst the proposed solar arrays would be located in the adjacent fields to these properties, given the revised scheme and the combination of proposed planting as well as existing, it is not considered that the proposal would be detrimental to the setting of these buildings. The Council's Conservation Officer also confirms that there is no objection to the proposal on Listed Building setting grounds and he explains that Beauchamp Lodge and 1 & 2 Two Mile Cottages, the listed buildings in the vicinity, are modest buildings with small curtilages whose setting influence is limited. Their orientation is primarily south towards the A40 and it seems likely that the shelter planting proposed to the north would mitigate any impacts from the scheme.

Ecology

5.19 The application has been supported with an Ecological Constraints and Opportunities Assessment, a bat inspection report and a Great Crested Newt Survey Report. Whilst there are protected species located within the site, including Great Crested Newts and bats, it is considered that the avoidance and mitigation measures identified in the surveys would ensure that the proposal would not have a detrimental impact on them or their habitats. Having regard to the above, should members be minded to grant planning permission a condition should be imposed requiring the measures identified in the surveys being carried out. Subject to appropriate planning conditions to secure protection of existing habitats, biodiversity enhancements and mitigation as necessary the proposed development is therefore considered to accord with the NPPF and policy NCN5 of the Local Plan.

Flood risk

5.20 The application site is located within Flood Zone 1 however due to its size is accompanied by a Flood Risk Assessment (FRA). The FRA shows that the impermeable area introduced across the site is very small relative to the size of the site and the varying profile of the ground surface will tend to counteract this action and re-balance the flows as they progress across the site. In addition the reinstatement of historic hedge lines on the site and their associated undergrowth will act to beneficially interrupt any surface flows generated on the site. During the non-winter months, transpiration and other actions will help to reduce the volumetric run-off from the site during all storm events.

5.21 As such it is concluded that there will be no impact on the nearby watercourses and neighbouring sites as a result of the proposed development.

Access and Highway Safety

5.22 Access to the site would be from Two Mile Lane. The County Highway Authority have requested further information from the application in respect of the site access visibility, tracking demonstrating HGV's pass cars at the A40 junction and along the lane, and details of the upgraded access showing the tracking in/out by HGV's to demonstrate the site access is acceptable. The applicants are currently formulating the necessary information to satisfy the CHA. **An update will be provided to members at Committee.**

Residential Amenity

5.23 The nearest residential properties, are located to the east on Two Mile Lane and to the South Fronting onto the A40. The dwellings are located some way from the proposed access and the quiet nature of the proposed development it is not considered that there would be any significantly detrimental impact upon residential amenities.

6.0 Overall Planning Balance and Conclusions

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

6.2 Weighing against the proposal are the harm identified to the character and appearance of the Countryside when viewed from Two Mile Lane and parts of the A40, however much of the harm would be alleviated following the amendments to the scheme and the proposed planting scheme.

6.3 The benefits of the proposal are the significant contribution that would be made towards the reduction of Greenhouse Gas emissions. The development would also contribute to the local rural economy and would have energy security benefits. It would also improve biodiversity. Further, the applicant has demonstrated that there are considered to be no available or suitable areas of lower quality agricultural land (Grade 4 or 5) suitable for the solar development of the proposed scale.

6.4 Overall, it is considered that the harm to the local landscape would not be significant and that the benefits of the proposed development would be sufficient to clearly outweigh the harms identified.

6.5 Having regard to the above, it is considered that the proposal would accord with relevant policies of the Local Plan and emerging JCS and would represent sustainable development as set out in the NPPF. It is therefore recommended that permission be **delegated to the Development Manager subject to the necessary highway standards being met to the satisfaction of the County Highway Authority.**

RECOMMENDATION Delegated Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 02, 03 and 04 received 27th August 2015 and S2100-1000 Received on 26th October 2015.
- 3 Notwithstanding the submitted details, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; hard surfacing materials; planting plans, specifications and schedules and details of tree and hedgerow protection for existing planting, to be retained, in accordance with BS 5837: Trees in relation to construction. All approved tree and hedge protection measures shall be in place prior to the commencement of the development and shall be retained thereafter until the development is complete. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.
- 4 The recommendations outlined in the Biodiversity Management Plan, dated August 2015 rev 2 - October 2015 shall be implemented in full in the timeframes stated unless otherwise agreed in writing with the Local Planning Authority.
- 5 No external lighting shall be installed on the site at any time other than in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.
- 6 The planning permission hereby granted is for a period of 25 years from the date of first export of electricity from the development to the grid (the 'first export date') after which the development hereby permitted shall be removed. Written notification of the first export date shall be given to the Local Planning Authority no later than 14 days after the event.
- 7 Not less than 12 months before the cessation of the development hereby permitted, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Method Statement shall include details of the removal of the panels, supports, inverters, cables, buildings and all associated structures and fencing from the site, and a timetable. The DMS shall also include details of the proposed restoration. The site shall be decommissioned in accordance with the approved DMS and timetable within 6 months of the expiry of the 25 year period of planning permission.

- 8 Prior to the commencement of the development the locations of all invertors and switch houses shall be submitted to and agreed in writing with the Local Planning Authority. These details shall include typical noise levels generated. The details shall then be implemented in accordance with the approved details.

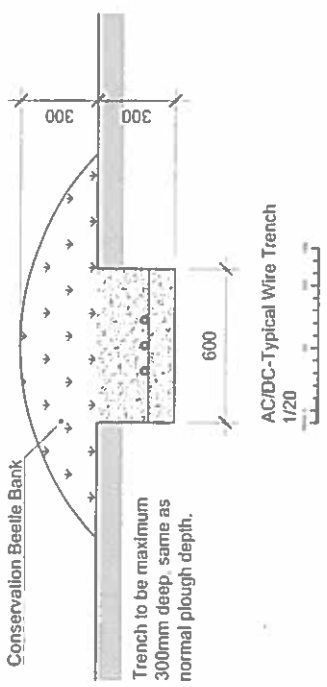
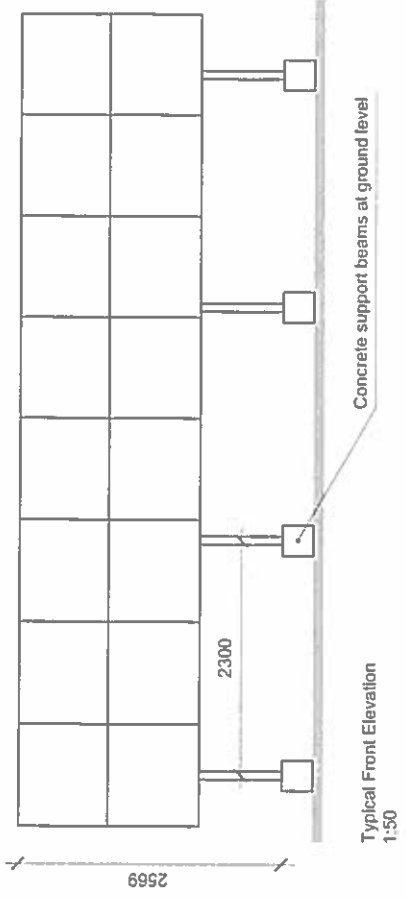
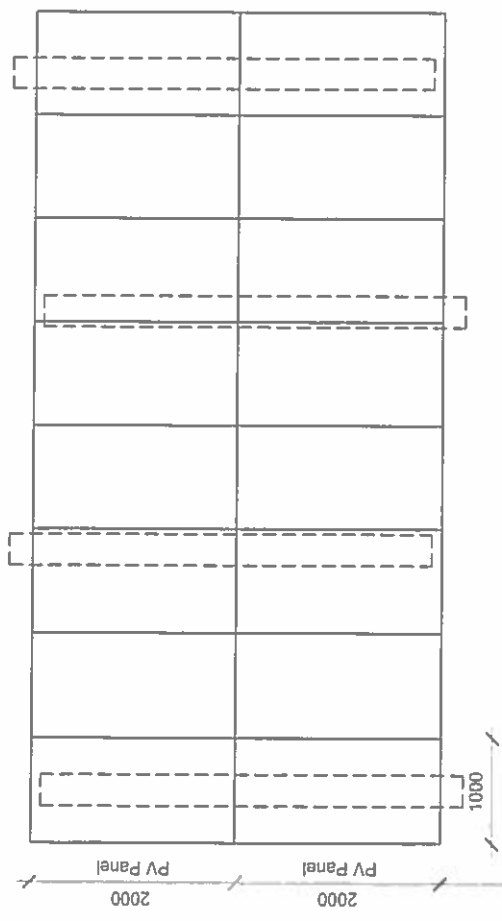
Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development permitted is carried out in accordance with the approved plans.
- 3 In the interests of visual amenity and the character of the area.
- 4 In the interests of visual amenity and the character of the area and to ensure ecological enhancements are appropriately managed.
- 5 In the interests of visual amenity and to protect biodiversity in accordance with the guidance set out in the NPPF and Policies GRB1, LND4 and NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 6 In the interests of visual amenity to accord with the NPPF.
- 7 In the interests of visual amenity to accord with the NPPF.
- 8 In the interests of residential amenity.

Note:

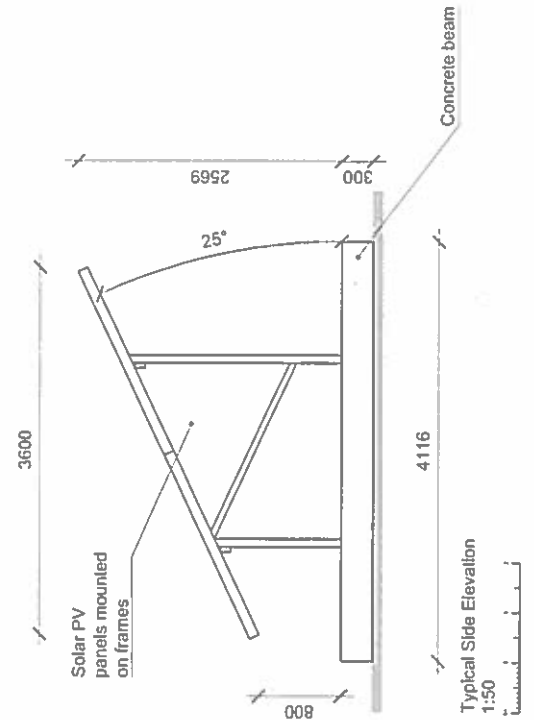
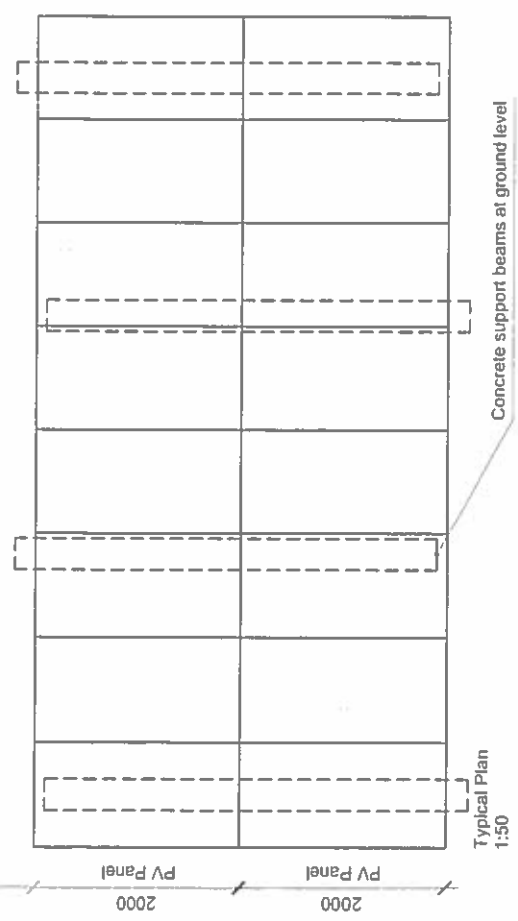
- 1 **Statement of Positive and Proactive Engagement**

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



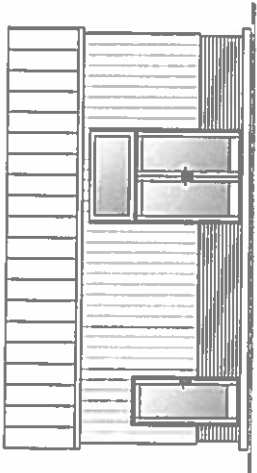
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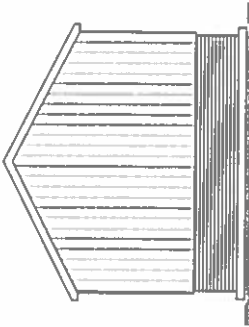


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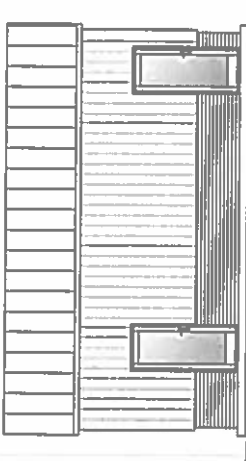
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Client Highnam Farm Solar Ltd		Drawn Solar Panel Detail	
Date July 2015		Scale 1/50 & 1/20 @ A3	
Drawing No. 01	Issue Planning	All dimensions must be site checked and not scaled from the drawing	



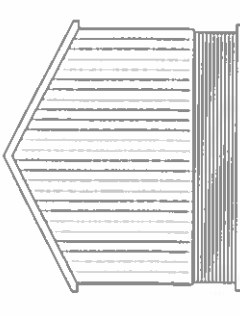
Front Elevation



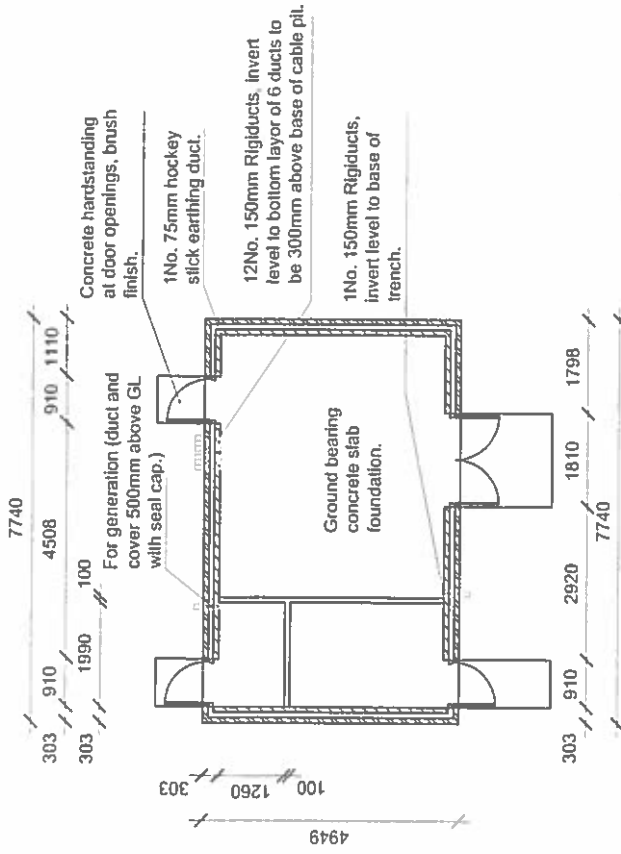
Side Elevation



Rear Elevation

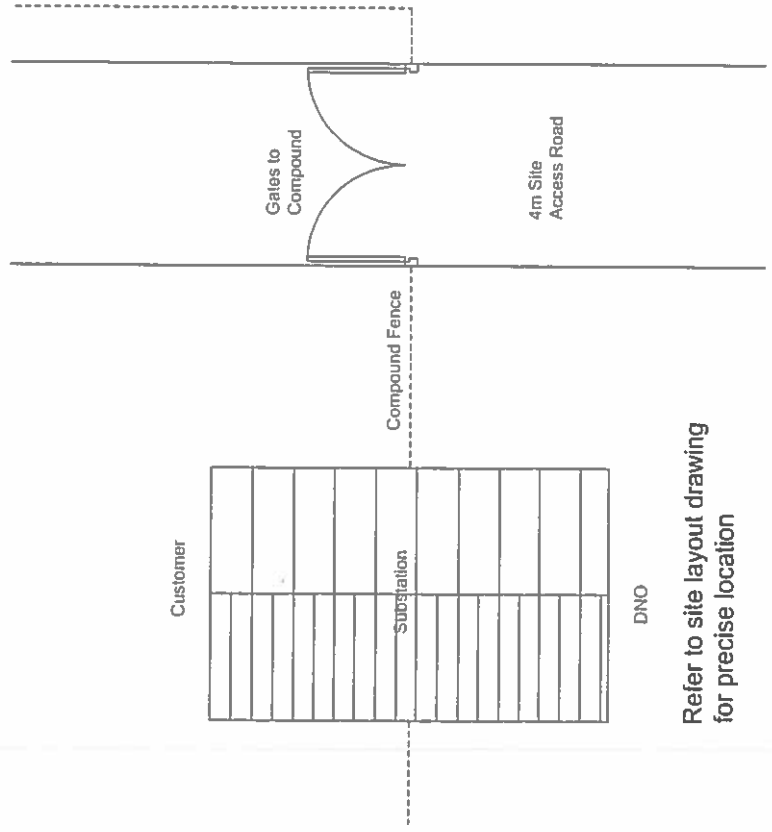


Side Elevation



Floor Plan

Note:
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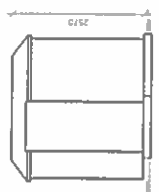


Refer to site layout drawing for precise location

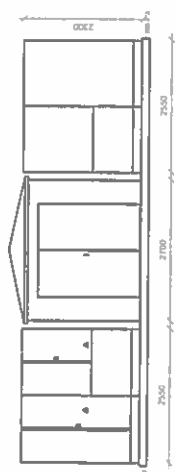


Project Name:	Highnam Farm, Highnam, Gloucester
Client:	Highnam Farm Solar Ltd
Drawing:	Substation Details
Date:	July 2015
Scale:	1/100 @ A3
Drawing No.:	02
Issue:	Planning
<small>All dimensions shall be site checked and not used from this drawing.</small>	

535/c

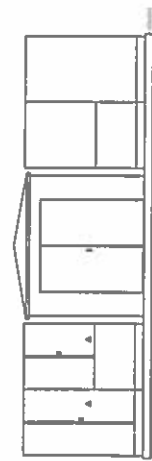


Side Elevation

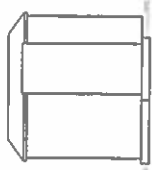


Front Elevation

Scale 1:100



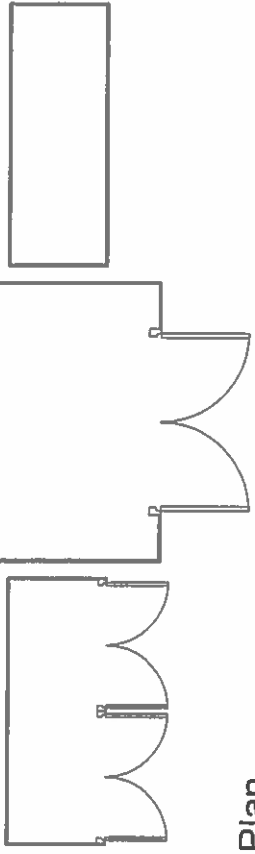
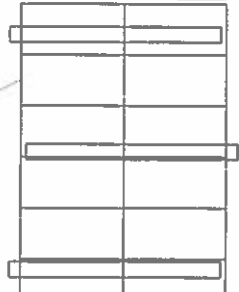
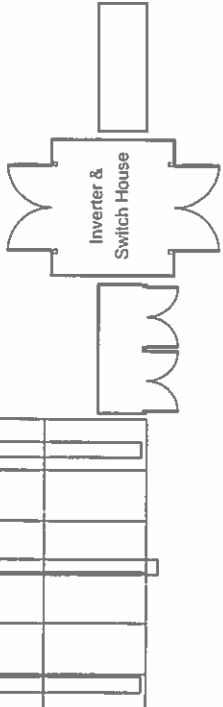
Rear Elevation



Side Elevation

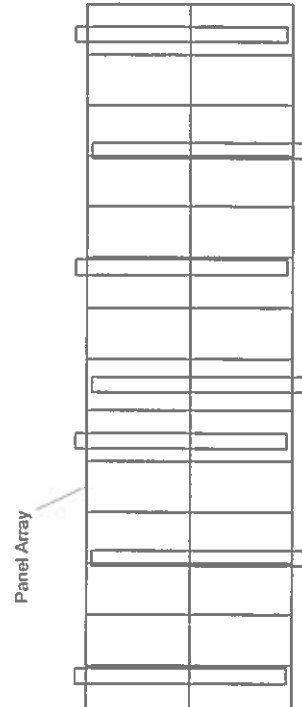


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Plan

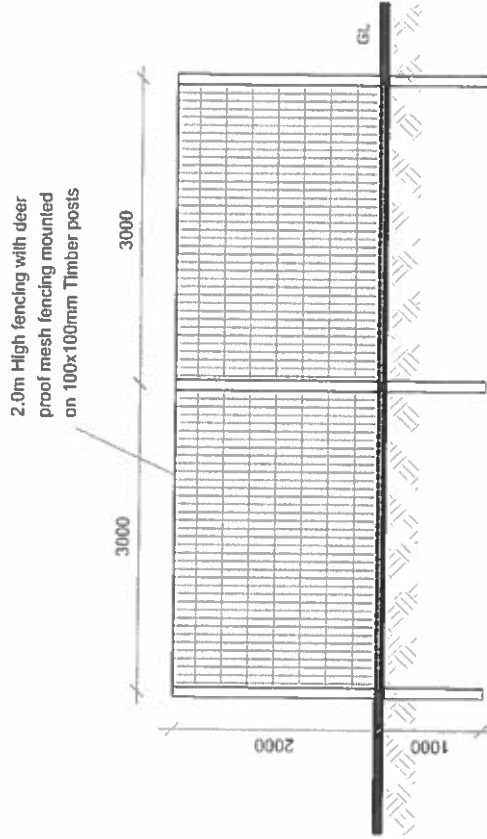
Scale 1:50



Typical location of Inverter and switch house as indicated on layout plan.
 Scale 1:100

Note:
 Indicated on Site Layout Plan as :

Project Details Highnam Farm, Highnam, Gloucester	
Client	Highnam Farm Solar Ltd
Building	Switch house and Inverter Details
Date	July 2015
Scale	1:50 & 1:100@ A3
Drawing No.	03
Issue	Planning
All dimensions are in millimetres and shall be used for the building.	

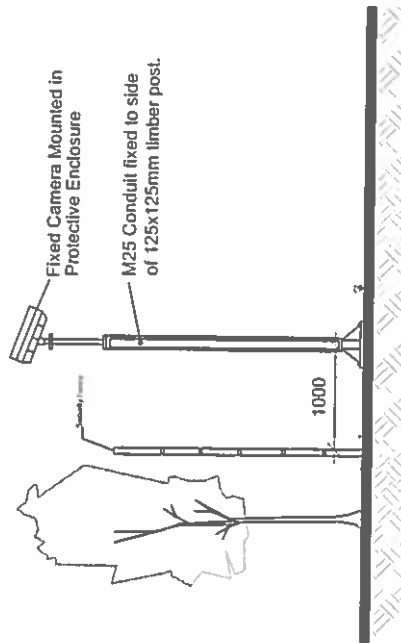


Typical Fence Detail

Scale 1:50



Note:
Indicated on Site Layout Plan as : - - - -



Typical CCTV Arrangement Detail

Scale 1:50



Note:
Indicated on Site Layout Plan as : 

535/E

Project Name	PikeSolar
Project Location	Highnam Farm, Highnam, Gloucester
Client	Highnam Farm Solar Ltd
Drawn	Fence & CCTV Details
Date	July 2015
Scale	1:50 @ A3
Sheet No.	04
Sheet Title	Fencing
<small>All dimensions shall be given in millimetres unless otherwise stated. The drawing is the property of Mecklenburg Ltd.</small>	

15/00898/OUT
Twigworth Fields OUT
Valid 08.09.2015

Part Parcel 2691, Tewkesbury Road, Twigworth

19

Outline application for the erection of up to 10 dwellings, with all matters to be reserved for future consideration

Grid Ref 385290 222935
Parish Twigworth
Ward Coombe Hill

Mr Rob Walker
C/o Agent

RECOMMENDATION Delegated Permit

Policies and Constraints

Tewkesbury Borough Local Plan to 2011 (March 2006) - policies HOU4 (Other Settlements/Rural Areas), HOU13 (Affordable Housing), GN11 (Implementation), TPT1 (Access for Development), TPT6 (Cycle Parking), EVT2 (Light Pollution), EVT3 (Noise Pollution), EVT9 (Sustainable Urban Drainage Systems) and LND4 (Landscape - Countryside Protection)
JCS (Submission Version) November 2014
Affordable Housing Supplementary Planning Guidance (November 2006)
Flood and Water Management SPD
National Planning Policy Framework (2012)
Planning Practice Guidance
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Twigworth Parish Council - no response at the time of writing.

County Highway Authority - no objection subject to conditions.

Strategic Housing & Enabling Officer advises that on-site provision of affordable housing (40%) would be required. In this instance there is no justification for off-site/financial contributions.

Environmental Health Officer raises no objection subject to conditions.

Urban Design Officer advises suggests some amendments to the layout as shown in the indicative plan, and has suggested that a reduction of roughly 2 units would allow for a much more satisfactory design and layout.

Land Drainage Officer - no comments at the time of writing.

Gloucestershire County Council S106 Officer - no comments at the time of writing.

Community Development Officer - no comments at the time of writing.

5 letters of representation have been received raising the following issues:

- Too many dwellings - not in keeping with character of the area. The volume of proposed properties and the spacing between them is not in keeping with the semi-rural character or the area
- The siting of the proposed dwelling nearest to 'Stonehaven' should have a reasonable gap from both properties' boundaries with appropriate boundary treatment.
- All proposed dwellings with immediate individual access from the private road should be built in line with existing dwellings and should not be sited any further back from the private road - to be in-keeping with the character of the area and to minimise noise, disturbance and odour.
- The proposed dwellings should all have garages to help with traffic and parking issues, and to be in-keeping with the character of the area
- Landscaping needs to be sufficient for the site as a number of trees and hedges have already been removed from this site and along the A38 frontage.
- Road safety concerns at the junction of Twigworth Fields with the A38 - Access onto the A38 from Twigworth Fields is currently hazardous due to the volume and speed of traffic, together with restrictive vision from the lane towards the Down Hatherley Lane turning due to the curve in the road.
- Twigworth Fields is a private road, and should be upgraded by the developer and adopted by the County Council for future maintenance purposes. Extra traffic would cause considerable wear and tear to the surface and there would be a requirement for the verges to be maintained.
- Appropriate and safe provision should be made for refuse collection.

- The existing utilities that service the four properties are not adequate.
- The existing rainwater drainage at the junction of Twigworth Fields and the A38 is already inadequate and substantial flooding occurs at each and every occurrence of rainfall. Any standing water drainage from the proposed site, unless appropriately catered for, will result in increased risk of road flooding.
- The existing pumping station is inadequate and sewage has been known to back up as far as the last property in the lane which is not only unpleasant, but dangerous for the health and well-being of the residents. It is highly unlikely that, without substantial modification, it will be able to support a development of this size.
- There are minimal amenities in Twigworth and Norton, all of which are outside 'walking' distance. **Norton Primary School** is reported to be over-subscribed and the bus services are inadequate. In their current form, they will not support a development of the proposed size. The outline proposal does not provide details of the upgrading of these local amenities for further residents in the area.

Planning Officers Comments: Emma Blackwood

1.0 Application Site

1.1 The application site comprises 0.9ha of land and is located immediately adjacent to the west of the A38 in Twigworth, which is a small rural "service village" approximately 4.5km north of Gloucester City Centre, 10km west of Cheltenham and 11km south of Tewkesbury. The site is accessed from Twigworth Fields; a private road leading off the A38 (see site location plan). The site is predominantly flat and clear, and there is some vegetation along the eastern and southern boundaries of the site.

1.2 There are currently 4 no. detached dwellings accessed via Twigworth Fields which, at the closest point, are set back approximately 130 metres from the A38. The immediate area is characterised by ribbon development which straddles the A38 in this location. Vine House and Woodvine House, both detached dwellings, are located to the north and south of the site respectively, both of which are accessed from the A38. There are also a number of residential dwellings to the north of the site along the A38 and at Broadclose Road. The southern site boundary also lies adjacent to the Twigworth Breaker's Yard. Land immediately to the east of the A38, opposite the application site, lies within the Green Belt. The land within the curtilage of the application site, however, is not subject to any formal landscape designation and is not located within a recognised settlement boundary.

2.0 Relevant Planning History

2.1 There are no relevant planning applications relating to residential development within the curtilage of the application site. However, it is noteworthy that outline planning permission was granted for the erection of 2 detached bungalows on land to the north of Vine House in January 2014 (reference 14/01047/OUT). An outline application for the erection of five dwellings on this land is currently pending consideration (reference 15/00369/OUT).

2.2 Pre-application advice was sought in May 2015 for the erection of up to 10 residential dwellings, not exceeding a total of 1,000 square metres of floor space, on the application site.

2.3 Within the pre-application advice, it was advised that the site is considered to be within a reasonably sustainable location and, as such, the principal of a residential scheme is likely to be considered acceptable here. However, some amendments to the layout and design of the scheme were suggested, as follows: It was advised that the density of the scheme be reduced to be more in-keeping with the neighbouring generously sized plots. 4 no. dwellings were shown on the part of the site which runs parallel with the A38 and it was suggested that this be reduced to 3 dwellings, removing the dwelling furthest towards the north and providing more of a gap between the 2 more centrally positioned dwellings. It was also suggested that the 6 dwellings shown on the part of the site which runs perpendicular to the A38 be reduced to 5 dwellings, again therefore increasing the spacing between the dwellings here. It was further advised moving these dwellings slightly further north within the site, to sit level with the building line formed by the existing dwelling at Stonehaven, and making sure the front building line across these dwellings is level (the submitted indicative layout showed each dwelling at a slight angle relative to the adjacent building).

2.4 The Local Highway Authority was consulted as part of this pre-application enquiry and advised that they did not have an in principle objection to the development, subject to a number of details being submitted with any subsequent application.

2.5 It is noteworthy that, in the current outline application, the submitted indicative layout makes no changes to the layout or general design of the proposed development as originally shown in the pre-application enquiry.

3.0 Current Application

3.1 This application proposes the erection of up to 10 dwellings. The application is in outline with all matters to be reserved for future consideration. Whilst all matters are reserved, the application is supported with an indicative site layout plan which, the Planning, Design and Access Statement advises, have been submitted for indicative purposes only (see attached plans). Further, the application is supported by 2 no. indicative street scene drawings; one with 1.5 storey dwellings and the other with two storey dwellings.

3.2 The indicative layout and the submitted Planning, Design and Access Statement advises that the proposed dwellings are likely to be accessed via the existing Twigworth Fields, upon which the applicant has a right of access.

4.0 Analysis

Principal of Development

4.1 The site is located outside of a recognised settlement boundary and therefore the proposal is contrary to policy HOU4 of the Local Plan. However, paragraph 49 of the National Planning Policy Framework, 2012 (NPPF) sets out that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Policy HOU4 is based on the now revoked Structure Plan housing numbers and, for that reason, it is considered out of date in the context of the NPPF insofar as it relates to restricting the supply of housing. The policy is also out of date because the Council cannot currently demonstrate a five year supply of deliverable housing sites.

4.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that, where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless 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; or where specific policies in the Framework indicate development should be restricted. In this case, there are no specific policies which indicate development should be restricted.

4.3 The NPPF also states that local authorities should avoid granting new isolated homes in the open countryside unless there are special circumstances. Although the site is located outside a residential development boundary, it is considered that it is not isolated given its location close to existing residential development at Twigworth and Down Hatherley. Twigworth benefits from a reasonable level of local services and facilities, including a post office, a general store, employment opportunities, a petrol station/garage and a place of worship. The majority of these services and facilities are within acceptable walking and cycling distances from the application site. There is footway provision on the eastern edge of the A38 providing linkage to local amenities, schools and sustainable transport. The indicative plan (8019SK002 Rev C) proposes the provision of a 2 metre footway on the southern edge of the access road. The footway would extend onto the A38 where a dropped kerb and tactile crossing point would provide suitable linkage to the existing footway provision on the A38. This would ensure suitable accessibility to these local amenities and sustainable transport provisions.

4.4 The site is also located in close proximity to bus stops on the A38 which provide connections to Tewkesbury, Cheltenham and Gloucester City. The Local Highway Authority advises that the nearest bus stop provision is approximately 140 metres north of the site which is within the desired comfortable walking distance recommended by the IHT providing for journeys on foot guidance (table 3.2). The bus services available here are the 71 and a number of limited school services. The 71 provides an hourly service with peak hour service between Tewkesbury and Gloucester, providing a sustainable transport method to a number of employment areas as well as further regional and national sustainable transport options. It is therefore considered that the site is located in a reasonably accessible location.

Impact on Character and Appearance of Area

4.5 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Furthermore, one of the defined 'Core Principles' of the NPPF is that a good standard of amenity for all existing and future occupants of land and buildings be achieved. Policy SD5 of the JCS Submission Version (November 2014) closely reflects this advice.

4.6 Whilst all matters relating to design and layout are reserved for future consideration, the application is supported with an illustrative site layout plan and street scene which, the Planning, Design and Access Statement advises, have been submitted for indicative purposes only.

4.7 The indicative layout shows that the site would be accessed via the existing Twigworth Fields access on to the A38, and six of the proposed dwellings would face onto this existing private road. The remaining four proposed dwellings would face east onto a new stretch of road which would lie parallel with the A38.

4.8 The Urban Design Officer has viewed the application and supports the observations made by the Planning Officer at pre-application stage, regarding the cramped nature of the proposed development and the building line. The indicative layout shows the dwellings arranged very close to each other, giving the appearance of a continuous building line and, in this rural location, a looser development form would be more appropriate. Most of the dwellings near the site are detached properties set in large plots. The applicant is advised that attention should be paid to the corner building, which should be designed to turn the corner and have active fenestration on both elevations. Further, due to the cramped arrangement of the buildings on the indicative layout, most parking would be accommodated to the front of the dwellings, which would create a very car dominated street scene.

4.9 The Urban Design Officer concludes that this site is appropriate for housing in design terms. However, in order for these to be comfortably accommodated within the site, it is advised that a reduction of roughly 2 units would allow for a much more satisfactory design and layout.

4.10 The indicative layout shows detached dwellings only, and there is very little spacing between the proposed buildings. Alterations could be made to the proposal by alternatively providing, for example, some semi-detached dwellings on site and therefore increasing the gaps between buildings. Any subsequent reserved matters application would need to demonstrate that up to 10 dwellings could be accommodated within the curtilage of the application site in an appropriate and attractive arrangement. Therefore it is considered that ten dwellings could be accommodated on the site in an appropriate way; however, the illustrative layout submitted with the current application is not considered appropriate for the reasons set out above. A note is suggested which will highlight this to any future developer of the land.

4.11 Whilst the concerns of local residents are noted in respect of the quantity, size and design of the dwellings, this would be addressed through any subsequent reserved matters application.

Landscape Impact

4.12 Policy LND4 of the Local Plan states that regard will be given to the need to protect the character and appearance of the rural landscape. The NPPF reflects this advice and states that the planning system should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes. Policy SD7 of the JCS Submission Version (November 2014) reiterates this advice.

4.13 As set out above, there are no landscape designations affecting the site. The site itself sits in close proximity to existing residential development and is heavily influenced by the A38. The proposal would introduce development into an open piece of land. However, by virtue of the positioning of existing dwellings towards the end of Twigworth Fields, the proposal would not significantly interrupt views of the open countryside beyond. Whilst the development would be fairly prominent from the road and would change the character of the site by virtue of the location of existing dwellings on Twigworth Fields and the extent of existing ribbon development along the A38, it is not considered that the visual impact would be so significant as to warrant a refusal of planning permission in this particular case. Further, the submitted Planning, Design and Access Statement advises that a landscape buffer would be introduced adjacent to the breaker's yard and that the existing planting along the A38 would be retained, to soften the visual impact, and it is recommended that a condition is attached to any approval of planning permission requiring the submission of details relating to landscaping. Notwithstanding this, the harm, albeit limited, does weigh against the proposal in the overall planning balance.

Impact on Residential Amenity

4.14 The nearest dwellings to the proposed development would be the 4 no. detached dwellings located towards the end of Twigworth Fields and Vine House and Woodvine House. At this stage, the layout is purely indicative, but it does show that 10 no. dwellings could be provided on the site whilst maintaining a separation distance of approximately 8 metres at the closest point between the proposed dwellings and the nearest existing adjacent dwelling, at Stonehaven. Whilst there is potential for some impact on adjoining occupiers as a result of the proposed development, it is considered that careful design and orientation of the proposed dwellings and their fenestration would ensure that the development could be accommodated in an acceptable manner and these matters would be addressed through any subsequent reserved matters application.

4.15 The indicative layout shows that each dwelling could be provided with a generous private garden area. As such, it is judged that this would provide an acceptable environment for future occupiers of the proposed dwellings.

4.16 By virtue of the location of the application site adjacent to 'Twigworth Breakers', a car scrap yard, and the A38, the application is supported by the submission of an Environmental Noise Report which provides details on a site noise monitoring survey and assesses the impact of external environmental noise on the proposed residential development. The monitoring location is shown in the Environmental Noise Report; approximately 110 metres from the centre of the carriageway of the A38, in the field adjacent to the scrap yard.

4.17 The Environmental Noise Report (ENR) advises that the main source of noise affecting the measurement location was road traffic on the A38, and that noise from the adjacent breaker's yard was occasional and barely audible above the ambient road traffic. The main source of industrial noise was from an electric screwdriver unbolting car panels, and there was also the noise of moving materials. The ENR advises that the noise from the breaker's yard was not measurable above the road traffic noise level at the monitoring location, which was in close proximity to the boundary with the breaker's yard.

4.18 The ENR concludes that noise levels within the majority of plots across the site, with an open window, are predicted to fall within the British Standard 8233:2014 criteria and are not expected to affect the residential amenity of the properties adversely. Plots closest to the road would require noise mitigation measures in the form of acoustic attenuated trickle vents with the windows kept closed. This would achieve the aims of the National Planning Policy Guidance and the Noise Policy Statement for England. The ENR further advises that noise levels within the residential amenity areas have been predicted and it is demonstrated that all plots have an area where the predicted noise level is below 55 LAeq dB and that the noise level in the gardens of the majority of plots is below the desirable level of 50 LAeq dB.

4.19 The Environmental Health Officer has analysed the ENR and advises that they agree with the methodologies used. In terms of noise levels from the adjacent breakers yard, the Environmental Health Officer assumes that this does not operate at night. Planning permission was granted on 1st October 1996 for the variation of condition 7 relating to the operating hours attached to planning permission 96/9493/0260/FUL for a single storey steel framed cover over the existing storage yard at Twigworth Breaker's, for the building to not be utilised except between the hours of 0800 and 1730 hours on Mondays to Sundays (inclusive).

4.20 The findings of the ENR gained through modelling show the site can comply with the required noise criteria with little need for mitigation. However, the Environmental Health Officer advises that a condition should be attached to any approval of planning permission for those plots highlighted within the ENR, to have alternative ventilation which enables the internal noise criteria to be met as per BS8233. Further, as the proposed development would be close to other residents, the Environmental Health Officer advises that the developer be referred to a construction guidance document provided by Environmental Health, which details how to minimise impact in this phase.

Impact on Road Safety

4.21 Policy TPT1 of the Local Plan states, inter alia, that development will be permitted where highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network. Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual impacts of development are severe. Paragraph 32 specifically requires safe and suitable access to all development sites for all people. Policy INF2 of the JCS Submission Version (November 2014) reflects this advice.

4.22 Objections have been received from local residents on the grounds of highway safety. It is suggested that the A38 is very busy and cannot take any more vehicles and is dangerous at this location. Access is proposed to be reserved for future consideration. However, the indicative layout shows that the site would be accessed via the existing Twigworth Fields access onto the A38, which is subject to a 50mph speed limit at the point of access. Currently the access is approximately 11m in width with a driveway of 3.5m in width. The proposed development would modify the access to a 21m approximately wide bell mouth style priority T-Junction with give way markings from the minor to the major highway. The road would be widened to a width of 5.5 metres in order to allow two-way vehicular movements and the road would be constructed to adoptable standards, the design of which would be secured through a subsequent reserved matters application. The Local Highway Authority has confirmed that this access arrangement would be suitable for two way working leading to a 5.5m wide carriageway which can accommodate the passing of two HGV's.

4.23 In the absence of a speed survey the required emergent visibility would be 2.4m x 160m to the nearside kerb edge in either direction in accordance with DMRB standards. Indicative plan 8019SK004 has demonstrated visibility splays of 2.4m x 160m, with the splays within highway maintainable verge and do not cross third party land. The Local Highway Authority has confirmed that the required visibility splays are achievable with verge vegetation clearance, required to ensure the splays are maintained free of obstruction, and this can be dealt with by way of a planning condition.

4.24 As this is an outline application with all matters reserved, details of layout and parking would be reserved for future consideration. However, the Local Highway Authority has provided guidance for the applicant, against Paragraph 39 of the NPPF and the DCLG Residential Car Parking Research Document. The local car ownership levels for the ward in accordance with census data determined an average car or van availability of 2 per dwelling. The Local Highway Authority therefore advises that any subsequent reserved matters application should demonstrate the provision of 2 parking spaces per dwelling and that the spaces should comply with the minimum dimensions of 2.4m x 4.8m for a standard space, with 6.0m of drivable space in front of them for ease of access.

4.25 The turning facility as shown on any subsequent reserved matters application would need to be designed and constructed to adoptable standards. Vehicle tracking of a 3 axle refuse vehicle (of the type used for refuse collection in the TBC area) would need to be submitted at reserved matters stage.

4.26 Further, as the cul-de-sac part of the proposed development with the road lying parallel with the A38 would be 20 metres or longer, this would require adoptable standard turning facilities. A swept path analysis would also be required for a 3 axle refuse vehicle, with the tracking coming no closer than 500mm from any upright structure, tree or formal parking space.

4.27 The Local Highway Authority advises that the development consisting of 10 dwellings would generate approximately 50 daily vehicle trips, and that approximately 20 trips would occur at peak hours. They advise that an increase in the number of trips from a suitable access onto a class 1 highway would not be regarded as significant and that the residual cumulative impacts of the development would not be regarded as severe. No objections have been received from the Local Highway Authority, subject to conditions. It is considered that appropriate visibility, turning and manoeuvring can be achieved and the addition of the proposed dwellings would not generate significant traffic movement to warrant refusal.

Affordable Housing

4.28 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing. Furthermore, Affordable Housing Supplementary Planning Guidance (SPG) was adopted by the Council in August 2005. The purpose of the SPG is to assist the implementation of affordable housing policies contained within the Local Plan and it is a material consideration in the determination of planning applications. Emerging Policy SD13 (Joint Core Strategy Submission document) states that sites greater than 0.4 hectares are to meet an Affordable Housing contribution of 40%. The Housing Background Paper for the Joint Core Strategy evidences the requirement for 40% Affordable Housing on qualifying development sites.

4.29 The Strategic Housing & Enabling Officer confirms that the Council's requirement for a 40% contribution would need to be met on this site and that, if a reduction in the number of units on this development is proposed at a later stage, then the application should not fail to meet the 40% requirement. The Strategic Housing & Enabling Officer advises that four affordable homes should be provided on the site, comprising 2 no. 1-bed dwellings and 2 no. 2-bed dwellings, in order to meet the identified housing need.

4.30 The Council's policy is to meet its housing need first and foremost with on-site delivery of new affordable homes. Whilst the council would consider off-site/financial contributions for some applications, there is no justification to do so in case of this application. By securing housing need on-site, this ensures that homes are delivered and, importantly, in the area in which the development is built. The parish has identified a housing need and the housing register specifies that, as at 5th November 2015, 13 households have identified that Twigworth is an area that can meet their housing need; 3 of which live in the village, 5 live in the local area (surrounding parishes) and 5 live in the north of the borough. By virtue of the number of households in need, the Council's requirement for a 40% contribution would need to be met on this site and, without a demonstrated viability issue with this proposal, the Council would not seek to reduce the numbers delivered on-site.

4.31 The submitted Draft Heads of Terms for S106 Agreements confirms that the applicant is prepared to consider making a contribution towards affordable housing in one of the two following ways, in the following order of preference: (1) The provision of a financial contribution towards the off-site delivery of affordable housing to meet the needs of the local area, the figure of which is to be first agreed with the Council's Housing Enabling Officer; or (2) The provision of on-site affordable housing in accordance with the Council's adopted SPD on affordable housing, including an element of social rented accommodation to meet the identified housing needs of families in Twigworth.

4.32 The applicant has agreed to the principle of contributing towards affordable housing on-site and therefore, should members be minded to grant planning permission, it is recommended that authority be delegated to officers to allow for the provision of on-site affordable housing to be agreed.

Community Contributions

4.33 Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 (March 2006) states that permission will not be granted for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided. It further states that the nature of the infrastructure required will vary in relation to the nature and scale of the development proposed, the character of the site, demands made by the scheme on the local infrastructure and changing local community needs. At the very least, facilities for drainage and access must either exist or be provided.

4.34 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations relates to limitations on the use of planning obligations, and specifies that such obligations may only constitute a reason for granting planning permission for the development if the obligation is: (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.

4.35 There have been no requests for community contributions to meet the community needs arising from the development proposed to date. **An update will be provided at Committee.**

Ecological Considerations

4.36 A Preliminary Ecological Appraisal, commissioned by Countryside Consultants Ltd and carried out in August 2015, has been submitted with the application. This concludes that all habitats on the site are of low ecological value with only limited potential association with bats and some likely association with nesting birds.

4.37 The Appraisal advises that the site comprises a mixture of trees and scrub, which are likely to have some value for nesting birds, making them of local value. Further, the mature crack willows provide suitable opportunities for roosting bats. The Appraisal advises that there is a low potential of encountering great crested newt, reptile and hedgehog, although the existing scrub provides a suitable habitat. Further, there are no signs of the use of the site by badgers and no badger setts on or within 30 metres of the site.

4.38 The potential impacts of the proposed development would be: (1) the loss of approximately 0.9 hectares of common and widespread habitats of low ecological value, other than for species they may support, with low scale impact; (2) the loss of bird nesting and foraging habitats; (3) the potential for loss of bat roosting opportunities, if present within mature willow; and (4) low risk of harm or injury to individual reptiles or hedgehog.

4.39 In order to avoid or mitigate for any potential impacts, the Appraisal recommends the retention of trees (predominantly those along the eastern boundary) and, in terms of those trees to be removed and the ground to be disturbed, for this to be done carefully and at an appropriate time. The Appraisal further recommends the use of bird and bat bricks and tubes within the proposed dwellings to mitigate for the potential impacts, and for the compensatory replacement of orchard, species-rich grass and native tree and shrub planting as well as general 40% green infrastructure across the development (including garden space). Subject to suitably worded conditions to be attached to any approval of planning permission, it is considered that the ecological impact of the proposed development would be acceptable.

Other Matters

4.40 The site is located within Flood Zone 1 (low risk) as defined by the Environment Agency's most up-to-date flood risk maps. The development is therefore unlikely to be at risk of flooding or cause significant risk of flooding to third party property. It is noted that there are concerns regarding mains and sewage capacity in the area. However, no details relating to the method for disposal of foul sewage has been specified at the stage, and this would need to be confirmed at the reserved matters stage. It is therefore recommended that a condition is attached to any approval of planning permission requiring the submission of full drainage plans at the reserved matters stage, to ensure the most appropriate drainage solution be investigated.

4.41 The Environmental Health Officer advises that, as this site is adjacent to a site of potentially contaminated land, a condition is attached to any approval of planning permission for a site investigation of the nature and extent of contamination to be carried out prior to the commencement of development in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority.

5.0 Overall Balancing Exercise and Conclusions

5.1 The proposal would contribute, albeit in a small way, towards providing much needed housing in the Borough and it is recognised that housing development is an important economic driver. The site is located within a reasonably accessible location and there would be an acceptable impact upon the highway network. Whilst there would be a degree of harm to the landscape, it is considered that this harm would be limited and would not significantly outweigh the benefits. Overall, the proposals are considered to represent sustainable development in the context of the NPPF and it is therefore recommended that **permission is delegated to the Development Manager subject to conclusion of a S106 legal agreement to secure 40% affordable housing on the site; any community contributions; and any alterations necessary to conditions..**

RECOMMENDATION Delegated Permit

Conditions:

- 1 The development 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, and all matters referred to in conditions 4 - 14 below, (hereinafter referred to as "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development 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.
- 4 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected to the boundaries of the proposed dwellings, and where the application site adjoins the existing adjacent dwelling known as 'Stonehaven'. The boundary treatments shall be completed in accordance with the approved details before the buildings are occupied.

- 5 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall provide for a vehicular access with visibility splays measuring 2.4m (X-distance) x 160m (Y-distance) to the nearside carriageway edge in either direction and no occupation of the dwellings shall occur until the area between those splays and the carriageway have been 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.
- 6 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include the layout and internal access roads within the site, and the development shall be carried out in accordance with the approved plans. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal and vehicular turning head(s)) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.
- 7 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include vehicular parking and turning facilities within the site, and the dwellings shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes thereafter.
- 8 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include a full drainage scheme for the development. The approved scheme shall be completed in accordance with the approved details prior to the first occupation of that part of the development and the scheme shall be managed and maintained thereafter in accordance with the approved details.
- 9 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include the location of the storage space for waste and recycling facilities associated with each dwelling and a refuse and recycling bin collection management plan. The approved scheme shall be implemented in accordance with the approved details prior to the first occupation of the development and thereafter maintained for the life of the development.
- 10 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include details of the provision of alternative ventilation to be used in those plots highlighted within the Environmental Noise Report commissioned by Acoustic Consultants Ltd (reference 6136/DO/pw, and dated September 2015), which shall enable the internal noise criteria to be met as per BS8233.
- 11 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include details of proposed bird and bat bricks and tubes within the proposed dwellings, as recommended in the Ecological Appraisal commissioned by Countryside Consultants Ltd. Development shall be carried out in accordance with the approved details, and the bird and bat bricks and tubes shall be retained and maintained for the duration of the development.
- 12 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include existing and proposed levels, including finished floor levels. All development shall be carried out in accordance with the approved details.
- 13 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include a landscape scheme for the whole site. The submitted design shall include the proposed new landscaping scheme on scaled drawings accompanied by a written specification clearly describing the species, sizes, densities and planting numbers. The submitted drawings shall also include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and which are to be removed and how those to be retained are to be protected (a tree protection plan to BS5837:2005 or subsequent revisions). Development shall be carried out in accordance with the approved details.
- 14 Details to be submitted for the approval of reserved matters pursuant to condition 1 shall include full details regarding adequate measures to protect trees and hedgerows have been submitted to and approved in writing by the local planning authority. This shall include:

- a). Fencing. Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2005 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the local planning authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the local planning authority. Such fencing shall be maintained during the course of development,
- b). Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the local planning authority. The TPZ shall be maintained during the course of development.
- 15 All planting, seeding or turfing in the approved details of landscaping required by condition 13 shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 16 Before the commencement of any building works, details and samples of materials to be used externally on the buildings and all surface materials within their curtilages shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 17 Before the commencement of any building works precise details of the surfacing treatments to be used on the approach road and the turning and parking areas shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 18 Before the commencement of any building works a site investigation of the nature and extent of contamination shall be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 19 Before the commencement of any building works, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- i. specify the type and number of vehicles;
 - ii. Provide for the parking of vehicles of site operatives and visitors;
 - iii. Provide for the loading and unloading of plant and materials;
 - iv. Provide for the storage of plant and materials used in constructing the development;
 - v. provide for wheel washing facilities;
 - vi. Specify the intended hours of construction operations;
 - vii. Measures to control the emission of dust and dirt during construction
- 20 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: 08:00 to 18:00 on weekdays, and from 08:00 to 13:00 on Saturdays, nor at any time on Sundays, Bank or Public Holidays, unless emergency works are required to any utility services.

- 21 Prior to occupation of the proposed development, details of an uncontrolled pedestrian tactile crossing point at the site access with the A38 to allow pedestrian access to the existing public transport facilities and relevant Stage 1 Road Safety Audit shall be submitted to and approved in writing by the Local Highway Authority and the crossing points shall be constructed in accordance with the approved details.
- 22 No street lighting shall be erected on any part of the site unless a scheme for such is first submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

Reasons:

- 1 The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 4 In the interests of the visual amenity of the area and the amenities of the occupiers of neighbouring properties in accordance with policy LND4 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012)
- 5 To ensure that cost effective improvements are undertaken to the transport network that mitigate the significant impacts of the development in accordance with paragraph 32 of the National Planning Policy Framework (2012).
- 6 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 and 35 of the National Planning Policy Framework (2012).
- 7 To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Paragraph 35 of the National Planning Policy Framework (2012).
- 8 To ensure that the development is provided with a satisfactory means of drainage in accordance with policy EVT9 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 9 To ensure a satisfactory form of development in the interests of the visual amenities of the built environment in accordance with policy LND4 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).
- 10 To protect the residential amenity of adjoining occupiers in accordance with policy EVT3 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).
- 11 To enhance the nature conservation value of the site, in accordance with policy NCN5 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 12 In the interests of the visual amenity of the area and the amenities of the occupiers of neighbouring properties in accordance with policy LND4 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).
- 13 To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with policy LND4 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 14 To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area in accordance with policies LND4 and NCN5 of the Tewkesbury Borough Local Plan to 2011 (March 2006).

- 15 To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with policies LND4 and NCN5 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 16 To ensure that the materials and exterior building components harmonise with its surroundings in accordance with policy LND4 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).
- 17 In the interests of visual amenity and to ensure adequate off-street parking and access arrangements are provided in accordance with policy LND4 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).
- 18 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors
- 19 To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework (2012).
- 20 To protect the amenity of local residents in accordance with Policies EVT2 and EVT3 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).
- 21 To ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework (2012).
- 22 To ensure the development integrates harmoniously with the surrounding development and to safeguard the amenities of residents of adjoining properties, in accordance with policies LND4 and EVT2 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).

Notes:

1 Statement of Positive and Proactive Engagement

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

- 2 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 3 A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is £97 per request. The fee must be paid when the request is made.
- 4 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.
- 5 Terms of reference should be made in the construction phase to the document entitled "Tewkesbury Borough Council, Code of Good Practice, Building and Demolition Site Operators", produced by Tewkesbury Borough Council Environmental Health. This document gives guidance on how the applicant should comply with appropriate legislation so not to cause nuisance, suggested construction / delivery times etc.

- 6 All birds, their nests and eggs are protected by law and it is thus an offence to:
- Intentionally kill, injure or take any wild bird
 - Intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
 - Intentionally take or destroy the egg of any wild bird
 - Intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to £5,000, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from English Nature.

- 7 It is an offence for any person to:
- Intentionally kill, injure or take a bat. Under the Habitats Regulations it is an offence to deliberately capture or kill a bat.
 - Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
 - Under the Habitats Regulations it is an offence to damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and Conservation Regulations 1994 that works to trees or building where that work involves the disturbance of a bat is an offence if a licence has not been obtained by DEFRA. If a bat is discovered while work is being undertaken, all work must stop and advice sought from English Nature. You can also call the UK Bat helpline on 0845 133 228.

- 8 The applicant is advised that any subsequent reserved matters application should show the provision of 2 vehicular parking spaces per dwelling, which should comply with the minimum dimensions of 2.4m x 4.8m for a standard space, with 6.0m of drivable space in front of them for ease of access.
- 9 The applicant is advised that any subsequent reserved matters application would need to demonstrate that up to 10 dwellings could be accommodated within the curtilage of the application site in an appropriate and attractive manner which would respect the character and appearance of the area.

Application Site Plan

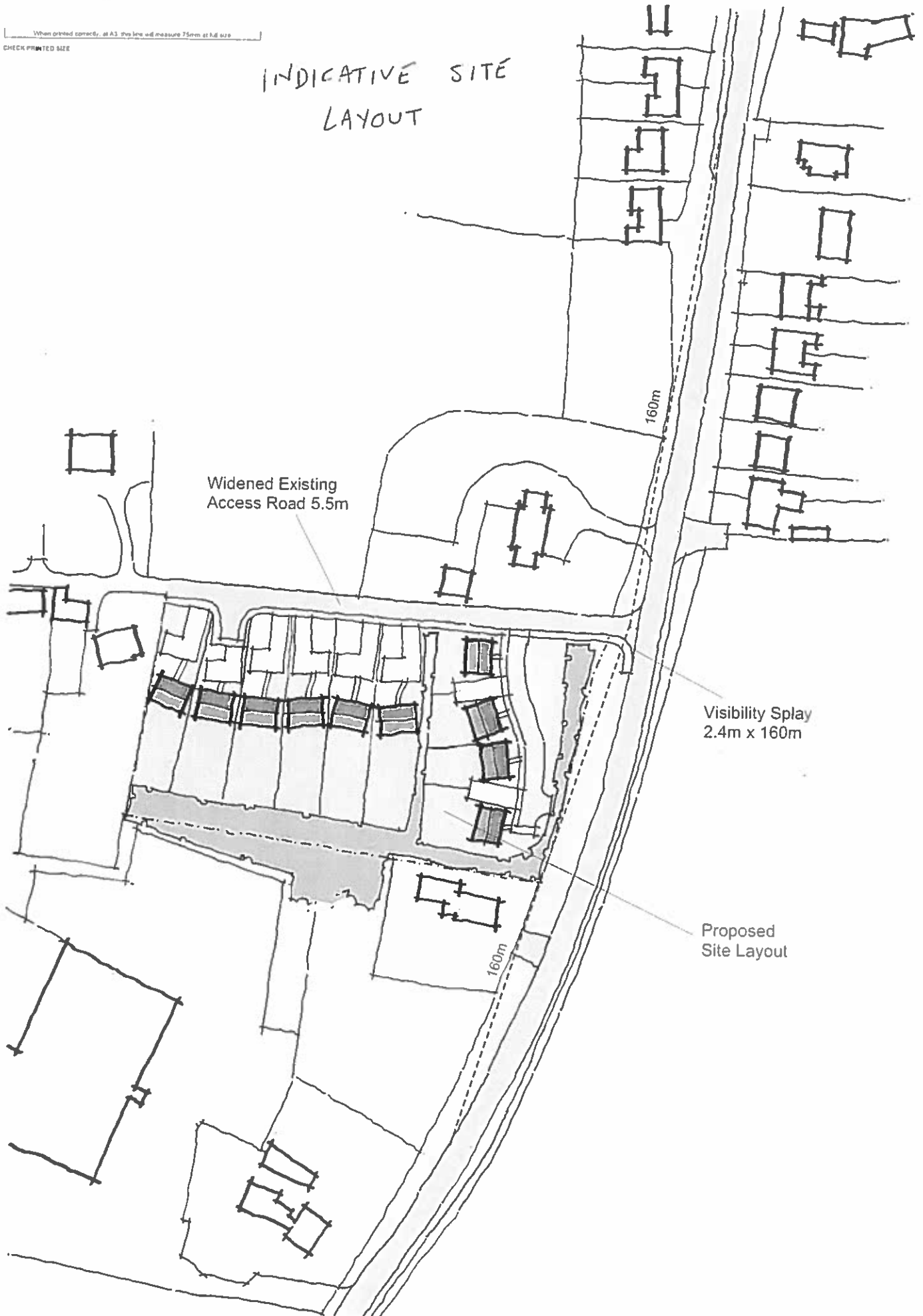


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0m 25m 50m 75m 100m 125m 150m 175m 200m

Scale: 1:2500, paper size: A4

INDICATIVE SITE LAYOUT



548/13

When printed correctly at A3 the line will measure 75mm at full size
• CHECK PRINTED SIZE



INDICATIVE LAYOUT



548/L

McLoughlin Planning Ltd

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Land at Twigworth
INDICATIVE LAYOUT

Date: 08-07-2015

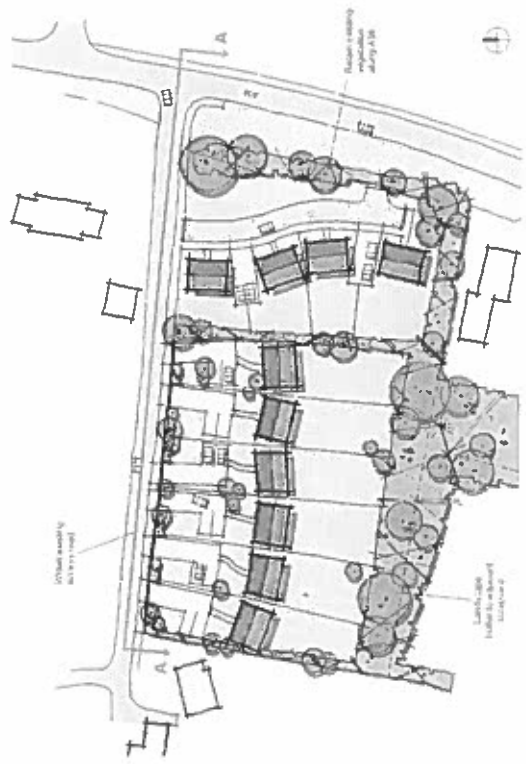
Scale: 1:500 @ A3
Revised to correct printing, see log

Drawn No: 8019 SK002C

Roberts Limbrick
ARCHITECTS

INDICATIVE STREET SCENE I

Elevation Location Plan

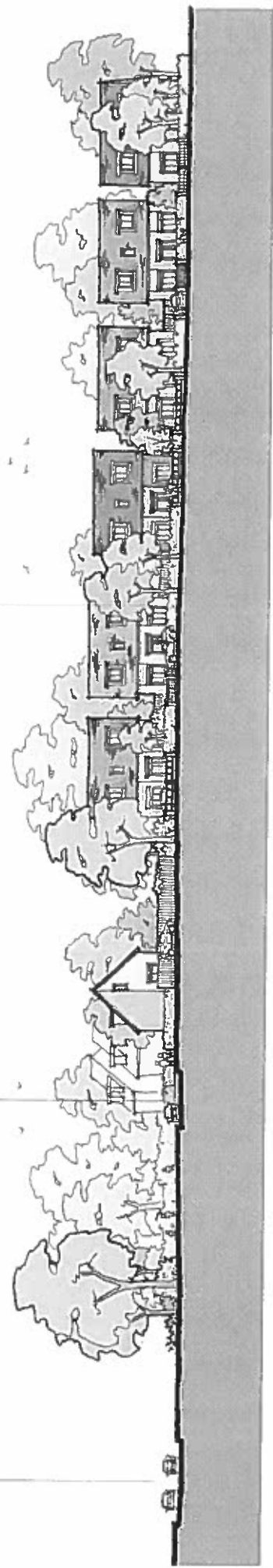


Elevation A-A

A38
Main Road

Private
Drive

Widened Existing
Access Road



McLoughlin Planning Ltd

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Land at Twigworth

INDICATIVE ELEVATION

Date: 29-04-2015

Scale: 1:200 @ A1

Draw No: 8019-SK033

Roberts Limbrick
ARCHITECTS

548/D

Valid 19.06.2015

Erection of 127 dwellings and garages associated roads, sewers, landscaping and external works together with strategic parkland and community sports and play facilities

Grid Ref 396354 228353
Parish Bishops Cleeve
Ward Cleeve St Michaels

Bovis Homes Limited
Cleeve Hall
Cheltenham Road
Bishops Cleeve
Cheltenham
Gloucestershire

RECOMMENDATION Delegated Approve

Policies and Constraints

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, HOU13, TPT1, TPT3, EVT2, EVT3, EVT4, EVT5, EVT9, LND4, LND7, RCN1, RCN2, NCN5
Joint Core Strategy Submission Version (November 2014)
Flood and Water Management SPD
NPPF
Planning Practice Guidance
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)
Public Rights of Way

Consultations and Representations

Bishops Cleeve Parish Council - The Parish objected to the outline planning for this large scale development in Bishops Cleeve and further make comment with regard the reserved matters:

- Insufficient attenuation to deal with surface water and this will have a negative impact on the flood capacity of Dean Brook. Although the immediate site sewage infrastructure plans seem sufficient, there is concern that this will add to the load on the existing sewage infrastructure further downstream and its inability to cope with the additional pumping from this site.
- There is concern that parking for the individual dwellings is insufficient in some cases. It is felt that all dwellings should have at least 2 parking spaces external to the property. This is compounded by narrow roads inadequate parking will lead to traffic congestion.
- Garden access to some plots is away from the main dwelling.
- The Parish Council would like reassurance that the development of cycle paths will be a key component within this development.

County Highways - An up-date will be provided at Committee.

Environmental Health Officer - No objections.

Housing Enabling and Strategy Officer - No objections

Severn Trent Water Ltd - No objections.

Natural England - No objections.

Local Residents - 3 letters of objection have been received which relate to the location of a site office and are not material to the consideration of this application.

Planning Officers Comments: Mr John Hinett

1.0 Introduction

1.1 The site forms part of Homelands Farm which is located on the northern edge of the settlement of Bishops Cleeve (see attached location plan). The site currently is undeveloped agricultural land. Gotherington Lane is located off to the west of the site, connecting the village of Gotherington to Bishops Cleeve. To the north the site adjoins agricultural land.

2.0 Relevant planning history

2.1 Outline planning application 10/01005/OUT for approximately 450 dwellings and ancillary development including access was allowed on appeal in 2012.

2.2 Reserved matters approval 14/00316/APP comprising Phase 1 of the Homelands 2 development for the erection of 133 dwellings including 53 affordable dwellings was granted in December 2014.

2.3 Reserved matters approval 14/00481/APP comprising Phase 1A of Homelands 2 development for the erection of 22 dwellings, retail and industrial buildings, with associated infrastructure was granted in November 2014.

2.4 Reserved matters application 14/00694/APP which proposed a variation to the residential element of 14/00481/APP was approved in April 2015.

2.5 Reserved matters application 14/01269/APP for 3 dwellings was approved in April 2015.

2.6 Reserved matters application 15/00449/APP for 52 residential dwellings (Use Class C3), LEAP area, public open space, allotments, road and drainage infrastructure in Phase 3B was approved in September 2015.

3.0 Current application

3.1 This current application is reserved matters application for the erection of 127 dwellings and garages associated roads, sewers, landscaping and external works together with strategic parkland and community sports and play facilities. The proposals are summarised below:

Residential

- 76 open market and 51 affordable dwellings, totalling 127 dwellings. This includes a mix of 3, 4 and 5 bed units for the open market dwellings; and 1 bed apartments, 2 and 3 bed bungalows, and 2, 3, 4 (and a 6 bed) units for the affordable dwellings.

Open Space and other infrastructure

- Informal Park area to the eastern edge (that is an extension to the POS approved with the Homelands 1 scheme)
- Recreation Space to the northern edge that will contain the formal playing pitches,
- (Both the above including elements of the Sustainable Drainage System (SuDS) including swales, ponds) and
- Multi-Use Games Area (MUGA)

Plans will be displayed at Committee.

3.2 A number of conditions were imposed by the Secretary of State (SoS) which required submission of information with the first Reserved Matters application relating to phasing, design principles, surface water drainage, contamination, landscaping, noise, lighting; and highways specifications. These details were submitted and assessed as part of the previous reserved matters applications 14/00316/APP and 14/00481/APP. In all cases, the conditions were considered acceptable.

3.3 The outline permission was also subject to Section 106 Agreements with the Borough Council and Gloucestershire County Council.

4.0 Analysis

4.1 The key issues to be considered in relation to this reserved matters application are considered to be layout, house type design, scale, residential amenity, landscaping, highway and parking issues, public open space, affordable housing provision and drainage.

Background

4.2 The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

4.3 A Masterplan layout was agreed as part of the Outline consent. A number of important principles of good design and appropriate parameters were also established during the determination of the Outline consent (10/01005/OUT) which were encapsulated in Outline Design and Access Statement (DAS) and final layout plan.

4.4 In addition, a condition required a Design Principles Document (DPD) to be submitted for the whole site which was to set out in more detail the principles set out in the Outline DAS to ensure that design quality and design parameters were coordinated between different phases of development. The DPD was submitted and approved with the first reserved matters application.

Layout and Design

4.5 The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Policy SD5 of the Joint Core Strategy Submission Version (November 2014) similarly seeks good design reflecting the guidance.

4.6 Phase 2 comprises an area of the development which includes three 'character areas' as set out in the DPD: a small section of the 'Town Square'; the Parkside; and Rural Edge North. The DPD provides guidance for the design approach, materials and scale for each of these character areas against which reserved matters application are to be assessed.

Parkside - The Parkside area forms the southern part of the site which comprises: a crescent facing onto the public open space to the east ('Eastern Park'); a principle frontage along a main road; and two blocks of residential units. The DPD describes a mix of semi-detached, linked detached and detached units to the Parkland Edges and short terrace cottage groups on the side roads. The units should mainly be 2 storey and generally set back from the roads by 2 -4 metres. The materials should mainly consist of re-constituted stone with occasional use of wide timber boarding and render. Tiles should be re-constituted slate, stone tiles or interlocking plain tiles.

Rural Edge - The Rural Edge forms the northern edge of this phase and comprises a number of smaller 'streets' feeding off the main road with groups of houses along them. A key principle of the rural edge is that it should provide a soft 'feathered edge' to the development with low density blocks of dwellings interspersed with areas of semi-private open space (Local Green Spaces) which would have the dual function of breaking up the northern edge of the development whilst also providing some semi private areas of open space for the dwellings lying adjacent to them. The DPD calls for mainly two storey dwellings arranged as detached and short terraced groups with informal grouping on the northern periphery. The materials should mainly consist of re-constituted stone with occasional use of wide timber boarding and render. Tiles should be re-constituted slate, stone tiles or interlocking plain tiles.

4.7 The application proposes a mix of dwellings. For the market houses a mix of three bedroomed dwellings (46 units), four bedroomed dwellings (20 units), and five bedroomed dwellings (10 units). The affordable units would comprise a mix of one bed apartments (8 units), 2 bedroomed bungalow (1 unit), 3 bedroomed bungalow (1 unit), two bedroomed dwellings (23 units), three bedroomed dwellings (15 units), four bedroomed dwellings (2 units) and a six bedroomed dwelling (1 unit). Apart from the bungalows, all the dwellings would be 2 storeys. The proposed materials would be mainly reconstituted stone, with some rendered properties. Some of the house types also include timber cladding.

Independent peer review

4.8 A Legal Agreement submitted by the applicants during the 10/1005/OUT Appeal requires an independent review of all reserved matters application by the South West Design Review Panel (SWDRP). In accordance with this requirement, and in common with all the previous reserved matters applications to-date, the current revised application has been submitted to the SWDRP.

4.9 The Review Panel raised a number of concerns in their formal response. One of the principle concerns was that the layout and configuration of the units along the 'feathered edge' of the development was failing to achieve the aspirations of the DAS and DPD which envisaged that these local green spaces would comprise a mix of private and public open space that would be more closely associated with the houses that immediately adjacent to it. The original layout would have resulted in back gardens (and fences) backing onto these spaces which would have limited their usefulness and would have likely resulted in maintenance issues and, be a potential source of complaints (as a result of anti-social behaviour). The SWDPR considered that layout as proposed had the potential of becoming "...characterless cul-de-sacs, recalling the mediocre layouts of the 1970s" and suggested a more imaginative layout, that carried forward the principle aims of the DAS and DPD - but without necessarily sticking rigidly to it - was called for. This advice was reflective of Officers comments in respect of phase 3B on the other side of Gotherington Road. The SWDRP made a number of further comments regarding the layout of some of the roads, and the proximity of some parking spaces to dwellings.

4.10 The Councils Urban Design Officer (UDO) shared a number of the concerns set out by the Panel - particularly in relation to the units on the edge of the scheme adjacent to the rural edge which presented their rear elevations to the areas of POS. The UDO also raised a number of additional concerns. In particular, there were concerns about the number of houses that would have presented blank side elevations to the street scenes. Also, that the type and location of house types along 'The Avenue' (plots 1 - 7 and 23 - 34) failed to reflect the scale and pattern of those approved on previous phases on the site which had a regular pattern of semi-detached two and two and half storey dwellings. Further concerns were raised in relation to the use of parking courts in certain locations, and the design quality of a number house types.

4.11 Revised plans have been submitted that seek to address the concerns (**see revised layout**). The main changes relate to the layout of the feathered edges. The arrangement of the dwellings has been reoriented such that those dwellings now front the Local Green Space (LGS). The result is that there is more of a direct relationship between those dwellings and LGS and the need for garden fences/walls is removed. In addition, an existing hedge along the northern periphery of the LGS areas would be retained and would serve to visually separate them from the wider area of general Open Space beyond thereby creating the intimate space called for in the DAS and DPD. Having the dwellings facing the LGS would provide natural surveillance creating a sense of ownership.

4.12 The revised layout also now allows views from the Main Road, along the streets leading into the 'green fingers' out into the wider open space beyond - as envisaged by the DAS and DPD. Additional street planting is also provided which serves to draw the landscape into the development - again, something that is envisaged in the DAS and DPD. The changes are considered to comprise a significant improvement to the layout, whilst at the same time retaining the principles outlined in the DAS and DPD.

4.13 A number of further amendments have been made in response to Officers concerns. The unit types along 'The Avenue' have been amended to a mix of mainly semi-detached units, which would continue the established pattern of development on the previously approved phases and reflecting the aspirations of the DPD. Officers has also expressed concern in relation to a number of the house types proposed which were considered to be of an unacceptably poor design - in particular those on prominent corner plots which would have resulted in blank side elevations to the street scene. A number of the house types have now been omitted and a number of the house types on corner plots have also been amended such that they now either present their principle elevations to the street; or provide a dual frontage. The revised layout and house types are now considered to reflect the scale parameters of the Outline DAS and are considered to be acceptable. Although materials are proposed as part of the application, it is considered that a condition requiring samples is required in order to ensure continuity with previous phases and compliance with the DPD.

5.0 Energy Efficiency

5.1 Condition 23 attached to the Outline permission stipulates that at least 20% of energy used should come from decentralised and renewable or low carbon sources. Condition 24 of the same permission stipulates that a 30% improvement in carbon reduction above the 2010 Building Regulations requirements shall be secured across the development as part of the reserved matters submissions. Condition 25 requires each residential application to achieve a minimum Level 4 of the Code for Sustainable Homes or such level above Code Level 4.

5.2 The application details include an Energy and Sustainability Strategy (ESS) which sets out how the proposal would meet the requirement of the above condition. The ESS concludes that:

- Energy efficiency measures have been prioritised and that a 8.25% reduction in carbon dioxide (CO₂) emissions beyond those mandated under Part L1A of the Building Regulations 2010 could be achieved through energy demand reduction measures.
- It has been demonstrated that >20% of the energy demand of the development can be secured from the installation of 197kWp of PV panels distributed across the site.
- It has been demonstrated that a 51.45% improvement in CO₂ reduction above 2010 Building Regulations is secured through a combination of the energy demand reduction measures and the installation of PV panels.
- The report additionally demonstrates a proposed approach by which all residential units will achieve a Code for Sustainable Homes Level 4 rating, satisfying condition 25.

5.3 In common with the previous approvals of reserved matters for other phases on the Homelands 2 development, a condition is recommended to require solar panel to be of an in-roof integrated design.

6.0 Residential amenity

6.1 Policy HOU5 of the Local Plan stipulates that new housing developments should not result in an unacceptably low degree of residential amenity for existing properties in the area and the proposed new dwellings. It is considered that the relationship between the proposed dwellings is acceptable in terms of residential amenity and would provide for acceptable living conditions. Furthermore, the relationship between the proposed dwellings is considered to be within normally accepted tolerances. A condition is recommended to obscure glazed first bathroom and landing windows in some plots to avoid potential overlooking.

Relationship with Community Building

6.2 It is material that a Community Building is required to be constructed under the terms of the original Outline consent (10/01005/OUT) which is to be sited immediately adjacent to eastern edge of the current scheme (see layout). In order to fully understand the relationship of the Community Building to the proposed dwellings, Officers requested that full details of it be provided. A further reserved matters application (15/01159/APP) has recently been received for the Community Building which follows the siting and layout of the original Masterplan. The plans indicate that the building would comprise a large vaulted hall capable of accommodating 2 badminton courts with a smaller single storey element providing a children's nursery. It would be the single storey element of the building that would back onto the rear gardens of the proposed dwelling. The plans show that the single storey element would have low eaves height of 2.8m and a slack mono-pitch roof that would slope away from the dwellings to a maximum height of 8 metres (see Community Building Plans). The rear wall of the building would be 5 metres from the rear boundary of the neighbours rear gardens and (at its closest point) would be 16 metres to the rear façade. The relationship would not therefore be overbearing or overshadow the rear gardens of those properties. Environmental Health Officers also confirm that conditions could be imposed as part of the Community Building application that could control any potential amenity issues (such as restricting the number of children allowed in the outdoor play area) and raise no concerns.

7.0 Landscaping

7.1 Policy LND7 of the Local Plan requires high quality landscaping schemes to be provided, which form an integral part of the overall development. The reasoned justification for this policy encourages the retention of existing landscape features which are worthy of being retained. New tree planting should consist of species suited to the location.

7.2 The application includes the Informal Park area to the eastern edge (that is an extension to the POS approved with the Homelands 1 scheme) and the Recreation Space to the northern edge that will contain the formal playing pitches, a Multi-Use Games Area (MUGA) and a small area of associated car parking accessed directly off Gotherington Lane. Both these areas contain elements of the approved Sustainable Urban Drainage scheme. The relevant drainage plans have been cross-referenced and the various swales and attenuation ponds have been incorporated into the proposed landscaping scheme.

Eastern Park

7.3 The proposed landscaping scheme incorporates areas of woodland planting as well as grassland. Existing hedges would be retained and new hedgerows planted. Larger trees would be planted along the edge of the residential part of the scheme either side of the road. A footpath would run through the Park connecting up with the other areas of open space surrounding the northern edge of the development.

Recreation Space

7.4 An area within the recreation space large enough to accommodate 2 under 16 football pitches/ or cricket pitch; a MUGA suitable for a number of sports (including tennis, mini-tennis and netball); and a youth shelter are proposed. An area of car parking adjacent to Gotherington Lane is also proposed. The area also includes an extensive area of woodland planting on the eastern periphery, with other areas of tree planting along the roadside edge and to the northern extent of site to bolster the existing hedgerows. The large SUDs attenuation area and swale is incorporated into the northern portion of the site. A continuation of the linking footpath is also proposed.

7.5 The landscape proposals are in accordance with the DAS and DPD. The Councils Community and Economic Development Manager is currently assessing the MUGA and the pitch specifications. **An up-date will be provided at committee.**

8.0 Highway and parking issues

8.1 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy TPT1 of the Local Plan highlights that development will be permitted where provision is made for safe and convenient access and where an appropriate level of public transport service and infrastructure is available. The resulting development should also not adversely affect traffic generation, safety and satisfactory operation of the highway network. Policy INF2 of the Joint Core Strategy Submission Version (November 2014) requires developers to assess the impact of proposals on the transport network to ensure that they will not detrimentally affect its safety or efficiency. Planning permission will be granted only where the impact of development is not considered to be severe and cannot be mitigated.

8.2 The County Highways Authority (CHA) are currently assessing the revised plans and **an up-date will be provided at committee.**

Parking provision

8.3 Car parking details are shown on the layout plan and demonstrate that 220 spaces would be provided for the 127 dwellings plus an additional 82 garages (making 302 car parking spaces in total). In addition, 50 designated visitor spaces are provided at various locations along the main road, side streets and within some parking courts (see layout). The CHA confirm that the parking provision meets the expected levels of car ownership in Bishops Cleeve.

Other Conditional requirements.

8.4 The CHA will similarly provide an up-date for the following conditional requirements:

- *location and design of bus stops*
- *Provision of highway drainage*
- *Location of fire hydrants*
- *Street Lighting*

9.0 Affordable housing provision

9.1 The approved S106 Agreement for this development requires the provision of a minimum of 40% affordable housing across the site with a tenure split of 50% social rent/affordable rent and 50% intermediate affordable housing. The S106 also stipulates that the affordable units should be in clusters of no more than 16 for flats and groups of no more than 8 for houses.

9.2 The application proposes 51 affordable homes comprised of the following:

- 8 x one bed apartments
- 1 x two bed roomed bungalow
- 1 x three bed roomed bungalow
- 23 x two bed roomed dwellings
- 15 x three bed roomed dwellings
- 2 x four bed roomed dwellings
- 1 x six bed roomed dwelling .

9.3 The Strategic Housing and Enabling Officer has been consulted and notes that the provision of dwellings equates to 40.2%. The proposed tenureship split also meets the required 50:50 rented to intermediate ratio. The proposal is therefore considered acceptable.

10.0 Flooding and drainage

10.1 Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable urban drainage systems (SUDS) criteria. Policy INF3 of the Joint Core Strategy (November 2014) replicates the advice in the NPPF. The adopted Flood and Water Management Supplementary Planning Document sets out a number of key objectives that reflect current guidance.

10.2 The issue of flooding was addressed at outline stage. Notwithstanding this, Condition 10 of the outline permission required details of the surface water drainage scheme for the whole development to be submitted with the first reserved matters application. These details were submitted with application 14/00481/APP and following consultation with the Environment Agency (EA) and the Council's Drainage Officer were considered sufficient to enable the condition to be fully discharged.

10.3 The approved surface water strategy proposes to utilise two stormwater attenuation ponds are proposed, one east and one west of Gotherington Lane within the recreation area proposed in the current application site (refer section 7 above). Plans indicate that the finished floor levels of the dwellings would be 300mm above proposed ground levels in accordance with condition 7 of the outline planning consent.

10.4 Severn Trent have confirmed they have no objection to the proposal.

11.0 Land Contamination

11.1 Paragraph 121 of the NPPF states that planning decisions should ensure that sites suitable for their new use taking account of ground conditions and that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. It further advises that adequate site investigation information, prepared by a competent person, is presented. Policy EVT6 of the Local Plan seeks to protect groundwater resources.

11.2 Condition 28 of the Outline has five parts required: i) investigation; ii) Submission of Remediation Scheme; iii) Implementation of Approved Remediation Scheme; iv) Reporting of Unexpected Contamination; and v) Long Term Monitoring and Maintenance.

11.3 A remediation strategy was submitted with application 14/00481/APP in accordance with the requirements of the Outline Condition and was assessed by the Council's Environmental Health Officer (EHO). The EHO considered from the submitted reports that no further action as being necessary other than the need to maintain vigilance during the ground work phase in case unexpected significant contamination is encountered. The proposal is therefore considered acceptable in this regard in accordance with the NPPF and Local Plan Policy EVT6.

12.0 Noise

12.1 Paragraph 123 of the NPPF states that planning decisions should, amongst other things, aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Local Plan Policy EVT3 provides that new development should be sited away from sources of noise and planning permission should not be granted for development where noise would cause harm and could not be ameliorated.

13.2 Noise contour maps submitted with the application indicate that none of the proposed residential units would fall within a noise category area (formerly NEC B in PPG24) that would require noise to be taken into account when determining planning applications. On this basis the Council Environmental Health Officer raises no objections.

13.0 Conclusion

13.1 The proposal would be based on sound urban design principles and would have an acceptable impact upon the character and appearance of the area. The proposal provides for adequate parking facilities, open space and residential amenity, which would provide suitable living conditions for the future occupiers of the site.

13.2 It is considered that an acceptable affordable housing proposal has been provided in terms of the amount, tenure, mix and distribution across the site. A suitable sustainable drainage scheme and management strategy can be secured, as well as good quality on-site public open space. Furthermore, the issue of land contamination has been satisfactorily addressed.

13.3 In light of the above, it is considered that the proposal accords with the relevant policies of the Development Plan and is in accordance with the principles and parameters described and identified in the consolidated design and access statement and design principles document. It is accordingly recommended that **Approval be delegated to the Development Manager subject to confirmation of the acceptability of the proposed MUGA and pitch specifications and other conditional requirements (as necessary).**

RECOMMENDATION Delegated Approve

Conditions:

- 1 Other than where varied by the conditions below the development hereby approved shall be implemented in accordance with the drawings detailed on the approved Drawing Schedule (Job No ****to be completed****).
- 2 Notwithstanding the submitted details, all solar panels shall be of an integrated and flush fitting type, details of which shall be submitted to and subsequently approved in writing by the local planning authority. The solar panels shall be retained as such unless otherwise approved in writing by the local planning authority.
- 3 Notwithstanding the submitted details, building operations shall not be commenced until samples of all external walling and roofing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the following windows:
 - Plots 35 - 36 - First-floor bathroom and landing windows in the rear south elevation
 - Plot 43 - rear north facing
 - Plot 59 - First-floor bathroom window in the rear south-west north-west elevationshall, prior to the first occupation of the dwellings they serve, be fitted with obscured glass and be non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. The windows shall be maintained in this state thereafter.
- 5 The car port and parking space for Plot 83 space shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles and maintained as such thereafter.
- 6 Notwithstanding the submitted details, before work starts, the design and details of all boundary treatments shall be submitted to 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 after unless otherwise agreed in writing by the Local Planning Authority.

Reasons:

- 1 To clarify the terms of the approval.
- 2 In the interests of visual amenity in accordance with the NPPF.
- 3 In the interests of visual amenity in accordance with the NPPF.
- 4 In the interests of residential amenity in accordance with the NPPF.
- 5 To ensure adequate provision for vehicle parking in accordance with the NPPF.
- 6 In the interests of visual amenity in accordance with the NPPF.

Note:

1 **Statement of Positive and Proactive Engagement**

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



557/A

15/00814/APP

Land To East Of Tewkesbury Road And North Of, Longford Lane, 21

Valid 27.07.2015

Reserved Matters approval for part of Phase 2 for the residential development of 137 units at Longford Lane, Gloucester with associated landscape and infrastructure. (Outline planning permission 11/00385/FUL).

Grid Ref 384234 220925

Parish Longford

Ward Coombe Hill

Miss Elizabeth Woods
Persimmon Homes Ltd
Aspen House
Birmingham Road
Studley
Warwickshire

RECOMMENDATION Refuse

Policies and Constraints

Policies and Constraints

Tewkesbury Borough Local Plan to 2011 - March 2006 - GNL2, GNL8, GNL11, HOU4, HOU13, TPT1, TPT3, TPT5, TPT6, TPT12, EVT1, EVT3, EVT4, EVT5, EVT9, LND4, LND7, RCN1, RCN2, NCN5, NPPF

Planning Practice Guidance

Affordable housing Supplementary Planning Guidance

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Longford Parish Council - No comments received at time of writing report.

Local Lead Flood Authority - No comment

Natural England - Statutory nature conservation sites - no objection/Protected species - Standing Advice to be used.

County Archaeology - No objection - A planning condition (16) was attached to permission 11/00385/FUL.

Since this Reserved Matters application relates to an area to the east of Black Ash Lane I recommend that no archaeological investigation or recording should be required there, in accordance with the conditions attached to the previous planning permissions for this land.

County Highways - Further information requested and submitted - amended comments awaited

Urban Design Officer - Amended scheme received addressing the design concerns relating to the proposed flats at Plots 87-101. The improvements to the street scene are noted.

Local residents - No comments received.

Planning Officers Comments: Mr Andrew Thompson

1.0 Application Site

1.1 The application site relates to part of Phase 2 of the Longford development as detailed in Section 2 below. It comprises agricultural land located to the north east of Longford Lane. The Longford site is bound to the west and south west by residential development along Longford Lane and Sherwood Green.

2.0 Relevant Planning History

2.1 The Secretary of State for the Communities and Local Government granted outline planning permission at this site in July 2008, following a Public Inquiry. The permission was for residential development comprising up to 570 dwellings, community uses, a local centre comprising a mix of retail uses and associated physical infrastructure and open space. The development was also subject to Section 106 Agreements with this Authority and the County Council to secure affordable housing, public open space, community, education and library provision (05/11485/0883/OUT).

2.2 The Appeal Inspector also allowed a separate application for the demolition of 2 dwellings on Longford Lane to provide a secondary access for the above housing development under planning ref: 07/00916/FUL. An extension of time for this permission was granted in May 2011 (11/00384/FUL).

2.3 Approval was granted for the discharge of a number of pre-reserved matters planning conditions on this site in March 2011. Condition 5 of the permission required the submission and approval of a detailed Masterplan for the whole of the site. Condition 6 related to a detailed phasing scheme and Condition 7 for the submission of a design code. All pre-reserved matters conditions have now been fully discharged.

2.4 In September 2011 Reserved Matters approval was granted for the construction of a primary access road, including associated footways, cycleways, services and drainage to serve phase 1 of the development (11/00690/APP). Work has commenced on this new access road.

2.5 In May 2013 permission was granted for an extension of time of planning for the outline permission (11/00385/FUL).

2.6 Approval has also been granted for the foul water sewer route to serve the housing development and for Phase 1 of the development for 291 dwellings. Work has commenced on this phase.

2.7 Reserved matters approval was granted in July 2015 (15/00192/APP) for the new Primary School and Nursery. Work has also commenced on this detail.

3.0 Current Application

3.1 This current application relates to part of Phase 2 for the residential development of 137 dwellings and associated landscaping and infrastructure pursuant to application 11/00385/FUL mentioned above. The application seeks approval for appearance, landscaping, layout and scale (**plans will be displayed at committee**). As set out above, permission has been granted for several reserved matters and Phase 1 of the development which is under construction.

3.2 The application proposes the following housing mix

Market Housing

6, one-bedroom flats
40, two bedroom dwellings
40, three bedroom dwellings
14, four bedroom dwellings
Total: 100

Affordable Housing

Shared Ownership

11, two bedroom dwellings
3, three bedroom dwellings

Social Rent

13, one bedroom flats
6, two bedroom dwellings
4, three bedroom dwellings
Total: 37

3.2 The proposals would be accessed off the existing spine road off Longford Lane which has already been implemented.

3.3 The Secretary of State attached a number of conditions requiring certain details to be submitted to and approved by the Local Planning Authority prior to the submission of any reserved matters applications. These pre-reserved matters conditions related to a detailed Masterplan, a detailed Phasing Scheme and a Design Code. The submitted details were reported to Committee in December 2010 and following some minor amendments were approved in March 2011. The permission to extend the period of time for implementation of the development (11/00385/FUL) requires any reserved matters applications to be in general accordance with the approved details.

4.0 Analysis

4.1 The principal determining issues are the layout, appearance, landscaping and scale of development (the Reserved Matters) and the S106 of the outline planning permission that require consideration at this stage.

Design and Layout

4.2 The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. In order to achieve these aspirations for high quality design, it is important that the reserved matters accord with the principles and parameters set out in the approved Masterplan, Phasing and Design Code Document.

4.3 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Design requirements are incorporated in Policy GNL2 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy SD5 of the Pre-Submission version of the JCS.

4.4 The approved masterplan document proposes a range of densities which have been generated through analysis of existing local contextual development. The layout is based upon a perimeter block system which allows for maximum connectivity and choice of route whilst offering safe and attractive streets and footpaths that are overlooked by housing frontage. The blocks are generally 45-55m depths to allow for housing on both sides of the blocks. This approach is intended to allow for a combination of both in-curtilage and frontage parking rather than rear parking courts and thus ensure that adequate parking provision is provided in secure overlooked spaces.

4.5 The secondary and shared surface routes would form the balance of the main hierarchy of streets, and would be intimate in form. They are accessed off the main access route and are provided as streets that meander around the various perimeter blocks in a loop to minimise the inclusion of cul-de-sac arrangements.

4.6 The case officer and Urban Design Officer have carried out significant work in trying to negotiate a suitable scheme, with a number of changes to the proposals already made which have resulted in significant improvements to the scheme as originally submitted. The principal outstanding concern relates to proposed flats at the northwestern edge of the site at Plots 90-98. Whilst the masterplan included higher density development on this edge and location, the bulk and mass of this building is at odds with other aspects of the street. Whilst the design has been amended in an attempt to keep to a similar style to the neighbouring dwellings, and so have an acceptable impact on the streetscene, this has not proved successful. The flats are located on a prominent street frontage facing the primary school and it is not considered that the design of the flats and the position of the building within the streetscene represents sufficient high quality as required by the NPPF. There are some other outstanding minor concerns that have been raised with the applicant however amended plans have not been received at this stage.

4.7 There were also concerns over the relationship of the proposals to the proposed local centre given the potential layout and uses located within the local centre. However, the agents who are currently marketing the site to commercial developers, highlight that very little market interest has been recorded due to only a proportion of the housing development being occupied. This is a common occurrence on developments where a local centre has been proposed, and it is assumed that once occupation of this phase of the Longford development has begun a commercial developer would take interest and therefore a planning application for the local centre would follow. This relationship would need to be carefully planned and designed but there are no fundamental issues preventing approval of the proposals for this phase of the development.

Building Heights

4.8 Buildings are predominantly two storey. A small number of 2.5/3.0 storey properties are proposed and, with the exception of the flat block (units 90-98) referred to above, are located sensitively to terminate vistas and provide landmark buildings. The arrangement of buildings within a plot and the subtle changes in height would create a varied roofline across the development and add visual interest along the streets. The height of the proposed dwellings accord with the maximum height levels set out in the approved masterplan and are generally acceptable, with the exception of units 90-98.

Highway Issues

4.9 Local Plan Policy TPT1 requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair the safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided.

4.10 The scheme meets the Local Authority parking standards by providing generally 2 spaces for all other properties. Garages are not included in this allocation. Parking within the scheme is well integrated with a range of on street and in-curtilage solutions adopted. The majority of parking will be provided on-plot and is generally located to the side of dwellings within an individual parking bay and garage set back behind the building line to allow both ease of access to the dwellings and prevent vehicles from dominating the street scene.

4.11 Where on-street parking solutions have been included they are constructed from brick paving and punctuated by street trees and shrub planting to enable convenient parking close to the dwellings to which they serve, whilst at the same time softening the impact of the parked vehicles, creating visual interest and valuable habitat for wildlife. Rear courtyard parking within the development has been kept to a minimum and where included have been designed with overlooked entrances that are deliberately narrow to reflect the private nature of the area you are entering. The use of high quality materials and sensitive landscaping will ensure that these are, and will remain, attractive spaces that are a convenient distance from the properties they serve and are secure in nature.

4.12 The development has a vehicle access off Longford Lane by way of a traffic lit junction. This will pass through a community zone in the form of a local centre and a single form entry primary school. The road will encompass the eastern side of the primary school and lead to the formal open space consisting of equipped areas such as a LAP, LEAP, MUGA and Skate Park together with 1 senior sports pitch and 2 junior pitches. Beyond the development edge and up to Horsbere Brook farm land meadows are provided for informal recreation. The utilisation of street types within this Phase generally follows the structure of the approved masterplan. All roads are designed to encourage low vehicle speeds and all routes will facilitate pedestrians, generally within associated footpaths. Where footpaths are not provided a shared surface will allow for all vehicles, cyclists and pedestrians to share the highway. The amended comments of the County Highways Authority are still awaited following the receipt of further information showing swept paths and the design of the highways. **Members will be updated at Committee.**

Drainage Issues

4.13 Policy EVT9 requires that development should make appropriate provision for sustainable urban drainage. The drainage strategy has been approved and Condition 11 attached to 11/00385/FUL requires the implementation of the sustainable drainage system.

4.14 The work on sustainable drainage proposals was approved under previous reserved matters submissions and work has been commenced.

Affordable Units

4.15 Local Plan Policy HOU13 provides that provision will be made for affordable housing on appropriate sites. The outline planning permission provides for 30% affordable housing across the site and its provision is set out in the Unilateral Undertaking signed in March 2008. The Unilateral Undertaking specifies a tenure mix of 50% Social Rented and 50% Shared Ownership. The affordable housing is to be distributed throughout the site in groups of not more than 8 houses or 16 flats.

4.16 Whilst the applicant is providing 37 affordable housing units on this phase of 137 units, at 27% of the development amount this is below the 30% level sought and agreed by the S106 to the outline planning permission. It is also noted that 23 dwellings will be towards Affordable Rent and 14 will be towards Shared Ownership. This is a different tenure mix than the 50:50 split in the agreed S106.

4.17 It is anticipated that Phase 2 development (under Persimmon) as a total will deliver approximately 320 dwellings, of which 96 would need to be affordable. The applicant is seeking to amend the current S106 to deliver the 37 units in the first phase and to make up the balance of affordable housing and tenure splits in the later phases.

4.18 National Planning Policy encourages flexibility in S106s and planning conditions to support the deliverability of housing and as such, in this context, as the proposals are not seeking to remove or alter the terms of the amount of S106s delivered by the development, there is no objection to this proposed Deed of Variation.

Landscaping/Biodiversity

4.19 The NPPF sets out at paragraph 109 that the planning system should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on biodiversity. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals. Such a requirement is also contained in Policy SD10 of the Pre-Submission version of the JCS.

4.20 Policy LND7 of the Local Plan requires high quality landscaping schemes to be provided, which form an integral part of the overall development. The reasoned justification for this policy encourages the retention of existing landscape features which are worthy of being retained. New tree planting should consist of species suited to the location.

4.21 The landscaping proposals endeavour to specifically minimise the landscape and visual impacts of the proposed development within the surrounding context whilst creating a high quality development that integrates with the landscape character of the surrounding area. The proposed layout has been landscape and visually led in order to address the constraints and opportunities identified and to ensure the location, scale and character of the development is acceptable in landscape and visual terms.

4.22 The landscape and visual strategy adopted for the proposals have been based around the Identification of a suitable 'development envelope, the location of which pays particular attention to the views both of and from the site; local topography: prevalent planning policy and enhancement of the local green infrastructure as well as retention and enhancement of the existing vegetation on the site. The creation of additional vegetation infrastructure on site that is consistent with and complimentary to the existing character and the retention and enhancement of areas with ecological potential and consideration of habitat creation where opportunities exist. The proposals will also create an accessible and secure public access network

5.0 Conclusion

5. 1 The proposal, as amended, addresses some of the concerns raised in relation to layout and design but it is felt that the revised scheme still fails to provide a high quality of design in conflict with the NPPF and PPG which emphasises why good quality design is important and is an integral part of sustainable development. In particular, the design and prominent location of the proposed flat block facing the primary school site would lead to an unsatisfactory streetscene which would be harmful to the overall character and appearance of the proposed development. **The application for approval of reserved matters is therefore recommended for refusal.**

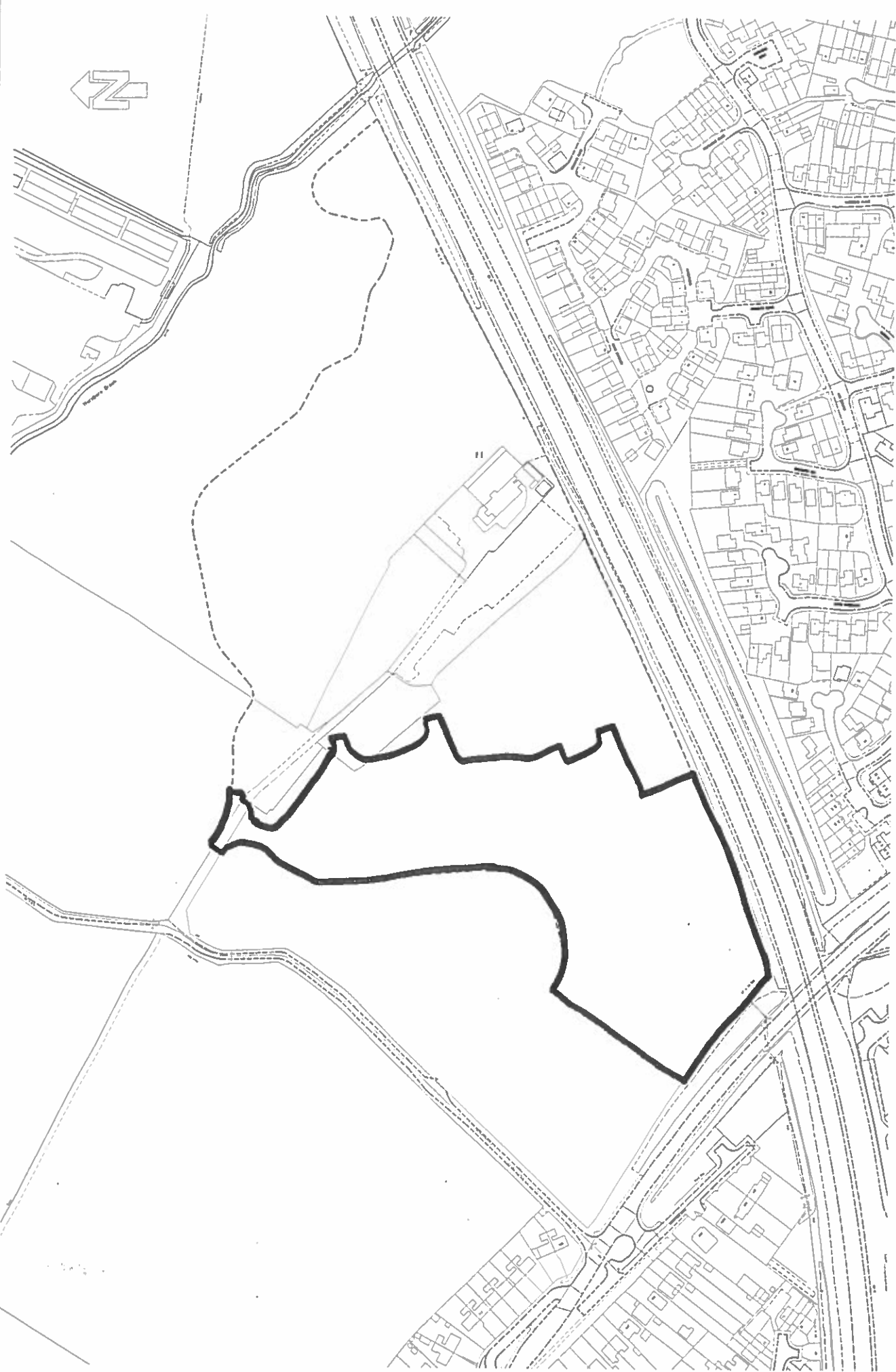
RECOMMENDATION Refuse Approval

Reason:

- 1 Due to its design, mass and bulk, and prominent location the proposed block of flats containing units 90-98 would fail to integrate successfully within the streetscene and would be harmful to the overall character and appearance of the proposed development. The proposed development would therefore fail to provide a high quality of design in conflict with the NPPF and PPG which emphasise why good quality design is important and is an integral part of sustainable development.



PERSIMMON
PERSIMMON HOMES (UK) HOLDINGS LTD
The Persimmon Group, Lutterworth, Leicestershire, LE17 4JH
Tel: 01532 811700 Fax: 01532 811722



LONGFORD LANE, GLOUCESTER

562/A

BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019

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

11 May 2015

Please destroy previous lists.