



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

TEWKESBURY BOROUGH COUNCIL

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 16 February 2016

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(704 - 734)	(735 - 789)

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. (704 - 789)

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	Trec(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) 16th February 2016

Badgeworth 15/01139/FUL Click Here To View	The Willows Bamfurlong Lane Staverton	Refuse	8
Badgeworth 15/01188/FUL Click Here To View	Fortitude Birdlip Hill Witcombe Gloucester	Refuse	5
Elmstone Hardwicke 15/01126/FUL Click Here To View	Part Parcel 8227 Tewkesbury Road Elmstone Hardwicke	Refuse	1
Gretton 15/01356/FUL Click Here To View	Westerham Gretton Road Gretton Cheltenham	Refuse	4
Minsterworth 15/00197/FUL Click Here To View	Land adjacent to Minsterworth Village Hall Main Road Minsterworth	Delegated Permit	11
Minsterworth 15/01314/FUL Click Here To View	Land at Starcroft Lane Main Road Minsterworth	Permit	9
Minsterworth 15/01315/FUL Click Here To View	Land at Starcroft Lane Main Road Minsterworth	Permit	10
Sandhurst 15/01234/FUL Click Here To View	Brawn Farm Rodway Lane Sandhurst Gloucester	Permit	7
Sudeley 15/01317/FUL Click Here To View	Sudeley Castle Sudeley Road Winchcombe Cheltenham	Refuse	3
Tewkesbury 15/01271/FUL Click Here To View	1 Swilgate Road Tewkesbury Gloucestershire GL20 5PQ	Refuse	2
Woodmancote 15/01175/FUL Click Here To View	Upper Bottomley Farm Gambles Lane Woodmancote	Permit	6

15/01126/FUL

Part Parcel 8227, Tewkesbury Road, Elmstone Hardwicke

1

Valid 27.01.2016

Erection of two buildings for Industrial/Factory development (Use Classes B1(c), B2 and B8) with ancillary offices (Use Class B1(a)) together with associated access road, landscaping, drainage ponds, car and cycle parking, service yards and access to Tewkesbury Road (A4019).

Grid Ref 389820 226285
Parish Elmstone Hardwicke
Ward Coombe Hill

C/o Agent

RECOMMENDATION Refuse

Policies and Constraints

NPPF;

Planning Practice Guidance;

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies LND4, LND7, EMP4, TPT1, TPT9, EVT2, EVT3, EVT5, EVT9 and NCN5.

The Joint Core Strategy (JCS) Submission Version November 2014 - SP1, SP2, SD2, SD4, SD5, SD7, SD9, SD10, SD15, INF1, INF2, 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)

Within 50m of a listed building

Adjoining PROW

Consultations and Representations

Elmstone Hardwicke Parish Council - A quorum could not be formed. Parish Councillors will comment individually.

Boddington Parish Council - Strong objections to the proposals.

- Influx of heavy goods vehicles which raises concerns of highway safety
- There would be delays at the site access
- There are more suitable sites at J9, J12 and J13 plus Golden Valley has a large incidence of accidents
- There is no suitable public transport
- There will be excessive delays as the junction (J10) is one-way
- There is already a lot of development in the area and this will only add to the congestion.

County Highways - No highway objection be raised to this application subject to highway conditions being attached to any permission granted and an obligation towards the monitoring of a Travel Plan.

Environmental Health Officer - The report fails to consider the cumulative effect of the impacts considered, namely delivery of goods noise and car park noise on the amenity of nearby residential properties. The combined effect of these activities or the general operational noise of the site including forklift trucks should have been considered. In relation to the lighting specifications, it is difficult to assess how the proposed lights will effect amenity without a contour or 3d model. The issues/concerns raised could however, be addressed by condition.

Highways England - No objection

Environment Agency - No comment

County Archaeologist - Recommend 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 archaeological remains contained within the site and how these would be affected by the proposed development.

Gloucestershire Lead Local Flood Authority - No objections to this application based upon the surface water management proposals for the site however it is recommended that conditions should be applied.

Historic England - The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Conservation Officer - Object - the development of the proposed scale in this location will have a negative impact on, in particular, the setting of the Grade II listed Gloucester Old Spot. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate, so where it is necessary, it too merits careful design. Whilst the pure conservation position is clear-cut, it is acknowledged that other issues are also at stake here.

Economic Development Officer - Support business development and expansion in the borough. In terms of employment land availability it is my understanding that there is available employment land at Gloucester Business Park and this could accommodate the proposed units. Not aware of any restrictions on build sizes of 20,000 sq ft on the site. Details supplied are not sufficient to conclude if the companies must be located together. If this is not the case there could be wider options, especially for the smaller unit - for example, employment land to the rear of Malvern View Business Park.

Natural England - The proposal is unlikely to affect any statutorily protected sites or landscapes. Refer to standing Advice to assess impact on protected species.

CPRE - Following points should be considered carefully:

- This is an open rural area and we question whether this is a suitable place for development on this scale
- The application is for extremely large industrial buildings in an open area and therefore very visible in the landscape
- Tree and shrub planting suggested to screen the site is minimal.

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

- Proposals are in an unsustainable location and open countryside
- Would result in an adverse impact on the landscape
- Would have an adverse impact on the Gloucester Old Spot.
- Road is dangerous and the proposals would make the highways worse
- Proposals would be better suited elsewhere
- Loss of agricultural land

8 letters of support have been received, 5 from businesses in the wider Cheltenham area, 1 from the occupier of Stanboro Cottage, part of whose land is within the application site, with two others from residents of Bishops Cleeve and Prestbury. The main points in support of the application are as follows:

- Would attract greater inward investment opportunities and secure employment opportunities for many local people and businesses;
- About 300 jobs would be created;
- There is not enough available employment land and buildings which is a concern for the development and progression of our county;
- Employment land in Cheltenham has been lost to residential;
- Other locations such as Kingsditch, Gallagher and Lansdown trading estate are much more heavily congested;
- The land is not in the green belt or AONB;
- This is a prime location and the development would be beneficial to the local community and beyond;
- The proposals have good infrastructure including roads, public transport and access to the M5;
- The proposals would be a good design;
- The site does not flood;
- The site is low grade agricultural land.

Planning Officers Comments: Miss Joan Desmond

1.0 Application Site

1.1 The application site is an arable field of approximately 5ha on the A4019 next to the Gloucester Old Spot public house. The land surrounding the site comprises a mix of arable agricultural fields, horticultural enterprises and small parcels of woodland. To the east is Elmstone Business Park which is a small group of commercial and office units and to the south and west is the village of Boddington. The M5 (Junction 10) is approximately 500m to the east. The site is approximately 3.25km from the Sainsburys and Gallagher retail park which is the edge of Cheltenham (see attached location plan).

1.2 The proposal is on agricultural land currently used for arable and is classified as Grade 3b. It is bounded 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 a screening opinion relating to the application submission.

3.0 Current Application

3.1 The application seeks to create two purpose built and designed buildings amounting to 18,500 square metres of new, modern, employment floor space. The scheme includes a new access off the A4019, 300 parking spaces (split into roughly 150 space lots in front of the new buildings interspersed into the proposed landscaping). Bespoke vehicle turning spaces, parking for cars, motorcycles and commercial vehicles, as well as covered cycle parking are also proposed. **(See attached plans. Plans will also be displayed at Committee).**

3.2 The proposal is lodged with supporting reports dealing with the relevant matters as follows:

- Planning Statement
- Ecology Report
- Archaeological Desk-Based Assessment
- Agricultural Land Classification Report
- Arboricultural Survey
- Landscape and Visual Appraisal
- Transport Assessment
- Flood Risk Assessment
- Noise Assessment and
- Lighting strategy

3.3 The proposals have been designed to retain of the majority of the existing boundary hedgerows and ditches. The buildings are set towards the rear of the site, with parking in front and either side of the new access road through the centre of the site. Servicing and deliveries would be at the rear of the buildings.

3.4 A key feature to the scheme is the perimeter native woodland planting at the front and sides of the site. It is noted that the applicant highlights that this is not a speculative application. The Planning Statement states that the scheme is ultimately for two locally successful companies who, having established themselves and experienced rapid expansion, find themselves having outgrown existing premises. This application is a culmination of work to find a site to aid expansion in order that the companies can better accommodate operations more efficiently, but also continue to grow-thereby safeguarding their futures and securing the jobs they provide for the local area. It is stated that the proposals would enable important local companies employing over 300 people to maintain their local presence to the benefit of the Gloucestershire economy along with the potential to create a further 100 jobs in the future. The applicant has also states that the existing businesses bring in close to £100million revenue annually to the local economy. The submitted information with the application is however somewhat conflicting as the Design and Access Statement (DAS) states that there is only an identified user for the larger building and the Acoustic Report states that there are no proposed occupiers for the units.

3.5 If as claimed the application is not speculative, there is no consideration given by the applicant to how the first occupation of the buildings would be restricted to the local companies nor would this be justified in any case in planning terms. It is therefore not considered that this can be given weight in determining the application over and above normal economic growth consideration.

4.0 Planning 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.

4.2 Local Plan Policy EMP4 sets out that within rural areas new small scale employment uses appropriate to their local context will be permitted provided that they are either directly related to the essential needs of agriculture, forestry or other rural industries, where it can be demonstrated that there are specific reasons why a rural location is necessary, or make use of sites with existing buildings or structures. In all cases proposals must:

- (a) be capable of safe and convenient access by road without detriment to the local highway network,
- (b) be well related to local residential areas in such a way to allow access by walking, cycling or public transport.
- (c) be, by means of good design, siting and appropriate landscaping, satisfactorily assimilated into the countryside, and
- (d) not lead to any significant adverse effect on nearby residential or other uses by way of noise, vibration, pollution, traffic generation or other disturbance.

4.3 Whilst elements of the above policy are considered to be consistent with the NPPF, there are differences in that the NPPF is supportive of the sustainable growth and expansion "of all types of business and enterprise in rural areas" rather than just those that they are either directly related to the essential needs of agriculture, forestry or other rural industries. Furthermore, there is no requirement in the NPPF that such schemes have to be small scale. As such as policy EMP4 is not entirely consistent with the NPPF it can only be afforded limited weight.

4.4 Other saved policies relevant to the proposal including policy GNL2 design requirements for major development proposals, GNL8 energy efficient development, TPT1 (access for development), TPT3 (pedestrian networks), TPT6 (cycle parking), EVT2 (light pollution), EVT9 (sustainable urban drainage systems) and LND7 (landscaping of new developments) are in general conformity with the NPPF.

4.5 In recent appeal decisions inspectors have held that Policy LND4 goes further than the NPPF in that it applies to areas that would not fall within the definition of 'valued landscape' in the NPPF and Policy LND4 is therefore stronger than the core planning principle in the NPPF which relates to the need to '*recognise the intrinsic character and beauty of the countryside*'. It is therefore arguable that policy LND4 should be afforded less than full weight.

Emerging Joint Core Strategy

4.6 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. The emerging Joint Core Strategy (JCS) which will act as a spatial planning strategy for the area up to 2031.

4.7 The Submission version of the JCS proposes approximately 84 ha of employment land are proposed for allocation through the plan to support the delivery of approximately 28,000 jobs. The JCS focuses the majority of development at Gloucester and Cheltenham within urban extensions. In addition, further development for employment is proposed at Ashchurch within two strategic allocations at the MoD Ashchurch camp and south of the A46 at Ashchurch. However, it should be noted that the latest evidence submitted to the JCS Examination in Public by Nathaniel Lichfield and Partners (NLP) recommends an increased requirement of 192 hectares of employment land and a range of 39,500-46,600 jobs over the plan period.

4.8 Policy SD2 of the emerging JCS seeks to support employment related development in certain circumstances, none of which apply in this case and whilst the strategic allocation policy (Policy SA1) is also noted, the conclusions of the Examination are not yet known and therefore carry limited weight.

5.0 Other Material Considerations

5.1 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).

5.2 One of the core planning principle of the NPPF is that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. The NPPF states that the Government is committed to securing

economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. Furthermore, the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

5.3 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.

6.0 Employment Land Supply

6.1 The applicant refers to the JCS which aims to deliver 64 hectares of employment land, to support around 28,000 new jobs over the Plan period which for Tewkesbury equates to 14.3 hectares of new employment land at a strategic allocation at Ashchurch, and an additional 20 hectares which is the replacement of the existing use at the former MOD site at Ashchurch. It is argued that current planning applications can be neither determined against the emerging JCS allocations or wait for the Plan to be adopted. The applicant also refers to JCS Evidence Base Documents and concludes that the Council's supply of available and deliverable employment land is limited and that the JCS has yet to provide certainty over the locations of strategic allocations.

6.2 In relation to currently available employment land, the applicant's planning statement states that supply in the Tewkesbury/Ashchurch area is now just 8 acres (3.24 ha) in 4 sites, with the largest single plot being 4 acres (1.62 ha). This site is currently subject to ongoing negotiations with an existing Tewkesbury occupier and may not therefore be available beyond the end of this year. The MOD site at Ashchurch offers potential for commercial uses but the timescales for bringing this forward remain unclear. In terms of Gloucester Business Park, which is available now, the applicant states that it is also largely committed to existing developments but highlights that plots of 22 acres (8.9 ha), 8 acres (3.24 ha), 4 acres (1.62 ha) and 2 acres (0.81 ha) remain at Gloucester Business Park and these plots are most suited to production or warehouse use. A further 20 acres (8.09 ha) is available for office use. In south Gloucester, only 4 acres (1.62 ha) remain at Quedgeley West, 15 acres (6.07 ha) at Gateway 12, and 20 acres (8.09 ha) at Quadrant Centre. Waterwells Business Park has been a significant employment site however only 7 acres (2.83 ha) remain available in three separate plots and ownerships. At Javelin Park, approximately 12 acres (4.68 ha) remain available adjoining the proposed incinerator development referred to above. Quedgeley East is 24 acres but has existing occupiers on site and so development timescales would have to accommodate relocation of tenants in the short term.

6.3 The applicant also highlights that there has been a substantial take-up of employment land for development over the last 15 years. Purely in terms of those sites which would be categorised as strategic sites, this figure is in the region of 364 acres (147.31 ha) and comprises the following:

- Tewkesbury approximately 97 acres (39.26 ha).
- Gloucester approximately 220 acres (89.03 ha).
- Stroud/Stonehouse approximately 47 acres (19.02 ha).

6.4 For the JCS area this equates to 8.5 ha per annum as opposed to the 3 ha per annum currently proposed in the draft plan period.

6.5 The applicant also highlights that GFirstLEP have been involved in preparation of the planning application, including attendance at pre-application meetings, and have expressed their support for the proposals informally but have not formally commented to the application.

6.6 The potential need for additional employment land in the JCS area is noted. Nevertheless the discussions taking place around the JCS and the possible need for additional employment land are a normal part of the plan-making process. There is no certainty around this at the moment and it is not considered that there is any further weight to be given to the economic arguments in favour of this major employment development as a result.

6.7 In terms of existing employment land availability, the Council's Economic Development Officer (EDO) has confirmed, and as agreed by the applicant, that there is available employment land at Gloucester Business Park and this could accommodate the proposed units. The applicant has argued that the Plots on the Business Park are too small as they are being marketed at 20,000 sq ft. The EDO has advised however,

there is no restriction at the Business Park on the size of the units that can be built. The applicant has also not submitted any evidence to indicate that the two companies interested in occupying the units must be located together. If this is not the case there could be wider options, especially for the smaller unit - for example, employment land to the rear of Malvern View Business Park.

6.8 In conclusion, the need for additional employment land across the JCS area over the plan period has little weight in the determination of this application now, when there is other land (i.e. at Gloucester Business Park) which is available. The economic benefits of the proposals are considered elsewhere in this report, however it is clear that there is currently land available within the Borough which could accommodate the proposed development.

7.0 Use of Agricultural Land

7.1 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. Best and most versatile is land within grades 1, 2 and 3a of the agricultural land classification.

7.2 The application site is classed as Grade 3b and therefore does not qualify as BMV agricultural land. Whilst comments of local residents are noted with regard to the availability of Grade 4 agricultural land, as the proposals are not sited on BMV agricultural land, further assessment is not required and the proposals are acceptable in this regard.

8.0 Effect on landscape character and visual amenity of the area

8.1 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).

8.2 The proposed development site sits within the Severn Vale in an area defined in the Gloucestershire Landscape Character Assessment as Settled Unwooded Vale SV6B (Vale of Gloucester). The site and its immediate surroundings are typical of that character area and comprises a flat, open landscape. Fields are generally medium to large scale and rectilinear. The low horizon is defined by coalescing field boundaries consisting of small tree groups and hedgerows. There are isolated pockets of development and the area is crossed by a number of high voltage power lines and road infrastructure. The adjacent Gloucester Old Spot pub is a typical wayside hostelry and the commercial enterprise at Elmstone Business Park is typical of the small scale diversification of farmsteads and land holdings across the area. There is a cricket ground across the A4019 and there are distant views across the Vale to the Cotswold Scarp to the south east. The site has all the characteristics of being open countryside within the Vale of Gloucester. There are currently clear, open views of and across the site from the A4019.

8.3 The application is supported with a Landscape and Visual Impact Assessment (LVIA) which concludes that whilst there would be some loss of openness, the area would continue to be perceived by many receptors as a rural landscape. It concludes that "the site has capacity to accommodate the proposed commercial development, but will require inherent design mitigation measures such as building design and materials (darker muted colours) to protect landscape character and visual amenity. Mitigation measures should include the establishment of a native species tree/woodland buffer along the southern road boundary and around all boundaries with open countryside." The final conclusion of the LVIA is that: "With mitigation measures incorporated, this assessment considers the overall likely landscape magnitude of effect to be medium and the overall likely visual magnitude of effect to be medium."

8.4 The Council's Landscape Consultant (LC) has assessed the submitted LVIA and disagrees with its findings for the following reasons:

- **Character baseline and basis for assessment:** In drawing its conclusions as to effects upon landscape character, the assessment considers the potential impact of this development upon the whole of the Vale of Gloucester. Quite predictably it concludes minimal effect due to the sheer size of the character area. Conversely when considering the local character effects, the assessment goes to the other extreme and focuses on each individual element and component of the landscape rather than how they combine to create local character and distinctiveness. The assessment in my opinion fails to address adequately how the proposed development will be perceived in the local context and what effect that might have upon the local rural landscape character.

- **Assumed Mitigation:** In drawing its conclusions, the assessment is clear that a number of assumptions have been made about the nature and effectiveness of mitigation planting, most notably along the site frontage to the A4019. Those assumptions directly conflict with the Design and Access Statement and the submitted illustrations of the scheme. Of these, the DAS is the most significant. It states *"It is not our intention to hide the buildings behind a belt of dense tree planting, rather to provide a layering to the site landscaping so that there is still permeability to the site frontage."* In the absence of detailed landscape proposals, the LC has taken note of this clear design intent to retain views into and across the site to the new buildings. He does not believe therefore that the submitted LVIA has adequately addressed the predicted effects. It does not acknowledge the creation of these views across the car park and site roads to the façade of the buildings nor the effect that might have upon views and the rural landscape character.
- **Assumed Building Form:** The LVIA predicates its findings upon *"inherent design mitigation measures such as building design and materials (darker muted colours)"*. The LC agrees that, as is the case with the quoted Morrisons scheme on the Somerset Levels, the banded cladding could be very effective in breaking up the mass and form of the buildings from afar. However, as with the Morrisons building, the cladding can also be very striking in close views. It is suggested that the building form that appears in the submitted illustrations does not accord with the "darker, muted" effect anticipated by the author of the LVIA and presumably assumed when drawing conclusions as to predicted effects. These are bold, unapologetic and contemporary buildings.
- **No consideration of Night Time Illumination:** Surprisingly for a scheme of this nature and scale in this rural context, the LVIA is silent on matters relating to night time illumination. The DAS too is silent on the matter, both in concept and detail. Presumably the site entrance, site roads and car parks will all be lit at night. The office block windows will be illuminated. Higher lux levels will be required in the working loading bays to the rear of the buildings. In addition, it is noted that there would be a 3 storey glazed atrium and that the vertical cladding will include translucent elements to *"allow a high level of natural light to enter..."*. It is assumed that these elements would also allow a high level of artificial light to escape. This is essentially a dark, rural area at night and the potential effect of the level of lighting required by a development of this scale upon views and the night time character could be profound. In the opinion of the LC it is a serious omission that this issue has not been considered.

8.4 In conclusion, the LC comments that this is a typical rural landscape in open countryside within the Vale of Gloucester. Whilst there is clearly some built intervention in the area including the M5 however a development of the scale and form proposed would appear in stark contrast to its surroundings, would be highly visible from the A4019 by day and by night and would exert a strong and adverse influence on the local rural landscape character. The DAS states that "The scale of the proposed development is proportionate to the size of the site." It is suggested that a more appropriate determinant of scale should be the local landscape setting, character and context. The LC considers that this proposal fails in that respect and would appear alien, disproportionate in scale and isolated in this location. The nearby Elmstone Business Park is referenced in the LVIA as offering some precedent to this development. The existing commercial activity there is typical of small scale diversification of farmsteads which is characteristic of the Vale. The development proposed in open countryside in this application far exceeds the scale of Elmstone Business Park and the built form and layout is more reminiscent of edge of town retail and commerce, not the isolated rural development that this is.

8.5 The LC considers that the proposed development as submitted would have significant and adverse effects upon the local landscape character and would be highly visible and conspicuous from the A4019 as it passes through open countryside. In addition, the proposed highway improvement works would involve the removal of existing hedgerows and widening works, provision of footpaths/guard railing etc would have a harmful impact on this open rural landscape. As such the proposals would have a notable urbanising effect and would be contrary to Policy LND4 of the local plan.

8.6 For the reasons explained above, it is concluded that the proposed development would have a significant adverse impact on the character and appearance of the local landscape in conflict with Policy LND4 of the local plan and with the relevant provisions of the NPPF. This weighs significantly against the proposal.

9.0 Impact on Heritage Assets

Archaeology

9.1 The NPPF advises 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. It also advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

9.2 The County Historic Environment Record, shows there is no evidence for any previous archaeological investigation on the site. However, the wider locality is known to contain extensive archaeological remains relating to prehistoric, Roman and Anglo-Saxon activity and settlement. Such archaeological remains are often covered, and so masked from view, by medieval and modern plough soils. Against that background, and in view of the large size of the application site (c 5 ha) the County Archaeologist (CA) raises a concern that significant archaeological remains relating to prehistoric, Roman and Anglo-Saxon activity and settlement may be present within the proposed development area, and that any such remains would be adversely affected by construction ground works required for this scheme. It is noted that the application is supported by an Archaeological Desk-Based Assessment which concludes that there is limited potential for buried archaeological remains to be present within the application site but this is not accepted by the CA. As such the CA has recommended that the applicant should provide the results of an archaeological field evaluation which describes the significance of any archaeological remains contained within the site and how these would be affected by the proposed development, in advance of the determination of this planning application, in accordance with the NPPF.

9.3 Without the required archaeological investigative works it is not possible to take an informed view of the archaeological impact of the proposed development in conflict with the NPPF and PPG.

Built Heritage

9.4 The application site falls within the broader setting of a number of listed buildings, although only Gloucester Old Spot public house is in immediate proximity. Historic England's Good Practice Advice on the Setting of Heritage Assets (GPA) advises that *'it would be helpful for local planning authorities to consider...whether development affecting the setting of a heritage asset can be broadly categorised as having the potential to enhance or harm the significance of the asset through the principle of development alone; through the scale, prominence, proximity or placement of development; or through its detailed design.'* The Conservation Officer (CO) has commented that the main impact of the current application falls under the 'scale, prominence, proximity' criterion and the proposal has a medium-high impact in most of the critical areas, so it follows that development of the proposed scale in this location would have a negative impact on, in particular, the setting of the Grade II listed Gloucester Old Spot.

9.5 The GPA acknowledges that *'for some developments affecting setting, the design of a development may not be capable of sufficient adjustment to avoid or significantly reduce the harm, for example where impacts are caused by fundamental issues such as the proximity, location, scale, prominence or noisiness of a development...'* However *'where attributes of a development affecting setting may cause some harm to significance and cannot be adjusted, screening may have a part to play in reducing harm. As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate, so where it is necessary, it too merits careful design.'*

9.6 The NPPF also advises 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...'* so whilst the pure conservation position from the CO is clear-cut, it is acknowledged that the NPPF requires a balance to be struck, taking into account potential public benefits.

9.7 In conclusion the proposed development would have an adverse impact upon the setting of the nearby listed Gloucestershire Old Spot public house and has the potential to affect heritage assets with archaeological interest. Whilst a field evaluation is required to be undertaken, no archaeological investigative works, as set out in the approved WSI, have been undertaken in conflict with the NPPF and PPG. These are matters which weigh against the proposal.

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 is supported with an Ecological Report which concludes that the scheme would retain the majority of the existing boundary hedgerows and ditches. There are no habitats of international, national, county or local importance that would be directly or indirectly affected by the proposals. The species recorded on the site can be described as common or abundant and are found in similar places across much of Britain,

with no evidence of protected species recorded. A range of generic mitigation/enhancement measures have been suggested and, if implemented effectively, would reduce the impact of the works on local wildlife and increase the nature conservation value of the site in the long term, in accordance with Government guidance as set out in National Planning Policy Framework. Overall the findings of this ecological assessment would indicate that there are no over-riding ecological constraints to the development proposals to preclude planning permission being granted at this stage. Proportionate mitigation is available and deliverable to ensure that there would be no adverse impact on local wildlife using the site.

10.3 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 (FRA) which summarises that the site is wholly within Flood Zone 1 with Flood Zones 2 and 3 associated with the River Chelt extending to the southern side of Tewkesbury Road (A4019) south of the site. In order to provide some protection against any residual risks, the proposed buildings would adopt flood resilient measures into their design and construction. Provision has been made for climate change in the surface water management strategy.

It is noted that the proposals include two new ponds as part of the proposals which whilst being decorative also provide a functional sustainable drainage solution. As such the FRA concludes that the development would meet the flood risk requirements of the NPPF.

11.3 The Environment Agency raise no comment to the proposals and the County Council (Local Lead Flood Authority) have also raised no objection subject to appropriate conditions. There is therefore no objection to the proposals on flood risk.

12.0 Accessibility and Highway Safety

12.1 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.

12.2 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.

12.3 The site would be served by a new access from the A4019 Tewkesbury Road. A Transport Assessment (TA) and Framework Travel Plan have been provided with the application and following discussions with County Highways (CH) a TA addendum and further details showing improvements to the A4019/Stoke Road junction have been submitted.

12.4 The TA and its addendum concludes that the revised assessments and updated information set out within the report, demonstrate that the proposed development is unlikely to have any material impact upon the safety or operation of the surrounding local highway network. Consequently, it is argued that there are no significant highways and transportation matters that would preclude the Local Planning Authority from approving this planning application.

Accessibility

12.5 In terms of accessibility the proposed development is not in close proximity to many facilities and residences, meaning that active travel modes would be less attractive to employees of the site. There is a local public house within walking distance, and the Knightsbridge business centre which includes a patisserie is within 800m walking distance of the site. Continuous but narrow footway is available along the north side of the A4019. CH considers these facilities to be appropriate considering the rural nature of the route. There are bus stops within 100m of the site access but there is no footway or a crossing point between the site and the eastbound bus stop. The westbound bus stop benefits from seating and a shelter, although there are no facilities at the eastbound bus stop. Bus services 41 and 42 serve these stops at a 20 minute and hourly frequency respectively. Both of these services connect the site with Tewkesbury and Cheltenham. There are no cycling facilities within the vicinity of the site and there are a limited number of residential dwellings within a 20 minute cycle ride of the site. This distance is generally thought of as the point below which most opportunity exists to encourage mode shift to cycling. In summary, the site is not considered to be particularly accessible on foot or by bicycle and this weighs against the proposal. However it is accepted that the site is reasonably well served by public transport, although the connection on foot between the site and bus stops need improvement. The key opportunities for sustainable travel therefore relate to encouraging public transport use and facilitating car sharing.

Access

12.6 The development would be accessed via a priority T-junction with a ghost island, designed in accordance with Design Manual for Roads and Bridges (DMRB), and in conformity with Manual for Gloucestershire Streets (MfGS). Junction visibility splays of 2.4m x 160m are provided which is in line with DMRB requirements for a 50mph road. This requirement has been verified by the use of a speed survey and a Swept Path Analysis (SPA) has been provided to demonstrate that the largest vehicle anticipated to use the site (16.5m articulated lorry) can make all movements. The SPA also demonstrates that the internal site layout is appropriate to accommodate this vehicle. CH accepts that the access arrangements are appropriate to serve the proposed development. An assessment of the capacity of the site access junction has been undertaken which indicates that the proposed junction arrangement has the capacity to accommodate the proposed development traffic in all scenarios with spare capacity. Due to the form of the junction there would be no delay incurred by non-development traffic as a result of the creation of a new junction. The right-turn ghost island would have sufficient capacity to accommodate demand for the movement without blocking ahead traffic.

12.7 The existing junction of the A4019/Stoke Road has been modelled and the results show that the development would result in capacity issues on Stoke Road, which are likely to be due to tidal increases in development traffic flows along the A4019 reducing the number of gaps available for existing traffic (and a small level of development traffic). CH concludes that the impact of the development on Stoke Road would be severe. To address this concern revised plans have now been submitted to include land within the application site for the improvements to Stoke Road which would provide for a left-turn flare on Stoke Road to accommodate approximately 10 vehicles. A 2m footpath would be provided up to the existing access at Stranboro cottage. This footpath would ultimately connect to a footpath proposed but not yet implemented by consents at the Elmstone Business Park. CH has advised that the level of queue which would build up with the proposed layout with the development in place would only be marginally greater than would occur with the existing layout without the proposed development. In the light of the revised plans and proposed improvements to Stoke Road CH therefore conclude that the proposed mitigation is sufficient to ensure that the residual impact of the proposed development would not be severe. Such improvements could be secured by appropriately worded planning conditions.

12.8 To support the uptake of public transport trips the development proposes a 3m shared footway/cycleway between the site access and a proposed pedestrian/cycle refuge Island. A footpath would also be provided for the short distance between the western bus stop and the pedestrian/cycle crossing with refuge island. Pedestrian guard railing would be provided to the rear of the footpath due to the ditch to the rear of the existing verge.

12.9 In terms of parking 300 spaces are proposed which would meet demand for the first 300 staff, but would not be sufficient for the additional 100 staff proposed. To address this potential shortfall an area of land which could accommodate a further 40 spaces is indicated on the layout plan. CH is concerned that the over supply of parking for the first 300 staff could result in higher than necessary traffic generation and not provide a level of restraint on car use. However considering the nature and location of the site it is unlikely that this would be a major factor in the traffic generation of the site due to limited potential to travel by active modes. The assessment of traffic impact has been undertaken robustly and CH considers that the full traffic generating

potential of the site has been assessed. Similarly to car parking, the level of cycle parking required should be calculated and a sufficient number proposed. This has not been submitted within the TA. However the TA identifies demand for 12 cycle parking spaces. Considering the aspiration to achieve mode shift away from single occupancy car usage, a greater level of cycle parking should be provided to achieve an increase in mode share. CH suggests that cycle parking should be provided for 6% of employees, equating to 24 spaces. This should be designed to be covered and secure for employee parking, with a number of visitor parking spaces also made available close to building entrances.

Conclusion on Accessibility and Highway Safety

12.10 In conclusion, the site is not considered to be particularly accessible on foot or by bicycle, a matter which weighs against the proposal. However the site is reasonably well served by public transport, although the connection on foot between the site and bus stops need improvement. The proposed development would not have a severe impact on the local highway network and the proposals meet the criteria in the NPPF relating to safe and suitable access and taking up opportunities for sustainable transport modes to reduce the need for major transport infrastructure. CH raise no highway objection to the application, subject to an obligation for the payment of a £10k contribution towards Travel Plan monitoring and highway conditions being attached to any permission granted. Nevertheless, in accessibility terms the proposal does not provide safe and suitable access for all people.

13.0 Design and Layout

13.1 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. The NPPF goes on to advise 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 (paragraph 61).

13.2 The submitted DAS states that the layout has been developed around the access off the A4019 and where the buildings would be best sited to reduce their visual impact. The buildings would be sited to the north east of the site which would enable some strategic planting between them and the Highway. The DAS states however, that it is not intended to hide the buildings behind a belt of dense tree planting but rather to provide a layering to the site landscaping so that there is still a permeability to the site frontage. The Landscape Consultant's concerns on this approach are dealt with above. Such an approach would fail to mitigate the significant harm that these buildings would have in this open rural location.

13.3 The largest building would measure approximately 106m X 96m (warehouse space) with a canteen and staff welfare facilities to the side and with office space on three floors to the front of the building. The warehouse element of the building would be approximately 12.4m in height with the office accommodation being stepped down (8.9m high). The main entrance is located within a three storey glazed atrium which provides a focal point to this building. The office accommodation has been kept to a maximum depth of 10m to ensure that it can be naturally ventilated from one side and has plenty of natural light. The smaller building would measure approximately 48m X 48m (warehouse space) with a canteen and staff welfare facilities to the front of the building and with office accommodation to the side and to the front on three floors. The warehouse element of the building would be approximately 7.6m high with the office space to be three storeys high (9.8m at its highest point). The entrance to this building is located on the corner of the building with the office wings then running down either side of the factory element of the structure behind. The service yards to both buildings have been located to the rear to allow for direct access to the warehousing and manufacturing areas and improved security.

13.4 It is proposed to use a range of cladding materials in different colours and orientations to breakdown the mass of the buildings. The DAS states that similar techniques have been used successfully in other exposed locations to help reduce the visual impact of such buildings. One example quoted is the Morrison's Depot on the M5. In this case a range of coloured panels were used in a horizontal orientation to help visually break up the built form. It is proposed to clad the rear sections of both buildings in a range of coloured panels in a similar fashion however the panels would be orientated vertically. The DAS states that this would help them to blend in with the range of trees that exists on the site boundaries and the proposed new planting between the buildings and the highway. To aid natural light to the buildings a large number of roof lights to both

buildings are also proposed. The DAS also states that a further benefit of the vertical cladding is that it would enable the point at which the panels change from a solid colour to translucent to be staggered thus helping to breakdown the eaves line of the building and further replicate the varied heights in the surrounding landscape.

13.5 Whilst it could be argued that the proposed banded cladding could be effective in breaking up the mass and form of the buildings from afar, it is clear from the Morrisons example quoted that the cladding would be very striking in close views and would be visually intrusive. As commented by the LC these are bold, unapologetic and contemporary buildings which by virtue of their design, scale and size would be visually intrusive in the landscape and do not respect or integrate into the rural context of the site.

14.0 Relationship to Nearby Properties and Residential Amenity

14.1 The closest properties to this site are those located off the Tewkesbury Road (A4019) and Stoke Road to the east. Gloucester Old Spot is the nearest property located at the junction of the A4019 and Stoke Road. Given the separation distances for the proposed building there would be no issues arising from any overbearing impact or loss of privacy. The main impact would be from any noise resulting from the proposed industrial use. In this respect an acoustic report has been submitted which states that there are no proposed occupiers for the units which conflicts with the Planning Statement which states that this is not a speculative application. The report concludes that in environmental noise terms the outline proposals are considered acceptable in that they would not adversely affect the amenity of nearby noise sensitive residential properties by way of noise.

14.2 The Council's Noise Consultant (NC) has commented that the report fails to consider the cumulative effect of the impacts considered, namely delivery of goods noise and car park noise on the amenity of nearby residential properties. The combined effect of these activities or the general operational noise of the site including forklift trucks should have been considered. It is queried whether this is because there would be no additional movements of vehicles other than cars in the car park. If this is the case this would need to be conditioned as the noise report has not included it and the potential impact therefore is not known. In relation to the lighting specifications, the NC has advised that it is difficult to assess how the proposed lights would effect amenity without a contour or 3d model. Nevertheless, whilst it would be preferable to have this information to assess what is proposed, it is recognised that this could be dealt with by means of a condition.

14.3 In conclusion, whilst the noise report fails to consider the cumulative impact of the general operational noise and lacks information on the proposed lighting, it is considered that these issues could be addressed through the use of appropriate planning conditions which would ensure that there would not be a significant adverse impact on the amenity of nearby residential properties.

15.0 Overall Planning balance and Conclusion

15.1 In accordance Paragraph 14 of the Framework, 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. The three tests of sustainability are formed by the economic, social and environmental tests as set out in paragraph 14.

15.2 In terms of the economic dimension it is recognised that the proposal would provide jobs, both directly and indirectly. The proposal would therefore contribute towards building a strong, competitive economy. These matters are given significant weight in line with the NPPF. Whilst the Planning Statement states that the development is for two locally successful businesses, there is no certainty that these businesses would occupy the proposed units and this is reflected in the supporting reports submitted with the application. The need for additional employment land across the JCS area over the plan period has little weight in the determination of this application as there is other land (i.e. at Gloucester Business Park) which is available, now, for this development. The NPPF also advises that part of the economic role is to ensure that sufficient land of the right type is available in the right places.

15.3 With regards to the social dimension, the proposal would again provide jobs which would help support local communities and would have social welfare benefits.

15.4 Turning to the environmental dimension, the proposals would introduce a significant level of development into the open countryside which would have a notable urbanising effect on this rural landscape which would have a significant harmful impact on its rural character and appearance. This harm weighs

against the proposal. It has also not been demonstrated that there are no alternative sites for this development on designated employment land. In addition, the proposal would have an adverse impact upon the setting of a heritage asset and has the potential to affect heritage assets with archaeological interest. The development also fails to provide safe and suitable access for all people.

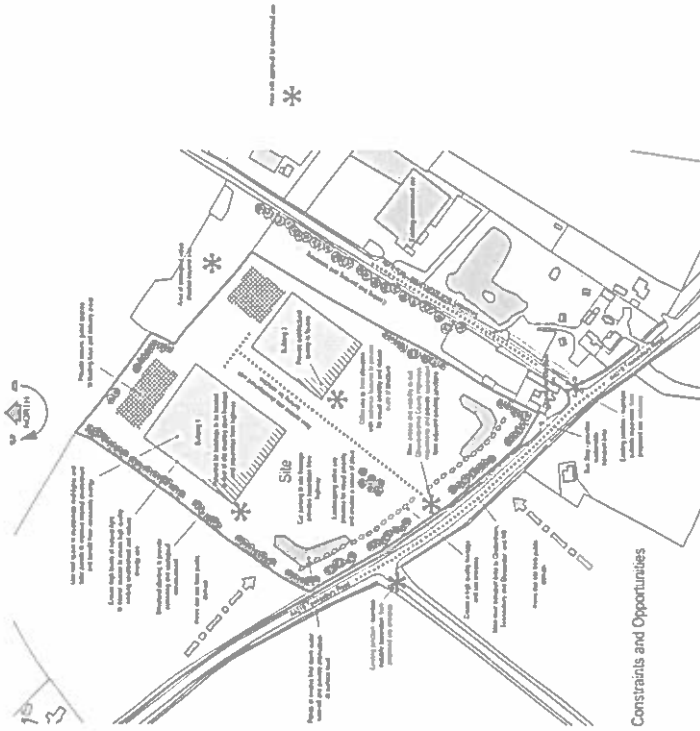
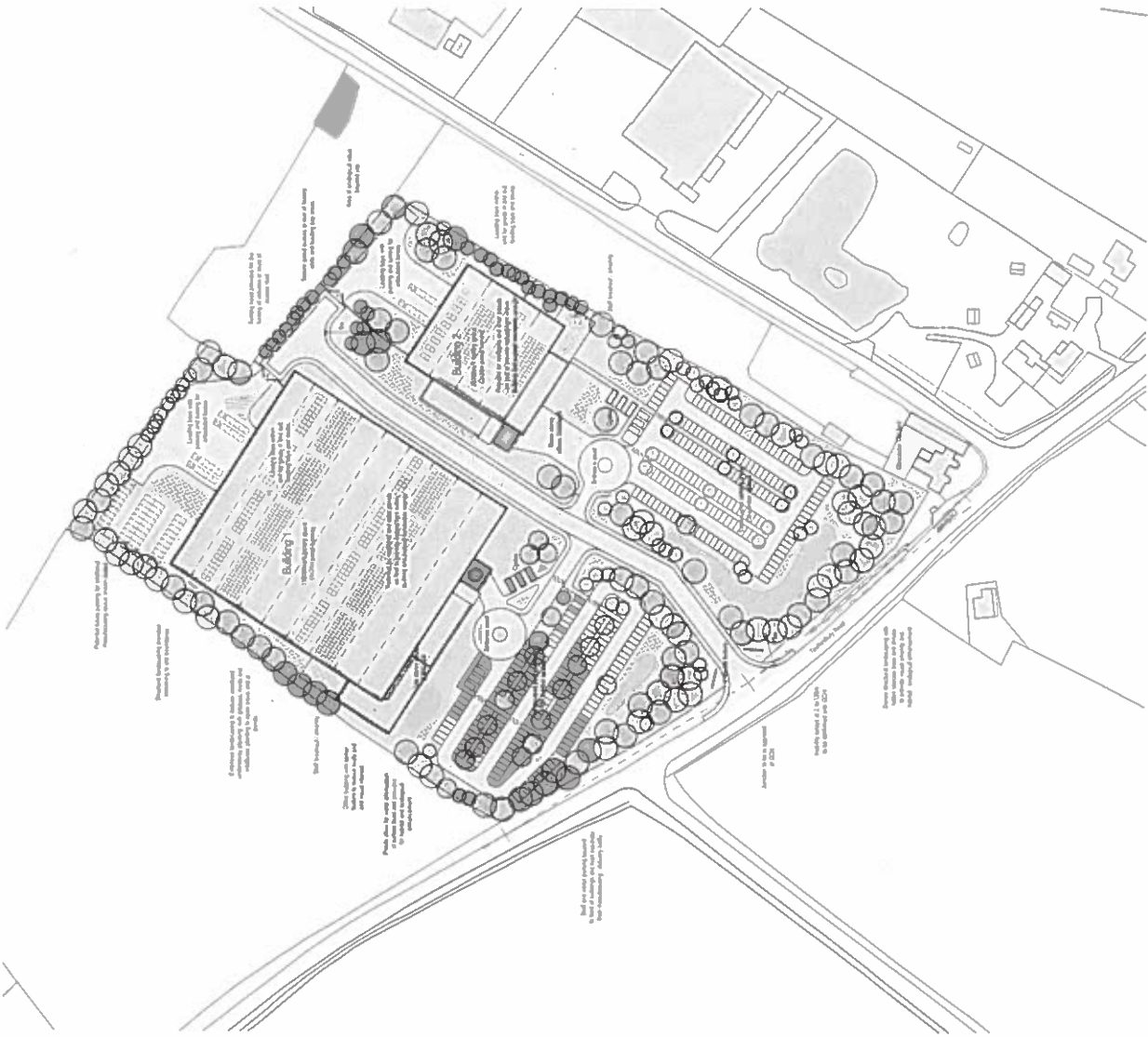
15.5 The proposed development would not be at an unacceptable risk of flooding and would not exacerbate flooding problems for third party property. The development would not have an unacceptable impact in terms of contamination of land or soil and would not raise any air quality issues. Any potential 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. Whilst the site is not particularly accessible on foot or by bicycle, it is reasonably well served by public transport and the proposed development would not have a severe impact on the local highway network.

15.6 Whilst there are benefits to the proposal as set out above, it is considered that the adverse impacts identified significantly and demonstrably outweigh the benefits that would accrue from the development. The proposal therefore does not represent sustainable development in the context of the NPPF and is recommended for **Refusal**.

RECOMMENDATION Refuse

Reasons:

- 1 The proposed development would result in an unwarranted intrusion into the rural landscape which would have a significant harmful impact on the character and appearance of the locality. As such, the proposed development conflicts with the NPPF, Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging Policy SD7 of the Submission Joint Core Strategy (November 2014).
- 2 The proposed development would have an adverse impact upon the setting of the nearby listed Gloucestershire Old Spot public house and has the potential to affect heritage assets with archaeological interest and no field evaluation has been undertaken together with an assessment of the impact of the proposed development on the significance of archaeological heritage assets in conflict with the requirements of the NPPF and Policy SD9 of the Submission Joint Core Strategy (November 2014).
- 3 There is alternative employment land available for this development and the proposed scale of the development is inappropriate in this open countryside location and is unsustainable as it 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.



Constraints and Opportunities

- Design Constraints: Building 1
- Inter-urban - adjacent gas, water, sewer, telecoms (including overhead fibre optics) on highway adjacent to the site
- Good highway B14
- Parking for 150 cars with scope for further expansion
- Adaptability to future use for parking for access, loading and unloading of articulated lorries via level access and loading docks
- External security area for loading/unloading containers
- Clear sign constraints to allow for flexible layout
- Consistent east capacity access for site to allow for flexible layout
- Use of light to all areas including factory element
- High level mechanical extract from factory element
- Design ideas located adjacent to factory element
- Opportunity to use renewable energy within the scheme including:
 - PV panels to generate electricity
 - Mechanical Ventilation Heat Recovery units to improve recovery air
 - Grey water recycling
 - High quality insulation
 - High quality air conditioning
- Landscaped surroundings incorporating parking, cycle parking, staff/break areas, meadows to address surface water drainage

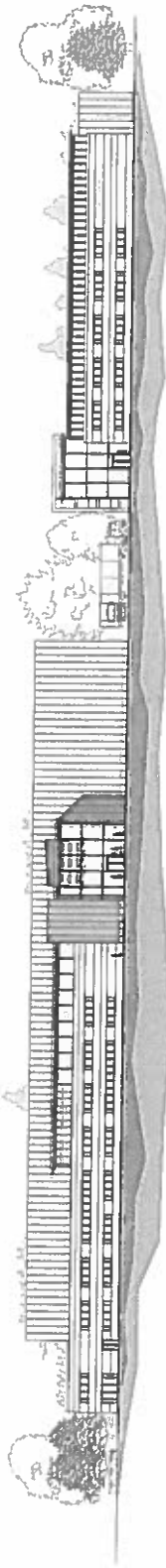
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Client: Emsione (Cheltenham) Ltd	Scale: 1:1000 @ A1	Date: September 2015	Draw no: PL002
Drawn by: AH	Checked: JE		
Job number: 15_30_002			

SOUTH WEST ELEVATION - 1:500 @ A2



BUILDING B

BUILDING A

SOUTH EAST ELEVATION - 1:500 @ A2



BUILDING B

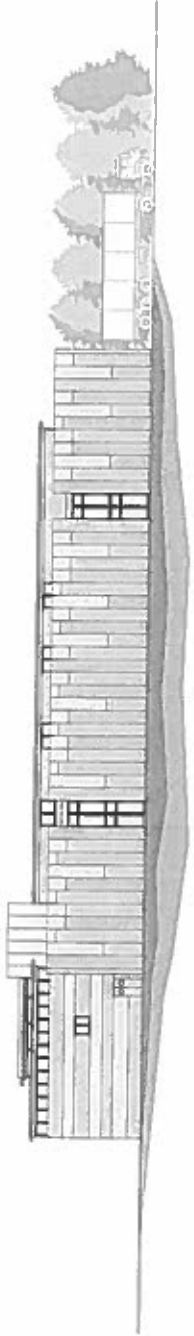
BUILDING A

LANDSCAPED PARKING AREAS

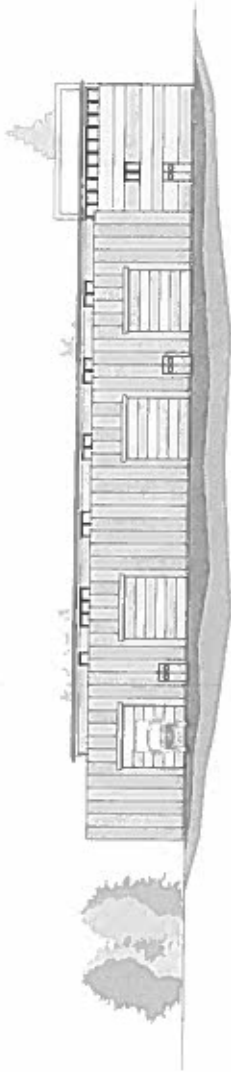
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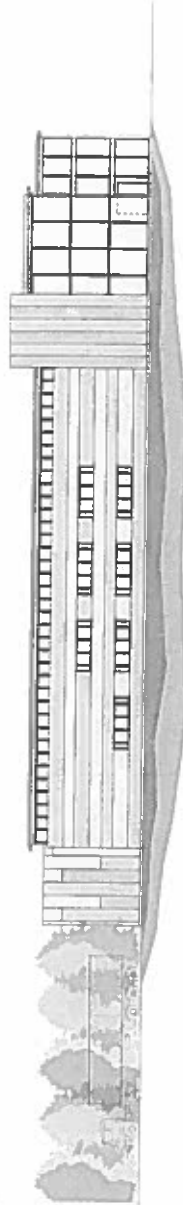
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<p>Client: Elmstone (Cheltenham) Ltd</p>	<p>Scale: 1:500 @ A2</p>	<p>Drawn by: JR</p>	<p>Checked:</p>	<p>Date: 13.10.2015</p>
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Building B - South East Elevation 1:200 @ A1



Building B - North East Elevation 1:200 @ A1



Building B - North West Elevation 1:200 @ A1

716/C

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- A3 Build

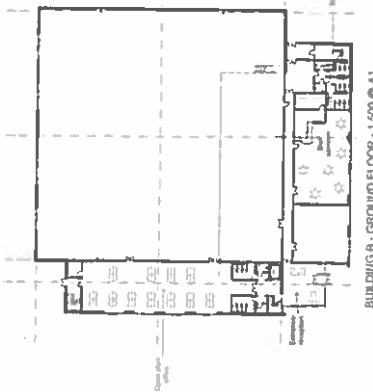
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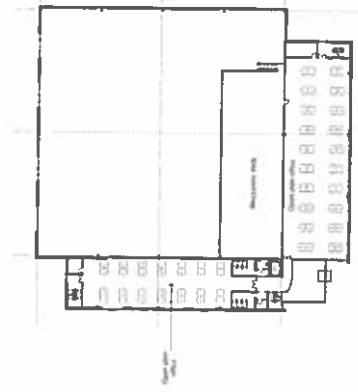
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Drawn by:	JR
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Project:	Emsone Pits, Cheltenham.
Scale:	1:200 @ A1
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Draw no:	PL007

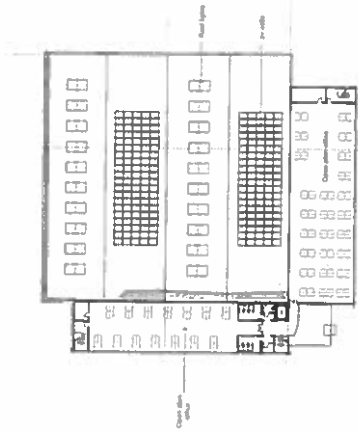
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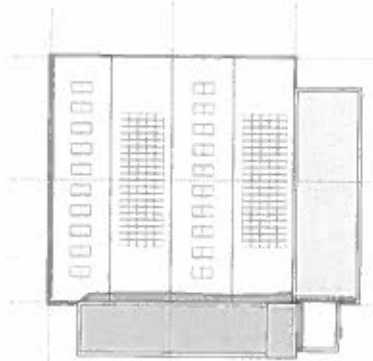
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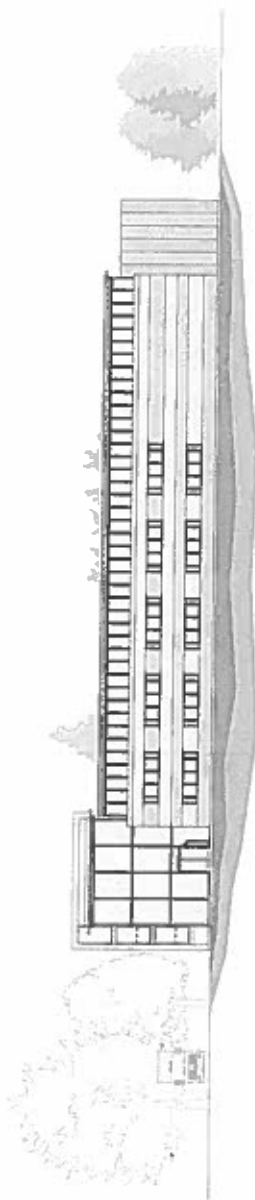
BUILDING B - FIRST FLOOR - 1:500 @ A1



BUILDING B - SECOND FLOOR - 1:500 @ A1



BUILDING B - ROOF PLAN - 1:500 @ A1



BUILDING B - SOUTH WEST ELEVATION - 1:200 @ A1

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- As Built

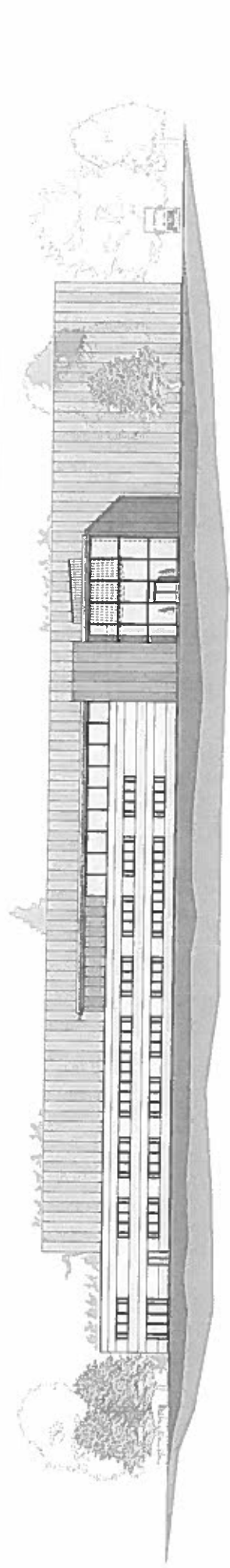
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 Client: Emstone (Challentam) Ltd
 Drawn by: JR
 Checked: JE
 Job number: 15.30.002

Project: Emstone Pfls, Challengam.
 Scale: 1:200 + 1:500 @ A1
 Date: 12/10/2015
 Drawn by: PL006




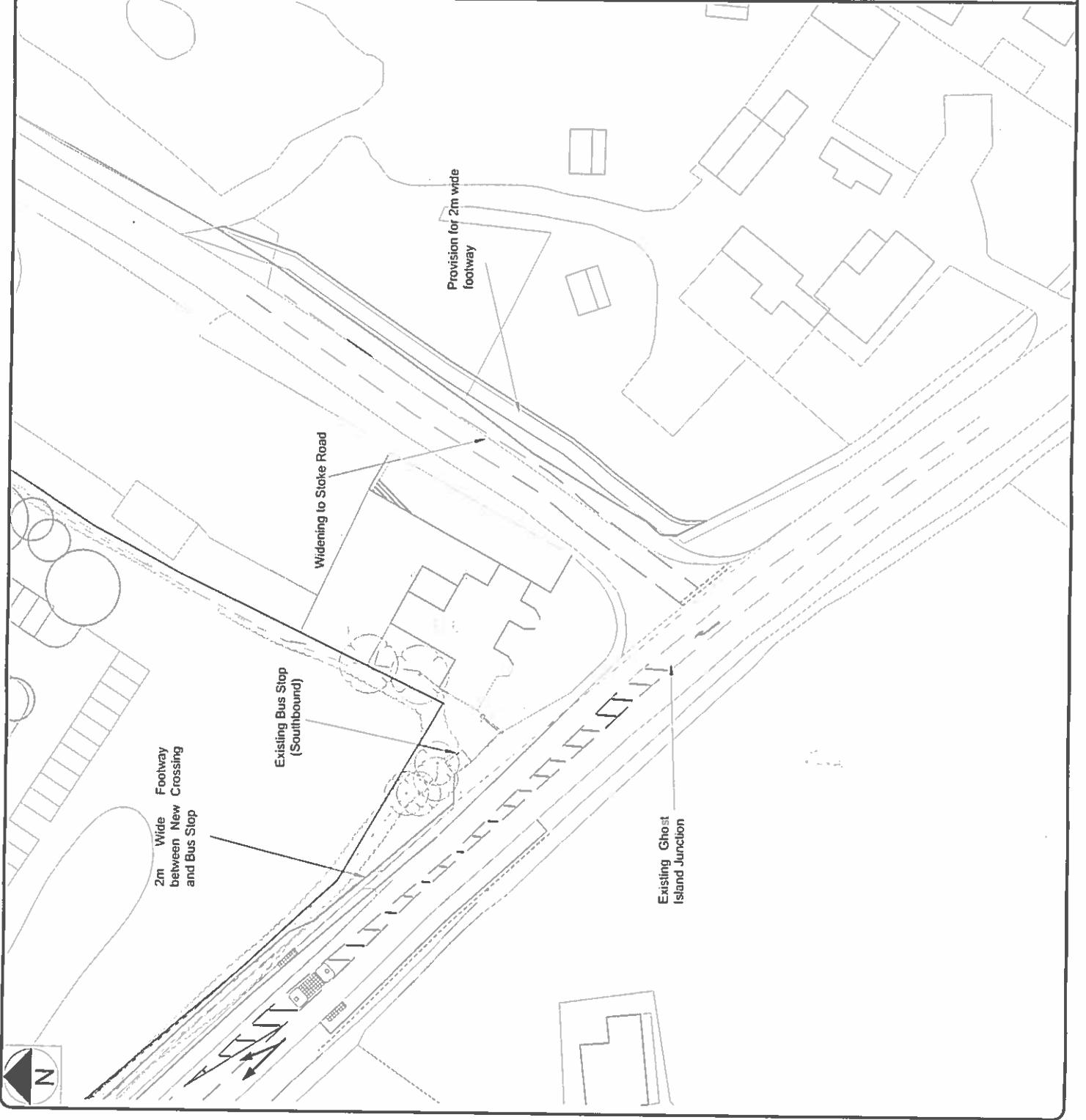
BUILDING A - SOUTH WEST ELEVATION - 1:200 @ A1

716/E



BUILDING A - NORTH WEST ELEVATION - 1:200 @ A1

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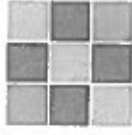


Notes:

Extent of Adopted Public Highway

Red Line Boundary

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Drawing Title:

Stoke Road Improvement Works

Client:

Elmstone (Cheltenham) Ltd

Project:

Land at Piff's Elm, Elmstone Hardwick

Drawing No:

SK_06

Revision:

D

Date Drawn:

22.01.16

Issue Date:

22.01.16

Drawn by:

MF

Checked by:

AP

Project Code:

CTP15-252

Scale at A3:

1:500

Drawing Status:

INFORMATION



716/F

15/01271/FUL

1 Swilgate Road, Tewkesbury, Gloucestershire

2

Valid 26.11.2015

Redevelopment of existing dwelling and car park to provide 9 No. apartments

Grid Ref 389249 232559

Parish Tewkesbury

Ward Tewkesbury Town With Mitton

JJH (Building Developments) Ltd And Caudle International

C/o Agent

RECOMMENDATION Refuse

Policies and Constraints

NPPF;

Planning Practice Guidance;

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies TY6, TPT1, HEN2, HOU5 and EVT5

The Joint Core Strategy (JCS) Submission Version November 1014

Flood and Water Management Supplementary Planning Document

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

The First Protocol, Article 1 (Protection of Property)

Flood Zone 2

Tewkesbury Conservation Area

Adjacent to Listed Building - Avonbrook House (Grade II Listed)

Consultations and Representations

Tewkesbury Town Council - No objection

Conservation Officer - No objection to amended plans.

Urban Design Officer - No objection

Historic England - Whilst it is not in Historic England's remit to comment on development within a conservation area under 1000sqm, this application is only marginally under the threshold in size and we therefore feel it appropriate to comment in respect of Tewkesbury Conservation Area, with reference to the Planning (Listed Buildings and Conservation Act) 1990, paragraph 72 (1) special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The design fronting Swilgate Road is considered to be incongruous with the historical burgage plot pattern typical of this zone of the conservation area. Recent development nearby has been successful in reflecting this grain of development, but the connecting element joining the two gable-ended blocks of this front elevation departs from this small-grain linear elevational treatment. Consideration of this design element should be assessed as to its suitability in preserving the local distinctiveness of Tewkesbury Conservation Area

Tewkesbury Civic Society - Whilst the Civic Society welcomes development of this prominent site we feel it represents over-development. There are nine flats planned and the result in our view is a crowded site with rather mean individual accommodations, particularly the ones to the rear. As drawn, second bedrooms exclude use by more than one person. The development might be more attractive with a reduction in the number of flats and an enlargement of each. On a minor key, we are concerned that not sufficient bin space has been allowed.

County Highways - No objection subject to conditions

Planning Officers Comments: Miss Joan Desmond

1.0 Application Site

1.1 The application site overlooks playing fields and is located within the main Tewkesbury Town Centre, within the Conservation Area. It is rectangular in shape and extends to approximately 0.1 hectares. The site fronts onto Swilgate Road and comprises a detached residential property, No 1 Swilgate Road, a hard surfaced private parking area and part of the rear garden that formerly belonged to No 18 Church Street. The surrounding area is predominantly residential with areas of commercial development mixed in. The properties to the west consist of the former and now vacant magistrates courts and former Abbey school (Avonbrook House), which is Grade II listed (**See attached location plan**) which is under redevelopment and refurbishment under the development known as Abbey Gardens.

1.2 The site also lies within the flood plain of the River Swilgate. Properties to the rear of the site, which front onto Church Street are listed. The site is mainly enclosed by high brick walls on three sides (north, east and west). To the south where the site fronts onto Swilgate Road, the property is set back from the road and has a small terraced garden area; wooden fencing has been erected to enclose the parking area to the west.

2.0 Planning History

2.1 Planning application reference 11/00585/FUL (for 12 dwellings) was refused and subsequently dismissed on appeal in January 2013.

3.0 Current Application

3.1 The current application follows and amends the scheme previously refused and dismissed on appeal. The scheme now proposes 9 dwellings following demolition of the existing house on the site. The proposals also include parking provision. The development would be of a traditional design of brick and tile over 3 storeys with a link at the first floor level to the site frontage.

3.2 The application is supported by a Design and Access Statement, Heritage Statement, Flood Risk Assessment and Biodiversity Survey

4.0 Analysis

4.1 The main issues in respect of the current application are considered to be: the impact of the proposed development on the conservation area and setting of nearby listed buildings; flood risk; impact on the amenities of neighbouring properties and impact on highway safety.

Principle of development

4.2 The site is located within the town of Tewkesbury and within the 'Back of Main Streets Policy Area' as designated in the local plan. The site is covered by Policy TY6 which supports a mix of uses including small scale residential development. As such the proposed residential development complies with Local Plan Policy TY6, subject to the scheme being acceptable in all respects.

4.3 In addition, the Council cannot demonstrate a five-year housing land supply. 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 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.

Design and Impact on heritage assets (setting of listed building / conservation area)

4.4 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. Section 72 of the Act also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This duty is reflected in the NPPF and Policy HEN2 of the local plan.

4.5 The NPPF advises 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. It also advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Furthermore, the NPPF states that, where development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits.

4.6 The current application involves the demolition of No 1 and its replacement with a 3 storey residential block, on a symmetrical H plan but with an extended 2 storey rear block on the east wing. This massing was suggested to minimise the impact of breaks in the street frontage and although Historic England's concerns regarding burgrave plot erosion are noted, this impact has already happened, and both the Conservation Officer (CO) and Urban Design Officer do not consider that the scheme would be out-of-character with the development now prevailing on Swilgate Road.

4.7 Further, having regard to the scale and massing of the proposals in comparison to the surrounding area, the proposed design is of comparable scale and mass to neighbouring developments and includes a level of amenity space and parking that would be comparable to the setting of the area. Whilst the architectural style of the building was felt to be inoffensive the CO felt that improvements could be made to the detailed design of the building. Improvements to the elevational treatment have been made to reflect a more appropriate detailing to the window and lintel detailing. The current design is not considered to be inspiring but is acceptable in its context.

4.8 Since the previous planning appeal (see history) work has commenced on, and is at an advanced stage with regard to the demolition of the adjacent former gym building which is part of the redevelopment scheme known as Abbey Gardens. When determining the previous appeal the Inspector noted that the close views of the attractive southerly elevation of Avonbrook House were currently limited to the gap between no.1 Swilgate and the gymnasium. Now that the former County Court and Abbey School site is being redeveloped, a new wider public view from Swilgate road is available and therefore the visual gap afforded by this development and the significant changes to views and setting of Avonbrook House are noted given the conclusions of the previous Inspector.

4.9 Careful consideration has been given to both the comments of the Civic Society and Historic England, however the proposals are considered to be of an acceptable design and density and the scheme has followed pre-application advice of the Conservation and Urban Design Officers.

The relationship to the amenities of occupiers of neighbouring properties

4.10 Aside from the designs and layout the relationship the proposals project to the rear of the site and are closely related to the existing built form. The proposals include landscaping and parking areas to the rear of the proposals which provide a separation to neighbouring residential and future residential occupiers. The separation distances are considered appropriate for the location and neighbouring developments.

Flood Risk

4.11 The National Planning Policy Framework (NPPF) requires local planning authorities to take account of the risk of flooding when preparing their local plans and in decision making. The NPPF sets out a sequential, risk based approach to the location of development to avoid where possible flood risk to people and property, and to manage any residual risk. It is expected that the impacts of climate change are taken into account when considering flood risk, as properties built now are expected to last at least 100 years.

4.12 In order to direct development, where possible, away from areas at highest risk of flooding, the NPPF requires local planning authorities to carry out a 'sequential test' when assessing applications for new development.

4.13 The aim of decision-makers should be to steer new development to Flood Zone 1. Where there are no reasonable available sites in Flood Zone 1, decision makers should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 and 2 should decision-makers consider the suitability of sites in Flood Zone 3, taking account the flood risk vulnerability of land uses and applying the Exception Test if required.

4.14 Within each flood zone, new development should be directed first to sites at the lowest probability of flooding and the flood vulnerability of the intended use matched to the flood risk of the site, i.e. higher vulnerability uses should be located on parts of the site at lowest probability of flooding.

4.15 It should be noted that the NPPF and the accompanying technical guidance does not intend to prevent all development on sites liable to flooding, accepting that some development may have to be located there. Nevertheless, due to the risks of developing on land liable to flooding, the intention is to minimise risks to people and property.

4.16 The proposed development would be located within Flood Zone 2 (FZ2) (medium risk of fluvial flooding (between 1 in 100 and 1 in 1000 annual probability of fluvial flooding) and in accordance with the NPPF and Policy EVT5 of the Local Plan a Flood Risk Assessment (FRA) and Sequential Test have been submitted.

4.17 The submitted sequential test considers potential alternative sites identified in the Council's current Strategic Housing Land Availability Assessment (SHLAA) and whilst it is accepted that some of these sites lie wholly or partly within Flood Zone 1 (at a lower risk of flooding) these are ruled out principally on the grounds that the applicant does not have an interest in the land. The Sequential test also fails to identify land which has extant planning permission for housing development including for example the Bredon Road site.

4.18 The Sequential Test to be applied under the NPPF does not require sites to be comparable and does not limit the test to land which the applicant has an interest in. The sequential test seeks to demonstrate that there are no reasonably alternative sites appropriate for the proposed development in areas within a lower probability of flooding. The Sequential Test submitted clearly identifies that such sites exist. The report also states that the exception test is passed. It should be noted however, that the exception test, is only engaged once the sequential test has been met. As this is not the case in this instance the exception test does not apply.

4.19 In terms of flood risk the submitted FRA advises that the primary existing flood risk to the site comes from fluvial flooding of the River Swilgate and back water from the River Severn. The site is located within Flood Zone 2 indicating a medium probability of flooding; however the site has historically flooded to a level of approximately 12.8mAOD affecting the front section of the site and making a safe access and egress along Swilgate Road during these events unviable. The 2007 flood event also caused flooding on Church Street, to a depth of approximately 0.25m at the exit point from the site to Church Street. Other sources of flooding are not deemed to pose a significant risk of flooding to the site.

4.20 In terms of post Development Flood Risk, the FRA has determined that the flood risks within the development site can be managed within acceptable levels and that the development would not increase flood risk elsewhere. In order to achieve this, mitigation measures are proposed including the following:

- The proposed site layout positions the buildings towards the higher ground with any entrances to the building positioned towards the rear of the buildings to a lower risk area. Car parking areas have also been positioned towards the rear of the site;
- Minimum threshold level set to 600mm above the 1 in 100 year with climate change flood level providing a freeboard to current and future flood risk;
- Compensation storage will be provided to mitigate the reduction in flood storage caused by the construction of the buildings;
- Surface water runoff from the site will be managed through the use of an appropriate surface water drainage system; and
- Flood risk management plan will be put in place to address the residual flood risks.

4.21 The FRA acknowledges that it is unlikely to be possible to maintain safe vehicular and pedestrian access and egress to the site along Swilgate Road at times of flood, but it is stated that residents would be able to remain dry and safe within their property. The pedestrian route to Church Street from the rear of the site would still provide safe access to the centre of Tewkesbury. When considering this issue at the previous appeal, the Inspector noted that the pedestrian access route from the rear of the site giving access to Church Street was at a point where historically, flooding has been to a depth of 210mm. He concluded that " *While this access may well be adequate for able-bodied pedestrians wishing to leave the appeal site and gain access to areas of dry land within the centre of Tewkesbury, anyone requiring emergency medical help and associated evacuation by ambulance during a flood event would be placed at considerable risk, as would the emergency services personnel trying to give that assistance at a time when there would already be significant demands placed on the capacity of the emergency services.*" Previously the Environment Agency (EA) had indicated that it would not wish to see permission granted for the proposed development of 12 apartments. The Inspector concluded that " *Increasing the number of dwelling on the site from one detached dwelling to 12 two-bedroom apartments would represent a marked increase in risk at times of flooding. While the depth and likely rate of flow of flood water in Church Street would not be sufficient to prevent emergency vehicles travelling from Church Street to the hospital, the increased risk to residents and emergency personnel are factors which weigh against the proposals.*" This position still applies in this case.

4.22 In conclusion, it is considered that there are reasonably available alternative sites within Flood Zone 1 which could be developed instead. These include sites within the SHLAA as well as others with extant planning permission. The proposal would also represent a marked increase in risk at times of flooding.

The impact of the development on highway safety

4.23 As stated above, the proposals are located in the Town Centre and close to public transport. Swilgate Road is a narrow road and therefore traffic is naturally slowed by the nature of the road. The proposals indicate adequate visibility splays and considering the site's location an appropriate level of car parking. The proposals also include cycle parking and show the bin enclosures which would be easily accessible to waste collection whilst not being dominant to the street scene.

4.24 County Highways raise no objection to the development subject to conditions relating to access; visibility splays and parking provision.

5.0 Overall Planning balance and Conclusion

5.1 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 development against their disadvantages.

5.2 The site lies close to the centre of Tewkesbury and within policy area TY6 where a mix of uses including small scale residential development is supported. In terms of proximity to retail and other local services and facilities the site is a sustainable location. The proposal would also result in the provision of 9 additional dwellings which has positive weight in economic and social terms. The proposal would also have an acceptable impact on heritage assets including the conservation area and setting of 'Avonbrook House'. These are all factors which weigh in favour of the proposal. As set out above, the design is not inspiring but is considered acceptable in planning terms.

5.3 The development is however located within Flood Zone 2 and it is not considered that the proposal meets the requirements of the sequential test which aims to direct development to areas of lowest flood risk. In addition, the increased risk to residents and emergency personnel as a result of the location of the site within an area susceptible to flooding is a further factor which weighs against the proposals.

5.4 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. The application is thus recommended for **Refusal**.

RECOMMENDATION Refuse

Reasons:

- 1 The applicant has failed to adequately demonstrate that there are no sequentially preferable sites reasonably available for the proposed development within sites of lower flood risk probability (i.e. Flood Zone 1). In addition, there would be an increased risk to residents and emergency personnel as a result of the location of the site within an area susceptible to flooding. For these reasons the proposal does not represent sustainable development within the context of paragraph 14 of the NPPF and the identified harms would significantly and demonstrably outweigh the benefits of the proposal. The proposed development would therefore be contrary to the core principles of land-use planning set out at Section 10 (Meeting the challenge of climate change, flooding and coastal change), Policy EVT5 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policy INF3 of the Joint Core strategy Submission Version November 2014.

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 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.

15/01271/FUL

Statutory approvals and all other relevant agreements are to be received prior to commencement of works
Do NOT scale from this drawing. Check dimensions on site against site survey prior to any new works.



721/A

Revision			
Client:	Caudle International Trading Ltd	Scales:	1:1250 @ A3
Site Address:	1 Swigate Road, Tewkesbury, Gloucestershire.	Project Number:	539
Drawing Title:	Site Location Plan	Drawing Number:	SLP
Date:	November 2015	Revision:	-



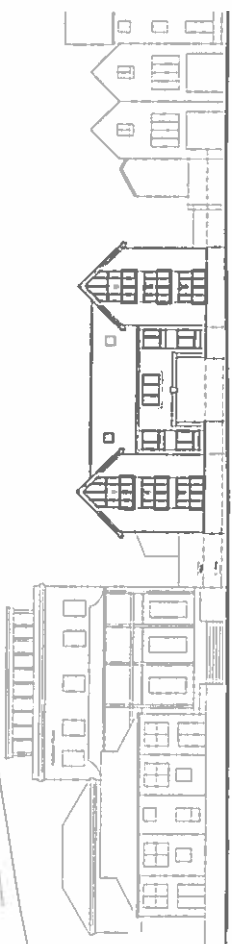
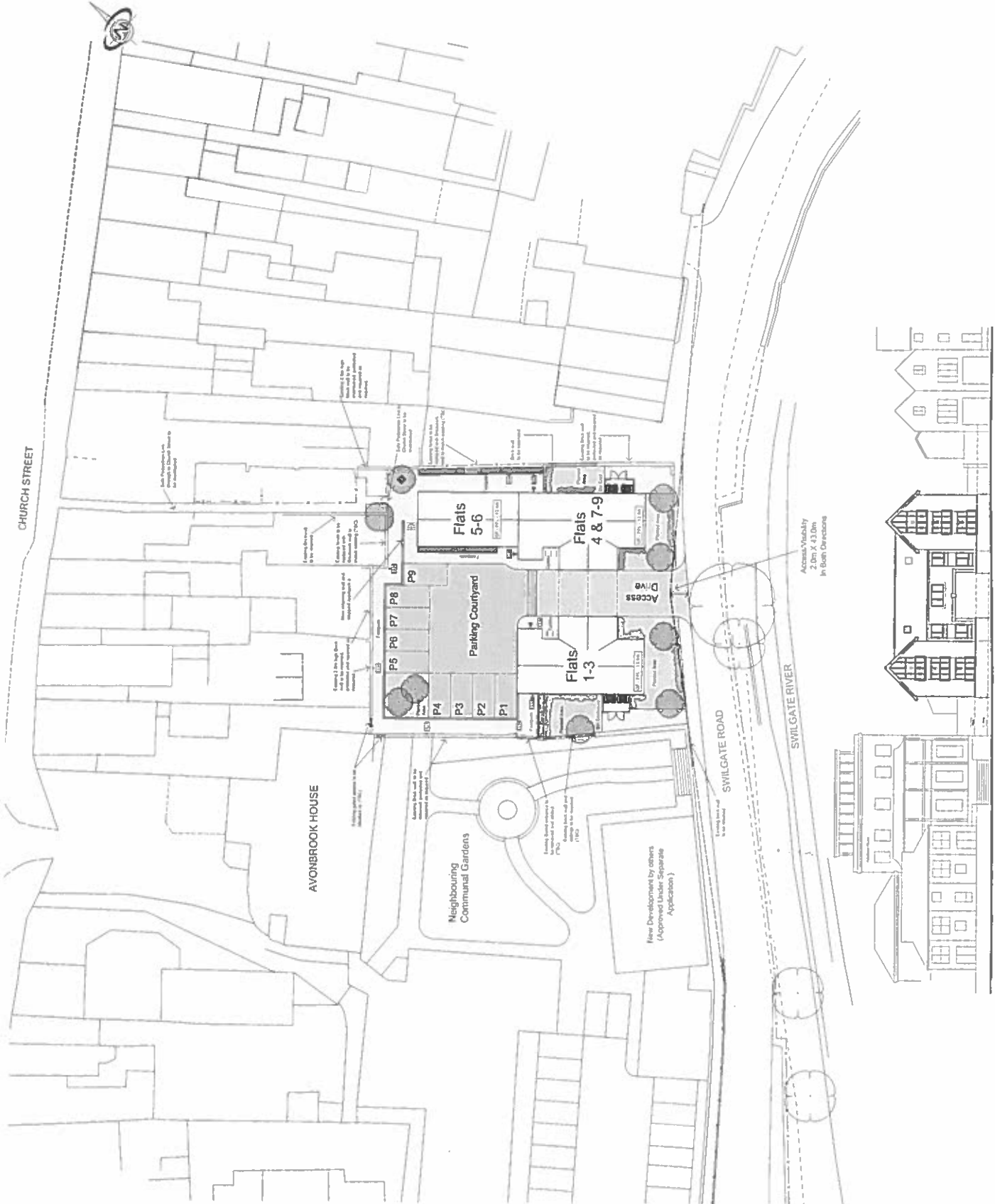
Chartered Institute of
Architectural Technologists



Trower Davies
Architectural Consultants

8 Manor Park
Mackenzie Way
Cheltenham
Gloucestershire
GL51 9TX
Tel: 01242 224247

721/B



Front Elevation - Street Scene - As Proposed (Includes Abbey School Development) - 1:200

Notes:

- 1. All dimensions are to the centre line of the road unless otherwise stated.
- 2. All dimensions are to the centre line of the road unless otherwise stated.
- 3. The site is shown as being subject to a planning application for a development of 100 flats and 100 parking spaces.
- 4. The site is shown as being subject to a planning application for a development of 100 flats and 100 parking spaces.
- 5. The site is shown as being subject to a planning application for a development of 100 flats and 100 parking spaces.

Revision: [] Date: 14/11/17 Author: []

SITE INFORMATION KEY

- Existing Shared Surface Drive
- Proposed Shared Surface Drive and Parking Spaces (Containing colour joints to indicate lay lines)
- New Trees
- New Planted Areas
- New Walls
- Fixed Communal Parks
- Communal Bin Storage Areas (With path access)
- Cycle Hoops

SITE AREA: 0.0682 HECTARES

SITE LAYOUT PLAN BASED ON TOPOGRAPHICAL ELECTRONIC SURVEY

ALL FLS SUBJECT TO FINAL TECHNICAL DESIGN

Caudle International Trading Ltd

TOWER DAVIES ARCHITECTS

Site Address: Swilgate Road, Tewkesbury.

Planning No: Proposed Site Layout & Street Scene

Scale: 1:200 @ A1

Date: Oct 15

Project Number: 539

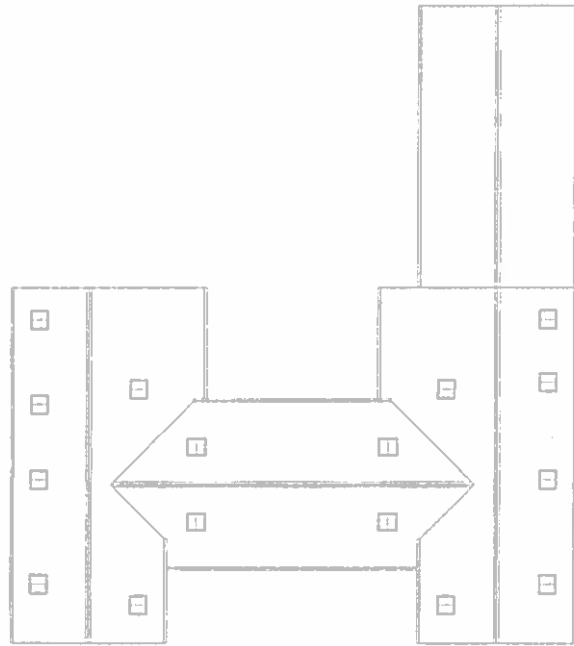
Drawing Number: 03

Issue: **P1**

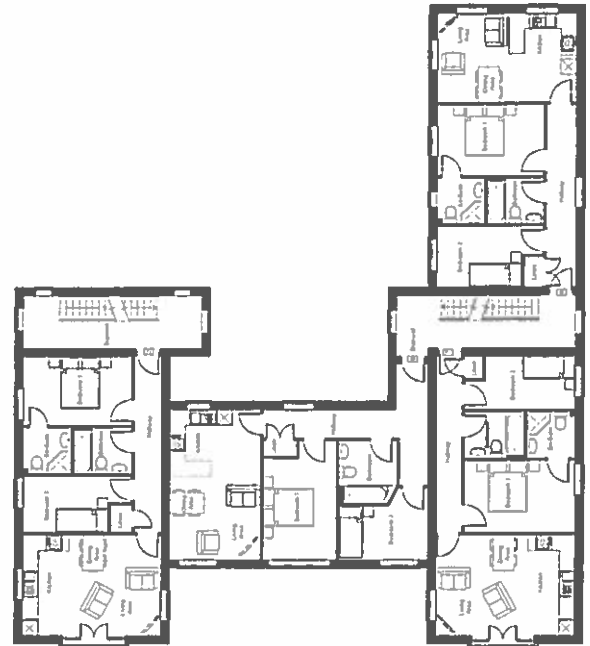
Planning Issue

721/c

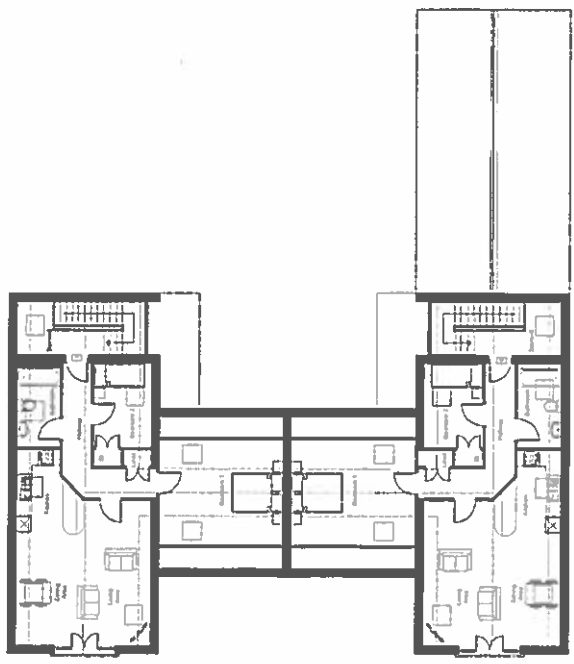
Drawn by: []
 Checked by: []
 Date: 21/11/18
 Project: []



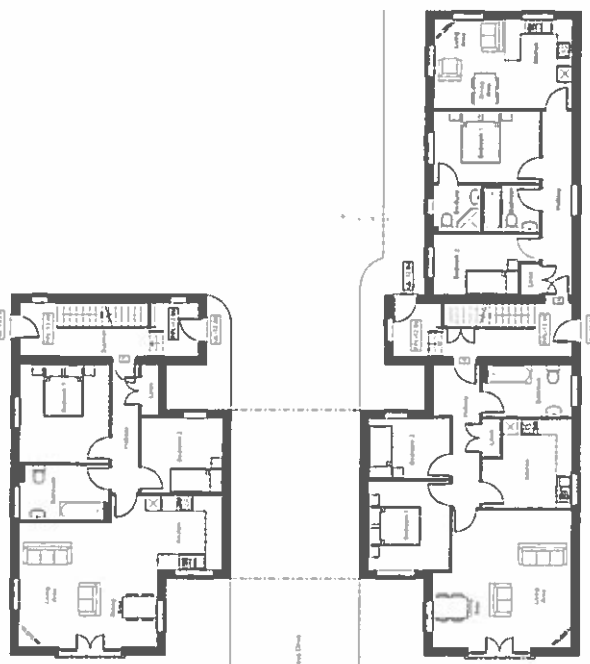
Roof Plan - Flats 1-9



First Floor Plan - Flats 1-9
 Scale: 1:100 @ A1
 Date: 15/11/18



Second Floor Plan - Flats 1-9



Ground Floor Plan - Flats 1-9
 Scale: 1:100 @ A1
 Date: 15/11/18

PLANNING 1.100

Caudle International Trading Ltd

Drawn By: **Trower Davies Architects**

Site Address: **Sunigate Road, Tewkesbury.**

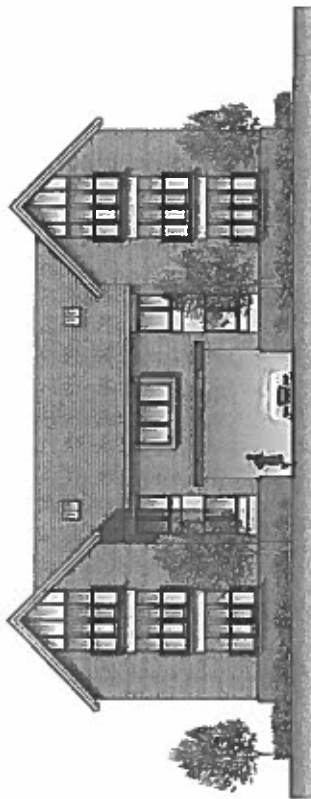
Proposed Use: **Flats 1-9**

Scale: **1:100 @ A1** Date: **Nov 15 18**

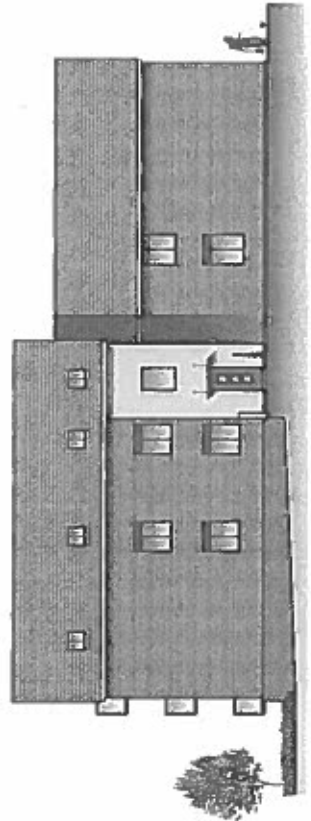
Revision: **539** Drawing Number: **10** Plan: **P2**

Planning Issue

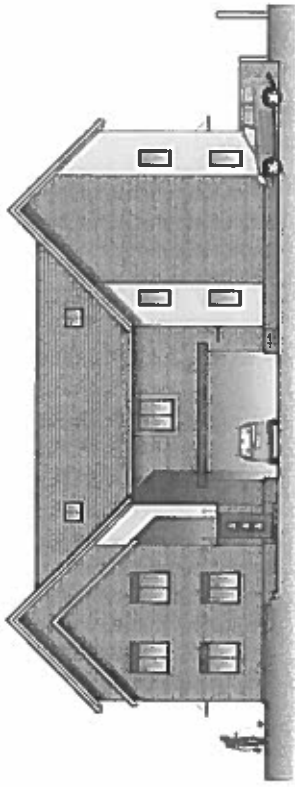
Revision	Date	Description
P1	22.12.15	Issue for Planning
P2	22.12.15	Issue for Planning
P3	14.11.16	Issue for Planning



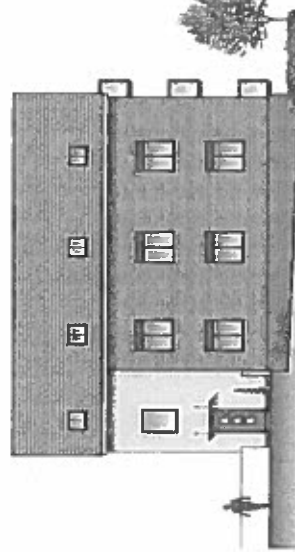
Front Elevation (Flats 1-3, 4, 7-9)



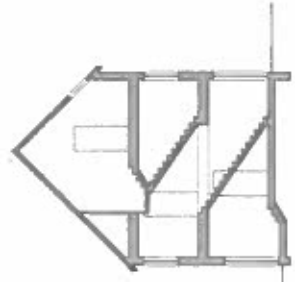
Side Elevation (Flats 4, 7-9 & 5-6)



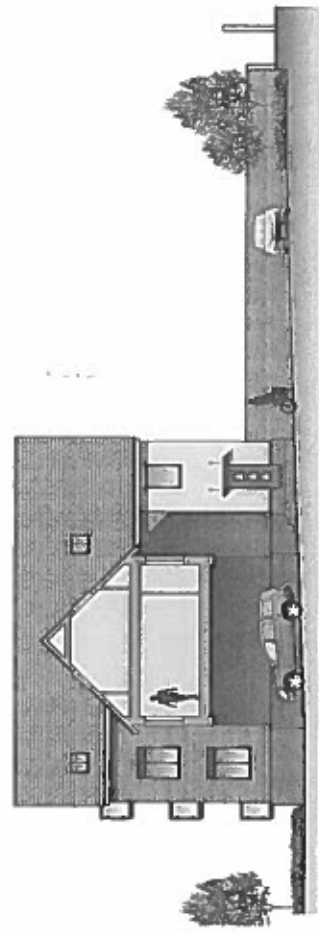
Rear Elevation (Flats 1-9)



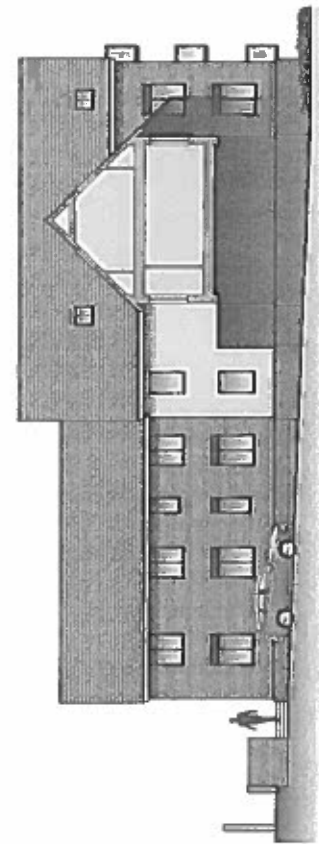
Side Elevation (Flats 1-3)



Starved Section (Flats 1-3)



Side Elevation (Flats 1-3)



Side Elevation (Flats 4, 7-9 & 5-6)

PLANNING 1:100

Caudle International Trading Ltd

Drawn By: **Trower Davies Architectural Consultants**

Site Address: **Smilgate Road, Tewkesbury**

Drawn Date: **Flats 1-9 Proposed Elevations**

Scale: **1:100 @ A1** Date: **Nov 15** Drawn By: **AV**

Project Number: **539** Drawing Number: **11** Sheet: **P3**

Planning Issue

721/0

15/01317/FUL

Sudeley Castle, Sudeley Road, Winchcombe

3

Valid 21.12.2015

Erection of play bridge to lead to existing playground area, and reduction in level of path beneath bridge and re-surfacing of path (revised scheme)

Grid Ref 403102 227662

Parish Sudeley

Ward Winchcombe

c/o agent

RECOMMENDATION Refuse

Policies and Constraints

Policies:

National Planning Policy Framework (2012)

Planning Practice Guidance

JCS (Submission Version) November 2014

Tewkesbury Borough Local Plan to 2011 (March 2006) - policies HEN2 and LND6

Planning (Listed Buildings and Conservation Areas) Act 1990

Flood and Water Management Supplementary Planning Document

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

The First Protocol, Article 1 (Protection of Property)

Constraints:

Direct setting of Sudeley Castle and the Sudeley Castle Tithe Barn, both Grade I listed buildings;

Grade II* Registered Park and Garden (RPG);

Winchcombe Conservation Area;

Cotswolds Area of Outstanding Natural Beauty (AONB); and

Public Right Of Way (PROW).

Consultations and Representations

Winchcombe Town Council - The Town Council raises no objection provided that Tewkesbury Borough Council is satisfied that the footpath will not prove to flood due to the reduced level under the proposed bridge.

Sudeley Parish Council - No response at the time of writing the report.

The Archaeological Officer - The Archaeological Officer advises that this development has low potential to have any adverse impact on archaeological remains, and therefore recommends that no archaeological investigation or recording should be required in connection with this scheme.

The Gloucestershire Gardens and Landscape Trust (GGLT) - No response at the time of writing the report.

The Local Highway Authority - No response at the time of writing the report.

Historic England - Historic England acknowledges the commercial benefits that a new structure would have, in terms of attracting visitors, and so are supportive of the aspiration of providing recreational facilities. However, they advise that an assessment of significance, relative to the Registered Park and Garden, along with an assessment of setting, is fundamental. In its present form, therefore, Historic England objects to the application.

Conservation Officer - The Conservation Officer objects to the proposed development on the grounds that it would have a negative impact on the setting of a whole suite of high grade heritage assets, and that the application does not provide a clear and convincing justification for its impact and does not offer sufficient public benefits to offset that harm.

The application is presented to the Planning Committee at the request of Councillor Allen, to allow Committee members to judge the impact of what is proposed on surrounding structures and countryside.

Planning Officers Comments: Emma Blackwood

1.0 Introduction

1.1 The application relates to land within the grounds of Sudeley Castle, a Grade I listed building located to the south east of Winchcombe. The application site is located some 160 metres to the north-west of the Castle itself, passing perpendicularly over a public right of way (PROW). The estate that surrounds the Castle is a Registered Park and Garden (RPG), grade II*. The application site also falls within the direct setting of the Sudeley Castle Tithe Barn, Grade I listed building. The site is also located within the Winchcombe Conservation Area and the Cotswolds Area of Outstanding Natural Beauty (AONB).

2.0 Relevant Planning History

2.1 Planning permission was refused on 19th August 1997 for the retention of a temporary de-mountable marquee with associated kitchen and toilets (reference 97/00372/FUL). The application was refused for the following reasons:

1. The development would have an adverse impact on the Cotswolds AONB by reason of its size, design, materials and location.
2. The proposed development by virtue of its size, design, materials and location would adversely affect the character and setting of Sudeley Castle, a Grade I Listed Building and its surrounding Historic Park and Garden, a Grade II* parkland.
3. The proposed development would obstruct a Public Right of Way ASU3.

2.2 Listed building consent was granted on 29th January 2002 for alterations to the dungeons to create visitor toilets and ticket checking and the erection of new wall/railings and temporary barriers (reference 00/00755/LBC).

2.3 Planning permission was granted on 20th March 2002 for alterations to a garage to provide a playroom and WC/bathroom, including the creation of new windows (reference 02/00107/FUL).

2.4 Planning permission was granted on 12th June 2014 for the removal of a temporary visitor centre and associated W.C.s and the erection of a new visitor centre (reference 14/00217/FUL). A non-material amendment was subsequently granted on 30th July 2014 for changes to planning application reference 14/00217/FUL, for the removal of a door from the south west elevation and an additional door to the south east elevation (reference 14/00033/MINOR).

2.5 Planning application reference 15/00998/FUL, for the erection of a play bridge some 100m to the west of the west range of the castle, to lead to the existing playground area, and the reduction in the level of path beneath the bridge and the re-surfacing of this path, was received in September 2015 and was subsequently withdrawn on 27th November 2015, after concerns were raised by the Local Planning Authority regarding the principle of the proposed development (**see attached plan**). The application did not provide a clear and convincing justification for its impact. It was considered that the proposal would result in a negative impact on a number of high grade heritage assets, and there would not be sufficient public benefit to offset that harm. As a result of this, and the clear conflict with relevant policies, the Agent was advised that the planning application would be recommended for refusal, and the Agent then requested that the application be withdrawn.

3.0 Current Application

3.1 This application seeks planning permission for the erection of a new pedestrian bridge, some 160 metres to the north-west of the west range of the castle, within the RPG (**see attached plan**). The bridge would be located approximately 40 metres to the north-east of an existing children's play ground, comprising a play castle and picnic area, and would pass perpendicularly over the PROW. There is high and well established vegetation immediately to the north-east of this existing play castle, which provides some extent of screening within the wider landscape particularly when viewed from the visitor car park. The proposed bridge, alternatively, would be located within a relatively exposed position with far less vegetation, and would be a substantial timber palisaded structure with a total length, including abutment ramps, of over 33 metres.

The submitted Heritage, Planning, Design and Access Statement advises that the proposed structure has been designed to reflect its semi-woodland context as well as the form, appearance and function of the existing play castle (see attached 'Proposed Plan and Elevations).

3.2 The application proposes to reduce the overall path level of the PROW beneath the bridge by approximately 0.6 metres, and that this part of the path beneath the bridge would have a stone finish, such as type 1, or Cotswold stone chippings.

3.3 The only difference between this application and that proposed under the previously withdrawn applications (reference 15/00998/FUL) is the location of the proposed bridge. The current application proposes that the bridge would be located some 85 metres further to the north-west. The submitted 'Heritage, Planning, Design and Access Statement' advises that the purpose of this relocation is to respect the original tree lined approach to Sudeley Castle, as requested by Historic England, and to locate the proposed development further from established trees and associated root protection areas (RPAs).

3.4 The justification given for the proposed bridge within the submitted Heritage, Planning, Design and Access Statement is that this would improve the approach to the existing play castle and picnic area from the castle itself. The statement advises that the crossing of two sets of barriers on either side of the footpath can be awkward and time consuming and can dissuade people from using the play ground, and that the proposal would create a safer and more convenient access to the play castle and picnic area. Further, it advises that the existing play castle will need to be replaced in due course, and that the play bridge is proposed in anticipation of this. It is advised that the bridge would provide a facility for children visiting the castle to continue to play on when the existing play castle will have to be significantly overhauled or replaced in the future, and that it would generally enhance the visitor experience the Castle is seeking to offer.

3.5 The Heritage, Planning, Design and Access Statement also advises that the arrangement of the PROW in this part of the Castle's grounds creates a problem due to the inability to control access to the Castle and the play area. A further justification given for the proposed bridge is therefore to create a secure link between the two parts of the Castle grounds, to help to prevent unauthorised access from the footpath to the play area, to redress a potentially significant loss of revenue for the Castle through unauthorised access.

4.0 Policy Context

National Planning Policy Framework

4.1 The National Planning Policy Framework, 2012 (NPPF) promotes sustainable development, of which there are three dimensions: economic, social and environmental. It 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.

4.2 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). Where the development plan is out of date, the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or where specific policies in the Framework indicate development should be restricted. The NPPF makes it clear that these restrictive policies include land designated as an AONB and designated heritage assets, which includes Listed Buildings, Conservation Areas and RPGs.

4.3 In terms of AONBs, paragraph 115 of the NPPF specifies that great weight should be given to conserving landscape and scenic beauty in AONBs, which, along with National Parks and the Broads, have the highest status of protection in relation to landscape and scenic beauty.

4.4 Paragraph 17 of the NPPF identifies a set of 12 core land-use planning principles, one of which sets out that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

4.5 Section 12 of the NPPF relates to "conserving and enhancing the historic environment". In terms of heritage assets, paragraph 126 of the NPPF specifies that Local planning authorities should recognise that these are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

4.6 Paragraph 132 of the NPPF specifies that, when considering the impact of a proposed development on the significance of a designated heritage asset (i.e. Listed Buildings, Conservation Areas and RPGs), 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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

4.7 Paragraph 133 of the NPPF specifies that, where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

4.8 Paragraph 134 of the NPPF notes 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.

The Development Plan

4.9 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)

4.10 Policies HEN2 ("Conservation Area: Setting and Impact") and LND6 ("Historic Parks and Gardens") of the Tewkesbury Borough Local Plan to 2011 (March 2006) are consistent with the aims of the NPPF in terms of its core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations, and are therefore considered to have considerable weight.

Emerging Development Plan

4.11 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. In December 2014, the Winchcombe Town Council approved a draft Neighbourhood Plan (Winchcombe and Sudeley Parish Neighbourhood Plan) for formal consultation.

4.12 The Submission Version of the JCS (November 2014) is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. Policy SD9 of the JCS sets out to secure the conservation, enhancement, improvement and enjoyment of the historic environment. The JCS identifies that new development should complement and relate to its surroundings, not only in terms of its appearance but also in the way that it functions. This will require developers to consider the relationships between buildings, relationships of buildings to their settings, and relationships with adjacent land uses and the wider landscape,

all of which contribute to local character and distinctiveness. The JCS further specifies that development proposals must describe the significance of any heritage assets affected, including any contribution made by their setting. Proposals should also be supported by proportionate evidence demonstrating that the historic character and distinctiveness of the locality have been assessed and taken into account when preparing proposals.

4.13 Policy SD8 of the JCS sets out 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, and proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.

4.14 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).

4.15 The Submission version of the JCS was submitted to the Secretary of State in November 2014 for public examination which is currently taking place. 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.

4.16 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 is at a much earlier stage of development than the JCS and thus can only be given very limited weight at this stage.

5.0 Analysis

5.1 The main issues for consideration are the impact of the proposal on a whole suite of high grade designated heritage assets, the impact on the AONB, the PROW, residential amenity and the archaeological implications of the proposal.

Impact on Designated Heritage Assets

5.2 As noted above, the application site is located within the grounds of Sudeley Castle, and a number of high grade designated heritage assets; namely the Grade I listed castle itself and the Grade I listed Sudeley Castle Tithe Barn, the Grade II* RPG within which it would be located, and the Winchcombe Conservation Area.

5.3 Throughout the application process of reference 15/00998/FUL a number of consultees (including Historic England and the Conservation Officer) raised concern that the applicant had failed to submit a suitable assessment of significance. This is required by paragraph 129 of the NPPF, which specifies that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. An assessment of significance, relative to the RPG, along with an assessment of setting, is fundamental in order to evaluate the proposals and ensure that harm is minimised, and has not been provided with the current application. The application is therefore contrary to paragraph 129 of the NPPF.

5.4 The justification given within the information provided with the current application for the proposed bridge is referred to within paragraphs 3.4 and 3.5 of this committee report. To summarise, the information states that the bridge would improve the approach to the existing play castle from the castle itself by creating a safer and more convenient access, thereby encouraging people to use the play ground. Further, the application advises that the proposed bridge would provide a means to control access at this part of the castle grounds to help to prevent unauthorised access to the play ground and to redress a potentially significant loss of revenue for the castle through unauthorised access.

5.5 Having visited the site on two occasions, it is important to note that the proposed bridge would not span a physical obstacle nor is it an 'access improvement' in Equality Act terms. Further, its play amenity purpose is incidental. Having discussed the proposal with the agent, applicant and Conservation Officer on site, it is clear that the primary aim of the proposal is to provide a visitor management tool to control access to the existing play ground and to prevent unauthorised access to the play ground. The application, however, fails to encompass a thorough investigation of alternative means of achieving this. For example, the application fails to explain why electronic ticketing could not alternatively be utilised. This would undoubtedly have far less impact on the various high grade designated heritage assets than the proposed 33 metre long and 3.9 metre high timber palisaded structure.

5.6 The required thorough investigation of alternative means of achieving the visitor management tool would also need to investigate the possibility of re-locating the playground in line with Historic England's recommended whole-site approach, or even accepting that it is impractical to segregate access to the play ground whilst it remains in this location. The submitted 'Heritage, Planning, Design and Access Statement' confirms that the existing play castle will have to be significantly overhauled or replaced in the future, and that the play bridge is proposed in anticipation of this. The applicant is advised that it would be far more beneficial if the proposed replacement play ground, any associated access and future development proposals could be thoroughly and collectively considered first of all, to include an assessment of significance, an assessment of setting and a "clear and convincing" justification, as opposed to the submission of individual applications based upon a limited overview, in order to protect the significance of the designated heritage assets.

5.7 In addition to the objection raised by Historic England as noted above, regarding the absence of a suitable assessment of significance, they also objected to the bridge proposed under application reference 15/00998/FUL on the grounds that it would be located on the line of a principal drive and would block the historic approach axis. The current application proposes that the bridge would no longer be located on the line of a principal drive, although Historic England advises that the revised application has simply reacted to this specific concern rather than the broad issue of methodology. A "clear and convincing" justification for the development, as required by paragraph 132 of the NPPF, has not been undertaken as part of this application.

5.8 In terms of the impact of the proposed development on the designated heritage assets, the proposed play bridge would be located within an exposed position. As noted above, there is existing high and well established vegetation immediately to the north-east of the existing play castle, which provides some extent of screening within the wider landscape particularly when viewed from the visitor car park. Whilst the application advises that the purpose of the relocation of the bridge is to respect the original tree lined approach to Sudeley Castle and to locate the proposed development further from established trees and associated root protection areas (RPAs), in doing so this would result in the bridge being located within a relatively exposed position. The existing play ground evidently has some impact on the significance of the designated heritage assets. However, the cumulative impact of development in this location must be taken into consideration. Historic England's 2015 'Historic Environment Good Practice Advice in Planning 3: The Setting of Heritage Assets' notes that "where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from...the significance of the asset". It is considered that the proposed bridge would adversely affect the significance of the RPG, the conservation area and the grade I listed buildings, and would consequently be contrary to the principles of the NPPF and policies HEN2 and LND6 of the Tewkesbury Borough Local Plan to 2011 (March 2006).

5.9 In conclusion, the proposal would result in a detrimental impact on the setting of a whole suite of nationally important designated heritage assets, the application does not provide a "clear and convincing justification" for its impact and does not offer sufficient public benefits to offset that harm.

Visual Impact on Landscape and Area of Outstanding Natural Beauty

5.10 As noted above, the site is located within the AONB. The proposed bridge would be substantial in size and would be in an exposed and prominent position as a result of the absence of other buildings, structures and vegetation in this part of the castle grounds to provide an effective buffer. It is therefore considered that the proposed bridge would appear visually intrusive within the landscape and would have a significant detrimental impact on the character and appearance of the AONB. As such, the proposal would be contrary to paragraphs 17 and 115 of the National Planning Policy Framework (2012) which set out that planning should contribute to conserving and enhancing the natural environment and that great weight should be given to conserving landscape and scenic beauty in AONBs.

Impact on Public Right of Way

5.11 The proposed bridge would pass perpendicularly over the PROW and it is proposed to reduce the overall path level by approximately 0.6 metres underneath the bridge. The proposed bridge above the path level would be arched, and on the outer sides would be 1.9 metres above the reduced path level, rising to 2.15 metres above the reduced path level centrally, and consequently the PROW would not be obstructed.

5.12 The Local Highway Authority has been consulted on the proposed development, although to date has not provided any comments. It is, however, noteworthy that the previous application (reference 15/00998/FUL) proposed the provision of woodchip on the path surface, to which the Local Highway Authority raised an objection, and advised that a stone surface (e.g. type 1 stone or similar) should alternatively be provided. Under the current application it is proposed that this path would have a stone finish, such as type 1, or Cotswold stone chippings. Taking into consideration the previous comments made by the Local Highway Authority, it is considered that the impact of the proposed development on the PROW would be acceptable. Further, precise details of the surfacing treatment could be submitted by means of a condition attached to any approval of planning permission.

Impact on Residential Amenity

5.13 The proposed bridge would be located reasonably close to the existing play ground within the grounds of Sudeley Castle, which currently generates some level of noise from children playing, and would be located in the wider castle grounds, which is a tourist attraction. In this context, it is considered that the proposal would not generate levels of noise which would be unacceptable either in volume or frequency. The proposed bridge would be located some distance from the nearest residential properties. By virtue of the scale and form of the proposed bridge and its proximity to residential properties, it is considered that this would not unreasonably affect the amenity of neighbouring occupiers.

Other Considerations

5.14 Winchcombe Town Council advises that they raise no objection to the proposed development provided that Tewkesbury Borough Council is satisfied that the footpath will not prove to flood due to the reduced level under the proposed bridge. The application site is located within flood zone 1 and therefore the planning application does not require the submission of a Flood Risk Assessment.

6.0 Summary

6.1 In summary, it is considered that the proposed development would appear overly prominent, visually intrusive and out of keeping with the surrounding environment and would have a detrimental impact on the visual attractiveness of the Cotswolds AONB. Further, the proposed bridge, by virtue of its size, massing and design, in the form of a substantial and prominent timber palisaded structure, and its location in an exposed and prominent position, would adversely affect the significance of a whole suite of nationally important designated heritage assets, and the application does not offer sufficient public benefits to offset that harm. The applicant has failed to submit a suitable assessment of significance and setting, and a clear and convincing justification for the proposed development, as required by paragraphs 129 and 132 of the NPPF respectively. In light of the above, it is therefore recommended that the application is refused planning permission.

RECOMMENDATION Refuse

Reasons:

- 1 The applicant has failed to submit a suitable assessment of significance, relative to the Grade II* Registered Park and Garden, or an assessment of setting, in order to arrive at the preferred location, to evaluate the proposals and to ensure that harm is minimised, as required by paragraph 129 of the National Planning Policy Framework (2012). Furthermore, it is considered that the proposed bridge, by virtue of its size, massing and design, in the form of a substantial and prominent timber palisaded structure, and its location in an exposed and prominent position, would adversely affect the significance of a whole suite of nationally important designated heritage assets, namely the Grade II* Registered Park and Garden, the Winchcombe Conservation Area and Grade I Listed Buildings. The applicant has failed to submit a clear and convincing justification for the proposed development contrary to paragraph 132 of the National Planning Policy Framework (2012) which specifies that, as heritage assets are irreplaceable, any harm or loss should require "clear and convincing" justification. The application does not offer sufficient public benefits to offset the harm it would cause, and the proposal would therefore be contrary to the principles of the National Planning Policy Framework (2012), policies HEN2 and LND6 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and emerging Policy SD9 of the Submission Version Joint Core Strategy (November 2014).

- 2 The proposed bridge, by virtue of its size and massing and its location in an exposed position, would appear overly prominent, visually intrusive and out of keeping with the surrounding environment and would have a detrimental impact on the visual attractiveness of the Cotswolds Area of Outstanding Natural Beauty. As such this would be in conflict with emerging Policy SD8 of the Submission Version Joint Core Strategy (November 2014) and paragraphs 17 and 115 of the National Planning Policy Framework (2012) which set out that planning should contribute to conserving and enhancing the natural environment and that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

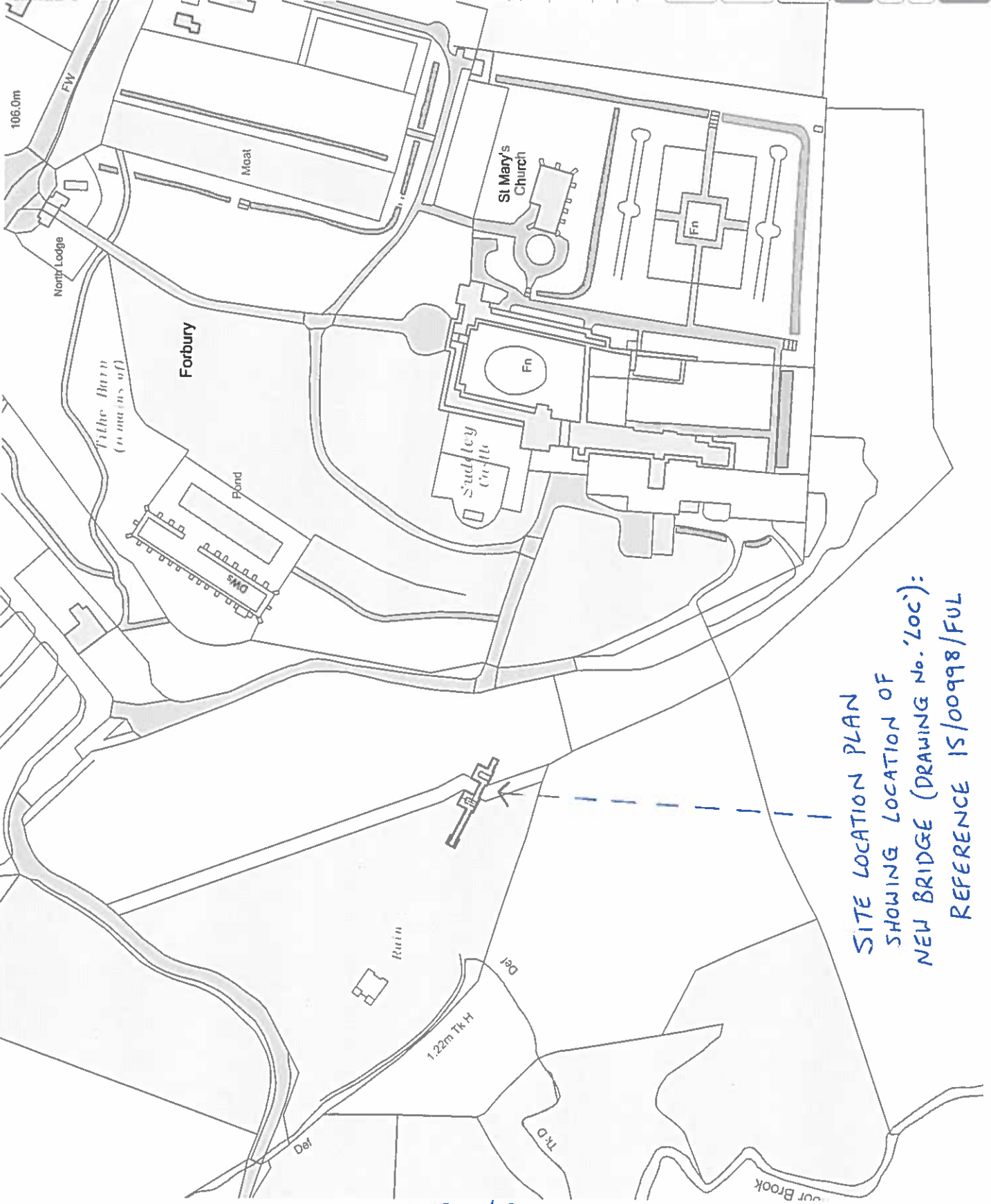
Notes:

- 1 Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with relevant Development Plan Policies no direct negotiation during the consideration of the application has taken place.

15/01317/FUL

REVISION	DATE	DESCRIPTION



A/52L



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CUSTOMER
 SUDELEY CASTLE

PROJECT TITLE
 PROPOSED PEDESTRIAN FOOT BRIDGE

DRAWING DESCRIPTION
 SITE LOCATION PLAN
 SHOWING LOCATION OF NEW BRIDGE

DRAWING STATUS
 PLANNING

SCALE
 1:1250

DATE
 AUG 2015

AUTHOR
 DAK

CHECKED
 DAK

DRAWING NUMBER
 10739 LOC

SITE LOCATION PLAN
 SHOWING LOCATION OF
 NEW BRIDGE (DRAWING No. 'Loc'):
 REFERENCE 15/00998/FUL

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REVISION	DATE	DESCRIPTION
A	Nov '15	Bridge location amended
B	Dec '15	Soil landscaping added



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CLIENT
 SUDELEY CASTLE

PROJECT TITLE
 PROPOSED PEDESTRIAN FOOT BRIDGE

DRAWING DESCRIPTION
 SITE LOCATION PLAN
 SHOWING LOCATION OF BRIDGE

DRAWING STATUS
PLANNING

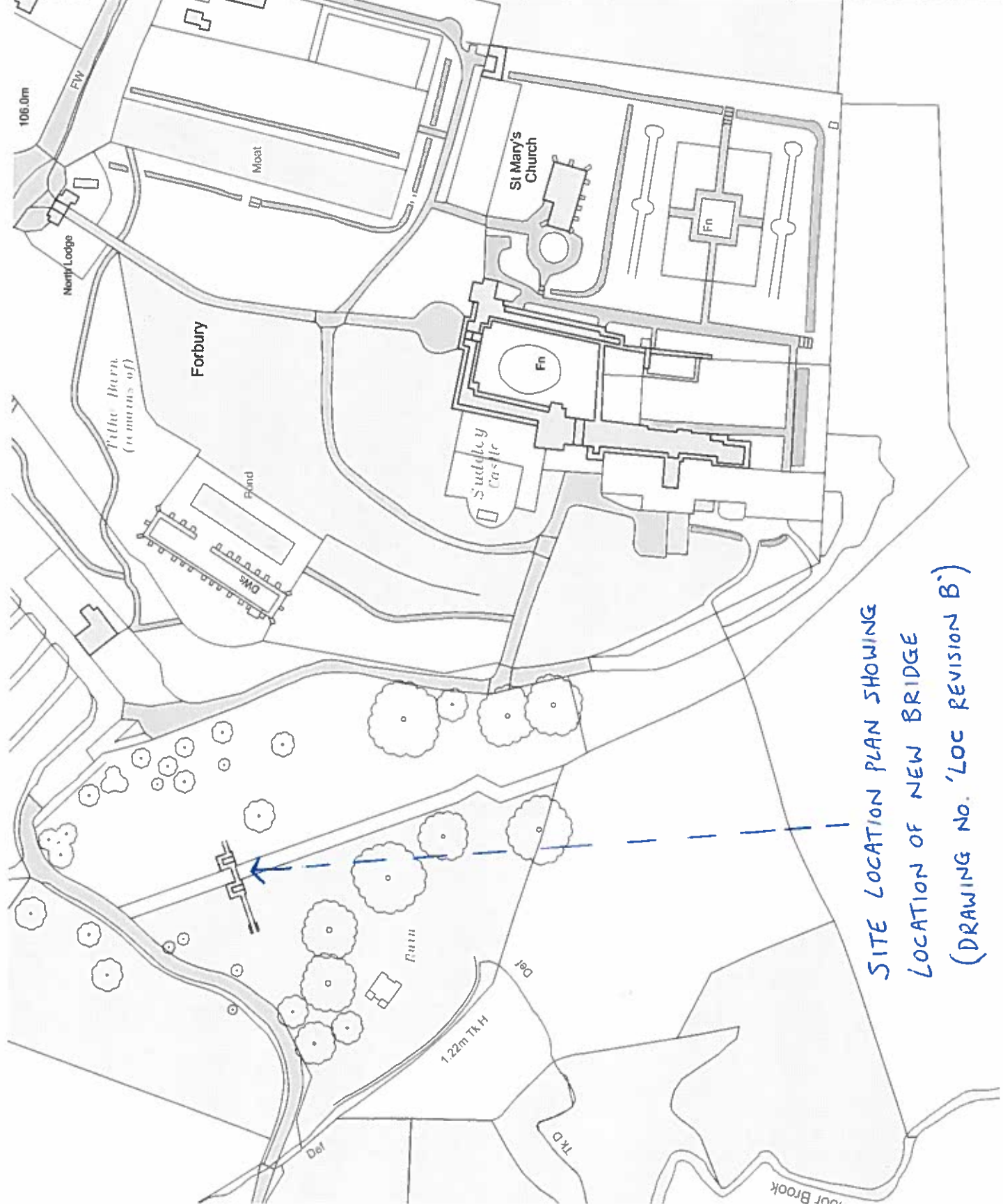
SCALE
 1 : 1250

DATE
 AUG 2015

AUTHOR
 KERK

CHECKED
 DIZK

COORDINATOR
 10739 LOC B



SITE LOCATION PLAN SHOWING
 LOCATION OF NEW BRIDGE
 (DRAWING No. 'LOC REVISION B')

B/62L

It is the responsibility of ASTAM and they will be liable for any errors or omissions in the drawings. The client is responsible for any errors or omissions in the drawings. All dimensions are given in millimetres unless otherwise stated. Dimensions for fixed items to be checked on site prior to manufacture.

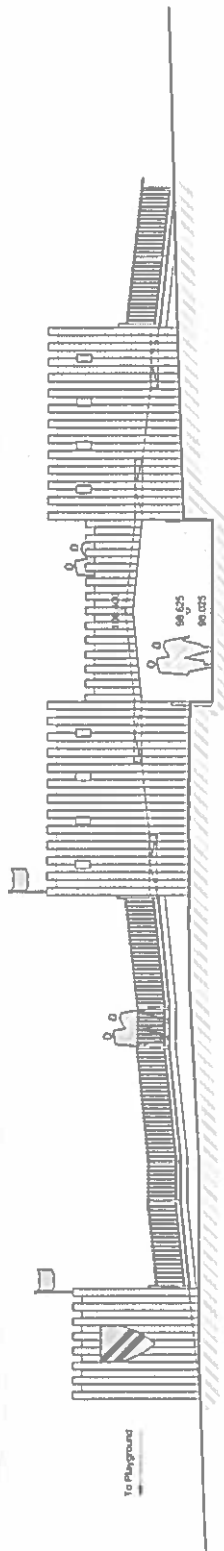
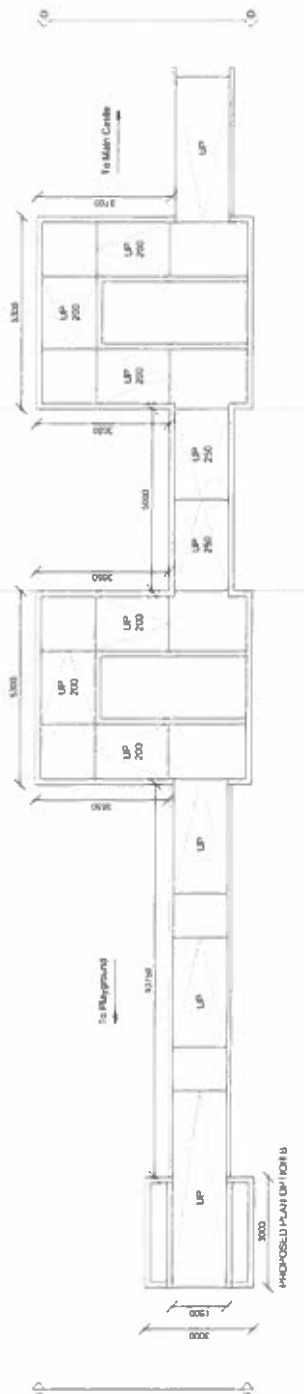
REVISION	DATE	DESCRIPTION
A	Mar 15	Gridlines added
B	Mar 15	Dimensions added
C	Aug 15	Option A removed, Liberation added

PROPOSED PLAN AND ELEVATIONS (DRAWING No. '01 REVISION C')

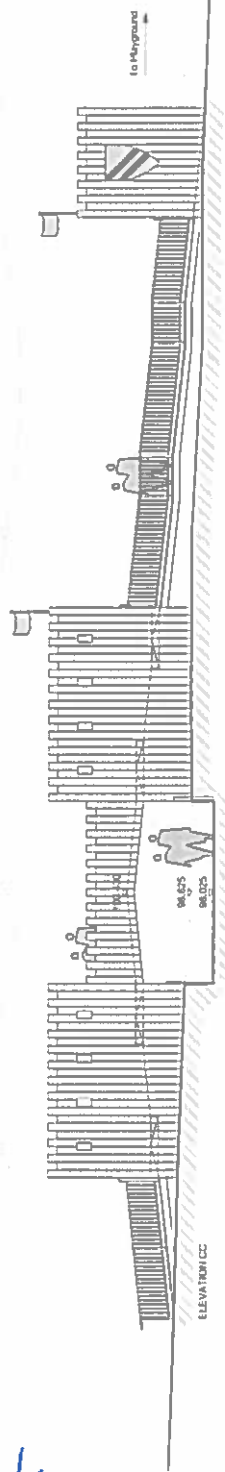


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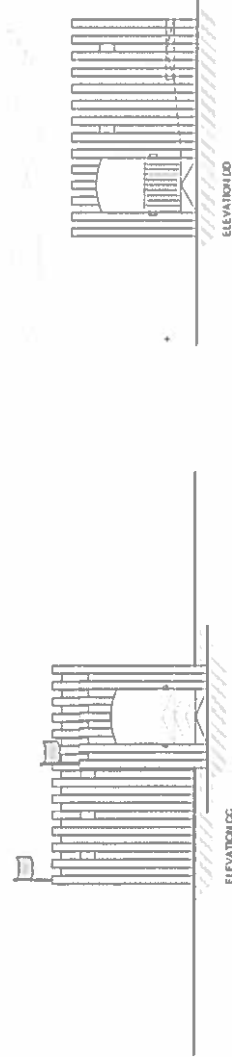
CLIENT	SUDELEY CASTLE ESTA'E
PROJECT TITLE	PROPOSED FOOT BRIDGE
DRAWING DESCRIPTION	PROPOSED PLAN & ELEVATIONS
DRAWING STATUS	
PLANNING	
SCALE	SCALE AS SHOWN
DATE	FEB 15
AUTHOR	CHKD BY
DATE	
PROJECT NO.	10739 01
REVISED BY	
REVISED DATE	



Allow to reduce overall path level beneath bridge by approx. 500mm, re-surface and grade out each end to path



Allow to reduce overall path level beneath bridge by approx. 500mm, re-surface and grade out each end to path



ELEVATION CC

729/K

Valid 18.12.2015

Erection of two storey rear extension and alterations to existing dwelling to include new porch on front elevation, installation of new rooflights and windows and application of through coloured render finish (revised scheme)

Grid Ref 401266 230414

Parish Gretton

Ward Winchcombe

Mr & Mrs D Whitman

Westerham

Gretton Road

Gretton

RECOMMENDATION Refuse

Policies and Constraints

National Planning Policy Framework (2012)
 Planning Practice Guidance
 JCS (Submission Version) November 2014
 Tewkesbury Borough Local Plan to 2011 (March 2006) - policy HOU8
 Flood and Water Management Supplementary Planning Document
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
 The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Gretton Parish Council - The Parish Council raises no objection.

Despite an original letter of objection, a subsequent letter of representation was received from occupiers of Bracken Hill, Gretton Road, after they had taken a more detailed look at the plans along with supporting documents and the modifications to the original proposal (in particular the roof). It is now advised that the current proposal appears to generally address their previous concerns and that they now have no objection in principle to the proposed development.

Councillor Allen has requested Committee determination to allow Committee members to judge the impact of what is proposed on neighbouring properties and on the street scene in this sensitive area.

Planning Officers Comments: Emma Blackwood

1.0 Introduction

1.1 The application property is a detached 3-bed bungalow located within the Residential Development Boundary of Gretton, on the south-eastern side of the highway. The dwelling is designed with a dual pitched roof and a gable end on each side elevation, and there are 2 no. projecting gable elements on the front elevation, one towards each side of this elevation (**See attached floor, elevation and location plans**

1.2 The rear garden of the application site is generous in size, measuring approximately 62 metres in length, and backing onto open countryside. The land levels rise upwards towards the front of the site from the adjacent highway, resulting in the driveway being located on a slope and the dwelling sitting at a higher level than the adjacent highway. There is an existing detached car port in front of the principal dwelling, and situated on a lower land level.

1.3 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

2.0 Relevant Planning History

2.1 Various applications were received between 1988 and 1999, inclusive, for domestic extensions to the application property (namely an extension to provide a dining room, a car port and a conservatory).

2.2 Planning permission was refused on 9th October 2015 for the erection of a 3.3 metre deep two storey rear extension designed with 2 no. projecting gable elements, alterations to the existing dwelling to include the erection of a new porch on the front elevation and 2 no. dormer windows and 2 no. rooflights on the front elevation roofslope, and the provision of a through coloured render finish to the proposed extension and the existing dwelling, which is constructed of reconstructed stone. The reasons for refusal for this proposal were as follows:

"The design of the proposed development would not be sympathetic in scale or form to the original dwelling. As such, the proposal would be harmful to the character and appearance of the existing building and the street scene, and the visual attractiveness of the AONB. The proposal is therefore contrary to policy HOU8 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and paragraphs 17, 56, 58 and 115 of the National Planning Policy Framework (2012), which require high quality design, for account to be taken of the character of different areas and for the scenic beauty in AONBs to be conserved".

3.0 Current Application

3.1 This application seeks planning permission for the erection of a 3.3 metre deep two storey rear extension, which would be designed with 2 no. projecting gable elements, and alterations to the existing dwellinghouse in order to provide living accommodation at first floor level within the roof space. (See attached plans). Each of the proposed projecting gable rear elements would measure 3.4 metres in height to eaves (0.8 metres above the eaves height of the existing dwelling) and with the ridgeline of each sitting level with the ridgeline of the existing dwelling. 1 no. set of fully glazed sliding doors at ground floor level and 1 no. window at first floor level would be installed within each of the 2 projecting gable elements, resulting in the rear elevation of the proposed extension having a symmetrical appearance.

3.2 The proposed extension would comprise a dining room and living room at ground floor level. Alterations are also proposed to the layout of the existing dwelling at ground floor level. Only one bedroom would be provided at ground floor level. At first floor level, 1 no. bathroom and 4 no. bedrooms would be provided, one of which would have an en-suite bathroom. The proposed first floor level accommodation would partly be provided within the roof space of the existing dwelling and partly within the roof space of the proposed extension. It is proposed to install 1 no. window and 1 no. rooflight in each side elevation of the extension.

3.3 The application further seeks planning permission for some alterations to the front elevation of the existing dwelling. The doorway on the existing porch would be positioned centrally, and would be designed with a small gable above. 4 no. rooflights would be installed on the front elevation roofslope. As a result of the proposed alterations, the front elevation of the dwelling would have a symmetrical appearance.

3.4 The proposed extension would have a through coloured render finish, with interlocking concrete roof tiles to match the existing dwelling and powder coated aluminium framed windows and doors. It is also proposed to apply a render finish to the existing dwelling, which is constructed of reconstructed stone.

3.5 The only differences between the previous application and the current proposals would be the slightly reduced scale of fenestration on the rear elevation, the removal of the previously proposed timber boarding within the gable ends on the existing projecting elements on the front elevation, and the replacement of the previously proposed 2 no. dual-pitch roofed dormer windows on the front elevation roofslope with 2 no. rooflights.

4.0 Policy Context

4.1 The National Planning Policy Framework, 2012 (NPPF) promotes sustainable development, of which there are three dimensions: economic, social and environmental. It 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.

4.2 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). Where the development plan is out of date, the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or where specific policies in the Framework indicate development should be restricted. The NPPF makes it clear that these restrictive policies include land designated as an AONB.

4.3 Paragraph 115 of the NPPF specifies that great weight should be given to conserving landscape and scenic beauty in AONBs, which, along with National Parks and the Broads, have the highest status of protection in relation to landscape and scenic beauty.

4.4 Section 7 of the NPPF and the Planning Practice Guidance (PPG) make 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.

4.5 Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 (March 2006) specifies that extensions to dwellings will be permitted provided that:

1. The proposal respects the character, scale and proportion of the existing or, where appropriate, the original dwelling.
2. The detailed design reflects or complements the design and materials of the existing dwelling.
3. The proposal does not result in inadequate car parking or manoeuvring space.
4. The proposal does not have an unacceptable impact on adjacent property and the protection of residential amenity, in terms of bulk, massing, size and overlooking.
5. The proposal respects the character and appearance of surrounding development.

4.6 Policy HOU8 of the Local Plan is consistent with the aims of the NPPF in terms of its core planning principles to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, to take account of the different roles and character of different areas, and recognising the intrinsic character and beauty of the countryside, and is therefore considered to have considerable weight.

5.0 Analysis

5.1 The main issues for consideration are the impact of the proposal on the character and appearance of the street scene, the visual attractiveness of the AONB, the residential amenity of adjoining occupiers and on highway safety.

Impact on Character and Appearance of the Street Scene and the AONB

5.2 The rear garden within the curtilage of the application property is generous in size, and the proposed extension would not unreasonably detract from this garden area.

5.3 By virtue of the raising land levels towards the front of the site, the application property sits at a higher level than the adjacent highway and the existing detached car port within the curtilage of the site. The existing bungalow, which is modest in its size and form, is therefore clearly visible within the street scene. Further, there is a good degree of spacing between the application property and both adjacent dwellings, and therefore the proposed rear extension would be partly visible within the street scene.

5.4 When viewed in the context of the existing bungalow, the proposed two storey extension would be a considerable addition to the dwelling, and it is considered that its design, with 2 no. relatively considerable projecting elements, would not be sympathetic in scale or form to the original bungalow.

5.5 The proposed extension would have a through coloured render finish, which would also be applied to the existing dwelling, which is constructed of reconstructed stone. The existing reconstructed stone is of poor quality. Further, there are examples of other dwellings in this part of Gretton Road which have a render finish. It is therefore considered that the proposed render finish would be acceptable. Precise details of the colour and finish of this render could be confirmed by means of a condition attached to any approval of planning permission.

5.6 As noted above, the existing bungalow is modest in its size and form. It was considered that the dormer windows and rooflights on the front elevation roofslope of the original bungalow, as previously proposed under reference 15/00821/FUL, would result in a cluttered appearance when viewed in the context of the existing bungalow, with its existing 2 no. projecting gable elements. The dormer windows have now been removed from the proposed scheme, as well as the previously proposed timber boarding within the gable ends on the existing projecting elements, which satisfactorily reduces this cluttered appearance on the front elevation. The proposed alterations to the front elevation of Westerham are considered to be acceptable.

5.7 Viewed in its entirety, it is considered that the design of the proposed two storey rear extension would not be sympathetic in scale or form to the original bungalow, and would adversely affect the character and appearance of the existing dwelling, the street scene and the visual attractiveness of the AONB. The proposal is therefore contrary to policy HOU8 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and paragraphs 17, 56, 58 and 115 of the NPPF, which require high quality design, for account to be taken of the character of different areas and for the scenic beauty in AONBs to be conserved.

5.8 Concern has been raised in a letter of representation that the construction of the proposed development would affect an existing tree in the adjoining garden at Bracken Gill. This tree is not subject to a Tree Preservation Order, and therefore any works to this tree or its removal would not require consent from the Local Planning Authority.

Impact on Residential amenity

5.9 The proposed rear extension, although comprising two stories, would be in the form of a one and a half storey extension with the first floor level accommodation provided within the roof space. The eaves level would be slightly above the eaves level on the existing dwelling, and its ridgeline would sit level with the ridgeline of the existing dwelling. By virtue of the scale and form of the proposed extension and its proximity to adjacent dwellings, it is considered that there would be no significant adverse effect on adjoining occupiers in terms of overshadowing or overbearing impact.

5.10 The windows proposed for installation on the front and rear elevations would not directly overlook adjacent sites, and would be well distanced from dwellings located on the opposite side of the highway. 1 no. window and 1 no. rooflight are proposed for installation on both side elevations of the dwelling. These would be secondary windows, as the principal fenestration serving these rooms would be in the form of fully glazed sliding doors on the rear elevation. Further, there is existing boundary treatment along both side boundaries of the application site, to provide some extent of screening from the ground floor level windows. Conditions could be attached to any approval of planning permission to ensure the rooflights are obscurely glazed and non-opening and to restrict the installation of additional windows/dormer windows in the side elevations of the property. Subject to these conditions, it is considered that the proposed development would have no significant detrimental impact on adjoining occupiers in terms of overlooking or loss of privacy.

Impact on Highway Safety

5.11 The proposed development would result in the number of bedrooms within the dwelling increasing from 3 to 5. The driveway within the curtilage of the application site measures some 17 metres in length and there is additional space for car parking within an existing car port in front of the dwelling. No changes are proposed to the existing vehicular access. It is considered that the extent of parking would be acceptable for the size of the proposed extended dwelling and that the cumulative residual impact of the proposed development on highway safety would not be severe.

Other Considerations

5.12 The application is supported by details which advise that, if an application was alternatively to be submitted to propose the erection of a replacement dwelling at the site, then, subject to the replacement dwelling being in scale and character with its surroundings, it could be larger than the existing dwelling at Westerham, as the dwelling immediately to the east of the site is taller. However, an application for a replacement dwelling would be assessed on its merits and would present the opportunity to provide a more cohesive design which would not result in the relationship with the existing dwelling and streetscene as described above, as per the current proposal.

5.13 The application further advises that the proposed development "isn't far off what can be achieved using permitted development rights" in terms of its length, and that a permitted single storey extension could be longer. Prior to the submission of this application, the applicant was advised that a sensitively designed single storey rear extension would appear far more sympathetic in scale and form to the existing bungalow. However, the proposed two storey extension, with its eaves exceeding the eaves height on the original dwelling, would not fall within the limits of permitted development, and therefore must be considered against the relevant planning policies as detailed above.

6.0 Summary

6.1 Taking into account all of the above, it is judged that the proposed two storey rear extension would not be sympathetic in scale or form to the original bungalow, and would adversely affect the character and appearance of the existing dwelling, the street scene and the visual attractiveness of the AONB, and the proposal is therefore contrary to policy HOU8 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and paragraphs 17, 56, 58 and 115 of the NPPF. It is therefore recommended that planning permission is refused.

RECOMMENDATION Refuse

Reasons:

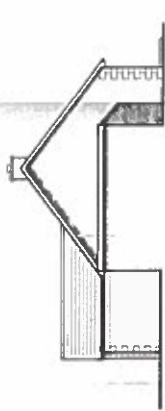
- 1 The impact of the proposal has been carefully assessed and it is considered that the design of the proposed two storey rear extension would not be sympathetic in scale or form to the original bungalow. As such, the proposal would adversely affect the character and appearance of the existing building and the street scene, and the visual attractiveness of the AONB. The proposal is therefore contrary to policy HOU8 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and paragraphs 17, 56, 58 and 115 of the National Planning Policy Framework (2012), which require high quality design, for account to be taken of the character of different areas and for the scenic beauty in AONBs to be conserved.

Notes:

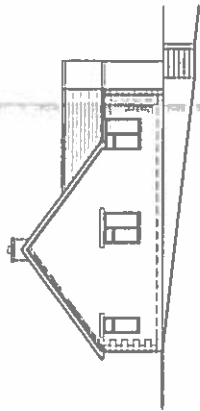
- 1 Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with relevant Development Plan Policies no direct negotiation during the consideration of the application has taken place.

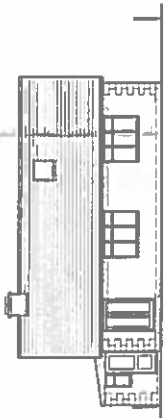
EXISTING FLOOR PLANS,
ELEVATIONS AND LOCATION PLAN
(DRAWING No. '01')



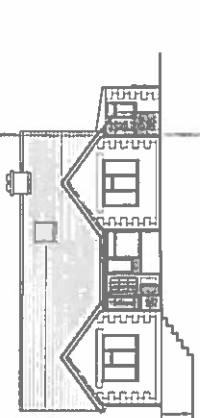
SOUTH WEST ELEVATION



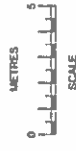
NORTH EAST ELEVATION



SOUTH EAST ELEVATION



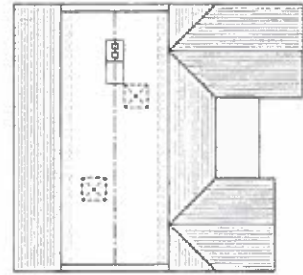
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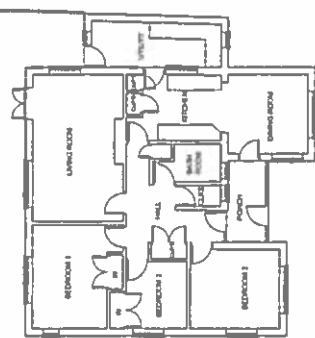
NOTES:
1. REFER TO CHECK ALL DIMENSIONS
ON THE
CONTRACT DRAWINGS



LOCATION PLAN Scale 1:1250



LOFT FLOOR PLAN



GROUND FLOOR PLAN

15/01356/FUL

**CLIVE
PETCH**

ARCHITECTS
TELEPHONE (01747) 521008
FAX (01747) 224430
E-MAIL clive@clivepetch.com

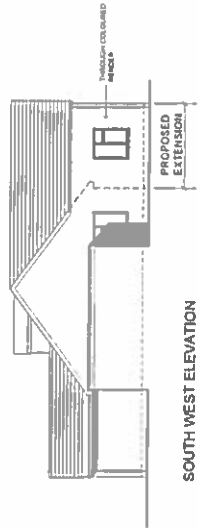
PROJECT
PROPOSED ALTERATIONS TO
EXISTING
CONSTRUCTION
GLCS

TITLE
EXISTING FLOOR PLANS,
ELEVATIONS & LOCATION
PLAN
SCALE 1:100 & 1:1250 @ A1
DATE MAY 2015

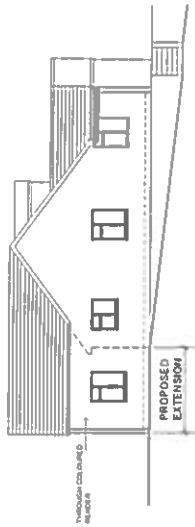
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21517	01

734/A

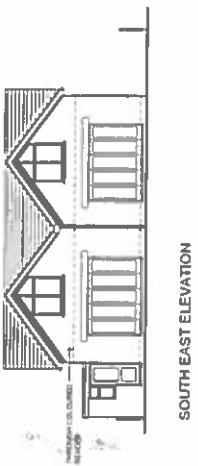
PROPOSED FLOOR PLANS,
ELEVATIONS AND BLOCK PLAN
(DRAWING No. '02 REV E')
REFERENCE 15/00821/FUL



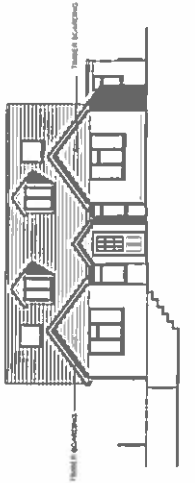
SOUTH WEST ELEVATION



NORTH EAST ELEVATION



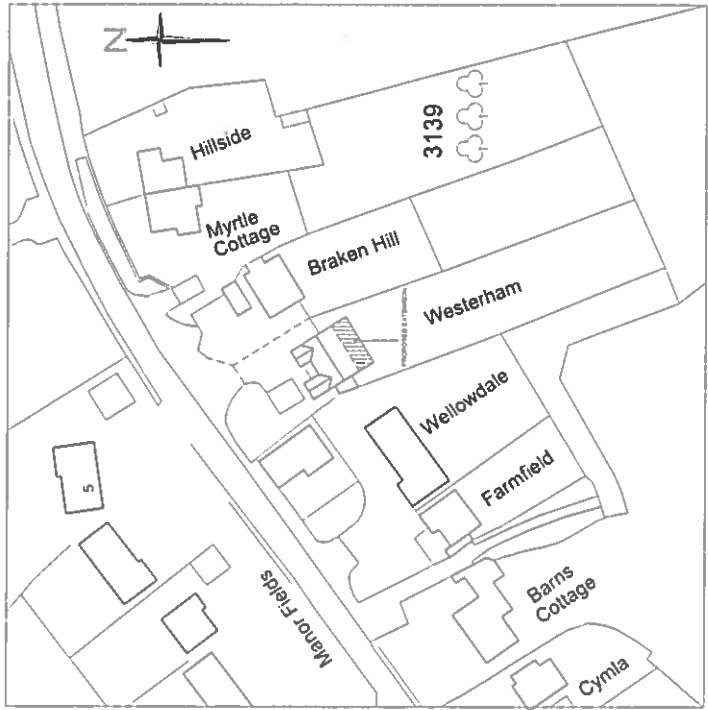
SOUTH EAST ELEVATION



NORTH WEST ELEVATION



SECTION A-A



BLOCK PLAN Scale 1:500



FACTS
PROJECT NO. 15/00821/FUL
DRAWING NO. '02 REV E'
DATE: MAY 2015

CLIVE PETCH
ARCHITECTS

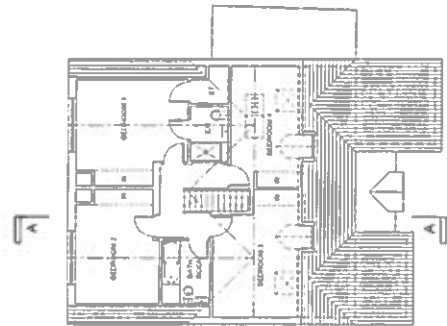
TELEPHONE 01292 351008
FAX 01292 224430
E-MAIL info@clivepetch.com

PROJECT PROPOSED ALTERATIONS TO
EXISTING HOUSE
3139 MYRTLE COTTAGE
WESTERHAM
GLOS

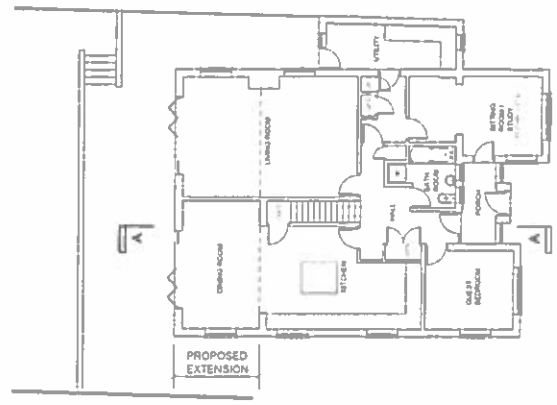
TITLE
PROPOSED FLOOR PLANS
ELEVATIONS & BLOCK PLAN

SCALE 1:100 & 1:500 @ A1
DATE MAY 2015

PROJECT REF	DWG No
15/00821	02
A	B
C	D
E	



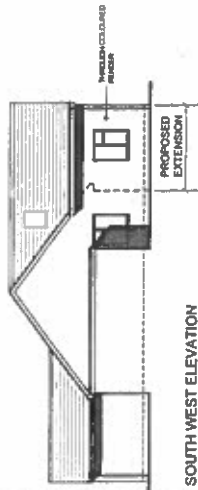
FIRST FLOOR PLAN



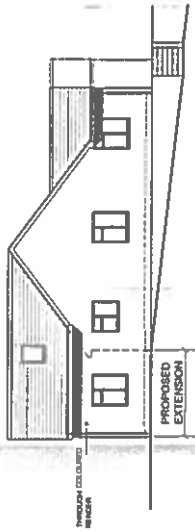
GROUND FLOOR PLAN

734/B

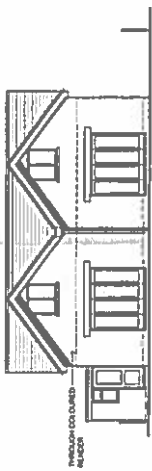
PROPOSED FLOOR PLANS, ELEVATIONS AND BLOCK PLAN (DRAWING No '03')



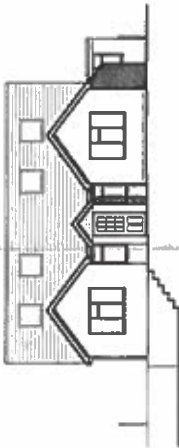
SOUTH WEST ELEVATION



NORTH EAST ELEVATION

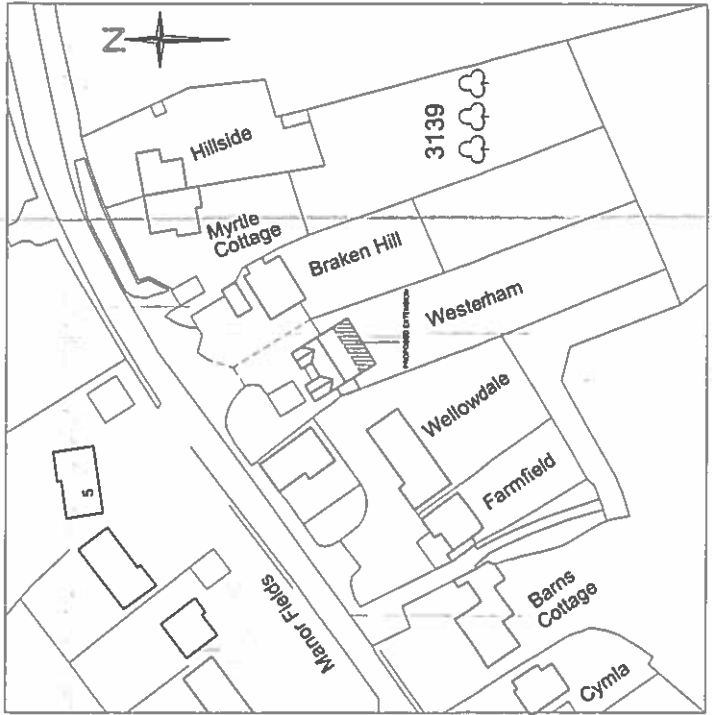


SOUTH EAST ELEVATION

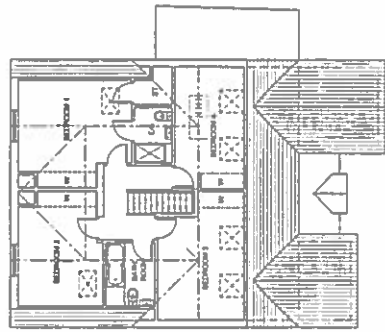


NORTH WEST ELEVATION

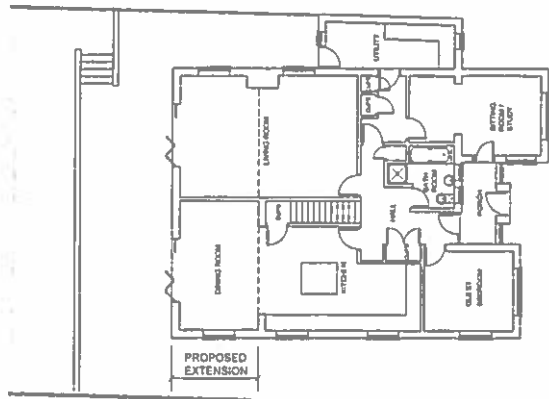
734/C



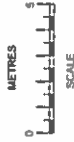
BLOCK PLAN Scale 1:500



FIRST FLOOR PLAN



GROUND FLOOR PLAN



NOTE: ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.

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PROJECT: PROPOSED ALTERATIONS TO 3139, HILLSIDE, WESTERHAM, GLOS

TITLE: PROPOSED FLOOR PLANS, ELEVATIONS & BLOCK PLAN

SCALE: 1:100 & 1:500 @ A1

DATE: MAY 2015

PROJECT REF: DWG No. 21517 03

Valid 10.12.2015
 Grid Ref 391382 215121
 Parish Badgeworth
 Ward Badgeworth

Erection of four detached dwellings and associated works.

Mr John Wilsdon
 C/o Agent

RECOMMENDATION Refuse

Policies and Constraints

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 - 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)

AONB

Consultations and Representations

Great Witcombe Parish Council - Object:

- Previous planning applications for the site are not relevant to this application.
- This would represent unrestricted residential development in the countryside.
- Proposal would be detrimental to the landscape character of the AONB.
- Development would be out of keeping with the area.
- The proposal would be a suburban enclave outside of a residential development boundary.
- Site is poorly served by facilities and services.
- Area is already making contributions to meeting housing shortfall.
- Highway safety concerns.

Brockworth Parish Council - Object :

- This application site is situated within the Cotswold AONB and is within attractive and somewhat isolated countryside on the slopes of Birdlip Hill, Witcombe. The proposal would result in landscape harm to the AONB.

- Following a successful planning appeal in 1992, approval was granted for the erection of 10 log cabins for use as holiday homes - these homes were to be used for temporary residence for holiday/leisure purposes only. This is not a brownfield site where the removal of existing buildings would allow arguments to be put forward that the AONB would be significantly enhanced through the erection of new dwellings or some other form of new build. The substitution of log cabins by the erection of 4 modern detached dwellings would do nothing to improve this area of the AONB landscape.

- The Parish Council concurs with the opinion of the Borough Council's Urban Design Officer that this development should not be approved because of its position within the AONB.

- The development site is not within a defined settlement area.

- The development site is not sustainable. It is, a car dependent location. There are no services such as a local shop, health centre/doctor's surgery, public transport, community meeting place. The local primary school in Birdlip is at the top of the escarpment and can only safely be reached by car. There are no pavements or street lighting on Birdlip Hill.

- In November 2011, a development application for the erection of 3 houses on this site was refused by the Borough Planning Committee.

- Access in and out of the development site is not ideal.

Cotswolds Conservation Board Object:

New permanent residential dwellings with gardens, parking, lighting and all the trappings of residential development, would result in a clear change in character from a rural scene to a group of houses in the countryside (a greater overall and lasting impact and change of character as compared to log cabins for holiday use).

Both the CRoW Act and Para.55 seeks an element of landscape enhancement, however building new houses in the countryside, no matter how well concealed, will result in negative impact particularly in relation to an AONB. The future occupiers of the site would also likely to be car reliant as the site is away from any settlement and so this development also fails the tests of "sustainable development" at Paras. 6 and 7 of the NPPF and would lead to a precedent for other such developments across the open countryside of this nationally protected landscape.

Urban Design Officer - Objects.

Natural England - No objection

County Highway Authority - No objection, subject to conditions.

7 letters of neighbour objection received and a petition bearing 47 signatures has been submitted raising the following concerns:

- Site is located within the AONB and the proposed development is inappropriate
- There is significant planning history and enforcement history relating to the site.
- The fall-back position has little chance of being implemented in full.
- The proposed built form would be totally inappropriate and out of keeping with existing dwellings in the area.
- Application documentation is inaccurate and misleading.
- Proposal would result in highway safety issues.
- Location is unsustainable there are no services nearby.
- Potential flooding issues.
- The proposed ponds would be health and safety risk.

8 letters of support received raising the following points:

- 4 houses would blend into landscape.
- New families would become part of the community.
- Houses would be better than the erection of 10 log cabins.

Planning Officers Comments: Mr Ciaran Power

1.0 Application Site

1.1 The applications relates to land at Woodview, Birdlip Hill, Witcombe, which is located within an area of open countryside forming the lower slopes of the Cotswold Scarp within the Area of Outstanding Natural Beauty. The site comprises approximately 1.3 hectares of land and benefits from an existing access off the Birdlip Hill Road, which is a classified highway. A single detached timber log cabin, which the applicant says is currently occupied as holiday accommodation, and a partially constructed access track are located on the land.

2.0 Planning History

2.1 Outline planning permission was originally granted on Appeal by in 1992 for the erection of 10 holiday log cabins, with associated sports facilities, manager's accommodation and access under planning ref: 90T/7589/02/01. This permission has subsequently renewed on a number of occasions, and the permission has now been implemented following the construction of one of the log cabins on the site. Although the remaining log cabins and associated leisure facilities have not been built to date the permission is considered to be extant. In allowing the appeal, the Planning Inspector imposed a planning condition preventing the 'proprietor's accommodation' from being occupied prior to the completion of the 10 holiday log cabins, and its occupation limited to a person solely or mainly working in the business comprising the 10 holiday log cabins with associated sports facilities. The condition was imposed given that the site was considered unacceptable for general residential use by reason of its location within the open countryside and Cotswold AONB and due to its access on to the Birdlip Road, where vehicle speeds are high.

2.2 More recently, an outline planning application was refused in 2011 for the erection of 3 detached dwellings on the site (app ref: 11/01028/OUT). The development was predominantly refused due to the site being considered unsuitable for housing due to its location outside an established settlement boundary and its location within the AONB. An application was permitted in June 2014 for the removal of condition 9 of the log cabins permission to allow the leisure/sporting facilities to be used by the general public (14/00244/FUL).

2.3 An application was refused in 2014 to vary condition 10 attached to permission ref: 98/7589/0097/OUT to allow the proprietor's accommodation to be occupied after 5 log cabins being complete. This application was refused because, *"The site is unsuitable for unrestricted residential use by reason of its isolated location within the open countryside, where there are poor pedestrian, cycle and public transport links to the nearest facilities and amenities. It has not been demonstrated that the variation of condition to allow the occupation of the proprietor's accommodation after the completion of the 5th holiday log cabin is reasonably necessary to serve this tourism related use. The proposal therefore conflicts with paragraph 55 of the National Planning Policy Framework (NPPF)"*.

2.4 A further application was submitted in January 2015 for the variation of condition 10 from application 02/7859/1723/OUT to allow the proprietor's accommodation to be occupied after 5 log cabins have been completed as opposed to 10. This was subsequently refused for the same reason as the 2014 application above.

3.0 Current Application

3.1 The current application seeks planning permission for the erection of 4 detached dwellings. The proposed development would utilise the existing access off of Bridlip Hill. The proposals include four dwellings of contemporary design. Each dwelling would have its own defined curtilage with domestic garden area, parking.

4.0 Policy Context

4.1 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006, where the principle of unrestricted market housing is considered unacceptable in accordance with policy HOU4. 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 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.

4.2 However, the reasoning behind the site being located outside any defined residential development boundary is still pertinent in that it confirms that the site is isolated, within a countryside location and is not accessible to local facilities and amenities. In this regard, paragraph 55 of the NPPF seeks to avoid isolated new dwellings in the countryside.

4.3 Section 9 of the NPPF highlights that support should be given to 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 authorities should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations.

4.4 This approach is mirrored within Local Plan policy TOR4, which states that in considering proposals for log cabins sites, overriding protection will be afforded to the landscape, particularly with regard to siting and landscape design and impact on local amenity. Any proposal must be well related to main routes and details of site layout and landscaping will be required. The policy states that particular regard will be had to the protection of the natural landscape within the AONB, consistent with advice in the NPPF.

5.0 Analysis

Principle of Development

5.1 The application proposes the erection of 4 market dwellings at the application site. The site is located outside of a recognised settlement boundary in a countryside location. The NPPF seeks to prevent the unsustainable creation of new housing development in the remote countryside. It states at paragraph 55 that isolated new dwellings in the countryside should be avoided. In this case, it is clear that the site is within an isolated location, remote from the nearest larger settlement of Brockworth, and poorly served by sustainable means of travel and local facilities and amenities.

5.2 The applicant has referred to the fall-back position on the site that would allow the construction of tourist facilities including 10 log cabins, proprietors accommodation and associated facilities. It is acknowledged that the use of the site for tourist purposes has been implemented and the extant permission could be implemented in full. However it is an important factor that whilst market dwellings are unacceptable in principle in this location tourist accommodation is not which is why different planning policies apply to each. Indeed tourist accommodation serves a very different function than market dwellings. The purpose of tourist accommodation is to provide facilities and attract visitors to the area which help to support the local economy. The tourist trade is an extremely important part of the local economy and Paragraph 28 of the NPPF supports sustainable rural tourism and leisure development as part of a prosperous rural economy. It is also important that the original planning permission for the tourist accommodation, granted at appeal included a condition controlling the use of the accommodation for tourist purposes. It is accepted that the completion of this development would undoubtedly change the character of the site to some degree. However, in granting planning permission for this use, the Appeal Inspector reasoned that the proposal was for a tourism related use, which is fundamentally supported by national and local planning policy, including on sites within the AONB. The Inspector considered that the holiday accommodation scheme would have been of high quality, and given the low-key form of the log cabins and the nature of the use, the development would not have contributed to the appearance of sporadic residential development in the countryside.

5.3 The Appeal Inspector also highlighted that there was a clear difference between allowing holiday accommodation for tourism purposes and allowing permanent residential development. He therefore considered it necessary to impose planning conditions to prevent permanent residential use on the site in the future. For these reasons, it is not considered that the fall-back position of completing the holiday accommodation permission would provide a strong material consideration that would warrant the granting of planning permission in this case.

5.4 There have also been several attempts by the applicant to remove a condition relating to the number of log cabins which have to be built before the proprietors accommodation can be constructed. In addition an outline planning application for the erection of 3 detached dwellings on the site (app ref: 11/01028/OUT) was refused in 2011, primarily due to the site being considered unsuitable for housing due to its location outside an established settlement boundary and its location within the AONB.

5.5 Having regard to the above it is not considered that the principle of the proposed development is acceptable in this location. Whilst there is clearly a fall-back position in relation to what could be built on site the fact remains that tourist accommodation is acceptable in principle in this location and market dwellings are not. The proposed development is clearly contrary to Policy HOU4 of the Local Plan and the aims and objective of Paragraph 55 the NPPF which seeks to avoid isolated new dwellings in the countryside.

Landscape Impacts

5.6 The application site is located within the AONB. The site slopes downwards from east to west. The Framework at paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and, at paragraph 115, it emphasises that great weight should be given to conserving landscape and scenic beauty in AONBs. Additionally, it points out that AONBs have the highest status of protection in relation to landscape and scenic beauty.

5.7 The application has been submitted with a LVIA which concludes that the development can be achieved without significant harm to the landscape character. 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 particularly from the public highway to the west and viewpoints 1 and 2 identified in the submitted LVIA. Further the LVIA appraisal summary concludes that the sensitivity of the landscape is considered to be low. However this assessment seems to be largely as a result of the "uncharacteristic" wooden chalet style buildings. The appraisal describes this as "detractor elements" and the summary goes on to say that the development offers opportunities to introduce enhancements replacing uncharacteristic built form with build form that reflects local architectural style. Whilst it is accepted that the extant planning permission could be implemented and that there is an existing wooden chalet on site, these buildings are low in height and low key. The proposed development would introduce four large detached 2 storey properties of a contemporary design which would fail to reflect local architectural style and would result in a relatively urban form of development in the open countryside. It is difficult to see how the impacts could be appropriately mitigated by additional planting as proposed.

5.8 Whilst it is accepted that the site has an extant permission for the 10 holiday log cabins, which would have some visual impact on the Cotswold AONB, it is not considered that the implementation of that use would have as great a visual impact on the AONB as the currently proposed development would have. The

proposed dwellings would be of a significant size and scale, and the inevitable domestication of the land as a result of residential curtilages and domestic paraphernalia would have a significantly greater impact on the AONB than that provided by the extant permission. The proposal would therefore be contrary to emerging Policy SD8 of the Submission Joint Core Strategy (November 2014) and section 11 of the NPPF (Conserving and enhancing the natural environment).

Design

5.9 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.

5.10 In addition 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.

5.11 This site is located within the AONB and is isolated from any other residential development and does not form part of a sustainable community and would not integrate or provide connectivity to any existing settlements. Conversely, the proposal would appear as a detached enclave of large residential dwellings in the open countryside.

5.12 There is very little design rationale or justification submitted with the planning application. The architectural detailing is poor and the development is out of character with the area. The 3D images show reliance on substantial screening from trees on the boundary of the site to mitigate the visual impact of this development on the AONB. Further the layout of the dwellings does not appear to relate to the topography of the site or address the access or highway in a positive manner. Front and back relationships of properties is confused and it is unclear what is public or private space.

5.13 In conclusion the development fails to successfully integrate or connect to any village or settlement and its design and layout would result in a poor form of development that would detract from the character and appearance of the street scene and area generally. This weighs significantly against the proposal in the planning balance.

Sustainable Transport and Highway Safety

5.14 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.

5.15 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.

5.16 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.

5.17 With regards to the amount of services accessible to the site, there are few if any and the application site is located within an isolated location outside of a settlement boundary and away from any service village or centre as defined by the Submission JCS. One of the core planning principles set out in paragraph 17 of the NPPF is that patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are, or can be made, accessible. The proposed development would add more development in a place which is not currently well served by public transport. Furthermore, walking and cycling along the Birdlip Hill Road would not be desirable, owing to the rural and unlit nature of the road.

5.18 The applicants point to the fall-back position, in relation to tourist accommodation however tourist accommodation is different in planning policy terms. This is because permanent residential uses are likely to create significantly greater levels of vehicular traffic movements than that of holiday accommodation, which is unlikely to achieve year round occupancy and does not usually result in the same number of daily vehicular trips.

5.19 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.

5.20 In terms of highway safety, the County Highway Authority have assessed the application and confirmed that the access is capable of achieving an appropriate level of visibility. Further, although the development would be likely to result in an increase in vehicular trip movements it is not considered that these would significantly intensify the use of the access to the detriment of highway safety. The CHA raise no objection to the proposed development on highway safety grounds subject to the imposition of conditions.

Drainage and Flooding

5.21 The site is located within Flood Zone 1 (low risk) according to the Environment Agency's most recent data, which means that the site has a less than 1 in 1000 annual chance of flooding (0.1% possibility of flooding). In light of this low risk and the relatively small-scale nature of the development, it is not considered that the development would present any significant risk of flooding.

Ecology and Nature Conservation

5.22 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.

5.23 The application has been supported with an Ecological Survey which concludes that the site is considered to be of low ecological value. The impact of the proposed development is therefore regarded as negligible. However it does acknowledge that the development offers the opportunity for ecological enhancements.

5.24 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.

Other Matters

5.25 Whilst there are a number of trees along the site boundaries a tree survey has been submitted with the application which confirms that no tree felling would be required to facilitate the development. Some tree surgery and management is proposed. Tree protective barriers would also be in place during construction to protect the trees and their root protection areas.

5.26 In terms of residential amenity, the site is within a secluded rural location and is a significant distance to the nearest residential properties. As such, the development would not have an undue impact on the residential amenity of neighbouring properties. The development has also been designed so that the dwellings would not have an undue impact on each other.

6.0 Conclusions

6.1 In light of the above, it is considered that the proposed development conflicts with the housing policies of the Development Plan and the proposal would result in an unwarranted visual intrusion in to the Cotswold AONB. The site is also within a location with poor accessibility other than by private car, and is not well served by opportunities for sustainable modes of transport. The provision of four dwellings would result in some economic and social benefits, however these minor benefits would be outweighed by the loss of the extant tourist facility. Overall the proposal does not constitute sustainable development in the context of the NPPF and there are significant and demonstrable harms which outweigh the minor developments that the proposal would bring. The application is therefore recommended for **Refusal**.

RECOMMENDATION Refuse

Reasons:

- 1 The proposed development conflicts with paragraph 55 of the NPPF in that the application site is in isolated countryside location and there are no special circumstances in this case that would justify supporting the development.
- 2 The proposed development by virtue of its size and location would have a visually intrusive impact on the open character and visual attractiveness of the Cotswold Area of Outstanding Natural Beauty. The proposal therefore conflicts with 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 proposal, by virtue of its design, layout and density, would result in an adverse visual impact on the street scene and locality generally. Furthermore, the proposal would represent an isolated form of development which would be poorly connected to existing settlements and wider residential areas. The proposal would therefore not respect the form, character and history of the 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).

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. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.

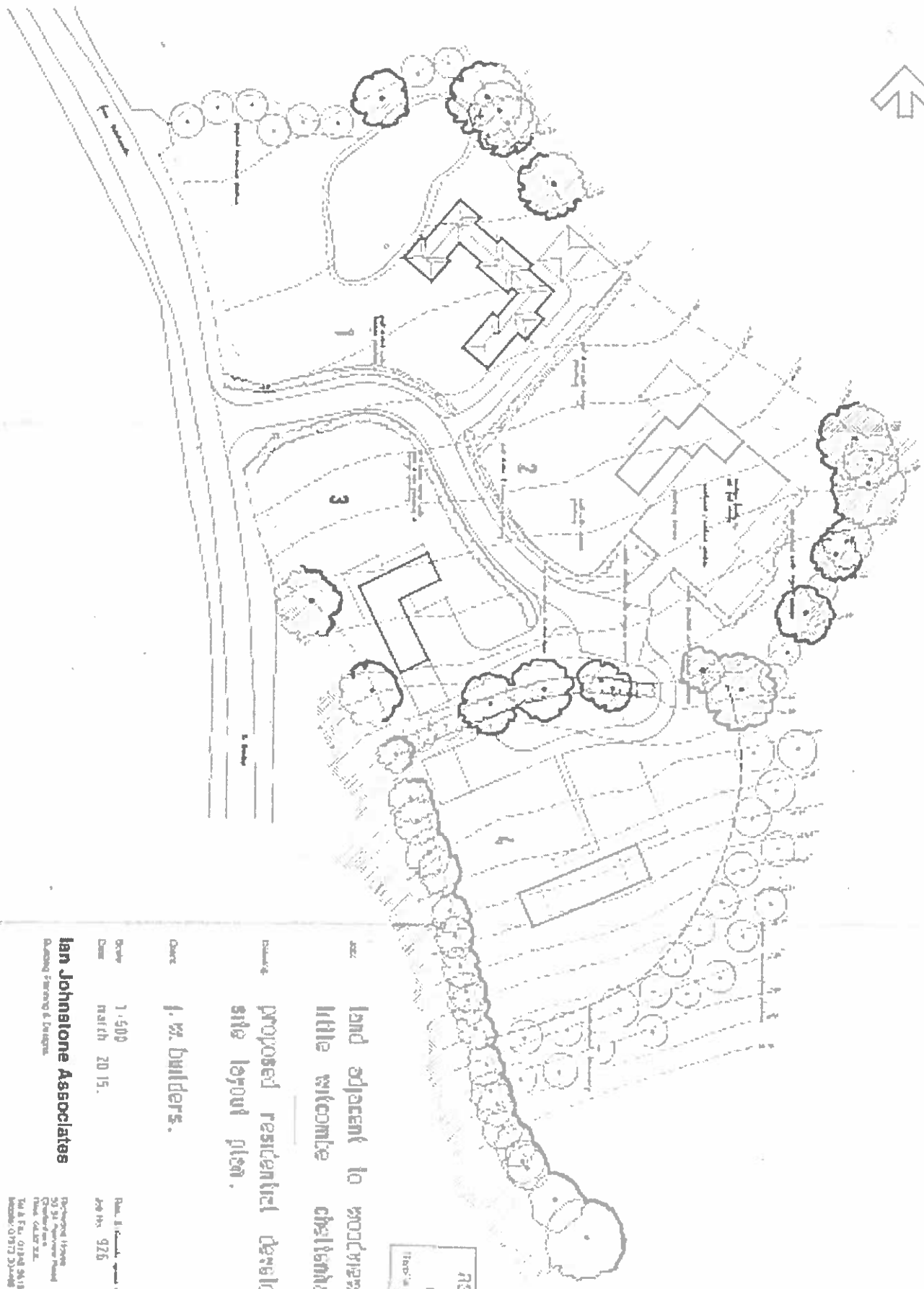


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0m 25m 50m 75m 100m 125m 150m 175m 200m

Scale: 1:2500, paper size: A4

SITE LOCATION PLAN
Land adj Woodview, Birdlip Hill
Mr J Wilsdon



RECEIVED
 12 NOV 2005
 THE OFFICE OF THE REGISTRAR
 (PLANNING)

Land adjacent to Woodway
 Little Wilcombe Cheltenham Glos.
 proposed residential development :
 site layout plan.

Date: 1.12.05
 Drawn by: J. M. Builders.

Date: 1.5.09
 Drawn by: MATH 2015.

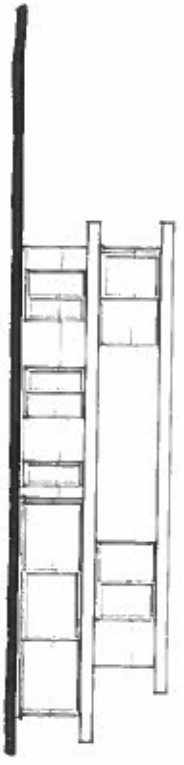
Plan, Electrical, and Civil Works Approved by the
 Date: 14th Nov 2005

Ian Johnstone Associates
 Planning Services & Landscapes
 15, Church Street, Cheltenham, Gloucestershire, G5 1EJ
 Tel: 01242 561144
 Fax: 01242 561145
 Email: ian@ianjohnstone.co.uk

74118

NOTES
 All dimensions must be checked on site and not scaled from the drawing

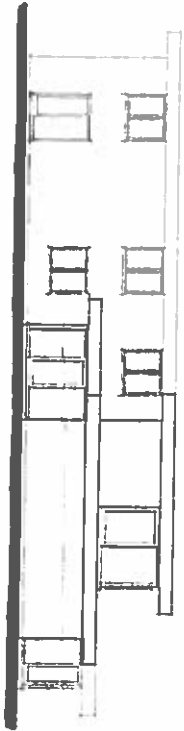
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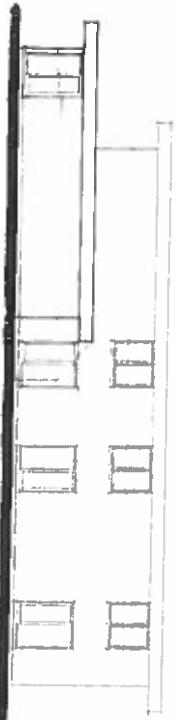
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side east



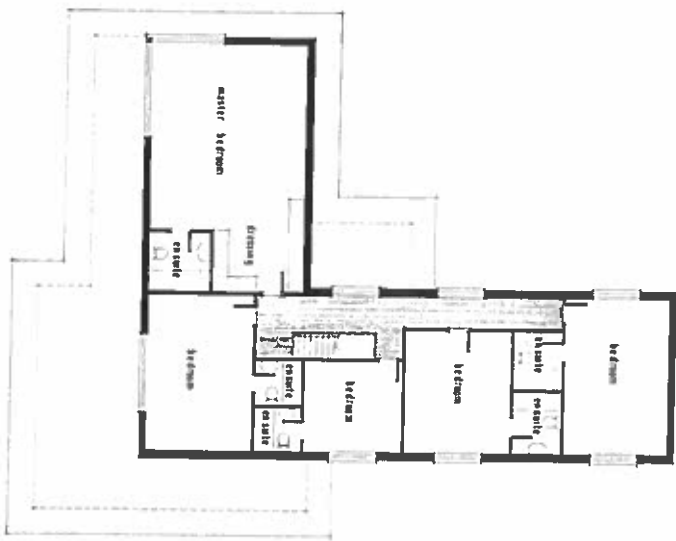
side west



ground floor plan



first floor plan



land adjacent to woodnew
 little witlecombe cheltenham glos.
 details of proposed dwelling: plot 3.
 ground & first floor plans & elevations.
 J.W. builders.

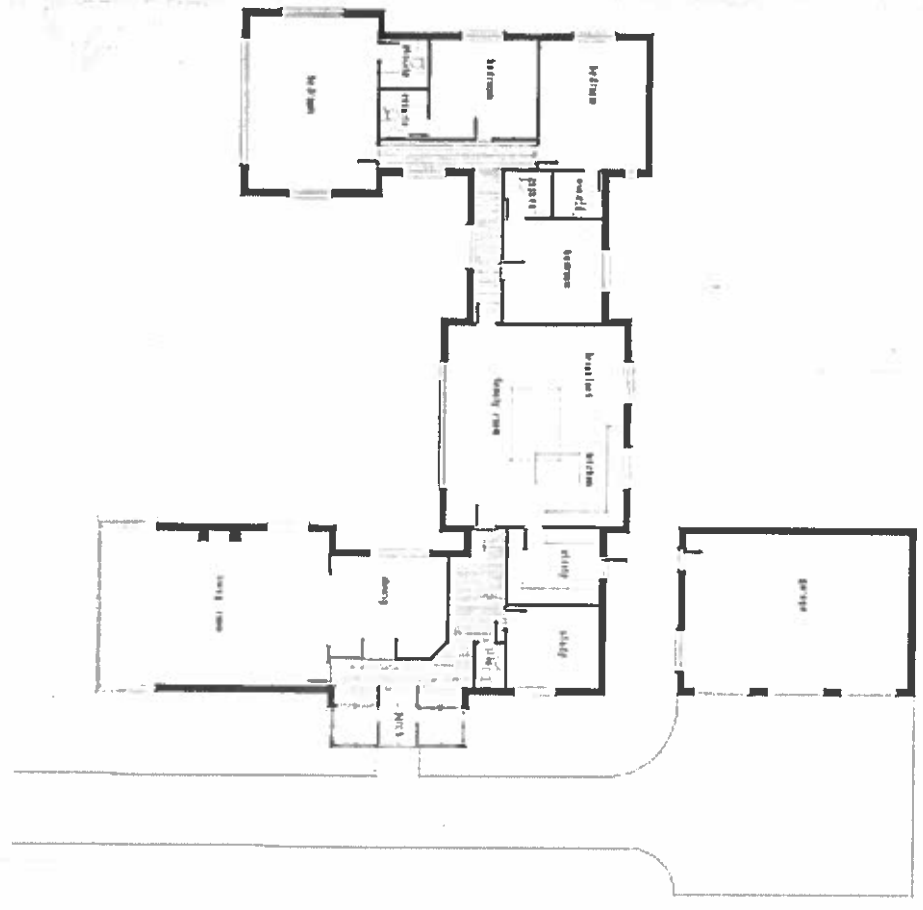
741/C

Scale 1:100
 Date march 2015
 Ian Johnstone Associates
 Building Planning & Design

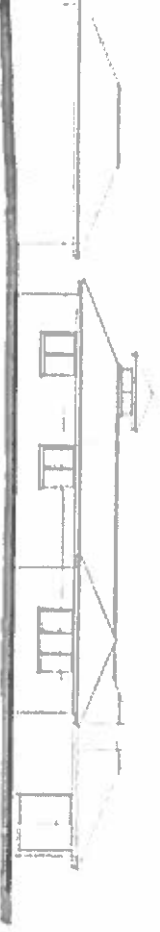
Plot 3, Woodnew, Little Witlecombe, Cheltenham, Gloucestershire, Glos.
 Job No. 926
 Date 02/03/15
 Drawn by JWA
 Checked by JWA
 Tel: 01242 201662
 Email: info@ianjohnstone.co.uk

1

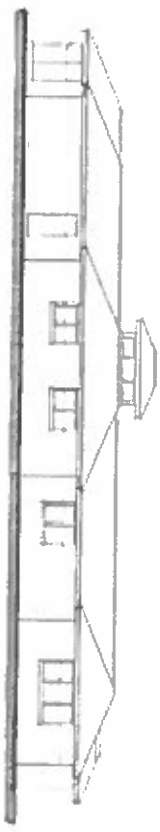
ground floor plan



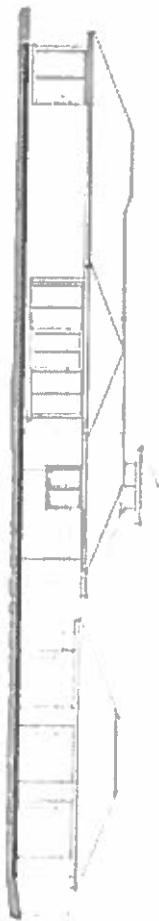
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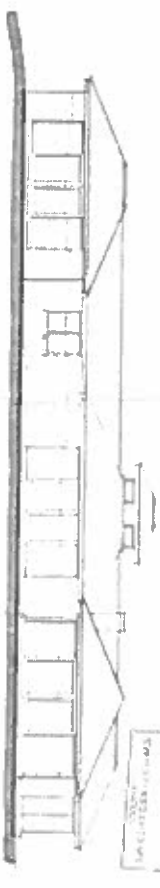
side north east



front south east



side south west



NOTES
All elevations to be checked on site and the
checked items to be returned.

741/0

Land adjacent to woodmen
hills calcareous chertstone glass.
details of proposed dwelling: plot 1
ground floor plan and elevations.

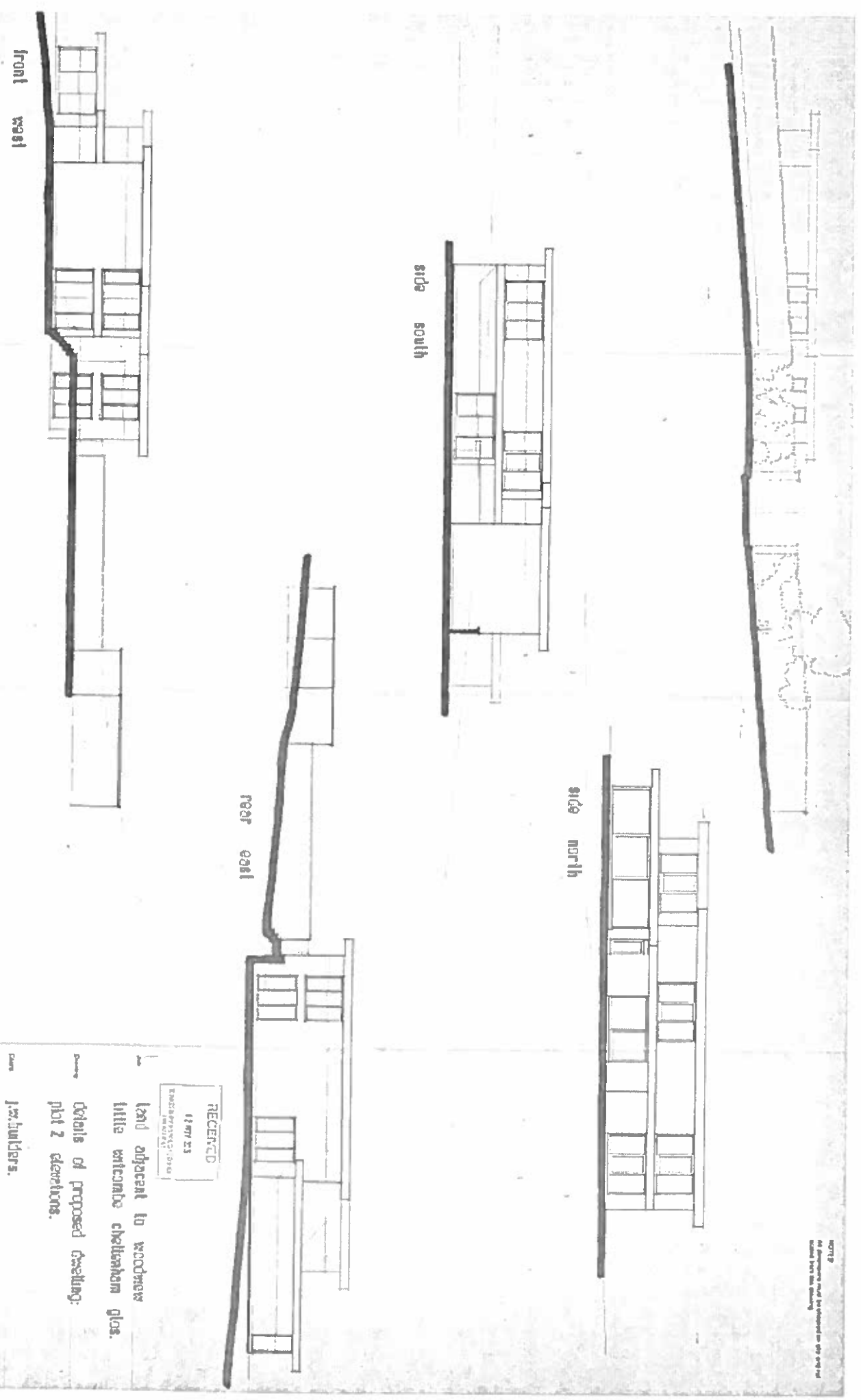
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1:100

Jan Johnstone Associates

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All drawings are to be developed on A3 paper and
must have the drawing



RECEIVED
12 MAY 23
ENGINEERING DIVISION
CITY OF LOS ANGELES

Land adjacent to Woodnew
Hills entrance cheltenham plus.
Details of proposed dwelling:
plot 2 elevations.

Client: J. Schulders.

Scale: 1:100
Date: March 2015

Ian Johnstone Associates
Planning, Property & Transport

Plot 2 adjacent to Woodnew Hills entrance cheltenham plus.
Job No. 975 Reg. No. 08
Richard Johnstone
Director
1000 Wilshire Blvd
Suite 1000
Los Angeles, CA 90024
Phone: (310) 200-1234

741/E



ground floor plan



first floor plan

NOTES
 All dimensions must be checked on site and not
 taken from this drawing

741/F

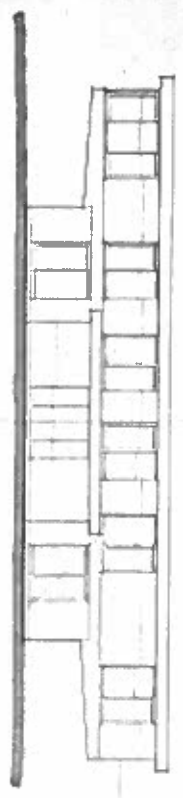
land adjacent to woodview
 little whitcombe cheltenham glcs.
 details of proposed dwelling: plot 2
 ground + first floor plans.

Client: j.w.builders.
 Scale: 1:100
 Date: March 2015
 Ian Johnstone Associates
 Building Planning & Design

Plot 2, Little Whitcombe, Woodview, Cheltenham, Gloucestershire, GL50 2JL
 Date: 09/10/15
 Job No: 978
 Dwg No: 07

Richard House
 40-44 Faversham Road
 Cheltenham, Gloucestershire
 GL50 2JL
 Tel: 01753 517428/51882
 Mobile: 01753 304480

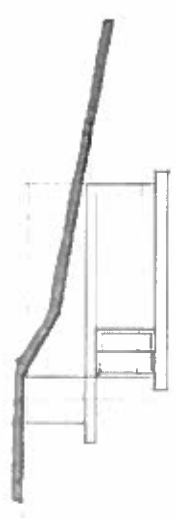
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 ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
 DATE 11/19/2013 BY 60322 UCBAW



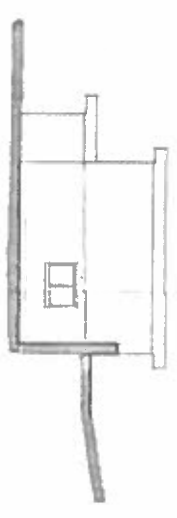
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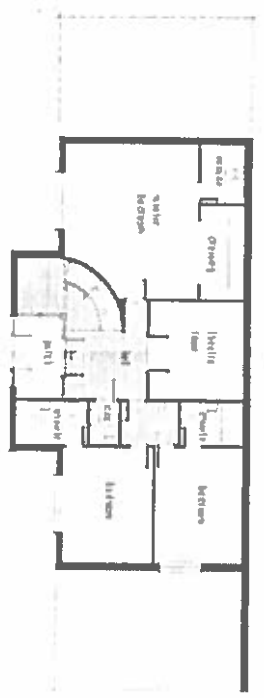
rear south



side east



side west



ground floor plan



first floor plan

1.0
 Land adjacent to Woodview
 Mills with Combe Cheltenham plots.
 Details of proposed dwelling: Plot 4.
 Ground & first floor plans & elevations.

Client: J.W. Builders.

Scale: 1:100
 Date: 11/17/2015
 Drawing No: 978
 Drawing Title: Ground & first floor plans & elevations

Prepared by: Ian Johnstone Associates
 Drawing No: 978

Plot 4, Woodview Mills, Cheltenham, Gloucestershire, Glos. GL50 2JL
 Ian Johnstone Associates
 10, The Quadrant, Cheltenham, Gloucestershire, Glos. GL50 2JL
 Tel: 01242 850000
 Fax: 01242 850001
 Email: info@ianjohnstone.co.uk

741/G

Drawn by	Scale
Checked by	Project No.
Approved by	Date

PROJECT NO. 1082/APP
 DATE 10/11/74
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

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 Date: 10/11/74

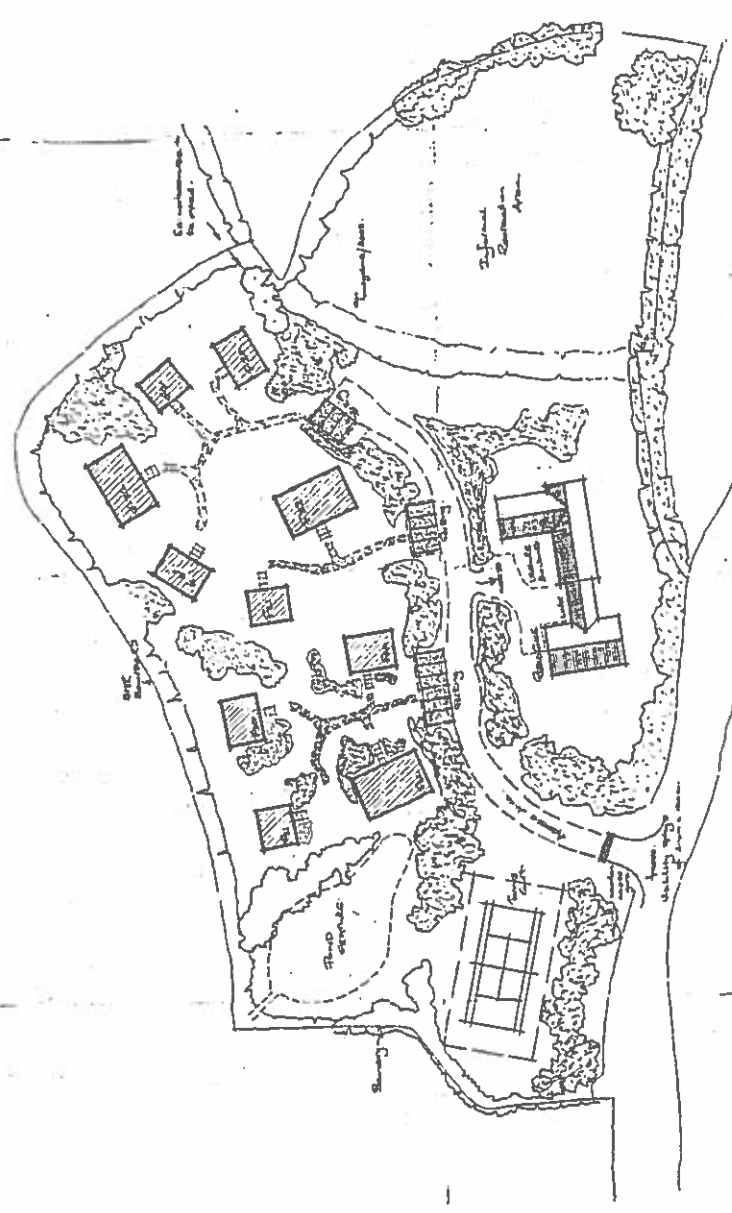
1082/APP
 10/11/74

No.	Date	Remarks

1082/APP / 1082/APP

NOTES:
 All dimensions must be checked on site and not
 taken from the drawing.
 Drawing No. 1082/APP
 Date: 10/11/74

Original Scheme



Checklist for field report
 - Check site boundaries
 - Check site area
 - Check site location
 - Check site access
 - Check site conditions
 - Check site features
 - Check site notes
 - Check site drawings
 - Check site photos
 - Check site maps
 - Check site records
 - Check site reports
 - Check site plans
 - Check site documents
 - Check site files
 - Check site folders
 - Check site cabinets
 - Check site shelves
 - Check site desks
 - Check site chairs
 - Check site tables
 - Check site benches
 - Check site stairs
 - Check site ramps
 - Check site elevators
 - Check site lifts
 - Check site escalators
 - Check site conveyors
 - Check site cranes
 - Check site hoists
 - Check site winches
 - Check site pulleys
 - Check site ropes
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 - Check site pipes
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 - Check site channels
 - Check site trays
 - Check site racks
 - Check site frames
 - Check site structures
 - Check site foundations
 - Check site footings
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 - Check site slabs
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 - Check site downpipes
 - Check site drains
 - Check site sewers
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 - Check site chimneys
 - Check site stacks
 - Check site flues

741/H

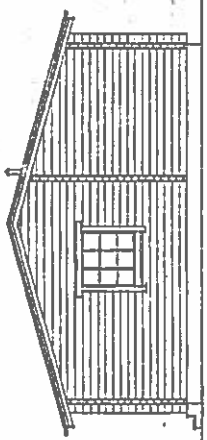
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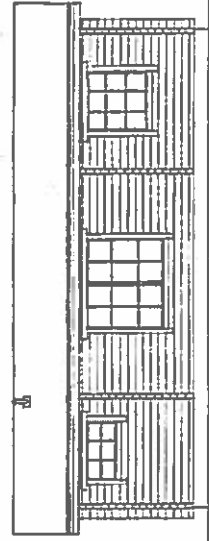
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ROOFING - 1 1/2" x 8" Firwood laminated logs, tongue and groove, exterior siding, 1/2" x 4" x 8" firwood, 1/2" x 4" x 8" firwood, etc. All exterior walls to be finished with exterior paint. All interior walls to be finished with interior paint.

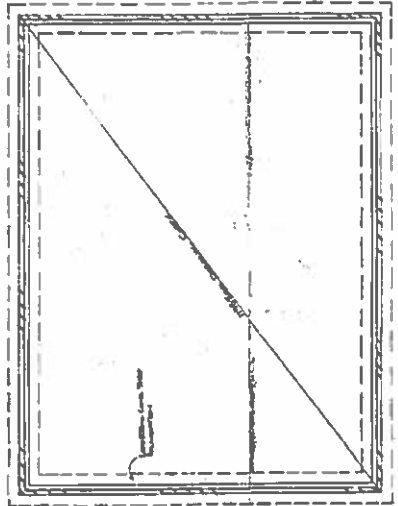
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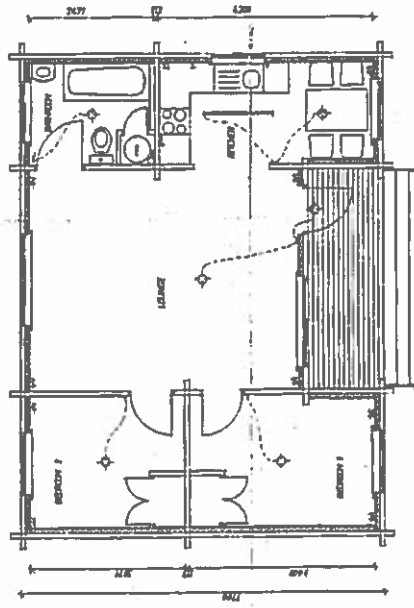
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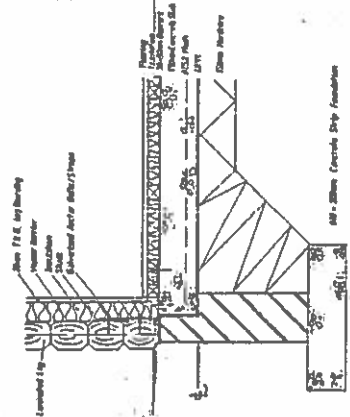
SIDE ELEVATION



FLOOR PLAN



FOUNDATION PLAN



FOUNDATION DETAIL

DEVELOPMENT SEP
 REC'D 8-13-14

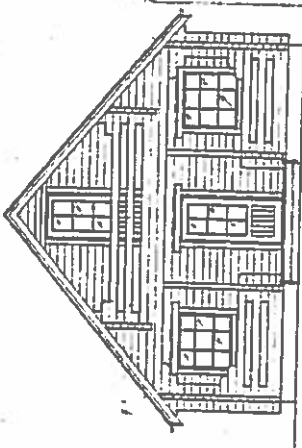
FINWOOD-UK
 Building Beautiful Log Homes, Naturally.
 Finwood U.S. Building Division, 10000
 Alameda, Berkeley, CA 94704
 Tel: (925) 841-5577 Fax: (925) 841-5584

PROJECT	PROPOSED LOG CABIN DEVELOPMENT (HOLIDAY USE)
DATE	1-20-14
DRAWN	1-10-14
REVISED	01

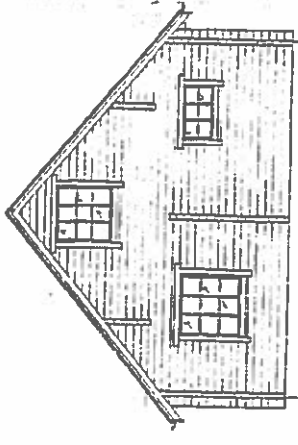
741/I

SPECIFICATION

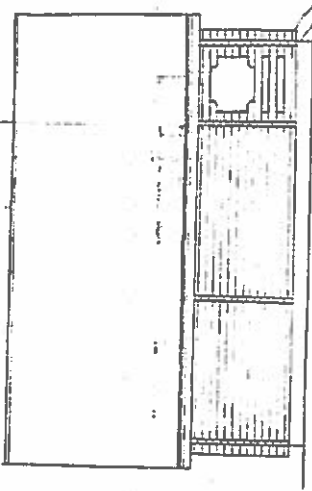
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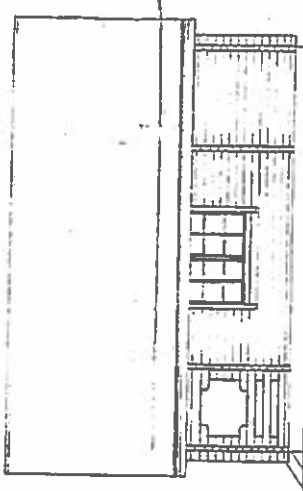
FRONT ELEVATION



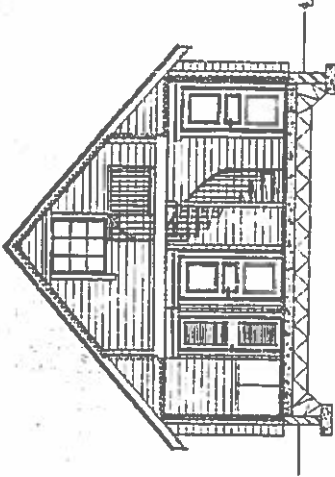
REAR ELEVATION



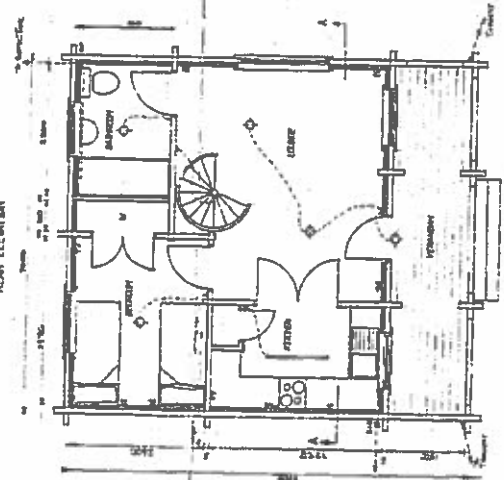
SIDE ELEVATION



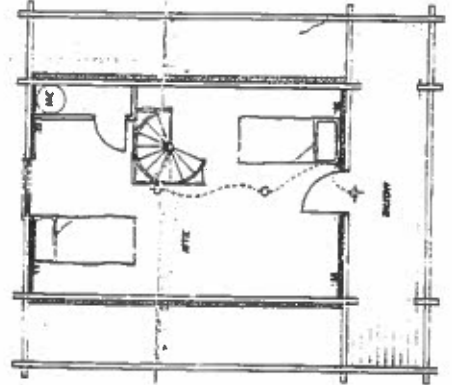
SIDE ELEVATION



SECTION N-S



GROUND FLOOR PLAN



ATTIC PLAN

DEVELOPMENT CO., INC.
 No. 1000
 Project # - 1000

FINWOOD UK
 Building Beautiful Log Homes Naturally

Finwood UK
 1000 Log Cabin
 1000 Log Cabin
 1000 Log Cabin

Proposed Log Cabin Development
 (see site plan) for 1000 Log Cabin
 Great Woodlands
 Queensland

DATE: 18 July 1996
 SCALE: 1:100
 DRAWING: 011
 REVISION:

F21. TYPE.

741 (5)

NOTES

All dimensions shall be checked on site and not relied upon from this drawing.
 NYS: This is a preliminary drawing and is not to be used for construction purposes only.

21/7509 / 1092 / pp

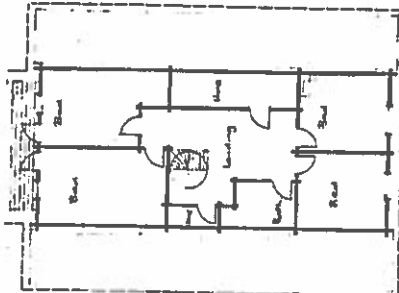
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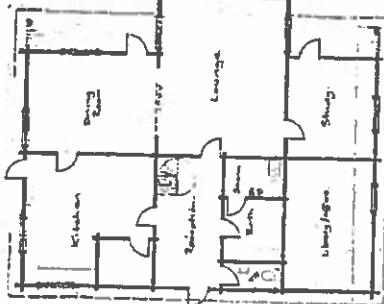
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 Job No: L-1010 R-1011 R-1012 (NOT WORKING)
 Date: 01/25/10

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 Date: [Blank]

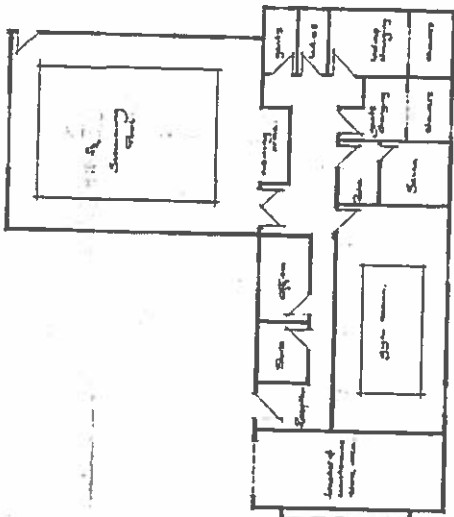
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KITCHEN PLAN



LOUNGE PLAN



741 / 7

NOTES

All dimensions must be checked on site and
checked for accuracy.
All elevations are shown in perspective for
clarity of design. Shading is optional.

8877599 / 1092 / 889

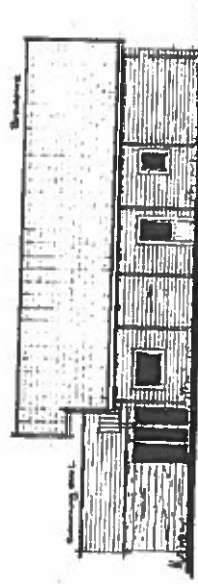
A	Date	Revision

DEVELOPER'S DETAILS
1/1
RUC 8-1-1988

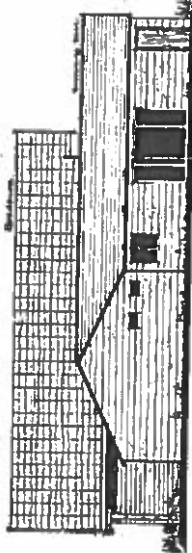
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Job No: ...
Location: ...
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State: ...

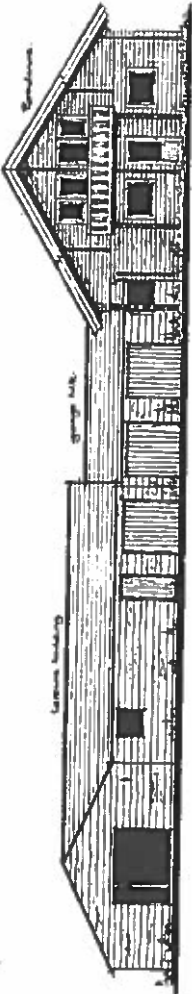
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Scale: ...
Date: ...
City: ...



SIDE ELEVATION



SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION

741/M

Valid 28.10.2015

Proposed two-storey and single-storey extensions and alterations to existing dwelling. Extension to existing terracing.

Grid Ref 397696 226765

Parish Woodmancote

Ward Cleeve Hill

Mr & Mrs C Howes
Bottomley Farmhouse
Gambles Lane
Woodmancote**RECOMMENDATION Permit****Policies and Constraints****NPPF**

Planning Practice Guidance

JCS - Submission Version - Policies SD8, SD10

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8

Cotswolds Area of Outstanding Natural Beauty

Public Right of Way

SSSI Consultation Buffer

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 - Object on the grounds that the dwelling sits within the AONB and commands a high profile position on the hillside - further expansion is therefore considered inappropriate.

Natural England - No objection

Badgers Trust - No objection

Local Residents - One letter of representation has been received from the adjacent neighbour to the east. They have raised no formal objection to the current proposal but have requested that no further development be permitted on the site (aside from the current scheme) and that the previous extant permission concerning change of use of the land should be reversed.

Planning Officers Comments: Miss Lisa Dixon

1.0 Application Site

1.1 The application relates to Upper Bottomley Farm, a substantial detached, natural stone dwelling, sited within a generous plot. The plot also comprises a number of ancillary stone outbuildings, including a holiday cottage, domestic garage and barn. The dwelling has an existing, large, single-storey, lean-to extension to its southern elevation, although this is proposed for removal as part of the current scheme.

1.2 The site lies on the southern side of Gambles Lane, to the south-eastern outskirts of the settlement of Woodmancote **see attached plans**.

1.3 An extensive area of adjoining agricultural land to the south and west also falls within the applicant's ownership.

1.4 The site lies within the Cotswolds Area of Outstanding Natural Beauty and commands an elevated position within the rural landscape. Gambles Lane directly adjoins the site to the north and a public right of way adjoins the eastern boundary along its entire length.

2.0 Planning History

2.1 The demolition of the existing dwelling and erection of replacement dwelling and new garage block was granted planning permission in August 1994 under planning reference: 94/2147/0792/FUL.

2.2 Planning permission was granted in April 2014 for the re-alignment of the residential curtilage, comprising the exchange of agricultural land for domestic land and vice versa (all within the applicant's ownership), under planning reference: 14/00104/FUL. The extent of exchanged land would effectively amount to a net gain of agricultural land of some 114 square metres and was considered to present a more practical, unified domestic plot. To date, the permission has not been implemented but the permission remains extant and it is the applicant's intention to implement in the future. The original application also contained proposals for substantial extensions to the existing dwellinghouse. However, this element of the proposal was withdrawn prior to determination following officer concerns in respect of size, scale and detailed design.

2.3 An application for the demolition of the existing dwelling and erection of a replacement dwelling along with re-positioned vehicular access, garaging and landscaping was submitted in January 2015 and subsequently withdrawn on 14.04.2015.

3.0 Current Application

3.1 The current application seeks to remove the existing lean-to garden room and erect a two-storey extension on the south-western elevation, along the face of the building. The existing lean-to garden room measures 3.8m by 8.7m and the proposed two-storey extension would measure some 5.65m in width and 12.6m in length.

3.2 The scheme also proposes replacement of the existing porch to the north-eastern facing corner, with a new stone porch and replacement of the roof of the existing lean-to kitchen and replacement with a new flat roof, hidden behind a stone parapet **see attached floor and elevation plans.**

3.3 The extensions are proposed to be built of natural coursed rubble stone, with tumbled stone quoins, ashlar stone dressings and mullioned stone surrounds. Reconstituted stone roofing tiles are proposed and painted hardwood windows and doors to match the existing property.

3.4 The extensions would also allow for internal re-configuration of the property and an open-plan, kitchen/diner and family room to be created at ground floor level. At first floor level, a new master bedroom suite is proposed, together with a new en-suite to an existing bedroom.

3.5 The current proposal also incorporates re-modelling of the terracing surrounding the new extension, with land levels to be increased by approximately 680mm and retaining walls to match those existing within the site.

3.6 The residential curtilage is proposed for re-alignment in accordance with the approved details of the extant permission (planning reference: 14/00104/FUL).

3.7 A Landscape and Visual Impact Assessment and Ecology report have been submitted in respect of the proposal.

4.0 Policy Context

4.1 The NPPF attaches great weight to the protection of the landscape and scenic beauty of Areas of Outstanding Natural Beauty and also emphasises the importance of wildlife and cultural heritage conservation within such areas (para.115.)

4.2 Policy SD8 of the Joint Core Strategy (Submission Version November 2014) (JCS) echoes this requirement for development to conserve, and, where appropriate, enhance the landscape, scenic beauty, wildlife and cultural heritage of the Cotswolds AONB.

4.3 Paragraph 118 of the NPPF seeks to conserve and enhance biodiversity and this requirement, together with the requirement to ensure that European Protected Species and National Protected Species are safeguarded in accordance with the law is reflected within Policy SD10 of the JCS Submission Version.

4.4 Policy HOU8 of the Tewkesbury Local Plan sets out that extensions to existing dwellings will be permitted provided that the proposal respects the character, scale and proportion of the existing, or where appropriate, the original dwelling, reflects or complements the design and materials of the existing dwelling, does not result in unacceptable impact upon neighbour amenity and respects the character and appearance of surrounding development.

4.5 The above local plan policy in respect of promoting sustainable development and appropriate design is considered consistent with the NPPF and are therefore considered to have significant weight. Similarly the JCS (Submission Version November 2014), policy detailed above, is considered consistent with the NPPF and would therefore, carry some weight.

5.0 Analysis

5.1 The main planning issues to be considered in this application are; the impact of the proposed extensions upon the character of the existing property, its impact upon local residential amenity and upon the character of the AONB.

Design/visual amenity and impact upon the AONB

5.2 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.

5.3 The site lies within the Cotswold AONB and the existing dwelling is readily visible from the adjoining highway and can also be glimpsed from the public right of way which runs parallel with the eastern boundary. The Parish Council has raised objections to the proposed further expansion of the dwelling on the grounds that the previous stone cottage on the site was demolished to make way for the present 1980's dwelling which commands a high profile position on the hillside, within the AONB.

5.4 The application has been supported by a Landscape and Visual Impact Assessment (LVIA) which concluded that the proposal have a 'neutral' effect on landscape resources and also a neutral effect upon visual amenity regarding views from Gambles Lane and views from the public rights of way to the south and west. The LVIA further concluded that the extended areas of the building would not be visually prominent from Gambles Lane and that the general footprint would remain little changed when considered in the overall scale of the landscape. As such, the proposals would be barely perceivable at the general distances viewed by walkers using the nearby public rights of way.

5.5 The proposed two-storey extension would have a footprint of some 71.19 square metres. However, as part of the proposal, the existing garden room with a footprint of 33 square metres, would be removed. Furthermore, it is considered that the existing garden room is of little architectural merit and does little to enhance the character of the property.

5.6 The two-storey extension would be sited, in place of the garden room, on the south-western elevation. This elevation is angled away from Gambles Lane and is inward facing, within the proposed re-aligned curtilage of the garden. The proposal would also be sited some 23.4 metres from the PROW to the eastern boundary of the site, at its closest point. As such, given the siting and orientation of the extension, it is considered that only oblique views would be glimpsed from public vantage points, and would be largely obscured by the main building.

5.7 As such, it is considered that the proposal would not result in discernible harm to the special landscape setting of the Cotswolds AONB, in accordance with Section 11 of the NPPF and Policy SD8 of the JCS Submission Version.

5.8 Furthermore, the positioning and design of the proposed extensions is considered to be appropriate and in keeping with the character of the existing dwellinghouse and would incorporate high quality materials such as natural stone and painted hardwood. The new two-storey element would also replace the existing unsympathetic, lean-to garden room.

5.9 It is considered therefore, that the detailed design and positioning of the extension would be appropriate to the character and design of the main property. Whilst it is acknowledged that the two-storey extension represents a sizable addition, it is considered that its proportions and scale would not be inappropriate to the scale and design of the existing property and is therefore, acceptable in this regard. Furthermore, it should be noted that the current proposal represents a modified and greatly reduced proposal to that originally proposed and subsequently withdrawn upon officer advice, under planning reference: 14/01229/FUL. The additional proposed elements of the replacement roof to the existing kitchen and porch addition are considered to be low-key and appropriate in design, materials and siting and therefore, the current proposal is considered to accord with the provisions of the NPPF and Policy HOU8 of the Local Plan with regards to the impact upon the existing building.

Residential Amenity

5.10 The closest residential property to the site is 'Markhuset', which lies directly to the east, on the other side of the PROW. A letter of representation has been received by the owners of the property. Whilst they do not wish to formally object to the current proposal, they have requested the imposition of appropriate planning to preclude further development on the site and to reverse the change of use of the land permitted under extant planning permission reference: 14/01229/FUL, should be reversed. Any future planning applications will be considered on their merits and it is not considered reasonable to reverse the previous decision which was considered on its own merits at the time. This application is considered on its own merits, having regard to relevant considerations, including the planning history of the site.

5.11 As mentioned above, the propose two-storey extension would be sited a distance of 23.4 metres from the eastern boundary, at its closest point and would be some 45 metres from Markhuset dwelling itself. The site lies at a lower level than Markhuset and the existing dwelling of Upper Bottomley Farm is orientated in relation to Markhuset, such that, only an oblique view of the extension would be glimpsed from the adjoining property.

5.12 Given the distance of the proposal from the neighbouring property, the distance in levels, existing established tree screening to the shared boundary and the relative orientation of the two properties, it is considered that there would be no undue impact upon residential amenity by reason of overlooking, loss of privacy or overbearing. The application is therefore, considered to accord with Policy HOU8 of the Local Plan in this regard.

Ecology

5.13 The application has also been supported by an updated Ecological Appraisal. The report notes the identified presence of bats within the existing roof void of the dwellinghouse. Given that the current proposal may result in disturbance to the existing roof void, thereby affecting the identified bat roosts, the submitted Ecological Report proposes various mitigation measures, in addition to noting the requirement for a licence to be obtained from Natural England.

5.14 The ecological report also identified the presence of an active badgers' sett within the site and the Badgers Trust was consulted in this regard. The Trust raised no objection to the current proposal in view of the substantial distance of the sett from the dwellinghouse. However, the Trust has recommended that best practice methods be adhered to during construction works, in accordance with established Natural England guidance.

5.15 The proposed mitigation measures set out within the report include the provision of a new bat loft within the restored 'Shepherd's Cottage' building to the front of the site and the provision of bat boxes to the mature trees within the garden of the site. Natural England has been consulted in respect of the proposal and has raised no objection. Subject to the imposition of appropriate planning conditions requiring the mitigation measures to be carried out in accordance with the ecological report, it is considered that the proposal accords with the NPPF and Policy SD10 of the JSC Submission Version in this regard.

6.0 Conclusion

6.1 The proposed extensions are considered to be appropriate in scale, design, materials and siting and would result in no discernible harm to the character of the existing property of the special landscape character of the Cotswolds AONB. Furthermore, the proposal would result in no discernible harm to the residential amenity of adjoining neighbours. Subject to appropriate planning conditions, it is also considered that the proposal would conserve the biodiversity of protected species within the site. The application is therefore, considered to accord with the NPPF, Policy SD8 and SD10 of the JCS Submission Version and Policy HOU8 of the Local Plan. The application is therefore **recommended for permission**.

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 external materials of the proposed extensions (walling and roofing) shall match as closely as possible, the external materials of the existing property.

- 3 The hereby permitted works shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a licence issued by Natural England pursuant to The Conservation of Habitats and Species Regulations 2010 (as amended), authorising the specified activity/development to go ahead; or
 - b) a statement in writing from a suitably experienced ecological consultant confirming that specified activity/development will require a licence.

- 4 No development shall take place including any demolition, ground works, site clearance until a protected species (bats) method statement for works has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include, as a minimum the:
 - a) purpose and objectives for the proposed works;
 - b) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - c) measures to avoid killing and injuring bats during works
 - d) use of materials (such as timber, roofing membranes),
 - e) persons responsible for implementing the works;
 - f) positioning, size, type & location of bat roosting provision
 - g) positioning and size of entrances of bat mitigation;
 - h) initial aftercare and long-term maintenance (where relevant);
 The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner 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 external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 3 To ensure that plant and animal species which come within the terms of The Conservation of Habitats and Species Regulations 2010 (as amended) are effectively protected in accordance with the NPPF.
- 4 To ensure that plant and animal species which come within the terms of The Conservation of Habitats and Species Regulations 2010 (as amended) are effectively protected in accordance with the NPPF.

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 above decision relates to the proposed two-storey and single-storey extensions and alterations to the existing dwelling and extension to existing terracing only. As such, the decision should be read in conjunction with the extant permission reference: 14/00104/FUL concerning change of use of garden land to agricultural land and vice versa, permitted by the Local Planning Authority on 28.04.2014. This decision does not supersede the extant permission and as such, the conditions pertaining to 14/00104/FUL will require formal approval and discharge by the Local Planning Authority, prior to implementation.

15/01175/FUL - SITE PLAN
 SHOWING RE-ALIGNED
 CURTILAGE PERMITTED
 UNDER REF: 14/00104/FUL

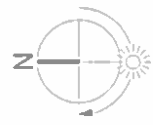


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746/A

General Notes:
 1 To be read in conjunction with other consultants drawings.
 2 Check site conditions prior to commencement of work.
 3 Any discrepancies to be reported directly to the Architect.
 4 Do not scale off drawing (Except for Planning purposes only). Use figured dimensions only.
 5 WARNING: This drawing is issued in colour
 IF IN DOUBT ASK.

KEY:
 — Land in same ownership
 — Planning Application Area/
 Domestic Curtilage; as
 approved by Planning
 Application No. 14/00104/FUL



B	03/12/14	Planning Application	115
A	22/01/14	Planning Application	115
Rev	Date	Notes	Drawn
Scale	1:1250 @ A3	0	25m
QA Serial Number	0	100	150m

19136

YANGOU
 YANGOU ARCHITECTS LLP
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 www.yangou.com

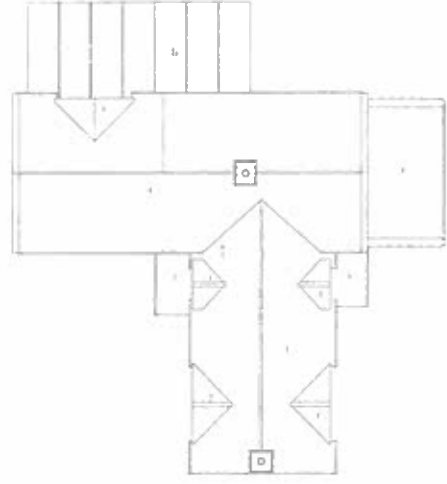
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Project Address	Upper Bottomley Farm, Church Lane, Woodchester, Cheltenham Gloucestershire GL52 6PU
Project Description	Alterations and Extension
Drawing Title	OS Site Plan
Drawing No	1481 - 001
Rev	B

15/01/17S / Full - Existing
 FLOOR / ROOF PLANS

- General Notes:**
1. This drawing is to be read in conjunction with other drawings.
 2. Check site conditions prior to commencement of work.
 3. Discrepancies must be reported directly to the Architect.
 4. Do not state all drawings, use figures dimensions only.
 5. All dimensions are in millimetres unless stated otherwise.



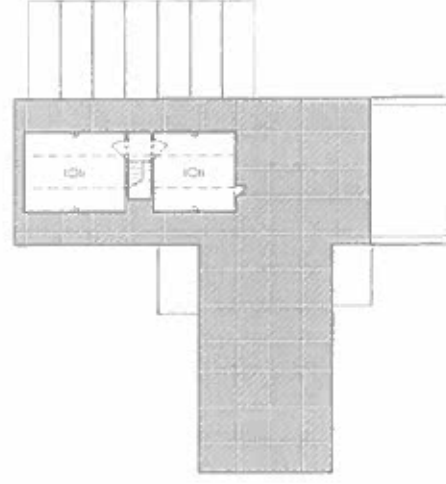
1st Floor Plan



Roof Plan



Ground Floor Plan

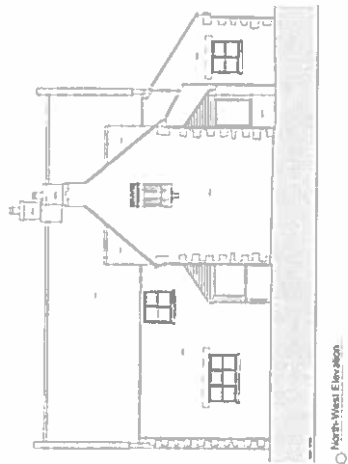


Attic Floor Plan

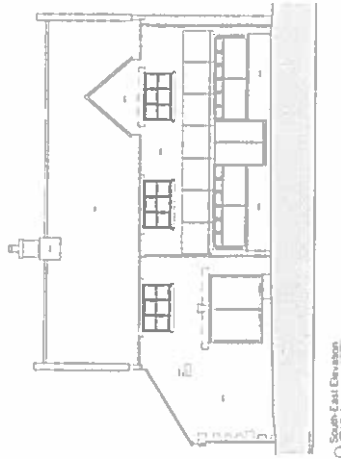
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Drawing No.	15/01/17S - 01				
Drawing Title	Full - Existing Floor Plans				

746/B

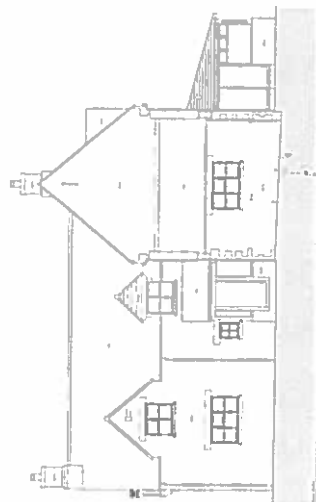
IS/OUFS/FUL · EXISTING
ELEVATIONS



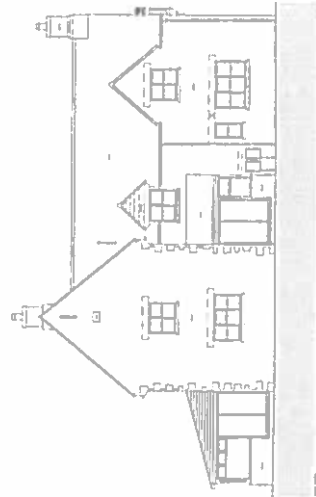
○ North-West Elevation



○ South-East Elevation



○ South-West Elevation



○ North-East Elevation

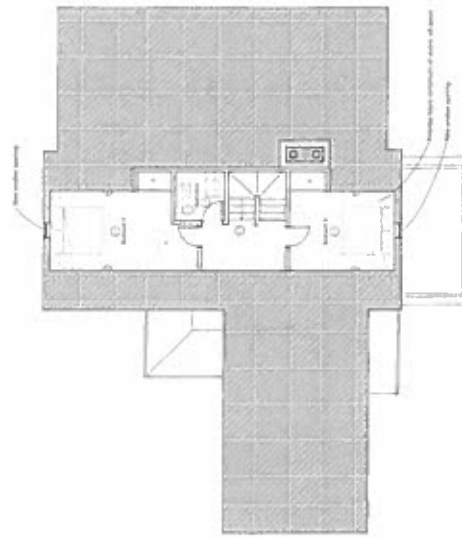
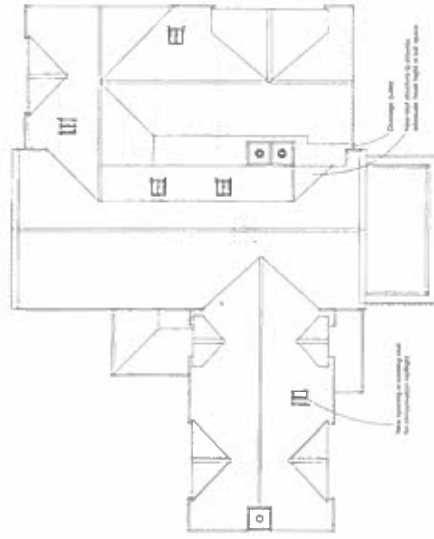
General Notes:

- 1 This drawing is to be read in conjunction with other drawings in this set.
- 2 Check site conditions prior to commencement of work.
- 3 Discrepancies must be reported directly to the Architect.
- 4 Do not issue of drawings, use figures dimensions vary from standards provided.
- 5 All work to be completed in colour, and stay to a high standard finish.

Project Name	21/11/16	Project Approval	1/2
Client Name	1/15/2016	Scale	1:150 @ A1
Project Description	1/15/2016	Scale	1:150 @ A1
Client Name	1/15/2016	Scale	1:150 @ A1
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Client Name	1/15/2016	Scale	1:150 @ A1
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Project Description	1/15/2016	Scale	1:150 @ A1
Client Name	1/15/2016	Scale	1:150 @ A1
Project Description	1/15/2016	Scale	1:150 @ A1

746/c

15/01/17S / FULL - PROPOSED
FLOOR / ROOF PLANS



746/0

General Note:

1. This drawing is to be read in conjunction with other drawings.
2. Check all dimensions prior to commencement of work.
3. Dimensions must be reported directly to the Architect.
4. Do not scale off drawing. Use figured dimensions only.
5. All work to be carried out in total, and may be a non-sequential process.

KEY:

- Existing Walls
- Proposed Walls
- Obstructions



15/01/17S	Property, North West	1:10
22/01/17	Planning Application	1:10
15/01/17	Drawn	1:10
15/01/17	Checked	1:10
15/01/17	Approved	1:10
Client: [Name] Project: [Name] Drawing No: 15/01/17S - 01		
YIANGOU ARCHITECTS LLP 15/01/17S - 01		

15/01234/FUL

Brawn Farm, Rodway Lane, Sandhurst

7

Valid 27.11.2015

Replace dilapidated and damaged timber boundary fence with brick wall to include new screen for oil tank.

Grid Ref 382719 224300

Parish Sandhurst

Ward Coombe Hill

Mr & Mrs Mark Williams

Brawn Farm

Rodway Lane

Sandhurst

RECOMMENDATION Permit

Policies and Constraints

NPPF

PPG

JCS (Submission Version)

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8

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

The First Protocol, Article 1 (Protection of Property)

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

Consultations and Representations

Parish Council - no objections

Local residents - none

Conservation Officer - no objections.

The application is going before the planning committee as the applicant is Councillor Mark Williams.

Planning Officers Comments: Mrs Sarah Barnes

1.0 Application Site

1.1 This application relates to Brawn Farm, a Grade II Listed farmhouse located along Rodway Lane in Sandhurst (site location plan attached).

2.0 Planning History

2.1 There is no recent or relevant planning history.

3.0 Current Application

3.1 The proposal is for a new brick boundary wall to replace the existing dilapidated timber boundary fence (plans attached). The proposed brick wall would not be attached to the Listed Farm House so Listed Building Consent is not required.

4.0 Policy Context

4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF, (paragraph 131) requires local planning authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets.

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

5.0 Analysis

Size and Design

5.1 The proposal is for a new brick boundary wall to replace the existing dilapidated timber fencing. The majority of the wall would be 1.78 metres in height with a small section being 0.86 metre (**see attached plans**). It is considered that the new wall would be in-keeping with the size and design of other nearby brick walls along this road and within the farm complex. A condition is recommended requiring a sample of the brick to be approved before the commencement of works.

Listed Building

5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and NPPF, (paragraph 131) requires local planning authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets.

5.3 The Conservation Officer has been consulted and considers that the introduction of a run of walling along the south side of the lane would not be out of keeping in this location. The setting of the Listed Building would also not be adversely affected by the proposal. It is therefore considered that the proposal would comply with the NPPF in this regard.

6.0 Conclusion

6.1 Overall it is considered that the proposal would be of a suitable size and design and there would not be a harmful impact on the setting of this Listed Building. Having regard to Section 66 of the Listed Buildings Act, the proposal would therefore accord with Government guidance as laid out in the N.P.P.F and permission is therefore recommended.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Building operations shall not be commenced until samples of the brick 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 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.

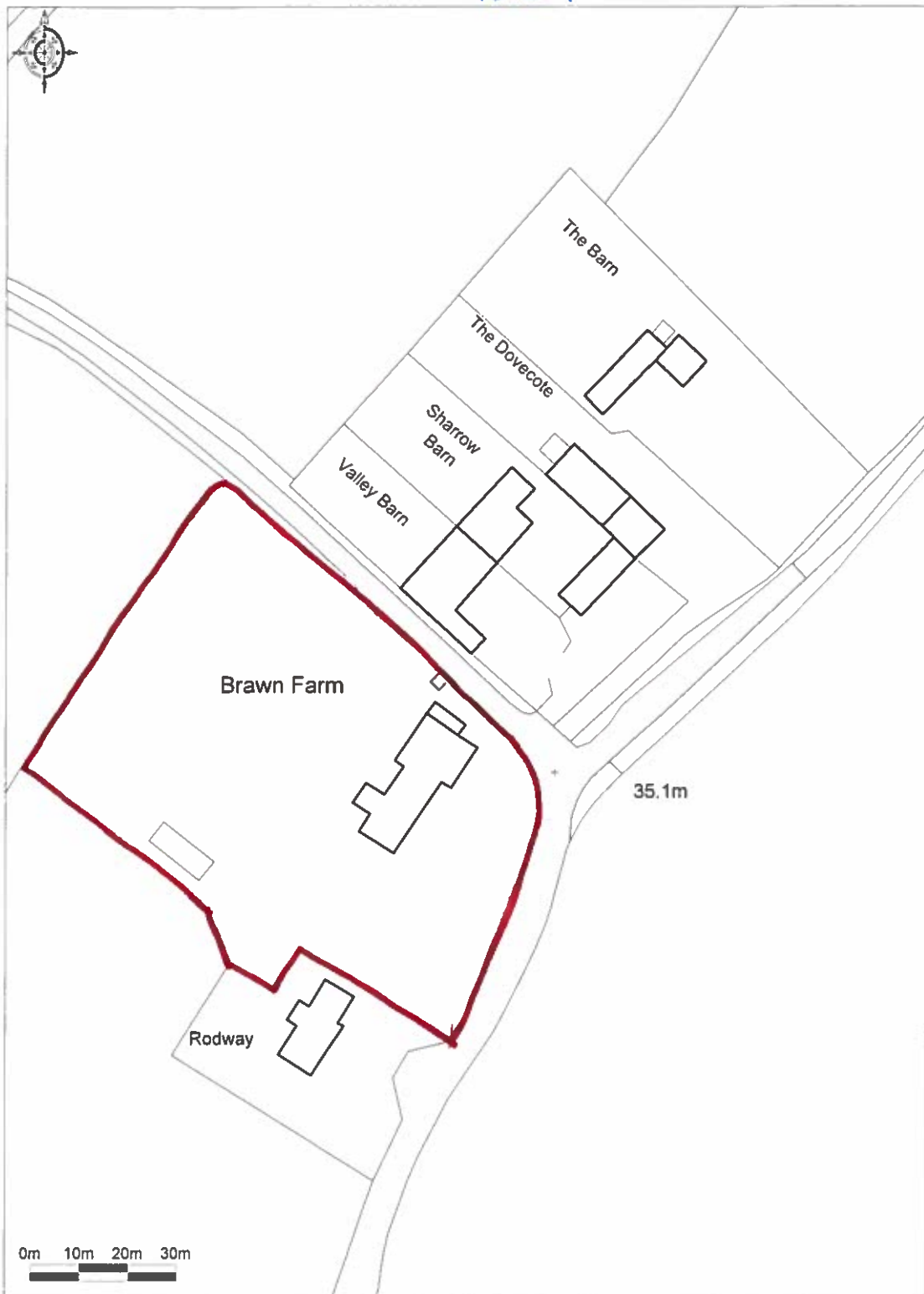
Notes:

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 Conditions attached to this planning permission require written approval of details. A fee is payable where written approval is required by condition. Current fees at the time of this decision are £97 per request for written approval (or £28 where the related permission was for extending or altering a dwelling or other development in the curtilage of a dwelling). The fee is payable per request and not per condition.
Fees are subject to change and you are advised to check the fee information on our website prior to submitting a request for written approval.

15/01234/fal
site plan

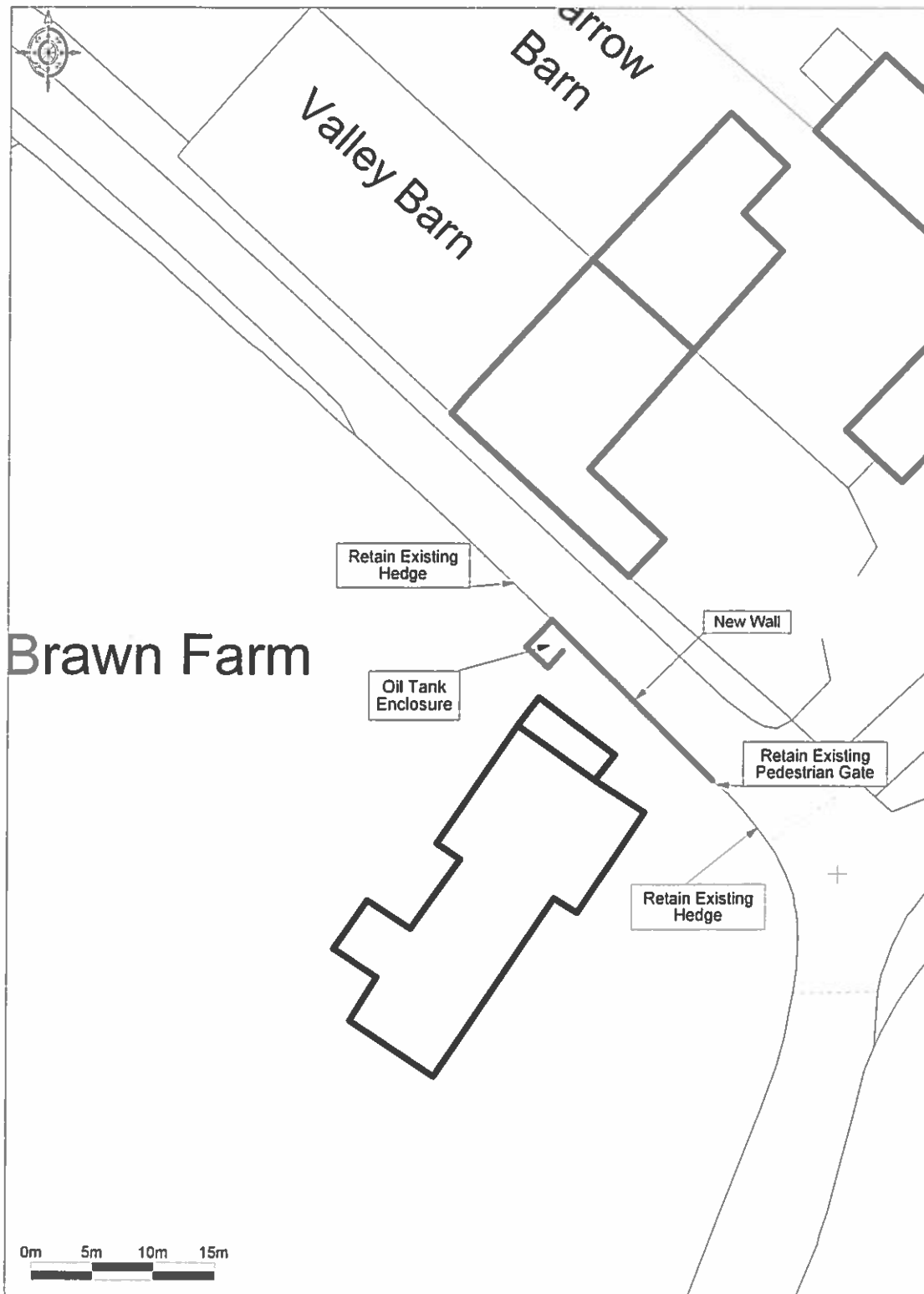


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Block plan



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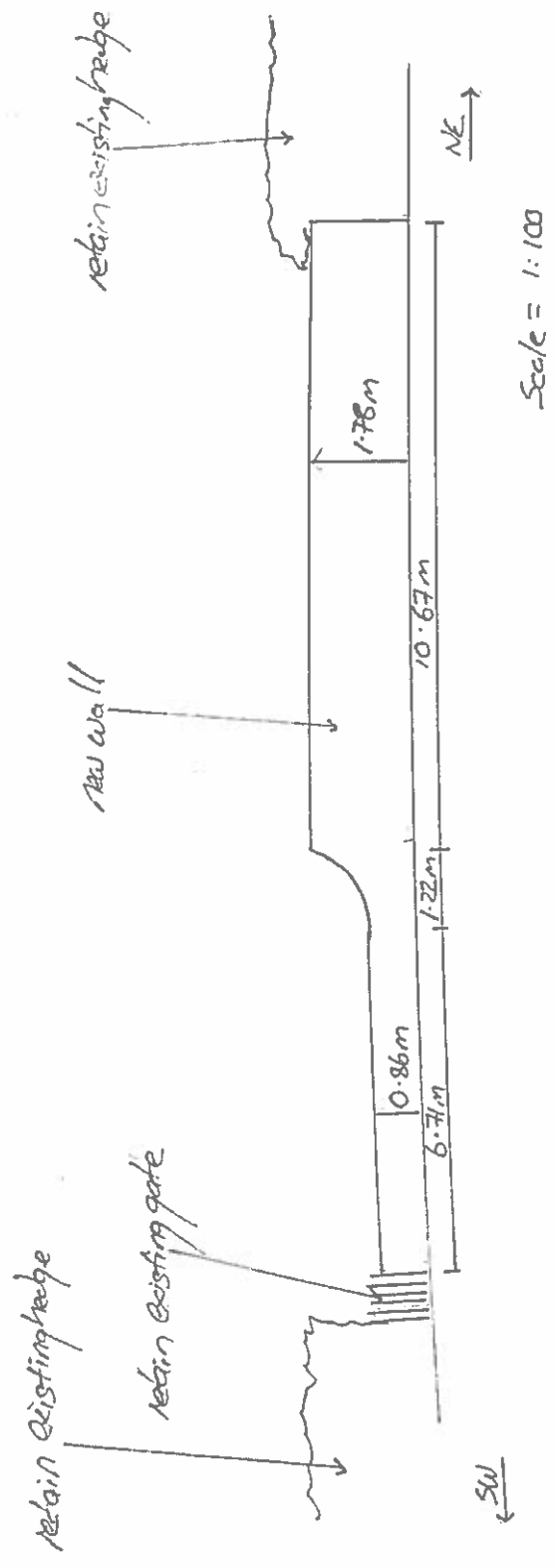
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PAN 1

NEW GARDEN WALL - BRAUN FARM SANDHURST

748/C



Valid 17.10.2015

Change of use of holiday touring caravan and camping site to gypsy and traveller site for 20 static caravan pitches and 9 touring caravans pitches, amenity space, landscaping and utility building, following demolition of existing buildings.

Grid Ref 390123 221685

Parish Badgeworth

Ward Badgeworth

SM Client Nominees Limited
C/o Agent

RECOMMENDATION Refuse**Policies and Constraints**

National Planning Policy Framework (NPPF)

Planning Policy for Traveller Sites - August 2015 (PPTS)

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 HOU4, LND4, TPT1, NCN5, EVT3 and EVT9

Parish Council Ashchurch Rural

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

The First Protocol, Article 1 (Protection of Property)

Equality Act 2010 - Public Sector Equality Duty

Green Belt

Consultations and Representations

Parish Council - Object to the application for the following reasons:

- It is important to stress that the work undertaken for the borough Council with the assistance of external planning consultants DLP Planning, is intended to assist, amongst other matters, with the determination of potential site allocation for gypsy and traveller families and to meet the requirements of the Joint Core Strategy (JCS) and emerging Local Plan. The Parish wish to stress that the Willows site is still only a potential site and is not listed or included within any strategic or local site within the JCS or draft Local Plan. The Parish Council understands that The Willows is one of only two potential sites identified within the Green Belt area.
- The Parish therefore consider that the application is premature.
- The Planning Policy for Traveller Sites (PPTS) issued by the Government in August 2015 states in paragraph 17 'If a planning authority wishes to make an exceptional limited alteration to the defined Green Belt boundary to meet a specific, identified need for a traveller site, it should do so only through the plan making process and not in response to a planning application.
- The DLP Planning consultants advised the Borough Council that gypsy and traveller sites within the Green Belt area would constitute inappropriate development. It proposed that 'the Council should consider undertaking further work on the potential provision within the strategic sites within the Green Belt in the JCS/Local Plan to meet the needs over the whole plan period to 2031'.
- The Planning Policy for Traveller Sites (PPTS) makes clear that Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. Parish do not consider the applicant has demonstrated sufficiently that very special circumstance exist which would support approval.
- The development site will be a car dependent one, with those local residents who wish to walk having to do so along a road which is not street-lit and has no pedestrian footway provision. The Bamfurlong area does not benefit from adequate services and facilities and therefore the site is not in a suitable and sustainable location.
- The present population within the Bamfurlong area is approximately 90 plus. Approval to The Willows application could immediately double the population within this area (using the average family size - 2 adults and 1.7 children). The concentration of approximately half the community on one site would not be conducive to successful community integration or cohesion. PPTS states in paragraph 25 that 'local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure'.

- Parish wish to point out that a significant number of the local community in Bamfurlong who have made representations objecting to this application. The principal concerns expressed by local residents cover the use of the Green Belt, increased traffic flow, the lack of local services, concerns about the sewage and water capacities, and problems with the confined access to and from the development site for large vehicles.
- The Parish Council requests that the Planning Committee REFUSE this application. It conflicts, as mentioned above, with many of the planning policies laid down in the NPPF and the national planning policy covering Traveller Sites. The development site is not sustainable (there are no local services) and is of a size which will double the population of Bamfurlong and dominate the local and settled community.

County Highways - No objection.

Environmental Health - No objection.

Severn Trent Water Ltd - No objection.

Local Residents - 31 letters of objection have been received from local residents objecting to the proposal for the following reasons:

- The site is located in the Green Belt and is therefore inappropriate development. The provision of traveller's sites would not be classed as an exceptionally special circumstance when there are more than adequate brownfield sites they could choose.
- This area is defined in the DLP Gypsy, Traveller And Travelling Showpeople Site Search Study as making a significant contribution to the Green Belt.
- The proposal offers no benefit to rural tourism, no benefits to the rural economy and no employment that a touring caravan site could certainly bring all year round.
- A permanent traveller site is inappropriate in a rural area and in such a low populated area and close knit community.
- The proposal would be likely to have a detrimental impact on the existing businesses in the area including the Dundry Garden Centre.
- The increased number of residents would put additional pressure on existing services and facilities (e.g. schools and doctors) which would be unable to cope.
- There are existing issues with water pressure and sewerage system in the area which would be made worse by the proposed addition of 29 caravans.
- There is no ecological assessment.
- Contrary to the application form, trees would be removed from the site. Inadequate assessment of hedges.
- The size of the site is contrary to the Good Practice Guidance and the DLP Gypsy, Traveller And Travelling Showpeople Site Search Study which states that private sites above 15 pitches are not recommended for private pitches..
- Traffic is an issue in the lane. Currently the lane is a 50mph road and access on and off the site will exacerbate what is already a busy and fast lane.
- There are no pavements or street lighting to and from the site and this will make it dangerous for any children occupying the site.
- The lane flooded very badly in 2007 due to surface water not draining fast enough and poorly maintained ditches. The current proposal would exacerbate existing flood problems by increasing hardstanding and buildings which could increase risk of flooding again in the future.

A large proportion of the objections raise concerns that relate to the previous occupiers of the site which are not considered to be material to the consideration of the current application.

A petition has been received with 45 signatories objecting to the proposal for the following reasons:

- Site is in the Green Belt.
- Existing infrastructure unable to cope with the additional demand.
- Narrow busy roadway without pavements and street lighting.
- Site entrance too narrow for large commercial vehicles, e.g. showman's vehicles with impeding Bamfurlong Lane traffic flow.
- Existing services and facilities are unable to cope with the additional demand.
- Health and safety concerns.
- Inspection of industrial uses, disposal and enforcement.
- Significant increase in population, greater than the existing population.
- Sites should not dominate nearest settled community. Existing population is approximately 94. The proposal would potentially add 200.
- Using Green Belt land should be done through the planning process and not in response to planning applications.

Lawrence Robertson MP - Objects to the application for the following reasons:

- Proposal comprises inappropriate development in the Green Belt and is contrary to Government Guidance.
- There is no clear evidence as yet proven need for additional sites. The Borough has more traveller sites than any other authority in the County.
- Concerns about close proximity to settled community with elderly residents.
- The lack of a 5 year supply does not outweigh the protection of the Green Belt.
- There is a known shortage of tourist caravan and camping sites in the area which does contribute to the local economy. Urge the Council to retain the site for this use.
- Overall this site would be an inappropriate development in the Green Belt, contrary to guidance and as the JCS has yet to test Traveller needs a premature application, and as such I believe this should be refused.

Planning Officers Comments: Mr John Hinett

1.0 Introduction

1.1 The application site comprises the former touring caravan site referred to as 'Beggars Roost'. The site contains a former two storey recreation club house building and some single storey out buildings at the northern end close to the entrance. The remainder of the site comprises a mix of grassed areas and tarmac service roads which reflect the site former use as a touring caravan site (see existing layout plan).

1.2 Access to the site is existing and directly off Bamfurlong Lane which runs along the northern boundary of the site. The residential property 'Rosedale House' which is run as a cattery business, occupies the immediate northern boundary of the site. The eastern and western boundaries of the site abut open agricultural fields and have well established hedges to the boundaries. The southern boundary is occupied 'Rosedale Nurseries'. The Valley Park' residential mobile home site is located approximately 50m to the east of the application site with other dwellings in various locations to the south and north east of the site (see location plan).

1.3 The site is located wholly within the Green Belt. Public rights of way (PROWs) run along the western and northern boundaries of the site.

2.0 History/ background

History

2.1 Planning permission T.5174/c for the use of part of the site as a Holiday Caravan and Camping Site was permitted in January 1980. Condition (h) restricted the use of the land to between the 1st April and 30th September each year and the number of caravans to 25.

2.2 Planning permission T.5174/C/1 removed the restriction to 25 caravans.

2.3 Planning applications T.5174/D and T.5174/F granted permission for a utility block and conversion of an agricultural building to a recreational building..

2.4 Planning application 89T/5174/01/02 for alterations and extensions to the existing recreation building to a 5 bed guest house was refused in 1989. A subsequent appeal was dismissed.

2.5 Planning application 90T/5174/01/02 for the change of use and extension to existing building to provide a dwelling was refused in April 2004. A subsequent appeal was dismissed.

2.6 Planning application 91T/5174/01/11 varied the holiday restriction of T.5174/C so that the site should not be used as a touring caravan site at any time during the calendar months of December and January.

2.7 Certificate of Lawfulness 96/5174/565/CLE seeking to demonstrate to demonstrate that the building had been used as a dwelling for 4 years (and therefore had become lawful) was refused in July 1996.

2.8 Certificate of Lawfulness 00/5174/0240/CLE seeking to demonstrate to demonstrate that the site had been used as a caravan and camping site throughout the year without complying with the seasonal occupation condition (h) of planning permission 91T/5174/01/11 was refused in February 2000 for the reason that the 10 years had not elapsed.

2.9 Planning application 00/5174/1014/FUL for (A) Retention of holiday touring caravan and camping site incorporating revised layout of hardstandings and landscaping, layout of access and customer car parking. (B) Continued use of caravan site on a year round basis was permitted in November 2000.

Background

2.10 In recent years the site was occupied and used as a Gypsy site and was tolerated as such on the basis that it could be occupied on a year round basis and that there were no planning condition/s restricting the use for holiday purposes only.

2.11 Currently the site is vacant.

3.0 Current Application

3.1 The current application proposes the change of use of the holiday touring caravan and camping site to a gypsy and traveller site for 20 static caravan pitches and 9 touring caravans pitches, amenity space, landscaping and utility building. The application also proposes the demolition of existing buildings including the recreation building.

3.2 The submitted layout plan shows the majority of the site given over to the 20 static caravan pitches served off a central service road. The touring caravan element would be located at the southern end of the site adjacent to the proposed play area. The proposed washroom/ dayroom would comprise a single storey pitched roof building at the southern end of the static caravan pitches (**see proposed plans attached**). The applicant has confirmed that the proposed touring caravan element would be used as a Transit Site - which is distinct from a 'standard' gypsy site. The whole site would be privately owned and run. The agent has also confirmed that the existing recreation building and shower block are connected to the mains sewers and that the foul water from the proposed use would re-use this connection.

3.3 The application is made on the basis that the Council has a current shortfall of pitches and cannot demonstrate a five year supply of sites, and not on the basis of the specific need of any persons/ families.

4.0 Planning Policy Context

4.1 Tewkesbury Borough Local Plan to 2011 - March 2006

4.1.1 Policy HOU4 seeks to restrict residential development in the open countryside except where it is essential for the efficient operation of agriculture or forestry, involves the acceptable conversion of existing buildings, or is for affordable housing in line with the Council's 'exceptions' policy. In relation to conventional housing this policy is considered out-of-date. However, although the Council cannot identify a 5 year supply of deliverable gypsy sites, the technical amendment to the NPPF (July 2015) makes clear that the absence of such a supply is not relevant to the application of paragraph 49 of the NPPF.

4.1.2 Policy GRB1 provides that in the Green Belt, planning permission will not be granted for development other than, inter alia, the construction of new buildings where those buildings are necessary for the efficient use of agriculture or forestry. This Policy is consistent with the NPPF, albeit the Framework makes clear that development can be permissible where very special circumstances are demonstrated which clearly outweigh the Green Belt harm.

4.1.3 Local Plan Policy LND4 recognises that the countryside of the Borough is worthy of protection for its own sake and provides that in considering proposals for development in rural areas, regard will be given to the need to protect the character and appearance of the rural landscape. This policy is considered to be consistent with the NPPF in that it aims to protect the rural landscape. This policy should therefore be afforded significant weight.

4.1.4 Policy TPT1 of the Local Plan highlights that development will only 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 policy is considered to be consistent with the NPPF in that it seeks to prevent new isolated residential uses in remote locations. This policy should therefore be afforded significant weight.

4.2 The NPPF and Planning Policy for Traveller Sites (PPTS) - August 2015

NPPF

4.2.1 The National Planning Policy Framework (NPPF) came into force on the 27th March 2012 and largely carries forward previous planning policies and protection, in a significantly more streamlined and accessible form. It introduces a presumption in favour of sustainable development, of which there are three dimensions: economic, social and environmental.

4.2.2 One of the 'Core Planning Principles' of the NPPF is recognising the "intrinsic character and beauty of the countryside". Section 11 seeks to conserve and enhance the natural and local environment by protecting and enhancing valued landscapes.

4.2.3 Section 9 sets out that the Government attaches great importance to Green Belts. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 88). Paragraph 89 defines what constitutes appropriate development which with regard to the erection of new buildings can include, inter alia, limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

4.2.4 Paragraph 55 sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

4.2.5 With regard to highways safety paragraph 32 of the NPPF states that decisions should take account of whether:

- the 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;
- safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

PPTS

4.2.6 Current national policy on planning for traveller sites is contained in Planning Policy for Traveller Sites (August 2015)

4.2.7 The PPTS states that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community. For the purposes of planning policy the PPTS defines "gypsies and travellers" as: *"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such"*.

This differs from the previous definition in that persons who have permanently ceased to travel for educational or health needs or old age no longer meet the definition of gypsy or traveller.

4.2.8 Policy E: Traveller sites in Green Belt (paragraph 16) states that:

Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances".

4.2.9 Paragraph 17 states that Green Belt boundaries should be altered only in exceptional circumstances and should only be done through the plan making process and not in response to a planning application.

4.2.10 Paragraph 23 also highlights that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF, including landscape protection and highway safety considerations.

4.2.11 Paragraph 24 of the PPTS explains that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- other personal circumstances of the applicant
- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- that they should determine applications for sites from any travellers and not just those with local connections.

4.2.12 Paragraph 25 of the PPTS states that local planning authorities should very strictly limit new traveller sites in open countryside that are away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

4.2.13 Paragraph 26 provides that when considering applications, local planning authorities should attach weight to the following matters:

- effective use of previously developed (brownfield), untidy or derelict land;
- sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and
- not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

4.2.14 Paragraph 27 of the PPTS sets out that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable traveller sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permissions except where the land is in the Green Belt, protected under the Birds and Habitats Directives and/or designated as a Site of Special Scientific Interest, Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).

4.3 Emerging Joint Core Strategy (JCS)

4.3.1 Paragraph 216 of the NPPF sets out that that 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

4.3.2 In April 2014, the three JCS Councils approved the Pre-Submission version of the JCS for a six week publication period which will run from 30th June to 11th August 2014. This document, inter alia, sets out the preferred strategy to help meet the identified level of need for gypsy and traveller provision. The submission version of the JCS as now been submitted to the Secretary of State and is currently undergoing Examination. The weight to be applied to specific policies will be discussed in the relevant sections of this report.

4.3.3 Policies SD14 and SA1 of the JCS Pre-Submission sets out the overall level of gypsy provision and the approach to this distribution. The JCS Pre-Submission sets out that within the JCS area, there will be a requirement for 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 states that proposals for the strategic allocations will be required to demonstrate how the provision of new gypsy and traveller sites will be incorporated into development proposals for Strategic Allocations.

4.3.4 In addition, policy SD14 states that all proposals for new gypsy and traveller sites will be assessed against the following criteria:

1. There is a proven need for the development and/or the capacity of the site can be justified to meet needs for further gypsy, or extensions to existing sites.
2. Proposals on sites in areas of sensitive landscape will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.
3. The site has safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network.
4. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where other forms of housing would not be suitable.

4.3.5 Consideration of relevant policies within the JCS will be discussed in the appropriate sections below.

4.3.6 The Tewkesbury Borough Plan (2011-2031) will sit beneath the JCS. The draft Site Option and Policies document is currently being consulted upon and as such is at a much earlier stage of development than the JCS and thus can only be given very limited weight at this stage. The Plan requires that Planning applications relating to Gypsies, Travellers and Travelling Showpeople will be determined in accordance with the NPPF, Planning Policy for Traveller Sites and JCS Policies SA and SD14.

4.3.7 Policy GTTS1 Gypsy, Traveller and Travelling Showpeople Sites states that there are a number of existing sites identified on the Proposals map for Gypsies, Travellers and Travelling Showpeople sites. The occupation of these sites shall be restricted to this part of our community. The implementation of high quality landscaping schemes for the sites and highway improvements will be required. No commercial uses will be permitted on Gypsy and Traveller sites.

5.0 Analysis

5.1.1 The main issues are -

- The principle of development/ whether the proposal represents appropriate development in the Green Belt.
- Whether the site is previously developed
- Whether there are very special circumstances
- The effect of the development on openness
- The effect on the character and appearance of the area
- Highway safety
- The suitability of the site's rural location
- Housing policy
- Noise and residential amenity
- Ecology
- Drainage and hydrology
- The unmet need for gypsy and traveller sites
- Whether the proposal would dominate the nearest settled community.
- Article 8 of the Human Rights Act 1998
- The public sector equality duty

5.2 The principle of development/ whether the proposal represents appropriate development in the Green Belt.

5.2.1 As set out in the Policy Section above, Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. The NPPF sets out exceptions to this (paragraph 89), which can include limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) where this would not have a greater impact on the openness of the Green Belt. However, the application proposes the change of use of the land for the purposes of stationing mobile homes - rather than the erection of buildings (aside from the erection of the proposed dayroom building). The proposal is therefore considered to comprise inappropriate development in the Green Belt.

Effect on openness

5.2.2 It would also be the case that the proposal would result in an intensification of the use of the site through a higher density of pitches and caravans and the permanent stationing of static mobile homes (as

opposed to touring caravans) and the erection of fences to subdivide the plots. The accumulation of residential paraphernalia that would be associated with the proposed permanent residential use would add to the impact and it is considered that the proposed use would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, contrary to one of the fundamental aims of Green Belt Policy.

Whether a previously developed site

5.2.3 The PPTS encourages planning authorities at paragraph 26 to attach weight to, amongst other things, the effective use of previously developed (brownfield) when considering applications for Gypsy and Traveller sites.

5.2.4 The definition of Previously Developed Land is set out in the NPPF and makes clear that it applies only to land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

5.2.5 The existing site contains a former recreation club house building and some single storey out-buildings. Areas of the site have also been surfaced to provide service roads and concrete bases for the touring caravans (see existing layout). However, large areas of the site remain undeveloped and grassed and are not considered to be previously developed. Whilst the NPPF sets out that in circumstances like this it should not be assumed that the whole of the site should be redeveloped, taken as whole, some weight in favour of the proposal can be attached to the fact that the site has had a former use, including permanent built development.

Whether there are any Very Special Circumstances which clearly outweigh the harm

5.2.6 The NPPF makes clear (paragraph 87) that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Policy E of the PPTS states that inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances".

5.2.7 The applicant argues that the site is one that has been identified in the Borough Council's Gypsy, Traveller and Travelling Showpeople Site Search Study (July 2015) as a potential site for allocation of up to 20 pitches. The applicant acknowledges that the site has not yet been formally allocated as a gypsy site but considers that the "direction of travel" is such that it will likely be allocated as such through the plan making process. The applicant considers that this forms the basis of the very special circumstances. It is also argued that the existing use of the site for camping and caravanning (approved for all year round use) would have a similar impact on the openness of the Green Belt to the proposed use. This too is considered to contribute to the very special circumstances.

5.2.8 As set out above, Traveller sites (temporary or permanent) in the Green Belt are inappropriate development, and paragraph 17 of the PPTS makes clear that Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the planmaking process and not in response to a planning application. Furthermore, there is no certainty at this time that the site will be allocated as a gypsy site.

5.2.9 With regard to the applicant's second point; it is widely accepted that the lack of harm to the Green Belt does not comprise very special circumstances and the fact that a proposal would have a similar impact on openness could certainly not be considered as clearly outweighing the definitional harm. In any event, it is considered that by virtue of the more intensive use of the site, there would be a materially greater impact on openness than the former use.

5.3 Effect on the character and appearance of the area

5.3.1 Policy LND4 seeks to protect the character and appearance of the rural landscape. The reasoned justification expands stating that the countryside of the Borough is worthy of protection for its own sake and that in order to safeguard the existing environmental quality of the Borough development proposals affecting these rural areas should be designed to harmonise with their character or, if they are unacceptably intrusive, be refused. This reflects one of the 'Core Principles' of the NPPF, which is to recognise the intrinsic character and beauty of the countryside.

5.3.2 No landscape assessment has been submitted with the planning application and no detailed landscape proposal has been outlined other than on the proposed layout plan which indicates that the existing hedges along the boundaries of the site would be retained. An existing strand of trees within the site would be removed and additional planting is proposed at the lower part of the site to separate the play area and transit site.

5.3.3 The existing hedges around boundaries of the site provide effective screening from long distance views, although the hedges along the eastern boundary has gaps in places that allow views into the site. There are two PROWs which run along the western boundary of the site and through the entrance along the northern end of the site. From those closer viewpoints, the site would appear as more intensively developed. However, subject to a condition requiring the retention and enhancement of the existing trees and hedges around the boundaries of the site, the landscape impact of the proposal would not be significantly more harmful than the existing use.

5.4 Highway safety

5.4.1 The NPPF sets out at paragraph 32 that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of, amongst other matters, whether:

- the 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; and
- safe and suitable access to the site can be achieved for all people.

5.4.2 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.

5.4.3 Policy INF1 of the pre-submission JCS states that developers should aim to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals must ensure that:

- the development provides safe vehicular access to the highway network;
- any increased level of car use derived from the development does not result in severe increases in congestion on the network. Severe increase in congestion in this context relates to highway junctions no longer operating within their design capacity;
- any severe increase in congestion likely to arise from development must be mitigated to ensure highway junctions operate within their design capacity; and
- connections should be provided where appropriate to existing walking, cycling and passenger transport networks and should be designed to enable and encourage maximum potential use.

5.4.4 A number of objections have been received from local residents expressing concern that the access is inadequate to cater of the intended use of the site.

5.4.5 The site is located to the south of Bamfurlong Lane, a class 3 highway with a posted speed limit of 50mph. The Highway is not street-lit and does not contain any pedestrian footway provision.

5.4.6 The County Highways Authority (CHA) have assessed the application and note that the site has a history of camping and caravanning, with the existing use being a holiday touring caravan and camping site. It is noted that no material changes are proposed to the existing access which is approximately 10m in width and determined to be of sufficient width to allow two private motorcars to pass within impeding the free flow of traffic. In terms of visibility the CHA consider that the required visibility of 2.4m x 160m to the nearside carriageway edge in either direction can be achieved from the existing access in either direction within the highway maintainable verge. The visibility splays would be required to be maintained free of obstruction; this can be dealt with by way of planning condition. The proposed internal layout would allow a vehicle to enter and leave the site in forward gear, minimising the risk of conflict with other road users.

5.4.7 In terms of trip generation the CHA's multi-modal TRICS analysis has determined a daily vehicle trip generation of 146 two-way trips with a peak hourly flow of 18 two-way trips. The CHA comment that the site has previously been used for similar purposes and therefore consider that the traffic generation from the current proposal would not be materially different. The CHA conclude that the proposed site could supply safe and suitable access in accordance with Paragraph 32 of the NPPF and HOU15 of the Tewkesbury Borough Council Local Plan. No highway objection is raised subject to a condition that would require provision and maintenance of adequate visibility splays at the suite entrance.

5.5 Suitability of the site's rural location

5.5.1 PPTS is explicit that issues of sustainability should not be considered narrowly solely in terms of transport mode and distances from services. Paragraphs 32 and 35 of the NPPF refer to development that generates significant movement.

5.5.2 At paragraph 25 the PPTS states that Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

5.5.3 The site is located in a rural location that is remote from services and facilities. Bamfurlong Lane is not street-lit and does not contain any pedestrian footway provision and therefore unlikely to encourage walking or cycling. Whilst sustainable transport opportunities are available approximately 120m to the west with 30 minute services to Cheltenham town centre Monday to Friday, it is likely that the occupiers of the site would use car transport to reach services and facilities. The site could potentially accommodate 29 families at any one time - all of which would be likely to use the car. Whether or not the movements associated with the site would be considered to be significant in the context of the NPPF, the site's location is a matter that weighs against the proposal.

Whether the proposal would dominate the nearest settled community

5.5.4 Paragraph 14 of the PPTS states that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Concerns have been expressed by some residents that the proposal for 29 pitches would have a dominating impact on the existing settlement.

5.5.5 There are in excess of 80 dwellings (including those at the nearby residential mobile home parks) within a 500m radius of the site, and more beyond the motorway stretching along Bamfurlong Lane. Whilst the settlement could be described as dispersed, there is a concentration of dwellings clustered around the junction of Bamfurlong Road and Bamfurlong Lane. The application site is set back from Bamfurlong Lane and separated from the nearest residential properties by open fields and its use as a Gypsy site could not be considered to dominate the existing settlement in a physical sense.

5.5.6 Whilst the proposal would add to the number of households, it is not considered that the increase would be disproportionate - particularly given that 9 of the proposed pitches would be for use as a transit site with a different character and pattern of use.

5.6 Housing policy

5.6.1 The site is located in the open countryside outside any recognised residential development and as such conflicts with Policy HOU4 of the Local Plan. However, as set out in paragraph 4.1.1 of this report, although this Policy is considered out-of-date in relation to conventional housing (having regard to paragraph 49 of the NPPF), the technical amendment to the NPPF (July 2015) states that *"those persons who fall within the definition of 'traveller' under the Planning Policy for Traveller Sites, cannot rely on the lack of a five year supply of deliverable housing sites under the National Planning Policy Framework to show that relevant policies for the supply of housing are not up to date. Such persons should have the lack of a five year supply of deliverable traveller sites considered in accordance with Planning Policy for Traveller Sites."* Therefore, although the Council cannot currently identify a 5 year supply of deliverable gypsy sites, the absence of such a supply is not relevant to the application of paragraph 49 of the NPPF.

5.6.2 The Council accepts that it cannot currently demonstrate a five year supply of deliverable traveller sites and that there is a need for additional pitches for Gypsies and Travellers in Tewkesbury Borough to meet an identified shortfall. The implications of this shortfall in the context of the Planning Policy for Traveller Sites are discussed in section 5.12.1 - 5.12.4 below.

5.7 Residential amenity and internal layout

5.7.1 The NPPF states that local planning authorities should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and should consider whether such impacts can be mitigated through design or through the use of planning conditions. This advice is echoed in Policy EVT3 of the Local Plan.

5.7.2 A number of objections have been made on the grounds that the previous occupiers of the site were anti-social with a number of instances of loud music causing disruption to local residents. This previous behaviour cannot be material to the consideration of the current application however.

5.7.3 The nearest residential property is located adjacent to the northern boundary of the site. Otherwise, the site is located some distance from other residential properties and separated from them by fields. It is the case that planning conditions could control activities on the site (for example prohibiting business activities) and lighting such that there could be sufficient controls over noise and disturbance. It is also the case that the site would be subject to Environmental Licensing that would exert further controls. The proposal is therefore considered acceptable in this regard.

5.7.4 'Designing Gypsy and Traveller Sites - A Good Practice Guide' has been revoked and currently no similar guidance has been provided within the Planning Practice Guidance. However, the former document provided guidance on layout, size and the services and facilities needed to make gypsy site operate effectively. Whilst the former guidance states there is no 'one size fits all' scenario, as a general guide, it is possible to specify that an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan, (or two trailers, drying space for clothes, a lockable shed (for bicycles, wheelchair storage etc), parking space for two vehicles and a small garden area. Although a communal washroom is proposed to serve the site, no individual amenity block is proposed for each plot, and it would not appear that the pitches would be of sufficient size to accommodate one.

5.7.5 The County Council's Principal Traveller Services Officer has provided comment on the application and considers that the pitches proposed do not appear of a sufficient size and also has concerns that the general layout does not provide sufficient space, particularly for parking. It is noted that many gypsies will need to park their commercial vehicles on the site.

5.7.6 The former guidance also states that sites should ideally consist of up to 15 pitches in capacity unless there is clear evidence to suggest that a larger site is preferred by the local Gypsy or Traveller community. The proposal for 20 pitches and provision for 9 additional touring caravans would exceed the recommendations therefore.

5.7.7 The proposal would fail to meet the principles of good design therefore and this is a matter that weighs against the proposal. However, it is acknowledged that the Good Practice Guidance has now been revoked.

Ecology

5.8.1 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. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals. Policy SD10 of the pre-submission JCS states that the biodiversity and geological resource of the JCS area will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures in and around developments, using planning obligations where appropriate.

5.8.2 No assessment of the ecological value of the site has been provided and therefore it is not possible to assess whether there are any protected species on the site that have been affected by the development. The lack of information is a matter that weighs against the proposal.

5.9 Drainage and hydrology

5.9.1 Policy EVT9 requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SuDS) criteria.

5.9.2 The site is located in Flood Zone 1 and comprises an area less than 1 Hectare. There is therefore no requirement to submit a Flood Risk Assessment. The application form states that foul water would be connected to the mains sewer through an existing connection on site previously utilised by the touring caravan site. Surface water would be dealt with via soakaways. It is therefore considered that an acceptable drainage solution could be achieved by the imposition of a suitably worded planning condition.

5.10 The unmet need for gypsy and traveller sites

5.10.1 Paragraph 9 of the PPTS relates to 'plan-making' and requires local planning authorities to assess the need, and plan over a reasonable timescale for an appropriate supply of suitable traveller sites to address under-provision. The policy sets out that supply should comprise specific, deliverable sites for the first five years and developable sites or broad locations for later years. With respect to 'decision-taking' on specific applications, paragraph 24 cites the existing level of provision among relevant matters for consideration in the determination process.

5.10.2 The most recently published countywide Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTSAA) was carried out by Opinion Research Services in October 2013. The GTTSAA demonstrates a significant level of unmet need for traveller and gypsy pitches within Tewkesbury Borough. The GTTSAA indicates the need for 152 additional permanent gypsy and traveller pitches across the JCS area up to 2031, of which 147 pitches are required in Tewkesbury Borough. The Council's Strategic Housing and Enabling Officer has confirmed that 64 of these pitches are targeted for delivery between now and 2017.

5.10.3 At the present time the Council is progressing with its Joint Core Strategy and Borough Plan with a view to including general criteria for approving individual traveller site applications alongside provision within strategic and local development locations. However, the JCS is not yet adopted and the Borough Plan is not expected to be completed until the summer of 2017. This unmet need, together with the lack of an up-to-date plan to provide such sites, has led the Council to grant a number of temporary planning permissions in order to meet some of the identified need in the short-term, whilst allowing the Council time to allocate suitable sites through the plan-making process. Some of these temporary sites have recently been granted permanent permission.

5.10.4 It is therefore clear that there is a need for additional pitches for Gypsies and Travellers in Tewkesbury Borough to meet the shortfall identified. Furthermore, although work to identify additional pitches is progressing, the timescale towards actually delivering such sites is currently unclear. The PPTS states at paragraph 27 that the lack of an up-to-date 5 year supply of deliverable sites is a significant material consideration when considering applications for the grant of temporary planning permission. The up-dated PPTS makes clear however this does not apply to sites within the Green Belt.

5.11 Article 8

5.11.1 No needs of specific individuals have been set out in the application which instead relies upon the identified shortfall in site and the requirement to provide pitches. Whilst it is accepted that there is a shortfall in the provision of gypsy sites within Tewkesbury Borough as recognised in the GTAA, having regard to Article 8 of the Human Rights Act 1998, and in the absence of detailed supporting information relating to the specific and immediate needs of named individuals, it is considered that sufficient consideration and appropriate weight has been afforded to the Human Rights issues relevant to the proposal.

5.12 Equality Act 2010: Public Sector Equalities Duty

5.12.1 Section 149 of the Public Sector Equalities Duty (PSED) requires that in the exercise of their functions, those subject to the equality duty must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The courts have said that Romany Gypsies and Irish Travellers are protected against race discrimination because they're ethnic groups under the Equality Act.

5.12.3 The Council has had due regard to its duties under Section 149 of the PSED which, as with the consideration with respect to Article 8 (above), must be balanced against the harm caused by the development. This is similarly addressed below.

5.13 Overall balance - permanent planning permission

5.13.1 As required by paragraph 88 of the NPPF and paragraphs 16 and 17 of the PPTS substantial weight must be given to all the harms caused to the Green Belt (harm because the development is inappropriate development and harm caused to openness). The 'other harm' within paragraph 88 also includes the unsustainable location of the site. It is also considered that the proposed site layout fails to follow principles of good design.

5.13.2 The unmet need for traveller sites in the Borough weighs in favour of the proposal, although the Government advises that unmet need on its own is unlikely to constitute very special circumstances. The site has had a previous use as a touring caravan site and part of the site could be considered to have been previously developed and this is also a matter that weighs in favour of the proposal. However officers consider that the relative weight of these factors which favour the grant of planning permission, are not such as to clearly outweigh the harm caused by this development. It follows that very special circumstances have not been shown.

5.13.4 Officers consider that none of the aims of section 149 of the Public Sector Equalities Duty would be furthered by granting planning permission for development that is unacceptable in planning terms, would not advance equality of opportunity and would fail to foster good relations between the occupiers of the application site and the settled community.

5.13.5 It is considered that the planning objections to the proposed development are serious ones that cannot be overcome by the granting of planning permission subject to conditions.

5.14 Overall balance - temporary planning permission

5.14.1 Case law has established that the nature of the planning balancing exercise can be altered in the consideration of temporary permissions. It is the case that a temporary gypsy site in the Green Belt is inappropriate development. The absence of a 5 year supply of deliverable sites is a material consideration in favour of the grant of temporary planning permission in the Green Belt, albeit not a 'significant' material consideration.

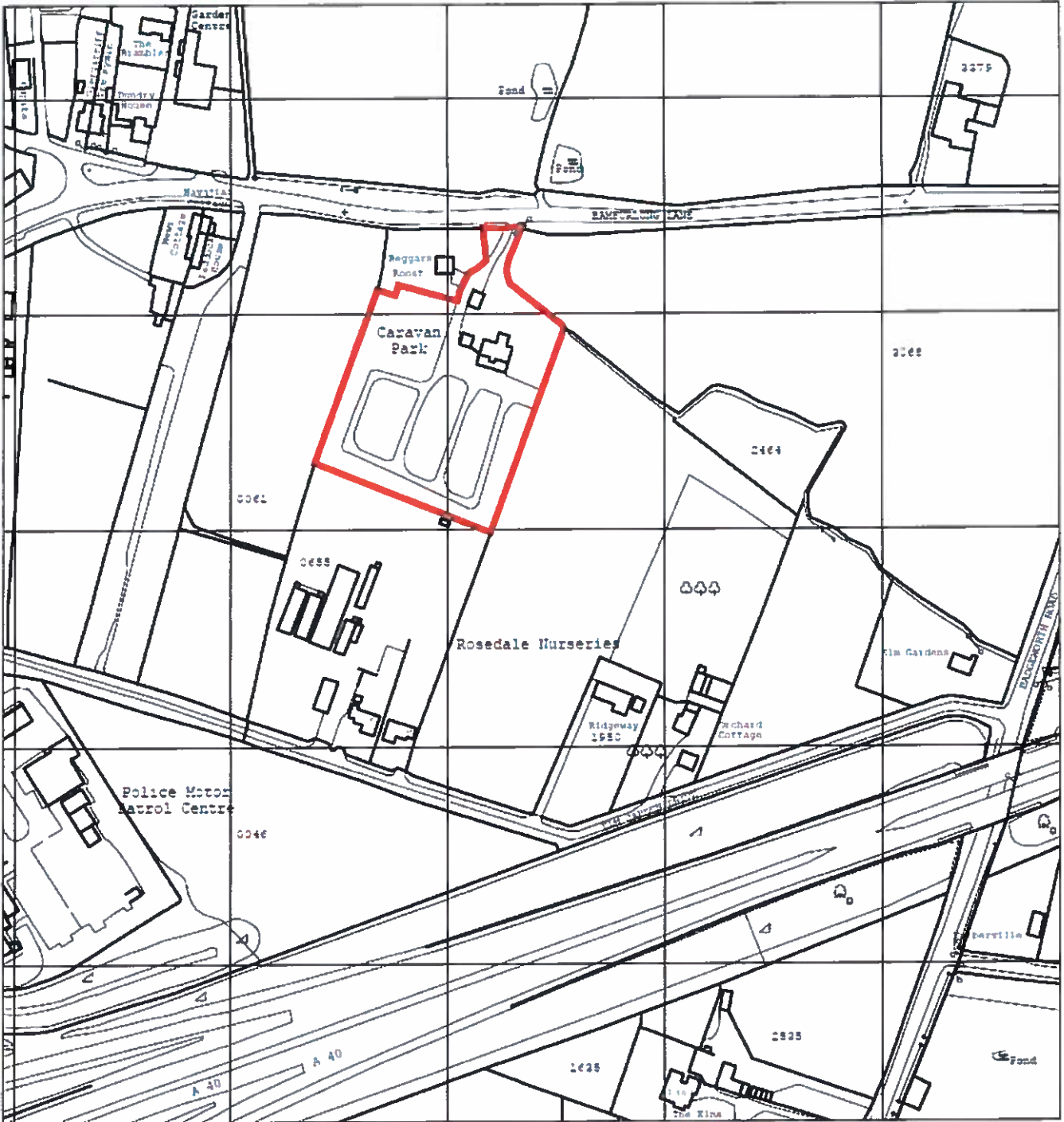
5.14.3 All the above harms would be inflicted throughout the life of any temporary planning permission and it would be difficult to mitigate any of these in the short-term (for example by landscaping). It is therefore not considered that the considerations in favour of the development would clearly outweigh the harm which would be caused, even for a limited time, so as to amount to very special circumstances.

5.14.4 It is therefore recommended that the application is refused.

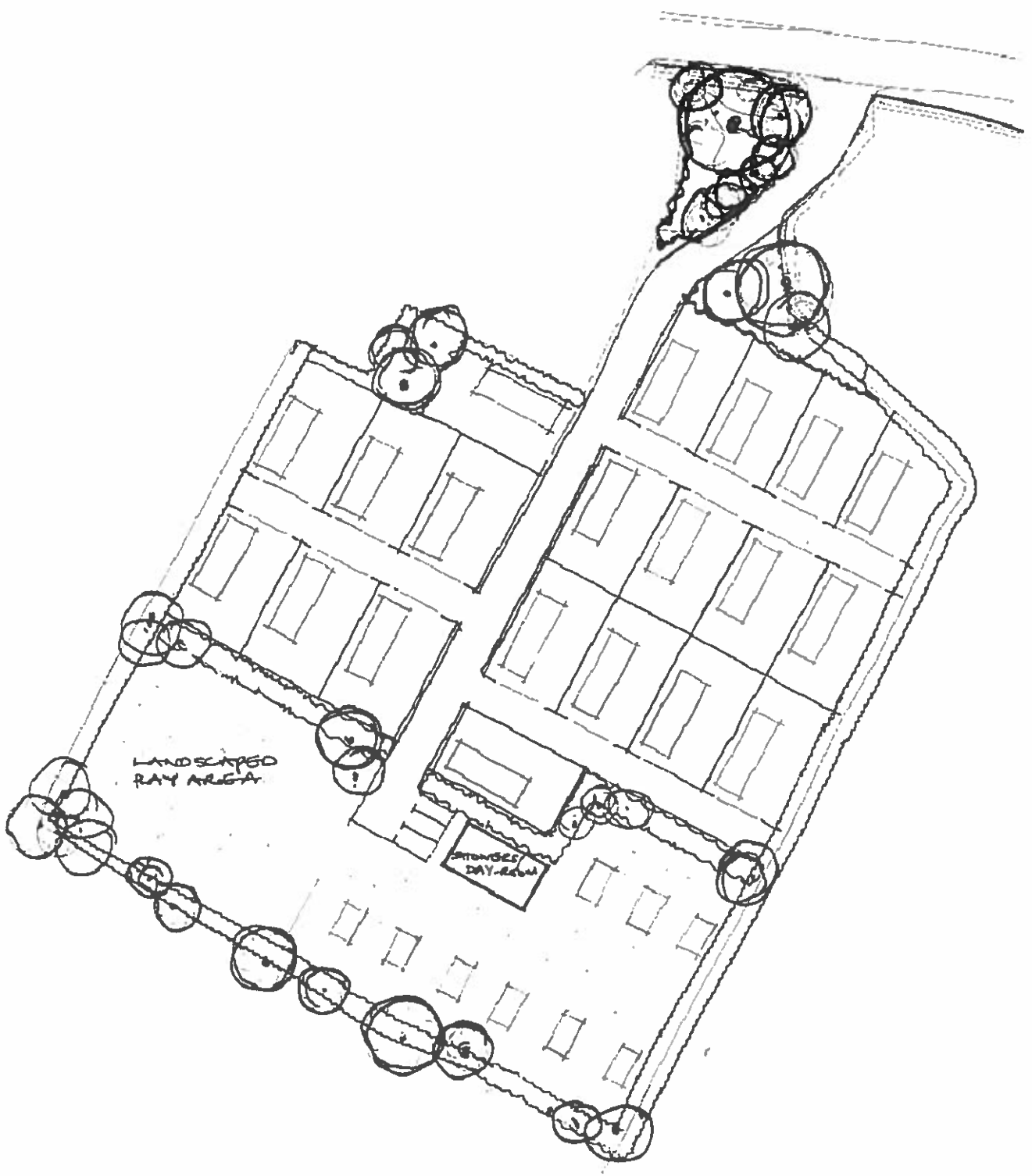
RECOMMENDATION Refuse

Reasons:

- 1 The development represents inappropriate development in the Green Belt which compromises its open character and purpose. The applicant has not demonstrated very special circumstances which clearly outweigh the harm to the Green Belt caused by the inappropriateness of the development and other harm. The development therefore conflicts with paragraph 87 of the NPPF, paragraph 16 of Planning Policy for Traveller Sites, policy statement dated 31 August 2015 and Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 and emerging Policy SD6 of the Submission Joint Core Strategy (November 2014).
- 2 The site is in a remote location in the open countryside, outside any recognised settlement, in a location where new residential development is strictly controlled and where there are poor pedestrian, cycle and public transport links to the nearest facilities and amenities which means that occupiers of the site are likely to be heavily reliant on the use of the private motor vehicle. As such the proposed development is contrary to the sustainable development aims of the NPPF and the Planning Policy for Traveller Sites, Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SD11 and SD14 of the Submission Version Joint Core Strategy (November 2014).

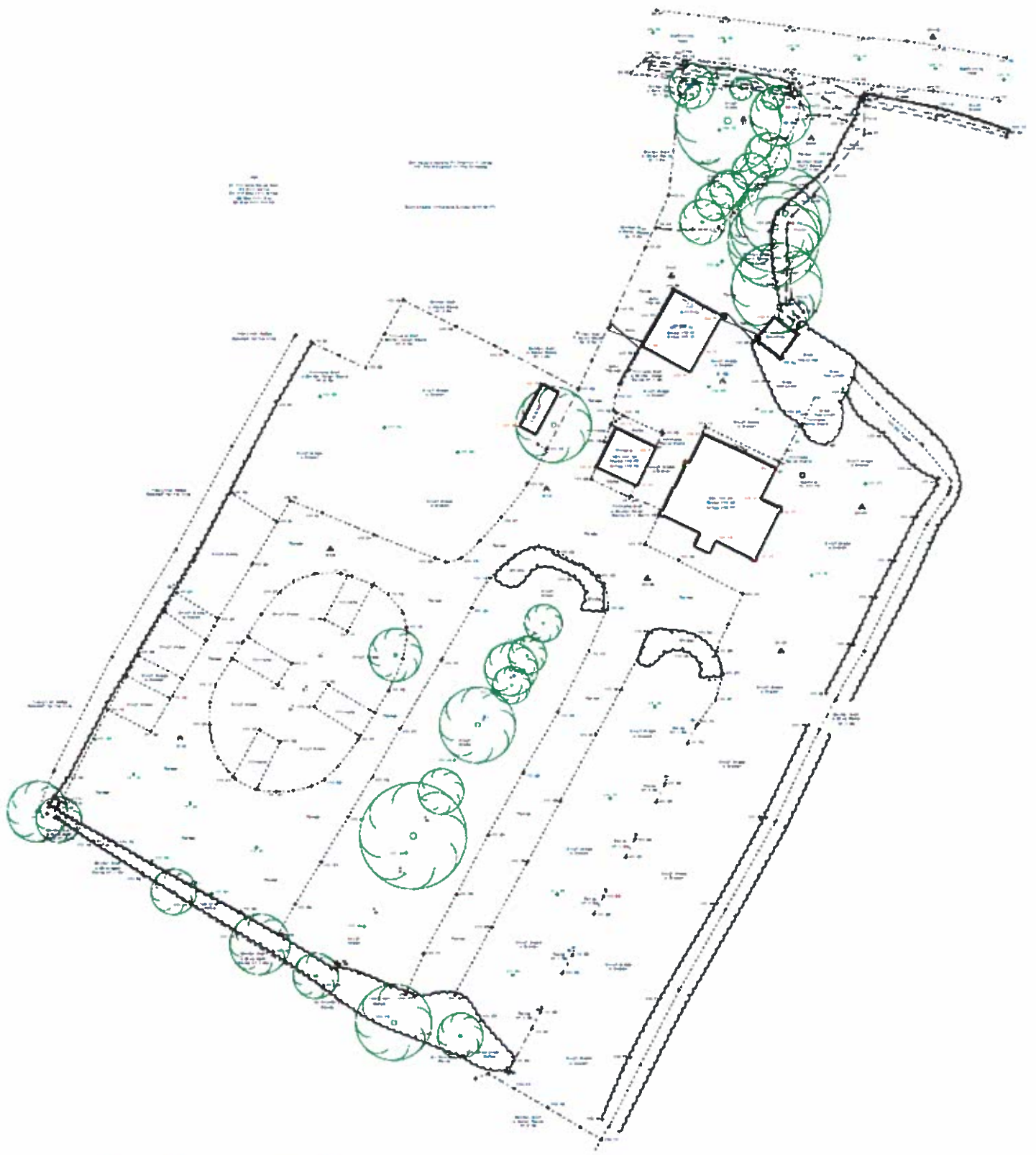


LOCATION PLAN Scale 1:2500



Proposed layout

15/01159/1002.



EXISTING SURVEY PLAN Scale 1:500

761/C

15/01314/FUL

Land At Starcroft Lane, Main Road, Minsterworth

9

Valid 07.12.2015

Change of use of land to 6 no. Romany Gypsy pitches and associated works including 6 no. mobile homes, 6 no. touring caravans, 6 no. day rooms, and hard standing

Grid Ref 378649 217675

Parish Minsterworth

Ward Highnam With Haw
Bridge

Mr R. Smith

C/o Agent

RECOMMENDATION Permit

Policies and Constraints

NPPF

Planning Policy for Traveller Sites

JCS (Submission Version)

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, LND4, TPT1 and EVT9.

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 - Object for the following reasons:

- The application would overwhelm the facilities
- The development would be a discordant and incongruous element in the rural landscape that would harm the character and appearance of the site and the surrounding area.
- There is capacity for traveller families on the adjacent site.
- The proposal would result in highway safety issues.
- Drainage and disposal of sewage would be a problem.

Strategic Housing Enabling Officer - No objection.

County Highway Authority - No objection

No letters of neighbour representation received.

Planning Officers Comments: Mr Ciaran Power

1.0 Introduction

1.1 The application site consists of a broadly square shaped area of agricultural land, measuring approximately 0.61ha in area. The site is located off Starcroft Lane, Minsterworth which is accessed off of the A48 road that runs through the village. The site is located adjacent to a Transit traveller site and a four pitch gypsy site which both benefit from temporary planning permissions.

1.2 The site is located within the open countryside, although it is not covered by any special landscape designation. Vehicular access to the site is provided off Starcroft Lane, a minor adopted road that connects with the A48 highway some 100m to the south-east and south-west of the site (see location plan).

2.0 Planning History

2.1 There is no specific planning history relating to the application site however there are planning permissions relating to Gypsy and Traveller uses which are relevant to this application and the site context.

2.2 09/01027/FUL - Planning permission for a transit Gypsy site for 8 no. touring caravans at Starcroft Lane was refused at application. Three-year temporary permission was granted on appeal (29 October 2010).

2.3 13/01133/FUL - An application for variation of condition to renew the temporary permission condition (for an additional three years) to permission ref: 09/01027/FUL was granted on 7th January 2014.

2.4 13/00179/FUL - Temporary permission was granted on appeal for a 4 pitch Gypsy Traveller site to the south.

2.5 15/01315/FUL - Application for the removal of Condition 1 and variation of condition 2 of Planning Permission 13/01133/FUL to allow permanent use of the site as a transit gypsy site), Currently under consideration and also on the schedule.

3.0 Current Application

3.1 The current application seeks full planning permission on a permanent basis for the change of use of land to 6 no. Romany Gypsy pitches and associated works including 6 mobile homes, 6 touring caravan pitches, 6 day rooms, associated hardstanding and children's play area. Vehicular access to the site is provided off Starcroft Lane in the south eastern corner of the site.

4.0 Planning Policy Context

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

Development Plan

4.2 The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy LND4 seeks to protect the character and appearance of the rural landscape. Policy TPT1 requires safe and convenient access for all transport modes and that development should have an acceptable impact on the safety and satisfactory operation of the highway network. Policy HOU4 of the Local Plan explains that within such locations new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry, involve the acceptable conversion of an existing building or the provision of affordable housing in accordance with Policy HOU14.

The Emerging Development Plan

4.3 The emerging development plan for the area consists of the Joint Core Strategy, Tewkesbury Borough Plan and a number of emerging neighbourhood plans. The JCS Submission Version (November 2014) is the most advanced of these documents and when adopted will constitute the spatial vision for the JCS up to 2031. The JCS submission version was submitted to the Secretary of State on 20th November 2014.

4.4 Policy SD14 of the JCS sets out a criteria based policy for dealing with proposals for gypsies, travellers and travelling showpeople. The policy requires a justification in terms of need; that sites do not have an unacceptable impact on the character and appearance of the landscape, amenity of neighbouring properties and that proposals are sensitively designed; safe and satisfactory access; and that no significant environmental barriers exist. Paragraph 4 of policy SA1 states that proposals for the strategic allocations will be required to demonstrate how the provision of new gypsy and traveller sites will be incorporated into development proposals for Strategic Allocations.

National Planning Policy Framework (NPPF)

4.5 The NPPF sets out the presumption in favour of sustainable development. Sustainable development has three dimensions: economic, social and environmental. Paragraph 14 of the Framework sets out 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 specific policies in the Framework indicate development should be restricted.

4.6 One of the core principles of the NPPF set out at paragraph 17 (bullet point 5) which includes the requirement to recognise the intrinsic character and beauty of the countryside. Relevant guidance contained within the NPPF will be set out in the appropriate sections of this report.

Planning Policy for Travellers Sites August 2015 (PPTS)

4.7 In August 2015 the Department for the Communities and Local Government published the latest version of the Planning Policy for Traveller Sites (PPTS). The PPTS is to be read in conjunction with the NPPF.

4.8 For the purposes of planning policy the PPTS defines "gypsies and travellers" as:

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such".

4.9 The PPTS sets out that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community. Paragraph 23 also highlights that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF, as well as PPTS.

4.10 Paragraph 24 of the PPTS explains that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

4.11 Paragraph 25 of the PPTS sets out that local planning authorities should strictly limit new traveller sites in open countryside that are away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

4.12 However, in establishing the local provision and need for travellers sites, Paragraph 27 of the PPTS sets out that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable traveller sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permissions.

5.0 Analysis

5.1 The main considerations in the determination of this application are specifically, the need for the facility; impact on landscape and visual amenity, suitability of the site for the proposed use and highway safety matters.

The need for gypsy and traveller sites

5.2 Paragraph 10 of the PPTS relates to 'plan-making' and requires local planning authorities to assess the need, and plan over a reasonable timescale for an appropriate supply of suitable traveller sites to address under-provision. The policy sets out that supply should comprise specific, deliverable sites for the first five years and developable sites or broad locations for later years. With respect to 'decision-taking' on specific applications, Paragraph 24 cites the existing level of provision among relevant matters for consideration in the determination process.

5.3 The most recently published countywide Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTSAA) was carried out by Opinion Research Services in October 2013. The GTTSAA demonstrates a significant level of unmet need for traveller and gypsy pitches within Tewkesbury Borough. The GTTSAA indicates the need for 152 additional permanent gypsy and traveller pitches across the JCS area up to 2031, of which 147 pitches are required in Tewkesbury Borough. 64 of these pitches are targeted for delivery by 2017.

5.4 At the present time the Council is progressing with its Joint Core Strategy and Borough Plan with a view to including general criteria for approving individual traveller site applications alongside provision within strategic and local development locations. However, the JCS examination is not expected to be completed until 2017. This unmet need, together with the lack of an up-to-date plan to provide such sites, has led the Council to grant a number of temporary planning permissions in order to meet some of the identified need in the short-term, whilst allowing the Council time to allocate suitable sites through the plan-making process.

5.5 It is therefore clear that there is a significant need for additional pitches for Gypsies and Travellers in Tewkesbury Borough to meet the shortfall identified. Furthermore, although work to identify additional pitches is progressing, the timescale towards actually delivering such sites is currently unclear. The identified shortfall in permanent pitches in the Borough therefore constitutes a significant material consideration which weighs in favour of the proposal when considering the planning balance.

Housing Policy

5.6 Policy HOU4 seeks to restrict residential development in the open countryside except where it is essential for the efficient operation of agriculture or forestry, involves the acceptable conversion of existing buildings, or is for affordable housing in line with the Council's 'exceptions' policy. In relation to conventional housing this policy is considered out-of-date. However, although the Council cannot identify a 5 year supply of deliverable gypsy sites, the technical amendment to the NPPF (July 2015) makes clear that the absence of such a supply is not relevant to the application of paragraph 49 of the NPPF.

Landscape Impact

5.7 Policy LND4 seeks to protect the character and appearance of the rural landscape. The reasoned justification expands stating that the countryside of the Borough is worthy of protection for its own sake and that in order to safeguard the existing environmental quality of the Borough development proposals affecting these rural areas should be designed to harmonise with their character or, if they are unacceptably intrusive, be refused.

5.8 The application site lies in a pleasant open countryside location albeit not protected by any special landscape designation. Land levels slope upwards east to west with the western part of the site being approximately 4.5 metres higher than the eastern part of the site.

5.9 The proposal includes areas of hardstanding, caravans, dayrooms and associated domestic paraphernalia including a children's play area. Collectively these features would be uncharacteristic within this area, which is of strong rural and tranquil character. The site is bounded to the south and west by a PROW and there are views into the site from various points along the PROW although many of the views in are obscured by existing hedgerow and much of the screening was effective even during the winter months at the time of the officer's site visit. There is one particular open view into the site from the elevated footpath with runs along the western site boundary. Here a 2.5 metre gap in the hedgerow allows open elevated views in to the site. The proposed development would however incorporate additional landscaping to reinforce the sites boundaries and this would be effective in reducing the visual impacts of the proposal on the PROW in the medium to longer term. The proposed day rooms would be 4 metres to their ridge and the proposed planting as well as the falling land levels would significantly limit views from the PROW to the west. The PROW to the southern boundary is enclosed by an existing boundary hedge along the application sites southern boundary, as whilst there is some potential to see development through the hedge the hedge itself is reasonably thick and with additional planting the impact upon the PROW would be limited. The proposed access would be from the south eastern corner of the site and this gap to accommodate the access road would allow views into the site. However the proposed development would still not appear overly prominent even if the existing temporary transit site is also considered in the same viewpoint.

5.10 The A48 is located to the South of the application site and whilst there is a good level of screening around the sites boundaries the land level changes mean it may be possible for the development to be seen further afield particularly when travelling in a westerly direction along the A48. However it is almost impossible to see the application site when travelling along the A48 given existing boundary treatments, the substantial screening present in the highway verge along the A48 and if any views did become available they would be very limited and fleeting.

5.11 Whilst the proposed development would clearly result in encroachment into the open countryside and would introduce development in an area where there is currently none, the wider landscape impacts are limited and with the proposed additional landscaping the harm would be relatively contained to within the site itself. Nevertheless the harm to the landscape would conflict with Policy LND4 of the Local Plan which does weigh against the proposal in the planning balance.

Accessibility

5.12 The PPTS sets out at paragraph 25 in stating that "Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan". This is considered to represent a significant shift away from the previous government guidance and is more reflective of current Saved Policy TPT1 of the Local Plan, which indicates that development will only be permitted where there is an appropriate level of public transport services and infrastructure available.

5.13 There is a bus stop located approximately 150m from the site and some limited local facilities nearby such as a garage/shop and public house. It is also relevant that in a recent planning appeal (APP/G1630/A/14/2226072) at Land at the Lodge, Highgrove Lane, Main Road Minsterworth was allowed on 10th July 2015 for 5 gypsy pitches. Paragraph 22 of the appeal decision states, "Minsterworth is a small settlement mainly arranged along the busy A48. A recent Rural Area Settlement Audit⁴ indicates that it has a village hall, primary school, petrol station/garage shop, public house, sports pitch, place of worship and a mobile library service. The garage shop is about 380m away from the appeal site. Although the site does not lie within or adjacent to a settlement for the purposes of the development plan, it is within walking distance of Minsterworth. I consider that it cannot reasonably be regarded as being in 'open countryside away from existing settlements' for the purposes of applying the PPTS. Indeed, nothing in current national or local policy suggests that locations such as this should be precluded, in principle, from consideration as potential gypsy and traveller accommodation". Paragraph 23 goes on to say, "The Council argue future occupiers of the site are likely to be reliant on private transportation to meet some travel needs, for example, a weekly shop. However this degree of reliance is not that uncommon in a mainly rural area such as this, and the distances involved are not excessive by rural standards. For example, the settlement of Highnam is 3.5 km away from the site and Gloucester is 5.8 km. These locations include a wider range of amenities including competitor shops, health and educational facilities. Highnam and Gloucester are a short car journey away. Moreover, the site is in walking distance of bus stops. Minsterworth is frequently served by bus numbers 23, 30, 31, 786 and 787 which connect the village to larger towns. There is potential for the occupiers of the site to travel by public transport to access a wide range of amenities in nearby urban conurbations".

5.14 The application site is located more centrally within the sporadic Minsterworth settlement being closer to the Primacy School and other primary services than the appeal site at Highgrove Lane. In this regard it is considered that the proposed development would accord with Policy TPT1 of the Local Plan.

5.15 In terms of highway safety, Policy TPT1 highlights that development will be permitted where provision is made for safe and convenient access. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the cumulative impacts of development are 'severe'.

5.16 The site is served by a vehicular access off Starcroft Lane, which forms a loop off the A48 main road. The proposal would not result in any significant additional vehicular movements. The County Highway Authority raise no objection to the proposal and therefore the proposal is therefore considered to accord with Policy TPT1 of the Local Plan from a highway safety point of view.

Impact on the setting of Listed Buildings

5.17 The Apple Tree Public House, which is a Grade II Listed Building, is located on the opposite side of the A48 in close proximity to the site. Another Grade II listed building, known as Hygrove House is sited in the distance to the west of the site. Although not listed, 'The Redlands', which is located directly to the east is considered to be a heritage asset as a result of it being shown on historic OS maps in the 1880's.

5.18 Under Section 66 of the Planning (Listed Building and Conservation Area) 1990 local planning authorities are required to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it processes. This approach is followed in the NPPF, which seeks to preserve the setting of heritage assets.

5.19 The application site is well screened from the listed buildings and given the level of separation would not directly impact upon their setting.

Flooding and Drainage

5.20 The site is located within Flood Zone 1 (low risk of flooding) and comprises an area less than 1 Hectare. It is therefore considered that the development would not be at undue risk of flooding and the development therefore accords with Policies EVT5 of the Development Plan. In terms of foul sewage provision it is

indicated that foul sewage would be disposed of by way of an existing septic tank, full details of drainage should be required by condition should members be minded to grant planning permission.

Human rights

5.21 The Human Rights of the Applicant must be considered having regard to Circular 1/2006 and the Human Rights Act 1998. The application does not include specific information relation to personal circumstances of the application of their family. However refusal of planning permission in this case would potentially, in the absence of any immediately available alternative sites, mean that the applicant and their family would have no permanent pitch available to them. This would undoubtedly interfere with the Applicants home and family life.

Other Matters

5.22 The Parish Council have raised a number of concerns regarding the high proportion of Gypsy and Traveller sites within Minsterworth. Minsterworth is a dispersed settlement with a Parish Population of approximately 444 people living in 165 households (2011 Census Population Data). The Parish indicate that Minsterworth currently has 174 "Conventional dwellings". The Parish Councils figure is likely to be more up to date than the 2011 census data. The total number of permanent pitches and conventional dwellings equate to 226.

5.23 The number of permanent pitches with planning permission in Minsterworth is approximately 52 (which include 6 personal permissions). This represents a 23% of the dwellings within Minsterworth being G&T pitches. Whilst it is appreciated that a number of existing temporary permissions are extant it must be acknowledged that should the occupiers wish to continue to occupy these sites beyond the temporary period a further planning permission would be required. Having regard to number of existing permanent pitches the application site would add an additional 6 resulting in a total of 58 permanent pitches which is 25% of dwellings within Minsterworth being G&T pitches. It is also relevant that an application is currently under consideration for variation of condition to allow permanent use of the adjacent site as a transit site. If this were permitted it would provide 8 permanent transit pitches and the total number of permanent pitches would increase to 66 which would represent 27% of Minsterworth's housing stock being G&T Pitches. Further although some are groups closely together they are generally spread out through the settlement and not located within prominent locations. It is also important to note that planning permissions have been granted over time and the numbers of permanent G&T pitches in Minsterworth has increased gradually over the last 20 years. Many of the existing occupiers of G&T pitches have been part of the wider community for a substantial amount of time. The proposed development is therefore not considered to overwhelm existing facilities or services in the area. The proposed development is therefore considered to be acceptable and not disproportionate to the settlement.

5.24 In addition the Parish Council question the methodology for calculating the requirement for addition pitches which currently forms part of the evidence base for the JCS. Whilst the numbers may alter as part of the JCS examination these figure are the most up-to-date available and therefore have to be given substantial weight at this point in time, which is something which has been confirmed by the appeal inspector.

6.0 Overall Balance of Planning Considerations and Conclusions

6.1 It is concluded that the proposal would continue to result in harm to the rural character and appearance of the area by virtue of its visual intrusion and encroachment into the surrounding countryside.

6.2 Clearly the degree of harm referred to above must be balanced against the demonstrated need for gypsy and traveller pitches in the Borough and the benefits associated with delivering additional pitches here that would help to meet some of that need in the short-term.

6.3 The proposal would contribute towards meeting the identified need for traveller pitches in the Borough. The sites location is not considered to be isolated and is reasonably well served by public transport. There would be no identified harm to residential amenity or highway safety.

6.4 Overall, whilst the proposal would result in permanent landscape harm it is considered that the identified need for transit gypsy and traveller pitches in the Borough outweighs the identified harm in this instance and therefore it is recommended that planning permission is granted.

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 site shall not be occupied by any persons other than gypsies and travellers as defined in the Planning Policy for Travellers Sites document published in August 2015.
- 3 There shall be no more than 6 pitches on the site and on each of the 6 pitches hereby approved no more than 2 caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravans Sites Act 1968) shall be stationed at any time, of which only 1 caravan shall be a static caravan or residential mobile home.
- 4 The site shall be laid out and caravans shall be sited in accordance with drawing no: 1579/03, received by the local planning authority on the 4th December 2016, and maintained as such unless an alternative scheme has been agreed in writing by the Local Planning Authority.
- 5 Notwithstanding the submitted details, no development shall commence until a scheme for the means of foul and surface water drainage of the site, including a timetable for its implementation, has been submitted to and approved by the local planning authority. The approved scheme shall be carried out and completed in accordance with the approved timetable and maintained as such for the life of the permission.
- 6 There shall be no means of external lighting on the site other than in accordance with the details that shall have first been submitted to and approved in writing by the Local Planning Authority.
- 7 No more than one commercial vehicle per plot shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight. No commercial activities shall take place on the land, including the storage of materials.
- 8 Prior to the commencement of the development hereby permitted a scheme shall be submitted to and approved in writing by the Local Planning Authority of hard and soft landscaping, which 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, in the course of development. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gates, walls, fences or other means of enclosure shall be erected on the land unless otherwise agreed in writing by the local planning authority.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the occupants are bona-fide gypsies to meet the identified need for gypsy and traveller pitches in the Borough in accordance with the advice contained in the Planning Policy for Travellers Sites document.
- 3 To limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 4 To limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 5 To ensure adequate disposal of foul and surface water drainage in accordance with Policies EVT5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 6 To limit the impact of the development on the rural character and appearance of the area and the residential amenities of local residents in accordance with Policies LND4 and EVT2 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 The site is not appropriate for unrestricted commercial use and it is necessary to limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 To limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 9 To limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

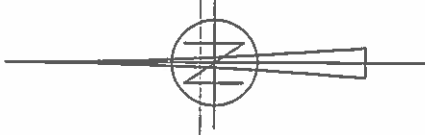
Notes:

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.

378750 E

217700 N



NOTE: LEVELS AND GRID TO ORDNANCE SURVEY.

NIGEL RUXTON LAND SURVEYS

12 Webbs Way
Bredon Road
Tewkesbury
Gloucestershire
GL20 5PR

Tel. 01684 298692
Mob. 07831 861822

email: nigel.nrls@btconnect.com
www.nigelruxtonland surveys.co.uk

LOCATION:

LAND OFF A48
MINSTERWORTH
GLOUCESTERSHIRE

CLIENT:

MR R SMITH

DRAWING TITLE:

SITE SURVEY

SCALE:

1 to 500

SHEET SIZE:

A3

DRAWING NUMBER:

1579/01

DRAWN BY:

S.P.T.

378700 E

217650 N

378700 E

378650 E

378650 E

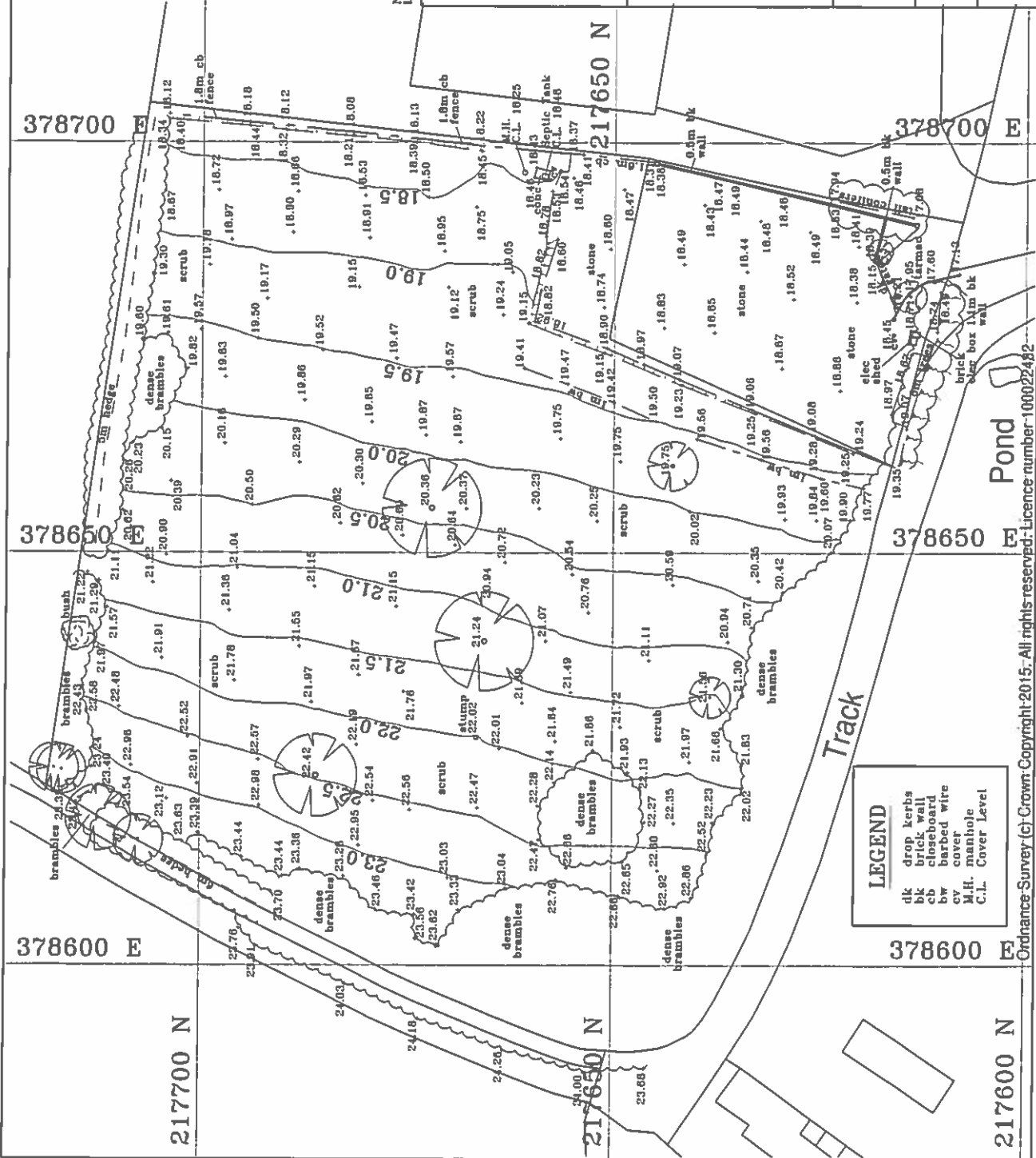
378600 E

378600 E

217700 N

217650 N

217600 N



LEGEND

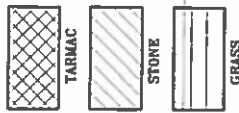
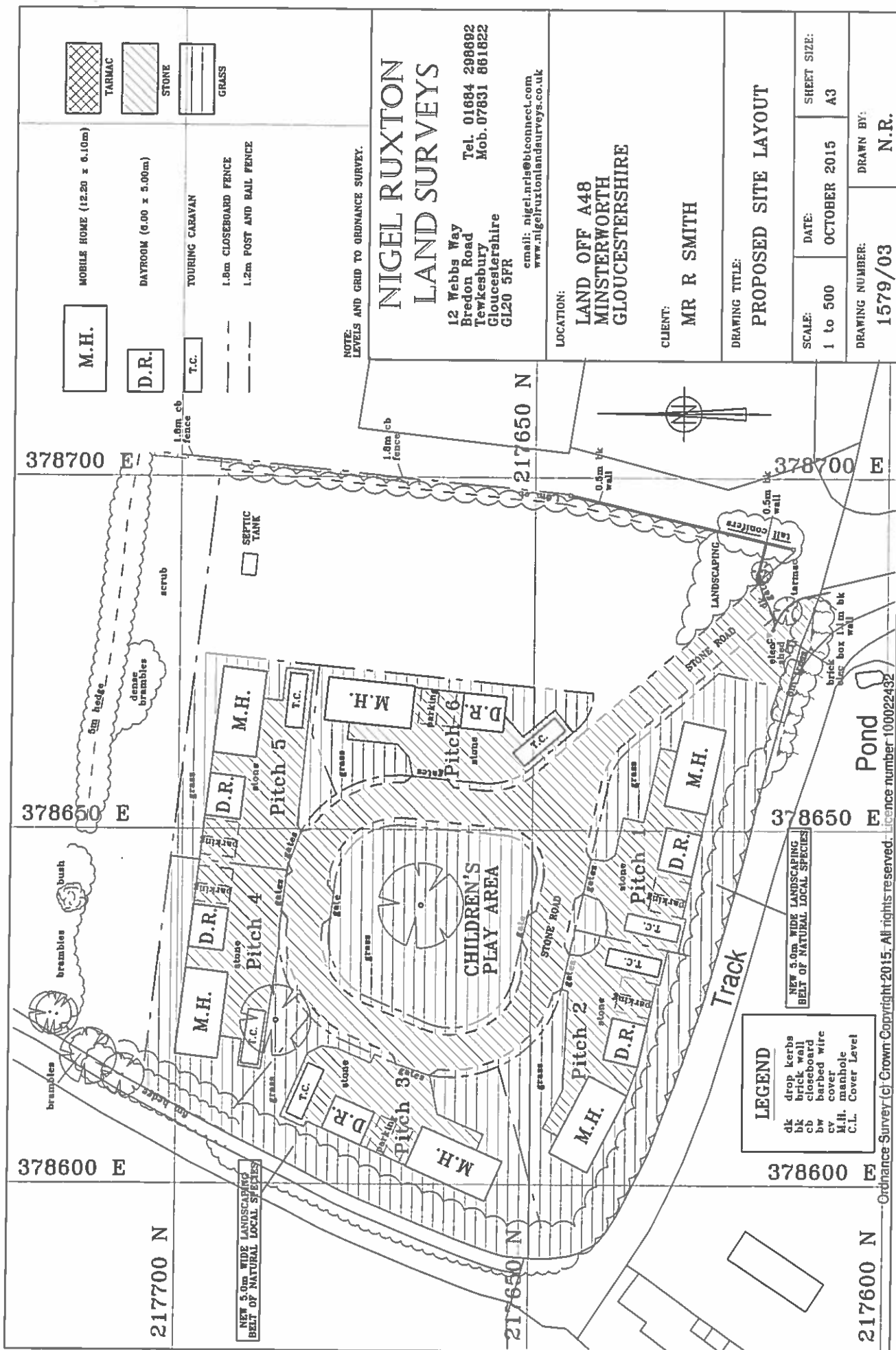
- dk drop kerbs
- bw brick wall
- cb closeboard
- bw barbed wire
- cv cover
- M.H. manhole
- C.L. Cover Level

Pond

Track

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769/B



M.H. MOBILE HOME (12.20 x 6.10m)
 D.R. DAYROOM (6.00 x 5.00m)
 T.C. TOURING CARAVAN
 1.8m CLOSEBOARD FENCE
 1.2m POST AND RAIL FENCE

NOTE: LEVELS AND GRID TO ORDNANCE SURVEY.

NIGEL RUXTON LAND SURVEYS

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 GL20 5FR
 Tel. 01684 298692
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 www.nigelruxtonlandsurveys.co.uk

LOCATION:
 LAND OFF A48
 MINSTERWORTH
 GLOUCESTERSHIRE

CLIENT:
 MR R SMITH

DRAWING TITLE:
 PROPOSED SITE LAYOUT

SCALE: 1 to 500
 DATE: OCTOBER 2015
 SHEET SIZE: A3

DRAWING NUMBER: 1579/03
 DRAWN BY: N.R.

LEGEND
 dk drop kerbs
 bk brick wall
 cb closeboard
 bw barbed wire
 cv cover
 M.H. manhole
 C.L. Cover Level

NEW 5.0m WIDE LANDSCAPING BELT OF NATURAL LOCAL SPECIES

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769/C

15/01315/FUL

Land At Starcroft Lane, Main Road, Minsterworth

10

Valid 07.12.2015

Application for the removal of Condition 1 and variation of condition 2 of Planning Permission 13/01133/FUL to allow permanent use of the site as a transit gypsy (8 pitches) and amendments to the approved plans to allow reconfiguration of the site layout.

Grid Ref 378649 217675

Parish Minsterworth

Ward Highnam With Haw
Bridge

Mr R. Smith

C/o Agent

RECOMMENDATION Permit

Policies and Constraints

NPPF

Planning Policy for Traveller Sites

JCS (Submission Version)

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, LND4, TPT1 and EVT9.

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

Minsterworth Parish Council - Object for the following reasons:

- Minsterworth has little infrastructure to support the proposal.
- Continued use would result in a disproportionate number of Gypsy and Traveller (G +T) sites in their Parish.
- The current site, which has temporary permission for 8 transit gypsy sites, to their knowledge has never been fully occupied.
- If permanent permission is granted, this will allow 8 permanent caravans and an additional 8 touring caravans parked alongside, plus eight permanent shower block units. This is effectively doubling what is currently allowed on the site.
- If the current planning application for Starcroft Lane is approved, residents occupying this site will also become permanent.
- G+T sites should be subject to the same planning regulations as conventional housing, and of course there is current legislation (the 2015 Planning Policy for Travellers Sites) to enforce this.
- The proposal is located in open countryside.
- The proposed assess is inadequate.
- There is currently a large storage building on the north side of the site that is not marked on the applicants plans. Is this to be used for business purposes?
- The appeal decision at The Lodge, Hygrove Lane is not relevant to the current application
- The Parish challenge the validity of the requirement for an additional 151 pitches.

County Highway Authority. No Objection.

No letters of neighbour representation received.

Planning Officers Comments: Mr Ciaran Power

1.0 Application Site

1.1 The application relates to the transit traveller site located off Starcroft Lane, that was granted a temporary planning permission in October 2010 and a subsequent temporary planning permission granted for a further 3 year temporary permission in January 2014. The site consists of a broadly rectangular shaped parcel of land, measuring approximately 0.21ha in area. The site is located with the open countryside, although it is not covered by any special landscape designation. The site is served by a vehicular access off Starcroft Lane, a minor adopted road that connects with the A48 highway some 100m to the south east and south west of the site (see attached location plan).

2.0 Planning History

2.1 There is substantial planning and enforcement history relating to gypsy and traveller development on this particular site, dating back to the late 1980's. Applications for housing and private gypsy development were refused in 1987 and 1991 respectively.

2.2 Six Enforcement Notices were then issued by the Authority in May 1992 for various breaches of planning control relating to the use of the land for the purposes of stationing caravans/mobile homes and associated facilities and works. Appeals were lodged against all the Enforcement Notices, which were dismissed and the Notices upheld. These appeals were primarily dismissed on landscape harm, highway safety and accessibility grounds.

2.3 A further application for the use of the land for gypsy development was refused and subsequently dismissed on appeal in 1995 (95/8206/0276/FUL).

2.4 However, a temporary 3 year planning permission was finally granted on appeal in 2010 for a transit gypsy site for 8 touring caravans (09/01027/FUL). The Planning Inspector concluded that the development would have resulted in landscape harm. However, a temporary permission was considered acceptable in order to allow time for the Council to address its shortfall in gypsy and traveller provision within the Borough at that time. The Inspector did not consider there to be an undue impact on highway safety. This temporary permission expired in October 2013, but the use is still currently being carried out.

2.5 13/01133/FUL - Continued use of the land as a transit gypsy site for eight touring caravans for a further temporary period of 3 years (Renewal of application ref: 09/01027/FUL), Granted January 2014.

2.6 There are also a number of other gypsy development and live planning applications on adjacent sites including:

- 15/01314/FUL - Change of use of land to 6 no. Romany Gypsy pitches and associated works including 6 no. mobile homes, 6 no. touring caravans, 6 no. day rooms, and hard standing, land west of the application site. Currently under consideration and also appears of the schedule.

3.0 Current Application

3.1 The current proposal seeks to continue with the use of the land as a transit gypsy site for eight touring caravans on a permanent basis. No permanent buildings or other structures are proposed as part of this application. However the proposal also seeks to amend the approved plans to allow reconfiguration of the layout.

4.0 Planning Policy Context

4.1 The NPPF and Planning Policy for Traveller Sites

4.1 In August 2015 the Department for the Communities and Local Government published the latest version of the Planning Policy for Traveller Sites (PPTS). The PPTS is to be read in conjunction with the NPPF.

4.2 For the purposes of planning policy the PPTS defines "gypsies and travellers" as:

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such".

4.3 The PPTS sets out that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community. Paragraph 23 also highlights that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF, as well as PPTS.

4.4 Paragraph 24 of the PPTS explains that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

4.5 Paragraph 25 of the PPTS sets out that local planning authorities should strictly limit new traveller sites in open countryside that are away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

4.6 However, in establishing the local provision and need for travellers sites, Paragraph 27 of the PPTS sets out that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable traveller sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permissions.

Tewkesbury Borough Local Plan to 2011 - March 2006

4.7 Policy HOU4 seeks to restrict residential development in the open countryside except where it is essential for the efficient operation of agriculture or forestry, involves the acceptable conversion of existing buildings, or is for affordable housing in line with the Council's 'exceptions' policy. In relation to conventional housing this policy is considered out-of-date. However, although the Council cannot identify a 5 year supply of deliverable gypsy sites, the technical amendment to the NPPF (July 2015). makes clear that the absence of such a supply is not relevant to the application of paragraph 49 of the NPPF.

4.8 Local Plan Policy LND4 recognises that the countryside of the Borough is worthy of protection for its own sake and provides that in considering proposals for development in rural areas, regard will be given to the need to protect the character and appearance of the rural landscape. This policy is considered to be consistent with the NPPF in that it aims to protect the rural landscape. This policy should therefore be afforded significant weight.

4.9 Policy TPT1 of the Local Plan highlights that development will only 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 policy is considered to be consistent with the NPPF in that it seeks to prevent new isolated residential uses in remote locations. This policy should therefore be afforded significant weight.

The Emerging Development Plan

4.10 The emerging development plan for the area consists of the Joint Core Strategy, Tewkesbury Borough Plan and a number of emerging neighbourhood plans. The JCS Submission Version (November 2014) is the most advanced of these documents and when adopted will constitute the spatial vision for the JCS up to 2031. On 20 November 2014 the JCS was submitted for examination and the examination hearings commenced in May 2015 and are still on-going.

4.11 Policy SD14 of the JCS sets out a criteria based policy for dealing with proposals for gypsies, travellers and travelling showpeople. The policy requires a justification in terms of need; that sites do not have an unacceptable impact on the character and appearance of the landscape, amenity of neighbouring properties and that proposals are sensitively designed; safe and satisfactory access; and that no significant environmental barriers exist. Paragraph 4 of policy SA1 states that proposals for the strategic allocations will be required to demonstrate how the provision of new gypsy and traveller sites will be incorporated into development proposals for Strategic Allocations. Policy SD7 seeks to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social wellbeing.

5.0 Analysis

5.1 In the context of the NPPF and PPTS, the primary issue to consider with this application is whether the continued unmet need for traveller accommodation in the Borough should be judged as overriding any adverse environmental impacts that may be caused by this development. In this regard, consideration is to

be given to the impact of the development on the rural landscape, the accessibility of the site and highway safety matters.

The need for gypsy and traveller sites

5.2 Paragraph 10 of the PPTS relates to 'plan-making' and requires local planning authorities to assess the need, and plan over a reasonable timescale for an appropriate supply of suitable traveller sites to address under-provision. The policy sets out that supply should comprise specific, deliverable sites for the first five years and developable sites or broad locations for later years. With respect to 'decision-taking' on specific applications, Paragraph 24 cites the existing level of provision among relevant matters for consideration in the determination process.

5.3 The most recently published countywide Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTSAA) was carried out by Opinion Research Services in October 2013. The GTTSAA demonstrates a significant level of unmet need for traveller and gypsy pitches within Tewkesbury Borough. The GTTSAA indicates the need for 152 additional permanent gypsy and traveller pitches across the JCS area up to 2031, of which 147 pitches are required in Tewkesbury Borough. 64 of these pitches are targeted for delivery by 2017. In terms of transit sites there is a requirement for the provision of 10 transit pitches.

5.4 At the present time the Council is progressing with its Joint Core Strategy and Borough Plan with a view to including general criteria for approving individual traveller site applications alongside provision within strategic and local development locations. However, the JCS examination is not expected to be completed until 2017. This unmet need, together with the lack of an up-to-date plan to provide such sites, has led the Council to grant a number of temporary planning permissions in order to meet some of the identified need in the short-term, whilst allowing the Council time to allocate suitable sites through the plan-making process.

5.5 It is therefore clear that there is a significant need for additional pitches for Gypsies and Travellers in Tewkesbury Borough to meet the shortfall identified. Furthermore, although work to identify additional pitches is progressing, the timescale towards actually delivering such sites is currently unclear. The identified shortfall in permanent pitches in the Borough therefore constitutes a significant material consideration which weighs in favour of the proposal when considering the planning balance.

Housing Policy

5.6 The site is located in the open countryside outside any recognised residential development and as such conflicts with Policy HOU4 of the Local Plan. However, as set out in paragraph 4.7 of this report, although this Policy is considered out-of-date in relation to conventional housing (having regard to paragraph 49 of the NPPF), the technical amendment to the NPPF (July 2015) states that *"those persons who fall within the definition of 'traveller' under the Planning Policy for Traveller Sites, cannot rely on the lack of a five year supply of deliverable housing sites under the National Planning Policy Framework to show that relevant policies for the supply of housing are not up to date. Such persons should have the lack of a five year supply of deliverable traveller sites considered in accordance with Planning Policy for Traveller Sites."* Therefore, although the Council cannot currently identify a 5 year supply of deliverable gypsy sites, the absence of such a supply is not relevant to the application of paragraph 49 of the NPPF.

Landscape Impact

5.7 Policy LND4 seeks to protect the character and appearance of the rural landscape. The reasoned justification expands stating that the countryside of the Borough is worthy of protection for its own sake and that in order to safeguard the existing environmental quality of the Borough development proposals affecting these rural areas should be designed to harmonise with their character or, if they are unacceptably intrusive, be refused.

5.8 In granting the temporary planning permission on the site in 2010, the Appeal Inspector concluded that the rural landscape would be harmed to a degree as a result of the development. He noted that the site would be largely screened by public views by hedges but that these features would be less effective in winter months. Furthermore, the caravans, associated vehicles and domestic paraphernalia would be clearly visible from a nearby public right of way, through a gap in the hedge. A further temporary permission was granted in 2014 (13/01133/FUL). Again in the 2014 permission harm was identified to the rural landscape which weighed against the development and contributed to the issuing of a further temporary permission rather than a full planning permission.

5.9 The current application now seeks the permanent use of the site as a transit site and alterations to the internal arrangements. The proposal would therefore result in permanent loss of what would revert back to open agricultural land once the temporary permission has expired. It is notable that the existing boundary planting has become more established over the years since the original temporary permission was granted and that this has to some degree lessened the harm. This is a similar situation to the Inspectors appeal at The Lodge, Hygrove Lane in July 2015, application 14/00437/FUL where because the boundary screening had matured since a 2010 appeal the appeal site no longer represented an unacceptable intrusion into the local landscape and any limited visual harm could be readily mitigated by further landscaping.

It is also true that a permanent permission at the application site would present an opportunity to further enhance and bolster the landscape features and gaps in the hedgerow to further reduce the visual impact of the proposal. Nevertheless the proposal would result in permanent harm to the rural landscape contrary to Policy LND4 which weighs against the development in the planning balance.

Accessibility and Highway Safety

5.10 The PPTS sets out at paragraph 25 in stating that "Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan". This is considered to represent a significant shift away from the previous government guidance and is more reflective of current Saved Policy TPT1 of the Local Plan, which indicates that development will only be permitted where there is an appropriate level of public transport services and infrastructure available.

5.11 There is a bus stop located approximately 150m from the site and some limited local facilities nearby such as a garage/shop and public house. It is also relevant that in a recent planning appeal (APP/G1630/A/14/2226072) at Land at the Lodge, Highgrove Lane, Main Road Minsterworth was allowed on 10th July 2015 for 5 gypsy pitches. Paragraph 22 of the appeal decision states, "Minsterworth is a small settlement mainly arranged along the busy A48. A recent Rural Area Settlement Audit indicates that it has a village hall, primary school, petrol station/garage shop, public house, sports pitch, place of worship and a mobile library service. The garage shop is about 380m away from the appeal site. Although the site does not lie within or adjacent to a settlement for the purposes of the development plan, it is within walking distance of Minsterworth. I consider that it cannot reasonably be regarded as being in 'open countryside away from existing settlements' for the purposes of applying the PPTS. Indeed, nothing in current national or local policy suggests that locations such as this should be precluded, in principle, from consideration as potential gypsy and traveller accommodation". Paragraph 23 goes on to say, "The Council argue future occupiers of the site are likely to be reliant on private transportation to meet some travel needs, for example, a weekly shop. However this degree of reliance is not that uncommon in a mainly rural area such as this, and the distances involved are not excessive by rural standards. For example, the settlement of Highnam is 3.5 km away from the site and Gloucester is 5.8 km. These locations include a wider range of amenities including competitor shops, health and educational facilities. Highnam and Gloucester are a short car journey away. Moreover, the site is in walking distance of bus stops. Minsterworth is frequently served by bus numbers 23, 30, 31, 786 and 787 which connect the village to larger towns. There is potential for the occupiers of the site to travel by public transport to access a wide range of amenities in nearby urban conurbations".

5.12 The application site is located more centrally within the sporadic Minsterworth settlement being closer to the Primary School and other primary services than the appeal site at Highgrove Lane. Further, the application site seeks permanent permission for a transit site which is different in nature than a permanent residential pitches. The definition of a transit site is a permanent site intended for temporary use by Gypsies and Travellers. The length of stay generally varies between 28 days and three months. In this regard it is considered that the proposed development would accord with Policy TPT1 of the Local Plan.

5.13 In terms of highway safety, Policy TPT1 highlights that development will be permitted where provision is made for safe and convenient access. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the cumulative impacts of development are 'severe'.

5.14 The site is served by a vehicular access off Starcroft Lane, which forms a loop off the A48 main road. The proposal would not result in any intensification of the use of the access or potential vehicular movements beyond which could currently occur at the site. The County Highway Authority raise no objection to the proposal and therefore the proposal is therefore considered to accord with Policy TPT1 of the Local Plan from a highway safety point of view.

Human rights

5.15 The Human Rights of the applicant must be considered having regard to Circular 1/2006 and the Human Rights Act 1998. The application does not include specific information relation to personal circumstances of the application or their family. However refusal of planning permission would result in the loss of a transit site which provides an important element of Gypsy and Travel accommodation and of which there is a need for within the borough. The loss of this transit site therefore has potential to impact upon on the nomadic habit of life of the Gypsy and Traveller community including the applicant and their family.

Other Matters

5.16 The site is located in Flood Zone 1 (low risk) as defined by the Environment Agency's most up-to-date flood maps, where such development is considered acceptable in principle in accordance with Policy EVT9 of the Local Plan. The proposal if approved would also allow for the reconfiguration of the internal layout and therefore should members be minded to grant planning permission it is recommended that a condition be imposed requiring details of surface water and foul sewage arrangements to be submitted to and agreed in writing with the local authority.

5.17 Although there are two dwellings in the vicinity, they are both positioned away from the site (the closest being approximately 40 metres away) and across well screened boundaries, which would assist in protecting both their residential and visual amenities. As such, no properties would be adversely affected by this development in terms of overlooking, loss of light or overbearing impacts. The development therefore does not have any adverse impact on the residential amenity of local residents.

5.18 The Parish Council has raised some concern regarding the level of Gypsy and Traveller Provision within the Parish of Minsterworth. Whilst it is acknowledged that there is a higher number of sites in Minsterworth Parish than in other areas this in itself is not a reason to refuse the application. Further the current application relates to the use of a transient site which by its nature is unlikely to result in significant long term demand or pressure on local services as occupants are present for short periods of time. The Parish indicate that Minsterworth currently has 174 "Conventional dwellings". The number of permanent pitches with planning permission in Minsterworth is approximately 52 (which includes 6 personal permissions). This represents 23.00% of the dwellings within Minsterworth are G&T pitches. The addition of 8 transit pitches on a permanent basis would result in 25.6% of the dwellings within Minsterworth being G&T pitches. The other application (15/01314/FUL) under consideration if approved together with this application would result in 27% of the dwellings within Minsterworth being G&T pitches. Further although some G&T sites are groups closely together they are generally spread out through the settlement and not located within prominent locations. It is also important to note that planning permissions have been granted over time and the numbers of permanent G&T pitches in Minsterworth has increased gradually over the last 20 years. Many of the existing occupiers of G&T pitches have been part of the wider community for a substantial amount of time. The proposed development is therefore not considered to overwhelm existing facilities or services in the area. The proposed development is therefore considered to be acceptable and not disproportionate to the settlement.

6.0 Overall Balance of Planning Considerations and Conclusions

6.1 Whilst it is considered that the proposed development would result in some harm to the rural character of the area by virtue of its visual intrusion and encroachment into the surrounding countryside this harm must be balanced against the benefits of the proposal.

6.2 The provision of a permanent transit site would contribute towards meeting the identified need for transit gypsy and traveller pitches in the Borough. The sites location is not considered to be isolated and is reasonably well served by public transport. There would be no identified harm to residential amenity or highway safety.

6.3 Overall whilst the proposal would result in permanent landscape harm It is considered that the identified need for transit gypsy and traveller pitches in the Borough outweighs the identified harm in this instance and therefore it is recommended that planning permission is granted.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1:2500 and drawing number 1579/02 received by the Local Planning Authority on 4th December 2015.

- 2 The site shall not be occupied by any persons other than gypsies and travellers as defined in the Planning Policy for Travellers Sites document published in August 2015.
- 3 No caravan or person occupying the transit site hereby permitted shall stay on the site for a period longer than three months. No caravan or person shall return to use the transit site until at least three months have elapsed.
- 4 For the duration of the use hereby permitted, a register of occupancy, to include details of names of users, motor vehicle registration numbers and arrival and departure dates, shall be kept by the applicant and shall be kept available at all times for inspection by officers of the local planning authority.
- 5 No more than eight caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time. Each caravan shall be stationed on an identified pitch and caravans positioned on the site shall be capable of being lawfully moved on the public highway, without division into separate parts.
- 6 No more than one commercial vehicle per plot shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight. No commercial activities shall take place on the land, including the storage of materials.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gates, walls, fences or other means of enclosure shall be erected on the land unless otherwise agreed in writing by the local planning authority.
- 8 There shall be no external lighting on the site unless details of any such lighting have previously been submitted to and approved in writing by the local planning authority. No external lighting shall be installed other than in accordance with the approved details.
- 9 Prior to the reconfiguration of the internal layout and within 6 months of the date of this permission a scheme shall be submitted to and approved in writing by the Local Planning Authority of hard and soft landscaping, which 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, in the course of development. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.
- 10 Within 3 months from the date of this permission drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing with the Local Planning Authority. The scheme shall be implemented within 6 months of being formally agreed in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reasons:

- 1 To limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 2 To ensure that the occupants are bona-fide gypsies to meet the identified need for gypsy and traveller pitches in the Borough in accordance with the advice contained in the Planning Policy for Travellers Sites document.
- 3 To ensure that the occupants are bona-fide gypsies and to meet the identified need for transit pitches in the Borough in accordance with the advice contained in the Planning Policy for Travellers Sites document.
- 4 To ensure that the occupants are bona-fide gypsies and to meet the identified need for transit pitches in the Borough in accordance with the advice contained in the Planning Policy for Travellers Sites document.

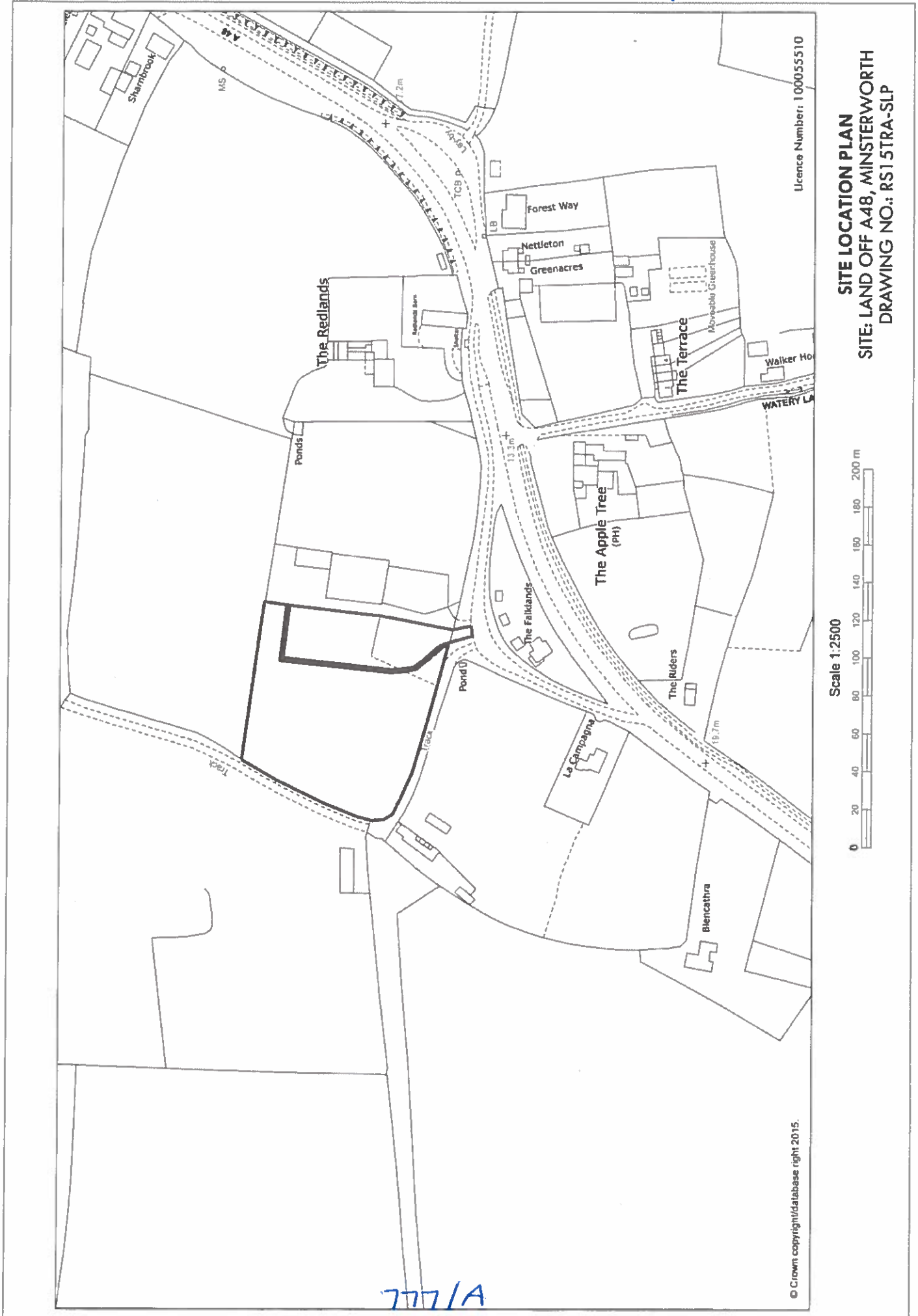
- 5 To limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 6 To limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 To limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 To limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 9 To limit the impact of the development on the rural character and appearance of the area in accordance with Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 10 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

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.

15/01315/FUL



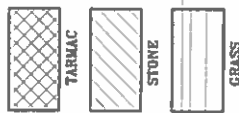
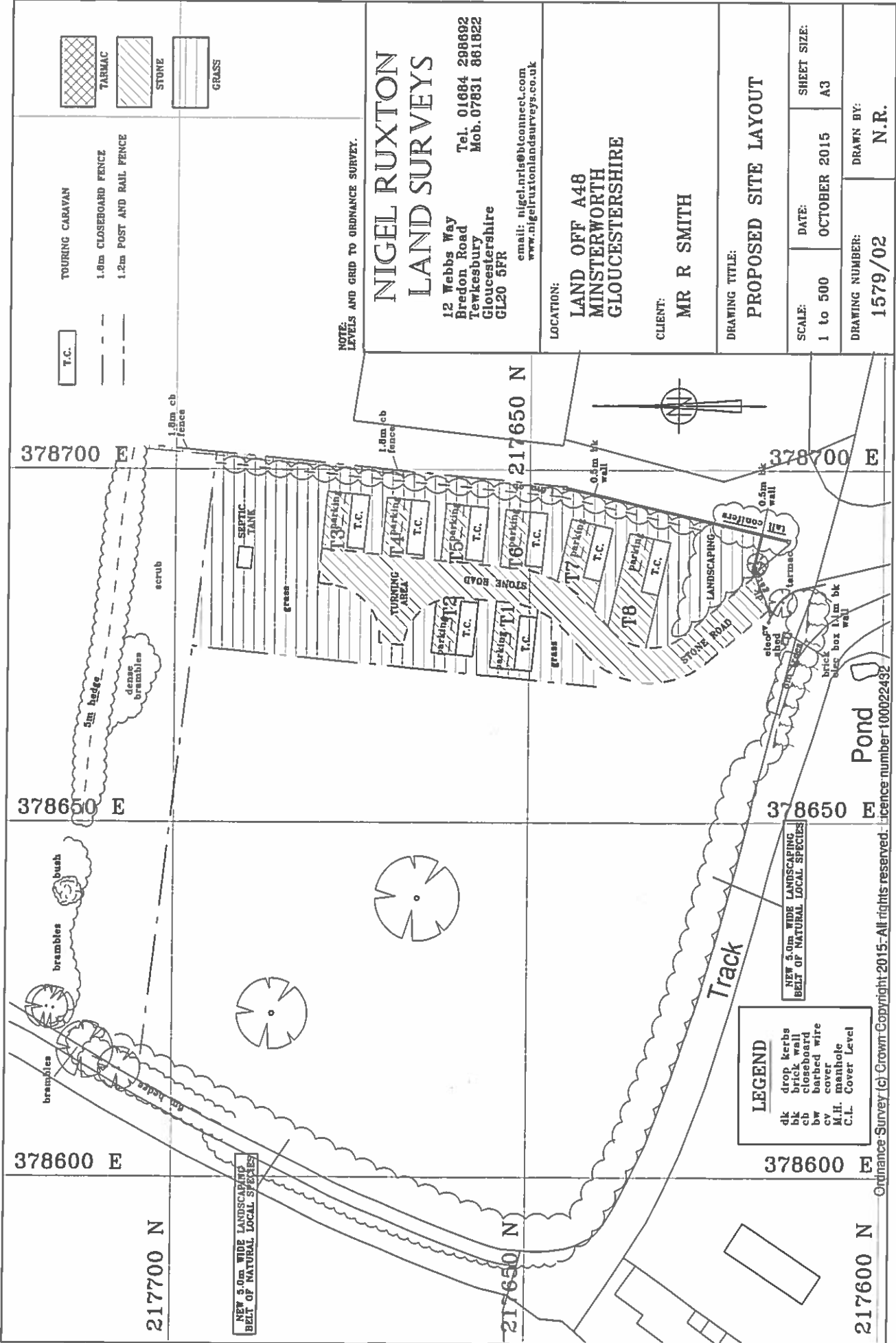
SITE LOCATION PLAN
SITE: LAND OFF A48, MINSTERWORTH
DRAWING NO.: RS15TRA-SLP

Licence Number: 100055510



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777/A



TOURING CARAVAN
 1.0m CLOSEBOARD FENCE
 1.2m POST AND RAIL FENCE



NOTE: LEVELS AND GRID TO ORDNANCE SURVEY.

NIGEL RUXTON LAND SURVEYS

12 Webbs Way
 Bredon Road
 Tewkesbury
 Gloucestershire
 GL20 5FR
 Tel. 01684 298692
 Mob. 07831 861822
 email: nigel.nrts@btconnect.com
 www.nigelruxtonlandsurveys.co.uk

LOCATION:

LAND OFF A48
 MINSTERWORTH
 GLOUCESTERSHIRE

CLIENT:

MR R SMITH

DRAWING TITLE:

PROPOSED SITE LAYOUT

SCALE:

1 to 500

DATE:

OCTOBER 2015

SHEET SIZE:

A3

DRAWING NUMBER:

1579/02

DRAWN BY:

N.R.

LEGEND
 dk drop kerbs
 bk brick wall
 cb closeboard
 bw barbed wire
 cv cover
 M.H. manhole
 C.L. Cover Level

NEW 5.0m WIDE LANDSCAPING
 BELT OF NATURAL LOCAL SPECIES

NEW 5.0m WIDE LANDSCAPING
 BELT OF NATURAL LOCAL SPECIES

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77718

15/00197/FUL

Land Adjacent To Minsterworth Village Hall, Main Road,
Minsterworth

11

Valid 17.03.2015

Proposed erection of 14no. affordable dwellings with associated hard and soft landscaping

Grid Ref 377552 217194

Parish Minsterworth

Ward Highnam With Haw
Bridge

Rooftop Housing Group Ltd

70 High Street

Evesham

Worcestershire

WR11 4YD

FAO: Mr Tim Wade

RECOMMENDATION Delegated Permit

Policies and Constraints

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, HOU1, HOU4, HOU13, TPT1, TPT3, TPT6, TPT11, EVT2, EVT3, EVT5, EVT9, LND2, LND7, RCN1, RCN2, NCN5
Pre-Submission JCS (April 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 Right of Way - EMW/10/1

Consultations and Representations

Minsterworth Parish Council - Strongly support the application.

County Highways Authority - No objection subject to conditions.

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

Highways England - No objection

Environmental Health Officer - No objection subject to conditions.

Severn Trent Water Ltd - No objections subject to conditions requiring the submission of drainage details.

Natural England - No objection.

Trustees of Minsterworth Village Hall

- The Trustees support the development, but consider that the proposed hammerhead adjacent to the village hall will encourage residents of the housing scheme to use the village hall car park. We consider some form of delineation to clearly define where the access road ends and the car park begins.
- Do not consider that the hammerhead is genuinely required for refuse vehicles.
- We experience a lot of problems with unauthorised access & use of our car park, and would not want this worthwhile development to cause any problems either for ourselves or the residents.

Local Residents - One letter has been received from a local resident objecting to the proposal for the following reasons:

- The proposed use of the access which is shared with the Village Hall will increase dangers to the A48.

Planning Officers Comments: Mr John Hinett

1.0 Introduction

1.1 The application site comprises part of an agricultural field located on the northern side of the A48 and to the north of the Minsterworth settlement with an area of approximately 0.7ha (see location plan). Opposite the site there are two residential properties and the village school. To the north and east of the site is agricultural land. Minsterworth Village Hall and its car park are located immediately to the west.

1.2 The site lies outside the Residential Development Boundary of Minsterworth as defined in the Tewkesbury Borough Local Plan - March 2006 and is not affected by any landscape designations.

1.3 A public right of way passes through part of the site.

2.0 Planning History

2.1 No relevant history.

3.0 Current Application

3.1 The application is made full and proposes the erection of 14 no. affordable dwellings with associated infrastructure and landscaping (see layout plan).

3.2 The dwellings would comprise two 1 bedroomed bungalows, two 2 bedroomed bungalows, six 2 bedroomed houses and four 3 bedroomed houses. The proposed density would be 23 units per hectare.

3.3 Access would be via the existing access to the village hall off the A48 (see layout plan). The access would run through the lower part of the Village Hall car park resulting in the loss of around 11 spaces (from 49 to 38 spaces).

3.4 The applicant is a Registered Provider of Social Housing and the supporting statement states that their application has been submitted with the full support of the Parish Council and the Gloucestershire Rural Community Council and is a response to the Housing Needs Survey undertaken by the Parish Council in 2011. Further, the proposal would enable the continual growth of the area, in line with the aspirations of the National Planning Policy Framework (NPPF). The brief given by those stakeholders for the project included the following aims objectives:

- Providing housing to meet the needs of the village.
- Establishing a suitable unit mix, both in terms of unit sizes and tenure.
- Providing a high-quality environment for housing, whilst also considering a link between the Village Hall and the School.

(Plans will be displayed at Committee).

The Community Infrastructure Levy Regulations

3.5 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 new tests set out in the CIL regulations. These new 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.

3.6 As a result of these regulations, Local Authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly' related to the development'. As such, the Regulations restrict Local Authorities ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests, 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.

3.7 From 6 April 2015 new rules have been introduced regarding the pooling of contributions secured by s106 agreements. The Planning Practice Guidance sets out that from that date, no more contributions may be collected in respect of a specific 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.

4.0 Policy Context

National and Local Planning Policy

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 14 of the NPPF indicates that sustainable development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or where specific policies within the Framework indicate that development should be restricted.

4.3 Policy HOU4 of the local plan seek to promote sustainable development. Policy HOU4 advises, inter alia, that residential development outside of a residential development boundary will only be permitted where essential to the efficient operation of agriculture or forestry or the provision of affordable housing in accordance with Policy HOU14.

4.4 Policy HOU14 seek to provide affordable housing. Policy HOU14 states that the Council will permit, subject to a legal agreement and/or planning condition, residential development which can be demonstrated to meet in perpetuity a particular local need that cannot be met in any other way. Proposed sites should be small in size and located in or adjoining villages or settlements where there are adequate local facilities, including public transport services, for residential schemes where the occupation can be controlled in the long term.

4.5 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.

4.6 Policy TPT1 of the local plan seek to reduce the need to travel by car and promote alternative modes of transport and Policy TPT1 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.

4.7 Policy NCN5 of the local plan seek to protect and, wherever possible enhance biodiversity, including wildlife and habitats.

4.8 Paragraph 54 of the NPPF states that "In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.

5.0 Analysis

Principle of Development

5.1 Policy HOU14 is consistent with the NPPF when considering affordable housing exceptions sites however it must be recognised that the NPPF (Paragraph 54) advises that in rural areas, local planning authorities should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.

5.2 The Councils Strategic Housing and Enabling Officer (HEO) has commented that the current proposal has come about through work carried out with the Parish Council who are keen to pursue an Affordable Housing scheme based on their own public consultation events and the number of young people that had left the village due to a lack of suitable and affordable homes in the village. Similarly they wished to provide for the ageing population of the village through the provision of small homes so that residents were able to remain in Minsterworth. The HEO has confirmed that at present there is no affordable housing in the Parish of Minsterworth and that following several consultation events in the village from 2011, demand for affordable housing to buy and rent has increased. The HEO has continually checked the current housing need as according to Gloucestershire Homeseeker and the home ownership register, small requirement from housing applicants to live in Minsterworth Parish. The Enabling Officer therefore concludes that it is likely, given the current housing register information, that the proposed affordable homes would be occupied by people with a local connection to Minsterworth Parish.

5.3 Following assessment of available land in 2012 and 2013 a public consultation took place relating to two possible sites. Other sites in the parish were identified but were set aside as they were either unavailable and/ or they were considered inappropriate for the reason they did not comply with planning policies. The current application site was deemed appropriate by the Parish Council and local residents following

consultation in October 2013, the main benefits being its existing access on to the A48, a nearby pedestrian crossing point to the school and adjacent bus stop, the proximity to the Village Hall and school and bus stop on the edge of the site.

5.4 The HEO concludes that the layout and general mix of housing reflects the needs of the Parish (as reflected in the feedback to the Parish Councils consultation events) and the development would meet local housing needs and be situated in the most appropriate location in the village with suitable house types and tenure mix. The principle of a rural exception scheme on this site is therefore considered acceptable.

6.0 Access to local services and facilities

6.1 Local Plan Policy HOU14 states that proposed exception sites should be located in or adjoining villages or settlements where there are adequate local facilities, including public transport services. This is generally consistent with the aims of the NPPF which seeks to promote sustainable modes of transport (Section 4). However, the Framework also recognises the need support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28) and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that there is a need to balance this against other objectives set out in the Framework - particularly in rural areas.

6.2 It is the case that Minsterworth is a named Service Village in the current submission version of the JCS. Although it is accepted that the new residents would to a large extent be reliant on the car, this would be in common with all the Service Villages and recent appeal decisions in Alderton and Twyning have made it clear that that neither national nor local planning policy regards this as sufficient reason in itself to prevent any further residential development in such communities. Rather, it is one of the many considerations that need to be taken into account when assessing specific proposals; including the need to provide affordable housing within existing rural communities.

6.3 The existing population of Minsterworth is approximately 444. If approved, the current proposal for 14 additional dwellings would increase this by approximately 33. This represents a percentage increase of 7.5 percent which is not considered to be disproportionate to the existing settlement and would not harm the social cohesion of the village - particularly given that the dwellings are intended to meet the needs of the existing community.

7.0 Layout and Design

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.

7.2 The Design and Access Statement states that the layout has arisen through the combination of the site constraints and opportunities described in section 2 & 3, and our established principles for development. These principles include the following:

- Reaction to the site's location.
- Formation of public defensible frontage, 'a sense of place'.
- Arrangement between public and private space.
- Interaction and reinforcement of the scheme with the existing built form and townscape.
- Appropriate scale of building within this environment.
- Movement of people both vehicular and pedestrian relating to the site.

A further key objective is to provide a safe footpath link between the Village Hall and the School.

7.3 Access is dictated by the existing access to the Village Hall which would split before the village hall, diverting residents and village hall attendees (see layout plan).

7.4 Currently, most of the residential development in Minsterworth has taken place south of the A48, although there is some sporadic development north of the road - including the Village Hall adjacent to the application site and a number of residential properties. In considering the longer term development of Minsterworth, it is considered that there is some merit in locating development to the north of the A48 which would help to place the currently isolated village hall to a more centralised village location - albeit the development of the application site would only make a minor contribution towards this.

7.5 It is the case that much of the existing developments that front the A48 are hidden from the street behind substantial hedgerows, which is understandable given the relatively hostile environment of the A48. In this sense the current proposals are simply replicating this pattern. However, the Urban Design Officer was concerned that the original layout proposed two units which presented their side elevations to the street scene at odds with the established pattern of development. Following consultation with Environmental Health Officers, it was also the case that there were concerns in respect to noise from the road the original siting of those dwellings would have made effective mitigation very difficult.

Revised plans

7.6 The revised layout re-sites plots 11- 14 which now propose frontage onto the road which addresses the design concerns, but also enables effective noise mitigation, with rear amenity areas to those properties being set behind the dwellings and away from the road (**see revised layout**). Plots 1 to 10 would be set back approximately 25 - 35 metres from the road separated from it by the driveway and a large area of open space that would form an attractive setting for the development and would also provide a safer and more pleasant footpath link from the school to the village hall via the existing traffic island on the A48. The layout is reflective of this part of Minsterworth where there is no definitive building line, houses being set back off the road by various distances. The set back of the dwellings would also retain the views of the Village Hall (a notable and prominent building in the village) when approaching from the east.

7.7 The design of the proposed dwellings is to some extent determined by the requirements of the Registered Social Provider informed by the Needs Assessment and includes 4 bungalows. The design of the dwellings is deliberately simple but with a more contemporary feel and aims to reflect the style and architecture of village. Materials would be a mix of red brick and render - with the use of cast concrete for some parts of the walls on rear elevations, the judicious application of which would add to the contemporary appearance. Slates are proposed for the tiles. A condition requiring submission of materials and detailing would be required to ensure the finished quality of the buildings would reflect the intended aspirations. Similarly, details of the boundary treatments would be required.

7.8 Overall it is considered that the proposed layout is an appropriate response to the constraints of the site and would successfully achieve the stated objectives of the applicants brief and the revised proposals are now acceptable in design terms. Furthermore, given the context of the surrounding area, it is considered that the proposed mix and variety of house types within the development would be acceptable. Subject to planning conditions requiring the submission of materials and detailed design, the proposal is considered acceptable in this regard.

8.0 Landscape and Visual Impact

8.1 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 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.

8.2 A Landscape Assessment has been submitted with the application which considers that the most prominent views of the proposals are likely to be at close distance on and adjacent to the A48 road corridor. Views are also possible from locations such as the small village of Churcham and Hygrove House on the rising grounds to the north and north-east of the site, up to around 1.3km away. From longer distance views from the more distant escarpments and hills it is argued that the site should not form a readily apparent new element in the wider landscape, particularly when viewed within the context of adjacent properties, built form and vegetation running along and the ridgeline and adjacent vegetation.

8.3 A mitigation strategy is proposed that seeks to retain existing boundary hedges and to enhance them where possible. In addition it is proposed to plant additional significant boundary tree, hedge and woodland blocks to filter views and break up the mass of the proposals from key vantage points. Structural tree planting, native trees and shrub blocks within the proposed development would also provide visual interest and would reduce the perceived scale and massing of the built form when viewed from the west. The Landscape Assessment concludes that that with a sympathetically designed layout and built form, together with the recommended mitigation measures, the proposals could be successfully incorporated within their surroundings without causing significant harm to the character of the area.

8.4 The Landscape and Visual Sensitivity Study (Rural Service Centres and Service Villages) undertaken as part of the evidence base for the emerging Borough Plan includes an assessment of all land surrounding Minsterworth. The study notes that there is little precedent for residential development to the north of the A48 and for this reason its landscape and visual sensitivity is high.

8.5 The application site would comprise only a very small part of the study area referred to above and, as set out in section 7 above, the layout is reflective of the surrounding development. The proposed dwellings would be located in close proximity to Village Hall and the development would not appear to intrude into the open countryside beyond it. The height of buildings would not exceed 8 metres and the fact that the majority of the units would be set well back off the road and behind a hedge would further reduce their impact from closer vantage points.

8.6 The Councils Landscape Consultant has assessed the impact on the existing trees and hedgerows and comments that no trees would be required to be removed and that the small section of hedgerow to be removed (to allow access into the site) would be mitigated by proposed new hedgerow planting. There is no objection to the proposal in this regard.

8.7 In conclusion, it is considered that the scale and particular location of the proposal are such that its impact is likely to be limited to the immediate surroundings. Furthermore, the impact of the development could be mitigated, to some extent, by the proposed planting to the southern boundary in the form of native hedgerow with hedgerow trees, which would soften the visual impact. A condition would be required to secure the implementation of the landscaping proposal. However, notwithstanding the proposed mitigation, the proposal would result in landscape harm and this is a matter that must be put into the planning balance to weigh against proposal.

9.0 Highway Safety

9.1 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.

9.2 Access to the site would be off the A48 via the existing access to the village Hall. A single estate road would serve each of the proposed dwellings with a turning head at the eastern end which is required in order to allow refuse lorries to turn within the development and exit in a forward gear. Safe access is provided from the site to the bus stop on Main Road. The open grassed / planting area to the south of the scheme also provides a safe route for parents and children from the Village Hall car park to the road crossing and on to the School.

9.3 A total of 26 parking spaces would be provided all of which would be off-road. The new access would utilise part of the existing Village Hall over-spill parking area reducing the overall number from 49 possible spaces to 38. The DAS states that this reduction has been discussed with the Village Hall Committee who do not feel that this reduction in spaces is likely to have any real impact.

9.4 Highways England have been consulted and raise no objections.

9.5 Gloucestershire County Highways Authority (CHA) have also assessed the proposal and note that the amended plans demonstrate that visibility splays of 160m are available in both directions from the access, which is suitable for a 50mph speed limit road. Amended plans have been submitted which widen the access to allow a refuse vehicle and a car to be able to pass simultaneously at the entrance. This is required to ensure that vehicles are not left standing on the carriageway. A footway is provided around the radii of the junction, whilst a footway link is also provided within the site to allow pedestrian access to the bus stop. The internal layout is suitable in terms of widths and vehicle tracking. Two parking spaces per dwelling are provided and this is necessary given the rural location of the site. Subject to conditions the CHA therefore have no highway objections to the proposal.

9.6 Subject to the above, the proposal is considered to be acceptable in terms of Guidance within the NPPF and Local Plan Policy TPT1.

10.0 Noise and Residential Amenity

10.1 The NPPF provides that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from noise pollution. 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).

10.2 Local Plan Policy EVT3 sets out that appropriate steps must be taken during construction to reduce levels of noise pollution and planning permission should not be granted for development where noise would cause harm and could not be ameliorated.

10.3 The site is within close proximity to the A40 - a busy and heavily trafficked road. Although most of the units have been set well back of the road (by some 30 metres) the original layout proposed units 13 and 14 much closer. The Council's Environmental Health advisor (EHA) raised no objection to that layout but commented that due to the orientation of those units which had back gardens adjacent to the road, an acoustic fence was required in order to bring down noise levels to an acceptable level. The revised layout overcomes this requirement by orientating rear gardens to the rear of the dwellings and away from the road. A condition is required however, to require appropriate glazing to ensure that internal noise levels meet the standards set out in BS8233.

10.4 It is considered that the relationship between the proposed dwellings is acceptable in terms of residential amenity and would provide for acceptable living conditions.

10.5 Subject to a condition requiring submission of a noise mitigation details that incorporates the suggested mitigation measures, the proposal is considered to comply with the National Guidance and Policy EVT3.

11.0 Flood Risk and Drainage

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.

11.2 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.

11.3 The site lies wholly within Flood Zone 1 where there is a low risk of flooding from all sources. A drainage strategy has been submitted with the application which concludes that the site is not at risk from fluvial or tidal flooding. Furthermore, given that the site is mainly bordered by existing greenfields, the site would be at minimal risk from pluvial flooding.

11.4 In terms of surface water, the drainage strategy notes that the soil type is not suitable for soakaways and it is therefore proposed that surface water would discharge to ditch in the north-east corner of the site. It is proposed that this would be attenuated by using plastic crate attenuation tanks or concrete tank to accommodate all flows up to and including the 1 in 100 year storm event plus an allowance of 30 percent for climate change.

11.5 The drainage strategy argues that the only proposal available for the foul water drainage is to install a package treatment plant with a discharge to the ditch to the north-east corner of the site. The proposed peak foul flows generated from the development are estimated to be 0.1 l/s. on site foul drainage would be in the form of a traditional gravity system just off the main access road with an outfall to the existing ditch. EA permits would be required for the discharge of treated effluent to the watercourse.

11.6 The Council's Flood Risk Management Officer has assessed the applicants drainage strategy and has no objections in principle subject to a condition requiring the submission of full drainage details. Recommendations are made with regard to the favoured drainage strategy and the specific methodologies that should be considered.

11.7 In light of the above, it is considered that the proposed drainage strategy is acceptable and can be dealt with by way of a planning condition to secure details prior to development commencing. The proposal therefore complies with the guidance contained within the NPPF, and Policies EVT5 and EVT9 of the Development Plan.

12.0 Archaeology and Cultural Heritage

12.1 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.

12.2 The County Archaeologist (CA) advises that the County Historic Environment Record indicates there is no archaeological interest within the site and which therefore has low potential to contain any significant archaeological remains. The CA therefore recommends that no further archaeological investigation or recording need be undertaken in connection with this scheme.

13.0 Ecology and Nature Conservation

13.1 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.

13.2 The application has been supported with preliminary Ecological Appraisal Report which confirms that there are no statutory or non statutory designated sites within the 2km and 1km (respectively) search areas. Therefore no impacts on designated sites for nature conservation are anticipated. The majority of the habitats on site were valued at being of negligible value for nature conservation, with the exception of the hedgerows present within the site and just outside of the site and trees within the surrounding area.

13.3 The appraisal noted evidence of badgers using the site for foraging and commuting and that hedgerows on site may contain badger setts. A further badger survey was therefore recommended to search for badger setts within the hedgerows. A subsequent badger survey observed evidence of badgers being active on site in the form of latrines and dung, feeding remains and mammal tracks. No badger setts were present within the site or 30m buffer zone. The survey recommends that protection measures for badgers during development activities are implemented. The recommendations are to cover up trenches overnight to prevent badgers foraging within the site getting trapped; or if trenches are to be left exposed overnight a wooden plank at least 30cm wide should be put in place to allow any badgers to escape. The site also contained suitable habitat for nesting birds in the form of the hedgerows present on site. It is recommended that if suitable nesting habitat is to be cleared, such works be undertaken outside of the breeding bird season (considered to be March - August).

13.4 Subject to appropriate planning conditions following the recommendations of the various surveys and reports, to secure biodiversity enhancements and mitigation as necessary, the proposed development is considered to accord with the NPPF and policy NCN5 of the Local Plan.

14.0 Community, Education and Library Provision

14.1 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.

14.2 Following consultation with Gloucestershire County Council, it is advised that there are no community infrastructure requirements arising from the proposal for 14 dwellings.

14.3 In terms of open space the proposed layout includes an area of Public Open Space (POS) to the site frontage that also includes a footpath to the Village Hall. The area of the POS is less than would normally be required for a development of 14 dwellings. However, the Council's Community and Economic Development Manager acknowledges that the proposal is for an exception scheme to meet the needs of the Parish and that any request for off-site contributions would make the proposal unviable. Further, that the provision of a safe footpath between the Village Hall and the School is one the aspirations of the Parish Council. On this basis the Community and Economic Development Manager has no objection to the proposal. Similarly, there are no requests for contributions towards other community facilities.

15.0 Overall Balancing Exercise and Conclusions

15.1 Paragraph 14 of the NPPF requires that development proposals that accord with the development plan should be approved without delay. The site is located outside the Minsterworth Residential Development Boundary where new housing development conflicts with Policy HOU4 of the Local Plan. However, the proposed exception scheme would comprise a small site, in the context of Minsterworth, and would be used for affordable housing in perpetuity. The proposal is therefore acceptable in principle and in accordance with the Framework and Local Plan Policy HOU14.

15.2 In terms of the harms, it is recognised that the proposal would result in some landscape harm. However, the site is located adjacent to the Village Hall and the impact would be mitigated to some extent by new hedgerow planting. It is also recognised that residents would be reliant upon the private car to access employment and secondary services. However, the NPPF recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

15.3 In terms of the benefits it is now widely accepted that new housing developments bring benefits during the construction phase and through the additional spending power in the local economy as a result of the increased population. The proposal would also provide 14 affordable houses in perpetuity and it has been demonstrated that the proposal would address the needs of the local community.

15.4 In terms of the neutral impacts, it is considered that the layout and design of the proposed development is acceptable, subject to conditions, and it is not considered that the introduction of a further 14 houses in Minsterworth would have an adverse impact on the social and cultural wellbeing of the local community. It is considered that 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 noise issues. In terms of ecology and nature conservation, it has been demonstrated that the development would not have a detrimental impact upon biodiversity. 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.

15.5 For these reasons the proposal is considered to accord with the NPPF and Local Plan Policies and the benefits outweigh the identified harms. It is therefore recommended that **permission be delegated to the Development Manager to allow for the completion of a Section 106 Agreement to ensure the dwellings remain affordable in perpetuity.**

RECOMMENDATION Delegated Permit

Conditions:

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

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

- 2 Other than where varied by the conditions below the development hereby approved shall be implemented in accordance with the plans and information detailed on the approved Drawing Register (??????) received on the ??/??/??.

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

- 3 No development shall take place until details of existing and proposed ground levels and ground floor slab levels of the buildings relative to Ordnance Datum Newlyn have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development integrates harmoniously with its surroundings and does not adversely impact upon existing residential properties in accordance with the NPPF and Policy LND4 of the Tewkesbury Borough Local Plan - March 2006.

- 4 Notwithstanding the submitted plans, no construction works of the dwellings hereby permitted shall not commence until samples of the proposed external walling and roofing materials have been submitted to and approved in writing by the local planning authority. Thereafter all such materials used in the development shall conform to the approved samples.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity in accordance with the NPPF and Policy LND4 of the Tewkesbury Borough Local Plan - March 2006.

- 5 Notwithstanding the submitted details, no development shall take place until a comprehensive scheme for hard and soft landscaping (to include details of the proposed footpath link) has been submitted to and approved in writing by the local planning authority. The Landscaping Scheme shall include details 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 construction. The Landscaping Scheme shall also include details of all proposed planting, including species, density, and the height and spread of trees; and details of the design, position, height and materials of all the proposed boundary treatments.

Reason: 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.

- 6 All planting, seeding and turfing detailed in the approved Landscaping Scheme shall be carried out in the first planting and seeding season following the first occupation of any of the buildings hereby permitted or completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years from 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. The boundary treatments detailed in the approved Landscaping Scheme shall be implemented before any of the dwellings hereby permitted are first occupied.

Reason: 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 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

Reason: 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.

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

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

- 9 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

- 10 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 160m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To 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.

- 11 The dwellings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan, and those facilities shall be maintained available for those purposes thereafter.

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

- 12 No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 10m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

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

- 13 No development shall commence until a noise mitigation report has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until it has been constructed in accordance with the approved details.

Reason: To minimise the effect of noise within the proposed dwellings (with windows closed) and within the rear gardens in the interests of the amenities of future occupiers in accordance with the NPPF and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 14 Development is not to begin until comprehensive evidence based drainage details, leading on from the Drainage Strategy submitted and 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

Reason: 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.

- 15 No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the local planning authority. The EMP shall be in accordance with the mitigation and enhancement measures set out in the preliminary Ecological Appraisal (version 001) and Badger Survey Report (version 001). It shall include a timetable for implementation, details for monitoring and review, and details of how the areas concerned will be maintained and managed. Development shall thereafter be carried out in accordance with the approved details and timetable of the EMP.

Reason: 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.

- 16 Prior to the first occupation of any of the dwellings 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 application site otherwise than in accordance with the approved External Lighting Strategy, unless the written approval of the local planning authority has first been obtained.

Reason: To protect the amenities of nearby residential property, and in the interests of visual amenity and to safeguard an important environmental characteristic in accordance with Policies LND4 and EVT2 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Notes:

1 Statement of Positive and Proactive Engagement

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

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

- 3 The applicant is advised that to discharge condition 9 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes. The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

15/00197/FUL

NOTE
Only found dimensions to be used for construction.
Check all dimensions on site.



REVISIONS

PROJECT
Main Road
Minsterworth

CLIENT
Roofcap Housing

TITLE
Site Location Plan

DRAWN CHECKED
DC DW
SCALE DATE
1:1250@A3 Feb 2015



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Tel: 0117 927 0000
www.quattroarchitects.co.uk

DRAWING NO
4118/P/01
REV

Minsterworth



BA1A

15/00197/15

NOTES
 1. Only signed dimensions to be used for construction.
 2. Check all dimensions on site.

REVISIONS

PROJECT
 Main Road
 Minsterworth

CLIENT
 Rooftop Housing Group

TYPE
 Proposed Site Plan

DRAWN GNEKED
DC DW
SCALE DATE
1:500@A3 Feb 2015

QUATTRO
 designarchitects

DRAWING NO 4110/P/10
REV H



- Key**
- 2no. 1bed 2person bungalows @ 47sqm
 - 2no. 2bed 3person bungalows @ 60sqm
 - 6no. 2bed 4person houses @ 78sqm
 - 4no. 3bed 5person houses @ 93sqm
 - Total 14no. units
- Site boundary
 - Existing hedgerows
 - Existing trees
 - 1800mm Close Boarded Timber Fencing
 - 900mm Post & Rail Fencing
 - Shed and Cycle Store
 - Bins
 - Compost Bin
 - Washing Lines
 - Rainwater Butt
- Public Right of Way - diverted path indicated
 - Road - larmac
 - Footpath - larmac
 - Shared surface - block paving
 - Parking - larmac 2.4m x 4.8m
 - Visitor parking to be accommodated in Village Hall car park and on the road
 - Proposed grassed areas
 - Proposed planting beds
 - Proposed hedgerows
 - Private garden areas
 - Proposed trees

789/B

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
			Isbourne	Buckland Dumbleton Snowshill Stanton Teddington Toddington	J H Evetts
Brockworth	Glebe Ward Horsbere Ward Moorfield Ward Westfield Ward	R Furolo Mrs R M Hatton H A E Turbyfield	Northway	Northway	Mrs P A Godwin Mrs E J MacTiernan
Churchdown Brookfield	Brookfield Ward	R Bishop D T Foyle			Oxenton Hill
Churchdown St John's	St John's Ward	Mrs K J Berry A J Evans Mrs P E Stokes	Shurdington	Shurdington	P D Surman
Cleeve Grange	Cleeve Grange	Mrs S E Hillier-Richardson	Tewkesbury Newtown	Tewkesbury Newtown	V D Smith
Cleeve Hill	Prescott Southam Woodmancote	M Dean Mrs A Hollaway	Tewkesbury Prior's Park	Tewkesbury (Prior's Park) Ward	K J Cromwell Mrs J Greening
Cleeve St Michael's	Cleeve St Michael's	R D East A S Reece	Tewkesbury Town with Mitton	Tewkesbury Town with Mitton Ward	M G Sztymiak P N Workman
Cleeve West	Cleeve West	R A Bird R E Garnham	Twyning	Tewkesbury (Mythe Ward) Twyning	T A Spencer
Coombe Hill	Deerhurst Elmstone Hardwicke Leigh Longford Norton Sandhurst Twigworth Uckington	D J Waters M J Williams			Winchcombe
Highnam with Haw Bridge	Ashleworth Chaceley Forthampton Hasfield Highnam Maisemore Minsterworth Tirley	P W Awford D M M Davies	<p>11 May 2015</p> <p>Please destroy previous lists.</p>		