



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

TEWKESBURY BOROUGH COUNCIL

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 12 April 2016

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(886 - 939)	(940 - 1017)

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. (886 - 1017)

Codes for Application Types

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

National Planning Policy

National Planning Policy Framework (NPPF)

Technical Guidance to the National Planning Policy Framework

Planning Policy for Traveller Sites

Planning Policy Statement 10: Planning for Sustainable Waste Management

Planning Policy Statement 11: Regional Spatial Strategies

INDEX TO PLANNING SCHEDULE (RECOMMENDATIONS) 12th April 2016

Alderton 15/00963/FUL Click Here To View	Gardeners Arms Beckford Road Alderton Tewkesbury	Permit	3
Ashleworth 15/00865/FUL Click Here To View	Land at Berrow Farm Wickridge Street Ashleworth	Minded to Permit	6
Bishops Cleeve 15/00166/OUT Click Here To View	Land at Stoke Road Bishops Cleeve GL52 7DG	Refuse	15
Bishops Cleeve 15/01177/FUL Click Here To View	Adjacent 74 Evesham Road Bishops Cleeve	Delegated Permit	14
Boddington 15/00982/FUL Click Here To View	Hayden Hill Fruit Farm Old Gloucester Road Boddington	Refuse	7
Buckland 16/00105/FUL Click Here To View	Sycamore Cottage Buckland Broadway Worcestershire	Permit	4
Churchdown 15/00817/FUL Click Here To View	Part Parcel 2813 Chosen Hill Churchdown	Permit	9
Down Hatherley 16/00138/FUL Click Here To View	Land West of Ash Lane Down Hatherley	Permit	12
Hucclecote 15/01274/APP Click Here To View	Land to the West & South of Gloucester Business Park Brockworth	Delegated Approve	13
Longford 16/00027/FUL Click Here To View	Longmarsh House 97A Tewkesbury Road Longford	Permit	11
Oxenton 15/01288/FUL Click Here To View	Part Parcel 0022 Oxenton Cheltenham	Refuse	8

<p>Tewkesbury 15/01293/OUT Click Here To View</p>	Parcel 0630 Mythe Road Tewkesbury	Refuse	2
<p>Tewkesbury 16/00317/ADV Click Here To View</p>	Tewkesbury Borough Council Gloucester Road Tewkesbury	Delegated Consent	1
<p>Toddington 15/00394/OUT Click Here To View</p>	Land to the South of B4077 Toddington	Delegated Permit	5
<p>Woodmancote 15/00830/FUL Click Here To View</p>	The Hall Stockwell Lane Woodmancote	Permit	10

16/00317/ADV

Tewkesbury Borough Council, Gloucester Road, Tewkesbury

1

Valid 21.03.2016

Proposed signage to advertise 'Tewkesbury Leisure Centre'

Grid Ref 388779 232064

Parish Tewkesbury

Ward Tewkesbury Priors Park

Tewkesbury Borough Council
Council Offices
Gloucester Road
Tewkesbury
Gloucestershire
GL20 5TT

RECOMMENDATION Delegated Consent

Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL13, HEN2

Joint Core Strategy Submission Version November 2014

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Tewkesbury Town Council - No response received at time of writing.

GCC County Highways Authority - No response received at time of writing.

Local residents - No representations received.

The application is presented to the Planning Committee as the application has been submitted by Tewkesbury Borough Council.

Planning Officers Comments: Mrs Helen Stocks

1.0 Introduction

1.1 The application relates to the newly constructed leisure centre, located immediately adjacent to the Tewkesbury Borough Council Offices, which is accessed from Lincoln Green Lane in Tewkesbury (**see attached location plan**). The site is not subject to any landscape designations; however, the surrounding land to the west is designated as a Landscape Protection Zone (LPZ). The site also adjoins Tewkesbury Conservation Area.

2.0 Relevant Planning History

2.1 Planning permission was granted in December 2014 for the erection of a leisure centre to include swimming pools, health and fitness suite, café and associated infrastructure and services (ref: 14/00645/FUL). This permission has been implemented.

3.0 Current Application

3.1 The current application seeks advertisement consent for the display of an artwork installation that would advertise 'Tewkesbury Leisure Centre'. The proposed installation would feature on the south elevation of the leisure centre and would measure 6000mm by 1290mm. The height from the ground to the base of the proposed signage would be 850mm (**see attached plans**).

3.2 Individual letters would be arranged in a 'wave' motion along the wall and would have a maximum height of 300mm. Each letter would be fixed directly to the brick wall, projecting at different intervals and depths (50mm, 100mm and 150mm). A series of circular disks of various size, colour and depth would be located beneath the lettering and fixed directly to the brick wall.

3.3 Materials would comprise brushed stainless steel and the colour scheme would be limited to various shades of blue, white and red/orange for the edge of the lettering.

3.4 The proposed signage / art installation would be non-illuminated. It should be noted, however, that the existing brick wall is already illuminated following the installation of an architectural up-lighting system that was permitted as part of the original proposal for the construction of the new leisure centre (ref: 14/00645/FUL).

4.0 Policy Context

4.1 The National Planning Policy Framework (NPPF) states that poorly placed advertisements can have a negative impact on the appearance of the built environment and only those which have an appreciable impact on their surroundings should be subject to detailed assessment. As per the 2007 Advertisement Regulations, the NPPF makes it clear that when assessing applications for new signage, the Local Planning Authority can only assess two issues, being the interests of amenity and public safety.

4.2 Policy GNL13 of the Local Plan advises that advertisements, sign and notice boards will only be permitted where they are well sited, in scale and character with, and of a design appropriate to, the building and the locality. Any illumination must be appropriate to its location.

4.3 The site is also located adjacent to Tewkesbury Conservation Area. Policy HEN2 of the Local Plan specifies that, in proposals for development in close proximity to a conservation area, particular attention should be paid to the development's impact on the conservation area and its setting including any existing trees.

4.4 Policies GNL13 and HEN2 of the Local Plan are deemed to be consistent with the aims of the NPPF in terms of its core planning principles and should therefore be afforded considerable weight when considering the current application.

5.0 Analysis

5.1 As specified within the NPPF, the only issues for consideration are the impact of the advertisements on amenity and public safety, taking account of cumulative impacts.

Visual Amenity

5.2 The proposed signage / artwork installation would advertise 'Tewkesbury Leisure Centre' and would be located on the south facing elevation of the building, making it clearly visible to visitors approaching the site from the main access off Lincoln Green Lane. It is considered to be of an appropriate design that would be well sited and in keeping with the scale and character of the building and surrounding locality. The proposal is not considered to have any undue impact on the amenity of nearby residents and would not harm the character and appearance of the conservation area. Thus, the proposal is acceptable in terms of impact on amenity and accords with the provisions of the NPPF and Policy GNL13 of the Local Plan.

Public Safety

5.3 The proposed signage / art installation would be fixed to the south elevation of the building which is a significant distance from the highway, both Lincoln Green Lane and Gloucester Road. Given the nature of the advertisement and its distance from highway, it is not considered that there would be any demonstrable harm to public safety in this regard. The County Highways Authority has been consulted in the proposal but has not provided any comments to date. **An update will be provided at Committee.**

5.4 The maximum projection of lettering and circular disks from the brick wall would be 150mm, with the base of the installation approximately 850mm above ground level. Each component part of the signage / art installation would be firmly fixed to the brick wall by 12mm diameter steel rods to withstand any unwelcome human intervention. It is not considered that the proposed projection from the brick wall would cause an issue in terms of public safety as the signage would not be located within the vicinity of main pedestrian routes.

6.0 Conclusion

6.1 The proposal is considered to be acceptable in terms of visual amenity and public safety and would accord the NPPF and Policy GNL13 of the Tewkesbury Borough Local Plan to 2011 - March 2006. It is therefore recommended that the application be **delegated to the Development Manager subject to no objections being received in relation to the proposed advertisement following the expiry of the public consultation period.**

RECOMMENDATION Delegated Consent

Conditions:

1 Nil

Legend

- Existing building
- Proposed building
- Existing parking
- Proposed parking
- Existing landscape
- Proposed landscape
- Proposed site

Scale: 0 10 20 30 40 50 60 70 80 90 100

North arrow

Project: Microsoft Base

Client: Telespary Service Centre

Site Plan

POZZONI

Scale: 1:500

Date: 15/05/00

Author: [Name]

Check: [Name]

Project No: 00317

Site No: 1000

Scale: 1:500

POZZONI

Scale: 1:500

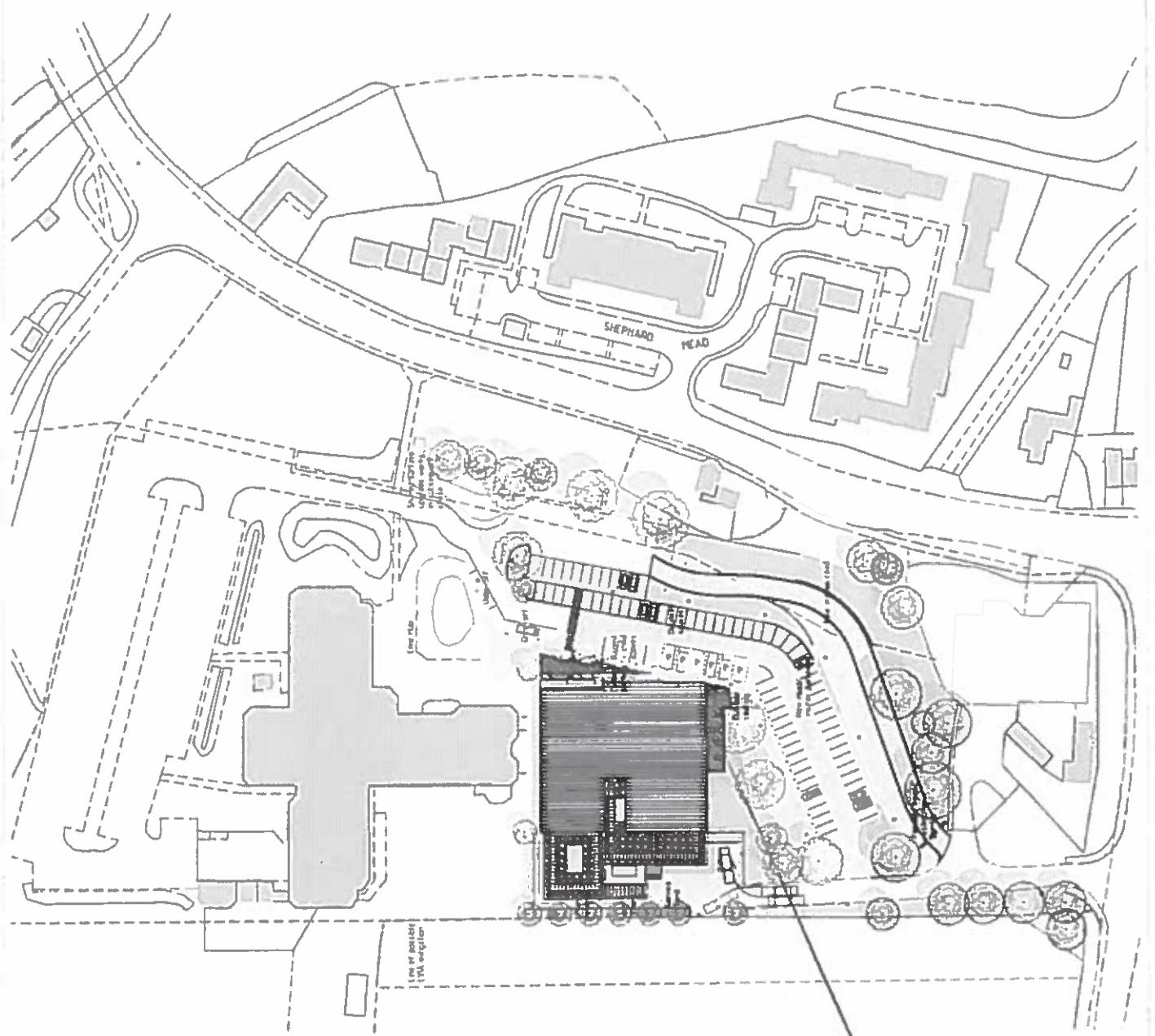
Date: 15/05/00

Author: [Name]

Check: [Name]

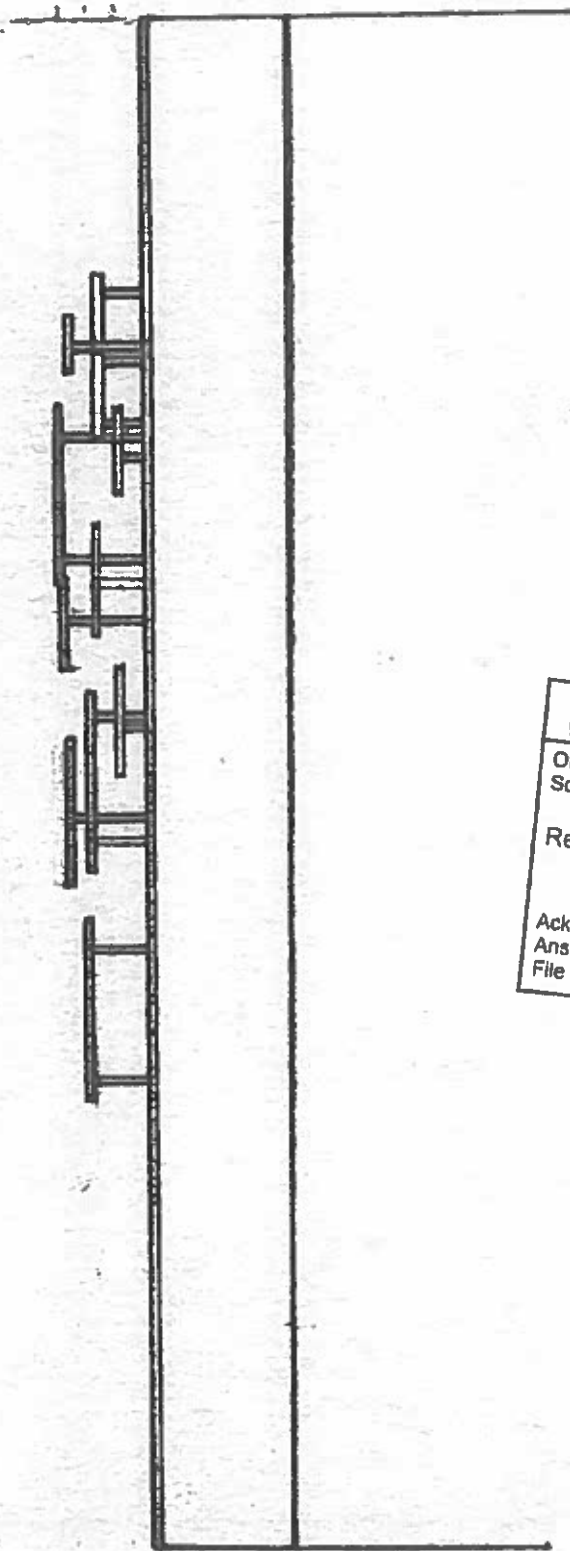
Project No: 00317

Site No: 1000



LOCATION OF NETWORK

1:500 C A 1



PLANNING AND DEVELOPMENT SERVICES	
Officer	Scanned
Rec'd 21 MAR 2010	
Ack'd	Ans'd
File .....	.....

DISCS 50mm, 100mm or 150mm AWAY FROM THE WALL

MAX HEIGHT OF LETTERS 300mm

DIAMETER OF LETTERS 350mm
DISCS

888/10

Valid 15.12.2015

Residential development of up to 250 dwellings, public open space, vehicular and pedestrian access, and associated infrastructure. Detailed approval is sought for access arrangements from Mythe Road, with all other matters to be reserved

Grid Ref 389076 234297

Parish Tewkesbury

Ward Twynning

Miller Homes Ltd

C/o Agent

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

Planning Practice Guidance

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

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

HOU13, TPT1, TPT3, TPT4, TPT5, EVT2, EVT3, EVT4, EVT5, EVT9, LND3, LND7, RCN1, RCN2, NCN5.

SPG Affordable Housing

Flood and Water Management Supplementary Planning Document

Landscape Protection Zone

Flood Zone 2

Classified Highway (A38)

Within 50m of listed buildings (Mythe Court and Mythe Water Tower)

Public Right of Way (ZTE 7/1, 7/2, 3/2 and 5/1)

Oil & Gas Pipeline

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**Town Council - Resolved - that the application be rejected on the following planning grounds**

- i. The landscape impact is not in keeping with the area
- ii. The linkages to the Town Centre are not workable
- iii. The development is adversely affected by inadequate drainage and lack of surface water runoff areas.

Twynning Parish Council - Have concerns about this application:

1. The safety of the junction with A38 - the development will generate at least 500 vehicles as 2 cars+ per household are going to be required as there is no adequate public transport.
2. How the junctions at the Mythe with A438 and the B4080 will cope with the extra traffic
3. The landscaping from the river and the effect on the views from the Avon Way and from Bredon area. The houses on the top of the hill need to be screened - they will be very prominent in the landscape.
4. The development would close the gap between Tewkesbury and Shuthonger and add to ribbon development along the A38 - diminishing a very valuable green area

Wychavon District Council - No Objections.

Planning Policy - The sites position, which is distinctly separated from Tewkesbury town, gives rise to concerns regarding the sustainability of a development of this scale in this location. The site would not be well related to the town and appears to be somewhat isolated. Furthermore, opportunities to maximise sustainable transport may be limited due to distance, topography and bus frequency. The impact of the proposal on a visually prominent, high sensitivity landscape must also be a key consideration.

Gloucestershire County Council Highways - Comments awaited.**Highways England - No objection subject to condition.****Environmental Health - Recommend conditions to help mitigate impact on noise and air quality.****Severn Trent Water - No objection subject to drainage condition.****Environment Agency - Refer to standing advice as site is located within FZ1.****Lead Local Flood Authority - No objection subject to drainage conditions.****Natural England - No Objection**

County Archaeological Officer - No further archaeological investigation or recording should be required in connection with this planning application.

Fisher German - A CLH Pipeline may be affected by the proposals. A works consent may be required.

Wales & West Utilities - A Gas Pipeline may be affected and Wales & West Utilities should be contacted.

CPRE - Land not included for development in the Tewkesbury local plan or JCS. It is a large development in a prominent position in the countryside and therefore a threat to tourism both on the River Severn and River Avon and to the town of Tewkesbury. Tourism is an important part of the local economy and it would be unwise to put it under threat. The proposal cannot be considered "sustainable" as it is a considerable distance from the local shops, schools and other amenities, nor is it near a service village.

Tewkesbury Civic Society - The site is not included in the emerging JCS nor thus is likely to be included in the subsequent Local Plan when adopted.

The site is unsuitable for this development being Green Belt land, an attractive rural area almost free of urban sprawl. Development would add to already congested roads in the Tewkesbury area. The road infrastructure here simply will not take additional loads of this magnitude. The sewerage systems proposed seem inappropriate to the scale of the development. The water run-off alleviation measures proposed are questionable and might result in aggravating flooding problem below in Tewkesbury town. We ask that this application be refused and resisted if appealed.

12 letters of objection:-

- Not identified for development in Tewkesbury Local plan, JCS or Town Centre masterplan
- More appropriate brownfield sites available at Ashchurch with better existing infrastructure has been identified in JCS
- Fails to meet sustainability requirements as there is little or no existing infrastructure
- Agricultural land and contrary to policy
- Harmful environmental and visual impact on LPZ
- Highway dangers due to increased traffic
- Dangerous site for bus stop alongside the garden centre due to restricted visibility
- Will reduce safety of cyclists using National Cycle Route
- Air and noise pollution to local properties
- Could affect stability of retaining wall to September House and Cottages
- Precedent for more development
- Upgrade of existing track opposite the A438 junction would be safer access point
- Harm to wildlife
- Surface water drainage from development will exacerbate flooding
- Council has a 5 year housing land supply
- Premature
- Contrary to planning policies

9 letters of support:-

- Real need for more housing
- Will provide money for the local infrastructure
- Will provide affordable housing
- Location is as good as any to build on
- Site is above the flood plain and there is no objection from EA
- Good access provided

Planning Officers Comments: Miss Joan Desmond

1.0 Introduction

1.1 The site is located at The Mythe approximately 1.9km north of Tewkesbury Town Centre. The site sits on an elevated spur of land, which lies between the river valleys of the Avon and Severn. The site extends to 21.79ha of predominantly agricultural land, interspersed with a small area of existing woodland, bounded by hedgerows. The land slopes down towards the River Avon to the east and the current access into the site is gained off the A38 Mythe Road, located to the west, via the existing farm track which runs through the southern part of the site. This access also serves Mythe farmhouse and Mythe Farm Business Centre See attached location plan.

2.0 History

2.1 An Environmental Impact Assessment (EIA) Screening Opinion for the proposed 250 dwelling scheme was issued in October 2015 which concluded that the proposal did not constitute EIA development. Therefore, an Environmental Statement has not been submitted with this application.

2.2 The Mythe forms part of a larger area of land extending in total to 103.3ha which was originally promoted on behalf of the landowner for up to 1,000 dwellings, and subsequently a reduced scheme of 600 dwellings, through various stages of the Joint Core Strategy (JCS). The site has also been promoted through

the Strategic Housing Land Availability Assessment (SHLAA) since 2009, although the site area and potential capacity has gradually reduced to 600 in the most recent SHLAA. A public consultation was undertaken for the 600 dwelling scheme in January 2012.

3.0 Current Application

3.1 The proposal seeks outline planning permission for residential development of up to 250 dwellings, public open space, vehicular and pedestrian access and associated infrastructure. All matters are reserved for future consideration. The application is supported by an Illustrative Masterplan which shows how a scheme of up to 250 dwellings could be accommodated. Up to 40% affordable housing would be provided. Vehicular access to the site would be off Mythe Road opposite the garden centre. A footpath/cycleway link is also proposed to be provided onto Mythe Road.

3.2 Housing would be a mix of medium and low densities providing an overall average density of 33 dwellings per hectare. The development would include a range of dwelling types and sizes anticipated to range from 1- bed to 5-bed properties. The exact mix of housing will be determined at Reserved Matters stage (see illustrative layout plan).

(Plans will be displayed at Committee).

4.0 The Community Infrastructure Levy Regulations

4.1 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst Tewkesbury Borough Council has not yet developed a levy the regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the 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.

4.2 As a result of these regulations, Local Authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly' related to the development'. As such, the Regulations restrict Local Authorities ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application. The need for planning obligations is set out in relevant sections of the report.

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

5.0 Principle of Development

The Development Plan

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

Tewkesbury Borough Local Plan to 2011 - March 2006

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

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

Emerging Development Plan

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

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

5.6 Within the rural areas of Tewkesbury Borough, approximately 2,612 dwellings are proposed to be delivered in the plan period to 2031. Approximately two thirds of this rural development has already been committed through planning permissions already granted, including 133 dwellings permitted at the former CRE site in Stoke Orchard. The remainder of this requirement will be allocated at rural service centres and service villages through the Tewkesbury Borough Plan and neighbourhood plans.

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

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given)

5.8 On 20 November 2014 the JCS was submitted for examination and the examination hearings commenced in May 2015 and are still on-going. Having been submitted the JCS has therefore reached a further advanced stage, but it is not yet formally part of the development plan for the area and the weight that can be attached to each of its policies will be subject to the criteria set out above, including the extent to which there are unresolved objections. In respect of the need and distribution of housing (policies SP1 and SP2) there are significant objections to these policies and discussion continues through the EIP process. Further comments on the weight to be attributed to any policies in the JCS relevant to this application are discussed in the appropriate sections of this report.

Other Material Considerations

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

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

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

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

recent Court of Appeal decision has judged that Paragraph 49 should be interpreted widely and it applies to all policies which are restrictive of where housing development can go. This would include settlement boundary policies and countryside protection policies.

5.12 The Council cannot currently demonstrate a five year supply of deliverable housing sites and on that basis, the Council's relevant policies for the supply of housing are out-of-date which would include the part of landscape protection policy LND3 which is prescriptive and should be afforded limited weight.

5.13 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.

Conclusions on the principle of residential development

5.14 In view of the above it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits.

6.0 Landscape and Visual Impact

6.1 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, amongst other things, protecting and enhancing valued landscapes. The site is located within the designated Landscape Protection Zone (LPZ) where local plan policy LND3 provides special protection to the ecology and visual amenity of the river environment. The LPZ seeks to protect, enhance and conserve the riparian landscape of the river valley which is considered to be a valued landscape and the non-prescriptive part of Policy LND3 is considered to be wholly consistent with the Framework as it supports the environmental objectives of the NPPF and therefore should be afforded significant weight. Policy SD7 in the JCS Submission Version states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.

6.2 "The Mythe" has strong cultural, historic and aesthetic associations with Tewkesbury. In Old English The Mythe means "joining of two rivers". Here the name refers to the prominent house and surrounding land at the confluence of the Rivers Avon and Severn. The site is on a prominent hilltop partly characterised by garden and parkland trees associated with the grand villas, but partly open pasture enclosed by linear hedges and fences. The actual summit at the heart of the site is open pasture. The JCS Landscape Characterisation Assessment and Sensitivity Analysis includes the site and the area was assessed to have a high landscape sensitivity.

6.3 The application is supported with a Landscape and Visual Impact Assessment (LVIA) which considers the effects of the proposed development upon the landscape and visual resources of the site and surrounding area. The LVIA states that although landscape change would be evident as a loss of arable land, it will not conflict materially with the key characteristics of the surrounding landscape. The proposed development would read coherently with the existing settlement pattern and the wooded character on the bluff top. The most visually sensitive area of the - the eastern field - has been excluded from built development and the proposed mitigation planting, especially along the eastern edge, would help assimilation of the scheme into the landscape and ensure it would not appear as a material intrusion into the open landscape of the riparian corridor. The proposals would not appear to add a substantial block of new housing in a form markedly different to the predominant low density, wooded character of the bluff top, nor would they be perceived as spilling down the lower valley slopes to form a discernible, harmful, relationship with the riparian corridor.

6.4 The LVIA concludes that the impact of the proposed development would not have an unacceptably harmful effect on the character and appearance of the bluff top, and that the site has the capacity for development of the type and form proposed without material impairment to the local landscape character, as experienced locally or more widely.

6.5 The Council's Landscape Consultant (LC) has assessed the LVIA which it is acknowledged is based upon latest best practice guidance. He has however, raised issues about the scoping out of views from Bredon Road and lack of assessment from vantage points to the south east of Bredon Road (B4080) where elevated views are available from there across the Mythe including the open pasture extending to the hilltop. He also felt that the assessment should further consider the extent to which development on the hilltop

(Buildings up to 2.5 storeys or 11m) would be visible from Shakespeare's Avon Way and that visibility of the proposed development from the Avon Way should be tested out towards the Croft Farm Water Park. The LC also noted that attenuation features were proposed for the prominent sloping eastern field directly overlooking the river but that the effects of these structures had not been adequately considered.

6.6 The LC was unconvinced about the extent to which landform would screen views and feared that new development might break the skyline from some vantages. He noted that in places along Bredon Road, there were views across the highest part of the site to the Malvern Hills. He was also unconvinced that new mitigation planting in the form of woodland blocks was appropriate across the entire site. In his opinion, blocks of planting could compromise the openness of the pastoral landscape on parts of the site. He did not believe that this effect had been adequately explored in the LVIA, which seems to characterize the whole site as "low density wooded character". New woodland planting capable of mitigating views of 11m buildings on the hilltop could itself harm local character and distinctiveness.

6.7 The LC also noted that the LVIA does not consider the nighttime effects of the proposed development which should consider how views and landscape character might be affected. The LC considers that development on this site could be highly visible at night and could greatly increase the perception of development on this sensitive and valued site that is physically separated from the edge of Tewkesbury. He is not convinced that proposed mitigation can be as effective at night against illumination as it might be at filtering daytime views and that the scheme would be conspicuous.

6.8 The tallest buildings (up to 11m) would occupy the highest part of the site, which is currently open pasture. The pasture currently forms the skyline in available views from the east and north. In some cases, the Malvern Hills are visible above the skyline. The LC is not convinced that the proposed mitigation would be capable of effectively screening development of this scale in such a prominent position. Such screening would in itself be likely to be conspicuous and intrusive. It is considered that the proposed development would have an urbanising effect where now there are unspoilt views of open countryside.

6.9 The applicant has submitted an additional landscape response to the LC comments which sets out areas where they agree, acknowledge and disagree with his comments. In terms of areas where they disagree these are that:

- The site has a solely pastoral character, being comprised also of arable and woodland and surrounded on two sides by residential and commercial development respectively;
- Tree planting would be inappropriate in this landscape; or that
- The attenuation features in the eastern field have not been clearly described.

6.10 The applicant's submission concludes that the proposed development, on arable land away from the pastoral, riparian corridor could be introduced without causing unacceptable harm to local landscape character (including the River Avon corridor at the threshold of Tewkesbury and the confluence with the River Severn). Through careful design, particularly of the eastern edge, the proposed development would be noticeable, whilst being in keeping with the existing bluff top character when viewed from the south and east including the Shakespeare's Avon Way. Whereas development must, almost by definition, reduce 'openness', this is not a reason to object to sustainable development, whether within a designated landscape or not. Finally, The Mythe is an important place and settlement that has been inhabited and continually developed since Roman times. The proposed development is an exciting opportunity to continue that evolution and to celebrate the location. Additional wireline viewpoints have also been submitted, as agreed with the LC, which will be displayed at Committee.

6.11 The LC has commented that the annotation added emphasises the screening effect and backdrop properties of existing vegetation to assimilate new development on the bluff. The applicants approach remains that they do not intend to try to hide this development away (a perfectly valid design approach). The LC maintains that this is a prominent site currently largely free from development. The clear perception of development that would result as a consequence of this application would in his opinion cause substantial harm to the local landscape character. The main difference between his opinion and that of the applicant is that he does not believe that this is an appropriate site for development and that its openness is important to local character. He is not convinced by arguments that the loss of these valuable characteristics can somehow be compensated by "celebrating" the new settlement edge. The LC remains concerned about the prominence and urban influence of this development at night.

6.12 In conclusion, the LC remains unconvinced that a development of this scale could be introduced into the elevated pastures to the north of the site and occupying the highest, generally open parts of the site without causing material harm to local landscape character, including that of the Avon river corridor at the threshold of Tewkesbury and the confluence with the River Severn. He believes that the development would

be conspicuous in views from the south and east and in prolonged views from the Avon Way and River Avon itself on the approaches to the town. He believes the effects at night would be particularly pronounced and that the effects would be exacerbated by the fact that the development is physically separated from the town. It is considered that the proposed development would have an urbanising effect where now there are unspoilt views of open countryside. This substantial harmful landscape impact weighs significantly against the application in the planning balance.

7.0 Design and Layout

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

7.2 As previously advised all matters relating to design and layout are reserved for future consideration. The application has been supported with an indicative layout which illustrates how the site could be developed; a Design and Access Statement (DAS) and Parameter Plans detailing land use, access and circulation and maximum residential building heights (see attached plans).

7.3 The DAS sets out the design evolution of the scheme which has involved input from the Design Review Panel. The DAS sets out the Development Objectives which are:

- Delivery of up to 250 high quality new homes, in a mix of types and tenure dependent on the needs of the community and including affordable and starter homes;
- Creation of a truly landscape-led scheme that delivers an inter-connected and functional greenspace network to encourage healthy living and lifestyle;
- Create clear and well-designed links and connections between the existing community, new housing and areas of open space, ensuring, in particular, safe and direct routes to the town centre;
- Vehicular access to be taken from Mythe Road;
- Delivery of filtered development edges to the north and east to continue the pattern of glimpsed development from distance view points;
- Ensure the prominence of The Mythe and Uplands manor houses is retained within views from the south;
- Create a layout that integrates important visual connections - notably to Tewkesbury Abbey;
- Retain and enhance existing public footpath routes and create new links reflective of pedestrian desire lines;
- Lower development densities at the site's periphery to allow for greater levels of plot planting to create a verdant streetscene.

7.4 The Urban Design Officer has commented that further details would be useful in terms of street hierarchy, showing widths, set back, surface treatment, on building line, street parking etc. The different street hierarchy's would need to be distinctly different and the parameters for this difference would need to be set out in the DAS to ensure they are followed through at reserved matters. It is considered that there should also be more details on mix of properties within the character areas, boundary treatments etc. Again, the different character areas and density areas need to be distinctly different and how this would be achieved needs to be set out. Further details of the number of vehicle frontage units and how these would be accessed and how the rest of the block works would be important to understand if this unusual arrangement can work in design terms. It is felt that the Illustrative masterplan does not give a good understanding of how the blocks are arranged or accessed. Further details would be needed to justify the design and layout and to demonstrate that this site can be developed to a sufficiently high level of design.

7.5 Following these comments a layout plan has been submitted to provide some additional detail. Notwithstanding the additional details submitted, it is recognised that this is an outline application with all matters reserved for later consideration. It is considered that the illustrative masterplan and layout plan demonstrates that an acceptable standard of design could be achieved on the site for the development proposed.

8.0 Accessibility and Highway Safety

8.1 Section 4 of the NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. It states at paragraph 29 that the transport system needs to be balanced in favour of sustainable transport modes, giving

people a real choice about how they travel. However, the Government recognises that "opportunities to maximise sustainable transport solutions will vary from urban to rural areas". Paragraph 32 states that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure. Furthermore, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

8.3 The proposed means of access is to be via a single point of off Mythe Road opposite Tewkesbury Garden Centre, which would also provide access to Mythe Farm and Mythe Business Centre. The existing access into the site would be closed. There would also be a new separate pedestrian access into the site off Mythe Road. Pedestrian and cycle routes would be created through the development, linking through the meadow park and into the Town Centre, and providing the opportunity to link onto National Cycle Route 47 along Mythe Road. A Public Right of Way extends through the site from north to south, which would be retained and incorporated into the design of the scheme.

8.4 A Transportation Assessment (TA) has been submitted in support of the application. The TA concludes that the proposed site is located in an accessible location within reasonable distance of amenities and facilities within Tewkesbury and to the local railway station. The main roads running through the location have walking/cycling provisions and access to bus services. The operation of key junctions within the local road network have been modelled which shows that there is adequate capacity to accommodate the additional traffic generation. The proposals include the creation of a new access junction with Mythe Road via a priority T-junction arrangement. New walking and cycling provision is proposed to tie in with existing provision 500m to the south of the site, to provide safer pedestrian permeability. Car parking and cycle parking provision would be provided in accordance with NPPF and car ownership values for the Twynning Ward. The TA concludes that overall, suitable access can be achieved and that the impact on the local roads would not be severe in accordance with NPPF paragraph 32.

8.5 In terms of accessibility and location there is a clear physical geographic separation between Tewkesbury town and the application site with the existing built edge of this side of the town ending at the course of the River Avon. Tewkesbury town has grown over the decades to the north-east, east, and south, around areas of high flood risk that are a prominent feature of town. However, there has been little to no development in areas to the west and north-west across the River Avon. There is therefore a significant gap from the built edge of town nearest the application site until the village of Shuthonger, with only sporadic development occurring alongside the A38. The presence of the River Avon and its flood plain, as well as the significant rise in landscape just north of town, has constrained development in this direction. These natural features present a distinct feeling of separation and that this site would be fairly isolated in its location.

8.6 The application site would look to Tewkesbury for its service and transport options. However, as set out through the Planning Statement accompanying the application, the site is located 1.9km (1.2 miles) north of Tewkesbury town centre. Furthermore, the topography of the landscape is such that the route rises significantly from the town centre to the application site. This distance and topography must be taken into account when considering the pedestrian and cycle accessibility to the site. In terms of public transport, the A38, which runs past the site, is served by a number of bus routes which include the 363/373, which runs from Worcester to Tewkesbury, and the 351 from Twynning to Gloucester via Tewkesbury. However, services are fairly infrequent. Service 363 to Tewkesbury runs every 90 minutes, while service 351 runs once a day past the site. Taking these factors into account it is uncertain whether this site would be located where the need to travel would be minimised and use of sustainable modes maximised.

8.7 Highways England (HE) has commented that on account of the site's location, the application must be understood fully with regard to its potential implications on the operation and functionality of the Strategic Road Network (SRN). In this regard HE notes that development traffic is principally distributed via the local highways network including the A38 rather than via the SRN. However to ensure that there is to be no severe impact on the SRN which may arise from the proposed development scheme HE recommend that a Construction Traffic Management Plan should be submitted to and agreed upon by the Local Planning Authority. A suitable condition is recommended accordingly.

8.8 County Highways (CH) has raised a number of issues regarding the access and TA and a response to these issues is awaited. Members will be updated at Committee.

8.9 In conclusion, the site is isolated from the town centre and the distance and topography would make pedestrian and cycle accessibility difficult. Bus services are fairly infrequent and it is uncertain whether this site would be located where the need to travel would be minimised and use of sustainable modes maximised. These are matters which weigh against the proposals.

9.0 Residential Amenity

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

9.2 The nearest properties front onto Mythe Road and would back onto the site. The illustrative masterplan indicates a woodland buffer but layout details would in any case be dealt with at the reserved matters stage.

10.0 Noise/Air Quality

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

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

10.3 An Air Quality Assessment has been submitted with the application which has considered the impact of traffic associated with the proposed development on local air quality. The assessment concludes that it has demonstrated that the proposed development would not lead to any breach in national objectives or to a failure to comply with the Habitats Regulations as required by national policy. However, traffic generated by the proposed development is predicted to have a significant impact at receptor locations within Tewkesbury Town Centre AQMA. Therefore, appropriate mitigation measures, as outlined in the report, would need to be implemented, which should reduce the potential for impacts on air quality as a result of the proposed development. The Environmental Health Officer (EHO) considers the report to be thorough and comprehensive and recommends conditions to ensure that the proposed mitigation measures are implemented.

10.4 The submitted Noise Assessment considers that the dominant source of noise which would affect the residents of the development is from road traffic on Mythe Road. The results of the noise survey and assessment indicates that existing daytime noise levels closest to off-site noise sources are below the guideline values for outdoor living areas, set out in guidelines, therefore no mitigation is required. The implementation of the standard thermal insulating glazing should ensure that internal noise levels are met in living rooms and bedroom areas during the daytime and night-time across the development with the windows closed. Acoustic ventilation would need to be incorporated within living rooms and bedrooms located nearest to Mythe Road. The activities carried out during the earthworks and construction phase of the proposed development would have the potential to generate short term increases in noise levels above the recommended noise limits, set in accordance with current guidance, at Mythe End House Care Home. The use of heavy plant associated with the earthworks and construction works also has the potential to give rise to ground borne vibration. To minimise the potential impact of construction works, mitigation measures would be put in place. These will include restrictions on working hours, the implementation of temporary screening where possible, and best working practices. However, the noise and vibration impacts of earthworks and construction phases are expected to be negligible, with the possibility of brief periods of slight to moderate impacts in the short term at local level.

10.5 The EHO considers that due to the proximity of the development to Mythe Road and Mythe Farm a number of mitigation measures would be required and noise conditions are recommended.

11.0 Affordable Housing

11.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing and is supported by an Affordable Housing Supplementary Planning Guidance (SPG) which was adopted by the Council in August 2005. Policy SD13 of the JCS Submission Version November 2014 specifies a requirement for 40% affordable housing to meet the future needs of the borough.

11.2 The applicant proposes that 40% of the proposed dwellings would be provided as affordable units and the Affordable Housing Statement informs the council that the applicant is committed to working with the Council to achieve an appropriate mix.

11.3 The Council's Strategic Housing & Enabling Officer recommends that the units would be 70:30 affordable rent to intermediate housing tenure split, considering the outcomes of the most recent Strategic Housing Market Assessment, in order to negotiate further. The proposed affordable housing is considered to be acceptable in principle and could be secured through a Section 106 Agreement.

12.0 Flood Risk and Drainage

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

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

12.3 The adopted Flood and Water Management Supplementary Planning Document has the following key objectives: to ensure that new development does not increase the risk of flooding either on a site or cumulatively elsewhere and to seek betterment, where possible.; to require the inclusion of Sustainable Drainage Systems (SuDS) within new developments, which mimic natural drainage as closely as possible (e.g. permeable paving, planted roofs, filter drains, swales and ponds) and provision for their long-term maintenance, in order to mitigate the risk of flooding; to ensure that development incorporates appropriate water management techniques that maintain existing hydrological conditions and avoid adverse effects upon the natural water cycle and to encourage on-site storage capacity for surface water attenuation for storm events up to the 1% probability event (1 in 100 years) including allowance for climate change.

12.4 The site is located within Flood Zone 1 (FZ1) and the application has been supported by a Flood Risk Assessment (FRA) which concludes that the development would not cause any adverse impacts to the site or surrounding area in relation to flooding risk. The FRA demonstrates that the proposal would appropriately manage the flooding risk within the site through incorporating SUDS measures to manage surface water appropriately. The attenuation features would be located within FZ1, complying with Sequential Test procedures and recommendations.

12.5 As the site is located with FZ1 the Environment Agency raises no objection to the development and refers to its standing advice. Gloucestershire County Council as the Lead Local Flood Authority (LLFA) has considered the FRA and suggests that in order for the applicant to evidence that due consideration has been given to the SuDS hierarchy the relevant infiltration tests should be carried out. As this is an outline application, the drainage strategy proposed is however, considered to be acceptable subject to appropriate drainage conditions attached to any planning permission granted.

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

13.0 Open Space, Outdoor Recreation and Sports Facilities

13.1 The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Furthermore, saved policy RCN1 of the Local Plan requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population.

13.2 In accordance with these policies, the proposal would generate a requirement for 1.4ha of open space of which 0.7ha should be playing pitches. The development includes 12.14ha open space including landscaping, a meadow parkland, and a village green. The eastern part of the site which slopes towards the River Avon is proposed for the parkland. The DAS explains that this would be a flexible and accessible area of public open space, and would include a children's play area constructed from natural materials of a recessive colour. It is proposed that the parkland area would also provide elevated views across the valley with views towards Tewkesbury Abbey and wider area and may also include some public art. The parkland would include an area of flower rich grassland which would be managed to enhance biodiversity within the site. The DAS states that the proposed village green would create a focal point within the development, maintaining views across the valley to Tewkesbury Abbey. It is proposed that the village green may also include public art. The development would include appropriate structural planting including native woodland and understorey plants.

13.3 Formal comments are still awaited from the Council's Community and Economic Development Manager and **Members will be updated at Committee on the required contributions.** A Draft Heads of Terms document has been submitted with the application which states that the applicant proposes to provide contributions towards sports facilities and towards the long term management of the on-site POS but as yet no legal agreement to provide the required Public Open Space/Outdoor recreation and sports facilities has been agreed.

14.0 Community, Education and Library Provision

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

14.2 Gloucestershire County Council has considered the impact upon, and necessary mitigation, for the provision of pre-school / early years, education and library services. In this respect the following contributions are recommended: Pre-school - £216,283; Primary - £772,438; Secondary - £706,800 and Libraries - £49,000.

14.3 In terms of the need for other community facilities, the Council's Community Planning and Partnerships Officer has been in consultation with a number of community bodies, including the Town Council and Twyning Parish Council. The contributions are still under negotiation and **an up-date will be provided at Committee.** The Draft Heads of Terms document states that the applicant proposes to provide contributions towards education and social infrastructure including health and library services but as yet no legal agreement to provide the required contributions has been agreed.

15.0 Archaeology and Cultural Heritage

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

15.2 The application has been supported with a Heritage Statement and an Archaeological Desk Based Assessment. The Heritage Statement indicates that the closest listed buildings to the site are the Grade II* King John's Castle, three Grade II listed large houses; Uplands, The Mythe and Mythe Court and a Grade II listed water tower. However, all are screened from the site by vegetation and their location downslope from the site. King John's Castle is already compromised by its juxtaposition with Tewkesbury Garden Centre. The Heritage Statement has considered the significance of relevant heritage assets and their setting and concludes that no harm arises as a result of the development.

15.3 The Archaeological Desk Based Assessment, indicates that there are no designated heritage assets within the application area and there would be no impact upon any World Heritage Sites, Scheduled Monuments, Registered Battlefields and Parks and Gardens within the wider area. The results of archaeological investigations were negative in that no significant archaeological remains or finds were found within the area proposed for development.

15.4 The County Archaeological Officer (CAO) has recommended that no further archaeological investigation or recording should be required in connection with this planning application and the Conservation Officer has raised no concerns.

16.0 Ecology and Nature Conservation

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

16.2 An Extended Phase 1 Survey and detailed surveys relating to wintering and breeding birds, bats, badgers, great crested newts and reptiles have been undertaken. The surveys confirm that the majority of the site comprises intensively cultivated arable land of negligible intrinsic value. However a number of more valuable habitats are located on the field boundaries, namely woodland, mature trees and hedgerows. There is also a pond in poor condition within one of the arable fields and two higher quality ponds adjacent to the site. In terms of protected species, the surveys confirmed the presence of populations of breeding birds, foraging/commuting bats, a partially active badger sett, a small breeding population of great crested newts within the pond on site, and a small population of grass snakes. Habitat loss has been minimised, and impacts, including those on associated protected species (principally birds, bats and great crested newts), are proposed to be offset by the creation of new woodland, pond and meadow flower grassland habitat designed to deliver a considerable net gain in valuable habitat within the site. Furthermore, retained habitats and species interests have been buffered from the development footprint and recommendations made for their protection during construction and management during operation, to ensure their long term viability.

16.3 Natural England is satisfied that the proposed development would not damage or destroy the interest features of the Upton Meadow and Summer Leasow Meadow SSSI and Severn Ham SSSI. It refers to its standing advice relating to protected species.

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

17.0 Other matters

Loss of agricultural land

17.1 The proposed development would lead to the permanent loss of agricultural land but the land appears to be of poor quality and is not classified as Best and Most Versatile (BMV) as defined in the NPPF.

18.0 Overall Balancing Exercise

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

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

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

18.4 With regards to the social dimension, it is considered that the proposal would achieve a good mix of housing and would deliver much needed affordable housing. These are benefits which weigh significantly in favour of the development. The additional increased patronage from the development would be beneficial to the ongoing support for the local services and facilities. In addition, it is considered that the proposal would be of an acceptable design and would include provision of public open space. It must also be recognised that through a Section 106 Agreement, developer contributions would provide for education and library facilities, improved recreational facilities, open space and playing pitches.

18.5 In terms of accessibility, it is recognised that residents would be reliant upon the private car to access employment and other services due to its location outside any recognised settlement and this is a matter that weighs against the sustainability credentials of the proposal.

18.6 With regards to the environmental dimension, the proposed development would intrude into open agricultural land and would cause substantial harm to local landscape character. The development would be conspicuous in views from the south and east and in prolonged views from the Avon Way and River Avon itself on the approaches to the town. The effects at night would be particularly pronounced and the effects would be exacerbated by the fact that the development is physically separated from the town. The proposed development would have an urbanising effect where now there are unspoilt views of open countryside. This substantial harmful landscape impact weighs significantly against the application in the planning balance.

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

18.8 The NPPF sets out at paragraph 14 that in the context of the presumption in favour of sustainable development, proposed development that accords with the development plan should be approved without delay. For the reasons discussed above, the proposals do not accord with the development plan. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless, inter alia, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Given the current shortfall in terms of the 5 year supply of deliverable housing sites, this "planning balance" must be carried out in respect of the proposals.

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

RECOMMENDATION Refuse

Reasons:

- 1 Whilst all matters relating to design, layout and landscaping are reserved for future consideration, the proposal would result in a conspicuous and severely harmful encroachment into open countryside. The development would be conspicuous in views from the south and east and in prolonged views from the Avon Way and River Avon itself on the approaches to the town. The effects at night would be particularly pronounced and the effects would be exacerbated by the fact that the development is physically separated from the town. The proposal also does not provide safe and suitable access for all people. The proposed development would therefore be contrary to the core principles of land-use planning set out at paragraph 17 of the NPPF, Section 4 (Promoting sustainable transport), section 11 (Conserving and enhancing the natural environment) of the NPPF, Policies LND3 and TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SD7, INF1 and INF2 of the Joint Core Strategy Submission Version November 2014.

- 2 In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and policies SD12 and SD13 of the Joint Core strategy Submission Version November 2014.
- 3 In the absence of an appropriate planning obligation, the application does not make adequate provision for on-site or off-site playing pitches with changing facilities and sports facilities to meet the needs of the proposed community. The application therefore conflicts with Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities) and policies INF5 and INF7 of the Joint Core strategy Submission Version November 2014.
- 4 In the absence of an appropriate planning obligation, the application does not make provision for the delivery of education and community infrastructure and library provision and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities) and policies INF5 and INF7 of the Joint Core strategy Submission Version November 2014.
- 5 The application does not make provision for improved local public transport and therefore conflicts with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006, section 4 of the NPPF (Promoting sustainable transport) and policies INF1 and INF7 of the Joint Core Strategy Submission Version November 2014.

Edge Character 45% 4.5 bed, 45% 3 bed, 10% 1.2 bed
 Development Core 25% 4.5 bed, 45% 3 bed, 30% 1.2 bed
 Gateway 35% 4.5 bed, 45% 3 bed, 0% 1.2 bed

Character Area Key Plan
 (With indicative dwelling mix)

Car-free Frontages with Filtered Distance Views

New Woodland Blocks

Surface Water Attenuation Basins with Retaining Features

Mythe Road (A1)

Section B

Village Green

Section A

Proposed Area of Natural Children's Play

Informal Mown Grass Paths

Proposed Bus stop

Framed Views to Tewkesbury Abbey

Mythe Business Centre

Tewkesbury Garden Centre

Proposed Bus Stop and Crossing Point



Illustrative Site Sections 1:500@A1
 (Please refer to p.73 of the DAS for details of street hierarchy)



edp
 The Development is subject to a planning application for a full planning permission for the development of the site for residential development.

Miller Homes (Midlands)
 The Mythe, Tewkesbury

Illustrative Site Layout
 Scale: 1:500
 Date: 10/10/2017

902/B

15/00963/FUL

Gardeners Arms, Beckford Road, Alderton

3

Valid 08.10.2015

Alterations to existing car parking layout and provision of overspill car park area, provision of external seating area, external lighting and fencing, alterations to existing fenestration to include the replacement of existing UPVC framed windows with timber framed windows

Grid Ref 399934 233364

Parish Alderton

Ward Winchcombe

Wendy & Mike Wakeman
Gardeners Arms
Beckford Road
Alderton
Tewkesbury

DEFERRED AT LAST COMMITTEE FOR COMMITTEE SITE VISIT (Item No 7, Page No 837)

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework (2012)

Planning Practice Guidance

JCS (Submission Version) November 2014

Tewkesbury Borough Local Plan to 2011 (March 2006) - policies LND2, LND5, EVT2, EVT3 and TPT1

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)

Consultations and Representations

Alderton Parish Council - objects to the application for the following reasons:

- The proposed car parking area should not be allowed to encroach onto the "attractive open space important to village character" (as defined in the Tewkesbury Borough Local Plan to 2011 (March 2006)). There is also a proposal in the emerging Alderton Neighbourhood Development Plan that this area remains as a Local Green Space.
- Any proposal should respect the setting of the listed building
- There is no street lighting in Alderton and therefore the external pathway should not be permanently lit as this will be too prominent. The lighting on this path should be reduced to that of PIR type lighting.
- The Parish Council advises that external works have commenced on site prior to any decision being made on this application.

The Conservation Officer - no objection

The Local Highway Authority - no objection

Planning Officers Comments: Emma Blackwood

1.0 Introduction

1.1 The application site comprises the Gardener's Arms public house, which is located on a corner plot within the Residential Development Boundary of Alderton, as defined on the Tewkesbury Borough Local Plan to 2011, Proposals Map (March 2006) (**see attached Site Location Plan**). The application site is within the centre of the village, and the original part of the Gardener's Arms public house, towards the northern side of the site, is a grade II listed building. The public house fronts Beckford Road to the North, and a vehicular access is provided from the northern boundary providing access to the public house car park which is located to the western side of the building. The land to the west and south of this car park within the application site and fronting the curve in Willow Bank Road, which is the main approach into the village, is grassed (**see attached existing plans**).

1.2 The application site is located within the Special Landscape Area (SLA) and part of the site, towards the western and southern sides, is defined as an 'Important Open Space' (IOS) on the Local Plan Proposals Map.

2.0 Relevant Planning History

2.1 A number of planning applications and listed building consent applications have been granted for extensions to the Gardeners Arms public house.

2.2 Planning permission was granted in 1979 for an extension to the existing car park (reference 79/00399/FUL).

2.3 A number of planning applications and listed building consent applications have also been received for the erection of dwelling(s) within the curtilage of Gardener's Arms, all of which have been refused, with all but one dismissed at appeal. The most recent application at the site was for the proposed erection of a single storey dwelling on land adjacent to the 'Gardeners Arms' (reference 13/00858/FUL), which was refused planning permission on 19th November 2013. The reasons for refusal given by the Local Planning Authority were that:

"The proposed development fails to preserve or enhance the setting of the adjacent listed building (Gardeners Arms) and would erode the character and appearance of the Important Open Space and Special Landscape Area (SLA) due to its siting and layout. The proposed development would therefore be contrary to policies LND5, LND2 and HOU5 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and Section 12 of the NPPF".

2.4 A subsequent appeal against this refusal was later dismissed, with the Planning Inspector finding that: *"the proposed bungalow would unacceptably harm the character and appearance of the area, and would not preserve the setting of the Grade II listed public house. It would therefore conflict with LP Policies HOU3, HOU5, LND2 and LND5 that seek, amongst other things, development that respects the local identity and character of an area. Nor would it comply with the similar objectives of the Framework, and those that require the protection and enhancement of heritage assets".*

3.0 Current Application

3.1 The current application plans show that an existing timber fence adjacent to the western side elevation of the building would be removed, and an external seating area be provided which would project approximately 3.3 metres from the western side elevation of The Gardeners Arms and would cover an area of some 45 square metres. This external seating area would be raised approximately 0.4 metres above adjacent ground level and would be covered in a golden flint surfacing material, a sample of which has been provided with this application; the area would be surrounded by a barrier of sleepers to protect those people sat outside.

3.2 The application also proposes the provision of an overspill car park towards the south-eastern corner of the application site, to provide additional car parking spaces including 2 no. staff parking spaces. The proposed overspill car park area would also be covered in a golden flint surfacing material. The applicant advises that there has always been vehicular access to this area to the rear of the building, and it has been used as a makeshift overspill car park on occasions. However, the aggregate on this area has become covered with grass and customers increasingly park on the main Beckford Road. It is therefore proposed to redefine this area as an overspill car park.

3.3 Alterations are also proposed to the existing car parking layout within the car parking area to the west of the Gardeners Arms, to provide additional vehicular parking spaces, including 2 no. disabled persons' parking spaces.

3.4 It is proposed to provide external lighting around the proposed parking areas and external seating area, for security purposes, which would be in the form of 0.5 metre high LED lighting bollards (**see attached proposed bollard lighting**). An existing lamppost to the rear of the building would also be reinstalled.

3.5 New steps/paving would be provided leading to the pub entrance on the western side elevation of the building, on the later element of the public house. New timber feature entrance doors and frame are proposed for installation here.

3.6 To the rear of the building, it is proposed to repair existing timber framed and glazed doors, which provide access to/from the patio area, and to paint them in a white gloss. 2 metre high timber close boarded fencing and a gate would also be erected to the rear of the building to enclose the patio/bin area.

3.7 The proposed site plan shows that additional planting would be provided on the application site, although precise details of this landscaping have not been provided.

3.8 The most recently submitted plans propose the replacement of 3 no. existing UPVC windows at first floor level on the Gardeners Arms (2 on the northern elevation facing onto Beckford Road and 1 on the western elevation facing onto the car park) with timber framed windows, to match the style and size of existing windows, which would be finished in white gloss paint (**see attached proposed plans regarding replacement windows**). A listed building consent application has recently been received for the proposed installation of these replacement windows (reference 16/00222/LBC), which is currently pending consideration.

3.9 A number of internal alterations are also proposed to the building, which is subject to a separate application (reference 15/00967/CLPLB).

4.0 Policy Context

4.1 The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66 (1) requires that Local Planning Authorities pay special regard to the desirability of preserving the [listed] building or its setting. Paragraph 131 of the NPPF restates this requirement and advises that "the character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to townscape or countryside" by development which detracts from their setting.

4.2 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;

4.3 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.

4.4 Paragraph 132 of the NPPF specifies 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. 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.

4.5 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.

Tewkesbury Borough Local Plan to 2011 (March 2006)

4.6 Policy LND2 ("Special Landscape Area") of the Tewkesbury Borough Local Plan to 2011 (March 2006) specifies that, in the assessment of proposals for development special attention will be accorded to the protection and enhancement of the landscape character of the SLA which are of local significance. Within this area proposals must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology or detract from the quiet enjoyment of the countryside.

4.7 Policy LND5 ("Important Open Spaces") of the Tewkesbury Borough Local Plan to 2011 (March 2006) specifies that proposals which would adversely affect the character and appearance of IOSs will not be permitted.

4.8 Policy EVT2 ("Light Pollution") of the Local Plan specifies that the Borough Council will seek to minimise light pollution resulting from new development proposals, and policy EVT3 ("Noise Pollution") specifies that planning permission will not be granted for development where noise would cause harm and it cannot be ameliorated.

4.9 The Local Plan policies referred to above are 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, to recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it, and are therefore afforded considerable weight.

4.10 In terms of the proposed alterations to the existing car parking layout and the provision of an overspill car park area, policy TPT1 of the Local Plan relates to "Access for Development". The aims of policy TPT1 are consistent with paragraph 32 of the NPPF which specifies that plans and 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.

Emerging Development Plan

4.11 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. Policies SD7 (Landscape), SD9 (Historic Environment), SD15 (Health and Environmental Quality), INF1 (Access to the Transport Network), INF2 (Safety and Efficiency of the Transport Network) and INF4 (Green Infrastructure) of the JCS relate to the development currently proposed under this application. These policies generally reflect the existing Local Plan policies and are considered to be consistent with the NPPF.

5.0 Analysis

5.1 The main issues for consideration are the impact of the proposed development on the setting of the listed building at Gardener's Arms, the character and appearance of the area (including impact on the SLA and the IOS), the amenity of adjoining occupiers and on highway safety.

Impact on Listed Building

5.2 The majority of the proposed development would not directly affect the original property, fronting onto Beckford Road. Alternatively, the proposed works would primarily relate to the later extension to the rear of the original element and the wider setting of the listed building. It is considered that, given the modest nature of the proposed development, this would respect the setting of the listed building.

5.3 It is only the proposed replacement of 3 no. existing UPVC windows with timber framed windows which would directly affect the original and listed element of the Gardeners Arms public house. The Conservation Officer raises no objection to the proposed development, and advises that the proposed replacement timber window details seem acceptable in principle, and would clearly enhance the significance of the listed building. The external changes are similarly modest and reflect the use of the building as a public house. Overall therefore, there would be a positive impact on the historic and architectural interest of the Listed Building and no harmful impact on its setting.

Impact on Character and Appearance of Area

5.4 In the context of the existing site, the proposed development would be modest in nature, and it is considered that this would respect the character and appearance of the area and would protect the landscape character of the SLA. The proposed replacement of existing UPVC windows on the original and listed element of the public house would enhance the character and appearance of the building and the area.

5.5 Alderton Parish Council has objected to the proposed provision of external lighting, as there is no street lighting in Alderton and the Parish Council therefore considers that the external pathway should not be permanently lit. The lighting would be provided around the proposed parking areas and external seating area only, and the applicant has advised that this is required for security purposes. The height of each of the proposed lighting bollards would be just 0.5 metres. Further, there are trees and landscaping along the boundaries of the site which back onto the adjacent highway, which provides some extent of screening. It is considered that the proposed lighting, by virtue of its height and positioning within the site, would not appear overly prominent and would protect the landscape character of the SLA. It is recommended that a condition is attached to any approval of permission for this lighting to be turned off outside the opening hours of the public house in order to protect the visual amenity of the area. Thus it is not considered that it would have the same effect as permanent streetlighting.

5.6 Alderton Parish Council also objected to the proposed overspill car park area towards the south-eastern corner of the site, as they consider this would encroach onto the "attractive open space important to village character". The Parish Council advise that there is a proposal in the emerging Alderton Neighbourhood Development Plan that this land, which is currently designated as an IOS on the Local Plan Proposals Map, would be designated as "Local Green Space". Paragraph 76 of the NPPF specifies that *"Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period"*. Paragraph 77 of the NPPF specifies that the Local Green Space designation will not be appropriate for most green areas or open space, and that the designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

5.7 A neighbourhood plan has not yet been adopted for Alderton, and this grassed area is therefore currently not designated as "Local Green Space". However, as noted above, it is designated as an IOS, and is therefore afforded some protection. Policy LND5 of the Local Plan specifies that proposals which would adversely affect the character and appearance of IOSs will not be permitted.

5.8 The applicant has confirmed that there has always been vehicular access to this area to the rear of the building, and that it has been used as a makeshift overspill car park on occasions. However, they further advise that, that as the aggregate has become covered with grass, customers increasingly park on the Beckford Road highway, causing a potential nuisance to neighbours.

5.9 The majority of the existing grassed area which is identified as an IOS would be unaffected by the proposed development. The area forming the proposed overspill car park would be covered in a golden flint surfacing material, and would therefore appear as secondary to the principal car park which is provided to the west of the building and is covered in tarmac. Further, similar to the proposed lighting, the trees and landscaping along the boundaries of the site which back onto the adjacent highway would provide some extent of screening. The submitted Proposed Site Plan also shows that additional planting would be provided on the application site, which would potentially provide additional screening, although precise details of this landscaping have not been provided. It is recommended that a condition is attached to any approval of planning permission for a landscaping scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. By virtue of the scale of the proposed overspill car parking area and the proposed surfacing materials, it is considered that this would not adversely affect the character and appearance of the IOS. As a whole, it is considered that the proposed development would protect the landscape character of the SLA.

Impact on amenity of adjacent occupiers

5.10 In the context of the existing site, and taking into consideration the number of vehicles currently visiting the site, it is considered that the proposed extension to the existing car parking area would not unreasonably affect the amenity of adjoining occupiers in terms of the comings and goings of vehicles and noise disturbance.

5.11 The proposed external seating area would be located to the western side of the building and would therefore be reasonably well distanced from neighbouring residential properties, and it is therefore similarly considered that this would have no significant adverse effect on adjoining occupiers in terms of noise levels, nor in terms of overlooking or loss of privacy.

5.12 The proposed lighting would be low level, with each bollard measuring just 0.5 metres in height above ground level. Most of this lighting would be well distanced from neighbouring residential properties to the north, south and west of the site. At the closest point, one of the proposed lighting bollards would be set back some 2.5 metres from the eastern site boundary, which backs onto the residential curtilage of no. 11 Willow Bank Road. There is a reasonable extent of screening along this boundary in the form of vegetation, and it is therefore considered that this lighting would not unreasonably affect the amenity of adjoining occupiers at no. 11 Willow Bank Road in terms of the proposed lighting levels. As noted above, it is recommended that a condition is attached to any approval of permission for this lighting to be turned off outside the opening hours of the public house in order to protect the residential amenity of adjoining occupiers.

5.13 The remainder of the proposed alterations would be modest in nature and reasonably well distanced from neighbouring residential properties, and it is therefore considered that they would have no significant adverse effect on adjoining occupiers in terms of overshadowing, overbearing impact or loss of privacy.

Impact on highway safety

5.14 The application site is located adjacent to a class 4 highway. There is a footway on the northern side of the highway and, to the southern side, a footway link to the junction of Beckford Road. The proposed development does not include any alterations to the existing access, and would result in an increase in the number of parking spaces within the curtilage of the site.

5.15 The Local Highway Authority has viewed the application, and raises no objection. It is considered that the cumulative residual impact of the proposed development on highway safety would not be severe.

6.0 Summary

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

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the site location plan received by the Local Planning Authority on 8th October 2015, details of the proposed bollard lighting, sleepers and golden flint finish, approved drawing nos. '15:1769:04A', '15:1769:05A', '15:1769:06A' and '15:1769:SP02A' and the sample of the golden flint finish received by the Local Planning Authority on 14th December 2015, approved drawing nos. '15:1769:01W' and '15:1769:02W' received by the Local Planning Authority on 17th February 2016 and any other conditions attached to this permission.
- 3 No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing a comprehensive scheme of landscaping, which shall include indications of all new tree planting (including location, spread and species) on the land, to replace those trees to be removed.
- 4 All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

- 5 The lighting bollards hereby permitted shall be non-illuminated outside of the opening hours of the premises known as the Gardeners Arms, Beckford Road, Alderton.

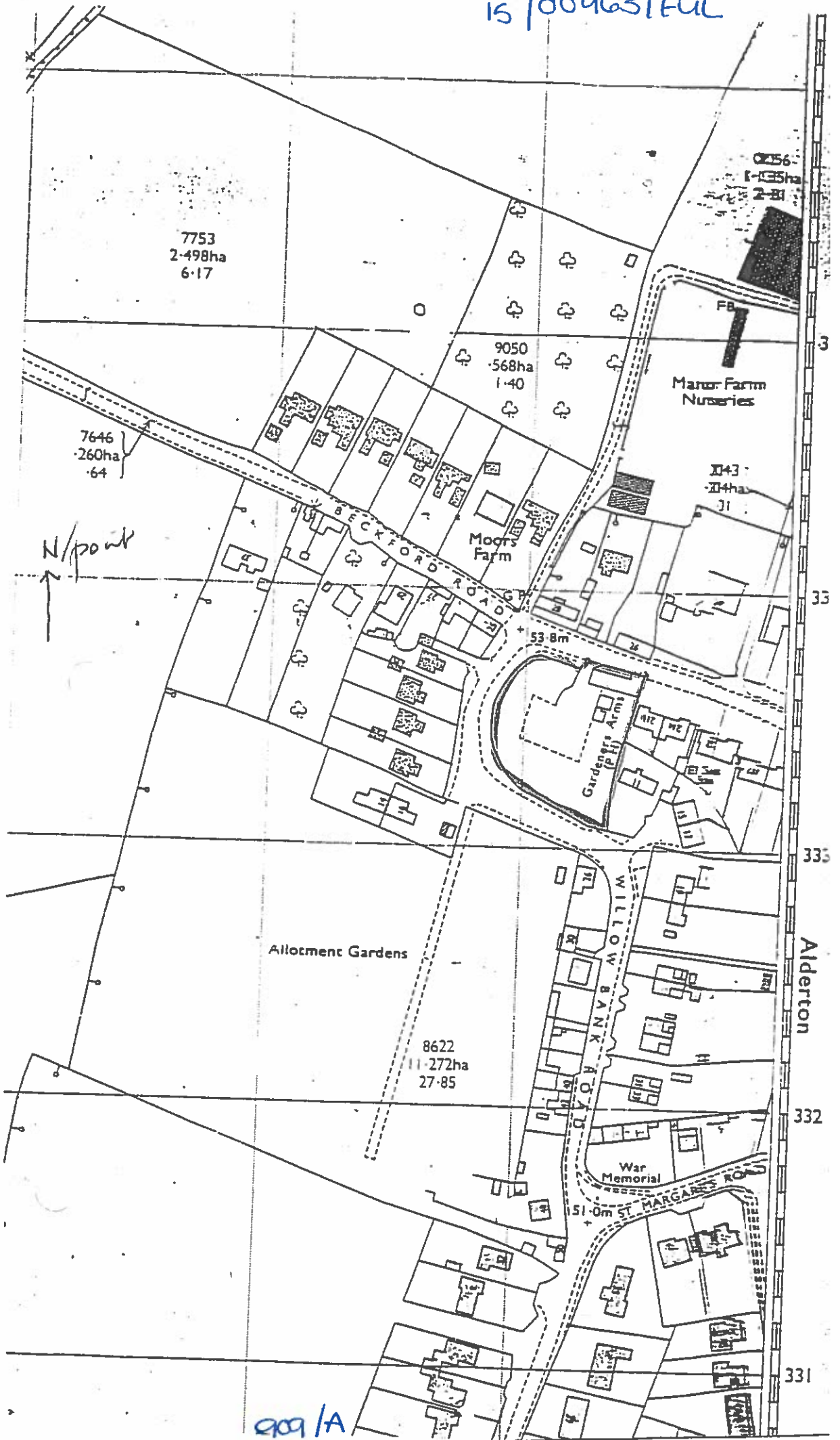
Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 3 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) and the principles of the National Planning Policy Framework (2012).
- 4 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) and the principles of the National Planning Policy Framework (2012).
- 5 In the interest of the visual amenity of the area and to protect the residential amenity of adjoining occupiers, in accordance with policies EVT2 and LND2 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).

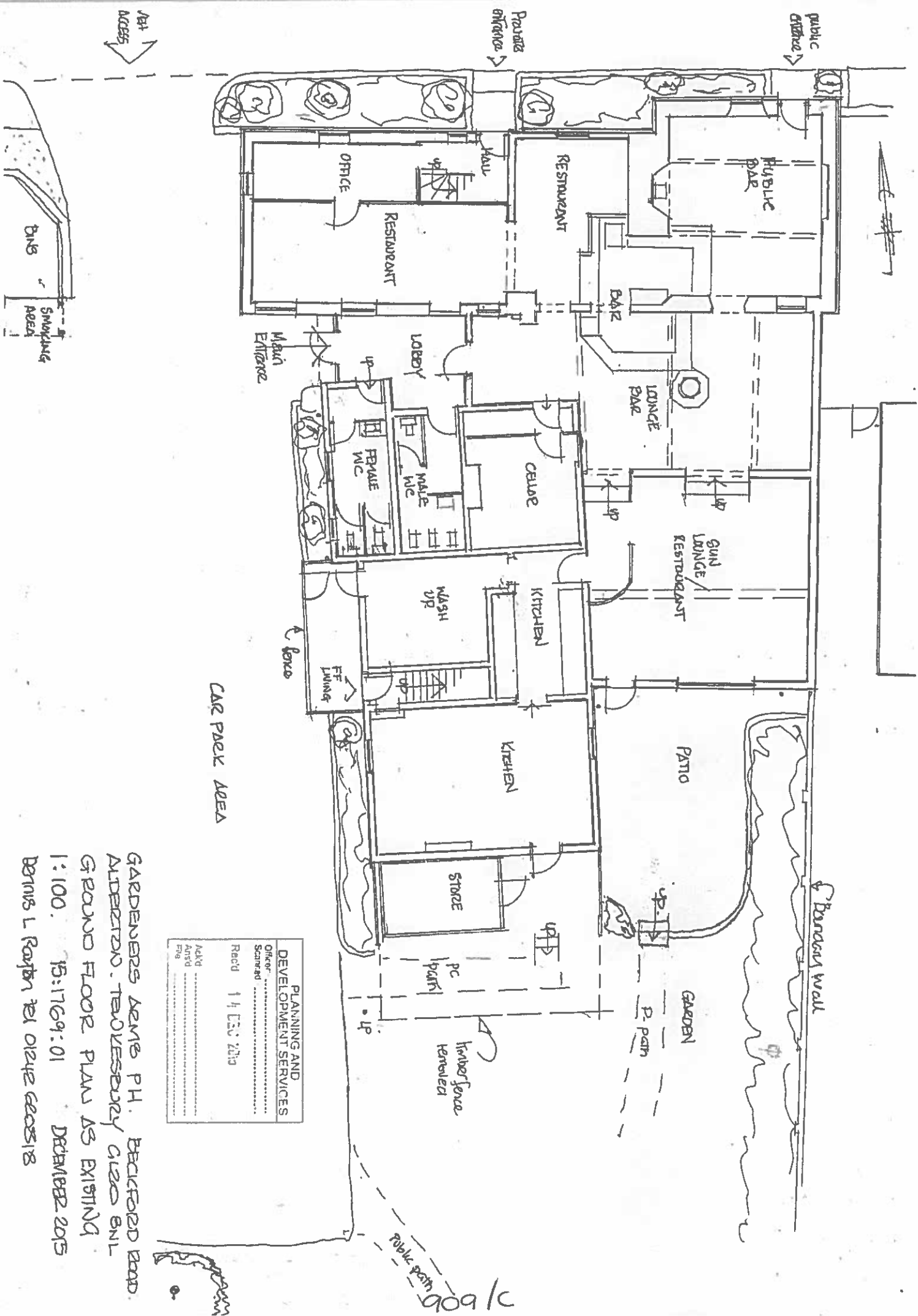
Notes:

- 1 **Statement of Positive and Proactive Engagement**
- In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating to improve the design and to ensure the setting of the listed building and the landscape character of the Special Landscape Area is protected.
- 2 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 3 It should be noted that Listed Building Consent is also required for the proposed installation of the 3 no. replacement windows and they must not be installed unless that consent has also been granted.
- 4 A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is £97 per request. The fee must be paid when the request is made.

15/00963/FUL



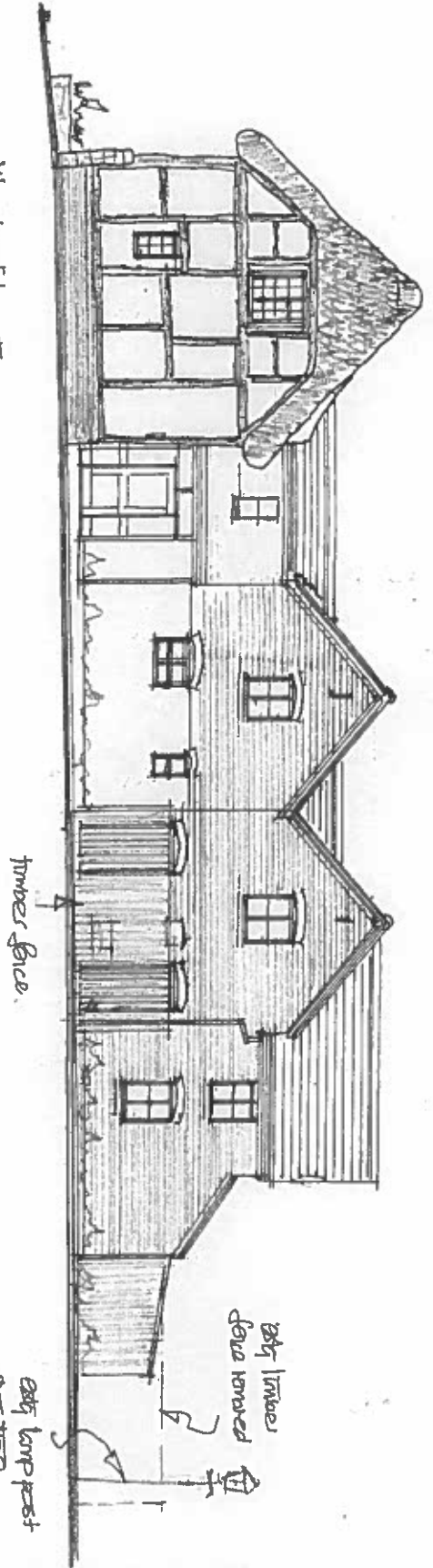
909/A



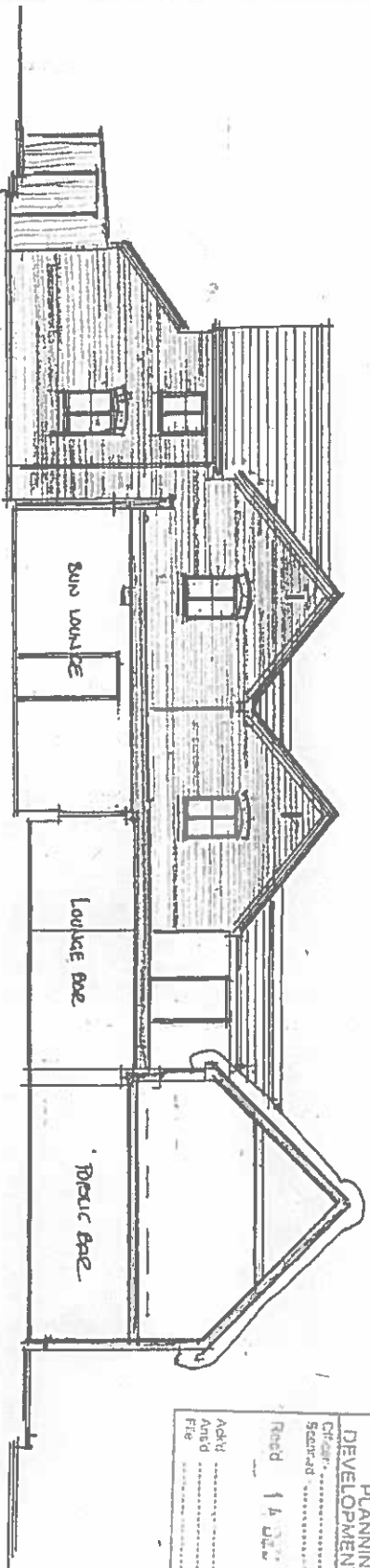
PLANNING AND DEVELOPMENT SERVICES	
Officer	.....
Checked	.....
Recd	14 Dec 2010
Adtd	.....
Appd	.....
File	.....

GARDENERS DEMS PH. BACKFORD ROAD.
 ALBERTON. TADWESBURY GU20 8NL
 GROUND FLOOR PLAN AS EXISTING
 1:100. 15:1769:01 DECEMBER 2015
 DENNIS L RAYTON TEL 01474 660518

West Elevation.



East Elevation / section

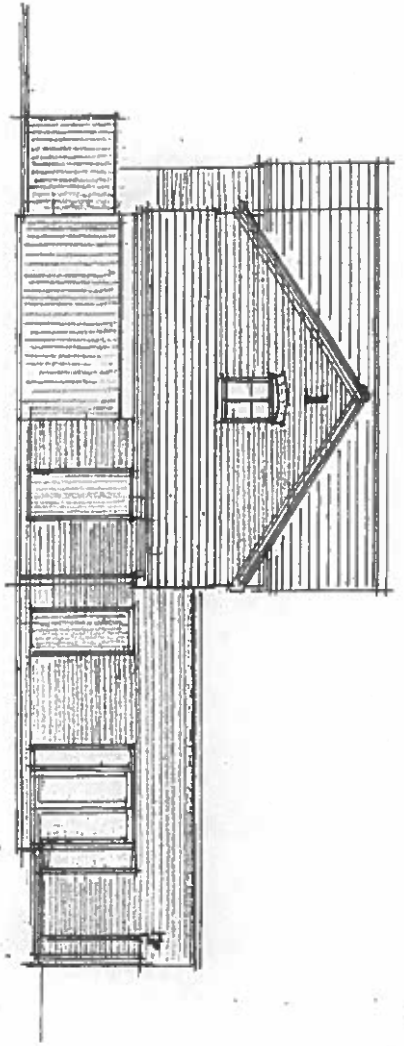


PLANNING AND DEVELOPMENT SERVICES
 City of
 Stroud
 Road 14 Dec 2013
 Ask:
 Amend
 File

01606

GARDENERS ARMS PH. REDDING ROAD.
 ALDBERTON, TAVERSBURY. GU20 8NL
 ELEVATIONS / SECTION AS EXISTING
 1:100. 15:17 09:02 DECEMBER 2013
 DENNIS L RAUFEN TEL 01474 620318

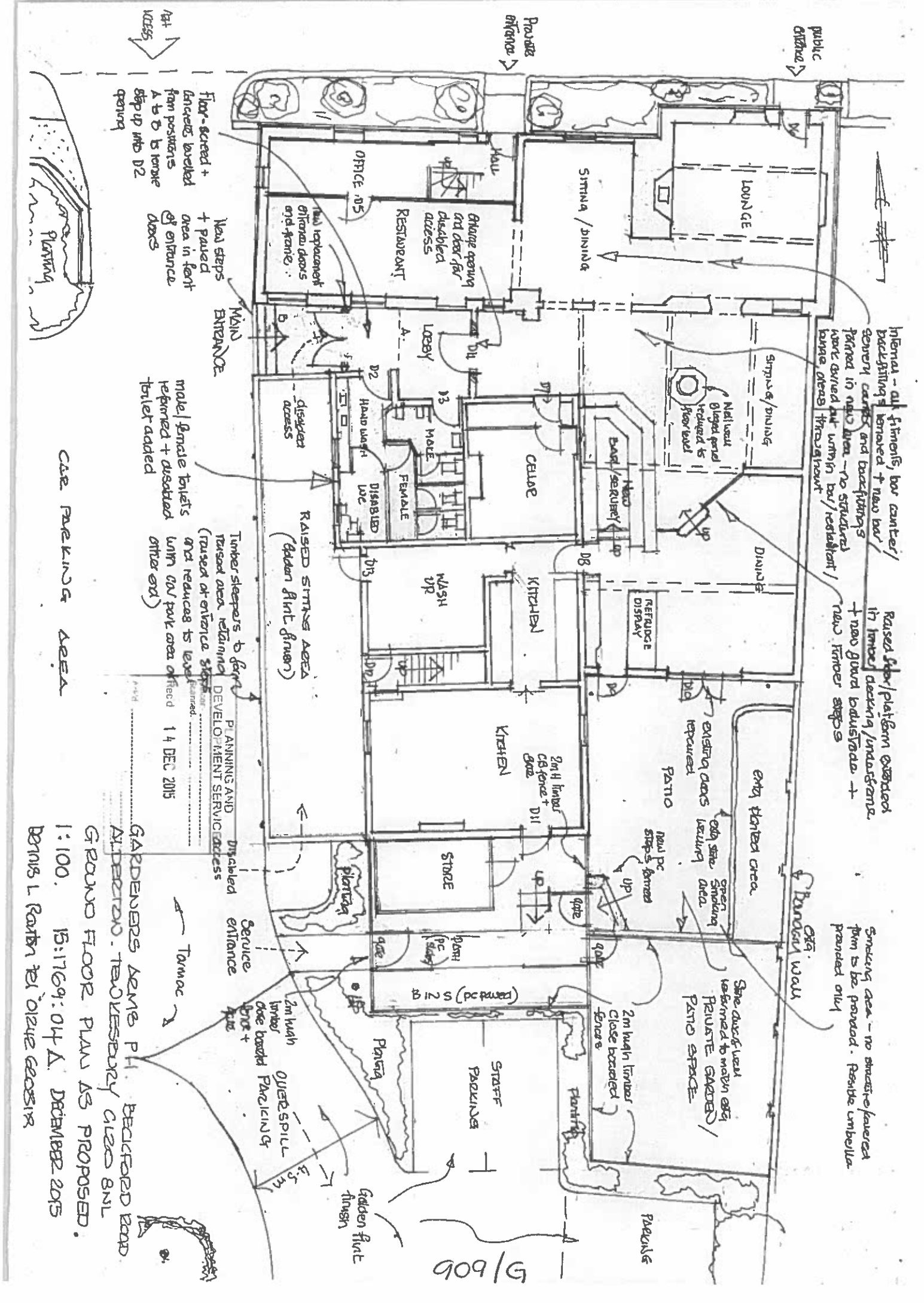
South Elevation.



PLANNING AND
DEVELOPMENT SERVICES
OFFICE
Stamp
Recd 14 DEC 2015
Add
Ans
File

9091E

GARDENERS KEMPS F.H. BEKFIELD ROAD,
ALDBERTON, THURDESBURY, G120 8NL.
ELEVATION AS EXISTING
1:100 15:1169: 03 DECEMBER 2015.
DENNIS L RAUPTON TEL 01246 620813



Public entrance

Private entrance

Gate access

Internal - all fittings, bar counter, backfilling removed + new bar/ service counter and backfilling. Paved in new area - no structures were carried out within bar/restaurant/ lounge areas throughout

Raised floor/platform extended in limited decking/mats/frame + new guard balustrade + new timber steps

Smoking area - no structure/covered from to be provided. Possible umbrella provided only

Floor-screed + concrete levelled from positions A to B to remove step up into D2

New steps + paved area in front of entrance doors

male/female toilets refitted + disabled toilet added

Timber sleepers to form raised area retaining DEVELOPMENT SERVICES (raised at entrance steps and reduces to level formed at other end)

PLANNING AND DEVELOPMENT SERVICES
14 DEC 2015

CAR PARKING AREA

GARDENERS AEMR PH BACKROAD BOAD
ALPERTON. TADUESBURY G120 8NL

GROUND FLOOR PLAN AS PROPOSED.
1:100. 15:1169:04 A. DECEMBER 2015
Dennis L Rankin tel 01424 663318

G/509

West Elevation

New steps paving to and including new entrance doors and frame.
Timber feature doors for excavated ramped.

New raised sitting area - timber sleepers to raised footpath

Existing timber fence removed

New timber close boarded fence.

Existing lamp post reinstated

East Elevation / section

New pc steps + vest close boarded timber fence and gates/posts.

BAR / BEVERAGE

LOUNGE

Internal - all fittings, bar counter/back fittings removed, new bar/feature counters and back fittings formed in new area - no structural work carried out within bar/restaurant/lounge areas throughout.

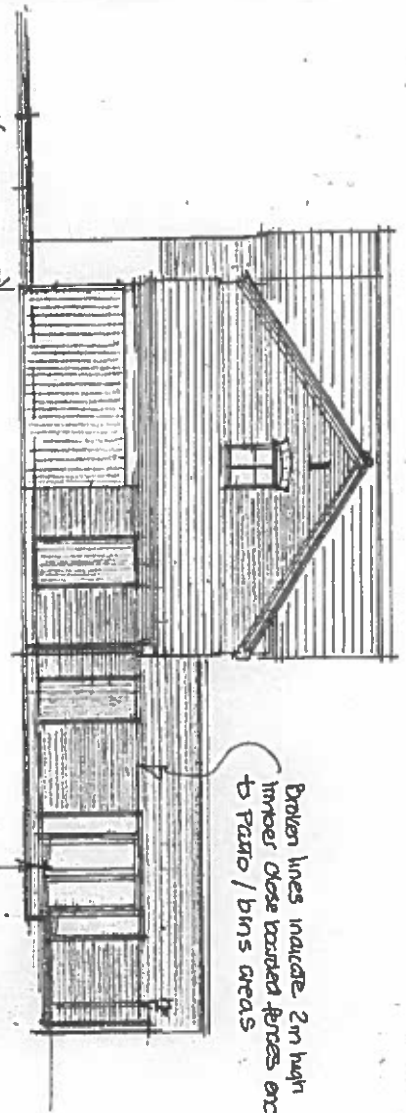
PLANNING AND DEVELOPMENT SERVICES	
JR/SP	Scan/alt
Rec'd	14 Dec 2015
Act'd	
Ass'd	
File	

H/509

GARDENERS LANS PH. RECEIVED ROAD.
AUBERTON. TRAKESBURY. 6120 BNL
ELEVATIONS/SECTION AS PROPOSED
1:100. 15:17 69:05A. DECEMBER 2015
Dennis L Ruyter Tel 01242 620812

South of raised
sitting area

South Elevation.



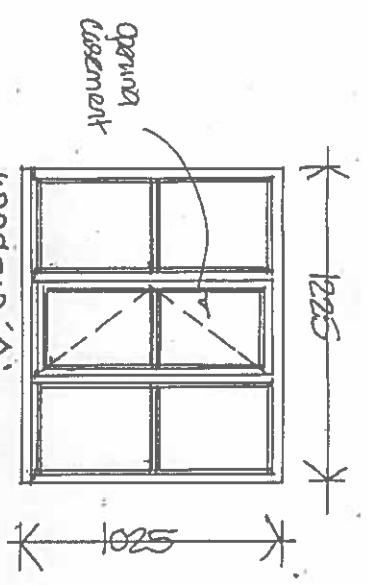
Broken lines indicate 2m high
timber close boarded fences encloses
to patio / bins areas

existing timber framed
and glazed doors / small
lights to be repaired
and painted white.
gloss finish (D10)

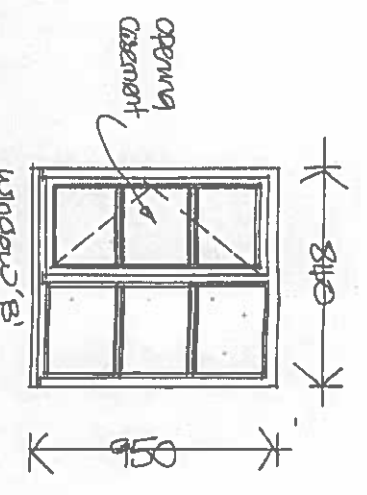
PLANNING AND DEVELOPMENT SERVICES	
Order	.....
Submitted	.....
Rec'd	14 DEC 2015
Askd	.....
Aspd	.....
File	.....

GARDEN EGGS, 42MS PH. BECKFORD ROAD,
 ALDBROOK, TADDESBURY, GL20 8NL.
 ELEVATION AS PROPOSED.
 1:100 15:1769:06A DECEMBER 2015.
 DENNIS L RAUPTON TEL 01296 630818

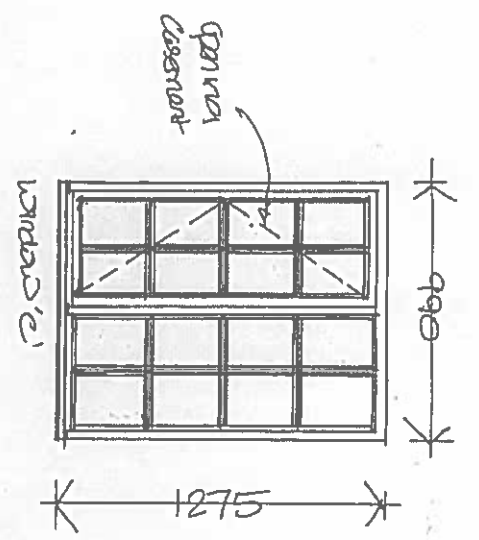
009/I



ELEVATIONS FROM OUTSIDE



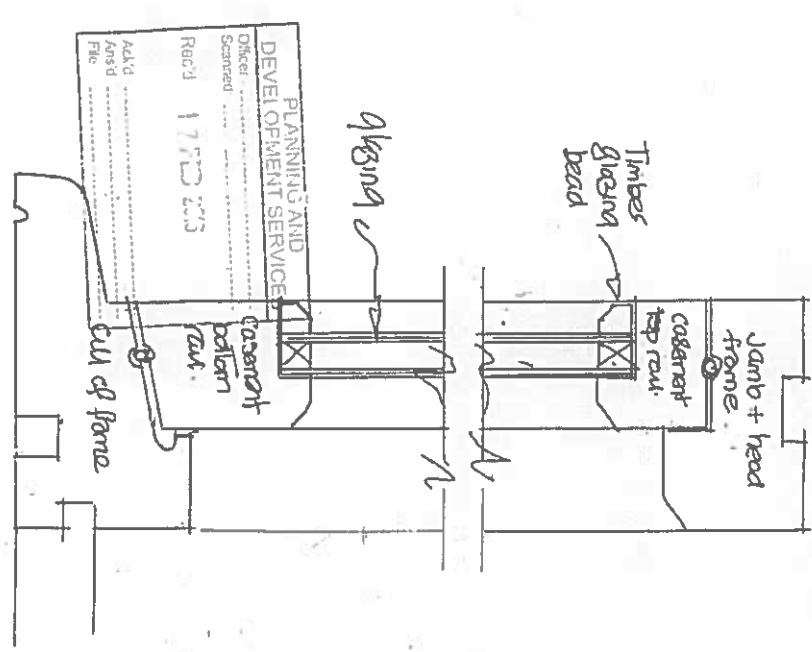
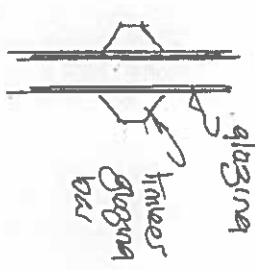
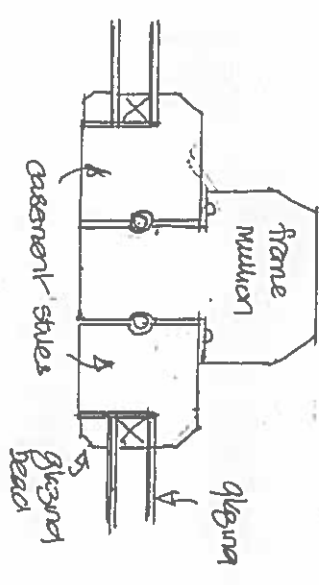
1:20



Window 'C'

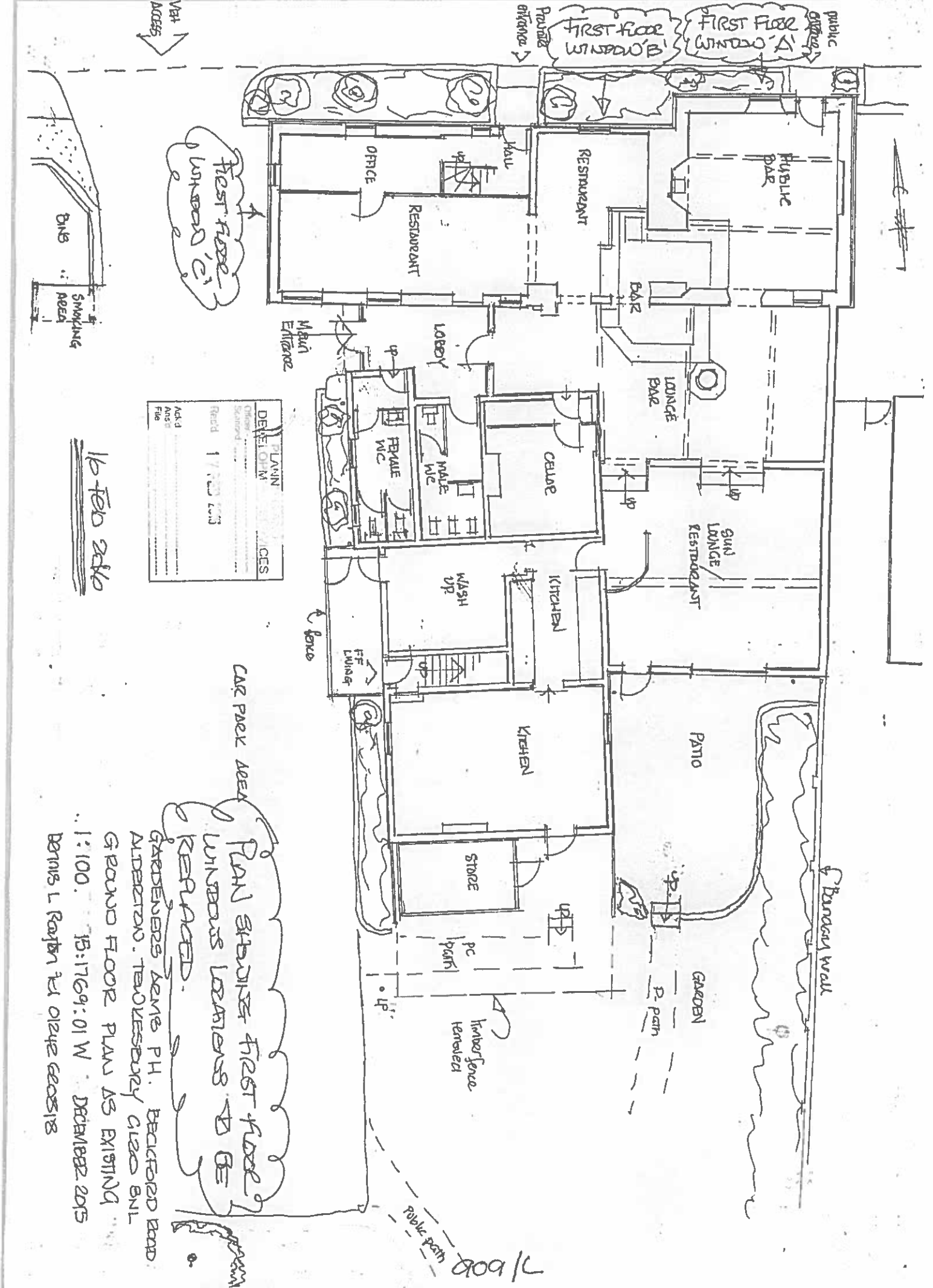
Timber windows finished
with gloss paint

To manufacture joinery company
must measure windows/ openings
on site.



TYPICAL WINDOWS DETAILS 1:2

GARDENERS ARMS PH. BEKFIELD ROAD.
ALBERTON. THURSDAY. 15:20 ONLY
REPLACEMENT WINDOWS DETAILS
1:20 + 1:2 15:1769:02W FEBRUARY 2016
Dennis L Rayton Tel 01442 620818



DEVELOPER	PLANNING	DATE	17/02/05
DESIGNER	ARCHITECT	NO.	17/02/05
REVISION	REVISION	NO.	17/02/05
APPROVED	APPROVED	DATE	17/02/05
FILE	FILE	FILE	FILE

16 Feb 2010

CAR PARK AREA

PLAN SHOWS FIRST FLOOR WINDOWS LOCATIONS TO BE REPAIRED.

GARDENERS DENNIS PH. BACKLOGGED BAND ALBERTON. TADULESBURY GUANO BNL. GROUND FLOOR PLAN AS EXISTING. 1:100. 15:1769:01 W. DECEMBER 2015. DENNIS L Raftern Tel 01242 660518

7/009

16/00105/FUL

Sycamore Cottage, Buckland, Broadway

4

Valid 29.01.2016
Grid Ref 408174 236063
Parish Buckland
Ward Isbourne

Single storey rear extension with first floor balcony

Mr & Mrs C Reen
Sycamore Cottage,
Village Road Through Buckland
Buckland
Tewkesbury

RECOMMENDATION Permit

Policies and Constraints

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
National Planning Policy Framework
Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU8 and HEN2
Joint Core Strategy (Submission Version) November 2014
Buckland Conservation Area
Article 4 Direction Buckland

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Section 12 of the National Planning Policy Framework (NPPF) relates to the conservation and enhancement of the historic environment and requires local planning authorities to conserve heritage assets in a manner appropriate to their significance. This is reflected in Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 which states that particular attention should be paid to the preservation and, wherever possible, enhancement of the character, appearance and setting of conservation areas and listed buildings in terms of their scale, form, materials and quality. It specifies that particular attention should be attached to the retention of traditional materials in the repair and refurbishment of existing buildings.

Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 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. Policy HOU8 is considered to be consistent with the National Planning Policy Framework (NPPF) and should therefore be afforded full weight when determining this application in accordance with Paragraph 215 of Annex 1 of the NPPF.

The application site is also located within the Cotswolds AONB where special attention will be given to conserving the landscape in accordance with Section 11 of the NPPF. One of the core planning principles of the NPPF is to preserve the intrinsic character and beauty of the countryside. This is also reflected in Policy SD8 of the emerging Joint Core Strategy (JCS).

Consultations and Representations

Buckland Parish Council - Initially no Objection - No objection, but cannot see any mention of the balcony material, glass panel or single metal rail. Would a glass/Perspex rail look too modern on such a cottage? However glass/Perspex would be less noticeable. Where does the rain water run off?

Further comments from the Buckland Parish Council were received on the 16th March 2016: Buckland Parish Council have received detailed strong objections recently from some Buckland residents which include comments about noise, the balcony and landscaping appertaining to this application. Residents have made their objections known directly as well. These objections should be considered by planning.

Local residents - As of 17/03/2016 sixteen letters of objection have been received from 6 local residents including the direct neighbours at Pear Tree Cottage (Buckland Manor Cottage) & Orchard Cottage. The reasons for objection are summarised as follows:

- Unacceptable loss of light, Privacy, outlook and overlooking to Pear Tree Cottage (Buckland Manor Cottage), Orchard Cottage & The Old Stable
- Invasion of privacy affording panoramic views into gardens
- The impact of the development on the Conservation Area & AONB
- The impact of the development on the St Michaels Church (Listed Building within 50 metres of application site)
- The use of 'modern' materials - Not in keeping with the stone cottage
- The Balcony will be viewed from public vantage points (access road to the west of the application site)
- The Balcony will be out of keeping with the style of houses in the vicinity.
- Lack of clarification on materials, plans and access from the property onto the Balcony
- Increase in noise levels and light pollution
- Precedent could be set
- Sunlight reflecting from glass
- A balcony does not fit the style of the property
- Modern styled addition would be inappropriate
- Inadequate/inaccurate plans submitted with the application

Conservation Officer - Comments that further information regarding the detail of the balcony is required - *Sycamore Cottage is half of a pair of semi-detached estate cottages dated 1876, one of a number of identical designs in both Laverton and Buckland. Although most, including Sycamore Cottage, have been extended to some degree, they have collective value as a distinct C19 local type and all qualify as local heritage assets under the NPPF's definition. The current proposal involves the 'colonisation' of the roof of the polygonal garden room permitted in 2015 as a rear balcony. I am not generally sympathetic to piecemeal alterations, either as afterthoughts or as part of an incremental strategy, because any building is best managed on a systematic basis, but I would accept that the net overall change here is limited. However even a glass balustrade it unlikely to be as minimal as the drawings suggest, as it involves fixings, a top rail, stanchions etc, so more detail is required to establish its acceptability.*

Planning Officers Comments: Mr James Lloyd

1.0 Application Site

1.1 Sycamore Cottage is part of a pair of semi-detached estate cottages situated opposite the Church (a Grade I Listed building) in the village of Buckland. Dated 1876, Sycamore Cottage is one of a number of identical designs in both Laverton and Buckland (site location & block plan attached)

1.2 The cottage itself is not listed but is an attractive example of Cotswold vernacular and typical of cottages to be found within Buckland and the adjoining villages. To the North West lies the adjoining semi-detached property and to the east lies Orchard Cottage, a detached dwelling. The lane which serves the site is situated to the south and beyond the rear boundary of the site to the north lies open fields which rise up to a higher level than the village itself.

1.3 The site lies within the Laverton Conservation Area, Article 4 Direction Boundary and the Cotswolds Area of Outstanding Natural Beauty. The Conservation Officer advises that although most, including Sycamore Cottage, have been extended to some degree, they have collective value as a distinct C19 local type and all qualify as local heritage assets under the NPPF's definition.

2.0 Planning History

- 03/00416/FUL - Two storey extensions to existing dwellings and consolidation of two cottages as single dwelling. Engineering operations to create terraces to rear. - Refused - 25.04.2003
- 03/00788/FUL - Two storey extensions to existing dwellings, consolidation of two cottages as single dwelling, demolish greenhouse - Permitted - 16.07.2003
- 04/00312/FUL - Alterations and extensions to 2 no. dwellings (Revised Scheme) - Permitted - 27.05.2004
- 04/01528/FUL - Two storey extensions to existing cottage and erection of detached single garage - Refused - 21.12.2004
- 05/00300/FUL - Alterations and extensions to existing cottage - (Two storey extension to rear and 1st floor extension to side) - Permitted - 22.09.2005
- 06/00639/FUL - Widening of existing gateway and forming off road parking space - Permitted - 06.07.2006
- 15/01056/FUL - Proposed single storey rear extension - Permitted 2015

3.0 Current Application

3.1 The current application is a resubmission of the previous approved scheme (ref: 15/01056/FUL) and seeks permission for a single storey garden room extension located between the return of the 2005 side and rear extensions (see attached plans pertaining to 15/01056/FUL). The current proposal is similar to the previous approved scheme but proposes the addition of a glazed balcony located on the roof of the extension and the change of a first floor window to a door opening to create access onto the roof. The proposed doors and windows would be of a white powder coated aluminium construction. (See attached plans)

4.0 Policy Context

4.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

4.2 Section 12 of the National Planning Policy Framework (NPPF) relates to the conservation and enhancement of the historic environment and requires local planning authorities to conserve heritage assets in a manner appropriate to their significance. This is reflected in Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 which states that particular attention should be paid to the preservation and, wherever possible, enhancement of the character, appearance and setting of conservation areas and listed buildings in terms of their scale, form, materials and quality. It specifies that particular attention should be attached to the retention of traditional materials in the repair and refurbishment of existing buildings.

4.3 Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 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. Policy HOU8 is considered to be consistent with the National Planning Policy Framework (NPPF) and should therefore be afforded full weight when determining this application in accordance with Paragraph 215 of Annex 1 of the NPPF.

4.4 The application site is also located within the Cotswolds AONB where special attention will be given to conserving the landscape in accordance with Section 11 of the NPPF. One of the core planning principles of the NPPF is to preserve the intrinsic character and beauty of the countryside. This is also reflected in Policy SD8 of the emerging Joint Core Strategy (JCS).

5.0 Analysis

5.1 The principle of development has been established by the previous application (ref: 15/01056/FUL), which was granted planning permission in November 2015. As such, the ground floor extension is deemed to be acceptable subject to the imposition of conditions requiring further design details. (No objections were received in relation to this application)

5.2 The main considerations in relation to the current application are; the impact of the proposed development on the amenities of neighbours, the design and any impact on designated heritage assets, any impact on the setting of the AONB & Conservation Area.

Design & Impact on AONB & Conservation Area

5.3 The proposed extension would be positioned behind the existing dwelling-house, its chamfered design helps hide the structure in views from the street scene, screening is also provided by existing vegetation. The proposal is small in scale and it is considered that there will not be an unacceptable visual impact. The Conservation Officer was consulted on the previous application and had raised no objection to the proposed extension, the Conservation Officer considered that the proposal would have a neutral impact on both the building's character and that of the wider Buckland conservation area, and is considered acceptable in conservation terms. The materials proposed are acceptable in principle, subject to a condition being attached to any approval of planning permission for samples of the external materials to be approved. Subject to this condition, it is considered that the proposed development would respect the character and appearance of the application property and the wider area; would preserve the character and appearance of the conservation area and would conserve the landscape and scenic beauty of the AONB.

5.4 The proposed balcony would be installed at first floor level, over the Garden Room extension, on the rear (north east) elevation of the house. Access to it would be taken from a first floor door opening to be formed from the enlargement of the existing window located on the rear elevation of the side extension. The

balcony would enclose the roof space of the single storey extension with a glazed balustrade (no stanchions or handrails would be required)

5.5 With its design proposed to be minimalist, with a glass balustrade and stainless steel base fixings it is considered that the proposed balcony would not appear as a dominant or intrusive addition to the house. Limited views of the balcony would be seen from the front of the property, with views being limited and distant to the rear. It is considered that the balcony would appear subservient to the cottage and would not harmfully disrupt the architectural form and design of the already extended cottage.

5.6 The conservation officer has advised that that the net overall change of the balcony addition to the single storey extension is limited. However even a glass balustrade it unlikely to be as minimal as the drawings suggest, as it involves fixings, a top rail, stanchions etc, so more detail is required to establish its acceptability. Further to the Conservation Officers comments more information regarding the construction of the balcony have been provided, although this information is limited it is considered that the final detail can be requested by way of condition.

5.7 The impact of the proposed balcony on the Conservation Area and AONB has been carefully assessed and it is considered that the balcony will have a natural effect. The balcony by virtue of its simple design and form, and the use of appropriate materials is also considered not to have an overbearing impact on the character or appearance of the dwelling. The proposals are therefore considered to be in accordance with the NPPF and Policies HOU8 and HEN2 of the Local Plan.

Impact on neighbouring living conditions

5.8 Taking the proximity of the neighbouring properties into account it is considered that the garden room extension is sited such that it would not give rise to any overlooking to habitable rooms of nearby properties. It is also considered that the size, form and positioning of the proposal in relation to the adjacent properties would not give rise to any loss of light or outlook.

5.9 The neighbouring residents to the south east (Orchard Cottage) & North West (Pear Tree Cottage (Buckland Manor Cottage)) and The Old Stables along with the Parish Council have objected on the grounds that the development would adversely affect the neighbour's residential amenity, specifically the loss of privacy (overlooking).

5.10 Balconies can cause significant overlooking issues into private rear garden areas, most commonly considered to be the sitting out areas (such as patios). The balcony would not protrude beyond the existing rear wall of the rear extension and the view into the private rear garden area would be limited due to the angle of the view and the intervening existing wall of the rear extension. It is acknowledged that overlooking into the rear garden space of Pear Tree Cottage/Buckland Cottage is inevitable, due to the layout of the garden areas (An area of Pear Tree Cottage/Buckland Manor Cottage's garden is set behind the Garden of Sycamore Cottage), however it is considered that there is an existing element of overlooking into this area of the neighbours garden created by the window on the elevation of the rear extension. There is also a separation of approximately 17 metres between the balcony and rear area of the neighbouring dwelling. An existing outbuilding and planting also provide a level of screening. It is therefore judged that although there would be an element of overlooking into the rear garden of Pear Tree Cottage/Buckland Manor Cottage, this would not be sufficient to cause undue harm to the residential amenity of neighbouring property in line with Policy HOU8 of the Local Plan.

5.11 In terms of Orchard Cottage, at its nearest point, the balcony would be approximately 20 metres from the boundary and the cottage itself is located approximately 11 metres (at its nearest point) from the boundary. The boundary between the two properties comprises of a mature hedge with trees located along the boundary line within the residential curtilage of Orchard Cottage. Due to the position of the proposed balcony oblique glimpses could be afforded towards the property on the north western elevation, however, it is considered that there is an acceptable distance between the proposed development and Orchard Cottage and that any views from the balcony would not directly affect the private rear garden of this property. An element of the Balcony would face the windows on the side elevation of Orchard Cottage; however, it is considered that there is an existing element of overlooking already created by the window on the side elevation of the rear extension. Taking into account the intervening distance, existing overlooking and level of screening already in place it is not therefore considered that overlooking towards Orchard Cottage would be so significant to cause undue harm to the residential amenity of this property. Therefore the proposal is considered to comply with Policy HOU8 in this regard.

5.12 The proposed balcony cannot be viewed directly from the Old Stable House (located to the North West of the application site) and it is considered that only oblique glimpses could be afforded into the rear garden of this property (located approximately 25 metres away). It is therefore considered that the proposal would not cause undue harm to the residential amenity of this property.

5.13 In conclusion, whilst the proposal would result in an element of overlooking to areas of neighbouring properties it is not considered that this degree of overlooking would be so significant to warrant refusal in this case.

Setting of Listed Building

5.14 The Church of St Michael, which is Grade II listed, is located approximately 50 metres the south of the site. It is not considered that the setting of this listed building would be significantly harmed, given the siting and orientation of Sycamore Cottage and its separation to the boundary of the Listed Church.

Other Matters

5.15 Objections have been raised in relation to the potential increase in noise and lighting that the proposal may create as well as the concerns that if permission is granted a precedent may be set.

5.16 In terms of increase in noise levels and lighting, it is considered that, due to the nature and form of the proposed development and the already established residential use of the site that it would not be reasonable nor justified to control such matters by way of condition. Finally, in relation to the precedent that may be set each application is required to be assessed on its own merits.

6.0 Conclusion

6.1 It is considered that the proposed single storey garden room extension and balcony is of an appropriate size, design and materials and would have an acceptable impact upon the appearance of the Area of Outstanding Natural Beauty and Conservation Area. The impact of the proposal upon neighbouring properties has been carefully assessed and it is considered that there would not be an undue impact upon their amenity. For these reasons the proposal is considered to accord with Policies HOU8 and HEN2 of the Tewkesbury Borough Local Plan to 2011 - March 2006. The application is therefore recommend for **Permit** subject to conditions.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following:
 - Details within the application form received by the Local Planning Authority on 29th January 2016.
 - The approved drawing nos. '1521-00' '1521-04' '1521-05 REV A' & '1521-06 REVA received by the Local Planning Authority on 29th January 2016.
 - Details submitted within the email from the agent received by the Local Planning Authority on 1st March 2016.
- 3 No work shall start until detailed drawings of the elevations of the Balcony at a scale of either 1:20 or 1:50 along with materials and external finishes shall be submitted to and approved in writing by the Local Planning Authority
- 4 No work shall start until detailed drawings of the proposed external joinery of the proposed access door onto the balcony, including elevations and sections have been submitted to and approved in writing by the Local Planning Authority and the fitted joinery shall be in accordance with the approved drawings. The elevations shall be at a minimum scale of 1:20 and the sections shall be at a minimum scale of 1:5 and shall indicate moulding profiles at full size.

Reasons:

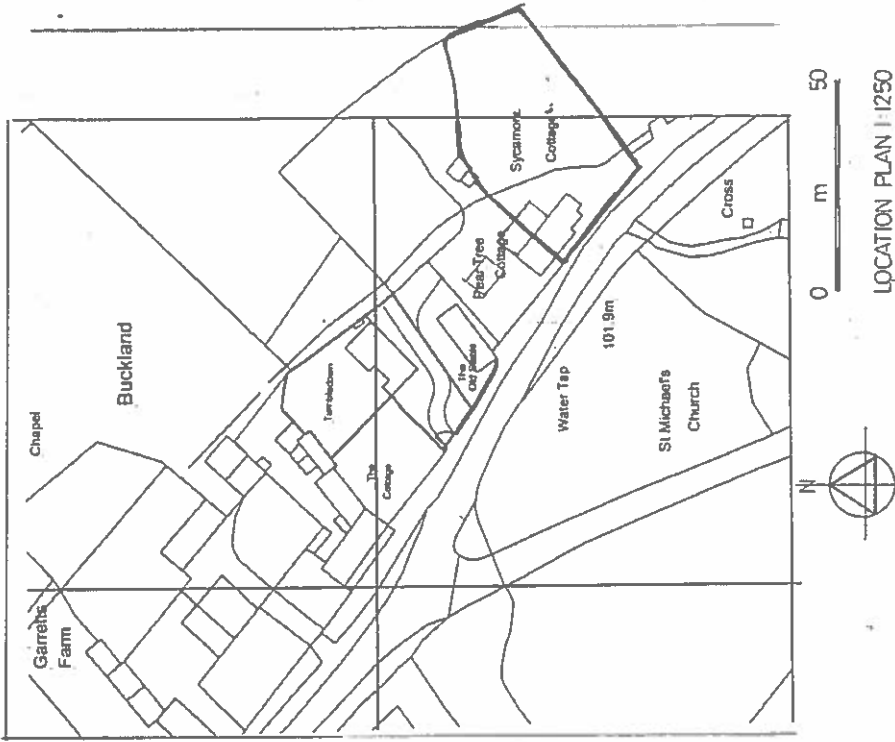
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 3 To preserve and enhance the character and appearance of the conservation area in which this development is located in accordance with Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 4 To preserve and enhance the character and appearance of the conservation area in which this development is located in accordance with Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Note:

Statement of Positive and Proactive Engagement

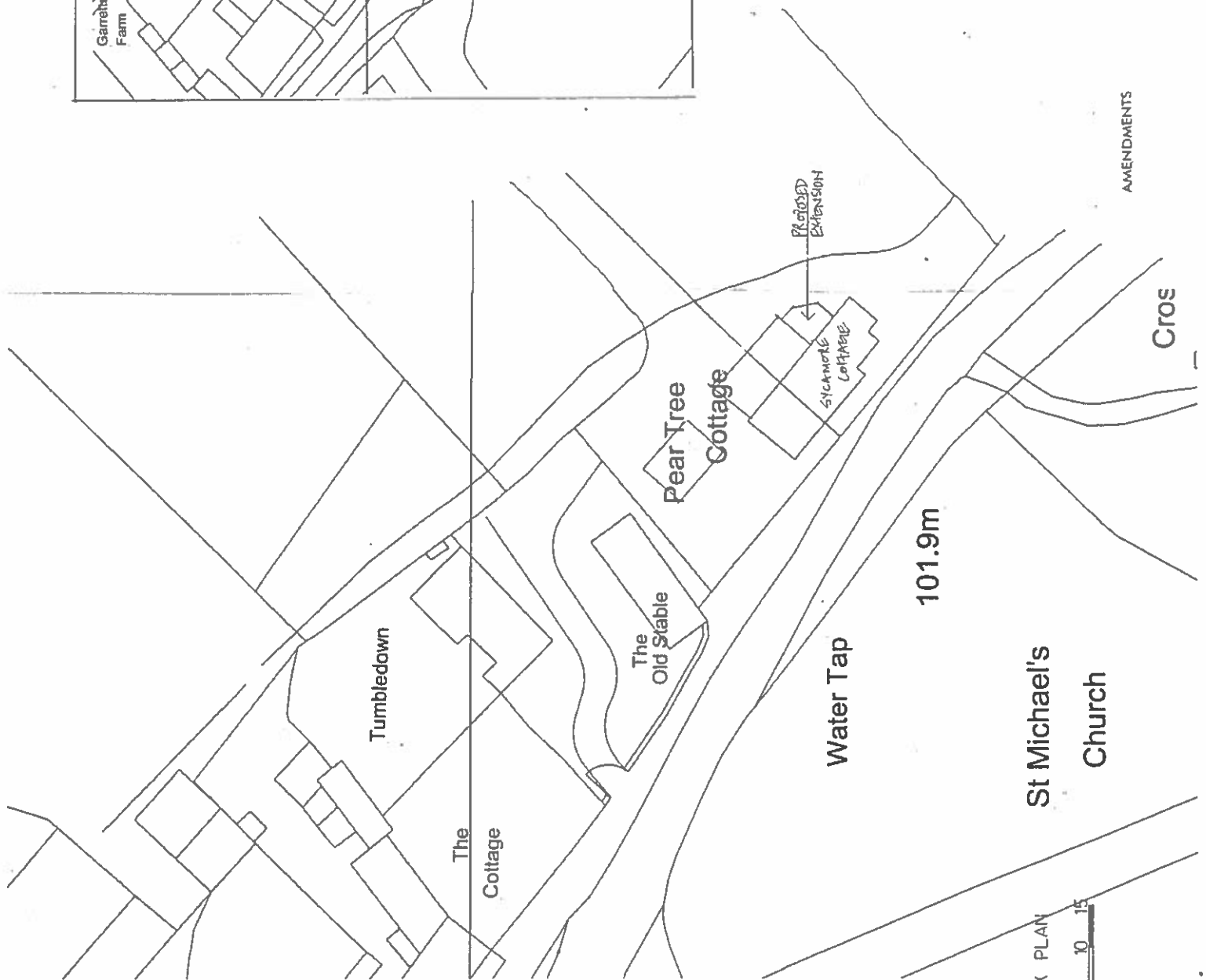
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received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

16/00105/FUL



SYCAMORE Cottage BUCKLAND
 Drawing No: 1521 00 Date: 16/05/2015
 Scale: 1:500
 Author: SPTS

RAFFLES HOUSE, RAFFLES ROAD, CHATEAUX, GLOUCESTERSHIRE, GL50 3AD
 TEL: 01282 511105 FAX: 01282 511109 EMAIL: info@ralphgilor.com



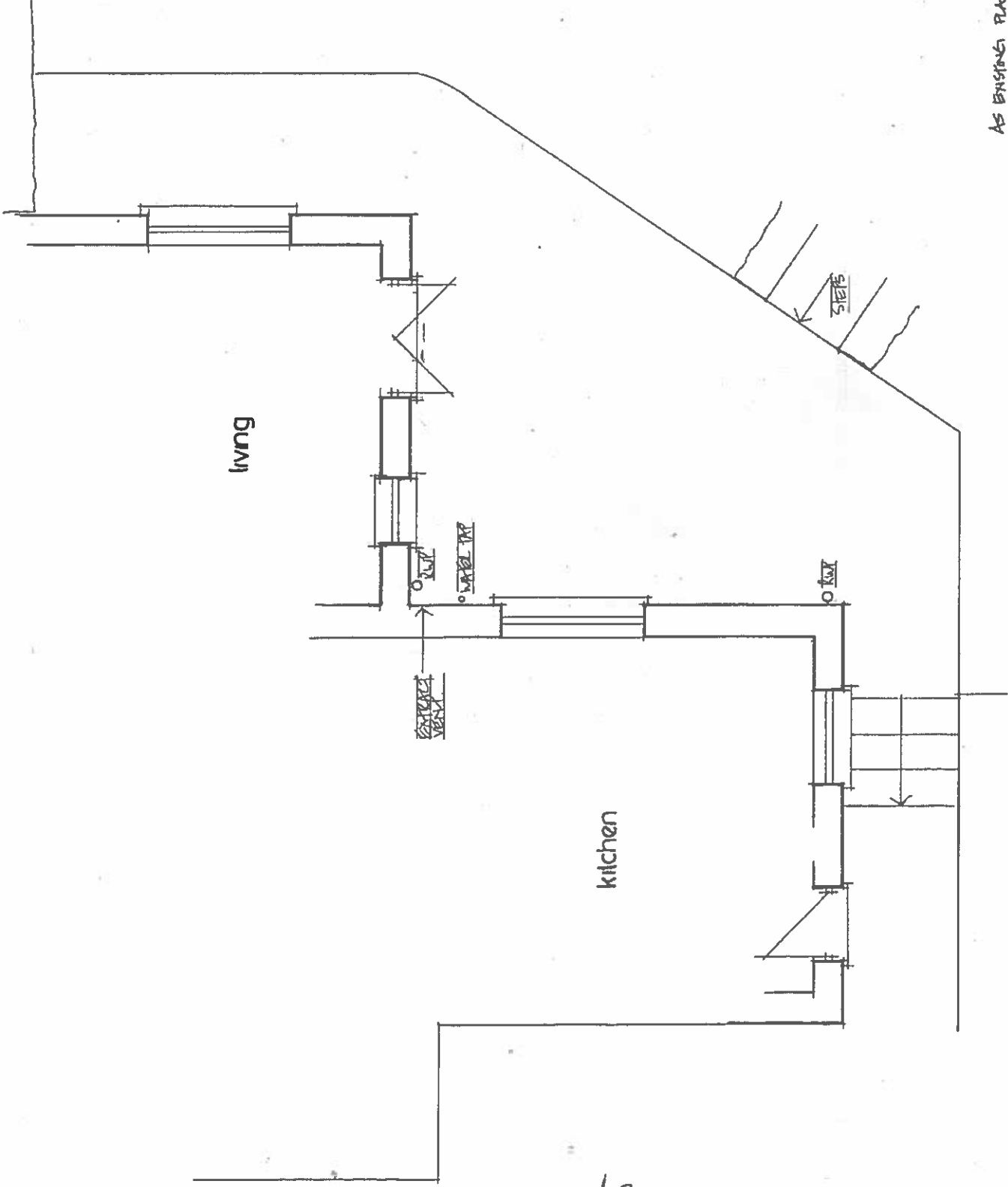
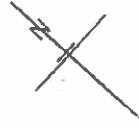
BLOCK PLAN
 1:500
 0 5 10 15

AMENDMENTS

Cross

915/A

PLAN 1:50



living

kitchen

915/B

AS EXISTING PLAN.
SYDNEY COLLEGE, SYDNEY
1521 01 1502A3 9/15

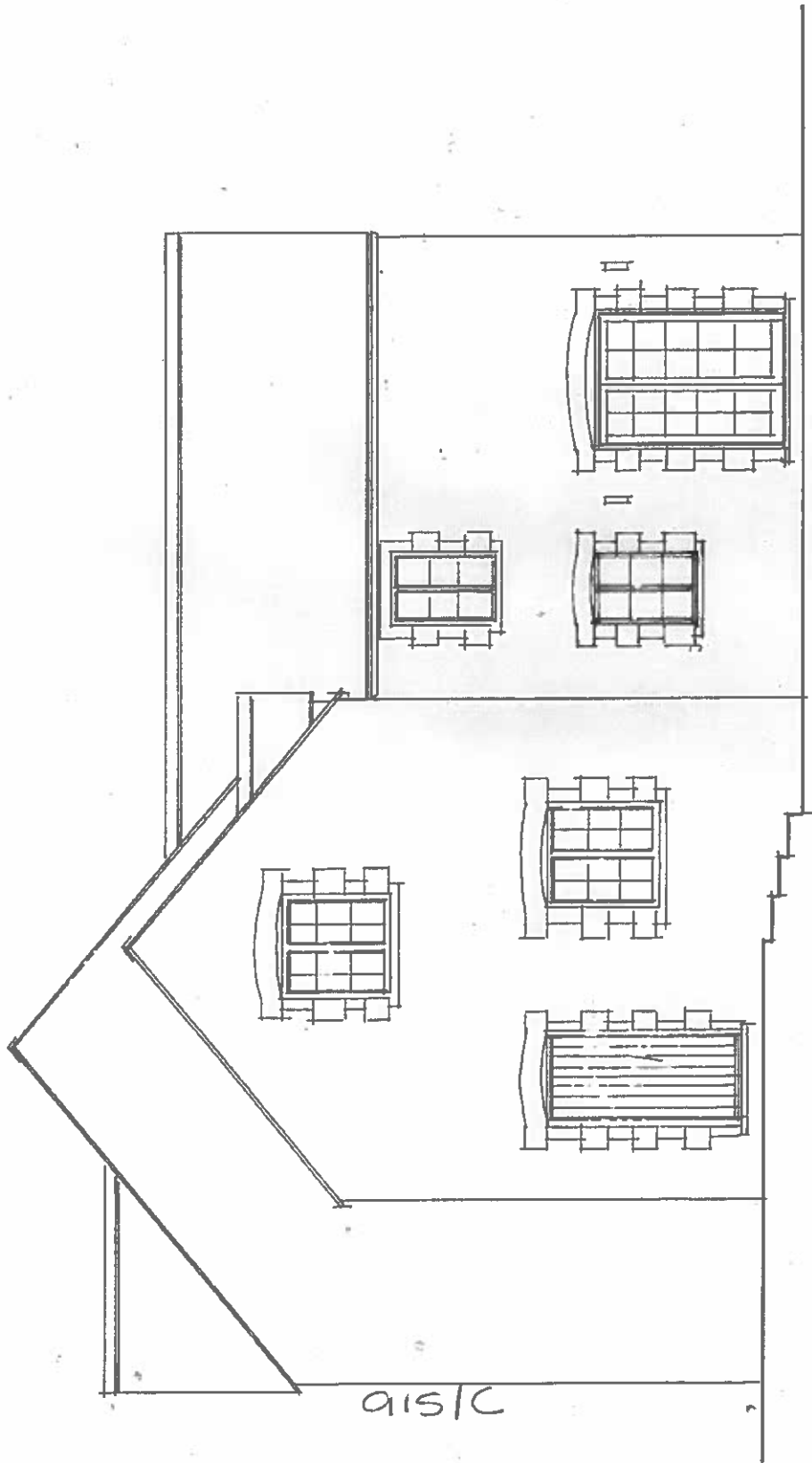
AMENDMENTS

RAVENS HILL, PARADISE ROAD, CHILTERNHAM, GLOS. GL50 2NS
TEL 01235 252500 FAX 01235 252501 EMAIL ralph.guilor@rghg.co.uk

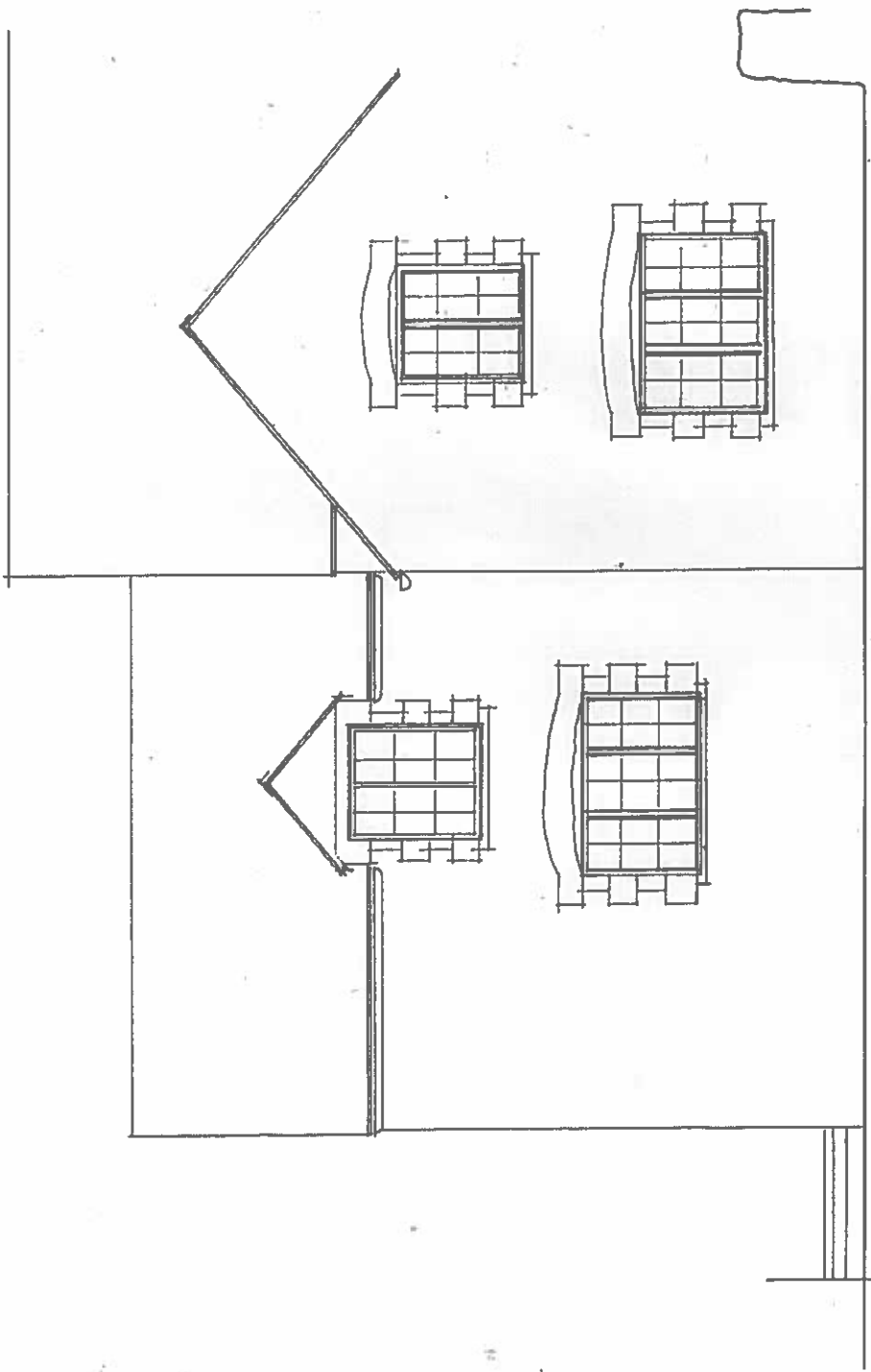
AS EXISTING SIDE ELEVATION
SKAMOGA COPPER, SUELAND
1521 02 1-502-AS SENT 15.

RAVENS HOLE, PARADISE ISLAND, CHRISTMAS ISLAND, SUELAND, 1521 02
THE OTHER SIDE OF THE ROAD - FOR YOUR EYES - GREAT WORKS FOR YOUR EYES

AMENDMENTS



ais/c

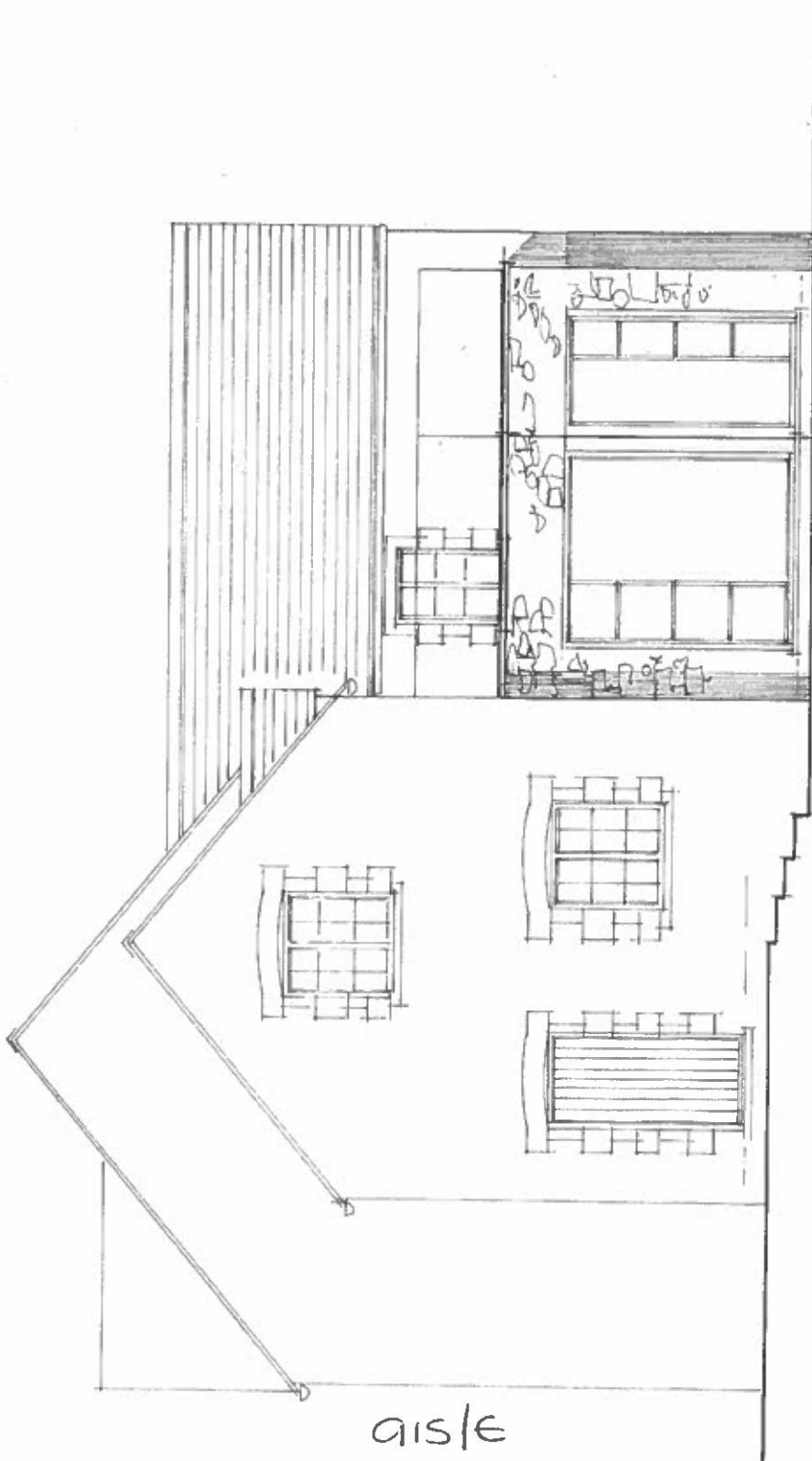


015/0

As Existing Beak Elevation
 SKANMERE COLLEGE BUCKLAND
 Project: 1521 03
 Drawing: 1:500 AS
 Date: SEPT 15

AMENDMENTS

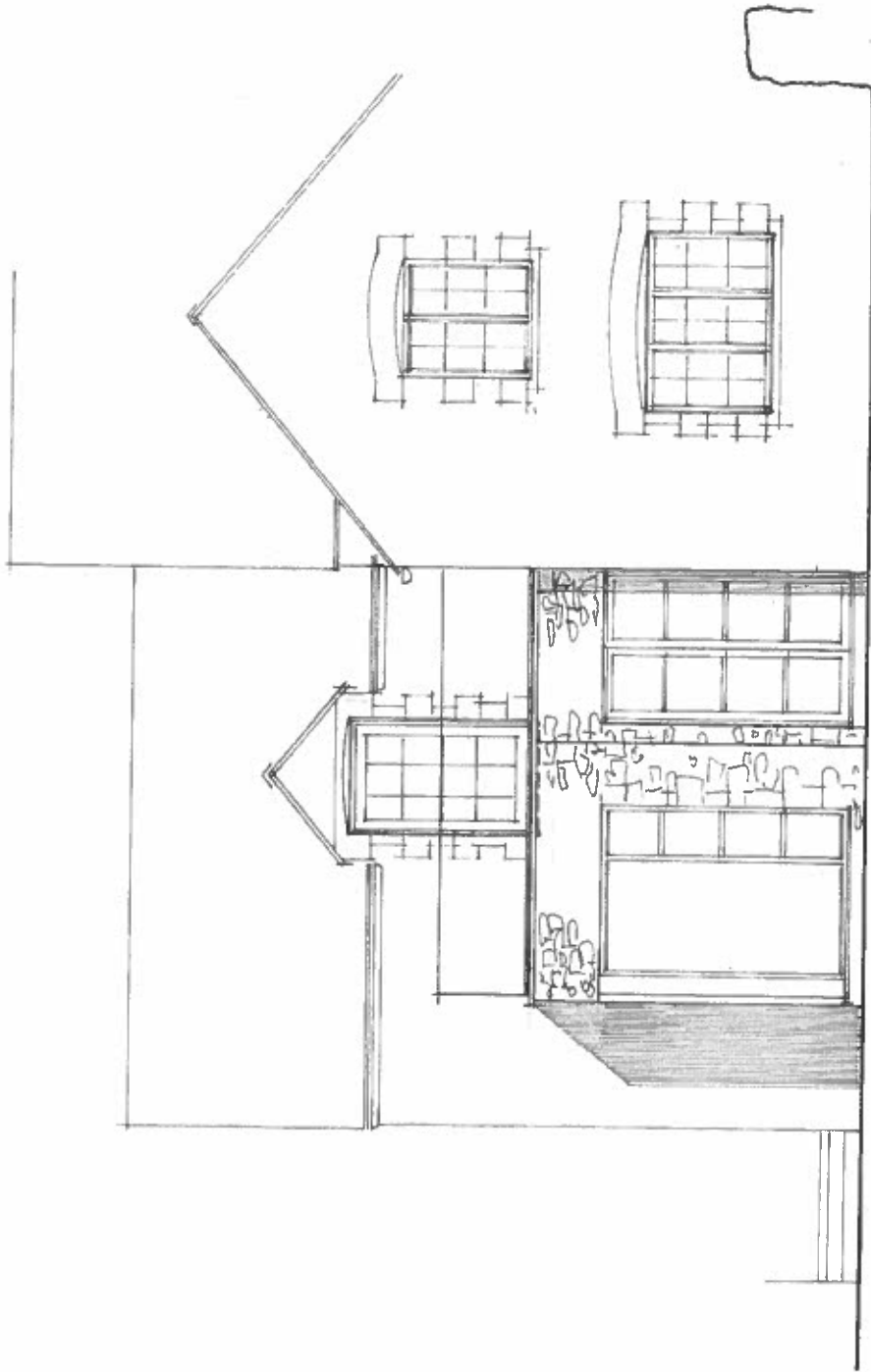
MAYHEM HOUSE, MANARUA ROAD, CHRISTCHURCH, DUNEDIN, 8013 NZ
 TEL: 03343 231100 FAX: 03343 231109 EMAIL: ralph.guilor@mayhem.co.nz



AMENDMENTS

AS PROPOSED SIDE ELEVATION
 SYCAMORE COTTAGE, BUCKLAND
 Project: 1521 06 A
 Date: 11:50 @ 13 Sept 15

RAUPH GUILLOR ARCHITECTS
 100 RIVER STREET, CHRISTCHURCH, DUNEDIN, NEW ZEALAND
 TEL: 03 378 2114 FAX: 03 378 2510 EMAIL: RAUPH@RAUPHGUILLOR.CO.NZ



915/F

AMENDMENTS

AS PROPOSED REAR ELEVATION
 SKATONDALE COTTAGE, BUCKLAND
 Date: 15/21/05
 Drawing: 05
 Amendment: A
 Scale: 1:50 @ A3 SIZE

RAYTRE HOUSE, 148/150A ROAD, CHICHESTER, SUSSEX, PO19 1JG
 TEL: 01243 251100 FAX: 01243 251100 EMAIL: ray@ray-culor.co.uk

Valid 07.04.2015

Outline planning application for the erection of up to 33 dwellings and associated works with all matters reserved for future consideration with the exception of access.

Grid Ref 404554 232370

Parish Toddington

Ward Isbourne

Edward Ware Homes LTD
C/O Agent

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

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL11, HOU4, HOU13, TPT1, EVT2, EVT3, EVT5, EVT9, LND2, LND4, LND7, RCN1, RCN2, NCN5, NCN6, NCN7

Joint Core Strategy Submission Version November 2014

SPG Affordable Housing

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)

Special Landscape Area

Consultations and Representations

Toddington Parish Council - The Parish objections are summarised as follows:

- The proposed development is an attempt to bypass normal planning considerations because of the failure of the Borough Council to establish a five year housing land stock and the fact that the Borough plan is not yet in place. Consequently almost any land is being offered for development without any consideration of the impact on the local community.
- This site lies within an area of Special Landscape Value and is bordered by and overlooked by an Area of Outstanding Natural Beauty. This development therefore does not satisfy one of the key themes of the NPPF, ie the need to protect and enhance the natural built environment.
- This urban scale development, if allowed to proceed, will be a large blot in an intensely rural setting, completely overwhelming the landscape character of the area. It would increase the size of the Newtown area of Toddington by nearly seventy five percent (75%).
- The Newtown area was established in the early 1800's as support housing for Toddington Manor. It has retained its character as the 'nine apostles' even with the house extensions ever since. As such it is the first row of Cotswold Stone houses that visitors see from the nearest Motorway junction, when coming to visit the Cotswolds.
- Toddington is not a sustainable location being away from the main towns of Cheltenham (12 miles) and Gloucester (30miles). There are very few jobs in the area, limited services and poor transport links.
- This site has a history of flooding from the surface water run-off and the flood risk assessment is inadequate.

Stanway Parish Council - Object on the basis that:

- The scale of this proposed development on this site within this small settlement will overwhelm it and do nothing to improve the economic, environmental and social wellbeing of the community.
- At present the nearest amenities e.g. doctors, dentists, are in Winchcombe and these are struggling to cope with the increase in population resulting from developments already in that town.
- The design and volume of the proposed development is totally out of keeping with all of the surrounding properties.

Highways Officer - No formal response received at time of writing this report.

Gloucestershire Asset Management and Property Services - No objections subject to providing contributions towards education and library facilities.

County Archaeologist - No objections.

Housing Enabling and Strategy Officer - No objections subject to providing the identified quantum and mix of affordable housing.

Environmental Health - No objection

Lead Local Flood Authority (Gloucestershire County Council - No objection subject to conditions.

Severn Trent Water - No objection subject to conditions.

Natural England - The Council is referred to the Natural England standing advice on protected species.

Gloucestershire Constabulary - Recommends that the application is constructed to Secure by Design Standards.

Cotswolds Conservation Board - Object as the proposed development would have a negative impact on the setting of the AONB

Urban Design Officer - No objection

Environment Agency - No comments received.

24 Letters of representation has been received. Their comments are summarised as follows:

Object -

- The proposed development is outside the recognised building boundary and would ruin the linear nature of the village.
- With the number of houses would completely overwhelm the Newtown area.
- The development would not fit in and would destroy the character of the village.
- The proposed development would have a detrimental impact on the SLA and AONB. Including views from the footpath Network.
- The site is not suitable for sustainable development, due to its location and poor access to services.
- The development would result in the loss of agricultural land.
- The Flood Risk Assessment is inadequate and the proposal would increase flood risk in the area.
- The existing mains surface and foul drainage infrastructure is at capacity and is inadequate to cope with the proposed development
- The communications infrastructure is not sufficient to support a major housing development. Broadband speed is currently very poor in the village, and there is poor mobile phone reception in Newtown.
- The JCS is wrong to identify Toddington as a service village.
- Detrimental impact on ecology would result from the removal of a large part of the northern hedgerow.
- The development is of an inappropriate density.
- The proposal would result in highway safety issues.
- The proposal would be detrimental to the residential amenities of existing residents.

Planning Officers Comments: Mr Ciaran Power

1.0 Introduction

1.1 The application relates to a parcel of land off of the B4077 which is located in the New Town, area of Toddington (see attached location plan).

1.2 The site is largely an L-shaped parcel of land which adjoins the B4077 to the north, and the B4632 to the east. The application site is currently in agricultural use and is bounded by hedgerow on all sides. The site is located within a Special Landscape Area (SLA) as defined in the Local Plan. The boundary of the Cotswolds AONB is located directly opposite the application site to the north of the B4077.

1.3 The New Town area of Toddington is defined by largely linear development with relatively low density, deep residential plots.

2.0 Relevant Planning History

2.1 An outline Planning application (Application Ref: 14/00748/OUT) relating to the current application site was refused on 9th December 2014 for the erection of up to 72 dwellings and associated works with all matters reserved for future consideration with the exception of access. The Council refused the application for the following reasons:

1. Whilst all matters relating to design and layout are reserved for future consideration, the proposal, by virtue of its form, layout and prominent open location, would be out of keeping with the established linear settlement pattern and therefore would not reflect the prevalent urban morphology of the area. Furthermore, the proposal would represent an isolated form of development which would be poorly connected to the wider settlement and would fail to establish a strong sense of place. The proposal would therefore not respect the form, character and history of the adjacent area and fail to achieve high quality and inclusive design contrary to section 7 of the NPPF (Requiring good design).
2. The proposal, by virtue of scale, density and prominent open location, would represent a significant encroachment into the surrounding rural landscape. The proposal would therefore have a harmful impact upon the character and appearance of the landscape within a Special Landscape Area which serves to protect the foreground setting of the Area of Outstanding Natural Beauty. The proposal therefore conflicts with Policies LND2 and LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 11 of the NPPF (Conserving and enhancing the natural environment).
3. The application does not make adequate provision for on-site or off-site playing pitches with changing facilities and sports facilities to meet the needs of the proposed community. The application therefore conflicts with Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities).
4. The application does not make provision for the delivery of secondary education infrastructure and library provision and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities).
5. The application does not make provision for improved local public transport, highway improvements and access for pedestrians and cyclists and therefore conflicts with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 4 of the NPPF (Promoting sustainable transport).
6. The application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

2.2 The Council's decision was then appealed and a Public Inquiry was in August 2015 and closed on the 14 August 2015. The appeal was subsequently dismissed on 28th September 2015. The inspector concluded, "On balance I consider that the negative aspects of this proposal significantly and demonstrably outweigh the benefits. The proposal is in conflict with the DP, in particular LP Policy LND2. The other material considerations to which I have been referred do not indicate that planning permission should be granted. For the reasons discussed above I therefore find that the appeal should be dismissed".

2.3 Planning permission was refused on 21 April 2015 (application ref 14/00915/OUT) for Outline planning application for the erection of up to 25 dwellings and associated works with all matters reserved for future consideration with the exception of access. The site whilst not part of the current application site is located immediately to the east of the application site on the opposite side of the B4632. The Council's reasons for refusal were as follows:

1. Whilst all matters relating to design and layout are reserved for future consideration, the proposal, by virtue of its form, layout and location, would be out of keeping with the established linear settlement pattern and therefore would not reflect the prevalent urban morphology of the area. The proposal would therefore not respect the form, character and history of the adjacent area and fail to achieve high quality and inclusive design contrary to section 7 of the NPPF (Requiring good design) and emerging Policy SD5 of the Submission Joint Core Strategy (November 2014).
2. The proposal, by virtue of scale, density and prominent open location, would represent a significant encroachment into the surrounding rural landscape. The proposal would therefore have a harmful impact upon the character and appearance of the landscape within a Special Landscape Area which serves to protect the foreground setting of the Area of Outstanding Natural Beauty. The proposal therefore conflicts with Policy LND2 of the Tewkesbury Borough Local Plan to 2011 - March 2006, emerging Policy SD8 of the Submission Joint Core Strategy (November 2014) and section 11 of the NPPF (Conserving and enhancing the natural environment).

3. The application does not make adequate provision for on-site or off-site playing pitches with changing facilities and sports facilities to meet the needs of the proposed community. The application therefore conflicts with Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 - March 2006, INF7 of the Submission Joint Core Strategy (November 2014) and section 8 of the NPPF (Promoting healthy communities).
4. The application does not make provision for the delivery of secondary education infrastructure and library provision and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006, INF7 of the Submission Joint Core Strategy (November 2014) and section 8 of the NPPF (Promoting healthy communities).
5. The application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging Policies SD13 and INF7 of the Submission Joint Core Strategy (November 2014).

2.4 This application was appealed and dismissed by the Planning Inspectorate on the 8th October 2015. The appeal inspector concluded, "On balance I consider that the negative aspects of this proposal, particularly the harm to the character and appearance of the countryside (including the setting of the Cotswold Area of Outstanding Natural Beauty (AONB)) and the sustainability of the settlement, significantly and demonstrably outweigh the benefits. The proposal is in conflict with the DP, in particular LP Policy LND2. The other material considerations, to which I have been referred, including the other appeals, do not indicate that planning permission should be granted. For the reasons discussed above I therefore find that the appeal should be dismissed".

3.0 Current Application

3.1 The application has been amended since its original submission and outline planning permission is now sought for the erection of up to 33 dwellings (Previously 39) with associated infrastructure. The application seeks to determine access at this stage; however, appearance, landscaping, layout and scale are reserved for future consideration. Whilst the above matters are reserved, the applicant has provided an indicative layout, which indicates the likely characteristics of the proposed development (see indicative layout).

3.2 The applicant also proposes contributions towards education, Green Space and Sport and Recreation Facilities and Transport as set out in their submitted Draft Heads of Terms.

4.0 The Community Infrastructure Levy Regulations

4.1 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst Tewkesbury Borough Council has not yet developed a levy the Regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

4.2 As a result of these regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development'. As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application. The need for planning obligations is set out in relevant sections of the report.

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

5.0 Principle of Development

The Development Plan

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

Tewkesbury Borough Local Plan to 2011 - March 2006

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

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

Emerging Development Plan

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

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

5.6 Within the rural areas of Tewkesbury Borough, 2,740 dwellings are proposed to be delivered in the plan period to 2031. Approximately two thirds of this rural development has already been committed through planning permissions already granted. The remainder of this requirement will be allocated at rural service centres and service villages through the Tewkesbury Borough Plan and neighbourhood plans. Toddington (including Newtown) is identified as a Service Village in the emerging JCS.

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

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

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

National Policy/Guidance

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

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

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

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

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

5.13 The Council cannot currently demonstrate a five year supply of deliverable housing sites and on that basis, the Council's relevant policies for the supply of housing are out-of-date. In accordance with paragraph 14 of the NPPF, the presumption in favour of sustainable development 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.

6.0 Landscape and Visual Impact

6.1 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy LND2 of the Local Plan states that special attention will be accorded to the protection and enhancement of the Special Landscape Area and that proposals must demonstrate that they do not adversely affect the environment, its visual attractiveness, wildlife or ecology or detract from the quiet enjoyment of the countryside. The reasoned justification to Policy LND2 explains that the identification of the Special Landscape Area aims to protect the foreground setting of the Area of Outstanding Natural Beauty (AONB) where the topography of the area is a continuation of the AONB and/or where the vegetation associated features are characteristic of the AONB. The Special Landscape Area is of a high landscape quality that is worthy of protection in its own right, but it also protects the setting of the nationally designated AONB. It is considered that policy LND2 is consistent with the NPPF and should be afforded considerable weight.

6.2 The site and village lie on very gently sloping land to the east of the river, which runs through the older part of Toddington. The western margin of the site lies just below 74m AOD and the eastern margin rises to just over 82m AOD.

6.3 The application has been accompanied with an LVIA which observes that although the site lies within a SLA, its character is influenced by the overlooking residential edge of Toddington New Town, the B4077 and B4632 abutting its northern and western boundaries, respectively, and the presence of the two sets of overhead power lines (on poles). The LVIA considers the sites overall sensitivity to residential development as 'medium'.

6.4 The LVIA acknowledges that the site is visible from local viewpoints and may also be identified in a few longer distance views from elevated viewpoints within the surrounding SLA and AONB. The LVIA also accepts that there will be a residual effect (i.e. 15 Years after Planting) of 'moderate' importance on local Viewpoint 2 that directly overlooks the site from the B4077, where the existing view of agricultural land is replaced by that of housing. This impact on this view point is an inevitable consequence of developing any part of the application site and the scheme has been amended to incorporate views through the development, a tapered edge offering clear open viewpoint across the POS and a rhythm of development which relates well to the existing dwellings on the northern side of the B4077.

6.5 The LVIA also considered that there will be no residual effects of notable importance on the few medium distance views (0.5-2km distance) from the surrounding SLA, or few elevated, longer distance viewpoints within the Cotswolds AONB. Whilst the proposed development would be visible in local views and from elevated views in the SLA and AONB the development would be seen in the context of the existing development within Toddington New Town and from distant views only forms a very small component of the view. Its form with gardens between blocks of development would also assist in integrating the development and affiliating it within the existing landscape.

6.6 In dismissing the previous appeal on the site the Inspector concluded in relation to landscape harm, that: *"The introduction of 72 dwellings onto this site, or even a lower number, in the manner illustrated on the notional layout, would introduce an environment typical of many suburban housing developments that have occurred in Britain over the past fifty years. It would appear as a totally alien feature in this rural landscape. Such a size of development would be inappropriately scaled, more than doubling the size of the settlement and difficult to screen.*

More fundamentally development to this extent could not fail but to be noticed from the footpaths within the AONB and at the net density suggested in the notional scheme it is doubtful if vegetation could ever effectively filter the views of the development from the higher vantage points in the way that it screens the traditional development in this area. I have concerns about the uncharacteristic scale of this development and the consequent difficulty in satisfactorily assimilating it into the landscape, particularly when viewed from higher elevations. The proposal before me would therefore adversely affect the character and appearance of the AONB and to a lesser extent that of the SLA. By not conserving the landscape and scenic beauty of the AONB the proposal would be contrary to Paragraph 115 of the Framework, which says that great weight should be given to their conservation. The proposal in its submitted form would not protect or enhance the SLA and is therefore contrary to LP Policy LND2."

6.7 The LVIA has been assessed and the general conclusions with regard to the likely effects of the proposed developments on landscape and visual sensitivity are accepted. The proposal would introduce a significant number of dwellings onto an undeveloped site which would be visible from local viewpoints as well as distance viewpoints from the wider area including the SLA and AONB. The current proposal is less than half the previous proposal in terms of dwelling numbers and the extent of built development has similarly been reduced. The design of the proposal, including the open space to the west of the site and the way that the dwellings have been arranged to leave gaps between them giving views out to the open countryside beyond, have sought to address the harm identified by the Council and the Inspector when considering the appeal proposal. Additional planting is also proposed. The current proposal has gone some way to addressing the Inspectors concerns, nevertheless the proposals would result in landscape harm, arising from the provision of housing where there is currently open fields, and this weighs against the development in the planning balance.

7.0 Design and Layout

7.1 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.

7.2 All matters relating to design and layout are reserved for future consideration. However, the application has been supported with an indicative layout which illustrates how the site could be developed around the proposed access (access details are included for consideration at this outline stage) (see attached plan). The application is also supported with a design and access statement.

7.3 The indicative layout would be served by 4 separate vehicular accesses off of the B4077 each serving 4 individual cul-de-sacs. The northern site boundary which is currently defined by a large hedgerow would be largely removed and the indicative plan indicates that this would be replaced with low boundary treatments including hedgerow and boundary walls which are reflective of the boundary treatments on the opposite side of the B4077. The 9 properties which run adjacent to the northern site boundary (plots 1, 3, 4, 14, 15, 23, 24, 29 and 30) would provide pedestrian accesses onto the B4077 and their principal elevation is shown fronting onto this road creating active frontage which appears to positively reflect the scale and character of the existing dwellings on the opposite side of the B4077 as well as the rhythm of development in the street scene. The cul-de-sac arrangement then would provide vehicular access to parking for these properties as well as access to dwellings which extend beyond the rear of the northern most properties. The departure from linear form is uncharacteristic of the current settlement. Within the New Town area of Toddington there are very few

examples of back land development and the strong linear form of the settlement is rarely departed from. The proposed development consisting of groups of small cul-de-sacs would introduce a form and density of development which would see a more urban form of development increasing the number of dwellings within the whole of the Toddington Newtown Area as a whole by approximately a third.

7.4 The applicants have developed a scheme which seeks to positively pick up on the strong character and sense of place along the B4077 whilst introducing development beyond this. The proposal has also been arranged in a manner which maintains gardens between blocks of dwellings to maintain spaces between buildings to preserve some sense of openness reflective of that on the northern side of this part of the B4077. The proposed scheme as shown on the indicative plan also shows a number of open views through the development including the area of open space as well as from the accesses into each cul-de-sac off of the B4077. The scheme is also considered to respond relatively sensitively to the existing settlement by restricting actual developed area of the site to within the prevalent and typical plot depth of adjacent and nearby properties. It is accepted that the overall development density is considerably higher than is typical in the settlement and that the extending of development behind the principle site frontage will create a very different character to the interface between the settlement and the wider landscape, but the fact that development is restricted to the prevalent plot depth is considered to contain any wider visual impact of the development to within what could be considered to be a natural boundary of the settlement.

7.5 Whilst clearly the proposed form of the development would be a departure from the established settlement pattern the illustrative master plan demonstrates that the applicant has carefully considered the key features of the settlement and it is considered that if a departure from the linear form is accepted then the current scheme would deliver the quantum of development required within Toddington in a sympathetic way. It is also important to note the when considering the appeal on land adjacent to the application site the Inspector commented that, "... I take the view that the introduction of sensitively designed small cul-de-sacs, even if not a current characteristic of Toddington New Town would be preferable to significant linear extensions to the settlement". The inspector makes an important point that if the numbers are not accommodated at sites within the settlement it is likely that Toddington would need expand through significant linear extensions to the settlement which although would be characteristic of how New Town has previously evolved would not, in officers opinion, be the most effect solution to integrate development into the existing settlement, create a scene of place or minimise the settlement sprawling further outwards.

7.6 Whilst the proposals would result in a departure from the linear settlement pattern and would change the character of the settlement in this part of New Town it is considered that, on balance, the illustrative layout demonstrates that the quantum of development could be accommodated at the site in an acceptable way.

8.0 Accessibility and Highway Safety

8.1 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 32 specifically requires safe and suitable access to all development sites for all people. Policy TPT1 of the Local Plan requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided.

8.2 Facilities in Toddington, Newtown include a public house, village hall, garden centre, and convenience store. These facilities are within walking distance of the application site, although other trip destinations such as supermarkets and main employment centres are outside of standard active travel distances. Nearest bus stops are within The Chartered Institution of Highways & Transportation (CIHT) recommended walking distance of the site. There is no footway provision on the south side of the B4077 or the south arm of the B4632. A footway is available on the north arm of the B4632. There are currently no pedestrian crossing facilities on the B4077 or at the Newtown Roundabout. Whilst traffic islands at the Newtown Roundabout could be used to aid pedestrian crossing, no tactile paving or dropped kerbs are available.

8.3 The site is served by a single bus route providing connections with Cheltenham, Broadway and Winchcombe, although the service frequency is intermittent. Bus stop infrastructure is relatively poor with only a shelter provided on the south of the B4077, but without footway.

8.4 The Transport Statement (TS) submitted with the application concludes that the proposed development is sustainable, has satisfactory access arrangements, and that it can be accommodated without detriment to the existing safety or operation of the local highway network.

8.5 In dismissing the previous appeal the Inspector noted that *"Although acceptable for a rural settlement, the provision of facilities and public transport in New Town is far from good. In consequence, a disproportionate number of its residents are likely to use the private car for many journeys. Development at the appeal site is less likely to result in modal shifts in favour of public transport than would developments in or adjacent to the urban areas, or larger settlements...In this particular case, the absence of opportunities to use more sustainable modes of transport, and the associated implications in terms of increased pollution, constitute an adverse impact that will need to be weighed in the overall planning balance. Overall I find that the site's locational disadvantages are significant and that this weighs heavily against the proposal."*

8.6 The Inspectors comments are noted however it is relevant that the current proposal is for a substantially lower number of dwellings. It must also be stressed that Toddington is a Service Village identified in the emerging JCS and will be expected to deliver a proportionate number of houses to meet the identified need. The County Highway Authority have not formally commented on the application as of yet but they considered the previous application on the site for 74 to be acceptable in highway terms as highway requirements could be secured through the imposition of conditions or, where necessary, secured through a Section 106 Agreement. It is anticipated that the proposal would be acceptable in highway terms however **an update will be provided prior to Committee.**

9.0 Affordable Housing

9.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing. Furthermore, Affordable Housing Supplementary Planning Guidance (SPG) was adopted by the Council in August 2005. The purpose of the SPG is to assist the implementation of affordable housing policies contained within the Local Plan and it is a material consideration in the determination of planning applications.

9.2 The application proposes that 35% of the dwellings would be affordable. However, no information was provided in terms of the proposed mix and tenure. Following consultation with the Housing Enabling and Strategy Officer it is recommended that the affordable housing should comprise 2 affordable rent one bed dwellings, 6 two bed houses (2 affordable rents and 4 shared ownership) and 4 three bed housing (2 affordable rents and 2 shared ownership).

9.3 The applicant has not confirmed that the proposed affordable housing mix put forward by the Enabling and Strategy Officer is acceptable to them. However the details of the tenure can be secured through S106 negotiations should members be minded to grant planning permission.

10.0 Open Space, Outdoor Recreation and Sports Facilities

10.1 The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Furthermore, saved policy RCN1 of the Local Plan requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population.

10.2 Based on the Council's playing pitch policy 0.07ha of playing pitches should be provided either on or off site, or the equivalent financial contribution for existing provision, plus changing provision.

10.3 However, in this circumstance Toddington Parish Council has requested funds for playing provision are directed towards tennis courts located at the village hall. This tennis court could also be built in such a way as to be jointly used as a MUGA, to provide an additional facility for teenagers, something else that the parish council has identified as a need for.

10.4 The Community and Economic Development Team have advised that the required offsite contribution for playing pitches/changing facilities, based on Sport England figures, would amount to £31,689. In terms of the provision of sports facilities based on the Sport England sports facility calculator the following contributions are sought:

- £13,445 contribution for nearest public swimming pool, Tewkesbury Leisure Centre.
- £17,336 contribution for nearest sports hall, Toddington Village Hall towards improvements.
- £2,103 contribution for nearest astroturf, Winchcombe School.

10.5 Local Plan Policy RCN1 also requires that for residential development of 10 dwellings or more, provision of outdoor playing space will be expected to be made in accordance with this standard to cater for the needs of future residents. Provision of open space may be either on site or via a commuted sum, to be paid to the borough council, for upgrading existing facilities. The LEAP would need to be designed in line with the borough council specifications. A circular walk on the site should be provided.

10.6 In terms of the balance of open space required; it is considered that there would be adequate space within the site to provide this space.

10.7 Further, based on a calculation using the Gloucestershire Infrastructure Delivery Plan assessment formula, £15,005 is required for community buildings to be used for Toddington Village Hall.

10.8 The applicants have not confirmed they are agreeable in principle to the contributions set out above. However if agreement were reached this could be secured through a section 106 legal agreement.

11.0 Education and Library Provision

11.1 The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Plan Policy GNL11 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.

11.2 With regards to education, following consultation with Gloucestershire County Council, it is advised that the proposed development would generate demand for 4.95 secondary school places at a cost of £93,298. The money would be used towards capital works to extend, remodel, upgrade and improve the capacity and sustainability of Winchcombe School (Secondary).

11.3 Gloucestershire County Council has also identified a need for contributions towards public libraries. Based on the scale of the proposal and the requirements necessary to serve the new population, there is a requirement to provide an extension to the local service to meet the new demand and maintain the welfare of any new community. In order to meet this requirement, a contribution of £6,468 is sought.

11.4 The applicants are agreeable in principle to the contributions towards education as set out in the submitted draft Heads of Terms, however contributions towards library provision is not included within the document.

12.0 Flood Risk and Drainage

12.1 The NPPF aims to direct development away from areas at highest risk. Development itself should be safe and should not increase flood risk elsewhere. Policy EVT5 reflects this advice and Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SuDS) criteria. The adopted Flood and Water Management Supplementary Planning Document has the following key objectives: to ensure that new development does not increase the risk of flooding either on a site or cumulatively elsewhere and to seek betterment, where possible; to require the inclusion of Sustainable Drainage Systems (SuDS) within new developments, which mimic natural drainage as closely as possible (e.g. permeable paving, planted roofs, filter drains, swales and ponds) and provision for their long-term maintenance, in order to mitigate the risk of flooding; to ensure that development incorporates appropriate water management techniques that maintain existing hydrological conditions and avoid adverse effects upon the natural water cycle and to encourage on-site storage capacity for surface water attenuation for storm events up to the 1% probability event (1 in 100 years) including allowance for climate change.

12.2 The proposed development is in Flood Zone 1. In line with the NPPF; in this zone the authority would seek evidence that the overall level of flood risk in the area and beyond is reduced and water quality improved, through the layout and form of the development and the appropriate application of sustainable drainage systems (designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible).

12.3 The Lead Local Flood Authority (LLFA) have been consulted and have commented that the proposed drainage scheme would discharge at the site's QBar (1 in 2.3 year event) run off rate from the pond for all events up to and including the 1 in 100 year event, this would provide betterment to the catchment of the River Isbourne. The pond has not been designed to absorb or infiltrate the site's runoff, rather it would discharge at a controlled rate (QBar) in to the watercourse to the south of the site. This is in line with best

practice and above the requirements of national standards. The LLFA are satisfied with the general proposal based upon the evidence provided and raise no objection to the proposal subject to the imposition of an appropriately worded planning condition requiring detailed design for surface water drainage.

12.4 It is intended to manage the foul sewage by connection to mains sewer and Severn Trent Water raise no objection to these proposals subject to a condition requiring full details of foul and surface water drainage.

12.5 The comments of the local community and Parish Council in respect of flood risk and drainage are noted, however, having regard to the above it is considered that drainage matters could be dealt with by the imposition of appropriate worded planning conditions.

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 is supported by an Ecological Survey which assesses the ecological impact of the proposed development. The application is also supported by a Bat Survey and Reptile Report. The site itself is not subject to any statutory or local designation relating to matters of ecology. The Ecological Survey notes records of protected and notable species within 1km of the site. In addition to this, records of bat species and roosts were obtained within 4km of the site.

13.3 In terms of habitats, the Ecological Survey concludes that there is a species rich hedgerow along the site boundaries. The hedgerows on site will largely remain intact however the northern hedgerow (H4) will be removed and reinstated with a mixed evergreen hedge. The replanting would be situated directly behind the existing hedgerow. To compensate for the loss of biodiversity value of H4 a new hedge along the southern edge of the site shall incorporate the large existing oak and be enhanced for wildlife by including other native broadleaved species. The development would also result in the loss of approximately 4ha of agricultural land with limited ecological value. The site is located in an agricultural landscape, surrounded by similarly managed fields and therefore this loss is not considered to be significant.

13.4 The submitted Reptile Survey identifies a low population of grass snakes with the wider area, including the site, likely to provide a range of habitats suitable for grass snakes. Avoidance, mitigation and compensation measures have been proposed to ensure that these adverse impacts are reduced and avoided as far as possible. The submitted reptile survey concludes that should the recommendations be successfully implemented, the favourable conservation status of grass snakes can be maintained both within the local area and on the site.

13.5 The proposed development could result in adverse impacts upon bats currently using the site for foraging and commuting as well as the habitats of a low grass snake population. Avoidance strategies and mitigation/compensation measures have been proposed with the aim of reducing these adverse impacts where possible.

13.6 Having regard to the above, appropriate survey work has been carried out in accordance with the recommendations contained within the submitted Ecological Survey and suitable mitigation is proposed. Therefore subject to the imposition of an appropriately worded condition requiring mitigation and compensatory measures in accordance with the recommendations of the submitted surveys the development would accord with Policy NCN7 of the Local Plan and the aims and objectives of the NPPF.

14.0 Archaeology and Cultural Heritage

14.1 The NPPF sets out that great weight should be given to the conservation of heritage assets. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account when determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of harm or loss and the significance of the heritage asset.

14.2 The application has been submitted with an Archaeological Assessment. This assessment concluded that a geophysical survey of the application site was required to be carried out. The geophysical survey of the application site was carried in June 2014. However, this did not identify any significant buried archaeological remains. Following completion of the geophysical survey a programme of trial trenching was also carried out. This also concluded that no features of archaeological significance are present.

14.3 With regards to archaeology, the County Archaeologist advises that there is low potential for the application site to contain archaeological remains of any significance. Consequently, no further archaeological investigation or recording is required.

15.0 Other Matters

15.1 Concern has been raised by local residents regarding the scale of development proposed and the impact that this would have on the social wellbeing of the existing New Town area.

15.2 The concept of wellbeing and "community cohesion" is difficult to define and measure in relation to planning proposals and is not a concept recognised in Development Plan policies. Nevertheless, it will always take time for a community to adapt to a new development. Any proposal that would be disproportionate to the size and function of a settlement could lead to tensions between the existing residents and the occupiers of the new homes, resulting from the increased pressure on local services or facilities, or resentment that a long established rural idyll may be affected.

15.3 Whilst JCS policy SP2 can only be afforded limited weight at this stage, it does state that development in Tewkesbury Borough will be met, inter alia, through smaller scale development meeting local needs, and that development in Rural Service Centres and Service Villages will be proportional to their size and function and also reflect their proximity and accessibility to Cheltenham and Gloucester. Formal expansion plans for each of the Rural Service Centres and Service Villages will be determined through the Borough Plan.

15.4 For the purposes of the JCS Newtown is combined with Toddington as a single settlement as the functionality and reliance on services is interlinked as well as the close geographical relationship. There are currently 202 (approximately) dwellings in Toddington (including Newtown). The addition of the proposed 33 would increase this to 235 which is an increase of just over 16%.

15.5 It is not clear at this stage what number of new homes will be required in Toddington through the Borough Plan process. Whilst a 16 percent increase in Toddington's housing stock is not being underestimated, it is not considered that such a proportionate increase would result in the existing community being 'overwhelmed' in any way. Further, no specific evidence has been put forward to demonstrate how such an increase would have a significant and demonstrable adverse impact on the existing community.

16.0 Overall Balancing Exercise and Conclusions

16.1 Paragraph 14 of the NPPF states that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. As set out previously, the Council's relevant policies for the supply of housing are not considered up-to-date given that the council cannot demonstrate a five-year supply of deliverable housing sites.

16.2 In terms of the need for the development, the proposal would meet the Government's stated intention of boosting the supply of housing and contribute towards addressing the Council's current five year housing land supply shortfall. The development would also provide much needed affordable housing and would provide direct and indirect contributions towards economic growth, including to the local economy. These are all positive benefits which weigh significantly in favour of the proposal.

16.3 The proposed development would not be at an unacceptable risk of flooding and would not exacerbate flooding problems.

16.4 In terms of highway considerations, Toddington is considered to have generally good access to both primary and secondary services and, subject to improvements, would have a reasonable public transport link to the surrounding areas. The development would have a safe and suitable access and the cumulative residual impact on the surrounding highway network would not be severe subject to securing a package of appropriate mitigation measures.

16.5 Whilst all matters relating to design and layout are reserved, the form of the development would be a clear departure from the established linear settlement pattern. However the illustrative master plan carefully incorporates key features of the settlement and it is considered that the proposed departure from the linear form would deliver the quantum of development proposed in a sympathetic way.

16.6 With regards to the impact on the landscape, the proposed development would introduce a significant number of dwellings onto an undeveloped site which would be visible from local viewpoints as well as distance viewpoints from the wider area including the SLA and AONB. The current proposal has gone some way to addressing the Inspector's concerns, nevertheless the proposals would result in landscape harm, arising from the provision of housing where there is currently open fields, and this weighs against the development in the planning balance.

16.7 In terms of biodiversity, the applicant has demonstrated that the impact upon protected species would be acceptable or alternatively could be appropriately mitigated.

16.8 It is also concluded that the introduction of a further up to 33 houses in Toddington (including Newtown) would not have an unduly adverse impact on the social and cultural wellbeing of the local community.

16.9 In weighing up the planning balance, it is considered that the benefits identified above outweigh the identified harms and as such the proposal is considered to represent sustainable development in the context of the NPPF. The proposal is therefore recommended for **DELEGATED to the Development Manager subject to the signing of a section 106 legal agreement to secure the following heads of terms:**

- Affordable dwellings - 35%
- Offsite Playing Pitch Provision including Changing rooms - £31,689
- £32884 towards public swimming pool, sports hall and astroturf.
- £15,005 is required for community buildings to be used for Toddington Village Hall.
- Education (Winchcombe School)- £93,298
- Libraries contribution - £6,468
- Waste and recycling contribution - £73 per dwelling
- Dog Bins and Dog fouling signs: £350 (1 bin); £200 (4 signs)

RECOMMENDATION Delegated Permit

Conditions:

- 1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2 The application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.
- 3 The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.
- 4 Applications for the approval of the reserved matters shall be in accordance with the principles and parameters described in the approved design and access statement. Any reserved matter application shall include a statement providing an explanation as to how the design of the development responds to the Site Layout Proposals Plan.
- 5 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.
- 6 Development shall not take place until the detailed design for surface water drainage has been submitted to and approved in writing by the Local Planning Authority, incorporating betterment as stated in the applicants Flood Risk Assessment and subsequent correspondence dated 8th May 2015. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

- 7 No development shall take place until details, which show how the existing trees and hedgerows that are to be retained will be protected during the course of construction, have been submitted to and approved in writing by the local planning authority. The details shall accord with BS 5837: Trees in Relation to Construction. All approved tree and hedge protection measures shall be in place prior to the commencement of construction and shall be retained thereafter until construction has been completed.
- 8 The reserved matters submitted pursuant to condition 1 shall be accompanied by full details of both hard and soft landscape proposals. These details shall include, as appropriate:
- (i) Proposed finished levels or contours;
 - (ii) Positions, design, materials and type of boundary treatment to be erected;
 - (iii) Hard surfacing materials;
 - (iv) The equipment and surfacing for the open space; and
- Soft landscape details shall include:
- a. Planting plans including positions for all tree, hedge and shrub planting;
 - b. Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - c. Schedules of plants, noting species, planting sizes and densities; and
 - d. Implementation timetables including time of planting.
- 9 If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.
- 10 No external lighting shall be erected on any part of the site until a scheme has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005.
- 11 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Ecological Survey Report, Bat Survey and Reptile Report all dated March 2015.
- 12 No development shall take place until a biodiversity enhancement scheme has been implemented on the site in accordance with a scheme that shall have first been submitted to and approved in writing by the local planning authority. The approved measures shall be maintained and managed thereafter.
- 13 No development shall take place, 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 provide for:
- i. specify the type and number of vehicles
 - ii. the parking of vehicles of site operatives and visitors
 - iii. loading and unloading of plant and materials
 - iv. storage of plant and materials used in constructing the development
 - v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - vi. wheel washing facilities
 - vii. measures to control the emission of dust and dirt during construction
- 14 The car parking, vehicular loading and turning, and cycle parking arrangements agreed as part of the Reserved Matters application shall be provided prior to occupation of the dwelling to which they relate and shall be maintained thereafter.
- 15 No works shall commence on site until details of appropriate pedestrian improvement works and bus stop relocation have been submitted to and approved in writing by the Local Planning Authority, no dwelling shall be occupied until the approved works have been completed, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

- 16 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.
- 17 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.
- 18 Prior to the use of each site access the first 10m of that access road, including the junction with the existing public road and associated visibility splays, shall be completed to at least binder course level.
- 19 No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.
- 20 The vehicular accesses hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays in accordance with drawing Fig 3.1 of the Transport Statement dated 30.03.15. 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.

Reasons:

- 1 The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.
- 2 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 To ensure the development is carried out in accordance with the agreed principles and parameters and to ensure that the new development will be visually attractive in the interests of good design and amenity.
- 5 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 LND2 of the Tewkesbury Borough Local Plan - March 2006.
- 6 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.
- 7 To protect the retained trees and hedgerow from damage during construction and in recognition of the contribution which the retained tree(s) give(s) and will continue to give to the amenity of the area.
- 8 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.
- 9 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.
- 10 To protect the amenities of nearby residential property and in the interests of visual amenity in accordance with Policies LND2 and EVT2 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 11 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.
- 12 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.
- 13 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.
- 14 To reduce potential highway impact, in accordance with paragraph 32 and 35 of The Framework.
- 15 To reduce potential highway impact, in accordance with paragraph 32 of The Framework.
- 16 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.
- 17 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.
- 18 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.
- 19 To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.
- 20 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.

Note:

Statement of Positive and Proactive Engagement

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

15/00394/01T

NOTES

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REV	DESCRIPTION	DATE	BY/IN	CHK'D
A	Project work removed from table case	03/03/15	TM	TM



PRELIMINARY



thrive.
architects
Principal: David O'Brien
1, 1175 10th Ave, Portland, OR 97203
503.255.1000

PROJECT: Land to the south of the B4077
Teddington
For: Edward Ware Homes

DRAWING: Location Plan

SCALE	DATE	AUTHOR	CHK'D
1:1250 @ A2	31/03/15	TM	TM
DWG NO.	EDWA140202	LP02	A

A2

931/A

NOTES
 1. This drawing is a preliminary sketch and is not to be used for construction purposes.
 2. All dimensions are approximate and subject to change.
 3. The architect assumes no responsibility for the accuracy of the information provided by the client.
 4. The architect is not responsible for the design of the building structure or the mechanical, electrical, plumbing, or other systems.
 5. The architect is not responsible for the design of the building structure or the mechanical, electrical, plumbing, or other systems.

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Project:
 Location:
 Date:
 Scale:
 Designer:
 Checker:
 Approver:

EDMANS 200 S&OZ
 B



A0

931/B

LEGEND

- Existing trees
- Existing hedge
- Large trees
- Small narrow leaf trees
- Orchard trees
- Proposed hedge
- Informal shrub planting
- Wildflower meadow
- Wildflower meadow
- Sealing
- Informal footpath
- Natural play area
- Signage
- Footpath connections
- View corridor



L200



Site Name: Ladbroke Grove
 Project: Ladbroke Grove
 Date: 12/11/11
 Scale: 1:1000
 Drawing No: 41/L200/11/0011/11/000

LANDSCAPE DESIGN AND PLANTING STRATEGY

Series of courtyards create corridors to maximize viewing opportunities from the B4077.
 Treatment of courtyards to reflect Church Lane with intermittent trees, cottage gardens with specimen shrubs, low stone walls and grass verges.

New 2m footpath
 Focal tree at entrances with narrow crowns
 Bus stop relocated

New dwellings aligned with existing houses on opposite side of road
 New hedging in front of tall garden fence / wall

Low hedgerow behind low wall

New open space fronting onto B4077 with natural surveillance

Sign to open space and play area
 Green gateway orchard groups

931/C

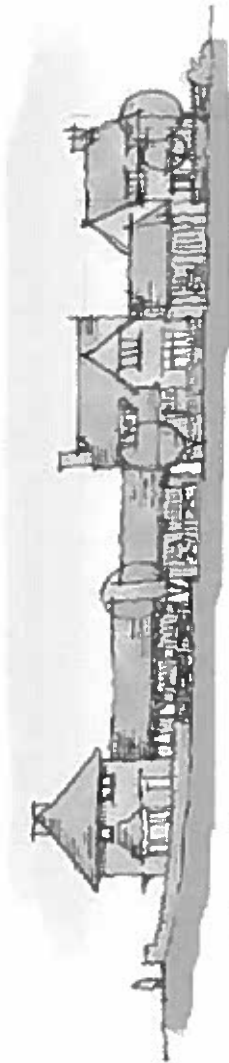
Areas of attenuation and swales integrated into naturalistic setting



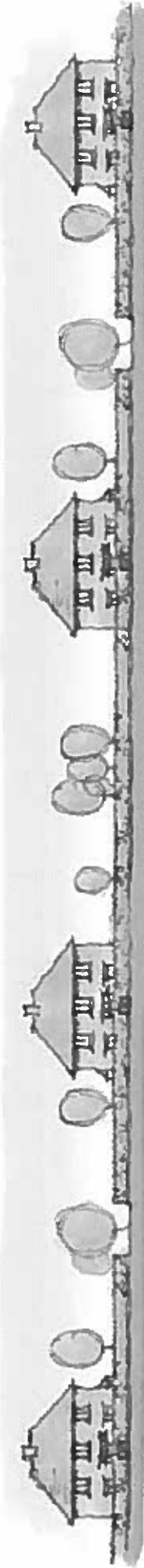
Land retained in existing agricultural usage



4



Revised typical section / elevation through courtyard



Revised frontage elevation

931/D

Valid 24.08.2015

Installation of two no. biomass boilers on a concrete pad and the change of use of the grain store and mill house for use in association with commercial wood chip drying.

Grid Ref 381000 227000

Parish Ashleworth

Ward Highnam With Haw
Bridge

Chamberlayne Farms Limited
Maisemore Court Farm
Maisemore

RECOMMENDATION Minded to Permit

Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - Policies AGR4, EVT1, EVT3, EVT4, LND4, TPT1

Flood and Water Management SPD

Joint Core Strategy Submission Version November 2014 - Policies SD1, SD2, SD7, INF1, INF2, INF6

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

Ashleworth Parish Council - Significant reservations about the proposed development and unable to support the application until the following issues have been addressed:

1. Noise levels of the new equipment are a great concern to local residents who report the operation can be heard from their houses. The planning statement comments "The noise rating is significantly less than the current drying system and will not be audible from the nearest dwelling" - clearly this is untrue and needs addressing. The situation is further exacerbated by the 24/7 operation compared with the previous drying plant which operated for only part of the year. We request that an independent acoustic engineer provides a report on this matter.

2. To prevent further inappropriate development of the site we ask that conditions are imposed such that it be used solely for the drying of grain and virgin woodchip and for no other activity in class B2.

3. Traffic issues are also of great concern to many village residents. Large trucks will be using very narrow lanes and problems will occur if these trucks encounter, for example, school traffic, local delivery vehicles and buses. We would like to see clear and enforced limitations on the number of vehicles visiting the site and the times at which they may do so. To reinforce this limitation we would also recommend an enforceable condition to limit the amount of material processed by the dryer. Based on the applicant's figures the amount should not exceed 840 cubic metres in any seven day period.

4. To help screen the site from public view there should be landscaping conditions approved by Tewkesbury Borough Council prior to first beneficial use and implemented in the first planting season following approval.

5. To ensure that any further development of the site is managed properly we ask that restrictions on use are incorporated in a Section 106 agreement.

GCC Highways Authority - It is considered that safe and adequate access can be provided for the proposed site use and no objection is raised on highways grounds subject to conditions.

Environmental Health -No objection subject to conditions.

Public Representations - 21 letters of objection have been received in relation to the proposed development for the following reasons:

- Ashleworth is mainly a residential village with a few agricultural holdings and is not suitable for Use Class B2;
- The roads are in a poor state of repair and not suitable for use by heavy goods vehicles (HGVs). The

- significant increase in traffic movements would have an adverse impact on the local highway network.
- Ashleworth is a highly populated equestrian area where horses are ridden on these roads and there would be nowhere to escape a HGV. This would impact on a number of equestrian businesses in the area.
 - The proposed development would cause noise pollution and disturbance to nearby dwellings. The fans and movement of goods will exceed acceptable noise levels and will negatively impact on the health and well-being of local residents.
 - Dust will result from both the drying process and the movement of woodchip on-site and there is a question of how this will be managed or mitigated.
 - The information contained within the supporting Planning Statement is inaccurate and misleading. The site has not been used as pig farm for a number of years and is practically derelict, with very few movements to and from the grain barns.
 - This is a quiet country single track lane where there are very few passing places. It is not the right location for an industrial operation and frequent use of these lanes by HGVs raises significant safety issues.
 - Many local residents enjoy walks along Wickridge Street, which has no footpaths, and the proposed development will make it far too dangerous to continue walking along this route.
 - The handling and drying of the wet wood chip can have a negative effect on health and there could be potential for a new asbestos scenario circling the issue of mycotoxins that are on wet wood chip.
 - Residents have moved to this area for the peace and tranquillity it brings, not to be surrounded by constant noise. It is understood that farmers need to diversify but this should not be at the expense of the local community and their enjoyment of the countryside.
 - The route from Stream Farm towards The Berrows is a Site of Special Scientific Interest (SSSI) and increased traffic movements would have a damaging impact on many animal and insect species.
 - The grain drying facility would be in continuous use and there are concerns regarding the hours of operation, including the delivery, collection and transport implications.
 - This building is for agricultural use and should not be given planning permission for a large scale commercial use that contributes nothing to the small village.
 - This is a school bus route used twice daily in school term times.

Planning Officers Comments: Mrs Helen Stocks

1.0 Introduction

1.1 The application was submitted on 24th August 2015. Officers had requested further information from the applicant in relation to noise following concerns raised by the Environmental Health Adviser. Additional information was submitted in January of this year which led to further correspondence between the applicants agent, the case officer and the Environmental Health Adviser, to try and address the concerns in a proactive way. Following a site visit the Environmental Health Adviser was able to recommend permission be granted subject to conditions. However, the applicant chose at this stage to appeal against non-determination which meant that the Council was no longer the determining authority. As such, members must advise the Planning Inspector of its views on the proposals.

1.2 The application relates to land and buildings associated with Berrow Farm, Wickridge Street in Ashleworth. The site lies in the open countryside, approximately 500 metres north of village of Ashleworth, and relates to two existing farm buildings and an area of intervening concrete hardstanding (**see attached site location plan**). The site forms part of a larger agricultural unit, which was previously used for the breeding and fattening of pigs, and there are a number of large agricultural buildings immediately south of the application site. Access to the site is provided via an existing entrance onto Wickridge Street which extends along the eastern boundary.

1.3 The site itself is not subject to any heritage or landscape designations but the Landscape Protection Zone (LPZ), as identified in the Tewkesbury Borough Local Plan to 2011 - March 2006, extends to cover the area immediately east of the application site, on the opposite side of Wickridge Street. The surrounding area is traversed by several Public Rights of Way (PROWs), the closest of which runs in and east to west direction approximately 20 metres north of the site.

1.4 There are a small number of residential properties within vicinity of the application site and the closest dwelling - Orchardside - is circa 65 metres to the north-east. Further neighbouring dwellings lie to the south of the site.

2.0 Planning History

2.1 An application for outline planning permission was granted in April 1973 for the erection of a bungalow and garage for an agricultural worker; the erection of farm buildings, not exceeding a total area of 20,000 sq. ft. for the breeding and fattening of pigs; and, the construction of vehicular access and alteration of access (ref: G.6238).

2.2 Applications for detailed planning permission were subsequently granted in July 1973 and November 1973 for the erection of the agricultural workers dwelling (ref: G.6238/ap) and the erection of an agricultural building and construction of vehicular access (ref: G.6238/ap/1).

2.3 Planning permission was granted in March 1974 for an extension to a pig unit (ref: G.6238/b).

2.4 Planning permission was granted in April 1985 for the erection of a building for use as a general purpose agricultural and grain store (ref: TG.6238/d).

3.0 Current Application

3.1 The current application seeks planning permission for the installation of two no. 200kW biomass boilers sited on a concrete pad and the change of use of the existing grain store and mill house for use in association with commercial woodchip drying (**see attached plans**).

3.2 This application is part retrospective as the biomass boilers have already been installed on site. The boilers replace a diesel generator and are housed within a shipping container and connected to two fuel silos. The biomass boilers adjoin the existing grain store which already contains an on-floor drying facility for moisture to be removed from harvested grain. The grain store comprises a steel portal frame building, measuring approximately 17.7 metres by 30.5 metres. There would be no change to the size of the existing building, with the only external alteration being the installation of a new door opening on the east elevation (**see attached plans**). There would be no external alterations to the mill house building.

3.3 The supporting planning statement makes clear that the existing grain store would continue to be used for grain drying during the months from May to September. Outside of this period, the building would be used to dry woodchip. The woodchip would be imported from elsewhere - some for the biomass boilers themselves and others to be dried by the biomass boilers - and there would be no chipping, screening or other industrial equipment on site.

3.4 In terms of the operation process, wet woodchip would be delivered to the site each day directly to the existing grain store. The mill house would be used for the storage of dry woodchip only. The drying process would take up to 48 hours and woodchip would be transported from the grain store to the mill house using a telehandler. Further information on the transport movements associated with the woodchip (including deliveries) is detailed in Section 5 of the report.

3.5 There would be no alteration to existing access arrangements as a result of the proposed development and vehicular traffic would continue to access the site from Wickridge Street. The supporting planning statement indicates that approximately two articulated lorries would deliver wet woodchip and collect dry woodchip each day.

4.0 Policy Context

4.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development and makes a clear commitment to supporting economic growth in rural areas. In particular, paragraph 28 of the NPPF emphasises 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. It states that local planning authorities should support sustainable growth and expansion of all types of business and enterprise in rural areas and promote the development and diversification of agricultural and other land-based rural businesses. This is reflected in Policy AGR4 of the Local Plan which is supportive of proposals for farm diversification provided that the scale and use are appropriate to a rural environment, they are in keeping with the character of the surroundings and maximise the use of existing buildings or structures.

4.2 The NPPF also makes clear that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. This is echoed in Policy EVT1 of the Tewkesbury Borough Local Plan which advises that proposals for the development of renewable energy installations will be supported provided that they:

- a) do not result in unacceptable loss of amenity to local residents or businesses by reason of noise, traffic or other disturbance.
- b) do not result in any risk to public health and safety.
- c) do not adversely affect the quality of conservation areas or landscapes designated as areas of outstanding natural beauty, special landscape area or landscape protection zone.

4.3 Policy INF6 of the JCS Submission Version also supports proposals for the generation of energy from renewable resources provided the wider environmental, social and economic benefits of the installation would not be outweighed by a significant impact on the local environment.

4.4 One of the core principles of the NPPF is to secure high quality design and seek a good standard of amenity for all existing and future occupants of land and buildings. Policy EVT3 of the Local Plan provides that new development should be sited away from sources of noise and planning permission should not be granted for development where noise would cause harm and could not be ameliorated. Similarly, Policy SD15 of the JCS (Submission Version) seeks to promote health and environmental quality and ensure that new development does not result in unacceptable levels of noise.

4.5 Other policies of relevance to the determination of this application include Policy TPT1 of the Local Plan (and Policy INF2 of the JCS Submission Version) which requires development to provide safe and convenient access and not generate traffic movements that would impair the safety or satisfactory operation of the highway network. Policy LND4 of the Local Plan is also relevant and states in considering proposals for development in rural areas other than the Area of Outstanding Natural Beauty, Special Landscape Area and Landscape Protection Zone, regard will be given to the need to protect the character and appearance of the rural landscape.

4.6 The above local plan policies are considered to be consistent with the NPPF and are therefore considered to have significant weight. The policies contained within the JCS Submission Version are also considered to be consistent with the NPPF and as such should be afforded some weight.

5.0 Analysis

5.1 The main issues to consider are the principle of development; design and visual impact; impact on residential amenity of nearby properties; and, traffic movements and highway safety. Each of these will be considered under a separate sub-heading below.

Principle of Development

5.2 The application site is located within the countryside and forms part of a larger agricultural unit. The installation of the biomass boilers and proposed use of the existing buildings for commercial woodchip drying is deemed to constitute a form of agricultural diversification as it would provide the farm with an additional source of income and greater security. It would also make use of an under-utilised site and the woodchip powered biomass boilers would contribute towards a reduction in greenhouse gas emissions. Having regard to this, it is considered that the proposed development is acceptable in principle in line with the provisions of the NPPF and Policy AGR4 of the Local Plan. The determining factors in this case are the impact of the proposed development on residential amenity, landscape impact and acceptability in the rural environment, accessibility of the proposal and impact on highway safety.

Design and Visual Impact

5.3 The proposed development would be contained within part of a larger agricultural unit and would utilise existing farm buildings. The biomass boilers have been positioned behind the grain store, in the north-west corner of the application site, and are not visible when approaching the site from Wickridge Street. There is a PROW to the north of the application site where footpath users would be afforded views of the storage container (which houses the biomass boilers) and associated fuel silos. However, these would be seen against the backdrop of existing farm buildings and are not considered to have a harmful impact on the rural landscape. Furthermore, there would be minimal alterations to existing buildings which would retain their agricultural appearance and remain in keeping with the wider site. As such, it is not considered that the proposal would cause undue harm to the character and appearance of the surrounding landscape and therefore accords with Policies LND4 and AGR4 of the Local Plan in this regard.

Residential Amenity

5.4 There are residential properties located in close proximity to the application site (circa. 65 metres north-east and 85 metres south of the site). The proposed use of the site for commercial woodchip drying has the potential to result in a significant amount of noise and disturbance to the residential amenity enjoyed by the occupiers of these nearby properties. A number of objections have been received from members of the public raising concerns about the potential for noise pollution and the negative impact this would have on the health and well-being of local residents. Similar concerns have been raised by the Parish Council.

5.5 The Council's Environmental Health Advisor has been consulted on the application and, following the submission of a noise survey, raises no objection to the proposed development subject to a number of conditions. Within the Environmental Health Advisor's consultation response it is duly noted that the existing farm buildings have been subject to a limited amount of activity in recent years following the closure of the site as a commercial pig rearing unit. However, the proposed development is not considered to have any greater noise impact than if it was still being used for these farming purposes, which is accepted to be a legitimate fall-back position, and the level of noise emitted from the proposed development (including associated traffic movements) is not considered to be out of character with rural farming activities that are common place in countryside locations.

5.6 Having regard to the above and subject to conditions, it is considered that the proposed development would be compatible with the surrounding land uses and would not harm the residential amenity of neighbouring property. The proposal is therefore considered to accord with Policy EVT3 of the Local Plan and Policy SD15 of the JCS (Submission Version).

Traffic Movements and Highway Safety

5.7 Access to the site would be via the existing entrance from Wickridge Street. The supporting planning statement confirms there would be no change to current access arrangements as a result of the proposed development. The proposed use for commercial woodchip drying would result in two articulated lorries delivering / collecting woodchip each day, equating to approximately four vehicle movements per day. The biomass boilers would also require daily inspections and annual maintenance resulting in two movements by car/farm vehicle.

5.8 Several letters of objection have been received from members of the public in terms of the highway safety implications of the proposed development due to the number of HGVs that would be delivering / collecting woodchip at the application site. Concerns have also been raised in relation to current state of the local road network, whereby Wickridge Street is not considered suitable for use by HGVs as it is a single track lane where there are few passing places and no pavements for pedestrians. The Parish Council has acknowledged that the traffic movements would be an issue and has requested that clear and enforceable limitations should be placed on the number of vehicles visiting the site and the time at which they may do so should planning permission be granted.

5.9 The County Highways Authority (CHA) has been consulted on the application and requested the submission of additional information regarding existing and proposed trip generation for the application site to demonstrate the impact of the development on the local highway network. It is understood that the proposed woodchip drying operation would lead to an increase of 334 annual trips to the sites from 218 existing visits. This equates to an estimated total of 552 trips per annum.

5.10 The CHA has acknowledged the concerns that have been raised by local residents, particularly in relation to the increase in number of vehicle movements using narrow lanes, but considers that the proposed maximum visits to the site in one day would be unchanged and would not significantly impact on the daily movements on the highway network. It is understood that this is based on the number of trips that are generated on a daily basis when the site is used for grain drying during the months from July to September. Although the proposed use for commercial woodchip drying would result in traffic movements being all year round, the CHA has commented that articulated lorries would be similar to those used to collect grain from the site and is not considered to impair the safety or satisfactory operation of the highway network.

5.11 In light of the above, the CHA has raised no objection to the proposal and is satisfied that safe and convenient access can be provided for the proposed site use in accordance with the NPPF and Policy TPT1 of the Local Plan. This is subject to a condition requiring visibility splays to be sought from the site entrance in accordance with speed survey evidence that has been adjusted for wet weather in order to ensure a safe, suitable and secure means of access.

Other Matters

5.12 Concern has been raised regarding the potential impact of the proposed development on local wildlife given that the route along Wickridge Street is a Site of Special Scientific Interest (SSSI). The site is not, however, in close proximity to any SSSI designations and the route along Wickridge Street (from Stream Farm towards The Berrows) is not recognised to be of national or local ecological importance. Notwithstanding this, the impact of the proposed development on local wildlife has been taken into account. Given the nature of the development and the utilisation of existing farm buildings, it is not considered that the proposed woodchip drying operations would have a detrimental impact on local wildlife.

6.0 Conclusion

6.1 The NPPF makes clear that Local Planning Authorities (LPAs) should be supportive of a prosperous rural economy setting out 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 and promote the development and diversification of agricultural businesses. It also makes clear that planning plays a key role in reducing greenhouse gas emissions and supporting the delivery of renewable and low carbon energy.

6.2 The proposed development represents a form of agricultural diversification which would also contribute to a reduction in greenhouse gas emissions by delivering a low carbon energy source. It would utilise existing agricultural buildings and would result in limited landscape harm to the surrounding area. Although there have been a number of concerns surrounding the noise implications of the proposed development, it is considered that the potential harm to the residential amenity of nearby properties can be sufficiently controlled by conditions. Furthermore, the CHA raised no objection to the proposed development in terms of traffic movement and highway safety.

6.3 For these reasons, the proposal is considered to accord with relevant national and local planning policy and it is recommended that Members be minded to permit the application.

RECOMMENDATION Minded to Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and information:
 - Planning Statement (dated July 2015), received 07.08.15;
 - Proposed Block Plan, received 24.08.15;
 - Proposed Elevations (Drawing No: 150824/GC), received 24.08.15;
 - Existing Site Visibility Splays (Drawing No: 17379-01), received 16.10.15
 - D1 Stack Height Calculation (Version 3.0), received 12.01.16
 - Noise Assessment (dated 16 December 2015), received 18.01.16
- 3 No operations or activities required in connection with commercial woodchip drying shall be carried out except between the following times: 08:00 - 17:00 hours Monday to Friday (excluding Public Holidays) and 09:00 - 16:00 hours on Saturday, Sunday and Public Holidays.
- 4 The maximum number of heavy goods vehicles (HGVs) delivering and collecting woodchip to and from the site shall not exceed two HGVs per day (four movements/day) and the hours of deliveries/collections shall be restricted to 10:00 - 15:00 hours Monday to Saturday. There shall be no deliveries/collections on Sundays or Public Holidays.
- 5 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 2.4 metres 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 27 metres north and 31 metres south (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintain so as to provide clear visibility between 1.05 metres and 2.0 metres at the X point and between 0.26 metres and 2.0 metres at the Y point above the adjacent carriageway level.

- 6 A noise management plan for commercial woodchip drying activities and associated operations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The operation of the site shall thereafter be carried out in accordance with the approved noise management plan.
- 7 No activities hereby permitted shall cause dust to be emitted so as to cause a statutory nuisance to nearby residential properties and other sensitive users and the local environment. Should such an emission occur, the activity shall be suspended until as a result of different methods of working, the addition of dust suppression measures or changed weather conditions, it can be resumed without giving rise to that level of dust emissions.
- 8 All site machinery operated or owned by the applicant that is to be used in connection with the woodchip drying operations shall be fitted with white noise reversing alarms.
- 9 Notwithstanding the information contained within the Noise Assessment prepared by Acoustic Associates (dated 16 December 2015), full details of the noise mitigation and acoustic protection measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the commercial woodchip drying operations. This shall include details of the acoustic housing of the biomass boiler equipment (including the heat exchangers and fans) and details of the acoustic fencing to be erected to the front of the grain store along the east site boundary at a minimum height of 2 metres. The approved details shall be implemented in full before the commencement of woodchip drying operations and shall thereafter be maintained.
- 10 No floodlighting or other form of external lighting shall be installed in any part of the site without the prior express consent of the Local Planning Authority.

Reasons:

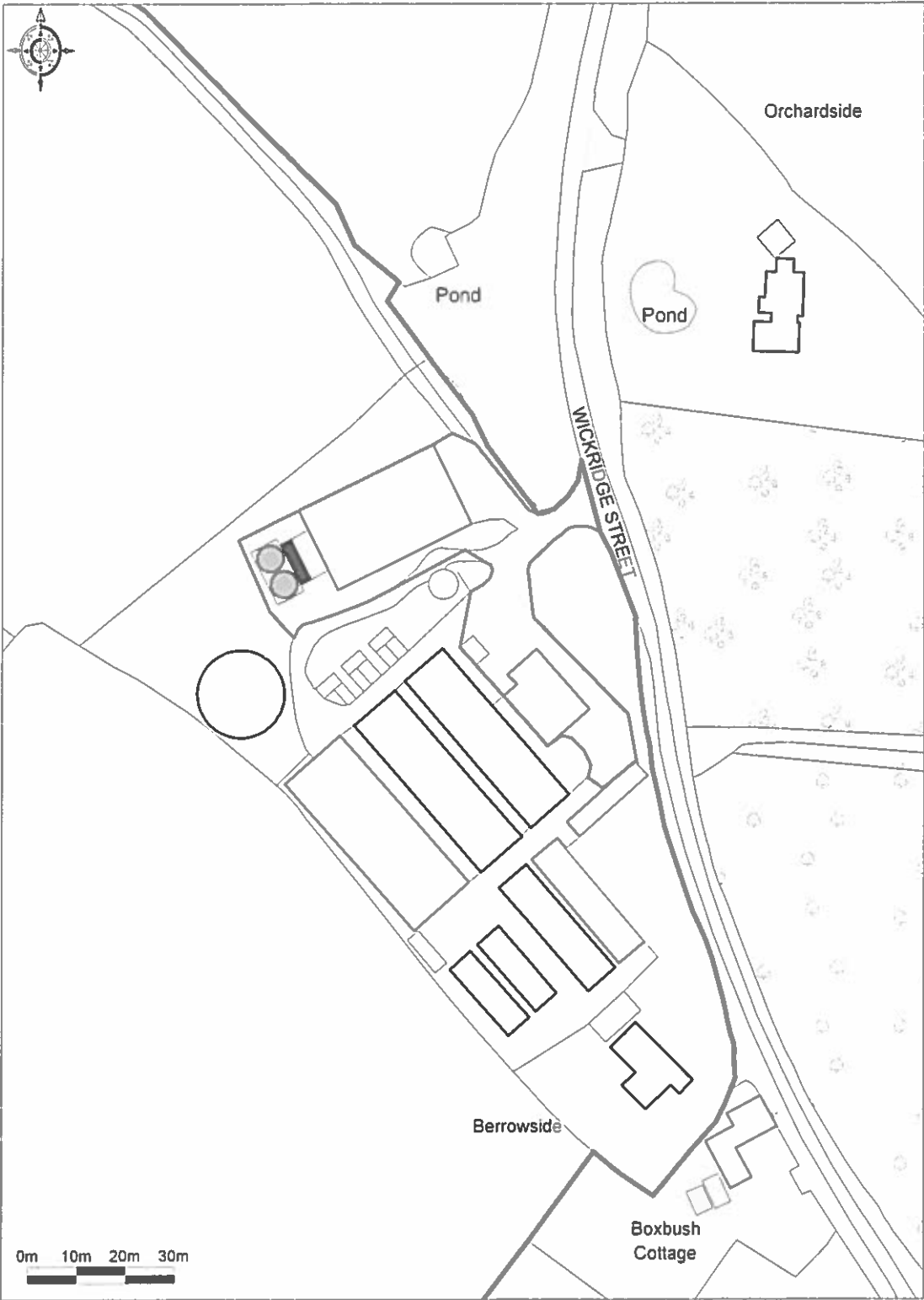
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To safeguard the amenities of local residents in accordance with the National Planning Policy Framework and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 4 To safeguard the amenities of local residents in accordance with the National Planning Policy Framework and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 5 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 minimise the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
- 6 To safeguard the amenities of local residents in accordance with the National Planning Policy Framework and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 To protect the amenities of nearby residential property in accordance with Policy EVT4 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 In the interests of safety and to safeguard the amenities of local residents in accordance with the National Planning Policy Framework and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 9 To safeguard the amenities of local residents in accordance with the National Planning Policy Framework and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 10 In the interests of visual amenity in accordance with the National Planning Policy Framework.

Note:

Statement of Positive and Proactive Engagement

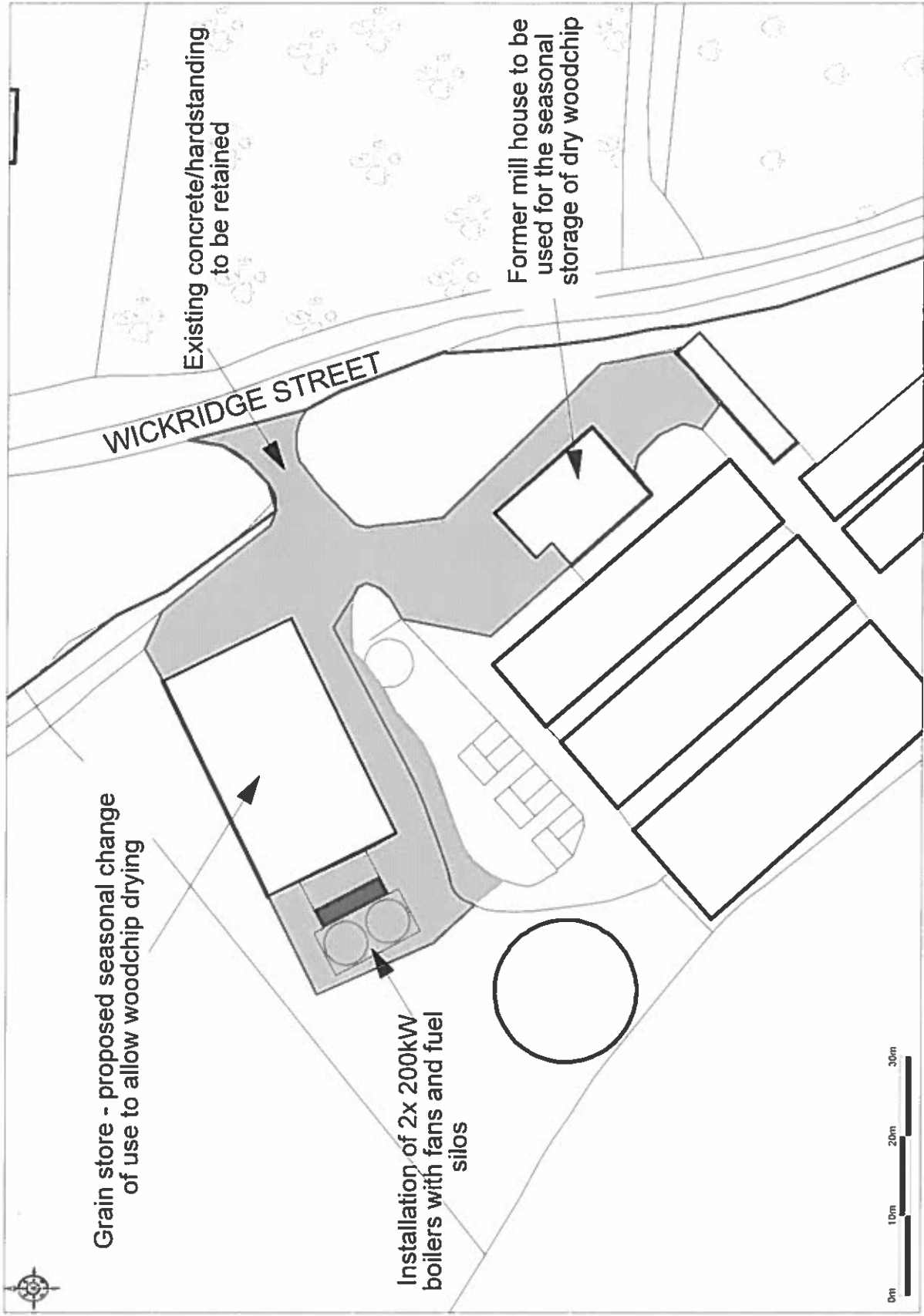
In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating noise and traffic issues.

The Berrow, Ashleworth
Site Location Plan



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Scale 1 : 1250 at A4



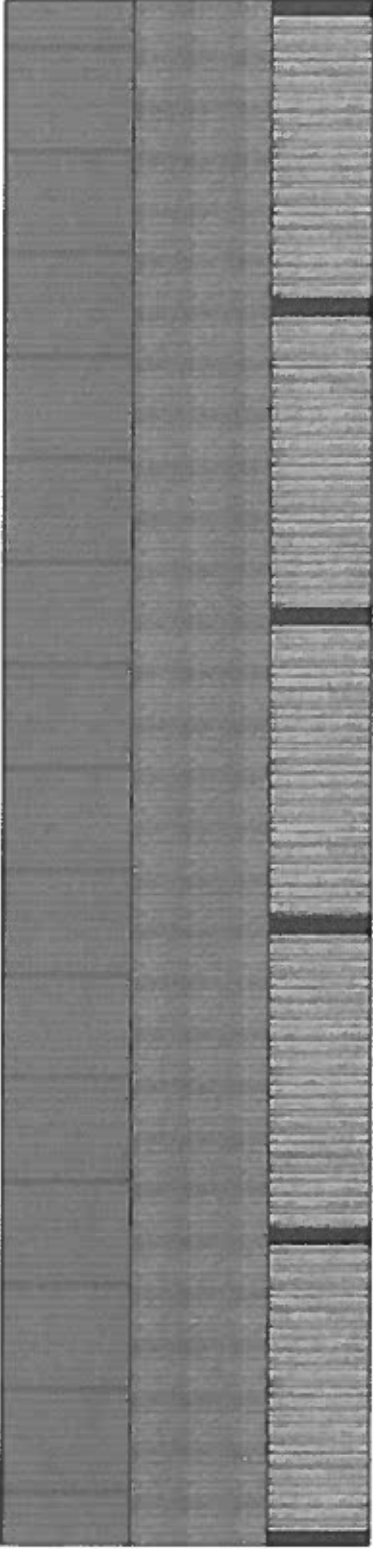
Unpublished Survey © Crown Copyright 2013. All rights reserved. License number 100022112. Printed Scale: 1:500



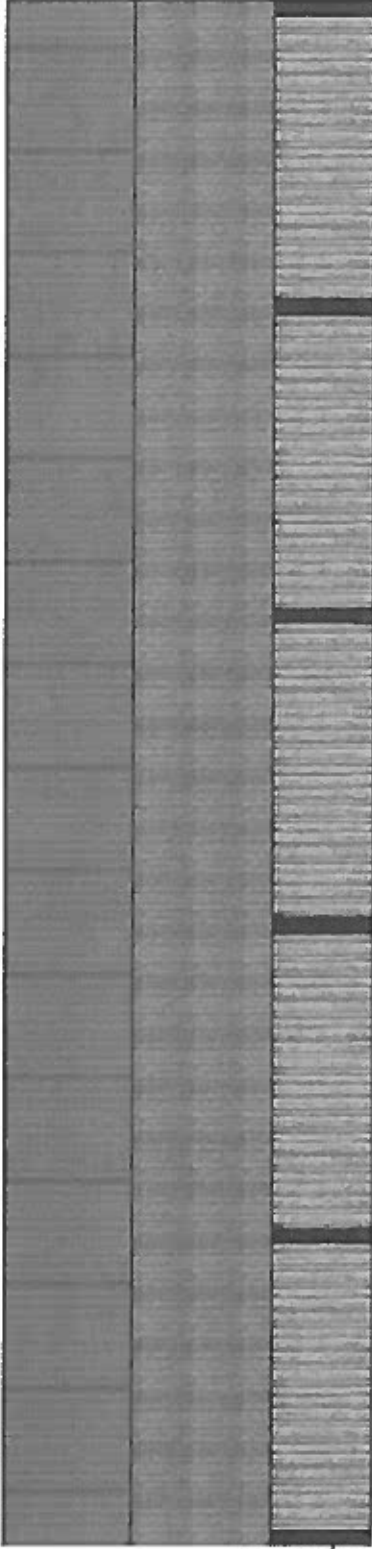
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939 / B

North Elevation

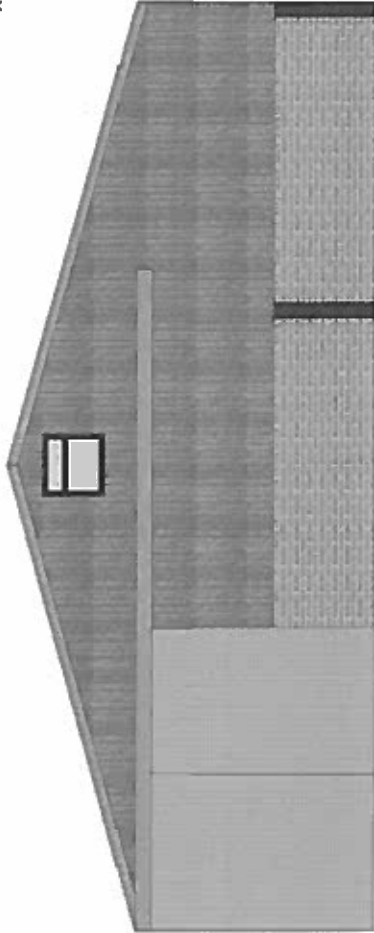


South Elevation

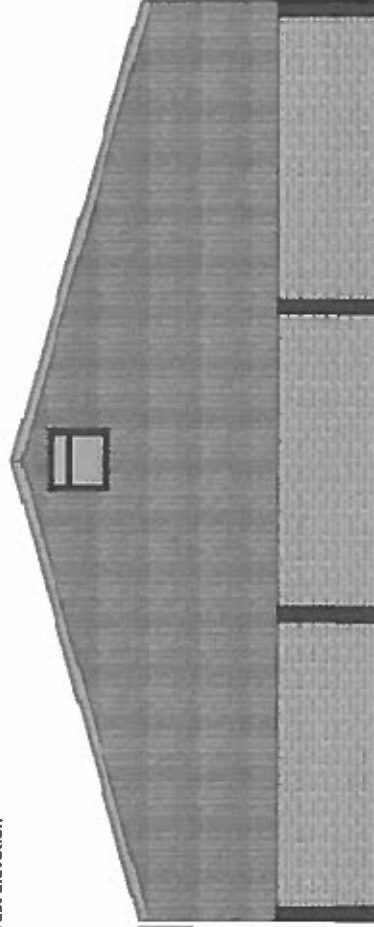


939/C

East Elevation



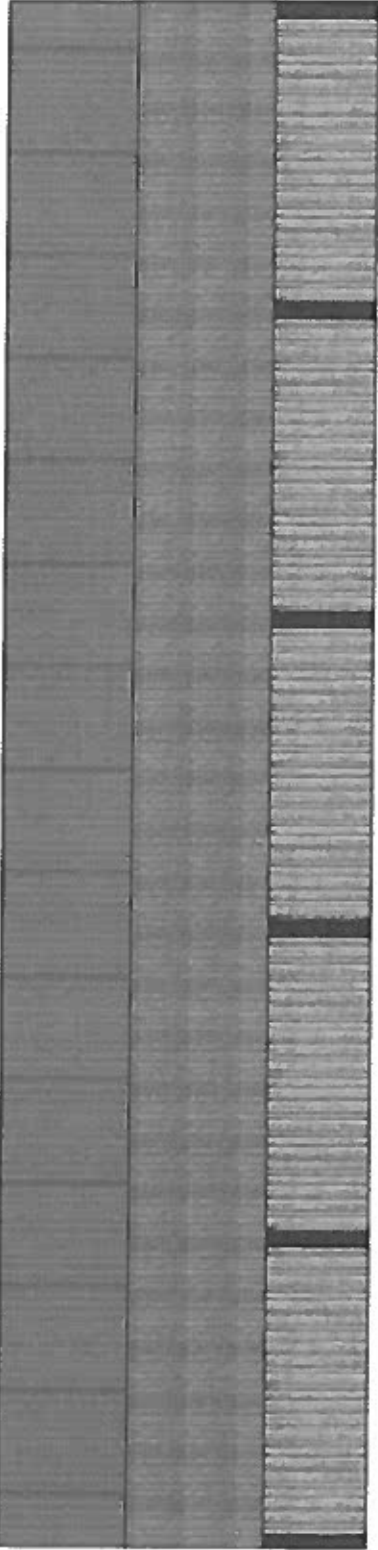
West Elevation



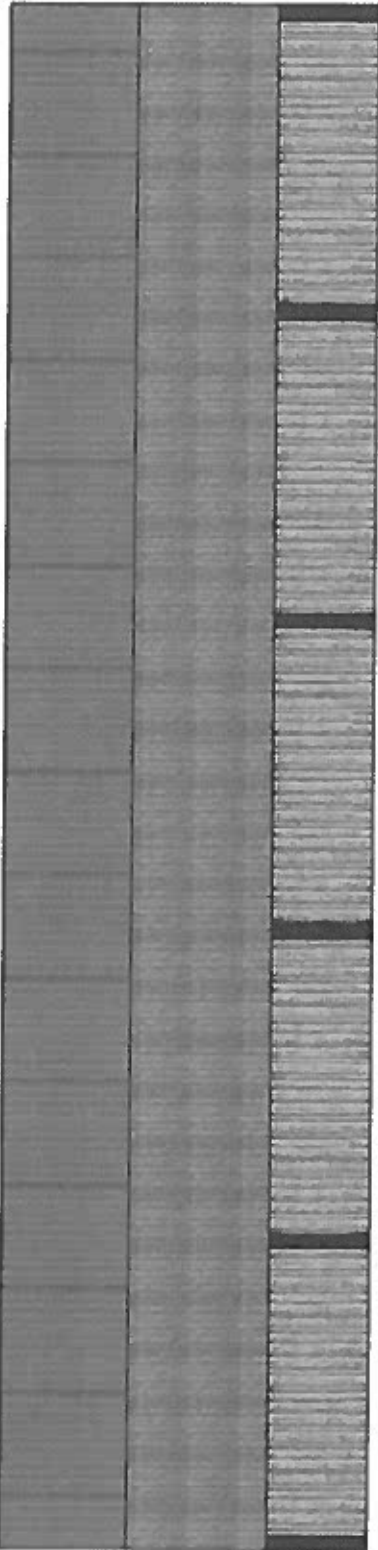
Existing Elevations
 On behalf of Chamberlayne Farms Ltd
 Grain Store

Date:	Scale:	Ref:
24.08.2015	1: 100 @A3	150825/GC

North Elevation

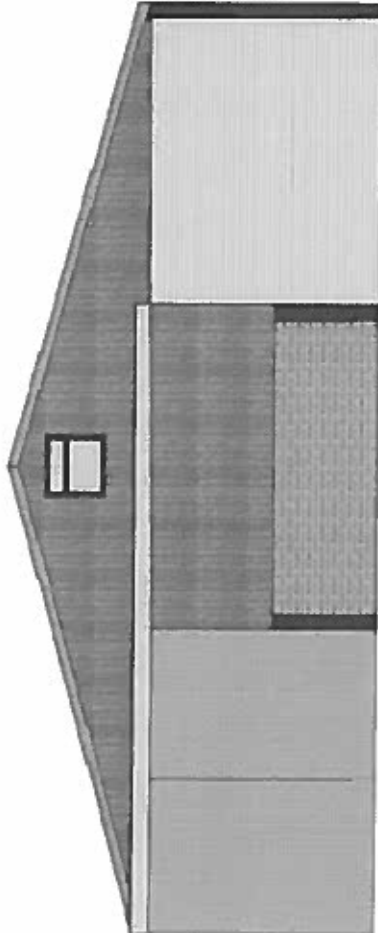


South Elevation

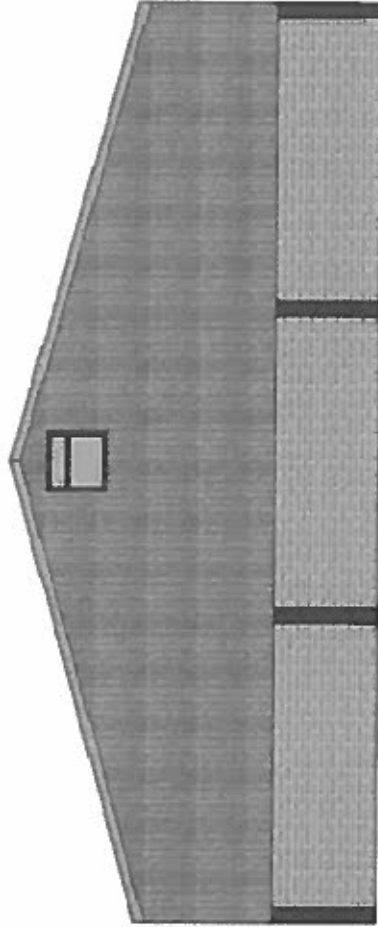


93910

East Elevation



West Elevation



Proposed Elevations
On behalf of Chamberlayne Farms Ltd
Grain Store

Date:	Scale:	Ref:
24.08.2015	1: 100 @A3	150824/GC



PROFESSIONAL CONSULTANTS
Tel: 01684 853400
Email: enquiries@carverknowles.co.uk

15/00982/FUL

Hayden Hill Fruit Farm, Old Gloucester Road, Boddington

7

Valid 11.09.2015

Erection of ground mounted solar panels with an electrical output of approximately 5MW along with associated infrastructure, landscaping and ancillary structures.

Grid Ref 390662 224016

Parish Boddington

Ward Badgeworth

Mr Scott Newhouse

Blue Planet Solar

C/o Indigo Planning Ltd

DEFERRED AT 22.12.15 COMMITTEE (Item No 6, Page No 600)

RECOMMENDATION Refuse

Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

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

The Tewkesbury Borough Local Plan to 2011 - March 2006 - GRB1, LND4, LND7, TPT1, EVT1, EVT3, EVT5 and NCN5.

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)

Green Belt

Flood Zone 1

Consultations and Representations

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

1. The proposal will be visible along Old Gloucester Road and the existing boundary hedgerows are not particularly well maintained. It will take time for additional planting to become established and provide good visible protection.
2. The existing hedgerows along Withybridge Lane are even less well-maintained. The area cannot be hidden where the ground rises and these hedges will also take a long time to grow.
3. The boundary hedge between the House in the Tree Public House (PH) and Field 3 is very low and sparse and may well affect the outlook of the pub.
4. Concerns about the maintenance of the hedges and area. Although this is the responsibility of the company, if things were not done properly, it would be the responsibility of the Borough Council Enforcement Officer to sort it out.
5. Concerns about what would happen if the company failed and whether there would be a safeguard in place.

Gloucestershire County Council Highways - No objection subject to conditions.

Environmental Health - Initial concerns regarding the noise impact of the proposed development. No response received following the submission of additional details and suggested planning condition.

Landscape Consultant - Objects to the proposed development commenting that a sizeable area would become dominated by regimented lines of solar panels and associated infrastructure. The effects upon landscape character will be adverse and the proposed solar panels will contrast with the agricultural surroundings and be more reminiscent of built development than characteristic of agricultural land uses.

County Archaeological Officer - Object to the proposed development. Recommend an archaeological field evaluation to be undertaken in advance of the determination of this planning application. This cannot be dealt with by the imposition of a pre-commencement of development condition which would be contrary to paragraph 128 of the NPPF.

Historic England - No objection.

Natural England - No objection.

Lead Local Flood Authority - No objection subject to conditions.

Public Representations: 1 letter has been received from a local resident objecting to the proposal for the following reasons:

- The proposal will have a huge impact on the view of the surrounding area.

Planning Officers Comments: Mrs Helen Stocks

1.0 Introduction

1.1 The site covers an area of 13.68 hectares of agricultural farmland at Hayden Hill Fruit Farm, which is located approximately 1500m to the north west of the edge of Cheltenham. The site comprises four open pastoral fields and an area of traditional orchard, divided by well-established hedgerows with some mature trees.

1.2 The site is bordered along its western boundary by Withybridge Lane and the southern boundary follows the Old Gloucester Road which connects north Cheltenham to Staverton Bridge and Gloucestershire Airport. Agricultural land extends to the north of the site while the eastern boundary abuts the curtilage of residential property. Power lines cross the site from south-east to north-west. There are no public rights of way (PROWs) crossing the application site but there are a number of PROWs within the vicinity of the site, including the Cheltenham Circular Footpath (see attached location plan).

1.3 The site is located within Flood Zone 1 and is also located with the Green Belt, as designated in the Tewkesbury Borough Local Plan to 2011.

2.0 History

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

3.0 Current Application

3.1 The proposed development comprises the construction of a 5.0MW capacity solar farm to be operational for a 25 year period. The proposed solar farm would comprise a series of photovoltaic modules (PV) fixed onto a non-reflective aluminium frame system secured to the ground by shallow piles driven approximately 1.5 metres into the ground. The maximum height of the solar arrays would be 2 metres. The panels would be aligned in an east-west direction with the panels angled at approximately 25 degrees facing south.

3.2 The proposed solar farm also includes four inverter / transformer buildings to be located across the application site and one substation to allow the electricity generated from the PV array to be fed into the National Grid. The substation would be designed in accordance with Western Power Distribution (WPD) standards and would measure approximately 6 metres long by 2.5 metres. It would have a flat roof with a maximum height of 3.5 metres.

3.3 A perimeter deer security fence would enclose the application site to protect the solar panels and ancillary structures. The proposed fencing would be 2 metres high, constructed of wooden posts and wire mesh, and would be erected within the agricultural field boundaries. There would also be inward facing CCTV mounted on poles at regular intervals along the perimeter of site but within the fence boundary. The site would be accessed via a gravel access track that enters the fields directly to the south of the site (from Old Gloucester Road) through an existing gated opening.

3.4 The Planning, Design and Access Statements indicates that throughout the operational lifetime of the solar farm, the land would remain in agricultural use as a pasture for grazing sheep. Following the period of construction, the existing hedgerows would be managed / improved and bird and bat nest boxes would be placed across the site to improve the ecology of the area.

4.0 Policy Context

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

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

4.3 Policy GRB1 of the Local plan states that in the Green Belt, planning permission will not be granted for development other than the construction of new buildings for the following purposes:

- Necessary for the efficient use of agriculture or forestry.
- Essential facilities for outdoor sport and outdoor recreation.
- Limited extension, alteration or replacement of dwellings.
- The carrying out of an engineering or other operation or the making of - a material change in the use of land provided that it maintains the openness of the Green Belt and does not conflict with the purposes of including land in it.

4.4 The NPPF mirrors the advice of the Development Plan by stating at paragraph 89 that local planning authorities should regard the construction of new buildings as inappropriate in Green Belts. Exceptions to this are: buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport and recreation etc; the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; the replacement of a building; limited infilling in villages; and, limited affordable housing for local community needs.

4.5 In addition, paragraph 90 advises that certain forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. They do not however list the construction of solar arrays as an appropriate form of development. In relation to the Green Belt, paragraph 91 of the NPPF specifically states that "elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources".

4.6 Paragraph 93 of the NPPF advises that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is echoed in Policy EVT1 of the Tewkesbury Borough Local Plan which advises that proposals for the development of renewable energy installations will be supported provided that they:

- a) do not result in unacceptable loss of amenity to local residents or businesses by reason of noise, traffic or other disturbance.
- b) do not result in any risk to public health and safety.
- c) do not adversely affect the quality of conservation areas or landscapes designated as areas of outstanding natural beauty, special landscape area or landscape protection zone.

4.7 Policy INF6 of the JCS Submission Version also supports proposals for the generation of energy from renewable resources provided the wider environmental, social and economic benefits of the installation would not be outweighed by a significant impact on the local environment.

4.8 Policy LND4 of the Local Plan states in considering proposals for development in rural areas other than the Area of Outstanding Natural Beauty, Special Landscape Area and Landscape Protection Zone, regard will be given to the need to protect the character and appearance of the rural landscape.

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

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

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

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

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

5.0 Analysis

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

Principle of development

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

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

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

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

5.5 The provision of renewable energy development is encouraged in local plan policies EVT1 of the local plan and INF6 of the JCS Submission Version, as detailed above, but subject to the need to protect the quality of designated landscape areas. This site lies within the open countryside within the Green Belt.

5.6 The panels would be connected to the national grid and it is anticipated that they would generate up to 5.0MW of power. The panels would be erected for a period of 25 years and would see renewable energy (RE) fed into the grid, thus representing a contribution to the UK's renewable energy targets. The Planning Statement states that the energy generated would be sufficient to power 1,503 homes per annum and would save up to 70,950 tonnes CO₂ over its lifetime (25 years).

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

5.8 Notwithstanding these benefits it is necessary, as advised in the PPG, to consider the effect of the proposal on the landscape and visual amenity of the area, whether it has been demonstrated that development of agricultural land is necessary and whether very special circumstances exist to outweigh any harm to the Green Belt.

Green Belt

5.9 As set out above the NPPF provides that many elements of renewable energy projects will constitute inappropriate development in the Green Belt. In this case it is considered that the proposal would be an inappropriate form of development in the Green Belt due to the extent of the built form of the proposals including the solar arrays and ancillary development. Paragraph 87 of the NPPF makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to state that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.10 As mentioned above, the proposed solar farm would generate enough electricity to provide energy for approximately 1,500 homes per annum. This is a considerable amount of energy and there is no doubt that the proposal would make a significant contribution to energy security and reducing greenhouse emissions. This environmental benefit is recognised in paragraph 98 of the NPPF and the importance of meeting local and national renewable energy targets must be given considerable weight when considering the harm to the Green Belt.

5.11 The applicant has also sought to demonstrate the proposed scheme would incorporate a number of other significant environmental and socio-economic benefits and it is these which form the 'very special circumstances' as follows:

- The scheme would bring improvements in air quality and contribute to a reduction in carbon emissions, resulting in a saving of approximately 70,950 metric tonnes of carbon dioxide over the lifetime of the development (25 years).
- The application is supported by a range of assessments and reports which have found that potential impacts of the development are not significant and where they exist can be suitably mitigated.
- The proposal includes targeted plans to provide places for nature and wildlife, both by preserving the ecological assets onsite and by seeking to increase the biodiversity of the site in the future through sensitive management methods. These factors represent net gains for biodiversity in comparison to the current permanent pasture system onsite.
- The proposals are fully reversible and temporary in nature. Therefore there would be no long term impacts from the development.
- The proposal would generate employment opportunities during the construction, management and operational maintenance of the solar energy generating installation. It would also have an indirect employment benefit in the supply chain, such as the production of components and induced economic multiplier effects by recirculating income in the local area.
- The provision of the proposed solar farm would increase security and reliability of energy supply and the use of farmland for energy production would contribute to the UK's energy security, allowing a reduction in reliance on fossil fuels and helping to mitigate the effects of climate change.
- The solar development represents the diversification of the existing agricultural business and would provide the business with a stable source of rural income linked to RPI for a 25 year period. This would make a significant contribution towards the rural economy, at a time when there is increasing volatility in

agricultural commodity prices.

- The proposal would give rise to educational opportunities, potentially leading to a wider awareness of renewable energy and an increased sense of environmental stewardship among the local population.

5.12 In considering the aforementioned benefits of the scheme, it is also acknowledged that the proposed solar panels would not occupy the whole of the site and would be set back from field boundaries. There would no solar panels located in the south-west corner of the application site which is traversed by power lines. Taking into account the separation distance between the rows of panels, it is understood that the PV arrays would occupy around 2.86 hectares of agricultural land. Nevertheless, the proposed panels would be spread across the application site and around 13.33 hectares of land would be enclosed by 2 metre high security fencing (see proposed plans).

5.13 With this in mind, it is considered that the proposal would fundamentally alter the 'open countryside' appearance of the site and it would come to have all the characteristics of built development. It is noted that the proposal would be limited in height, with the panels at circa. 2 metres high and no other structures above 3.5 metres high. In addition, it is acknowledged that existing vegetation and proposed mitigation planting would provide an element of screening. However, the industrial appearance of the development, including the solar panels, associated buildings and security fencing, would clearly have an impact on the openness of the Green Belt and would cause additional harm. The application site would no longer be perceived as 'open' and the proposal is therefore considered contrary to one of the five purposes of the Green Belt set out in paragraph 80 of the NPPF which is "to assist in safeguarding the countryside from encroachment".

5.14 Furthermore, the proposed solar development would involve developing part of the countryside that it is currently undeveloped. Although it is accepted that planning permission is being sought for a temporary period of 25 years and the decommissioning of the site could be secured by condition; consideration has to be given to the fact that 25 years is a substantial period of time - the span of a generation - and the time-limited period does little to reduce the harm to the openness of the Green Belt. The proposed landscaping would also take a significant period of the 25 years to mature and provide effective screening. For this reason, it is considered that limited weight can be afforded to the reversibility of the scheme when considering the 'very special circumstances' to justify the proposed development.

5.15 In light of the above, it is considered that the proposal constitutes inappropriate development in the Green Belt and would harm its openness. Notwithstanding national and local support for renewable energy generation, the proposed solar farm would be a man-made imposition on the landscape which would reduce the openness of the Green Belt to a significant degree. Although the supporting documentation has sought to demonstrate 'very special circumstances', it is considered in the case of this application that the level of harm to the Green Belt significantly outweighs the benefits of the proposal. The contribution towards renewable energy, the reversible nature of the development and the economic benefits in delivering such development are not considered to amount to very special circumstances which clearly outweighs the identified harms to the Green Belt by way of inappropriateness and loss of openness in this case. As such, the proposal is deemed contrary to the provisions of the NPPF, Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 and Policy SD6 of the emerging JCS.

Use of Agricultural Land

5.16 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. 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.

5.17 The application has been accompanied by an Agricultural Land Classification Survey. This sets out that the land is shown as being undifferentiated Grade 3 agricultural land on the Provisional Land Classification Map. However, the survey informs that the land has been down to permanent pasture for a considerable period of time (circa. 50 years) and the soil texture and structure would make it unsuitable for conversion to arable cropping or any other alternative agricultural use. The survey concludes that the fields included within the site boundary are Grade 3b, showing signs of Grade 4 in certain places.

5.18 In conclusion, the survey has demonstrated that the proposal would not be sited on BMV agricultural land and further assessment is not therefore required. The proposal is deemed acceptable in this regard in line with the provisions of the NPPF.

Effect on landscape character and visual amenity of the area

5.19 The application site is located on the Severn and Avon Vale within an area identified as the 'Settled Unwooded Vale' in the Gloucestershire Landscape Character Assessment (2006). This is an area of relatively flat and soft undulating landscape with arable and pastoral land enclosed by hedgerow network, which forms a strong landscape pattern. There are no national, regional or local landscape designations directly affecting the site and the Cotswolds Area of Outstanding Natural Beauty (AONB) is located approximately 7km to the east.

5.20 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application which concludes that the scale of landscape effect as a result of the proposed solar development would be "low/medium adverse" over the lifetime of the development, including the construction and decommissioning phases. It is considered that one of the main landscape features affected by the proposal would be loss of traditional orchard in field 4, however, it is noted that these trees have reached the end of their productive life and replacement trees would be planted to the east of the proposed solar panels. The LVIA also comments that the existing hedgerows would be retained and reinforced wherever necessary which would be of long term benefit to the landscape and the overall level of effect on the landscape is regarded as "minor beneficial".

5.21 The LVIA concludes that while the landscape character of the immediate site would significantly change, the overall impacts on the surrounding landscape would not be significant and the LVIA considered that there would be only minor changes to topography given the relatively gentle slopes and the modest structures needed to mount the solar arrays which would not exceed 2 metres in height. In terms of mitigation, it is considered that the protection, retention and reinforcement of existing mature landscape features would be key and significant new native tree and shrub planting is proposed to add to the existing landscape features to create a strong visual framework to help assimilate the development in the local and wider landscape. Once the proposed landscaping is established the LVIA concludes that there would be no significant impacts to residential receptors, to users of the local footpath network and road users. Overall, the LVIA concludes that the proposed development would be acceptable in landscape and visual terms.

5.22 In addition, the LVIA considers there are man-made influences in the locality of the application site, including the M5 motorway, pylons and overhead cables, local road network and scattered residential development on the fringes of Cheltenham. While the Council's Landscape Consultant does not contest the proximity of such elements, it is considered that the landscape is predominately rural in character and should not be regarded as an 'urban fringe' landscape as suggested in the LVIA. The Council's Landscape Consultant goes on to state that notwithstanding the retention of hedgerow boundaries, the uncompromising geometric internal layout and the smooth, "man-made" texture of the panels would contrast with the agricultural surroundings and more reminiscent of built development than characteristic agricultural land uses. It also stated that field 4, in the eastern part of the site, occupies elevated and sloping ground and that a disproportionate level of harm might be incurred by extending the development onto these slopes. For these reasons, the Council's Landscape Consultant concludes the effects upon the landscape character would be adverse and the proposal would have an unacceptable impact on the character and appearance of the area.

Archaeology

5.23 The application has been submitted with a Heritage Desk-Based Assessment (HDBA) which indicates the only known heritage assets within the site boundary are the eroded remains of ridge and furrow earthworks in the westernmost field. It is concluded that given the eroded condition and lack of association with other evidence of medieval settlement, the value of these heritage assets is limited.

5.24 Other designated heritage assets were identified, including a Scheduled Monument and three Grade II listed buildings within a 1km radius of the application site. The HDBA has given due regard to these heritage assets but concludes the proposed solar development would not alter the key physical surrounds of these assets and there would be no harm to their heritage significance. Historic England has been consulted on the application and raises no objection to the proposed development, commenting it would not result in a change to the setting of the designated heritage assets due to the existing vegetative and topographic screening along the distances between the application site and the assets.

5.25 With regard to archaeological remains, there is no evidence from previous archaeological investigations and the extent, date, character and significance of any archaeological remains contained within the site is currently unknown. Although the application documentation considers there is limited potential for such remains, the County Archaeologist has commented that the wider locality is known to contain extensive archaeological remains relating to prehistoric and Roman activity and settlement. Without undertaking further survey work, the County Archaeologist maintains there is potential for any remains within the site to be

adversely affected by the construction ground works required for this scheme. As a result, the County Archaeologist has recommended that in advance of the determination of this application the applicant should provide results of an archaeological field evaluation which describes the significance of any remains and how these would be affected by the proposed development. This is in accordance with paragraph 128 of the NPPF.

5.26 The applicants have supplied additional information which seeks to demonstrate the archaeological field evaluation can be controlled by way of a pre-commencement of development condition. However, the County Archaeologist strongly disagrees with this approach as it would fail to conform to paragraph 128 of the NPPF which requires the results of archaeological evaluation to be provided in advance of determination so as to allow an informed planning decision to be made. It is therefore recommended by the County Archaeologist that planning permission should be refused for the above reasons.

Ecology

5.27 The application has been supported with an Ecological Assessment which identifies that the site is not located in any international or national areas of conservation importance. Fiddlers Green Lane Meadow Key Wildlife Site (KWS) is located approximately 1.56km north-east of the site. This KWS is an area of neutral grassland which supports an array of plant species. Natural England has been consulted on the application and raises no objections to the proposal in terms of its impact on the KWS.

5.28 The Ecological Assessment concludes that although the remnant orchard on-site would be lost in order to facilitate the proposal, it is not deemed worthy of retention and the provision of a new orchard of similar species would compensate for its loss. Existing trees and hedgerows are recognised as providing ideal opportunities for nesting birds and a variety of species were seen to be using these habitats when undertaking the survey. In addition, the hedgerows are also noted to provide habitat for commuting and foraging bats, providing connectivity to other suitable habitats in the local area.

5.29 The ecological findings, as well as the findings of the LVIA, have led to the creation of a Landscape and Biodiversity Management Plan submitted with the application which seeks to provide, inter alia, enhanced and new habitats. It details the retention and reinforcement of existing hedgerows, the replacement of the plum orchard in the eastern part of field 4 and the provision of bird and bat boxes at suitable locations around the site. It is also recommended that existing grassland would be managed by low level sheep grazing / occasional mowing to enhance the biodiversity value of the habitat.

5.30 Having regard to the above, it is considered that the proposed development is in accordance with the NPPF and Policy NCN5 of the Local Plan subject to an appropriately worded planning condition requiring the measures identified in the Landscape and Biodiversity Management Plan to be carried out.

Flood Risk

5.31 The application site is located within Flood Zone 1, however, due to its size is accompanied by a Flood Risk Assessment (FRA). The FRA shows that the impermeable area introduced across the site is very small relative to the size of the site and as such would have limited impact upon the runoff rates from the site. The Lead Local Flood Authority (LLFA) initially raised an objection to the application and requested the submission of additional information to assess the adequacy of the surface water drainage system. The applicant has prepared and submitted a FRA Addendum which indicates a shallow swale and berm arrangement would be provided at the bottom edge of each slope within the site to prevent any run-off flowing off-site. The LLFA has considered the revised drainage strategy and is satisfied that the surface water management proposals are acceptable.

5.32 Having regards to the above, it is considered that subject to an appropriately worded condition requiring the mitigation to be carried out in accordance with that outlined in the FRA Addendum and the submission of detailed drainage design, the proposal would not have a detrimental impact upon flood risk.

Access and Highway Safety

5.33 Access to the site is proposed to be via an existing field gateway from Old Gloucester Road. A short access track would be constructed within the field to provide access through the site for general access and maintenance purposes. The track would be gravelled (type 1) and would be a maximum of 3.5 metres wide. The County Highways Authority requested the submission of additional information to demonstrate the impact of the development on the local highway network and whether safe and suitable access can be achieved in accordance with the NPPF. Additional information has been provided which illustrates the necessary visibility splays can be achieved and sufficient space is provided within the site to provide for access and turning of HGVs.

5.34 The County Highway Authority therefore raises no objection to the proposal subject to a condition requiring the submitted construction method statement to be adhered to. It is also recommended that standard condition should be imposed requiring no works to commence on site until the first 15 metres of the proposed access road has been completed to at least binder course level.

Residential Amenity

5.35 There are residential properties that are located in close proximity to the proposed solar development (circa. 80 metres to the east of the site). The Council's Environmental Health advisor has commented that inverters, transformer stations and metering substations have the potential to generate noise that can cause nuisance to neighbours. However, it is noted that none of equipment is within 100m of the nearest residential property and the noise effects of the plant at the boundary would be imperceptible above typical background noise levels. The applicants have confirmed that they have no objections to a suitably worded condition which would prevent the development from exceeding a level of 5dBA above existing background noise at the ground floor of any existing residential property. No further comments have been received from Environmental Health as to the acceptability of this condition and whether it addresses previous concerns. An update will be provided at Committee.

6.0 Overall Planning Balance and Conclusions

6.1 The economic, social and environmental roles for the planning system, which derive from the three dimensions to sustainable development in the Framework, require that a balancing exercise be performed to weigh the benefits of the proposed solar panels against their disadvantages.

6.2 Weighing against the proposal are the harm identified to the Green Belt, both in terms of inappropriateness and loss of openness, and the harm to the character and appearance of the countryside. The benefits of the proposal are the significant contribution that would be made towards the reduction of greenhouse gas emissions. The development would also contribute to the local rural economy and would have energy security benefits. It would also offer the potential to improve biodiversity.

6.3 Having regard to the above, while finely balanced, it is considered that the benefits of the proposal do not outweigh the harm to the Green Belt in this case. The industrial appearance of the development, including the solar panels, associated buildings and security fencing, would clearly have an impact on the openness of the Green Belt and would cause additional harm. The harm that would be caused by reason of its inappropriateness, by a significant loss of openness of the Green Belt, in addition to the harm that would be caused to the character of the landscape, is not clearly outweighed by the environmental and biodiversity benefits of the proposed scheme. The archaeological concerns also weigh against the proposal.

6.4 Overall, the proposal does not represent sustainable development and as such the application is recommended for refusal.

7.0 Update

7.1 This application was considered by Planning Committee at its meeting on 22 December 2015 when it was resolved to defer the application in order to negotiate a reduced scheme in an attempt to address landscape concerns.

7.2 Since the December Committee, the agent has prepared and submitted an amended scheme which has reduced the number of proposed solar panels in response to previous concerns raised by the Council's Landscape Consultant and Boddington Parish Council. The solar panels have been reduced to below the 29 metre contour and would no longer be sited in the upper slopes of fields 2 and 4 (see attached plan). The Landscape Consultant has been re-consulted on the amended scheme and considers the revisions to be more sensitive to the local context, particularly as the solar panels now avoid the exposed west facing slope. While the development would still influence the local character, it is noted that the existing hedgerows and proposed mitigation planting would be far more effective at screening and filtering views of the proposed development in its amended form. Whilst the amended scheme does reduce the impact on the landscape to a degree, the proposals would still introduce a significant amount of development into the rural landscape and this is a matter which weighs against the application in the overall planning balance. The conclusions in respect of Green Belt harm set out above still stand and the proposals represent inappropriate development in the Green Belt which would compromise its open character.

7.3 No further comments have been received from Boddington Parish Council as to whether the amended scheme has overcome their objection regarding the landscape impact of the proposed development.

7.4 In seeking to address landscape concerns, the agent has also sought to address the objection raised by the County Archaeologist who recommended that the results of an archaeological field evaluation should be provided prior to the determination of the application. The failure to provide such information had previously formed a reason for refusal when the application was presented to Members at December Planning Committee. However, further discussions have taken place with the agent and the scheme has been amended to use concrete slabs for the mounting of solar panels rather than using piles driven approximately 1.5 metres into the ground (see attached plan). The County Archaeologist has considered these amendments and is satisfied that the use of concrete beams would minimise any impact on underlying archaeological remains and has overcome the need for the results of an archaeological field evaluation to be provided in connection with the proposal. Thus, the County Archaeologist has withdrawn their objection and the requirement for an archaeological field evaluation is no longer cited as a reason to refuse the proposed development.

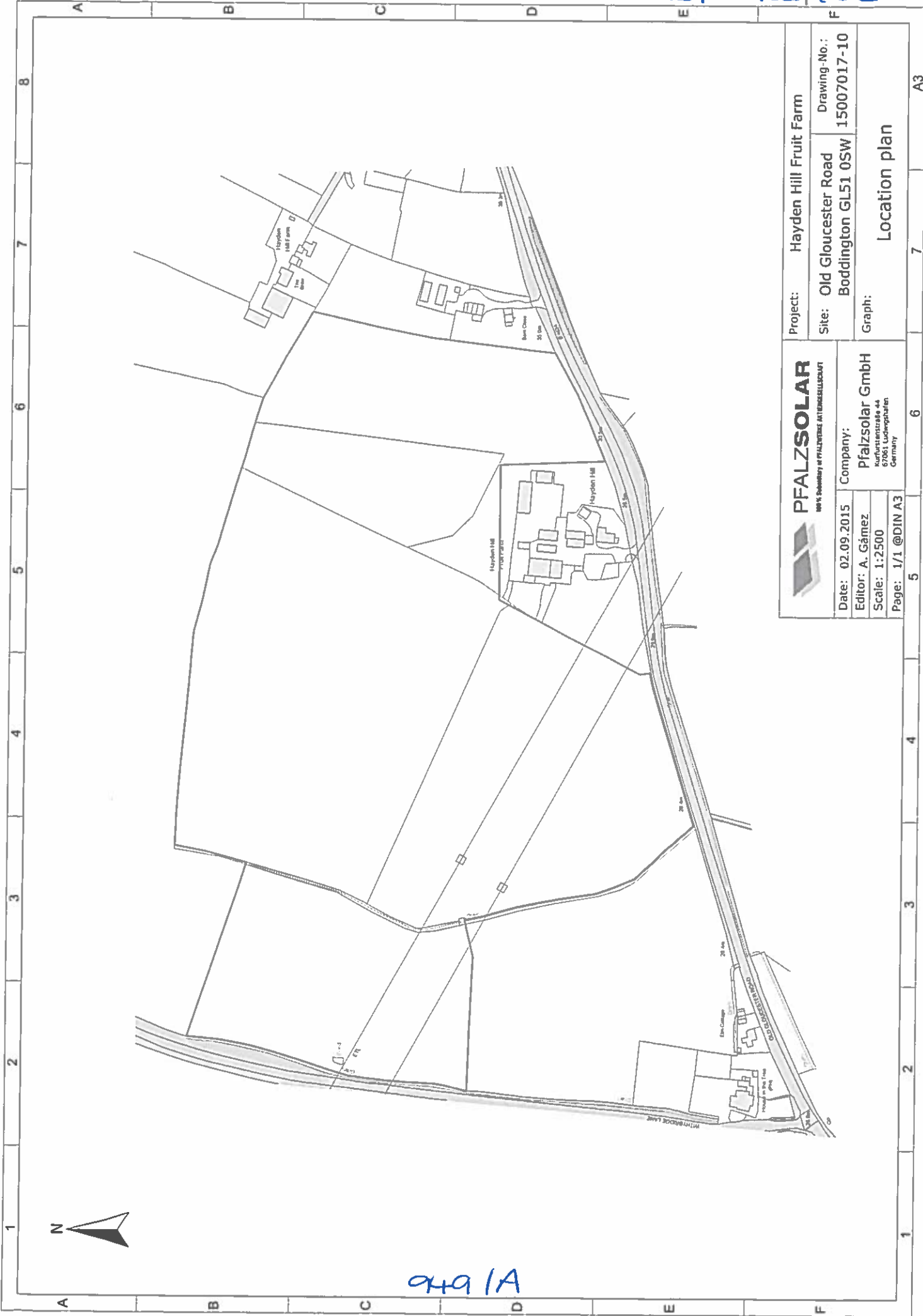
7.5 However, the use of concrete beams to support the solar arrays would have an impact on drainage arrangements for the proposed development. The agent has been advised to provide an updated Flood Risk Assessment (FRA) to allow the Council to fully consider the drainage implications of using concrete beams and demonstrate how any surface water run-off could be effectively managed. No additional information has been submitted by the agent (or applicant) despite requests from the planning officer. In the absence of the requested information, it is therefore recommended that an additional reason for refusal should be added to the officer recommendation and the application refused on the grounds of lack of information in that the Council has insufficient information to correctly assess the impact of the proposed development.

7.6 There is no change to the officer recommendation and the application is recommended for refusal.

RECOMMENDATION Refuse

Reasons:

- 1 The proposed development represents inappropriate development in the Green Belt which would compromise its open character, appearance and function. The proposed development is therefore contrary to paragraphs 87, 88 and 89 and 90 of the National Planning Policy Framework, Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy SD6 of the JCS (Submission Version) November 2014.
- 2 The development would result in significant harm to the character and visual quality of the area by reason of the introduction of an extensive area of development which would significantly influence the local landscape character. The proposal therefore does not represent sustainable development within the context of the NPPF and would be contrary to Section 11 of the NPPF (Conserving and enhancing the natural environment), Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy SD7 of the JCS (Submission Version) November 2014.
- 3 Insufficient information has been submitted to demonstrate that surface water-run off as a result of the proposed development would be effectively managed and would not exacerbate or cause flooding problems. The proposal is therefore considered contrary to the provisions of the National Planning Policy Framework, Policies EVT5 and ETV9 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy INF3 of the JCS (Submission Version) November 2014.



Company:
Pfalzsolar GmbH
 Kurfürstenstraße 44
 67061 Ludwigshafen
 Germany

Date: 02.09.2015
Editor: A. Gámez
Scale: 1:2500
Page: 1/1 @DIN A3

Project: Hayden Hill Fruit Farm
Site: Old Gloucester Road
 Boddington GL51 0SW
Graph: Location plan
Drawing-No.: 15007017-10

949 1A

15/00982/FUL

NOTES

1. Sources for underlay mapping
 - 1.1. Topography survey (within boundary) A.R.M. Surveys Ltd 24/07/2015 Ref: 349-0715-T
 - 1.2. Location mapping © Crown Copyright and database rights 2015
2. Ordnance Survey (license no 10022432)
3. The station plate
 - 3.1. The site of the station indicated by spot heights indicated by the station plate
 - 3.2. The land indicated by access tracks and temporary marshalling area
 - 3.3. Transformer stations
 - 3.4. Primary MV switchgear and metering equipment house
 - 3.5. Deer fencing

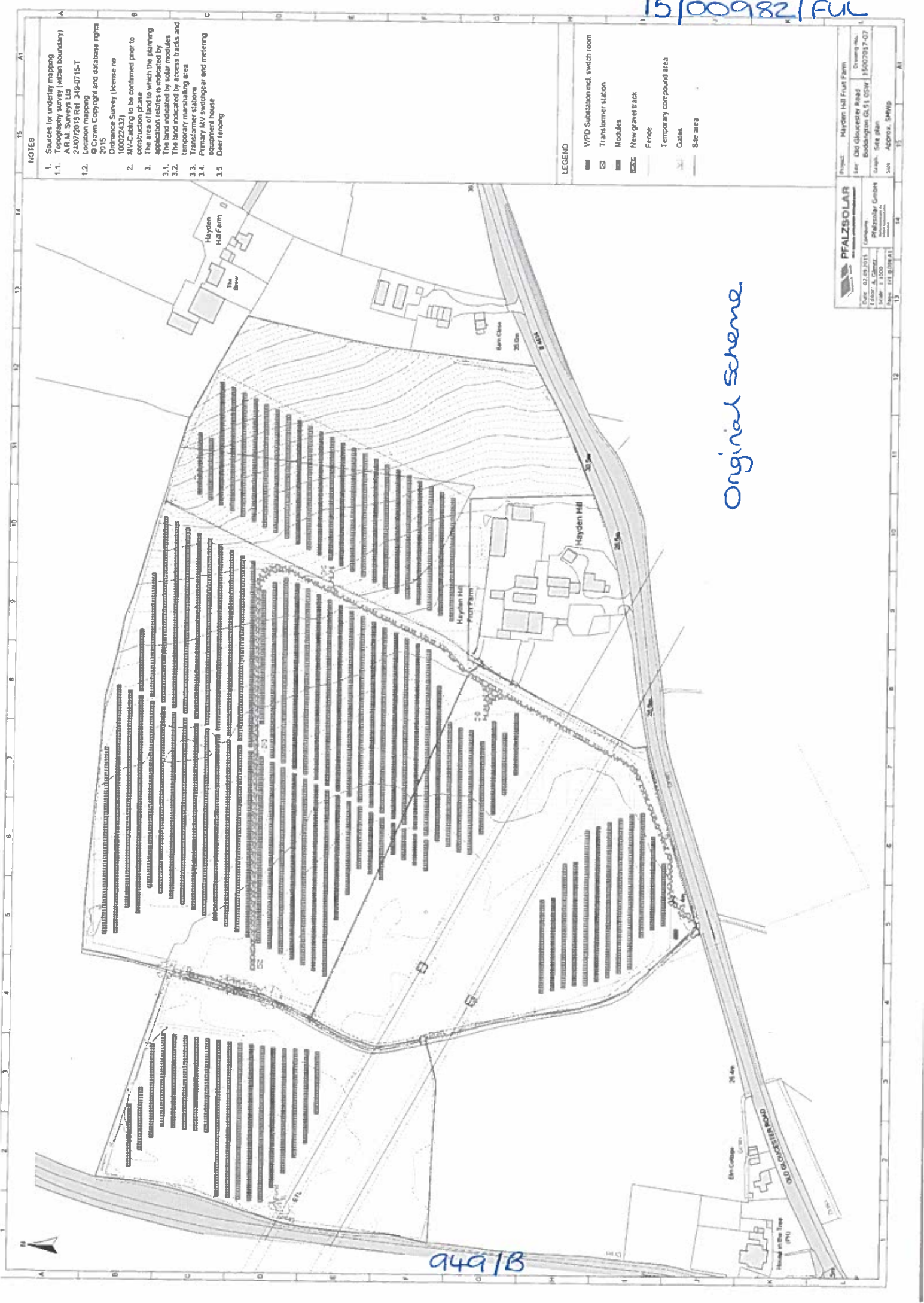
LEGEND

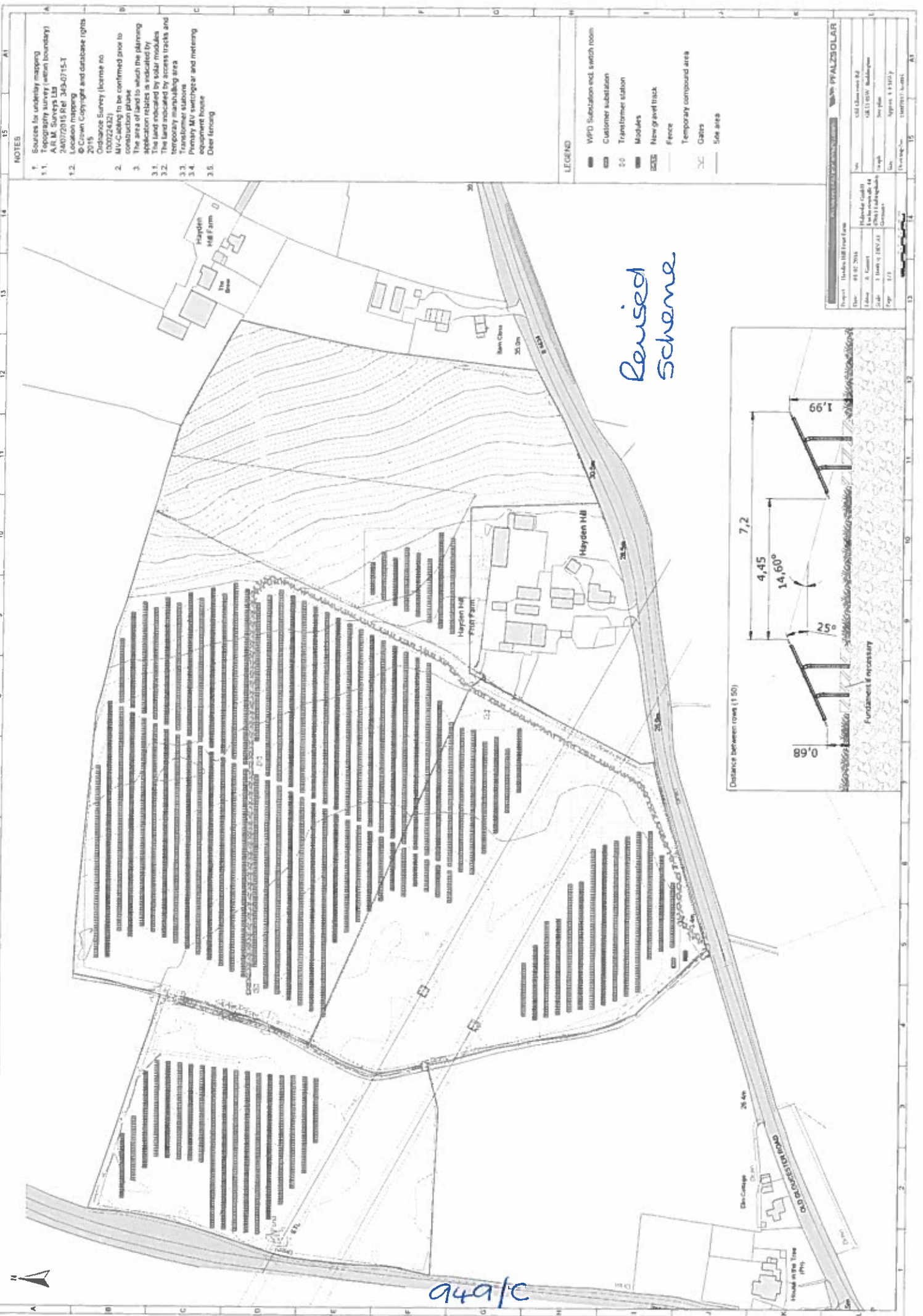
- WPD Substation end, switch room
- Transformer station
- Modules
- New gravel track
- Fence
- Temporary compound area
- Gates
- Site area

PFALZSOLAR
 solar panels and solar technology
 Project: Hayden Hill Fruit Farm
 Site: Old Gloucester Road, Boddington GL51 0SW | 15007917-07
 Date: 02.09.2015
 Author: S. GIBBS
 Scale: 1:1000
 Date: 14.10.2015
 Project Manager: P. HARRISON
 Drawing No.: 15007917-07
 Uplift: Site plan
 Scale: Approx. 5000

Original scheme

949/B



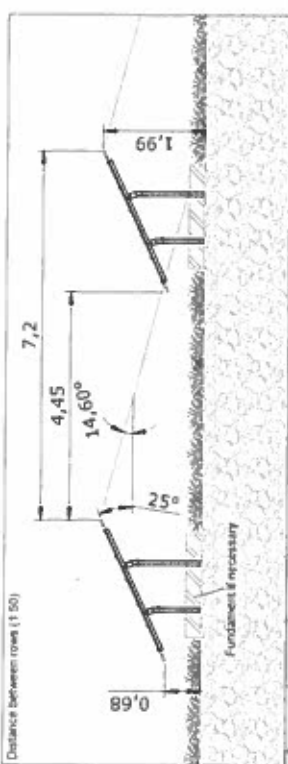


Revised Scheme

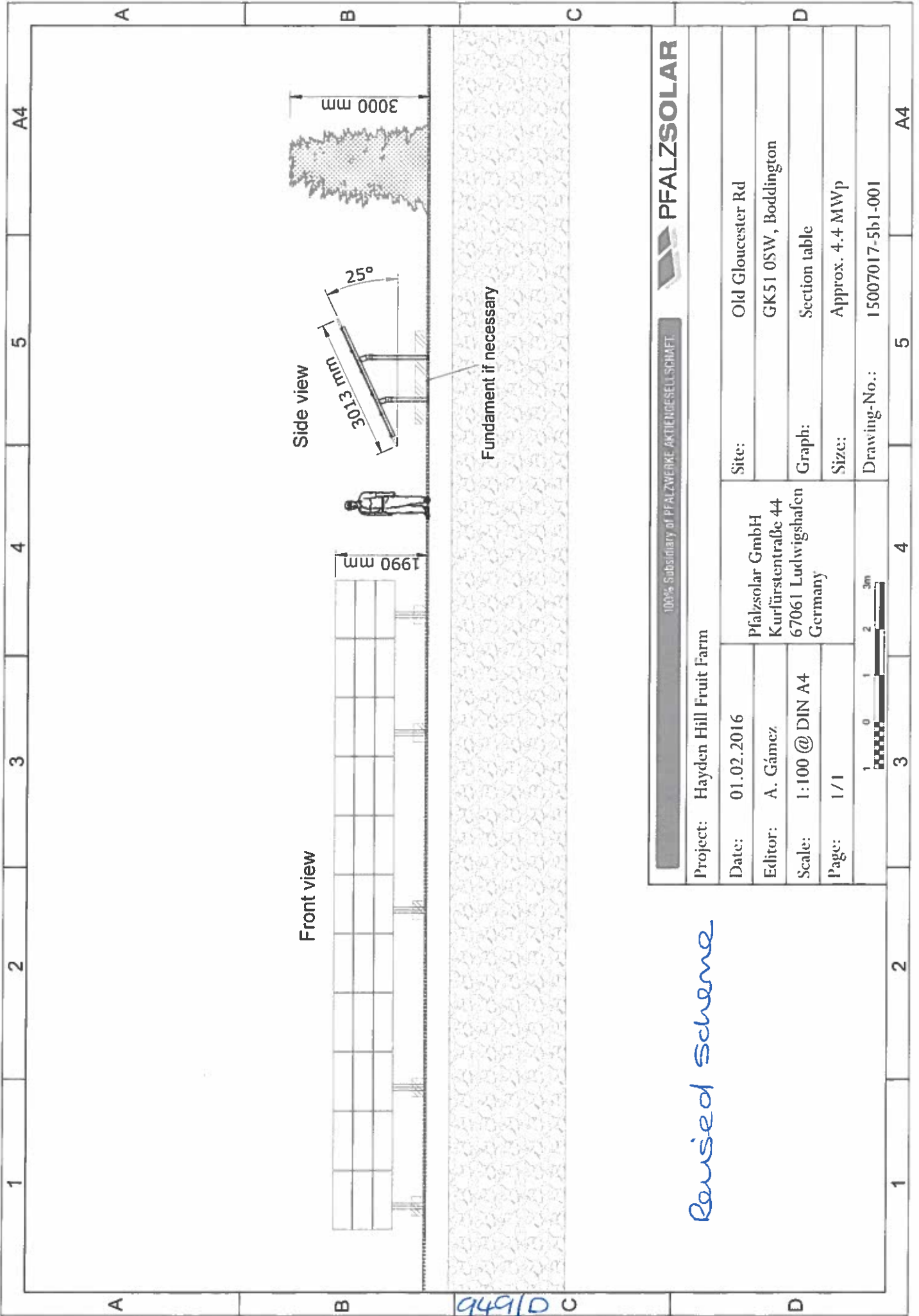
a49/c

- NOTES**
- Sources for underlying mapping
 - Topography survey (within boundary) A.R.M. Surveys Ltd 24/07/2015 Ref: 349-0715-1
 - Location mapping © Crown Copyright and database rights 2015 Ordnance Survey (license no. 100024302)
 - MV cabling to be confirmed prior to construction of the solar farm
 - The area of land to which the planning application relates is indicated by:
 - The land indicated by access tracks and temporary marshalling area
 - Transformer station
 - Primary MV switchgear and metering equipment house
 - Deer fencing

- LEGEND**
- WPD Substation incl. switch room
 - Customer substation
 - Transformer station
 - Modules
 - New gravel track
 - Fence
 - Temporary compound area
 - Gates
 - Site area



Project: Hayden Hill Solar Farm		Scale: 1:1000	
Date: 08/02/2016	Drawn by: A. Coates	Client: Hayden Hill Farm	Scale: 1:1000
Author: A. Coates	Checked: J. Smith	Client: Hayden Hill Farm	Scale: 1:1000
Date: 08/02/2016	Drawn by: A. Coates	Client: Hayden Hill Farm	Scale: 1:1000
Author: A. Coates	Checked: J. Smith	Client: Hayden Hill Farm	Scale: 1:1000
Date: 08/02/2016	Drawn by: A. Coates	Client: Hayden Hill Farm	Scale: 1:1000
Author: A. Coates	Checked: J. Smith	Client: Hayden Hill Farm	Scale: 1:1000



949/10

Raised scheme

PFALZSOLAR

100% Subsidiary of PFALZWERKE AKTIENGESELLSCHAFT

Project: Hayden Hill Fruit Farm	
Date: 01.02.2016	Pfalzolar GmbH Kurfürstentstraße 44 67061 Ludwigshafen Germany
Editor: A. Gámez	
Scale: 1:100 @ DIN A4	
Page: 1/1	

Site: Old Gloucester Rd	
Graph: Section table	
Size: Approx. 4.4 MWp	
Drawing-No.: 15007017-5b1-001	



Valid 06.03.2016

Proposed change of use of agricultural building to a dwelling house, and associated building operations

Grid Ref 395958 231265

Parish Oxenton

Ward Oxenton Hill

Mr William Hitchman
 Bangrove Farm
 Bengrove
 Teddington
 Tewkesbury

RECOMMENDATION Refuse

Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

JCS (Submission Version) November 2014

Tewkesbury Borough Local Plan to 2011 - March 2006 - GNL11, HOU4, HOU10, TPT1, AGR6 and AGR7.

Flood and Water Management Supplementary Planning Document

Cotswolds AONB

Within 50m of a listed buildings (Rose Cottage and Crane Hill)

Public right of way

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

Oxenton Parish Council object -

- The existing shed is not of substantial construction as made apparent by the Engineering consultants Goodhind.
- The design is exceptionally large and out of character with a small village in ANOB. It would also represent a substantial extension of the village boundary, setting a dangerous precedent and also detrimentally affect the landscape features.
- The construction using concrete blocks and composite roof is totally inappropriate for this location, and would be highly visible especially from the Cotswold Way National Footpath.
- Access is of particular concern. The lane connecting the site to the road is narrow in places and used by schoolchildren walking to the pick up point on main road.
- The site itself has no proper drainage which would make any development difficult, especially considering abuse of the site by the previous owner.
- An adjacent farmer believes he has a right of way along the bottom of the site to his field.

Conservation Officer - Objects: The proposed development would fail to preserve or enhance the setting of Crane Hill and Rose Cottage, both Grade II Listed Buildings and the overall public benefits would not outweigh the harm caused.

Cotswolds Conservation Board – Object for the following reasons:

- the structural suitability of the building is not suitable for conversion
- the design is an overly domestic conversion particularly through the number and style of window openings and external detailing would be harmful to the building and surrounding area.
- The scheme has failed to address how, particularly through the design and landscaping process, the character and special qualities of the AONB will be conserved and enhanced as required by the CRoW Act 2000 and NPPF.

CPRE Cheltenham - Objects for the following reasons:

- The site is in a highly attractive and sensitive rural location, outside the residential envelope of the settlement of Oxenton and within the Cotswolds AONB. It lies on the lower slopes of Crane Hill, an outcrop of the Cotswold escarpment, and forms part of fine views from the village and from the Gloucestershire Way long-distance footpath.
- Conversion of what is now a typical agricultural site (albeit in poor condition) to a residential one, with the creation of a residential building, drive, car parking area, gardens and the like, would totally change the

character of the area from a rural to a suburban one.

- The agricultural building proposed for conversion is no more than an open-sided steel-framed barn in an extremely poor state and not worthy of preservation. Although not of themselves attractive, such barns are familiar in rural locations and fit into the rural landscape. On the other hand, the proposed dwelling is in effect a new building, with little if any architectural character or any sympathy with a sensitive rural location. It has all the appearance of having been contrived to seek to fulfill conditions for conversion.
- For the reasons given above, the proposals, if permitted, would damage a sensitive landscape in the AONB. They are contrary to Policy LND1 of the Tewkesbury Local Plan to 2011. They are contrary to NPPF Paragraph 114 which states "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, ..." and consequential policies in the Joint Core Strategy (currently undergoing Examination) and embryonic Local Plan.
- Oxenton is a small rural settlement with very few facilities. As such, it is not allocated for expansion in the Joint Core Strategy (currently undergoing Examination). Nor is it intended for additional housing in the embryonic Tewkesbury Local Plan.

15 letters of local representation received raising the following concerns:

- Oxenton is not designated as a sustainable location for new development by Tewkesbury Borough Council.
- As with most villages the need for affordable housing is the main priority. Another large detached property is not what is needed.
- The existing shed is not of substantial construction.
- enclosing this structure would contribute a 'materially greater impact on the openness of the Green Belt' than the present use.
- The shed was a second-hand structure bought by the previous landowner and assembled by unskilled workers. It is not a long standing building of the village.
- The design does not 'enhance the immediate setting' nor is it of 'exceptional quality or innovative nature'.
- The proposal would be damaging to the AONB
- The development would fail to preserve or enhance the setting of the adjacent listed buildings.
- The design of the building is totally inappropriate.
- Part of the conversion is outside the barns footprint.
- Increased traffic flow would result in highway safety concerns.
- Parking provision is unacceptable.
- The villages suffer from flooding.
- Services such as sewage, water, mains is not available and further investigation is required.
- The development would impact upon protected species.
- The area is a tourist destination and the proposed development would detract from it.

One letter of neighbour representation in support of the application raising the following:

- Current building is an eyesore and de-values both Oxenton village and AONB.
- Agricultural development would be acceptable in principle which would have a far greater negative effect on the village and AONB.
- North facing 1st floor windows be scaled back and landscaping should be address.
- A "new build" slightly smaller footprint, traditional barn building (Cotswold stone, tiled roof and oak features) could also be allowed to replace the existing building.

Planning Officers Comments: Mr Ciaran Power

1.0 Introduction

1.1 The application site relates to agricultural land and associated buildings at land off Crane Hill Lane, Oxenton. The design and access statement accompanying the application explains that the land previously formed part of Hill Farm which has been sold off over the years in various parcels. The application site is now owned by an adjoining farm. There is one existing steel framed building with corrugated metal roofing sheets sited on the application site. A public footpath crosses part of the application site in the north western corner close to the site access. The site is located within the Cotswold AONB and is located in close proximity to Rose Cottage and Crane Hill both of which are Grade II Listed Buildings.

2.0 History

2.1 No relevant planning history found.

3.0 Current Application

3.1 This application seeks planning permission for a change of use of the existing agricultural building to a single dwelling. The building would provide 4 bedrooms and living accommodation including a lounge, kitchen, family room, gym, library, dining room and an internal garage. The proposed development would include turning and off street parking areas within the site and would utilise the existing vehicular access to the site. The proposal also includes a landscaping scheme which includes hedgerow planting and tree planting.

4.0 Policy Context

4.1 The National Planning Policy Framework (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 specific policies in the Framework indicate development should be restricted.

4.3 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Sections 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. The site is located within the Cotswolds AONB and paragraph 115 of the NPPF sets out that great weight should be given to conserving landscape and scenic beauty in AONBs which, along with other designations, have the highest status of protection in relation to landscape and scenic beauty.

4.4 Section 16 and 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. This requirement is also set out at paragraphs 126 and 131 of the new NPPF. 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.

4.5 Section 7 of the NPPF and the Planning Practice Guidance 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.

4.6 Policies AGR6 and AGR7 of the local plan encourages the re-use of rural buildings and seek to preserve their traditional rural appearance and character. Policy AGR7 also states that rural buildings should be capable of conversion to the proposed alternative use without substantial alteration or extension to their original structure.

4.7 The application site lies outside any recognised settlement as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing.

4.8 .The above local plan policies in respect of promoting good design and conserving built heritage are considered to be consistent with the NPPF and are therefore considered to have significant weight. Policy HOU4 is out of date in the context of the NPPF in so far as it relates to restricting the supply of housing. The policy is also out of date because the Council cannot currently demonstrate a five year supply of deliverable housing sites. Paragraph 55 of the NPPF however, specifies that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there

are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.

Analysis

5.1 The main planning issues to be considered in this application are the principle of this development; its impact on the character and appearance of the existing rural building and the Cotwolds AONB; the setting of the nearby listed buildings; the impact upon the residential amenity of neighbours and the traffic/highway safety implications and flood risk and drainage.

Principle of Development

5.2 Policy AGR6 of the Local Plan supports the conversion of rural buildings provided that the buildings are of a permanent and substantial construction and, in the open countryside, they must be capable of conversion without major or complete reconstruction. Whilst policy AGR6 sets out a preferential hierarchy for end uses, the NPPF no longer requires this. Policy AGR7 of the Local Plan reiterates that rural buildings should be capable of conversion without substantial alteration or extension to the original structure. The essential scale, form and character of the original building and as much of the original structure and essential features as possible should be retained.

The submitted Condition Report on Barn Structure by Goodhind Engineering Consultants highlight the following:

1. Ground floor slab structures were absent.
2. New structural elements are to be introduced to enhance the strength and robustness of the existing elements, including the construction of new masonry walls in and around the existing elements.
3. New Foundations for the masonry elements
4. Introduction of a reinforced concrete ground slab
5. Strengthened roof elements
6. New perimeter walls.
7. New roof covering.

5.3 By virtue of the extent of works which would need to be undertaken, it is considered that the existing barn building would not be capable of conversion without major reconstruction, contrary to policies AGR6 and AGR7 of the Local Plan. Having regard to this the principle of conversion is not considered acceptable in this instance.

5.4 For this reason the proposed development would be tantamount to the erection of a new dwelling in the open countryside. Insufficient justification has been provided to support the provision of a new dwelling in this rural location. The site is remotely located relative to the nearest amenities and facilities and is not served by adequate footways, cycleways, or public transport facilities. The proposal would therefore increase the reliance on the private motor vehicle. As such, the development is not considered to represent sustainable development in a rural area.

5.5 The NPPF, which is more up-to-date than the Local Plan, places a clear emphasis on the conversion of existing buildings in the countryside, and, at paragraph 55 specifies that local planning authorities should avoid new isolated homes in the countryside unless there are 'special circumstances'. No such 'special circumstances' apply in this case. . The proposal is therefore in conflict with policy AGR6 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and paragraphs 17 and 55 of the National Planning Policy Framework.

Landscape Impact

5.6 The reasoned justification for policy AGR7 of the Local Plan states that the overall design objective is to retain the rural character and traditional appearance of the original building. The external appearance of the existing barn is largely open sided, low key and agricultural in appearance which is typical of many similar agricultural barns in the countryside. The proposed development would change the appearance of the building substantially to the extent that it would fail to retain any sort of rural character. It would see the introduction of large areas of glazing including roof dormers, external walls (incorporating rendered block work and metal profiling sheeting) enclosing the building and a new porch over the front door. It would also incorporate a large domestic curtilage. The barn sits within a sensitive landscape being within the Cotswolds AONB and would be highly visible from the surrounding footpath network including from the Cotswold Way National Footpath. It is considered that the resulting building would fail to conserve the agricultural character of the existing barn and would change the character and appearance of the site to a more intensive domestic nature, to the detriment of the rural character and appearance of the area. Furthermore, the associated use of the land surrounding the barn and the inevitable domestic paraphernalia would materially detract from the character and appearance of the surrounding landscape. Both national and local planning policies require developments to conserve or where appropriate enhance its landscape. This proposal does neither and as such, the proposal would be contrary to policy AGR7 of the Local Plan and Policy SD8 of the Submission version of the JSC.

Impact upon Heritage Assets

5.7 The application site is also located within 85 metres of Crane Hill and 110 metres of Rose Cottage. The Council's Conservation Officer comments that Oxenton is a small village which sits at the foot of the western scarp of the Cotswold Hills. It has a low density, linear form aligned along an east-west spine with a return at its eastern end: Rose Cottage and Crane Hill, the listed buildings highlighted above, are the last two buildings on this lane and mark the southernmost extent of the village. Both are archetypal thatched, timber-framed rural cottages and the surrounding agricultural land forms part of their wider setting, so contrary to the design and access statement, the application will have some impact on their setting simply by extending the envelope of the settlement. The Conservation Officer also questions whether the scheme is an appropriate form of development in reasonably close proximity to such sensitive heritage assets. Both are modest vernacular cottages whereas the proposed dwelling is undisguisedly a 600m² industrial building, and the disparities in scale and architectural quality are enormous: certainly there is no benefit to either Crane Hill or Rose Cottage in having such a development as a neighbour.

5.8 Historic England's 2015 'Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets' advises 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.' In this case the domestication of the building and its surrounding land would further detract from the setting of the heritage asset. The proposed development would fail to preserve or enhance the setting of the nearby heritage assets, which are Grade II Listed Buildings and the overall public benefits would not outweigh the harm caused. As such the proposed development is contrary to Section 12 of the NPPF and emerging Policy SD9 of the Submission Joint Core Strategy (November 2014).

Residential Amenity

5.9 The proposed dwelling would be well distanced from other residential dwellings, and it is considered that, by virtue of the scale and form of the proposed development and its proximity to other dwellings, this would not unreasonably affect the amenity of adjoining occupiers. It is further considered that the comings and goings of vehicles associated with the proposed residential use of this scale would not significantly adversely affect their amenity.

Access and Parking and Impact on Highway Safety

5.10 The proposal would continue to use an existing access through Oxenton which is an unclassified highway and would provide off-road parking spaces for a minimum of two cars. The level of parking proposed is considered inadequate for a development of the proposed scheme, taking into account the floor space generated by the development and the lack of any on-street parking or turning provision. There would be adequate space within the application site to increase to level of off street parking provision and therefore should members be minded to grant planning permission it is recommended that a condition be imposed requiring a scheme for parking and turning to be provided. The development would utilise an existing agricultural access and the level of development is unlikely to significantly increase the number of traffic movements to an extent that would result in an objection on highway safety grounds.

Drainage and Flood risk.

5.11 The site is located in Flood Zone 1 according to the Environment Agency's most up-to-date flood maps. Having regard to this it is not considered that the proposed development would result in unacceptable flood risk and would therefore accord with Policy EVT5 of the Local Plan, Policy SD14 of the Submission Version of the Joint Core Strategy and section 10 of the NPPF.

5.12 In terms of foul drainage, the application proposals the use of a Package sewage treatment plant (PTP). Government guidance contained within paragraph 20 of subsection 2 of the Water Supply Wastewater and Water Quality section of the Planning Practice Guidance (PPG), gives a hierarchy of drainage options that should be considered and discounted in the following order:

- 1. Connection to the public sewer;
- 2. Package sewage treatment plant (PTP);
- 3. Septic tank (discharging to soakaway);

5.13 The utilisation of non-mains drainage as part of the planning proposal will only be allowed in exceptional circumstances and the development must provide evidence that a connection to the sewer is not practicable. No Foul Drainage Assessment has been submitted with the application and therefore the applicant has failed to demonstrate why the development could not be connected to a public sewer. Having regard to this it is considered that the proposed development would be contrary to Policy SD14 of the Submission Version of the Joint Core Strategy and section 10 of the NPPF.

6.0 Conclusion

6.1 Taking into account all of the above, it is concluded that this application, given the significant structural and rebuilding works proposed would be tantamount to the erection of a new dwelling in the open countryside and insufficient justification has been provided to support such a proposal in this rural location. The development is not considered to represent sustainable development. Further, the reconstruction works proposed would significantly alter the existing structure and would change the character and appearance of the site to a more intensive domestic nature, to the detriment of the rural character and appearance of the AONB. In addition the development would fail to preserve or enhance the setting of the nearby heritage assets. The applicant has also failed to demonstrate that the site could not be connected to the public sewer. The parking provision within the site is also considered to be inadequate although this could be addressed by the submission of further details.

6.2 Whilst the proposed development would provide an additional dwelling, which would generate some economic benefits it is considered that the adverse impacts arising from the proposal would significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission is refused.

RECOMMENDATION Refuse

Reasons:

- 1 The proposed development would be tantamount to the erection of a new dwelling in the open countryside and there is insufficient justification to support the provision of a new dwelling in this rural location. The site is remotely located relative to the nearest amenities and facilities and is not served by adequate footways, cycleways, or public transport facilities. The proposal would therefore increase the reliance on the private motor vehicle. As such, the development is not considered to represent sustainable development in a rural area. The proposal is therefore in conflict with policies TPT1 and AGR6 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and paragraphs 17 and 55 of the National Planning Policy Framework.
- 2 The proposed development would involve major reconstruction of the existing barn, which would significantly alter the existing structure, and there is insufficient justification to support the reconstruction. The alterations would change the character and appearance of the site to a more intensive domestic nature, to the detriment of the rural character and appearance of the area. Furthermore, the harm to the landscape would be compounded by the associated intensification and domestication of the surrounding land which would further detract from the qualities of the rural landscape. The proposal therefore conflicts with policies AGR6 and AGR7 of the Tewkesbury Borough Local Plan to 2011 (March 2006), Policy SD8 of the Submission Version of the Joint Core Strategy and the National Planning Policy Framework.

- 3 The application has not been accompanied by a Foul Drainage Assessment to demonstrate why the development could not be connected to a public sewer. Having regard to this it is considered that the proposed development would be contrary to Policy SD15 of the Submission Version of the Joint Core Strategy and section 10 of the NPPF.
- 4 The proposed development would fail to preserve or enhance the setting of Crane Hill and Rose Cottage, both Grade II Listed Buildings and the overall public benefits would not outweigh the harm caused. As such the proposed development is contrary to Section 12 of the NPPF and emerging Policy SD9 of the Submission Joint Core Strategy (November 2014).

Note:

Statement of Positive and Proactive Engagement

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



DO NOT SCALE
ALL MEASUREMENTS TO
BE CHECKED ON SITE



Client
Mr Hitchman

Project
Land adjacent to
Crane Hill farm
OXENTON
GLDS GL52 9SE

Drawing Title
Location Plan

Scale 1:1250

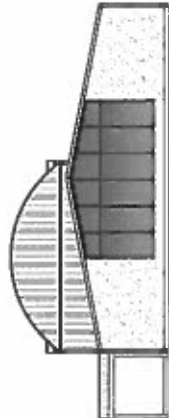
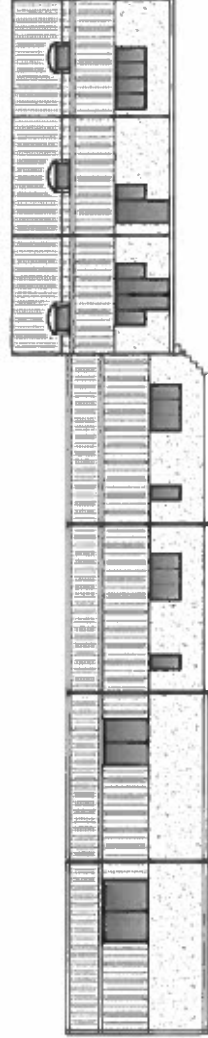
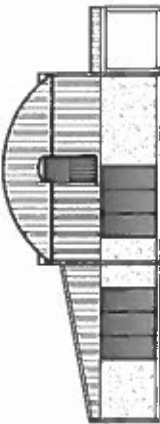
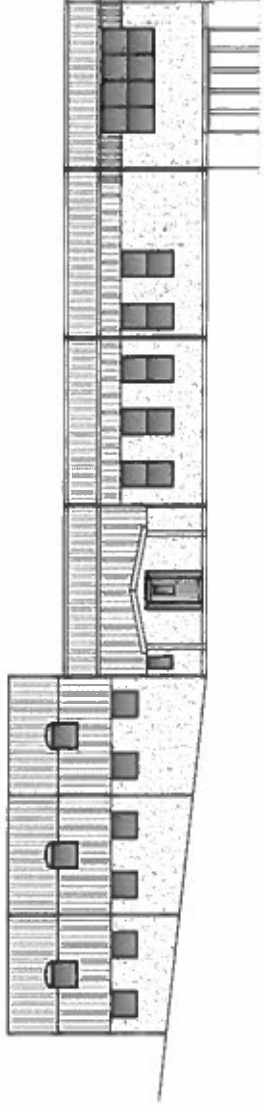
Date 30/9/14

Drawing Number

Drawn by DS

14/122/1

956/A



95618

IN METRIC SCALE
ALL DIMENSIONS IN METERS



Client
Mr. Hitchman

Project
Land adjacent to
Crane Hill Farm,
DVENTON
GLDS GL52 9SE

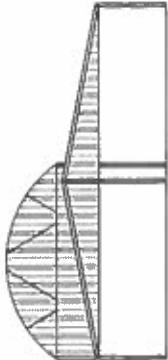
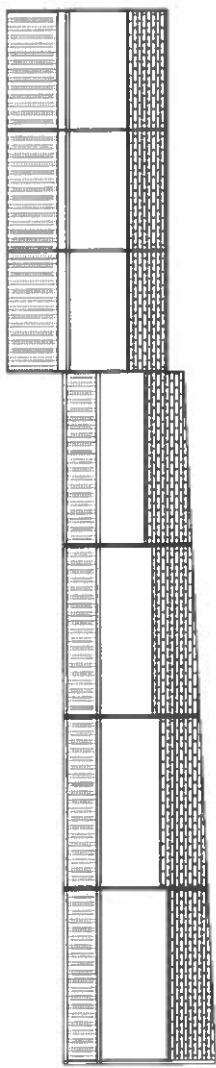
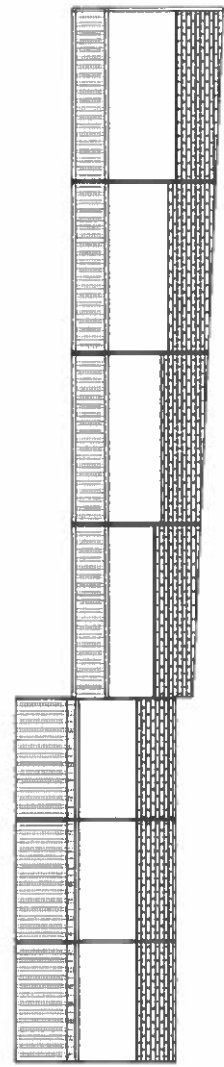
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PROPOSED ELEVATIONS

Scale
1:100

Date
9/3/15

Drawing Number
14/122/10

Drawn by
BS



956/C

DO NOT SCALE
ALL DIMENSIONS TO
BE CHECKED ON SITE



Client
Mr Hitchman

Project
Land adjacent to
Grange Hill Farm,
OXFORD
GLDS 0452 95E

Subject Site
EXISTING ELEVATIONS

Scale 1:100

Date 9/3/15

Drawing Number
14/122/9

Drawn by DS

TIMBER POST AND RAIL
BOUNDARY FENCE, @ 1.2M HIGH

HAWTHORN & BLACKTHORN HEDGEROW
PLANTED AT 450MM CENTRES,
KEPT AT 1500MM HIGH

PLUM TREES (PRUNUS DOMESTICA)
PLANTED AT 4.5M SPACES
AND 4.5M OFFSET

EXISTING BOUNDARY TREATMENTS
REPAIRED AND REINSTATED.
ALL EXISTING HEDGEROWS AND SHRUBS
TO BE UNTOUCHED

ENTRANCE PATHWAY IN CRUSHED LOCAL
STONE, TO 20MM

RAMP TO LOWER GROUND FLOOR
IN BLOCK PAVERS

ENTRANCE DRIVE FROM HIGHWAY
IN CRUSHED LOCAL STONE,
20MM

EXISTING BOUNDARY TREATMENTS AND
HEDGEROW



EXISTING BUILDING

EXISTING HARDSTANDING

OPTIONAL TURNING HEAD
FOR HIGHWAYS ADOPTION
SUBJECT TO HA COMMENTS

EXTENSION OF HIGHWAY TO
APPLICATION SITE CONSTRUCTED
TO HIGHWAY AUTHORITY
STANDARDS, TO BE ADOPTED.

EXISTING HIGHWAY.
WIDTH INCREASE OPTION
SUBJECT TO HIGHWAY
AUTHORITY COMMENTS.



956/0

ALL MEASUREMENTS TO
BE DECIDED ON SITE



Client
Mr Hitchman

Project
Land adjacent to
Crane Hill Farm,
DYENTON
GLDS GL52 9SE

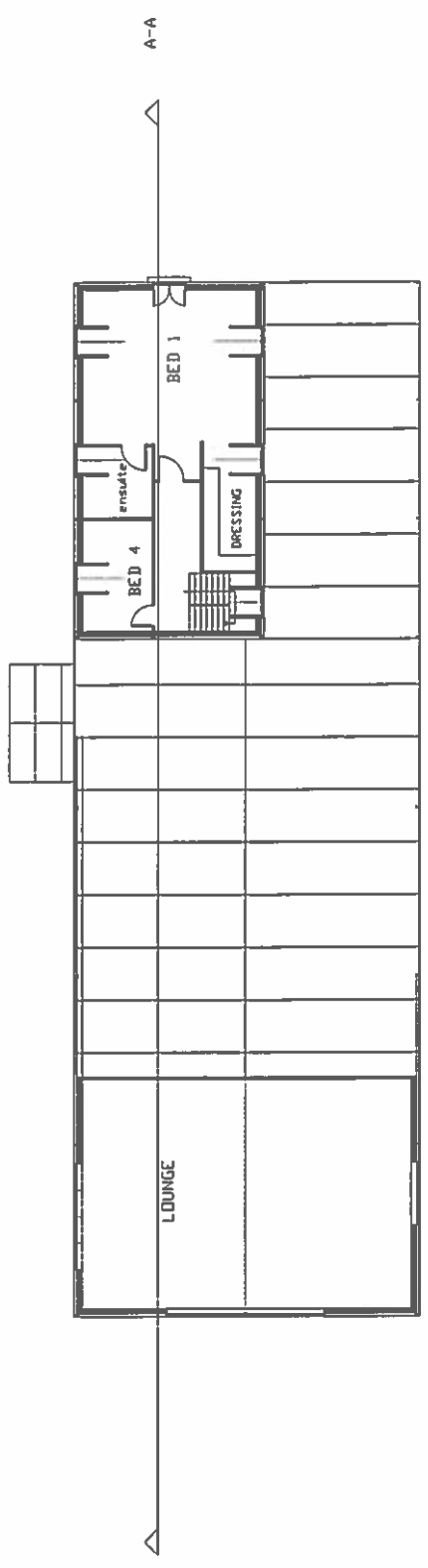
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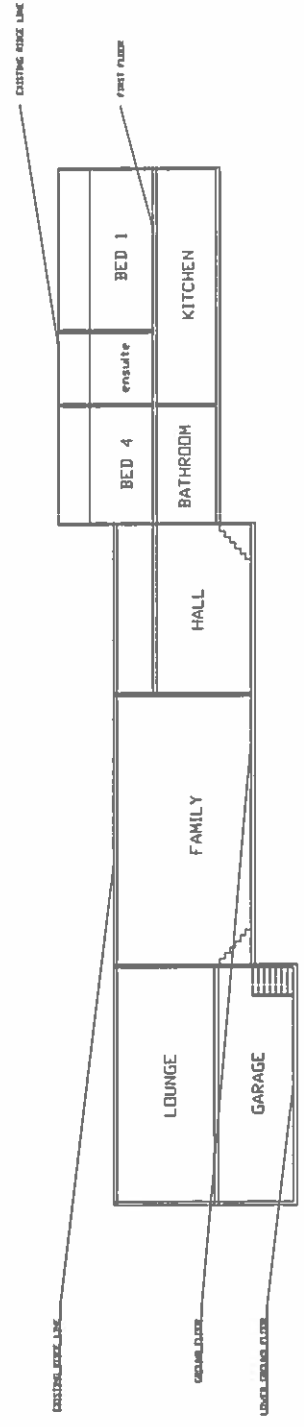
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3/3/16

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DS

Drawing Number
14/122/13



FIRST FLOOR



SECTION A-A

DO NOT SCALE
ALL DIMENSIONS TO
BE LOCATED ON SITE



Client
Mr Hitchman

Project
Land adjacent to
Crane Hill Farm,
OXENTON
GLDS GL52 9SE

Drawing Title
PROPOSED PLAN

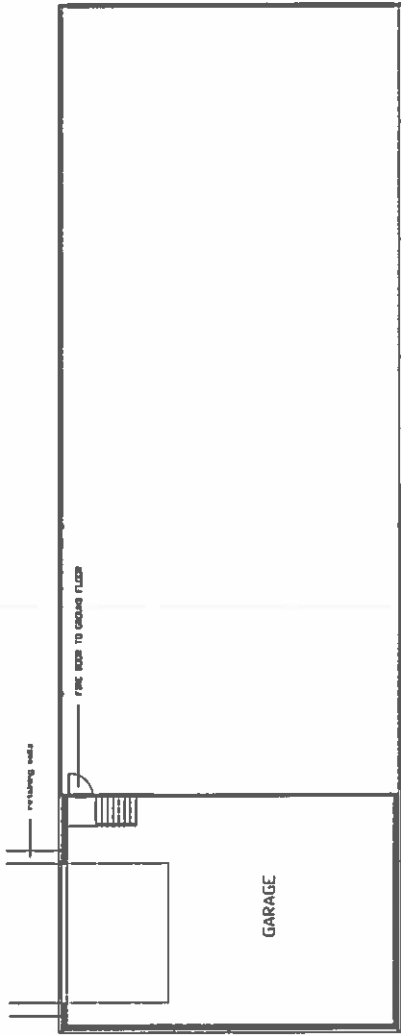
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3/3/16

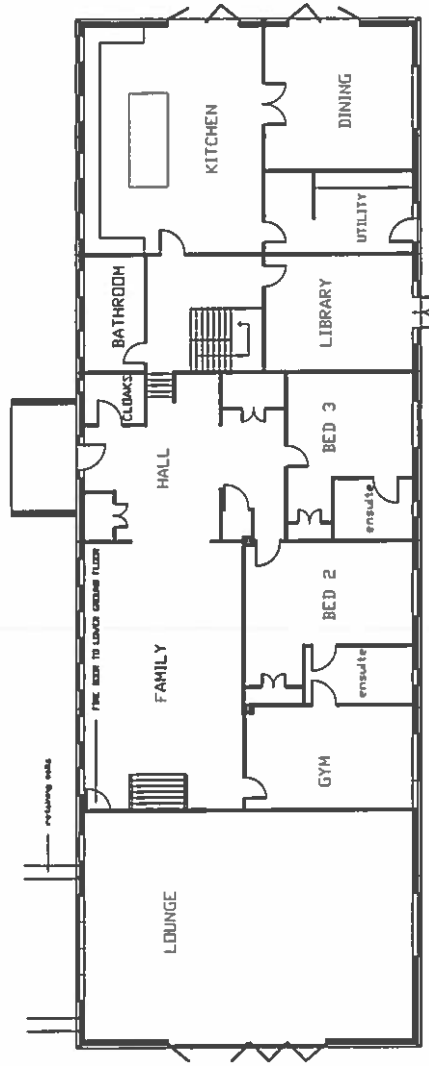
Drawing Number
14/122/12

Drawn by
DS

956/E



LOWER GROUND FLOOR



GROUND FLOOR

NO NET SCALE
ALL MEASUREMENTS TO BE CHECKED ON SITE



Client: Mr Hitchman

Project: Land adjacent to Drene Hill Farm, OXENTON GLOS GL52 9SE

Drawing Title: PROPOSED PLAN

Scale: 1:100
Date: 3/3/16
Drawing Number: 14/122/8A
Drawn by: DS

0956/f

Valid 14.09.2015
Grid Ref 388305 219169

Upgrade existing entrance track

Parish Churchdown
Ward Churchdown Brookfield

Mr David Peake
28 The Street
Uley
Dursley
GL115SY

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework
Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 - Policies GRB1, LND2, TPT1 EVT9
Flood and Water Management SPD
Joint Core Strategy (Submission Version) November 2014
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)
Green Belt
Special Landscape Area

Consultations and Representations

Churchdown Parish Council - Objection on grounds that the proposed development would urbanise the natural environment. It was also noted in relation to the original scheme that the proposal was not complimentary to the landscape, may result in surface water being discharged onto the road and could result in the spillage of earth due to soil which has been placed on site by the applicant. In terms of the revised scheme, the Parish Council maintain their objection and comment that this is a Green Belt site, the grassed bank has wild flowers in season and the introduction of railway sleepers is felt to be inappropriate.

GCC County Highways Authority - No objection. The upgraded site entrance will improve access arrangements for the site and will have no significant adverse impact on Chosen Hill.

Land Drainage Officer - No objection to revised drainage strategy subject to the rainwater harvesting tank, soakaway overflow and French drain being implemented in accordance with suppliers' specifications and standard industry guidance.

Public Representations - Two letters of objections have been received from the same local resident in relation to both the original and amended scheme. The reasons for objection are detailed below:

- o The proposed gabion baskets are too harsh and incongruous for such a sensitive area, particularly at this elevated position at a height of 2 metres extending for a distance of 16 metres along the existing menage;
- o The description of development is a complete misnomer to what is being carried out on site and the plans are entirely different and removed from the formal description, with 'the track' being only a minor part.
- o The proposed works are resulting in the transformation of a delicate landscape and would cause harm to the Special Landscape Area.

Planning Officers Comments: Mrs Helen Stocks

1.0 Application Site

1.1 The application relates to a parcel of land located on Chosen Hill in Churchdown. The site is currently used for equestrian purposes and there are existing stable blocks and horse menage located immediately south of the application site. Access is provided from the unclassified single track lane up Chosen Hill (see attached location plan).

1.2 The site is located in the Green Belt and Special Landscape Area (SLA). There are several Public Rights of Way (PROWs) within proximity of the application site, the closest of which follows the route of the unclassified road that extends along the eastern boundary of the site.

2.0 Planning History

2.1 Planning permission was granted in November 1983 for the retention of part of an existing building for private use as stabling for two horses (ref: 83/00554/FUL). At the same time, planning permission was refused for the erection of a loose box and tack room for private use (08/00553/FUL).

2.2 Planning permission was refused in November 1991 for the erection of a stable (ref: 91/94226/FUL).

2.3 Planning permission was granted in July 2001 for a replacement stable/tack room and one remote stable with two stables and feed storage in single location (ref: 00/00809/FUL).

2.4 More recently, the site has been subject to an open enforcement case regarding potential unauthorised engineering operations. This was in relation to the upgrade works to the existing access track and resulted in the submission of the current application.

3.0 Current Application

3.1 The current application seeks planning permission for the upgrade of an existing entrance track to provide improved access and parking for a horsebox to allow for the safe loading/unloading of horses away from the highway. The works include the widening of the existing access track by removing a section of the grass banking along the western site boundary. The widened track would be fitted with a geo-textile membrane topped with hardcore and then finished with crushed stone and mixed grass seed. The grass banking would be re-profiled to a sloping gradient once works to the access track surface are complete. The existing entrance gates would also be re-positioned closer to the highway and a retaining wall would be erected at the site entrance, made of reclaimed railway sleepers (**see attached plans**).

3.2 The application also seeks permission for the erection of a retaining wall, made of 2 metre high gabion baskets (with 0.3 - 0.5 metres below ground), to the grassed bank further south of the access track (**see plans**). The applicant has confirmed that this is required to retain the grass banking and prevent earth from sliding into the existing horse menage.

3.3 Revised plans have been submitted following an initial objection from the Council's Land Drainage Officer in relation to the proposed soakaway arrangements. The revisions have amended the drainage arrangements for the site and make provision for the installation of a french drain to collect surface water runoff from the enlarged access track which would be discharged into a rainwater harvesting tank that would be located underground (**see attached plans**). In addition, the site entrance is now shown to be surfaced with ground re-enforcement mats which would be infilled with gravel to prevent any surface water being discharged onto the highway.

3.4 It should be noted that this application is part retrospective. While works have now ceased to allow for the consideration and determination of this application, the excavation of the grassed bank to allow for the widening of the access track had been undertaken prior to the submission of the application.

4.0 Policy Context

4.1 The application site is located in the Green Belt. The National Planning Policy Framework (NPPF) states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 makes clear that local planning authorities should ensure substantial weight is given to any harm in the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.2 Paragraph 90 of the NPPF goes on to state that certain forms of development may not be inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. This includes, amongst other things, engineering operations. This approach to development in the Green Belt is also set out in Policy GRB1 of the Local Plan which makes clear that engineering operations may not constitute inappropriate development. Policy GRB1 is deemed to be consistent with the NPPF in this regard and should be given considerable weight in the determination of this application.

4.3 Policy LND2 of the Local Plan relates to Special Landscape Areas (SLA) and sets out that special attention will be accorded to the protection and enhancement of the landscape character of the SLA which are of local significance. Proposals must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology, or detract from the quiet enjoyment of the countryside.

4.4 Policy TPT1 of the Local Plan is also of relevance to this application and sets out that development should be permitted provided that the traffic generated by the development would not impair the safety or satisfactory operation of the highway network and would not cause an unacceptable loss of amenity to users of adjacent land.

4.5 Policy EVT9 of the Local Plan sets out development proposals must demonstrate that appropriate provision has been made in their design for the on-site attenuation and treatment of surface water run-off. Further guidance on this matter is contained in the Council's Flood and Water Management SPD which is a material consideration in the determination of this planning application.

5.0 Analysis

5.1 The main issues for consideration relate to the principle of development given the site's location in the Green Belt; the impact of the proposed works on the SLA; highways safety; and, flood risk and drainage.

Green Belt

5.2 The NPPF and Policy GRB1 of the Local Plan set out engineering operations may not constitute inappropriate development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

5.3 In considering the current proposal, it is accepted that the scope of works would constitute engineering operations. The proposed works would allow improvements to be made to an existing access track and it is considered that the removal of part of the grassed banking to provide an enlarged parking and turning area would have limited impact on the openness of the Green Belt. Furthermore, the proposed works would not conflict with the purpose of the Green Belt which aims to prevent urban sprawl and assist in the safeguarding of the countryside from encroachment. The proposed access track would be re-seeded with mixed grasses which would help it to assimilate to the surrounding landscape rather than having a hard surface treatment that would be more typical of an urban area.

5.4 For these reasons, the proposal is deemed to constitute appropriate development in the Green Belt and would accord with the provisions of the NPPF and Policy GRB1 of the Local Plan.

Impact on character and appearance of SLA

5.5 Objections have been received from the Parish Council and a local resident on grounds that the proposed upgrade works would have an urbanising effect on the area and would not be in keeping with the character and appearance of the SLA. Particular concern is expressed in relation to the materials for the proposed retaining walls along the western side of the site, namely the proposed gabion baskets and the reclaimed railway sleepers.

5.6 The proposed retaining walls would, however, make use of natural materials and would not appear out of character in the SLA. There is existing mature vegetation along the eastern boundary of the site and the proposed access track and retaining walls would be largely screened from view and would not appear overly prominent in the surrounding landscape. The existing vegetation would be retained and the applicant has indicated that additional planting would be undertaken to enhance the existing boundary and stabilise the grass banking. It is recommended that this additional planting is controlled by the imposition of a landscaping condition.

5.7 Although the gabion baskets would not be overtly visible from public vantage points, it is acknowledged that the appearance of the gabion baskets could be softened if soil was intermixed with the stone to allow for the plating of grasses or other vegetation. This would help the gabion baskets assimilate to the grass banking behind and would improve the aesthetical appearance of the retaining wall. It is recommended that these details can be secured by way of an appropriately worded condition.

5.8 Subject to the recommended conditions, it is considered that the proposed development would not have a detrimental impact on the visual amenity of the area and would cause no undue harm to the character and appearance of the SLA in accordance with Policy LND2 of the Local Plan.

Highways Safety

5.9 The County Highways Authority (CHA) has been consulted on the application and raised no objection to the proposal on highways grounds. It is commented that the proposed works would improve existing access arrangements and would not cause undue harm to other road users on Chosen Hill. Indeed, the provision of an off-road parking and turning area would improve the safe operation of the highway network as vehicles would no longer need to stop on the single track road for the loading / unloading of horses. As such, the proposal is deemed to be accord with the requirements of Policy TPT1 of the Local Plan.

Flood Risk and Drainage

5.10 The Council's Land Drainage Officer raised an initial objection to the proposed soakaway arrangements. It was considered that the proposed arrangements would fail to satisfactorily deal with the surface water drainage and would have resulted in surface water run-off being discharged onto the highway. In light of this objection, the applicant liaised direct with the Land Drainage Officer and supplied amended drawings to overcome concerns. The revisions indicate the surface water drainage would be dealt with by the installation of a french drain along the eastern boundary of the site, which would connect to a rainwater harvesting tank located underground. Provision has also been made for an overflow soakaway and the surface treatment at the site entrance has been amended to channel surface water run-off into the rainwater harvesting tank.

5.11 The Land Drainage Officer has been consulted on the amended scheme and is satisfied that the proposed development satisfactorily addresses previous concerns subject to a condition requiring the proposed drainage strategy to be implemented in accordance with suppliers' specifications and standard industry guidance. The proposal is therefore deemed to comply with Policy ETV9 of the Local Plan and the Flood and Water Management SPD.

6.0 Conclusion

6.1 For the reasons set out in the aforementioned section, the proposed development is deemed to comply with the provisions of the NPPF and relevant policies of the Tewkesbury Borough Local Plan to 2011 - March 2006. The proposal would constitute an engineering operation which would not impact on the openness of the Green Belt or conflict with the purposes of including land within it. Subject to conditions, it is not considered that the proposal would have a detrimental impact on the character and appearance of the SLA and would not cause harm to the safe and satisfactory operation of the highway network. Previous concerns relating to the proposed drainage strategy have been resolved and the revised scheme is considered to satisfactorily deal with surface water run-off. Thus, the planning application is recommended for **Permit**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the drawing 'proposed upgrading of existing access track' received 24 February 2016 and information contained in the covering letter and email received on 24 February 2016 and 23 March 2016 respectively.
- 3 The surface water drainage works hereby permitted shall be carried out in accordance with the approved details and shall be implemented in accordance with suppliers' specifications and standard industry guidance.
- 4 Notwithstanding the approved plans, a comprehensive landscaping scheme for the site shall be submitted to and approved by the Local Planning Authority within a period of three months of the date of this permission. The landscaping scheme shall include full details of the hedgerow improvements, specify the fill materials of the gabion baskets and full details of the basket planting, including the seed mix and type.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem in accordance with the NPPF and Policy EVT9 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 4 To ensure that the development will be visually attractive in the interests of amenity in accordance with the provisions of the NPPF and Policy LND2 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 drainage issues.

- 2 The development includes a retaining wall adjacent to the highway and the Applicant/Developer is required to have regard to Section 167 of the Highways Act 1980, which in some circumstances requires plans, sections and the specification of the retaining wall to be submitted to the County Council for its separate approval before works on the development can commence.
- 3 The proposed development will require the provision of a verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.
- 4 The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

15/00817/FUC

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14 SEP 2015

TEWKESBURY BOROUGH COUNCIL
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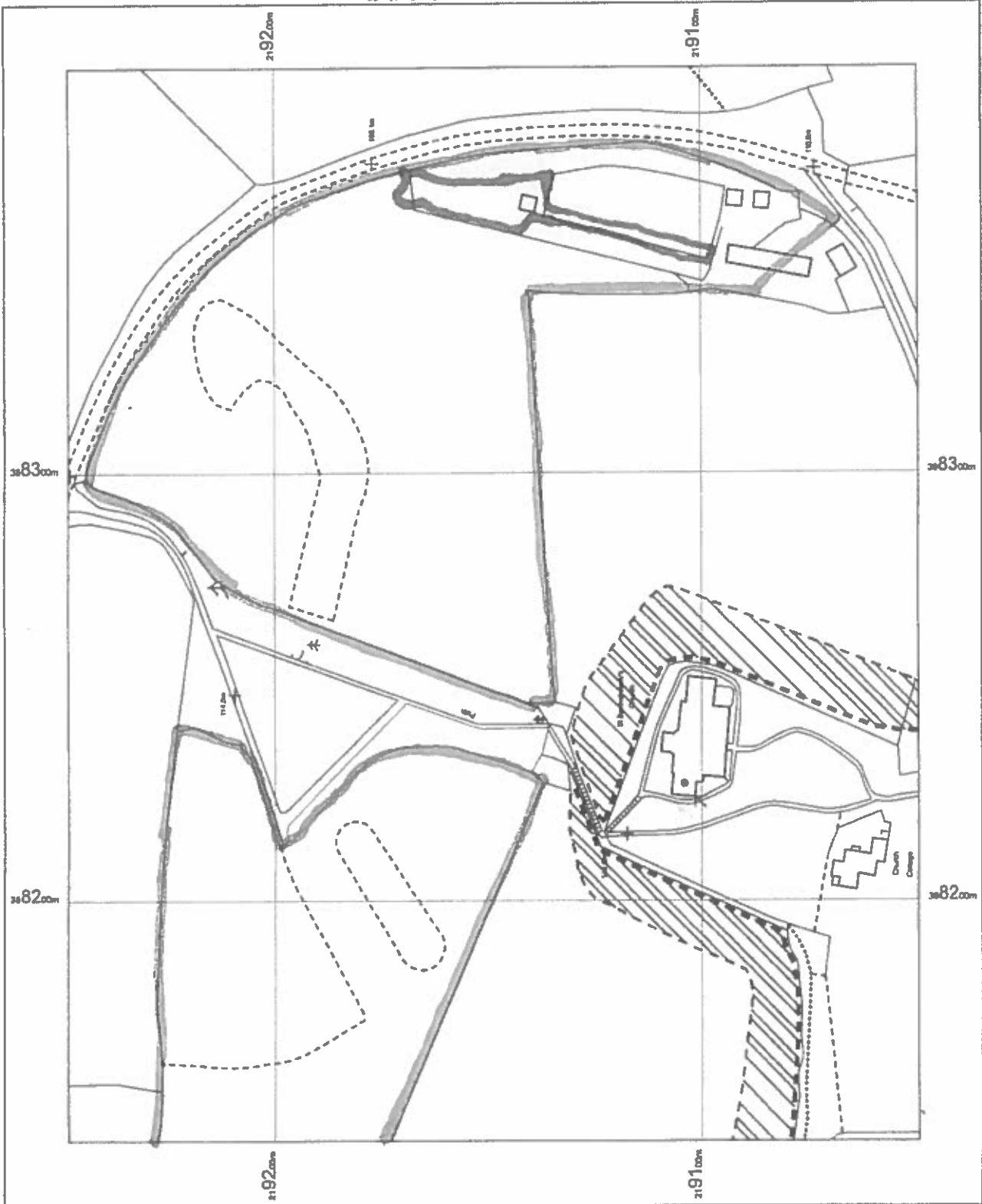
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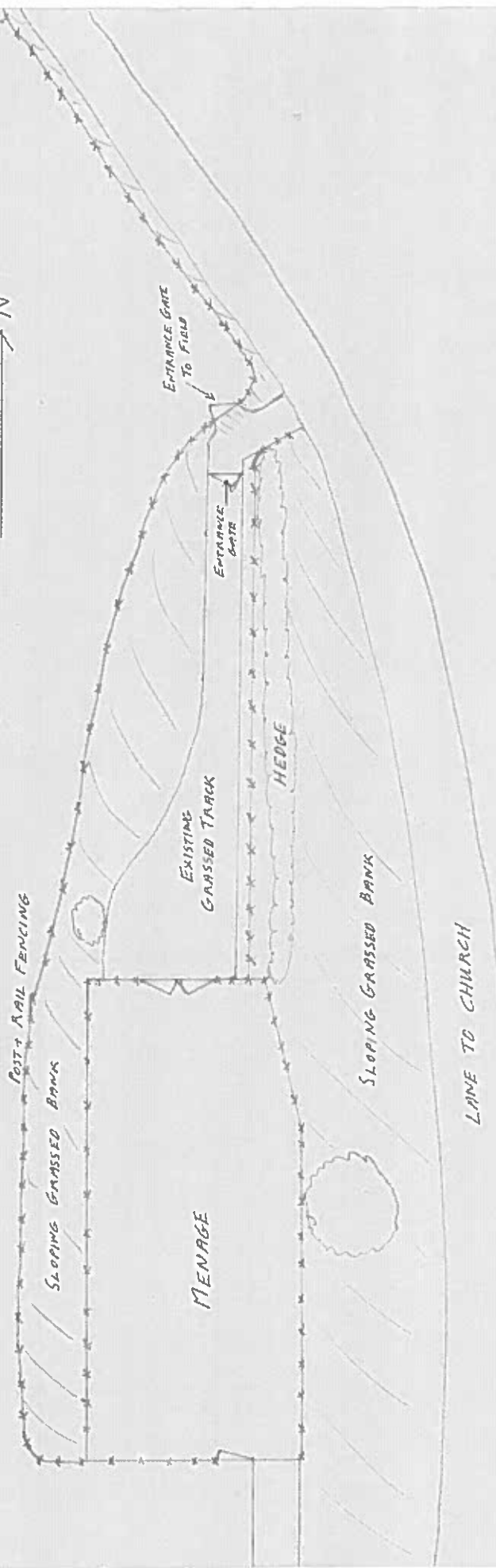
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Glengariff Stables

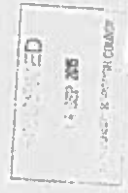


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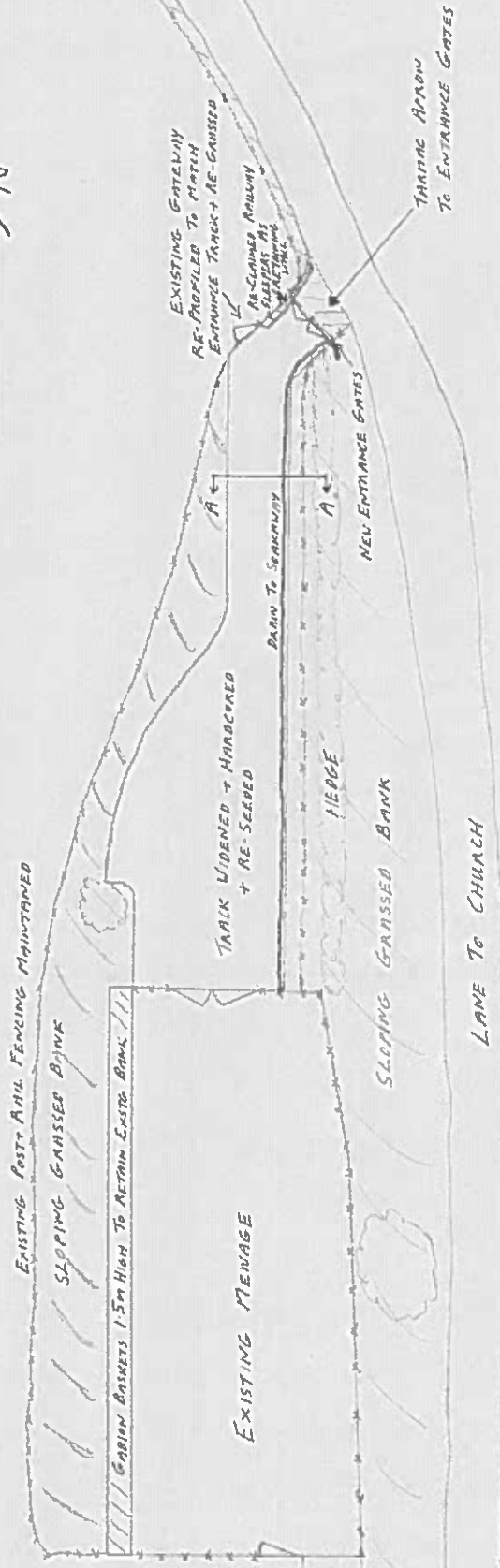


SCALE 1:200

EXISTING LAYOUT OF ENTRANCE TRACK AT GLENGARIFF STABLES CHOSEN HILL



961/B



- = GEO TEXTILE MEMBRANE
- = LAND DRAIN
- XXX = HARDWARE INFILL

SECTION A-A
OF TRACK

SCALE 1:200

PROPOSED UPGRADING OF EXISTING ACCESS TRACK AT GLENGARIFF STABLES CHOSEN HILL

original scheme



961/c



EXISTING GATEWAY TO BE RE-PROFILED TO SUIT TRACK

RAINWATER HARVESTING TANK BURIED UNDERGROUND

RECLAIMED ROWWAY SLEEPERS USED TO ACT AS BANK ALONGSIDE TRACK

UNDERGROUND OVERFLOW SORKAWAY

NEW ENTRANCE GATES

BANK TO BE REPROFILED TO SLOPING BANK TO SUIT TRACK ONCE TRACK SURFACE IS COMPLETED

EXISTING POST + RAIL FENCE

SLOPING GRASSSED BANK

GRAIN BASKETS 2m HIGH TO RETAIN EXISTING BANK

EXISTING MESSAGE

FRENCH DRAIN TO COLLECT RUN OFF WATER

SPOIL FROM TOP OF BANK TO BE REMOVED + BANK SEEDED WITH MIXED GRASSES

HAUTHORN PLANTING TO BE CARRIED OUT TO STABILISE BANK

SLOPING GRASS BANK

LANE TO CHURCH



AREA SURFACED WITH GRASS RE-ENFORCEMENT MATS + IN-FILLED WITH GRAVEL TO STOP RUN-OFF OF RAINWATER

FRENCH DRAIN IN PER-GRAVEL TRENCH TO COLLECT RAINWATER

HARDCORE TOPPED WITH CRUSHED STONE + SEEDED WITH MIXED GRASSES

PER-GRAVEL

GEO TEXTILE MEMBRANE



FRENCH DRAIN

SECTION OF TRACK AA

Revised scheme.

PROPOSED UPGRADING OF EXISTING ACCESS TRACK AT GLENGARIFF STAGES CHOSEN HILL

19/2/16 APPLICATION 15/00917/FUL

SCALE 1:200

96110

Valid 25.09.2015

Retrospective planning for retention of dwelling as built, including roof light, garden walls and picket fence. Erection of single storey side extension to provide garden room.

Grid Ref 397257 227234

Parish Woodmancote

Ward Cleeve Hill

Mr Harry Sherborne

The Hall

Stockwell Lane

Woodmancote

RECOMMENDATION Permit

Policies and Constraints

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - Policies HOU2, HOU5, TPT1, HEN2

Flood and Water Management SPD

Joint Core Strategy Submission Version November 2014

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

The First Protocol, Article 1 (Protection of Property)

Woodmancote Conservation Area

Consultations and Representations

Woodmancote Parish Council - Raised an objection to the original scheme for the following reasons:

- The picket fence is out of character and should according to the plans be a continuation of the Cotswold stone wall of the neighbouring property.
- The brick wall is far too high and of single skin construction which is a danger to pedestrians in the event of collapse.
- The gazebo is not suitable for the conservation area and should not be in the front garden. On the original plans this area was to be used for additional parking, consequently, cars now have to park on the pavement/road which means pedestrians, buggies and wheelchairs have to go on the road.

The Parish Council has been re-consulted following the submission of revised plans. An objection is raised on grounds that original plans show a Cotswold stone wall, there is no red brick in the road and it is in the conservation area. Picket fence is not suitable for the area. Extension may be overly large for the site of the plot.

Conservation Officer - No objection to the revised plans.

GCC County Highways - Standing Advice.

Public Representations - No letters of representation have been received.

Planning Officers Comments: Mrs Helen Stocks

1.0 Application Site

1.1 The application relates to a parcel of land located on Stockwell Lane in Woodmancote. The site was formerly occupied by the 'old village hall' but this building has been demolished and the site is currently occupied by a detached dwelling (known as 'The Hall') which has not been constructed in accordance with the approved plans and is therefore unauthorised.

1.2 The site is surrounded by residential development and is located within the established Residential Development Boundary of Woodmancote as defined in the Tewkesbury Borough Local Plan to 2011 - March 2006. The site is also located within Woodmancote Conservation Area and is situated within 50 metres of two listed buildings (Pear Tree Cottage and Pigeon House) on Stockwell Lane.

2.0 Planning History

2.1 Planning permission and conservation area consent were granted in March 2014 for the demolition of the existing village hall and the erection of a new dwelling with garage, vehicular access, parking and turning area (ref: 13/01280/FUL and 13/01282/CAC). The village hall has been demolished and a new dwelling erected on-site. However, the dwelling does not accord with the approved plans and additional works have been undertaken contrary to the original planning permission. It was therefore advised that a new application would be required for the retention of the dwelling as built.

3.0 Current Application

3.1 The current application seeks retrospective planning permission for the retention of the dwelling as built, including the addition of a roof light, garden walls and picket fence. It also seeks planning permission for the erection of a single storey side extension to provide a garden room. The site is accessed from Stockwell Lane and provides off-road parking for two vehicles (**see attached plans**).

3.2 The above description of development was amended following the submission of revised plans and it should be made clear that the initial application also sought the retention of the porch overhang and gazebo. Following concerns raised by Officers, the applicant has resolved to remove these structures and reference to the porch overhang and gazebo have therefore been omitted from the revised description of development.

4.0 Policy Context

4.1 Section 6 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development.

4.2 The application site is located within the Residential Development Boundary (RDB) of Woodmancote as identified in the Tewkesbury Borough Local Plan to 2011 - March 2006. The principle of new residential development on the site is therefore acceptable in accordance with Policy HOU2 of the Local Plan which sets out that housing development will be supported within the RDB provided that such development can be satisfactorily integrated within the framework of the settlement.

4.3 Policy HOU5 of the Local Plan sets out that new housing development within existing residential areas will be acceptable in principle provided that the proposal respects the existing form and character of the adjacent area; does not result in an unacceptable loss of amenity; is of high quality design; and makes appropriate access and parking provision. Section 7 of the NPPF reflects this by making 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.

4.4 Section 4 of the NPPF states that local planning authorities should take account of whether safe and suitable highway access can be provided within development. This is reflected in Local Plan Policy TPT1, which 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.

4.5 Policies HOU2, HOU5 and TPT1 of the Local Plan are considered to be consistent with the provisions of the NPPF and should therefore be given considerable weight in the determination of the application.

5.0 Analysis

5.1 The principle of development has been established by the previous planning permission (ref: 13/01280/FUL). Therefore, the main issues to be considered in the determination of this application are the impact of the development on the character and appearance of the surrounding area and street scene; the impact on the residential amenity of neighbouring property; and the impact on highway safety.

Siting, Design and Street Scene Impact

5.2 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Furthermore, Policy HOU5 requires new residential development to respect the existing form and character of the adjacent area and street scene.

5.3 The dwelling proposed to be retained is identical in size and scale to that which was previously approved by planning permission 13/01280/FUL apart from the addition of a roof light on the south facing roof slope and the single storey side extension.

5.4 Taking each of these variances in turn, there are not considered to be any concerns regarding the addition of the roof light which does not harm the overall character and appearance of the dwelling. The single storey side extension is shown to provide an additional floor area of approximately 11.5 square metres and reads as a subservient addition to the main dwelling. The Parish Council has raised concerns that the extension may be overly large for the plot; however, there remains adequate private amenity space afforded to the dwelling and the extension is well set back from the principle elevation, reducing its prominence in the street scene. As such, it is considered that the resulting development accords with the provisions of the NPPF and Policies HOU2 and HOU5 of the Local Plan.

5.5 Notwithstanding the above, the boundary treatments erected on site are not consistent with the previously approved plans which granted permission for the erection of a low stone wall along the front of the site. Instead, the applicant has chosen to erect a 1.6 metre high brick wall and 1.1 metre high picket fence. The Parish Council has raised an objection to the boundary treatments and commented that the brick wall and picket fence is not in keeping with the street scene and has a harmful impact on the character of the conservation area. In light of these objections, the applicant has supplied amended plans which have reduced the brick wall and picket fence to 1 metre in height. The Parish Council has been re-consulted on the amended scheme but do not consider the reduction in height is satisfactory and therefore uphold their original objection.

5.6 The Council's Conservation Officer has been consulted on the original and revised scheme and raised no objection to the current boundary treatments. While it is acknowledged that neighbouring boundary treatments predominately comprise low stone walls, the 'old village hall' had a low picket fence not dissimilar to that currently erected on site. With regard to the brick wall, there is a mix of building materials within the surrounding area and it is considered that the proposed reduction in height would reduce the prominence of the brick wall in the street scene. Subject to these alterations, the current boundary treatments are not considered to have an undue impact on the character and appearance of the street scene or the conservation area that would warrant the refusal of planning permission.

Residential Amenity

5.7 Policy HOU5 of the Local Plan sets out that new housing development within existing residential areas should not result in an unacceptably low degree of residential amenity for existing or proposed dwellings.

5.8 There is approximately 17 metres between the rear elevation of the dwelling and the front elevation of neighbouring property, The Wynards. There are no window openings on the rear elevation and it is not considered that the dwelling as built would have an unduly overbearing impact or result in overlooking to this property. In addition, there is not considered to be any impact on neighbouring properties to the east and west of the dwelling.

5.9 Although the side extension has reduced the size of the residential curtilage, it is considered that there remains adequate private amenity space afforded to the dwelling that is not directly overlooked by neighbouring property. Nevertheless, it is acknowledged that further additions to the property under domestic permitted development rights could result in substandard living conditions or be detrimental to the amenities enjoyed by adjacent residential properties given the small enclosed nature of the plot. Having regard to this, it is considered necessary to impose a condition for the removal of permitted development rights. This is in the interests of ensuring a good standard of amenity for all existing and future occupants of land and buildings in accordance with the provisions of the NPPF and Policy HOU5 of the Local Plan.

Highways Safety

5.10 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.

5.11 There has been no alteration to the previously approved access arrangements, which were deemed to provide safe and convenient access onto Stockwell Lane, and the submitted plans demonstrate there is sufficient off-road parking. The development is therefore considered to accord with Policy TPT1 of the Local Plan.

6.0 Conclusion

6.1 In light of the above, the proposed development is considered to be of an appropriate size and design and would have an acceptable impact on the character and appearance of the surrounding area. The scheme does not harm the residential amenity of neighbouring property and provides for adequate off-road parking facilities and does not adversely affect the satisfactory operation of the highway network. As such, the development is considered to accord with the provisions of the NPPF and the relevant policies of Tewkesbury Borough Local Plan to 2011 - March 2006. The application is therefore recommended for **Permit**.

RECOMMENDATION Permit

Conditions:

- 1 The approved plans relating to the development hereby permitted are drawing nos: 1477-20, 147-25 Rev A and 13:1703:06 VS.
- 2 The car parking and manoeuvring facilities, including visibility splays, shall be provided in accordance with the approved plans as shown on drawing number 13:1703:06 VS received 20 February 2014 and shall be similarly maintained thereafter for that purpose unless otherwise agreed in writing by the Local Planning Authority.
- 3 Within a period of three months from the date of this permission, the existing brick wall and picket fence shall be reduced to 1 metre in height in accordance with drawing no: 147-25 Rev A received by the Local Planning Authority on 15 February 2016.
- 4 Notwithstanding the provisions of Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development shall take place other than that expressly authorised by this permission.
- 5 Notwithstanding the submitted plans, the oak framed porch overhang and gazebo shall be removed from the site within a period of three months from the date of this permission.

Reasons:

- 1 To define the extent of the permission for the avoidance of doubt.
- 2 To ensure adequate visibility and to enable vehicles to enter and leave the highway in a forward gear in the interests of highway safety in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 3 In the interests of visual amenity in accordance with the NPPF.
- 4 In the interest of residential amenity of the current and future occupants and adjacent residential properties.
- 5 To define the extent of the permission for the avoidance of doubt and in the interests of visual amenity in accordance with the NPPF.

Note:

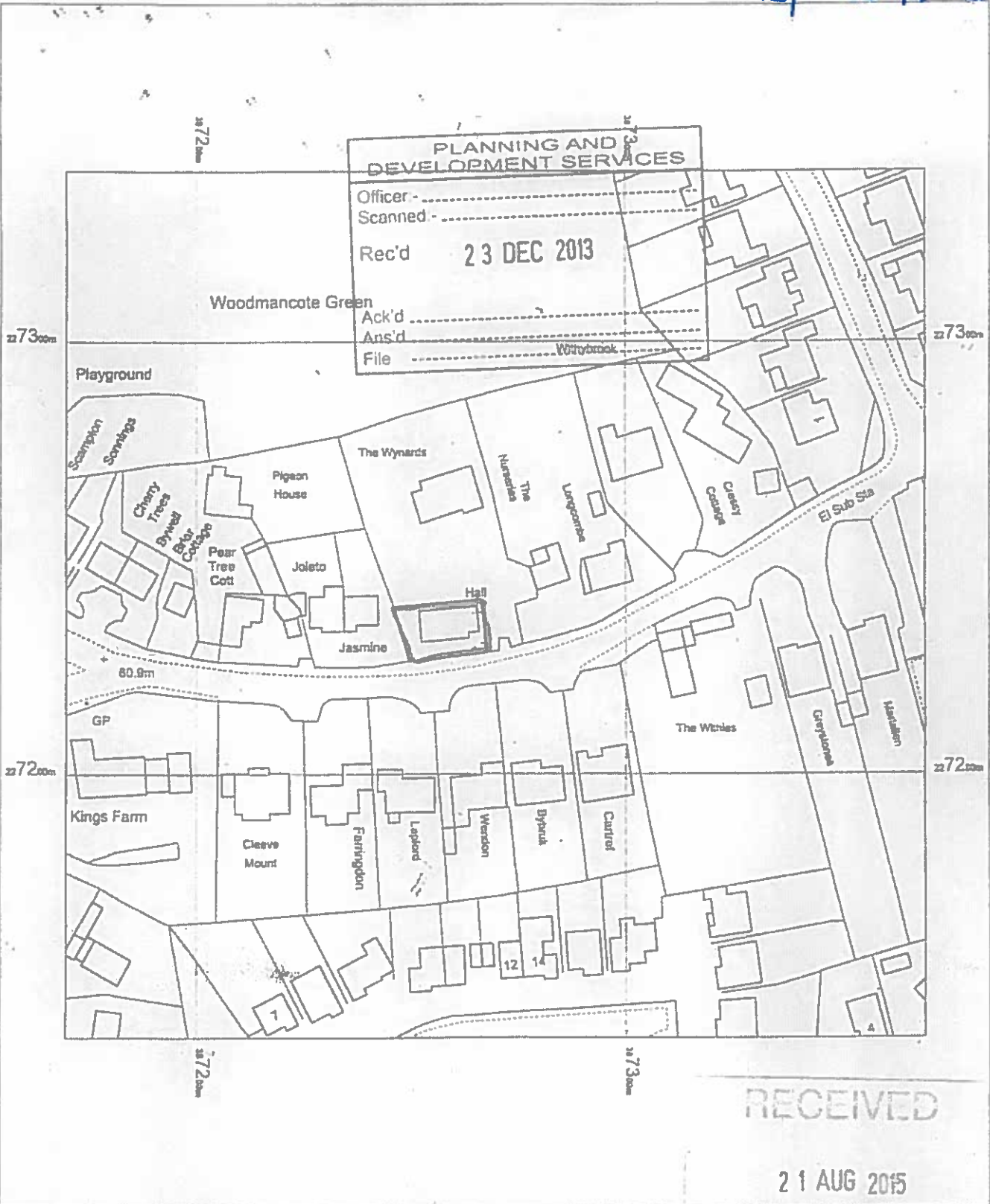
Statement of Positive and Proactive Engagement

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

15/00830/FUL

PLANNING AND DEVELOPMENT SERVICES

Officer -
 Scanned -
 Rec'd **23 DEC 2013**
 Ack'd
 Ans'd
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 Whybrook



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21 AUG 2015



TEWKESBURY BOROUGH COUNCIL OPERATIONS

WOODMANCOTE OLD VILLAGE HALL

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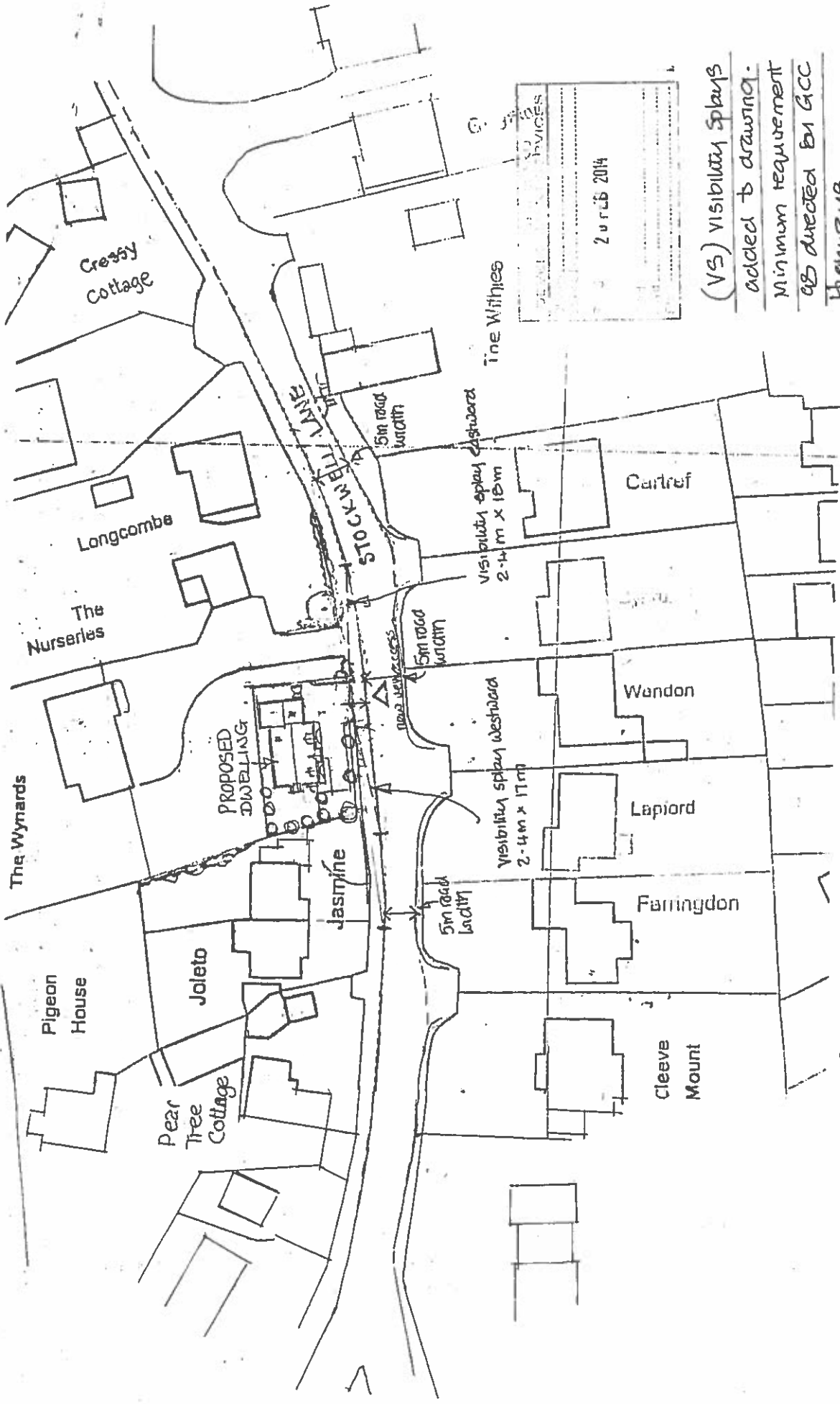


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(VS) visibility splays
 added to drawing.
 Minimum requirement
 as directed by GCC
 Highways.
 18 Feb 2014

PROPOSED DWELLING.

WOODMANCOTE VILLAGE HALL SITE.
 STOCKWELL LANE. WOODMANCOTE.
 CHELTENHAM. GLOS. GL52 9QB.
 SITE PLAN AS PROPOSED.
 13:1703:06.(VS) NOV. 2013. 1:500.
 DENNIS - PLOTTEL TEL 01242 620818

965/B

16/00027/FUL

Longmarsh House, 97A Tewkesbury Road, Longford

11

Valid 15.01.2016

Change of use of domestic double garage to architectural reclamation showroom and office, including roof alterations.

Grid Ref 383782 220749

Parish Longford

Ward Coombe Hill

Mr D Jones
Longmarsh House,
97A Tewkesbury Road
Longford
GL2 9BG

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - Policies EMP2, TPT1, EVT3, ETV5

Flood and Water Management SPD

Joint Core Strategy (Submission Version) November 2014

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Longford Parish Council - Objection on grounds that the proposed development would have an overbearing effect on the residents of adjoining property (99 Tewkesbury Road), taking away their privacy and enjoyment living in a semi-rural location not an industrial area. The alterations whilst taking away the windows is still turning a residential rural area into an industrial area and the impact on the neighbours will be immense and infringe on their human rights.

GCC Highways Authority - No objection.

Environmental Health - No objection subject to standard conditions.

Local Residents - Two letters of objection have been received in relation to the original scheme. The grounds for objection are as follows:

- Overlooking and overbearing impact, resulting in a loss of privacy and loss of light to property and gardens at 99 and 101 Tewkesbury Road.
- Change of use is extending beyond what may be reasonable in a residential area.
- Proposed development poses unacceptably high density / over-development of the site, especially as it involves the loss of garden land in a residential area.
- The proposal is not in keeping with other properties in the area - most have large gardens that are not overlooked - this development would impact on the character of the neighbourhood.
- The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring property.
- The development would adversely affect highway safety or the convenience of road users as the only access is via the A38.

No letters of representation have been received in relation to the revised plans.

Planning Officers Comments: Mrs Helen Stocks

1.0 Application Site

1.1 The application relates Longmarsh House, 97A Tewkesbury Road, Longford. The site comprises a two storey dwelling (including domestic garage and associated garden area) and a rectangular plot of land containing two outbuildings which are used as architectural showrooms, garages and ancillary offices. The site adjoins properties located along Tewkesbury Road and allotments to the rear (**see site location plan**). The site is accessed off the A38 between Tewkesbury and Gloucester and is located within Flood Zones 2 and 3.

2.0 Planning History

2.1 An outline application for the erection of a new bungalow on the site was refused in 1993 on the grounds that the development would cause highway safety issues and would not respect the character and form of the area (ref: 93/9258/0748/OUT). However, permission was later granted on appeal by the Planning Inspectorate. This permission was not implemented and expired in 1999.

2.2 A new application for the erection of a bungalow on the site was refused in 2002 on flood risk grounds (ref: 02/9258/0879/OUT). Although permission had previously been granted on the site for a new dwelling, the introduction of PPG25 (Development and Flood Risk) in July 2001 rendered the development at direct risk of flooding and therefore unacceptable. This decision was later upheld by the Planning Inspector.

2.3 A further application was submitted in 2009 for a new bungalow but this was later withdrawn due to objections from the Environment Agency (ref: 09/00177/FUL). It was considered that a residential use would be a 'more vulnerable' use within a high-risk flood zone, contrary to PPS25.

2.4 An application was submitted in 2011 for the erection two garage buildings and ancillary office accommodation to be used in association with a minibus company (ref: 11/00756/FUL). This was granted planning permission and had been partially implemented.

2.5 Planning permission was granted in May 2015 for the erection of two outbuildings to be used as architectural reclamation showrooms, garages and ancillary offices (ref: 11/00756/FUL). This permission has been implemented. The buildings occupy the same footprint as the previously approved scheme (ref: 11/00756/FUL) and are subject to the condition that the development permitted shall be used in conjunction with 97A Tewkesbury Road and shall not be used separately.

3.0 Current Proposal

3.1 The current application seeks planning permission for the change of use of an existing domestic double garage (relating to 97A Tewkesbury Road) to an architectural reclamation showroom and office. The building would be used in conjunction with the existing buildings on-site and would be used to display architectural reclamation items. There would be no change to existing access arrangements.

3.2 The proposal also involves alterations to the existing garage roof in order to provide an office at first floor level. The orientation of the roof would be amended and the eaves and ridge height increased to 3.2 metres and 7.2 metres respectively. The office space would be afforded natural light from the installation of three roof lights (550mm by 1180mm) on the south facing roof slope.

3.3 The original plans also showed the installation of three roof lights on the north facing roof slope; however, the scheme has been amended following concerns raised by local residents and revised plans have been submitted which omit these roof lights from the current scheme (see revised plans attached).

4.0 Policy Context

4.1 Policy EMP2 of the Local Plan relates to employment uses within settlements outside allocated sites. It specifies that proposals for new or extensions to existing employment uses will be granted provided that any increase in traffic can be safely accommodated; adequate parking and manoeuvring space can be provided; the residential amenity of neighbouring properties would not be adversely affected; the scale and design complements the existing townscape; and, environmental impact is minimised.

4.2 Other policies contained in the Local Plan which are of relevance to the determination of this application include Policy ETV3 which relates to noise pollution, Policy ETV5 which relates to flood risk and Policy TPT1 which requires developments to provide safe access and not generate traffic that would impair the safety or satisfactory operation of the highway network. These policies will be considered in more detail in the relevant sections of this report.

4.3 These policies are considered to be consistent with the relevant advice contained within the National Planning Policy Framework (NPPF) which sets out a presumption in favour of sustainable development and makes a clear commitment to securing economic growth. One of the 'core principles' of the NPPF is to also secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

5.0 Analysis

5.1 The proposed development is deemed to be acceptable in principle. It would involve an extension to an existing employment use in line with Policy EMP2 of the Local Plan. The commercial use of part of the application site has been established by previous planning permissions (see history) and the main issues for consideration with this application are the impact on the residential amenity of neighbouring property; impact on the character and appearance of the area; highway safety; and, flood risk.

Residential Amenity

5.2 Objections have been received from the Parish Council and local residents on grounds that the proposal would cause overlooking and would have an overbearing impact, resulting in the loss of privacy and light to Nos.99 and 101 Tewkesbury Road. The main area of contention relates to the installation of three roof lights on the north facing roof slope and the proposed alterations to the ridge and eaves height of the existing garage.

5.3 Although the cill height of the proposed roof lights would have been 1.7 metres above finished floor level, it is acknowledged that the roof lights would have given the perception of overlooking and the agent has sought to address concerns by omitting the three roof lights on the north facing roof slope. These alterations are clearly shown on the revised plans (see attached). The Parish Council has been re-consulted on the revisions and upholds their original objection. No further letters of representation have been received from local residents in regard to the amended scheme. Nevertheless, the removal of the roof lights from the northern roof slope is considered to be an appropriate design response which satisfactorily addresses previous concerns regarding overlooking and loss of privacy. There would be no window openings facing towards residential properties (or garden areas) to the north of the site and the proposal is not considered to cause any undue harm in this regard. Furthermore, there are no concerns regarding the installation of three roof lights on the south facing roof slope which would not cause undue harm to the residential amenity of properties to the south of the site.

5.4 In terms of the proposed alterations to the roof of the existing garage, the eaves and ridge height would be increased to 3.2 metres and 7.2 metres respectively. The existing garage currently has a ridge height of 4.5 metres and it is acknowledged that the proposed alterations are required in order to accommodate an office at first floor level. The Parish Council and local residents have raised an objection to the proposed increase in height on grounds that it would have an overbearing impact and would result in a loss of light to the neighbouring garden. However, it is not considered that the proposed alterations would have any greater impact than the existing outbuildings. The orientation of the garage roof would be changed from its current position and the gable end would no longer face towards the garden area of No.99 Tewkesbury Road. The roof ridge would be parallel to the site boundary and the roof would slope away from neighbouring property, therefore reducing the extent of overshadowing and overbearing impact to the neighbouring garden. There is not considered to be any overshadowing or loss of light to habitable rooms at the neighbouring property given the separation distance from the existing/proposed garage which is in excess of 16 metres. As such, the proposal is deemed to have an acceptable impact on the residential amenity of neighbouring property and would not warrant refusal on grounds of overshadowing or loss of light.

5.5 With regard to noise and disturbance as a result of the proposed change of use, the Council's Environmental Health Officer has been consulted and raised no objection to the proposal subject to standard conditions restricting the hours of operation. It is not considered that the change of use of the existing domestic garage to an architectural showroom and office would generate levels of noise that would be unacceptable in the locality. The proposal is therefore considered to accord with Policies EMP2 and EVT3 of the Local Plan.

Design and Impact on the Character and Appearance of Surrounding Area

5.6 Although used for domestic purposes, the existing garage is located at the rear of the garden in close proximity to the existing outbuildings which form architectural reclamation showrooms and offices. The change of use of the garage would result in the small loss of residential curtilage but this is not considered to be significant and would cause no undue harm to the character of the area. Similarly, the existing garage is not prominent within the street scene and its use for commercial purposes in connection with the remainder of the site is not considered to have a detrimental impact on the character of the area.

5.7 The proposed roof alterations to the existing garage, including the increase in height, would not be visible from Tewkesbury Road and would not impact on the street scene. The external appearance of the garage would be in keeping with the neighbouring outbuildings and external materials would comprise facing brickwork and concrete tiles to match those of the existing garage.

Highway Safety

5.8 There would be no change to existing access arrangements as a result of the proposed development. The County Highways Authority (CHA) has been consulted on the proposal and raised no objection to the change of use of the existing domestic garage to an architectural showroom and office. It was commented that the proposal does not amount to significant development and would not have a severe impact on highway safety in line with the provisions of the NPPF and Policies TPT1 and EMP2 of the Local Plan.

5.9 In terms of parking provision, the existing domestic garage was used for storage purposes and the proposed change of use would not result in a loss of off-road parking spaces. There is provision for 7 parking spaces to the front of 97A Tewkesbury Road, which would provide parking for the existing dwelling and visitors to the site, and a parking area between the existing outbuildings to the rear of the site which provide an additional 4 to 5 spaces. Thus, there is considered to be sufficient parking provision to serve both the main dwelling and associated business in accordance with Policies TPT1 and EMP2 of the Local Plan.

Flood Risk

5.10 The site is located within both Flood Zones 2 and 3, which is an area at medium to high risk of flooding as defined by the Environment Agency's most up to date flood risk maps. There would be no alteration to the footprint of the existing garage and it is not considered that the proposed change of use of the building would have any impact on flooding. The agent has indicated that there are no other buildings within immediate vicinity available for the proposed use which are at a lower risk of flooding and there is a clear logic for seeking the change of use of the existing garage which is immediately adjacent to the current business. The proposal is considered to accord with the national and local requirements, including Policy EVT5 of the Local Plan.

6.0 Conclusion

6.1 The proposed development is deemed to be acceptable and would accord with the provisions of the NPPF and relevant policies set out in the Tewkesbury Borough Local Plan to 2011. The revised scheme is considered to have satisfactorily addressed concerns relating to overlooking and subject to planning conditions, it is considered that the proposed development would not have an undue impact on the residential amenity of neighbouring property. The application is therefore recommended for **Permit**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved drawing: 204 Rev A, received by the Local Planning Authority on 12 February 2016.
- 3 The external materials shall comprise facing brickwork and concrete tiles to match as near as possible the materials of the existing building.
- 4 No working/deliveries/collections, within/to/from shall be carried out on the application site other than between the hours of 0730 and 1800 Mondays to Fridays and between 0730 and 1400 on Saturdays. No such activity shall take place at any time on Sundays or Bank Holidays.
- 5 There shall be no outside storage of materials or other goods whatsoever on the application site.
- 6 No roof lights shall be installed on the northern roof slope without the prior express permission of the Local Planning Authority.
- 7 The development hereby permitted shall be used in conjunction with 97A Tewkesbury Road and shall not be used separately.
- 8 The use of building shall, in addition to storage, be hereby permitted for use as an architectural reclamation showroom and ancillary office all in connection with reclaimed building materials and architectural artefacts and fittings, but for no other purpose (including any other purposes within Classes A1 and B1 of the Town and Country Planning (Use Classes) Order 1987 as amended, or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order).

Reasons:

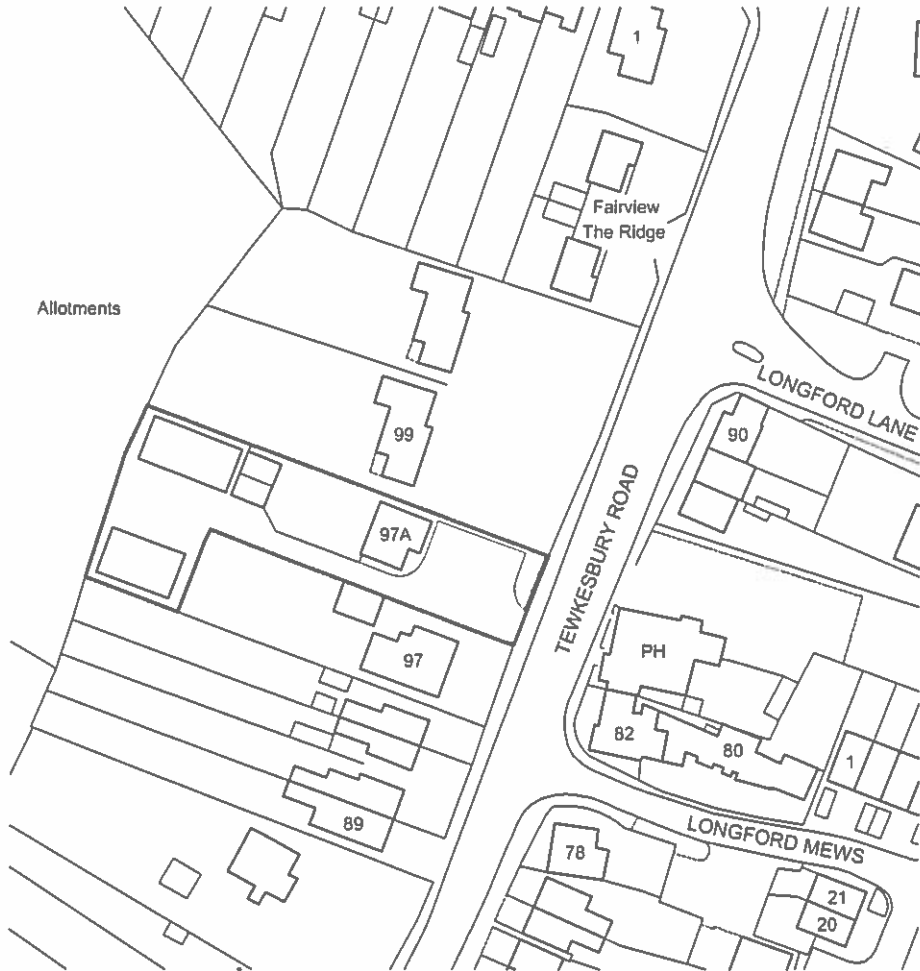
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the proposed alterations are in keeping with the existing building in accordance with the NPPF.
- 4 To protect neighbouring properties from undue noise and disturbance in accordance with the NPPF and Policies EMP2 and EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 5 To preserve and enhance the visual amenities of the locality in accordance with the NPPF.
- 6 To protect the residential amenity of neighbouring property in accordance with the NPPF and Policy EMP2 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 In the interests of the amenities of the future occupiers of 97A Tewkesbury Road in accordance with the NPPF and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 The site is not in an area normally intended for development of this kind and permission is only granted exceptionally for this specialist reclamation business.

Note:

Statement of Positive and Proactive Engagement

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

16/00027/FUL



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Client				Mr D Jones			
Project				Land at 97A Tewkesbury Road, Longford			
Drawing Title				Location Plan			
Date	Scale	Drawn	Status	Job No.	Org No.	Rev.	
Jan 2016	1:1250 @ A4	GMP	PA	TDX11.01	201	-	

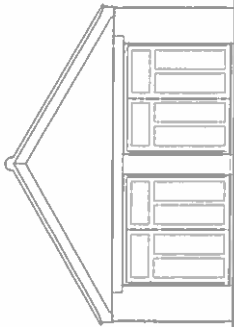


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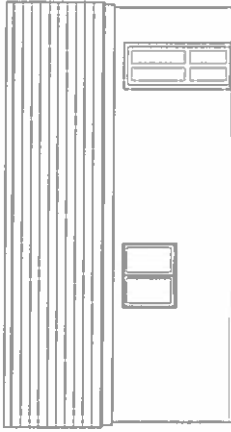
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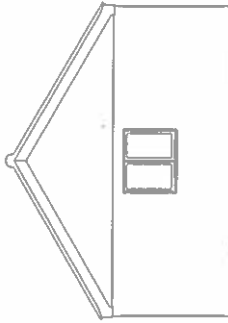
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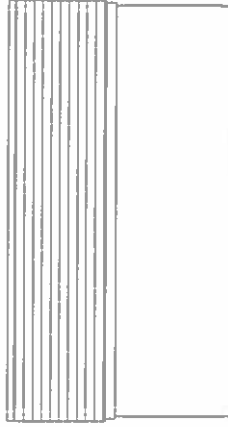
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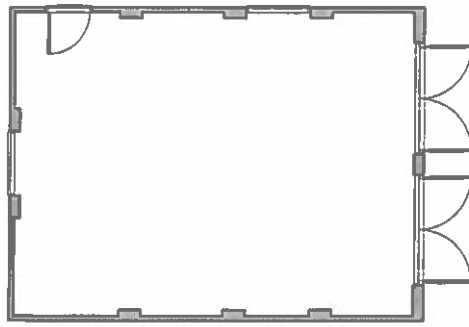
Side Elevation



Rear Elevation



Side Elevation



Ground Floor

970/B

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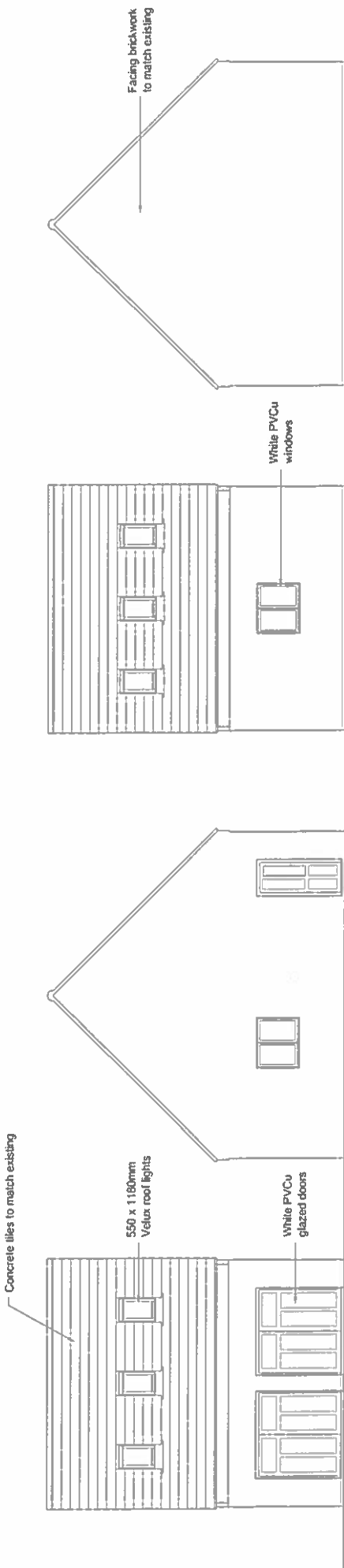
Client		Mr D Jones		URBAN ASPECTS LAND-PLANNING-DESIGN	
Project		Land at 97A Tewkesbury Road, Longford		TDX11.01	
Drawing Title		Existing Floor Plan & Elevations		Job No.	
Date	Scale	Drawn	Status	Dep No.	Rev.
Jan 2016	1:100 @ A3	GMP	PA	203	-

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Original scheme



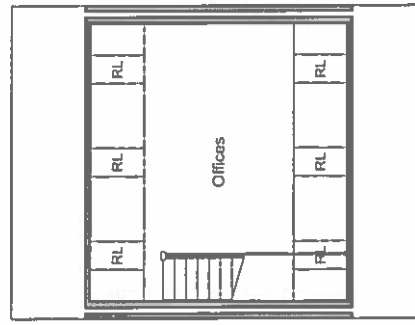
Front Elevation

Side Elevation

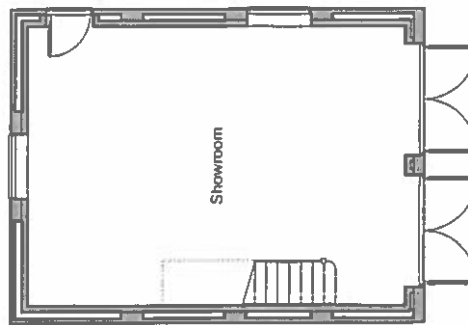
Rarer Elevation

Side Elevation

970/c



First Floor



Ground Floor

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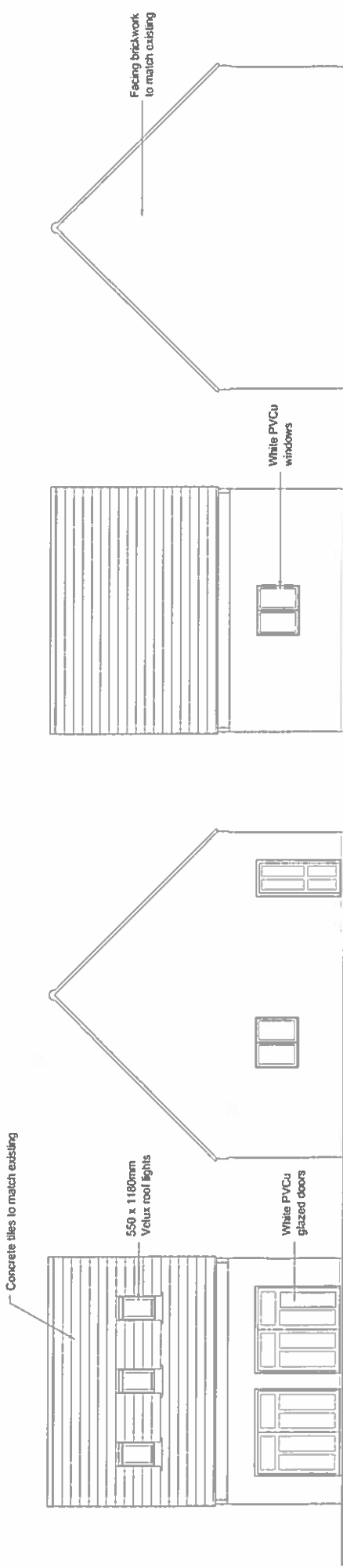
Client		Mr D Jones		Job No.		TDX11.01		Dry RL.		204		Rev.		-	
Project		Land at 97A Tewkesbury Road, Longford		Scale		1:100 @ A3		Drawn		GMP		PA			
Drawing title		Proposed Floor Plans & Elevations		Date		Jan 2016		Job No.		TDX11.01		Dry RL.		204	



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Revised scheme.



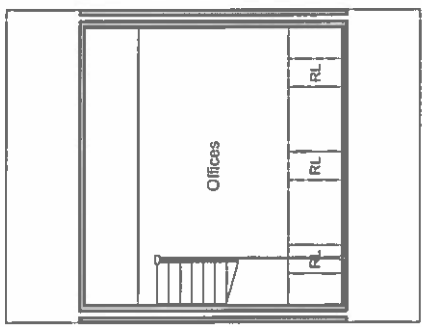
Front Elevation

Side Elevation

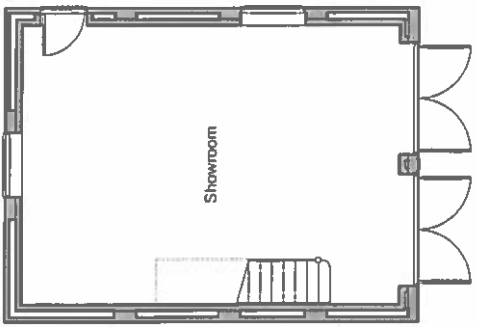
Rear Elevation

Side Elevation

07010




First Floor



Ground Floor

A 12.02.14 Roof lights removed from rear elevation. This drawing, design and the illustrated works are the copyright of Urban Aspects Limited and may not be reproduced either wholly or in part without written consent.

 URBAN ASPECTS <small>LAND PLANNING DESIGN</small>		Job No. TDX11.01 Draw No. 204 Rev. A
Client: Mr D Jones Project: Land at 97A Tewkesbury Road, Longford Drawing Title: Proposed Floor Plans & Elevations	Scale: 1:100 @ A3 Drawn: GMP Status: PA	Job No. TDX11.01 Draw No. 204 Rev. A
Date: Jan 2016	Scale: 1:100 @ A3	Job No. TDX11.01

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Valid 08.02.2016

Erection of a single infill dwelling and a detached garage.

Grid Ref 385384 222289

Parish Down Hatherley

Ward Innsworth With Down

Mr Duncan Faice

Hatherley

c/o Agent

RECOMMENDATION Permit**Policies and Constraints**

National Planning Policy Framework

Planning Practice Guidance

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

Joint Core Strategy Submission Version November 2014

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

- The term infill is used by the applicant, presumably to imply the land is a mere repository for development. This is a cynical ploy which should be rejected. The land is a green space which provides important breathing space and visual amenity within a residential area.
- The Down Hatherley Parish Plan highlights the importance of the remaining green spaces within the village environment.
- This application is trying to take advantage of the recent controversial approval of two dwellings in Ash Lane (reference 15/00720/FUL). This was strongly objected to by the Parish Council, was recommended for refusal by TBC planning staff, and was subject to a marginal vote to permit by the TBC planning committee. The Parish Council greatly regrets the controversy created by permitting application 15/00720/FUL.
- The land has Green Belt status with stringent protection.
- The Parish Council rejects the special pleading proposed by the applicant to justify violating the Green Belt. The planning appeal cases cited by the applicant in application 15/00720/FUL (and deemed relevant by the same planning consultants seeking to benefit from this application) are not applicable or relevant to the situation in Down Hatherley and its planning context.
- Down Hatherley is not a Service Village under the Joint Core Strategy and is consequently accommodating no housing under the JCS.
- The scale of the proposed dwelling completely overcrowds the land in question.
- The location is a private road, which is maintained collectively and privately by its residents. This proposed residential dwelling would place additional pressure on the road while making no contribution to its management and upkeep

7 Letters of neighbour objection received which are summarised as follows:

- The proposal would result in the loss of Green Belt, agricultural land.
- Loss of open space
- Would result in highway safety issues.
- Would set precedent for similar proposals.
- Surface water should be managed within the site.
- Inappropriate development in the Green Belt.
- Concern regarding land ownership.
- The proposed could result in overlooking.
- Design is out of keeping and disproportionate.
- The Nissan hut is made of asbestos and its removal is a concern.
- The proposed development would be detrimental to protected species.

Planning Officers Comments: Mr Ciaran Power

1.0 Application Site

1.1 The application relates to a parcel of land to the west of Ash Lane, Down Hatherley. The site forms part of an agricultural field. The site is bound by open fields to the west, Ash Lane to the east and residential dwellings adjacent to the northern and southern boundaries. The site is located outside of a Residential Development Boundary (RDB) as defined in the Tewkesbury Borough Local Plan to 2011 - March 2006. The site is located within the Green Belt.

2.0 Planning History

2.1 No relevant planning history.

3.0 Current Application

3.1 The current application seeks planning permission for the erection of one new two storey dwelling and detached garage.

4.0 Policy Context

4.1 National Planning Policy Framework

4.2 Planning Practice Guidance

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

4.4 Joint Core Strategy Submission Version November 2014

5.0 Analysis

Principle of Development

5.1 The site is located outside of a recognised settlement boundary and therefore the proposal is contrary to policy HOU4 of the Local Plan. However, paragraph 49 of the NPPF sets out that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Policy HOU4 is based on the now revoked Structure Plan housing numbers and for that reason is considered out of date in the context of the NPPF insofar as it relates to restricting the supply of housing. The policy is also out of date because the Council cannot currently demonstrate a five year supply of deliverable housing sites.

5.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. In this case the site is located within the Green Belt where the NPPF provides the most up to date policy guidance on Green Belt.

5.3 Paragraph 89 of the NPPF provides the most up to date policy guidance on Green Belts and advises that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- 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.

5.4 The applicant argues that the proposed development would represent limited infilling in a village and therefore would not constitute "inappropriate development". Helpfully the applicants also refer to a very recent High Court Judgement relating to the case of *Vs SOS for Communities and Local Government and Gravesham Borough Council* (February 2015). Previously the NPPF's bullet point (para 99) referring to limited infilling in a Green Belt village was widely open to interpretation with many ascertaining that it related to limited infilling in villages of affordable housing. However this recent High Court Judgement is clear that the intention is to allow limited infilling in villages whether it is for market or affordable housing.

5.5 The applicants agent also refers to a previous planning application (15/00720/FUL) considered at Planning Committee and subsequently approved in October 2015 where the infilling of an agricultural plot on Ash Lane was considered, by the Planning Committee, to constitute limited infilling within a village and therefore was not inappropriate development within the Green Belt.

5.6 Having regard to the above, it is considered that the proposals represent infilling within a village and the proposal would not represent inappropriate development in the Green Belt.

Openness and Landscape Impact

5.7 It is also necessary to consider the impact of the proposal on the openness of the Green Belt. The site is set between two existing dwellings, one a bungalow and the other a two-storey dwelling. Whilst there would be an impact on openness, the NPPF does allow for infilling as set out above and, in the context of the NPPF it is not considered that there would be an undue impact on the openness of the Green Belt in this particular location. Similarly, in landscape terms the proposals do not encroach beyond the existing building line of Ash Lane and as such the impact on the landscape would be limited. However due to the scale of the proposed dwelling, the inclusion of a detached garage and its Green Belt location it is considered reasonable to remove permitted development rights in this instance and an appropriately worded condition is recommended should members be minded to grant planning permission.

Design and residential amenity

5.8 Ash Lane is characterised by a mix of housing types, spread irregularly along Ash Lane. It is considered that the design of the proposed dwelling is acceptable; the adjoining residential property to the north is two storey and Ashmead to the south is a bungalow. The proposed development would be of a similar height to two storey dwelling to the north and would also have an acceptable relationship with the bungalow to the south. Overall the proposal would not have a detrimental impact on the character and appearance of the area or street scene generally. The proposed detached garage would be located to the rear of the dwelling which is characteristic of Ash Lane and both the adjacent properties have outbuildings located to the rear of their dwellings.

5.9 Whilst there are windows in the side elevations of the residential properties to the north and the south these appear to serve non habitable rooms or are secondary windows. The proposed development would not raise any residential amenity issues in terms of outlook, light and privacy.

Highway Impacts

5.10 With regard to highways safety, the proposal would be acceptable in highway safety terms subject to conditions controlling the visibility splays and off-road parking provision. The proposal is therefore considered to be acceptable in this regard.

5.11 Whilst the site is outside of any recognised settlement with a good range of services and facilities, the site is reasonably well served by pedestrian links to some services and bus stops on the A38 served by good bus services to and from Gloucester.

Ecology

5.12 A letter of neighbour representation has been received which raises concern that there are Great Crested Newts present on site. The applicant has had a Great Crested Newt Survey carried out by a qualified ecologist which confirms that there were no Great Crested Newts recorded during the survey and the site has low potential.

Other matters

5.13 Some concern has been raised regarding the removal of the Nissan hut given its likely asbestos construction. Prior to demolition the developer / landowner have a legal obligation to ensure that all the buildings involved are free from asbestos containing materials under the Control of Asbestos Regulations 2012. This is therefore controlled by other legislation outside of the planning system, nevertheless a note is suggested to be attached to any planning permission, bringing this to the developer's attention.

6.0 Balancing Exercise

6.1 The proposed development would represent appropriate infill development within a village in the Green Belt in accordance with the NPPF. The impact on the openness of the Green Belt and landscape, design, impact on residential amenity, accessibility and access and turning arrangements are considered acceptable.

6.2 Overall the proposals would constitute sustainable development in the context of the NPPF and the application is therefore recommended for **Permit**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The dwelling(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan no. 02 and those facilities shall be maintained available for those purposes for the duration of the development.
- 3 No development shall take place until details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.
- 4 The development hereby permitted shall be carried out in accordance with the following approved plans, 02, 04, 05, 06 received 5th February 2016.
- 5 Building operations shall not be commenced until samples of the facing brick and roof tiles 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.
- 6 Notwithstanding the provisions of Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development shall take place other than that expressly authorised by this permission

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 reduce potential highway impact in accordance with Paragraph 32 of the NPPF.
- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 4 To ensure that the development permitted is carried out in accordance with the approved plans.
- 5 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 6 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjacent buildings in the interests of visual amenity and in order to maintain the openness of the Green Belt in accordance with the NPPF.

Notes:


1 Statement of Positive and Proactive Engagement

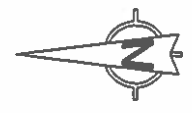
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received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

2 Prior to demolition the developer / landowner has a legal obligation to ensure that all the buildings involved are free from asbestos containing materials under the Control of Asbestos Regulations 2012.



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Client						
Project						
Drawing Title						
Date	Scale	Drawn	Status	Job No.	Drg No.	Rev.
Feb 2016	1:1250 @ A4	GMP	PA	FCE16.01	01	-



975/B

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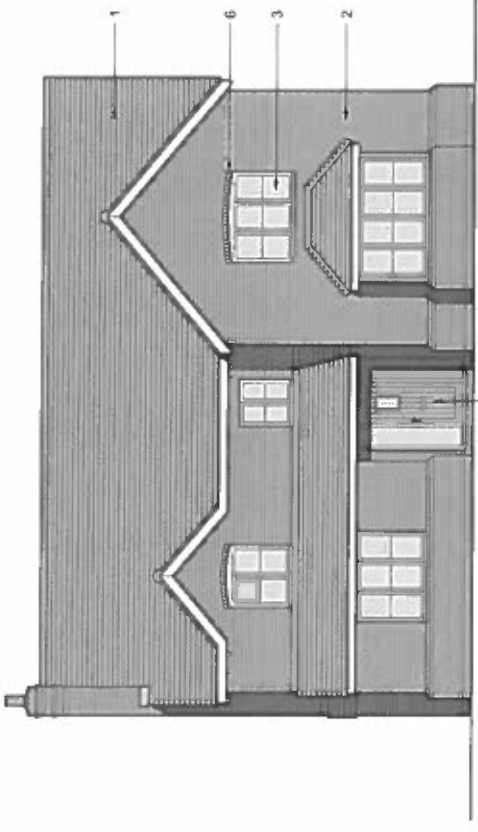
Client		Mr D Faice	
Project		Ash Stables, Ash Lane, Down Hatherley	
Drawing Title		Proposed Site Layout	
Date	Scale	Drawn	Status
Feb 2016	1:500 @ A3	GMP	PA
Job No.	FCE16.01	Draw No.	02



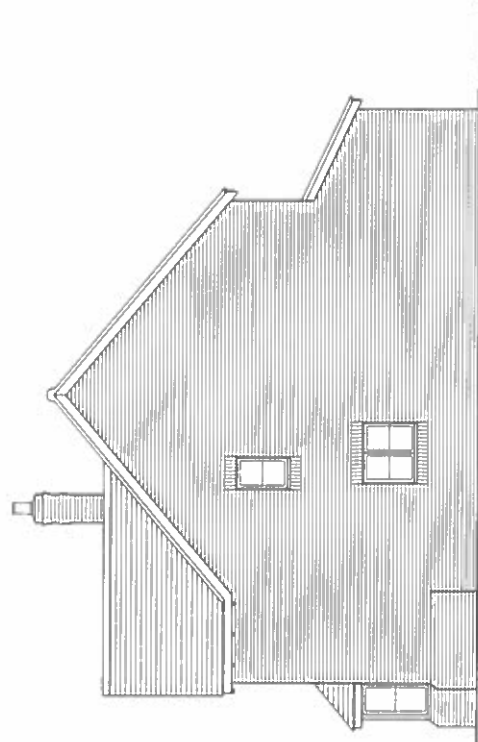
Plot Offices • Cheltenham Office Park • Hatherley Lane • Cheltenham • GL51 6SH
 T 01242 806170 M 07766 112132 E gary@urbanaspects.co.uk
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Key	Description
1	Existing Vehicular Access
2	Permeable Tarmac
3	Concrete Paving Slabs
4	Areas of Soft Landscaping
5	Turfed Rear Garden
6	1.8m High Timber Close Boarded Fence
7	1.8m High Timber Close Boarded Gates

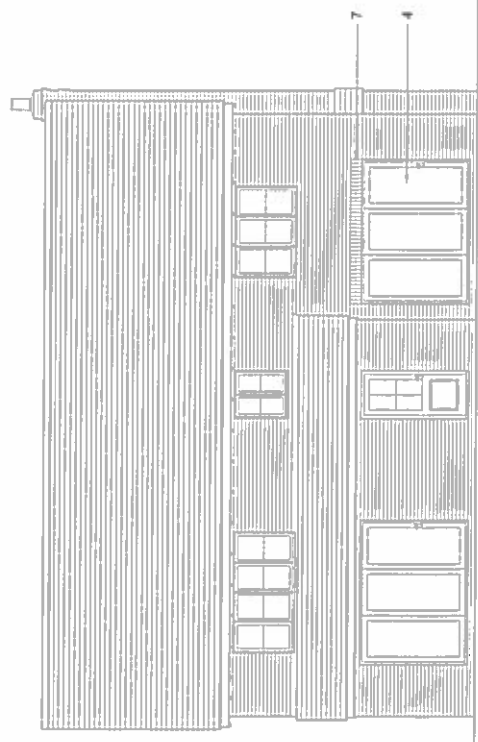
975/K



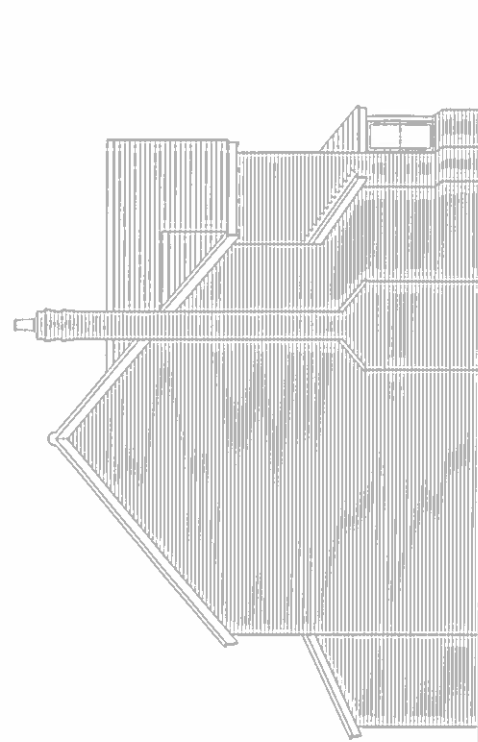
Front (East) Elevation



Side (North) Elevation



Rear (West) Elevation



Side (South) Elevation

Key
1 | Plain Tiles to approved sample
2 | Facing Brickwork to approved sample
3 | White PVCu Casement Windows
4 White PVCu Bi-folding Doors
5 Stained Timber Door
6 Brick Arches
7 Brick Soldier Courses

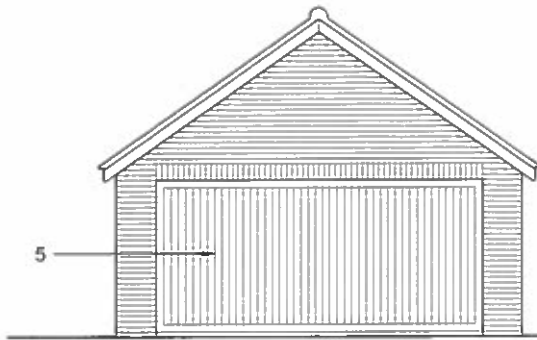
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Client		Mr D Faice		Job No.		FCE16.01		Dwg No.		05		Page		1	
Project		Ash Stables, Ash Lane, Down Hatherley													
Drawing title		Proposed Elevations													
Date		Feb 2016		Scale		1:100 @ A3		Status		GMP		PA			



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Front (East) Elevation



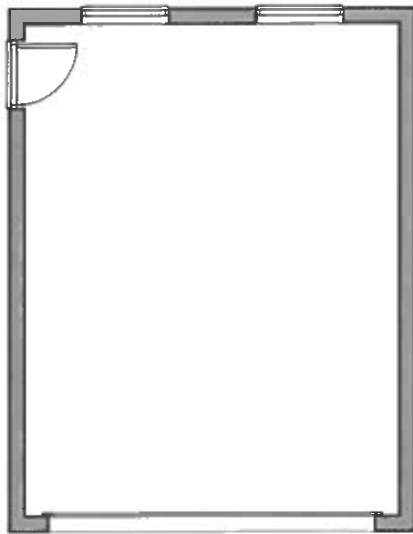
Side (North) Elevation



Rear (West) Elevation




Side (South) Elevation



Floor Plan

Key	
1	Plain Tiles to approved sample
2	Facing Brickwork to approved sample
3	White PVCu Casement Windows
4	White PVCu Door
5	Steel Garage Door
6	Brick Soldier Courses

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Client Mr D Faice							
Project Ash Stables, Ash Lane, Down Hatherley							
Drawing Title Proposed Garage - Plan & Elevations							
Date Feb 2016	Scale 1:1250 @ A4	Drawn GMP	Status PA	Job No. FCE16.01	Dwg No. 06	Rev. -	

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975/D

15/01274/APP

Land to the west & South of Gloucester Business Park,
Brockworth

13

Valid 09.12.2015

Proposed development of 214 residential dwellings with associated roads, footways, parking, drainage and landscaping comprising parcels 25a, 25b, 26a, 26b, 27a, 27b.

Grid Ref 387601 216165

Parish Hucclecote

Ward Hucclecote

Bovis Homes

C/o Agent

RECOMMENDATION Delegated Approve

Policies and Constraints

NPPF

Planning Practice Guidance

The Tewkesbury Borough Local Plan to 2011 - March 2006 - BR1, GNL2, GNL8, HOU1, HOU5, HOU13, TPT1, TPT5, LND7, EVT9

Joint Core Strategy (Gloucester Cheltenham Tewkesbury) Submission Version November 2014 - SD4, SD5, SD7, SD11, SD13, INF1 and INF3

Flood and Water Management SPD

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life) The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Hucclecote Parish Council - The Parish Council has no objection to this application. However it is concerned that further strain will be put on the local GP surgeries. The proposed health centre for Coopers Edge was not built and this has become an issue for some residents. There is also a need for a local shop on Coopers Edge and we would urge the developers to look into providing this on the available land.

Brockworth Parish Council - Parish Council have no objection to this application.

Environmental Health - An up-date will be provided.

Housing Enabling and Policy Manager - No objections.

County Highways - No formal response at the time of writing the report. An up-date will be provided at Committee.

Severn Trent Water Ltd - No objection.

Stroud District Council - No response at time of writing report.

Local residents - Three letters have been received from local residents raising the following concerns:

- The current infrastructure in the immediate and close area of this proposed development is already insufficient. Paragraph 162 of the National Planning Policy Framework outlines that 'Local planning authorities should work with other authorities and providers to: assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands; and take account of the need for strategic infrastructure including nationally significant infrastructure within their areas
- Insufficient designated residential parking has made the roads a very dangerous place. The sheer level of traffic already dictates that road capacity enhancement takes place before further traffic is added.
- The proposed plans do not make any reservation for replacement green spaces of equal value to be presented to the community. The field is regularly used by local residents.
- Without implementing a comprehensive solution to the existing problems, further development in this area which will only succeed in worsening the current situation.
- Any form of collaboration seems to be absent between the LPA, authorities and other providers. There is no update estimate to assess the capacity of the infrastructure which cannot serve a further residential development in this area.
- There is a resident barn owl on this parcel of land which it regularly uses as a hunting ground.

Planning Officers Comments: Mr John Hinett

1.0 Introduction

1.1 The site forms part of Coopers Edge development and is located at its south eastern edge as shown on the original masterplan. The parcel of land is surrounded on its northern and western boundaries by phases of residential development that have already been built out. The eastern and southern boundaries comprise open countryside and are outside the 'Coopers Edge' residential area. The site measures 5.55 ha. It is a sloping site, rising from the High Street in the north to the Open Space in the south.

2.0 Relevant planning history

2.1 In January 2005, outline permission Ref: - 01/10875/01124/OUT was granted for a new residential neighbourhood comprising approximately 1900 homes on 70 hectares of land located to the south and west of Gloucester Business Park.

3.0 Current application

3.1 The current proposal is for reserved matters approval for 214 no. dwellings comprising a range of sizes and tenures including a mix of detached, semi-detached and terraced properties from 2 bedroom flats over garages to larger 5 bedroom homes (**location plan attached**).

3.2 The application comprises the following mix of dwellings:

Market Housing - 192 units

- o 35 x 2 bed houses
- o 110 x 3 bed houses
- o 41 x 4 bed houses
- o 6 x 5 bed houses

Affordable Housing - 22 units

- o 7 x 2 bungalows
- o 10 x 3 bed houses
- o 5 x 4 bed 4 houses

4.0 Analysis

4.1 The key issues to be considered in relation to this reserved matters application are considered to be layout, house type design, scale, residential amenity, landscaping, highway and parking issues, affordable housing provision and drainage.

Design and Layout

4.2 The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Policy SD5 of the Joint Core Strategy Submission Version (November 2014) similarly seeks good design reflecting the guidance.

4.3 Policy GNL2 requires the provision of design statements for major new developments indicating how the development addresses key points of urban design. A Master Plan and Design Code have been approved as part of the outline planning permission to establish design principles for the development. An Area Master Plan has also been approved for this part of the development.

4.4 Condition 19 of the outline planning permission requires that each application for approval of reserved matters accord with the Design Code. The Code divides the site into 5 character areas to help create a distinctive and legible environment. Parcels 25a, 25b, 26a, 26b, 27a, 27b (subject of the current application) fall within three character areas: 'General Residential'; 'Formal'; and 'Development Edge'.

General Residential

4.5 The majority of the proposal comprises 'General Residential'. The key elements of the character area are described below:

- Well defined street frontages with predominantly terraced and semi-detached buildings
- A variety of 2 and 3 storey buildings with a limited quantity of 1 and 1.5 storey dwellings
- A varied urban form provided by varying widths between frontages and gently curving building lines

- Backland areas within the block with courtyards linked by narrow lanes
- Variation in roof forms
- Buildings predominantly close to back of footway with little or no front garden
- A varied palette of materials

Formal

4.6 A small element of the western boundary of the application site comprises 'Formal' area fronting a large central area of Public Open Space. The Design Code sets out the key elements of this character area below:

- Strong, consistent building lines
- Balance and symmetry in architectural and urban form, articulated at key focal points
- Uniformity achieved through the use of a rigorously applied architectural language
- A restricted palette of building materials'

Development Edge

4.7 The application site's southern and eastern boundaries comprise 'Development Edge'. The key elements of the character area are described below:

- Varied building line with setbacks and relatively long front gardens
- Varied building form with a number of detached buildings
- Space for tree planting within plots, highway and open spaces
- Use of hedges and picket fences to enclose front gardens

Street Hierarchy

4.8 The Design Code also sets out a hierarchy of roads within each of these areas comprising: Primary; Secondary; Tertiary; and Parking Courts (Mews). The Design Code sets out a number of key design characteristics for each of these streets, for example frontage depths, parking characteristics and key design features.

Application proposal

4.9 The Council's Urban Design Officer assessed the original layout and commented that it did not reflect the differing characteristics of the street hierarchy set out in the Design Code and that there appeared to be little difference between the secondary streets and the tertiary streets. Whilst the primary frontage was more discernible it lacked street trees, as did the secondary streets. It was also commented that many of the properties lacked front boundary treatments required by the Design Code. There were also concerns regarding the proposed parking. The Code allows for a variety of parking solutions. However, parking to the front of properties should be limited, avoiding long runs with front parking to maintain enclosure to the street. The Code requires that on-plot parking should be behind the building line and there should be no more than two integral garages in a row. The Urban Design Officer considered that the original layout included too many instances of on-plot parking to frontages. It was also considered that the courtyards lacked adequate areas of soft landscaping and tree planting. The Urban Design Officer requested that the applicant address these issues and encouraged the applicant to incorporate un-allocated parallel on street parking to the front of the dwellings to prevent anti-social parking and give residents a more convenient parking option.

4.10 Officers also had concerns regarding the back-to-back separation distances of dwellings in some parts of the layout which were well below the normally accepted standards. There were also a number of examples of some dwellings being immediately adjacent to the rear gardens of others, resulting in overbearing relationships. It was also noted that the southern edge of the application fell within an 'Area of Height Sensitivity' and that some of the proposed house types exceeded the heights allowed in the Design Code. It was also the case that the palette of external materials did not accord with the Code, with far too many dwellings proposing brick rather than stone.

Revised Layout

4.11 The applicant has submitted a revised layout, including some revised house types, that seeks to address Officer's concerns. Changes have been made to the layout and design of the streets in order to create a clear distinction between the hierarchy of roads. The spine road now incorporates parallel parking bays to the front of a number of plots and railings have also been introduced to the road frontage in line with the approved DAS. The secondary street that runs north to south through the centre of the parcel has been revised to indicate a stronger building line with street planting and parallel parking bays in some places.

Railings have also been introduced in line with the approved DAS. The turning heads have also been increased to improve manoeuvring following the highways comments. The Code states that Tertiary streets should take the form of lanes or mews and should be shared surface where possible. The revised layout now indicates these streets would be a 6.8m width shared surface. The crossing points have also been added at the appropriate locations. The revised details indicate that the frontages to the primary streets would be mostly railings with tree planting in places. Frontage to the secondary streets would be mostly railings with occasional hedge/shrub/tree planting, and frontages to the tertiary streets would be mostly hedge planting and shrub/tree planting where appropriate.

4.12 The materials palette has also been amended to reflect the Code. The number of rendered buildings has been reduced considerably and render is now only used as a main facing material on key buildings where it is considered appropriate to the spine road frontage. The dwellings facing the 3 roads running north-south are kept stone as are the dwellings along the southern boundary with brick used sparingly on the dwellings fronting the internal streets and mews areas. A number of the house types facing the open space have been substituted for more 'landmark' buildings as called for in the Code.

4.13 Changes have also been made to the parking arrangements to avoid the long runs of frontage parking. The parking to the front of properties has been reduced considerably and where possible, on plot parking is now mostly behind the building line. Visitor parking that was previously indicated to the front of dwellings has been replaced mostly with parallel parking bays on the streets. This has created further opportunities to add green areas with planting/trees in place of hard standing parking areas to the front of the dwellings, and within the courtyard/ mews spaces. Where frontage parking cannot be avoided breaks have been introduced between the parking bays and landscaping introduced to these areas to break up the hard nature of parking areas. The revised road widths across the site now allow for visitor parking and many un-allocated on street parking bays.

4.14 The revised layout has also increased the back-to-back distances with rear gardens being increased in length with the majority of dwellings are being between the 20-22m ranges. Some of the flats over garages (FOGs) have also been repositioned away from the rear boundaries of other dwellings to improve the outlook and reduce their impact. Sections of the FOGs have also been provided which demonstrate that the roof lights would be at least 1.7m above floor levels preventing overlooking.

Building Heights

4.15 Condition 7 of the outline planning permission requires that each application for approval accords with the building heights indicated on the Land Use Master Plan approved as part of the outline planning permission. The southern part of the application site falls within a 'height sensitive' area where ridge heights must not exceed 9.2m (according to the Code). For the remainder of the application site ridge heights should not exceed 10.5m.

4.16 There were several instances where the house types originally proposed exceeded these height parameters. Those house types have either been substituted for different units, or have had the pitch of the roofs slackened such that they now accord with the Land Use master Plan and Area Master Plan.

Density

4.17 The approved Master Plan indicates six broad density bands and provides a strategy for locating different types of development. The application site comprises two density zones: Low Density along the southern edge where density should fall within the 25 - 35dph range; and Medium Density for the remainder of the site where densities should fall within 35 - 45dph. The proposed densities for the current application are at the upper ranges of these densities, but do comply with the Code and Masterplan.

Materials

4.18 The Code sets out a strategy for the application of facing materials which focuses on the distinction between character areas and encourages local distinctiveness and respect to local context. The majority of the site falls with the 'Cotswold Palette' area where the range of materials should predominantly comprise stone and stone-like wall, with slate and tiles roofs; with a small quantity of red brick. At least 50% of the primary facing materials should be within ranges specified in the Code with an additional 10% red brick. A small part of the site adjacent to the open space falls within the 'Formal Palette' where materials should comprise predominantly render painted off-white shade, with stone roofs with at least 70% of the primary facing materials and 100% of the roofing materials being within the ranges specified in the Code.

4.19 Following discussions the proposed materials schedule has been revised. The number of rendered buildings has been reduced considerably and render is now only used as a main facing material on key buildings where considered appropriate to the spine road frontage. The dwellings facing the 3 roads running north-south are proposed to be of stone construction, as are the dwellings along the southern boundary with brick now only proposed in certain locations on the dwellings fronting the internal streets and mews areas.

5.0 Vehicular Access and Parking

5.1 Policy TPT1 requires that highway access be provided to a safe and appropriate standard for proposed development.

5.2 The County Highways Authority (CHA) are currently assessing the revised layout. **An up-date will be provided at Committee.**

5.3 In terms of parking, all 2 and 3 bedroomed dwellings would have 2 spaces, with 4 bedroomed dwellings having 3 spaces (including a garage) and 5 bedroomed dwellings having 4 spaces (including a double garage) - making a total number of 482. In addition to these, there would 35 visitor spaces.

6.0 Affordable Housing

6.1 Local Plan Policy HOU13 provides that provision will be made for affordable housing on appropriate sites. The Area Master Plan indicates affordable housing numbers for each parcel. For Parcels 25a, 25b, 26a, 26b, 27a and 27b and for the proposed number of 214 dwellings, a total of 22 affordable homes is required.

6.2 The application makes provision for 22 affordable housing units comprising:

- o 7 x 2 bungalows
- o 10 x 3 bed houses
- o 5 x 4 bed 4 houses

6.3 The Councils Strategic Housing and Enabling Officer (HEO) confirms that the proposed number of affordable housing units proposed for each parcel in the current application satisfies the requirement. In addition, the HEO confirms that the proposed house types all meet the minimum standards set out in the Section 106 Agreement. Similarly, the proposed layout is in accordance with the s106 Affordable Housing provision regarding clustering of units and bus route clause. The proposal is therefore considered acceptable in this regard.

7.0 Drainage Issues

7.1 Policy EVT9 requires that development should make appropriate provision for sustainable urban drainage. Condition 42 of the outline planning permission requires the approval of a sustainable urban strategy for the whole site and that no dwelling shall be occupied until sustainable urban drainage measures have been provided in accordance with the agreed strategy and agreed.

7.2 The applicant has clarified that the storm sewer network would connect to the overall drainage system at the existing manholes S3/SW-08/SW-09/SW-16/SW-18, which would discharge to a ditch north of the parcel. The ditch would direct storm water to Pond D as shown in drawing 1062-DR-02-J. The foul sewer network would connect to the overall drainage system at the existing manhole. From there the system would flow to the South before connecting to an existing foul sewer in Lobleys Drive.

7.3 All finished floor levels are in accordance with the approved levels drawing.

8.0 Residential Amenity

8.1 Local Plan Policy HOU5 relates to new housing development and includes a requirement that proposals should not result in an unacceptably low degree of residential amenity for existing or proposed dwellings.

8.2 As discussed above, the original layout has been amended to increase the back-to-back distances of the dwellings which are now within the normally accepted standards. Similarly, some units have been re-sited away from rear boundaries to improve outlook and general amenity. The proposal is considered acceptable in residential amenity terms.

8.2 Condition 9 of outline permission Ref: - 01/10875/01124/OUT stipulates that each application for approval of reserved matters for housing in the Noise Abatement Zones shall include a scheme of noise attenuation to protect proposed houses from noise from the M5 motorway. The current application site lies outside the identified Noise Abatement Zone. However, due to the application site's location adjacent to existing employment buildings along the eastern boundary, the Council's Environmental Health Officer (EHO) requested a Noise Assessment. The applicant has subsequently provided a Noise Assessment which has been considered by the EHO who confirms that subject to a condition requiring that the mitigation measures outlined in the Noise Attenuation Strategy are implemented they have no objection.

9.0 Landscaping

9.1 The Design Code sets out that the relationship between green spaces and the built environment are important elements of the public realm and will contribute significantly to the success of the scheme. As set out above, additional planting has been provided along the streets with the scheme in accordance with the requirements of the Code.

10.0 Conclusion

10.1 The proposal, as amended, is considered to be of an appropriate layout and design and would have an acceptable impact upon the appearance of the area and accords with the approved Area Master Plan and Design Code. It is therefore recommended that the approval be **delegated to the Development Manager subject to receiving confirmation of the acceptability of the highway layout and noise mitigation measures, and to the addition of further conditions as necessary.**

RECOMMENDATION Delegated Approve

Conditions:

- 1 The development hereby approved shall be implemented in accordance with the plans and information detailed on the approved Drawing Register (Job No 25565) received on the 23rd March 2016.

Reason: To clarify the terms of the approval.

- 2 The noise attenuation measures shall be implemented in accordance with the Noise Attenuation Strategy Report (JMP Consultants - NW91450 - 18/03/2016) and maintained as such therefore after unless otherwise agreed in writing by the Local Planning Authority.

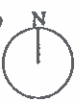
Reason: To minimise the effect of noise within the proposed dwellings (with windows closed) in the interests of the amenities of future occupiers in accordance with and Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

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 to improve the site layout and house type design.

- 2 To be read in conjunction with outline planning permission 01/1087/01124/OUT.

15/1274/APP 



Brockworth
Phase 25a - 27b
Drawing Title
Location Plan

KEY	
	Proposed Boundary

Date	Scale	Drawn by	Check by
13/11/15	1:2000(A1)	CAD	AC
Project No	Drawing No	Revisions	
25965	PL-01		

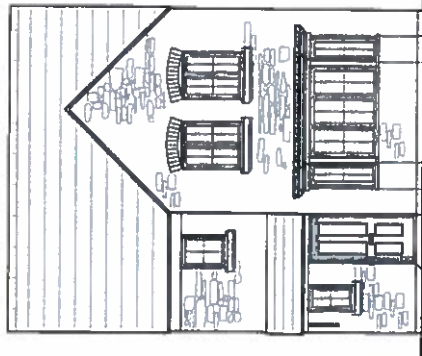


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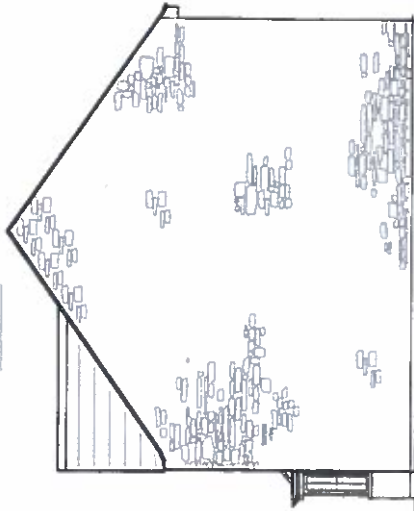


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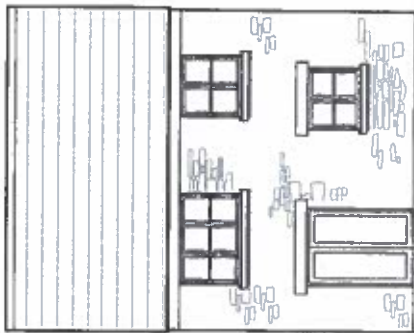
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 Date 02.02.16
 Dm KR
 Ctd DH



FRONT ELEVATION



SIDE ELEVATION

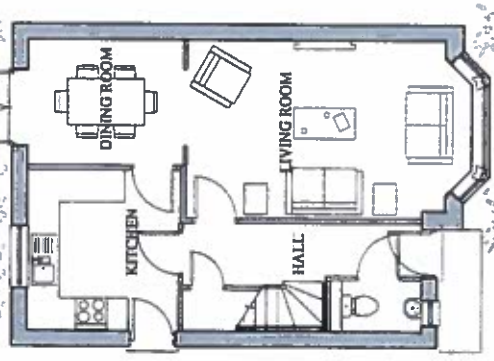


REAR ELEVATION

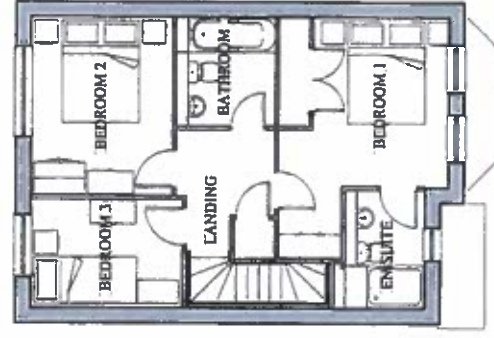


SIDE ELEVATION

981/10



GROUND FLOOR PLAN



FIRST FLOOR PLAN

PLOTS - 2567(H), 2660, 2661(H), 2662, 2668



Project Brockworth 25a - 27b

Drawing Title Housetype Planning Drawing P306

Date	20.11.15	Drawn by	JRB	Checked by	AC
Scale	1:100@A3	Drawing No	HT-P306-02	Revision	A
Project No	25565				

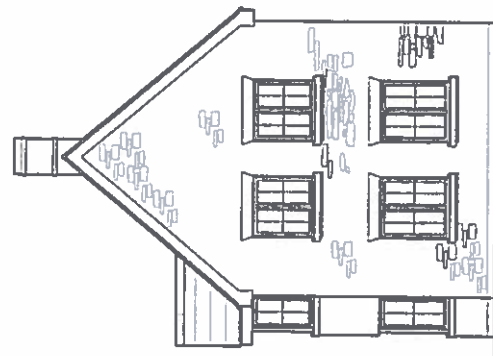
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15/01274/APP

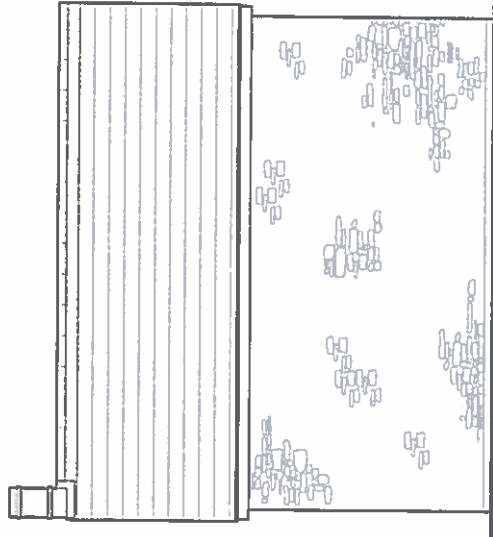
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Revision	Date	Drn	Ctd
A	02.02.16	KR	DH
B	21.03.16	DH	DG

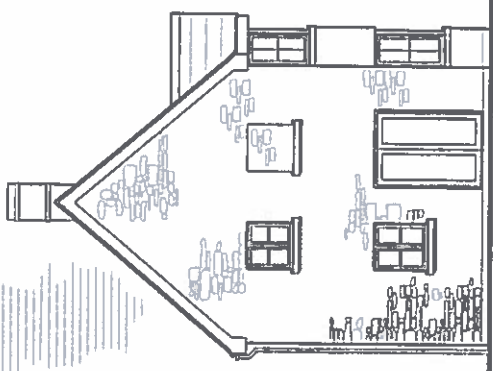
Revised to Planning Layout Rev.D



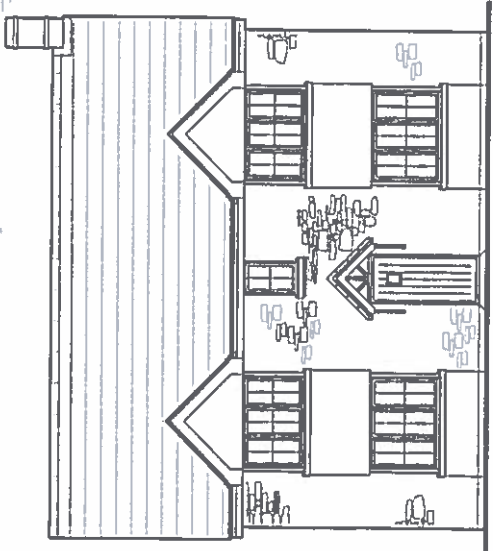
SIDE ELEVATION



REAR ELEVATION

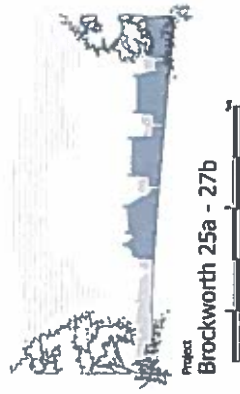


SIDE ELEVATION



FRONT ELEVATION

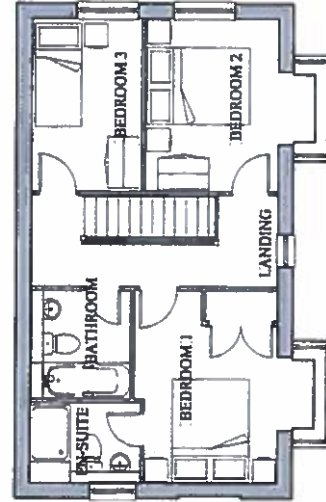
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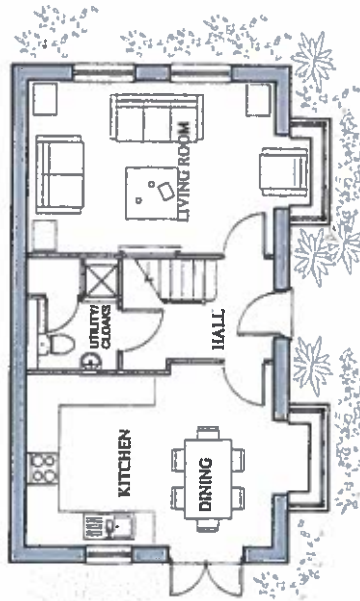
Project
Brockworth 25a - 27b

Drawing Title
HouseType Planning Drawing
P303

Date	20.11.15	Scale	1:1000A3	Drawn by	JRB	Check by	AC
Project No	25565	Drawing No	HT-P303-03	Revision			8



FIRST FLOOR PLAN



GROUND FLOOR PLAN

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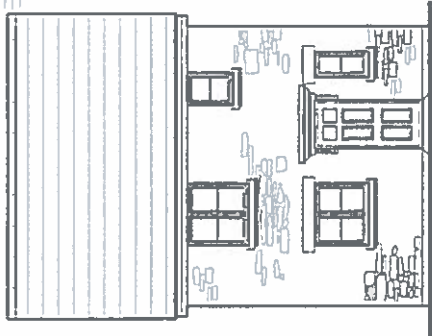
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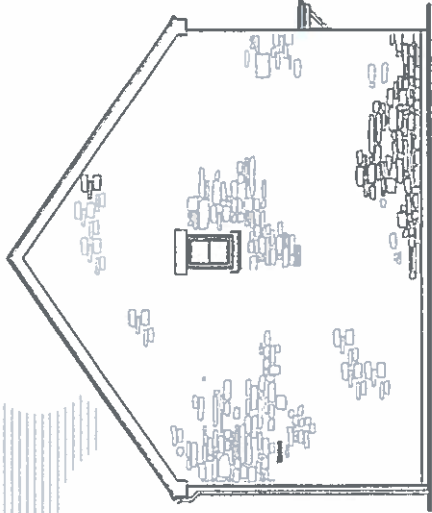
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B	21.03.16	DH	DG

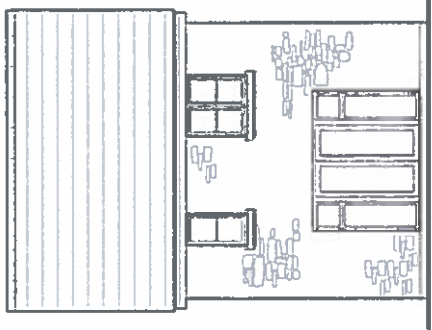
Plot numbers updated.
Revised to Planning Layout Rev.D



FRONT ELEVATION



SIDE ELEVATION

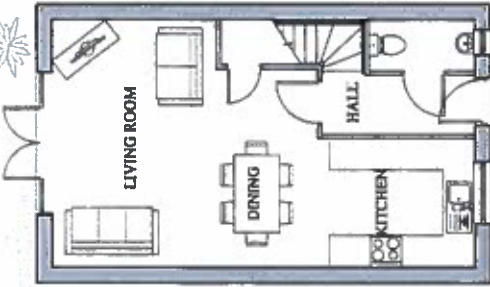


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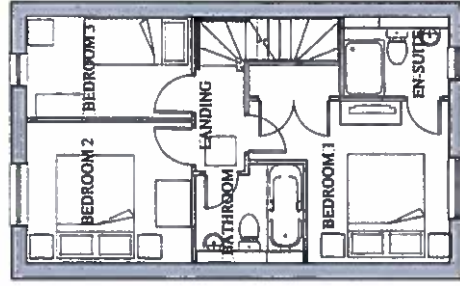


SIDE ELEVATION

981/F



GROUND FLOOR PLAN



FIRST FLOOR PLAN

- PLOTS - 2501(H), 2502, 2503(H), 2504, 2505, 2509(H), 2510, 2511(H), 2512, 2513, 2514, 2519(H), 2539(H), 2540, 2561(H), 2562, 2573(H), 2574(H), 2575, 2578(H), 2579, 2580, 2592, 2597(H), 2599(H), 2600, 2601(H), 2602, 2603(H), 2604, 2612(H), 2627(H), 2628, 2630(H), 2637(H), 2638, 2639(H), 2647(H), 2648(H), 2649, 2657, 2677(H), 2678, 2685(H), 2686, 2703(H)



Project Brockworth 25a - 27b

Drawing Title
House type Planning Drawing
P302

Date	20.11.15	Scale	1:100@A3	Drawn by	JRB	Check by	AC
Project No	25565	Drawing No	HT-P302-01	Revision	B		

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Valid 29.10.2015

Erection of 71 dwellings (access from Evesham Road), with public open space and other associated infrastructure.

Grid Ref 395657 228417

Parish Bishops Cleeve

Ward Cleeve St Michaels

Redrow Homes South West

C/O Agent

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

Planning Practice Guidance

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 Joint Core Strategy (Gloucester Cheltenham Tewkesbury) Submission Version November 2014 - SD4, SD5, SD7, SD11, SD13, INF1 and INF3

Flood and Water Management SPD

Fields in Trust: Planning And Design For Outdoor Sport And Play

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**Bishop's Cleeve Parish Council objects to this application:**

- The proposed development would have a disproportionate effect on the village in terms of the cumulative impact of development and the social wellbeing of the community. In this sense, this would not represent sustainable development.
- There are further concerns with regard the impact on infrastructure.
- The application states no consultation has yet taken place with the relevant utility companies regarding services capacity.
- There are existing issues in Bishops Cleeve regarding Electricity Supply infrastructure and consider there is evidence of insufficient capacity of supply. Also affects sewage pumping infrastructure which cannot function without a reliable electricity supply.
- Utilities Statement also makes assumptions with regard to the capacity for: Gas; Water; and Sewerage.
- The statement contains the text Consultation with WWU will be necessary We believe that this is evidence of the comprehensive failure of the effectiveness of the utilities statement.
- The proposed development is right on the edge of the floodplain and there is concern that foul water has not been investigated underground.
- The Parish Council have further concerns with regard the highways infrastructure. The increased volume of traffic from this development will have a negative impact on an already overburdened road network. There is also inadequate accessibility to the public transport system.
- There are also concerns that the architectural design of the dwellings is poor. The style would be better located in the centre of an urban development, not on the transition edge. This is felt to urbanise the edge of the village.
- There is further concern that the smaller units have no private garden and, in time, may accommodate growing families with children who need safe play environments.

Gotherington Parish Council objects to the application on the following grounds:

- The site has a long and well-recorded history of flooding. The construction of a development of this size in close proximity to the Dean Brook, will exacerbate this tendency.
- The traffic scheme is poor and will increase the difficulties which are already experienced by road users in the vicinity. The siting of the access in relation to the Deans Lea development, the Cleavelands roundabout and the junction of the Evesham Road with the A435 would add significantly to this situation.
- The demands on the local infrastructure, which have not been realistically addressed, impact significantly on neighbouring communities, which include Gotherington. The utility suppliers are increasingly unable to maintain service and additional development would put unacceptable demands on this.
- The parish council is concerned that the proposed layout shows development close to the parish boundary, and particularly the inclusion of a hammerhead road layout at the edge of the development. Were this application to be permitted, councillors would request a revision of the site layout to provide a greater area of green space to the north of the site.

Highways Officer - An up-date will be provided at Committee

County Archaeologist - An up-date will be provided at Committee

Gloucestershire County Council - No objections subject to contributions towards education and Libraries.

Environmental Health - No objections

Flood Risk Management Engineer - No objections.

Housing Enabling and Policy Officer - No objections.

Local Residents - 3 letters have been received from local residents objecting to the proposal for the following reasons:

- Bishops Cleeve is already rapidly expanding and local infrastructure is unable to cope with the current population. Bursting at the seams.
- Traffic is already heavy and due to increase as a result of permitted housing development in the area. This would be further exacerbated by families in a further 71 dwellings attempting to reach school and work.
- The local supermarkets cannot cope with the current demand.
- Power cuts are a frequent occurrence and would be worsened by additional homes.
- There is a shortage of spaces in the local primary schools which are struggling to meet the already growing population of the area and the senior school will certainly not be able to accommodate all in the village who wish to attend.
- The site is frequented a wide range of wildlife. The local wildlife is abundant around the area of the proposed development but is already being displaced by the Homelands development, this new additional development would further restrict many types of wildlife.
- Why there is a need to approve another 71 houses before the impact of the current expansion has been gauged or the villages services have had a chance to scale.
- Living in Bishops Cleeve will be like living in a Big town.

Planning Officers Comments: Mr John Hinett

1.0 Introduction

1.1 The application site is located outside of, but immediately north of and adjoining, the existing 'built up area' of Bishop's Cleeve - but outside the Residential Development Boundary as defined in the Tewkesbury Borough Local Plan (2006). The site has a total area of approximately 3.3ha. Evesham Road and the A435 occupy the southern and western boundary. A dwelling ('Anchor Cottage') is also located to the western boundary. To the north of the site are open fields, separated from the site by hedgerows and trees. Dean Brook also runs along the northern boundary. Deans Court is located immediately to the south of the site with the existing built form of Bishop's Cleeve beyond. To the east is an agricultural field with the Homelands residential scheme beyond.

1.2 The majority of the site is undeveloped but part of the site at the south eastern corner is previously developed comprising a cluster of buildings and a storage yard which was previously used as a car breaking business. The site is relatively flat with a slight slope descending from the east of the site towards the west.

1.3 The site is unaffected by any landscape designations. Part of the southern and western parts of the site are located within Flood Zone 3 and partly within Flood Zone 2.

2.0 Relevant planning history

2.1 Planning application T.1070/A for the retention of land and building for vehicular dismantling and storage of parts, including office was permitted in 1978.

2.2 Planning application T.1070/C for the erection of a building to be used as stores and work bays was permitted in 1981.

2.3 Planning application T.1070/D for the extension to vehicle dismantling shed to include new office, sales and storage was permitted in 1986

2.4 Planning application 06/00008/FUL for the continued use of agricultural land as a storage area in association with vehicle dismantling business. Retention of hardbase compound and steel panel fencing was Permitted on the 28.07.2006

2.5 Planning application 06/01063/FUL for the change of use of part of existing manège to provide car park ancillary to existing vehicle dismantling business (including the erection of 2m high timber fence and formation of new field gate entrance) was permitted in 1.01.2007.

Other relevant planning history

2.6 Land around Bishop's Cleeve has been subject to recent planning permissions for major development, both allowed at appeal in 2012, which is at various of stages of construction, as follows:

- (i) Development at 'Cleevelands' (Ref: 10/01216/OUT) for 550 dwellings; and
- (ii) Development at 'Homelands 2' (Ref: 10/01005/OUT) for 450 dwellings.

A number of reserved matters applications on both sites have been submitted.

2.7 A further Outline planning application for proposed development at Stoke Road (Ref: 15/00166/OUT) has been submitted by Gladman Developments and also appears on the Schedule. This site is located approximately a kilometre to the south west of the application site and the application seeks planning permission for 265 dwellings.

2.8 Development is proposed (26 dwellings) on a parcel of land adjoining the applications site's eastern boundary, 'Parcel 7346' (Ref: 14/01233/FUL); this application is currently Pending.

3.0 Current Application

3.1 The application seeks full planning permission for the development of 71 dwellings (Use Class C3), with access from Evesham Road) and with public open space and other associated infrastructure.

3.2 The application proposes that 15 of the dwellings (21%) would be provided on-site with proportionate financial contribution towards off-site affordable housing for the balance (13 units) - making an overall contribution of 40%.

3.3 The scheme also proposes a communal area of landscaped open space, a surface water attenuation pond and road infrastructure to provide vehicular and pedestrian access to dwellings.

Applicants case in favour of their proposal

3.4 The applicants point out that Tewkesbury Borough Council is currently unable to robustly demonstrate a deliverable five year housing land supply and therefore the NPPF Paragraph 14 'presumption in favour of sustainable development' is the correct basis on which this application should be determined. On the basis of the presumption in favour of granting planning permission for this development, it is necessary to specifically weigh the benefits of the development, against any significant and demonstrable harm.

3.5 It is argued that the provision of housing (including affordable housing) is a key benefit of the application proposal which attracts significant weight, and takes on increased importance given the lack of a deliverable five year housing land supply. Moreover, planning policy is to 'boost significantly' national housing supply, and provision of housing over and above the minimum level does not, in itself, amount to harm.

3.6 The applicants consider the other key benefits attributable to the proposed development are:

- Economic benefits associated with both the (short-term) construction phase and (long-term) occupation phase of the development;
- The development of a previously developed brownfield site with a positive visual and environmental impact on the surrounding land uses;
- Betterment in respect of local flood risk, due to improvements associated with the proposed drainage strategy for the development;
- Provision of areas for informal recreation and equipped children's play which will be accessible to new and existing residents;
- Measures to provide a net enhancement to local biodiversity as a result of development of the site;
- Potential integration and permeability with the other proposed developments to the north of the settlement;
- Improved and extended pedestrian links along Evesham Road.

3.7 The negative impacts are acknowledged by the Applicant as being:

- Limited localised impacts on views and landscape character as a result of development on part of the site as previously undeveloped land;
- Permanent loss of a small quantity of agricultural land.

However, the applicants do not consider these adverse impacts significantly and demonstrably outweigh the benefits, and accordingly suggest that planning permission should be granted.

4.0 The Community Infrastructure Levy Regulations

4.1 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst Tewkesbury Borough Council has not yet developed a levy the Regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

4.2 As a result of these regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development'. As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application. The need for planning obligations is set out in relevant sections of the report.

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

5.0 Principle of Development

The Development Plan

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

Tewkesbury Borough Local Plan to 2011 - March 2006

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

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

Emerging Development Plan

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

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

5.6 Within the rural areas of Tewkesbury Borough, approximately 2,612 dwellings are proposed to be delivered in the plan period to 2031. A large proportion of this rural development has already been committed through planning permissions already granted. The remainder of this requirement will be allocated at rural service centres and service villages through the Tewkesbury Borough Plan and neighbourhood plans. The Borough Plan is at an early stage of development and can be given very limited weight only at this stage.

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

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given)

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.

Other Material Considerations

5.8 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted.

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

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

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

5.11 As set out above, the Council cannot currently demonstrate a five-year supply of deliverable housing sites. 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.

6.0 Access to local services and facilities

6.1 Section 4 of the NPPF (Promoting sustainable transport) recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. It 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.

6.2 Bishops Cleeve is a named 'Rural Service Centre' in the current pre-submission version of the JCS and ranks second only to Tewkesbury in the JCS Rural Settlement Audit (September 2014). It is a settlement the benefits from a wide range of services and facilities and has a strong functional relationship (and good public transport links) with Cheltenham. The Homelands and Cleevelands residential schemes will also deliver additional services and facilities (including two new community buildings and retail/ business areas).

6.3 The application site lies in close proximity to both the Homelands and Cleavelands sites. Residents of the proposed scheme would therefore have easy access to the services and facilities proposed as part of those schemes and also the public transport and footpath / cycle links to those within Bishops Cleeve and also Cheltenham. It is concluded therefore that the site is sustainable in this regard.

7.0 Scale of Development and Social Impacts

7.1 The pre-submission JCS recognises that the retention of services within rural service centres is intrinsically linked to the size and distribution of the resident population and it is important that these services remain viable, although more development will be accommodated at the rural service centres than at the service villages.

7.2 Bishops Cleeve Parish Council have objected to the proposal arguing that the proposed development would have a disproportionate effect on the village in terms of the cumulative impact of development and the social wellbeing of the community. The Parish considered that in this sense the proposal would not represent sustainable development.

7.3 It has been established in a number of recent appeal decisions (including those in Alderton) that the cumulative impact of development and the consequential increase in population without proportionate increases in infrastructure, employment opportunities and other local services risks eroding community cohesion. This is a material planning consideration. The matter was also considered by the Secretary of State (SoS) in dealing with both the Homelands and Cleavelands applications. Concluding on the sustainability of the two proposals the SoS agreed with his Inspector's comments at paragraph 14.45 of his report that: "...both schemes would take the right approach to achieving social cohesion and result in balanced communities, with good access to employment and services, which would be well integrated into pleasant environments."

7.4 The "Approach to rural sites" background paper suggests that commitments at Bishop's Cleeve already exceed the development identified at this location by approximately 230 dwellings - albeit it is accepted that Bishop's Cleeve will be expected to contribute to the Borough's housing land supply over the plan period and that development at Bishop's Cleeve would be generally consistent with the spatial strategy. The background paper forms part of the evidence base for the emerging JCS, which itself is not yet adopted and can only therefore be afforded limited weight.

7.5 In view of the above, Officer opinion is that the addition of a further 71 dwellings in addition to the 1450 already allowed (Homelands 1 and 2, and Cleavelands) would not be such a significant increase when considered cumulatively with the consented schemes to tip the balance from what was considered to be an acceptable impact, to an unacceptable one. It is therefore concluded that the scale of development in this location would not have an unacceptable impact on the social wellbeing and cohesion of Bishops Cleeve and is acceptable in this regard.

8.0 Design and Layout

8.1 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. All applications for new housing are required to include a design and access statement explaining the design rationale. Policy SD5 of the Joint Core Strategy Submission Version (November 2014) similarly seeks good design reflecting the guidance.

8.2 The applicants Design and Access Statement (DAS) sets out that the layout is largely influenced by the position of the access point, the landscape and ecology strategy and specific site constraints as previously detailed. It states further that the layout has been designed to provide where possible a perimeter block form of layout to ensure secure rear garden amenity space and allow the majority of dwellings to front onto and provide natural surveillance to the public realm. An active, animated interface between private and public spaces has been achieved by incorporating the following:-

- Dwellings designed to have their principal entrance to the front and habitable rooms overlooking the public realm to increase the sense of safety through natural surveillance.
- Front doors opening out to the street will create life and activity on main routes whilst housing frontages addressing shared surface routes will create a safer and welcoming connection for pedestrians and cyclists.

- Dual aspect house types have been added at key junctions and corners to provide activity and closure to the street and to rear car parking courts to ensure natural surveillance
- Continuous building frontage lines with variations in enclosure to private space help to create clear definition between private and public areas.
- Streets and open spaces designed to give priority to the movement of people over cars with a shared surface access road added adjoining the western open spaces providing attractive links through the site.

8.3 The Council's Urban Design Officer had some concerns regarding the original layout. It was considered that the dwellings extended too close to the northern boundary (a concern shared by the Parish Council) and also that the scheme failed to provide adequate connectivity to the Homelands Development to the east. It was also considered that there was a general lack of rhythm, repetition and symmetry to the street scene which failed to reflect the garden city tradition that the proposed 'Heritage' house types aspired to. Officers also had concerns relating to orientation of some of the units and also to the lack of tree planting within the scheme. There were also concerns regarding some of the house types - including a proposed apartment block which was considered to be of a poor design, and in a prominent location on a key frontage.

8.4 A revised layout has subsequently been submitted along with some revised house types (**see revised layout**). The revised layout has straightened the main street to the north of the entrance which has created a more formal street. A 2m soft verge has been added to the eastern side of the main street to incorporate street trees and visitors car parking spaces. House types have also been amended to provide clearly defined and consistent building lines along the main street. Parking has been set back behind the building line to create a semi-formal character, softened by new tree and hedge planting. The proposal is now considered to more closely reflect the traditional 'garden city' aesthetic alluded to in the choice of house type.

8.5 Along the northern boundary dwellings have been set further back into the site to create a more significant landscaped buffer to the adjoining Dean Brook corridor. A larger green space has been provided in the north east corner which would provide additional usable public open space and help to integrate the proposals into the existing natural setting. The small centrally located public open space area has been repositioned along the eastern boundary to provide a larger more useful space. This area would also incorporate a play area (LAP) and now also includes a formal pedestrian link to the adjoining Homelands development.

8.6 A number of revised house types have also been proposed which now provide dual frontage to key corner plots and to either side of the entrance and at other important junctions. The design of the apartment block has been amended to provide a more 'Arts and Crafts' feel that the applicant considers to be more in keeping with the proposed house type elevational styles. Its location has also been moved away from the prominent location on the site's frontage, to within the site adjacent to the LAP and POS. Frontage car parking has been reduced and garages set back to avoid a car dominated street scene. Additional visitor car parking spaces has been provided on street via the introduction of laybys to the southern loop road and main street.

8.7 The Council's Urban Design Officer has reviewed the applicants' revisions and considers that it has largely addressed previous concerns. Conditions ensuring that appropriate boundary treatment (such as hedges with an upstand or railings) would be required to ensure a sense of continuity and enclosure to the street and to allow for defensible space. Likewise the external materials.

House types

8.8 The proposed dwellings range from one bedroom flats to two, three and four bedroom houses and would be predominantly 2 storey in height. The design is 'traditional' which the DAS states is inspired by the 1930's Arts & Crafts era which would *"demonstrate an empathy with the surrounding townscape whilst creating a distinctive development with its own identity and sense of place"*(**see revised House Types**). Materials would comprise a mix of brick and render with use of timber cladding and hanging tiles on some units.

8.9 As set above, whilst the general approach of the traditional style was considered acceptable, some of the house types (in particular the apartment block) were considered either unacceptable, or required amending to make them dual frontage. The amended apartment unit is considered an improvement (and has been approved on other developments in the borough). Similarly, the amendments to the other house types are considered to address previous concerns. The proposed scale and heights of the dwellings (the ridge heights for the 2 and 2.5 storey units being approximately 8 - 8.5m, and the apartment unit being 10.8m) are considered acceptable in the context of the development to the south on Deans Lea and on the neighbouring Homelands Development.

8.10 It is concluded therefore that the revised layout and house designs are acceptable and the proposal is considered to accord with the guidance set out in the NPPF in relation to good design.

9.0 Landscape and Visual Impact

9.1 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy LND4 of the Local Plan states that in considering proposals for development in rural areas, regard will be given to protect the character and appearance of the rural landscape. Policy SD7 of the JCS Submission Version (November 2014) states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.

9.2 A landscape statement (LS) has been submitted with the application which considers that the site is a logical location for the proposed development and that where visible from the wider landscape the proposal would be viewed in the context of the existing surrounding urban development. The LS argues that the defining characteristics of the wider landscape would continue to remain with the proposed residential development in place and that much of the existing landscape features (hedges etc.) would be retained and enhanced in places. It is argued that at a distance of approximately 1.2 km kilometres from the site boundary the effects of the proposed development on the visual amenity of the AONB designation would be limited owing primarily to the presence of existing settlement in the intervening landscape between the site and potential visual receptors.

9.3 The LA proposes mitigation measures in the form of new planting along boundaries of the site and within the proposed development which it considers would assist in reducing the visibility of the proposed development and potentially adverse effects on visual amenity. The LA concludes that the site could successfully accommodate the proposed residential development, which would be of a similar nature to that existing residential development nearby, without material harm to the local environment in landscape and visual terms.

9.4 The application site has been assessed as part of the Landscape and Visual Sensitivity Study (Nov 2014) as part of the background work for the Borough Plan having regard to potential residential development around the Service villages. 'Bish-01' comprises a large area of land directly to the north of the Homelands development extending westwards from the railway line to the A435 - but excluding the Breakers Yard and the fields to the east. The Study categorises 'Bish-01' as having Medium Landscape Sensitivity and High Visual Sensitivity and as having an important function as providing a crucial gap between Gotherington and Bishops Cleeve and that this represents the greatest visual sensitivity. The sensitivity is increased due to its proximity to the heritage railway.

9.5 The application site forms only a small part of 'Bish-01' at its westernmost edge. Given its location to the west of the consented Homelands scheme and the fact that it does not extend beyond it to the north, it is not considered that the proposed development would intrude into or impact on the sensitive gap between Bishops Cleeve and Gotherington. Nor would it be visible from the Heritage Railway once the Homelands development is completed. Likewise, the site is remote from the Cotswold Scarp and from these distant views would be seen in the context of the existing and proposed residential development (once built out).

9.6 The conclusions of the applicant's LA are considered reasonable in that the existing trees and hedges along the northern, eastern and western boundaries would be retained and a condition could require enhancements to them. Therefore the main views of the development would be largely limited to those from the A435 when approaching the site from the south where the site currently lacks any trees along the boundary allowing clear views into the site.

9.7 The proposed dwellings would be set back off Evesham Road by approximately 30m and the submitted landscape plans show that a native species hedge and a stand of 6 Oak Trees would be planted along this boundary (see revised layout plan). The western edge of the site would also remain open and would therefore appear set back some distance from the A435, thereby reducing its visual impact and also allowing continued views northwards across part of the site to the countryside beyond (**see proposed landscaping scheme**). It is also the case that part of the site comprises the former Mitchells Vehicle dismantling yard which contains existing buildings and a large 3m high fence along its boundaries, all of which have a harmful landscape impact.

9.8 Given the partly brownfield nature of the site, the proposed layout which sets the development back from the sensitive edges, and the fact that the context of the site is now largely residential, it is not considered the landscape harm that would result from the development would be so harmful as to warrant refusal for this reason alone. However, there would nonetheless be harm to the landscape (as with all large scale housing developments) and this is a matter that must be put into the planning balance to weigh against proposal.

10.0 Highway Safety

10.1 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. 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. Policy INF2 of the Joint Core Strategy Submission Version (November 2014) requires developers to assess the impact of proposals on the transport network to ensure that they will not detrimentally affect its safety or efficiency. Planning permission will be granted only where the impact of development is not considered to be severe and cannot be mitigated.

10.2 The County Highways Authority (CHA) have assessed the revised details and comment that the layout is generally acceptable. However, at the time of writing the report there were a few outstanding points to clarify including the provision of: a road safety audit; forward visibility around bends; road and footway widths annotated on plan; and a tracking plan extended to include shared surface streets. The applicant is currently seeking to address these outstanding matters in consultation with the CHA. **(An up-date will be provided at Committee.**

Parking

10.3 The plans show that each of the dwellings would be provided with at least 2 spaces (some plots also having garages, and others with large driveways which could accommodate additional parking. In addition, a number of parallel on-street visitor spaces are also proposed. All car parking spaces would be conveniently located to the dwellings and all off-street. The proposed parking is therefore considered acceptable in this regard.

11.0 Affordable Housing

11.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing. Furthermore, Affordable Housing Supplementary Planning Guidance (SPG) was adopted by the Council in August 2005. The purpose of the SPG is to assist the implementation of affordable housing policies contained within the Local Plan and it is a material consideration in the determination of planning applications.

11.2 The application recognises a requirement for 40% affordable dwelling for the development - in common with the other recently permitted schemes around Bishops Cleeve. This amounts to 28 units. However in this case, and due the large number of affordable dwellings already consented in close proximity to the site and which are coming forward almost at the same time, the Council's Strategic Housing and Enabling Officer has agreed to the provision of 15 units (21%) on-site with proportionate financial contribution towards off-site affordable housing for the balance (13 units). The financial contribution is calculated on the basis of the cost of providing: 1 x 1 bed flat; 4 x 2 bed houses; 6 x 3 bed houses; and 2 x 4 bed houses.

11.3 Subject to completion of Section 106 Legal Agreement securing the requested monies, the Strategic Housing and Enabling Officer has no objection to the proposal.

12.0 Open Space, Outdoor Recreation and Sports Facilities

12.1 The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Furthermore, policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population.

12.2 The proposal for 71 dwellings would generate a requirement for 0.4ha of open space, of which 0.25a should be playing pitches in accordance with the requirements of Local Plan Policy RCN1 and Playing Pitch and Outdoor Sports Assessment and Strategy.

12.3 With regards to playing pitches and changing facilities, as these are not being provided on site, an off-site contribution would be required. Based on Sport England figures, a contribution of £113,176 would be required for playing pitches and changing facilities. The contribution would go towards improvements to the adjacent playing pitches and infrastructure at the Parish Council playing fields.

12.4 In terms of the balance of open space required, a further area of 1500sq.m would be required. The layout shows that a LAP (a 100sqm fenced activity zone) would be provided on the eastern boundary of the site with a small parcel of open space comprising an area of approximately 800sq.m. There are also areas of open space on the northern, southern and western boundaries of the site, which although also comprise landscape buffer and attenuation ponds, would also provide opportunities for informal play. The provision is therefore considered policy compliant in this regard.

12.5 In addition to sports pitches, demand for other sports facilities has been identified using the Sports Facility Calculator which is an interactive tool developed by Sport England. Based on 71 dwellings, demand has been identified for local sports facilities. In order to address these demands, the following contributions have been sought:

- o £37,599.00 towards sports hall at Cleeve Sports Centre;
- o £29,160.00 towards swimming pool provision in the local area;
- o £3,995.00 towards artificial sports pitch provision (astro turf) in the local area;
- o £4,417.00 towards bowls provision at the Parish Council playing fields;

12.6 The applicant has agreed to these contributions that would be required to be secured through a section 106 legal agreement. The applicant proposes that arrangements would be made for long term management of on-site open space and landscape/ecology features, via Management Company.

13.0 Community, Education and Library Provision

13.1 The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Plan Policy GNL11 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.

13.2 With regards to education, following consultation with Gloucestershire County Council, it is advised that out of 71 dwellings there would be 64 Qualifying Dwellings (QD) on the site that would generate a demand for: 4.5 pre-school places; 16 Primary School Places; and 9.6 Secondary School Places. The following contributions are sought therefore:

o	Pre School	4.48 places	=	£55,368.00
o	Primary	16 places	=	£197,744.00
o	Secondary	9.6 places	=	£180,941.00

13.3 The County also request a contribution towards Libraries of £13,916.

13.4 In addition to the above, following consultation with the Parish Councils, contributions amounting to £32,739 towards community buildings provision in the local area are sought. A contribution of £3,550 towards recycling and dog bins and signage have also been requested.

13.5 The applicants are agreeable to the contributions which could be secured through a section 106 legal agreement.

14.0 Flood Risk and Drainage

14.1 The NPPF aims to direct development away from areas at highest risk. Development itself should be safe and should not increase flood risk elsewhere. Policy EVT5 reflects this advice and Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable urban drainage systems (SUDS) criteria. Policy INF3 of the Joint Core Strategy (November 2014) replicates the advice in the NPPF.

14.2 The adopted Flood and Water Management Supplementary Planning Document has a number of key objectives which similarly reflect the advice and guidance contained in the NPPF and its Practice Guidance.

14.3 The application has been supported with a Flood Risk Assessment (FRA). In accordance with the requirements of the NPPF (paragraph 2), the FRA has assessed the flood risk from all potential sources of flooding including: fluvial, groundwater, overland flows, flooding from sewers and drains, from artificial sources, and downstream flood risk.

14.4 The FRA notes that part of the site is within Flood Zone 2 and 3 and is therefore considered to be at risk from flooding. The flood map shows that the site is not affected by flooding from the northern watercourse, but is affected from flooding from the southern watercourse. The majority of the site is located within Flood Zone 1 with only the southern part of the site, including Evesham road being located within Flood Zone 2 and 3. The FRA proposes to mitigate the risk of flooding in these areas through the incorporation of a flood alleviation ditch along the south western boundary and attenuation ponds located on the western part of the site. All dwellings would be located away from flood risk areas. SuDS (in the form of ponds within the areas of open space, and provision of water butts for the dwellings) would be incorporated to attenuate surface water runoff.

14.5 In order to mitigate against future flooding to Evesham Road from the existing southern watercourse and provide a safe dry access/egress to the proposed development site, it is proposed to reroute and extended the existing southern watercourse through the proposed development site to provide additional capacity and storage volume within the southern watercourse network. The FRA concludes that the site could be safely developed without flood risk and without increasing flood risk elsewhere through the use of an appropriately designed Sustainable Drainage System and the construction of the proposed new open watercourse section and drainage alterations to the existing southern watercourse.

14.6 It is proposed to deal with **foul water** by connection to the existing sewer on Evesham Road. Due to the topography of the site it would be necessary to provide an on-site pumping station that would be designed to Severn Trents' requirements and offered to them for adoption. The location of the pumping station would be set back the required minimum 15m off-set to neighbouring dwellings (both existing and proposed) to ensure that no impacts arise from this essential infrastructure.

14.7 Gloucestershire Lead Local Flood Authority (LLFA) have assessed the applicants drainage strategy and FRA and initially requested further clarification on the proposed SuDS methods (including micro-drainage calculations). The applicant has subsequently provided all the additional information required by the LLFA who have withdrawn their holding objection and raise no objection to the proposal subject to the imposition of conditions.

15.0 Ecology and Nature Conservation

15.1 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 Joint Core Strategy Submission Version (November 2014) seeks to protect and enhance the biodiversity of the JCS area.

15.2 The application has been supported with a full Ecological Impact Assessment (EIA), considers that the site is dominated by species-poor semi-improved grassland, which supports hedgerows and tree lines of local ecological value; ornamental hedgerows and scattered scrub of site ecological value; and a building and hardstanding of negligible value. The assessment confirms the site is not covered by or adjacent to any sites that are the subject of statutory or non-statutory protection and no such sites would be affected adversely by the proposed development. Additionally detailed fauna surveys confirm the likely absence of Great Crested Newts (GCN) and reptiles from the site. Bat building and tree assessments confirmed the absence of bat roosts from the site. However, there is low potential for one tree within the site boundary to support roosting bats.

15.3 The EIA notes that the majority of the most ecologically valuable habitats on the site, namely hedgerows and tree lines which are of potential value to protected and priority species would be retained and that a Landscape and Ecological Management Plan (LEMP) would ensure retained and created habitats are managed favourably, in order to maximise their benefit to wildlife. The EIA concludes that the proposed habitat creation, throughout the site, that would include two attenuation ponds with associated meadow grassland habitat as well as a diverted (unculverted) drainage ditch in the south of the site would provide ecological enhancement to the site, leading to overall net biodiversity gain.

15.4 Subject to a suitably worded planning condition ensuring development was carried in accordance with the strategy set out in the EIA (to include further bat surveys), and 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.

16.0 Archaeology and Cultural Heritage

16.1 The NPPF sets out that great weight should be given to the conservation of heritage assets. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

16.2 The County Archaeologist (CA) has assessed the applicants' archaeological desk-based assessment (CgMs Consulting, October 2015) which confirms the potential for the application site to contain archaeological remains. Therefore, in accordance with the NPPF, paragraph 128, the CA has requested that the applicants undertake an archaeological field evaluation which describes the significance of any archaeological remains. These works are currently being undertaken and an **up-date will be provided at Committee.**

17.0 Ground Conditions/ Contamination

17.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 121 sets out that planning decisions should also ensure that sites are suitable for new uses taking account of ground conditions resulting from previous uses. Following any necessary mitigation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

17.2 A Geo-Environmental Report has been submitted with the application which has been assessed by the Council's Environmental Health (EH) advisor. It is confirmed that the main agricultural field area of the proposed development is clear of any significant contamination and as such does not present a significant potential contamination risk to the surrounding environment or future occupiers of the site. With regard to the former Vehicle Dismantling facility the EH advisor notes that the report identifies that the ground does contain some hydrocarbon and heavy metal contamination in the made-ground deposits located there. Hydrocarbon odours were also noted in parts although the levels of Total Petroleum Hydrocarbons within the soil appear to be quite low and not considered to present a significant potential health risk. Some metal contamination was identified that could present a potential human health risk if no remedial action is taken. The report recommends additional sampling in some locations (including in the location of the former dismantling building once it is demolished).

17.3 The Council's Environmental Health advisor concludes that subject to a precautionary condition that requires all the additional survey work identified in the report (to be carried out prior to the commencement of development - where necessary), there is no objection to the proposal.

18.0 Loss of agricultural land

18.1 Paragraph 112 of NPPF advises that local planning authorities should take into account the economic and other benefits of the best and most versatile land (BMV). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in Grades 3b, 4 and 5 in preference to higher quality land. Paragraph 109 of the NPPF puts the protection and enhancement of soils as a priority in the conservation and enhancement of the natural environment.

18.2 The application states that the site comprises Grade 3b land which falls into the 'poorer quality land' as categorised in the NPPF. Therefore its permanent loss to housing is not a matter which weighs heavily against the development.

19.0 Overall Balancing Exercise and Conclusions

19.1 Paragraph 14 of the NPPF requires that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted.

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

Beneficial Effects

19.3 It is now widely accepted that new housing developments bring economic benefits during the construction phase and through the additional spending power in the local economy as a result of the increased population. The social benefits of providing additional market and affordable housing is also well accepted. These matters weigh significantly in favour of the development. In environmental terms, the development would potentially provide some environmental benefits through improved surface water attenuation and enhanced opportunities for bio-diversity.

Harmful Effects

19.4 Although part of the site comprises a breakers yard and is previously developed, the remainder comprises open and undeveloped fields. The proposed development would replace this with built development and although the proposed layout and landscaping would help to limit the harm to the landscape, there would inevitably be harm nonetheless, and this is a matter which weighs against the development.

Neutral Effects

19.5 The application demonstrates that other matters such as the impact in terms of flooding ecology and soil conditions are acceptable, or can be made so by planning conditions. Subject to matters archaeology being successfully resolved, there would be no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission, when assessed against the policies of the Framework as a whole.

19.6 It is not considered that the development of an additional 71 dwellings in Bishops Cleeve could be considered to undermine the emerging Joint Core Strategy or pre-determine the location of strategic development. Furthermore, it is not considered that an objection could be sustained in relation to the possible prejudice to the development of the Tewkesbury Borough Plan or any future Neighbourhood Plans.

19.7 It is concluded therefore that, subject to resolution of the archaeological and outstanding highways matters, the economic and social benefits would outweigh any environmental harm resulting from the development and, based upon the three-stranded definition of Sustainable Development within the NPPF, the proposal would represent a sustainable form of development.

20.0 Conclusion

20.1 It is therefore recommended that **permission be delegated to the Development Manager subject to the County Archaeologist's confirmation that the further surveys indicate that the application can proceed to determination stage, resolution of the highways matters, and to allow for any necessary amendments to the proposed planning conditions (as necessary) and to allow for the completion of a Section 106 Agreement to secure the following planning obligations:**

- * Affordable Housing - on-site provision and off-site contribution.
- * Education - £434,053 for pre School, primary and secondary education requirements.
- * Libraries - £13,916.
- * Off-site sports provision (playing pitches and changing facilities) - £113,176.
- * Provision of a LAP on-site.
- * Off-site contribution of £75,171 indoor sports facilities.
- * Community - a contribution of £32,739 towards community buildings provision in the local area.
- * A contribution of £3,550 towards recycling and dog bins and signage.

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 Subject to the provisions of conditions no.4 and 8 below, the development hereby permitted shall be carried out in accordance with the following approved plans:

o *List to be completed*

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

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

Reason: To ensure that the development integrates harmoniously with the surrounding development and to safeguard the amenities of residents of adjoining properties.

4 Notwithstanding the submitted details, the construction 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 and adjoining buildings in the interests of visual amenity in accordance with the NPPF.

5 The proposed watercourse realignment shall be completed in accordance with the details approved by the Environment Agency before the development is first brought into use/ occupied.

Reason: To prevent flooding or waterlogging of the proposed development or neighbouring areas. It is important that these details are agreed prior to commencement of development as any works on site could have implications for drainage in the locality.

6 No development shall be put in to use/ occupied until a SuDS maintenance plan for all SuDS/ attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full accordance with the agreed terms and conditions.

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

7 Prior to commencement of development, evidence of water company consent shall be submitted to and approved in writing to the Local Planning Authority sufficient to accommodate the maximum permitted discharge rate. If the proposed rate of discharge is not accepted by the water company, an alternative drainage strategy shall be submitted to and approved by the LPA prior to commencement of development.

Reason: To prevent the increased risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

8 Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 +30% event has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use /occupied.

Reason: To ensure satisfactory drainage of the site and avoid flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

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

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

- 10 Before the development commences a Dust Action Plan shall be submitted to and agreed in writing by the Local Planning Authority which specifies provisions for the control of dust on site. The scheme should be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that any concentration of dust in the vicinity is minimised and to protect the amenity of nearby residential properties.

- 11 Notwithstanding the provisions of condition no. 2 above, no development shall take place until a comprehensive Landscaping Scheme 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.

- 12 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.

- 13 No development shall take place, including any works of demolition, until an Ecological Enhancement Scheme demonstrating how opportunities to provide wildlife enhancements have been incorporated within the development. Thereafter approved measures shall be implemented and maintained in accordance with the approved details, unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of conserving bio-diversity in accordance with the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan - March 2006.

- 14 No development other than demolition and those works required to be carried out as part of an approved scheme of remediation shall commence until conditions 14.1 to 14.5 have been complied with.

14.1) In addition to the proposals outlined in the Geo-Environmental Report (May 2015), further soil testing should be carried out following site demolition and removal of the existing building to ensure that soils within the areas of the current building footprints are absent of any significant contamination risk.

14.2) Following completion of measures outlined in the Geo-Environmental Report (May 2015), together with the further soils testing required in condition 14.1, a verification report that demonstrates the effectiveness of the works carried out must be produced. The report must demonstrate that the site does not meet the definition of 'contaminated land' under Part 2A of the Environmental Protection Act 1990, and is suitable for the proposed end use. The verification report is subject to the approval in writing of the Local Planning Authority.

- 14.3) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A further investigation and risk assessment must be undertaken in accordance with the following requirements:
- 14.4) The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s)

where remediation is necessary a remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- 14.5) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
- Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

- 15 No development shall take place, including any works of demolition, until a Construction Method Statement and Transport Plan has been submitted to, and approved in writing to the local planning authority. The approved Statement shall be adhered to and shall address and provide for:
- i. The parking of vehicles of site operatives and visitors;
 - ii. The unloading and loading of materials;
 - iii. The storage of plant and materials used in constructing the development;
 - iv. Wheel washing facilities;
 - v. Measures to control the emission of dust and dirt during construction;
 - vi. A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii. Details of the site access/routeing strategy/signage during the construction period.;
 - viii. A scheme for the demolition and removal of all existing structures and hardsurface areas on the land and a timetable for implementation.

Reason: To reduce the potential impact on the public highway and in the interests of community health and safety in accordance with the National Planning Policy Framework.

- 16 No development shall be commenced until a scheme for the provision of fire hydrants served by mains water supply shall be submitted to and approved in writing by the local planning authority and no building shall be occupied until the fire hydrant serving that building has been provided in accordance with the approved scheme.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with paragraphs 32 and 35 of the National Planning Policy Framework.

- 17 No works shall commence until the first 20m of the proposed access road, including the junction with the existing public road (Evesham Road), associated visibility splays, as shown in drawing no. 1066675-D001C, has been completed to at least binder course level, and shall be retained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: To reduce potential highway impact by ensuring that there is a satisfactory access at the commencement of construction works, in accordance with paragraph 32 of the National Planning Policy Framework.

- 18 Prior to first occupation of the proposed development the site access from Evesham Road including the footway link to the east along Evesham Road and pedestrian crossing shall be completed in all respects in accordance with drawing no. 1066675-D001C, and shall be retained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: To reduce potential highway impact by ensuring that there is a satisfactory access for pedestrians and vehicles, in accordance with paragraph 32 of the National Planning Policy Framework.

- 19 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 and suitable access is achieved and maintained for all people as required by paragraph 32 of 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 National Planning Policy Framework.

- 20 The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

- 21 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.

- 22 The development hereby permitted shall not be occupied until the car parking associated with each dwelling within the development (including garages and car ports where proposed) has been provided in accordance with the submitted plan and shall be maintained available for that purpose thereafter.

Reason: To reduce potential highway impact by ensuring that vehicles do not have to park on the highway resulting in a severe impact contrary to paragraph 32 of the National Planning Policy Framework.

- 23 Notwithstanding the submitted details, building operations shall not be commenced until the design and details of the Local Area of Play (LPA) shall be submitted to be approved in writing by the Local Planning Authority. The LAP shall be implemented in accordance with the approved details and retained as such therefore after unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that appropriate play equipment is provided in accordance with Policy RCN1 of the Tewkesbury Borough Local Plan - 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 design and ensuring that highway safety issues have been addressed.

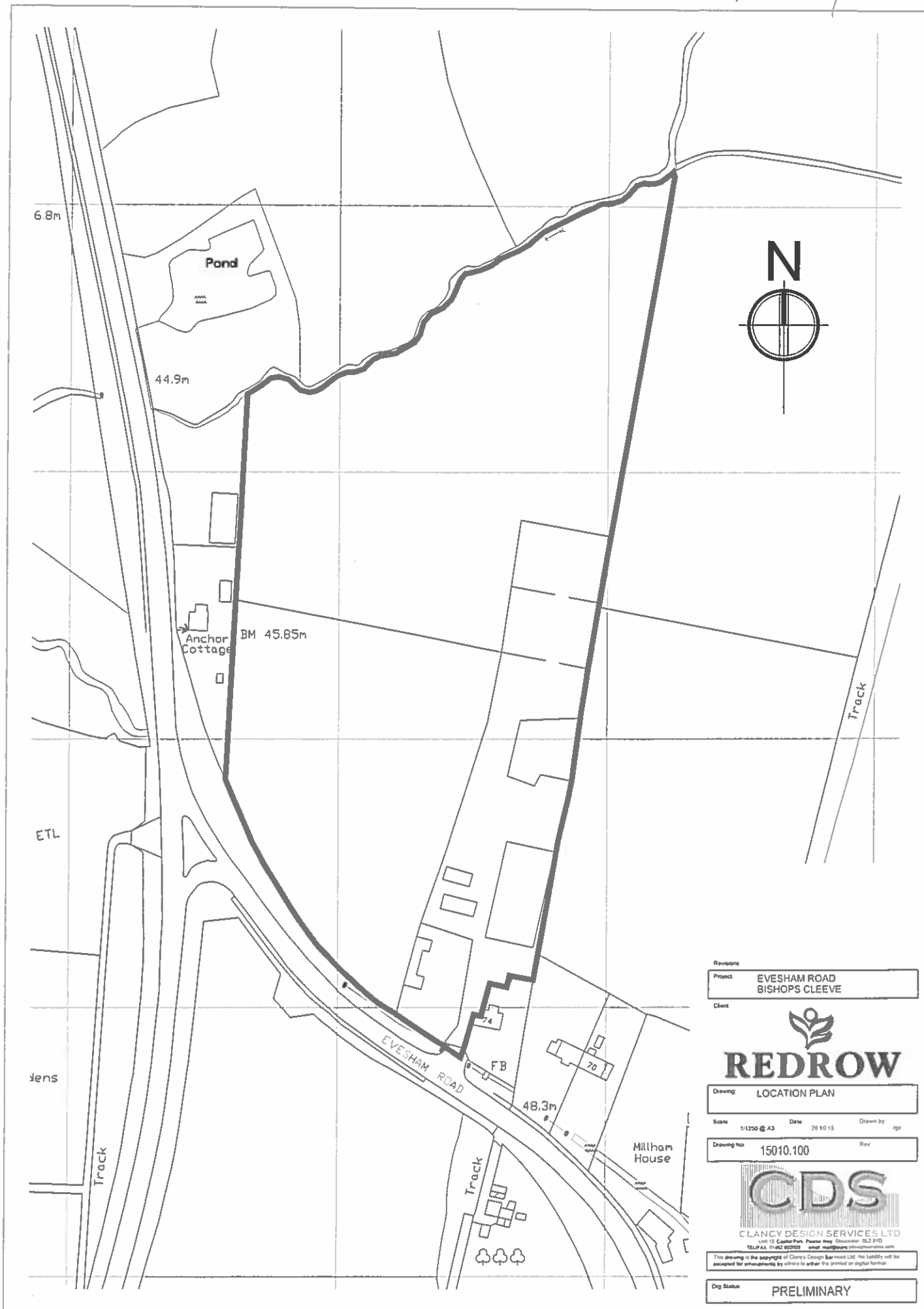
2 The applicant is advised that to discharge condition 19 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

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

4 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.

5 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.

15/01177 / fal



Revisions
Project: EVESHAM ROAD BISHOPS CLEEVE

Client



REDROW

Drawing: LOCATION PLAN

Scale: 1:1250 @ A3	Date: 28.10.15	Drawn by: apc
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Drawing No: 15010.100	Rev:
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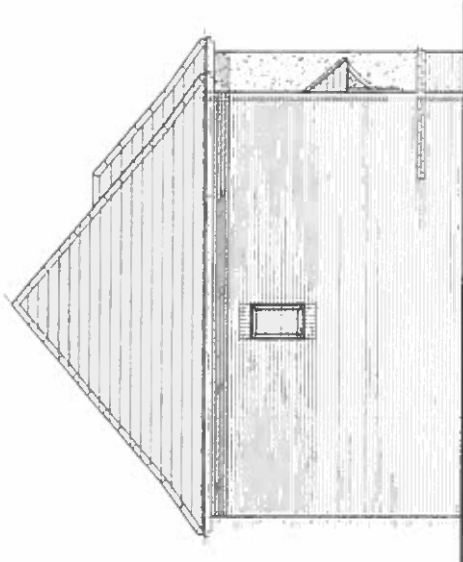
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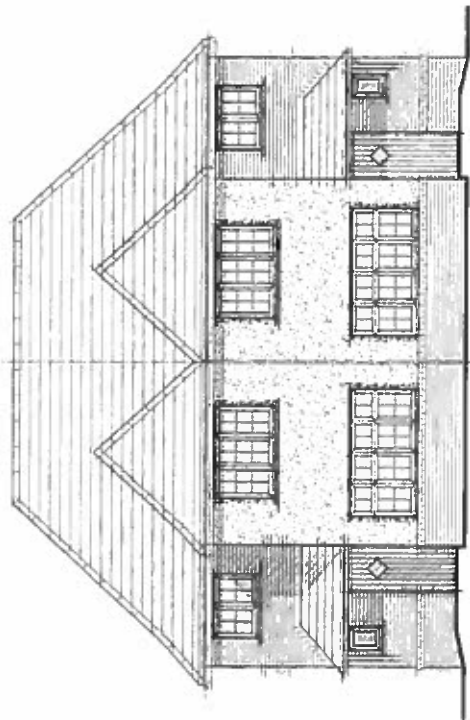
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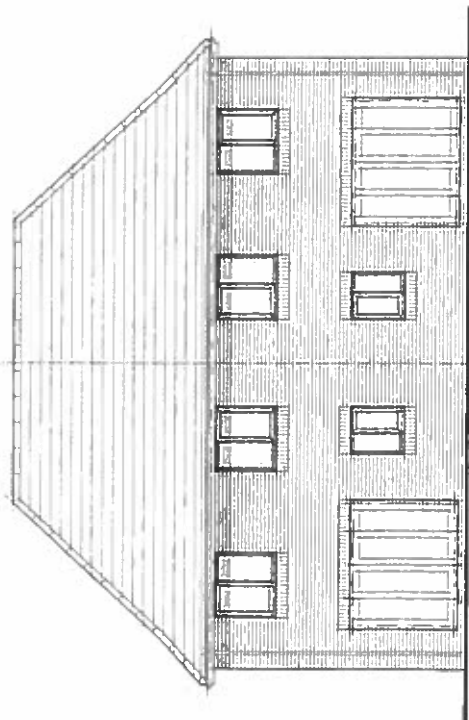
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SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION

999/C

REVISED TO CURRENT VERSION SHEET NO. A/B/C

Project: **EVESHAM ROAD
BISHOPS CLEEVE**

Client:

REDROW

Client: **LETCHEWORTH
ELEVATIONS (RENDER)**

Date: 14/01/15 Drawn by: ECH

Drawing No: **15010.LET.203** Rev: **A**

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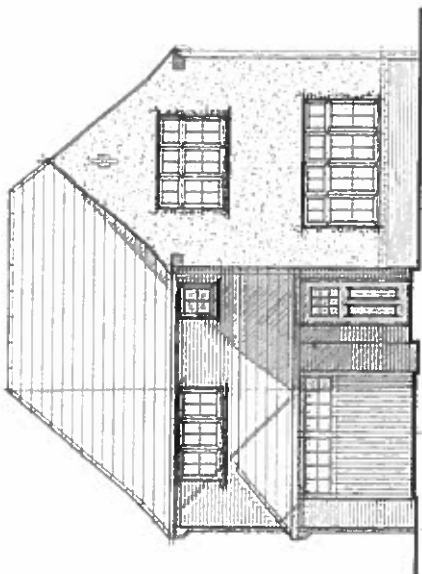
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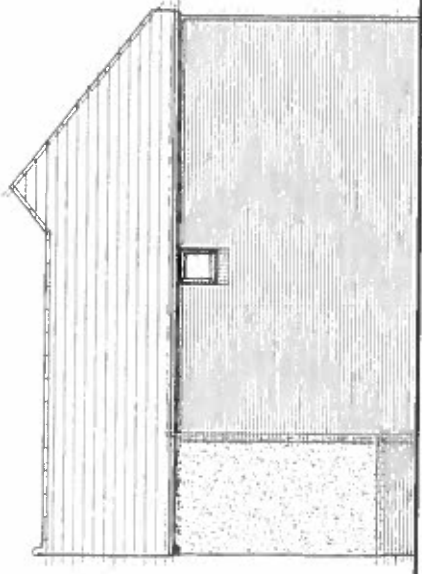
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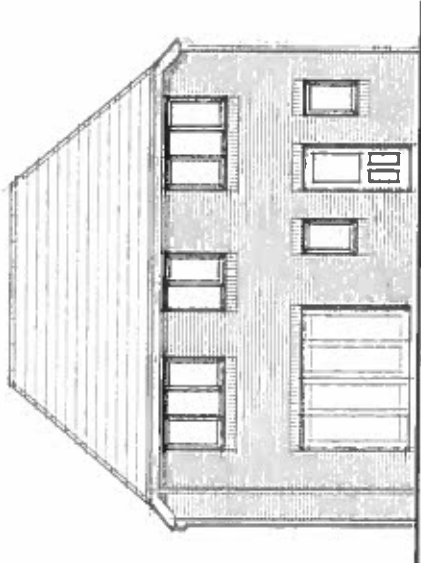
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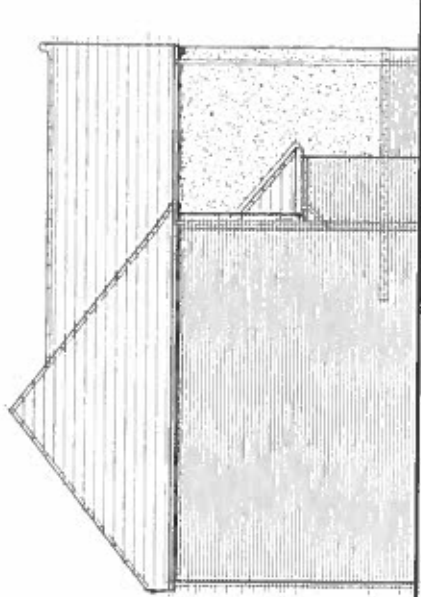
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SIDE ELEVATION



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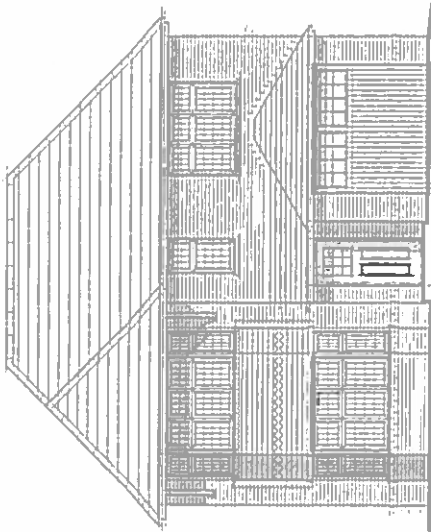
SIDE ELEVATION

Evesham Road
 BISHOPS CLEEVE
 REDROW
 MARLOW+
 ELEVATIONS (RENDER)
 15010.MAR.202
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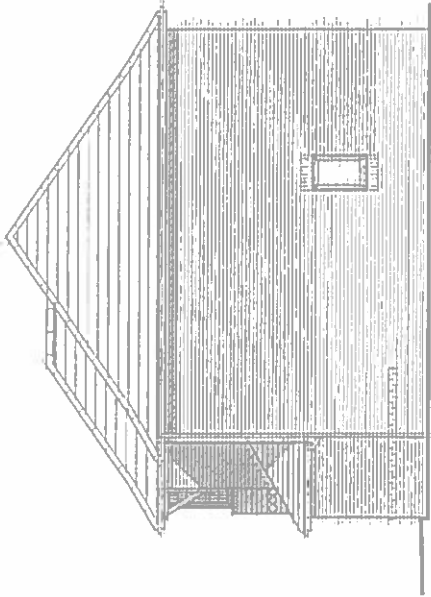
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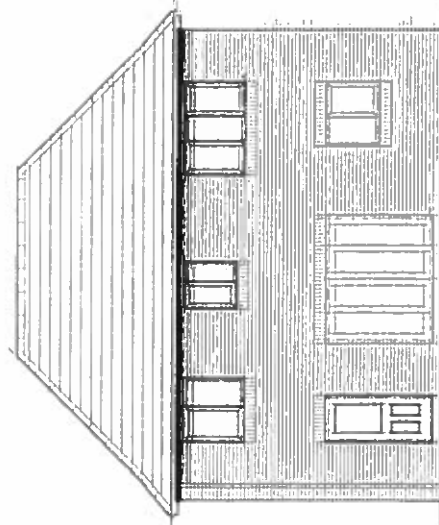
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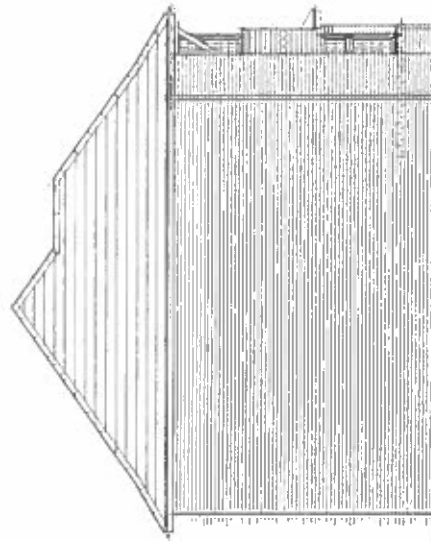
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SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

A UPDATED TO CURRENT VERSION 18.01.18 ALGD

Revision
Project EVESHAM ROAD
BISHOPS CLEEVE

Client

Redrow

Drawing OXFORD+
ELEVATIONS (BRICK)

Scale 1:100 @ A3 Date 16/06/15 Drawn By OCH

Drawing No. 15010.OXF.202 Rev A



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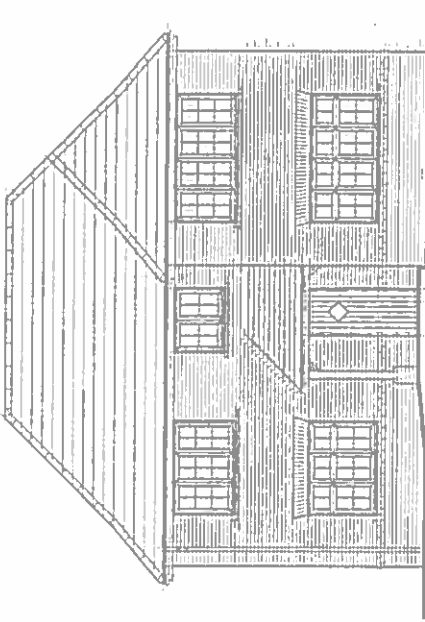
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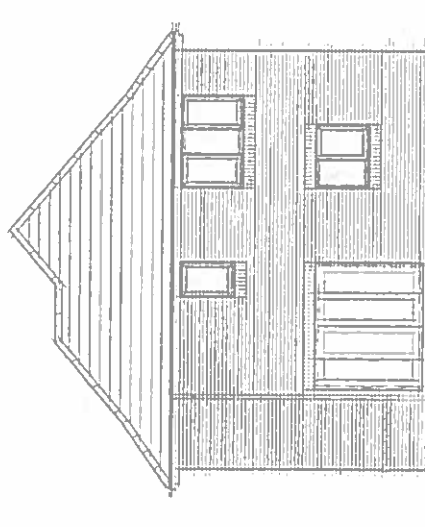
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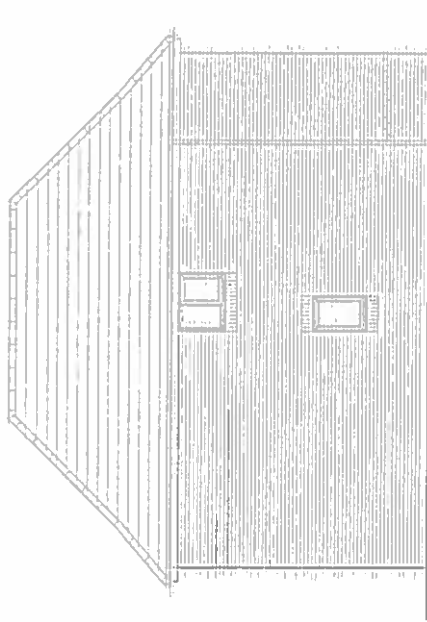
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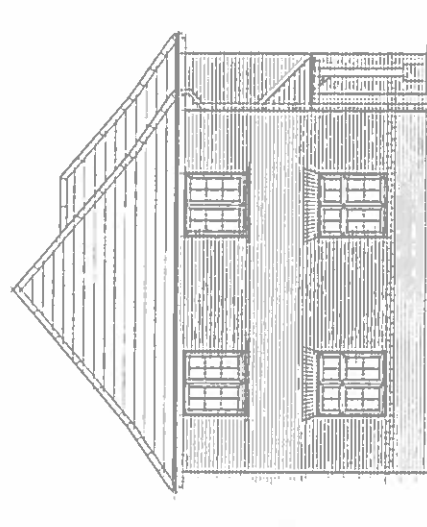
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Revisions
Project EVESHAM ROAD
BISHOPS CLEEVE

Client



Drawing SHAFTSBURY
ELEVATIONS (BRICK)

Scale 1:100 @ A3 Date 10.02.18 Drawn By ECH

Drawing No 15010_SHA.202 Rev 1



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1410 sqft
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Valid 06.07.2015

Outline planning application for up to 265 dwellings and A1 convenience retail store of up to 200 sq m, with associated open space and landscaping with all matters reserved, except for access. Access defined as off Stoke Road to 15m in to the site.

Grid Ref 394401 227895
Parish Bishops Cleeve
Ward Cleeve West

Gladman Developments Ltd
Gladman House
Alexandria Way
Congleton
Cheshire
CW12 1LB

RECOMMENDATION Refuse

Policies and Constraints

NPPF

Planning Practice Guidance

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 Joint Core Strategy (Gloucester Cheltenham Tewkesbury) Submission Version November 2014 - SD4, SD5, SD7, SD11, SD13, INF1 and INF3

Waste Core Strategy - Policy WCS11

Flood and Water Management SPD

Fields in Trust: Planning And Design For Outdoor Sport And Play

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

Bishops Cleeve Parish Council - Object. The proposed development would have a disproportionate effect on the village in terms of the cumulative impact of development and also on the social well-being of the community and as such is considered harmful. We draw officers attention to the dismissed appeal east of St Margarets Drive, Alderton. The development is considered premature in terms of the emerging JCS and TB Local Plan in which adequate housing land supply has been identified. The capacity of the local road network would not be able to accommodate the additional traffic. The Parish Council questions the accuracy of the traffic count provided. The development conflicts with adjacent land use with the incinerator site nearby.

Stoke Orchard Parish Council - object most strongly to this application. This development lies within the catchment area of the Dean Brook, which together with the Hyde Brook, feed into the River Swilgate at Stoke Orchard. The total combined catchment area of the Swilgate covers the Scarp from Harp Hill in the Centre of Cheltenham around to Woolstone Hill. The increase of speed of flow of Storm Water from the hard standings, roofs, roadways and infrastructure will exacerbate an already intolerable flooding situation downstream of these proposed developments. The NPPF requires development to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Seek 106 agreements in massive proportions, to improve the cleansing of the downstream watercourses in question and improvements to culverts and bridges on these streams and rivers to alleviate the continued distress of flooding and exposure to Health and Safety dangers to those property, business and land owners involved within our parish.

Environment Agency - No objection subject to conditions on flood risk grounds. No comment on the relationship of the site with the Wingmoor Farm facilities.

County Highways Authority - No objection subject to conditions/s106 obligations.

County Waste Authority - From the information that has been submitted with the application it is unclear that proposed development would meet the criteria of Core Policy WCS11 - Safeguarding Sites for Waste Management. There may be some issues of incompatibility between the existing waste operations and the proposal. It would therefore be up to the applicant to demonstrate that the proposal would not adversely affect or be adversely affected by the existing waste uses.

County Archaeologist - No objection subject to condition requiring programme of archaeological work.

County S106 Officer - Economic Development and Strategic Planning -requests contributions towards primary and secondary education and libraries.

Environmental Health Officer

Land Contamination: No objection following additional information submitted;

Noise: No objection in respect of road traffic noise. Concerns raised regarding the relationship of new housing with Malvern View Business Park;

Air Quality: The application does not demonstrate that the proposed development would not be at risk from pollution arising from the Wingmoor Farm site.

Economic Development Officer - We are concerned the development would have a negative impact on business park tenants, especially if reduced operating hours were introduced. It is known that some businesses operate 24 hours a day and any imposition of restricted hours may result in companies having to move away from the area, having a negative impact on local employment opportunities and the economy. The proposed development would also impact on the deliverability of employment land situated to the rear of the business park. The proximity of the development and potential impact on business operating hours would significantly reduce attractiveness of this site to potential investors. The proposed development surrounds the business park and would restrict any further expansion of the site. It is a well-used site, with a critical mass of businesses and is a site which could be considered for extension through the Borough Plan.

Strategic Housing & Enabling Officer - No objection subject to agreed on-site delivery (50%) and off-site affordable housing contributions (50%).

Community and Economic Development Officer - No objection subject to contributions to off-site sport and community contributions and on site delivery of play area and commuted sums for management of any adoptable open space.

Highways England - No objection.

Natural England - Refer to standing advice.

Severn Trent Water - No objection subject to condition.

NHS Estates Adviser - Due to the direct impact of this housing on local services seeks financial support, via a S106 agreement, in the sum of £132,355.

Crime Prevention Design Advisor - Provides general design guidance to meet 'secure by design' objectives.

CPRE - The site is not allocated and is not identified in the emerging JCS or Borough Plan. The site is very close to the Wingmoor Farm waste disposal sites. In particular, it is considerably closer to the Grundon hazardous waste disposal site than the distance recommended for residential buildings.

Grundon Waste Management Ltd A letter of objection has been received from Grundon Waste Management Limited - Operators of the Wingmoor Farm integrated waste management facility on the basis that their site is identified in the Waste Core Strategy and is likely to be operational until 2030, after which the site will still need to be managed for a period of at least 30 years. There is concern that permitting housing on the application site would prevent the ongoing use of the site which currently employs in excess of 60, mainly local, people. Grundons also question the basis of the applicants Air Quality Assessment.

Other representations

30 letters of objection have been received raising the following issues:

- Bishops Cleeve has had enough development and is bursting at the seams;
- To site further dwellings close to the Grundons facility with all its inherent problems cannot be good;
- Bishops Cleeve does not have the facilities, including doctors, dentists and schools, to cope with an additional 300 dwellings given recent and ongoing developments;
- This is a speculative application, growth should be properly planned;
- There is a lack of employment opportunities in the area;

- Parking in the village is becoming increasingly difficult;
- The road network, including the A435 will not cope with further traffic at peak times;
- The lack of jobs and employment land means that people must commute many miles and journey to work times, etc are now significant;
- The village lacks good connections to the M5
- The site does not provide good pedestrian access to transport links and I question the validity of the quoted 10 minute walk to the nearest bus stop;
- The field adjacent to Acacia Park often floods which I believe provides a natural flood relief for the adjacent watercourse;
- Putting affordable housing away from the village centre is not the right decision;
- The proposal does not provide any community buildings or sports fields;
- What will be the impact to existing residents on Acacia Park, overlooking the planned development?
- My factory is at the very edge of the business park our out buildings are approx 20m from the boundary. We are just about open 24 hours a day and normally we have the doors open especially in the summer. The factory is quite noisy and this will be a problem for possible residents. We also have electrical discharge machines which can disrupt tv and radio signals;
- During the summer months on a warm evening we leave our windows open and we can hear the factory working overnight, so building and residential property nearer to the Malvern business park would cause more noise for the new residents or stop Bishops Cleeve residents / employees at The factory to stop night time work, leading to less local employment;
- There is a serious dust issue coming from the adjacent tip on Stoke Road, dust is now known as a serious long term illness and can lead to serious health issues;
- The existing fields are home to wildlife which would be affected by the development;
- No pedestrian county walks for children to wonder and play;
- The Grundons application granted in 2011 was controversial due to concerns over potential health impacts from dust, noise and odour. The site was deemed acceptable partly due to its remote location from nearby residential areas. The above proposal would place housing immediately adjacent to the site and its operations which could be sterilised resulting in the loss of the facility and local jobs;
- The proposed retail development on Stoke Road is a particularly bad idea given the speed and of the heavy traffic along Stoke Road. The retail space would in fact increase car journeys;
- The Prestbury Park Radio Controlled Flying club has an airfield nearby and these Newhouse Owners will start to complain about the noise of the model aircraft;
- Once Grundons have ceased operations at this location they are required by law to manage the site for a further 30 years as there is the potential for leachate, odours and landfill gas to emanate from the site. This is simply not the place to build housing;
- New housing would prevent the expansion of Malvern View Business Park to provide further work for local people;
- Further development would put Cleeve at risk of further flooding;
- The landowner of the field to the north of Malvern View Business Park has not been formally notified despite the Development Framework plan showing a pedestrian link crossing this land.

Planning Officers Comments: Mr Paul Skelton

1.0 The site and its location

1.1 The application site is a series of fields extending to 13.58ha to the west of Bishops Cleeve on the northern side of Stoke Road opposite Cheltenham Road Rugby Club and Wingmoor Farm tip/recycling facility. The site wraps around the west and north boundaries of Malvern View Business Park and adjoins the rear boundaries of properties on Acacia Park on the north eastern boundary. The development would be to the south west of the Cleevelands development which is currently under construction.

2.0 Planning History

2.1 There is no relevant planning history to the site. An Environmental Impact screening opinion was given in February 2015 advising that in the Council's view the proposals would require Environmental Impact Assessment given the cumulative impacts of the proposal in combination with committed development at Bishops Cleeve, including the Homelands and Cleevelands sites.

2.2 Pre-application discussions took place between the Council and the applicants in 2014/15. Advice was provided on planning policy and technical matters.

3.0 The Proposals

3.1 The application proposes the development of up to 265 dwellings with open space and landscaping. The application is in outline form with all matters reserved for future consideration.

3.2 The application is supported by an illustrative masterplan which indicates how the quantum of development could be delivered. The application is also supported by various technical reports assessing the potential impacts of the proposals.

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

- Alternatives
- The proposed development
- Planning policy context
- Transport and Access
- Cumulative effects

The applicants planning statement sets out that the proposal would provide the following material benefits:

- **A deliverable housing site** - A valuable contribution to the 5 year supply of Tewkesbury.
- **Creation of a high quality residential development which respects the character of Bishop's Cleeve** - The development has been carefully designed to respond positively and sympathetically to its built form and environmental context and the character and appearance of the surrounding area.
- **Improvements in housing mix and choice** - The proposed development of up to 300 net additional dwellings [sic] will provide a balanced mix of dwellings providing a choice of type and size in response to the identified housing demand and market assessment for Bishop's Cleeve.
- **Provision of A1 convenience store** - the provision of a local shop will allow both new and existing residents to access everyday goods without needing to visit the village centre.
- **The retention and enhancement of existing trees and hedgerows on site boundaries** - The proposals are based around the existing landscape features of the site, and seek to integrate them successfully into the overall design. Additional proposed new tree planting set to greatly increase the tree cover on site and within the local area.
- **Development in a sustainable location** - Bishop's Cleeve is identified as a settlement for growth. The village has a range of shops, services and facilities that are within easy walking or cycling distance of the site, which reduces the reliance on private car.
- **Economic Benefits** - Increased Council Tax revenue and receipt of New Homes Bonus payments to further invest back into the community.

4.0 The Community Infrastructure Levy Regulations

4.1 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst Tewkesbury Borough Council has not yet developed a levy the regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

4.2 As a result of these regulations, Local Authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly' related to the development'. As such, the Regulations restrict Local Authorities ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application. The need for planning obligations is set out in relevant sections of the report.

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

5.0 Principle of Development

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The key consideration in assessing the principle of development therefore are the existing and emerging development plans for the area and Government policy in respect of new housing development.

Tewkesbury Borough Local Plan to 2011 - March 2006

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

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

Emerging Development Plan

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

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

5.6 The JCS strategy seeks to concentrate new development in and around the existing urban areas of Cheltenham and Gloucester to meet their needs, to balance employment and housing needs, and provide new development close to where it is needed and where it can benefit from the existing and enhanced sustainable transport network. Development is also directed to Tewkesbury town in accordance with its role as a market town and to rural service centres and service villages.

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

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.8 On 20 November 2014 the JCS was submitted for examination; the Examination in Public (EiP) commenced in May 2015 and is still on-going. Having been submitted the JCS has therefore reached a further advanced stage, but it is not yet formally part of the development plan for the area and the weight that can be attached to each of its policies will be subject to the criteria set out above, including the extent to which there are unresolved objections. In respect of the need and distribution of housing (policies SP1 and SP2) there are significant objections to these policies and discussion continues through the EiP process.

National Planning Policy Framework and Planning Practice Guidance

5.9 The NPPF aims to promote sustainable growth and requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental.

- the economic role should contribute to building a strong, responsive and competitive economy;
- the social role should support strong, vibrant and healthy communities; and
- the environmental role should protect and enhance the natural, built and historic environment.

These roles should not be undertaken in isolation, because they are mutually dependant.

5.10 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, which for decision taking means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- where specific policies in the Framework indicate development should be restricted.

5.11 Footnote 9 to paragraph 14 gives examples of where policies in the Framework indicate that development should be restricted however none of the examples listed are relevant to this case.

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

5.13 In terms of housing delivery, the NPPF sets out that, to boost significantly the supply of housing, local authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing, including identifying key sites which are critical to the delivery of the housing strategy over the plan period. Paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

5.14 The Government's Planning Practice Guidance (PPG) provides advice on prematurity. The advice states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

5.15 The advice states that refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

5.16 Other relevant guidance set out in the PPG will be set out where appropriate within the report.

Conclusions on the principle of residential development

5.17 The Council cannot, at this stage demonstrate a deliverable 5 year supply of housing land and thus policy HOU4 of the Local Plan is out of date. The relevant policies for the supply of housing in the emerging JCS are subject to unresolved objection and thus the weight that can be attributed to those policies must be limited. Therefore it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits.

6.0 Landscape and Visual Impact

6.1 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, amongst other things, protecting and enhancing valued landscapes. Local Plan Policy LND4 provides that in rural areas regard will be given to the need to protect the character and appearance of the rural landscape and Policy SD7 in the JCS Submission Version November 2014 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. There is some debate as to whether these local plan policies are policies which restrict the supply of housing following a recent high court judgement, but nevertheless, the impacts of the proposal on the landscape is a significant material consideration which needs to be considered.

6.2 The site does not fall under any statutory or non-statutory landscape designation. The application is supported by a Landscape and Visual Impact Appraisal (LVIA) which states that the Site is 13.56ha in total, of which it is proposed that up to 10.3ha be developed for residential usage and 0.2ha for retail usage. 3.06ha of the Site is proposed for Green Infrastructure (GI), which includes public open space, formal equipped play, sustainable drainage ponds and structural planting.

6.3 The LVIA concludes that during construction there would be some adverse landscape and visual effects but that these effects would be of no greater significance than the effects arising through the operational phase of the Development. In terms of landscape character, at a national level the LVIA suggests that the impact of the proposals would be negligible, whilst at local level there would be a minor adverse impact, and there would be negligible impact on the setting of the Cotswolds AONB.

6.4 The LVIA advises that the landscape character of the site is defined by its agricultural nature and the agricultural nature of land to the west. Bishop's Cleeve has an urban influence on eastern portions of the site with commercial buildings and residential dwellings. Development would lead to a notable change of landscape character at a site scale due to the loss of agricultural fields to residential development, a 2000sq.ft food retail unit, access infrastructure, playspace and associated open space. The LVIA anticipates that overall landscape effects would be moderate adverse at year 1 reducing to minor adverse by year 10 as structural planting matures.

6.5 The LVIA suggests that due to the sparsely settled nature of the landscape to the north, west and south combined with a relatively limited visual envelope to the east, visual effects for residential receptors would primarily be restricted to properties that fringe the Site where overall visual effects are expected to be major-moderate adverse at Year 1 and moderate-minor adverse by Year 10. Other nearby visual receptors, including the public footpath leading from the Cleavelands development to the north, public rights of way within the AONB, Stoke Road and the rugby club, would experience, at worst, moderate adverse impacts in year 1 of the development, with no greater than moderate-minor adverse impacts at year 10.

6.6 Overall, the LVIA concludes that the application proposals would not lead to any major landscape effects with all effects on Landscape anticipated to be moderate adverse or less. Development would integrate into the existing settlement of Bishop's Cleeve with limited landscape or visual effects.

6.7 The Councils landscape consultant (LC) has assessed the application and comments that whilst the site is clearly in open countryside and shares typical characteristics of the wider Vale landscape, it is influenced by the settlement edge, including the landfill operations to the south and the adjacent Malvern View Business Park to the east. Dense structure planting for the most part forms an effective screen between the site and existing residential development off Stella Way. The LC states that a key feature of this site is that it lies at the threshold of Bishops Cleeve and has a role to play in creating the setting of the village.

6.8 The LC advises that the LVIA has been prepared in accordance with best practice and presents a balanced assessment of the site and the proposed development. He generally agrees with the findings relating to the sensitivity of the site to development of this nature and to the assessment of predicted effects.

6.9 Having assessed the proposals, the LC considers that the site is capable of accommodating some development given its relationship to the existing settlement, and the fact that locally characteristic and effective landscaping could be incorporated into the proposed development. The LC agrees with the conclusions of the LVIA that, due to the effect of distance, the location of the site relative to the rest of Bishops Cleeve, and the effectiveness of existing structure and screen planting, the proposed development would not exert a significant influence upon views from the AONB.

6.10 The LC also concludes that the perception of sprawl and the quality of the settlement edge could be addressed by the delivery of a robust, well considered and generous green buffer to the edge of the new development. New structure planting should be incorporated into green infrastructure at the edge of the scheme to deliver a soft and fragmented settlement edge that actively responds to views towards Bishops Cleeve from the west and takes opportunities to create a new, high quality and defensible settlement edge. This is provided for in the revised Development Framework plan (see attached).

6.11 In conclusion, the proposed development would result in landscape harm by introducing new development into the current open, agricultural fields. Nevertheless the LVIA has demonstrated that the impacts would be at worst moderate adverse from visual receptors outside the site by year 10 following development. As such it is not considered that there would be significant and demonstrable harm arising from the proposed development on landscape grounds which would justify refusal of planning permission.

7.0 Design and Layout

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

7.2 All matters relating to design and layout are reserved for future consideration. However, the application has been supported with an indicative layout and parameter plans which illustrate how the site could be developed, and a Design and Access Statement (DAS). The Indicative Masterplan (a copy will also be displayed at Committee) shows the disposition of land uses and the proposed structure for movement within the development. The DAS tells the story of how the proposals have been developed, including an assessment of the site and its context, identification of the constraints and opportunities which lead to the key urban design principles for the development and an explanation of how the site is proposed to be developed in design terms.

7.3 The DAS is somewhat confusing as it considers how the site could be developed for up to 300 dwellings, whereas the application only proposes 265 dwellings. The Urban Design Officer (UDO) has considered the submitted material and advises that the DAS provides a good amount of information given this is an outline application. The principles that are set regarding appearance and materials are broad but appear well considered and appropriate for the area.

7.4 In terms of the Masterplan, the UDO comments that the proposed density of 31 dwellings per hectare is considered appropriate on this edge of settlement location. Furthermore, the green infrastructure maintains existing features within and around the edges of the site and the location of the main open space on the edge of the site is appropriate as long as there is good surveillance from properties fronting over the space. This issue could be addressed at reserved matters stage.

7.5 Whilst the UDO considers that the movement network shown on the Masterplan does indicate reasonable connectivity with the existing settlement, this relies in large part on the two pedestrian links to the north-east and southeast. However these links are not within the red line application boundary and there is no certainty that they would be available to the developer should permission be granted. Indeed a letter has been submitted on behalf of one of the landowners indicating that no notice has been served on the landowner and as such suggests that planning permission should be refused. It is not considered that this issue in itself justifies refusal however the pedestrian routes indicated on the plan cannot be considered as part of the application. This then reduces the quality of the scheme in design terms with the only possible access to other parts of the settlement being the main access onto Stoke Road and the substandard footway to the front of Malvern View Business Park. The CHO has advised that there is no objection on this ground from a highway perspective.

7.6 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 positively contributes to the relationships between people and places. The proposal is essentially a cul-de-sac development and, with the exception of the frontage development onto Stoke Road, is isolated from the village and has poor connectivity to it.

7.7 For the reasons set out above the development does not integrate with the existing form of development and from a design point of view this is a matter that weighs against the development.

8.0 Accessibility and Highway Safety

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

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

8.3 The application is supported by a Transport Assessment (TA) which also forms an appendix to chapter 7 of the Environmental Statement (ES). The ES clarifies that the TA was based on 300 dwellings on the site, suggesting that the actual impacts would be less than suggested by the TA. The ES also clarifies that the cumulative impacts of existing developments in the area, notably Homelands and Cleavelands have been taken into account in assessing the current baseline traffic flows. The ES concludes that, taking into account the cumulative impacts of other development in the surrounding area, the increase in traffic associated with the proposed development would not create a significant impact in environmental terms and that there are no significant impacts associated with traffic and transportation to justify refusal of planning permission.

8.4 Similarly the TA concludes that, for a development of up to 300 dwellings

- Access to the required design standards is proposed.
- The site is well located to allow travel by the more sustainable modes.
- A Framework Travel Plan accompanies the application.
- There are no material traffic impacts associated with the proposal.
- There are no road safety issues associated with the development.
- Overall, therefore, it is concluded that there are no material transport issues associated with the application.

8.5 Highways England and the County Highways Officer (CHO) have been consulted. HE offer no objection to the application commenting that the traffic arising from the proposed development is likely to be widely dispersed with limited impact likely on the Strategic Road Network.

8.6 The CHO has assessed the location of the proposed development in terms of sustainable access, traffic impact, the impact on off-site junctions, road safety and the travel plan proposals for the development.

8.7 In terms of sustainable access, the CHO offers no objection on the basis that opportunities for sustainable transport modes have been taken up having regard to the location and nature of the site. In terms of walking, the majority of local facilities are on the upper limit of acceptable walking distance, meaning that walking will be an attractive mode choice for some but not all residents. It is recognised that the development proposes a convenience food store on site which would be within walking distance of the whole site. Whilst it is recognised that footways are relatively narrow along Stoke Road to the east of the A435, which would be the main route to the majority of facilities, there appear to be limited opportunities to enhance the route cost effectively in accordance with NPPF Paragraph 32. It is considered that no pedestrian enhancements are required to make the site accessible by foot. This is also the case for cycling. Whilst there has been a request for a contribution towards a Cheltenham-Bishops Cleeve cycle way, there is currently no scheme in place which has been costed and it is not therefore possible to request a contribution which would meet the CIL tests.

8.8 in terms of public transport, the nearest bus-stop to the site is more than the recommended maximum 400m walking distance from the site. The CHO suggests that the key opportunity for this site is the Service T, which provides an hourly service between Bishops Cleeve and Tewkesbury. Cost-effective improvements have been identified to make it an attractive service for residents of the development, increasing the frequency to half hourly before 1000 hours and after 1500 hours and to extend the operating hours from a last service at 1700 to a last service at 1900. It has been agreed that the developer would fund this improvement through a planning obligation. This would ensure that the opportunities for sustainable transport are taken up depending on the nature and location of the site in line with the NPPF Paragraph 32.

8.9 The site is proposed to be accessed by a simple priority junction off Stoke Road. Swept Path Analysis (SPA) has been provided to demonstrate that a refuse vehicle can make the turning movements into and out of the site, with an amendment to the access design to increase the corner radii to 10m. This SPA provides confidence that the access road width and corner radii are appropriate in line with the requirements of Manual for Gloucestershire Streets (MfGS) whilst appropriate visibility is also provided for. The CHO confirms that the TA demonstrates that the site access would have sufficient capacity to accommodate the proposed development.

8.10 The CHO is satisfied that the trip rates used to assess the traffic impacts of the development are robust, particularly given the assessment was carried out on the basis of 300 dwellings. Total peak hour traffic generated would be approximately three two-way trips per minute in both the AM and PM peaks. It is recognised that the retail unit would be likely to generate some inbound trips, however this would be a local diversion and not a "new" trip. In terms of trip distribution, the majority of traffic would head east to the A435 and Cheltenham beyond, with 15% heading towards Stoke Orchard.

8.11 The impact of the proposals on a number of key local junctions has also been assessed, namely A435/Finlay/Hayfield Way; A435/Voxwell Lane/Stoke Orchard; and A435/Cheltenham Road/Miles Road; A435/Hyde Lane/Southam Lane. The CHO advises that the impacts of the development on these junctions would be mitigated by the improvement works already required for the Cleavelands/Homelands developments. It is assumed that these improvements will take place before any of the proposed dwellings on this site would be occupied and planning conditions are proposed to ensure this. In terms of road safety, the CHO concludes that there are not an excessive amount of personal injury accidents on the wider network and that those accidents that do occur are spread. The CHO therefore considers it reasonable to conclude that the additional traffic from the development will not have a material impact on general road safety in the area.

8.12 Overall the CHO considers that the proposed development would not have a severe residual impact on the local highway network. Furthermore, the proposals allow for safe and suitable access for all and that opportunities for sustainable transport modes have been taken up. On that basis the proposal is in line with the NPPF and no objection is raised on transport grounds subject to appropriate planning conditions and s106 obligations relating to public transport and travel planning.

9.0 Scale of Development and Social Impacts

9.1 The NPPF at paragraph 7 recognises that sustainable development includes a social role that planning performs and Section 8 sets out how healthy communities can be promoted. The submission version of the JCS recognises that the retention of services within rural service centres is intrinsically linked to the size and distribution of the resident population and it is important that these services remain viable, although more development will be accommodated at the rural service centres than at the service villages. Guidance contained in a research document 'Design for Social Sustainability' builds on examples from around the country and sets out that the sense of identity of a place can be defined as *'...rooted in history, in local celebrations, the stories people tell about the area, and in regular local events. These build up over time. When new large-scale housing developments are built, the sense of place cannot be defined by its shared history. New residents will not know others, and, in the early stages, there will be few social connections.'*

9.2 Concerns have been raised by the local community that Bishops Cleeve has experienced, and is continuing to experience, a rapid rate of change in population, particularly with the ongoing Homelands and Cleavelands developments, which alone accounted for up to 1450 new dwellings. There are also further proposals for housing in Bishops Cleeve currently. It has been established in a number of recent appeal decisions (including those in Alderton) that the cumulative impact of development and the consequential increase in population without proportionate increases in infrastructure, employment opportunities and other local services risks eroding community cohesion. This is a material planning consideration.

9.3 The matter was also considered by the Secretary of State (SoS) in dealing with both the Homelands and Cleveleys applications. Concluding on the sustainability of the two proposals the SoS agreed with his Inspector's comments at paragraph 14.45 of his report that: "...both schemes would take the right approach to achieving social cohesion and result in balanced communities, with good access to employment and services, which would be well integrated into pleasant environments."

9.4 The "Approach to rural sites" background paper suggests that commitments at Bishop's Cleeve already exceed the estimated development at the settlement by approximately 230 dwellings - albeit it is accepted that Bishop's Cleeve will be expected to contribute to the Borough's housing land supply over the plan period and that development at Bishop's Cleeve would be generally consistent with the spatial strategy. The background paper forms part of the evidence base for the emerging JCS, which itself is not yet adopted and can only therefore be afforded limited weight.

9.5 Whilst the impact of a further 265 dwellings at Bishops Cleeve is not underestimated, given the scale and role of Bishops Cleeve as a Rural Service Centre and the existing and planned services serving it, it is not considered that the proposed development, in addition to the consented schemes, would have an unacceptable impact on the social wellbeing and cohesion of Bishops Cleeve.

10.0 Noise

10.1 The NPPF states at paragraph 120 that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Paragraph 123 of the NPPF sets out that planning decisions should, *inter alia*, recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established

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

10.3 Concerns have been raised from various quarters regarding the potential impact of existing noise creating development on the proposed development. In particular there are concerns that permitting new housing at this location could put existing businesses at risk should residents of the new development complain about noise from those existing uses.

10.4 The ES refers to the Noise Survey/Assessment carried out on behalf of the applicant and sets out that the main noise impacts would be from road traffic from the Stoke Road and, to a lesser extent, from the M5 motorway, which could be addressed by suitable mitigation to protect outdoor living areas, with a stand-off area of at least 10m and suitable glazing for properties facing Stoke Road. The Noise Assessment further recommends that outdoor living areas closest to and with a direct line of sight to the Malvern View Business Park should be provided with close-boarded fencing or screening walls to screen activities on the business park.

10.5 The proposed Development Framework plan indicates residential development within close proximity to the boundary with commercial uses. Most prominent is the Elliot's Transport Yard which runs back approximately 140 metres from Stoke Road. The use involves the storage and distribution of building materials. Residential uses are shown on the Development Framework Plan within approximately 25 metres of the boundary with Elliot's Transport at its closest point. Other uses sharing a common boundary with the application site appear to be generally low key but at the closest point fall within 10m of the nearest residential uses indicated on the Development Framework plan. It is noted that one of the businesses occupying a site adjacent to the proposed development has advised that the company's operations can be noisy, particularly in summer months when doors are open, and the company operates almost 24 hours per day. There are no restrictions in terms of hours of operation of any of the uses on the Business Park.

10.6 The Environmental Health Adviser (EHA) originally commented that they are in broad agreement with the findings and recommendations of the applicants Noise Assessment although there are limitations to the recommendations due to uncertainties in the final development layout so the focus has remained on broad brush attenuation proposals allowing for bespoke application to individual dwellings once the layout has been agreed.

10.7 Nonetheless officers were concerned that there had been no robust assessment of the impact of the existing business uses to the east of the proposed residential development. The EHA has been reconsulted on this specific point and has raised concerns given the unrestricted nature of some of the businesses which share a common boundary with the application site and which, as set out above, would be close to proposed residential development as indicated on the Development Framework plan. There is a concern that this could either potentially restrict the level of development on the site and/or potentially lead to complaints from new residents against the long-standing business on the site. The EHA has also identified some shortcomings with the applicant's noise assessment, with monitoring not being carried out at locations close to the business park, as would be expected.

10.8 It is recognised however that this is an outline application and it is considered that the potential effects of noise could be addressed by planning conditions requiring detailed noise assessments at reserved matters stage. This could have the effect of reducing the quantum of development possible on the site however would satisfactorily address any outstanding concerns. Whilst there is a part of the business park which is allocated in the Local Plan and is yet to be developed, it is considered that should development proposals come forward for this site in the future, it could be designed/restricted in such a way as not to create conflict between the business and residential uses.

11.0 Air Quality

11.1 In addition to the general pollution policy matters discussed in section 11 above, paragraph 124 of the NPPF sets out that in respect of air quality it advises that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs), and the cumulative impacts on air quality from individual sites in local areas. Policy EVT4 of the Local Plan requires air quality to be taken into account when judging the suitability of any development. Policy SD15 of the emerging JCS sets out that, inter alia, new development must not result in exposure to unacceptable risk from existing or potential sources of pollution.

11.2 The adopted Waste Core Strategy (WCS) also forms part of the Development Plan for the area. Policy WCS11 (Safeguarding sites for Waste Management) provides that existing and allocated sites for waste management use will normally be safeguarded by local planning authorities. Proposals that would adversely affect, or be adversely affected by, waste management uses will not be permitted unless it can be satisfactorily demonstrated by the applicant that there would be no conflict. The Waste Planning Authority (WPA) will oppose proposals for development that would prejudice the use of the site for waste management.

11.3 The ES submitted with the application confirms that this matter has been 'scoped out' of the ES. This is because the Air Quality Assessment (AQA) submitted with the application considered the potential air quality, dust, and odour impacts associated with the Wingmoor Waste Sites on future residents. Major sources of air pollution are identified in the AQA as dust emissions from the proposed construction phase, road traffic emissions from the operational phase and the operations at the Wingmoor Farm waste sites. The construction phase and traffic arising from the development once completed are predicted to have 'not significant' and 'negligible/not significant' impacts with mitigation in place.

11.4 In respect of Wingmoor Farm, the AQA concludes that, subject to appropriate mitigation, there would be no undue air quality impact arising during construction or from road traffic. The AQA sets out that consideration has also been given to the potential air quality, dust, health and odour effects associated with the Wingmoor Farm. The AQA concludes that *'...a review of monitoring data associated with the landfill sites, air quality assessments for two proposed AD facilities (recently permitted) and a neighbourhood health profile indicate that the potential dust, air quality and health effects at the proposed development should not be significant. In addition, the majority of processes operate under Environmental Permits which will include conditions to control emissions to atmosphere. With the effective implementation of these measures, the potential for odour emissions should be minimised.'*

11.5 The County Council have commented on the application as Waste Planning Authority and are concerned that the applicant has not demonstrated that the proposed development would have an acceptable impact on the permitted landfill at Wingmoor Farm East which also now has a recently constructed anaerobic digestion facility.

11.6 The operators of the waste management facility (Grundon Waste Management Limited) have also objected to the application on the basis that the proposed development would prejudice the use of the waste management site due to its close proximity and that the proposed site is not suitable for residential use due

to its impact on surrounding industrial uses. Furthermore, Grundons argue that the development would not constitute sustainable development due to the impact it would have on adjacent businesses and of the management of waste in the County and on behalf of Tewkesbury Borough Council.

11.7 The Wingmoor Farm site is controlled under the Environmental Permitting Regulations 2012. Under that regime the site is regulated by the Environment Agency (EA). As such it was considered that the EA would be best placed to advise on likely impacts and potential sterilisation of the current use. However, the EA have advised that they are *'not a statutory consultee for development adjacent to those sites we permit and would not intend assessing the reporting undertaken to date or make bespoke comment in this regard'*.

11.8 As the EA have declined to provide advice on the potential impacts arising from the operations at Wingmoor Farm on the proposed development, the Environmental Health Adviser has been reconsulted on this specific matter. The EHA is of the opinion that the AQA is not sufficiently robust to demonstrate with sufficient evidence that the proposed development would meet the criteria in Para 124 of the NPPF particularly the requirement to assess "the cumulative impacts on air quality from individual sites in local areas". The use of the Design Manual for Roads and Bridges DMRB for the air quality assessment does not provide a robust enough model as it is a screening tool and further assessment using a detailed dispersion model such as ADMS-Roads should be undertaken.

11.9 The EHA advises therefore that it is not possible to comment categorically at this stage as to whether the proposed development would be at risk from air quality issues arising from existing operations as there has been no proper assessment of the impact Wingmoor farm would have on the proposed development. Nevertheless there is some doubt that this is an appropriate location for new development given the proximity of the waste management operations. The EHA further comments that the objection by Grundons (the operator of the Wingmoor Farm sites) is comprehensive and well argued, with regards to air quality it questions the use of some of the measured distances used to calculate the figures in the assessment which, if correct, would alter the conceptual model and in turn throw doubt on the conclusions reached in the report. It is also noted that the AQA does not consider potential dust arising from the neighbouring Elliots Transport.

11.10 In light of the above it is concluded that it has not been demonstrated that the proposed development would not be at risk from air quality issues arising from nearby uses, nor that the existing waste management operations would be put at risk from siting residential development so close to it. In light of this, the proposals are contrary to the aims of the NPPF, Policy WCS11 of the adopted Waste Core Strategy, Policy EVT4 of the adopted Local Plan and Policy SD15 of the emerging JCS. This is a matter which weighs heavily against the development in the overall planning balance.

12.0 Ground Conditions/Contaminated Land

12.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 121 sets out that planning decisions should also ensure that sites are suitable for new uses taking account of ground conditions resulting from previous uses. Following any necessary mitigation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

12.2 The Environmental Health Officer (EHO) advises that the Phase 1 assessment and Geoenvironmental report has been reviewed and it is clear that no significant ground contamination risks have been identified within soils and groundwater on the site. This is unsurprising given the greenfield nature of the site. The EHO was concerned that insufficient information had been submitted with the original application in respect of potential ground gas risk given the nearby current and historic landfill operations at Wingmoor Farm. Further assessment was carried out on behalf of the application which concluded that there was no risk associated with ground gas sources and that, as a result, no protection measures would be necessary for the development of the application site. The EHO has reviewed the additional information, is satisfied with its conclusions and advises that no further investigations or remedial works would be necessary.

13.0 Flood Risk and Drainage

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

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

13.3 The adopted Flood and Water Management Supplementary Planning Document has the following key objectives: to ensure that new development does not increase the risk of flooding either on a site or cumulatively elsewhere and to seek betterment, where possible; to require the inclusion of Sustainable Drainage Systems (SuDS) within new developments, which mimic natural drainage as closely as possible (e.g. permeable paving, planted roofs, filter drains, swales and ponds) and provision for their long-term maintenance, in order to mitigate the risk of flooding; to ensure that development incorporates appropriate water management techniques that maintain existing hydrological conditions and avoid adverse effects upon the natural water cycle and to encourage on-site storage capacity for surface water attenuation for storm events up to the 1% probability event (1 in 100 years) including allowance for climate change.

13.4 Concerns have been raised by the local community regarding potential flood risk. Stoke Orchard Parish Council also raise concerns that development of the site would exacerbate 'already intolerable' flooding problems associated with storm water flows experienced at the River Swilgate at Stoke Orchard. The Parish Council request '106 agreements in massive proportions, to improve the cleansing of the downstream watercourses...and improvements to culverts and bridges' to alleviate continued flooding problems caused to landowners within the Parish.

13.5 The application has been accompanied by a revised Flood Risk Assessment which concludes that the site is within Flood Zone 1, an area with low fluvial flood risk as determined by Table 1 of the PPG. The site has also been shown to be outside the flood envelope of all other identified sources of flood potential, and as such the development type is deemed to be suitable for this location. Analysis of the site for flooding from various sources has concluded that, apart from a low risk of flooding from surface water runoff the chances of flooding from any other sources are negligible. Infiltration as a means of surface water discharge has been discounted due to shallow ground water present on site. Further to the development, the site would discharge at the existing Greenfield runoff rate of 35.5 l/s. This would be achieved through surface water mitigation measures. The surface water drainage strategy for the site is proposed to consist of a combination of swales, hybrid detention basin and pond/wetland systems, bio-retention/raingardens and geocellular storage with other measures encouraged.

13.6 The FRA also confirms that Floor levels would be raised by 300mm above the 1 in 100 plus climate change flood level near the site. Any excess flow above the designed flood will be mitigated through flood resilience measures and routed through over ground storage in carparks, gardens and through general landscaping. Construction on site would also take into consideration the 8m buffer strip on either sides of the watercourses currently passing through the site in accordance with Water resources Act 1991. Flood defence consent would be sought if any works are to be carried out within this buffer.

13.7 The EA have been consulted and advise that the revised FRA addresses their previous concerns relating to lack of assessment of watercourses on and adjacent to the site, fluvial flood risk and the lack of identified easements associated with 'main river watercourses' within the site. The EA agree with the classification of the site as being Flood Zone 1 and the use proposed is acceptable in principle in accordance with the PPG. The EA note the reference to 8m easements and comment that these should form focal points within the development as areas of public open space and the opportunity should be taken to improve the biodiversity habitat within these corridors. These matters can be addressed at reserved matters stage.

13.8 The LLFA have been consulted principally in relation to surface water flooding issues. A formal response has not been received from the LLFA at this stage and an **update will be provided at Committee.**

14.0 Affordable Housing

14.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing and is supported by an Affordable Housing Supplementary Planning Guidance (SPG) which was adopted by the Council in August 2005. Policy SD13 of the JCS Submission Version November 2014 specifies a requirement for 40% affordable housing.

14.2 The application was submitted with a commitment to providing 40% affordable housing. Following lengthy negotiations with the Strategic Housing & Enabling Officer (SHEO) an agreement has been reached to provide 50% of the affordable housing on site (53 dwellings of which 26 would be for affordable rent and 27 Intermediate housing). The remaining affordable housing requirement is proposed as an off-site contribution calculated on the same basis as the on-site affordables which would result in a financial contribution of £3,307,500.

14.3 The off-site contribution is considered appropriate for this proposal given the continuing delivery of affordable homes in Bishops Cleeve primarily at the Homelands/Cleevelands developments. The SHEO advises that off-site contribution would help meet wider needs across the Borough including in rural locations which are in need of affordable housing which is not provided for by the large-scale developments centred around the larger urban areas.

14.4 In light of the above the affordable housing need is agreed and capable of being addressed through completion of an appropriate s106 obligation.

15.0 Open Space, Outdoor Recreation and Sports Facilities

15.1 The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Furthermore, saved policy RCN1 of the Local Plan requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population. The Council's adopted Playing Pitch Strategy sets out requirements for formal playing pitches.

15.2 In accordance with these policies, the Community and Economic Development Manager has advised that the proposal would generate a requirement for 0.93ha of playing pitches and associated changing facilities. It is suggested that this requirement is met by an off-site contribution of £421,012 towards facilities at the Parish Council Playing Fields. The need has also been identified for a Locally Equipped Area for Play providing separate equipment for toddlers and juniors to be provided on site.

15.3 In addition to sports pitches, demand for other sports facilities has been identified using the Sports Facility Calculator which is an interactive tool developed by Sport England. Based on 265 dwellings, demand has been identified for local sports facilities. In order to address these demands, the following contributions have been sought:

- £138,463 towards sports hall at Cleeve Sports Centre;
- £107,386 towards swimming pool provision in the local area;
- £14,710 towards artificial sports pitch provision (astro turf) in the local area;
- £16,267 towards bowls provision at the Parish Council playing fields;

15.4 The applicant's draft heads of terms document appended to the Planning Statement indicates that the applicant would agree a long term maintenance and management scheme; this may include the need for commuted sums.

15.5 The applicant has indicated that they are willing to agree with the requirements however there is no signed s106 obligation to secure them at this stage.

16.0 Community, Education and Library Provision

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

16.2 The Community and Economic Development Officer has been consulted and a need has been identified for contributions towards community facilities on the basis that a significant number of new residents arising from the proposed development would put additional pressures on existing and planned facilities. Based on a calculation using the Gloucestershire Infrastructure Delivery Plan assessment formula, a contribution of £120,498 is sought. Contributions would also be sought towards recycling and dog waste bins and signs to address impacts arising from the development.

16.3 The NHS estates adviser has comment on the application and due to the direct impact of this housing on local services seeks financial support, via a S106 agreement, in the sum of £132,355.

16.4 Gloucestershire County Council has considered the impact upon, and necessary mitigation for, pre-school / early years, education and library services. In this respect the following contributions are recommended: Primary - £349,142; Secondary - £749,208 and Libraries - £51,940. There is currently no additional need identified in respect of pre-school requirements.

16.5 The applicant has indicated that they would be willing to agree with the above requirements, nevertheless there is no signed s106 agreement in respect of the community (including NHS), education and library provision at this stage.

17.0 Archaeology and Cultural Heritage

17.1 Section 66 of the Listed Buildings and Conservation Area Act places a statutory duty on LPAs to have special regard to the desirability of preserving the setting of listed buildings. The NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The emerging JCS reflects these requirements in Policy SD9.

17.2 There are no listed buildings or other heritage designations judged to be affected by the proposed development. In terms of archaeology the County Archaeologist (CA) has been consulted and considered that there was potential for significant archaeological remains on the site having regard to the historic development of Bishops Cleeve and previous investigations relating to the development of the adjacent Cleavelands site. On that basis the CA required the results of an archaeological field evaluation to be provided, in accordance with paragraph 128 of the NPPF, prior to permission being granted. This evaluation has been carried out and the results provided and the CA has advised that whilst the archaeological deposits shown to be present on the site is not of the highest significance, they would make an important contribution to our understanding of archaeology of the locality and wider region. For that reason the CA recommends a condition be attached to any permission requiring a programme of archaeological work to be carried out prior to development commencing.

18.0 Ecology and Nature Conservation

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

18.2 The application is supported by an Ecological Appraisal (EcA) which advises that surveys of bats, reptiles, riparian mammals and breeding birds were undertaken as advocated by the desk study and Phase 1 Habitat and preliminary protected species survey. In terms of statutory designated sites, Dixon Wood SAC lies 4.4km away from the site and the EcA concludes that the proposals are unlikely to have any significant effect on the integrity of this SAC. Wingmoor Farm Meadow Key Wildlife Site is a small isolated semi-natural grassland with no public footpath or known access and is therefore unlikely to experience negative impacts as a result of visitor pressure from residents of the proposed development.

18.3 The EcA concludes that subject to mitigations measures the development would be likely to result in a net biodiversity gain. Therefore, subject to a suitably worded planning condition ensuring development was carried in accordance with the recommendations set out in the EcA, to secure biodiversity enhancements and mitigation as necessary, the proposed development is considered to accord with the NPPF, policy NCN5 of the Local Plan and the emerging JCS.

19.0 Loss of agricultural land

19.1 Paragraph 112 of NPPF advises that local planning authorities should take into account the economic and other benefits of the best and most versatile land (BMV). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in Grades 3b, 4 and 5 in preference to higher quality land. Paragraph 109 of the NPPF puts the protection and enhancement of soils as a priority in the conservation and enhancement of the natural environment.

19.2 A soil resource and agricultural use and quality survey has been carried out which sets out that almost 11 hectares of the site constitutes grade 3b with approximately 2.5 hectares of grade 3a land, which constitutes best and most versatile land in line with the NPPF. The survey concludes that the land is dominantly of moderate agricultural quality and the soils represent a moderate to low quality resource for reuse which would require careful management to avoid structural damage.

19.3 As set out above there is limited best and most versatile land which would be lost to development. As such this would be a negative factor of very limited weight in the overall planning balance.

20.0 Residential Amenity

20.1 One of the core planning principles of the NPPF is to ensure a good standard of amenity for all existing and future occupants of land and buildings. This advice is reflected in Policy SD15 of the JCS (Submission Version) which seeks to ensure that new development does not cause an unacceptable harm to local amenity including amenity of neighbouring occupants. The majority of concerns raised by local residents refer to the location of the site in relation to Wingmoor Farm. These matters are addressed in section 11 (air quality) above. Matters in relation to potential noise impacts are similarly address in section 10.

20.2 In terms of existing residents the site shares a common boundary with properties in Acacia Park to the north east of the site. The Development Framework Plan indicates residential development up to the rear boundaries of properties in Acacia Park however any potential impacts arising from the scale and location of new dwellings could be addressed at reserved matters stage.

21.0 Overall Balancing Exercise and Conclusions

21.1 The site is located outside any recognised settlement where new housing development conflicts with Policy HOU4 of the Local Plan. For this reason, the proposed development is contrary to the Development Plan. Nevertheless, as set out above, the Council's housing supply policies must be considered out of date and in those circumstances the NPPF therefore requires that the Council considers applications for housing in the context of a presumption in favour of sustainable development as set out at paragraph 49 of the NPPF. As such, in this case and in accordance with paragraph 14 of the NPPF, the development should be permitted unless there are any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Beneficial Effects

21.2 The development would contribute significantly towards the supply of market and affordable housing to help meet the objectively assessed need for housing in the area. This is of particular relevance given the fact that the Council cannot currently demonstrate a deliverable supply of housing sites in the context of the Government's requirement of a minimum supply of 5 years and weighs significantly in favour of the application. The provision of the new retail store would result in economic benefits and could result in some minor environmental benefit in providing a facility closer to existing residents than existing retail uses, thereby reducing the need to travel by car.

21.3 New employment would be created during construction and some businesses connected with the construction industry would likely be local suppliers and trades, which would boost the local economy. There would also be economic benefits arising from additional residents supporting local business. Other benefits include net ecological gains identified in the Ecological Assessment.

Neutral Effects

21.4 It has been established through the Environmental Statement, other application material and through consultation with specialist consultees, that the impact of this development on flood risk, the living conditions of existing and future residents, archaeology and ground contamination can be adequately mitigated. The mitigation measures required, can be secured through planning conditions, future reserved matters applications, and S106 obligations. Mitigation in respect of community, sport and play, education, library and health facilities can also be addressed via s106 obligations although it is material that there are no agreed and signed s106 obligations at this stage. Issues in respect of any noise pollution arising from neighbouring uses can be addressed by condition and through reserved matters applications.

Harmful Effects

21.5 It is clear that the proposed development would result in some harm to the landscape by introducing new urban development where there are currently green fields. It is considered that the landscape impacts could be successfully mitigated to improve the existing edge of the settlement. This is a matter which weighs against the development but would not justify refusal in its own right. The proposals would result in the loss of a small area of Best and Most Versatile agricultural land and again, whilst this weighs against the development it would not justify refusal on its own.

21.6 In design terms the proposals indicate that the site itself could be developed in an acceptable way however, there is only one access in and out of the site which can be secured by this development. As such there would be limited connectivity with the rest of Bishops Cleeve and this does not represent good design.

21.7 Of greatest concern is the location of the site close to the landfill operations at Wingmoor Farm, a site protected in the Waste Core Strategy. The application does not demonstrate that residents of the proposed development would not be at risk from pollution arising from Wingmoor Farm, nor that the proposals would not prejudice the use of the site for waste management purposes. This is a matter that weighs heavily against the proposal.

Overall Planning Balance and Conclusion

21.8 The benefits set out above are not underestimated however for the reasons set out above, and in particular the concerns raised in respect of potential air quality impacts arising from Wingmoor Farm, it has not been demonstrated that this is a suitable site for housing. These potential harms outweigh the benefits in the overall planning balance.

21.9 It is therefore officer opinion that the proposed development does not constitute sustainable development in the context of the NPPF as a whole and the application should be refused.

RECOMMENDATION Refuse

Reasons:

- 1 The application has not demonstrated that the proposed residential development would not be exposed to unacceptable risk from pollution and in particular it has not been demonstrated that the proposed development would not be adversely affected by the nearby allocated waste management site at Wingmoor Farm which is safeguarded in the Waste Core Strategy. Furthermore, whilst all matters relating to design and layout are reserved for future consideration, the proposed development would fail to provide good connectivity with the existing settlement and for this reason does not represent good design. As such the proposed development does not represent sustainable development and the identified harms would significantly and demonstrably outweigh the benefits of the proposal contrary to advice at paragraph 124 and section 7 (Requiring good design) of the National Planning Policy Framework, Policy EVT4 of the Tewkesbury Borough Local Plan, Policy WCS11 of the Gloucestershire Waste Core Strategy (November 2012) and policies SD5 SD15 of the emerging Joint Core Strategy (Submission Version - November 2014).
- 2 In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SD12 and SD13 of the Joint Core strategy Submission Version November 2014.
- 3 In the absence of an appropriate planning obligation, the application does not make adequate provision for on-site or off-site playing pitches with changing facilities and sports facilities to meet the needs of the proposed community. The application therefore conflicts with Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 - March 2006, section 8 of the NPPF (Promoting healthy communities) and emerging policies INF5 and INF7 of the Joint Core strategy Submission Version (November 2014).
- 4 In the absence of an appropriate planning obligation, the application does not make provision for the delivery of education, health and community infrastructure or library provision and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities) and policies INF5 and INF7 of the Joint Core strategy Submission Version (November 2014).

15/0016610W1



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Drawn by		JT	
Issue date		11/9/13	
Scale(s)		1:2500 @ A3	
Drawing No		2013-076-100	
Title		Location Plan	

Rev	Date	By	Revision notes
*	*	*	*

Status

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BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019

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

11 May 2015

Please destroy previous lists.