



APPENDIX A
Agenda Item No. 5A

TEWKESBURY BOROUGH COUNCIL

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 30 August 2016

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(156 - 198)	(199 - 218)

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. (156 - 218)

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) 30th August 2016

Ashleworth 16/00733/FUL Click Here To View	Land Opposite To Fern Cottage Lawn Road Ashleworth	Permit	4
Bishops Cleeve 16/00626/FUL Click Here To View	21 Station Road Bishops Cleeve	Permit	7
Bishops Cleeve 16/00722/FUL Click Here To View	4 Haycroft Close Bishops Cleeve	Permit	10
Down Hatherley 16/00752/FUL Click Here To View	Land Between Ashmead & Woodpeckers Ash Lane Down Hatherley	Permit	11
Gotherington 16/00336/OUT Click Here To View	Land Adjoining 59 Gretton Road Gotherington	Delegated Permit	5
Northway 16/00683/FUL Click Here To View	Lorry Park Northway Lane Ashchurch Tewkesbury	Refuse	1
Stoke Orchard & Tredington 16/00679/FUL Click Here To View	Parcel 2521 Banady Lane Stoke Orchard	Delegated Permit	6
Tewkesbury 16/00494/FUL Click Here To View	21 Manor Park Mitton Tewkesbury	Permit	2
Wheatpieces 16/00576/FUL Click Here To View	32 Cambrian Road Walton Cardiff Tewkesbury	Permit	3
Woodmancote 16/00654/FUL Click Here To View	The Wooltons Stockwell Lane Woodmancote	Permit	8
Woodmancote 16/00672/FUL Click Here To View	36 Potters Field Road Woodmancote	Permit	9

16/00683/FUL

Lorry Park, Northway Lane, Ashchurch

1

Valid 30.06.2016

Subdivision of premises into 4 no. individual units. Change of use of Units 1 -3 to bulky goods retail (Use Class A1) and new car park layout.

Grid Ref 392273 233251

Parish Northway

Ward Northway

Coombes Developments Ltd

Unit 5

Station Drive

Bredon

GL20 7HH

RECOMMENDATION Refuse

Policies and Constraints

NPPF

Planning Practice Guidance

The Tewkesbury Borough Local Plan to 2011 - March 2006 - TPT1, TPT6, TPT9, TPT13, RET6, RET8 and LND4.

JCS (Submission Version) November 2014

Major Employment site

Public Transport Corridor (A46)

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

Northway Parish Council - No objection.

Tewkesbury Town Council - No objection.

County Highways - No objection subject to conditions.

Highways England - No objection.

Planning Officers Comments: Mr Matthew Tyas

1.0 Site

1.1 The site relates to an unoccupied business premises located at Domestic Appliance Distributors, Northway Lane, Ashchurch. The building has been recently constructed in pursuance of Planning Permission ref. 14/01008/FUL for a 'New Office/Showroom/Warehouse, use linked to the existing distribution warehouse'. It is understood that although the building is complete, the permitted use has not commenced.

1.2 The site is located on a 'Major Employment Site' as defined on the Proposals Map for the Tewkesbury Borough Local Plan to 2011. The site is not located within or on the edge of a Town Centre as defined on the Proposals Map. The site is therefore considered to be in an out of centre location in planning policy terms.

2.0 History

2.2 An application for the change of use of the premises to A1 (retail) and new car park layout was received in July 2015 (ref. 15/00017/FUL) but is currently undetermined. An appeal against the non-determination of the application by the Local Planning Authority had been lodged but has since been withdrawn. In its appeal statement the Council indicated that it would have been minded to refuse planning permission for the following reasons:

- *The proposed development would be likely to have a significant adverse impact upon the health of Tewkesbury town centre and is also likely to have a significant impact on existing investment in Tewkesbury town centre due to the scale and type of retail floorspace proposed and its proximity to the town centre. The proposed development would therefore be contrary to Section 2 (Ensuring the vitality of town centres) of the NPPF, Policy RET6 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policy SD3 of the Joint Core Strategy Submission Version November 2014.*

- *The proposed retail use would result in the loss of viable employment land of the type promoted by Policy EMP1 of the Tewkesbury Borough Local Plan to 2011 and it has not been sufficiently demonstrated that its loss is necessary or that it is unviable for the site to be used for B1/B2/B8 employment purposes. The proposed development would therefore be contrary to the advice at Paragraph 22 of the National Planning Policy Framework 2012.*

- *The proposed development would not provide sufficient on-site parking to accommodate the demands arising from the proposed retail use. This would lead to indiscriminate parking on the surrounding roads which may affect the free flow of traffic and compromise highway safety contrary to Policy TPT1 of the Tewkesbury Borough Local Plan to 2011.*

2.3 Instead the applicant is intending to address the issues identified in the Council's appeal statement through the current application before Members.

2.4 Planning permission was granted on 11.12.14 (ref. 14/01008/FUL) for a 'New Office/Showroom/Warehouse, use linked to existing distribution warehouse'. The permitted use of the building is for 1600sqm of B1(a) floorspace and 3493sqm of B8 floorspace. This permission has been implemented insofar as the building has been constructed. The permitted use has not however commenced and conditions 8, 9 and 11 of the permission requiring details to be submitted, approved and implemented prior to use/occupation have not been discharged.

2.5 Planning permission was granted on 30.04.14 (ref. 14/00098/FUL) for 'Proposed new office/showroom/warehouse building and extension to existing distribution warehouse'. This involved a 2550sqm (B8) extension to the existing warehouse on site and a new building providing 1600sqm of B1(a) office floorspace and 1367sqm of B8 warehouse floorspace. It is understood that works did unlawfully commence on the construction of the new office/showroom/warehouse building permitted by this application prior to the discharge of pre-commencement conditions, but were not completed as the building permitted by 14/01008/FUL was pursued instead.

2.6 For clarity application ref. 14/01008/FUL amended the design of the new office/showroom/warehouse building granted permission under 14/00098/FUL. The main design changes were the installation of a mezzanine floor to the part of the building accommodating the warehouse, minor increases to the footprint and overall height of the building, the installation of ground and first floor fenestration across the warehouse part of the building and the use of a different external finish to the warehouse part of the building. Application ref. 14/01008/FUL also featured the omission of the extension to the existing warehouse extension that formed part of 14/00098/FUL. It is however important to note that the warehouse building could still be constructed as 14/00098/FUL remains extant until 30.04.17. The implications of this are explored in the highways and transportation section below.

2.7 Also of relevance to this application are a number of other retail commitments in the vicinity of the site. Most notably, on 30th June 2016 the Council granted outline planning permission for a proposed garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works including access), car parking and landscaping on land located opposite the site (ref. 13/01003/OUT). The proposed retail outlet centre would provide approximately 17,545 sq.m floorspace and the new Garden Centre 8,000 sq.m floorspace.

2.8 Furthermore, in January 2014 planning permission was granted on land immediately adjoining the site to the west for a new Sainsbury's foodstore (Class A1) with a gross internal floorspace of 6,338 sq. m and a net sales area of 3,855 sq. This permission remains extant until January 2017 but has not yet been implemented.

3.0 Current Application

3.1 The application proposes to subdivide the building constructed in pursuance of 14/01008/FUL into four individual units, and to change the use of Units 1-3 from the permitted B1/B8 use to retail use (Class A1). Unit 4 would remain in the permitted B1/B8 use although it is understood that the application intends to submit a separate planning application for the use of this unit as a gymnasium. The application indicates that the retail use will be restricted to bulky goods retail. The application indicates that an established furniture retailer is intending to relocate to Unit 1 from their current premises in Broadway. Accordingly, a condition has been proposed by the applicant to restrict the sale of goods from Unit 1 to carpets, furniture, bedding, floor coverings, soft furnishings and textiles, bathroom suites - furniture and accessories, kitchen units - furniture and accessories, floor and wall tiles. No end user is indicated in the application for Units 2 and 3, but a similarly restrictive range of goods condition is proposed by the applicant for these units, except it is proposed to also allow the sale of cycles and cycle goods from these units.

3.2 The application is in revised form. The original application submission proposed to use both floors of all four units for A1 retail and sell a wider range of goods including DIY/hardware, garden products, electrical goods, motor accessories, pet goods, office equipment and alcoholic and non-alcoholic drinks. The application has been revised to try and address officer concerns that the proposal would not pass the Sequential Test and would have a significant impact upon the health of Tewkesbury town centre.

4.0 Planning Policy Context

National planning policy and guidance

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. Paragraph 14 of the NPPF states that for decision taking the presumption in favour of sustainable development means 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. 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 Relevant policies of the NPPF include those in Section 1 (Building a strong, competitive economy), Section 2 (Ensuring the vitality of town centres) and Section 4 (Promoting sustainable transport). The Planning Practice Guidance (PPG) on 'Ensuring the vitality of town centres' is also of relevance to this appeal.

The Development Plan

4.3 The adopted Development Plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 (TBLP). Relevant policies include Policy RET6, EMP1, TPT1 and LND7.

4.4 Policy RET6 in essence provides that the Council will apply the Sequential Test when assessing proposals for large retail stores and, where developments are proposed outside of existing centres, they will be assessed for their impact on the development plan strategy, their impact on the vitality and viability of existing centres, the accessibility of the proposed development by a choice of means of transport, and the impact on travel and car use.

4.5 Policy EMP1 relates to Major Employment Sites and seeks to promote B1, B2 and B8 uses on major employment sites and seeks to restrict alternative uses advising specifically that proposals for retailing will be resisted.

4.6 Policy TPT1 of the local plan seeks to reduce the need to travel by car and promote alternative modes of transport. It also seeks to ensure that highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network, nor cause an unacceptable loss of amenity to users of adjacent land.

4.7 Policy LND7 provides that development proposals will require the provision of a high quality landscaping scheme which will form an integral part of the overall development.

4.8 Policy RET6 is considered to be consistent with the advice on ensuring the vitality of town centres at Section 2 of the NPPF. This policy can therefore be afforded significant weight. It is accepted however that the requirement within Policy RET6 for a need to be established is no longer part of national planning policy and this facet of RET6 is therefore inconsistent with the NPPF.

4.9 Policy EMP1 of the TBLP is considered to be consistent with the advice at paragraph 22 of the NPPF insofar as it does contemplate alternative uses on allocated employment sites and does not apply a rigidly protective approach. Policy EMP1 does however seek to resist retail uses on allocated sites with the reasoned justification for this being that the retailing policies of the local plan seek to protect and enhance the existing town and local centres primarily by steering new development to these areas. As set out above, this is considered to be consistent with the advice on ensuring the vitality of town centres at Section 2 of the NPPF. As there is not considered to be any particular conflict between Policy EMP1 and the NPPF, the policy can be afforded significant weight.

4.10 Paragraph 22 of the NPPF does however go further than Policy EMP1 in its approach to alternative uses on allocated employment sites stating that the development of an allocated site for an alternative purpose may be considered on its merits if it is clear that there is no reasonable prospect of the site being used for the allocated employment use.

4.11 Policies TPT1 and LND7 are considered to be consistent with the advice on Promoting Sustainable Transport and Requiring Good Design at Sections 4 and 7 of the NPPF and can therefore be afforded significant weight.

Emerging Development Plan

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

4.13 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. In terms of the retail strategy it seeks to maintain and improve the city, town and rural service centres to ensure their long-term role and wider function, promoting their competitiveness whilst ensuring their roles are complementary. A retail hierarchy (Policy SD3) is identified with Gloucester and Cheltenham being the key urban areas and Tewkesbury next in the hierarchy as a market town.

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

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

4.15 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. The Inspector's Interim Report on the JCS was issued in late May 2016 and indicates that further changes to the plan are required. In relation to the JCS's retail Strategy however it is not anticipated that significant further changes will be made, but the Inspector has recommended that there is an immediate review to the retail strategy in the near future.

5.0 Analysis

5.1 It is considered that the proposal presents three main issues. Firstly, the site is located on an allocated employment site and it is necessary to consider whether it is acceptable for it to be used for an alternative purpose. Secondly, the proposal relates to major retail development and the site is not located in an existing Town Centre. The sequential test must be applied to the proposal and its impact on existing town centres must be considered. Finally, the proposed development is likely to generate significant amounts of movement and it is therefore necessary to consider its highways and transportation impacts. Each of these issues will be considered under separate sub-headings below:

The potential loss of allocated employment land

5.2 Policy EMP1 of the Tewkesbury Borough Local Plan to 2011 seeks to promote B1, B2 and B8 uses on major employment sites and seeks to restrict alternative uses advising specifically that proposals for retailing will be resisted. The retail related implications of this policy will be considered separately below and this section will focus solely on whether it is necessary to safeguard the site for future employment uses within the B1, B2 and B8 use classes promoted by the policy.

5.3 It is considered that an assessment of this issue should have regard to the need for employment land within the Borough, whether there is a demand for employment land of the type supported by the policy and provided on site, and whether there is a reasonable prospect of the site being used for the allocated employment use.

5.4 Firstly, with regard to the need for employment land within the Borough, the Assessment of Cheltenham, Gloucester and Tewkesbury Employment Land Reviews (AELR) makes the following conclusions that are relevant to this application:

- Tewkesbury has had strong growth and good uptake of its employment land and as such will need further land looking forward to maintain this growth.
- There is a need for a significant increase in the amount of employment land in the JCS area over the next 20 years, especially within Cheltenham and Tewkesbury
- Cheltenham, Gloucester and the parts of Tewkesbury Borough that are most easily accessible from the M5 motorway and from the airport have the potential to attract inward investment and are therefore appropriate locations for the allocation of land that would accommodate large-scale strategic business development.
- Most new growth in employment development is anticipated to be delivered through B1 a/b development

5.5 The 2015 Employment Land Assessment Update expands on this and recommends that provision should be made for the development of 192ha of B Class employment land across the JCS area between 2011 and 2031.

5.6 Having regard to the AELR and its 2015 update, it is considered that there is a clear need for employment land within the location of the appeal site and of the type provided under Policy EMP1.

5.7 In considering whether there is demand for employment land of the type provided on site, the Council would have regard to their Review of Business Parks document (RBP). This includes the appeal site as part of Ashchurch Parkway Site no. T4.

5.8 The Site Assessment at Appendix 5 of the RBP gives Site T4 a score of 40 out of 50 and comments that it is a very good employment site which is in high demand. It also comments that there is potential for individual unit redevelopment and site intensification to meet employment demand in key existing and growth sectors.

5.9 The RBP provides guidelines for Assessing the Existing Commercial Sites at Section 4 and states that, as current demand exists for all of the employment sites assessed (including T4), it is therefore recommended that all of the employment sites studied should be safeguarded for future employment use.

5.10 The RBP goes on to advise that, should proposals be submitted for alternative uses on employment land, these will need to be clearly justified and evidence provided to support loss of the employment land. In order to show that there is no demand for an existing employment site the RBP recommends that applicants should provide evidence demonstrating that they have actively marketed the premises or site in question with no success. It then provides guidelines for assessing proposals for alternative uses on employment land, including marketing requirements and a requirement for a feasibility study to be submitted to demonstrate that redevelopment of the site for employment use is not viable, and a requirement for a financial appraisal to be submitted demonstrating that redevelopment of the site for employment uses is not viable.

5.11 The importance of employment land in the area surrounding Junction 9 of the M5 is also recognised by the Gloucestershire Local Economic Partnership as crucial for employment led growth. The Council's Economic Development Officer has advised that this is a very popular location for businesses. Given the increase in the employment land requirement through the JCS process it is essential that existing sites in successful locations such as this are protected.

5.12 Whilst the recommendations of the RBP do not constitute policy, they are nonetheless consistent with the advice at Paragraph 22 of the NPPF stating that the development of an allocated site for an alternative purpose may be considered on its merits if it is clear that there is no reasonable prospect of the site being used for the allocated employment use. Officers consider that the AELR and RBP represent important material considerations and represent useful guidance for the application of the advice at paragraph 22 of the NPPF.

5.13 In this instance the application is accompanied by a letter from a commercial property consultant responsible for marketing the premises. This confirms that the premises has been marketed as 'New Showroom Units' and has been on the market since February 2015. It confirms that the premises has been listed on the agent's website and that marketing signage has been in place at the site boundary with the A46. It also states that details of the premises have been sent to applicants registered on the company's database as requiring accommodation similar to the subject property. Four such circulations have been undertaken

including between 55 and 69 recipients on each occasion. Three targeted circulations have also been undertaken to nationally registered trade warehouse companies. On each occasion 370 companies have been sent particulars of the application premises. The property consultant's letter states that the marketing of the premises has only attracted interests from three parties; a furniture retailer, a kitchen retailer and a national health and fitness operator, all of which would be subject to gaining the necessary planning permissions as none are compatible with the permitted B1/B8 use of the premises.

5.14 Officers note the marketing information but have concerns that the marketing of the premises as 'showroom units' does not reflect its permitted B1/B8 use. The premises could be used for a variety of different purposes within its current planning permission including offices, research and development, light industrial and warehousing. The marketing of the premises as showroom units does not have regard to this potential and is considered to be too narrow in focus. Officers consider that this may be acting as a deterrent to the building being used for its intended B1/B8 purposes. It is not therefore considered that sufficient marketing evidence has been provided with the application that would indicate that there is no demand for the permitted B1/B8 employment use, particularly in light of the conclusions of the AELR and RBP set out above. Members are however advised that further marketing information has now been provided by the applicant shortly before the publication of this report. Officers have not however had been given sufficient opportunity to review this information, consult with the Council's Economic Development Officer and consider its implications within this report. **An update will be provided at Committee.**

5.15 Overall, in light of the evidence contained within the AELR and RBP indicating that there is a significant need for employment land within the Borough and a demand for the employment site in which the site is located, and given the lack of evidence at the time of writing to show that there is no reasonable prospect of the site being used for the allocated employment use, it can only be concluded that the proposal would result in the loss of viable and valuable employment land of the type promoted by Policy EMP1. This it is considered would compromise the Borough's ability to attract new businesses which would act as an impediment to the sustainable economic growth advocated by Part 1 of the NPPF.

The Sequential Test

5.16 Policy RET6 of the TBLP provides that, when assessing proposals for large retail stores, the Borough Council will apply the following Sequential Test:

1. Preference will be given to town centre locations where suitable sites or buildings suitable for conversion exist, followed by;
2. Edge of centre sites, district and local centres, and only then;
3. Out of centre sites in locations accessible by a choice of means of transport.

5.17 This policy approach is reflected at paragraph 24 of the NPPF. The PPG provides supporting guidance on the application of the sequential test and notes that:

"It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission)"

5.18 The applicant has provided a sequential assessment within the Retail Statements submitted with the application. This considers vacant units in Tewkesbury Town Centre and a number of sites in and around the wider Tewkesbury area including at Bishops Walk/Spring Gardens, Healings Mill, St Mary's Lane Car Park, Tewkesbury Hospital Site, New Urban Greenway Site, Former MAFF Site, Tewkesbury Borough Council Offices, Land at Mythe Farm and Land at Mitton. The applicant considers that these sites are either unavailable, not suitable for large format bulky goods retailing or not sequentially preferable to the application site. Officers have considered the applicant's submission and agree that that the majority of the sites/premises can be easily discounted. The Bishops Walk/Spring Gardens site does however require further consideration. The applicant infers that this site is not predicated on providing large format units aimed at meeting the needs of bulky goods retailers such as those proposed by this application. Such an outcome would, the applicant considers, represent a wasted opportunity even assuming that including such units within any redevelopment, was judged to be viable. Officers are in the process of discussing the suitability of the Bishops Walk/Spring Gardens site for the proposal with the Council's Economic Development Officer and Retail Consultant acting on the Council's behalf.

5.19 Members will be updated on this matter at Committee but on the basis of the evidence reasonably available to officers at the time of writing it can not be concluded that the proposal passes the sequential test. The application does not therefore satisfy the sequential test requirement of Policy RET6 of the Tewkesbury Local Plan and paragraph 24 of the NPPF.

Impact on Tewkesbury Town Centre

5.20 Policy RET6 of the TBLP provides that, where developments are proposed outside existing centres, they will be assessed against the following criteria:

- a) The impact on the development plan strategy;
- b) The impact on the vitality and viability of existing centres

5.21 This policy is reflected by and expanded upon at paragraph 26 of the NPPF which requires that applications for retail, leisure and office development outside of town centres should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

5.22 The appellant has considered the retail impact of the proposal within the Retail Statements submitted with the application. Members should note however that since the submission of the application discussions have taken place between the Council and the applicant in order to try and address the Council's concern that the proposed development would be likely to have a significant adverse impact upon the health of Tewkesbury town centre, as set out in the Council's appeal statement for the previous, undetermined application for the site (15/00017/FUL). Consequently, the application before Members is in revised form. A revised condition has been offered by the applicant restricting the nature of the retail use to bulky goods sales only. The revised application also confirms that the first floors of Units 2 and 3 would not be used for retail trading and no retail trading is now proposed from Unit 4. The effect of these amendments is that the total net (sales) space within the development is reduced from 3,400sqm as originally proposed to 2,100 sqm. The revised condition restricting sales to bulky goods only is intended to avoid competition with the retail offer of the Town Centre.

5.23 It is considered that the revisions to the application would potentially have the effect of reducing the impact on the town centre in both qualitative and quantitative terms. Restricting the range of goods that can be sold from the units to bulky goods only could reduce the trading overlap between the proposal and the town centre which could reduce trade diversion from the town centre. Reducing the total sales area of the proposal could have the effect of reducing the extent of any remaining trade overlap with the town centre. Officers are awaiting detailed comments on the revised proposal from the Council's retail consultant however from initial discussions it is understood that the proposal is now unlikely to have a significant adverse impact on Tewkesbury Town Centre. **An update will be provided at Committee.**

Highways and Transportation Impacts

5.24 With regard to traffic generation, the County Highways Authority (CHA) comments provide a trip generation comparison between the permitted B1/B8 uses and the proposed A1 uses concluding that the A1 proposal results in a reduction in trips from the B1/B8 use during the weekday. As the impact of the B1/B8 use was deemed acceptable on the highway network, the CHA also find the proposed A1 use to be acceptable. The CHA also consider the impact of the proposed A1 use on Saturdays finding that the impact would not be severe as the background traffic flows are generally less at the weekend. It is noted that Highways England raise no objection to the proposal's impact on the A46 Trunk Road.

5.25 With regard to car parking, the application demonstrates that the accumulation of parked cars is much less with the A1 use than the B1/B8 use, even on a Saturday. There is shown to be sufficient capacity within the car park proposed for the expected parking demand and some spare capacity to provide for peak retail periods. No concerns are therefore raised by the CHA in relation to car parking. However, it is considered that the Transport Statement submitted with the application and the comments made by the CHA both fail to recognise the implications of extant permission ref. 14/00098/FUL. As previously noted, the warehouse extension permitted by that application could still be constructed the permission remains extant until 30.04.17. The approved site layout plan for 14/00098/FUL shows that the permitted warehouse extension would encroach significantly into the car park for the proposed retail use and would significantly reduce its parking provision. The Transport Statement submitted with the application shows at paragraph 33 that the likely accumulation of vehicles generated by an A1 use on a weekday would be 64 and on a Saturday 71. Officers are concerned that, in the event that the warehouse extension permitted by 14/00098/FUL is implemented, the application proposal would not be able to provide sufficient parking to accommodate the demands identified in the Transport Statement.

5.26 To address this issue it will be necessary for a suitable legal mechanism to be provided by the applicant to in effect revoke permission ref. 14/00098/FUL in order to avoid the potential parking issue described above. Without this, the Council is concerned that the parking provision on site would not be sufficient which may lead to indiscriminate parking on the surrounding roads which may affect the free flow of traffic and compromise highway safety contrary to Policy TPT1 of the TBLP.

5.27 The applicant has indicated that they are willing to submit a Unilateral Undertaking (UU) to revoke 14/00098/FUL should planning permission for the current scheme be granted. However, at this stage no UU has been submitted and as such this is a matter which weighs against the application.

6.0 Conclusion and the planning balance

6.1 The proposed retail use would result in the loss of viable employment land of the type promoted by Policy EMP1 of the TBLP and it has not been sufficiently demonstrated that its loss is justified or that it is unviable for the site to be used for B1/B2/B8 employment purposes. The proposed development would therefore be contrary to the advice at Paragraph 22 of the National Planning Policy Framework.

6.2 The site is located in an out of centre location and on the basis of the evidence reasonably available to officers at the time of writing this report it can not be concluded that the proposal satisfies the sequential test. At this stage therefore it can only be concluded that the proposal does not accord with the provisions of Policy RET6 of the Tewkesbury Local Plan and paragraph 24 of the NPPF.

6.3 Subject to conditions restricting the range of goods sold to bulky goods only and limiting the sales area of units 2 and 3 to ground floor only, it is considered that the proposal is unlikely to have a significant adverse impact on Tewkesbury Town Centre.

6.4 The highways and transportation impacts of the proposal are generally considered to be acceptable although officers are concerned that, in the event that the warehouse extension permitted by 14/00098/FUL is implemented, the application proposal would not be able to provide sufficient parking to accommodate the demands identified in the Transport Statement. This may lead to indiscriminate parking on the surrounding roads which may affect the free flow of traffic and compromise highway safety contrary to Policy TPT1 of the TBLP.

6.5 The NPPF requires that planning applications are determined within the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay and, 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.

6.6 In this instance, the proposal conflicts with the relevant policies of the development plan and associated guidance within the NPPF. It is considered that there would be some economic benefit from the proposal in the form of employment and consumer expenditure, but this would be outweighed by the identified significant and demonstrable harms, most notably the loss of viable and valuable employment land which would compromise the Borough's ability to attract new businesses and act as an impediment to the sustainable economic growth advocated by Part 1 of the NPPF.

6.7 On the above basis it is recommended that planning permission is **refused**.

RECOMMENDATION Refuse

Reasons:

- 1 The proposed retail use would result in the loss of viable employment land of the type promoted by Policy EMP1 of the Tewkesbury Borough Local Plan to 2011 and it has not been sufficiently demonstrated that its loss is necessary or that it is unviable for the site to be used for B1/B2/B8 employment purposes. The proposed development would therefore be contrary to the advice at Paragraph 22 of the National Planning Policy Framework 2012.
- 2 The site is located in an out of centre location and is has not been demonstrated that the proposal satisfies the sequential test. The proposed development would therefore be contrary to Section 2 (Ensuring the vitality of town centres) of the NPPF, Policy RET6 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policy SD3 of the Joint Core Strategy Submission Version November 2014.

- 3 In the absence of a suitable planning obligation to revoke the extant planning permission, the proposed development would not provide sufficient on-site parking to accommodate the demands arising from the proposed retail use. This would lead to indiscriminate parking on the surrounding roads which may affect the free flow of traffic and compromise highway safety contrary to Policy TPT1 of the Tewkesbury Borough Local Plan to 2011.

Note:

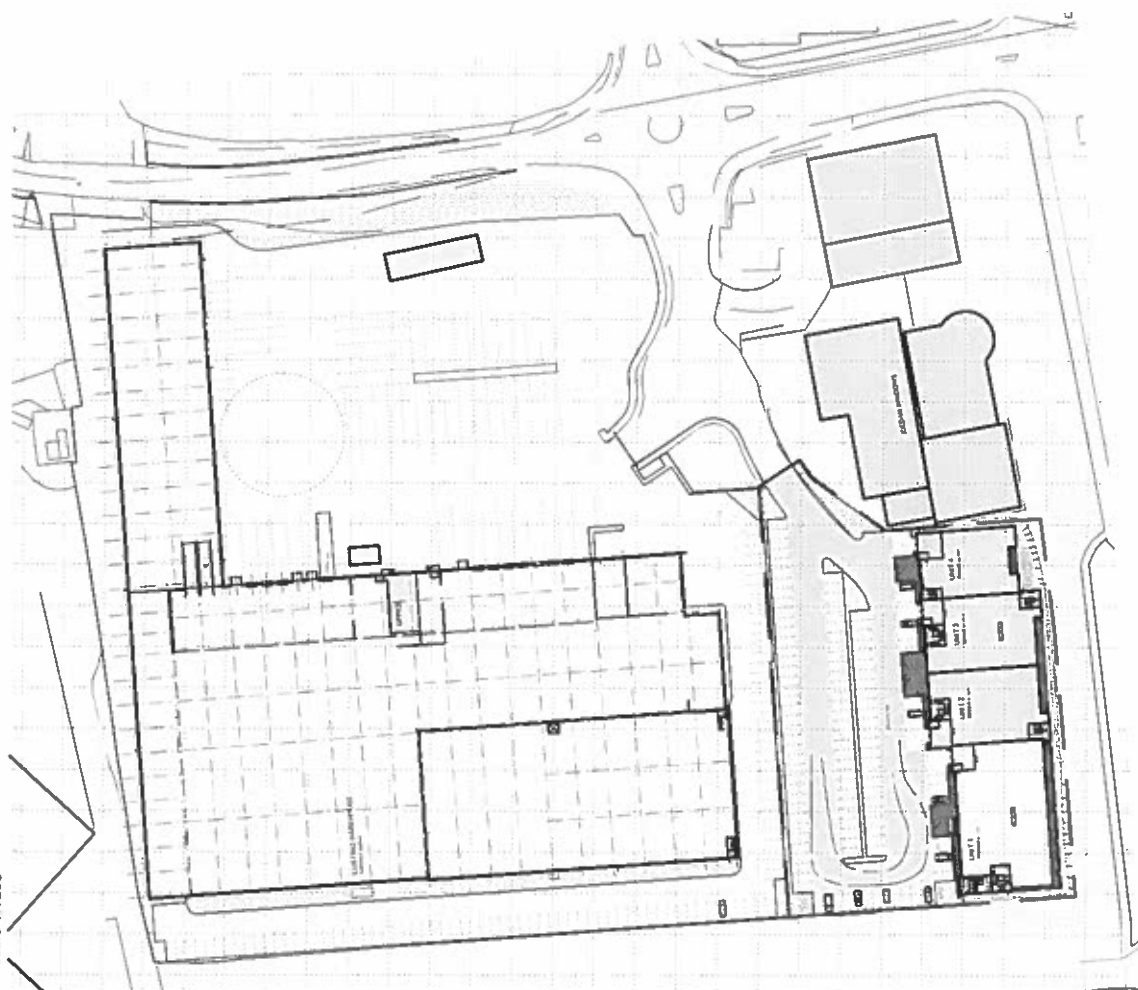
Statement of Positive and Proactive Engagement

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.

16/000683/FUL



LOCATION PLAN
scale 1:1250



LOCATION MAP
FLOOD MAPPING

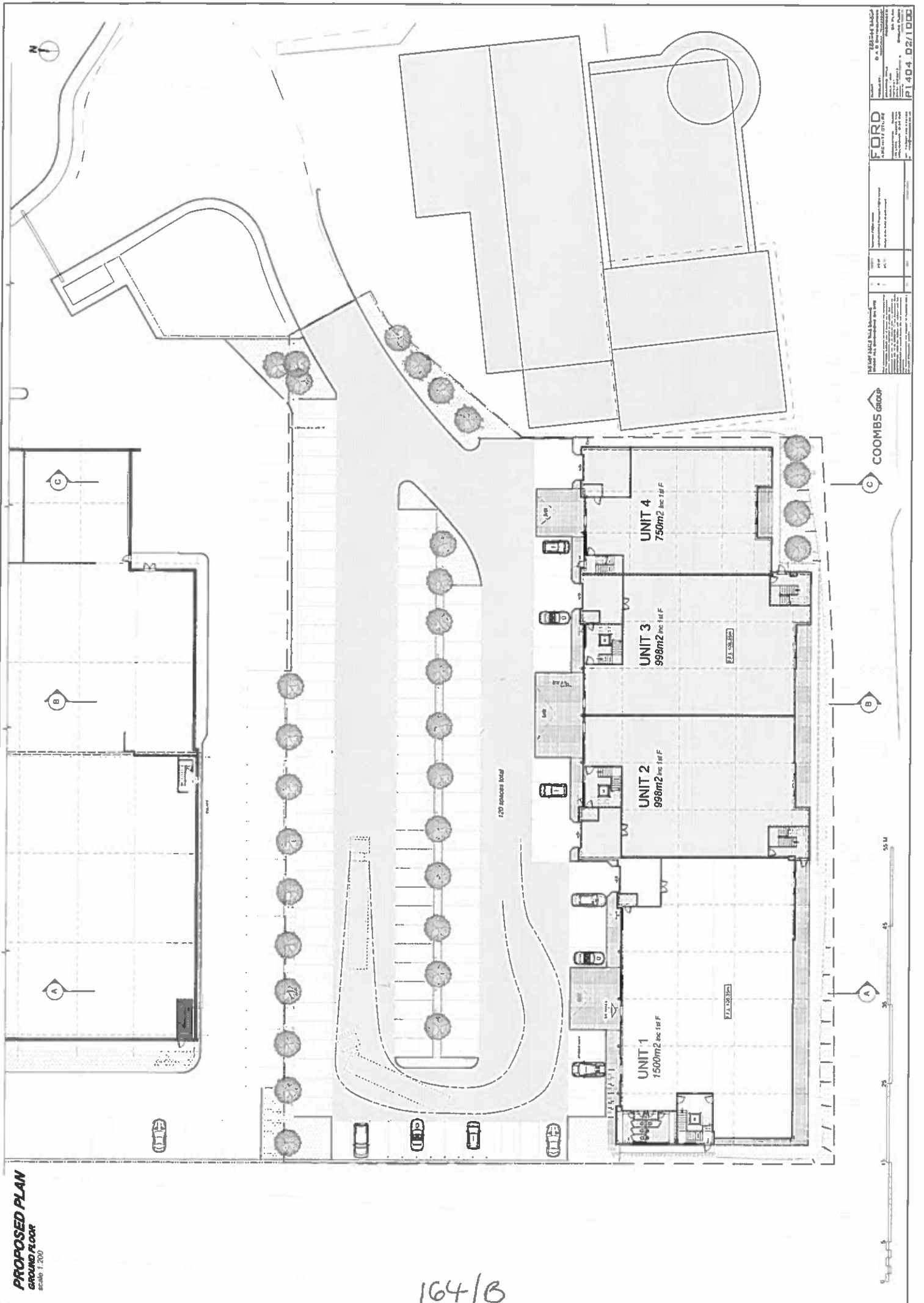
164/A

<p>CLIENT: COOMBS GROUP PROJECT: D A D DEVELOPERS</p>	
<p>ARCHITECTURE TYPE: COMMERCIAL SCALE: 1:1250 DATE: 19/08/16</p>	
<p>SITE LOCATION:</p>	
<p>PI404 01/98A</p>	



PROPOSED PLAN
GROUND FLOOR
 scale: 1:200

164/B



FORD ARCHITECTURE 10000 100th Ave S Suite 100 Burnaby, BC V5A 4E9 Tel: 604-291-1111 Fax: 604-291-1112 www.fordarchitect.com		Project No: P1404-02/100B Date: 2010-10-20 Scale: 1:200 Drawing No: 02/100B
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COOMBS GROUP

16/00494/FUL

21 Manor Park, Mitton, Tewkesbury

2

Valid 11.05.2016
Grid Ref 390450 233896
Parish Tewkesbury
Ward Tewkesbury Town With
Mitton

Two-storey rear extension and porch

Mr & Mrs Jonathan Quinn

21 Manor Park
Mitton
Tewkesbury
GL20 8BQ

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework
Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 - March 2005 - Policy HOU8
Joint Core Strategy Submission Version - November 2014

Consultations and Representations

Tewksbury Town Council - Objection to the initial scheme on the basis of that the size of extension would have a detrimental effect on adjoining property.

N.B The applicants submitted revised plans seeking to address the concerns of the Town Council & neighbouring property, the Town Council were re-consulted on the 21.07.2016 and given 21 days (until 11.08.2016) to submit further comments to the revised scheme. No additional comments have been received from the Town Council at the date of writing this report.

Local Residents - 1 Letter of objection received from a local resident (No.19 Manor Park). Concerns are outlined below:

- The proposal will cause a loss of light to the garden and rooms to rear of No.19
- The overshadowing will reduce the property's value
- Impact of a brick wall so close to No.19 and loss of view from the rear window
- The extension would not be in keeping with the street scene

An initial site visit was undertaken on the 17th May 2016. At the request of the neighbouring property (No.19 Manor Park) a second site visit was undertaken at No.19 Manor Park to view any potential impact upon this property.

Further to revised plans being submitted the occupiers/owners of No.19 Manor Park have raised further objections to the revised scheme, outlined below:

- The length of the proposed extension
- The height should be 3 metres due to the proposed extension being within 1.92 metres of the boundary
- Balconies and verandas are not permitted
- The extension would significantly devalue No.19 Manor Park
- The extension would make No.19 Manor Park harder to sell

Planning Officers Comments: Mr James Lloyd

1.0 Application Site

1.1 The application relates to a brick built detached property located on Manor Park, Tewkesbury. The property forms part of a cul-de-sac and has not been extended previously. The rear of the site is bounded by open fields and is not subject to any landscape designations (see attached location plan).

1.2 The property benefits from limited permitted development rights, the original decision notice removed the right to construct gates, fences, walls or other means of enclosure between any dwelling and a road or footpath or the erection of any private car garages without the prior express permission of the local planning authority.

2.0 Planning History

2.1 None

3.0 Current Application

3.1 This application seeks planning permission for a two storey extension across the full width of the south-eastern (rear) elevation of the dwelling. A new pitch roof porch is also proposed on the south-western elevation (side).

3.2 Revised plans have been submitted which seek to address concerns raised by Tewkesbury Town Council and neighbouring residents at No.19 Manor Park. The size of the proposed two storey rear extension has been amended and would now have a maximum ridge height of 6.10 metres (a reduction of 0.30 metres). The proposed extension has also been reduced in length to approximately 3.30 metres (a reduction of 0.70 metres) and would 'step in' approximately 0.30 metres on either side. **(see attached revised plan)**. No changes have been made to the proposed porch.

4.0 Policy Context

4.1 Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 sets out extensions to existing dwellings will be permitted provided they respect the character, scale and proportions of the existing dwelling and the character and appearance of surrounding development. It stipulates that development should be of a suitable design and materials and should not harm the residential amenity of nearby property. It also requires that proposals do not result in inadequate car parking or manoeuvring space.

4.2 Policy HOU8 is considered to be consistent with the National Planning Policy Framework (NPPF) which advises that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy HOU8 should therefore be afforded full weight when determining this application in accordance with Paragraph 215 of Annex 1 of the NPPF.

5.0 Analysis

5.1 The main issues to be considered in this application are design; impact on the street scene and surrounding area; and residential amenity.

Design & Impact on the Street Scene

5.2 The revised scheme would be visible from the street scene through the gap between No.21 & No.23 Manor Park, but it is noted that it would be slightly inset from the side wall of the existing dwelling and the ridge height would be set below the ridge line of the existing property, which would help to break up the mass of the resulting building. It is therefore considered that the proposal would preserve the character and appearance of the street scene.

5.3 In terms of design, the proposed extension would appear subservient to the existing dwelling and would not harm the character and appearance of the surrounding area. The ridge line of the proposed extension would be slightly lower than the main roof and external materials would match those of the existing dwelling. There have been a number of single and two storey extensions within the immediate vicinity; most recently No.35 Manor Park (15/00247/FUL) was granted permission for a balcony on second storey rear extension.

5.4 The proposed porch would also be visible in the street scene. The properties were not constructed with porches or canopies to the side elevation (main access into the property) however, it is considered that due to the small scale nature of the porch, the use of materials to match the existing property and the fact that there are a mixture of porches and side extensions within Manor Park, the proposal would not appear out of character and would be appropriate in design terms.

5.5 Overall, it is considered that the proposed extension (revised scheme) and porch would be of suitable sizes and designs and would not be out of character or proportion with the existing dwelling and would comply with Policy HOU8 in this regard.

Impact on neighbouring living conditions

5.6 The occupiers of No.19 Manor Park and the Town Council have raised concerns that the proposal would result in a loss of light and have an imposing impact on neighbouring property. It is understood that these concerns are made in relation to the rear extension only.

5.7 The impact of the proposed extension on neighbouring properties has been carefully considered and the objections made in this respect are noted. The occupiers/owners of No.19 are concerned about potential loss of light on the first floor window on the rear elevation of the existing house (which services a bedroom) and the ground floor window of the single storey extension (which services a kitchen). The rear elevation of the properties face South East, where sunlight will be at a relative premium for large parts of the day, open fields lie beyond the rear gardens.

5.8 Having reviewed the submitted revised plans, the proposed extension would be located approximately 2 metres from the boundary between the two properties, with No.19 set a further 2 metres from this boundary (a separation distance of approximately 4 metres) and the rear building line of the original properties match (No.19 has had a single storey pitch roof extension). The proposed extension would not project any further than No.19s single storey extension and would have a lower eaves and ridge height than that of the existing property with the roof pitch rising away from the boundary.

5.9 Whilst it is noted that the rear extension may reduce the direct sunlight through the first floor bedroom window in the evening (when the sun sets in the west) it is not considered that the ground floor kitchen window (located on the rear of the extension) would be unduly affected due to the proposed extension not projecting further than the neighbour's extension.

5.10 Another consideration in assessing the proposed rear extension is that The Town and Country Planning (General Permitted Development) (England) Order 2015 (Schedule 2, Part 1 Class A) allows two storey rear extensions up to 3m in depth with a maximum eaves height matching that of the existing property (or up to 3 metres high if the proposed development is within 2 metres of a boundary) without planning permission (however, balconies and verandas would not be permitted). It is considered therefore that the proposals would have limited undue impact on neighbour's amenity over and above that which could be constructed under permitted development.

5.11 The new window on the north eastern elevation would face directly onto the side elevation of No.19. The applicants have advised that this window will serve an en-suite and would be obscure glazed. The applicants could fit a window on this elevation without the need for planning permission subject to the window being none opening and obscure glazed. It is considered that this window opening is acceptable subject to a condition requiring it to be obscure glazed and with restricted opening.

5.12 The new window opening on the south western elevation would face towards the side elevation of No.23 Manor Park. This property is set further back in its plot than No.21 and there is a separation distance of approximately 7 metres, however there are no windows on the side elevation of No.23 and it is considered that the addition of a window on the side elevation would not give any rise to overlooking in terms of 'window' to 'window'. As the properties are staggered it is considered that the new window opening would not create any undue overlooking into the rear amenity space of No.23.

5.13 The application also proposes a 'Juliet Balcony' servicing two double doors on the first floor. The doors would face South East towards the rear garden of No.21 and the open fields beyond. Although this type of balcony is not common place along the properties on this side of Manor Park, it is not considered harmful in design terms nor is it considered that it would cause any undue overlooking over and above a standard window on the rear elevation. It is therefore considered acceptable in line with Policy HOU8.

5.14 Overall, whilst there may be some loss of light to the bedroom window of No.19, given the orientation of the sun, the proposal would not result in an unacceptable loss of light or outlook that would warrant a refusal on these grounds. It is also considered that the proposed extension would not have any significant impact in terms of overlooking and therefore the proposal would be acceptable in line with Policy HOU8 of the Local Plan.

Other Matters

5.15 The neighbouring property (No.19) has raised concerns in relation to the loss of views, loss of value to their property and impact on saleability that the proposed extension would have, however these are not material planning considerations.

6.0 Conclusion

6.1 While the concerns of the Parish Council and neighbouring property are noted, it is considered that the proposed extension would be of an acceptable size, scale and design and would have an acceptable impact on the street scene. Furthermore, it is considered that the scheme would have an acceptable impact upon the living conditions of occupiers of neighbouring properties. For these reasons the proposal is considered to accord with the National Planning Policy Framework and Policy HOU8 of Tewkesbury Borough Local Plan and 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 details within the application form received by the Local Planning Authority on 5th May 2016 and approved plans/drawings Nos. 2016/1156/106, 2016/1156/105, 2016/1156/104, 2016/1156/103, 2016/1156/102A, 2016/1156/101 received by the Local Planning Authority on 21st July 2016
- 3 The external materials of the proposed extension shall match as near as possible the materials of the original dwelling house.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the first floor window in the side (North Eastern) elevation (facing No.19 Manor Park), shall be fitted with obscured glass and be non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. The window shall be maintained in this state thereafter.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development 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 extension is in keeping with the existing building in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 4 To safeguard the privacy of residents in the locality in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006

Notes:

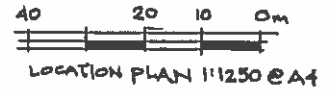
1 **Statement of Positive and Proactive Engagement**

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 the size and scale of the rear extension.

- 2 This decision relates to the revised plans received by the Local Planning Authority on 21.07.2016.

GRAHAM HALLETT
ARCHITECTURAL SERVICES

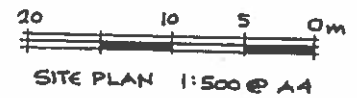
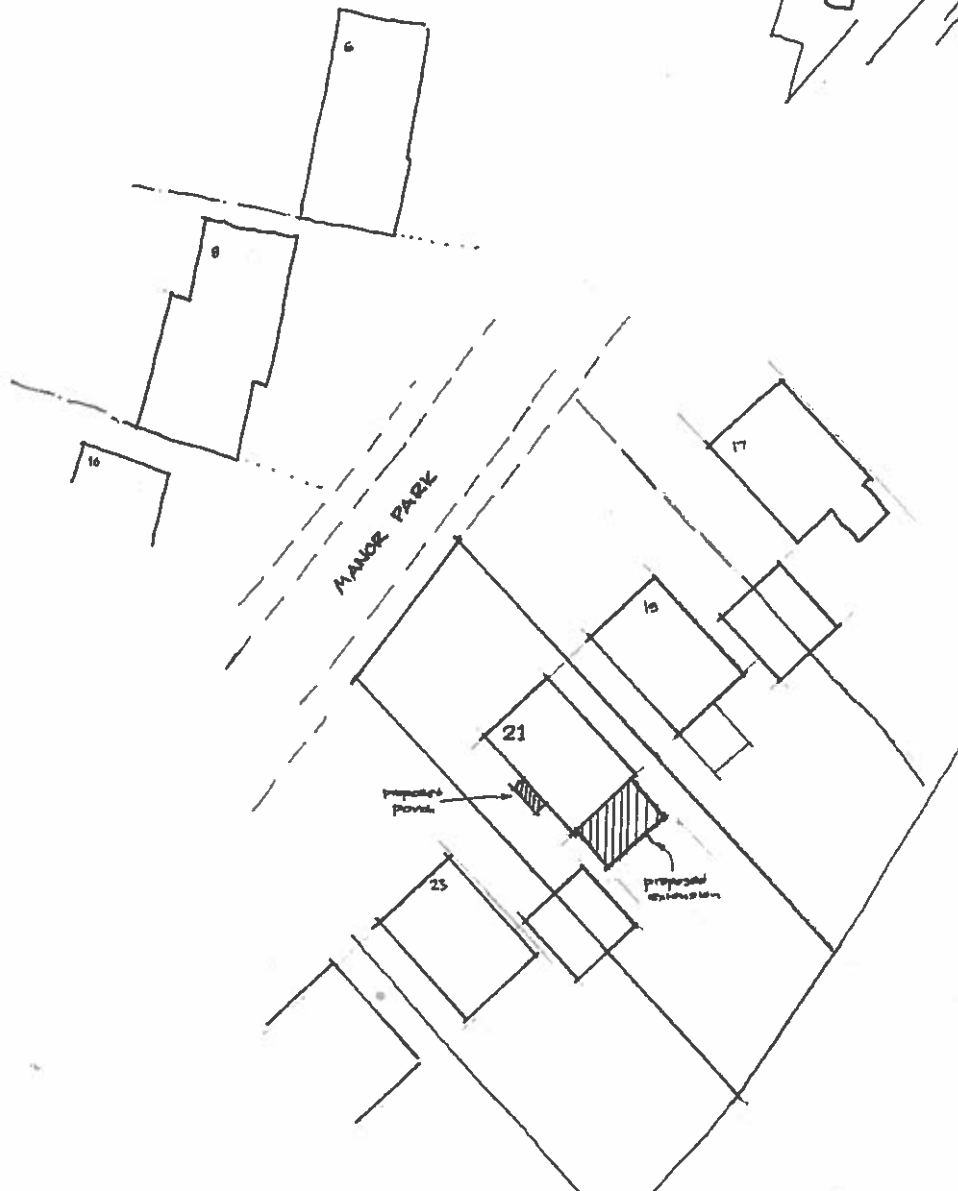
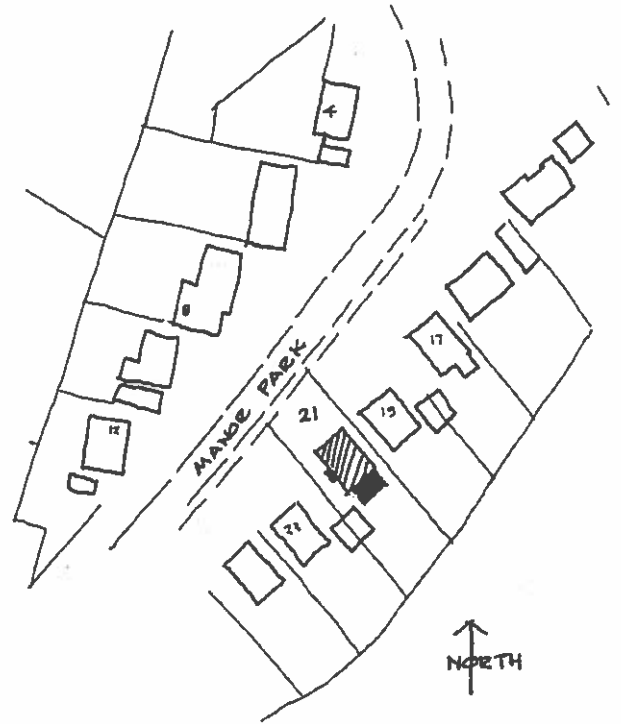
35 BATTLE ROAD
TEWKESBURY
GL20 8TZ
TELEPHONE
01454 237288

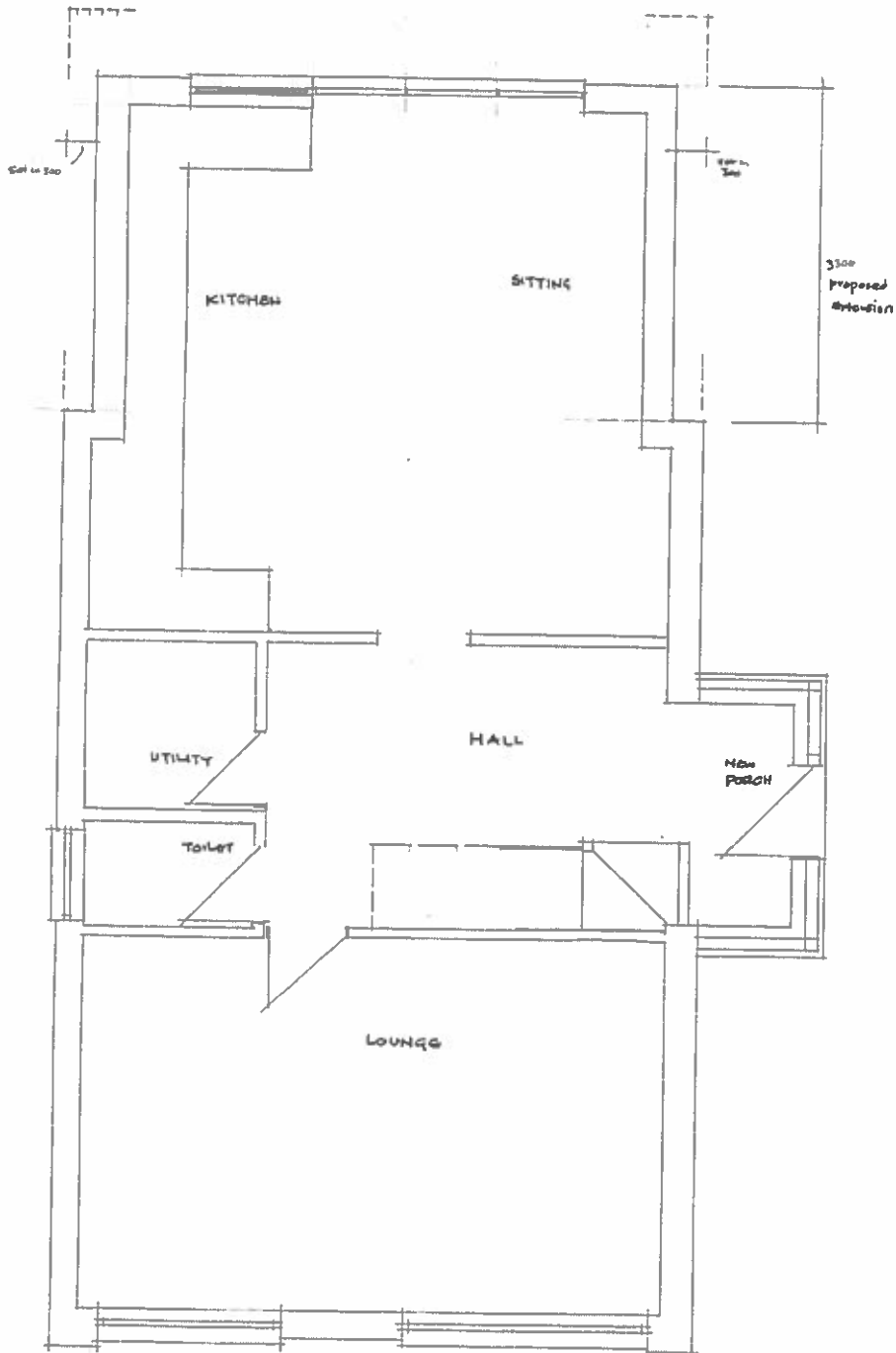


**21 MANOR PARK
MITTON
TEWKESBURY
GL20 8BQ**

**PROPOSED EXTENSIONS
REVISED SCHEME
SITE AND LOCATION PLANS**

DRAWING NO 2016/1156/106
SCALE 1:500 1:1250 @ A4
JULY 2016

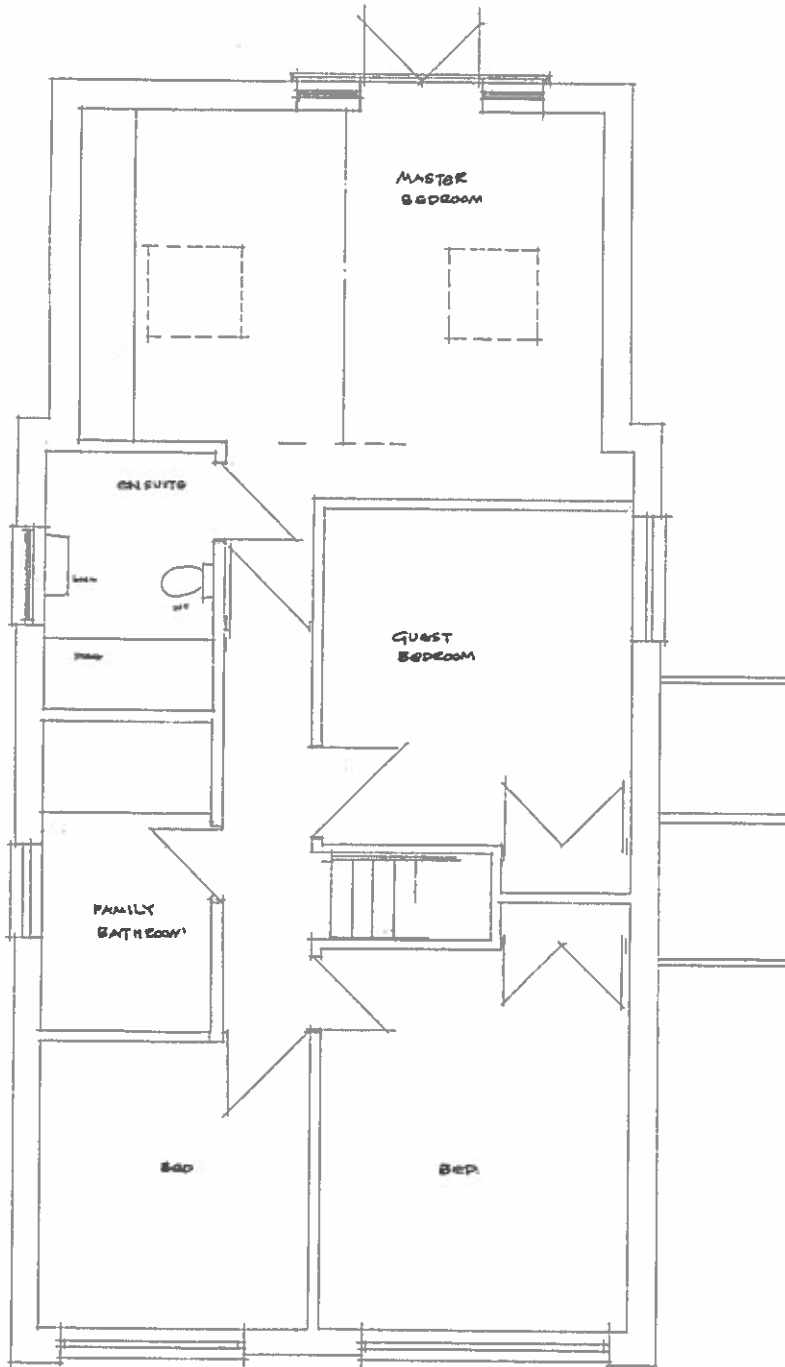
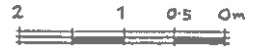




21 MANOR PARK
MITTON
TEWKESBURY
GL20 8BQ

PROPOSED EXTENSION
REVISED SCHEME
GROUND FLOOR PLAN

DRAWING NO 2016/1156/101
SCALE 1:50 @ A3
JULY 2018



21 MANOR PARK
MITTON
TEWKESBURY
GL20 8BQ

PROPOSED EXTENSION
REVISED SCHEME
FIRST FLOOR PLAN

DRAWING NO 2016/1156/102A
SCALE 1:50 @ A3
JULY 2016

168 / C



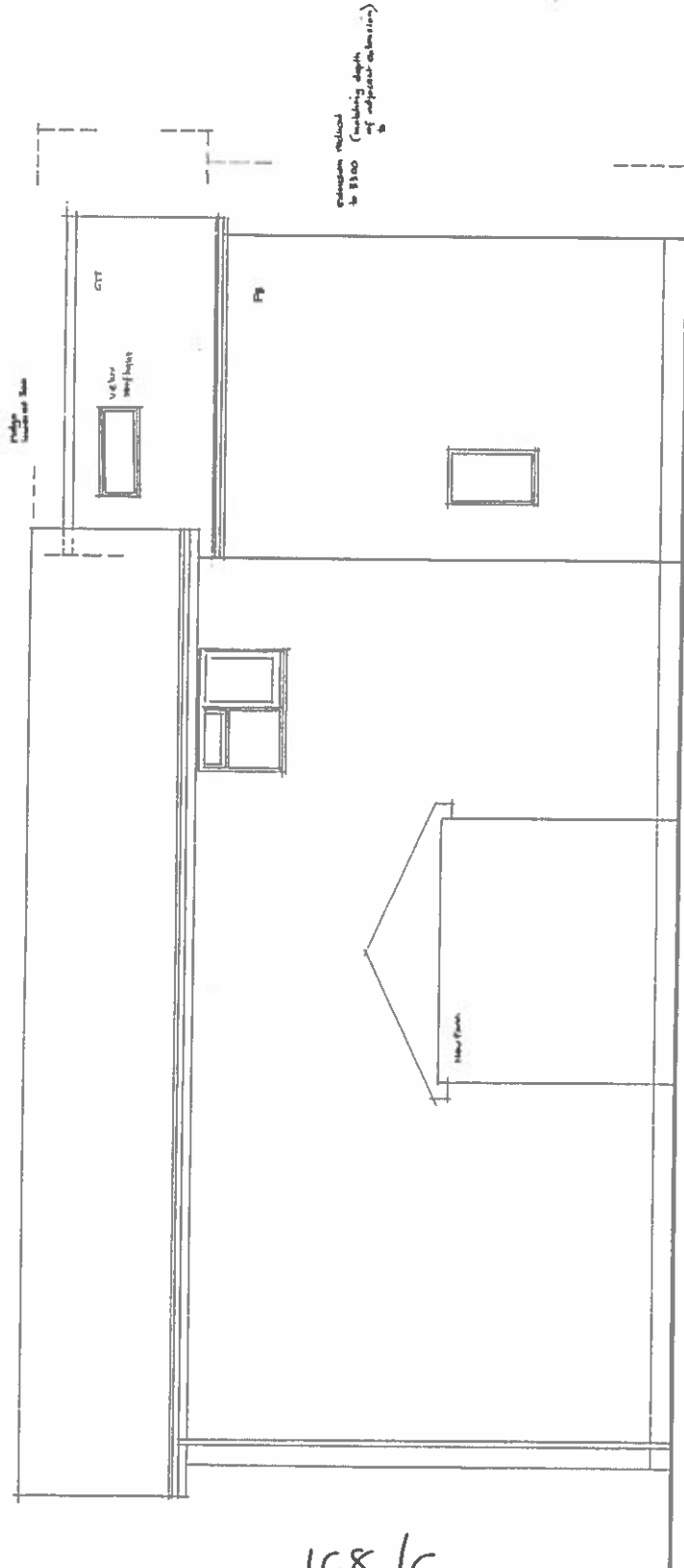
REAR ELEVATION

21 MANOR PARK
MITTON
TEWKESBURY
GL20 8BQ

PROPOSED EXTENSION
REVISED SCHEME
REAR ELEVATION

DRAWING NO 2016/1156/103
SCALE 1:50 @ A3
JULY 2016

168 / D



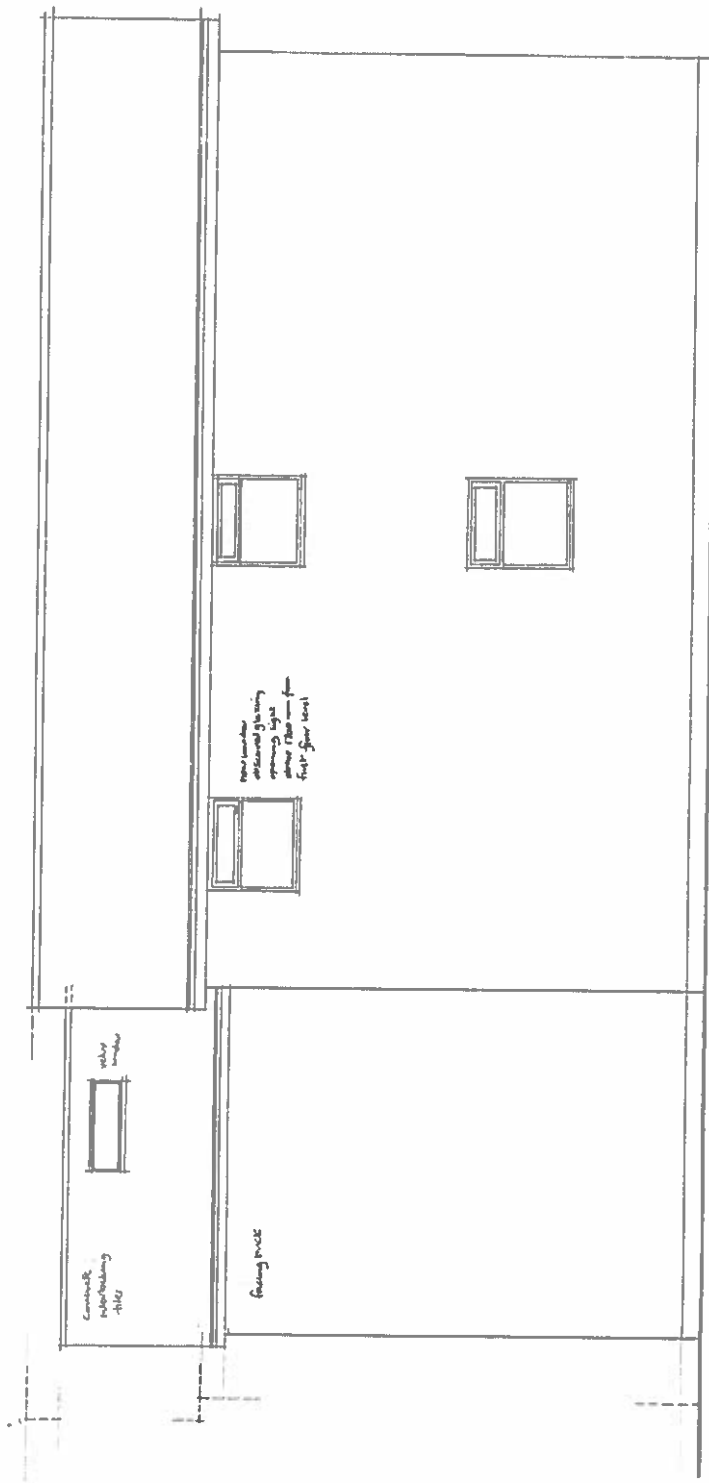
168 / E

21 MANOR PARK
MITTON
TEWKESBURY
GL20 8BQ

PROPOSED EXTENSION
REVISED SCHEME
SIDE ELEVATION

DRAWING NO 2016/1156/104
SCALE 1:50 @ A3
JULY 2016

2 1 0.5 cm



21 MANOR PARK
MITTON
TEWKESBURY
GL20 8BQ

PROPOSED EXTENSION
REVISED SCHEME
BOUNDARY ELEVATION

DRAWING NO 2016/1156/105
SCALE 1:50 @ A3
JULY 2016

108/F

Valid 27.05.2016

Continued use of existing dwelling for residential and childminding purposes for up to 9 children.

Grid Ref 390323 231925

Parish Wheatpieces

Ward Ashchurch With Walton
CardiffMrs Louise Quemby
32 Cambrian Road
Walton Cardiff
Tewkesbury
Gloucestershire
GL20 7RP**RECOMMENDATION Permit****Policies and Constraints**

NPPF

PPG

JCS Submission Version - November 2014 - SD15

Tewkesbury Borough Local Plan to 2011 - March 2006 - GNL17, TPT1, EVT3

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations**Parish Council** - Object to the application on the following grounds:

- Traffic on this section of Cambrian Road is quite chaotic during early morning/late afternoon/early evening periods due to child drop off/pick up;
- The Parish Council continually receives concerns about inconsiderate parking and road safety in this road;
 - There are concerns in relation to noise to neighbouring properties due to the number of children being looked after in a residential area;
- The existing driveway has space for two cars and this is rarely used thereby raising further parking concerns;
- The current proposal may also be shared with a similar business in Cormorant Avenue;
- It is believed that a clause in the deeds precludes the running of businesses from dwellings on the estate.

County Highways - No Objection**Environmental Health** - No adverse comment**Local Residents** - One letter of objection has been received from a local resident. Their concerns are summarised as follows:-

- Traffic congestion and noise from cars, parents, children and childminders is apparent from 7:15 am on any given weekday and again at collection time;
- Noise levels at present, particularly within the conservatory, playroom/garage and garden can be unbearable with the number of children collectively playing in such a restricted area;
- The deeds for the estate specify not to use the dwelling for anything other than a single private dwelling;
- The existing childminding business already raises excessive noise and highways issues and to increase child numbers will cause serious issues within the local community.

5 letters of support have been received from local residents - three of those are current users of the childminding business. Their comments are summarised as follows:-

- Drop off and collection of children is often on foot rather than by car. In addition, drop off/pick up often occurs at local play school/primary school rather than at 32 Cambrian Road itself;
- Parents are given regular reminders from the applicant to park considerately with regards to local residents; - A space is left available directly outside the house from drop off/pick up use and no problems have been experienced with regards to finding a safe and considerate place to park for the few minutes required to drop off/pick up children;
- As a neighbour living directly opposite 32 Cambrian Road, I have never experienced any problems in connection with the existing childminding business;

- The direct attached neighbour to the site has commented that they have no objection to the proposal and that they have not experienced issues of high noise levels or excessive traffic in respect of the existing childminding business.

Planning Officers Comments: Miss Lisa Dixon

1.0 Application Site

- 1.1 The application relates to 32 Cambrian Road, an end-of-terrace property located within Wheatpieces residential estate.
- 1.2 The western side of the site provides a driveway/off-road parking for 2nos. vehicles. To the immediate east is the adjoining mid-terrace dwelling of no.34 Cambrian Road.
- 1.3 To the opposite side of Cambrian Road lies the cul-de-sac of Harrier Close.
- 1.4 In addition to the residential use of the property, the ground floor has been utilised by the applicant since 2007 for their childminding business (**See location plan**).

2.0 Planning History

- 2.1 Planning permission was granted on 14.02.2008 for the erection of a conservatory to the rear of the property under planning reference: 08/00060/FUL.
- 2.2 An application for the conversion of the existing single garage to the western side of the property to provide a family room was received on 25.03.2011 but subsequently returned on 01.04.2011 as the works constituted permitted development (planning reference: 11/00325/FUL).

3.0 Current Application

- 3.1 This application seeks planning permission to regularise the mixed use of the property in order to allow both residential and childminding business use. The current proposal also seeks to increase the number of children cared for at the property from 6 to a maximum of 9 children.
- 3.2 The childminding business predominantly occupies the ground floor of the property, which incorporates the lounge, kitchen, conservatory and enclosed rear garden.
- 3.3 The business is currently 'staffed' by the applicant and 1no. assistant and complies with Ofsted regulations regarding the ratio of children to childminders. The applicant and her assistant currently care for a maximum of 6nos. under five year olds at the property and the opening hours of the business are restricted to 07:30 - 18:00, Monday - Friday. The childminding business does not operate on weekends or bank holidays, nor does it operate beyond 6pm or overnight. Furthermore, the business is closed for 4nos. weeks of the year.
- 3.4 The requirement to increase child numbers to 9 is predominantly to cater for holiday periods but it is envisaged that child numbers cared for at the property will predominantly remain at 6.

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 The NPPF advises that where the development plan is 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 this Framework as a whole; or specific policies in the Framework indicate development should be restricted (Paragraph 14).

4.3 Policy SD15 of the emerging JCS seeks to ensure that new development does not result in unacceptable harm to local amenity including by reason of unacceptable levels of noise.

4.4 Policy GNL17 of the Local Plan provides that planning permission will be granted for new pre-school childcare facilities, the extension to existing premises or intensification of existing uses provided that safe provision is made for vehicle dropping off/collection of children; adequate off-street parking is available; the premises are safely and conveniently accessed by all means of transport; noise does not cause an unacceptable level of disturbance to the residents of surrounding property; the building is suitable for the proposed use in terms of its size, layout, security and safe access to an outdoor play area and that the premises are located within or adjacent to existing settlements.

4.5 It is considered that the above policies are consistent with the advice contained within the NPPF and its Planning Practise Guidance.

5.0 Analysis

5.1 Having regard to Policy GNL17 of the Local Plan, the main issues to consider are highways related matters (including accessibility, traffic generation and parking provision) and noise/residential amenity impacts. It is also necessary to consider the suitability of the premises for the proposed use.

Highway safety/parking

5.2 With regard to highways matters, the site is situated within a large residential estate and therefore within easy walking distance of surrounding dwellings that may use the childminding service. In addition, the Wheatpieces estate is on a regular bus route which serves the wider Tewkesbury area, offering sustainable travel from other areas. The local primary school which serves the estate is also within easy walking distance of the property, providing opportunities for parents to combine picking up/dropping off children of different ages, on foot. It can be seen that the site is therefore in an accessible location and accords with Policy GNL17 in this regard.

5.3 Concerns have been expressed by the Parish Council and a local resident with regards to traffic generation and parking difficulties along this section of Cambrian Road, particularly during drop-off/pick-up times at the property. The County Highways Officer has been consulted in respect of the current proposal and has commented that there is sufficient parking onsite and within the surrounding highway network that can safely accommodate vehicles stopping to allow access to the dwelling. Speeds are noted by the County Highways Officer to generally be quite low as the Wheatpieces development has a maximum design speed of 20mph. It is also noted that the majority of the neighbouring dwellings have off street parking. Therefore, in the main, residents will use their own off street parking and not the on street parking. Consequently if users of the childminders were to drive to the destination, even at peak times on a busy day there is sufficient room to accommodate the increase in vehicles along the surrounding highway which has no parking restrictions. In addition, the supporting information also states that, where possible, the applicant collects/drops-off the children herself from home and other pre-school settings in order to minimise potential traffic disturbance to neighbours.

5.4 Whilst it is noted that the proposal would contribute to an increase in vehicular trip generation; this trip generation would be somewhat staggered throughout the day. It is considered that the proposed increase in vehicular movement from the expansion of the child minders would potentially have an impact upon the surrounding highway network. However, it is noted by the County Highways Officer that parents are likely to stay less than 10 minutes towards either end of the day for drop off and collection and it is considered that the increase in vehicle movements would not have a severe effect on the public highway network.

5.5 Available records have also been researched by the CHO and no recorded incidents/accidents at this location have been found.

5.6 Overall, the CHO considers that the minimal increase in trip generation that may be generated by the proposal would not be sufficient for a refusal on highway grounds and as such, no highway objection is raised in respect of the current proposal.

Noise/Residential amenity

5.7 As mentioned above, the current childminding business comprises the applicant and one assistant caring for 6nos. under five year olds, in accordance with Ofsted regulations(a maximum of 6nos. under five year olds including the childminders own children of that age group are permitted). During the holidays there

would at times be up to 9 children but it is likely to be below this in the most part. One letter of objection has been received from the owner/occupier of a neighbouring property concerning the current noise levels generated at the property by the existing childminding business. In particular, the collective noise generated within the conservatory, playroom/garage and garden by the children and noise/disturbance from parents/vehicles during drop-off/collection times has been raised by the neighbour.

5.8 Whilst it is considered that 9 children within a residential context is likely to generate noise, it is appreciated that this would be confined to weekdays and between the hours of 07:30 and 18:00. It is considered that the noise levels within this timeframe are unlikely to cause an unacceptable residential amenity impact and it is noted that no objection has been raised to the application by the Council's Environmental Health Officer. Furthermore, it is also noted that in addition to the letters of support received by parents currently using this childminding setting, two letters of support have also been received by neighbours (including the adjoining dwellinghouse) who consider the business to result in no discernible noise or disturbance. In addition, although the applicant's enclosed rear garden is also utilised for outdoor play as part of the childcare setting, the applicant has advised that local parks and clubs within the area are also utilised as much as possible in order to provide alternatives for outdoor play, away from the house itself.

5.9 It is recommended that conditions are imposed to limit the number of children to 9 and restrict operational hours to those stated above. It is also considered that this should include an early morning restriction on the use of the private rear garden so as to minimise disturbance to adjoining neighbours.

5.10 With regard to the suitability of the premises, the site is a domestic property with an enclosed, private rear garden and it is understood that it complies with Ofsted space requirements for childminding settings.

6.0 Conclusion

6.1 On the above basis the proposal is found to be in accordance with Policies GNL17 and EVT3 of the Local Plan, Policy SD15 of the JCS Submission Version and NPPF guidance. As such, it is recommended that permission is granted.

RECOMMENDATION Permit

Conditions:

- 1 The childminding business hereby permitted shall accommodate no more than 9 children at any one time.
- 2 The childminding business hereby permitted shall only operate between the hours of 07:30 and 18:00 on Monday to Friday and at no time on Saturdays, Sundays or public holidays. The rear garden to the premises shall not be used for the purposes of the childminding business between the hours of 07:30 and 09:00.

Reasons:

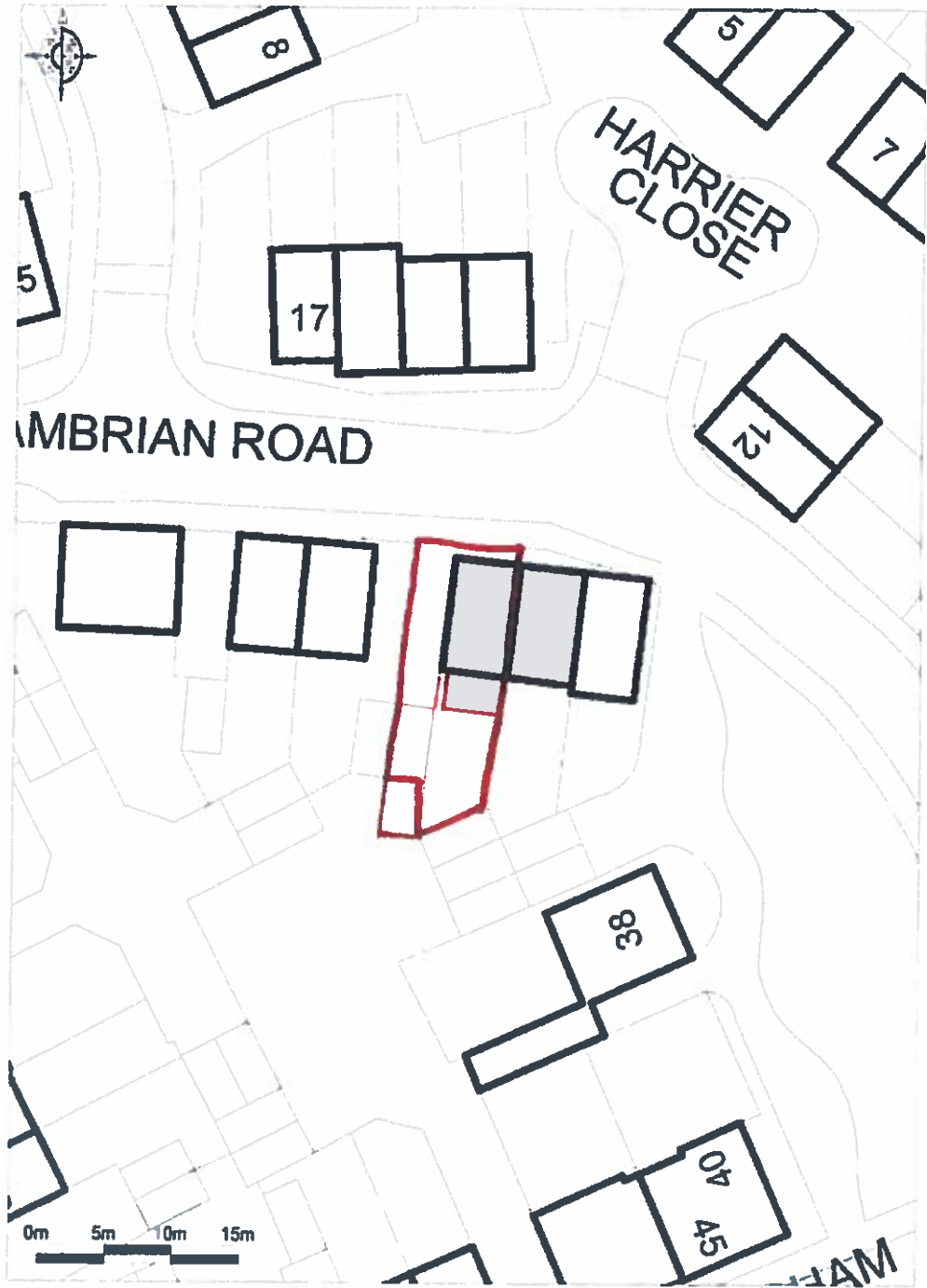
- 1 To protect the amenity of nearby residents in accordance with Policy GNL17 and EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 2 To protect the amenity of nearby residents in accordance with Policy GNL17 and EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

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.

Block Plan



Promap

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Feature number 100022112. Printed scale: 1:500

32 Cambrian Road
Walton Cardiff
Tewkesbury
Gloucestershire
GL20 7RP

RECEIVED

27 MAY 2016

TEWKESBURY BOROUGH COUNCIL
OPERATIONS

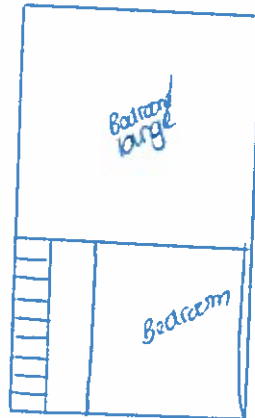
172 /A

ground floor

Converted
Garage
Playroom
~~Storage~~
Storage



1st floor



2nd floor



Scale 1-100

RECEIVED
23 MAY 2016
TENNESBURGH BOROUGH COUNCIL
OPERATIONS

← ground floor primarily used for childcare.

Valid 28.06.2016

Change of use from agricultural to light industrial (Use Class B1(c)) (retrospective).

Grid Ref 380687 226134
 Parish Ashleworth
 Ward Highnam With Haw
 Bridge

Simply Trade Sales Ltd
 (T/A Gloucester Land Rovers)
 C/O Agent

RECOMMENDATION Permit

Policies and Constraints

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 March 2006 - EMP4, AGR4, AGR6, TPT1, LND4, EVT2 and EVT3.
 Joint Core Strategy 'Submission' version - policies SD2, SD15 and INF1

Consultations and Representations

Ashleworth Parish Council - Objects as previous application on this site in 2005 ref: 05/00598/FUL was for a barn for agricultural use. However, it was from the early days used not for agricultural activities but to conduct the business of Gloucester Land Rover. The PC see this application as an attempt to regularise a breach of planning regulations on a site in open countryside that is clearly unsuitable for any industrial use and if permitted will encourage others to develop land for industrial use by adopting the same twostep process that is being attempted here. We urge that a) the application is rejected and b) that enforcement be pursued rigorously.

County Highways - No objection - The proposal is for a change of use, from agricultural to Light Industrial. The site is accessed from a wide agricultural access which has the capacity for 2 vehicles to pass. At this location it is considered that the minimal increase in trip generation would impact upon the surrounding highway network.

Environmental Health - as the closest residential receptor is 180 meters away and the proposed hours of operation at 08:30 - 17:00 Monday to Friday it is not considered that this development will have a negative impact on residential amenity. If the Council was mindful to approve this application conditioning the hours of operation should be considered.

Planning Officers Comments: Mr Matthew Tyas

1.0 Site

1.1 The application site relates to a former agricultural building located on Lawn Road approximately 500m to the west of Ashleworth. The building is currently occupied by Simply Trade Sales Ltd and used for the preparation of Land Rovers for sale, and basic maintenance. The current use of the building does not however have the benefit of planning permission and is unauthorised in planning terms.

1.2 The site is located in open countryside but is not subject to any landscape designations. The Landscape Protection Zone is however located some 120 metres to the east.

2.0 History

2.1 Planning permission was granted in September 2005 (05/00598/FUL) for the demolition of existing agricultural buildings and erection of new agricultural building. This permitted the building to which the current application relates.

3.0 Current Application

3.1 The application seeks planning permission retrospectively for the change of use of the building from agriculture to Use Class B1(c) light industrial.

3.2 The application has been submitted in order to regularise the existing, unauthorised use of the building for the preparation of Land Rovers for sale, and basic maintenance.

3.3 The application indicates that there is no display of vehicles for sale, all sales are made via the internet and the site is not open to visiting members of the public. On average between 6 and 8 Land Rovers are sold each month. The business employs 6 full time staff and the hours of operation are 08:30am until 17:00pm on Monday to Friday and not at all on weekends or bank holidays.

4.0 Planning Policy Context

4.1 The main Development Plan policies for consideration are saved policies EMP4, AGR4 and AGR6 of the Tewkesbury Borough Local Plan to 2011. In essence these policies support the re-use of existing agricultural buildings for employment purposes subject to the proposals being accessible, respectful of their rural surroundings and not having an adverse effect on nearby residential properties. Policies TPT1, LND4, EVT2 and EVT3 are also of relevance and relate to access, countryside protection, light pollution and noise issues respectively.

4.2 The Development Plan policies set out above are considered to be consistent with the relevant parts of the NPPF, namely the advice on supporting the rural economy at paragraph 28 that local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings; and promote the development and diversification of agricultural and other land-based rural businesses. The accessibility related provisions of the Development Plan policies referred to above are generally consistent with the sustainable transport advice at section 4 of the NPPF, although it is recognised by the NPPF that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

4.3 The noise and residential amenity provisions of the Development Plan policies referred to above are also consistent with the NPPF, namely its Core Planning Principles and the advice on Conserving and Enhancing the Natural Environment at Section 11. Overall it is considered that most parts of the relevant Development Plan policies can be given full weight in the assessment of this application, although some flexibility is required in relation to sustainable transport requirements based on the site's location in a rural area.

4.4 Relevant emerging Development Plan policies include SD2, SD15 and INF1 of the Submission Version of the Joint Core Strategy (JCS) (November 2014). The JCS is now at an advanced stage of preparation. The plan is currently at the late stages of its Examination in Public and it is anticipated by the Council that it will be ready for adoption in Spring 2017. Where relevant the emerging Development Policies will be discussed in the relevant sections of this report.

5.0 Analysis

5.1 Policies EMP4, AGR4 and AGR6 of the TBLP are all generally supportive of proposals for the re-use of rural buildings for employment purposes but key themes running throughout the policies include a requirement for proposals to be appropriate to their local context and a requirement for site's to be accessible by non-car modes of transport. Having regard to these policies and the other relevant policies summarised in Schedule 4, along with the comments received from the Parish Council, it is considered that the main issues are:

- Accessibility;
- Whether the proposal is appropriate to its local context;
- The impact on residential amenity.

Accessibility

5.2 Although the site is located in open countryside, it is not completely isolated being just 500 metres away from Ashleworth and approximately 2.5km away from Hartpury. The site is therefore fairly well related to local residential areas and it is considered that access by cycling at least would be possible. There are bus stops located in Ashleworth but users would have to walk some 700m to access the site which would not be attractive as Lawn Road is a country lane with no footpaths. It is likely therefore that users of the site would to the large extent be reliant on access by car. It is however important to note that the site is not open to the visiting public and thus vehicle movements will be limited to staff, with the current use employing 6 people, and potential deliveries. It is also important to note that the permitted agricultural use would have involved a certain amount of vehicle trips and the County Highways Authority consider that the minimal increase in trip

generation would not unduly impact upon the surrounding highway network. Overall it can be concluded that although the proposed is likely to generate vehicle trips by unsustainable modes such as the private car, this would not be significant. It should also be noted that the NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. On this basis, it is not considered that the minor increase in trip generation by private car would warrant the refusal of the application.

Whether the proposal is appropriate to its local context

5.3 As noted above, the site is not open to visiting members of the public and would not involve significant vehicle movements. Furthermore, the application proposes a light industrial use and indicates that all works would be carried out within the confines of the building. The site does not appear to involve any external storage, no alterations to the external appearance of the building are proposed. On the above basis the proposal is considered to represent a fairly low key, non-intrusive use, the impacts of which would not be substantially different to the permitted agricultural use. On this basis it is considered that the proposal would be compatible with its rural surroundings.

The impact on residential amenity

5.4 The application proposes a B1(c) light industrial use which is defined in the Town and Country Planning Use Classes Order 1987 as a use which could be carried out in any residential area without detriment to the amenity of that area. All operations would be carried out inside of the building and this can be controlled by condition. Furthermore, it is understood that there would be no outdoor storage on site and this can also be controlled by condition. The business would only operate between the hours of 08:30am until 17:00pm on Monday to Friday and not at all on weekends or bank holidays. The nearest residential property is Fern Cottage which is owned and occupied by the applicant. The next nearest residential property is located 180 metres to the west of the site. Members will note that the Council's Environmental Health Officer has raised no objection to the application on this basis. Members will also note that no objections have been received from nearby residents and officers are not aware of any noise complaints to the Council. Taking all these points into account it is considered that the proposal would not have an adverse impact on the amenity of nearby residents.

Other matters

5.5 Officers note the Parish Council's concern that the permitted agricultural building was not from the early days used for agricultural activities but to conduct the business of Gloucester Land Rover. It is implied that this application is an attempt to circumvent planning policy. However, it should be noted that the Council is required to consider the application on its own merits and having regard to the relevant planning policy framework addressed above. The subject building was constructed in 2011 and thus regardless of whether the permitted agricultural use was implemented or not, the building can lawfully exist on the basis of the 4 year limit for enforcement action. The application therefore involves the re-use of an existing building for employment purposes which, as discussed above, is supported in principle.

6.0 Conclusion and the planning balance

6.1 The proposed change of use is considered to be generally supported by the relevant Development Plan policies. The proposal would be appropriate to its local context and it is unlikely that it would have an adverse impact on the amenity of nearby residents. The site is not easily accessible by walking and public transport, but given the relatively minor traffic generation this is not considered to result in a significant impact. On balance therefore it can be concluded that the proposed use is acceptable and it is therefore recommended that planning permission is granted.

RECOMMENDATION Permit

Conditions:

- 1 This permission relates only to the land and building within the solid red line on Drawing Number 6459/23, and excludes the areas shown within a broken red line on that drawing.
- 2 The land and building to which this permission relates shall be used only for purposes falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any act or order revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any act or order revoking and re-enacting that Order with or without modification), the site shall not be used for any alternative purposes unless with the prior written permission of the Local Planning Authority to an application on that behalf.

- 3 There shall not at any time be any sale or viewing of vehicles or any other products manufactured or prepared on site to visiting members of the public.
- 4 There shall not at any time be any outdoor storage on site, including the display of vehicles, other than that associated with the parking of employee vehicles.
- 5 There shall not at any time be any outdoor operation of plant, machinery or equipment on site in association with the use hereby permitted.
- 6 The use hereby permitted shall only operate between the hours of 08:30 and 17:00 on Monday to Friday and at no times on Saturdays, Sundays or bank holidays,
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any act or order revoking and re-enacting that Order with or without modification), the building to which this permission relates shall not be extended or externally altered and no new outbuildings or hard surfaces shall be constructed within the site area (as referred to in condition 1 of this permission), without the prior written permission of the Local Planning Authority to an application on that behalf.
- 8 There shall be no external lighting on site unless the details of which have been first agreed in writing by the Local Planning Authority.

Reasons:

- 1 In order to define the permission and for the avoidance of doubt.
- 2 In order to prevent unplanned developments that may conflict with the NPPF's sustainability objectives, harm the rural character of the area and/or harm the amenity of nearby residents.
- 3 In order to limit vehicle movements by unsustainable modes of transport such as the private car, in accordance with policies EMP4 and TPT1 of the Tewkesbury Borough Local Plan to 2011 and the advice on promoting sustainable transport within the National Planning Policy Framework 2012.
- 4 In order to protect the character and appearance of the rural landscape in accordance with Policy LND4 of the Tewkesbury Borough Local Plan to 2011.
- 5 In order to protect the amenity of nearby residents and to preserve the peace and tranquillity of the countryside in accordance with policies EMP4, EVT3, AGR4 and AGR6 of the Tewkesbury Borough Local Plan to 2011 and the advice on conserving and enhancing the natural environment within the NPPF 2012.
- 6 In order to protect the amenity of nearby residents and to preserve the peace and tranquillity of the countryside in accordance with policies EMP4, EVT3, AGR4 and AGR6 of the Tewkesbury Borough Local Plan to 2011 and the advice on conserving and enhancing the natural environment within the NPPF 2012.
- 7 In order to prevent unplanned developments that may harm the rural character of the area.
- 8 In order to minimise light pollution in accordance with Policy EVT2 of the Tewkesbury Borough Local Plan to 2011 and the advice on conserving and enhancing the natural environment within the NPPF 2012.

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.

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16/00733/FUL



47630 SQUARE METERS ± 2612 SQUARE METERS
 47630 SQUARE METERS ± 0.2612 HECTARES
 1: 74.4115 = 0.0917 ACRES

AS SUBMITTED TO
TEWKESBURY COUNCIL
 PLANNING DEPARTMENT
ARCHITECTS
ENGINEERS
SURVEYORS



ASTAM GBC
 CONSULTANCY
 41 Colindale Avenue
 Colindale, London NW9 1EQ
 Tel: 0208 435 8800
 Fax: 0208 435 8801
 Email: info@astamgbc.co.uk
 Website: www.astamgbc.co.uk

Client:
 (1) (2) (3)

SITE LOCATION PLAN AS PROPOSED

Project:
 16/00733/FUL
 16/00733/FUL
 16/00733/FUL
 16/00733/FUL

Scale	Date
1:251	17/03/2016
Drawn	Checked
DC	DC
Client	Project
	16/00733/FUL

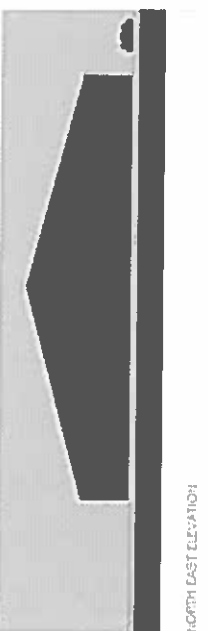
176/A

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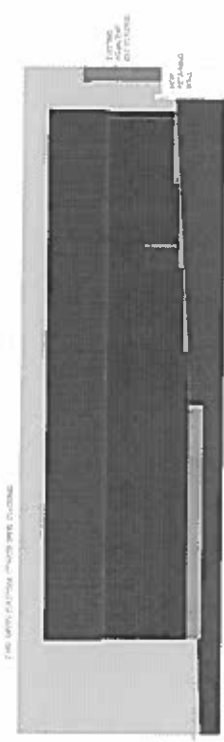
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 Project: [REDACTED]
 Drawing No: [REDACTED]



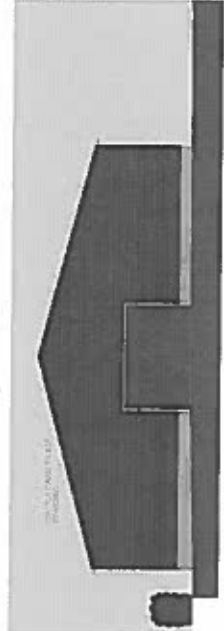
NORTH WEST ELEVATION



NORTH EAST ELEVATION



SOUTH EAST ELEVATION



SOUTH WEST ELEVATION

MATERIALS SCHEDULE
 WALLS: BLOCKWORK TO LOCAL AUTHORITY APPROVAL AND THINER DOCKING
 ROOF: DARK GREEN PLASTISOL COATED STEEL CLADDING
 DOORS: DARK GREEN PLASTISOL COATED STEEL



AS SUBMITTED TO
TENKESBOROUGH COUNCIL
PLANNING DEPARTMENT
ARCHITECTS
ENGINEERS
SURVEYORS

ASTAM GRC CONSULTANCY
 9 Northmoor House
 21, London Road
 Gillingham, Kent ME13 9JF
 Tel: 01852 520000
 Fax: 01852 520001
 Email: info@astamgrc.co.uk
 Website: www.astamgrc.co.uk

Project: [REDACTED]
 Drawing No: [REDACTED]

Scale: 1:100
 Date: 15/05/2024

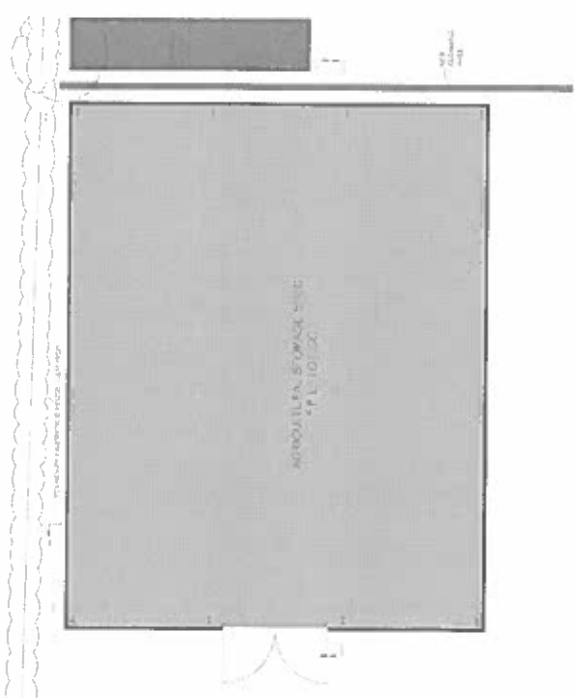
Checked: [REDACTED]
 Drawn: [REDACTED]



SECTION B-B



SECTION A-A



FLOOR PLAN

176/B

Valid 23.03.2016
 Grid Ref 396950 229712
 Parish Gotherington
 Ward Oxenton Hill

Up to 10 dwellings (Class C3)

Pembury Estates Ltd
 Pembury Estates Ltd
 27 St. John's Street
 Devizes
 Wiltshire
 SN10 1BN

RECOMMENDATION Delegated Permit

Policies and Constraints

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, HOU4, HOU13, TPT1, TPT3, TPT6, EVT2, EVT5, EVT9, LND2, LND7, RCN1, NCN5
 NPPF
 Planning Practice Guidance
 Joint Core Strategy - Submission Version (November 2014)
 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

Gotherington Parish Council

The Parish Council is supportive of the site for housing, but objects to the revised application for 10 dwellings as it is considered to be an inefficient use of land and contradicts the requirements of the emerging Neighbourhood Development Plan.

Comments received in response to the original submission for 27 dwellings confirm that the Parish Council is not against the development in principle but have concerns over the environmental impact as follows:

- The site is in the SLA so development should be sensitive to the protection and enhancement of the landscape to minimise the impact on the SLA and surrounding AONB.
- The Urban Design officer and CPRE reports have raised genuine concerns. The depth of the development adversely impacts upon the existing generally linear rural form and nearby residential properties contrary to the NPPF and policies LND2 and LND7 of Tewkesbury Borough Local Plan - March 2006.
- Question the Highways report. The TRICS suggests an extra 11.5 trips at peak times from 27 dwellings which would seem unrealistic and it fails to appreciate that the majority of traffic from this development will travel along Gretton Road past the village school at peak times adding to the congestion. The footway extension is to be applauded.

County Highways - Comments awaited on the revised scheme.

Gloucestershire County Council - No objections subject to providing contributions towards education facilities.

County Archaeologist - No objection subject to condition.

Conservation Officer - No objection.

Environmental Health - No adverse comments

Housing Enabling and Policy Officer - a 40% affordable housing requirement will be required (4 dwellings). It is recommended that this is provided as an off site contribution. A sum of £322,000 is requested.

Lead Local Flood Authority - No objection subject to conditions.

Severn Trent Water Ltd - No objection subject to drainage condition.

Crime Prevention Design Advisor - General comments provided on the site layout based on Secured by Design principles.

Campaign to Protect Rural England (CPRE) - Object - CPRE does not support development at this location, principally because of the impact on the landscape. Reducing the number of dwellings on the same site will not diminish significantly the adverse visual of the development. The proposal would also represent a very inefficient use of land. The entire site has the potential capacity for 24 to 40 dwellings, as identified in the emerging Tewkesbury Local Plan. The application form gives a site area of 1.25 hectares, so that ten dwellings spread over a site of this size is equivalent to 8 dwellings per hectare.

Local community representations

Overall 34 representations have been received to this application - 30 in objection, 2 in support, 2 neutral. It should be noted however that out of the objections raised, only 2 have been made to the revised application for 10 dwellings.

The support for the application and the neutral comments were however made to the original submission for 27 dwellings. The support for the application includes a representation from the Chairman for the Gotherington Neighbourhood Development Plan (NDP) Steering Group and can be summarised as follows:

- This application site is one chosen by the Gotherington Neighbourhood Plan and also the Tewkesbury Borough Local Plan. It is felt that the illustrative layout complies with all aspects of the Gotherington NDP.
- The impact on the AONB is minimal and also on the street scene. It adds to the overall linear concept of the village.

The objections to the revised scheme (10 dwellings) are as follows:

- the proposal will impact on the AONB;
- the road narrows at the point of entrance and exit to the site and is a accident risk to road users due to a blind bend when entering Gotherington.
- an increased amount of excess rain water run off will add to the problems of drainage that cannot cope along Gretton road and often causes flooding outside the school. There is also a worry that if the water diverts into the brook at the back of the site this will increase the flooding risk at the bottom of Woolstone Lane causing more problems for residents.
- any properties that need to be built in the village are best suited at the end of Malleson road, this will ensure that most cars are not travelling through the village and so reducing the risk to schoolchildren at drop off and pick up.
- Concerns over the number of dwellings being reduced from 27 to 10 as this undermines the Gotherington NDP which proposes 24 dwellings on the site. Where are the other 14 dwellings going to be accommodated?

The objections to the original scheme (27 dwellings) are as follows:

- concerns over impact on SLA and setting of AONB;
- the concerns raised by the Urban Design Officer are supported. The development is not in line with a linear settlement, it is more like a mini-housing estate which is totally out of character with our village;
- 27 houses is far too many for the site and they are crammed into too small a space;
- concerns over lack of parking space;
- the site is situated just after a bend in the road. Exiting the site could be hazardous. A lot of the traffic does not keep to the speed restriction;
- The development would increase traffic generally through the village but this is particularly a problem next to the school which is already a congestion hotspot. The development would also add to the serious traffic situations that occur at the Malleson Road Evesham Road junction;
- it would be preferable to confine any building in the village to the Malleson Road end, where there is less special landscape to protect and where there is good access to the main road (A345);
- the application is premature to the NDP and should only be approved following the public vote in the plan referendum;
- the site is not well connected to village services;
- unlike all existing properties on the whole of Malleson/Gretton Road, there is no direct vehicular access to the proposed Semi-detached/terraced properties fronting Gretton Road;
- there is no local need for such a development;
- concerns over the impact of construction traffic;

- a loss of privacy would be caused to neighbouring dwellings;
- Gotherington School is a popular oversubscribed school which will be put under even more pressure from these new houses;
- it is felt that TBC should not be supporting development on a site within the SLA and in close proximity to the AONB when sequentially preferable sites are known to be available and deliverable now.

Planning Officers Comments: Mr Matthew Tyas

1.0 Introduction

1.1 The application site comprises a single agricultural field located at the eastern end of Gotherington on the northern side of Gretton Road. The site itself comprises grassland and scrub vegetation and is enclosed by mature trees and hedgerows to its north and east boundaries and a low hedgerow to its south boundary along Gretton Road. The site is adjoined to the west by 59 Gretton Road; a detached bungalow.

1.2 There is a public bridleway running immediately adjacent to (but outside of) the eastern boundary to the site. This runs parallel to a small watercourse that appears to be a tributary to Tirlle Brook which is located some 500m to the north. The site is however shown on the Environment Agency and Gloucestershire County Council's Strategic Flood Risk Assessment mapping to be located in Flood Zone 1 indicating that it is at low risk of flooding.

1.3 The site is located immediately adjacent to but outside of the Residential Development Boundary of Gotherington as defined in the Tewkesbury Borough Local Plan to 2011 (TBLP). The site is also located in the Special Landscape Area (SLA) as defined in the TBLP. The Cotswold Area of Outstanding Natural Beauty and the elevated land associated with Oxenton Hill, Crane Hill and Woolstone Hill is located approximately 500m to the north of the site.

2.0 Relevant Planning History

2.1 There is no planning history to the site.

3.0 Current Application

3.1 The application seeks outline planning permission for up to 10 dwellings. The application reserves all detailed matters relating to the scale, layout, access, appearance and landscaping of the development for future consideration.

3.2 The application is in revised form. The application originally proposed up to 27 dwellings but following concerns raised by officers over the proposal being contrary to the characteristic linear urban form of this part of the village the application has been reduced to 10 dwellings.

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.

4.3 Where planning obligations do not meet the above tests and restrictions, it is 'unlawful' for those obligations to be taken into account when determining an application.

4.4 From 6 April 2015 new rules have been introduced regarding the pooling of contributions secured by s106 agreements. The Planning Practice Guidance sets out that from that date, no more contributions may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106

agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

4.5 The need for planning obligations is set out in relevant sections of the report.

5.0 Principle of Development

The Development Plan

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

Tewkesbury Borough Local Plan to 2011 - March 2006

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

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

Emerging Development Plan

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

5.5 The submission 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, 2,612 dwellings are proposed to be delivered in the plan period to 2031. Approximately two thirds of this rural development has already been committed through planning permissions already granted. The remainder of this requirement will be allocated at rural service centres and service villages through the Tewkesbury Borough Plan and neighbourhood plans (see paragraph 5.9 below).

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; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

5.8 The JCS was submitted to the Secretary of State on 20 November 2014. Its Examination in Public commenced in May 2015 and is still ongoing. The plan is however at an advanced stage of examination with the Inspector publishing her interim report in May 2016. Whilst the emerging plan is now at an advanced stage, it is not yet formally part of the development plan for the area and the weight that can be attached to its policies will be considered having regard to the criteria set out above. Relevant JCS policies and the weight that can be attributed to them will be considered in the appropriate sections of this report.

5.9 The Tewkesbury Borough Plan (2011-2031) will sit beneath the JCS. A draft Site Options and Policies document has been published and was the subject of six weeks of public consultation, which closed on 13th April 2015. The draft plan invited views on possible site options for development at the rural service centres and service villages. The draft plan is at a much earlier stage of development than the JCS and thus can only be given very limited weight at this stage. It is relevant to note that Policy HOU1 of the Site Option and Policies document does not include an estimate of numbers required for each settlement. Following the

consultation, the Council will refine these potential options before narrowing the number of proposed allocations, which will then be included as proposed allocations in the next stage of the plan. The 'Approach to Rural Sites' Background Paper which supports the plan process includes within it a disaggregation process which provides an indicative figure for Gotherington of 71 dwellings. However, there is an existing plan period delivery/commitment of 22 dwellings which would reduce this figure to 49. Although the indicative figure for Gotherington is 71 dwellings, the number of dwellings identified for all Service Villages needs to be accommodated within the 12 Service Villages and is dependent upon the suitability and availability of sites at each. Therefore, this figure is indicative only and could go up or down. It should also be stressed however that this is just part of the evidence base to the emerging plan which will eventually include specific allocations, and should not be afforded weight but does give some indication of the sort of numbers which may be allocated by the Borough Plan.

5.10 The consultation draft of the Gotherington Neighbourhood Development Plan (GNDP) has now been published. The draft plan has undergone its formal consultation which closed in March 2016. When adopted the plan will form part of the statutory development plan for the area. At this stage however the plan is still at a relatively early stage of preparation. The plan still needs to be formally submitted to the Local Planning Authority for validation and consultation. Following this the plan needs to undergo independent examination before it can proceed to local referendum and its ultimate adoption. In light of its stage of preparation the GNDP can only be given very limited weight at this stage.

National Policy/Guidance

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

5.12 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.

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

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

5.14 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.

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

5.16 As set out above, footnote 9 to paragraph 14 gives examples of where policies in the Framework indicate that development should be restricted and includes land designated as an AONB and designated heritage assets. In this instance the site is not subject to any specific policies within the framework that indicate that development should be restricted. It is therefore considered that the presumption in favour of sustainable development applies in this instance and the principle of housing development in this location is acceptable.

6.0 Landscape and Visual Impact

6.1 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 109 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.

6.2 In this instance the site is located within the SLA; a local landscape designation. Policy LND2 of the TBLP provides 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 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.

6.3 The Council has sought advice on the proposal from an independent Landscape Consultant (LC). In summary the LC considers that development of this site could represent a logical extension to Gotherington following the historic extension along Gretton Road. The development would take place within strong hedgerows that can form an effective boundary and could be managed to screen and filter views of the new development. The LC concludes that the proposal can be delivered without material harm to the setting of the AONB. No erosion of the landscape quality and conflict with the purpose of the SLA has been identified and on this basis it is considered that the proposal would be consistent with the aim of Policy LND2 to protect the SLA and the aim of paragraph 109 of the NPPF to protect valued landscapes.

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 The NPPF goes on to advise that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 61).

7.3 In this instance, the Council's Urban Design Officer (UDO) has identified that development in this location is generally linear and focused around the main route into or out of the village. Development to the north of the main road is generally one plot deep as the settlement disperses towards the edges. The centre of the village is focused around the cross roads. Concerns were expressed over the original submission involving 27 dwellings as the development was considered to be contrary to the characteristic urban form in the area. It was considered that the indicative site layout plan did not demonstrate a high design quality or that 27 dwellings can be accommodated on this site to a sufficiently high standard of design. The scale of development proposed on the site was considered to be out of keeping with the context of the village. On that basis it was officer's firm opinion that the original proposal would have resulted in significant and demonstrable harm to the character an appearance of the area and would have been recommended for refusal.

7.4 Consequently the number of dwellings proposed on site has been reduced to 10 no. dwellings. Whilst officers are generally satisfied that a scheme involving 10 dwellings is capable of being accommodated on the site in such a way whereby it would respect the linear form of this part of the village, it must be stressed that the revised illustrative layout submitted by the applicant falls significantly short of achieving this objective. Nonetheless, as the layout of the proposed development is reserved for future

consideration, and on the basis that the officers are satisfied in relation to the number of dwellings proposed being appropriate for the site, it is considered that the proposal is capable of achieving a good design at reserved matters stage. On this basis the proposal is found to be acceptable in design terms.

7.5 It must however be stressed once again that that the revised indicative layout submitted by the applicant is not supported by the Council and should not be used to inform any subsequent reserved matters application. It is also recommended that a condition is imposed on any planning permission granted requiring that the layout for the development (in the submission of reserved matters) is informed by design principles set out within a Design and Access Statement that responds to the context of the site and the prevailing development pattern of this part of the village.

7.6 The concern raised by Gotherington Parish Council and CPRE that the proposal would involve an inefficient use of land is noted as is the hard work put in by the Neighbourhood Plan Group in preparing the Neighbourhood Plan. However each application must be considered on its merits and at this stage the NDP can only be afforded very little weight. It is no longer a requirement of national planning policy for housing developments to use land efficiently and it is officer opinion that any desire to make efficient use of land should not come at the expense of poor design that fails to respect the character of the area, particularly in sensitive areas such as the application site which lies in the SLA, close to the AONB.

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 With regards to accessibility, Gotherington is considered to have reasonably good access to both primary and secondary services, including a shop, a village hall, a primary school, a church and recreational facilities. Furthermore, Gotherington has some public transport provision with links to the surrounding areas and with bus stops located within reasonable walking distance of the site. Indeed, Gotherington is identified as a 'Service Village' in the emerging JCS meaning that it is considered to be a suitable location for some limited residential development on the basis of its availability of services. It is therefore considered that the proposed development would have reasonably good access to local services and facilities.

8.3 Members will note that detailed consideration of the proposed access to the highway to serve the development is reserved for future consideration. At this stage therefore the Council is only considering whether a safe and suitable access is capable of being achieved at a point within the application site.

8.4 The formal comments of the County Highways Authority (CHA) on the revised application are still awaited, but discussions between officers and the CHA indicate that a safe and suitable access is capable of being achieved. Furthermore, officers are advised that the revised proposal for 10 dwellings is unlikely to be regarded as a significant generator of traffic and as such would not have a severe residual cumulative impact on the surrounding network. **An update on the formal view of the CHA will be provided at Committee**

8.5 Members will note that the indicative layout and submitted Transport Statement feature the provision of a new footway on the northern side of Gretton Road which would connect up with the existing footway starting at number 55 Gretton Road. This is a feature of the illustrative layout that is supported by officers as it would help to connect the site with the local services and facilities described above.

8.6 Subject to the formal response of the CHA, the proposal is found to be in general accordance with Policy TPT1 of the TBLP and consistent with the advice at paragraph 32 of the NPPF.

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. Policy SD13 of the emerging JCS provides a 40% affordable housing requirement on sites of 10 dwellings or more.

9.2 In this instance the Council's Housing Enabling and Policy Officer has advised that a 40% affordable housing requirement will be required amounting to 4 dwellings. It is recommended that this is provided as an off-site contribution and a sum of £322,000 is requested.

9.3 The Government's Planning Practice Guidance is noted which states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm, is noted. It is understood in this instance that the gross floorspace of the development would be more than 1000sqm and thus the proposal would qualify for an affordable housing provision having regard to all material considerations.

9.4 The applicant has been made aware of this obligation and has informally confirmed their agreement. The required affordable housing contribution can be secured by a Section 106 agreement should planning permission be granted.

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, policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population.

10.2 The proposal for 10 dwellings would generate a requirement for 0.0559ha (559sqm) of open space, of which 0.03ha should be playing pitches in accordance with the Council's Playing Pitch and Outdoor Sports Assessment and Strategy standard of 1.51ha per 1000 population.

10.3 With regards to playing pitches and changing facilities, these are not being provided on site and therefore an off-site contribution would be required. Based on the sports facility costs from Sport England for Q1 of 2015 £13,538 would be required for playing pitches and changing facilities. This would go towards improvements to Gotherington Playing Fields.

10.4 In terms of the balance of open space required (0.0259ha); an off-site contribution will be required towards improving current play/teenage provision off-site within the Gotherington parish. In line with the Council's Schedule of Rates 2015/16 a figure of £776 per household is required amounting to a total of £7,660.

10.5 In addition to sports pitches, the proposed development would create a demand for other sports facilities (i.e. swimming pools, artificial pitches, sports halls). The specific demand for this development is to be identified using the Sports Facility Calculator which is an interactive tool developed by Sport England. This generates a total contribution for sports facilities of £7,878. As Gotherington does not host these facilities the request is towards improvements of sporting provision in Gotherington; incorporating cricket nets, petanque, tennis courts and fitness equipment, as identified by the Parish Council.

10.6 The applicant has been made aware of this obligation and has informally confirmed their agreement. The required affordable housing contribution can be secured by a Section 106 agreement should planning permission be granted.

11.0 Community, 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 regard to education, Gloucestershire County Council (GCC) have advised that the scheme is expected to yield an additional 3 primary aged school children. The nearest Primary School is Gotherington Primary School. The school has a building capacity of 212 and will be at capacity in 2016/17. After 2016/17 year, the forecast shows a small surplus: 4 surplus places in 2017/18, and 12 surplus places in 2018/19. Forecasts are based on demographics and known developments. Because the impact of this development is likely to be felt when a surplus is forecast, and the surplus is greater than the pupil yield, no contribution is sought towards primary education provision.

11.3 It is also advised by GCC that Cleeve Secondary School is the secondary school for the catchment. It is forecast to be over capacity. A 10 dwelling scheme will generate the need for an additional 1.4 secondary school places. A contribution of £28,150 is requested which would be used as funding for a scheme to remodel the existing Maths block to provide additional and improved facilities in an expanded school.

11.4 It has been confirmed by GCC that no library contributions will be required from a development of this scale.

11.5 Based on the Gloucestershire Infrastructure Delivery Plan assessment formula, £4,547 is required for community building improvements within Gotherington.

11.6 The applicant has been made aware of this obligation and has informally confirmed their agreement. The required affordable housing contribution can be secured by a Section 106 agreement should planning permission be granted.

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.

12.2 The site is located in Flood Zone 1 as shown on the Environment Agency's (EA) indicative flood map indicating that it is at a low risk of flooding from fluvial sources. The EA's updated Flood Map for Surface Water does however identify a relatively low risk of surface water flooding along Gretton Road adjacent to the site and in areas in close proximity to the watercourse along the eastern boundary.

12.3 The Flood Risk Assessment (FRA) submitted with the application advises that ground investigation works should be carried out in order to confirm the suitability of the development site for implementation of infiltration based SuDS drainage (i.e. soakaways). The FRA also considers that surface water flows generated by the development could be captured and attenuated within an on-site attenuation pond, prior to a restricted off-site discharge to the local watercourse, flows being restricted to a maximum of 5l/s for all storm events.

12.4 The Lead Local Flood Authority (LLFA) at Gloucestershire County Council has been consulted on the proposal and advise that further investigations are required in order to identify the most suitable drainage strategy for the site. It is advised that infiltration based SuDS are unlikely to be a feasible option as the upper soil layers are believed to be predominantly clay. Permeability testing would however be required to confirm this. On the basis that the application is in outline no objection has been raised but a number of conditions are suggested in order to secure a detailed drainage strategy and investigate the feasibility of infiltration drainage.

12.5 Members will note that the indicative site layout features an attenuation pond. This is not however considered to be an appropriate solution for a scheme of this small scale. The pond would not be located on an area of public open space and maintenance access would be difficult. Furthermore, the illustrated pond would not fit comfortably with the indicative layout and is unlikely to be compatible with a more linear form of development as advocated by officers. Nonetheless, officers are satisfied that there are a variety of alternative SuDS solutions that will be feasible on the site and therefore no in principle drainage objections to the proposal can be identified.

13.0 Trees and Ecology

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 of deterioration of irreplaceable habitats. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals.

13.2 The Arboricultural Survey submitted with the application identifies that the hedgerow along the northern boundary of the site is of moderate quality but the hedgerows along the southern and eastern boundaries of the site are of low quality. The survey identifies that the vast majority of the trees located on the site boundaries are of low quality with the exception of T1; a common Ash tree located on the roadside

boundary at the south-east of the site. This is assessed as being of a moderate quality. The survey indicates that all of the trees and hedgerows will be retained, with the exception of the trees and most of hedgerow along the roadside boundary. Having regard to the Landscape Consultant's comments it is considered important that the trees and hedgerows along the northern and eastern boundaries are retained so to help contain the development and to help screen and filter views of the development from the AONB. The removal of the trees and hedgerow from the roadside boundary would be unfortunate but necessary in order to provide site accesses with appropriate visibility and to help mesh the development with the existing village.

13.3 The proposals within the Arboricultural Survey and the officer comments above would be consistent with the findings of the Phase 1 Habitat Survey. This finds that the hedges along the northern and eastern boundary are native species rich, with one of the trees along the northern boundary displaying some features which may have limited potential to support bats. The hedge along the southern (road) boundary is found to be species poor.

13.4 Overall, from the evidence discussed above it is recommended that the trees and hedgerows along the northern and eastern boundaries are retained and protected as part of any landscaping scheme submitted at reserved matters stage.

13.5 The Phase 1 Habitat Survey finds no evidence of protected species with the possible exception of nesting birds. Recommendation are made for precautionary measures during construction and habitat enhancement measures. It is recommended that these are secured by condition.

14.0 Other material considerations

14.0 It is noted that the Parish Council, the Chairman for the Gotherington NDP (NDP) and a number of local residents are concerned that the proposed development would conflict with and undermine the emerging NDP. The draft NDP proposes to allocate the site for a minimum of 24 dwellings (Policy NDP1 - Site NDP 1/3) and there are concerns that the 10 dwellings proposed by this proposal would not achieve that. It is also questioned where any remaining housing requirement will be accommodated.

14.1 In response to these concerns it is important to note that, as set out above, the NDP is still at a relatively early stage of preparation. 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; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. At this stage the plan still needs to be formally submitted to the Local Planning Authority for validation and consultation. Following this the plan needs to undergo independent examination before it can proceed to local referendum and its ultimate adoption. In light of this and having regard to the advice at paragraph 216, it is considered that very little weight can be given to Policy NDP1 of the NDP and the site's allocation therein.

14.2 Furthermore, the Government's Planning Practice Guidance makes it clear that the refusal of planning permission on grounds of prematurity to a Neighbourhood Plan will seldom be justified before the end of the local planning authority publicity period, amongst other considerations. The NDP is not yet at that stage of preparation. As set out above whilst the enthusiasm of the NDP group is applauded, the application falls to be considered under current planning policies and guidance.

14.3 On the above basis, it is considered that the conflict between the proposal and the draft NDP can only be given very little weight in this decision.

15.0 Overall Balancing Exercise and Conclusions

15.1 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.

15.2 In this instance whilst the proposal is for only 10 dwellings it would produce clear social benefits insofar as it would provide much needed housing and help the Council meet the NPPF's requirement to maintain a 5 year supply of housing land. The proposal would also provide affordable housing for which there is a need both locally and borough wide. These benefits should be given significant weight in the overall planning balance. The proposal would also produce economic benefits during the construction phase and through the additional spending power in the local economy as a result of the increased population.

15.3 Subject to the provision of a new public footway to connect with the existing footways in the village the site is considered to be reasonably accessible. It is considered that the proposal is capable of being delivered without undue harm to the setting of the AONB and with limited erosion of the landscape quality of the SLA. The quantum of development proposal is considered to be appropriate for the site and it is considered that the proposal is capable of achieving a good design at reserved matters stage. It is understood that a safe and suitable access is capable of being achieved and that the proposal is unlikely to be regarded as a significant generator of traffic. No fundamental concerns have been identified in respect of the proposal's impact on local flood risk, trees and ecological resources.

15.4 It is concluded therefore that the economic and social benefits would outweigh the very limited harm arising from the proposal. As such, based upon the three-stranded definition of Sustainable Development within the NPPF, the proposal would represent a sustainable form of development. It is therefore recommended that permission is **DELEGATED to the Development Manager subject to the completion of a section 106 legal agreement to secure the following heads of terms:**

- **An affordable housing contribution of £322,000**
- **A contribution of £13,538 towards improvements to playing pitches and changing facilities at Gotherington Playing Fields.**
- **A contribution of £7,660 towards improving current play/teenage provision off-site within the Gotherington parish.**
- **A contribution towards local sports facilities of £7,878**
- **A contribution of £28,150 towards a scheme to remodel the existing Maths block at Cleeve School**
- **£4,547 towards community building improvements within Gotherington.**

RECOMMENDATION Delegated Permit

Conditions:

- 1 The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and appearance of the buildings, the access to the site from the highway and the landscaping of the site (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4 The reserved matters submitted pursuant to condition 1 above shall include details of existing and proposed ground levels and ground floor slab levels of the buildings relative to Ordnance Datum Newlyn. The development shall be carried out in accordance with the approved details.
- 5 The submitted layout proposals pursuant to Condition 1 shall be informed by design principles set out within a Design and Access Statement that responds to the context of the site and the prevailing development pattern of the area. The Proposed Site Plan submitted with the application is indicative only and the layout featured on that plan is not endorsed by the Council.
- 6 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.
- 7 The reserved matters submitted pursuant to condition 1 above shall include details which show how the existing trees and hedgerows that are to be retained will be protected during the course of construction. 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) Positions, design, materials and type of boundary treatment to be erected;
 - (ii) Hard surfacing materials; 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 proposed numbers;
 - d. Densities where appropriate; and
 - e. Implementation timetables including time of planting.
- 9 The submitted landscaping proposals pursuant to Condition 1 shall be in general accordance with the Tree Retention/Loss and Protection Plan at Appendix 2 of the Arboricultural Survey Impact Assessment and Protection Plan document prepared by Pegasus Group dated 22.04.16. The existing trees and hedgerows along the northern and eastern boundaries of the site, as identified on the plan referred to in this condition, shall be retained as part of the proposed development and protected during the course of construction in accordance with Condition 7 of this permission.
- 10 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.
- 11 No external lighting shall be erected on any part of the site without the prior express permission of the approval of the Local Planning Authority.
- 12 No development approved by this permission shall be commenced until a detailed drainage strategy including a scheme of surface water treatment has been submitted to and approved in writing by the Local Planning Authority. The Strategy should be supported by evidence of ground conditions, soakaway tests and modelling of the scheme to demonstrate it is the most appropriate strategy and is technically feasible. The drainage scheme shall be carried out in accordance with the approved details. Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through third party land or to their network, system or watercourse.
- 13 In the event that infiltration based drainage is proposed, no development shall take place until a detailed Construction Method Statement (CMS) has been submitted to and agreed in writing by the Local Planning Authority. The CMS should take a serious consideration into the location and use of heavy machinery, plant or material in areas where infiltration drainage has been proposed, and avoid soil compaction of such locations.
- 14 The development hereby permitted shall not be 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 in accordance with the agreed terms and conditions.
- 15 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
- 16 No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall be in accordance with the required actions set out at Section 5 of the Extended Phase 1 Habitat Survey prepared by Ecosulis dated October 2015. It shall include a timetable for implementation and details of how the areas concerned will be maintained and managed. Development shall be in accordance with the approved details and timetable in the EMP.

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 In the interests of amenity to accord with the NPPF.
- 5 In order to secure an appropriate design that respects the context of the site and the character of the area, in accordance with the advice on requiring good design at Section 7 of the NPPF 2012.
- 6 To ensure that the proposed construction work does not cause undue nuisance and disturbance to nearby properties at unreasonable hours.
- 7 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 To 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 In order to assimilate the development into the landscape and in the interest of protecting biodiversity in accordance with Policies LND2, LND7 and NCN5 of the Tewkesbury Borough Local Plan to 2011 and the advice on the natural environment within the NPPF.
- 10 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.
- 11 To avoid light pollution in the interest of preserving the rural character of the area.
- 12 Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding in accordance with policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 and the advice on flood risk in the NPPF. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage and water quality in the locality.
- 13 To ensure that during the construction phase heavy machinery, plant or material is not stored/used inappropriately in the areas where infiltration SuDS are proposed, to avoid soil compaction and severely impacting infiltration rates.
- 14 To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.
- 15 It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework.
- 16 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.

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 make the proposal acceptable in design terms.

2 This decision is subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

16/00336/a1T Location Plan

KEY

-  SITE BOUNDARY
-  OTHER LAND IN APPLICANTS OWNERSHIP



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GORSE GREEN, GOTHERINGTON - SITE LOCATION PLAN

PLANNING ■ DESIGN ■ ENVIRONMENT ■ ECONOMICS | WWW.PEGASUSDESIGN.CO.UK | TEAMLEADERS BY MEDICI | APPROVED BY PAV NED | DATE 21/03/16 | SCALE 1:5000 A3 | DWG: ADD03_SHEETH03_R1V_1_CLEEH_PEMBURYSTALES

190/A

Indicative layout for original proposal for 27 dwellings

- 2 NO. 2 BEDS
- 9 NO. 3 BEDS
- 7 NO. 4 BEDS
- 5 NO. 5 BEDS
- 4 NO. BUNGALOWS

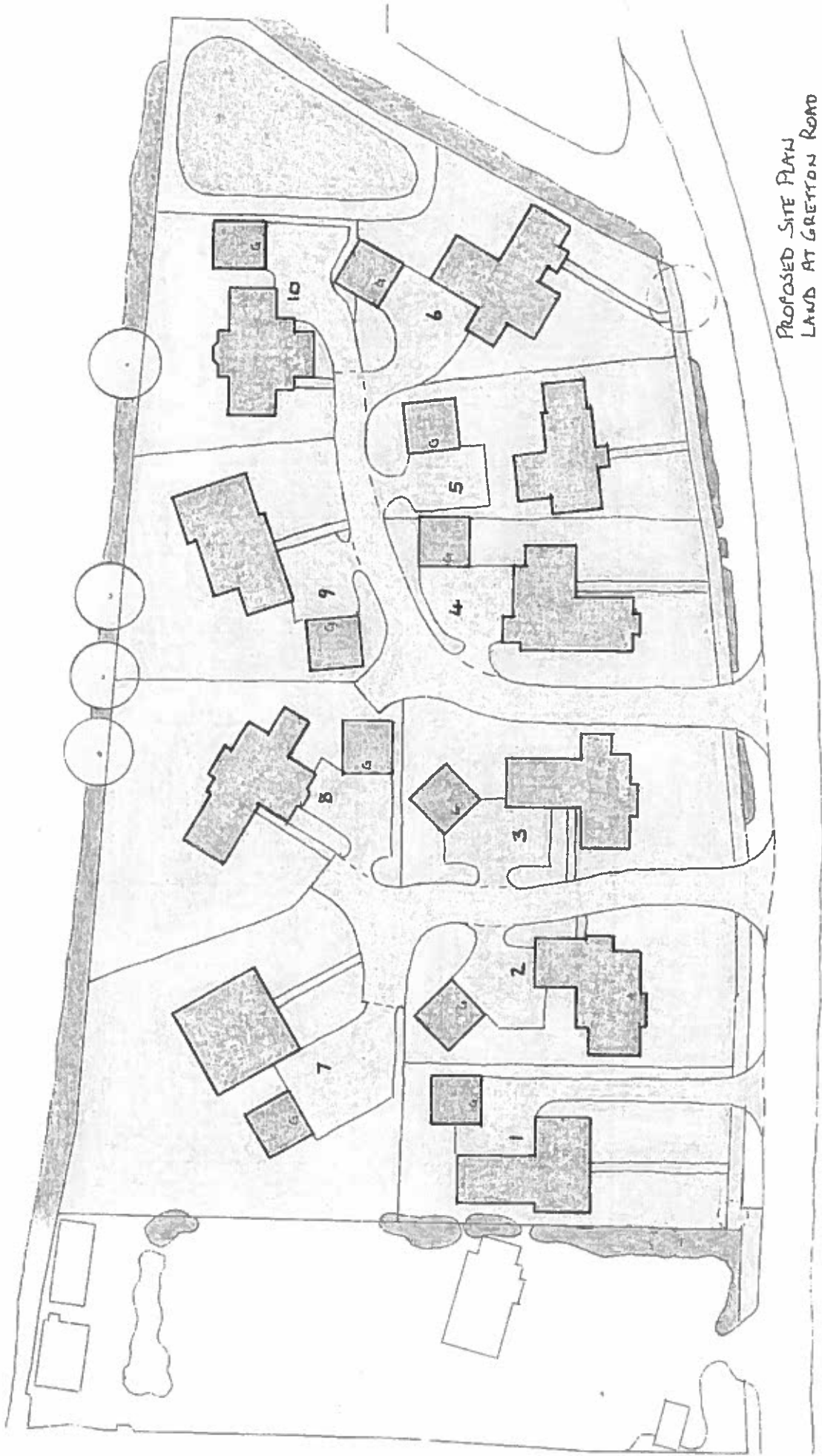


PROPOSED SITE PLAN
 LAND AT
 GRETTON ROAD
 GOTTERRINGTON
 GLOS

DWG 2951s - 210-6
 SCALE 1:500 @ A3



Indicative layout for revised
proposal for 10 dwellings



PROPOSED SITE PLAN
LAND AT GREYTON ROAD
GOTHERINGTON
GLOS.
DWG 29515 - 220 - 9
SCALE 1:500 @ A3



190/c

Valid 14.06.2016
 Grid Ref 392260 228197
 Parish Stoke Orchard And
 Tredington
 Ward Oxenton Hill

Erection of 5 detached houses.
 P E Duncliffe LTD
 C/O Agent

RECOMMENDATION Delegated Permit

Policies and Constraints

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, HOU4, HOU13, TPT1, EVT2, EVT5, EVT9, LND7, RCN1, NCN5
 NPPF
 Planning Practice Guidance
 Joint Core Strategy - Submission Version (November 2014)
 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

Stoke Orchard & Tredington Parish Council

Object to the application for the reasons summarised below:

- The application site was designated as Public Open Space in the original application for 45 dwellings on the adjoining land (14/00074/OUT) but when the reserved matters application was submitted (15/00352/APP) this open space has conveniently disappeared.
- Stoke Orchard has already had a disproportionate amount of housing. It is abundantly clear this further extension of this site is outside the designated housing level for this village.
- The proposal offers no advantage to the Village and the Community whatsoever and the further increase in Storm water run-off without increase in attenuation is unacceptable.
- The further increase of traffic to the Banady Lane junction already with difficult access, flooding problems and no footpaths is unacceptable.
- SO & TPC also OBJECT to the realignment of the footpath/Public Right of Way, it is shown incorrectly on the site plan. SO & TPC insist this footpath plan is corrected to avoid future confusion.
- The Parish Council's request for points to be included under S106 (for the adjoining development) was disregarded by Officers and many local issues still remain to be tackled and the new development has caused serious exacerbation of problems.
- The village school is nearing capacity and requires expansion for the future.
- Contributions should also be required towards Cleeve School and Public Open Space
- An additional contribution of £50,000 is requested towards roadside of site.
- A contribution of £130,000 is requested for the extension of the MUGA and support of Community Shop, Community Bus Community Play areas. The support for the Bus, Shop and Play areas may be extended to consider on-going support for years 6 10
- The Village is plagued with Drainage problems. The Dean Brook is in desperate need of cleansing. During 2007 the brook overbanked and flooded many houses and closed the road. This site would contribute to serious drainage problems within the village and would require serious Drainage management. The PC would suggest a contribution of £250,000.
- A contribution of £150,000 is required towards the provision of a footpath from the site to the Village school with cycle facilities.
- The roads adjacent to the site are in a dangerous condition both from maintenance and alignment. A contribution of £150,000 towards traffic calming and alignment improvement to provide sustainability is required.
- A contribution towards Church Maintenance of £100,000.

County Highways - Standing advice applies on the basis of the development involving 5 dwellings or less.

Gloucestershire County Council - No comments received.

Housing Enabling and Policy Officer - A financial contribution of £140,000 is required for affordable housing provision. This is based on a 40% requirement.

Urban Design Officer - No objection on design grounds.

Local Residents - No comments received.

Planning Officers Comments: Mr Matthew Tyas

1.0 Site

1.1 The application site relates to part of a field adjoining the current Knarsboro Homes development under construction at Banady Lane, Stoke Orchard (14/00074/OUT and 15/00352/APP).

1.2 The site is located in a rural area outside of any settlement boundaries as defined in the TBLP. The site is located adjacent to, but not within, the Gloucestershire Green Belt. There is a Grade II Listed Building (Duckstone House) located approximately 45m to the north-west of the site.

1.3 The site is located in Flood Zone 1 but the land adjacent to the southern boundary of the site is shown on the Environment Agency's mapping to be at high risk of flooding from surface water. This appears to be associated with a surface water drainage ditch that runs along the site's southern boundary.

2.0 History

2.1 Planning application ref. 14/00074/OUT (Outline application for the erection of 45 dwellings) was refused by the Council in June 2014 but was subsequently allowed on appeal in January 2015 (APP/G1630/A/14/2223858). The reserved matter pursuant to 14/00074/OUT was granted in August 2015 (15/00352/APP).

3.0 Current Application

3.1 The application proposes the construction of 5 additional dwellings at the site. The proposal would effectively form an extension to the Knarsboro Homes development and would share the same access to Banady Lane. The application proposes 5 detached two storey dwellings, all for sale/rent on the general market.

4.0 Planning Policy Context

4.1 Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 (TBLP) seeks to prevent new residential development outside of the residential development boundaries of defined settlements unless they are essential for agriculture or forestry, involve the acceptable conversion of an existing building, or the provision of affordable housing in accordance with HOU14.

4.2 The application would conflict with this policy as it involves new build general market housing on a site not located within one of the settlements defined in the policy.

4.3 However, the advice in the NPPF is a significant material consideration in decision making and states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. 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.

4.4 In this instance the Council cannot demonstrate a five year supply of housing land and thus Policy HOU4 should not be considered as up to date. The proposal should therefore be considered in the context of the presumption in favour of sustainable development as defined at paragraph 14 of the NPPF.

4.5 For decision taking this means that proposals that accord with the development plan should be approved without delay and, where the development plan is absent, silent or its relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole, or where specific policies in the Framework indicate development should be restricted. In this instance the proposal is not subject to any policies within the NPPF that would specifically indicate that development should be restricted.

4.6 With regard to the location of new housing the NPPF advises at paragraph 17 that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. Furthermore, paragraph 55 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated new homes in the countryside should be avoided unless special circumstances apply.

4.7 Other relevant local plan policies include Policy TPT1 which relates to access for development, Policy HOU13 which relates to affordable housing, Policy GNL11 which relates to infrastructure to serve development, policies EVT5 and EVT9 which relate to flooding and drainage and Policy LND7 which relates to landscaping. These policies will, where necessary, be discussed in more detail in the relevant sections of this report.

4.8 The emerging development plan is the Joint Core Strategy (JCS) Submission Version November 2014 and the draft Tewkesbury Borough Plan. The JCS is now at an advanced stage of preparation and in light of the recent Inspector's Interim Findings can be afforded some weight. Relevant JCS policies include SD1, SD11 and SD13. Where relevant the implications of these policies will be considered below. The draft Tewkesbury Borough Plan is at a very early stage of adoption and very little weight can be given to its policies.

5.0 Analysis

5.1 Having regard to the policy framework set out above and the views of consultees, it is considered that the main issues are:

- The principle of development
- Highways issues
- Flood risk and drainage
- Design and layout
- Residential amenity impacts
- Affordable Housing and Community infrastructure requirements

The principle of development

5.2 As noted above, the Council cannot demonstrate a five year supply of housing land and thus the proposal should therefore be considered in the context of the NPPF's presumption in favour of sustainable development.

5.3 In terms of whether Stoke Orchard is a sustainable location for further housing development, it is noted that the settlement provides some pre-existing community facilities including a church and primary school (at nearby Tredington) and further facilities have been delivered as part of the nearby CRE development, including a community hall, village shop, children's play area and a Multi-Use Games Area. The village also has a high speed broadband connection and some local employment opportunities. On this basis Stoke Orchard is considered to be a relatively sustainable location. In dealing with the appeal on the adjacent site the Inspector noted:

...Stoke Orchard will compare favourably with most villages in the district, once the facilities associated with the CRE development are operational. Historically, the village was comprised of a small number of dwellings, relatively few facilities, and was dominated by the large industrial CRE complex. The development permitted on the CRE site will alter the character of the village substantially. The Parish Council supported that development, noting that the proposals would contribute towards a more self-contained and sustainable community. I concur with that view and consider that the shop, community hall and recreational facilities will offer a good range of services, in addition to those already present. To my mind, this range of services would be sufficient to meet the day to day needs of a village community and residents would not be reliant upon travel to other settlements for basic amenities...

...Taken in the round, with the services and facilities that will be available in the village, the enhanced public transport offer, and the relative proximity of larger conurbations, I am satisfied that residents of the appeal site would have good levels of access to the range of services to meet their day to day needs, with a reasonable choice of transport modes commensurate with the location of the site. In view of this, the proposal would conform to the principles set out within section 4 of the Framework and guidance on the provision of rural housing within the Practice Guidance.'

5.4 It is also important to note that Policy SD11 of the emerging JCS provides that housing development on non-allocated sites or on previously developed land will be permitted where it involves infilling within the built up areas of cities, towns and villages. The explanatory text to SD11 defines infill development as the development of an under-developed plot well related to existing built development. In this instance, the site is clearly well related to existing built development and officers consider it to represent infill development for the purposes of SD11. 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; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. In this instance the JCS is in the late stages of its examination in public and is therefore considered to be at an advanced stage of preparation. In light of the JCS Inspector's recently published Interim Report officers are not aware of any unresolved objections to the policy. Furthermore, the policy is considered to be consistent with the NPPF, notably paragraph 55, in that it seeks to direct housing to sustainable locations and only permit rural housing where certain exceptions apply. On this basis, it is considered that Policy SD11 can be afforded a reasonable amount of weight in this decision.

5.5 Taking the above points into consideration it is considered that the proposed development is acceptable in principle.

Highways issues

5.6 Policy TPT1 of the TBLP requires (inter alia) that the traffic generated by development, together with that arising from other existing or planned development, does not impair the safety or satisfactory operation of the highways network; and that a highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network. This policy is consistent with the NPPF's requirement for a safe and suitable access to the site can be achieved for all people (paragraph 32). However, the NPPF goes further than TPT1 and states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.7 The proposed development would be served from the existing, approved access for the adjoining Knarsboro Homes development. In the assessment of 14/00074/OUT the County Highways Officer (CHO) advised that visibility from the proposed site access onto Banady Lane is acceptable for the design speeds of the road. With regards to the access onto Stoke Road from Banady Lane, the CHO identified that adequate visibility splays can be achieved and therefore the proposed development would be served by a safe and suitable access.

5.8 It is considered that the proposed development of 5 dwellings would not be a significant generator of traffic and would not therefore result in a material increase to the volume of traffic using the permitted access and travelling along Banady Lane.

5.9 The submitted layout plan shows sufficient space on each plot for the parking of two vehicles. Garaging is also provided for each dwelling. On this basis it is considered that sufficient off street parking exists to serve the development.

5.10 Whilst the concerns of the Parish Council in relation to further increases of traffic to the Banady Lane junction are noted, for the reasons set out above the proposed development is found to be in accordance with Policy TPT1 of the TBLP. It is therefore considered that the proposed development is acceptable in highways terms.

Flood risk and drainage

5.11 As noted above, the site is located in Flood Zone 1 but the area to the south and south west of the site (including along Stoke Road) is subject to surface water flooding. It is therefore considered that flood risk to the proposed development is unlikely to be an issue, but it is important to ensure that the development does not have the effect of increasing flood risk off site as a result of increased surface water run off. This is a key requirement of flood risk policy at Policy EVT5 of the TBLP and Section 10 of the NPPF.

5.12 The Parish Council's concerns in relation to the proposal involving a further increase in storm water run-off without an increase in attenuation are noted. However, the application form submitted with the application states that surface water would be discharged via soakaways and to the nearby watercourse, rather than connecting up to the existing SuDS attenuation system in the Knarsboro Homes site. The application does not provide any further information in relation to these drainage proposals and the application site is too small for the proposal to require a Flood Risk Assessment (FRA) and drainage strategy.

However, regard has been paid to the FRA submitted for the Knarsboro Homes outline application which finds that some drainage by infiltration (i.e. soakaways) will be possible in the western portion of the site (which would include the application site).

5.13 It would be preferable from both a sustainability and a practical perspective for the proposal to be drained via soakaways and the FRA for the Knarsboro Homes development would suggest that this is feasible. Direct discharge to the watercourse would not be an acceptable alternative solution but may be appropriate if attenuation and flow control can be provided (i.e. through underground storage within individual plots). The detailed drainage proposals for the development can be secured by condition, but on the above basis it is considered that suitable opportunities exist. On this basis, it is considered that the proposal would not have an unacceptable impact on flood risk in the area and would therefore be in accordance with policies EVT5 and EVT9 of the TBLP and the advice on flood risk in the NPPF.

Design and layout

5.14 The design of the individual dwellings would reflect the existing Knarsboro Homes development and is considered to be satisfactory. The Council's Urban Design Officer has raised no objection to the proposed layout. The proposal is therefore found to be acceptable in design terms and would be consistent with the advice on requiring good design at Section 7 of the NPPF.

Residential amenity impacts

5.15 One of the Core Planning Principles of the NPPF is for development to provide a good standard of amenity for all existing and future occupants of land and buildings. In this instance the proposed layout features sufficient window to window distances between the proposed and existing developments (21 metres or more in all instances) and sufficient distances between new windows and neighbouring gardens (12 metres minimum). Furthermore, the spacing and orientation of the development is such that there would be no overshadowing or loss of light caused to existing and future occupants of the area. On this basis the residential amenity impacts of the proposal are found to be acceptable.

Affordable Housing and Community infrastructure requirements

5.16 Local Plan Policy GNL11 states that permission will not be granted for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided.

5.17 The proposed development of 5 dwellings would not normally qualify for community infrastructure contributions. The development is however an extension to a larger scheme so it would in this instance be reasonable to request contributions.

5.18 The developer has agreed to make a pro-rata contribution to the infrastructure funding secured as part of the Knarsboro Homes scheme. Officers consider this to be a reasonable and proportionate approach. Thus, based on the Unilateral Undertaking for 14/00074/OUT, the following contributions are required (includes working formula):

- Sports Facilities Contribution: $\text{£}83,812/45 = \text{£}1,862.48 \times 5 = \underline{\text{£}9312.44}$
- Community Facilities Contribution: $\text{£}19,253/45 = \text{£}427.84 \times 5 = \underline{\text{£}2139.22}$
- Recycling Contribution: $\text{£}2,250/45 = \text{£}50 \times 5 = \underline{\text{£}250}$
- Dog Waste Bin and Signs Contribution: $\text{£}550/45 = \text{£}12.22 \times 5 = \underline{\text{£}61.11}$
- Primary Education Contribution (per qualifying dwelling): $\text{£}2,858 \times 5 = \underline{\text{£}14,290}$
- Secondary Education Contribution (per qualifying dwelling): $\text{£}2,615 \times 5 = \underline{\text{£}13,075}$
- Library Contribution: $\text{£}8,820/45 = \text{£}196 \times 5 = \underline{\text{£}980}$

5.19 This does not include open space provision as the proposal can utilise the open space within the existing development and the scale of new development proposed would not be significant enough to place undue demands on this facility. An open space contribution would not therefore be necessary to make the development acceptable in planning terms, as required under the Community Infrastructure Levy (CIL) regulations.

5.20 It is noted that the list of contributions above does not include the community bus service secured as part of the Knarsboro Homes scheme. It is however understood that the bus service is already operational. Thus, on the basis that public transport is available to serve the residents of the proposed development, and considering the relatively minor additional demand for the service that would result from this development, it

is not considered that a community bus service contribution would be necessary to make the development acceptable in planning terms as required by the CIL regulations.

5.21 On the above basis it is considered that the infrastructure and public services necessary to enable the development to take place are either available or can be provided, consistent with the requirements of Policy GNL11.

5.22 Members will note that a financial contribution of £140,000 is required for affordable housing provision. This is the equivalent of a 40% requirement which would be consistent with Policy SD13 of the emerging JCS and its associated evidence base. The applicant has agreed to pay this contribution.

5.23 The contributions set out above can be secured by a Section 106 agreement should planning permission be granted

5.24 Officers note the requests of the Parish Council for the development to contribute to various infrastructure improvements. The agreed contributions set out above would correspond to some of the Parish Council's requirements. No evidence is provided in respect of the others. Furthermore, the Parish Council's requested contributions would total £830,000 which would clearly not be fairly and reasonably related in scale and kind to the development, as required by the CIL regulations.

Other matters

5.25 Officers note the Parish Council's concern that the application site was designated as Public Open Space in the original application for 45 dwellings on the adjoining land (14/00074/OUT). It can however be confirmed that this is not the case. The formal public open space for 14/00074/OUT is shown on the plan attached to this report. This is extracted from the Unilateral Undertaking accompanying the outline permission.

5.26 Officers also note the Parish Council's concern that that realigned footpath/Public Right of Way is not shown correctly on the site plan for the current application. It should however be noted the route of the realigned footpath does not fall within the application site and is not affected by the application. The footpath detail shown on the submitted site plan is indicative only and has no formal status.

6.0 Conclusion and the planning balance

6.1 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.

6.2 Whilst the proposal is only for 5 dwellings, it would produce clear social benefits insofar as it would provide much needed housing and help the Council meet the NPPF's requirement to maintain a 5 year supply of housing land. The proposal would also provide contributions towards affordable housing for which there is a need both locally and borough wide. These benefits should be given significant weight in the overall planning balance. The proposal would also produce economic benefits during the construction phase and through the additional spending power in the local economy as a result of the increased population.

6.3 The proposal would result in no adverse impacts on highway safety and flood risk and the layout of the proposal is considered to be acceptable from a design and amenity perspective. The proposal would also contribute towards providing the infrastructure and public services necessary to enable the development to take place.

6.4 It is concluded therefore that the proposal would produce economic and social benefits and would not result in any significant and demonstrable harms which would outweigh those benefits. As such, based upon the three-stranded definition of Sustainable Development within the NPPF, the proposal would represent a sustainable form of development. It is therefore recommended that permission is **DELEGATED to the Development Manager subject to the signing of a section 106 legal agreement to secure the heads of terms set out at paragraph 5.18 of this report and a financial contribution of £140,000 towards affordable housing provision.**

RECOMMENDATION Delegated Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers PED/001/2016 Rev A and PED/003/2016 Rev A (both received 05/08/16), PED/002/2016, PED/004/2016, PED/005/2016, PED/007/2016 (all received 14/06/16) and PED/006/2016 (received 15/06/16).
- 3 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.
- 4 The construction of the dwellings hereby permitted shall not commence until samples of the proposed external walling and roofing materials, and details of all hard surfaces within the development, 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/details.
- 5 No development approved by the permission shall be commenced until a detailed drainage strategy including a scheme of surface water treatment has been submitted to and approved in writing by the Local Planning Authority. The Strategy should be supported by evidence of ground conditions and modelling of the scheme to demonstrate it is technically feasible and where applicable adheres to the NPPF, PPG, Non-Statutory Technical Standards for Sustainable Drainage. The drainage scheme shall be provided and maintained in accordance with the approved details. Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through third party land or to their network, system or watercourse.
- 6 No development shall take place 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. All features on and off site shall be managed and maintained for the lifetime of the development. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.
- 7 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 0800 to 1800 on Monday to Friday and 0900 to 1300 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 8 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 existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.
- 9 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.
- 10 The dwellings shall not be occupied until the vehicular parking facilities have been provided in accordance with the submitted plans and those facilities shall be maintained available for those purposes thereafter.
- 11 Prior to the commencement of development, details of any proposed street lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation.

- 12 None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interest of proper planning
- 3 To ensure that the development integrates harmoniously with the surrounding development and to safeguard the amenities of residents of adjoining properties.
- 4 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 5 To ensure adequate disposal of surface water in accordance with EVT5 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the advice on flood risk within the NPPF.
- 6 To ensure the continued operation and maintenance of drainage features serving 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.
- 7 To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.
- 8 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 ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
- 11 To avoid light pollution in the interest of preserving the rural character of the area.
- 12 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Notes:

- 1 **Statement of Positive and Proactive Engagement**
In accordance with the requirements of the NPPF the Local Planning Authority has 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 layout.
- 2 This decision relates to the revised plans received by the Local Planning Authority on 05/08/16.
- 3 This permission does not authorise any changes to the route of the public footpath running through and beyond the site. Any alteration to the route of the public footpath must be authorised via the Town and Country Planning or Highways Act.



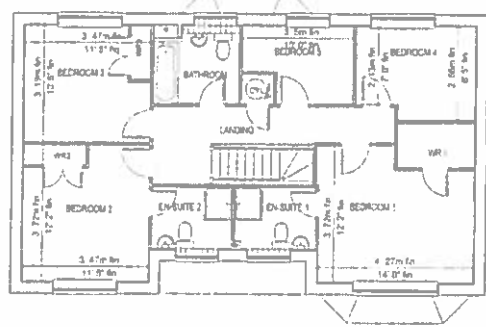
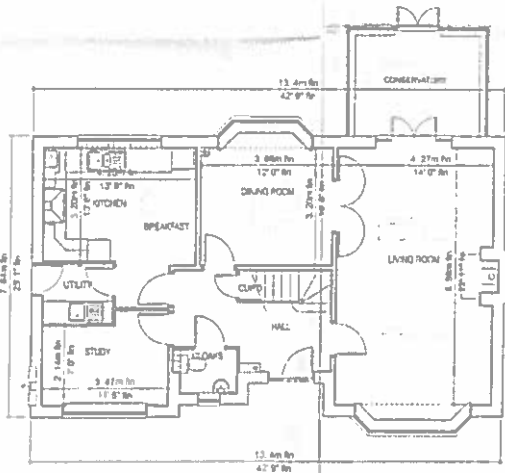
FRONT ELEVATION

REAR ELEVATION

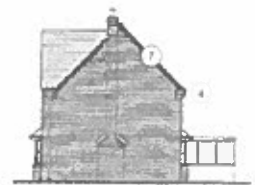
KEY FOR MATERIALS

- 1 Red clay facing brickwork
- 2 Smooth Red double glazed Sashers
- 3 Smooth Red Flush Cas
- 4 Smooth Red Brick Carops
- 5 White Jodery
- 6 Plain copedred stone
- 7 Brick eaves
- 8 Smooth Red brick Varge
- 9 Feature Simpel Post
- 10 Smooth Red Sashers to white rear

P.F. Duff W/L Lanning
 Land off Bessels Lane
 Stone 40 1700
 Chalkstone
 5.000 for stone
 House plan for Plot 1
 March 2018
 PLS 1002 2018



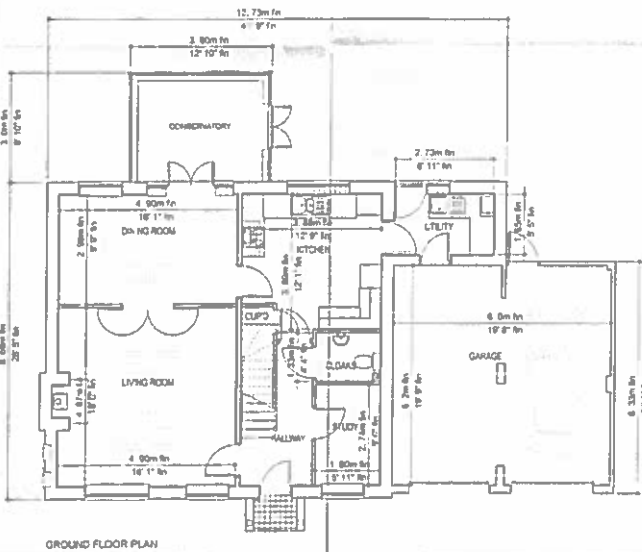
DU = Double Glazing
 Internal Floor Area = m2
 External Floor Area = m2





FRONT ELEVATION

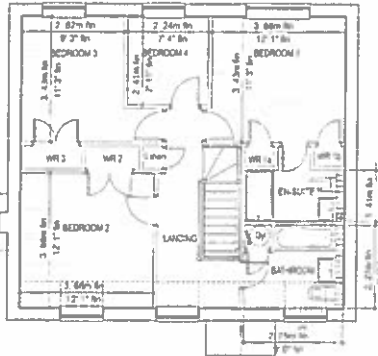
REAR ELEVATION



GROUND FLOOR PLAN

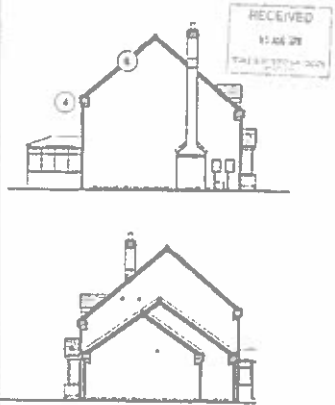
KEY FOR MATERIALS

- 1 Red clay facing brickwork
- 2 Smooth Red square breast Headers
- 3 Smooth Red Plinth Cills
- 4 Smooth Red Brick Course
- 5 White Jambrey
- 6 Plain concrete ties
- 7 Open Rafter ties
- 8 Smooth Red brick verges
- 9 Smooth red soldiers to rear / side
- 10 Lead faced dormers
- 11 Feature timber posts
- 12 Surpice



FIRST FLOOR PLAN

CG - Clive Clive
Internal Floor Area = 148.72m²



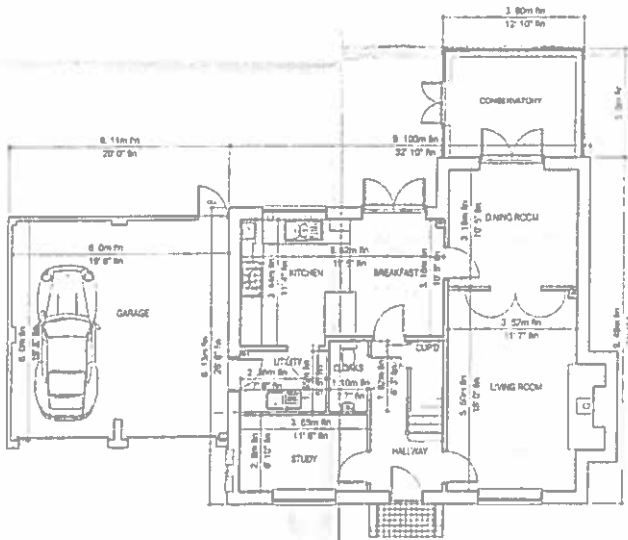
SIDE ELEVATION



FRONT ELEVATION

REAR ELEVATION

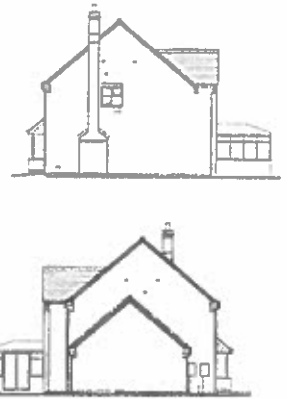
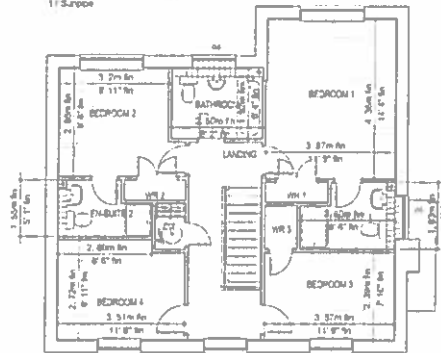
F. E. Dwyer Pty. Limited
 Land off Kynedy Lane
 Bona Springs
 Clarendon
 COLOURS: 404/1004
 HOUSE NO. 101, Lot 101
 14 April 2019
 11/1/19/19/19



KEY FOR MATERIALS

- 1 Red clay facing brickwork
- 2 Smooth Red Double weight Bricks
- 3 Smooth Red Plain Cills
- 4 Smooth Red Brick Corbels
- 5 White Glossy
- 6 Plain Laminated Glass
- 7 Board and batten
- 8 Smooth Red brick Veneer
- 9 Feature timber posts
- 10 Smooth red soldiers to rear side
- 11 Surface

CG = Clearway Glazing
 Internal Floor Area = 147.26m²

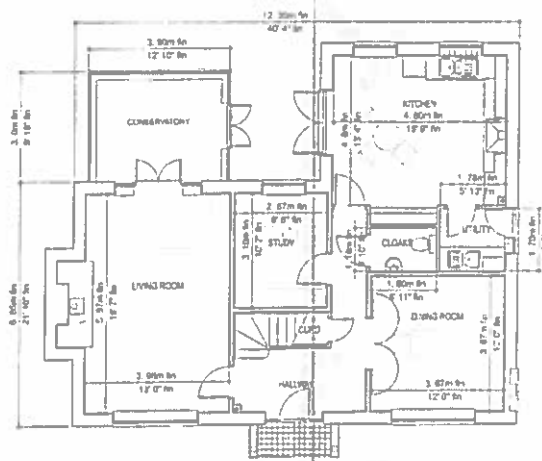




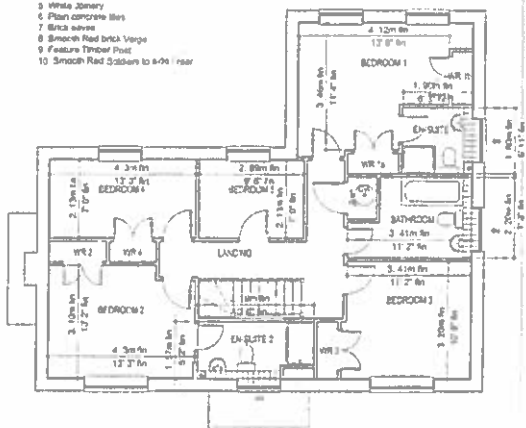
FRONT ELEVATION

REAR ELEVATION

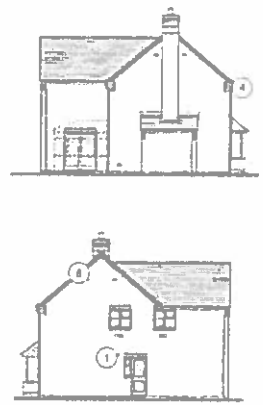
P J Duncliffe Limited
 Land off Baxady Lane
 Stone Orchard
 Chatterham
 Gloucestershire
 House Plans for Plot 4
 March 2016
 PG/006/2016

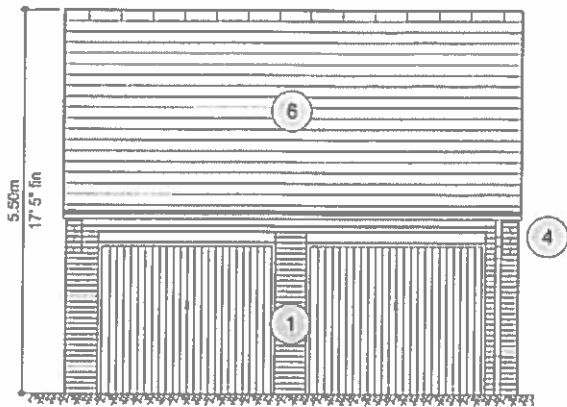


- KEY FOR MATERIALS
- 1 Red clay facing brickwork
 - 2 Smooth Red claystone vertical Soffers
 - 3 Smooth Red Flint Cling
 - 4 Smooth Red Brick Cornices
 - 5 White Jambony
 - 6 Plain concrete tiles
 - 7 Brick sills
 - 8 Smooth Red brick Verge
 - 9 Feature Timber Post
 - 10 Smooth Red Soffers to 6-90 / rear

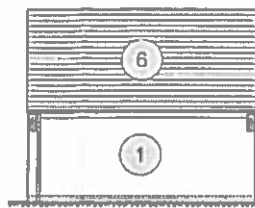


(10) = Obscure Gable
 Internal Floor Area = 173.60m²
 External Floor Area = 207.30m²

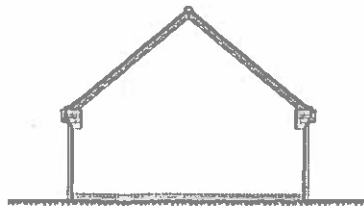
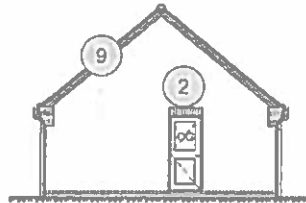




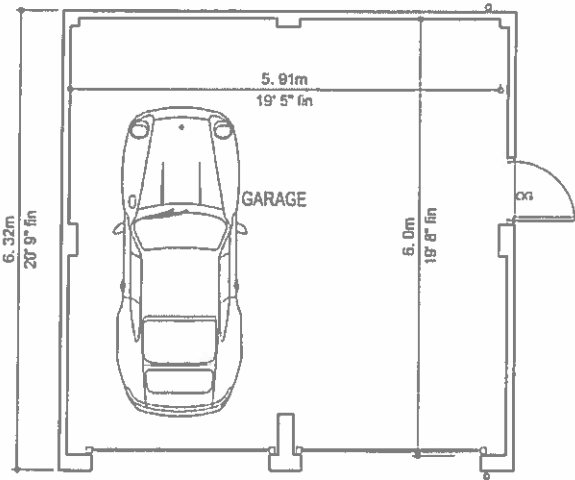
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATIONS



GROUND FLOOR PLAN

OG = Obscure Glazing

KEY FOR MATERIALS

- 1 Red clay facing brickwork
- 2 Smooth Red Soldiers
- 3 Smooth Red Plinth Cills
- 4 Smooth Red Brick Corbels
- 5 White Joinery
- 6 Plain concrete tiles
- 7 GRP Canopy
- 8 Open timber rafters to eaves
- 9 Smooth Red brick Verge

P E Dundliffe Limited

Land off Banady Lane
Stoke Orchard
Cheltenham
Gloucestershire

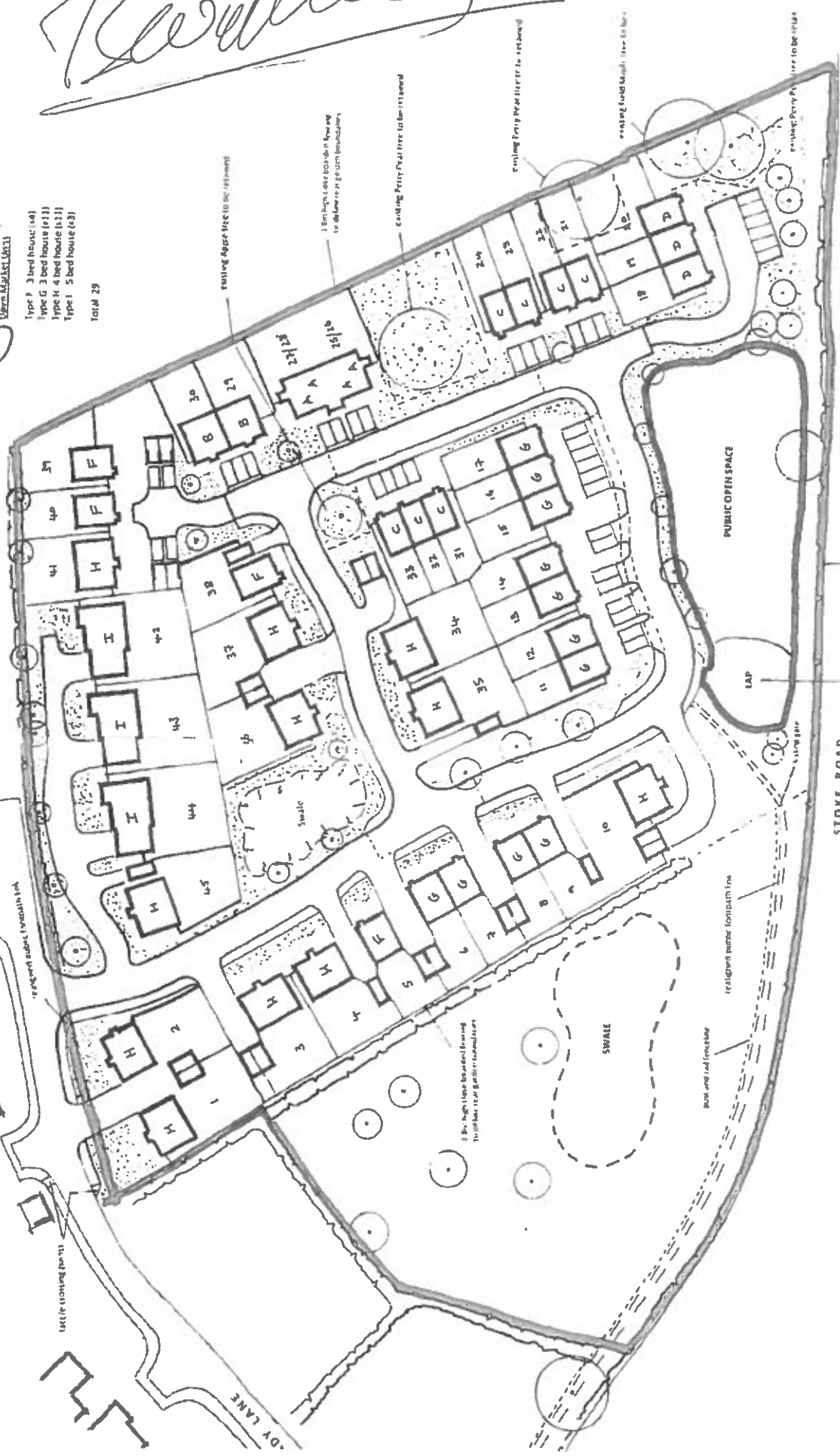
Detached garage detail
March 2016
PED/007/2016

Plan from unilateral undertaking for 14/00074/01/F - showing public open space

David Payne

- Type A 1 bed flat (x4)
 - Type B 2 bed terrace (x2)
 - Type C 2 bed house (x2)
 - Type D 3 bed terrace (x2)
 - Type E 3 bed house (x1)
 - Type F 3 bed house (x4)
 - Type G 3 bed house (x1)
 - Type H 4 bed house (x2)
 - Type I 5 bed house (x3)
- Total 29

Open Market (x1)



BY DAVID PAYNE

David Payne
Registered Professional Engineer
No. 124815340
Date 11/11/11

198/G

Valid 03.06.2016
 Grid Ref 395944 227840
 Parish Bishops Cleeve
 Ward Cleeve St Michaels

Erection of a double garage

Mr Neil Candler
 21 Station Road
 Bishops Cleeve
 Cheltenham
 Gloucestershire
 GL52 8HH

RECOMMENDATION Permit

Policies and Constraints

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - Policies HOU8, TPT1

Joint Core Strategy Submission Version November 2014 - policies SD1, SD4, SD12, INF1

Consultations and Representations

Bishops Cleeve Parish Council - Object to the application. The revised plan does not address the Parish Council's previous concern with regard the vehicular access being in close proximity to the junction of Sandown Road and Station Road. The Parish Council further feels that this development would have an adverse effect on the character of the area.

Local Residents - 2 objections received. Concerns raised over highway safety due to the proposed access being so close to the junction with Station Road. Concerns are also raised over the new access being used by business vehicles in connection with the applicant's business.

Planning Officers Comments: Mr Matthew Tyas

1.0 Site

1.1 The site relates to 21 Station Road; a large detached dwelling located at the corner of Station Road and Sandown Road in Bishops Cleeve. The site contains a large detached outbuilding within its curtilage that has recently gained planning permission for conversion to a granny annex (15/01382/FUL). The site also contains a pair of semi-detached bungalows to the rear. These were recently granted planning permission under ref. 14/00862/FUL.

1.2 The site is located within the Residential Development Boundary of Bishops Cleeve. There are a number of Listed Buildings within the vicinity of the site (23 and 25 Station Road) although the setting of these is not influenced by the site.

2.0 History

2.1 As noted above, planning permission was granted in March 2016 for the conversion of the existing outbuilding to form granny annexe (15/01382/FUL). This application also proposed the erection of a double garage to the side of the dwelling with an access from Sandown Road and a parking area within the grass verge area. That part of the application proposals was refused planning permission (split decision) as the proposed garage, by virtue of its elevated position above Sandown Road and its protrusion further forward than the adjacent building line, was considered to have an undesirable, obtrusive impact that would detract from the spacious, orderly appearance of the street scene. Furthermore, it was considered that the proposed driveway, parking and turning area would erode the green, open appearance of the site and add clutter to the street scene.

2.2 Planning permission was granted in 2014 (14/00862/FUL) for the erection of a pair of semi-detached two bedroom bungalows and alterations to existing vehicular access. This permission has now been implemented and the dwellings are complete.

2.3 A revised application (ref. 15/00035/FUL) for the above development but with the inclusion of a pair of garages was withdrawn due to officer concerns over the proximity of the proposed garages to neighbouring bungalows on Sandown Road.

3.0 Current Application

3.1 This application is a revised version of the double garage proposal refused as part of 15/01382/FUL. The revised proposal involves a slightly different garage design (gable end is now to Sandown Road) and features the building set back from the building line created by 3 to 9 Sandown Road. The revised proposal also omits the parking and turning area and instead proposes a tarmac driveway and new access from Sandown Road.

4.0 Policy Context

4.1 The main policies for consideration are HOU8 and TPT1 of the Tewkesbury Borough Local Plan to 2011 (TBLP). Policy HOU8 relates to domestic extensions but the explanatory text to the policy states that garages and outbuildings ancillary to the dwelling will similarly be treated as extensions and assessed against this policy, with particular emphasis placed on siting and design. In such regards, Policy HOU8 requires that the detailed design of the proposal reflects or complements the design and materials of the existing dwelling and that the proposal respects the character and appearance of surrounding development.

4.2 Policy TPT1 relates to access for development and requires that highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network.

4.3 Policies HOU8 and TPT1 of the TBLP are considered to be consistent with the advice on requiring good design and promoting sustainable transport at Sections 7 and 4 of the NPPF respectively. The policies can therefore be afforded their full weight in this decision.

5.0 Analysis

5.1 Having regard to the policy context set out above and the concerns raised by local residents and the Parish Council, it is considered that the main issues to address are the effect of the proposal on the character and appearance of the area and the effect of the proposal on highway safety.

5.2 With regard to the character and appearance of the area, the design of the proposal would now reflect that of the other buildings in the street scene, notably no's 3 to 9 Sandown Road. The garage building would still occupy an elevated position but would now be set back from the building line. This it is considered would reduce the prominence of the building and give it a subservient presence in the street scene. The plans indicate the garage would be finished in natural stone and plain tiles which would reflect the materials of the existing dwelling. Based on the revised plans it is now considered that the design and siting of the proposed garage building would be acceptable. The garage proposal is therefore found to be in accordance with Policy HOU8 of the TBLP.

5.3 The proposed driveway area is now kept to a minimum and does not encroach significantly on to the grassed area adjacent to Sandown Road. Furthermore, the proposed driveway would be closely related to the hard landscaped front garden to no. 3 Sandown Road and it also is noted that tarmac driveways are a characteristic feature of the street scene. On this basis it is considered that the proposal would preserve the open, green appearance of the site and would not be an incongruous feature of the street scene.

5.4 With regard to the proposed access to Sandown Road it is important to consider that, this could potentially be created without the need for express planning permission under Part 2, Class B of Schedule 2 of the Town and Country Planning General Permitted Development Order 2015 (GPDO) as Sandown Road is an unclassified road. This is subject to the access being required in connection with any other permitted development (other than that under Part 2, Class A of the GPDO (fences, gates and walls)). This may only require however the provision of, for example, a small area of hardstanding within the curtilage of the dwelling at the same time as the access and officers therefore consider it to represent a realistic prospect. The relevance of this point is that a strong fall-back position exists in respect of the proposed access as the applicant would potentially be entitled to construct the access regardless of the outcome of this planning application.

5.5 In any event and notwithstanding the above, the concerns over the safety of the access due to its proximity to the Station Road/Sandown Road junction have been duly considered. It should be noted that the County Highways Authority have not provided bespoke comments on this application as their Standing Advice applies. Officers have checked the visibility splays from the proposed access and can confirm that visibility in excess of 90 metres can be achieved from the access looking left (north) up Sandown Road and 22 metres can be achieved looking right (south) down Sandown Road and across to the junction with Station Road. Sandown Road and Station Road are both subject to a 30mph speed limit whereby the 'deemed to satisfy' visibility standard is 54 metres. This can clearly be achieved looking north but the access would fall short looking south. It is however important to consider that vehicles turning left into Sandown Road from Station Road will inevitably be travelling at lower speeds as they approach the junction and turn in. The County Council's Standing Advice states that a vehicle speed of 15mph will require a visibility splay of 15 metres and a vehicle speed of 20mph will require a visibility splay of 22 metres. It is considered to be highly unlikely that vehicles turning into Sandown Road will be travelling at speeds above 20mph and thus it can be reasonably concluded that sufficient visibility will be available looking south from the proposed access. It is noted that the south splay would be partially obstructed by a low post and rail fence, however this is not a solid enclosure and views can be easily gained through it. Furthermore, due to the topography of the area the proposed access drive is at a higher level than Station Road which would further help with visibility. It is recommended however that a condition is imposed on any planning permission granted removing permitted development rights for fences and walls so to prevent the post and rail fence being replaced with a more solid enclosure.

5.6 It is recognised that vehicles using the proposed driveway would not be able to enter and exit the site in a forward gear. However this is typical of Sandown Road with most of the other properties not having manoeuvring space on site. Furthermore, given the available visibility and likely low speeds at the junction it is not considered essential that vehicles are able to enter and exit the site in a forward gear.

5.7 Taking the above points into consideration it is considered that highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network. The application would therefore be in accordance with Policy TPT1 of the TBLP.

6.0 Conclusion and the planning balance

6.1 The design and siting of the proposed garage is considered to be acceptable and thus the proposal is found to be in accordance with Policy HOU8 of the TBLP. The proposed driveway is also considered to have an acceptable impact on the character and appearance of the area. The proposed vehicular access to Sandown Road would provide appropriate visibility and it is not considered that it would adversely affect the safety or satisfactory operation of the highway network. The application would therefore be in accordance with Policy TPT1 of the TBLP.

6.2 Paragraph 14 of the NPPF states that development proposals that accord with the development plan should be approved without delay. As demonstrated above, the proposal would accord with the relevant policies of the TBLP and it is therefore recommended that planning permission is granted.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers C.B.1.A, C.B.6.B and C.B.5.B (all received 11/08/16).
- 3 The external materials to be used for the garage and driveway hereby permitted shall be as specified on Drawing Numbers C.B.6.B and C.B.5.B and as specified at Section 10 of the submitted Application Form for Planning Permission (received 03/06/16).
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any act or order revoking and re-enacting that Order with or without modification), no new or replacement fences, walls, gates or other means of enclosure shall be erected within or around the grass area at the junction of Station Road and Sandown Road, as featured on Drawing Number C.B.6.B, unless such erections are a like for like replacement of the existing post and rail fence enclosing this area in terms of height and design.

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 interest of proper planning.
- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 4 In order to ensure that adequate visibility can be achieved from the proposed access, in the interest of highway safety in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011.

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 appearance of the proposed garage.

- 2 This decision relates to the revised plans received by the Local Planning Authority on 11/08/16.

21, STATION ROAD, BISHOPS CLEEVE, CHELTENHAM, GLOS.

PROPOSED GARAGE



RECEIVED
 11 AUG 2016
 TEWKESBURY BOROUGH COUNCIL
 OPERATIONS

LOCATION PLAN - SCALE 1 / 1250



Revision A. Garage moved back 9/6/2016
 Cap

BLOCK PLAN - SCALE 1 / 500

202/A

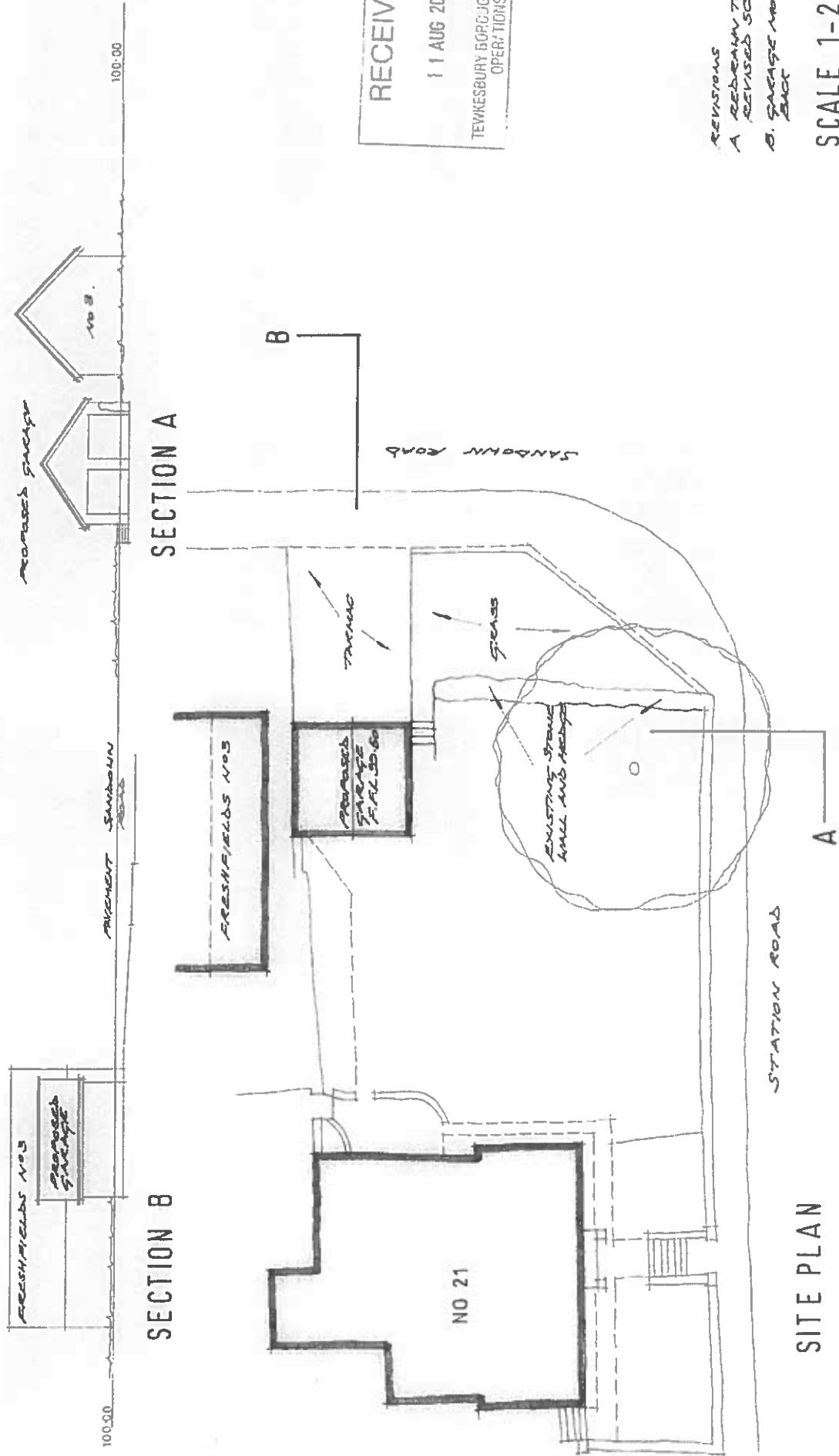
16/08/2016 (FUL)

Ten Acres Services
 Lincoln Green Lane
 Tewkesbury
 Glos GL20 7DN
 Tel/Fax 01684 296621

C.A.I.
 A
 Cap

21, STATION ROAD, BISHOPS CLEEVE, CHELTENHAM, GLOS.

GARAGE



RECEIVED
 11 AUG 2016
 TEWKESBURY BOROUGH COUNCIL
 OPERATIONS

- REVISIONS
 3 A REDRAWN TO A
 C REVISED SCHEME
 2 B. GARAGE moved
 1 BACK

SCALE 1-200

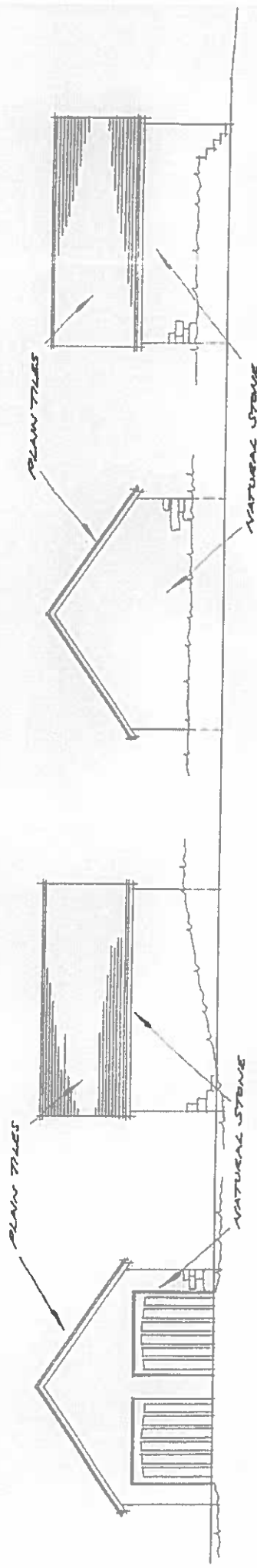
Ten Acre Services
 Lincoln Green Lane
 Tewkesbury
 Glos GL20 7DN
 Tel/Fax 01684 296521

SITE PLAN

202/B

21, STATION ROAD, BISHOPS CLEEVE, CHELTENHAM, GLOS.

GARAGE



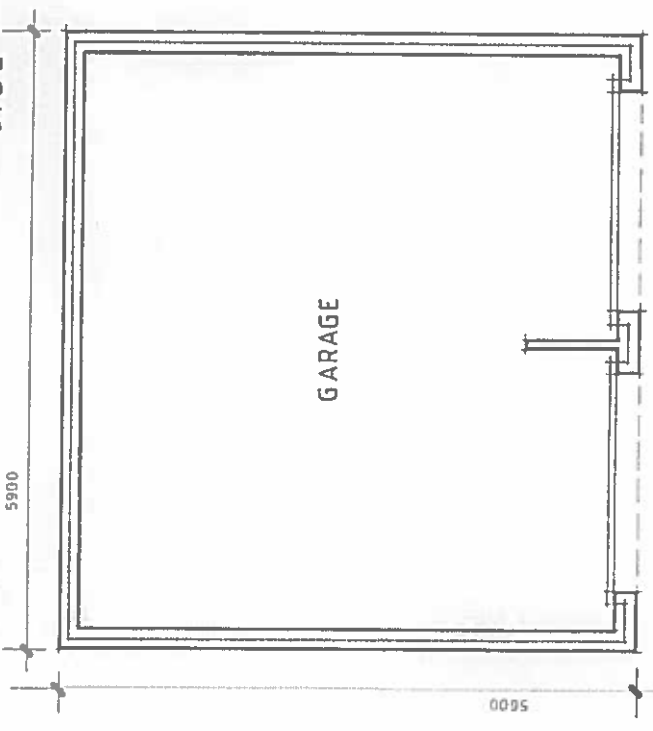
FRONT

REAR

SIDE

SIDE

5900



PLAN

RECEIVED
11 AUG 2016
TENKESBURY BOROUGH COUNCIL
OPERATIONS

REVISIONS
A DIMENSIONS AMENDED 1/16
CP
B. ROOF PITCH CHANGED 3/16
CP

SCALE 1-50 1-100

Ten Acre Services
Linton Green Lane
Tewkesbury
Glos GL20 7DN
Tel/Fax 01684 286521

C.S.S

B

CP

202/c

Valid 10.06.2016
 Grid Ref 397622 227375
 Parish Woodmancote
 Ward Cleeve Hill

Erection of a new detached single dwelling.

Mr N Hill
 C/O Agent

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework (NPPF)
 Planning Practice Guidance (PPG)
 JCS Submission Version - November 2014 - SD7, SD8, SD9, SD11, SD15, INF1, INF2, INF3
 Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, TPT1, EVT2, LND7, HEN2
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
 The First Protocol, Article 1 (Protection of Property)
 Section 66 (1) of the Planning (Listed Buildings & Conservation Areas) Act 1990
 Area of Outstanding Natural Beauty (AONB)
 Within 50 metres of a Grade II listed building (The Wooltons)
 Adjacent to Woodmancote Conservation Area

Consultations and Representations

Woodmancote Parish Council - 6-3 object

- The development would have an adverse impact on the AONB and the adjacent Grade II listed property
- The site is elevated and access restricted
- There are no full details of access and landscaping within plans as submitted. So unable to determine this important aspect of the application within the AONB and Conservation Area (Officer note: the site is adjacent to the Conservation Area)
- The site is agricultural and the Parish object to a change to residential

County Highways: No objection - Standing Advice

Environmental Health - No adverse comments to make

Conservation Officer - No harmful impact on the setting of the grade II listed building or Conservation Area.

Local Residents - No comments received

Planning Officers Comments: Paul Instone

1.0 Application Site

1.1 The application site comprises approximately 850 sq m of kept grassland to the east of Woodmancote off Stockwell Lane. The site is located adjacent, but outside of, the defined Residential Development Boundary of Woodmancote. To the east of the application site, further from the Residential Development Boundary are existing dwellings at The Wooltons, Rosemount and Beech Cottage, whilst further to the south and west, within the Residential Development Boundary, is the Apple Tree Public House and denser residential development beyond.

1.2 The site is an elevated position above Stockwell Lane and the existing boundary treatments consists of mature hedgerows and trees fronting Stockwell Lane to the south, and to the northern and western boundaries. To the east, at a distance of approximately 48 metres from the proposed dwelling lies The Wooltons, a Grade II listed dwelling. The application site is separated from The Wooltons by an access driveway and mature planting. The site currently shares vehicular access with this property off Stockwell Lane.

1.3 The site is within the Cotswolds Area of Outstanding Natural Beauty (AONB) and is adjacent to the Woodmancote Conservation Area.

2.0 Planning History

Application Site

2.1 There is no planning history on this application site

Adjacent Sites

2.2 Planning Application Ref: 14/01160/FUL and Appeal (APP/G1360/W/15/3032690). This planning application was refused for a single dwelling on a parcel of land opposite the application site, which is also outside the defined Residential Development Boundary in November 2014. The reason for refusal was:

The proposed development would result in a significant and unwarranted intrusion into the Cotswold Area of Outstanding Natural Beauty. The proposed development would therefore result in significant and demonstrable harm to the qualities and intrinsic character of the Cotswold Area of Outstanding Natural Beauty, contrary to section 11 the NPPF (Conserving and enhancing the natural environment) and policy SD8 of the JCS Submission Version (November 2014).

2.3 An appeal was subsequently allowed and planning permission granted as the Inspector considered that the proposed development would not result in harm to the AONB's landscape and scenic beauty and the presumption in favour of sustainable development applies.

3.0 Current Application

3.1 The application seeks full permission for the erection of a 4 bedroom 2 storey dwelling which would have a pitched roof with a ridge height of 7.6 metres and would be orientated such that the principal front elevation would face north towards Stockwell Lane . The proposed dwelling would be served via an existing access and driveway serving The Wooltons and would include a gravel area for parking 3 cars. A garden would surround the property.

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). Paragraph 216 of the NPPF sets out 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 in 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 advance the preparation of a plan, the greater the weight that may be given.

4.2 The application site lies outside of the recognised settlement boundary of Woodmancote as defined by the Tewkesbury Borough Local Plan. Consequently, the application is subject to Policy HOU4 of the Local Plan 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, Policy HOU4 is based upon 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 the date because the Council cannot demonstrate a five year supply of deliverable housing sites.

4.3 Where this is the case, the NPPF requires planning permission to be granted in accordance with the presumption in favour of sustainable development. However, paragraph 14 sets out that permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework policies taken as a whole or where its specific policies indicate that development should be restricted.

4.4 NPPF Paragraph 115 advised that 'great weight' should be given to conserving the landscape and scenic beauty of AONB's. The advice regarding conservation and enhancement of the beauty of the AONB landscape is reflected with Policy SD8 of the Submission Version of the JCS.

4.5 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, requires the decision maker to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Decision makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings' when carrying out the 'balancing exercise'.

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.

5.3 The NPPF also states that local authorities should avoid granting new isolated homes in the open countryside unless there are special circumstances. Although the site is located outside of a Residential Development Boundary, it is considered that it is not isolated given its location immediately on the edge of Woodmancote which has a relatively good level of local services and facilities. It is therefore considered that the site is located in a reasonably accessible location and the principle of a single dwelling is therefore accepted in this location, subject to the proposal complying with wider planning policies.

Landscape impact

5.4 The site is located wholly within an Area of Outstanding Natural Beauty. The NPPF states that great weight should be given to conserving landscape and scenic beauty in AONB's which have the highest status of protection in relation to landscape and scenic beauty. Policy SD8 of the JCS Submission Version (November 2014) reflects this advice.

5.5 The application site is located within an area characterised by a collection of detached dwellings set within spacious plots which extend along the northern side of Stockwell Lane away from the defined Residential Development Boundary.

5.6 The application site itself is screened from public viewpoints by mature landscaping and the proposal would retain this landscaping. A Landscape and Visual Receptors Assessment has been submitted in support of the application and it is considered by virtue of the design and positioning of the proposed dwelling and the existing landscaping surrounding the site that the visibility of the proposal would be negligible from surrounding viewpoints.

5.7 It is also considered that the proposal would follow the general pattern of development along this part of Stockwell Lane and would be appropriate to the site's context.

5.8 However, in order to control the impact of the proposal on the AONB it is recommended that a condition is imposed to secure the retention of the landscaping screening.

5.9 On the basis of the above and subject to the imposition of conditions, it is considered that the proposed development would not result in harm to the AONB's landscape and scenic beauty.

Impact on Conservation Area and Designated Heritage Assets

6.10 The proposed dwelling would be located approximately 48 metres to the east of The Wooltons a Grade II listed dwelling. The Council's Conservation Officer has confirmed that there is sufficient separation between the proposal and The Wooltons, which is so secluded, that there would not be an impact on the setting of the listed building.

6.11 The site is also adjacent to the Woodmancote Conservation Area, lying beyond its eastern boundary. Views of the proposed dwelling from the Conservation Area would be negligible due to the existing landscaping and it is considered that the proposal would not harm the setting of the Conservation Area.

6.12 Therefore the proposal is considered acceptable in accordance with the NPPF and Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 in this regard.

Design and layout

6.13 The application site is in an elevated location which is extensively screened and there is limited visibility of the site from beyond the site boundaries. The site is on lower ground than The Wooltons which lies to the east and the submitted streetscene elevation demonstrates that the height of the ridge line of the proposed dwelling would be approximately 4.6 metres below the ridge line of the Wooltons.

6.14 The proposed two storey dwelling is considered to be acceptable in terms of scale for the application site and it is considered by virtue of the scale of the proposal that the dwelling would not adversely impact on the AONB or designated heritage assets.

6.15 The layout of the proposal, which is aligned with Stockwell Lane and set back from the highway, replicates the prevailing development pattern in the immediate area and is considered appropriate to the locality.

6.16 It is considered that the design and architectural approach of the proposed dwelling reflects the character and appearance of recently constructed dwellings in the surrounding area is acceptable in this regard.

6.17 In conclusion, it is considered that the design, scale, layout and appearance of the dwelling are acceptable.

Residential Amenity

6.18 The only dwelling affected by the proposed dwelling would be The Wooltons located approximately 48 metres to the west of the application site. By virtue of the separation distance, landscaping and architectural approach, it is considered that the proposal would not give rise to any detrimental impact on the residential amenity of existing residents.

7.0 Conclusion

7.1 The site is located in a reasonably accessible location with access to local services and facilities and the principle of a single dwelling is therefore accepted in this location.

7.2 It is considered that the proposed development would not result in harm to the AONB's landscape and scenic beauty, would not impact on the setting of the listed building nor harm the setting of the Woodmancote Conservation Area.

7.3 The design, scale, layout and appearance of the dwelling is considered acceptable and the proposal would not detrimentally impact on residential amenity.

7.4 The application is therefore recommended for **permission**.

RECOMMENDATION Permit

Conditions:

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Plans and Elevations 2016/EST/01
 - Proposed Plans 2016/EST/02
 - Proposed Block Plan 2016/EST/SK02
 - Proposed Site Plan 2016/EST/04
 - Existing and Proposed Street Scene 2016/EST/05
- 3 Notwithstanding any indication of materials which have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
- 4 No development shall take place before a fully detailed landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the existing landscaping which is to be retained. The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings, or the completion of the development, whichever is sooner. Any trees, plants or areas of turfing or seeding, which, within a period of 5 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
- 6 Prior to the occupation of the proposed dwelling the car parking and manoeuvring facilities for the proposed dwelling shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages, extensions or garden sheds shall be erected or constructed.

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 external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 4 In the interests of amenity and to protect the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty
- 5 In the interests of amenity and to protect the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty
- 6 In the interests of highway safety in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 To protect the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty and the setting of nearby heritage assets.

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.

16/00654/FUC

RECEIVED

10 JUN 2016

TRIMESPACE ARCHITECTURE

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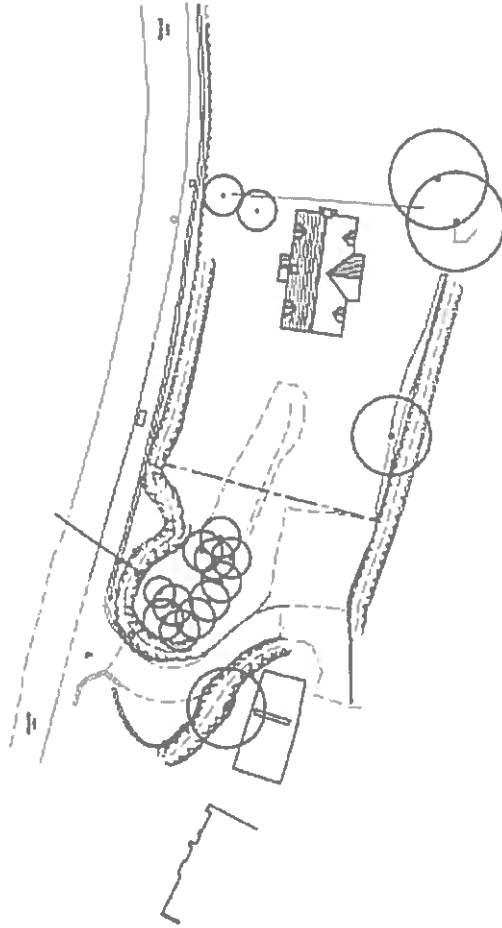
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PROPOSED BLOCK
PLAN

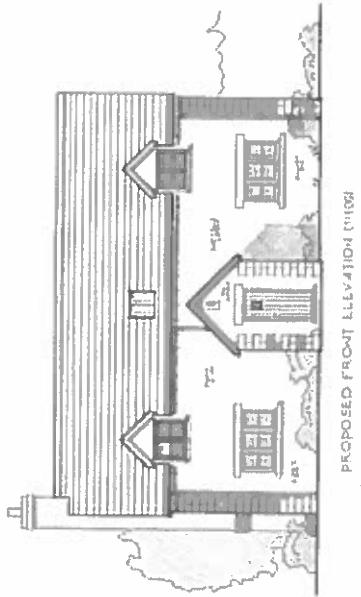
Dwg No. 2016 / EST / SK02

MR & MRS N HILL
LAND ADJ THE WOOLTONS
STOCKWELL LANE
WOODMANCOTE GL52 8QG

PROPOSED BLOCK PLAN (1:500)



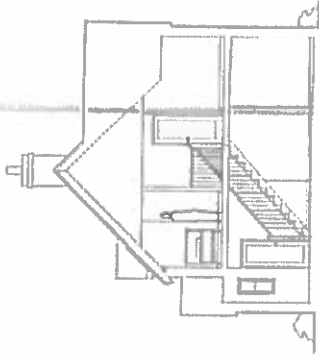
208 / A



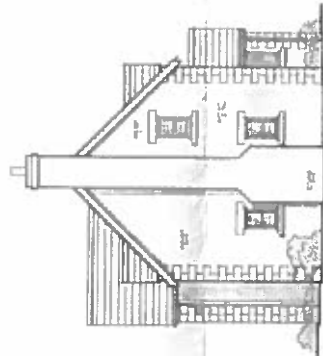
PROPOSED FRONT ELEVATION (1:100)



PROPOSED SIDE ELEVATION (1:100)



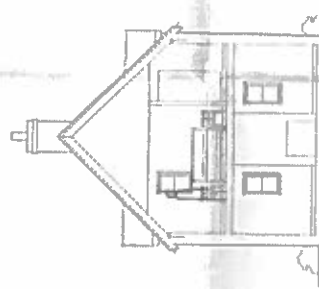
SECTION A-A (1:100)



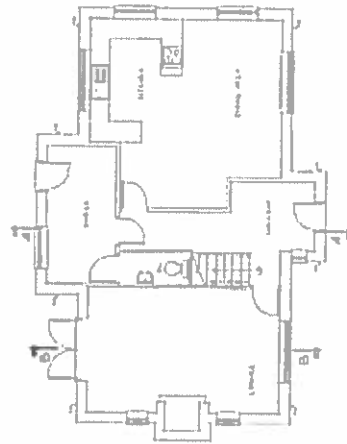
PROPOSED SIDE ELEVATION (1:100)



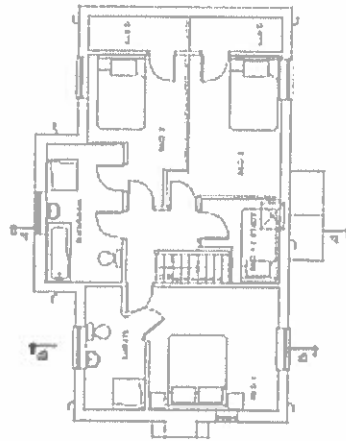
PROPOSED REAR



SECTION B-B (1:100)



PROPOSED GROUND FLOOR PLAN (1:100)



PROPOSED FIRST FLOOR PLAN (1:100)

APPROVED
16 JUN 2015
TECHNICAL DRAWING COMPANY
GERRITON



SCALE 1:100

MR & MRS N HILL
LAND 40J THE WOOLTONS
STOCKWELL LANE
WOODMAGLOTE CLARE SOC

PROPOSED PLANS
& ELEVATIONS

2016 / 15T / 01

Valid 22.06.2016
 Grid Ref 397430 227056
 Parish Woodmancote
 Ward Cleeve Hill

Front garage extension

Miss Emma Elliott
 36 Potters Field Road
 Woodmancote
 Cheltenham
 Gloucestershire
 GL52 9PY

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework
 Planning Practice Guidance
 Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8
 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)
 Area Of Outstanding Natural Beauty

Consultations and Representations

Parish Council - Objects for the following reasons:

- The design is out of keeping with the street scene and encroaches over the original building line.
- It does not respect the character and appearance of the area as per policy HOU8.
- The original integral garage already has been converted into family accommodation and now this proposal would further extend the garage.

Local residents - 10 letters of objection have been received from 8 local residents. The reasons for objection are summarised as follows:

- the recent appeal decision for this site stated quite clearly the harm that would be done to the open nature of this end of the road.
- harmful impact on the street scene.
- less objectionable than the previous ones for this property, however, the latest proposal would adversely affect the character and appearance of the area.
- The proposal would be forward of the building line (by over 4 metres). The only other houses with protruding attached garages are at the other end of the road.
- The plans do not show the sloping nature of the existing driveway over which the extension would be built. The driveway drops away by what would be approx 0.3-0.4 metres from the current bike store to the proposed position of the new garage. This 'non level' ground would exacerbate the out of character protruding appearance of the garage extension.
- The proposal is not consistent with the design principles of this attractive and spacious residential area.
- A precedent would be set for other neighbours to have front extensions and this would be harmful to the estate.
- Concerns over surface water flooding. The footings may interfere with the nearby water waste drains
- Parking concerns - would reduce the available space on the current driveway.

Planning Officers Comments: Mrs Sarah Barnes

1.0 Application Site

1.1 This application relates to 36 Pottersfield Road a detached dwelling located in a cul-de-sac in Woodmancote (site location plan attached). The site falls within the Cotswolds Area Of Outstanding Natural Beauty. The road is characterised by detached and semi-detached dwellings. The dwellings in Pottersfield Road are set back from the road behind open front gardens and driveways. Integral and attached garages are a feature of the area.

2.0 Planning History

- In 2014 permission was granted for a first floor extension.

- In 2015 (15/00007/FUL) permission was refused for a single detached garage. The refusal reason was as follows:

'The proposed detached garage would add clutter to the street scene and would detract from the open, spacious character of the area. The proposal would therefore be harmful to the character and appearance of surrounding development contrary to Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 and the Core Planning Principles and advice on Requiring Good Design within the National Planning Policy Framework 2012.'

- In 2015 (15/00269/FUL) permission was granted for the retention of a summer house and a new garden store.

- In 2015 (15/01059/FUL) permission was refused for a single detached garage. The refusal reason was the same as for the earlier garage application. The applicants appealed the decision and it was dismissed. The Inspector concluded that 'the appeal proposal would result in a single detached garage being constructed to the front of the host property. Although the new garage would be viewed against the side wall of No 38, it would be prominent in the street scene, visible from Pottersfield Road and neighbouring dwellings. Whilst the proposal would not result in clutter to the street scene, its siting would be at odds with the prevailing pattern of development. The new garage would result in an alien feature in the street scene.'

3.0 Current application

3.1 The current application is for a front garage extension (**plans attached**). The extension would be 3.3 metres long by 3.1 metres wide. It would be sited directly in front of the existing garage and would be constructed from materials to match those on the existing dwelling.

4.0 Policy Context

4.1 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment.

4.2 Policy HOU8 of the Local Plan sets out, inter alia, that extension to existing dwellings will be permitted provided that the proposal respects the character, scale, and proportion of the existing dwelling. The policy requires that proposals must not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking. The proposal must also respect the character and appearance of the surrounding area. This policy is considered consistent with the framework and as such should be given due weight according to paragraph 215 of Annex 1 of the framework.

5.0 Analysis

5.1 The main issues to be considered with this application are the overall size / design of the proposal and the impact on the street scene / visual amenity of the area.

Design, Size and Visual amenity

5.2 The Parish Council and local residents have raised strong concerns about the impact of the proposed garage extension on the street scene. They consider that it would be totally out of keeping with this part of Pottersfield Road and it would be harmful to the visual amenity of the area.

5.3 Whilst the concerns raised are noted, it is considered that the latest proposal would not add clutter to the street scene as it would be read in connection with / as part of the main dwelling. The majority of the front garden area / driveway would in fact be left open and free from 'detached' structures. Indeed the proposal would create a relatively small attached 'integral garage extension' rather than a 'detached garage' and the appeal inspector stated in his report that 'integral and attached garages are a feature of the area.' There are also several other similar front 'garage' extensions along this road and on this estate, for example, at 4, 10 and 12 Pottersfield Road. There are also similar front garage extensions / attached garages at 22, 24, 26, 27 and 29 Appletree Close along with a double garage extension at 1 Lords Green (60 metres) from the application site. Some of these properties were originally built with single storey projecting garages to the front, but nevertheless, they form part of the existing street scene. It is therefore considered that the concerns raised in the inspectors appeal decision have been addressed as have the reasons for the previous refusals.

5.4 With regards to the size of the extension, it would not be excessive as it would only project out 3.3 metres from the front of the dwelling. In terms of the ground levels, there is a slight fall away from the garage (approx 150mm) which would enable the applicant to lower the garage floor by 150mm. The applicant would then be able to fit a 2.1 metre high garage door to replace the existing smaller one.

5.5 Overall it is considered that the proposal would be of an appropriate size and design in keeping with the character and appearance of the property and the existing housing estate and would comply with the requirements of Policy HOU8 in this regard. There would also not be any harm to the surrounding landscape (AONB).

Residential amenity

5.6 Policy HOU8 also states that development will only be permitted if the proposal does not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking.

5.7 The impact of the proposal upon neighbouring properties has therefore carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8.

Other issues

5.8 Other concerns relate to the loss of parking at the site, the precedent that could be set for similar front extensions and drainage issues.

5.9 With regards to the precedent that may be set, each application is assessed on its own merits. In relation to the concerns about drainage, this would be dealt with under Part H of the building regulations and assessed by either a Building Control Officer and or a qualified Building Control Surveyor. The applicant has also confirmed that a new ACO drain was recently installed at the entrance to their driveway to a soakaway therefore reducing the amount of surface water run-off in that area.

5.10 With regards to the loss of parking at the site, even if the proposed new garage extension were not used for parking, the available space for parking would not be materially different to the existing position.

6.0 Conclusion

6.1 Overall, it is considered that the proposal would not result in a harmful impact on the visual amenity of the area nor would it be out of keeping with the character / design of the existing dwelling. The proposal (as revised) would therefore accord with the NPPF and Policy HOU8 of the Local Plan and is **recommended for permission**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The external materials of the proposed garage extension shall match as near as possible the materials of the existing dwelling.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the extension is in keeping with the existing building in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

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.

16/00672/0a

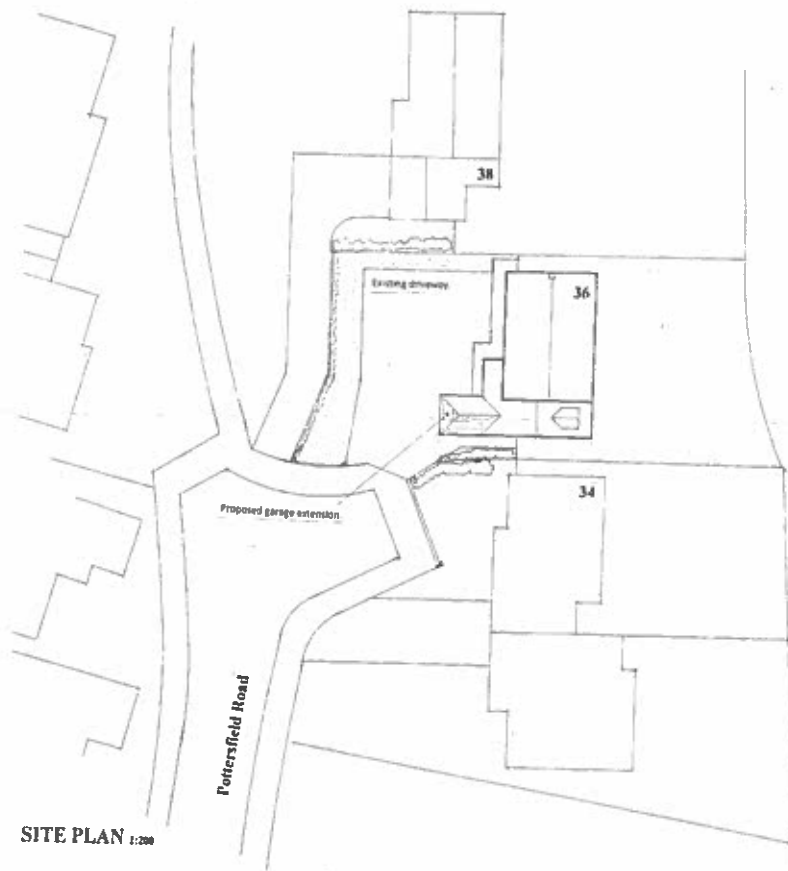
Site Location Plan



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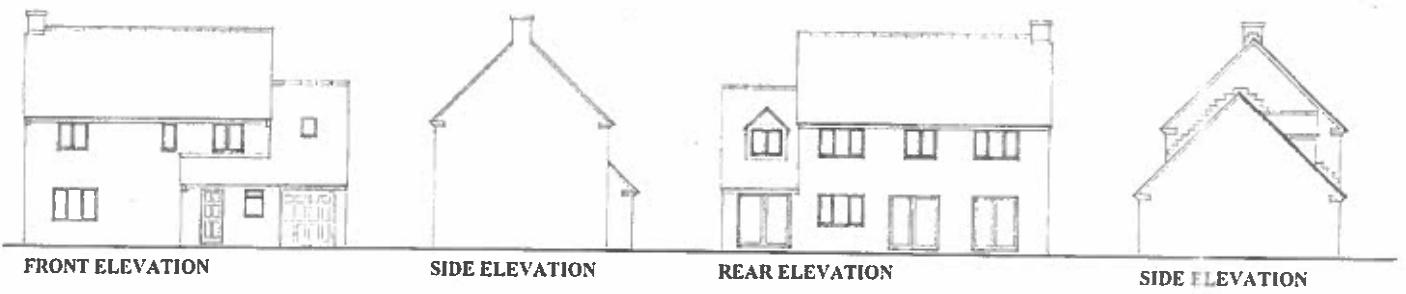


SITE PLAN 1:200

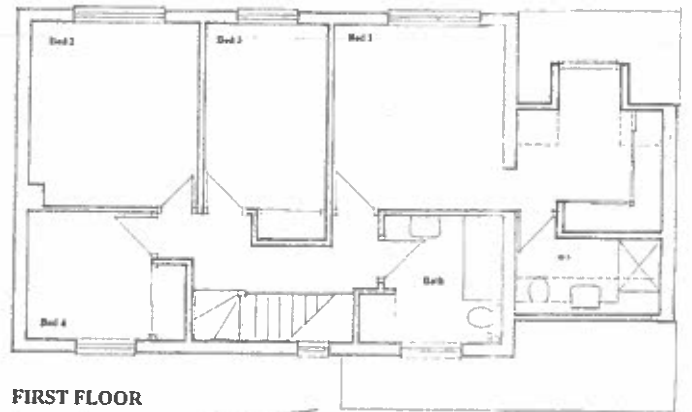
Plan		
MR R ELLIOTT		
Project		
GARAGE EXTENSION		
56 POTTERSFIELD ROAD		
WIDOMANSCOTE		
Drawing		
SITE PLAN		
Dwg No: 7710/13	1:200	3.0x11

211B

16/00672/rel



GROUND FLOOR
Scale 1:50



FIRST FLOOR
Scale 1:50

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14 JUN 2012
TEWESBURY ARCHITECTURAL SERVICES

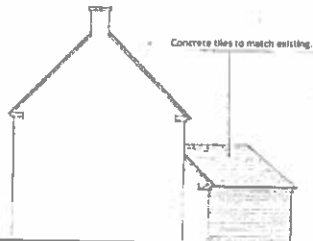
MR R ELLIOTT
GARAGE EXTENSION
36 POTTERSFIELD ROAD
WOODMANCOTE
PLANS AND ELEVATION
AS EXISTING

211/c

16/00672/kel



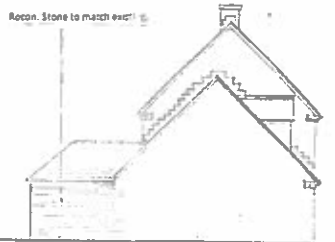
FRONT ELEVATION



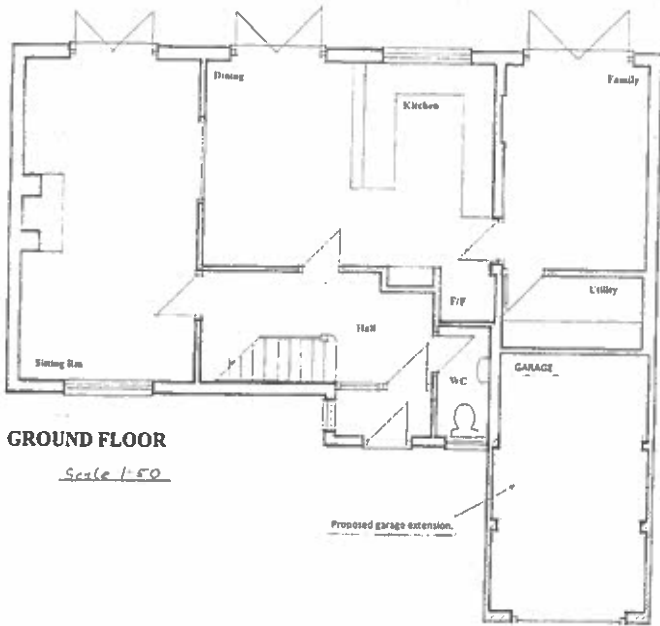
SIDE ELEVATION



REAR ELEVATION

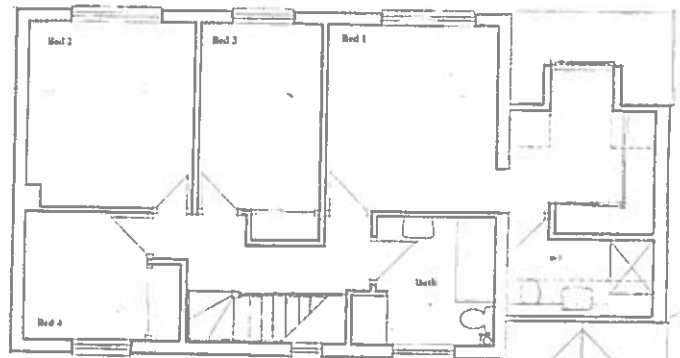


SIDE ELEVATION



GROUND FLOOR

Scale 1:50



FIRST FLOOR

Scale 1:50

Drawn	MIR R ELLIOTT
Project	GARAGE EXTENSION 36 POTTERFIELD ROAD WOODMANCOTE
Contents	PLANS AND ELEVATION AS PROPOSED
Date	16/00672

16/00722/FUL

4 Haycroft Close, Bishops Cleeve, Cheltenham

10

Valid 23.06.2016
Grid Ref 395326 227503
Parish Bishops Cleeve
Ward Cleeve West

1st floor side extension (over existing garage).

Mrs Joanna Sutcliffe
4 Haycroft Close
Bishops Cleeve
Cheltenham
Gloucestershire
GL52 8SR

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework
Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8
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

Parish Council - Object. When viewed from the front this is a chalet style dwelling with accommodation in the roof space. The proposed extension would alter this character on the principle elevation. The extension is not in keeping with the parent dwelling.

Local residents - Two letters of support have been received from local residents.

- The extension represents a sensitive and effective scheme, fully in keeping with the design of the existing property and the character and nature of neighbouring properties on this residential development.

Planning Officers Comments: Mrs Sarah Barnes

1.0 Application Site

1.1 This application relates to 4 Haycroft Close, a brick semi-detached dwelling located in Bishops Cleeve (site location plan attached).

2.0 Current application

2.1 The current application is for a first floor side extension over the existing garage (plan attached). It would create a bedroom and an ensuite.

3.0 Policy Context

3.1 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment.

3.2 Policy HOU8 of the Local Plan sets out that extension to existing dwellings will be permitted provided they respect the character, scale and proportions of the existing dwelling and do not have an unacceptable impact on adjacent property and residential amenity. This policy is considered consistent with the framework and as such should be given due weight according to paragraph 215 of Annex 1 of the framework.

4.0 Analysis

Design, Size and Visual amenity

4.1 The Parish Council have objected on the grounds that the proposed extension would alter the character of the principle elevation and it would not be in-keeping with the existing dwelling.

4.2 The Parish Council's concerns are noted, however, the proposed extension would be set back from the front building line by about 2 metres so it would not be overly prominent. It would also only be relatively modest in size (5.7 metres by 3 metres) and would be constructed from materials to match the existing dwelling (red brick and clay tiles). Overall, therefore, it is considered that the proposed extension would be of an acceptable size and design and there would not be any harm to the character of the dwelling itself nor the visual amenity of the area.

Residential amenity

4.3 The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8.

5.0 Conclusion

5.1 Overall, it is considered that the proposed extension would not be harmful to the appearance of the existing dwelling nor the street scene and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. It would also be of an acceptable size and design, and would therefore accord with Policy HOU8 of the Local Plan and the NPPF. The application is therefore recommended for **permission**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The external materials of the proposed extension shall match as near as possible the materials of the existing dwelling.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the extension is in keeping with the existing building in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

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.

Site Plan - 16/00722/kul



Promap

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Licence number 100025432. Plotted Scale - 1:1250

RECEIVED
23 JUN 2016
TEWKESBURY BOROUGH COUNCIL
OPERATIONS

213/A

16/00722/fel



4 Haycroft - as proposed

Scale 1:500

213/B



16/00722/fal



existing front



proposed front

213/c

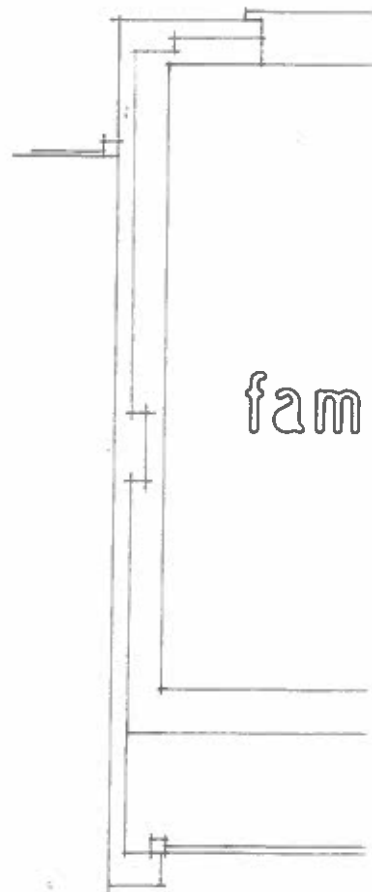
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rear



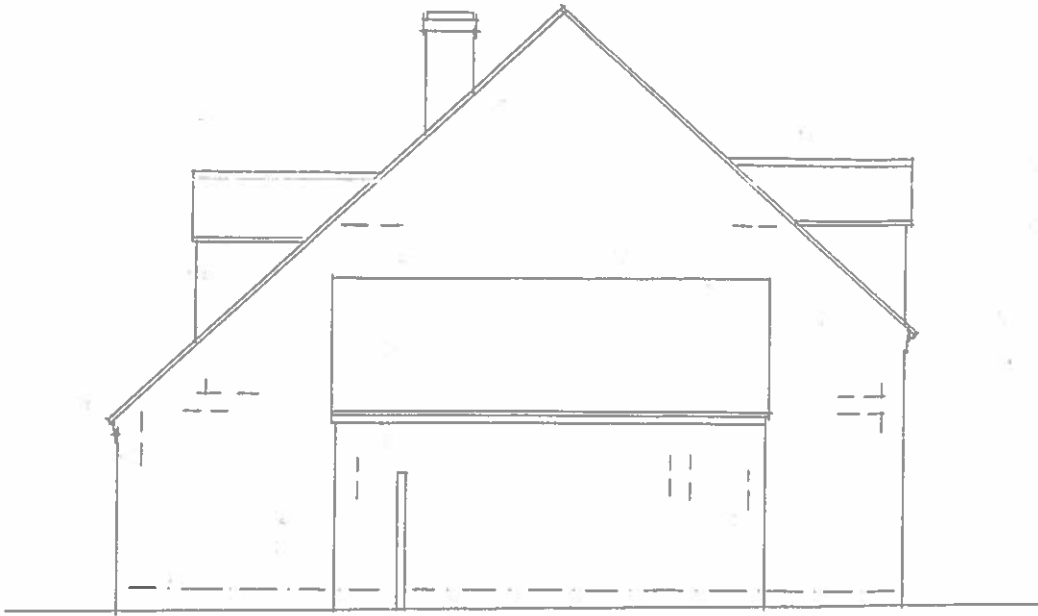
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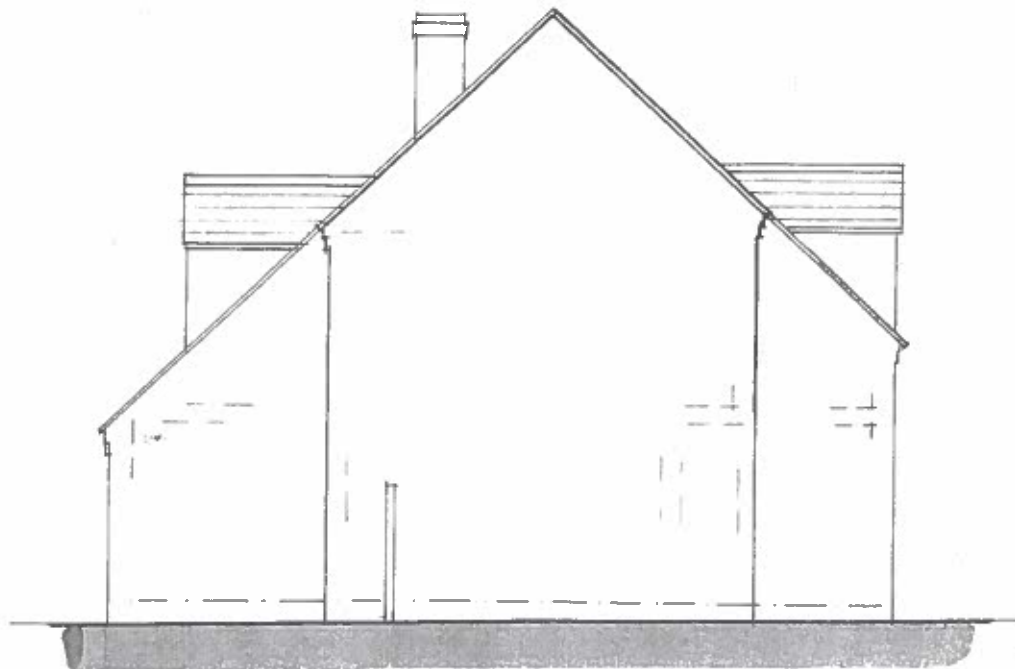
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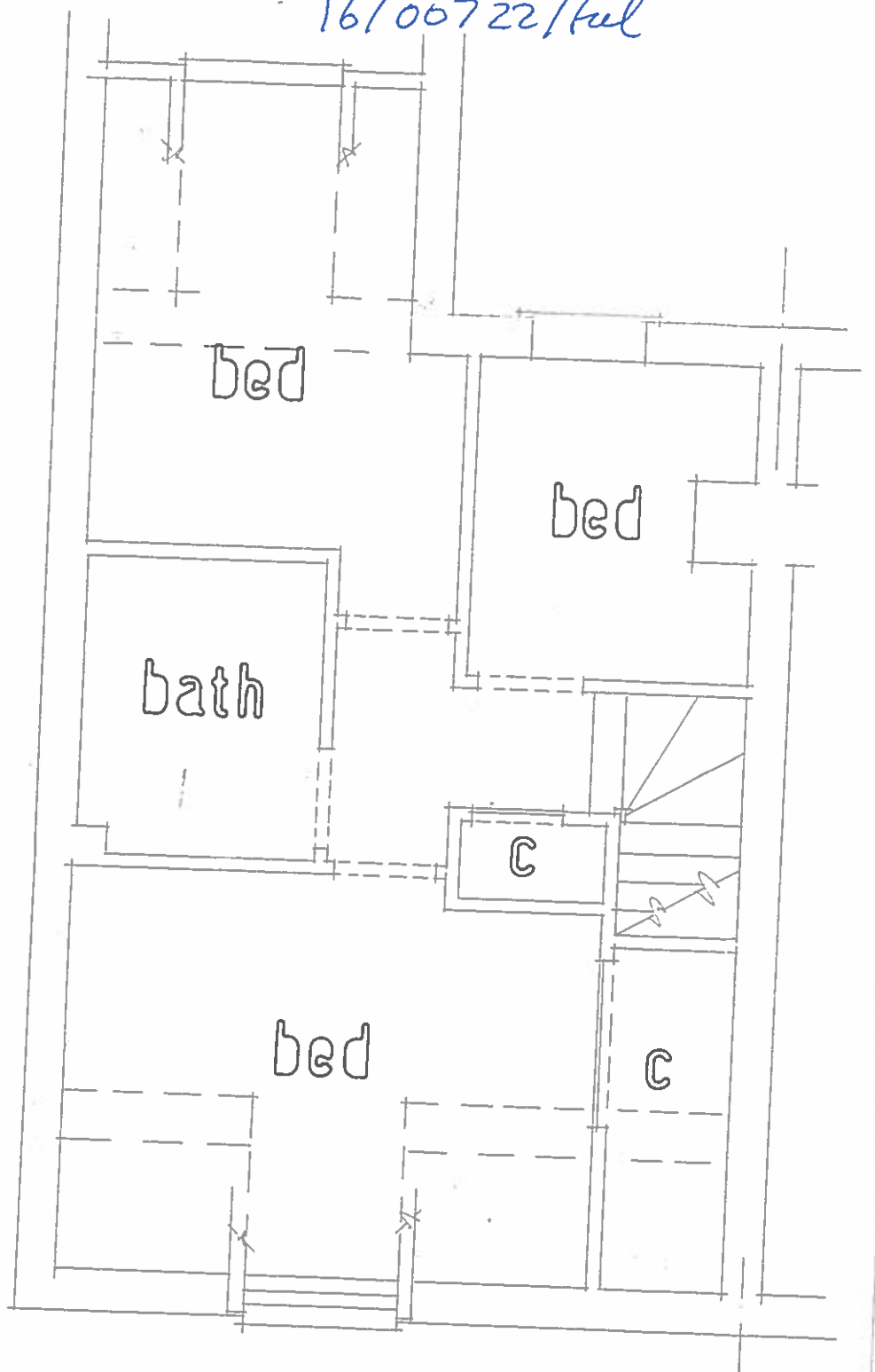
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side

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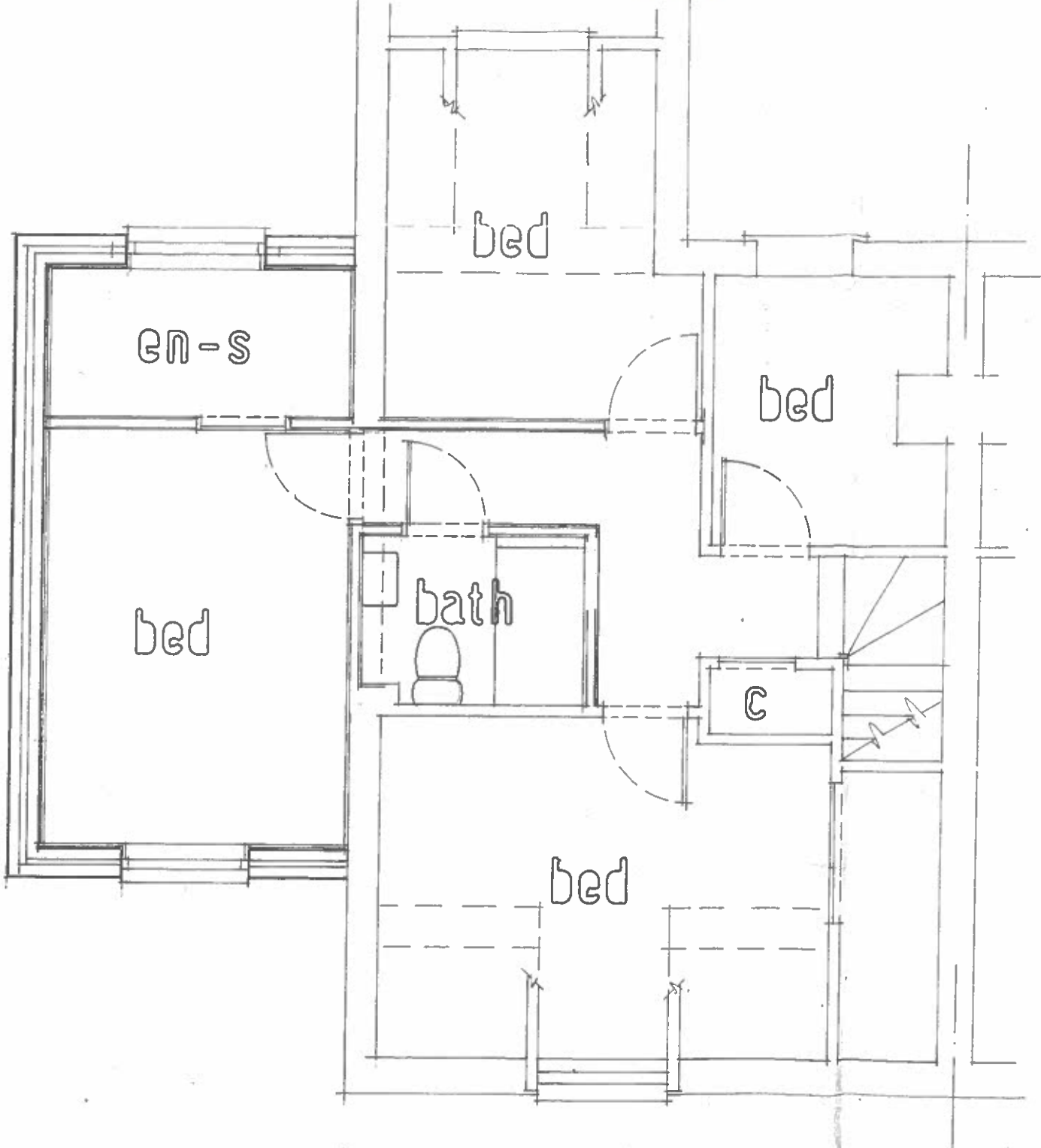
16/00722/ful



existing first

213/F

16/00722/fel



proposed first

215/G

16/00752/FUL

Land Between Ashmead & Woodpeckers, Ash Lane,
Down Hatherley

11

Valid 01.07.2016

Erection of a single infill dwelling including detached garage and new boundary treatment to site frontage (Revised application to ref: 16/00138/FUL)

Grid Ref 385442 222383

Parish Down Hatherley

Ward Innsworth With Down
Hatherley

Mr Duncan Faice
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

9 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.
- Increase flood risk.
- Inappropriate development in the Green Belt.
- Development is too big and too high

- 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 16/00138/FUL - Erection of a single infill dwelling and a detached garage, permitted June 2016.

3.0 Current Application

3.1 The current application seeks planning permission for the erection of one new two storey dwelling and detached garage. Further a front boundary gate and walling is included as part of this development. The proposal is a resubmission of a previously approved scheme.

4.0 Analysis

Principle of Development

4.1 The site is located outside of a recognised settlement boundary and therefore the proposal is contrary to policy HOU4 of the Local Plan. However, paragraph 49 of the 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.

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

4.3 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.

4.4 The previous application at this site (16/00138/FUL) accepted that the development of a residential dwelling here would represent limited infilling in a village and therefore would not constitute "inappropriate development".

4.5 It is also relevant that a previous planning application (15/00720/FUL) considered at Planning Committee and subsequently approved in October 2015 also considered the infilling of an agricultural plot on Ash Lane constituted limited infilling within a village and therefore was not inappropriate development within the Green Belt.

4.6 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

4.7 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. Whilst the proposed development would be larger than that previously approved the development would not have a significantly greater impact than the previously approved scheme. 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

4.8 Ash Lane is characterised by a mix of housing types, spread irregularly along Ash Lane. Whilst it would be substantially larger than the original permitted dwelling, 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 the two storey dwelling to the north and would also have an acceptable relationship with the bungalow to the south, which relationship is relatively unchanged from the original scheme. 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.

4.9 Whilst there are windows in the side elevations of the residential properties to the north and the south these generally appear to serve non habitable rooms or are secondary windows. There are bedroom windows in the northern elevation of the rear wing of Ashmead, however given the proposed dwellings northern orientation and the separation distance between the proposal and these windows it is not considered that there would be a significantly detrimental impact upon these windows. It is therefore considered that the proposed development would not raise any residential amenity issues in terms of outlook, light and privacy. However there are two first floor windows in the side (northern) elevation of proposed dwelling which has the potential to result in overlooking and it is considered that should members be minded to grant planning permission that a condition be imposed requiring these windows to be obscurely glazed.

Highway Impacts

4.10 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.

4.11 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

4.12 A Great Crested Newt Survey has been carried out on the site by a qualified ecologist which confirms that there were Great Crested Newts recorded during the survey. Therefore, to ensure the maintenance of the favourable conservation status of GCN in the local area, it is proposed to create a designated wildlife area

at the western end of the development site which will include a wildlife pond, which will be designed specifically for great crested newts. In addition, this wildlife area will provide higher quality terrestrial habitat than currently exists. A suitably worded planning condition is recommended to ensure the appropriate mitigation measures are put in place. Whilst a concern has been raised regarding the report referring to the previous scheme rather than this revised scheme it is considered that the methodology, surveys and proposed mitigation is still relevant to the current application.

Other matters

4.13 Some concern has been raised regarding the removal of the Nissen 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.

Flood Risk

4.14 The application site is located within floodzone 1 and therefore it is not considered that the proposal is likely to result in increased risk of flooding.

6.0 Balancing Exercise

5.1 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.

5.2 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. 102 and those facilities shall be maintained available for those purposes for the duration of the development.
- 3 The finished floor level of the new dwelling shall be constructed at the level shown on approved drawing number 103 and shall thereafter be retained as such at all times unless otherwise agreed in writing by the Local Planning Authority
- 4 The development hereby permitted shall be carried out in accordance with the following approved plans, 103, 104, 105, 106, 107, 108, 10902, 04, received 1st July 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.
- 7 The development hereby permitted shall be carried out in strict accordance with the recommendations at Section 6 of the Great Crested Newt Survey Report produced by Davidson-Watts ecology dated 19th May 2016.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed first floor windows in the northern elevations shall be obscure glazed with any openings to be 1.7m above the finished floor level and shall be permanently maintained thereafter.

Reasons:

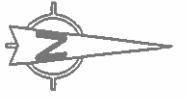
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To reduce potential highway impact in accordance with Paragraph 32 of the NPPF.
- 3 To ensure that the external appearance of the 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.
- 7 In order to protect biodiversity in accordance with Policy NCN5 of the TBLP and the advice on conserving and enhancing the natural environment in the NPPF.
- 8 To safeguard the amenities of the adjoining premises from overlooking and loss of privacy.

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.



218/A

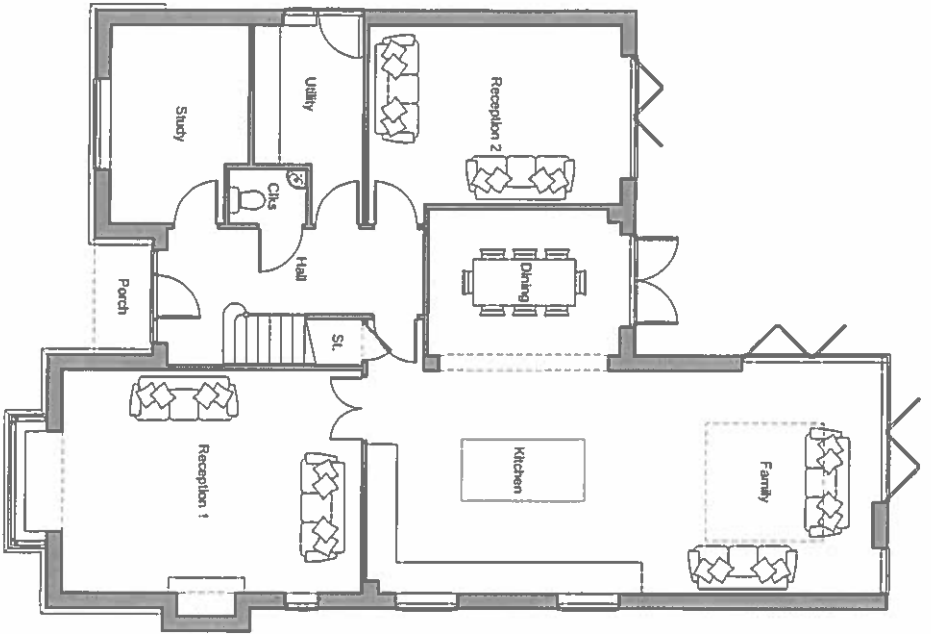
Key	
1	New Vehicular Access
2	Permeable Tarmac
3	Concrete Parking Slabs
4	Areas of Soft Landscaping
5	Turfed Rear Garden
6	1.8m High Timber Close Boarded Fence
7	1.8m High Timber Close Boarded Gates
8	1.2m High Stock Proof Fence and Gate
9	Brick Wall with Metal Railings between Brick Piers

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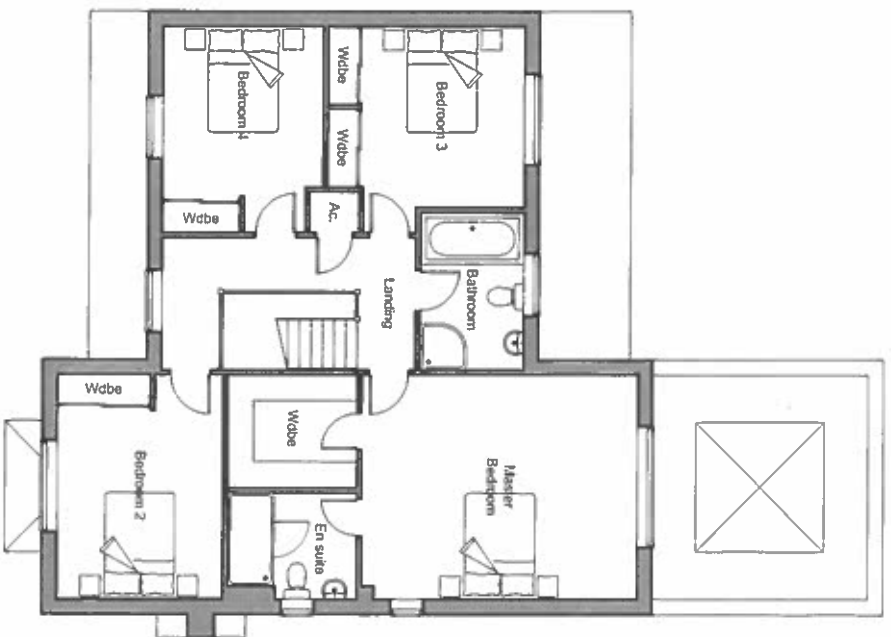
Client		Mr D Faice		Job No.		FCE16.01		Dp No.		102	
Project		Ash Stables, Ash Lane, Down Hatherley		Scale		1:500 @ A3		Status		PA	
Drawing Title		Site Layout		Drawn		GMP		Date		June 2016	



URBAN ASPECTS
LANDSCAPE DESIGN



Ground Floor

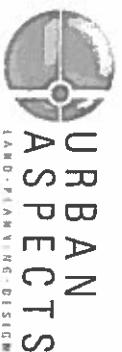


First Floor

218/B

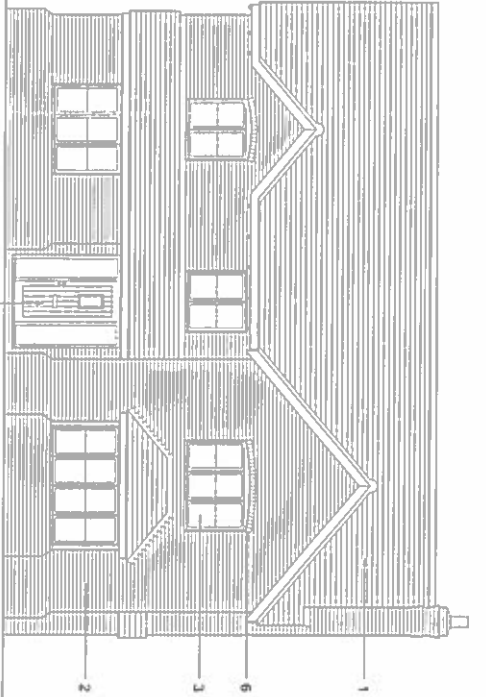
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Client	Mr D Faice			
Project	Ash Stables, Ash Lane, Down Hatherley			
Drawing Title	Floor Plans			
Date	Scale	Drawn	Scale	Job No.
June 2016	1:100 @ A3	GMP	PA	FCE16.01
				Dep No.
				104
				Rev.
				1

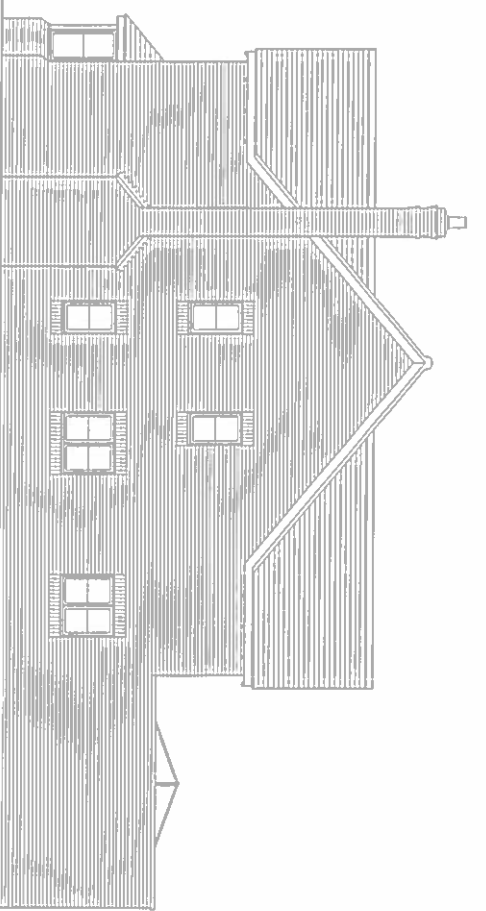


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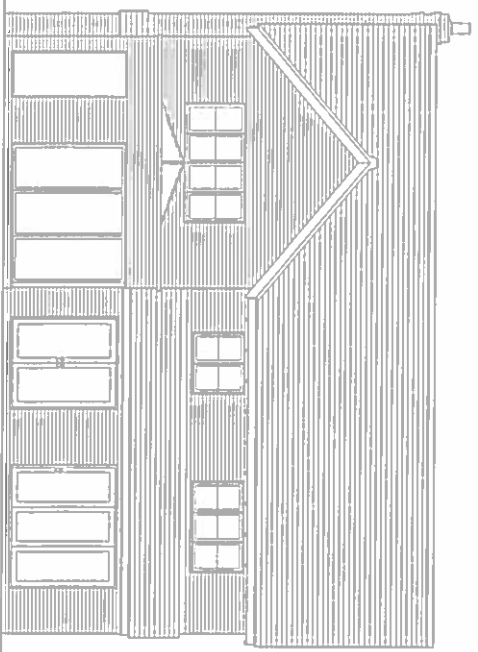
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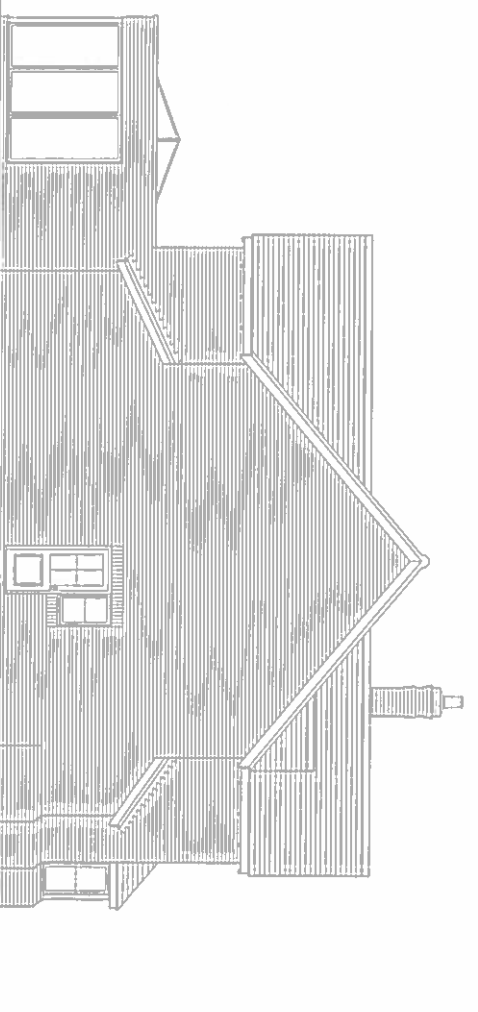
Front (East) Elevation



Side (North) Elevation



Rear (West) Elevation



Side (South) Elevation

218/c

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 Solder Courses

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Client		Mr D Faice		Date		June 2016		Scale		1:100 @ A3		Drawn		GMP		Status		PA		Job No.		FCE16.01		Dwg No.		105		Rev.							
Project		Ash Stables, Ash Lane, Down Hatherley		Drawing Title		Elevations		Date		June 2016		Scale		1:100 @ A3		Drawn		GMP		Status		PA		Job No.		FCE16.01		Dwg No.		105		Rev.			



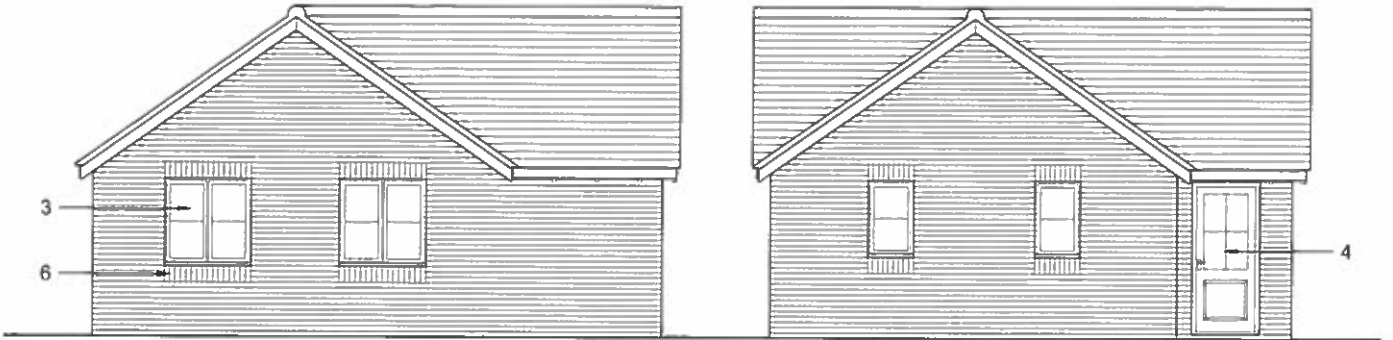
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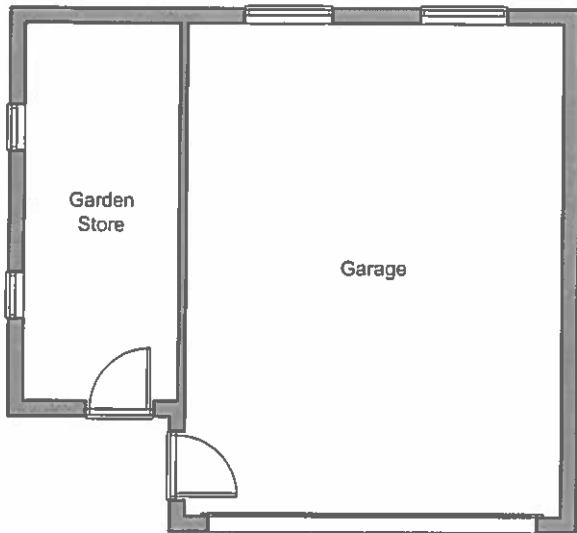
Front (East) Elevation

Side (North) Elevation



Rear (West) Elevation


Side (South) Elevation



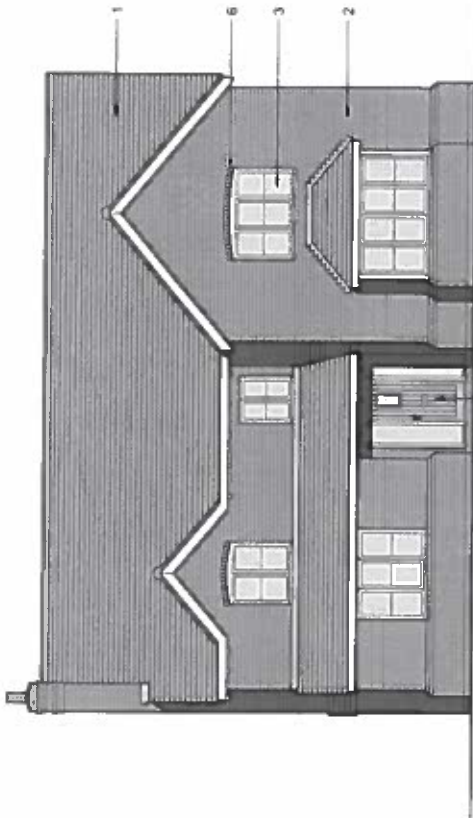
Floor Plan

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

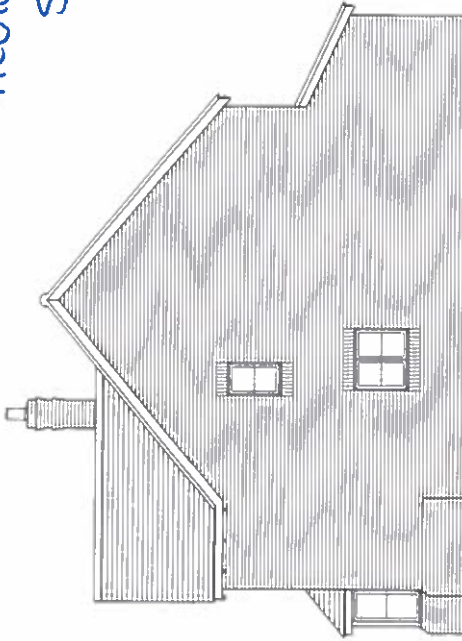
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Client		Mr D Faice					
Project		Ash Stables, Ash Lane, Down Hatherley					
Drawing Title		Garage - Plan & Elevations					
Date	Scale	Drawn	Status	Job No.	Org No.	Rev.	
June 2016	1:100 @ A4	GMP	PA	FCE16.01	106	-	

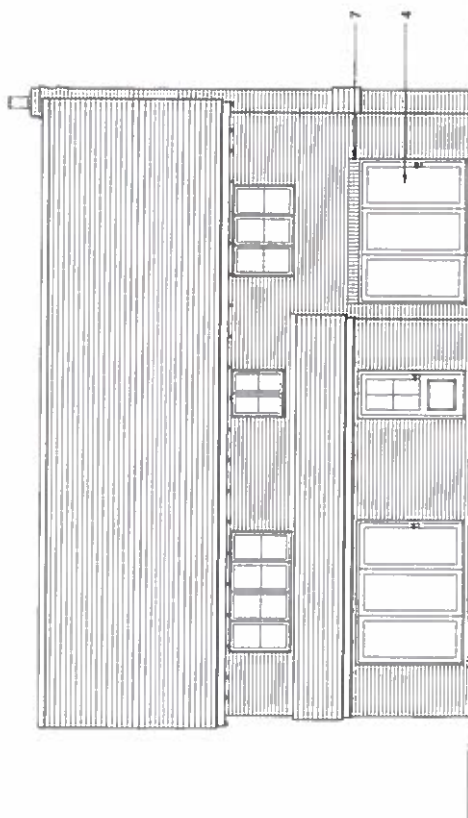
- Previous Approved Scheme



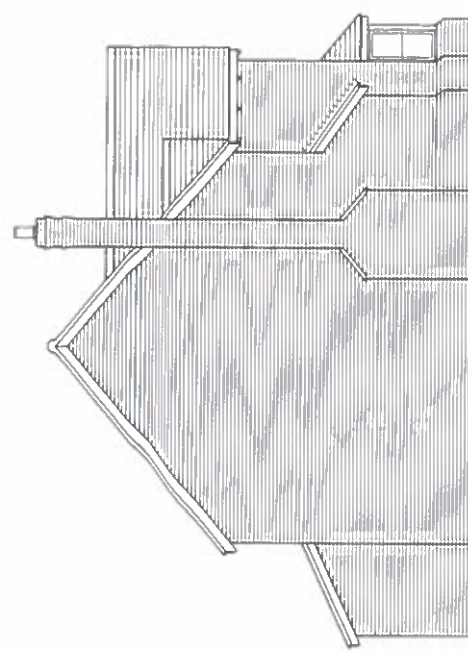
Front (East) Elevation



Side (North) Elevation



Rear (West) Elevation




Side (South) Elevation

218(E)

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

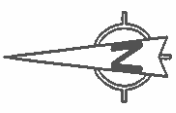
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 URBAN ASPECTS <small>LAND - PLANNING - DESIGN</small>		Job No. FCE16.01 Day No. 05 Rev. -
Mr D Faice Ash Stables, Ash Lane, Down Hatherley		
Proposed Elevations		
Date Feb 2016 Scale 1:100 @ A3	Drawn GMP Status PA	

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Previously Approved Scheme



218/F

Key	
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

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



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			Innsworth with Down Hatherley	Down Hatherley Innsworth	G J Bocking
Badgeworth	Badgeworth Boddington Great Witcombe Staverton	R J E Vines	Isbourne	Buckland Dumbleton Snowhill Stanton Teddington Toddington	J H Evetts
Brockworth	Glebe Ward Horsbere Ward Moorfield Ward Westfield Ward	R Furolo Mrs R M Hatton H A E Turbyfield	Northway	Northway	Mrs P A Godwin Mrs E J MacTiernan
Churchdown Brookfield	Brookfield Ward	R Bishop D T Foyle	Oxenton Hill	Gotherington Oxenton Stoke Orchard and Tredington	Mrs M A Gore
Churchdown St John's	St John's Ward	Mrs K J Berry A J Evans Mrs P E Stokes	Shurdington	Shurdington	P D Surman
Cleeve Grange	Cleeve Grange	Mrs S E Hillier- Richardson	Tewkesbury Newtown	Tewkesbury Newtown	V D Smith
Cleeve Hill	Prescott Southam Woodmancote	M Dean Mrs A Hollaway	Tewkesbury Prior's Park	Tewkesbury (Prior's Park) Ward	K J Cromwell Mrs J Greening
Cleeve St Michael's	Cleeve St Michael's	R D East A S Reece	Tewkesbury Town with Milton	Tewkesbury Town with Milton Ward	M G Sztymiak P N Workman
Cleeve West	Cleeve West	R A Bird R E Garnham	Twyning	Tewkesbury (Mythe Ward) Twyning	T A Spencer
Coombe Hill	Deerhurst Elmstone Hardwicke Leigh Longford Norton Sandhurst Twigworth Uckington	D J Waters M J Williams	Winchcombe	Alderton Gretton Hawling Stanway Sudeley Winchcombe	R E Allen Mrs J E Day J R Mason
Highnam with Haw Bridge	Ashleworth Chaceley Forthampton Hasfield Highnam Maisemore Minsterworth Tirley	P W Awford D M M Davies	11 May 2015		
			Please destroy previous lists.		