



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

**TEWKESBURY BOROUGH COUNCIL**

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 20 December 2016

	<b>(NORTH)</b>	<b>(SOUTH)</b>
General Development Applications Applications for Permission/Consent	(475 - 514)	(515 - 577)

**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. (475 - 577)**

### 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) 20th December 2016

Bishops Cleeve 16/00582/OUT	Land Parcels 2800 3667 4900 And 6600 Stoke Road Bishops Cleeve	Delegated Permit	10
<a href="#">Click Here To View</a>			
Brockworth 15/01378/OUT	Nerva Meadows Plots 3200, 7400, 7520 Gloucester Business Park Brockworth	Refuse	5
<a href="#">Click Here To View</a>			
Churchdown 16/00450/FUL	Land At Woodhay Green Lane Churchdown	Permit	7
<a href="#">Click Here To View</a>			
Elmstone Hardwicke 16/00804/FUL	Stanboro Nurseries Stanboro Lane Elmstone Hardwicke	Permit	2
<a href="#">Click Here To View</a>			
Highnam 16/00858/APP	Land To The West Of Lassington Lane Highnam	Approve	11
<a href="#">Click Here To View</a>			
Hucclecote 16/01227/FUL	11 Grierson Close Hucclecote	Permit	9
<a href="#">Click Here To View</a>			
Staverton 16/01093/FUL	Willowdene Gloucester Road Staverton	Refuse	6
<a href="#">Click Here To View</a>			
Teddington 16/01101/OUT	Manor Farm Buildings Alstone Tewkesbury	Refuse	1
<a href="#">Click Here To View</a>			
Winchcombe 16/00481/OUT	Land At Kyderminster Road Winchcombe	Delegated Permit	4
<a href="#">Click Here To View</a>			
Winchcombe 16/01242/FUL	12 Barnmeadow Road Winchcombe Cheltenham	Permit	3
<a href="#">Click Here To View</a>			
Woodmancote 16/01104/FUL	7 Whitehouse Way Woodmancote	Permit	8
<a href="#">Click Here To View</a>			

Valid 26.09.2016

An Outline Application for the erection of 5 houses with all matters reserved (including Access).

Grid Ref 398184 232588

Parish Teddington

Ward Isbourne

Mr James Brown  
79 Mount Pleasant  
Teddington  
Tewkesbury  
GL20 8JA

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

Planning Practice Guidance

JCS Submission Version (November 2014)

Tewkesbury Borough Local Plan to 2011 (March 2006) - HOU4, HOU13, TPT1, RCN1

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

The First Protocol, Article 1 (Protection of Property)

Cotswold Area of Outstanding Natural Beauty

**Consultations and Representations**

**Parish Council** - The Parish Council notes that this is an outline application only and that until a fully developed proposal is made it is difficult to assess the final nature and impact of the development of this site. Members of the parish have raised questions about the potential final layout of the houses, including the need to address any potential loss of privacy for a neighbouring property, which would need to be considered and addressed in any full planning application. There were also representation that the mature trees on site should be retained and not lost in the re-development of the site. In this regard, we note that the conservation officer's comments on access appear to make the retention of the trees difficult (and make the overall impact greater). The Council also notes that the development would need to ensure that there is no significant and demonstrable harm to the Cotswold AONB. Views expressed by members of the parish ranged from outright objection to any change of use to support for a small (absolutely no more than five properties), suitable and sympathetic development to replace the existing buildings and site use, on what might, given its appearance be seen as a brown field site. Viewed from this perspective an appropriate development might be seen as an improvement. The Parish Council note that street lighting appears to have been recommended. The Council opposes this as the village of Alstone does not have street lighting. The adding of these lights would cause light pollution for the rest of the village. We believe that the environment officer may have mistaken Alstone for Beckford which does have street lighting. The Parish Council, given this is an outline application with little detail, neither objects to, nor supports this application.

**Gloucestershire County Council Highways** - No objection subject to conditions.

**Natural England** - No objection and refer to standing advice for protected species.

**Conservation Officer** - Object - Alstone is a small historic village with a high proportion of listed buildings. Any credible development in an historically-sensitive context such as this must address the concerns raised by the Urban Design Officer, right from the outline stage, as a matter of course. There is nothing in the current submission to give the public confidence that any assessment of heritage impacts has been made, let alone anything which appears to warrant the designation 'high class'.

**CPRE** - Opposes application on the following grounds:

- Sites lies with Cotswolds AONB
- Does not contain sufficient detail to show that the proposals would provide an acceptable alternative use in this highly sensitive location
- Alstone is not listed as a service village in the emerging JCS where new residential rural development should be sited.

7 letters of support on following grounds:

- Represents an improvement on the current eyesore and would enhance the entrance to the village
- Would help to resolve longstanding issues associated with the site including smell and noise
- Design should be sympathetic and of high quality
- Would make roads safer

4 letters of objection on following grounds:

- Outside village boundary and within Cotswolds AONB
- Not a service village and village has no amenities
- Inadequate parking provision
- Highway safety concerns due to traffic
- No provision of affordable housing
- Site could be cleaned up and managed in a better fashion with little effort
- Suggest reinstatement of pond for wildlife
- Site facilities are not redundant
- Not a brownfield site and CLE for haulage use was dismissed at appeal
- Would be perverse to allow the illegal use of the site to be accepted as exceptional reason to permit development and this also applies to the applicants unwillingness to operate the site properly
- Isolated location lacking infrastructure

3 letters with following representations:

- Concerned about privacy
- Needs suitable drainage
- Effect on water and internet queried
- Should be no street lighting
- Wish to see mature trees kept
- Should be limited to 5 houses

**Planning Officers Comments:** Miss Joan Desmond

## **1.0 Introduction**

1.1 The site comprises part of a farm complex located to the west of the settlement of Alstone within the Cotswolds Area of Outstanding Natural Beauty (see attached location plan). The site measures approximately 0.59ha in area.

## **2.0 History**

2.1 Planning permission has been refused for residential development on this site in 1989 and 2002, and a recent outline planning application for 15 dwellings (including 4 affordable homes) with all matters apart from access was refused permission in October 2015 (Ref: 15/00242/OUT).

2.2 An application for a Certificate of Lawfulness for use of land as a commercial haulage yard was refused permission and was subsequently dismissed on appeal in 2015 (Ref: 14/00154/CLE).

## **3.0 Current Application**

3.1 This is an outline planning application for 5 dwellings with all matters now reserved. The submitted illustrative plan indicates that the existing access at the north western end of the site is to be used (see attached plan). Illustrative plans have also been submitted for the layout and house types.

## **4.0 Principle of Development**

### *The Development Plan*

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

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

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

#### *Emerging Development Plan*

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

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

4.6 Within the rural areas of Tewkesbury Borough, 2,612 dwellings are proposed to be delivered in the plan period to 2031. Approximately two thirds of this rural development has already been committed through planning permissions already granted. The remainder of this requirement will be allocated at rural service centres and service villages through the Tewkesbury Borough Plan and neighbourhood plans. Alstone has not been identified as a rural services centre or service village.

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

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

4.8 The JCS 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. The JCS authorities are now developing main modifications to the plan based on evidence and discussions heard throughout the hearings and the recommendations in the Interim Report. The exact timetable is still to be determined. 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. In respect of the distribution of housing (Policy SP2) there are significant strong objections to this policy.

#### *National Policy/Guidance*

4.9 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. The restrictive policy relating to sites within designated Areas of Outstanding Natural Beauty does not apply to this case as the proposal is not for major development.

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

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

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

4.12 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. 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.

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

#### Conclusions on the principle of residential development

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

### **6.0 Landscape and visual impact**

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

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

6.3 As detailed above the site comprises a complex of farm buildings with associated yard area containing a number of containers, trailers and outside storage. The existing buildings on the appeal site are utilitarian in appearance and comprise typical modern farm buildings of the type that can be expected to be seen in rural locations. The site adjoins the main lane into Alstone and is visible from a nearby public footpath on the opposite side of the lane, which runs from north to south.

6.4 A Landscape Assessment and Appraisal Statement (LAAS) has been submitted with the application which states that Alstone when viewed to the east consists of housing. The land to be redeveloped when viewed from the highway, from the east, west and north is very un-attractive and clearly spoils Alstone and the residents' amenities. The proposal introduces dwellings into the landscape at a point where currently there is obvious highly unattractive [but lawful] visual harm in an AONB. The LAAS considers that with the proposed development in place the views spoilt by the current commercial/brownfield and farming use would be opened and that this would provide a massive enhancement to Alstone and the AONB in visual terms. The LAAS concludes that no significant harm to the visual amenity would be caused as a result of approving the proposal for housing at this site in an AONB and would be considerably improved; and importantly would conform fully to paragraphs 115 and 116 of the NPPF in that it would be in the public's interests to grant planning permission.

6.5 The Council's Landscape Officer has commented that the site forms part of the village setting and is highly prominent in the wider countryside. In landscape terms the site is within a sensitive location and forms part of the setting of a Special Landscape Area and the Cotswold Area of Outstanding Natural Beauty. The application does not provide a landscaping scheme, an adequate landscape and visual impact assessment of the development proposals or a credible landscape strategy. An Arboricultural Implications Assessment proposes the retention and incorporation of the key trees into the housing layout. The nature and scale of the design proposals and layout, do not demonstrate a landscape led approach that would sympathetically integrate the development into the surrounding landscape setting and the application cannot be supported on landscape grounds.

6.6 Whilst it is accepted that the existing farm buildings have no aesthetic merit, they are agricultural in style, and to that extent they are in keeping with the rural nature of the surroundings. As set out in section 13 below the site is not brownfield in accordance with the definition within the NPPF and the condition and use of the yard area is also not untypical to other agricultural businesses. Previous concerns relating to the untidy condition of the site have been addressed by the serving of a section 215 notice and this option would be available should the appearance and condition of the site deteriorate in the future.

6.7 The farm buildings are not considered to be intrusive in the landscape and whilst their removal would be a minor benefit, it would not offset the impact of the housing development being proposed.

6.8 In conclusion, it is considered that the development would be visually intrusive and would have a significantly harmful impact on the rural landscape and scenic beauty of the Cotswolds AONB in conflict with the NPPF.

## 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 As this is an outline application matters such layout, scale, appearance and access are reserved for later consideration. Nevertheless the application has been supported with an illustrative layout plan, illustrative house types (**see plans attached**) and a Design and Access Statement (DAS). In terms of character the DAS states that *"The proposal is that of a high class quality bespoke small housing development demonstrated by the proposed design and layout albeit illustrative which reflects and respects the locality."* Whilst in outline form the DAS sets out that materials are proposed to be local stone and suitable tiles subject to officer approval and high class timber windows. The scheme would also incorporate green technology and a suitable landscaping scheme.

7.3 The Urban Design Officer (UDO) has commented that the DAS does not provide sufficient explanation or justification for the layout, architecture or materials. The site is in a particularly visually sensitive location on the edge of the settlement, if development were to be considered appropriate here it should seek to create a positive new edge in this rural location. The UDO would expect the highest quality of architecture and materials, including local stone, in line with the proposed developments aim of being high class and high quality. The proposed layout is poorly considered. Buildings should front the northern boundary and create an active front to the street in keeping with the existing form of development, any dwellings fronting the street should have direct access from the road and a clear definition between the front and back. The arrangement of plot 1, 4 and 5 is poorly considered and there is poor distinction between the front and back of units. Plot one has no discernible back or front garden. Plot 5 has a poor relationship between the garage and driveway and the front door and there is not a clear distinction of the residential curtilage. The illustrative house type drawings are poor and show little detail. The house types seem fairly generic and there is little attempt to create a sense of place, the house types should reflect the local vernacular and take their cues from the existing properties within Alstone. The UDO would expect to see a local character study as part of the DAS, which highlights appropriate cues from the local area and a justification for the design and would like to see a manual for streets approach to the design of the road, with the use of a shared surface. There also needs to be allowance for visitors parking. Parking on plot should be located to the side of dwellings and behind the building line so as to reduce impact on the street scene. Overall the layout of the proposed scheme is very poor and does not represent good design. While this site may be able to accommodate 5 units in a satisfactory manner, this has not been demonstrated in the illustrative plans and design and access statement. Based on the information provided, the UDO is unable to support the application.



7.4 The agent considers that both the UDO and the Conservation Officer appear not to properly understand the nature and premise of this application as it is an outline application. The original application did however include the means of access but this has now been reserved for later consideration. Nevertheless, the indicative layout plan clearly shows details for both vehicular and pedestrian access to serve the proposed development which would influence the proposed layout and positioning of the houses. As such the comments of the UDO are considered to be relevant to this proposal.

7.5 In conclusion, the illustrative layout of the proposed scheme, is very poor and does not represent good design. As however, all matters including access are now reserved it would be possible to ensure an acceptable layout/design through the imposition of appropriate conditions.

## **8.0 Accessibility and Highway Safety**

8.1 Section 4 of the NPPF states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice in how they travel. 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. Policy TPT1 reflects advice in the NPPF and thus should be afforded significant weight. These national and local policy requirements are also generally reflected at Policies INF1 and INF2 of the submission version JCS.

8.2 In terms of accessibility the village is served by limited public transport links or other facilities which would allow travel by sustainable modes of transport. Those that are available are not sufficient to provide a real choice of opportunities for sustainable travel to potential occupiers. In a recent appeal decision for 3 dwellings on the edge of the village (Ref: 14/01286/FUL), the Inspector dismissed the appeal as he concluded that *future occupiers of the proposed dwellings would be likely to rely heavily on cars as the main mode of transport to access services. Although I note that the Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, I regard the location of the site with its limited transport links, limited provision for pedestrian and cyclist access and lack of transport choice for potential occupiers as contrary to saved policy TPT1 of the Tewkesbury Borough Local Plan to 2011. A revised application for 2 dwellings on this site was recently refused by Members on similar grounds in August (Ref: 16/00610/FUL).*

8.3 As detailed above, access is now reserved. County Highways (CH) has commented that the proposed development would generate on average 5 vehicle trips daily per dwelling, with 1 of these per dwelling likely to be in the am peak hour and the local highway infrastructure should be able to adequately handle this increase. As such CH raise no objection to the application on highway safety grounds.

8.4 In conclusion, whilst the development would be acceptable in highway safety terms, the location of the site with its limited transport links, limited provision for pedestrian and cyclist access and lack of transport choice for potential occupiers would be contrary to the NPPF and local plan policy TPT1.

## **9.0 Affordable Housing**

9.1 Local Plan Policy HOU13 states that in order to address the demonstrated lack of affordable housing across the borough, the borough council will seek to negotiate with developers for the provision of an element of affordable housing on sites of 15 or more dwellings or on sites in excess of 0.5 hectare. Within settlements with a population of 3,000 or fewer, the threshold will be 5 dwellings. The Affordable Housing SPG clarifies that for non-allocated residential development (Windfall) sites the Council should seek to negotiate a proportion of affordable dwellings which will normally be 30% unless particular circumstances justify a higher (or lower) proportion. Policy SD13 of the emerging JCS also seeks to provide affordable housing but as the JCS is currently un-adopted and subject to challenge it cannot be afforded full weight.

9.2 The application does not propose any affordable housing, based on a recent Court of Appeal Decision (Case No: C1/2015/2559) which has determined that Affordable Housing contributions/tariffs should not apply as follows:

*A lower threshold would apply in designated rural areas, National Parks and Areas of Outstanding Natural Beauty (as defined in section 157 of the Housing Act 1985), with developments of 5 units or less to be excluded from affordable housing levies and tariff based contributions. Development of between 6 and 10 units would be subject to a commuted sum payable on or after completion.* The agent states that the importance of this Case Law Decision is to encourage smaller developers to operate without unacceptable burdensome costs and this would apply for this site.

9.3 The above High Court decision did however conclude that the Government's policy should be read as being flexible and in certain circumstances, it may be appropriate to have a lower threshold for the provision of affordable housing. The up-date to the Strategic Housing Market Assessment (SHMA - March 2014) indicates that the affordable housing needs in the borough are severe, with over 630 net affordable homes needed over the next five years to meet the existing backlog and to address future needs. This severe shortfall has been recognised by the JCS Inspector in her 'Interim Findings'. It is therefore considered that there are exceptional circumstances in Tewkesbury Borough which justifies reliance on the saved policy HOU13 which sets the threshold at 5 dwellings. As such it is considered that a request for 40% affordable housing can be justified, is policy compliant and satisfies all the relevant tests.

9.4 In conclusion, the proposal fails to provide any affordable housing and thus would fail to support local need housing requirements. This weighs significantly against the development.

## **10.0 Impact on Heritage Assets**

10.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it processes.

10.2 The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Furthermore, the NPPF states that, where development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits.

10.3 The Conservation Officer comments that Alstone is a small historic village with a high proportion of listed buildings. Any credible development in an historically-sensitive context such as this must address the concerns raised by the UDO, right from the outline stage, as a matter of course. There is nothing in the current submission to give the public confidence that any assessment of heritage impacts has been made, let alone anything which appears to warrant the designation 'high class'.

10.4 The application is nevertheless in outline form and as previously, stated now that access is reserved, it would be possible to ensure a high quality of design through the imposition of conditions.

## **11.0 Residential Amenity**

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

11.2 The site is located at the edge of the settlement and adjoins housing development to the East. There is however, an existing access track along the eastern boundary with mature planting and it is considered that development on this site could be accommodated without having an adverse impact on the living standards of existing or proposed residents.

## **12.0 Ecology and Nature Conservation**

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

12.2 A Phase 1 Ecological Assessment has previously been undertaken on the site which identified that no protected species were found and that one of the trees has some potential for roosting bats. It recommended that the corridor of trees and hedge along the northern boundary of the site is retained and enhanced and that additional planting was undertaken to improve the biodiversity of the site and a pond created as part of or adjacent to the development.

12.3 Natural England has raised no objection to the proposed development on its impact on any designated sites and refers to its standing advice in relation to protected species and biodiversity enhancements.

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

## **13.0 Other matters**

13.1 The DAS states that the western part of the site has been used for a commercial haulage business since 2001 and as such it is considered that this part of the site is a 'brown field site'. As set out in the planning history above, a Certificate of lawfulness for this use was refused in 2014 and was subsequently dismissed on appeal. As such the lawful use of the site (as clarified in the dismissed appeal) is agricultural and it does not comprise 'previously developed land' as defined in the NPPF.

## **14.0 Overall Balancing Exercise**

14.1 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. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. As set out previously, the Council's relevant policies for the supply of housing are not considered up-to-date given that the council cannot demonstrate a five-year supply of deliverable housing sites.

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

14.3 In terms of the economic dimension, it is recognised that housing development contributes to economic growth both directly and indirectly. New employment would be created during construction and businesses connected with the construction industry would also benefit, some of which would likely be local suppliers and trades; all of which would boost the local economy and are benefits which weigh in favour of the proposal. These benefits are of course limited by the small scale nature of the scheme.

14.4 With regards to the social dimension, the proposal would contribute 5 dwellings to help address the Council's housing land supply shortfall, and this weighs in favour of the proposal, although these benefits are again limited by the fact that the proposal is for 5 dwellings. Nevertheless, the development would fail to deliver any affordable housing to support local need housing requirements. With regards to the environmental dimension, the site lies within Flood Zone 1 and the proposed development would not be at an unacceptable risk of flooding. In terms of ecology and nature conservation, it has been demonstrated that the development would not have a detrimental impact upon biodiversity.

14.5. Whilst the illustrative site plan fails to demonstrate good design, all matters including layout, access and appearance are reserved for later consideration and a high quality design could be achieved through by the imposition of appropriate conditions. The proposed development would however; result in harm to the landscape of the Cotswolds AONB and the proposal would result in reliance on the private car. In themselves, these harms are considered to significantly and demonstrably outweigh the benefits.

14.6 In weighing up the planning balance, it is considered that the harms identified above significantly and demonstrably outweigh the benefits and as such the proposal is not considered to represent sustainable development in the context of the NPPF. The proposal is therefore recommended for **Refusal**.

#### **RECOMMENDATION Refuse**

##### **Reasons:**

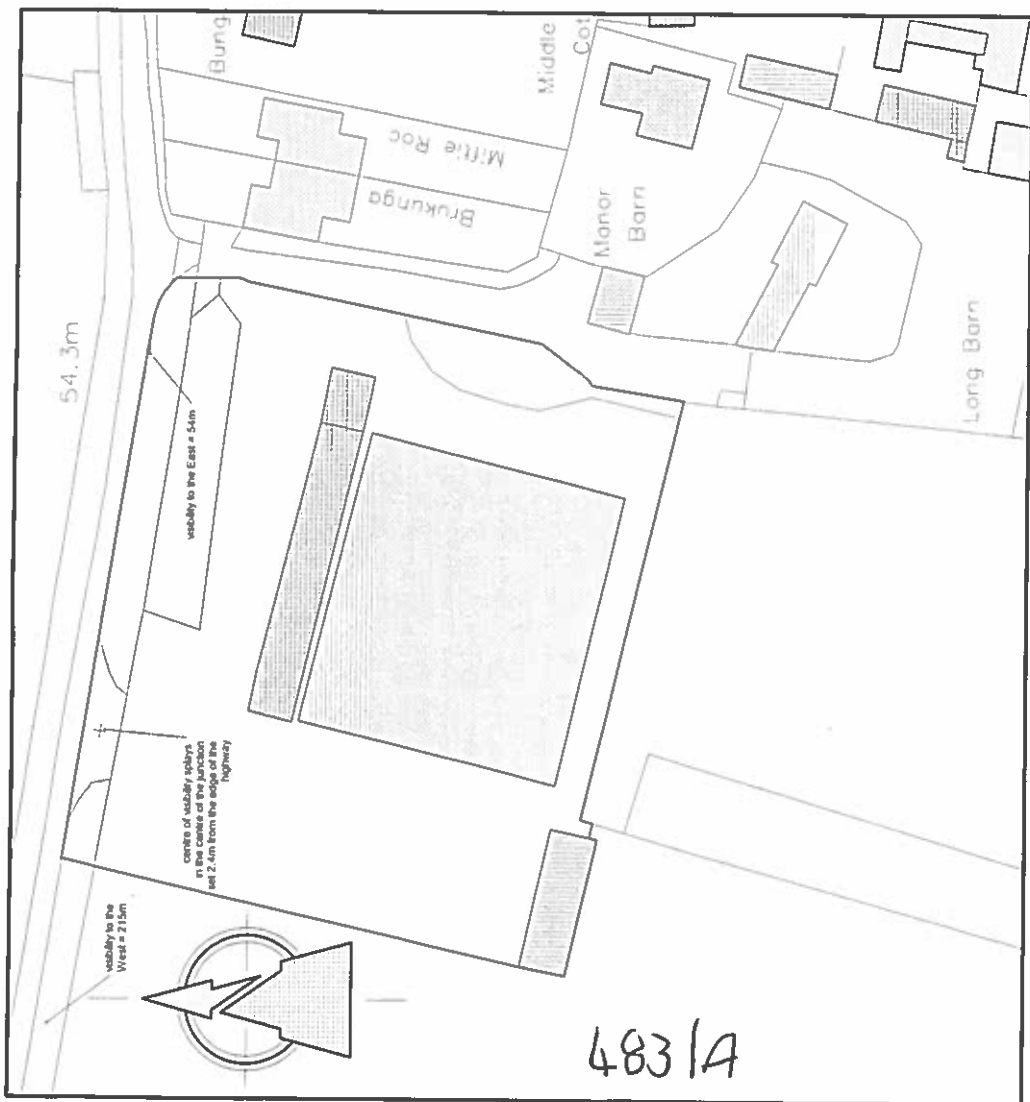
- 1 The site lies within the Cotswolds Area of Outstanding Natural Beauty where priority is given to the protection of the landscape in accordance with the NPPF. The proposed development would be visually intrusive and would have an unduly harmful impact on the landscape and scenic beauty of the area.
- 2 The site is located remote from amenities and is not served by adequate footpaths, cycleways, or public transport facilities and the development would be likely therefore to increase reliance on the private car contrary to the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 3 The application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and policies SD12 and SD13 of the Joint Core strategy Submission Version November 2014.

##### **Notes:**

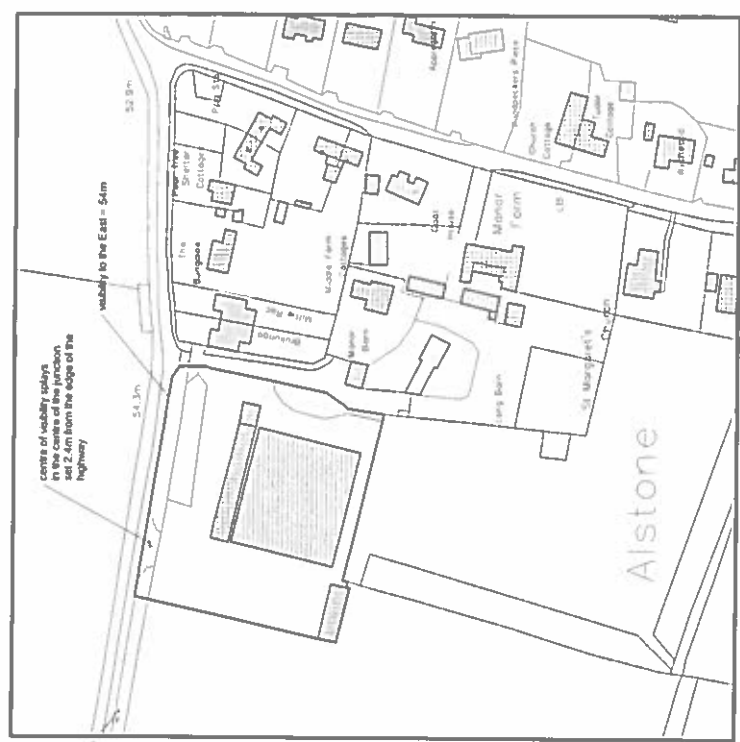
#### **1 Statement of Positive and Proactive Engagement**

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

16/01101/AUT



block plan 1:500



location plan 1:1250

PLEASE PRINT AT A2

Stewart Mumford Architectural Services  
 Bespoke Architecture  
 29, Whitcombs Orchard, Clebury  
 Marlton, Kidderminster DY14 8KN  
 Tel/Fax: 01299 271068  
 Mobile: 07977 921039  
 stevey.mumford@btinternet.com

PROPOSED HOUSING DEVELOPMENT  
 AT ALSTONE, TEWKESBURY,  
 GLOUCESTERSHIRE GL20 8JD  
 FOR Mr. & Mrs. J. BROWN  
 OS MAPPING DATA

SCALE: 1:500 - 1:1250  
 DATE: SEPTEMBER 2016  
 DRAWN: S.C.M.  
 REVISIONS:  
 PLAN No.: 09/2016/01a

54.3m

Bu

Midc

Mittie Roc  
Brukunga

Manor  
Barn

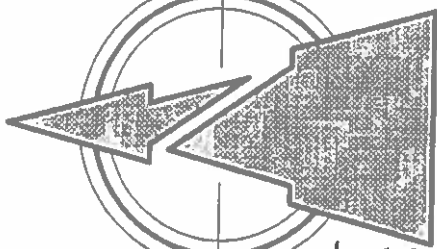
PLOT 1

PLOT 2

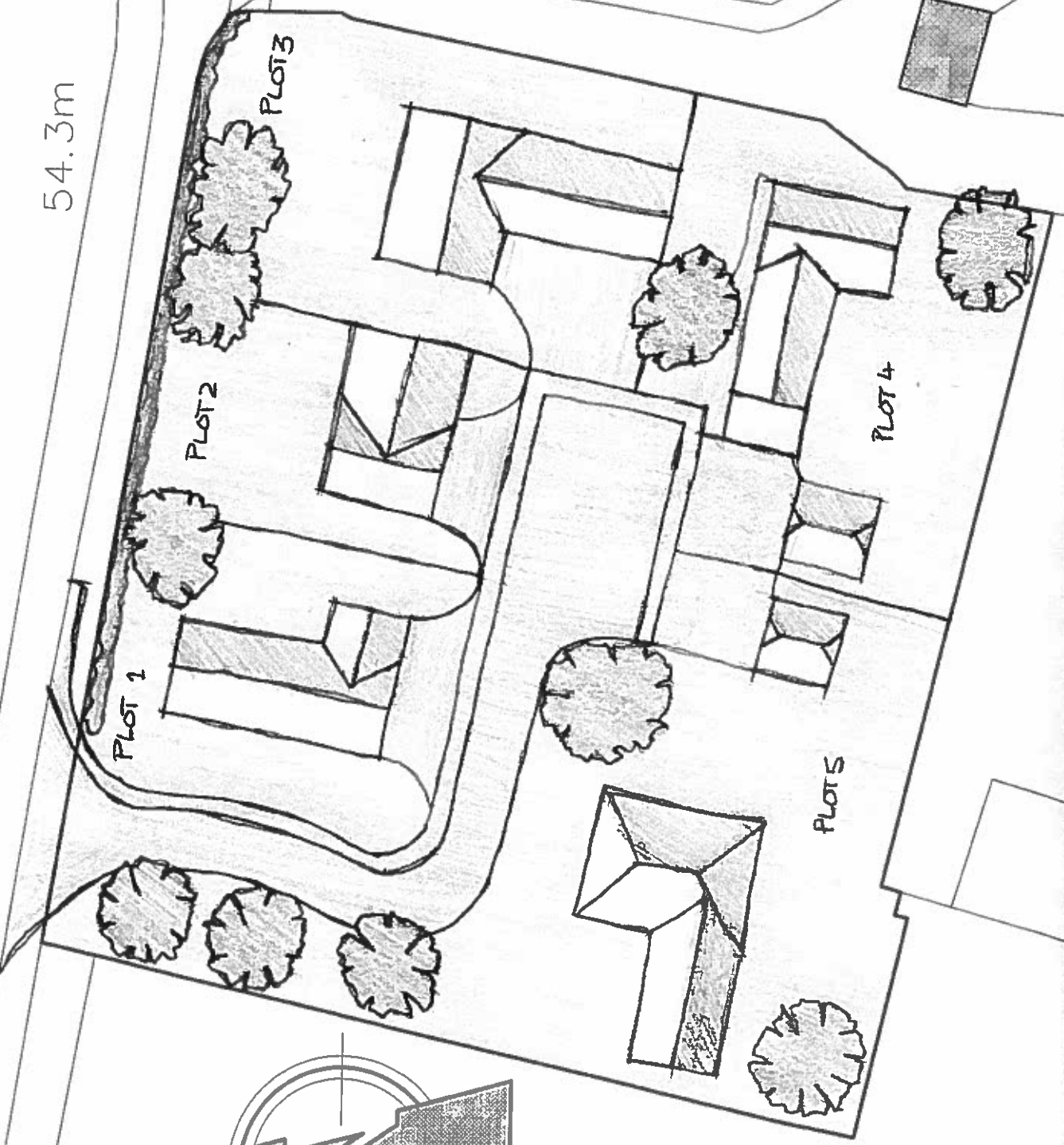
PLOT 3

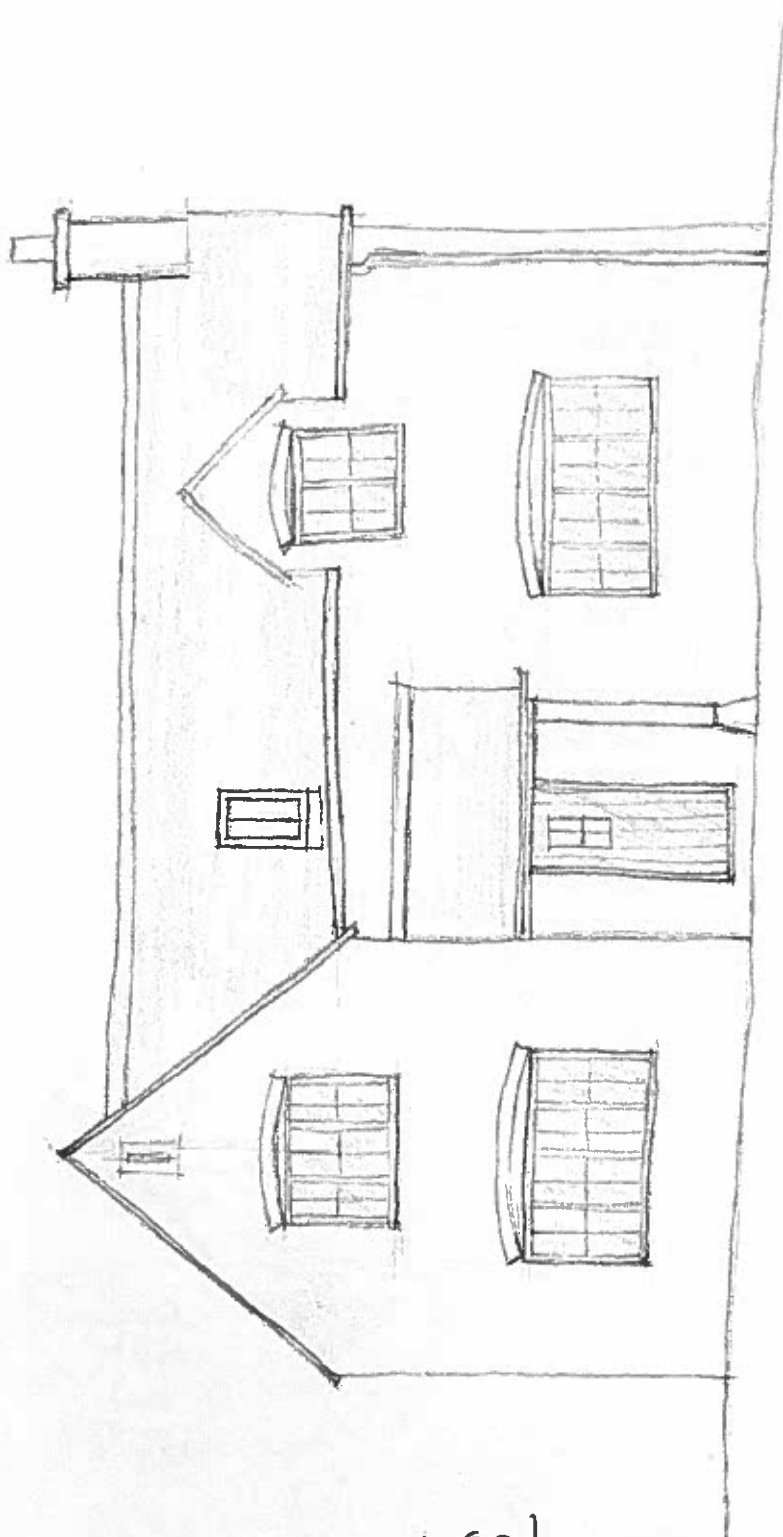
PLOT 4

PLOTS



483/B





Plot 3

483/C



Valid 28.07.2016

Proposed change of use to increase from permitted 24 static shipping style containers to 40 static shipping style containers for storage use (Class B8) and retained agricultural (horticultural) use.

Grid Ref 390121 225969  
Parish Elmstone Hardwicke  
Ward Coombe Hill

Stanboro Nurseries  
Stanboro Lane  
Elmstone Hardwicke  
Cheltenham  
Gloucestershire  
GL51 9TN

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies EMP4, EVT3, AGR4, LND4, TPT1  
JCS Submission Version - November 2014 - SD2, SD7, INF1  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

**Parish Council** - Object to any increase in units which we feel will encourage more applications to industrialize this area. Increased units were refused as part of the initial application due to its country location. Also operations should be restricted to normal working hours. It has been noted that there is an increase in traffic volume which is incongruous with just a storage operation. In addition lighting should be restricted to normal working hours.

**County Highways** - No objection.

**Environmental Health** - No objection suggest a condition to control opening times

**Landscape Officer** - A landscaping scheme was submitted to the authority at the request of planning officers. The landscape officer has reviewed the landscaping scheme and suggested a number of amendments and a revised scheme has been submitted to the authority incorporating these suggestions.

#### Local Residents and Businesses

1 comment has been received in support

- The proposed development would increase the vitality and viability of the existing local business and provide essential support to other businesses within the wider local economy.

2 objections have been received

- A previous application for 40 static shipping containers was rejected as not in keeping with the countryside. Nothing has changed since the original proposal.
- This is a rural area next to a residential property and a commercial use of this size would be intrusive and not in line with the local area.
- People are coming and going as early as 6:00 am in the morning and 9:00 at night and vehicles coming and going is noisy and this alongside the car head lights affects residential amenity.
- The entranceway is a small track that is not appropriate for the traffic volumes and the road is already showing wear and tear from repeated use from heavy vehicles.
- The use should be restricted to normal business hours of 9:00 am to 5:30 pm due to the proximity to residential properties regardless of whether the expansion takes place.
- The general appearance of the site is messy and unkempt and lorries and other vehicles are just being left to rust.
- If the council is at all concerned about the stewardship of the countryside the granting of this application should be refused.
- To increase what is already too many containers on this site, will impact on local householders and increase traffic on a small junction, ill-equipped to deal with it.



**Planning Officers Comments: Paul Instone**

### **1.0 Application Site**

1.1 The application relates to land associated with Stanboro Nurseries located on Stanboro Lane in Elmstone Hardwick. The site itself benefits from planning permission for a mixed use comprising 'small scale storage' comprising the siting of up to 24 shipping style containers (Class B8) and agricultural (horticultural use). This permission has been implemented.

1.2 The surrounding land, in the applicant's control, is used for horticulture and therefore constitutes agricultural land. The site is located within the countryside as defined by the Local Plan Proposals Map.

1.3 The site is located north of the A4019, with the Green Belt being located to the south of the A4019. The site itself is not located within the Green Belt.

### **2.0 Planning History**

15/00719/FUL - Planning permission granted by Planning Committee in September 2015 for the change of use of nursery (agricultural diversification) to a mixed use comprising small scale storage (siting of up to 24 static shipping style containers, class B8) and retained agricultural (horticultural) use.

The Committee Report for this application considered that whilst there would be some limited landscape harm resulting from the proposed development, on balance it was considered that the benefits that the application would bring outweigh the identified harm.

A number of conditions were imposed on the application including a requirement to submit and implement a landscaping scheme, that storage shall be limited to within the containers, a restriction on external lighting and a requirement to submit a construction method statement prior to development taking place.

Although the permission has been implemented a landscaping scheme and construction method statement have not been submitted to the authority

14/01252/FUL - Planning permission was refused in February 2015 for the change of use of nursery (Agricultural diversification) to a mixed core comprising "small scale storage" (siting of up to 40 shipping style containers) (Class B 8) and retained agricultural (horticultural) use.

The application was refused for 3 reasons:

- The proposal would represent a scale of development which would not be appropriate to its local context and would represent an unwarranted intrusion in the open countryside, of a type and scale that is inappropriate to the site's rural location. As such, is not considered to represent an acceptable form of agricultural diversification. The proposal is therefore considered to be contrary to the NPPF, Policies EMP4, LND4 and AGR4 of the Local Plan and Policy SD2 and SD7 of the submission version of the Joint Core Strategy (November 2014).
- It has not been demonstrated that the trip number generated by the proposed use would not have a significantly detrimental impact upon highway safety nor has it been shown that the existing highway network is capable of allowing safe and appropriate access to the site. The proposed development would therefore be detrimental to highway safety contrary to Development Plan Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006, emerging Policy INF1 of the Submission Joint Core Strategy (November 2014) and the provisions of the NPPF.
- The applicant has failed to demonstrate that the proposed use would be compatible with the adjacent residential use and as such the proposal would be contrary to Policy EVT3 of the Local Plan.

### **3.0 Current Application**

3.1 The current application is for a change of use for an increase from 24 static shipping style containers to 40 static style containers for storage use (Class B8) and retained agricultural (horticultural use).

3.2 The information submitted by the applicant states that each container would have a footprint of approximately 13 square metres and the proposal would therefore increase the B8 storage use on the site from 312 square metres to 520 square metres. Each typical container is 2.7 metres high.

#### 4.0 Policy Context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the area currently comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

4.2 Other material policy considerations include the National Planning Policy Framework (NPPF) and Planning Practice Guidance; and the emerging Cheltenham, Tewkesbury and Gloucester Joint Core Strategy, which is currently at 'Submission' stage as of November 2014. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

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

##### *Rural Employment policy*

4.4 One of the 'core principles' of the NPPF is to proactively drive forward and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country's needs. Local Plan Policy EMP4 sets out that within rural areas new small scale employment uses appropriate to their local context will be permitted provided that they are either directly related to the essential needs of agriculture, forestry or other rural industries, where it can be demonstrated that there are specific reasons why a rural location is necessary, or make use of sites with existing buildings or structures. In all cases proposals must:

(a) be capable of safe and convenient access by road without detriment to the local highway network,

(b) be well related to local residential areas in such a way to allow access by walking, cycling or public transport.

(c) be, by means of good design, siting and appropriate landscaping, satisfactorily assimilated into the countryside, and

(d) not lead to any significant adverse effect on nearby residential or other uses by way of noise, vibration, pollution, traffic generation or other disturbance.

4.5 Whilst the above policy is considered largely consistent with the NPPF, there are differences in that the NPPF is supportive of the sustainable growth and expansion "of all types of business and enterprise in rural areas" rather than just those that they are either directly related to the essential needs of agriculture, forestry or other rural industries. Furthermore, there is no requirement in the NPPF that such schemes have to be small scale. In this regard, whilst the Policy can be considered to have significant weight with regard to points (a) to (d), it is no longer considered that the principle of larger scale, general employment proposals is unacceptable.

##### *Landscape protection policy*

4.6 Another of the NPPF's 'core principles' is the recognition of the intrinsic character and beauty of the countryside. Local Plan Policy LND4 recognises that the countryside of the Borough is worthy of protection for its own sake and provides that in considering proposals for development in rural areas, regard will be given to the need to protect the character and appearance of the rural landscape. In addition, policy SD7 of the JCS Submission reflects the wording of the NPPF in relation to the recognition of protecting the intrinsic beauty of the countryside. These policies are therefore considered to be consistent with the NPPF and should be afforded appropriate weight.

### *Agricultural Diversification Policy*

4.7 Policy AGR 4 of the Local Plan states that, proposals for farm diversification on existing farm units will be supported where the scale and use are appropriate to a rural environment, they are in keeping with, and where possible, enhance the character of the surroundings, and maximise the use of existing buildings or structures. Where new buildings or extensions are proposed these should be well related to existing structures and essential to the new use. Haulage uses are not considered to be appropriate.

### *Highway Safety*

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

## **5.0 Analysis**

5.1 The key issues for consideration for this application are considered to be whether the principle of the intensification of the existing use is appropriate to its local context within the countryside, issues of highway safety, sustainable transport, landscape impact and residential amenity.

### *Principle of the use within the countryside*

5.2 The application site is located within the countryside and forms part of a horticultural operation and in September 2015, planning permission was granted on the site for the siting of 24 shipping containers for storage use. This has been implemented.

5.3 Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should, amongst other things:

- 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.

5.4 Policy EMP4 of the Local Plan supports new small scale employment uses appropriate to their local context provided that they are either directly related to the essential needs of agriculture, forestry or other rural industries.

5.5 Policy AGR4 of the Local Plan states that proposals for farm diversification will be supported where the scale and use are appropriate to the rural environment, and are in keeping and where possible, enhance the character of the surroundings, and maximise the use of existing buildings or structures. Where new buildings or extensions are proposed these should be well related to existing structures and essential to the new use.

5.6 Planning policies should support economic growth in rural areas and it is considered that the proposal is acceptable in principle having regard to the NPPF and Policy AGR4 of the Local Plan. The determining factors in this case are therefore the impact of the proposed development on residential amenity, landscape impact, accessibility in the rural environment and impact on highway safety.

### *Landscape Impact*

5.7 The application site is located within open countryside and therefore regard must be given to the need to protect the character and appearance of the rural landscape. One of the reasons for refusal of planning application 14/01252/FUL which proposed the siting of up to 40 shipping style was that the proposal would represent a scale of development which would not be appropriate to its local context and would represent an unwarranted intrusion in the open countryside, of a type and scale that is inappropriate to the site's rural location.

5.8 The existing storage containers are located on hardstanding and it is proposed that the additional storage containers would be located adjacent to the existing containers to form four rows and would be contained within the hardstanding. It is considered that the additional 16 containers would be read relative to existing structures on the site.

5.9 The site is relatively well screened with existing structures located to the east and tree planting along parts of the northern and southern boundaries. However the western boundary of the site is relatively open. Planning permission 15/00719/FUL included a condition to secure a landscaping scheme to improve landscaping on the western boundary but this condition was never discharged by the applicant.

5.10 As part of this current application the planning authority has requested that a landscaping scheme be submitted prior to determination. This landscaping scheme for the western boundary of the site has been amended in response to the Landscape Officer's comments.

5.11 It is considered that the implementation of this landscaping scheme which includes a native hedgerow and Field Maples would contribute to keeping the visual impacts of the proposal relatively contained within the application site. Whilst there are some views into the site from Stanboro Lodge to the south, protection of individual views is not a material planning matter. The impact on the residential amenities of this property are considered later in this report.

5.12 It is considered that the addition of 16 units further units on the site would negatively impact upon the character and appearance of the rural landscape, albeit when viewed from within the nursery site and this does weigh against the development. However, the layout submitted by the applicant demonstrates that the containers will sit within the existing hardstanding area and will not intrude beyond this definable area into the wider landscape. The degree of harm to the character and appearance of the rural landscape is curbed by this fact.

5.13 In order to control the impact of the intensification of the use on the landscape, it is recommended that conditions are imposed to control the height of the containers and to ensure that no containers are stacked.

#### *Highway Safety*

5.14 Stanboro Lane is formed from a truncated section of the A4019 that was created when the original line of the highway was adjusted to accommodate junction 10 of the M 5 to the south of the location. Stanboro Lane provides access to a dwelling and the proposal site from the northern arm and a similar number of properties from the southern arm. The junction of Stanboro Lane and the A 4019 form a right angle.

5.15 At its junction with Stanboro lane, the A4019 is subject to a designated speed limit of 50 MPH. The junction offers visibility splays in excess of 240 m in both directions and provides a 'stacking lane' for vehicles turning right into Stanboro Lane and a 'slip lane' for vehicles turning left into Stanboro Lane. There are no recorded personal injury collisions on the service road or at the junction with the A4019 within the last 5 years.

5.16 The County Highways Officer has been consulted from an accessibility and highway safety point of view and raises no objection.

5.17 Whilst the accessibility of the site is limited, given the low key nature of the proposals, it is acknowledged that are good road networks connecting the application site to main urban centres and that there is a reasonable bus service in close proximity to the site.

5.18 Having regard to the above, it is not considered that the proposed development would have a detrimental impact upon highway safety. The proposal is therefore in accordance with Policy TPT1 of the Local Plan and Policy INF1 of the submission version of the JCS.

#### *Residential Amenity*

5.19 The application site is located in close proximity to an existing residential property which is surrounded by the application site on three sides. The proposed intensification of the use has the potential to result in an increased amount of noise and disturbance to the residential amenities enjoyed by the occupiers of this residential property.

5.20 The supporting information anticipates that the proposed 16 additional containers would generate up to an additional 4 vehicle movements per day, resulting in a total of 10 movements per day. These movements would be mainly associated with customers who are visiting their storage containers. It is also relevant that the existing horticultural use could generate a significant number of movements.

5.21 The Council's Environmental Health advisor has raised some concerns about the impact on residential amenity of additional vehicle movements and objections have been received from residents about existing vehicle movements early in the morning and in the evening.

5.22 There is no existing condition restricting the hours of use of the storage facility however it is the case that the intensification of the use would result in additional vehicle movements to and from the site. It is therefore recommended that a condition is imposed to restrict the opening hours of the storage business to limit the impact of the intensification of the use on the residential amenity of nearby residents.

5.23 Having regard to the above and subject to the imposition of appropriate conditions it is considered that the proposed use would be compatible with the adjacent residential use and as such the proposal would accord with Policy EVT3 of the Local Plan.

## **6.0 Conclusions and planning balance**

6.1 The NPPF makes it clear that Local Planning Authorities should be supportive of a prosperous rural economy setting out that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Similarly Policy AGR4 of the local plan supports appropriate agricultural diversification.

6.2 In addition, the NPPF highlights the importance of promoting economic growth and this development would contribute to such growth. These factors represent material considerations that weigh in favour of the development.

6.3 It is recommended that a condition is imposed to control opening hours and such a condition would contribute to mitigating the impact on residential amenity of the intensification of the use.

6.4 Whilst there would be some limited landscape harm resulting from the proposed development, on balance it is considered that the benefits that the application would bring outweigh the identified harm.

6.5 Weighing these matters into the balance, it is considered that the proposal would accord with the provisions of the NPPF, Policies TPT1, EMP4, EVT3 and LND4 of the Local Plan and Policies SD2 and SD7 of the JSC and therefore represents sustainable development in the context of the NPPF.

## **RECOMMENDATION Permit**

### **Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Storage associated with the use hereby permitted shall be limited to within the storage containers approved as part of this permission and there shall be no outside storage associated with the use whatsoever on the site.
- 3 There shall be no external lighting on the site unless details of any such lighting has been previously submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed other than in accordance with the approved details.
- 4 This permission is in respect of plan - Layout and Landscape Plan Rev D received 7th November 2016

- 5 All planting, seeding or turfing in the approved landscaping scheme (hedge planting specification and layout and landscaping plan Rev D) received 7th November 2016 shall be carried out in the first planting and seeding season following the commencement of the use 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.
- 6 None of storage containers hereby permitted shall be stacked and no storage container shall exceed a height of 3 metres above ground level
- 7 The development hereby permitted shall not be open for customers outside the following hours of  
0730 - 1800 Monday - Friday  
0800-1300 on Saturdays  
and the development shall not be open for customers at all on Sundays and bank holidays
- 8 Notwithstanding the submitted plans no more than 40 storage containers shall be located on the site

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 protect the visual and general amenities of the area in accordance with the Core Planning Principles within the National Planning Policy Framework 2012.
- 3 To minimise light pollution in accordance with policies EMP4 and EVT2 of the Tewkesbury Borough Local Plan to 2011.
- 4 For the sake of clarity, and to ensure a more satisfactory development of the site
- 5 In the interests of amenity and to ensure a satisfactory standard of landscaping
- 6 In the interests of visual amenity
- 7 In the interests of residential amenity
- 8 In the interests of visual amenity

Note:

1 **Statement of Positive and Proactive Engagement**

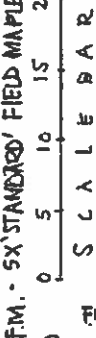
In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating a landscaping scheme

PROPOSED INCREASE FROM 24 STATIC SHIPPING STYLE CONTAINERS TO 40 STATIC SHIPPING & CONTAINERS FOR STORAGE USE (CLASS B8) & RETAINED HORTICULTURAL USE. LAND AT STANBORO NURSERIES STANBORO LANE, TEWKESBURY ROAD, ELMSTONE HARDWICKE, CHELTENHAM GL51 9TN

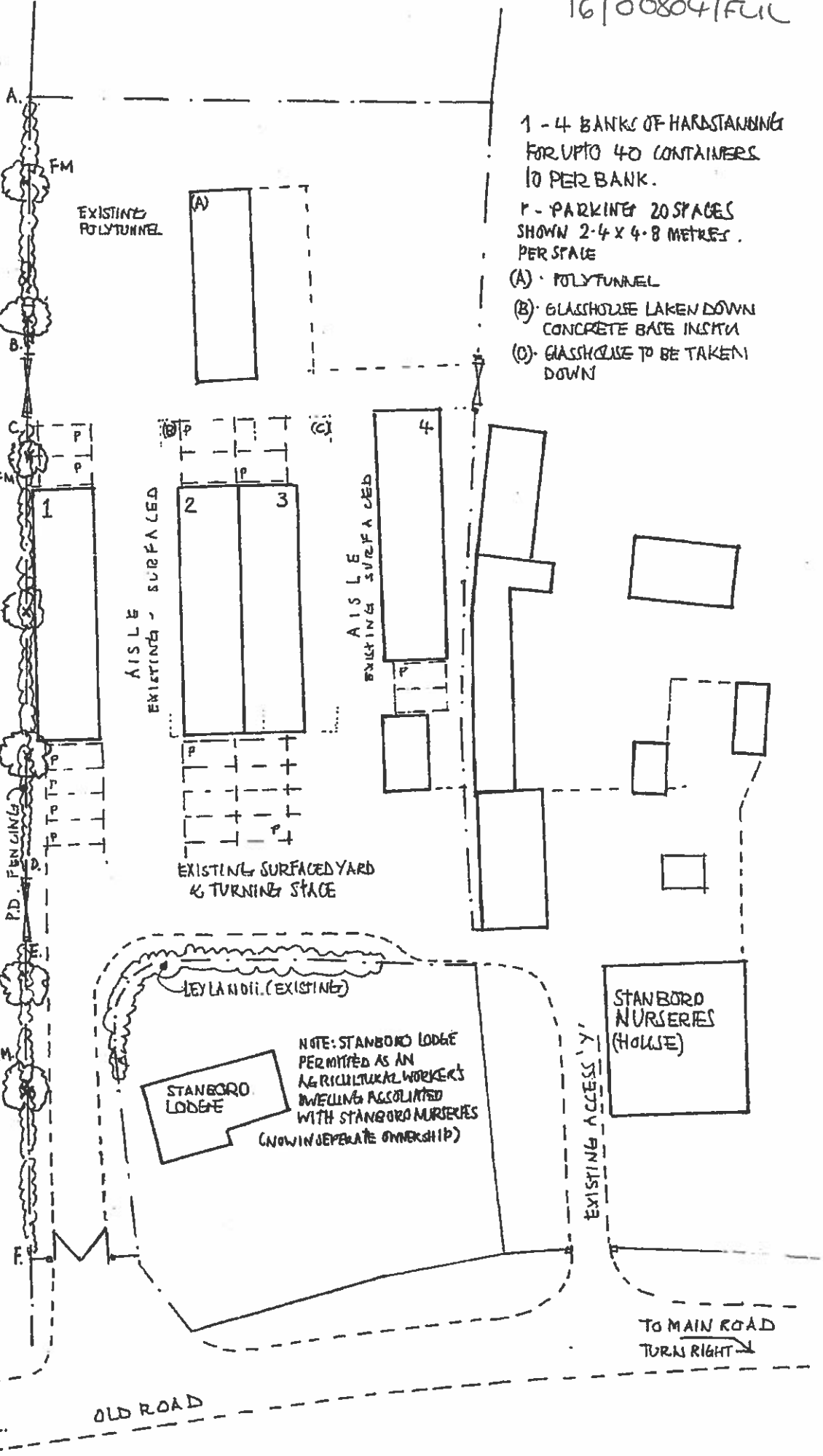
SCALE 1:500 @ A4 JULY 2016 D&G No T1169/i REV. B . REV. C. OCT. 2016 LANDSCAPING ADDED. INDIVIDUAL SPECIES HEDGE PLANTED ALONG LINE A.-B.-C.-D.-E.-F. (SEE SPECIES MIX SHEET) PLANTING TO BE UNDERTAKEN IN FIRST PLANTING SEASON. HEDGE ROW LINE TO BE WELL PREPARED. TOP SOIL ADDED AS NECESSARY. KEPT WEED FREE / MULCHED & WATERED IN DRY CONDITIONS IN FIRST 2 SEASONS. PROTECTED FROM BROWSING & ANIMALS. STANDARDS TREES TO BRITISH STANDARDS STAKED/TIED & PROTECTED. ANY DEAD/DYING SPECIMENS TO BE REPLACED (5 YEARS).



SCALE BAR



← N.T.P.



- 1 - 4 BANKS OF HARDSTANDING FOR UPTO 40 CONTAINERS 10 PER BANK.
- P - PARKING 20 SPACES SHOWN 2.4 x 4.8 METRES PER SPACE
- (A) - POLYTUNNEL
- (B) - GLASSHOUSE LAKEN DOWN CONCRETE BASE INSTA
- (C) - GLASSHOUSE TO BE TAKEN DOWN

16/00804/FUL

490/A

16/01242/FUL

12 Barnmeadow Road, Winchcombe,

3

Valid 01.11.2016

Single storey front & rear extension, Loft conversion with rear box dormer, widen access and creation of additional car parking - Re-submission of withdrawn application ref:16/00635/FUL.

Grid Ref 402235 228492

Parish Winchcombe

Ward Winchcombe

Mr & Mrs Yeates  
12 Barnmeadow Road  
Winchcombe  
Cheltenham  
Gloucestershire  
GL54 5QA

## **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

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

The First Protocol, Article 1 (Protection of Property)

Cotswolds Area of Outstanding Natural Beauty

### **Consultations and Representations**

**Winchcombe Town Council** - Objection based on the following:

- the design of the dormer because of the visual impact from the surrounding area
- the possible adverse impact of the additional rear extension on the neighbouring property

**Local residents** - No representations received

The application has been publicised through the posting of a site notice and no letters of representation have been received in the 21 day statutory consultation period or since.

**This application is reported to Committee at the request of Councillor Mason.**

**Planning Officers Comments:** Mr James Lloyd

### **2.0 Planning History**

02/01012/FUL - Single storey extension to rear - Permitted 2002

16/00635/FUL - Single storey front & rear extension, Loft conversion, widen access and creation of additional car parking - Application withdrawn 2016

N.B The property benefits from its permitted development rights

### **3.0 Current Application**

3.1 The current application seeks planning permission for the construction of a porch on the front elevation and a single storey extension on the rear elevation of the existing dwellinghouse. The proposed materials would match those of the existing property. The application also proposes the addition of a box dormer extension on the rear roof slope and the extension of the existing dropped curb and parking space to the front of the site. (see attached plans)



## 4.0 Policy Context

4.1 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. It states good design is a key aspect of sustainable development and is indivisible from good planning.

4.2 Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 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.

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

4.4 The application site is also located within the Cotswolds AONB where special attention will be given to conserving the landscape in accordance with Section 11 of the NPPF.

## 5.0 Analysis

5.1 The main issues for consideration in this application are considered to be the design of the proposal and the impact of the extension on the character and appearance of the area and street scene; and the impact on the residential amenity of neighbouring properties.

### Detailed Design and impact upon the existing building

5.2 Policy HOU8 of the Local Plan requires proposals for extensions to respect the character, scale and proportion of the existing or, where appropriate, the original dwelling. The reasoned justification of this policy refers to the having regard to original building in cases where the dwelling has been extended in the past. The design should also complement the dwelling's design and materials.

5.3 The original dwelling prior to being extended by virtue of previous planning permission 02/01012/FUL formed a T-shape with its adjoining neighbour. The original footprint of No.12 Barnmeadow was a rectangular shaped building and comprised of three bedrooms. The 2002 planning permission (02/01012/FUL) created a single storey extension on the rear elevation of the property.

5.4 The current scheme proposes various different extensions and alterations to the property. The first is a single storey front extension (porch). The porch would be designed with a mono-pitch roof and would project approximately 1.53 metres from the front elevation. The porch would be 'off-set' to the left hand side of this elevation when viewing from the road and would span approximately 4.20 metres across the front of the building. The applicants propose to use smooth render and plain tiles to match the existing property. Whilst there are several examples of porch extensions along Barnmeadow road, this particular design would span over half the width of the front elevation. Independently, whilst the proposed porch is large in form, it is not considered unacceptable in design terms.

5.5 A box dormer roof extension is also proposed on the rear roof slope of the dwelling. This box dormer would span approximately 6.50 metres across almost the entire roof slope and would be constructed with a flat roof and faced with concrete tiles, vertically hung. Whilst the dormer extension is large in size (namely its length) it is set back from the eaves of the existing roof and would be constructed from materials that match the existing property. However, the fenestration proposed does not reflect or mirror that existing on the rear elevation and it is considered that this would cause an unbalanced effect when viewed alongside the existing windows, roof lights and doors. Whilst the design of the dormer extension could be improved (scaling it down and improving the fenestration) it would not be considered unacceptable in design terms.

5.6 The application also proposes a single storey flat roof extension to the rear of the existing rear extension. This extension would project approximately 2.80 metres from the rear wall of the extension permitted in 2002 (02/01012/FUL). Whilst the proposed extension is not as wide as that permitted in 2002, this addition would cause the cumulative ground floor extensions to project approximately 5.80 metres into the rear garden. The proposed extension would have a matching eaves height of the 2002 addition but would be of flat roof construction. It is considered that whilst the extension would be constructed of materials similar to the existing building, the relationship between the two additions is awkward but would not create enough harm to the existing building to warrant refusal on these grounds.

### Impact on AONB

5.7 One of the 'Core Planning Principles' of the NPPF is recognising the "intrinsic character and beauty of the countryside". Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in AONB's. This core principle is reflected in Policy SD8 of the Submission Version of the JCS.

5.8 Whilst it is acknowledged that the dormer window is of a significant size and is of flat roof design, it has been positioned on the rear elevation and therefore has little impact on the Barnmeadow Back street scene. Likewise the rear flat roof extension would not be visible from any public vantage points. The porch would be prominent in the street scene; however single storey porches/extensions are a common feature along this road. The dormer window may, alternatively, be partly visible from Summer Road, to the rear of the application site. However, any views to the rear elevation of the application property from Summer Road are through gaps between houses, and it is considered that the dormer window does not appear overly prominent.

5.9 With the above in mind, the proposed extensions would form noticeable additions to the existing dwelling but would not be out-of-character with the surrounding area. Other properties have similar extensions in this part of Winchcombe and it is not considered that the current proposals would cause any significant intrusive harm to the landscape or the AONB. The proposal therefore accords with the NPPF in this regard.

### Impact on neighbouring living conditions

5.10 The Town Council have raised concerns regarding the potential impact of the rear extension on the amenity of neighbouring properties.

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

5.12 The proposed rear extension would be an extension of the existing single storey rear extension. The addition of this extension would project the total built form from the rear elevation of the original dwelling approximately 5.80 metres into the rear garden. The proposed extension is located on the south eastern boundary between the application site and No. 10 Barnmeadow Road. Due to the existing development in place and the height of the proposed extension (approximately 2.70 metres) it is not considered that the scale of the extension would result in loss of light or have an undue impact upon the residential amenity of adjacent property in accordance with Policy HOU8.

5.13 The proposed porch would be located on the front elevation of the property. Due to the nature of this extension, its height and proximity to the neighbouring properties it is not considered that the scale of the porch would result in loss of light or have an undue impact upon the residential amenity of adjacent property in accordance with Policy HOU8.

5.14 The proposed box dormer roof extension would create two new window openings at second floor level. The windows would face north east towards the properties located on Summer Road (the gardens of Barnmeadow about the gardens of Summer Road). Whilst these window openings would be located at a high level, there would be an intervening distance of approximately 40 metres between the rear of the properties on Barnmeadow road and Summer Road. By virtue of the outlook from the proposed dormer window, the length of the rear garden area within the curtilage of the application site and the sites beyond, it is judged that there would be no significant adverse effect on adjoining occupiers in terms of overlooking or loss of privacy. It is further considered that this would have no significant detrimental impact on adjoining occupiers in terms of overshadowing or overbearing impact.

5.15 Overall it is considered that application would accord with Policy HOU8 & the NPPF in terms of its impact on residential amenity.

### Parking & extension to dropped curb

5.16 It is considered that extending the existing dropped kerb would not reduce the existing visibility and there would not be any issues from a highway safety point of view. The widened entrance and the increased parking area would be surfaced with gravel (a porous/permeable material) so there would not be any issues with excess surface water.

## 6.0 Conclusion & recommendation

6.1 On balance, whilst it is considered that the proposed extensions would cumulatively increase the size and scale of development over the proportions of the original dwelling, the proposed extensions would have an acceptable impact upon the living conditions of occupiers of neighbouring properties and the wider area and AONB. Taking into account all of the above, the proposal is considered to be acceptable and in accordance with the relevant policies, and it is therefore recommended that planning permission is granted subject to conditions.

### RECOMMENDATION Permit

#### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with details within the application form and approved plans/drawings Nos. 12.BR.PR.01 RED D & 12.BR.PR.02 REV F received by the Local Planning Authority on 1st November 2016
- 3 The colour of the render used on the extensions hereby permitted shall match as near as possible the colour of the existing property unless otherwise agreed in writing by the Local Planning Authority
- 4 The external tiles used on the box dormer extension hereby permitted shall match as near as possible the tiles used on the existing property unless otherwise agreed in writing by the Local Planning Authority

#### Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interest of proper planning.
- 3 To ensure that the extension is in keeping with the existing building in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 4 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.

#### Notes:

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

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

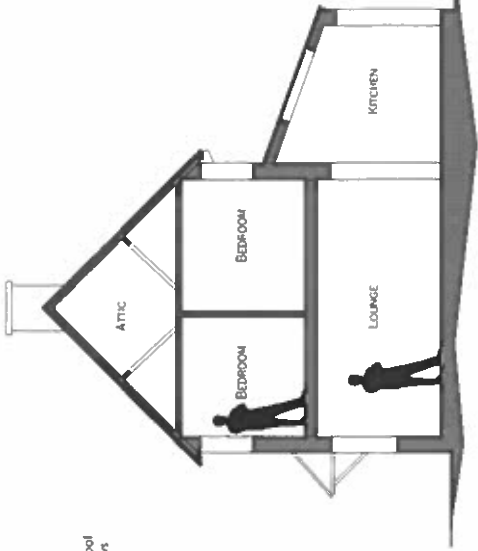
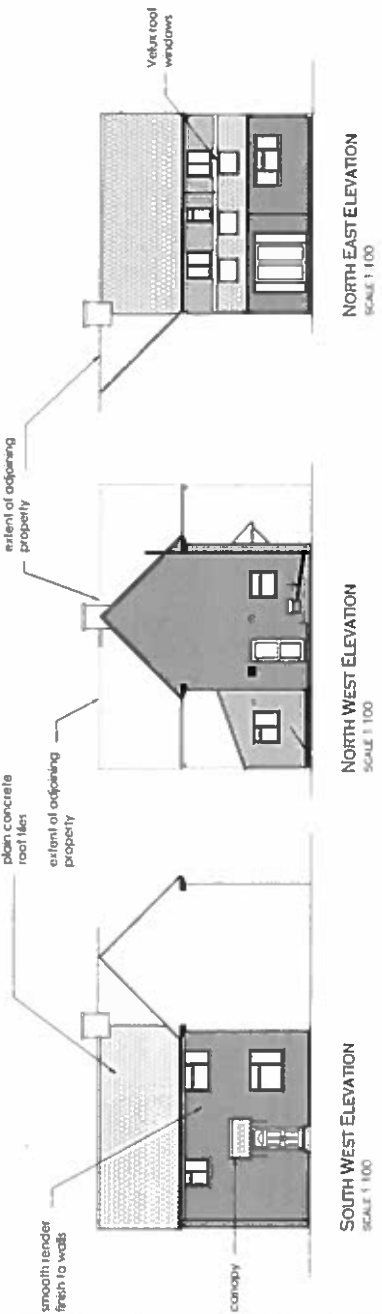
- 2 The proposed development will require the modification / extension of a verge / footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 0800 514 514 before commencing ANY work on the highway.

# 12 BARNMEADOW ROAD, WINCHCOMBE, GLOS

## PROPOSED ALTERATIONS

### SURVEY DRAWING - AS EXISTING

16/01242/FUL



**SOUTH EAST ELEVATION / SECTION THROUGH**  
SCALE 1:50



**FIRST FLOOR PLAN**  
SCALE 1:50



**GROUND FLOOR PLAN**  
SCALE 1:50



**BLOCK PLAN**  
SCALE 1:250

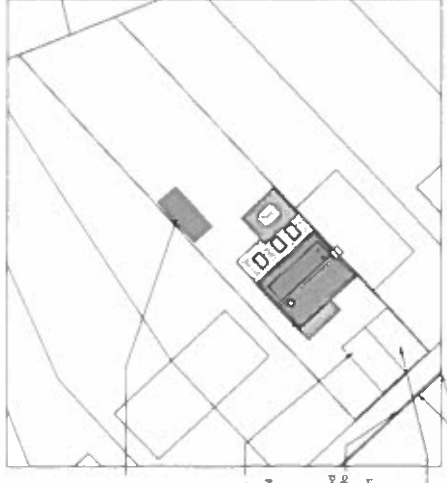


**LOCATION PLAN**  
SCALE 1:250

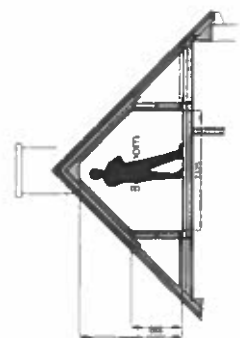
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2	BY	Dr & Mrs Yates		
3	PROJECT	12 Barnmeadow Road, Winchcombe, Gloucestershire		
4	CLIENT	Dr & Mrs Yates		
5	PROJECT	12 Barnmeadow Road, Winchcombe, Gloucestershire		
6	DATE	12.03.2015		
7	BY	Dr & Mrs Yates		
8	PROJECT	12 Barnmeadow Road, Winchcombe, Gloucestershire		
9	CLIENT	Dr & Mrs Yates		
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99	CLIENT	Dr & Mrs Yates		
100	PROJECT	12 Barnmeadow Road, Winchcombe, Gloucestershire		

494/A

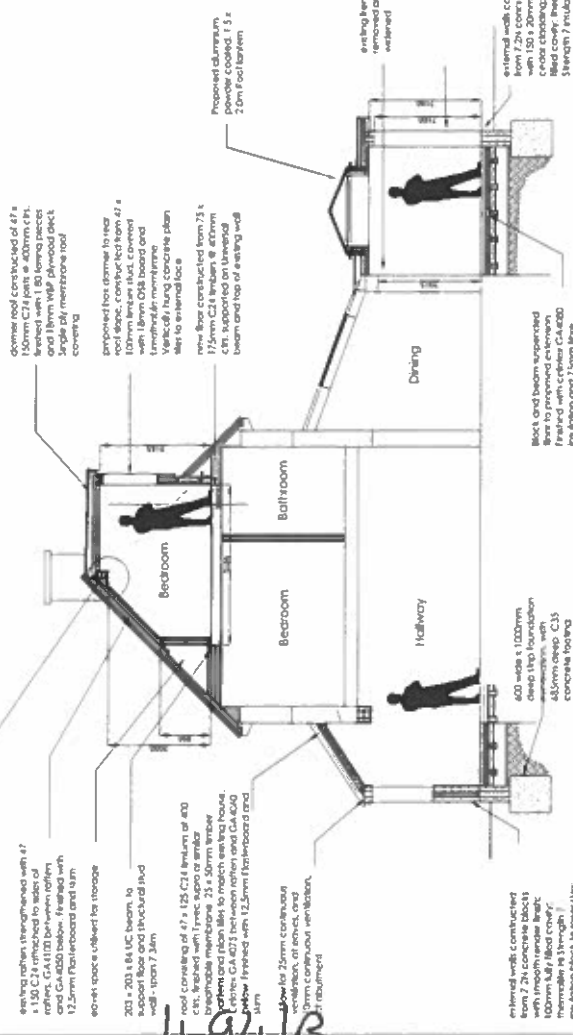
# 12 BARNMEADOW ROAD, WINCHCOMBE, GLOS PROPOSED ALTERATIONS PROPOSAL DRAWING - INITIAL SCHEME



BLOCK PLAN - AS PROPOSED  
SCALE 1:250

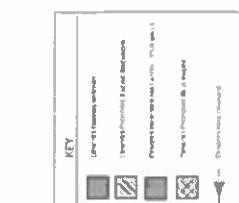


SECTION THROUGH ATTIC - NO DORMER OPTION  
SCALE 1:50



SECTION THROUGH PROPOSED WORKS - LOOKING NORTHWEST  
SCALE 1:50

BEAM ADJ. TO FRONT EXTENSION	BEAM ADJ. TO REAR EXTENSION
<p>Beam Calculations to BS 5951 - 2000 V1 00 1 Beam Span Between Beams (m) = 5.15 Total factored loads (kN/m) = 18.40</p> <p>DESIGN STABILITY Selected Beam = 254 x 144 x 43 UK Beam Shear Capacity (kN) = 208.40 Shear Force (kN) = 47.77 Moment Capacity (kNm) = 153.45 Applied Moment (kNm) = 44.54 Local Buckling Moment (kNm) = 41.81 Local Uniform Moment (kNm) = 41.37 Limiting Deflection (mm) = 14.84 Design Deflection (mm) = 9.91</p> <p>PADSTONE Check on Beamings By Footing Size = 450 Long 100 Wide 725 Deep Local Bending Safety Factor = 1.25 Local Shear Safety Factor = 1.14 Design Slab Under Footing (N/mm<sup>2</sup>) = 1.267 Masonry in Pillar = Concrete Block 3 (N/mm<sup>2</sup>) Factor of Pillars less than 0.7 m<sup>2</sup> Design Slab below Footing (N/mm<sup>2</sup>) = 1.411 Design Slab below Post hole of 1.267 Less than 1.411 NO PADSTONE OK</p>	<p>Beam Calculations to BS 5951 - 2000 V1 00 1 Beam Span Between Beams (m) = 5.15 Total factored loads (kN/m) = 13</p> <p>DESIGN STABILITY Selected Beam = 152 x 87 x 16 UK Beam Shear Capacity (kN) = 133.14 Shear Force (kN) = 31.23 Moment Capacity (kNm) = 33.83 Applied Moment (kNm) = 9.97 Local Buckling Moment (kNm) = 9.45 Local Uniform Moment (kNm) = 9.18 Limiting Deflection (mm) = 10.20 Design Deflection (mm) = 3.56</p> <p>PADSTONE Check on Beamings By Footing Size = 450 Long 100 Wide 725 Deep Local Bending Safety Factor = 1.25 Local Shear Safety Factor = 1.14 Design Slab Under Footing (N/mm<sup>2</sup>) = 1.267 Masonry in Pillar = Concrete Block 3 (N/mm<sup>2</sup>) Factor of Pillars less than 0.7 m<sup>2</sup> Design Slab below Footing (N/mm<sup>2</sup>) = 1.411 Design Slab below Post hole of 1.267 Less than 1.411 NO PADSTONE OK</p>



Rev	Rev. Plan updated	Date
1	Accepted Working Drawing	24.09.2015
2	Survey Building water table	10.02.2016
3	Planning application added	18.02.2016
4	Structural scheme added	18.02.2016
5	Local council planning consent	07.05.2016
6	Final IFC	27.03.2016
		DATE

Mr & Mrs Trofts  
No 17  
Barnmeadow Road  
Winchcombe  
Glosoucestershire

Proposed Section and Block Plan

CONSTRUCTIVE SERVICES  
CONSTRUCTION SERVICES  
100% COMPLIANCE WITH BUILDING REGULATIONS  
100% COMPLIANCE WITH PART L1 & L2  
100% COMPLIANCE WITH PART M1 & M2

AS STATED  
March 2015  
12 BR, PR.02  
March 2015  
F

# 12 BARNMEADOW ROAD, WINCHCOMBE, GLOS

## PROPOSED ALTERATIONS

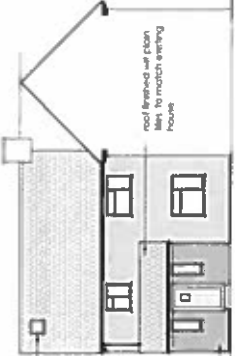
### PROPOSAL DRAWING - INITIAL SCHEME

Proposed dormer to rear roof slope, constructed from 47° x 100mm timber stud, covered with 18mm OSB board and breathable membrane. Vertically hung concrete plan key to external face.



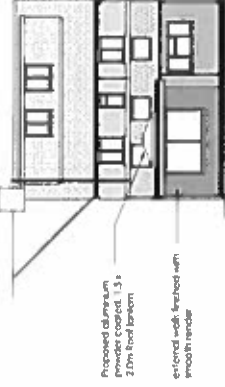
NORTH WEST ELEVATION  
SCALE 1:100

Vertical 550 x 780mm window above proposed store



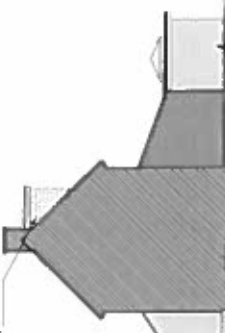
SOUTH WEST ELEVATION  
SCALE 1:100

Proposed aluminium powder coated, 1.5 x 2.0m E and W window



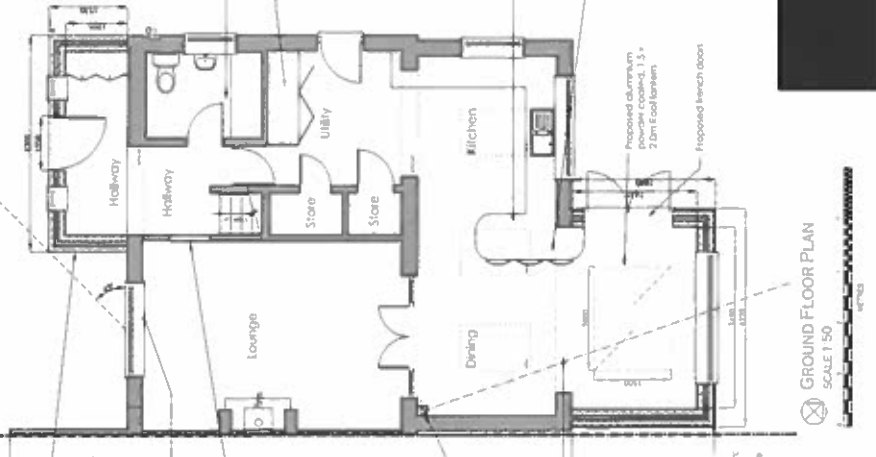
NORTH EAST ELEVATION  
SCALE 1:100

Proposed dormer to rear roof slope, constructed from 47° x 100mm timber stud, covered with 18mm OSB board and breathable membrane. Vertically hung concrete plan key to external face.



SOUTH EAST ELEVATION  
SCALE 1:100

external walls constructed from 200mm concrete blockwork with 100mm cavity and 18mm OSB board. Proposed 1.5 x 2.0m E and W window with 12.5mm draft strip, with 12.5mm draft strip, to external face.



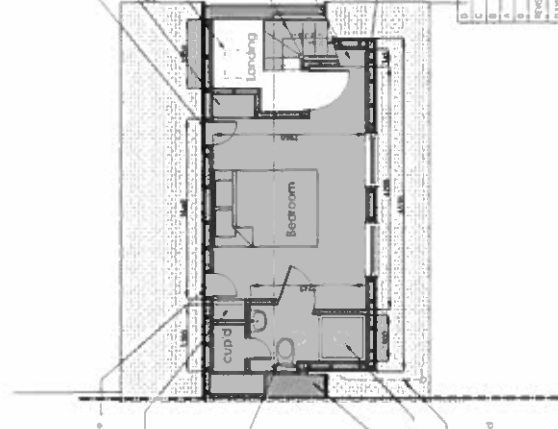
GROUND FLOOR PLAN  
SCALE 1:50



FIRST FLOOR PLAN  
SCALE 1:50



SECOND FLOOR PLAN  
SCALE 1:50



NO	REVISION	DATE
1	Issue for planning	18.03.2015
2	Issue for building control	18.03.2015
3	Issue for planning	18.03.2015
4	Issue for building control	18.03.2015
5	Issue for planning	18.03.2015
6	Issue for building control	18.03.2015
7	Issue for planning	18.03.2015
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12	Issue for building control	18.03.2015
13	Issue for planning	18.03.2015
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15	Issue for planning	18.03.2015
16	Issue for building control	18.03.2015
17	Issue for planning	18.03.2015
18	Issue for building control	18.03.2015
19	Issue for planning	18.03.2015
20	Issue for building control	18.03.2015

Mr & Mrs Yates

No 12  
Barnmeadow Road  
Winchcombe  
Gloucestershire

Proposed Plans and Elevations

CONSTRUCTION SERVICES

12.BR.PR.01

March 2015

AS SHOWN

Valid 10.06.2016

Outline application for the erection of up to 35 dwellings, vehicular access from Clarendon Road and Whitmore Road, together with public open space and other associated infrastructure and engineering works. All matters reserved for future consideration except for access.

Grid Ref 402031 229163

Parish Winchcombe

Ward Winchcombe

Tata Steel UK Ltd  
C/o Agent

## RECOMMENDATION Delegated Permit

### Policies and Constraints

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL11, HOU4, HOU13, TPT1, EVT2, EVT3, EVT5, EVT9, LND7, RCN1, RCN2, NCN5.

Joint Core Strategy Submission Version - November 2014 - Policies SP1, SP2, SD5, SD7, SD8, SD10, SD11, SD12, SD13, INF1, INF3, INF5, INF7. Draft Tewkesbury Borough Plan - February 2015

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

**Winchcombe Parish Council** - Object to the proposal on the following grounds:-

- The proposal would have an adverse impact upon the AONB;
- the proposed access points are unsuitable and there are potential safety hazards given the location of existing garages in Clarendon and Whitmore Road;
- the emerging Winchcombe and Sudeley Neighbourhood Plan does not support the application;
- there are more appropriate sites of lesser designation elsewhere within the Borough;
- the development would be unsustainable due to increased reliance on the private motor car for journeys to and from work;
- the proposal must be considered as major development and as such, Paragraph 116 of the NPPF is applicable;
- whilst the proposed 40% affordable housing provision is appreciated, it does not take into account the housing need for Winchcombe;
- a full archaeological investigation should be carried out prior to determination of the application due to the archaeological sensitivity of the site;
- the proposed development would place undue pressure upon community infrastructure within the town e.g schools, GP surgery and narrow streets/traffic flow;
- Loss of residential amenity to existing properties near to the development site.
- Highway safety concerns due to potential conflict between the existing residential garages adjacent Clarendon and Whitmore Roads and access/egress to the development;
- The timing of the application is premature, given the current status of the emerging JCS, developing TBC Local Plan and Winchcombe and Sudeley Neighbourhood Plan.

**Gretton Parish Council** - Object on the grounds of inadequate infrastructure. The traffic in Winchcombe and Gretton has already significantly increased due to recent housing developments and further traffic would have a detrimental impact upon both settlements;

- Other facilities shared by Gretton residents such as schools and GP surgeries are already over-stretched and more houses would place further pressure on these services.

**County Highways** - No objection subject to appropriate conditions relating to parking/turning facilities; estate road layout and future management details; provision of fire hydrants; pedestrian crossing point improvements and construction method statement.

**Environmental Health - No objection.**

**Gloucestershire County Council - No objections subject to providing contributions towards education and library provision.**

**Lead Local Flood Authority - No objection subject to appropriate conditions relating to the submission of a detailed drainage design; construction method statement and SUDS maintenance plan.**

**Severn Trent Water Ltd - No objection subject to conditions relating to the submission of drainage plans for the disposal of foul and surface water.**

**County Archaeologist - Following submission by the applicants of an archaeological evaluation report, no objection is raised by the County Archaeologist subject to conditions relating to the submission of a written scheme of investigation relating to the securing of a programme of archaeological work.**

**Strategic Housing Enabling and Officer - No objection based upon the proposed 40% affordable housing provision.**

**Conservation Officer - No objection.**

**Urban Design Officer - No objection on design grounds. Confident that the number of dwellings proposed can be delivered to a high standard of design and the indicative architectural and layout details submitted, take cues from the more positive development within Winchcombe.**

**Crime Prevention Design Officer - General comments provided on the indicative site layout based upon Secured by Design principles.**

**Natural England - No objection - the proposal is unlikely to affect any statutorily protected sites and standing advice is recommended for protected species.**

**Cotswold Conservation Board - Object - The site has already been considered as unsuitable as part of the Neighbourhood Plan and the Council need to consider whether Paragraph 116 of the NPPF is relevant. At this point in time, the need for this development does not outweigh the harm that would come from development within the AONB.**

**CPRE - Object - the site is rural farmland within the AONB and highly sensitive landscape. The development would interrupt major views up to and down from the Cotswold escarpment. There is no proven need for the additional dwellings and the existing infrastructure is already over-burdened. The site is also located some distance from shops and other amenities and would be car-reliant.**

**NHS England - No response at time of report writing.**

**Landscape Consultant - No objection - Considers that a scheme could be delivered within the parameters set out within the application without significant adverse upon landscape character, views and the special qualities of the AONB.**

**Landscape Officer -**

**Local Residents - 112 letters of objection have been received from local residents. Their concerns can be summarised as follows:-**

**Landscape**

- The site lies outside of Winchcombe's RDB and within the AONB and the proposal would detract from several striking viewpoints around the town;
- The proposal is not compliant with Paragraphs 115, 116 and footnote 9 of Paragraph 14 of the NPPF;
- Planners should consider developing the wider region (Bishops Cleeve, Ashchurch, Cheltenham, Gloucester) before building within the AONB;
- 35 houses must be considered as major development within the AONB and therefore, exceptional circumstances must be required to allow the development. There are no exceptional circumstances in this instance.
- the town is a hub for a network of long distance public rights of way and these paths become unpleasant for walkers/tourists if they are crossing a large urban sprawl

**Ecology**

- The site provides an ideal nesting and feeding habitat for wildlife and a wide variety of plant and animal species have been witnessed within the site;



## Highways

- Proposed access to the development via Clarendon Road and Whitmore Close is inadequate and the width of these roads would create significant safety concerns for residents;
- Vehicular access into and out of the garages on Clarendon and Whitmore Road would create serious road safety issues due to increased two-way traffic and pedestrian access from the new housing development;
- Access from Gretton Road and Kyderminster Road would be impeded due to existing road side parking which restricts the width of the highway to single file;
- Children play on the grassed areas within Kyderminster Road and their safety would be compromised by an increase in traffic flow through the estate; Recent development in Winchcombe and areas north of the town are already having a negative impact upon the flow of traffic and the proposed development will exacerbate this. Roads are already gridlocked at certain times of the day. Vehicle movement within the town has already reached saturation point.

## Flood Risk

- Building on this land would increase flood risk around Winchcombe. There are several underground springs in this area and there have been several instances of localised flooding in the past.
- Water has been known to run off onto Kyderminster Road and the surrounding area and Gretton Road is also frequently covered with mud and stones washed down Cider Mill Lane after heavy rainfall.

## Other issues

- Increase in pollution arising from the development - Light, noise, litter, vehicle emissions ;
- The site is not included for new housing development within the emerging Neighbourhood Plan;
- Footpaths serving existing properties on Norton Close would inevitably be utilised by residents of the new development and this could not be prevented;
- the town would be overwhelmed by further estate development and its physical character would be eroded;
- The developing Winchcombe Neighbourhood Plan states that several recent housing developments have delivered homes on a sufficient scale to meet the general housing needs of the community for some years to come. The community now needs breathing space from general housing development and the neighbourhood plan seeks to limit new development to small infill sites and proposals designed to meet specific needs;
- The development may result in loss of light and overlooking to existing properties within the vicinity.
- The development would place added pressure on public facilities such as schools, doctors and car parking. This is already a concern within the town and represents a serious reduction in the quality of life for existing residents.
- Further developments within the town could deter tourists which, could in turn, destroy the viability of small shops and businesses.
- Recent and further developments within the town may place Winchcombe and Greet at risk of becoming merged into one.
- Further development will place additional strain on the drainage systems of the area which already struggle to cope in heavy rain.
- The proximity of the site to the existing cattle sheds off Cider Mill Lane would be detrimental to the farmer and possibly cause stress to livestock.
- Noise and run off/effluent from the nearby farm could be detrimental to the health of residents of the development. The proposed houses are too close to the farm yard, which is a going concern.
- There are alternative affordable housing projects in Winchcombe that are not fully occupied and there is no need for another such project.
- There would be security and privacy concerns to residents of Kyderminster Road arising from additional dwellings to the rear.
- The ancient ridge and furrow topography of the site is an important feature and should be retained.
- Winchcombe is an ancient Saxon town and a tourist attraction. This development would be obtrusive and inappropriate and the town's heritage is in danger of being damaged or lost if developments such as this are continued.
- The type of housing proposed is not needed within the town and open-market housing has already been provided by recent development in the area.
- More new houses at this end of Winchcombe makes no sense when the Cheltenham end of town remains undeveloped.
- there is limited available employment opportunity within the town and further housing would convert it into a dormitory satellite town of Cheltenham.

## **Planning Officers Comments: Miss Lisa Dixon**

### **1.0 Introduction**

1.1 The application site comprises 2nos agricultural fields, currently let for grazing, located adjacent the northern edge of Winchcombe town (**see attached location plan**). To the immediate east lies the existing residential development of Kyderminster Road. To the south lies the private access track of Cider Mill Lane, which leads to a working farm located adjacent the western boundary of the site. To the immediate north lies an agricultural field/pasture land which has extant planning permission for change of use to provide a cemetery (planning reference: 14/00412/FUL). It is understood that development has recently commenced in respect of the cemetery site. The relatively recent housing development of Mount View Drive (planning reference: 09/00353/FUL) adjoins the north-eastern corner of the site. The adjoining field parcel immediately beyond the western boundary of the site is outlined by the Town Council as a site for potential future allotment provision, although no planning permission exists for this at present **see attached location plan**.

1.2 The site is set at a slightly higher level than the adjoining Kyderminster, Clarendon and Whitmore Roads although this incline becomes more pronounced towards the top (western portion) of the site. The two fields are bisected by dense, well established tree/hedgerow planting and likewise, the northern, southern and western site boundaries are characterised by established tree and hedgerow planting.

1.3 The site lies immediately adjacent to but outside of Winchcombe's Residential Development Boundary and wholly within the Cotswolds Area of Outstanding Natural Beauty (AONB).

1.4 There are no Public Rights of Way within or passing close to the site although there are a number of Rights of Way, including national trails and long distance paths within the locality, from which there are elevated views across the wider landscape and Winchcombe.

### **2.0 Relevant Planning History**

2.1 There is no relevant planning history relating to the site.

### **3.0 Current Application**

3.1 The application seeks outline planning permission for the erection of up to 35 dwellings (40% of which would be affordable) together with public open space and other associated infrastructure and engineering works. All matters are reserved for future consideration except for access which would be from Clarendon Road and Whitmore Road.

3.2 Although Outline, the Design and Access Statement (DAS) states that development would be limited to two storeys, with some opportunity to utilise roof space using dormers. An illustrative masterplan also accompanies the application together with indicative site sections and street scenes which indicate housing development would be restricted to below the 115m contour of the site **see attached indicative masterplan**.

### **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 immediately adjacent to but outside of Winchcombe's 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. The JCS was submitted to the Secretary of State in November 2014 for Examination. The Examination in Public hearing sessions commenced in May 2015 and carried on until April 2016. The Inspector's Interim Report was published on 31st May 2016. The authorities are now developing main modifications to the plan based on evidence and discussions heard throughout the hearings and the recommendations in the Interim Report. The exact timetable is still to be determined.

5.6 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 criteria set out above. Relevant JCS policies and the weight that can be attributed to them will be considered within the appropriate sections of the report.

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

5.8 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. Four site options were included around the edges of Winchcombe. The application site featured as part of Site Option A - Land to the rear of Delavale Road.

5.9 The draft plan is at a much earlier stage of development than the JCS and thus, can only be given limited weight at stage. It is relevant to note that Policy HOU1 of the Site Options 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 Winchcombe of 597 dwellings. There have however, been 262 dwellings committed in the town during the plan period which leaves a remaining balance of 335 dwellings to be met.

5.10 The number of dwellings identified for the Rural Service Centres is however dependent upon the suitability and availability of sites at each settlement. Therefore, the figure provided for Winchcombe is indicative only and could go up or down. It is also pertinent to note that Policy SP2 apportions part of the Borough's housing requirement to the rural service centres as a whole and does allocate a specific requirement to each of the two settlements. This is relevant as from the 1860 new homes to be accommodated in the rural service centres, 1816 have already been committed due to developments within Bishops Cleeve. This leaves a remaining balance of 44 dwellings to be met through the Borough Plan. This figure should not be afforded weight as a residual housing requirement for Winchcombe but it does nonetheless give some indication of the sort of numbers which are still to be allocated at the Rural Service Centres by the Borough Plan. The NPPF's objective to boost significantly the supply of housing must however be considered along with its requirement for housing applications to be considered in the context of the presumption in favour of sustainable development. The remaining balance of 44 dwellings should not therefore be viewed as a limit to development at the Rural Service centres.

#### The Winchcombe and Sudeley Neighbourhood Development Plan

5.11 The Winchcombe and Sudeley Neighbourhood Development Plan 2011-2031 is at the final stage of preparation. The Examiner's Report on the plan was published in May 2016 and recommended that the plan proceeded to referendum. The referendum took place on the 24th of November 2016 and was subsequently voted in. The NDP will now require formal approval by the Council, prior to subsequent adoption. However, in view of the Plan's current status following approval at referendum, its policies can now be afforded substantial weight. Once formally adopted, the Neighbourhood Development Plan will be part of the Development Plan for the area.

5.12 The plan does not propose to allocate land for housing but does provide a number of policies relevant to applications for new housing development. Relevant policies include Policy 1.1 - Protecting the Distinctive Character of the Area, Policy 3.2 - Meeting local needs for new homes for those with modest incomes, Policy 4.3 - Facilities for younger residents, Policy 4.5 - Provision of new allotments, Policy 5.1 - Design of new development, Policy 5.2 - Off Street Parking and Policy 5.6 - Gardens.

#### National Policy/Guidance

5.13 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.

5.14 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.

5.15 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

5.16 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.

5.17 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.

#### Conclusions on the principle of residential development

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

### **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. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 116 provides that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest.

6.2 Policy SD8 of the submission version of the JCS requires development proposals in or adjacent to the Cotswolds AONB to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Policy 1.1 of the Winchcombe and Sudeley Neighbourhood Draft Plan (WSNP) requires that development within the area should protect and enhance the Cotswolds AONB and wider landscape and should conserve, enhance and increase tree cover and woodland. Policy 1.2 of the Draft WSNP seeks to protect the productive potential of agricultural land and woodland by encouraging the re-development of previously land.

6.3 Objections have been received from the Cotswolds Conservation Board and CPRE in respect of the impact upon the AONB. The majority of the objections received from local residents also raise serious concerns regarding the impact upon the AONB.

6.4 The site lies immediately adjacent to the west of Winchcombe on the lower slopes of Langley Hill and is included in various Landscape and Visual Sensitivity Studies prepared by Tewkesbury Borough Council and Winchcombe Town Council. In summary the studies conclude that the effect upon landscape character and upon local landscape features and elements in the event of development here would be 'low adverse', but that any development extending up the slopes beyond the extent of the existing settlement edge (approximately at the 115m contour) might give the impression of settlement sprawling up the slopes. Opportunities for mitigation, including aligning development along the settlement edge, to respond to topography by occupying lowest ground and deliver a defensible feathered settlement edge are identified.

6.5 The Council's Landscape Consultant has assessed the proposal and considers that the proposed development adopts the 115m contour as the parameter limiting the western extent of built form on the site. By so doing, the development shows some restraint in the extent to which it would be seen to rise up the slopes and would extend no higher than the most elevated part of the western settlement edge. The Landscape Consultant concludes that the proposed development could deliver a softer "feathered" settlement edge facing into the AONB where it is now somewhat unsympathetic. It is accepted that the proposed development would be visible in these distant views from the east, but the Landscape Consultant does not consider it would be overly discernible and could be softened by the existing tree cover.

6.6 It is commented that whilst the site lies within the Cotswold Hills AONB, direct views into and across the site from publicly accessible vantages are limited. Where it is visible, the site appears foreshortened and development could appear well integrated into the existing settlement pattern. There are local opportunities to soften the settlement edge facing the AONB. Whilst the development would represent loss of open countryside within the designated AONB, the Landscape Consultant concludes that any harm to landscape character or to views that might arise as a consequence of this development, would be local and limited.

### Major development within the AONB

6.7 The Cotswolds Conservation Board have objected to the current application on the grounds that it would constitute major development.

6.8 Paragraph 116 states that planning permission should be refused for major development in Areas of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated that are in the public interest. The Framework does not define major development in the context of paragraph 116 and whether a particular proposal falls within that description is a matter for the decision maker to determine on the facts of the given case. Appeal Decisions have also demonstrated that whether a proposal is major is not simply a matter of numbers, but is a judgement that must be based upon the merits of each case, and matters of scale, character and the context of the location are relevant factors to consider. In the context of Winchcombe Town with a population of around 4500, and taking the AONB as a whole, it is not considered that a development of up to 35 dwellings would constitute 'major development'. A similar conclusion was drawn by an Inspector recently in respect of an Appeal for 37 dwellings adjacent to the settlement edge of Woodmancote.

6.9 Notwithstanding this, Paragraph 115 of 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. Having regard to the views of the Council's Landscape Consultant, it is considered that the proposal would have a limited and localised harmful impact on the AONB, and in the context of paragraph 115 of the Framework, would weigh against the proposal in the overall planning balance.

## **7.0 Design and Layout**

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

7.2 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 Relevant local design policies include Policy SD5 of the submission version of the JCS and Policy 5.1 of the draft WSDNP. Policy SD5 requires that development proposals incorporate key urban design principles. This policy can be afforded some weight as it is not subject to unresolved objections and is consistent with the NPPF. Policy 5.1 of the WSDNP seeks to set out a number of design principles relating to elements such as character, materials, layout, residential amenity and landscaping. The policy is not considered to present and particular conflict with the NPPF and on the basis of the recent referendum approval, the policy is considered to carry considerable weight.

7.4 In this instance, the application is in outline form, with design and layout reserved for future consideration. However, illustrative layout, site sections and street scenes have been submitted to accompany the proposal. The details suggest that dwellings would be restricted to two-storey and the development would connect into the existing estate and provide good connections into the surrounding area. The scheme would create a mixture of 1, 2, 3 and 4 bed properties responding to local need and would allow for a minimum 21.0m back to- back distances and orientation in relation to existing residents adjoining the site. The more sensitive eastern part of the site is left open and the development presents outward facing active frontages which address the open countryside. Furthermore, natural stone has been introduced in some of the visually prominent parts of the site so to respect the local Cotswold vernacular. Furthermore, the illustrative masterplan proposes pedestrian links to potential future allotments site and the newly permitted cemetery/place of rest. The primary access routes are proposed to continue existing routes from Whitmore and Clarendon Road, with shared surfacing proposed to link the two parcels of development and aid with slowing vehicle speeds. Although, full details of the landscape treatment would be resolved at Reserved Matters stage, the stated aim of the proposed landscape strategy is to reinforce and enhance the site boundaries, maintaining the degree of visual containment afforded to the site and ensuring that an appropriate development setting is achieved. The existing landscape structure associated with the site boundaries is to be largely retained. A proposed SUDS feature/attenuation pond is included to create an important area of open space whilst forming part of the drainage strategy for the site within the green infrastructure corridors. Along the south western edge a green corridor is proposed and a pedestrian route is proposed through the green corridors, providing direct access across and through the site connecting with the existing and proposed footpaths.

7.5 The Council's Urban Design Officer (UDO) considers the proposal to represent a relatively small extension to the settlement which would not out of character with the morphology of the Town as it is clear that the settlement has developed in this direction over the decades. Furthermore, the UDO notes that the outline proposals suggest a logical block structure that respects the amenity of the neighbouring development as well creating a positive edge to the settlement. The UDO also notes the importance of mitigating any perceived landscape harm within the AONB by creating a soft edge set within a green landscape. There are sufficient details within the design and access statement that the UDO is confident that the number of dwellings proposed can be delivered to a high standard of design. The suggestions of architecture and layout, take cues from the more positive development within Winchcombe.

7.6 Taking the above points into account, it is considered that the proposed development could be appropriately and sensitively accommodated on the site without harm to the character of the existing settlement and the AONB landscape. Furthermore, it is considered that the illustrative masterplan demonstrates that proposal would be well integrated and well connected to the wider settlement, including the recently permitted place of rest and future allotment site. It is also considered that the relationship and orientation of the proposed dwellings, relative to existing dwellings on the adjoining estate could be appropriately achieved without harm to residential amenity by reason of overbearing, loss of privacy/light or overlooking. On this basis it is considered that the proposal would be consistent with the advice on requiring good design within the NPPF.

## **8.0 Accessibility and Highway Safety**

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

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

8.3 With regards to accessibility, Winchcombe is considered to be a rural service centre in the JCS and is considered to be a suitable for additional residential development on the basis of its availability of services. Further a Transport Statement (TA) has been submitted in support of the proposal which concludes that the site is easily accessible to public transport, with the nearest bus stop located approximately 300m away, providing access to services within Cheltenham and the wider area as well as to/from the town centre itself.

8.4 Vehicular access to the site is proposed from two different locations on Kyderminster Road, via the proposed continuation of the existing cul-de-sacs of Whitmore Road and Clarendon Road. The County Highways Officer (CHO) has considered the submitted TA and notes that the carriageway width of Clarendon and Whitmore Road is approximately 5m in width which is sufficient to support the passing of a HGV and private motorcar on the straight alignments. There is also considered to be sufficient inter-visibility for the refuse vehicle to see an approaching vehicle entering the development to stop and give way whilst the vehicle negotiates the junctions onto Clarendon Road and Whitmore Road.

8.5 The existing off-street parking spaces and garages on Whitmore and Clarendon Road are located at the back of the current footways and would remain as is. Highway safety concerns have been raised by local residents with regards to the potential conflict between vehicles exiting the existing garages and vehicles entering/exiting the proposed development. The CHO has considered the highway safety concerns raised and has advised that the off-street parking spaces would operate like any other off-street parking spaces located at the back of the footway and conflict between vehicles would be low and would not be regarded as significant due to the low speeds of vehicles at this point due to the proximity of the junction. Furthermore, a car leaving the garage would be edging out, the forward visibility for approaching vehicles is good therefore the approaching vehicle can identify the vehicle egressing out of the garage and slow or give way. As such, the CHO is satisfied that safe and suitable access can be provided to the site and no highway objection is raised in this regard.

8.6 The CHO has also considered the means of pedestrian access to the existing highway network as well as the impact of the development on existing road junctions and concludes that the proposed 35 additional dwellings would not generate a significant amount of additional traffic and the traffic that would be generated and distributed to the south will pass through the Gretton Road/Greet Road cross roads which operate with significant additional capacity. The effects of the development traffic will be further diluted as it is distributed along the different routes within Winchcombe which would therefore lessen its impact upon the local highway network. The CHO recommends that no highway objection is raised to the application, subject to appropriate highway conditions.

## **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 The application is for up to 35 dwellings of which 14 (40%) would be Affordable Housing. The dwelling mix and tenure split has not been specified within the application and the accompanying planning statement notes that this would be secured via discussions with the Council's Housing Enabling and Policy Office (HEO) and informed by evidence of market conditions and local need. The planning statement also proposes that a tiered approach to affordable housing provision should be adopted, which priorities those with local connections, secured through the Section 106 agreement.

9.3 The Council's Housing Enabling and Policy Officer (HEO) has commented that the commitment of the applicant of up to 40% affordable housing is positive and the HEO would like to see commitment to providing a mixed tenure development with some provision for Affordable Rented homes. The housing need for Winchcombe at the current time is noted by the HEO to be as follows: 123 households are registered on Gloucestershire Homeseeker who believe their housing need will be satisfied in Winchcombe. This is 6% of the housing register for Tewkesbury Borough.



9.4 Subject to the completion of a S106 agreement to secure the required quantum and type of affordable housing on site, it is considered that the proposal would provide sufficient affordable housing to address local needs and the wider needs of the Borough to satisfy the Council's adopted and emerging planning policy requirements.

## **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 Council adopted a Playing Pitch and Outdoor Sports Assessment and Strategy in 2009. This outlines the council's requirements for playing pitch provision, either on-site or off site, for a new development based on the new population generated. It calculates the hectares required, as well as the changing facility provision or contribution. It indicates a higher local standard for playing pitches than RCN1 (1.51ha per 1000 population).

10.3 Based on Policy RCN1 and the Playing Pitch Assessment and Strategy, 0.07ha playing pitches is required, to be provided either on or off site, or the equivalent financial contribution for an existing provision. As playing pitches cannot be provided on site, a financial contribution towards existing provision is required.

10.4 The application proposes the provision of two areas of Public Open Space (POS), measuring to be laid along the southern and western edges of the site. This would provide new landscaping and a small local area of play (LAP) within the western portion of the site. The detailed design of the green infrastructure, landscaping and open space would be the subject of a reserved matters application.

10.5 The Council's Community and Economic Development Manager (CEDM) has advised that due to the relatively restricted space within the site, it would be more appropriate to provide an off-site contribution towards public open space rather than providing a limited on-site LAP. The Town Council have been consulted on this issue and have agreed that off-site contributions towards POS provision would be preferable as there are a number of existing LAPs within the vicinity on the site arising from recent housing developments within Winchcombe. As such, it is considered that off-site contributions towards the provision of POS would be appropriate in this instance and the applicant is agreeable to inclusion of this within an appropriate S106 agreement.

10.6 Based upon calculation using the Gloucestershire Infrastructure Delivery Plan assessment formula, a contribution of £15,915 would also be required towards community facilities within the town. The site abuts the Town Council owned cemetery /place of rest, recently granted planning permission (14/00412/FUL). Furthermore, land allocated within the Winchcombe and Sudeley Neighbourhood Plan within Policy 4.6, for the provision of new community allotments abuts the site to the west and Policy 4.4 (Facilities for younger residents) of the draft WSNP sets out Town Council's intentions to provide a new youth activity park on nearby Greet Road. It is considered appropriate that the required financial contribution towards community facilities within the town could be allocated towards any of the aforementioned facilities and this is also considered acceptable by the Town Council and the developer.

## **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 there is some additional forecast capacity at local pre-school settings and therefore, no contributions are required. There is no additional forecast capacity at the nearest primary school within the town and therefore a contribution of £123,514 is required to increase capacity based on the 9.35 additional primary school places required by the development. It is also advised by GCC that Winchcombe School is the secondary school for the catchment and has no additional forecast capacity. The scheme would generate 4.89 additional secondary school places requiring a contribution of £98,527 towards increasing capacity.

11.3 With regard to library provision, GCC have advised that the scheme would be required to contribute towards improving local library resources (Winchcombe Library). A contribution of £6,860 is requested.

11.4 In terms of the need for other community facilities, the Council's Community Planning and Partnerships Officer has been in consultation with the Town Council and comments are still awaited from NHS England. **Members will be up-dated at Committee.** The required contributions could 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. Policy INF3 of the submission version JCS goes further and provides that minimising the risk of flooding will be achieved by (inter alia) requiring new development to, where possible, contribute to a reduction in existing flood risk. Policy 1.3 of the Draft WS Neighbourhood Plan seeks to restrict development within Flood Zone 3 and those areas at high or medium risk from surface water flooding. Policy 5.9 of the Draft Neighbourhood Plan sets out that all new development must meet SuDS requirements to adequately attenuate surface water and run off issues. These policies are considered to be broadly consistent with the flood risk and drainage advice contained within the NPPF and in view of the current stage of the draft plan following referendum, should be afforded substantial weight in this decision.

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 nearest watercourse to the site is the River Isbourne which is located approximately 800 metres to the east. The Town Council and local residents have raised concerns regarding periodic surface water flooding within the lower portion of the site due to the presence of natural springs and the lower lying nature of the site relative to higher land to the west.

12.3 The EA's updated Flood Map for Surface Water flooding indicates that an area to the south of the site may be subject to flooding from pluvial sources but according to the EA's surface water mapping, the overall risk of pluvial flooding to the site can be considered low.

12.4 A Flood Risk Assessment (FRA) has been submitted with the application which concludes that the development would not increase flood risk elsewhere; the measures proposed to deal with the effects and risks are appropriate; other origins of flooding have been assessed and it has been found that the increase in risk of flooding from land, groundwater or sewers as a result of this development has been demonstrated within the FRA to be low and that there are no anticipated negative impacts associated with the proposed development. Positive social, economic and environmental impacts would result from the proposed development provided mitigation measures are adhered to. The Drainage Strategy proposes a SuDS system to attenuate surface water on site, improve water quality and to provide amenity benefits. A foul connection to the existing public sewerage system would be subject to Section 106 approval from Severn Trent Water.

12.5 The Lead Local Flood Authority (LLFA) at Gloucestershire County Council has been consulted on the proposal and is satisfied that the development should not increase flood risk to any existing development downstream and there should not be any risk of internal flooding of property within the proposed site. They advise that a detailed surface water drainage strategy to be submitted within any subsequent reserved matters application.

12.6 On the above basis and subject to the conditions recommended by the LLFA being included on any planning permission granted, the flood risk impacts of the proposed development are found to be acceptable having regard to policies EVT5 and EVT9 of the local plan and the advice on flood risk in the NPPF.

### 13.0 Ecological Impacts

13.1 Government Circular 06/05 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Paragraph 118 of the NPPF sets out a mitigation hierarchy to be applied in cases where biodiversity would be affected and states that (inter alia) if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Local Plan Policy NCN5 is broadly consistent with this guidance and provides that, where development unavoidably necessitates the removal of such features, replacement features of equivalent value should be provided. Emerging policy includes Policy SD10 of the submission JCS and Policy GNDP12 of the GNDP. Policy SD10 expands on the provisions of the NPPF and requires (inter alia) that European Protected Species (EPS) and National Protected Species are safeguarded in accordance with the law. It is considered that Policy SD10 can be afforded weight in accordance with paragraph 216 of the NPPF.

13.2 An Ecological Appraisal, Bat Survey and Reptile Survey have been submitted to accompany the application. The Appraisal concludes that none of the habitats of note for the AONB (e.g chalk grassland) occur on the site and no designated wildlife conservation sites are located within the boundary of the site. The site is also located some distance from the nearest Potential Key Wildlife Sites (pKWSs) of Winchcombe Fields (135m distance) and Greet Road Fields (465m distance) and the Ecological Appraisal concludes that there would be no anticipated direct impacts to these sites as a result of the proposed development. The site itself is noted within the Appraisal to be located within a recognised Nature Improvement Area known as Cotswold Escarpment and Valleys.

13.3 The accompanying Reptile Survey Report noted the presence of Common Lizards within the site and recommends that should the site be developed in the future, a reptile mitigation strategy would be required to ensure that reptiles are not harmed during construction. The Appraisal assessed the site for the presence of badgers and concluded that given the absence of badger activity and/or setts, the development is not anticipated to impact upon badgers. The accompanying Bat Survey Report noted that no bats were recorded actually roosting on the site but eight species of bat were recorded foraging and commuting on the site during the surveys undertaken. As such, a number of mitigation measures are recommended within the bat report, in order to render the development of the site acceptable in ecological terms. Such measures include ensuring that the existing southern hedgerow remains free from artificial lighting, additional buffer planting along the southern hedgerow and at least one side of the northern and central hedgerows free from any artificial lighting in order to ensure that appropriate commuting/foraging corridors are retained for local bat populations. The Ecological Appraisal also concludes that there is negligible potential for impacting on Great Crested Newts or Hazel Dormouse.

13.4 The majority of existing trees and hedgerows on and bounding the site would be retained as part of the proposal, with only 2nos. small C-grade trees and one hedge proposed for removal, together with 3m sections of two further hedges to make space for new pedestrian access routes. New trees are proposed to be planted as an enhancement of the site and central to the design strategy has been the inclusion of new public open space, green infrastructure and enhanced planting and biodiversity improvements.

13.5 A Management Plan for Biodiversity of the retained/created green space would be required and this would establish ongoing management and monitoring of the ecologically elements of the site or associated green infrastructure design. Natural England has raised no objection to the application but provides standing advice in relation to protected species.

13.6 In light of the above, there is no evidence to suggest that there are any overriding ecological constraints to the development of the site for residential purposes. The appropriate reptile mitigation strategy and mitigation measures relating to the bat foraging/commuting corridors would be secured through appropriate planning conditions, together with appropriate conditions relating to the securing of management of green infrastructure/biodiversity.

## **14.0 Archaeology and Cultural Heritage**

14.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities to pay special regard to the desirability of preserving the setting of listed buildings. The NPPF sets out that great weight should be given to the conservation of heritage assets. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 133 of the NPPF advises that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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

14.3 The Heritage Statement (HS) submitted with the application notes the presence of ridge and furrow earthworks within the site. The HS also notes previous archaeological works to the east of the site which recorded Iron Age settlement and a Romano-British Villa, the significance of which is recognised in its designation as a Scheduled Monument. Hedgerows considered to be 'Important' under the Hedgerow Regulations 1997 (criteria for archaeology and history) and of local significance are present along the southern site boundary and the southern part of the western boundary and both hedgerows are proposed for retention as part of the current scheme.

14.4 The HS identifies that with regards to designated heritage assets within the locality, the northern extent of Winchcombe Conservation Area (including 179 listed buildings within the CA) is located approximately 350m east of the site. The closest designated heritage asset is the Scheduled Monument, Romano-British Villa, located approximately 400m east of the site. The proposed development would be divided from the Scheduled Monument by intervening built form and the HS concludes that the proposal does not have the potential to adversely impact this heritage asset. Furthermore, the site is separated from the Winchcombe Conservation Area by intervening built form and the HS concludes that the proposed development would not have the potential to impact the designated heritage assets of the Winchcombe CA or its listed buildings.

14.5 The Conservation Officer (CO) has been consulted on the proposal and has raised no objections on heritage asset setting grounds. The CO considers that the proposed development, representing an extension to the existing built form, is not considered to have the potential to impact upon nearby designated heritage assets. Furthermore, the CO has advised that designated heritage assets in the wider area are likewise not considered to be adversely impacted due to distance, the size and nature of the development proposals and intervening built form. In conclusion, the CO raises no objection to the application as it is considered that the development's heritage impact is likely to be largely neutral.

14.6 In terms of archaeology the County Archaeological Officer (CAO) was of the view that there was high potential for significant archaeological deposits relating to prehistoric and Roman remains within the site and had requested that a full field evaluation should be carried out. This work has been done and a report of the finds recently submitted. The CAO notes that the result of the field evaluation was positive in that pottery finds, likely to date to the prehistoric period were discovered within one of the four trial trenches. However, the CAO concluded that the finds are not considered to be of the highest archaeological significance requiring preservation in situ and on this basis, no in principle objection has been raised to the proposed development, subject to the imposition of an appropriate planning condition relating to the securing of a programme of archaeological work in accordance with a written scheme of investigation.

## **15.0 Other material considerations**

15.1 It is noted that a number of local concerns have been raised with regards to the proximity of the existing working farm adjacent to the south-western corner of the site and the impact upon occupiers of the new development with regards to noise and odour arising from farming activities.

15.2 The Environmental Health Consultant (EH) has been consulted in respect of this issue and has visited the site in this regard. The closest farm building to the site would be located some 21m from the nearest residential dwelling, as shown within the illustrative masterplan. The dense tree/hedgerow planting to the western shared boundary is proposed for retention as part of the proposal and an area of public open space/green infrastructure is proposed between the farm site and the proposed dwellings within the site. The EH consultant concluded that due to the location of the large shed relative to the proposed closest resident, there would be sufficient distance not to warrant objection on noise/odour/disturbance grounds. The proposal is therefore, considered to accord with the relevant sections of the NPPF and Policy SD15 of the emerging JCS and Policy EVT3 of the Local Plan in this regard.

## **16.0 Overall Balancing Exercise and Conclusions**

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

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

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

16.4 With regards to the social dimension, it is considered that the proposal would achieve a good mix of housing and would deliver much needed affordable housing. In addition, it is considered that the proposal would be capable of achieving a good design and integration with the built and natural environment of the village. It must also be recognised that through a Section 106 Agreement, developer contributions would provide for education and library facilities, improved recreational facilities, open space and playing pitches and improved community facilities.

16.5 With regard to accessibility, the site is considered to have good access to both primary and secondary services and has some public transport provision with links to Cheltenham and the surrounding areas. The proposed development would therefore have good access to local services and facilities proportional to its location as a Rural Service Centre. Furthermore, safe and suitable access can be provided to the site as well as a layout that is safe, secure and minimises conflict in accordance with NPPF.

16.6 With regards to the environmental dimension, it is considered that whilst the proposed development would intrude into open agricultural land, the scale and particular location of the proposal are such that its impact is likely to be limited to the immediate surroundings and it would not have an adverse impact on the setting of the AONB. The proposal would also not constitute major development within the AONB due to the low number of new dwellings proposed, relative to the overall settlement size of Winchcombe itself. Furthermore, the impact of the development could be further mitigated by appropriate landscaping. Nevertheless, there would be a landscape impact which would constitute harm in terms of the environmental sustainability of the proposal. The proposed development would not be at an unacceptable risk of flooding and would not exacerbate flooding problems for third party property. There is considered to be no detrimental impact upon heritage assets due to the relative distance of the site from such assets and the intervening land and buildings between the site and nearest heritage assets. The impact of the proposal upon heritage assets is therefore considered to be neutral. In terms of ecology and nature conservation, it has been demonstrated that the development would not have a detrimental impact upon biodiversity, subject to the imposition of appropriate planning conditions.

16.7 The NPPF sets out at paragraph 14 that in the context of the presumption in favour of sustainable development, proposed development 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, inter alia, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

16.8 It is concluded that the economic and social benefits would outweigh the limited landscape harm to the Cotswolds AONB. As such, based upon the three-stranded definition of Sustainable Development within the NPPF, the proposal would represent a sustainable form of development and it is therefore recommended that the decision is **DELEGATED to the Development Manager to permit the application subject to the completion of a section 106 legal agreement to secure the following heads of terms:**

- Affordable dwellings - 40% (14 dwellings)
- Library - £6,860 towards local library facilities.
- Primary Education - £123,514 towards Winchcombe Primary.
- Secondary Education - £98,527 towards Winchcombe School
- Sports facilities - £27,745 towards Winchcombe Park, Greet Road
- Play facilities and grounds maintenance - £27,160 towards Winchcombe Park, Greet Road
- NHS England - To be confirmed.
- Playing pitches and pitch provision - £31,321
- Community Infrastructure - £15,915 - Winchcombe new cemetery/place of rest and community allotments
- Recycling - £73 per dwelling.
- Dog bins & signs

### **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 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 finished floor levels of the buildings relative to Ordnance Datum Newlyn. The development shall be carried out in accordance with the approved details.
- 5 No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 6 The 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; andSoft 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.

Existing trees and hedgerows that are to be retained in accordance with the submitted arboricultural impact assessment and Tree Protection Plan dated 26th April 2016 shall be protected during the course of construction by the means set out within the above referenced report and plan. 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.

- 7 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.
- 8 No external lighting shall be erected on any part of the site without the prior express permission of the Local Planning Authority.
- 9 No development approved by the permission shall be commenced until a detailed drainage design including a scheme of surface water treatment has been submitted to and approved in writing by the Local Planning Authority. The design 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, Building Regulation H and local policy. 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 3rd party land or to their network, system or watercourse.
- 10 Development shall not 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 has been proposed, and avoid soil compaction of such locations.
- 11 Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100+30% event has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.
- 12 No development shall be put in to use/occupied until a SUDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.
- 13 No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 20m of the proposed access road, including the junction with the existing public road, has been completed to at least binder course level.
- 14 The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the building(s) hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.
- 15 Details of the layout and access, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved plans. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.
- 16 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.
- 17 No development shall commence on site until a scheme has been submitted to, and agreed in writing by the council, for the provision of fire hydrants (served by mains water) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the council.

- 18 Prior to works commencing on the development hereby permitted, details of Improvements to the existing pedestrian dropped kerb crossing point across Kyderminster Road linking the existing public footpaths to include tactile paving shall be submitted to and agreed in writing by the Local Planning Authority, the works shall then be constructed in accordance with the approved plan and made available for public use prior to the first occupation of the dwellings hereby permitted.
- 19 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- i. specify the type and number of vehicles;
  - ii. provide for the parking of vehicles of site operatives and visitors;
  - iii. provide for the loading and unloading of plant and materials;
  - iv. provide for the storage of plant and materials used in constructing the development;
  - v. provide for wheel washing facilities;
  - vi. specify the intended hours of construction operations;
  - vii. measures to control the emission of dust and dirt during construction
- 20 Prior to works commencing on the development permitted, details of pedestrian accesses to link with the existing public footpaths as shown on the indicative masterplan: CORA2003 Rev:B Concept masterplan shall be submitted to and agreed in writing by the local planning authority, and approved pedestrian links shall be provided and made available for public use prior to first occupation of the dwellings hereby permitted.
- 21 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 recommendations set out in the Preliminary Ecological Appraisal dated 26th April 2016, Bat Survey Report dated September 2015 and Reptile Survey Report dated September 2015. It shall include a timetable for implementation, details for monitoring and review and how the areas concerned will be maintained and managed. Development shall be in accordance with the approved details and timetable in the EMP.
- 22 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.

**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 To ensure that the proposed construction work does not cause undue nuisance and disturbance to nearby properties at unreasonable hours.
- 6 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 In the interests of amenity and ecology in accordance with the NPPF.



- 9 To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage and water quality in the locality.
- 10 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.
- 11 To ensure satisfactory drainage of the site and avoid flooding in accordance with 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 in the locality.
- 12 To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding in accordance with the NPPF.
- 13 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the Paragraph 32 of the National Planning Policy Framework.
- 14 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.
- 15 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.
- 16 To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with Section 4 of the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.
- 17 To ensure adequate water infrastructure is made on site for the local fire service to tackle any property fire in accordance with Paragraphs 32 & 35 of the NPPF.
- 18 To ensure that the priority is given to pedestrian and cycle movements and that a safe and secure layout that minimises conflict can be created in accordance with Paragraph 35 of the NPPF.
- 19 To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.
- 20 To ensure that the priority is given to pedestrian and cycle movements and that a safe and secure layout that minimises conflict can be created in accordance with Paragraph 35 of the NPPF.
- 21 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.
- 22 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.

Notes:

**1 Statement of Positive and Proactive Engagement**

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

2 This permission has been granted pursuant to the completion of a Planning Agreement under S106 of the Town and Country Planning Act 1990.

3 Severn Trent advise that there may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

4 The applicant is advised that to discharge condition 17 the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a private managements and maintenance company confirming funding, management and maintenance regimes.

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

6 The proposed development will involve works to be carried out on the public highway and the applicant/developer is required to enter into a legally binding highway works agreement (including appropriate bond) with the County Council before commencing those works.

7 You are advised to contact Amey Gloucestershire 08000 514 514 to discuss whether your development will require traffic management measures on the public highway.



□ Site Boundary - 1.90ha

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514/A

Client: TATA Steel

Project: Land off Kyderminster Road, Winchcombe

Drawing: Site Location Plan

Drawing Number: CORA2013\_1001\_01a Location Plan  
 Project Number: CORA2013  
 Date: MARCH 2016  
 Status: FINAL  
 Scale: 1:1250 (A3)  
 Revision: 01

**Turley**



**Development Strategy**

Main access from Whitmore Road to the north east of the site and Clarendon Road to the south east.

There is potential for additional pedestrian only access from adjoining land owned by the Town Council. This is subject to agreement and future plans for the adjoining field.

Open space is overlooked by development where possible and a softer green buffer edge is created along the western and southern boundary ensuring built form doesn't cross the 115m contour line.

Further open space is incorporated into the south eastern area around the indicative attenuation pond. There are also proposed green links into the site from the existing housing development along the eastern boundary.

Built form effects and orientation respect the existing residential properties to the east.

The pipe line easement along the eastern boundary will be surveyed. A no development easement has been assumed at this stage.

The overhead power line can potentially be rerouted underground subject to agreement with relevant stakeholders.



**Schedule of Masterplan Areas**

Site Area	1.90ha
Net Residential Development	1.10ha approx 35 dwellings @ 32/ha
Public Open Space including ecology landscape enhancements, footpaths through the site, a Local Area of Play and	0.68ha
Attenuation	0.05ha

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- Site Boundary
- Access All Modes
- Access - Pedestrian / Cycle
- Pedestrian / Cycle Routes
- Primary Route
- Private Drive\*
- Shared Surface\*
- Existing Hedge
- Residents Footpath
- Existing Trees
- Root Protection Zones
- Public Open Space
- Indicative Landscaping / Planting
- Attenuation Area (Indicative subject to technical work)
- Indicative Plots / Frontage
- Indicative Private Amenity (Gardens)
- 115m Contour Line
- Local Area of Play (LAP)
- \*Low level street lighting for back garden

Client  
**TATA Steel**

Project  
**Land off Kyderminster Road, Winchcombe**

Drawing:  
**Illustrative Concept Masterplan**

Drawing Number  
COR4203\_2023\_Concept Masterplan\_011&P

Project Number  
COR4203

Date  
20/04/2016

Status  
FINAL

Scale  
1:1000 (A3)

Drawn by  
M. Smith

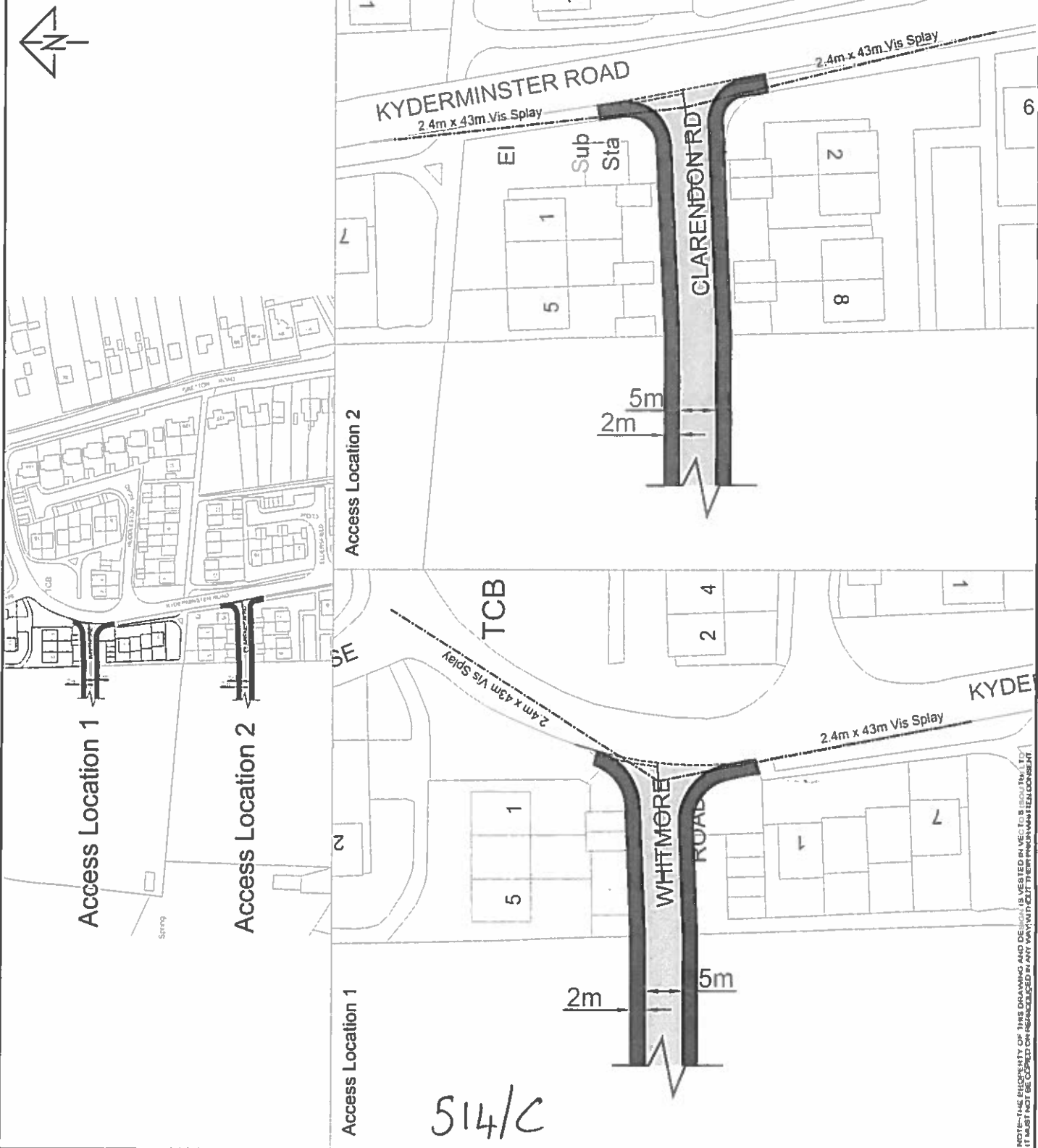
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16/00481/OUT. Proposed Site Access

Notes:

- 1. This is not a construction drawing and is intended for illustrative purposes only.
- 2. What is being is not a contract.



REV	DETAILS	DRAWN	CHECKED	DATE

CLIENT  
Tata Steel

PROJECT  
Tata Steel, Winchcombe

DRAWING TITLE  
Site Access Locations

SCALE  
1:500 at A3

DRAWN AP CREDITED MT DATE 16.01.15



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DRAWING NUMBER  
W151628\_A01

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15/01378/OUT

Nerva Meadows , Plots 3200, 7400, 7520, Gloucester Business Park 5

Valid 23.12.2015

Development of up to 106 dwellings with associated access, public open space, landscaping and other infrastructure.

Grid Ref 388117 215795

Parish Brockworth

Ward Brockworth

Arlington Business Parks (GP) Ltd  
C/o Agent

## **RECOMMENDATION Refuse**

### **Policies and Constraints**

#### **NPPF**

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, HOU1, HOU4, HOU13, BR2, TPT1, TPT3, TPT5, EVT2, EVT5, EVT9, LND7, RCN1, RCN2, NCN5.

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

SPG Affordable Housing

Flood and Water Management Supplementary Planning Document

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

The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

**Brockworth Parish Council** No objections subject to:

- A full survey by a flood risk engineer to be completed as this area frequently floods.
- The percentage of social housing to be reviewed and revised down.
- Provision is made for schooling and doctor's surgery.
- Bus links and pedestrian crossings to be reviewed.
- Consideration for trees with no unnecessary felling.

**Hucclecote Parish Council** -Raises no objection to this application but it would like consideration to be given to seeking contributions towards community and public transport infrastructure. In addition the percentage of affordable housing is considered to be too high.

**Cotswolds Conservation Board** - No objection.

**Natural England** - No objection.

**County Archaeology** - Recommends on-site investigations prior to the determination of this application.

**Economic Development Officer** - Raises concern about the loss of employment land on one of the borough's key, strategic business parks

**County Council S106 Officer - Economic Development and Strategic Planning** - Contributions sought towards Schools and libraries.

**Strategic Housing and Enabling Officer** - No objection to the proposed development.

**Environmental Health Officer** - No objection subject to conditions relating to noise

**County Highway Authority** - No objection, subject to conditions.

**Highways England** - No objections.

**Urban Design Officer** - No objection.

**Severn Trent** - No objection

**GCC Lead Local Flood Authority** - No objection subject to conditions.

**Gloucester City Council** - Object to the proposal due to the loss of strategic employment land.

One letter of neighbour representation received raising the following objections:

- There is already insufficient parking and local road networks are already stretched.
- Increase flood risk.
- The percentage of affordable housing is too high.

## **Planning Officers Comments: Mr Ciaran Power**

### **1.0 Introduction**

1.1 The site is located at Gloucester Business Park on its southern periphery. To the south beyond the Business park is the Coopers Edge Housing development. The application site is currently vacant and is allocated as employment land in the Local Plan as well as in the Joint Core Strategy (JCS). The site is not located within any landscape designation although it is close to the Cotswolds AONB. The site faces Lobleys Drive and Hurricane Road to the north with a roundabout between them, and Gambet Road with its bus stops to the west. The site is dissected by Buccaneer Avenue in north south direction, with Wootton Brook Corridor to the south. Adjacent to the eastern boundary is a commercial/ industrial unit. North of the site across Lobleys Drive lies a larger commercial unit. There is a third commercial plot north-east of the site, which remains to date undeveloped. All these commercial plots form part of Gloucester Business Park.

### **2.0 History**

2.1 An Environmental Impact Assessment (EIA) Screening Opinion for up to 120 dwelling was issued in October 2015 which concluded that the proposal did not constitute EIA development. Therefore, an Environmental Statement has not been submitted with this application.

2.2 The application site forms part of a larger strategic employment allocation and planning permission for Business use exists on the site. There are no specific detailed applications submitted in respect of developing the application site.

### **3.0 Current Application**

3.1 The proposal seeks outline planning permission for residential development of up to 106 dwellings, public open space, vehicular and pedestrian access and associated infrastructure. All matters are reserved for future consideration except access. The application is supported by an Illustrative Masterplan which shows how a scheme of up to 106 dwellings could be accommodated. Up to 40% affordable housing would be provided. It is proposed that the site would be accessed via two new staggered priority T junctions on Buccaneer Avenue. The development proposed to the east of Buccaneer Avenue would be accessed via the northern priority T junction, whereas the larger part situated to the west would be accessed via the southern priority T junction. The two plots forming the application have a site area of 3.87ha. Based on the number of 106 residential units, the proposed density equates to 27.4 dwellings per hectare (dph).

### **4.0 The Community Infrastructure Levy Regulations**

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

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

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

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

## Policy Context

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 is located within Gloucester business park employment area as defined by saved policy BR2 of the adopted local plan. Policy BR2 allocates land within the business park for employment and states that new buildings must be within business (class B1), general industrial (class B2) or warehousing (class B8) use. This proposal for residential development would therefore be in direct conflict with this policy. The sequential approach will be applied as appropriate to proposals for alternative uses.

5.3 The applicants consider that Policy BR2 is out of date having regard to the Court of Appeal decision handed down on the 17th March 2016 in the case between Richborough Estates Partnership LLP v Cheshire East Council and Secretary of State for Communities and Local Government (C1/2015/0894). However, this case did not provide that all development plan policies of whatever nature are automatically considered to be out of date where a local planning cannot demonstrate a five year housing supply. Instead, it provides that what is a "relevant policy for the supply of housing" for the purposes of paragraph 49 of the NPPF is to be construed as meaning "relevant policies affecting the supply of housing" and that this should be given a wide meaning capable of capturing both specific and general policies so as not to merely capture policies that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites, but also for example policies for the Green Belt, general protection of the countryside, conserving the landscape of Areas of Outstanding Nature Beauty and various policies whose purpose is to protect the local environment in one way or other by preventing or limiting development. Though, it states that this interpretation recognises the concept extends to plan policies where the effect is to influence the supply of land by restricting the locations where new housing may be developed, it also states that it is for the decision maker (within the bounds of rationality) to determine whether a relevant policy, properly understood, is a policy for the supply of housing in the sense described in that case. Contrary to the applicant's view it is not considered that policy BR2 should be treated as policy for the supply of housing in the sense as provided by the Richborough Estates case and so not one to be considered out of date due to a lack of a five year housing supply. The case also reiterates that even where a policy is considered to be an out of date policy for the supply of housing those policies are not irrelevant in the determination of a planning application, the weight as ever is a matter for the decision maker.

5.4 Whilst it is accepted that Policy BR2 of the Local Plan seeks to safeguard land within the Business Park for employment uses it is also true that the Policy includes, within it, a sequential test to allow alternative uses to be considered, which can include housing. The general approach of Policy BR2 is considered to be consistent with the NPPF, paragraph 17 states that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Furthermore, through paragraph 20, the NPPF requires local planning authorities to plan proactively to meet the development needs of business and support the economy to help achieve economic growth. Therefore, paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

5.5 The sequential test within Policy BR2 allows alternative uses to be considered. Paragraph 22 of the NPPF states that local authorities should avoid the long-term protection of employment sites where there is no reasonable prospect of it being used for that purpose. It adds that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

5.6 Having regard to the above it is considered that substantial weight can be applied to Policy BR2 in the determining of this planning application.



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

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

#### Emerging Development Plan

5.9 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. The JCS authorities are now developing main modifications to the plan based on evidence and discussions heard throughout the hearings and the recommendations in the Interim Report. The exact timetable is still to be determined.

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

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

5.11 Further comments on the weight to be attributed to any policies in the JCS relevant to this application are discussed in the appropriate sections of this report.

5.12 A key element of the JCS strategy is to identify the objectively assessed need for housing and employment growth in the area. Over the course of the JCS examination further evidence has been undertaken on the housing and employment needs for the area which advance on the need identified with Policy SP1: The Need for New Development in the Submission JCS document.

#### Other Material Considerations

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

5.17 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.

5.18 One of the core principles of the NPPF is that planning should be genuinely plan-led; another, that *"planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities"*.

5.19 Section 1 of the NPPF stresses the need for building a strong and prosperous economy, stating at Paragraph 18 that *"The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future."*

5.20 Paragraph 20 of the NPPF sets out that -

*"Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."* It is acknowledged that the NPPF states that policies should avoid the long term protection of sites *"where there is no reasonable prospect of a site being used for that purpose"*.

5.21 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 relevant policies for the supply of housing contained within development plans should not be considered up-to-date. In this respect a recent Court of Appeal decision has judged that Paragraph 49 should be interpreted widely and it applies to all policies which are restrictive of where housing development can go. This would include settlement boundary policies and countryside protection policies.

#### Conclusions on the principle of residential development

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

5.23 Nevertheless in this case the proposal conflicts with saved Policy BR2 of the Local Plan which seeks to protect business uses on the applications site and is not considered to be a policy for the supply of housing and either way should be afforded significant weight.

#### **6.0 Loss of Employment Land**

6.1 As set out above, the application site is located within Gloucester business park employment area as defined by saved policy BR2 of the adopted local plan and that Policy should be given substantial weight in the determination of the application. Policy BR2 allocates land within the business park for employment and states that new buildings must be within business (class B1), general industrial (class B2) or warehousing (class B8) use. This proposal for residential development would therefore be in direct conflict with this policy. The sequential approach will be applied as appropriate to proposals for alternative uses.

6.2 whilst the applicants do not agree that Policy BR2 should be afforded significant weight, they nevertheless seek to demonstrate that the application site has no reasonable prospect of being used for the allocated employment use.

#### Employment Needs

6.3 The latest evidence on employment needs in the JCS area has been presented in the NLP Employment Land Assessment Update (October 2015). The findings of this assessment set out that the JCS should establish a minimum requirement for B Class employment land of 192 hectares and should support positive business growth aspirations for 39,500 jobs.

6.4 Policies SP1, SP2 and SD2 in the JCS provide the policy context for the delivery of the spatial elements of the economic strategy for the JCS area, with the aim of locating jobs near to the economically active population. The spatial strategy of the JCS is to provide for an urban focused economic strategy, aligning with the notion of a principal urban area within the County; this is based around the promotion and regeneration of the key urban centres of Gloucester and Cheltenham, the market town of Tewkesbury and the wider rural areas of Tewkesbury Borough, supported by strategic allocations in sustainable locations.

6.5 To provide further information on the strategy for delivering the employment growth identified through the Employment Land Assessment Update the JCS authorities have produced a separate Economic Update Report (November 2015, Updated February 2016). This report details how the need for 192 hectares of employment land is to be provided:

- Existing JCS Strategic allocations, incl. MOD Ashchurch (c 84 ha)
- Proposed additional employment at Brockworth SA4 (c 3 ha)
- Proposed additional Strategic allocation at West Cheltenham (c 40 ha)

Existing undeveloped capacity (based on previous local plan allocations and extant planning permissions)

- Tewkesbury Borough c. 40 ha
- Cheltenham Borough c. 3 ha
- Gloucester City c. 20 ha

Other potential available and suitable sites (in addition to JCS allocations)

- Tewkesbury Borough c.40 ha
- Cheltenham Borough c. 1 ha

6.6 The existing undeveloped capacity in the JCS area makes an important contribution to the overall employment land supply. This part of the supply is crucially available for development now, while other elements require allocation through a development plan. Tewkesbury Borough has an identified capacity of 40ha, approximately half of which is supplied from the undeveloped land at Gloucester Business Park, including the application site.

#### Marketing evidence presented by Applicants

6.7 The application was accompanied by a Marketing Report submitted in support of application by Alder Kind dated December 2015. The report sets out a number of reasons why the application site has failed to achieve development by a commercial operator. This includes:

- The size and shape of these plots, it would only be possible to deliver small scale offices in 'village' developments. Gloucester Business Park has already provided an optimum level of this product to serve small to medium-sized businesses.
- The shape of the sites together with limited points at which access can be gained limit flexibility to design and develop the land for commercial use, particularly if this is to be industrial or warehouse in nature.
- B1 office use would be an inappropriate use given the absence of any amenity close by.
- The boundaries are fixed and are formed by existing access roads to the north and east and/or west and residential development to the south.
- The impact of the new housing on these sites. Marketing has been extensive and has been focussed at national, regional and local levels. This marketing has continued without interruption for 19 years.
- The development has been successful in securing a number of significant occupiers.
- The master plan provides for office uses to be located to the north close to the amenities provided by the retail, restaurant and leisure uses with industrial and warehouse users being located to the south.
- Over the marketing period there has been a number of unsuccessful attempts to secure commercial occupiers for the Southern Plots. A number of schemes have been prepared for specific requirements however it has not been possible to secure any commitments.
- Initially the allocation of the Coopers Edge land for residential use caused concern. Its subsequent development has led to commercial occupiers stating a preference for sites on the northern side of Lobleys Drive, which provides a natural buffer between commercial uses to the north and residential uses to the south.
- The other undeveloped land within Gloucester Business Park is more suited to employment use.
- Currently a total of 21.23 hectares (51.8 acres) of land is consented for employment use and is positioned centrally within the park, north of Lobleys Drive.
- A number of developments have been completed by Goodman on Gloucester Business Park.
- A site of some 3.3 hectares (6.15 acres) has been proposed for employment use within the Perrybrook Scheme to the north of Gloucester Business Park. The Perrybrook land is far more suitable for employment use than the Southern Plots.
- The JCS does not currently propose to allocate any additional land at Brockworth which implies that Brockworth has already achieved the optimum level of employment land.

- The loss of the 3.7 hectares (9.32 acres) at Plots 3200, 7400 and 7520 for employment use and the provision of the 3.3 hectares (6.15 acres) at Perrybrook, which is a more viable location, adequately meets the needs for Brockworth.
- The demand for business space remains suppressed as evidenced by only one new office development commencing since the completion of the last phase of development in 2008. Therefore the proposed land, totalling 3.76 hectares (9.3 acres) should be considered for residential development to try and stimulate commercial demand by improving the labour pool, and therefore enhancing the opportunity for business growth and inward investment.

6.8 Since the application was originally submitted detail discussions have been undertaken between the Applicant and Officers to attempt to progress the application in a positive manner. The discussions have led to the submission of further information in an attempt to convince officers that there is no reasonable prospect of the site coming forward for commercial uses.

6.9 In order to independently assess the submitted information the Council subsequently commissioned

- Bruton Knowles who are independent Chartered Surveyors and Commercial Property Consultants based in Gloucester. The report produced by Bruton Knowles concludes that following.
- Gloucester Business Park has been extensively marketed but there has not been any marketing of the specific plots.
- Historical development at Gloucester Business Park has included a large amount of speculative development. During the period 2005 - 2016 it was the most successful location for new development. This timeline includes a pre-recession period and is reflective of overall market conditions.
- The commercial market has showed a marked improvement since 2012. This improved confidence and successful sales has renewed occupier and developer interest in the M5 corridor with a number of large pre-committed transactions and increase in the supply of speculative development.
- New development at Gloucester Business Park since 2012 has been limited with only one transaction to an occupier (Horizon Nuclear) and no speculative development. This is surprising as it offers a comparable location to other commercial areas along the M5 corridor.
- Whilst the applicant may have a strong preference to secure much larger occupiers (in excess of 100,000 sqft) and be less inclined to conclude smaller transactions, which it is accepted are less profitable, smaller scale commercial development nevertheless remain an active sector of the market.
- Bruton Knowles do not believe that the 'bare land' has been offered for sale and we consider that there would be strong demand from owner occupiers or industrial developers.
- In the opinion of Bruton Knowles, the Gloucester Business Park offers immediate commercial land and a supply that is the largest in the Borough.
- Bruton Knowles believe the subject land and the other commercial development land at Gloucester Business Park should be safeguarded and retained for potential commercial development.

6.10 The findings of Bruton Knowles underpins the concern officers have raised during the course of the application.

#### Conclusion on marketing Information

6.11 Having regard to the above it is clear that the applicant is relying on park wide marketing approach order to put forward their arguments relating to the release of the application site. Indeed if this approach was considered to be acceptable, the same could easily apply to many of the other sites on Gloucester Business Park. Having regard to this it is critical that plots proposed to be utilised for non-employment uses are first marketed at a plot specific level and Bruton Knowles also considers that if the application site was offered as "bare Land" there would be strong demand from owner occupiers or industrial developers.

6.12 Little or no plot specific marketing has been carried out at the applications site even though such methods have been successful on other plots in the past. A major issue cited by the application is land value resulting from the high infrastructure costs but Bruton Knowles note that the majority of the infrastructure through the Park has been completed; the remaining undeveloped plots remain ready for immediate development with very little additional costs of the servicing required.

6.13 Bruton Knowles have also highlighted the lack of available land within the Borough that has planning permission in place and is ready to be developed. Gloucester Business Park, including the application site, offers some of the best development land within the County that is immediately available and could be developed quickly.

6.14 Having regard to the above it is not considered that there are any compelling reasons why the application site could not be utilised for employment uses. Having regard to the above it is considered that the proposed development of the site for housing would be contrary to Saved Policy BR2 of the Local Plan. It is acknowledged that the NPPF states that policies should avoid the long term protection of sites "where there is no reasonable prospect of a site being used for that purpose". Nevertheless, officers are of the view that the applicant has failed to satisfactorily market the relevant plots to demonstrate that there is no reasonable prospect of a site being used for that purpose given the significant need with the JCS area for employment land. Furthermore, given the reliance on Gloucester Business Park to meet that demand, especially in the short term, this weighs heavily against the proposed development in the planning balance.

## **7.0 Landscape and Visual Impact**

7.1 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy LND4 of the Local Plan states that in considering proposals for development in rural areas, regard will be given to protect the character and appearance of the rural landscape. Policy SD7 of the JCS Submission Version (November 2014) states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.

7.2 The application site is surrounded by built development with commercial building associated with Gloucester Business Park to the north and east. To the south and west the Site is bordered by the emerging Coopers Edge Residential Development. The site is located within a designated Major Employment Site and currently benefits for outline planning permission for B1, B2 and B8 uses.

7.3 The application is supported with a Landscape and Visual Impact Assessment (LVIA) which concludes, amongst other things, that the development has the potential to provide a well-integrated extension to the residential development of Cooper's Edge to the south. This, coupled with new areas of public open space and reinforced boundary planting could ensure the development makes a positive contribution to the overall character of this new urban fringe landscape.

7.4 The general findings of the LVIA are accepted and whilst the proposal would be visible in the wider landscape including elevated locations within the AONB, given the sites location as well as the extant outline planning permission relating to the commercial use of the site it is considered that the proposed development would have a neutral impact on the wide landscape. It is also relevant that the Cotswolds AONB Board do not object to the proposed development.

## **8.0 Design and Layout**

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

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

8.3 The DAS sets out the design evolution of the scheme and sets out the 'Development Objectives' which include:

- Creation of a great public space for the local community to gather, interact and enjoy. Creation of a clear hierarchy of spaces between a vibrant, energetic public space and welcoming, pedestrian friendly streets.
- Provision of space for vegetable / fruit growing for local residents.
- Reinforcement of ecological connections within the site to make an ecological gain.
- Provision of space for ecological learning opportunities to benefit local children.
- New open spaces will be designed to help promote the wildlife interest on the site and deliver overall sustainable objectives for the development.
- The recreational space is the main community hub of the development.

8.4 The Urban Design Officer has commented that the DAS provides a good level of design rationale and illustrative detail and it demonstrates that the site could be developed to a good standard of design if these principles are followed in future reserved matters applications. A condition should be applied to any permission ensuring future applications are fully in accordance with the design and access statement and illustrative masterplan.

8.5 Recognising that this is an outline application with all matters reserved for later consideration it is considered that the illustrative masterplan and layout plan demonstrates that an acceptable standard of design could be achieved on the site for the development proposed.

## **9.0 Accessibility and Highway Safety**

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

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

9.3 It is proposed that the site would be accessed by two new priority T junctions on Buccaneer Avenue. The smaller parcel to the east of Buccaneer Avenue would be accessed using the northern most access with the larger portion of the development being served from the southernmost access. The proposed access arrangements are in keeping with the adjacent residential area to the south and are based on the Manual for Streets principles which gives a clear legibility to drivers that this will be a residential area. Both access points provide 2.4x35m to the south and 2.4x 51m to the north visibility splays which are suitable for the recorded speeds of vehicles.

9.4 The land parcels on Gloucester Business Park which form the application site have Outline planning permission for commercial use. The submitted Transport Statement has demonstrated that the proposed development would create fewer vehicle movements than the extant outline permission which forms a fall-back position for the site. Therefore the net impact of the development in terms of vehicle movements is less than that already permitted.

9.5 In addition to vehicle movements there would be an increase in movements by other transport modes such as walking/cycling and public transport. These movements are also likely to have a higher proportion of vulnerable road users such as young children and people with mobility difficulties. Therefore the Transport Statement has reviewed the local pedestrian and cycle infrastructure through a Non-Motorised User (NMU) Context Report and Review. Additional facilities have been proposed including additional footway provision and crossing points to improve mobility around the local area.

9.6 Having regard to the above the County Highway Authority raises no objection to the proposal subject the imposition of conditions. Highways England were also consulted and raise no objection to the proposal.

## **10.0 Residential Amenity**

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

10.2 The nearest properties are those located to south and the proposal approximately 45 metres away at the nearest point between the indicative perimeter blocks. The illustrative masterplan indicates a planting buffer and there is an existing area of open space located between the application site and those dwellings to the south. With this in mind it is considered that the proposal could be designed so as not to give rise to undue impacts on nearby houses. The detail of this, and the relationship between the proposed dwellings can be adequately addressed via reserved matters applications.

## **11.0 Noise Impacts**

11.1 The NPPF states at paragraph 120 that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

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

11.3 The submitted Noise Assessment considers that the dominant source of noise which would affect the residents of the development is from road traffic and commercial uses. The noise resulting from transport movements could be mitigated by ensuring that private gardens do not front onto main roads and are located behind the dwellings. The dwellings would then provide partial noise shielding. If this is not possible and some private gardens do front onto main roads then mitigation in the form of a barrier may be required. The extent and height of the barriers would be determined at the detailed assessment stage.

11.4 In terms of the noise generated by adjacent industrial uses the Noise Assessment considers that this could be mitigated through the design and layout of new dwellings and consideration of ventilation in sensitive plots to avoid the need to open windows.

11.5 The EHO considers that the proposed development would be acceptable subject to the imposition of an appropriately worded planning condition requiring a noise mitigation scheme to be submitted to and agreed in writing by the Local Planning Authority.

## **12.0 Affordable Housing**

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

12.2 The applicant proposes that 40% of the proposed dwellings would be provided as affordable units and the Affordable Housing Statement confirms that the applicant is committed to working with the Council to achieve an appropriate clustering and mix. The affordable housing is to be split evenly 50:50 between affordable rented and intermediate housing; the intermediate proportion may include a range of products including shared ownership units and low cost market housing capped at 80% of market value retained in perpetuity and complying with the NPPF definition.

12.3 The Council's Strategic Housing & Enabling Officer considers the proposed affordable to be acceptable in principle and could be secured through a Section 106 Agreement, however there is no signed s106 obligation to secure such provision at this stage.

### **13.0 Flood Risk and Drainage**

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

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

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

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

13.5 Gloucestershire County Council as the Lead Local Flood Authority (LLFA) has considered the FRA and considers that the proposed development would be acceptable subject to appropriate drainage conditions attached to any planning permission granted. In addition Severn Trent Water raise no objection to the proposals subject to conditions.

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

### **14.0 Open Space, Outdoor Recreation and Sports Facilities**

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

14.2 In accordance with these policies, the proposal would generate a requirement for 0.61 ha of open space of which 0.41ha should be playing pitches. The indicative plan shows that the development includes recreation areas of open space including landscaping. The development would also generate the need for contributions towards playing pitches and pitch provision amounting to £185,607. Further a contribution is sought towards sports facilities which include contributions towards Brockworth Sports Centre and Mid-Glos indoor Bowls totalling £111,566. Provision of play equipment would also need to be made as well as a contribution towards Community Facilities which amounts to £48,199.

14.3 The applicant has confirmed that they are amenable to paying contributions as set out above, however there is no signed s106 obligation to secure them at this stage.



## **15.0 Education, Library and Medical Provision**

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

15.2 Gloucestershire County Council has considered the impact upon, and necessary mitigation, for the provision of pre-school / early years, education and library services. In this respect the following contributions are recommended: Primary - £327,514; Secondary - £299,683 and Libraries - £20,776. The applicant has confirmed that they are amenable to paying contributions as set out above, however there is no signed s106 obligation to secure them at this stage.

15.3 Clinical Commissioning Group have identified the need for a contribution of £26,045 towards service provision and the impact on of the development on infrastructure costs. The applicants have confirmed that they would be willing to the principle of such a contribution.

## **16.0 Archaeology and Cultural Heritage**

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

16.2 The County Archaeological Officer (CAO) advises that having checked the proposed development area against the County Historic Environment Record, there is no evidence for any previous archaeological investigation there. However, the wider locality is known to contain extensive archaeological remains relating to prehistoric and Roman activity and settlement. Such archaeological remains are often covered, and so masked from view, by medieval and modern plough soils.

16.3 The CAO recommends that in advance of the determination of this planning application the applicant should provide the results of an archaeological field evaluation which describes the significance of any archaeological remains contained within the site and how these would be affected by the proposed development.

16.4 Whilst it is acknowledged that the site has the potential for archaeological remains it is also relevant that the extant planning permission in relation to commercial uses on the site has outline planning permission. Having regard to this, in this specific case where outline permission already exists for developing the site, it is considered that a more proportionate approach would be to require further archaeological field evaluation and secure this via an appropriately worded planning condition.

## **17.0 Ecology and Nature Conservation**

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

17.2 A Phase 1 Survey and detailed surveys relating to reptiles have been undertaken. The surveys confirm that there is no overriding ecological constraint to the development of the site, and that the implementation of mitigation measures, and the proposals would accord with planning policy with regard to nature conservation at all administrative levels.

17.3 Natural England raises no objection however they do consider it necessary for any scheme to incorporate high levels of green infrastructure on site. This is to ensure that there is adequate open space to cater for recreational demands within the site itself, thereby mitigating potential impacts on the Cotswold Beechwoods Special Area of Conservation (SAC) and Hucclecote Meadows Site of Special Scientific Interest (SSSI). The indicative masterplan shows that open space provision on the site would be well in excess of the minimum required and therefore it has been demonstrated that the number of dwellings proposed could be accommodated alongside significant areas of green infrastructure.

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

## **18.0 Contaminated Land**

18.1 The application is accompanied by a Preliminary Risk Assessment (PRA) to assess the ground conditions of the site. The assessment identifies potential pollutant linkages with a risk of moderate to low that may drive site investigation works as:

- Potential risks to future site users (residential end users) from direct contact of contaminants within shallow soils, particularly within the area in the south, which was occupied by part of the former engine works.
- Potential risk to future site users from ground gases related to made ground.
- Chemical attack from contaminants affecting portable water supply pipes
- Chemical attack from contaminants to building infrastructure.

18.2 The PRA recommends that a site investigation be carried out to confirm the likely moderate to low risks present onsite and off site. Having regard to this matter further investigation is required to be carried out in order to ascertain the contamination risks on site. Whilst it is acknowledged that there is an existing extant planning permission the proposal is for a more vulnerable land use and having regard to this it is considered that the contamination land matter has not been appropriately addressed as part this application therefore this weighs against the proposal in the planning balance.

## **19.0 Overall Balancing Exercise**

19.1 The site is located outside any recognised settlement where new housing development conflicts with Policy HOU4 of the Local Plan. The proposed development is contrary to this policy of the Development Plan. This conflict with policy must be weighed against other material considerations in favour of the development. As set out previously, Tewkesbury Borough is currently unable to demonstrate a 5-year supply of deliverable housing sites. However, the site is subject to a relevant policy BR2 which is not considered to be a policy for the supply of housing.

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

### Beneficial Effects

19.3 The development would contribute significantly towards the supply of market housing to help meet the objectively assessed need for housing in the area. It is also recognised that any contribution towards affordable housing, is a beneficial effect.

19.4 New employment would be created during construction and businesses connected with the construction industry, some of which would likely be local suppliers and trades; all of which would contribute towards the local economy.

19.5 In terms of accessibility, the application site is located in close proximity to employment sites, existing housing, community facilities and is well served by public transport.

19.6 These benefits are not underestimated and weigh in favour of the application.

### Neutral Effects

19.7 The proposed development would not be at an unacceptable risk of flooding and would not exacerbate flooding problems for third party property. The proposed development, having regard to the extant planning permission associated with the site, would have a relatively neutral impact on the wider landscape. Any potential noise issues could be addressed by designing in mitigation at the reserve matter stage. In terms of ecology and nature conservation, it has been demonstrated that the development would not have a detrimental impact upon biodiversity. The mitigation measures required can be secured through planning conditions, S106 obligations and future reserved matters applications.

## Negative Effects

19.8 The proposed development would result in the unjustified loss of an allocated strategic employment site, which has an extant planning permission in place and therefore has the potential to meet current employment need. In addition further investigation is required to be carried out in order to ascertain the contamination risks on site.

## **20.0 Overall Planning Balance and Conclusion**

20.1 The NPPF sets out at paragraph 14 that in the context of the presumption in favour of sustainable development, proposed development that accords with the development plan should be approved without delay. For the reasons discussed above, the proposals do not accord with the development plan. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless, inter alia, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Given the current shortfall in terms of the 5 year supply of deliverable housing sites, policy HOU4 is out of date.

20.2 In weighing up the planning balance, it is considered that the harms identified above significantly and demonstrably outweigh the benefits and as such the proposal is not considered to represent sustainable development in the context of the NPPF (even if policy BR2 were to be considered to be a policy for the supply of housing). Furthermore, as set out in the report, there are various Section 106 obligations which have not been agreed as there is no signed Section 106 Agreement and as such these matters, at this stage, constitute reasons for refusal.

## **RECOMMENDATION Refuse**

### Reasons:

- 1 The use of the site for housing would result in the loss of an existing allocated employment site which has an important role in meeting future employment land needs for the wider Joint Core Strategy area. Further the applicant has failed to demonstrate that there is compelling evidence to support the release of this land for the proposed alternative use. The proposed would be contrary to Saved Policy BR2 of the Local Plan, Policy SD2 of the Joint Core Strategy (Submission Version) and the requirements of the National Planning Policy Framework.
- 2 The application has failed to demonstrate that there are no unacceptable contamination risks on site. The proposal is therefore contrary to Policy SD14 of the Joint Core Strategy.
- 3 In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and policies SD12 and SD13 of the Joint Core strategy Submission Version November 2014.
- 4 In the absence of an appropriate planning obligation, the application does not make adequate provision for on-site or off-site playing pitches with changing facilities and sports facilities to meet the needs of the proposed community. The application therefore conflicts with Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities) and policies INF5 and INF7 of the Joint Core strategy Submission Version November 2014.
- 5 In the absence of an appropriate planning obligation, the application does not make provision for the delivery of health, education, community infrastructure and library provision and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities) and policies INF5 and INF7 of the Joint Core strategy Submission Version November 2014.

**Notes:**

**1 Statement of Positive and Proactive Engagement**

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

15/01378/AUT



APPLICATION SITE  
BOUNDARY



APPROXIMATE  
NORTH

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Job Ref: 15/055 P-101

Date: 18/12/2015

Status: **OUTLINE PLANNING**

Director: NR

Author: FR

Check: NR

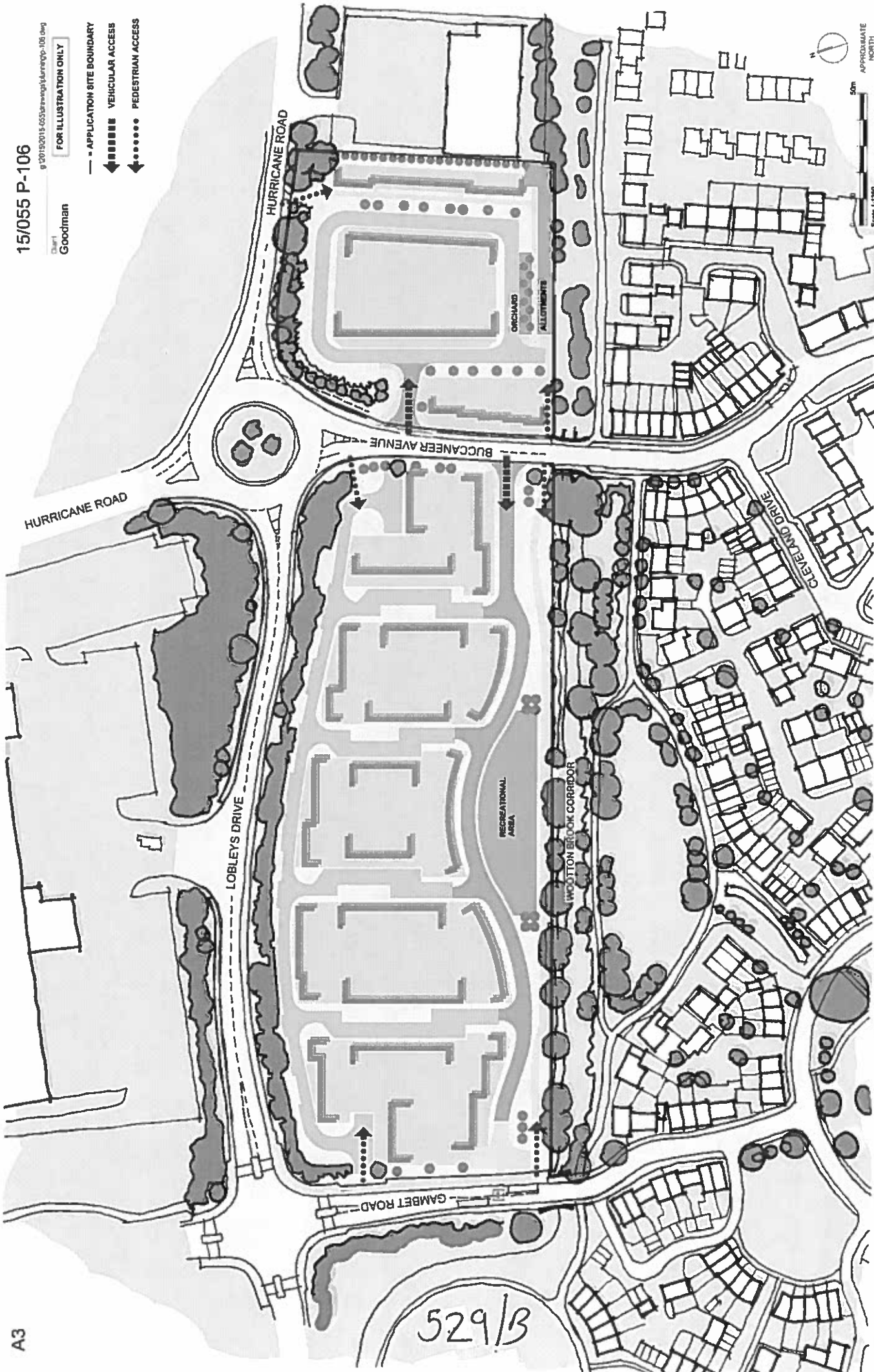
JOB: NERVA MEADOW, GLOUCESTER

Drawing: LOCATION PLAN WIDER CONTEXT

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FOR ILLUSTRATION ONLY

- APPLICATION SITE BOUNDARY
- ◀ VEHICULAR ACCESS
- ◀ PEDESTRIAN ACCESS



Scale 1:1250  
 APPROXIMATE NORTH  
 50m

Sub Title: **15/055 P-106**  
 Date: 18/12/2015  
 Rev: -  
 Scale: 1:1250  
 Status: **OUTLINE PLANNING**

Director: NR  
 Author: FR  
 Checker: NR

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**FOR ILLUSTRATION ONLY**

Nerva Meadow, Gloucester  
**MASTERPLAN CONCEPT SKETCH**

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Valid 30.09.2016

Erection of replacement dwelling and associated works including alterations to the residential curtilage boundary - revised scheme

Grid Ref 389504 222471

Parish Staverton

Ward Badgeworth

Mr Shaun Gorman  
C/o Agent**RECOMMENDATION Refuse****Policies and Constraints**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

JCS Submission Version - November 2014 - SD5, SD6, SD7, INF1, INF2, INF3

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, HOU7, GRB1 TPT1, EVT9, LND7

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

The First Protocol, Article 1 (Protection of Property)

Countryside and Rights of Way Act 2000

Green Belt

Public Right of Way

**Consultations and Representations**

**Staverton Parish Council** - Between the property and the proposed stables block is a public right of way. The previous occupiers blocked this by removing a stile and putting a locked gate in its place. The lock has been removed but it is noted that there will be a tree line along the Right of Way which could also create difficulty of passage. I would wonder how long the owners could leave it or what plans have they to prevent horses escaping

**Environmental Health Officer** - No comments to make

**County Highways** - No highways objection is raised.

**Local Residents** - No comments received

**Councillor Vines** has requested that the application is taken to committee to assess the suitability of this proposal given its Green Belt location.

**Planning Officers Comments:** Paul Instone

**1.0 Application Site**

1.1 The application site is located to the north of the B4063 Gloucester Road and to the west of the M5 motorway in the Parish of Staverton. The site is not within a recognised residential development boundary as defined in the Tewkesbury Borough Local Plan and is located in the Gloucestershire Green Belt. A public footpath runs along the sites western boundary. There is an existing single storey dwelling and associated outbuildings located on the application site.

**2.0 Relevant Planning History**

2.1 The site has an extensive planning history and there have been various attempts to extend the amount of living accommodation on site. There have also been a number of enforcement cases and unsuccessful applications relating to the use of land for the sale and display of motor vehicles and for the stationing of touring caravans.

2.2 In 2000 an application was submitted for the erection of a replacement single storey dwelling (ref: 00/01132/FUL). Planning permission was granted in October 2000 but never implemented and the permission has now expired.

2.3 In April 2016 permission was granted for a replacement dwelling (16/00446/FUL). The permitted dwelling is a 'U' shaped single storey dwelling and would replace the existing single storey dwelling and associated outbuildings on the site.

2.4 In August 2016 permission was granted for a revised scheme to planning permission 16/00446/FUL (ref: 16/00763/FUL) for the erection of a replacement dwelling and associated works including alterations to the residential curtilage boundary. The permitted dwelling was a 'U' shaped single store dwelling with dormers at first floor and would replace the existing single storey dwelling and associated outbuildings on the site.

2.5 16/01066/FUL - Proposed new agricultural building. Pending Consideration.

### **3.0 Current Application**

3.1 This application seeks planning permission for the erection of a replacement dwelling. The proposed dwelling would have 5 bedrooms and replace an existing single storey dwelling and associated outbuildings with a two storey dwelling with a pitched roof with a ridge height of circa 8.2 metres in approximately the same position on the site. The ridge height of the dwelling permitted by 16/00763/FUL is circa 6.4 metres. The proposed dwelling would have a different shaped footprint to the approved scheme and would extend to approximately 175 sq m and would be rectangular with a bay to the rear. By contrast the footprint of the dwelling approved by planning permission 16/00763/FUL is circa 210 sq m. The access and drive arrangements would remain the same as already approved as would the extent of the garden. Both the existing application and approved scheme propose that the existing dwelling and outbuildings are to be removed.

3.2 The existing dwelling which is to be replaced is single storey with a footprint of circa 120 sq m and in addition the outbuildings have a cumulative floor area of approximately 89 sq m.

### **4.0 Policy Context**

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

4.2 Section 9 of the NPPF makes clear that the Government attaches great importance to Green Belts and states Local Planning Authorities should regard the construction of new dwellings as inappropriate development in the Green Belt. Such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 sets out that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.3 There are exceptions, however, to the construction of new buildings in the Green Belt. Paragraph 89 sets out that the replacement of a building is not inappropriate development in the Green Belt provided the new building is in the same use and not materially larger than the one it replaces. This is reflected in Policy GRB1 of the Local Plan which considers the replacement of dwellings to be acceptable provided that any replacement is not materially larger than the dwelling it replaces.

4.4 In seeking to protect the countryside policy HOU7 is consistent with the aims of the Framework in that it seeks to protect valued landscapes. Similarly the requirement of Policy LND4 of the Local Plan to consider the need to protect the character and appearance of the rural landscape is consistent with the aims of the Framework. In addition policy SD7 of the JCS (Submission Version November 2014) seeks to protect landscape character and is considered consistent with the NPPF and would therefore carry some weight.

4.5 However, the requirement of Policy HOU7 for replacement dwellings to not be significantly larger than the dwelling it would replace is not considered consistent as there are no specific policies in the Framework to indicate that development of this nature should be restricted. The conflict with Policy HOU7 should be considered against the Framework which supports the enhancement and improvement of the places in which people live their lives whilst, whilst conserving the natural environment.



## 5.0 Analysis

5.1 The main issues for consideration in the application are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
- the effect of the proposal on the openness of the Green Belt;
- the effect of the proposal on the character and appearance of the area; and,
- whether the harm, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so would this amount to the very special circumstances necessary to justify the proposal.

### Green Belt Policy

#### Inappropriate Development

5.2 As set out above, Policy GRB1 of the Local Plan states that the replacement of dwellings can be acceptable provided that any replacement is not materially larger than the dwelling it replaces. This policy is consistent with paragraph 89 of the NPPF states that new buildings in the Green Belt are inappropriate development unless they fall within the given exceptions, which include that they are not materially larger than the building being replaced.

5.3 The existing dwelling has a floorspace of approximately 120sq m. There are also a number of existing outbuildings on the site, which have a cumulative floor area of approximately 89 sq m. The applicant has stated that these will be removed as part of the current proposal and that the removal of the outbuildings and the impact on the openness of the Green Belt should be considered as part of the application. While paragraph 89 specifies the replacement of a 'building' rather than 'buildings', it has been established in recent case law that there is no reason why the objective of Green Belt policy cannot be met by the application of this exception to a group of buildings as well as a single building and therefore it is considered the impact of the removal of the outbuildings is a consideration of the application.

5.4 The proposed replacement dwelling would be two storey with a footprint of approximately 177sq m and a combined floorspace of approximately 354sq m. This would be significantly larger than the existing dwelling and even taking into account the outbuildings would be materially larger (by approximately 145 sq.m). Notwithstanding this, an assessment of whether the proposal is 'materially larger' should be considered in the site context and not only depends on building footprint, but also height and depth which effect the bulk, mass and prominence of the dwelling. The existing dwelling is a modest bungalow with a low ridge height. The proposed replacement dwelling by contrast would be a two storey dwelling with a ridge height of circa 8.2 metres and would appear significantly larger than the existing dwelling and outbuildings it would replace; a point that is acknowledged by the applicant in his supporting statement.

5.5 It is therefore concluded that the development would constitute inappropriate development contrary to Paragraph 89 of the Framework, as well as Local Plan Policy GRB1.

#### Openness

5.6 With regard to openness, visually the application site is in an isolated location on the northern side of Gloucester Road and is surrounded by fields to the north, west and east all of which are located in the Green Belt. The existing dwelling on the site is a single storey structure positioned towards the front of the site and the existing outbuildings (also single storey) are low key structures generally located to the rear of the site. Their impact on openness is therefore limited. Whilst the outbuildings would be removed by the proposal, the proposed replacement dwelling would be a very large two storey building that would be highly visible from the road to the front and Public Right of Way (PROW) running immediately adjacent to the western boundary of the site. It is concluded therefore that the proposal would materially harm the openness of the Green Belt in this location. Having regard to paragraph 88 of the NPPF this harm must be afforded substantial weight against the proposal.

## **Character, Appearance and Landscape Impact**

5.7 Policy HOU7 stipulates that replacement dwellings should be of similar size and scale to the existing dwelling. The reasoned justification attached to Policy HOU7 sets out that the rebuilding and replacement of existing dwellings should not result in the introduction of large scale dwellings of alien design and inappropriate materials which may harm the local environment, and form incongruous features in the wider landscape setting. Policy LND4 of the Local Plan states that in considering proposals regard will need to be given to protect the character and appearance of the rural landscape. Policy SD7 of the JCS (Submission Version November 2014) also seeks to protect landscape character.

5.8 It is considered that the architectural approach does not respond to the context of the site and the defining characteristic of the landscape. The dwelling is 2 storey and includes architectural features such as a two storey gable entrance, protruding roof lights and a chimney which visually appears unconnected to the building and the roofline. All of these features increase the visual bulk of the building and are harmful to the essential characteristic of the landscape and would make the dwelling considerably more prominent than the existing dwelling, and indeed the previously permitted replacement dwelling, which was also a single storey and relatively low key building. It is considered that the impact on the landscape of the proposed replacement dwelling, taking into account the removal of outbuildings, would be materially more harmful to the landscape character of the site than the existing situation.

5.9 As such, it is considered that the proposal has failed to respond to the landscape context of the site and would be harmful to the defining characteristics of the landscape and the application, contrary to the NPPF and local plan policies HOU7 and LND4.

### **Residential Amenity**

5.10 The proposed dwelling would be positioned some distance away from its nearest neighbours. The proposed replacement dwelling house would also be set in generous grounds which would further mitigate any adverse impact on residential amenity. It is considered that the proposed replacement dwelling would not have any significant adverse impact on the amenities of occupiers of neighbouring properties.

### **Highway Safety**

5.11 Gloucester Road is subject to a designated speed of 50mph. The proposed development includes off-street parking and turning areas and would utilise an existing access. There would be no intensification of the use given that the development relates to a one for one replacement. The County Highway Authority raises no objection to the proposals and it is not considered that the proposed development would be detrimental to highway safety.

## **6.0 Overall balancing exercise and conclusions**

6.1 The NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, any harm to the Green Belt carries considerable weight. In this case it has been concluded that the proposed replacement dwelling would be materially larger than the existing dwelling (and the previously permitted replacement dwelling) and would harm the openness of the Green Belt. There would therefore be harm from inappropriateness in the Green Belt, as well as loss of openness. It is considered that there are no very special circumstances or any other consideration that outweigh the harm.

6.2 Similarly it is considered that the proposed replacement dwelling would not be of a similar size and scale to the existing dwelling and would be an incongruous intrusion in the landscape, contrary to Policies LND4 and HOU7 of the Local Plan.

6.3 In light of the above, it is considered that the proposed development is inappropriate development in the Green Belt which would be harmful to the openness of the Green Belt. The dwelling would also be a visually intrusive and discordant feature in the landscape. The application is considered contrary to the NPPF, Policies LND4, HOU7 and GRB1 of the Local Plan and emerging policy SD7 of the Submission Version Joint Core Strategy. The application is therefore recommended for refusal.

## **RECOMMENDATION Refuse**

### **Reasons:**

- 1 The proposed development constitutes inappropriate development in, and would materially harm the openness of, the Green Belt in conflict with the purposes of including land in it. The proposal therefore conflicts with policy GRB1 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the provisions of the National Planning Policy Framework (2012).
- 2 The proposed development would form a visually intrusive and discordant feature in the surrounding rural area which would have an adverse impact on the character and appearance of the landscape, in conflict with saved policies HOU7 and LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006, emerging policy SD7 of the Submission Version Joint Core Strategy (November 2014) and the provisions of the National Planning Policy Framework.

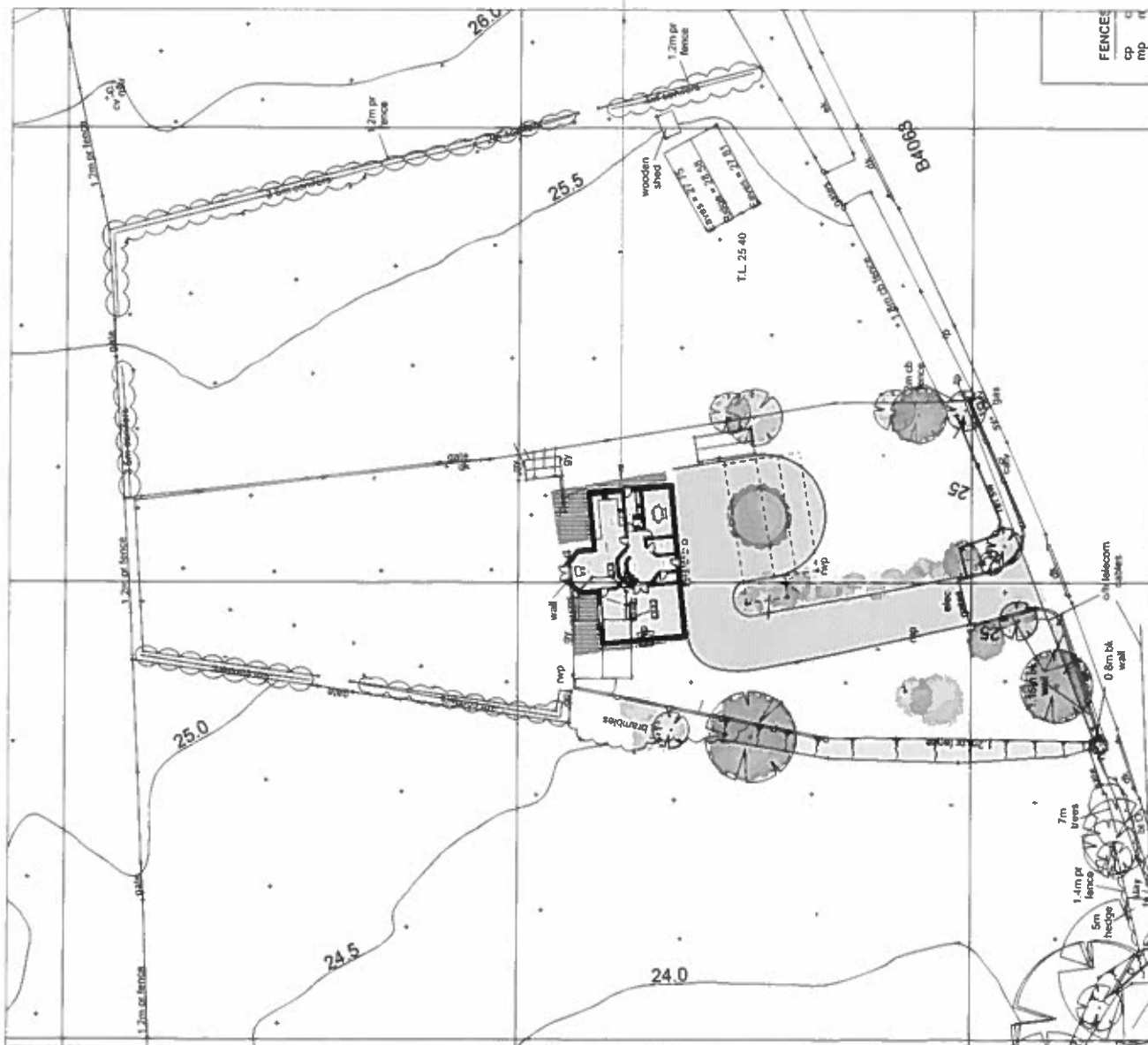
### **Note:**

#### **Statement of Positive and Proactive Engagement**

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



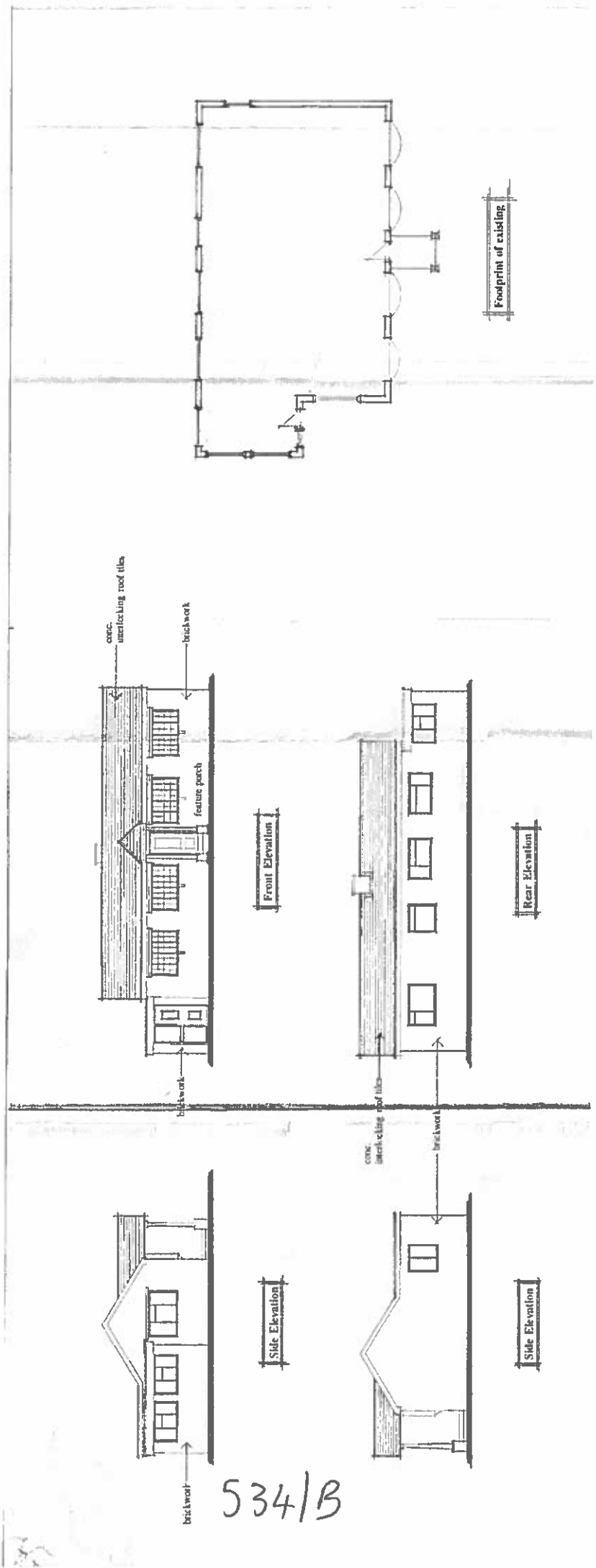
OUTLINE POSITION OF APPROVED NEW DWELLING  
 PLANNING REFERENCE 16/00763/FUL



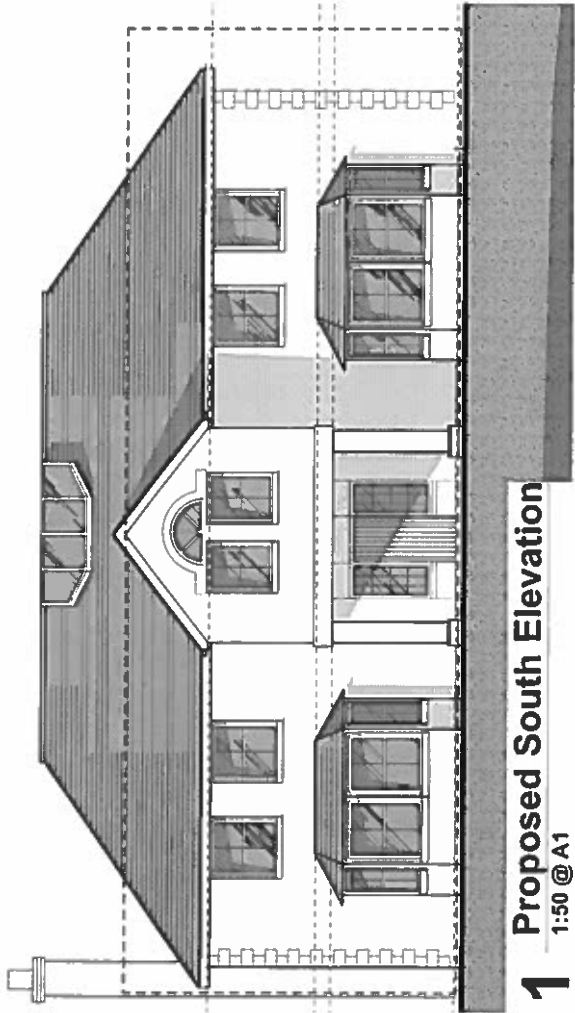
534/A

Client	Mr S Gorman	Date	Sept 16	Drawn By	
Project	Willow Dene Replacement Dwelling	Dwg. No	2349-08	Revision	
Drawing Title	Proposed Block Plan	Local Authority			
Status		Scale	1:500		

Existing

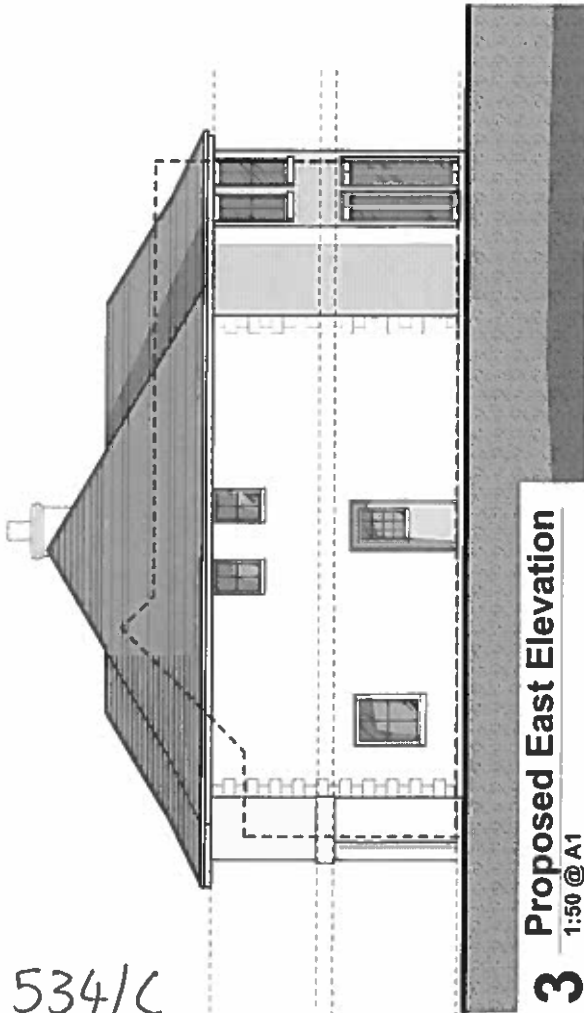


534/B

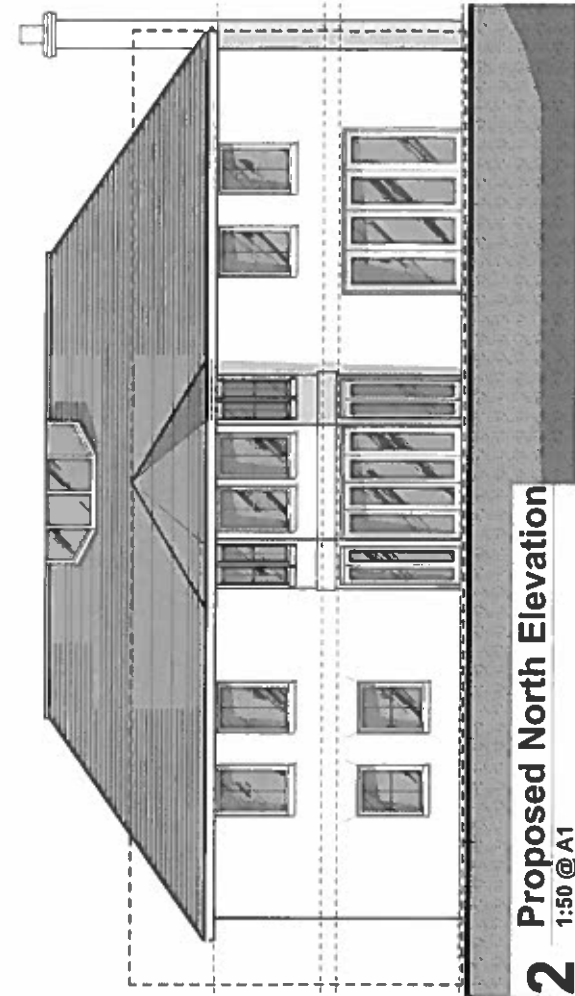


**1** Proposed South Elevation  
1:50 @ A1

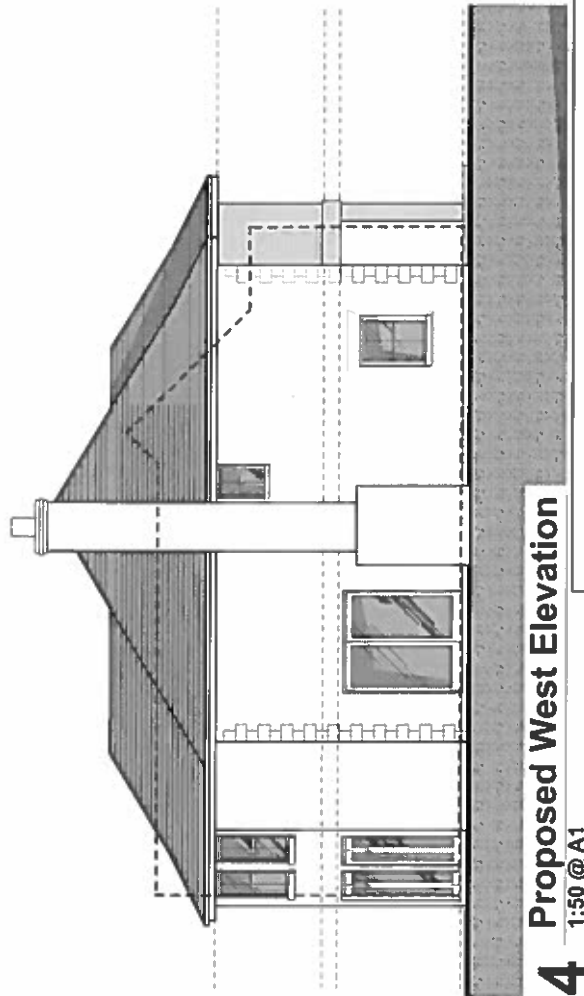
534/C



**3** Proposed East Elevation  
1:50 @ A1



**2** Proposed North Elevation  
1:50 @ A1

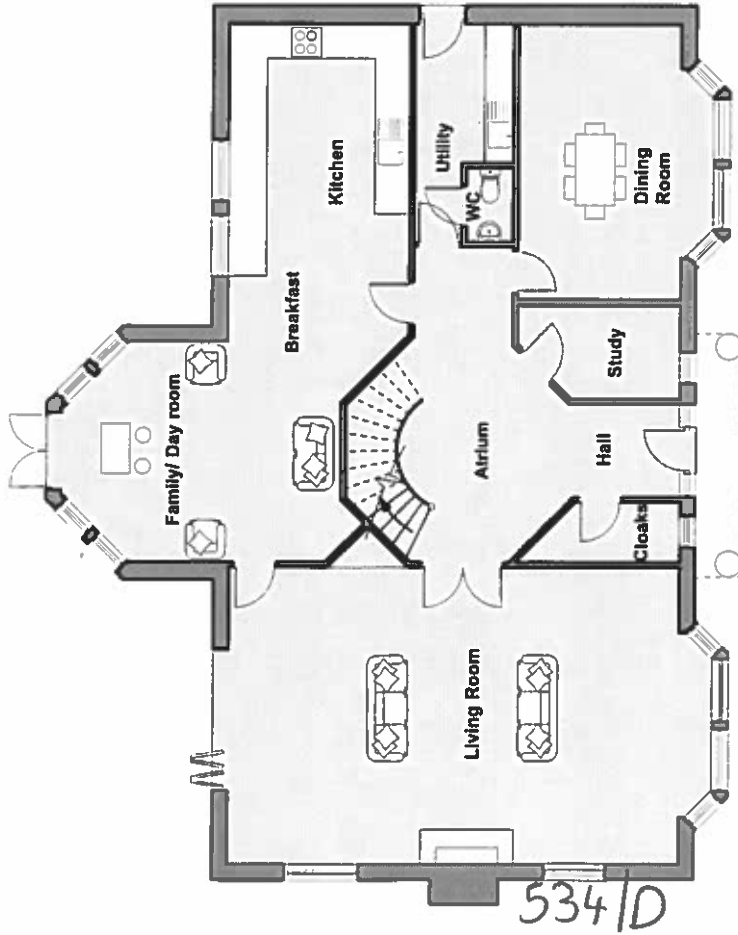


**4** Proposed West Elevation  
1:50 @ A1

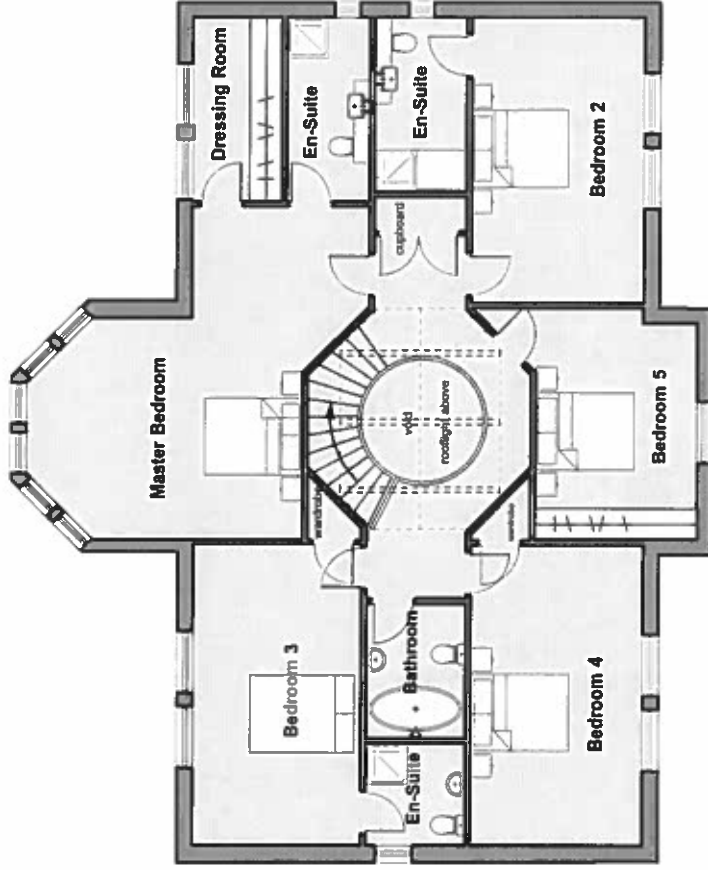


OUTLINE POSITION OF  
APPROVED NEW DWELLING  
PLANNING REFERENCE  
16/00763/FUL

Client	Mr S Gorman
Project	Willow Dene Replacement Dwelling
Drawing Title	Proposed Elevation
Status	
Scale	1:100
Date	Sept 16
Drawn By	
Dwg No	2349-11
Revision	



**1** Proposed Ground Floor Plan  
1:50 @ A1



**2** Proposed First Floor Plan  
1:50 @ A1

Client	Mr S Gorman	Date	Sept 16	Drawn By	
Project	Willow Dene Replacement Dwelling	Dwg. No	2349-10	Revision	
Drawing Title	Proposed Ground & First Floor Plans	Status	Local Authority		
		Scale	1:100		

Valid 17.05.2016

Creation of new plot with construction of single storey 3 bed dwelling with integrated carport

Grid Ref 388323 219610

Parish Churchdown

Ward Churchdown Brookfield

Mr Paul Baker  
 Nude Developments Limited  
 A3 Elmbridge Court  
 Cheltenham Road East  
 Gloucester  
 GL31JZ

## RECOMMENDATION Permit

### Policies and Constraints

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies HOU2, HOU5, TPT1 and NCN5.  
 NPPF  
 Planning Practice Guidance

### Consultations and Representations

**Parish Council** - This is serious overdevelopment of the site and will cause overcrowding on to Green Lane which is a narrow road. Lead to increase in traffic. The Council requests that this application go to Planning Committee with a Site Inspection.

**County Highways** - Standard advice.

Four letters of objection from two people have been received, that are summarised as follows:

- Application contrary to Policies HOU5 and NCN4;
- Applicant started work and felled conifers to allow access;
- Deliberately destroyed habitat;
- Great Crested Newt population 50metres away;
- Supporting survey from Tyler Grange has been crafted to misdirect;
- The survey provided was 7 seasons old;
- A site visit was undertaken by the Tyler Grange and the applicant on 4th May 2016;
- Applicant had cut grass prior to site visit;
- The report mentions that the site is well maintained that is not the case;
- The proposed mitigation is based on false claims;
- The cumulative impact of development should be quantified;
- Siting will affect residential amenity of Woodhay;
- Overdevelopment of site;
- Access on to Green Lane in its current design will not be able to comply with the condition attached to development of Sharps Hay;
- Advice of Natural England and County Ecologist should be sought;
- No provision for turning of fire service vehicles;
- Full environmental impact assessment should be carried out especially for great crested newts;
- No info given on the impact on the environment, mitigation and enhancement for biodiversity.

**Planning Officers Comments:** Mr Lloyd Jones

### 1.0 Application Site

1.1 The application comprises a parcel of land to the west of a dwelling known as Woodhay. The site slopes downwards from its south eastern boundary with Cuanagh to the north western corner with Sherwood. Cuanagh is a detached bungalow that is sited at a lower level than the application site. Sharps, a detached bungalow is located to the south.



## 2.0 Planning History

2.1 In 2007, permission was refused for the demolition of the existing bungalow and the erection of three dwellings with associated garages (Ref: - 07/00066/FUL).

2.2 In 2008, permission was refused for the provision of a new highway access and the erection of two chalet type bungalows and associated garaging and parking (Ref: - 08/00785/FUL). This application was also dismissed at appeal.

2.3 In 2012 planning permission was granted for the demolition of existing dwelling and construction of two new dwellings with associated access drive and turning area (Ref. 12/00313/FUL).

2.4 In 2015, planning permission (15/00209/FUL) was granted for an amended proposal comprising the retention of Sharps Hay (in lieu of approved new dwelling), formation of new vehicular access and proposed new dwelling (as per previously approved application ref. 12/00313/FUL).

## 3.0 Current Application

3.1 There has been extensive negotiation between the applicant and officers to address concerns relating to the overdevelopment of the site and potential overbearing impact on neighbouring properties. The revised plans illustrate that the 'L' shaped dwelling would be set a minimum of 1.0m off the boundaries with Cuanagh and Woodhay. A contemporary design approach has been adopted and the dwelling would be single-storey accommodating three bedrooms. The exterior would be finished in semi-engineered brick and render, while the roof would be finished in standing seam zinc.

3.2 A parking area for two cars is proposed to the south of the dwelling. Access to the site would be of Green Lane and a new access drive that would serve Sharps Hay on plot 2 that benefits from planning permission (15/00209/FUL).

## 4.0 Policy Context

- Tewkesbury Borough Local Plan to 2011 (March 2006)
- Policy HOU2 of the Local Plan sets out that residential development within the settlement boundary will be supported.
- Policy HOU5 supports new housing within residential areas provided that they respect existing form and character of the area; do not result in loss of residential amenity; is of high quality design ; and appropriate access and parking arrangements are made.
- Policy TPT1 seeks development where safe and convenient provision is made for safe and convenient access and where there is an appropriate level of public transport service and infrastructure available.
- Policy NCN5 seeks to protect and enhance biodiversity.

## 5.0 Analysis

### Principle of development

5.1 The site is located within the Residential Development Boundary of Churchdown, as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy HOU2 of the Local Plan states that new housing development within such areas is acceptable in principle provided that the development can be satisfactorily integrated within the framework of the surrounding development. Furthermore, Policy HOU5 of the Local Plan requires new housing development to respect the existing form and character of the adjacent area; not result in unacceptable loss of amenity; be of high quality design and make provision for appropriate access and parking.

5.2 This advice reflects one of the NPPF's 'Core Principles', which is to ensure a good standard of amenity for all existing and future occupants of land and buildings. The advice of policy HOU5 is also reflected in Section 7 of the NPPF reflects this advice by making it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also makes it clearly that poor designs should be refused.

5.3 Policies HOU2 and HOU5 of the Local Plan are therefore considered to be consistent with the provisions of the NPPF and should therefore carry considerable weight in the determination of the application. In view of the above, the principle of residential development on the site is acceptable provided that the development can be satisfactorily integrated within the framework of the surrounding development, subject to other local plan policies and material considerations. The Council's housing land supply position is also a material consideration although it is noted that the application only proposes a single dwelling.

#### Character and Appearance

5.4 The surrounding area comprises a mix of house types, styles and heights. Whilst the application site is limited in size, the dwelling has been designed to limit the land take required. A contemporary design approach has been utilised, which is supported. Given the constraints of the site it is considered that the proposal would preserve the character of the area and would assimilate with the dwelling proposed at plot 2. Overall, it is considered that the proposed development would accord with Policies HOU2 and HOU5 of the Local Plan and SD5.

#### Residential Amenity

5.5 Given the orientation of the proposed dwelling, its restricted height and the separation distances off Woodhay and Cuanagh, it is not considered that the proposed development would result in any overbearing impact on these properties. In addition, as no windows are proposed in the south eastern gable end or north eastern elevation there would be no loss of privacy. The relationship with the dwelling that benefits from extant planning permission on plot 2 is considered to be acceptable, and there would be no detrimental impact through any overbearing impact or loss of privacy. Finally, the daylight assessment information provided demonstrates that there would be no unacceptable shadowing effect of plot 2 on the dwelling forming part of this application.

#### Highway Safety

5.6 Access to the development would be off Green Lane, and would be the same access and drive approved under 15/00209/FUL for the development of Sharps Hay plot 2. The parking and access arrangements are considered to be acceptable, and no concerns have been raised by the County Highway Authority. The proposal is acceptable on highway grounds.

#### Ecology

5.7 Concerns have been raised in respect of the impact the development would have on the population of Great Crested Newts within 50m of the application site. A Great Crested Newt Mitigation Strategy prepared by Tyler Grange dated 16th May 2016 has been provided in support of the application. The strategy identifies that the proposal would result in the loss of 0.0058 ha of moderate to high value habitat of Great Crested Newts which represents only 0.007% of immediate (within 50m) terrestrial habitat of the breeding pond. Section 4 of the strategy details the mitigation proposed and that any impacts can be managed through the implementation of Reasonable Avoidance Measures. Subject to compliance with the mitigation strategy that can be secured via condition, it is considered that the proposal would not impact upon the favourable conservation of the local Great Crested Newt population.

### **6.0 Conclusion**

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

#### **RECOMMENDATION Permit**

##### Conditions:

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

- 2 The development hereby approved shall be carried out strictly in accordance with the following plans/drawings: A-P -100-01b; A-P -100-03e; A-P -100-04e; A-P -100-05e; A-P -100-06c; A-P -100-07c; A-P -100-08c; A-P -100-09c; and A-P -100-10c.
- 3 No development shall take place until details of all external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 No development shall take place until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 No development shall take place until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the dwelling hereby approved have been submitted and approved in writing by the Local Planning Authority.
- 6 No development shall commence until full details of all proposed planting, have been approved in writing by the Local Planning Authority, and all planting shall be carried out in accordance with those details and at those times.
- 7 All soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard [4428 : 1989]. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.
- 8 No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.
- 9 The development hereby permitted shall not be brought into use until the access, turning space and parking facilities shown on the approved plan have been properly consolidated and surfaced. These areas shall thereafter be retained and kept available for those uses at all times.
- 10 Prior to occupation of the dwelling the existing site frontage boundary shall be cut back and/or removed to provide visibility splays extending from a point 2.4m back along the access centre line to the northern and southern extremity of the site. The area between the visibility splays so formed and the highway shall be similarly retained at a height not exceeding 600mm above the adjacent footway thereafter.
- 11 The development shall be carried out strictly in accordance with the Mitigation Strategy detailed in Section 4 of the Great Crested Newt Mitigation Strategy prepared by Tyler Grange dated 16th May 2016.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A, B, C, D and E other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reasons:

- 1 To comply with Section 91(1) of the Town and Country Planning Act 1990.
- 2 In the interests of clarity and in order to define the permission.
- 3 To ensure that the external appearance of the development is satisfactory .
- 4 To provide adequate privacy and an acceptable external appearance in accordance with the NPPF.

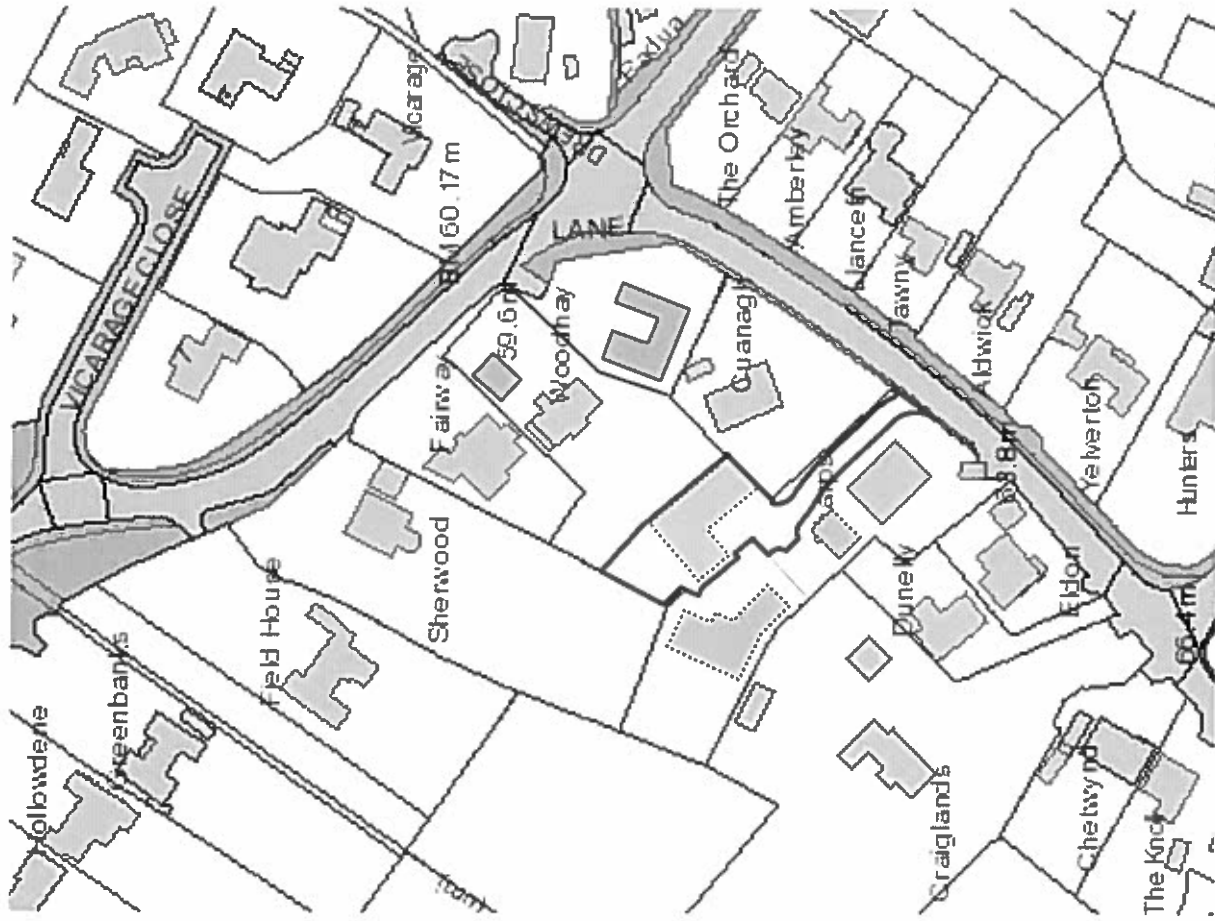
- 5 In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties, in accordance with the NPPF
- 6 To ensure the provision of amenity afforded by appropriate landscape design, in accordance with the NPPF
- 7 To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs in accordance with the NPPF.
- 8 To ensure satisfactory drainage of the site in accordance with the NPPF
- 9 To ensure that adequate access and off street parking is provided and retained, in the interests of highway safety and in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 10 In the interests of highway safety and in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 11 To ensure the favourable conservation of the local Great Crested Newt population Policy NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006
- 12 To enable the Local Planning Authority to control the development and to safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building, in accordance with Policy HOU5 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.

16/00450/FUL



Proposed Location Plan  
 - - - - - Proposal - subject of this application  
 - - - - - 15/00209/FUL (Not yet built)

b Red line amended 25.05.16 ELB  
 • Minor amendments made 19.04.16 ELB

LUXTON ARCHITECTS  
 Architects for Civil Engineers Surveyors 611 018  
 Civils Tel: 01432 812054 Fax: 01777 152347



Existing Location Plan

539/A

Location Plan : Existing + Proposed  
 Scale 1:1000

Job No: 1121  
 DWG No: A - P - 100 - 01b

WOODHAY RISE  
 CHURCHDOWN  
 APRIL 2016



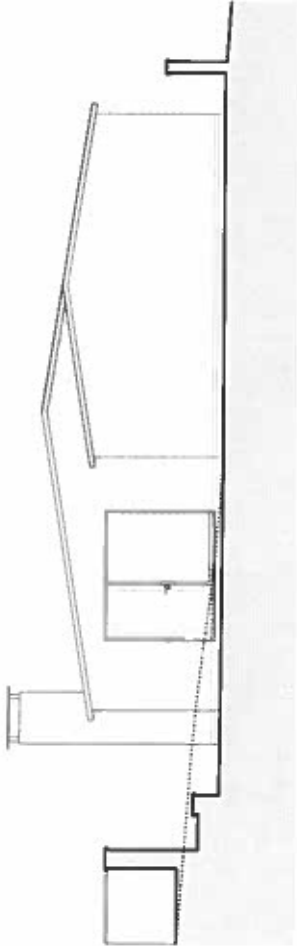
key

- existing tree
- proposed soft landscaping
- proposed grass
- proposed pavers
- proposed hard landscaping

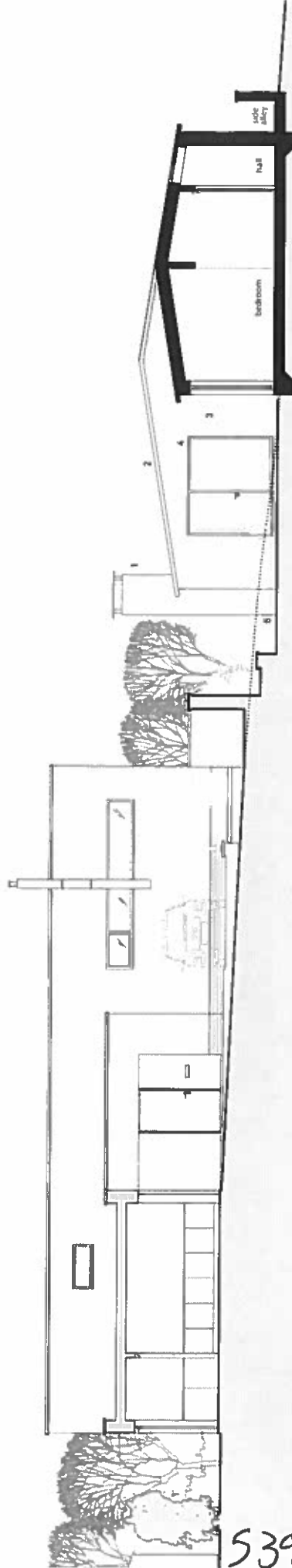
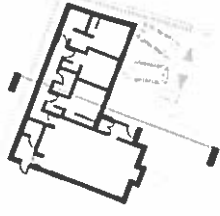
- 1 entrance
- 2 cloaks / wardrobe
- 3 living
- 4 dining
- 5 kitchen
- 6 utility
- 7 we
- 8 master bedroom
- 9 ensuite
- 10 bedroom
- 11 bathroom

- e Amendments made 18.10.16 E1B
- d Amendments made 14.10.16 E1B
- c Amendments made 29.07.16 E1B
- b Minor amendments made 20.04.16 E1B
- a Minor amendments made 19.04.16 E1B

5391/B



South East Elevation



Shelby Nrv, House 2, Plot 2

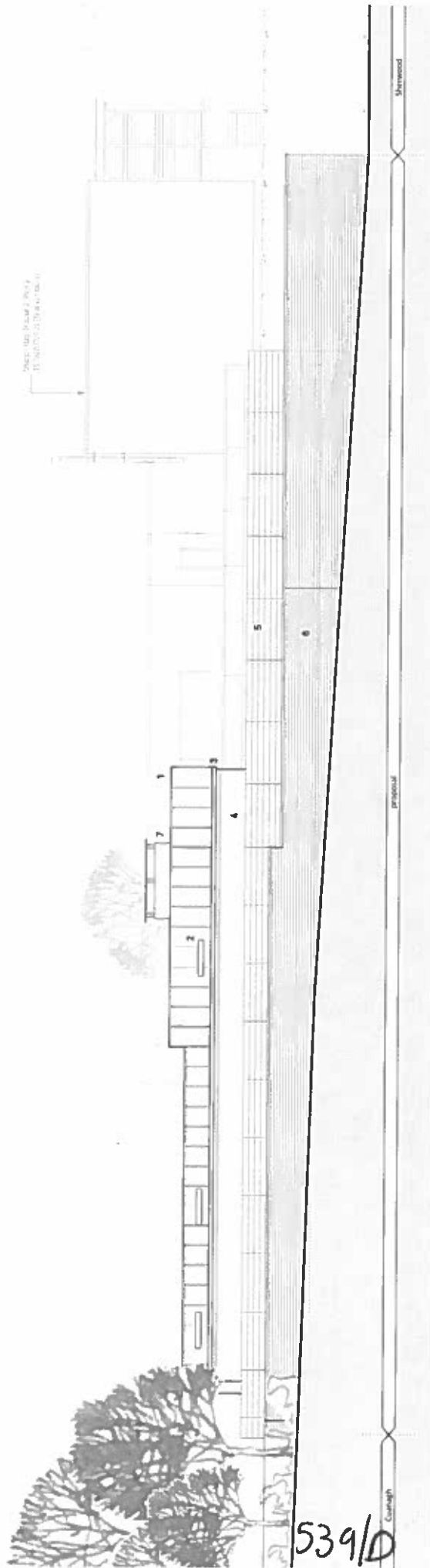
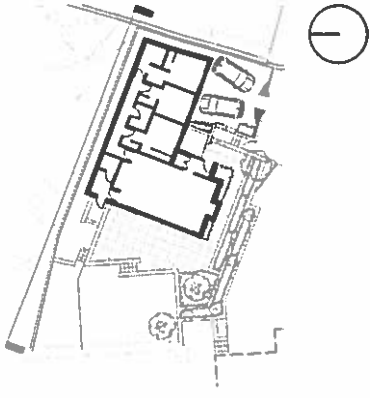
proprietor

Woodbury

South East Elevation + Section

- 1 zinc topped chimney
- 2 standing seam zinc roof
- 3 render
- 4 natural anodised aluminium double glazed door with fully double glazed side light
- 5 semi engineered brick

- c Amendments made 18.10.16 ELB
- b Minor amendments made 29.07.16 ELB
- a Minor amendments made 19.04.16 ELB



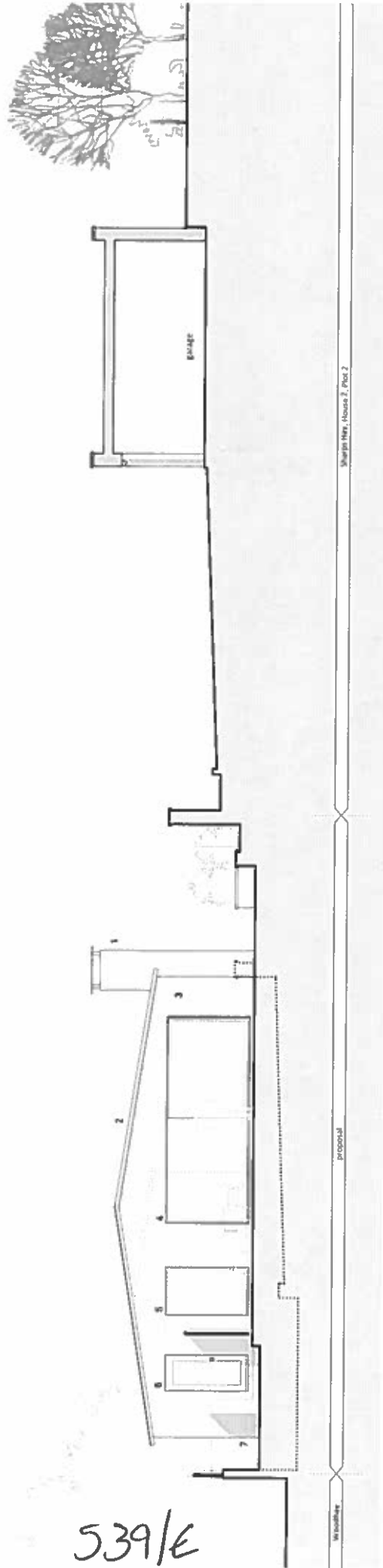
- 1 standing seam zinc roof
- 2 ppc aluminium composite rooflights
- 3 natural anodised aluminium rainwater gutters and downpipes
- 4 render
- 5 rough saawn timber fencing
- 6 brick
- 7 zinc topped chimney

- c Amendments made 18.10.16 ELB
- b Amendments made 29.07.16 ELB
- a Minor amendments made 19.04.16 ELB





1

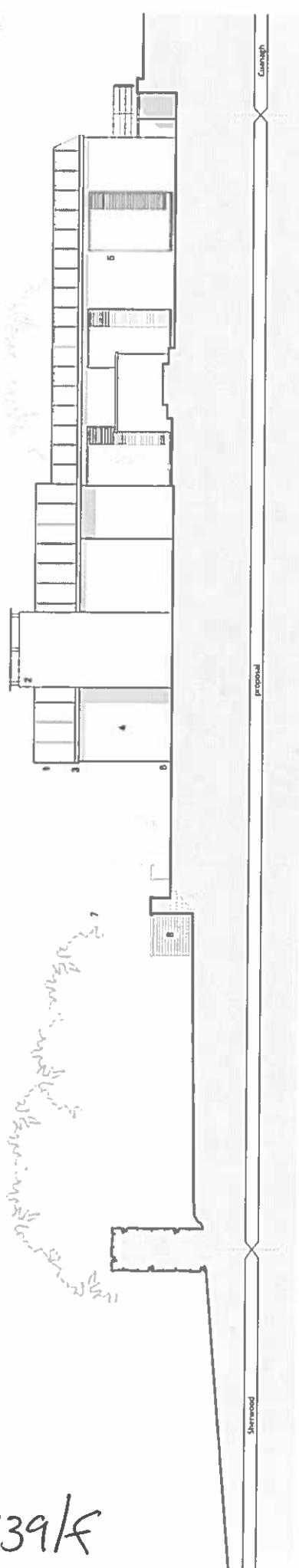


- 1 zinc topped chimney
- 2 standing seam zinc roof
- 3 render
- 4 natural anodised aluminium double
- glazed sliding doors
- 5 natural anodised aluminium fully double
- glazed window
- 6 natural anodised aluminium fully double
- glazed door
- 7 semi engineered brick

- c Amendments made 18.10.16 ELB
- b Amendments made 29.07.16 ELB
- a Minor amendments made 19.04.16 ELB



539/F



- 1 standing seam zinc roof
- 2 zinc topped chimney
- 3 natural anodised aluminium rainwater gutters and downpipes
- 4 render
- 5 natural anodised aluminium double glazed window with inward opening side light with oak timber louvres
- 6 semi engineered brick
- 7 rough sawn timber fencing
- 8 brick

- c Amendments made 18.10.16 ELB
- b Amendments made 29.07.16 ELB
- a Minor amendments made 19.04.16 ELB

Valid 04.10.2016

Garage conversion to utility/store with single storey link to main dwelling and two storey rear extension

Grid Ref 396660 227274

Parish Woodmancote

Ward Cleeve Hill

Mr J Stabbins

c/o agent

**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. The reduction in parking allocation may lead to obstruction on this narrow road.**Local residents** - One letter of objection has been received from no 8 Whitehouse Way. The reasons for objection are summarised as follows:

- Whilst the single storey extension would not impact on No 8, the proposed first floor extension at the rear would overshadow the side and rear of no 8.
- The garage of no 7 forms the boundary to no 8 so there is already a limited distance between the two houses.
- The land at no 7 is higher than no 8.
- Due to the orientation of the sun the first floor window on the east elevation of number 8 would lose the benefit of the morning sunrise.

**Planning Officers Comments:** Mrs Sarah Barnes**1.0 Application Site**1.1 This application relates to 7 White House Way, a detached dwelling located in a cul-de-sac in Woodmancote (**site location plan attached**).**2.0 Current application**2.1 The current application is for a garage conversion to form a utility/store with a single storey link to main dwelling and a two storey rear extension (**plans attached**). It would create a larger bedroom / dressing room at first floor level and a larger kitchen/diner and a utility room / store and a lobby at ground floor level.**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 proposed extensions would be of an appropriate size and design in keeping with the character and appearance of the property and surrounding dwellings. The materials and windows would match those used on the existing dwelling. Therefore, the proposal would have an acceptable impact on the character of the area / street scene and would comply with the requirements of Policy HOU8 in this regard.

### Residential amenity

4.2 The neighbour to the west (no 8 White House Way) has objected to the proposal on the grounds that the two storey rear extension would result in overshadowing and the loss of light to the side and rear. The neighbour points out that the proposed development at no 7 would also be on land higher than no 8 and argues that given the close proximity and height of the proposed extension, the development would result in the loss of residential amenity.

4.3 The impact on this neighbouring property has been fully assessed and the two storey extension would be over 6 metres away from the side elevation of no 8 and the extension would also only project out by about 2 metres. The first floor window (on the neighbour's nearest side elevation) is also a secondary window so it is considered that the loss of light / outlook would not be harmful. Overall, it is considered that there would not be a detrimental impact on the neighbour's residential amenity.

### Other Issues

4.4 The Parish Council have objected on the grounds that the proposal would reduce the amount of off road parking which may lead to an obstruction along this narrow road.

4.5 The Parish Council's concerns are noted, however, even though the existing garage would be converted, there would still be space for at least 2 cars on the existing front driveway. This is considered to be sufficient parking particularly given that this is an unclassified road.

## 5.0 Conclusion

5.1 Overall, it is considered that the proposed extensions would not be harmful to the appearance of the existing dwelling nor the street scene and they 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.

### Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

### Note:

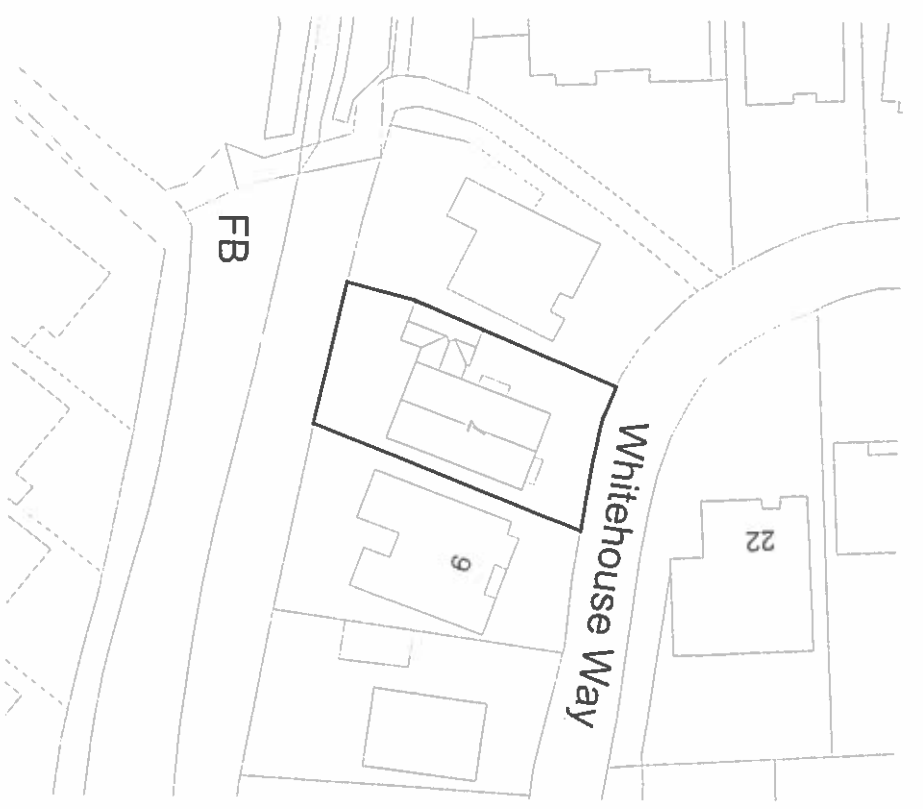
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existing.....




proposed.....



\* 16/10/04/Ful.



S41/A

**absolute**  
**ARCHITECTURE LTD**  
 CHARTERED  ARCHITECTS  
 14, St Andrew's Place, London, EC4A 3DF  
 P: 020 7429 1200 F: 020 7429 1201  
 www.absolute-architecture.co.uk  
 company no: 02061876 registration no: 0144111

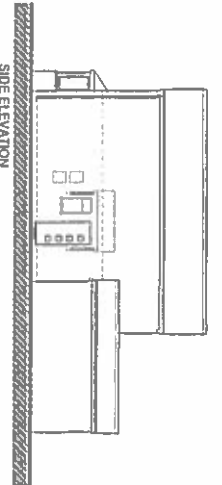
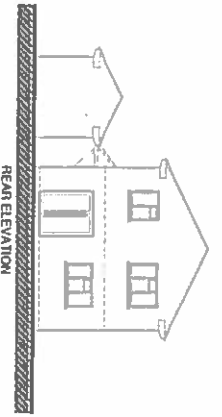
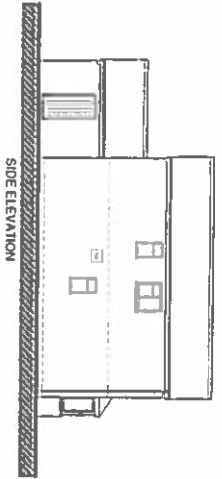
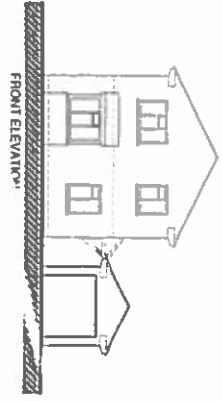
Project No  
**PROPOSED ALTERATIONS AT  
 7 WHITEHOUSE WAY, WOODMANCOTE GL52 9PR  
 FOR MR JOE STABRINS**

Drawn by  
**LOCATION PLAN & BLOCK PLANS**

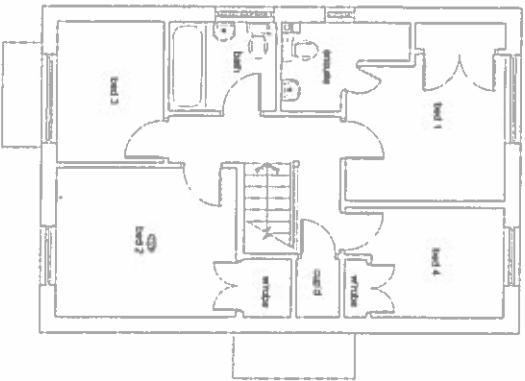
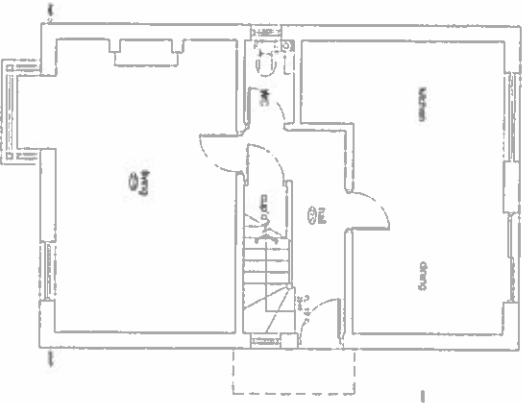
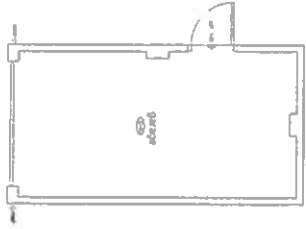
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09.09.16		

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existing.....



16/10/10 J/Red



GROUND FLOOR PLAN

FIRST FLOOR PLAN



541/B

**absolute**  
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Project No: PROPOSED ALTERATIONS AT 7 WHITEHOUSE WAY, WOODMANCOTE GL52 9PR FOR MR. JOE STABRINS

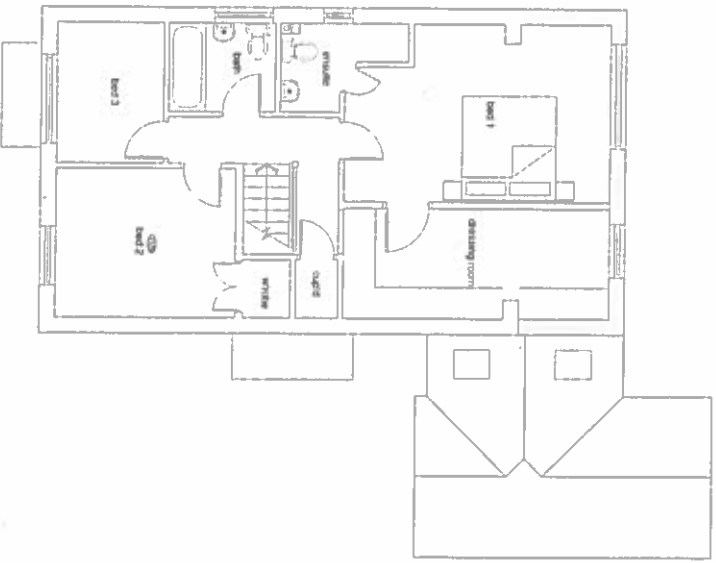
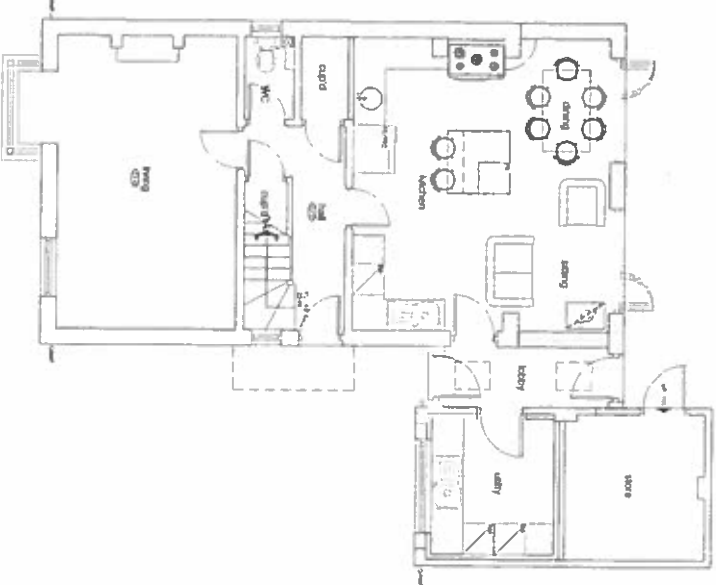
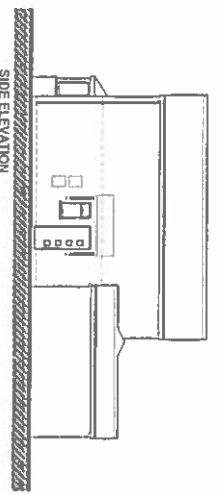
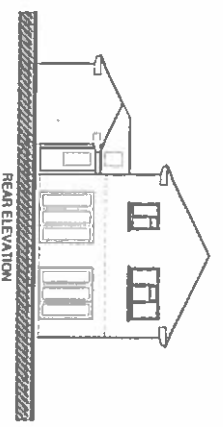
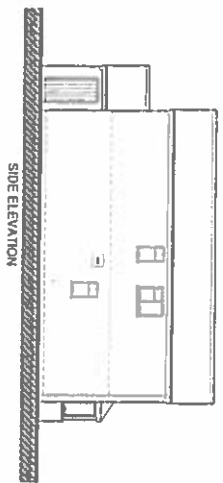
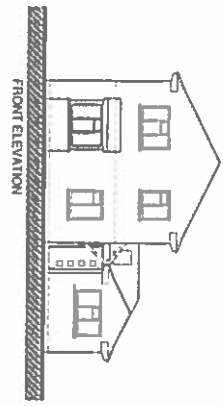
drawn by: EXISTING PLANS & ELEVATIONS

scopes	drawn
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date: 09.09.16	number: 589-001

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proposed.....

16/01/04 Paul



GROUND FLOOR PLAN

FIRST FLOOR PLAN



541/C

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 Email: info@absolute-architects.co.uk

**PROJECT**  
 PROPOSED ALTERATIONS AT  
 7 WHITEHOUSE WAY, WOODMANCOTE GL52 9PR  
 FOR MR JOE STABBINS

**DATE**  
 09.09.16

**SCALE**  
 1:50/100

**DESIGNER**  
 CR

**NUMBER**  
 589-003

**PROPOSED PLANS & ELEVATIONS**

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Valid 27.10.2016  
Grid Ref 387818 216870  
Parish Hucclecote  
Ward Hucclecote

Two storey rear and single storey side extensions

Mrs Susan Stafford  
11 Grierson Close  
Hucclecote  
Gloucester  
Gloucestershire  
GL3 3UF

## **RECOMMENDATION Permit**

### **Policies and Constraints**

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

### **Consultations and Representations**

**Parish Council** - objects to this application due to the over development of the site and the potential loss of amenity for the neighbouring properties.

One letter of objection has been received that is summarised as follows:

- Scale of proposal is inappropriate and out of character with the area;
- Overbearing impact on property;
- Too close to the boundary;
- Poor drainage;
- Could impact on future development proposals;
- Proposal would have a major impact during and post build at 9 Varley; and Avenue.

**Planning Officers Comments:** Mr Lloyd Jones

### **1.0 Application Site**

1.1 This application relates to 11 Grierson Close, Hucclecote. The existing dwelling is a detached property located on a modern housing development. The surrounding properties are of a similar architectural style.

### **2.0 Planning History**

2.1 97/00532/FUL - Conservatory - Approved 1997

### **3.0 Current application**

3.1 The application details a number of elements. The first element relates to the demolition of the conservatory and the provision of a two-storey rear extension and part width single storey extension that will wrap around the side elevation. The two storey extension would project 3.4m off the rear elevation at a width of 3.9m. A pitched roof is proposed to a maximum height of 6.8m. The ground floor would extend an additional 2.2m. Revised plans have been provided detailing that the single-storey side extension will be sited 0.75m off the boundary of the adjacent property.

3.2 The second part of the proposal relates to the provision of a bay window that will project a maximum of 1.3m off the existing rear elevation.

3.3 The final element relates to the insertion of a stained glass window in the ground floor side elevation.

3.4 The exterior would be finished in facing brick, while the roof would be finished in brown concrete tiles.



## **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**

### Design and Size

5.1 Concerns have been raised about the design of the extension not being in-keeping with the dwelling itself and the character of the area. Revised plans have been received that have resulted in the single-storey part of the proposal being sited 0.75m off the boundary with No.9 Varley Avenue. Due to the alterations being confined at the rear of the property, as well as the two-storey extension being only part width, it is considered that it allows for the simple and original form of the dwelling to be easily read.

5.2 Overall, it is considered that the proposed additions are subordinate and of an appropriate design, in keeping with the character and appearance of the property. The proposal is therefore considered to comply with the requirements of Policy HOU8 of the Tewkesbury Local Plan.

### Residential amenity

5.3 The Parish Council and occupants of No.9 Varley Avenue have raised concerns about the impact of the proposal on residential amenity. The impact of the proposal upon neighbouring properties has carefully been assessed. Revised plans have been received that have resulted in the single-storey element being sited 0.75m off the boundary with No.9 Varley Avenue. Due to the overall projection of the two-storey extension off the rear elevation, and the separation distance from the boundary with No.9 Varley Avenue, it is considered that there would not be any unacceptable overbearing impact that would warrant the refusal of the application on this basis. Finally, the window in the first floor side elevation serving a bedroom has been omitted, which safeguards the amenity of the occupants of No.10 Grierson Close.

5.4 Given, the scale and nature of what is proposed, it is considered that there would not be any undue impact upon the amenity of any neighbouring properties. The proposal therefore accords with Policy HOU8 of the Tewkesbury Local Plan.

### Other issues

5.5 Concerns have been raised about drainage. Given the nature and the scale of the development, it is considered that the proposal will not impact on drainage at the site.

5.6 Concerns have also been raised about disruption during construction and impact on future development proposals. It is inevitable that during construction there may be some disturbance, but this will be for a relatively short period of time. In respect of future development proposals at No.9 Varley Avenue, this would be assessed on the merits of the case and in accordance with the planning policy framework in operation at that time.

## **6.0 Conclusion**

6.1 Overall, it is considered that the proposal would not result in an unacceptable loss of residential amenity to neighbouring dwellings and would be of an acceptable size and design. There would also not be any harm to the existing street scene. The revised proposal would therefore accord with the NPPF and Policy HOU8 of the Tewkesbury Local Plan.

## **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: 40116 Rev Existing and Proposed Floor Plans; and 40116 Rev B Existing and Proposed Elevations.
- 3 The external materials of the extension hereby approved shall match those used in the existing dwelling.

### **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 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.

16/01/2017/FUL

11, GRIERSON CLOSE  
HUCCLECOTE.  
GL3 3UF  
SITE LOCATION PLAN

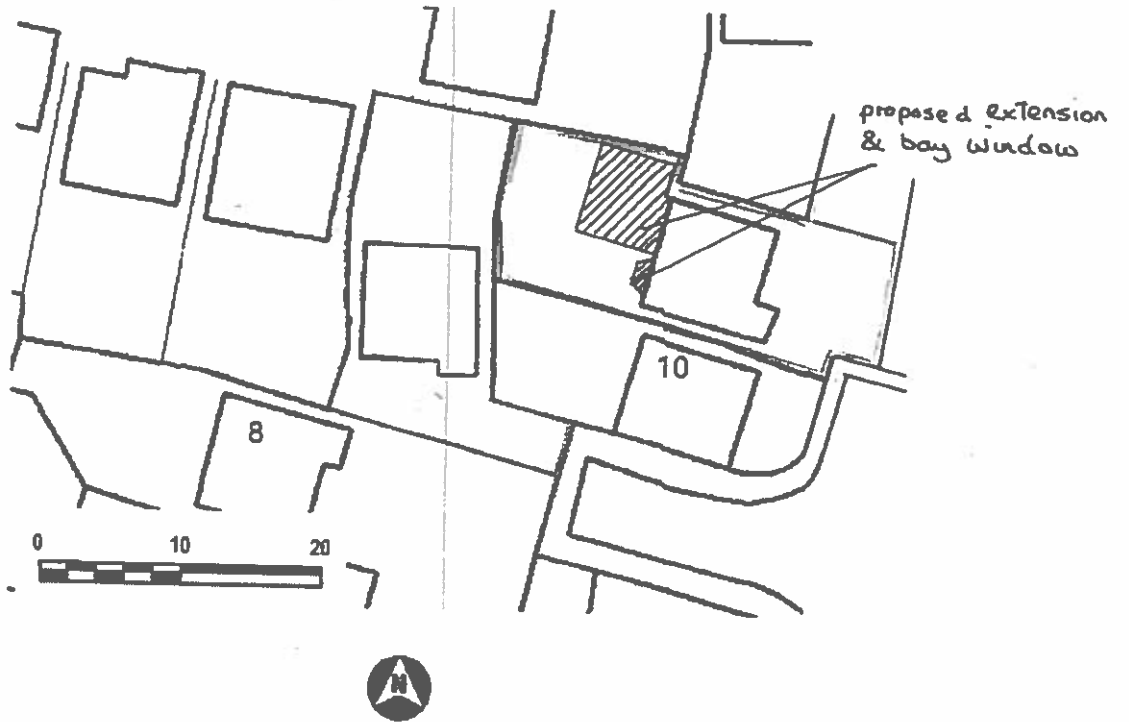


SCALE 1:1250 on A4



RECEIVED  
27 OCT 2016  
TEWKESBURY BOROUGH COUNCIL  
OPERATIONS

SITE PLAN  
SCALE 1:500 ON A4



5441A

Notes:  
 All dimensions and levels to be checked on site and  
 shown from the survey.

6	1:25 D. Site	1:25 D. Site	1:25 D. Site
7	1:25 D. Site	1:25 D. Site	1:25 D. Site
8	1:25 D. Site	1:25 D. Site	1:25 D. Site

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 Contractors to visit site to check  
 levels, levels and details and to  
 verify the accuracy of the information  
 provided. In the event of any  
 discrepancy, the Contractor shall  
 be responsible for the accuracy of  
 the information provided and shall  
 be liable for any loss or damage  
 caused by the use of the information  
 provided.

Client  
**MRS S. STAFFORD**

Job Title  
**11 GRIERSON CLOSE  
 HUCLECCOTE  
 GLOS  
 GL3 3UF**

Drawing Title  
**TWO STOREY REAR &  
 SINGLE STOREY SIDE  
 EXTENSION**

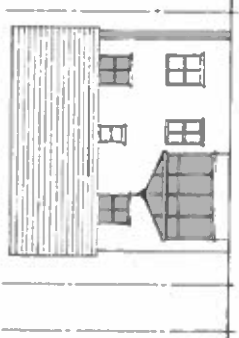
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Date  
**Oct 2016**

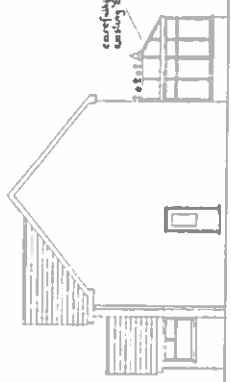
Drawn by  
**E.P.**

Disc No  
**40116**

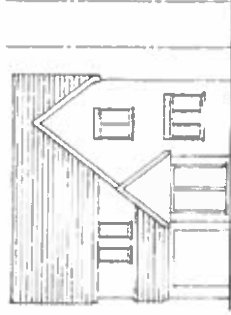
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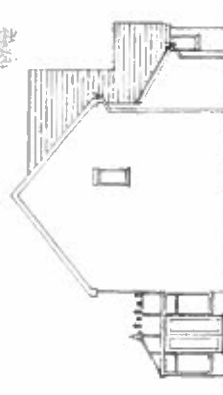
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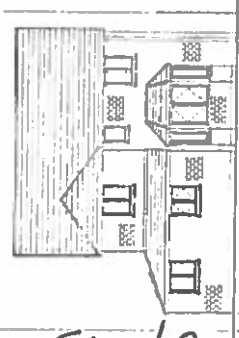
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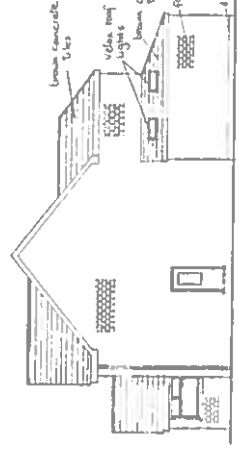
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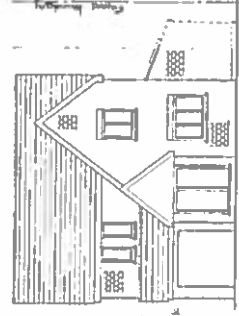
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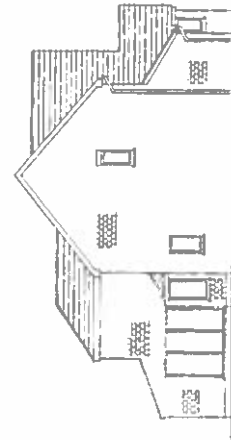
PROPOSED REAR ELEVATION



PROPOSED WEST SIDE ELEVATION



PROPOSED FRONT ELEVATION



PROPOSED EAST SIDE ELEVATION

544/B

Notes:  
 All dimensions are to be checked on site and  
 taken from the existing.

1	12/11/2016	Initial Design	100%
2	12/11/2016	Final Design	100%
3	12/11/2016	Construction	100%

Client  
**MRS S. STAFFORD**

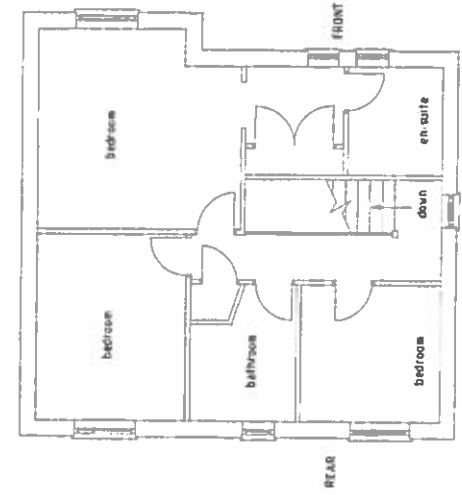
Job Title  
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 HUCCLECOTE  
 GLOS.  
 GL3 3UF**

Drawing Title  
**TWO STOREY REAR &  
 SINGLE SIDREY SIDE  
 EXTENSIONS**

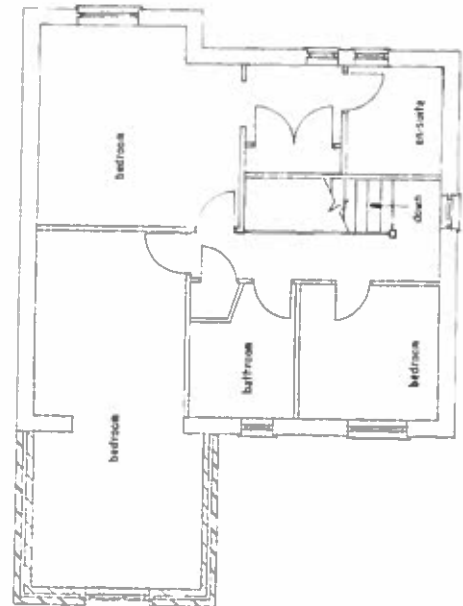
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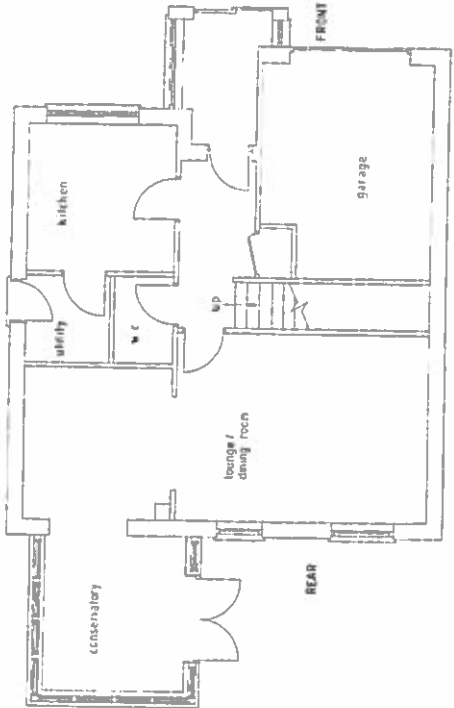
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 40116  
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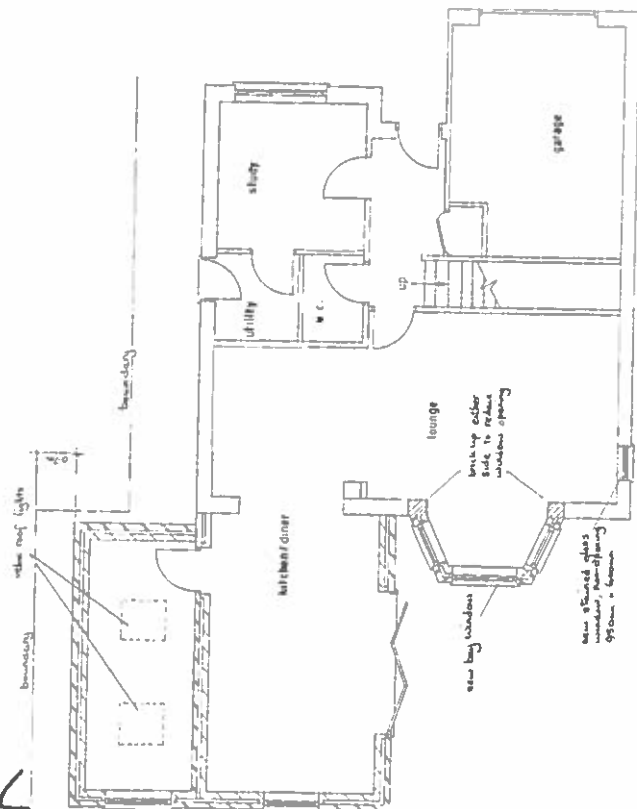
EXISTING FIRST FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



EXISTING GROUND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN

544/C

16/00582/OUT

Land Parcels 2800 3667 4900 & 6600, Stoke Road, Bishops Cleeve 10

Valid 10.06.2016

Outline Planning Permission for up to 265 residential dwellings (including up to 40% affordable housing), A1 convenience retail store of up to 200sqm, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access from Stoke Road (to 15m in to the site) and associated ancillary works. All matters to be reserved with the exception of the main site access.

Grid Ref 394401 227895  
Parish Bishops Cleeve  
Ward Cleeve West

Gladman Developments Ltd  
Gladman House  
Alexandria Way  
Congleton Business Park  
Congleton  
CW12 1LB

## RECOMMENDATION Delegated Permit

### Policies and Constraints

#### NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, HOU1, HOU4, HOU13, TPT1, TPT3, TPT6, TPT11, EVT2, EVT3, EVT5, EVT9, LND2, LND7, RCN1, RCN2, NCN5 Joint Core Strategy (Gloucester Cheltenham Tewkesbury) Submission Version November 2014 - SD4, SD5, SD7, SD11, SD13, INF1 and INF3

Waste Core Strategy - Policy WCS11

Flood and Water Management SPD

Playing Pitch Strategy

Fields in Trust: Planning And Design For Outdoor Sport And Play

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

The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

**Bishops Cleeve Parish Council** - Bishop's Cleeve Parish Council (BCPC) maintain their previous objection to this application. This is on the grounds of cumulative impact, social wellbeing, prematurity in relation to emerging development plans and road capacity. The proposed development would have a disproportionate effect on the village in terms of the cumulative impact of development and also on the social well-being of the community and as such is considered harmful. The development is considered premature in terms of the emerging JCS and TB Local Plan in which adequate housing land supply has been identified. The capacity of the local road network would not be able to accommodate the additional traffic. The development conflicts with adjacent land use with the hazardous waste site nearby.

BCPC have also been granted Rule 6 status for the current appeal on the site. BCPCs Statement of Case, which they have requested is added to the current application expands on the above issues.

**Stoke Orchard Parish Council** - No comments received. Objected to the previous application on the basis of potential flood risk downstream of the site in Stoke Orchard parish.

**County Highways Authority** - No response received on the current application. No objection subject to conditions/s106 obligations on the previous application.

**Lead Local Flood Authority** - The proposed site is in flood zone 1 and LLFA have no objections to this application based upon the surface water management proposals for the site. Conditions recommended dealing with SuDS drainage and maintenance.

**County Waste Authority** - As the site is relatively close to the Wingmoor Farm landfills and associated activities this application has the potential to be contrary to Waste Core Strategy WCS11. A previous application on the site was refused with odour issues being one of the reasons for refusal. This application has attempted to address the reasons for refusal of the previous application and a full air quality assessment has been included taking into account all of the activities at both of the Wingmoor Farm sites. The Waste Planning Authority would not object to the proposal provided that the TBC EH Officer is fully satisfied that there would be no unacceptable health impacts, particularly from air quality including odour.

**County Archaeologist** - No objection subject to a condition requiring a programme of archaeological work.  
**County S106 Officer - Economic Development and Strategic Planning** - requests contributions towards primary and secondary education and libraries (set out in the report).

**Environmental Health Officer**

**Land Contamination:** No objection following additional information submitted;

**Noise:** No objection in respect of road traffic noise. Concerns raised regarding the relationship of new housing with Malvern View Business Park;

**Environmental Health Consultant**

**Air Quality:** Should planning permission be granted, the proposals would introduce highly sensitive residential dwellings within 300m of odorous sources. These types of receptors would expect to experience a high level of amenity which could be affected by odours arising from the landfill and anaerobic digester under certain meteorological conditions. The outcome of the odour risk assessment indicates that there is a low - moderate risk that future residents of the proposed development site would be affected by odour.

**Economic Development Officer** - No comment received on this application. Concerns raised on the previous application regarding the potential impact on tenants of the neighbouring business park, and the attractiveness of the park to investors.

**Strategic Housing & Enabling Officer** - No objection subject to agreed on-site delivery (50%) and off-site affordable housing contributions (50%).

**Community and Economic Development Officer** - No objection subject to contributions to off-site sport and community contributions and on site delivery of play area and commuted sums for management of any adoptable open space.

**Environment Agency** - No objection on flood risk grounds subject to conditions. No comment on the relationship of the site with the Wingmoor Farm facilities.

**Highways England** - No objection.

**Natural England** - Refer to standing advice.

**Severn Trent Water** - No objection subject to condition.

**NHS Estates Adviser** - Due to the direct impact of this housing on local services seeks financial support, via a S106 agreement, in the sum of £132,355.

**Crime Prevention Design Advisor** - no comments received.

**CPRE** - No comments on the current application. On the previous application commented that the site is not allocated and is not identified in the emerging JCS or Borough Plan. The site is very close to the Wingmoor Farm waste disposal sites. In particular, it is considerably closer to the Grundon hazardous waste disposal site than the distance recommended for residential buildings.

**Grundon Waste Management Ltd** A letter of objection has been received from Grundon Waste Management Limited - Operators of the Wingmoor Farm integrated waste management facility on the basis that their site is identified in the Waste Core Strategy and is likely to be operational until 2030, after which the site will still need to be managed for a period of at least 30 years. There is concern that permitting housing on the application site would prevent the ongoing use of the site which currently employs in excess of 60, mainly local, people. Grundons also question the basis of the applicants Air Quality Assessment.

2 letters of objection have been received raising the following issues:

- Will lead to huge traffic problems at peak times on Stoke Road and the by-pass causing havoc on an already over-used road network;
- Concerns about 40% affordable housing and the impacts this could have;
- Additional burdens on local infrastructure;
- Further housing development in Bishop's Cleeve is not needed;
- The application is similar to the previously refused scheme;
- Local schools are struggling to cope with the influx of new children and sports facilities are nowhere near adequate to cope;
- TBC needs to look elsewhere to satisfy its housing needs rather than pushing the problem onto an already over-capacity village;
- The landowner of the field to the north of Malvern View Business Park has not been formally notified despite the Development Framework plan showing a pedestrian link crossing this land;
- Whilst layout is a reserved matter, the proposed development will impact on the future success of Local Plan employment allocation at Malvern View Business Park

It is also noted that there were 30 letter of objection to the previously refused application raising the following additional issues:

- This is a speculative application; growth should be properly planned;
- Parking in the village is becoming increasingly difficult;
- The lack of jobs and employment land means that people must commute many miles and journey to work times, etc are now significant;
- The village lacks good connections to the M5;
- The site does not provide good pedestrian access to transport links;
- The field adjacent to Acacia Park often floods which I believe provides a natural flood relief for the adjacent watercourse;
- Putting affordable housing away from the village centre is not the right decision;
- The proposal does not provide any community buildings or sports fields;
- What will be the impact to existing residents on Acacia Park, overlooking the planned development?
- Nearby factory is at the very edge of the business park, approx. 20m from the boundary. The factory is quite noisy and this will be a problem for possible residents; electrical discharge machines can disrupt tv and radio signals;
- There is a serious dust issue coming from the adjacent tip on Stoke Road, dust is now known as a serious long term illness and can lead to serious health issues;
- The existing fields are home to wildlife which would be affected by the development;
- No pedestrian county walks for children to wonder and play;
- The Grundons application granted in 2011 was controversial due to concerns over potential health impacts from dust, noise and odour. The site was deemed acceptable partly due to its remote location from nearby residential areas. The above proposal would place housing immediately adjacent to the site and its operations which could be sterilised resulting in the loss of the facility and local jobs;
- Once Grundons have ceased operations at this location they are required by law to manage the site for a further 30 years as there is the potential for leachate, odours and landfill gas to emanate from the site. This is simply not the place to build housing;
- The Prestbury Park Radio Controlled Flying club has an airfield nearby and these Newhouse Owners will start to complain about the noise of the model aircraft;
- Further development would put Cleeve at risk of further flooding.

**Planning Officers Comments: Mr Paul Skelton**

## **1.0 The site and its location**

1.1 The application site is a series of fields extending to 13.58ha to the west of Bishops Cleeve on the northern side of Stoke Road opposite Cheltenham Road Rugby Club and Wingmoor Farm waste management facility. The site wraps around the west and north boundaries of Malvern View Business Park and adjoins the rear boundaries of properties on Acacia Park on the north eastern boundary. The development would be to the south west of the Cleevelands development which is currently under construction.

## **2.0 Planning History**

2.1 An Environmental Impact screening opinion was given in February 2015 advising that in the Council's view the proposals would require Environmental Impact Assessment given the cumulative impacts of the proposal in combination with committed development at Bishops Cleeve, including the Homelands and Cleevelands sites.

2.2 Pre-application discussions took place between the Council and the applicants in 2014/15. Advice was provided on planning policy and technical matters.



2.3 Planning application 15/00166/OUT was refused in April 2016 for the following reasons:

*1. The application has not demonstrated that the proposed residential development would not be exposed to unacceptable risk from pollution and in particular it has not been demonstrated that the proposed development would not be adversely affected by the nearby allocated waste management site at Wingmoor Farm which is safeguarded in the Waste Core Strategy. Furthermore, whilst all matters relating to design and layout are reserved for future consideration, the proposed development would fail to provide good connectivity with the existing settlement and for this reason does not represent good design. As such the proposed development does not represent sustainable development and the identified harms would significantly and demonstrably outweigh the benefits of the proposal contrary to advice at paragraph 124 and section 7 (Requiring good design) of the National Planning Policy Framework, Policy EVT4 of the Tewkesbury Borough Local Plan, Policy WCS11 of the Gloucestershire Waste Core Strategy (November 2012) and policies SD5 SD15 of the emerging Joint Core Strategy (Submission Version - November 2014).*

*2. In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SD12 and SD13 of the Joint Core strategy Submission Version November 2014.*

*3. In the absence of an appropriate planning obligation, the application does not make adequate provision for on-site or off-site playing pitches with changing facilities and sports facilities to meet the needs of the proposed community. The application therefore conflicts with Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 - March 2006, section 8 of the NPPF (Promoting healthy communities) and emerging policies INF5 and INF7 of the Joint Core strategy Submission Version (November 2014).*

*4. In the absence of an appropriate planning obligation, the application does not make provision for the delivery of education, health and community infrastructure or library provision and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities) and policies INF5 and INF7 of the Joint Core strategy Submission Version (November 2014).*

2.4 An appeal has been submitted against the refusal of planning permission outlined above and a Public Inquiry is scheduled to take place in February/March 2017.

### **3.0 The Proposals**

3.1 The application proposes the development of up to 265 dwellings with a shop, open space and landscaping. The application is in outline form with all matters reserved for future consideration with the exception of access.

3.2 The application is supported by a 'Development Framework' plan which indicates how the quantum of development could be delivered and various technical reports assessing the potential impacts of the proposals.

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

- Alternatives
- The proposed development
- Planning policy context
- Transport and Access
- Cumulative effects

The applicants planning statement sets out that the proposal would provide the following material benefits:

- **A deliverable housing site** - A valuable contribution to the 5 year supply of Tewkesbury.
- **Creation of a high quality residential development which respects the character of Bishop's Cleeve** - The development has been carefully designed to respond positively and sympathetically to its built form and environmental context and the character and appearance of the surrounding area.
- **Improvements in housing mix and choice** - The proposed development of up to 300 net additional dwellings [sic] will provide a balanced mix of dwellings providing a choice of type and size in response to the identified housing demand and market assessment for Bishop's Cleeve.
- **Provision of A1 convenience store** - the provision of a local shop will allow both new and existing residents to access everyday goods without needing to visit the village centre.
- **The retention and enhancement of existing trees and hedgerows on site boundaries** - The proposals are based around the existing landscape features of the site, and seek to integrate them successfully into the overall design. Additional proposed new tree planting set to greatly increase the tree cover on site and within the local area.
- **Development in a sustainable location** - Bishop's Cleeve is identified as a settlement for growth. The village has a range of shops, services and facilities that are within easy walking or cycling distance of the site, which reduces the reliance on private car.

#### **4.0 The Community Infrastructure Levy Regulations**

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

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

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

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

#### **5.0 Principle of Development**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The key consideration in assessing the principle of development therefore are the existing and emerging development plans for the area and Government policy in respect of new housing development.

##### Tewkesbury Borough Local Plan to 2011 - March 2006

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

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

#### Emerging Development Plan

5.4 The emerging development plan for the area will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan which are currently at varying stages of development.

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

5.6 The JCS strategy seeks to concentrate new development in and around the existing urban areas of Cheltenham and Gloucester to meet their needs, to balance employment and housing needs, and provide new development close to where it is needed and where it can benefit from the existing and enhanced sustainable transport network. Development is also directed to Tewkesbury town in accordance with its role as a market town and to rural service centres and service villages.

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

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

5.8 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 JCS Inspector published an Interim Report in May 2016. The JCS authorities are now developing main modifications to the plan based on evidence and discussions heard throughout the hearings and the recommendations in the Interim Report. The exact timetable is still to be determined. 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.

#### National Planning Policy Framework and Planning Practice Guidance

5.9 The NPPF aims to promote sustainable growth and requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental.

- the economic role should contribute to building a strong, responsive and competitive economy;
- the social role should support strong, vibrant and healthy communities; and
- the environmental role should protect and enhance the natural, built and historic environment.

These roles should not be undertaken in isolation, because they are mutually dependant.

5.10 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, which for decision taking means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- where specific policies in the Framework indicate development should be restricted.

5.11 Footnote 9 to paragraph 14 gives examples of where policies in the Framework indicate that development should be restricted however none of the examples listed are relevant to this case.

5.12 In terms of economic growth, one of the 'core principles' of the NPPF is to proactively drive forward and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth.

5.13 In terms of housing delivery, the NPPF sets out that, to boost significantly the supply of housing, local authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing, including identifying key sites which are critical to the delivery of the housing strategy over the plan period. Paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

5.14 The Government's Planning Practice Guidance (PPG) provides advice on prematurity. The advice states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

5.15 The advice states that refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

5.16 Other relevant guidance set out in the PPG will be set out where appropriate within the report.

#### Conclusions on the principle of residential development

5.17 The Council cannot, at this stage demonstrate a deliverable 5 year supply of housing land and thus policy HOU4 of the Local Plan is out of date. The relevant policies for the supply of housing in the emerging JCS are subject to unresolved objection and thus the weight that can be attributed to those policies must be limited. Therefore it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits.

### **6.0 Landscape and Visual Impact**

6.1 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, amongst other things, protecting and enhancing valued landscapes. Local Plan Policy LND4 provides that in rural areas regard will be given to the need to protect the character and appearance of the rural landscape and Policy SD7 of the emerging JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. There is some debate as to whether these local plan policies are policies which restrict the supply of housing following a recent high court judgement, but nevertheless, the impacts of the proposal on the landscape is a significant material consideration.

6.2 The site does not fall under any statutory or non-statutory landscape designation. The application is supported by an updated Landscape and Visual Impact Appraisal (LVIA) which states that the Site is 13.56ha in total, of which it is proposed that up to 10.3ha be developed for residential usage and 0.2ha for retail usage. 3.06ha of the Site is proposed for Green Infrastructure (GI), which includes public open space, formal equipped play, sustainable drainage ponds and structural planting. The proposals are almost identical to the previous scheme, the only difference being a larger maintenance strip adjacent the watercourse on the northern boundary as required by the Environment Agency.

6.3 The LVIA concludes that during construction there would be some adverse landscape and visual effects but that these effects would be of no greater significance than the effects arising through the operational phase of the development. In terms of landscape character, at a national level the LVIA suggests that the impact of the proposals would be negligible, whilst at local level there would be a minor adverse impact, and there would be negligible impact on the setting of the Cotswolds AONB.

6.4 The LVIA advises that the landscape character of the site is defined by its agricultural nature and the agricultural nature of land to the west. Bishop's Cleeve has an urban influence on eastern portions of the site with commercial buildings and residential dwellings. Development would lead to a notable change of landscape character at a site scale due to the loss of agricultural fields to residential development, a 2000sq.ft food retail unit, access infrastructure, playspace and associated open space. The LVIA anticipates that overall landscape effects would be moderate adverse at year 1 reducing to minor adverse by year 10 as structural planting matures.

6.5 The LVIA suggests that due to the sparsely settled nature of the landscape to the north, west and south combined with a relatively limited visual envelope to the east, visual effects for residential receptors would primarily be restricted to properties that fringe the Site where overall visual effects are expected to be major-moderate adverse at Year 1 and moderate-minor adverse by Year 10. Other nearby visual receptors, including the public footpath leading from the Cleavelands development to the north, public rights of way within the AONB, Stoke Road and the rugby club, would experience, at worst, moderate adverse impacts in year 1 of the development, with no greater than moderate-minor adverse impacts at year 10.

6.6 Overall, the LVIA repeats the conclusions found during the earlier application that the proposals would not lead to any major landscape effects with all effects on Landscape anticipated to be moderate adverse or less. Development would integrate into the existing settlement of Bishop's Cleeve with limited landscape or visual effects.

6.7 The Councils landscape consultant (LC) assessed the application and commented that whilst the site is clearly in open countryside and shares typical characteristics of the wider Vale landscape, it is influenced by the settlement edge, including the landfill operations to the south and the adjacent Malvern View Business Park to the east. Dense structure planting for the most part forms an effective screen between the site and existing residential development off Stella Way. The LC stated that a key feature of this site is that it lies at the threshold of Bishops Cleeve and has a role to play in creating the setting of the village.

6.8 The LC advised that the LVIA has been prepared in accordance with best practice and presents a balanced assessment of the site and the proposed development. He generally agreed with the findings relating to the sensitivity of the site to development of this nature and to the assessment of predicted effects.

6.9 Having assessed the proposals, the LC considered that the site is capable of accommodating some development given its relationship to the existing settlement, and the fact that locally characteristic and effective landscaping could be incorporated into the proposed development. The LC agreed with the conclusions of the LVIA that, due to the effect of distance, the location of the site relative to the rest of Bishops Cleeve, and the effectiveness of existing structure and screen planting, the proposed development would not exert a significant influence upon views from the AONB.

6.10 The LC also concluded that the perception of sprawl and the quality of the settlement edge could be addressed by the delivery of a robust, well considered and generous green buffer to the edge of the new development. New structure planting should be incorporated into green infrastructure at the edge of the scheme to deliver a soft and fragmented settlement edge that actively responds to views towards Bishops Cleeve from the west and takes opportunities to create a new, high quality and defensible settlement edge. This is provided for in the Development Framework plan (see attached - a copy will also be displayed at Committee).

6.11 In conclusion, the proposed development would result in landscape harm by introducing new development into the current open, agricultural fields. Nevertheless the LVIA has demonstrated that the impacts would be at worst moderate adverse from visual receptors outside the site by year 10 following development. As such it is not considered that there would be significant and demonstrable harm arising from the proposed development on landscape grounds which would justify refusal of planning permission. It should be noted that the previous, almost identical scheme was not refused on landscape grounds.

## 7.0 Design and Layout

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

7.2 Paragraph 61 of the NPPF states that *"securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment"*. This emphasises how important achieving appropriate integration and connectivity are to ensuring that new development positively contributes to the relationships between people and places.

7.3 All matters relating to design and layout are reserved for future consideration. However, the application includes an indicative Development Framework Plan and parameter plans which illustrate how the site could be developed, and a Design and Access Statement (DAS). The Indicative Framework Development plan shows the disposition of land uses and the proposed structure for movement within the development. The DAS tells the story of how the proposals have been developed, including an assessment of the site and its context, identification of the constraints and opportunities which lead to the key urban design principles for the development and an explanation of how the site is proposed to be developed in design terms.

7.4 The DAS is somewhat confusing as it considers how the site could be developed for up to 300 dwellings, whereas the application only proposes 265 dwellings. In considering the previous application the Urban Design Officer (UDO) considered the submitted material and advised that the DAS provided a good amount of information given this is an outline application and the principles set regarding appearance and materials appear well considered and appropriate for the area.

7.5 In terms of the Development Framework plan (DFP), the UDO commented that the proposed density of 31 dwellings per hectare is considered appropriate on this edge of settlement location. Furthermore, the green infrastructure maintains existing features within and around the edges of the site and the location of the main open space on the edge of the site is appropriate as long as there is good surveillance from properties fronting over the space. This issue could be addressed at reserved matters stage.

7.6 The UDO did have reservations however that whilst the movement network shown on the DFP does indicate reasonable connectivity with the existing settlement, this relies in large part on the two pedestrian links to the north-east and along the eastern boundary of the site. A letter has been submitted on behalf of an owner of land through which the eastern route would pass indicating that no notice has been served on the landowner and as such suggests that planning permission should be refused. It is not considered that this issue in itself justifies refusal however. Furthermore this particular route as shown on the DFP would not be an attractive pedestrian route as it is poorly surveilled and also passes between the rear of existing gardens and land allocated for employment use at the rear of Malvern View Business Park. The applicant has confirmed that they are no longer pursuing the upgrade of this footpath and do not consider that the proposal is dependent on this route for the scheme to be sustainable. Furthermore they consider that access can be achieved through the designated open space on the "Clevelands" development, which has been transferred to the Council, linking through that development and to the facilities and service proposed on that site such as the proposed new medical centre, community centre and shop. The applicant is willing to provide a contribution for a footpath route through the open space. There is also potential for a link through to Hayfield Way in the north-eastern corner of the site, although it is noted that this land is within separate ownership.

7.7 The proposal is essentially a cul-de-sac development and, with the exception of the frontage development onto Stoke Road, is isolated from the village and has poor connectivity to it. The above does go some way to addressing the previous concerns regarding connectivity which is largely determined simply by the site's location on the edge of the settlement and, for pedestrians in particular, by the sub-standard footway to the front of Malvern View Business Park. Nevertheless it is noted that the CHO has advised that there is no objection on this ground from a highway perspective, based on the conclusions of the Transport Assessment for the scheme (see section 8 below) and the applicant has demonstrated that there is potential for improved accessibility. Therefore it is not considered that this issue represents significant and demonstrable harm in its own right to justify refusal of the application

## 8.0 Accessibility and Highway Safety

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

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

8.3 The application is supported by a Transport Assessment (TA) which also forms an appendix to chapter 7 of the Environmental Statement (ES). The TA is based on up to 265 dwellings being provided on the site - it is noted that the previous application which raised no highway objection, assessed up to 300 dwellings. The ES also clarifies that the cumulative impacts of existing developments in the area, notably Homelands and Cleavelands have been taken into account in assessing the current baseline traffic flows. The ES concludes that, taking into account the cumulative impacts of other development in the surrounding area, the increase in traffic associated with the proposed development would not create a significant impact in environmental terms and that there are no significant impacts associated with traffic and transportation to justify refusal of planning permission.

8.4 Similarly the TA concludes that, for a development of up to 265 dwellings

- Access to the required design standards is proposed.
- The site is well located to allow travel by the more sustainable modes.
- A Framework Travel Plan accompanies the application.
- There are no material traffic impacts associated with the proposal.
- There are no road safety issues associated with the development.
- Overall, therefore, it is concluded that there are no material transport issues associated with the application.

8.5 Highways England (HE) and the County Highways Officer (CHO) have been consulted. HE offer no objection to the application commenting that the traffic arising from the proposed development is likely to be widely dispersed with limited impact likely on the Strategic Road Network.

8.6 The CHO has assessed the location of the proposed development in terms of sustainable access, traffic impact, the impact on off-site junctions, road safety and the travel plan proposals for the development.

8.7 In terms of sustainable access, the CHO offers no objection on the basis that opportunities for sustainable transport modes have been taken up having regard to the location and nature of the site. In terms of walking, the majority of local facilities are on the upper limit of acceptable walking distance, meaning that walking will be an attractive mode choice for some but not all residents. It is recognised that the development proposes a convenience food store on site which would be within walking distance of the whole site. Whilst it is recognised that footways are relatively narrow along Stoke Road to the east of the A435, which would be the main route to the majority of facilities, there appear to be limited opportunities to enhance the route cost effectively in accordance with NPPF Paragraph 32. It is considered that no enhancements are required to make the site accessible by foot or for cycling.

8.8 In terms of public transport, the nearest bus-stop to the site is more than the recommended maximum 400m walking distance from the site. The CHO suggests that the key opportunity for this site is the Service T, which provides an hourly service between Bishops Cleeve and Tewkesbury. Cost-effective improvements have been identified to make it an attractive service for residents of the development, increasing the frequency to half hourly before 1000 hours and after 1500 hours and to extend the operating hours from a last service at 1700 to a last service at 1900. It has been agreed that the developer would fund this improvement through a planning obligation. This would ensure that the opportunities for sustainable transport are taken up depending on the nature and location of the site in line with the NPPF Paragraph 32.

8.9 The site is proposed to be accessed by a simple priority junction off Stoke Road. Swept Path Analysis (SPA) has been provided to demonstrate that a refuse vehicle can make the turning movements into and out of the site, with an amendment to the access design to increase the corner radii to 10m. This SPA provides confidence that the access road width and corner radii are appropriate in line with the requirements of Manual for Gloucestershire Streets (MfGS) whilst appropriate visibility is also provided for. The CHO confirms that the TA demonstrates that the site access would have sufficient capacity to accommodate the proposed development.

8.10 The CHO is satisfied that the trip rates used to assess the traffic impacts of the development are robust, (particularly given the site was previously assessed on the basis of 300 dwellings). Total peak hour traffic generated would now be less than for the previous application to which there was no highway objection, given that the assessment is now based on 265 rather than 300 dwellings. It is recognised that the retail unit would be likely to generate some inbound trips, however this would be a local diversion and not a "new" trip. In terms of trip distribution, the majority of traffic would head east to the A435 and Cheltenham beyond, with 15% heading towards Stoke Orchard.

8.11 The impact of the proposals on a number of key local junctions has also been assessed, namely A435/Finlay/Hayfield Way; A435/Voxwell Lane/Stoke Orchard; and A435/Cheltenham Road/Miles Road; A435/Hyde Lane/Southam Lane. The CHO advises that the impacts of the development on these junctions would be mitigated by the improvement works already required for the Cleavelands/Homelands developments. It is assumed that these improvements would take place before any of the proposed dwellings on this site would be occupied and planning conditions are proposed to ensure this. In terms of road safety, the CHO concludes that there are not an excessive amount of personal injury accidents on the wider network and that those accidents that do occur are spread. The CHO therefore considers it reasonable to conclude that the additional traffic from the development would not have a material impact on general road safety in the area.

8.12 Overall the CHO considers that the proposed development would not have a severe residual impact on the local highway network. Furthermore, the proposals allow for safe and suitable access for all and that opportunities for sustainable transport modes have been taken up. On that basis the proposal is in line with the NPPF and no objection is raised on transport grounds subject to appropriate planning conditions and s106 obligations relating to public transport and travel planning.

## **9.0 Scale of Development and Social Impacts**

9.1 The NPPF at paragraph 7 recognises that sustainable development includes a social role that planning performs and Section 8 sets out how healthy communities can be promoted. The submission version of the JCS recognises that the retention of services within rural service centres is intrinsically linked to the size and distribution of the resident population and it is important that these services remain viable, although more development will be accommodated at the rural service centres than at the service villages. Guidance contained in a research document 'Design for Social Sustainability' builds on examples from around the country and sets out that the sense of identity of a place can be defined as *'...rooted in history, in local celebrations, the stories people tell about the area, and in regular local events. These build up over time. When new large-scale housing developments are built, the sense of place cannot be defined by its shared history. New residents will not know others, and, in the early stages, there will be few social connections.'*

9.2 Concerns have been raised by the local community that Bishops Cleeve has experienced, and is continuing to experience, a rapid rate of change in population, particularly with the ongoing Homelands and Cleavelands developments, which alone account for up to 1450 new dwellings. There are also further proposals for housing in Bishops Cleeve currently. It has been established in a number of recent appeal decisions (including those in Alderton) that the cumulative impact of development and the consequential increase in population without proportionate increases in infrastructure, employment opportunities and other local services risks eroding community cohesion. This is a material planning consideration.



9.3 BCPC considers that the rapid increase in housing numbers experienced in Bishop's Cleeve, without proportional increases in employment, infrastructure and local services and facilities erodes social cohesion and the social well-being of the community which is contrary to the aims of the NPPF. Further, BCPC consider that the village is becoming a dormitory commuter settlement resulting in the loss of social interaction and community cohesion with reliance on the private motor car to access employment and services and facilities that are not available within Bishops Cleeve.

9.4 BCPC considers that Bishops Cleeve has a vibrant community with many active groups across all demographics and that the complexion of the community is highly valued by its residents and should be protected. Furthermore *'The Parish Council is very active within the community and boasts committed representatives from all sectors of the community. Having regard to the views of the community which have been expressed to the Parish Council it is considered that any new development should be at a rate that can be absorbed without substantial economic, social or environmental detriment. Thus, the Parish Council considers this appeal proposal would exacerbate concerns related to social cohesion and community well-being at an existing point of saturation'*. BCPC refer to appeal decisions at Alderton and Feniton in Devon to support their case.

9.5 Whilst the reference to the Alderton decision is noted, it is clear that Alderton is a very different place to Bishop's Cleeve which is a Rural Service Centre as defined in the emerging JCS, with a good range of services and facilities. Perhaps more pertinently, this issue was also considered by the Secretary of State (SoS) in dealing with both the Homelands and Cleavelands applications. Concluding on the sustainability of the two proposals the SoS agreed with his Inspector's comments at paragraph 14.45 of his report that: *"...both schemes would take the right approach to achieving social cohesion and result in balanced communities, with good access to employment and services, which would be well integrated into pleasant environments."* The proposed s106 obligations set out within this report towards community infrastructure to offset the impact of the proposed development must also be taken into account.

9.6 The "Approach to rural sites" background paper to the emerging Borough Plan suggests that commitments at Bishop's Cleeve already exceed the estimated development at the settlement by approximately 230 dwellings - albeit it is accepted that Bishop's Cleeve will be expected to contribute to the Borough's housing land supply over the plan period and that development at Bishop's Cleeve would be generally consistent with the spatial strategy. Further, this is not a final figure and may be expected to change. The background paper forms part of the evidence base for the emerging JCS, which itself is not yet adopted and can only therefore be afforded limited weight. It is noted that the JCS Inspector has indicated that the increased Objectively Assessed Need (OAN) should not necessarily be disseminated to the rural areas. It must also be acknowledged that the range of services in the village will increase with the completion of the Homelands/Cleavelands developments.

9.7 Whilst the impact of a further 265 dwellings at Bishops Cleeve over and above development already committed (including permission for 71 homes at Evesham Road) is not underestimated, given the scale and role of Bishops Cleeve as a Rural Service Centre and the existing and planned services serving it, it is not considered that the proposed development, in addition to the consented schemes, would have an unacceptable impact on the social wellbeing and cohesion of Bishops Cleeve so as to significantly and demonstrably outweigh the benefits. It must be recognised that the previous application on this site currently at appeal was not refused on this ground and whilst there have been further permissions for housing since the previous decision, it is not considered that this is a significant material change in circumstances since the previous refusal.

## 10.0 Noise

10.1 The NPPF states at paragraph 120 that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Paragraph 123 of the NPPF sets out that planning decisions should, *inter alia*, recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. Saved Local Plan Policy EVT3 and emerging Policy SD15 of the JCS reflect this guidance.

10.2 Concerns have been raised regarding the potential impact of existing noise creating development on the proposed development. In particular there are concerns that permitting new housing in this location could put existing businesses at risk should residents of the new development complain about noise from those existing uses.

10.3 The ES refers to the Noise Survey/Assessment carried out on behalf of the applicant and sets out that the main noise impacts would be from road traffic from the Stoke Road and, to a lesser extent, from the M5 motorway, which could be addressed by suitable mitigation to protect outdoor living areas, with a stand-off area of at least 10m and suitable glazing for properties facing Stoke Road. The Noise Assessment further recommends that outdoor living areas closest to and with a direct line of sight to the Malvern View Business Park should be provided with close-boarded fencing or screening walls to screen activities on the business park.

10.4 The proposed Development Framework plan indicates residential development within close proximity to the boundary with commercial uses. Most prominent is the Elliot's Transport Yard which runs back approximately 140 metres from Stoke Road. The use involves the storage and distribution of building materials. Residential uses are shown on the Development Framework Plan within approximately 25 metres of the boundary with Elliot's Transport at its closest point. Other uses sharing a common boundary with the application site appear to be generally low key but at the closest point fall within 10m of the nearest residential uses indicated on the Development Framework plan. It is noted that one of the businesses occupying a site adjacent to the proposed development has advised that the company's operations can be noisy, particularly in summer months when doors are open, and the company operates almost 24 hours per day. There are no restrictions in terms of hours of operation of any of the uses on the Business Park.

10.5 The Environmental Health Adviser (EHA) did raise some concerns about the relationship between the proposed housing and the neighbouring existing and proposed employment uses. Nevertheless it is recognised however that this is an outline application and it is considered that the potential effects of noise could be addressed by planning conditions requiring detailed noise assessments at reserved matters stage. This could have the effect of reducing the quantum of development possible on the site however could satisfactorily address any outstanding concerns. Whilst there is a part of the business park which is allocated in the Local Plan and is yet to be developed, it is considered that should development proposals come forward for this site in the future, it could be designed/restricted in such a way as not to create conflict between the business and residential uses.

## 11.0 Air Quality

11.1 Paragraph 124 of the NPPF sets out that In respect of air quality it advises that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs), and the cumulative impacts on air quality from individual sites in local areas. Policy EVT4 of the Local Plan requires air quality to be taken into account when judging the suitability of any development. Policy SD15 of the emerging JCS sets out that, inter alia, new development must not result in exposure to unacceptable risk from existing or potential sources of pollution.

11.2 The adopted Waste Core Strategy (WCS) also forms part of the Development Plan for the area. Policy WCS11 (Safeguarding sites for Waste Management) provides that existing and allocated sites for waste management use will normally be safeguarded by local planning authorities. Proposals that would adversely affect, or be adversely affected by, waste management uses will not be permitted unless it can be satisfactorily demonstrated by the applicant that there would be no conflict. The Waste Planning Authority (WPA) will oppose proposals for development that would prejudice the use of the site for waste management.

11.3 The ES submitted with the application confirms that this matter has been 'scoped out' of the ES. This is because the Air Quality Assessment (AQA) submitted with the application considered the potential air quality, dust, and odour impacts associated with the Wingmoor Waste Sites on future residents. Major sources of air pollution are identified in the AQA as dust emissions from the proposed construction phase, road traffic emissions from the operational phase and the operations at the Wingmoor Farm waste sites. The construction phase and traffic arising from the development once completed are predicted to have 'not significant' and 'negligible/not significant' impacts with mitigation in place.

11.4 In respect of Wingmoor Farm, the AQA advises that there are three landfill sites located within the waste sites. The closest to the proposed development is the Wingmoor Quarry non-hazardous site, the boundary of which is located approximately 200m to the south of the proposed development. The Wingmoor Farm West hazardous and Wingmoor Farm non-hazardous landfill sites are located approximately 415m and 920m from the proposed development, respectively, at the closest point. The AQA concludes that, subject to appropriate mitigation, there would be no undue air quality impact arising during construction or from road traffic. The AQA sets out that consideration has also been given to the potential air quality, dust, health and odour effects associated with the Wingmoor Farm. The AQA concludes that *'...A review of monitoring data associated with the landfill sites, air quality assessments for two proposed AD and a neighbourhood health profile indicate that the potential dust, air quality and health effects at the proposed development should not be significant. In addition, the majority of processes operate under Environmental Permits which will include conditions to control emissions to atmosphere. With the effective implementation of these measures, the potential for odour emissions should be minimised.'*

11.5 Overall, the AQA concludes that *"The assessment has demonstrated that the proposed development will not lead to an unacceptable risk from air pollution, or to any breach in national objectives, or to a failure to comply with the Habitats Regulations as required by national policy. There are no material reasons in relation to air quality why the proposed scheme should not proceed, subject to appropriate planning conditions"*.

11.6 The applicant has also submitted a very recent appeal decision for land at Newcastle Under Lyme which proposed residential development (up to 138 dwellings) on land adjoining a landfill operation. In that case the types of materials were similar to those accepted at Wingmoor Farm and the Council could not demonstrate a 5 year supply of deliverable housing sites. The applicant points to the Inspector's conclusion in that case that *"Paragraph 14 [of the NPPF] applies here because of the housing land supply shortfall. However, any harm by reason of likely odour pollution would fall far short of significantly and demonstrably outweighing the substantial housing benefits of the proposal."*

11.7 The County Council have commented on the application as Waste Planning Authority (WPA) and note that a full air quality assessment has been submitted taking into account all of the activities at both of the Wingmoor Farm sites. The WPA do not object to the proposal provided that the council is fully satisfied that there would be no unacceptable health impacts, particularly from air quality including odour.

11.8 The operators of the waste management facility (Grundon Waste Management Limited) have also objected to the application on the same basis as for the previously refused application. They consider that the proposed development would prejudice the use of the waste management site due to its close proximity and that the proposed site is not suitable for residential use due to its impact on surrounding industrial uses. Furthermore, Grundons argue that the development would not constitute sustainable development due to the impact it would have on adjacent businesses and of the management of waste in the County and on behalf of Tewkesbury Borough Council.

11.9 The Wingmoor Farm site is controlled under the Environmental Permitting Regulations 2012. Under that regime the site is regulated by the Environment Agency (EA). As such it was considered that the EA would be best placed to advise on likely impacts and potential sterilisation of the current use. However, the EA have advised that they are *"not a statutory consultee for development adjacent to those sites we permit and would not intend assessing the reporting undertaken to date or make bespoke comment in this regard"*.

11.10 The Council have instructed a specialist air quality consultant (AQC) to assess the proposals. They have provided an assessment based on the relevant guidance including Integrated Pollution Prevention Control (IPPC) and Institute of Air Quality Management (IAQM) guidance. The AQC has noted that some of the guidance has been updated since the applicant's reports were written. Nevertheless it is not considered that the updated guidance would have a noticeable effect on results arising from the AQA.

11.11 The AQC has been given a guided tour of the Grundon Waste Management Facility, accompanied by officers and a representative of Grundon's, to gain an understanding of the operations carried out on the site. The AQA has carried out a review of the Environmental Permit covering the Grundon facility and the history of complaints relating to the site. The Council's AQC has also carried out their own Field Odour Survey on behalf of the Council following the relevant IPPC guidance.

11.12 During the AQC's visits faint mildly unpleasant waste type odours were detected at the site boundary of the proposed residential development. However, stronger more offensive odours were detected further to the west on Stoke Road, in closer proximity to the landfill operations.

11.13 The AQC concludes that should planning permission be granted, the proposals would introduce highly sensitive receptors (i.e. residential dwellings) within 300m of odorous sources. These types of receptors would expect to experience a high level of amenity which could be affected by odours arising from the landfill and anaerobic digester under certain meteorological conditions. The outcome of the odour risk assessment indicates that there is a low - moderate risk that future residents of the proposed development site would be affected by odour. The AQC does not consider that this low level of risk would justify withholding planning permission, in particular given the low level of complaints that have been received by the authorities in respect of the landfill operations, and due to the controls in place via the environmental permitting regime.

11.14 In respect of the Newcastle Under Lyme scheme referred to above, whilst each application must of course be considered on its merits, this does indicate how issues such as this may be considered by an appeal inspector in the context of the presumption in favour of sustainable development. In that case the waste management facility was similar to the Grundon's site in respect of the type of material accepted. The Inspector in that case concluded that given the controls that existed at that site, including the Environmental Permit, and given the proximity of existing housing, occupiers of the proposed housing development would not be likely to experience unacceptable living conditions. In that case the appeal site lay between 115m and 300m of the active landfill operations. As set out above, the AQC notes that in this current case the closest proposed new dwellings would be within 300m of odorous sources.

11.15 The Inspector in the Newcastle Under Lyme case also noted that the controls put in place by the environmental permitting regime should be sufficient to safeguard the living conditions of nearby residents. It is also noted that some existing dwellings are located closer to the landfill sites than many of the proposed dwellings. The applicant has pointed out that only those proposed dwellings close to Stoke Road would be closer to the landfill operations than the existing dwellings. Further, they note that the existing landfill operations were considered by the County Council in 2011 and the operational lifetime of the site was extended to 31st December 2029, despite vociferous objections from the local community.

11.16 Given the conclusions of the Council's Air Quality Consultant it is not considered that the relationship between the proposed development and the existing landfill operations would give rise to significant undue impacts on the living conditions of future residents to justify refusal of planning permission. Given this conclusion it is not considered that the proposed development would affect the continued operation of the safeguarded waste management facility.

## **12.0 Ground Conditions/Contaminated Land**

12.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 121 sets out that planning decisions should also ensure that sites are suitable for new uses taking account of ground conditions resulting from previous uses. Following any necessary mitigation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

12.2 The Environmental Health Officer (EHO) advises that the Phase 1 assessment and Geoenvironmental report has been reviewed and it is clear that no significant ground contamination risks have been identified within soils and groundwater on the site. This is unsurprising given the greenfield nature of the site. In considering the previous application the EHO was concerned that insufficient information had been submitted with the original application in respect of potential ground gas risk given the nearby current and historic landfill operations at Wingmoor Farm. However further assessment was carried out on behalf of the application which concluded that there was no risk associated with ground gas sources and that, as a result, no protection measures would be necessary for the development of the application site. The EHO has reviewed the additional information, is satisfied with its conclusions and advises that no further investigations or remedial works would be necessary.

## **13.0 Flood Risk and Drainage**

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

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

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

13.4 Concerns have been raised by the local community regarding potential flood risk. Stoke Orchard Parish Council also previously raised concerns in relation to problems associated with storm water flows experienced at the River Swilgate at Stoke Orchard.

13.5 The application has been accompanied by a revised Flood Risk Assessment which concludes that the site is within Flood Zone 1, an area with low fluvial flood risk as determined by Table 1 of the PPG. The site has also been shown to be outside the flood envelope of all other identified sources of flood potential, and as such the development type is deemed to be suitable for this location. Analysis of the site for flooding from various sources has concluded that, apart from a low risk of flooding from surface water runoff the chances of flooding from any other sources are negligible. Infiltration as a means of surface water discharge has been discounted due to shallow ground water present on site. Further to the development, the site would discharge at the existing Greenfield runoff rate of 35.5 l/s. This would be achieved through surface water mitigation measures. The surface water drainage strategy for the site is proposed to consist of a combination of swales, hybrid detention basin and pond/wetland systems, bio-retention/raingardens and geocellular storage with other measures encouraged.

13.6 The FRA also confirms that Floor levels would be raised by 300mm above the 1 in 100 plus climate change flood level near the site. Any excess flow above the designed flood will be mitigated through flood resilience measures and routed through over ground storage in carparks, gardens and through general landscaping. Construction on site would also take into consideration the 8m buffer strip on either sides of the watercourses currently passing through the site in accordance with Water resources Act 1991. Flood defence consent would be sought if any works are to be carried out within this buffer.

13.7 The EA have been consulted and advise that the revised FRA addresses previous concerns relating to lack of assessment of watercourses on and adjacent to the site, fluvial flood risk and the lack of identified easements associated with 'main river watercourses' within the site. The EA agree with the classification of the site as being Flood Zone 1 and the use proposed is acceptable in principle in accordance with the PPG. The EA note the reference to 8m easements and comment that these should form focal points within the development as areas of public open space and the opportunity should be taken to improve the biodiversity habitat within these corridors. The Development Framework plan has been amended to allow for the necessary maintenance strips and the details of these areas can be addressed at reserved matters stage. Similarly the Lead Local Flood Authority raise no objection based upon the surface water management proposals for the site, subject to conditions requiring a detailed drainage strategy for the site.

## **14.0 Affordable Housing**

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

14.2 The application was submitted with a commitment to providing 40% affordable housing. Following lengthy negotiations with the Strategic Housing & Enabling Officer (SHEO) an agreement has been reached to provide 50% of the affordable housing on site (53 dwellings of which 26 would be for affordable rent and 27 Intermediate housing). The remaining affordable housing requirement is proposed as an off-site contribution calculated on the same basis as the on-site affordables which would result in a financial contribution of £3,307,500.

14.3 The off-site contribution is considered appropriate for this proposal given the continuing delivery of affordable homes in Bishops Cleeve primarily at the Homelands/Cleavelands developments. The SHEO advises that off-site contribution would help meet wider needs across the Borough including in rural locations which are in need of affordable housing which is not provided for by the large-scale developments in and around the larger urban areas.

14.4 In light of the above the affordable housing need is agreed and capable of being addressed through completion of an appropriate s106 obligation.

### **15.0 Open Space, Outdoor Recreation and Sports Facilities**

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

15.2 In accordance with these policies, the Community and Economic Development Manager (CEDM) has advised that the proposal would generate a requirement for 0.93ha of playing pitches and associated changing facilities. It is suggested that this requirement is met by an off-site contribution of £421,012 towards facilities at the Parish Council Playing Fields. The need has also been identified for a Locally Equipped Area for Play providing separate equipment for toddlers and juniors to be provided on site.

15.3 In addition to sports pitches, demand for other sports facilities has been identified using the Sports Facility Calculator which is an interactive tool developed by Sport England. Based on 265 dwellings, demand has been identified for local sports facilities. In order to address these demands, the following contributions have been sought:

- £138,463 towards sports hall at Cleeve Sports Centre;
- £107,386 towards swimming pool provision in the local area;
- £14,710 towards artificial sports pitch provision (astroturf) in the local area;
- £16,267 towards bowls provision at the Parish Council playing fields;

15.4 The applicant has indicated that they are willing to agree with the requirements which can be secured by s106 planning obligations.

### **16.0 Community, Education and Library Provision**

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

16.2 The CEDM has been consulted and a need has been identified for contributions towards community facilities on the basis that a significant number of new residents arising from the proposed development would put additional pressures on existing and planned facilities. Based on a calculation using the Gloucestershire Infrastructure Delivery Plan assessment formula, a contribution of £120,498 is sought. Contributions would also be sought towards recycling and dog waste bins and signs to address impacts arising from the development.

16.3 The NHS estates adviser commented on the previous application and due to the direct impact of this housing on local services sought a financial contribution. Comments are awaited on the current application and an update will be provided at Committee.

16.4 Gloucestershire County Council has considered the impact upon, and necessary mitigation for, pre-school / early years, education and library services. The position has changed since the previous application in respect of the cost multipliers and child yield. Similarly there had been some capacity forecast at the relevant schools however this is no longer the case. On that basis, the following contributions are recommended: Primary - £980,956; Secondary - £906,676 and Libraries - £51,940. There is currently no additional need identified in respect of pre-school requirements.

16.5 The applicant has indicated that they would be willing to agree with the above requirements.

## **17.0 Archaeology and Cultural Heritage**

17.1 Section 66 of the Listed Buildings and Conservation Area Act places a statutory duty on LPAs to have special regard to the desirability of preserving the setting of listed buildings. The NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The emerging JCS reflects these requirements in Policy SD9.

17.2 There are no listed buildings or other heritage designations judged to be affected by the proposed development. In terms of archaeology the County Archaeologist (CA) has been consulted and considered that there was potential for significant archaeological remains on the site having regard to the historic development of Bishops Cleeve and previous investigations relating to the development of the adjacent Cleevelands site. On that basis the CA required the results of an archaeological field evaluation to be provided, in accordance with paragraph 128 of the NPPF, prior to permission being granted. This evaluation has been carried out and the results provided and the CA has advised that whilst the archaeological deposits shown to be present on the site is not of the highest significance, they would make an important contribution to our understanding of archaeology of the locality and wider region. For that reason the CA recommends a condition be attached to any permission requiring a programme of archaeological work to be carried out prior to development commencing.

## **18.0 Ecology and Nature Conservation**

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

18.2 The application is supported by an Ecological Appraisal (EcA) which advises that surveys of bats, reptiles, riparian mammals and breeding birds were undertaken as advocated by the desk study and Phase 1 Habitat and preliminary protected species survey. In terms of statutory designated sites, Dixton Wood SAC lies 4.4km away from the site and the EcA concludes that the proposals are unlikely to have any significant effect on the integrity of this SAC. Wingmoor Farm Meadow Key Wildlife Site is a small isolated semi-natural grassland with no public footpath or known access and is therefore unlikely to experience negative impacts as a result of visitor pressure from residents of the proposed development.

18.3 The EcA concludes that subject to mitigations measures the development would be likely to result in a net biodiversity gain. Therefore, subject to a suitably worded planning condition ensuring development was carried in accordance with the recommendations set out in the EcA, to secure biodiversity enhancements and mitigation as necessary, the proposed development is considered to accord with the NPPF, policy NCN5 of the Local Plan and the emerging JCS.

## **19.0 Loss of agricultural land**

19.1 Paragraph 112 of NPPF advises that local planning authorities should take into account the economic and other benefits of the best and most versatile land (BMV). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in Grades 3b, 4 and 5 in preference to higher quality land. Paragraph 109 of the NPPF puts the protection and enhancement of soils as a priority in the conservation and enhancement of the natural environment.

19.2 A soil resource and agricultural use and quality survey has been carried out which sets out that almost 11 hectares of the site constitutes grade 3b with approximately 2.5 hectares of grade 3a land, which constitutes best and most versatile land in line with the NPPF. The survey concludes that the land is dominantly of moderate agricultural quality and the soils represent a moderate to low quality resource for reuse which would require careful management to avoid structural damage.

19.3 As set out above there is limited best and most versatile land which would be lost to development. As such this would be a negative factor of very limited weight in the overall planning balance.

## **20.0 Residential Amenity**

20.1 One of the core planning principles of the NPPF is to ensure a good standard of amenity for all existing and future occupants of land and buildings. This advice is reflected in Policy SD15 of the JCS (Submission Version) which seeks to ensure that new development does not cause an unacceptable harm to local amenity including amenity of neighbouring occupants. The majority of concerns raised by local residents refer to the location of the site in relation to Wingmoor Farm. These matters are addressed in section 11 (air quality) above. Matters in relation to potential noise impacts are similarly address in section 10.

20.2 In terms of existing residents the site shares a common boundary with properties in Acacia Park to the north east of the site. The Development Framework Plan indicates residential development up to the rear boundaries of properties in Acacia Park however any potential impacts arising from the scale and location of new dwellings could be addressed at reserved matters stage.

## **21.0 Overall Balancing Exercise and Conclusions**

21.1 The site is located outside any recognised settlement where new housing development conflicts with Policy HOU4 of the Local Plan. For this reason, the proposed development is contrary to the Development Plan. Nevertheless, as set out above, the Council's housing supply policies must be considered out of date and in those circumstances the NPPF requires that the Council considers applications for housing in the context of a presumption in favour of sustainable development as set out at paragraph 49 of the NPPF. As such, in this case and in accordance with paragraph 14 of the NPPF, the development should be permitted unless there are any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### **Beneficial Effects**

21.2 The development would contribute significantly towards the supply of market and affordable housing to help meet the objectively assessed need for housing in the area. This is of particular relevance given the fact that the Council cannot currently demonstrate a deliverable supply of housing sites in the context of the Government's requirement of a minimum supply of 5 years and weighs significantly in favour of the application. The provision of the new retail store would result in economic benefits and could result in some minor environmental benefit in providing a facility closer to existing residents than existing retail uses, thereby reducing the need to travel by car.

21.3 New employment would be created during construction and some businesses connected with the construction industry would likely be local suppliers and trades, which would boost the local economy. There would also be economic benefits arising from additional residents supporting local business. Other benefits include net ecological gains identified in the Ecological Assessment.

### **Neutral Effects**

21.4 It has been established through the Environmental Statement, other application material and through consultation with specialist consultees, that the impact of this development on flood risk, the living conditions of existing and future residents, archaeology and ground contamination can be adequately mitigated. The mitigation measures required, can be secured through planning conditions, future reserved matters applications, and S106 obligations. Mitigation in respect of community, sport and play, education, library and health facilities can also be addressed via s106 obligations. Issues in respect of any noise pollution arising from neighbouring uses can be addressed by condition and through reserved matters applications. In design terms the proposals indicate that the site itself could be developed in an acceptable way



## Harmful Effects

21.5 It is clear that the proposed development would result in some harm to the landscape by introducing new urban development where there are currently green fields. It is considered that the landscape impacts could be successfully mitigated to improve the existing edge of the settlement. The proposals would result in the loss of a small area of Best and Most Versatile agricultural land, but as set out above this harm would be limited.

21.6 Whilst it has now been demonstrated that a pedestrian/cycle link could be provided to the new community at Cleevelands and to the rest of the village beyond, by its very nature and location, the site enjoys limited connectivity with the rest of Bishops Cleeve. Again, whilst this is a negative element to the proposal, this is not a significant and demonstrable harm which would outweigh the benefits set out above.

21.7 Further detailed assessment of the relationship between the site and the landfill operations at Wingmoor Farm indicate that there would be likely to be some harm to future residents of the site. This harm has been classified as low-moderate and it must also be recognised that the landfill operations are controlled by the Environment Agency under the Environmental Permitting Regulations. In this case it is not considered that the environmental harm resulting from the relationship between the proposed new development and the landfill operations would justify refusal of planning permission.

## Overall Planning Balance and Conclusion

21.8 The previous refusal of planning permission for the same development is highly material in this case. The substantive planning reasons for refusal in that case related to air quality and connectivity. In respect of air quality, as set out in section 11 above, the council's specialist Air Quality Consultant has fully considered the implications of locating residential development in close proximity to the Wingmoor Farm Waste Management Facility and has concluded that there would be low-moderate harm experienced by new residents. The Air Quality Consultant does not consider that this harm would result in a robust reason for refusal of planning permission. In respect of connectivity, the applicant has demonstrated that improved links to the wider settlement are achievable and this goes some way to addressing previous concerns.

21.9 For the reasons set out above it is therefore officer opinion that the proposed development would not give rise to significant and demonstrable harms which would outweigh the benefits of the scheme. It is therefore recommended that permission is **DELEGATED to the Development Manager to secure the planning obligations outlined below and to add/amend planning conditions as appropriate:**

- Public transport contributions - £453,750
- Travel Plan requirements including contribution of £5,000 and deposit of £58,500
- Affordable housing - 20% on site provision plus off site contribution of £3,307,500
- Off-site play facilities - £421,012
- Sports hall at Cleeve Sports Centre - £138,463
- Swimming pool provision in the local area - £107,386
- Artificial sports pitch provision (astro turf) in the local area - £14,710
- Bowls provision at the Parish Council playing fields; £16,267
- Community facilities - £120,498
- Primary education - £980,956
- Secondary education - £906,676
- Libraries - £51,940
- Dog bins and signs - 1 Bin per 45 houses (£350 per bin). 1 sign per 10 houses (£50 per sign)
- Recycling facilities - £73 per dwelling

## **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 and the landscaping of the site (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.

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

- 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.

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

- 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.

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

- 4 The reserved matters submitted pursuant to condition 1 above shall include details of existing and proposed ground levels and finished floor levels of the buildings relative to Ordnance Datum Newlyn. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity to accord with the NPPF.

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

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

- 6 Existing trees and hedgerows that are to be retained shall be protected during the course of construction in accordance with the submitted arboricultural assessment. 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.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 7 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.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 8 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.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

- 9 No development approved by the permission shall be commenced until a detailed drainage Strategy, including a construction method statement and a scheme of surface water treatment, has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage strategy must consider, but not be limited to, exceedance flows, and be supported by evidence of ground conditions and modelling of the scheme to demonstrate it is technically feasible. Where applicable the strategy should adhere to the NPPF, PPG, Non-Statutory Technical Standards for Sustainable Drainage, Building Regulation H and local planning policy. 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 3rd party land or to their network, system or watercourse.

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

- 10 Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100+30% event has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To ensure satisfactory drainage of the site and avoid flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

- 11 Prior to the commencement of development details of surface water attenuation/storage works shall be submitted to and approved in writing by the Local Planning Authority. The volume balance requirements should be reviewed to reflect actual development proposal, agreed discharge rate and the extent of impermeable areas and runoff to be generated. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To prevent the increased risk of flooding, It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

- 12 No development shall take place until a SuDS maintenance plan for all SuDS/attenuation features and associated pipework, in accordance with The SuDS manual (CIRIA, C753), 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 approved maintenance plan.

Reason: 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.

- 13 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 recommendations set out in in section 4 of the Ecological Appraisal by FPCR Environment and Design Ltd dated January 2015. The EMP shall include a timetable for implementation, details for monitoring and review and how the areas concerned will be maintained and managed. Development shall be carried out only in accordance with the approved EMP.

Reason: To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

14 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with the National Planning Policy Framework and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

15 No dwelling shall be occupied until the highway improvement works at A435/Voxwell Lane/Stoke Road have been completed broadly in accordance with Drawing 22820-101-SK18.

Reason: To ensure that cost effective improvements are undertaken to the transport network that mitigate the significant impacts of the development in accordance with paragraph 32 of the National Planning Policy Framework.

16 No dwelling shall be occupied until the highway improvement works at A435/Cheltenham Road/Miles Road have been completed broadly in accordance with Drawing 22820-101-SK20

Reason: To ensure that cost effective improvements are undertaken to the transport network that mitigate the significant impacts of the development in accordance with paragraph 32 of the National Planning Policy Framework.

17 No dwelling shall be occupied until the highway improvement works at A435/Hyde Lane/Southam Lane have been completed broadly in accordance with Drawing 22820-101-SK19.

Reason: To ensure that cost effective improvements are undertaken to the transport network that mitigate the significant impacts of the development in accordance with paragraph 32 of the National Planning Policy Framework.

18 No works shall commence until the first 20m of the proposed access road, including the junction with the existing public road (Stoke Road), associated visibility splays, as shown in drawing no. 4746/34/01A, has been completed to at least binder course level. The works shall be retained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: To reduce potential highway impact by ensuring that there is a satisfactory access at the commencement of construction works, in accordance with paragraph 32 of the National Planning Policy Framework.

19 Prior to beneficial occupation of the proposed development the site access from Stoke Road shall be completed in all respects in accordance with drawing no. 4746/34/01A, and shall be retained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: To reduce potential highway impact by ensuring that there is a satisfactory access for pedestrians and vehicles, in accordance with paragraph 32 of the National Planning Policy Framework.

20 No dwelling shall be occupied until the carriageway(s) (including means of surface water drainage and disposal, vehicular turning head(s), parking and street lighting) providing access from the nearest public highway to that building have been completed to at least binder course level and the footway(s) to surface course level in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority and once approved

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people in accordance with paragraph 32 of the National Planning Policy Framework.

- 21 No development shall be commenced until a scheme for the provision of fire hydrants served by mains water supply has been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until the fire hydrant serving that building has been provided in accordance with the approved scheme.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with paragraphs 32 and 35 of the National Planning Policy Framework.

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

Reason: To ensure that safe and suitable access is achieved and maintained for all people as required by paragraph 32 of the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the National Planning Policy Framework.

- 23 No development shall take place until a Construction Method Statement and Transport Plan has been submitted to, and approved in writing to the Local Planning Authority. The approved Statement shall be adhered to and shall address and provide for:

- i. The parking of vehicles of site operatives and visitors;
- ii. The unloading and loading of materials;
- iii. The storage of plant and materials used in constructing the development;
- iv. Wheel washing facilities;
- v. Measures to control the emission of dust and dirt during construction;
- vi. A scheme for recycling/disposing of waste resulting from demolition and construction works;
- vii. Details of the site access/routeing strategy/signage during the construction period.

Reason: To reduce the potential impact on the public highway in accordance with paragraph 32 of the National Planning Policy Framework.

- 24 No works shall commence on site until details of new bus stops and bus stop facilities on Stoke Road have been submitted to and approved in writing by the Local Planning Authority. The bus stops and bus stop facilities shall be completed in accordance with the details so approved prior to occupation of any dwelling and shall be maintained as such thereafter until and unless adopted as highway maintainable at public expense.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up and to provide access to high quality public transport facilities in accordance with paragraphs 32 and 35 of the NPPF.

- 25 Floor levels should be set at least 300mm above the appropriate 1 in 100 year flood level (including an allowance for climate change) as set out within the results of the recent hydraulic modelling as referred to in report R.01 K-TT319.00 (dated February 2016).

Reason: To protect the development from flooding

- 26 The detailed plans showing layout as required by condition 1 above shall include a maintenance strip of 8 metres from the top of the bank of the unnamed watercourse to the north of the site as described in the submitted Flood Risk Assessment. No new buildings, permanent structures, fencing, tree planting or raising of ground levels other than hereby permitted shall take place within the approved maintenance strip.

Reason: To allow access for maintenance to the watercourse in accordance with Policy EVT5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

**Notes:**

**1 Statement of Positive and Proactive Engagement**

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

2 The applicant is advised that to discharge condition 8 that the Local Planning Authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

3 The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

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


















569/A

<p><b>Project</b> Stoke Road, Bishops Cleeve</p>		<p>Drawn by JT</p>	<p>Issue date 11/9/13</p>
<p><b>Title</b> Location Plan</p>		<p>Scale(s)</p>	<p>1:2500 @ A3</p>
<p><b>Legal</b></p>		<p>Drawing No 2013-076-100</p>	
<p>Rev</p>	<p>Date</p>	<p>By</p>	<p>Revision notes</p>
<p>* * *</p>	<p>* * *</p>	<p>* * *</p>	<p>* * *</p>
<p>Status</p>			

**GLADMAN**  
 Gladman West Midlands Reg  
 Corporate Systems Ltd  
 Corporation, Chorley  
 (UK) Ltd  
 Tel: 01249 234996  
 Fax: 01249 234995  
 www.gladman.co.uk



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-  Application Boundary 13.56Ha
-  Potential Residential (up to 205 dwellings) 8.50Ha
-  Potential 2000sq.ft Retail on 0.20Ha plot of which: 4.86Ha
-  Green Infrastructure 2.85Ha
-  Open space including informal open space for play 0.08Ha
-  Fossil Equipped Play Area 0.33Ha
-  Indicative Blanking Points 1.60Ha
-  Potential structural planting and root protection areas where required
-  Retained trees and hedgerows
-  Existing watercourses and drainage
-  Proposed main vehicular and pedestrian access point
-  Proposed emergency access point
-  Indicative main access routes
-  Pedestrian route
-  Potential connectivity route



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**6335-L-02 H**

**DEVELOPMENT FRAMEWORK**

WPCB\Map\Projects\6335\6335-L-02\DEVELOPMENT FRAMEWORK\H\H01

Clutton Developments Ltd  
 Slote Road  
 Hishop's Cleave





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## Appeal Decision

Inquiry held on 28 June to 1 July 2016

Site visit made on 1 July 2016

by **John Woolcock BNatRes(Hons) MURP DipLaw MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 September 2016

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**Appeal Ref: APP/P3420/W/15/3138033**

**Hampton's Scrapyard and Adjacent Field, Keele Road, Newcastle-under-Lyme, Staffordshire ST5 5AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr JM and NW Hampton against the decision of Newcastle-under-Lyme Borough Council (NuLBC).
  - The application No:14/00948/OUT, dated 11 December 2014, was refused by notice dated 3 June 2015.
  - The development proposed is residential development (maximum 138 dwellings), with details of access.
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### Decision

1. The appeal is allowed and outline planning permission granted for residential development (maximum 138 dwellings), with details of access, at Hampton's Scrapyard and Adjacent Field, Keele Road, Newcastle-under-Lyme, Staffordshire ST5 5AA in accordance with the terms of the application No:14/00948/OUT, dated 11 December 2014, subject to the conditions set out in the Schedule of Conditions attached to this decision.

### Preliminary matters

2. The appeal application is in outline but with access to be determined as part of the application. I have had regard to the details shown on the Site Masterplan Layout and Landscape Bund – Plans and Sections, along with the details indicated on other drawings, as illustrative material not forming part of the application.
3. NuLBC refused the application for five reasons. However, it is not now pursuing Reason No.2 concerning the proposed development restricting or constraining the activities permitted to be carried out at the adjoining waste management facility, or Reason No.5 dealing with an obligation for an appropriate contribution towards off-site open space.<sup>1</sup>
4. The site comprises an operational scrapyard (1.76 ha) and an open agricultural field (3.24 ha). It is located about 1.4 km west of Newcastle-under-Lyme town centre, and adjoins the A525. However, access to the site is from a road that also serves a residential area known as Milliners Green, which lies to the north-

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<sup>1</sup> Statement of Common Ground (SoCG1) dated 31 May 2016.

east of the appeal site.<sup>2</sup> On the opposite side of Keele Road is residential development at Hampton Court, comprising eight detached dwellings and a school playing field. There is a permanent caravan site to the north-west of the site. Several trees within the appeal site are the subject of Tree Preservation Orders. Walleys Quarry, a non-hazardous landfill site (referred to in this decision as 'the landfill'), lies to the north, beyond which is a garden centre and residential dwellings off Silverdale Road.

5. An application for development, similar to the appeal application, but including a landscape bund, and with different supporting information, was submitted in December 2015 and refused in March 2016.<sup>3</sup> This application was accompanied by a viability appraisal.
6. A planning agreement, dated 8 July 2016, would provide for a travel plan and on-site public open space. The agreement also includes provision for affordable housing and, if necessary, for a contribution towards primary education of £319,899, but these obligations are subject to a determination about the viability of the proposed development, which is considered in more detail later in this decision.<sup>4</sup>
7. The appellants' intention is to consolidate their operation, currently carried out on three sites, one of which is the appeal site, at a new site located at Holditch House. The planning permission for this development at Holditch House has been implemented, but not completed. An obligation with Staffordshire County Council (SCC) provides that the scrapyards at the appeal site would not operate from a date falling 12 months after waste/recycling was first brought to the Holditch House development.
8. The Inquiry sat for four days. Viability was considered at the Inquiry in a round table discussion held on 28 June 2016. The valuation experts agreed on a number of matters that are set out in a separate Statement of Common Ground.<sup>5</sup> I requested an agreed table setting out residual land values for different scenarios, based on the disputed matters remaining between the experts.<sup>6</sup> I also requested information from the regulators of the landfill site, the Environment Agency (EA) and SCC.<sup>7</sup> The parties were given the opportunity to comment on this information. I closed the Inquiry in writing on 4 August 2016.

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<sup>2</sup> Milliners Green was granted planning permission in 2000 and reserved matters approval given on appeal in 2002. However, a further reserved matters application for 280 dwellings on this land was permitted on appeal in 2005.

<sup>3</sup> Application No:15/01085/OUT.

<sup>4</sup> The planning agreement provides for either 20% or 25% affordable housing, which for 138 dwellings would be, respectively, either 28 units or 35 units.

<sup>5</sup> SoCG2 at ID3.

<sup>6</sup> ID19.

<sup>7</sup> ID23.1, ID23.2, ID24.1 and ID25.1.

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## Main issues

9. The main issues in this appeal are:

- (a) Whether the occupiers of the proposed development would be likely to experience unacceptable living conditions because of odour emissions from the adjoining use.
- (b) The effects of the development on education and affordable housing provision in the area, having regard to the contributions proposed, and to the viability of the proposed development.

## Planning policy

10. The development plan for the area includes the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, which was adopted in 2009 (CS), along with saved policies of the Newcastle-under-Lyme Local Plan 2011, which was adopted in 2003 (LP). It also includes the Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010-2026 (WLP), and saved policies of the Staffordshire and Stoke-on-Trent Minerals Local Plan 1994-2006 (MLP). The appeal site lies within the defined settlement boundary, but is unallocated in the CS. It comprises part previously-developed land and part open land adjacent to the urban area. The emerging Stoke-on-Trent and Newcastle-under-Lyme Joint Local Plan is in the first stage of preparation and so can be given very little weight.
11. The most recent Five Year Housing Land Supply Statement (October 2015 mid-year update) states that NuLBC can demonstrate a range between 3.97 to 1.90 years housing land supply. The appellants consider that there is only a 1.87 year supply. The difference was not considered by the parties to be significant enough to warrant the submission of detailed housing land supply evidence at the Inquiry. Paragraph 49 of the *National Planning Policy Framework* (hereinafter the *Framework*) provides that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Therefore, for decision-taking, paragraph 14 of the *Framework* provides that the presumption in favour of sustainable development means that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the *Framework* taken as a whole (Limb 1), or specific *Framework* policies indicate that the development should be restricted (Limb 2). I return to this later. I have also had regard to the *Planning Practice Guidance* (hereinafter the *Guidance*).

## Reasons

### *Odour*

12. Walleys Quarry was granted Interim Development Order permission in November 1997 for mineral workings and the deposit of waste materials, subject to conditions. Condition 24 restricted materials to be tipped to non-special industrial, construction, commercial, and demolition and mineral waste. Condition 25 stated that no domestic waste shall be imported onto the site.

569/E

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These conditions were reviewed in 2016.<sup>8</sup> Revised Condition 2 provides for the landfilling of non-hazardous waste and stable non-reactive hazardous wastes until 31 December 2026 and thereafter with only inert waste, such that the site is restored no later than 21 February 2042. Condition 9 states that no municipal waste shall be imported into the site.

13. The landfill is the subject of an Environmental Permit (EP).<sup>9</sup> The EP provides for deposition of waste falling within the Municipal Waste "20 series" waste codes. The EA states that a significant number of commercial and industrial wastes taken at the landfill are malodorous/offensive, including mixed municipal waste from fast food restaurants, retail premises, hotels and industrial premises. SCC notes that commercial waste collected from business premises by a private-sector waste contractor might differ little from household waste collected from domestic premises, possibly by the same operator on contract to the local authority.<sup>10</sup> But SCC advised that there is no conflict between the planning and EP conditions because this category of waste is defined by its origin rather than its composition. The landfill is being tipped in a spiral filling operation with temporary capping, such that tipping of fresh waste will take place, at different times, at different distances from existing dwellings and the appeal site. The highest finished level of the landfill would be 146 m AOD, and so tipping could occur above the surrounding ground levels.<sup>11</sup>
14. The EP Odour Management Plan identifies three potential sources of odour from the landfill site, which relate to (1) the tipping of fresh waste, (2) the generation of landfill gas, and (3) leachate management. Other works which could result in significant odour on a temporary basis include drilling of landfill gas wells, works on landfill gas and leachate infrastructure, and activities requiring excavation into previously deposited waste.<sup>12</sup> However, it is likely that potential odour from tipping fresh waste, (1) above, would be significantly reduced after 1 January 2027, when the extant permission would only permit inert waste to be tipped.
15. The landfill has been the subject of complaints in the past from existing nearby residents because of odour emissions. A significant number of complaints in 2013 and 2014 gave rise to a nuisance action by local residents. The basis on which this historic litigation was concluded is confidential to the parties to the litigation and is not in the public domain.<sup>13</sup> However, the Inquiry was advised that infrastructure was subsequently improved to collect landfill gas and to deal with leachate, and independent biannual odour reviews have since been conducted. It was agreed at the Inquiry that more recent complaints related to intermittent events or circumstances, including odour complaints at a time when leachate levels were in excess of those permitted by the EP, and when additional gas wells were being installed. Such intermittent events have resulted in periodic spikes in the number of complaints, but measures have been taken to deal with the causes of the odour emission. This indicates to me that controls can be effective.

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<sup>8</sup> CD24.

<sup>9</sup> CD23.

<sup>10</sup> ID24.1 and ID25.1.

<sup>11</sup> According to the current working plan at ID16. The existing scrapyards are about 128 m to 130 m AOD.

<sup>12</sup> ID24.2.

<sup>13</sup> ID17.

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16. I have had regard to the submissions about the appropriate benchmark level here for modelling odour emissions, and note that waste from a biological landfill site is defined as "most offensive odours" in the EA guidance note. However, there are inherent uncertainties in the assessment of odour impacts from this landfill site, such as identifying emission rates. Modelling was made more difficult in this case because the operators of the landfill were apparently uncooperative. I am not convinced that the modelling undertaken here undermines the appellants' view that odour emission amounts to a risk of a minor degree of future harm.
17. I have also had regard to the evidence from the olfactory surveys, also known as sniff testing, undertaken in the vicinity of the landfill. These are a 'snapshot' and apply to a specific time and place. As such, this evidence may not be very helpful in assessing odour impacts that are acknowledged to be intermittent, and would be likely to be very specific in terms of when and where they occurred, depending upon the activities then taking place at the landfill. I give little weight to the appellants' submissions about the sale of residential properties in the vicinity of the landfill, as such decisions are dependent upon many and varied factors. It is not possible to determine how the issue of odour emissions from the landfill might have featured amongst the many factors involved. However, the context in which this landfill is located is relevant, and I turn to this next.
18. The active infilling area of the landfill will be about 60 m to the north of existing occupiers of the permanent caravan site, about 115 m to the west of the nearest existing dwellings to the east, and about 170 m south of the dwellings in the vicinity of Silverdale Road. There are office and commercial premises about 70 m to the west, along with a garden centre 60 m to the north. The appeal site lies between 115 m and 300 m to the south and south-east of the active infilling area.<sup>14</sup> The landfill gas plant is currently about 195 m from residential dwellings to the east of the site, and the same distance from the occupiers of the permanent caravan site located to the west. The appeal site extends from about 95 m to 275 m from the landfill gas plant.<sup>15</sup> The nearest residential occupiers to the leachate treatment facility are currently located about 230 m to the south-east of the facility. The appeal site lies about 400 m from the leachate treatment plant.<sup>16</sup> The proximity of existing sensitive receptors to potential sources of odour is a relevant factor in the administration of the EP, which includes an Odour Management Plan. This has important implications for assessing the likely odour impact on any future residential occupiers of the appeal site, especially as the *Framework* provides that it should be assumed that the pollution control regime will operate effectively.
19. The EP Odour Management Plan includes an Odour Action Plan (OAP). This would be implemented if an odour complaint was received that was shown to be attributable to the landfill, a significant number of complaints that could not be substantiated were received, significant landfill odour was detected at the site boundary or off-site during routine odour surveys, or if the gas collection/treatment system was significantly damaged or failed. Upon identification of the likely odour source, the OAP specifies that appropriate corrective and preventative measures would be identified, including reviewing

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<sup>14</sup> ID26.1.

<sup>15</sup> ID26.4.

<sup>16</sup> ID26.3.

569/6

acceptance of specific waste types that were malodorous, measures to deal with inadequate gas control, along with additional seals and suction at problematic wells and monitoring points.<sup>17</sup> Such measures might be required, at times, to safeguard the living conditions of existing nearby residents. It seems to me that they would also be likely to effectively safeguard the residential amenity of any future occupiers of the appeal site. I give more weight to this consideration than to the evidence submitted about the modelling of odour emissions, the past complaint record, and the sniff testing results. I find that the occupiers of the proposed development would not be likely to have an unacceptable quality of life by reason of odour emissions from the adjoining landfill, and that the proposal would be appropriate for its location.

20. I have also considered whether the proposed development would have an adverse effect on the activities carried out on the adjoining waste management facility, or restoration of the former quarry. It does not seem to me that the appeal scheme would be likely to result in any onerous odour management measures for the landfill operator that would not be required in any event to safeguard existing residents in the locality. Furthermore, restoration to agriculture, conservation grassland and woodland, along with aftercare, is required in the Scheme of Conditions recently imposed in the periodic review.<sup>18</sup> I find no reason to dismiss the appeal because of any likely adverse impact on the landfill operation or its restoration, and no conflict with WLP aims to protect waste infrastructure so that it is not unnecessarily constrained by non-waste related development in the vicinity.
21. Given the extant planning and pollution controls for the operation of the landfill, along with the proximity of existing sensitive receptors, I do not consider that the occupiers of the proposed development would be likely to experience unacceptable living conditions because of odour emissions from the adjoining use. I find no conflict with paragraph 120 of the *Framework*, which provides that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location, taking into account the effects on general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution.

*Viability – affordable housing and education contribution*

22. The site falls within the catchments of Friarswood Primary/Hassell Community Primary School/St Giles and St George's Church of England, and the Newcastle Community High School - The Science College. No contribution is sought by SCC for secondary education because capacity exists within the High School. However, a contribution is sought for 29 primary school places in accordance with SCC's adopted policy.
23. CS Policy CSP6 states, amongst other things, that new residential development within the urban area capable of accommodating 15 or more dwellings will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided.

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<sup>17</sup> ID24.2 section 3.

<sup>18</sup> CD24.

569/H

24. The planning agreement provides for three different outcomes depending upon my finding about the viability of the scheme. These outcomes are as follows.
- (1) 20% affordable housing with no education contribution,
  - (2) 20% affordable housing with the education contribution,
  - (3) 25% affordable housing with the education contribution.<sup>19</sup>
25. The appellants have indicated a willingness to proceed with the development on the basis of a scheme that provided for 20% affordable housing and a residual land value of £743,000.<sup>20</sup> This would be less than any of the estimates for the market value of the site that were submitted to the Inquiry.<sup>21</sup> The experts also disagree about the sale value to be attributed to the social rented component of the affordable housing, and developer's profit. The latter has two elements in dispute, concerning the apportionment between open market and affordable housing units, and the allowance to be adopted. However, the experts helpfully set out in a table of four scenarios the effects of these different submissions on the residual land value.<sup>22</sup> It was made clear at the Inquiry that for the purposes of determining this appeal any outcome of the disputed matters that resulted in a residual land value in excess of £743,000 would be considered to be a viable scheme.
26. I deal first with the disputed affordable housing revenue. The planning agreement provides for social rented units, which NuLBC considers should be assessed at 43% of the open market value (OMV), whereas the appellants have used 35% of OMV in assessing viability. NuLBC's evidence about this was unconvincing, and did not make clear how the distinction between affordable rent values and social rent values had applied to its analysis. I prefer the appellants' submissions on this point, which are supported by evidence from a local provider.<sup>23</sup>
27. On this basis, none of the outcomes in the four scenarios at ID19 would provide for a viable scheme with 25% affordable housing and the education contribution. Scenario 2 based on developer profits of 17.5% for open market units and 6% for affordable units, as argued for by NuLBC, would provide a residual land value of £742,000 for outcome (3), just below that considered necessary by the appellants to achieve a viable scheme. However, for this partially brownfield site, with significant costs associated with land contamination and previous mining, the agreed abnormal costs would exceed £1m. For such brownfield sites the *Guidance* advocates a flexible approach in seeking levels of planning obligations to ensure that the combined total impact does not make a site unviable. It adds that if demonstrated to be unviable, a flexible approach should be taken, particularly regarding affordable housing. I am satisfied that the evidence before me is sufficient to demonstrate that the proposed development would be likely to be unviable with 25% affordable housing and the education contribution. The planning agreement provides for 20% affordable housing irrespective of my findings about viability, and so I turn next to consider whether the scheme would be viable or not with the

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<sup>19</sup> The agreement makes no provision for an outcome with 25% affordable housing with no education contribution.

<sup>20</sup> Mr Coulter's Rebuttal paragraph 5.5.

<sup>21</sup> The valuations agreed an allowance of £600,000 for the agricultural land, but the experts disagreed about the value of the scrapyards. Based on differing assumptions valuations for the site ranged from a market value of £890,000 to £1,599,500.

<sup>22</sup> ID19.

<sup>23</sup> The Aspire Group advised by email dated 22 June 2016 that when appraising rented accommodation the usual output to work at its agreed payback would be 30-35% OMV.

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- education contribution, having regard to the evidence about developer's profit.
28. I understand that house builders prefer an overall figure for percentage profit for commercial reasons. However, in assessing the viability of a scheme for the purposes of applying the planning system in the public interest, I consider that it is appropriate to consider an apportionment between open market and affordable housing units. This would better reflect the reality of the reduced risk involved for affordable housing, which should be properly reflected in profit expectations. It would also accord with references in the *Framework and Guidance* to competitive returns, and with *RICS Practice Standards*.<sup>24</sup>
29. In this case, the parties also dispute what allowance should be adopted for this apportionment. Scenario 2, with 17.5% profit on open market units and 6% on affordable units would, with 20% affordable housing and the education contribution, provide a residual land value of £1,021,000. On a similar basis, but with 20% profit on open market units, the residual land value would be £691,000 (Scenario 3). So applying a developer's profit for open market units of 20% would result in a shortfall of £52,000 from a viable scheme, whereas applying a 17.5% profit would yield a surplus of £278,000 above that required for a viable proposal in this case. The tipping point for viability here lies somewhere between the 17.5% and 20% for developer's profit on open market units. However, the agreed figures indicate that viability here would be likely to be achievable with developer's profit for open units just below 20%. This indicates to me that requiring the education contribution, in the particular circumstances which apply here, would be unlikely to render the scheme unviable.
30. The appellants argued that following 'Brexit' it is material that the economic future of the UK, and for NuLBC, is substantially less certain now than it was before 23 June 2016. In particular, they submit that the depression of the share price for national house builders is an indicator as to the future economic activity that is likely to result from residential development. The current uncertainty is a material consideration, and the appellants have indicated that if permitted and constructed this scheme would take four years for the full return on capital to be made. But much could happen in that time to either impair or enhance the viability of the scheme. Deciding what weight should be given to the current uncertainty would be a highly speculative exercise, and the evidence before me provides no realistic basis for doing so. I do not, therefore, consider that it is a consideration that should be given much weight in determining this appeal on its planning merits. The current uncertainty related to 'Brexit' does not alter my views on the likely viability of the scheme.
31. I have found that a viable scheme here could only provide for 20% affordable housing. The under-provision of up to seven affordable units compared to a policy compliant scheme is a negative aspect of the proposal. The planning agreement would provide the necessary contribution to ensure that the proposed development would not have an adverse effect on education provision in the area, and so in this regard would comply with CS Policy CSP10 and LP Policy IM1.

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<sup>24</sup> ID4.

569/J



*Other matters*

32. I have taken into account all the other matters raised in the evidence, including the objections raised by Thistleberry Residents' Association. The scheme would introduce dwellings in an open area on the edge of the town, but would replace a commercial enterprise that by its nature and activity has an adverse effect on this approach to Newcastle-under-Lyme. I find, overall, that the proposal would have a neutral impact on the character and appearance of the area.
33. There is local concern that a bund would not be adequate to safeguard future residents from noise from the landfill. I am satisfied that there is scope here to design, construct and retain a suitable noise bund that would provide an appropriate standard of residential amenity for this area with respect to noise and disturbance. Appropriate drainage is also a matter that could be addressed by the imposition of suitable planning conditions. So too, could any land contamination, landfill gas migration, along with any legacy from previous mining. There is no evidence that the proposal would conflict with the provisions of the MLP. None of the other considerations raised at the Inquiry or in the written representations weigh significantly against the proposal. I have taken into account all other matters raised in evidence, but have found nothing to outweigh the main considerations that lead to my conclusions.

*Planning balance*

34. The provision of up to 138 dwellings would be a considerable benefit given the current housing land supply position. It would bring with it commensurate economic benefits. The proposal would provide up to seven affordable units less than that required, and so would therefore be contrary to CS Policy CSP6. The resultant harm is a dis-benefit to be weighed in the balance. However, NuLBC accepts that the supply of up to 28 affordable units, albeit considered seriously deficient in policy terms, should nonetheless be considered a benefit. It seems to me that such a policy breach would not necessarily rule out a finding that the planning balance could fall in favour of the proposal, notwithstanding that it would not make its full policy contribution to affordable housing, particularly as the *Framework* is an important material consideration here.
35. The only significant potential harm is from odour from the landfill affecting the residential amenity of future occupiers. But odour emitting activities would be controlled under the EP, and the tipping of non-inert fresh waste is time limited. The evidence does not indicate that likely odour pollution is a weighty consideration in this case.
36. I do not give much weight to the benefits of consolidating the appellants' business on the Holditch House site, as there is no conclusive evidence that allowing this appeal would secure the completion of the Holditch House development. Even if it did do so, this would be more of a private benefit for the business than a public benefit that could be given significant weight in the planning balance that applies here.
37. The benefits of the additional housing in this case would be substantial. In my judgement, these benefits would be sufficient to outweigh any likely harm from odour emissions from the adjoining landfill.

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569/k

### Conditions and planning agreement

38. The parties agreed suggested conditions that would be accepted if the appeal were to be allowed.<sup>25</sup> I have considered the need for these and their wording in the light of the advice contained in the *Guidance*.
39. The standard outline planning conditions should apply with details of the appearance, landscaping, layout, and scale, as the reserved matters (Conditions 1-3). Otherwise than as set out in this decision and conditions, it is necessary that the development for a maximum of 138 dwellings shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning (Condition 4).
40. A scheme of investigations for the mine entry and fissures, along with any remediation works, would need to be approved and implemented to minimise the risk to the proposed development arising from the coal mining legacy on the site (Condition 5). An arboricultural impact assessment and method statement would be necessary to safeguard retained trees (Condition 6). Investigations, risk assessments and remediation measures for any land contamination would need to be approved and implemented in the interests of the health and amenity of future residents (Conditions 7-11).
41. A construction management plan/method statement would be necessary for amenity and highway safety reasons (Condition 12). A noise assessment would be required and design measures would need to include an acoustic barrier/bund adjacent to the landfill to safeguard the living conditions of future residents (Condition 13). For similar reasons a drainage scheme would need to be approved and implemented (Condition 14). A travel plan would be required in the interests of sustainability and to reduce dependency on the motor car (Condition 15).
42. An assessment of the risk to the development from the generation and migration of landfill gas, mine gas and ground gas, along with gas protection measures, would need to be approved and implemented for safety reasons (Conditions 16 and 17). A restriction on permitted development would, exceptionally, be necessary to ensure that any landfill gas mitigation measures secured by Condition 16 would not be compromised (Condition 18). Given the local topography, details of the existing contours/land levels of the site and adjacent land, and proposed finished floor levels of all buildings within the development and finished contours of the site, would need to be approved and the levels implemented and thereafter retained, in the interests of residential amenity (Condition 19).
43. For the purposes of clause 6.2 of the planning agreement, I find that the development would not be rendered financially unviable if contributions for affordable housing being 20% of the dwellings, and the education contribution, were to be provided. The provisions of the planning agreement comply with relevant statutory and policy requirements for obligations.

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<sup>25</sup> ID20.

569/L

## Conclusions

44. I am required to decide this appeal having regard to the development plan, and to make my determination in accordance with it, unless material considerations indicate otherwise. NuLBC acknowledges that in strategic policy terms the location of the development is not objectionable, and accepts that the proposal is in broad accordance with the development plan, which currently does not contain policies dealing with the effects on future occupiers of a development. However, NuLBC considers that the development would offend against important elements of the development plan by failing to provide the amount of affordable housing sought by CS Policy CSP6, and disagrees with the appellants regarding a contribution towards education.
45. The proposal would conflict with the development plan. However, I have found that the scheme could provide for the required financial contribution towards education, but would not be viable with a policy compliant affordable housing contribution. In these circumstances, I consider that the conflict with the provisions of the development plan is not a consideration that weighs heavily against the proposal. I turn next to consider the *Framework*.
46. I do not consider, for the reasons set out above, that the proposal would conflict with paragraph 120 of the *Framework* concerning pollution and amenity. Paragraph 14 applies here because of the housing land supply shortfall. However, any harm by reason of likely odour pollution would fall far short of significantly and demonstrably outweighing the substantial housing benefits of the proposal. The planning balance here does not indicate that the appeal should be refused by reason of Limb 1 of paragraph 14. NuLBC also relies on Limb 2. I see no reason why potential pollution and amenity considerations could not be capable of being of such substance that development should be restricted. However, the likely harm from pollution in this case falls far below this threshold. Limb 2 does not provide a basis for withholding outline planning permission. I find that the proposal would be sustainable development to which the presumption in the *Framework* should apply. This is a consideration that warrants a decision other than in accordance with the development plan.
47. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*John Woolcock*  
Inspector

569/m

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Valid 25.07.2016

Reserved Matters details of layout, scale, external appearance and landscaping for the development of 87 residential units, along with public open space and associated drainage and highways infrastructure, pursuant to outline permission ref: 14/00583/OUT.

Grid Ref 379326 220318

Parish Highnam

Ward Highnam With Haw Bridge

Bellway Homes Limited (South West)

The Hub  
500 Park Avenue  
Aztec West  
Almondsbury  
Bristol

**RECOMMENDATION Approve****Policies and Constraints**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL1, GNL11, HOU1, HOU4, HOU5, HOU13, TPT1, TPT3, TPT6, EVT3, EVT5, EVT9, LND4, LND6, LND7, RCN1, RCN2 and NCN5.

Joint Core Strategy (JCS) Pre-Submission version (June 2014)

Highnam Neighbourhood Development Plan 2011-2031 (Referendum Held on 24th November 2016 will subsequently be subject to approval at TBC Full Council) Policies H1, H2, H3 and T2

The Community Infrastructure Levy Regulations - 2010

Affordable Housing Supplementary Planning Guidance (November 2006)

Strategic Housing Market Assessment (SHMA) - Fordham Research, February 2009

Strategic Housing Market Assessment: Gloucestershire SHMA (March 2014)

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

The First Protocol, Article 1 (Protection of Property)

Grade I Listed Highnam Court and its associated Historic Park and Garden

Public Rights of Way (PROW)

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

- Significant weight should be applied to the Neighbourhood Development Plan.
- The scheme does not reflect the nature, scale and density of the existing community.
- Poor quality design.
- Density is too high and would be in contrast to the existing community.
- Fails to acceptably maintain its relationship with its landscape setting.
- Poor street frontages.
- Chaotic Parking arrangements.
- Lost opportunity to provide housing for older members of the community.
- No provision is made for self-build or live / work units which is disappointing.
- Design fails to make a positive contribution to forming a sense of place.
- Highway safety concerns are raised regarding surrounding highway matters.
- Possibility to extend the Doctors Surgery has been missed.
- Alignment of the sites western boundary is puzzling.
- The provision of the open space adjacent to the northern boundary is unnecessary and could be located more centrally within the site.

**County Archaeologist** - No objection.**Drainage Officer** No objection following amended plans.**Environmental Health** - No objections.**Lead Local Flood Authority** - No comments on the scheme.**Urban Design Officer** - No objection following amendments.

**Landscape Officer** - No objection following amendments.  
**Environment Agency** - Refer to standing advice

101 Letters of neighbour representation received raising the following material planning issues:  
Bungalows should be built to address local need and would free up existing family housing.

- Lassington Lane is too narrow.
- The proposal would result in dangers to highway users.
- Buses find it difficult to manoeuvre on the local road network.
- The proposal is out of context with the local area.
- Layout is not acceptable.
- There is a shortfall of parking provision.
- The development is urban in form.
- The development would have a detrimental impact on protected species.
- Detrimental impact of PROW network.
- Detrimental impact upon listed buildings.
- House types are out of keeping with the local area.
- Concern relating to the location of the pumping station.
- Concern about swale and that it may increase the number of mosquitos.
- Concern regarding protected species.
- Concern regarding foul sewage capacity.
- Contributions towards cycle paths should be secured.
- Insufficient green space is accommodated within the site.

**Planning Officers Comments: Mr Ciaran Power**

## **1.0 Introduction**

1.1 The application relates to the land directly to the west of Lassington Lane, on the western edge of the Maidenhall estate in Highnam. The site comprises approximately 4 hectares of relatively flat land that forms part of an open agricultural field. The site is bounded to the north and west by open fields; to the south by residential properties at Highnam Green, with the B4215 beyond; and to the east by residential development and a doctors surgery on Lassington Lane (**see attached location plan**).

1.2 The application site is not located within any landscape designation and the site is located within an area at lowest risk of flooding (Flood Zone 1). A public right of way (PROW) also runs along the northern boundary of the site.

## **2.0 Relevant History**

2.1 Outline Planning Permission was granted on 23rd December 2015 (14/00583/OUT) for development of land to the west of Lassington Lane to provide up to 90 dwellings, public open space and other associated works (including means of access).

## **3.0 Current Application**

3.1 The proposals seek reserved matters approval for layout, scale, external appearance and landscaping for the development of 87 residential units, along with public open space and associated drainage and highways infrastructure, pursuant to outline permission ref: 14/00583/OUT. The application also seeks to discharge a number of Planning Conditions associated with the outline application (Condition 1, 4, 5, 6, 7, 8, 11, 13, 15, 18, 19 and 22). The outline application established the main vehicular access to serve the development would be via Lassington Lane, opposite the entrance to Maidenhall (**Plans will be displayed at Committee**).

## **4.0 Analysis**

4.1 The key issues to be considered in relation to this reserved matters application are considered to be design and layout, landscape and visual impact, highways and parking issues, affordable housing provision and flood risk/drainage.

## **Design and Layout**

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

4.3 The Design and Access/Compliance Statement states that the layout follows the design intent and constraints set out by the Outline Planning Approval. Access and spine roads connect through to a new secondary vehicle access to the new residential area. The proposal includes a mix of dwellings including apartments and houses of differing types and sizes ranging from 1 bedroom apartments through to 2, 3 and 4 bedroom family homes. The Public Open Space is provided within easy reach of all houses. The layout of the scheme has been based around the creation of access roads branching off into secondary routes that have been designed to ensure safe, well overlooked places.

4.4 The Urban Design Officer (UDO) expressed concerns relating to the layout and design of the proposal. It was felt that overall the scheme was cramped and this was highlighted by the parking problems and the lack of space for the bin store for the flats. The architecture of the house types was felt to be uninspiring, as standard housetypes were being proposed that did not represent an attempt to respond to local vernacular or character. There were several instances of large areas of closeboard fencing. It was felt that the original scheme did not comply with the outline application and did not represent good design.

4.5 Following the concerns raised by officers the applicant submitted amended plans. The initial set of amended plans demonstrated that the proposal was moving in the right direction and following further feedback a final set of amended plans were submitted. The Council's Urban Design Officer is now of the view that the proposal, as amended, is acceptable from an Urban design perspective.

4.6 Overall, the proposals, as amended, have followed advice given and have developed an improved layout and house types that reflects the aims and objectives of national and local design advice and have followed the principles of the outline planning permission.

## **Landscaping**

4.7 One of the NPPF's 'core principles' is the recognition of the intrinsic character and beauty of the countryside. This is reflected within Local Plan Policy LND4, which recognises that the countryside of the Borough is worthy of protection for its own sake. It provides that in considering proposals for development in rural areas, regard will be given to the need to protect the character and appearance of the rural landscape. This policy is therefore consistent with the NPPF and should be afforded significant weight. A similar approach is also taken within policy SD7 of the emerging JCS.

4.8 The landscape strategy proposes mature and semi-mature tree planting to create an intermittent framework, in conjunction with wildflower grass to create a gentler transition from the existing arable field into the development. Within the development a central tree planted avenue is proposed to form the main access to the site. This feature is intended to continue the well treed visual character found along Maidenhall Road to ensure that the development merges seamlessly with the existing village. The present northern and eastern boundary hedges are to be retained to protect landscape character, to maintain reference to the existing field pattern and for their ecological habitat value. In addition, the retention of the hedges would minimise potential visual effects on existing residents, as well as limiting visual impact on walkers using the PROW beyond the northern boundary of the site. Additional tree planting is also proposed to reinforce these existing hedgerow boundaries.

4.9 The Council's Landscape Officer (LO) had initially raised concerns regarding the impact of the proposed SuDS and roadway on a TPO Oak Tree, general landscaping points, the treatment of SuDS and the attenuation ponds and the landscape management plan. In response to this the application submitted additional information including sections showing the SuDS proposals, 10 Year Landscape Management Plan and an updated Arboricultural Report. Having reviewed the updated information the LO considers the proposal to be acceptable and in general accordance with the outline application. The LO recommends conditions are attached in respect of an arboricultural watching brief to ensure the protected tree is safeguarded during the construction of the development as well as a condition preventing services being run under the roots of this tree.

4.10 In conclusion, it is considered that the scale and landscape strategy of the proposal are such that it would have an acceptable impact on the character and appearance of the area. Furthermore, the impact of the development is further mitigated by appropriate landscaping. The outline planning permission combined with the reserved matters would therefore represent an appropriate urban to rural transition and an appropriate form of development.

### **Highways and parking issues**

4.11 Policy TPT1 requires that highway access be provided to a safe and appropriate standard for proposed development. This is consistent with the advice at Paragraph 32 of the NPPF which requires that (inter alia) a safe and suitable access to the site can be achieved for all people.

4.12 The main access to the development from Lassington Lane, opposite the entrance to Maidenhall was approved as part of the outline permission. This reserved matters application is therefore concerned only with the internal road layout and parking provision.

4.13 Following initial comments from the CHA revised details have been submitted which include:

- A revised T-junction arrangement has been shown outside plots 8 -11 to respond to the Highway officers comments; appropriate visibility splays have also been shown on the drawing.
- Parking spaces for plots 11, 72 and 73 have been amended to assist manoeuvrability in line with highway officer's comments.
- Arrangements for ramps and rumble strips have been rationalised and tied in with footways.

4.14 At the time of writing this report the County Highway Authority (CHA) has not yet provided formal comments in respect of the latest information submitted **Members will be updated at Committee.**

### **Affordable Housing provision**

4.15 The proposals include the provision of 35 affordable homes in accordance with the agreed S106 attached to the outline planning permission. The affordable provision is set at 40% and provides 50% affordable rented and 50% intermediate housing, split 50:50 between shared ownership and discounted market housing in accordance with the outline planning permission.

4.16 The Council's Housing Enabling Officer has confirmed that the development meets the agreed planning permission and section 106 legal agreement requirements and has advised that the layout/location of the affordable housing is suitable.

### **Flood Risk and Drainage**

4.17 The NPPF states at paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. This advice is reflected at Policy EVT5 of the TBLP which requires (inter alia) that development should not be at unacceptable risk from flooding or exacerbate or cause flooding problems. Furthermore, Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria.

4.18 The proposal seeks to manage foul surface water through the existing public sewers in Lassington Lane by gravity sewer. The existing sewer subsequently drains to the existing pumping station to the south of the development off the B4215. The remaining 20 plots which are unable to be drained by gravity are pumped by an adoptable type 2 pumping station to the proposed system prior to connection with the existing sewer. All proposed foul apparatus will be offered for adoption to Severn Trent Water subject to a Section 104 agreement. The existing sewers are public and are indicated on the public sewer record maps. Whilst some concerns have been raised about the impact the proposed pumping station could have on the occupiers of nearby residential properties, the Council's EHO's have considered that proposals do not raise any concerns in respect of noise or odour. Further this type of solution is not uncommon within modern residential developments and is considered compatible with that proposed and adjacent land use.

4.19 In respect of surface water it is proposed to convey flows from roofs and hard standings through pipes and swales prior to discharge to an existing pond West North West of the site. The discharge rate from the site would be limited to the equivalent runoff from the Greenfield QBar event; this would be controlled by a hydro brake located in the North West corner of site. Due to this restriction the attenuated flow would be contained within an infiltration basin again located in the North West corner of site. All proposed surface water sewers and SUDs features are to be offered to a management company for maintenance.

4.20 The Council's Flood Risk Management Officer raised some concerns regarding the outflow pipe which was originally shown on the plans. This included a lengthy off-site drainage run due to the poor infiltration rates observed and also it was initially considered that we would not have a right to discharge into the northern ditch. Further investigation has revealed that the developers do have control of the watercourse to allow to discharge to it. Amended plans have been submitted which indicated that the surface water would be discharged into the northern ditch and this is acceptable to the Council's Flood Risk Management Officer who raises no objection to this arrangement. It is considered that Condition 5 of the outline planning permission can be discharged.

### **Residential Amenity**

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

4.22 The nearest properties to this site are those to the south and east of the application site. Given the orientation of the properties, distances and existing landscaping it is not considered that the development would have a significant adverse impact on their amenity. Relationships between the proposed dwellings are similarly considered to be acceptable.

### **Ecological Matters**

4.23 The outline planning application was accompanied by an Ecological Assessment and associated technical note, which draws on the outcome of a number of habitat surveys. The Assessment confirmed the existence of a badger sett along the Northern boundary of the site, and this area also has the potential to accommodate breeding birds and foraging bats.

4.24 Additional ecological survey and assessment work was undertaken across the site in order to ascertain the ecological value of habitat features and the presence of any protected species specific surveys / assessments were undertaken in relation to bats, Badgers / Great Crested Newts and breeding birds.

4.25 The majority of the site was recorded as comprising arable crops at the time of survey, with the fields bounded by hedgerows. In addition, a mature Oak tree is present, with a further Oak tree located off site to the west. In general terms, the intrinsic ecological value of the habitat features is limited, albeit the mature Oak tree is of some value and the hedgerows, whilst species poor, do offer foraging and shelter opportunities for a range of faunal species.

4.26 Regarding faunal species, the hedgerows and Oak tree offer foraging and navigational resources for bats, though no roost sites were identified from specific surveys. A Badger sett is located at the boundary of the site and the hedgerows offer foraging and nest building opportunities for bird species. No other protected species were noted.

4.27 The proposals provide for the retention of the Oak tree and hedgerow habitat. Further the Badger sett has been fully retained within a vegetated buffer. New native tree planting, new hedgerow planting, provision of a pond and wildflower meadow creation will provide an enhancement over the current situation. Further, a range of bat and bird boxes are to be erected in order to increase roosting / nesting opportunities.

4.28 Having regard to the above it is considered that the proposal would be acceptable from an ecological perspective and the proposal is therefore considered to accord with Policy NCN5 of the Local Plan. It is also considered Conditions 18 and 19 of the Outline Planning Permission have been satisfied.



## **Heritage Impacts**

4.29 At the outline stage both English Heritage and the Council's Conservation Advisor were consulted on this application and confirm that they did not object to the proposal in terms of the impact on the setting of Highnam Court and other heritage assets. The Conservation Advisor was satisfied with the conclusions of the submitted Heritage Impact Assessment in that it demonstrates neither Highnam Court or the Holy Innocents Church were historically orientated towards the landscape in the vicinity of the application site. The proposal had therefore successfully mitigated against the impact on nearby heritage assets and accords with paragraph 134 of the NPPF. The Council's current Conservation Officer also confirms that the outline application was supported by a reasonably comprehensive heritage impact assessment and it was accepted at that time that given the separation distances and limited intervisibility involved, the scheme would not have any more than a slight impact on any designated heritage assets in the vicinity. Although the present application now gives a fuller picture of the development in terms of scale and design, this detail does not alter the previous conservation view regarding its impact.

## **Loss of agricultural Land**

4.30 Some concern regarding the loss of agricultural land at the site has been raised by local residents. This matter was considered at the outline stage where the principle of the proposed development and the loss of this agricultural land was accepted.

## **Bungalows**

4.31 A significant number of requests from local residents have been received in respect of the proposed house types and the need for bungalows in the area. It is evident from the outline application that the applicant did not intend to provide bungalows at that stage either through the market housing or the affordable provision. However the applicants were approached in relation to this matter and have considered whether they could incorporate bungalows within the scheme. The applicants conclude that the mix of housing has been designed following input from local agents and the proposal reflects the appropriate mix and type for the local market. Further the outline planning permission did not require the provision of bungalows and the proposed mix ensures the financial viability of the site schemes. It is also relevant that the mix of affordable housing which relates to the local housing waiting list, has not specified a need for bungalows or elderly housing and this was not included as a requirement of the S106.

## **Highnam Neighbourhood Development Plan (NDP)**

4.32 The NDP was voted in at the referendum on 24th November 2016. So whilst the plan is not officially 'made' until it has Council approval, on the basis of it being approved at the referendum it should be given substantial weight. In relation to policies relating to housing, whilst Policy H1 encourages new development to include self-build and/or live/work units the extant outline permission does not require such provision in this instance. Policy H2 requires new development to make a positive contribution to forming a sense of place which the proposal is considered to do for the reasons set out in the report. Policy H2 also requires the density of new development to reflect that of the existing settlement however the number of dwellings accepted at the site was approved at the outline stage. Policy H3 seeks to encourage new housing development to have regard to building performance, space standards and green energy systems. The applicant's Design and Access Statement outlines that the technical design of the buildings will seek to achieve best practice in terms of U-value characteristics of the key heat-loss routes, namely windows, doors, walls, floors and roof.

## **5.0 Conclusion**

5.1 The proposals have progressed the outline planning permission and propose an acceptable and high quality development that would be well integrated within the built and natural environment. Further comments are however awaited from the County Highways Authority.

## RECOMMENDATION Approve

### Conditions:

- 1 The development hereby approved shall be implemented in accordance with the drawings detailed on the plans listed below:

- Location plan - drawing reference 8070 PL01 rev A
- Existing site plan - drawing reference 8070 PL02
- Proposed boundaries plan - drawing reference 8070 PL04 rev E
- Proposed building heights plan - drawing reference 8070 PL07 rev C
- Existing site sections - drawing reference 8070 PL08
- Proposed site plan - drawing reference 8070 PL03 rev T
- Proposed affordable housing plan - drawing reference 8070 PL06 rev D
- Proposed site sections - drawing reference 8070 PL09 rev D
- Proposed site street cross sections - drawing reference 8070 PL10 rev D
- Proposed street elevations - drawing reference 8070 PL11 rev D
- Garages plans and elevations - drawing reference 8070 PL12 rev A
- Bin and cycle stores - drawing reference 8070 PL13
- Shaldon housetype plans and elevations - drawing reference 8070 PL20 rev C
- Sandford housetype plans and elevations - drawing reference 8070 PL21 rev D
- Shipton housetype plans and elevations - drawing reference 8070 PL22 rev C
- Wilcott housetype plans and elevations - drawing reference 8070 PL23 rev D
- Woodcote housetype plans and elevations - drawing reference 8070 PL24 rev F
- Walton housetype plans and elevations - drawing reference 8070 PL25 rev D
- Witney housetype plans and elevations - drawing reference 8070 PL26 rev C
- Flinton housetype plans and elevations - drawing reference 8070 PL27 rev D
- Apartment block plans and elevations - drawing reference 8070 PL28 rev C
- 2 bed affordable housetype plans and elevations - drawing reference 8070 PL29 rev F
- 3 bed affordable housetype plans and elevations - drawing reference 8070 PL30 rev D
- Olive housetype plans and elevations - drawing reference 8070 PL31 rev A
- Landscape proposals (sheet 1) - drawing reference 16033.101 rev F
- Landscape proposals (sheet 2) - drawing reference 16033.102 rev F
- Landscape management plan Submitted 17th November 2016.
- Engineering layout - drawing reference 3778-110 rev D
- Surface water manhole schedules - drawing reference 3778-115-2 rev C
- Foul water manhole schedules - drawing reference 3778-115-1
- Vehicle swept path analysis - drawing reference 3778-101-3 rev B
- Visibility splays - drawing reference 3778-102 rev B
- Longitudinal sections, sheet 1 - drawing reference 3778-111-1 rev E
- Longitudinal sections, sheet 2 - drawing reference 3778-111-2 rev E
- Typical headwall detail - drawing reference 3778-121
- Proposed surface water attenuation details - drawing reference 3778-114

Reason: To clarify the terms of the approval.

- 2 Notwithstanding the submitted details, building operations shall not be commenced until samples of all external walling and roofing materials and road surfacing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: In the interests of visual amenity in accordance with the NPPF.

- 3 No development shall take place (including site clearance and any other preparatory works) until the applicant has submitted to and agreed in writing with the Local Planning Authority a schedule of visits by the Project Arboricultural Consultant in advance for key stages of the project affecting the root protection zone of the Oak Tree subject to a Tree Preservation Order. Following the above, works shall be carried out in accordance with the agreed schedule and in accordance with the recommendations detailed in the Arboricultural Impact Assessment by Marlow Consulting Ltd dated 14th November 2016.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase

- 4 Following the completion of the development hereby permitted the associated landscaping shall be maintained and managed in accordance with the 10 Year Landscape Management Plan V2 dated 15th November 2016 produced by MHP Chartered Landscape Architects.

Reason: To ensure the enhancement of the development.

- 5 Notwithstanding the submitted information on no account should the ground beneath the root area of the Oak subject to a Tree Preservation Order be disturbed for any reason.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase

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 layout and design of the development

- 2 The outline planning conditions satisfied by this application include conditions 1, 4, 5, 6, 7, 8, 18, 19 and 22.

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File: 160858.dwg Date: 06/05/16



**Roberts Limbrick**  
ARCHITECTS

Project  
**LAND AT HIGHNAM**

Client  
**BELLYWAY HOMES**

Drawing  
**SITE LOCATION PLAN**

Status  
**PLANNING**

**ROBERTS LIMBRICK LTD**  
The Canopy Building, Brunel Way,  
Goucester, GL1 1D5  
The Estates Office, 25-26 Gold Top,  
Newport, NP20 4PG  
T: 0333 055 500  
mail@roberts-limbrick.com  
www.roberts-limbrick.com

Registration No: England No: 0656623

Scale: 1:1750 @ A2

Date: 06/05/16

Author: J.D.

Project: 160858  
Drawing: 8070 PL01  
Rev: A



577/A

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**Roberts Lindrick**  
 ARCHITECTS

Project: LIND JH HIGHWAY  
 Client: BELLEVUE HOMES

Drawing: EXISTING SITE PLAN

Title: PLANNING

Roberts Lindrick Ltd  
 The Grange Building, 10000  
 Glenhurst Ct, L25  
 The Grange, Clonsilla, Co. Wick  
 Ireland, W23 1PC  
 T: 0131 123 124  
 info@robertslindrick.com  
 www.robertslindrick.com

Scale: 1:1000  
 Date: 11/11/11  
 8070 PL02



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Proposed Development		Total Proposed	
Area	Volume	Area	Volume
Residential	10,000	10,000	10,000
Commercial	5,000	5,000	5,000
Public Space	2,000	2,000	2,000
Green Space	1,000	1,000	1,000
Other	1,000	1,000	1,000
<b>Total</b>	<b>19,000</b>	<b>19,000</b>	<b>19,000</b>

**KEY**

- Existing Buildings / Buildings
- Application Boundary
- Site Access
- Site Emissions
- Site Parking
- Transportation
- Supply Path
- Private Roads / Structures
- Street Frontage



57716



Roberts Lumbark ARCHITECTS

PROJECT	LAND AT HIGHWAY
CLIENT	RELIANT HOMES
DATE	PROPOSED SITE LAYOUT PLAN
SCALE	PLANNING
PROJECT MANAGER	ROBERTS LUMBARK LTD
ARCHITECT	The Crane Building, South Hill, Gloucester, GL1 2EQ
PLANNING	The Edge, One, 27 - 31, Gold Lane, Brentford, TW9 3PC
CONTACT	T: 01832 621 018 info@robertslumbark.com www.robertslumbark.com
PROJECT NO.	Project No. 1000000
DATE	1/24/2024
SCALE	1:1000
PROJECT NO.	1000000
DATE	1/24/2024

0070\_PLO3

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**Roberts Lumber & Co. Ltd.**  
 ARCHITECTS

LAND AT HIGHAM

BELLEFAY HOMES

PROPOSED BUILDING HEIGHTS PLAN

PLANNING

**BUILDING HEIGHTS**  
 1 STOREY  
 2 STOREY  
 2.5 STOREY

ROBERTS LUMBER & CO. LTD.  
 The Grange Building, Stone Way  
 Chester, Ch. 1 1DS  
 The Eastern Choke, 25-31, Canal Lane  
 Liverpool, L67 2JG  
 T: 0151 953 500  
 info@robertslumber.co.uk  
 www.robertslumber.co.uk

Project Name: Bellefay Homes  
 Date: 11/08/14

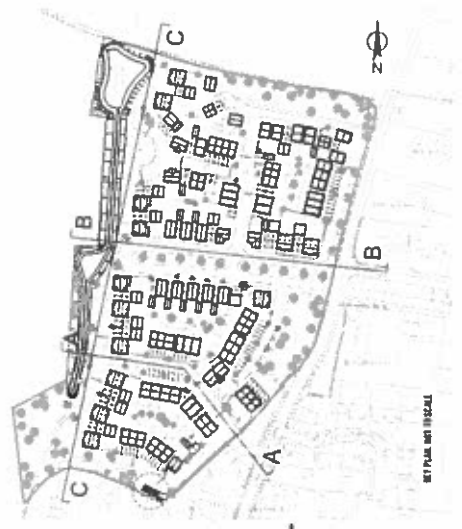
8070\_PLOT C



577/0

Surgery

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SECTION A-A

577/E



SECTION B-B



SECTION C-C



SECTION C-C CONT.

Roberts Lindhick  
ARCHITECTS

PROJECT  
LUXURY HOMES

OWNER  
BELLAVITA HOMES

PROPOSED STREET  
ELEVATIONS

PLANNING

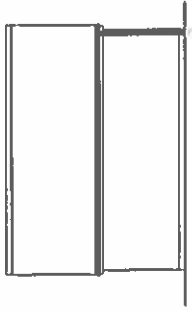
ROBERTS LINDHICK LTD  
The Corporate Building, 10000  
Cherokee, G.T. 1202  
The Landing, 2450  
The Landing, 2450  
The Landing, 2450

PROJECT NO. 12000-01-01  
DATE: 12/08/04

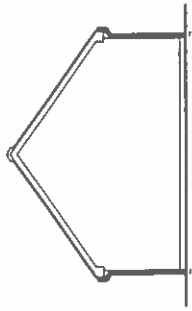
8070 PL11 D



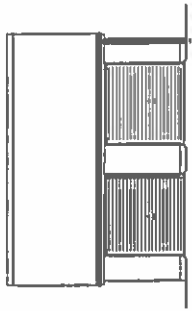
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rev. date description



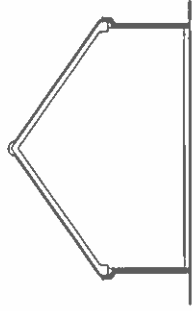
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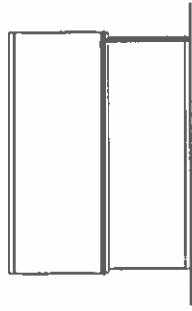
SIDE ELEVATION



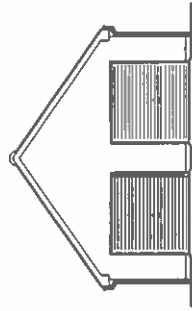
FRONT ELEVATION



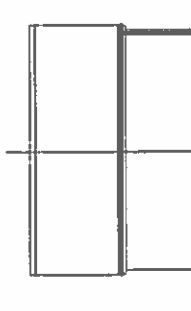
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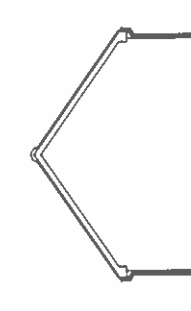
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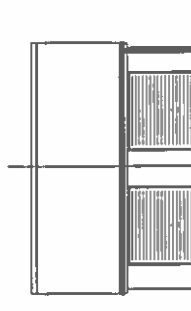
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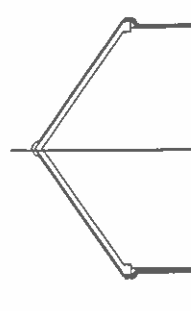
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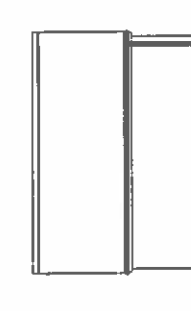
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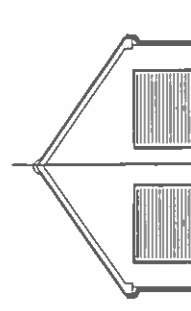
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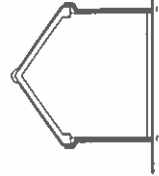
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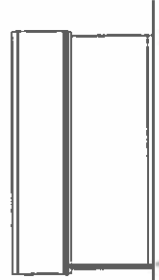
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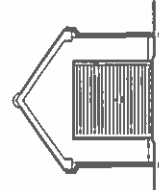
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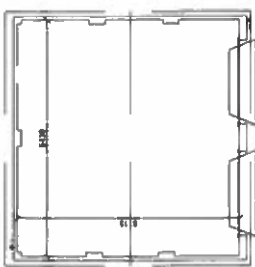
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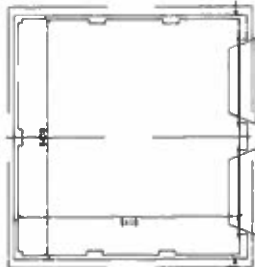
SIDE ELEVATION



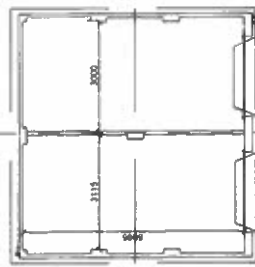
FRONT ELEVATION



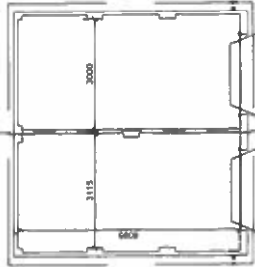
PLAN - DOUBLE



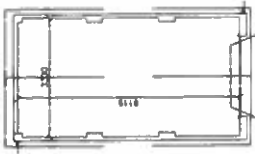
PLAN - DOUBLE (GABLE FRONTED)



PLAN - TWIN



PLAN - TWIN (GABLE FRONTED)



PLAN - SINGLE

577/F

**Roberts Lumber**  
ARCHITECTS

project  
LAND AT HIGHNAM

client  
BELLWAY HOMES

drawing  
GARAGES - PLANS AND ELEVATIONS

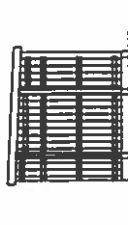
subject  
PLANNING

**ROBERTS LUMBRICK LTD**  
The Garage Building, Brunton Way,  
Goucester, GL1 1DG  
The Estates Office 25 - 26 Gald Top,  
Newport, NP23 4PG  
T: 0333 405 500  
mail@robertslumbrick.com  
www.robertslumbrick.com  
Registered Office England No. 0468229

scale 1:100 @ A2  
date 08.04.15 author JD

project number  
**8070 PL12**  
Rev. **A**

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 100, The Green, Bury, Greater Manchester, M9 8JL  
 Tel: 0161 254 1100  
 Fax: 0161 254 1101  
 Email: info@roberts-limbrick.co.uk  
 Website: www.roberts-limbrick.co.uk



SIDE ELEVATION



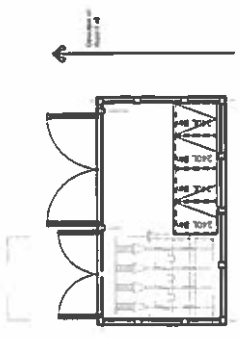
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



NOTE: Check floor levels and ceiling heights.

FLOOR PLAN (4 FLATS)

NOTES:  
 1. All dimensions are in meters unless stated otherwise.  
 2. All dimensions to be obtained in reality unless stated otherwise.  
 3. Check to include all necessary components including doors, windows, stairs, etc.  
 4. Foundations as per Structural Engineer's details.



577/6

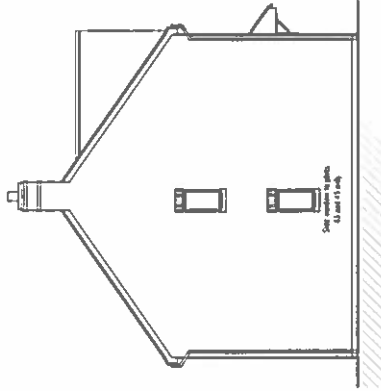
**Roberts Limbrick**  
 ARCHITECTS  
 LAND AT HENNAU  
 BELLWAY HOMES  
 BIN AND CYCLE STORES  
 PROPOSED PLANS & ELEVATIONS  
 PLANNING  
 ROBERTS LIMBRICK LTD  
 The Green, Bury, Greater Manchester, M9 8JL  
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 Fax: 0161 254 1101  
 Email: info@roberts-limbrick.co.uk  
 Website: www.roberts-limbrick.co.uk  
 Registered Office: Registered No. 10484228  
 VAT No. 254 1100 0000  
 Scale: 1:100 @ A3  
 Date: 08/04/18  
 Drawing No: 02  
 AUTO PL 13

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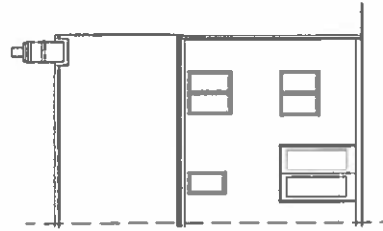
**PLOTS**

As shown - 13, 14, 15, 16, 17, 18, 19, 20, 21, 22  
 Deleted - 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22

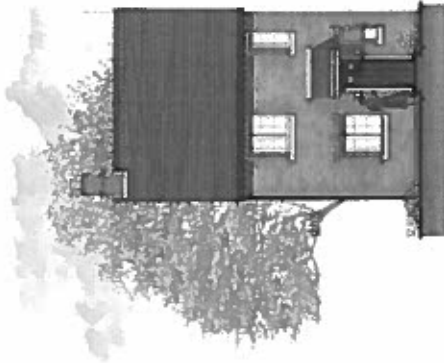


For other elevations to plots - 13, 14, 15, 16, 17, 18 and 19 only

**SIDE ELEVATION**



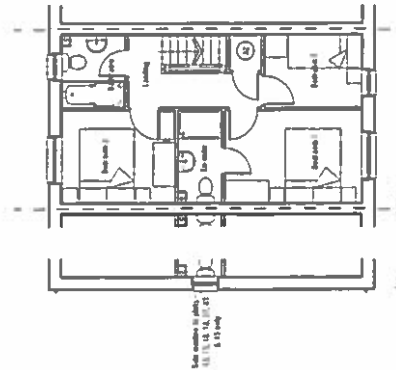
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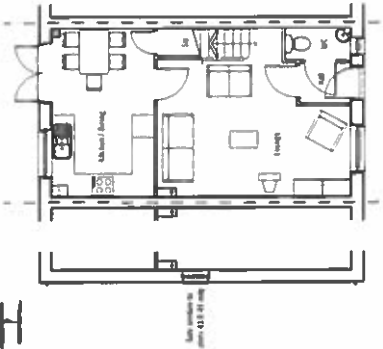
**FRONT ELEVATION**



**FRONT ELEVATION - GABLE OPTION**



**FIRST FLOOR PLAN**



**GROUND FLOOR PLAN**

577/H  
H/LLS

**Roberts Limbrick ARCHITECTS**

Project: **LAND AT HIGHWAY**

Client: **BELLEVUE HOMES**

Drawing: **SHALDON HOUSETYPE PLANS & ELEVATIONS**

Scale: **PLANNING**

**ROBERTS LIMBRICK LTD**  
 The Carriage Building, Bolton Way  
 Gloucester, GL1 1DG  
 The Estates Office, 25 - 26 Cold Taps,  
 Newport, NP23 4PG  
 T: 01333 405 500  
 info@roberts-limbrick.com  
 www.roberts-limbrick.com  
 Registered Office: England No. 06556273

Scale: 1/100 @ A2  
 Date: 05/04/16  
 Author:

Project: **8070 PL20**  
 City No: **C**

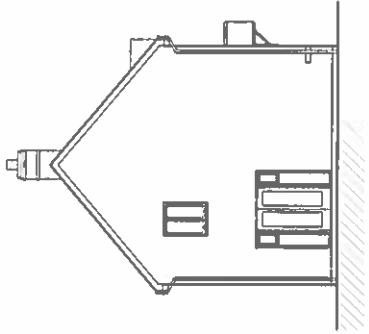


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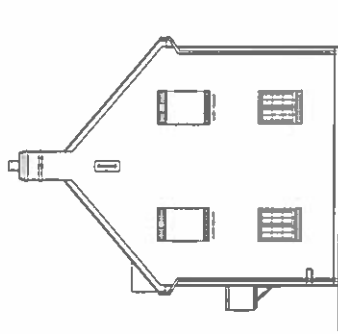
rev | date | description

**PLOTS**

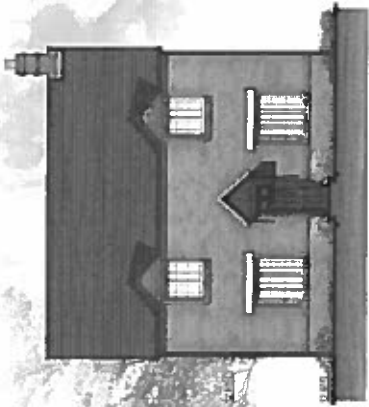
At Stone - 11  
 Number - 11 12



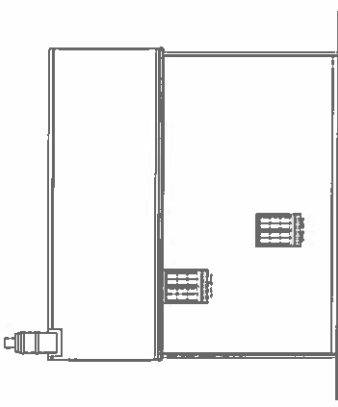
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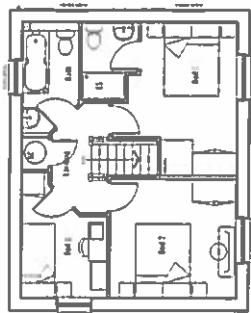
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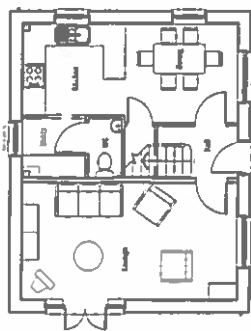
**FRONT ELEVATION**



**REAR ELEVATION**



**FIRST FLOOR PLAN**



**GROUND FLOOR PLAN**

57711

**Roberts Limbrick**  
 ARCHITECTS

project  
**LAND AT HIGHNAM**

client  
**BELLMY HOMES**

drawing  
**SANDFORD HOUSETYPE  
 PLANS AND ELEVATIONS**

status  
**PLANNING**

**ROBERTS LIMBRICK LTD**  
 The Carriage Building, Boston Way,  
 Gloucester, GL1 1DG  
 The Estates Office, 25 - 26 Cold Topp,  
 Newport, NP20 4PQ

T: 01203 405 600  
 email@roberts-limbrick.com  
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Registered Office: England | n. 0565823

scale 1:100 @ A2  
 date 06/01/16  
 author

project 8070 PL21  
 rev. D

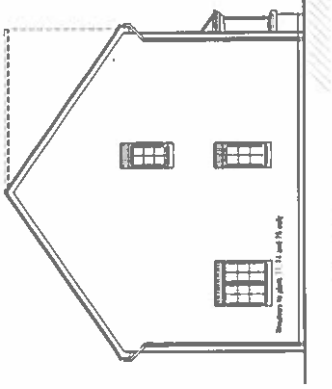


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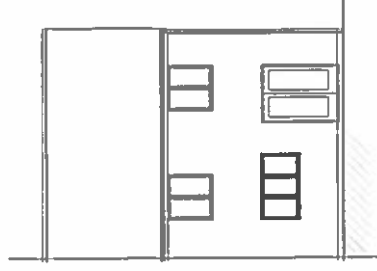
Rev.	Date	Description

**PLOTS**

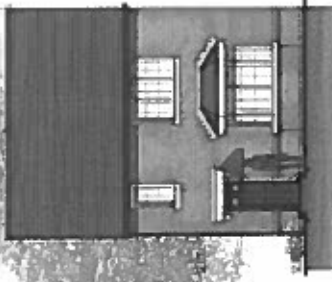
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Side Elevation - Gable  
 Section to plots 1, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31



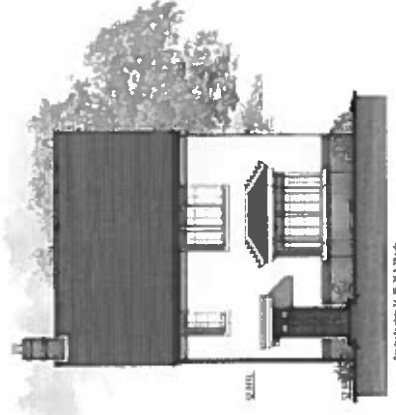
Rear Elevation



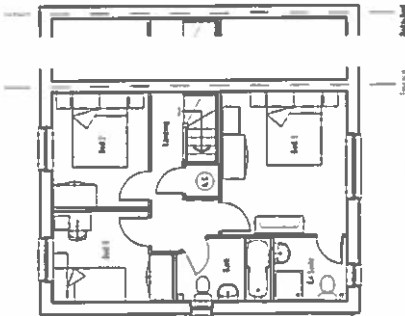
Front Elevation - Semi/Terraced



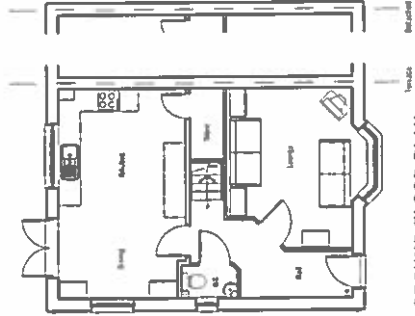
Front Elevation - Gable Option



Front Elevation - Detached



First Floor Plan



Ground Floor Plan

577/5

**Roberts Limbrick**  
 ARCHITECTS

**project**

LAND AT HIGHWAY

**client**

BELLWAY HOMES

**drawing**

SHIPTON HOUSETYPE  
 PLANS AND ELEVATIONS

**status**

**ROBERTS LIMBRICK LTD**

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 Gloucester, GL1 1SG  
 The Escalade Office, 25 - 26 Gold Tops,  
 Newport, NP20 4PC  
 T: 01333 405 500  
 mal@roberts-limbrick.com  
 www.roberts-limbrick.com

Registered Office: England No. 0666029

**scale**

1:1100 @ A2

**date**

05/04/18

**author**

project: 8070 PL22  
 rev: C

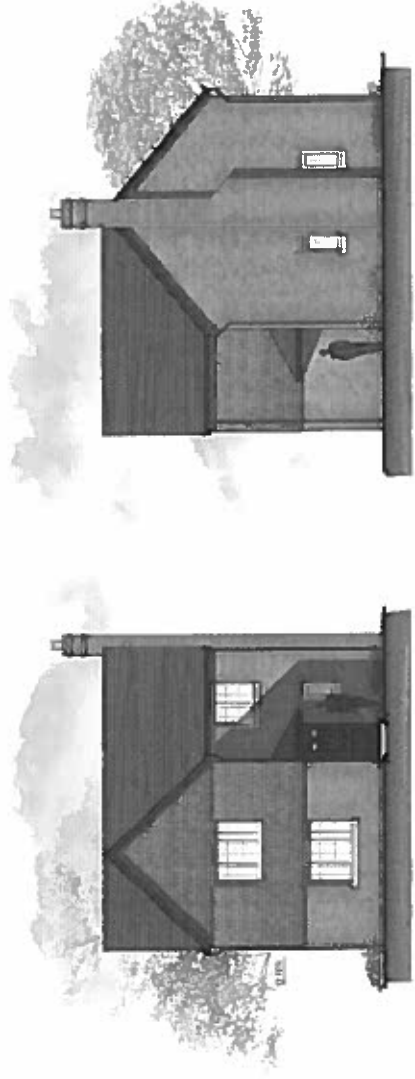


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rev | date | draughtsman

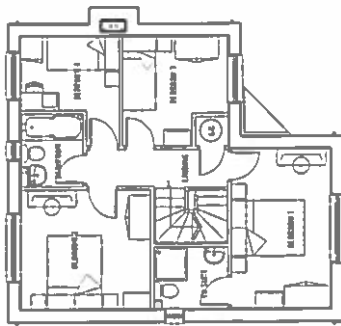
**PLOTS**

14/06/2014  
08/06/14

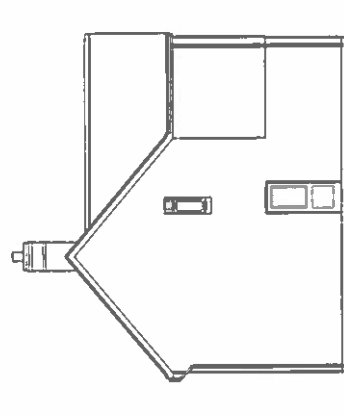


**FRONT ELEVATION**

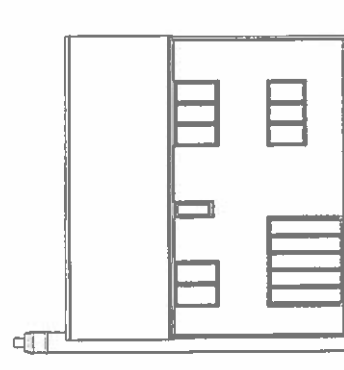
**SIDE ELEVATION**



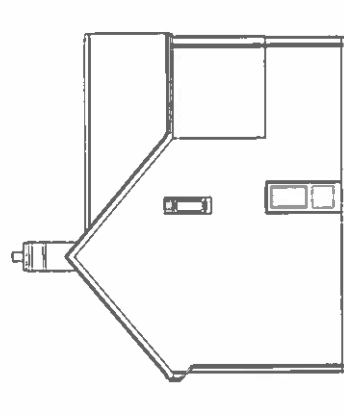
**FIRST FLOOR PLAN**



**GROUND FLOOR PLAN**



**REAR ELEVATION**



**SIDE ELEVATION**

**Roberts Limbrick**  
ARCHITECTS

**project**

LAND AT HIGHAM

**client**  
BELLWAY HOMES

**drawing**  
WILCOTT HOUSETYPE  
PLANS AND ELEVATIONS

**status**  
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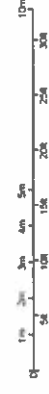
Prepared Office England No. 0858229

scale 1:100 @ A2

date 08/06/14

author

project 8070 PL23  
sheet D



577/K

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**PLOTS**

Address - 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

**Roberts Limbrick ARCHITECTS**

project **LAND AT HIGHNAM**

client **BELLWAY HOMES**

description **WOODCOTE HOUSE TYPES PLANS AND ELEVATIONS**

location **PLANNING**

company **ROBERTS LIMBRICK LTD**

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scale 1:100 @ A2

date 05/04/18 author

project origin **8070 PL24**

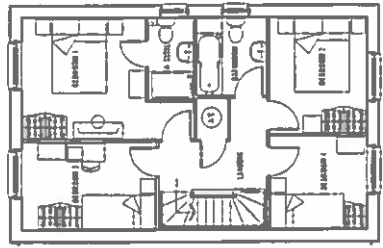
rev. **F**



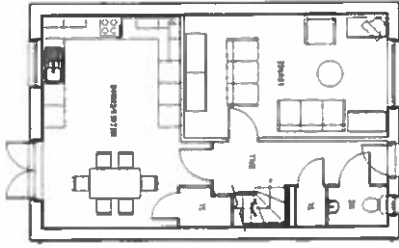
**FRONT ELEVATION - OPTION 1**



**FRONT ELEVATION - OPTION 2**

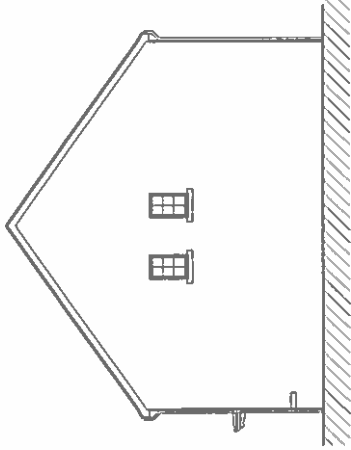


**FIRST FLOOR PLAN**

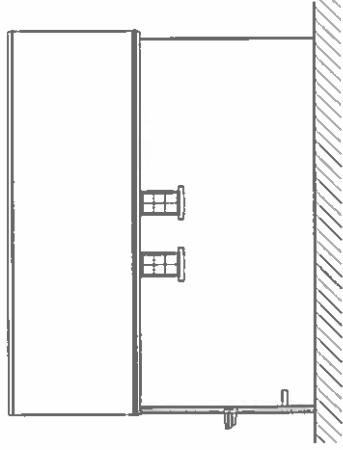


**GROUND FLOOR PLAN**

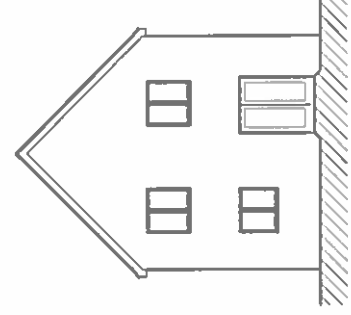
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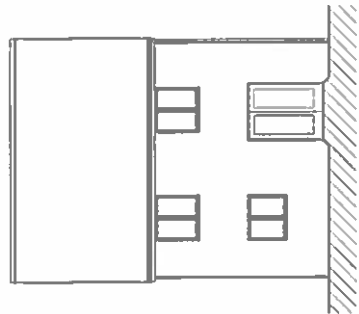
**SIDE ELEVATION - OPTION 1**



**SIDE ELEVATION - OPTION 2**



**REAR ELEVATION - OPTION 2**



**REAR ELEVATION - OPTION 1**

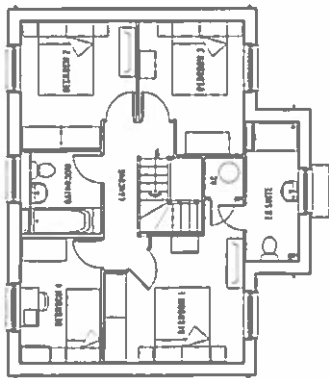


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At Stone - 25  
 Number - 48

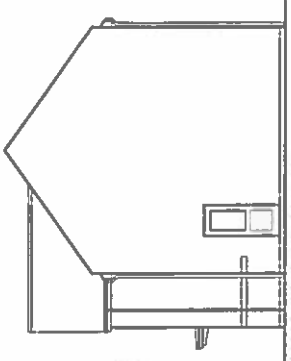


**FIRST FLOOR PLAN**

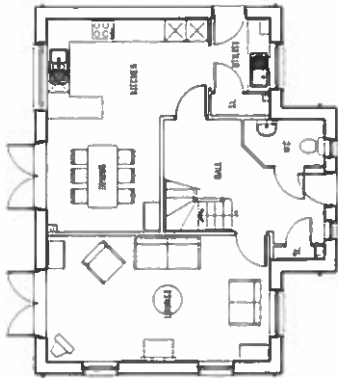
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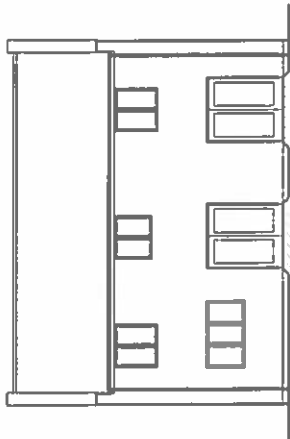
**FRONT ELEVATION**



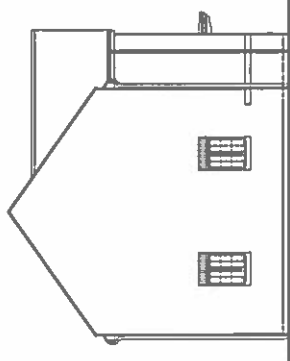
**SIDE ELEVATION**



**GROUND FLOOR PLAN**



**REAR ELEVATION**



**SIDE ELEVATION**



**Roberts Limbrick**  
 ARCHITECTS

project **LAND AT HIGHNAM**  
 client **BELLWAY HOMES**  
 drawing **WALTON HOUSETYPE PLANS AND ELEVATIONS**  
 status **PLANNING**  
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project no. **8070 PL25**  
 rev. **D**



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**PLOTS**

No. 1000 - 04  
 Number: 11.1.17

**Roberts Limbrick**  
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project  
**LAND AT HIGHNAM**

client  
**BELLYWAY HOMES**

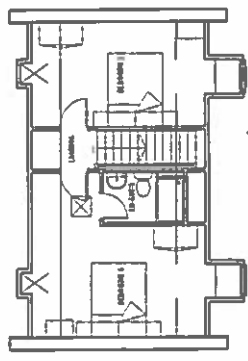
drawing  
**WITNEY HOUSETYPE  
 PLANS AND ELEVATIONS**

status  
**PLANNING**

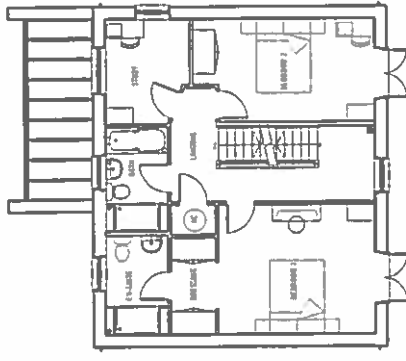
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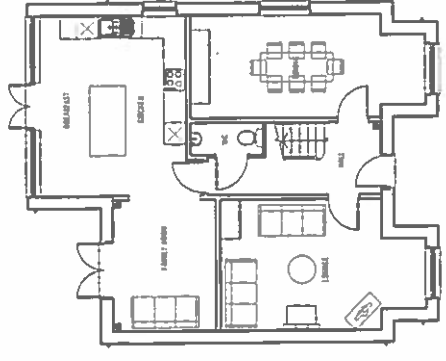
prepared  
 8870 PL26  
 rev.  
**C**



**SECOND FLOOR PLAN**



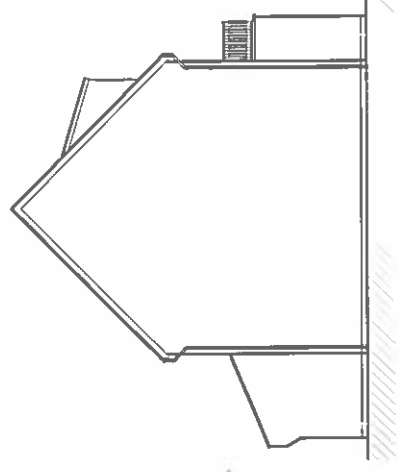
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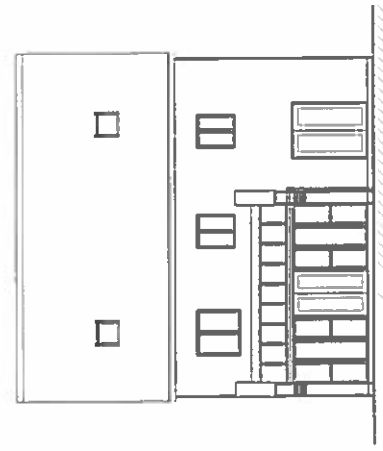
**GROUND FLOOR PLAN**



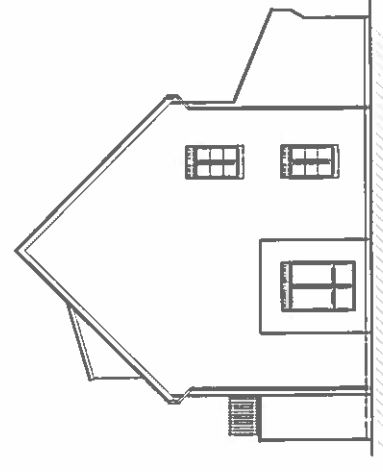
**FRONT ELEVATION**



**SIDE ELEVATION**



**REAR ELEVATION**



**SIDE ELEVATION**



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rev. date description

**PLOTS**

Plot Area - 1,21, 54, 00  
Roadset - 1.2, 1.8, 2.0, 2.4, 1.7

**Roberts Lumberick**  
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project

LAND AT HIGHNAM

client

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drawing

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PLANS AND ELEVATIONS

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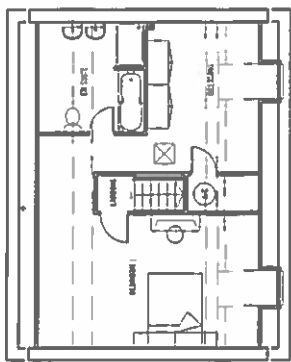
date

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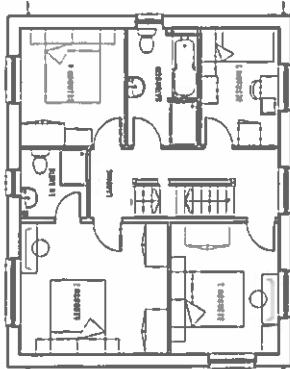
author

8070 PL27

D



SECOND FLOOR PLAN

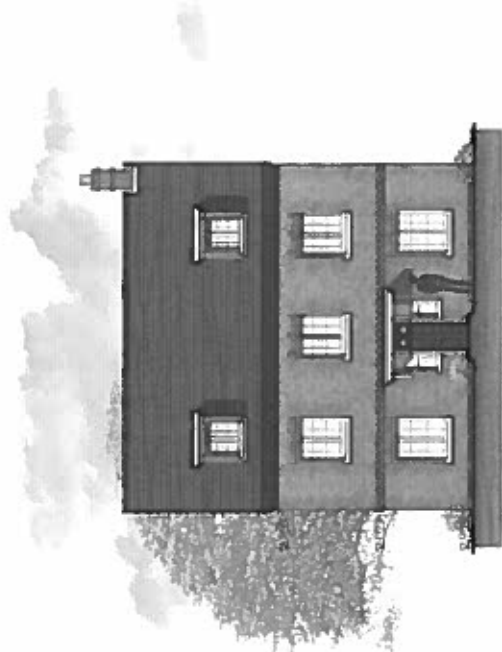


FIRST FLOOR PLAN

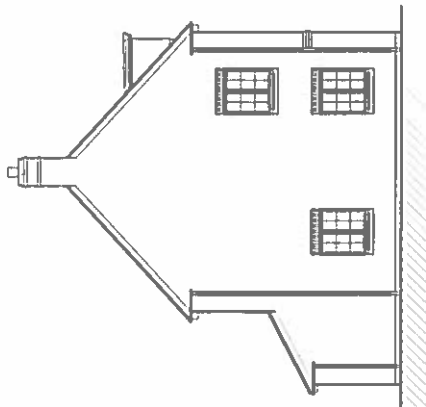
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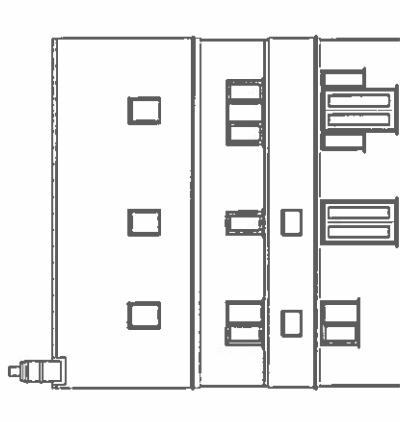
GROUND FLOOR PLAN



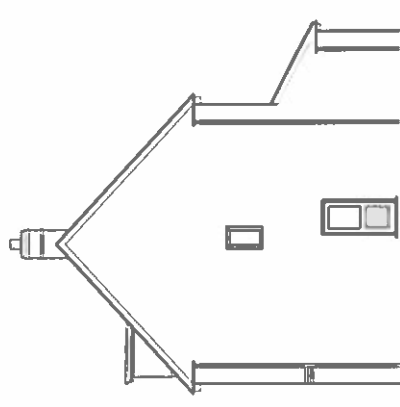
FRONT ELEVATION



SIDE ELEVATION



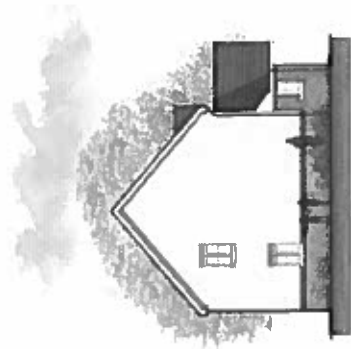
REAR ELEVATION



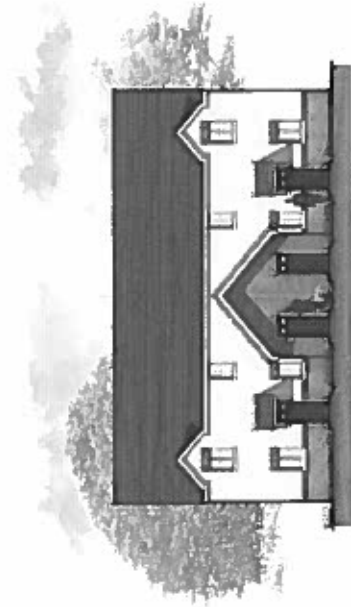
SIDE ELEVATION



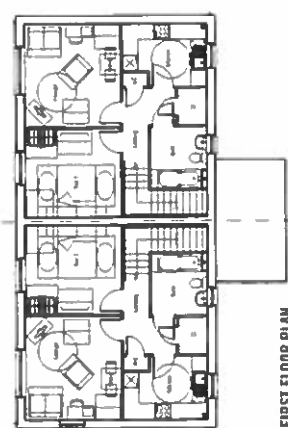
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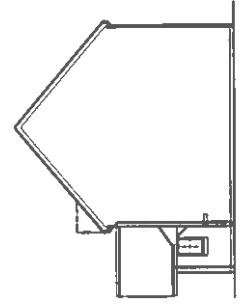
SIDE ELEVATION



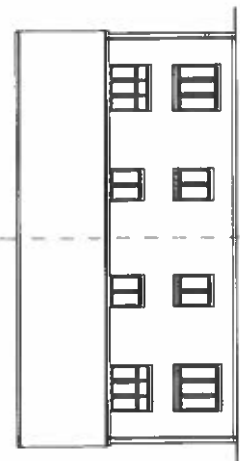
FRONT ELEVATION



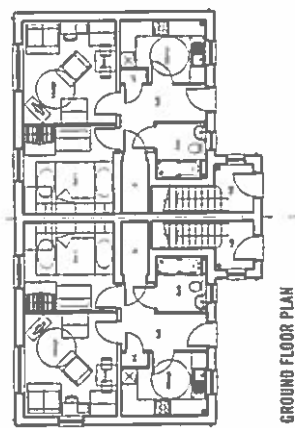
FIRST FLOOR PLAN



SIDE ELEVATION



REAR ELEVATION



GROUND FLOOR PLAN

**Roberts Lumberick ARCHITECTS**  
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 PLANNING  
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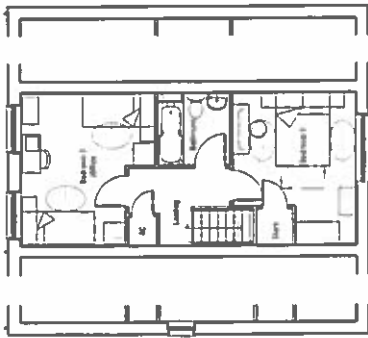
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**PLOTS**

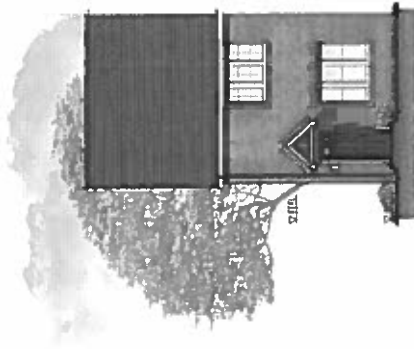
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 14/05/16 - 06, 07, 08



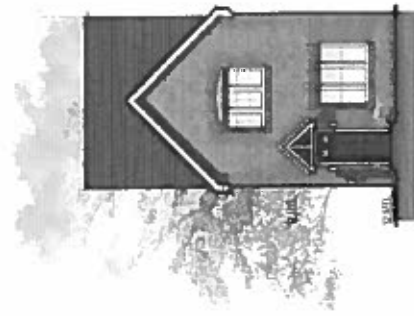
**FIRST FLOOR PLAN**

14/05/16 - 02, 03, 04, 05  
 14/05/16 - 06, 07, 08

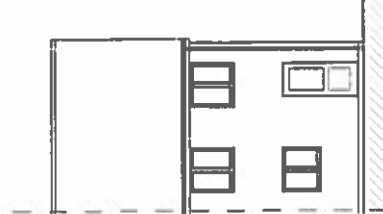
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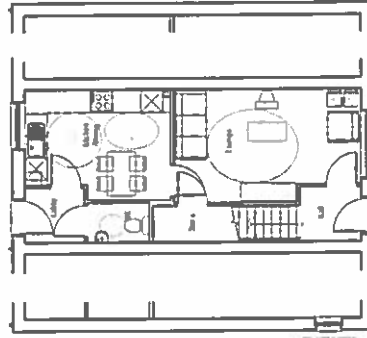
**FRONT ELEVATION**



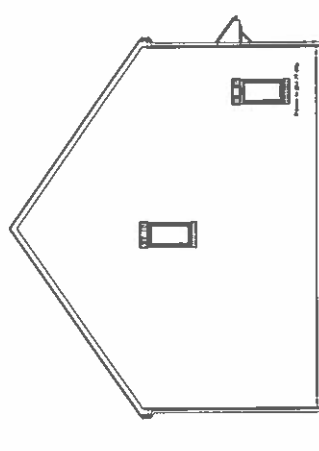
**FRONT ELEVATION  
 GABLE OPTION**



**REAR ELEVATION**

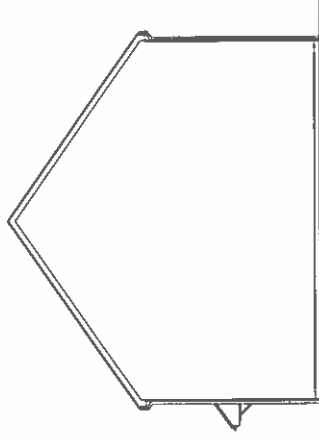


**GROUND FLOOR PLAN**



**SIDE ELEVATION**

14/05/16 - 02, 03, 04, 05  
 14/05/16 - 06, 07, 08



**SIDE ELEVATION**



**Roberts Limbrick**  
 ARCHITECTS

Project: **LAND AT HIGHNAM**

Client: **BELLYWAY HOMES**

Drawing: **2 BED AFF HOUSETYPE PLANS AND ELEVATIONS**

Status: **PLANNING**

**ROBERTS LIMBRICK LTD**  
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Prepared by: **Engine 146 09/14/13**

Scale: **1/100 @ A2**

Date: **11/05/16**

Author:

Project: **8070 PL28**

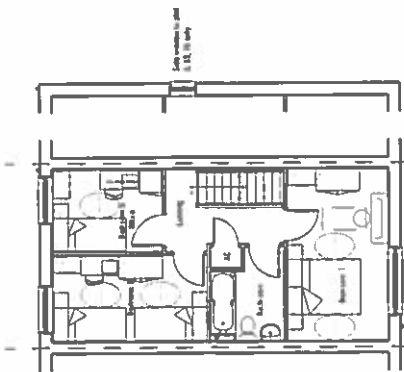
Drawn: **F**

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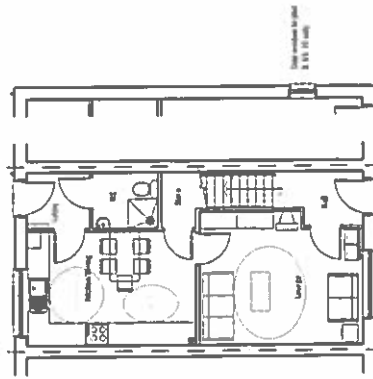
Rev. | date | description

**PLOTS**

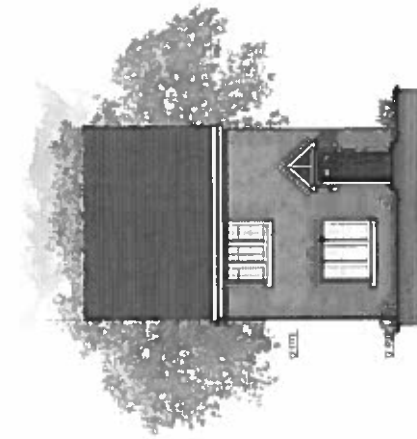
As shown - 31.03.03  
Revised - 1.8.19



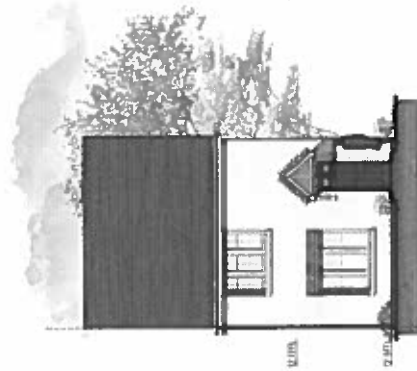
**FIRST FLOOR PLAN**



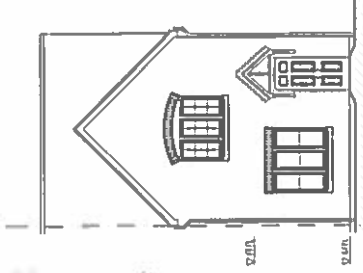
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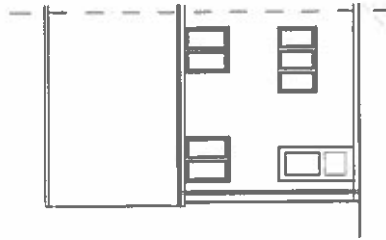
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Revised to date - 8.10



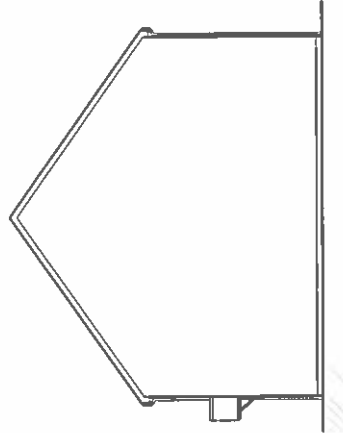
**FRONT ELEVATION**  
Revised to date - 11.1.19



**FRONT ELEVATION - GABLE OPTION**  
Revised to date - 17



**REAR ELEVATION**



**SIDE ELEVATION**



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**project**

LAND AT HIGHNAM

**client**

BELLWAY HOMES

**drawing**

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Date 11/02/18

Author

Project City Plan  
**8070 PL30**

Rev.

D

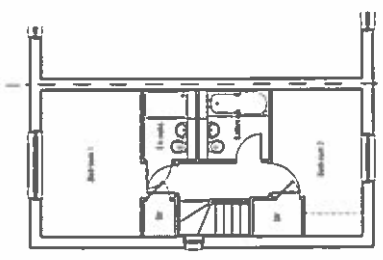
577/R

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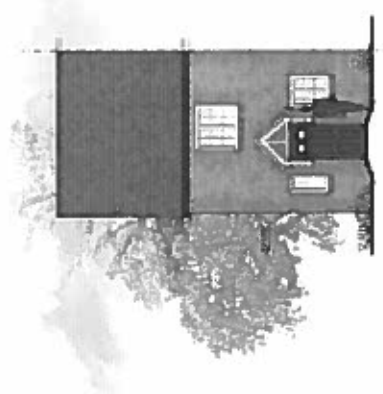
REV: DATE: OBJECTS/ITEMS:

**PLOTS**

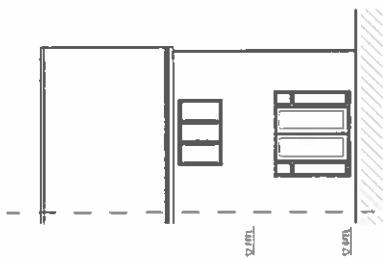
64 Broom - 41, 42, 43, 44, 45, 46, 47  
 Broomley - 48, 49, 50, 51



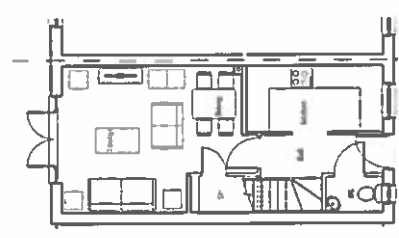
**FIRST FLOOR PLAN**



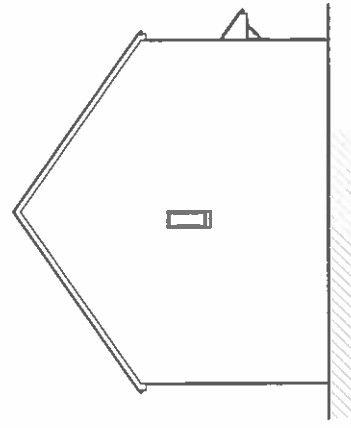
**FRONT ELEVATION**



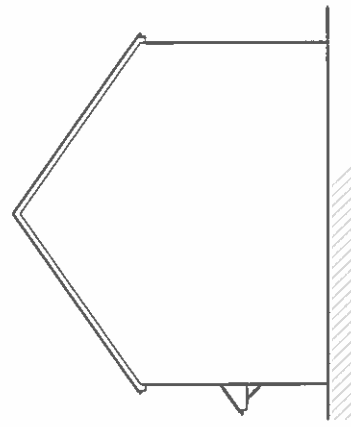
**REAR ELEVATION**



**GROUND FLOOR PLAN**



**SIDE ELEVATION**



**SIDE ELEVATION**

**Roberts Limbrick**  
 ARCHITECTS

Project: **LAND AT HIGHNAM**

Client: **BELLYWAY HOMES**

Drawing: **OLIVE HOUSETYPE PLANS AND ELEVATIONS**

Plan: **PLANNING**

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Scale: 1/1100 @ A2

Date: 12/10/18

Author:

10m  
 9m  
 8m  
 7m  
 6m  
 5m  
 4m  
 3m  
 2m  
 1m

0m 10m 20m 30m

8070 PL31

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**BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019**

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

11 May 2015

Please destroy previous lists.