



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

**TEWKESBURY BOROUGH COUNCIL**

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 6 June 2017

	<b>(NORTH)</b>	<b>(SOUTH)</b>
General Development Applications Applications for Permission/Consent	(1 - 36)	(37 – 73)

**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. ( 1 – 73 )**

### **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) 6th June 2017

Parish and Reference	Address	Recommendation	Item/page number
Ashchurch Rural 17/00347/FUL <a href="#">Click Here To View</a>	Part Parcel 3400 Columbine Road Walton Cardiff Tewkesbury	Delegated Permit	4 14
Badgeworth 17/00077/FUL <a href="#">Click Here To View</a>	Regency Court Park Bamfurlong Lane Staverton	Refuse	5 36
Bishops Cleeve 16/01433/LBC <a href="#">Click Here To View</a>	Fieldgate House Fieldgate Road Bishops Cleeve	Consent	11 60
Bishops Cleeve 17/00306/FUL <a href="#">Click Here To View</a>	Fieldgate House Fieldgate Road Bishops Cleeve	Permit	10 57
Churchdown 17/00081/ADV <a href="#">Click Here To View</a>	Churchdown Club Ltd Church Road Churchdown	Consent	13 72
Highnam 17/00047/FUL <a href="#">Click Here To View</a>	1 Gordon Close Highnam Gloucester	Permit	7 47
Highnam 17/00324/OUT <a href="#">Click Here To View</a>	Land Adjoining The Timberyard Two Mile Lane Highnam Gloucester	Refuse	6 41
Hucclecote 17/00246/FUL <a href="#">Click Here To View</a>	46 Sussex Gardens Hucclecote Gloucester	Permit	9 55
Norton 17/00134/FUL <a href="#">Click Here To View</a>	Kings Head Inn Tewkesbury Road Norton	Permit	8 50
Norton 17/00235/FUL <a href="#">Click Here To View</a>	Norton Fruit Farm Tewkesbury Road Norton	Delegated Permit	12 62

Parish and Reference	Address	Recommendation	Item/page number
Southam 16/01208/FUL <a href="#">Click Here To View</a>	Cockbury Court Manor Cockbury Court Winchcombe	Permit	1 1
Toddington 17/00320/FUL <a href="#">Click Here To View</a>	Oak Farm Toddington Cheltenham	Permit	3 10
Winchcombe 17/00184/FUL <a href="#">Click Here To View</a>	25 Godwin Road Winchcombe Cheltenham	Permit	2 5

16/01208/FUL

Cockbury Court Manor, Cockbury Court, Winchcombe

1

Valid 21.11.2016

Erection of Greenhouse within Vegetable Garden. Erection of a new boundary wall to enclose a proposed Vegetable Garden within Garden boundary.

Grid Ref 399482 227728  
Parish Southam  
Ward Cleeve Hill

Mr Bruce Clayton  
Cockbury Court Manor  
Winchcombe  
CHELTENHAM  
GL54 5AD

## **RECOMMENDATION Permit**

### **Policies and Constraints**

NPPF  
Planning Practice Guidance  
Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990  
JCS Main Modifications - SD8, SD9,  
Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)  
Cockbury Court - Grade II Listed Building  
Area of Outstanding Natural Beauty

### **Consultations and Representations**

**Southam Parish Council** - Objection - Overdevelopment of the site which detracts from the character of the settlement  
**Conservation Officer** - Original Scheme - Objection, insufficient information  
**Landscape Officer** - No in principle objection subject to additional information relating to detailed layout and tree protection measures.  
**Local Residents** - No local representations received.

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

#### **1.0 Introduction**

1.1 The site is located within a cluster of dwellings known collectively as Cockbury Court. The hamlet lies to the south-west of Winchcombe Town, within open countryside and within the Cotswolds AONB see attached location plans.

1.2 Cockbury Court Manor is a substantial Grade II listed house of C16 origins. The application site is within the garden due east of the principal (east) elevation of the Manor, where the land falls abruptly to the north and east.

#### **2.0 Relevant Planning History**

2.1 02/01319/FUL and 02/01320/LBC - Planning application and associated Listed Building Consent for the construction of a glazed link between main house and adjacent games room - revised scheme-permitted November 2002.

#### **3.0 Current Application**

3.1 This application seeks planning permission for the creation of a new walled vegetable garden and associated greenhouse, within part of the garden of the listed building.

3.2 The proposed greenhouse would be of traditional, formal design and measure some 6.38m in length, 3.84m in width (inclusive of projecting doorway/gable element), with an overall ridge height of 3.14m. The greenhouse would be sited away from the main house, adjacent to the existing garage building. The walled

garden would be stepped and of varying height to take into account garden levels/site topography. The walling height at its highest point would be 3m and would be brick-faced internally and stone-faced externally, to match the existing walling within the site. The section of walling along the northern, Leylandii boundary of the garden is proposed to be blockwork and all walls are proposed to have Indian sandstone copings. **See attached layout, elevation and section plans.**

#### **4.0 Policy Context**

4.1 Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 states that development must respect the character, scale and proportion of the existing dwelling and the surrounding development. The detailed design, materials and layout of buildings and structures must be appropriate to their setting and the character of the surrounding area. Policy HOU8 is considered to be consistent with the National Planning Policy Framework (NPPF) and should therefore be afforded full weight when determining this application in accordance with Paragraph 215 of Annex 1 of the NPPF.

4.2 Section 15 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty which has the highest status of protection in relation to landscape and scenic beauty.

4.3 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires Authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest. These requirements are also set out at paragraphs 126 and 131 of the NPPF. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Furthermore, the NPPF states that, where development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. Paragraph 134 adds 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.

#### **5.0 Analysis**

5.1 The main material considerations in respect of this application are considered to be the design of the greenhouse and walled garden, the impact of the development on nearby heritage assets, adjacent residential amenity and the landscape.

##### *Design and Impact on Heritage Assets*

5.2 Cockbury Court Manor is a substantial Grade II listed house of C16 origins. The location of the application site within the garden due east of the principal (east) elevation of the Court has direct intervisibility with the Court. As such, the Council's Conservation Officer comments that "development here clearly has the potential to have a profound impact on its setting". The information originally provided in support of the application was considered by the Conservation Officer as insufficient to form a view on its acceptability. Consequently, levels, site sections and elevations of the proposed kitchen garden wall, together with information regarding proposed materials were submitted to the LPA on 20.16.2016. The proposal was also pegged out on site on 17.03.2017 to enable visualisation of the scheme and a further site visit undertaken by the Conservation Officer in order to view this. Further amended plans were subsequently submitted on 22.03.2017 which sought to re-locate the proposed greenhouse against the northern boundary of the site.

5.3 The additional site visit and amended plans were considered to set out the necessary clear and convincing justification in respect of potential impact on the designated heritage asset. Consequently, the Conservation Officer considers that the amended proposal would have a neutral impact upon the designated heritage asset of Cockbury Court Manor and raises no objection accordingly.

##### *Effect on landscape character and visual amenity of the area*

5.4 The Landscape Officer raised no objection to the principle of the proposal, subject to the submission of additional information relating to a detailed site layout plan showing the design proposals, existing and proposed levels and the location and detail of proposed structures and enclosures. The Landscape Officer also required the proposed site layout to include the retention of the mature tree adjacent to the garage and

for tree protection measures during construction works to be implemented in accordance with a submitted Arboricultural Method Statement and Tree Protection Plan. Based upon the additional submitted information, the Landscape Officer raises no objection to the scheme. Furthermore, given the existing topography of the site and the proposed positioning of the walled garden and greenhouse, it is not considered that the proposed development would have an adverse impact on the character and appearance of the area or the AONB.

#### *Residential amenity*

5.5 The proposal would be sited due east of the principle elevation of Cockbury Court, and as such, the main dwelling itself would screen the development from the closest residential properties to the west of the site. Due to the relative distance of the proposal from nearby neighbouring properties, together with the intervening screening from the main building of Cockbury Court Manor itself, it is considered that there would be no detrimental impact upon residential amenity as a result of the development.

#### **6.0 Conclusion**

6.1 Having regard to the above it is considered that the proposed development would be of an acceptable size, scale, design and positioning within the site and would have a neutral impact on nearby heritage assets and result in no discernible harm to the character and appearance of the area within the Cotswolds AONB. The impact of the proposal on the residential amenity of neighbouring properties has been carefully assessed and it is considered that the proposed development would be acceptable in terms of loss of light, outlook or overbearing. For these reasons the proposal is considered to accord with the National Planning Policy Framework and Policy HOU8 of Tewkesbury Borough Local Plan and is recommended for **Permission**.

#### **RECOMMENDATION Permit**

##### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: TR - HART/03 Rev C - Greenhouse elevations and floor plans, received by the LPA on 21.10.2016; 7039 02 Rev C - Proposed Layout and Sections - received on 22.03.2017.
- 3 No development shall commence on site before samples of the proposed walling and coping materials have been submitted to and approved in writing by the Local Planning Authority. The materials used within the development shall conform with the samples so approved.
- 4 All existing trees and hedgerows that are proposed to be retained as shown within approved drawing no. 7039 02 Rec C, shall be protected during the course of construction in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction-Recommendations. 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.

##### 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 to define the terms and extent of the permission.
- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 4 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

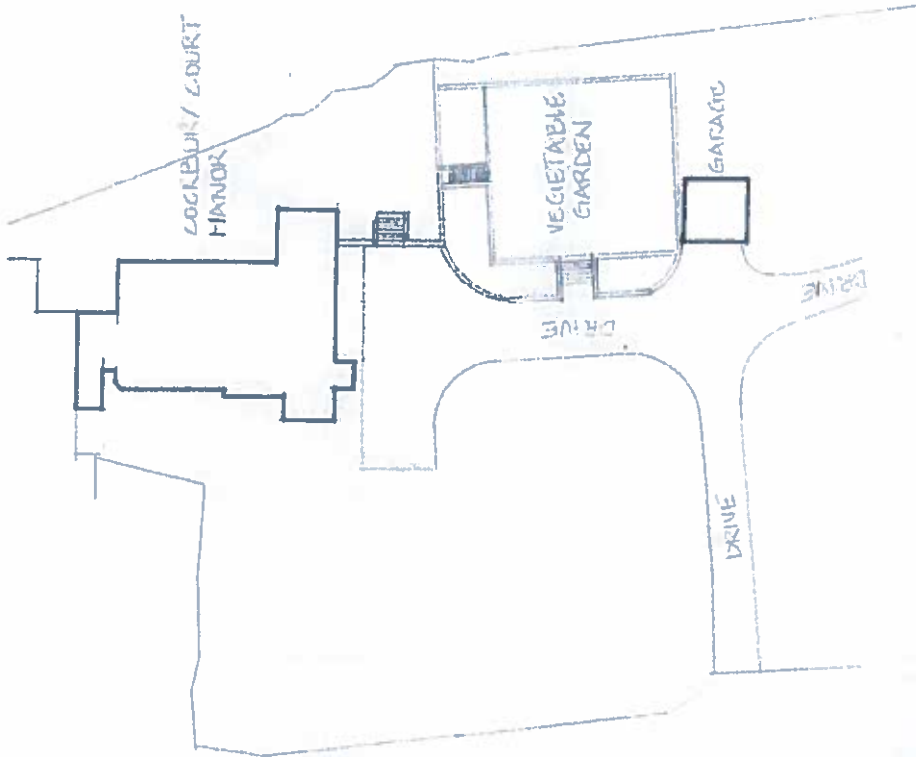
Note:

**Statement of Positive and Proactive Engagement**

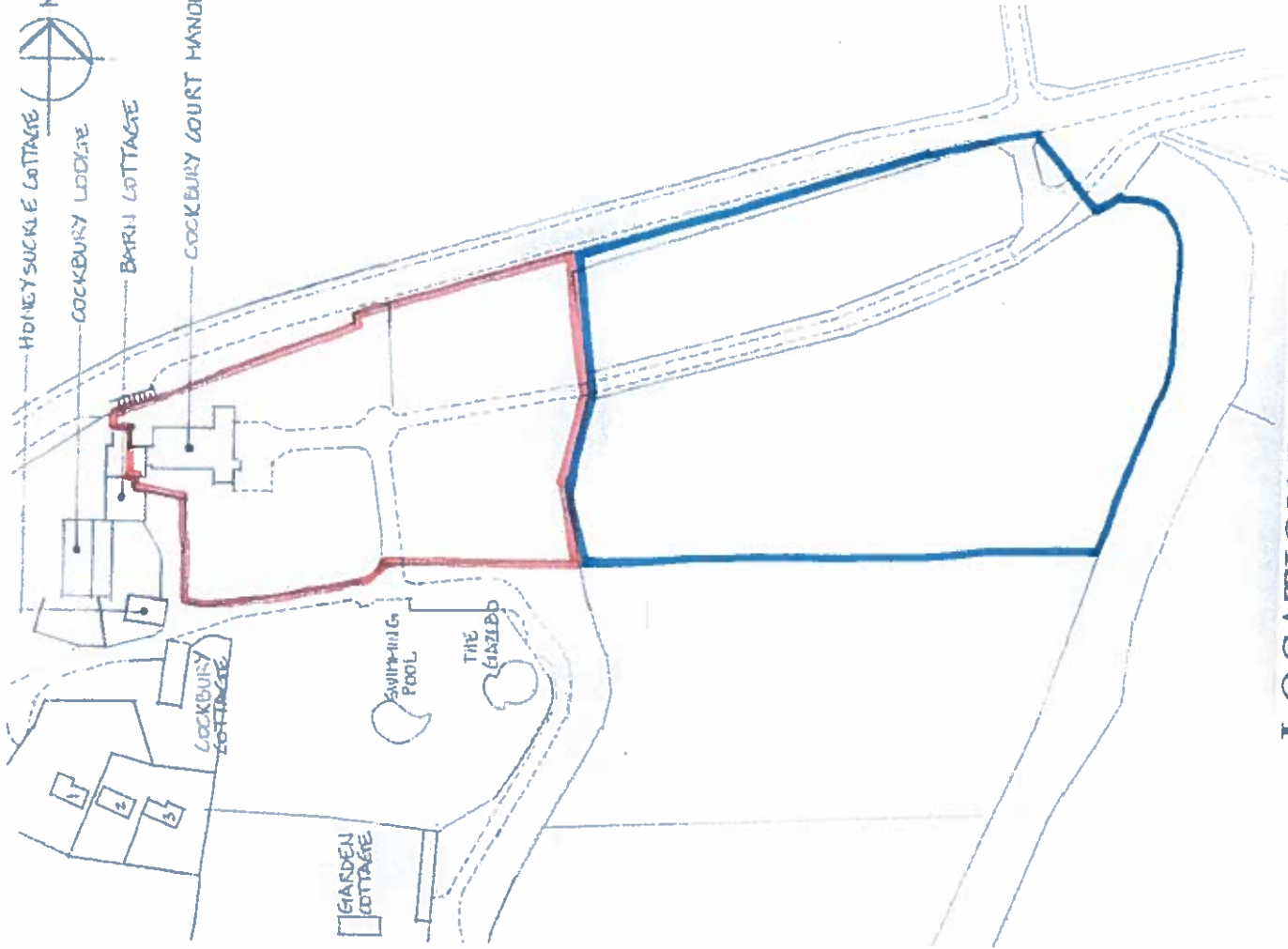
In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating additional layout/sections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



4/A



**BLOCK PLAN 1:500**



**LOCATION PLAN 1:1250**

16/01208 / Ful

<b>Lucy Shaw</b>		<b>GARDEN DESIGN</b>	
project file	The Gardens at Cockbury Court Manor		
showing the	LOCATION AND BLOCK PLAN		
client	Mr & Mrs Clayton		
address	Cockbury Court Manor Winchcombe		
postcode	GLOS GL54 5AD		
date	15/2/16	job no	<b>7039</b>
OCT 2015	CS:shaw	design no	<b>03</b>





17/00184/FUL

25 Godwin Road, Winchcombe, Cheltenham

2

Valid 14.02.2017  
Grid Ref 402341 229217  
Parish Winchcombe  
Ward Winchcombe

Proposed dwelling, parking, turning and landscaping

Mr & Mrs K Hancox  
25 Godwin Road  
Winchcombe  
Cheltenham  
Gloucestershire  
GL54 5LA

## **RECOMMENDATION Permit**

### **Policies and Constraints**

National Planning Policy Framework  
Planning Practice Guidance  
Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies HOU2, HOU5, LND2, LND7 and TPT1  
Main Modifications Version Joint Core Strategy (2017) - Policies SD5, SD7, SD11, SD12, SD15  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)  
Special Landscape Area

### **Consultations and Representations**

**Councillor Day** - Has requested that the application be taken to committee because of the effect on the streetscene

**Parish Council** - Object on the grounds of overdevelopment of the site and loss of amenity to number 25 Godwin Road.

**Environmental Health** - No objection

**Local Residents** - No public comments received

**Planning Officers Comments:** Paul Instone

### **1.0 Application Site**

1.1 The application site relates to the rear garden of 25 Godwin Road. The host property is a detached bungalow sited within the residential development boundary of Winchcombe. The garden is bounded by trees and hedgerows.

1.2 A two storey dwelling is under construction in the back garden of 82 Gretton Road approximately 20 metres to the west of the application site and dwellings are under construction to the north west.

1.3 The site is located within a Special Landscape Area.

### **2.0 Planning History**

16/01380/FUL - Proposed four bedroom dwelling, parking, turning and landscape at 25 Godwin Road, Winchcombe. Withdrawn January 2017.

15/00295/FUL - Proposed new dwelling on land to the rear of Number 82 Gretton Road, Winchcombe. Permitted May 2015. This dwelling is under construction.

13/00986/APP - Reserved matters application pursuant to application Ref: - 12/00464/OUT for the erection of 110 dwellings, public open space, sports facilities, and associated infrastructure. Permitted April 2014. These dwellings are under construction.

13/00301/FUL - Subdivision of garden and construction of a two storey dwelling on land to the rear of 80 Gretton Road. (Extend the time limit of planning application 10/00317/FUL). Permitted May 2013. This permission has now lapsed.

### **3.0 Current Application**

3.1 The current proposal seeks full planning permission for the erection of a single storey, two bedroom dwelling within the rear garden of 25 Godwin Road. The dwelling would be 'L' shaped with a footprint of approximately 80 sq m and a ridge height of approximately 5.5 metres.

3.2 Access would be off Godwin Road via a shared access with the host property. Parking is provided for two car parking spaces and a garden is proposed to the south of the proposed dwelling.

3.3 A new boundary is to be created to the east of the proposed dwelling to form a private garden area for the host property and two car parking spaces will be retained to the front of the host dwelling.

### **4.0 Policy Context**

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

4.2 Policy HOU2 of the Local Plan sets out that residential development within the settlement boundary will be supported.

4.3 Policy HOU5 of the Local Plan 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; are of high quality design and appropriate access and parking arrangements are made.

4.4 Policy TPT1 of the Local Plan 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.

4.5 Policy LND2 of the Local Plan states that proposals in the Special Landscape Area must demonstrate that they do not adversely affect the quality of the natural of built environment, its visual attractiveness, wildlife and ecology.

### **5.0 Analysis**

#### **Principle of Development**

5.1 The site is located within the Residential Development Boundary of Winchcombe as defined by the Tewkesbury Borough Local Plan. 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.

5.2 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.

5.3 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 the NPPF which makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also makes it clear that poor designs should be refused.

5.4 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.

5.5 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.

## **Form, Character and Impact on Streetscene**

5.6 Godwin Road is characterised by detached and semi-detached single storey dwellings sited in modest curtilages. To the west of the application site in the rear gardens of 80 and 82 Gretton Road, planning permission has been granted for 2 no. two storey dwellings. One of these permissions has lapsed and the dwelling in the rear garden of 80 Gretton Road is under construction. To the north west of the application site permission has been granted for 110 dwelling (ref: 13/00986/APP) and these are under construction.

5.7 The proposal is a single storey structure and due to the rising ground levels there would be some views of the dwelling from Godwin Road. However, these views would be in context of larger dwellings which have been constructed to the north and west. Views of the proposed dwelling from public viewpoints to the north and west would be limited and the layout and form of the proposal, which would be single storey with a limited curtilage, would not be out of character with the surrounding built form.

5.8 It is considered that due to the modest size of the proposed dwelling, as well as the separation distance of the rear elevation of the host property, the proposal would not be viewed as an incongruous element and would not appear unduly prominent in the street scene.

5.9 Overall, it is considered that the character of the area would be maintained. The proposal is therefore compliant with Policy HOU5 of the Tewkesbury Local Plan.

## **Residential Amenity**

5.10 Policy HOU5 sets out that new housing development within existing residential areas must not result in an unacceptable loss of amenity for existing and proposed dwellings. This is reflected in 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.

5.11 The current application for a two bedroom dwelling was submitted further to the withdrawal of planning application 16/01380/FUL, following officer advice that a four bedroom dwelling on the site would be unacceptable due to, amongst other matters, the impact on residential amenity. The revised application seeks to address these concerns.

5.12 No. 25 Godwin Road is located approximately 18 metres to the east of the proposed dwelling. There are two windows serving a bedroom and a living room in the rear elevation of No 25 facing towards the proposed dwelling. These face towards two bedroom windows and a living room window in the proposed dwelling. In terms of overlooking there would be an angled relationship between the two dwelling and a new boundary fence and planting is proposed between the dwellings which would prevent direct views between habitable room windows. Subject to the implementation of an appropriate boundary which can be controlled by planning condition it is considered that there would not be unacceptable overlooking between the two properties. As the proposed dwelling is a single storey structure it also considered that the proposal would not give rise to any detrimental overbearing or dominating impact for residents of No. 25.

5.13 In respect to the future amenity of residents of No.25 a private garden area is to be retained to the rear of the dwelling as well as two parking spaces to the front of the dwelling. It is considered that the proposal would allow an acceptable living environment to be retained for residents of No.25.

5.14 A two storey dwelling is under construction approximately 20 metres to the west of the proposed dwelling and there is a lapsed consent for a further two storey dwelling approximately 15 metres to the west in the former rear gardens of 82 and 80 Gretton Road respectively. There is an existing vegetation boundary between the application site and the sites to the west which provides some screening.

5.15 Following discussions with officers, the applicant has removed all windows from the western elevation of the proposed dwelling so that there would be no overlooking. As the application is for a single storey structure it is not considered that the proposal would give rise to any detrimental overbearing or dominating impact. It is considered necessary to impose a condition to control the boundary treatment of the western boundary of the application site to protect residential amenity. Subject to the imposition of conditions it is considered that the proposal would not have an unacceptable impact on the residential amenity of the residents of dwellings to the west.

5.16 In respect to the future amenity of residents of the proposed dwelling, the dwelling is provided with its own garden, two car parking spaces and the orientation of the windows would allow daylight into habitable room windows. It is considered that the proposal would provide an acceptable living environment for future

occupiers. However, to safeguard the amenity of future occupants a condition removing permitted development rights for windows in the roof is recommended to avoid overlooking from two storey dwellings to the west.

### **Landscape Impact**

5.17 The application site is located in a Special Landscape Area and policy LND2 of the Local Plan states that proposals must not adversely affect the quality and visual attractiveness of the environment within this area. The application should be considered in the context of planning permissions which are under construction to west and north of the application site and the proposal would form part of the built up area of Winchcombe and would not intrude into the surrounding countryside. It is therefore considered that the proposal would not adversely impact on the Special Landscape Area.

### **Highways**

5.18 Policy TPT1 of the Local Plan states that development will be permitted where provision is made for safe and convenient access and where there is an appropriate level of public transport service and infrastructure available. The resulting development should also not adversely affect the traffic generation, safety and satisfactory operation of the highway network.

5.19 The layout provides a turning area that would enable vehicles to manoeuvre safely within the site and enter/exit the site in a forward gear. The proposal for one additional dwelling would not result in any significant increase in the level of traffic generated to and from the site.

5.20 In addition, two car parking spaces are retained for No. 25 with direct access off the highway. The level of retained parking for No.25 is considered acceptable.

5.21 Overall, the proposal is therefore considered to be acceptable on highway grounds.

### **6.0 Conclusion**

6.1 Taking into account all of the above, subject to the imposition of conditions, the proposal is considered to be acceptable and in accordance with local and national policy. It is therefore recommended that planning permission be granted.

### **RECOMMENDATION Permit**

#### **Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Proposed Dwelling Plan 16:1789:03B received 18th May 2017
  - Site Plan Proposed 16:1789: SP06B received 18th May 2017
- 3 Notwithstanding any indication of materials which have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
- 4 No development shall take place before a fully detailed landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include screen planting/fencing to protect the visual amenities of neighbouring properties on the north, west and eastern boundaries.

The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings, or the completion of the development, whichever is sooner. Any trees, plants or areas of turfing or seeding, which, within a period of 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
- 6 No work shall commence on site until details of existing and proposed levels with reference to a fixed datum point, to include details of finished floor, ground levels and ridge levels, have been submitted to and approved by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no extensions or outbuildings shall be erected without the prior express permission of the Local Planning Authority.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no windows or roof lights other than those expressly authorised by this permission shall be installed or constructed above ground floor ceiling height without the prior express permission of the Local Planning Authority.
- 9 Prior to the occupation of the proposed dwelling the car parking and manoeuvring facilities for the proposed dwelling shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.

**Reasons:**

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 4 In the interests of amenity and to ensure a satisfactory standard of landscaping.
- 5 In the interests of amenity and to ensure a satisfactory standard of landscaping.
- 6 In the interests of residential and visual amenity.
- 7 In the interests of residential and visual amenity.
- 8 In the interests of residential amenity.
- 9 In the interests of highway safety.

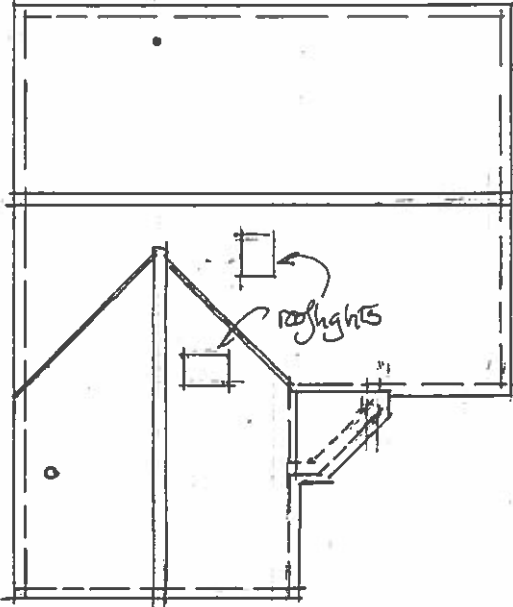
**Note:**

**Statement of Positive and Proactive Engagement**

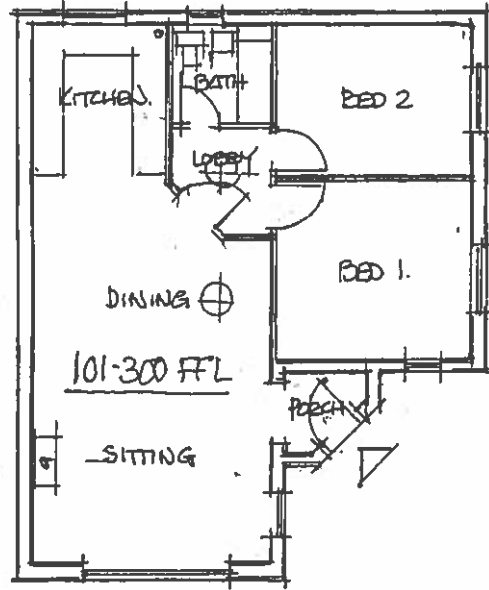
In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating the size of the dwelling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







ROOF PLAN.



GROUND FLOOR PLAN.

LAND AT 25 GODWIN ROAD.  
 WHICHCOMBE. GUS4 5LA  
 PROPOSED DWELLING PLANS 1:100  
 16:1789:03B MARCH 2017  
 DENNIS L RAYTON TEL 0242 620318

Revision  
 B. Window omitted at dining area [16/5/17]  
 2 rooflights added

17/00320/FUL

Oak Farm, Toddington, Cheltenham

3

Valid 10.04.2017

Erection of agricultural building for the storage of feed, bedding and machinery

Grid Ref 401889 231789

Parish Toddington

Ward Isbourne

Mr William Day

Oak Farm

Toddington

Cheltenham

Gloucestershire

GL54 5BY

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework (2012)

Planning Practice Guidance

The Proposed Main Modifications version of the Joint Core Strategy (MMJCS)

Tewkesbury Borough Local Plan to 2011 (March 2006) - policies AGR5, LND2 and TPT1

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

**Toddington Parish Council** - No objections.

**The Local Highway Authority** - No objection on highway grounds.

**The Environmental Health Officer** - Make no comments to make.

The application has been publicised through the posting of 2 site notices and no letters of representation have been received in the 21 day statutory consultation period or since.

**The application is presented to the Planning Committee meeting as the applicant is a close relative of a Borough Councillor.**

**Planning Officers Comments:** Emma Blackwood

#### 1.0 Application Site

1.1 The application site relates to Oak Farm, Toddington, which is located on the western side of the B4078 Evesham Road. The farm is within a rural location and is within the Special Landscape Area (SLA). Oak Farm comprises an agricultural holding and benefits from two agricultural workers dwellings and a number of agricultural buildings (**See Location Plan**).

#### 2.0 Relevant Planning History

2.1 Consent was given on 19th December 2000 for the erection of an agricultural building at Oak Farm (reference 00/6990/1460/AGR).

2.2 Planning permission was granted on 27th April 2004 for an extension and alterations to provide additional living accommodation (reference 04/6990/0146/FUL).

2.3 The Local Planning Authority determined on 25th April 2006 that prior approval was not required for a new agricultural building at Oak Farm (reference 06/00391/AGR)

2.4 Planning permission was granted on 13th November 2007 for the erection of an agricultural workers dwelling on land at Oak Farm (reference 07/00968/FUL).

2.5 Planning permission was granted on 13th March 2012 for the erection of a steel framed agricultural livestock building at Oak Farm (reference 12/00085/FUL).

2.6 A retrospective application for the creation of a new vehicle access and driveway on land at Oak Farm (involving change of use of land) was granted planning permission on 30th April 2013 (reference 12/01251/FUL).

2.7 An application for an agricultural steel framed building with cement fibre roof was submitted by and returned to the applicant in December 2013 (reference 13/01197/AGR).

2.8 Planning permission was granted on 10th May 2016 for a first floor rear extension and associated alterations (reference 16/00070/FUL).

### **3.0 Current Application**

3.1 The application seeks planning permission for the erection of a steel framed agricultural building, which would measure 15.15 metres in width and 42.15 metres in length (**See Proposed Elevations and Floor Plan**). The application makes the case that Oak Farm is in need of a new agricultural building, for the purpose of storing feed, bedding and machinery. It advises that this is a growing small family business, with approximately 500 head of beef cattle and 500 acres of arable / pasture land that needs to adhere to strict guidelines put in place by 'Red Tractor' scheme. The application advises that this requires the farm to store all feed and bedding within buildings and that, at present, they do not have enough space to be able to meet their criteria.

3.2 The proposed building would be designed with 150mm thick pre-cast concrete wall panels up to 2.4 metres high, and vertical cladding (tanalised treated Yorkshire Boarding 50mm gaps) above this, and would be open on its northern elevation. It would be designed with a dual pitched roof. The land levels fall from east to west, by approximately 1.1 metres over the length of the proposed building. The building would therefore be higher on its western elevation (5.7 metres to eaves and 8.2 metres to ridge) than its eastern elevation (4.6 metres to eaves and 7.1 metres to ridge), in order that its ridgeline sits level with the ridgeline height of the existing adjacent storage barn. The roof would be covered in Profile 6 natural grey fibre cement sheets, designed with a ventilated open ridge, and with barge boards to both gable ends. 7 no. rooflights are proposed for installation in both roofslopes.

3.3 No changes are proposed to the existing landscaping and access.

### **4.0 Policy Context**

4.1 The NPPF promotes sustainable development, of which there are three dimensions: economic, social and environmental. It does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning authorities having an up-to-date plan.

4.2 According to paragraph 215 of Annex 1 of the NPPF, due weight should be given to relevant policies in existing development plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Where the development plan is out of date, the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or where specific policies in the Framework indicate development should be restricted.

4.3 Section 11 of the NPPF relates to "Conserving and enhancing the natural environment" and, at paragraph 109, specifies that the planning system should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes.

4.4 Paragraph 123 of the NPPF specifies that planning decisions should, inter alia, aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

4.5 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).

4.6 Saved policy AGR5 of the Local Plan requires, amongst other things, that proposals for the erection of agricultural buildings should be well sited in relation to existing buildings, ancillary structures and works and landscape features in order to minimise adverse impact on the visual amenity of the locality. Adequate operational access should be available for vehicles, machinery and stock.

4.7 Saved policy LND2 of the Local Plan specifies that special attention will be accorded to the protection and enhancement of the landscape character of the SLA which are of local significance. Within this area, proposals must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology, or detract from the quiet enjoyment of the countryside.

4.8 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development. The Proposed Main Modifications version of the Joint Core Strategy (MMJCS) is the latest version of the document, but is not yet formally part of the development plan for the area and the weight that can be attached to its policies will be limited having regard to the criteria set out in paragraph 216 of the NPPF.

4.9 Policy SD7 of the MMJCS 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.

## 5.0 Analysis

### Impact on Character and Appearance of Area:

5.1 The footprint of the proposed agricultural building would be similar to other existing agricultural buildings at Oak Farm. It would be the same width as the existing adjacent storage barn, and would follow the building lines established by its northern and southern elevations. Its ridgeline would sit level with the ridgeline height of this existing adjacent storage barn.

5.2 It is considered that the proposed agricultural building would be well sited in relation to existing buildings at Oak Farm, and would be sympathetically designed in terms of its height, mass, materials, and colour. As such it is judged that the proposal would protect the landscape character of the SLA and would not adversely affect the quality of the natural and built environment or its visual attractiveness.

### Impact on Residential Amenity:

5.3 There are two agricultural workers dwellings towards the eastern side of the farm. Beyond this, the proposed building is judged to be sufficiently distanced from other residential premises. The proposed agricultural building would be located in the context of other existing agricultural buildings at Oak Farm, and would be used for the storage of feed, bedding and machinery. The Environmental Health Officer has been consulted on the planning application and has not raised an objection to the proposed development. By virtue of the use of the proposed building, its proximity to residential premises, and its location in the context of other existing agricultural buildings, it is considered that there would be no significant adverse effect on adjoining occupiers and that it would not detract from the quiet enjoyment of the countryside.

### Impact on Highway Safety:

5.4 The site is adjacent to the B4078; a Class 2 highway. The carriageway is two-way working with no footways or street lighting and subject to the national speed limit. There are no proposed changes to the existing access, which provides adequate operational access for vehicles, machinery and stock. The Local Highway has been consulted on the application and raises no objection. It is considered that the residual cumulative impact of the proposed development on highway safety would not be severe.

## 6.0 Summary

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

## RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with details within the application form received by the Local Planning Authority on 20th March 2017, details within the Design and Access Statement and covering letter, Location Plan and approved drawing no. "3979" (entitled "Proposed New Building") received by the Local Planning Authority on 10th April 2017, and any other conditions attached to this permission.

Reasons:

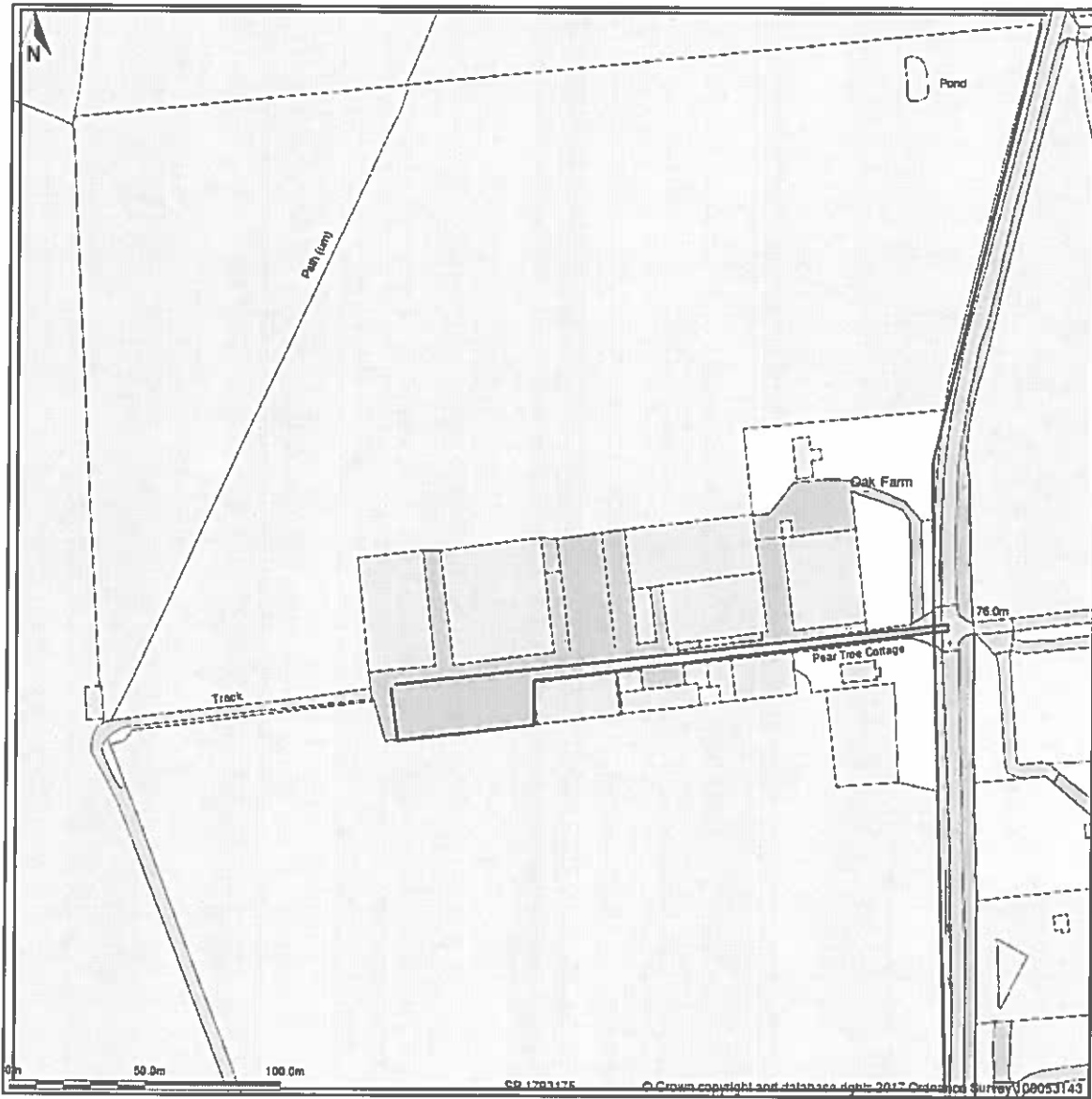
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Tewkesbury Borough Local Plan to 2011 (March 2006).

Notes:

- 1 **Statement of Positive and Proactive Engagement**  
In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

17/00320/FUL

Oak Farm, Toddington, Cheltenham, Gloucestershire, GL54 5BY



Site Plan shows area bounded by: 401597 59, 231553.06 401997 59, 231953.06 (at a scale of 1:2500), OSGridRef: SP 1793175. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Produced on 10th Apr 2017 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2017. Supplied by [www.buyaplan.co.uk](http://www.buyaplan.co.uk) a licensed Ordnance Survey partner (100053143). Unique plan reference: #00212400-972438

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. Buy A Plan logo, pdf design and the [www.buyaplan.co.uk](http://www.buyaplan.co.uk) website are Copyright © Pass Inc Ltd 2017

13/A





Valid 06.04.2017

Erection of 261 dwellings (including affordable housing) and a new link road plus associated works for landscaping, drainage, provision of public open space, access and other highway associated works on land to the south of the John Moore Primary School, Wheatpieces.

Grid Ref 390235 230990

Parish Ashchurch Rural

Ward Ashchurch With Walton  
Cardiff

Bloor Homes Western

C/O Agent

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

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, HOU1, HOU4, HOU13, TPT1, TPT3, TPT6, TPT11, EVT2, EVT3, EVT5, EVT9, LND2, LND7, RCN1, RCN2, NCN5

Proposed Main Modifications Joint Core Strategy - SD4, SD5, SD7, SD11, SD13, INF1, INF3 and INF8  
Flood and Water Management SPD

Affordable Housing SPD

Playing Pitch and Outdoor Sports Assessment and 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**

**Wheatpieces Parish Council** - No objection, however, the Parish Council wish to make the following request/observations:

List of concerns/comments as follows:

- o The additional traffic on Jubilee Way that would be generated from the additional proposal for up to 295 dwellings
- o Parking on the proposed estate should be for a minimum of 2 spaces per household.
- o Whether the roads on the proposed estate would be wide enough?
- o Concerns expressed whether the proposed link road will become a rat run into Starling Road,
- o Bollards should be requested to be placed on Rudgeway Lane prior to joining the new road to prevent access from this direction.
- o Concerns were expressed in relation to parking for the John Moore Primary School particularly if the school should expand due to additional numbers in the future and also a query was raised as to where the school entrance will be located.
- o To request the wording 'SLOW' to be installed on the tarmac at the entrance into the estate when it is laid (in a similar way to the entrances of Monterey Road and Snowdonia Road)
- o Consideration should be given to the junction of the new link road with Starling Road via some form of traffic calming/one way system
- o There appears to be no garages for the affordable units
- o There is very little green open space within the main housing block area
- o The width of the roads appears to be narrow - can these be confirmed?
- o The bin storage areas are not near the properties

The following requests are for consideration under the s.106/(CIL) provision:

- o An extension to the Wheatpieces Community Centre to cater for the additional residents due to the current level of bookings being already at/near capacity
- o Consideration to widen the A38 from the roundabout at Jubilee Way/Gloucester Road to the Odessa traffic lights which is already congested at peak travel times
- o A separate bus 'in - out' required for new access road with terminus
- o Additional post boxes
- o Additional dog bins, litter bins and parish noticeboards as required
- o Provision of fire hydrants as understood that none are currently installed in the existing Wheatpieces estate.

### **Ashchurch Parish Council**

- o When Ashchurch RPC met on 3rd May 2017 Councillors referred back to the earlier Planning application 16/01452/APP for this site. The Councils recommendation of refusal still applied in view of the inadequate car parking on site, and because the application did not reflect Ashchurch RPCs emerging NDP as regards the need for additional bungalows in the parish.

**Tewkesbury Town Council** - No Objection subject to proposal being acceptable to the Environment Agency.

**Health and Safety Executive (HSE)** - No objections.

**National Grid** - No objection subject to a condition.

**County Highways Authority** - Comments awaited.

**Highways England** - No objection.

**Historic England** - No objection.

**Natural England** - No objections.

**County Archaeologist** - No objections.

**Environmental Health** - No objections subject to conditions.

**Flood Risk Management Engineer** - No objections.

**Housing Enabling and Policy Officer** - No objections.

**Severn Trent** - No objection subject to conditions.

**Local Residents** - None received.

**Planning Officers Comments:** Mr John Hinett

### **1.0 Introduction**

1.1 The application site is located outside of the existing 'built up area' and Residential Development Boundary of Tewkesbury - but lies immediately to the south of John Moore Primary School, on the southern edge of the 'Wheatpieces' residential housing area which forms part of the wider related area of Tewkesbury. The application site comprises an area of approximately 12.08ha of undeveloped greenfield land that is currently used as planted arable land. There are some hedgerows and areas of immature woodland within the site. The site slopes gently from east to west.

1.2 The site is bordered to the north by John Moore Primary School and the north western corner of the site adjoins the existing roundabout on the A38. Beyond this lies the existing Wheatpieces development. Rudgey Lane lies to the east. To the east, south and west of the site are agricultural fields. Rudgey Farm consisting of a complex of residential and agricultural buildings (two of which are Grade II listed) is located to the south of the site. The site is delineated by mature hedgerow to its eastern, southern and western boundaries and an area of dense vegetation to its northern boundary.

1.3 The site is unaffected by any landscape designations. A high pressure gas main runs through the site in a south-west to north-east direction.

### **2.0 Relevant planning history**

2.1 An outline planning application for residential development including the provision of a link road, primary school, public open space and footpath network was approved in October 1994 (Ref: 89T/8613/01/01). This planning application covered the land to the north and west of the site.

2.2 Planning application 05/00164/FUL for the creation of a link road to connect the Tewkesbury Eastern Relief Road to Wheatpieces II residential development was permitted at planning committee in May 2005. A short length of the easternmost end of the link road has been implemented.

2.3 Planning application 07/00338/FUL for residential development of 5 detached dwellings was permitted in 2007.

2.4 More recently, Hybrid application 16/00177/FUL for the erection of up to 275 dwellings with all matters reserved except for access and for full planning permission for the construction of a new link road south of John Moore Primary School, including landscaping and drainage works was permitted in February 2017.

2.5 Planning application 16/00355/FUL to vary the alignment of the approved Wheatpieces Southern link Road (amendment to previous application 05/00164/FUL) was permitted in July 2016. Works have commenced on site.

2.6 Reserved matters approval application for 261 dwellings with affordable housing plus associated landscaping, drainage, public open space and highway associated works (associated with planning permission reference 16/00177/FUL) was permitted in May 2017.

### **Other relevant planning history**

2.7 Planning application 06/01367/FUL for a recreation area including two sports pitches multi-use games area, play area, car park and access, landscape planting was permitted at planning committee in December 2006. The play area lies immediately to the east of the link road.

2.8 The Hybrid application 16/00177/FUL was subject to a Screening Opinion (15/00023/SCR) which concluded that the proposal was not 'EIA development' requiring an Environmental Statement. A Screening Opinion has similarly been provided for this application.

### **3.0 Current Application**

3.1 The current FULL application is essentially a duplicate of the Outline Hybrid and reserved matters applications (16/00177/FUL and 16/01452/APP) and proposes the erection of 261 dwellings (including affordable housing) and a new link road plus associated works for landscaping, drainage, provision of public open space, access and other highway associated works on land to the south of the John Moore Primary School, Wheatpieces.

3.2 The application proposes that 40 percent of the dwellings would be affordable housing in a mix and tenure to be agreed with the Council.

3.3 The scheme also proposes an area of open space for informal sports, recreational uses that would run through the central part of the site also incorporating sustainable drainage features along with habitat creation. The open space would connect to a series of incidental spaces via green corridors accommodating cycle-ways and footways.

### **Applicants case in favour of their proposal**

3.4 The applicants' acknowledge that the site lies outside a recognised settlement boundary and therefore the proposal is in conflict with the Councils Housing Policies, specifically Local Plan Policy HOU4. The applicants also recognise that since the grant of the hybrid Outline consent (16/00177/FUL) the Council considers that it can demonstrate 5 year supply of housing. However, they argue that Local Plan Policy HOU4 can only carry limited weight because it is based on requirements set out in the now revoked Structure Plan and is time expired.

3.5 The applicants argue further that even if it were the case that the Council could demonstrate a 5 year supply of housing, paragraph 47 of the NPPF identifies a requirement "to boost significantly the supply of housing". The applicants consider their proposal represents sustainable development as defined in the NPPF and even if it is accepted that a 5YHLS does exist then it must be noted that this is not a ceiling figure but a minimum requirement and in order to maintain robust supply housing sites must come forward.

3.6 The applicants therefore consider that the scheme is policy compliant whether the 'tilted' or 'normal' planning balance applies and does not rely on proving that policies relevant for the supply of housing are out-of-date and that by extension the presumption in favour of sustainable development applies. The other key benefits attributable to the proposed development are considered to be:

- o The significant demand for affordable housing within the Borough. The proposal's delivery of 40% provision should be given significant weight.
- o The site is well related to the existing built form of Wheatpieces and Tewkesbury. For this reason it provides a logical and appropriate site for development.
- o The economic benefit of the proposal in terms of the number of jobs created during construction of the scheme and additional expenditure and usage from the new residents to help sustain the viability and vitality of the facilities within Wheatpieces and Tewkesbury.
- o The net ecological and planting enhancements to the site.

3.7 The applicants also consider it relevant that in already having approved the development of the site for 261 dwellings, the Council has accepted that the site is suitable for residential development and that it can accommodate the quantum of dwellings proposed. Furthermore, that refusal of the scheme would give rise to a significant planning dis-benefit in so much as the Council would undermine its housing land supply, to which the already approved development contributes significantly to. It is also pointed out that there is very little in the way of opposition to the application, with neither of the Parish Council's nor the Town Council objecting to the principle of development of the site.

3.8 Overall the applicants considered that, on balance, the benefits of the scheme identified above are not demonstrably and significantly outweighed by any potential adverse impacts.

#### **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 From 6 April 2015 new rules have been introduced regarding the pooling of contributions secured by s106 agreements. The Community Infrastructure Levy Regulations 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.

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

##### The Development Plan

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

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

5.2 Although the site lies adjacent to the 'Wheatpieces', it lies outside of the recognised settlement boundary of Tewkesbury 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.

5.3 The Council is able to demonstrate a five-year supply of deliverable housing sites and saved policy HOU4 is considered up-to-date. In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise), the Council considers that the presumption in favour of sustainable development set out in paragraph 14 of the NPPF does not apply.

5.4 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. In this case as reiterated in paragraph 12 of the NPPF, the presumption is against the grant of planning given the conflict with HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

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

#### Emerging Development Plan

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

5.7 The JCS was submitted for examination in November 2014 and Proposed Main Modifications were consulted upon between 27 February 2017 and 10 April 2017. Policy SP2 of the JCS sets out the overall level of development and approach to its distribution. The policy states that to support their economic roles as the principal providers of jobs, services and housing, and in the interests of prompting sustainable transport, development will be focused at Gloucester and Cheltenham, including urban extensions to those settlements. Approximately 9,899 new homes are to be provided within Tewkesbury Borough - to be met through Strategic Allocations and through smaller scale development meeting local needs at Tewkesbury town in accordance with its role as a 'Market Town'. A certain quantum of housing is also to be provided at the 'Rural Service Centres' and 'service villages' identified in the JCS.

5.8 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).

5.9 The JCS is at an advanced stage of examination however it is not yet formally part of the development plan for the area and the weight that can be attached to its policies will be considered having regard to the criteria set out above. Relevant JCS policies and the weight that can be attributed to them will be considered in the appropriate sections of this report.

#### Other Material Considerations

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

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

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

5.12 On 31st January the Council approved for consultation the latest draft of the Joint Core Strategy (JCS). In doing so the Council approved the Objectively Assessed Need (OAN) for Tewkesbury which stands at 9,899. It is considered that this figure is robust having been arrived at following detailed consideration through the Examination in Public process. Following from the OAN there is an annual requirement to meet Tewkesbury's needs of 495 dwellings.

5.13 Using this robust figure, taking into account current supply, including planning permissions granted, those which the Planning Committee have determined to grant subject to finalisation of s106 legal agreements and a windfall allowance, the Council can demonstrate a 5.23 year supply with a 20% buffer applied. It is important to note that this figure includes the 16/01452/APP permission for 261 dwellings on this site. Without the contribution that permission makes, the supply would go down to 5.02 years (with a 20% buffer).

5.14 In light of the fact that the Council is able to demonstrate a five-year supply of deliverable housing sites, saved Policy HOU4 of the Tewkesbury Borough Local Plan should no longer be considered out of date pursuant to paragraph 49 of the NPPF.

5.15 In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise), the presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply.

5.16 Section 38(6) of the Town and Country Planning Act 1990 provides that the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. In this case, as reiterated by paragraph 12 of the NPPF, the presumption is against the grant of permission given the conflict with policy HOU4 and as such permission should be refused unless material planning circumstances indicate otherwise.

#### Conclusions on the principle of residential development

5.17 Whilst the Council can now demonstrate a five year supply of housing, it is of course the case that planning permission for 261 dwellings on this site exists and this constitutes a significant material consideration. Although even without inclusion of those 261 dwellings the Council could demonstrate a five year supply, it would be a very marginal one (5.02 years) and the NPPF sets out a clear imperative "to boost significantly the supply of housing". Having regard to paragraph 12 of the NPPF it is necessary to consider whether these and other material considerations are sufficient to outweigh the conflict with Local Plan Policy HOU4.

#### **6.0 Access to local services and facilities**

6.1 Section 4 of the NPPF (Promoting sustainable transport) recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. It also states at paragraph 28 (supporting a prosperous rural economy) that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

6.2 Tewkesbury is a 'Market Town' in the current submission version of the JCS and ranks below only the 'Key Urban Areas' of Cheltenham and Gloucester in the JCS Settlement Hierarchy (Table SP2c). As set out above, JCS Policy SP2 acknowledges that in addition to the Strategic allocations at Ashchurch/ Tewkesbury will be expected to accommodate smaller scale developments to meet its own needs in accordance with its role as a market town. The JCS recognises that Tewkesbury forms part of a wider related area incorporating Northway, Ashchurch and Wheatpieces. Notwithstanding this, the JCSA Rural Settlement Audit ranks 'Wheatpieces' 11th out of all the settlements in the JCS area.

6.3 Residents of the proposed scheme would therefore have easy access to the services and facilities of Tewkesbury Town and those within Wheatpieces itself, with a number of shops, services and a community building within very close proximity (and walking distance) of the application site.

6.4 It is also of note that in her 'Interim Findings' the JCS Inspector took the view that:  
*"...the JCS spatial strategy, which focuses on urban extensions to Gloucester and Cheltenham, and strategic allocations at Tewkesbury, is generally sound. However, there should be greater emphasis on the development potential of the wider Tewkesbury Town urban area to reflect its sustainable location for housing and its planned employment growth."*

It is concluded therefore that the site is sustainable in this regard.

## 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. All applications for new housing are required to include a design and access statement explaining the design rationale. Policy SD5 of the Proposed Main Modifications Joint Core Strategy similarly seeks good design reflecting the guidance.

7.2 Although the design and layout is the same as for the recently consented reserved matters application (16/01452/APP), a Design and Access Statement (DAS) has been provided setting out the design and layout rationale for the proposal. In summary, the DAS argues that the resulting design represents an intelligent and appropriate response to the site's context and would provide:

- A distinctive development which responds to the sites surrounding urban form and character;
- A legible development arranged around key feature buildings and public open space;
- Design sympathetic to local vernacular architecture such as the existing Wheatpieces development, the buildings of Rudgeway farm and the historic styles found within Tewkesbury Town;
- A sustainable development on the edge of a settlement that respects existing, massing, trees, hedges and other landscape features;
- A safe development that improves walking and cycling for new and existing residents;
- A sensitive development which addresses the ecological and drainage conditions associated with development of the site.

### *Layout.*

7.3 The development proposes two residential parcels either side of the central area of Public Open Space. The northern parcel would be served off the main link road off which would feed a series of estate roads, one of which would link across the POS to the southern parcel (**see proposed layout**).

### *Northern Parcel*

7.4 The larger northern parcel contains the majority of dwellings (238) and varies in density. The dwellings along the western edge, and those fronting the Public Open Space would all be two storey in height and mostly be restricted to detached units, the aim being to present a less dense softer boundary to the development. The more central areas would be a higher density and would comprise mostly semi-detached and terraced units and also the larger apartment blocks (that would comprise 2.5 storeys) facing onto more formal 'squares' which would be surfaced with block paving. The apartments would be limited to two blocks each containing six 1 bed flats. The northern parcel would also contain two Locally Equipped Play Areas (LAPs) - one centrally located, the other on the western boundary (**see proposed layout**). The proposed dwellings would front onto areas of open space provide good natural surveillance. Houses either side of the link road would also front onto it providing an active frontage.

### *Southern Parcel*

7.5 The southern parcel would have a lower density with all the dwellings being restricted to two storey with generally more spacious gardens and layouts. Dwellings adjacent to the POS would all front onto it.

7.6 As set out in the applicant's DAS, the layout that was recently approved under reserved matters application 16/01452/APP was the subject of extensive discussions with Council Officers and the final approved layout (for that application) was considered to accord with the guidance set out in the NPPF in relation to good design. The layout for the current application is similarly considered to be acceptable. A condition is recommended requiring details of the front boundary treatments of properties (in the form of railings or low walls) for properties along the along the link road, main loop road and facing areas of POS.

### House Types

7.7 The house types proposed in this current application are the same as those recently approved under reserved matters application 16/01452/APP and has taken some of its influence from the surrounding Wheatpieces residential estate and the wider Tewkesbury area. The DAS argues that the variety in elevational and architectural detail in the proposed design creates diversity and interest which it considers would positively contribute to the rich architectural character of the area ensuring consistency with local vernacular. A number of house sizes are proposed ranging from large family style homes to apartments and

bungalows serving the needs of the growing elderly population. Materials would similarly be reflective of the surrounding Wheatpieces area and would mostly comprise of red brick with some timber cladding to gable end and full render properties at key focal points.

7.8 A number of the dwelling types incorporate features (such as porches and roof details) and materials that are characteristic of the 'Arts and Crafts' style that would distinguish the proposed development from the existing Wheatpieces estates and give it its own identity (**see proposed street scenes and elevations**). Officers support this approach and consider that the proposed house types are acceptable. Conditions are necessary to ensure appropriate materials are used.

## **8.0 Landscape and Visual Impact**

8.1 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. Policy LND7 of the Local Plan requires high quality landscaping schemes to be provided, which form an integral part of the overall development. The reasoned justification for this policy encourages the retention of existing landscape features which are worthy of being retained. New tree planting should consist of species suited to the location.

8.2 A Landscape and Visual Appraisal (LVA) has been submitted with the application which concludes that there are no unacceptable or overriding landscape or visual effects that should preclude the development of the application site. In the longer term, given time for the mitigation planting to establish, there would be beneficial landscape effects in the form of public open space, hedgerow planting and reinforcement, and tree planting and retention. Therefore that the long term landscape effects would be 'less than significant'. It further concludes that residents from surrounding properties would be likely to experience no greater than 'negligible effects'.

8.3 The application site has been assessed in the Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis. The study considers the area as having some potential for housing and commercial development'.

8.4 In assessing hybrid outline application (16/00177/FUL), the Councils Landscape Advisor considered that the design strategy for the development responds appropriately to site opportunities and constraints and that the proposed landscaping strategy responds well to the stated design principles, which are themselves considered appropriate and well considered. It was commented that the Illustrative Masterplan made effective use of existing field boundaries, hedges and tree planting and as such the scheme would integrate well into its surroundings and would deliver a clearly defensible, but gentle new settlement edge. It was commented further that the scheme could deliver high quality, multi-functional open spaces that could be well connected and that could contribute to a logical and functional pattern of circulation. The Landscape Advisor concluded that the outline proposal had responded well to the local landscape setting and that if delivered in general accordance with the Illustrative Masterplan and subject to conditions would be acceptable in terms of landscape and visual matters. It was therefore concluded that the harm resulting from the proposed development could be mitigated to some extent and it was not considered the landscape harm that would result from the development would be so harmful as to warrant refusal. However, there would nonetheless be harm to the landscape (as with all large scale housing developments) and this is a matter that must be put into the planning balance to weigh against proposal.

## **9.0 Landscaping**

9.1 Hard and soft landscape plans have been provided with the application which follows the principles set out in the LVA and which show in detail how the POS would be laid out. The POS would contain a varied mix of amenity grass, meadow and tussocky grassland and wetland area around the SUDs areas. Plans have also been provided for other areas of open space along the site perimeters and within the developed areas in the site. A number of footpath links from the residential areas have been provided through the hedgerows surrounding the POS.

9.2 The Council's Landscape Officer (LO) has assessed all the submitted plans and is satisfied that they accord with the principles set out in the DAS and are acceptable in all other respects.



9.3 The Councils Project Officer (Asset Management) confirms that the proposals are acceptable from a maintenance point-of-view and would be happy to adopt the POS.

9.4 The various areas of POS contain two 'Locally Equipped Play Areas' (LAPs). The Council are to adopt the POS and equipment and the Project Officer (Asset Management) and the Community and Economic Development Manager have assessed the submitted details and confirm they consider the proposed equipment to be acceptable.

## 10.0 Highway Safety

10.1 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy TPT1 of the Local Plan requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided. Policy INF2 of the Proposed Main Modifications Joint Core Strategy requires developers to assess the impact of proposals on the transport network to ensure that they will not detrimentally affect its safety or efficiency. Planning permission will be granted only where the impact of development is not considered to be severe and cannot be mitigated.

10.2 **Highways England (HE)** were consulted on hybrid outline application 16/00177/FUL and initially raised concerns with regard to the potential level of impact on Junction 9 of the M5. Further work was undertaken and a validated base model was agreed with HE. Further modelling was undertaken to include base, committed development and proposed development traffic. On the basis of the further work HE concluded that the modelling demonstrated that the impact of the proposed development would not be severe and had no objection to the scheme. All the information has been submitted in respect of the current FULL application and HE have formally responded stating that they have no objection to the proposal

10.3 The **County Highways Authority (CHA)** were consulted on hybrid outline application 16/00177/FUL and subsequent reserved matters application and raised no objections subject to conditions. The same plans and information have been submitted with this application. In summary, modelling has been undertaken to assess the impact of the proposal on the local road network, A38/Gloucester Road roundabout, A38/Monterey Road roundabout and the A38/A438 signals. A percentage impact assessment has also been undertaken at the Shannon Way/A438 junction. The modelling indicates that, taken together with other committed development, the junctions would operate with significant spare capacity, except for the A38/A438 signals, which would require mitigation. The developer therefore proposes a scheme to increase the left turn stacking capacity along the A438 to the A38 which the CHA confirm would over mitigate the impact of the development (including other committed development). The percentage impact study of the Shannon Way/A438 junction indicates that the development would not have a severe impact on the operation of this junction.

10.4 The CHA noted that the layout includes a loop road to the south of the spine road which has been designed to accommodate a bus should there be a future demand for a bus service to enter the estate. The proposed streets are primarily of standard residential layout with a carriageway and separate footways. Some of the minor cul-de-sacs have a shared surface arrangement where vehicle flows and speeds would be low. The CHA comment that the submitted vehicle tracking details demonstrate that the largest vehicles likely to need regular access to the site could be accommodated by the proposed layout and that that appropriate visibility splays have been provided at internal junctions and for individual driveway accesses and some of the longer cul-de-sacs have included some speed reducing features such as buildouts to reduce vehicle speeds to an appropriate level.

### *Parking provision*

10.5 A car parking strategy layout plan has been provided which demonstrates that 517 spaces would be provided for the 261 dwellings plus an additional 144 garages and 3 carports (making 664 spaces in total - the equivalent of over 250 percent off road parking provision). **The parking layout will be displayed at Committee.** In addition 47 visitor spaces at various and convenient locations across the estate are proposed. The CHA comment that the local car ownership level from the 2011 Census data is 1.65 vehicles per dwelling. The proposed parking provision would therefore accommodate a higher level of demand and is considered to be acceptable.

## *Pedestrian/Cycle links*

10.6 The internal streets provide footway links to the spine roads and the low vehicle speeds and flows mean that cyclists could safely use the internal streets to access the shared footway/cycle way on the north side of the link road.

10.7 Subject to conditions, the proposed development would comply with the criteria set out in the NPPF and Development Plan Policy.

## **11.0 Noise and Air Quality**

11.1 Local Plan Policy EVT3 sets out that appropriate steps must be taken during construction to reduce levels of noise pollution and planning permission should not be granted for development where noise would cause harm and could not be ameliorated. The NPPF provides that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from air and noise pollution. One of the core planning principles of the NPPF is to ensure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17 bullet point 4). Further guidance is provided in the NPPG.

11.2 **Noise Assessments** have been submitted with the application which demonstrate that noise associated with traffic on the *proposed* dwellings (and their gardens) would be acceptable (and within accepted Guidelines) subject to appropriate design that would include triple glazing and trickle vents where necessary. However, the reports indicate that noise levels would increase to a small number of *existing* properties and therefore some mitigation would be required in the form of additional fencing 2.2m in height along the boundaries of affected properties. Details of mitigation measures were required by condition 30 of permission (16/00177/FUL). Those details (which include the erection of a 2.2m high acoustic fence to the boundaries of a number of existing properties) have subsequently been approved.

11.3 The same mitigation proposals are in the current application and are therefore considered acceptable. A condition is therefore recommended requiring the implementation and long-term retention of the mitigation measures.

11.4 The application is also supported by an **Air Quality Assessment (AQA)**. The Assessment is based on 275 dwellings and therefore a worst case scenario. The report indicates that the rises in particulates concentrations would be negligible with the predicted rise in NO2 concentrations being negligible to moderate adverse with pollutant concentrations predicted to be well below the air quality objectives at the worst-case locations assessed including when the increase in vehicle movements from the proposed increase in the number of dwellings are taken into account. Overall, the AQA concludes that the operational air quality impacts of the proposed development would not be not significant.

11.5 The Air Quality Assessment is the same as was submitted with the hybrid application 16/00177/FUL to which the Environmental Health advisor raised no objections.

## **12.0 Affordable Housing**

12.1 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. Emerging Policy SD13 of the Joint Core Strategy states that local authorities will seek through negotiation to deliver 40 percent affordable housing on sites of 10 or more dwellings. The up-date to the Strategic Housing Market Assessment (SHMA - March 2014) indicates that the affordable housing needs in Tewkesbury are severe, with over 630 net affordable homes needed over the next five years in Tewkesbury to meet the existing backlog and to address future needs.

12.2 The application proposes 40% affordable dwellings for the development which meets the current JCS policy requirement. The application proposes 104 affordable homes comprised of the following mix:

- o 53 Intermediate Affordable: 29 no. 2 bed dwellings, 21 no. 3 bed dwellings, 2 no. 4 bed dwellings and 1 no. 2 bed bungalow.
- o 51 Affordable Rent: 23 no. 2 bed dwellings, 13 no. 3 bed dwellings, 1 no. 4 bed dwellings, 12 no. 1 bed dwellings and 2 no. 2 bed bungalows.

12.3 The Council's Strategic Housing & Enabling Officer (SHEO) confirms that there is an existing need for affordable housing in Tewkesbury Borough. It is noted that the proposal offers a range of house types with 1-bed flats to 4-bed houses to rent or buy and that there eight lifetime home properties and three 2-bed bungalows are proposed. The SHEO confirms that the proposal meets the policy requirements and that the proposed mix, distribution and clustering arrangements are acceptable. Subject to completion of Section 106 Legal Agreement securing the above, the Strategic Housing and Enabling Officer has no objection to the proposal.

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

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

13.2 The proposal for up to 261 dwellings would generate a requirement for 1.47ha of open space, of which 0.72ha should be playing pitches in accordance with the requirements of Local Plan Policy RCN1 and the Playing Pitch and Outdoor Sports Assessment and Strategy.

13.3 With regards to playing pitches and changing facilities, as these are not being provided on site, an off-site contribution would be required. Based on Sport England figures, a contribution of £315,963 (£82,450 for playing pitches and £233,513 for changing facilities) is required for playing pitches and changing facilities. The contribution would go towards the provision of a new changing facility at the pitches on the adjacent fields. The Council has not pooled any other contributions towards the Playing Fields.

13.4 In terms of the balance of open space required, a further area of 7500sq.m would be required. The application proposes a large swathe of open space running through the middle of the site (see layout) that is intended to provide a large useable area of public open space for the residents of the development. Although some of the area would comprise an attenuation pond and 'naturalistic' area, a large area of approximately 2.0ha would comprise useable POS that would more than satisfy the Policy requirement. Although the applicants originally offered a Locally Equipped Play Area (LEAP) within the POS, given the close proximity of the site to the existing Nightingale Way play area adjoining the western end of the site, the Council's Community and Economic Development Manager has requested that a contribution, equivalent to the costs of a LEAP/2xLAP, is made towards improvements on the existing LEAP at the play area or new skate park facilities.

13.5 In addition to sports pitches, demand for other sports facilities has been identified using the Sports Facility Calculator which is an interactive tool developed by Sport England. Based on 261 dwellings, demand has been identified for local sports facilities. In order to address these demands, the following contributions have been sought:

- o £107,717 contribution for swimming pool
- o £89,320 contribution for sports hall
- o £11,405 contribution for astroturf

13.6 The Council has previously pooled a number of contributions towards Cascades and due to the current lack of any identified projects it is not consider that contribution towards the new Leisure Centre could be justified. However, it is considered the sports facilities contributions could be spent on other indoor facilities (subject to sufficient justification). Such a project has been identified (see paragraph 14.4 below)

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

14.1 The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Plan Policy GN11 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. JCS Policy INF8 states that arrangements for direct implementation or financial contributions towards the provision of infrastructure and services required as a consequence of development, including its wider cumulative impact, and provision where appropriate for its maintenance, will be negotiated with developers before the grant of planning permission.

14.2 With regards to education, following consultation with Gloucestershire County Council, it is advised that the development would create need for additional primary and pre-school places. It is commented that there is currently sufficient capacity within the secondary sector. Based on 261 qualifying dwellings it is estimated that a demand would be generated for 20.24 pre-school places; 69.77 Primary School Places; and 42.28 Secondary School Places. The following contributions are sought therefore:

- o Pre School 20.24 places = £274,505
- o Primary 69.77 places = £946,078
- o Secondary Sufficient Capacity = NIL contribution.

14.3 The County also request a contribution towards Libraries of £51,156.

14.4 In addition to the above, Officers have (following consultation with Wheatpieces Parish Council) identified that the Wheatpieces Community Building was originally designed and built to meet the needs of the original Wheatpieces development and not further housing extensions to it. The building is currently operating at capacity and as a means of accommodating the increased demand the proposed development would create, the Parish have suggested an extension to the existing Wheatpieces Community Building. The Parish Council have provided costings for an extension measuring 16m x 11m at £330,000. The Council's register of pooled contributions notes that since 2010 there have been no other contributions towards the Wheatpieces Community Centre.

14.5 A contribution of (£73 per dwelling) towards recycling and dog bins (1 bin for every 45 houses at £350 per bin) and signage (1 sign for every 10 dwellings at £50 per sign) have also been requested.

14.6 NHS England requested a contribution of £63,125 in relation to hybrid application 16/00177/FUL to be invested back in primary care. The one off costs would be based on the additional infrastructure requirement resulting from the demand on the local surgery. It is estimated that the new population arising from the development would result in at least 3,600 appointments in primary care and necessitate the equivalent of 1 extra consultation, equipment and associated service costs for the 1st quarter the patients are registered.

14.7 The above contributions are all considered to be appropriate having regard to the CIL regulations and were agreed for application 16/00177/FUL (albeit with minor differences to the amounts as a result of a slightly higher number of proposed dwellings). The applicants are agreeable to all the contributions which could be secured through a section 106 legal agreement (or a deed of variation to the Section 106 agreement in respect of hybrid application 16/00177/FUL).

## 15.0 Flood Risk and Drainage

15.1 The NPPF aims to direct development away from areas at highest risk. Development itself should be safe and should not increase flood risk elsewhere. Policy EVT5 reflects this advice and Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable urban drainage systems (SUDS) criteria. Policy INF3 of the Joint Core Strategy (November 2014) replicates the advice in the NPPF. The adopted Flood and Water Management Supplementary Planning Document has a number of key objectives which similarly reflect the advice and guidance contained in the NPPF and Planning Practice Guidance.

15.2 The site lies to the east of the River Swilgate which flows in a northerly direction toward Tewkesbury and converges with the Tirl Brook approximately 1.3km north of the site. The brook then flows west toward the Mill Avon and subsequently the River Severn.

15.3 A Flood Risk Assessment (FRA) and Water Management Statement were submitted with the hybrid planning 16/00177/FUL which was assessed by: the Environment Agency (EA); Gloucestershire Lead Local Flood Authority (LLFA); and Severn Trent. No objections were raised subject to the addition of conditions requiring the raising the finished floor levels a minimum of 600mm above the 1 in 100 year + 20% flood level and the submission of detailed foul and surface water drainage strategy including a construction method statement, a scheme of surface water treatment and a SUDS maintenance plan for all SuDS/attenuation features and associated pipework. This information was submitted (and subsequently approved) with reserved matters application (16/01452/APP) and is also provided with this application. In summary, the proposals comprised the following measures:

### *Storm Drainage:*

15.4 Surface water runoff from roofs, driveways and parking courts would drain via a gravity piped system before outfalling to a sewer system located within the development roads. The main storm drainage outfalls to a series of attenuation ponds before outfalling at a controlled rate to an adjacent watercourse before discharging to the River Swillgate. Development storm water discharge flows would be restricted to the existing greenfield rates and discharged at a maximum of 31.7 l/sec (QBar) for all storm events up to and including the 1 in 100 year plus 40% climate change in accordance with the FRA. Attenuation would be split into a series of swales and attenuation basins outfalling via three main discharge points.

- o The main access road discharges to a swale located to the north adjacent to the A38 Tewkesbury.
- o The remaining development area discharges to 5 open attenuation features located towards the south western boundary.

15.5 The attenuation ponds and swales would be adopted by Tewkesbury Borough Council and the Council's Project Officer (Asset Management) confirms their acceptability.

### *Foul Drainage:*

15.6 The foul water discharge from each property would drain via gravity through the private house drainage before outfalling to a sewer system located within the development road network and outfall to a new foul pumping station located off the development access road. The pumping station would then pump flows to the existing foul network located within Monterey Road. The development foul drainage network would be offered to Severn Trent Water for adoption under a Section 104 agreement of the Water Industry Act 1991.

15.7 Gloucestershire Lead Local Flood Authority have assessed the submitted details and have formally responded approving those SUDs details.

15.8 Plans have also been submitted which the Environment Agency (EA) confirm indicate that the finished floor levels of the dwellings would be raised the required height above proposed ground levels.

15.9 Severn Trent have also confirmed they have no objection to the proposal.

## **16.0 Ecology and Nature Conservation**

16.1 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals. Policy SD10 of the Proposed Main Modifications Joint Core Strategy seeks to protect and enhance the biodiversity of the JCS area.

16.2 The application has been supported with an Ecological Assessment (EA). In addition, specific surveys were undertaken in respect of bats, badgers, reptiles and Great Crested Newts. The EA established that there are no trees within the site that have developed features suitable to support roosting bats. In general, the bat activity recorded within the site was low - moderate, with higher levels of bat activity associated with the hedgerows and boundaries of the immature woodland. A disused badger sett was located at the boundary of the immature woodland, although no evidence of badgers were recorded within the site. No records of reptiles and Great Crested Newts were found.

16.3 Pursuant to condition 17 of the hybrid planning application a Landscape and Environmental/habitat Management Plan (LEMP) was provided with the reserved matters application, and is also provided with this application. The LEMP follows on from the Ecological Assessment (EA) and specific bats, badgers, reptiles and Great Crested Newt surveys undertaken for the Outline consent. In summary, the LEMP sets out the following objectives and management measures:

- o Objective 1: Maintain and enhance retained and newly created habitats within the development site;
- o Objective 2: Maintain populations of protected species identified within the development site area at a favourable conservation status;
- o Objective 3: Increase biodiversity by maximising opportunities for flora and fauna.

16.4 The above would be achieved through the retention (where possible) of existing trees and hedges and additional planting as part of the proposed landscaping. New grass, scrub and wildflower habitats would be created in areas of open space within and along the edges of the site. The SUDs attenuation ponds would also provide habitats for Newts. A number of Bat and Bird boxes are also proposed in various locations. The LEMP also requires that lighting schemes must be sensitive to potential bat foraging routes. The submitted LEMP includes a timetable for implementation and is considered to fulfil the requirements of the Outline Condition and is considered acceptable. A condition is recommended requiring implementation of the LEMP.

16.5 Natural England have assessed the proposal and have no objections.

## **17.0 Archaeology and Cultural Heritage**

17.1 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require Authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest. These requirements are also set out at paragraphs 126 and 131 of the NPPF. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Furthermore, the NPPF states that, where development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. Paragraph 134 adds 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.

17.2 The County Archaeologist (CA) notes that the results of the applicants' archaeological investigation was positive, since the work revealed significant archaeological remains dating to the prehistoric period. However, the CA is of the opinion that the results suggest that the archaeological remains are not of the first order of preservation and for that reason the archaeology on the site is not of the highest quality and significance, so meriting preservation in situ. A Written Scheme of Investigation for Archaeological Excavation was been submitted pursuant to condition 18 of hybrid application 16/00177/FUL and is also submitted with the current application. The County Archaeologist confirms that the scheme proposes an appropriate programme of archaeological mitigation and is acceptable. Subject to a condition requiring the works to be carried out (including the production of a report on the results of the work) in accordance with the Written Scheme of Investigation for Archaeological Excavation, the proposal is considered to accord with the advice contained within the NPPF.

17.3 Historic England (HE) raised no concerns with regard to the hybrid application (16/00177/FUL) commenting that whilst parts of the proposed development would be visible from locations within the Registered Battlefield, they formed the view that the proposals would not result in a loss of significance to the Battlefield via an adverse change in setting. On the basis of their previous comments HE have confirmed that it is not necessary for them to be consulted on this application.

17.4 The Council's Conservation Officer has assessed the impact on Rudgeway Farmhouse (Grade II listed building) and its Barn/Store and notes that the application site is approximately 130m north of the listed barn at its closest point and that there is some intervisibility between the two. However the farmhouse itself is entirely insulated by surrounding buildings and its primary orientation is to the east in any case. The north elevation of the threshing barn is blind, and since it is already largely surrounded by modern agricultural sheds, the presence of further development some distance beyond these is unlikely to have much more than a neutral impact on its significance. The Conservation Officer concludes that the development's heritage impact is largely neutral, and that the landscaping proposals in the scheme will address any potential conflicts that might occur.

## **18.0 Ground Conditions/ Contamination**

18.1 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.

18.2 The Council's Environmental Health (EH) advisor has checked the records and has confirmed that there are no contaminated land issues and has no objections to the proposal in this regard.

### **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 An Agricultural Land Classification assessment has been submitted with the application which confirms that none of the site comprises 'Best and Most Versatile' agricultural land (BMV) i.e. Grade 1, 2 or 3a - but would result in the loss of approximately 10ha of Grade 3 land.

### **20.0 Gas Pipeline**

20.1 A high pressure gas main runs through the site in a south-west to north-east direction. No dwellings are proposed within the relevant pipe-line 'stand off-zones' with only the area of public open space being proposed.

20.2 The Health and Safety Executive have been consulted on the application and do not object to the proposal.

20.3 National Grid (NG) were consulted on the hybrid application and raised no objections subject to a condition preventing construction of the access road crossing the pipeline until a schedule of works to ensure the safe operation of the gas pipeline has been agreed in writing with the Local Planning Authority. NG have commented similarly on the current application. The condition is repeated here.

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

21.1 Paragraph 14 of the NPPF requires that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted.

21.2 The Council can demonstrate a five year supply of housing and the proposal therefore conflicts with policy HOU4 of the local plan. However, as explained section 5 of this report, there is extant planning permission for 261 dwellings on this site (16/00177/FUL) and this constitutes a significant material consideration in favour. Although even without inclusion of those 261 dwellings the Council could demonstrate a five year supply, it would be a very marginal one (5.02 years) and the NPPF sets out a clear imperative "to boost significantly the supply of housing". Having regard to paragraph 12 of the NPPF it is therefore necessary to consider whether these and other material considerations are sufficient to outweigh the conflict with Local Plan Policy HOU4.

#### **Beneficial Effects**

21.3 It is now widely accepted that new housing developments bring economic benefits during the construction phase and through the additional spending power in the local economy as a result of the increased population. The social benefits of providing additional market and affordable housing is also well accepted. In environmental terms, the development would potentially provide some environmental benefits through improved surface water attenuation and enhanced opportunities for bio-diversity. The site is also in a sustainable location adjacent to the edge of the existing Wheatpieces development and residents of the proposed scheme would have easy access to the services and facilities of Tewkesbury Town and those within Wheatpieces itself within very close proximity (and walking distance) of the application site.

#### **Harmful Effects**

21.4 The site is currently undeveloped and although the proposed layout and landscaping would help to limit the harm to the landscape, there would inevitably be harm nonetheless, and this is a matter which weighs against the development. There would also be a permanent loss of agricultural land, albeit not 'Best and Most Versatile' agricultural land.

## Neutral Effects

21.5 The application demonstrates that other matters such as the impact in terms of flooding, ecology, soil conditions, noise and air quality, archaeology and heritage assets are acceptable, or can be made so by planning conditions.

21.6 It is not considered that the development of an additional 261 dwellings in Tewkesbury could be considered to undermine the emerging Joint Core Strategy or pre-determine the location of strategic development. Furthermore, it is not considered that an objection could be sustained in relation to the possible prejudice to the development of the Tewkesbury Borough Plan or any future Neighbourhood Plans.

21.7 It is concluded therefore that the economic and social benefits would outweigh the conflict with Policy HOU4 and any environmental harm that would result from the development and, based upon the three-stranded definition of Sustainable Development within the NPPF, the proposal would represent a sustainable form of development.

## **22.0 Conclusion**

22.1 It is therefore recommended that **permission be delegated to the Development Manager subject to completion of a Section 106 Agreement and/or a s106A Deed of Variation to secure the following planning obligations:**

- **Affordable Housing - provision of 40 percent of the dwellings on site shall be affordable.**
- **Education - £274,505 towards pre School and £946,078 towards primary education requirements.**
- **Libraries - £51,156.**
- **Off-site sports provision (playing pitches and changing facilities) - £315,963.**
- **Contributions of £85,000 towards up-grading existing LEAP at the Nightingale Way play area.**
- **Off-site contribution of £89,320 towards sports facilities at Tewkesbury School Sports Centre and £11,405 towards astro turf)**
- **Community - a contribution of £330,000 towards an extension to the Wheatpieces community building.**
- **Health Contribution - £63,125**
- **A contribution of £19,053 (£73 per dwelling) towards recycling and 1 dog bin per 45 houses at £350 per bin and 1 sign per 10 houses at £50 per sign.**

## **RECOMMENDATION Delegated Permit**

Conditions:

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

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

Approved Drawings

- 2 Other than where varied by the conditions below the development hereby approved shall be implemented in accordance with the drawings detailed on the approved Drawing Schedule received by the Local Planning Authority on the 26th April 2017.

Reason: To clarify the terms of the approval.

- 3 The development shall be carried out in accordance with the following approved levels details:
  - 5396-01\_H Engineering layout Ph1 (Sh1)
  - 5396-02\_G Engineering layout Ph1 (Sh2)
  - 5396-03\_C Engineering layout Ph1 (Sh1)
  - 5396-04\_C Engineering layout Ph1 (Sh2)
  - 5396-05\_C Engineering layout Ph1 (Sh3)

Reason: To ensure that the development integrates harmoniously with the surrounding development and to safeguard the amenities of residents of adjoining properties.



- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the following windows:
- Plot 46 - First-floor bathroom window in the first floor side south facing elevation.
  - Plot 83 - First-floor bathroom window in the first floor side south facing elevation.
  - Plot 96 - First-floor bathroom window in the first floor side south facing elevation.
  - Plot 111 - First-floor bathroom window in the first floor side west facing elevation.
  - Plot 120 - First-floor bathroom window in the first floor side west facing elevation.
  - Plot 126 - First-floor bathroom window in the first floor side east facing elevation.
  - Plot 127 - First-floor bathroom window in the first floor side west facing elevation.
  - Plot 135 - First-floor bathroom window in the first floor side east facing elevation.
  - Plot 150 - First-floor bathroom window in the first floor side west facing elevation.
  - Plot 156 - First-floor bathroom window in the first floor side east facing elevation.

shall, prior to the first occupation of the dwellings they serve, be fitted with obscured glass and be non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. The windows shall be maintained in this state thereafter.

Reason: In the interests of visual amenity in accordance with the NPPF.

- 5 Notwithstanding the submitted details, before work starts, the design and details of the front boundary treatments for the proposed dwellings facing the link road and internal loop road shall be submitted to approved in writing by the Local Planning Authority. All boundary treatments shall be implemented in accordance with the approved details and retained as such therefore after unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with the NPPF.

- 6 The lighting scheme shall be implemented and maintained in accordance with the following approved details:
- 5396-01\_H Engineering layout Ph1 (Sh1)
  - 5396-02\_G Engineering layout Ph1 (Sh2)
  - 5396-03\_C Engineering layout Ph1 (Sh1)
  - 5396-04\_C Engineering layout Ph1 (Sh2)
  - 5396-05\_C Engineering layout Ph1 (Sh3).

Reason: To ensure that the development integrates harmoniously with the surrounding development and to safeguard the amenities of residents of adjoining properties.

- 7 The Local Areas for Play (LAP) shall be implemented and maintained in accordance with the approved details.

Reason: To ensure adequate and suitable play facilities and equipment is provide to meet the need of the development.

- 8 Prior to first occupation of any dwelling details shall be submitted to, and agreed in writing by the Local Planning Authority, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided in accordance with the approved details.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

- 9 Notwithstanding the submitted details, building operations shall not be commenced until samples of the external walling and roofing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.

## Drainage and Flooding

- 10 The drainage scheme and SUDS maintenance shall be carried out in accordance with the following approved details.

In accordance with the following plans and information:

- Figure 3 - exceedance flow routes
- 5396-73\_A Attenuation Details (SH2)
- 5396-74\_A Attenuation Details (SH3)
- 5396-74 Attenuation Details (SH4)
- WE036-LS-008xc (Site Landscaping + Overview)
- 5396-01\_H Engineering layout Ph1 (Sh1)
- 5396-02\_G Engineering layout Ph1 (Sh2)
- 5396-03\_C Engineering layout Ph1 (Sh1)
- 5396-04\_C Engineering layout Ph1 (Sh2)
- 5396-05\_C Engineering layout Ph1 (Sh3)
- 5396-801\_D Drainage strategy
- SW Network Calculations - MicroDrainage Network results (up to 1 in 100 year +40% climate change factor)
- Wheatpieces - SuDS Maintenance Schedule.pdf
- Environmental Procedures Manual.pdf
- Landscape & Environmental Management Plan.pdf
- Phase I Desk Study & Phase II Ground Investigation.pdf
- Email 1 of 3 - FW. Response to application number 17/00039/CONDIS/LLFA at Part Parcel 3400 Columbine Road Walton Cardiff, Tewkesbury, Gloucestershire.
- Drainage Statement - AMc/16:0866/5396:B (15th February 2017).

Reason: To ensure the development is provided with a satisfactory means of drainage and to ensure the continued operation and maintenance of drainage features serving the site 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.

- 11 Floor levels should be set at least 600mm above the appropriate modelled 1 in 100 year flood level (including an allowance for climate change) as set out in table 3.1 of the Flood Risk Assessment dated February 2016 submitted by BWB Consulting and shown in figure 3.1 of the same report.

Reason: To protect the development from flooding.

## Trees, Landscaping and Biodiversity

- 12 Hard and soft landscaping shall be carried out in accordance with the following approved plans and information:

- Landscape and Environmental Management Plan (March 2017)
- Site Link Road Buffer Landscaping (Drawing number WE036-LS-009)
- Site Layout (Drawing number WE036-SL-001LM-col)
- Site Landscaping Overview (Drawing number WE036-LS-008c)
- POS (public open space landscaping Part 1 of 2 Drawing number WE036-LS-006C)
- POS (public open space landscaping Part 2 of 2 Drawing number WE036-LS-007C)
- Plot Landscaping Part 1 of 5 Drawing number WE036-LS-001a
- Plot Landscaping Part 2 of 5 Drawing number WE036-LS-002a
- Plot Landscaping Part 3 of 5 Drawing number WE036-LS-003a
- Plot Landscaping Part 4 of 5 Drawing number WE036-LS-004a
- Plot Landscaping Part 5 of 5 Drawing number WE036-LS-005a
- Play areas LAP (including landscaping of) Drawing number WE036-L5-010

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.

- 13 All works shall be implemented and maintained in accordance with the approved Landscape and Environmental/habitat Management Plan (LEMP) - (March 2017).

Reason: In the interests of conserving bio-diversity in accordance with the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan - March 2006.

#### Archaeology

- 14 Works shall be carried out (including the production of a report on the results of the work) in accordance with the Written Scheme of Investigation for Archaeological Excavation compiled by Headland Archaeology, dated 9th February 2017.

Reason: It is important to allow the investigation and recording of any archaeological remains in advance of their destruction by construction ground works. 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.

#### Construction Method Statement

- 15 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 provide for:
- (i) the parking of vehicles of site operatives and visitors;
  - (ii) the type and number of vehicles;
  - (iii) loading and unloading of plant and materials;
  - (iv) storage of plant and materials used in constructing the development;
  - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (vi) wheel washing facilities;
  - (vii) measures to control the emission of dust and dirt during construction;
  - (viii) the specific noise level targets and vibration levels at residential properties in accordance with the requirements of BS5228 and 'Tewkesbury Borough Councils Code of Good Practice, Building and Demolition Site Operators'.
  - (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
  - (x) details of construction vehicle routes and measures to prevent construction vehicles using the existing estate roads.

Reason: To reduce potential highway impact and to ensure that any concentration of dust in the vicinity is minimised and to protect the amenity of nearby residential properties.

#### Highways

- 16 No development shall take place, including any works of demolition, until a link road phasing delivery plan, detailing trigger points for the completion of the link road, roundabout and tie in works has been submitted to, and approved in writing by the Local Planning Authority, the proposed link road and highway works shall be completed in accordance with the approved plans and the phasing plan and shall be maintained as such thereafter.

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

- 17 Prior to the link road being open to the public the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s), street lighting, visibility splays and primary points of access) shall be completed to at least binder course level and the footway(s) to surface course level and maintained as such thereafter unless and until adopted as highway maintainable at public expense.

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

- 18 Prior to first occupation of any dwelling details of measures to prevent vehicular traffic using Rudgeway Lane, shall be submitted to and approved in writing by the Local Planning Authority, no part of the development shall be occupied until the approved works have been completed, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: To reduce potential highway impact, in accordance with paragraph 32 of The Framework.

- 19 Prior to occupation of the 100th dwelling hereby permitted the highway improvement scheme at the A438/A38 signalised junction as shown on drawing 1395-21, shall be completed in all respects broadly in accordance with that drawing, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: To reduce potential highway impact, in accordance with paragraph 32 of The Framework.

- 20 Prior to first occupation of any dwelling details of the pedestrian link to the school shall be submitted to and agreed in writing by the local planning authority, no part of the development shall be occupied until the approved works have been completed, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: To reduce potential highway impact, in accordance with paragraph 32 of The Framework.

- 21 No works shall commence on site until the first 20m of the proposed access roads, including the new roundabout arm, which provide access to the site, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level and the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

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

- 22 Prior to first occupation of any dwelling details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 and 35 of The 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.

- 23 Details of the layout and internal access roads within the site together with a road safety audit and non-motorised users audit, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority, so as to achieve a 20mph design speed, 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.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 and 35 of The Framework.

- 24 The approved car parking, vehicular loading and turning, and cycle parking arrangements shall be provided prior to occupation of the dwelling to which they relate and shall be maintained thereafter.

Reason: To reduce potential highway impact, in accordance with paragraph 32 and 35 of The Framework.

- 25 Prior to works commencing on site details of new and upgraded bus stop shelters (including RTP1 provision) north and east of the access roundabout shall be submitted to and agreed in writing by the Local Planning Authority and the works shall be completed in accordance with the approved plans prior to occupation of any dwelling on the development.

Reason: To ensure that future residents have access to high quality public transport facilities and that the opportunities for sustainable transport modes have been taken up in accordance with paragraphs 32 and 35 of the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011.

- 26 Notwithstanding the submitted details a pedestrian crossing point shall be provided from the vicinity of plot 232 to the western side of the street including footway provision to provide pedestrian access to plots 210-218 inclusive prior to occupation of the se plots and maintained as such thereafter.

Reason: To ensure a safe and secure layout is provided in accordance with paragraph 35 of the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan.

- 27 Prior to the street being made available for public use a scheme to prevent vehicle use of the pedestrian area between the kerbed build out and the carriageway edge adjacent to plot 185 as shown on submitted drawing 02491-05 A shall be completed and maintained as such thereafter.

Reason: To ensure a safe and secure layout is provided in accordance with paragraph 35 of the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan.

- 28 Prior to the relevant street being opened to the public the visibility splays shown on submitted drawing 02491-01 E shall be provide clear of obstruction at a height of between 0.6 and 2m above the adjacent carriageway level and shall be maintained as such thereafter.

Reason: To ensure a safe and secure layout is provided in accordance with paragraph 35 of the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan.

- 29 No vehicle access that crosses a footway shall be brought in to use until a 2x2m 45 degree pedestrian visibility splay has been provided at a height of not less than 0.6m and shall be maintained as such thereafter.

Reason: To ensure a safe and secure layout is provided in accordance with paragraph 35 of the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan.

#### Noise and Construction Hours of operation

- 30 No dwelling identified in the Noise Impact Assessment (Report AS8237.170320.PCR.1.1 - March 2017) as requiring noise mitigation measures shall be occupied, and no beneficial use of the link road shall commence, until the required noise mitigation for that dwelling has been fully implemented in accordance with the requirements of the Noise Impact Assessment. The approved noise mitigation shall be maintained in accordance with the approved details and shall not be altered without the prior written approval of the Local Planning Authority.

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

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

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

## Soil and Contamination

- 32 Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority shall be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies. Any scheme approved addressing contamination shall be carried out in full.

Reason: To ensure that any contamination existing or exposed during development is identified and remediated in accordance with policy contained within the National Planning Policy Framework.

- 33 No development shall take place until a schedule of works to ensure the safe operation of the gas pipeline (running east to west through the applications site) has been submitted to and approved by the local planning authority in consultation with National Grid PLC. The schedule of works shall ensure that the pipeline remains compliant with the requirements of IGEM/TD/1 (or any replacement guidance in force at the time) particularly with respect to those clauses relating to road crossings and depth of cover. No access road(s) that are proposed to cross the gas pipeline shall be constructed until the works to ensure the safe operation of the pipeline approved pursuant to this condition have been completed to the satisfaction of the local planning authority in consultation with National Grid PLC.

Reason: To ensure that the high pressure gas pipeline remains compliant with the requirements of IGEM/TD/1 and consequently that the risk of pipeline failure and subsequent injury to the wider public remains within acceptable limits.

### 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 revised layout, reduced numbers of houses, and resolving amenity issues.

- 2 The developer is advised 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.
- 3 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 proposed development will require 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 bonds) with the Local Highway Authority, which includes both the Highways Agency and Gloucestershire County Council, before commencing works on the development.
- 5 The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.
- 6 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.

17/00347/FUL

A1

**NOTES**  
 This drawing is the property of Thrive Architects Ltd. All rights reserved.  
 Ordnance Survey Data © Crown Copyright. All rights reserved.  
 License No. 100027956. 07/10/17 valid from the drawing.  
 Contractors, Sub-contractors and Suppliers are to check all relevant  
 dimensions and levels of the site and building before commencing any  
 site works or building work. Any discrepancies should be reported to  
 the Architect.  
 Where applicable this drawing is to be read in conjunction with the  
 Circulation Strategy.

REV	DESCRIPTION	DATE	AUTHOR	CHECKED
1	Complete Site Plan and layout of Phase 1A	12/12/16	BA	



- Site Boundary
- Approved Wheatpieces Life Road Boundary
- Additional Land in Control of Applicant



Building 505, The George, Railway Road, Wolverhampton, WV3 5JF  
 +44 (0)191 2477122 | +44 (0)191 2471179 | www.thrivearchitects.co.uk

Wheatpieces Phase 1A  
 Tewkesbury  
 For: Bloor Homes (Tewkesbury)

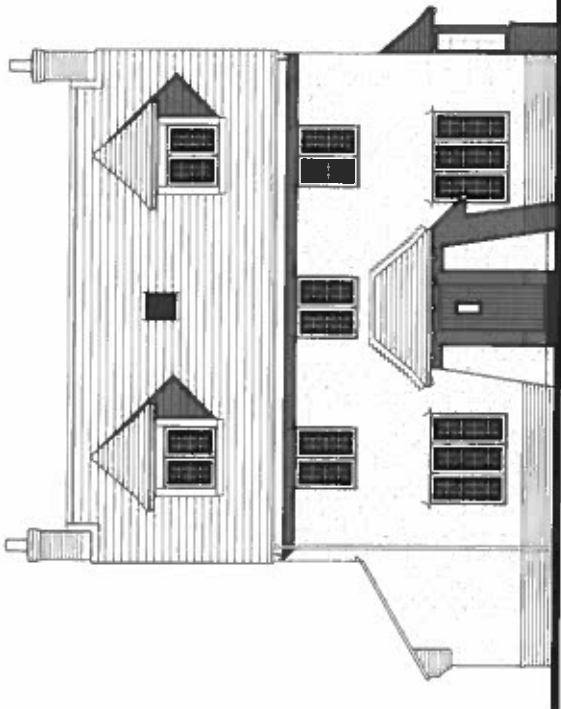
Site Location Plan - 03

SCALE	DATE	VERSION	DATE
1:1250 @ A1	09/12/16	BA	
BLOD131204 SLP-03			A

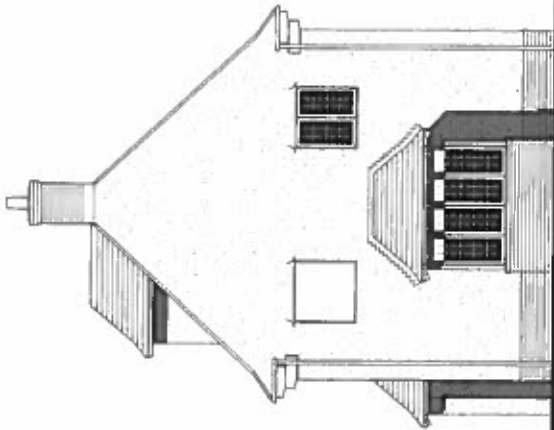
35/A



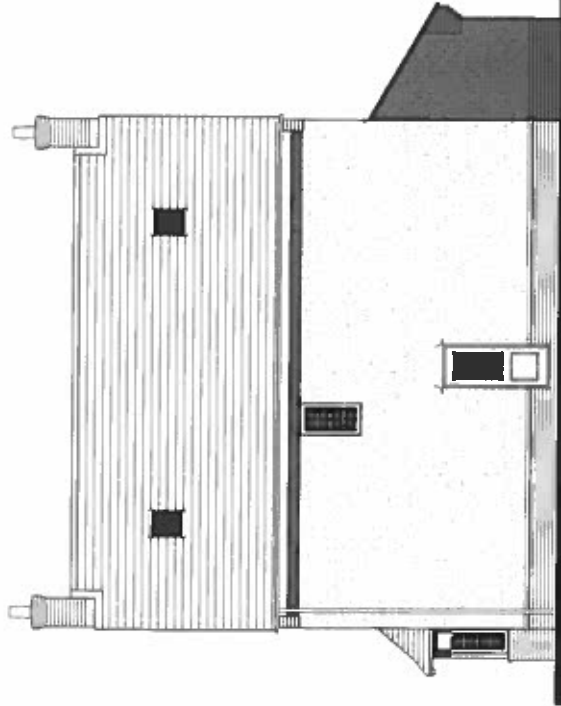




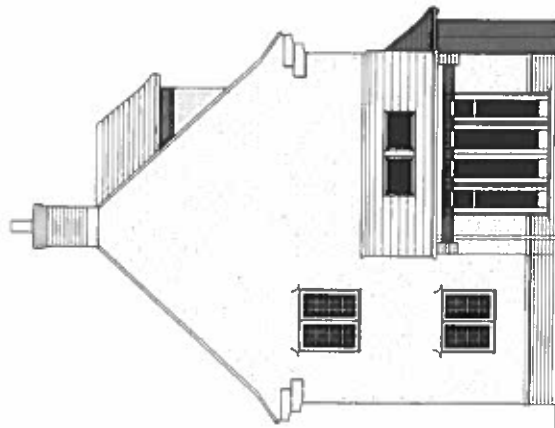
FRONT ELEVATION



SIDE ELEVATION

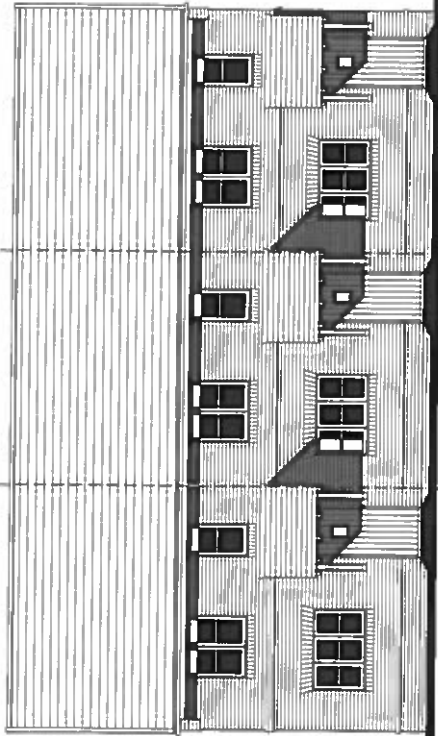


REAR ELEVATION

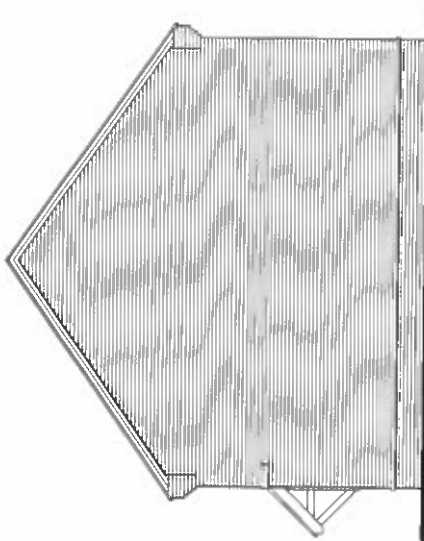


SIDE ELEVATION

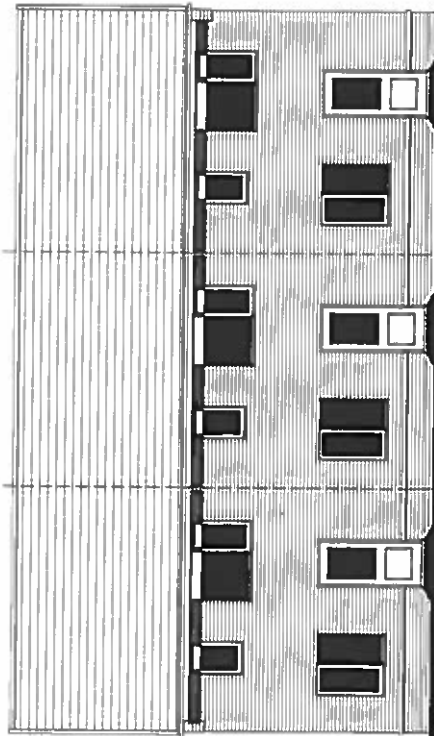
<b>Client:</b> <b>BLOOR HOMES</b> <small>Real Estate &amp; Mortgage</small>	
<b>Project Name:</b> Wheatplexes Phase 1A	
<b>Plots:</b> 123	
<b>Drawing Title:</b> ELEVATIONS ARTS & CRAFTS RENDER <b>PLANNING</b>	
<b>The Client:</b> SECTION 3.	
<b>ETS DESIGN GROUP</b> <small>1000 1st St. N          Suite 100          Grand Rapids, MI 49503          Tel: 616.221.1111          Fax: 616.221.1112</small>	
<b>Date:</b> 10/1/2016	<b>Drawn by:</b>
<b>Scale:</b> A3 @ 1/16"	<b>Checked by:</b>
<b>Dwg No:</b> 16016-10-113	<b>Rev:</b> A



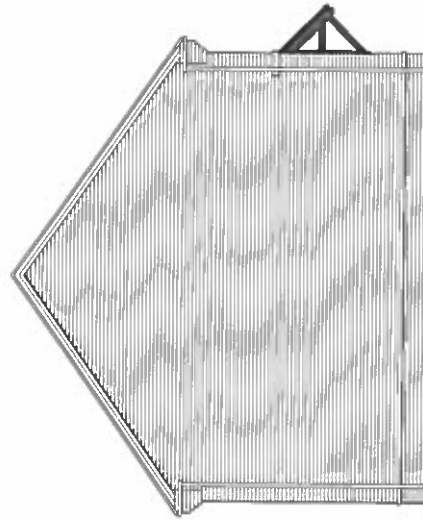
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Client:  
**BLOOR HOMES**  
Home Builders of Michigan

Project Name:  
 Wheatpieces Phase 1A

Plots:  
 213-215+227-229

Drawing Title:  
 ELEVATIONS  
**PLANNING**

DATE: 1/3/16

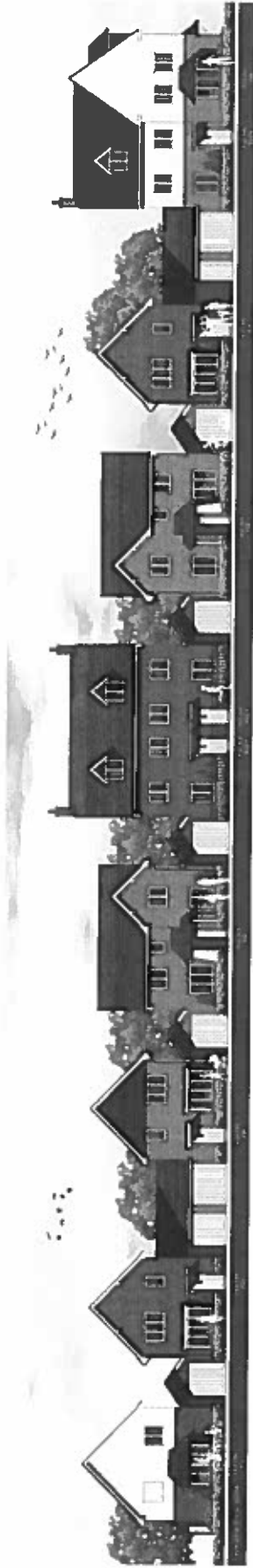
**BTS DESIGN GROUP**  
 445 East  
 Washington  
 Ann Arbor, MI 48106-1106  
 734.769.7700

DATE: NOV 2016  
 Scale: A3 @ 1/100

Drawn By:  
 Checked by:

Dwg No: 10216-PD-504  
 Rev:





35/F



Please note: Layout not to scale

**BLOOR HOMES**  
A Division of Bloor Homes & Co. Ltd.

Drawing Title:

**STREETSCENES**

Date: OCT'16 Drawn / AMD

Scale: 1/100@A0 Checked:

Dwg No. WBD36-PO-060 Rev. E

Wheatpieces

Valid 03.02.2017

Change of use of land to accommodate 30 static caravans for holiday let use and associated works

Grid Ref 390123 221685

Parish Badgeworth

Ward Badgeworth

Mr John Gorman

C/O Agent

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

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policy TPT1, GRB1, TOR4, LND4

Flood and Water Management SPD

Joint Core Strategy Proposed Main Modifications version

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****Badgeworth Parish Council** - Objects to the proposed development, raising the following points:

- Proposal seeks to establish a small housing development, similar to those in nearby mobile home parks
- Does not form part of any policy or proposal within any strategic or local plan
- Is not a housing site in the JCS
- Badgeworth is not a service village
- Inappropriate development in the Green Belt
- No Very Special Circumstances have been put forward
- Need to substantiate that the site is sustainable and local community has access to local shops etc.

**County Highways Authority** - No objection, subject to conditions**Local Residents** - 2 letters of objection have been received from local residents raising the following points:

- Static caravans are not allowed on the site
- Bamfurlong Lane already supports other caravans sites
- Needs of holiday makers are different to that of residents
- The site has not been used since 2012 for camping and caravanning and there has been an increase in traffic since
- Any parking on Bamfurlong Land would create a major traffic hazard
- Area cannot provide services for the increase in population
- Inappropriate development in the Green Belt
- Adverse impact on environment due to surface water drainage
- Lack of adequate water supply
- Insufficient electricity supply
- Increase in pollution

1 letter of comment received, raising the following points:

- Concern over demands on infrastructure
- Concern over increasing levels of traffic along Bamfurlong Lane
- The site has planning permission already
- Appearance of the site has improved in recent months
- Would prefer 30 static caravans on the site than 60 touring caravans

11 letters of support received, raising the following points:

- Secure uncertainty over the future of the site
- Improvement in traffic movements as caravans will no longer enter or exit the site
- Package treatment plant will improve the sewerage system in the local area
- No ecology implications and the proposed planting will improve biodiversity
- No impact on openness
- Reduction in the numbers of caravans seen
- Houses with a long term lease are needed within a community
- Enhance the environment
- It will bring an added advantage to the community

**Planning Officers Comments:** Suzanne D'Arcy

## **1.0 Introduction**

1.1 Regency Court Park currently has permission as a holiday park for touring caravans. It is sited within the Green Belt and outside any identified housing development boundary.

1.2 The site is set back from Bamfurlong Lane and is behind the existing property at Beggars Roost. It is a broadly square shape with an area of 0.7 hectares.

1.3 Public rights of way (PROWs) run along the western and northern boundaries of the site.

## **2.0 Relevant Planning History**

2.1 Planning permission was refused in 2016 for the change of use of the site to a gypsy and traveller site for 20 static caravans and 9 touring caravans (ref: 15/01139/FUL). The application was considered to represent inappropriate development in the Green Belt and resulted in residential accommodation in a remote, unsustainable location.

2.2 Planning permission was granted in 1980 (ref: T5174/C) for use of the land as a holiday park for touring caravans. In 2000, permission was granted for a revised layout and for use as a year round holiday park (ref: 00/01014/FUL).

2.3 An application for the erection of two detached bungalows and the change of use of the site for the stationing of 16 residential static caravans (ref: 16/00301/FUL) was withdrawn in 2016.

## **3.0 Current application**

3.1 This is a full application for the change of use of the land to accommodate 30 static caravans and associated works. The use would continue as a holiday park.

3.2 The proposed caravans would have a footprint of approx. 12m by 4m with a maximum height of 3.5m. No details of the proposed materials have been submitted.

## **4.0 Policy Context**

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

### Development Plan

4.2 The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy GRB1 seeks to guard against inappropriate development in the Green Belt. Policy LND4 seeks to protect the character and appearance of the rural landscape. Policy TPT1 requires safe and convenient access for all transport modes and that development should have an acceptable impact on the safety and satisfactory operation of the highway network. Policy TOR4 refers to the importance of protection of the landscape when considering new static caravan sites.

### National Planning Policy Framework (NPPF)

4.3 The NPPF sets out the presumption in favour of sustainable development. Sustainable development has three dimensions: economic, social and environmental. Paragraph 14 of the Framework sets out that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date permission should be granted unless: - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

4.4 Footnote 9 states that land designated as Green Belt is a specific policy when development should be restricted. Paragraphs 89 and 90 list the forms of development that are not considered to be inappropriate development. Inappropriate development is harmful to Green Belts by definition and substantial weight should be given to this harm. Very Special Circumstances will only exist unless the harm to Green Belt, by reason of inappropriate is clearly outweighed by other considerations.

## 5.0 Analysis

5.1 The main issues to be considered are the principle of development, the impact on the Green Belt, impact on the landscape and highway safety matters.

### *Principle of development*

5.2 Planning permission was granted in 1980 for use of the land as a holiday park for touring caravans and tents. In 2000, permission was granted for the year round use of the site as a holiday park, again for touring caravans (ref: 00/01014/FUL). Condition 3 of that permission prevents the siting of static caravans on the site to 'safeguard the character and appearance of the countryside and the visual amenity and openness of the Green Belt'. This current proposal seeks to replace the touring plots with 30 static caravans.

5.3 The first issue is whether the holiday lodge is a caravan in law. The word 'caravan', when appearing in a planning application or permission, is to be construed in accordance with the statutory definition in s 29(1) of the 1990 Act and not in accordance with its ordinary and natural meaning (Wyre Forest District Council v Secretary of State for the Environment [1990], House of Lords).

5.4 In terms of a single-unit caravan under section 30(1) of the Caravan Sites and Control of Development Act 1960 'caravan' means any structure designed or adapted for human habitation, which is capable of being moved from one place to another, whether by being towed or by being transported on a motor vehicle or trailer, and any motor vehicle so designed or adapted, but does not include any railway rolling stock for the time being on rails forming part of a railway system, or any tent. Certain twin-unit caravans are excluded from this definition and part of the Caravan Sites Act 1968.

5.5 The applicant has provided details of the caravans and the proposed caravans meet the requirements of the tests outlined above. In view of this, it is considered that the units fall within the legal definition of caravans.

5.6 The next test is whether the use of the land for static caravans represents inappropriate development in the Green Belt. Paragraph 87 of the NPPF states that inappropriate development is harmful to Green Belt by definition and should not be approved except in Very Special Circumstances. Paragraphs 89 and 90 list the forms of development that are not considered to represent inappropriate development and the proposal does not fall within any of these criteria.

5.7 The applicant accepts that the proposed development would be inappropriate development and has put forward Very Special Circumstances to outweigh the harm caused. They have stated that the site has permission for 70 touring caravans on a year round basis and the introduction of static caravans would have a similar visual impact on the surrounding landscape than the fall-back position. Furthermore, they suggest that the Council would have full control over the proposal, including terms of occupation, landscaping, drainage etc., which it does not have under the permitted use.

5.8 The applicant has submitted further details regarding the harms to the Green Belt they considered to be caused by the inappropriateness of the development. They state that the harm would be limited due to the fall-back position as outlined above and the non-permanent nature of the static caravans.

5.9 Whilst it is acknowledged that there is a fall-back position in terms of the extant permission, no evidence of the levels of occupation have been submitted to illustrate the existing levels of occupation. It is not accepted that the site could reasonably accommodate 70 touring caravans given the safety restrictions imposed under site licensing which require certain separation distances between caravans for fire safety reasons. Furthermore, touring caravans are transient by the nature rather permanent structures on the site and level of occupation varies seasonally with occupation during the winter months generally being lower. The permanent nature of the static caravans is therefore considered to have a greater visual impact on the Green Belt than the fall-back position.

5.10 The Very Special Circumstances put forward by the applicant are not considered to outweigh the harm caused to the Green Belt by the inappropriateness of the development. The proposed development is therefore considered to be contrary to Local Plan Policies GRB1 and TOR4, and the advice contained within the NPPF.

#### *Impact on the visual amenities and openness of the Green Belt*

5.11 It is considered the permanent siting of static caravans on the site as opposed to the transient nature of the existing site would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, contrary to one of the fundamental aims of Green Belt Policy. It should be noted that the extant permission 00/01014/FUL) for the use of the site as a touring caravan sites has a condition that prevents the siting of static caravans on the site. The reason for the conditions is to 'safeguard the character and appearance of the countryside and the visual amenity and openness of the Green Belt'.

#### *Impact on the landscape and the character of the area*

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

5.13 No landscape assessment has been submitted with the planning application and no detailed landscape proposal has been outlined other than on the proposed layout plan which indicates that the existing hedges along the boundaries of the site would be retained.

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

#### *Highway safety*

5.15 There is no material change proposed to the access of the site. The access is currently 10m wide, which is sufficient to allow two motor cars to pass without impeding the free flow of traffic. The accompanying Transport Statement has provided a speed survey and the resultant required visibility splays would be 119m west and 133m to the east of the site access. These splays are considered to be achievable and could be conditioned to be provided.

5.16 A total of 40 parking spaces have been shown, which is one per site and 10 visitor spaces. This is considered to be acceptable based on the anticipated demand of the site. The internal layout is acceptable to allow vehicles to enter and exit the site in a forward gear.

5.17 The TRICS analysis anticipates a trip generation of 146 two-way trips with a peak hourly flow of 18 two-way trips daily. Given the site's previous use and the extant permission, it is not considered that the impact on the highway would be significantly greater.

5.18 It is therefore not considered that there would any adverse impacts on highway safety as a result of this proposal.

#### *Other matters*

5.19 The Parish Council have stated that the proposed development should be considered in the context of a small housing estate as the application proposes static caravans, which they consider to be similar to adjacent mobile home parks. However, the applicants have specifically applied for holiday use and condition could be used to prevent permanent residential occupation.



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

## **6.0 Conclusion**

6.1 The proposed development would represent inappropriate development in the Green Belt, which is harmful to Green Belt by definition. It is not considered that the Very Special Circumstances put forward outweigh the harm caused by the inappropriateness of the development. Furthermore, the permanent stationing of the mobile homes on the site would be harmful to the openness of the Green Belt.

6.2 The points raised in the letters of support are noted but these benefits are not considered to outweigh the harm caused by the development. The application is therefore recommended for **REFUSAL**.

## **RECOMMENDATION Refuse**

### **Reason:**

The development represents inappropriate development in the Green Belt which compromises its open character and purpose. The applicant has not demonstrated very special circumstances which clearly outweigh the harm to the Green Belt caused by the inappropriateness of the development and other harm. The development therefore conflicts with Local Plan Policies GRB1 and TOR4 and the advice contained within the NPPF.

### **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.





Previously Approved layout

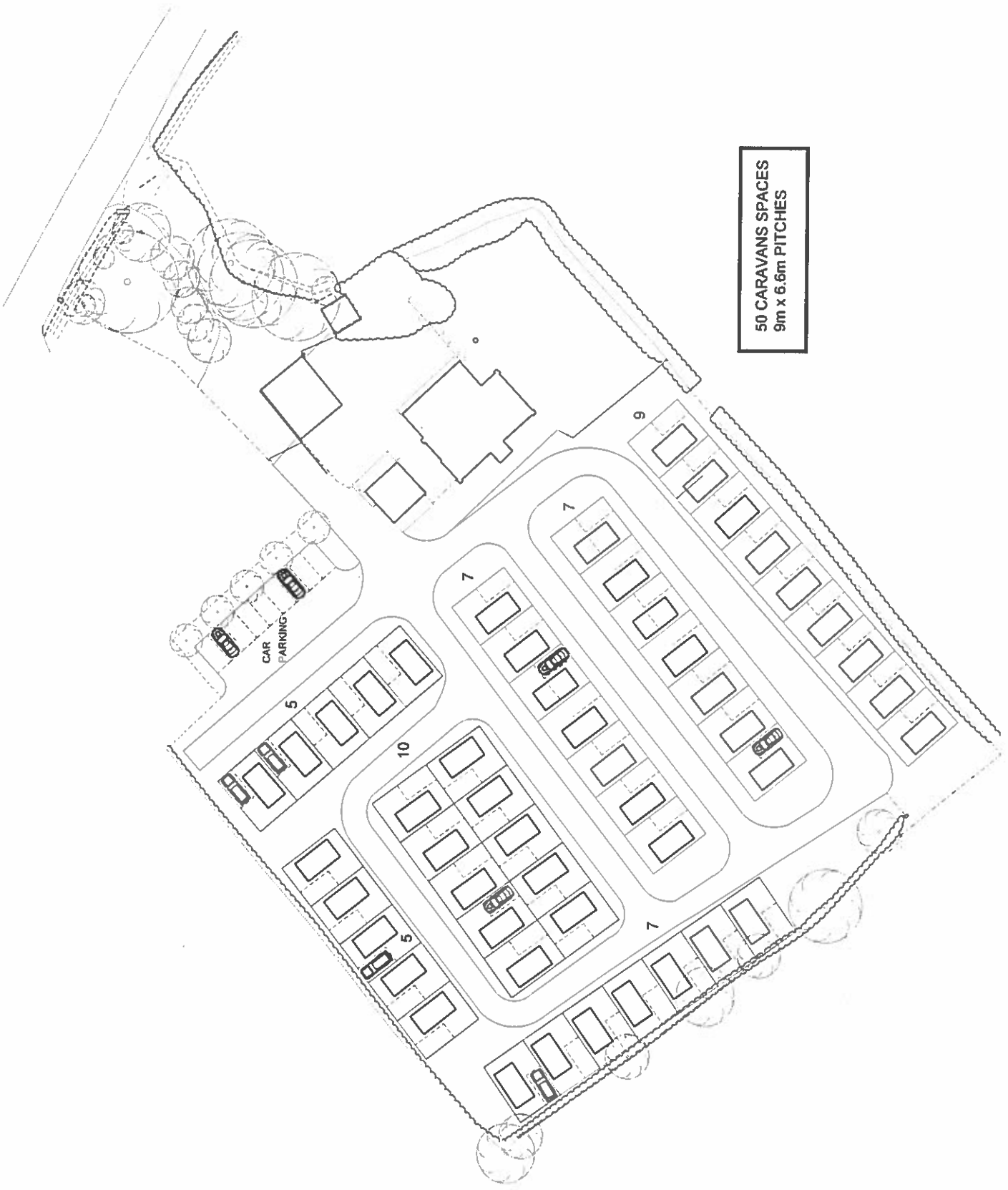
NOTES  
CONTRACTOR TO CHECK ALL DIMENSIONS  
ON SITE  
CORRECTLY BEFORE FIXING.

**CLIVE PETCH**  
ARCHITECTS  
TELEPHONE 01292 532100  
FAX 01292 532101  
E-MAIL [info@clivepetch.co.uk](mailto:info@clivepetch.co.uk)

PROJECT  
REGENCY COURT PARK  
BAHFURLONG LANE  
STAVERTON  
GLCS

TITLE  
PROPOSED SITE PLAN  
(MOBILE CARAVANS)  
SCALE 1:250 @ A1  
DATE FEBRUARY 2017

PROJECT REF	CLV/17/001
21532	07
A	



50 CARAVANS SPACES  
9m x 6.6m PITCHES

40/C

17/00324/OUT

Land Adjoining The Timberyard, Two Mile Lane, Highnam

6

Valid 30.03.2017

Hybrid planning application, comprising: 1. Outline application for the erection of a single dwelling and associated access (Revised application to 16/01155/OUT). 2. Full application for change of use of agricultural land to mixed agricultural and private equestrian use.

Grid Ref 378914 219793

Parish Highnam

Ward Highnam With Haw  
Bridge

Mr & Mrs D Kent

C/o Agent

## RECOMMENDATION Refuse

### Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU4, TPT1, EVT2, EVT3, LND4, LND7, RCN6.

Joint Core Strategy Proposed Main Modifications version - Policies SD5, SD7, SD11, INF1, INF2.

Highnam Neighbourhood Development Plan - Policy E1.

The First Protocol, Article 1 (Protection of Property)

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

### Consultations and Representations

#### Highnam Parish Council – Object:

- The Parish Council maintains its strong objection to this proposal which is a variation on 16/01155/FUL which was refused permission.
- The proposal is considered out of keeping and dangerous- despite the traffic survey undertaken by the applicants agent because average speeds do not allow for the vehicle which might be travelling legally at 60mph. The location is an old country lane not suited to further development and new buildings.
- Development in Highnam is more appropriately suited to locations closer to the main village settlement.
- It is also felt that this is a cynical attempt to use a small equestrian use to persuade planning to grant permission of an inappropriate application where the applicant does not even own the proposed site.
- Highnam Parish Council would ask that this application is refused again.

**County Highways Authority** - No objections subject to conditions.

**Local Residents:** One letter of representation have been received objecting to the application for the following reasons:

- Further to my objection to the original application 16/01155/OUT and its comments detailed hereunder I endorse the comments made by Highnam Parish Council. The reality of living on Two Mile Hill Lane is that traffic travels at significant speeds at various times of the day and includes large farm vehicles with laden trailers, articulated lorries and even buses.
- Development of this field for anything other than agricultural use should not be permitted.
- We wish to object to the planning application put forward for a single dwelling under the application. The land upon which the proposed development is to be built is currently and as far as records show always has been prime agricultural land.
- The makeup of properties on Two Mile Lane is interspersed around a significant amount of agricultural land and from the age of the majority of the properties this has been the case for many years.
- Any additional housing built on agricultural land will significantly impact on both the rural nature of the Lane, its aesthetic and the environment enjoyed by existing residents.
- Whilst there are some newer buildings on the Lane these have been constructed on plots where buildings existed previously.
- Within the design and access statement submitted under 16/01155/OUT it mentioned in paragraphs 3.4, 3.5, 3.7, 2.8 and 5.3 properties or plots giving the impression that more than one development or property may be undertaken on this land in the future. The physical position shown on the plan would support this suspicion which would ruin the current environment of Two Mile Lane and its historic and rural nature and must not be permitted.
- There is a further concern that any additional development would add traffic to an already busy and dangerous road.

**Councillor Awford has requested Committee determination to allow members to assess the impact on the local area and street scene.**

**Planning Officers Comments: Fiona Martin**

## **1.0 Application Site**

1.1 The application relates part of a large agricultural field which lies on the north-western side of Two Mile Lane. To the north of the site a detached dwelling has been constructed on the site of a former timber yard. To the south, east and west of the site there is open countryside (see site location plan). There is a public right of way which runs to the south.

## **2.0 Planning History**

2.1 Outline planning application 16/01155/OUT for the erection of a single dwelling and associated access was refused in January 2017 for the following reasons:

1. *The site is located beyond any defined residential development boundary at a location where there are poor pedestrian, cycle and public transport links to the nearest facilities and amenities and thus would be likely to be heavily reliant on the use of the private motor vehicle, and would not encourage the use of transport modes other than the private car, contrary to the sustainable development aims of current Government Planning Policy Guidelines and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.*

2. *The proposed development would result in an unwarranted intrusion into the rural landscape which would have a harmful impact on the character and appearance of the locality. As such, the proposed development conflicts with the National Planning Policy Framework, saved Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging Policy SD7 of the Submission Joint Core Strategy (November 2014).*

## **3.0 Current application**

3.1 The current application is a hybrid planning application and seeks outline planning permission for the erection of a single dwelling and associated access (revised application to 16/01155/OUT). Apart from access all other matters are reserved for subsequent approval.

3.2 The application also seeks full planning permission for the change of use of agricultural land to mixed agriculture and private equestrian use.

3.3 The applicants have clarified that they are not applying for a tied agricultural/equestrian workers dwelling: the proposal is for a 'market' dwelling. The proposed change of use of land to mixed agriculture/equestrian is a separate proposal.

## **4.0 Policy Context**

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

4.2 Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework (NPPF), and the MMVJCS. 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 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.

4.4 The Council is presently able to demonstrate a five-year supply of deliverable housing sites and saved policy HOU4 is considered up-to-date. In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise), the presumption in favour of sustainable development set out in paragraph 14 of the NPPF does not apply.

4.5 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. In this case as reiterated in paragraph 12 of the NPPF, the presumption is against the grant of planning given the conflict with HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

4.6 Policy RCN6 of the Tewkesbury Borough Local Plan to 2011 (March 2006) focuses on horse riding facilities and states that: "Proposals for the development of horse riding facilities must be well related to an existing group of building and propose adequate measures to control noise, dust, smell and other possible nuisances to other users in the area. Facilities must generally be well related to the existing bridleway network. Horse riding facilities must not have an adverse impact on the landscape particularly within the area of outstanding natural beauty, special landscape area or landscape protection zone, nor must they create local traffic problems."

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

## 5.0 Analysis

5.1 The main issues to be considered with this application are: the principle of residential development in this location; the impacts the proposal would have on the local area and the street scene.

### *Principle of Residential Development*

5.2 The application site is located outside of a recognised settlement boundary as defined within the Tewkesbury Borough Local Plan to 2011 - March 2006. As a result, 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. In relation to the new dwelling the presumption is against the grant of planning permission as the proposal would conflict with policy HOU4, as such planning permission should be refused unless material circumstances indicate otherwise.

5.3 Paragraph 55 of the NPPF states that new isolated homes in the open countryside should be avoided unless there are special circumstances. In the context of paragraph 55 of the NPPF it is not considered that the proposed dwelling would 'isolated' by virtue of its location adjacent to existing dwellings.

5.4 Highnam is a named Service Village in the MMVJCS and emerging Policy SP2 of the JCS states that Service Villages will accommodate lower levels of development, proportional to their size and function, and also reflecting their proximity to Cheltenham and Gloucester. New development is to be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans. However, the application site is located some distance from the settlement edge of Highnam. Although the applicant argues that the site is within reasonable walking distance of the Highnam Rural Business Centre, the services located within the Maidenhall residential estate, and the No.32 bus service (offering a regular service to and from Gloucester), it is the case that there are no footpaths or street lighting along this section of Two Mile Lane that connects the site to Highnam and would therefore be unlikely to encourage the occupiers to walk or cycle. As a result, any future occupiers of the proposed dwellings would be reliant on the use of private cars for their daily access needs. As a result, the addition of a dwelling at this location would not contribute to a sustainable pattern of development, resulting in the proposal being contrary to policy TPT1 of the Local Plan.

5.5 Although, as the applicant notes, planning permission (14/00322/OUT) for a new dwelling was permitted on a neighbouring site, it was the case that the dwelling proposed in that application would replace existing commercial buildings and therefore comprised redevelopment of previously developed land. Furthermore, at that time the Council was some way off being able to demonstrate a five year supply of housing. The policy context and consequential balancing exercise was therefore very different for that application.

5.6 As stated above, the applicant makes clear that the proposed dwelling and change of use of land to an equestrian / agricultural mixed use are separate components and it is not intended that the proposed dwelling would be an equestrian workers dwelling. However, the applicant does state that it is their intention to keep their horses on the land (albeit initially through agricultural grazing rights) and would therefore allow them to have a house near to the horses reducing the need to travel to care for them. However, the

application does not propose a 'tied' equestrian workers dwelling (and no justification for such a use has been provide in any event). Permission would therefore run with the land - not the current applicants - and very little, or no weight can be given to this argument.

### *Design*

5.7 Paragraph 56 of the NPPF seeks to ensure development is of a good design with the Government attaching great importance to the design of the built environment.

5.8 The layout, scale and appearance of the dwelling are reserved matters, if this scheme was to be approved these matters would be considered at a later stage.

### *Landscape and impacts on the street scene*

5.9 The applicant site is a large agricultural field which acts a boundary to residential development. To the south, east and west of the site there is open countryside with the exception of Tinkers End Cottages. There are no landscape designations on the site however policy LND4 of the Local Plan seeks to ensure that developments in rural areas outside of designated areas protect the character and appearance of the rural landscape. Additionally, one of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Furthermore, policy E1 of the Highnam Neighbourhood Development Plan seeks to ensure developments conserve the rural character and agricultural heritage of the parish.

5.10 There would be views into the site when approaching along the highway from the north and south which has open views. There would also be intermittent views into the site from the public right of way that runs to the south in east/west direction. Whilst it is noted that there are other new build properties on Two Mile Lane it is considered that the proposed additional development would encroach into the countryside resulting in a landscape harm, therefore contrary to LND4 of the Local Plan.

### *Highway Safety*

5.11 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. Highway access should be provided to an appropriate standard and should not adversely affect the safety or satisfactory operation of the highway network. Additionally, the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.12 Under the previous application 16/01155/OUT a speed survey was submitted which identified that the average speeds along Two Mile Lane are 40mph and that visibility splays of 54m is required to the north and 76m to the south. The location plan submitted illustrates that this can be achieved. Furthermore, Gloucestershire County Highways have no objection to the proposal subject to conditions if the scheme were to be permitted.

5.13 The Parish Council and a local resident has objected to the application on highway safety grounds. With the Parish Council highlighting that the average speeds do not allow for the vehicles which might be travelling legally at 60mph.

5.14 However, within the site itself, sufficient levels of parking are proposed and vehicles will be able to manoeuvre within the site to ensure that vehicles can enter and exit in a forward gear. It is considered that the access arrangements for the proposed dwelling are acceptable.

### *Flood risk and drainage*

5.15 Policies EVT5 and EVT9 of the Local Plan requires development proposals to demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable urban drainage systems (SUDS) criteria. The site is located within Flood Zone 1 with a less than 1 in 1000 probability of river or sea flooding in any one year the site is considered to be at a low risk of flooding. The application confirms that foul drainage would connect to an existing mains foul manhole and surface water drainage would utilise SuDs techniques. If this scheme were to be approved relevant drainage conditions would be implemented.



## *Equestrian Use*

5.16 As highlighted above policy RCN6 of the Local Plan is relevant for proposals for the development of horse riding facilities. It is however noted that planning permission would not be required for the grazing of horses on the land.

5.17 As it stands the introduction of horses on the land would have limited landscape harm as there would be no change to the character of the site and there are no structures proposed. It is however noted that there is potential for future applications for stables which would harm the landscape.

5.18 It is noted that minimal details have been submitted relating to the access to the proposed mixed agricultural and private equestrian land. It was noted on site visit that there is an existing access into the field to the south of the site. If the scheme was to be approved further details would be required regarding access to the mixed agricultural land and private equestrian land to ensure a safe access is provided to comply with policy RCN6 of the Local Plan.

## **6.0 Overall Balancing Exercise and Conclusions**

6.1 The starting point for determination of this application is the conflict with policy HOU4, to which substantial weight should be applied, albeit the requirement to demonstrate a 5 year supply of deliverable housing sites is a rolling calculation and the Council must ensure that sufficient sites are granted planning permission to meet the ongoing need for housing in the Borough.

6.2 The application site is located outside of the Highnam residential development boundary and as a result the proposal does not comply with Policy HOU4 of the Local Plan. The proposed development would cause significant environmental harm as the proposal would result in reliance on use of the private car and the proposal would not therefore contribute to the sustainable transport objectives of saved Policy TPT1 of the Local Plan.

6.3 The proposal would also result in the development of part of a currently open agricultural field which would harm the local landscape; this further weighs against the proposal.

6.4 Overall, for the above reasons, it is considered that the proposal would not constitute sustainable development in the context of the NPPF. The application is therefore recommended for **Refusal**.

## **RECOMMENDATION Refuse**

### **Reasons:**

- 1 The proposed development conflicts with Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 in that the site lies outside the defined residential development boundary of a settlement in a location where new housing is strictly controlled.
- 2 The site is located beyond any defined residential development boundary and is remotely located relative to the nearest amenities and facilities and is not served by adequate footways, cycleways, or public transport facilities. The proposal would therefore increase reliance on the private motor vehicle, contrary to the National Planning Policy Framework (2012) and policy TPT1 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 3 The proposed development would result in an unwarranted intrusion into the rural landscape which would have a harmful impact on the character and appearance of the locality. As such, the proposed development conflicts with the National Planning Policy Framework, saved Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging Policy SD7 of the Submission Joint Core Strategy (November 2014).

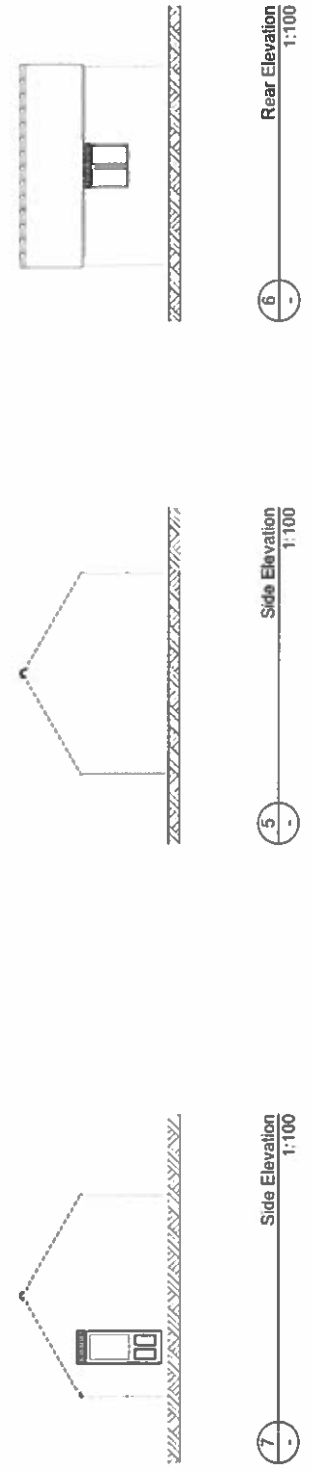
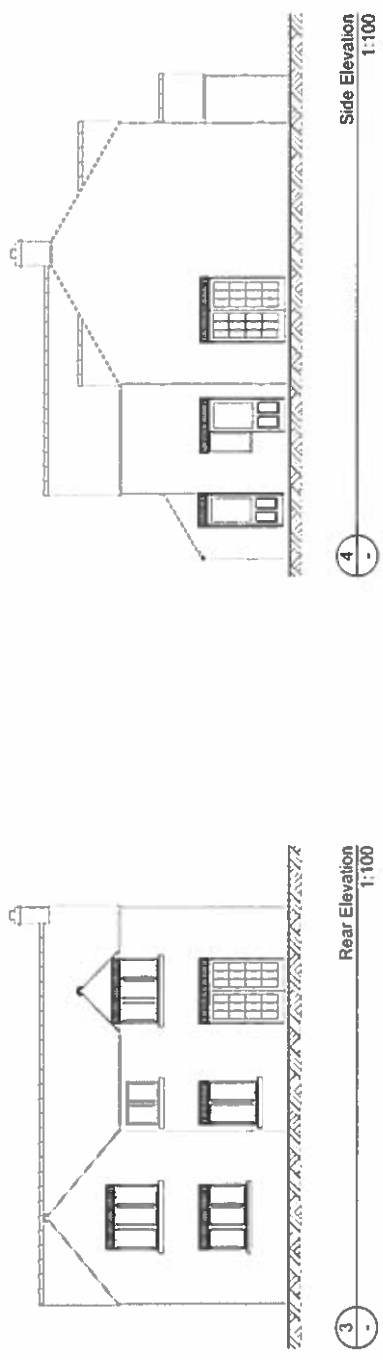
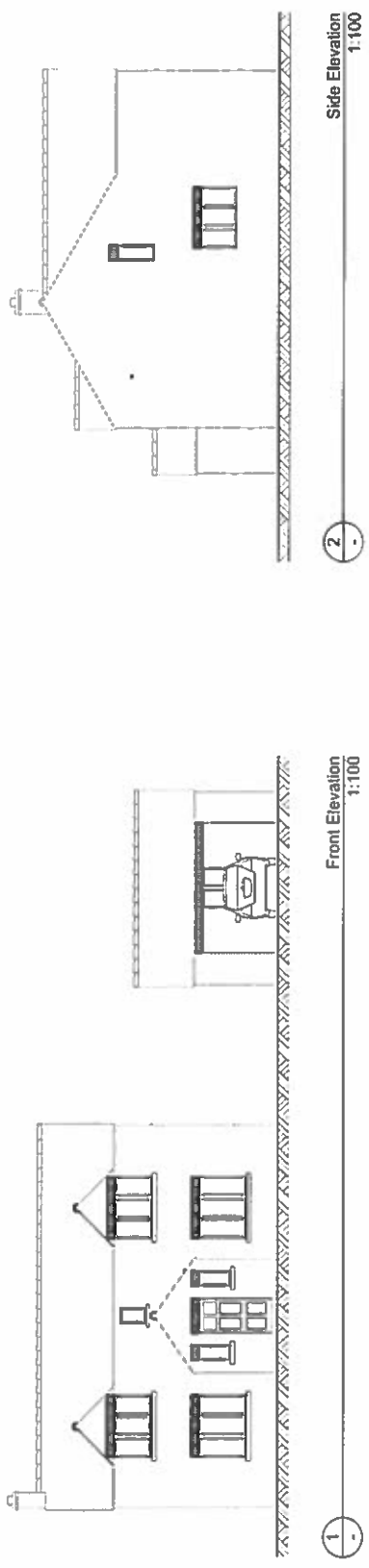
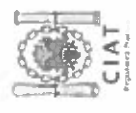
Note:

**Statement of Positive and Proactive Engagement**

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



This drawing is to be read in conjunction with all relevant specifications and drawings issued by the Council. It is the responsibility of the contractor to ensure that the work is carried out in accordance with the specifications and drawings. The Council is not responsible for any errors or omissions in this drawing. The Council is not responsible for any damage to property or persons arising from the use of this drawing. The Council is not responsible for any loss of profit or other financial consequences arising from the use of this drawing. The Council is not responsible for any delay or interruption of work arising from the use of this drawing. The Council is not responsible for any other consequences arising from the use of this drawing.



46/B

**For illustrative purposes only**

**Mr David Kent**

Land at Two Mile Lane Highnam Glos GL2 8DW

Proposed Elevations

1:100

16-23-03

17/00047/FUL

1 Gordon Close, Highnam, Gloucester

7

Valid 20.02.2017

Proposed porch

Grid Ref 380055 220294

Parish Highnam

Ward Highnam With Haw  
Bridge

Mr Martin Trigg-Hogarth

1 Gordon Close  
Highnam  
Gloucester  
Gloucestershire  
GL2 8LL

## **RECOMMENDATION Permit**

### **Policies and Constraints**

#### **Policies**

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8

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

Joint Core Strategy Proposed Main Modifications version

The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

Highnam Parish Council raise an objection to the proposal on the grounds that the proposed porch would be forward of the existing building line, would detract from the street scene and is not in keeping as it has the appearance of a conservatory on the front of this property.

Following amendments sought to improve the design of the proposed front porch, Highnam Parish Council were offered a period of re-consultation and would like to maintain their objection on the grounds that it is forward of the existing building line and the appearance of the proposed front porch.

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

**Planning Officers Comments:** Fiona Martin

### **1.0 Application Site**

1.1 The application relates to 1 Gordon Close which is a two storey detached property in Highnam (see site location plan attached).

1.2 Revised plans were received on 2nd May 2017 to address concerns raised by Highnam Parish Council and the case officer.

1.3 The applicant subsequently submitted further revised plans on 16th May 2017 to add a side elevation window in the proposed front porch.

### **2.0 Planning History**

2.1 10/00733/FUL - Proposed summer house, application permitted 06.09.2010.

2.2 09/00073/FUL - Retention of fence, application permitted 28.05.2009.

2.3 08/01257/FUL - Retention of conservatory, application permitted 30.10.2008.

2.4 79/00296/OUT - Layout of a residential estate to include the erection of 43 detached dwelling houses and private car garages on 2.03ha. of land. Construction of new estate roads, footpaths and method of disposal of foul and surface water drainage, application permitted 27.02.1979.

2.5 74/00037/OUT - Outline application for residential development. Construction of new estate roads and accesses, application permitted 30.08.1974.

### 3.0 Current application

3.1 The current application is for the erection of a single storey front extension to form a front porch.

### 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 extensions 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.

### 5.0 Analysis

5.1 The main issues to be considered with this application are the impacts on the street scene and the design of the proposed front porch.

#### *Design & Impact on the Street Scene*

5.2 The proposed front porch would be a gabled roof design. It would extend beyond the existing front elevation by 1.3 metres. The proposed porch would have a width of 2.6 metres and a total height of 3.2 metres. The porch would be finished in materials that match the existing dwelling (see the proposed elevation plans attached).

5.3 Whilst the proposal would extend beyond the building line and be visible from the streetscene it is considered that the scale and design of the front porch is in keeping with the character and appearance of the property. As such, the proposal is considered to comply with the requirements of HOU8 of the Local Plan.

#### *Residential amenity*

5.4 The proposed front porch would be located on the northern elevation of the property, revised plans show the addition of a new window on the south-western elevation, however it is not considered to result in overlooking. It is considered the front porch would not cause demonstrable harm to the amenities of the neighbouring dwellings and would accord with Policy HOU8 of the Local Plan.

### 6.0 Conclusion

6.1 Overall, it is considered that the proposal would not harm the existing street scene and is of an acceptable scale and design. The proposal would therefore accord with the NPPF and policy HOU8 of the Local Plan and it is **recommended for permission**.

### RECOMMENDATION Permit

#### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with details within the application form and approved plans/drawings:
  - site location plan (received 20th February 2017)
  - revised block plan (received 16th May 2017)
  - revised proposed elevations (received 16th May 2017)
  - porch description (received 16th May 2017)
  - revised proposed floor plans (received 18th May 2017)

- 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.
- 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 worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating the design of the proposed front porch.

17/00047/FUL

# Location Plan of GL2 8LL ref ~~16/00478/FUL~~

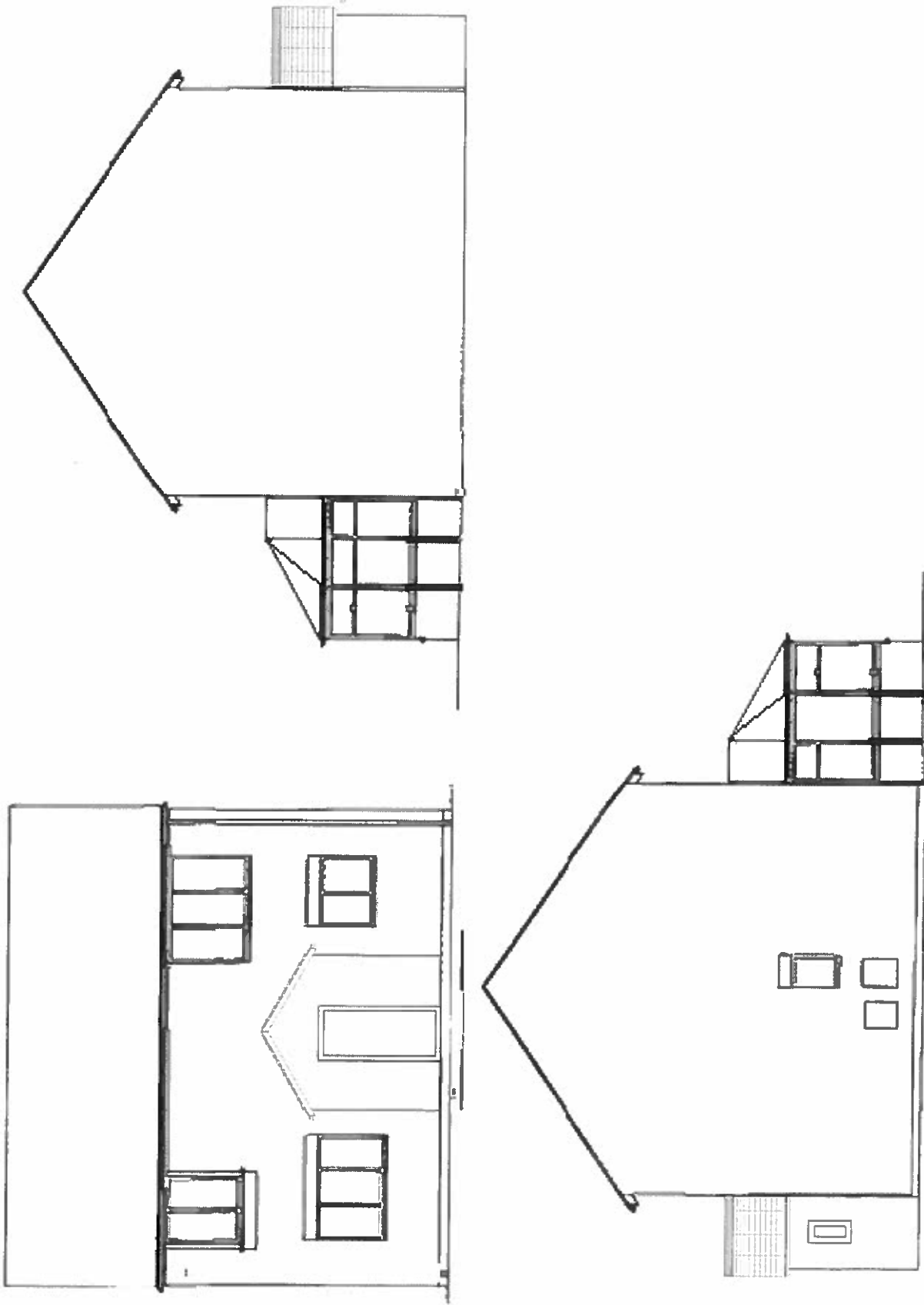


This Plan includes the following Licensed Data: OS MasterMap Colour PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as lines is no evidence of a property boundary. © Crown copyright and database rights, 2017. Ordnance Survey 0100031673

Scale: 1:1250, paper size: A4



100 to 1 Views of GL2 8LL Proposed ref 17/00047/FUL revised



Valid 07.02.2017  
 Grid Ref 385795 224168  
 Parish Norton  
 Ward Coombe Hill

Erection of a new dwelling

New Dawn Homes Ltd  
 The White House  
 Newdawn Place  
 Cheltenham  
 GL51 0FR  
 FAO Mrs Angela Hughes

## RECOMMENDATION Permit

### Policies and Constraints

#### NPPF

#### Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policy TPT1, HOU4, HOU13, LND4

#### Flood and Water Management SPD

#### Joint Core Strategy Proposed Main Modifications version

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

The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

Norton Parish Council - Offer the following comments:

- The house should reflect the rural landscape of Norton Village
- Concerned that no landscaping is shown on the site
- Existing hedges could be removed to provided visibility splays
- Maintenance of the hedges should be passed to the houses

County Highways - The application can be dealt with under standing advice.

Environmental Health - Comment that further information is required in relation to noise attenuation.

Housing Enabling and Policy Officer - Contributions of £29,000 required towards affordable housing.

The Highways Agency - No objection.

Representations - 3 letters of objection received (from 2 interested parties), raising the following points:

- Highway safety issues
- Existing trees have been removed
- Additional contribution for affordable housing should be required
- The area is subject to flooding
- Out of character with the character of the area

**Planning Officers Comments:** Suzanne D'Arcy

### 1.0 Introduction

1.1 The application site relates to the former Kings Head public house, which is sited adjacent to the A38.

1.2 Norton does not have a housing development boundary. Development is focused around the junction of the A38 and the Old Tewkesbury Road.

### 2.0 Relevant Planning History

2.1 Planning permission has been granted for a total of 8 dwellings on the two plots adjacent to the application site (reference 13/01026/FUL and 14/00686/FUL). These dwellings are currently under construction.

2.2 Planning permission was refused in 2016 for a revised proposal for four dwellings, which sought to omit the affordable housing contributions (ref: 15/00639/FUL). This was dismissed on appeal.

2.3 There is a current application (ref: 17/00096/FUL), which seeks to amend one of the previous dwellings to include a double garage.

### **3.0 Current application**

3.1 This is a full application for the erection of a single dwelling. The proposed dwelling would have four bedrooms and a detached double garage. The proposed dwelling would have a maximum height of 5.5m at the eaves and rise to a height of 8.3m at the ridge. The proposed garage would have a height of 2.5m high at the eaves and rise to a height of 4.7m at the ridge. All materials will match those on the adjacent dwellings. The proposed dwelling would be accessed from Old Tewkesbury Road.

### **4.0 Policy Context**

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

#### Development Plan

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

#### National Planning Policy Framework (NPPF)

4.3 The NPPF sets out the presumption in favour of sustainable development. Sustainable development has three dimensions: economic, social and environmental. Paragraph 14 of the Framework sets out that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

### **5.0 Analysis**

5.1 The main issues to be considered are the principle of development, impact on the character of the area, highway safety, impact on residential amenity and affordable housing.

#### *Principle of development*

5.2 Minsterworth does not have a defined development boundary and as such, residential development should be considered in the context of Policy HOU4. . On 31st January the Council approved for consultation the latest draft of the Joint Core Strategy (JCS). In doing so the Council approved the Objectively Assessed Need (OAN) for Tewkesbury which stands at 9,899. It is considered that this figure is robust having been arrived at following detailed consideration through the Examination in Public process. Following from the OAN there is an annual requirement to meet Tewkesbury's needs of 495 dwellings.

5.3 Using this robust figure, taking into account current supply, including planning permissions granted, those which the Planning Committee have determined to grant subject to finalisation of s106 legal agreements and a windfall allowance, the Council can demonstrate a 5.3 year supply with a 20% buffer applied.

5.4 In light of the fact that the Council is able to demonstrate a five-year supply of deliverable housing sites, saved Policy HOU4 of the Tewkesbury Borough Local Plan should no longer be considered out of date pursuant to paragraph 49 of the NPPF.

5.5 In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise); the presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply.

5.6 Section 38(6) of the Town and Country Planning Act 1990 provides that the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. In this case, as reiterated by paragraph 12 of the NPPF, the presumption is against the grant of permission given the conflict with policy HOU4 and as such permission should be refused unless material planning circumstances indicate otherwise.

#### *Impact on the character of the area*

5.7 The site forms part of a larger site and there are currently 8 dwellings under construction on the site. It is located within an area of existing residential development in Norton. The proposed dwelling would be of a similar size, scale and appearance to the dwellings under construction.

5.8 The representations have made reference to the rural nature of the site and the importance of the hedges for the appearance of the character of the area. The proposed site plan shows the retention of the hedges and Officers are satisfied that the required visibility can be achieved without the removal of the hedges. A condition would be put on the decision requiring the protection of the hedgerow prior to the commencement of development. It is therefore not considered that there will be any significant adverse impacts on the character of the area arising from this proposal.

#### *Impact on residential amenity*

5.9 The proposed dwelling is considered to have sufficient private amenity space and internal accommodation. The Environmental Health Officer has raised concerns regarding the proximity of the proposed dwellings to the A38. However, given the Council has accepted the principle of residential development on the site, it is considered that it would be unreasonable to ask the applicant to undertake further works with regards to noise attenuation. Furthermore there is an expectation of caveat emptor with properties of this nature.

5.10 Due to the relationship between the proposed dwelling and adjacent residential occupiers, it is not considered that there would be any significant adverse impacts on existing residential occupiers.

#### *Highway safety*

5.11 The proposed dwelling would be accessed from Old Tewkesbury Road. The applicant has demonstrated sufficient visibility splays and access to the dwelling so as not to cause an adverse impact on highway safety.

#### *Affordable housing*

5.12 The site forms part of a larger development that is the subject of a legal agreement requiring contributions towards affordable housing. As this application would result in an increase in the number of dwellings on the site, affordable housing contributions of £29,000 are sought. This represents a contribution of 40%, which is in line with the Council's adopted policies HOU13 and SD13. The applicant has submitted a Unilateral Undertaking to deliver this contribution which is considered satisfactory. The application is therefore considered to accord with the affordable housing policies.

#### *Other matters*

5.13 Concerns have been raised with regards to flooding. The site is located within flood zone 1. A condition is proposed to ensure that the drainage system is acceptable.

## **6.0 Conclusion**

6.1 Given its location outside an identified housing development boundary, this application conflicts with Policy HOU4, to which substantial weight should be applied. Whilst the Council is able to demonstrate a 5 year supply of deliverable housing sites, it is also of course a rolling calculation and the Council must ensure that sufficient sites are granted planning permission to meet the ongoing need for housing in the Borough.

6.2 The proposed dwelling would be sited amongst the existing residential area of Norton and forms part of a wider site that the Council has previously accepted is suitable for residential use. There are social and economic benefits to the proposal in that the proposal would contribute to the supply of housing which would in turn create benefits for the local economy, both through construction and following occupation. There is good level of accessibility to primary services within easy walking distance of the site. These matters weigh in favour of the proposal.

6.3 As set out above, the starting point for determination of this application is the conflict with Policy HOU4. Nevertheless, as set out in the officer report, given the benefits of the proposed development (albeit limit by the small scale of the proposal) and lack of significant harm the proposal is considered to represent sustainable development. In view of this, the application is recommended for **APPROVAL**.

### **RECOMMENDATION Permit**

Conditions:

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

- 2 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

Drawings numbered 116- x 2 (site plan and street scene), -LOC, -02, -03, and -07, received by the Council on 6th February 2017.

Reason: To define the terms and extent of the permission.

- 3 The development shall be constructed using the following prescribed walling and roofing materials, unless otherwise agreed in writing by the Local Planning Authority:

Walling - Woodstock Reserve Blent  
Roofing - Reland Grovebury Pentil in Farmhouse Red

Reason: To ensure the external appearance of the proposed development will be in keeping with the character of adjoining development and the wider area in the interests of visual amenity in accordance with the NPPF.

- 4 The development shall be constructed in accordance with the Construction Management Plan, approved under condition reference 15/00074/CONDIS, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan.

- 5 The proposed dwelling shall not be occupied until the visibility splays shown on drawing numbered 116- (Site Plan) have been brought into use. Any new boundary, fence or other enclosure shall be erected on or behind the splay lines with the area in advance maintained permanently clear of obstruction at a height not exceeding 1m or set to a height 2.4m above the adjacent carriageway level.

Reason: To ensure adequate vehicular access and egress to/from the site.

- 6 No development shall take place until details of the proposed finished floor levels; ridges and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of the surrounding property. The development shall thereafter be carried out in accordance with the detail so approved.

Reason: To ensure the external appearance of the proposed development is in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.

- 7 No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the details so approved prior to first occupation.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem.

- 8 Notwithstanding the submitted plans, all window and door frames, garage doors, porch frames, eaves and soffits shall be constructed of timber and shall be left untreated, unless an alternative material and colour is first agreed in writing by the Local Planning Authority.

Reason: To ensure the external appearance of the proposed development will be in keeping with the character of adjoining development and the wider area in the interests of visual amenity in accordance with the NPPF.

- 9 Notwithstanding the submitted plans, all window and door frames shall be recessed a minimum distance of 75mm into the external walls of the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the external appearance of the proposed development will be in keeping with the character of adjoining development and the wider area in the interests of visual amenity in accordance with the NPPF

- 10 No development shall take place until there has been submitted to and approved by the local planning authority a comprehensive scheme of landscaping and tree protection. This scheme shall show how the existing trees and hedgerows that are to be retained, as shown on drawing no. 116-08 and 116-01-B, these will be protected during the course of construction, as well as details of new hedgerow and tree planting. The details shall accord with BS 5837: Trees in Relation to Construction. All approved tree and hedge protection measures shall be in place prior to the commencement of construction and shall be retained thereafter until construction has been completed.

Reason: To ensure that the new development is visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Local Plan (March 2006).

- 11 All new planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development is visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Local Plan (March 2006).

Notes:

**1 Statement of Positive and Proactive Engagement**

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

- 2 This decision is subject to a Unilateral Undertaking to deliver a commuted sum for Affordable Housing.

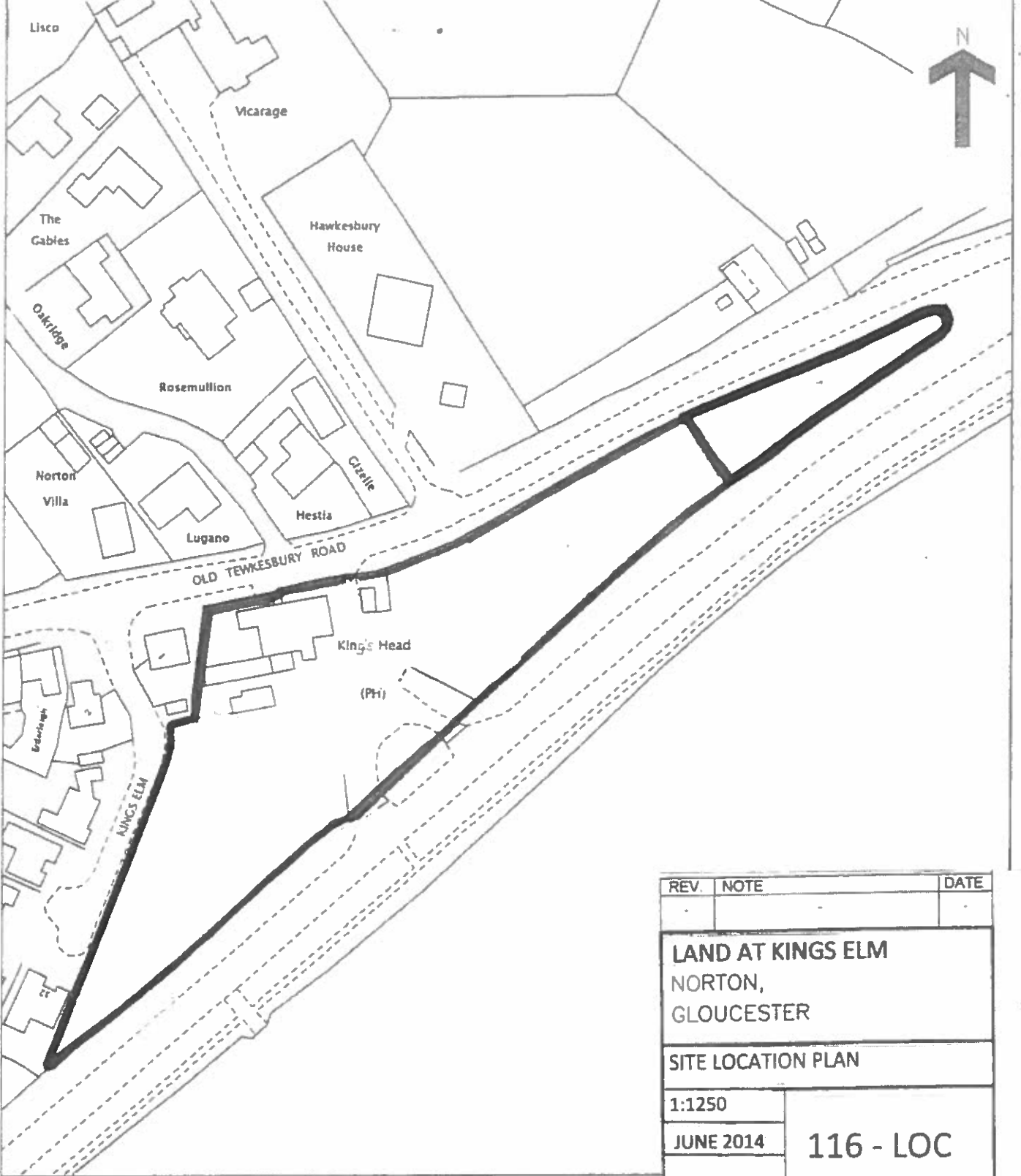
17/00134/FUL

# Land Registry Official copy of title plan

Scale 1:1250 enlarged from 1:2500  
Administrative area Gloucestershire :  
Tewkesbury



© Crown Copyright. Produced by Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey, Licence Number 100026316.



REV.	NOTE	DATE

**LAND AT KINGS ELM**  
NORTON,  
GLOUCESTER

**SITE LOCATION PLAN**

1:1250

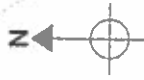
JUNE 2014

NDH

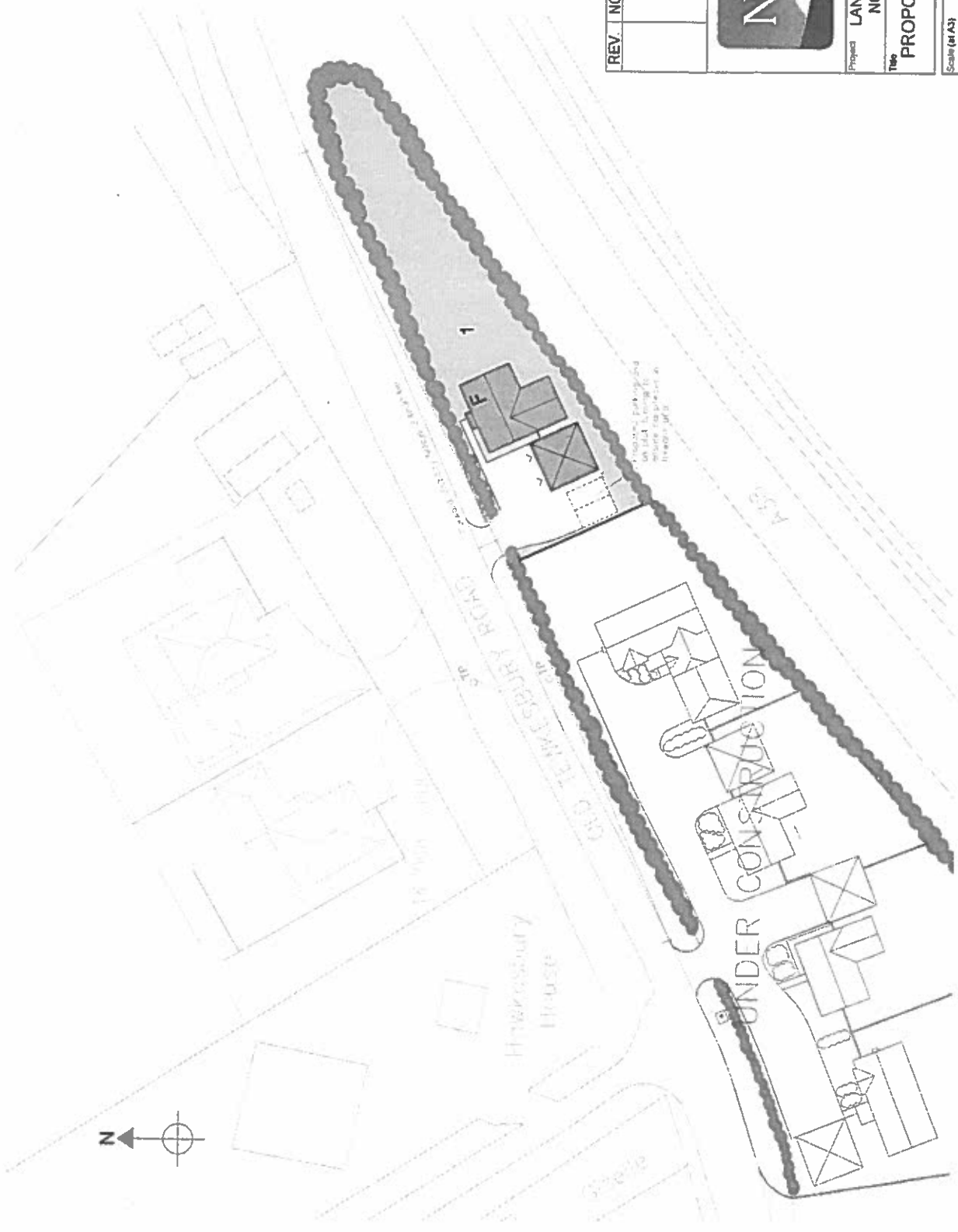
**116 - LOC**



54/A



54/B



REV.	NOTE	DATE

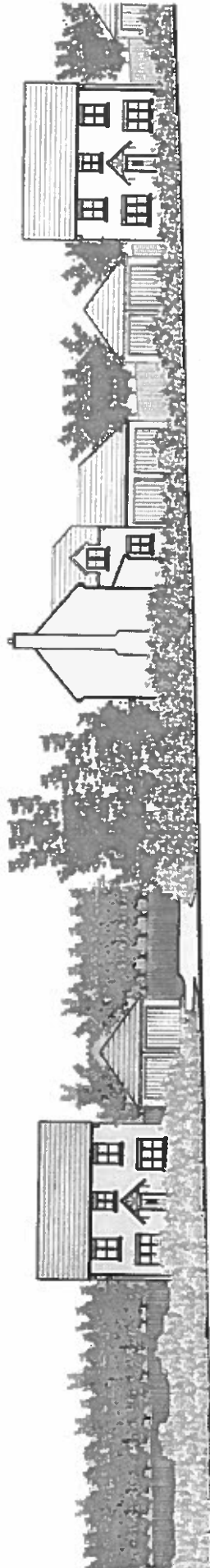
**New Dawn  
HOMES**

Project: **LAND AT TEWKESBURY RD.  
NORTON, GLOUCESTER**

Title: **PROPOSED PLOT 1, SITE PLAN**

Scale (at A3): <b>1:500</b>	Dwg no: <b>116-</b>	Revision No: <b>-</b>
Originator: <b>-</b>	Drawn: <b>-</b>	Date: <b>Jan'17</b>
		Approved: <b>-</b>





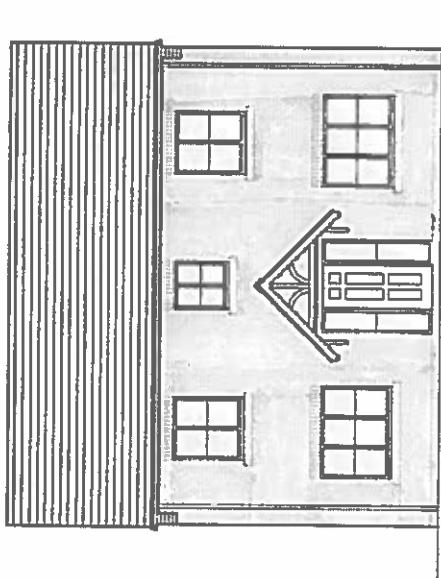
54/c

PROPOSED DEVELOPMENT

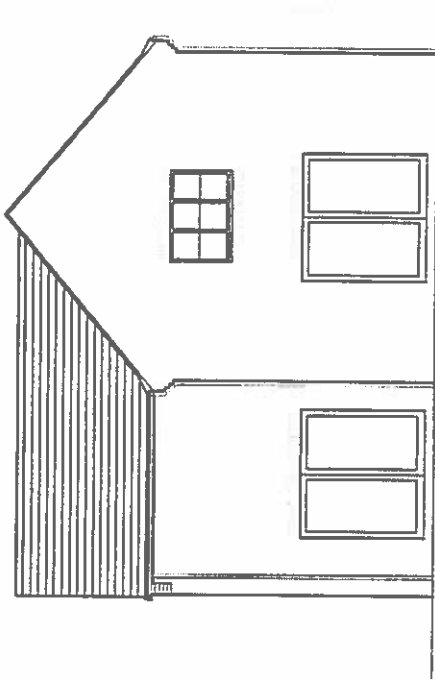
1 - 4 KINGS COURT

REV.	NOTE	DATE
	LAND AT TEWKESBURY RD. NORTON, GLOUCESTER	
	STREET SCENE PLOT 1	
1:250 @ A3		
JAN 2017	116-	
NDH		

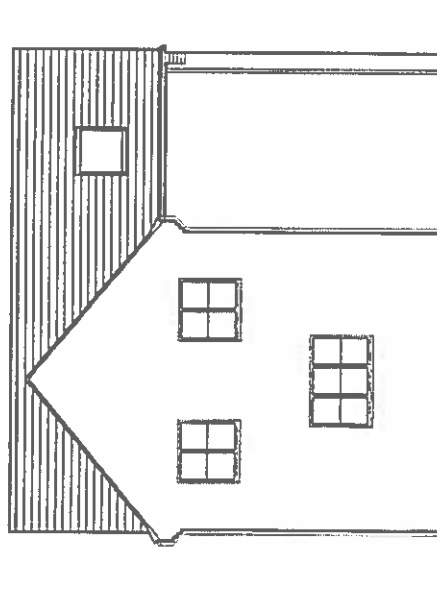
New Dawn  
HOMES



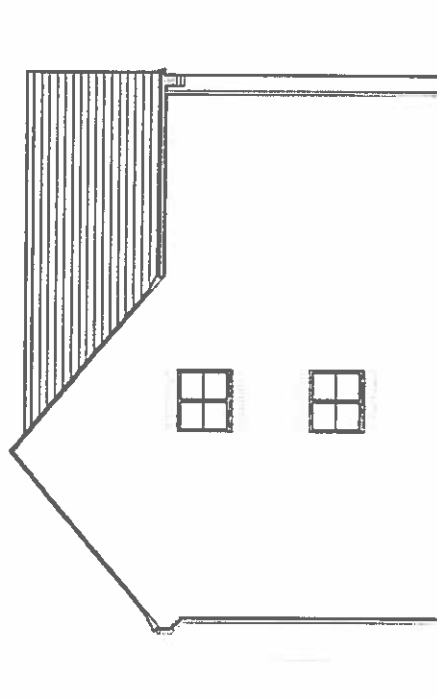
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

REV.	NOTE	DATE

LAND AT TEWKESBURY RD.  
NORTON,  
GLOUCESTER

F HOUSE TYPE - ELEVATIONS

1:100 @ A3

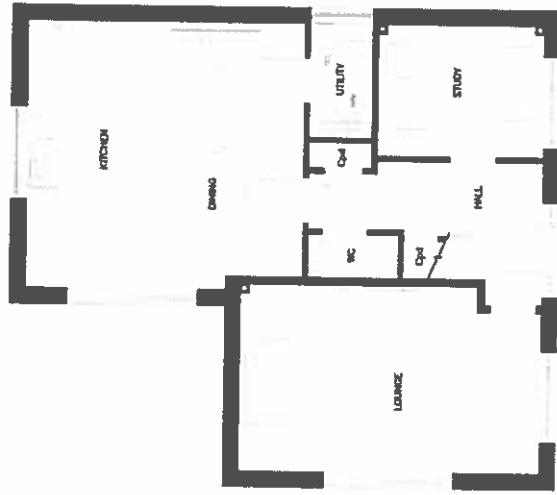
JUN 2017

116-03 -

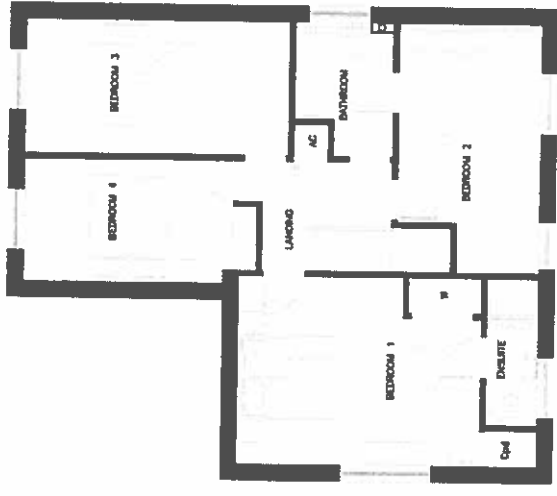


54/0

54/E



GROUND FLOOR PLAN



FIRST FLOOR PLAN

REV.	NOTE	DATE
LAND AT TEWKESBURY RD. NORTON, GLOUCESTER		
F HOUSE TYPE -- FLOOR PLANS		
1:100	● A3	
JAN 2017		116-02 -
		NRH



Valid 14.03.2017

Retention of closed boarded wooden fence and gate to the right hand side.

Grid Ref 387991 217233

Parish Hucclecote

Ward Hucclecote

Mrs Susan Cheviot  
 46 Sussex Gardens  
 Hucclecote  
 Gloucester  
 Gloucestershire  
 GL3 3ST

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework (2012)

Planning Practice Guidance

JCS Proposed Main Modifications

Tewkesbury Borough Local Plan to 2011 (March 2006) - HOU8

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

The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

**Parish Council** - objects to the close boarded fence and gate as it would set a dangerous precedent. The Sussex Gardens development was designed with an open street scene and we believe this should be maintained.

**Local residents** - Two letters of objection has been received from local residents. The reasons for objection are summarised as follows:

- This is an open plan estate and should be kept that way.
- The street scene should be kept open for various reasons - safety and visual amenity.
- The fence would make the corner blind.
- A precedent would be set
- The existing hedge around the side boundary should be removed as well.

**Gloucestershire Highways** - no objections.

**Planning Officers Comments:** Mrs Sarah Barnes

### 1.0 Application Site

1.1 This application relates to 46 Sussex Gardens, a detached bungalow located on a housing estate in Hucclecote (site location plan attached).

### 2.0 Planning History

2.1 The original outline permission (G 2006/D) removed permitted development rights for any new fences or walls at the front of the site that would exceed 1 metre in height (3 ft 6 inches). The reason for this was to ensure suitable visibility.

### 3.0 Current application

3.1 The current application is for the retention of a small section of fencing (3.5m wide by 1.8 metre in height) close boarded style, located along the side of the dwelling and set back 6-7 metres from the front boundary (see attached plans). The fence is required to provide a secure area for the storage of the applicant's mobility scooter.

### 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 that extensions 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.

## **5.0 Analysis**

5.1 The main issue for consideration in this application is the impact of the fence on the visual amenity of the area.

### **Visual amenity**

5.2 The Parish Council and local residents have raised objections to the proposal. The main reason for objection is that the fence would set a dangerous precedent and the estate was built with an open plan aspect and they consider that the new fence detracts from that. With regards to the precedent issue, each application is assessed on its own merits. There are however several examples of fences and walls on this estate which are very prominent from the road, for example, at 2 Colerne Drive (permitted in 2007) and 36 Colerne Drive. In terms of visual amenity, it is a very small section of fencing which is set back from the road (see photographs). It is considered that the fence is fairly well screened by the existing hedge along the front / side boundary. On balance, it is not considered therefore to be harmful to the street scene.

### **Highways**

5.3 The neighbour at no 40 Sussex Gardens has raised concerns that the fence makes the corner blind to any one wishing to exit the cul de sac. The Gloucestershire Highways Officer has been consulted and considers that the proposed fence is within the applicants control. It is further considered that the emerging / pedestrian visibility splays would not be obstructed or cause a highway safety concern. No highway objections are therefore raised.

## **6.0 Conclusion**

6.1 In light of the above, whilst the comments of the Parish Council and local residents are noted, it is considered that the 1.8 metre high boundary fence is in-keeping with other boundary treatments within the vicinity and is not harmful to the visual amenity of the area. It is also acceptable from a highway safety perspective. As such, the proposal is considered to accord with the NPPF and is accordingly recommended for permission.

## **RECOMMENDATION Permit**

Conditions:

Nil

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.

17/00246/ful



PLANNING AND DEVELOPMENT SERVICES

Officer: .....

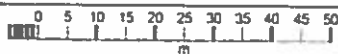
Scanned: .....

Rec'd 02 MAR 2017

Ack'd: .....

Ans'd: .....

File: .....



OS MasterMap 1250/2500/10000 scale  
 18 June 2016, ID: HMC-00537682  
 www.themapcentre.com

1:1250 scale print at A4, Centre: 387984 E, 217232 N

©Crown Copyright and database rights 2016 OS  
 100019980

56/A



17/00246/fel



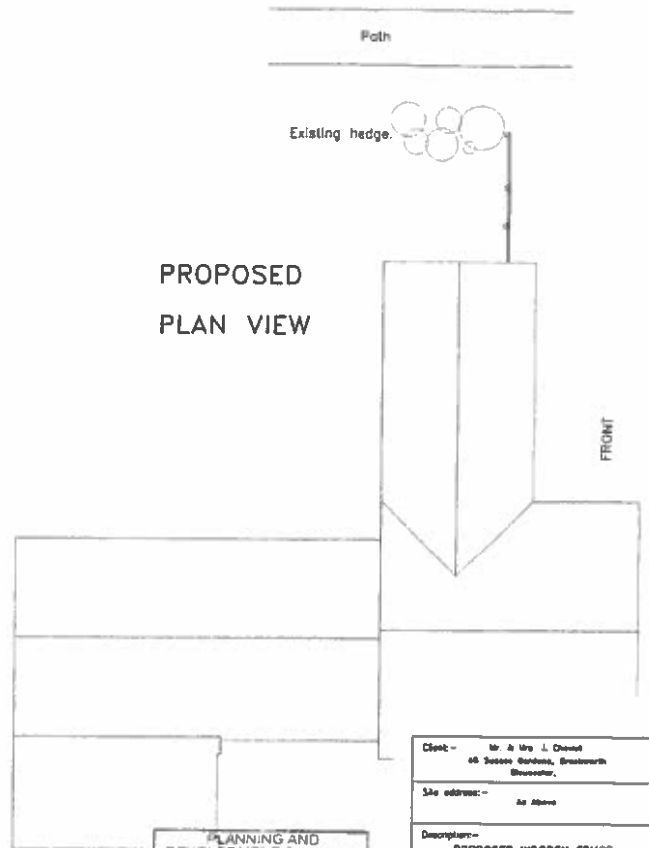
EXISTING REAR ELEVATION



EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION



PROPOSED  
PLAN VIEW

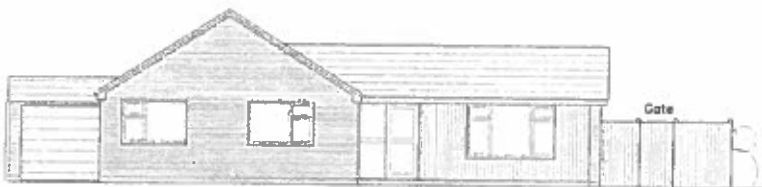
PLANNING AND DEVELOPMENT SERVICES	
Client	.....
Drawn	.....
Rev'd	02/03/07
As'd	.....
App'd	.....
File	.....

Client -	Mr. & Mrs. J. Donald 46 Sutton Gardens, Braintree Essex.
Site address -	As above
Description -	PROPOSED WOODEN FENCE TO SIDE.
Scale -	1:50 Date - 25/02/17
	A3
David Taylor Architectural Design Telephone 01452 533425	

17/00 246/ful



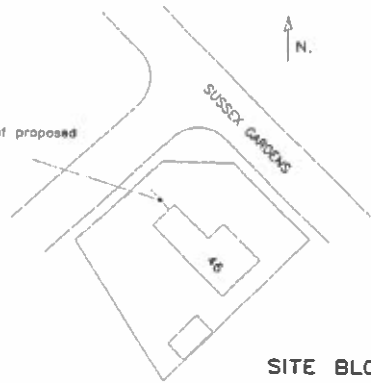
REAR ELEVATION



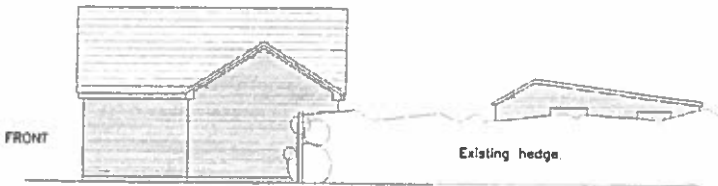
FRONT ELEVATION

Proposed fence.  
Constructed from vertical timber strips, fixed to horizontal bearers,  
with concrete posts.

Position of proposed  
Fence.



SITE BLOCK PLAN  
SCALE 1 : 500



SIDE ELEVATION

Existing hedge.

PROPOSED

PLANNING AND DEVELOPMENT SERVICES	
Office -	
Scanned	
Rec'd	02/03/07
Act'd	
App'd	
File	

Client -	Mr & Mrs J. Christ 48 Sussex Gardens, Broomfield Essex.	
Site address -	As above	
Description -	PROPOSED WOODEN FENCE TO SIDE.	
Scale - 1:500	Date - 23/02/11	A3
David Taylor Architectural Design Telephone 01452 533425		

56/C



Valid 15.03.2017  
Grid Ref 396239 227536  
Parish Bishops Cleeve  
Ward Cleeve St Michaels

Retention of rear extension (revised scheme 13/00744/LBC)

Mr A Sanders  
Fieldgate House  
Fieldgate Road  
Bishops Cleeve  
Cheltenham

## RECOMMENDATION Permit

### Policies and Constraints

#### Policies

National Planning Policy Framework 2012  
Planning Practice Guidance  
Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
Joint Core Strategy Proposed Main Modifications version  
The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

Bishops Cleeve Parish Council object to the proposal as the pitch and gullies are not sympathetic to the existing structure. This is an appalling example of an extension to a listed building. The build quality and roofing materials are of a particular concern and do not represent good quality design.

The Conservation Officer has raised no objection to the proposal. The build variations over the 2013 scheme involve slightly steeper pitches and wider valleys on the trio of rear gables but otherwise there is little net change in the scheme's overall impact. The amendments are therefore considered acceptable.

The application has been publicised through the posting of a site notice and one letter has been received in the 21 day statutory consultation period or since. It is noted that this comment has been made on the Listed Building application (16/01433/LBC). The comments are outlined below:

- I would like to strongly object to the use of slate tiles on a Grade II listed building, on the application it states that the original tiles were slate, this is not correct in fact none of the surrounding properties have slate tiles.

### Planning Officers Comments: Fiona Martin

#### 1.0 Application Site

1.1 The application relates to Fieldgate House in Bishops Cleeve (**see site location plan attached**). The property is a three-storey detached stone build Grade II Listed building. The property is sited in a modern residential estate perpendicular to Fieldgate Road to the east with the rear elevation facing Ward Close to the north.

1.2 Alongside this application a listed building consent application has also been received.

#### 2.0 Planning History

2.1 A split decision for planning permission (13/00674/FUL) and listed building consent (13/00744/LBC) was granted on 2nd May 2014. The decision granted permission for the proposed extensions to the main house and the shed and refused permission for the garage block and self-contained unit.

2.2 More recently on 22nd August 2014 planning permission (14/00541/FUL) and listed building consent (14/00545/LBC) have been granted for the self-contained unit, new garage block and alterations to the boundary wall as a revised scheme to (13/00674/FUL).

### 3.0 Current application

3.1 The current application seeks planning permission for the retention of the rear extension (revised scheme 13/00744/LBC) which was not built in accordance with the previous approval **see previously approved plans and proposed as built plans attached.**

3.2 Listed Building Consent is also required for the proposal. The application for Listed Building Consent also appears on the schedule (ref: 16/01433/LBC).

### 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 the extension of 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.

4.3 Section 12 of the NPPF relates to "conserving and enhancing the historic environment", paragraph 129 of the NPPF outlines that when determining applications Local Planning Authorities should assess how the heritage may be affected by the proposal.

### 5.0 Analysis

5.1 The main issues to be considered with this application are the design of the rear extension, the impacts on the listed building and the impacts on residential amenity.

#### *Design & Impact on the Listed Building and Street Scene*

5.2 The extension is located on the rear of Fieldgate House which fronts Ward Close and is reasonably prominent in the street scene. The extensions are visible from the road. The built extension consist of a trio of rear facing gables which have steeper pitches and wider valleys to the extensions previously approved: the far left pitch is increased in height by 0.5 metres; the middle pitch increased by 0.7 metres; and the far right increased by 0.9 metres. Whilst the overall height is increased the extension remains subservient to the existing dwelling.

5.3 An objection has been received relating to the description of the existing roof materials. It is confirmed that the roof materials of the existing dwelling are concrete with the extensions having slate roof tiles. The roofing material of the extension was agreed as part of the original application and is considered acceptable.

5.4 The Conservation Officer does not consider the changes to the extension to be materially different to the approved scheme in respect of the impact on the listed building and equally it is considered that it would result in no material harm to the streetscene. Accordingly the scheme is considered to comply with the requirements of HOU8 and HEN11 of the Local Plan in this regard.

#### *Residential amenity*

5.5 The proposed alterations to the previously approved scheme include higher/ steeper roof pitches, wider valleys and an additional first floor window on the far left rear gable. The previously approved scheme permitted first floor windows in the middle gable only. The rear extension faces out over Ward Close and the side boundary of No. 2 Fieldgate Road which is some 25m distant. It also protrudes forward of the boundary of No. 4 Ward Close to the east. However, the proposal is not considered to result in an adverse increase in overlooking or overbearing impact of residential occupiers on Ward Close or No.2 Fieldgate Road in comparison to the approved scheme.

5.6 Overall, after careful consideration, it is not considered that the proposed extension would cause demonstrable harm to the amenities of the neighbouring dwellings and would accord with Policy HOU8 of the Local Plan.

## **6.0 Conclusion**

6.1 On balance, it is considered that the proposal would be of an acceptable scale and design in relation to the Listed Building and would not harm the existing street scene. The proposal would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal would therefore accord with the NPPF and Policy HOU8 and HEN11 of the Local Plan and is **recommended for permission**.

### **RECOMMENDATION Permit**

#### **Condition:**

The development hereby permitted shall be retained in accordance with details within the application form and approved plans/drawings: existing ground/ first floor and roof plan (03), existing elevations-north/ west/ east (04), proposed elevations (05) received by Local Planning Authority 15th March 2017, and existing block plan, proposed block plan and site location plan received by Local Planning Authority 28th April 2017.

#### **Reason:**

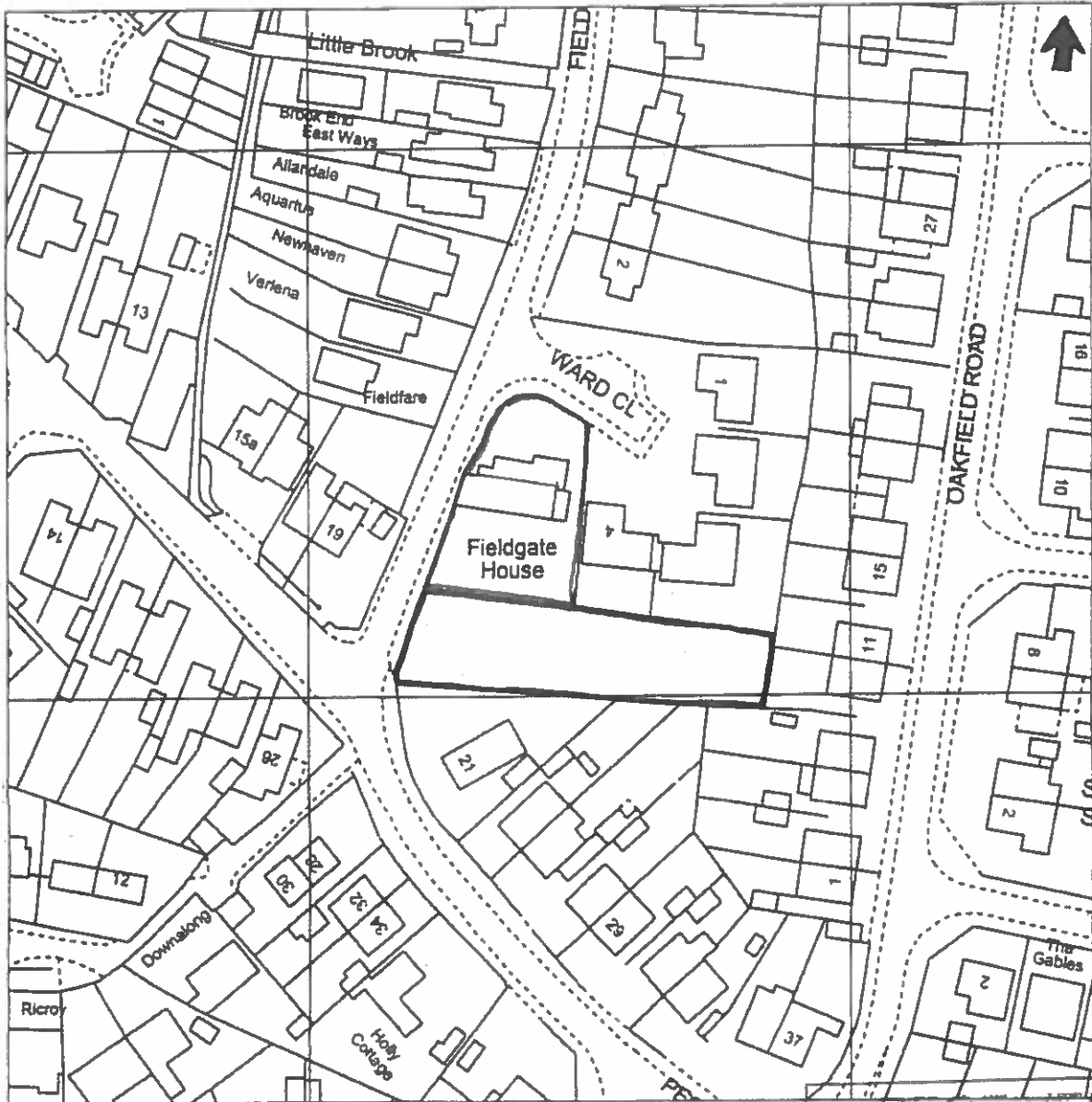
For the avoidance of doubt and in the interest of proper planning.

#### **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.

16/01433/LBC &  
17/00300/FUL



RECEIVED  
28 APR 2017  
TEWKESBURY BOROUGH COUNCIL  
OPERATIONS

**Ian Johnstone Associates**  
Building Planning & Design

Fieldgate House Fieldgate Road Bishops Cleeve

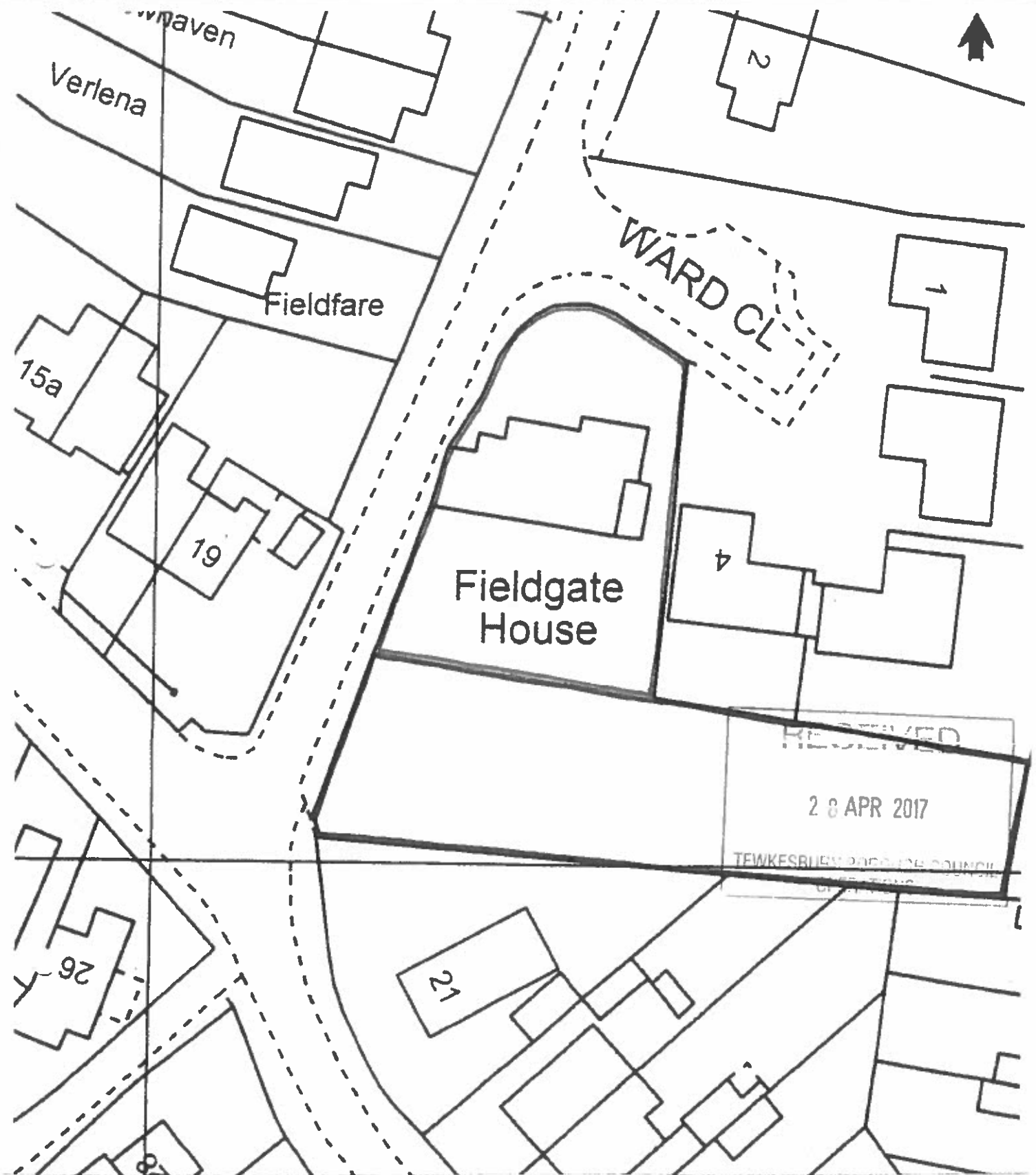
O.S. Ref No : 100037319

1 King Arthur Close  
Charlton Park  
Cheltenham  
Glos GL53 7EX

Tel no : 01242 576409  
Mobile : 07973 304480  
e-mail : I.Johnstone@outlook.com

1:1250 scale site location plan

SA/A



**Ian Johnstone Associates**  
**Building Planning & Design**

O.S. Ref No : 100037319

Fieldgate House Fieldgate Road Bishops Cleeve

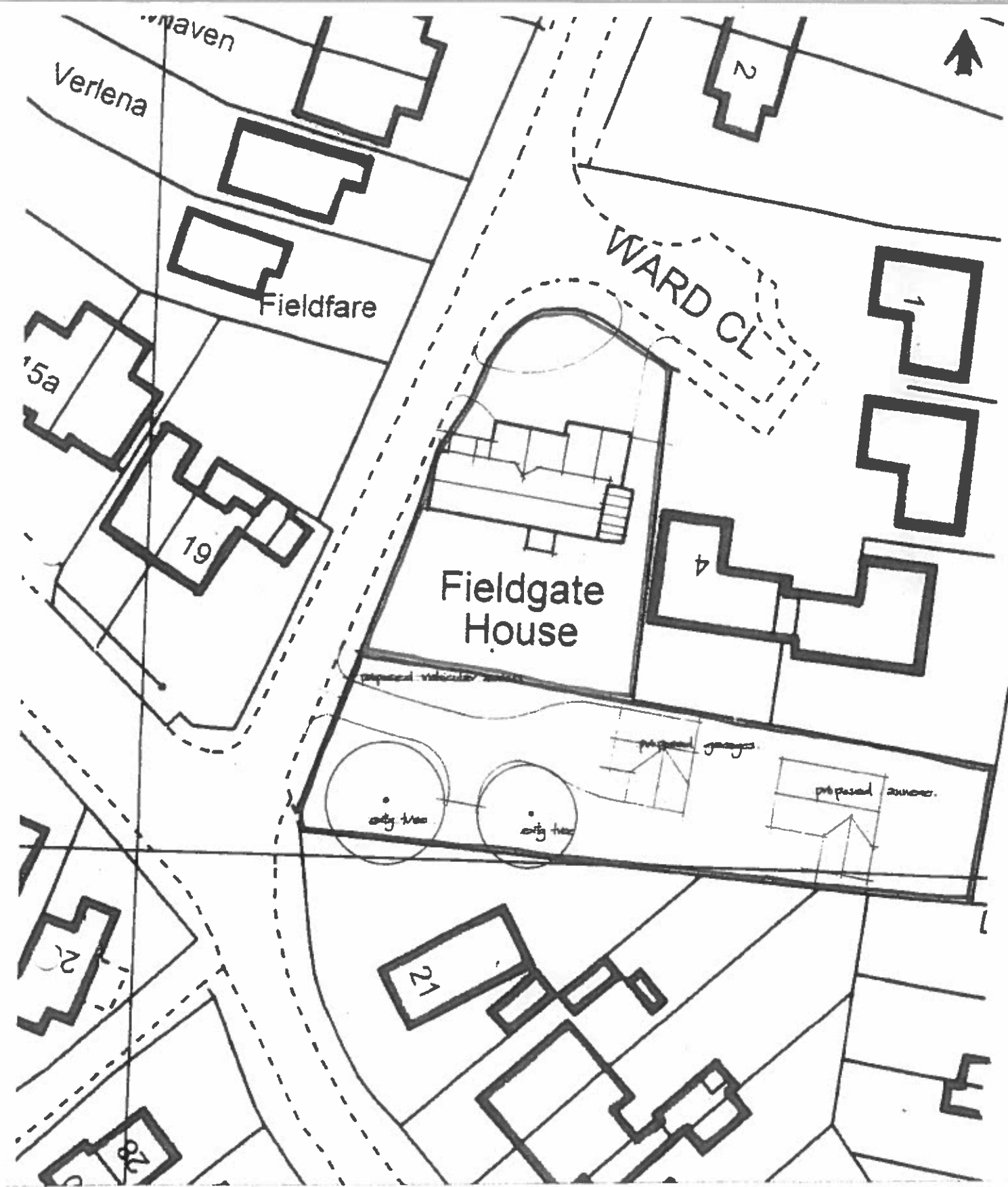
1 King Arthur Close  
 Charlton Park  
 Cheltenham  
 Glos GL53 7EX

59/B

Tel no : 01242 576409  
 Mobile : 07973 304480

1:500 scale site block plan as existing

e-mail: i.johnstone@outlook.com



**Ian Johnstone Associates**

**Building Planning & Design**

Fieldgate House Fieldgate Road Bishops Cleeve

O.S. Ref No : 100037319

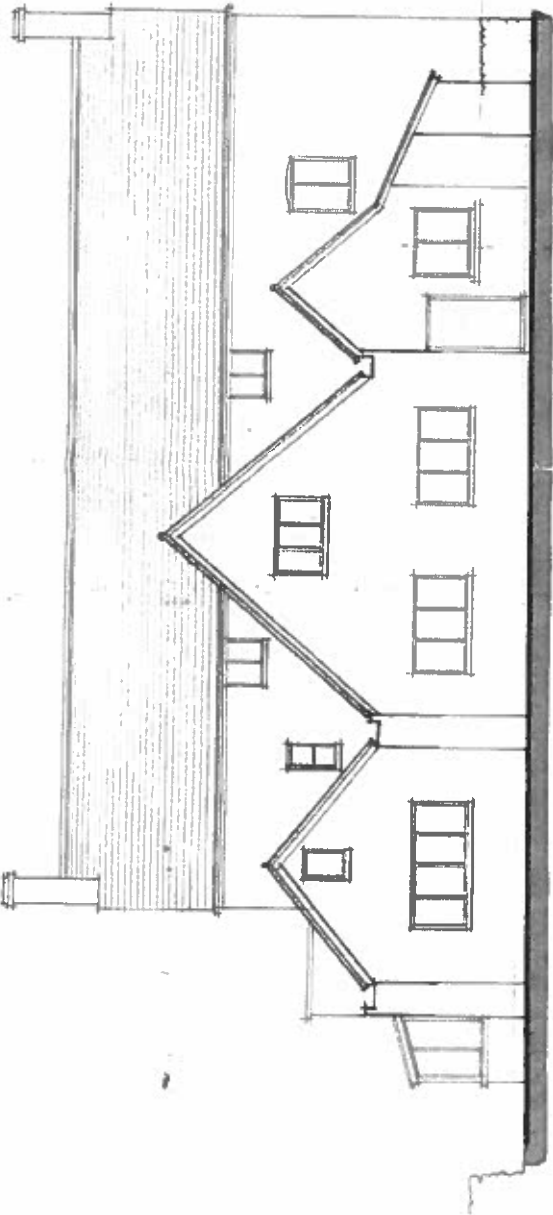
1 King Arthur Close  
 Charlton Park  
 Cheltenham  
 Glos GL53 7EX

*sa/c*

Tel no : 01242 576409  
 Mobile : 07973 304480

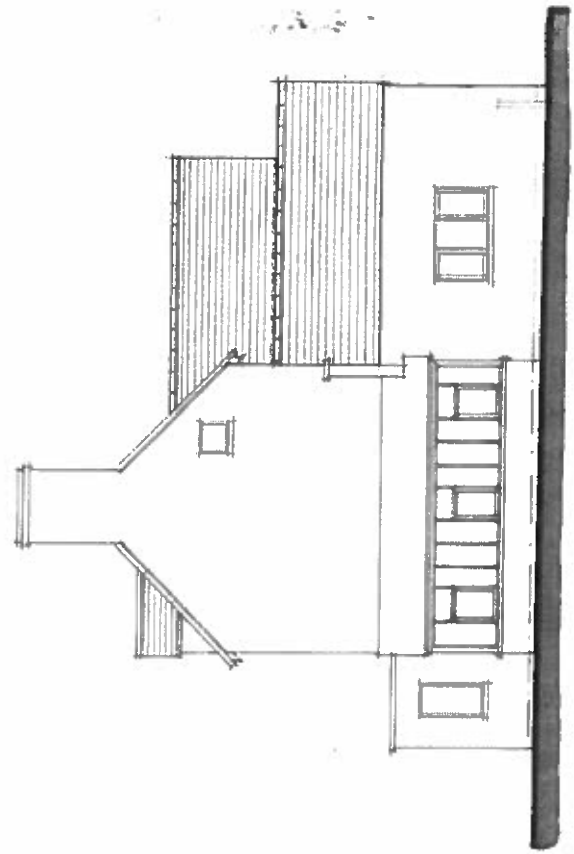
NOTES:

All dimensions must be checked on site and not scaled from this drawing.

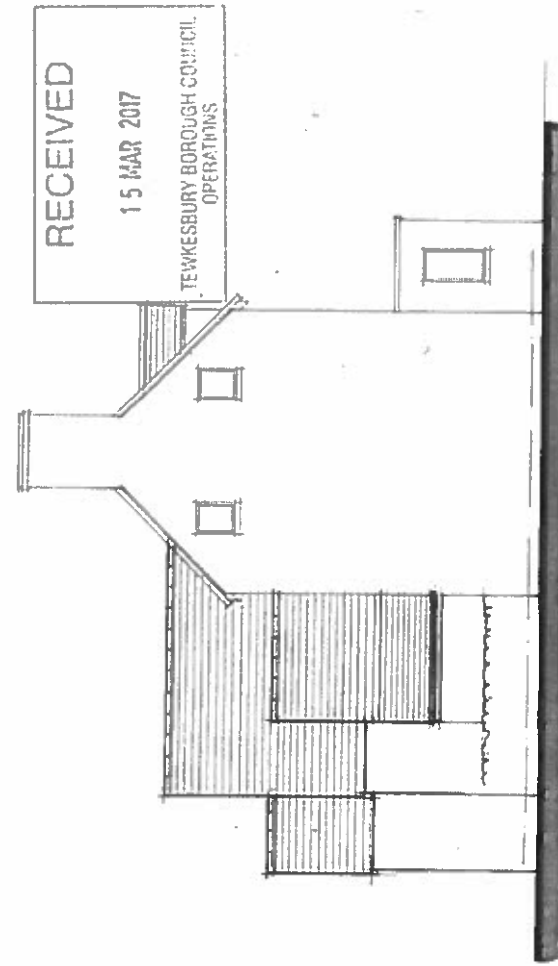


rear elevation north

sa/d



side east



side west

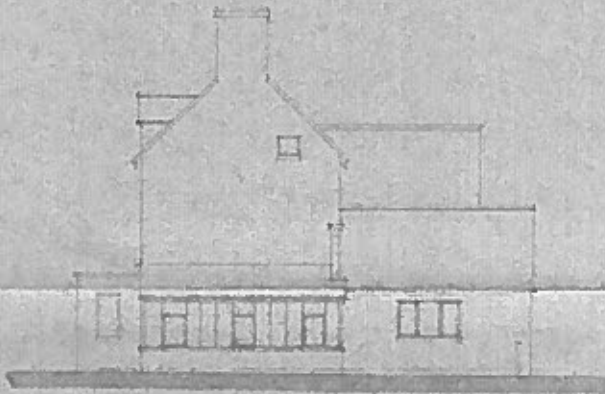
RECEIVED  
15 MAR 2017  
TEWKESBURY BOROUGH COUNCIL  
OPERATIONS

Previously Approved

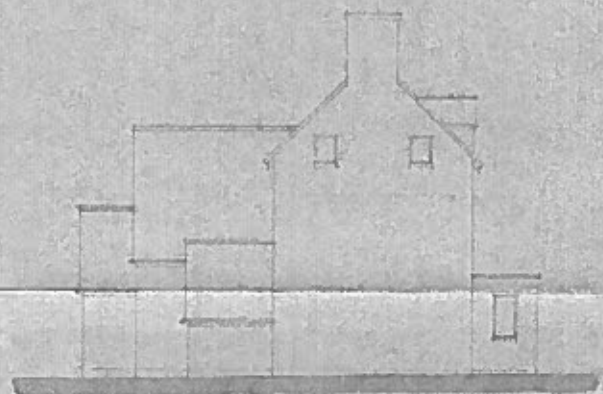
NOTE:  
All dimensions must be checked on site and not scaled from this drawing.



north



east



west

RECEIVED  
15 DEC 2016  
TEKLEBERY ROBERTSON & CO. LTD.  
GLASGOW

Job: **FIELDGATE HOUSE FIELDGATE ROAD  
BISHOPS CLEEVE CHELTENHAM GLOS.**

Client: **MR A. SANDERS.**

Drawing: **DETAILS AS EXISTING : ELEVATIONS.**

Scale: **1:100**  
Date: **november 2016.**

Rev: \_\_\_\_\_  
Job No: **711 02** Drg. No. **04**

**Ian Johnstone Associates**  
Building Planning & Design

Richwood House  
50-54 Fairview Road  
Cheltenham  
Glos GL52 2LL  
Tel & Fax: 01242 251062  
Mobile: 07973 304480

59 KE



Valid 15.03.2017  
 Grid Ref 396239 227536  
 Parish Bishops Cleeve  
 Ward Cleeve St Michaels

Retention of rear extension (revised scheme 13/00744/LBC)

Mr A Sanders  
 Fieldgate House  
 Fieldgate Road  
 Bishops Cleeve

## RECOMMENDATION Consent

### Policies and Constraints

#### Policies

National Planning Policy Framework  
 Planning Practice Guidance  
 Tewkesbury Borough Local Plan to 2011 - March 2006  
 Planning (Listed Buildings and Conservation Areas) Act 1990  
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
 Joint Core Strategy Proposed Main Modifications version  
 The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

Bishops Cleeve Parish Council object to the proposal as the pitch and gullies are not sympathetic to the existing structure. This is an appalling example of an extension to a listed building. The build quality and roofing materials are of a particular concern and do not represent good quality design.

The Conservation Officer has no objection to the proposal. The as build variations over the 2013 scheme involve slightly steeper pitches and wider valleys on the trio of rear gables but otherwise there is little net change in the scheme's overall impact. The amendments are therefore considered acceptable.

The application has been publicised through the posting of a site notice, it is noted that comments have been made on this Listed Building application however these have been addressed under the full application.

### Planning Officers Comments: Fiona Martin

#### 1.0 Application Site

1.1 The application relates to Fieldgate House in Bishops Cleeve (see site location plan attached). The property is a three-storey detached stone build Grade II Listed building. The property is sited in a modern residential estate perpendicular to Fieldgate Road to the east with the rear elevation facing Ward Close to the north.

1.2 Alongside this application a planning application has also been received.

#### 2.0 Planning History

2.1 A split decision for planning permission (13/00674/FUL) and listed building consent (13/00744/LBC) was granted on 2nd May 2014. The decision granted permission for the proposed extensions to the main house and the shed and refused permission for the garage block and self-contained unit.

2.2 More recently on 22nd August 2014 planning permission (14/00541/FUL) and listed building consent (14/00545/LBC) have been granted for the self-contained unit, new garage block and alterations to the boundary wall as a revised scheme to (13/00674/FUL).

#### 3.0 Current application

3.1 The current application seeks listed building consent for the retention of the rear extension (revised scheme 13/00744/LBC) which was not built in accordance with the previous approval see previously approved plans and proposed plans attached.

3.2 Planning permission is also required for the proposal. The application for planning permission also appears on the schedule (ref: 17/00306/FUL).

#### **4.0 Policy Context**

4.1 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. This approach is followed in the NPPF, which highlights that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, including their setting.

#### **5.0 Analysis**

5.1 The Council's Conservation Officer has been consulted on the application and does not object to the proposal. The as built variations over the 2013 scheme involve slightly steeper pitches and wider valleys on the trio of rear gables however there is little net change in the scheme's overall impact and the amendments are considered acceptable (see also the analysis in relation to C/2017/00306/FUL also on this agenda). Overall, it is considered that the proposal does not harm the Grade II listed building and would sustain the character, appearance and historic integrity of the Listed Building in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF.

#### **6.0 Summary**

6.1 Taking into account all of the above, the proposal is considered to be acceptable and in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF. It is therefore recommended that **listed building consent is granted**.

#### **RECOMMENDATION Consent**

##### **Condition:**

The development hereby permitted shall be retained in accordance with details within the application form and approved plans/drawings: existing ground/ first floor and roof plan (03), existing elevations-north/ west/ east (04), proposed elevations (05) received by Local Planning Authority 15th March 2017, and existing block plan, proposed block plan and site location plan received by Local Planning Authority 28th April 2017.

##### **Reason:**

To comply with Section 18 of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, for the avoidance of doubt and in the interest of proper planning.

##### **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.

Valid 01.03.2017

Demolition of existing garden centre buildings and erection of 9 new dwellings. New access road and foot paths, garages and landscaping

Grid Ref 385396 223424

Parish Norton

Ward Coombe Hill

Mrs Betty Morley  
 Norton Fruit Farm  
 Tewkesbury Road  
 Norton  
 Gloucester

## RECOMMENDATION Delegated Permit

### Policies and Constraints

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Proposed Main Modification Version Joint Core Strategy- SD7, SD11, SD13, SD15, INF1, INF2, INF3  
 Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, HOU10, TPT1, EVT3, EVT9, LND4, LND7,  
 NCN5

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

The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

**Norton Parish** - Object - this scheme is not needed to meet housing numbers in this service village, nor is it required to meet the boroughs 5 year housing supply. Furthermore:

1. This site is former fruit farm horticultural land with associated greenhouses. It was an important site for local employment and it would be preferable to retain that use if development is to be allowed. It is not clear whether any marketing of the site for employment use has taken place and what evidence has been submitted.
2. The proposal would add to the large number of varying housing and mobile home schemes along the A38, with a substantial cumulative impact on this very busy road.
3. As an ad hoc housing scheme it would constitute sporadic development in a rural area and therefore be contrary to Borough Council policy, unless it were to be considered as an affordable housing exception site. We understand that the scheme currently has no affordable housing and we do not know what discussions have taken place.
4. If allowed it would contribute to the perception that the council has in effect accepted 'ribbon development' along the A38, from Gloucester to Norton, again contrary to policy.
5. Recent consideration of another scheme in the locality has shown that there is inadequate school capacity and no current prospect of improvement.
6. The proposed design is inconsistent with the 'farmstead' style recommended by the Borough Council's landscape consultant and accordingly adopted in the draft NDP.

**Severn Trent Water** - No objection subject to condition requiring approval and implementation of foul and surface water drainage to serve the development.

**Environmental Health Officer** - No objections subject to a condition requiring the investigation and remediation of any contamination if present.

- Concerns about noise from the A38 upon the closest plot. A condition should be imposed to protect the amenity of future residents.

**Urban Design Officer** - No objections to the scheme as amended.

**County Highways Authority** - No objections subject to conditions.

**Housing Enabling Officer** - No objections subject to an affordable housing contribution of £232,750 to finance Affordable Housing projects in the borough.

**Local Residents** - No comments received.

**Planning Officers Comments:** Bob Ristic

## 1.0 Application Site

1.1 The application site is located on the western side of the A38, approximately 600 metres to the south of Norton. To the immediate north of the site is Barn Farm Business Park and Norton Park Lodges static caravan site and to the south is a vacant saddlery business and bungalow which is set back from the road.

1.2 The site is presently vacant and was formerly occupied by Norton Fruit Farm, a garden centre and nursery business. **See Location Plan.**

1.3 The application site comprises an area of hardstanding adjacent set back from the highway, which provided customer/staff parking for 38 cars. Behind this are two large connected glass house structures and to the west of this is an area of scrub land which was used in connection with the business and includes remnants of poly-tunnels and other horticultural and commercial paraphernalia.

1.4 The proposed site is 0.71 hectares in area and would project approximately 20 metres beyond the present western boundary of the site and would align with the western boundary of the holiday caravan park to the north.

1.5 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. The nearest settlement to the application site is Norton, which is identified as a Service Village in the Main Modification Version Joint Core Strategy (MMVJCS) and Twigworth which is approximately 1,400 metres to the south.

1.6 There are no planning land uses designations on the site which is also located outside of a settlement boundary. The land to the eastern side of the A38 opposite the site is designated as Green Belt. The A38 itself is also designated a Public Transport Corridor.

## 2.0 Relevant Planning History

2.1 None.

## 3.0 Current Application

3.1 The application seeks full permission to redevelop the vacant site with 9 detached chalet-style dwellings, associated garages and off street parking **See Location Plan**. Each of the dwellings would provide 4 bedrooms and the scheme would comprise two different house types. **See proposed plans & elevations.**

3.2 The proposed site access would be in a similar position to the existing and would serve the proposed new cul-de-sac. Plots 1 and 9 (either side of the access drive would front towards the A38 while the remaining dwellings would front onto the proposed access drive and turning head.

## 4.0 Policy Context

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

4.2 Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework (NPPF), and the MMVJCS. 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 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.

4.4 The Council is presently able to demonstrate a five-year supply of deliverable housing sites and saved policy HOU4 is considered up-to-date. In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise), the presumption in favour of sustainable development set out in paragraph 14 of the NPPF does not apply.

4.5 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. In this case as reiterated in paragraph 12 of the NPPF, the presumption is against the grant of planning given the conflict with HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

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

## 5.0 Analysis

5.1 The main planning issues to be considered in the determination of this application are the principle of residential development, landscape impact, affordable housing provision, design and siting, residential amenity, access and highway safety.

### *Principle of Development*

5.2 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to Policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. The presumption is against the grant of planning permission given the conflict with policy HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

5.3 However, Norton is a named Service Village in the MMVJCS and emerging Policy SP2 of the JCS states that Service Villages will accommodate lower levels of development, proportional to their size and function, and also reflecting their proximity to Cheltenham and Gloucester. New development is to be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans.

5.4 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

5.5 The Framework also recognises the need to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28) and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that there is a need to balance this against other objectives set out in the Framework - particularly in rural areas.

5.6 Norton is identified as a service village in the MMVJCS and is located approximately 600 metres to the north of the application site. In addition to the village core, the surrounding area includes a number of dwellings and commercial properties which line this stretch of the A38. The village provides a range of services and facilities including a primary school and a village hall as well as a place of worship. It is noted that Twigworth is also located less than 1 mile to the south of the site and provides further facilities including a petrol station shop and school. The A38 is also an identified public transport corridor and the site is considered to be well served by public transport which provides services to Norton village as well as Gloucester City Centre and Tewkesbury Town Centre.

5.7 Although the Parish Council consider that the proposal would contribute to ribbon development along the A38, the application site is located between existing residential and commercial development to the north and south. The proposed development would be viewed in the context of these existing properties and as a result the proposal would not appear isolated.

5.8 It is also the case that the site constitutes previously developed land and contains a large building and a number of glass houses used in association with the garden centre. The NPPF encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value (Core Principle - paragraph 17). Although the proposal would result in a greater proportion of the site being developed, the previously developed nature of the land is a matter that weighs in favour of the application.

5.9 It is considered that the specific nature of the glass houses at the site provide limited opportunities for re-use by other businesses other than by another garden centre and the current proposal would allow for the regeneration of this under used site.

#### *Landscape Impact*

5.10 Local Plan Policy LND4 requires that in considering proposals for development in rural areas regard should be given to protect the character and appearance of the rural landscape and that these areas are of great importance in terms of visual amenity and biodiversity.

5.11 Although the site falls outside of an identified settlement boundary, it should be noted that it comprises previously developed land which includes a variety of disused buildings and structures. Furthermore the site is defined and enclosed by timber fencing and leylandi screening which contrasts with the undeveloped and open character of the land to the west of the site.

5.12 The application site is located between existing residential and commercial development to the north and south of the site. The proposed development would be viewed in the context of these existing properties and as a result the proposal would not appear isolated or have a significantly harmful impact on the character and appearance of the countryside when viewed from the wider area. Furthermore it is considered that the removal of the substantial greenhouse buildings and leylandi screen which span the width of the site and their replacement with the proposed detached dwellings would serve to open up views through the site and the countryside beyond.

5.13 The proposed chalet style dwellings would have an acceptable design and a restrained scale which would minimise the visual impact of the proposal upon the wider area. It is considered that the development could be further enhanced through a comprehensive landscaping scheme and measures to improve biodiversity which can be secured by condition.

#### *Affordable Housing*

5.14 The application proposes 9 dwellings and associated garages which would have a gross floor area of approximately 1,790 square metres and the application site measures approximately 0.71 hectares in area.

5.15 Planning Practice Guidance (PPG) establishes the threshold where contributions for affordable housing obligations should not be sought. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the written ministerial statement of 28 November 2014 and should be taken into account. The PPG states that contributions should not be sought from developments of 10-units or less, which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area). As this application proposes in excess of 1,000 square metres of gross internal floor space, the proposed development would trigger the requirement for affordable housing contributions set out in the PPG.

5.16 While saved Local Plan Policy HOU13 states that in order to address the demonstrated lack of affordable housing across the Borough, the 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 hectares. This policy is considered inconsistent with current guidance and is afforded limited weight.

5.17 Emerging policy SD13 of the MMVJCS states that the JCS authorities will seek outside of the Strategic Allocation sites, on sites of 11 dwellings or more, or sites with a maximum combined gross floor space of greater than 1000sqm; a minimum of 40% will be sought within the Tewkesbury Borough administrative areas and is consistent with current guidance.

5.18 Emerging policy SD13 in the MMVJCS is considered consistent with national guidance and significant weight should be afforded to this emerging policy. It is therefore recommended that should the committee determine that planning permission is granted a S106 obligation should be secured in accordance with the requirements of the Housing Enabling and Policy Officer in order to meet the Council's adopted and emerging policy requirements.

5.19 The Housing and Enabling Officer has advised that the required contribution for affordable housing in Tewkesbury Borough is 40%. This equates to 4 dwellings (rounded to the nearest whole number). An off-site affordable housing contribution of £232,750 is therefore required and this contribution would be used by the council to finance other Affordable Housing projects in the borough.

5.20 The applicant has agreed to complete a S106 agreement to secure this contribution should it be resolved to grant planning permission.

#### *Design, layout and visual impact*

5.21 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Similarly, policy SD5 of the MMVJCS seeks to encourage good design and is consistent with the NPPF and so should be afforded considerable weight.

5.22 This part of the A38 comprises a variety of dwellings and commercial properties with a variety of building designs and materials including red brick and white render. It is considered that the proposed dwellings would reflect the character of the wider area through the choice of materials which would include brick, render and timber cladding whilst providing a development with its own character.

5.23 The scheme has been revised since it was first received and following advice from the Urban Design Officer. The current proposal includes two plots fronting onto the A38 to reflect the character of the wider area and also creating an active frontage onto the street. Within the site the proposed garages have been re-sited where possible to the sides of the dwellings to create a street defined by the dwelling houses themselves as opposed to being dominated by garages.

5.24 The proposed dwellings would be of a restrained 1½ storey design with the first floor accommodation being provided within the roof space and reducing the visual impact of the development. The submitted drawings have demonstrated that there is sufficient space within the development for tree and shrub planting and the final details can be controlled by condition to secure an acceptable landscaping scheme.

5.25 While the application site would project beyond the western boundary of the site, which is presently defined by a close board fence this area would principally provide gardens to plots 3 & 4. Furthermore this boundary would align with the western boundary of the adjoining mobile home site and offers an opportunity to replace the existing timber fencing with native planting as part of a landscaping condition.

5.26 Overall it is considered that the design approach is an appropriate response to the context of the site and it is considered the dwellings are of an appropriate high quality design and layout.

#### *Residential Amenity*

5.27 Paragraph 17 of the NPPF sets out 'Core Principles', one of which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

5.28 The proposed design allows for a spacious development with each of the dwellings being served by generous private garden areas with satisfactory levels of privacy. Where there is the potential for overlooking this can be mitigated through sensitive planting as part of a landscaping scheme and the proposed layout, separation and existing boundary planting would ensure that there is no unacceptable overlooking or loss of light to neighbouring dwellings at Buttercup Farm and Norton Fruit Farm.

5.29 The application site adjoins Norton Park Lodges holiday caravan park. This site is located at an elevated level to the application site and includes a number of mobile homes flanking onto the northern boundary of the site. It is noted that a number of the caravans have windows within their southern side elevations facing towards the application site. As the caravans are for holiday purposes, less weight is attached to the protection of the amenities of the occupiers as this will be on a short term, holiday basis.

5.30 Plots 5 and 6 are set between 12.6 and 16.9 metres from the northern boundary of the site and would provide sufficient separation to provide adequate privacy for occupiers. This can be further enhanced through planting within the site as part of a landscaping condition.

5.31 Plot 4 would flank towards the caravans and would be set over 10 metres away. Considering the scale of the proposed dwelling, separation and elevated position of the adjoining land there would be no adverse impacts upon the occupiers of the caravans to the north of this plot. Furthermore the garages to plots 4 & 5 have been designed with a reduced ridge height to minimise any overbearing impacts upon the caravans to the north.

5.32 The Environmental Health Officer has advised that given the proximity of the development to the A38 the properties adjacent to the road would need to be constructed so as to comply with the requirements of BS 8233:2014 - Guidance on Sound Insulation and Noise Reduction for Buildings. The Officer is satisfied that suitable living conditions for future occupiers of the development could be achieved through an appropriately worded condition.

5.33 Overall it is considered that the proposed development would not adversely impact the residential amenities of adjoining occupiers and would provide satisfactory living conditions for the future occupiers of the development.

#### *Highway Safety*

5.34 Policy TPT1 of the Local Plan highlights that development will be permitted where provision is made for safe and convenient access and where there is an appropriate level of public transport service available. Paragraph 32 of the NPPF also requires safe and suitable access to be achieved but states that development should only be refused on transport grounds where the cumulative impacts of the development are severe.

5.35 The County Highways Officer has raised no objections to the proposed development and has advised that the site is considered to be accessible, with links to high quality public transport services as well as being within walking and cycling distance of local facilities. Furthermore, the site is served by northbound and southbound bus stops directly outside the site with frequent services to Tewkesbury and Gloucester, providing a sustainable transport method to a number of employment areas as well as further regional and national sustainable transport options.

5.36 The development proposes to reuse the existing vehicular access which is will be upgraded. Highway records show that there have been no recorded collisions or personal injury incidents in relation to the site access over the past 3 years. Furthermore, the submitted details have demonstrated that the proposed access would provide sufficient visibility splays in each direction, commensurate with the 50mph speed limit of the road.

5.37 The access drive would be 5.5 metres wide with 2 metre wide pedestrian footway either side. The design would provide traffic calming and a turning head to the western end of the road. The submitted tracking details have demonstrated that there would be sufficient manoeuvring and passing provisions for vehicles and sufficient safe space for pedestrians.

5.38 Each of the properties would benefit from detached double garages as well as further parking spaces on associated hardstanding. It is considered that the parking provision is sufficient to meet the reasonable requirements of future occupiers of the development.

5.39 In light of the above it is considered that the proposed development would not have an unacceptable impact upon highway safety subject to compliance with conditions recommended by the County Highways Officer.

## **6.0 Conclusions and Planning Balance**

6.1 The starting point for determination of this application is the conflict with policy HOU4, to which substantial weight should be applied. Whilst the Council is able to demonstrate a 5 year supply of deliverable housing sites, it should be noted that this is a rolling calculation and the Council must ensure that sufficient sites are granted planning permission to meet the ongoing need for housing in the Borough.

6.2 The site is located in a reasonably accessible location near to a named Service Village in the emerging MMVJCS with access to local services and facilities and is considered suitable in principle for some limited residential development. The application would contribute, albeit in a limited way, to the housing supply in the Borough and towards the provision of affordable housing, and these are matters that weigh in favour of the proposal.

6.3 Furthermore the proposal would regenerate an existing vacant and previously developed site which is a matter that weighs in favour of the proposal. The site is also located adjacent to a main public transport corridor with frequent bus services to Gloucester and Tewkesbury and is within reasonable cycling distance to employment area at Staverton, offering viable alternative modes of transport for future occupiers.



6.4 It is considered that on balance, the benefits of the application namely the delivery of housing, the regeneration of a previously developed site and the sites proximity to a named service village, and siting adjacent to a public transport corridor, outweigh the conflict with the development plan in respect of policy HOU4.

6.5 Having regard to the benefits of the proposal set out above, it is considered that these would outweigh the identified harm and therefore the proposal would represent sustainable development in the context of the NPPF. It is therefore recommended that **Permission is delegated to the Development Manager subject to the completion of a section 106 legal obligation to secure the following contributions:**

- **Off site affordable housing contribution of £232,750**

#### **RECOMMENDATION Delegated Permit**

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved drawing nos. Sheet #1, Sheet #2 and Sheet #3, received by the Local planning Authority on 4th May 2017 and drawing nos. 913,81 - 05A, 913,81 - 06, 913,81 - 07D, 913,81 - 08A, 913,81 - 09 A, 913,81 - 10A, 913,81 - 11, 913,81 - 12B and Sheet #1, Sheet #2 and Sheet #3, received by the Local planning Authority on 8th May 2017 and any other conditions attached to this permission.
- 3 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.
- 4 No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 5 Notwithstanding the submitted details and prior to built development commencing, details or where appropriate samples of all external materials shall submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 6 Prior to built development commencing a scheme for the hard and soft landscaping for the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers. The landscaping scheme shall be implemented in accordance with the approved details no later than the first planting season following the occupation

of the buildings, or the completion of the development, whichever is sooner. If at any time within a period of 5 years of the completion of the development the approved trees or plants die, are removed or become seriously damaged or diseased, they shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

- 7 No development approved by this permission shall be commenced until a detailed drainage strategy including a scheme of surface water treatment and foul water has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall be supported by evidence of ground conditions, soakaway tests and modelling of the scheme to demonstrate that it is the most appropriate strategy and is technically feasible. In addition, full details, including size, location and maintenance regimes of the proposed Package Treatment Plant to deal with the foul drainage shall be submitted. Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through third party land or to their network, system or watercourse. The drainage scheme shall be carried out in accordance with the approved details and subsequently maintained to the required standard.
- 8 Prior to built development commencing details of existing and proposed levels with reference to a fixed datum point, to include details of finished floor and ground levels, have been submitted to and approved by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 9 Prior to built development commencing a scheme for the provision of fire hydrants (served by mains water supply) shall be submitted to and agreed in writing by the Council. No dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council and in accordance with the approved details.
- 10 Prior to built development commencing details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be 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.
- 11 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.
- 12 No part of the development hereby permitted shall be occupied until a scheme for biodiversity enhancement has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures identified shall be implemented concurrently with the development and in accordance with the approved details and shall be similarly maintained for the duration of the use.
- 13 No dwellings hereby permitted shall be occupied until details of all boundary treatments and means of enclosure to the development have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments approved shall be implemented in accordance with the approved details and prior to the completion of the development and shall be similarly maintained thereafter.
- 14 No dwelling hereby permitted shall be occupied until a scheme to protect the proposed development from traffic noise from the A38 has been implemented in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the indoor ambient noise levels in living rooms and bedrooms and external amenity areas meet the standards in BS 8233:2014 for the appropriate time period.

- 15 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 160m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
- 16 No building on the development shall be occupied until the vehicular parking and turning facilities serving that dwelling have been provided in accordance with the submitted plan drawing no. 913.81-07D, and those facilities shall be maintained available for those purposes thereafter.
- 17 No building on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.
- 18 No building on the development shall be occupied until the site be laid out and constructed in accordance with the submitted plan 913.81-07D, and the area of driveway within at least 20m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 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.
- 4 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 5 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 6 In the interests of amenity and to ensure a satisfactory standard of landscaping to the development.
- 7 To ensure that the development is provided with a satisfactory means of drainage; as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution, all in accordance with the saved policies and NPPF guidance.
- 8 In the interests of residential amenity and to secure a satisfactory external appearance to the development.
- 9 To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.
- 10 To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.
- 11 To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.
- 12 To enhance the biodiversity of the development and in accordance with policy NCN5 of the Tewkesbury Borough Local Plan to 2011 (2006).
- 13 In the interests of visual amenity and to ensure dwellings have satisfactory privacy and amenity.

- 14 To protect the living conditions of future occupiers.
- 15 To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
- 16 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.
- 17 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.
- 18 To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 35 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 worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating to improve the design of the development and resolving potential amenity conflicts with adjoining Occupiers.

17/00235/FUL

- FEASIBILITY
- FOR INFORMATION
- FOR COMMENT
- PRELIMINARY
- PLANNING
- BUILDING REGULATIONS
- TENDERS
- CONSTRUCTION ISSUE
- AS BUILT

Drawings and content copyright © of the Architect. All rights reserved. No part of these drawings may be reproduced without the written permission of the Architect. All drawings are to be used in accordance with the Architect's conditions of appointment.

Plot A: 030-2017-03-14  
 Legal reserved:  
 Layer B: 030-2017-03-20 Planning submitted  
 Layer C: 030-2017-03-28 Planning submitted  
 Layer D: 030-2017-03-28 Planning submitted  
 Layer E: 030-2017-03-28 Planning submitted  
 Layers F, G and H reserved. North arrow rotated approximately 150°.

**BEWICK PARTNERSHIP LIMITED**  
**CHARTERED ARCHITECTS**  
 14, HULL STREET, BRISTOL, AVON, GL1 2AP  
 T: 0117 320001 F: 0117 320002  
 www.bewickpartnership.co.uk

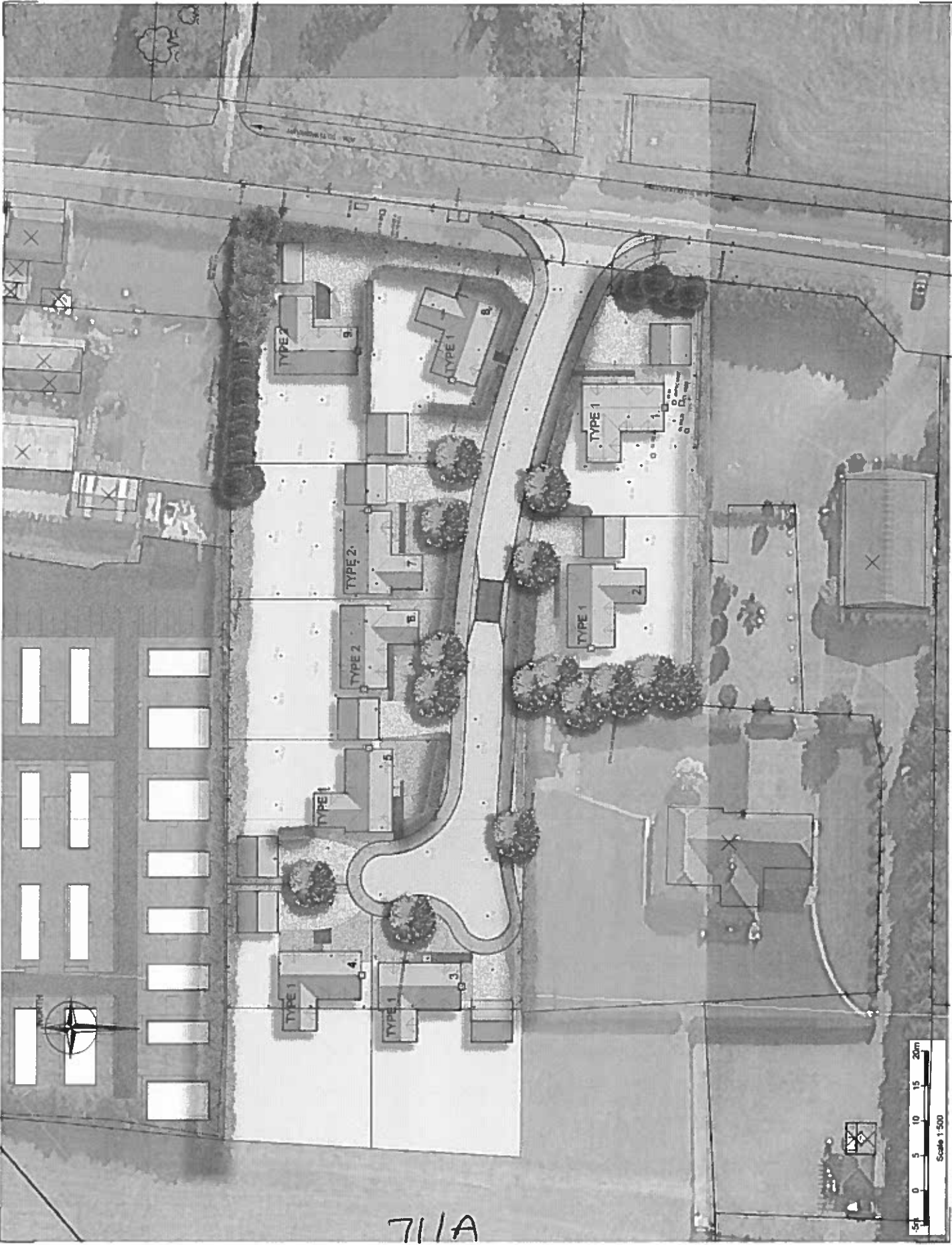
client: **MRS BETTY MORLEY**

project: **NORTON FRUIT FARM  
 TEWKESBURY ROAD, NORTON  
 GLOS, GL2 9LH**

drawing title: **PROPOSED SITE LAYOUT**

scale: 1:500 @ A3  
 DATE: 03.04.11  
 DRAWN BY: J. MORLEY  
 CHECKED BY: J. MORLEY  
 DATE: 03.04.11

drawing number: **913.81 - 07D**



711A



Front Elevation  
Proposed Elevations 1:100 - Type 1

Side Elevation



Front Elevation  
Proposed Elevations 1:100 - Type 2

Side Elevation



Side Elevation

Rear Elevation



Side Elevation

Rear Elevation

7/1/B



Ground Floor Plan 1:100  
gross internal area 91.15sq.m. (981sq.ft.)



First Floor Plan 1:100  
gross internal area 81.15sq.m. (869sq.ft.)



Ground Floor Plan 1:100  
gross internal area 91.15sq.m. (981sq.ft.)



First Floor Plan 1:100  
gross internal area 91.15sq.m. (981sq.ft.)

**BESWICK PARTNERSHIP LIMITED**  
CHARTERED ARCHITECTS  
15, 16 & 17 THE OLD MILL  
6, BRACKLEY STREET, BRACKLEY, NORTH GLOS., GL3 2BQ  
01453 831100  
www.beswickarchitects.co.uk

- FEASIBILITY
- FOR INFORMATION
- FOR CONSENT
- PRELIMINARY
- PLANNING
- BUILDING REGULATIONS
- TENDER
- CONSTRUCTION PERMITS
- AS 04B.2

1. This plan is for information only. It is not intended to be used for any other purpose without the written consent of the architect.
2. The architect is not responsible for any errors or omissions in this plan.
3. The architect is not responsible for any errors or omissions in this plan.

client: **MRS BETTY MORLEY**  
address: **1100 @ A1**  
plot: **1:200 approx @ A3**  
date: **2017 01 31**  
checked by: **RAM**  
drawn by: **DB**  
project: **MORTON FRUIT FARM**  
**TEMPESBURY ROAD, MORTON**  
**GLOS, GL3 2BH**  
drawing title: **PROPOSED PLANS & ELEVATIONS**  
drawing number: **913.01 - 05A**



- FEASIBILITY
- FOR INFORMATION
- FOR COMMENT
- PRELIMINARY
- PLANNING
- BUILDING REGULATIONS
- TENDERS
- CONSTRUCTION ISSUE
- AS BUILT

1. Drawing and related design to be for information only.  
 2. It is intended to be used as a guide only and should not be used for construction.  
 3. It is not to be used for planning or other regulatory purposes.

Site Area  
 7122m<sup>2</sup> / 7663sq. ft. / 1.78 Acres

**SESWICK PARTNERSHIP LIMITED**  
 CHARTERED ARCHITECTS  
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

client  
**MRS BETTY MORLEY**

project  
**NORTON FRUIT FARM  
 TEMKESBURY ROAD, NORTON  
 GLOS, GL2 9LH**

drawing title  
**SITE LOCATION PLAN**

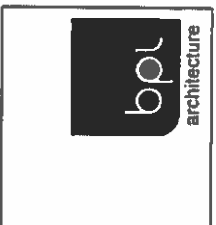
scale  
 1:250 @ A3

date  
 2011.02.16

drawn by  
 checked by

ITD  
 4/03

drawing number  
**913,81 - 11**



71/C

Site Location Plan

Valid 22.02.2017  
 Grid Ref 388466 219791  
 Parish Churchdown  
 Ward Churchdown Brookfield

Retention of two free standing sheet signs on posts

Churchdown Club Ltd  
 Churchdown Club Ltd  
 Church Road  
 Churchdown  
 Gloucester  
 Gloucestershire

## **RECOMMENDATION Consent**

### **Policies and Constraints**

National Planning Policy Framework (2012)  
 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007  
 Planning Practice Guidance  
 Tewkesbury Borough Local Plan to 2011 (March 2006) - Policy GNL13  
 Joint Core Strategy Proposed Main Modifications version

### **Consultations and Representations**

**Churchdown Parish Council** - Object to the proposal on the grounds that the signs are too large and there are too many resulting in a disproportionate scale of advertising which is out of character with the local area. Following revised plans reducing the number of signs from three to two and spreading the signs out within the site, the Parish Council still object on similar grounds and also state that the proposed signs compromise the aesthetics of the surrounding location and village setting.

**County Highways Authority** - No objection.

The application has been publicised through the posting of 1 site notice no letters of representation have been received in the 21 day statutory consultation period or since.

**Planning Officers Comments:** Fiona Martin

#### **1.0 Application Site**

1.1 The application relates to the Churchdown Club which is a social club in Churchdown (**see site location plan attached**).

#### **2.0 Recent Planning History**

2.1 Advertisement consent (13/00979/ADV) for new externally illuminated fascia sign was granted in December 2013.

2.2 Planning permission (12/00566/FUL) for the change of use of club's function room to a restaurant (Class A3) was permitted in October 2012.

#### **3.0 Current application**

3.1 The application seeks retrospective advertisement consent originally for three non-illuminated hoarding signs. Following discussions with the Churchdown Club to avoid cluttering the streetscene the application now seeks advertisement consent for the display of two non-illuminated hoarding signs to the site frontage.

#### **4.0 Policy Context**

4.1 Policy GNL13 of the Local Plan specifies that advertisements, signs and notice boards will only be permitted where they are well sited, in scale and character with, and of a design appropriate to, the building and the locality.



4.2 Paragraph 67 of the National Planning Policy Framework (2012) specifies that poorly placed adverts can have a negative impact on the appearance of the built and natural environment. Additionally the policy states that control over outdoor advertisements should be efficient, effective and simple in concept and operation. Paragraph 67 also specifies that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

## 5.0 Analysis

5.1 The main issues to be considered with this application are the impacts the advertisements would have on the street scene.

### Impact on Amenity:

5.2 The proposed signage consists of two non-illuminated vinyl signs. The signs have a total height of 2.22 metres (from the ground to the top of the sign) and a width of 2.23 metres. The signs promote the services the Churchdown Club has to offer (**see photo of the sign attached**). The signs are located to the north-west and north-east of the site and have been dispersed to avoid unnecessary clutter of the streetscene, a revised plan is being sought labelling the signs to allow a condition to be added about the location of the signs. As a result the proposal is considered to comply with GNL13 of the Local Plan.

### Impact on Public Safety:

5.3 The Local Highway Authority has assessed the application and advises that they have no objection. It is noted that the signage is set suitably back from the highway. As such, by virtue of the scale, positioning and non-illuminated nature of the advertisements and their height above ground level, it is judged that the signs do not impact on public safety.

## 6.0 Conclusion

6.1 Overall, it is considered that the proposal would not result in an unacceptable harm to the existing street scene. The proposal would accord with the NPPF and Policy GL13 of the Local Plan and is recommended for **Permission**.

## **RECOMMENDATION Consent**

### Condition:

Condition to be added once revised plans have been received.

### Reason:

For the avoidance of doubt and in the interest of proper planning.

### Note:

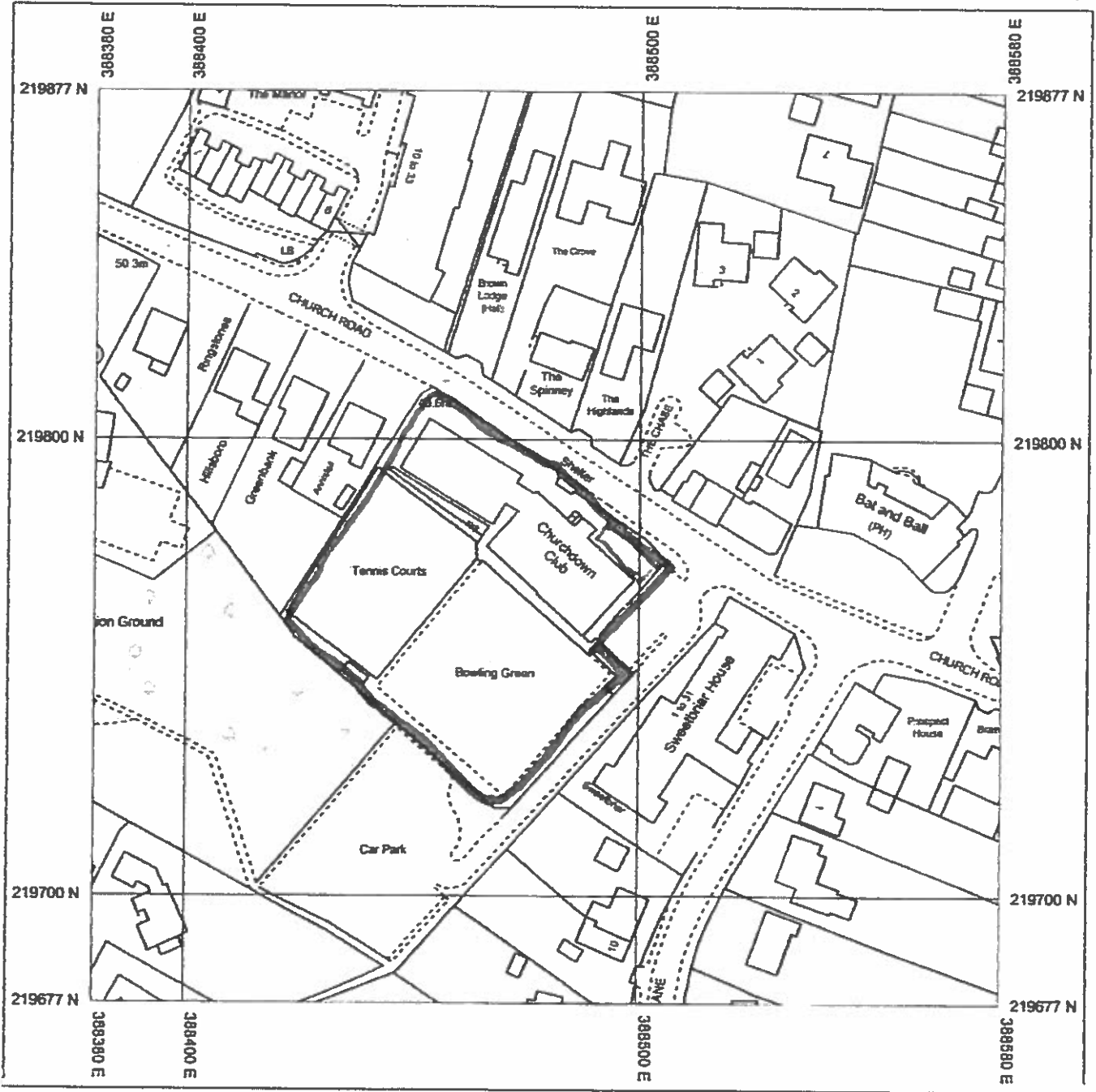
For the avoidance of doubt and notwithstanding the submitted material, this decision relates to two vinyl signs. A third sign was removed from the application.

17/00081/APV

Mapping sourced from



# Location Map



GL3 2ER

Produced 24/05/2012 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2012

Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.



Scale 1:1250

Supplied By: KM Reprographics

Serial number: 001043771

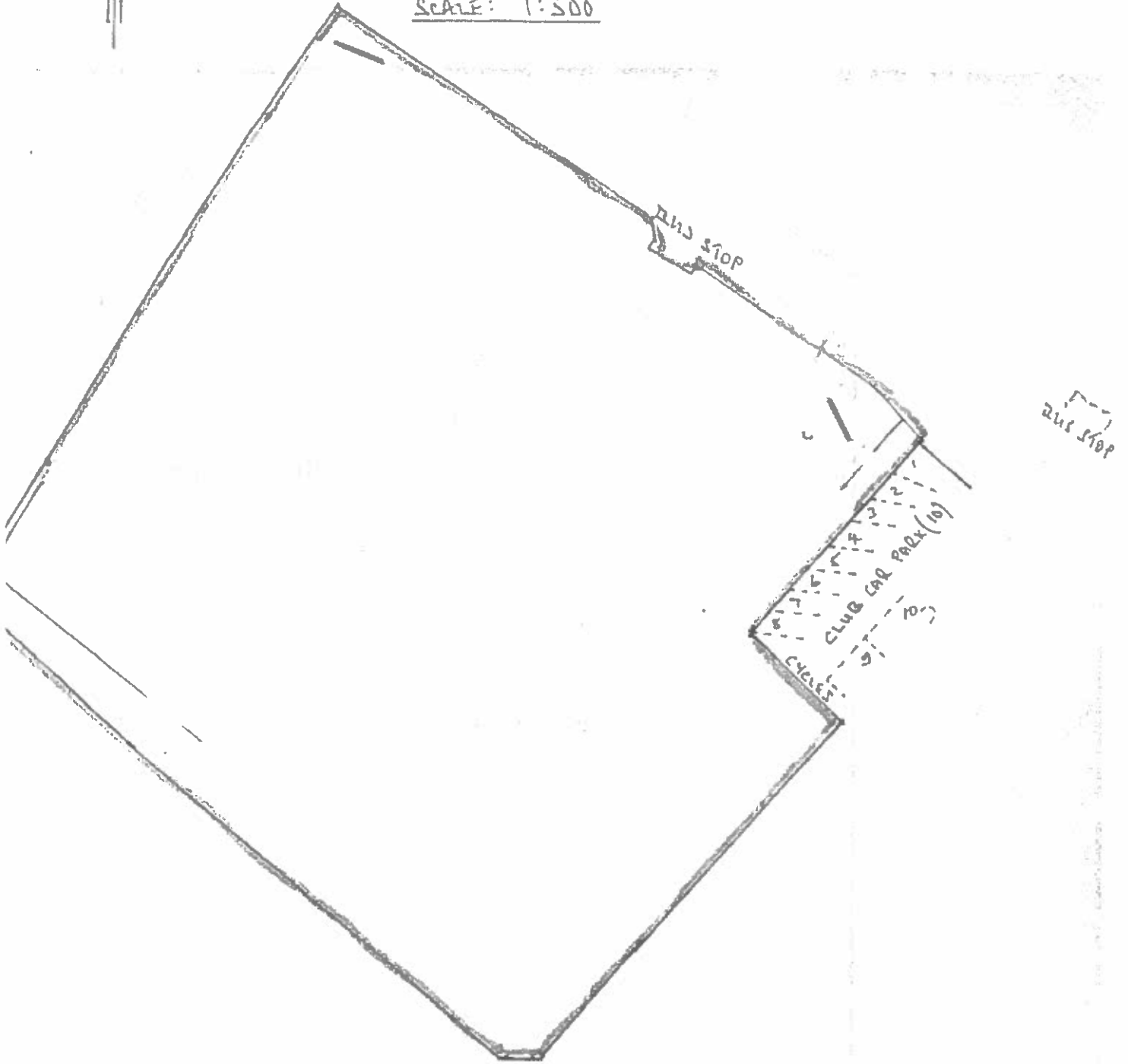
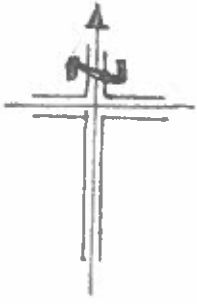
Plot Centre Coordinates: 388480, 219777

73/A

CHURCHDOWN CLUB, CHURCHDOWN, GLOS

PLAN SHOWING ON-SITE PARKING AND  
ADJOINING FREE PUBLIC CAR PARK

SCALE: 1:500



(FREE)

STREET



73/c

## 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.