



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

**TEWKESBURY BOROUGH COUNCIL**

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 19 January 2016

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(637 - 662)	(663 - 703)

**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. ( 637 - 703 )**

### 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) 19th January 2016

Ashleworth 15/01281/FUL <a href="#">Click Here To View</a>	Foxhollow The Stream Ashleworth Gloucester	Refuse	2
Churchdown 15/01254/FUL <a href="#">Click Here To View</a>	50 Grove Road Churchdown Gloucester	Permit	7
Leigh 14/01201/FUL <a href="#">Click Here To View</a>	Todpool Cottage The Leigh GL19 4AG	Refuse	1
Southam 15/00969/FUL <a href="#">Click Here To View</a>	Land at Kayte Lane	Refuse	5
Stoke Orchard And Tredington 15/01155/FUL <a href="#">Click Here To View</a>	Stoke Orchard Garage Stoke Road Stoke Orchard	Delegated Permit	4
Twigworth 15/01149/OUT <a href="#">Click Here To View</a>	Land at Tewkesbury Road Twigworth	Refuse	6
Winchcombe 15/01284/FUL <a href="#">Click Here To View</a>	Jeans Piece Cheltenham Road Winchcombe Cheltenham	Refuse	3

14/01201/FUL  
PP-03833172  
Valid 15.01.2015

Todpool Cottage, The Leigh, GL19 4AG

1

Demolition of three pre-fabricated concrete garages/ lean to and construction of a two storey detached dwelling house.

Grid Ref 386866 226101  
Parish Leigh  
Ward Coombe Hill

Mr Colin Withers  
Todpool  
The Leigh  
Gloucester  
Gloucestershire  
GL19 4AG

**DEFERRED AT LAST COMMITTEE FOR SITE VISIT (Item No 1, Page No 562)**

## **RECOMMENDATION Refuse**

### **Policies and Constraints**

National Planning Policy Framework  
Planning Practice Guidance  
JCS (Submission Version) - SP1, SP2, SD1, SD4, SD5, SD10, SD11, SD15 and INF1  
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU2, HOU4, TPT1, EVT5, LND3 and LND7  
Flooding and Water Management SPD  
Human Rights Act 1998 – Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)  
Within 50m of a Listed Building - 28/78: Daniels Orchard, The Leigh  
Flood Zone 2  
Public Right of Way  
Landscape Protection Zone  
SSSI Consultation Buffer

### **Consultations and Representations**

Parish Council - are sympathetic to the proposals and note that there have been few new houses built within the Leigh Village during the last two decades. One or two dwellings were identified as being built with no such ties. It is recognised that the village population is growing older and that the allowing of limited, in keeping and small developments should be seen as a positive to encourage new life into the village. The objections raised by local residents (summarised below) are also noted and have also been in direct contact with one other parishioner.

Public Rights of Way Officer - The Public Right of Way must not be built on or obstructed and any damage to the Highway must be made good. Temporary closure may be required for the duration of the works.  
Borough Flood Risk Manager - No objection subject to a condition

Two letters of objection are summarised as follows:

- A precedent would be set and Policy HOU4 applies - meaning only development for agriculture should be allowed.
- No mains drainage in the village
- Public rights of way run across Todpool - the path to the village pond is questionable and the GCC sign has gone.
- The single track lanes around Leigh village are already unsuitable for the increasing amount of traffic.
- Creation of a larger footprint than existing garages and twice the height.
- Loss of privacy and amenity to Highfield House through overlooking.
- Site within Flood Zone 2 with a medium risk for flooding.
- Site located within a Landscape Protection Zone and Policy LND3 should be applied.
- Contrary to policies in respect of ecology, appearance of the landscape and safeguarding the water environment.

**Planning Officers Comments:** Mr Andrew Thompson

## 1.0 Application Site

1.1 The site is approximately 0.4 hectares and is occupied by a double garage/workroom with an adjacent block of 3 concrete garages. The southern boundary has a mature hedgerow in which there is an existing vehicular access serving the garages. On the eastern boundary is a further mature hedgerow along which runs a public footpath within the application site. Beyond the eastern boundary is Highfield, a detached dwelling house; the existing Todpool Cottage is located to the west.

1.2 The site is located within a Landscape Protection Zone and a small section of the site at its south western boundary falls within Flood Zone 2. A public footpath is located within the site and runs along the eastern boundary

## 2.0 Planning History

2.1 There have been various previous applications on this site, most notably the refusal for 4 new dwellings in 1988 (Ref: 88/91445/OUT); various approvals and refusals for alterations and additions to the main house and the approval of a new garage block to replace existing outbuilding (Ref: 02/00248/FUL).

## 3.0 Current Application

3.1 The current application proposes the demolition of three pre-fabricated concrete garages/ lean to and construction of a two storey 3 bedroom detached dwelling house alongside the retained double garage/workroom.

3.2 In support of the application the applicant refers to the Rural Services Network report in October 2014 which states that *"Research shows that most older people would ideally choose to continue living independently within their local community but sometimes they are forced to move due to the lack of suitable accommodation."* The applicants also states that *"The primary reason for the application is that as I approach my seventies I foresee the time when I no longer require a large family home with extensive grounds but wish to remain in the village of The Leigh where I have lived for the past twenty five years. The plans therefore propose a more suitable home, designed to take a carer if needed, allow family to visit, efficient to heat, low maintenance and simple access with wider doors and straight stairs or lift. Also an easier house to allow my wife and myself to remain in a caring community we know and to release our existing house to a new younger family who can benefit from living in The Leigh".*

## 4.0 The principle of development

4.1 Saved Policy HOU4 of the Local Plan does not allow for new general market housing development in settlements outside of residential development boundaries as defined in the Local Plan. However, HOU4 is based on the now revoked Structure Plan housing numbers and for that reason is considered out of date in the context of the NPPF in so far as it relates to restricting the supply of housing. The policy is also out of date in this context because the Council cannot demonstrate a five year supply of deliverable housing sites.

4.2 Paragraph 55 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities; local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

4.3 The Leigh is a small settlement offering very little by way of the facilities and services which are needed to support a healthy community in their day-to-day needs. The site is not well served by public transport, pedestrian or cycling facilities and residents of the proposed development would be heavily reliant on the use of the private motor car to meet their daily transport needs. Whilst bus services to Gloucester and Tewkesbury do pass along the A38, access to bus stops is along very narrow country lanes which do not offer attractive or safe pedestrian routes.

4.4 In this regard, it is also relevant to note that The Leigh is not identified in the submission version of the JCS as a Service Village, which are deemed as suitable locations for some limited residential development. Whilst the applicant points out that nearby Coombe Hill is a Service Village, Coombe Hill has a range of services including excellent access to the public transport network which as explained above, is not replicated at The Leigh.

4.5 On this basis it is therefore considered that the application site is isolated in the context of paragraph 55 of the NPPF. Whilst the applicants desire for a suitable new home to meet his own circumstances are noted, these personal circumstances do not outweigh national planning policies regarding the location of new housing and thus the principle of development is not considered to be acceptable.

## 5.0 Landscape Impact

5.1 Local Plan policy LND3 seeks to give special protection to the ecology and visual amenity of the river environment. Development will not be permitted which, inter alia, has a detrimental visual effect on the character of the associated landscape setting of the Severn Vale.

5.2 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Sections 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy SD7 of the submission version of the JCS sets out that development should seek to protect landscape character for its own intrinsic beauty and have regard to local distinctiveness and character of landscapes.

5.3 The proposed development is set between existing properties and would replace an existing outbuilding. The proposal would introduce a new dwelling with significant bulk and mass into the landscape and the proposals would be close to the existing public right of way that runs through the site for the entire depth of the property, without windows or detail to break up this mass. This would be uncharacteristic of this rural location and the rural setting of the footpath and would appear oppressive to users of the footpath albeit for a short distance in comparison to its overall length. The proposals therefore would result in a change to the character of the rural public footpath. As a result there would be some harm to the landscape setting and this weighs against the proposal.

## 6.0 Design and Impact on the Character and Appearance of the Area

6.1 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. Policy SD5 of the submission version of the JCS requires proposals for all new development to clearly demonstrate that a number of design principles have been reflected in proposals.

6.2 Development which has a poor relationship with the built form will not be acceptable. A detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside.

6.3 The existing buildings on the site are a collection of outbuildings related to Todpool Cottage comprising five garages and store. A double garage, constructed of traditional brick materials with a pitched roof (with rooflights) is proposed to be retained for use with the new property. The low-pitched (almost flat roofed) triple garage and store would be demolished and replaced by the new dwelling.

6.4 The proposed dwelling is a two storey, 3 bedroom dwelling. The building would at its maximum be 9.5m in width (front/south elevation) and 16.6m deep. The proposals would be constructed of brick at the ground floor level to match the garage building and larch timber cladding laid horizontally on the first floor and dormer windows. The proposals include a large oak framed feature window on the first floor. The ridge and eaves heights would be approximately 6.5m and 5m respectively. The ridge would be approximately 0.9m higher than the neighbouring garage and 1.7m higher than Todpool Cottage. It is noted that site levels are higher than Todpool Cottage.

6.5 Todpool Cottage and a majority of the buildings in The Leigh are of traditional design with brick and timber both used. The proposals due to the bulk and mass and the low pitched roof would appear as a stark contrast to Todpool Cottage and other buildings in the immediate vicinity. The use of two timbers, the horizontal cladding and brick (i.e. horizontal bonding of materials) together with the considerable bulk and mass in particular in the depth of the proposals lead to a contrived design. The general bulk and mass and the large amount of blank walls together with the depth of the proposals are therefore considered inappropriate. Whilst innovative architectural solutions would be capable of being supported, the proposals would jar with the simpler, better balanced and more traditional buildings in the immediate vicinity and in the village generally.

6.6 In light of the above the design of the proposed development would not meet the high design standards required by national and emerging local policies. Thus the proposals would have an unacceptable impact on the character and appearance of the area which is located within the Landscape Protection Zone. This is a matter which weighs significantly against the proposals.

## **7.0 Accessibility and Highway Safety**

7.1 Section 4 of the NPPF states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice in how they travel. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 32 specifically requires safe and suitable access to all development sites for all people.

7.2 Policy TPT1 of the Local Plan requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided. Policy TPT1 of the Local Plan reflects advice in the NPPF and thus should be afforded significant weight. Policy INF1 of the submission version of the JCS states that developers should aim to provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Policy INF2 of the submission version of the JCS requires developers to ensure proposals do not affect the safety or efficiency of the highway network.

7.3 As set out in paragraph 4.11 above, the site is essentially isolated in that it is not well served by facilities and services. The site is not well served by public transport or other facilities to allow travel by sustainable modes of transport. Whilst the NPPF sets out that solutions will vary from urban to rural locations, given that there are no services or facilities to meet the day to day needs of residents in The Leigh, it is not considered that development at this site would contribute to the aims of sustainable development.

7.4 As set out above, bus access direct to Gloucester and Tewkesbury is available from the A38. The A38 is approximately 400 metres from the application site and the road network leading from the site to the A38 is not lit and there are no footways along the narrow country lanes. Pedestrians would therefore be in conflict with other road users. There is a pub and a petrol station incorporating a shop at Copmbe Hill however for the same reasons, there is little realistic option but to access those facilities by using the private car.

7.5 The proposals would utilise existing garages to provide car parking with additional space available in front of the dwelling. The proposals would not result in inadequate parking for the existing Todpool Cottage which has an availability of parking areas available. Further there is sufficient space on the site for construction vehicles. This is important given the narrow nature of the road and the lack of on street parking availability.

7.6 In terms of the existing right of way on the site, the proposals would come closer to the public right of way but would not block or obstruct it. The County Rights of Way Officer does not object to the proposal on that basis.

7.7 In conclusion, there are no objections in respect of highway safety however the isolated location of the site is considered to weigh significantly against the proposed development in the overall planning balance.

## **8.0 Relationship to neighbouring properties**

8.1 The application site is reasonably separate from neighbouring properties with Todpool Cottage approximately 18.5m to the west and Highfield approximately 22m to the east. Between the proposals and Highfield is the public right of way.

8.2 The length of the proposals and the general bulk and mass are considered above and this would have an impact on neighbours due to the change in outlook and the scale of the proposals. However, given the separation to neighbouring dwellings and the lack of windows on the side elevation, the proposals would not result in an undue impact on the living conditions of the neighbouring properties.

## **9.0 Flood Risk and Drainage**

9.1 Whilst the 'red line' ownership boundary does encroach into Flood Zone 2, the vast majority of the site, including the built form would be in Flood Zone 1. Further, it is acknowledged that the recently constructed flood defence would have a positive effect on the location. The Flood Risk Management Officer has been consulted and considers that the increase in impermeable area compared to the existing footprint is minimal,

and as such it is unlikely to raise significant flood risk issues. Using infiltration to discharge surface water would be welcomed and favoured; as would a commitment to rainwater harvesting/recycling, water quality improvement and utilising permeable (or porous) surfacing. On that basis, having regard to the Council's adopted SPD, detailed drainage design, floor levels and the use of permeable materials in the hard surfaces of landscaping could be secured by appropriately worded planning conditions.

## 10.0 Overall Planning Balance

10.1 Policy HOU4 of the Local Plan is out of date and in accordance with paragraph 49 of the NPPF the proposal must be considered in the context of the presumption in favour of sustainable development. However in line with paragraph 14 of the NPPF paragraph 55 of the NPPF specifically seeks to restrict the erection of isolated dwellings in the countryside, which is what this application seeks to provide.

10.2 Against this, 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. These matters weigh in favour of the proposal however, given that the social and economic contribution would be so limited it is not considered that these factors would outweigh the harm caused by conflict with the NPPF.

10.3 In addition to the in principle objection, the proposed development would result in environmental harms arising from the poor quality design and resultant impact on the character and appearance of the area, which is within the Landscape Protection Zone. Furthermore, the proposals would result in reliance on the private car. In themselves, these harms are considered to significantly and demonstrably outweigh the benefits.

10.4 The Parish Council comments need for the village to grow and sustain itself are noted but the principles of this proposal could be replicated across almost all other plots in this area leading to a significant increase in the amount of housing in The Leigh which has very few facilities and is not identified as an appropriate location for new housing in the adopted Local Plan, or as a service village in the emerging JCS. It is accepted that some villages will want and need some extra growth to meet the needs of residents however this should be planned through the Borough Plan or a community led Neighbourhood Development Plan.

10.5 In light of the above, the application is recommended for refusal.

## RECOMMENDATION Refuse

### Reasons:

- 1 The proposed development conflicts with paragraph 55 of the NPPF in that the application site is in isolated countryside location and there are no special circumstances in this case that would justify supporting the development.
- 2 The proposal development, by reason of its design, bulk, mass together with the use of materials and fenestration detail and the relationship to the public footpath, would be out of keeping with the rural character of the area within the Landscape Protection Zone and would be an oppressive feature to the users of the rural public footpath. The proposals would be contrary to the aims and objectives of the NPPF in requiring high quality design and saved Policy LND3 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 3 The site is located remote from amenities and is not served by adequate footpaths, cycleways, or public transport facilities and the development would be likely therefore to increase reliance on the private car contrary to the NPPF, Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy INF1 of the submission version of the Joint Core Strategy.

### Notes:

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



14/01/2011 / FUL

NOTES

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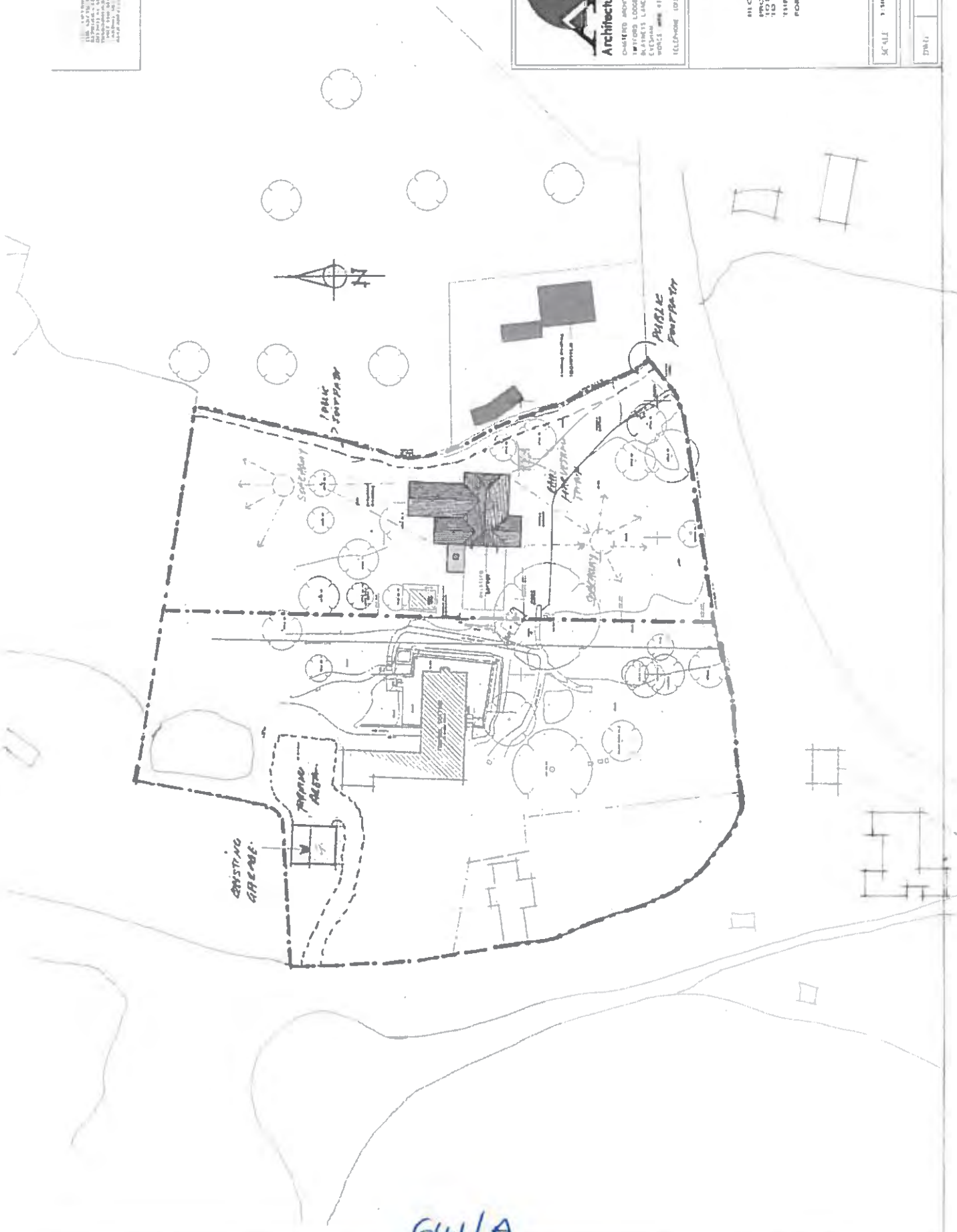
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PROJECT  
BLOCK PLAN  
PROPOSED INSTALLING  
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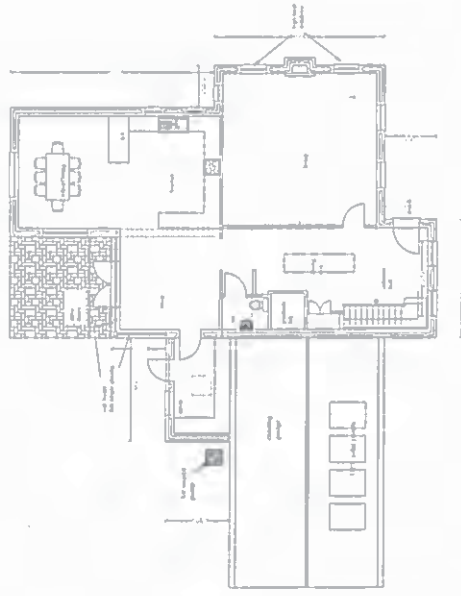
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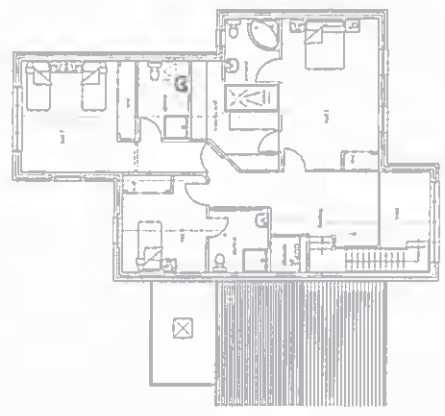
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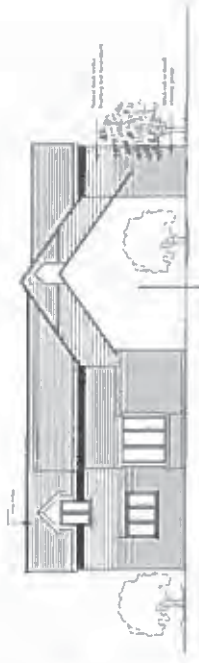
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SECOND FLOOR



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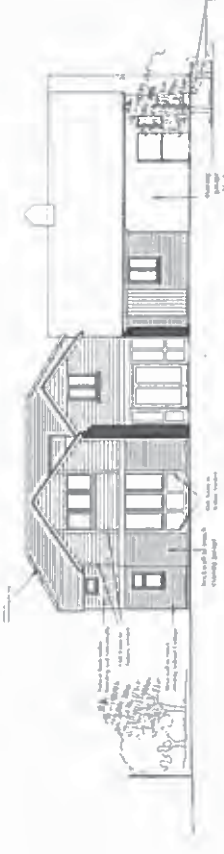
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PROJECT CLIENT:  
MORNING STAR  
HOLLAND AVENUE IN  
TOWNSHIP COTTAGE  
AND PORCH  
FOR MRS. J. W. BERRY  
ANCHORAGE, ALASKA

SCALE	DATE
DWG	NO.

641/B

Valid 30.11.2015

Demolition of existing two-storey rear extension, and erection of two-storey rear and side extension, and rear deck/terrace area, removal of bay window on front elevation of existing dwelling and installation of replacement windows in existing dwelling (revised scheme)

Grid Ref 381440 226276

Parish Ashleworth

Ward Highnam With Haw  
Bridge

Mr &amp; Mrs Joyce

Foxhollow  
The Stream  
Ashleworth  
Gloucestershire  
GL19 4JH

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

National Planning Policy Framework (2012)

Planning Practice Guidance

JCS (Submission Version) November 2014

Tewkesbury Borough Local Plan to 2011 (March 2006) - policies HOU8, LND3 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**

Ashleworth Parish Council - No comments to date.

The application has been publicised through the posting of a site notice. 1 letter of representation has been received raising the following points:

- No reference to drainage (either from the land or from domestic waste) in the application. Under arrangements which have existed since its creation over 40 years ago, Foxhollow has used the septic tank located at the neighbouring property, The Mount, for the disposal of domestic liquid waste and sewage. The proposed floor plans include 4 W.C.s, 2 no. showers and 2 no. baths for use by an unstated number of people, including frequent visitors. The resulting increase in the load of the shared domestic disposal system causes occupiers of The Mount great concern;
- No reference to drainage of water from the south facing area of the property or from the "rear garden to be formed on the upper levels" within the application;
- Clarification requested regarding a contradiction in the application: The submitted 'Design and Access Statement' advises that it is the intention "to try to remove the [pink] masonry from the external walls of the existing house and to restore the brickwork to its original appearance as far as possible". On the planning drawing 'Proposed Elevations 2', however, on the lower (West side) elevation it is shown that the masonry paint "is to be removed"; and
- The relevance of the reference to Yew Tree Cottage as a precedent is difficult to see: much of the timber used for that development was oak, whereas the timber proposed for Foxhollow is largely untreated cladding.

**Councillor Awford has requested Committee determination to assess the impact the proposals would have on the street scene and the surrounding area.**

**Planning Officers Comments:** Emma Blackwood

**1.0 Introduction**

1.1 The application relates to Foxhollow, which is a small semi-detached cottage located amongst a loose scattering of dwellings and farm buildings, which are set in countryside, outside the Ashleworth Residential Development Boundary (see enclosed Site Location Plan). The pair of dwellings is set back some 12 metres

from the front site boundary providing a front garden area for each dwelling, and the application property has a generous rear garden area. The land levels within the site rise from the front (south-western) boundary to the rear (north-eastern) boundary. The submitted site location plan shows that there is stabling on adjacent land within the applicants ownership.

1.2 The dwelling known as 'The Mount' forms the other part of this semi-detached pair, and is a larger property which is attached to the south-eastern side elevation of the application property, and has red brickwork facing materials on its front elevation. The principal element of Foxhollow has a brickwork finish on the front and side elevations which has been painted, and is finished in stone on the rear elevation. The pair of dwellings has a fairly simple plan form, with a dual pitched roof and gable end on each side elevation. The form of these dwellings, and the spacing, shape and pattern of their windows, give the pair of dwellings a relatively horizontal emphasis.

1.3 There is an existing 4.8 metre deep flat roofed two storey extension on the rear elevation of the application property, which is finished in render. The form, design and materials of this two storey rear extension are very much at odds with the design of the original cottage .

1.4 The application property is located within the Landscape Protection Zone (LPZ), as defined in the Local Plan Proposals Map.

## 2.0 History

2.1 A planning application for a proposed replacement dwelling at Foxhollow, including the temporary siting of a mobile home during construction, was received by the Local Planning Authority on 13th November 2013 (reference 13/01138/FUL). The application was subsequently withdrawn on 13th January 2014.

2.2 Planning permission was refused in April 2014 under application reference 14/00125/FUL for the erection of a replacement dwelling (revised application) for the following reasons :

*"The proposed replacement dwelling would be materially larger than the existing dwelling and by virtue of its size, scale and design, would be visually intrusive and incongruous in the street scene and would have a detrimental impact on the character and appearance of the area, contrary to Policy HOU7 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the provisions of the NPPF".*

2.3 An appeal was subsequently made against this refusal of planning permission (appeal reference APP/G1630/A/14/2219625), which was dismissed on 12th August 2014. In summing up the appeal decision, the Planning Inspector provided the following comments:

*"The proposal would, as a result of its form, layout and elements of its design, have an awkward relationship to its attached neighbour. Consequently, it would be detrimental to the streetscene, and would cause significant harm to the character and appearance of the area. That harm is not outweighed by the benefits of the proposal, including any limited contribution that it may make to the supply of habitable accommodation. The environmental role of sustainable development includes contributing to protecting, or enhancing, the environment. Whilst the scheme would address other dimensions of sustainable development, in conflicting with that objective, it would not be the sustainable development for which the Framework places a presumption in favour. For those reasons, and having regard to all other matters raised, the appeal is dismissed.*

2.4 Within the last 7 months, 2 no. planning applications have been received, both proposing the demolition of the existing two-storey rear extension, and the erection of a two-storey rear and side extension and rear deck/terrace area, the removal of an existing bay window on the front elevation of the existing dwelling and the installation of replacement windows in the existing dwelling (references 15/00701/FUL and 15/01083/FUL). Both applications were withdrawn after the Planning Officer raised concern about the scale, form and overall design of the proposed extension and its impact on the character and appearance of the existing row of terraced dwellings and the street scene.

## 3.0 Current Application

3.1 This application seeks planning permission for the demolition of the existing 4.8 metre deep flat roofed two storey rear extension, and the erection of a two-storey rear and side extension, to comprise in part 2 no. bedrooms (see attached floor plans). The internal layout of the principal element of the existing dwelling would comprise in part an additional bedroom, resulting in Foxhollow becoming a 3-bed dwelling.

3.2 Where the principal element of the existing dwellinghouse at Foxhollow is some 4.1 metres wide on its front elevation and 6.8 metres deep, at the widest part, on its rear elevation, the proposed extension would be 14.5 metres wide, projecting 9.8 metres beyond the side elevation of the existing dwelling. The extension would project 4.8 metres from the rear elevation of the principal element of the existing dwelling, to sit approximately 1.4 metres from the south-eastern side boundary of the application site at the closest point, which is shared with the rear garden area of The Mount.

3.3 The principal element of the proposed extension would be designed with a dual-pitched roof, with a hipped roof towards the south-eastern side and a gable end on the north-western side elevation. The front elevation of the principal element of the proposed extension would be set back 6.7 metres from the front elevation of the original dwelling, and its ridgeline would sit 0.4 metres below the ridgeline of the original dwelling. However, the proposed extension would also include a 4 metre deep and 3.6 metre wide two storey projecting gable element towards the north-western side of the front elevation, which would be predominantly glazed on its front elevation at first floor level and within the gable end, with oak framing around this glazed element. There would also be a lean-to canopy on the front elevation of the extension.

3.4 On the front elevation and north-western side elevation, the proposed extension would have facing brickwork to match the existing dwelling. It is proposed to remove the masonry paint on the front elevation and north-western side elevation of the existing dwelling, and to clean and repoint the brickwork here. On the rear elevation and south-eastern side elevation, the proposed extension would have facing brickwork at ground floor level to match the existing dwelling and untreated timber cladding facing materials at first floor level. The extension would have interlocking profiled concrete roof tiles to match the existing dwelling.

3.5 The proposed windows on the extension would be predominantly PVCu framed, and the ground floor level windows on the front elevation would have artificial stone cills. With the exception of the windows within the two storey projecting gable element on the front elevation, the remainder of the windows proposed for installation on the front elevation and the north-western side elevation of the extension would be designed with glazing bars, although the window sizes would vary from those on the existing dwelling. 3 no. roof lights are proposed for installation on the front elevation roof slopes. It is further proposed to remove the bay window on the front elevation of the existing dwelling, and to install replacement PVCu windows at ground and first floor level, of similar size to existing windows, but designed with glazing bars and with artificial stone facing lintels and with artificial stone sills. On the rear elevation of the extension the proposed fenestration would not have glazing bars and they would vary considerably in their size and form, to include a set of bi-fold doors at first floor level with Juliet balcony and a separate 3 metre high long and narrow window.

3.6 The application further includes the erection of a triangular shaped deck/terrace area towards the north-western side of the rear elevation, constructed from timber, steel and glass balustrade, and accessed from a set of PPC aluminium bi-fold doors at first floor level. This part of the rear elevation would be designed similarly to the proposed projecting element on the front elevation, in that it would be set within a projecting gable element and would be predominantly glazed at first floor level and within the gable end, within oak framing. At the furthest point the proposed deck/terrace area would project 4.9 metres from the rear elevation of the proposed extension, and at the closest point would be set back approximately 8.7 metres from the south-eastern side boundary of the application site. An external stepped access would be provided to the front of the extension and towards the rear of the extension leading to this deck-terrace area, given the change in land levels within the site.

3.7 It is also proposed to replace an existing wall along the south-eastern side boundary of the application site's rear garden area with a 2 metre high close boarded timber fence.

#### **4.0 Policy Context**

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

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

4.2 As noted above, the site is located within an LPZ. Policy LND3 of the Local Plan specifies that, within the LPZ, special protection is given to the ecology and visual amenity of the river environment, and that development will not be permitted which:

- A. Has a detrimental visual or ecological effect on the character of the river banks or associated landscape setting of the Severn Vale.
- B. Has an adverse impact on the water environment.

4.3 It is considered that these policies from the Local Plan are consistent with the aims of the NPPF in terms of its core planning principles to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, taking into account the different roles and character of different areas and recognising the intrinsic character and beauty of the countryside, and they are therefore afforded great weight.

## 5.0 Analysis

5.1 The main issues for consideration are the size, scale and design of the proposal and its impact on the character and appearance of the existing dwelling and the street scene, and its impact on the amenity of adjoining occupiers and road safety.

### Design and Impact on Character and Appearance of Area

5.2 The scale, design and character of the proposed extension has been carefully assessed. The existing dwelling is low key, modest in size and inoffensive and sits comfortably in its rural surroundings and attached to the neighbour.

5.3 Where the principal element of the existing dwellinghouse at Foxhollow is some 4.1 metres wide on its front elevation, at the widest part, on its rear elevation, the proposed extension would be 14.5 metres wide, projecting 9.8 metres beyond the side elevation of the existing dwelling. This would consequently be more than double the width of the existing dwelling.

5.4 In terms of floor area, the proposed extension (approximately 181 square metres including both floor levels, but excluding the proposed external terrace/deck area) would equate to an increase of some 68% over and above the floor area of the existing dwelling, which covers some 108 square metres including both floor levels. When taking into consideration the proposed demolition of the existing two storey rear extension (which covers a floor area of approximately 48 square metres across both floor levels), the proposed extension would equate to an increase of approximately 200% over and above the floor area of the original dwelling. Consequently, it is considered that the design of the proposed extension would not be sympathetic in scale to the existing dwelling or to the original modest cottage.

5.5 Although the current application proposes a domestic extension, some of the concerns raised by the Planning Inspector within the appeal decision of the previously refused application for the replacement dwelling (reference 14/00125/FUL) are relevant to the current proposal. Similar to the appeal proposal, the current application proposes a building of significantly greater size, which would not appear subservient to the existing dwelling. The principal element of the proposed extension would have a similar eaves and ridge height to the existing dwelling at Foxhollow, and would be clearly seen with the existing dwellings at Foxhollow and The Mount when approaching along the highway from the south-east.

5.6 As noted by the Planning Inspector, although the NPPF sets out that planning decisions should not impose architectural styles, or stifle innovation and originality, it also requires at paragraph 58 that proposals respond to local character, and reflect the identity of local surroundings. The existing dwellings at Foxhollow and The Mount have a relatively simple layout, form and character and have a pleasing simplicity which positively contributes to the character and appearance of the street scene and area. Neighbouring buildings are similarly simple, predominantly constructed from brick with pitched tile roofs, and nearby agricultural buildings are constructed from brick/stone also with pitched roofs. The proposed use of extensive glazing and the spacing, style and form of the proposed fenestration, as well as the staggered nature across the front elevation would result in the extension having an overly complex appearance which would contrast markedly with the form, massing and design of the existing modest and simple cottage to which it would be attached. Those design elements of the proposed extension and its vertical emphasis would mean that, rather than sitting comfortably alongside the existing dwelling, there would be an awkward relationship between the two parts and it would appear as an incongruous addition.

5.7 By virtue of the scale, form and overtly contrasting design of the proposed extension, it is considered that this would significantly and adversely detract from the character and appearance of the street scene and would be at significant odds with the simplistic and traditional design of the existing building. For those reasons, the scheme would conflict with the principles of the NPPF and policy HOU8 of the Local Plan.

#### Residential amenity

5.8 The proposed two storey projecting rear element would be the same depth as the existing two storey rear extension which is proposed for demolition, and would be set back the same distance from the south-eastern side boundary of the application site as the existing two storey rear extension, which is shared with the rear garden area of the dwelling at The Mount. The proposed extension would be designed with a hipped roof towards its south-eastern side, to reduce any impact on adjoining occupiers at the Mount in terms of its massing. By virtue of the scale and form of the proposed extension and its proximity to the south-eastern side boundary, and taking into consideration the current impact on adjoining occupiers at The Mount by virtue of the existing dwelling, it is considered that the proposed development would not have any significant adverse effect on their amenity in terms of overshadowing or overbearing impact.

5.9 The windows and doors proposed for installation on the front and rear elevations would not directly overlook adjacent sites, and no fenestration is proposed for installation on the south-eastern side elevation of the extension. The window proposed for installation on the north-western side elevation of the extension would be set back approximately 33 metres from the respective site boundary, and is therefore considered to be acceptable in terms of its impact on the amenity of adjoining occupiers.

5.10 The floor area covered by the proposed rear deck area would be generous in size, projecting 4.9 metres from the rear elevation of the extension at the furthest point and measuring 7.2 metres in width at the widest part. At the closest point, the proposed deck/terrace area would be set back approximately 8.7 metres from the south-eastern side boundary. By virtue of the proximity of the deck area to the south-eastern side boundary and the height of the structure, which would be accessed to/from first floor level accommodation within the proposed extension, it is considered that this would enable direct overlooking into the rear garden area of The Mount, and would consequently have a significant detrimental impact on adjoining occupiers here in terms of loss of privacy. The proposal would therefore be contrary to policy HOU8 of the Local Plan and the principles of the NPPF which specifies that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

#### Impact on Trees

5.11 The application is supported by an Arboricultural Survey, Impact Assessment and Method Statement, commissioned by 'Tree King Consulting Arboricultural Consultancy', which confirms that 1 no. willow tree and 1 no. walnut tree would be felled to facilitate the development, and that tree surgery would be undertaken on 1 no. weeping willow tree for a crown reduction of around 40%. Further, part of the Root Protection Area (RPA) of an Ash tree would be required for working space around the building. The Arboricultural Survey, Impact Assessment and Method Statement advises that it is not practical to board the area to protect the soil from compaction, and the tree is of relatively low value because it is not adjacent to the highway. A large proportion of its RPA would be protected, as well as an additional area outside the RPA. The Arboricultural Survey, Impact Assessment and Method Statement advises that the likely effects upon this tree are difficult to predict but the Arboricultural Consultancy is of the opinion that a sufficiently large rooting area would be protected for it to remain in satisfactory condition.

5.12 It is considered that the willow tree and walnut tree to be felled are not worthy of a Tree Preservation Order (TPO), and that the crowning of the weeping willow and the use of part of the RPA of the ash tree for working space would be acceptable. The remainder of the retained trees adjacent to the proposed building would be excluded from the construction process by the erection of a protective barrier, and this could be secured by means of a condition attached to any approval of planning permission. It is considered therefore that the proposals would not have a negative impact on important trees.

#### Other matters

5.13 Occupiers of the adjacent dwelling at The Mount have submitted a letter of representation for this planning application, which raises concerns regarding the disposal of surface water from the site and also in terms of the drainage of domestic waste. The application site is not located within an area of high flood risk, and therefore details of surface water disposal have not been submitted with the application. Details regarding domestic waste would normally be submitted with a Building Regulations application.

## 6.0 Summary

6.1 Taking into account all of the above, the design of the proposed extension is considered to be unsympathetic in scale and form to the existing dwelling, would appear visually intrusive and incongruous in the street scene and would have a detrimental impact on the character and appearance of the area. The proposed development is further considered to result in overlooking to the rear garden area of The Mount from the proposed rear deck/terrace area, and would therefore have a significant adverse effect on adjoining occupiers at The Mount in terms of loss of privacy. For these reasons, it is recommended that planning permission is refused.

### RECOMMENDATION Refuse

#### Reasons:

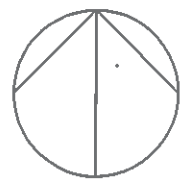
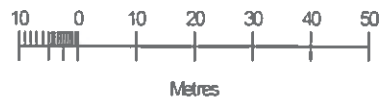
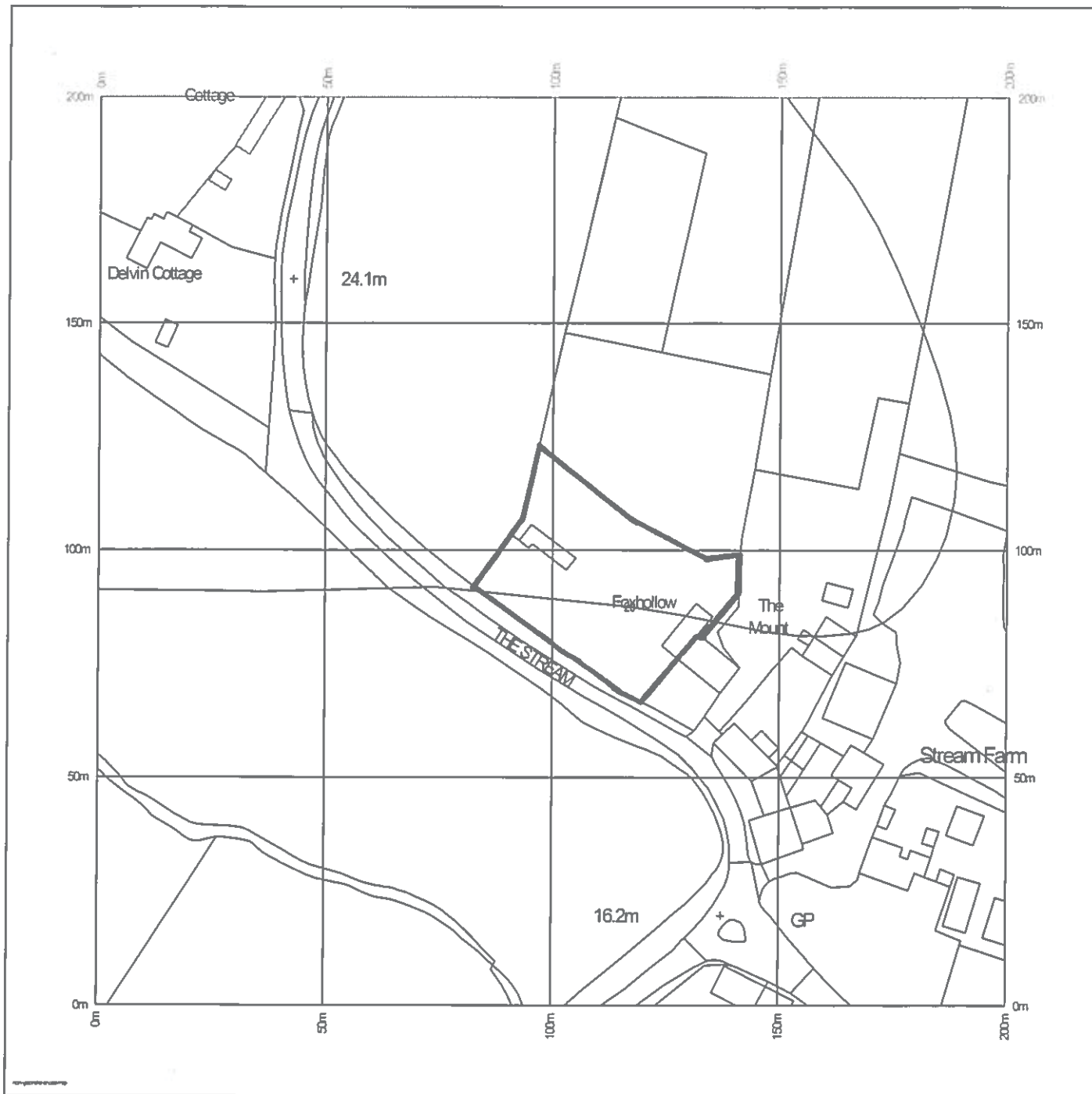
- 1 By virtue of the scale, form, massing and overly complex appearance of the proposed extension, which would contrast markedly with the scale, form, massing and design of the existing modest and simple cottage to which it would be attached, this would appear as an overly prominent and incongruous addition, and would significantly adversely detract from the character and appearance of the street scene. The development is therefore contrary to Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012), which specifies that planning should always seek to secure high quality design and should take account of the character of different areas.
- 2 By virtue of the proximity of the proposed rear deck/terrace area to the south-eastern side boundary of the application site and the height of this structure the proposed development would enable direct overlooking into the rear garden area of The Mount, which would consequently have a significant and harmful impact on adjoining occupiers here in terms of loss of privacy. The proposal would therefore be contrary to policy HOU8 of the Local Plan and the principles of the National Planning Policy Framework (2012), which specifies that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings

#### Notes:

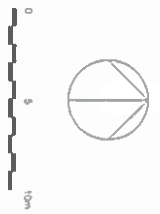
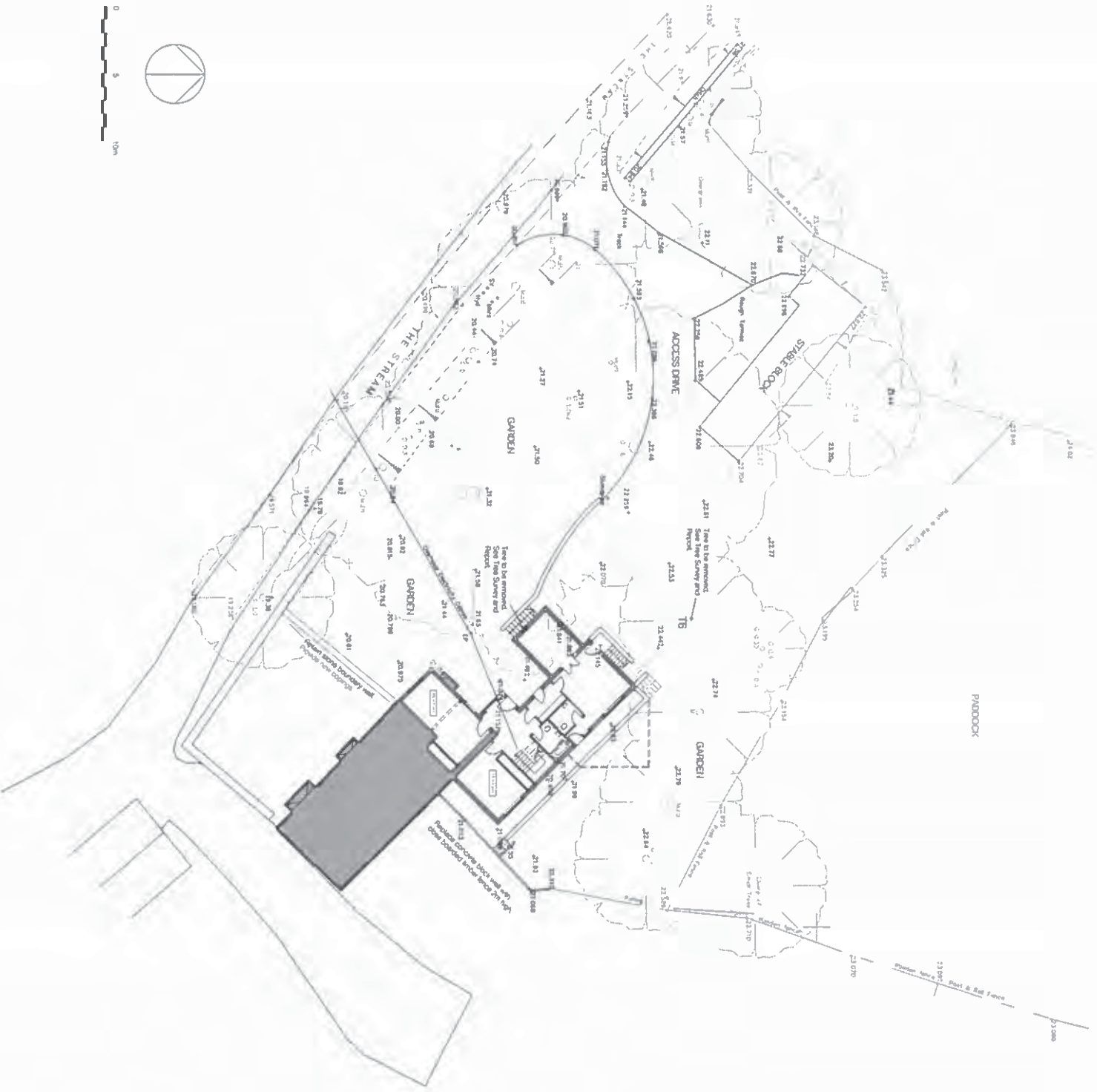
- 1 Statement of Positive and Proactive Engagement

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





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647/B

revision	description	date	drawn
A	Initial forms approved	14/10/15	DPS

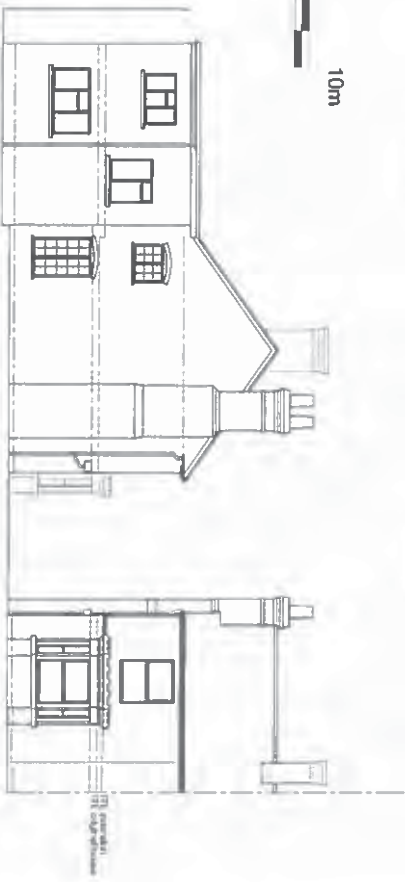
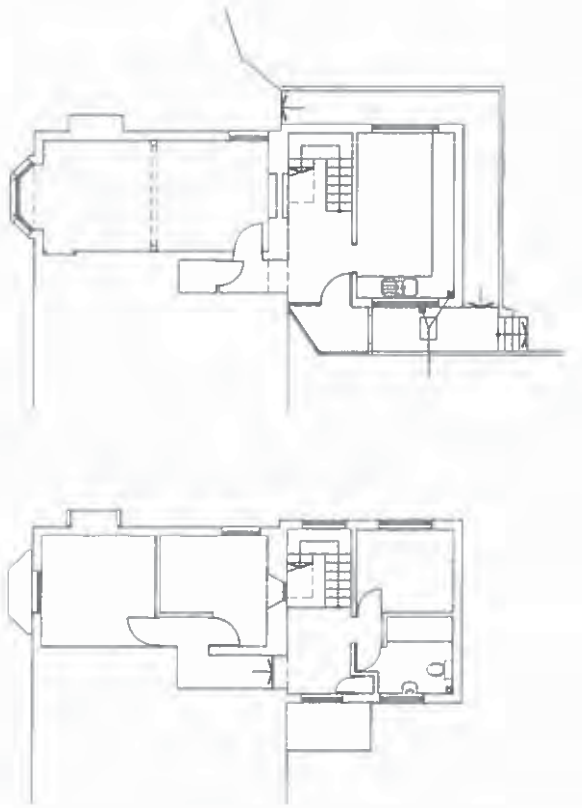
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FOXHOLLOW  
 ASHLEWORTH

MR AND MRS JOYCE

SEP 2015 1:200 @ A2  
 1590-P-31A



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## EXISTING PLANS AND ELEVATIONS

Site  
 FOXHOLLOW  
 ASHLEWORTH

client MR AND MRS JOYCE

date MAR 2015

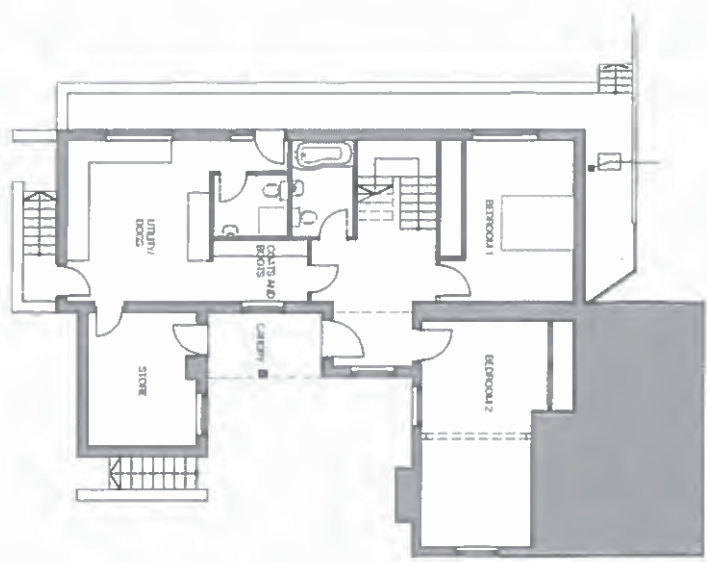
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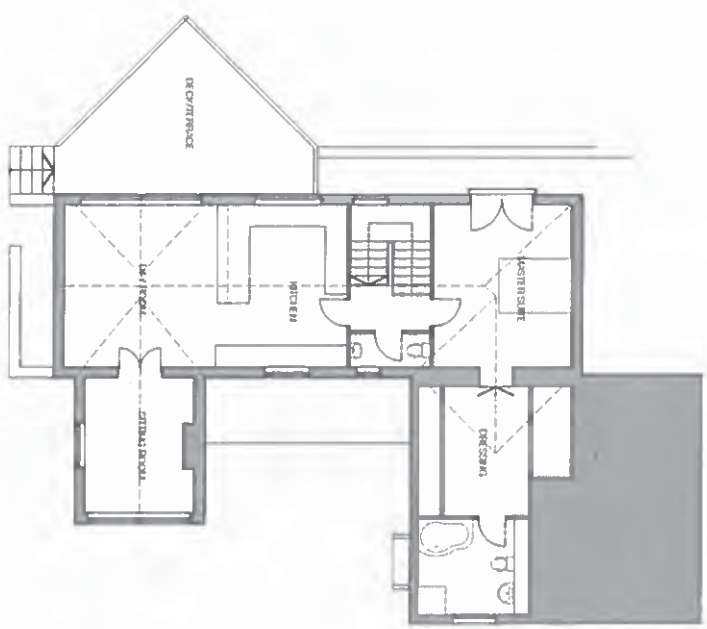
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1590-P-04A

GROUND FLOOR PLAN



FIRST FLOOR PLAN



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64710

revision description

PLANNING DRAWINGS

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FLOOR PLANS

PROPERTY  
 FOXHOLLOW  
 ASHLEWORTH

CLIENT  
 MR AND MRS JOYCE

DATE  
 SEP 2015

DESIGNER  
 DPS

SCALE  
 1:100 @ A2

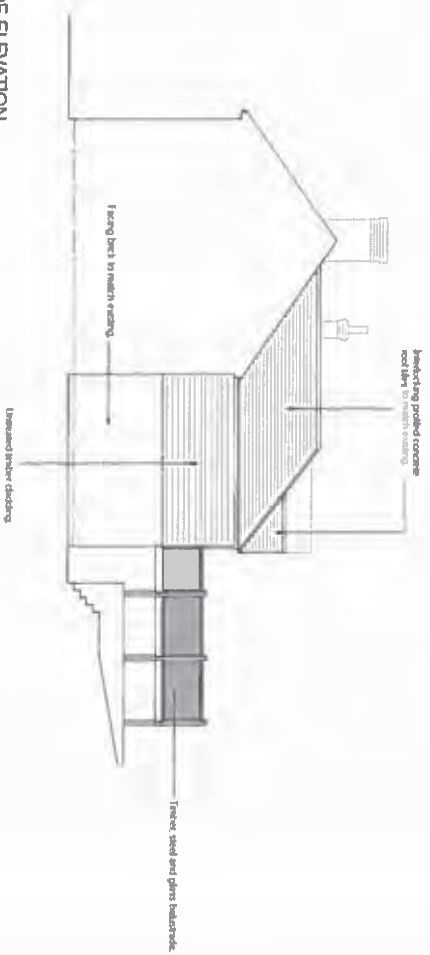
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 1590-P-32



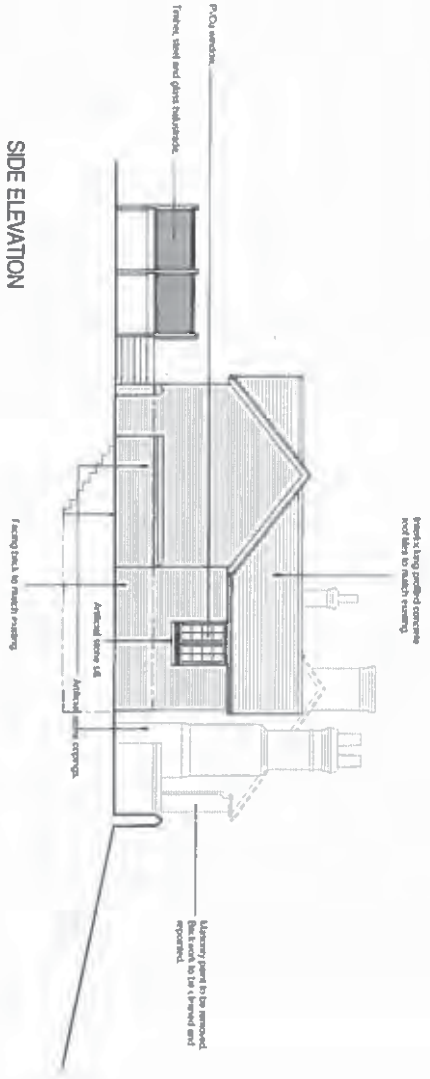
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SIDE ELEVATION



SIDE ELEVATION



revision	description	date	drawn
01	PLANNING DRAWING		

drawing title: **PLANNING DRAWING**  
**DesignForLiving**  
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 Wyndham, Queensland, QLD 4202  
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**PROPOSED ELEVATIONS 2**  
 site: **FOXHOLLOW ASHLEWORTH**  
 project: **Mrs AND MRS JOYCE**  
 date: **SEP 2015**  
 drawn: **DPS**  
 scale: **1:100 @ A2**  
**1590-P-34**

647/f

Valid 04.12.2015  
Grid Ref 401846 227765  
Parish Winchcombe  
Ward Winchcombe

Erection of a single detached dwelling and associated works.

Mr Neil Bennett  
C/o Agent

## RECOMMENDATION Refuse

### Policies and Constraints

#### NPPF

Planning Practice Guidance

JCS (Submission Version) - SP1, SP2, SD1, SD4, SD5, SD10, SD11, SD15 and INF1.

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU2, HOU4, LND7, EVT5, NCN5 and TPT1.

Winchcombe Town Design Statement

Flood and Water Management Supplementary Planning Document

Adjacent to Conservation Area

Cotswolds AONB

Flood Zones 2 and 3

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

The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

Town Council - No objection provided that Tewkesbury Borough Council are satisfied with the flood alleviation measures.

Gloucestershire County Council Highways - Previously raised no highway objection subject to conditions.

Flood Risk Management Engineer - Previously advised that the approach of the submitted Flood Risk Assessment (FRA) is accepted and in principle, there are no objections to the proposal at this stage subject to the imposition of a condition to secure a satisfactory SuDS/Drainage Management Plan to be submitted for approval.

3 letters have been received in support of the application on the following grounds:

- utilising small plots of land for individual houses is far preferable to building estates on green fields but these infill developments must be sympathetic to their immediate neighbours and be of the highest architectural and environmental standards. This application appears to meet all these criteria.
- This project would have no noticeable effect on the Town or on its environment. The property would be of high quality and would fit in well with its surroundings and the neighbouring houses.
- Development will complement and enhance the area
- There will be minimal risk of flooding and complies with NPPF
- Access is acceptable
- Complies with draft NP

One letter has been received expressing concerns about the safety of the proposed access.

**Councillor Mason has requested Committee Determination to assess the impact on the surrounding housing and area.**

**Planning Officers Comments:** Miss Joan Desmond

### 1.0 Introduction

1.1 The application site is measures 0.08 ha in size and was formerly part of the garden of the neighbouring property Pike House located to the south of the site. It has a road frontage to Cheltenham Road/slip road linking to Corndean Lane and is located on the southern edge of Winchcombe. Opposite the site is the former Winchcombe Hospital. To the south and east, the site is bounded by the River Isbourne with residential properties adjacent to the north and diagonally opposite to the north west (see attached location plan).

1.2 There are several mature trees within the site, a remnant of beech hedgerow and shrubs from its former use as a garden in the centre of the plot. The trees include two large Lawsons cypress and there is an area of gravel hardstanding adjacent to an existing garage structure. The remainder of the site is covered with long grass.

1.3 There are public footpaths crossing open fields to the east of the site and a short stretch of footpath as it crosses between Corndean Lane and the River Isbourne some 80m to the southeast. A short stretch of The Cotswold Way National Trail is located approximately 200m to the southeast of the site.

1.4 The site is located within the Cotswolds AONB and just outside the south western boundary of Winchcombe Conservation Area. The site is also located within Flood Zones 2/3.

## **2.0 History**

2.1 Planning permission was refused in 1996 under reference 95/0861/0215/OUT for a single dwelling and dismissed at appeal (T/APP/G1630/A/95/259131/P5). The issues raised by the Inspector will be discussed later in this report.

2.2 An identical application for a single dwelling was withdrawn in November 2015 (Ref: 14/01221/FUL).

## **3.0 Current Application**

3.1 Erection of a 1.5 storey, 3 bedroom detached dwelling with new vehicular access to the link road to Corndean Lane serving 2 on-site parking spaces (See Attached Drawings.)

## **4.0 Analysis**

### **Principle of Development**

#### National Planning Policy Framework (NPPF)

4.1 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.

4.2 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.

#### The Development Plan

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

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

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



HOU4 is based on the now revoked Structure Plan housing numbers and for that reason is considered out of date in the context of the NPPF in so far as it relates to restricting the supply of housing. The policy is also out of date because the Council cannot currently demonstrate a five year supply of deliverable housing sites.

#### Emerging Development Plan

4.5 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development. In December 2014, the Winchcombe Town Council approved a draft Neighbourhood Plan - Winchcombe and Sudeley Parish Neighbourhood Plan - for formal consultation.

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

4.7 Within the rural areas of Tewkesbury Borough, 2,612 dwellings are proposed to be delivered in the plan period to 2031. Approximately two thirds of this rural development has already been committed through planning permissions already granted. The remainder of this requirement will be allocated at rural service centres and service villages through the Tewkesbury Borough Plan and neighbourhood plans. Winchcombe is identified as a larger settlement containing a primary level of community facilities and services.

4.8 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).

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

#### **Other material Considerations**

##### Five Year Housing Land Supply and the Implications of the NPPF

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

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

#### **Access to Local Services and Facilities**

4.12 Section 4 of the NPPF (Promoting sustainable transport) recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. It states at paragraph 29 that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that "opportunities to maximise sustainable transport solutions will vary from urban to rural areas". Paragraph 32 states that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure. Furthermore, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 34 states that

decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.

4.13 The NPPF also states at paragraph 28 (supporting a prosperous rural economy) that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

4.14 The Submission version of the JCS recognises that beyond the strategic extensions to Gloucester and Cheltenham, smaller scale residential development will be accommodated at Tewkesbury Town and rural areas. The JCS recognises that Winchcombe is a sustainable location capable of accommodating new residential development and classifies Winchcombe as a rural service centre. Policy SP2 of the JCS, which sets out the strategy for growth and identifies the distribution of new development across the area, includes for rural service centres such as Winchcombe to accommodate 1860 new homes during the plan period. Whilst non-strategic allocations will be identified as part of the emerging Tewkesbury Borough Plan; work on the document only commenced recently. The document will cover the entirety of Tewkesbury Borough and provide locally specific policies and site allocations to complement the strategic direction provided in the JCS.

4.15 It is therefore considered that the site would have appropriate access to facilities/services in the town and various modes of transport and as such the principle of residential development is considered to be acceptable subject to other material considerations set out below.

### **Flood Risk**

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

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

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

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

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

4.21 The proposed dwelling would be located within Flood Zone 2 (FZ2) (medium risk of fluvial flooding (between 1 in 100 and 1 in 1000 annual probability of fluvial flooding) and the remainder of the application site is located within Flood Zone 3 (1 in 100 or more annual probability of fluvial flooding) and in accordance with the NPPF and Policy EVT5 of the Local Plan a Flood Risk Assessment (FRA) and Sequential Test have been submitted.

4.22 The submitted sequential test assessment and addendum has considered potential sites listed within the SALA covering Winchcombe and others within Winchcombe which are considered similar to the subject site. The assessment argues that the Local Development Document or background documents (e.g. the SALA) are not scoped to identify suitable small development land for single dwellings as is proposed within the local area to the site (Winchcombe). Therefore, it is argued that there are no suggested sites from the

local development documentation that can be considered suitable alternatives. It is also argued that other sites are not reasonably available to the applicant as they are under other ownership and are not deliverable as defined in footnote 11 to paragraph 47 of the NPPF.

4.23 The Sequential Test to be applied under the NPPF does not however require sites to be comparable or deliverable (as defined in footnote 11) nor does it limit the test to land within the applicant's ownership. The sequential test seeks to demonstrate that there are no reasonably available alternative sites appropriate for the proposed development in areas within a lower probability of flooding. The Sequential Test submitted clearly identifies that such sites exist.

4.24 In terms of flood risk the submitted FRA advises that the constructed development area resides in FZ 2 (medium risk of fluvial flooding) with the eastern and southern boundaries of the site located within FZ3. It states that the proposal is for the first habitable level to be located on elevated piers above a floodable ground level. It claims that this design addresses the fluvial flood risk issues associated with this site. The FRA advises that the approximate flood level for the 1 in 100 year event would be 94m AOD and for a 1 in 1000 year flood, the level would be approximately 95m AOD. The finished floor levels (FFL) of the elevated structure would be designed above 95m AOD. The submitted plans however, indicate a FFL of 94.75m which is less than that advised in the FRA but would be above the 1 in 100 level with adjustment for climate change.

4.25 The FRA concludes that the proposed design provides betterment in reducing flood risk to occupiers of the site without increasing flood risk downstream of the site by maintaining the functionality of the floodplain to attenuate water in periods of flooding on the River Isbourne. The constructed section of the development may occur within the 8m watercourse easement condition, in conflict with Policy EVT5 however, the design of the building would ensure much of the incursion into the 8m easement would be a cantilever overhang maintaining access for maintenance to the River Isbourne. In terms of surface water drainage, a surface water management strategy is proposed to manage and reduce the flood risk posed by the surface water runoff from the site. This would include an attenuation pond in the eastern section of the site and it is proposed that any surface runoff from the proposed dwelling would be discharged to the attenuation pond. No such feature is however shown on the proposed layout plans. The FRA concludes that it has been demonstrated that the proposed development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of the NPPF.

4.26 The Council's Flood Risk Management Officer has stated that the approach of the submitted Flood Risk Assessment (FRA) is accepted and in principle, there are no technical objections to the proposal at this stage subject to the imposition of a condition to secure a satisfactory SuDS/Drainage Management Plan to be submitted for approval. Nevertheless it is not clear where any proposed SuDS features, e.g. the pond referred to in the FRA, would be located, particularly if it were to be outside Flood Zones 2 and 3.

4.27 In conclusion, the Local Planning Authority considers there are reasonably available alternative sites within Flood Zone 1 which could be developed instead. These include sites within the SALA as well as those with extant planning permission. The proposed development is therefore contrary to Policy EVT5 of the Local Plan, Policy INF3 of the Joint Core Strategy (Submission Version) and the aims and objectives set out in the NPPF.

#### **Impact on the AONB, Winchcombe Conservation Area and Trees**

4.28 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.

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

4.30 The site is located adjacent to the Conservation Area. 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. Policy HEN2 of the local plan seeks to preserve or enhance the character and appearance of the conservation area and its setting.

4.31 The site comprises an overgrown garden area with a single garage building. It is well landscaped with several mature trees and is visible from various public vantage points including the main approach road (Cheltenham Road); a minor road (the old route of Cheltenham Road) and public rights of way to the south east including footpath AWB27 and the Cotswold Way National Trail. The proposed development would involve clearance work involving the removal of existing planting/ hedging to the front of the site and 2 mature Cyprus trees and a holly tree.

4.32 A Landscape Statement has been submitted with the application which advises that the new dwelling would be screened by a new native hedgerow but that the apex of the gable would remain visible in order to contribute positively to the character and pattern of the streetscape. The LVIA concludes that the very low level of change and potential harm to the AONB landscape would be balanced by the proposed landscape mitigation and enhancements to the extent that there would be a benefit to scenic, wildlife and landscape interests.

4.33 As recognised by a previous appeal Inspector ( see history above) when considering an appeal for a similar form of development, the site 'represents a distinct "character break" between the more intense ribbon development to the north, extending along Cheltenham Road into the core of the settlement and the more dispersed and spacious pattern of development to the south around the junction of Corndean Lane with the now bypassed section of Cheltenham Road.' The Inspector considered the character of the area south of the existing ribbon development to be more akin to the countryside with a scattering of sporadic development. The landscape setting of this site remains unchanged and this scheme would also require the removal of several trees/ planting on the site which would open up the site to view from the Cheltenham Road and would effect a significant change in its character and appearance. Whilst the LVIA suggests that the view of the apex of the gable would contribute positively to the character and pattern of the streetscape, the development would be read in association with the existing development that fronts onto the main Cheltenham Road. This development comprises detached dormer style properties whose main elevation fronts onto the roadside. In comparison the proposed new dwelling would be side on to the roadside and as such would have no active frontage and would be out of character with the traditional form of development in the area.

4.34 The Conservation Officer (CO) has raised no objections to the proposals in terms of its impact on the setting of the adjacent Conservation area. The CO notes that the immediate area is dominated by standard late C20 housing and has no strong architectural character, other than the unifying use of Cotswold limestone (or its artificial equivalent), and it is considered that the design is not inappropriate in this context. The previous appeal Inspector also considered that a new dwelling on this site would not unduly or unacceptably impact upon views to and from the conservation area and the CO concurs with this view.

4.35 In conclusion, it is considered that the proposed new development would be out of character with existing development in the area and would undermine the landscape integrity of the area. This identified harm to the character of the area weighs against the development.

### **Highway Safety**

4.36 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 32 specifically requires safe and suitable access to all development sites for all people. Policy TPT1 of the Local Plan requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided. Policy TPT1 reflects advice in the NPPF and thus should be afforded significant weight. Local Plan Policy TPT1 relates to access for developments and states that development will be permitted where, amongst other things: provision is made for safe and convenient access to the development by pedestrians and cyclists; traffic generated by the development would not impair the safety or satisfactory operation of the highway network; and highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network.

4.37 The County Highways Authority has assessed the proposed development and has no objections subject to conditions. Whilst the development site has the benefit of an existing point of access it currently fails to provide adequate intervisibility and a new point of access is proposed to the south of the site onto the loop of Cheltenham Road. Speed survey data has been submitted in support of the application that shows the provision of visibility slays of 33m and 21m respectively are required. Evidence has been submitted that these levels of intervisibility are available and the proposal is therefore considered to accord with Policy TPT1 of the Local Plan.

### **Impact on living conditions**

4.38 The impact on residential amenity has been carefully considered and notwithstanding the neighbour objection (Pike House) it is considered that there would be minimal adverse impact given the distance from the boundary (10+m) and the screening provided by existing planting along the boundary. The first floor rooflights on the northern elevation would be positioned at a height which would preclude direct overlooking into Paintons End.

### **Biodiversity**

4.39 An ecology and protected species appraisal has been submitted in support of the application. The detailed report concludes that the proposal for a single new detached stilted dwelling within the west of the site, is therefore considered to cause no significant ecology impacts; no risk of harm or impact to notable or protected fauna (with the precautionary mitigation followed); and no potential for impact to any designated wildlife site. Some recommendations are given regarding ecology enhancement measures to design into the scheme via fauna roost/nest boxes, strengthening of boundary hedges with native shrubs, and creating species-rich damp grassland within the flood zone of the current amenity grassland. The proposals are in accordance with the requirements of Policy NCN5 - Protection of Important Features/Biodiversity.

### **5.0 Overall Balancing Exercise and Conclusions**

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

5.2 The site is located on the edge of the town which is identified as a Rural service centre in the emerging JCS where there are facilities to support additional housing. There are also social and economic benefits to the proposal in that it would contribute to the supply of housing which would in turn create benefits for the local economy, both through construction and following occupation. These matters weigh in favour of the proposal.

5.3 The site however, is considered to represent a distinct "character break" between the more intense ribbon development to the north and the more dispersed and spacious pattern of development to the south around the junction of Corndean Lane with the now bypassed section of Cheltenham Road. The proposed by reason of its siting and orientation would have a harmful impact on the character and appearance of the area which weighs against the proposal. In addition the site is located within flood zones 2 and 3 and it is not considered that the proposal meets the requirements of the sequential test which aims to direct development to areas of lowest flood risk.

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

### **RECOMMENDATION Refuse**

#### **Reasons:**

- 1 The proposed development would be visually intrusive and would have an adverse impact on the character and appearance of the area. In addition the Local Planning Authority considers insufficient evidence has been submitted to demonstrate under a sequential test that, given the application site's status under land designated as Flood Zone 2 and 3, alternative sites with a lower probability of flooding could accommodate the proposed residential development. For these reasons the proposal does not represent sustainable development within the context of paragraph 14 of the NPPF and the identified harms would significantly and demonstrably outweigh the benefits of the proposal. The proposed development would therefore be contrary to the core principles of land-use planning set out at paragraph 17 of the NPPF, Section 7 (Requiring Good Design), Section 10 (Meeting the challenge of climate change, flooding and coastal change) and section 11 (Conserving and enhancing the natural environment) of the NPPF, Policy EVT5 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SD8 SD11 and INF3 of the Joint Core strategy Submission Version November 2014.

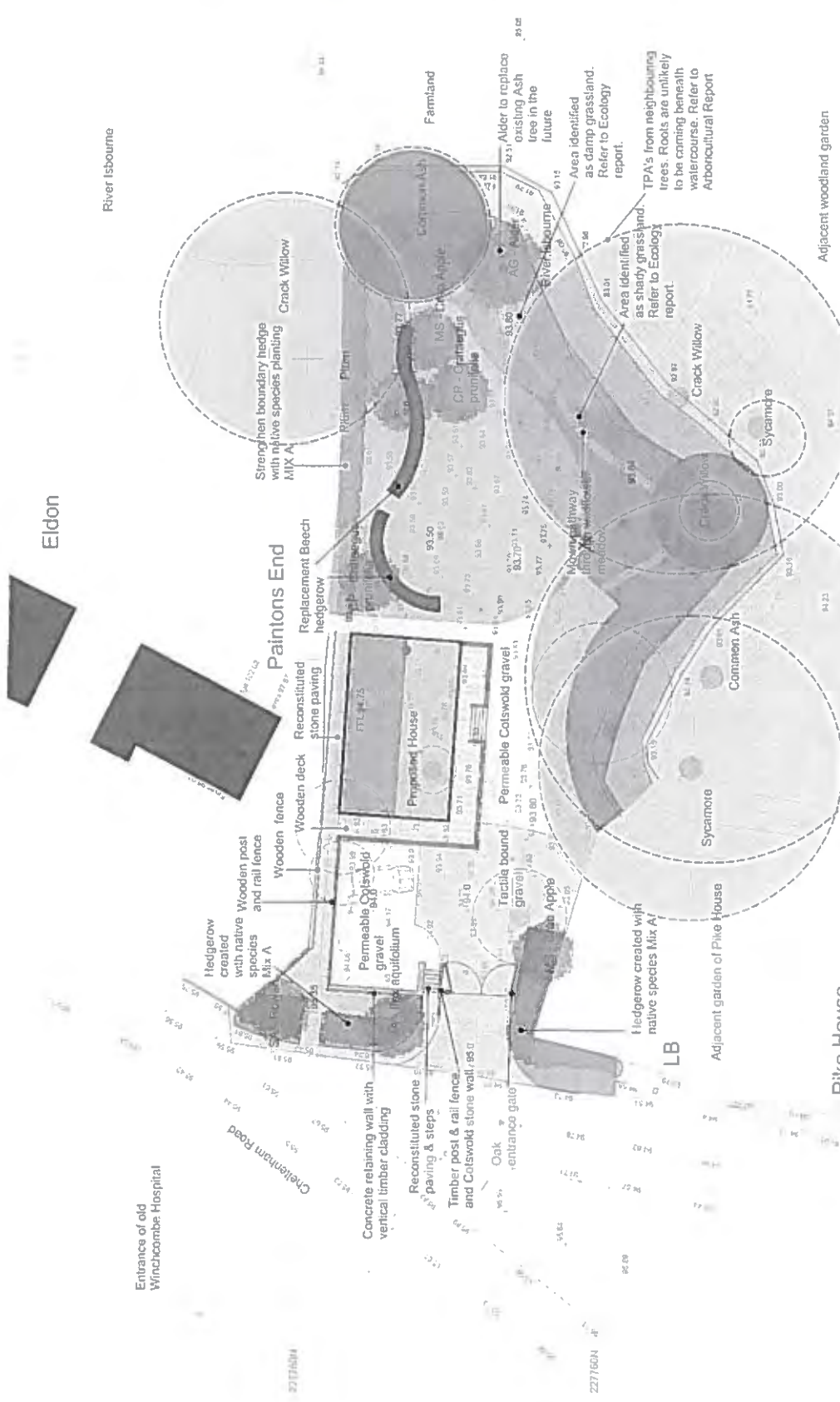
Notes:

1 Statement of Positive and Proactive Engagement

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

KEY

- Existing tree on site
- Existing tree on adjacent land
- Tree to be removed
- Root Protection Area
- Existing hedge/grove
- Proposed native hedge/grove
- Proposed Beech Hedge/grove
- Proposed tree planting
- Existing shady grassland to be improved
- Existing damp grassland to be improved
- Proposed wetlow/grassland
- River Isbourne
- Tarmac
- Gravel
- Wooden post and rail fence
- Deck
- Reconstructed stone hugh
- Retaining wall
- Proposed spoil heights
- Existing spoil heights
- Proposed contour for swale
- Inhomogeneous root & nest boxes refer to Ecology Report



GENERAL NOTES

1. Existing trees shall be saved from the site.
2. The planting shall be carried out in accordance with the relevant standards and specifications set out in the Ecology Report.
3. Any planting on the site shall be subject to the relevant standards and specifications set out in the Ecology Report.
4. All dimensions shall be measured from the centre of the planting area.
5. All dimensions shall be measured from the centre of the planting area.

Portus + Whitton  
 11 Landscapes Planners  
 1-200 A2 Nov 2011 1417 L 1 B

Client	Portus + Whitton
Location	11 Landscapes Planners
Date	1-200 A2 Nov 2011 1417 L 1 B
Scale	1:1000
Author	Portus + Whitton
Check	Portus + Whitton
Drawn	Portus + Whitton
Project No.	11 Landscapes Planners

Garden of Daybank

Wild flowers for wetlands

Latin name	Common name
Yarrow	Yarrow
Achillea millefolium	Yarrow
Betony	Betony
Common officinalis	Common Betony
Centaurea nigra	Common Knapweed
Pimpinella umbra	Meadowweet
Galium verum	Lady's Bedstraw
Leucantherum vulgare	Oxeye Daisy
Scilla maritima	Bluebell
Prunella vulgaris	Common Blackberry
Ranunculus repens	Common Cowslip
Ranunculus acris	Common Stinkwort
Ranunculus ficaria	Common Crowfoot
Sanguisorba officinalis	Great Burnet
Stachys recta	Pepper Sausage
Stachys media	Pepperwort
Stachys palustris	Pepperwort
Vicia cracca	Crack Vetch

Such as EMB: Wild flowers for wetlands from Emongate Seeds

PLANTING SCHEDULE

MIX A Hedge Mix  
 Hedge plants planted in double staggered rows @ 5 plants per linear m. All plants protected with 0.6m high clear plastic spiral rabbit guards secured in bamboo canes.

Latin Name	Common Name	Specification
Juniperus communis	Juniper	80cm girth, 1.75-2m clear stem, 5 breaks, Heavy Standard
Acer campestre	Field Maple	80cm girth, 1.75-2m clear stem, 5 breaks, Heavy Standard
Rosa canina	Dog rose	80cm girth, 1.75-2m clear stem, 5 breaks, Heavy Standard

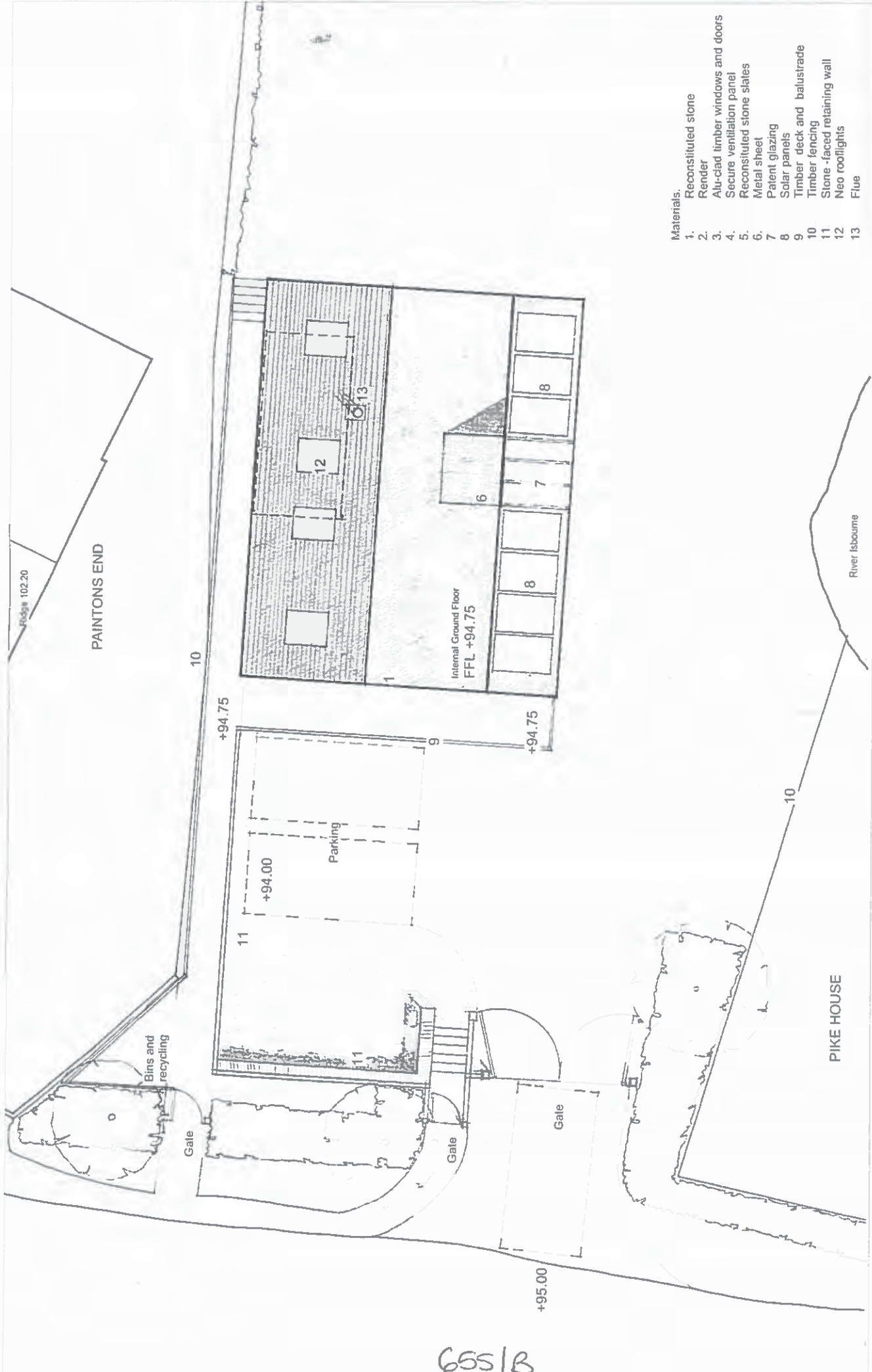
Beech Garden Hedge  
 Hedge plants supplied root balled or container, 1m in height, 2.3 per m

Latin Name	Common Name	Specification
Fagus sylvatica	Beech	80cm girth, 1.75-2m clear stem, 5 breaks, Heavy Standard

Individual Tree Planting  
 All trees to be planted into 0.9-1.0m dia x 0.6m prts. compost working into backfill @ 25% of volume, planted with a single stake and secured with adjustable tree tie:

Latin Name	Common Name	Specification
Alnus glutinosa	Willow	80cm girth, 1.75-2m clear stem, 5 breaks, Heavy Standard
Crataegus monogyna	Broad leaved Hawthorn	80cm girth, 1.75-2m clear stem, 5 breaks, Heavy Standard
Ilex aquifolium	Holly	80cm girth, 1.75-2m clear stem, 5 breaks, Heavy Standard
Malus sylvestris	Crab Apple	80cm girth, 1.75-2m clear stem, 5 breaks, Heavy Standard
Sorbus aucuparia	Rosaleaf	80cm girth, 1.75-2m clear stem, 5 breaks, Heavy Standard

655/A



- Materials.
1. Reconstituted stone
  2. Render
  3. Alu-clad timber windows and doors
  4. Secure ventilation panel
  5. Reconstituted stone slates
  6. Metal sheet
  7. Patent glazing
  8. Solar panels
  9. Timber deck and balustrade
  10. Timber fencing
  11. Stone-faced retaining wall
  12. Neo rooflights
  13. Flue

Title: Proposed Site Plan  
 Scale: 1:100 at A3  
 Dwg no. 14/NPB.101

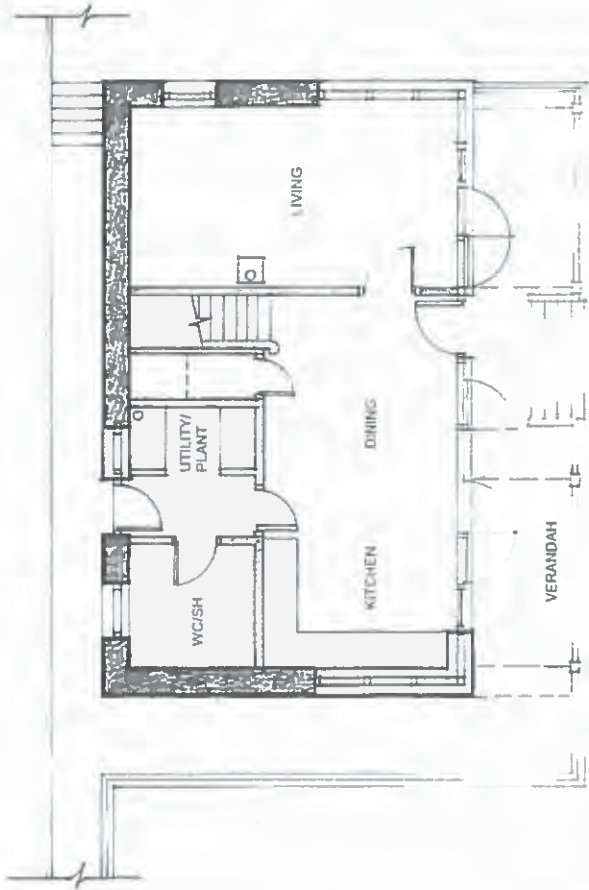
PROJECT:  
 Proposed single dwelling  
 Land known as Jean's Piece, adjacent Pike House,  
 Cheltenham Road, Winchcombe GL54 5NQ



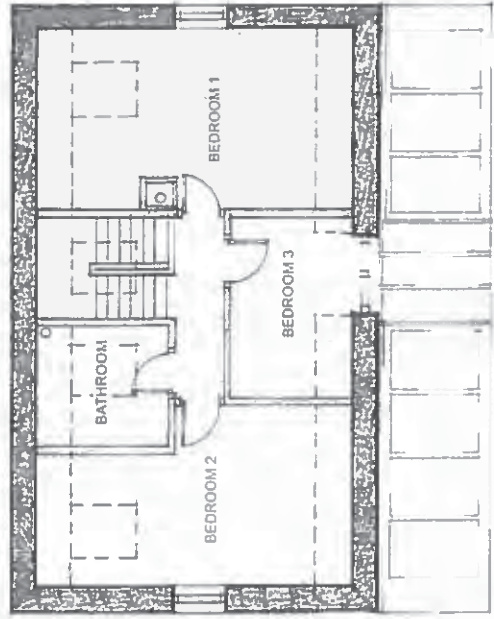
Date: November 2014  
 Rev:

655/B





GROUND FLOOR PLAN



FIRST FLOOR PLAN

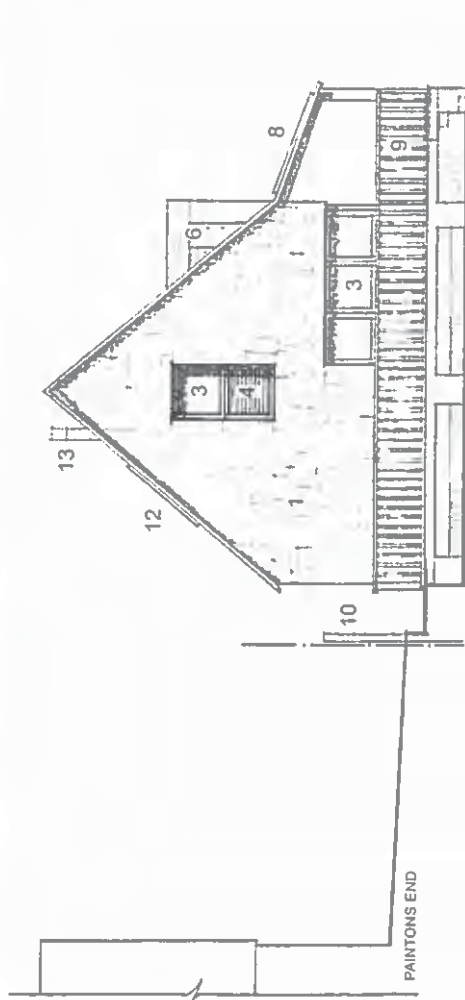
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PROJECT:  
Proposed single dwelling  
Land known as Jean's Piece, adjacent Pike House,  
Cheltenham Road, Winchcombe GL54 5NQ

Title: Proposed Plans  
Scale: 1-100 at A3  
Dwg no. 14/NPB.102

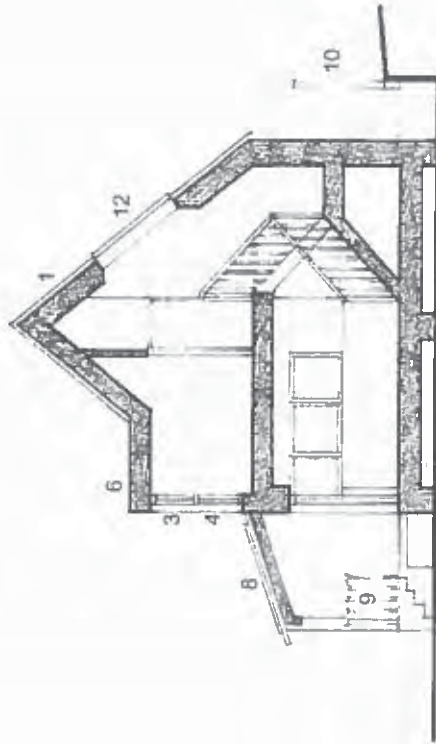
Date: November 2014  
Rev:



WEST ELEVATION



EAST ELEVATION



CROSS SECTION BB

- Materials:
1. Reconstituted stone
  2. Render
  3. Alu-clad timber windows and doors
  4. Secure ventilation panel
  5. Reconstituted stone slates
  6. Metal sheet
  7. Patent glazing
  8. Solar panels
  9. Timber deck and balustrade
  10. Timber fencing
  11. Stone-faced retaining wall
  12. Neo rooflights
  13. Flue

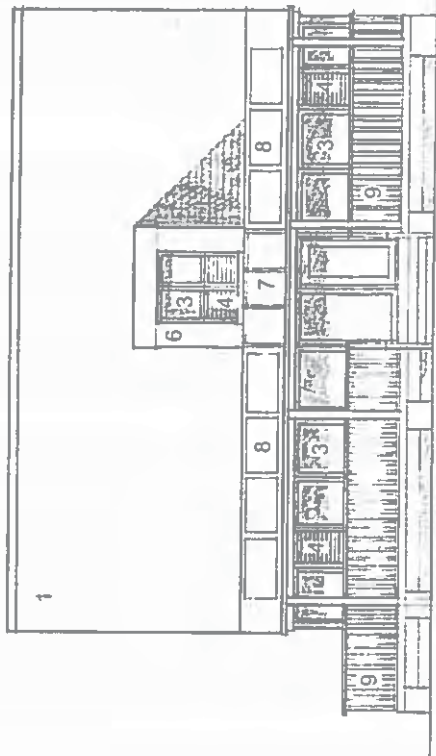
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PROJECT:  
Proposed single dwelling  
Land known as Jean's Piece, adjacent Pike House,  
Cheltenham Road, Winchcombe GL54 5NQ

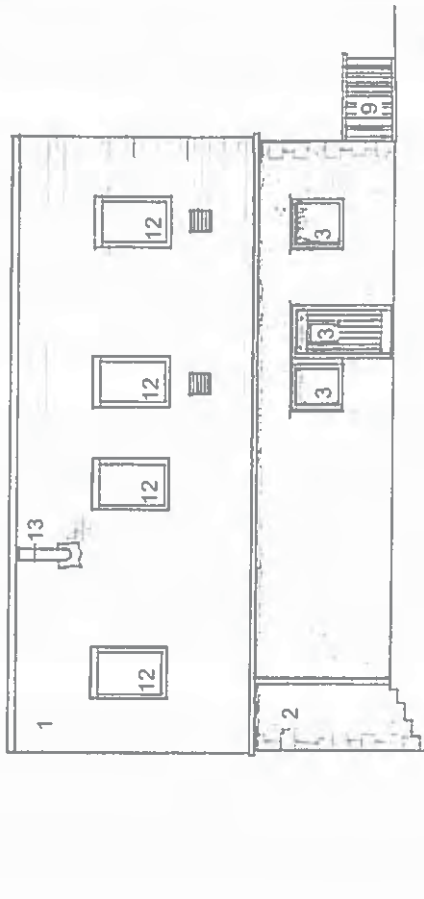
Title: Proposed Elevations 2 of 2  
Scale: 1:100 at A3  
Dwg no. 14/NPB.104

Date: November 2014  
Rev:





SOUTH ELEVATION



NORTH ELEVATION

- Materials:
1. Reconstituted stone
  2. Render
  3. Alu-clad timber windows and doors
  4. Secure ventilation panel
  5. Reconstituted stone slates
  6. Metal sheet
  7. Patent glazing
  8. Solar panels
  9. Timber deck and balustrade
  10. Timber fencing
  11. Stone-faced retaining wall
  12. Neo rooflights
  13. Flue

655/E

Title: Proposed Elevations 1 of 2  
 Scale: 1:100 at A3  
 Dwg no. 14/NPB.103

PROJECT:  
 Proposed single dwelling  
 Land known as Jean's Piece, adjacent Pike House,  
 Cheltenham Road, Winchcombe GL54 5NQ



Date: November 2014  
 Rev:

15/01155/FUL  
784 - Stoke Orchard Garage  
Valid 23.10.2015

Stoke Orchard Garage, Stoke Road, Stoke Orchard

4

Residential development consisting of six dwellings including associated access and landscaping, following demolition of existing garage buildings and residential dwelling known as Burning Bush

Grid Ref 391965 228263  
Parish Stoke Orchard And  
Tredington  
Ward Oxenton Hill

I. Stojanov & Sons Ltd.  
C/o Agent

## RECOMMENDATION Delegated Permit

### Policies and Constraints

NPPF

Planning Practice Guidance

Community Infrastructure Levy Regulations

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies GRB1, HOU4, HOU14, TPT1

Joint Core Strategy (JCS) -SD5, SD6, SD13, INF3

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

The First Protocol, Article 1 (Protection of Property)

Green Belt

Affordable Housing SPD

Flood and Water Management Supplementary Planning Document

### Consultations and Representations

Stoke Orchard & Tredington Parish Council - OBJECT to this application until the drainage is resolved. The pipe installed by the applicant that runs under the main road is blocked causing water to back up on the highway. It is a known flooding issue, but because the applicant installed the pipe, Glos Highways cannot take responsibility. SO & TPC also raise concern over the position of the access to the sharp bend in the village and would prefer, and do suggest that the access should be further along towards the church so not so close to the 90 degree corner near Dovecot.

County Highways - Recommend no objection subject to conditions.

Two Site Notices displayed. No comments received.

**Planning Officers Comments:** Mr Andrew Thompson

### 1.0 Application Site

1.1 The application site is currently occupied by the Stoke Orchard Garage and house known as the Burning Bush. The main Stoke Orchard Garage is a tall two storey commercial building with elements of a false façade to conceal commercial activity to the rear. There is associated hard surfacing to the front and rear of the site with two access points onto Stoke Road. Opposite the application site is the former CRE development which has a community centre, local shop and play area but is also providing improvements to the bus service and pavements on the northern side of Stoke Road (see attached location plan).

### 2.0 Planning History

2.1 There has been no recent or relevant planning history to the application site although the redevelopment of the site opposite is noted which also provides a community centre, play area and local shop on the Stoke Road frontage.

### 3.0 Current Application

3.1 The current application proposes the erection of six new detached dwellings with associated garages and parking following demolition of the existing development on site. The proposals include the closing up of existing accesses and the creation of a single, centrally positioned access point. This would aid the creation of a crossing point which is being created for the development opposite (see attached plans).

## 4.0 Analysis

4.1 The principal determining issues are considered to be the principle of the development and its relationship to the impact on Green Belt Policy together with its relationship to the character and visual amenity of the area, and highway safety.

## 5.0 Principle of development

### The Development Plan

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

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

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

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

### Emerging Development Plan

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

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

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

5.7 Paragraph 216 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

5.8 The JCS was submitted to the Secretary of State on 20 November 2014. Its Examination in Public commenced in May 2015 and is still ongoing. Whilst the emerging plan is now at a more advanced stage, it is not yet formally part of the development plan for the area and the weight that can be attached to its policies will be limited having regard to the criteria set out above.

5.9 The Tewkesbury Borough Plan (2011-2031) will sit beneath the JCS. A draft Site Options and Policies document has been published and was the subject of six weeks of public consultation, which closed on 13th April 2015. The draft plan invited views on possible site options for development at the rural service centres and service villages. The draft plan is at a much earlier stage of development than the JCS and thus can only be given very limited weight at this stage.

### National Policy/Guidance

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 (e.g. in the Green Belt, Area of Outstanding Natural Beauty, locations at risk of flooding and designated heritage assets). As the site lies within the Green Belt, the presumption in favour of sustainable development does not apply in this case.

5.11 However, whilst in the Green Belt, the principle of redevelopment of the site is supported by Paragraph 89 of the NPPF in that it states that an exception to inappropriate development includes the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

5.12 The Council's lack of five year housing land supply and the relationship to the development opposite and proximity to the community centre/local shop are also positive elements of the scheme. Members may recall that an outline application for 45 dwellings in Stoke Orchard was allowed on appeal in 2015 as the Inspector considered that the settlement was sustainable in transport terms as there would be good levels of access to the range of services, with a reasonable choice of transport modes commensurate with the location of the site. Therefore subject to the proposals not having a greater impact on openness of the Green Belt, the proposals are considered to be acceptable in principle.

## **6.0 Openness of the Green Belt**

6.1 The existing building is a large and dominant building to the street scene with the forecourt also playing an important role in the display of motor vehicles. There are also cars stored at the rear relating to car repairs and maintenance work which is carried out at the rear of the main showroom aspects. The adjoining house, the Burning Bush, is also a sizeable dwelling. The proposals would alter this with the creation of a green frontage which would be more in keeping with the character of the area.

6.2 Further the proposed development is kept to the extent of the existing hard surfacing and developed area. The visual gaps between properties will also break up the bulk and mass of the proposals and provide a distinct improvement to the openness when compared to the existing development on the site. The reduction in the number of cars and the domestic scale buildings will mean that the proposals will improve the openness of the Green Belt and therefore the proposals are supported.

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

7.1 The proposals sit to the southern side of Stoke Road which is relatively flat and other than on the application site is relatively open. There are a number of trees on the site although none are of significance or worthy of a TPO either on their own or as a group. In addition boundaries to the road and other domestic properties are defined by hedgerows. Therefore the inclusion of landscaping to define the residential boundaries is an appropriate means of defining residential curtilage in the area. Whilst there would be an impact to the local landscape it is not considered that this would be significantly harmful.

7.2 Given the size, scale and bulk of the existing buildings the proposals would present an improved definition to the built area. The designs of the proposed dwellings are contemporary in form and a mixture of elevational treatments are proposed, with a mixture of materials, including white render, natural Cotswold stone and Red Cedar cladding. Each of the dwellings has been individually designed but the design approach would be similar to the stylings of the development on the former CRE site opposite.

## **8.0 Access and Highway Safety**

8.1 The comments of the parish council are noted. The proposals would remove existing access points and consolidate the access into a single access point at the centre of the frontage.

8.2 Following a speed survey, the visibility splays required would be 61.8m westbound and 59.9m eastbound of the site entrance. These splays extend outside of the site and land in the ownership of the applicant and the apparent highway extent. Therefore without third party agreement from the neighbouring land owner(s) it cannot be guaranteed the visibility splay can be provided or maintained. However, the Transport Statement

advises that the potential estimated trip generation of the proposed 6 dwellings is less than that of the existing MOT garage and car sales on the site and this is accepted by County Highways (CH). Therefore on the basis that trip generation is reduced and the proposed site access is centrally located along the site frontage onto Stoke Road which would afford improved visibility, the site access is considered acceptable.

8.3 Footways illustrated along the site frontage from the site access and informal crossing points to the CRE site (for access to the community centre and shop) and nearby bus stops could be secured via condition. It has been noted that there is a bus stop alongside the proposed site access which would need to be suitably relocated as part of the condition. The parking provision is considered suitable with at least two parking spaces per dwelling not including garage space. In conclusion, CH therefore raise no objection subject to conditions.

## **9.0 Affordable Housing**

9.1 The council has an emerging Affordable Housing Policy SD13 (Joint Core Strategy Submission document) stating sites of 0.4 hectares or greater are to meet an Affordable Housing contribution of 40%. This site is 0.4 hectares. Whilst a proposal such as this is to meet a Borough-wide housing need, the Housing Enabling Officer (HEO) does not consider that it is imperative for this small development to provide for Affordable Housing on-site. At present Stoke Orchard has seen one sizeable development at the land previously Coal Research Establishment, and a further development at Banady Lane. These 2 developments alone will deliver a total of 71 new Affordable Housing dwellings. The applicant's Planning Statement indicates a proposal for off-site contributions in the form of financial/ commuted sum and the HEO has advised that due to the nature of the proposed development this would be acceptable. These monies would be used by the council to finance other Affordable Housing projects in the Borough. In this instance 2-bed houses for affordable rent would be suitable to meet the housing need and a contribution of £216,000.00 would be sought from this development.

9.2 The applicant has completed a S106 agreement to deliver this contribution. It should be noted that the Government is re-consulting on the impact of s106 contributions to small developments following the recent high court judgements and therefore there may be further applications to alter the terms of the S106 but whilst this adds to the positive elements of the development, in itself it is not a determinative factor in the proposals.

## **10.0 Flooding and Drainage**

10.1 The proposals are located in Flood Zone 1 at the lowest risk of flooding. The Parish Council object on the grounds that the pipe installed by the applicant that runs under the main road is blocked causing water to back up on the highway. Whilst this is noted, this in itself is a matter that is not related to the development and is a matter that could be resolved by unblocking the pipe which is a civil matter.

10.2 Notwithstanding this the proposals would replace the existing hardsurfaced forecourt with front gardens and permeable surfaces which would improve the drainage situation on the site. The proposals, through construction could also resolve the drainage pipes and issues that currently exist. Overall the proposals would increase the amount of permeable surfaces on the site and therefore would be likely to improve the drainage situation on the site.

## **11.0 Other matters**

### Contamination

11.1 A Ground Conditions Desk Study, dated August 2015 was undertaken by Hydrock and has been submitted with this application.

11.2 This report concludes that based on historic land uses and its current operational use, the overall risk from land contamination at the site would be moderate for the current development and moderate for a redeveloped site. This would be subject to further investigation, which could be secured by condition.

## **12.0 Overall Planning balance and Conclusion**

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

12.2 The delivery of housing and the improved openness to the Green Belt is a significant positive element to the proposals both in terms of economic and environmental terms. The relationship to existing infrastructure and accessibility to the community centre are also positive features.

12.3 Whilst there would be a landscape impact when viewed from the south, this would not be significant to merit a refusal when compared to the existing development on the site. It is therefore recommended that **permission be delegated to the Development Manager subject to the completion of the S106 for a contribution towards affordable housing and appropriate conditions.**

#### **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 shall be carried out in accordance with the submitted plans hereby approved reference 1595-01, 1595-02 Rev A, 1595-04 Rev A, 1595-10, 1595-11, 1595-12, 1595-13, 1595-14, 1595-15, 1595-16, 1595-17, 1595-18, 1595-19, 1595-20, 1595-21, 1595-22, 1595-50 Rev A, 1595-51, 1595-52, H01 RevA
- 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 provide for:
  - i. The parking of vehicles of site operatives and visitors
  - ii. Loading and unloading of plant and materials
  - iii. Storage of plant and materials used in constructing the development
  - iv. The erection and maintenance of security hoarding
  - v. Wheel washing facilities
  - vi. Measures to control the emission of dust and dirt during construction
  - vii. A scheme for recycling/disposing of waste resulting from demolition and construction works

The development shall be fully carried out in accordance with the agreed Construction Phase Method Statement and agreed details shall be retained throughout the construction period
- 4 Prior to the commencement of built development a detailed landscaping scheme and maintenance strategy for the development (including any necessary phasing of implementation and replacement strategy) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of:
  - i. existing and proposed ground levels
  - ii. site preparation
  - iii. topsoil depth of 450mm
  - iv. proposed tree and hedge planting
  - v. plant species/densities; tree species/sizes and locations
  - vi. arrangements to be made for the disposal of surface water
  - vii. hard landscaping works
  - viii. garden shed, water butts and incidental outbuildings.

The approved scheme shall be implemented in accordance with the submitted details and retained thereafter.
- 5 Notwithstanding the submitted details, building operations shall not be commenced until samples of the external 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.
- 6 Prior to the first occupation of any dwelling to which this permission relates the accessways, turning areas and parking facilities shown on the approved plan shall have been properly consolidated, surfaced, drained, free of loose stone and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall be thereafter be retained and kept available for those uses at all times.



- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no additional extensions, outbuildings, structures or means of enclosure (e.g. walls, gates, or fences) shall be erected without prior written approval of the Local Planning Authority.
- 8 The driveway and car spaces provided shall be kept available for the parking of motor vehicles at all times. The car parking spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.
- 9 i) Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note 2).  
 ii) The remedial measures as set out in the "Remediation Statement" required by part i) of this condition shall be implemented in accordance with the agreed timetable.  
 iii) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the submitted site investigation is encountered, development shall cease until the "Remediation Statement" required by part i) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.  
 iv) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note 3)

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To define the permission and to ensure satisfactory development of the site.
- 3 In the interests of highway safety
- 4 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 5 To ensure 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 highway safety together with functioning and appearance of the development.
- 7 Having regard to the Green Belt location and visual buffer to the neighbouring landscape.
- 8 In the interests of highway safety and to ensure the appropriate provision of parking on the site.
- 9 To ensure safe development of the site and to protect human health and the environment.

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 When making assessments of any contaminants identified as being present in on or under the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 "Model Procedures for the Management of Land Contamination", The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report - SC050021/SR3 "Updated technical background to the CLEA model" and Science Report - SC050021/SR2 "Human health toxicological assessment of contaminants in soil" or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.
- 3 Validation reports will need to contain details of the "as installed" remediation or mitigation works agreed with the Local Planning Authority. For example, photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported "clean cover" materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate, records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority and where necessary include testing and/or monitoring data.

15/01/15/FUL

NOTES:  
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
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10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

NO.	DATE	DESCRIPTION

0. If there is a discrepancy between the drawings and the specification, the specification shall prevail.

**A. CLARKE DESIGN**

Address: 10000 E. 10th Avenue, Suite 100  
Chattanooga, TN 37417  
Phone: 423-249-1111  
www.ackdesign.com

Prepared: Mike Doolittle  
Scale: As Shown  
P. Stojanovic

EXISTING LOCATION PLANS

NO.	DATE	DESCRIPTION

VAR/02  
AUG 15  
AC

PLANNING  
1595-01



LOCATION - 1:1250



LOCATION - 1:500

6602/A

LOCATION





PLOT 4

PLOT 5

PLOT 6

662/C



PLOT 3

PLOT 2

1595-10  
 AUG 15  
 PLANNING

**A. CLARKE DESIGN**  
 ARCHITECTS & PLANNERS  
 1500 S. 10th St., Suite 200  
 Lincoln, NE 68502  
 Phone: (402) 441-1111  
 Fax: (402) 441-1112  
 Email: aclarkedesign@comcast.net

Project Name: 1595-10  
 Site: 1595-10  
 Date: 8/15/10  
 Scale: 1/8" = 1'-0"

Mr. F. Stuplizer  
 VIEWS FROM WITHIN SITE

Views from within site

662/D

1. DRAWING SCALE: 1/8" = 1'-0"
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ST. LOUIS MOBILE HOME SUBDIVISION ORDINANCE.
4. ALL UTILITIES SHALL BE LOCATED WITHIN THE PROPERTY LINES AND SHALL BE PROTECTED BY A CONCRETE CURB AND GUTTER SYSTEM.
5. ALL NECESSARY PROTECTION OR DIVERSION WORKS SHALL BE COMPLETED PRIOR TO COMMENCEMENT OF CONSTRUCTION.
6. ALL UTILITIES SHALL BE PROTECTED BY A CONCRETE CURB AND GUTTER SYSTEM.
7. ALL UTILITIES SHALL BE PROTECTED BY A CONCRETE CURB AND GUTTER SYSTEM.
8. ALL UTILITIES SHALL BE PROTECTED BY A CONCRETE CURB AND GUTTER SYSTEM.
9. ALL UTILITIES SHALL BE PROTECTED BY A CONCRETE CURB AND GUTTER SYSTEM.
10. ALL UTILITIES SHALL BE PROTECTED BY A CONCRETE CURB AND GUTTER SYSTEM.



DATE: 10/15/2014  
 DRAWN BY: P. STOJANOV  
 CHECKED BY: P. STOJANOV  
 PROJECT NO: 662/D  
 SHEET NO: 1 OF 1

No.	Description	Sheet	Date
1	PROPOSED DWELLINGS AT STONE ORCHARD GARAGE		

**APPROVAL**  
 NOT TO BE USED FOR CONSTRUCTION

NO. 1200  
 CURRENT STATE SIGNATURES  
 DATE: 10/15/2014  
 PROJECT NO: 662/D  
 SHEET NO: 1 OF 1

P. STOJANOV



PROPOSED DWELLINGS AT  
 STONE ORCHARD GARAGE

PRELIMINARY  
 HIGHWAY LAYOUT

Sheet No: 662/D  
 Project No: 662/D  
 Date: 10/15/2014



662/D

Valid 17.09.2015

Retrospective planning application for change of use of land to include stationing of caravans for residential occupation by Gypsy-Traveller family with associated hard standing, amendments to access, fencing, entrance gate, package treatment plant and utility block.

Grid Ref 396327 225976

Parish Southam

Ward Cleeve Hill

Mr Gilbert Smith

C/o Agent

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

National Planning Policy Framework (NPPF)

Planning Policy for Traveller Sites - August 2015 (PPTS)

Planning Practice Guidance

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

Parish Council Ashchurch Rural

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

Article 3 of the UN Convention on the Rights of the Child

Equality Act 2010 - Public Sector Equality Duty

Green Belt

**Consultations and Representations****Southam Parish Council** - Object to the proposal for the following reasons:

- Application form is possibly incorrect.
- Part 3. Work started on this site a lot earlier than the stated 31/8/15.
- Part 6. should be Yes the work on the entrance had already been started.
- Part 17. Residential units should be 2 not 1.
- The Parish Council has received a number of representations regarding the alleged illegal use of the land and creation of the access and driveway. We understand that during the site excavations the safety of the bridge and road may have been compromised.
- It is the Council's view that the application should be refused due to the close proximity of the site to the junction with Southam Lane. Traffic speeds of up to 70mph have been recorded on Southam Lane and the junction with Kayte Lane is on a blind corner.
- The building for site facilities is too high and large for the plot.
- We request that the Borough Council refuses permission.

**Gloucestershire County Highways Authority** - The proposed development will intensify the use of an existing substandard vehicular access due to the severely restricted visibility to the north failing to provide safe and suitable access and minimising conflict for all users

contrary to Paragraph 32 and 35 of the NPPF

**Environmental Health** - No objections.

**Strategic Housing and Enabling Officer** - Confirms that Gloucestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTSAA) 2013 indicates a need for gypsy pitches between the years 2013 - 2017.

**Gloucestershire and Warwickshire Stream Railway**

- Consider that the applicant has erected the fence within six feet of our boundary and we are about to take steps to recover the land. Once we do this will make the site appreciably smaller and might not be able to accommodate the layout.
- Not considered to be appropriate development in this rural area.
- It is likely that during the summer months the site will be vacant and unattended which might allow unauthorised access by individuals who could compromise safe operation of the railway. We have a responsibility in preventing anyone, particularly unsupervised children, trespassing on our railway line. That is a real problem for us on a site like this.

**Local Residents:** 8 letters have been received from local residents objection to the application for the following reasons:

- The application form has not been filled in correctly and work started earlier than stated.
- The site is located in the Green Belt.
- Previous applications for developments on this site, ranging from a bungalow which was refused due to

being 'inappropriate development of green belt. Therefore question how this application can be allowed.

- The site as laid out doesn't reflect what is on the plans.
- Site is not big enough for 2 caravans, 6 people, a utilities building and 2 parking spaces for vehicles - which would require hard standing.
- Comprises overdevelopment of the site.
- Concerns about future encroachment into the adjoining field.
- If the application is permitted it will open the flood gates to further development.
- There is an existing injunction on this site that prevents development.
- There are highway safety concerns. The access is close to the junction with Southam Lane and Kayte Lane carries a heavy volume of traffic. The access was previously refused planning permission. The legitimate access has always been at the northern end of the field.
- The type of vehicles using the entrance - including those with trailers attached makes it more dangerous.
- The site is floodlit at night affecting amenity of neighbours and countryside.
- There has been a blatant disregard for planning rules and laws.
- This development has resulted in the loss of wildlife. The site was once a coppice with a pond and a haven for wildlife.
- Insufficient information has been provided on sewerage and surface water matters. The site was previously a pond.
- The best interests of the health of their children would be better served by living in bricks and mortar. The parents should put their own likes and dislikes last.

**Planning Officers Comments:** Mr John Hinett

## **1.0 Introduction**

1.1 The application site comprises a triangular shaped piece of land with an area of approximately 0.06ha at the southern end of Kayte Lane at the junction with Southam Road. The site is generally level and is divided from a larger field to the north of the site by a 1.8m close board fence. The Gloucestershire and Warwickshire Steam Railway occupies the eastern boundary with Kayte Lane occupying the western boundary. A 1.8m close board fence has been erected to all sides of the site and also subdivides part of the site east to west. At the time of writing the report two touring caravans are present on site; one of which has been sited on hardstanding. A portable toilet is present at the north-west corner adjacent to the entrance gate. There are a number of moveable trailers and a horse box at various locations within the site and a wooden shed the south western end of the site. An access has also been created at the north western end of the site with a 'pull-in' set back off Kayte Lane.

1.2 The site lies wholly within the Green Belt.

## **2.0 History**

2.1 Planning application 05/2065/1103/FUL for the erection of an open fronted timber field shelter was refused in November 2005 for the following reasons:

- The proposed field shelter represents inappropriate development in the Green Belt in that it has not been demonstrated that it is an essential facility for outdoor sport and recreation. As such the proposed development would detract from the open character and purpose of the Green Belt in conflict with Policy.
- The proposed field shelter would not be well related to existing buildings, and by virtue of its siting and design would be harmful to the character and appearance of the rural character and appearance of the area in conflict with Policy.

A subsequent Appeal against the Council's decision was dismissed.

2.2 Planning application 05/2065/1349/FUL for the alteration of existing vehicular and pedestrian access was refused in December 2005 for the following reasons:

- The unauthorised access and hardstanding are considered, by virtue of their visual urbanising effect, to have a detrimental impact on the character and appearance of the rural landscape contrary to Policy.
- The unauthorised access and hardstanding represents inappropriate development in the Green Belt which would compromise its open character, appearance and function.

2.3 On 3rd April 2007, an Injunction Order was granted by the High Court on a large parcel of land of approximately 2.7 hectares and including the current application site. The Injunction prohibited the 'siting of caravans... and/or using land at Kayte Lane (part of parcel number 3300), for residential development'...and 'undertaking any development on the Land' (see attached injunction and plan).



2.4 The site remained unoccupied until earlier this year when it was reported on 27th March 2015 that a touring caravan had moved onto the site. Having been made aware of the injunction the occupiers vacated the site by the 1st April 2015 removing the caravan and did not return.

2.5 On 1st June 2015 the Council was alerted to the fact that the further works were taking place on the site including clearing works, the erection of post and rail fencing and alterations to the access. Officers visited the site to post additional copies of the Injunction on the site. Persons undertaking works on the site were also informed of the Injunction.

2.6 Over the late August Bank Holiday weekend, a touring caravan, a portable generator and a toilet block were moved on to the site and Planning/Enforcement Officers visited the site on 1st September and spoke to the occupiers drawing attention to the injunction and the very serious implications of their remaining on the site.

2.7 On 4th September, the Council received this current application for planning permission for the change of use of the site to include stationing of caravans for residential occupation by Gypsy-Traveller family with associated hard standing and utility block. A further touring caravan was later brought onto the site.

2.8 On 22nd September 2015 the Council determined to commence Committal Proceedings for the occupation of the above land in breach of a 2007 High Court Injunction Order. In response to the Council's Committal Application, the occupiers of the site applied to the High Court to vary the Injunction Order to allow them to remain on the land. At a hearing in the High Court in London in November (2015), the Judge adjourned the case and required the family to provide evidence on planning merits and also on the best interests of the children, to which the Council will make a written response. The case will be heard again in Court in early February 2016.

### **3.0 Current Application**

3.1 The current application is retrospective and seeks permission for a change of use of land to include stationing of caravans for residential occupation by Gypsy-Traveller family with associated hard standing, amendments to access, fencing, entrance gate, package treatment plant and utility block. The submitted details indicate the siting of a mobile home and touring caravan and space for two vehicles. A brick built utility block (with toilet and bathroom) is also proposed (**see proposed plans attached**).

3.2 Access is off Kayte Lane at the north-west corner of the site with gates set back approximately 5m from the carriageway. Foul drainage is proposed to be dealt with by a package treatment plant.

3.3 The consent is sought for a specific single family of Romany Gypsies and seeks permanent permission. However, it is stated that the applicants would accept a temporary permission. The application argues that the family have nowhere else to go and that the Council cannot demonstrate a five-year supply of deliverable traveller sites. The applicants also argue that in the best interests of their children they should be allowed to stay on the site and that this is significant material consideration.

### **4.0 Planning Policy Context**

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

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

4.1.2 Policy GRB1 provides that in the Green Belt, planning permission will not be granted for development other than, inter alia, the construction of new buildings where those buildings are necessary for the efficient use of agriculture or forestry.

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

4.1.4 Policy TPT1 of the Local Plan highlights that development will only be permitted where provision is made for safe and convenient access and where there is an appropriate level of public transport service and infrastructure available. The resulting development should also not adversely affect the traffic generation, safety and satisfactory operation of the highway network. This policy is considered to be consistent with the NPPF in that it seeks to prevent new isolated residential uses in remote locations. This policy should therefore be afforded significant weight.

#### 4.2 The NPPF and Planning Policy for Traveller Sites - August 2015

##### *NPPF*

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

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

4.2.3 Section 9 sets out that the Government attaches great importance to Green Belts. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 88).

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

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

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

##### *PPTS*

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

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

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

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

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

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

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

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

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

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

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

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

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

4.2.15 On 31st August 2015 the Government issued a planning policy statement relating to all development. The statement provides that (i) the fact that development has already been carried out without planning permission and intentionally (ie not as a result of a mistake) is itself a material consideration suggesting that retrospective planning permission should be refused and (ii) the Government is particularly concerned about the harm caused intentional unauthorised development in the Green Belt.

### 4.3 Emerging Joint Core Strategy (JCS)

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

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

4.3.3 Policies SD14 and SA1 of the JCS Pre-Submission sets out the overall level of gypsy provision and the approach to this distribution. The JCS Pre-Submission sets out that within the JCS area, there will be a requirement for provision of 151 permanent pitches for Gypsies and Travellers. Of these, 147 pitches relate to communities that currently reside in Tewkesbury Borough. Paragraph 4 of policy SA1 states that proposals for the strategic allocations will be required to demonstrate how the provision of new gypsy and traveller sites will be incorporated into development proposals for Strategic Allocations.

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

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

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

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

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

## 5.0 Analysis

5.1.1 The development is clearly inappropriate development in the Green Belt. The main issues are: -

- The effect of the development on openness
- The effect on the character and appearance of the area
- Highway safety
- The suitability of the site's rural location
- Housing policy
- Noise and residential amenity
- Ecology
- Drainage and hydrology
- Health and safety
- The Gypsy status of applicant and his family
- The unmet need for gypsy and traveller sites
- The personal circumstances of the adults on the site
- The best interests of the applicant's children/grandchild
- Article 8 of the Human Rights Act 1998
- The public sector equality duty

### Effect on openness

5.2.1 The applicant accepts that the development comprises inappropriate development in the Green Belt. The applicant also acknowledges that there is harm as a result of the loss of openness resulting from the siting of the caravans and ancillary buildings. An appeal on this site for the erection of an open fronted timber field shelter in August 2005 is relevant here. In dismissing the Appeal the Inspector reasoned that although the site was set down from the road level, *...the field shelter would be clearly visible from both Kayte Land and Southam Lane and would further reduce the openness of the Green Belt*".

5.2.2 The presence of mobile homes and caravans, fences and the associated paraphernalia detract from the open character of the land contrary to one of the fundamental aims of Green Belt Policy.

#### Effect on the character and appearance of the area

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

5.3.2 No landscape assessment has been submitted with the planning application and no detailed landscape proposal has been outlined other than to say that all existing landscaping would be retained. However, it is evident that the existing unauthorised development is highly visible from Kayte Lane and the railway bridge from which vantage point it would be very difficult to provide effective screening. It is considered that the presence of caravans, vehicles and domestic paraphernalia including lighting associated with the unauthorised residential use of the site by virtue of their siting, form and light colours are intrusive and in sharp contrast to the surrounding rural scene. It is also the case that the addition of a larger mobile home, a brick built utility block and the laying down of hardstanding across the whole site would have a materially greater landscape impact than the existing unauthorised development.

5.3.3 It is relevant that in dismissing the appeal for the field shelter in 2005 the inspector concluded that it would be particularly conspicuous given its prominent location close to the road junction and railway bridge and as such would be harmful to the character and appearance of the rural area contrary to local plan policy. The degree of harm to the rural character and appearance of the landscape exceeds that previously considered unacceptable by the Inspector and it is concluded that the unauthorised use of the land and the additional development proposed are/ would be visually intrusive and discordant and has/ would have a detrimental effect on the appearance of the countryside in this location, further eroding the prevailing rural character of the area in conflict with the aims and objectives of the NPPF and Policy LND4 of the TBLP.

5.3.4 Notwithstanding the applicants proposal to retain existing vegetation, it is the case that the existing vegetation along Kayte Lane is on highway verge and its retention is cannot therefore be guaranteed. Similarly the existing vegetation along the eastern boundary is on Railway land and similarly could be removed at any time.

#### Highway safety

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

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; and
- safe and suitable access to the site can be achieved for all people.

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

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

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

5.4.4 Kayte Lane is a class 3 highway linking Bishops Cleeve to Southam. The highway has a 40mph speed limit in the location of the site access. The carriageway features hedgerows up to the carriageway edge with intermittent verges. The highway is not street lit and does not contain any footway provision. Approximately 40m south of the site access is large priority T-junction with Southam Lane.

5.4.5 The County Highways Authority have assessed the application and note that the change of use establishes a C3 residential use upon the land. The residential aspect generates approximately 6 daily trips 6 and as such comprises an intensification of use over the potential that could result from an authorised use of the site.

5.4.6 In terms of visibility from the access the CHA comment that achievable visibility splay is substantially below the required splays in accordance with Design Manual for Roads and Bridges standards and note that, although requested, no speed survey has been provided by the applicant to demonstrate lower vehicle speed that would require shorter visibility splays. It is concluded that the visibility splays are substandard and are also reliant upon third party land being kept free of obstruction. The CHA therefore recommend that the application be refused.

#### Suitability of the site's rural location

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

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

5.5.3 Bishops Cleeve's village centre is approximately 1.7km north with Cheltenham town centre approximately 3.5km south. Primary education is available within 1.6km with secondary education 700m north. The proximity to these facilities is such that they could be reached on foot or bicycle, although the lack of a footway and street lighting along Kayte Lane would be unlikely to encourage this and the reality is that the applicants would be likely to use car transport to reach those facilities. Although the movements associated with the family would not be significant in the context of the NPPF, the sites location is a matter that weighs against the proposal. It is not however considered that the siting of a single pitch dominates the local community.

#### Housing policy

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

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

#### Noise and residential amenity

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

5.7.2 The application site is affected along its entire eastern boundary by a railway line. This has potential implications in terms of the amenities of the proposed occupiers of the site. Whilst no noise assessment has been submitted with the application, it is material that the GWSR does not operate a passenger service with regular trains. It is not considered that the proximity to the railway would result in unacceptable harm to the amenity of the occupiers

#### Ecology

5.8.1 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals. Policy SD10 of the pre-submission JCS states that the biodiversity and geological resource of the JCS area will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures in and around developments, using planning obligations where appropriate.

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

#### Drainage and hydrology

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

5.9.2 The site is located in Flood Zone 1 and comprises an area less than 1 Hectare. There is therefore no requirement to submit a Flood Risk Assessment. The application states that it would not be financially viable to connect to the mains sewer and therefore proposes a package treatment works. However, no details have been provided that would demonstrate that it would be feasible to use a package treatment system. However, it is likely that an acceptable drainage solution could be achieved by the imposition of a suitably worded planning condition.

#### Health and safety

5.10.1 Gloucestershire and Warwickshire Stream Railway have raised safety concerns about the use of the site that they consider might allow unauthorised access by individuals who could compromise safe operation of the railway. However, these concerns have not been substantiated and in any event it is likely that any safety concerns could be addressed by planning conditions requiring the erection of unclimbable fencing. Such fencing would however contribute to the landscape harm and loss of openness.

#### Gypsy status of applicant and his family

#### The unmet need for gypsy and traveller sites

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

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

5.12.3 At the present time the Council is progressing with its Joint Core Strategy and Borough Plan with a view to including general criteria for approving individual traveller site applications alongside provision within strategic and local development locations. However, the JCS is not yet adopted and the Borough Plan are not expected to be completed until the summer of 2016. This unmet need, together with the lack of an up-to-date plan to provide such sites, has led the Council to grant a number of temporary planning permissions in order to meet some of the identified need in the short-term, whilst allowing the Council time to allocate suitable sites through the plan-making process. Some of these temporary sites have recently been granted permanent permission.

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

#### Personal circumstances of the adults on the site

5.13.1 Officers from the Council's Housing Team have visited the applicant and his family on site and at the Council Offices to assess their welfare needs. Those Officers have also spoken to someone supporting the family. During these meetings/ telephone conversations the Council's Housing Team have explained the family's housing options including applying through Gloucestershire Homeseeker, assistance to rent privately, and temporary accommodation options. The Council offered to provide suitable bricks and mortar accommodation for the applicant and his family. However, the offer was declined; the applicants stating that they cannot settle in bricks and mortar which is not part of their Romany way of life. The County Council's Principal Traveller Services Officer has been consulted with regard to the availability of alternative sites and has confirmed that there are no vacancies on Gloucestershire County Council sites and that there is a waiting list for pitches. The Council therefore considers it has discharged its welfare duties in this regard.

5.13.2 The consequences of a refusal of this application would be that the applicant and his family may have to resort a road side existence - at least in the short-term - which would undoubtedly result in greater hardship than being permitted to remain on the site.

#### Best interests of applicant's children/grandchild

5.14.1 Under the UN Convention on the Rights of the Child (UNCRC), the best interests of any children affected by a decision are a primary consideration. Case law confirms that this means that, in any decision, no other consideration may be treated as *inherently* more weighty.

5.14.2 *Stevens v Secretary of State* [2013] EWHC 792 concerns the implications of Article 3 of the UNCRC in planning decisions. Hickinbottom J said at paragraph 69 -

'From these authorities, in respect of the approach of a planning decision-maker, the following propositions can be derived.

- i. Given the scope of planning decisions and the nature of the right to respect for family and private life, planning decision-making will often engage article 8. In those circumstances, relevant article 8 rights will be a material consideration which the decision-maker must take into account.
- ii. Where the article 8 rights are those of children, they must be seen in the context of article 3 of the UNCRC, which requires a child's best interests to be a primary consideration.
- iii. This requires the decision-maker, first, to identify what the child's best interests are. In a planning context, they are likely to be consistent with those of his parent or other carer who is involved in the planning decision-making process; and, unless circumstances indicate to the contrary, the decision-maker can assume that that carer will properly represent the child's best interests, and properly represent and evidence the potential adverse impact of any decision upon that child's best interests.
- iv. Once identified, although a primary consideration, the best interests of the child are not determinative of the planning issue. Nor does respect for the best interests of a relevant child mean that the planning exercise necessarily involves merely assessing whether the public interest in ensuring planning controls is maintained outweighs the best interests of the child. Most planning cases will have too many competing rights and interests, and will be too factually complex, to allow such an exercise.



v. However, no other consideration must be regarded as more important or given greater weight than the best interests of any child, merely by virtue of its inherent nature apart from the context of the individual case. Further, the best interests of any child must be kept at the forefront of the decision-maker's mind as he examines all material considerations and performs the exercise of planning judgment on the basis of them; and, when considering any decision he might make (and, of course, the eventual decision he does make), he needs to assess whether the adverse impact of such a decision on the interests of the child is proportionate.

vi. Whether the decision-maker has properly performed this exercise is a question of substance, not form. However, if an inspector on an appeal sets out his reasoning with regard to any child's interests in play, even briefly, that will be helpful not only to those involved in the application but also to the court in any later challenge, in understanding how the decision-maker reached the decision that the adverse impact to the interests of the child to which the decision gives rise is proportionate. It will be particularly helpful if the reasoning shows that the inspector has brought his mind to bear upon the adverse impact of the decision he has reached on the best interests of the child, and has concluded that that impact is in all the circumstances proportionate ...'

Dealing with ascertaining what the best interests of the children require, he said at paragraph 58 -

'... I respectfully disagree with the comments of His Honour Judge Thornton QC sitting as Deputy High Court Judge in the context of planning enforcement proceedings in *Sedgemoor District Council v Hughes* [2012] EWHC 1997 (QB) at [32], that a planning decision-maker or the court will routinely be required to produce social enquiry or welfare reports on all children whose interests are or may be adversely impacted by any planning decision or even any planning enforcement decision.

Dealing with the ascribing of weight to the best interests of the children he said at paragraph 63 -

'The "weight" of a consideration is merely a reference to the importance attached to it. Although I do not wish to become embroiled in concepts of deep physics or philosophy, in my respectful view, confusion has arisen because "weight" in the context of the exercise required by section 70 (of taking into account, when making a relevant planning decision, all material considerations) has been used in two different ways: the inherent weight or importance of a factor at a policy level before consideration of the individual circumstances, and the weight or importance of a factor, relative to other factors, after that examination. That distinction is effectively identified by Lord Wilson in HH at [155], when he says, of the UNCRC article 3 imperative:

*"The rights of children under article 8 must be examined through the prism of article 3(1)... Thus, in the present inquiry, article 8 affords to the best interests of the three children a substantial weight which, following examination, other factors may earn and even exceed but with which, under the law of the article, they do not start."*

In other words, before any consideration of the individual circumstances of the child or any other material considerations, the best interests of any child can be said to have "a substantial weight" in the sense of an importance that no other consideration exceeds; but that evaluation may alter once the individual circumstances of those interests and other factors are considered and assessed. Therefore, whilst it might be said at a policy level that a particular factor should be given a particular "weight" (e.g. "moderate" or "substantial"), where it is the very function of a decision-maker to attach weight to considerations which are material to the decision he is required to make, as he proceeds with his examination of the circumstances of an individual case, he must adjust the relative weighting to that which, in his judgment, the circumstances of the case require. On examination of all the material factors, the importance of one consideration may reduce (or, of course, increase), compared with others. There is no reason why any such change cannot properly be reflected in the designation given to the weight of those factors: it is not sensible to require a decision-maker to stick formulaically with the designation he is required to start with. The matter is one of substance, not form. That applies equally to weight or importance that policy documents such as PPG2 require to be afforded to particular planning public policy factors, and to the weight or importance that article 3 of the UNCRC requires as a matter of policy to be given to the best interests of a child.'

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5.14.4 The applicant's agent contends that the best interests of any child is to have a home and be able to access the services and facilities that the settled community take for granted and that with no permanent/lawful address families find it difficult to register with doctors and schools. Furthermore that it is not possible to receive a proper education when families have to constantly move from one site or unauthorised encampment to another. It is argued that if the applicants were forced to leave the site they would be highly unlikely to access pitches suitable for their needs on alternative sites in the local area and would return to road side existence, at least in the short / medium term. In such circumstances the family's ability to access medical and education facilities for their children would be affected. Furthermore that the sanitary and other facilities available at the roadside would not be comparable to those capable of being provided at the site, leading to the possibility of increased risk of disease.

5.14.5 It would clearly be in the best interests of all the children to reside in secure, suitable and lawful accommodation. This would allow proper access to education and medical services and would avoid the hazards of unlawful encampments. It appears that their 9 year old son has particular need for access to medical services, albeit the most recent medical report states that he is recovering well and has been encouraged to go back to his normal activities to build up his fitness levels. It is in the best interests of their grandson that he should have contact with his mother who lives in Gloucestershire. The educational needs of their 9 year old son and 11 year old daughter would be best served by secure lawful accommodation in the local area. It would also clearly be in the best interests of the children that such accommodation should be with the Applicant and his wife.

5.14.6 It is not apparent from anything stated by the Applicant or his agent that it would be in the best interests of the children to live in caravans rather than in bricks and mortar. Indeed bricks and mortar offer a superior standard of accommodation for children in many respects. It should be noted that the Council has offered to assist with the provision of bricks and mortar accommodation for the family. Whilst the Applicant and his wife have made clear that they could not settle in bricks and mortar, they have done so in the past when they moved into a house in London so that he could have easy access to Great Ormond Street Hospital (albeit for a relatively short period).

5.14.7 However, being forced to vacate the site with no alternative accommodation to go so would not be in the best interests of the children. As matters presently stand there is no such accommodation for the children to go to.

#### Article 8

5.15.1 Refusal of the application would undoubtedly result in the interference with the home and private life of the occupants of the site, especially since it would lead to the Council proceeding with the committal application which is designed to secure the clearing of the site. As the Council is unable to identify an alternative caravan site for the Applicant and his family, it is quite possible that the effect would be to render the Applicant and his family homeless (the Applicant claims to have no alternative site to move to). However Article 8 is not an absolute right and it is necessary to consider whether, given the harm caused by the development, the interference occasioned by the refusal of planning permission would be justified within the terms of A8(2) and proportionate. This is addressed below.

## Equality Act 2010: Public Sector Equalities Duty

5.16.1 Section 149 of the Public Sector Equalities Duty (PSED) requires that in the exercise of their functions, those subject to the equality duty must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The Council accepts that the applicants are Romany Gypsies and therefore a 'protected characteristic' for the purposes of the PSED.

5.16.2 The applicants argue that there would be an impact on the family if the application is refused and that the greatest impacts would be felt by those with specific medical conditions and the children who would benefit from access to education associated with having a settled base.

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

### **Overall balance - permanent planning permission**

5.17.1 As required by paragraph 88 of the NPPF and paragraphs 16 and 17 of the PPTS substantial weight must be given to all the harms caused to the Green Belt (harm because the development is inappropriate development, harm caused to openness and harm caused because the development was carried out intentionally). The 'other harm' within paragraph 88 also includes harm to the character of the countryside, harm to highway safety and the unsustainable location of the site.

5.17.2 The unmet need for traveller sites in the Borough and hardship that the refusal of planning permission will cause to the applicant and his family weigh in favour of the proposal, although the Government advises that unmet need and personal circumstances are unlikely to constitute very special circumstances.

5.17.3 The refusal of planning permission would not be in the best interests of the children as there is no lawful and secure alternative accommodation that the family would move to. In the circumstances of this case this is a consideration of some weight. However officers consider that the relative weight of this consideration, combined with the other factors which favour the grant of planning permission, is not such as to clearly outweigh the harm caused by this development (properly understood in the light of current Government policy). It follows that very special circumstances have not been shown.

5.17.4 Officers accept that refusal of the application would constitute an interference with the home and private life of the Applicant and his family, but consider that that interference is proportionate and justified given the importance of maintaining the open character of the Green Belt, public safety and the economic well-being of the country (which includes protection of the environment and the proper application of national planning policy). Similarly, it is considered that none of the aims of section 149 of the Public Sector Equalities Duty would be furthered by granting planning permission for development that is unacceptable in planning terms and would not advance equality of opportunity and would fail to foster good relations between the occupiers of the application site and the settled community

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

### **Overall balance - temporary planning permission**

5.18.1 The application proposes a permanent permission; however the applicants have stated that they would be willing to accept a temporary permission.

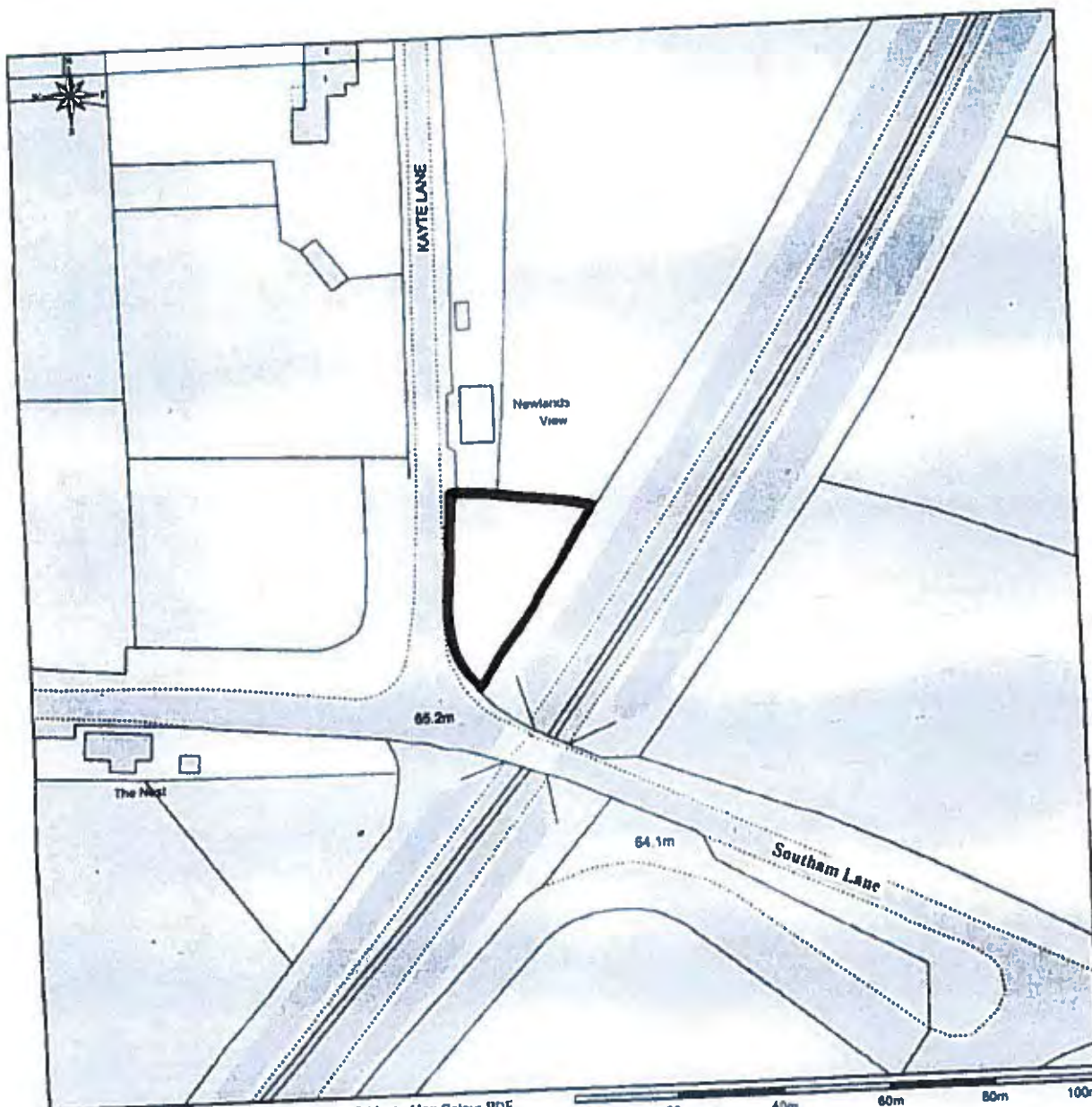
5.18.2 Case law has established that the nature of the planning balancing exercise can be altered in the consideration of temporary permissions. It is the case that a temporary gypsy site in the Green Belt is inappropriate development. The absence of a 5 year supply of deliverable sites is a material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

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

## RECOMMENDATION Refuse

### Reasons:

- 1 The unauthorised development was carried out intentionally and represents inappropriate development in the Green Belt which compromises its open character and purpose. The applicant has not demonstrated very special circumstances which clearly outweigh the harm to the Green Belt caused by the inappropriateness of the development and other harm. The development therefore conflicts with paragraph 87 of the NPPF, paragraph 16 of Planning Policy for Traveller Sites, Policy Statement dated 31 August 2015, Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 and emerging Policy SD6 of the Submission Joint Core Strategy (November 2014).
- 2 The development forms a visually intrusive and discordant feature in the surrounding rural area that has a detrimental effect on the rural character and appearance of the landscape. The development does not therefore contribute to or enhance the natural and local environment by protecting and enhancing valued landscapes contrary to paragraph 17 of the National Planning Policy Framework (NPPF), LND4 of the Tewkesbury Borough Local Plan to 2011 and emerging Policy SD7 of the Submission Joint Core Strategy (November 2014).
- 3 The site is in a remote location in the open countryside, outside any recognised settlement, in a location where new residential development is strictly controlled and where there are poor pedestrian, cycle and public transport links to the nearest facilities and amenities which means that occupiers of the site are likely to be heavily reliant on the use of the private motor vehicle. As such the proposed development is contrary to the sustainable development aims of the NPPF and the Planning Policy for Traveller Sites, Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SD11 and SD14 of the Submission Version Joint Core Strategy (November 2014).
- 4 The development results in the intensification of an existing substandard vehicular access due to the severely restricted visibility to the north and therefore fails to provide safe and suitable access and minimise conflict for all users contrary to Paragraph 32 and 35 of the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011.

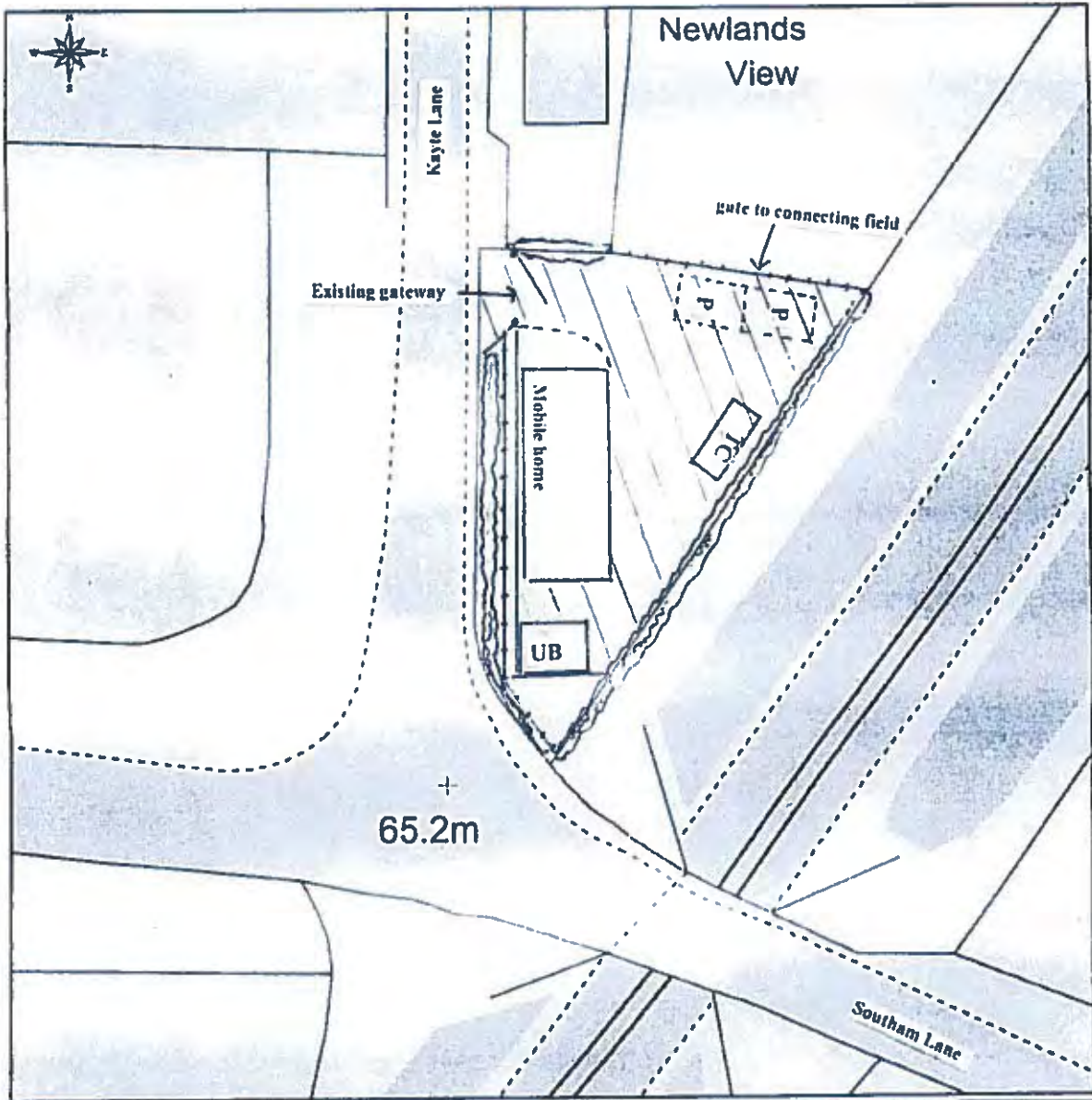


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Scale: 1:1250, paper size: A4

Land off Kayte Lane at junction with Southam Lane  
 Mr Gilbert Smith  
 Plan 1: Location Plan  
 Scale 1:1250 A4

<b>PLANNING AND DEVELOPMENT SERVICES</b>	
Officer: _____	Scanned _____
Rec'd	04 SEP 2015
Ack'd _____	Ans'd _____
File _____	



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0m 5m 10m 15m 20m 25m 30m 35m 40m

Scale: 1:500, paper size: A4

Land off Kayte Lane at junction with Southam Lane  
Mr Gilbert Smith

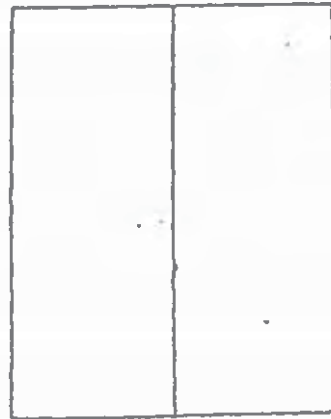
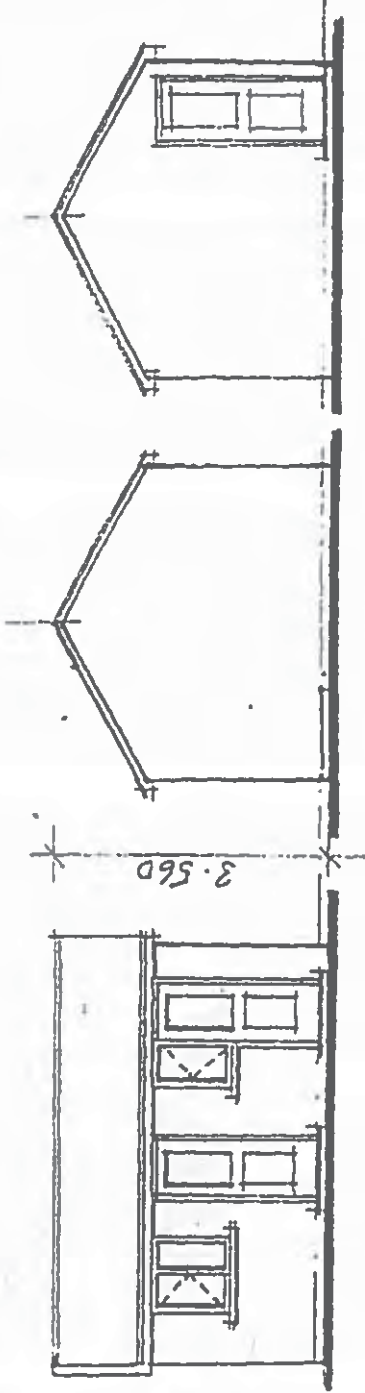
Plan 2: Proposed site layout  
Scale 1:500 A4

- |            |                             |    |                     |
|------------|-----------------------------|----|---------------------|
| <b>Key</b> |                             |    |                     |
| P          | Parking space               | TC | Touring caravan     |
| UB         | Utility block               |    | Hard standing       |
|            | Existing hedgerow to retain |    | post and rail fence |

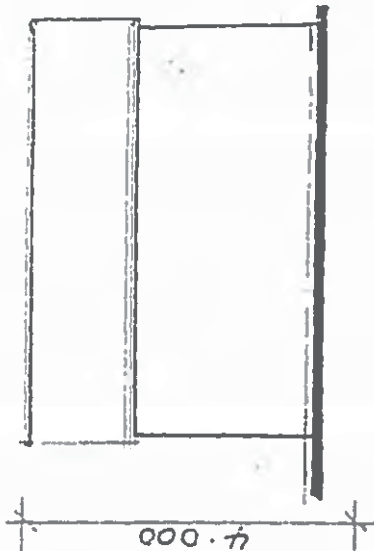
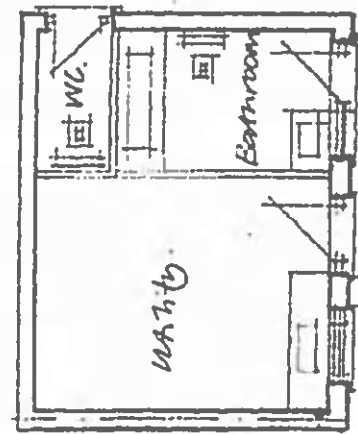
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Ass'd	.....
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PROPOSED FRONT ELEVATION

SIDE ELEVATIONS



ROOF PLAN



PROPOSED REAR ELEVATION

PLANNING AND DEVELOPMENT SERVICES	
Client:	.....
Submitted:	.....
Rev:	04 OCT 2017
ACK'd	.....
Am'd	.....
File	.....



PROPOSED PLAN scale 1:100

PROPOSED UTILITY BLOCKS.

NOTE: ROOF TILES, BRICKWORK & WOODWORK TO BE APPROVED BY LOCAL PLANNING AUTHORITY.

Valid 22.10.2015

A mixed use development comprising demolition of existing buildings; up to 725 dwellings and a local centre of 0.33ha (A1,A2,A3,A4,A5,D1,D2 uses); primary school, open space, landscaping, parking and supporting infrastructure and utilities; and the creation of a new vehicular access from the A38 Tewkesbury Road.

Grid Ref 384549 221917

Parish Twigworth

Ward Coombe Hill

Robert Hitchins Limited

C/O Agent

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

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, GNL15, HOU1, HOU4, HOU5, HOU13, GRB1, TPT1, TPT3, TPT6, TPT9, EMP2, RET4, EVT1, EVT2, EVT3, EVT5, EVT9, LND4, LND7, RCN1, RCN2, RCN10 and NCN5.

JCS (Submission Version) - SA1, SP1, SP2, SD1, SD4, SD5, SD7, SD10, SD11,SD13, SD15, INF1-8

SPG Affordable Housing

Flood and Water Management Supplementary Planning Document

Public Right of Way (AAS21 and AAS22)

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

The First Protocol, Article 1 (Protection of Property)

The Community Infrastructure Levy Regulations - 2010

The Localism Act 2011

Green Belt

Listed Buildings - various

Public Rights of Way (PROW)

**Consultations and Representations**

**Twigworth Parish Council** - The Parish Council vigorously opposes the application with the primary concern the issue of flooding. Also object on the basis that the site is not included in the JCS; would render the Neighbourhood Development Plan process worthless; would seriously undermine Green Belt Policy; and would give rise to traffic and transport impacts. **The full Parish Council response is attached to this report.**

**Down Hatherley Parish Council** - Object on the following grounds

- The site is not allocated for development in the JCS
- The proposal is contrary to Green Belt policy
- The land regularly floods and the concerns of local residents in this regard cannot be overstated
- The development would compromise the emerging Neighbourhood Development Plan
- There would be overwhelming impacts on the locality and residents

**Churchdown Parish Council** - Object for the following reasons:

1. This land is Green Belt. It is not included as a development site in the unapproved JCS documents.
2. Traffic in this area is already congested. The A38 is also the diversion in case of problems on the M5. When these occur there is already gridlock in the area. Additional traffic would exacerbate this.
3. This area is near the Normans Brook and floods regularly.

**Chaceley Parish Council** - The site was removed from the JCS because it is in the Greenbelt and it is susceptible to regular pluvial flooding. The application would ruin the character of this rural parish, doubling its size. The site has a long history of flooding and is made up of land unable to deliver adequate drainage. Any land raising for the development would severely impact elsewhere both upstream and downstream. There are no proposals to provide flood alleviation at the Gloucester bottleneck which means highway and property flooding elsewhere will result.



**Minsterworth Parish Council** - express the following concerns:

1. The Parish Council understand that at least part of the land is in the floodplain, and hence development in this area will increase the risk of flooding in Gloucester.
2. There will also be additional run off water channelled into the Severn. This will increase the rate of flow into the river and further increase the risk of flooding, both for Gloucester and for the Parish of Minsterworth.
3. There is already an extensive tail back of traffic on the A38 towards Gloucester each morning. If the development does proceed funds should be put aside to expand traffic flow on the Longford roundabout.

**Sandhurst Parish Council** - The development would have a significant impact on Sandhurst Parish which would cease to be a rural village; there would be an increase in traffic on the A38 and the village could become a rat-run. Concern with the potential for flooding and drainage issues caused by further development in the area which would put further strain on an already overburdened area.

**Highways England** - Recommend non-approval of the application due to insufficient information to assess the impact of the proposed development on the strategic road network.

**County Highways Officer** - recommends that the application be refused on Highways grounds for the following reasons:

1. The Transport Assessment demonstrates that the proposed development will have a severe impact on parts of the local transport network, and insufficient information is provided as to how this could be mitigated.
2. Insufficient information has been submitted to demonstrate that the proposed development will not have a severe impact on parts of the highway network.
3. The opportunities for sustainable transport have not been taken up depending on the nature and location of the site.

**County Education/Libraries** - Requests contributions towards pre-school, primary and secondary education and libraries.

**County Archaeologist** - No objection subject to conditions.

**Historic England** - stress the importance of preserving key views from Wallsworth Hall towards Gloucester and the significance that this open countryside affords the hall.

**Conservation Officer** - Identifies less than substantial harm to nearby heritage assets.

**Environment Agency** - No object subject to condition securing appropriate finished floor levels. Agree with the conclusions within the Flood Risk Assessment which correctly defines the level of flood risk on the site and the extents of the flood zones shown on the indicative master-plan. All residential development (including highways) is shown within Flood Zone 1 (low risk zone).

**Flood Risk Management Officer** - Sufficient information has been submitted at this stage to indicate that drainage can be properly addressed. Recommends condition to secure appropriate SuDS.

**Lead Local Flood Authority** - Request further information with regard to drainage proposals.

**Severn Trent Water** - No objection subject to condition requiring appropriate drainage.

**Gloucestershire Constabulary Crime Prevention Design Advisor** - provides comments on suitable design.

**Natural England** - Object due to lack of information/assessment of the Innsworth Meadows SSSI.

**Strategic Housing Enabling Officer** - Objects to 30% affordable housing. The evidence base supporting the emerging JCS suggests 40% affordable housing should be provided on qualifying sites.

**Community and Economic Development Manager** - Provides advice on requirements for on-site open space. Requests contributions towards community/sports facilities.

**CPRE** - Objects to the above proposal for the following reasons of principle:

1. The site lies in the Gloucester-Cheltenham Green Belt.
2. Whereas the submission draft of the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury proposes the removal of certain areas from the Green Belt, the site of this application is not one of them.

54 letters of objection have been received including one from the MP. The reasons for objecting to the application are summarised as follows:

- The site is in the Green belt and should be protected;
- There would be a negative impact on the landscape and the character of Twigworth;
- There is a serious lack of infrastructure in the area to cope with a development of this scale;
- Potential flood risk downstream of the Hatherley Brook;
- The land regularly suffers from water saturation and from both fluvial and pluvial flooding;
- Additional traffic onto the already busy A38 would add to existing congestion and traffic jams queueing back from the Longford roundabout to the site, particularly at peak hours;
- The A38 can be closed at times due to flooding;
- Negative direct impacts on the setting of nearby listed buildings including Twigworth Court, a stable north of Twigworth Court and Twigworth Lawn;
- The proposed roundabout would dominate Twigworth Court;
- There are more appropriate sites in the JCS which should be developed before this one is considered;
- Building heights up to 12m are unacceptable due to impacts on the surrounding area and living conditions of neighbouring properties;
- There is no need for more housing in a village with no services/employment opportunities;
- No secondary school provision is proposed;
- Traffic speeds are too high in this location;
- No objection to new housing done in the right way to meet the needs of local people, however this is being done at the right scale through the Neighbourhood Development Plan in accordance with the principles of Localism;
- Rat-running on local roads would increase;
- Over 50% of the land is high grade agricultural land which should not be developed;
- The A38 regularly acts as an overflow for the M5, additional traffic would add to existing problems;
- Loss of wildlife;
- Negative impact on the quality of life of local residents due to the fundamental change in character of the area;
- Unlikely that the existing bus service could be viably improved sufficiently to meet new demand arising from the development;
- Concerns over the impact of sewage on Orchard Park;
- Doubts as to whether SuDS could work effectively in this area due to ground conditions;
- The site was properly removed from the JCS;
- The Neighbourhood Development Plan is about to be published which will properly meet local development needs;
- The playing fields are close to the Hatherley Brook in an area that regularly suffers from flooding;
- This is a blatant attempt to influence the JCS examination;
- Water would be displaced and subject nearby areas to flooding;
- There would be an 810% increase in the number of dwellings in Twigworth.

**Planning Officers Comments:** Mr Paul Skelton

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

1.1 The application site comprises approximately 32.5 hectares of largely agricultural land to the east of the A38 at Twigworth. The site includes a section of the A38 to the north-west and is bound to the north by an existing residential caravan site and agricultural land; to the west by residential properties, Twigworth Court Business Centre and agricultural land; to the east by residential properties and agricultural land; and to the south by agricultural land. The South-eastern boundary abuts the Hatherley Brook. A public footpath (ref: ETW/6/1) and a public bridleway (ref: EDH/19/2) cross the site.

## **2.0 Planning History**

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

2.2 The site was included as part of a previous draft allocation in the emerging Joint Core Strategy (JCS) for Innsworth and Twigworth (Draft for Consultation - October 2013). However the Twigworth part of the allocation was removed and does not appear in the Submission Version of the JCS (November 2014). There are objections to the JCS in this regard with the application site being promoted as an 'Omissions site' at the ongoing Examination in Public to the JCS. The JCS Inspector will report on this in due course.

2.3 Some basic policy pre-application discussions took place between the Council and the applicants/agents in 2013 and early 2014.

2.4 An application (ref: 13/00570/OUT) was refused on an adjacent site to the north of the Orchard Park Caravan Park for 58 dwellings in August 2013. The application was refused primarily on accessibility, Green Belt and landscape grounds, along with other technical reasons for refusal.

2.5 A current, undetermined planning application (ref: 15/00749/OUT) for up to 1300 dwellings, 8.31 hectares of land for employment generating uses and associated infrastructure at land at Innsworth is currently being considered by the Council. That site falls within a strategic allocation identified in the emerging JCS.

### **3.0 The Proposals**

3.1 The proposals allow for up to 725 dwellings and a local centre allowing for a variety of retail and community uses. The application is in outline form with all matters reserved for future consideration. The proposals also provide for a primary school and other supporting infrastructure including landscaping, and a new access, shown in the form of a roundabout, onto the A38. This would be the sole point of vehicular access onto the site.

3.2 The application is supported by an illustrative masterplan which indicates how the quantum of development could be delivered. The application is also supported by various parameters plans; a Planning Statement; Design and Access Statement; Statement of Community Involvement; Sustainability Statement; Waste Management Statement; Retail Statement; Transport Assessment and Travel Plan; Utilities Statement; and a Flood Risk Assessment.

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

- Alternatives
- Socio-Economics
- Ecology and Nature Conservation
- Landscape and Visual
- Transport and Access
- Air Quality
- Noise and Vibration
- Hydrology, Drainage and Flood Risk
- Ground Conditions
- Cultural Heritage and Archaeology
- Agricultural Circumstances.

**A copy of the Environmental Statement's Non-Technical Summary will be displayed in the Members Lounge**

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

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

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

4.2 As a result of these regulations, Local Authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly' related to the development'. As such, the Regulations restrict Local Authorities ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above

tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application. The need for planning obligations is set out in relevant sections of the report.

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

## **5.0 Principle of Development**

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

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

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

5.3 Local Plan Policy GRB1 (Green Belts) considers the construction of new buildings to be inappropriate within the Green Belt, unless it involves, inter alia, development necessary for the efficient use of agriculture or forestry; essential facilities for outdoor sport and recreation; for cemeteries and other uses of land which preserve the openness of the Green Belt, and which do not conflict with the purposes of including land within it. New housing and commercial developments are not listed as those which are acceptable in the Green Belt and therefore the current proposals must be considered to constitute inappropriate development within Green Belts. As this advice is repeated in the NPPF, this policy is considered to be up-to-date and carries full weight in the determination of this application, however it should be noted that the NPPF allows for inappropriate development where there are very special circumstances which clearly outweigh green belt harm.

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

### Emerging Development Plan

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

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

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

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

5.10 In addition, the extensive evidence base to the emerging JCS is also material to the consideration of this application. Many reviews and assessments have been carried out around various topics. These documents are part of a much larger emerging evidence base and should not be viewed independently. The evidence relating to this particular site will be discussed within the appropriate sections of this report, however, of particular relevance to the application site are:

- The Urban Extension Definition Study which considered the landscape character, visual amenity and Green Belt function of the wider Twigworth area, Longford and Innsworth. In terms of landscape sensitivity, the Study concluded that the overall landscape sensitivity of the study area was moderate. Nevertheless, it did state that *'The Study Area is contiguous with the urban fringe, but at Twigworth demonstrates its own characteristic local settlement pattern'*.
- The Green Belt Assessment which was used to inform the locations for strategic development. The Assessment considered land within the Green Belt against the five purposes of including land within it. The outcomes of this Assessment will be discussed in more detail in section 8 of this report.
- The Strategic Allocations Report considered a series of broad locations around the three urban areas of Gloucester, Cheltenham and Tewkesbury. The report brought together all the evidence that had been carried out to that point, including the Green Belt Assessment and the Urban Extension Definition Study. In respect of Twigworth and Innsworth, the Report concluded that *it is difficult to reconcile the ability of this location to form a comprehensive urban extension with a significant swathe of land between two distinct parcels of land which is significantly constrained by flooding... To recommend that option two is taken forward within the plan is done on the clear understanding that it must be demonstrated and evidenced that a comprehensive and integrated urban extension can be delivered at this location.*

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

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

- the economic role should contribute to building a strong, responsive and competitive economy;
  - the social role should support strong, vibrant and healthy communities; and
  - the environmental role should protect and enhance the natural, built and historic environment.
- These roles should not be undertaken in isolation, because they are mutually dependant.

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

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

5.13 Footnote 9 to paragraph 14 gives examples of where policies in the Framework indicate that development should be restricted and includes land designated as Green Belt, which applies to the application site in this case.

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

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

5.16 The NPPF attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. A full analysis of Green Belt issues is contained in section 8 below.

5.17 A further material consideration is a Ministerial Statement by Local Government Minister Brandon Lewis (July 2013) in which he said:

"The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the green belt."

5.18 Other specific relevant policies within the NPPF are set out in the appropriate sections of this report.

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

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

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

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

#### Conclusions on the principle of residential development

5.22 Whilst the Council is unable to demonstrate a five year supply of deliverable housing sites at the time of writing this report, and consequently Policy HOU4 of the Local Plan is out of date, the site is located in the Green Belt. As such, in line with footnote 9 to Paragraph 14 of the NPPF, the presumption in favour of sustainable development does not apply in this case. The application must therefore be considered on its merits in context of the presumption against inappropriate development in the Green Belt.

### **6.0 Green Belt**

6.1 The proposal constitutes inappropriate development in the Green Belt. The NPPF provides that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local

authorities should ensure that substantial weight is given to any harm to the Green Belt by reason of inappropriateness. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

6.2 The applicants Planning Statement points out that the JCS Green Belt Review indicates that the site makes a limited contribution to Green Belt purposes and the subsequent proposal to remove it from the Green Belt indicates that the Local Plan Green Belt policy (GRB1) is out of date. However this policy is consistent with the NPPF policy on Green Belt and as such carries full weight.

6.3 Land at Twigworth was considered in combination with a cluster of Green Belt 'segments' to the west of Innsworth and the north of Longford. It was concluded that *'the openness of this overall tract is compromised by intrusive development throughout its extent. Combined with limited function in preventing the merger of towns, there is a case for re-examining its boundaries, particularly in relation to Innsworth, where existing boundary features could be readily used to create new long-term boundaries'*. It should be noted that the Review concluded that further consideration of the wider area around Innsworth, Longford and Twigworth was warranted IF other elements of the evidence base suggested a need for the release of Green Belt sites.

6.4 Notwithstanding the JCS evidence base and previous decisions to include the site within a proposed urban extension, as a matter of fact the site is within the Green Belt. Whether the Green Belt boundaries are to be realigned is a matter for the plan making process and these matters are currently being considered by the JCS Inspector. At this stage the site is not included as a draft allocation in the emerging Development Plan. The proposed development is inappropriate development in the Green Belt and thus very special circumstances which clearly outweigh the harm by inappropriateness must be shown to justify development.

6.5 As well as the harm by reason of inappropriateness the harm to openness and the purposes of including land as Green Belt must also be considered, along with any other harms. The site currently comprises flat, open fields. The impact on views is considered in greater detail in section 7 (Landscape) below, however, post development, there would be up to 725 houses plus associated development which would clearly have a harmful effect on the openness of the site from views within and from outside the site. This would conflict with the fundamental aim of keeping Green Belt land open, and with the key Green belt purpose of safeguarding the countryside from encroachment.

#### Applicants' Very Special Circumstances Case

6.6 The applicant has put forward an argument to say that there are considerations which amount to very special circumstances in this case. The Applicants argument can be summarised as follows:

1. It is recognised that releases from the currently designated Green Belt boundary are required to meet the current developmental needs of the area. The definitional harm to the Green Belt arising from the Proposed Development must therefore be significantly reduced;
2. The Green Belt at the application site has been identified as making a limited contribution to Green Belt purposes. As a consequence it has previously been proposed to be removed from the Green Belt in the JCS Draft for Consultation. The weight to be afforded to the harm to the Green Belt is therefore also significantly reduced;
3. The Application Site makes a lesser contribution to Green Belt purposes than other sites proposed for allocation in the Submitted JCS, which are subject to significant outstanding objections. These proposed allocations can be afforded only limited weight given the level of objection and as such cannot be relied upon to contribute to the housing needs of the JCS area;
4. Should these sites, which make a significant contribution to Green Belt purposes, be removed from the JCS, alternative housing sites will be required to be allocated;
5. The Proposed Development will contribute to the objectively assessed needs for housing and employment and is consistent with the spatial strategy of the emerging development plan. These benefits are considerable in any case, but are even more considerable once the proposed allocations which make a significant contribution to Green Belt purposes are discounted.

#### Analysis of the applicants' Very Special Circumstances case

**6.7 Reduced definitional harm** - This is not understood. The site is within the Green Belt and in line with national and local policy the proposed development constitutes inappropriate development within the Green Belt. The NPPF is clear that Green Belt boundaries should only be changed through the plan-led process where exceptional circumstances exist to justify such changes. It is understood that the applicants is making an 'exceptional circumstances' case to the JCS Examination in Public, however this argument cannot be made through a planning application.

**6.8 Limited contribution of the site to the Green Belt** - Again, this is an argument that should properly be advanced through the plan-making process rather than the application process. As set out above, there is clear conflict with the fundamental aim of Green Belt, as well as the key purpose of safeguarding the countryside from encroachment.

**6.9 Comparison with JCS allocations** - Again this is a matter for the plan-making process.

**6.10 Contribution to Objectively Assessed Need** - The Government has made it clear that unmet housing need in a particular area is unlikely to meet the "very special circumstances" test to justify green belt development. The Planning Practice Guidance states:

*Unmet housing need ... is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt.*

Whilst there would be benefits arising from the proposal in respect of a significant contribution to housing requirements, along with the associated economic and social benefits, it is not considered that this matter would, on its own, justify the grant of permission. Further, it is not considered that the proposal fits with the spatial strategy in the JCS as, in line with the Strategic Allocations Report (see paragraph 5.9 above) the site cannot be considered as an urban extension to Gloucester. The other matters raised by the applicant are properly considered through the plan-making process.

6.11 The applicant has suggested in their analysis that because they have demonstrated that very special circumstances exist, footnote 9 to paragraph 14 of the NPPF is not engaged and as such the presumption in favour of sustainable development is similarly engaged. Officers do not agree with the principle of this approach and in any event, as set out above, it is not considered that very special circumstances exist in this case.

6.12 Overall therefore it is not considered that very special circumstances exist in this case which clearly outweigh the harm to the Green Belt by way of inappropriateness, loss of openness or encroachment into the Countryside. This is a matter which weighs very heavily against the proposals. Other potential harms arising from the proposal will be considered below.

## **7.0 Landscape and Visual Impact**

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

7.2 The site does not fall under any statutory or non-statutory landscape designation. The site lies within the Settled Unwooded Vale within the Vale of Gloucester. This is a flat to gently undulating landscape with medium to large-scale field pattern dissected by streams and watercourses. Whilst predominantly rural and agricultural, there are clear influences from surrounding settlements, power lines and road infrastructure. The topography of the area lends itself to wide and expansive views albeit coalescing hedgerows and trees within field boundaries tend to screen and filter low-level views. The tower of Gloucester Cathedral is clearly visible from the site to the southwest. The application site is typical of the local landscape character. The site abuts Twigworth and the A38, which exert a strong local influence, however that influence diminishes rapidly to the south and the site retains a strong rural character typical of open countryside within the Vale.

7.3 The ES contains a chapter entitled 'Landscape and Visual' which is effectively a Landscape and Visual Impact Assessment (LVIA). The LVIA has considered the likely significant landscape and visual effects of the proposals, based on the Land Use/Building Heights/Movement and Access/Green Infrastructure Parameter plans submitted as part of the ES. The LVIA concludes that the effect of the proposed development would be



limited by the retention of existing landscape features on the site which would be reinforced by additional planting and, as such, the effect on landscape character would not be significant. There would be the loss of some trees and hedgerows to facilitate accesses to and within the site however it is stated that the losses would be mitigated by the additional planting proposed. The ES also concludes that there would be a net beneficial impact on landscape features and elements due to the conversion of arable land to natural and semi-natural open spaces, new areas of tree and shrub planting within open spaces and on individual plots, and the creation of SuDS features. Views from outside the site beyond 500-1000metres would be limited given the retention of existing vegetation, with views from the south/south east restricted by Gloucester and its suburbs. The ES concludes that there would be no cumulative effect on landscape character of the proposal in combination with the applicants other application at Innsworth at a county level and a minor (not significant) local effect upon character. The assessment states that there will be significant adverse cumulative visual effects from the Gloucestershire Way, however concludes that there would be no material cumulative effects on landscape character, landscape features and elements or on local visual amenity.

7.4 The Council's Landscape Consultant (LC) has commented that the Green Infrastructure Parameters Plan is somewhat loose and fails to communicate a well-reasoned and clear strategy for the integration of circulation, wider linkages, biodiversity, water and amenity space. The definition of broad "Flexibility Zones" does not provide the confidence that a detailed scheme would deliver an optimum green infrastructure strategy with linked open spaces and appropriate green corridors.

7.5 The LC agrees that the methodology used for the LVIA is appropriate and for the most part the scope of the assessment is also appropriate. Nevertheless he concludes that development of this scale within the Vale of Gloucester would cause the loss of a substantial area of open countryside, and at this particular location the development would dominate the existing village. Due to the sites location and the relative scale of the proposed development against the existing village, the LC is concerned that it could appear to all intents and purposes as a new settlement, rather than an expansion of Twigworth, or an urban extension to Gloucester.

7.6 The LC also comments that the masterplan appears to deliver a somewhat arbitrary new southern settlement boundary that cuts through the existing field pattern and pushes hard up against the Hatherley Brook and the Gloucestershire Way long distance route that runs along it. Similarly there is concern raised regarding the proposed access arrangements from the A38 which include a new roundabout offset from the main highway alignment. It lies at the threshold of Twigworth opposite the distinctive buildings of the Twigworth Court Business Centre. The A38 north of Gloucester is generally characterised by linear, wayside settlements. The proposed engineered access solution would represent a very uncharacteristic urban or suburban feature along this route at the very edge of the village and would be harmful to the local character. It would substantially increase the perception of new development along the A38 north of Gloucester by introducing a new, uncharacteristic and urbanising feature along the route. The LC also considers that any potential benefits associated with a proposed Green Infrastructure Strategy are immature and difficult to judge based upon the submitted material. The Green Infrastructure Parameters Plan currently appears somewhat non-committal and indistinct.

7.7 In terms of cumulative effects of the proposals in combination with the 'Innsworth' application, the LC considers that the proposed development would deliver very substantial harm to the local landscape character and to views. The two schemes together would deliver a swathe of settlement effectively linking Twigworth to Gloucester and would encroach significantly upon the Hatherley Brook. A green corridor would separate the two proposed developments, however at present Twigworth and Innsworth are clearly separated by open countryside. The loss of that sense of openness between these settlements would represent a substantial, material adverse impact upon the local landscape character.

7.8 The LC also considers that there would be a significant loss of open countryside and loss of openness within the rural vale landscape. The effects would be particularly adverse along the Gloucestershire Way from which both schemes would be clearly visible in both consecutive views along the route and in concurrent views where the schemes would face each other across the Brook leaving only a relatively narrow strip of open space between them.

7.9 Overall it is considered that the proposed development would represent a significant encroachment into the countryside and would have a significant and harmful impact on the setting of Twigworth. Harm would also arise from the cumulative impact of this proposal, in combination with the applicant's proposal at Innsworth. The harm identified would conflict with national and local planning policies which seek to protect the countryside from harmful development and this is a matter which weighs heavily against the proposals.

## 8.0 Design and Layout

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

8.2 All matters relating to design and layout are reserved for future consideration. However, the application has been supported with an indicative layout and parameter plans which illustrate how the site could be developed, and a Design and Access Statement (DAS). The Indicative Masterplan (**a copy will also be displayed at Committee**) shows the disposition of land uses and the proposed structure for movement within the development. The DAS states that the net density would be 38.8 dwellings per hectare. The local centre would be expected to be anchored by a small convenience store (such as a Co-op, Spar or Tesco Express), with other diverse uses *contributing towards making this area an active and vibrant place throughout the day*. The DAS continues that a large green space acts as an important gateway feature with open space provided to meet various recreational needs. The applicant submits that the Indicative Masterplan shows the disposition of land uses and a well-connected movement network, accessible by all users, which would help to ensure that all areas of the development are easy to navigate, safe and secure.

8.3 The Urban Design Officer (UDO) has assessed the proposals and has raised concerns regarding the relationship between this site and the applicants other current application at Innsworth. Despite the assertions in the ES that the development has taken into account the cumulative impacts of development there is very little in the DAS to back up this assertion. As set out in paragraph 5.9 above, the Strategic Allocations Report supporting the JCS recognised that it is difficult to reconcile the location of the Twigworth part of the Study Area to the North of Gloucester with the aim of providing strategic development through urban extensions. Although adjacent developments have been highlighted there has been little thought put to designing them comprehensively. Although it does appear that some connections would be provided to sites to the east and west there are none to the south and there is no real understanding of how the development proposed would function as part of a comprehensive urban extension. The UDO comments that in order to be designed comprehensively there would need to be consistency of street hierarchy, character areas and an integrated green infrastructure. This is not evident in the application as it stands.

8.4 The UDO has raised concerns over the lack of a coherent rationale behind the proposed Masterplan, including the location of the school and the scope and accessibility of the proposed open space, part of which lies in Flood Zone 2. The proposed access is over-engineered and would do little to promote access by modes of transport other than the private car. The UDO also considers that the proposed drainage features are too close to residential properties - setting them further away would allow for more usable and attractive open space close to the dwellings. The masterplan also appears to show housing backing on to the sports pitches, which is unacceptable for both surveillance and aesthetic reasons.

8.5 The UDO considers that the proposed highway layout would make it difficult to provide for workable block structures. Further, the proposed access should allow the proposed development to integrate with the existing settlement, responding to the existing pattern of development, rather than the large green gateway feature. This gives the proposals a sense of separation from the existing settlement. Similarly the proposed local centre should be better integrated within the scheme, designed as a street, rather than as a separate, isolated entity. The emergency access and foot/cycle link which runs to the rear of the proposed local centre and housing would be poorly surveilled, wedged between the new development and existing development including the caravan park.

8.6 In respect of the parameter plans, the UDO does not consider that they do anything to help guide the future development of the site and is particularly concerned at the large 'land use flexibility zone' which does not give the required certainty that the proposed development could be delivered on this site in an environmentally acceptable way. The density, building heights, green infrastructure and access plans are too vague to give any understanding as to how the development might look, and this is not sufficiently supported by the Design and Access Statement. A density in excess of 38 dwellings per hectare would be incongruous in light of surrounding housing development (with the obvious exception of the caravan park). The UDO would be supportive of well-designed on-street parking and suggests that this should be incorporated into the scheme at this stage to allow for flexible solutions at reserved matters stage.

8.7 In conclusion, whilst the proposed development is in outline with all matters reserved, the submitted information does not satisfactorily demonstrate that the quantum of development proposed could be successfully integrated into the existing settlement of Twigworth. Further, there is no clear indication of how the proposals would be comprehensively developed in conjunction with the 'Innsworth' proposals.

As it stands, the proposals would lead to a poorly connected development which would not contribute in a positive way to the character of the area. The lack of any firm details as to how the proposed development could come forward in an acceptable way in light of the NPPFs commitment to high quality design does not give any confidence as to how the site would be developed. These failings in terms of design weigh significantly against the proposals.

## **9.0 Accessibility and Highway Safety**

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

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

9.3 As set out all matters have been reserved for future consideration, including access. A comprehensive Transport Assessment (TA) has been submitted which examines the transport effects of the proposed development on the existing transport system and provides the basis for the assessment in the ES. A Residential Travel Plan has also been prepared as a guide to managing travel to and from the proposed development.

9.4 The TA concludes that a Construction Environmental Management Plan would be implemented to control the routing and timing of construction vehicles during construction. Clearly, during the lifetime of the development there would be an increase in travel demand by all main modes of transport. To accommodate this additional demand a range of mitigation measures have been identified and proposed, which include:

- creation of safe, direct and attractive routes as part of the masterplan for both pedestrians and cyclists, with good linkages to the existing network of routes surrounding the site;
- a new roundabout on the A38 Tewkesbury Road providing a safe and suitable access for all road users;
- Improvements to pedestrian and cyclist facilities on the A38 Tewkesbury Road alongside measures to reduce vehicle speeds;
- the promotion, in conjunction with bus operators, of a high quality bus-based public transport system serving the proposed development; and
- a Residential Travel Plan providing a framework to promote sustainable travel patterns.

9.5 Overall the ES concludes that with the proposed mitigation in place, the proposed development could be safely and satisfactorily accommodated on the existing transport network.

9.6 As the proposed development would be close to the Strategic Highway Network (i.e. the A40), Highways England (HE) have been consulted. HE are not satisfied at this stage that the application demonstrates that the proposed development would have a satisfactory impact on the operation of the A40 and as such recommend that the application is not approved for a period of 6 months. The outstanding information relates to the transport mode split methodology used by the applicant; the lack of junction drawings clarifying the geometry of certain junctions, and the need for the Residential Travel Plan to be updated in light of HE comments.

9.7 The County Highways Officer (CHO) has also been consulted. In terms of vehicular access the principle of the 3-arm roundabout is considered acceptable, with suitable pedestrian facilities provided. Whilst the design of the access junction is likely to be acceptable, the junction modelling has not been agreed.

9.8 The CHO raises concerns about the accessibility of the site given the lack of local services and walking distances shown. There are further concerns regarding the ability to address deficiencies in footpath/cycle routes to Gloucester however it is considered those deficiencies could be overcome through discussion.

There are similar concerns regarding cycle provision with no dedicated cycle provision proposed. Whilst the development is within cycling distance of a number of local facilities, it is considered that the A38 does not represent an environment conducive to cycling. The area between the site and the Longford Roundabout has a relatively heavy flow of traffic and 85th percentile speeds exceed the posted speed limit of 40mph. It is likely that less confident cyclists could be intimidated by this environment and choose to drive instead. It is recognised that a pedestrian/cycle connection between the Innsworth and Twigworth developments would provide a benefit to cyclists in particular in creating a lower speed link towards the city centre, albeit over a longer distance. However this cannot be relied upon by the proposed development as there is no certainty on the delivery of Innsworth at this stage.

9.9 In terms of public transport, the CHO advises that there is insufficient information in respect of the changes which would be required to existing bus stop infrastructure. Discussions have taken place between the applicant and Stagecoach, who deliver the no.71 service which passes the site on an hourly frequency however there has been no analysis of the impacts of diverting that service through the site. The CHO also has concern that an hourly service is not adequate to serve a development of the size proposed. An assessment is required as to whether cost effective improvements to bus services can be made.

9.10 There is similarly insufficient information in respect of road safety. In particular the A38 shows a significantly higher accident rate than would be expected with 21 accidents recorded along a 1.5 mile section between the junctions with Down Hatherley Lane and Longford Lane. The majority of these accidents have been collisions involving vehicles turning into or out of side roads and private drives whilst data shows that 85th percentile speeds are significantly greater than the posted speed limit of 40mph in both directions. It is suggested that speed is the causal factor behind the majority of these accidents although there may be other factors. The TA suggests that GCC should consider speed reduction measures along this section. The traffic analysis shows that the proposed development would add significant volumes of traffic along this section of the A38. Therefore the development is likely to exacerbate this issue, potentially prejudicing safe and suitable access. This is an issue that needs to be addressed however at present insufficient information is available as to how the development would achieve safe and suitable access.

9.11 The CHO is content with the methodology for the distribution and assignment of development traffic is reasonable for the purpose of this application at this time. However, whilst the TA asserts that by not allowing for redistribution of traffic away from congested routes then the assessment is robust. This is likely to be the case in general, although it does not account for traffic diverting onto the local network due to congestion elsewhere, e.g. increases in congestion on the M5 would be likely to result in more traffic using the A38.

9.12 In terms of the capacity of existing junctions, the CHO comments on key junctions in the wider area that would potentially be affected by the proposed development. In relation to the A40/A38 roundabout, the A38 Tewkesbury Road/Down Hatherley Lane junction, A38 Tewkesbury Road/Longford Lane Priority Junction the CHO has significant concerns over their capacity. There is a lack of information submitted within the application to demonstrate that the operation of these junctions can be made acceptable with appropriate mitigation. With regard to other junctions potentially affected by the proposals, the CHO has some outstanding concerns but generally those junctions would continue to operate within capacity and would need no further mitigation.

9.13 Overall, the development would have a residual severe impact on key locations within the local transport network. Insufficient information has been provided as to how this impact could be mitigated and therefore the proposed development as put forward would have a residual severe traffic impact contrary to the NPPF, local plan policy TPT1 and emerging policies INF1 and INF2 of the Submission version of the JCS.

## 10.0 Scale of Development and Social Impacts

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

10.2 Objections have been raised by the local community on the basis that the proposals would fundamentally change the character of Twigworth. Twigworth is identified as a Service Village in the emerging JCS, is relatively close to Gloucester and has reasonable transport links to it. The Parish of Twigworth currently has 193 dwellings. The evidence base to the Borough Plan indicates that Twigworth could accommodate around 39 houses which would represent an increase of approximately 20%. Twigworth, along with neighbouring Down Hatherley and Norton are also developing a Neighbourhood. It must be stressed that the emerging plans at this stage have limited weight, but the evidence base does provide a useful indication of the scale of development anticipated to be delivered at Twigworth. Whilst the applicant maintains this site should be viewed as an urban extension to Gloucester, for the reason set out at paragraph 5.8 above, this is not considered to be the case.

10.3 In dismissing an appeal on a site at Land West of Willowbank Road, Alderton, the Inspector commented: *Also of significance is the capacity for the settlement and the community to accept the impacts that a rate of change for the construction of 107 houses would have over a relatively short period of time in a settlement of only 265 dwellings. Alderton has grown organically and slowly over a long period of time and its physical character would change as a result of the major development that would arise from the Beckford Road scheme and the appeal proposals which, together, would represent a 39% increase in the number of dwellings. Alderton would appear more suburbanised and less of a rural settlement and it would be adversely affected as a consequence.*

10.4 The matters of infrastructure, community facilities and local services are considered in the later sections of this report. Nevertheless it is clear that Twigworth is a village with limited infrastructure to cope with a development on the scale of that proposed. Historically, Twigworth has grown slowly in a similar way to many small rural settlements. In determining the Alderton appeal referred to above the Inspector also noted: *Apart from the physical changes that would occur, I recognise that a sizeable expansion of the village could take the community some time to adapt to and there could be adverse consequences for the social and cultural wellbeing of existing residents...I recognise that, as in other cases elsewhere, there is a danger that potential adverse impacts of new housing on an existing community is a consideration that needs to be weighed in the overall planning balance. This goes beyond a community's natural resistance to change. As set out above, in this case it should be recognised that Twigworth are developing a Neighbourhood Development Plan. The community is not resistant to change per se and the draft NDP seeks to provide new housing to meet the growing needs of the community.*

10.5 Whilst each application should be considered on its own merits and the proximity of Twigworth to Gloucester is a material difference to the Alderton example there is a clear parallel to be drawn. The Alderton Inspector was considering a 39% increase whereas here there would be an increase in 376% of the existing number of dwellings in Twigworth. Like Alderton, Twigworth has grown organically and slowly over a long period of time and its physical character would change as a result of the major development that would arise from the proposed development. And like Alderton, Twigworth would appear more suburbanised and less of a rural settlement and it would be adversely affected as a consequence. In conclusion on this point, it is considered that the proposed development would have result in a scale of development which would be disproportionate to the existing settlement and this would have a harmful effect on the village in terms of its physical characteristics and sense of place, and on the social wellbeing of the community.

## **11.0 Noise/Air Quality**

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

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

11.3 The ES undertakes an assessment of noise and vibration both during and post development, based on existing noise levels. The ES concludes that during construction there is potential for short term adverse effects on existing noise sensitive receptors nearby, but that this could be addressed by appropriate mitigation and control measures. Road traffic noise would increase however the ES concludes that there would be negligible adverse noise effects, with increases that would not be discernible under normal listening conditions. New dwellings which could be subject to noise arising from the A38 could be constructed to a suitable standard. Noise arising from the proposed playing pitches could be addressed at the detailed design stage. Overall the ES concludes that noise and vibration arising from the development can be suitably mitigated so that impacts are reduced to an acceptable level.

11.4 In terms of Air quality, the ES advises that construction works would have the potential to create dust, but that appropriate measures such as wheel washes and damping down of spoil heaps would be implemented to reduce those effects. Assessments have been carried out on the potential impacts on air quality arising from increased traffic emissions. The results of those assessments show that the impacts would be negligible. In terms of nitrogen dioxide the ES considers the assessment should be carried out in the context of a reduction in vehicle emissions, in which case the selected local receptors would experience a negligible impact as a result of the development proposed. The ES concludes that the overall impact on air quality would not be significant.

11.5 The Environmental Health Officer has been consulted and an update will be provided at Committee.

## **12.0 Affordable Housing**

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

12.2 The application proposals are vague in respect of affordable housing proposals. An Affordable Housing Statement (AHS) has been submitted at Appendix 1 of the Planning Statement which advises that the applicant is willing to offer a policy compliant number of affordable dwellings on site, pointing out that the Council's Affordable Housing Supplementary Planning Guidance identifies a requirement for 30% affordable housing, i.e. up to 218 dwellings on this site. The AHS states that the precise number, mix and tenures of affordable housing will be agreed through a detailed s106 package however no such details are available at this stage. However, a Draft Heads of Terms document is attached at Appendix 3 of the Planning Statement which states that 30% of the dwellings would be affordable.

12.3 The Housing Enabling Officer has commented on the application and comments that the current information available, i.e. the evidence base to the JCS, suggests that 40% of housing on qualifying sites (i.e. sites of 10+ houses or greater than 0.4 hectares) is required to be affordable. On that basis, the current proposal is considered to be unacceptable and the proposal does not adequately provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market, contrary to the NPPF, saved Policy HOU13 of the Local Plan and emerging Policy SD13 of the submission version of the JCS.

## **13.0 Flood Risk and Drainage**

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

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

13.3 The adopted Flood and Water Management Supplementary Planning Document has the following key objectives: to ensure that new development does not increase the risk of flooding either on a site or cumulatively elsewhere and to seek betterment, where possible; to require the inclusion of Sustainable Drainage Systems (SuDS) within new developments, which mimic natural drainage as closely as possible (e.g. permeable paving, planted roofs, filter drains, swales and ponds) and provision for their long-term

maintenance, in order to mitigate the risk of flooding; to ensure that development incorporates appropriate water management techniques that maintain existing hydrological conditions and avoid adverse effects upon the natural water cycle and to encourage on-site storage capacity for surface water attenuation for storm events up to the 1% probability event (1 in 100 years) including allowance for climate change.

13.4 There are a number of concerns from the Parish Council, neighbouring Parish Councils and local residents concerned about the flood risk impacts of the proposed development. A Flood Risk Assessment (FRA) has been prepared which confirms that the site falls within Flood Zone 1. The site is considered to be in an area of generally low sensitivity in terms of the water environment and no major flooding or water quality problems have been identified. The FRA states that the proposed development would be safe from flooding, would not result in increased flooding downstream and would result in a reduction in flood risk in the area. The FRA proposes sustainable drainage techniques which would be used to mitigate any impacts. Flood risk would be managed and reduced, and water quality improved as a result.

13.5 The Environment Agency have been consulted and they concur with the conclusions within the Flood Risk Assessment which correctly defines the level of flood risk on the site and the extents of the flood zones shown on the indicative master-plan. Further, the master-plan currently shows all residential development (including highways) is located within Flood Zone 1 (low risk zone) as defined in the Flood and Coastal Change section of the Planning Practice Guidance. Overall the EA have no objections in principle subject to a planning condition to secure appropriate finished floor levels.

13.6 Gloucestershire County Council has been consulted as Lead local Flood Authority (LLFA) and have raised objection to the proposals on the basis that insufficient information has been submitted. The LLFA understand that soakaways are not feasible due to poor infiltration rates given the nature of soils and as such other SuDS options should be considered. Nevertheless it must be remembered that this is an outline application with all matters reserved. It is not possible in these circumstances to provide a fully detailed drainage scheme as there is no certainty as to how the site would be developed through reserved matters. The Councils Flood Risk Management Officer has been consulted and considers that some of the information requested by the LLFA has in fact been included in the submitted documents. Overall the Flood Risk Management Officer is content that more than sufficient information has been submitted for an outline application. The FRMO does consider that the detailed design needs refining and should expand on the SuDS philosophy of maximising benefit in four main areas - improving the way we manage water quantity, water quality, amenity and biodiversity and recommends that detailed drainage can be dealt with satisfactorily via planning condition. It is normal for such conditions to be required with or before submission of the first reserved matters application.

13.7 In light of the above, despite the understandable concerns of the local communities, it is considered that the evidence accompanying the application shows that the site is at a low risk of flooding and would not increase the risk of flooding to third parties in accordance with current national and local planning policies. An appropriate sustainable drainage strategy could be secured by a planning condition.

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

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

14.2 In accordance with these policies, the proposal would generate a requirement for 1.97ha of playing pitches, 0.34ha of formal children's playspace and 0.68ha of informal playspace. The ES includes a section on recreational needs and advises that the proposals propose 4.72ha of formal playing space including 1.36 - 2.83 hectares of Youth and Adult Use, 0.17-0.47 of children's formal playspace and 0.34 - 0.79 hectares of children's informal playspace. The Community and Economic Development Manager has been consulted and considers that the required facilities could be delivered within the site and could be secured by appropriate section 106 obligations, along with appropriate maintenance sums. A changing facility would also be required to accompany the playing pitches and based on Sport England figures and the quantum of playing pitches required, a contribution of £678,851 towards changing facilities is requested.

14.3 In terms of sports facilities the Community and Economic Development Manager has requested contributions based on the size of population proposed and the Sports England 'sports facility calculator' which estimates demand for community sports facilities. Based on this information the following contributions,

totalling £718,331 have been requested: £378,690 contribution for sports hall; £293,695 contribution for swimming pool; £45,946 contribution for Astro turf; however at this stage the applicant has not agreed to these contributions.

14.4 A Draft Heads of Terms document has been submitted with the application which sets out a suggested mechanism for the delivery of Public Open Space/Formal Recreational Provision which would be dealt with through the reserved matters application process. There are no suggested contributions towards sports facilities or any other required off-site recreational facilities and no legal agreement to provide the required Public Open Space/Outdoor recreation and sports facilities has been agreed. On that basis the proposed development conflicts with the NPPF, Local Plan policy GNL11 and emerging JCS policies INF5 and INF8.

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

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

15.2 The ES chapter on socio-economics recognise the need to provide a primary school but suggests that capacity exists within the wider Gloucester area for secondary and pre-school/nursery education. The ES does not identify a need for community facilities however this is allowed for in the description of development. The Draft Heads of Terms document states that the applicant will make such contribution as can be lawfully justified under the CIL regulations towards the provision of local community facilities. There is no specific mention made in the application regarding library facilities.

15.3 The Community and Economic Development Manager (CEDM) has commented on community facilities and, based on calculations using the Gloucestershire Infrastructure Delivery Plan assessment formula, £329,663 is required for community buildings. Given the lack of detail regarding the potential community provision as part of the Local Centre it is difficult to comment on this aspect however, to provide the best quality provision the CEDM requests that the community facility contribution and the sports hall contribution are directed towards providing joint community provision alongside the changing facility. The CEDM also comments that it would also be more appropriate to locate the school alongside this facility, to enable joint use of facilities such as the hall and parking.

15.4 The County Council (GCC) has commented as Local Education Authority and advise that, in principle, the securing of a 1FE Primary School meets the child yield generated for the primary aged children. Nursery provision, attached to the primary school should also be secured. Provision in kind to the satisfaction of GCC requirements should mitigate the impact of the proposed development. The contributions sought would be a maximum of £627,219 and £2,240,069 respectively for pre-school and primary education based on a maximum of 725 dwellings. Contrary to the assertion in the ES, GCC advise that the relevant nearby schools at Churchdown are forecast to be over capacity in future years. A contribution to provide additional places would be required. 725 dwellings would create the need for 108.75 additional secondary places leading to a request for a contribution of a maximum of £2,049,720 based on 725 dwellings. In terms of libraries, GCC comment that contribution would be required to Longlevens and/or Churchdown Libraries, both of which serve the proposed site, to provide extension of library services (resources, books, IT services, opening hours etc) to meet the needs of the additional population arising from the development. Based on the proposals, a maximum contribution of £142,100 would be required.

15.5 There is no agreement to provide the required community and education facilities contrary to the requirements of the NPPF, Policy GNL11 of the Local Plan and policies INF5 and INF8 of the emerging JCS. This weighs against the proposal.

## **16.0 Archaeology and Cultural Heritage**

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



16.2 The ES includes an assessment of the likely significant effects of the proposed development on heritage resources. In terms of archaeology the ES builds on evidence provided by a programme of archaeological assessment and evaluation. The County Archaeologist (CA) has been consulted and agrees with the conclusions of the ES that the archaeological remains are not of the first order of preservation, since they have undergone erosion from later ploughing with the result that all surfaces associated with the remains have been destroyed. Nevertheless, while not of the highest significance, the archaeological remains on this site would make an important contribution to our understanding of the archaeology of both the locality and the wider region. On that basis the CA raises no objection in principle to the development of this site, subject to a planning condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

16.3 The ES identifies 9 listed buildings with a 500m radius of the site and asserts that the setting of these assets is considered to primarily relate to their existing curtilages and their position along associated major roadways with agricultural land adjacent forming a wider incidental backdrop. The site itself is acknowledged as forming a small part of this wider agricultural landscape, although the contribution that this makes, both to the setting and significance of these designated assets, which lies primarily in their special architectural and historic interest and immediate settings, is considered negligible.

16.4 An objection has been received specifically in respect of 3 listed buildings, Twigworth Court, Twigworth Lawn and a stable north of Twigworth Court. The ES specifically deals with the impacts on these structures. In terms of Twigworth Lawn, the ES concludes that the proposals would have negligible impact on this building and its wider setting. In terms of Twigworth Court and the associated stable block, the ES asserts that the contribution to the wider setting from the fields occupied by the application site is considered to be greatly reduced due to their separation by the A38, such to an extent that Proposed Development within them would result in a negligible environmental effect on Twigworth Court and the stable block, with the more important elements of their wider setting retained.

16.5 Historic England have been consulted and have referred to the setting of Wallsworth Hall which has not been identified by or addressed in the ES. Reference is made to the Historic Environment Assessment of Allocation Areas 2014 report (part of the JCS evidence base). In relation to Wallsworth Hall, the report states that 'there are several assets for which the allocation area is considered to make a high contribution to their setting'. It goes on to explain that the Hall comprises principal elevations orientated purposefully by design to take advantage of views across the development area. Historic England stress the importance of preserving key views from Wallsworth Hall towards Gloucester and the significance that this open countryside affords the Hall. Whilst the topography is such that visibility of development may be minimal from this asset, it would nevertheless affect the skyline and have the potential to impinge or block long distance views, which should be protected.

16.6 The Conservation Officer (CO) has also been consulted and considers that and the settings of Twigworth Court and the stable, and Twigworth Lawn have been affected to some extent by post-war development along the road corridor. Indeed Twigworth Lawn is bounded on two sites by an extensive mobile home site, and its setting is effectively restricted to its domestic curtilage. However the introduction of a roundabout on the A38 to the south to facilitate access to the application site is a fairly major change in close proximity to both buildings, and this impact would doubtless be compounded by additional lighting, signage etc. The CO concludes that whilst there would be harm to the setting of the nearby heritage assets as a result of the proposed development, including the access arrangements, this harm would be 'less than substantial'. In such circumstances the NPPF states that this harm should be weighed against the public benefits of the proposal whilst the Listed Buildings Act requires special regard to be given to the desirability of the setting of listed buildings. This is a matter that needs to be weighed in the overall planning balance.

## **17.0 Ecology and Nature Conservation**

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

17.2 An assessment of the likely significant ecological effects of the proposed development has been undertaken. A walkover survey has been completed along with surveys for protected species including badgers, bats, otters, water voles, wintering birds, reptiles and Great Crested Newts. The ES concludes that, overall, the development proposals would ensure the majority of habitats of interest in nature conservation

terms are retained and enhanced where possible. Where losses are to occur, these would be more than compensated for. All protected species are to be safeguarded as part of the development proposals and enhancements provided wherever possible. Following mitigation and enhancement measures, overall impacts are considered to be positive at the site - local level and would ensure no net loss in biodiversity terms.

17.3 Natural England (NE) have been consulted and advise that there is insufficient information to enable a substantive response on the application. NE consider that the application may lead to indirect damage to Innsworth meadows Site of Special Scientific Interest by increasing recreation activity in the area. The ES states that discussions with Natural England have been undertaken with regard to the SSSI and measures have been devised as part of the development proposals to safeguard and enhance this ecologically valuable feature. Nevertheless, NE advise that the application does not appear that the application has considered the impacts on Innsworth meadow SSSI in combination with other proposals in the area.

17.4 In terms of other wildlife/biodiversity impacts, it is considered that these have been properly assessed in the ES and the necessary mitigation/enhancements could be secured by planning condition. Nevertheless the application is not supported by sufficient information to assess the cumulative potential impacts on the Innsworth Meadows SSI and as such the application conflicts with advice in the NPPF, Policy NCN5 of the local plan and Policy SD10 of the emerging JCS and this is a matter which weighs against the proposal.

## **18.0 Loss of agricultural land**

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

18.2 The ES sets out that of the application site consists of 32 hectares of which almost half constitutes BMV. The majority of this (13.4 ha) is subgrade 3a, with a further 1.3 ha of Grade 2 land. The agricultural land is owned variously by Robert Hitchins Ltd and the Boddington Estate. The majority is farmed in-hand as part of the Boddington Estate, although approximately 2.6ha to the west is let for horse grazing. The Estate farms some 490ha in the locality and is mainly concerned with arable crop production, though it also rears pedigree Simmental cattle for sale as finished beef. The land at Twigworth has been owned by RHL and the Estate since approximately 2010 and the majority of the land is cropped with arable crops which are harvested and transported to the main farm centre at Boddington, to the north of the study area. Grass is cut and conserved as winter feed for the cattle.

18.3 The proposed development would lead to loss of BMV agricultural land; the ES states that some of the BMV would be used for open space and as such could theoretically be returned to agricultural use, meaning that 13.3ha (1.3ha in Grade 2 and 12.0ha in Subgrade 3a) would be lost permanently. This is a matter which weighs against the proposal in the overall planning balance.

## **19.0 Residential Amenity**

19.1 Concerns have been raised from some local residents whose properties back on to the site that the proposed development would lead to adverse impacts on their living conditions, including loss of privacy. It should be noted that the proposals are in outline. Whilst the illustrative masterplan indicates that at some locations new development would be located close to existing properties, adequate controls would remain at reserved matters stage to ensure that the living conditions of neighbouring properties were taken fully into account.

## **20.0 Overall Balancing Exercise**

### **Green Belt**

20.1 The proposal represents inappropriate development within the Green Belt. Such development is, by definition, harmful, and the proposals would also harm the openness of the Green Belt and the purposes of including land within it. Further, the proposals would involve encroachment into the open countryside which would cause harm to the openness and visual amenity of the Green Belt. These matters attract substantial weight against the proposal in line with Government's policy on Green Belts.

### Other Harms

20.2 As set out in the report there is also harm arising from the landscape impact of the proposed development which replaces green fields with a development of 725 dwellings plus associated infrastructure. The application does not demonstrate how high quality design could be achieved and the scale of development would have a harmful impact on the sense of place of the existing settlement and would be likely to harm the social wellbeing of the local community. Similarly harm arises from the loss of Best and Most Versatile agricultural land which comprises approximately half of the agricultural land within the site. The proposals would also result in harm to the local transport network whilst insufficient information has been provided with regard to potential impacts on the strategic road network. Similarly there is insufficient information to assess the cumulative impact of this, and other planned development on the Innsworth Meadows SSSI. There would be, albeit less than substantial, harm to the setting of listed buildings near to the application site. The application does not propose appropriate levels of affordable housing whilst no contributions have been proposed or agreed by the applicant towards the social infrastructure necessary to serve the proposals.

20.3 These harms also weigh heavily against the development.

### Beneficial Effects

20.4 The development would contribute significantly towards the supply of market housing to help meet the objectively assessed need for housing in the area. This is of particular relevance given the fact that the Council cannot currently demonstrate a deliverable supply of housing sites in the context of the Government's requirement of a minimum supply of 5 years. Whilst as set out above the application is deficient in terms of the offer towards affordable housing, it is recognised that any contribution towards affordable housing, is a beneficial effect.

20.5 New employment would be created during construction and businesses connected with the construction industry, some of which would likely be local suppliers and trades; all of which would boost the local economy. There would also be economic benefits arising from the local centre and from the new residents supporting local business.

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

### Neutral Effects

20.7 It has been established through the submission of the Environmental Statement, and through consultation with specialist consultees, that the impact of this development on flood risk, the living conditions of existing and future residents, archaeology and the and natural environment can be adequately mitigated. The mitigation measures required can be secured through planning conditions, S106 obligations and future reserved matters applications.

### **21.0 Overall Planning Balance and Conclusion**

21.1 On the one hand is the harm to the Green Belt which must carry substantial weight, and the other harms identified in paragraph 19.2 above. These harms must be weighed against the fact that the Council cannot currently demonstrate a five year supply of deliverable housing sites and the other benefits of the proposal set out above. Inappropriate development in the Green Belt can only be permitted where very special circumstances exist which clearly outweigh harm to the Green Belt and other harms. Given the level of harm to the Green Belt, including by reason of inappropriateness, and the other identified harms, it is not considered that the application comes anywhere close to demonstrating the very special circumstances required for a favourable determination.

21.2 It is therefore officer opinion that the application should be refused.

### **RECOMMENDATION Refuse**

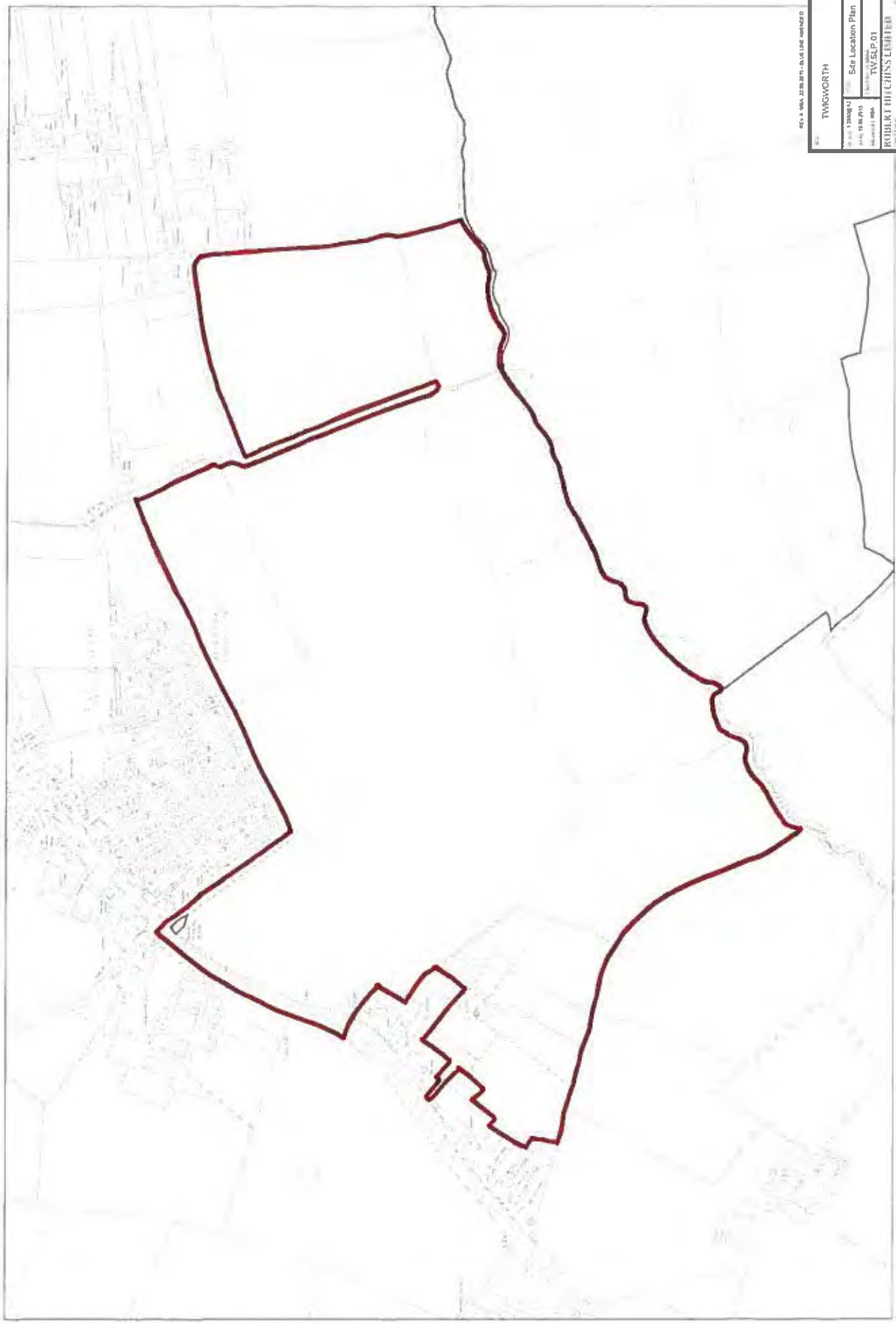
Reasons:

- 1 The proposed development conflicts with section 9 of the NPPF (Protecting Green Belt land), Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006, and emerging policy SD6 of the Joint Core Strategy Submission Version (November 2014) in that it represents inappropriate development in the Green Belt which would compromise its open character, appearance and function.
- 2 The proposed development would result in an unwarranted and significant intrusion into the rural landscape which would harm the rural character and appearance of the locality. As such, the proposed development conflicts with the NPPF, Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging Policy SD7 of the Submission Version Joint Core Strategy (November 2014) .
- 3 The proposed addition of 725 dwellings to the settlement of Twigworth would be of a scale disproportionate to the existing settlement. As such the proposed development would have a harmful impact on the sense of place of the existing settlement and the social wellbeing of the local community, risking the erosion of community cohesion. Furthermore, the proposed development would not be proportional to the size and function of Twigworth as a Service Village as defined in the emerging Joint Core Strategy Submission Version November 2014. As such the proposed development would conflict with Section 8 of the National Planning Policy Framework which seeks to promote healthy communities.
- 4 Whilst the application is submitted in outline form with all matters reserved, the submitted information does not demonstrate that the quantum of development proposed could be successfully integrated into the existing settlement of Twigworth. The proposals as submitted would lead to a poorly connected development which would not contribute in a positive way to the character of the area, nor create a strong sense of place. As such the application does not demonstrate how the site could be developed in an environmentally acceptable way contrary to Section 7 of the National Planning Policy Framework and emerging policies SDN and SD11 of the Submission Version Joint Core Strategy (November 2014).
- 5 The application fails to provide satisfactory information to show that the operation of the A40 would not be adversely affected by the traffic impacts of the development proposal. As such the application has not demonstrated that there would be an acceptable impact on the strategic road network in conflict with the National Planning Policy Framework, Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policies INF1 and INF2 of the Joint Core Strategy Submission Version (November 2014).
- 6 The Transport Assessment demonstrates that the proposed development would have a severe impact on parts of the local transport network, and insufficient information is provided as to how this could be mitigated, contrary to Section 4 of the National Planning Policy Framework, policy TPT1 of the Tewkesbury Borough Local Plan to 2014 and emerging policies INF1 and INF2 of the Joint Core Strategy Submission Version (November 2014).
- 7 Insufficient information has been submitted to demonstrate that the proposed development would not have a severe impact on parts of the highway network, contrary to Section 4 of the National Planning Policy Framework, policy TPT1 of the Tewkesbury Borough Local Plan to 2014 and emerging policies INF1 and INF2 of the Joint Core Strategy Submission Version (November 2014).
- 8 The opportunities for sustainable transport have not been taken up having regard to the nature and location of the site, contrary to Section 4 of the National Planning Policy Framework, policy TPT1 of the Tewkesbury Borough Local Plan to 2014 and emerging Policy INF1 of the Joint Core Strategy Submission Version (November 2014).
- 9 The application does not provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SD12 and SD13 of the Joint Core strategy Submission Version November 2014.

- 10 The application does not make adequate provision for on-site or off-site playing pitches with changing facilities and sports facilities to meet the needs of the proposed community. The application therefore conflicts with Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 8 of the NPPF (Promoting healthy communities) and policies INF5 and INF7 of the Joint Core strategy Submission Version November 2014.
- 11 The application does not make provision for the delivery of education, health and community infrastructure, library provision, or recycling infrastructure and therefore the proposed development is contrary to Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006, section 8 of the NPPF (Promoting healthy communities) and emerging policies INF5 and INF7 of the Joint Core strategy Submission Version November 2014.
- 12 The proposed development would result in the loss of Best and Most Versatile agricultural land and the loss of this valuable resource is not outweighed by economic or other benefits contrary to paragraph 112 of the National Planning Policy Framework.
- 13 The proposed development would result in less than substantial harm to nearby heritage assets and there are no overall public benefits arising from the proposed development to outweigh this harm. As such the proposed development conflicts with Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 134 of the National Planning Policy Framework and emerging Policy SD9 of the Joint Core Strategy Submission Version (November 2014).
- 14 The application is not supported by sufficient information to demonstrate that there would be an acceptable cumulative impact on the Innsworth Meadows Site of Special Scientific Interest in the context of other planned development. As such the proposed development conflicts with Paragraph 118 of the National Planning Policy Framework and emerging Policy SD10 of the Joint Core Strategy Submission Version (November 2014).

15/01149/OUT

REV. A 09/14 22 00 20 07 01 - BLUE LINE APPROVED	
<b>TWICKWORTH</b>	Site Location Plan
Project: 15/01149/A	Revision: 01
Date: 15/01/2015	Author: J. [unreadable]
Checked: [unreadable]	Drawn: [unreadable]
ROBLIK & CHISS LIMITED	
[unreadable]	



OTHER LAND IN APPLICANT'S OWNERSHIP  
 APPLICATION SITE



698/A

**Twigworth Parish Council Response to TBC Planning Application 15/01149/OUT**  
**Land at Tewkesbury Road, Twigworth**

**The Parish Council vigorously opposes this application**

**THE PRIMARY CONCERN IS THE ISSUE OF FLOODING**

There is widespread alarm in the villages of Twigworth and Down Hatherley, and beyond, at the prospect of an increase from the current 169 dwellings in Twigworth to more than 900 as per this Planning application.

The principle of urban extension is nothing new. Gloucester has been growing steadily over the last few decades. It may even seem surprising to a newcomer to the area, upon looking at a local map, that the open spaces between Twigworth and Innsworth have not been developed before now. There has of course, long been a reason for that, a well-established precedent: proneness to flooding and ground-water saturation.

The proposed development flies in the face of what locals have known and experienced for a long time. The Design and Access Statement of the Application (Constraints and Opportunities) states that it will 'minimise the impact of new development on the existing settlement'. 'Minimise' is too vague and non-committal. As far as increasing flood risk to the existing settlement is concerned, guaranteed prevention is an absolute must. The statement mentions 'opportunities to provide attenuation measures that will reduce flooding'. It looks good on paper, but we believe this to be wholly misleading. The village has consulted hydrologists over the past few years who advise that any significant development will increase the flood risk to the existing settlement, whether from river flooding or from pluvial and ground-water displacement (See *Twigworth Surface Water Flooding 2014*).

*As far as the existing settlement is concerned, the flood risk will increase.* The area under proposal, as well as the existing settlement, is subject to prolonged saturation and ponding in times of heavy rainfall. A number of householders in the existing settlement close to the area under proposal were evacuated from their homes for many months in 2007 as a result of pluvial and ground-water ingress. Some of these areas which were flooded *are not marked* in the map in The Technical Appendix (11: Hydrology, Drainage and Flood Risk) purporting to show areas at risk of this kind of flooding.

The proposal fails to measure the seriousness of risk from pluvial and ground-water flooding. The Environmental Statement (Non-Technical Summary, p 18) states 'The Proposed Development will be safe from flooding as all built development will be located within Flood Zone 1, which has a low risk of flooding. Flood risk will not be increased downstream, and overall flood risk in the area will be reduced'. However, the 'Flood Zones' are not guides to pluvial and ground-water flooding, but to flooding from rivers.

Whilst the area under proposal is not subject to direct flooding from the River Severn itself, in times of fluvial floods the River Severn backs up the Hatherley Brook such that fluvial floodwater lies only yards from the site under proposal. With the existing problem of pluvial and ground-water saturation already affecting this site, there is nowhere for this water to escape and so ease the saturation.

The proposal advocates the use of SUDS (Sustainable Urban Drainage System) as a solution to increased flood risk. Twigworth has consulted a hydrologist who advises that SUDS has proved relatively ineffective in areas like this, namely impermeable clay soils, land with virtually nil gradient, close to major-river flooding<sup>1</sup>.

Until such time as measures are found to alleviate these serious flood issues facing our village, we expect Tewkesbury Borough Council to reject this proposal, for not to would amount to contemptuous disregard of a community which has already suffered enough.

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<sup>1</sup> "SUDS are designed to reduce flood risk downstream by attenuating the local flood run-off. Infiltration methods will not be particularly successful in areas of relatively impermeable and waterlogged soils. Unfortunately, low gradients and high groundwater and soil moisture levels in the flood seasons make for a particularly difficult application area." Prof. Ian Cluckie, 2015

**THE JOINT CORE STRATEGY** proposal does not contain a major strategic housing development in Twigworth, so this application would contravene the Joint Core Strategy.

Twigworth is a Service Village and the proposed large scale development is disproportionate to its size and function. The amount of non-strategic new housing development needed in Tewkesbury borough over the plan period is set out in the JCS Policy SP2. The JCS identifies that: Extract from JCS policy SP2 (submission version, November 2014) Rural service centres and service villages will accommodate lower levels of development to be allocated through the Tewkesbury Borough Plan and neighbourhood plans, proportional to their size and function and also reflecting their proximity and accessibility to Cheltenham and Gloucester and taking into account the environmental, economic and social impacts. Over the plan period to 2031, The 2 rural service centres will accommodate a total 1860 new homes, and the 12 service villages will accommodate a total of 725 new homes (In the remainder of the rural area, Policy SD11 will apply.)

The SHLAA assesses the options available to address the needs in the rural area. There are many sites in the rural villages of moderate or high suitability for housing.

**NEIGHBOURHOOD DEVELOPMENT PLAN** (For Twigworth, Down Hatherley and Norton).

Much detailed work has gone in to preparing this and it is expected to be finally adopted by about mid 2016. The NDP addresses the issue of potential housing within Twigworth as a Service Village. It will have a legal status within the Borough planning consultation process. The Hitchins' application ignores the NDP; if allowed it would set a damaging precedent that the NDP process is worthless.

#### **GREEN BELT STATUS**

Apart from its function for natural surface water absorption, its Green Belt status should be seen to be even more important given neighbouring Innsworth's future massive Drymeadow development agreed within the JCS. Such a change only enhances the importance and purpose of this Green Belt land at Twigworth in maintaining its semi-rural identity. Approval of this development could set a precedent and domino effect on other sites in the Green Belt which would seriously undermine national Green Belt policy.

#### **TRANSPORT**

The proposal involves development which would be likely to give rise to traffic and transport impacts due to its scale, location and high dependency on single occupancy vehicle usage and as such would be likely to have a significant impact upon the Strategic Road Network with particular congestion on A38, A40 and at Longford junction. This reinforces the view that the proposal is NOT a sustainable development. Highways England said, given the sites location, it is likely that the most significant impact will be on the A40, Longford and Elmbridge junctions. Given the scale of this development, there remains potential that impacts will occur at more distant junctions and links. (Transportation Appendix 3)

**This application is completely out of order. It seeks to forestall the democratic decisions of the local and regional policy-making bodies.**



15/01254/FUL  
new dwelling 50 grove road  
Valid 27.11.2015

50 Grove Road, Churchdown, Gloucester

7

Erection of two storey dwelling attached to the side elevation of existing dwelling, and erection of porch and single storey rear extension on existing dwelling (revised scheme)

Grid Ref 386879 220508  
Parish Churchdown  
Ward Churchdown St Johns

C/o Farr & Farr  
1 Church Road  
Churchdown  
Gloucester  
GL3 2ER  
FAO: Mr Mark Shorting

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework (2012)  
Planning Practice Guidance  
JCS (Submission Version) November 2014  
Tewkesbury Borough Local Plan to 2011 (March 2006) - policies HOU2, HOU5, EVT9 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

**Churchdown Parish Council** - The Parish Council do not consider their objections to the previous application (15/00579/FUL) have been addressed in the current proposal and wish to reiterate those concerns, namely:

- That the creation of another dwelling would lead to development of a terrace, would be detrimental to the street scene, and that the site would be overdeveloped.
- Advise that parking is already a problem, and note that the existing issues regarding the type of use/occupation must be resolved. The Parish Council advises that the house is being used as house of multiple occupation (HMO) which is thought to be contrary to the terms of the rental agreement and to be having a detrimental impact on the neighbourhood.
- The Parish Council considers that to further develop the site in these circumstances is undesirable.

**Local Residents** - One letter has been received, from occupiers of 52 Grove Road objecting to the proposal for the following reasons:

- Loss of privacy to occupiers of 52 Grove Road;
- Proposed development would block out natural light to garden and dwelling at 52 Grove Road;
- Proposed development would result in the existing "lovely rear access walk way" to 3 houses (including 52 Grove Road) becoming a dark alleyway, which would be unsafe as some of the neighbours are OAPs and use that walk way to take out their bins; and
- The front access of the new build would overlook the front room of 52 Grove Road and people going in and out would have full view of the inside of 52 Grove Road, which is currently private and full of natural light.

**Planning Officers Comments:** Emma Blackwood

## 1.0 Introduction

1.1 The application site lies within the Residential Development Boundary of Churchdown, as defined on the Tewkesbury Borough Local Plan Proposals Map (March 2006). Dwellings in this part of Grove Road are typically two storey terraced dwellings (see Location Plan).

1.2 The application property is a two storey 3-bed end-of terrace dwelling, forming the most southern property of a row of 6 terraced dwellings on the western side of Grove Road (see existing elevations). The dwellings are predominantly red brick facing materials, with some elements of render finish or cladding, and a single storey flat roofed projecting front porch. The existing dwelling has a parking area to the side which also contains a small garage. The frontage is also laid down to hardstanding.

## 2.0 History

2.1 Planning permission was granted in 1965 under application reference 65/00038/FUL for the development of a residential estate of 138 dwellings, and the construction of estate roads.

2.2 Planning permission (15/00579/FUL) for the erection of a two storey dwelling to the side elevation of the existing dwelling was considered to be unacceptable for the reason that it would not have been sympathetic in design or scale to the existing dwellings, and would have appeared as an obvious and unduly incongruous addition (see previously refused plans'). The application was refused in August 2015 for the following reason:

*"The design and scale of the proposed attached dwellinghouse, by virtue of the width of dwelling and the spacing, style and form of windows on the front elevation, would not be sympathetic in design or scale to the existing buildings in this row of terraced dwellings, and would appear as an obvious and unduly incongruous addition. The proposed development would result in a cramped form of development and would significantly adversely detract from the character of the locality and the appearance of the street scene, all contrary to Policy."*

## 3.0 Current Application

3.1 This application also proposes the erection of an attached two storey 2-bed dwelling to the side of the existing property and seeks to address the concerns and reasons for refusal on the previous application (see proposed elevations and block plan). The plans have been revised in order to address officer concerns regarding the design and appearance.

3.2 The dwelling would extend up to the boundary with the neighbour and would extend the full depth of the side gable of the existing dwelling. The roof would similarly match the existing and the dwelling would effectively extend the terrace. A small flat roofed porch is proposed to the front of the proposed dwelling. A small rear lean-to extension is also proposed to the existing dwelling.

## 4.0 Policy Context

4.1 The National Planning Policy Framework, 2012 (NPPF) promotes sustainable development, of which there are three dimensions: economic, social and environmental. It does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning authorities having an up-to-date plan.

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

4.3 Policy HOU2 of the Local Plan specifies that, within Churchdown, residential development proposals will be supported within the Residential Development Boundaries as defined on the Proposals Map, provided that such development can be satisfactorily integrated within the framework of the settlement, subject to other Local Plan policies and other material considerations. In all cases new development must be sympathetically designed in harmony with the scale and character of the settlement, and not adversely affect the character of the settlement by the removal of structures or buildings of interest or the loss of an important open space or other feature.

4.4 Policy HOU5 of the Local Plan specifies that the development or redevelopment of areas covered by policy HOU2 (above) for residential use will be acceptable in principle provided that the proposal:

- i) Respects the existing form and character of the adjacent area and street scene, with any increase in density or extent of built development integrating harmoniously with surrounding land uses;
- ii) Does not result in an unacceptably low degree of residential amenity for existing or proposed dwellings;
- iii) Is of high quality design, layout and materials; and
- iv) Makes provision for appropriate pedestrian, cycle and vehicle access and parking arrangements in accordance with the Council's parking policy consistent with the character of the development.

4.5 It is considered that these policies from the Local Plan are consistent with the aims of the NPPF in terms of its core planning principles to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to take account of the different roles and character of different areas, and they are therefore afforded great weight.

## 5.0 Analysis

5.1 The site is located within the Residential Development Boundary of Churchdown, as defined on the Tewkesbury Borough Local Plan and therefore the principle of residential development is acceptable. The main issues for consideration are therefore: the size, scale and design of the proposal; and its impact on the character and appearance of the existing dwelling and the street scene; its impact on the amenity of adjoining occupiers; and road safety.

### Design and Impact on Character and Appearance of Area

5.2 As set out above, the current proposal has been revised in order to address officer concerns. As noted above, each dwelling in this row of 6 terraced dwellings measures 7 metres in width, and are characterised by a repetitive pattern of brick and render panels and evenly spaced windows to the front elevation which creates a strong sense of rhythm within the street scene. Whilst the proposed dwelling would be narrower (4.4 metres in width), the revised design seeks to maintain the sense of rhythm by repeating the characteristic arrangement of windows and materials (panels of brick and render) such that the dwelling would now appear as a natural extension to the existing terrace, rather than (as in the previous proposal) as an obvious and incongruous addition (see proposed front elevation). Officers now consider that by virtue of the sympathetic design, the proposed attached dwelling and would respect the character and appearance of the street scene and would not result in a cramped form of development. As such, the reasons for refusal given under application reference 15/00579/FUL have been overcome.

5.3 The proposed rear extension to the existing dwelling and the proposed replacement porch on the front elevation would appear sympathetic in scale, form and materials to the existing dwelling, and would respect the character and appearance of the street scene.

### Residential amenity

5.4 The south-western side elevation of the proposed dwelling would be set back 0.1 metres from the respective site boundary, and approximately 2.3 metres from the side elevation of the adjacent dwelling to the south-west, no. 52 Grove Road. The front elevation of the principal element of the proposed dwelling would sit some 3.5 metres forward from the front elevation of the principal element of the adjacent dwelling at no. 52, and its rear elevation would not project beyond the rear elevation of no. 52. By virtue of the scale and form of the proposed dwelling, its proximity and positioning relative to no. 52, and the absence of any windows on the side elevation of this adjacent dwelling, it is considered that the proposed development would not have any significant adverse effect on adjoining occupiers at no. 52 in terms of overshadowing or overbearing impact.

5.5 The proposed dwelling is considered to be sufficiently distanced from all other neighbouring dwellings, and it is judged that this would not unreasonably affect the amenity of adjoining occupiers.

5.6 No windows are proposed for installation in the side elevation of the dwelling. The proposed windows and doors on the front and rear elevations would not directly overlook adjacent sites, and they are considered to be sufficiently distanced from neighbouring dwellings so as to avoid any significant detrimental impact on adjoining occupiers in terms of loss of privacy.

5.7 It is considered that these would have no significant detrimental impact on adjoining occupiers as a result of the proposed rear extension and replacement porch in terms of overshadowing, overbearing impact or loss of privacy.

5.8 Adequate rear garden areas would be maintained for both the proposed and existing dwellings. A condition is recommended requiring details of proposed boundary treatment along the boundary between the two rear garden areas.

### Road Safety

5.9 At the closest point the proposed 2-bed dwelling would be set back approximately 4 metres from the front site boundary, and the driveway would be some 4.8 metres wide. This would allow for 1 no. usable car parking space, in accordance with the minimum dimensions given under the Gloucestershire County Council "Standing Advice: Proposed or Existing Residential Development comprising 5 dwellings or less". This is considered to be acceptable taking into consideration the size of the proposed dwelling. There is an existing garage in this location and a dropped kerb towards the front of the site. Therefore the precedent for vehicular access has already been set.

5.10 The existing single storey projecting element on the front elevation of the existing dwelling would be replaced by a smaller porch, which would result in the area towards the front of the existing dwelling, which is used for off-road parking, increasing in size. It is considered that the cumulative residual impact of the proposed development on highway safety would not be severe.

#### Other considerations

5.11 Concern has been raised from Churchdown Parish Council that the existing house is being used as a HMO and that to further develop the site in these circumstances would be undesirable. Planning permission is not required for the change of use from a dwellinghouse (Use Class C3) to the use of a dwellinghouse by not more than six residents as a HMO (Use Class C4). If an HMO is occupied by more than 6 people sharing, then this falls under the Use Class "Sui Generis" and a separate planning application would be required for this. However, the application has been submitted to show a 2-bed self-contained dwelling attached to the side elevation of 50 Grove Road, and the application is determined on this basis.

### **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 on the application form received by the Local Planning Authority on 22nd November 2015, approved drawing no. '15/1902/02 E' received by the Local Planning Authority on 9th December 2015, approved drawing nos. '15/1902/03 C' and '15/1902/04 C' received by the Local Planning Authority on 30th December 2015, and any other conditions attached to this permission.
- 3 The external facing materials to the development hereby permitted shall match in colour, form and texture those of the existing dwelling at 50 Grove Road.
- 4 Prior to the commencement of building operations, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed before the dwelling hereby permitted is occupied, and shall be carried out in accordance with the approved details and thereafter retained.
- 5 The dwelling hereby permitted shall not be occupied until the vehicular parking facilities have been provided in accordance with the submitted drawing no. "15/1902/02 E", received by the Local Planning Authority on 9th December 2015, and shall be maintained available for that purpose thereafter.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows, other than those expressly authorised by this permission, shall be inserted in either side elevation of the development hereby permitted without the prior express permission of the Local Planning Authority.

- 7 The development hereby permitted shall not 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 approved details before the dwellinghouse hereby permitted is first occupied.

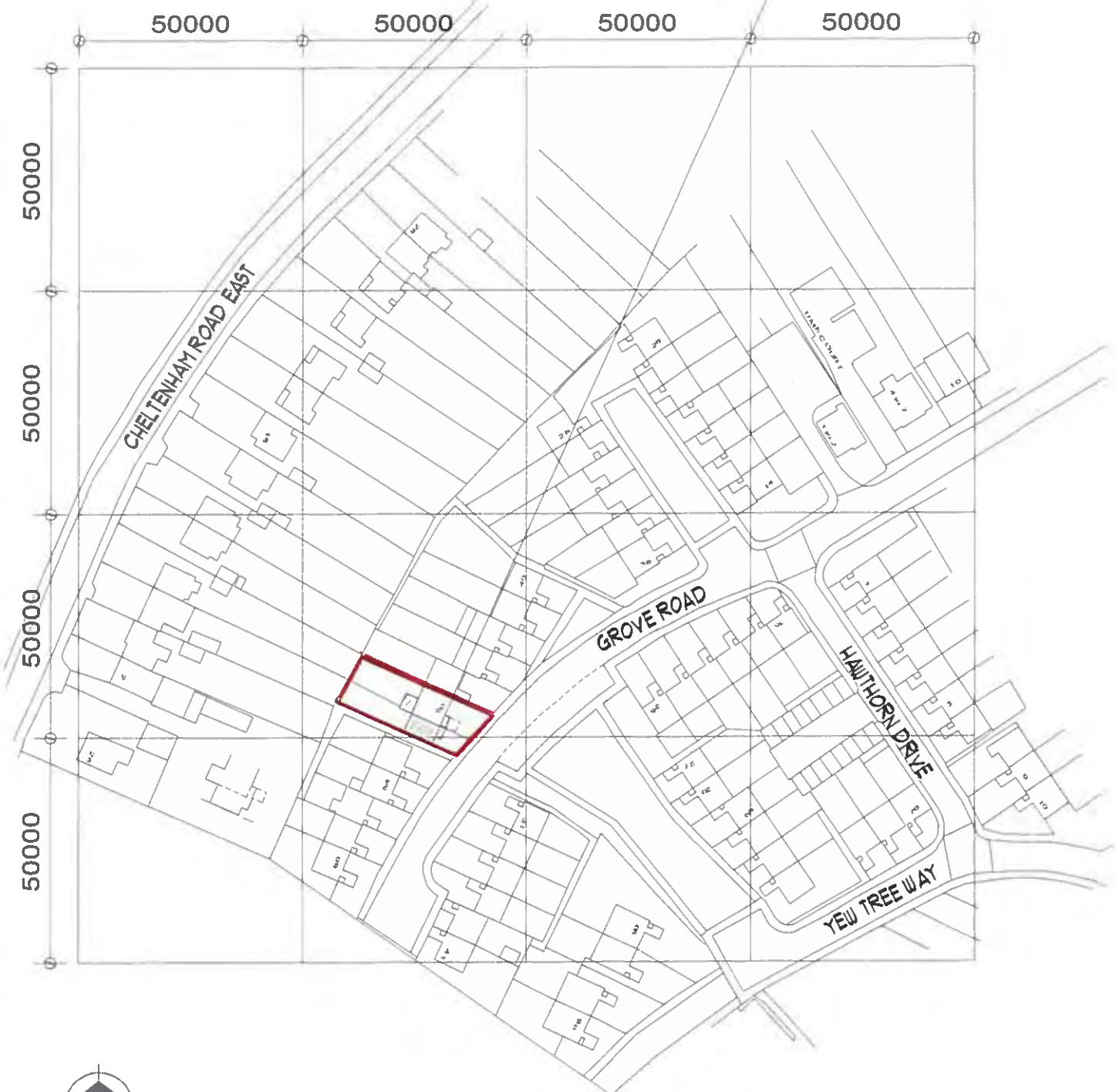
Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 3 To ensure that the 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 policies HOU2 and HOU5 of the adopted Tewkesbury Borough Local Plan and the principles of the National Planning Policy Framework (2012).
- 4 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to protect the residential amenity of adjoining occupiers, in accordance with policies HOU2 and HOU5 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).
- 5 To reduce potential highway impact in accordance with policy TPT1 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and paragraph 39 of the National Planning Policy Framework (2012).
- 6 To protect the residential amenity of adjoining occupiers in accordance with policy HOU5 of the adopted Tewkesbury Borough Local Plan and the principles of the National Planning Policy Framework (2012).
- 7 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policy EVT9 of the adopted 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 worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating to improve the design and to ensure the character and appearance of the street scene is protected.
- 2 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 3 A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is £97 per request. The fee must be paid when the request is made.

15/01254/FUL



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<h1>AC Design (UK) Ltd</h1>		Alex Clennett B. Arch. Architect Fountain Gate Studios, Churchdown, Churchdown, Glos GL52 9AL	
project	50 GOLDEN VALE, CHURCHDOWN, GLOUCESTER		
client	Mr M SHORTING		
drawing	LOCATION PLAN		scale: 1:1250 15/1902/04
tel: 01452 531112	e-mail: alex@acdesignukltd.com		

C

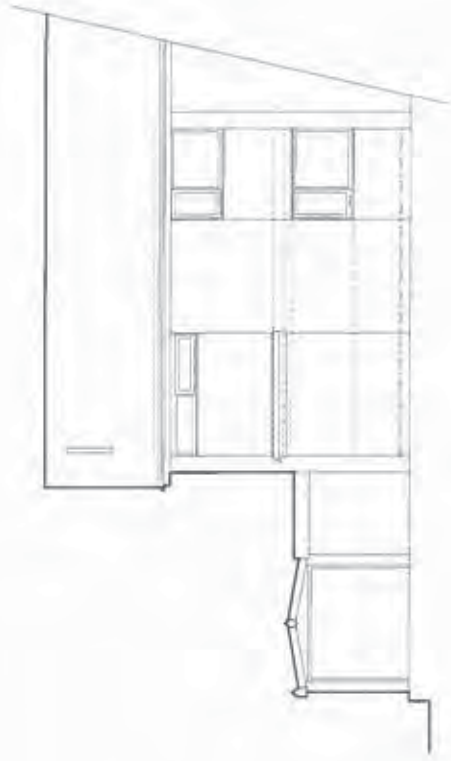
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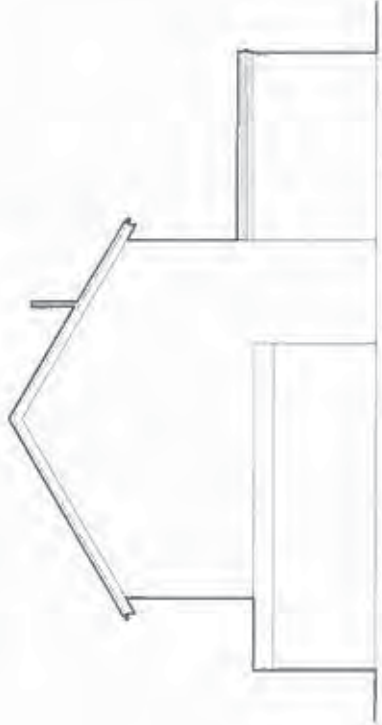
FIRST FLOOR PLAN



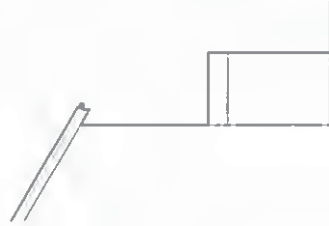
GROUND FLOOR PLAN



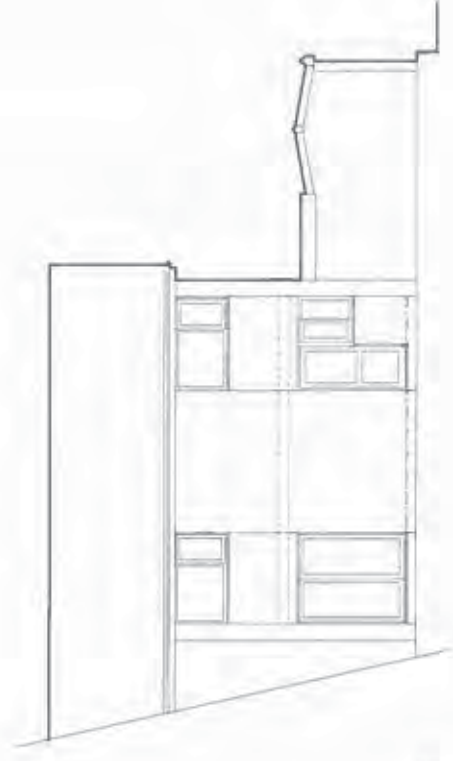
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION



703/B

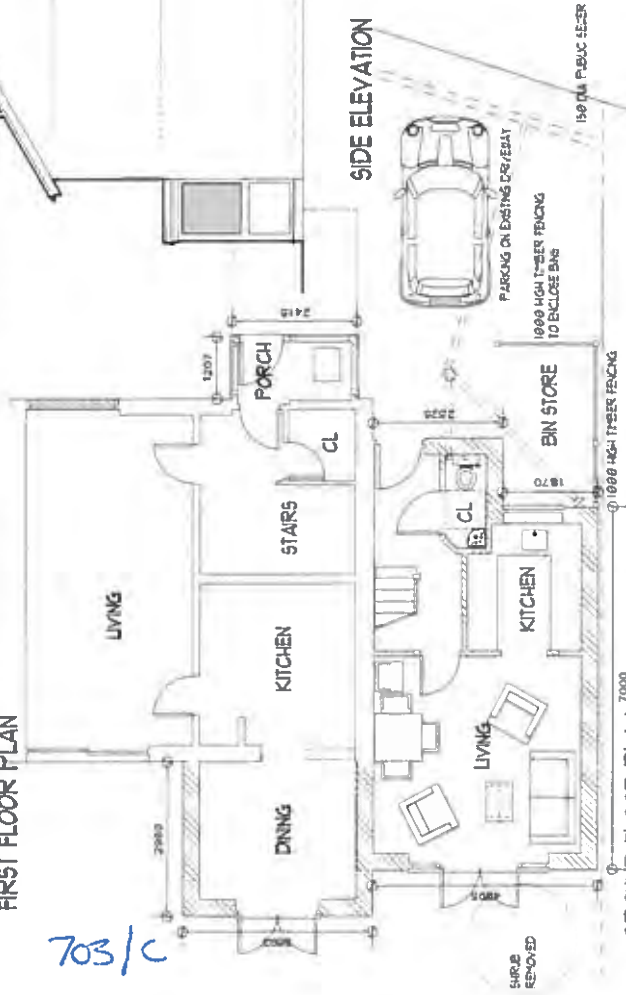
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PROPOSED PLANS AS  
 REFUSED UNDER  
 APPLICATION REFERENCE  
 15/00579/FUL

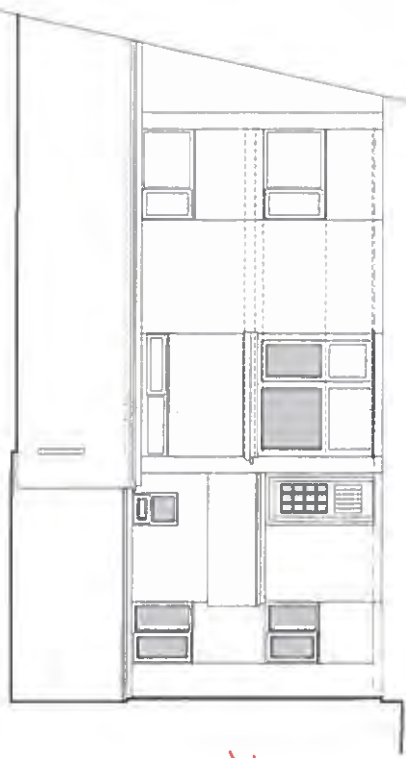


FIRST FLOOR PLAN

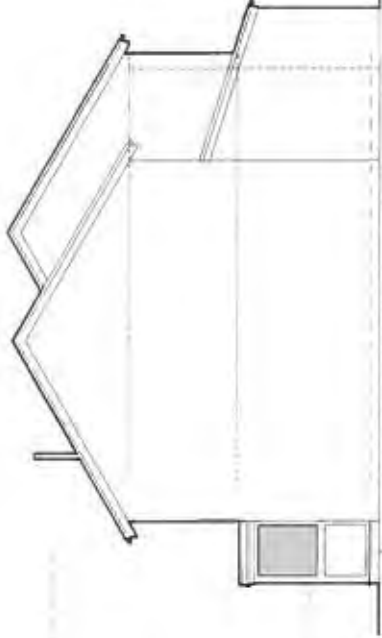
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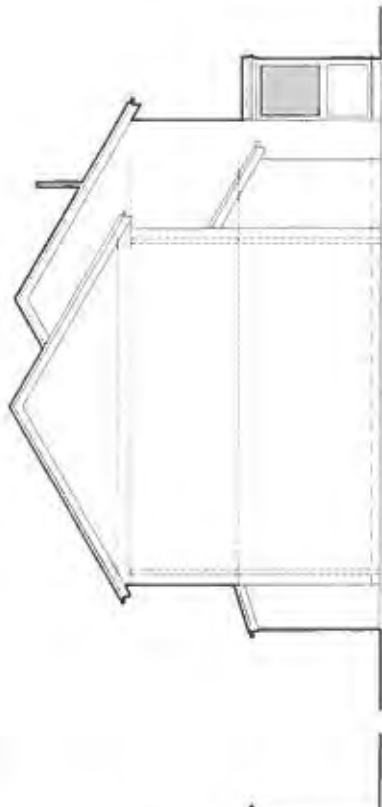
GROUND FLOOR PLAN 7000



FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION

**A C Design (UK) Ltd**  
 Mr & Mrs J P Mitchell B.A. (Architects)  
 1, London Road, Stratford, Gloucestershire, Gloucester, G6 5 2AA

PROJECT: 50 & 50A GROVE ROAD, CHURCHDOWN, GLOUCESTER

DATE: 15/11/15

BY: Mr M SHORTING

SCHEME DRAWING - OVERALL SCHEME

tel: 01452 53112

e-mail: alex@acdesignukltd.com

**A**





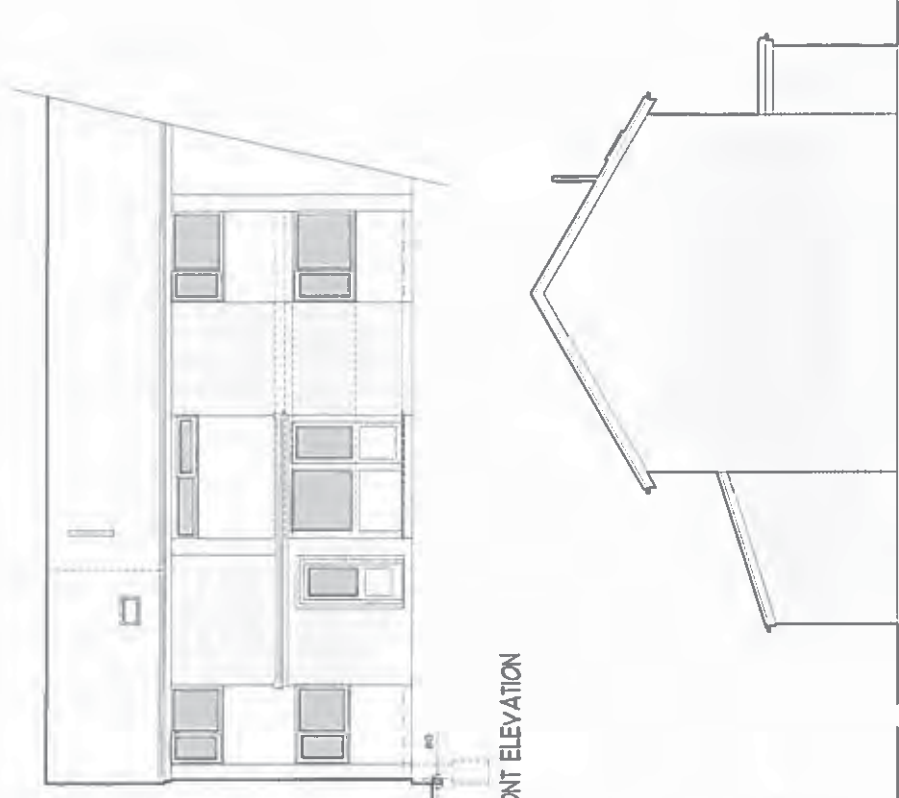
FIRST FLOOR PLAN



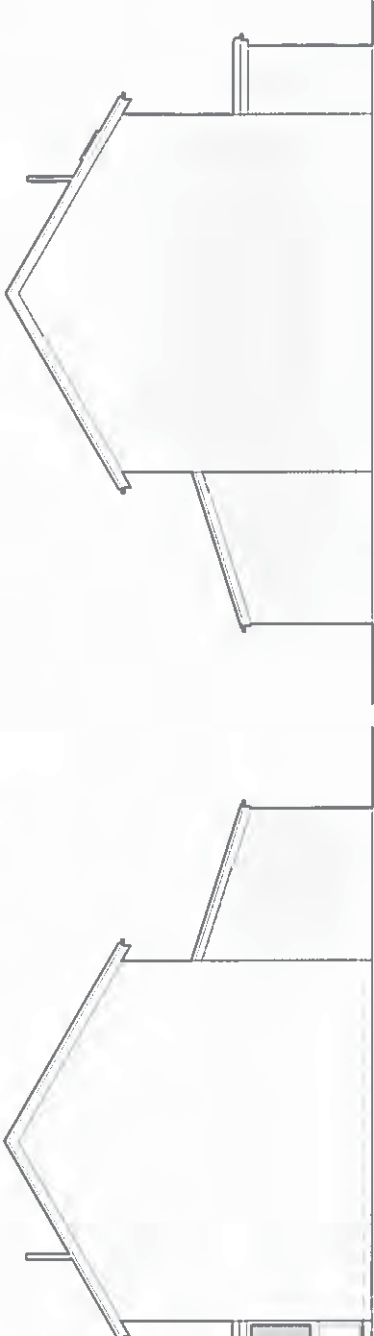
GROUND FLOOR PLAN

- GREY CONE PROPERD TILES TO MATCH EX'ING
- VELUX ROOFLIGHT
- WHITE UPVC WINDOWS
- RED FACEROCK TO MATCH EX'ING
- WHITE RENDER PANELS BELOW WINDOWS
- WHITE UPVC DOOR

FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION



**A/C Design (UK) Ltd**  
 Alex C. Leighton (P. Althorn) IP Archt. Architects Ltd  
 50 & 50A GROVE ROAD, CHURCHDOWN, GLOUCESTER  
 Mr M SHORTING  
 15/1902/02  
 SCHEME DRAWING - OVERALL SCHEME  
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 e-mail: alex@acdesignukltd.com

703/D

## 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 Milton	Tewkesbury Town with Milton 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.