



APPENDIX A
Agenda Item No. 5A

TEWKESBURY BOROUGH COUNCIL

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 14 March 2017

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(744 - 769)	(770 - 853)

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. (744 - 853)

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) 14th March 2017

Parish & Reference	Address	Recommendation	Item & page numbers	
Ashchurch Rural 16/00665/FUL Click Here To View	Land rear of Queens Head Inn A46 Aston Cross Tewkesbury	Delegated Permit	4	758
Badgeworth 16/01185/FUL Click Here To View	5 Trumpeter Road Badgeworth Cheltenham	Permit	9	814
Badgeworth 16/01400/FUL Click Here To View	Easy Bee Shurdington Road Shurdington	Permit	14	840
Badgeworth 16/01463/FUL Click Here To View	Land Between Brook Cottage & Brook House Shurdington Road Shurdington	Refuse	6	788
Churchdown 16/01315/FUL Click Here To View	3 Parklands Salvia Close Churchdown	Delegated Permit	12	830
Highnam 16/00486/OUT Click Here To View	Land South of Oakridge Highnam	Delegated Permit	5	770
Minsterworth 16/00670/OUT Click Here To View	Land at Hector Farm Hygrove Lane Minsterworth	Permit	7	792
Minsterworth 16/01293/OUT Click Here To View	Pound Cottage Main Road Minsterworth	Permit	11	823
Norton 16/01172/FUL Click Here To View	Part Parcel 3100 Wainlode Lane Norton	Delegated Permit	15	843
Prescott 16/01457/FUL Click Here To View	The Old Vicarage Stanley Pontlarge Winchcombe	Permit	3	754

Parish & Reference	Address	Recommendation	Item & page number
Shurdington 16/01268/FUL Click Here To View	Land at Gwinnett Court Main Road Shurdington	Permit	10 817
Shurdington 16/01393/FUL Click Here To View	Shalands Main Road Shurdington	Permit	13 836
Stoke Orchard And Tredington 16/01304/OBM Click Here To View	Land North East of Duckstone House Dean Lane Stoke Orchard	Refuse	1 744
Uckington 16/01434/FUL Click Here To View	Lowdilow Farm Lowdilow Lane Elmstone Hardwicke	Refuse	2 747
Woodmancote 16/00860/FUL Click Here To View	Land at Hillview Stables Bushcombe Lane Woodmancote	Permit	8 804

3.3 The supporting letter reiterates that the purpose of planning law is to regulate land use, and that it is a well-accepted principle of planning law that ownership of land is relevant only to the extent that it is germane to the enforcement of conditions and obligations. The applicant subsequently requests that the Council reviews its earlier decision, as they are intending to submit an appeal and want to avoid all parties incurring the necessary costs of an appeal.

3.4 As with the previous application, the same supporting statement has been provided. It explains that payments were made to the Borough Council in 2008 for the future maintenance of the POS and for the provision of environmental improvements including for example seating and planting (see history above). The POS has been laid out, levelled and seeded by the applicant. Fencing has been erected to all sides of the POS with an access gate for maintenance equipment as well as a pedestrian gate. It is also stated that since 2007 the applicant has laid the POS to grass and planted a number of cherry trees and undertakes the regular maintenance including mowing the grass not less than 3 times per year. It is advised that notwithstanding the payment to the Council in 2008 of the contribution of £5000 for the provision of environmental improvements and £900 for maintenance no such improvements or maintenance to the POS land have been provided or undertaken by the Council. The Community and Economic Development Officer has previously advised that no improvements or maintenance of the POS has taken place as the land has not been transferred to the Council as required by the S106. Legal proceedings on this matter have been suspended to await the outcome of this application.

3.5 The Modification to the S106 being sought is to release the applicant from the requirement to transfer the POS to the Council. The modified S106 would still contain the obligation to maintain the POS and would be enforceable by the Council against the Applicant and its successors in title. It is also stated that the Commuted sum for future maintenance (£900) and the payment for environmental improvements (£5000) already paid by the Applicant to the Council should be held as a deposit by the Council to invest and call upon in the event of any breach by the Applicant or its successors in title, of the obligation to maintain the POS space in accordance with an agreed maintenance schedule.

4.0 Policy Context

4.1 Section 106A of The Town and Country Planning Act 1990 provides:

A person against whom a planning obligation is enforceable may, at any time after the expiry of the relevant period, apply to the appropriate authority for the obligation—

(a) to have effect subject to such modifications as may be specified in the application;

and subsection (6) provides:

Where an application is made to an authority under subsection (3), the authority may determine—

(a) that the planning obligation shall continue to have effect without modification;

(b) if the obligation no longer serves a useful purpose, that it shall be discharged; or

(c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

5.0 Analysis

5.1 The supporting statement sets out the reason for the requested modification is that since 2008 the Applicant has carried out the landscaping and regular maintenance of the POS to a high standard.

5.2 The modification to the S106 is identical to those in the previous application and is proposed as follows:

1. The maintenance obligations would be set out in detail in the S106 Agreement and would be enforceable against the owner for the time being of the POS. This ensures that the POS would be maintained and managed to a high standard.

2. The Council would be able to enforce the maintenance regime against the Applicant and his successors in title utilising its enforcement powers under S106.

3. In the unlikely event of any breach by the Applicant of those obligations the Council has powers of entry to undertake any remedial works under S106 (6) and would hold the deposited sum of £5900 to draw upon to fund any such works.

4. The Applicant would enter into a covenant not to use or permit the use of the land for any purpose other than for open space for use by the general public, not to erect any buildings or structures thereon and to permit public access at all times. A draft Deed of Variation has been submitted with the application which sets out the proposed modifications, including a detailed management and maintenance regime.

5.3 The Parish Council has raised strong objections to the proposed modification of the S106 and wish the land to be transferred to them so that it can remain as POS in public ownership.

5.4 Whilst the officer recommendation was to approve the previous application, the Planning Committee determined to refuse it on the basis that the modification to the Section 106 Agreement would not serve the purpose of the obligations equally well. This is because the Committee considered that it was only the transfer of land to public ownership that is likely to secure the safe and unfettered access by the public to this public open space. The previous refusal is a significant material consideration in this case and the applicant has submitted no further amendments to address the Committee's concerns.

6.0 Conclusion

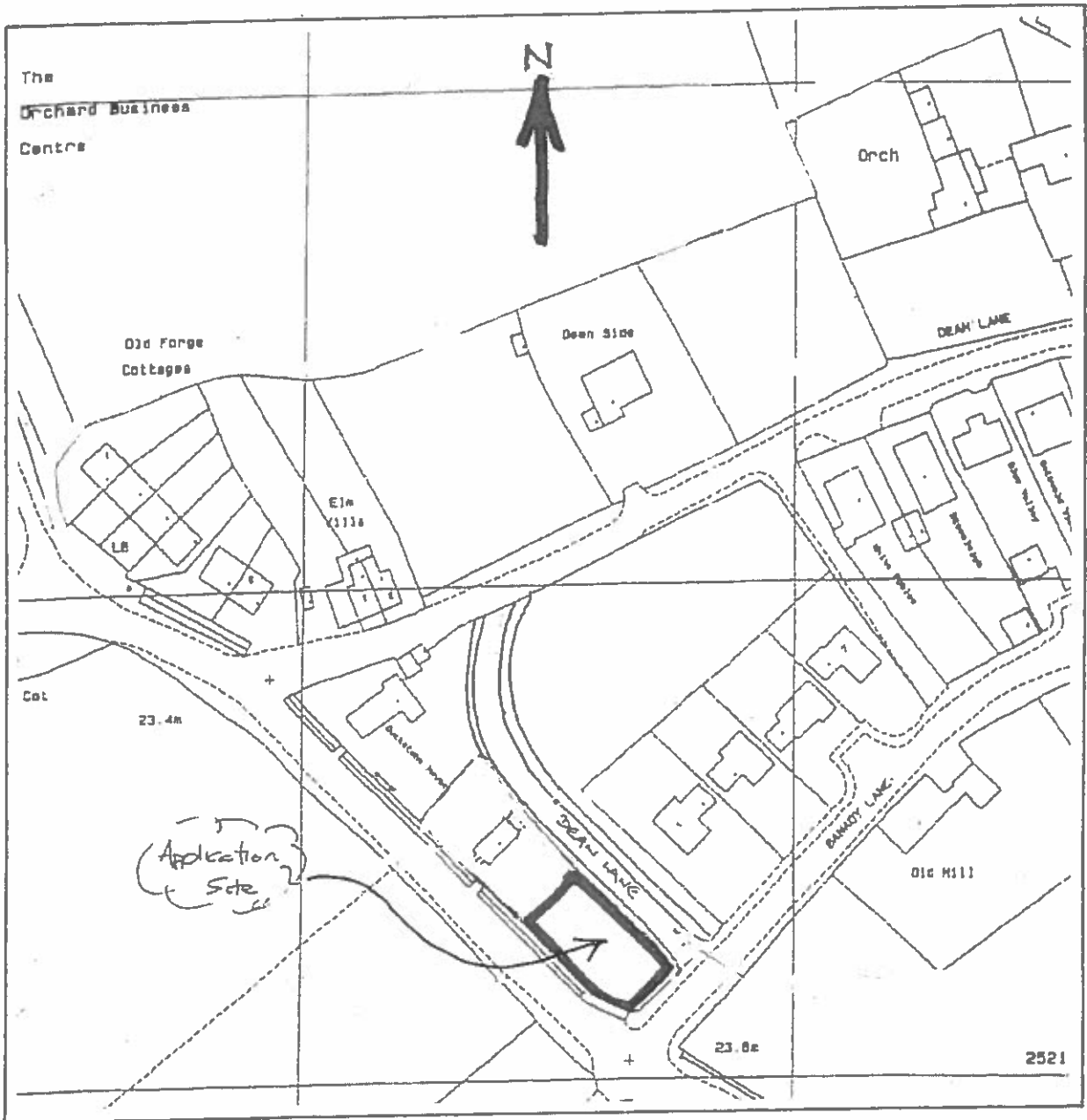
6.1 In light of the above it is recommended that permission is refused.

RECOMMENDATION Refuse

Reason:

The proposed modification to the Section 106 Agreement will not serve the purpose of the obligations equally well as it is only the transfer of the public open space land into public ownership that is likely to secure the safe and unfettered access by the public to this public open space.

16/01304/08M



1:1250 SITE LOCATION PLAN

746/A

From: Clerk - Stoke Orchard & Tredington PC [REDACTED]
Sent: 12 December 2016 07:14
To: Development Applications
Cc: Councillor Gore
Subject: Comments for 16/01304/OBM
Attachments: Old Chapel Site from Google Earth 30-04-2007 Building site.jpg; Old Chapel Site from Google Earth August 2010 From Banady Lane.jpg

Categories: Jane



Old Chapel Site - Google Earth 2010



16/01304/OBM - Modification of S106 Agreement for the release from the obligation to transfer the Public Open Space to the Council. - LAND NORTH EAST OF DUCKSTONE HOUSE, DEAN LANE, STOKE ORCHARD

Stoke Orchard & Tredington Parish Council OBJECT most strongly to application - 16/01304/OBM - Modification of S106 Agreement for the release from the obligation to transfer the Public Open Space to the Council. - LAND NORTH EAST OF DUCKSTONE HOUSE, DEAN LANE, STOKE ORCHARD.

SO & TPC wish to confirm and submit comments for this application from similar application 16/00803/OBM, which was refused by planning committee. Everything spoken by SO & TPC and TBC at that Planning Committee meeting on 27th September 2016 for previous similar application 16/00803/OBM still stands - and would like to remind of the comment minuted by TBC at that meeting 'reference to an email from a former Borough Councillor for the area, dated 2 April 2014, which stated that "the last I heard was that the owner was intending to finish the fencing, level the rest of the soil, and then probably turf the area".

SO & TPC attach 4 x photos from 2010 for information. These photos from Google Earth in 2010 show that no planting has been done – and the fence is not complete along the ditchside at that time.

SO & TPC have always maintained the wish to own this land and to preserve it as Public Open Space and that wish has not changed. The regulations concerning the handover of the land under the S106 agreement required the land to be prepared to 4.2.1.1 and 4.2.1.2 before the official handing over the Tewkesbury Borough Council. Following this, the land would be placed in the public ownership under the Stoke Orchard and Tredington Parish Council. The applicant has failed to comply with the re-instatement of the land under the aforementioned clauses until very recently. We note that in the Statement in support of this application that it states that the P.O.S. under consideration has been laid out, levelled and seeded by the Applicant. And that all obligations under 4.1.1.1 and 4.2.1.2 have been discharged. This discharge is over 8

years from the initial date. The Parish Council wishes to make it clear that the seeding has only recently taken place and perhaps solely in preparation for this application it might be suggested and that for at least 6 years the land was unkempt and unseeded.

The Applicants refusal to comply with regulations should not deny the Parish Council of land originally gifted as POS under a S106 Agreement.

We make the following observations in support of our Objection.

The site is on the entrance to Banady lane and as such forms a critically important part of open space in terms of its visual amenity.

The Site was deemed necessary to include in the original 106 and this need has increased considerably.

The Parish Council are happy to take the site on and maintain it (subject to payment of the maintenance sum)

In council or parish ownership there is the ability to maintain, control and improve the adjacent ditch which has causes much trouble. In public ownership there is certainty of control for the benefit of the wider community. In private ownership, only the interests of the landowner will be considered.

Beyond the above reasons, the parish council have a number is practical uses for the land including village notice board, Dove cote, refuge/safe waiting point for children waiting for the bus.

Both the Borough and Parish Council have committed hundreds of man hours to effecting this transfer over the last 9 years and these will be totally wasted is this application is successful.

SO & TPC request full support from the Tewkesbury Borough Planning Authority who have failed to date to execute the original S 106 and to ensure that the original S106 proposal of the transfer of land to the Stoke Orchard & Tredington Parish Council still takes place. The Parish Council value this piece of land highly and consider it's gift was a material factor in the original application being supported. It must be stated that any covenants on future use cannot be restrictive covenants as there is no retained land meaning they will be positive covenants which are virtually unenforceable. It is therefore vitally important that the land should remain as P.O.S. under Public Ownership.

SO & TPC would also like to submit a copy of minutes from TBC Planning Committee Meeting of 27 September 2016 which are applicable and relevant to this new 16/01304/OBM application

The (Stoke Orchard & Tredington) Parish Council wished to register its objection to the application in the strongest way. This was based on a number of facts, including the applicant being named in the original Section 106 Agreement. The terms of the Section 106 were triggered in 2007 by the occupancy of the first residential unit in the relevant development; the terms were yet to be complied with and the Public Open Space had been denied to the community as a result of the applicant's actions. In the past 10 years, more than 60 new residential units had been built or approved within this area of the village; there were now over 220 dwellings throughout the whole village which was 160 more than the designated Planning department quota for the village. The small area of Public Open Space was the only undeveloped area on the north side of the main road through the village and was pivotal both in its aspect and as a facility for the community. The Parish Council was adamant that it was best suited to maintain and uphold the Public Open Space for the benefit of the community it served. The Parish Council was about to become responsible for the Public Open Space on the Orchard site and would be well placed to maintain and uphold both sites in a combined contract. The past and present Members of the Parish Council, in association with the Officers and relevant Councillors of the Borough Council, had actively pursued the resolution of the terms of the Section 106 for the past nine

746/10

years and, amongst the main documents which had changed hands, there were plans by the Borough Council to invoke legal action to obtain the said land due to the refusal to comply with the terms of the Section 106. The statement at Paragraph 3.2 of the Officer report, "the applicant has fenced and maintained the area since 2007" was considered to be misleading and made reference to an email from a former Borough Councillor for the area, dated 2 April 2014, which stated that "the last I heard was that the owner was intending to finish the fencing, level the rest of the soil, and then probably turf the area". The Parish Council was concerned that private control of the Public Open Space may, in light of the historic facts, prevent unfettered and unconditional access for the benefit of the community; indeed, the letter of response to the Parish Council comments on this application suggested restrictions as to the proposed layout and use of the area. To ensure ongoing benefit, the Parish Council insisted that ownership and control must be in the hands of the community itself. On the basis of these facts, the Parish Council strongly objected to the application.

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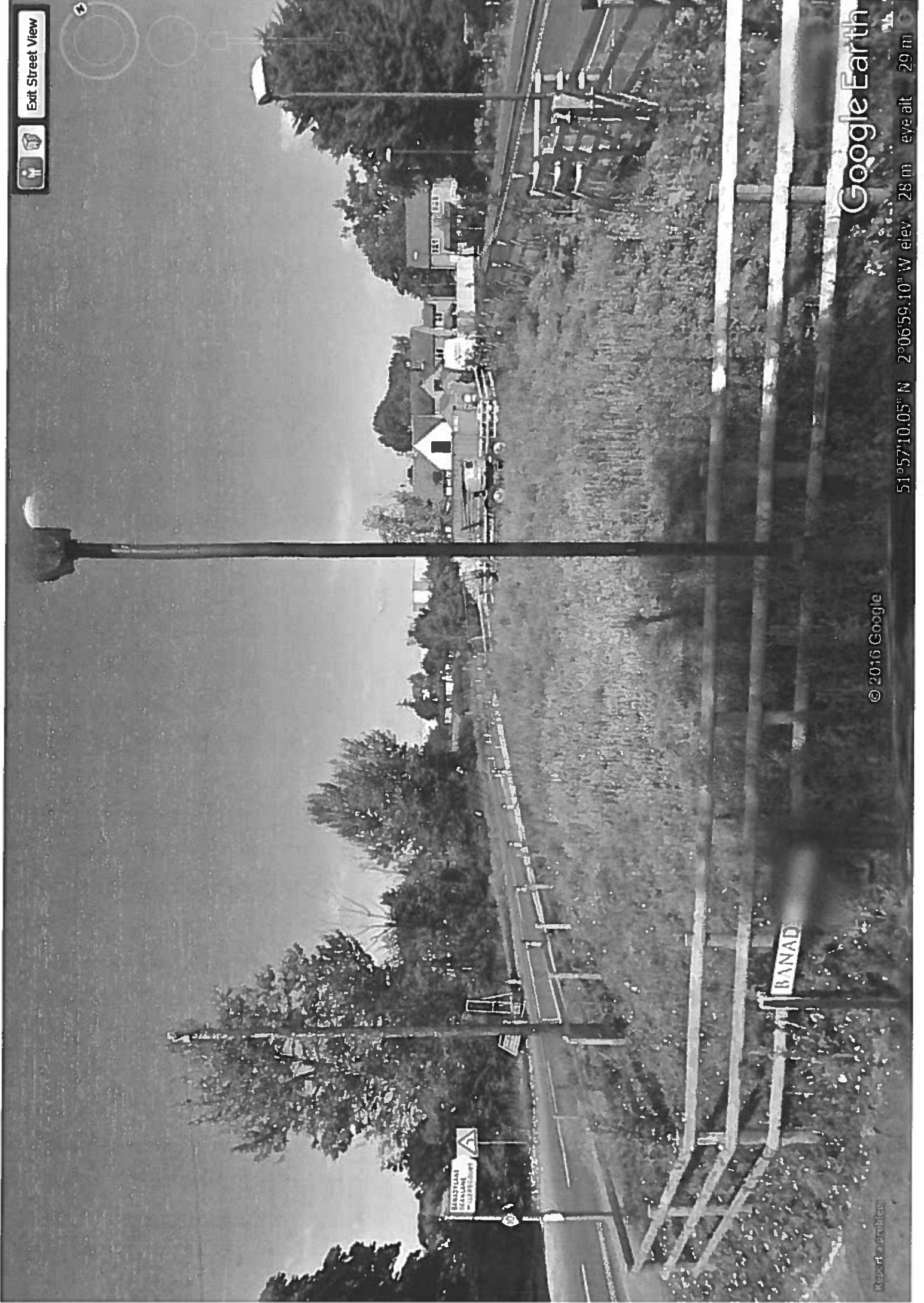
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Google Earth

1945

Imagery Date: 4/30/2007 51°57'09.07" N 2°06'55.92" W elev 26 m eye alt 112 m

Exit Street View



BANAD

BANAD
ROAD

Report a problem

© 2016 Google

Google Earth

51°57'10.05" N 2°06'59.10" W elev. 28 m eye alt. 29 m

16/01434/FUL

Lowdilow Farm, Lowdilow Lane, Elmstone Hardwicke

2

Valid 16.12.2016

Development of 1no. accessible dwelling (ancillary to principle dwelling) following demolition of existing agricultural building

Grid Ref 392486 226583

Parish Uckington

Ward Coombe Hill

The Warren Family
c/o Agent

RECOMMENDATION Refuse

Policies and Constraints

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, HOU8, GBR1, TPT1, LND4, AGR6, AGR7

Main Modifications Joint Core Strategy

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

Councillor Waters - Request application go to committee with a site inspection to consider impact to the Green Belt and scale

Uckington Parish Council - No response received

Elmstone Hardwicke Parish Council (adjacent Parish) - No response received

Environmental Health - No comments to make

Lead Local Flood Authority - No comments to make as this is not a major application

Highways Authority - No comment refer to standing advice

Local Residents

5 comments have been received in support of the application (summarised):

- The farm was previously in a poor state of repair when Gloucester County Council rented it out to a tenant farmer
- The current owners have spent a large amount of money bringing it up to a respectable level. They have re-planted hedges and trees and in-filled a dangerous slurry pit
- Lowdilow Farm did not flood in 2007 but Lowdilow Lane was impassable by the Severn Trent pumping station
- The existing buildings are extremely unsightly, have been redundant for a long time and there is nothing pleasing whatsoever about the buildings. They should be demolished and replaced.
- The current owners have no obligation to maintain the structures and they may fall into a further state of disrepair. The buildings are visible from the public highway and their poor condition is not pleasant
- It is unfair that 4,000 houses may be built nearby but the authority will not approve the creation of a single home
- It should be taken into consideration that the family are trying to care for a disabled family member
- The proposal will not affect anybody in the village in a negative way
- The proposal would not impact on traffic on the lane
- The development is not inappropriate development in the Green Belt and should be considered as an exception
- The development will not harm the Greenbelt and the social, economic and community benefits will outweigh the perceived harm
- Over the last 50 years the village structure has changed significantly despite the Green Belt status without detriment to the village
- The emerging JCS proposes that the application site is removed from the Green Belt. If this is the future, surely there is justification for allowing this development sooner rather than later
- Whilst the site is remote with limited access to public transport this has not prevented previous recent applications from being approved
- The proposal will not increase reliance on the private motor vehicle as this reliance is already a necessity for the existing residents

- As Lowdilow Farm has changed from a dairy farm to a residence there has already been a reduction in vehicle movements in Lowdilow Lane
- Previous permissions have set a precedent for new dwellings in this broad location
- Very special circumstances exist as the proposal will provide a home for a paraplegic family member who requires around the clock care
- Very special circumstances exist as the proposed building will replace mismatched buildings in poor repair with an unobtrusive family home which will enhance the current eyesore and thus compliment the Green Belt

1 comment has been received objecting to the application (summarised)

- No work has been done by the present owners to resolve flood issues at Lowdilow Farm
- The application site floods. During the 2007 floods, the site of Lowdilow Farm buildings flooded leaving the farm house completely surrounded by pluvial flood water

Planning Officers Comments: Paul Instone

1.0 Application Site

1.1 The application site is located at Lowdilow Farm which is located towards the end of Lowdilow Lane. Lowdilow Farm comprises a number of agricultural, domestic and storage buildings within a complex, and this application relates to an existing storage barn immediately adjacent to the main entrance.

1.2 The barn was formerly used as a milking parlour when Lowdilow Farm was in active use for agricultural purposes. Although the agricultural use ceased a number of years ago, this was the last known use.

1.3 The building to the north of the application site, within the farm complex, benefits from a B8 consent for the general storage and distribution of exhibition equipment and is used in association with the applicant's family business.

1.4 The application site is located within the Green Belt, and the site lies immediately adjacent to a high risk flood area. There are no other land use designations on the site.

2.0 Relevant History

2.1 On 9th June 2008 planning permission was refused for the demolition of outbuildings and a single storey extension, and the erection of a two storey extension comprising kitchen/breakfast room, utility room, cloak room, lobby, bedroom with en-suite, and bathroom (reference 08/00478/FUL). The application was refused as the proposal was contrary to Green Belt policy.

2.2 On 24th June 2014 planning permission was granted for the change of use of an existing building (to the north of the barn subject to the current planning application) from agricultural storage to B8 general storage and distribution of exhibition equipment, including external alterations to the building (reference 14/00030/FUL).

2.3 On 21st August 2015 planning permission was refused for extensions, external alterations and conversion to a dwelling of the barn which is proposed to be demolished in the current application (15/00540/FUL). The application was refused as the proposal was contrary to Green Belt policy and the extent of the proposed unsympathetic alterations and extensions to the existing barn would mean the resultant building would fail to retain its rural character and traditional appearance, contrary to local plan rural buildings conversion policies. The application was also refused as the site was remotely located relative to the nearest amenities and not served by adequate footways, cycleways, or public transport facilities.

2.4 In July 2016, planning application (reference 16/00418/FUL) for the demolition of existing farm storage buildings and erection of accessible dwelling (ancillary to principle dwelling) was refused. This proposed dwelling was similar to the current proposal, albeit the footprint of the proposed dwelling was slightly larger in application reference 16/00418/FUL. The application was refused as the proposal was contrary to Green Belt policy and the site is remotely located relative to the nearest amenities and facilities and not served by adequate footways, cycleways, or public transport facilities.

3.0 Current Application

4.0 Policy Context

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

4.2 Paragraph 14 of the NPPF indicates that sustainable development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or where specific policies within the Framework indicate that development should be restricted. Footnote 9 to paragraph 14 gives examples of where policies in the NPPF indicate where development should be restricted and includes land designated in the Green Belt.

4.3 Paragraph 55 of the NPPF states that 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.

4.4 The NPPF states that the Government 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. 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.

4.5 The NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. There are exceptions to this including:

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan;
- 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.
- the re-use of buildings provided that the buildings are of permanent and substantial construction.

4.6 This advice is reflected in Policy GRB1 of the Local Plan which is consistent with the NPPF.

4.7 Policy INF3 of the JCS Submission presumes against development at direct risk of flooding and/or development that would increase the risk of flooding elsewhere. Similarly Local Plan Policy EVT5 sets out that development should not exacerbate or cause flood problems.

4.8 Policy HOU4 of the Local Plan seeks to promote sustainable development. Policy HOU4 advises, inter alia, that residential development outside of a residential development boundary will only be permitted where essential to the efficient operation of agriculture or forestry or the acceptable conversion of an existing building.

4.9 Policy HOU8 advises provides guidance on domestic extensions and states that, inter alia, proposals should respect the character and appearance of surrounding development.

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

4.11 The application site is located within Strategic Allocation A5 North West Cheltenham within the emerging Joint Core Strategy.

5.0 Analysis

Principle of Development Location and Green Belt Policy

5.1 The application is for a new build dwelling ancillary to the main house. The applicant has confirmed that they are happy to accept conditions restricting the use for its intended purpose.

5.2 As the application is not for an independent dwelling and this matter can be controlled by condition, the provisions of paragraph 55 of the NPPF and Policy HOU4 of the Local Plan do not apply and the principle of an ancillary dwelling is accepted subject to the provisions of other planning policies, including Green Belt policy and accessibility.

5.3 The application site is located in the Green Belt. Although the site forms part of the Strategic Allocation in North West Cheltenham in the emerging Joint Core Strategy, this is emerging policy and as a matter of fact the application site currently remains in the Green Belt.

5.4 Paragraph 89 of NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include (summarised with relevance to this proposal):

- The extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building.
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- Limited infilling 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.

5.5 The application does not accord with any of these criteria, as the site is not previously developed land (it is agricultural) and the application seeks to replace the building and change the use of the site. The application is therefore inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'.

5.6 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 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.

5.7 The essential characteristic of Green Belts are their openness and their permanence. Further to the previous refusal, the applicant has reduced the footprint of the proposed dwelling in the revised design, and the existing footprint of the barn and the proposed footprint of the dwelling correlate in terms of footprint area.

5.8 In terms of building height, allowing for variations in floor level, the proposed dwelling results in an increase in ridge height of 0.274 metres at the highest point. The scale and mass of the buildings would therefore appear marginally greater than the current building located on the site, in particular from the street scene on the north west facing elevation. However, it is considered that the proposed dwelling would be read

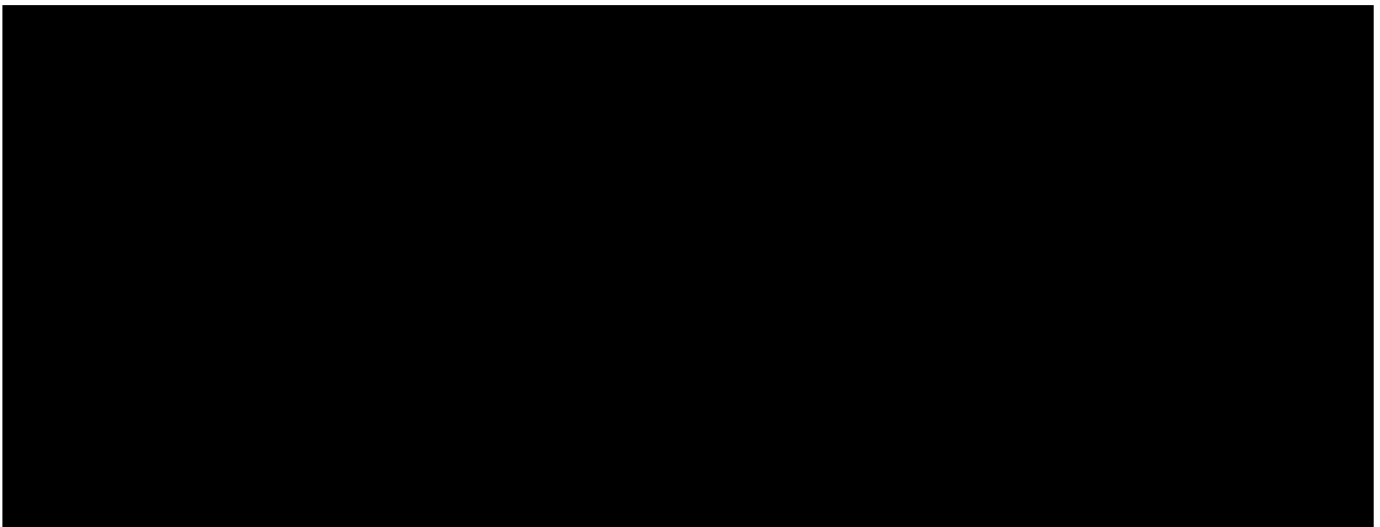
against existing structures on the site which would limit impact arising from the increased scale and mass of the building.

Is the potential harm to the Green Belt outweighed by other considerations?

5.9 The application is inappropriate development, which, by definition, is harmful to the Green Belt. The increased scale and mass of the building would also have some harm to the Green Belt but this is negated by the fact that the building would be read against existing structures on the site.

5.10 There is no formulaic methodology to determine whether any particular factor(s) is a 'very special circumstance', and each individual case must be determined on the planning balance, having regard to the individual circumstances of the proposal. The applicant considers that there are very special circumstances that would collectively outweigh any harm to the Green Belt. These circumstances are set out below.

Personal Circumstances



Design Improvements and Impact on Openness

5.14 The applicant considers that the existing building is unsightly in its current form and therefore its loss and replacement with a well designed single storey building with high quality buildings would represent an enhancement in visual terms.

5.15 A concrete wall around the south east elevation of the building would also be removed as part of the proposals and the applicants would be amenable to providing a landscaping scheme, including the removal of hardstanding (if necessary).

5.16 The applicant considers that the visual enhancements associated with the new building would represent a benefit of the scheme adding to the very special circumstances.

Proximity to Employment

5.17 The applicant has stated that by locating the dwelling on site the need for the carer to commute to work would be removed. The applicant considers that the application site is a sustainable location in this particular case, given the unique set of personal circumstances, and the applicant considers that this adds to the very special circumstances case in this instance.

Local Precedent

5.18 The applicant identifies a recent planning permission (reference 15/00753/FUL) for the demolition of an agricultural building and the erection of a bungalow at The Stables, Lowdilow Lane. The Stables is located approximately 400 metres from the application site and also within the Green Belt. This application proposed a reduction in the ground floor footprint of the existing building on the site and also proposed to exclude the northern section of the application site from the residential curtilage of the dwelling providing open landscaping in this area. It was considered that the removal of hardstanding and fencing/hedgerows within this area, alongside the reduction in the footprint, would have a beneficial impact on the surrounding landscape and would enhance the openness of the Green Belt and the Officer Report for this application

identified very special circumstances relating to visual enhancements to the site and impact on openness. The applicant also notes that The Stables were not considered isolated from facilities and amenities and was not refused due to its isolated location.

5.19 Given the proximity of the application site to The Stables, the applicant considers that due consideration should be given to the planning approval given the similarities in the proposal as the application would re-use a dis-used and unsightly element of the farm.

Conclusions in respect of Green Belt policy

5.21 In respect to improving the visual amenity of the site, the fact the building is in disrepair cannot be considered a very special circumstance. If this were the case it would leave it open to all landowners to neglect land in the hope of being able to develop it at a later stage. In any event, the building to be demolished is read against a backdrop of larger agricultural style buildings, and it is not considered that the proposal would increase the openness of the Green Belt.

5.22 Whilst the needs of the proximity to employment and the family business are noted, it is considered that this does not represent very special circumstances.

5.23 Furthermore the local precedent identified by the applicant is noted. However, each application and any very special circumstances must be considered on its own merits.

5.24 Overall taking account of all of the considerations put forward by the applicant, it is concluded that the proposed development is inappropriate development in the Green Belt and that the very special circumstances proposed by the applicants do not clearly outweigh the harm. These matters weigh heavily against the proposal in light of the clear national and local policy guidance on inappropriate development in the Green Belt and the application is recommended for refusal for this reason.

Sustainable Development and Access

5.25 A precedent for vehicular access has already been set at the gated entrance to the site immediately adjacent to the barn building, and this existing vehicular access would continue to be used. The dwelling would be occupied by relatives of the occupiers of the principal dwelling at Lowdilow Farm and this would therefore suggest that the frequency of vehicular trips to and from the site would be reduced following their occupation of the proposed dwelling on the same site as the family business.

5.26 The proposed dwelling would comprise 2 bedrooms. By virtue of the likely number of traffic movements, and taking into consideration the use of the existing vehicular access, it is considered that the residual impact of the proposed development would not be severe.

5.27 In terms of accessibility, the NPPF 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. The site is beyond an easy walk to the usual travel destinations on Tewkesbury Road (A4019), and is located towards the end of Lowdilow Lane which lacks footpaths or lighting, and which would be likely to discourage its use by pedestrians and cyclists. Public transport is also restricted in the area.

5.28 The application would result in an intensification of residential use on the site and the occupiers of the site would have a high dependence on the car for travel to shopping, leisure, community facilities and other usual travel destinations. The site is inaccessible to people without access to a car and it is the case that the application site is more isolated than precedents identified by the applicant.

5.29 As the proposal would increase the reliance on the private motor vehicle in conflict with the NPPF and Policy TPT1 the application is recommended for refusal for this reason.

Design

5.30 The proposed development should respect the character of and appearance of surrounding area which in this instance is rural in nature. In terms of design, the proposed development is considered to be of an appropriate design for the rural landscape and the scale of the proposal is considered appropriate to the agricultural setting.

Impact on Residential Amenity

5.31 The proposed dwelling would be a 'granny annex' and would be ancillary to the principal dwelling. The proposal would be unacceptable as a separate dwelling due to the layout of the dwelling and the close proximity of the dwelling to the existing farm house which would give rise to overlooking and noise disturbance from vehicle movements which would compromise residential amenity to an unacceptable level. If planning permission is granted it would therefore be necessary to impose a condition preventing the occupation of the proposed 'granny annex' as an independent dwelling.

5.32 The proposed building would be located some distance from the nearest residential properties outside of the curtilage of Lowdilow Farm and it is not considered that there would be a detrimental impact on adjoining occupiers.

6.0 Conclusion

6.1 The site is located within the Green Belt and the proposed development represents inappropriate development which is harmful by definition. It is considered that there are no very special circumstances arising from the proposed development to justify inappropriate development in the Green Belt.

6.2 Further, the site is remotely located relative to the nearest amenities and facilities and is not well served by adequate footways, cycleways, or public transport facilities. As such, the proposal would therefore increase the reliance on the private motor vehicle.

6.3 For these reasons, it is recommended that planning permission is refused.

RECOMMENDATION Refuse

Reasons:

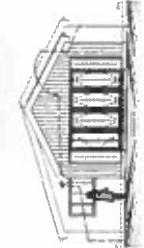
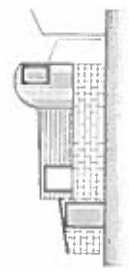
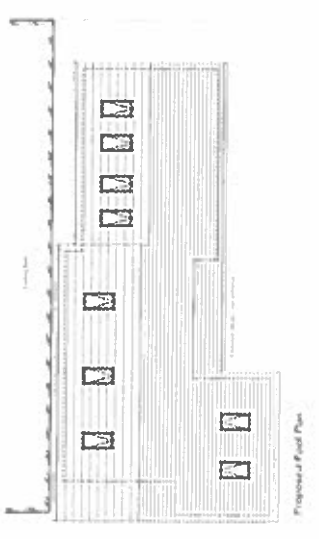
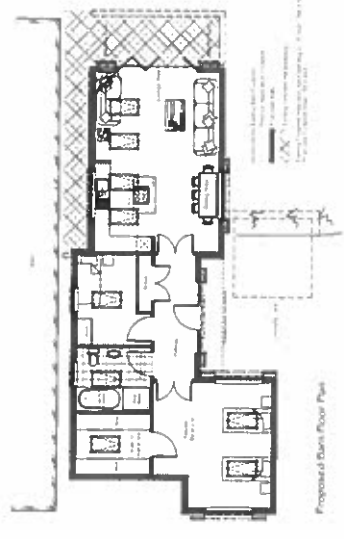
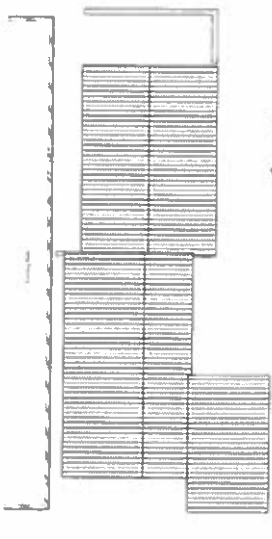
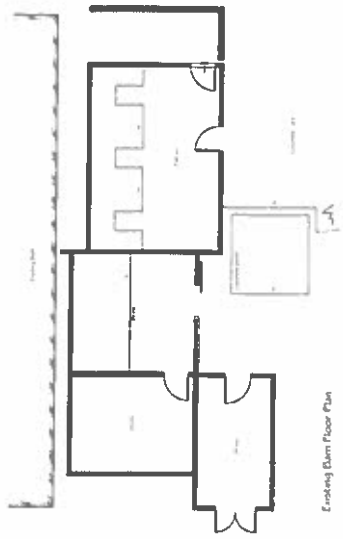
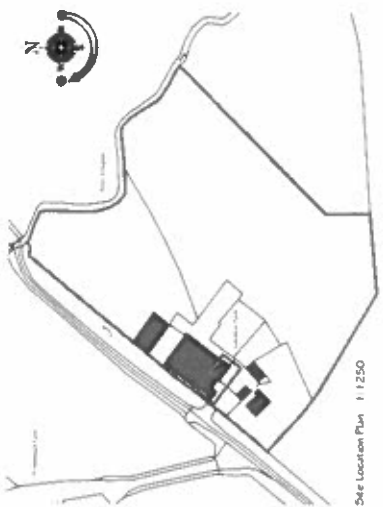
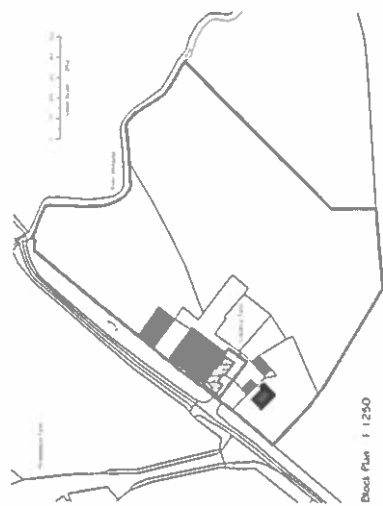
- 1 The proposed development constitutes inappropriate development in, and would materially harm the openness of, the Green Belt in conflict with the purposes of including land in it. The proposal therefore conflicts with policy GRB1 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the provisions of the National Planning Policy Framework (2012).
- 2 The site is remotely located relative to the nearest amenities and facilities and is not served by adequate footways, cycleways, or public transport facilities. The proposal would therefore increase the reliance on the private motor vehicle, contrary to the National Planning Policy Framework (2012) and policy TPT1 of the Tewkesbury Borough Local Plan to 2011 (March 2006).

Note:

Statement of Positive and Proactive Engagement

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

NOTE:
 This drawing is prepared in accordance with the Building Regulations 2010, which provide for the construction of buildings and the use of land in accordance with the Building Regulations 2010. It is not intended to be used for any other purpose. The drawings are prepared in accordance with the Building Regulations 2010, which provide for the construction of buildings and the use of land in accordance with the Building Regulations 2010. It is not intended to be used for any other purpose.



DATE	16/01/2016	SCALE	1:250
BY	MR T WATSON	NO.	16/01434/FUL

Planning			
Mr T Watson 16/01434/FUL Loddlow Farm, Cheltenham			
DATE	16/01/2016	SCALE	1:250
BY	MR T WATSON	NO.	16/01434/FUL
PROJECT	EXISTING & PROPOSED PLANS & ELEVATIONS	NO.	16/01434/FUL
DATE	23-11-2016	SCALE	1:250
BY	MR T WATSON	NO.	16/01434/FUL
PROJECT	EXISTING & PROPOSED PLANS & ELEVATIONS	NO.	16/01434/FUL
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BY	MR T WATSON	NO.	16/01434/FUL
PROJECT	EXISTING & PROPOSED PLANS & ELEVATIONS	NO.	16/01434/FUL

16/01457/FUL

The Old Vicarage, Stanley Pontlarge, Winchcombe

3

Valid 23.12.2016
Grid Ref 399944 230191
Parish Prescott
Ward Cleeve Hill

Proposed garage/store & increased parking & turning area

Mr & Mrs Dean
The Old Vicarage
Stanley Pontlarge
Winchcombe
Gloucestershire
GL54 5HD

RECOMMENDATION Permit

DEFERRED AT LAST PLANNING COMMITTEE FOR SITE VISIT (Item No 1, Page No 613)

Policies and Constraints

National Planning Policy Framework (2012)
Planning Practice Guidance
Main Modifications JCS
Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies, HOU8 and LND7
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)

Cllr Dean is the applicant and therefore this application is required to be considered at Planning Committee

Consultations and Representations

Parish Council - No comments received.

Conservation Objection - No objection subject to conditions.

No letters of neighbour representation received.

Planning Officers Comments: Mr Ciaran Power

1.0 Introduction

1.1 The site is located within the hamlet of Stanley Pontlarge which lies within the Cotswolds AONB. The dwellinghouse associated with the application site is The Old Vicarage and within the site is a Grade II listed outbuilding. The outbuilding has planning permission to be converted into residential accommodation and form its own associated curtilage. The site adjoins the church which is Grade II* listed to the west. The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

2.0 Relevant Planning History

2.1 16/00207/FUL and 16/00208/LBC - Planning application and associated Listed Building Consent for Alterations and conversion of outbuildings to self-contained dwelling, permitted June 2016.

2.2 16/00915/CLP - Certificate of lawfulness (Proposed) for garaging and parking area, Certificate granted August 2016

3.0 Current Application

3.1 This application seeks planning permission for a detached outbuilding which would include a garden equipment store, garaging and first floor storage area. The proposed garage would measure a width of 10m, a depth of 6.7, an eaves height of 3.2m and a ridge height of 6.9m.

4.0 Policy Context

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

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

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

5.0 Analysis

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

Design and Impact on Heritage Assets

5.2 The Old Vicarage is a substantial vernacular house of at least C18 origins, which stands due east of the Grade II* undedicated C12 church at Stanley Pontlarge. Although unlisted, the former vicarage is well-preserved traditional building which amply fulfils the NPPF's definition of a heritage asset.

5.3 The Council's Conservation Officer comments that "the proposed outbuilding would be sited within the vicarage's extensive grounds, just to the north east of the curtilage farm buildings of the Grade II C19 Manor Farm. However it is a relatively secluded location in itself, with little public visibility from the lane or PROW to the south. The proposed garage is a 1.5 storey building, loosely based on granary/cartshed typologies and executed in local traditional materials. Its design displays a low key, respectful approach, appropriate to its ancillary function, and overall it is unlikely to have any demonstrable impact on the character or significance of the surrounding heritage assets".

5.4 The Council's Conservation Officer raises no objection to the proposal subject to conditions in respect of materials and details of rainwater goods and doors and windows.

Effect on landscape character and visual amenity of the area

5.5 The garage and parking area are located in a well screened part of the curtilage well related to existing built development. Given the existing use of the land, sympathetic built form and the existing dense boundary associated with the site it is not considered that the proposed development would have an adverse impact on the character and appearance of the area or the AONB.

Residential amenity

5.6 The neighbouring dwelling is located approximately 14 metres to the west of the application site. The proposed garage would incorporate an upper floor window in the western gable and two rooflights in its southern roof slope. In respect of the upper floor window proposed in the western gable it is considered that this could result in some overlooking and whilst there is some intervening planting it is not considered that this could be relied on in the long-term to prevent overlooking resulting from this opening. It is therefore

considered that a condition should be imposed requiring this window to be obscure glazed and fixed shut. In respect of the rooflights in the southern elevation, there is potential that this could allow some overlooking of the adjacent private residential amenity space. Having regard to this it is considered reasonable to condition the height of the rooflights to be a minimum of 1.7m above floor level.

6.0 Conclusion

6.1 Having regard to the above it is considered that the proposed development would be of an acceptable size, scale and design and would have an acceptable impact on nearby heritage assets and the character and appearance of the area within the Cotswolds AONB. The impact of the proposal on the residential amenity of neighbouring property has been carefully assessed and it is considered that, subject to appropriate planning conditions, the proposed development would be acceptable in terms of bulk, massing, size and overlooking. For these reasons the proposal is considered to accord with the National Planning Policy Framework and Policy HOU8 of Tewkesbury Borough Local Plan and is recommended for **Permission**.

7.0 Update

7.1 This application was deferred at the February 2017 Planning Committee, to allow a Committee Site Visit to be carried out to assess the impact of the development on the landscape and character and appearance of the area.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 16:1774: G02 and 16:1774:SP04.
- 3 Building operations shall not be commenced until samples of the facing materials and roofing tile 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.
- 4 No development shall take place until details of proposed ground levels including finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 No work shall start until detailed drawings and materials details for the proposed new windows and doors, including elevations and sections, have been submitted to and approved in writing by the Local Planning Authority. The fitted windows and doors shall be in accordance with the approved drawings. The elevations shall be at a minimum scale of 1:20 and the sections shall be at a minimum scale of 1:5 and shall indicate moulding profiles at full size.
- 6 The rooflights in the southern roof slope of the garage hereby permitted shall be a minimum of 1.7 metres above the floor of the room in which the window is installed.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed upper floor window in the western elevation shall be non-opening and glazed with obscure glass and shall be permanently maintained thereafter as non-opening and obscure glazed.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.

- 4 To ensure that the development integrates harmoniously with its surroundings in accordance with the NPPF.
- 5 To preserve the special interest of the adjacent listed buildings and non-designated heritage assets in accordance with the advice on the Historic Environment within the National Planning Policy Framework 2012 (NPPF).
- 6 In the interests of residential amenity.
- 7 To safeguard the amenities of the adjoining premises from overlooking and loss of privacy.

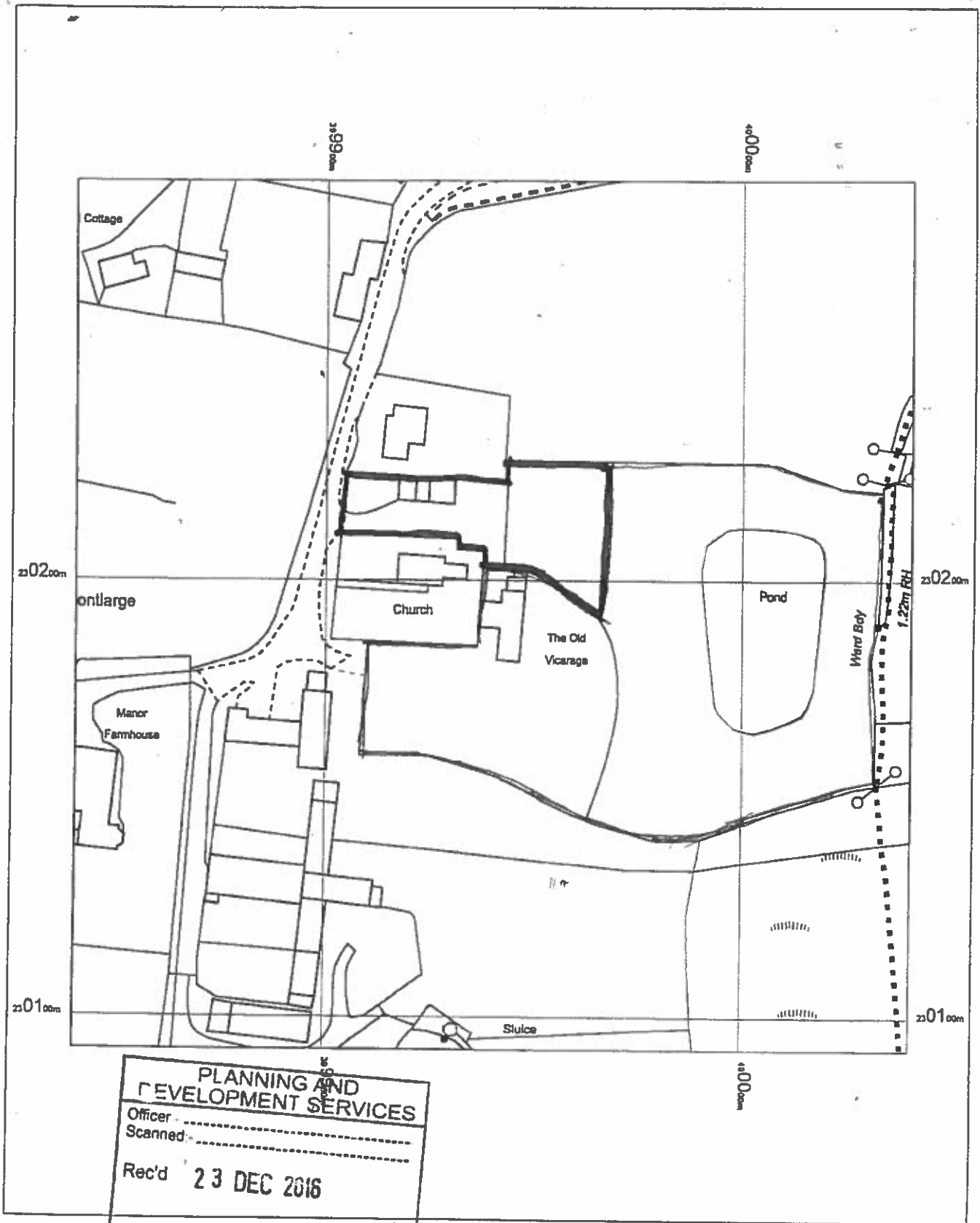
Note:

Statement of Positive and Proactive Engagement

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O.S. MASTERMAP - 1:1250 SCALE

16/01457/A1L



PLANNING AND DEVELOPMENT SERVICES

Officer:

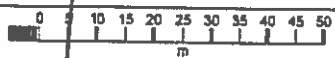
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Rec'd **23 DEC 2016**

Ack'd:

Ans'd:

File:



**THE OLD VICARAGE
STANLEY PONTLARGE
CHELTENHAM
GL54 5HD**

OS MasterMap 1250/2500/10000 scale
13 August 2015, ID: CM-00454909
www.centremapslive.co.uk

1:1250 scale print at A4, Centre: 399940 E, 230192 N

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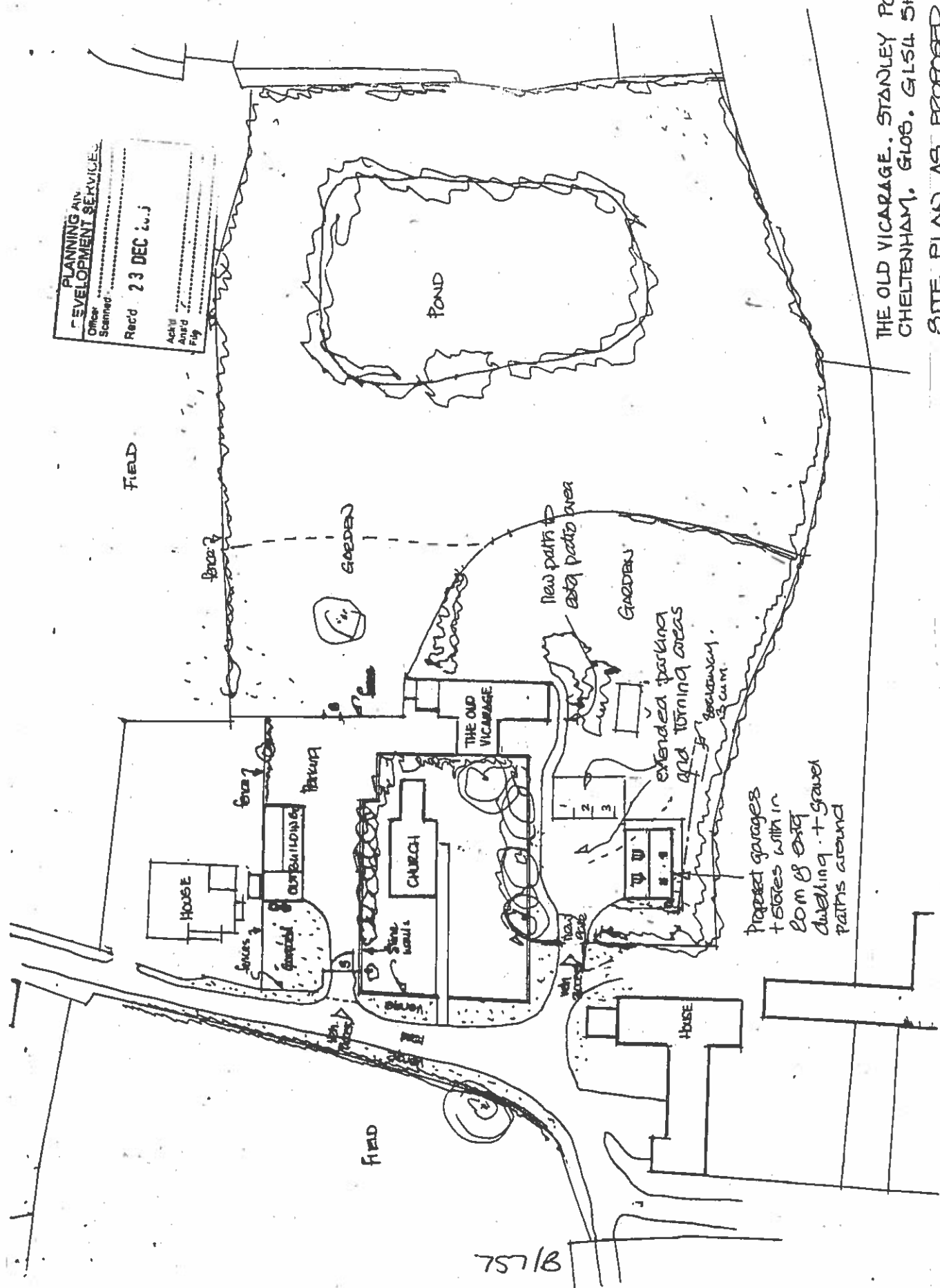


The Map Shop
Upton upon Severn
www.themapshop.co.uk



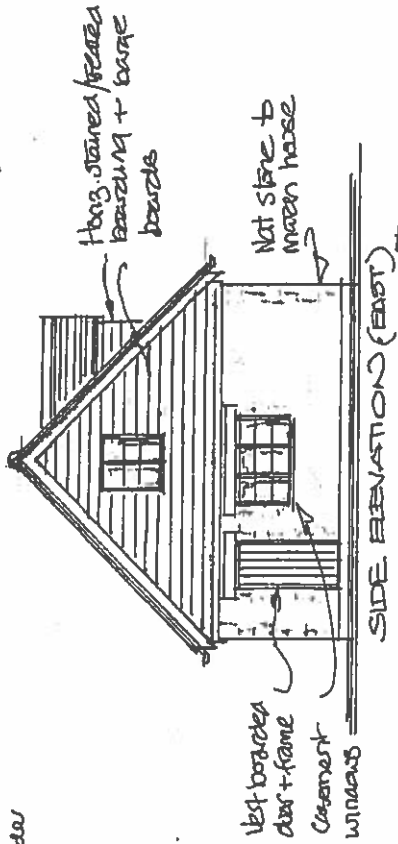
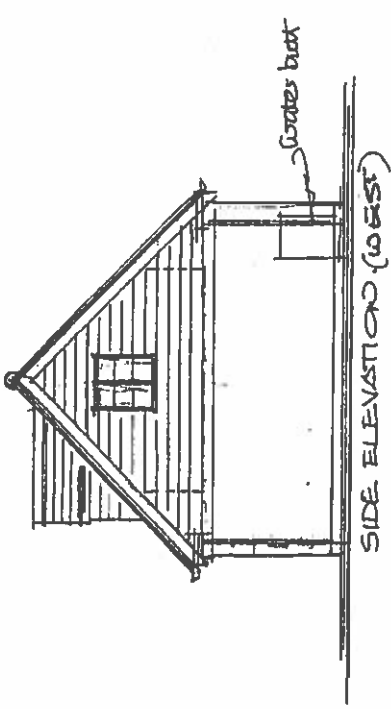
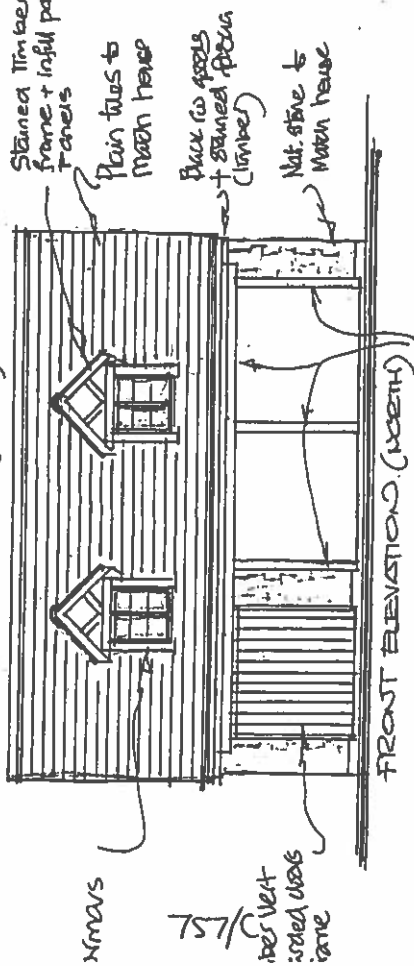
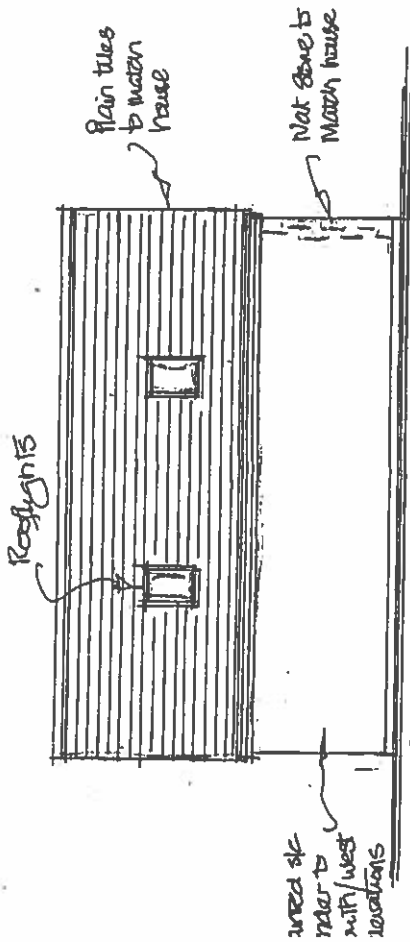
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FAX: 01584 534559
themapshop@btinternet.com

PLANNING AND DEVELOPMENT SERVICE
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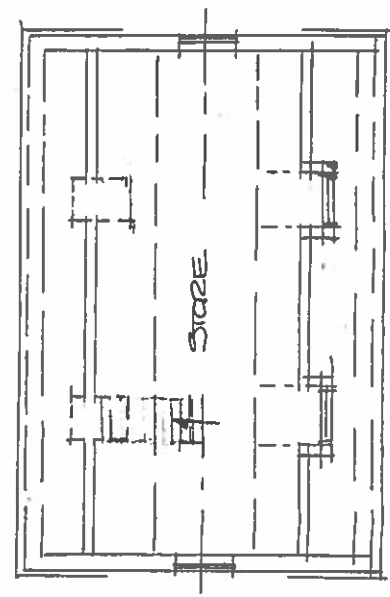
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 CHELTENHAM, GLOS. GL54 5HD.
 SITE PLAN AS PROPOSED 1:500
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 DENIS L Rayton BA 01242 620818.

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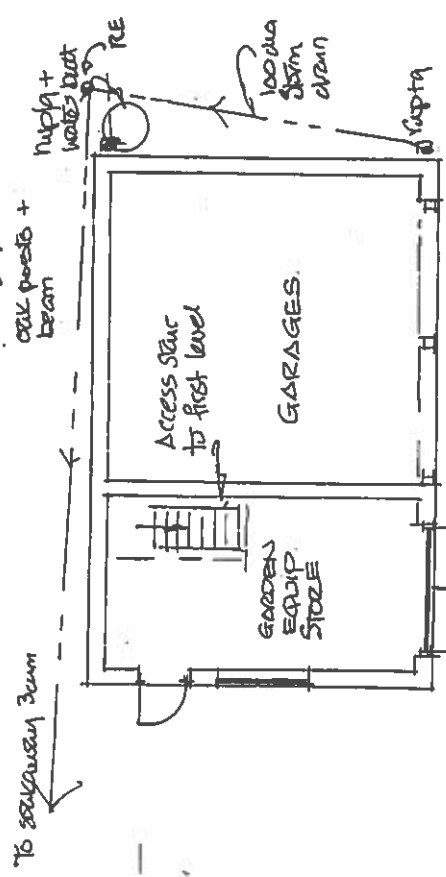


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THE OLD VICARAGE, STANLEY PONTLARGE,
 CHELTENHAM, GLOS. GL51 5HD
 PROPOSED GARAGES / STORES
 1:100 DECEMBER 2016
 16: 1774: G02
 DENNIS L Rayton Tel 01242 620818



ROOF SPACE PLAN.



GROUND FLOOR PLAN.

16/00665/FUL

Land rear of Queens Head Inn, A46 Aston Cross, Tewkesbury

4

Valid 21.09.2016

Erection of 12 No. dwellinghouses, garages and internal estate road together with vehicular and pedestrian accesses; formation of parking areas and gardens/amenity space

Grid Ref 394220 233741

Parish Ashchurch Rural

Ward Ashchurch With Walton

Cardiff

Kingsdell Properties Ltd

C/o The Agent

RECOMMENDATION Delegated Permit

Policies and Constraints

NPPF

Planning Practice Guidance

JCS (Main Modifications) - SP1, SP2, SD1, SD4, SD5, SD7, SD10, SD11, SD13, SD15, INF1, INF2, INF4, INF5, INF7, INF8

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

SPG Affordable Housing

Flood and Water Management Supplementary Planning Document

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Parish Council - Object on following grounds:

- The material used in the construction of the property is not in harmony with the existing houses.
- The wooden facades will fade in time standing out from their surroundings, and look unsightly in contrast to local housing.
- Design is not sensitive for this rural edge.

Highways England - No objection.

Severn Trent Water - No objection subject to drainage conditions.

Police Crime Prevention Design Advisor - Recommend Secure by Design Principles

GCC S106 Officer - No contributions sought.

Strategic Housing Enabling Officer - Confirms that the level and type of affordable housing is acceptable to meet local need.

LLFA - No objection.

Local Residents - 2 letters objecting on the following grounds:

- External cladding /panelling and the colours used would not be in keeping with the local area.
- The colour of the facing brick is too light and out of keeping with the existing properties an example of this can be seen with the new extension to the old Queens Head's building.
- The dwellings should reflect the height and roof pitch of adjacent properties.

Planning Officers Comments: Mr Ciaran Power

1.0 Introduction

1.1 The application site comprises a vacant public house (Queens Head Inn) and its associated garden/parking areas and an adjoining field to the south, which is located at the Aston Crossroads junction. The site measures approximately 0.48ha in area (see location plan).

2.0 Planning History

2.1 The most relevant planning history relates to Planning Application 14/00614/OUT (Extant) where Outline Planning Permission was granted in 2015 for 11 dwellings together with the formation of new vehicular and pedestrian accesses, formation of parking areas and gardens/amenity space.

3.0 Current Application

3.1 The proposal seeks full planning permission for the erection of 12 No. dwellinghouses, garages and internal estate road together with vehicular and pedestrian accesses; formation of parking areas and gardens/amenity space.

3.2 Vehicular access to the site would be from a new access from the B4079 south of the existing access into the former Queens Head public house car park which is proposed to be stopped up as part of this application. A mix of 2, 3 and 4 bedroom dwellings is proposed as well as 4 on-site affordable units.

4.0 The Community Infrastructure Levy Regulations

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

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

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

4.3 From 6 April 2015 new rules have been introduced regarding the pooling of contributions secured by s106 agreements. The Planning Practice Guidance sets out that from that date, no more contributions may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

5.0 Policy Context

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

5.2 Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework (NPPF), and the emerging Cheltenham, Tewkesbury and Gloucester Joint Core Strategy. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

Tewkesbury Borough Local Plan to 2011 - March 2006

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

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

5.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case as reiterated in paragraph 12 of the NPPF, the presumption is against the grant of planning given the conflict with HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

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

Emerging Joint Core Strategy

5.7 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.

5.8 The Main Modifications Version of the Joint Core Strategy (MMJCS) 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.

5.9 Policy SP2 of the MMJCS sets out the overall level of development and approach to its distribution. The policy states that to support their economic roles as the principal providers of jobs, services and housing, and in the interests of prompting sustainable transport, development will be focused at Gloucester and Cheltenham, including urban extensions to those settlements. Approximately 8,565 new homes are to be provided within Tewkesbury Borough - to be met through Strategic Allocations and through smaller scale development meeting local needs at Tewkesbury town in accordance with its role as a 'Market Town'. A certain quantum of housing is also to be provided at the 'Rural Service Centres' and 'service villages' identified in the MMJCS.

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

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

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

Other Material Considerations

5.12 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not change the status of the development plan as the starting point for decision making. Proposed development that conflicts with an up-to-date development plan should be refused unless materials considerations indicate otherwise.

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

6.0 Principle of Development

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

6.2 In this particular case the previous outline permission for 11 dwellings is a significant material consideration.

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

6.4 The Framework also recognises the need to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28) and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that there is a need to balance this against other objectives set out in the Framework - particularly in rural areas. Although it is accepted that the new residents would to a large extent be reliant on the car, permission is sought for only 1 additional dwelling over and above the extant outline permission.

6.5 It is recognised that there would be a clear conflict with policy HOU4 of the Local Plan to which substantial weight should be applied. However, the previous decision established the site as a suitable for location for some limited residential development, and as such the principle of development is considered to be acceptable.

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. Policy LND4 of the local plan 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 Within the Gloucestershire Landscape Character Assessment the site falls within the 'Settled Unwooded Vale' Landscape Character Type and the Severn Vale Landscape Character Area 'Vale of Gloucester'. The Tirl Brook, to the south of the site is also identified in the JCS Green Infrastructure Strategy and is covered by Policy INF4 which seeks to conserve and enhance this green infrastructure network.

7.3 The proposed development would be built on the southern end of the public house site (car parking area/garden) and an adjoining field bordered with hedgerow/trees. The character of the site is influenced by its location at the crossroads junction at Aston Cross with residential development on the opposite side of the B4079 while to the south and east the site adjoins open field providing views of the Cotswold Hills in the distance. There is also the commercial influence of MOD Ashchurch and a van sales business at the Aston Cross crossroad junction. An arboricultural assessment has been submitted with the application which concludes that the removal of trees located within the site would have a minor negative impact upon local amenity. The loss of these trees is proposed to be offset by new landscape planting. This approach was accepted when the previous Outline Planning Permission was granted in 2015.

7.4 In conclusion, it is considered that the scale and particular location of the proposal are such that its impact is likely to be limited to the immediate surroundings. Furthermore, the impact of the development would be further mitigated by appropriate landscaping and therefore it is considered that should members be minded to grant planning permission then a condition should be imposed requiring the submission of a landscape scheme. However it is acknowledged that the proposed development would result in some limited localised landscape harm and this is a matter that must be put into the planning balance to weigh against the proposal.

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 The proposed dwellings would be one and a half storey with the upper floor occupying the roof void resulting in a ridge height of approximately 6.9 metres. This arrangement has been adopted by the applicants to help to reduce the scale and visual impact of the dwellings, whilst maintaining roof pitch characteristic of the local area. Further, each dwelling would be separated from the adjacent house with a flat greenroofed carport which would be light-weight and set back from the main building facade. This approach helps to create visual break between each dwelling and clear separation at first floor level in order to create a less dense feel to the overall development. Three dwellings directly adjacent to the B4079 have been orientated to provide their entrances fronting onto this road which provides an active edge to the development and makes a positive contribution to the street scene. This relationship also provides an important link between the existing and proposed development assisting in assimilating the proposal into the existing area rather than it becoming a private unconnected courtyard development. Car parking has also been accommodated within the internal courtyard area which reduces the visual impact of parked vehicles outside of the application site.

8.3 Each dwelling would be clad in brick at ground floor level using a brick similar to that found in nearby existing dwellings. The upper floors are proposed to be clad in more textured and delicate hung materials including terracotta peg tiles and vertical timber boards. The applicants state that, *"the dwellings are clad in varying combinations of this material palette, giving each house a distinct character, but ensuring the development knits together as a cohesive whole. The use of materials is gradated so that the more naturalistic timber cladding is introduced in greater abundance towards the South-East Corner of the site which has a more rural aspect. This mixed palette of elevational materials further helps to break down the scale and visual impact of the development, whilst enriching its character and rhythm as a whole"*.

8.4 The Council's Urban Design Officer (UDO) has no objection with the principle of development on this site, however there are some areas which the UDO would like to see improved. This includes concern regarding the backing of some plots onto the internal street, some overlooking between the proposed plots, the creation of more separation between the plots and the blank elevation of plot 1 onto the B4079.

8.5 The matters raised regarding residential amenity are discussed in the residential amenity section below. With regard to properties backing onto the internal roadway, Plots 10, 11 and 12 have such a relationship, however the remaining 9 dwellings all front onto the courtyard. Plots 10, 11 and 12 instead, front onto the B4079 to create an active edge to the development. Whilst it is accepted that it would have been beneficial for these plots to be dual fronted such a layout would be difficult to achieve here. The UDO would have also liked to have seen more separation between units, however without a reduction in the number of units proposed as well as reconsideration of some of the key design principles such as amendments are not possible here. It is also acknowledged that the ground floor southern elevation of plot 1 provides little integration with the main street, however there are some fenestration details at first floor level in the roof slope as well as a variation in the proposed materials used. In addition planting is indicated as being in place between the southern elevation and the B4079 which would assist in softening the development edge here.

8.6 Local Concern has also been raised in relation to the proposed external materials of construction and it is considered that should members be minded to grant planning permission a condition requiring the submission of sample materials should be imposed.

8.7 The UDO does acknowledge that the scheme is of a high design quality and feels that this as well as the applications very strong architectural vision could outweigh the harms identified. Having regard to the above whilst there remain some areas of concern from an urban design perspective given the nature of these and the general high quality design of the proposed development it is considered that the identified harms are limited and would be outweighed by the quality of the scheme in this instance.

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 The proposed access to the dwellings would be from a new access from the B4079 to the south of the former Queens Head public house car park which is proposed to be stopped up as part of this application. The proposed access and internal estate road would also serve the currently permitted flats on the existing pub site adjacent to the application site. Visibility splays of 120m to the south and 120m to the north are required and the County Highways Authority (CHA) confirm that these can be achieved. The CHA also confirm that the proposed internal road can accommodate the required parking, manoeuvring and passing widths and a condition is recommended to secure these.

9.4 In terms of traffic generation the CHA confirm that the level of traffic generated by a development of this size would have minimal impact of the level of traffic on the surrounding network. There are also opportunities for future residents to travel by sustainable means and public transport connections in the general vicinity. The layout includes two off street car parking spaces per dwelling meeting local census demand statistics per dwelling in this area. In addition 2 visitor parking spaces are provided adjacent to the turning space which is considered sufficient.

9.5 In conclusion the CHA raises no highway objection to the proposed development subject to highway conditions. Further Highways England raise no objection to the proposal and on that basis it is considered that the proposal would be unlikely to adversely affect the free flow of traffic and safety on the Strategic Road Network (SRN), which in this case constitutes the M5 and A46, given the relatively small scale nature of the proposal.

10.0 Residential Amenity

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

10.2 The nearest properties to this site are those on the opposite side of the B4079 and a property to the north, adjoining the public house. However the development has been designed in a manner which would limit any direct overlooking of existing private amenity space. Also the separation distances between the existing and proposed dwellings would be sufficient to limit any significant impact resulting from loss of light.

10.3 The proposed dwellings provide private amenity space to their rear and side. The garden size for plots 10, 11 and 12 has been increased and whilst the garden sizes achieved are relatively small they are considered acceptable given the design of the site as well as the shared orchard areas included within the site. The proposed layout would result in some direct overlooking of the private amenity space for plots 10, 11 and 12 from first floor bedroom windows in the western elevations of plots 7, 8 and 9. The separation distance between the first floor windows the boundary of the amenity space is only 10 metres in relation to plots 11 and 12 (proposed to be affordable units), however the amenity space would be enclosed by a 1.8 - 2 metre high boundary treatment which would assist in providing some area screened from overlooking. The garden area from plot 10 has been moved to the side which has increase the separation distance to approximately 14 metres between the boundary of the amenity space and adjacent windows.

10.4 Further, the window to window distances in some cases are only 14.5 and whilst this relationship is not ideal it is not unusual for dwellings to have first floor bedroom windows, for instance in terraced streets, to have a similar relationship. The relationship is also a front to rear orientation but the principle of having this short separation distance separated by a residential street is similar. The developer has clearly chosen in this instance to develop a particular approach architecturally on the site which has led to some compromise in terms of the living conditions of the proposed dwellings.

10.5 Overall whilst there would clearly be some compromise on the level of residential amenity achieved at some of the plots on the site the affected plots are those proposed as part of the development rather than existing residential properties and therefore there is an element of buyer beware. This is a very finely balanced matter and on balance it is considered that the proposed relationships would be acceptable.

11.0 Affordable Housing

11.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing and is supported by an Affordable Housing Supplementary Planning Guidance (SPG) which was adopted by the Council in August 2005. The application proposes 4 affordable housing units to be accommodated on site.

11.2 The affordable units would be two 2 bed and two 3 bed. The 2 bed houses would have a total internal floor area of 71 sq m with the lounge/kitchen area being 29.4 sq m, bedroom 1 would measure 13.5 sq m and bedroom 2 would be 10.25sq m.

11.3 The 3 bed houses would have a total internal floor area of 101.5 sq m with the living/kitchen being 43.2 sq m, bedroom 1 would measure a floor area 14.7 sq m plus 2.2 sq m for en-suite, bed 2 would be 13.5 sq m and bed 3 would be 8.5 sq m.

11.4 The Council's Strategic Housing and Enabling Officer (HEO) has considered the required affordable housing provision and recommends that the units are sold at either shared ownership (housing association) or discount market sale (direct with developer). The HEO considered that the number of proposed affordable housing is acceptable and the number/type of affordable housing could be secured through a Section 106 Agreement.

12.0 Flood Risk and Drainage

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

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

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

12.4 The Lead Local Flood Authority (LLFA) confirm that the application site is wholly located within flood zone 1 and there is no history of flooding. The LLFA have no objections and confirm that the submitted plans provide full details to satisfy their requirements and therefore no conditions are required to be imposed. Whilst Severn Trent Water raise no objection to the proposal they do suggest a condition to be imposed requiring details of foul and surface water flows to be submitted to and approved by the Local Planning Authority however full drainage details have been received and the LLFA have assessed these and confirm they are acceptable. Therefore the drainage plans condition is not considered necessary in this instance.

13.0 Open Space, Outdoor Recreation and Sports Facilities

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

13.2 Formal comments are still awaited from the Council's Community and Economic Development Manager and an updated will be required at Committee.

14.0 Education and Library Provision

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

14.2 Gloucestershire County Council has considered the impact upon, and necessary mitigation, for the provision of pre-school / early years, education and library services and in respect of this application has advised that no contributions are required for education or libraries infrastructure.

15.0 Ecology and Nature Conservation

15.1 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats. 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.

15.2 The site does not form part of a statutory designated site of nature conservation interest and there are no sites designated at the European or international level for nature conservation in close proximity to the site. The application has been supported with an Ecological Assessment which concluded that the development of the land is not considered likely to adversely affect any designated site. Habitats associated with the site are considered to be of local biodiversity value at most. Neglected improved grassland (including lawns) and formal planting beds closely associated with the former public house are of little biodiversity interest. Tree cover and waterbodies formed the focus of biodiversity interest and were considered to enrich the local area. The Ecological Assessment advised that the following issues should also be considered:

- Herpetofauna - Reptiles, particularly grass snakes may be present and a strategy to mitigate potential harm should be considered. A survey using artificial refugia would help to inform such a strategy. Even if present, reptiles are unlikely to form a significant constraint to development.
- Birds - Any site clearance activities would need to consider the seasonal constraint associated with nesting birds.
- Invertebrates - Opportunity exists to create deadwood habitat within the site by creation of log piles from material generated during site clearance activities. The planting of native fruit trees may also benefit invertebrates associated with orchards as they mature in future years.

15.3 In light of the above, there is no evidence to suggest that there are any overriding ecological constraints to the development of the site for residential purposes. The suggested measures above could be secured through appropriate planning conditions.

16.0 Overall Balancing Exercise and Conclusion

16.1 The site is located outside any recognised settlement where new housing development conflicts with Policy HOU4 of the Local Plan. Nevertheless in this instance, outline planning permission exists for 11 dwellings. It is not considered that a single dwelling shifts the planning balance significantly and the principle of development is therefore considered acceptable. Similarly, there is no significant adverse impact on the landscape over and above the permitted scheme, whilst the design is considered acceptable.

16.2 The layout of the development has resulted in limited separation distances between some windows and amenity space associated with plots 10, 11 and 12 and this weighs against the proposal. The proposed development would not be at an unacceptable risk of flooding and would not exacerbate flooding problems for third party property. In terms of ecology and nature conservation, it has been demonstrated that the development would not have a detrimental impact upon biodiversity.

16.3 In light of the above, the proposal would represent a sustainable form of development and it is therefore recommended that the decision is **DELEGATED to the Development Manager to permit the application subject to the completion of a section 106 legal agreement to secure the following heads of terms:**

- **Affordable dwellings - 4 units**
- **Contributions to Sports facilities and pitched and Community Infrastructure - to be confirmed**
- **Recycling - £73 per dwelling**

RECOMMENDATION Delegated Permit

Conditions:

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

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

- 2 Other than where varied by the conditions below the development hereby approved shall be implemented in accordance with the plans and information detailed on the approved Drawing HS173 010 Rev H, HS173 011 Rev C, HS173 012 Rev D, HS173 013 Rev E, HS173 015 Rev E, HS173 016 Rev E, HS173 029 Rev A, HS173 030 Rev C, HS173 031 Rev C, HS173 032 Rev C, HS173 033 Rev C, HS173 034 Rev C, HS173 035 Rev C, HS173 036 Rev C, HS173 037 Rev C and HS173 039 Rev C received on the 27th February 2017.

Reason: To ensure that the development is carried out in accordance with the approved plans.

- 3 Unless otherwise agreed in writing the ground floor slab levels of the buildings relative to Ordnance Datum Newlyn shall be fully in accordance with those specified on drawings HS173 012 Rev D and HS173 013 Rev E.

Reason: To ensure that the development integrates harmoniously with its surroundings and does not adversely impact upon existing residential properties in accordance with the NPPF and Policy LND4 of the Tewkesbury Borough Local Plan - March 2006.

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

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

- 5 The tree works and Tree Protection measures shall accord with the submitted Arboricultural Assessment dated June 2015.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with the NPPF.

- 6 Notwithstanding the submitted details, no development shall take place until a comprehensive scheme for hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The Landscaping Scheme shall include details of all existing trees (including spread and species) and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of construction. The Landscaping Scheme shall also include details of all proposed planting, including species, density, and the height and spread of trees; and details of the design, position, height and materials of all the proposed boundary treatments.

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

- 7 If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.

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

- 8 No external lighting shall be erected on any part of the site without the prior express permission of the approval of the Local Planning Authority.

Reason: In the interests of amenity.

- 9 Development shall be carried out in accordance with the approved details and timetable in the submitted Ecological Management Plan produced by Biocensus dated December 2015 unless otherwise agreed in writing with the Local Planning Authority.

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

- 10 Notwithstanding the submitted plans, no construction works of the dwellings hereby permitted shall not commence until samples of the proposed external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter all such materials used in the development shall conform to the approved samples.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity in accordance with the NPPF and Policy LND4 of the Tewkesbury Borough Local Plan - March 2006.

- 11 Notwithstanding the submitted plans no works shall commence on site until details of the proposed new site access, including footways with suitable two-way vehicle tracking between the confirmed local area refuse vehicle and an estate car have been submitted and approved in writing by the Local Planning Authority. The first 20m of the access road from the B4079 shall be surfaced in a bound material and the access shall be retained and maintained in that form until and unless adopted as highway maintainable at public expense.

Reason: To ensure there is a safe means of access to the site during construction works and thereafter, and to ensure that this access is maintained in that form, in the interests of highway safety and in accordance with TPT1 of the Tewkesbury Borough Local Plan to 2011, and NPPF paragraph 35.

- 12 Notwithstanding submitted plans no works shall commence on site until details of the proposed new site internal layout road, including turning space with suitable two-way vehicle tracking between the confirmed local area refuse vehicle and an estate car have been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure there is a safe means of access to the site during construction works and thereafter, and to ensure that this access is maintained in that form, in the interests of highway safety and in accordance with TPT1 of the Tewkesbury Borough Local Plan to 2011, and NPPF paragraph 35.

- 13 No dwelling on the development shall be occupied until the shared surface carriageways (including surface water drainage/disposal, vehicular turning heads and street lighting) providing access from the nearest public highway to that dwelling have been completed and the footways to surface course level.

Reason: In the interest of highway safety; to ensure safe and suitable access has been provided for all people in accordance with TPT1 of the Tewkesbury Borough Local Plan to 2011, NPPF paragraph 35 and to safeguard the visual amenities of the locality.

- 14 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge / vehicle track edge of the public road 120m distant in both directions (the Y points) in general accordance with plan 173/011.1. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.6m and 2.0m at the Y point north and 0.6m and 2.0m at the Y point south of the access above the adjacent carriageway level.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

- 15 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- i. specify the type and number of vehicles;
 - ii. provide for the parking of vehicles of site operatives and visitors;
 - iii. provide for the loading and unloading of plant and materials;
 - iv. provide for the storage of plant and materials used in constructing the development;
 - v. provide for wheel washing facilities;
 - vi. specify the intended hours of construction operations;
 - vii. specify measures to control the emission of dust and dirt during construction
 - viii. specify routing strategy

Reason: To reduce the potential impact on the public highway and in accordance with paragraph 35 of the NPPF.

- 16 Notwithstanding the submitted plans the development shall be completed with the parking spaces for plot 2 being set back beyond the parking spaces for plot 3 with a 1m width pathway to the entrance of plot 3. With the exception of plots 2 and 3 parking spaces shall be provided in accordance with HS173/011Rev C, with final provision including 2 spaces per dwelling and 2 visitor spaces prior to occupation and visibility splays as per HS173/011RevC. Those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 35 and Local Plan Policy TPT1.

- 17 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

- 18 No development shall commence on site until a scheme has been submitted to, and approved in writing by the Local Planning Authority, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the fire hydrant serving that property has been provided in accordance with the approved scheme.

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

19 Prior to the occupation of any dwelling hereby permitted the development shall be completed in accordance with the drainage strategy set out in RMA-LC1284-02, PDL-100 Rev D and 0404 SD-100 Rev A.

Reason: To ensure that the development is provided with a satisfactory means of drainage, as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution, all in accordance with the saved policies and NPPF guidance.

Note:

Statement of Positive and Proactive Engagement

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

16/000665/FUL

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Rev	Description	Date
1	Final	14/04/2017
2	Final	14/04/2017
3	Final	14/04/2017
4	Final	14/04/2017
5	Final	14/04/2017
6	Final	14/04/2017
7	Final	14/04/2017
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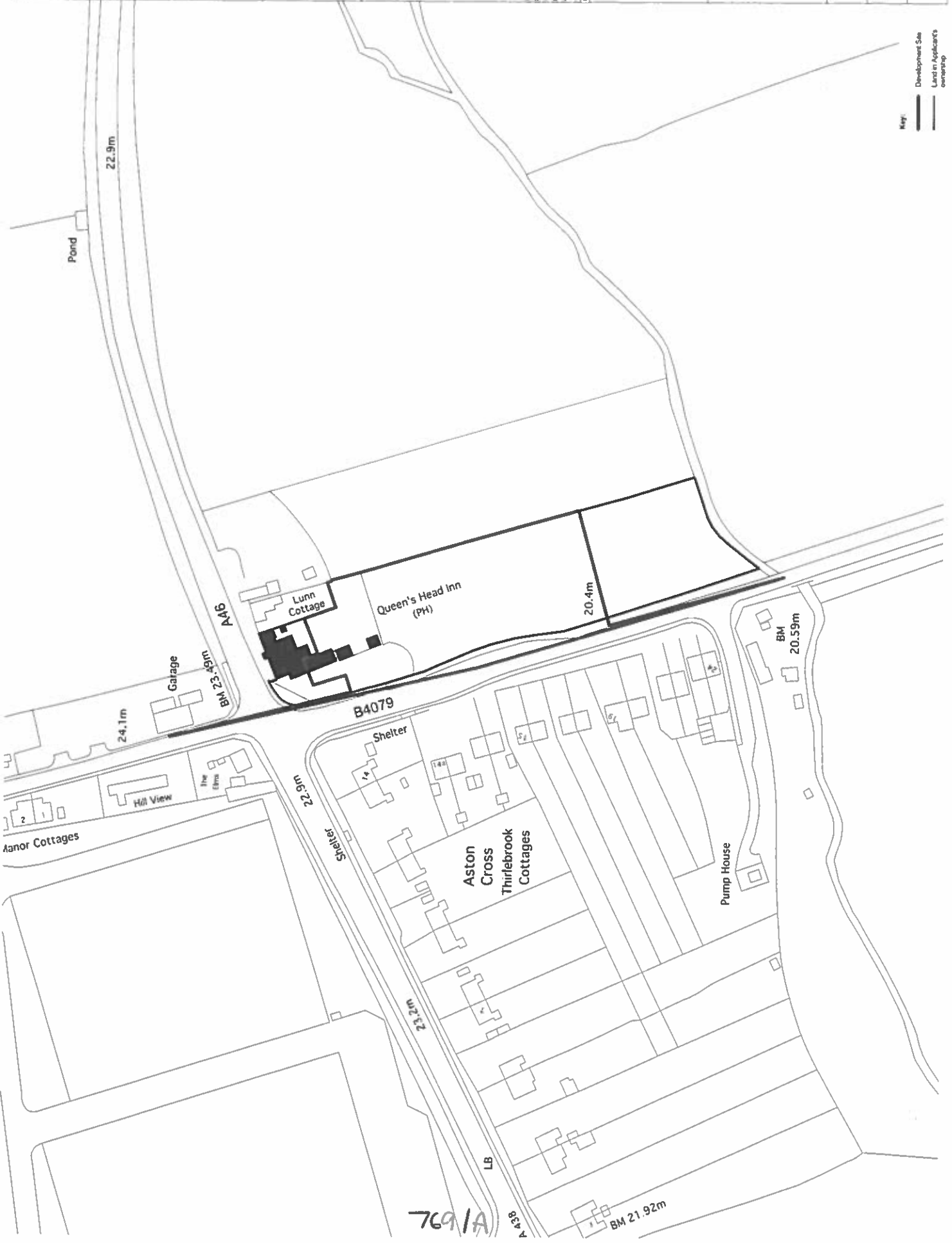
Project title
Aston Cross Housing
Site Location Plan

Notes
 1. Hewitt Studios LLP (July 2017)
 2. The site is shown in red on the site plan.
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 50. The site is shown in red on the site plan.

Scale
1:1250 @ A3

Drawing number
HS173/001

Revision number
E



Key:
 — Development Site
 — Land in Applicant's Ownership

769/A

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 www.hewlettstudios.com



Disc.	Disc. Description	Disc. No.	Disc. Date
H	Final Plans	018.1	10/17/17
G	Final Plans	018.2	10/17/17
F	Final Plans	018.3	10/17/17
E	Final Plans	018.4	10/17/17
D	Final Plans	018.5	10/17/17
C	Final Plans	018.6	10/17/17
B	Final Plans	018.7	10/17/17
A	Final Plans	018.8	10/17/17

Project Name: **Ashton Cross Housing**
 Drawing Title: **Proposed Site Plan**

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 4. All dimensions are in feet and inches, unless otherwise noted.
 5. All dimensions are to the centerline of the building, unless otherwise noted.

Scale: **1:200 @ A1**
 Drawing Number: **HS173/010**
 Revision Number: **H**



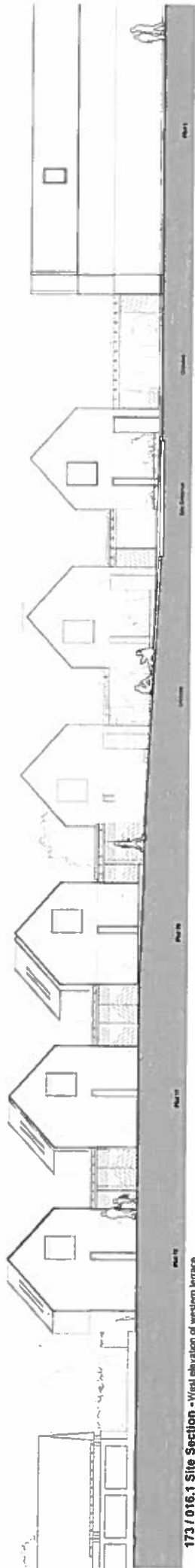
Key:
 ——— Development Site
 ——— Land in Applicant's ownership

Scale:
 - Plot 10 = 11.6 x 12.2 Bed
 - Plot 11 = 9.8 x 10.2 Bed
 - Plot 12 = 9.8 x 10.2 Bed
 - Plot 1 = 11.6 x 12.2 Bed
 - Plot 2 = 11.6 x 12.2 Bed

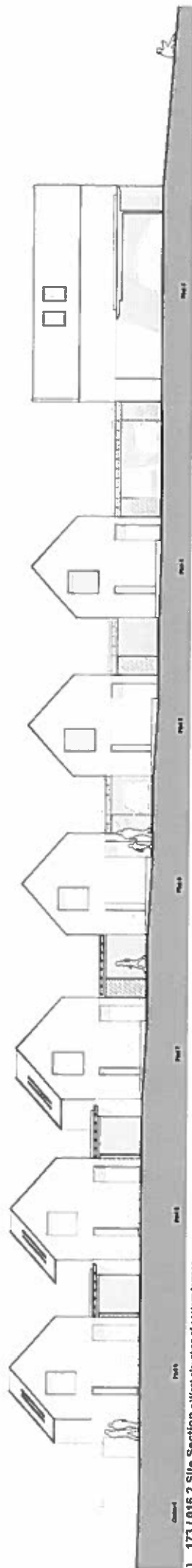
GF Area:
 - Plot 10 = 11.6 x 12.2 Bed
 - Plot 11 = 9.8 x 10.2 Bed
 - Plot 12 = 9.8 x 10.2 Bed
 - Plot 1 = 11.6 x 12.2 Bed
 - Plot 2 = 11.6 x 12.2 Bed

Allocatable Units:
 - Plot 10
 - Plot 11
 - Plot 12
 - Plot 1
 - Plot 2

76918

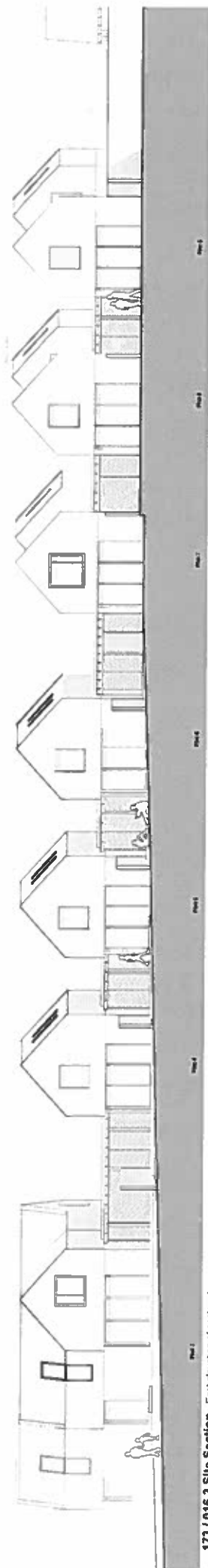


173 / 016.1 Site Section - West elevation of western terrace



173 / 016.2 Site Section - West elevation of eastern terrace

769/10



173 / 016.3 Site Section - East elevation of eastern terrace

<p>Scale 1:200 @ A3 1:100 @ A1</p> <p>Drawing number HS173 / 016</p> <p>Revision number E</p>	<p>© Hewlett Studios LLP 2017 This drawing is the property of Hewlett Studios LLP. It is not to be used, copied, or reproduced in any form without the written consent of Hewlett Studios LLP. All rights reserved.</p>	<p>Project name Astons Cross Housing</p> <p>Client Proposed Site Section North - South</p>	<p>Project location Astons Cross, Northampton, Northamptonshire, NN4 6AF</p> <p>Client Hewlett Studios LLP</p> <p>Architect Hewlett Studios LLP</p> <p>Scale 1:200 @ A3 1:100 @ A1</p> <p>Date 17/01/2017</p> <p>Drawn by H. Smith</p> <p>Checked by H. Smith</p> <p>Project manager H. Smith</p>
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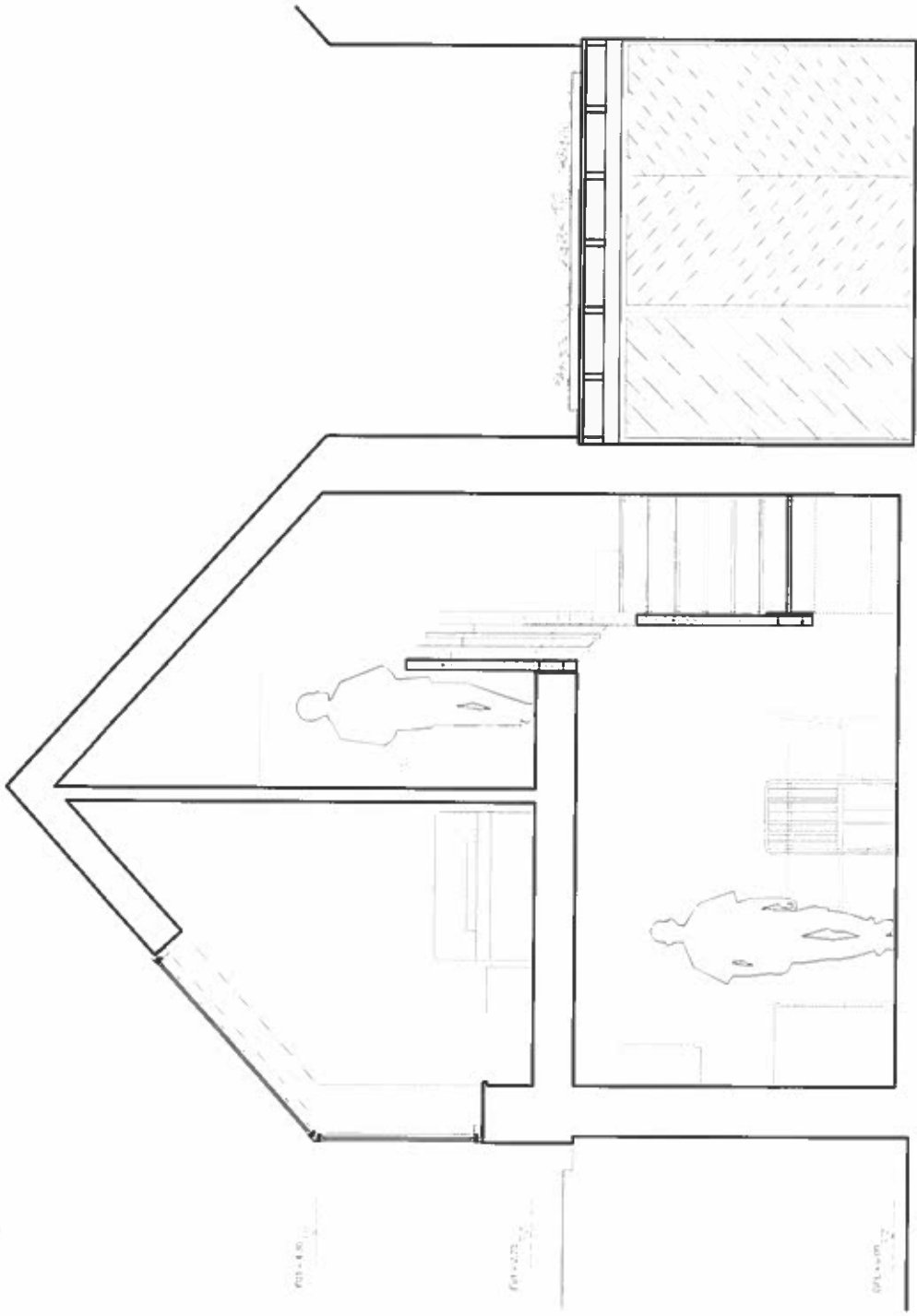
Rev	Description	Date
1	Issue for Review	10/1/13
2	Issue for Review	10/1/13
3	Issue for Review	10/1/13

Project No	101274 01131
Project Name	Aslan Cross Housing
Client	Aslan Cross
Architect	Hewitt Studios
Discipline	Architecture
Phase	Design
Date	10/1/13

Aslan Cross Housing
Proposed Typical Dwelling Cross-Section

Notes
 1. This drawing is a typical cross-section of a dwelling unit. It is not intended to show the exact construction details of any one unit.
 2. All dimensions are in millimeters unless otherwise stated.
 3. All materials are to be of a standard quality.
 4. All work is to be in accordance with the relevant building codes and standards.
 5. All work is to be in accordance with the relevant health and safety regulations.

Scale	1:50 @ A4 1:25 @ A2
Drawing Number	HS173/029
Revision Number	A



769/E

16/00486/OUT

Land South of Oakridge, Highnam, Gloucester

5

Valid 04.05.2016

Outline application for the erection of 40 dwellings with all matters reserved except access.

Grid Ref 379905 219895

Parish Highnam

Ward Highnam With Haw
Bridge

R Keene and Sons
Over Farm
Gloucester

DEFERRED AT 14.02.17 PLANNING COMMITTEE (Item No 11, Page No 697)

RECOMMENDATION Delegated Permit

Policies and Constraints

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL1, GNL11, HOU1, HOU4, HOU5, HOU13, TPT1, TPT3, TPT6, EVT3, EVT5, EVT9, LND4, LND6, LND7, RCN1, RCN2 and NCN5.

Main Modifications Joint Core Strategy

Highnam Neighbourhood Development Plan 2011-2031 (Referendum Held on 24th November 2016 will subsequently be subject to approval at TBC Full Council) Policies H1, H2, H3 and T2

The Community Infrastructure Levy Regulations - 2010

Affordable Housing Supplementary Planning Guidance (November 2006)

Flood and Water Management SPD

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Parish Council - Object for the following reasons:

- The development would breach the well developed Oakridge Road for the first time and set a precedent for further development.
- Would result in significant landscape hard.
- Result in Highway Safety concerns and increase congestion in the area.
- Result in an oversupply of affordable housing in the area.
- There is significant local opposition.
- Granting permission would be contrary to and undermine the Highnam Neighbourhood Plan.

Landscape Officer - No objection.

Urban Design Officer - No objection.

Environmental Health - No objection.

Conservation Officer - No objection.

County Highway Authority - No objection, subject to conditions and legal agreement to secure access visibility.

Lead Local Flood Authority - No objections, subject to conditions.

GCC Infrastructure - No objections, education and library contributions sought.

Historic England - No objection.

Gloucestershire Garden Landscape Trust - Object, The conifer plantings to the south of this proposal and to the west forming the edge of the Parkland to the Court and the setting of Holy Innocent's Highnam have considerable historic and visual significance, and should not be further eroded by the prospect of a block of suburban housing.

Natural England - No objection.

Severn Trent Water - No objections, subject to conditions.

156 Letters of neighbour representation received raising the following material planning issues:

- The proposed development would breach Oakridge.
- There is a lot of property from the village already on the market. It is hard to argue there is a critical unmet need for this property.
- The proposal would have an unacceptable impact on the landscape.
- The development would have a detrimental impact on heritage assets.
- Bungalows should be built to address local need and would free up existing family housing.
- The proposal would result in dangers to highway users.
- Buses find it difficult to manoeuvre on the local road network.
- The proposal is out of context with the local area.
- Layout is not acceptable.
- There is a shortfall of parking provision.
- The development is urban in form.
- The development would have a detrimental impact on protected species.
- Detrimental impact of PROW network.
- Detrimental impact upon listed buildings.
- House types are out of keeping with the local area.
- Concern regarding foul sewage capacity.
- Contributions towards cycle paths should be secured.
- The developers also fail to address the legitimate concerns about traffic, health, schooling and other pressures on the village.
- This development would not accord with the development plan.
- Concern regarding air pollution and flooding resulting from the proposed development.
- Development should be on brownfield land not greenfield
- Existing community infrastructure cannot cope with the proposed level of growth.
- The locality of the gas works should be taken into consideration.
- The present utilities will not cope
- The proposal would not accord with local, Strategic or national Planning Policies

Planning Officers Comments: Mr Ciaran Power

1.0 Introduction

1.1 The site is located outside of a residential development boundary abutting the south eastern corner of the village of Highnam. Land levels on the site slope downwards in a southerly direction. The site is currently in agricultural use. The site is not located within any landscape designation.

2.0 History

2.1 No relevant planning history found.

3.0 Current Application

3.1 The proposal seeks outline planning permission for residential development of up to 40 dwellings, public open space, vehicular and pedestrian access and associated infrastructure. All matters are reserved for future consideration except access. The application is supported by an Illustrative Masterplan which shows how a scheme of up to 40 dwellings could be accommodated. Up to 40% affordable housing would be provided. It is proposed that vehicular access to the site would be at the northern part of the site onto Oakridge. Based on the number of 40 residential units, the proposed density equates to 20.3 dwellings per hectare (dph).

4.0 The Community Infrastructure Levy Regulations

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

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

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

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

The Development Plan and NPPF

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 for this area comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the Highnam Neighbourhood Development Plan 2011-2031.

Tewkesbury Borough Local Plan to 2011 - March 2006

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

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

Highnam Neighbourhood Development Plan 2011-2031

5.4 The Highnam Neighbourhood Development Plan (NDP) was made part of the Development Plan for the area following a resolution by full council at its meeting on 24th January 2017. Relevant NDP policies will be considered with appropriate sections of the report.

Emerging Development Plan

5.5 The JCS was submitted to the Secretary of State on 20 November 2014. Its Examination in Public commenced in May 2015 and is still ongoing. The plan is however at an advanced stage of examination with the Inspector publishing her Interim Report in May 2016. The JCS authorities are now developing main modifications to the plan based on evidence and discussions heard throughout the hearings and the recommendations in the Interim Report. Tewkesbury Borough Council approved the main modifications to the pre-submission version of the JCS for consultation at full council on 31st January 2017. Gloucester City and Cheltenham Borough Councils are due to consider the same on 6th and 10th February respectively. Whilst the emerging plan is now at an advanced stage, it is not yet formally part of the development plan for the area and the weight that can be attached to its policies will be considered having regard to the criteria set out above. Relevant JCS policies and the weight that can be attributed to them will be considered in the appropriate sections of this report.

5.6 A key element of the JCS strategy is to identify the objectively assessed need for housing and employment growth in the area. Over the course of the JCS examination further evidence has been undertaken on the housing and employment needs for the area which advance on the need identified with Policy SP1: The Need for New Development in the Submission JCS document. It is also relevant the Highnam is identified as a service village within the JCS where some housing growth can be expected to be accommodated.

Other Material Considerations

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

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

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

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

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

Conclusions on the principle of residential development

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

6.0 Landscape and Visual Impact

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

6.2 The application has been accompanied by a Landscape and Visual Assessment (LVA), which confirms that although the site is on the edge of the countryside it does not lie within any nationally designated landscapes. The LVA includes analysis of the landscape character of the area, as well as the visual sensitivity of the site from public vantage, both those in close proximity to the site and those further afield.

6.3 The LVA advises that the site forms part of an elevated undulating landscape within the Lassington and Rodway Hills Landscape Character Area. The landscape generally slopes to the south east affording long and expansive views across the vale towards Gloucester and the high ground of the Cotswold Escarpment beyond. The plateau landform of the study site is generally less visually prominent than the adjoining sloping farmland which descends to the east and south. Dense vegetation associated with the landscape adjoining the B4215, Lassington Hill Wood and the existing settlement area bring some visual containment to the site.

6.4 The LVA identifies the application site as having a medium susceptibility to change. It is identified as having some features and value at local level, has landscape characteristics which are able to accommodate some change and has capacity for some development which may not result in significant changes to the landscape character.

6.5 The LVA also assesses the visual sensitivity of the site as having a medium susceptibility to changes in the view, this may include views experienced by road users, users of public rights of way and local residents.

6.6 Mitigation measures are intended to maintain a robust separation of the new development with the open farmland thereby maintaining the character of the existing open countryside adjoining and protect the setting of Highnam Court. In addition, mitigation measures are proposed to protect the visual amenity of residents, walkers and road users with views into the study site. All mitigation measures reflect features found within the local landscape and are in keeping with the recognised and desirable characteristics of the local landscape character type.

6.7 Since the original LVA was completed an appeal has been allowed for a Solar Farm at Over Farm. In response to this the applicants have submitted an addendum the LVA to take account of this development. The addendum determined that the development of the solar farm changes little to the baseline landscape and visual conditions and would not give rise to any significant changes from those identified within the submitted LVA. The Inspector for the solar farm appeal confirmed that effects on landscape character and local visual amenity arising from the solar farm development would be limited. The current application has similarly found that the site is not visually prominent and that landscape character of the adjoining open countryside can be protected by the establishment of new green infrastructure in conjunction with the sites existing containment through natural topography. The addendum goes on to conclude that the two developments have sufficient physical and visual separation that effects arising from features of both sites would not be amplified in terms of impact on local landscape character or visual amenity.

6.8 The Borough Landscape Advisor has considered the scheme and ultimately agrees with the main conclusions of the LVA. The Landscape Advisor concluded that despite the elevation of the site, it occupies a relatively well screened location, shielded from views by complex local topography. Development could be delivered on this site that is not prominent and that fits well with the existing settlement edge. He also suggests that any subsequent or further development to the south or east should be strongly resisted as it would encroach onto prominent and exposed slopes would be highly visible and would be significantly detrimental to the local landscape character. To that end, it would be the responsibility of this development to deliver a very strong and distinctive settlement edge facing out into the countryside.

6.9 In conclusion, it is considered that although the development would cause a degree of harm to the rural landscape, the submitted illustrative Masterplan demonstrates that a sensitively designed form of development could be secured and any significant long- term impacts could be adequately mitigated through future reserved matters applications and planning conditions. The harm caused must be weighed in the overall planning balance.

7.0 Design and Layout

7.1 The NPPF sets out that the Government attaches great importance to the design of the built environment (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 Main Modifications JCS seeks to encourage good design and is consistent with the NPPF and so should be accorded considerable weight.

7.2 Policy H2 of the NDP requires new development to make a positive contribution to forming a sense of place which the proposal is considered to do for the reasons set out in the report. Policy H2 also requires the density of new development to reflect that of the existing settlement.

Policy H3 of the NDP seeks to encourage new housing development to have regard to building performance, space standards and green energy systems.

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

7.4 The DAS sets out the design evolution of the scheme. The DAS sets out the design principles for the site which include:

- Creating a safe and suitable access to the site
- Eliminate impact of the development on heritage assets.
- Retention of green infrastructure
- Connectivity to the adjacent open space improved.
- Maintaining an adequate amount of space between the built environment and this copse landscape feature.
- The scheme should respond to the gentle slope as the land falls to the south west through the appropriate massing of buildings.

7.5 The Urban Design Officer has commented that the proposed development is not out of character with the morphology of the existing settlement and considers that it would add positively to the streetscape along Oakridge, creating active frontage and a positive edge to the settlement. The Design and Access statement provides sufficient parameters to guide any reserved matters application and the Urban Design Officer is confident that 40 dwellings could be delivered on this site to a high design quality.

7.6 With regard to the proposed density, the average density in Highnam is 14 Dwelling per hectare (Dph) and the proposed development is higher than the average at 20.3 Dph. However this is an average across the whole of Highnam and it is notable that the existing residential area adjacent to the application site is, in a number of instances, at a higher density. For instance the development around the block on William Orchard Road, and part of Oakridge equates to approximately 18 Dph and the block around Park Break, Part of Oakridge and Turner's Close is a 22 Dph. Having regard to this it is considered that the proposed development would respect the surrounding density of development in this location.

7.7 The applicant's Design and Access Statement outlines that the technical design of the buildings will seek to achieve best practice in terms of U-value characteristics of the key heat-loss routes, namely windows, doors, walls, floors and roof.

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

8.0 Accessibility and Highway Safety

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

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

8.3 The proposed vehicle access includes emerging visibility splays of 2.4m x 52.51m east and 2.4m x 48.28m west of the site access and forward visibility of 50m to a right turning vehicle. The County Highway Authority have confirmed that these visibility splays are suitable and that the proposed access width of 5.5m with 2m footways on either side would allow for suitable inter-visibility for vehicle passing. However part of the land required to achieve the access point and the visibility is over third party land which is under to control of Tewkesbury Borough Council. Having regard to this it is considered that a legal agreement would need to be secured which makes provision for maintenance of vehicle and non-vehicular road and pathway connections between the site and Oakridge road with associated visibility splays and a footway connection

with crossings and visibility splays between the site and existing footway on Williams Orchard to Highnam primary school. The applicants argue that this matter could be addressed by a grampian style condition rather than through a legal agreement. However any proposed disposal of Council owned land would need to follow due process including advertising the proposed sale and securing approval from the Executive Committee.

8.4 Having regard to this there remains some uncertainty whether there is a realistic prospect of the land being made available for the proposed purposes. However the applicant points to a number of appeal/High Court precedents in respect of this matter and suggest that it would be wholly appropriate for a grampian condition to be impose. Discussions with the Council's legal team are ongoing and given that this is a technical matter, it is considered that if members are minded to grant planning permission this matter could be delegated to officers to address this matter either through its inclusion on a S106 or the imposition of an appropriately worded grampian-style planning condition.

8.5 In respect of the suitability of the existing highway network to accommodate the additional traffic generated by the development, a Transport Assessment has been submitted in support of the application with modelling of the traffic impact at peak hours of the site. Based on the trip generation from the development combined with existing and committed development it is illustrated the Oakridge/B4215 junction operates within capacity. There have been no recorded collisions on Oakridge in the vicinity of the proposed site access recorded in the past 5 years according to the transport assessment and just one recorded collision on the Oakridge/B4215 mini-roundabout junction in the past 5 years.

8.6 Having regard to the above the County Highway Authority raise no objection to the proposal subject the in imposition of conditions and planning obligations.

9.0 Residential Amenity

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

9.2 The nearest properties are those located to the south and the proposal is approximately 30 metres away at the nearest point with Oakridge (road) between them. The illustrative masterplan indicates some planting along the sites frontages which would also break up the visual impact of the development but layout details would in any case be dealt with at the reserved matters stage. Overall, at this stage and given the relationship between existing dwellings and the proposed development, there would be an acceptable impact on the living conditions of existing residents.

10.0 Affordable Housing

10.1 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 Main Modifications JCS specifies a requirement for 40% affordable housing to meet the future needs of the borough.

10.2 The applicant proposes that 40% of the proposed dwellings would be provided as affordable units and the Planning Statement informs the council that the applicant is committed to working with the Council to achieve an appropriate clustering and mix. The Council's Strategic Housing & Enabling Officer confirms that the preferred affordable housing type would currently to be split evenly 50:50 between affordable rented and intermediate housing.

10.3 It is also relevant that a number of requests from local residents have been received in respect of the proposed house types and the need for bungalows in the area. The Council's Housing & Enabling Officer identifies the need for the affordable housing to make provision for 2 bungalows based on the current local need which is proposed to be catered for through the s106 obligations.

10.4 The Council's Strategic Housing & Enabling Officer considers the proposed affordable to be acceptable in principle and could be secured through a Section 106 Agreement.

11.0 Flood Risk and Drainage

11.1 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.

11.2 Policy EVT5 of the local plan and Policy INF3 of the Main Modifications JCS 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.

11.3 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.

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

11.5 Gloucestershire County Council as the Lead Local Flood Authority (LLFA) has considered the FRA and considers that the proposed development would be acceptable subject to appropriate drainage conditions attached to any planning permission granted. In addition Severn Trent Water raise not objection to the proposals subject to the imposition of a condition relating to foul and surface drainage.

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

12.0 Open Space, Outdoor Recreation and Sports Facilities

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

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

12.3 Based on Policy RCN1 and the Playing Pitch Assessment and Strategy, 0.1ha should be playing pitches to be provided either on or off site, or the equivalent financial contribution for an existing provision.

12.4 The cost of playing pitches and associated changing facilities are based on the sports facility costs from Sport England for Q1 of 2015. Based on Sport England figures a 0.74 hectare adult pitch costs £80,000 and a two team changing room costs £255,000. Based on the 0.1ha requirement for the proposed development a contribution of £46,900 would be required.

12.5 The remainder of outdoor playing space required Policy RCN1 related to play facilities. Therefore, £776 per household will be required for improving current play/teenage provision off-site within Highnam Parish this equates to £31,040.

12.6 In addition to sports pitches, the proposed development would create a demand for other sports facilities (i.e. swimming pools, artificial pitches, sports halls). The specific demand for this development is to be identified using the Sports Facility Calculator which is an interactive tool developed by Sport England. This generates a total contribution for sports facilities of £31,856.

12.7 Based on calculation using the Gloucestershire Infrastructure Delivery Plan assessment formula, £18,188 is required for community building improvements at Highnam Community Centre.

12.8 The applicant has been made aware of these requirements and has informally confirmed their agreement in principle.

13.0 Education and Library Provision

13.1 The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Plan Policy GNL11 and Policy INF5 of the Main Modifications JCS 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.

13.2 Gloucestershire County Council has considered the impact upon, and necessary mitigation, for the, education and library services. In this respect the following contributions are recommended: Primary Education - £75,104 and Libraries - £7,840. It is forecasted that there will be a surplus of pre-school and secondary school places and therefore no contribution is sought.

14.0 Historic Environment

14.1 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act places a statutory duty on local planning authorities to have special regard to the desirability of preserving listed buildings or their setting, or any features of special architectural or historic interest which they possess. The NPPF includes a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (para.17 NPPF). 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. No other planning concern is given a greater sense of importance in the NPPF. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

14.2 Highnam Court is a grade II* registered park and garden surrounding its principal building, Highnam Court, a grade I listed building built in 1658. At the north-eastern corner of the registered park sits the Church of the Holy Innocents, grade I listed and built 1849-51. Other buildings surrounding the church including the lodge, school and vicarage are all grade II listed.

14.3 Historic England have been consulted on the proposed development considers that the application site is reasonably well screened by existing mature trees and local topography and therefore inter-visibility between the development and registered park will be limited. Furthermore, they concur with the application's Heritage Statement that there are no views of the site from within the wider park and garden which incorporate the church, and therefore the site does not form part of the setting or experience of the church and its wider landscape. Additionally the church experienced from the general location of the application site is done so in conjunction with existing residential development; this proposal is not felt to compound that experience. Historic England do however advise that robust screening should be provided to the south and western boundaries of the site to lessen and soften the introduction of the built form to what is currently undeveloped land. The Council's Conservation Officer also raises no objection to the proposed development.

14.4 The Garden Trust have been consulted on this application and raise concerns in respect of the visual impact of the development on the conifer planting to the south of the proposal and to the impact of the proposal on the Parkland setting to the Highnam Court and the setting of Holy Innocent's. However, it is clear from the comments of Historic England that the proposed development could be acceptably accommodated on the site.

14.5 In terms of archaeology, the County Archaeological Officer (CAO) advises that the archaeology present on this site is not of the highest archaeological significance. Nevertheless, the archaeological deposits on this site will make a contribution to our understanding of the archaeology of both the locality and the wider area. Therefore no objection in principle is raised subject to the imposition of an appropriate condition requiring a programme of work to excavate and record any significant archaeological remains to be undertaken prior to the development.

14.6 Overall, it is considered that the proposed development would not result in harm to the setting of heritage assets in line with NPPF advice, local policy and the statutory duty set out at Section 66 of the Listed Buildings Act.

15.0 Ecology and Nature Conservation

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

15.2 A Phase 1 Survey and detailed surveys relating to reptiles have been undertaken. The surveys confirm that the habitats recorded on site were assessed as moderate-low conservation value. The current development proposals include the retention of hedgerows, which represent the highest habitat value on site. Overall, the assessment concludes that the proposals would not materially affect the current baseline ecological conditions if the development is undertaken sympathetically to biodiversity. Further Natural England raises no objection to the proposed development.

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

16.0 Other matters

Self-build units

16.1 Policy H1 of the NDP encourages new development to include self-build and/or live/work units. In this instance the applicant has confirmed that they would be willing to consider the inclusion of a suitable worded condition requiring consideration to be given to the provision of self-build units at the reserved matter stage.

Healthcare

16.2 NHS Gloucestershire advise that the development would generate the need to increase existing health care capacity in the area. A contribution of £24,530 is sought by NHS Gloucestershire.

17.0 Overall Balancing Exercise

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

Beneficial Effects

17.2 It is considered that the proposal would achieve a good mix of housing and would deliver much needed affordable housing in a location which is in close proximity to employment, existing housing, community facilities and is well served by public transport. These are benefits which weigh significantly in favour of the development. Further, the additional increased patronage from the development would be beneficial to the ongoing support for the local services and facilities. New employment would also be created during construction and some businesses connected with the construction industry would likely be local suppliers

and trades, which would boost the local economy. In addition, it is considered that the proposal would be of an acceptable design and would include provision of public open space. It must also be recognised that through a Section 106 Agreement, developer contributions would provide for education and library facilities, improved recreational facilities, open space and playing pitches.

Harmful Effects

17.3 Whilst the proposal is capable of being mitigated in accordance with the landscape advisers comments, the proposed development would result in some landscape harm as a result of the loss of an undeveloped field.

Neutral Effects

17.4 It is considered that the proposed development would have a neutral impact on nearby heritage assets. In addition the proposed development would not be at an unacceptable risk of flooding and would not exacerbate flooding problems for third party property. In terms of ecology and nature conservation, it has been demonstrated that the development would not have a detrimental impact upon biodiversity.

Overall Planning Balance and Conclusion

17.5 In weighing up the planning balance, it is considered that, based upon the three-stranded definition of Sustainable Development within the NPPF, the proposal would represent a sustainable form of development and it is therefore recommended that the decision is **DELEGATED to the Development Manager to permit the application subject to consideration of how visibility can be secured at the access to the site (i.e Grampian style condition or S106 obligation) and the completion of a section 106 legal agreement to secure the following heads of terms:**

- Affordable dwellings - 40%
- Library - £7,840 towards local library facilities
- Primary Education - £75, 104
- Sports facilities - £31,856
- NHS England - £24,530
- Playing pitches and pitch provision - £46,900
- Community Infrastructure - £18,188
- Play facilities - £31,040
- Recycling - £73 per dwelling
- Dog bins & signs

18.0 Update

Principle of development

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

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

18.3 Officers consider that there is a strong argument that a 5% rather than 20% buffer should be applied given the strong delivery of housing in recent years and in particular the 5 years since the start of the plan period when measured against the above annual requirement. Over the period from 2011/12 - 1015/16 2,496 dwellings have been completed compared to the JCS requirement of 2,475 giving a surplus of 21 dwellings. For the past three monitoring years the JCS annual requirement has been exceeded, with a surplus of 135 dwellings delivered in 2015-16.

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

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

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

Social Cohesion

18.7 A reserved matters planning application was recently approved at Lassington Lane for 88 residential units (16/00858/APP).

18.8 A number of recent appeal decisions locally have determined that the effect of a development upon the vitality and social inclusivity of a local community can be a material planning consideration.

18.9 Paragraph 7 of the NPPF states that the planning system performs a social role, supporting strong, vibrant and healthy communities.

More specifically, paragraph 69 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Further to this the PPG advises that local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making.

18.10 In March 2015 an appeal against the Council's refusal of 60 dwellings on Land east of St Margarets Drive, Alderton (ref. APP/G1630/A/14/2222147) was dismissed for reasons including that the proposed development would have a disproportionate effect on the village in terms of the cumulative impact of development and also on the social wellbeing of the community. Here the Inspector found that the appeal proposals together with a recently permitted scheme for 47 dwellings would represent a 39% increase in the number of dwellings in the village. This was considered to have a disproportionate effect on the village and have a harmful impact on the social wellbeing of the community. A further decision in July 2015 against the Council's refusal of up to 53 dwellings on land to the west of Willow Bank Road, Alderton (APP/G1630/W/15/30032/78) found that the appeal proposal and recently permitted scheme would result in 100 new dwellings, an approximate increase of the community of 36-37%. For a relatively modest rural village it was considered that such an increase was substantial and consequently it was considered that the proposal would in combination with the permitted scheme represent a substantial expansion of the village, causing harm to the social well-being, community cohesion and therefore to some degree the vitality of Alderton.

18.11 In both of the Alderton appeal decisions, the identified harm to the social wellbeing of the community, together with other identified harms was considered to outweigh the identified benefits.

18.12 The Parish of Highnam is made up of 957 houses according to 2011 census data. However the main Highnam Settlement has approximately 720 dwellings. Having regard to the above the previously approved 88 dwellings would by itself result in an increase of approximately 12%. Should the proposed development be approved for up to 40 dwellings this would result in an overall increase of approximately 18%.

18.13 Having regard to the appeal precedent provided by the Alderton decisions, it is not considered that the cumulative increase resulting from this development would negatively impact on community cohesion. It should also be noted that other Service Villages, smaller than Highnam, have accommodated higher levels of growth in the JCS plan period.

Response to letter of the Parish Council dated 2nd March 2017

18.14 The Parish Council have raised a number of concerns regarding the proposed development and request that the application be refused.

The Parish Council considered that the current 5 year housing supply situation should allow the application to be refused and provides an opportunity to look strategically across the whole borough for more appropriate sites for development. However as members are aware it is important to look at applications in front of them and assess them on their own merits. The current application, whilst outside of a settlement boundary would contribute to the 5 year housing supply. Whilst a five year supply can currently be demonstrated, this is a minimum requirement and is also a rolling supply. Further no technical consultees have raised objection to the proposal. The site is adjacent to a service village and the level of growth to the settlement would be 18% over and above the existing settlement.

18.15 The Parish Council point out that landscape mitigation measures would not be required if the development were not carried out which is of course true.

18.16 The Parish Council are also concerned that sufficient weight has not been given to the key Vision Statements of the Neighbourhood Development Plan which form a prominent feature of this plan. The visions set out that Highnam will:

- Remain a separate and distinct community from Gloucester and not become a suburb.
- Develop in ways appropriate to the needs of the local community
- Ensure that development reflects the nature, character, scale and density of the community.
- Maintain its relationship with its landscape setting.

18.17 The Parish Council are concerned that the proposal would lead to future applications which would reduce the existing green lung which exists between the village and the Gloucester. It is acknowledged that future applications may be submitted however these would have to be assessed on their own merits. It is officer's view, based on a detailed assessment of the proposals including advice provided by specialist consultees, that the current proposals would have a limited impact upon the green gap between Highnam and Gloucester which would retain approximately a 1 mile gap between the developments. Officers therefore consider that the proposal would be acceptable in landscape terms despite the inevitable harm arising from replacement of the current open land with housing.

18.18 The development would also provide affordable housing to meet local need and, as set out above, the applicant is amenable to providing self-build plots to support the aims of Policy H1 of the NDP.

18.19 The Parish Council also refer to the Service Villages allocation of additional housing for the whole plan period for Highnam and suggest that this would be exceeded. However it must be noted that the numbers the Parish Council refer to are those within the Tewkesbury Borough Plan Background Paper - Approach to Rural Sites which identifies a minimum of 108 dwellings for Highnam to provide. Whilst the proposed development in collaboration would exceed this indicative number it must be borne in mind that this figure is not an adopted figure and was produced in order to illustrate how the numbers of houses required to be provided during the plan period could be distributed throughout service villages. It is also notable that this was a "minimum figure" and it would not be appropriate to refuse planning permission on the basis of this figure. It is also noted that the JCS policy SP2 talks about the Service Villages delivering limited development 'proportional to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester.

18.20 The Parish Council also raise concerns on highway safety grounds however the County Highway Authority have assessed the proposed development are satisfied that appropriate visibility can be achieved and raises no objection.

18.21 Having carefully considered the proposed development in the context of the Vision set out in the NDP it is not considered that the proposal would undermine this vision. It is also important to note that the delivery of the vision must be through adopted Policies of the NDP and having considered the development against relevant Policies it is not considered that the development would conflict with these Policies as set out in the main body of this report.

Overall Balancing Exercise and conclusions

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

18.23 The applicant's agent has commented on the issue (see attached letter). The agent comments that Inspectors at appeal have been clear that achieving a five year supply is simply the starting point and that Authorities remain obliged under the Framework to significantly boost housing land supply, and has attached two appeal decisions to illustrate the point. Both these appeals were allowed, notwithstanding that the Councils were able to demonstrate a 5 year supply of deliverable housing sites. The agent concludes that in this case, even with the five year supply, the site should be supported given the harms identified are still outweighed by the benefits.

18.24 Highnam is identified as a Service Village in the JCS and therefore as a suitable location for some limited residential development, proportionate to their size and function, also reflecting their proximity to, in this case, Gloucester.

18.25 Paragraph 17.2 of the officer report sets out social and economic benefits arising from the proposal, including the delivery of market and affordable housing. Further the scale of the proposed development is not considered to be disproportionate to the size of the settlement and is not considered to have a detrimental impact upon Social Cohesion.

18.26 The Parish Council have raised a number of concerns which have largely been addressed in the main body of this report and the update. Whilst the concerns are understood, for the reasons outlined above, it is not considered that the issues significantly influence the planning balance over and above the considerations set out in the original report.

18.27 It is acknowledged that the application is finely balanced however it is considered that the benefits, and the sustainable location of the site adjacent to a settlement which is identified as a Service Village in the JCS, outweigh the conflict with the development plan in respect of policies HOU4, the limited harms identified in the officer report relating to landscape and the additional issues raised by the Parish Council.

RECOMMENDATION Delegated Permit

Conditions:

- 1 The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.

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

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

- 3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

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

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

- 5 Applications for the approval of the reserved matters shall be in accordance with the principles and parameters described in the approved Design and Access Statement dated April 2016. Any reserved matter application shall include a statement providing an explanation as to how the design of the development responds to the Site Layout Plan - 8081 PL03 REV C.

Reason: To ensure the development is carried out in accordance with the agreed principles and parameters and to ensure that the new development will be visually attractive in the interests of good design and amenity.

- 6 Existing trees and hedgerows that are to be retained shall be protected during the course of construction in accordance with the submitted Tree Constraints, Tree Impact Assessment & Tree Protection Method Statement. All approved tree and hedge protection measures shall be in place prior to the commencement of construction and shall be retained thereafter until construction has been completed.

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

- 7 The reserved matters submitted pursuant to condition 1 shall be accompanied by full details of both hard and soft landscape proposals. These details shall include:

- (i) Positions, design, materials and type of boundary treatment to be erected;
 - (ii) Hard surfacing materials; and
- Soft landscape details shall include:
- a. Planting plans including positions for all tree, hedge and shrub planting;
 - b. Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - c. Schedules of plants, noting species, planting sizes and proposed numbers;
 - d. Densities where appropriate; and
 - e. Implementation timetables including time of planting.

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

- 8 If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.

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

- 9 No external lighting shall be erected on any part of the site without the prior express permission of the Local Planning Authority.

Reasons: In the interests of amenity and ecology.

- 10 No development approved by the permission shall be commenced until a detailed drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy must be compliant with the requirements of the NPPF, PPG, Non-Statutory Technical Standards for Sustainable Drainage, Building Regulation H and local policy. The detailed drainage strategy must consider, but not be limited to, the SUDS discharge hierarchy, a scheme of surface water treatment, management of exceedance flows, a construction method statement and be supported by sufficient evidence to demonstrate it is technically feasible. Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through 3rd party land or to their network, system or watercourse. The drainage scheme shall be carried out in accordance with the approved details.

Reason: To ensure that the development is provided with a satisfactory means of drainage, as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution, all in accordance with Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the NPPF.

- 11 No development shall be put in to use/occupied until a SUDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding to accord with Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the NPPF.

- 12 No development hereby permitted shall commence on site (other than those required by this condition) until the first 15m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework paragraph 35 and Local Plan policy TPT1.

- 13 The footway connection with crossings from the site to south of the Park Brake junction illustrated on drawing SK03 shall be completed in full prior to the occupation of any dwelling hereby permitted.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework and the development is designed to give priority to pedestrian and cycle movements in accordance with paragraph 35 of the National Planning Policy Framework and Local Plan policy TPT1.

- 14 Prior to occupation of the dwellings hereby permitted details (including construction details) of a footway with crossings from the site to the existing footway on Williams Orchard via the junction with Oakridge in accordance with drawing SK03 shall be submitted and approved in writing by the Local Planning Authority and constructed in accordance with the approved details.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework and the development is designed to give priority to pedestrian and cycle movements in accordance with paragraph 35 of the National Planning Policy Framework and Local Plan policy TPT1.

- 15 Prior to occupation of any dwelling hereby permitted, tactile drop kerb footway crossings shall be provided at the following locations in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority:

- Turners Close adjacent to Oakridge junction
- Between eastbound and westbound bus stops from Oakridge footway nearest Turners Close.
- Connecting footways on Williams Orchard from Williams Orchard/Oakridge junction to footpath through to Brimsome Meadow
- Connecting Brimsome Meadow north and south footways adjacent to Barn Ground junction
- Connecting north and south footways Park Brake adjacent to footpath north to Little Lancarridge
- Connecting footpaths on the north and south side of Little Lancarridge

Reason: To ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework, give priority to pedestrian movements, provide access to high quality public transport facilities and considers the needs of people with disabilities by all modes of transport in accordance with paragraph 35 of the National Planning Policy Framework and Local Plan policy TPT1.

- 16 Prior to first occupation of any dwelling hereby permitted details (including details of construction) of a footway/cycleway including an uncontrolled tactile crossing from the western boundary of the site to the existing footway alongside Oakridge shall be submitted and approved by the Local Planning Authority and completed in all respects before first occupation.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework, give priority to pedestrian and cycle movements, provide access to high quality public transport facilities and considers the needs of people with disabilities by all modes of transport in accordance with paragraph 35 of the National Planning Policy Framework and Local Plan policy TPT1.

- 17 Prior to occupation of any dwelling hereby permitted details (including details of construction) of a footway/cycleway connection from the site eastern boundary to the existing footway/cycleway to Gloucester shall be submitted and approved in writing by the Local Planning Authority and constructed in all respects.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework, give priority to pedestrian and cycle movements, provide access to high quality public transport facilities and considers the needs of people with disabilities by all modes of transport in accordance with paragraph 35 of the National Planning Policy Framework and Local Plan policy TPT1.

- 18 No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework paragraph 35 and Local Plan Policy TPT1.

- 19 The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the buildings hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans. The facilities so approved shall be maintained available for those purposes for the lifetime of the development.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 35 and Local Plan Policy TPT1.

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

- (i) specify the type and number of vehicles;
- (ii) provide for the parking of vehicles of site operatives and visitors;
- (iii) provide for the loading and unloading of plant and materials;
- (iv) provide for the storage of plant and materials used in constructing the development;
- (v) provide for wheel washing facilities;
- (vi) specify the intended hours of construction operations;
- (vii) measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework paragraph 35.

- 21 No development shall commence on site until a scheme has been submitted to, and approved in writing by the Local Planning Authority, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided in accordance with the approved details.

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

- 22 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

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

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

- 24 No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall be in accordance with the recommendations set out in section 7 of the Ecological Appraisal by Ethos Environmental Planning dated October 2015. The EMP shall include a timetable for implementation, details for monitoring and review and how the areas concerned will be maintained and managed. Development shall be carried out only in accordance with the approved EMP.

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

- 25 The reserved matters submitted pursuant to condition 1 above shall be accompanied by a written statement which outlines how the applicant has considered the need for the provision of self-build plots within the development to meet any identified local demand.

Reason: To demonstrate that the proposed development would support the provision of homes to meet local need.

Note:

Statement of Positive and Proactive Engagement

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



7571B

Evans Jones

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T. 01533 495 530 E. mail@evansjones.com

Land South of Oakridge, Highnam
 Site Layout

Date: March 2010

Scale: 1:500 @ A1
 Subject to planning, etc. see plan

Dwg No: 8081 PL03 Rev D



Highnam Parish Council

Highnam ~ Linton ~ Over ~ Lassington



Chairman – Michael Welch

Clerk – Richard Hicks

Phone/Fax [REDACTED]

The Old School
Newent Road
Highnam
Gloucester
GL2 8DG

1 March 2017

Dear Paul,

Land South of Oakridge, Highnam Planning application: 16/00486/OUT

Thank you for the opportunity on Tuesday to engage in a constructive dialogue with Cllrs. Welch and Coats and with Mr Nick Cook, local resident, regarding the above development proposal. Highnam Parish Council (HPC), believe the breathing space now provided by the recent deferral gives us the chance to look afresh at how any future development across the parish can best be accommodated. However, as agreed at the meeting, we set out below our further considered comments as to why we strongly believe this application is ill conceived and inappropriate.

First, given you are now able to demonstrate a five year land supply we would question why there is any haste in approving development which will add to this provision when you now have an excellent opportunity to look strategically across the whole borough for more appropriate sites for development. This surely now gives you ample legitimacy to refuse this scheme.

Second, you make reference to the need to put in place mitigation measures to reduce the visual and amenity impact of the proposal when the most effective mitigation of all is not to permit any form of development at all in this location.

Third, and most importantly, the Highnam Neighbourhood Development Plan is now a statutory plan which you are required to fully take into account in determining this application. HPC consider you have not previously given sufficient weight to the key Vision Statements which form a prominent feature of this plan, namely:

Remain a separate and distinct community from Gloucester and not become a suburb: This proposal, if approved, would become the thin end of the wedge, for the first time breaching the long established and natural eastern boundary of the village as defined by Oakridge where we strongly believe future applications would be made to extend this development further into precious open countryside, thereby significantly reducing the existing green lung which exists between the village and the city.

Develop in ways appropriate to the needs of the local community: This proposal adds absolutely nothing to the community other than inappropriate bulk standard housing.

Ensure that development reflects the nature, character, scale and density of the community: This application fails on all of these grounds; Highnam was designed as a "garden village" and this proposal would create, for the first time, an incongruous contrast which is at variance to the essential fabric and nature of the community.

Maintain its relationship with its landscape setting: We would strongly urge you to arrange a further Site Inspection for the planning committee when, hopefully, weather

conditions will be more favourable, to enable your members to appreciate the adverse and negative impact development in this location would have on the historic setting of Highnam Church and its environs.

Policy H2 of the Plan requires that *the design and visual character of any new development in Highnam should make a positive contribution to forming a sense of place...* This scheme manifestly fails to achieve this on all counts.

Fourth, by permitting this development the Service Villages allocation of additional housing for the whole plan period for Highnam will actually be exceeded given recent consents within the village and at Lassington Reach, Maidenhall and in Two Mile Lane thereby providing no opportunity for additional development over this timeframe. We would remind you that in her report the JCS Inspector has stated that Service Villages should be held to their original allocations.

Notwithstanding this statement, and as discussed at our meeting, HPC is in principle prepared to work constructively with you and your policy colleagues to refresh the recently made NDP to examine ways in which appropriate additional, well integrated and sustainable development can be accommodated within the parish over the plan period. Refusal of this application provides us all with the chance to do this in a well planned considered manner, rather than approving sporadic, opportunist and less than appropriate development.

It is also recognised by HPC and the Planning Authority that if this application is approved, given the history of the application process and the manner in which the scheme has been designed, there are likely to be additional developer led applications further into the same field to the south east of the site. If the current planning application is approved a precedent will have been established making it more difficult to resist or control such future development.

Fifth, we are particularly concerned about the traffic hazards which would arise from permitting this scheme. Oakridge is a relatively fast stretch of road, notwithstanding current speed restrictions, and pedestrians in particular will be at risk when crossing the road to access village facilities.

On all these grounds we would strongly encourage you to change your recommendation to a refusal of this application. If you would like to discuss this further we would be happy to meet with you and/or your colleagues at short notice. In any event it would be most helpful if you could advise us of your approach in this matter to enable us to have sufficient time to prepare whatever presentations we may wish to make to the planning committee at its meeting on 14 March.

Yours sincerely,

Richard Hicks
Clerk – Highnam Parish Council

Valid 29.12.2016
Grid Ref 390799 217689
Parish Badgeworth
Ward Badgeworth

Proposed new dwelling house in place of existing derelict farm buildings.

Mr Richard Street
Allstone Sand And Gravel
Myers Rd
Gloucester
GL1 3QD

RECOMMENDATION Refuse

Policies and Constraints

NPPF

Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU4, HOU14, GRB1, LND4, TPT1
Flood and Water Management SPD
Main Modifications Joint Core Strategy
Human Rights Act 1998 - Article 8 (right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Badgeworth Parish Council - Object to the proposal, making the following comments;

- Inappropriate development in the Green Belt
- Out of scale and character with surrounding dwellings
- Previous reasons for refusal are still relevant

Representations - 1 letter of support received, making the following comments;

- Appropriate use of a piece of disused, redundant land
- Will enhance the site
- Removal of redundant buildings and considerable concrete hard standing can only be a benefit to the area and adjacent dwellings

Committee determination is required as Councillor Vines is owner of part of the land to which the application relates.

Planning Officers Comments: Suzanne D'Arcy

1.0 Introduction

1.1 The application site is a broadly rectangular plot, measuring 0.22 hectares. It is accessed from Sandy Pluck Lane.

1.2 The site is located outside of any defined housing development boundary, though there are residential properties to the east of the site, and is within the Green Belt. There are no special landscape designations covering the site.

1.3 The site is currently overgrown and has two derelict agricultural buildings sited on it. The last approved use of the site is as agricultural use.

2.0 Relevant Planning History

2.1 Planning permission 16/00905/FUL was refused in October 2016 for the erection of a new residential dwelling and double garage. The application was refused as it represented inappropriate development in the Green Belt and the proposals were harmful to the openness and landscape character of the area.

3.0 Current application

3.1 The current application is a revised application for the erection of a new residential dwelling, following the demolition of the existing buildings.

3.2 The proposed dwelling would be a two storey, four bedroom dwelling. It would be 5m high to the eaves and rise to a height of 9m at the ridge. It will be constructed of rough dressed Cotswold stone with a Cotswold stone roof.

3.3 The application differs from the previously refused application, as the detached garage has been removed from the proposal. The proposed dwelling has been reduced in floor area from 408.4 square metres to 333.1 square metres.

3.4 No Very Special Circumstances have been put forward to justify the development.

4.0 Policy Context

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

Development Plan

4.2 The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy GRB1 seeks to guard against inappropriate development in the Green Belt. Policy LND4 seeks to protect the character and appearance of the rural landscape. Policy TPT1 requires safe and convenient access for all transport modes and that development should have an acceptable impact on the safety and satisfactory operation of the highway network. Policy HOU4 of the Local Plan explains that within such locations new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry, involve the acceptable conversion of an existing building or the provision of affordable housing in accordance with Policy HOU14.

National Planning Policy Framework (NPPF)

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

5.0 Analysis

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

Principle of Development

5.2 The site is located outside of any recognised settlement boundary and therefore the proposal is contrary to policy HOU4 of the Local Plan. Following the Council's approval for consultation of the latest draft of the Joint Core Strategy (JCS), the Council also approved the Objectively Assessed Need (OAN), which for Tewkesbury stands at 9,899. This figure is considered to be robust having been arrived at following detailed consideration through the Examination in Public process. Following from the OAN, there is an annual requirement of 495 dwellings to meet Tewkesbury's needs.

5.3 Using this figure and taking into account current supply, the Council can demonstrate a 5.3 year supply, with a buffer of 20% applied. Officers consider that there is a strong argument for a 5% buffer to be applied, given the strong delivery of housing in recent years, particularly in the 5 years since the start of the plan period.

5.4 As the Council can now demonstrate a five-year supply of deliverable housing sites, saved Policy HOU4 should no longer be considered to be out of date pursuant to paragraph 49 of the NPPF.

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

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

5.7 Furthermore, the site is in the Green Belt where significant restrictions apply. Paragraph 89 of the NPPF provides the most up to date policy guidance on Green Belts and advises that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

5.8 The glossary to the NPPF clarifies that 'previously developed' (brownfield) land excludes land that is or has been occupied by agricultural buildings. The development does not fall within any of the exceptions listed above and thus clearly constitutes inappropriate development in the Green Belt. Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 continues by saying that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.9 No Very Special Circumstances have been put forward to outweigh the identified harm. As such the proposed development is therefore contrary to Local Plan Policy GRB1 and the advice contained within the NPPF. This weighs heavily against the proposal.

Impact on the openness of the Green Belt and the character of the area

5.10 There is no formal definition of openness but it is generally accepted to be the absence of built form. The applicant has provided no details of the size and volume of the existing buildings on the site (other than photographs), despite a request from Officers. However, the building to the front of the site is a low-key, single storey building, with the rear building being a Dutch barn and therefore having an open construction. The application proposes the construction of a substantial five bedroom dwelling on the site. By virtue of its size, scale and height, it is considered the proposed dwelling would have a harmful impact on the openness of the Green Belt.

5.11 Though it is acknowledged that the site is located adjacent to other residential development, it is outside any defined settlement boundary and as such, is considered to be within a rural location. Saved Local Plan Policy LND4 refers to the need to give regard to the protection of the rural landscape, which is echoed by section 11 of the NPPF. Paragraph 58 of the NPPF is also relevant as it states that developments should *"respond to local character...reflect[ing] the identity of local surroundings."*

5.12 The site has an overgrown and low-key appearance. The proposed dwelling would be a substantial dwelling that would be significantly larger than the adjacent dwellings and has a typical suburban appearance. Whilst it is acknowledged that the proposed dwelling is smaller than that proposed in the previously refused application, it is still not considered to reflect the rural character of the area.

5.13 In view of this, the proposed development is not considered to respect the character of the rural area and is contrary to Local Plan Policy LND4 and the advice contained within the NPPF.

Impact on residential amenity

5.14 The only adjacent residential neighbour is to the east of the site at Brook Cottage. There is approximately 15m between the proposed dwelling and Brook Cottage and there are no first floor windows in the side elevation. It is not considered that there would be any loss of privacy to this neighbour from this proposal. Due to the relationship between these sites, there may be some overshadowing of the private amenity space in the winter sun. However, it is not considered that this will cause a significant loss of amenity to this neighbour.

5.15 No other residential properties would be affected by this proposal.

Highway safety

5.16 Saved Local Plan Policy TPT1 seeks to ensure that highway safety will not be adversely impacted by the development. Sandy Pluck Lane is a narrow lane with no footpath. Due to the nature of the lane, traffic is likely to be travelling at low speeds. In view of this, it is considered that the proposed access arrangements would not be prejudicial to highway safety.

6.0 Conclusion

6.1 The site is located outside any identified housing development boundary and as such, the proposal is contrary to Local Plan Policy HOU4.

6.2 The proposed development does not fit within any of the categories of development that are considered to be appropriate in the Green Belt and as such, the principle of development is considered to be unacceptable.

6.3 The introduction of a substantial residential dwelling in the rural landscape fails to respect the openness of the Green Belt and the rural landscape.

6.4 It is accepted that the proposed development would not be harmful to residential amenity nor would it be prejudicial to highway safety. However, this is not considered to outweigh the harm caused to the Green Belt by the inappropriate development, loss of openness and harm to the rural character and appearance of the area. The application is therefore recommended for **REFUSAL**.

RECOMMENDATION Refuse

Reasons:

- 1 The proposed development would represent an inappropriate form of development in the Green Belt, which is harmful by definition, and would compromise its open character, appearance and function. The proposal would therefore be contrary to Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Section 9 of the National Planning Policy Framework.
- 2 The proposed dwelling, by reason of its size, scale, appearance, represents a substantial new dwelling in the rural area which would be harmful to the openness of the Green Belt, and local landscape character. As such the proposed development would be contrary to saved Local Plan Policy LND4 of the Tewkesbury Borough Local Plan (adopted March 2006) and the advice contained within the National Planning Policy Framework.
- 3 The proposed development conflicts with Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 in that the site lies outside any recognised settlement in a location where new housing is strictly controlled and it is not essential to the efficient operation of agriculture or forestry.

16/0463/FUL

APPLICATION BOUNDARY
16/0463



NOTES:
1. All dimensions shown on this drawing
are to be checked on site

Revision Notes:



SITE LOCATION PLAN

Address: Sandy Pluck Lane, Shurdington

Client: Mr & Mrs R. Smith

Status: Plans 16

Scale: 1:2500

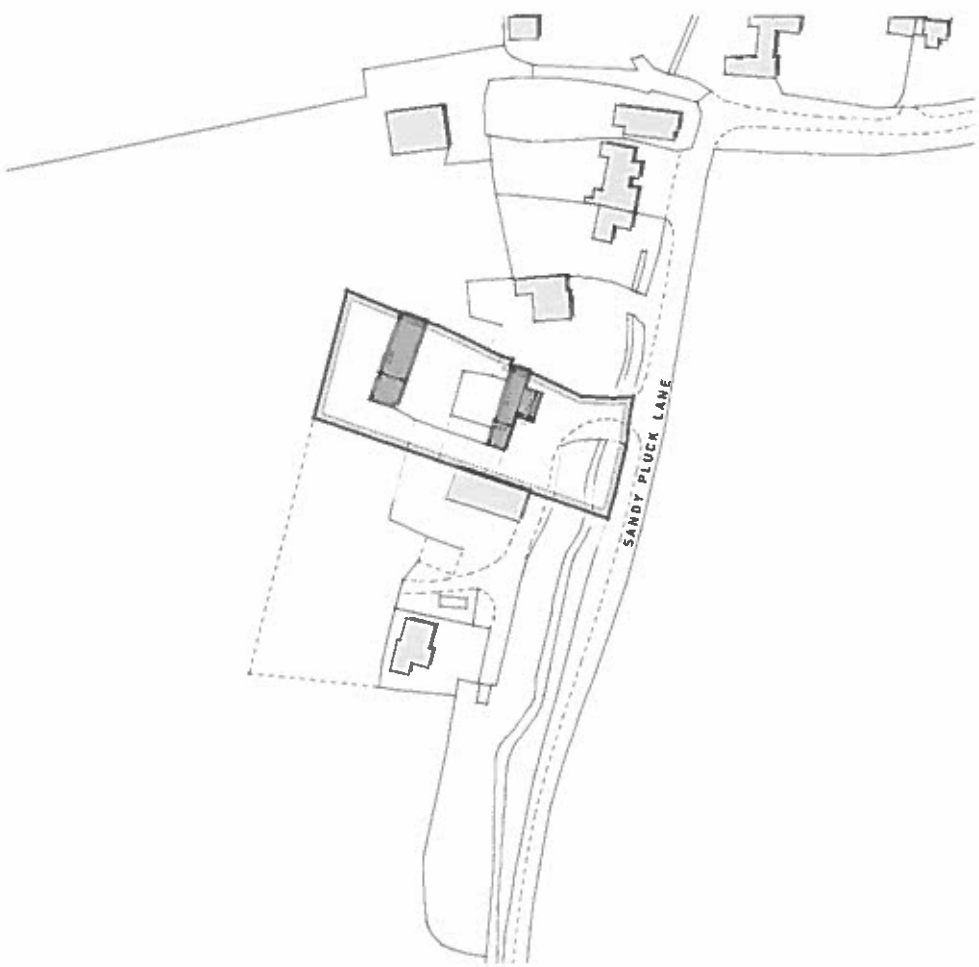
Dwg No: S/21/028

Revision: A

Date: 27/11/16

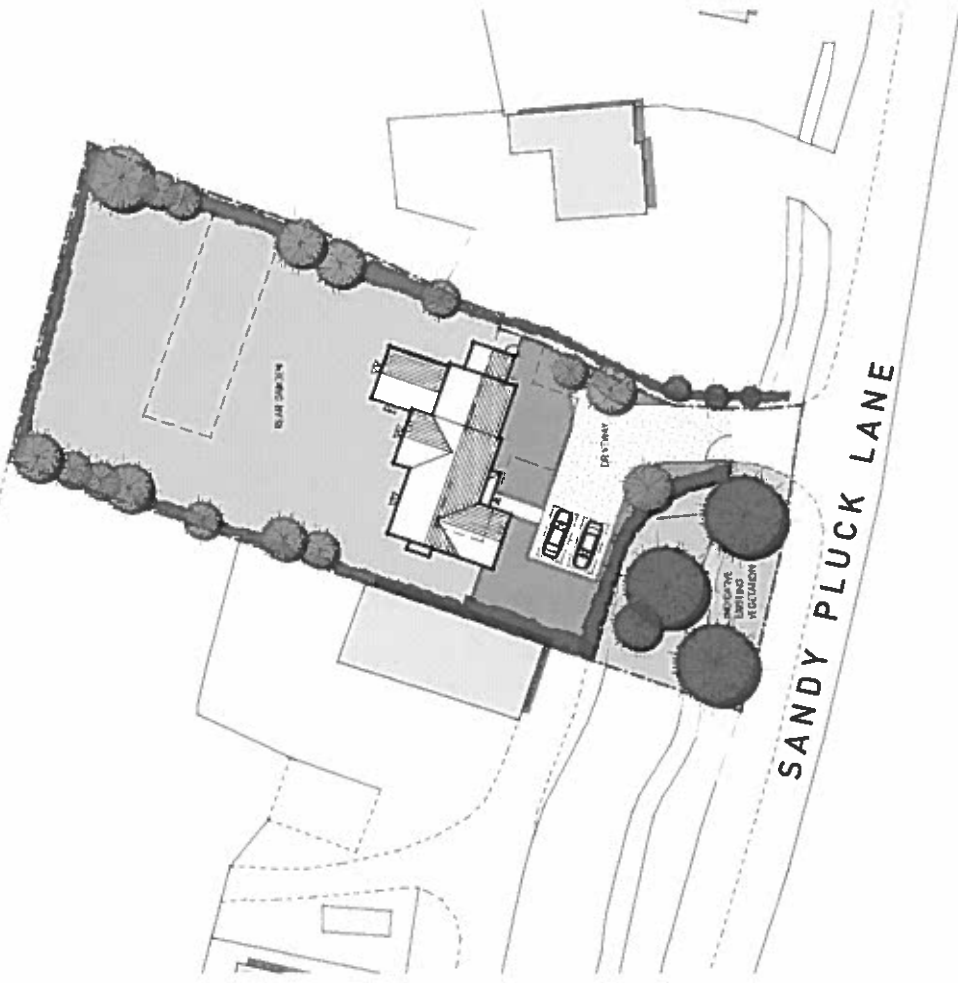
Team: DM

Contact:
T 0783701547
E info@curtis21design.com



791/A

- APPLICATION BOUNDARY
[Dashed line symbol]
- PROPOSED BUILDING
[Hatched area symbol]
- EXISTING BUILDINGS
TO BE DEMOLISHED
[Dotted area symbol]



Notes:
 *The site shall remain the drawing
 *All items to be checked on site

Revision Marks:



Drawing Title: **SITE PLAN (PROPOSED)**

Address: Sandy Pluck Lane, Shurdlington

Client: Mr & Mrs S. Smith Status: Proposed

Dwg No: SEP14 Scale: 1:500

Revision: B Team: GAT

Date: 03/11/14

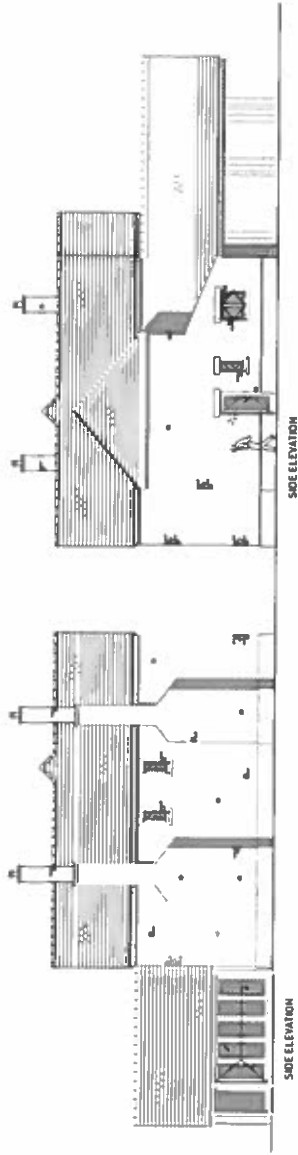
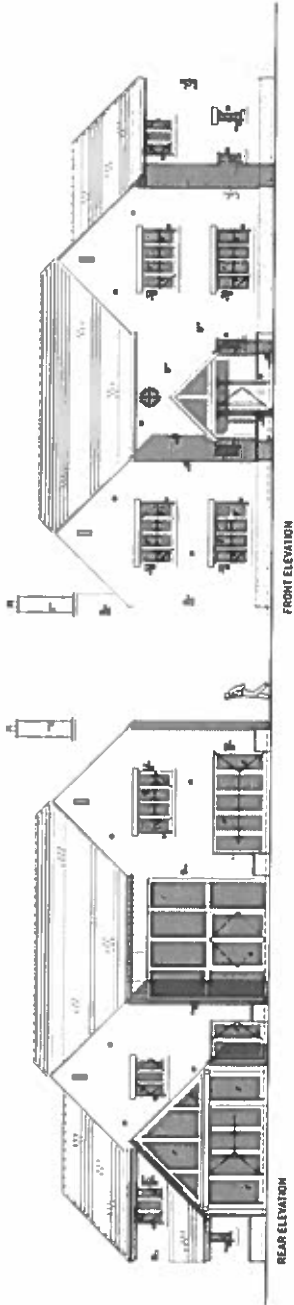
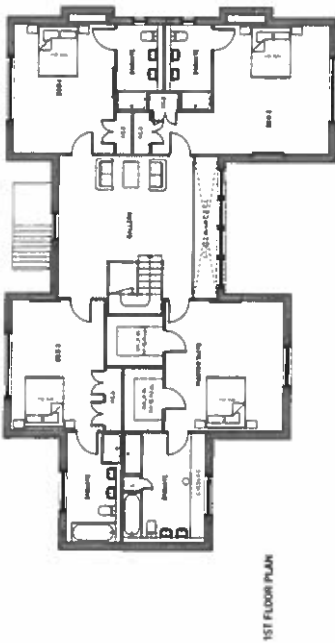
Contact:
 T: 078701547
 E: office@ar-j21.com



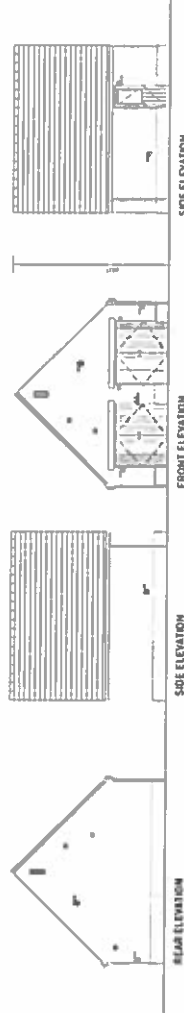
791 1B

Previously Refused Scheme
16/00005/FUL

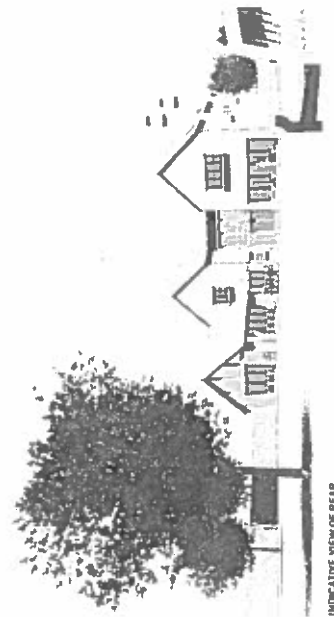
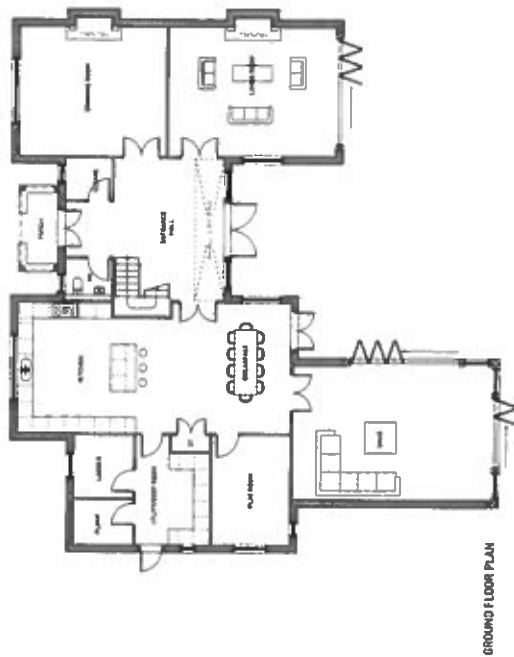
PROPOSED HOUSE ELEVATIONS



PROPOSED GARAGE ELEVATIONS



MATERIALS:
 WALLS: ROUGH DRESSED COTSWOLD STONE (OR SIMILAR APPROVED) & VERTICAL TIMBER WEATHERBOARDING
 ROOF: COTSWOLD STONE TILES (LAIN IN DOWNHANGING COURSES)
 WINDOWS: BLACK PLASTIC OR ALUMINIUM
 DOORS: TIMBER COTTAGE STYLE / ALUMINIUM BR-FOLDING



7911c

Notes:
 1. All work must be done in accordance with the Building Regulations.
 2. All plans to be checked and signed.

Drawings Title: PROPOSED PLANS & ELEVATIONS

Address: Safety Place Lane, Sharncliffe

Client: R. G. P. & Son

Scale: As Shown

Drawn by: S. D. J. 21/16

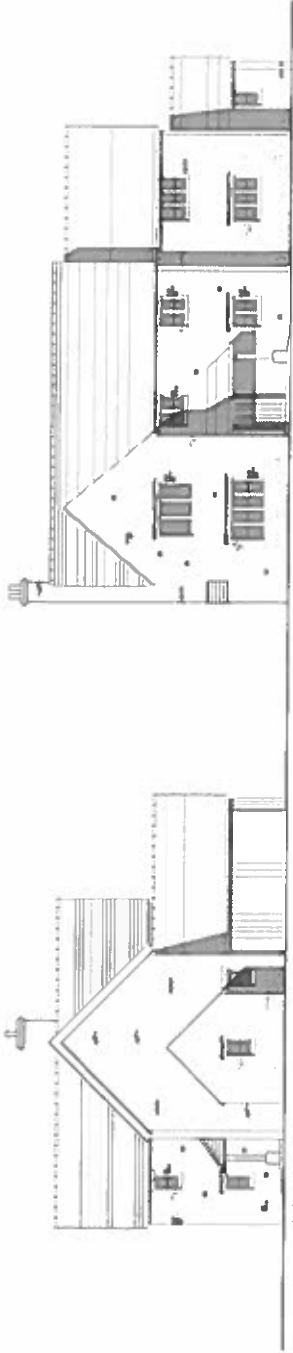
Check by: S. D. J. 21/16

Date: 25/07/2016

Contact:
 T: 01753 621542
 E: c.dave@hmk2116@gmail.com

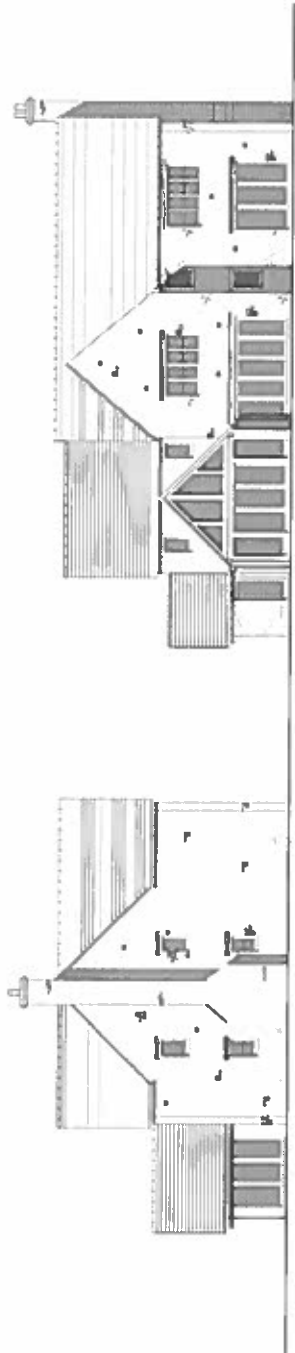
Proposed

PROPOSED ELEVATIONS



SIDE ELEVATION

FRONT ELEVATION



SIDE ELEVATION

REAR ELEVATION

MATERIALS:
WALLS: ROUGH DRESSED COTSWOLD STONE (OR SIMILAR APPROVED) & RED BRICK
ROOF: SLATE
RAUWATER GOODS: BLACK PLASTIC OR ALUMINIUM
FRONT DOOR: TRADITIONAL STYLE
WOODS: HARBOR COTTAGE STYLE / ALPACONA BY FELDING



GROUND FLOOR PLAN



1ST FLOOR PLAN

Notes:
 *The client is to verify all drawings
 *All plans to be checked on site

Revision History:

Drawing No. PROPOSED PLANS & ELEVATIONS
 Address: Sandy Flack Lane, Southampton
 Client: Mr & Mrs S. Stone
 Design No. 5/2011/001
 Revision: C
 Date: 23/10/2011
 Contact: 07915701342
 E: duncan@pennyltd@gmail.com

Scale: 1:100 (A1)
 Status: Planning
 Type: DWG

0/1912

16/00670/OUT

Land at Hector Farm, Hygrove Lane, Minsterworth

7

Valid 15.06.2016

Outline application for the erection of up to 9 dwellings and new vehicular access (All matters reserved except access).

Grid Ref 379095 218096

Parish Minsterworth

Ward Highnam With Haw

Bridge

Mr D Samuel

c/o Agent

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - Policies HOU4, TPT1, EVT3, EVT5, EVT9, LND4, LND7, NCN5

Joint Core Strategy Main Modifications

Flood and Water Management SPD

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Parish Council - Support the application

Environmental Health - Noise - Concern that the outdoor amenity of the houses closest to the A48 would not comply with the requirements of BS 8233:2014 Guidance on sound insulation and noise reduction for buildings or the criteria set out in the World Health Organisation (WHO) Guidelines for community noise. Recommends a condition to ensure the internal and external noise criteria meet the standards set out in BS8233: 2014 which would involve sound testing to ensure compliance.

Environmental Health - Contamination - There are historical landfill sites to the east of the proposed development. No objection subject to the imposition of conditions requiring site investigation and remediation.

Highways Authority - No objection subject to the imposition of conditions

Highways England - No objection

County Archaeologist - This development has low potential to have any adverse impact on archaeological remains. Recommend that no archaeological recording should be required in connection with the scheme.

Local Residents

1 objection:

- The proposal would set a precedent for the development of land between the village hall and the Highnam roundabout
- The entrance to the site is very close to Hygrove lane and there is already too much traffic leaving and joining the A48 and we have had several accidents. The lay by is often clogged up with large lorries and parked vehicles and the half hourly bus uses the lay by to rejoin the traffic after picking up passengers.

Planning Officers Comments: Paul Instone

1.0 Introduction

1.1 The application site comprises part of an agricultural field located on the western side of the A48 and to the north of the Minsterworth settlement with an area of approximately 0.8ha. The site is accessed via an existing lay-by off the A48, and on the corner of Hygrove Lane.

1.2 The land is generally flat and laid out to grass, and is contained by hedgerows and trees along the boundaries of the A48 and Hygrove Lane. A section of an access drive to Hectors Farm to the west lies in the southern part of the site. Hygrove Lane provides access to gypsy/traveller's sites and Hygrove House.

1.3 The site is bounded by the A48 to the east, Hygrove Lane to the south, which is a public right of way, and agricultural fields to the north and west. Opposite the southern section of the site on the A48 there are three residential properties.

1.4 The site does not fall within a recognised settlement boundary as defined in the Tewkesbury Borough Local Plan - March 2006 and the site is not affected by any landscape designations.

2.0 Planning History

2.1 There is no relevant planning history on this site.

3.0 Current Proposal

3.1 The current proposal is for the residential development of up to 9 units with all matters reserved for future consideration with the exception of access. An illustrative site layout and street scene have been submitted with the application for indicative purposes only.

4.0 Policy Context

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

4.2 Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework (NPPF), and the emerging Cheltenham, Tewkesbury and Gloucester Joint Core Strategy. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

Tewkesbury Borough Local Plan to 2011 - March 2006

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

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

4.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case as reiterated in paragraph 12 of the NPPF, the presumption is against the grant of planning given the conflict with HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

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

Emerging Joint Core Strategy

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

4.7 The Main Modifications Version of the Joint Core Strategy (MMJCS) 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.

4.8 Policy SP2 of the Submission JCS sets out the overall level of development and approach to its distribution. The policy states that to support their economic roles as the principal providers of jobs, services and housing, and in the interests of prompting sustainable transport, development will be focused at Gloucester and Cheltenham, including urban extensions to those settlements. Approximately 9,899 new homes are to be provided within Tewkesbury Borough - to be met through Strategic Allocations and through smaller scale development meeting local needs at Tewkesbury town in accordance with its role as a 'Market Town'. A certain quantum of housing is also to be provided at the 'Rural Service Centres' and 'service villages' identified in the JCS, including at Minsterworth.

4.9 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).

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

Other Material Considerations

4.11 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not change the status of the development plan as the starting point for decision making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise.

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

5.0 Analysis

Principle of Development

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

5.2 Minsterworth is a named Service Village in the current submission version of the JCS and emerging Policy SP2 of the JCS states that Service Villages will accommodate lower levels of development, proportional to their size and function, and also reflecting their proximity to Cheltenham and Gloucester.

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

5.4 The Framework also recognises the need to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28) and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that there is a need to balance this against other objectives set out in the Framework - particularly in rural areas. Although it is accepted that the new residents would to a large extent be reliant on the car, this would be in common with all the Service Villages and recent appeal decisions in Alderton and Twyning have made it clear that neither national nor local planning policy regards this as sufficient reason in itself to prevent any further residential development in such communities. Rather, it is one of the many considerations that need to be taken into account when assessing specific proposals.

5.5 Concern has been raised by the Urban Design Officer (UDO) that the site is divorced from the heart of the village, outside of realistic walking distances to facilities. The proposal would in her view represent further piecemeal ribbon development which would not help develop the character of the place in a positive way. Whilst these concerns are noted and understood, whilst the proposal is not in the heart of the village, it is not considered that the proposal would represent new isolated homes in the countryside. Minsterworth is a linear settlement in nature, without a defined centre and it is considered that the proposal is proportionate to the size and function of the settlement. It is also worth noting that the site is located approximately 3 miles from the centre of Gloucester service facilities including supermarkets, schools and doctors. With regard to access to public transport, there are bus stops located either side of the A48 within 20 metres of the application site.

5.6 It is recognised that there would be a clear conflict with policy HOU4 of the Local Plan to which substantial weight should be applied. However, Minsterworth is identified in the JCS as a suitable location for some limited residential development, and this fact alongside other material considerations are to be taken into account in the decision making process and the overall balancing exercise.

Design and Visual Impact

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

5.8 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Policy LND4 of the Local Plan also requires that regard be given to the need to protect the character and appearance of the rural landscape.

5.9 With regard to the current application, most matters relating to design and layout are reserved for future consideration apart from the proposed means of access which is to be off a lay-by off the A48. Nevertheless, the application has been supported with an indicative layout plan and street scene showing 9 two storey detached houses. The indicative plan shows a linear form of development that would have a density of approximately 10 dph and the dwellings are shown to be of traditional design of red brick material. The plan shows the existing vegetation fronting the A48 is to be retained and new landscaping boundary treatments are proposed to the rear of the site.

5.10 It is considered that the proposed development would successfully integrate into the context of the site and would have an acceptable impact on the character and appearance of the area and surrounding streetscape. The detailed design and size of the dwellings would be addressed through any subsequent reserved matters application; however, the indicative plans show that 9 detached dwellings could be accommodated on the site in an acceptable manner.

Noise and Residential Amenity

5.11 The NPPF provides that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from noise pollution. One of the core planning principles of the NPPF is to ensure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17 bullet point 4).

5.12 Local Plan Policy EVT3 sets out that appropriate steps must be taken during construction to reduce levels of noise pollution and planning permission should not be granted for development where noise would cause harm and could not be ameliorated.

5.13 The site is within close proximity to the A48 - a busy and heavily trafficked road. Although most of the units have been set well back off the road (by some 30 metres), albeit unit 9 is shown to be closer. The existing vegetation fronting the A48 is also shown to be retained and the layout is such that backgardens are screened by the built form.

5.14 The Environmental Health Officer has concerns that the outdoor amenity of the houses closest to the A48 would not comply with guidance on sound insulation and noise reduction for buildings or the criteria set out in the World Health Organisation (WHO).

5.15 Further to the comments from Environmental Health the applicant has suggested methods that could be incorporated to address any potential road traffic noise from the A48 to the section of development identified adjacent to the road so that the residential amenity of the properties is not adversely affected. Options put forward by the applicant include:

- designing the building fabric to the front and side of the properties to control noise internally
- Construction techniques which could be implemented on the external wall and roof
- The external walls can be of a conventional construction consisting of either masonry or a timber construction and can include two skins and cavities
- The installation of sealed airtight windows to control external noise
- The installation of a ventilation system that achieves a sound reduction outside to inside of at least 30 dB (A).
- The installation of acoustic boundary fencing, notable along the side garden boundary of plot no. 9 in order to reduce the effect of noise on the rear garden of this property.

5.16 This is an outline application and it is considered that mitigation measures could ensure internal and external noise criteria standards are met. With this in mind, it is recommended that a condition is imposed to secure a scheme to protect the development from noise.

5.17 Subject to a condition requiring submission of noise mitigation details that incorporate the suggested mitigation measures, the proposal is considered to comply with the National Guidance and Policy EVT3.

Highway Safety

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

5.19 The proposed dwellings are to be accessed off the existing lay-by on the corner of the A48 and Hygrove Lane. All dwellings would be served off a single internal roadway running parallel with the A48 which will necessitate the removal of a small section of vegetation to secure the access and visibility splays. The illustrative plans show a turning head at the northern end which would be required in order to allow refuse lorries to turn within the development and exit in a forward gear.

5.20 Highways England have been consulted and raise no objections.

5.21 Gloucestershire County Highways Authority (CHA) have also assessed the proposal and consider an adequate visibility splay is achievable in both direction, although it is advised that this should be demonstrated on the submitted plans at Reserved Matters stage. The Authority consider that the 6.8 metres wide internal driveway would be sufficient but advise that tracking should be supplied to demonstrate vehicles can pass without conflict and that adequate visibility splays should also be demonstrated for private accesses at Reserved Matters stage.

5.22 With regard to car parking and cycle storage the CHA advises that details should be submitted for approval at Reserved Matters but 2 car parking spaces and 1 cycle parking space per dwelling should be a suitable starting point. This level of parking is broadly indicated on the submitted illustrative plan.

5.23 Subject to conditions the CHA therefore have no highway objections to the proposal.

5.24 Subject to the above, the proposal is considered to be acceptable in terms of guidance within the NPPF and Local Plan Policy TPT1.

Flood Risk and Drainage

5.25 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.

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

5.27 The site lies wholly within Flood Zone 1 where there is a low risk of flooding from all sources. The applicant has considered that requirements of Tewkesbury Flood and Water SPD and consider that the following measure could be incorporated into the scheme

- Permeable surfacing, including road and driveways
- Swales/ponds
- Filter Trenches
- Water Butts

5.28 In terms foul drainage, Minsterworth does not benefit from an existing public sewage system and the applicant proposes to provide Package Treatment Plants, the details of which can be secured at Reserved Matters Stage.

5.29 In light of the above, it is considered that the proposed drainage strategy can be dealt with by way of a planning condition to secure details prior to development commencing. The proposal therefore complies with the guidance contained within the NPPF, and Policies EVT5 and EVT9 of the Development Plan.

Ecology and Nature Conservation

5.30 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.

5.31 The application is supported by a Preliminary Ecological Appraisal which assesses the ecological impact of the proposal and there is no record that suggests the presence of protected species on site or within the area. The application would necessitate the loss hedgerows to provide the access and visibility splay but the hedgerows are considered to be species poor, and the loss of the hedgerow is not connected to impact connectivity as the hedgerow terminates at this location.

5.32 The proposals present an opportunity to strengthen the quality and future management of the existing hedgerow corridors and the loss of the hedgerow habitat can be compensated for through on-site replacement planting and improved management of retained features. It is recommended that a condition is imposed to secure a programme of sympathetic management of the hedgerow corridors and on-site landscaping proposals. In accordance with the recommendations of the Ecological Appraisal it is recommended that a condition is imposed to deliver a working method statement, habitat creation and replacement plans to compensate for the loss of the hedgerow habitat.

5.33 In light of the above, and subject to the imposition of conditions, there is no evidence to suggest that there are any overriding ecological constraints to the development of the site for residential purposes

Affordable Housing

5.34 The Government's Planning Practice Guidance states that affordable contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. This is an outline application and the applicant has confirmed that the development would fall below 1,000sqm when reserved matters are submitted. The maximum amount of floorspace can be controlled by condition. Should the Reserved Matters floorspace exceed 1,000 sqm gross then an affordable housing contribution would be required in accordance with Planning Practice Guidance.

6.0 Overall Balancing Exercise and Conclusion

6.1 As set out above the starting point for determination of this application is the conflict with Policy HOU4, to which substantial weight should be applied. Whilst the Council is able to demonstrate a 5 year supply of deliverable housing sites, it should be recognised that this is minimum requirement and the NPPF seeks to boost significantly the supply of housing (para 47). It is also of course a rolling calculation and the Council must ensure that sufficient sites are granted planning permission to meet the ongoing need for housing in the Borough.

6.2 Minsterworth is identified as a Service Village in the JCS and therefore as a suitable location for some limited residential development, proportionate to their size and function, also reflecting their proximity to, in this case, Gloucester.

Benefits

6.3 The benefit of the proposal arises from the delivery of market housing, although it is accepted that those benefits are limited by virtue of the small scale of the development proposed. Nevertheless the proposal would contribute to enhancing and maintaining rural communities by providing houses within a Service Village which is proportionate to the size and function of the settlement. In terms of economic benefits it is now widely accepted that new housing developments bring benefits during the construction phase through additional spending power in the local economy as a result of the increased population.

Harms

6.4 The proposal would result in some landscape harm as a result of the loss of the field and its replacement with 9 dwellings and associated infrastructure/paraphernalia.

Neutral

6.5 There would be no undue impact in terms of residential amenity, heritage assets, biodiversity or the local highway network subject to the approval of technical details.

Conclusion

6.6 The consideration of material planning issues on this application is finely balanced. However, on balance, it is considered that the benefits set out above, and the location of the site adjacent to a settlement which is identified as a service village in the JCS, outweigh the conflict with the development plan in respect of policies HOU4 and other identified harms. The proposal is considered to represent sustainable development and the application is therefore recommended for permission.

RECOMMENDATION Permit

Conditions:

- 1 The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4 The reserved matters submitted pursuant to condition 1 above shall include details of existing and proposed ground levels and finished floor levels of the buildings relative to Ordnance Datum Newlyn. The development shall be carried out in accordance with the approved details.
- 5 Applications for the approval of the reserved matters shall be in accordance with the principles and parameters described in the approved Planning, Design and Access Statement dated June 2016. The Indicative Proving Layout submitted with the application is indicative only and the layout featured on that plan is not endorsed by the Council.

- 6 The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 1 above shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.
- 7 All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 8 The details submitted for the approval of reserved matters shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
- 9 The details submitted for the approval of reserved matters shall include details or samples of the external facing materials and hard surfacing proposed to be used. Development shall be carried out in accordance with the approved details.
- 10 Means of vehicular access to the development hereby permitted shall be from Hygrove Lane layby (immediately adjacent to the A48) only in accordance with the submitted indicative site plan 8373SK002B.
- 11 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 160m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
- 12 The vehicular access hereby permitted shall not be brought into use until the existing hedgerow and mature trees running parallel along Hygrove Lane have been reduced in level to no higher than 1.05m above the carriageway level for a distance of 25m and thereafter maintained so as to provide clear visibility.
- 13 No works hereby permitted shall commence (other than those required by this condition) until the first 25m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.
- 14 Details of the layout and access shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out in accordance with the approved plans. No dwelling on the development shall be occupied until the carriageway (including surface water drainage/disposal, vehicular turning head and street lighting) providing access from the nearest public Highway to that dwelling has been completed to at least binder course level and the footway(s) to surface course level.
- 15 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.
- 16 The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the buildings hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans. The parking and turning facilities shall then be maintained available for those purposes for the duration of the development.

- 17 The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 1 per dwelling have been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 18 **Construction Method Statement**
No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- (i) specify the type and number of vehicles;
 - (ii) provide for the parking of vehicles of site operatives and visitors;
 - (iii) provide for the loading and unloading of plant and materials;
 - (iv) provide for the storage of plant and materials used in constructing the development;
 - (v) provide for wheel washing facilities;
 - (vi) specify the intended hours of construction operations;
 - (vii) specify measures to control the emission of dust and dirt during construction
- 19 A scheme to protect the proposed development from traffic noise from the A48 shall be implemented before any dwelling hereby permitted is occupied. The scheme shall ensure that the indoor ambient noise levels in living rooms and bedrooms and external amenity areas meet the standards in BS 8233:2014 for the appropriate time period.
- 20 No external lighting shall be erected on any part of the site without the prior express permission of the approval of the Local Planning Authority.
- 21 No development approved by this permission shall be commenced until a detailed drainage strategy including a scheme of surface water treatment has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall be supported by evidence of ground conditions, soakaway tests and modelling of the scheme to demonstrate that it is the most appropriate strategy and is technically feasible. The drainage scheme shall be carried out in accordance with the approved details. Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through third party land or to their network, system or watercourse.
- 22 The development hereby permitted shall not be occupied until a SuDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the approved maintenance plan.
- 23 No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall be in accordance with the required actions set out in the Preliminary Ecological Appraisal prepared by Countryside Consultants Ltd dated June 2016. It shall include a working method statement, habitat creation and replacement plans, a timetable for implementation and details of how the areas concerned will be maintained and managed. Development shall be carried out in accordance with the approved details and timetable in the EMP.
- 24 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

25 The remediation scheme approved under condition 24 (iii) above shall be carried out in accordance with its terms prior to the commencement of development (other than works required to carry out remediation). The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

26 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Where contamination is found, an investigation and risk assessment shall be undertaken in accordance with the requirements of condition 24 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 25 above, which shall first be submitted to and approved in writing by the Local Planning Authority.

27 The combined gross floorspace of the development shall be no more than 1,000 square metres.

Reasons:

- 1 The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.
- 2 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 In the interests of amenity to accord with the NPPF.
- 5 To ensure the development is carried out in accordance with the agreed principles and parameters and to ensure that the new development will be visually attractive in the interests of good design and amenity.
- 6 In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 7 In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 8 In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 9 To ensure that the new development will be visually attractive in the interests of amenity.
- 10 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.
- 11 To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

- 12 To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
- 13 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.
- 14 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.
- 15 To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.
- 16 To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
- 17 To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.
- 18 To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.
- 19 To protect the residential amenity of future residents.
- 20 To avoid light pollution in the interest of preserving the rural character of the area.
- 21 To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding in accordance with policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 and the advice on flood risk in the NPPF. It is important that these details are agreed prior to the commencement of development.
- 22 To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.
- 23 To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 24 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 25 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 26 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 27 To allow consideration of whether an affordable housing contribution is required in accordance with Planning Practice Guidance.

Notes:

1 Statement of Positive and Proactive Engagement

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

2 The applicant is advised that to discharge condition 14 the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes, maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

3 The proposed development will involve works to be carried out on the public highway and the applicant/developer is required to enter into a legally binding Highway Works Agreement (Including appropriate bond) with the county council before commencing works.

4 The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the Amey Gloucestershire (08000 514 514) before commencing any works on the highway.



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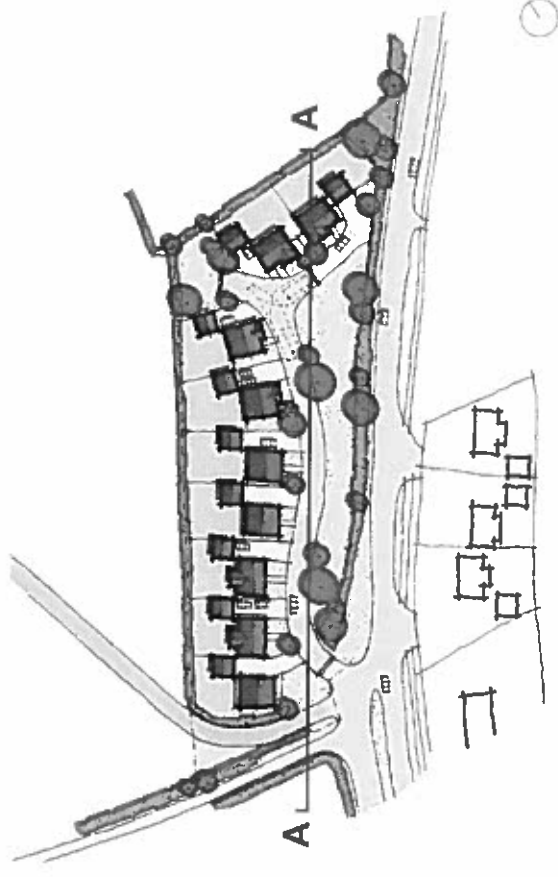
Hectors Farm Minsterworth
Site Location Plan

McLoughlin Planning Ltd.
The Estates Office, 25-26 Gold Tops, Nireport, NP20 4PG T 03333 405 500 E mail@roberts@limbrick.com
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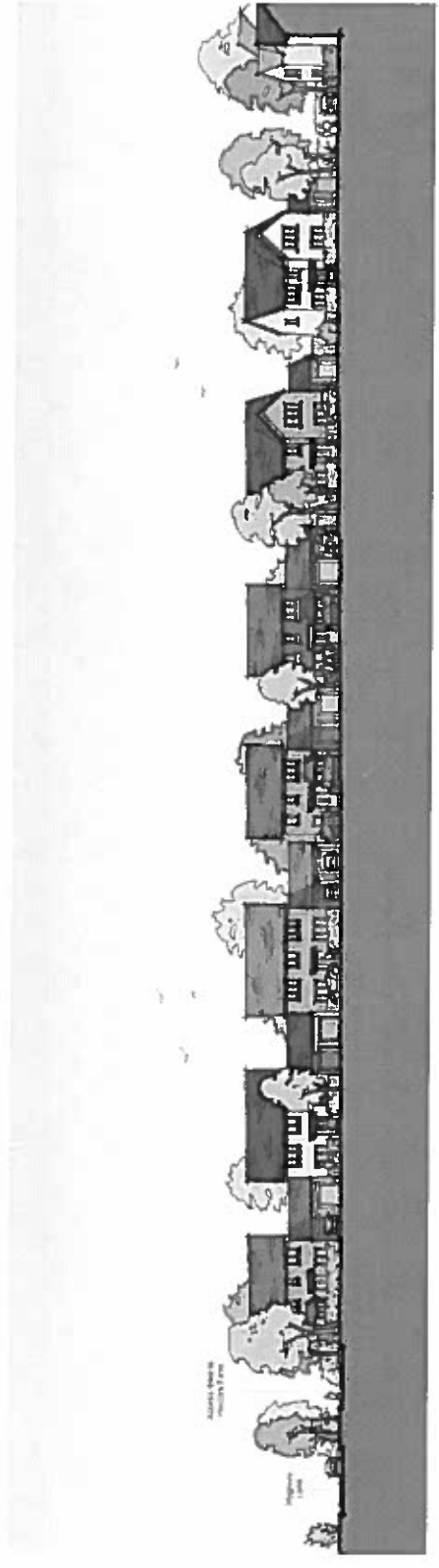
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Elevation Plan



Elevation A-A

803/B

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Hectors Farm Minsterworth
Indicative Elevations

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Dwg No: 8373-SK003A

Roberts Limbrick
ARCHITECTS

Valid 25.07.2016
 Grid Ref 397379 227560
 Parish Woodmancote
 Ward Cleeve Hill

Erection of a single dwelling

Mr James Duggan
 C/O Agent

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework (NPPF)
 Planning Practice Guidance (PPG)
 Joint Core Strategy Main Modifications - SD7, SD8, SD9, SD11, SD15, INF1, INF2, INF3
 Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, TPT1, EVT2, EVT9, LND7, NCN5
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
 The First Protocol, Article 1 (Protection of Property)
 Section 66 (1) of the Planning (Listed Buildings & Conservation Areas) Act 1990
 Countryside and Rights of Way Act 2000
 Area of Outstanding Natural Beauty (AONB)
 Within the vicinity of Brook Cottage Grade II Listed Building and Barn/Stables 5 metres south east of Yewtree Farmhouse Grade II listed building

Consultations and Representations

Woodmancote Parish Council - Object to original and revised application

- The site is wholly within the AONB and is visible from public footpaths. The visual impact from surrounding footpaths will be dramatic given the context of the site and that surrounding houses are predominantly dormer bungalows/cottages.
- Nut Tree Cottage marks the end of the built environment in this location.
- The design is modern using materials which do not fit easily within the natural landscape. The chimney rising above the structure appears large and intrusive and the walls are imposing and look harsh when viewed from the footpath and somewhat oppressive.
- The planting scheme of trees to shield the house from the east is completely out of character and the fields as existing are open giving views of the Cotswolds escarpment and Cleeve Hill.
- The new dwelling would sit almost opposite the Grade II listed barn part of Yew Tree Farm.
- The design does not fit into the streetscene.
- The planning history of the site identifies that it is served by a series of substandard access roads and hazardous junctions and the proposal will increase vehicle movements.
- The area is subject to local flooding and the proposal for a new dwelling would have an adverse impact on other dwellings especially Nut Tree Cottage.
- The site has ancient boundaries and wildlife/ecology studies should have been carried out which they haven't. The arboricultural impact assessment states that traffic movements and services will affect tree root systems in the ancient boundary which is unacceptable.
- The internal layout of the buildings seems to indicate that the building might be used in conjunction with the commercial units. If permission is granted the Parish would like to see a condition restricting the dwelling to domestic and must not be used as part of the existing commercial activity

County Archaeologist - No objection subject to condition to secure implementation of a programme of archaeological work.

The County Archaeologist has confirmed that there is no objection in principle to the revised footprint

County Highways: No objection - Standing Advice

Conservation Officer - No Objection

Landscape Officer - No objection subject to conditions

Local Residents -

18 objections have been received from local residents to the original scheme (summarised):

- Planning permission has been refused for dwellings at the Stables in the past. There has been no change in circumstances and this application should also be refused.
- The proposal would be harmful to the AONB, is an unacceptable encroachment and is totally out of keeping with surrounding properties and will appear as a blot on the landscape.
- The house is large and deprives the AONB of a lot of land for just one dwelling
- Planning permission would set a precedent for further development along Bushcombe Lane.
- The stables have been in existence for a number of years without a dwelling, there is no need for a house now and the dwelling is disproportionately large and isn't related in scale to the Stables.
- Loss of grazing land for the existing stables.
- The proposal is not infill as it is set well back from the road and doesn't fill a gap in the local street scene.
- The dwelling is larger than anything in the vicinity and does not match the Cotswold style and would jar with the local context and surroundings. The large zinc roof combined with traditional materials will emphasise the scale of the proposal.
- The outside walls are unnecessarily tall and would appear as featureless slabs when viewed from the outside.
- The proposal could exacerbate existing surface water problems.
- Loss of privacy of existing occupants in Beverley Gardens.
- The dwelling would result in extra noise especially from the proposed car parking spaces.
- The dwellings in Beverley Garden will lose their view and will directly overlook the central courtyard.
- The cumulative effects of development schemes need to be taken into consideration including the planning application for 38 houses at Yew Tree Farm.
- Bushcombe Lane is unsuitable to accommodate additional traffic, including construction traffic, and there are no pedestrian footpaths.
- The dwelling would mean that the footpath to the west of the application site would effectively become a corridor.
- The application is premature of the publication of the Joint Core Strategy which is likely to exclude development in this area and the AONB.
- The existing footpath to the west of the site provides a natural and final boundary to the built area. If this boundary is breached it would set a precedent for further development.

14 objections have been received from local residents to the re-positioning of the dwelling (summarised only with relevance to additional issues raised and not set out above):

- The revised location places the new property even more directly to the rear of some properties in Beverley Gardens and upstairs bedrooms will directly overlook the properties
- The new location of the proposed building will make it even more visible to walkers and residents of the area now and for all succeeding generations
- The repositioned dwelling would appear even more prominent, especially when viewed from Bushcombe Lane, and would in no way conserve the scenic beauty of the AONB
- The revised location linked with the existing access and incline of the ground would make the dwelling clearly visible, prominent and alien in the AONB.

The application has been called to Committee by Councillors Dean and Hollaway due to concerns about the impact on the surrounding area

Planning Officers Comments: Paul Instone

1.0 Application Site

1.1 The application site comprises a parcel of equine pasture land which extends to approximately 0.2 hectares to south of Bushcombe Lane, Woodmancote. The site is located adjacent, but outside, of the defined residential boundary of Woodmancote. To the north east is Hillview Stables beyond which are a number of residential properties along Buschcombe Lane. To the north of the site on the opposite side of Bushcombe Lane are a number of residential properties. To the west the site is adjoined by a public footpath, beyond which are the rear gardens of dwellings located in Beverley Gardens. To the east and south east the site is adjoined by open fields and a public footpath also runs to the south of the site.

1.2 The site is an elevated position above Beverley Gardens to the west and the land continues to rise up Bushcombe Lane to the east. The site also slopes downward from south to north towards Bushcombe Lane. There is dense vegetation which screens the site from Bushcombe Lane to the north but there is limited vegetation on all other boundaries

1.3 The Grade II Listed Yew Tree Farm is located to the north west of the site. The site is within the Cotswolds Area of Outstanding Natural Beauty (AONB).

2.0 Relevant Planning History

95/2460/0788/FUL - Erection of stables building in connection with use of land for the keeping of horses for recreational purposes, change to position of access. Permitted October 1995

97/2460/1270/FUL - Erection of a hay store. Permitted March 1998

98/2460/0688/OUT - Outline application for the erection of a dwelling on land opposite Yew Tree Farm. Refused August 1998. The application was refused because 1) The proposal conflicted with the local plan and was not essential to the efficient operation of agriculture or forestry; 2) the site was in the AONB and would have an adverse impact on the landscape; 3) the lane serving the site is substandard with a lack of footways and is unsuitable to cater for the development; and 4) the proposed development by virtue of its location and urbanising effect would have an adverse impact on the grade II listed barn/ stable to the north west of the site.

98/2460/1133/OUT - Outline application for the erection of a dwelling on land opposite Yew Tree Farm. Refused January 1999. The application was refused for similar reasons as those set out above.

99/2460/0215/FUL - Erection of 4 stables and variation of condition 4 on planning permission 95/2460/0788/FUL to allow the use of the site for the care and rehabilitation of horses. Permitted June 1999

00/2460/0854/FUL - Erection of foaling box/stable. Permitted January 2001

02/2460/0484/FUL - Variation of condition 4 of planning permission 99/2460/0215/FUL to allow the use of the site for the care and rehabilitation of horses and the use of up to four stables for livery purposes. Permitted August 2002

13/00086/FUL - Construction of an outdoor riding area. Permitted October 2013

14/01163/FUL - Removal/variation of condition 3 of planning permission 13/00086/FUL to allow the outdoor riding arena to be used for commercial livery purposes in association with the existing Hillview Stables. Permitted February 2015

3.0 Current Application

3.1 The application seeks full permission for the erection of a detached single storey 3 bedroom dwelling. The proposed dwelling would be 'U' shaped and would have an internal lawned courtyard. The dwelling would be orientated such that the principle elevation would be to the north and the site would be accessed via the yard of Hillview Stables. Parking is provided to the north of the proposed dwelling for at least 2 cars. A garden surrounds the dwelling on all sides. The proposed dwelling has been relocated further to comments from the Council's Landscape Officer.

3.2 The supporting information submitted with the application states a 'driving factor' for the proposed dwelling is to provide accommodation for the owner of Hillview stables to ensure the ongoing safety and welfare of horses. However permission is not being sought for a dwelling which is essential to the efficient operation of agriculture or rural worker.

4.0 Policy Context

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

4.2 Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework (NPPF), and the emerging Cheltenham, Tewkesbury and Gloucester Joint Core Strategy. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

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

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

4.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case as reiterated in paragraph 12 of the NPPF, the presumption is against the grant of planning given the conflict with HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

4.6 Framework Paragraph 115 advised that 'great weight' should be given to conserving the landscape and scenic beauty of AONB's. The advice regarding conservation and enhancement of the beauty of the AONB landscape is reflected with Policy SD8 of the Main Modifications Version of the Joint Core Strategy (MMJCS).

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

4.8 Section 85 of the Countryside and Rights of Way Act 2000 (the CRoW Act) requires that in exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

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

5.0 Analysis

Principle of Development

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

5.2 Woodmancote is a named Service Village in the Main Modifications Version of the Joint Core Strategy and emerging Policy SP2 of the JCS states that Service Villages will accommodate lower levels of development, proportional to their size and function, and also reflecting their proximity to Cheltenham and Gloucester. New development is to be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans.

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

5.4 The Framework also recognises the need to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28) and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that there is a need to balance this against other objectives set out in the Framework - particularly in rural areas. Although it is accepted that the new residents would to a large extent be reliant on the car, this would be in common with all the Service Villages and recent appeal decisions in Alderton and Twynning have made it clear that neither national nor local planning policy regards this as sufficient reason in itself to prevent any further residential development in such communities. Rather, it is one of the many considerations that need to be taken into account when assessing specific proposals.

5.5 This application must be considered on its own merits and whilst the proposal is not in the heart of the village, it is not considered that the proposal would represent new isolated homes in the countryside and the proposal would contribute to enhancing and maintaining rural communities. It is also worth noting that the site is located approximately 1 kilometre from the centre of Bishops Cleeve where service facilities include supermarkets, schools and doctors.

5.6 It is recognised that there would be a clear conflict with policy HOU4 of the Local Plan to which substantial weight should be applied. However, Woodmancote is identified in the JCS as a suitable for location for some limited residential development, and this fact alongside other material considerations are to be taken into account in the decision making process and the overall balancing exercises.

Landscape impact

5.7 The site is located wholly within an Area of Outstanding Natural Beauty and there are a number of public footpaths in the vicinity of the site and the proposal would be visible from a number of public vantage points as well as from private property. The NPPF states that great weight should be given to conserving landscape and scenic beauty in AONB's which have the highest status of protection in relation to landscape and scenic beauty. Policy SD8 of the Main Modifications Version of the Joint Core Strategy reflects this advice.

5.8 A Landscape Appraisal has been submitted in support of the application which includes an analysis of the visual impacts of the proposal. The appraisal argues that the proposed development would principally be seen against the context of the existing Woodmancote development edge and the properties along Bushcombe Lane which is heavily influenced by suburban features which detract from the AONB. Subject to landscaping the appraisal considers that in time the proposal would form harmonious component of the Bushcombe Lane and its setting.

5.9 The Councils Landscape Officer (LO) agrees that although the site is highly prominent within the landscape, the house would be viewed from the surrounding countryside, as part of the settlement edge to Woodmancote to the south, and also as a linear continuation of the houses that extend predominantly on both sides of Bushcombe Lane. However, it was considered that the dwelling should be re-sited closer to the stables to the north-east to allow for a wider buffer to the footpath to the south west. Further enhanced landscaping with native species was also recommended. Revised plans in accordance with the Landscape Officer's recommendations have been submitted and the LO confirms that he has no objections to the revised proposal.

5.10 On the basis of the above and subject to the imposition of conditions, it is considered that the degree of harm would be limited taking account of the setting and existing development nearby. Nevertheless, this limited harm to the AONB's landscape and scenic beauty is a matter that weighs against the proposal.

Trees

5.11 The application is supported with an Arboricultural Impact Assessment and Tree Protection Plan. The Assessment sets out that there are a number of trees on the site which are located mainly in the hedges around the field notably to the north west of the application site adjacent to Bushcombe Lane, which screens the site from the public highway.

5.12 It is proposed that all of the trees and hedges adjacent to Bushcombe Lane are to be retained. To facilitate the development, it is proposed to remove approximately 4 metres of hedgerow on the north east boundary to make space for the new driveway. The hedgerow is set back from the road and it is considered that the removal of this section would not impact on the landscape and scenic beauty of the AONB.

5.13 It is recommended that a condition is imposed to secure the tree protection measures set out in the Arboricultural Impact Assessment and Tree Protection Plan.

Impact on Conservation Area and Designated Heritage Assets

5.14 The application site is in the vicinity of the following designated heritage assets:

- 1303011 Barn/stables 5m south-east of Yewtree Farmhouse Grade II listed building.
- 1091634 Brook Cottage Grade II listed building.

5.15 The Council's Conservation Officer has been consulted on the application and has confirmed that Brook Street Cottage is some 75 metres west of the site and its setting is not considered to be affected by the proposal.

5.16 The Officer has also confirmed that the listed C17 barn is the only historic building remaining at Yew Tree Farm and stands on the northern side of Bushcombe Lane, directly opposite the application site. Its functional relationship is focussed northwards on the farmstead, although its roadside position gives it southern elevation a prominent presence on public views. The key aspects of its setting are its relationship with the farmstead and the lane; the application site is merely in geographical proximity.

5.17 In this context the Conservation Officer Officer considers that the proposed dwelling has typological echoes of farm buildings and given the surrounding development, it is not out-of-character for a building to occupy this location, and since its relationship with the Yewtree Farm barn is in large part incidental, it is considered that the proposal is likely to have no more than a neutral impact on its significance.

5.18 Moreover the Conservation Officer Officer considers that as the site's northern boundary to Bushcombe Lane is already well-vegetated and whilst intervisibility is not in itself a harm, this could be reinforced to increase screening if there are particular concerns.

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

Design and layout

5.20 It is considered that the proposal dwelling has been designed to respond to the site context and has been informed by the constraints of the site. The position and orientation of the dwelling has been informed by the Landscape Appraisal which has been submitted in support of the application and the location and orientation is designed to maintain, as far as possible, vistas of the AONB from public viewpoints and to minimise the obstruction of views from dwellings on Beverley Close. The position of the proposed dwelling has also been revised in response to the Council's Landscape Officer. It is considered by virtue of the positioning, scale and layout of the proposal that the dwelling would not adversely impact on the AONB or designated heritage assets.

5.21 Moreover, the architectural approach has limited the number of openings on external walls and creating a central courtyard which reduces the domestic form of the building when viewed from a number of public vantage points. In addition the design has been limited in height to a single storey which reduces the impact of the proposal on long distance views. The pallet of external materials including dry stone wall and zinc roof is considered appropriate to the locational context of the building and responds to the semi-rural context of the site and is considered acceptable in this regard. In order to reduce domestication of the wider site within the AONB it is considered necessary to impose a condition to remove permitted development rights.

5.22 In conclusion, it is considered that the design, scale, layout and appearance of the dwelling is acceptable to the design and appearance of its surroundings.

Residential Amenity

5.23 The nearest dwellings to the proposal are on Beverley Gardens and are located to the south of the application site beyond the footpath. These dwellings are at a lower level than the application site and the rear/side gardens facing toward the application site and are currently bounded by a close board fence. These dwellings are dormer bungalow and the properties are currently afforded views from the first floor of the application site and the wider AONB.

5.24 The proposed dwelling would be visible from these properties as well as from other dwellings in the vicinity. However due to the architectural approach and single storey design it is not considered that the proposed dwelling would have an overbearing or over dominating effect on the outlook of existing residents. Moreover there are no windows in the south elevation of the proposed dwelling facing towards the existing dwellings to the south which would give rise to overlooking between windows serving habitable rooms.

5.25 There are a number of other properties which would have views of the dwelling including Nut Tree Cottage to the west which is located beyond existing vegetation which provides screening as well as from dwellings which are located on higher ground further along Bushcombe Lane. Whilst the proposed dwelling would be visible, the single storey structure would largely be read against the backdrop of the built up area of Woodmancote and it is not considered that the proposal would give rise to an unacceptable impact on the residential amenity of any other existing residents by reason of overlooking, overdominating or overbearing impact.

5.26 In respect to future residents of the dwelling it is considered that the proposal will provide a high level of amenity for future residents and the central enclosed courtyard will provide a pleasant and private outdoor amenity space.

Highway Safety

5.27 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. Paragraph 32 of the NPPF also requires safe and suitable access to be achieved but states that development should only be prevented or refused on transport grounds where the cumulative impacts of the development are severe. The County Highways Officer has been consulted on the application and has advised that the Planning Authority should refer to their Standing Advice.

5.28 It is proposed that the site will be served from the existing vehicular access off Bushcombe Lane which currently serves the stables. The submitted plans show that a 54 metre visibility splay can be achieved in each direction and the Highways Authority have previously advised that at this site the point of access provides vision splays in both directions commensurate with the published standard for the designated speed.

5.29 Objectors have raised the point that historically residential applications have been refused on this site and in the vicinity as the road was considered sub-standard. This matter was considered in an appeal at Yew Tree Farm (APP/G1630/A/02/1088007) and the Inspector considered that the evidence did not demonstrate that there is a material existing highway problem in the vicinity of the application site. It is considered that this remains the case taking into account the visibility splay and that the proposal would be utilising an existing access.

5.30 With regards to parking provision, the submitted plans demonstrate that there is more than adequate room within the site to accommodate off-road parking for at least two vehicles which is considered sufficient for proposed dwelling.

5.31 In light of the above, it is considered that the proposed development would have an acceptable impact on highway safety subject to relevant conditions.

Archaeology

5.32 The County Archaeologist has been consulted and requested further investigations prior to determination. The applicant subsequently undertook an investigation which indicated that there is some archaeological interest in this site.

5.35 On this basis the County Archaeologist has advised that there is no objection for archaeological reasons with the proviso that the construction ground works are monitored to allow any archaeological remains to be recorded. It is recommended a condition is imposed to secure these archaeological works.

Drainage

5.36 Concerns have been raised about the drainage of the site and potential for increased run off arising from built form on the site. In order to secure appropriate drainage on the site it is recommended a condition is imposed to secure a comprehensive evidence based detail drainage design including a SuDS/drainage management plan.

6.0 Conclusions and Planning Balance

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

6.2 The site is located in a reasonably accessible location adjacent to a named Service Village in the emerging JCS with access to local services and facilities and which is therefore suitable in principle for some limited residential development proportionate to its size and function. The application would contribute, albeit in a limited way, to the housing supply in the Borough and these are matters that weigh in favour of the proposal.

6.3 It is considered that the design of the proposal development responds to the site's constraints and the context of the site. The setting of the site against existing development within the residential development boundary is a consideration. However there would be some limited harm to the AONB's landscape and scenic beauty and this weighs against the proposal and great weight should be attached to conserving AONB's in the decision making process.

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

6.5 The consideration of material planning issues on this application is finely balanced. However, on balance, it is considered that the benefits of the application, and the location of the site adjacent to a service village, outweigh the conflict with the development plan in respect of policies HOU4 and other identified harms including to the AONB's landscape and scenic beauty. The proposal is considered to represent sustainable development and the application is therefore recommended for **Permit**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Elevations: Facing South plus west Dwg No: A - P - 200 - 01
 - Proposed Elevations: Facing North plus east Dwg No: A - P - 200 - 02a
 - Proposed Sections: Dwg No A - P-300 -01
 - Ground Floor Plan: Dwg No: A - P - 100 - 02b
 - Site plus Proposed Roof Plan Dwg No: A - P -100-03a
- 3 Notwithstanding any indication of materials which have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
- 4 No development shall take place before a fully detailed landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the existing landscaping which is to be retained. The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings, or the completion of the development, whichever is sooner. Any trees, plants or areas of turfing or seeding, which, within a period of 5 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
- 6 Prior to the occupation of the proposed dwelling the car parking and manoeuvring facilities for the proposed dwelling shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.

- 7 No work shall commence on site until details of existing and proposed levels with reference to a fixed datum point, to include details of finished floor and ground levels, have been submitted to and approved by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 8 Development is not to begin until comprehensive evidence based detailed drainage design, including a SuDS/drainage management plan, have been submitted and approved by the authority. These should fully incorporate the principles of sustainable drainage and improvement in water quality, along with a robust assessment of the hydrological influences of the detailed drainage plan, including allowances for climate change. The scheme to subsequently be implemented in accordance with the approved details before the development is finished and put into use, and subsequently maintained to the required standard.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement or alteration, private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.
- 10 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.
- 11 The development shall take place in accordance with the Arboricultural Impact Assessment and Tree Protection Plan submitted as part of the planning application.

Reasons:

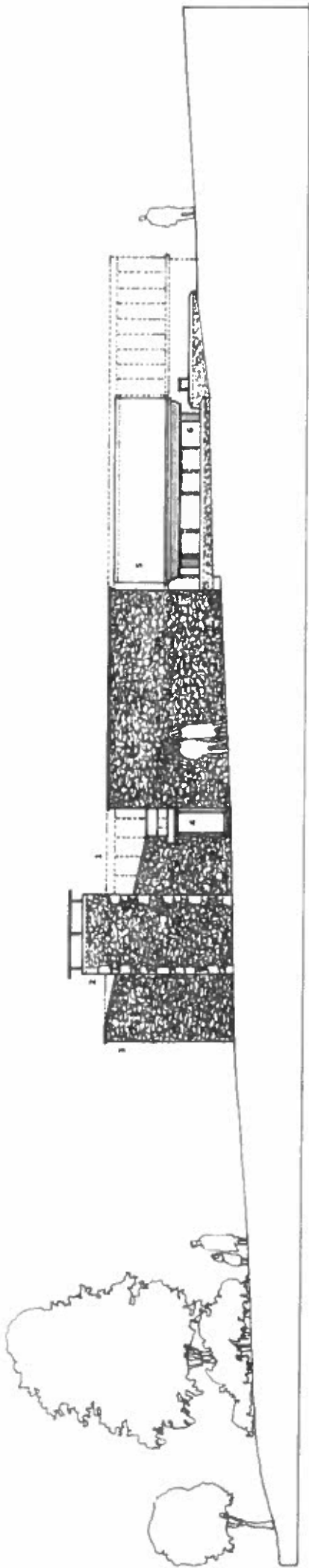
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 4 In the interests of amenity and to protect the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.
- 5 In the interests of amenity and to protect the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.
- 6 In the interests of highway safety in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 In the interests of amenity and to protect the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.
- 8 To ensure that the development is provided with a satisfactory means of drainage; as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution, all in accordance with the saved policies and NPPF guidance.
- 9 To protect the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.
- 10 It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework.

- 11 To ensure that the retained trees, shrubs and hedgerows are not damaged and in the long term interests of local amenity value.

Note:

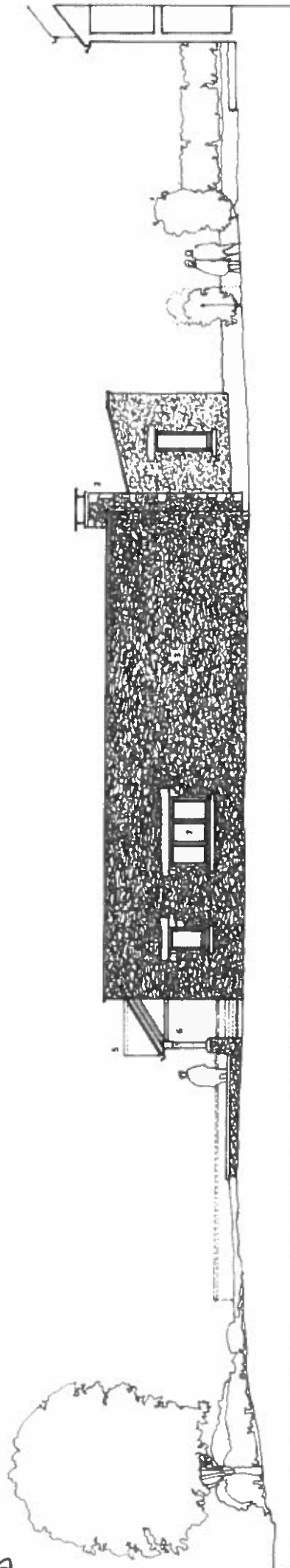
Statement of Positive and Proactive Engagement

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



south elevation

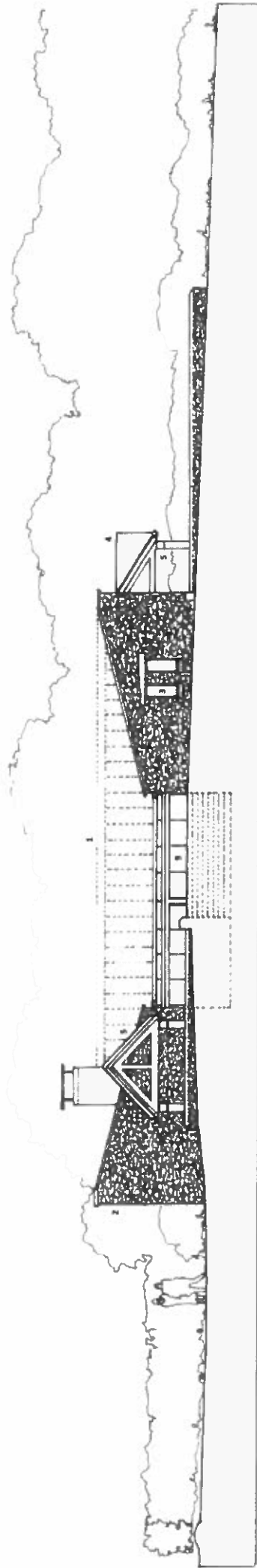
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west elevation

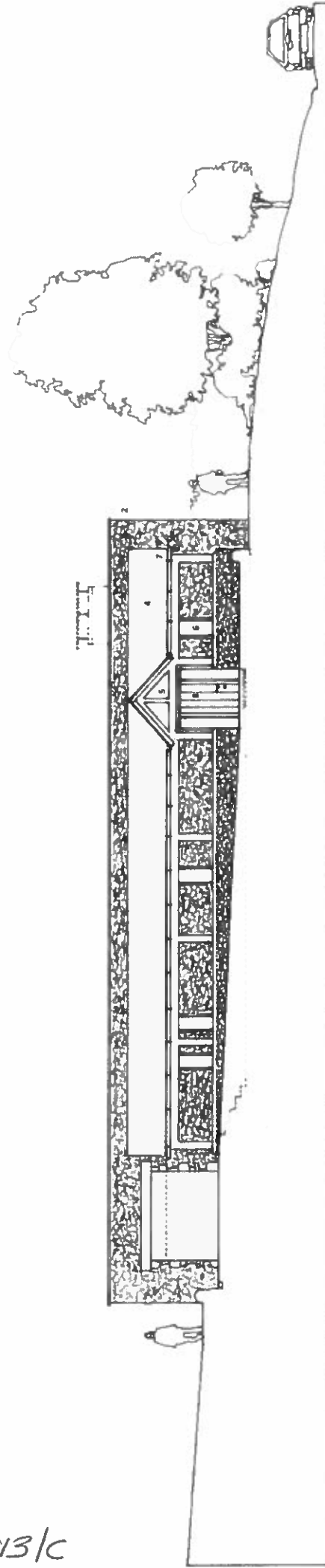
16/00860/FUL

- 1 lead coloured zinc roof (beyond)
- 2 ashlar stone quoins
- 3 grey stone walling
- 4 light grey PVC aluminium windows and doors
- 5 grey slate roof
- 6 oak joint and beam framework
- 7 natural oak windows with oak kerbs



east elevation

813/C



north elevation

- 1 lead coloured zinc roof (beyond)
- 2 dry stone walling
- 3 light grey PVC aluminium windows and doors
- 4 grey slate roof
- 5 oak post and beam framework
- 6 natural oak windows with oak lintels
- 7 natural aluminium rainwater goods
- 8 natural oak paneled front door with glazed sidelights
- 9 glazed enclosure to winter garden

3 Amendments made

25.01.17 ELB

Valid 14.10.2016
 Grid Ref 391379 220895
 Parish Badgeworth
 Ward Badgeworth

2 storey rear extension

Ms Hannah Lormor
 5 Trumpeter Road
 Badgeworth
 Cheltenham
 Gloucestershire
 GL51 6GT

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework
 Planning Practice Guidance
 Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8, GRB1
 Main modifications Joint Core Strategy
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
 The First Protocol, Article 1 (Protection of Property)
 Green Belt

Consultations and Representations

Parish Council - original plans - the application should be refused and a more modest extension sought.

- Substantial increase in the size of the dwelling by over 45%. The height and the overall size of the new extension would be disproportionate.
- Substantial impact on the neighbours especially those at the rear in Beni Close - loss of privacy / overlooking.

Revised plans - the proposed two storey rear extension is still too large, increasing the existing footprint by approx 45%. It would dominate the surrounding dwellings, all with relatively small rear gardens and its overall height, width and length is considered disproportionate to the existing building. Its design will have an adverse visual impact and be out of character with the surrounding properties. Consideration should be given to either making a substantial reduction in the size of the proposed two storey extension or submitting a single storey extension. The Parish Council recommends that the revised application be refused.

Local residents - 8 letters of objection have been received from 3 local residents. The reasons for objection are summarised as follows:

- The increase in floor area by about 45% would be out of proportion with the size of the plot / other nearby dwellings.
- Overlooking / loss of privacy from the new first floor windows to the dwellings at the rear in Beni Close and the neighbouring dwellings either side.
- The rear elevation extends upwards to a new angled pitch. This would create a very dominant and obtrusive feature.
- It's very subjective as to how close the nearest part of the extension would be to 6 Trumpeter Road. There may be an impact on their foundations.
- There are restrictive covenants on the deeds which may be breached.

Planning Officers Comments: Mrs Sarah Barnes

1.0 Application Site

1.1 This application relates to 5 Trumpeter Road, a brick detached dwelling located in Badgeworth (**site location plan attached**).

2.0 Current application

2.1 The current application is for a proposed two storey rear extension (**plans attached**).

3.0 Policy Context

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

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

3.3 Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. This approach is followed in Policy GRB1 of the Tewkesbury Borough Council Local Plan to 2011 - March 2006.

4.0 Analysis

Design, Size and Visual amenity

4.1 The Parish Council and local residents have objected on the grounds that the proposal would be too large and out of keeping with the area. Revised plans were submitted on the 29th December omitting the loft conversion and the second storey part of the proposal. The proposal (as revised) would be for a two storey rear extension (**plans attached**) with a projection of about 3 metres which is not considered to be excessive or out of proportion and there would still be sufficient garden area left available. The extension would also be of a suitable design with a pitched roof and would be constructed from materials to match those used on the existing dwelling.

Residential amenity

4.2 With regards to the concerns raised about overlooking / loss of privacy from the new first floor windows, the dwellings at the rear would be about 19 metres away so the overlooking would not be unacceptable. The outlook would also be an oblique angled view of the neighbouring dwellings either side.

4.3 Overall, after careful consideration, it is not considered that the proposal would cause demonstrable harm to the amenities of the neighbouring properties in line with Policy HOU8 of the Local Plan.

Green Belt

4.4 The original dwelling (built in 2011) occupied a floor space of approximately 91.98 sq. metres. The proposed extension (as revised), would result in a total additional floor area of about 39 sq. metres. This increase in floor space would equate to a 42% addition. Furthermore, this is a fairly new, built up housing estate (residential in character) and the property has not been previously extended so it would not be harmful to the openness of the Green Belt in this case. As such, the proposal would represent a limited addition to the property and would not be disproportionate to the original house.

4.5 The proposal therefore does not constitute inappropriate development in the Green Belt and the proposal is considered to accord with Local Plan Policy GRB1.

Other Issues

4.6 With regards to the neighbour's concerns relating to the loss of view, this is not a planning consideration. Similarly, in terms of the precedent that may be set each proposal is assessed on its own merits.

4.7 Concerns have also been raised about the impact of the proposal on the foundations of no 6 Trumpeter Road. However, this matter is something that would be adequately addressed under a Building Regulations application. With regards to the restrictive covenants on the deeds this is a legal issue.

5.0 Conclusion

5.1 Overall, it is considered that the proposed extension would not be harmful to the appearance of the existing dwelling nor the street scene and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. It would also be of an acceptable size and design, and there would not be any harm to the openness of the Green Belt. It would therefore accord with Policies HOU8 and GRB1 of the Local Plan and the NPPF. The application is therefore recommended for permission.

RECOMMENDATION Permit

Conditions:

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

Reasons:

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

Notes:

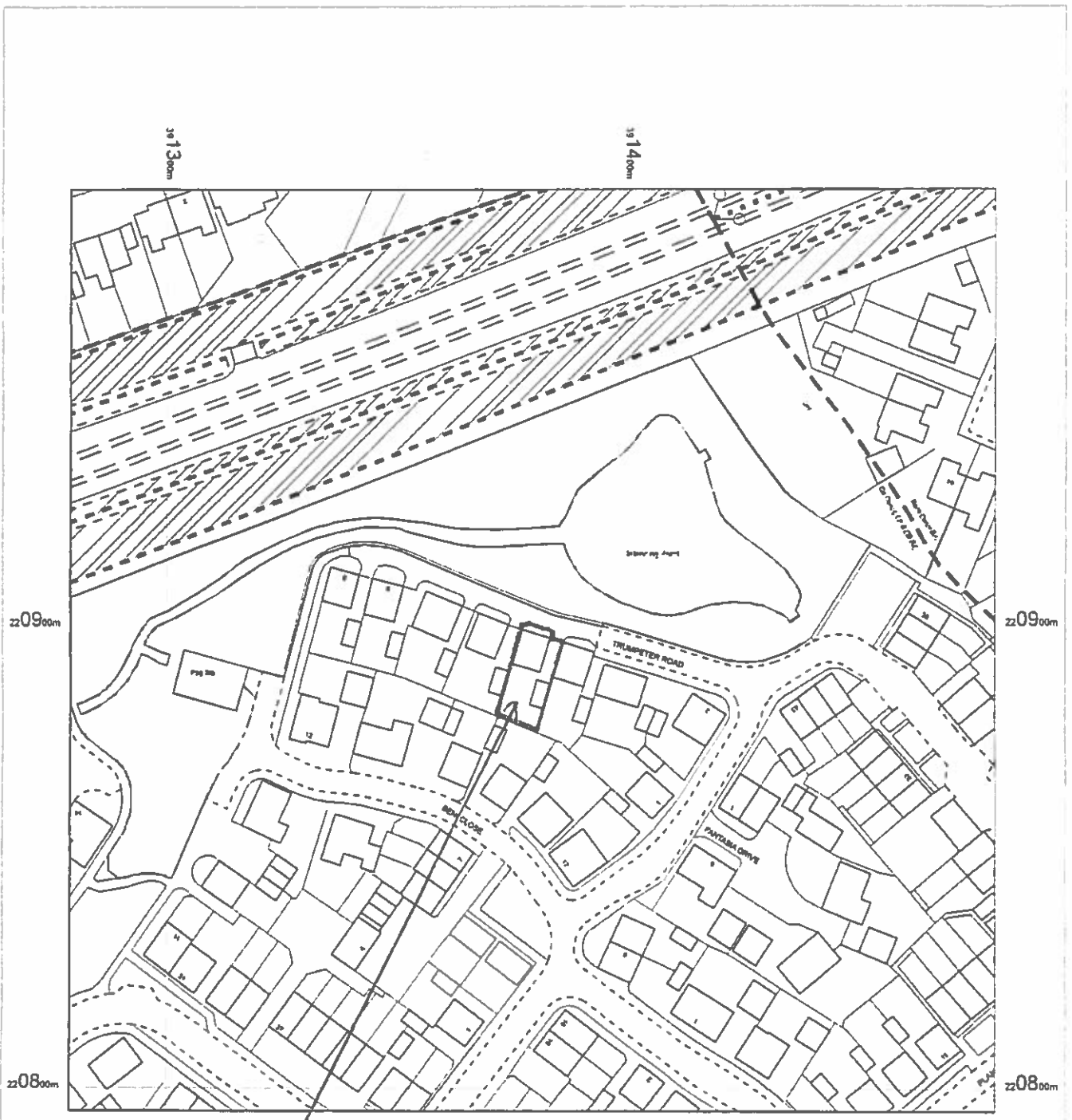
1 **Statement of Positive and Proactive Engagement**

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

- 2 This decision relates to the revised plans received by the Local Planning Authority on 29th December 2016 and 12th January 2017.

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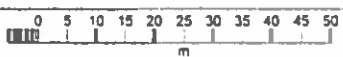
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5 Trumpeter Rd
GL51 6GT

OS MasterMap 1250/2500/10000 scale
13 September 2016 ID: HMC-00560429
www.themapcentre.com

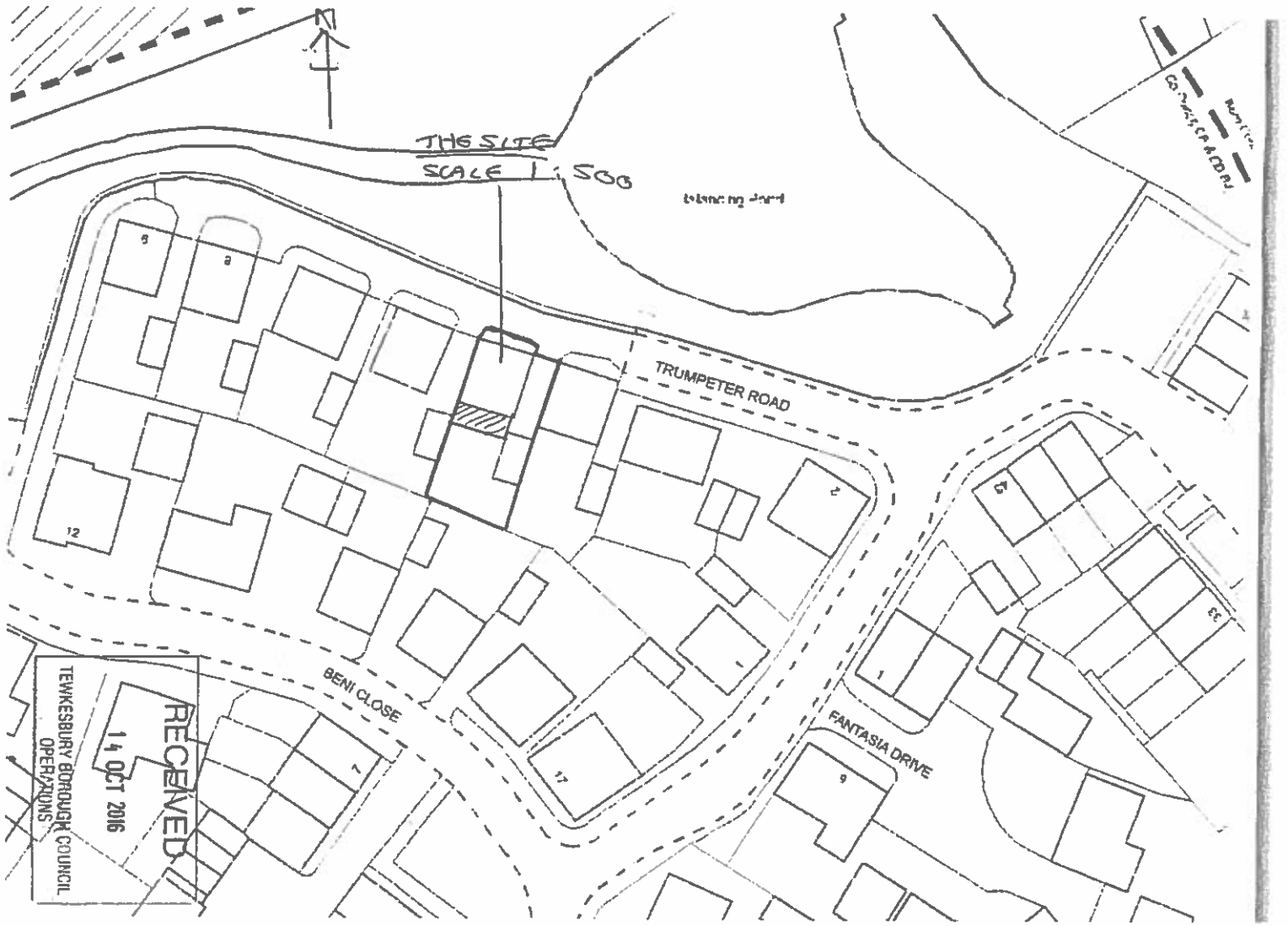
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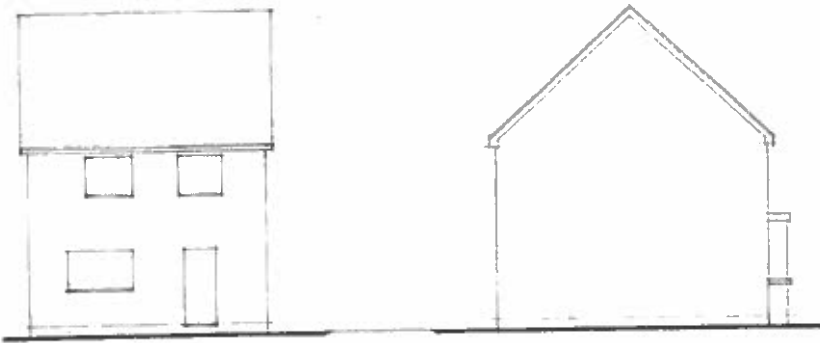
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original plans



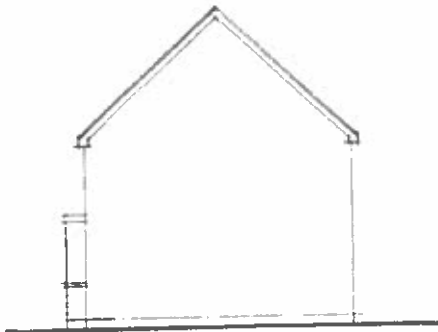
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original plans -
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Existing elevations



Rear Elevation

Side Elevation



Side Elevation

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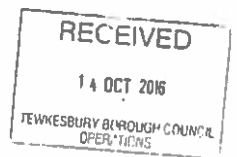
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Elevation As Existing

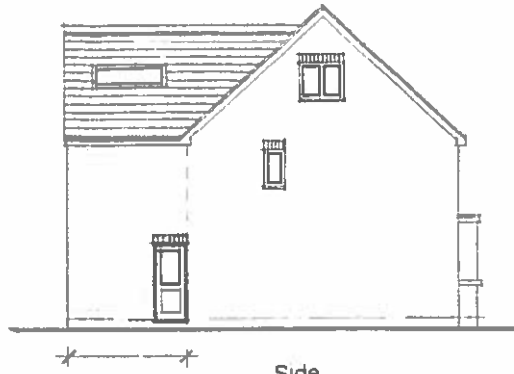
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Proposed Extension at
5 Trumpeter Road
Cheltenham
Sept 2016 1:50 PK
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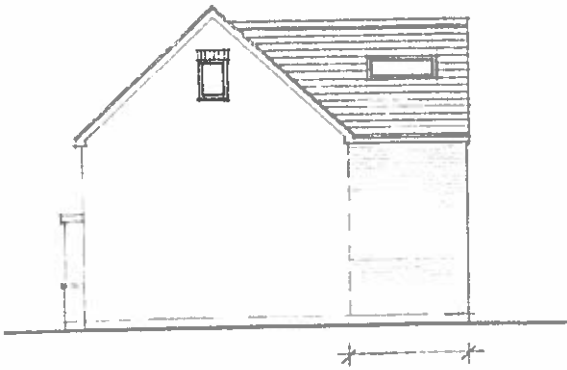
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Rear



Side



Side

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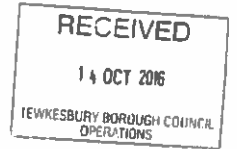
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Elevation As Proposed

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original plans
16/01/18 steel

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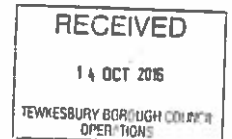
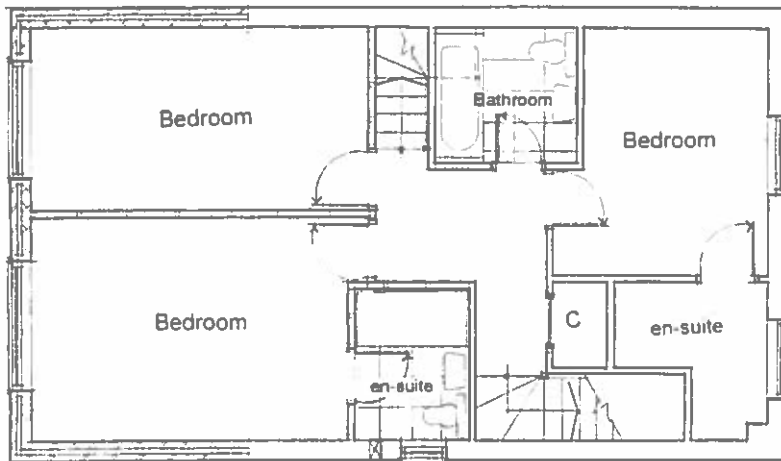
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First Floor as Proposed

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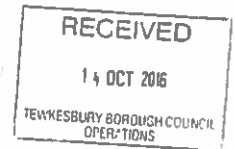
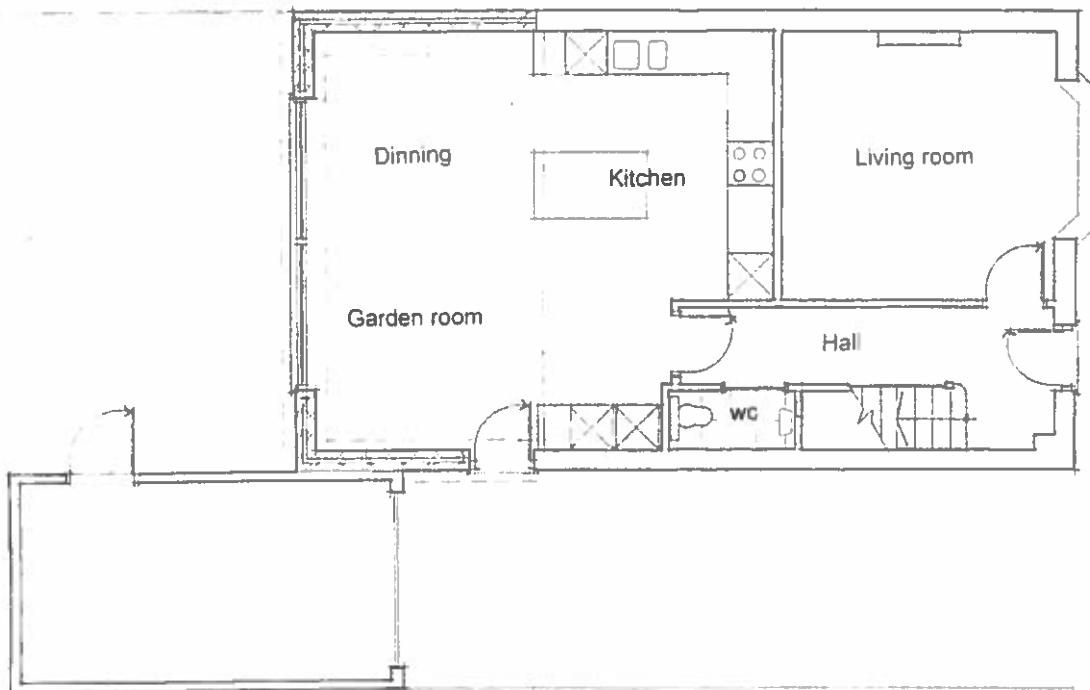
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Ground Floor as Proposed

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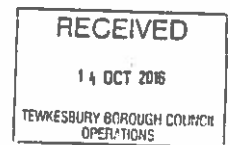
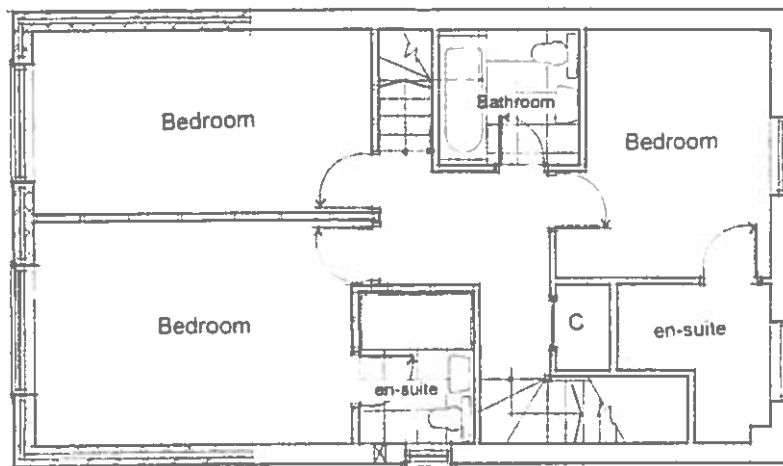
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First Floor as Proposed

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original plans
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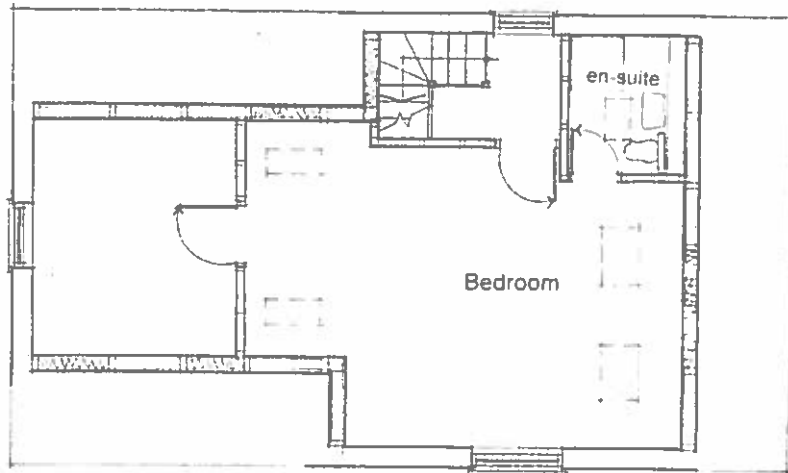
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Second Floor as Proposed

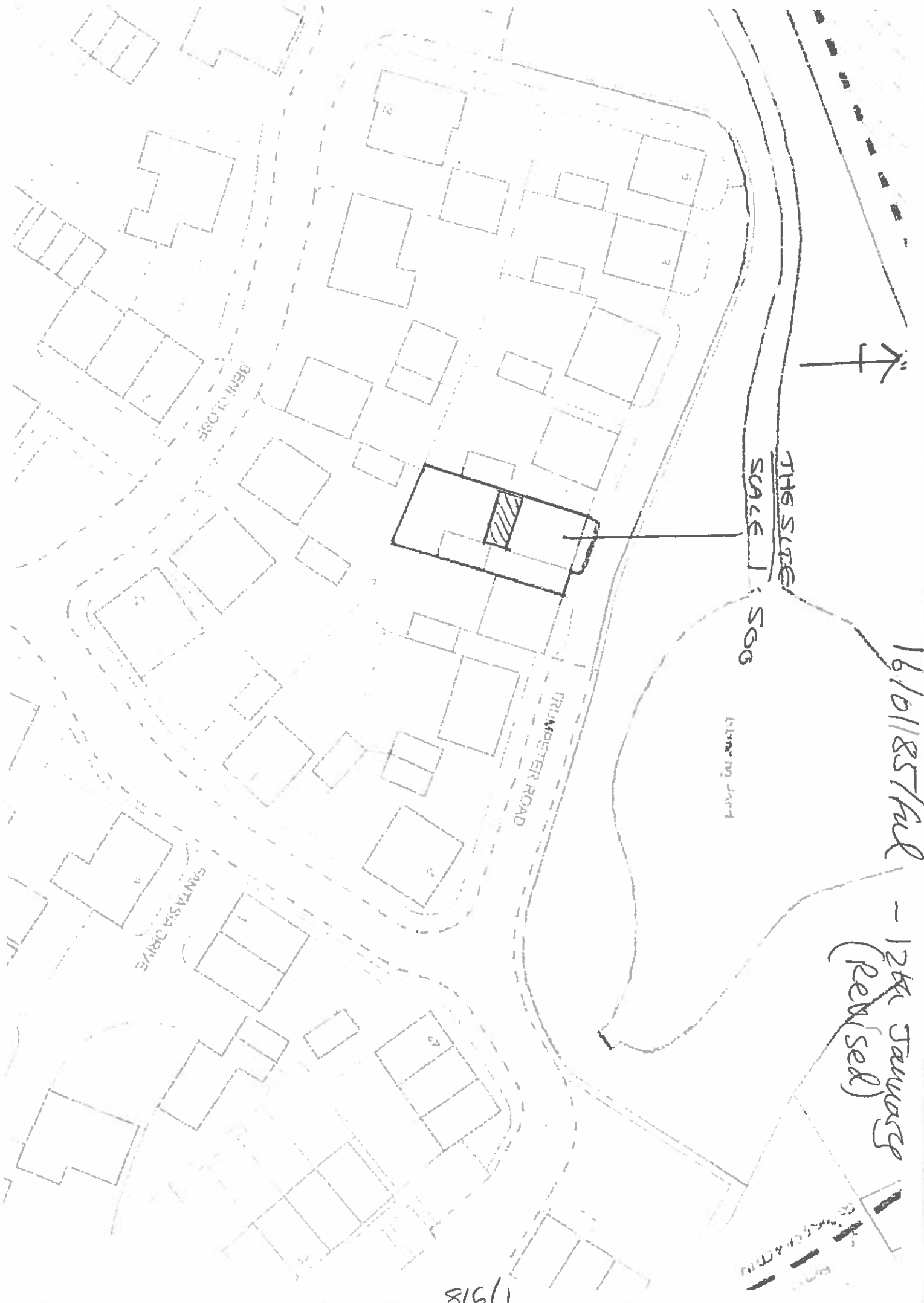
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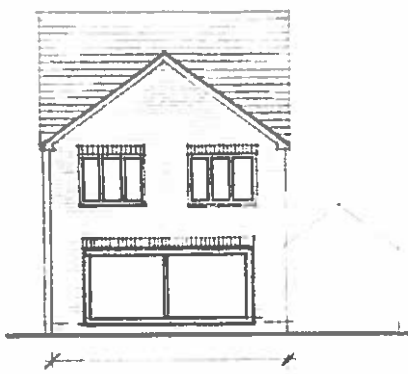
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- 12th January
(Revised)

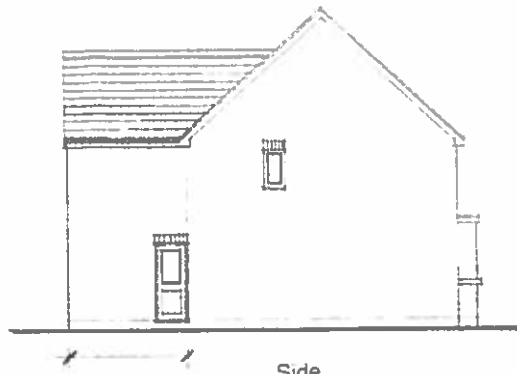
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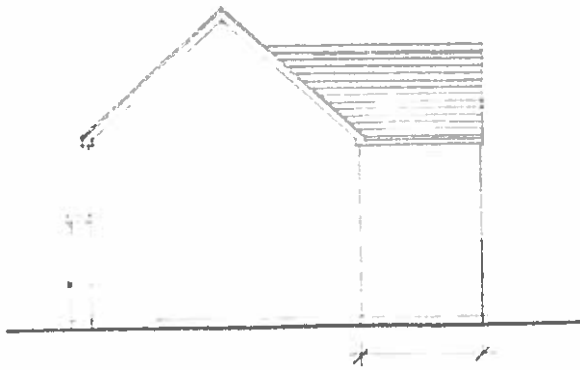
Revised plans - 29th December 2016



Rear



Side



Side

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Elevation As Proposed

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Revised plans - 29th December

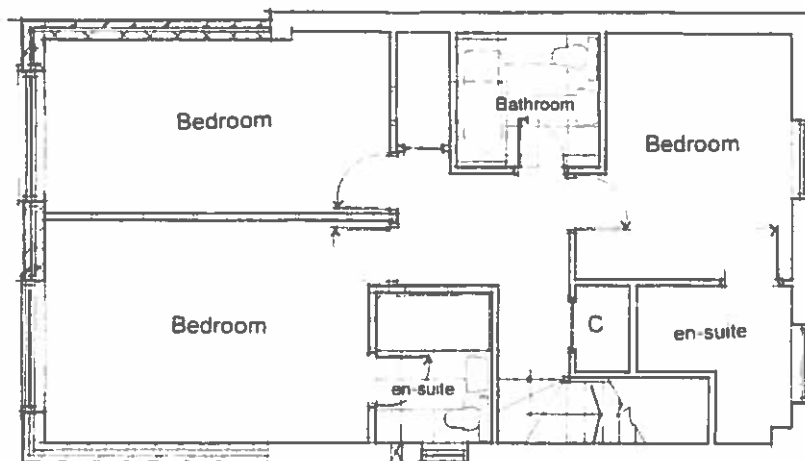
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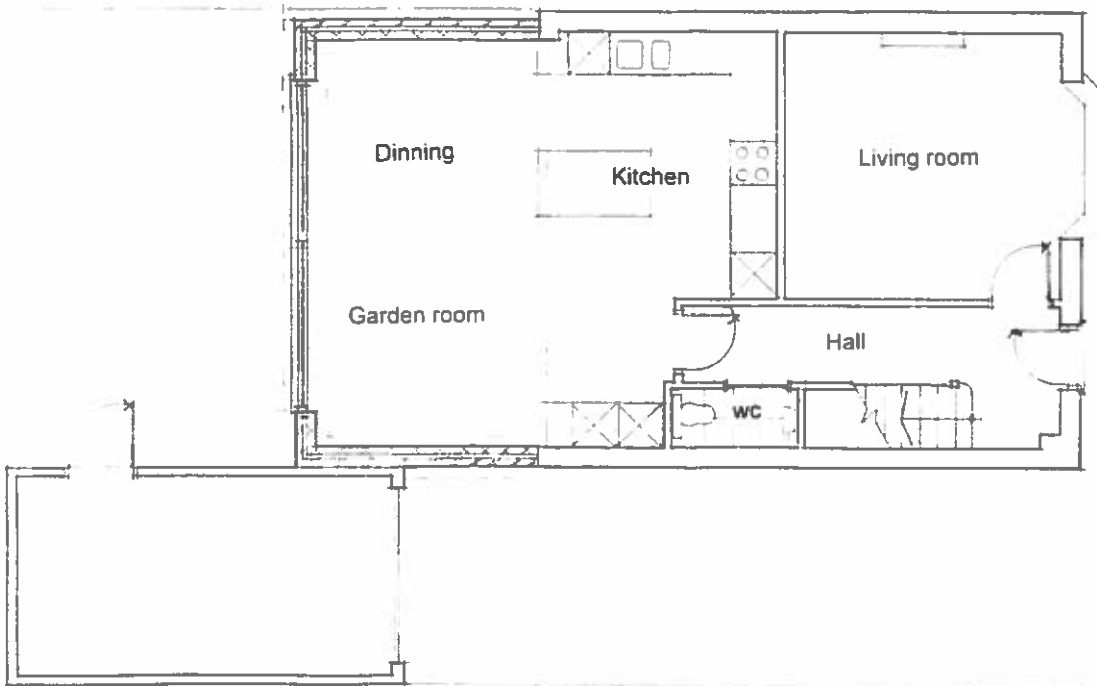


First Floor as Proposed

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Proposed Extension at
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Revised plans - 29th
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2016



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Ground Floor as Proposed

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Proposed Extension at
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Sept 2016 1:50 PK
16072

816/L

Valid 22.11.2016

Erection of a single village infill dwelling with detached garage and associated access.

Grid Ref 392323 218610

Parish Shurdington

Ward Shurdington

Mr M Blackwell
c/o Agent**RECOMMENDATION Permit****Policies and Constraints**

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - Policies HOU3, HOU4, GRB1 and TPT1

Joint Core Strategy Main Modifications

Flood and Water Management SPD

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Parish Council - Objects strongly to this application on the grounds that the site is in AONB and Green Belt, it would set a precedent there and there are enough sites within the village envelope or already proposed in draft plans to meet Service Village requirements.

Highways Authority - Standing advice applies.

Severn Trent - No comments received.

Gloucestershire Airport - No comments received.

Two letters of objection, one neutral and one letter of support has been received that are summarised below:

Summary of objection

- Increase in noise and disturbance during construction.
- Loss of light.
- Previous schemes refused.
- Parking spaces serving numbers 4 and 5 not sufficient.
- Undertaking when granting permission for original scheme not to develop land.
- Deed of covenant to allow access to drains and right of way past garage.
- Result in loss of parking outside garage.
- Supplied parking spaces too narrow.
- Surface water issues off field.
- Loss of views of AONB.
- House not in keeping.
- Site has been cleared of natural vegetation.
- Undermine root structure of trees.

Summary of Neutral

- Drainage from run off at rear.
- Existing finishes should be in keeping with adjacent dwellings.

Summary of support

- Waited a long time for development to be completed.
- Environmentally rewarding for the area.
- Provision of rainfall run off has been addressed.

Planning Officers Comments: Mr Lloyd Jones

1.0 Application Site

1.1 The application relates to a parcel of land adjacent to 4 Gwinnett Court. The site comprises an area of land that has been cleared and slopes gently downwards from its rear boundary and comprises an overall area of 0.06 hectares. The application site is situated between No.2 and No.4 Gwinnett Court. No.2 is a two-storey detached dwelling, while No.4 is a two-storey end of link dwelling. A detached block of garages is sited to the north west of No.4.

1.2 The site is located outside of a Residential Development Boundary (RDB) and within the designated Green Belt as defined in the Tewkesbury Borough Local Plan to 2011 - March 2006. The site lies adjacent to the AONB.

2.0 Planning History

88/91712/OUT - Five dwellings - Approved

93/3506/OUT - Detached house with garage - Refused July 1993 - Appeal dismissed

04/3506/OUT - Development of a single dwelling - Refused July 2004

3.0 Current Application

3.1 The application has been amended since the initial submission to respond to the issues raised by the Council's Landscape Officer. The amended application seeks planning permission for the erection of a two-storey detached dwelling with a detached garage.

4.0 Analysis

Principle of Development

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

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

4.3 Officers consider that there is a strong argument that a 5% rather than 20% buffer should be applied given the strong delivery of housing in recent years and in particular the 5 years since the start of the plan period when measured against the above annual requirement. Over the period from 2011/12 - 2015/16 2,496 dwellings have been completed compared to the JCS requirement of 2,475 giving a surplus of 21 dwellings. For the past three monitoring years the JCS annual requirement has been exceeded, with a surplus of 135 dwellings delivered in 2015-16.

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

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

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

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

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

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

4.9 Policy GRB1 of the Local Plan provides that permission will not be permitted for development in the Green Belt other than for various exceptions, none of which include developments of the type propose here. Whilst Policy GRB1 is in general conformity with the NPPF, as set out above the NPPF does allow for infilling in villages. As such policy GRB1 can be given little weight in that respect.

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

4.11 Shurdington is identified as a Service Village in the JCS and therefore as a suitable location for some limited residential development, proportionate to their size and function, also reflecting their proximity to, in this case, Cheltenham. The applicant's supporting statement alludes to a 2015 High Court Judgement relating to village infilling in Green Belts, which essentially identified that the village boundary limits should not be based on local plan settlement boundaries, but an assessment of the village envelope on the ground. It is evident that Gwinnet Court forms part of the service village of Shurdington. Paragraph 89 of the NPPF as stated above allows limited infilling in villages. It is evident that similar schemes have previously been resisted at the site and upheld at appeal. In this particular case, given the location of the site and its functional relationship with the village, as well as the site being bounded to two sides by residential development, it is considered, having regard to the NPPF, to comprise limited infilling within a village and therefore appropriate development in the Green Belt.

Openness and Landscape Impact

4.12 A further consideration is the impact the proposal would have on the openness of the Green Belt. As touched upon above the site is bounded by two existing dwellings, at No.2 and No.4 Gwinnett Court. Whilst there would be an impact on openness, the NPPF does allow for infilling as set out above and in the context of the NPPF it is not considered that there would be an undue impact on the openness of the Green Belt in this particular location.

4.13 In landscape terms the proposals do not encroach beyond the existing building line of Nos. 4 to 7 Gwinnett Court and as such the impact on the landscape would be confined to the immediate area. Additionally, given the location of the development it is not considered that the proposal would have a detrimental impact on the natural beauty of the AONB. However, it is considered reasonable to remove permitted development rights in this instance and an appropriately worded condition is recommended.

Design

4.14 Gwinnett Court is characterised by a mix of housing types, and there is not a typical vernacular. The amended scheme has been revised to address the initial issues identified by the Council's Landscape Officer. The removal of the attached garage reduces the overall mass and scale of the dwelling, which would allow a degree of architectural continuity with Nos. 4 to 7 Gwinnett Court. The proposed development would be of a similar height to the adjacent dwellings and would not extend forward of the established building line. Furthermore, the palette of material proposed complements those at No.4. The proposed detached garage is of a simple design that reflects the design of neighbouring garages. Overall the proposal would not have a detrimental impact on the character and appearance of the area or street scene.

Residential Amenity

4.15 The nearest residential properties are Nos. 2 and 4 Gwinnett Court. Given the siting of the property on a similar alignment to No.4, as well as there being no windows in the side elevation of the dwelling, it is considered that the proposal would not have a detrimental impact on the residential amenity of No.4 through any overbearing impact or loss of privacy. In relation to no.2 Gwinnett Court, given the separation distance and orientation of the proposed dwelling, there would not be any significant detrimental impact on the residential amenity of this property.

Access and Highways

4.16 The site is accessed by Gwinnett Court, which is an unclassified road leading on to the A46 Gwinnett Court is a cul-de sac and as a result is therefore lightly trafficked. An appropriate level of parking and an adequate level of visibility is available in both directions on to Gwinnett Court. Representations have been received regarding the loss of parking outside the garages. It is understood that these are not allocated for parking and that this access is under the ownership of the applicant. Any dispute over the ownership of this land is a civil matter and not a planning matter. The proposal is therefore considered to be acceptable on highway grounds.

Drainage

4.17 Concern has been raised regarding surface water run-off from the adjacent fields. The application site is located within floodzone 1 and therefore it is not considered that the proposal is likely to result in increased risk of flooding. A condition relating to a scheme for the provision of surface water drainage is recommended.

Hedgerow and Trees

4.18 The repositioning of the garage reduces the impact the development would have on the boundary trees and hedgerow through the provision of a greater gap between. Overall, it is considered that with an appropriately worded condition the development would not undermine the integrity of the boundary hedgerow and trees.

5.0 Balancing Exercise and Conclusions

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

5.2 Overall, the proposal is considered to constitute sustainable development in the context of the NPPF and the application is therefore recommended for **permission**.

RECOMMENDATION Permit

Conditions:

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

- 2 The development hereby approved shall be carried out strictly in accordance with the following plans/drawings: Proposed site location plan and street scene, proposed site layout rev B, proposed floor plans rev B, proposed elevations rev B and proposed garage plans.
- 3 No development shall take place until details of all external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 No development shall take place until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 No development shall take place until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- 6 Prior to the commencement of the development hereby approved, details of the form and position of fencing, which shall comply in full with BS5837:2012 Trees in relation to design, demolition & construction - Recommendations, for the protection of those trees, shrubs and natural features not scheduled for removal shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected in the positions approved before the development is commenced and thereafter retained until such completion of the development.
- 7 No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.
- 8 The development hereby permitted shall not be brought into use until the access, turning space and parking facilities shown on the approved site layout plan have been properly consolidated and surfaced. These areas shall thereafter be retained and kept available for those uses at all times.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A, B, C, D and E other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

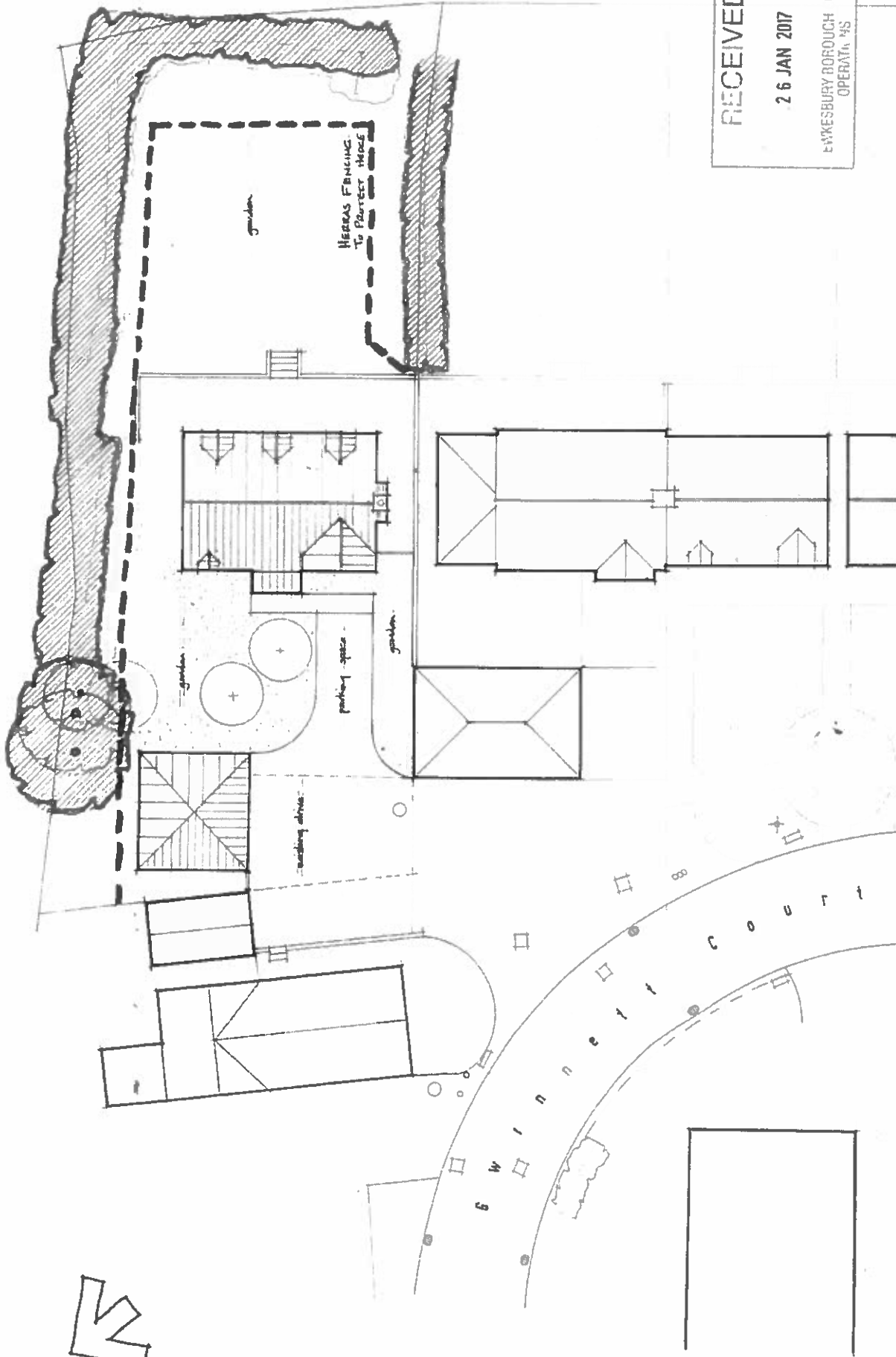
Reasons:

- 1 To comply with Section 91(1) of the Town and Country Planning Act 1990.
- 2 In the interests of clarity and in order to define the permission.
- 3 To ensure that the external appearance of the development is satisfactory.
- 4 To provide adequate privacy and an acceptable external appearance.
- 5 In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties, in accordance with the NPPF.
- 6 To safeguard the integrity of the trees and hedgerow, and in the interests of visual amenity and the character of the area, in accordance with the NPPF
- 7 To ensure satisfactory drainage of the site in accordance with the NPPF.
- 8 To ensure adequate parking in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan
- 9 To enable the Local Planning Authority to control the development and to safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.

Note:

Statement of Positive and Proactive Engagement

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



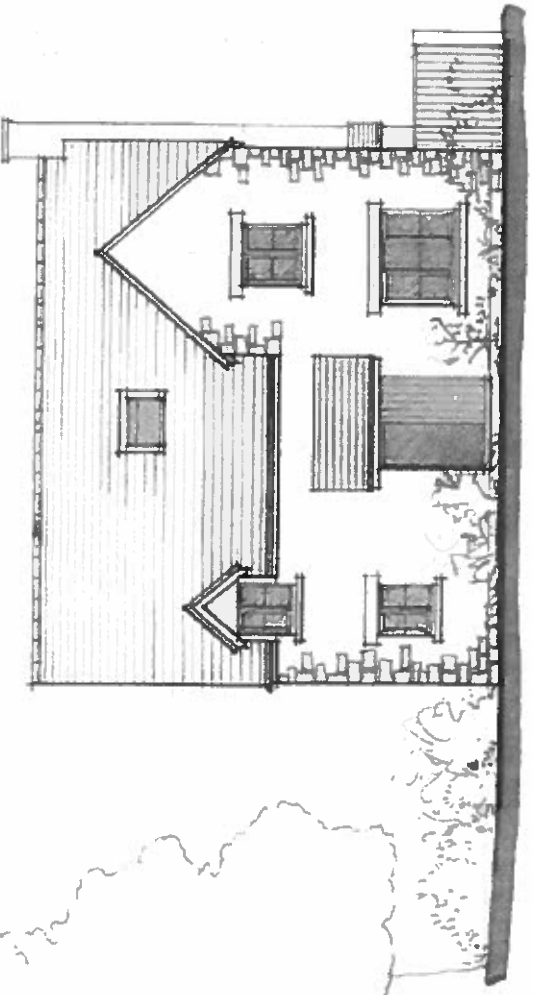
RECEIVED
 26 JAN 2017
 EYKESBURY BOROUGH COUNCIL
 OPERATIONS

scale : 1:200

Rev A: garage detached - oct 2016
 B: driveway added to front - Jan 2017

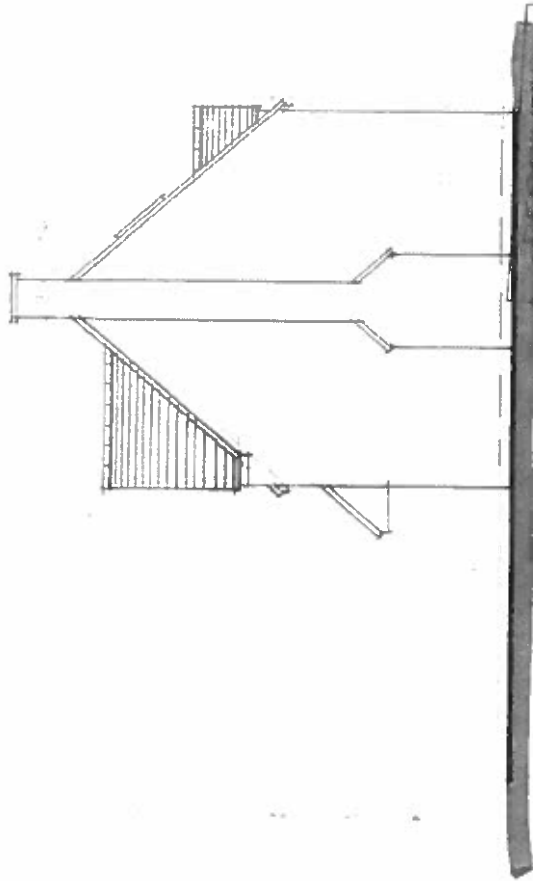
site layout plan :

822/A

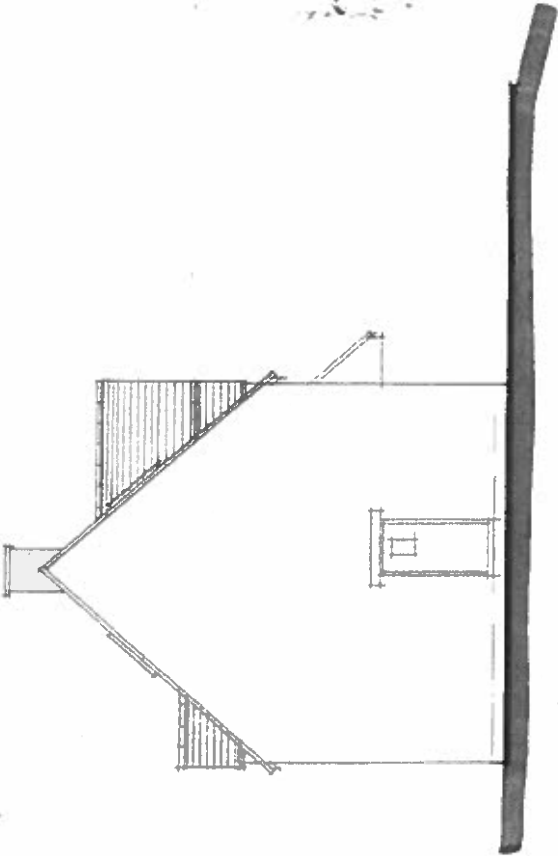


front north west

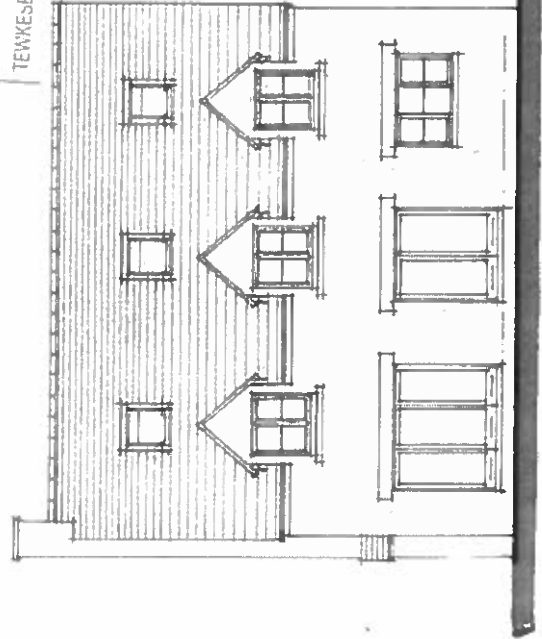
833/B



side south west



side north east



rear south east

RECEIVED

26 JAN 2017

TEWKESBURY MUNICIPAL

By Clerk: Mrs. Susan Marshall Jan 2017
Rev. A. George attached after 2016

scale : 1:100

elevations :

16/01293/OUT

Pound Cottage, Main Road, Minsterworth

11

Valid 15.11.2016

Outline Application for the erection of 7 detached dwellings (all matters reserved).

Grid Ref 378558 217367
Parish Minsterworth
Ward Highnam With Haw
Bridge

Mr Luke Brazil

Pound Cottage
Main Road
Minsterworth
Gloucestershire
GL2 8JH

RECOMMENDATION Permit

Policies and Constraints

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU4, HOU14, LND4, TPT1

Flood and Water Management SPD

Joint Core Strategy Main Modifications

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

Minsterworth Parish Council - No objection but comment that the ecology report inaccurately refers to 4 dwellings (*Officer note: The ecology report has been updated*)

Highways England - No objection

County Highway Authority - No objection, subject to conditions

Planning Officers Comments: Suzanne D'Arcy

1.0 Introduction

1.1 The site is a rectangular plot, measuring approx. 0.72 hectares. It is currently a field, with hedgerow marking the boundaries.

1.2 The site is located adjacent to the recently rebuilt Pound Cottage and is accessed from Pound Lane.

2.0 Relevant Planning History

2.1 There is no relevant history to the site although permission for a replacement dwelling was granted on the neighbouring site, Pound Cottage in 2011.

3.0 Current application

3.1 This is an outline application for the erection of 7 dwellings. An indicative layout plan has been submitted to accompany the application. This shows the hedgerow along Pound Lane being retained with an access road to the 7 dwellings behind.

3.2 All matters are reserved.

4.0 Policy Context

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

provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

4.2 Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework (NPPF), and the emerging Cheltenham, Tewkesbury and Gloucester Joint Core Strategy. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

Tewkesbury Borough Local Plan to 2011 - March 2006

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

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

4.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case as reiterated in paragraph 12 of the NPPF, the presumption is against the grant of planning given the conflict with HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

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

Emerging Joint Core Strategy

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

4.8 The Main Modifications Version of the Joint Core Strategy (MMJCS) 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.

4.9 Policy SP2 of the MMJCS sets out the overall level of development and approach to its distribution. The policy states that to support their economic roles as the principal providers of jobs, services and housing, and in the interests of prompting sustainable transport, development will be focused at Gloucester and Cheltenham, including urban extensions to those settlements. Approximately 9,899 new homes are to be provided within Tewkesbury Borough - to be met through Strategic Allocations and through smaller scale development meeting local needs at Tewkesbury town in accordance with its role as a 'Market Town'. A certain quantum of housing is also to be provided at the 'Rural Service Centres' and 'service villages' identified in the JCS, including at Minsterworth.

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

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

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

Other Material Considerations

4.12 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not change the status of the development plan as the starting point for decision making. Proposed development that conflicts with an up-to-date development plan should be refused unless materials considerations indicate otherwise.

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

5.0 Analysis

Principle of Development

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

5.2 Minsterworth is a named Service Village in the current submission version of the JCS and emerging Policy SP2 of the JCS states that Service Villages will accommodate lower levels of development, proportional to their size and function, and also reflecting their proximity to Cheltenham and Gloucester.

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

5.4 The Framework also recognises the need to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28) and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that there is a need to balance this against other objectives set out in the Framework - particularly in rural areas. Although it is accepted that the new residents would to a large extent be reliant on the car, this would be in common with all the Service Villages and recent appeal decisions in Alderton and Twynning have made it clear that neither national nor local planning policy regards this as sufficient reason in itself to prevent any further residential development in such communities. Rather, it is one of the many considerations that need to be taken into account when assessing specific proposals.

5.5 It is recognised that there would be a clear conflict with policy HOU4 of the Local Plan to which substantial weight should be applied. However, Minsterworth is identified in the JCS as a suitable location for some limited residential development, and this fact alongside other material considerations are to be taken into account in the decision making process and the overall balancing exercise.

Impact on the character of the area

5.6 Matters of layout, appearance and scale have been reserved to be considered at a later stage.

5.7 The site has a rural feel and is largely screened from the A48 by Pound Cottage. There are glimpses of the site when approaching from the south on the A48 and when travelling along Pound Lane.

5.8 The key issue on the site is to maintain the rural feel and it is considered that a sensitively designed scheme for 7 dwellings could be accommodated on the site in an environmentally acceptable way.

5.9 Conditions are suggested to be imposed to ensure that the proposed dwellings would be constructed of appropriate materials for the local context. Furthermore, conditions requiring landscaping are proposed to ensure the hard and soft landscaping to ensure appropriate hard and soft landscaping.

5.10 It is therefore considered that the proposed development is acceptable, subject to the detailed matters which would be considered at reserved matters stage.

Impact on residential amenity

5.11 The application is accompanied by an indicative plan showing the site layout. This indicates that 7 dwellings could be accommodated on site with each having an acceptable level of private amenity space.

5.12 The proposed dwellings can be of a sufficient size to allow a good standard of amenity for future occupiers.

5.13 Due to the relationship between the site and the adjacent residential properties, it is not considered that there would be any significant adverse impacts on the residential amenity of existing occupiers from this proposal.

Highway safety

5.14 Pound Lane is subject to a 30mph speed limit, though given its location adjacent to the junction between A48, it is likely that traffic will be travelling at a lower speed. Subject to conditions, it is considered that the required visibility splays for a 30mph road can be achieved. It is likely that this will involve the removal of some vegetation. However, as discussed above in paragraph 5.12, this is considered to be acceptable subject to appropriate landscaping being provided.

Other matters

5.15 The site is accompanied by an ecology survey, which does not indicate that protected species are present on the site. It makes a number of recommendations to mitigation any potential impact on protected species and a condition is proposed to ensure that these are undertaken.

6.0 Conclusion

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

6.2 Minsterworth is identified as a Service Village in the JCS and therefore as a suitable location for some limited residential development. 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. Additionally, the development is sited adjacent to the defined settlement boundary with a good level of accessibility to primary services within easy walking distance of the site. These matters weigh in favour of the proposal.

6.3 It is considered that there will be limited landscape harm, subject to the detailed design at the reserved matters stage. This weighs against the proposal.

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

RECOMMENDATION Permit

Conditions:

- 1 The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.
- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

- 3 Approval of the details of the access, appearance, landscaping, layout and scale of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.
- 4 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Drawings numbered 301, 302 and 303, received by the Council on 15th November 2016.
- 5 All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 6 Details of proposed levels, including finished floor levels, shall be submitted as part of the Reserved Matters application. All development shall be carried out in accordance with the approved details.
- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
 - (i) specify the type and number of vehicles;
 - (ii) provide for the parking of vehicles of site operatives and visitors;
 - (iii) provide for the loading and unloading of plant and materials;
 - (iv) provide for the storage of plant and materials used in constructing the development;
 - (v) provide for wheel washing facilities;
 - (vi) specify the intended hours of construction operations;
 - (vii) specify measures to control the emission of dust and dirt during construction
- 8 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
- 9 No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.
- 10 The dwellings hereby approved shall be no more than two storeys in height.
- 11 The development hereby approved shall not exceed a gross combined maximum floor space of 1000 square metres
- 12 No development shall begin on any individual plot until foul and surface water drainage details for that plot have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is occupied.
- 13 No development shall commence until the mitigation measures, set out in section 5 of the Ecology Report by Pure Ecology (received by the Council on 5th January 2017) have been implemented.
- 14 The development hereby approved shall be carried out in accordance with Arboricultural method Statement (Part 3 of the report by Justin Hobbs, received by the Council on 15th November 2016).

- 15 No dwelling hereby permitted shall be occupied until an internal pedestrian footway to link residents to the existing A48 footway and an uncontrolled pedestrian tactile crossing point at the junction of Pound Lane to connect to the bus stop south bound of the A48 to allow pedestrian access to the existing public transport facilities, have both been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.
- 16 No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.
- 17 The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the building(s) hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans. The vehicle parking and turning facilities shall be maintained available for those purposes thereafter.
- 18 The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 1 per dwelling have been made available in accordance with details to be submitted to and approved in writing by the LPA.
- 19 No works hereby permitted shall commence (other than those required by this condition) until the first 25m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.
- 20 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.
- 21 Means of vehicular access to the development hereby permitted shall be from Pound Lane only.

Reasons:

- 1 As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.
- 2 As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.
- 3 This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.
- 4 To define the terms and extent of the permission.
- 5 To ensure that the new development will be visually attractive in the interests of amenity.
- 6 To ensure that the development integrates harmoniously with the surrounding development and to safeguard the amenities of residents of adjoining properties.
- 7 To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with paragraph 35 of the National Planning Policy Framework.
- 8 To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework 35.

- 9 In the interests of the appearance of the development and the surrounding area.
- 10 In the interests of the appearance of the development.
- 11 Development larger than 1000 square metres would exceed the threshold for contributions to be sought in relation to affordable housing.
- 12 To ensure adequate disposal of foul and surface water drainage.
- 13 To safeguard protected species.
- 14 To safeguard trees on the development site.
- 15 To ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.
- 16 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 and 35 of The Framework.
- 17 To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Paragraph 35 of the National Planning Policy Framework.
- 18 To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.
- 19 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.
- 20 To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.
- 21 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

Notes:

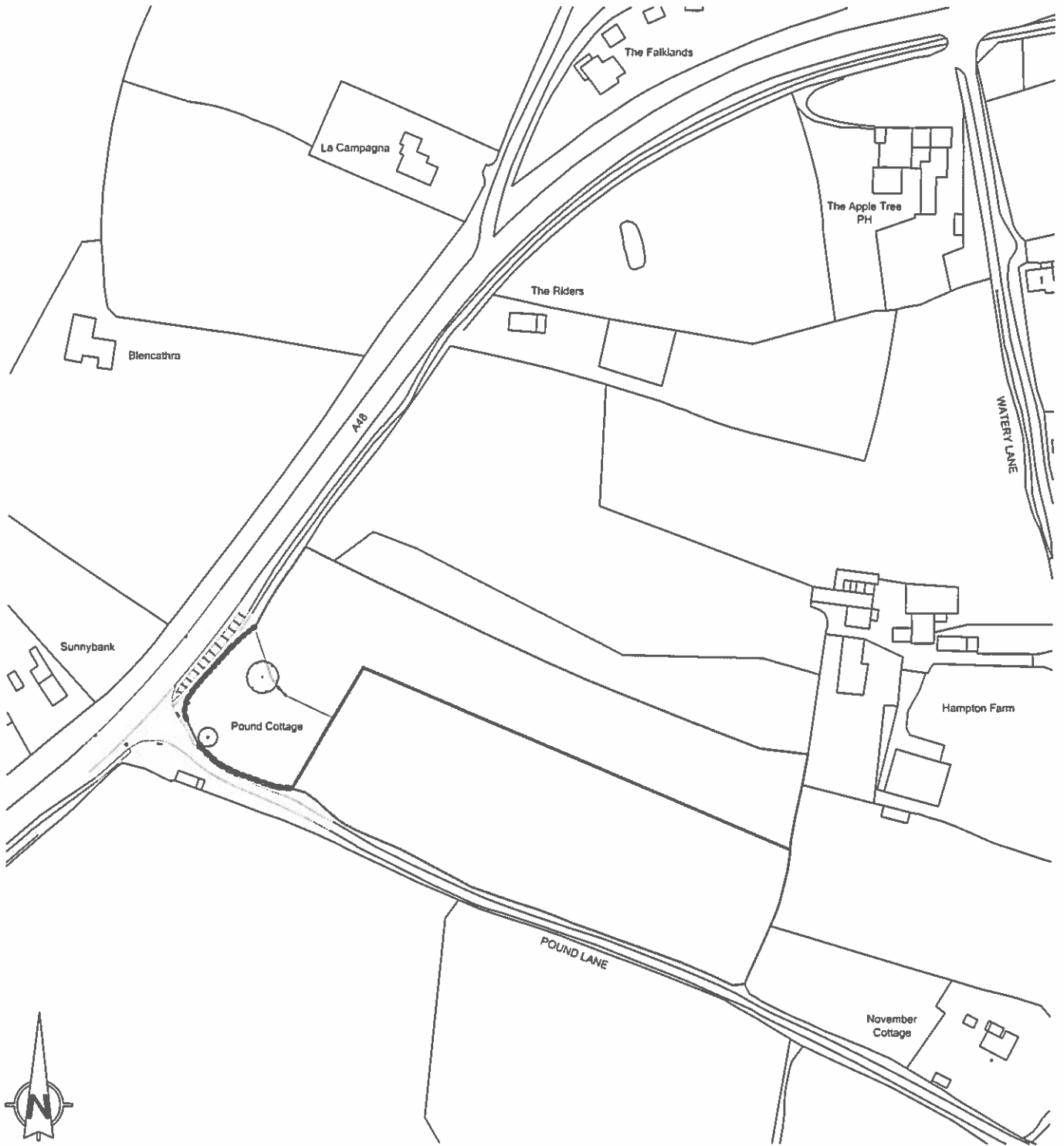
1 Statement of Positive and Proactive Engagement

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


2 The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

3 Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose Wales & West apparatus.



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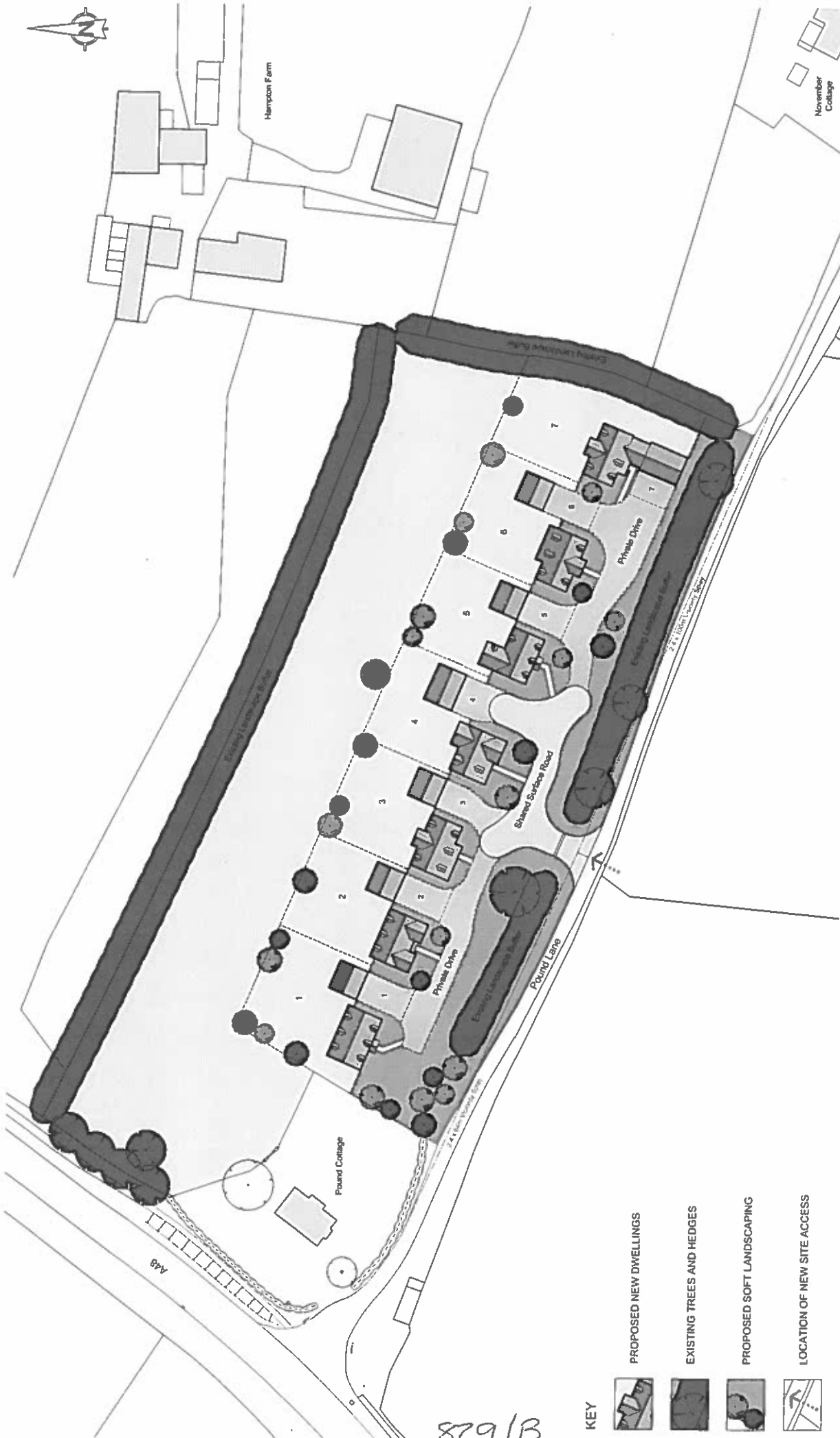
Client		Mr L Brazil					
Project		Land at Pound Lane, Minsterworth					
Drawing title		Location Plan					
Date	Scale	Drawn	Status	Job No.	Orig No.	Rev.	
Oct 2016	1:1250 @ A3	GMP	PA	BZL11.02	301	-	

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KEY

-  PROPOSED NEW DWELLINGS
-  EXISTING TREES AND HEDGES
-  PROPOSED SOFT LANDSCAPING
-  LOCATION OF NEW SITE ACCESS

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Mr L Brazil Land at Pound Lane, Minsterworth Indicative Site Layout	
Date	Oct 2016
Scale	1:500 @ A2
Drawn	GMP
Checked	PA
Drawn No.	82111.02
Checked No.	302

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16/01315/FUL

3 Parklands, Salvia Close, Churchdown

12

Valid 25.11.2016

Erection of five bungalows and erection of an extension to the existing building and associated alterations to the parking and amenity space.

Grid Ref 387006 220884

Parish Churchdown

Ward Churchdown St Johns

Severn Vale Housing

Shannon Way

Ashchurch

Tewkesbury

GL20 8ND

RECOMMENDATION Delegated Permit

Policies and Constraints

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU2, HOU5, HOU11, TPT1

Flood and Water Management SPD

Main Modifications Joint Core Strategy

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 - Welcome the development but are concerned about the new access.

County Highways Authority - No objection, subject to condition.

Urban Design - No objection to the revised plans, subject to condition.

LLFA - Object, due to lack of detail (*Officer note: Additional information has been received and updated comments will be given to Members*).

Landscape - No objection, subject to conditions.

Representations - 1 letter of comment received, making comments regarding the planting scheme and that the Landscape Architect should comment and oversee protection on the trees.

Planning Officers Comments: Suzanne D'Arcy

1.0 Introduction

1.1 3 Parklands provides sheltered accommodation. It is sited within the housing development boundary of Churchdown.

1.2 The site is accessed from Salvia Close.

1.3 The site is surrounded by mixed style dwellings. There are no other designations on the site.

2.0 Relevant Planning History

2.1 The building was granted planning permission in 1977 (77/00437/LA1A) to provide accommodation for the elderly. There have been no further applications on the site.

3.0 Current application

3.1 This is a full application for the erection of 5 bungalows and an extension to the building, which would provide an additional 6 units. There would be internal alterations in the existing building to create an additional 2 units. This would result in an overall increase of 13 units on the site. The entrance to the site would be relocated to be accessed from Cheltenham Road East.

3.2 The proposed bungalows would be sited adjacent to the boundary with Salvia Close. They would form an L shaped block, which would have a maximum height of 5.7m, though the east and west elements would have a maximum height of 5m. This element would be constructed primarily of buff brick with grey brick and white render and grey concrete tiles on the roof.

3.3 The proposed extension would be sited on the western elevation of the existing building. It would have a footprint of 10m by 18m and have a maximum height of 4m. This element would be constructed of buff brick with white render. This element has been amended since submission to reduce the height of the building.

4.0 Policy Context

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

Development Plan

4.2 The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy HOU2 directs residential development towards the larger settlements, which have a primary level of services. Policy HOU11 seeks to ensure that elderly persons' accommodation is located close to community, shopping and public transport facilities. Policy TPT1 requires safe and convenient access for all transport modes and that development should have an acceptable impact on the safety and satisfactory operation of the highway network.

National Planning Policy Framework (NPPF)

4.3 The NPPF sets out the presumption in favour of sustainable development. Sustainable development has three dimensions: economic, social and environmental. Paragraph 50 emphasises the importance of local authorities delivering a wide choice of housing to create sustainable, inclusive and mixed communities. This includes dwellings for older people.

5.0 Analysis

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

Principle of development

5.2 The site is located within the housing development boundary of Churchdown and as such, Policy HOU2 states that residential development is acceptable, subject to other material considerations. Policy HOU5 sets out criteria against which housing development should be judged, to ensure high quality design which respects the character and appearance of an area. Furthermore, Policy HOU11 states that elderly persons' accommodation is acceptable on sites appropriate for residential development provided it meets disabled access criteria and is located near community, shopping and public transport facilities. The proposed development is an extension to existing elderly persons' accommodation, which is well located in terms of community, shopping and public transport facilities.

5.3 The principle of the development is therefore considered to be acceptable.

Impact on the character of the area

Proposed bungalows

5.4 The proposed bungalows would be sited along the northern boundary of the site. There is no overriding character of development in this part of Salvia Close. The proposed bungalows are proposed to be of an appropriate scale and design and will harmonise with the character of the area.

5.5 Conditions requiring the submission of samples prior to construction are proposed to ensure that they are acceptable in the wider context. Subject to this condition, the proposed bungalows would not have an adverse impact on the character of the area.

Proposed extension

5.6 The proposed extension has been amended since submission to reduce the ridge height. The existing building has a series of hipped roofs, whereas it is proposed that the extension would have a flat roof. The height of the proposed extension would be higher than eaves of the existing by approx. 0.5m.

5.7 The proposed extension has a contemporary appearance. Following conversations with the applicants, it is apparent that it was impractical for the roof form to mirror that on the existing building and still allow the level of accommodation required. The proposed extension would be largely screened from the wider public realm, by the adjacent buildings.

5.8 Conditions are suggested requiring the submission of samples prior to construction to ensure that they are acceptable in the wider context. Following the amendments to the scheme, the Urban Design Officer's earlier concerns have been addressed and given its siting and relationship with the wider street scene, the proposed extension is considered to have an acceptable impact on the character and appearance of the area.

Impact on residential amenity

Proposed bungalows

5.9 Due to their siting, the proposed bungalows would not have an adverse impact on the residential amenity of existing occupiers.

5.10 The proposed bungalows would be of an appropriate size to provide adequate living spaces for future occupiers. There is no private amenity space proposed, but due to the nature of the accommodation, there is sufficient shared amenity space between the residents.

Proposed extension

5.11 The proposed extension would be sited between 5m and 7m from 1 and 2 Salvia Close. These properties are currently vacant flats above shops. It is proposed to have secondary windows in facing elevations, which would be conditioned to be obscurely glazed to prevent overlooking between the properties.

5.12 The proposed extension would be sited to the south of the existing dwellings. It is acknowledged that there would be some impact in terms of overbearing from the proposed extension to these flats. However, this boundary is currently marked by mature vegetation and as such, whilst the extension would result in built form rather than boundary planting, it is considered that the change in relationship with the neighbouring properties would be acceptable.

5.13 On balance, it is considered that will the proposed extension would have some impact on occupiers of the flats of 1 and 2 Salvia Close, this would not be sufficient to sustain a reason for refusal.

Highway safety

5.14 The site is located within the centre of Churchdown. The adjacent roads have street lighting and pedestrian footpaths. There is a bus stop within 210m from the site, which provide sustainable transport options. The development proposes the addition of 3 pedestrian footways into the site, to allow for greater accessibility. The site is therefore considered to be in a sustainable location.

5.15 The application proposes a new access from Cheltenham Road East. This part of the road has a 30mph speed limit. Though the application has not been accompanied by a speed survey, the submitted drawings show that the required visibility splays can be achieved without crossing third party land. In view of this, there is sufficient visibility to allow safe access and egress to the site.

5.16 The proposed access is considered to have sufficient width to allow for two way access and would allow HGVs to pass. The internal layout is sufficient to allow for refuse collection. 21 parking spaces have been proposed. As the proposal is for older persons accommodation, there is generally a lower level of car ownership that is typical and it is considered that the level of parking proposed is acceptable and will not have an adverse impact on the surrounding highway network.

Landscaping

5.17 The application has been amended since submission to remove one parking space to ensure that works do not take place within the root protection zone of the tree adjacent to the access. Subject to a condition ensuring that development does not take place within the root protection area, the proposed development is considered to be acceptable.

Other matters

5.18 The LLFA have objected to the scheme due to the lack of information submitted regarding surface water management. Additional information has been submitted and the LLFA's response is awaited. **An update will be provided at Committee.**

6.0 Conclusion

6.1 The proposed development would provide additional housing for older people, which is needed within the Borough. The site is within the centre of Churchdown and has good access to services and public transport routes.

6.2 It is acknowledged that the design of the proposed extension is not wholly complementary with the host building and there may be some limited impact on amenity of the occupiers of the flats, but these limited harms are outweighed by the benefits of the provision of the housing units and the limited visibility of the proposed extension from the wider public realm.

6.3 The proposed bungalows would not be harmful to residential amenity nor the character of the area.

6.4 The application is therefore considered to be acceptable and is recommended that **the application be delegated to the Development Manager subject to no objection being raised by the Lead Local Flood Authority in respect of surface water drainage.**

RECOMMENDATION Delegated Permit

Conditions:

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

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

- 2 No construction of the external walls of the bungalows hereby approved shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area

- 3 No construction of the external walls of the extension hereby approved shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area

- 4 No development shall commence until the tree protection measures shown on drawings 52639L(9)001 have been implemented. Such measures shall be retained for the duration of the construction period.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals.

- 5 All hard and/or soft landscape works shall be carried out in accordance with the details shown on drawing number 52639L(9)001. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) which shall first be submitted to and approved in writing by the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained

- 6 The first floor windows in the extensions hereby approved shown in elevation B-B on drawing number D103 Rev E shall be obscurely glazed and permanently fixed shut unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of nearby occupiers.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority because of the relationship between the adjoining occupiers and the impact on the street scene.

- 8 No development shall commence until details of the existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: For the avoidance of doubt and to clarify the finished ground levels

- 9 No development shall commence until details of the visibility splays measuring 2.4m (X distance) and 54m (Y distance) to the nearside carriageway edge in either direction have been submitted and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the area between those splays and the carriageway has been reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2m at the X point and between 0.26m and 2m at the Y point above the adjacent carriageway level.

Reason: To ensure that cost effective improvements are undertaken to the transport network that mitigate the significant impacts of the development.

- 10 Details of the layout and internal access roads within the site, shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out in accordance with the approved plans. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

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

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

Drawings numbered D00, D02, D101, D104, D105 and TCP-01, received by the Council on 21st November 2016

Drawing numbered D01, received by the Council on 29th November 2016

Drawing numbered 52639L(9)001, received by the Council on 8th February 2017

Drawings numbered D102 Rev E and D103 Rev E, received by the Council on 16th February 2017

Drawing numbered D100 Rev J, received by the Council on 20th February 2017

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

Note:

Statement of Positive and Proactive Engagement

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

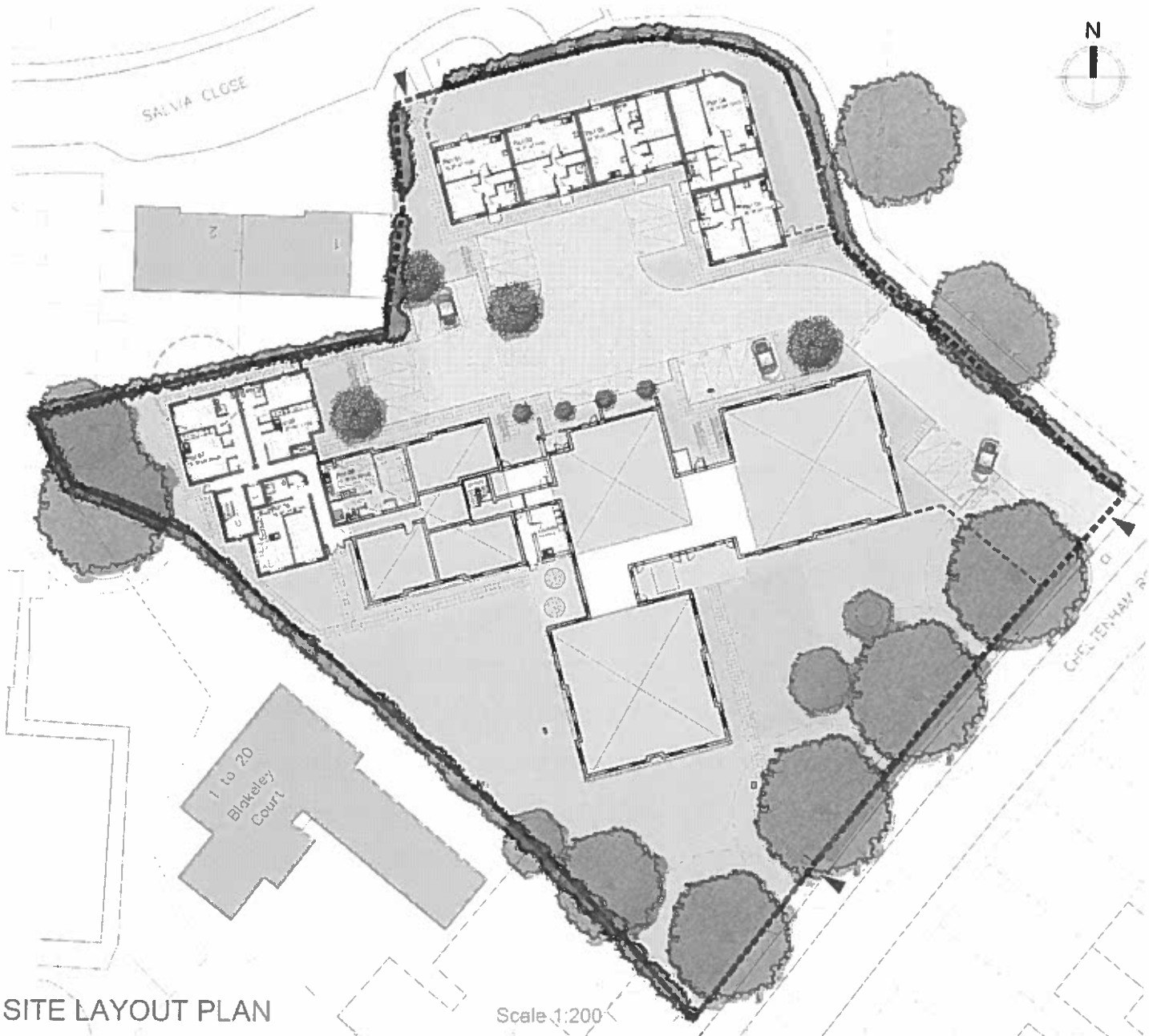
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		99.99.99	ZZ	ZZ	



SITE LOCATION PLAN Scale 1:1250

Project PROPOSED DEVELOPMENT PARKLANDS RESIDENTIAL HOME CHURCHDOWN GLOUCESTER			Drawing SITE LOCATION PLAN			Client	
Scale 1:1250	Dated 18.11.16	Job No 52639	Drawing No. D02	Drawn by LP	Checked MA	CIS/3 Element FEASIBILITY	Revision -





SITE LAYOUT PLAN

Scale 1:200



FLOOR PLANS

Scale 1:200

Schedule of Accommodation

TYPE A, 2B, 3P BUNGALOW, 80.75 m ²	01
TYPE B, 2B, 3P BUNGALOW, 80.5 m ²	01
TYPE C, 1B, 2P BUNGALOW, 47.5 m ²	03
FLAT TYPE NEW BUILD, 1B, 2P, 47.01 m ²	02
FLAT TYPE NEW BUILD, 1B, 2P, 47.38 m ²	02
FLAT TYPE NEW BUILD, 1B, 2P, 50.14 m ²	02
FLAT TYPE REPAIR, 1B, 2P, 47.38 m ²	02
LAUNDRY ROOM	13.81 m ²
Total Residential Units	13
Residential Parking	20
Development Site Area	4882m²

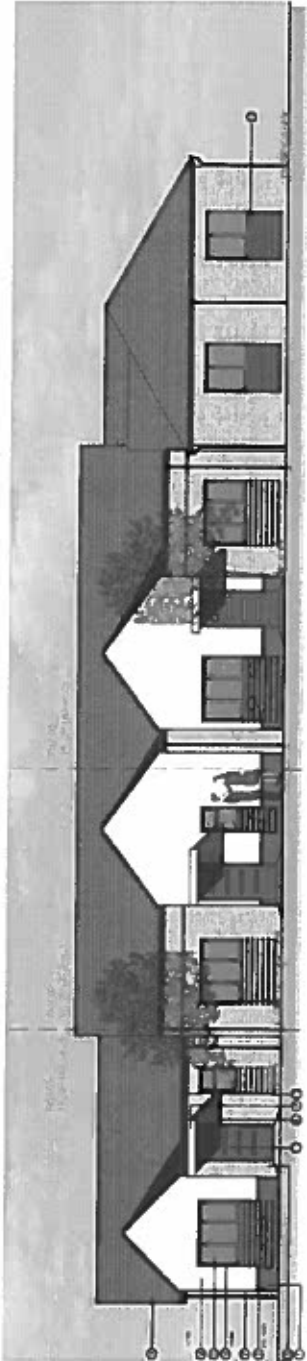
Schedule of Accommodation

Building	Units	Residential	Commercial
1B/2P Bungalow	13	13	0
2B/3P Bungalow	2	2	0
1B/2P Flat	2	2	0
2-Bed House	1	1	0
Total	18	18	0

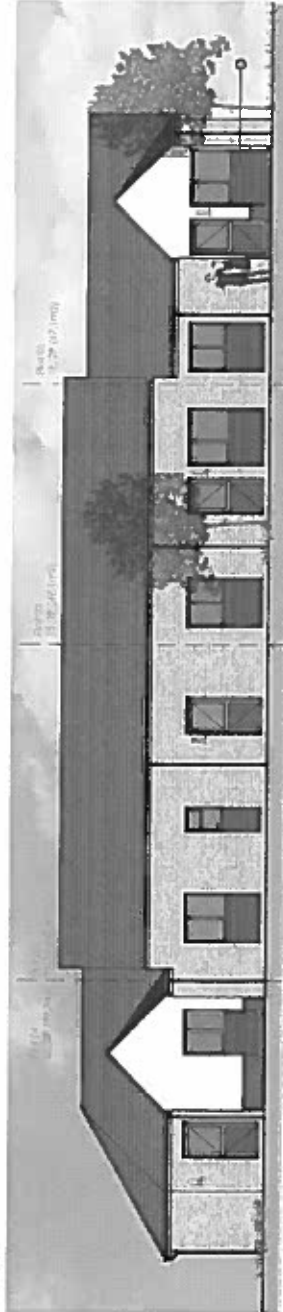
- Key**
- 1m offset from boundary or 1.5m offset from structure
 - 1m offset from 0.6m or 0.75m or 0.9m or 1.2m or 1.5m
 - 1m offset from 1.5m or 2.0m or 2.5m or 3.0m or 3.5m or 4.0m or 4.5m or 5.0m or 5.5m or 6.0m or 6.5m or 7.0m or 7.5m or 8.0m or 8.5m or 9.0m or 9.5m or 10.0m
 - 1m offset from 1.5m or 2.0m or 2.5m or 3.0m or 3.5m or 4.0m or 4.5m or 5.0m or 5.5m or 6.0m or 6.5m or 7.0m or 7.5m or 8.0m or 8.5m or 9.0m or 9.5m or 10.0m
 - 1m offset from 1.5m or 2.0m or 2.5m or 3.0m or 3.5m or 4.0m or 4.5m or 5.0m or 5.5m or 6.0m or 6.5m or 7.0m or 7.5m or 8.0m or 8.5m or 9.0m or 9.5m or 10.0m

LOCATION PLAN Scale 1:1000

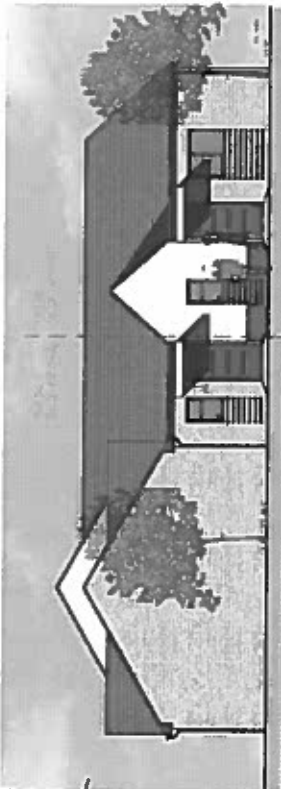




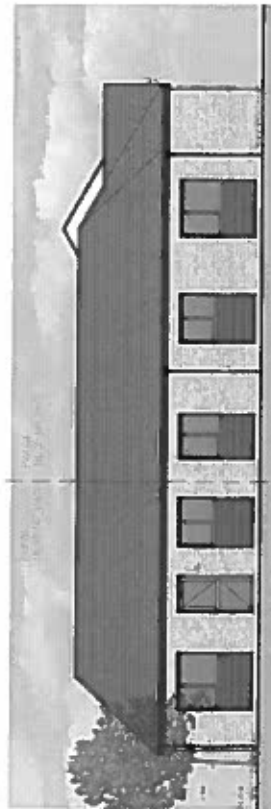
A-A



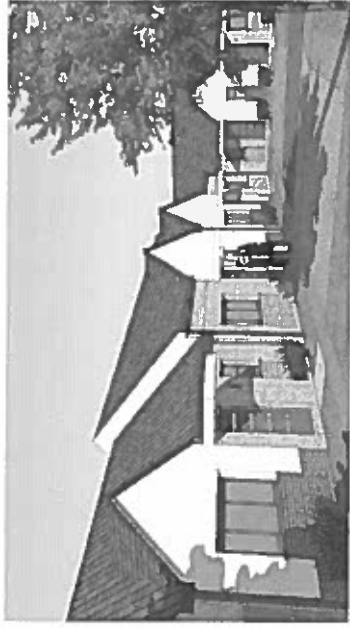
B-B



C-C

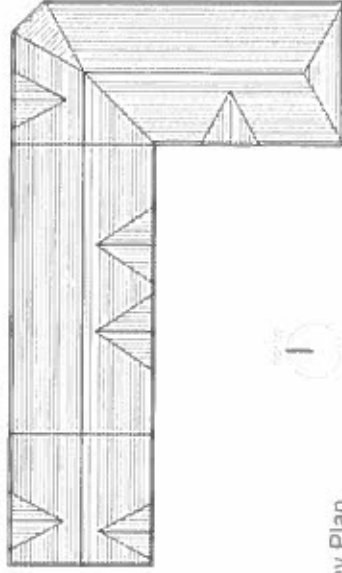


D-D

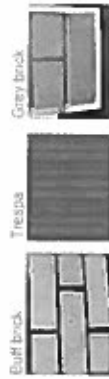
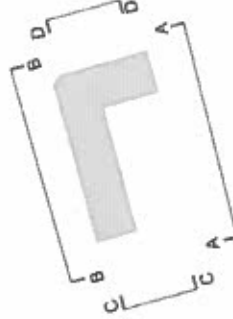


View

Roof Plan 1:200



Key Plan

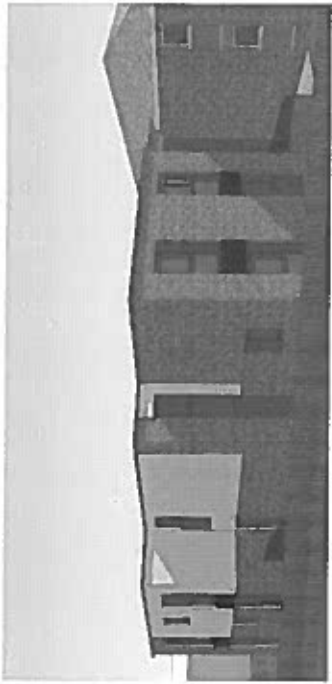


MATERIAL KEY

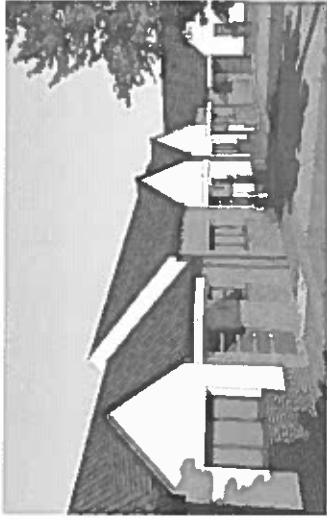
- 1- Buff Brick
- 2- Corbeling
- 3- Grey concrete interlocking roof Tiles
- 4- White Render
- 5- Grey brick
- 6- Grey Pvc Double glazed Window
- 7- RWP
- 8- PIR Side light
- 9- Canopy
- 10- Grey Fascia
- 11- Secured by design IG VNG40 dark Grey Door
- 12- Trespa Melson Panel

835/10

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<p>Scale</p> <p>1:100 (A2)</p>	<p>Date</p> <p>23/07/15</p>	<p>Job No</p> <p>52039</p>	<p>Drawn By</p> <p>LP</p>	<p>Checked</p> <p>JK</p>	<p>Project</p> <p>A</p>	<p>BM3</p>	
<p>Project No</p> <p>1100812</p>		<p>Drawn No</p> <p>D104</p>		<p>Checked</p> <p>JK</p>		<p>Project</p> <p>A</p>	
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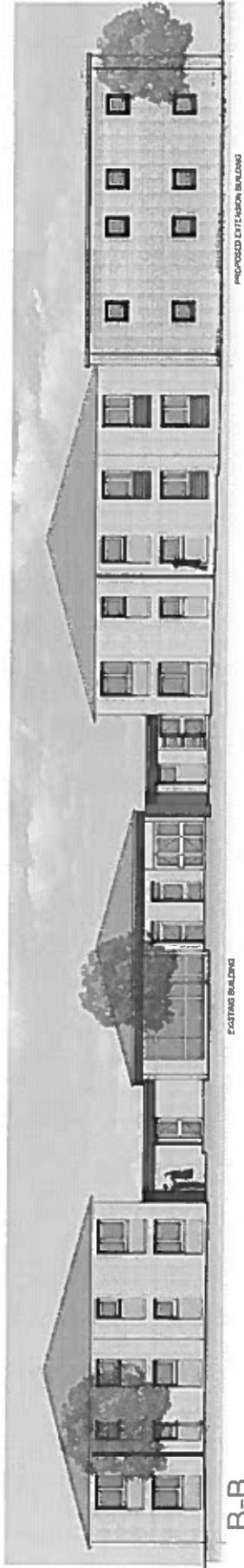


Views



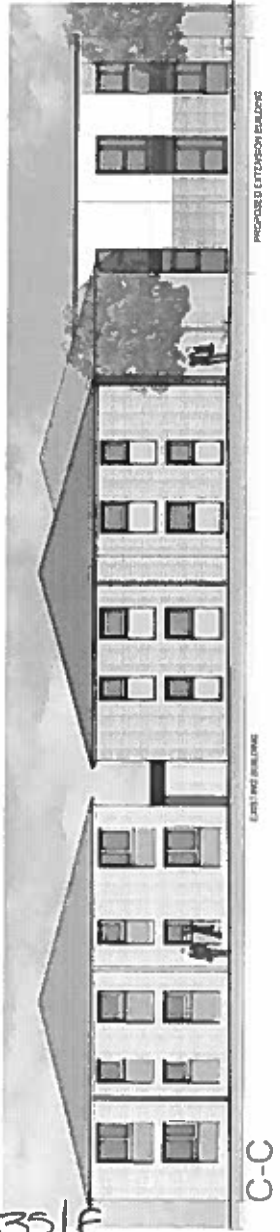
MATERIAL KEY

- 1- Buff Brick
- 2- White Render
- 3- Grey Fascia
- 4- Grey PVC Window frame
- 5- Double Glazed window
- 6- Black RWP
- 7- Trespa Melaleon Panels

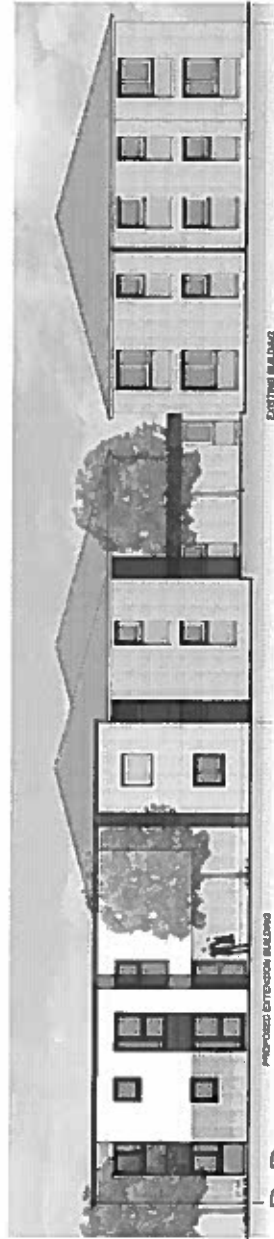


B-B

835/F

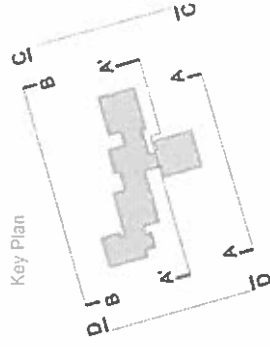
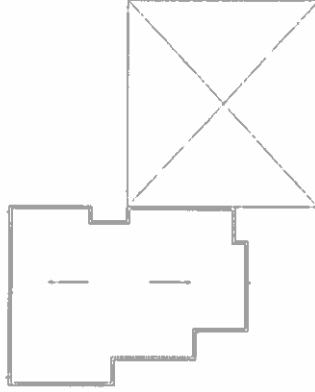


C-C



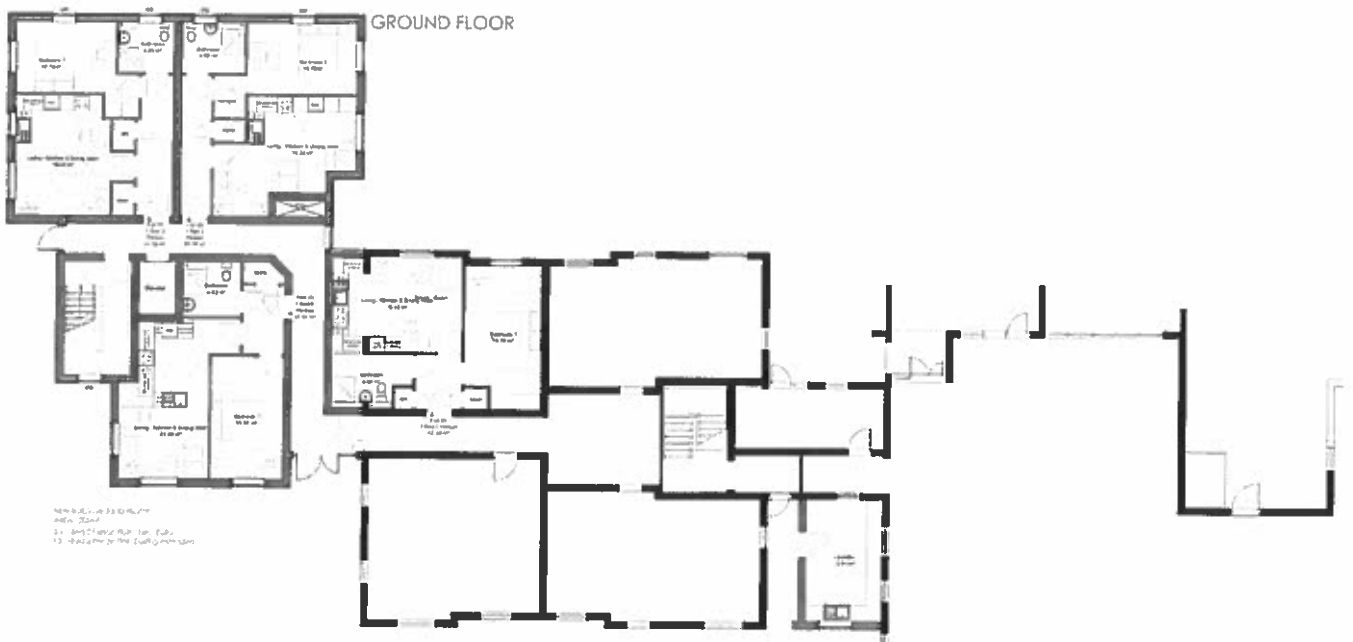
D-D

Root Plan 1:200



ELEVATIONS 1:100

<p>Project: PROPOSED DEVELOPMENT PARALANDS RESIDENTIAL HOME CHURCHDOWN ROAD, CHESTER</p>		<p>Client: ESTABLISH ELEVATIONS</p>		<p>Date: _____</p>	
<p>Drawn by: JLP</p>	<p>Checked by: JK</p>	<p>Scale: 1:100</p>	<p>Drawn by: JLP</p>	<p>Checked by: JK</p>	<p>Date: _____</p>
<p>Version: 22/11/15 15/08/16</p>			<p>FEASIBILITY</p>		
<p>Prepared by: 20 Park Road, South, Birmingham, B15 2JY 0121 618 0800 #111111111 info@b3m.co.uk</p>					



NEW BUILDING
EXISTING BUILDING

Valid 08.12.2016
 Grid Ref 392234 218618
 Parish Shurdington
 Ward Shurdington

Proposed dwelling, parking, turning and landscape (revised scheme).

Mr & Mrs Timony
 5 Little Herberts Road
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL53 8HX

RECOMMENDATION Permit

Policies and Constraints

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU3, HOU5, TPT1

Flood and Water Management SPD

Joint Core Strategy Main Modifications

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

Shurdington Parish Council: Object to the proposal, making the following comments:

- Detrimental to the street scene.
- Concern over the safety of the access.

Planning Officers Comments: Suzanne D'Arcy

1.0 Introduction

1.1 The site is adjacent to Shalands, Main Road and Church Lane is adjacent to the north east boundary. The site is located within the housing development boundary of Shurdington.

1.2 The area is characterised by a mixed style of residential development.

1.3 The site is approx. 0.26 hectares.

2.0 Relevant Planning History

2.1 Planning permission was refused in October 2016 (ref: 16/00977/FUL) for the erection of a dwelling as the primary amenity space was to the front of the dwelling which would result in domestic paraphernalia into the street scene. Furthermore, it would be adjacent to the main road and this would be harmful to the amenity of future occupiers.

3.0 Current application

3.1 This is a revised application for the erection of a dwelling. The proposed dwelling would have three bedrooms. It would be accessed from Church Lane.

3.2 The proposed dwelling would have a footprint of 8.1m by 7.3m. It would be 5m high to the eaves and rise to a height of 8.1m at the ridge. It would be constructed of brick with a concrete tile roof.

3.3 The proposed dwelling differs from the previously refused application as is it set further forward on the plot and the private amenity space would be sited to the side of the property.

4.0 Policy Context

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

Development Plan

4.2 The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy HOU3 allows for residential development in villages though this is restricted to infilling. Policy HOU5 sets out criteria on which such development should be judged, to ensure there is an acceptable impact on the character and appearance of the area and living conditions of existing and proposed residents. Policy TPT1 requires safe and convenient access for all transport modes and that development should have an acceptable impact on the safety and satisfactory operation of the highway network.

National Planning Policy Framework (NPPF)

4.3 The NPPF sets out the presumption in favour of sustainable development. Sustainable development has three dimensions: economic, social and environmental.

5.0 Analysis

5.1 The main issues to be considered are principle of development, impact on residential amenity, impact on the street scene and highway safety.

Principle of development

5.2 The site is located within the settlement boundary of Shurdington. The site is bounded by roads on two sides and residential properties on the remaining two. In view of this, it is considered that the proposed development represents infill development and is acceptable in principle, subject to other material considerations.

Impact on residential amenity

5.3 The previous application was refused as the private amenity space for the dwelling was located to the front of the property and due to the relationship with the road, it was considered that this space would not allow for a good standard of amenity for future occupiers.

5.4 The current application has re-sited the proposed amenity space to the side of the dwelling, so the proposed dwelling would provide screening from the road to this space. It is considered that the proposed dwelling would have useable private amenity space and as such, there would be an acceptable standard of amenity for future occupiers in this respect.

5.5 The proposed dwelling is considered to be of sufficient size to allow suitable living conditions to future occupiers and a good level of amenity. Due to its orientation and relationship with the adjacent properties, there would be no overlooking from existing dwellings to the proposed dwelling.

5.6 Due to the relationship between the existing and proposed dwellings, it is not considered that there would be any significant adverse impacts on the residential amenity of existing occupiers.

Impact on the street scene

5.7 The previous application was refused as the character of this part of the main road is largely free from domestic paraphernalia. It was considered that, given the location of the private amenity space to the front of the proposed dwelling, the likely introduction of such paraphernalia would be harmful to the character of the area.

5.8 The private amenity space of the dwelling would not be between the dwelling and the main road, therefore whilst there would be some garden space adjacent to the main road, the principal space would not be visible. It is therefore considered unlikely that the current proposal would result in the introduction of a significant amount of domestic paraphernalia which would unduly affect the street scene.

5.9 In order to re-site the private amenity space, the proposed dwelling is now set forward of the building line. However, when considering the wider pattern of development, the adjacent pairs of semi-detached properties step back as they move further from Church Lane. The proposed dwelling would continue this pattern and as such, the rhythm of the street scene would be maintained.

5.10 The proposed dwelling would be constructed of brick with concrete tiles, which is consistent with the local context. Condition is proposed to ensure that the appearance of the materials would be acceptable.

Impact on highway safety

5.11 The comments of the Parish Council are noted. However, the access complies with the standard dimensions given in Manual for Streets. It is therefore considered that there is sufficient visibility and the proposed access would not be prejudicial to highway safety. On-street parking is unrestricted in Church Lane and it is not considered that the introduction of a single further dwelling would justify a reason for refusal on these grounds.

6.0 Conclusion

6.1 The proposed dwelling would represent infill development within a village in line with the requirements of Policy HOU3.

6.2 There would be sufficient amenity space to allow future occupiers to have a good standard of residential amenity and there would be no adverse impacts on the residential amenity of either existing or future occupiers due to the relationship between the proposed development and the adjacent properties.

6.3 The siting and appearance is consistent with the local context and will continue the established rhythm of the street scene. The re-siting of the private amenity space would result in the frontage maintaining the open appearance that is characteristic of the area.

6.4 there will be no adverse impacts on highway safety. The application is therefore recommended for **PERMISSION**.

RECOMMENDATION Permit

Conditions:

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

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

- 2 No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenity of occupiers and assess the impact on the character of the area.

- 4 The areas allocated for parking and turning shall be provided in accordance with the submitted layout plan before the dwelling hereby permitted is occupied. These areas shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure adequate off-street parking provision is retained.

- 5 No development shall commence until details, including elevations, of the proposed ridge heights/finished floor levels/eaves heights/slab levels in relation to datum points have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: For the avoidance of doubt and to clarify the finished ground levels of the development.

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

Drawings numbered 16:1794:01, :02, :03, :04 rev A, :05, :06, :SP01 and :SP02 Rev A, received by the Council on 8th December 2016.

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

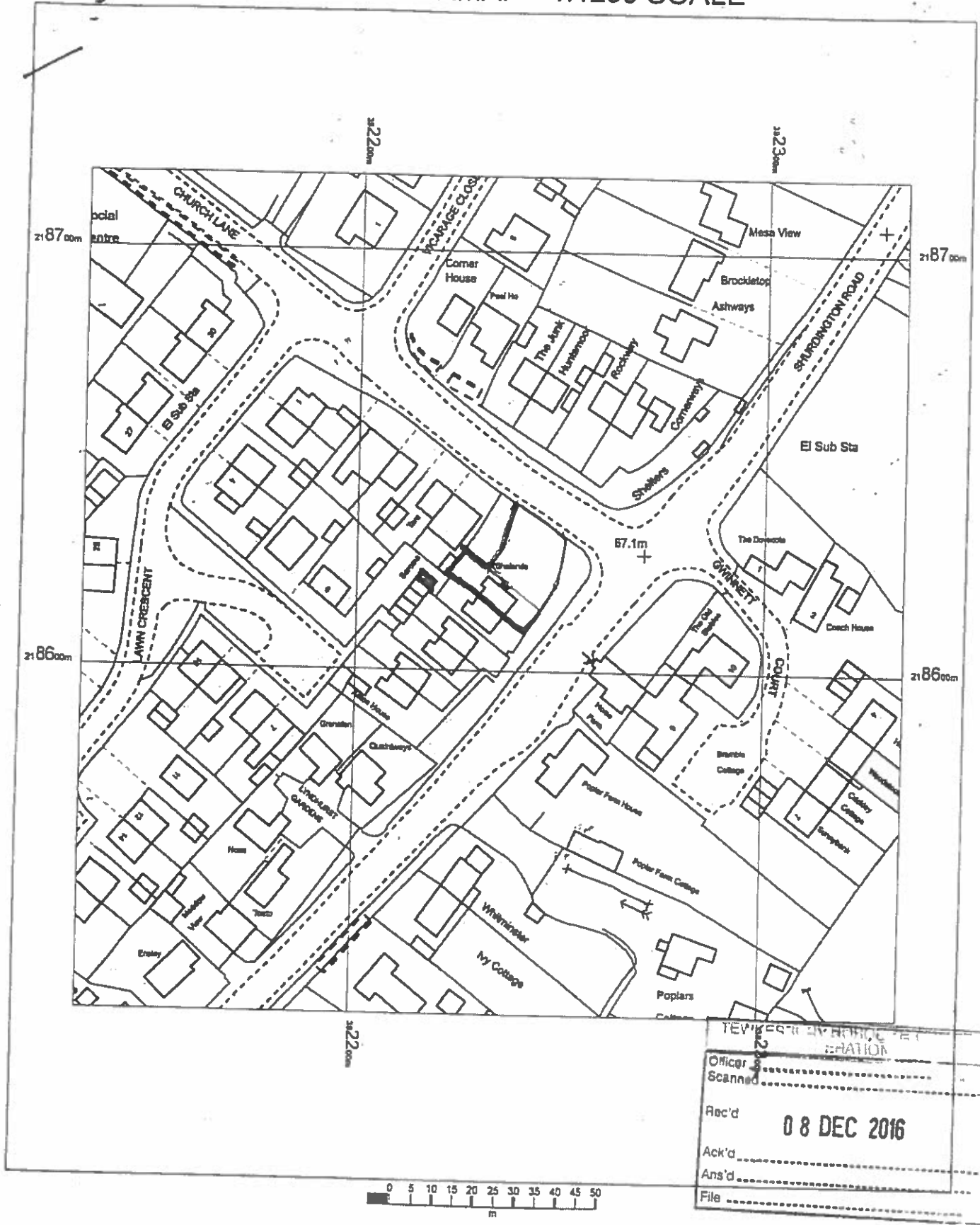
Note:

Statement of Positive and Proactive Engagement

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

16/01393/FUL

O.S. MASTERMAP - 1:1250 SCALE



TELEVISION LICENSING	REGISTRATION
Officer	Scanned
Rec'd	08 DEC 2016
Ack'd	
Ans'd	
File	

**SHALANDS
MAIN ROAD
SHURDINGTON
GL51 4XJ**

OS MasterMap 1250/2500/10000 scale
09 May 2016, ID: CM-00526655
www.centremapslive.co.uk
1:1250 scale print at A4, Centre 392234 E, 218518 N
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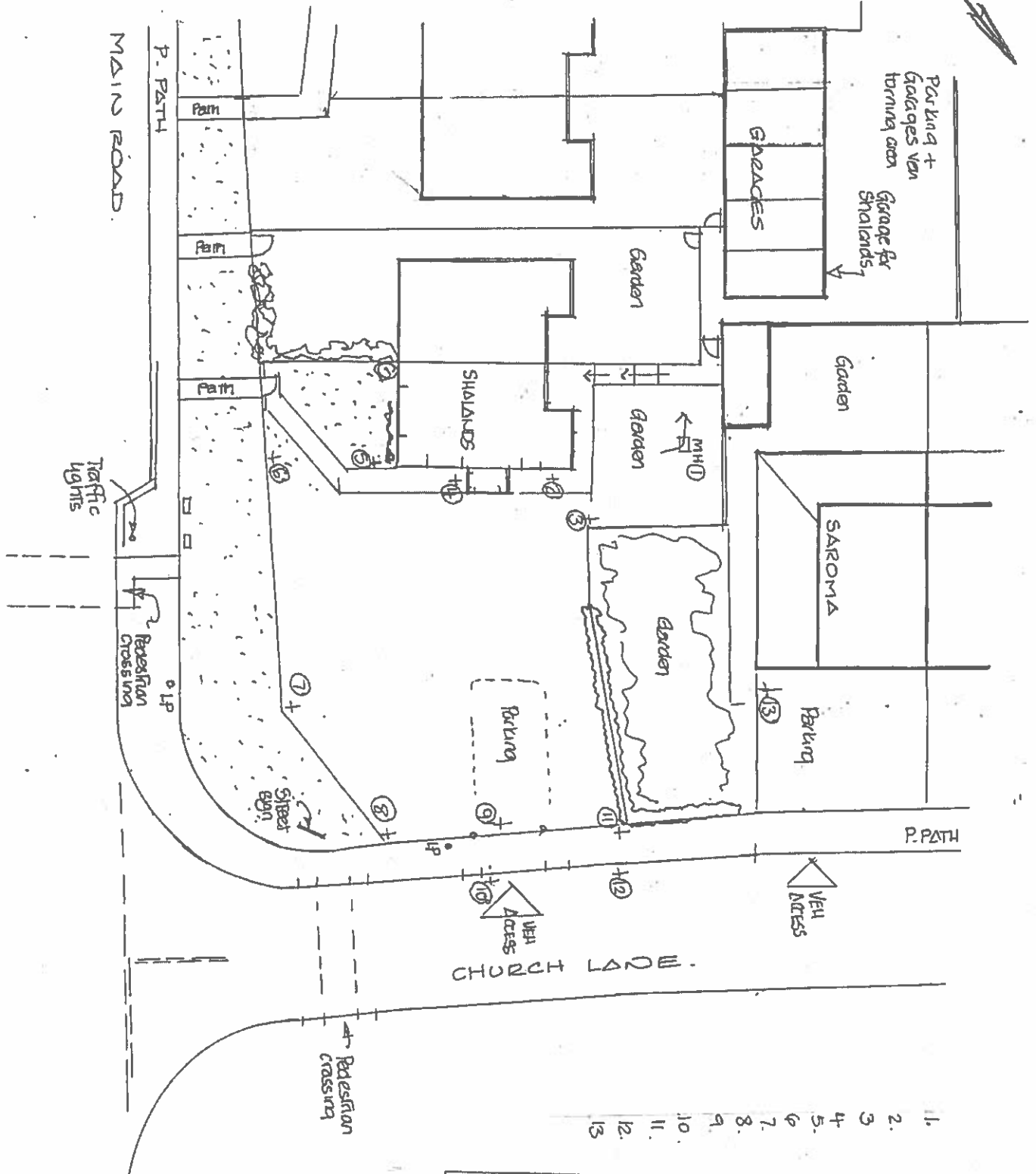
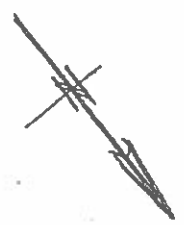


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839/A



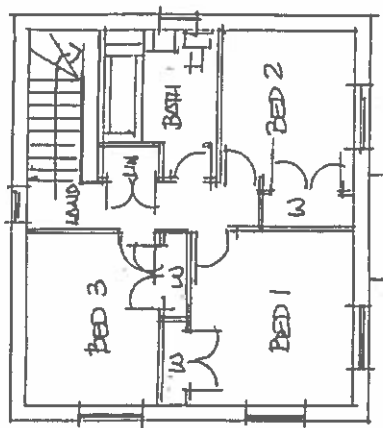


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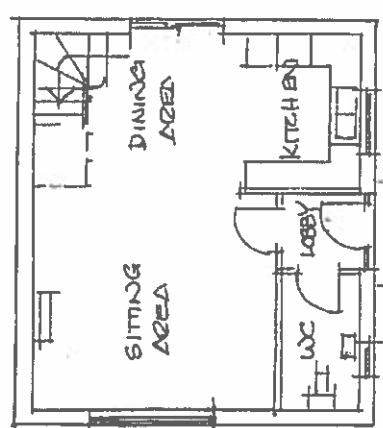
TEMWESBURY BOROUGH COUNCIL
 OPERATIONS
 08 DEC 2016
 Rec'd
 Date
 File

SHALANDS. MAIN ROAD.
 SHURDINGTON. GL51 4XJ
 SITE PLAN - LEVELS 1:200
 16:1794:02 JUNE 2016
 Dennis L Rayton Tel 01242 620818

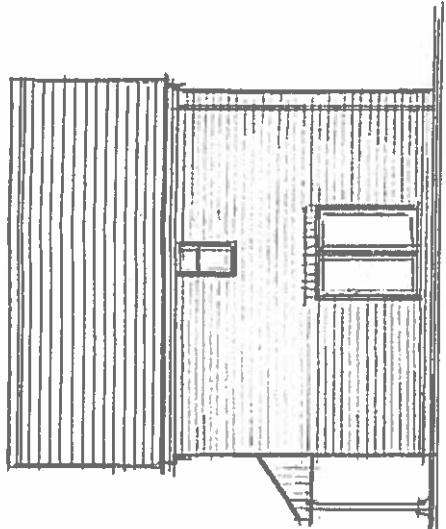
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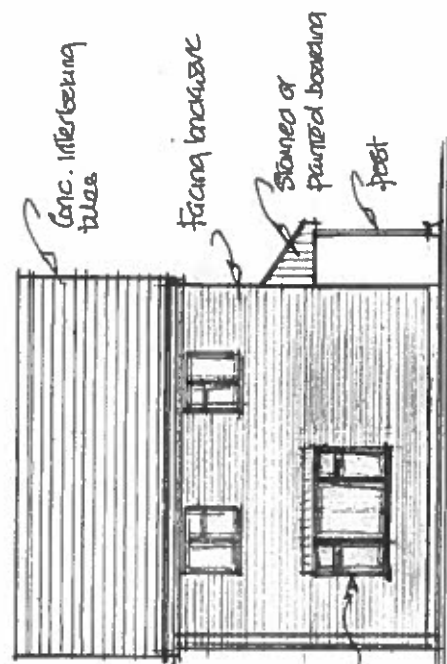
FIRST FLOOR PLAN



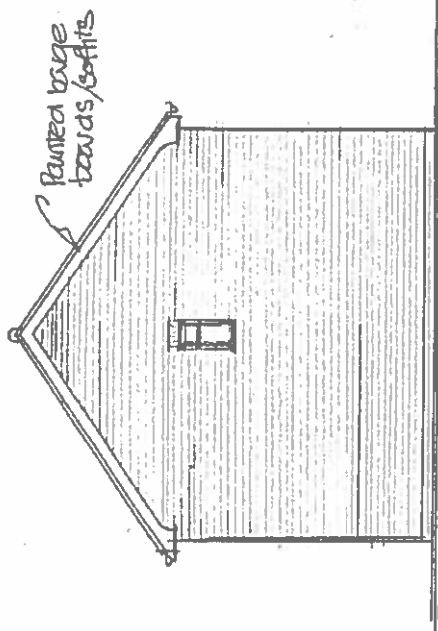
GROUND FLOOR PLAN



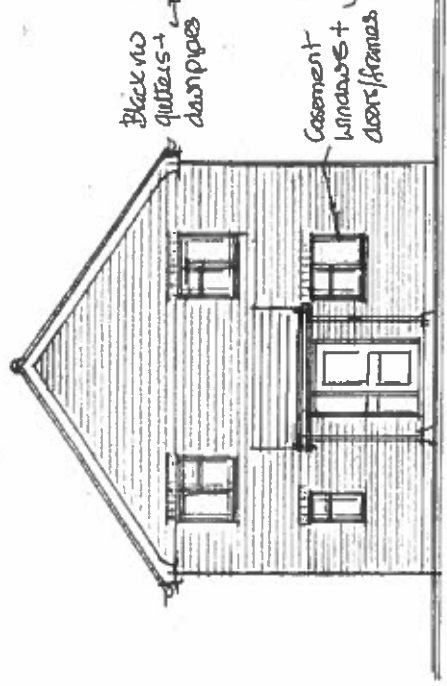
SIDE ELEVATION (NW)



SIDE ELEVATION (SE)



REAR ELEVATION (SW)

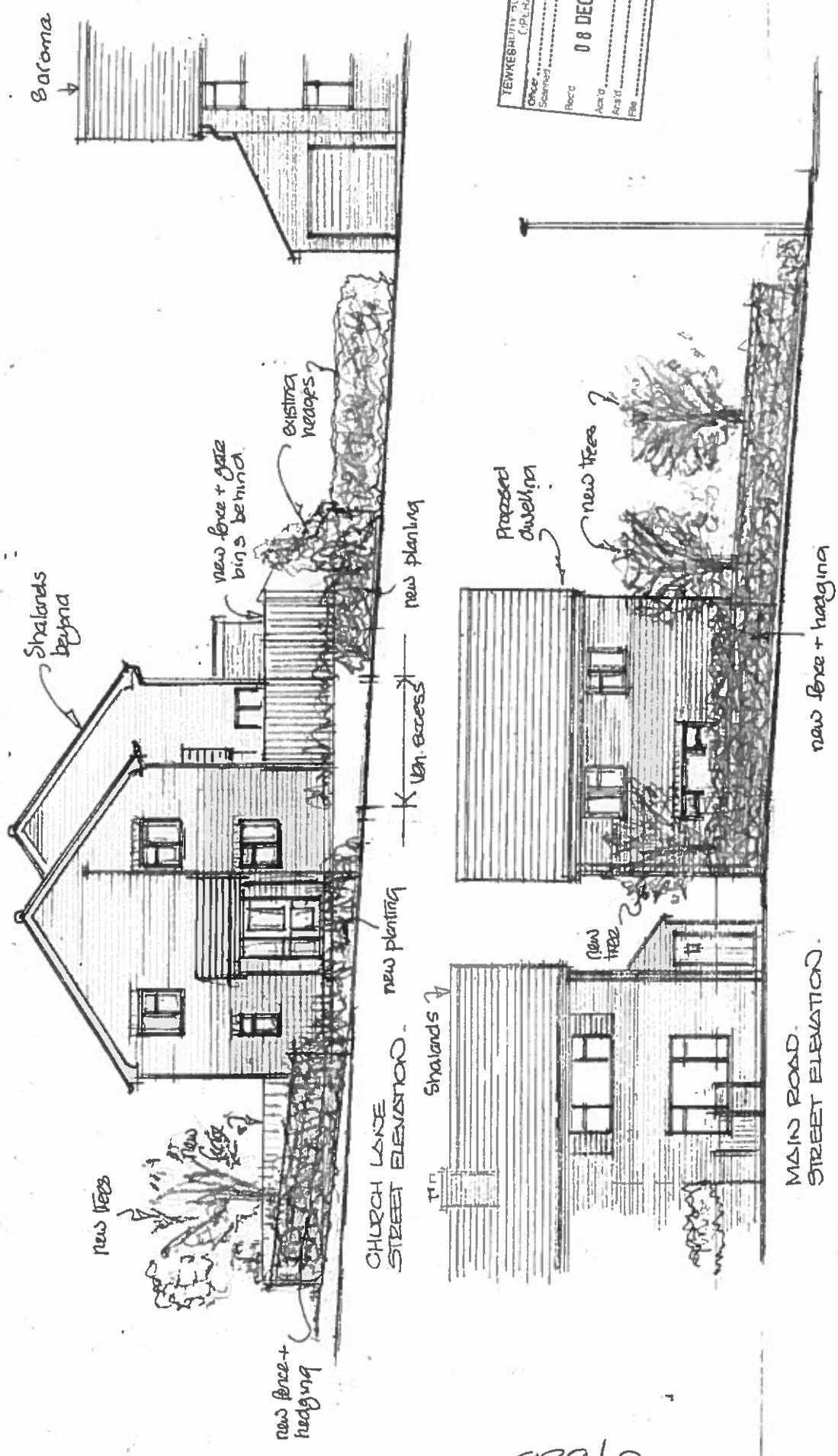


FRONT ELEVATION (NE)

839/C

Revision
 A S.E elevation presentation completed 7/14/16
 SHALANDE. MAIN ROAD -
 SHURDINGTON. ALS14XJ
 PROPOSED DWELLING 1:100
 16:1794:05A AUGUST 2016
 DENNIS J RAUFEN B1 01242 620818

TECHNICAL DRAWING	
REVISION	
Checked	08 DEC 2016
Drawn	
Scale	
Arch	
App'd	
File	



TENKESBURY PRODUCTIONS
 Office OPERATIONS
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 Date 08 DEC 2016
 User
 App'd
 Anal
 File

Revision
 A. Proposed dwelling moved forward towards Main Road 7/14
 + Main Road fenestration changed
 SHALANDS, MAIN ROAD -
 SHREDINGTON. GLS14XJ
 STREET ELEVATIONS AS PROPOSED. 1:100
 16:1794:06 AUGUST 2016.
 DENNIS L Rayton. Tel 01242 620818.

839/0

16/01400/FUL

Easy Bee, Shurdington Road, Shurdington

14

Valid 22.12.2016

Erection of two poly tunnels for cultivation of bee-friendly, nectar-rich plants.

Grid Ref 391331 218049

Parish Badgeworth

Ward Badgeworth

Mr M Roberts
High Meadow
Shurdington Road
Brockworth
GL3 4PZ

RECOMMENDATION Permit

Policies and Constraints

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GRB1, LND4, AGR5

Main Modifications Joint Core Strategy

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

The First Protocol, Article 1 (Protection of Property)

Green Belt

Public Right of Way

Consultations and Representations

Badgeworth Parish Council - Object to the proposal as the poly tunnels are not necessary because conditions will control the dust and noise from the adjacent works.

Representations - None received

Planning Officers Comments: Suzanne D'Arcy

1.0 Introduction

1.1 The application site is sited along a track that is accessed from Shurdington Road.

1.2 It is currently within agricultural use, in association with a bee rearing and is sited within the Green Belt.

1.3 There is a public right of way which runs along the track and adjacent to the application site.

2.0 Relevant Planning History

2.1 Planning permission was granted in 2011 for the erection of an agricultural building for bee farming activities (ref: 11/00483/FUL). This was a revised proposal to an earlier permission for a similar building (ref: 08/00515/FUL). This building is sited adjacent to the south west boundary of the site.

3.0 Current application

3.1 The current proposal is for the erection of two poly tunnels. The proposed poly tunnels would be sited to the northern end of the site, adjacent with the bend in the track. The proposed poly tunnels would be 15.25m long and 5.5m high. There is a maximum height of 3.5m. The two would be sited adjacent to one another.

3.2 The supporting information submitted with the application states that the poly tunnels relate to the cultivation of nectar-rich, bee-friendly plants at the site that would:

- help improve the quality and quantity of honey and honey-related products, due to the earlier and longer flowering period due to being grown under cover; and this in turn would;
- help protect plants from air pollutions resulting from the traffic and activities using the neighbouring sites;
- help to improve the health of the bees by providing a source of 'clean' food on the site;
- help improve the viability of the enterprise.

Therefore, it is argued, the proposal would facilitate a net gain for biodiversity by helping to halt the decline of these bees and any visiting this site, and would therefore conserve and enhance biodiversity.

4.0 Policy Context

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

Development Plan

4.2 The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy GRB1 seeks to guard against inappropriate development in the Green Belt. Policy LND4 seeks to protect the character and appearance of the rural landscape. Policy AGR5 refers to new agricultural buildings and seeks to ensure that any new buildings are well sited and not harmful to the wider landscape.

National Planning Policy Framework (NPPF)

4.3 The NPPF outlines the forms of development that are not considered to represent inappropriate development in the Green Belt. Paragraph 87 states that inappropriate development is harmful to Green Belts by definition. Paragraph 28 supports the sustainable growth of the rural economy.

5.0 Analysis

5.1 The main issues to be considered are the impact on the Green Belt and the impact on the rural landscape.

Impact on the Green Belt

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

5.3 As part of the 2008 application, the Council commissioned an agricultural appraisal. This appraisal concluded that the production of bees is effectively the selling of livestock and as such, the enterprise falls within the definition of agriculture as set out in the 1990 Town and Country Planning Act. Whilst it is accepted that this appraisal is 9 years old, the definition of agriculture has not changed since this time. The site therefore is agricultural land, which is used for an agricultural purpose.

5.4 As listed above, buildings for the purposes of agriculture are one of the exceptions to inappropriate development listed in paragraph 89. The principle of the development is therefore considered to be acceptable.

Impact on rural character

5.5 The proposed poly tunnels would be constructed of heavy duty opaque plastic. They would be sited adjacent to the site boundary and as such, are considered to have a relatively low-key appearance in the landscape, that are typical of agricultural buildings/ structures seen in rural locations. The existing boundary hedge would provide some screening from the access track and due to their size, scale, siting and appearance, it is not considered that they would be unduly harmful to the rural character and appearance of the area.

Other matters

5.6 The Parish Council has raised concerns that the poly tunnels are not needed as conditions have been imposed on an adjacent permission requiring a tarmac road, so this would eliminate the dust and noise. The agent has provided further information on the use of the poly tunnels, which would provide a more stable environment for the plants to grow. It is therefore considered that the proposed poly tunnels are justified in agricultural terms.

6.0 Conclusion

6.1 The proposed poly tunnels would not represent inappropriate development in the Green Belt as they are required for the purposes of agriculture. Their siting, scale, appearance and size are considered to be appropriate and would not result in harm to the rural character and appearance of the landscape. The application is therefore recommended for **PERMISSION**.

RECOMMENDATION Permit

Conditions:

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

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

- 2 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below and section 9 of the submitted application form.

Block Plan, received by the Council on 12th December 2016

Drawing numbered CPS 2016/17-1, received by the Council on 21st December 2016

Proposed elevations, received by the Council on 22nd December 2016

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

Note:

Statement of Positive and Proactive Engagement

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

EASY BEE - PROPOSED POLY TUNNELS



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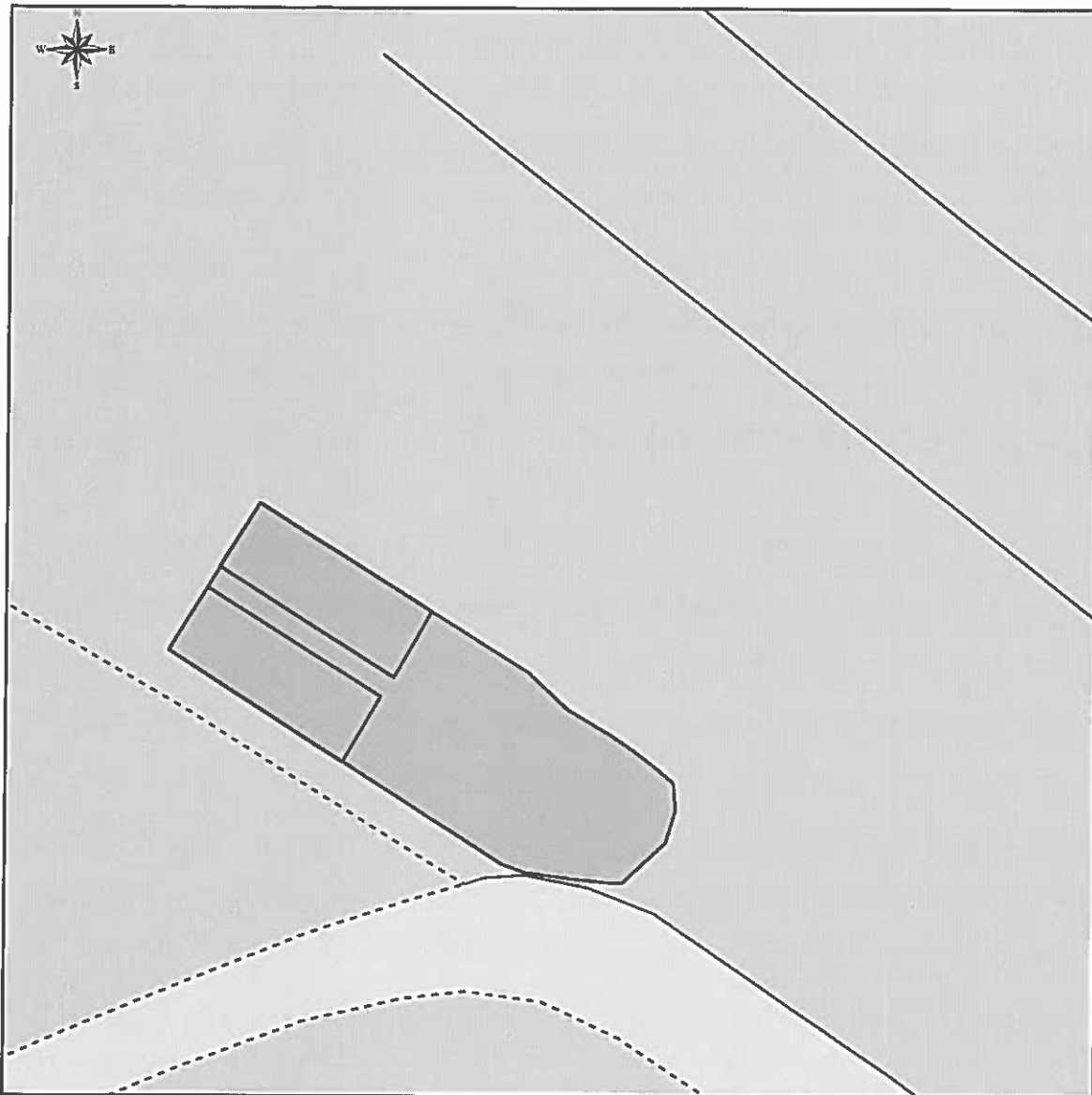
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CPS 2016/17-1

LOCATION PLAN

Easy BEE - PROPOSED POLY TUNNELS



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CPS 2016/17-2

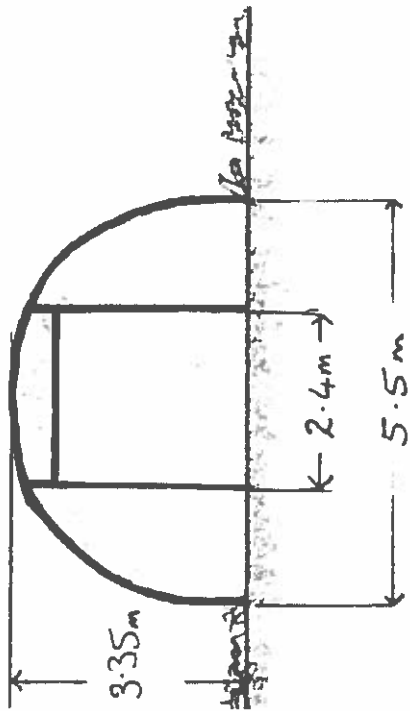
Proposed Site Plan

842/B

plans ahead by emapsite™

Prepared by: Jaqui Pembroke, 28-11-2016

POLY TUNNELS



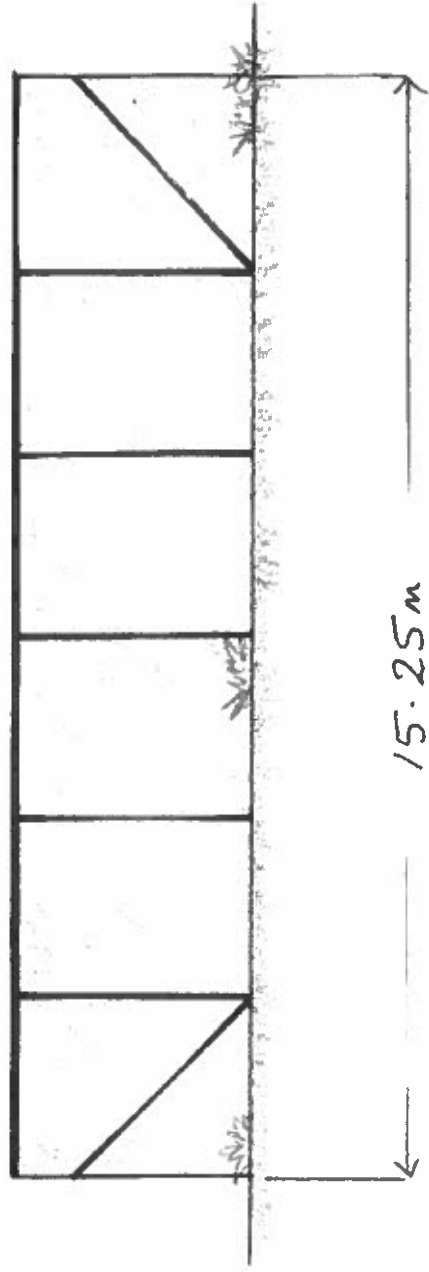
842/c

Scale 1:100 @ A4

EASYBEE PRODUCTS

SHURDINGTON ROAD

SHURDINGTON



Valid 22.11.2016
 Grid Ref 385466 224203
 Parish Norton
 Ward Coombe Hill

Erection of 22 new dwellings.

Bayhill Property Ltd
 Bayhill House
 Orchard Drive
 Cheltenham
 GL51 4AD

RECOMMENDATION Delegated Permit

Policies and Constraints

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, HOU4, HOU13, HOU14, TPT1, TPT3, TPT6, EVT2, EVT3, EVT5, EVT9, LND4, LND7, RCN1, RCN2, NCN5

Main Modifications JCS - SP1, SP2, SD1, SD4, SD5, SD7, SD10, SD11, SD12, SD13, SD15, INF1, INF2, INF3, INF4, INF5, INF6, INF7, INF8

Affordable Housing SPG

Flood and Water Management SPD

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

The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Parish Council - Object for the following reasons:

- Proposal would result in significant landscape harm.
- Identified as key view by the Parish Council.
- Site was rejected in the SHLAA
- Proposal would exacerbate foul water problems
- Proposal would result in flooding.
- Previous development in Norton has secured off-site contributions and these could have reduced the need for cross subsidy.
- Norton has already provided low cost housing.
- The case for the number of affordable houses is questionable.
- Other alternative sites should have been explored further.
- Highway safety concerns.

County Highways Authority - No objection subject to conditions.

Lead Local Flood Authority - No objection subject to condition requiring detailed drainage strategy.

Strategic Housing and Enabling Officer - Supports the application as the proposals would meet local housing needs.

County S106 Officer - Contributions required for pre-school, primary and secondary education.

Severn Trent - No objections subject to conditions to secure and implement drainage plans for the disposal of foul and surface water flows

Natural England - No objection.

Crime Prevention Officer -Recommended that the development is built to meet Secured by Design standards.

Landscape Officer - No objection, subject to conditions.

Urban Design Officer - No objection.

County Archaeologist - Updated comments awaited.

Planning Policy - It is considered that Norton is in general a suitable location for some new housing having regard to Policy SP2 of the JCS. The proposed development is therefore considered to be acceptable in principle.

Local Residents - 10 Objections have been received from local residents (summarised):

- The existing pumping station is already frequently overloaded as is the rest of the drainage on Wainlode Lane.
- The proposal would result in flood issues.
- The development is out of keeping with the character and appearance of the existing area.
- Highway safety concerns are raised.
- Proposal results in landscape harm
- Proposal would fail to enhance the vitality of the rural community.
- Local need could be met elsewhere.
- cross-subsidise the affordable is against policy.
- Housing needs survey is inaccurate.
- This is clearly a speculative application

Planning Officers Comments: Mr Ciaran Power

1.0 Application Site

1.1 The application site comprises part of an agricultural field located on the south western sider of Wainlode Lane, Norton. The application site has an area of approximately 1.5 hectares and is generally flat. No Residential Development Boundary for Norton is defined in the Tewkesbury Borough Local Plan - March 2006 but the application site is located in close proximity to the settlement which is designated as a service village in the Submission JCS. The village has a small school (Norton Church of England Primary School), a village hall, a sports pitch and a public house.

1.2 The site is not located within any designated landscape areas but is with the open countryside. It is located wholly within Flood Zone 1.

2.0 Planning History

2.1 There is no relevant planning history for the site.

3.0 Current Application

3.1 The application is made in full and proposes the erection of 22 no. dwellings; 12 no. affordable and 10 no. market dwellings with associated infrastructure and landscaping (see layout plan).

3.2 The 12 affordable housing units proposed comprise:

- 6 no. 2 bedroom dwellings
- 2 no. 3 bedroom dwellings
- 2 no. 1 bedroom dwelling in two storey houses
- 2 no. 1 bedroom in bungalows.

The 10 market dwellings which make up the remainder of the application site comprise:

- 4 no. 3 bedroom two storey detached dwellings
- 4 no. 4 bedroom two storey detached dwellings
- 2 no 5 bedroom properties

3.3 The proposed density would be 14 dwellings per hectare.

3.4 Access to the site would be via two new accesses off Wainlode Lane. The first access serves plots 1 to 3 with the other dwellings served by the proposed estate road.

3.5 The application has been submitted in response to a Housing Needs Survey of Norton undertaken by Gloucestershire Rural Community Council Rural Housing Needs Enabler. The application seeks to deliver the identified affordable housing need by using market housing to cross subsidise the affordable housing. This is an approach allowed by the NPPF.

3.6 The application is supported by Tewkesbury Council's Strategic Housing and Enabling Officer who concludes that the development will meet local housing needs and is situated in the most appropriate location in the village close to the village centre with school and village hall, and accessible to the A38 and main bus route to Cheltenham, Tewkesbury Town and Gloucester. The development offers a range of suitable house types and tenures for the local community.

4.0 Policy Context National and Local Planning Policy

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

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

4.3 Paragraph 54 of the NPPF states that *"In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate"*.

4.4 Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling

4.5 Policy INF3 of the JCS Submission presumes against development at direct risk of flooding and/or development that would increase the risk of flooding elsewhere. Similarly Local Plan Policy EVT5 sets out that development should not exacerbate or cause flood problems.

4.6 Policy HOU4 of the local plan seeks to promote sustainable development. Policy HOU4 advises, inter alia, that residential development outside of a residential development boundary will only be permitted where essential to the efficient operation of agriculture or forestry or the provision of affordable housing in accordance with Policy HOU14.

4.7 Policy HOU14 seeks to provide affordable housing. Policy HOU14 states that the Council will permit, subject to a legal agreement and/or planning condition, residential development which can be demonstrated to meet in perpetuity a particular local need that cannot be met in any other way. Proposed sites should be small in size and located in or adjoining villages or settlements where there are adequate local facilities, including public transport services, for residential schemes where the occupation can be controlled in the long term.

4.8 Policy LND4 relates to proposals in the rural areas and provides that regard will be given to the need to protect the character and appearance of the rural landscape.

4.9 Local Plan Policy LND7 states that new developments will require the provision of high quality landscaping which should form an integral part of the overall development.

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

4.11 Policy NCN5 of the local plan seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats.

5.0 Analysis

Principle of Development

5.1 Policy HOU14 is consistent with the NPPF when considering affordable housing exceptions sites however it must be recognised that the NPPF (Paragraph 54) advises that in rural areas, local planning authorities should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs, as is the case in this application.

5.2 The Councils Strategic Housing and Enabling Officer (HEO) has commented that the application has come about following a housing needs survey for Norton and that the application will meet local housing needs. The proposed market housing is intended to facilitate the affordable housing need and NPPF states that local authorities should consider this approach. The amount of market housing required to facilitate the affordable housing provision has been examined by the DVS Valuation Specialists who concluded that the scheme would be unviable without the inclusion of 10 no. market housing units to cross-subsidise the proposed affordable units.

5.3 The principle of the application is therefore considered acceptable providing wider planning objectives are met.

Access to local services and facilities

5.4 Local Plan Policy HOU14 states that proposed exception sites should be located in or adjoining villages or settlements where there are adequate local facilities, including public transport services. This is generally consistent with the aims of the NPPF which seeks to promote sustainable modes of transport (Section 4). However, the Framework also recognises the need support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28) and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that there is a need to balance this against other objectives set out in the Framework - particularly in rural areas.

5.5 Norton is identified as a service village within the MM JCS. There are local service facilities including a school, village hall, public house and Norton is located adjacent to the A38 which is defined in the local plan as a Public Transport Corridor. Having regard to this Norton is considered to be appropriate for some level of growth and is expected to contribute towards the Housing requirements of Tewkesbury Borough.

Layout and Design

5.6 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. At paragraph 61 the NPPF states that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

5.7 NPPG advises that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns are mitigated by good design. However at paragraph 64, the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

5.8 Planning decisions should not attempt to impose architectural styles or particular tastes through requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness and character.

5.9 The site is located adjacent to the main settlement of Norton, it is opposite the recent development at Cooks Lane and opposite recently approved housing along Wainlode Lane. There is also residential housing associated with the village to the west of the site and the playing fields which are a core facility for the village are directly adjacent to the site. Therefore it is considered that the site has good potential to integrate well with the existing community and this would make a logical extension to the village, whether for affordable housing or otherwise.

5.10 The layout fronts out to the south of the site creating a defined edge and allowing for a loose landscaped approach on this boundary. The properties fronting onto Wainlode Lane are set back with large front gardens to allow for the retention of the hedgerow, which would maintain a rural character along the lane without seeking to hide the development, allowing a new residential character to add positivity to the character of the area and to encourage integration.

5.11 The open space to the east which is necessary to accommodate a pipeline is now a positive space with active surveillance and provides good opportunities for informal recreation for both existing and new residents.

5.12 The proposed density is considered appropriate in this edge of settlement location and it is considered that the proposal would acceptably assimilate with the existing settlement.

Landscape and Visual Impact

5.13 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.

5.14 The application site is not located within any nationally or locally landscape designations however it is located within the open countryside. Policy LND4 relates to proposals in the rural areas and provides that regard will be given to the need to protect the character and appearance of the rural landscape.

5.15 The application has been accompanied by an LVIA to assess the visual impact of the proposal on the Landscape. The LVIA concludes that the impact of the development on Landscape character would be a minor loss of key landscape elements and the introduction of elements that may be prominent but not uncharacteristic would occur however the landscape effects are not considered significant. The LVIA also assesses the development impact from a number of viewpoints including PROW located in the vicinity. The Councils Landscape Officer (LO) confirms that as per the LVIA, the proposed development does not have unacceptable adverse landscape and visual impacts, in terms of the setting of the village, and the rural setting of the wider countryside. The LVIA also appropriately assesses the longer distance and higher terrain viewpoints from Norton Hill. The LO does however stress the importance of the retention of existing hedges and boundary trees along Wainlode Lane, as they provide a rural feel to the village edge setting, and in landscape terms are important to be retained and further strengthened as part of the development proposal.

5.16 The LO raises no objection to the proposed development subject to appropriate conditions in relation to tree and hedge retention, planting and maintenance schedule and a landscape scheme. However the proposal would clearly result in some limited landscape harm given that developments encroachment into open countryside and this needs to be considered in the overall planning balance.

Flood Risk and Drainage

5.17 The site is situated within flood zone 1 (low risk) however it has been accompanied by a drainage strategy. The Strategy concludes that Storm water disposal should always be undertaken as close to source as possible. However as the underlying strata is not suitable for infiltration methods of storm water disposal a mixture of underground pipes, cellular storage and detention basin / pond would reduce flow rates to the equivalent of Greenfield Runoff.

5.18 The disposal of the foul water from the proposed Site is to be via gravity sewers to the existing public sewer system via the existing pumping station at the junction of Cook Lane and Wainlode Lane. There is local concern that the existing sewage system could not accommodate the proposed development. Severn Trent Water has carried out a Sewage Capacity Assessment which confirms that there are no issues arising from the development and they would support connection into their storm sewer and foul pumping station which are both in close proximity to the site. It is also noted that there is local concern about the existing foul

drainage system at times of high rainfall however the development requires separate foul and storm drainage and therefore storm water does not enter into the foul system in any way so the relatively insignificant foul flows resulting from the development would not detrimentally impact on the current system.

5.19 The Lead Local Flood Authority (LLFA) are satisfied that the applicant has demonstrated ground conditions do not support infiltration (soakaways) as a drainage strategy and that discharge to the Severn Trent Water surface water sewer is appropriate. Severn Trent Water themselves do not raise any objection to the proposal subject to a condition relating to the submission of drainage plans.

5.20 In light of the above, it is considered that based on the LLFA comments, the Severn Trent Water capacity assessment and subject to the imposition of conditions, that the applicant's drainage strategy is acceptable.

Highway Safety

5.21 The application site is adjacent to Wainlode Lane, a single two-way Carriageway road that varies in width, between approximately 4.3m-4.8m wide, and which is subject to a 30mph speed limit. A footway, separated by grass verge, runs along the entire frontage of the application site. The footway provides access to the central area of Norton Village, including Norton Church of England Primary School and bus stops. Wainlode Lane connects to Old Tewkesbury Road via a priority junction.

5.22 The proposed layout demonstrates that appropriate visibility can be achieved at the proposed access points and that the internal arrangements would allow appropriate manoeuvrability for refuse vehicles and cars to pass. A total of 50 parking spaces have been provided, and whilst no visitor parking is allocated the carriageway is wide enough to accommodate short term parking.

5.23 Gloucestershire County Highways Authority (CHA) have assessed the proposal and raise no objection to the proposed development subject to the imposition of appropriately worded planning conditions.

5.24 Subject to the above, the proposal is considered to be acceptable in terms of Guidance within the NPPF and Local Plan Policy TPT1.

Residential Amenity

5.25 The impact of the proposal upon the residential amenity of neighbouring properties has been given careful consideration as part of the planning merits of the proposal. Significant separation distance would exist between existing and proposed dwellings so that the proposal would not result in any direct overlooking of existing properties.

5.26 In respect to the amenity of future residents, the layout of the scheme ensures that there would not be unacceptable overlooking between residential properties and each dwelling is provided with its own garden. It is considered that the proposal would provide an acceptable living environment for future occupiers.

Ecology and Nature Conservation

5.27 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.

5.28 The application has been supported by a walk-over ecological survey, the purpose of which was to determine the existence and location of any valuable areas and to record any evidence of protected species.

5.29 The Ecological Report confirms that there are no ecological statutory or non-statutory designated sites within or adjacent to the application site. Natural England have been consulted on the application and raise no objection

5.30 The survey concludes that the site is of limited ecological value and no evidence of badgers, bats, herpetofauna or other species of any note were recorded. The proposed development is considered to accord with the NPPF and policy NCN5 of the Local Plan.

Archaeology

5.31 The County Council's Archaeologist advises that the western part of the application site is located on an area where historic aerial photographs indicate the former presence of a substantial medieval or postmedieval building platform. In addition, finds indicative of Roman settlement are known to be present in this locality. He therefore considered that ground works required for development at this location may have an adverse impact on significant archaeological remains. He therefore has recommended that in accordance with the NPPF, paragraph 128, in advance of the determination of this planning application the applicant should provide the results of a programme of archaeological assessment and evaluation which describes the significance of any archaeological remains contained within the application site and how these would be affected by the proposed development. The applicant has carried out the necessary investigation and comments are awaited from the County Archaeologist (**Update to be provided prior to Planning Committee**).

Community, Education and Library Provision

5.32 Local Plan Policy GNL11 highlights that permission will not be provided for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided. This is supported by and consistent with section 8 of the NPPF.

5.33 With regards to education, following consultation with Gloucestershire County Council, it is advised that the development would create a need for additional educational places and a contribution of £35,290 towards primary provision and £28,150 towards secondary school places would be required and an option on a 0.2ha piece of land adjacent to Norton Primary School, in the control of the applicant, for GCC infrastructure purposes. No library contribution is required.

5.34 In terms of the primary provision the County Council Education Authority have raised concerns about the ability to accommodate additional places at Norton C of E Primary School as it is forecast to remain, over-capacity and it is not possible to grow the school within its current site, nor to increase capacity through other temporary measures.

5.35 Having regard to the above the applicant and the Education Authority have agreed in principle that 0.2ha of land would be provided to assist in meeting the demand generated by the development and allow potential future expansion. The Education Authority also would require a financial contribution towards primary and secondary education however the viability of the scheme would not allow more than a £30,000 financial contribution to be made. The Education Authority are mindful of how full contributions would affect the viability of the scheme and the shortfall would need to be considered in the planning balance. However it is advised that the situation is most critical at primary level where the school is at capacity and therefore if members are minded to grant planning permission it is recommended that a S106 agreement should require £30,000 towards primary provision as well as the option of 0.2ha of land for expansion of the existing school.

5.36 Whilst a contribution towards off-site playing pitches, off-site sports facilities, off-site play provision and community facilities would normally be sought the proposal is supported by a viability assessment which has been verified by DVS and this indicates that the site would not be viable should these additional developer contributions be sought. Given that the site is being brought forward to address a local housing need and would contribute to the further expansion of the existing school to accommodate the needs of the development as well as additional capacity it is also considered that these are significant benefits in themselves. Nevertheless the shortfall in the schemes ability to meet all the required development contributions needs to be considered in the overall planning balance.

Other Matters

5.37 The Parish Council raise concerns that the application site was rejected as a site in the SHLAA, however whilst the site which was assessed included the application site it was substantially larger than the application site and was assessed on the basis of a development of up to 142 dwellings. Clearly a development of such a scale would have significantly greater impacts than that proposed as part of this application.

6.0 Overall Balancing Exercise and Conclusions

6.1 Whilst the site lies outside any recognised residential development boundary, it does comply with policy HOU14 of the Local Plan in that it proposes to meet, in perpetuity, a local housing need. Whilst the proposal includes an element of cross-subsidy to help meet this need this is allowed for in the NPPF and PPG.

6.2 The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. In terms of the social role, NPPF states that planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the need of present by creating a high quality built environment, with accessible local services that reflect the community's needs and support its wealth, social and cultural well-being.

Benefits

6.3 The proposal would provide affordable and open market housing and this is given significant positive weight in line with social dimension of sustainability set out in the NPPF. In terms of the economic benefits it is now widely accepted that new housing developments bring benefits during the construction phase and through the additional spending power in the local economy as a result of the increased population. Whilst the viability of the scheme would not allow full development contributions to be sought in relation to community, education and sports facilities the scheme is proposed to make land available to facilitate the expansion of the already oversubscribed village school. Without the development the Education Authority would have limited opportunity to expand the school to cater for existing place forecasts and some future need. In addition the proposal does provide an area of public open space in the south eastern part of the site which would provide a relatively central area of POS which Norton does not currently benefit from. These matters weigh in favour of the proposal.

Harms

6.4 It is considered the proposal would result in some limited landscape harm which weighs against the development. Further the viability of the proposal means that the scheme is not able to provide the full amount of developer contributions identified by consultees and this weighs against the development

Neutral

6.5 There would be no undue impact in terms of residential amenity, heritage assets, biodiversity or the local highway network subject to the approval of technical details.

Conclusion

6.6 Having regard to the benefits to the proposal as set out above, it is considered that the these would outweigh the identified harms and therefore the proposal would represent sustainable development in the context of the NPPF and is recommended that **Permission is delegated to the Development Manager subject to completion of s106 obligations to secure the following:**

- Education - Primary Education - £30,000 and 0.2ha of Land for GCC Infrastructure requirements.
- Affordable Housing - 12 affordable dwellings.

RECOMMENDATION Delegated Permit

Conditions:

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

D00 Site Location Plan, D01 Site Layout Plan, D02 House type D, D03 House type K, D04 House type E, D05 House type G2, D06 House type F, D07 House type B, D08 House type C, D09 House type G, D10 House type M.

Reason: To ensure that the development is carried out in accordance with the approved plans.

- 3 Notwithstanding the submitted details, no development shall take place until details of existing and proposed ground levels and ground floor slab levels of the buildings hereby permitted, relative to Ordnance Datum Newlyn, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the development integrates harmoniously with the surrounding development.

- 4 Notwithstanding the submitted details, the construction of the dwellings and garages hereby permitted shall not commence until samples of the proposed external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter all such materials used in the development shall conform to the approved samples.

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

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

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

- 6 Notwithstanding the provisions of condition no. 2 above, no development shall take place until a comprehensive Landscaping Scheme has been submitted to and approved in writing by the Local Planning Authority. The Landscaping Scheme shall include details of all existing trees (including spread and species) and hedgerows on the land, and details of any to be retained together with measures for their protection during the course of construction. The Landscaping Scheme shall also include details of all proposed planting, including species, density, and the height and spread of trees; and details of the design, position, height and materials of all the proposed boundary treatments.

Reason: To ensure that the new development will be visually attractive in the interests of amenity.

- 7 The landscaping scheme approved under condition 6 above shall be implemented in full, unless any variation is submitted to and approved in writing by the Local Planning Authority. All planting, seeding and turfing detailed in the approved Landscaping Scheme shall be carried out in the first planting and seeding season following the first occupation of any of the buildings hereby permitted or completion of the development, whichever is the sooner, or in accordance with a further programme of implementation that has been submitted to and approved by the Local Planning Authority. Any trees or plants which, within a period of five years from completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. The boundary treatments detailed in the approved Landscaping Scheme shall be implemented before any of the dwellings hereby permitted are first occupied.

Reason: To ensure that the new development will be visually attractive in the interests of amenity.

- 8 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 120m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

- 9 The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted Proposed site layout plan, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

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

- (i) specify the type and number of vehicles;
- (ii) provide for the parking of vehicles of site operatives and visitors;
- (iii) provide for the loading and unloading of plant and materials;
- (iv) provide for the storage of plant and materials used in constructing the development;
- (v) provide for wheel washing facilities;
- (vi) specify the intended hours of construction operations;
- (vii) specify measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

- 11 No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Local Planning Authority, for the provision of a physical barrier to prevent vehicles parking on the verges adjacent to plots 13 and 14 and opposite plots 1, 2 and 3.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

- 12 No development shall commence on site until a scheme has been submitted to, and approved in writing by the Local Planning Authority, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the fire hydrant serving that property has been provided in accordance with the scheme so approved.

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

- 13 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

- 14 No works hereby permitted shall commence on site (other than those required by this condition) until the first 20m of the proposed access road, including the junction with the existing public road has been completed to at least binder course level.

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

- 15 No building hereby permitted shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

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

- 16 No development approved by the permission shall be commenced until an approved detailed drainage strategy (including drainage plans for the disposal of foul and surface water flows) based upon drainage strategy ref. 16-019 DS - 300916 and amendments dated 17 December 2016 has been submitted to and approved in writing by the Local Planning Authority. If an alternative strategy or amendments are required, it must first be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be carried out in accordance with the approved details.

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

- 17 No external lighting shall be erected on any part of the site without the prior express permission of the Local Planning Authority.

Reasons: In the interests of amenity and ecology.

- 18 The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Ecological Assessment report form AA Environmental Limited dated 3rd October 2016.

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

Notes:

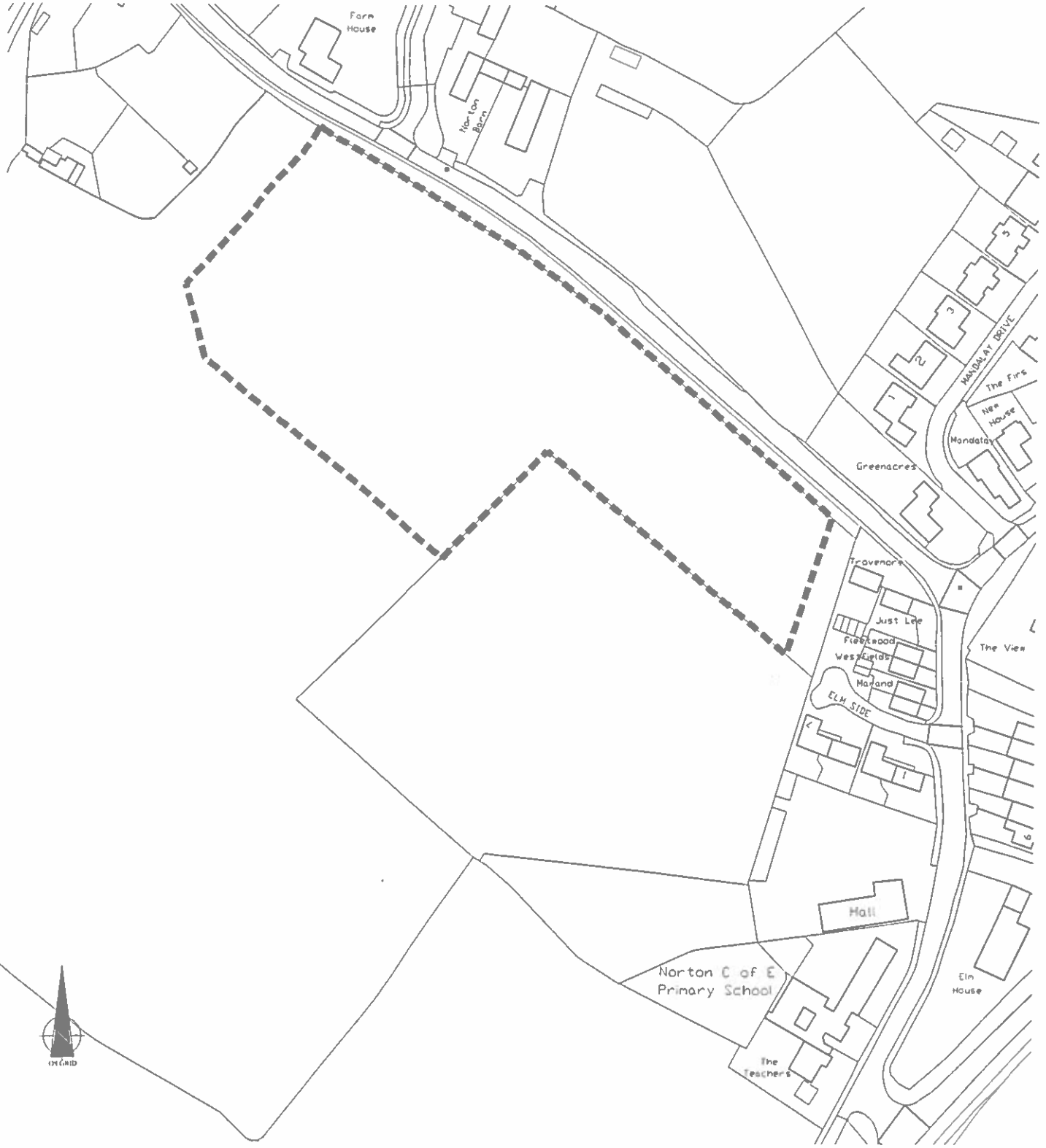
1 Statement of Positive and Proactive Engagement

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

- 2 The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

Notes

- Copyright in this drawing remains the property of BM3 Architecture Limited.
- Do not scale the drawing. Work to figured dimensions only.
- Contractors and consultants are to advise BM3 Architecture Limited of any discrepancies.

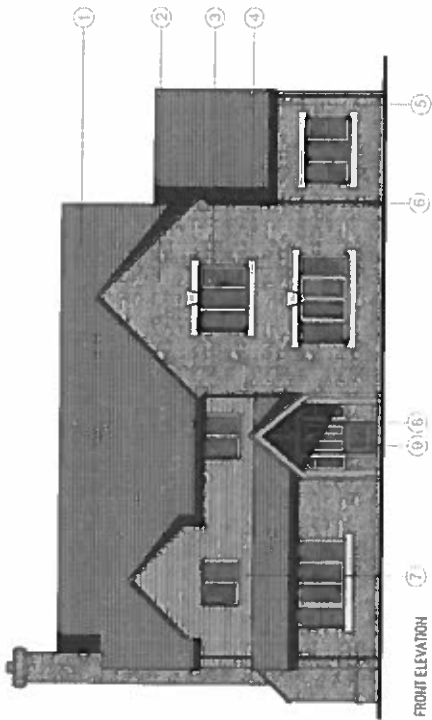


Revision		Date	By	Chkd	Project PROPOSED DEVELOPMENT LAND OFF WAINLODE LANE. NORTON	Drawing SITE LOCATION PLAN	Client	BM3		
Scale	Dated	Job No.	Drawing No.	Drawn by	Checked	C/S/E Element	Revision			
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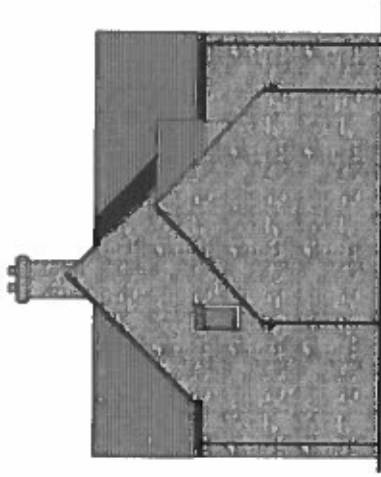
8531A



FIRST FLOOR 104.4m²



FRONT ELEVATION



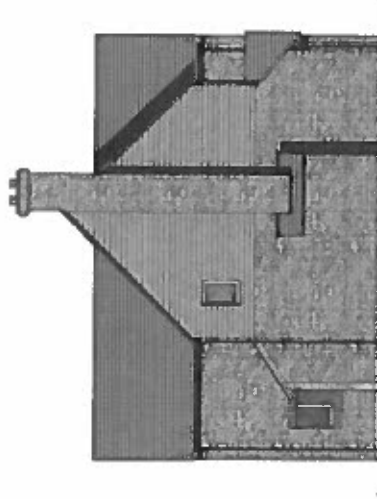
SIDE ELEVATION



GROUND FLOOR 116m²
TOTAL 221m²



REAR ELEVATION



SIDE ELEVATION

KEY

- 1. First Floor (including 1st)
- 2. Living Room
- 3. Kitchen
- 4. Dining Room
- 5. Bedroom
- 6. Bedroom
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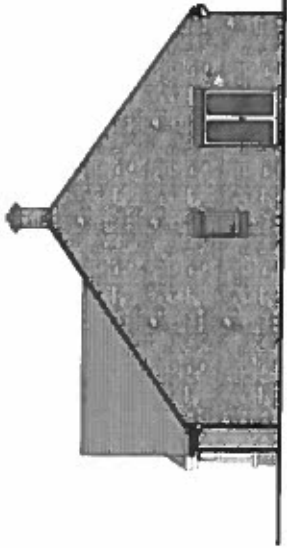
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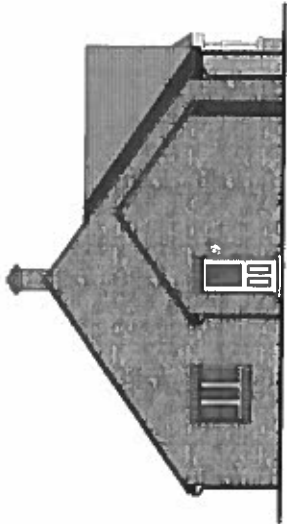


GROUND FLOOR 128m²

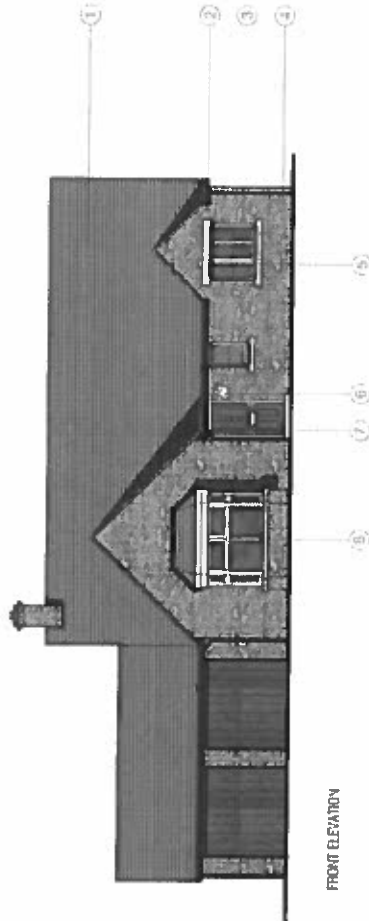
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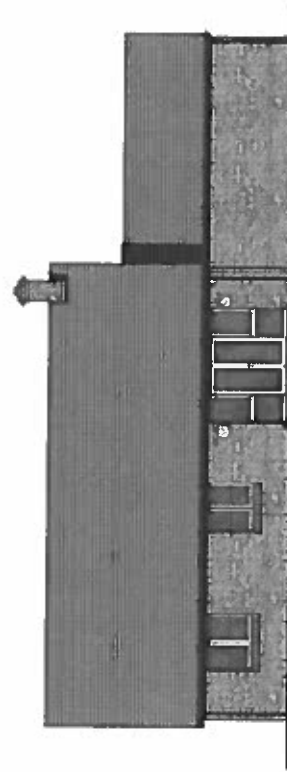
SIDE ELEVATION



SIDE ELEVATION



FRONT ELEVATION



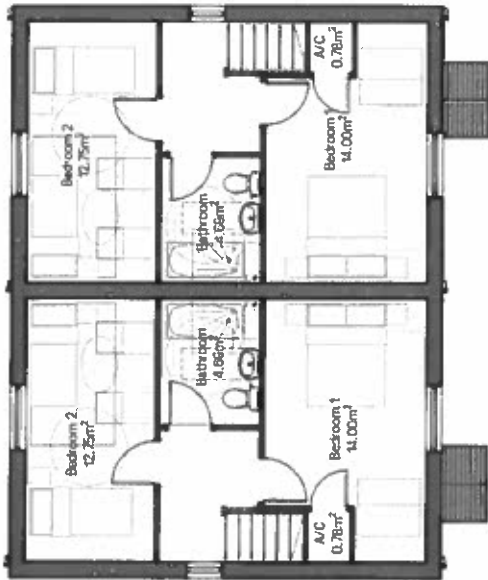
REAR ELEVATION

KEY

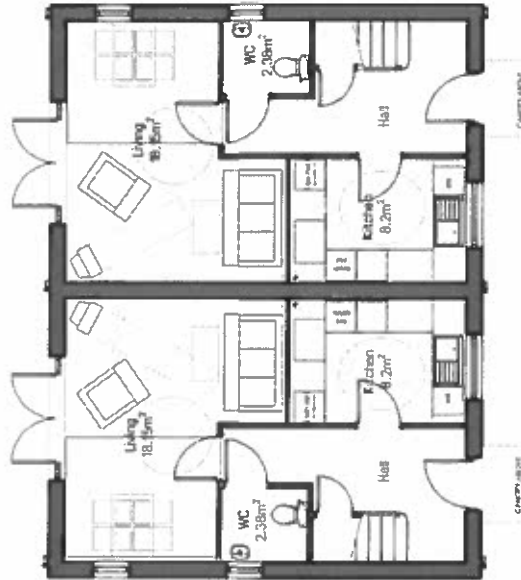
- 1. FRONT DOOR FRAME/SLIPERS
- 2. GABLE FINISH
- 3. DOWN PIPE
- 4. CHIMNEY
- 5. ROOF FINISH
- 6. WINDOW FRAME/SLIPERS
- 7. WINDOW FINISH
- 8. FINISH (CONCRETE/GRAVEL CURB)
- 9. EXTERIOR LIGHTING

Notes:
 1. All heights to the ground unless otherwise specified.
 2. All dimensions are in meters.
 3. All dimensions are to the center of the element.
 4. All dimensions are to the center of the element.
 5. All dimensions are to the center of the element.

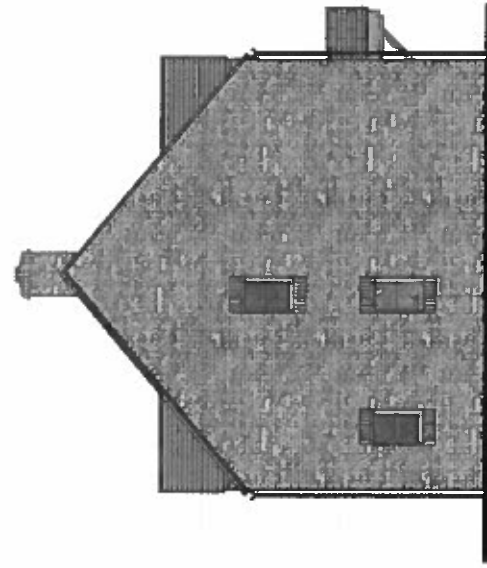
Project		Proposed Development		House Type		Client	
LAND OFF WARRLODE LAKE HORTON		PROPOSED DEVELOPMENT		E PLAIN A ELEVATIONS		B	
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Date: 12/08/24		Date: 12/08/24		Date: 12/08/24		Date: 12/08/24	
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Client: BM3		Client: BM3		Client: BM3		Client: BM3	



FIRST FLOOR 39.5m²



GROUND FLOOR 39.5m²



REAR ELEVATION



SIDE ELEVATION

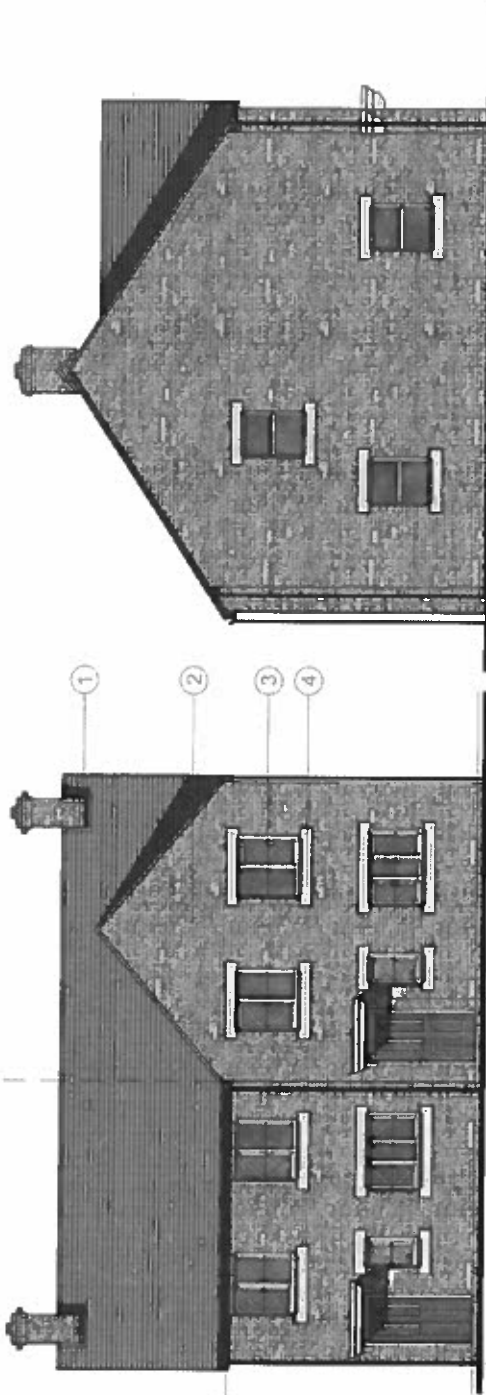


FRONT ELEVATION

- KEY**
- 1- Brown concrete interlocking tiles
 - 2- Black Façade
 - 3- Black RWP
 - 4- Much red brick
 - 5- Sealed by design roof
 - 6- Reconstituted stone
 - 7- White Upvc double glazed windows
 - 8 PIR Light
 - 9- Red brick corbeling

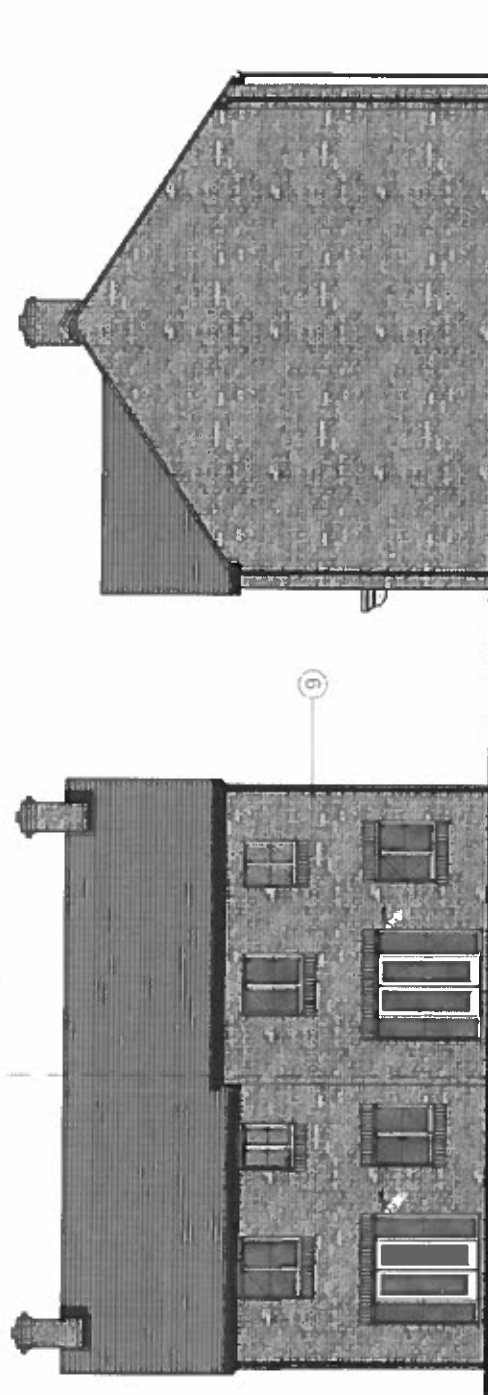
853/F

<p>Notes</p> <ul style="list-style-type: none"> - Copyright in this drawing remains the property of BM3 Architecture Limited. - Do not issue this drawing without the signature of BM3 Architecture Limited or any successors. 		<p>Revision</p> <table border="1"> <tr> <td>A</td> <td>MA</td> </tr> <tr> <td>B</td> <td>MA</td> </tr> </table>		A	MA	B	MA	<p>Date</p> <table border="1"> <tr> <td>05.08.16</td> <td>LP</td> </tr> <tr> <td>12.08.16</td> <td>LP</td> </tr> </table>		05.08.16	LP	12.08.16	LP	<p>By</p> <table border="1"> <tr> <td>MA</td> <td>MA</td> </tr> </table>		MA	MA	<p>Client</p> <table border="1"> <tr> <td>MA</td> <td>MA</td> </tr> </table>		MA	MA
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<p>Project</p> <p>PROPOSED DEVELOPMENT LAND OFF WAINLODE LANE NORTON</p>				<p>Job No</p> <p>53402</p>		<p>Scale</p> <p>1:100 @ A3</p>															
<p>Drawing No</p> <p>D-05</p>				<p>Drawn By</p> <p>LP</p>		<p>Checked</p> <p>MA</p>															
<p>Drawing Title</p> <p>HOUSE TYPE G2 PLAN & ELEVATIONS</p>				<p>Client</p>		<p>Revision</p> <table border="1"> <tr> <td>FEASIBILITY</td> <td>B</td> </tr> </table>		FEASIBILITY	B												
FEASIBILITY	B																				
<p>BM3</p>																					
<p>Birmingham Office: 28 Falsdon Street, Digbeth, Birmingham, B5 5QY T: 0121 631 0000 F: 0121 631 0009 E: design@bm3.co.uk</p>																					



FRONT ELEVATION

SIDE ELEVATION



REAR ELEVATION

SIDE ELEVATION

KEY

- 1- Brown concrete interlocking tiles
- 2- Multi-Red brick
- 3- White double glazed PVC windows
- 4- Reconstructed stone
- 5- Black Fustula
- 6- Black RHP
- 7- Secured by design door
- 8- PVC light
- 9- Red brick contrasting



GROUND FLOOR 45m²



FIRST FLOOR 45m²

853/G

<p>Notes</p> <ul style="list-style-type: none"> - Copyright in this drawing remains the property of RAD Architecture Limited - Do not scale this drawing - Work to agreed dimensions only - Contractors and manufacturers are to adhere to BS2 Architecture Limited's code of any discrepancies 		<p>Revision</p> <table border="1"> <tr><td>A</td><td>Check</td></tr> <tr><td>B</td><td>MA</td></tr> <tr><td>C</td><td>MA</td></tr> </table>		A	Check	B	MA	C	MA	<p>Project</p> <p>PROPOSED DEVELOPMENT LAND OFF WAINLODE LANE NORTON</p>		<p>Drawing</p> <p>HOUSE TYPE F PLAN & ELEVATIONS</p>		<p>Client</p>				
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<p>Date</p> <table border="1"> <tr><td>05.08.16</td><td>LP</td><td>MA</td></tr> <tr><td>12.08.16</td><td>LP</td><td>MA</td></tr> <tr><td>23.08.16</td><td>LP</td><td>MA</td></tr> </table>		05.08.16	LP	MA	12.08.16	LP	MA	23.08.16	LP	MA	<p>Scale</p> <p>1:100@A3</p>		<p>Drawn by</p> <p>LP</p>		<p>Checked</p> <p>MA</p>		<p>FEASIBILITY</p> <p>C</p>	
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<p>Dated</p> <p>AUG16</p>		<p>Project</p> <p>28 Pickford Street, Dublin, Darragh, B6 50H</p>		<p>Tel</p> <p>0121 833 0000</p>		<p>Fax</p> <p>0121 833 0000</p>		<p>Email</p> <p>design@rad3.co.uk</p>										

BM3

853/J



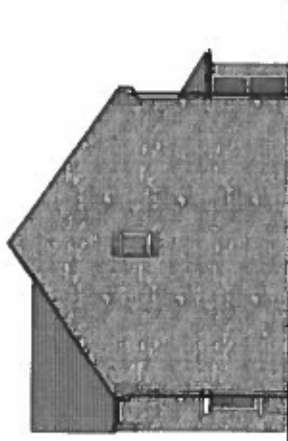
FIRST FLOOR 86m²



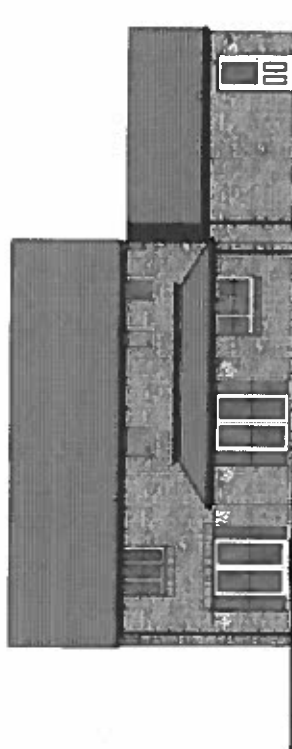
FIRST FLOOR 81m²



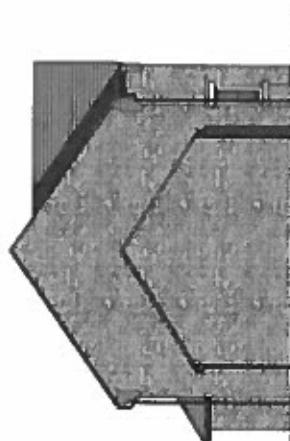
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

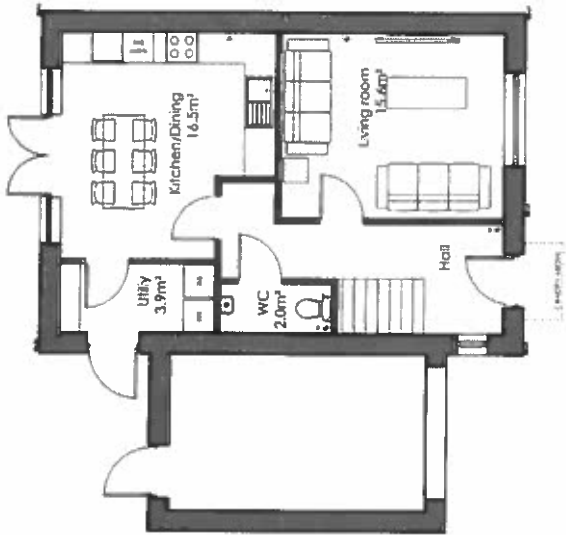


SIDE ELEVATION

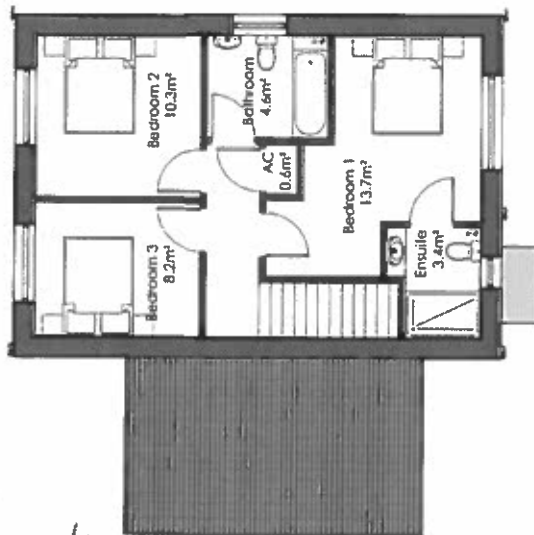
KEY

- 1. Bi-parti entrance and landing area
- 2. Multi-paned window
- 3. White double glass front doors
- 4. 4-panel side window
- 5. Stone of area
- 6. Stone of roof
- 7. Gabled by design door
- 8. Flat top
- 9. Red brickwork

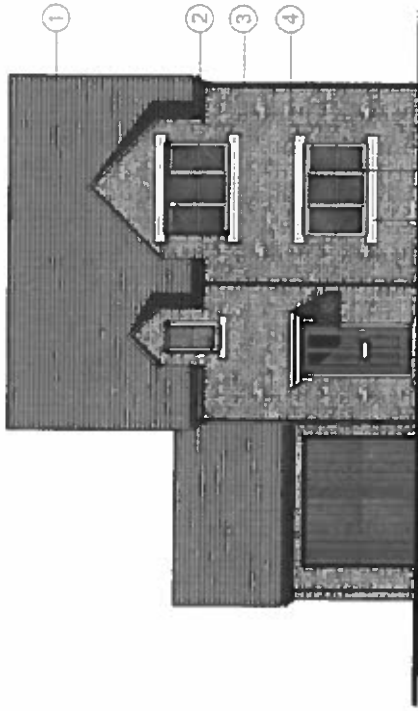
Name		Project		Client	
<ul style="list-style-type: none"> - Landmark is shown unless the property is shown in red - Other marks are shown in red - Where shown in red, the property is shown in red - Contour lines are shown in red - All dimensions are in metres unless otherwise stated 		PROPOSED DEVELOPMENT LAND OFF WARWICK LANE HORTON		HOUSE TYPE G PLANS & ELEVATIONS	
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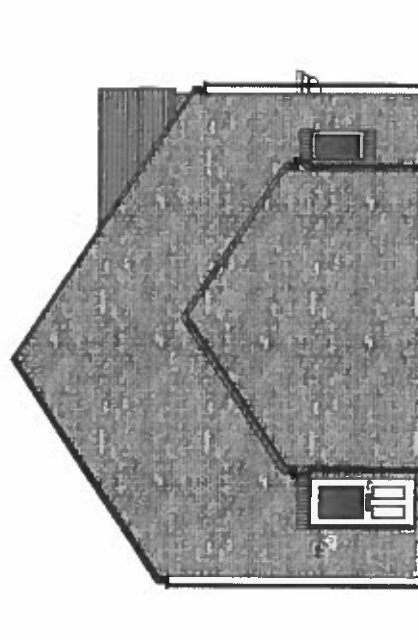
GROUND FLOOR 50.4m²



FIRST FLOOR 50.4m²



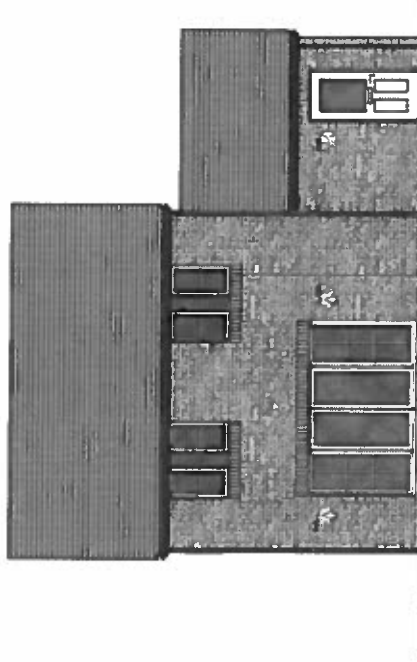
FRONT ELEVATION



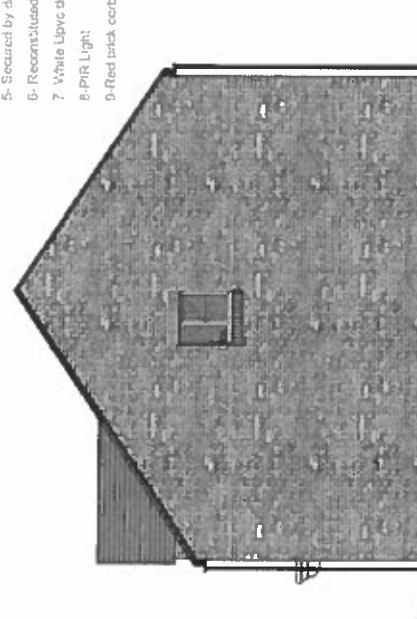
SIDE ELEVATION

KEY

- 1 Brown concrete interlocking tiles
- 2- Black Fascia
- 3- Black RVP
- 4- Multi red brick
- 5- Secured by design door
- 6- Reconstituted stone
- 7 White Lippic double glazed windows
- 8-PIR Light
- 9-Red brick corbeling



REAR ELEVATION



SIDE ELEVATION

Notes

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Date
05.08.16
15.08.16

By
LP
LP
MA

Check
MA
MA
MA

Revision
A
B

Project
PROPOSED DEVELOPMENT
LAND OFF WAINLODE LANE
NORTON

Scale
1:100 @ A3

Dated
AUG 16

Job No
53402

Drawing No
D-10

Drawn by
LP

Checked by
MA

Drawing
HOUSE TYPE M
PLAN & ELEVATIONS

Client

CAStE Element
FEASIBILITY

Revision
B



8553/k

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
			Isbourne	Buckland Dumbleton Snowhill Stanton Teddington Toddington	J H Evetts
Brockworth	Glebe Ward Horsbere Ward Moorfield Ward Westfield Ward	R Furolo Mrs R M Hatton H A E Turbyfield	Northway	Northway	Mrs P A Godwin Mrs E J MacTiernan
			Churchdown Brookfield	Brookfield Ward	R Bishop D T Foyle
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
			Shurdington	Shurdington	P D Surman
Cleeve Grange	Cleeve Grange	Mrs S E Hillier- Richardson	Tewkesbury Newtown	Tewkesbury Newtown	V D Smith
Cleeve Hill	Prescott Southam Woodmancote	M Dean Mrs A Hollaway	Tewkesbury Prior's Park	Tewkesbury (Prior's Park) Ward	K J Cromwell Mrs J Greening
Cleeve St Michael's	Cleeve St Michael's	R D East A S Reece	Tewkesbury Town with Milton	Tewkesbury Town with Milton Ward	M G Sztymiak P N Workman
Cleeve West	Cleeve West	R A Bird R E Garnham	Twyning	Tewkesbury (Mythe Ward) Twyning	T A Spencer
Coombe Hill	Deerhurst Elmstone Hardwicke Leigh Longford Norton Sandhurst Twigworth Uckington	D J Waters M J Williams	Winchcombe	Alderton Gretton Hawling Stanway Sudeley Winchcombe	R E Allen Mrs J E Day J R Mason
			Highnam with Haw Bridge	Ashleworth Chaceley Forthampton Hasfield Highnam Maisemore Minsterworth Tirley	P W Awford D M M Davies

11 May 2015

Please destroy previous lists.