



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

TEWKESBURY BOROUGH COUNCIL

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 05 June 2018

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(1 – 43)	(44 - 49)

PLEASE NOTE:

1. In addition to the written report given with recommendations, where applicable, schedule of consultation replies and representations received after the Report was prepared will be available at the Meeting and further oral reports may be made as appropriate during the Meeting which may result in a change to the Development Manager stated recommendations.
2. Background papers referred to in compiling this report are the Standard Conditions Booklet, the planning application documents, any third party representations and any responses from the consultees listed under each application number. The Schedule of third party representations received after the Report was printed, and any reported orally at the Meeting, will also constitute background papers and be open for inspection.

CONTAINING PAGE NOS. (1 - 49)

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) 5th June 2018

Parish and Reference	Address	Recommendation	Item/page number
Bishops Cleeve 18/00125/FUL Click Here To View	1 Kayte Close Bishops Cleeve Cheltenham	Permit	8 / 44
Chaceley 17/01258/FUL Click Here To View	Hillend Farm Chaceley Gloucester	Permit	6 / 25
Churchdown 18/00236/FUL Click Here To View	The Coach House Parton Court Parton Road Churchdown	Permit	9 / 47
Teddington 17/00639/FUL Click Here To View	Vine Tree Farm Teddington Tewkesbury	Permit	4 / 17
Teddington 17/00640/LBC Click Here To View	Vine Tree Farm Teddington Tewkesbury	Consent	5 / 21
Tewkesbury 18/00258/FUL Click Here To View	77 Barton Street Tewkesbury	Refuse	1 / 1
Tewkesbury 18/00259/LBC Click Here To View	77 Barton Street Tewkesbury	Consent	2 / 6
Winchcombe 18/00286/FUL Click Here To View	10 Hailes Street Winchcombe Cheltenham	Permit	7 / 39
Winchcombe 18/00357/FUL Click Here To View	8 North Street Winchcombe Cheltenham	Refuse	3 / 9

Valid 16.03.2018

Conversion of two rooms on second floor from offices to create a self-contained Studio Flat.

Grid Ref 389352 232681

Parish Tewkesbury

Ward Tewkesbury Town With

Mitton

RECOMMENDATION Refuse

Policies and Constraints

National Planning Policy Framework (2012)

Planning Practice Guidance

Joint Core Strategy (2017) - SP2, SD4, SD8, SD10, SD11, SD14, INF1

Tewkesbury Borough Local Plan to 2011 (March 2006) - HEN2, RET2, TY6

Planning (Listed Buildings and Conservation Area) Act 1990

Human Rights Act 1998 - Article 8

The First Protocol - Article 1

77 Barton Street - Grade II Listed Building

Within 50m Listed Buildings

Tewkesbury Conservation Area

Article 4 Direction

SSSI Consultation Buffer

Tewkesbury Town Centre Mixed Use Frontage

Consultations and Representations

Tewkesbury Town Council - No objection.**Conservation Officer** - No objection.**Environmental Health Officer** - Objects for the following reason:

Development would be classed as overcrowded under the Housing Health and Safety Rating System brought under the Housing Act 2004.

Severn Trent Water - No objections to the proposal and do not require a drainage condition to be applied.**Natural England** - No comment to make on this application.

This application is brought before the Planning Committee as the applicant is an elected member of the Council.

Planning Officers Comments: Victoria Stone

1.0 Introduction

1.1 This application relates to 77 Barton Street, which is a three storey Grade II Listed building located on the south side of Barton Street, in Tewkesbury Town (See attached location plan). The property is located in the Tewkesbury Conservation Area, is close to a number of listed buildings and is also subject to an Article 4 Direction.

1.2 At ground floor level the building is occupied by an Insurance Company. At first floor level there are two existing flats a third flat occupies part of the second floor.

1.3 The existing residential accommodation is accessed by the provision of a separate pedestrian entrance and staircase from Compton's Alley.

2.0 Planning History

2.1 Permission was granted in 1957 for the ground floor to be used for professional purposes (i.e. Veterinary Surgery) and the conversion of the first and second floor into two flats (T.2546).

2.2 Permission was granted to change the use of ground floor from retail Class A1 to Class A3 (98/01141/FUL). This included rebuilding of rear lean-to and internal alterations for which listed building consent was granted (98/01229/LBC).

2.3 Planning permission and listed building consent was refused in 2007 for the change of use of the ground floor unit from retail shop (A1) to fast food takeaway (A5), including installation of a steel flue (07/01454/FUL and 07/01616/LBC).

2.4 Planning permission and listed building consent was granted in 2011 for alterations to the existing building to enable the creation of a studio flat on the first floor (11/00791/FUL and 11/00478/LBC).

3.0 Current Application

3.1 The proposal seeks planning permission for the change of use of the two vacant offices on the second floor to provide residential accommodation (Class C3) in the form of one self-contained studio flat.

3.2 The proposed accommodation would consist of a kitchen/dining room, a lounge/bedroom and a shower room and toilet.

3.3 The studio flat would have a maximum total floor space of approximately 31 square metres.

3.4 The proposal would not result in any external alterations other than the extension of the existing soil and vent pipe to the shower room. Minor internal alterations are proposed, which include the creation of a connecting door between the two rooms and internal partitions to create the shower room.

3.5 The proposal does not include any outdoor amenity space or cycle, bin or general storage areas to serve the future occupiers of the studio flat.

3.6 The existing flats are currently accessed via Compton's Alley which runs along the western boundary of the building. This would be utilised by the future occupiers of the proposed studio flat.

3.7 The agent has confirmed the occupiers of the flat would use the Council's waste collection service. It is proposed to connect to the existing drainage system and that foul sewage would be disposed of via the mains sewer.

3.8 An application for listed building consent also appears on the agenda (ref: 18/00259/LBC).

4.0 Policy Context

4.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of The Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which "indicate otherwise". Section 70(2) provides that in determining applications 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."

4.2 The development plan comprises the Joint Core Strategy (JCS) (2017) and saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).

4.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework.

4.4 The relevant policies are set out in the appropriate sections of this report.

5.0 Analysis

5.1 The main issues to be considered are the principle of the development, the impact upon the surrounding heritage assets and whether the proposal would provide acceptable living conditions for its future residents.

Principle of Development

5.2 The site is located within Tewkesbury town centre. The provision of new residential development in this location would be acceptable in accordance with the requirements of policy SP2 and SD10 of the JCS, which defines Tewkesbury Town as a market town capable of delivering development.

5.3 In addition, the application site is located in the designated Tewkesbury Town Centre Mixed Use Frontage as shown on the Policies Map of the TBLP. Therefore saved policy RET2 of the TBLP applies to the proposed development. This policy sets out that proposals for residential at upper floor level will be supported. Residential use on upper floors above retail premises increase footfall, provide passive surveillance and encourage investment in the town centre. The residential use of the upper floors of the building will complement the main retail/leisure function of the town therefore there would be no harm caused to the vitality of the town centre.

5.4 In light of the policy provision the principle of the proposed development in this location is considered to be acceptable. However, the site is subject to a number of constraints posed by local and national designations and the presence of heritage assets. As such the significance of the impact of the development on these constraints/assets must be considered in assessing whether the principle of the development is acceptable.

Impact of Heritage Assets

5.5 Policy SD8 of the JCS and Policy HEN2 of the TBLP reflects the general duty of the Planning (Listed Buildings and Conservation Area) Act 1990, to pay special attention to S66 (1) and S72 of the Act, amongst other matters, to have special regard to the setting of Listed Buildings and Conservation Areas. Any decisions relating to listed buildings and their settings and Conservation Areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as satisfying the relevant policies within the Framework and Local Plan.

5.6 Protecting and enhancing the historic environment is an important component of the NPPFs drive to achieve sustainable development. The appropriate conservation of heritage assets forms one of the 'Core Planning Principles' that underpin the planning system.

5.7 The proposal would not result in any changes to the external fabric of the building. The proposed internal alterations involve the creation of a new doorway in an existing partition wall and the introduction of a new partition wall to allow for the shower room. These represent minor alterations to the internal fabric of the building. Whilst it is inevitable the proposed internal partition wall (shower room) will have some impact on the listed building the Council's Conservation Officer has confirmed the harm would be limited due to the fact the property has already been substantially altered internally.

5.8 The application site is located in the Tewkesbury Conservation Area. As noted above, the proposal would not result in any external changes to the building therefore the building's contribution to the conservation area would remain unaltered.

5.9 As such the development should not lead to any loss of historic fabric of the building or upon the local character and distinctiveness of the conservation area therefore the proposal would be in accordance with Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990, the requirements of Policy SD8 of the JCS and guidance set out in Section 12 of the NPPF.

Living conditions for future residents

5.10 The Government attaches great importance to the design of the built environment and to ensuring a good standard of amenity is provided for all existing and future occupants of land and buildings. It forms one of the core land-use planning principles set out in paragraph 17 of the NPPF.

5.11 The JCS also contains a framework of policies to support the health and well-being of local communities through the provision of, amongst other things, housing. The quality of our lives is determined in part by the condition of our surrounding environment.

5.12 Policy SD4 (Design Requirements) of the JCS specifies, in terms of amenity and space, that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution.

5.13 Policy SD14 (Health and Environmental Quality) of the JCS states high quality development should protect and seek to improve environmental quality. Development should not create or exacerbate conditions that could impact on human health or cause health inequality. It also specifies that new development must cause no unacceptable harm to local amenity and must result in no unacceptable levels of air, noise, water, light or soil pollution or odour, either alone or cumulatively, with respect to relevant national and EU limit

values.

5.14 Policy SD11 of the JCS states that new housing should meet and where possible exceed appropriate minimum space standards. It should be designed in a way that enables households to live comfortably. The 'Explanation' section of the policy confirms that within the JCS area this will be achieved by meeting or exceeding minimum space standards. The 'Delivery' section highlights the Government's Housing Standards Review, which were published in March 2015, and known as the Technical housing standards - nationally described space standard (2015) (THS).

5.15 However, the Planning Practice Guidance (PPG) confirms that decision makers should only require compliance with the technical standards where there is a relevant Local Plan policy:

"Where a local planning authority...wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard."

5.16 The JCS sets out that the district plans may in future include such a policy or potentially adopt locally-specific space standards. However until such a time, guidance can be taken from the THS, although the figures cannot be applied. Therefore the case should be considered on its individual merits in accordance with the relevant adopted local plan policies. The relevant development plan policies (SD4, SD11 and SD14 of the JCS) and the core land use planning principle of the NPPF are clearly material considerations which carry significant weight. Whether or not a particular proposal results in an unacceptable degree of residential amenity requires a planning judgement to be made.

5.17 The gross internal floor space of the studio flat would measure approximately 30 square metres. The proposal does not include any outdoor amenity space or cycle, bin or general storage areas to serve the future occupiers of the studio flat.

5.18 The THS indicates that the minimum gross internal floor area for a 1 bedroom property providing 1 bed space is 39 square metres (reducing to 37 square metres if a shower room rather than a bathroom is provided). Should the occupancy increase to two persons this would increase to 50 square metres. As such the proposed development would be inconsistent with the national technical standards for housing.

5.19 In addition to the THS, Appendix 2 and 5c of the Local Authorities Coordinators of Regulatory Services (LACORS) provides guidance on Crowding and Space in residential premises and gives recommended and minimum sizes for various rooms. The minimum room size for a single person for a living room in a dwelling with a separate kitchen/dining area is 11 square metres and for a bedroom is 6.5 square metres, a total of 17.5 square metres. The floor space for the living/bedroom area is 16.9 square metres. This means that if a single person were to move into this premises it would be classed as overcrowded under the Housing Health and Safety Rating System brought in under the Housing Act 2004. This has implications for the health of the occupier as circulation space or functional space around appliances will be reduced resulting in an increased risk of accidents. Lack of space can also result in increased condensation and high humidity which also pose a risk to health. The Environmental Health Officer recommends that the application should be refused.

5.20 In this case the kitchen/dining room would be narrow (2.3m) with limited floor space (8.6 square metres) when taking account of the proposed shower room and appliances which would run along the west side of the room. The bedroom, whilst separate from the kitchen would appear cramped with limited circulation space. It is considered the unit would have a relatively restricted amount of internal space and despite the lack of prescribed internal space standards in the local plan policies, the accommodation would be limited and cramped which would not provide high quality living conditions for future occupiers of the development.

5.21 In addition to the above, the occupiers of the studio flat would have no access to any external amenity space. The flat is unlikely to be a family home and the site is located within walking distance of a number of areas of public open space therefore gardens and external private space isn't always necessary. Taken on its own merits, the lack of private external space would be sufficiently mitigated by the presence of nearby public open space. However, in this case given the internal accommodation would be limited the lack of outdoor amenity space further emphasises the harm to the living conditions.

5.22 Further, development proposals should be designed in order to avoid adverse impacts from pollution on human health and wellbeing. Appropriate facilities should be integrated effectively into the design and layout of new development. The proposal does not include any designated area for the storage of waste, general storage or the storage of bicycles. The agent has confirmed there are no communal areas on the site suitable for these facilities. The absence of communal storage areas, in particular the lack of an area for the storage of waste bins, could have a detrimental impact upon human health and wellbeing. Whilst noting,

based on the Council's current waste service, food waste is collected on a weekly basis in a 'caddy' should the occupiers forget to take out their bin on the collection day, there would be no alternative other than to store the food waste in the flat for a longer period of time. This, in a confined area could cause an odour nuisance to the occupiers.

5.23 When taking account of the cramped internal floor space together with the lack of outside amenity space and absence of integrated appropriate facilities (storage of waste, drying area, bicycle storage, general storage) officers consider the development would result in an unacceptable standard of living conditions for future occupiers of the proposed flat.

Other Matters

5.24 The residential use of these rooms would not cause any amenity harm to neighbouring properties or to future occupiers.

5.25 The proposed development does not require any changes to the external parts of the building therefore would not have any impact upon visual amenity.

5.26 The property does not include any off-road designated parking provision however given the town centre location and available access to jobs, facilities and public transport, none is required. Therefore it is considered the development could be accommodated at the site without compromising highway safety.

5.27 The foul drainage will connect to the main system which given the dense development in the locality should be sufficient to cope with a small increase in foul discharge from the site.

6.0 Conclusions

6.1 A balancing exercise should be carried out to weigh the benefits of the proposal against the identified harm.

6.2 The development would contribute, albeit in a small way towards providing housing in the Borough in a sustainable location and help support local businesses through additional expenditure.

6.3 The proposal would preserve the listed building and the character and appearance of the conservation area, and would not cause any harm upon highway safety nor neighbouring residential amenity.

6.4 However, the proposal fails to provide an adequate standard of living accommodation for future occupiers, specifically in regards to cramped internal room sizes, absence of appropriate facilities and the lack of private outdoor amenity space. This would conflict with policies SD4, SD11 and SD14 of the JCS and one of the core planning principles of the NPPF.

6.5 In this case, the identified harm would significantly and demonstrably outweigh the limited benefits of the scheme therefore it is recommended that **planning permission is refused**.

RECOMMENDATION Refuse

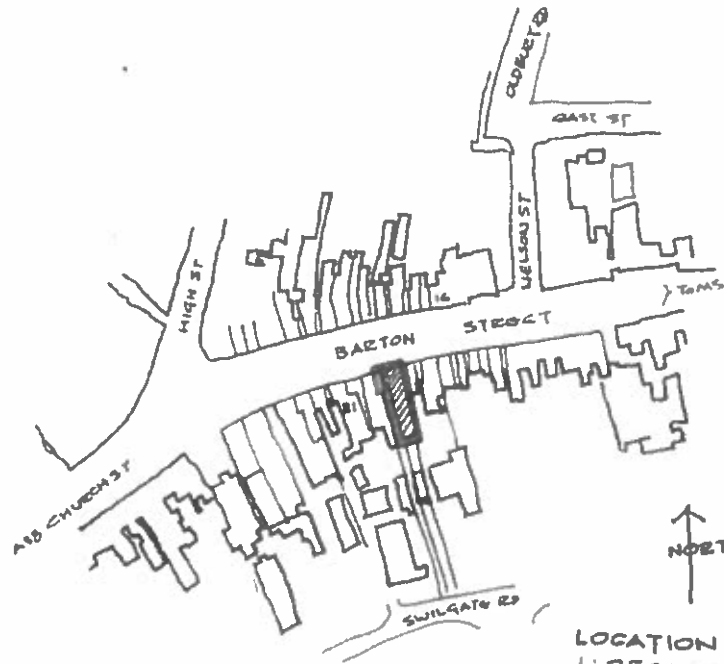
Reasons:

- 1 The proposed development, by virtue of the cramped internal room sizes, absence of appropriate facilities and lack of private outdoor amenity space would fail to provide an adequate standard of living accommodation for future occupiers. The proposal is therefore contrary to policies SD4, SD11 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), and the principles of the National Planning Policy Framework (2012) which requires a good standard of amenity to be secured for all existing and future occupants of land and buildings.

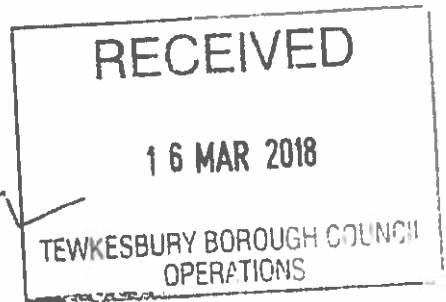
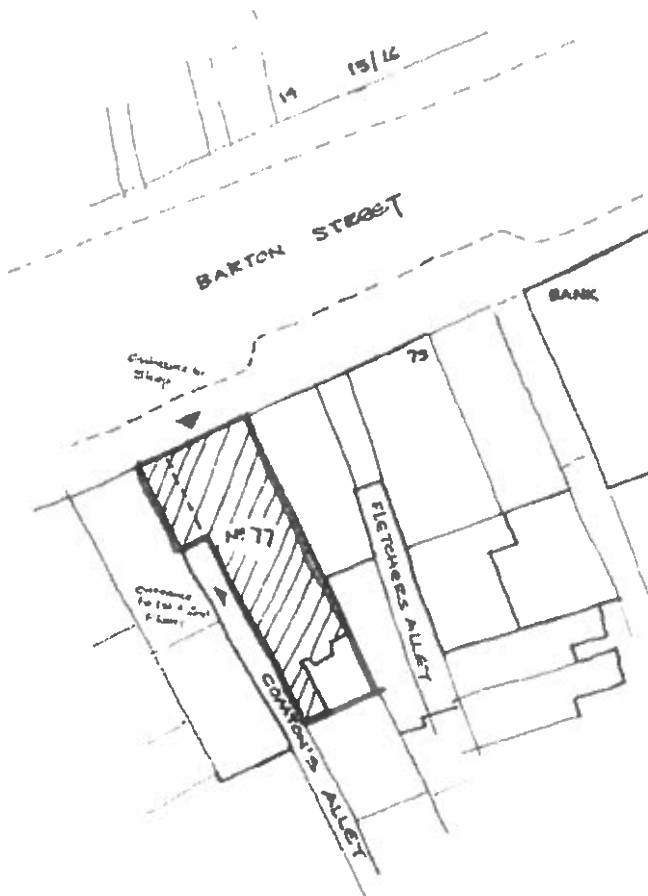
Note:

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.



LOCATION PLAN
1:2500 @ A4



SITE PLAN
1:500 @ A3



**77 BARTON STREET
TEWKESBURY
GL20 5PY**

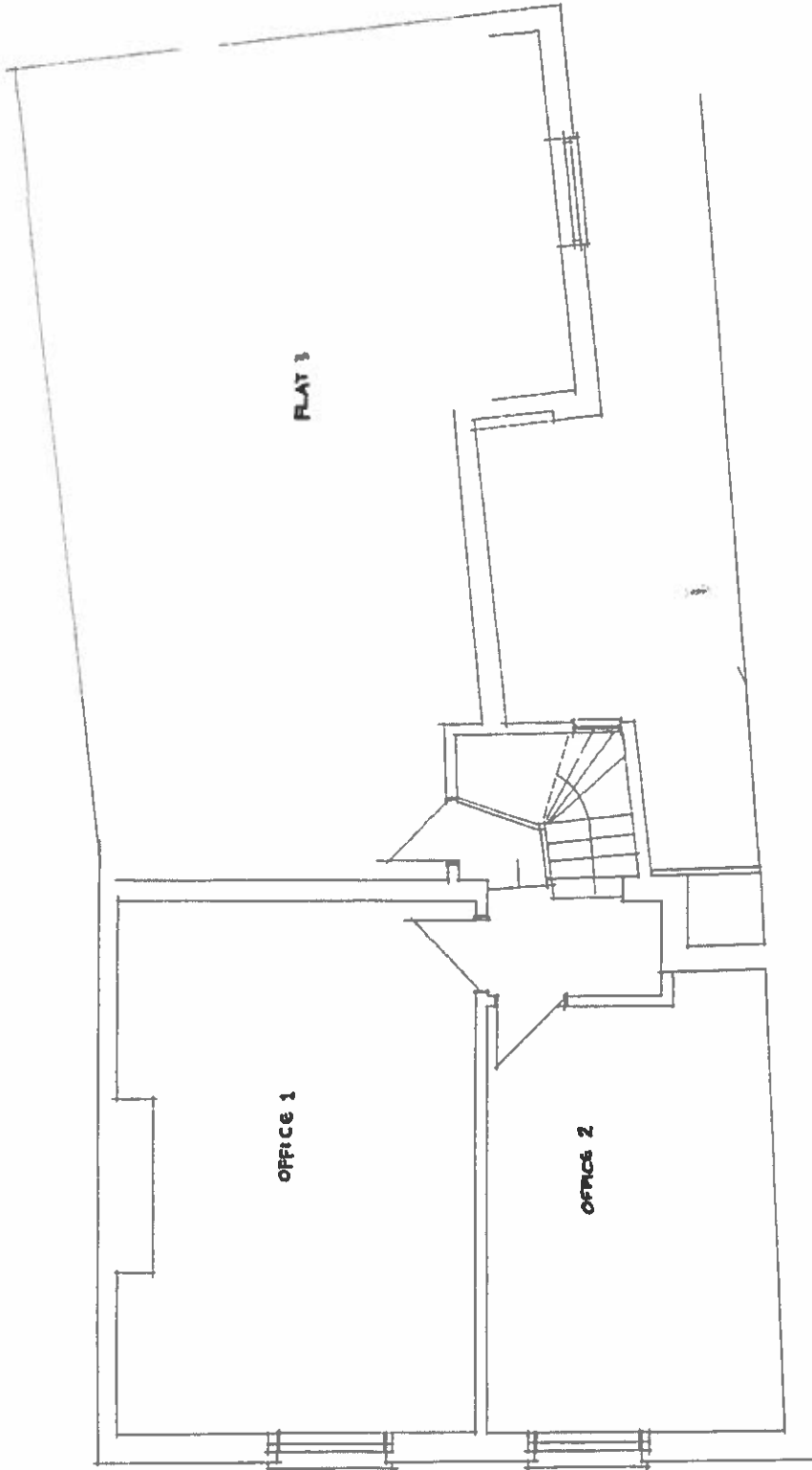
**PROPOSED ALTERATIONS
SITE AND LOCATION PLANS**

**DRAWING NO 2011/897/106
SCALE: 1:500 1:2500 @ A4
MAY 2011**

GRAHAM HALLETT
ARCHITECTURAL TECHNICIAN

39 BATTLE ROAD
TEWKESBURY
GL20 0LW 512
TELEPHONE & FAX
01654 291794

2 1 05 0m



TEWKESBURY BERGHAUS CONSULTANTS	
Office	
Scale	
Rec'd	19 APR 2018
Act'd	
App'd	
File	

18/00258/FUL

77 BARTON STREET
TEWKESBURY
GL20 5PY

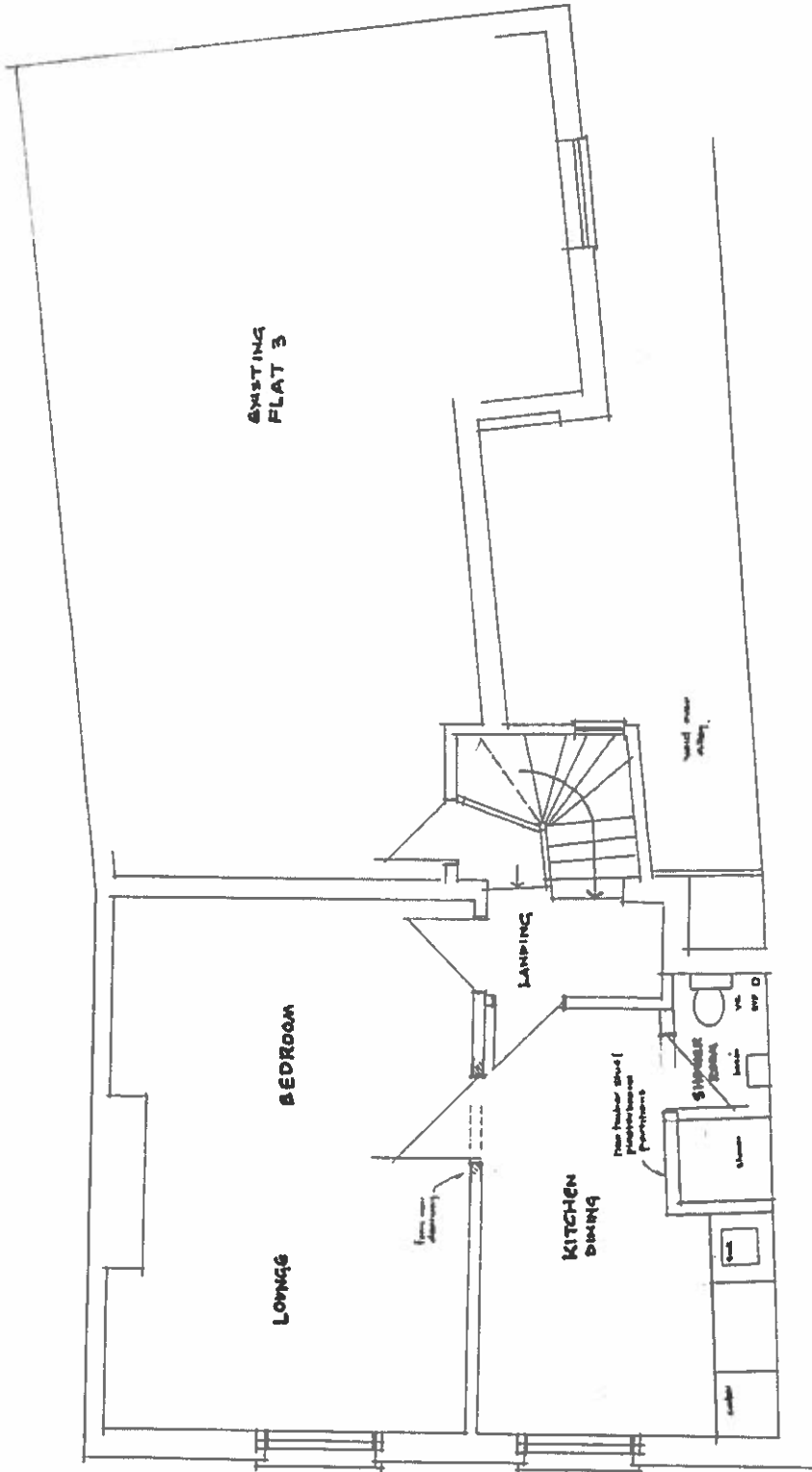
SURVEY AS EXISTING
SECOND FLOOR PLAN

DRAWING NO 2018/1291/03
SCALE 1:50 @ A3
MARCH 2018

2 1 0.5 0m

18/00258/RU

TEWKESBURY BOROUGH COUNCIL
 OPERATIONS
 19 APR 2018
 Rec'd
 Ack'd
 Ats'd
 File



77 BARTON STREET
 TEWKESBURY
 GL20 5PY
 CONVERSION TO STUDIO FLAT
 SECOND FLOOR PLAN
 DRAWING NO 2016/1291/101
 SCALE 1:50 @ A3
 MARCH 2018

5C

18/00259/LBC

77 Barton Street, Tewkesbury, Gloucestershire

2

Valid 16.03.2018

Conversion of two rooms on second floor from offices to create a self-contained Studio Flat.

Grid Ref 389352 232681

Parish Tewkesbury

Ward Tewkesbury Town With

Milton

RECOMMENDATION Consent

Policies and Constraints

National Planning Policy Framework (2012)

Planning Practice Guidance

Joint Core Strategy (2017) - SD8

Tewkesbury Borough Local Plan to 2011 (March 2006) - None relevant

Planning (Listed Buildings and Conservation Area) Act 1990

Human Rights Act 1998 - Article 8

The First Protocol - Article 1

77 Barton Street - Grade II Listed Building

Within 50m Listed Buildings

Tewkesbury Conservation Area

Article 4 Direction

SSSI Consultation Buffer

Tewkesbury Town Centre Mixed Use Frontage

Consultations and Representations

Tewkesbury Town Council - No objection.

Conservation Officer - No objection.

This application is brought before the Planning Committee as the applicant is an elected member of the Council.

Planning Officers Comments: Victoria Stone

1.0 Introduction

1.1 This application relates to 77 Barton Street, which is a three storey Grade II Listed building located on the south side of Barton Street, in Tewkesbury Town (**See attached location plan**). The property is located in the Tewkesbury Conservation Area, is close to a number of listed buildings and is also subject to an Article 4 Direction.

1.2 At ground floor level the building is occupied by an Insurance Company. At first floor level there are two existing flats a third flat occupies part of the second floor.

1.3 The residential accommodation is accessed by the provision of a separate pedestrian entrance and staircase from Compton's Alley.

2.0 Planning History

2.1 Permission was granted in 1957 for the ground floor to be used for professional purposes (i.e. Veterinary Surgery) and the conversion of the first and second floor into two flats (T.2546).

2.2 Permission was granted to change the use of ground floor from retail Class A1 to Class A3 (98/01141/FUL). This included rebuilding of rear lean-to and internal alterations for which listed building consent was granted (98/01229/LBC).

2.3 Planning permission and listed building consent was refused in 2007 for the change of use of the ground

floor unit from retail shop (A1) to fast food takeaway (A5), including installation of a steel flue (07/01454/FUL and 07/01616/LBC).

2.4 Planning permission and listed building consent was granted in 2011 for alterations to the existing building to enable the creation of a studio flat on the first floor (11/00791/FUL and 11/00478/LBC).

3.0 Current Application

3.1 The proposal seeks listed building consent for the works associated with the change of use of the two vacant offices on the second floor to provide residential accommodation (Class C3) in the form of one self-contained studio flat.

3.2 The proposed accommodation would consist of a kitchen/dining room, a lounge/bedroom and a shower room and toilet.

3.3 The studio flat would have a maximum total floor space of approximately 31 square metres.

3.4 The proposal would not result in any external alterations other than the extension of the existing soil and vent pipe to the shower room. Minor internal alterations are proposed, which include the creation of a connecting door between the two rooms and internal partitions to create the shower room.

3.5 The existing flats are currently accessed via Compton's Alley which runs along the western boundary of the building. This would be utilised by the future occupiers of the proposed studio flat.

3.6 An application for planning permission also appears on the agenda (ref: 18/00258/FUL).

4.0 Policy Context

4.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of The Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which "indicate otherwise". Section 70(2) provides that in determining applications 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."

4.2 The development plan comprises the Joint Core Strategy (JCS) (2017) and saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).

4.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework.

4.4 The relevant policies are set out in the appropriate sections of this report.

5.0 Analysis

5.1 The only issue to be considered is the impact of the proposed works upon the designated heritage asset.

Impact upon heritage asset

5.2 Policy SD8 of the JCS reflects the general duty of the Planning (Listed Buildings and Conservation Area) Act 1990, to pay special attention to S66 (1) amongst other matters, to have special regard to the preservation of Listed Buildings. Any decisions relating to listed buildings and their settings must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as satisfying the relevant policies within the Framework and Local Plan.

5.3 Protecting and enhancing the historic environment is an important component of the NPPFs drive to achieve sustainable development. The appropriate conservation of heritage assets forms one of the 'Core Planning Principles' that underpin the planning system.

5.4 The proposal would not result in any changes to the external fabric of the building. The proposed internal alterations involve the creation of a new doorway in an existing partition wall and the introduction of a new partition wall to allow for the shower room. These represent minor alterations to the internal fabric of the building. Whilst it is inevitable the proposed internal partition wall (shower room) will have some impact on the listed building the Council's Conservation Officer has confirmed the harm would be limited due to the fact the property has already been substantially altered internally.

5.5 As such the development should not lead to any loss of historic fabric of the building the proposal would be in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990, the requirements of Policy SD8 of the JCS and guidance set out in Section 12 of the NPPF.

6.0 Conclusions

6.1 Regard has been had to the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.2 The proposed works are considered to be acceptable and in accordance with the relevant policies. It is therefore recommended that listed building consent is **granted** subject to the following conditions.

RECOMMENDATION Consent

Conditions:

- 1 The works hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information (including details on the proposed materials) provided on the application form and the following plans/drawings/documents:
2011/897/106 - Location Plan and Site Plan
2016-1291/101 - Proposed Second Floor Plan

Reasons:

- 1 To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.

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 Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the local planning authority before those works are undertaken.

Valid 10.04.2018

Change of use of existing first floor office unit to provide residential accommodation.

Grid Ref 402538 228364

Parish Winchcombe

Ward Winchcombe

RECOMMENDATION Refuse**Policies and Constraints**

- National Planning Policy Framework; 2012 (NPPF)
- Planning Practice Guidance
- The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS)
- Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)
- Planning (Listed Buildings and Conservation Area) Act 1990
- Winchcombe and Sudeley Neighbourhood Plan (2011-2031) (NDP)
- 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)

- Listed Building
- Retail Frontage Area of Winchcombe
- Cotswolds Area of Outstanding Natural Beauty (AONB)
- Winchcombe Conservation Area
- Article 4 Direction Boundary

Consultations and Representations

Winchcombe Town Council raises no objection.

The **Conservation Officer** has not provided comments on the application to date. It is noteworthy that the Conservation Officer raised no objection to the development proposed under application reference 17/00266/FUL as there were considered to be no conservation dimensions to this proposal, but advised that it was likely that the roof terrace would need a more secure balustrade where it abuts the mono-pitch sheet roof than the present one.

The **Local Highway Authority** raises no objection.

The **Environmental Health Officer** raises no objection to the application in terms of noise / odour levels.

However, the **Environmental Health Officer** recommends that planning permission be refused, given the amount of useable space which would be provided for occupiers of the proposed residential unit and the associated implications for the health of the occupier.

The application has been publicised through the posting of 2 site notices and a press notice and no letters of representation have been received to date.

Planning Officers Comments: Emma Dee

1.0 Application Site

- 1.1 The application relates to 8 North Street, which is a three storey mid-terraced Grade II listed building in the centre of Winchcombe (**See Location Plan**). The property falls within the Retail Frontage Area of Winchcombe, the Cotswolds Area of Outstanding Natural Beauty (AONB), the Winchcombe Conservation Area and the Article 4 Direction Boundary as designated by the Local Plan Proposals Map. The site is also located within Winchcombe Town Centre and the 'Built up Area' as designated by the Winchcombe and Sudeley Neighbourhood Plan; 2011-2031 (NDP).

1.2 At ground floor level, the building is accessed centrally, with internal doors leading to a hairdressers towards the south-eastern side and a hot food take away towards the north-western side (**See Existing Ground Floor Plan**). The application advises that these two separate ground floor units are within the same ownership. The central corridor leads to a stairwell, providing access to first floor level. This leads into a 2 bed dwelling extending across the first and second floor levels of the principal building. The stairwell and hallway at first floor level also leads out onto an external terrace area to the rear (south-west) of the principal building, from which access is provided to an existing single storey unit comprising an office (**See Existing First and Second Floor Plans**). The application advises that this office is currently vacant, and measures 28 square metres in floor area. The submitted floor plans show that this unit comprises 2 no. rooms, the larger of which measures 6.9 metres in width and 3.25 metres in depth internally, and the smaller of which measures 1 metre in width and 3.25 metres in depth internally.

2.0 Relevant Planning History

2.1 A number of planning applications have been received since 1998 relating to the use of the application property at ground floor level. The current application advises that, since 2001, the ground floor of no. 8 North Street has changed use from A3 to A1 under the lawful provisions of the Use Classes Order/General Permitted Development Order, and that consequently there is no planning history record for this change. The current application also advises that no. 8A North Street implemented a change of use to a hot food takeaway in 2001 under the then Class A3, which is now referred to as use class A5. It sets out that when 8A North Street was granted use class A3, this was under the 1987 Order, at a time when this use class referred to the broader spectrum of 'Food and Drink', before the class was divided by the introduction of A4 and A5 uses in April 2005. A planning application nor a Lawful Development Certificate application were received for this change of use to use to hot food take away.

2.2 A listed building consent and planning application proposing the erection of a single storey bakery unit on land to the rear of nos. 8 and 10 North Street, linked to the rear of the existing bakery (including part demolition, demolition of boundary wall and part demolition/rebuild of existing boundary wall) were granted on 16th January 2004 (references 03/5668/0990/LBC and 03/5668/0991/FUL respectively).

2.3 A planning application proposing a change of use of an existing first floor office unit (Class B1) to a self-contained residential unit (Class C3) was received by the Local Planning Authority in 2017 (reference 17/00266/FUL). The application was subsequently withdrawn on 5th April 2018 after concerns were raised by the Local Planning Authority that the proposed development would fail to provide an acceptable living environment for future occupiers. The current application is a resubmission of this previously withdrawn application, with no amendments proposed to the scheme.

3.0 Current Application

3.1 The application seeks planning permission for the change of use of the first floor office unit to provide residential accommodation (Use Class C3), in the form of 1 no. self-contained bedsit/studio (**See submitted 'Block Plan' and 'Proposed First and Second Floor Plans'**). The residential unit would be accessed via the existing shared access and internal stairwell, and then via the terrace. The internal floor level of the unit is at a lower level than that of the adjacent patio area, and there is a stepped access down into the unit. The submitted Planning Statement advises that the unit would use the first floor amenity area that benefits the existing office use and the current adjoining residential apartment. The proposal would not result in any external changes to the building, nor any material changes to the internal layout.

3.2 The application includes section drawings of the 3 different parts of the proposed residential unit (the narrow dual-pitched roof section which would comprise the bathroom, and a part-dual-pitched roof section and part-flat/part-mono-pitch roofed section both forming the proposed principal room of this residential unit) (**See submitted 'Cross Sections 1' and 'Cross Sections 2'**). These drawings are required in order to show the internal heights of the building and to determine the extent of useable floor space for the proposed residential unit. The submitted section drawings show that the principal room of the proposed residential unit measures 1.3 metres in height at the lowest point internally (on the outer sides towards the south-eastern and north-western sides) and 2.6 metres in height at the highest point internally (centrally within the dual-pitch roofed section of the main room and beneath the flat roofed section of the main room). The section drawings show that the room of the proposed residential unit which would comprise the bathroom internally measures 1.3 metres in height at the lowest point internally (on the outer sides towards the south-eastern and north-western sides) and 2.25 metres in height at the highest point internally, centrally. The application includes a photomontage showing examples of restrictive living accommodation (e.g. where beds, sofas, cupboards, tables and/or kitchen units are provided under shallow eaves).

3.3 The submitted application form confirms that the proposed residential unit would use the Council's existing waste collection service. It also confirms that it is proposed to connect to the existing drainage system and that foul sewage and surface water would be disposed of via the mains sewer.

3.4 The application is presented to the Planning Committee at the request of Councillor Allen, in order to judge the likely effect of this and similar conversions to living space on surrounding structures in this closely built-up part of Winchcombe, having regard to the Government's requirement for spaces above retail units to be re-used for accommodation where possible.

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 LPA 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 Adopted Joint Core strategy; 2017 (JCS), saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP) and the adopted Winchcombe and Sudeley NDP.

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

4.3 The relevant policies are set out in the appropriate sections of this report.

5.0 Analysis

Principle of Development:

5.1 Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area. Policy SP2 states that new development will be focused at Gloucester and Cheltenham, including urban extensions to these areas. Policy SP2 specifies that, to meet the needs of Tewkesbury Borough, none of which is being met by the urban extensions to Gloucester and Cheltenham, the JCS will make provisions for at least 9,899 new homes. It states that at least 7,445 dwellings will be provided through existing commitments, development at Tewkesbury Town in line with its role as a market town, smaller-scale development meeting local needs at Rural Service Centres and Service Villages, and sites covered by any Memoranda of Agreement. Policy SP2 further states that Rural Service Centres and Service Villages will accommodate lower levels of development to be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportionate to their size and function, and also reflecting their proximity and accessibility to Cheltenham and Gloucester, taking into account the environmental, economic and social impacts including existing levels of growth over the plan period. Policy SP2 of the JCS specifies that, over the plan period to 2031, rural service centres will accommodate 1860 new homes, and service villages will accommodate 880 new homes (2740 in total). Winchcombe is identified as a 'Rural Service Centre' within Table SP2c of the JCS.

5.2 Policy SD10 of the JCS specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. It sets out that housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. Policy SA1 of the JCS formally designates seven Strategic Allocations on the edges of existing urban areas and focuses on the need to deliver comprehensive development in each of these areas. The application site for reference 18/00357/FUL is located outside of a Strategic Allocation.

5.3 Policy SD10 specifies that, on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within district plans. The proposed development would comprise the conversion of a building to 1 no. dwelling on previously developed land in the existing built-up area of a rural service centre and, as such, the proposed development complies with Policy SD10 of the JCS.

5.4 The application site is located within the Retail Frontage Area of Winchcombe as designated by the Local Plan Proposals Map, and also within Winchcombe Town Centre and the 'Built up Area' as designated by the Winchcombe and Sudeley NDP. Therefore, saved policy RET3 (Retail Areas) of the Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP) applies to the proposed development, as well as policy 3.1

(Infill Development) of the NDP.

5.5 Saved Policy RET3 of the TBLP specifies that, within the Retail Areas of Winchcombe as defined on the Proposals Map, proposals for, inter alia, residential use at upper floor level will be permitted, and that, in each case, proposals for new development will be expected to be consistent with the scale and function of the centre.

5.6 Policy 3.1 of the NDP specifies that residential development on infill and redevelopment sites will be supported, provided that they are within the built up areas (as shown on the Proposals Map at Appendix 1), well designed and meet all relevant requirements set out in this plan. Replacement dwellings must respect the size and scale of the surrounding buildings.

5.7 The proposed development would comprise residential use at upper floor level within the Retail Area of Winchcombe as designated within the TBLP, which is supported by Policy RET3 of the TBLP. It would also comprise residential development on a redevelopment site within the built up area as designated within the NDP, which is supported by Policy 3.1 of the NDP.

5.8 The principle of the proposed residential unit in this location is therefore considered to be acceptable. In considering the proposal the other key material planning issues are the impact of the proposed development on the listed building, the character and appearance of the area, residential amenity and highways, and these will be addressed in turn below.

Impact on Listed Building:

5.9 The proposal would not result in any external changes to the building, nor any material changes to the internal layout. There are therefore considered to be no conservation dimensions to this application. It is noteworthy that the Council's Conservation Officer raised no objection to the development proposed under reference 17/00266/FUL for this reason. It is considered that the proposed change of use would preserve the Grade II listed building, its setting and any features of special architectural or historic interest which it possesses, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990, Policy SD8 of the JCS and Section 12 of the NPPF.

Impact on Character and Appearance of Area:

5.10 The application site is located within the Winchcombe Conservation Area. As noted above, the proposal would not result in any external changes to the building, nor any material changes to the internal layout, and there are therefore considered to be no conservation dimensions to this application. It is considered that the proposed change of use would preserve the character and appearance of the Conservation Area, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990, Policy SD8 of the JCS, Policy 5.3 of the NDP and Section 12 of the NPPF.

5.11 The site is also located within the Cotswolds AONB. Paragraph 115 of the NPPF specifies that great weight should be given to conserving landscape and scenic beauty in AONBs which, along with National Parks and the Broads, have the highest status of protection in relation to landscape and scenic beauty. Policy SD7 of the JCS specifies that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Policy 1.1 of the NDP relates to 'Protecting the Distinctive Character of the Area' and specifies that development should respect local character and where relevant, must protect and enhance the Cotswolds AONB.

5.12 The proposed residential unit would be to the rear of the principal building at no. 8 North Street and is not viewable from any public vantage points. Further, no external alterations are proposed to the building. It is therefore considered that the proposed change of use would respect the character and appearance of the area and would conserve the landscape and scenic beauty of the AONB, in accordance with Policy SD7 of the JCS, Paragraph 115 of the JCS and Policy 1.1 of the NDP.

Living conditions for future residents:

5.13 Paragraph 17 of the NPPF sets out 12 core land-use planning principles, one of which is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

5.14 Policy SD4 of the JCS relates to Design Requirements and, in terms of amenity and space, specifies that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution.

5.15 Policy SD14 of the JCS relates to Health and Environmental Quality, and specifies that high-quality development should protect and seek to improve environmental quality, and that development should not create or exacerbate conditions that could impact on human health or cause health inequality. It also states that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants, and must result in no unacceptable levels of air, noise, water, light or soil pollution or odour, either alone or cumulatively, with respect to relevant national and EU limit values.

5.16 The proposal would not result in any external changes to the building, and it is therefore considered that there would be no significant adverse effect on adjoining occupiers in terms of overshadowing or overbearing impact. It is further considered that the proposed change of use would not unreasonably affect the amenity of adjoining occupiers in terms of loss of privacy.

5.17 Consideration also needs to be given to the living environment which would be provided for any future occupiers of the proposed residential unit. Paragraph 17 of the NPPF and policies SD4 and SD14 of the JCS, as referred to above, are relevant in this regard, as is Policy SD11 of the JCS which relates to "Housing Mix and Standards". In terms of housing standards, Policy SD11 specifies that:

- i. New housing should meet and where possible exceed appropriate minimum space standards.
- ii. Housing should be designed to be accessible and adaptable as far as is compatible with the local context and other policies, including Policy SD8.

5.18 The "Explanation" section of Policy SD11 specifies that new housing should be designed in a way that enables households, including older people and those with disabilities, to live comfortably. It states that, within the JCS area, this will be achieved by meeting or exceeding minimum space standards. The "Delivery" section of Policy SD11 advises that the Government's Housing Standards Review was completed in 2015, which presents a single set of national space standards. These are optional standards that can only be applied where there is a local plan policy based on evidenced local need and where viability is not compromised. The JCS sets out that the district plans may in future include such a policy or potentially adopt locally-specific space standards.

5.19 The submitted Planning Statement advises that the proposal would provide 23.1 square metres of habitable space, and over 25 square metres with the bathroom. However, the extent of useable floor area is compromised in this case by, for example, the sloping ceilings within the rooms. Whilst the Council does not currently have a local plan policy regarding minimum space standards, guidance can be taken from the "Technical housing standards - nationally described space standard" (March 2015) from the Department for Communities and Local Government. The standard requires that a single storey dwelling comprising 1 bedroom only (with bed space for 1 person) and a shower room, such as that proposed in this application, provides at least 37 square metres of gross internal floor area, plus 1 square metre of built-in storage area. The standard requires that any area with a headroom of less than 1.5 metres is not counted within the Gross Internal Area unless used solely for storage. The standard also requires that any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area. Further, the standard requires that the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area. When excluding any space where the height to the ceiling is less than 1.5m, the unit size for the proposed residential accommodation would be 22.6 square metres, which is considerably less than the 37 square metres of gross internal floor area required by the "Technical housing standards - nationally described space standard". Further, by virtue of the sloping ceilings, less than 75% of the Gross Internal Area would have a minimum floor to ceiling height of 2.3 metres.

5.20 The Environmental Health Officer notes that Appendix 2 and 5c of the Local Authorities Coordinators of Regulatory Services (LACORS) guidance on Crowding and Space in residential premises gives recommended and minimum sizes for various rooms. This specifies that the minimum room sizes for a single person for a living room in a dwelling with a gallery kitchen is 13 square metres, for a gallery kitchen is 5.5 square metres, and for a bedroom is 6.5 square metres; a total of 25 square metres. The Environmental Health Officer therefore advises that, if a single person were to move into the proposed residential unit, it would be classed as overcrowded under the Housing Health and Safety Rating System brought in under the Housing Act 2004. The Environmental Health Officer notes that this has implications for the health of the occupier as circulation space or functional space around appliances would be reduced resulting in an increased risk of accidents, and that a lack of space can also result in increased condensation and high humidity which also pose a risk to health. The Environmental Health Technician recommends that the

application be refused planning permission.

5.21 The current relevant development plan policies (SD4, SD11 and SD14 of the JCS) and the core land use planning principle of the NPPF do not set out minimum areas, but are clearly material considerations which carry significant weight. Whether or not a particular proposal results in an unacceptably low degree of residential amenity for occupiers of that dwelling requires that a planning judgement be made. The LACORS guidance is not planning policy and it cannot be said that proposals that do not comply with its standards are unacceptable for planning purposes and vice versa. It is, however, relevant to the extent that, albeit for other purposes, it sets out standards produced by a specialist and reputable body which are clearly relevant to the planning issue. It is also relevant insofar as non-compliance with those standards can be expected to result in enforcement action under the housing legislation to prevent such occupation. The minimum space standards set out in "Technical housing standards - nationally described space standard" are also relevant as generally applied standards and can also be taken into account as material to the issue of whether or not the proposal would provide an acceptable level of residential amenity. As with the LACORS standards, compliance or otherwise with the "Technical housing standards - nationally described space standard" cannot be equated with compliance or otherwise with the development plan or national planning policy.

5.22 In light of the above, it is considered that the proposed development would provide an unacceptably low degree of residential amenity for future occupiers of the unit, being incapable of meeting relevant published standards but also failing to provide sufficient space to facilitate normal day to day living in ordinarily acceptable conditions.

5.23 Further, the only external amenity space which would be provided for future occupiers of the proposed residential unit would be the adjacent terrace, which would be shared with occupiers of the existing adjoining residential apartment. This terrace area covers approximately 29 square metres in area. However, the extent of useable space on this roof terrace is compromised by raised rooflights. Further, at the point where the terrace abuts the mono-pitch sheet roof, the existing balustrade is non-substantial and not secure, and the application does not propose to change this existing balustrade. The residential unit is unlikely to be a family home and the site is located within walking distance of a number of areas of public open space. As such, the provision of gardens and external private space isn't always necessary. Taken on its own merits, the lack of private external space would be sufficiently mitigated by the presence of nearby public open space. However, in this case, given the internal accommodation would be limited, the lack of outdoor amenity space further emphasises the harm to the living conditions.

5.24 The submitted Planning Statement advises that, whilst the applicant would prefer to secure a self-contained residential use for the unit, in the event that the Council considers this proposal to be contrary to policy the applicant would be prepared to accept a planning condition to restrict the use of the accommodation to 'non-permanent' living accommodation for occasional use in association with the ground floor A1/A5 uses, by members of staff who have late shifts, followed by early shifts the next day. The Planning Statement suggests that such a condition could be enforced in the same way as a holiday let, agricultural tie or any other restriction on residential use. The submitted Planning Statement suggests that the following condition(s) could be attached to any approval of planning permission:

1. *"The use hereby permitted shall only be used as living accommodation in association with the existing ground A1/A5 retail uses, and shall not be used as a permanent independent dwelling.";* and/or
2. *"The owners/operators shall maintain an up-to-date register of the names of all short-stay occupiers of the accommodation, which shall include their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority."*

5.25 The application should be determined as submitted, consulted upon and, described on the application form; a proposed new C3 residential unit. Permission was not sought for the unit to be used as a short-stay bed sit for workers associated with the ground floor takeaway use and is not reconcilable with what was stated when the application was submitted. A fresh application would need to be submitted for this proposed alternative use. It is, however, noted that such an application would itself raise issues, including the enforceability of restricted use. It would also appear to propose the residential use as ancillary to the A5 use below. Whilst in some circumstances residential ancillary uses may be considered necessary and acceptable (for example, manager's accommodation above a public house), the need for a short-stay staff flat in association with a take-away is considered tenuous. It would also raise a range of issues as to what period of usage and by whom would make what would otherwise be unacceptable residential standards acceptable. These matters would be considered as part of any subsequent planning application proposing the change of use of this existing first floor office unit to a short-stay bed sit for workers associated with the ground floor takeaway use.

5.26 The Planning Statement also makes the case that there is a need for one bed, affordable accommodation in Tewkesbury Borough, particularly in areas such as Winchcombe where house prices are highly inflated. However, an evidence base has not been submitted with the application to demonstrate this.

5.27 When taking account of the cramped internal floor space together with the scale and form of outside amenity space, officers consider the development would result in an unacceptable standard of living conditions for any future occupiers of the proposed residential unit. For this reason, the proposed development would be contrary to JCS policies SD4, SD11 and SD14, and the principles of the NPPF which requires a good standard of amenity to be secured for all existing and future occupants of land and buildings.

Highways Impact:

5.28 Section 4 of the NPPF relates to "Promoting sustainable transport" and, at paragraph 32, specifies that decisions should take account of whether safe and suitable access to the site can be achieved for all people, and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 35 of the NPPF specifies that developments should be located and designed where practical to, inter alia, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. Policy INF1 (Transport Network) of the JCS reflects this advice.

5.29 The site is adjacent to a Class 2 highway; the B4078. There are footways and street lighting, and the carriageway has parking restrictions. The Local Highway Authority advises that the trip generation associated with the proposed residential accommodation would be less than that generated from the extant office use. The applicant proposes no vehicular access to the highway and pedestrian access would be retained as existing. The Local Highway Authority advises that any future occupiers of the proposed residential unit would be aware that there are no parking facilities associated with the residential unit, but that there is public transport that connects Winchcombe with larger settlements.

5.30 The Local Highway Authority raises no objection to the proposed change of use and it is considered that the residual cumulative impact of the proposed development on highway safety would not be severe.

6.0 Overall Balancing Exercise and Conclusions:

6.1 A balancing exercise has been performed to weigh the benefits of the proposal against the disadvantages. The Council considers that benefits which would be derived from the development would be a contribution, albeit in a small way, towards providing housing in the Borough, and additional expenditure in the town from future occupiers that may help sustain local services.

6.2 The proposed development would preserve the listed building and the character and appearance of the conservation area. There would be no enhancement and, as such, this is not considered to be a "benefit" of the proposed development.

6.3 Weighing heavily against the proposal is the unacceptable living environment which would be provided for future occupiers of the proposed residential unit, by virtue of its size and the scale and form of the associated amenity space. This would conflict with policies SD4, SD11 and SD14 of the JCS and the core planning principles of the NPPF which requires planning to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. It is considered that considerable weight should be attached to this adverse impact, and that this identified harm would significantly and demonstrably outweigh any benefits of the scheme.

6.4 For the above reasons it is recommended that **planning permission is refused**.

RECOMMENDATION Refuse

Reasons:

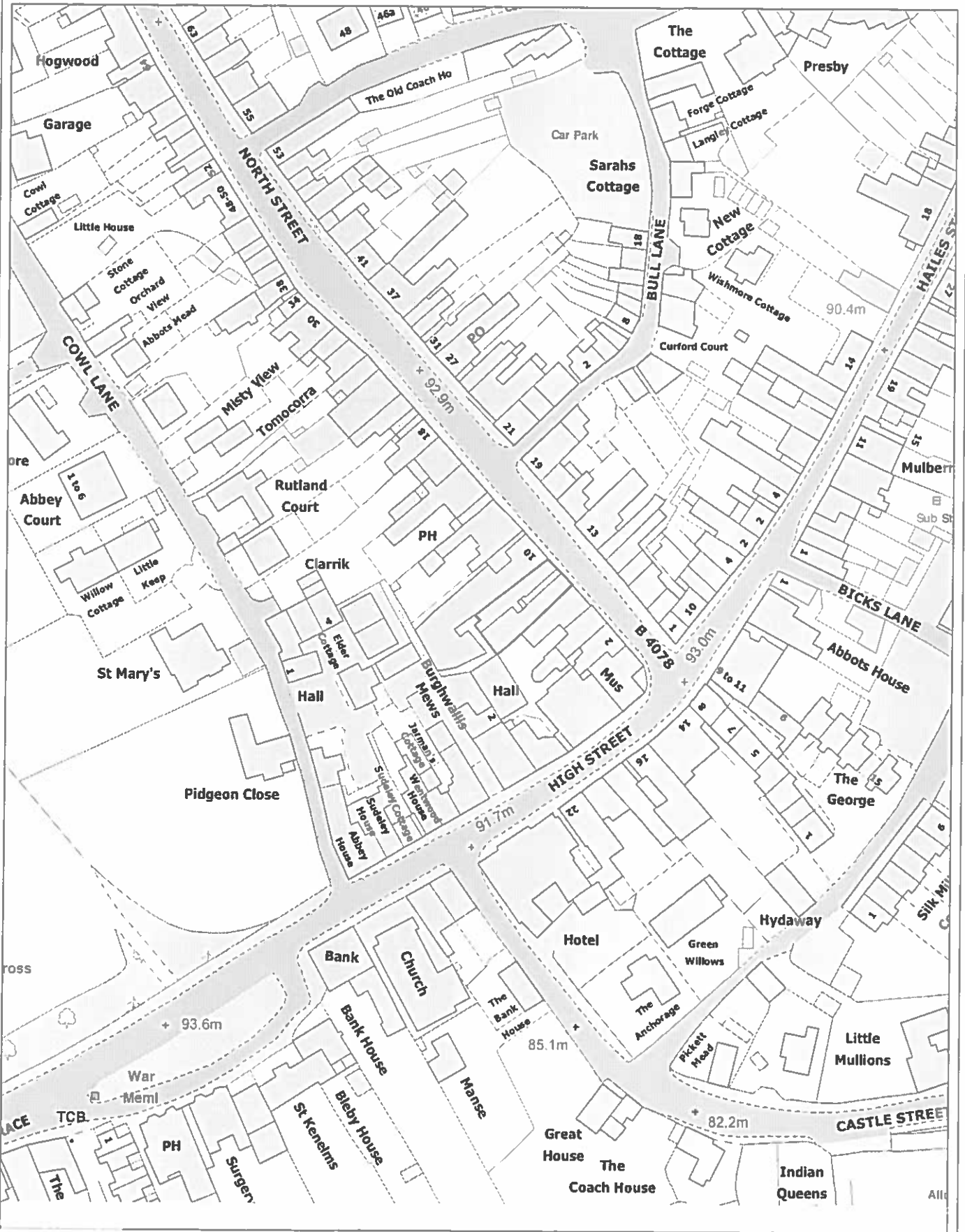
- 1 The proposed development, by virtue of the cramped internal room sizes and the scale and form of private outdoor amenity space, would fail to provide an adequate standard of living accommodation for future occupiers. The proposal is therefore contrary to policies SD4, SD11 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), and the principles of the National Planning Policy Framework (2012) which requires a good standard of amenity to be secured for all existing and future occupants of land and buildings.

Note:

Statement of Positive and Proactive Engagement

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

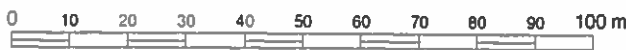
Location Plan - 8 North Street



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 Ordnance Survey

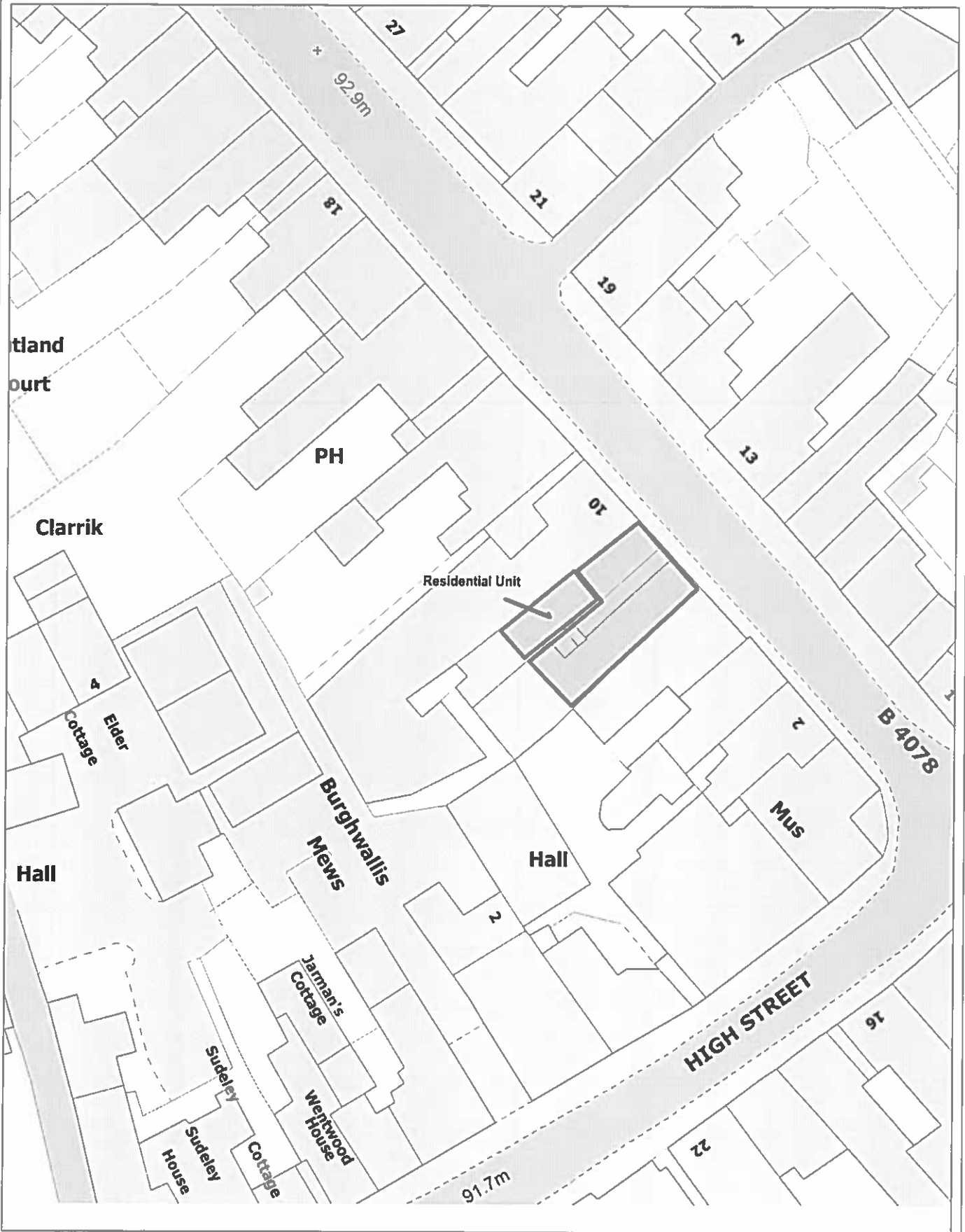
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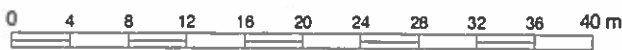
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Block Plan - 8 North Street

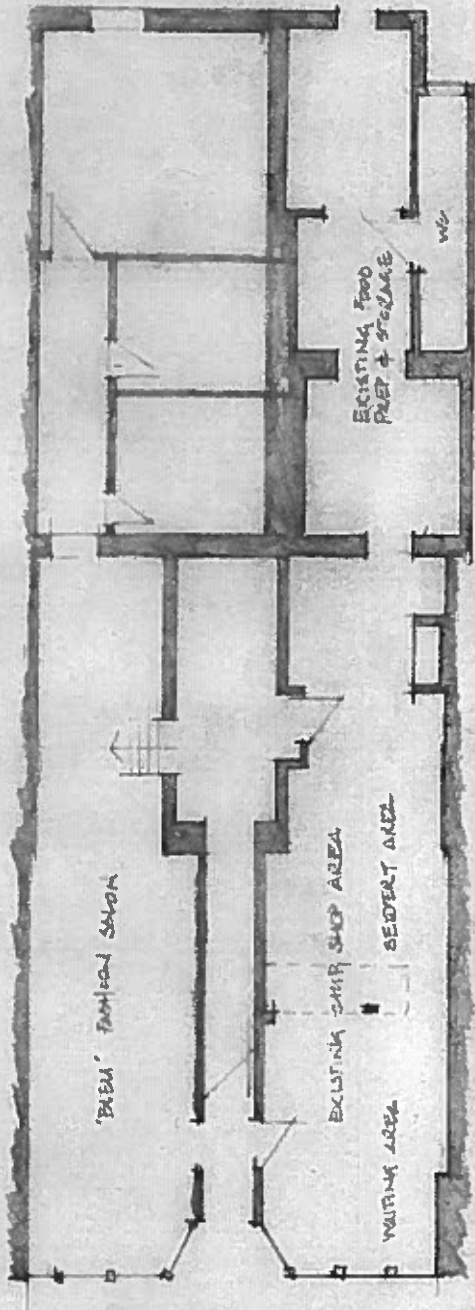
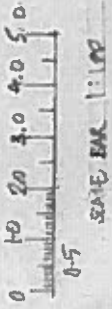


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Projection British National Grid

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EXISTING GROUND FLOOR PLAN

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10 MAY 2017

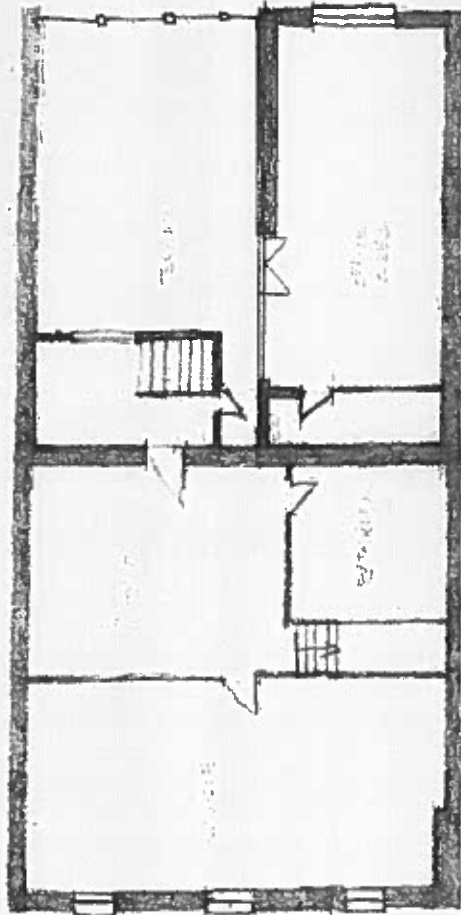
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OPERATIONS

18/00357/F02

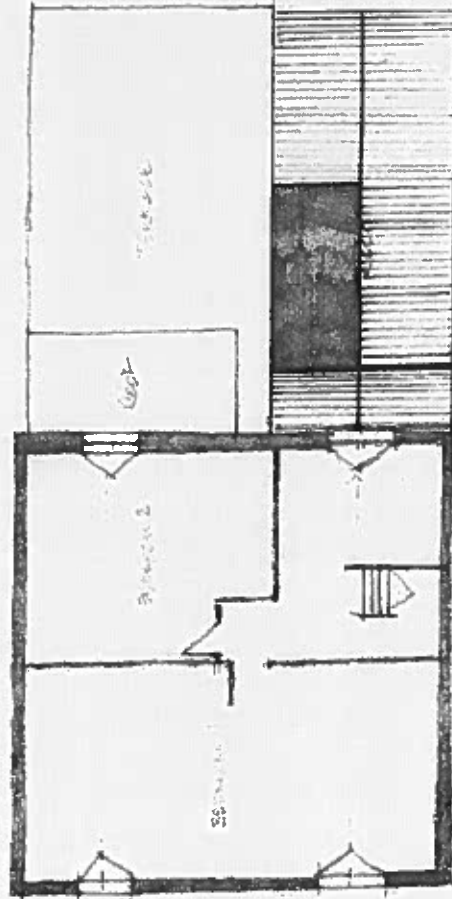
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EXISTING GROUND FLOOR PLAN	DATE MARCH 2017
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18/00359/R2

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EXISTING FIRST FLOOR



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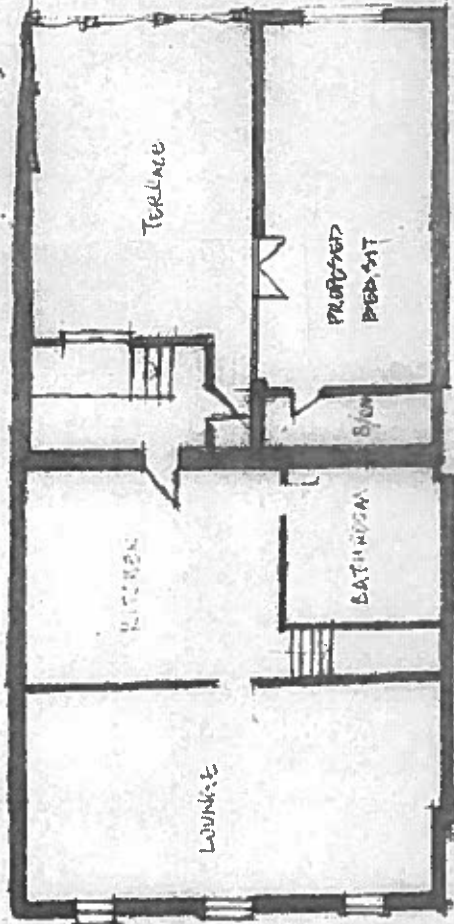
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OPERATIONS

DWG NO	8 NS / 2017 / 03
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EXISTING FLOOR PLANS
SECOND FLOOR PLAN

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WINCHCOMBE GL54

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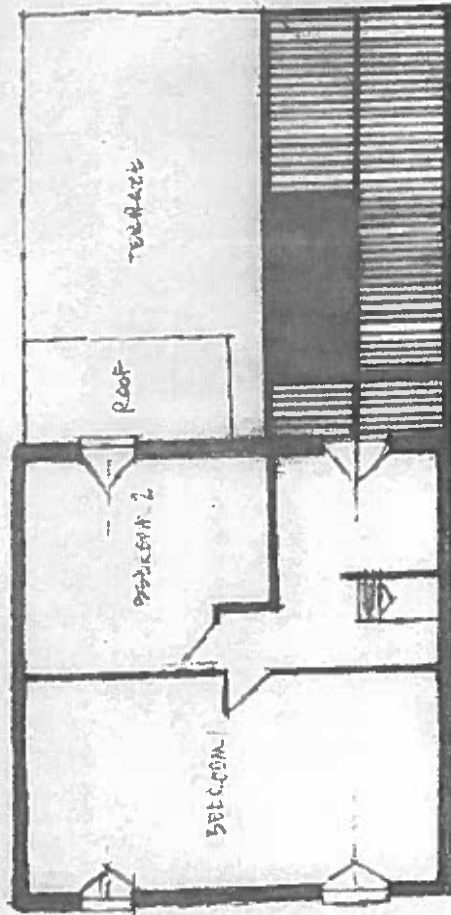


PROPOSED FIRST FLOOR

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EXISTING SECOND FLOOR

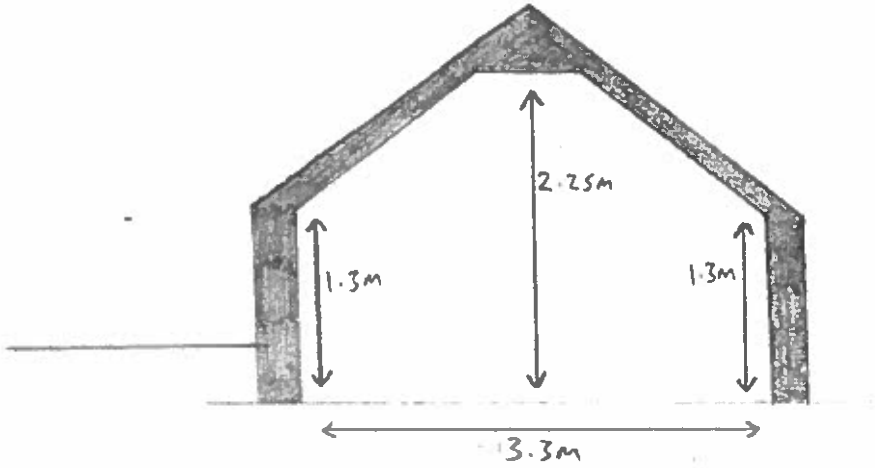


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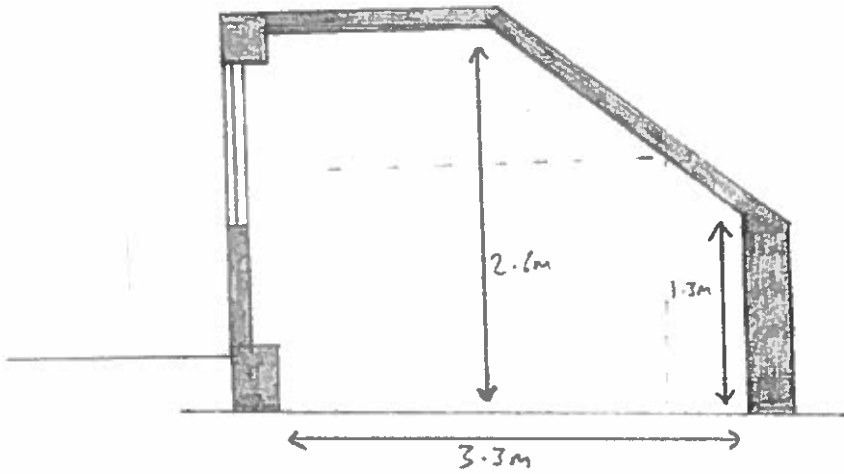
PROPOSED FIRST &
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8 NORTH STREET
 WINCHCOMBE GL54

18/00357/R2
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CROSS - SECTIONS 1

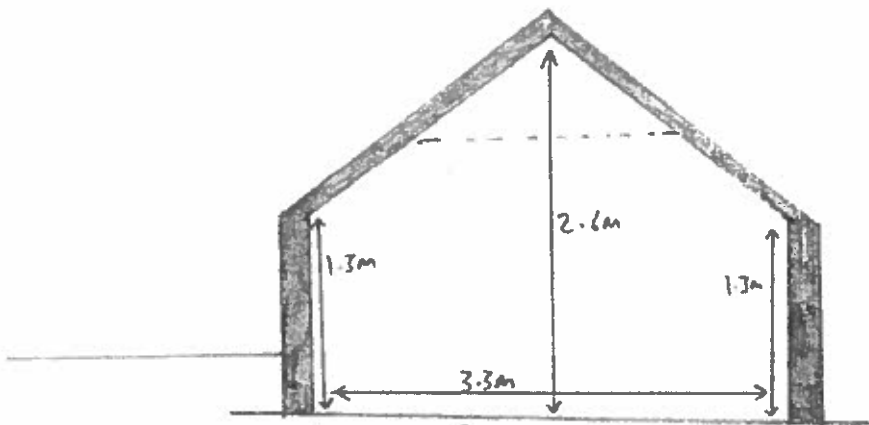


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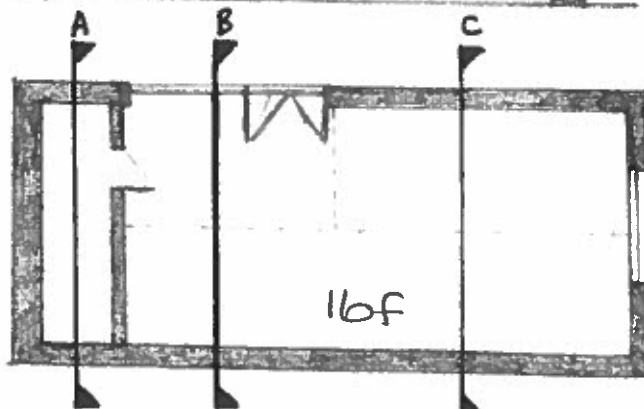


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OPERATIONS

Section B - 1:50

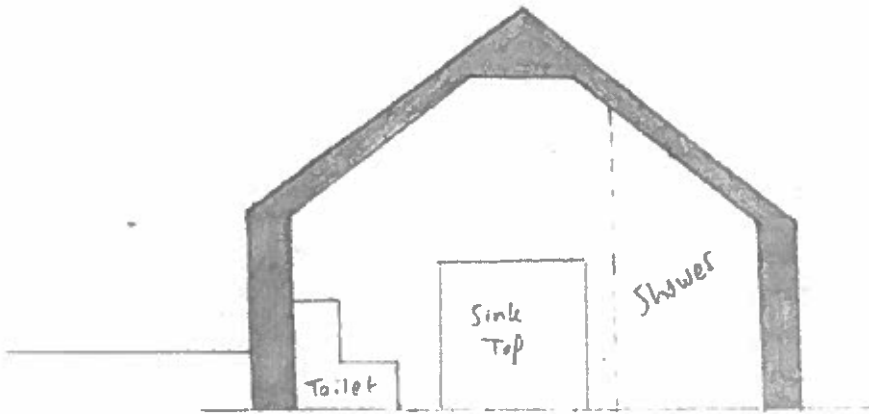


Section C - 1:50

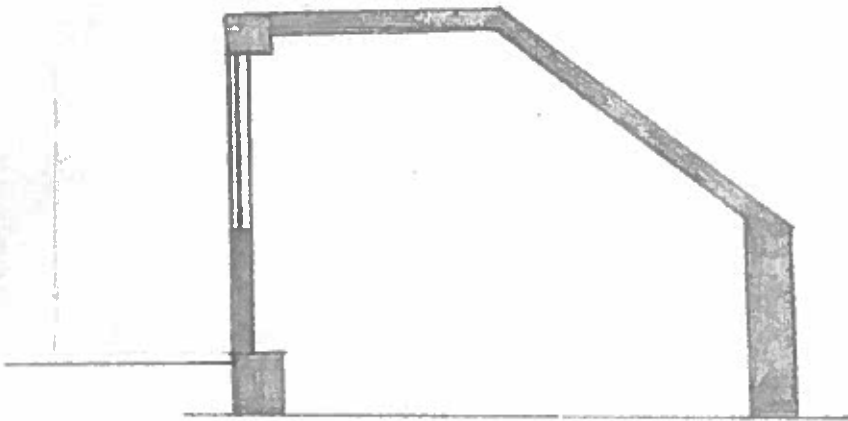


Floor Section - 1:100

18/00357/FUL
8 North Street
Winchcombe - 17/00266/FUL
CROSS - Sections 2

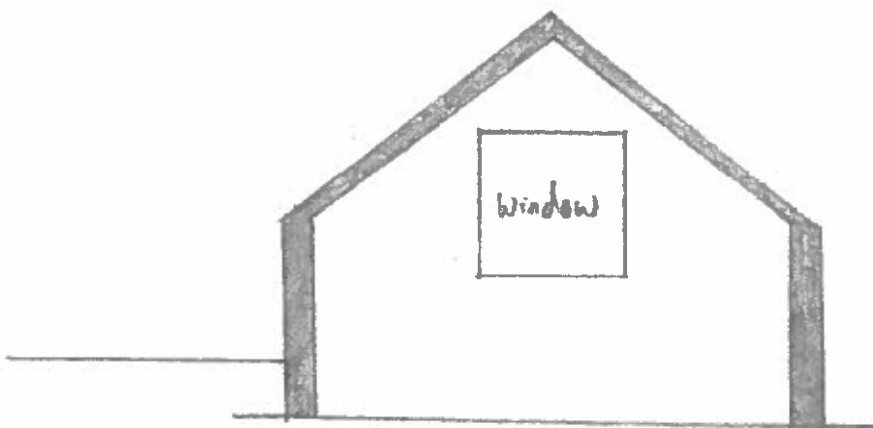


Section A - 1:50

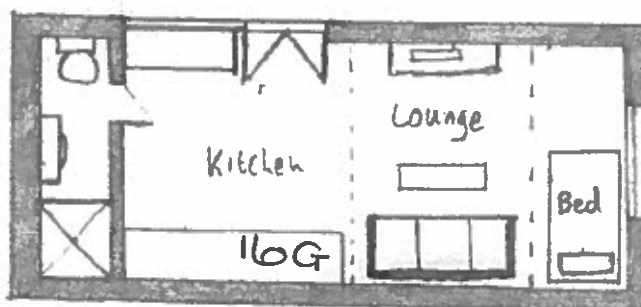


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07 AUG 2017
TEWKESBURY BOROUGH COUNCIL
OPERATIONS

Section B - 1:50



Section C - 1:50



Floor Section - 1:100

Valid 21.09.2017
 Grid Ref 396349 233047
 Parish Teddington
 Ward Isbourne

Division of Vine Tree Farmhouse into two dwellings (retrospective)

RECOMMENDATION Permit

Policies and Constraints

Planning (Listed Buildings and Conservation Areas) Act 1990
 NPPF
 Planning Practice Guidance
 Joint Core Strategy - December 2017 - SD4, SD6, SD8, SD10, INF1
 Tewkesbury Borough Local Plan - March 2006 - HOU9, LND2
 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)
Constraints
 Grade II listed building (Vine Tree Farm)
 Special Landscape Area

Consultations and Representations

Teddington Parish Council - Object to the application, raising the following points;

- Supporting information is incorrect, in terms of claims of the school and public transport links
- Sub-division has resulted in two poor quality dwellings
- Original layout reflects a single dwelling
- No off-road parking for Vine Tree Cottage
- Vehicle and delivery access not considered
- Primary concern is the listed building status
- Property has always been one dwelling
- Site has been subject to multiple breaches of planning control in the past (*Officer note: This application, along with the others on this agenda, seek to regularise various aspects that have been undertaken on the site*)
- *The Parish Council make reference in their submission to the outbuilding, which was the subject of separate applications, which have now been withdrawn. This application (and the parallel listed building application) are separate from the outbuilding and as such, matters concerning the outbuilding are not relevant to this application.*

Conservation Officer - No objection to the application, raising the following points;

- There is an architectural distinction between the seventeenth and eighteenth century phases of the building, so they read as separate buildings
- The minor works do not have any demonstrable impact on their significance as a heritage asset.

Representations - None received

A Committee Determination is required as the applicant is a Borough Councillor

Planning Officers Comments: Mr Andy Birchley

1.0 Introduction

1.1 Vine Tree Farm is a Grade II listed building, sited within the Special Landscape Area (SLA). The original building dates from 17th century and consists of a timber panelled range. The property was extended in the Victorian period with an L shaped wing.

1.2 The site is located within the Special Landscape Area and adjacent to the Cotswold Area of Outstanding Natural Beauty (AONB). There is a public right of way along the site boundary.

2.0 Relevant Planning History

2.1 The site has a lengthy planning history, of which the relevant applications are summarised below.

2.2 Outline planning application 05/00789/OUT for the erection of five dwellings to replace existing farm buildings was refused in 2005 for the reasons that the site was located outside any identified settlement boundary and was remote from services and public transport options. Furthermore, the proposed development was considered to have an urbanising impact on the AONB and SLA.

2.3 A further outline application 06/00911/OUT for the erection of 2 dwellings and removal of all existing buildings was refused for the reasons that the site was located outside any identified settlement boundary and was remote from services and public transport options.

2.4 Outline planning application 06/01481/OUT was refused in 2007 for the erection of seven dwellings, including four affordable units for the reasons that the site was located outside any identified settlement boundary and was remote from services and public transport options. Furthermore, the proposed development was considered to have an urbanising impact on the AONB and SLA and would have an adverse impact on the setting of the listed building.

2.5 Planning application 17/00195/FUL was refused in 2017 for the erection of four dwellings for the reasons that the site was outside a recognised settlement and not in a sustainable location. Furthermore, that the proposed development would erode the agricultural appearance of this part of the village, which would be harmful to the wider character of the area.

2.6 Two further applications (ref: 17/00641/FUL and 17/00642/LBC) for the conversion of an outbuilding to a self-contained unit of accommodation have been withdrawn.

2.5 Parallel Listed building consent application 17/00640/FUL for this proposal also appears on the schedule.

3.0 Current application

3.1 This is a full retrospective application for the subdivision of Vine Tree Farmhouse into two separate dwellings. There are no external changes to the building. The subdivision has been facilitated through the insertion of an internal plasterboard wall on the ground floor, resulting in no internal access between the buildings. Each dwelling has separate amenity space to the rear.

3.2 Following the site visit, it is apparent that there has previously been a fence dividing the front garden of the properties but it has fallen down. The applicant has advised that a fence will be erected between the properties and it will be attached to the listed building. No details of the fence have been submitted at the time of drafting the report and Members will be updated if the plans are received.

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.

4.2 There is a duty placed on the Council under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Development Plan

4.3 The development plan comprises the policies of the Joint Core Strategy (JCS), adopted December 2017 and the saved policies of the Tewkesbury Borough Local Plan (TBLP), adopted March 2006. JCS Policy SD10 seeks to guide development towards the most appropriate locations. JCS Policy SD8 requires development that affects designated heritage assets to conserve or enhance their significance. TBLP Policy HOU9 allows for the sub-division of dwellings, subject to a number of material considerations, including ensuring that residential amenity is not adversely impacted, the character and appearance if the listed building is not adversely affected, with alterations being kept to a minimum, and there would not be an unacceptable impact on the highway network.

National Planning Policy Framework (NPPF)

4.4 The NPPF sets out the presumption in favour of sustainable development. Sustainable development has three dimensions: economic, social and environmental. Section 12 gives great weight to the conservation of the asset's significance.

5.0 Analysis

5.1 The main issues to be considered are: the principal of development; the impact on the listed building; the impact on residential amenity; and the impact on highway safety.

Principle of development

5.2 Saved TBLP Policy HOU9 allows for the sub-division of existing dwellings, subject to various material considerations. Given that the building is an existing dwelling, the principle of the sub-division is considered to be acceptable, subject to other material considerations.

Impact on the listed building

5.3 Due to the evolution of the building, there is a clear distinction between the seventeenth and eighteenth century elements of the building, resulting in it effectively reading as two separate buildings.

5.4 TBLP Policy HOU9 requires that sub-divisions to listed buildings do not adversely affect the character and appearance of the building, with alterations being kept to a minimum and architectural features be retained. JCS Policy SD8 refers to the historic environment, reflecting the guidance within the NPPF. This policy requires that heritage assets be conserved and enhanced as appropriate to their significance.

5.5 The application involves no external changes to the building and has used plasterboard to block the access at ground floor level between the two dwellings. The divide is broadly in line with the division between the two styles of buildings. The Council's Conservation Officer comments that the architectural distinction between the C17 and C18 phases of the building is so stark that they read effectively as two separate buildings already, and that the minor works which have been undertaken to subdivide them are not considered to have any demonstrable impact on their significance as a heritage asset.

5.6 The application proposes the reinstatement of a fence to divide the front garden. No plans have been submitted to show this fence at the time of drafting, though discussions with the agent have indicated they may be forthcoming prior to the Committee meeting and will be provided as an update. The previous fence, which does not appear to have the benefit of planning permission or listed building consent, was a 0.8m high picket fence. A similar style fence would be appropriate for this location and a condition will be imposed requiring details of the fence to be submitted, prior to its erection.

5.7 Historic England's Advice Note 2 further advises that consideration should be given to the potential future impact of permitted development when considering applications that involve the change of use to multiple residential units. It states that this may make the change unacceptable in principle or that conditions should be used to limited permitted development rights. The existing dwelling benefits from permitted development rights and any future extensions or alterations would require listed building consent to allow the Council the opportunity to consider the impact of the alteration on the listed building. No outbuildings could be constructed within curtilage without the benefit of planning permission. In view of this, it is not considered that a restriction of permitted developments would be necessary or reasonable.

5.8 In view of this, it is considered that the sub-division of the building preserves the special interest of the building and the Council's statutory duty under section 66 of the Act has been fulfilled.

Impact on residential amenity

5.9 TBLP Policy HOU9 requires that developments involving sub-division do not have an adverse impact on the residential amenity of nearby properties. The existing building is approximately 7m from the northern boundary and screening is provided by existing vegetation along this and the rear boundary. Due to this, it is not considered that there is a significant adverse impact on the residential amenity of adjacent occupiers.

5.10 JCS Policy SD4 requires that new development should have sufficient amenity for potential occupiers, in terms of light, privacy and external space as well as the avoidance of potential disturbances, including

visual intrusion, noise, smell and pollution. The resultant properties have sufficient living space to allow a good standard of living for occupiers of both dwellings. The divide has occurred in a natural break in the building, between the original building and a later addition. It is considered that a satisfactory arrangement in terms of the levels of noise insulation between the properties could be achieved and there is therefore no objection to this.

5.11 The private amenity space to the rear has been subdivided by a 2m high fence. This enables the dwellings to have private amenity space. The size of the amenity area is acceptable in relation to the size of the dwellings and allows occupiers to have a good standard of amenity. The development does not therefore have any adverse impacts on residential amenity.

Highway safety

5.12 TBLP Policy HOU9 requires that the sub-divisions do not result in an unacceptable level of vehicular movements, which would adversely affect the safety or satisfactory operation of the highway. There is one additional dwelling on the site following the subdivision, and whilst this would result in additional vehicular movements, these are negligible and therefore would not have a severe impact on the highway network.

5.13 There is sufficient space onsite to provide parking for residents. The existing access is retained, which is wide enough to allow vehicles to pass, and there is a safe connection onto Gander Lane.

5.14 In view of the above, there are no severe adverse impacts on the highway network as a result of this development.

Other matters

5.15 The site is adjacent to the Cotswold AONB and within the Special Landscape Area. There are no external alterations to the building and whilst it is acknowledged that sub-dividing the building has resulted in an intensification of the site, this intensification does not have an adverse impact on the landscape.

6.0 Conclusion

6.1 The sub-division of the property does not have an impact on the significance of the building. There are no adverse impacts on the amenity of occupiers to the dwellings or adjoining dwellings or on highway safety. The application is therefore recommended for **PERMISSION**.

RECOMMENDATION Permit

Conditions:

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

Drawing numbered 2017/16/02, received by the Council on 13th June 2017, drawing numbered 2017.16.03A, received by the Council on 21st September 2017 and drawing numbered 2017.16.01C, received by the Council on 20th December 2017.

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

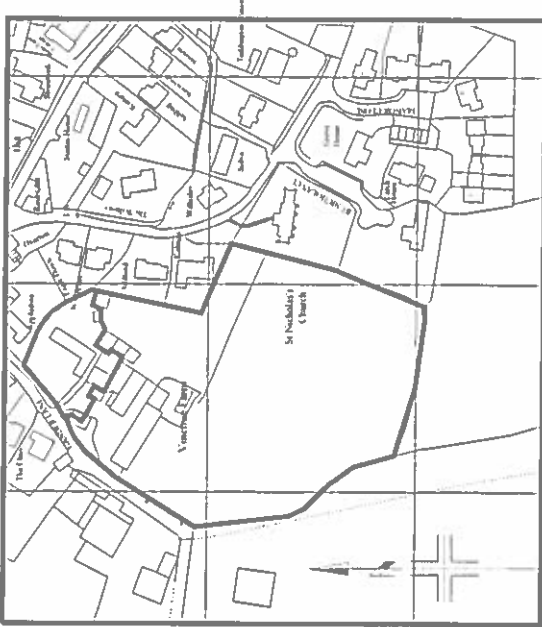
- 2 Prior to the erection of the fence to the front of the dwellings hereby approved, full details of the fence, including scaled elevations and details of the materials and finish, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved.

Reason: To safeguard the appearance and setting of the listed 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.



Location Plan 1:1250

<p>THE SMITH/HOTCHEN PARTNERSHIP 1 and 8, Barkley Views 29 High Street Chesham Bucks HP80 1JY 01494 245778</p>	<p>Mr Hesketh</p>	<p>Vine Tree Cottage Gander Lane Teddington</p>	<p>Location Plan Block Plan</p>	<p>Scale: 1:1250, 1:500</p>	<p>Date: May 2017 Drawn By: [Signature]</p>	<p>2017/16/01 C</p>
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Block Plan 1:500



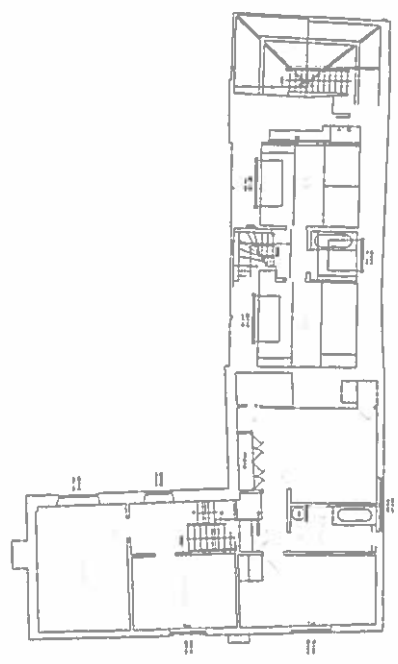
© Copyright
THE SMITH HITCHEN PARTNERSHIP
 Unit 8, Henley Mews
 29 High Street
 Chichester
 West Sussex PO19 1DY
 01243 243373

Mr Hesketh

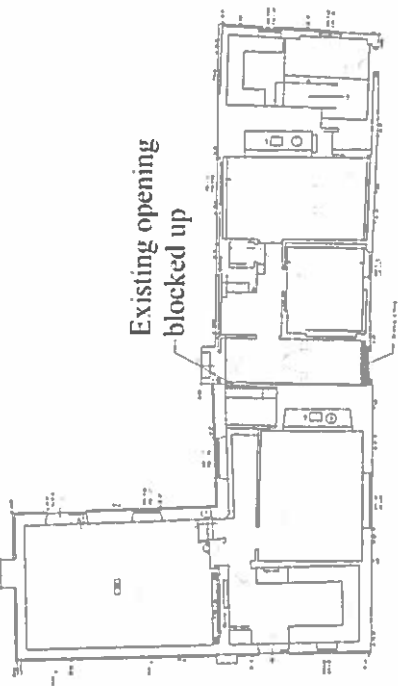
Project
Vine Tree Farm
Gander Lane
Teddington

Drawings
Existing and Proposed
Plans

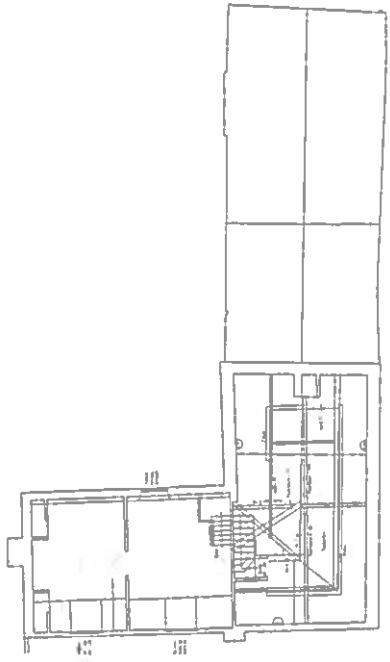
Scales 1:100
 Date April 2013
 Drawn By
 2017/16/03 A



First Floor Farm House

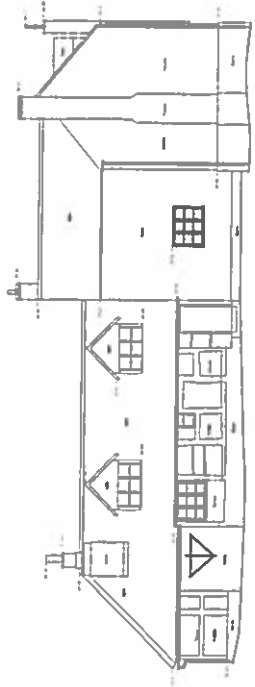


Ground Floor Farm House

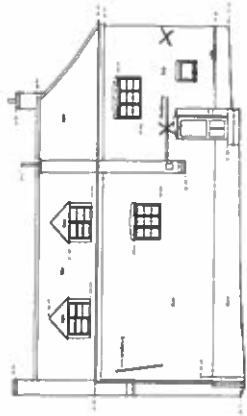


Second Floor Farm House

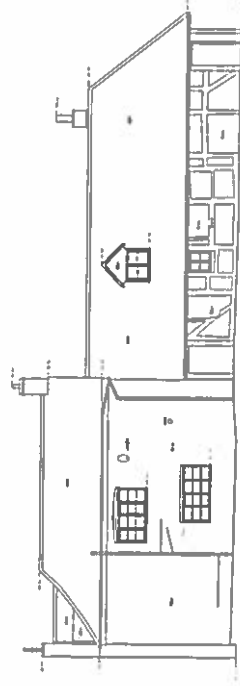




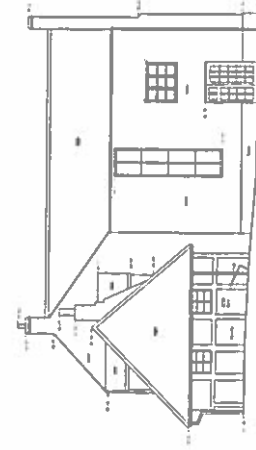
Farm House
West Elevation
Datum 75.00m



Farm House
South Elevation
Datum 25.00m



Farm House
East Elevation
Datum 25.00m



Farm House
North Elevation
Datum 75.00m

THE
**SMITH HOTCHEN
 PARTNERSHIP**
 Level 8, Healey Towers
 29 High Street
 Melbourne
 VIC 3000
 03 9242 2452/273

Mr Heskuht

Vine Tree Farm
Gander Lane
Teddington

Existing Plans
Elevations

Scale: 1:100

Date
April 2013
Drawn By
2017/16/02



Valid 21.09.2017

Division of Vine Tree Farmhouse into two dwellings and associated internal alterations (retrospective)

Grid Ref 396349 233047

Parish Teddington

Ward Isbourne

RECOMMENDATION Consent**Policies and Constraints**

Planning (Listed Buildings and Conservation Areas) Act 1990

NPPF

Planning Practice Guidance

Joint Core Strategy - December 2017 - SD4, SD6, SD8, SD10, INF1

Tewkesbury Borough Local Plan - March 2006 - HOU9, LND2

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)

Constraints

Grade II listed building (Vine Tree Farm)

Special Landscape Area

Consultations and Representations**Teddington Parish Council** - Object to the application, raising the following points;

- Supporting information is incorrect, in terms of claims of the school and public transport links
- Sub-division has resulted in two poor quality dwellings
- Original layout reflects a single dwelling
- No off-road parking for Vine Tree Cottage
- Vehicle and delivery access not considered
- Primary concern is the listed building status
- Property has always been one dwelling
- Site has been subject to multiple breaches of planning control in the past (*Officer note: This application, along with the others on this agenda, seek to regularise various aspects that have been undertaken on the site*)
- *The Parish Council make reference in their submission to the outbuilding, which was the subject of separate applications, which have now been withdrawn. This application (and the parallel listed building application) are separate from the outbuilding and as such, matters concerning the outbuilding are not relevant to this application.*

Conservation Officer - No objection to the application, raising the following points;

- There is an architectural distinction between the seventeenth and eighteenth century phases of the building, so they read as separate buildings
- The minor works do not have any demonstrable impact on their significance as a heritage asset.

Representations - None received**A Committee Determination is required as the applicant is a Borough Councillor****Planning Officers Comments:** Mr Andy Birchley**1.0 Introduction**

1.1 Vine Tree Farm is a Grade II listed building, sited within the Special Landscape Area (SLA). The original building dates from 17th century and consists of a timber panelled range. The property was extended in the Victorian period with an L shaped wing.

1.2 The Cotswold Area of Outstanding Natural Beauty (AONB) is adjacent to the site and there is a

public right of way along the site boundary.

2.0 Relevant Planning History

2.1 The site has a lengthy planning history, of which the relevant applications are summarised below.

2.2 Outline planning application 05/00789/OUT for the erection of five dwellings to replace existing farm buildings was refused in 2005 for the reasons that the site was located outside any identified settlement boundary and was remote from services and public transport options. Furthermore, the proposed development was considered to have an urbanising impact on the AONB and SLA.

2.3 A further outline application 06/00911/OUT for the erection of 2 dwellings and removal of all existing buildings was refused for the reasons that the site was located outside any identified settlement boundary and was remote from services and public transport options.

2.4 Outline planning application 06/01481/OUT was refused in 2007 for the erection of seven dwellings, including four affordable units for the reasons that the site was located outside any identified settlement boundary and was remote from services and public transport options. Furthermore, the proposed development was considered to have an urbanising impact on the AONB and SLA and would have an adverse impact on the setting of the listed building.

2.5 Planning application 17/00195/FUL was refused in 2017 for the erection of four dwellings for the reasons that the site was outside a recognised settlement and not in a sustainable location. Furthermore, that the proposed development would erode the agricultural appearance of this part of the village, which would be harmful to the wider character of the area.

2.6 Parallel planning application 17/00639/FUL for this proposal also appears on the schedule.

3.0 Current application

3.1 This is a listed building application to regularise the works relating to the subdivision of Vine Tree Farmhouse into two separate dwellings. There are no external changes to the building. The subdivision has been facilitated through the insertion of an internal plasterboard wall on the ground floor, resulting in no internal access between the buildings.

3.2 Following the site visit, it is apparent that there has previously been a fence dividing the front garden of the properties but it has fallen down. The applicant has advised that a fence will be erected between the properties and would be attached to the listed building. No details of the fence have been submitted at the time of drafting the report and Members will be updated if the plans are received.

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.

4.2 The primary consideration is the duty placed on the Council under Section 16 of the Planning(Listed Buildings and Conservation Areas) Act 'In considering whether to grant listed building consent for any works...to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' Also, the duty placed on the Council under Section 66 of the same Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Development Plan

4.3 The development plan comprises the policies of the Joint Core Strategy (JCS), adopted December 2017 and the saved policies of the Tewkesbury Borough Local Plan (TBLP), adopted March 2006. JCS Policy SD8 requires development that affects designated heritage assets to conserve or enhance their significance.

National Planning Policy Framework (NPPF)

4.4 The NPPF sets out the presumption in favour of sustainable development. Sustainable development has three dimensions: economic, social and environmental. Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework sets out the Government's high-level policies concerning heritage and sustainable development. (The Historic Environment Planning Practice Guide published jointly by CLG, dcms, and English Heritage provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites.) The National Planning Policy Framework can be awarded significant weight.

5.0 Analysis

5.1 The primary consideration for this application is the impact of the works on the grade II listed building. Due to the evolution of the building, there is a clear distinction between the seventeenth and eighteenth century elements of the building, resulting in it effectively reading as two separate buildings.

5.2 Historic England's Advice Note 2: Making changes to heritage assets refers to plan form being one of the most important characteristics of a building and proposals to amend this are subject to the same considerations as other alterations. JCS Policy SD8 refers to the historic environment, reflecting the guidance within the NPPF. This policy requires that heritage assets be conserved and enhanced as appropriate to their significance.

5.3 The application involves no external changes to the building and has used plasterboard to block the access at ground floor level between the two dwellings. The divide is broadly in line with the division between the two styles of buildings. The Council's Conservation Officer comments that the architectural distinction between the C17 and C18 phases of the building is so stark that they read effectively as two separate buildings already, and that the minor works which have been undertaken to subdivide them are not considered to have any demonstrable impact on their significance as a heritage asset.

5.4 The application proposes the reinstatement of a fence to divide the front garden. No plans have been submitted to show this fence at the time of drafting, though discussions with the agent have indicated they may be forthcoming prior to the Committee Meeting and will be provided as an update. The previous fence, which does not appear to have the benefit of planning permission or listed building consent, was approx. 0.8m high, picket fence. A similar style fence would be appropriate for this location and a condition will be imposed requiring details of the fence to be submitted, prior to its erection. In view of this, it is considered that the sub-division of the building preserves the special interest of the building and, for the reasons given above, it is considered that the Council's statutory duties have been fulfilled.

5.5 In view of this, it is considered that the sub-division of the building preserves the special interest of the building and the Council's statutory duties under sections 16 and 66 of the Act has been fulfilled.

6.0 Conclusion

6.1 The sub-division of the building does not have an adverse impact on the setting, significance or special interest of the listed building and is therefore recommended for **CONSENT**.

RECOMMENDATION Consent

Conditions:

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

Drawing numbered 2017/16/02, received by the Council on 13th June 2017, drawing numbered 2017.16.03A, received by the Council on 21st September 2017 and drawing numbered 2017.16.01C, received by the Council on 20th December 2017.

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

- 2 Prior to the erection of the fence to the front of the dwellings hereby approved, full details of the fence, including scaled elevations and details of the materials and finish, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved.

Reason: To safeguard the appearance and setting of the listed 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.

17/01258/FUL

Hillend Farm, Chaceley, Gloucester

6

Valid 14.12.2017

Variation of condition 2 of approved planning application reference 15/01225/FUL to allow for the addition of plans to the approved plans to show the provision of vehicular passing places along the access track and the widening, ramping up and raising of the vehicular access, and removal of condition 6 of approved planning application reference 15/01225/FUL to allow for the equestrian facilities comprising up to 15 loose boxes to be used for commercial purposes.

Grid Ref 384779 230676
Parish Chaceley
Ward Highnam With Haw
Bridge

RECOMMENDATION Permit

Policies and Constraints

- National Planning Policy Framework; 2012 (NPPF)
- Planning Practice Guidance
- The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS)
- Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)
- 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)

- Landscape Protection Zone (LPZ)
- Public Right Of Way (PROW)

Consultations and Representations

Chaceley Parish Council objects on the following grounds:

- The roads in Chaceley are "unsustainable" as defined by GCC Highways;
- The recent application for equestrian facilities on Chaceley Hole Road were agreed by Highways only on condition that they were for private use (originally commercial use was proposed);
- Some years ago an application for reuse of existing barns at Lawn Bar Farm was substantially reduced because the highway is unsustainable;
- Tewkesbury Borough Council is currently advising on a proposed application for another indoor school and stabling facilities also on Lawn Bar Road - the village roads cannot sustain this degree of use;
- The road is always going to be single track. When the village floods it is the only road access to Hillend Farm. There are blind corners and it floods adjacent to Lawn Farm;
- We would request that this application and the possible future application are designated private use "in perpetuity" so that in the event of the sale of either property there can be no misunderstanding of the designation;
- A number of residents object to the current level of lighting of the premises and would not wish to see more under commercial ownership;
- Concern has been expressed at the amount of manure accumulating in a field with an adjacent major watercourse;
- Request that the application be turned down, most particularly in respect of the unsuitability of Lawn Bar Road for commercial development.

The **Local Highway Authority** raises no objection subject to a number of conditions.

The **Environmental Health Officer** raises no objection to the application in terms of noise / nuisance.

Natural England raises no objection.

The **Lead Local Flood Authority (LLFA)** raises no objection.

The application has been publicised through the posting of 3 site notices and a press notice and 9 letters of representation have been received in the 21 day statutory consultation period or since; 8 letters of objection and 1 letter of support which has been signed by 28 Chaceley residents.

Within the letters of objection, the main points raised relate to:

- The original application was allowed on the basis that this property was not turned into a commercial operation.
- Lawn Bar Road is a narrow single track lane, with nowhere to pass, has a number of blind bends and floods adjacent to Lawn Farm, and is unsuitable for medium and large commercial vehicles. The lane is already heavily used by local agricultural vehicles, plus traffic from the Lawn Farm business unit and the Hartland agricultural contractor and logging business premises, and the road also often carries fast moving traffic to/from the pub at Chaceley Stock. Chaceley Hole Road, which borders the southern boundary of Hill End Farm, is just over a mile long and the complete length is single file traffic with a few passing places, and approximately one third of this road is in a deep cutting, which includes a double bend with almost vertical walls of soil on each side. The proposal would see a greatly increased flow of equine HGV traffic, which do not have the manoeuvrability of tractors and find it hard/impossible to give way to approaching traffic. Any large scale events could attract masses of the sort of large vehicles associated with this type of activity.
- The application is for "limited use" - what does that mean and who would police it? Given the considerable rateable value commercial use is likely to attract, the imperative would be to make maximum use. How can a business limit/restrict the amount of traffic flow if the business is in need of more customers to make the business viable?
- The "private use" should be designated "in perpetuity", given the road access. Lawn Bar Road is never likely to be changed to accommodate two-way traffic. If commercial use is given and the property is subsequently sold, there could be no limit to the diversification of use.
- It is proposed to provide parking spaces for horseboxes to the front of the main house. Concern raised that this would result in "a car park on the skyline".
- Gloucestershire County Council Highways has consistently been against commercial development on Lawn Bar Road on the basis that it is unsustainable.
- This development brings no economic benefit to Chaceley - the farrier and vet are over 13 miles away.
- This would be over development of the site as it is already shared by a working farm with all the attendant heavy traffic which that uses.
- There is already a "hideous arrangement" of buildings with very extravagant lighting on top of one of the few hills in a very beautiful area of the Severn Vale. The development is already an eyesore on a very prominent rural situation. Commercialisation can only make matters worse.
- Light pollution - The whole area is lit up with bright lights in the hours of darkness between 6am and 10pm. Commercial development could lead to floodlighting also being installed on the external facilities (e.g. the outdoor arena).
- Noise disturbances from any tannoys.
- Disturbance to the residents of Chaceley caused by traffic visiting this site, and from mud on the road (due to the surface of the access road and the scale of vehicles visiting).
- Odour levels as a result of manure being tipped on a roadside field.
- Query raised regarding the need to employ more staff.
- Reference made to similar proposals at Parcel 8326, Lawn Bar Road, Corse Lawn, as proposed under application references 16/00735/FUL and 17/00147/FUL, which were both withdrawn.
- There are similar equestrian facilities (an equestrian centre and stud) on Corse Lawn about half mile away, negating the need for more. If permission was to be granted the two businesses mentioned would see a fall in customers.
- Reference made to an existing major equine centre at Moores Farm, approximately 1 mile away under Malvern Hills DC.
- According to social media, the applicant is already running a business from the site without planning consent (Hillend Stud). The first breeding mare arrived on the 16th October 2017. Does this nullify any decision by the Council?
- The all-weather turn out paddock could be used as a warm up arena for events if granted commercial use.
- Query raised - were the EA notified and permission granted to infill land?
- Within the letter of support, the main points raised relate to:
 - It would not be the case that there would be a multitude of lorries (large horseboxes) going up and down Lawn Bar Road. The majority of horses transported are either by trailers, towed behind cars, or

converted vans and vehicles below 7.5 tonnes. Articulated lorries ply their trade around the village daily; Chaceley has steel and other goods delivered to Lawn Farm (only a hundred yards further down Lawn Bar Road) to industrial units, as well as the milk tanker, school bus, delivery lorries, and brewery lorries, all delivering to businesses and residential alike. A few vehicular movements a day on a short stretch of road from Corse Lawn B4211 to Hillend Farm (less than half a mile) would be negligible and perfectly acceptable.

- In terms of the complaints regarding lighting, the lighting is very soft and unobtrusive, but obviously during the winter months this is going to be more obvious. However, this will not be the case in spring, summer and autumn.
- Hillend Farm used to be a dilapidated and derelict property. The work that has been carried out has brought the place back to life.
- With the proposed coaching available; current Olympic Gold medallists and World Class trainers for aspiring dressage riders from around the globe, as well as local up and coming youth riders and adults alike.
- The property's new occupants have not only already brought jobs to the rural, local community, but, should this application be approved, it will also increase business too, and the following will all benefit: local Bed & Breakfasts, local hotels, local pubs and eateries, village shops and services, and it would provide competitors for the Competition Centre at Moores Farm Equestrian a couple of miles away
- Beneficial to the economic growth of our village and the surrounding areas and its occupants
- The received letter of support which has been signed by 28 Chaceley residents concludes that they do not feel that their Parish Council has accepted their opinions and represented their views.

Planning Officers Comments: Emma Dee

1.0 Application Site

1.1 The application site relates to the detached dwelling at Hillend Farm, Chaceley, and surrounding buildings (including an equestrian indoor arena) set in 8.09 hectares of land which is used for equestrian purposes (including paddock, turnout yard and horse walker) (**See Location Plan**).

1.2 The site is located between Lawn Bar Road to the north and Chaceley Hole Road to the south, and is accessed via a long access driveway from Lawn Bar Road. The buildings on the site are set well back from the highway but on elevated land on the side of Round Hill, which slopes down towards Lawn Bar Road. The site is located in the Landscape Protection Zone (LPZ) and there are a number of Public Rights Of Way (PROWs) in and around the site.

2.0 Relevant Planning History

2.1 An application proposing the erection of an agricultural livestock building was permitted on 5th October 2015 (reference 15/00702/FUL).

2.2 A planning application proposing the change of use from agricultural to equestrian (including the erection of an indoor school, horse walker and the conversion of a barn to provide ancillary accommodation) was permitted on 22nd June 2016 (reference 15/01225/FUL). Condition 2 of this permission specified the approved plans which the development should be carried out in accordance with. Condition 6 specified that the equestrian facilities should be used only for private recreational purposes by the occupiers of the dwelling on the site known as Hillend House, and that the equestrian facilities should not at any time be used for commercial purposes. The reason for this condition was in the interests of highway safety and residential amenity. The indoor arena, paddock, turnout yard and horse walker as approved under application reference 15/01225/FUL appear to have been completed.

3.0 Current Application

3.1 The submitted Planning, Design and Access Statement (PDAS) advises that the applicant wishes to use the property, including the indoor riding school and other equestrian facilities (as approved under application reference 15/01225/FUL), for limited commercial use. As such, the application seeks planning permission to vary condition 6 of approved planning application reference 15/01225/FUL, to allow for the equestrian facilities to be used for commercial purposes. The submitted PDAS states that, if permission is granted, this would allow the applicant to bring in a limited number of paying livery clients (likely to number between 6-10 horses), and that paying guests would be limited to professional riders and/or those competing at a high standard. The Transport Technical Note (TTN) submitted with the application confirms that the proposed equestrian centre would not be used for extensive commercial business, but the owner intends to use the yard to accommodate a small number of professional riders and their horses. It confirms that the

yard would not be open to the public and would not operate as a riding school, but would be for exclusive use as a livery and training facility for a small number of paying guests. The PDAS specifies that the property currently has 15 loose boxes for accommodating horses, and that the proposed commercial use would be limited to the provision of up to 10 loose boxes for livery or business purposes (for accommodating paying guests' horses), including the use of all the equestrian facilities at the site, with a minimum of 5 loose boxes kept for the applicant's own personal use.

3.2 The submitted PDAS suggests that condition 6 should be varied to: *"The commercial use of the equestrian facilities hereby permitted shall be restricted so that no more than 10 loose boxes (stables) at the property shall be used for the stabling of horses for such commercial purposes and the remaining loose boxes shall be used only for private recreational purposes by the occupiers of the dwelling known as Hillend House"*. The Agent suggests that the Council would be able to enforce this restriction by requiring the keeping of records and that these are made available to the Council.

3.3 The application advises that the applicant currently employs 2 full-time assistants (a yard manager and an assistant), who are both accommodated in the existing cottage at the rear of the main house. The PDAS states that a further 1 full-time or 2 part-time employees would be required to assist with the operation of the proposed equestrian facilities who would, if necessary, be accommodated on a temporary basis in the existing on site accommodation comprising the cottage to the rear of the main house or within the main house itself, until such time as the works to convert the barn, as approved under reference 15/01225/FUL, are implemented. The Agent further advises that, in the event that additional employees comprise part-time staff only, it is envisaged that they would live off-site in the local community. No new accommodation is proposed.

3.4 The application also seeks to vary condition 2 of approved planning application reference 15/01225/FUL, to allow for the addition of a plan to the approved plans to show the provision of 3 new vehicular passing places along the access track, to allow horse boxes to pass one another whilst accessing and egressing the property (see **Proposed Site Layout Plan**).

3.5 Further to the receipt of consultee comments from the LHA throughout the consideration process of the current application, a revised Transport Technical Note (TTN) was also submitted in support of the application. Additional plans were subsequently received by the LPA to show a proposed widened plateau at the site access, visibility splays and a swept path analysis of a pantehnicon at the vehicular access to the site, and proposed changes in land levels on the area between the visibility splays and the carriageway, in order to demonstrate that the access requirements would be achievable (See **'Visibility Splays and Swept Path Analysis'**, **'Site Access Improvements'** and **'Proposed Levels Drawing'**). This shows an area to be ramped up and raised to form a widened plateau, to then be tied back into the existing access road. These additional plans were annotated to show that vegetation would be trimmed back. In order to assess the landscape impact of this element of the proposal, a "BS 5837:2012 Arboricultural Survey, Impact Assessment and Method Statement" (hereafter referred to as the "Arboricultural Survey") was received by the LPA, which includes associated drawings (See **'Tree Survey and Tree Constraints Plan'**, **'Tree Protection Plan'** and **'Planting Plan'**).

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 LPA 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 Adopted Joint Core Strategy; 2017 (JCS) and saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP).

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

4.3 The relevant policies are set out in the appropriate sections of this report.

5.0 Analysis

5.1 The key material considerations of this application are as follows:

- Landscape impact;
- Highways impact;

- Residential amenity impact; and
- Ecological impact.

Landscape Impact:

5.2 The core land-use planning principles identified in the NPPF are that planning should, inter alia, always seek to secure high quality design, and take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside.

5.3 Policy SD6 (Landscape) of the JCS specifies that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social wellbeing. It also states that all applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect.

5.4 As noted above, the site is located in the LPZ. Saved Policy LND3 of the TBLP specifies that, within the LPZ, special protection is given to the ecology and visual amenity of the river environment. It states that development will not be permitted which:

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

5.5 Policy LND3 also specifies that, within the LPZ, the LPA will seek to protect or enhance the environment, and that important landscape features within the LPZ will be retained and, where appropriate, enhanced to ensure their long term retention.

5.6 Policy RCN6 of the TBLP specifies that proposals for the development of horse riding facilities must be well related to an existing group of buildings and propose adequate measures to control noise, dust, smell and other possible nuisances to other users in the area. It further sets out that facilities must generally be well related to the existing bridleway network, and that horse riding facilities must not have an adverse impact on the landscape, particularly within the Area of Outstanding Natural Beauty, Special Landscape Area or LPZ, nor must they create local traffic problems.

5.7 Whilst the existing buildings on the site are set well back from the highway, they are on elevated land on the side of Round Hill, which slopes down towards Lawn Bar Road, and the buildings are visible from Town Street to the east of the site. There are also a number of PROWs in and around the site.

5.8 As noted above, the indoor arena, paddock, turnout yard and horse walker, all as approved under application reference 15/01225/FUL, appear to have been completed. The application proposes that the design and layout of the development as approved under application reference 15/01225/FUL would be retained, with the only alterations being the provision of up to three passing places along the existing access track, and an area of the access track to be widened ramped up and raised to form a widened plateau at the vehicular access to the site which would then be tied back into the existing access road. Associated tree works are also proposed adjacent to this vehicular access.

5.9 No alterations are proposed to the paddocks, the all-weather outdoor arena, the turnout yard, stable yards, the accommodation within the converted ancillary building, the horse walker nor the indoor arena as approved under application reference 15/01225/FUL. No reference is made within the current application to any external lighting. The development as approved under application reference 15/01225/FUL was not subject to any restrictive conditions pertaining to the construction or installation of any external lighting. A separate planning application would be required for any floodlighting at the site if this is proposed at a later date.

5.10 The PDAS confirms that on-site parking for 5 no. HGV-type horse boxes as well as 8 no. cars would be provided in the main courtyard between the arena and stables, and that additional overflow parking would be available for a further 10 no. vehicles to the front of the main house. As such, the principal area for vehicular parking would be provided in the main courtyard between the arena and stables, which is predominantly enclosed. A letter of representation has raised concern that the proposal would create "a car park on the skyline". Whilst an increased number of vehicles may be more likely to access the site when it is used for the proposed commercial purposes, this number of vehicles could currently access the site without any requirement for planning permission. As such, it is considered that any landscape impact as a result of a possible increased number of vehicles on site would not warrant a refusal of planning permission.

5.11 The three passing places are proposed to be located adjacent to the existing gravel driveway, and would comprise a hard-core compacted section. By virtue of the scale and materials of these passing places and their location immediately adjacent to the access track, it is considered that the rural landscape and visual amenity of the LPZ would be protected in this regard.

5.12 Throughout the consideration of this application, additional plans were received by the LPA to show an area to be widened, ramped up and raised to form a widened plateau at the vehicular access to the site, in order to allow for the visibility splays and swept paths required by the LHA, which would then be tied back into the existing access road. The existing gates and fence at the access would be removed, and new gates would be erected on the access driveway further back from the public highway.

5.13 These additional plans were annotated to show that some vegetation would be removed. In order to assess the landscape impact of this element of the proposal, an Arboricultural Survey was received by the LPA. This confirms that six trees (T2, T3, T7, T10, T11 and T12) and one tree of group G3 would need to be removed to facilitate the road widening works, junction widening and associated working area. The Arboricultural Survey advises that the trees are generally of low value (BS Category C), with T3 and T7 being unsuitable for retention (Category U) irrespective of any development proposals. In addition, 33 metres of native hedgerow along the western verge of the access track would also have to be removed. The Arboricultural Survey considers that the extent of vegetation removal would have limited impact on the character of the site and local landscape.

5.14 The Arboricultural Survey further advises that any road construction operations near retained trees could cause accidental damage of tree trunks and low hanging branches on either side of the proposed access road. It also advises that vehicle and plant movement during construction may further cause compaction of unmade ground which could lead to irreversible damage of tree roots and the rooting environment within the RPA of retained trees. The Arboricultural Survey advises that the proposed works would further encroach into the RPA of two trees within low value group G1 and T9, which is a mature ash tree of limited remaining life expectancy and overall low value. The Arboricultural Survey considers that it would be impractical to provide protection of the RPA of these 3 trees considering their overall low value and the limited remaining useful life expectancy.

5.15 The Arboricultural Survey recommends that all methodologies specified in the Arboricultural Method Statement (AMS), in Chapter 5.0 of the Arboricultural Survey, should be implemented to ensure any retained trees are adequately protected during site setup and construction. Such protective measures include access Facilitation Pruning (to T6, T9 and G1 only) and the erection of a protective barrier (to be installed in accordance with *BS 5837:2012 Figure 2 Default specification for protective barrier*) prior to commencement of any works on site to create a sacrosanct Construction Exclusion Zone

5.16 The Arboricultural Survey further recommends that replacement tree planting should be specified to soften the impact of the proposed widened access road and to mitigate the proposed loss of mature vegetation, with a focus on native species and species already present on site and within the local area where appropriate. The Arboricultural Survey advises that extra heavy standard and semi-mature trees should be specified where trees are removed along site boundaries, public roads and footpaths.

5.17 Whilst the submitted Arboricultural Survey advises that the 7 existing trees proposed for removal are generally of low value (BS Category C), with T3 and T7 being unsuitable for retention (Category U), and whilst it considers that the extent of vegetation removal would have limited impact on the character of the site and local landscape, there would be some impact on the rural landscape and visual amenity of the LPZ as a result of these works and this must be taken into consideration in the planning balance.

5.18 However, as recommended within the submitted Arboricultural Survey, protection measures could be implemented to ensure any retained trees are adequately protected during site setup and construction, as well as replacement tree planting to soften the impact of the proposed widened access road and to mitigate the proposed loss of mature vegetation. It is recommended that any approval of planning permission is subject to condition requiring a comprehensive scheme of landscaping relating to land adjacent to the vehicular access (to include the proposed new landscaping scheme on scaled drawings accompanied by a written specification clearly describing the species, sizes, densities and planting numbers) to be submitted to and approved in writing by the LPA prior to the commencement of building operations, including any works to the access road. In order to protect the rural landscape in this LPZ, this scheme of landscaping would need to take into consideration the recommendations within the submitted Arboricultural Survey, that there should be a focus on native species and species already present on site and within the local area where appropriate, and that extra heavy standard and semi-mature trees should be specified where trees are

removed along site boundaries, public roads and footpaths.

Highways Impact:

5.19 Section 4 of the NPPF relates to "Promoting sustainable transport" and, at paragraph 32, specifies that decisions should take account of whether safe and suitable access to the site can be achieved for all people, and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 35 of the NPPF specifies that developments should be located and designed where practical to, inter alia, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. Policy INF1 (Transport Network) of the JCS reflects this advice.

5.20 Under application reference 15/01225/FUL the LHA provided consultee comments based on the anticipated use of the site as equestrian to be available for public use. On this basis, and the expected increase in trips and the types of vehicles to/from the site, the LHA advised that the following details would be required to determine if safe and adequate access could be provided:

- An analysis of the current trip generation of the site and expected trip generation based on the proposed business use of the facilities and accommodation set out.
- Access visibility requirements for junctions onto the existing highway should be commensurate with the 85th percentile wet weather recorded vehicle speeds carried out in accordance with DMRB TA 22/81 with suitable visibility splays based on these recorded speeds annotated on submitted plans. Such surveys should also illustrate existing traffic on the highway which can be compared to expected trips based on the public business and residential uses of the site anticipated. The access should be tracked with space provided for the two largest regularly expected vehicles to pass at the site entrance into/out of the access onto the highway;
- Details of internal junction/access visibility onto the internal site access road should be annotated on the submitted plan, commensurate with the design speed as detailed in Gloucestershire Manual for Streets;
- Details of vehicle tracking for the largest regularly expected vehicle to pass another such vehicle and turn within the site should be illustrated on plan or forward visibility between such passing/turning spaces; and
- Details of parking and visitor parking together with a parking schedule of parking provision including justification for proposed level of parking based on Paragraph 39 of NPPF to meet anticipated parking needs should be provided.

5.21 On the basis that this information had not been submitted, the LHA recommended that the development proposed under reference 15/01225/FUL be refused as insufficient information had been submitted to confirm that the safe and adequate access would be provided and maintained for the site and onto the highway network. The LHA did, however, advise that more favourable consideration may be given if the above information was provided and issues addressed.

5.22 This information was not submitted with application reference 15/01225/FUL. However, the delegated report for this approved application notes that *"The views of the Highways Authority are noted but are considered to be addressed by the applicant's confirmation that there will be no commercial use of the site. Stabling already exists on site and as such it is considered that the proposal would not materially intensify or alter the use of the existing access. It is recommended that a condition is imposed limiting the use of the facilities to private recreational purposes for the occupiers of Hillend House and preventing their use for commercial purposes."*

5.23 In addressing the concerns expressed by the LHA as part of application reference 15/01225/FUL, the current application includes a TTN, and a revised copy of this was subsequently received by the LPA further to a request from the LHA for additional information.

5.24 It is proposed that access would remain solely from the current access position onto the main road. The submitted TTN advises that there is an area to the immediate south of the access, of the main track, that can be used as a passing place on entry to the site, and that it is proposed to implement a 'passing place' system through the site around the internal loop.

5.25 The LHA has been consulted on the application, and advises that there have been no recorded collisions within near proximity to the site access within the past 5 years according to the technical note and checking collision records.

5.26 The submitted TTN advises that the proposed equestrian centre, with up to 10 of the 15 loose horse boxes on site being available for commercial hire/use by paying guests and including one full time staff

member on site, would generate an expected increase of 12 two-way vehicle trips each day for members and 2 two-way vehicle trips each day for staff (therefore 14 two-way trips in total). The TTN advises that, as it is predicted that visits from members would have no predicted peak period, proposed trips generated by members would be distributed relatively evenly across the 10 hour opening period (07:00 - 17:00 hours). It therefore advises that, when spread over the 10 hour operational period, the additional 14 no. 2 way trips would equate to one extra vehicular trip on the local road network every 43 minutes.

5.27 The submitted PDAS suggests that condition 6 could be varied to: *"The commercial use of the equestrian facilities hereby permitted shall be restricted so that no more than 10 loose boxes (stables) at the property shall be used for the stabling of horses for such commercial purposes and the remaining loose boxes shall be used only for private recreational purposes by the occupiers of the dwelling known as Hillend House"*. The Agent suggests that the Council would be able to enforce this restriction by requiring the keeping of records and that these are made available to the Council. However, it is considered that such a condition would not be enforceable and therefore consideration needs to be given to the highways impact of all 15 loose boxes being used for livery or business purposes. The LHA was re-consulted on this basis, and advises that they would not raise an objection if all 15 loose boxes were used for livery or business purposes. The LHA notes that the traffic generation estimates have been provided by the applicant, but does not consider that the increase in estimated traffic would result in a detrimental impact on the highway network to warrant refusal which, on a worst case scenario of all 15 horse boxes being used for livery or business purposes, would result in 30 two-way visitor vehicle trips and 1 two-way staff trip. As a consequence it is considered that, in view of the minimal impact on the highway network that would arise from the commercial use of the entire complex, the need for any type of restrictive condition in relation to the commercial use of the premises is removed. Therefore the permission would be more appropriately varied by the removal of Condition 6 of the original permission, subject to the application of various conditions relating to highway access discussed below.

5.28 In order to ensure safe access could be provided onto the existing highway, visibility splays based on recorded 85th percentile wet weather adjusted speeds were sought and demonstrated in the revised transport statement. The highway is subject to national speed limit. However, the 85th percentile recorded speeds approaching the site access recorded were significantly less approaching the site access from the east and west with automatic counters. The recorded speeds were 27mph eastbound and 33mph westbound approaching the site access which, according to Manual for Streets 2, would fall within Manual for Streets parameters for visibility requiring splays of 38m west and 52m east. The LHA recommended that any approval of planning permission be subject to condition requiring these splays to be provided and maintained. The LHA also recommended that any approval of planning permission be subject to condition for the site access and highway either side of the access to be widened before the development is brought into use, to allow two-way swept path passing of a pantechnicon (illustrated as the largest expected vehicle).

5.29 It was considered that the details/plans required by the two conditions referred to above would need to be submitted to the LPA prior to the determination of the application, in order to demonstrate that the access requirements would be achievable. These additional plans also needed to show if any associated changes would be required to land levels on the area between the visibility splays and the carriageway and/or the removal of any vegetation on either side of the access, thereby allowing the LPA to assess the landscape impact of the proposal.

5.30 Additional plans were received by the LPA to show an area to be widened, ramped up and raised to form a widened plateau at the vehicular access to the site, in order to allow for the visibility splays and swept paths required by the LHA, which would then be tied back into the existing access road. Such works to the proposed access road are reflected within the submitted Arboricultural Survey. The existing gates and fence at the access would be removed, and new gates would be erected on the access driveway further back from the public highway.

5.31 Submitted drawing no. "SHF.1456.001.TR.D.002.C" shows that 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 38m west and 52m east of the access (the Y points) would be provided. The LHA recommends that any approval of planning permission is subject to condition for the existing roadside frontage boundaries to be set back to provide these visibility splays before the proposed use and development is first brought into use, and for the area between those splays and the carriageway to 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.

5.32 The submitted plans also illustrate a widened site access and highway splayed into the site to accommodate two-way tracked passing of pantechnicons, which would be the largest size of vehicle associated with the proposed equestrian use. The LHA recommends that any approval of planning permission is subject to condition for the site access and highway either side of the access to be widened before the proposed use and development is first brought into use, to allow two-way swept path passing of a pantechnicon, in general accordance with these drawings.

5.33 The LHA notes that the passing points shown on the submitted drawings do not illustrate inter-visibility between the proposed widened site access and the first passing place which is shown as past the first bend where the site access splits into two, which could result in vehicles having to reverse to allow passing. However the LHA advises that there would be sufficient applicant land to provide a passing place where the vehicle access splits into two with inter-visibility to the widened vehicle access allowing tracking into the parking areas. As such, the LHA recommends that any approval of planning permission is subject to condition for the first bend south of the access to be widened where it splits, to allow two-way swept path passing of a pantechnicon (illustrated as the largest expected vehicle).

5.34 The LHA further considers that the submitted TTN demonstrates that sufficient land is available on site for parking, and recommends that any approval of planning permission is subject to condition for the vehicular parking and turning to be provided in general accordance with the relevant submitted drawings before the proposed use and development is first brought into use, and for those facilities to be maintained available for those purposes thereafter.

5.35 Another condition recommended by the LHA is that no works shall commence on site (other than those required by this condition) on the proposed development until the first 10m 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 with gates set back as illustrated on the relevant submitted drawings.

5.36 It is considered that the details submitted with the application have addressed the concerns expressed by the LHA under application reference 15/01225/FUL and the application has provided sufficient information to demonstrate that safe and adequate access would be provided and maintained for the site and onto the highway network. Subject to the conditions recommended by the LHA as listed above, they would raise no objection to the proposed development, and it is considered that the residual cumulative impact of the proposed development on highway safety would not be severe. As such, the proposed development would be in accordance with Policy INF1 of the JCS and the relevant parts of the NPPF.

5.37 The LHA also notes that the proposed development would involve works to be carried out on the public highway and advises that 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.

Public Right Of Way Impact:

5.38 There are a number of PROWs in and around the site. The PROW Officer at Gloucestershire County Council has visited the site, and acknowledges that the footpath which runs through the property has been unlawfully obstructed and requires diverting.

5.39 Under s.257 of the TCPA 1990 Act, an LPA has power to make a public path order for the diversion or stopping up (extinguishment) of footpaths, bridleways or restricted byways if it is satisfied that the diversion/stopping up is **necessary to enable development to be carried out** in accordance with a planning permission. Until such an application is received, it is impossible to know whether it is in fact possible to divert the route.

5.40 The powers under s.257 of the TCPA 1990 Act are, however, not available where a development is 'substantially complete'. As it appears that the PROW has been obstructed as a result of the development as approved under application reference 15/01225/FUL, which appears to be substantially complete, the PROW Officer was advised by the LPA that the powers under the TCPA 1990 are no longer available. Further this means that it is not a material consideration to the current planning application. The LHA has been advised that, if they consider that the route is unlawfully obstructed, then they either have to consider enforcement action under the Highways Act to deal with the obstruction or consider whether it is possible and/or appropriate to divert the route using suitable powers.

Impact on Residential Amenity:

5.41 The application site is located within a rural area adjacent to an operational livestock holding, with no other residential properties immediately adjoining the site. A letter of objection raises concern regarding the possible implementation of a tannoy system. However, no reference is made within the current application to a tannoy system. The Environmental Health Officer raises no objection to the application in terms of noise levels or nuisance. The site is currently in use as an equestrian yard and the proposed use for commercial purposes and the additional horses (around 15) and any associated vehicular movements is not considered to unreasonably affect the amenity of adjoining occupiers in terms of noise, smell or odour levels or general disturbances.

5.42 A letter of objection also raises concern regarding the possible installation of floodlighting on the external facilities (e.g. the outdoor arena) and resultant light pollution. As noted previously, no reference is made within the current application to any external lighting, and the development as approved under application reference 15/01225/FUL was not subject to any restrictive conditions pertaining to the construction or installation of any external lighting. A separate planning application would be required for any floodlighting at the site if this is proposed at a later date.

Ecological Considerations:

5.43 An Ecological Appraisal (dated November 2015) was submitted with approved application reference 15/01225/FUL, and condition 9 of this approved application specifies that the barn conversion shall be carried out in strict accordance with the recommendations set out at paragraphs 5.29 to 5.31 of the Ecological Appraisal received on 13/11/15. Application reference 15/01225/FUL was granted planning permission subject to condition that the works be begun before the expiration of five years from the date of this permission, which was 22nd June 2016. There was no condition or requirement for a revised Ecological Appraisal to be submitted in the event that the works were not carried out immediately. The development as approved under application reference 15/01225/FUL has commenced and, as such, the barn conversion could commence at any time without requiring the submission of an updated Bat Survey. It is therefore considered that the submitted Bat Survey can be considered as part of the current application, and it is judged that the proposed development would not have any additional impact on ecology over the existing use of the site as approved under application reference 15/01225/FUL.

Other Considerations:

5.44 It is noteworthy that the application also refers to the proposed provision of signage at strategic points within the property to indicate parking areas and speed restrictions to visiting clients. The applicant is advised that this application does not form advertisement consent for any signage and that a separate application for advertisement consent may be required for any proposed signage.

6.0 Summary

6.1 The reason for approved application reference 15/01225/FUL being subject to a restrictive condition pertaining to the use of the equestrian facilities for commercial purposes was in the interests of highway safety and residential amenity. For the reasons detailed above, it is considered that the proposal to allow for the equestrian facilities to be used for commercial purposes would not unreasonably affect the amenity of adjoining occupiers, and would have an acceptable highways impact.

6.2 Section 3 of the NPPF relates to "Supporting a prosperous rural economy" and, at paragraph 28, specifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, paragraph 28 sets out that local and neighbourhood plans should, inter alia, support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings, and promote the development and diversification of agricultural and other land-based rural businesses.

6.3 Policy SD1 of the JCS (Employment - except retail development) specifies that employment-related development will be supported, inter alia, in the wider countryside where it is employment-generating farm diversification projects, which are of an appropriate scale and use, particularly where they involve the re-use of appropriate redundant, non-residential buildings, or where it would encourage and support the development of small and medium sized enterprises, subject to all other policies of the plan.

6.4 The submitted PDAS advises that the applicant currently supports a number of local businesses whose services are used in running the property, including a local farrier, a local vet, a local farmer who provides additional hay, haylage and firewood, and a newly opened shop in Staunton from which horse feed

and other products are purchased. The PDAS further advises that the applicant also employs a neighbour to cut, turn, bale and handle the hay grown on the holding and to deal with fertilizer produced on the holding. The submitted PDAS sets out that, in the case of any approval of planning permission, this would result in an increase in the use of the supporting businesses outlined above.

6.5 It is considered that the proposed business in this rural area would be of an appropriate scale and use, and would create jobs, thereby supporting economic growth in this rural area. This weighs in favour of the proposed development in the planning balance.

6.6 By virtue of the proposed widening, ramping up and raising of the access road to form a widened plateau at the vehicular access to the site, in order to allow for the visibility splays and swept paths required by the LHA, works would be required to existing trees and hedgerow, including the removal of 7 existing trees and 33 metres of native hedgerow along the western verge of the access track. Whilst the submitted Arboricultural Survey advises that these trees are generally of low value (BS Category C), with T3 and T7 being unsuitable for retention (Category U), and whilst it considers that the extent of vegetation removal would have limited impact on the character of the site and local landscape, there would be some impact on the rural landscape and visual amenity of the LPZ as a result of these works and this must be taken into consideration in the planning balance. However, as discussed these impacts could be satisfactorily mitigated by conditions to ensure an adequate tree/hedge protection and a robust landscaping scheme.

6.7 It is considered that the details submitted with the application have addressed the concerns expressed by the LHA under application reference 15/01225/FUL and the application has provided sufficient information to demonstrate that safe and adequate access would be provided and maintained for the site and onto the highway network. Subject to the conditions recommended by the LHA, as referred to above, they would raise no objection to the proposed development, and it is considered that the residual cumulative impact of the proposed development on highway safety would not be severe.

6.8 Subject to the proposed conditions and taking into account all of the above, on balance it is considered that the proposal would be acceptable, and in accordance with the relevant policies and that the reasoning and justification for condition 6 of application reference 15/01225/FUL no longer applies. It is therefore recommended that condition 6 is removed, in order to allow for the equestrian facilities comprising up to 15 loose boxes to be used for commercial purposes, and that **planning permission is granted subject to conditions**. Such recommended conditions take into consideration the plans and details as approved under application reference 15/01225/FUL as well as the plans approved under subsequent non-material amendment application reference 16/00075/MINOR and the plans and details approved under application reference 17/00008/CONDIS, under which the details reserved by conditions 4, 7 and 11 of application reference 15/01225/FUL were approved.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before 22nd June 2021.
- 2 The development hereby permitted shall be carried out in accordance with approved drawing no. "8042 SK20B" as received by the Local Planning Authority on 8th June 2016 under application reference 15/01225/FUL, approved drawing no. "8042 PL005A" as received by the Local Planning Authority on 12th November 2015 under application reference 15/01225/FUL, approved drawing no. "8042 PL21C" as received by the Council on the 19th September 2016 under application reference 16/00075/MINOR, details within the application form and the Design and Access Statement (including all associated appendices) received by the Local Planning Authority on 24th November 2017, approved drawing nos. "8042 001A" (Location Plan) and "8042 PL001J" (Proposed Site Layout Plan) received by the Local Planning Authority on 13th December 2017, details and plans within the Transport Technical Note January 2018 (including all associated appendices) received by the Local Planning Authority on 23rd January 2018, approved drawing nos. "SHF.1456.001.Ar.D.001" (Tree Survey and Tree Constraints Plan), "SHF.1456.001.Ar.D.002" (Tree Protection Plan), "SHF.1456.001.L.D.001" (Planting Plan), "SHF.1456.001.TR.D.002.C" (Visibility Splays and Swept Path Analysis) "SHF.1456.001.TR.D.003.D" (Site Access Improvements) and "SHF.1456.001.TR.D.006.A" (Proposed Levels Drawing) and details and plans within the "BS 5837:2012 Arboricultural Survey, Impact Assessment and Method Statement" March 2018 (including all associated appendices) received by the Local Planning Authority on 28th March 2018, and any other conditions attached to this permission.

- 3 The external materials to be used for the indoor arena and barn conversion hereby permitted shall be as specified on approved drawing no. "8042 PL005A" as received by the Local Planning Authority on 12th November 2015 under application reference 15/01225/FUL and on approved drawing no. "8042 PL21C" as received by the Council on the 19th September 2016 under application reference 16/00075/MINOR, and no others shall be substituted.
- 4 All surfacing materials proposed to be used for the Proposed All-weather Outdoor Arena and Proposed Turnout Yard hereby permitted shall include 4% Polypropylene/Elastic Fibres, 2% Plastic Granules, 91% Multi Washed Silica Sand and 3% Slack Wax (Petroleum), as approved by the Local Planning Authority on 2nd May 2017 under application reference 17/00008/CONDIS.
- 5 No work shall start until detailed drawings for the proposed new and replacement windows and doors for the barn conversion hereby permitted, 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 development shall be implemented in accordance with the details of post and rail fencing around the Proposed All-weather Outdoor Arena and Proposed Turnout Yard hereby permitted as received by the Local Planning Authority on 19th January 2017 under application reference 17/00008/CONDIS.
- 7 Prior to the commencement of building operations, including any works to the access road as indicated on approved drawing nos. "SHF.1456.001.TR.D.003.D" and "SHF.1456.001.TR.D.006.A", a comprehensive scheme of landscaping relating to land adjacent to the vehicular access, which shall include the proposed new landscaping scheme on scaled drawings accompanied by a written specification clearly describing the species, sizes, densities and planting numbers, shall be submitted to and approved in writing by the Local Planning Authority. The submitted drawings shall also include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and which are to be removed and how those to be retained are to be protected during the course of development (a tree protection plan to BS5837:2012).
- 8 All planting, seeding or turfing in the approved details of landscaping as required by condition 7 of this approval and as featured on approved drawing no. "8042 PL001J" received by the Local Planning Authority on 13th December 2017 and the drawing entitled 'Plan EDP L3: Landscape Strategy Plan' (contained within the Landscape and Visual Impact Appraisal received by the Local Planning Authority on 13th November 2015 under application reference 15/01225/FUL) shall be carried out in the first planting and seeding season following the completion of the vehicular access works hereby permitted, 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.
- 9 The development hereby permitted shall not be brought into use until precise plans and/or details of the replacement vehicular access gate, as indicated on approved drawing nos. "SHF.1456.001.TR.D.003.D" and "SHF.1456.001.TR.D.006.A" received by the Local Planning Authority on 28th March 2018, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved plans and/or details.
- 10 The barn conversion hereby permitted shall be carried out in strict accordance with the recommendations set out at paragraphs 5.29 to 5.31 of the Ecological Appraisal received by the Local Planning Authority on 13th November 2015 under application reference 15/01225/FUL.
- 11 The barn conversion hereby permitted shall be used only as ancillary living accommodation in connection with the dwelling house on the site known as Hillend Farm. The building shall at no time be used as a separate, independent residential unit except with the prior written consent of the Local Planning Authority to an application on that behalf.

- 12 The development shall be carried out in accordance with the details of existing and proposed ground levels and ground floor slab levels of the building hereby permitted, relative to Ordnance Datum Newlyn, as shown on drawing number 8042/900 as received by the Local Planning Authority on 19th January 2017 under application reference 17/00008/CONDIS.
- 13 The development 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 38m west and 52m east of the access (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.
- 14 The development hereby permitted shall not be brought into use until the site access and highway either side of the access is widened to allow two-way swept path passing of a pantechnicon (which is illustrated as the largest expected vehicle), in general accordance with approved drawing nos. "SHF.1456.001.TR.D.002.C", "SHF.1456.001.TR.D.003.D" and "SHF.1456.001.TR.D.006.A" received by the Local Planning Authority on 28th March 2018.
- 15 Notwithstanding the approved plans and details, the development hereby permitted shall not be brought into use until a plan to show the appropriate widening of the first bend south of the access, to allow two-way swept path passing of a pantechnicon (illustrated as the largest expected vehicle), has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved plans and details.
- 16 The development hereby permitted shall not be brought into use until the first 10m 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 with gates set back as illustrated in approved drawing nos. "SHF.1456.001.TR.D.003.D" and "SHF.1456.001.TR.D.006.A" received by the Local Planning Authority on 28th March 2018.
- 17 The development hereby permitted shall not be brought into use until the vehicular parking and turning have been provided in general accordance with the drawing no. "SHF.1456.002.TR.008" and Figure 4 (Proposed Site Layout) within the Transport Technical Note January 2018 (including all associated appendices) received by the Local Planning Authority on 23rd January 2018, and those facilities shall be maintained available for those purposes thereafter.

Reasons:

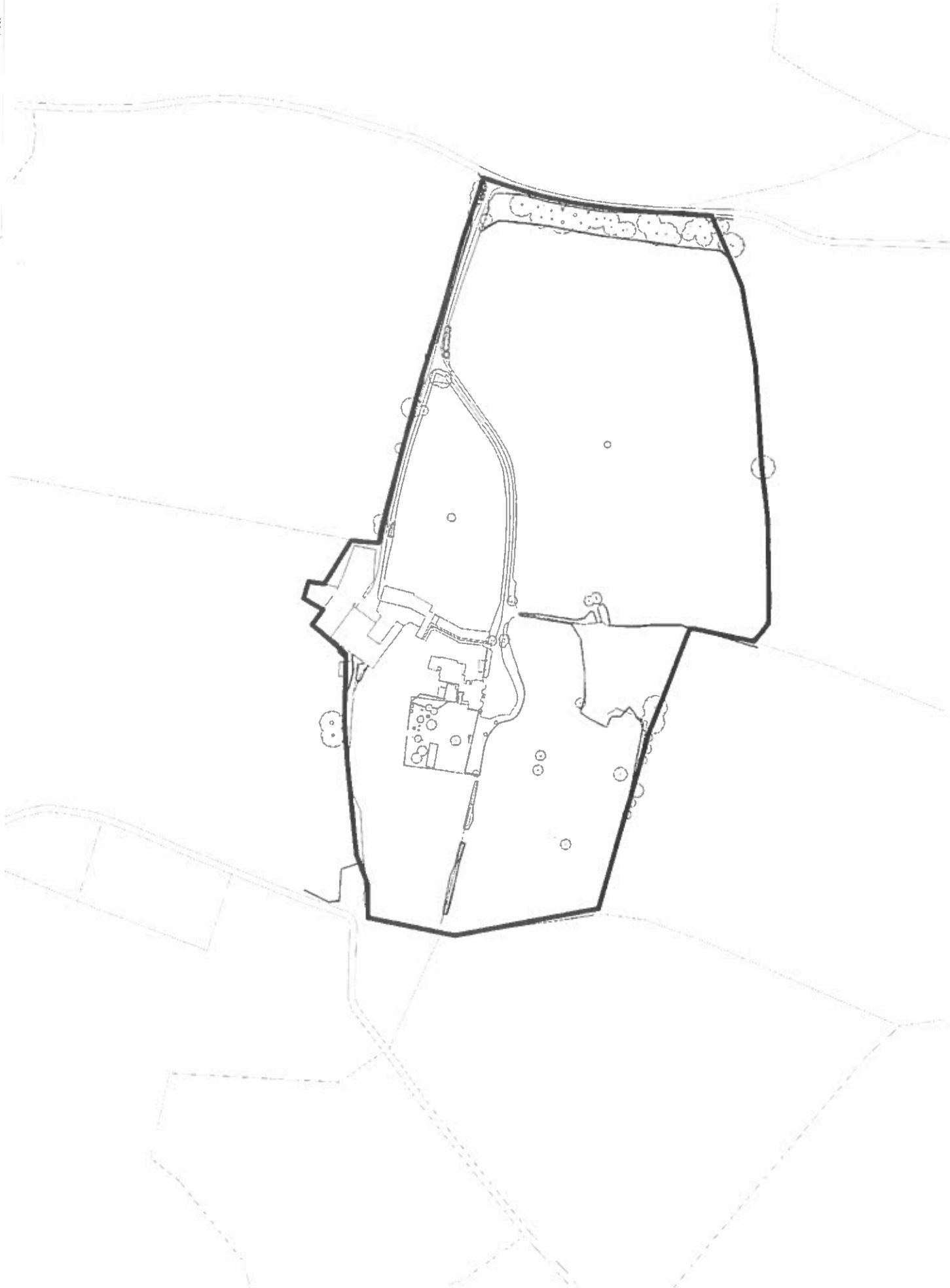
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans.
- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity.
- 4 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity.
- 5 To preserve the agricultural character of the building.
- 6 To protect the rural landscape and visual amenity of the Landscape Protection Zone.
- 7 To protect the rural landscape and visual amenity of the Landscape Protection Zone.
- 8 To protect the rural landscape and visual amenity of the Landscape Protection Zone.
- 9 To protect the rural landscape and visual amenity of the Landscape Protection Zone.
- 10 To minimise harm to protected species and to provide suitable mitigation.

- 11 In the interests of sustainable development and highway safety.
- 12 To protect the rural landscape and visual amenity of the Landscape Protection Zone.
- 13 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.
- 14 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.
- 15 To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided, and to protect the rural landscape and visual amenity of the Landscape Protection Zone.
- 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.
- 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.

Notes:

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

In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians would be provided, and that the rural landscape and visual amenity of the Landscape Protection Zone would be protected.
- 2 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 3 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 A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is currently £116 per request. The fee must be paid when the request is made.



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Entrance gate passing area 1

Proposed Paddocks

Passing area 2

Proposed Paddocks

Passing area 3

Proposed All-weather Outdoor Arena (20m x 60m)

Proposed Turnout Yard (all-weather)

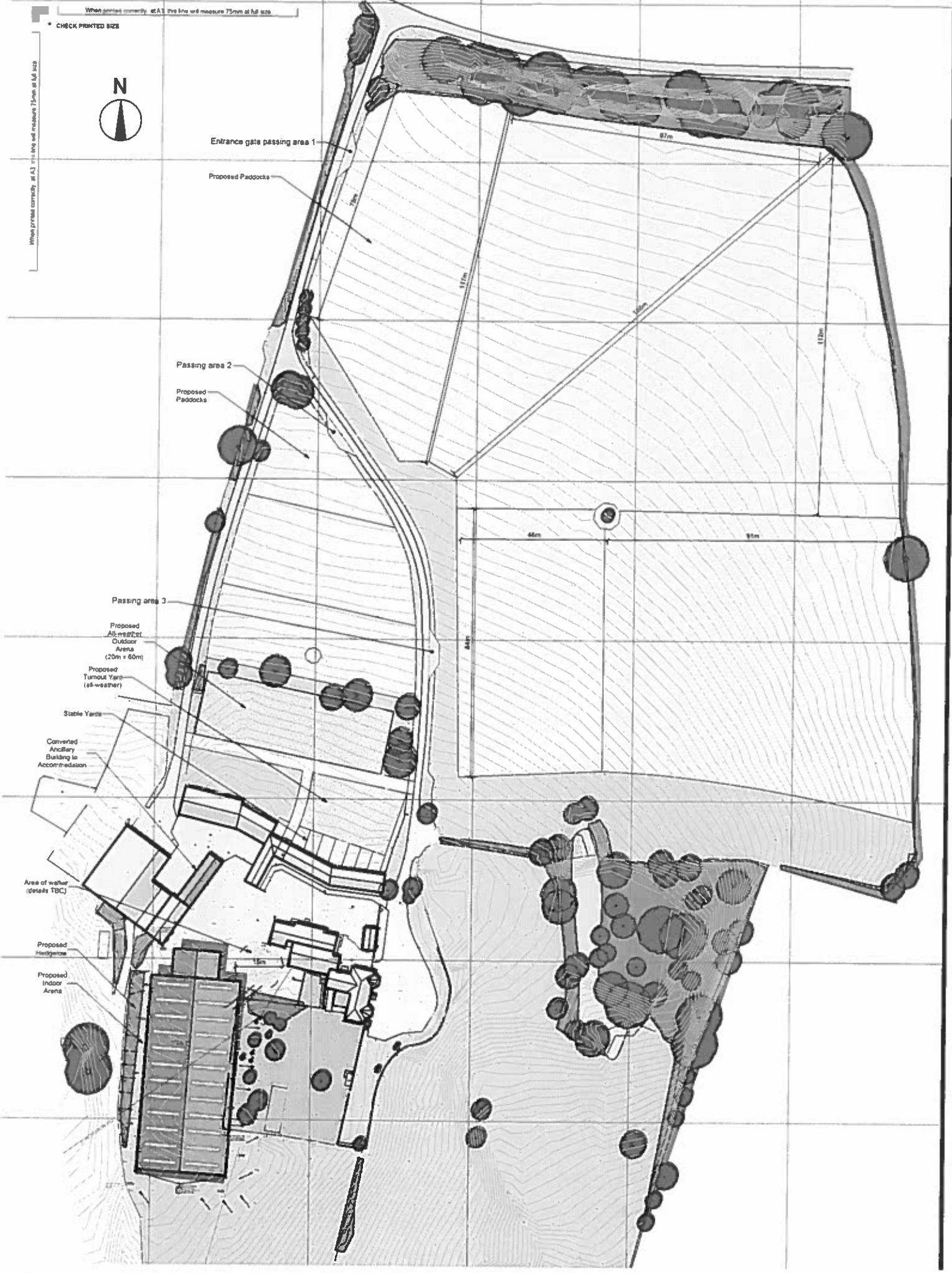
Stable Yards

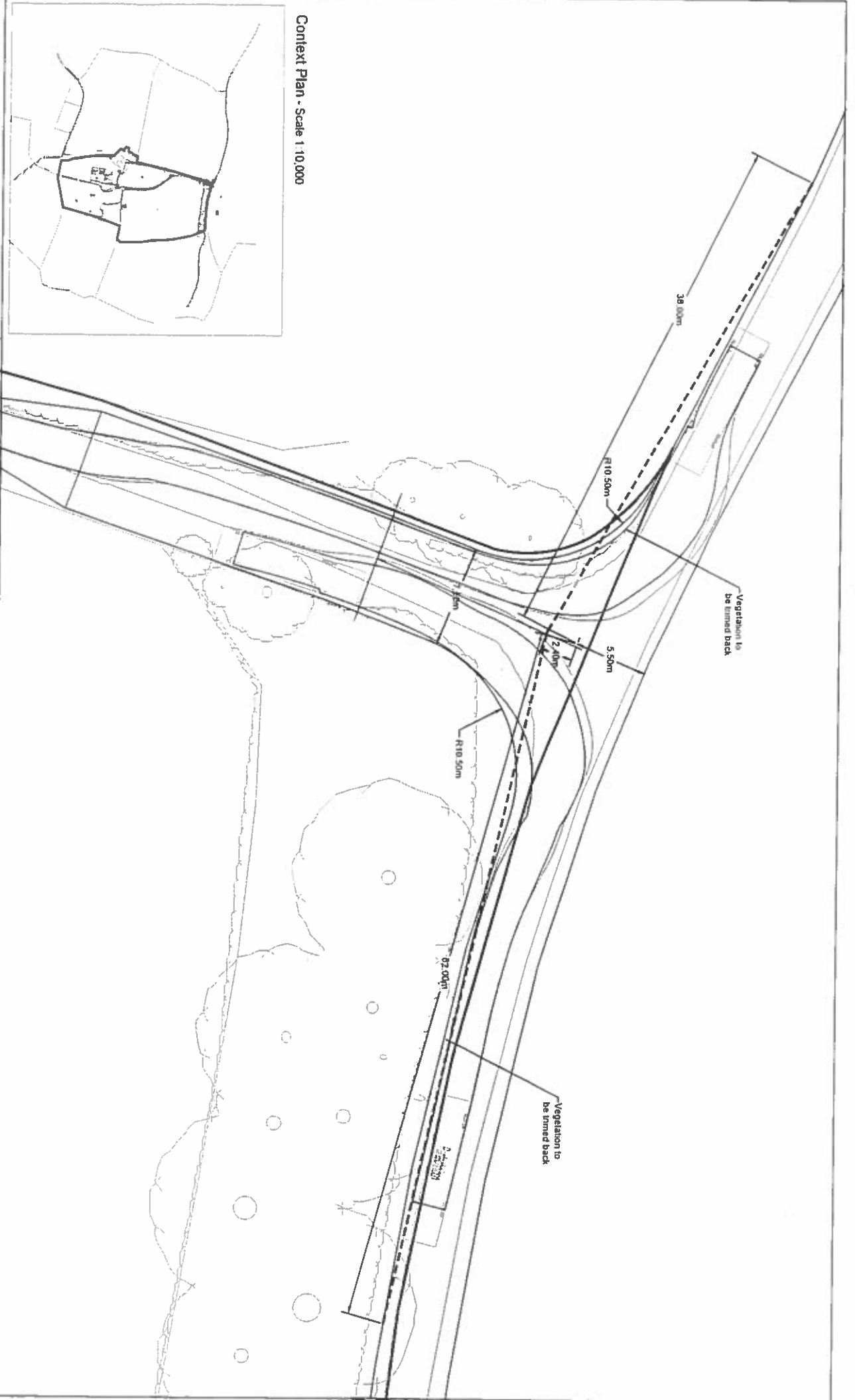
Converted Ancillary Building to Accommodation

Area of water (details TBC)

Proposed Hedges


Proposed Indoor Arena





Context Plan - Scale 1:10,000



- Key
-  Site Boundary
 -  Visibility Splay

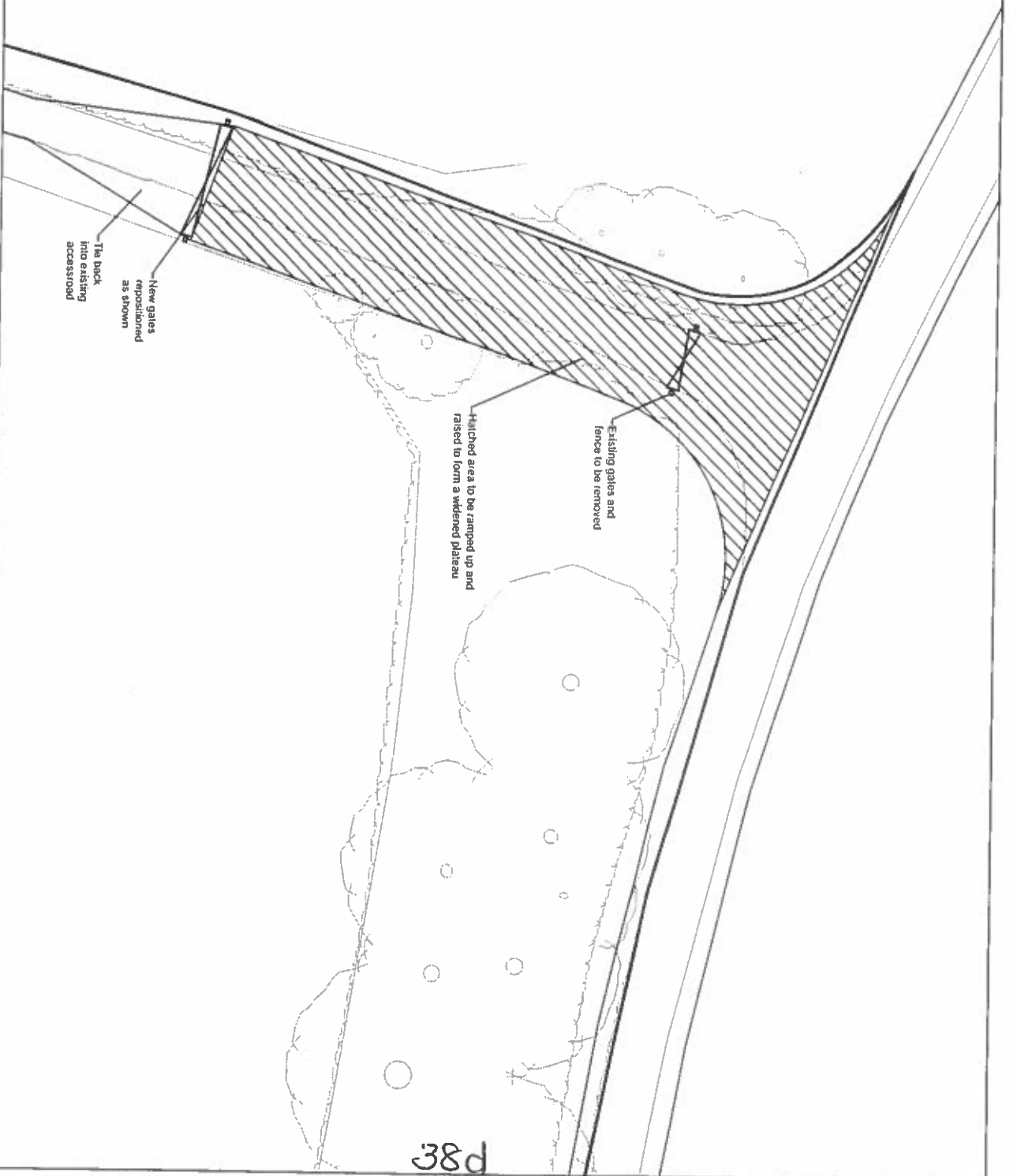
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DATE	DRAWING NO
Mar 2018	SHF.1456.001.TR.D.002.C
DRAWN	CREATED
NP	BR

PROJECT
Hillend House, Chaceley
DRAWING TITLE
Visibility Splays and Swept Path Analysis
CLEAR

enzycog
environmental consultants

Hillend House, 3100 Vasey Way, Slacksmeads, Dunedin 9100

38C

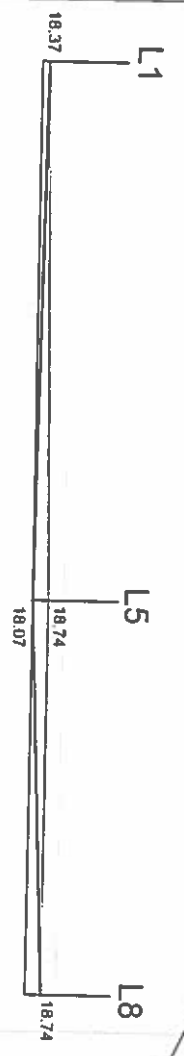


38d

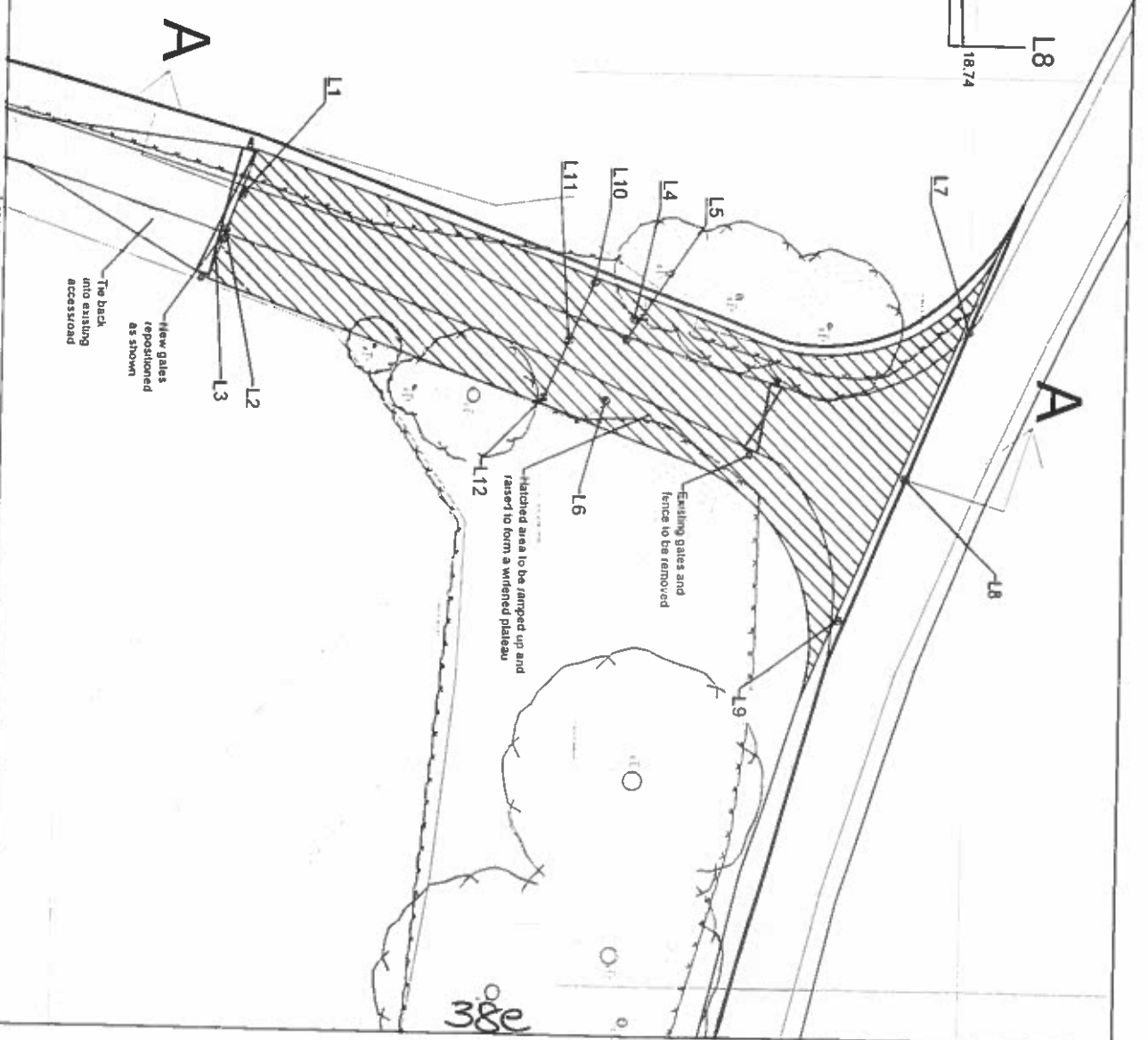
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DATE	DRAWING NO.
Mar 2018	SHF.1456.001.TR.D.003.D
DRAWN	CHECKED
NP	BR

PROJECT
Hillend House, Chaceley
DRAWING TITLE
Site Access Improvements
CLIENT

Typical Section Through A-A
(NTS)



Location	Existing Level	Proposed Level
L1	18.37	18.37
L2	18.37	18.37
L3	18.49	18.49
L4	18.04	18.80
L5	18.07	18.74
L6	18.05	18.70
L7	18.86	18.86
L8	18.74	18.74
L9	18.69	18.69
L10	Non Recorded	18.80
L11	Non Recorded	18.74
L12	Non Recorded	18.70



Key

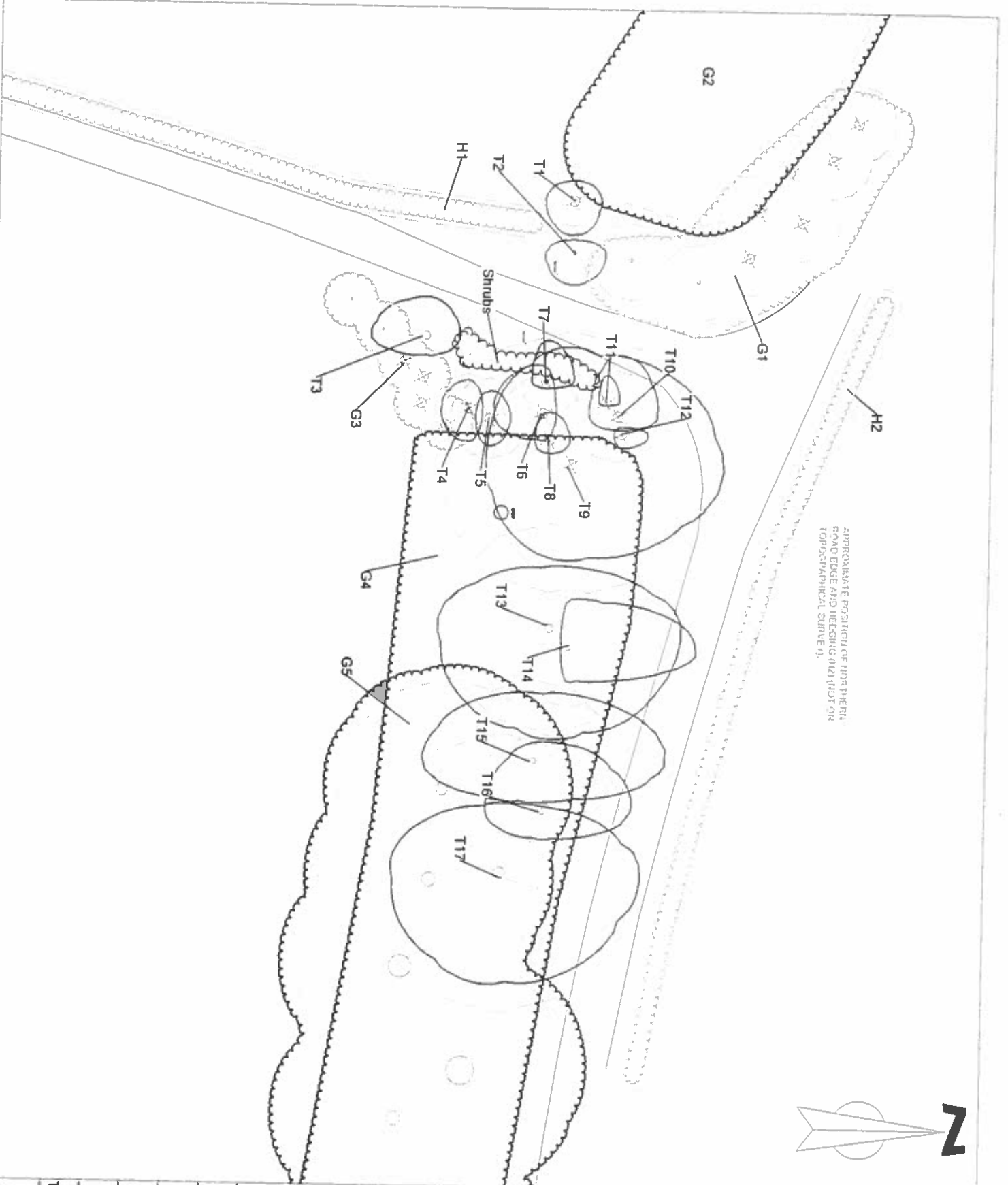
- Site Boundary
- Widened Plateau
- Proposed Carriageway Level
- Existing Carriageway Level



Environmental & Site Surveying & Stakeholder Engagement Ltd 2018

SCALE: 1:250@A3
 DATE: March 2018
 DRAWN: SS
 PROJECT NO: SHF_1456_001
 DRAWING NO: SHF_1456_001_TR.D_006.A
 CHECKED: BR

PROJECT: Hillend House, Chaceley
 DRAWING TITLE: Proposed Levels Drawing



KEY - Tree Survey and Tree Constraints Plan

- Tree Category A
- Tree Category B
- Tree Category C
- Tree Category U

Tree Categories BS 5837 (2012)

- Root Protection Area (RPA)
- Tree location (Topographic survey)
- Tree location (Estimated by Enzygo Ltd.)

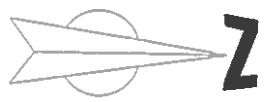
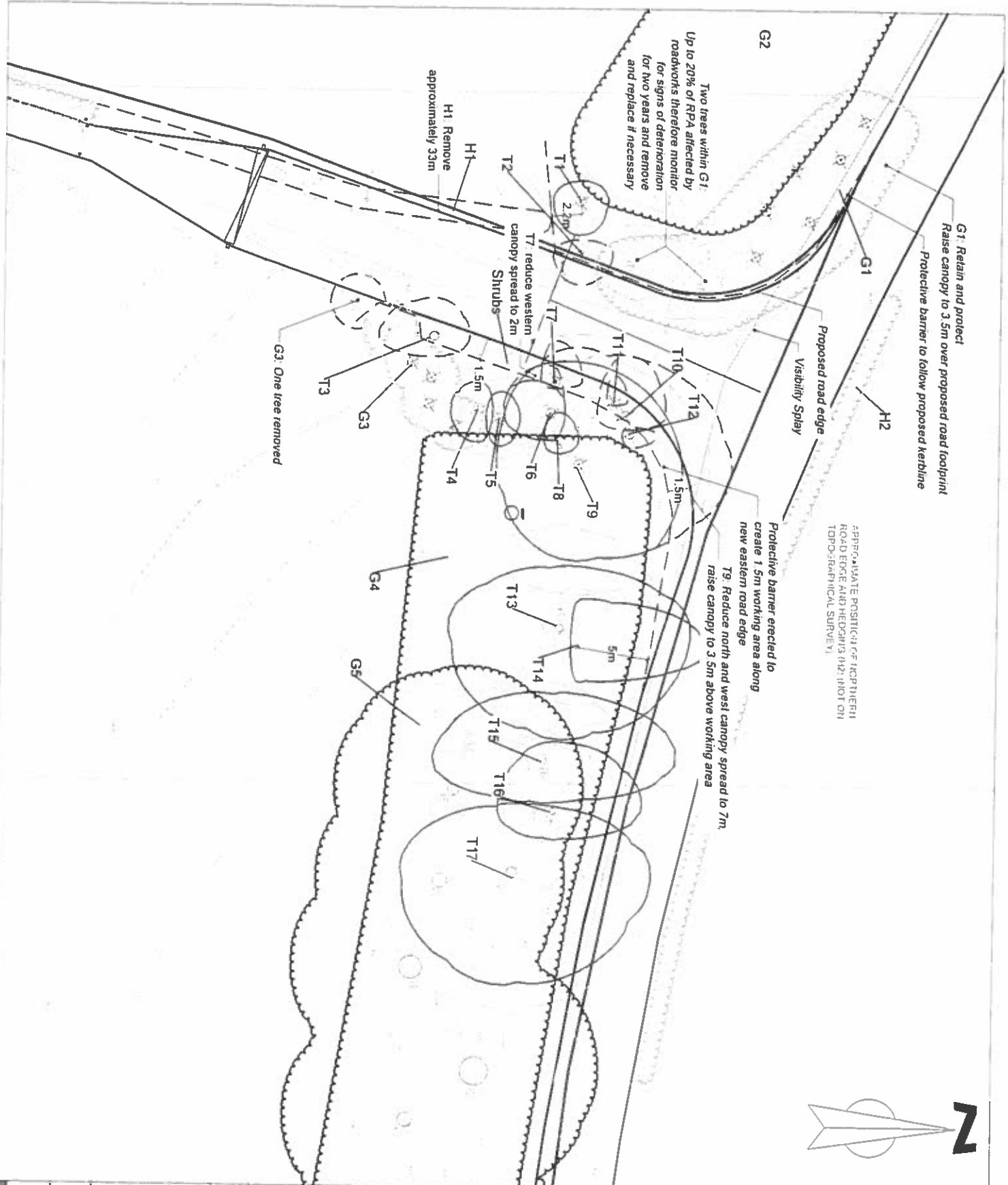


Enzygo's Street Survey, Ltd. Enzygo-1900, Landmark, 1st Fl, 2A

SCALE	1:250@A3	PROJECT REF	SHF. 1456.001
DRAWN	VM	CHECKED	SF
DATE	Mar 2018	PROJECT	Hillend Farm, Chaceley

Tree Survey and Tree Constraints Plan

SHF. 1456.001, A.R.D.001



KEY - Tree Protection Plan

Tree Categories BS 5837 (2012)

- Tree Category A
- Tree Category B
- Tree Category C
- Tree Category U
- Tree to be removed

Root Protection Area (RPA)

Tree location (Topographic survey)

Tree location (Estimated by Enzygo Ltd.)

Protective barrier BS 5837 (2012) Figure 2

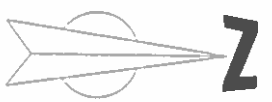
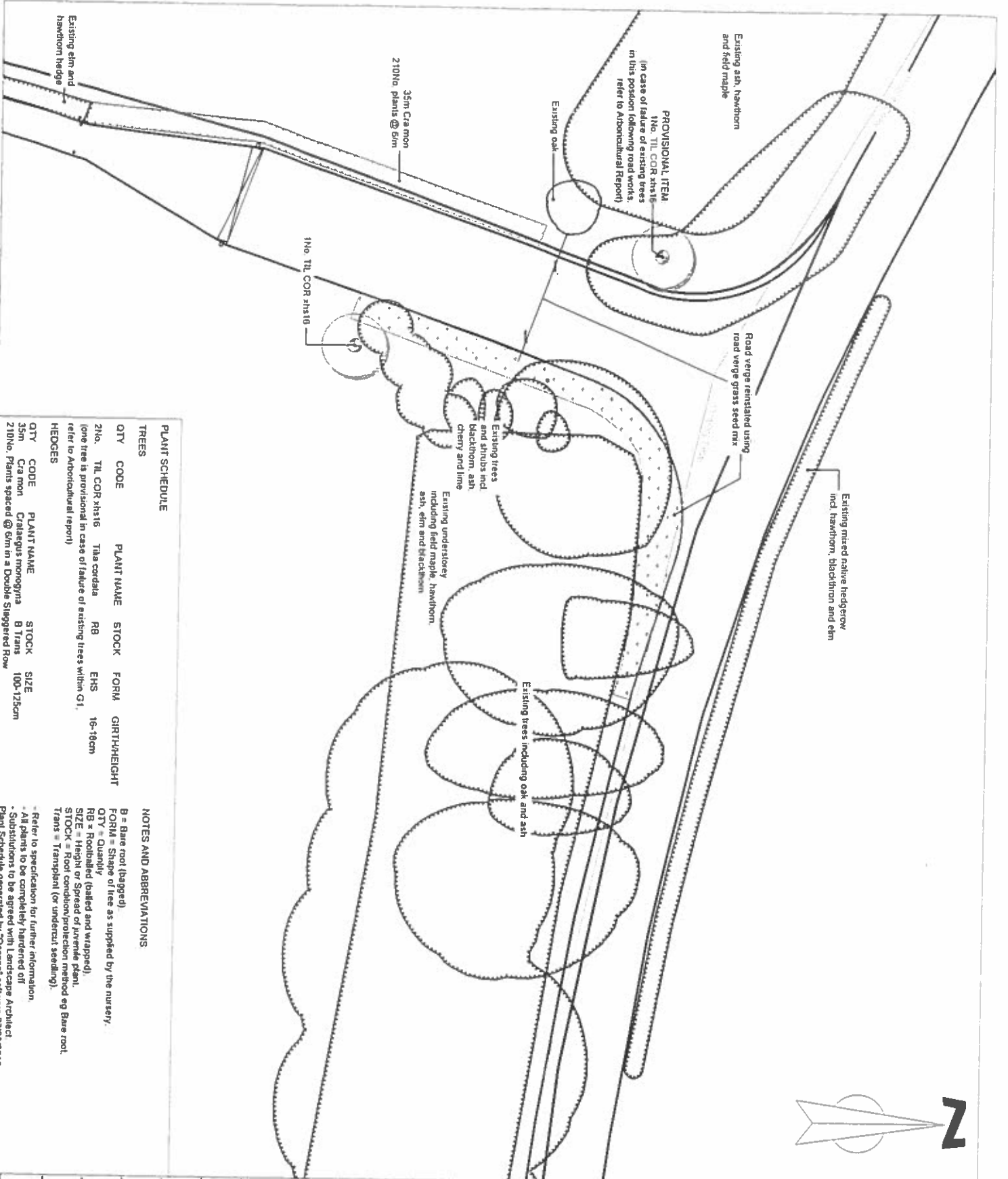
Site boundary

0803



22a Northhouse Street, Valley Way, Buntingford, Cambridgeshire, SG11 2BA

SCALE	1:250@A3	PROJECT REF	SHF.1456.001
DRAWN	VM	CHECKED	SF
DATE	Mar 2018	PROJECT	Hillend Farm, Chaceley
TITLE	Tree Protection Plan		
SCALE NO	SHF.1456.001.A.R.D.002		



PLANT SCHEDULE			
TREES	QTY	CODE	PLANT NAME
	2No.	TIL COR hst16	Tilia cordata
(one tree is provisional in case of failure of existing trees within G1, refer to Arboricultural report)			
HEDGES			
QTY	CODE	PLANT NAME	STOCK
35m	Cratom	Crataegus monogyna	B Trans
210No.	Plants spaced @ 6m	in a Double Staggered Row	
FORM	GIRTH/HEIGHT	STOCK	SIZE
EHS	16-18cm	RB	100-125cm

NOTES AND ABBREVIATIONS

B = Bare root (bagged)
 FORM = Shape of tree as supplied by the nursery.
 QTY = Quantity
 RB = Rootballed (balled and wrapped)
 SIZE = Height or Spread of Juvenile Plant.
 STOCK = Root condition/protection method eg Bare root, Trans = Transplant (or undercut seedling).

- Refer to specification for further information.
 - All plants to be completely handiered off.
 - Substitutions to be agreed with Landscape Architect.
 Plant Schedule generated by "Dscape" software 23/03/2018

KEY - Planting Plan

	Existing vegetation
	Planting-Hedges
	Reinstated road verge General Specification A19 Road Verge and Embankments (01) (see approved)
	Tree-Extra Heavy Standard

- Notes:**
- Planting Proposals based on Enzygo Ltd. Site Access Improvements drawing ref. SHF.1456.001 TR.D 003 Revision D dated March 2018. All works should be undertaken in accordance with arboricultural recommendations, reference [SHF.1456.001 AR.R.001].
 - Tree information is taken from the tree survey. Tree positions are indicative and will need to be checked on site.
 - Drawing for planning purposes only.
 - Do not scale from this plan.
 - Hard landscape proposals to be confirmed.
 - Refer to engineer's details for level and drainage information.



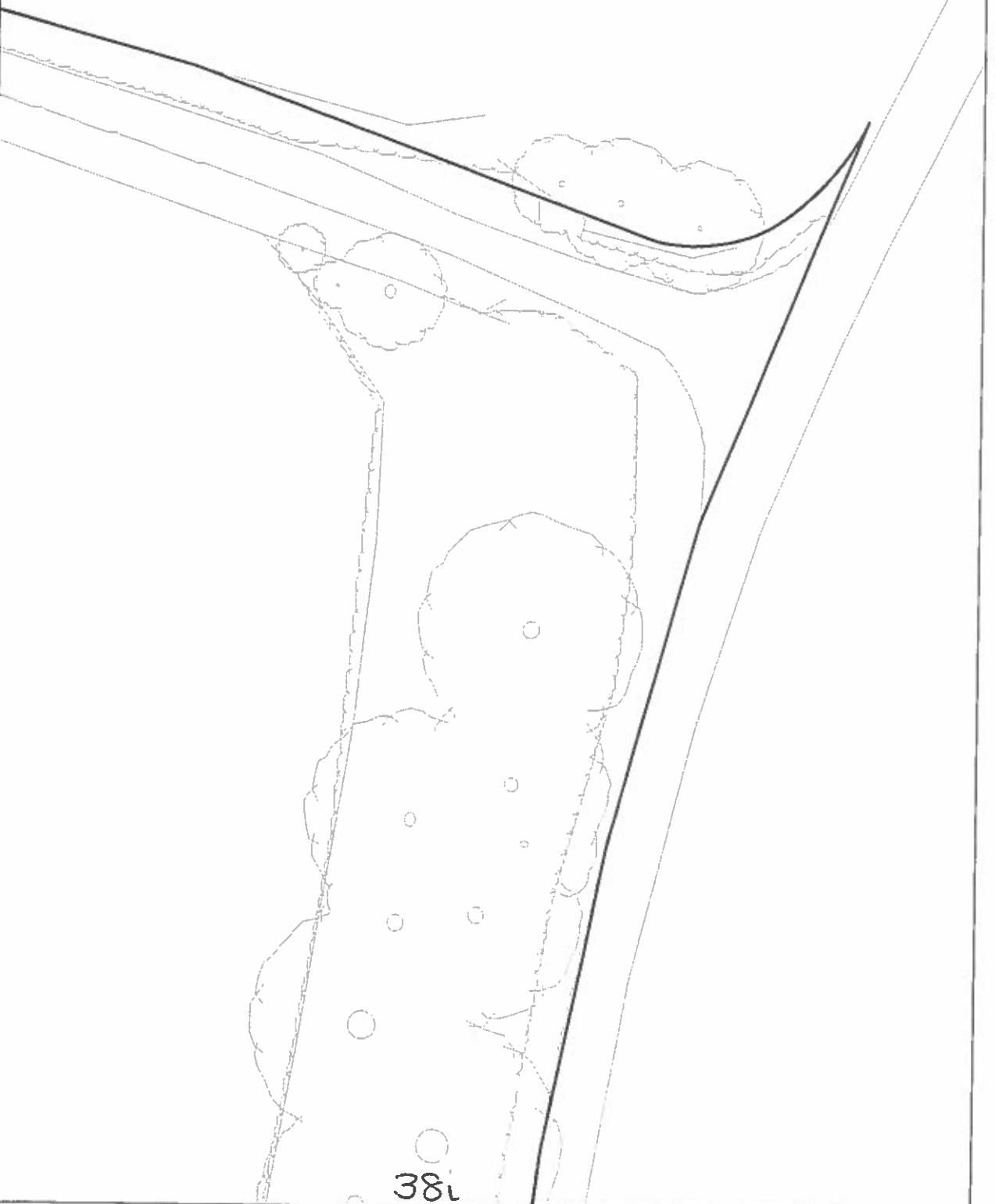
Enzygo Landscape & Tree Management, Southend, Essex, UK

SCALE	1:250@A3	PROJECT REF	SHF.1456.001
DRAWN	VM	CHECKED	SF
DATE	Mar 2018	PROJECT	Hillend Farm, Chaceley
TITLE	Planting Plan	FIGURE NO	SHF.1456.001.L.D.001

385

Key

 Site Boundary



SCALE	PROJECT NO
1:250@A3	SHF.1456.001
DATE	DRAWING NO
Mar 2018	SHF.1456.001.TR.D.001.A
DRAWN	CHECKED
NP	BR

PROJECT
Hillend House, Chaceley
DRAWING TITLE
Existing Site Access

381

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Proposed Paddock

Proposed Paddock

Proposed All-weather Outdoor Arena (20m x 80m)

Proposed Turnout Yard (all-weather)

Stable Yards

Converted Ancillary Building to Accommodation

Area of walkway (details TBC)

Proposed Heli-pad

Proposed Indoor Arena

AS PERMITTED
UNDER APPLICATION
REF 15/01225/FUL

DATE: 05/05/16
PROJECT: PROPOSED FLOOR PLAN
DRAWN BY: [Name]



AS PERMITTED UNDER
APPLICATION REF 15/01225/FUL

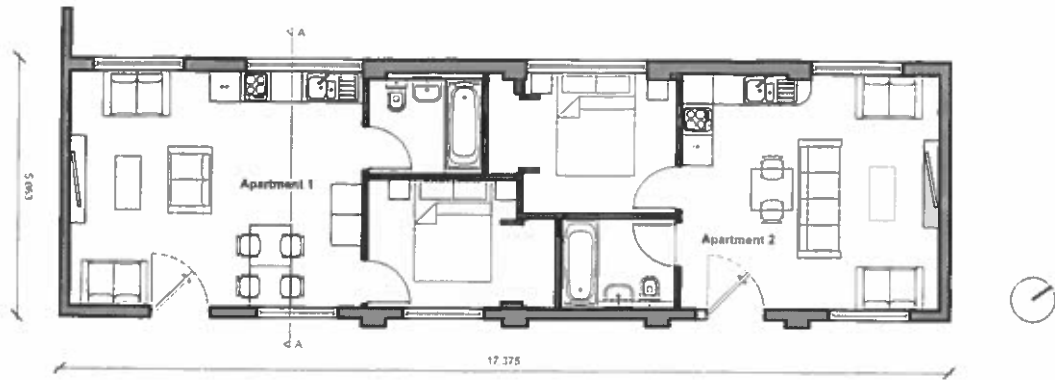


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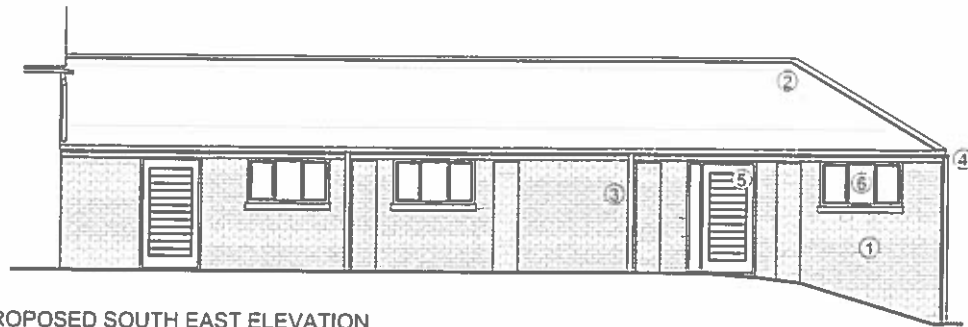
Proposed Equestrian Centre, Hillend House
Proposed Floor Plan

• CHECK PRINTED SIZE

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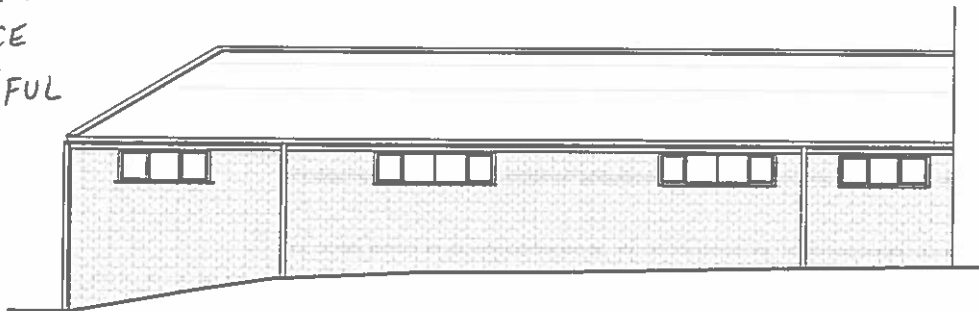


PROPOSED FLOOR PLAN

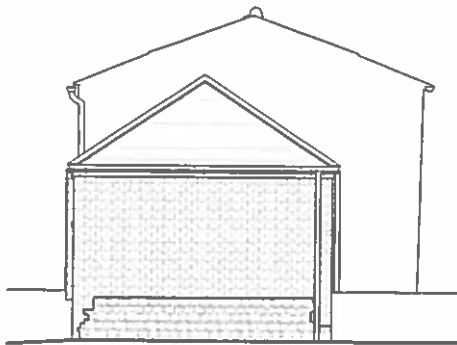


PROPOSED SOUTH EAST ELEVATION

AS PERMITTED
 UNDER APPLICATION
 REFERENCE
 15/01225/FUL



PROPOSED NORTH WEST ELEVATION



PROPOSED NORTH EAST ELEVATION



SECTION A-A

Materials & Legend

- Existing Wall Structure
- Proposed Interior Walls
- Apartment 1
- Apartment 2
- ① Existing red brick
- ② New slate roof
- ③ New rainwater goods - Galvanised steel
- ④ New timber fascia
- ⑤ New timber doors and frames
- ⑥ New grey timber casement window frames - new double glazing
- ⑦ New timber roof structure

38m

18/00286/FUL

10 Hailes Street, Winchcombe, Cheltenham

7

Valid 20.03.2018

Change of use from shop/showroom to 1 bedroom self-contained ground floor flat, with associated alterations to the interior.

Grid Ref 402609 228406

Parish Winchcombe

Ward Winchcombe

RECOMMENDATION Permit

Policies and Constraints

- National Planning Policy Framework; 2012 (NPPF)
- Planning Practice Guidance
- Planning (Listed Buildings and Conservation Area) Act 1990
- The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS)
- Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)
- Winchcombe and Sudeley Neighbourhood Plan (2011-2031) (NDP)
- Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- The First Protocol, Article 1 (Protection of Property)

- Listed Building
- Retail Frontage Area of Winchcombe
- Cotswolds Area of Outstanding Natural Beauty (AONB)
- Winchcombe Conservation Area
- Article 4 Direction Boundary

Consultations and Representations

Winchcombe Town Council - Objection to the proposal.

- Sympathetic to proposal however Insufficient information in respect of WSNPD policy 2.4
- Additional evidence showed that rent doubled following building being vacated in 2015 and 2017.

Conservation Officer - No objections to amended layout

Local Highway Authority - Raises no objection.

This application is brought before the Planning Committee as Winchcombe Town Council have objected to the proposal.

Planning Officers Comments: Bob Ristic

1.0 Application Site

1.1 The application site is located at 10 Hailes Street Winchcombe, a mid-terrace, 2 storey, Grade II Listed Building located on the western side of the road and approximately 65 metres to the North of the junction with North Street. (See Location Plan)

1.2 The property falls within the Retail Frontage Area of Winchcombe, the Cotswolds Area of Outstanding Natural Beauty (AONB), the Winchcombe Conservation Area and the Article 4 Direction Boundary as designated by the Local Plan Proposals Map. The site is also located within Winchcombe Town Centre and the 'Built up Area' as designated by the Winchcombe and Sudeley Neighbourhood Plan; 2011-2031 (NDP).

1.3 The application relates specifically to the vacant ground floor shop unit and associated basement, (the first floor is occupied as an apartment and is in separate ownership). The building is accessed from Hailes Street via a centrally located doorway set between two, ground floor bay windows. The floor layout is largely open-plan save for a w.c partition at the rear of the building (See Existing Ground Floor Plan). The unit has an internal ground floor area floor area of approximately 51 square metres, with an additional 12 square metres of floor space within the basement.

2.0 Relevant Planning History

18/00287/LBC - Internal alterations associated with proposed change of use from shop/showroom to 1 bedroom self-contained ground floor flat - Pending Consideration.

3.0 Current Application

3.1 The application seeks planning permission for the change of use of the vacant ground floor shop unit to a self-contained flat. The application has been revised since it was first submitted in order to address comments raised by the Conservation Officer and the proposal is now for a 1 bedroom flat (in place of 2 bedrooms originally proposed) **(See proposed ground floor plan)**.

3.2 The flat would be accessed via the existing door onto Hailes Street, which would remain unaltered. Internally the application proposes an open-plan living/dining space to the front part of the building and the installation of partitions to the rear part to provide a bedroom and shower room. The basement would remain un-altered and could provide further accommodation as required by future occupiers and indicated as a media room/steam/shower room on the submitted drawings.

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 LPA 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 Adopted Joint Core strategy; 2017 (JCS), saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP) and the adopted Winchcombe and Sudeley NDP.

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

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

5.0 Analysis

5.1 The main issues in the determination of this application are considered to be the principle of the development in this location, impact on the Listed Building and character of the area, residential amenity and highways.

Principle of Development:

5.2 Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area. Policy SP2 specifies that, to meet the needs of Tewkesbury Borough, the JCS will make provisions for at least 9,899 new homes. It states that at least 7,445 dwellings will be provided through existing commitments, development at Tewkesbury Town in line with its role as a market town, smaller-scale development meeting local needs at Rural Service Centres and Service Villages, and sites covered by any Memoranda of Agreement. Policy SP2 further states that Rural Service Centres and Service Villages will accommodate lower levels of development to be allocated through the Tewkesbury Borough Plan and Neighbourhood Plans, proportionate to their size and function. Policy SP2 of the JCS specifies that, over the plan period to 2031, rural service centres will accommodate 1860 new homes, and service villages will accommodate 880 new homes (2740 in total). Winchcombe is identified as a 'Rural Service Centre' within Table SP2c of the JCS and is therefore an appropriate location for residential development subject to other material considerations.

5.3 Policy SD10 of the JCS specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2 and at Criteria 5, sets out that proposals involving the sensitive, adaptive re-use of vacant or redundant buildings will be encouraged subject to the requirements of other policies. The proposed conversion complies with this policy in terms of being appropriate for residential development.

5.4 The application site is located within the Retail Frontage Area of Winchcombe as designated by the Local Plan Proposals Map, and also within Winchcombe Town Centre and the 'Built up Area' as designated by the Winchcombe and Sudeley NDP. Saved policy RET3 (Retail Areas) of the Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP) applies to the proposed development, as well as Policy 2.4 (Protection of

Business Premises) of the NDP.

5.5 TBLP Policy RET3 supports retail, financial and professional services and food and drink uses at ground floor level within defined retail centres. The reasoned justification of this policy advises that these retailing areas contribute to the viability and viability of the centre as a whole and that the changes of use from retailing use (A1, A2 or A3) at ground floor level will be resisted. While the proposal would be contrary to this policy, it is noted that this is not entirely consistent with more recent adopted policy, namely JCS Policy SD10 which supports the re-use of vacant properties for residential use and Policy 2.4 Winchcombe and Sudeley Neighbourhood Plan.

5.6 NDP Policy 2.4 advises that development that would result in the loss of any retail or business premises in the designated Town Centre area must demonstrate that the existing use is no longer commercially viable, further to an active marketing period of at least 12 months.

5.7 The applicant considers that the property has no further commercial use as it's sited outside of the main town centre and other adjoining commercial properties have ceased trading. Furthermore, it is considered that property suffers from lack of passing trade, lack of parking, and past rents which cannot support the upkeep of the Listed Building. Additionally it is advised that presence of a first floor flat restricts possible opening hours and some commercial uses.

5.8 The applicant has advised that the property was bought to use as an antiques shop to enhance his existing antiques business, however it soon became apparent that the location didn't provide sufficient 'passing' trade to be viable, thus he was forced to revert to his current business premises just outside the village.

5.9 The application has been accompanied by a letter from Tayler Fletcher Estate agents and advises that they have been involved with the property since 2012. The letter advises that after a marketing campaign the property was let in November 2012 and subsequently vacated in 2015 as the business was not viable. The property was offered for let without success and subsequently marketed for sale in 2016. The writer notes that No.10 is the last commercial property in the street and some distance from the town centre and not adjacent to other commercial properties or parking.

5.10 Upon request from officers a further letter was provided by TLG Commercial, Chartered Surveyors which advises that they were instructed on 1st June 2017 to market the property. The asking rent was £13,500 per annum or £28/ft² or a sale price of £135,000. The agent advises that the rental level is not considered unreasonable and open to a degree of negotiation on rent and incentives. They advise that during the course of instruction 6 viewings were set up, of which only 3 were carried out without success. The agent also advises that concerns were raised that the property was too far off 'the main pitch' and that there was no interest from purchasers.

5.11 In response to the Town Council objections the applicant has provided a Market Appraisal report prepared by TLG Commercial, Chartered Surveyors. The report advises that Sue Ryder at 3 North Street is rented at £29/ft² as of 2014, 7 North Street achieved a 3 year lease of £25 ft² in 2012 and 18 North Street achieved a value of £20/ft² in 2012. The surveyor advises that a £28/ft² for 10 Haile Street (£13,500 per annum) is acceptable for the area.

5.12 In view of JCS Policy SD10 which supports the conversion of vacant properties to residential use, the failure of a number of businesses to trade from the property and the lack of uptake as a result of the latest marketing efforts, the change of use is considered acceptable in principle.

Impact on Listed Building and Character and Appearance of Area:

5.13 The Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) requires the local authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and Section 72(1) for the local authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that (conservation) area.

5.14 JCS Policy SD8 advises that development should make a positive contribution to local character and distinctiveness, having regard to values and distinctive elements of the historic environment. Designated heritage assets will be conserved an enhanced and proposals that will bring vacant or derelict heritage assets back into appropriate use will be encouraged.

5.15 The application has been amended since it was first received to remove one of the proposed

bedrooms and thereby reduce the extent of partitioning works required to bring the building back into a residential use.

5.16 The application now proposes a 1 bed flat with an open plan living/cooking/dining area to the front with bedroom and bathroom to the rear. The proposed alterations would be limited to partitioning within the rear part of the building to form the bedroom and bathroom. The proposed works as amended are considered to be restrained and appropriate and would conserve the character of the listed building. The application has been assessed by the Conservation Officer who has raised no objections to the proposal in its amended form.

5.17 The proposal would retain the existing shopfront and access arrangements from Hailes Street and the proposal would preserve the character and appearance of the Conservation Area.

5.18 Similarly the proposed change of use would conserve the Landscape and scenic beauty of the Cotswolds AONB and would accord with Paragraph 115 of the NPPF and Policy SD7 of the JCS which affords great weight to conserving landscape and scenic beauty in AONBs as the existing historic timber shopfront would remain unaltered and would conserve the scenic beauty of the AONB.

Impact on Residential Amenity:

5.19 Paragraph 17 of the NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

5.20 Policy SD4 of the JCS relates to Design Requirements and, in terms of amenity and space, specifies that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution.

5.21 Policy SD14 of the JCS relates to Health and Environmental Quality, and specifies that high-quality development should protect and seek to improve environmental quality and must cause no unacceptable harm to the amenity of neighbouring occupants and must not result in unacceptable levels of noise or light pollution.

5.22 The application site is adjoined by dwellings either side and the upper floor of the property has been previously converted to a flat (in separate ownership). The proposed change of use is considered appropriate and in the absence of any external alterations or extensions would not adversely impact the living conditions of neighbouring occupiers.

5.23 Whilst the Council does not have a specific policy for minimum standards, the level of amenity for future residents is a material consideration in the determination of applications for housing. It is considered that the proposed 1 bed flat with a floor area of over 50 square metres with an additional 12 square metres of ancillary living space within the basement, would provide a good level of amenity for future occupiers.

5.24 The property does not benefit from a garden area, it is considered that the site is well located in respect of local facilities, public open spaces and walking routes and would meet the reasonable leisure demands of future occupiers.

Highways Impact:

5.25 Section 4 of the NPPF relates to "Promoting Sustainable Transport" and, at paragraph 32, specifies that decisions should take account of whether safe and suitable access to the site can be achieved for all people, and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 35 of the NPPF specifies that developments should be located inter alia, to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. Policy INF1 (Transport Network) of the JCS reflects this advice.

5.26 The Local Highway Officer has raised no objections and has advised that, future residents will be aware there are no parking facilities and that there are public transport connections with larger settlements. Furthermore it is noted that the trip generation associated with the proposed residential accommodation would be less than that generated from the extant retail use and it is considered that the residual cumulative impact of the proposed development on highway safety would not be severe.

6.0 Overall Balancing Exercise and Conclusions:

6.1 The proposal would bring back into use and conserve a vacant listed building within a sustainable town centre location. The proposal would contribute to the mix and availability of residential accommodation within Winchcombe which is identified as a Rural Service Centre within the JCS and is an appropriate location for residential development. The proposal would provide a minor benefit in terms of housing delivery and variety of accommodation and future occupiers are likely to support existing local facilities.

6.2 The proposal would conserve the character and appearance of the listed building and containing conservation area and would conserve the Landscape and scenic beauty of the Cotswolds AONB.

6.3 While the loss of a retail unit weighs against the proposal, the applicant has demonstrated that the site has failed over recent years as a commercial property and recent marketing has failed to deliver a let or sale with the location of the unit on its own separate from the main retail area and at the edge of the designated retail area being cited as an issue. While the proposal would result in the loss of a retail unit it is considered that on balance the benefits of the change of use would outweigh the harms.

6.4 For the reasons set out above it is recommended that the application is **permitted**.

RECOMMENDATION Permit

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five 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 undertaken in accordance with approved (amended) drawing no.P1801 02/100A received by the local planning authority on 18th May 2018 and any other conditions attached to this permission.

Reason: To define the terms of this permission.

Notes:

- 1 In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2 Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the local planning authority before commencement of those works.

18/00286/FUL

CLIENT: **PL1801**
 PROJECT: **01/99**
 ARCHITECTURE: **FORD ARCHITECTURE**
 ADDRESS: **18/00286/FUL**
 DATE: **18/00286/FUL**
 SCALE: **1:1000**
 DRAWING NO: **18/00286/FUL**
 SHEET NO: **18/00286/FUL**
 SHEET TOTAL: **18/00286/FUL**



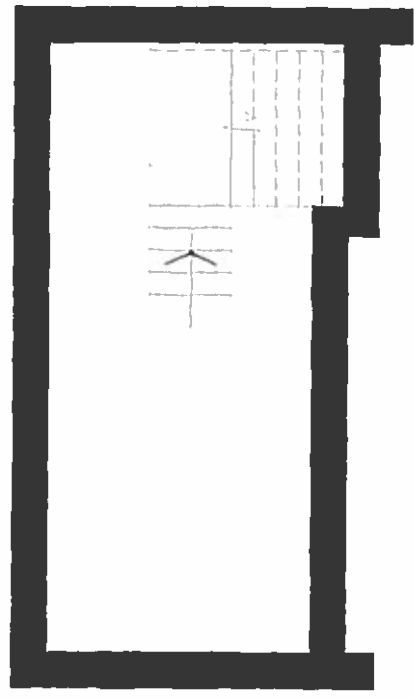
LOCATION PLAN



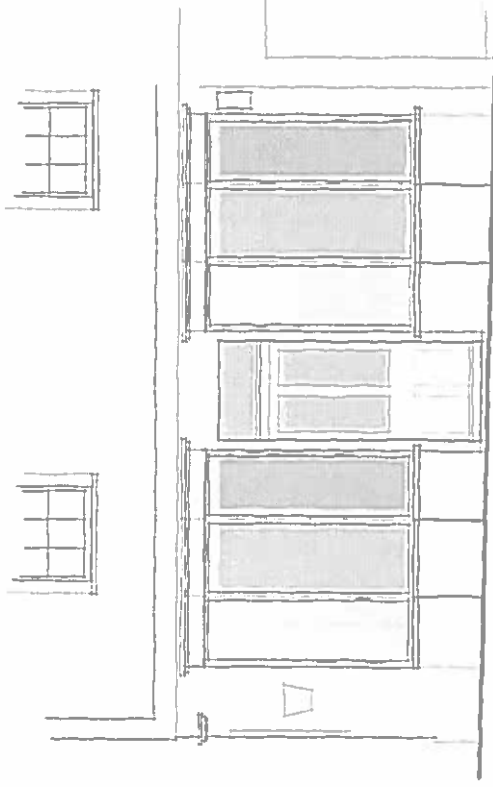
BLOCK PLAN

430

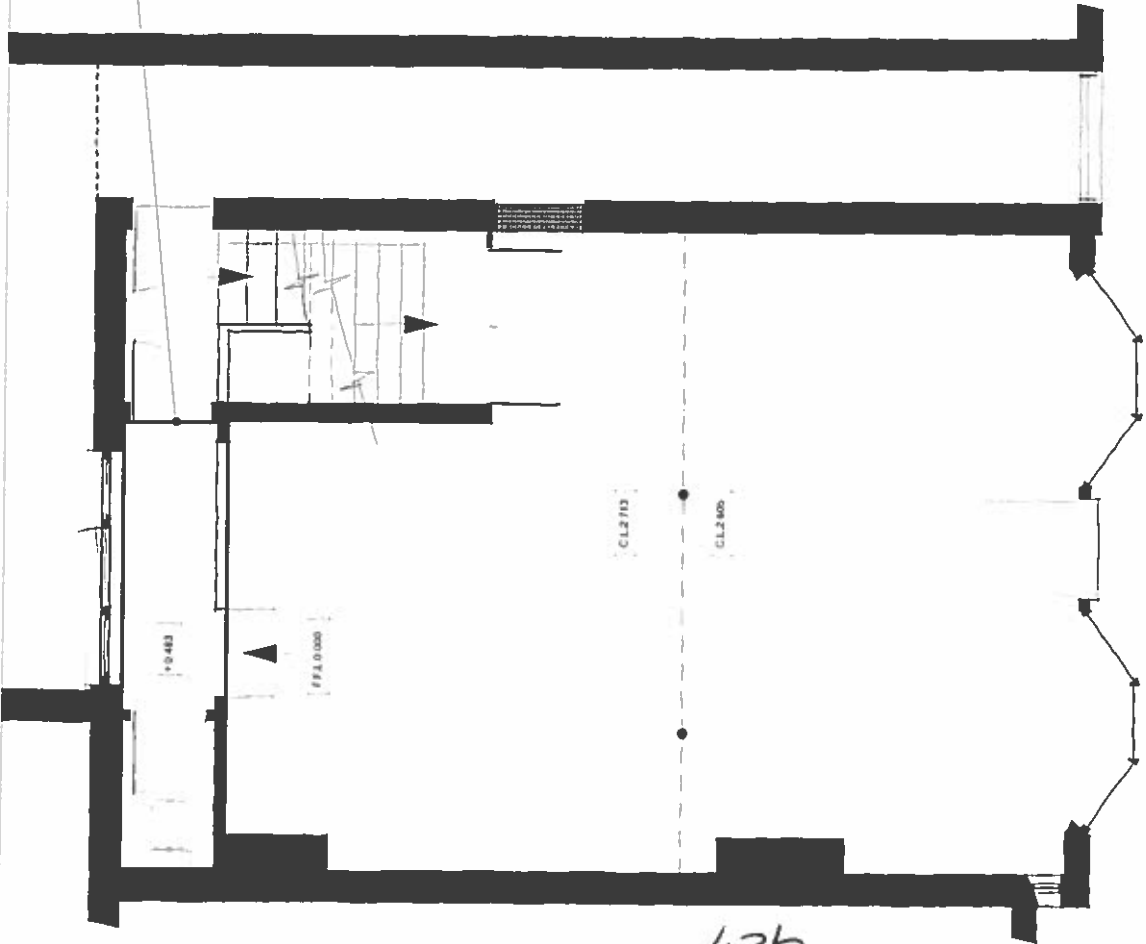
18/00286/FUL



BASEMENT PLAN



FRONT ELEVATION



GROUND FLOOR PLAN

Existing incised pavement
and signage will remain
on this plan.

CL2 713

CL2 605

+0.483

FF 0.000

43b

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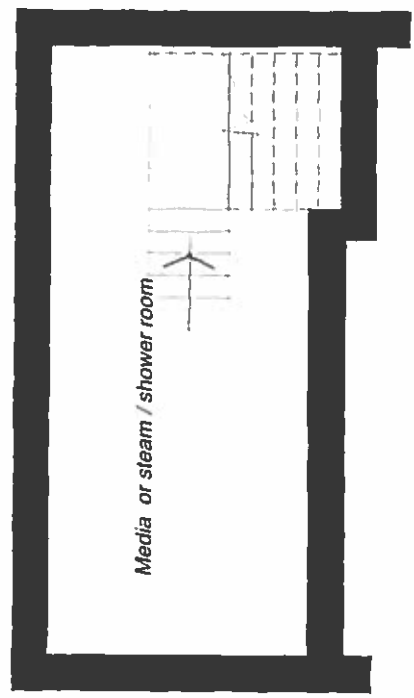
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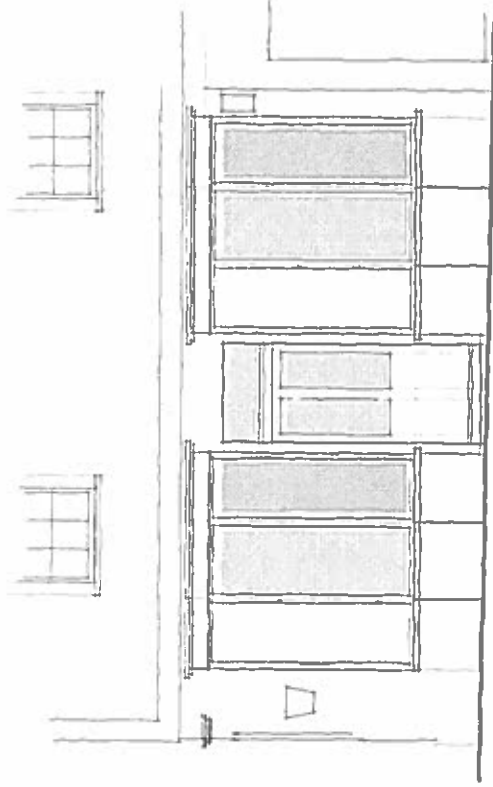


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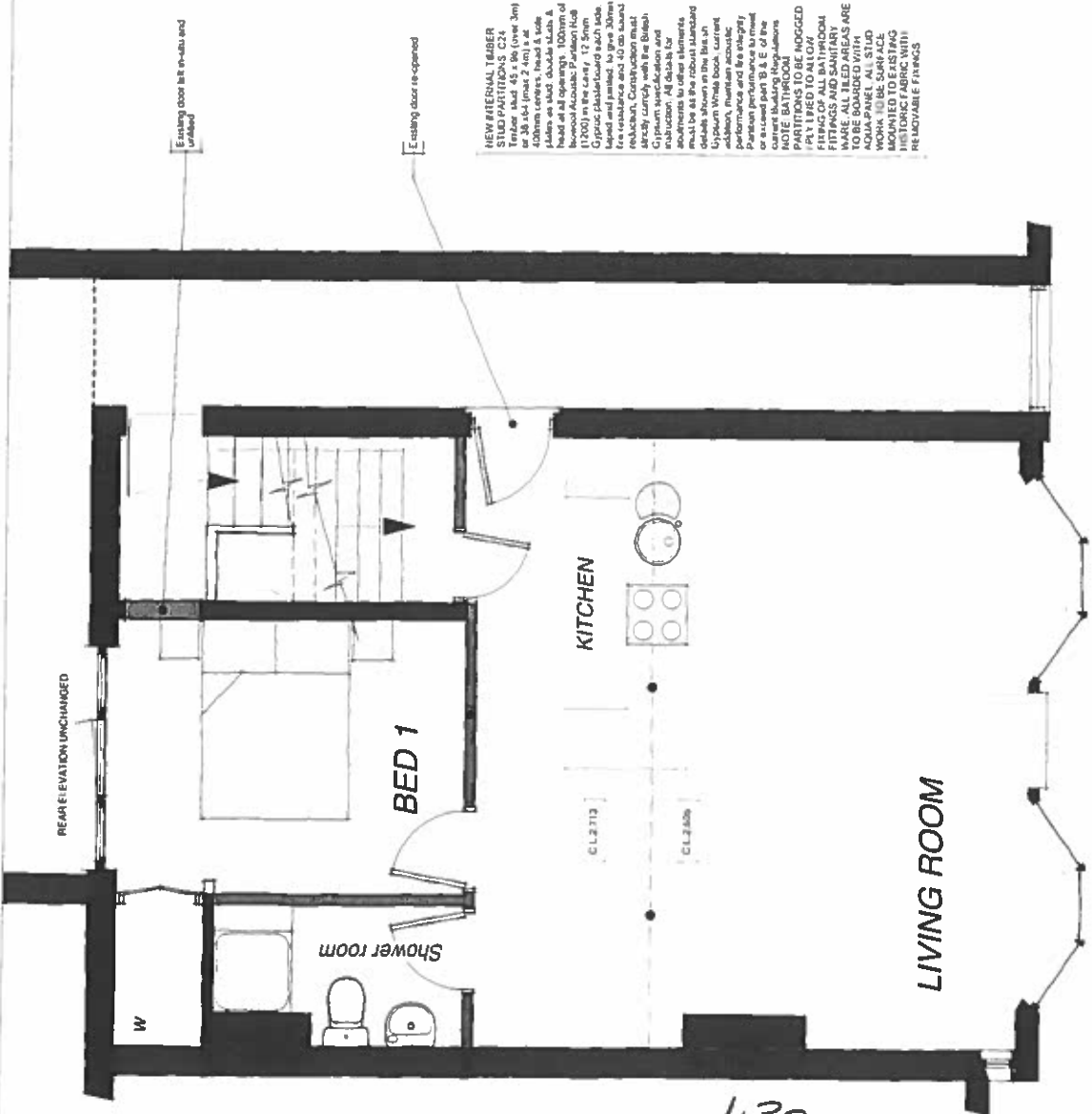
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ADDRESS: 10000
DATE: 10/10/10
SCALE: 1/8" = 1'-0"
P1801 02/100A



BASEMENT PLAN



FRONT ELEVATION



GROUND FLOOR PLAN

NEW INTERNAL TUBER STUD PARTITIONS C24...
KITCHEN...
LIVING ROOM...
BED 1...
SHOWER ROOM...

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Valid 15.02.2018
 Grid Ref 395931 226910
 Parish Bishops Cleeve
 Ward Cleeve Grange

Erection of two storey and first floor side extension.

RECOMMENDATION Permit

Policies and Constraints

Joint Core Strategy (2017) (JCS) - Policy SD4
 Tewkesbury Borough Local Plan to 2011 (TBLP) - March 2006 - Policy HOU8
 National Planning Policy Framework
 Planning Practice Guidance
 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 - no objections.

Revised plans - objects. It is an obscure and contrived shaped building, of a poor design and does not meet the requirements of the NPPF.

Local residents - Two letters of objection has been received from the occupiers of 2 Denley Close and one letter of objection from the Occupier of 3 Kayte Close. The reasons for objection are summarised as follows:

- Adverse impact on their residential amenity by virtue of overlooking, loss of privacy, overshadowing, loss of light, overbearing.
- The proposal could easily be converted into a separate dwelling.
- Overdevelopment of the site
- Visual impact and loss of view / outlook.
- Impact on the street scene - all other nearby extensions have been smaller and most with lower ridge lines.
- Loss of light (sunlight / daylight) into the back garden of 3 Kayte Close.

Planning Officers Comments: Mrs Sarah Barnes

1.0 Application site

1.1 This application relates to 1 Kayte Close, a semi-detached dwelling located in Bishops Cleeve (**site location plan attached**).

2.0 Current Application

2.1 The current application is for a two storey and first floor side extension (**plans attached**).

3.0 Planning History

3.1 In 1999 (99/3512/0355/FUL) permission was granted for the demolition of existing garage and erection of new garage with utility room and w.c.

4.0 Policy Context

4.1 One of the NPPF's core principles is to ensure a good standard of amenity for all existing and future occupants of land and buildings. Section 7 of the NPPF also makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also makes it clear that obviously poor designs should be refused. Policy SD4 of the JCS closely reflects this advice. Policy HOU8 of the TBLP supports the principle of residential extensions subject to satisfying certain design criteria. It sets out that extensions to existing dwellings will be permitted provided they respect the character, scale and proportions of the existing dwelling and do not have an unacceptable impact on adjacent property and residential amenity. This policy is considered consistent with the framework

and as such should be given due weight according to paragraph 215 of Annex 1 of the framework.

5.0 Analysis

Design and visual impact

5.1 The Parish Council and local residents have raised concerns about the size and design of the proposed extension. Revised plans were submitted on the 16th March 2018 reducing the overall size of the proposal so that it would be set further away from the boundary. The design has also been improved by removing the 'cranked' side elevation at first floor level (see revised plans). Whilst the proposed extension would still be sizeable, it would not be out of keeping with other two storey extensions in the area. The extension would bring the side elevation of the property closer to The Green. However, the revised design would step the first floor element back of the intervening boundary and it is not considered that it would appear overbearing or have a harmful streetscene impact.

5.2 Overall, it is considered that the proposal (as revised) would be of an acceptable size and design in keeping with the character and appearance of the property. Therefore, the proposal would have an acceptable impact on the character of the surrounding area and complies with the requirements of Policy HOU8 in this regard.

Residential Amenity

5.3 The neighbours directly at the rear of the dwelling (2 Denley Close) and the adjacent property (3 Kayte Close) have raised objections to the proposal. The planning reasons for objection include overlooking, overdevelopment, loss of outlook / light. The impact of the proposal upon neighbouring properties has carefully been assessed. In terms of overlooking, the proposed bedroom windows would overlook the public side of no 2 Denley Close (e.g. front garden, garage, driveway and blank gable wall). There would be no close or direct overlooking into any of the neighbour's windows nor their rear garden. With regards to loss of light / overshadowing, the 45 degree rule has been applied and meets with the test.

5.4 In terms of the impact on the residential amenity of the adjoining dwelling (3 Kayte Close), when applying the 45 degree rule, all windows on the rear elevation of no 3 Kayte Close would be outside of both vertical and horizontal zones of influence. There would therefore not be a harmful loss of light. With regards to the loss of outlook, the proposal would reduce the view to The Green, however, the view blocked by the proposal would be at an oblique angle close to the rear elevation of the property with the major part of the view at a much wider angle unaffected by the development. Overall, it is considered that there would not be an undue impact upon their residential amenity.

Other issues

5.5 With regards to the de-valuation of neighbouring dwellings this is not a planning issue nor is the loss of view. In terms of the neighbour's concerns about the use of the extension as a separate dwelling if this did happen in the future than it would require additional planning permission.

6.0 Conclusion

6.1 Overall, it is considered that the proposal (as revised) 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. The proposal (as revised) would also be of an acceptable size and design. It would therefore accord with Policy HOU8 of the Local Plan, the Joint Core Strategy 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 extensions shall match as near as possible the materials of the existing dwelling.

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

Site plan, existing elevations / floor plans received by the Council on the 7th February 2018 and the revised proposed elevations / floor plans and block plan received by the Council on the 16th March 2018.

Reasons:

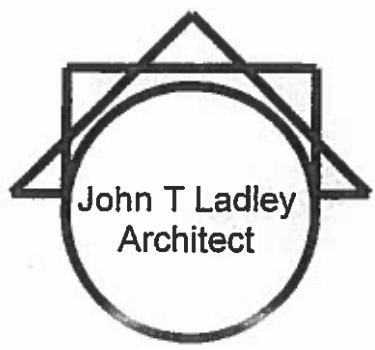
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the extension is in keeping with the existing building.
- 3 To define the terms and extent of the permission.

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 size and design.

18/00125/ful



John T Ladley
Architect

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07 FEB 2018

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OPERATIONS
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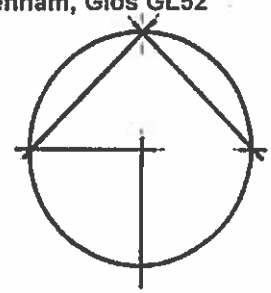
2017/23 : Alteration and Extension, 1 Kayte Close, Bishops Cleeve, Cheltenham, Glos GL52 8AX

2017/23/03 - ORDNANCE SURVEY LOCATION PLAN

Scale 1:1250 Ordnance Survey Copyright Number AR 10000 9812

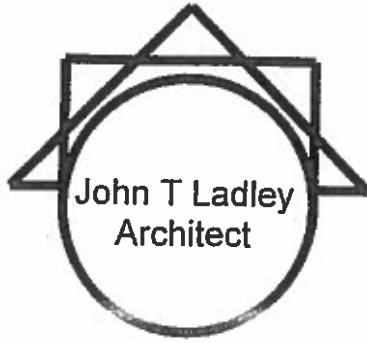
John T. Ladley Chartered Architect/2017/23/1KayteClose/OSLocationPlan

John T. Ladley Chartered Architect Dip. Arch (Oxford) RIBA



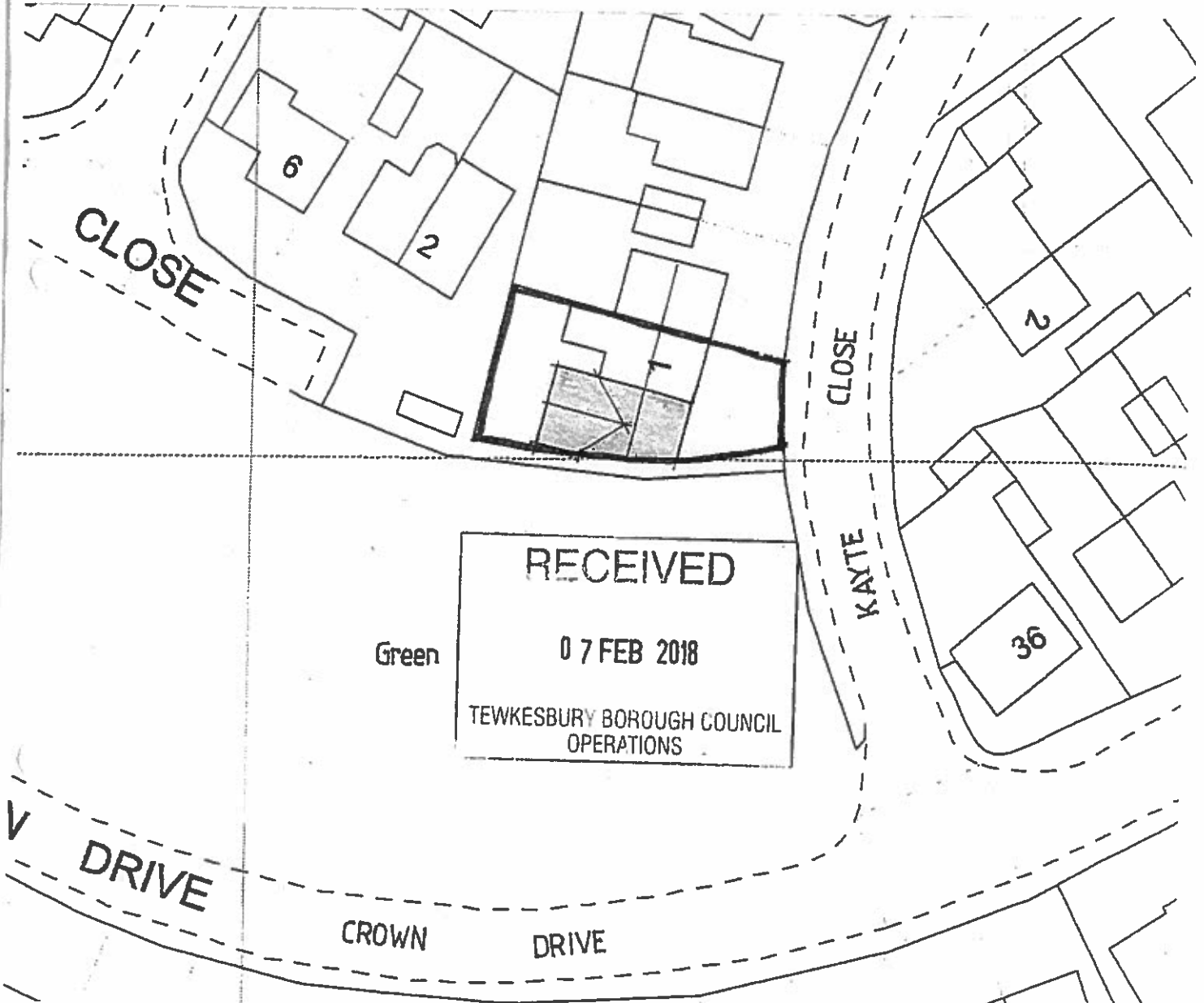
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18/00/25/hul



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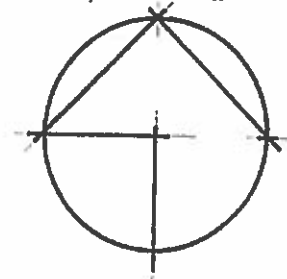
2017/23 : Alteration and Extension, 1 Kayte Close, Bishops Cleeve, Cheltenham, Glos GL52 8AX

2017/23/04 - ORDNANCE SURVEY BLOCK PLAN

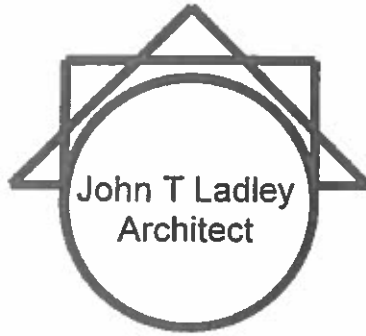
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John T. Ladley Chartered Architect Dip Arch (Oxford) RIBA



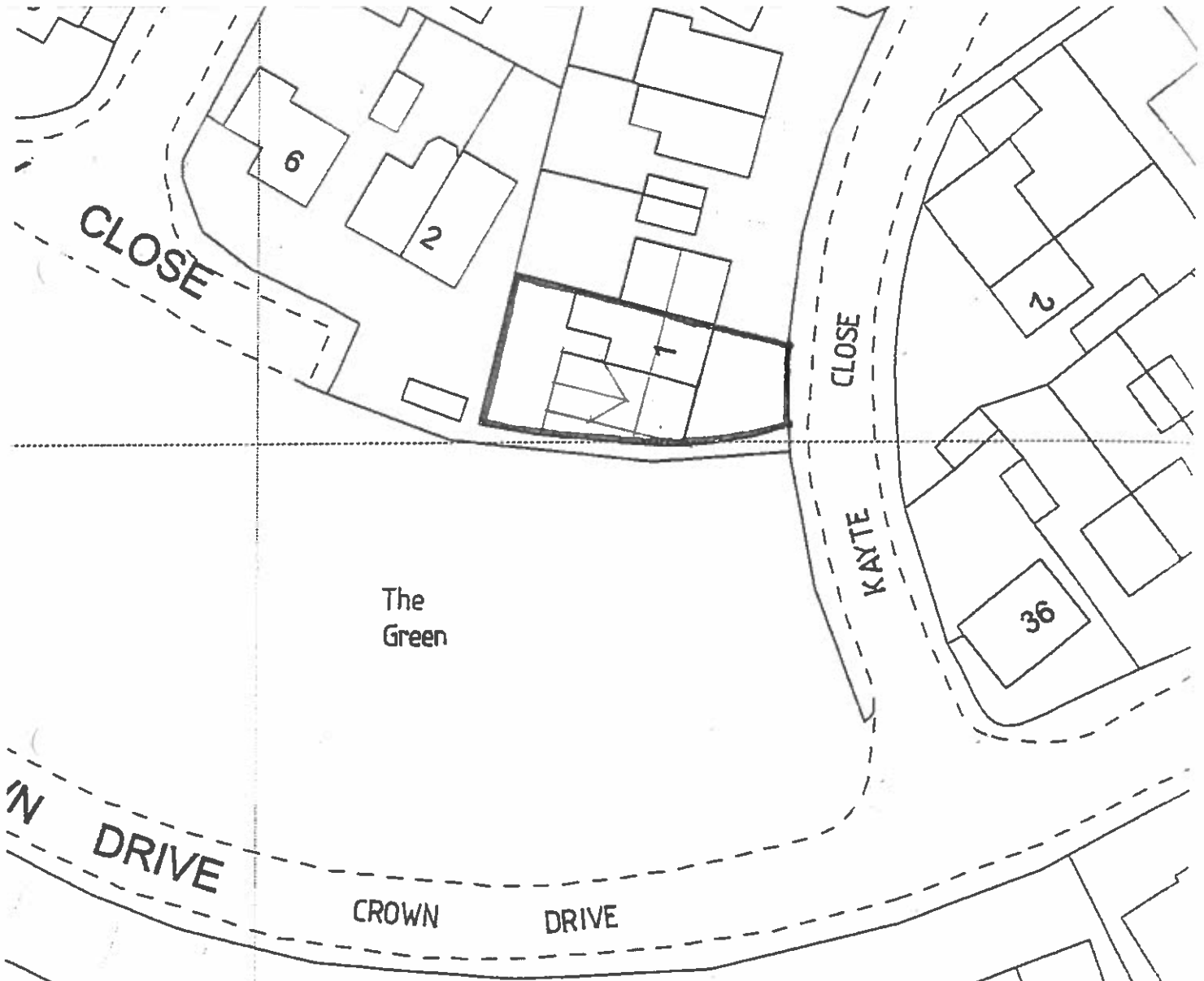
Revised Block Plan 18/00125/ful



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2017/23 : Alteration and Extension, 1 Kayte Close, Bishops Cleeve, Cheltenham, Glos GL52 8AX

2017/23/04 - ORDNANCE SURVEY BLOCK PLAN

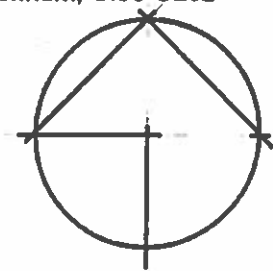
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John T. Ladley Chartered Architect/2017/23/1KayteClose/OSBlockPlan

John T. Ladley Chartered Architect Dip.Arch (Oxford) RIBA

REVISIONS

A AMEND Block Plan to Proposed Scheme TWO. 15May18

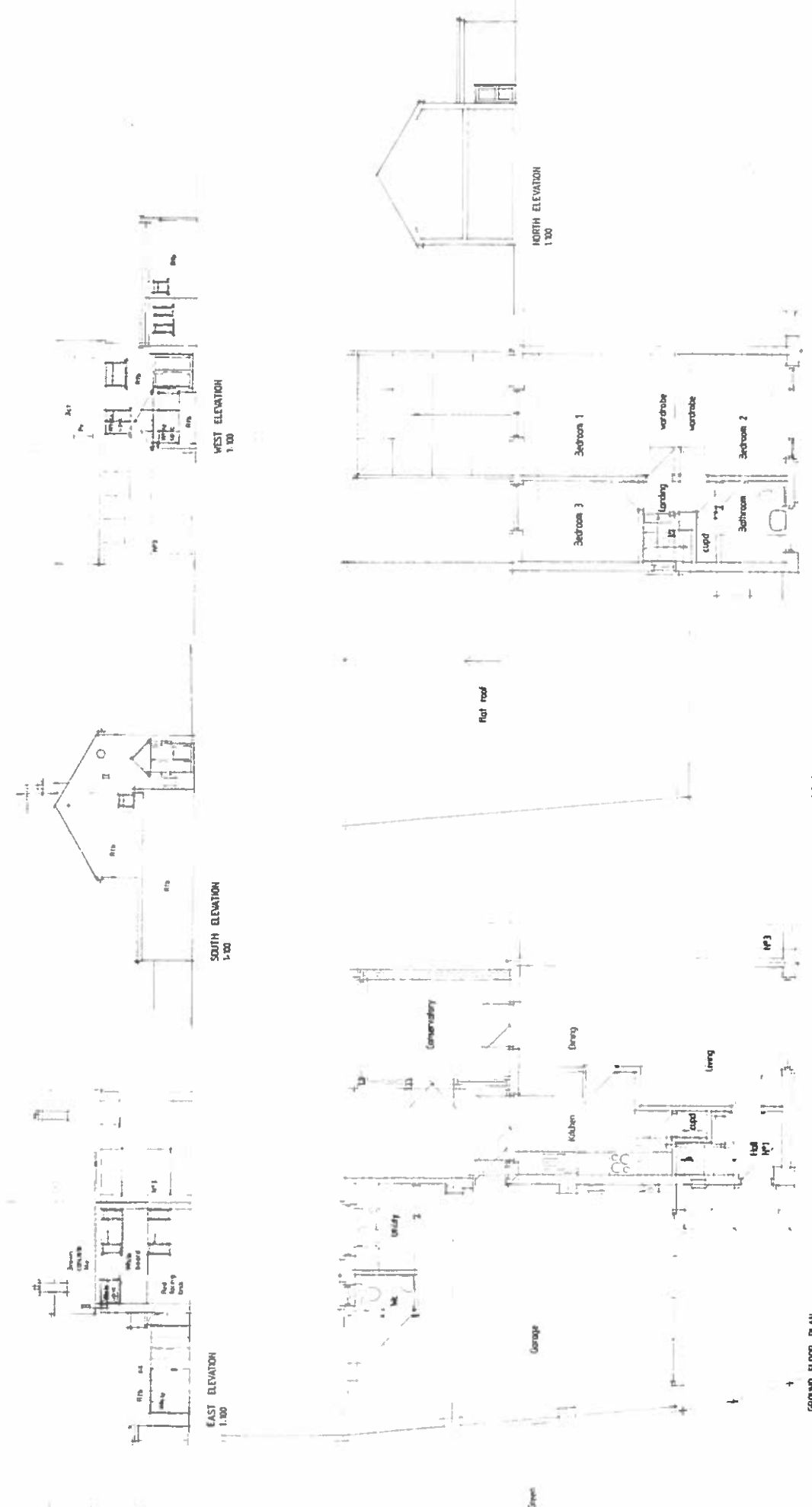


46C

18/00 125/Ful Existing elevations

REVISIONS
A
15 May 18

NOTES
The accuracy of this drawing cannot be
guaranteed and all critical dimensions
must be taken on site



46d

Proposed elevations 18/100125/fal

NOTES
 The accuracy of the drawing cannot be guaranteed and all critical dimensions must be taken on site.
EXTERNAL MATERIALS
 Roof: Red concrete tile with concrete ridge
 External walls: Rendered brickwork
 Windows: Double glazed
 Doors: Solid wood
 Ground floor: Stone tiles
 First floor: Carpet
 Staircase: Carpet

REVISED
 1. DWG first floor rear flat roof
 ACC first floor rear gate 21.5m



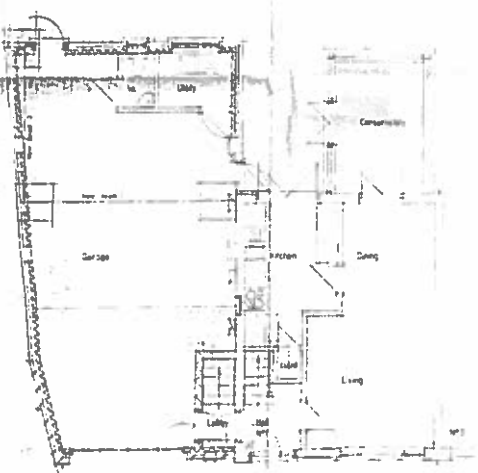
EAST ELEVATION
1:50



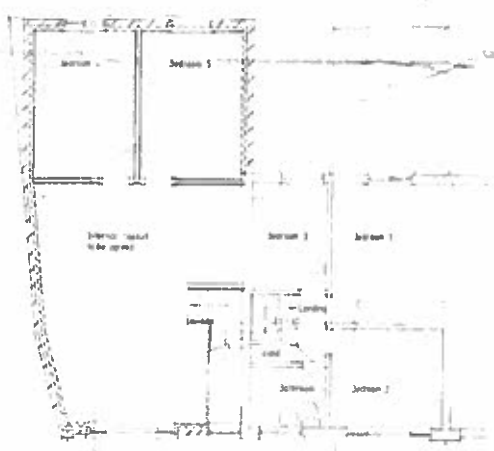
SOUTH ELEVATION
1:50



NORTH ELEVATION
1:50



GROUND FLOOR PLAN
1:50



FIRST FLOOR PLAN
1:50

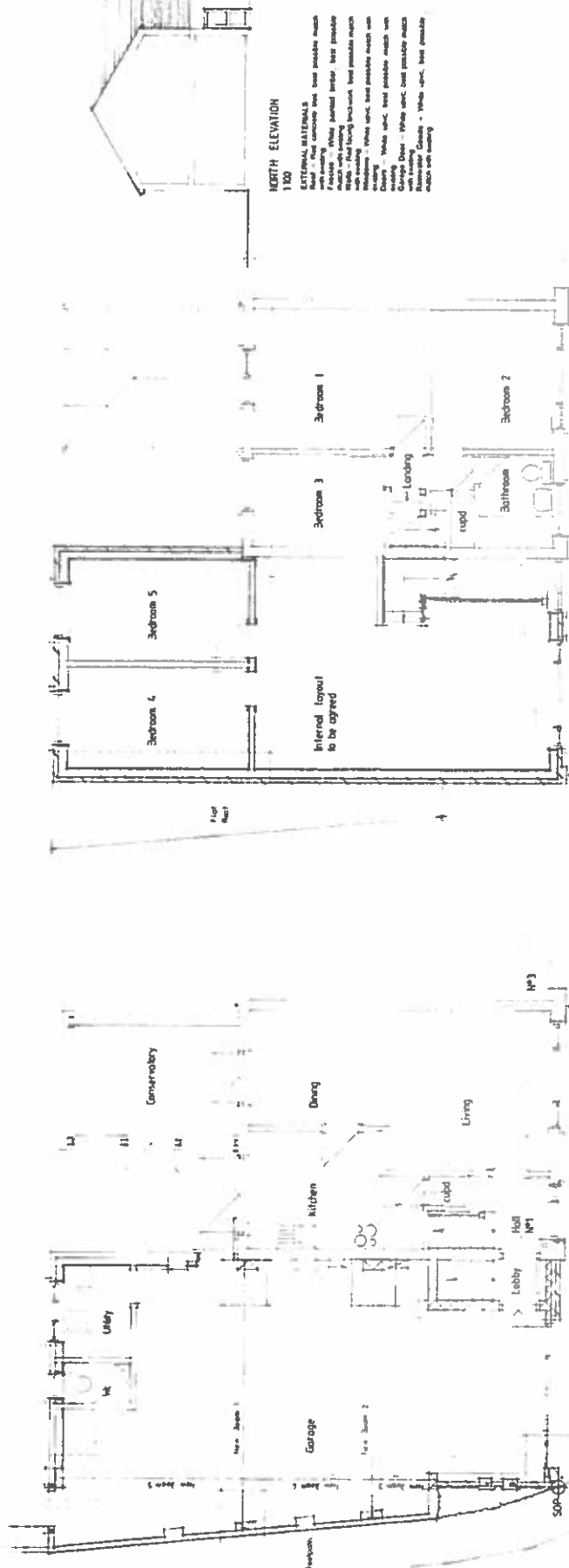
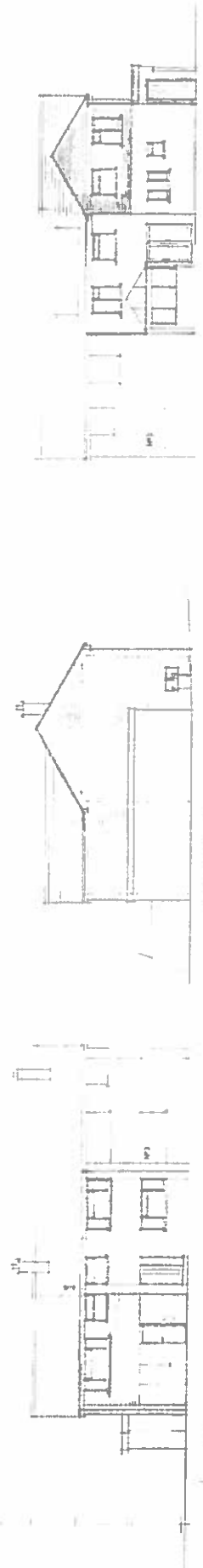
RECEIVED
 07 FEB 2016
 PLANNING DEPARTMENT

Revised elevations 18/00 125/Ful

- REVISED
- A. OMIT first floor rear flat roof
 - ADD first floor rear gable 23Jan18
 - SET BACZ - see text extension from south
 - SET BACZ - see text extension from south
 - CHANGE floor from extension above - see text extension above
 - CHANGE position of back in extension and
 - CHANGE floor from extension above - see text extension above
 - CHANGE floor from extension above - see text extension above
 - ADD North Elevation 11May 18
 - RENAME West Elevation 11May 18

NOTES

The accuracy of this drawing cannot be guaranteed and all critical dimensions must be taken on site



46f

Valid 09.04.2018

Demolition of existing conservatory and erection of a single storey rear extension.

Grid Ref 388548 220460

Parish Churchdown

Ward Churchdown Brookfield

RECOMMENDATION Permit

Policies and Constraints

Joint Core Strategy (2017) (JCS) - Policy SD4, SD5

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

National Planning Policy Framework

Planning Practice Guidance

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 - objects on the grounds that the proposed extension is a further incursion into green belt land as it extends well beyond the footprint of the existing conservatory.

Local residents - none

Planning Officers Comments: Mrs Sarah Barnes

1.0 Application Site

1.1 This application relates to 'The Coach House' located along Parton Court in Churchdown (site location plan attached).

2.0 Current application

2.1 The current application is for the erection of a single storey rear extension (plans attached). The existing conservatory would be demolished.

3.0 Recent History

3.1 In 1988 permission was granted for a double garage (T.7289/N).

3.2 In 1992 a subsequent application was permitted for the retention of the double garage as built (92/7289/538/FUL).

3.3 In 2006 permission was refused for the change of use of the converted garage to a separate dwelling (06/00482/FUL).

3.4 In 2011 a CLE was granted which demonstrated that the coach house annex had been used as a separate dwelling in excess of 4 years.

4.0 Policy Context

4.1 One of the NPPF's core principles is to ensure a good standard of amenity for all existing and future occupants of land and buildings. Section 7 of the NPPF also makes it clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also makes it clear that obviously poor designs should be refused. Policy SD4 of the JCS closely reflects this advice. Policy HOU8 of the TBLP supports the principle of residential extensions subject to satisfying certain design criteria. It sets out that extensions to existing dwellings will be permitted provided they respect the character, scale and proportions of the existing dwelling and do not have an unacceptable impact on adjacent property and residential amenity. This policy is considered consistent with the framework and as such should be given due weight according to paragraph 215 of Annex 1 of the framework.

4.2 Section 9 of the NPPF, particularly part 89 states that a local planning authority should regard the construction of new buildings as inappropriate in 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.
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.'

Policy SD5 of the JCS similarly advises that 'within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated.

5.0 Analysis

Design, Size and Residential amenity

5.1 The proposed single storey rear extension would create a dining room and a lobby / W.C. It would be rendered to match the existing dwelling. It is considered that the proposal would be of an appropriate size and design in keeping with the character and appearance of the property. Therefore, the proposal would have an acceptable impact on the character of the surrounding area and complies with the requirements of Policy HOU8 of the Local Plan and the NPPF.

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

Green Belt

5.3 The site falls within the Green Belt where only limited extensions and additions are permitted. The Parish Council have objected to the application on the grounds that the proposed extension would be a further incursion into Green Belt land as it would extend well beyond the footprint of the existing conservatory. The Parish Council's concerns have been taken into consideration.

5.4 The original dwelling has a floorspace of 113.53m² and the proposed extension would add 33.35m² floorspace which would comprise only a 29% increase and is therefore considered to be a proportionate addition. Whilst the proposed extension would project out further than the existing conservatory, given that it would be located at the rear of the site and would be a single storey addition, it would not be harmful to the openness of the Green Belt.

6.0 Conclusion

6.1 Overall, it is considered that the proposal would not be harmful to the appearance of the existing dwelling nor the Green Belt and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal would also be of an acceptable size and design. It would therefore accord with Policy HOU8 of the Local Plan, Policy SD5 of the Joint Core Strategy 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.
- 3 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

Site plan, block plan, existing elevations / floor plans and proposed elevations / floor plans received by the Local Planning Authority on the 4th April 2018.

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.
- 3 To define the terms and extent of the permission.

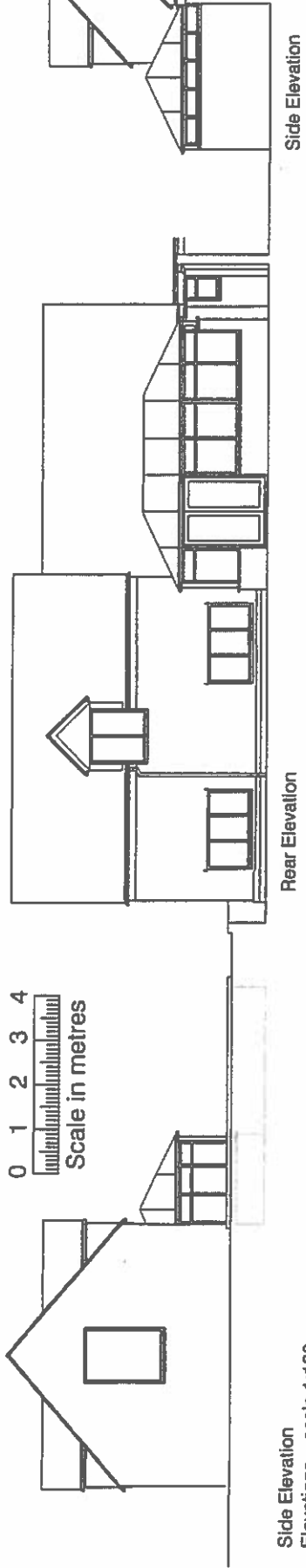
Note:

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.

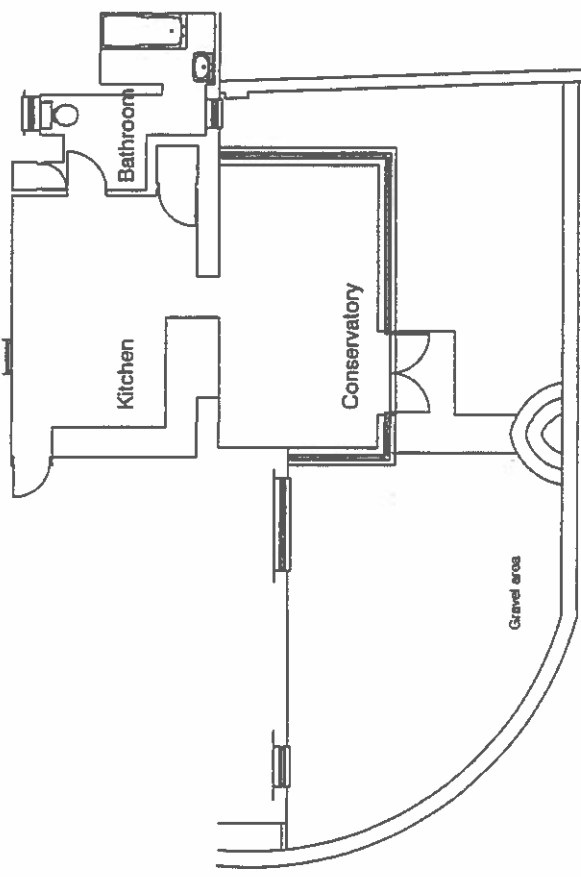
181002361tul

0 1 2 3 4
Scale in metres

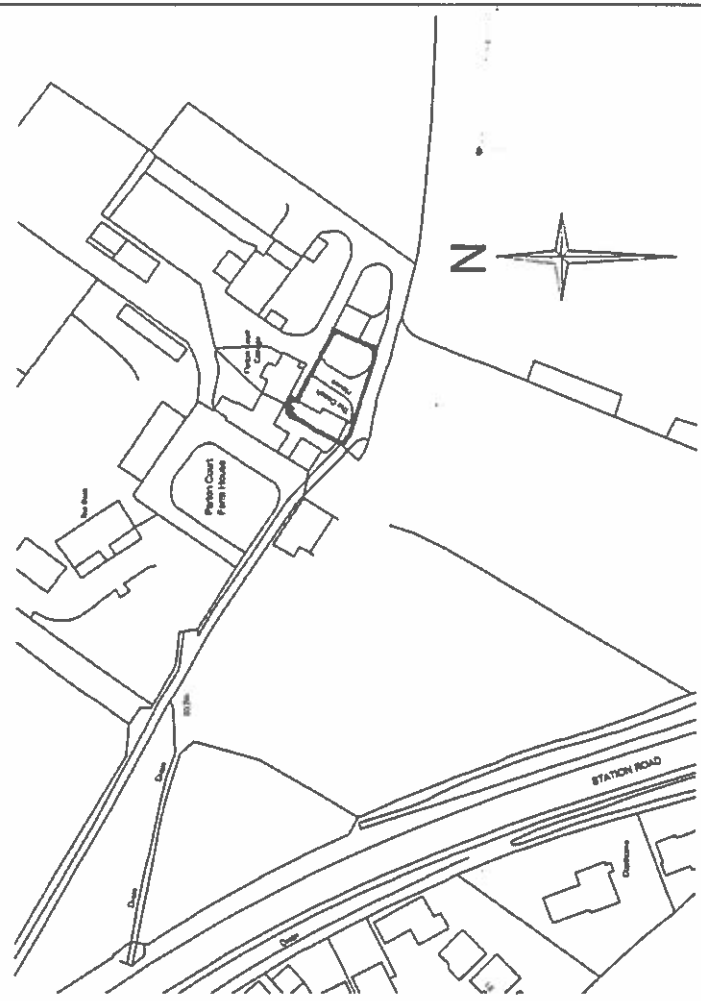


Side Elevation Elevations - scale 1:100

Side Elevation



Ground Floor Plan Plan scale 1:100



Location Plan - scale 1:1250

General Notes
 1. All dimensions to be checked on site prior to any pre fabrication or building work commencing.
 2. Do not scale this drawing use figured dimensions only
 3. This drawing to be read in conjunction with any structural engineers design details and calculations and specification notes
 4. This drawing to be used for planning purposes only.

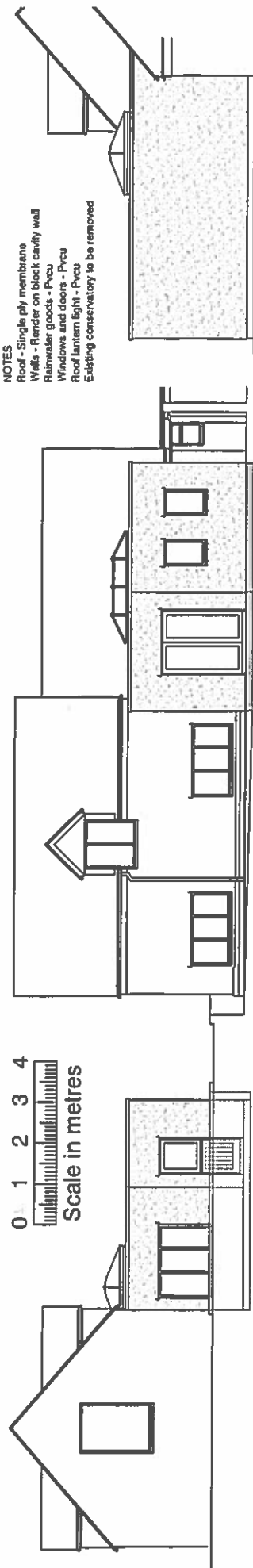
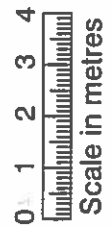
Client
 The Coach House, Parton Road
 Churchdown Glos. GL3 2JG

Drawing Title
 Survey

Date 23.02.2018
Scale As shown
Drawn By

49a

18/00236/fal

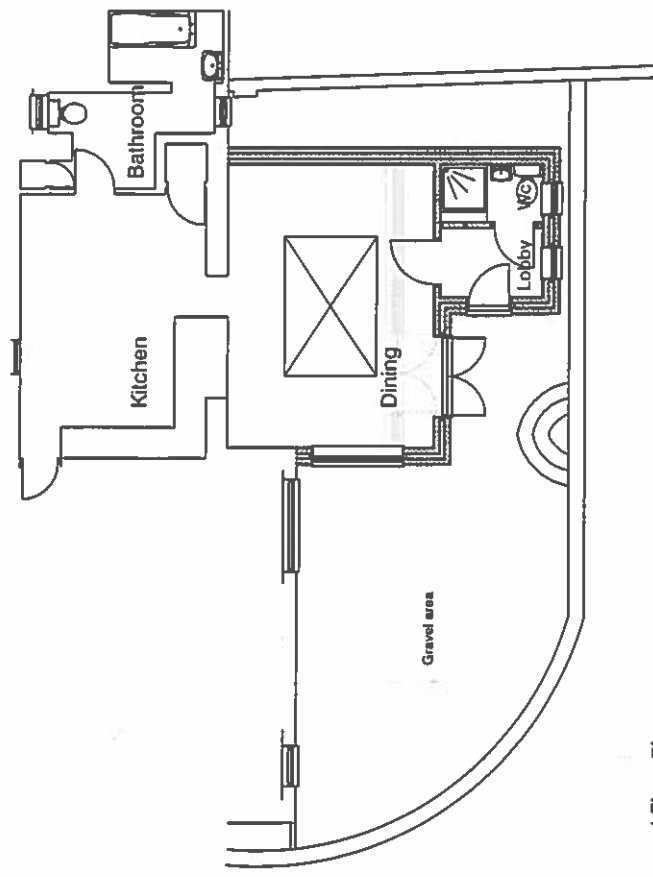


NOTES
 Roof - Single ply membrane
 Walls - Fender on block cavity wall
 Rainwater goods - Pvcu
 Windows and doors - Pvcu
 Roof lantern light - Pvcu
 Existing conservatory to be removed

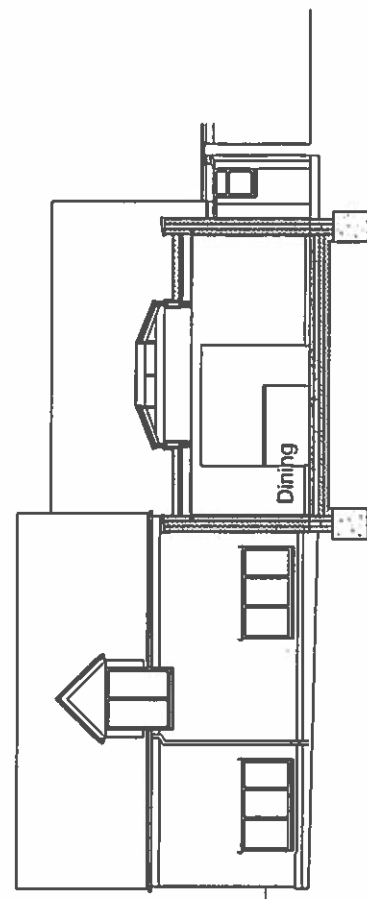
Side Elevation Elevations - scale 1:100

Rear Elevation

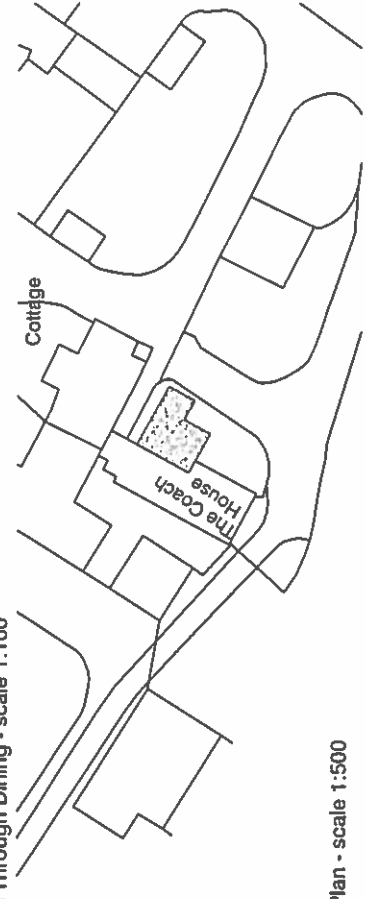
Side Elevation



Ground Floor Plan
Plan scale 1:100



Section Through Dining - scale 1:100



Block Plan - scale 1:500

General Notes
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 4. This drawing to be used for planning purposes only.

Client

The Coach House, Parton Road
 Churchdown Glos. GL3 2JG

Drawing Title

Proposed Extension

Date 23.02.2018
 Scale As shown
 Drawn By

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 H C McLain	Hucclecote	Hucclecote	G F Blackwell
			Innsworth with Down Hatherley	Down Hatherley Innsworth	G J Bocking
Badgeworth	Badgeworth Boddington Great Witcombe Staverton	R J E Vines	Isbourne	Buckland Dumbleton Snowhill Stanton Teddington Toddington	J H Evetts
Brockworth	Glebe Ward Horsbere Ward Moorfield Ward Westfield Ward	R Furolo R M Hatton H A E Turbyfield	Northway	Northway	P A Godwin E J MacTiernan
Churchdown Brookfield	Brookfield Ward	R Bishop D T Foyle	Oxenton Hill	Gotherington Oxenton Stoke Orchard and Tredington	M A Gore
Churchdown St John's	St John's Ward	K J Berry A J Evans P E Stokes	Shurdington	Shurdington	P D Surman
Cleeve Grange	Cleeve Grange	S E Hillier- Richardson	Tewkesbury Newtown	Tewkesbury Newtown	V D Smith
Cleeve Hill	Prescott Southam Woodmancote	M Dean A Hollaway	Tewkesbury Prior's Park	Tewkesbury (Prior's Park) Ward	K J Cromwell J Greening
Cleeve St Michael's	Cleeve St Michael's	R D East A S Reece	Tewkesbury Town with Mitton	Tewkesbury Town with Mitton 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 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	20 October 2017 Please destroy previous lists.		