

**TO EACH MEMBER OF THE  
PLANNING COMMITTEE**

14 November 2016

Dear Councillor

**PLANNING COMMITTEE- TUESDAY 22 NOVEMBER 2016**

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the following:

<b>Agenda Item</b>	<b>Description</b>	
<b>5a</b>	<b>Schedule</b>	<b>1 - 127</b>
	To consider the accompanying Schedule of Planning Applications and proposals, marked Appendix "A".	

Should you have any queries regarding the above please contact Democratic Services on  
Tel: 01684 272021

Yours sincerely



**Lin O'Brien**  
**Head of Democratic Services**



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

**TEWKESBURY BOROUGH COUNCIL**

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 22 November 2016

	<b>(NORTH)</b>	<b>(SOUTH)</b>
General Development Applications Applications for Permission/Consent	(390 - 449)	(450 - 474)

**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. (390 - 474)**

### 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) 22nd November 2016

Bishops Cleeve 16/01086/FUL <a href="#">Click Here To View</a>	7 Ashlea Meadow Bishops Cleeve	Permit	11
Churchdown 16/00877/FUL <a href="#">Click Here To View</a>	Land adjacent to Churchdown Community Centre Parton Road	Permit	9
Churchdown 16/01096/FUL <a href="#">Click Here To View</a>	42 Brookfield Road Churchdown	Permit	12
Gotherington 16/00539/OUT <a href="#">Click Here To View</a>	Land At Trumans Farm Manor Lane Gotherington	Delegated Permit	4
Gotherington 16/00965/OUT <a href="#">Click Here To View</a>	Parcel 7561 Malleson Road Gotherington	Delegated Permit	7
Innsworth 16/01059/FUL <a href="#">Click Here To View</a>	3 Finch Road Innsworth	Permit	10
Teddington 16/00601/FUL <a href="#">Click Here To View</a>	Teddington Hands Service Station Evesham Road Teddington	Refuse	1
Tewkesbury 16/00663/APP <a href="#">Click Here To View</a>	Part Parcel 0085 Land west of Bredon Road Tewkesbury	Delegated Approve	5
Tewkesbury 16/00668/FUL <a href="#">Click Here To View</a>	Land West of Bredon Road Tewkesbury	Delegated Permit	6
Tewkesbury 16/00969/FUL <a href="#">Click Here To View</a>	Morrisons Ashchurch Road Tewkesbury	Permit	3
Wheatpieces 16/00762/FUL <a href="#">Click Here To View</a>	107 Cambrian Road Walton Cardiff Tewkesbury	Permit	2
Woodmancote 16/00714/FUL <a href="#">Click Here To View</a>	20 Beverley Gardens Woodmancote	Permit	8

16/00601/FUL

Teddington Hands Service Station, Evesham Road, Teddington 1

Valid 24.10.2016

Retention of transport cafe and temporary showers for truckstop use. Retention of temporary containers and structures connected with the haulage business and proposed additional vehicle parking. Retention of fuel and Ad Blue tank.

Grid Ref 396343 233870

Parish Teddington

Ward Isbourne

WM Gilder LTD

Teddington Truck Stop & Haulage Depot

Evesham Road

Teddington

Gloucestershire

GL20 8NE

## RECOMMENDATION Refuse

### Policies and Constraints

NPPF;

Planning Practice Guidance;

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies LND4, LND7, EMP4, TPT1, TPT6, EVT2 and EVT3.

The Joint Core Strategy (JCS) - SD2, SD7, SD15 and INF1

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

The First Protocol, Article 1 (Protection of Property)

Listed sign post and The Tibblestone (Grade II listed) within 50m of the site

Adjoining Special Landscape Area

### Consultations and Representations

**Parish Council - Original Plans** - Minded to oppose this application due to the perceived strength of feeling from the village. We are assured by the applicant that the extent of proposed screening will go some way to mitigate against the visual impact. There is the potential for increased noise and traffic and light pollution.

**Amended plans** - Concerns expressed remained noise, increased traffic and potential visual impact. The Council has no further comments to add to those made previously and, although the overall impact of this application (including prior to amendment) might be deemed marginal when considered against the original change of use of the site (which was approved by Tewkesbury Borough Council), it is obliged to reflect the concerns of the village.

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

**Highways England** - No objection

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

56 letters have been received objecting to the application on the following grounds:

- Will result in an increase in noise due to the movement of heavy lorries and cars
- Highway concerns given additional traffic being added to roads and busy junction
- Lighting will be required which will add to the intrusion of the development into the open countryside and would harm local bird population
- Views will be spoiled
- Increase in air pollution
- Hard surfacing would contribute to flooding in the area
- Loss of habitat
- Insufficient evidence for additional parking
- No benefit to local residents
- Concerned about increase in sewerage and grey-water being sent to Beckford Treatment Works
- Inappropriate intrusion into open countryside
- Possibility of further take-over of green field land and the devaluation of nearby villages
- Precedent for other semi industrial development in the area would be unwelcome
- Would significantly reduce the quality of life of all local residents
- Query appropriateness of site - should be closer to junction 9

9 letters have been received in support of the application, including local businesses, on the following grounds:

- It will have no visual impact on the view west towards Alstone
- It would provide additional employment opportunities
- Little impact on Teddington
- Will not directly affect those living in the heart of Teddington or nearest residents
- Well screened site
- Truck Stop benefits local businesses
- Has enhanced security of the area
- Provides a safe and secure facility

A letter has been received from RRS, one of the businesses operating from the site, in support of the application on the grounds that the site is very safe and secure and the lack of facilities for HGV vehicles is very limited.

A letter has been received from an employee of the applicant in support as the expansion of the site will ensure the further growth of an incredibly successful business.

**Councillor Dean has requested that the application be reported to Committee to assess landscape harm and economic development potential.**

**Planning Officers Comments:** Miss Joan Desmond

## **1.0 Introduction**

1.1 The application site is located at the Teddington Hands roundabout at the roundabout junction of the A46, B4077 and A435. A truck stop and haulage business presently operate from the site which has partly extended into open land to the south. The site is located in open countryside and lies adjacent to the Special Landscape Area. A listed sign post Teddington Hands (A435 East Side) and The Tibblestone (A435 West Side) are located within the vicinity. The site is visible from the Cotswolds Area of Outstanding Natural Beauty (AONB) which lies to the south east on the opposite side of the A435

## **2.0 History**

2.1 The history of this site and adjoining land links to Grafton House at Gretton Fields. Farm buildings at Grafton House were used for unauthorised haulage business for many years. Planning permission was granted to relocate the haulage business to Teddington Hands site, a more appropriate location rather than the farm buildings at Grafton House however these are still used in connection with haulage business (Maintenance etc).

2.2 Relevant planning history relating to the Tedding Hands site are:

- 12/00264/FUL - Use of land as a secure overnight truck stop including erection of drivers facility building and security entrance hut. Alteration to existing vehicular access. Granted - 11.07.2012
- 12/01105/FUL - Erection of agricultural building for machinery storage and fodder winter housing facility - Refused - 18.01.2013
- 13/00199/FUL - Proposed relocation of Haulage Operator including the erection of ancillary office/workshop building - Granted - 20.09.2013
- 13/00203/FUL - Use of land as a secure overnight truck stop including erection of drivers facility building and security entrance hut. Alteration to existing vehicular access. (Amended scheme to 12/00264/FUL) (Part Retention) - Granted 20.09.2013
- 14/00091/FUL - Proposed solar panel array - Granted 22.08.14 2.1
- 15/00972/FUL - Proposed new vehicle maintenance and storage building with additional vehicle parking - Refused December 2015. Appeal recently withdrawn.

2.3 Following the previous refused application, pre-application advice was sought in relation to the proposed landscaping and mitigation measures.

## **3.0 Current Application**

3.1 This application is for the retention of a transport cafe and temporary showers for the truckstop use; Retention of temporary containers and structures connected with the haulage business and proposed additional vehicle parking and the retention of a fuel and Ad Blue tank. The original application was a resubmission of a similar application refused last year (15/00972/FUL) for a new vehicular maintenance and storage building and additional vehicle parking. Following a site visit it was clear that various unauthorised

developments had taken place on the site and the application has been amended to include the unauthorised structures/containers and fuel tank sited on the land. It is stated that the structures and containers are for a temporary period of 12 months. The proposed new vehicular maintenance and storage building is now omitted from the application.

3.2 The additional parking is proposed in an adjacent field, where some unauthorised parking is already taking place. The application proposes parking for 139 cars and parking for 52 HGV's. The previously refused application was for a lesser number of parking spaces including 120 spaces for cars and 42 HGV spaces. New bunding and landscaping works are also proposed to help mitigate the impact of the proposed parking. This application proposes bunding of various heights from 2.3m in the west increasing to its highest height of 4.7m to the south east. Security fencing and an agricultural fence is also proposed. The security fence (steel mesh fence) would enclose the parking area and would be approximately 2.4m high.

3.3 The approved block plan (under 13/00203/FUL) shows 47 HGV spaces and 53 car parking spaces on the existing site. These spaces are not however provided in accordance with the approved drawings. A corrected block plan has been submitted showing the existing parking layout which shows 47 HGV spaces and 58 parking spaces. The proposed block plan shows a reduction of HGV spaces from 47 to 33 on the permitted haulage and truck stop site and the number of vehicle parking has reduced from the approved 53 spaces to 40 spaces. This application therefore proposes the relocation of 14 HGV spaces and an additional 38 HGV spaces on the adjoining field and the overall increase of car parking spaces from the approved 53 to 154 spaces. The reduction of parking provision on the existing site is due to the other activities now taking place which includes the loss of 28 spaces at the western end of the site which is used for the training facility.

## 4.0 Policy Context

### The Development Plan

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

4.2 Local Plan Policy EMP4 sets out that within rural areas new small scale employment uses appropriate to their local context will be permitted provided that they are either directly related to the essential needs of agriculture, forestry or other rural industries, where it can be demonstrated that there are specific reasons why a rural location is necessary, or make use of sites with existing buildings or structures. In all cases proposals must:

- a. be capable of safe and convenient access by road without detriment to the local highway network,
- b. be well related to local residential areas in such a way to allow access by walking, cycling or public transport.
- c. be, by means of good design, siting and appropriate landscaping, satisfactorily assimilated into the countryside, and
- d. not lead to any significant adverse effect on nearby residential or other uses by way of noise, vibration, pollution, traffic generation or other disturbance.

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

4.4 Policy LND4 provides that in rural areas regard will be given to the need to protect the character and appearance of the rural landscape. Furthermore, Policy LND7 of the Local Plan requires new development proposals to provide high quality landscaping that should form an integral part of the overall development.



4.5 Policy TPT1 of the local plan seeks to ensure, inter alia, that provision is made for safe and convenient access to the development by pedestrians and cyclists and Policy TPT6 seeks to ensure that adequate provision is made for secure cycle parking.

4.6 Policy EVT2 seeks to minimise light pollution resulting from new development proposals.

4.7 Policy EVT3 provides that planning permission should not be granted for development where noise would cause harm and could not be ameliorated.

4.8 Policies TPT1, TPT6, EVT2 and EVT3 are considered to be consistent with the NPPF and are therefore considered to have considerable weight.

#### **Other Material Considerations**

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

4.10 One of the core planning principle of the NPPF is that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. Furthermore, the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

4.11 Another 'Core Planning Principles' of the NPPF is to contribute to conserving and enhancing the natural environment. It recognises the need to consider the "intrinsic character and beauty of the countryside". Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising impacts on biodiversity.

4.12 Section 4 of the NPPF advises that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Developments should be located and designed where practical to:

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and consider the needs of people with disabilities by all modes of transport.

4.13 Paragraph 216 of the NPPF sets out that from the day of publication decision-makers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan. The weight to be attributed to each policy will be affected by the extent to which there are unresolved objections to relevant policies with the emerging plan (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency of the emerging policies to the NPPF. The more advanced the preparation of a plan, the greater the weight that may be given. Relevant policies in the emerging JCS include SD2, SD7, SD15 and INF1.

4.14 Also noted is the Written Ministerial Statement which sets out changes to national planning policy to make intentional unauthorised development a material consideration and states "the government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action."



4.15 For these reasons, this statement introduces a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received from 31 August 2015.

## 5.0 Analysis

5.1 The key determining issues are the principle of development, impact on the character of the area and the open countryside, the relationship to nearby properties (including the Teddington Arms) and parking.

### *Principle of Development*

5.2 As set out in the policy section above, the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth. The NPPF also encourages a prosperous rural economy setting out at paragraph 28 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.

5.3 This application seeks to expand an existing employment use in the open countryside. The northern part of the application site is in use as a truck stop and haulage business. These permissions were based on a contained site with the former old road forming a defensible southern boundary. A comprehensive landscaping scheme was also permitted but has not been fully implemented. The car parking has been extended into the adjoining field which was intended to be landscaped as part of the landscaping mitigation strategy.

5.4 The application is supported by several public documents including an overview of the company (set up in 1982) which highlights that turnover in the business, over the last 5 years, has risen by over £7.6m to £13.6m for 2015 and the business now employs over 130 staff with further increases foreseen. The business has 236 suppliers with an annual spend of £5.4m. The business is based on waste transport and treatment services. Other businesses operate from the site including MT Training which provides HGV and bus driver training along with other industry related instruction courses and Rapid Response Solutions (RRS) which provide logistical support for the army training and storage facility at Ashchurch along with specialist transport services for the surrounding business community. Many of the proposed temporary buildings including timber buildings/portacabin/containers are used in connection with the other businesses and a large portable building is used for the café with toilets in an adjoining timber structure. The permitted truck stop use has permission for a drivers facility building, which includes catering and toilet facilities but this has not been erected. It is stated that the truck stop now caters for 190 vehicles per month with increased numbers forecast.

5.5 The agent has advised that the current contract with RRS ends in around 8 months' time and therefore the requested 12 month period for the retention of this use with its associated structures would comfortably see this period out. Whilst the application also requests a temporary 12 month period for the offices/store and welfare/wc unit used in association with the training facility there is no indication why these structures would no longer be required after the 12 month period. In response to a query on this time frame the agent has stated that the training facility is an integral part of the organisation but fails to explain what will happen after the 12 month period and whether a more permanent facility is to be provided.

5.6 Whilst the principle of this expanded employment use could be acceptable in this open countryside location, it is necessary to assess whether it would comprise a sustainable form of development and the economic benefits identified need to be balanced against any identified environmental harm, which is considered below.

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

5.7 The local landscape is open in nature and clearly viewed from higher ground within the wider landscape and the AONB/Special Landscape Area (SLA). The lack of existing features and the loss of the more extensive and sympathetic approved landscaping under planning permission 13/00203/FUL and environmental mitigation and ecological features are also noted. Following the refusal of a similar scheme to extend the parking into land to the south, pre-application discussions were held involving the Council's Landscape Consultant (LC). The key issues of concern raised were:

- Effects upon landscape character (including the principle of expansion into open countryside)
- Local views of parked vehicles and of the scheme itself including mitigation (including night time illumination)
- Longer distance views including those from the AONB and Special Landscape Area . (Scale and form of development).

5.8 A Landscape and Visual Assessment (LVIA) has been submitted in support of the application which concludes:

- The completed facility, together with its mitigation landscaping, will not be significantly visible from the surrounding area.
- The Development uses an odd shaped parcel of land made redundant by the realignment of the A46 some forty years ago, which has no designated interest or importance to visual amenity, nature conservation or heritage.
- The proposed landscaping scheme, being designed in accordance to the Design Manual for Roads & Bridges, is in harmony with the character of the surrounding landscape, as described in the Gloucestershire Landscape Character Assessment: 'Unwooded Vale' landscape character type. Bearing in mind the denuded character of adjacent farmland, frequently devoid of hedgerows, to the north, west & south, the planting scheme I propose will result in a significant improvement.
- The increase in the plant numbers, species diversity & the additional habitats created will be of substantial benefit to wildlife in the locality. The additional planting will provide a safe refuge for birds & mammals, nesting sites, & enhanced source of natural food.

5.9 The LC has considered the submitted LVIA, which is a redacted version of the report submitted as part of the previously refused application and notes inaccuracies in the report such as the site description and the description of the proposals not according with the development proposed in this revised submission. The report describes a scheme comprising bunds to a height not exceeding 2.5m whereas the application includes substantial land raising over a significant area to the south of the lorry park to achieve bunds of over 4m in height as indicated on the plans and sections. The LC concludes that the submitted LVIA does not consider the potential landscape and visual impacts associated with the current proposals and that as a consequence it is of limited value. The LC believes that the combination of existing vegetation, the proposed earthworks and associated new structure planting could be very effective at screening close and middle distance views of parked vehicles and activity within the proposed vehicle maintenance yard. Its effectiveness in the mitigation of night time illumination would depend entirely upon the detailed design of the lighting scheme. Such a scheme should propose relatively low light sources (no high level flood lighting) and effective light cut off to minimise glare and light spill. The LC does however have serious concerns that the substantial land raising required across the entire field to the south and east of the parking area to form bunds 4.5m above existing ground levels would in itself appear conspicuous and uncharacteristic. It would be visible from the surrounding road network and would contrast with the generally flat vale landscape within which it sits. The site is also visible from elevated views from the nearby Cotswolds AONB. By containing the bunds within the generally triangular land parcel to the south of the lorry park, the new landform would appear even more conspicuous, unnatural and contrived. The adverse effect upon the local landscape character of the vale would be all the more noticeable as a consequence of the site's prominent location at a busy intersection at Teddington Hands.

5.10 It is also worth noting that the previous application was refused on harmful landscape impact grounds with inappropriate and inadequate mitigation which included bunds of a lower height (2.25m). The revised scheme fails to address the previous concerns raised and in fact proposes a more inappropriate mitigation scheme. The environmental harm and the intentional existing encroachment along with the failure to implement approved landscaping should also be noted in terms of the Written Ministerial Statement (WMS).

5.11 In conclusion, whilst the proposals are likely to be effective in screening views of vehicles and activity within the maintenance and parking facility from the surrounding road network, the land raising necessary to achieve bunds of more than 4m above existing ground level would of itself be conspicuous and harmful to landscape character on the generally low lying and flat vale landscape. This harm would be material and weighs against the proposed development.

#### *Highway Issues*

5.12 A previous transport statement had highlighted that 50 new HGV spaces would be needed to replace those lost to the new building. This application no longer proposes the new building but still proposes an increased number of HGV spaces. A supporting transport statement states that it is proposed to increase the capacity of the truck stop by 50 spaces to meet the demand being experienced and to allow a longer 'lay-up' time for existing users of the truck stop.

5.13 There have been a number of highway objections raised regarding the application and the highway impact including traffic generation and highway safety. These objections and public concerns are noted, however the site access is the same as previously accepted by the highway authority on the basis of the accompanying transport statement. The current application includes a transport assessment for the

proposed parking and associated development which again illustrates suitable network capacity and access. The transport assessment demonstrates that an increase of 50 HGV parking spaces would not have a severe impact on the operation of the network. The actual increase based on the proposed and existing site plans is up to 38 additional HGV parking spaces. County Highways do not consider that the increase in car parking would have a severe impact on the operation of the network, given that the trips of the additional staff trip parking is accounted for within the transport assessment, the staggered arrival and departure times and the capacity analysis undertaken. Highways England who is responsible for the strategic road network (A46) also raises no objection to the application.

5.14 The comments of Highways England and County Highways are noted and therefore it is considered that the proposals would not be a danger in terms of the highway network or access onto the site. The proposal would involve a significant increase in parking provision, in excess of that previously refused. Whilst the revised scheme now includes some cycle parking it fails to address the previous reason for refusal as the supporting transport statement fails to indicate how alternative modes of transport would be encouraged. The proposals therefore are likely to result in increased use of the car with no alternative modes proposed. This also weighs against the proposal in the planning balance.

#### *Relationship to nearby properties/listed structures*

5.15 The immediately adjacent uses include a petrol station and shop; residential properties are generally distant from the site. There would be no material harm to nearby residents caused by the proposals.

5.16 The Conservation Officer has previously raised no objection as the principal listed structures are not related to the site.

#### *Other matters*

5.17 Some noise concerns have been raised by residents living in Teddington but given the distances involved (the settlement is located on the opposite side of the A435 approximately 600m to the south east) it is not considered that any noise generated from the additional HGV and other vehicles would be so significant as to adversely impact on the amenity of residents in Teddington.

### **6.0 Overall planning balance**

6.1 The applicant has set out that there is economic growth on the site and the business has seen continued growth with a regional importance in terms of the location on the strategic road network. This economic benefit, the existing jobs and the potential growth of the company weighs in favour of the proposals although it is unclear how this proposal relates to jobs or growth of the approved haulage/truck stop business (particularly given that the new building is now omitted from the scheme) and therefore the significance and the need for further encroachment and nearly doubling of HGV vehicles have not been fully justified.

6.2 The environmental harm identified above is significant as is the presence of unauthorised development and the failure to implement existing mitigation in line with the Written Ministerial Statement. The proposed mitigation would be alien to the open nature of the landscape and would be less than the existing approved landscape proposals despite the more significant and intensive use. There is also no detail on alternative modes of transport to address the previous reason for refusal on this matter.

6.3 The previous refusal is a key material consideration in this case. Since the refusal, the applicant has carried out further unauthorised development and increased the extent of further development proposed, thus adding to the resultant harm. Whilst the economic benefits are recognised, overall it is considered that the identified environmental harms outweigh those purported benefits and as such the proposals would not constitute sustainable development. The application is thus recommended for **refusal**.

### **RECOMMENDATION Refuse**

**Reason:**

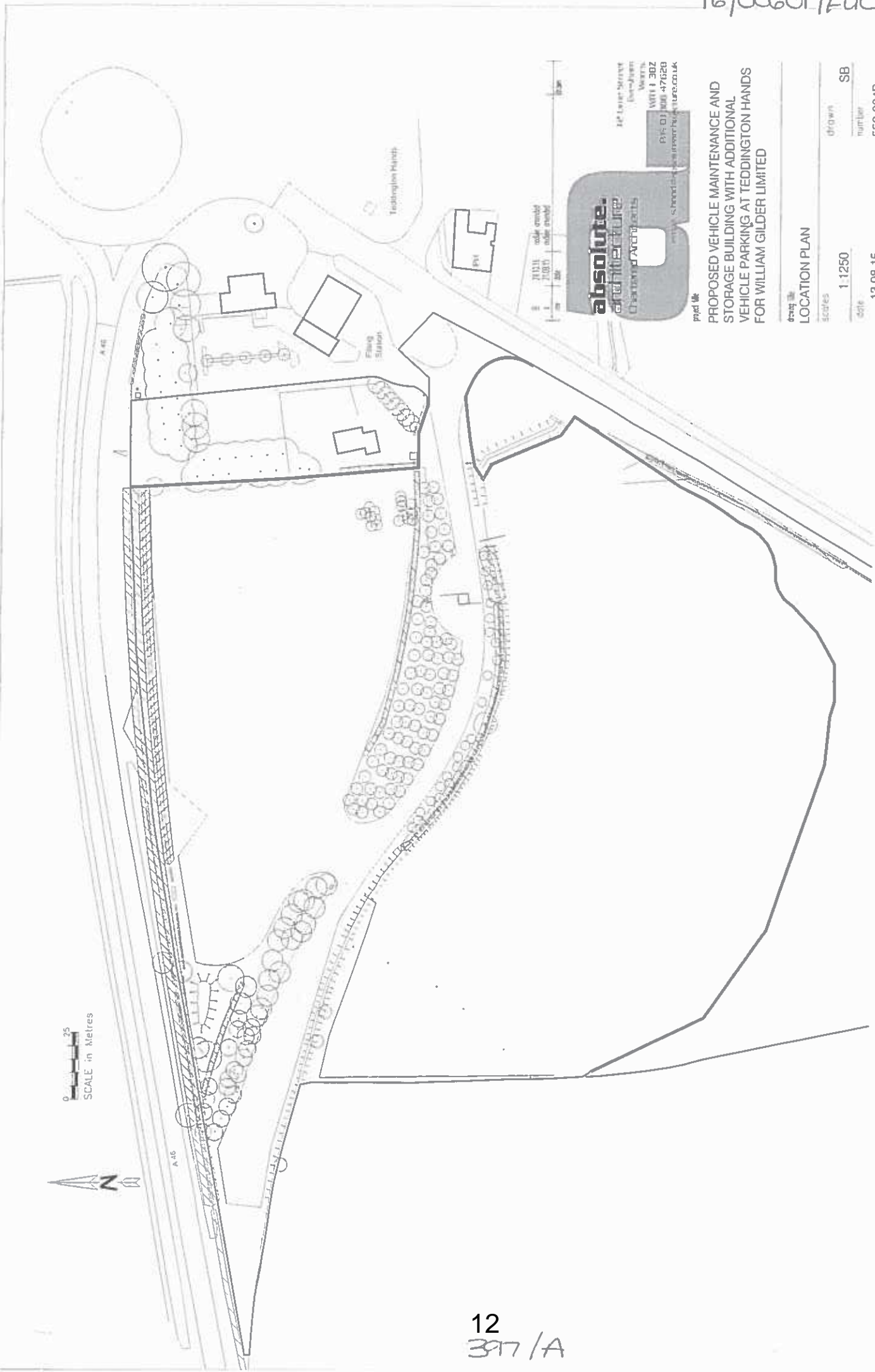
The proposals would significantly encroach into the open countryside with inappropriate and inadequate mitigation. Furthermore, the proposals would introduce HGV/car parking and significant features that by their scale and use of materials would be out of keeping with the rural character of the area in a highly visible and prominent location which would be highly visible from higher ground within the Cotswolds AONB and the proposed development is likely to lead to light pollution in the rural area. The proposal also fails to demonstrate that the opportunities for sustainable transport have been taken up. The proposals are therefore contrary to the aims and objectives of the NPPF, Policies LND4, LND7, TPT1 and EVT2 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and Policies SD7, SD15 and INF1 of the JCS Submission Version (November 2014). The lack of implementation of approved landscaping and other unauthorised areas are noted and balanced in respect of the Written Ministerial Statement on intentional unauthorised development dated 31 August 2015.

**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 seek solutions to overcome the planning objections and the conflict with Development Plan Policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area.





0 5 10 15 20 25  
SCALE in Metres

1:1000 scale model  
1:2000 scale model



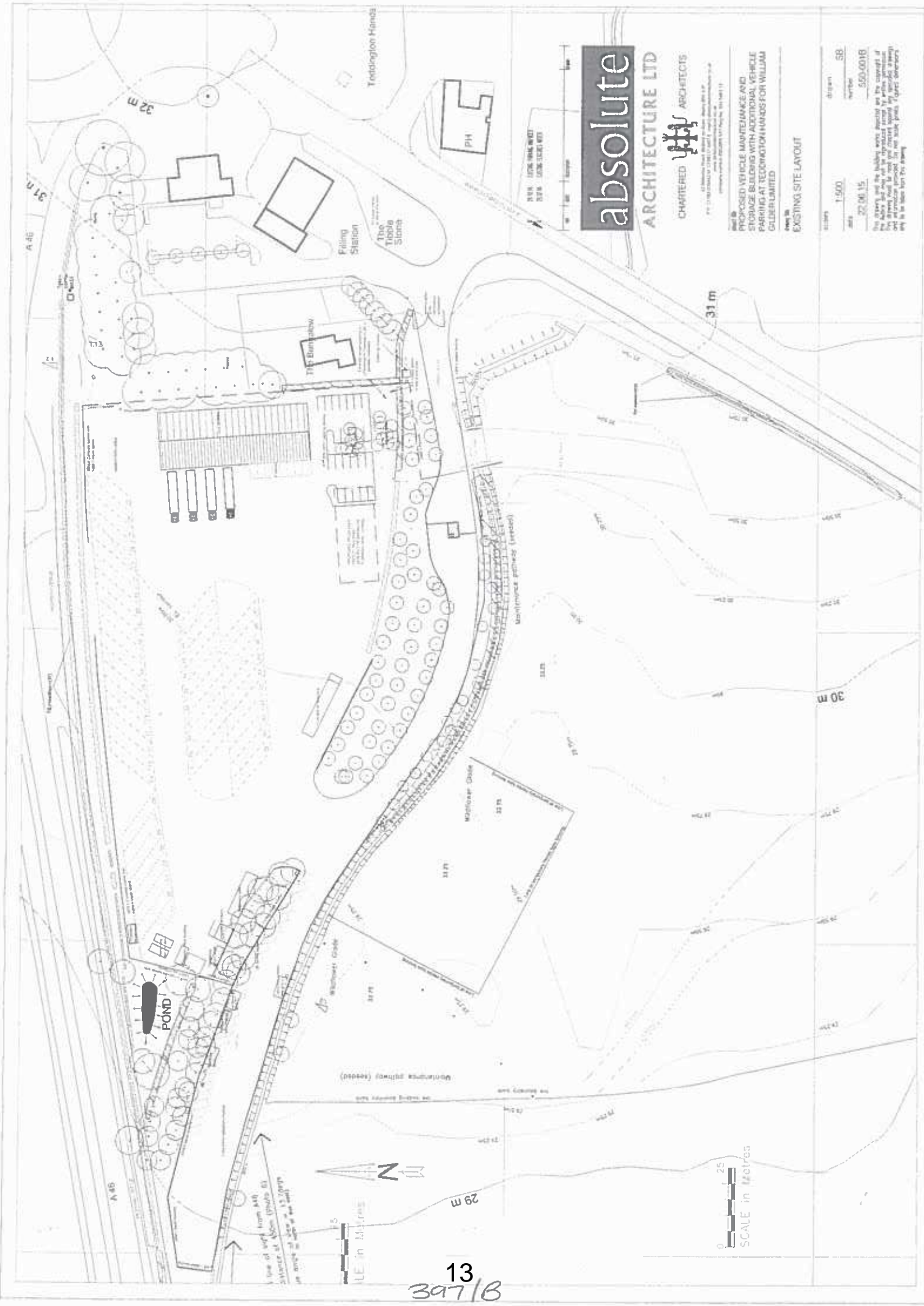
14 Lower Street  
Barnham  
Worthing  
West Sussex  
BN11 1 3DZ  
P: 01323 800 47620  
www.absolute-architecture.co.uk

project

PROPOSED VEHICLE MAINTENANCE AND STORAGE BUILDING WITH ADDITIONAL VEHICLE PARKING AT TEDDINGTON HANDS FOR WILLIAM GILDER LIMITED

drawing title	LOCATION PLAN
scale	1:1250
date	13.08.15
drawn number	SB
number	550-004B

This drawing and the building works depicted are the copyright of the Author and may not be reproduced without permission. This drawing must be read and checked against any specialist drawings and information provided by all other parties. Figure dimensions only to be taken from this drawing.



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**PROPOSED VEHICLE MAINTENANCE AND STORAGE BUILDING WITH ADDITIONAL VEHICLE PARKING AT TREDINGTON HANDBS FOR WILLIAM GLEN LIMITED**

**Phase 1b  
 EXISTING SITE LAYOUT**

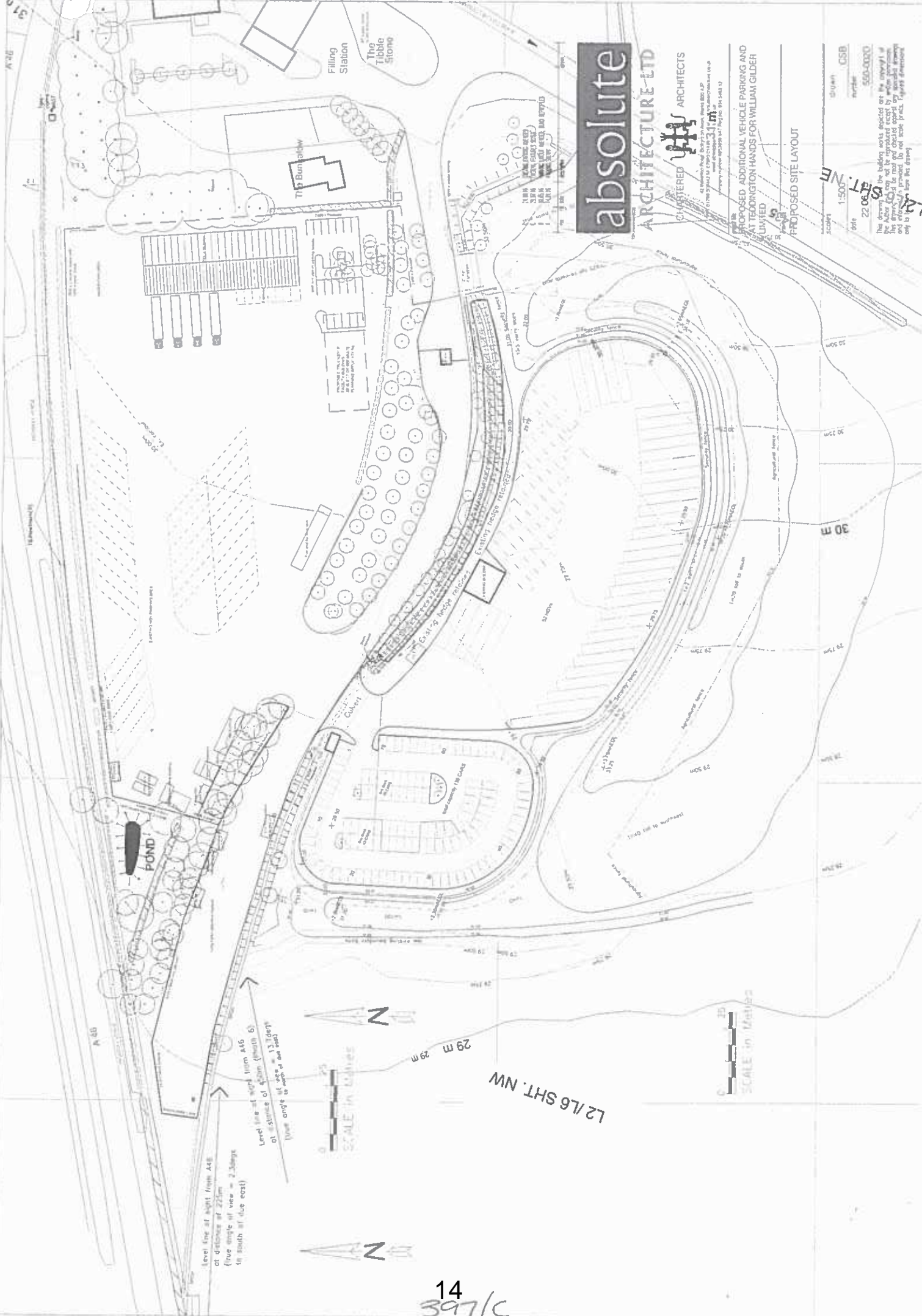
Drawn	1:900	Diagram	58
Date	22.06.15	Number	500-0018

This drawing and the building were prepared on the consent of the client and the site was inspected on the 12th June 2015. The drawing is for information only and is not to be used for any other purpose without the written consent of the architect.

Line of view from A46  
 Distance at above (points B)  
 Distance at above (point C)  
 Distance at above (point D)



13  
 397/B



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CHARTERED ARCHITECTS

PROPOSED ADDITIONAL VEHICLE PARKING AND  
BUILDING AT TEDDINGTON HANDS FOR WILLIAM GILDER  
LIMITED

PROPOSED SITE LAYOUT

Client: William Gilder  
Number: 550-0000  
Date: 22.06.11  
Scale: 1:500

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Level line at right from A4E  
at distance of 22.5m  
(true angle of view = 2.5angs  
in south of due east)

Level line at right from A45  
at a distance of 4.0m (width 6)  
true angle of view at due east



29 m 29 m

L2/L6 SHT. NW





16/00762/FUL

107 Cambrian Road, Walton Cardiff, Tewkesbury

2

Valid 02.08.2016

Use of land for residential purposes including re-configuration of wooden fencing.

Grid Ref 390461 231510

Parish Wheatpieces

Ward Ashchurch With Walton  
Cardiff

Mr Brian Thistlewood

107 Cambrian Road  
Walton Cardiff  
Tewkesbury  
Gloucestershire  
GL20 7RP

## **RECOMMENDATION Permit**

### **Policies and Constraints**

Local Plan TPT1

National Planning Policy Framework

Planning Practice Guidance

### **Consultations and Representations**

Parish Council - Object due to the loss of an allocated parking space. The Parish Council receives reports from residents' on a regular basis in relation to obstructions caused by parked cars on roads on the estate, in particular on Cambrian Road, and would not wish this to be exacerbated further by the loss of a parking facility particularly on a corner location. The Parish Council would also question whether the existing allocated parking space would have been part of the original reserved matters planning consent.

Highway Authority - I have noted the concerns raised by the parish council, As you are aware there are no parking standards in Gloucestershire this combined with the property having access to 4 parking spaces would not be considered a reasonable reason to raise any highway objections to this application. This is an existing situation and there are no restrictions to prevent parking on the highway at this location. If parking is perceived to be a hazard then the police should be contacted as the highway authority has no control over parking.

**Planning Officers Comments:** Gill McDermot

#### **1.0 Application Site**

1.1 The application site forms part of No. 107 Cambrian Road, Walton Cardiff, Tewkesbury, which is a detached two-storey property. No 105 Cambrian Road lies to the north of the site and No. 1 Beauchamp Road lies to the east. The site occupies a corner plot to the north-east of a roundabout.

1.2 The existing dwelling benefits from a double garage and parking space for four cars which is accessed off Cambrian Road.

#### **2.0 Planning History**

2.1 There have been various applications in relation to this housing development, with outline planning permission being granted in the late 1980's, but there is no planning history which specifically relates to this site.

#### **3.0 Current Application**

3.1 The current application proposes the use of the land for residential purposes including re-configuration of wooden fencing.

#### **4.0 Analysis**

Principle of development

4.1 The site is located within the settlement boundary of Walton Cardiff, Tewkesbury, which is defined as a larger settlement containing a primary level of community facilities and services. There are no particular policies that apply to this type of development. It is considered that the principle of development is acceptable subject to other material considerations.

#### Highway safety and parking

4.2 Policy TPT1 of the Local Plan states that development will be permitted where traffic generation would not impair the safety or satisfactory operation of the highway network.

4.3 The applicant has provided the following information in support of the application:

- The application site is within the property boundaries and is a private parking area for the use of 107 Cambrian Road.
- The space is of limited depth and can only accommodate a small car.
- Our property is a four bedroomed detached house with a double garage and off street parking area for 4 cars.
- The parking area for this property is more than adequate for the number of occupants and visitors
- The proposed removal of the space and erection of fencing will not affect the parking arrangements associated with the property.

4.4 Given the comments received from the Highway Authority and that the property has four car parking spaces excluding any garage spaces, it is considered that the proposal could be recommended for refusal on the grounds of the loss of a parking space.

#### Impact upon the character of the area and residential amenity

4.5 The existing front boundary along Cambrian Road consists of a 2 m high brick wall and the boundary of the parking area consists of a 1.9 m high close board fence. This latter feature is proposed to be removed and new close board fencing to be erected along the north boundary of the site. The proposed change would be barely perceptible from public vantage points and it is considered that the proposal would therefore not adversely affect the character and appearance of the area.

4.6 Given the minor nature of the proposals and the layout of the site it is not considered that there would be any undue impact on the living conditions of neighbouring properties.

#### **5.0 Conclusion**

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

#### **RECOMMENDATION Permit**

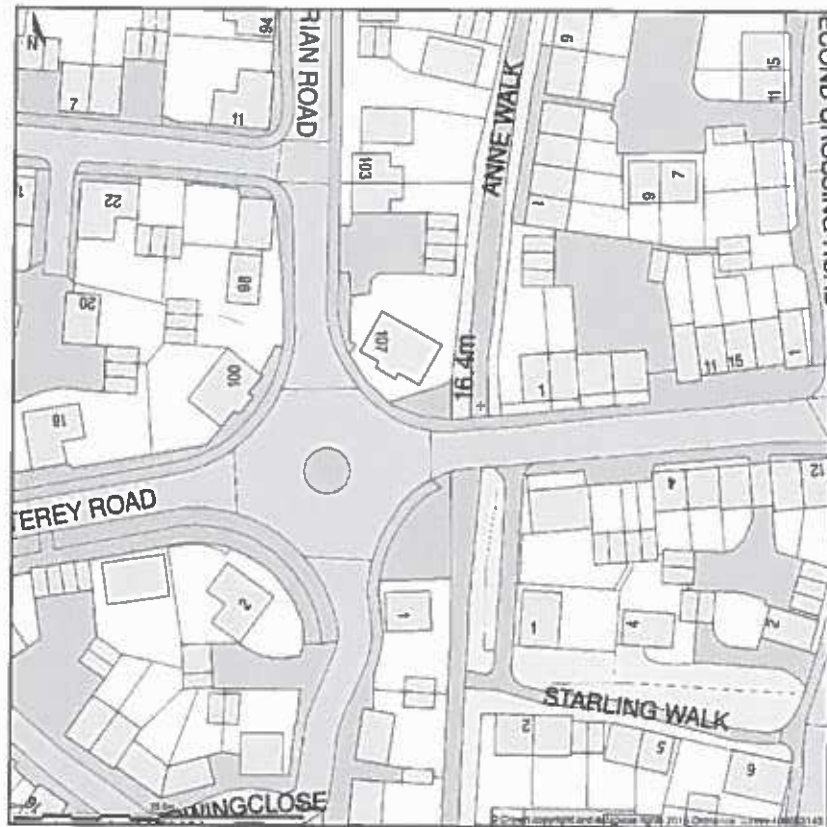
##### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the details on the application form and approved drawing numbers 1:500 scale Block Plan received 21st September 2016, 1:1250 scale Site Location Plan and Layout Plan as Proposed No. 101 received by the Local Planning Authority on 20th July 2016.

##### Reasons:

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


107, Cambrian Road, Walton Cardiff, Tewkesbury, Gloucestershire, GL20 7RP

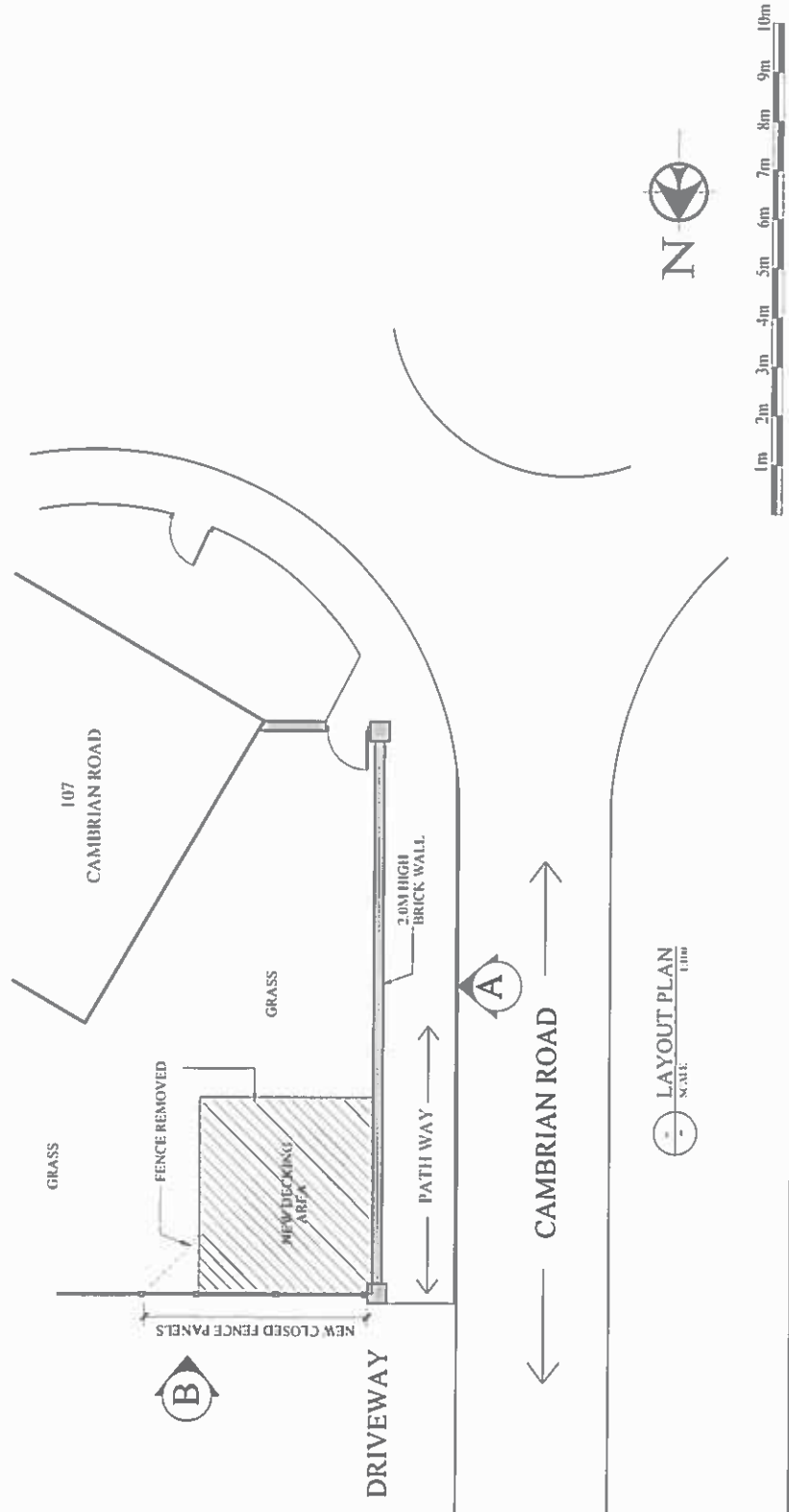
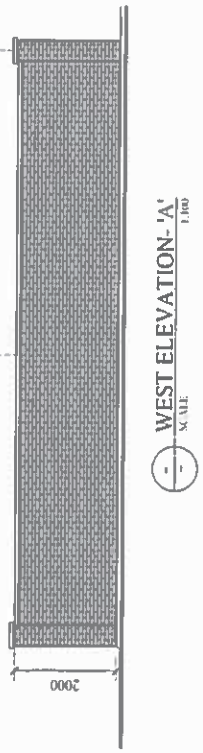
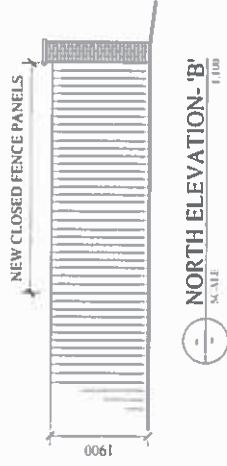


Site Plan shows area bounded by: 390390.26, 231425.51 390531.68, 231566.93 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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 <b>MEKKARA</b> Architectural Consultants 99 Whiston Road, Chesham, U.K. SS 9 4A Tel: 01292 3477, 0744 900029	
Client	<b>MR. BRIAN THISTLEWOOD</b>
Job Title	<b>PROPOSED GARDEN FENCE ALTERATION</b> 107, CAMBRIAN ROAD TEWKESBURY, GL20 7PR
Drawing Title	
<b>LAYOUT PLAN AS PROPOSED</b>	
Scale	Date
1:100 (on A3)	July 2016
Dwg No	101



399188

Valid 13.08.2016

Variation of condition 1 of planning application 15/01316/FUL to allow for extended opening hours from 0700 to 2200 Monday to Saturday and from 0900 to 1700 on Sundays.

Grid Ref 390014 232963

Parish Tewkesbury

Ward Tewkesbury Newtown

Wm Morrison Supermarkets Plc  
C/O Agent

## RECOMMENDATION Permit

### Policies and Constraints

Tewkesbury Borough Local Plan to 2011 - March 2006 - EVT3

### Consultations and Representations

Town Council - Objections - impact on local residents (noise, pollution and general disturbance to residents).  
Environmental Health Officer - Whilst there is no additional information that supports a change in these hours or changes the situation from when the original permission was granted and there is no supporting documentation that evidences that the increase in traffic at the proposed increased times would not affect residential amenity, it is noted that the entrance to the store is not in direct proximity to residential dwellings. No representations/objections from neighbouring residents have been received.

**Planning Officers Comments:** Miss Joan Desmond

### 1.0 Application Site

1.1 Morrison Supermarket is located on the eastern edge of the town of Tewkesbury on the northern side of Ashchurch Road (A38) close the junction of the A38 with the Eastern relief Road. The supermarket opened in 1993 and was originally purpose built for Safeway Stores PLC. The store now forms part of the Wm Morrison Supermarket (WMS) Group (see attached location plan).

1.2 The access road to the store and service yard passes alongside properties at Wynyards Close. Along this boundary is a landscaped bund and fencing. A derelict area of land and route of the protected old railway adjoin the site to the north.

### 2.0 Relevant Planning History

2.1 Planning permission was granted in 1993 for a retail store (Class A1) with coffee shop and associated car parking facilities, petrol filling station and car wash, public car park and improvements to Station Road (Ref: 93/8622/0136/FUL). Condition (s) of this planning permission limited trading hours of the food store to:

Monday to Thursday - 0800-2000

Friday - 0800-2100

Saturday - 0800-2000

Sundays - 0900-1600

Condition (s) was imposed to ensure that noise emitted from this development is not a source of nuisance to occupants of nearby residential properties.

2.2 In 1993, planning permission was refused for the '*Continued use without complying with condition (s) of planning permission 93/8622/0136/FUL which limits the trading of the foodstore*'.

This application was subsequently allowed on appeal in 1994. The reason for refusal and subsequent main issue of the appeal was the impact of the proposed development on the amenity of residents of the adjoining residential properties. In granting the appeal the inspector imposed the new condition which limited the trading hours as follows:

Monday to Thursday - 0800-2000  
Friday - 0800-2100  
Saturday - 0800-2000  
Sundays - 0900-1700'.

The Inspector considered that the proposed extension of store's Sunday trading hours by one hour would not change the current operation at the site and would therefore not create significant noise or visual disturbance.

2.3 In 2000, planning permission (ref.00/8622/0026/FUL) was granted to vary the store's trading hours to provide one additional hour (until 21.00 hrs) Monday to Thursday and Saturday.

2.4 In January 2016 planning permission was granted to vary Condition S of permission ref. 93/8622/0136/FUL to allow the store opening hours to be extended temporarily during selected days in the run up to Christmas Eve (ref: 15/01316/FUL).

2.5 A recent application (16/00368/FUL) to increase the time for deliveries/collections by two hours in the mornings on Monday to Saturday and by five hours in the mornings on Sundays was refused permission in July 2016 on the grounds that it would be detrimental to the residential amenity of nearby properties.

### 3.0 Current Application

3.1 This application seeks to vary the trading hours to:

Mon - Sat 0700 to 2200  
Sunday 0900 to 1700

3.2 The variation would in effect increase the trading hours by two hours. One hour earlier in the morning and one hour later in the evening on Monday - Saturday. There would be no change to trading hours on Sundays.

### 4.0 Policy Context

4.1 The NPPF states at paragraph 120 that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Furthermore that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

4.2 The PPG on noise makes it clear that noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.

4.2 Local Plan Policy EVT3 provides that new development should be sited away from sources of noise and planning permission should not be granted for development where noise would cause harm and could not be ameliorated. Whilst the Tewkesbury Borough Local Plan to 2011 - March 2006 is out of date, this policy is considered to be consistent with the NPPF and is therefore afforded significant weight. Similarly Policy SD15 of the JCS (Submission Version) November 2014 seeks to ensure that development does not result in unacceptable levels of noise pollution.

### 5.0 Analysis

5.1 The key consideration in this case is the effect that the proposed increase in trading hours would have on the residential amenity of nearby residents. The nearest residential properties in this case are those located off Wynyards Close.

5.2 A Planning Statement has been submitted with the application which concludes that:

- (a) The significant separation distance of 120 metres between the store's entrance and the nearest residential dwellings in Wynyards Close ensures that there would be no adverse impact on residential amenity.



- (b) The petrol filling station currently operates and deliveries are undertaken within the proposed extended trading hours. It has therefore been established that vehicle movements and general activity within the site are acceptable during these hours.
- (c) The increase in opening hours would enable the Morrison's store to improve its efficiency and to spread demand from customers over a longer timeframe, thereby mitigating against the potentially adverse impacts which could arise during peak periods.

5.3 Whilst the Town Council has raised an objection on amenity grounds there has been no letters of objection received from residents at Wynyards Close which contrasts with the large number received (13) on the application to vary the delivery hours. The service yard area is located close to these properties. As stated in point (b) above the trading hours for the filling station are 0700 to 2200 on Monday to Saturday which uses the same access and this application would bring the trading hours of the store in line with those for the filling station.

5.4 The Environmental Health Officer (EHO) has raised initial concerns that there was no additional information to support the change in hours but this is contained within the Planning Statement. In addition The EHO has now confirmed that the British Standard or the World Health Organisation recommendations apply to the hours of 0700 - 2300 and that it would be difficult to object on noise grounds within these times without evidence to demonstrate harm. As such, for the reasons stated above, the application is recommended for permission.

#### **RECOMMENDATION Permit**

##### Conditions:

- 1 The food store shall be limited to the following trading hours except during the four days prior to Christmas Eve (excluding Christmas Eve itself and any Sunday) during which the trading hours referred to in condition 2 of this permission will apply:
  - Monday to Saturday 0700 to 2200
  - Sunday 0900 to 1700
- 2 The trading hours of the premises on the four days prior to Christmas Eve (excluding Christmas Eve itself and excluding any Sunday) shall be limited to 06.00 to 00.00 hours; after which the trading hours shall revert back to those referred to in Condition 1 of this permission.
- 3 Deliveries and collection to, from and within the site shall be limited to the following hours:
  - Monday to Saturday 0700 to 2200
  - Sunday 1000 to 2200
- 4 The filling station shall be limited to the following trading hours:
  - Monday to Saturday 0700 to 2200
  - Sunday 0800 to 2200
- 5 The vehicle parking areas, accesses, manoeuvring and turning areas shall be retained permanently for such use.
- 6 The land comprising the access junction visibility splays shall be kept clear at all times.
- 7 There shall be no open air operation of plant machinery or equipment and any cooling plant and machinery shall be enclosed with sound insulating material in accordance with details to be submitted to and approved by the Local Planning Authority.
- 8 There shall be no outside storage whatsoever on the site except for the re-cycling banks.
- 9 The premises shall be used for a retail food store selling mainly convenience goods and filling station purposes and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.



- 10 The net floorspace for the sale of comparison goods shall not exceed 270 square metres without the prior express permission of the Local Planning Authority.
- 11 There shall be no vehicular access into the service yard from Station Road and the northern access shall only be brought into use at such time as a link road has been provided thereto from the proposed square-about to the east. Consequently with such access being brought into use measures shall be taken to prevent commercial vehicle access via Station Road in strict accordance with details to be submitted to and approved by the Local Planning Authority.

Reasons:

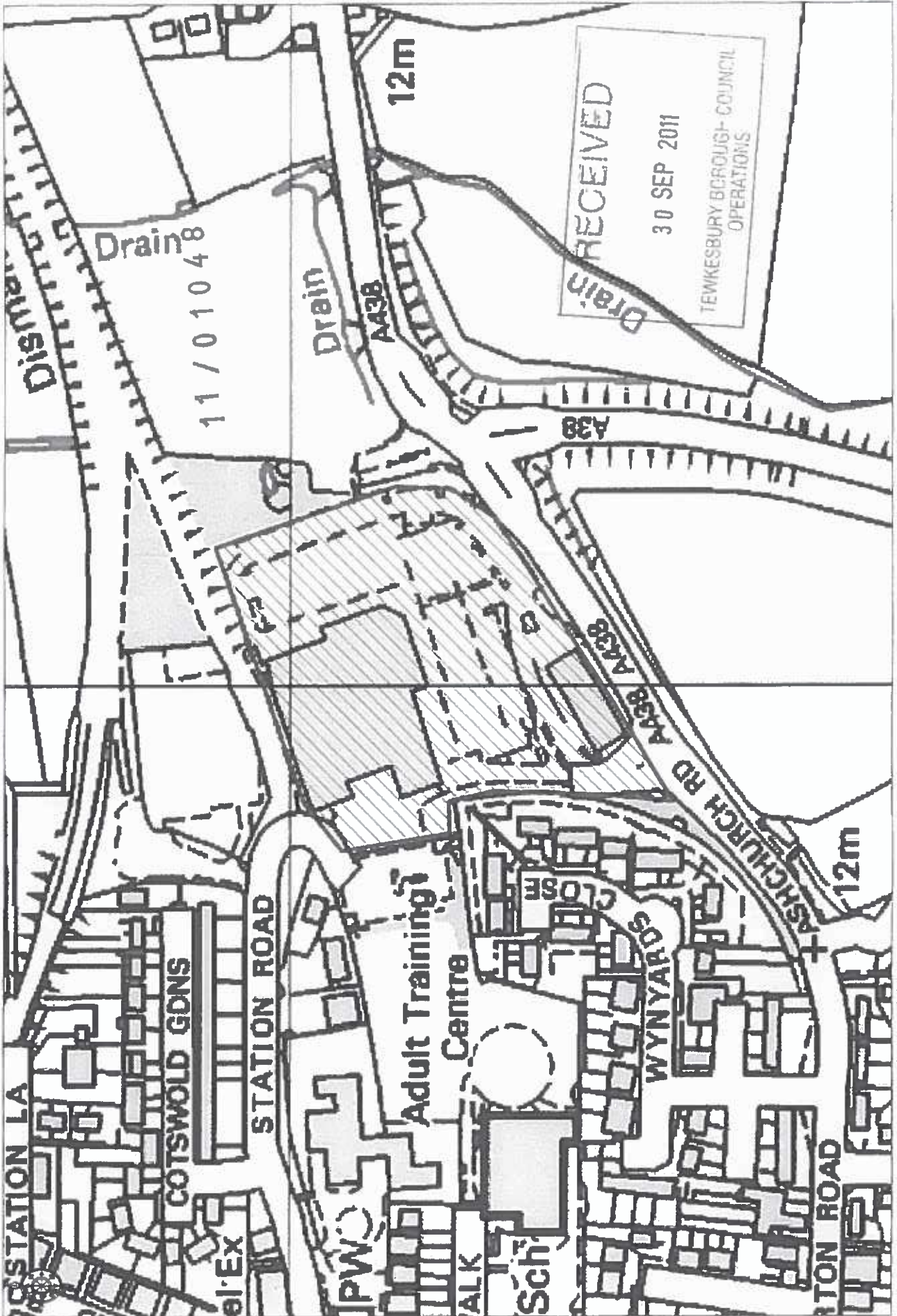
- 1 To safeguard the amenities of local residents in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 2 To safeguard the amenities of local residents in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 3 To safeguard the amenities of local residents in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 4 To safeguard the amenities of local residents in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 5 To ensure that vehicles are parked off the highway in the interests of road safety and to ensure that vehicles can load/unload and manoeuvre off the highway in the interests of road safety.
- 6 To give better visibility in the interests of road safety to vehicles emerging on to the highway in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 To safeguard the amenities of local residents in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 To protect the visual and general amenities, and preserve the site's landscaping, parking, and off-street manoeuvring area.
- 9 To accord with Policy RET6 of the Tewkesbury Borough Local Plan to 2011 - March 2006 as non-food retail uses could result in a material increase in the number of vacant properties and a market reduction in the range of services provided within the town centre thereby adversely affecting the vitality and viability of the town centre as a whole.
- 11 To protect the amenities of residents in nearby residential property on potential approach roads to the site.

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.

Wm Morrisons, Tewkesbury



Valid 08.06.2016

Outline application with all matters reserved except for access for the development of up to 65 dwellings (inc. 26 affordable homes) including access, landscaping and other associated works

Grid Ref 397019 229524

Parish Gotherington

Ward Oxenton Hill

Lioncourt Strategic Land  
c/o agent

## RECOMMENDATION Delegated Permit

### Policies and Constraints

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

Planning Practice Guidance

Joint Core Strategy - Submission Version (November 2014)

Gotherington Neighbourhood Development Plan 2011-2031 Regulation 16 Submission Consultation Draft

Flood and Water Management SPD

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

The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

#### Gotherington Parish Council

Object to the application on the following grounds:

- Gotherington Neighbourhood Development Plan (GNDP) is progressing well with the referendum stage expected by spring 2017. The GNDP identifies three sites where small developments would be acceptable. The application site is not one of the chosen sites;
- This development is on prime agricultural land;
- The design conflicts with the existing linear nature of the village and the small urban housing-estate design is totally contrary to any other part of the village;
- The proposed housing density is far higher than the existing properties abutting the development to the east and throughout the village. The proposal for two storey houses goes against the character of the adjoining bungalows along Manor Lane;
- This development would have a serious impact on the residential amenity to residents;
- There is no local employment, secondary school, doctors, dentists or library for the proposed 75 households thus generating a need for greater car use;
- There is an existing problem associated with on street parking during school drop off/pick up times. This reduces Gretton Road to a single carriage way and causing considerable congestion. An increase in traffic from the proposed development would only serve to worsen the situation;
- There is a need for improvement to the Malleson Road/A435 junction due to increased traffic;
- The proposal to reduce the width of Gretton Rd immediately to the west of the site to 3.25m in order to provide a footway to Manor Lane would cause considerable congestion. There is also a concern that this road is frequently used by large farming vehicles which range between 3.25m and 4m in width;
- The Transport Statement's reference to public transport is totally misleading and out of date as the 527, T and D services will no longer come into the village. Leaving only an hourly service after the school buses and no service in the evening or at all on Sundays. Therefore the development is not served by efficient public transport;
- The demand for places at the village school far exceeds capacity and the school is already not able to accept some Gotherington children;
- Manor Lane and Gretton Road suffered severe flooding from surface water run-off in spring 2016 lifting manhole covers. The urban development of nearby fields can only exacerbate this situation;
- The Inspector's interim report to the JCS states that scattering such large amount of housing around the Tewkesbury villages would not be the most sustainable approach;
- The GNDP has now reached the Regulation 16 consultation stage several weeks ago. Therefore it has gained considerably more weight;

- Manor Lane running north - south from Gretton Road already provides a positive edge between the village and the countryside. Having predominantly 1-1.5 storey bungalows any 2-2.5 storey houses would destroy this visual amenity;
- The development would intrude into the special landscape area which is designed to protect the approach to the (AONB) of the surrounding hills;
- An influx of such a large number of new residents will damage the social cohesion of our community

Oxenton Parish Council - Object to the application. It is considered that the new development will overwhelm Tirlle Brook as the run off of surface water will be doubled by it. Our sewage system is already overwhelmed and in heavy rain sewage is discharged onto the road at Grange Farm. The Cotswold scarp is the most beautiful part of the Cotswold Area of Outstanding Natural Beauty and this development is on the boundary of it. This development is aimed at commuters and our roads are full already. Many of these commuters will be going to Bristol, Birmingham or London every day and they will clog our roads throughout Gloucestershire.

County Highways - Formal comments still awaited

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

County Archaeologist - the application site has low potential to contain any significant archaeological remains. Therefore, I recommend that no further archaeological investigation or recording should be required in connection with the proposed development.

Conservation Officer - No adverse comments to make in relation to setting of nearby Grade II Listed Farmhouse.

Environmental Health - There is no evidence of potentially contaminated land in the vicinity of the site

Housing Enabling and Policy Officer - support application however it is preferred that some more specific elements are agreed to at this time as follows:

- 40% of which 60% Affordable Rented tenure to 40% Intermediate tenure.
- Of the Intermediate Tenure at least 50% are to be Shared Ownership.
- 10% of the houses are to be built to Category 2 Housing
- Bungalows are to be built to Category 3b Housing
- No more than 10 affordable dwellings will be in any one cluster on the site.

Lead Local Flood Authority - No objections subject to conditions to secure a detailed drainage/attenuation scheme, details of exceedance flow routes and a SuDS maintenance plan.

Severn Trent Water Ltd - No objection subject to drainage condition.

Crime Prevention Design Advisor - General comments provided on the site layout based on Secured by Design principles.

Campaign to Protect Rural England (CPRE) - Object for the following reasons:

- The proposed development is considered to be contrary to the GNDP;
- The Inspector has made it clear that she does not expect there to be a major increase in the proportion of new housing in service villages such as Gotherington;
- The proper remedy for a shortfall in housing land supply is the prompt allocation of strategic sites in a development plan, not the piecemeal release of smaller sites in relatively unsustainable locations such as this;
- We would ask that the Borough Council be satisfied that the proposed access arrangements are not inimical to road safety;
- There is a separate issue of the effect of the removal of several sections of the existing hedgerow to make way for these accesses;
- Consider that the proposed development would have a marked adverse effect on the landscape which would be sufficient to warrant refusal;
- We conclude that on balance the proposed development cannot reasonably be considered to be sustainable.



Cotswold Conservation Board - Object to the impact of this development on the setting of the nationally protected AONB.

Natural England - No objection. Natural England has been made aware that there are protected species on the site and advise that the LPA is required to refer to their Standing Advice.

#### Local community representations

Overall 122 objections have been made to this application based on the following areas of concern:

- There are more suitable sites available in the village. An outline planning application for residential development at land south of Malleson Road in Gotherington has been submitted to the Council (16/00965/OUT). This site is not within the Special Landscape Area;
- The application would conflict with and be premature to the GNDP;
- The village roads are increasingly busy due to large scale house building at Bishops Cleeve and are not suitable for further increases;
- The local school does not have capacity for more children;
- Vehicles continually park partly on pavements as the roads are deemed too narrow for large vehicles to park and allow safe and easy passage of other traffic. Pushchairs, prams, wheelchairs and disabled pavement scooters are forced to use the road. 75 more properties would increase the risk to safety;
- The site is in the Special Landscape Area. The development would impact on the AONB and the character of the village;
- The development will make existing flooding problems on Manor Lane and Gretton Road worse;
- The development is located on prime agricultural land;
- The JCS inspector indicated that any additional housing required in the Tewkesbury area should not go to the villages;
- The site has not been identified as suitable within the TBC Local Plan for the area;
- The village only requires a further allocation of 49 houses up to 2031, this large scale development is not suitable or required;
- The existing sewage and storm water drainage system is unlikely to cope with the high demand of a development of this size;
- The site is not included in the GNDP;
- The proposal would create an imbalance in the way that Gotherington is laid out;
- The development would be out of character with the linear character of the village;
- The privacy and amenity of residents of Manor Lane would be compromised;
- The development would cause noise and disturbance to residents and children at the nearby school;
- There has already been significant new building in the local area;
- Local services cannot cope with the extra population. The school is oversubscribed and it takes three weeks to book an appointment at the Doctors;
- Allowing this development would have a negative effect on the beautiful village and threaten a dilution of the strong sense of community that we live in;
- The GWR heritage railway is one of the most important tourist attractions in the Cotswolds. If a housing estate were to be built on the site it would undermine the context of Gotherington Station and destroy the outstanding view from these locations;
- The proposal would represent over-development;
- The proposal will create an abrupt edge to the village and not a gradual change;
- The site is ecologically important supporting protected and endangered species (bats, birds, Great Crested Newts);
- The site is close to Grade II Listed Buildings;
- The proposed site does not seek to integrate in any way with the rest of the village. It will become an enclave with one road access and surrounded by high hedgerows;
- The nearest open space is Gotherington Playing Fields and Village Hall which is some distance from the site. It requires parents and children to walk along busy roads. There is no opportunity for children to go and play on their own;
- With all of the current housebuilding in Bishops Cleeve there is no need for this development;
- The site is opposite a GNDP site which will have the effect of significantly increasing traffic on Gretton Road;
- There is an inadequate bus service to serve the new residents;
- The proposed reduction of dwellings to 65 will make no difference to the objections previously raised;
- Farm vehicles passing through Gotherington will have difficulty negotiating the proposed road narrowing;

- The proposed road narrowing does not take into account the needs of horse riders passing from one of Gotherington's bridleways to the other;
- The site is ecologically important supporting protected and endangered species (bats, birds, dormice, Great Crested Newts). The proposed development will have an adverse impact on nature conservation interests and biodiversity opportunities;
- The proposal will have an urbanising effect on this rural location.

**Planning Officers Comments:** Mr Matthew Tyas

## **1.0 Introduction**

1.1 The application site comprises two agricultural fields located at the eastern end of Gotherington on the southern side of Gretton Road and to the east of Manor Lane. The site is 4.15ha in area and comprises a mixture of grassland and arable agriculture. The site is enclosed by mature trees and a hedgerow to its north boundary with Gretton Road and to its east boundary with the open countryside. There is also a minor watercourse running adjacent to the east boundary. The site is adjoined to the west by the existing residential development along Manor Lane, to the south by the Truman's Farm building complex and to the south-east by the Gloucestershire Warwickshire railway (GWR) line.

1.2 The site is located within the Special Landscape Area (SLA) with the AONB located on the other side of the railway embankment. The site is located outside of, but immediately adjacent to, the Residential Development Boundary of Gotherington as defined in the Tewkesbury Borough Local Plan to 2011 (TBLP). Trumans Farmhouse is a Grade II Listed Building and is located approximately 35 metres to the south-west of the site beyond the farm building complex.

## **2.0 Relevant Planning History**

2.1 There is no planning history to the site.

## **3.0 Current Application**

3.1 The application seeks outline planning permission for up to 65 dwellings. The application seeks approval of the proposed access to the highway but reserves detailed matters relating to the scale, layout, appearance and landscaping of the development for future consideration.

3.2 The application is in revised form. The application originally proposed up to 75 dwellings but following concerns raised by the Council's Landscape Consultant has been reduced to 65 dwellings.

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

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

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

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

4.3 Where planning obligations do not meet the above tests and restrictions, it is 'unlawful' for those obligations to be taken into account when determining an application.

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

4.5 The need for planning obligations is set out in relevant sections of the report.

## 5.0 Principle of Development

### The Development Plan

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

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

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

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

### Emerging Development Plan

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

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

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

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

5.8 The JCS was submitted to the Secretary of State on 20 November 2014. Its Examination in Public commenced in May 2015 and is still ongoing. The plan is however at an advanced stage of examination with the Inspector publishing her Interim Report in May 2016. The JCS authorities are now developing main modifications to the plan based on evidence and discussions heard throughout the hearings and the recommendations in the Interim Report. The exact timetable is still to be determined. Whilst the emerging plan is now at an advanced stage, it is not yet formally part of the development plan for the area and the weight that can be attached to its policies will be considered having regard to the criteria set out above. Relevant JCS policies and the weight that can be attributed to them will be considered in the appropriate sections of this report.

5.9 The Tewkesbury Borough Plan (2011-2031) will sit beneath the JCS. A draft Site Options and Policies document has been published and was the subject of six weeks of public consultation, which closed on 13th April 2015. The draft plan invited views on possible site options for development at the rural service centres and service villages. The draft plan is at a much earlier stage of development than the JCS and thus can only be given very limited weight at this stage. It is relevant to note that Policy HOU1 of the Site Option and Policies document does not include an estimate of numbers required for each settlement. Following the consultation, the Council will refine these potential options before narrowing the number of proposed



allocations, which will then be included as proposed allocations in the next stage of the plan. The 'Approach to Rural Sites' Background Paper which supports the plan process includes within it a disaggregation process which provides an indicative figure for Gotherington of 71 dwellings. However, there is an existing plan period delivery/commitment of 22 dwellings which would reduce this figure to 49. Although the indicative figure for Gotherington is 71 dwellings, the number of dwellings identified for all Service Villages needs to be accommodated within the 12 Service Villages and is dependent upon the suitability and availability of sites at each. Therefore, this figure is indicative only and could go up or down. It should also be stressed however that this is just part of the evidence base to the emerging plan which will eventually include specific allocations, and should not be afforded weight but does give some indication of the sort of numbers which may be allocated by the Borough Plan.

5.10 The consultation draft of the Gotherington Neighbourhood Development Plan (GNDP) has now been published. The draft plan has undergone its first phase of consultation which closed in March 2016. The plan was formally submitted to the Local Planning Authority and its public consultation (Regulation 16) commenced on 12th September 2016 and closed on 21st October. When made the plan will form part of the statutory development plan for the area. Whilst the plan is now at a fairly advanced stage of preparation, it must still undergo independent examination before it can proceed to local referendum and its ultimate making. The Regulation 16 consultation on the plan has attracted some objections and the plan and its policies could be subject to change as a result of its examination. The PPG confirms that an emerging neighbourhood plan may be a material consideration and that paragraph 216 of the NPPF (see above) also applies to the weight that may be given to its policies. Paragraph 49 of the NPPF also applies as regards made neighbourhood plans in that relevant policies for the supply of housing should not be considered up to date in the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Relevant GNDP policies and the weight that can be attributed to them will be considered in the appropriate sections of this report.

#### National Policy/Guidance

5.11 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. The NPPF goes on to say that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. Footnote 9 to paragraph 14 gives examples of where policies in the Framework indicate where development should be restricted and includes land designated as an Area of Outstanding Natural Beauty and designated heritage assets.

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

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

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

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

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

5.16 As set out above, footnote 9 to paragraph 14 gives examples of where policies in the Framework indicate that development should be restricted. In this instance the site is not subject to any specific policies within the framework that indicate that development should be restricted. It is therefore considered that the presumption in favour of sustainable development is engaged in this instance. In view of the above it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits.

## **6.0 Landscape and Visual Impact**

6.1 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 109 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes.

6.2 In this instance the site is located within the SLA; a local landscape designation. Policy LND2 of the TBLP provides that special attention will be accorded to the protection and enhancement of the Special Landscape Area and that proposals must demonstrate that they do not adversely affect the environment, its visual attractiveness, wildlife or ecology or detract from the quiet enjoyment of the countryside. The reasoned justification to Policy LND2 explains that the identification of the Special Landscape Area aims to protect the foreground setting of the AONB where the topography of the area is a continuation of the AONB and/or where the vegetation associated features are characteristic of the AONB. The Special Landscape Area is of a high landscape quality that is worthy of protection in its own right, but it also protects the setting of the nationally designated AONB. It is considered that policy LND2 is consistent with the NPPF and should be afforded considerable weight.

6.3 Other landscape relates policies of relevance include Policy SD7 of the submission version JCS and Policy GNPD9 of the draft GNPD. Policy SD7 provides that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being; and requires that proposals demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area. This policy is not subject to unresolved objections in light of the Inspector's interim report and is considered to be broadly consistent with the NPPF. Having regard to paragraph 216 of the NPPF, Policy SD7 of the submission version JCS can therefore be afforded some weight. Policy GNPD9 of the GNPD requires that development should not have a detrimental impact on the views to and from surrounding hills (including Nottingham Hill) or the Area of Outstanding Natural Beauty, in addition to preserving mature trees and hedgerows, maintaining separation from Bishops Cleeve and preserving existing settlement patterns. Whilst it is not considered that there would be any particular conflict between this policy and the NPPF, there is some objection to parts of the policy raised in the Regulation 16 consultation. On this basis and given the stage of preparation only limited weight can be given to the policy.

6.4 The application is accompanied by a Landscape and Visual Appraisal (LVA). This considers the key landscape resources and visual issues and the likely effects of development on the character of the area and views. The LVA states that the treatment of the eastern boundary ensures that views towards and of Nottingham Hill are preserved and enhanced by opening up the opportunities to appreciate the views. The LVA also states that the proposed development provides for a soft edge and the green space facilitates the retention of existing vegetation and the incorporation of new trees to ensure the longevity of these characteristic features. Overall, the LVA considers that the proposed development responds to the existing landscape, settlement and visual context.

6.5 The Council has sought advice on the proposal from an independent Landscape Consultant (LC). In summary the LC identifies that the indicative site layout shows some restraint to the east of the site where a green corridor now provides a degree of separation from the GWR and reduces the extent to which built development would be seen to occupy the lower slopes of Nottingham Hill. The LC does however raise some concern over the layout and recommends further restraint in the centre of the site where a

conspicuous "cluster" of dwellings is proposed. It is considered that this could further reduce the perceived mass of this development and align it more with the existing linear settlement pattern along Gretton Road and Manor Lane. It is considered by the LC that restraint here would also further reduce the extent to which development would be seen to encroach onto the lower slopes Nottingham Hill. The LC concludes that in principle this site could accommodate development that is consistent with the TBC Landscape and Visual Sensitivity Study and that respects the foreground setting of the AONB and elevated views from the AONB and views from the GWR. The LC is also of the view that the proposals are capable of creating a new, pleasant and lasting rural edge to the east of Gotherington facing the AONB. However, concerns are raised in relation to the 'central cluster' shown on the indicative site layout. To address the LC's concerns the applicant has reduced the development area to exclude the area referred to by the LC. This has involved a reduction in the number of dwellings from 75 to 65. It is considered that this has helped to align the development layout with the existing linear settlement pattern along Gretton Road/Manor Lane and provided a significant open green buffer between the development area, the GWR and the AONB landscape beyond. Following these changes it is considered that the proposal would now have an acceptable impact on the SLA and the setting of the adjacent AONB.

6.6 Notwithstanding the above, it is clear that the development of an open agricultural field to provide 65 dwellings would inevitably have an urbanising effect and would cause some erosion of the area's rural landscape. However having regard to the LC's advice it is considered that these effects would be localised in nature and would not adversely affect the landscape character of the SLA and adjacent AONB. The harm is not considered to be significant and demonstrable in the context of the NPPF. Nevertheless, there is harm which weighs against the proposal in the overall planning balance.

## 7.0 Design and Layout

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

7.2 The NPPF goes on to advise that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 61).

7.3 Relevant local design policies include Policy SD5 of the submission version JCS and Policy GNDP7 of the draft GNDP. Policy SD5 requires that development proposals incorporate key urban design principles. This policy can be afforded some weight as it is not subject to unresolved objections and is consistent with the NPPF. Policy GNDP7 seeks to apply a number of specific design principles to development proposals and is not considered to present any particular conflict with the NPPF. Furthermore, this policy has not attracted objection through the Regulation 16 consultation. On this basis it is considered that some weight can be given to the policy.

7.4 In this instance, the Council's Urban Design Officer (UDO) has identified that Gotherington is a generally linear settlement, with units one plot deep to the north of the main road. To the south of the main road development does extend beyond frontage development with a series of small cul-de-sacs and more recent infill development. The UDO is of the view that the location of this site makes a logical expansion to the village and the adjacent Manor Lane already extends the built form of the settlement south. This site is considered to offer the opportunity to create a positive edge to the countryside. With regard to the indicative layout, the UDO comments that there is a clear street hierarchy and a good legible block structure. The incorporation of the open space into the heart of the scheme and the retention of existing trees all help to create a sense of place and adds character to the scheme. Consequently the UDO finds the proposed development to be acceptable in design terms but recommends that a condition is included on any permission granted to ensure that any future reserved matters application fully accords with the illustrative plans and Design and Access Statement. This is considered to be reasonable and necessary in this instance as the acceptability of the proposal in design, visual amenity and landscape terms is so heavily dependant on the layout featured on the indicative site plan being delivered.

7.5 In response to some of the design related concerns raised by local residents, namely that the privacy and amenity of residents of Manor Lane would be compromised by the development, and that the proposed site does not seek to integrate in any way with the rest of the village, the following points are made. Firstly, with regard to residential amenity, it is important to note that the site layout is indicative and the precise location



of the new dwellings will be subject to future consideration through the approval of reserved matters. In any event, it is noted that the indicative layout of the dwellings adjacent to Manor Lane features rear window to neighbouring boundary distances of no less than 12 metres, and rear window to neighbouring rear window distances of no less than 21 metres. Such distances are generally considered to be acceptable from a residential amenity perspective. The indicative layout also indicates that this run of dwellings may be bungalows which would further reduce any residential amenity impacts on neighbouring properties. Overall officers are satisfied that the proposed layout is capable of being delivered without causing an unacceptable loss of amenity to adjoining properties along Manor Lane. With regard to the integration of the proposal with the village, the indicative layout features dwellings fronting Gretton Road with direct plot access to a number of units. This would reflect the existing development layout on Gretton Road and provide an active frontage that interacts with the village rather than turning its back on it. Officers are therefore satisfied that efforts have been made to integrate the proposal with the village. Furthermore, as previously noted the proposed layout would respect the morphology of the settlement which would further assist its assimilation within the village.

7.6 Whilst noting that design related matters are reserved for future consideration, on the above basis it is considered that the proposal is capable of meeting the design principles set out at Policy SD5 of the submission version JCS. The local specific design principles set out at Policy GNDP7 of the draft GNDP (i.e. the requirements for new buildings to enhance the distinctive village character of Gotherington and for proposals to use features to minimise light pollution) can be reasonably achieved through the approval of reserved matters and through conditions attached to any outline planning permission.

7.7 Overall, it is considered that the proposal is capable of achieving a good design and integration with the built and natural environment of the village, consistent with relevant emerging policy and the advice on requiring good design within the NPPF.

## **8.0 Accessibility and Highway Safety**

8.1 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 32 specifically requires safe and suitable access to all development sites for all people. Paragraph 34 states that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes maximised. This must however take account of policies elsewhere in the framework, particularly in rural areas. In such regards, paragraph 29 recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

8.2 Policy TPT1 of the Local Plan requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided. These national and local policy requirements are generally reflected at Policies INF1 and INF2 of the submission version JCS but Policy INF2 goes further and requires that development proposals demonstrate the impact on noise and/or atmospheric pollution within the vicinity of the development. This latter provision is however only a requirement where known air and noise quality issues exist and a significant increase in car-based travel is expected from a development. Policies INF1 and INF2 are likely to be subject to drafting changes through the main modifications to the plan in order to address feedback from the examination Inspector. These do not however propose to change the policy principles. Accordingly some weight can be afforded to the policies in this decision.

8.3 With regard to accessibility, Gotherington is considered to have reasonably good access to both primary and secondary services, including a shop, a village hall, a primary school, a church and recreational facilities. Furthermore, whilst there has been a reduction in services recently, Gotherington has some public transport provision with links to the surrounding areas and with bus stops located within reasonable walking distance of the site. Indeed, Gotherington is identified as a 'Service Village' in the emerging JCS meaning that it is considered to be a suitable location for some limited residential development on the basis of its availability of services. It is therefore considered that the proposed development would have reasonably good access to local services and facilities proportional to its rural location. The proposal is therefore considered to be consistent with the accessibility related provisions of the relevant transport policies within the adopted and emerging Development Plan and the NPPF.

8.4 With regard to traffic and highway safety impacts, the formal comments of the County Highways Authority (CHA) are still awaited and it cannot therefore be concluded at this stage whether the proposal development will be acceptable in such regards and in accordance with the relevant policy framework. **An update on the formal view of the CHA will be provided at Committee.**

## **9.0 Affordable Housing**

9.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing. Furthermore, Affordable Housing Supplementary Planning Guidance (SPG) was adopted by the Council in August 2005. The purpose of the SPG is to assist the implementation of affordable housing policies contained within the Local Plan and it is a material consideration in the determination of planning applications. Policy SD13 of the emerging JCS provides a 40% affordable housing requirement on sites of 10 dwellings or more. Policy GNDP4 of the draft GNDP seeks to apply a lower threshold and requires that a proportion of affordable homes are provided on sites of 5 dwellings or more. It is considered that policy SD13 can be afforded weight as, although subject to modification in order to reflect latest evidence on CIL/viability and changes to national policy and guidance on affordable housing contributions, the proposed changes would not affect the affordable housing requirement for this particular application. Policy GNDP4, whilst not subject to any particular objection in the Regulation 16 consultation, raises issues in respect of its conformity with national policy and guidance on affordable housing. In view of this potential conflict it is considered that very limited weight can be given to the policy in this decision.

9.2 In this instance the Council's Housing Enabling and Policy Officer has advised that a 40% affordable housing requirement will be required amounting to 26 dwellings. The application proposes to achieve this requirement on site.

9.3 The Housing Enabling and Policy Officer recommends that 60% of the affordable units are Affordable Rented tenure and 40% Intermediate tenure. Of the Intermediate tenure it is recommended that at least 50% are to be Shared Ownership. It is also recommended that 10% of the houses are to be built to Category 2 Housing, bungalows are to be built to Category 3b Housing and no more than 10 affordable dwellings should be in any one cluster on the site. Should planning permission be granted it is recommended that the specific requirements expressed by the Housing Enabling and Policy Officer are secured through a Section 106 agreement and the future approval of reserved matters.

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

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

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

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

10.3 Based on Policy RCN1 and the Playing Pitch Assessment and Strategy, 0.37ha is required of which 0.23ha should be playing pitches to be provided either on or off site, or the equivalent financial contribution for an existing provision. In this instance the application does not propose to provide playing pitches on site although the Parish Council have expressed a need for a MUGA (Multi Use Games Area) in the village and have requested that officers explore the opportunity for this to be provided on site. In response officers would comment that, although the provision of a MUGA on site may be viable financially (as demonstrated below), this is not considered to be a suitable addition to the site for landscape reasons as the on-site open space provides an important open green buffer between the development area, the GWR and the AONB landscape beyond (as demonstrated paragraph 6.5 of this report). Furthermore, the site is located at the periphery of a fairly long, linear settlement and locating significant play facilities there, rather than in a more central location, may not facilitate opportunities for meetings between members of the community who might not otherwise come into contact with each other (as advised at paragraph 69 of the NPPF) and help to

achieve social cohesion. On this basis it is not considered to be appropriate for formal play and sports facilities to be provided on site. A financial contribution towards existing provision in the village or towards new provision off site is required instead. To meet the need expressed by the Parish Council it is recommended that this includes the opportunity for a MUGA to be provided off site should suitable land become available.

10.4 The cost of playing pitches and associated changing facilities are based on the sports facility costs from Sport England for Q1 of 2015. Based on Sport England figures a 0.74 hectare adult pitch costs £80,000 and a two team changing room costs £255,000. Based on the 0.23ha requirement for the proposed development a contribution of £104,056 would be required. This would contribute towards the improvement of the playing pitches and changing facilities at Gotherington Playing Fields, Malleson Road and/or the provision of a MUGA off site.

10.5 The remainder of outdoor playing space required Policy RCN1 is 0.14ha and mainly relates to children's playspace (both formal and informal). The illustrative layout identifies a large area of open space to the east of the site which has an area of approximately 1.3ha. It is considered that this would satisfy informal open space requirements. However, this doesn't provide for formal children's play space (i.e. a LAP or LEAP) and for the reasons set out at paragraph 10.4 above it is not considered appropriate for these to be provided on site. Instead a contribution would be required towards improving current play/teenage provision off-site at Gotherington Playing Fields, Malleson Road and/or the provision of a MUGA off site. In line with the Council's Schedule of Rates 2015/16 a figure of £776 per household is required amounting to a total of £50,440.

10.6 In addition to sports pitches, the proposed development would create a demand for other sports facilities (i.e. swimming pools, artificial pitches, sports halls). The specific demand for this development is to be identified using the Sports Facility Calculator which is an interactive tool developed by Sport England. This generates a total contribution for sports facilities of £52,490. As Gotherington does not host these facilities the request is towards improvements of sporting provision in Gotherington; incorporating cricket nets, petanque, tennis courts and fitness equipment, and/or the provision of a MUGA off site, as identified by the Parish Council.

10.7 The applicant has been made aware of this obligation and has informally confirmed their agreement. The required affordable housing contribution can be secured by a Section 106 agreement should planning permission be granted.

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

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

11.2 With regard to education, Gloucestershire County Council (GCC) have advised that there is no additional forecast capacity at the nearest primary school (Gotherington Primary School) and therefore a contribution of £229,383 is required to increase capacity based on the 17.36 additional primary school places generated by the development. It is also advised by GCC that Cleeve Secondary School is the secondary school for the catchment and is forecast to be over capacity. The scheme would generate 9.08 additional secondary school places requiring a contribution of £182,978 towards increasing capacity. Furthermore, GCC have identified that the scheme would generate a need for 4.72 additional pre-school places. There is no additional capacity at local pre-schools and therefore a contribution of £62,343 is required.

11.3 With regard to library provision, GCC have advised that the scheme would be required to contribute towards improving library resources at Bishops Cleeve Library. A contribution of £12,740 is requested.

11.4 Based on the Gloucestershire Infrastructure Delivery Plan assessment formula for community centres £29,556 is required for community building improvements within Gotherington. The Parish Council have identified that the village hall is used to capacity at the present time. It has a fire certificate for 80 people and with the increased population that would result from this development this could limit its use. Furthermore it is identified that the scout and cubs group activities are restricted by the existing floor space available. An extension to the village hall is required to cater for the additional demands resulting from the development. The cost of this is estimated to be £100,000. The requested contribution would be used towards the funding of this project.



11.5 The applicant has been made aware of these obligations and has informally confirmed their agreement. The required contributions can be secured by a Section 106 agreement should planning permission be granted.

## 12.0 Flood Risk and Drainage

12.1 The NPPF aims to direct development away from areas at highest risk. Development itself should be safe and should not increase flood risk elsewhere. Policy EVT5 reflects this advice and Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria. Policy INF3 of the submission version JCS goes further and provides that minimising the risk of flooding will be achieved by (inter alia) requiring new development to, where possible, contribute to a reduction in existing flood risk. This policy is not subject to unresolved objection and is consistent with the NPPF's advice on flooding, in particular the requirement to use opportunities offered by new development to reduce the causes and impacts of flooding (paragraph 100). It can therefore be afforded weight in this decision.

12.2 The site is located in Flood Zone 1 as shown on the Environment Agency's (EA) indicative flood map indicating that it is at a low risk of flooding from fluvial sources. The EA's updated Flood Map for Surface Water indicates that there is low risk of flooding from surface water within the existing site. It is however understood from the Parish Council and local residents that Manor Lane and Gretton Road located adjacent to the site suffered severe flooding from surface water run-off in spring 2016. The Flood Risk Assessment (FRA) submitted with the application also advises of anecdotal reports from local residents of flooding of Manor Lane and areas to the south of the railway line.

12.3 In terms of hydrology, the submitted FRA indicates that there is a minor watercourse running adjacent to the eastern boundary of the site. This flows into the site via a culvert underneath the railway line. The watercourse leaves the site at its north-east corner via a series of pipes and culverts, a roadside ditch along Gretton Road and then a culvert beneath Gretton Road connecting it to the watercourse located on the opposite side of the road. Flows are then conveyed in a northerly direction towards Tirlle Brook. The FRA identifies however that one of the pipes and part of the culvert beneath Gretton Road are blocked by soil thus rendering them un-operational. This may be causing water to overtop the culvert and onto Gretton Road.

12.4 The FRA provides an investigation of all sources of flood risk affecting the site. With regard to fluvial flood risk (i.e. from rivers/watercourses), the FRA recognises that the EA flood map does not cover the watercourse to the east of the site due to its small catchment. The watercourse has therefore been modelled by the applicant's flood risk consultant to determine the existing floodplain extents. The model assumes that the blockages described at paragraph 12.3 above have been cleared. The results of the modelling show that flood flows up to and including the 1 in 100 year flood event including a 35% allowance for climate change (the design flood event) are contained within the existing channel until they reach the north-eastern corner of the site. At this location the channel is narrower and the culvert beneath the field access track causes a restriction to flows which causes flooding of the north-east corner of the site and Gretton Road. The modelled extent of flooding during the design flood event is however small and the maximum depth would be shallow at approximately 100mm. The flood extent on site would be contained within the public open space and would not impact on the development area featured on the indicative layout.

12.5 With regard to surface water, the FRA indicates that the railway embankment to the south of the site impounds run off from Nottingham Hill and there is little risk of surface water flooding within the site. The culvert underneath the railway line allows any accumulated water to discharge into the watercourse that runs along the eastern boundary of the site.

12.6 To mitigate the fluvial flood risk described at paragraph 12.4, the FRA proposes to set the finished floor levels (FFLs) of the dwellings at least 600mm above the design flood event. This will require some minor filling in the development area at the north eastern corner of the site to a height of approximately 360mm above existing site levels. It is not considered that this minor elevation would have any significant landscape implications but it is recommended that detailed site and levels and FFLs are secured as part of any reserved matters application. The FRA also proposes to clear the soil blocked culverts referred to at paragraph 12.3 so to enable them to convey flows in the watercourse effectively. It is recommended that this is secured by condition, through the submission of a Flood Risk Management Plan, in addition to measures to ensure the proper functioning of the culverts in perpetuity.



12.7 With regard to site drainage, officers note the concerns raised by local residents in relation to the development increasing surface water run off and thus increasing flood risk. The FRA does however set out the following outline surface water drainage strategy in order to avoid such an occurrence. At present, the site drains by overland flow into a ditch running along the northern boundary adjacent to Gretton Road, ultimately discharging into Tirlle Brook. The FRA proposes to continue this existing arrangement but flows would be attenuated to produce a 61% reduction in flow rate compared to the existing situation. A retention basin is proposed in the north-east corner of the site. Surface water run-off from the development would be piped into the basin and then discharged to the ditch running along the northern boundary at an attenuated rate of 13.9 litres per second (l/s) compared to the existing rate of 35.7l/s. Based on the drainage strategy within the FRA, the proposal would involve betterment to the existing situation.

12.8 The Lead Local Flood Authority (LLFA) at Gloucestershire County Council has been consulted on the proposal and consider that the applicant has provided a Surface Water Drainage Strategy that is compliant with the requirements of the NPPF, PPG and Defra's Non Statutory Technical Standards for Sustainable Drainage (SUDS). On the basis of the evidence submitted, the LLFA is satisfied that the proposed SUDS should ensure the development is not at any undue risk of flooding and would not increase flood risk for areas adjacent to or downstream of the site. A number of conditions are recommended to secure the submission and implementation of a detailed drainage strategy, details of exceedance flow routes and a SuDS maintenance plan.

12.9 On the above basis and subject to the conditions recommended by the LLFA and described at paragraph 12.6 above being included on any planning permission granted, the flood risk impacts of the proposed development are found to be acceptable having regard to policies EVT5 and EVT9 of the TBLP, Policy INF3 of the JCS and the advice on flood risk in the NPPF.

### 13.0 Ecological Impacts

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

13.2 There is also a statutory basis for planning to seek to minimise impacts on biodiversity and provide net gains in biodiversity where possible under Section 40 of the Natural Environment and Rural Communities Act 2006. Furthermore, with regard to EPS, the Conservation of Habitats and Species Regulations 2010 (the Habitat regulations) provide that a competent authority (including a planning authority) must, in the exercise of any of their functions, have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. The implications of the Habitats Directive will be considered in more detail below.

13.3 The Ecological Assessments submitted with the application confirm the presence of a number of animal species protected under UK and European Law. Bat activity has been confirmed on the site associated with commuting and foraging. There is not however any evidence of roosts. Dormice have also been recorded within the hedgerow on the eastern boundary of the site and there is found to be potential for this species to be present in the hedgerows along the northern and south-eastern boundaries. Furthermore, low levels of badger activity are also found associated with commuting and foraging. The assessments also identify that there are small populations of great crested newts within ponds at residential gardens on Gretton Road, one located approximately 100m to the east of the site and one approximately 35m to the north of the site. These are considered to be using areas of suitable terrestrial habitat within the site.

13.4 The Ecological Assessments identify that the habitat features of greatest ecological importance are the hedgerow and mature willow trees along the eastern boundary and the trees in the centre of the site. The trees and hedgerow along the northern boundary are also considered to be of ecological importance

13.5 The Assessments indicate that the proposed development is likely to impact on protected species primarily through habitat loss but also through the construction phase and through the operational phase (i.e through lighting).

13.6 Given the ecological issues raised, advice has been sought on the application from a qualified Ecologist. This advice is awaited and **an update will be provided at Committee.**

#### **14.0 Arboricultural Impacts**

14.1 The significance of the landscape features referred to at section 13 of this report and the likely impacts arising from the development is further considered in the tree survey submitted with the application. The tree survey identifies that there is a mixed hedgerow along the northern (Gretton Road) boundary which is of moderate quality. There is also a moderate quality mature ash tree on this boundary along with a low quality young-mature ash tree. On the east boundary there is a moderate quality mixed hedgerow and two mature white willow trees; one of moderate quality, one of poor quality. In the centre of the site at the boundary of the two fields there is a moderate quality mature ash tree and a high quality mature oak tree. Further to the above there are poor quality hedgerows on the south and south east boundaries of the site in addition to various trees located off site but within close proximity to the site boundary.

14.2 The application is in outline and doesn't provide a detailed landscaping scheme. However, the indicative site layout features the retention of most, but not all, of the features indicated to be of arboricultural/ecological importance. In particular the layout does not feature the retention of the southernmost willow tree on the eastern boundary (T7 in the Tree Survey) and the easternmost ash tree on the northern boundary (T5 in the Tree Survey). It is appreciated however that the precise layout and landscaping details are reserved for future consideration and officers are satisfied that granting outline planning permission would not necessarily compromise the ability for those features not indicated on the indicative site layout to be retained if shown to be desirable. It is recommended that should outline permission be granted, this is subject to conditions requiring the submission of an Arboricultural Impact Assessment and an Arboricultural Method Statement as part of the submission of reserved matters.

#### **15.0 Archaeology and Cultural Heritage**

15.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities to pay special regard to the desirability of preserving the setting of listed buildings. The NPPF sets out that great weight should be given to the conservation of heritage assets. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 133 of the NPPF advises that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The NPPF's advice is reflected at Policy SD9 of the submission version JCS which provides that (inter alia) designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance. It is considered that Policy SD9 can be afforded weight in accordance with paragraph 216.

15.2 In this instance there is a Grade II Listed Building located approximately 35 metres to the south-west of the site (Trumans Farmhouse) and a Grade II Listed Building located approximately 85 metres to the east of the site (53 Gretton Road). The effect of the proposed development on the setting of these designated heritage assets has been considered in consultation with the Council's Conservation Officer. In the case of Trumans Farmhouse, there is intervening development between the site and this heritage asset which acts as a visual buffer and would obscure any inter-visibility. Similarly, with regard to 53 Gretton Road, this building is already located within a residential context and there is intervening residential development. On this basis and having regard to the comments received from the Conservation Officer it is not considered that the proposal would cause harm to the setting of the identified heritage assets.

15.3 The application is supported by a Heritage Assessment (Worcestershire Archaeology, May 2016) incorporating as appendices reports on a geophysical survey (Stratascan, January 2016) and a field evaluation (Worcestershire Archaeology, March 2016). The results of these investigations revealed no evidence for any significant archaeological remains and no objection is raised to the application by the County Archaeologist.

## 16.0 Social Cohesion

16.1 It is recognised that in addition to this application currently before Members there are also two other pending applications for major housing development in the village (land at Malleson Road (16/00965/OUT) and land at Ashmead Drive (16/00901/OUT). These propose 50 and 90 dwellings respectively. Furthermore, a permission for 17 dwellings on land at Shutter Lane (re. 14/00432/FUL) is currently under construction and Members have recently resolved to grant planning permission for 10 dwellings on land adjacent to 59 Gretton Road subject to completion of a S106 agreement (ref 16/00336/OUT). The application for land at Malleson Road also appears on the schedule.

16.2 A number of recent appeal decisions locally have demonstrated that a sizeable expansion of a village in a relatively short space of time could take the community some time to adapt to and there could be adverse consequences for the social and cultural wellbeing of existing residents. The effect of a development upon the vitality and social inclusivity of a local community has been shown to be a material planning consideration that is rooted in planning policy guidance. Paragraph 7 of the NPPF states that the planning system performs a social role; supporting strong, vibrant and healthy communities. More specifically, paragraph 69 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Further to this the PPG advises that local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making.

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

16.4 In this instance the proposed 65 dwellings alone would result in a 14% increase to the 463 existing dwellings in Gotherington. When considered cumulatively along with the permitted 17 dwellings at Shutter Lane and the resolution to permit 10 dwellings at Gretton Road, the proposal would result in a 20% increase to the number of houses in the village. In the event that this scheme and the application for 50 dwellings at Malleson Road were both to be permitted on top of the existing commitments, this would result in 142 additional dwellings equating to a 31% over and above the existing number of houses in the village.

16.5 Having regard to the appeal precedent provided by the Alderton decisions, it is considered that the cumulative 20% increase resulting from this development on its own would not be a sizeable enough expansion for the development to have an adverse impact on the social wellbeing of the community. Indeed, size increases greater than this have been permitted in other Service Villages including Alderton (27%), Maisemore (29%) and Norton (33%).

16.6 In the event that Members are minded to permit this application and the application for 50 dwellings at Malleson Road, whilst this would result in a more significant level of increase, it would still be less than that in Maisemore and only slightly more than that in Norton. It should also be noted that Gotherington is a larger village than Alderton with 463 within the village compared to 277 in the case of Alderton. Furthermore, Gotherington ranks higher in the JCS Rural Area Settlement Audit (2015) scoring 22 out of 48 for its accessibility and availability of services compared to 17/48 in the case of Alderton. Gotherington is therefore a larger, more sustainable settlement than Alderton whereby the effects of new development may be better



absorbed. It is also recognised in this instance that the resulting rate of change is likely to be slower than that in Alderton. For example, construction of the development at Shutter Lane is already well underway and the lead in and completion times for the 10 dwelling scheme at Gretton Road is likely to be relatively short. It is likely therefore that these existing 'commitments' will already be becoming an established part of the community by the time work commences on the proposed schemes at Trumans Farm and Malleson Road. Overall, whilst it is perhaps inevitable that the effects of new developments will be negatively experienced by some members of the community, it is considered that the circumstances set out above would serve to limit the overall impact on the social wellbeing of the community should both developments be permitted.

## **17.0 Other material considerations**

17.1 It is noted that the Parish Council and a number of local residents are concerned that the proposed development would conflict with and undermine the emerging NDP. The site is not included as a housing allocation in the emerging NDP and Policy GNDP3 of the plan provides that proposals for new housing development outside of the settlement boundary, and not on allocated sites, in the open countryside will only be permitted in certain circumstances; none of which apply to the proposed development. The plan's housing allocation policy (GNDP2) does however provide some flexibility in the event that the JCS identifies an additional need for further strategic housing development in Gotherington (as a service village) beyond the allocations in this plan. It requires that any such proposals meet the following criteria:

- Adjoin the defined settlement boundary;
- Maintain the village's east-west linear form;
- Not have an adverse impact on the Area of Outstanding Beauty;
- Maintain the separation of Gotherington village from Bishops Cleeve and Woolstone; and
- Not be in conflict with any of the other policies and proposals in the Gotherington Neighbourhood Development Plan.

17.2 In response to these concerns it is important to note that, as set out above, the NDP is at a fairly advanced stage of preparation. However, Policy GNDP3 of the plan seeks to restrict the supply of housing in a Borough that does not currently have a five year supply of deliverable housing sites. This would conflict with the NPPF's objective to boost significantly the supply of housing and its advice at paragraph 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. On this basis and having regard to the advice at paragraph 216, it is considered that little weight can be given to Policy GNDP3 of the NDP at this stage.

17.3 With regard to Policy GNDP2, again in light of the Borough's five year supply shortfall, the NPPF's objective to boost significantly the supply of housing and its requirement for housing applications to be considered in the context of the presumption in favour of sustainable development, in addition to the limited weight that can be given to the draft Tewkesbury Borough Plan and the 'indicative' housing requirement for Gotherington, the draft housing allocations within the GNDP cannot at this stage be viewed as a limit to new housing development within the village. At this stage therefore, housing proposals over and above those featured in the GNDP must be considered on their merits and in the context of the presumption in favour of sustainable development. In any event and notwithstanding this position, for the reasons set out in this report it is considered that the proposed development would be in accordance with the criteria set out at Policy GNDP2.

17.4 On the above basis, whilst the concerns of the local community are noted, the potential conflict between the proposal and the draft NDP can only be given very little weight in this decision.

## **18.0 Overall Balancing Exercise and Conclusions**

18.1 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development which means that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. In this instance, policy HOU4 of the TBLP seeks to restrict the supply of housing in a Borough that currently has a shortfall of deliverable housing sites. It is therefore out of date and the application should be determined in the context of the presumption in favour of sustainable development described above.

18.2 In this instance the proposal would produce clear social benefits insofar as it would provide much needed housing and help the Council meet the NPPF's requirement to maintain a 5 year supply of housing land. The proposal would also provide affordable housing for which there is a need both locally and borough wide. These benefits should be given significant weight in the overall planning balance. The proposal would also produce economic benefits during the construction phase and through the additional spending power in the local economy as a result of the increased population.

18.3 The proposal is considered to be capable of achieving a good design and integration with the built and natural environment of the village. The proposal is also found to have an acceptable impact on the SLA and the setting of the adjacent AONB, but is considered to have an urbanising effect that would cause some erosion of the rural landscape of the area. The extent of this harm is however considered to be relatively minor and limited to the immediate area. The proposal could also cause some harm to the social wellbeing of the community in the event that the application at Malleson Road is also permitted, however it is not considered that this would give rise to significant and demonstrable harm in the context of the NPPF. Subject to the conditions recommended by the LLFA the flood risk impacts of the proposed development are found to be acceptable and it is not considered that proposal would cause harm to the setting of the identified heritage assets.

18.4 Subject to receiving satisfactory responses from the County Highways Authority and the Council's Ecological Consultant, it is therefore concluded that the economic and social benefits would outweigh the limited landscape and social harms arising from the proposals. As such, based upon the three-stranded definition of Sustainable Development within the NPPF, the proposal would represent a sustainable form of development. It is therefore recommended that the decision is **DELEGATED to the Development Manager to permit the application subject to the receipt of satisfactory responses from the County Highways Authority and the Council's Ecological Consultant, the addition/alteration of planning conditions as appropriate, and the completion of a section 106 legal agreement to secure the following heads of terms:**

- **Affordable dwellings - 40%**
- **A contribution of £104,056 towards improvements to the playing pitches and changing room facilities at Gotherington Playing Field and/or the provision of a MUGA off site.**
- **A contribution of £50,440 towards improving current play/teenage provision off-site at Gotherington Playing Fields and/or the provision of a MUGA off site.**
- **A contribution of £52,490 towards required improvements of sporting provision in Gotherington at Gotherington Playing Fields and/or the provision of a MUGA off site.**
- **A contribution of £29,556 towards funding an extension to Gotherington Village Hall**
- **A contribution of £229,383 is required to increase capacity at Gotherington Primary School**
- **A contribution of £182,978 towards increasing capacity at Cleeve School**
- **A contribution of £62,343 is required towards pre-school provision**
- **A contribution of £12,740 towards library provision**

#### **RECOMMENDATION Delegated Permit**

##### Conditions:

- 1 The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4 The reserved matters submitted pursuant to condition 1 above shall include details of existing and proposed ground levels and finished floor levels of the buildings relative to Ordnance Datum Newlyn. The development shall be carried out in accordance with the approved details.
- 5 The submitted layout proposals pursuant to Condition 1 shall be in substantial accordance with the submitted Indicative Site Layout - Drawing Number 8134 SK004J.



- 6 No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 7 The reserved matters submitted pursuant to condition 1 above shall be accompanied by a detailed Arboricultural Impact Assessment and an Arboricultural Method Statement (AMS) which should identify trees to be removed and those to be retained and identify and address potential conflicts between retained trees and the proposed development. The AMS shall include details which show how the existing trees and hedgerows that are to be retained will be protected during the course of construction. The details shall accord with BS 5837: Trees in Relation to Construction. All approved tree and hedge protection measures shall be in place prior to the commencement of construction and shall be retained thereafter until construction has been completed.
- 8 The reserved matters submitted pursuant to condition 1 shall be accompanied by full details of both hard and soft landscape proposals. These details shall include, as appropriate:
- (i) Positions, design, materials and type of boundary treatment to be erected;
  - (ii) Hard surfacing materials; and
- Soft landscape details shall include:
- a. Planting plans including positions for all tree, hedge and shrub planting;
  - b. Written specifications (including cultivation and other operations associated with plant and grass establishment);
  - c. Schedules of plants, noting species, planting sizes and proposed numbers;
  - d. Densities where appropriate; and
  - e. Implementation timetables including time of planting.
- 9 If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.
- 10 No external lighting shall be erected on any part of the site without the prior express permission of the approval of the Local Planning Authority.
- 11 No development approved by the permission shall be commenced until a Detailed Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy should be supported by evidence of ground conditions and modelling of the scheme to demonstrate it is technically feasible, along with a timetable for implementation and completion. The Strategy shall be carried out in accordance with the approved details.
- 12 No development approved by the permission shall be commenced until relevant calculations and an assessment have been submitted to and approved in writing by the Local Planning Authority demonstrating the proposed attenuation/storage will sufficiently store the additional runoff produced during a 1 in 100 year critical storm duration event plus climate change. Additionally, the details of the surface water attenuation/storage works shall also be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.
- 13 Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100+40% event has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.
- 14 The dwellings shall not be occupied until a maintenance plan for all SuDS/attenuation features and flood risk management measures, including associated pipework and culverts along and beneath Gretton Road, has been submitted to and approved in writing by the Local Planning Authority. The approved maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reasons:

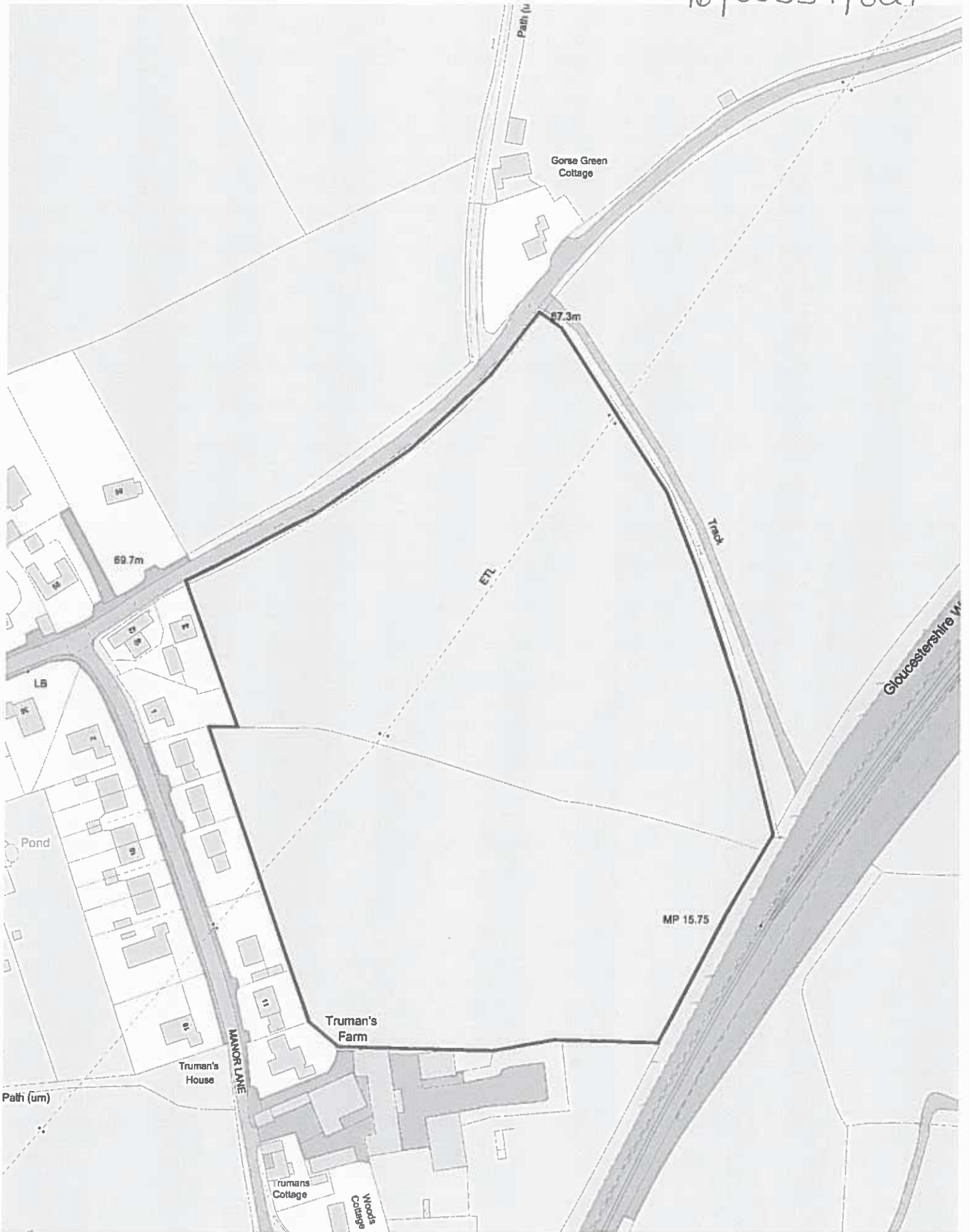
- 1 The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.
- 2 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 In the interests of amenity to accord with the NPPF.
- 5 To avoid flood risk and to ensure an acceptable impact on the landscape and the character of the village.
- 6 To ensure that the proposed construction work does not cause undue nuisance and disturbance to nearby properties at unreasonable hours.
- 7 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 9 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 10 In the interests of amenity and ecology.
- 11 To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality, all in accordance with Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the NPPF.
- 12 To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality, all in accordance with Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the NPPF.
- 13 To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality, all in accordance with Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the NPPF.
- 14 To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding, in accordance with Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the NPPF.

Note:

**Statement of Positive and Proactive Engagement**

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

16 / 00539 / OUT

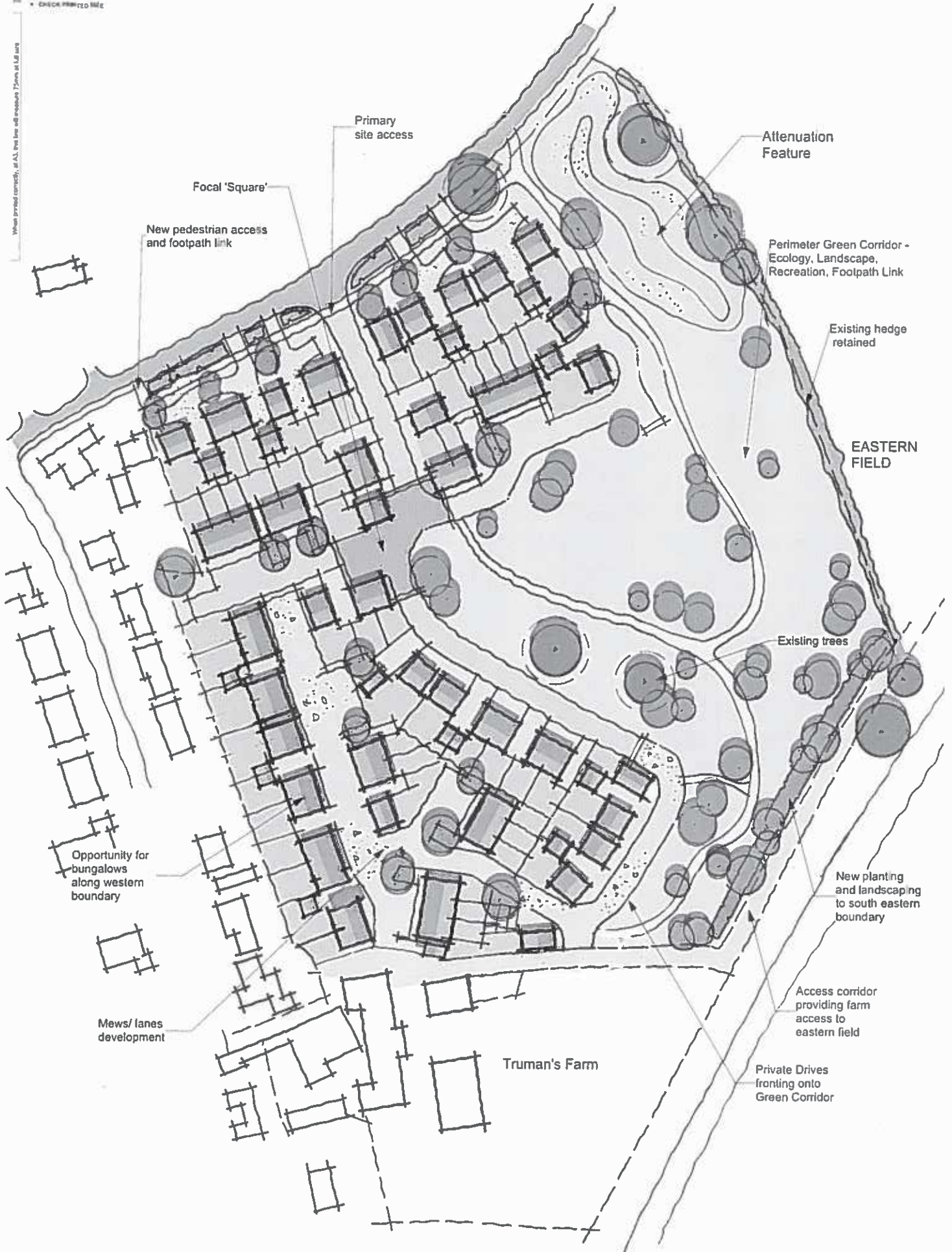




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Valid 11.06.2016

Reserved Matters details of layout, scale, external appearance and landscaping for the development of 68 residential units, along with public open space and associated drainage and highways infrastructure, pursuant to outline permission ref: 14/00211/OUT.

Grid Ref 390092 233944

Parish Tewkesbury

Ward Tewkesbury Town With  
Mitton

Bellway Homes Limited (South West)

The Hub  
500 Park Avenue  
Aztec West  
Almondsbury  
BS32 4RZ

**DEFERRED AT LAST PLANNING COMMITTEE (Item No 7, Page No 351)****RECOMMENDATION Delegated Approve****Policies and Constraints****NPPF**

Planning Practice Guidance

JCS (Submission Version) November 2014

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL11, TPT1, TPT3, TPT6, EVT5, EVT9, LND4, LND7, RCN1, RCN2, NCN5

Flood and Water Management Supplementary Planning Document

Landscape Protection Zone

Class II Highway (B4048)

Adjoins floodplain of River Avon

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

The First Protocol, Article 1 (Protection of Property)

**Consultations and Representations**

**Town Council - Original Plans** - Objection - Drainage and flooding concern. We believe that the local sewerage system and local infrastructure will not be able to support the impact of the proposal and increase flood risk. Loss of a greenfield site. **Revised plans** - Objection - housing within flood zone 1 and open spaces encroaches zone 2. This is contrary to government legislation relating to building in the flood plain.

**Wychavon District Council** - No comments.

**Gloucestershire County Council Highways** - Generally satisfied with the proposed highway layout however raised a number of issues relating to the Road Safety Audit, visibility, layout, vehicle tracking and bin storage/collection.

**Environment Agency** - No objection in principle to those parts of the site located within Flood Zone 1 and 2 being used for residential development. The details show that as a result of highways build out and layout raising of ground levels will occur within Flood Zone 3 as defined by the 13.11m AOD(N) contour. This is unacceptable based on previous indicative layouts which positioned all built development outside the area of high flood risk. It is also noted that a number of the surface water attenuation features are also located within Flood Zone 3 and we question their ability to perform over the lifetime of the development in this location. To overcome our objection Flood Zone 3 should be clearly delineated on all proposed layout plans and show no raising of ground levels within this area or built development including any surface water attenuation features. We can confirm all finished floor levels of the proposed properties have been set above the minimum required level of 13.75m AOD(N).

**Lead Local Flood Authority** - No comments.**Local residents** - 12 letters have been received raising the following concerns:

- Unable to identify open space designed for recreational activity
- Query raising of ground levels
- Potential loss of light impact
- Flood risk concerns and details of water run-off required
- Local amenities and infrastructure would be unable to cope with new development

- Harmful to character of area
- Safety concerns regarding access to Trafalgar Road
- Harmful to wildlife and their habitat
- Traffic concerns

**Planning Officers Comments: Miss Joan Desmond**

**1.0 Introduction**

1.1 The site is located on the northern edge of the town on the western side of Bredon Road and measures approximately 2.89 ha in area (**see attached location plan**). It adjoins the Bredon Road housing site to the south west and abuts onto the Borough boundary with Wychavon District Council to the north

1.2 The land lies within the Landscape Protection Zone, as designated in the Local Plan, and adjoins the floodplain of the River Avon to the west. The land slopes steeply upwards to Bredon Road.

**2.0 Relevant History**

2.1 Two applications were submitted to extend the Bredon Road housing site on this land in 2007. The application for land known as Area 1 (Ref: 07/01758/FUL) relates to the land to the west and the application, known as Area 2, relates to the higher land to the north east (Ref: 07/01757/FUL). Both these applications were refused on the grounds of landscape harm; poor design and inadequate provision for education, pedestrian, cycle and public transport and recreational open space. The application for 23 units on Area 1 was allowed on appeal in 2008 and this permission was renewed in 2011 (Ref: 10/01255/FUL). This permission is still extant as work has commenced on site. The appeal against the refusal of permission for the erection of 56 dwellings on Area 2 was withdrawn in 2008.

2.2 An outline application for residential development on land west of Bredon Road with associated open space and new access (14/00211/OUT) was refused permission in 2014 but was subsequently allowed on appeal in August 2015.

2.3 An application for the provision of a drainage headwall and surface water outfall to serve this proposed residential development also appears on the schedule (Ref: 16/00668/FUL).

**3.0 Current Application**

3.1 The proposals seek reserved matters approval for layout, scale, external appearance and landscaping for the development of 68 residential units, along with public open space and associated drainage and highways infrastructure granted outline planning permission under 14/00211/OUT. The main vehicular access is off Bredon Road with a vehicular link provided to Trafalgar Road, as previously permitted for the 23 unit scheme (**Plans will be displayed at Committee**).

**4.0 Analysis**

4.1 The key issues to be considered in relation to this reserved matters application are considered to be design and layout, landscape and visual impact, highways and parking issues, affordable housing provision and flood risk/drainage.

**Design and Layout**

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

4.3 The Design and Access/Compliance Statement states that the layout follows the design intent and constraints set out by the Outline Planning Approval. Access and spine road connect through to a new secondary vehicle access to the new residential area. The proposal includes a mix of dwellings including apartments and houses of differing types and sizes ranging from 1 bedroom apartments through to 2, 3 and 4 bedroom family homes. The Public Open Space is provided on the outer edges of the development. The layout of the scheme has been based around the creation of access roads branching off into secondary routes that have been designed to ensure safe, well overlooked places.

4.4 The Urban Design Officer(UDO) expressed concerns relating to the layout which it was felt would result in a poor relationship between dwellings and would create an unattractive environment. It was felt that parking courts should be used as a last resort and that other options should be explored. The architecture of the house types was felt to be uninspiring, as standard housetypes were being proposed that did not represent an attempt to respond to local vernacular or character. There were several instances of closeboard fencing onto public open space. Where rear or side boundaries are in prominent positions that are visible from the public realm, the boundary treatment should be brick walling. It was felt that the original scheme did not comply with the outline application and did not represent good design.

4.5 Concerns were also raised in respect of the proposed materials and scale of the development and its visual impact on the landscape. Following negotiations with the applicant, amended plans have been received and the UDO considers that the layout is now acceptable and the house types are much improved. However concerns relating to the use of close boarded fencing to plots adjacent to public open space have not been addressed. It is also felt disappointing that close board fencing is proposed in the parking court as the material quality of the parking court could help to improve the quality of the space. The UDO also queries the merit of retaining the existing boundary treatments with the existing MUGA and POS which it is felt may impede integration and accessibility of the new development with this space. There are also concerns relating to the type of external materials to be used but these outstanding concerns could however, be addressed by a planning condition requiring details of boundary treatments and materials to be approved.

4.6 Overall, the proposals, as amended, have followed advice given and have developed an improved layout and house types that reflects the aims and objectives of national and local design advice and have followed the principles of the outline planning permission.

### **Landscape and Visual Impact**

4.7 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, amongst other things, protecting and enhancing valued landscapes. The Site lies within the Landscape Protection Zone (LPZ), as identified in the Local Plan which is a valued landscape. Within the LPZ special protection is given to the visual amenity of the river environment. Furthermore, Policy LND7 of the TBLP states that new development proposals should require the provision of a high quality landscaping scheme which will form an integral part of the overall development.

4.8 The landscape strategy proposes mitigation through the provision of a new green infrastructure which would provide a more sensitive transition between the urban edge and the open countryside. The green infrastructure is also intended to protect the visual amenity of the existing neighbouring residents. It is stated that a robust green boundary would be provided to the rural / urban margin to strengthen the rural character of the development. Along the northern boundary tree planting would maintain gaps to ensure intervisibility with the adjoining landscape and better reflect the present landscape pattern. Where structurally beneficial, mixed ornamental planting has been incorporated to front gardens and boundary treatments and where space permits, hedges are incorporated into street frontages to give clear definition to individual gardens and contribute to street character.

4.9 Structural tree planting has been included along the northern eastern boundary to limit open views of the development when viewed from the north east on the approach to Tewkesbury. An intermittently open boundary has been proposed to the north to enable limited intervisibility with the adjoining landscape.

4.10 The Council's Landscape Officer (LO) had raised concerns about the landscape strategy and commented that given the visual prominence of the site it is important that the visual prominence of housing is minimised, and the landscape context of this development fully addressed, given that the proposed houses are positioned within relatively close proximity to the highway frontage. The existing areas of planting and hedges parallel to the B4080, form part of the landscape setting of the proposed development, and further planting and landscape management in these areas, was felt to be desirable to satisfactorily break up and filter views into the site. It was felt that the landscape proposals should be further developed, to make use of the existing planting areas and to manage areas of existing planting to both enhance and mitigate the impact of this development. In terms of its wider river valley landscape impact, it was felt that the landscape mitigation and enhancement of the development did not fully address the wider landscape issues, and how the development could be more sympathetically integrated within the wider river valley context.

There remained potential and scope to consider providing additional planting that would visually soften the impact of housing that would be seen from public footpaths from across the river valley to the west. This planting was also required to reduce the potential visual impact of the proposed housing, which would be visible at some distance from across the river valley. It was also felt that additional street tree planting should be provided.

4.11 Revised plans have been submitted which sought to address these concerns and the LO has commented that the revised landscape proposals address the landscape issue of softening the visual edge of the development, and the landscape and visual impacts of integrating the proposed development within the setting of the wider river valley landscape. The landscaping proposals now include street trees, appropriate shrubs and herbaceous planting to enhance the general street scene, public spaces and with wildflower meadows and native species planting to provide biodiversity benefits. Further information has also been submitted to ensure that the landscape condition (8) attached to the outline permission has been fully satisfied.

4.12 In conclusion, it is considered that the scale and landscape strategy of the proposal are such that it would have an acceptable impact on the character and appearance of the area. Furthermore, the impact of the development is further mitigated by appropriate landscaping. The outline planning permission combined with the reserved matters would therefore represent an appropriate urban to rural transition and an appropriate form of development along the Bredon Road.

### **Highways and parking issues**

4.13 Policy TPT1 requires that highway access be provided to a safe and appropriate standard for proposed development. This is consistent with the advice at Paragraph 32 of the NPPF which requires that (inter alia) a safe and suitable access to the site can be achieved for all people.

4.14 The main access to the development from the Bredon Road (B4080) was approved as part of the outline permission. This reserved matters application is therefore concerned only with the internal road layout and parking provision. An approved vehicular link to Trafalgar Road is proposed to be used at the southern part of the site.

4.15 The submitted Highways Strategy states that the traffic calming would be formed via use of naturally speed controlling bends within the proposed layout to encourage low vehicle speeds. Also to compliment the development visitor parking would be used in key areas, to ensure safe passage throughout the development for larger refuse vehicles where required. Appropriate levels of car parking are provided in accordance with the accessibility of the site and the proposed type and mix of housing.

4.16 County Highways (CH) has reviewed the submission and are generally satisfied with the proposed highway layout but raised a number of issues that required further attention including the Road Safety Audit, visibility splay details and vehicle tracking details. Further details have been submitted but at the time of writing the report no formal response has been received from the CH in relation to the revised details /layout. **Members will be updated at Committee.**

### **Affordable Housing provision**

4.17 The proposals include the provision of 24 affordable homes in accordance with the agreed S106 attached to the outline planning permission. The affordable provision is set at 35% and provides a variety of sub-tenure homes as agreed with the local Housing Association provider, and includes a mix of social rent, affordable rent and shared ownership. In accordance with the requirements established through the outline planning permission, 20% of the affordable housing is provided as social rent, with 80% provided as affordable rent and shared ownership. Distribution of affordable units has ensured tenure mixed streets and avoided clustering.

4.18 The Council's Housing Enabling Officer has confirmed that the development meets the agreed planning permission and section 106 legal agreement requirements and has advised that the layout/location of the affordable housing is suitable.

### **Flood Risk and Drainage**

4.19 The NPPF states at paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. This advice is reflected at Policy EVT5 of the TBLP



which requires (inter alia) that development should not be at unacceptable risk from flooding or exacerbate or cause flooding problems. Furthermore, Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria.

4.20 In this instance the Environment Agency (EA) have been consulted on the reserved matters submission and initially commented that whilst the EA had no objection in principle to those parts of the site located within Flood Zone 1 and 2 being used for residential development, they objected to the development as the layout indicates that highways build out and raising of ground levels would occur within Flood Zone 3 as defined by the 13.11m AOD(N) contour. Previous indicative layouts had positioned all built development outside the area of high flood risk. To overcome their objection the EA has advised that Flood Zone 3 should be clearly delineated on all proposed layout plans and should show no raising of ground levels within this area or built development including any surface water attenuation features.

4.21 In light of the EA objection, revised plans have been submitted. The accompanying documents state that it is apparent that there are some discrepancies in respect of agreed flood zones and how those flood levels are applied to the site. It is considered that the extent of Flood Zone 3 is the red line development boundary (approximately 12.92m AOD) hence it is proposed that the entire development site lies outside of this flood zone. It is acknowledged however, that there is a slight encroachment of flood Zone 2 within the site which is restricted to a narrow margin along the western boundary (this comprises retained public open space). It is concluded that the entire development area and all built development including roads and footpaths are contained within Flood Zone 1 which accords with the principles approved as part of the outline planning permission.

4.22 Having reviewed the additional information submitted, The EA has confirmed that they are now in a position to remove their objection to the application. This is because the applicant has now agreed to keep all development out of Flood Zone 3. Furthermore the 13.11mAOD Flood Zone 3 contour is shown on the revised plan which was established at the time of the outline permission granted at appeal. The EA has also confirmed that all finished floor levels of the proposed properties have been set above the minimum required level of 13.75m AOD(N).

### **Residential Amenity**

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

4.24 The nearest properties to this site are those that front onto the Bredon Road and those on the new development accessed off Trafalgar Road. Given the orientation of the properties, distances and existing landscaping it is not considered that the development would have a significant adverse impact on their amenity. Relationships between the proposed dwellings are similarly considered to be acceptable.

## **5.0 Conclusion**

5.1 The proposals have progressed the outline planning permission and propose an acceptable and high quality development that would be well integrated within the built and natural environment. Further comments are however awaited from the County Highways Authority and the Flood Risk Management Officer on requested drainage details, as detailed below.

### **Update**

Members will recall that this application was deferred at the last Committee to enable further drainage information to be submitted and assessed to ensure that the development would not be at risk of flooding nor would increase the risk of flooding elsewhere. As stated above, the EA has confirmed that they have no objection to the application as all development is now within FZ1. Nevertheless, Members were concerned about the lack of drainage details and the proposal to locate some of the surface water attenuation features with FZ3. In this respect, as stated in the planning history, a separate application has been submitted for a drainage headwall and surface water outfall connection for this development (16/00668/FUL) which also appears on the schedule. The original Flood Risk Assessment submitted with the outline permission established the need for a surface water connection to the drainage ditch to the north and the applicant has confirmed that the rate of surface water discharge would be limited to the greenfield runoff rate approved within the outline

planning permission and provides betterment than standard greenfield flows. Nevertheless in the light of concerns raised by Members additional information is to be submitted to include full drainage details. As these details are yet to be assessed it is recommended that permission be delegated to the Development Manager subject to the approval of the submitted details by the Flood Risk Management Officer and confirmation from County Highways that the access arrangements are acceptable.

**RECOMMENDATION Delegated Approve**

Conditions:

- 1 The development hereby permitted shall be carried out in accordance with the approved plans listed below:  
  
8251 PL04 Rev H;  
8251 PL03 Rev R;  
8251 PL09 Rev B;  
8251 PL20 - PL 25 Rev D;  
8251 PL26 Rev C;  
8251 PL27 Rev D;  
8251 PL29 Rev C;  
8251 PL30 Rev D;  
8251 PL25 Rev D;  
8251 PL12;  
8251 PL13;  
16053.101 Rev C;  
16053.102 Rev C;  
ENG\_101 Rev F;  
ENG\_160 Rev B;  
ENG\_410 Rev F;  
ENG\_400 Rev B.
- 2 Notwithstanding the submitted details, building operations shall not be commenced until samples of the external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.
- 3 The approved boundary treatments shall be implemented in accordance with a timetable of works to be submitted to and approved by the Local Planning Authority.

Reasons:

- 1 For the avoidance of doubt and in the interest of proper planning.
- 2 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.
- 3 In the interests of visual amenity to accord with the NPPF.

Notes:

**1 Statement of Positive and Proactive Engagement**

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

- 2 The outline conditions satisfied in this application include Conditions 1, 8, 21 and 23.

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16/00663/APP

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Client  
**BELLYWAY HOMES**

Drawing  
**SITE LOCATION PLAN**

PLANNING

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1. All dimensions are in feet and inches unless otherwise noted.  
 2. All dimensions are to the centerline of the road unless otherwise noted.  
 3. All dimensions are to the centerline of the road unless otherwise noted.  
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**PROPOSED SITE PLAN**  
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 2. All dimensions are to the centerline of the road unless otherwise noted.  
 3. All dimensions are to the centerline of the road unless otherwise noted.  
 4. All dimensions are to the centerline of the road unless otherwise noted.

**KEY**

Legend for the site plan showing various symbols and their corresponding descriptions.

Symbol	Description
[Symbol]	Proposed Building Footprint
[Symbol]	Proposed Parking
[Symbol]	Proposed Driveway
[Symbol]	Proposed Walkway
[Symbol]	Proposed Landscaping
[Symbol]	Proposed Utility
[Symbol]	Proposed Fencing
[Symbol]	Proposed Signage
[Symbol]	Proposed Other



**Development Data**

1. All dimensions are in feet and inches unless otherwise noted.  
 2. All dimensions are to the centerline of the road unless otherwise noted.  
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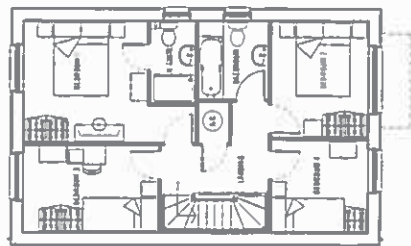
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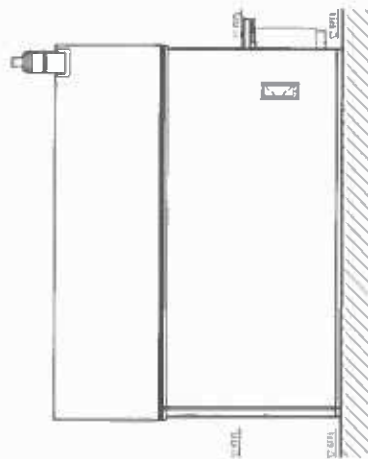
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C	26.06.18	Elevations amended following LPA and Client comments.
D	31.06.18	Elevations amended following client comments.
E	16.10.18	Chimney location revised



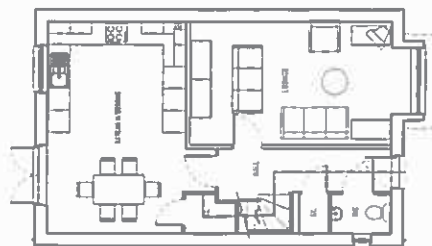
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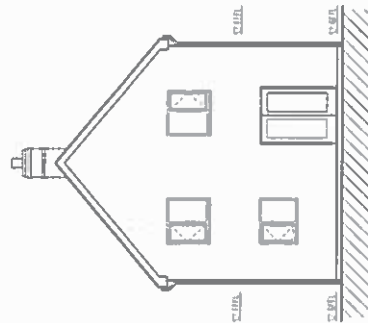
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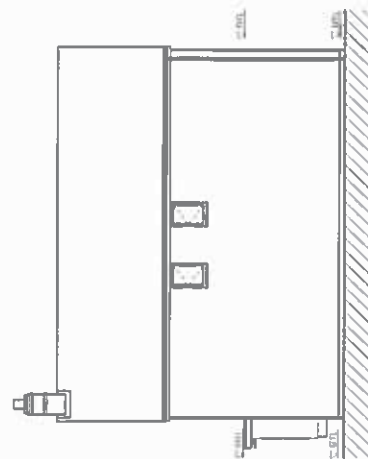
SIDE ELEVATION



GROUND FLOOR PLAN



REAR ELEVATION



SIDE ELEVATION

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PLOTS

As shown A, B, C, D, E, F  
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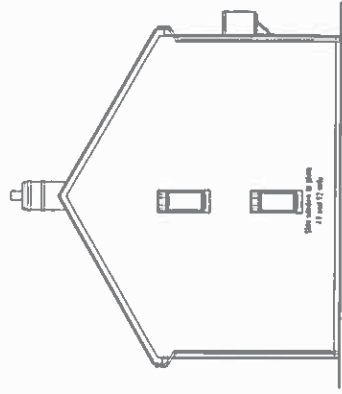


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**PLOTS**

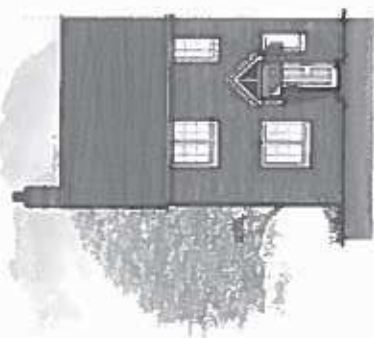
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Plot 2: 11/05/18

Scale: 1:100 @ A2



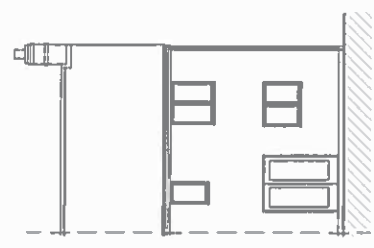
Side elevation to plot 11/05/18  
11/05/18

**SIDE ELEVATION**



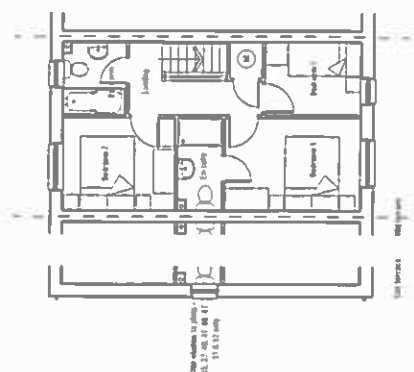
Front elevation to plot 11/05/18  
11/05/18

**FRONT ELEVATION**



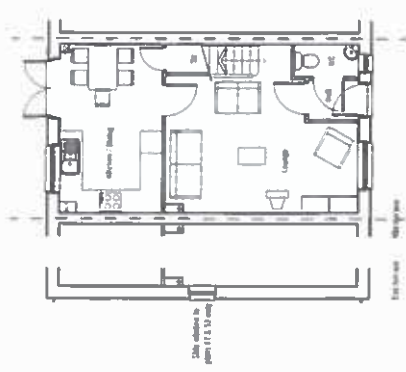
Rear elevation to plot 11/05/18  
11/05/18

**REAR ELEVATION**



First floor plan to plot 11/05/18  
11/05/18

**FIRST FLOOR PLAN**



Ground floor plan to plot 11/05/18  
11/05/18

**GROUND FLOOR PLAN**

**Roberts Limbrick**  
ARCHITECTS

Project: BREDDON ROAD, TEWKESBURY

Client: BELLWAY HOMES

Drawing: SHALDON HOUSETYPE PLANS & ELEVATIONS

Stage: PLANNING

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Scale: 1/100 @ A2  
Date: 11/05/18  
Author: JD

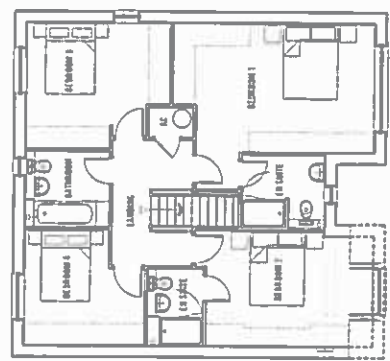
Project: 8251 PL20  
Rev: B



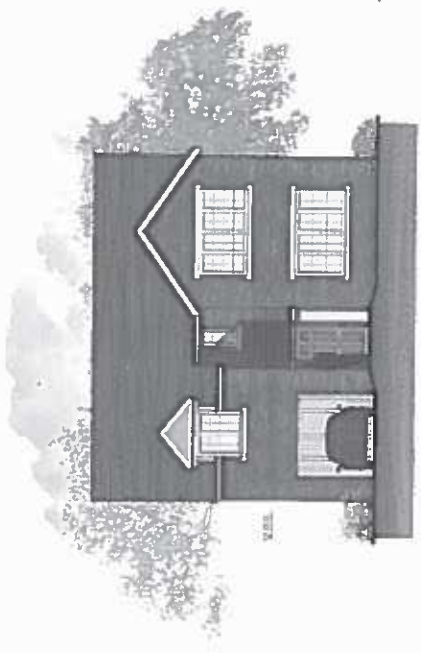
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Rev: 1 date: 08/02/2018 sheet: 04/04

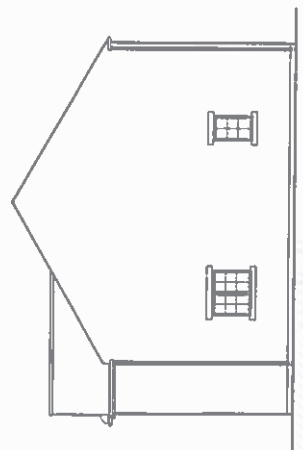
**PLOTS**  
 All from 1, 1, 33  
 1, 1, 33



**FIRST FLOOR PLAN**



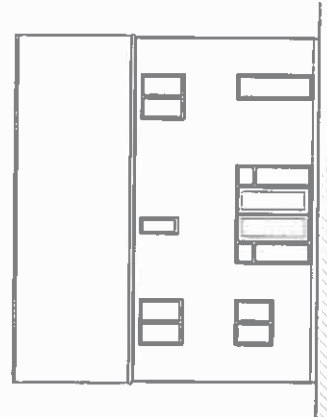
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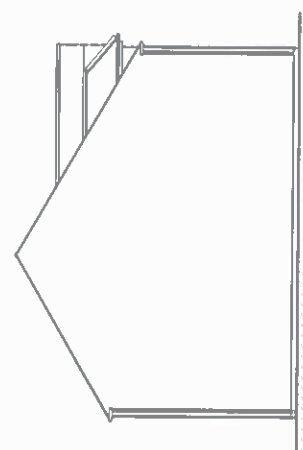
**SIDE ELEVATION**



**GROUND FLOOR PLAN**



**REAR ELEVATION**



**SIDE ELEVATION**



**Roberts Limbrick**  
 ARCHITECTS

Project  
**BREDON ROAD, TEWESBURY**

Client  
**BELLEVUE HOMES**

Drawing  
**ACACIA HOUSETYPE  
 PLANS AND ELEVATIONS**

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Scale  
 1:100 @ A2  
 Date  
 11/02/18  
 Author  
 JH

Project  
**8251 PLZA**  
 A

55  
 4281E

16/00668/FUL

Land west of, Bredon Road, Tewkesbury

6

Valid 22.06.2016

Provision of drainage headwall and surface water outfall connection from proposed residential development in south to existing drainage ditch

Grid Ref 390092 233944

Parish Tewkesbury

Ward Tewkesbury Town With Mitton

Bellway Homes Limited (South West)

The Hub  
500 Park Avenue  
Aztec West  
Almondsbury  
BS32 4RZ

## **RECOMMENDATION Delegated Permit**

### **Policies and Constraints**

#### **NPPF**

Planning Practice Guidance

JCS (Submission Version) November 2014

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies EVT5 and EVT9

Flood and Water Management Supplementary Planning Document

Landscape Protection Zone

Flood Zones 2/3

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

The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

Town Council - Objection - We consider that this will be ineffectual and does not take into consideration other changes being made locally, lower down the Avon.

Environment Agency - When consulted on the RM application the EA noted that a number of the surface water attenuation features are also located within Flood Zone 3 and questioned their ability to perform over the lifetime of the development in this location.

Lead Local Flood Authority - The LLFA do not therefore wish to comment as a statutory consultee, however, have noted that the proposed outfall is within an area defined by the EA Flood Maps for Planning as being in Flood Zone 2 or 3 and may be at risk of being submerged and possibly closed during peak river levels. If this is the case the LLFA would recommend that the applicant should consider the timescale when the outfall may be ineffective and, if necessary, make due allowance for this additional volume in the design of any attenuation system.

Flood Risk Management Engineer - Comments are still awaited.

### **Planning Officers Comments: Miss Joan Desmond**

#### **1.0 Introduction**

1.1 The site is located to the north of the Bredon Road housing development site within Flood Zones 2/3 (see attached location plan). The land lies within the Landscape Protection Zone, as designated in the Local Plan.

#### **2.0 Relevant History**

2.1 An outline application for residential development on land west of Bredon Road with associated open space and new access (14/00211/OUT) was refused permission in 2014 but was subsequently allowed on appeal in August 2015. A reserved matters (RM) application for this development of 68 residential units is pending consideration and also appears on the schedule (Ref: 16/00663/APP).

#### **3.0 Current Application**

3.1 This application is for the provision of a drainage headwall and surface water outfall connection from the proposed residential development to the south to an existing drainage ditch.



## 4.0 Analysis

4.1 The NPPF seeks to ensure that new development is not at risk of flooding and that it does not increase flood risk elsewhere. This advice is reflected at Policy EVT5 of the TBLP which requires (inter alia) that development should not be at unacceptable risk from flooding or exacerbate or cause flooding problems. Furthermore, Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria.

4.2 When outline planning permission was granted on appeal for the new housing development, the Inspector had regard to the potential for flooding either within the site or elsewhere as a result of the development and had regard to photographs showing historic flooding in the town. He concluded however, that *'the scheme has been designed to avoid areas identified as being at risk from flooding with reference to the published Environment Agency flood zones and all development would be within flood zone 1, the lowest identified risk. Furthermore, the application is accompanied by a detailed Flood Risk Assessment which, having had regard to historic flooding in the area, identifies a low flood risk. Furthermore, it confirms that surface water will be attenuated to the Greenfield runoff rate and will not, therefore, increase as a result of the development. A range of mitigation measures are proposed within the report to minimise the potential for flooding.'* Subject to these measures being secured by condition, the Inspector concluded that the development would not be at undue risk of flooding or increase flood risk elsewhere. A condition (15) requiring the approval of comprehensive evidence based drainage details including a SuDS/drainage management plan is attached to the outline permission.

4.3 This application includes the original Flood Risk Assessment submitted with the outline permission which established the need for a surface water connection to the drainage ditch to the north of the site. However, because that connection exists on land outside the outline application boundary, a separate application is necessary (i.e. this current application). It is stated that the rate of surface water discharge would be limited to the greenfield runoff rate approved within the outline planning permission.

4.4 In response to the concerns/queries raised by the Environment Agency (EA) and LLFA the applicant has confirmed that the headwall, which would be a standard formal arrangement would not decrease or affect any area within the flood zone. The headwall would be constructed to provide a betterment to the outfall drainage pipe, which would ensure no ponding of water occurs at the point of discharge (via use of the base of the headwall). The applicant also advises that stone pitching or similar is often installed to further dissipate flows from any development and this proposal would have the same arrangement. As such the applicant confirms that this proposal provides betterment to standard greenfield flows.

4.5 Given the concerns raised by Members in respect of the RM application, the applicant has agreed to submit additional information on the proposed surface water outfall and has also agreed to submit full drainage details as required by Condition 15. This information has yet to be received and assessed and **Members will be updated at Committee.**

## 5.0 Conclusion

5.1 The original Flood Risk Assessment submitted with the outline permission established the need for a surface water connection to the drainage ditch to the north and the applicant has confirmed that the rate of surface water discharge would be limited to the greenfield runoff rate approved within the outline planning permission and provides betterment than standard greenfield flows. Nevertheless in the light of concerns raised by Members additional information is to be submitted to include full drainage details. As these details are yet to be assessed it is **recommended that permission be delegated to the Development Manager subject to the approval of the submitted details by the Flood Risk Management Officer.**

## RECOMMENDATION Delegated Permit

Condition:

The development hereby permitted shall be completed and maintained in accordance with the approved drainage details prior to the occupation of any residential unit permitted under application 16/00663/APP.

**Reason:**

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

**Note:**

**Statement of Positive and Proactive Engagement**

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

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Rev: | Date | Date: | Date: |

Application Boundary

Other land within applicant's ownership

**Roberts Limbrick**  
ARCHITECTS

Project

BREDON ROAD, TEWESBURY

Client

BELLYWAY HOMES

Drawing

SITE LOCATION PLAN

Station

PLANNING

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Registration Office: Engineer No. 06030279

Scale

1:1750 @ A3

Date

25/07/16

Author

8251 PL101



1. This drawing is a preliminary plan for the proposed development. It is not to be used for construction purposes. All dimensions and elevations are approximate and subject to change. The owner and engineer assume no liability for any errors or omissions.

2. The proposed development is subject to the approval of the local planning authority. The plan is based on the information provided by the client and is not to be used for any other purpose.

Project Name	Bellway RACE
Client	Bellway Homes
Location	Eastleigh, Hampshire
Date	15/03/2017
Scale	1:500
Author	[Name]
Check	[Name]
Approved	[Name]

# Bellway RACE

EASTLEIGH (COMPLEX) HOUSES  
 Proposed Development  
 15/03/2017  
 Scale: 1:500  
 Author: [Name]  
 Check: [Name]  
 Approved: [Name]

<b>REVISIONS</b>	
No.	Description
1	Issue for approval
2	Issue for construction

<b>PRELIMINARY</b>	
Author	[Name]
Check	[Name]
Approved	[Name]

**NOTICE OF ADVERTISEMENT FOR TENDERS FOR ACCEPTANCE OF THE PROPOSED DEVELOPMENT**  
 The proposed development is subject to the approval of the local planning authority. The plan is based on the information provided by the client and is not to be used for any other purpose.

The proposed development is subject to the approval of the local planning authority. The plan is based on the information provided by the client and is not to be used for any other purpose.

Project Name	Bellway RACE
Client	Bellway Homes
Location	Eastleigh, Hampshire
Date	15/03/2017
Scale	1:500
Author	[Name]
Check	[Name]
Approved	[Name]





16/00965/OUT

Parcel 7561, Malleson Road, Gotherington Cheltenham

7

Valid 26.08.2016

Outline planning application for the construction of up to 50 dwellings, the formation of a new vehicular access onto Malleson Road, pedestrian and cycle links to Malleson Road and Shutter Lane, the laying out of public open space and landscaping and associated infrastructure.

Grid Ref 395745 229616

Parish Gotherington

Ward Oxenton Hill

Charles Church Developments Ltd

Aspen House

Birmingham Road

Studley

Warwickshire

B80 7BG

## RECOMMENDATION Delegated Permit

### Policies and Constraints

#### NPPF

Planning Practice Guidance

JCS (Submission Version) November 2014

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL11, HOU4, HOU13, TPT1, TPT3, TPT6, EVT2, EVT5, EVT9, LND4, LND7, RCN1, NCN5

Gotherington Neighbourhood Development Plan 2011-2031 Regulation 16 Submission Consultation Draft 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)

Within 50m of Listed Buildings

Public right of Way (AGO/6/1)

### Consultations and Representations

**Parish Council** - Strongly objects to the proposed development of 50 dwellings on the following grounds:

- We have already agreed on our Neighbourhood Development Plan, (NDP) and with TBC that this is a suitable development site for about 16 dwellings, not an estate of 50.
- Traffic - Insufficient account has been taken of the effect that approximately 100 more cars will be entering or leaving the very busy Malleson Road. Inadequate account has been taken of the number of motorcycles, large tractors and other vehicles which use this road, on which there is a hazardous bend just east of the proposed development. Also, every month the Prescott Hill Climb attracts scores of vehicles along Malleson Road from the A435 towards Prescott. If the Prescott Hill Climb continues to prosper, these events may increase in frequency. Gotherington Parish Council feel strongly that highway matters have not been assessed sufficiently. A traffic survey along this stretch of Malleson Road covering dawn to dusk would undoubtedly highlight the obvious dangers. The access road to this development is very close to the A435 junction, a known traffic pinch point at peak times. Also, approximately 100 yards to the east of this is the access to another new development at Shutter Lane, further adding to traffic volumes.
- People living in the proposed new development would need to ensure that their children could use the local primary school. Gotherington Primary School is already full and cannot accommodate further pupils. Parents would probably wish to transport their children to schools and this would add even more traffic to Malleson Road. The Head teacher at the village primary school has provided the GNDP with a statement concerning the impact of housing development. There is no local employment, secondary school, doctors, dentists or library for the proposed 50 households thus generating a need for greater car use.
- NDP - The Localism Act 2011 gave local communities more say in shaping future development in their area and allowed parish councils to prepare a neighbourhood development plan for their area. The Gotherington NDP has reached the Regulation 16 stage and identifies three sites where small developments would be acceptable. The Tewkesbury Local plan has independently endorsed two of these, one of which is the Charles Church site in Malleson Road. Gotherington residents, through an agreed democratic process, showed their overwhelming preference for a development of just 16 dwellings, rather than the proposed 50. This would maintain the linear form of the village, which also satisfy the Urban Designer's preference that settlements disperse or peter out towards the edge of the village.

- Character of the village - Gotherington residents have overwhelmingly shown that they wish to retain the social atmosphere and activities that are treasured in our village. A development of fifty dwellings on this site would totally change the village character. Fifty houses on one site would constitute an estate that Gotherington residents do not want. This would also mean that the number of dwellings that were allocated to Gotherington as a Service Village (about 49) would be satisfied by a single site development. All residents have made it very clear that they would prefer multiple sites and no estates.
- Design - The density of the proposed layout of fifty dwellings is totally out of character with the rest of the village and particularly with the existing dwellings in Shutter Lane. The Charles Church layout has a density of 12 dwellings per hectare. The dwellings in Shutter Lane have a density of approximately 5 dwellings per hectare. In particular, all the social housing has been grouped together, whereas the general policy is for it spread around a development. The design conflicts with the existing nature of the local housing where the addition of a small urban estate is totally contrary to any other part of the village.
- NPPF states "the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes". This development would have a serious impact on the residential amenity to residents.

**Conclusion** - The scale of this proposed development undermines the policies for development in service villages such as Gotherington as set out in the emerging JCS. It is not in keeping with the character of the area and the visual amenity. The cumulative impacts of the development on Gotherington would be severe and it should be rejected.

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

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

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

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

**County Archaeological Officer** - The result of the field evaluation was negative, in that no significant archaeological remains were observed during the investigation. On that basis it is my view that the application site has low potential to contain any archaeological remains. I therefore recommend that no further archaeological investigation or recording should be undertaken in connection with this scheme.

**Local community representations** - Overall 61 objections have been made to this application based on the following areas of concern:

- Highway safety concerns
- Too many houses
- Concerned about sewerage capacity
- Conflicts with NDP
- Loss of good productive farmland
- No source of local employment so people will commute
- No bungalows despite need for residents to 'downsize'
- Unsuitable development which would be out of character with the village
- No need for this scale of development
- Loss of community feel
- Transport links cannot sustain growth
- Village has inadequate facilities and infrastructure to cope with this development
- Would adversely impact on wildlife
- Concerned about lack of parking and access to POS
- Concerned about loss of privacy
- Loss of village identity
- Adverse impact on adjoining residential properties
- Out of keeping with linear form of village
- Adverse visual impact
- Light pollution
- Grouping of social housing would be counter to social integration
- Site is not well served by local amenities
- Contrary to NPPF
- Loss of views

One letter has been received requesting details to assure that the PROW's are retained and maintained

**Planning Officers Comments:** Miss Joan Desmond

## **1.0 Introduction**

1.1 The application site is located on the western edge of the village of Gotherington and comprises agricultural land, presently laid to pasture. The site measures 3.74ha in size and is situated to the south of Malleson Road and north west of Shutter Lane. The site is broadly rectangular in shape and its boundaries are comprised of hedgerows with the occasional trees (see attached location plan).

1.2 To the north of Malleson Road are residential properties that extend along its length as far as the western boundary of the site. Residential properties also adjoin the site to the east and south east. A public right of way runs along the southern boundary of the site from Shutter Lane linking to the A435.

## **2.0 History**

2.1 The site has no recent relevant planning history.

2.2 An outline application with all matters reserved except for access for the development of up to 65 dwellings (inc. 26 affordable homes) including access, landscaping and other associated works on land at Trumans Farm, to the east of the village, also appears on the schedule (Ref: 16/00539/OUT).

## **3.0 Current Application**

3.1 The application seeks outline planning permission for up to 50 dwellings. The application seeks approval of the proposed accesses onto Malleson Road, but reserves detailed matters relating to the scale, layout, and appearance and landscaping of the development for future consideration. The submitted Arboricultural Assessment indicates that the proposed access would require the removal of several trees and a section of hedgerow. One further small group of trees has been recommended for removal to facilitate the proposed development. The development would have a density of 14 plots per hectare. A mix of unit types is proposed ranging from 2 bed bungalows to five bed houses. The dwellings are to be predominantly two storey with some bungalows located along the southern boundary (see attached indicative layout plan).

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

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

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

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

4.3 Where planning obligations do not meet the above tests and restrictions, it is 'unlawful' for those obligations to be taken into account when determining an application.

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

4.5 The need for planning obligations is set out in relevant sections of the report.

## **5.0 Principle of Development**

### The Development Plan

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

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

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

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

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

#### Emerging Development Plan

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

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

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

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

5.8 The JCS was submitted to the Secretary of State on 20 November 2014. Its Examination in Public commenced in May 2015 and is still ongoing. The plan is however at an advanced stage of examination with the Inspector publishing her Interim Report in May 2016. The JCS authorities are now developing main modifications to the plan based on evidence and discussions heard throughout the hearings and the recommendations in the Interim Report. The exact timetable is still to be determined. Whilst the emerging plan is now at an advanced stage, it is not yet formally part of the development plan for the area and the weight that can be attached to its policies will be considered having regard to the criteria set out above. Relevant JCS policies and the weight that can be attributed to them will be considered in the appropriate sections of this report.

5.9 The Tewkesbury Borough Plan (2011-2031) will sit beneath the JCS. A draft Site Options and Policies document has been published and was the subject of six weeks of public consultation, which closed on 13th April 2015. The draft plan invited views on possible site options for development at the rural service centres and service villages. The draft plan is at a much earlier stage of development than the JCS and thus can only be given very limited weight at this stage. It is relevant to note that Policy HOU1 of the Site Option and Policies document does not include an estimate of numbers required for each settlement. Following the consultation, the Council will refine these potential options before narrowing the number of proposed allocations, which will then be included as proposed allocations in the next stage of the plan. The 'Approach to Rural Sites' Background Paper which supports the plan process includes within it a disaggregation process which provides an indicative figure for Gotherington of 71 dwellings. However, there is an existing plan period delivery/commitment of 22 dwellings which would reduce this figure to 49. Although the indicative figure for Gotherington is 71 dwellings, the number of dwellings identified for all Service Villages needs to be accommodated within the 12 Service Villages and is dependent upon the suitability and availability of sites at



each. Therefore, this figure is indicative only and could go up or down. It should also be stressed however that this is just part of the evidence base to the emerging plan which will eventually include specific allocations, and should not be afforded weight but does give some indication of the sort of numbers which may be allocated by the Borough Plan.

5.10 The consultation draft of the Gotherington Neighbourhood Development Plan (GNDP) has now been published. The draft plan has undergone its first phase of consultation which closed in March 2016. The plan has now been formally submitted to the Local Planning Authority and its public consultation (Regulation 16) commenced on 12th September 2016 and closed on 21st October. When adopted the plan will form part of the statutory development plan for the area. Whilst the plan is now at a fairly advanced stage of preparation, it must still undergo independent examination before it can proceed to local referendum and its ultimate making. The Regulation 16 consultation on the plan has attracted some objections and the plan and its policies could be subject to change as a result of its examination. The PPG confirms that an emerging neighbourhood plan may be a material consideration and that paragraph 216 also applies to the weight that may be given to its policies. Paragraph 49 of the NPPF also applies as regards made neighbourhood plans in that relevant policies for the supply of housing should not be considered up to date in the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In respect of this site, the GNDP (Policy GNDP2/2) allocates the northern part of the site (1.45ha) for new housing development (about 16 dwellings).

#### National Policy/Guidance

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

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

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

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

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

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

#### Conclusions on the principle of residential development

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

## **6.0 Landscape and Visual Impact and Agricultural Land**

6.1 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 109 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes.

6.2 Policy LND4 provides that in rural areas regard will be given to the need to protect the character and appearance of the rural landscape. Furthermore, Policy LND7 of the Local Plan requires new development proposals to provide high quality landscaping that should form an integral part of the overall development.

6.3 Other landscape policies of relevance include Policy SD7 of the submission version JCS and Policy GNPD9 of the draft GNPD. Policy SD7 provides that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being; and requires that proposals demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area. This policy is not subject to unresolved objections in light of the Inspector's interim report and is considered to be broadly consistent with the NPPF. Having regard to paragraph 216 of the NPPF, Policy SD7 of the submission version JCS can therefore be afforded some weight. Policy GNPD9 of the GNPD requires that development should not have a detrimental impact on the views to and from surrounding hills (including Nottingham Hill) or the Area of Outstanding Natural Beauty, in addition to preserving mature trees and hedgerows, maintaining separation from Bishops Cleeve and preserving existing settlement patterns. Whilst it is not considered that there would be any particular conflict between this policy and the NPPF, there is some objection to parts of the policy raised in the Regulation 16 consultation. On this basis and given the stage of preparation only limited weight can be given to the policy.

6.4 The site is not subject to landscape designation and comprises an arable field bounded on all sides by hedgerows and occasional hedgerow trees. Beyond the hedgerow to the north, a linear arrangement of dwellings fronts on to Malleson Road. To the west and south west the context is arable with a field providing separation from the A435 and a small cluster of commercial premises and residential dwellings off Gotherington Fields. To the south east and east the site abuts the existing settlement edge of Gotherington with housing accessed off Shutter Lane. The site is an intensively managed arable field and, with the exception of a public footpath that passes along the site's southern boundary and vegetation around its margins, it contains no features of notable landscape merit.

6.5 The application is accompanied by a Landscape and Visual Appraisal (LVA). This considers the key landscape resources and visual issues and the likely effects of development on the character of the area and views. The LVA concludes that, for the site and its immediate context, development would lead to the complete loss of an arable field and a medium/high degree of change for the site and its immediate context overall. The introduction of new housing would be an obvious change; however, housing is already an evident characteristic of the site's immediate context and as such effects are deemed to be moderate adverse at completion. Effects would lessen by year 10 to minor adverse as structural planting within public open space matures to further integrate the new housing in to the landscape. Landscape effects on the Cotswolds Area of Outstanding Natural Beauty located approximately 380m to the north and Special Landscape Area to the north would be negligible. In respect of landscape and visual effects the LVIA concludes that notable landscape effects would primarily be restricted to the site itself and in visual terms notable effects would be limited to receptors that border the site. It is therefore considered that the proposed development would be accommodated within the local landscape with limited adverse impact upon the wider landscape character and visual resources.

6.6 The Council's Landscape Officer considers that the proposal to develop the site for housing is not detrimental to the landscape setting of the AONB as the site is well enclosed and within the visual village edge of Gotherington. Within this setting, there is a requirement to have a high quality of design and a landscape led approach. The LVIA, landscape strategy and Arboricultural Assessment are considered to be satisfactory and the mitigation proposed is considered to be appropriate. The LO has also provided advice on issues to be taken forward in the detailed design including for instance the provision of the Public Open Space (POS); provision of landscaped 'green' corridors and the provision of suitable landscape buffers to integrate the development within the surrounding landscape setting.

6.7 Notwithstanding the above, the development of an open agricultural field to provide 50 dwellings would inevitably have an urbanising effect and would cause some erosion of the rural landscape of the area. However having regard to the LO's advice it is considered that these effects would be localised in nature and would not adversely affect the landscape setting of the AONB. Nevertheless, the proposal would result in the loss of what is currently open agricultural land, and its replacement with housing, streets, lights and associated human activity would clearly have an adverse effect on the rural quality of the landscape. As such the proposal would result in landscape harm and this is a matter that must be put into the planning balance to weigh against the proposal.

6.8 Paragraph 112 of NPPF advises that local planning authorities should take into account the economic and other benefits of the best and most versatile land (BMV). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in Grades 3b, 4 and 5 in preference to higher quality land. Paragraph 109 of the NPPF puts the protection and enhancement of soils as a priority in the conservation and enhancement of the natural environment. The site constitutes Grade 2 land and as such the proposal would result in the loss of 3.74 hectares of BMV which also weighs against the proposal in the overall planning balance.

## **7.0 Design and Layout**

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

7.2 The NPPF goes on to advise that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 61).

7.3 Relevant local design policies include Policy SD5 of the submission version JCS and Policy GNDP7 of the draft GNDP. Policy SD5 requires that development proposals incorporate key urban design principles. This policy can be afforded some weight as it is not subject to unresolved objections and is consistent with the NPPF. Policy GNDP7 seeks to apply a number of specific design principles to development proposals and is not considered to present any particular conflict with the NPPF. Furthermore, this policy has not attracted objection through the Regulation 16 consultation. On this basis it is considered that some weight can be given to the policy.

7.4 In this instance, the Council's Urban Design Officer (UDO) has identified that development to the north of the main village road (Malleston Road) is generally one plot deep as the settlement disperses towards the edges. To the south of the main road development extends off in small rural lanes. The majority of development is focused around the cross roads. The UDO considers that this development sits within the existing form of the village and is in keeping with the characteristic form of lane development extending to the south. It is felt that it would be positive if the development could provide connections onto Shutter Lane to allow for better connectivity. In this respect a revised indicative layout plan has been submitted indicating the retention of a footpath link to the south east of the site onto Shutter lane. The UDO considers that it is positive that the development fronts out onto the countryside and creates a positive edge to the settlement although it would be better if the development could provide direct frontage access onto Malleston Road to further improve integration into the existing form of development. This would also help to create an increased residential character along this stretch of the road and this would also help slow traffic. Nevertheless, the application is in outline form only with matters such as layout reserved for later detailed consideration.

7.5 Overall, it is considered that the proposal is capable of achieving a good design and integration with the built and natural environment of the village, consistent with relevant emerging policy and the advice on requiring good design within the NPPF.

## **8.0 Accessibility and Highway Safety**

8.1 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 32 specifically requires safe and suitable access to all development sites for all people. Paragraph 34 states that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes maximised. This must however take account of



policies elsewhere in the framework, particularly in rural areas. In such regards, paragraph 29 recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Policy TPT1 of the Local Plan requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided. These national and local policy requirements are generally reflected at Policies INF1 and INF2 of the submission version JCS.

8.2 With regard to accessibility, Gotherington is considered to have reasonably good access to both primary and secondary services, including a shop, a village hall, a primary school, a church and recreational facilities. Furthermore, Gotherington has some public transport provision with links to the surrounding areas and there is a bus stop located within reasonable walking distance of the site. Indeed, Gotherington is identified as a 'Service Village' in the emerging JCS meaning that it is considered to be a suitable location for some limited residential development on the basis of its availability of services. It is therefore considered that the proposed development would have reasonably good access to local services and facilities proportional to its rural location. The proposal is therefore considered to be consistent with the accessibility related provisions of the relevant transport policies within the adopted and emerging Development Plan and the NPPF.

8.3 The application includes access onto Malleson Road. This includes 4 accesses which consist of the main site access, two smaller shared accesses and a single private driveway access. The private driveway access and the two smaller shared accesses are formed of a 4.8m vehicle dropped kerb crossover to conform to the local design guidance. The main site access is provided by way of simple priority T-junction of a bell mouth style from Malleson Road. A new section of footway would be constructed along the southern side of Malleson Road connecting with the existing footway provision through the village. A pedestrian / cycle link would be provided from the site to Shutter Lane along the line of the existing Public Right of Way which runs along the southern boundary of the site. The existing hedgerow fronting the site along Malleson Road would be partially removed to reinforce the change in the character of the road on the entry to the village. The applicant has also agreed to fund the implementation of the proposed highway safety scheme at the junction of the A435 with Malleson Road.

8.4 A Transport Assessment (TA) has been submitted with the application which concludes that the proposed site access and the junction of the A435 have adequate capacity to accommodate the traffic generated by the proposed development and that it would not have a severe impact on the operation of the local highway network, and the modest increases in local traffic flows would easily be accommodated.

8.5 County Highways (CH) has considered the TA and agrees that the flow of traffic on Malleson Road is not high and that the increase as a result of the development traffic would not be significant in regards to capacity on the local network and at the Gotherington Cross junction. CH consider that the Gotherington Cross has sufficient additional capacity for all future year scenarios. The issue with the Gotherington Cross junction is not one of capacity but one of safety. The additional traffic movements as a result of the development would result in percentage impact of 28.82% in the AM peak and 38.5% in the PM peak. The development is likely to result in a significant impact upon the safe operation of the Gotherington Cross junction. Mitigation would therefore be required. The TA includes a highway safety scheme developed by the County and this scheme could be secured by way of planning condition in order to mitigate the impacts of the development.

8.6 The NPPF makes it clear that developments should only be refused on transport grounds where the residual cumulative impacts are severe. As a result of the low number of additional traffic movements resulting from this development and the low existing traffic movements on Malleson Road, from a capacity perspective, this is not the case here. The development would have a significant impact on the safe operation of Gotherington Cross; however this can be mitigated by way of junction safety improvement scheme. Furthermore, safe and suitable access can be provided to the site as well as a layout that is safe, secure and minimises conflict in accordance with section 4 of the NPPF. As such CH recommend that no highway objection is raised to the application subject to appropriate highway conditions.

## **9.0 Affordable Housing**

9.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing. Furthermore, Affordable Housing Supplementary Planning Guidance (SPG) was adopted by the Council in August 2005. The purpose of the SPG is to assist the implementation of affordable housing policies contained within the Local Plan and it is a material consideration in the determination of planning applications. Policy SD13 of the emerging JCS provides a 40% affordable housing requirement on sites of 10 dwellings or more.



9.2 The application is for up to 50 dwellings of which 20 (40%) would be Affordable Housing; a mix of 1, 2 and 3 bedroomed homes are proposed with a 50:50 split of Rented Housing to Intermediate Housing. The Council's Housing Enabling and Policy Officer (HEO) has advised that the policy requirement of the emerging JCS has been met but it is felt that 40% of on-site affordable homes would over-supply the parish due to:

- A small parish housing need as identified in the parish housing needs survey 2014.
- A site already providing on-site affordable homes and
- A number of other sites in the parish that may also contribute to affordable housing requirements.

9.3 The HEO has suggested that half of the affordable housing contribution is a financial one and a half delivered on-site. Therefore up to 10 homes would be on-site and are required to be a mix of 1 and 2 bed bungalows and 2 and 3 bed houses for rent and for sale. The remaining contribution (up to 10 homes) would be received in the form of financial contribution that would benefit the wider area where there is little or no affordable housing provision or to support the delivery of specialist housing where the funds are not available otherwise.

9.4 The applicant is in discussion with the HEO on the required contribution for the off-site affordable housing and **Members will be updated at Committee**. Subject to the completion of a S106 agreement to secure the required quantum and type of affordable housing on site and contribution to off-site affordable housing, it is considered that the proposal would provide sufficient affordable housing to address local needs and the wider needs of the Borough to satisfy the Council's adopted and emerging planning policy requirements.

## 10.0 Open Space, Outdoor Recreation and Sports Facilities

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

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

10.3 Based on Policy RCN1 and the Playing Pitch Assessment and Strategy, 0.28ha is required of which 0.17ha should be playing pitches to be provided either on or off site, or the equivalent financial contribution for an existing provision. As playing pitches cannot be provided on site, a financial contribution towards existing provision is required.

10.4 The application proposes the provision of a large area of Public Open Space (POS), measuring 1.36 ha, to be laid along the western edge of the site. This would provide new landscaping and a play area to create the western park. The submitted Design and Access Statement states that this area would serve to protect the rural character of the settlement. The detailed design of the green infrastructure, landscaping and open space would be the subject of a reserved matters application.

10.5 Formal comments are still awaited from the Council's Community and Economic Development Manager on POS provision and required contributions and **Members will be updated at Committee on the required contributions**.

## 11.0 Community, Education and Library Provision

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

11.2 With regard to education, Gloucestershire County Council (GCC) have advised that there is no additional forecast capacity at the nearest primary school (Gotherington Primary School) and therefore a contribution of £176,449 is required to increase capacity based on the 13.36 additional primary school places required by the development. It is also advised by GCC that Cleve Secondary School is the secondary school for the catchment and is forecast to be over capacity. The scheme would generate 6.99 additional

secondary school places requiring a contribution of £140, 752 towards increasing capacity. Furthermore, GCC have identified that the scheme would generate a need for 3.63 additional pre-school places. There is no additional capacity at local pre-schools and therefore a contribution of £47,956 is required.

11.3 With regard to library provision, GCC have advised that the scheme would be required to contribute towards improving local library resources (Bishops Cleeve Library). A contribution of £9,800 is requested.

11.4 In terms of the need for other community facilities, the Council's Community Planning and Partnerships Officer has been in consultation with the Parish Council and comments are still awaited from NHS England and the Community and Economic Development Officer. **Members will be up-dated at Committee.** The required contributions could be secured by a Section 106 agreement should planning permission be granted.

## 12.0 Flood Risk and Drainage

12.1 The NPPF aims to direct development away from areas at highest risk. Development itself should be safe and should not increase flood risk elsewhere. Policy EVT5 reflects this advice and Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria. Policy INF3 of the submission version JCS goes further and provides that minimising the risk of flooding will be achieved by (inter alia) requiring new development to, where possible, contribute to a reduction in existing flood risk. This policy is not subject to unresolved objection and is consistent with the NPPF's advice on flooding, in particular the requirement to use opportunities offered by new development to reduce the causes and impacts of flooding (paragraph 100). It can therefore be afforded weight in this decision.

12.2 The site is located in Flood Zone 1 as shown on the Environment Agency's (EA) indicative flood map indicating that it is at a low risk of flooding from fluvial sources. The EA's updated Flood Map for Surface Water indicates that surface water flooding does not pose a constraint to development on this site.

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

12.4 The Lead Local Flood Authority (LLFA) at Gloucestershire County Council has been consulted on the proposal and is satisfied that the development should not increase flood risk to any existing development downstream and there should not be any risk of internal flooding of property within the proposed site. In principle, the LLFA has no objection to the proposals based on the Flood Risk Assessment and overall surface water drainage strategy for the site. Whilst the proposal meets the requirements for an outline application, the LLFA would require a detailed surface water drainage strategy to be provided which includes clarification on the exact location, condition and capacity of the existing watercourse into which it is proposed that surface water would be discharged. As such, the LLFA recommend drainage conditions are applied to any subsequent permission.

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

## 13.0 Ecological Impacts

13.1 Government Circular 06/05 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Paragraph 118 of the NPPF sets out a mitigation hierarchy to be applied in cases where biodiversity would be affected and states that (inter alia) if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Local Plan Policy NCN5 is broadly consistent with this guidance and provides that, where development unavoidably necessitates the removal of such features, replacement features of equivalent value should be

provided. Emerging policy includes Policy SD10 of the submission JCS and Policy GNPD12 of the GNPD. Policy SD10 expands on the provisions of the NPPF and requires (inter alia) that European Protected Species (EPS) and National Protected Species are safeguarded in accordance with the law. Policy GNPD12 essentially reflects the NPPF's avoid/mitigate/compensate hierarchy but seeks to apply this where development is likely to have a 'direct or indirect adverse impact' rather than where it results in 'significant harm' as required by the NPPF. It is considered that Policy SD10 can be afforded weight in accordance with paragraph 216 but it is considered that any weight that can be afforded to Policy GNPD12 may be limited at this stage due to its potential inconsistency with the NPPF.

13.2 An Ecological Site Audit has been submitted which concludes that the proposals would only have minor adverse impacts on ecology and biodiversity whilst a number of positive benefits would arise providing recommendations are adhered through by means of planning conditions. Central to the design strategy has been the inclusion of green infrastructure protocol measures within the landscaping strategy to ensure ecological linkage out from and into the site. New wildlife habitats would be created in the western park appropriate to the site's context e.g. the use of log piles, wild corners and native planting. Bird, bat and invertebrate boxes would also be installed. Importantly almost all mature trees are retained and would be subject to protection. A Management Plan for Biodiversity of the retained/created green space would be required and this would establish ongoing management and monitoring of the ecologically elements of the site or associated green infrastructure design. Natural England has raised no objection to the application but provides standing advice in relation to protected species.

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

#### **14.0 Archaeology and Cultural Heritage**

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

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

14.3 The Heritage Statement (HS) submitted with the application identifies that there is one nationally listed asset within the 1km study area, the Grade II\* Church of St Martin de Tours which is not intervisible with the proposed development site. Of the remaining 92 assets within the study area, 29 are of district or county (higher) significance, as Grade II listed buildings and the remaining 65 are of local or negligible significance. The HS concludes that as the proposed development site is bounded by high hedging on all sides, the magnitude of impact would result in minor change with regard to all of the known assets within the 1km study area, as there is limited intervisibility. As any development is likely to result in minor changes with regard to all of the known heritage assets, the impact on the heritage significance by the proposed development would be at most, 'no appreciable impact', except for the Church of St Martin de Tours and the impact on its heritage significance would be a very limited. As the church is not intervisible with the proposed development site, mitigation in the form of boundary screening may not be deemed necessary.

14.4 The Conservation Officer (CO) has commented that the closest heritage assets (within 150m of the site) are Grade II listed buildings including The Malt Shovel, Shady Nook, White's Farm and The Homestead. White's Farm, Shady Nook and The Malt Shovel are clustered together on Shutter Lane, east of the south-eastern corner of the application site, whereas The Homestead occupies a very secluded linear plot some way to the south. The former are visible from various public vantage points in and around Shutter Lane but The Homestead has very little public presence, except in glimpsed views from the rights of way bounding the north and south of its site. As vernacular buildings their relationship with their wider surroundings was a



largely incidental one, and their individual setting influence was limited, although their group value is mutually reinforcing. Their significance derives largely from their historical, evidential and aesthetic value as surviving historic buildings which are representative of the local vernacular traditions.

14.5 The application site is to the west and north of all the listed buildings mentioned but their intervisibility is limited: only The Malt Shovel has an oblique view along Shutter Lane towards its southern boundary, but all the others are buffered by surrounding development. Given this screening and the separation distances involved, the CO considers that the presence of the proposed development is unlikely to have anything more than a neutral impact on their significance. In the light of the above factors it is not considered that there is a heritage need for mitigation, but any buffer planting proposed on the application site's boundaries would certainly help. In conclusion the CO raises no objection to the application as it is considered that the development's heritage impact is likely to be largely neutral, and that the landscaping design would be able to address any potential conflicts that might occur.

14.6 In terms of archaeology the County Archaeological Officer (CAO) was of the view that there was high potential for significant archaeological deposits relating to prehistoric and Roman activity and settlement to be present on the site, but masked from view by the agricultural soils which currently cover the land. He had raised concerns that ground works and intrusions required for the proposed development may have an adverse impact on significant archaeological remains and had requested that a full field evaluation should be carried out. This work has been done and a report of the finds recently submitted. The CAO notes that the result of the field evaluation was negative, in that no significant archaeological remains were observed during the investigation. On that basis he is of the view that the application site has low potential to contain any archaeological remains. As such he recommends that no further archaeological investigation or recording needs to be undertaken in connection with this scheme.

## **15.0 Social Cohesion**

15.1 It is recognised that in addition to this application currently before Members there are also two other pending applications for major housing development in the village (land at Trumans Farm (16/00539/OUT) and land at Ashmead Drive (16/00901/OUT). These propose 65 and 90 dwellings respectively. Furthermore, a permission for 17 dwellings on land at Shutter Lane (re. 14/00432/FUL) is currently under construction and Members have recently resolved to grant planning permission for 10 dwellings on land adjacent to 59 Gretton Road subject to completion of a S106 agreement (ref 16/00336/OUT). The application for land at Trumans Farm is due to be determined by the Committee at the same meeting as this application and thus it is necessary to consider the effect on the community should both applications be permitted.

15.2 A number of recent appeal decisions locally have demonstrated that a sizeable expansion of a village in a relatively short space of time could take the community some time to adapt to and there could be adverse consequences for the social and cultural wellbeing of existing residents. The effect of a development upon the vitality and social inclusivity of a local community has been shown to be a material planning consideration that is rooted in planning policy guidance. Paragraph 7 of the NPPF states that the planning system performs a social role; supporting strong, vibrant and healthy communities. More specifically, paragraph 69 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Further to this the PPG advises that local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making.

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



15.4 In this instance the proposed 50 dwellings alone would result in an 11% increase to the 463 existing dwellings in Gotherington. When considered cumulatively along with the permitted 17 dwellings at Shutter Lane and the resolution to permit 10 dwellings at Gretton Road, the proposal would result in a 17% increase to the number of houses in the village. In the event that this scheme and the application for 65 dwellings at Trumans Farm were both to be permitted on top of the existing commitments, this would result in 142 additional dwellings equating to a 31% over and above the existing number of houses in the village.

15.5 Having regard to the appeal precedent provided by the Alderton decisions, it is considered that the cumulative 11% increase resulting from this development on its own, or the 17% including the Shutter Lane and Gretton Road developments, would not be a sizeable enough expansion for the development to have an adverse impact on the social wellbeing of the community. Indeed, size increases significantly greater than this have been permitted in other Service Villages including Alderton (27%), Maisemore (29%) and Norton (33%).

15.6 In the event that Members are minded to permit this application and the application for 65 dwellings at Trumans Farm, whilst this would result in a more significant level of increase, it would still be less than that in Maisemore and only slightly more than that in Norton. It is also noted that Gotherington is a larger village than Alderton with 463 within the village compared to 277 in the case of Alderton. Furthermore, Gotherington ranks higher in the JCS Rural Area Settlement Audit (2015) scoring 22 out of 48 for its accessibility and availability of services compared to 17/48 in the case of Alderton. Gotherington is therefore a larger, more sustainable settlement than Alderton whereby the effects of new development may be better absorbed. It is also recognised in this instance that the resulting rate of change is likely to be slower than that in Alderton. For example, construction of the development at Shutter Lane is already well underway and the lead in and completion times for the 10 dwelling scheme at Gretton Road is likely to be relatively short. It is likely therefore that these existing 'commitments' will already be becoming an established part of the community by the time work commences on the proposed schemes at Trumans Farm and Malleson Road. Overall, whilst it is perhaps inevitable that the effects of new developments will be negatively experienced by some members of the community, it is not considered that the proposed development on its own, or cumulatively would result in significant and demonstrable harm to social cohesion which would justify refusal of planning permission in this case.

## **16.0 Other material considerations**

16.1 It is noted that the Parish Council and a number of local residents are concerned that the proposed development would conflict with and undermine the emerging NDP. The northern part of this site is allocated for housing (about 16 dwellings) in the emerging NDP. It is considered that the scale of this development is inappropriate for the village and would be out of character.

16.2 In response to these concerns it is noted that, as set out above, the NDP is at a fairly advanced stage of preparation. However, the Borough cannot currently demonstrate a five year supply of deliverable housing sites and as such any relevant policies for the supply of housing, including those contained in NDPs, should not be considered up-to-date. On this basis and having regard to the advice at paragraph 216, it is considered that little weight can be given to Policy GNDP2 of the NDP at this stage. At this stage therefore, housing proposals over and above those featured in the GNDP must be considered on their merits and in the context of the presumption in favour of sustainable development. In any event and notwithstanding this position, for the reasons set out in this report it is considered that the proposed development would be in accordance with the criteria set out at Policy GNDP2.

16.3 On the above basis, whilst the objections of the NDP group and local residents are noted, the potential conflict between the proposal and the draft NDP can only be given very little weight in this decision.

## **17.0 Overall Balancing Exercise and Conclusions**

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

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

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

17.4 With regards to the social dimension, it is considered that the proposal would achieve a good mix of housing and would deliver much needed affordable housing. In addition, it is considered that the proposal would be capable of achieving a good design and integration with the built and natural environment of the village. It must also be recognised that through a Section 106 Agreement, developer contributions would provide for education and library facilities, improved recreational facilities, open space and playing pitches and improved community facilities. The proposal could cause some harm to the social wellbeing of the community in the event that the application at Truman's Farm is also permitted, however it is not considered that this would give rise to significant and demonstrable harm in the context of the NPPF.

17.5 With regard to accessibility, Gotherington is considered to have reasonably good access to both primary and secondary services and has some public transport provision with links to the surrounding areas. The proposed development would therefore have reasonably good access to local services and facilities proportional to its rural location. Whilst the development would have a significant impact on the safe operation of Gotherington Cross; this can be mitigated by way of a junction safety improvement scheme. Furthermore, safe and suitable access can be provided to the site as well as a layout that is safe, secure and minimises conflict in accordance with NPPF.

17.6 With regards to the environmental dimension, it is considered that whilst the proposed development would intrude into open agricultural land, the scale and particular location of the proposal are such that its impact is likely to be limited to the immediate surroundings and it would not have an adverse impact on the setting of the nearby AONB. Furthermore, the impact of the development could be further mitigated by appropriate landscaping. Nevertheless, there would be a landscape impact which would constitute harm in terms of the environmental sustainability of the proposal. The proposals would result in the loss of Grade 2 ('Best and most versatile') agricultural land. The proposed development would not be at an unacceptable risk of flooding and would not exacerbate flooding problems for third party property. The development's heritage impact on assets is likely to be largely neutral, and the landscaping design would be able to address any potential conflicts that might occur. In terms of ecology and nature conservation, it has been demonstrated that the development would not have a detrimental impact upon biodiversity.

17.7 The NPPF sets out at paragraph 14 that in the context of the presumption in favour of sustainable development, proposed development that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless, inter alia, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It is concluded that the economic and social benefits would outweigh the limited landscape harm, loss of 3.74ha of BMV land and potential limited potential social harm arising from the proposal. As such, based upon the three-stranded definition of Sustainable Development within the NPPF, the proposal would represent a sustainable form of development and it is therefore recommended that the decision is **DELEGATED to the Development Manager to permit the application subject to the completion of a section 106 legal agreement to secure the following heads of terms:**

- **Affordable dwellings - 40% (10 on-site plus off-site contribution)**
- **Library - £9,800 towards local library facilities.**
- **Pre-school - £47,956**
- **Primary Education - £176,449 towards Gotherington Primary.**
- **Secondary Education - £140,752 towards Cleeve School (Maths Block Project)**
- **Sports facilities - To be confirmed.**
- **NHS England - To be confirmed.**
- **Playing pitches and pitch provision - To be confirmed.**
- **Community Infrastructure - To be confirmed.**
- **Recycling - £73 per dwelling.**
- **Dog bins & signs**

## RECOMMENDATION Delegated Permit

### Conditions:

- 1 The development for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4 The reserved matters submitted pursuant to condition 1 above shall include details of existing and proposed ground levels and finished floor levels of the buildings relative to Ordnance Datum Newlyn. The development shall be carried out in accordance with the approved details.
- 5 No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 6 Existing trees and hedgerows that are to be retained shall be protected during the course of construction in accordance with the submitted arboricultural assessment. All approved tree and hedge protection measures shall be in place prior to the commencement of construction and shall be retained thereafter until construction has been completed.
- 7 The reserved matters submitted pursuant to condition 1 shall be accompanied by full details of both hard and soft landscape proposals. These details shall include, as appropriate:
  - (i) Positions, design, materials and type of boundary treatment to be erected;
  - (ii) Hard surfacing materials; andSoft landscape details shall include:
  - a. Planting plans including positions for all tree, hedge and shrub planting;
  - b. Written specifications (including cultivation and other operations associated with plant and grass establishment);
  - c. Schedules of plants, noting species, planting sizes and proposed numbers;
  - d. Densities where appropriate; and
  - e. Implementation timetables including time of planting.
- 8 If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.
- 9 No external lighting shall be erected on any part of the site without the prior express permission of the Local Planning Authority.
- 10 No development approved by the permission shall be commenced until a detailed drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy must be compliant with the requirements of the NPPF, PPG, Non-Statutory Technical Standards for Sustainable Drainage, Building Regulation H and local policy. The detailed drainage strategy must consider, but not be limited to; the SUDS discharge hierarchy, a scheme of surface water treatment, management of exceedance flows, a construction method statement and be supported by sufficient evidence to demonstrate it is technically feasible. Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through 3rd party land or to their network, system or watercourse. The drainage scheme shall be carried out in accordance with the approved details
- 11 No development shall be put in to use/occupied until a SUDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

- 12 No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 20m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.
- 13 The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the building(s) hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.
- 14 No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.
- 15 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.
- 16 No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Local Planning Authority, for the provision of fire hydrants (served by mains water) and no dwelling shall be occupied until the hydrant serving that property has been provided in accordance with the approved scheme.
- 17 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- i. specify the type and number of vehicles;
  - ii. provide for the parking of vehicles of site operatives and visitors;
  - iii. provide for the loading and unloading of plant and materials;
  - iv. provide for the storage of plant and materials used in constructing the development;
  - v. provide for wheel washing facilities;
  - vi. measures to control the emission of dust and dirt during construction
- 18 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge to a point on the nearer carriageway edge of the public road 61m to the west and 59m to the east. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility with any verge landscaping and or vegetation kept no higher than 1.0m or set 2.1m above the carriageway level.
- 19 No works shall commence on site until details of a highway safety improvement scheme on the Gotherington Cross junction has been submitted to and approved in writing by the Local Planning Authority and no more than 15 dwellings shall be occupied until the highway safety scheme has been completed in accordance with the approved plan.
- 20 The proposed Highway improvements including dropped kerb tactile pedestrian crossing points on Malleson Road shall be provided in accordance with Drawing no. 1250-001 prior to first occupation of the dwellings hereby permitted.
- 21 No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall be in accordance with the recommendations set out in the Baseline Ecological Site Audit (dated May 2016). It shall include a timetable for implementation, details for monitoring and review and how the areas concerned will be maintained and managed. Development shall be in accordance with the approved details and timetable in the EMP.



Reasons:

- 1 The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.
- 2 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 In the interests of amenity to accord with the NPPF.
- 5 To ensure that the proposed construction work does not cause undue nuisance and disturbance to nearby properties at unreasonable hours.
- 6 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 7 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 8 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 9 In the interests of amenity and ecology.
- 10 To ensure that the development is provided with a satisfactory means of drainage, as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution, all in accordance with Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the NPPF.
- 11 To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding to accord with Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and the NPPF.
- 12 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 13 To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 14 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 15 To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 16 To ensure adequate water infrastructure is made on site for the local fire service to tackle any property fire in accordance with Paragraphs 32 & 35 of the NPPF.
- 17 To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with the National Planning Policy Framework and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006

- 18 To reduce potential highway impact by ensuring that adequate visibility is provided and maintained in accordance with the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 19 To reduce potential highway impact by ensuring cost effective improvements are provided in accordance with the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 20 To reduce potential highway impacts by ensuring cost effective improvements are provided in accordance with the NPPF and Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 21 To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Notes:

- 1 **Statement of Positive and Proactive Engagement**  
  
In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating to ensure an improved layout and design and ensuring that ecology issues have been addressed.
- 2 This permission has been granted pursuant to the completion of a Planning Agreement under S106 of the Town and Country Planning Act 1990.
- 3 The applicant is advised that to discharge condition 17 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a private managements and maintenance company confirming funding, management and maintenance regimes.
- 4 The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.
- 5 The proposed development will involve works to be carried out on the public highway and the applicant/developer is required to enter into a legally binding highway works agreement (including appropriate bond) with the County Council before commencing those works.
- 6 You are advised to contact Amey Gloucestershire 08000 514 514 to discuss whether your development will require traffic management measures on the public highway.



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 Agents House  
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 Warwickshire CV35 7HG  
 Tel: 01527 851300 Fax: 01527 851222

Location Plan scale: 1:250@A3

drawing reference: P-01

# Malleson Road, Gotherington





CLARENCE CONSULTANTS (LONDON) LIMITED LTD  
100, Abchurch Lane, London, EC4N 3DF  
Tel: 0171 7741100 Fax: 0171 7741125

Phase 2 Plans  
Drawing No: P-02 Rev C

Indicative Scheme Proposal 2004 - 2006



# Maleson Road, Gotherington

4480/B



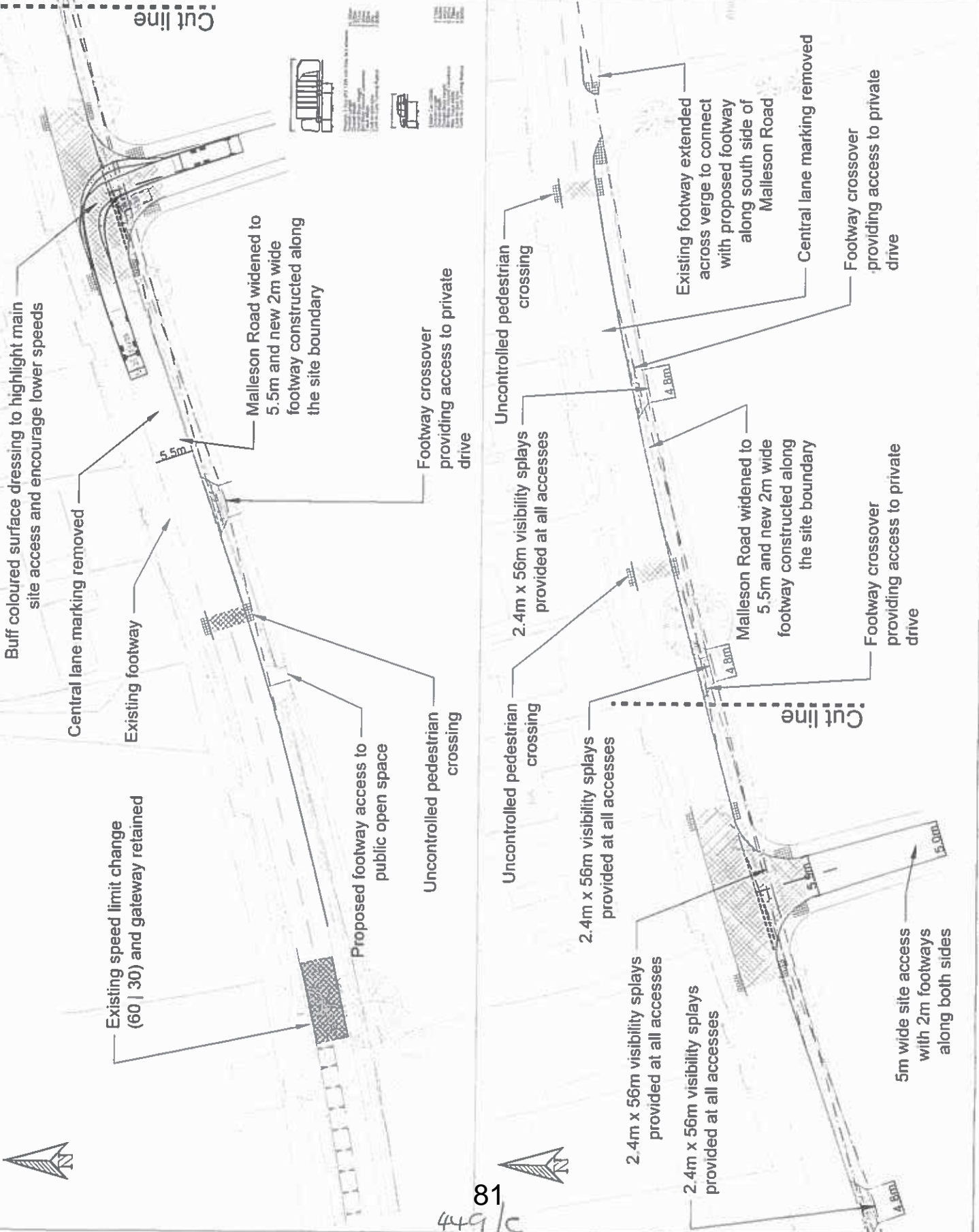
**Drawing Status**

These Drawings are for technical approvals and are not to be used for construction purposes and it is the responsibility of the contractor and client to identify risks associated with the construction stage and to design appropriate measures to mitigate.

The risks identified on the PJA Scheme Design Risk Assessment are based on the information available at the time of the design (drawing date). Where shown on PJA Design Drawings, the position of services is based on information provided by the service companies at the time of the design and is for guidance only. It is the responsibility of the Contractor to verify the exact position of any services before commencing works on site.

**Client Responsibilities**

These drawings have been produced with reference to the Designers Responsibilities under CDM Regulations 8, 11 and 18. The Client is directed to review their responsibilities under Regulations 9 and 10 and Section 3 of the CDM Regulations 2007.



**PHIL JONES ASSOCIATES**  
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 Tel: 01753 753333  
 www.philjonesassociates.co.uk

**Client:** Persimmon Homes South Midlands  
**Project:** Land south of Malleison Road, Gothenrington

**Drawing:** Proposed site access arrangements and traffic calming proposals

Drawn by:	MM (mjs)	Scale:	1:500 @ A3
Checked by:	MM (mjs)	Revision:	01250-001
Drawing No.:	01250-001		

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449/c

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20 Beverley Gardens, Woodmancote, Cheltenham

8

Valid 25.06.2016  
Grid Ref 397324 227401  
Parish Woodmancote  
Ward Cleeve Hill

Single storey side / rear extension with dormer window to the rear

Mr Darren Eales  
20 Beverley Gardens  
Woodmancote  
Cheltenham  
GL52 9QD

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework  
Planning Practice Guidance  
Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8  
Joint Core Strategy Submission Version November 2014  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)  
AONB

### Consultations and Representations

Parish Council - **Original plans**- 9-0 unanimously object to this proposal to extend the property to the side and rear elevations. The size and scale of the extensions are out of keeping. The height of the rear pitch adversely alters the front roof line. The size and scale changes the character of the street scene from both the front and the glazed gable has an adverse visual impact on the AONB from the rear. The property is visible from several footpath's behind Beverley Gardens AWO 15, 18, 19, 20 and 34.

**Revised plans** - Objects for the following reasons:

- The lower escarpment of the Cotswold AONB rolls down to the rear of the property.
- The size and design of the rear extension would have a harmful visual impact on the AONB and the many footpaths which are near the property.
- The size of the non-gabled rear extension is not well integrated with the existing build.
- The size of the development has almost doubled the ground floor area and could be viewed as overdevelopment of the site.
- The design of the extension is out of character with the mainly gabled extensions in the area.
- The design could be viewed as an ugly extension, visually unattractive and changes the original building design.
- The conversion of the garage on the north west elevation to a store and utility room will create a long flat roof and will also have an adverse effect on the neighbouring property.
- There will be a loss of 2 parking spaces on the NW side (garage and upper drive), which may make it necessary to reverse onto the road.
- Generally the front street scene is of detached bungalows with spaces between each property, giving an open aspect feel to the street scene and views of the AONB. By extending the property at the side the open aspect between no 20 and no 22 would be lost.
- Drainage concerns.

Local residents - no letters received.

**Planning Officers Comments:** Mrs Sarah Barnes

### 1.0 Application Site

1.1 This application relates to 20 Beverley Gardens, a detached property located on a housing estate in Woodmancote (**site location plan attached**). The site falls within the Cotswolds Area Of Outstanding Natural Beauty.

### 2.0 Planning History

2.1 In 2009 (09/00001/FUL) permission was granted for a single storey side and rear extension. This was never built.

### **3.0 Current application**

3.1 The current application is for a single storey side / rear extension and a dormer window to the rear (see attached plans).

### **4.0 Policy Context**

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

4.2 Policy HOU8 of the Local Plan sets out, inter alia, that extension to existing dwellings will be permitted provided that the proposal respects the character, scale, and proportion of the existing dwelling. The policy requires that proposals must not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking. The proposal must also respect the character and appearance of the surrounding area. This policy is considered consistent with the framework and as such should be given due weight according to paragraph 215 of Annex 1 of the framework.

### **5.0 Analysis**

5.1 The main issues to be considered with this application are the impact on the neighbouring dwellings residential amenity, the overall size / design of the proposal and the impact on the street scene / surrounding AONB.

#### **Design and Size**

5.2 The Parish Council have raised concerns about the design of the extension not being in-keeping with the dwelling itself and the existing street scene. The concerns raised were taken into consideration and revised plans were submitted on the 3rd November 2016 replacing the proposed two storey pitched roof rear extension with a single storey flat roof extension and a rear dormer window. It is considered that the proposal (as revised) would now be of a suitable size and design, indeed, permission was granted for a similar side/rear extension (albeit with a rear gable extension rather than a dormer) back in 2009 (09/00001/FUL) but it was never constructed.

5.3 Overall it is considered that the proposal (as revised) would be of an appropriate size and design in keeping with the character and appearance of the property and would comply with the requirements of Policy HOU8 in this regard.

#### **Residential amenity**

5.4 The Parish Council raised concerns about the impact of the proposal on the residential amenity of immediate neighbours. The impact of the proposal upon neighbouring properties has carefully been assessed and, given the scale and nature of what is proposed, it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8.

#### **Visual amenity**

5.5 The Parish Council have raised concerns about the impact of the proposal on the surrounding AONB and the footpaths at the rear. There are however other rear dormers and extensions along this road which are visible from the footpaths at the rear. Given that the proposed extension and rear dormer would be of an acceptable size and design it is considered that there would not be a harmful impact on the surrounding AONB nor on the existing street scene.

#### **Other issues**

5.6 The Parish Council have raised concerns about drainage. This is not however a planning issue. It is something that would be dealt with by Building Control.

5.7 Concerns have also been raised about the reduction in parking at the site if the garage is converted. There would however still be space for two cars to be parked on the front drive. Beverley Gardens is also an unclassified road and any potential highway impacts arising from the proposal would not justify with-holding planning permission in this case.

## 6.0 Conclusion

6.1 Overall, it is considered that the proposal would not result in an unacceptable loss of residential amenity to neighbouring dwellings and would be of an acceptable size and design. There would also not be any harm to the existing street scene nor the surrounding AONB. The proposal (as revised) would therefore accord with the NPPF and Policy HOU8 of the Local Plan and is **recommended for permission**.

### RECOMMENDATION Permit

#### Conditions:

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

#### Reasons:

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

#### Notes:

- 1 **Statement of Positive and Proactive Engagement**  
  
In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating size and design.
- 2 This decision relates to the revised plans received by the Local Planning Authority on 3.10.2016.



**CLIENT**  
**SITE**  
**PROJECT**

Mr D Eales  
20 Beverley Gardens Woodmanpole GL52 9QD  
Extensions and Alterations to Dwelling

**DRAWING TITLE**

*16/007/4/4el - existing plans*

**DRAWING NUMBER**  
1029/1.01

**Survey Plans & Elevations**

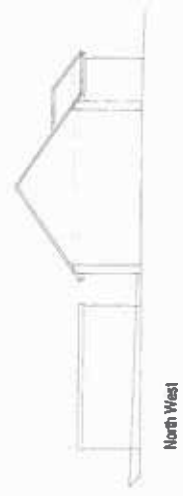
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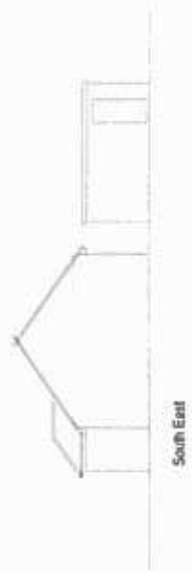
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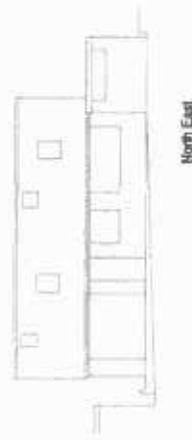
South West



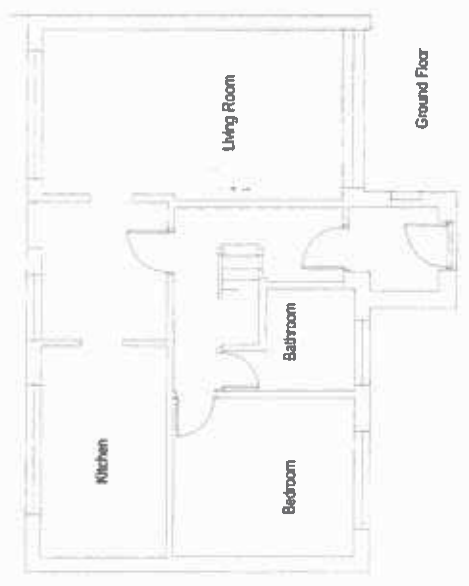
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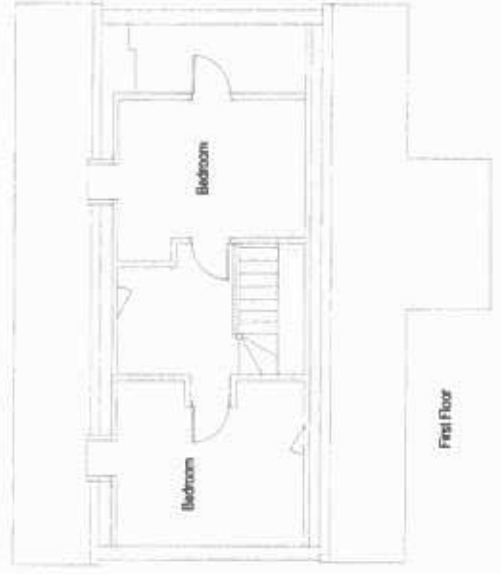
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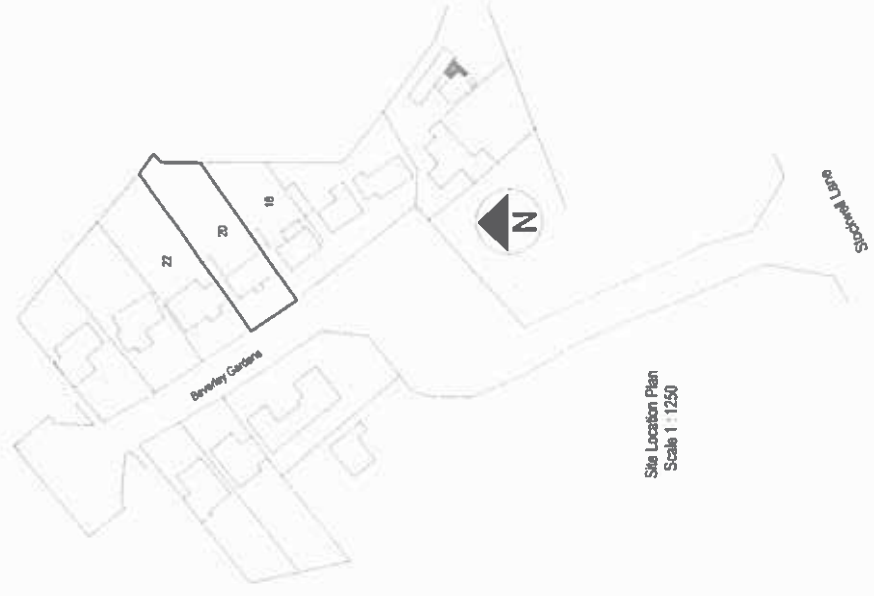
North East



Ground Floor



First Floor



Site Location Plan  
Scale 1 : 1250

east pavilion

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01242 261415 / 07973 520681  
email: smbd@mac.com

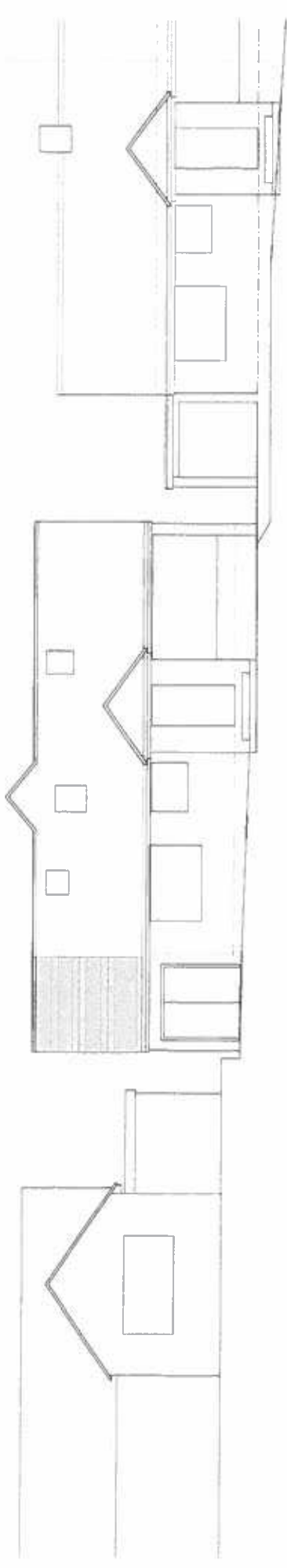
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**SITE**  
**PROJECT**

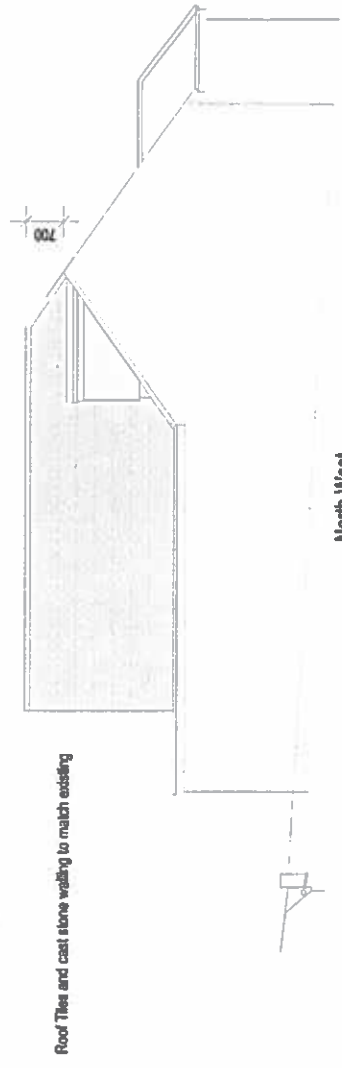
Mr D Eales  
20 Beverley Gardens Grelton GL52 9QD  
Extensions and Alterations to Dwelling

**DRAWING TITLE**  
Proposed Elevations  
**DRAWING NUMBER**  
1029.02

**SCALES / PAPER SIZE**  
1 : 100 (A3)  
**DATE**  
May 2016  
**REVISION**  
DATE  
DESCRIPTION

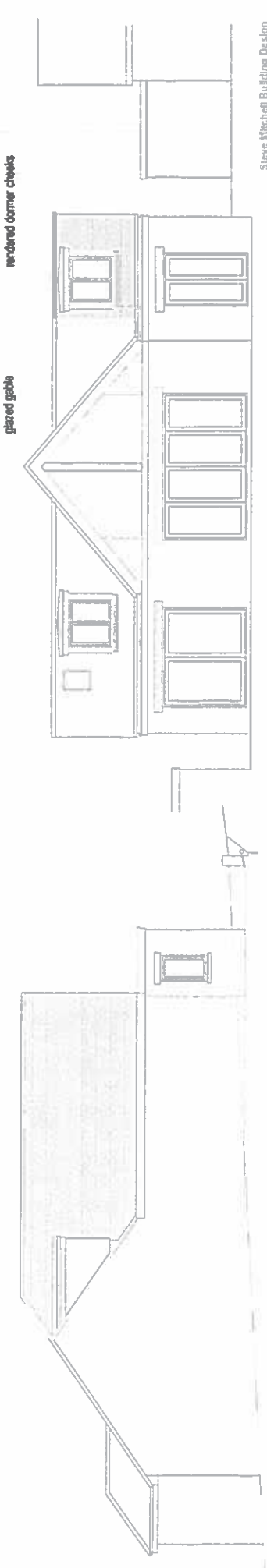


South West



North West

Roof Tiles and cast stone walling to match existing



South East

cast stone lintels

North East

Steve Mitchell Building Design  
48 Lambarly Court  
Cheltenham  
Gloucestershire GL50 1JX  
01247 261415 / 01247 352088  
email smb1@mac.com

original plans - 10/10/11 1/4 full Proposed Plans

Mr D Eales  
20 Beverley Gardens Greflon GL52 9QD  
Extensions and Alterations to Dwelling

DRAWING TITLE

DRAWING NUMBER

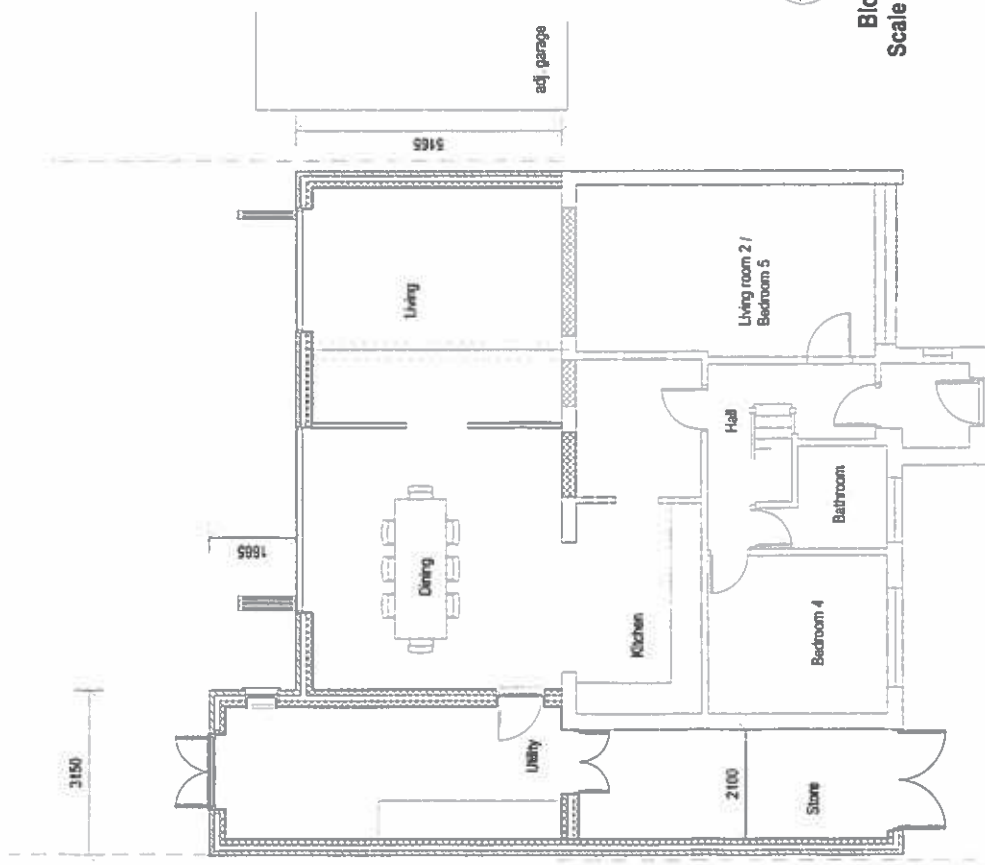
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REVISION  
DATE  
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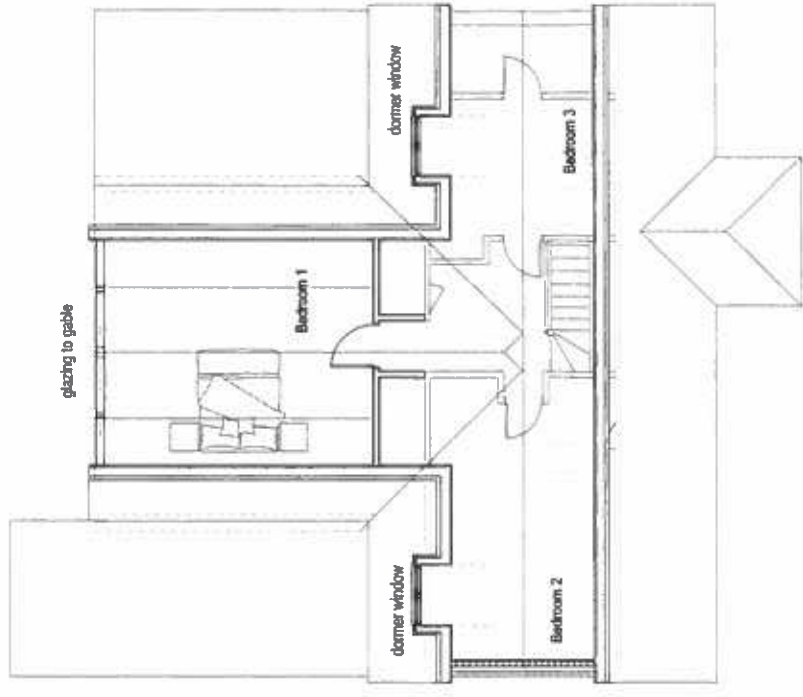
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May 2016

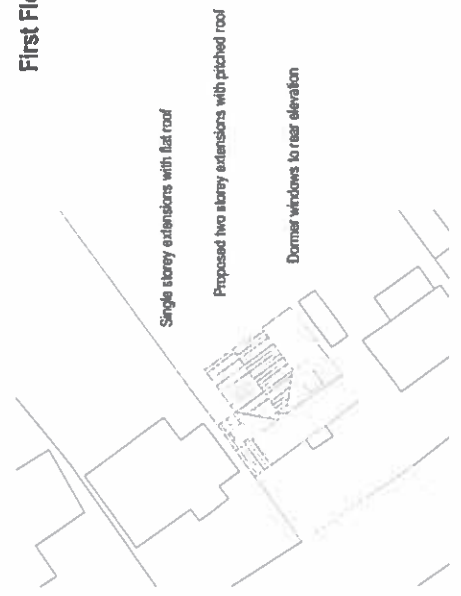
DESCRIPTION



Ground Floor Plan



First Floor Plan



Block Plan  
Scale 1 : 500 @ A3

Steve Mitchell Building Design  
48 Canbury Court,  
Cheltenham  
Goucestershire GL50 1JX  
01242 281415 / 07973 620581  
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DATE	3/10/16
REVISION	A
DESCRIPTION	updated

SCALES / PAPER SIZE	1:100 @ A3
DATE	May 2016
REVISION	A
DESCRIPTION	updated

DRAWING NUMBER

1029/1.02A

previously consented  
09/000017/14



South West



North West



South East

North East

through coloured render to dormer and rear living room extension

dormer not to extend beyond orig walls

DORMER PERMITTED DEVELOPMENT

roof space inc in vol by 36 sm

Steve Mitchell Building Design  
 48 Cambay Court,  
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 01242 261415 / 07973 526581  
 email: smbd@mac.com

3.10.16 Revised plans - 16/007/14/fecl



CLIENT  
SITE  
PROJECT

Mr D Eales  
20 Beverley Gardens Woodmancote GL52 9QD  
Extensions and Alterations to Dwelling

DRAWING TITLE

Proposed Plans

DRAWING NUMBER

1029/1.03A

1 100 @ A3

May 2016

DESCRIPTION

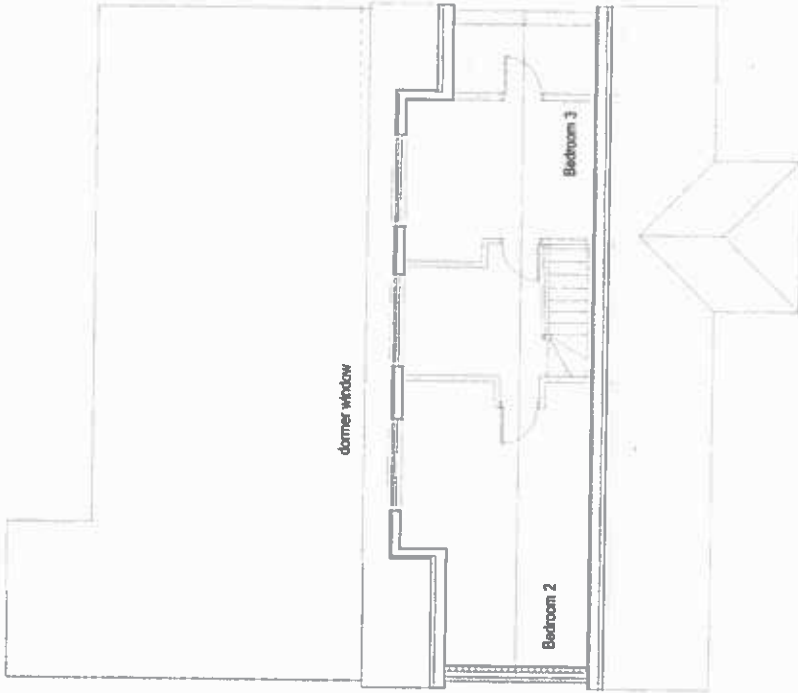
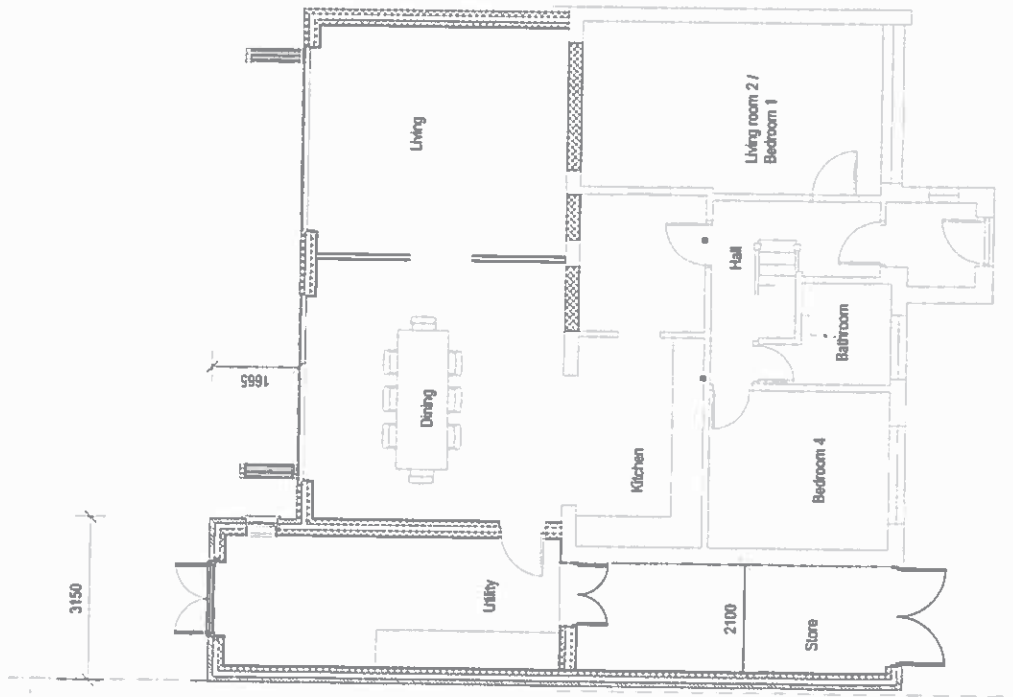
updated

SCALES / PAPER SIZE

DATE

REVISION DATE

A 3/10/16



Block Plan  
Scale 1 : 500 @ A3

Ground Floor Plan

Steve Mitchell Building Design  
48 Cambury Court,  
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Gloucestershire GL50 1JX  
01242 261415 / 07973 525581  
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89  
452/E

16/00714/fel - Revised plans - 3.10.16

16/00877/FUL

Land adjacent to Churchdown Community Centre, Parton Road, Churchdown 9

Valid 12.08.2016

Proposed two storey medical centre (Class D1) including ancillary pharmacy and associated car parking and landscaping.

Grid Ref 388227 220488

Parish Churchdown

Ward Churchdown Brookfield

Churchdown Surgery  
24 St John's Avenue  
Churchdown

## RECOMMENDATION Permit

### Policies and Constraints

Tewkesbury Borough Local Plan - GNL8, GNL15, LND4, LND5, LND7, EVT2, EVT3, EVT5, EVT9, NCN5, TPT1, TPT6 and TPT9

NPPF

Planning Practice Guidance

Joint Core Strategy Submission Version (November 2014) - Policies SD1, SD4, SD5, SD7, SD10, SD15, INF1, INF2, INF3 and INF5

Tewkesbury Borough Council Flood and Water Management Supplementary Planning Document

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

The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

**Churchdown Parish Council** - Council strongly supports the application but consideration should be given to the following matters:

- Public transport provision should be reviewed in order to ensure that patients' needs are met.
- The access to the site must be adequate, and sufficient to meet peak inflow and outflow.
- Consideration should be given to installation of a pedestrian crossing on Parton Road
- Consideration should be given to installation of double yellow lines from mini roundabout to Barnes Wallis Way, full consultation to be done with residents.
- Consideration should be given to moving one bus shelter.
- Monitoring of the car park by the doctors would help to ensure proper use.
- There is a need for the medical centre car park to be used both for Community Centre events and Parish Council events (eg, the fireworks display). This matter will be raised separately with the developer; it was noted that there is a formal agreement that St Johns Church car park be used for general community use.

**County Highways**- No objection subject to Conditions.

**Environmental Health** - No objection subject to Conditions.

**Gloucestershire Lead Local Flood Authority** - No objection subject to Conditions.

**Gloucestershire Clinical Commissioning Group (CCG)**

- Fully supports the practice's clear need for a premises solution and this remains a committed priority for the organisation. The proposed new surgery will ensure that the practice meets the requirements of the Disability Discrimination Act, no longer operates in a building over half the size smaller than required and will ensure that basic operational working is not curtailed.
- It is the view of the CCG that this proposed development will help to facilitate the transformational change required in primary care over the next ten to twenty years. It provides the necessary infrastructure future proofing required for sustainable success and ensures there is suitable provision for the people of Churchdown and the expected increase in the registered population served by the Practice.
- The proposal supports the CCGs plans and goals for joining up care, particularly across the primary and community sectors and is aligned with our wider commissioning strategies.
- The CCG also confirms that the financial elements of this scheme are secure with a commitment to fund an agreed annual rental value.

## Local Residents

*Letters of support* 109 letters of support have been received from local residents making the following observations:

- Fully support the proposal for a new health care facility.
- The current surgery is not fit for purpose for either patients or staff. Churchdown has waited far too long for a new surgery to be built. This should no longer be delayed. A modern surgery for Churchdown is so important now and for the future.
- Churchdown has a growing population.
- Appreciate concerns from residents living near to the proposed development regarding traffic/parking issues.
- Ample parking spaces are proposed, unlike the existing where street parking is necessary.
- Yellow lines would not be necessary.
- The move from St Johns Avenue will eradicate one of the worst day-time traffic frustrations in the area.
- The chosen site is in a great location: it is accessible for patients from surrounding area, whether by car or bus. It allows for off street parking.
- The layout of the proposed surgery will enable greater treatment facilities and easier access to upper floor by lift for disabled or patients with walking difficulties. It is also beneficial to have a pharmacist on site for ease of prescription handling
- The need for new facilities is urgent so a quick decision would be appreciated so work can begin without any delay.
- Churchdown has a growing number of elderly residents. As an elderly resident I realise I will need to use this facility more frequently.
- The benefits far outweigh any detriments.
- After years of waiting, any delay or do nothing options are no-longer acceptable.
- Design is generally pleasing and will quickly become accepted in the community. Will not dominate neighbouring buildings.
- Larger facility will facilitate more procedures and appointments. Having a pharmacy on-site is a welcome addition.
- For the sake of residents who have been let down before, please grant this application without delay.

*Letters of objection* 33 letters have been received from local residents objecting to the proposal for the following reasons:

- Parking is a problem on Parton Road as visitors to the Community Centre use this road as overflow when the car park is full. Proposed new facility and pharmacy will generate much more traffic than the old Doctors Surgery
- The old Parton Road is too narrow to accommodate access to two major community amenities. Concerned it does not meet Highways National Guidelines. Also, the pavements on either side of Parton Road are 1.7m which is less than the 2m specified in the aforementioned Manual. Will result in highway safety issues. Children use the road.
- Insufficient parking spaces are proposed for both staff and visitors.
- There are concerns about the acceptability of the proposed access that have been expressed by Members of the Public at various meetings. These objections should not be overlooked in a rush to get the scheme permitted.
- A more suitable access to the new Medical Centre could be provided from the main Parton Road or via the existing Community Centre Building. Alternatively, there could be a single access for the Community Centre and the Medical building opposite Summerland Drive.
- Area is poorly served by public transport and therefore most will drive.
- Concerns that overflow parking issues would need to be controlled by double yellow lines.
- Concerns that access for emergency service vehicles will not be possible and could endanger lives in the future.
- Building is completely out-of-keeping with the small residential estate.
- Would create an intrusive level of traffic in a residential area.
- The constant coming and going from the proposed surgery would cause environmental nuisance to residents on a noise and disturbance level. Given the proposal for doctors to work 7 days a week this would be incessant and yet again highly detrimental to the quality of life the estate's residents currently have.
- Have alternatives to one single large surgery been explored? Would two smaller surgeries in different locations be better? Or expand existing surgery into adjacent vacant shop units.
- Concerned about the loss of 3 TPO'd trees.

## **Planning Officers Comments: Mr John Hinett**

### **1.0 Application site**

1.1 The application site comprises an area of undeveloped land of approximately 7200sq.m located in Churchdown to the south of Parton Road. The Churchdown Community Centre lies to its North East boundary residential development to its South and East. The rear boundary neighbours the Playing Fields of The Churchdown School Academy. The site is surrounded on all boundaries by mature tree, which are protected by Tree Preservation Orders.

1.2 Access to the site is currently available from the Community Centre car park. The site is designated as an Important Open Space in the Local Plan - but is unaffected by any other designations.

### **2.0 Relevant planning history**

2.1 There is no relevant planning history in relation to the application site other than the Group tree Preservation Order paced on all boundaries.

### **3.0 Current application**

3.1 The proposal is a full application for a two storey medical centre (Class D1) including ancillary pharmacy and associated car parking and landscaping. A new access independent of the Community Centre is proposed off Parton Road necessitating the removal of three protected trees.

### **4.0 Planning Policy/Guidance**

#### The Development Plan

4.1 The site lies within the built up area of Churchdown. Policy GNL15 of the Local Plan provides that change of use or redevelopment of buildings to provide community uses will be encouraged, subject to other policies contained in the Local Plan. It states further that where there are proposals for new community facilities these should be located within or adjacent to settlements and will be assessed in relation to the following criteria:

- No adverse impact on amenity of surrounding areas.
- Well sited in relation to adjacent buildings.
- Sympathetic in scale.
- Adequate provision is made for access by pedestrians, cyclists and public transport users, and for vehicular access and parking.
- Traffic generated does not have an unacceptably adverse impact.

4.2 Policy TPT1 sets out that development will be permitted where provision is made for appropriate pedestrian, cycle and public transport access, the traffic generated would not impair the safety and satisfactory operation of the highway network and an appropriate standard of access can be provided.

4.3 Policies EVT2 and EVT3 of the Local Plan seek to minimise light and noise pollution respectively.

4.4 Policy EVT5 provides that development will be permitted provided that certain flood protection criteria are met.

4.5 Policy LND5 states that proposal that adversely affect the character and appearance of important open spaces will not be permitted.

4.6 Other Local Plan policies will be referred to in relevant sections throughout the report.

#### Emerging Joint Core Strategy

4.7 Relevant policies in the emerging JCS will be referred to in specific sections of this report.

#### National Planning Policy Framework

4.9 Section 1 of the NPPF (Building a strong, competitive economy) sets out that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's strengths, meeting the twin challenges of global competition and of a low carbon future. Paragraph 19 sets



out that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 20 continues that LPAs should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

## **5.0 Analysis**

### Need

5.1 The supporting planning statement states that the applicants (Dr Halliday & Partners) have outgrown their existing premises, originally designed for 7,500 patients. Their current patient list totals 13,600, a figure which will increase as new developments in and around Churchdown population come forward. We are informed that the new surgery is the top priority for the NHS Area Team and funding has been secured.

### Site Search

5.2 The supporting planning statement also sets out that the practices search for alternative sites has been on-going for several years and was shortlisted to 10 possible sites within a suitable catchment of the existing practice. All sites other than the application site were discounted for reasons including being: in the Green Belt; unavailable; of an inadequate size, having unsuitable access; or part of a residential allocation.

5.3 The application site is available and benefits from an accessible location adjacent to a large residential area and an existing Community Facility and could benefit from the utility services which extend into the rear part of the site.

### *Assessment of the principle*

5.4 It is considered that the need for the surgery has been demonstrated and that principle of a new medical centre is acceptable in principle, subject to the criteria set out in Local Plan Policy GNL15 and JCS Policy INF5.

## **6.0 Important Open Space and Landscape and Visual Impact**

6.1 Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy SD7 of the emerging Joint Core Strategy provides that development will seek to protect landscape character; have regard to local distinctiveness and character; and consider landscape sensitivity.

6.2 Policy LND5 states that proposal that adversely affect the character and appearance of important open spaces will not be permitted. The reasoned justification to the Policy states that these areas should be of amenity value to the public, clearly visible and important to the character of the settlement and the street scene. Appendix 4 lists the Important Open Spaces together with a summary of their reason for designation. For this site ('Parton Road') the Local Plan description is 'Open space adjacent to the Community Centre'.

6.3 Clearly the proposal would result in the loss of the space for community amenity use, but the applicant points out that the space is not open to general use by the public in the way that a 'village green' would be. At the time of the site visit the site was overgrown. It is also the case that all the trees along the boundaries (apart from at the proposed entrance) would be retained and therefore the proposals would not seriously and adversely affect the character and appearance of the general area from views outside the site. Furthermore, part of the Important Open Space along the northern boundary of the Community Centre would be retained. Nevertheless, the loss of this Important Open Space is a matter that weighs against the proposal and must be balanced against the benefits in terms of providing a new community facility.

6.4 The Council's Landscape Officer has assessed the landscaping scheme which is considered acceptable. There are no concerns relating to the proposed felling of three of these trees in order to accommodate the proposed access.

6.5 Conditions are recommended with regard to the removal of trees, and the retention and protection of others during construction.

## **7.0 Design and layout**

7.1 Emerging policy SD5 of the JCS seeks to secure high quality and well thought out design. The NPPF sets out that the Government attaches great importance to the design of the built environment, which is seen as a key aspect of sustainable development, and is indivisible from good planning.

7.2 The DAS states that building would be limited to two storeys (with a maximum ridge height of 10m - eaves at 6m) to maintain an appropriate scale among its residential neighbours and compliment the adjacent Community Centre. The proposed building, with its frontage addressing Parton Road and its rear elevation facing towards the school playing fields, would enable all the car parking to be located in front of the building with a minimum 10 metre landscaped area between to the nearest opening windows. The orientation would present the glazed entrance toward the vehicular access / entrance that the DAS states would draw the eye to the Main Entrance of the Medical Centre and that of the adjoining Pharmacy. The set-back within the site would also help to reduce the impact of the building within the streetscene.

7.3 The proposed materials would comprise red facing brickwork complemented by the use of white render punctuated by panels of blue facing brickwork running through both storeys from its visual plinth which runs around the base of the building. Interlocking concrete tiles of dark red / brown are proposed for roofing.

7.4 Officers consider that proposed design and layout is acceptable in the context of the surrounding development and subject to the quality of the materials and retention of existing trees along the site boundaries, would be and acceptable addition to the area.

## **8.0 Accessibility and highway safety**

8.1 Policy TPT1 of the Local Plan sets out that development will be permitted where the traffic generated by and/or attracted to the development, together with that arising from other existing or planned development, would not impair the safety or satisfactory operation of the highway network. Policy TPT1 follows that highway access should be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network.

8.2 Access to the site is proposed to located approximately 30 metres to the southwest of the Summerland Drive access off Parton Road. 65 parking spaces are proposed on site - five of which would be designated for disabled users and one would benefit from an electric charging point. 12 cycle parking spaces are also proposed.

8.3 The application is supported by a Travel Assessment (TA) which makes the following conclusions:

- the proposals comply with national and local policy with regard to ensuring that new development is situated where there is good accessibility by sustainable modes of transport such as walking and cycling;
- the provision of an hourly bus service to/from Gloucester via Innsworth provides scope for some journeys to the site to be made by public transport by staff and patients;
- the site can achieve a suitable vehicular access off Parton Road in the form of a simple priority junction arrangement;
- the vehicular impact of the development will be relatively insignificant, given that the proposed surgery is a like for like replacement of the existing surgery;
- the Parton Road / Station Road mini roundabout will work well within theoretical capacity when the proposals have been implemented; and
- a review of Personal Injury Accident data for the local area has confirmed that there are no particular safety concerns that would require mitigation works.

8.4 The applicant therefore considers that there are no highway or transport reasons to preclude development. The cumulative impacts of the development are not considered to be severe and thus, as set out in the NPPF, there is no policy basis on which to substantiate a transport or highway-related refusal reason.

8.5 Gloucestershire County Highways Authority (CHA) have assessed the applicants TA and note that adequate visibility from the proposed access could be provided. The CHA note that even accounting for additional separate trips to the proposed pharmacy (doubling trips generated by site used in the assessment), it would not result in either site access or the Parton Road/Station Road roundabout junctions coming near to capacity. Therefore despite the noted objections from local residents, traffic impact would not be considered to result in a detrimental impact on highway operation in the proposed location.

8.6 The CHA state that estimated parking accumulation from TRICS analysis of the vehicle trip generation of proposed medical centre and retail pharmacy use floorspace would be 47 spaces at peak times and that the proposed parking layout includes a drop-off zone. On this basis the CHA conclude that the proposed development would not result in overflow parking on the adjacent highway.

8.7 It is noted that the existing footway along the side frontage of Parton Road is less than 2 wide but that due to the presence of TPO'd trees it is not possible to widen it further. The CHA therefore recommend a condition requiring a tactile drop kerb crossing to be provided across the junction of Summerland Drive, and from the footway on the opposite side of Parton Road to the footways adjacent to the site entrance. Combined with the existing footway along the site frontage enhanced with a tactile drop kerb crossing at the community centre junction, the proposal would be considered to provide suitable pedestrian route access for expected pedestrian movements to and from the site.

8.8 In light of the above the CHO raises no objection to the application subject to conditions.

## **9.0 Flood Risk and Drainage**

9.1 The NPPF seeks to direct new developments to areas at the lowest risk of flooding. A detailed Flood Risk Assessment (FRA) and drainage strategy has been submitted with the application. It is noted that due to a risk of groundwater flooding it is not possible to dispose of surface water run off via infiltration techniques. It is therefore proposed to discharge directly to the public sewer within the site; a new manhole would be constructed on the sewer at the connection point; the connection would be uncontrolled and the anticipated 0.25 litres/sec discharge from the development would be discharged freely into the new connection manhole to join the main sewer flow. Drainage from roads and car park areas would drain to the surface water system via a Class 1 By-pass oil separator. The domestic foul water flow from the proposed new Medical Centre would be discharged directly to the public sewer within the site.

9.2 Gloucestershire Lead Local Flood Authority (LLFA) have been consulted and confirm that the proposed SuDS strategy (including the additional details of the attenuation system and exceedance flow routes) now meets the requirements in Defra's Non-statutory Technical Guidance for sustainable drainage. The LLFA confirm that due to the high water table the proposed underground storage is acceptable, subject to the storage being lined to prevent the ingress of groundwater. Although no evidence has been provided of consent for a connection to the sewer, there is a reasonable prospect that consent would be granted. Subject to a condition requiring the submission of a SUDs scheme (to include maintenance) the LLFA have no objections to the proposal.

## **10.0 Environmental Health Issues**

10.1 The NPPF states that the planning system should contribute to and enhance the natural and local environment by, inter alia, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

### Noise

10.2 The applicants Noise Assessment (NA) concludes that noise from additional traffic movements associated with the development would not adversely affect adjacent residential properties and that noise generated by those vehicle movements would be lower than existing background day-time noise levels. The applicant confirms that the only items of external plant will be a cooling systems and the NA similarly considers that anticipated noise levels would be below background levels and would not result in complaints from neighbours.

10.3 On the basis of the information the Council's Environmental Health Officer raises no objections to the proposal subject to conditions.

### Ground Contamination

10.4 The application is supported by a Contamination Statement which concludes that the risk of soil contamination and ground gases on this previously un-developed site is very low/low respectively. A condition is recommended requiring that intrusive site investigation must include soil analysis and ground gas monitoring to verify the conclusions of this contamination assessment, prior to the commencement of development.

10.5 The Council's Environmental Health Officer concurs with the above and recommends a precautionary condition requiring further investigation in accordance with the Contamination Statement's recommendations.

10.6 In light of the above, it is therefore considered that, subject to appropriately worded planning conditions, there is no objection to the proposals from an environmental health perspective.

### **11.0 Ecology and nature conservation**

11.1 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals and is considered to be consistent with the NPPF.

11.2 The application is supported by an ecological assessment (EA) and 5 Year Habitat Management Plan which note that the site comprises an amenity grassland field surrounded by scattered trees, and with a species-poor hedgerow located on the north-eastern boundary. The EA makes some recommendations with regard to the enhancement that could improve biodiversity on the site should they be implemented.

11.3 Subject to appropriate planning conditions following the recommendations of the Ecological surveys and to secure biodiversity enhancements and mitigation as necessary, the proposed development is considered to accord with the NPPF and policy NCN5 of the Local Plan.

### **12.0 Impact of the building on neighbours**

12.1 There are a number of residential dwellings located along the south western boundary of the site. The proposed siting of the building would be set back at least 35m from the intervening boundary and it is not considered there would be any unacceptable overbearing impact or overlooking of those properties.

### **13.0 Overall balancing exercise and conclusions**

13.1 The proposal would result in the permanent loss of an Important Open Space as defined in the Tewkesbury Local Plan - March 2006 which weighs against the proposal. However, the Important Open Space is not open to the public for general recreational use and the current proposal would retain the majority of mature trees to the site boundaries that contribute to the general visual amenity of the area. The proposal would resolve increasing capacity issues at the existing surgery in the area helping to provide a facility to meet the needs of the increasing population of Churchdown. This is a social and community benefit that weighs significantly in favour of the proposals. The site is located in a sustainable location adjacent to an existing community facility with good access by various modes of transport (including walking and cycling). The proposed design, size, scale and layout are considered to be acceptable in the context of the surrounding development (subject to materials and retention of boundary trees). The proposed development would have an acceptable impact on highway safety and the local environment subject to appropriate planning conditions. Furthermore, the development would not be at risk of flooding, would not increase flood risk elsewhere.

13.2 In light of all the above, weighing all the matters into the balance, the proposal is considered to comprise sustainable development and is recommended for **permission**.

### **RECOMMENDATION Permit**

#### **Conditions:**

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

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



2 The development hereby permitted shall be carried out in accordance with the following plans and documents:

Drawing Numbers:

- 1463/21F Site Plan
- 1463/24 A Elevations
- 1463/30 Elevations
- 1463/22E Floorplans
- 1463/28B Roof Plan and Levels
- 16.1255.001 A Landscape Proposals
- 4771/201 Access visibility

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Notwithstanding the submitted details, no development shall commence until details of all external walling and roofing materials for all buildings have been submitted to and approved in writing by the local planning authority. All materials shall conform to approved materials.

Reason: To ensure that the new development will be visually attractive in the interests of amenity.

4 The building shall be constructed in strict accordance with the levels details shown on drawing number 1463/28 B.

Reason: To ensure that the new development will be visually attractive in the interests of amenity.

5 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4 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 45m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.6m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 35.

6 The buildings hereby permitted shall not be occupied and development use commenced until the vehicular parking and turning facilities have been provided in accordance with the submitted plan 1463/21F, and those facilities shall be maintained available for those purposes thereafter.

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

7 The development use hereby permitted shall not be begun until the cycle storage facilities have been made available for use in accordance with the submitted plan 1463/21F, and those facilities shall be maintained for the duration of the development.

Reason: To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 and 35 of the National Planning Policy Framework.

8 A tactile drop kerb footway crossing over the Churchdown Community Centre access and two further tactile drop kerb footway crossings based on details submitted to and approved in writing by the Local Planning Authority across the Summerhill Drive junction with Parton Road and across Parton Road opposite the site frontage before shall be provided before the development hereby permitted is brought into use.

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

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

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

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

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

- 11 No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 12 Other than the cooling system hereby approved, no extraction, ventilation, cooling and refrigeration equipment shall be installed on the building without the details having first been submitted to and approved in writing by the Local Planning Authority. All equipment installed shall be installed on or in the building prior to occupation and shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: To safeguard the amenities of local residents.

- 13 Notwithstanding the submitted details, no external lighting shall be installed on the site which has not first been submitted to and approved in writing by the Local Planning Authority. All external lighting on the site shall comply with the parameters of Environmental Zone 2.

Reason: In the interests of minimising the visual impact on the character and appearance of the area and to ensure that the proposed development is not a source of nuisance to nearby property.

- 14 The development shall only be carried out in accordance with the recommendations contained within the BREEAM New Construction 2014 Ecological Assessment (July 2016), 5 Year Habitat Management Plan (July 2016) and Preliminary Ecological Assessment (June 2015) prepared by Middlemarch Environmental.

Reason: To ensure proper provision is made to safeguard protected species and their habitats and to enhance the ecological value of the site.

15 No development shall commence until details of measures for the protection of trees and hedgerows have been submitted and approved in writing by the Local Planning Authority. The details shall be in accordance with the recommendations of the BS5837:2012 Trees in Relation to design, demolition and construction- Recommendations and the Arboricultural Report dated 23rd June 2015 and shall include:

- o A Tree and Hedge Protective Barriers drawing showing the position of the Tree and Hedge Protective Barriers and the extent of Root Protection Areas of the existing trees and hedges to be retained.
- o An Arboricultural Watching Brief.

Prior to the commencement of development the developer shall arrange a meeting with the Local Planning Authority to agree on site the location of the Protective Barriers. The tree and hedge protection measures shall then be implemented in accordance with the approved details prior to commencement of any construction operations and shall to be in place for the duration of construction to protect existing trees.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity and to ensure that no trees the subject of a Tree Preservation Order (other than ones shown to be removed on the submitted plans) are removed or have work carried out to them without the prior express consent of the Local Planning Authority in the interests of visual amenity in accordance with the NPPF.

16 All arboricultural work shall comply with BS 3998:2010 British Standard: Recommendation for Tree Work.

Reason: To protect the health of the tree and to ensure that the works are carried out in such a manner to maintain the amenity value of the tree

17 At least 3 replacement trees shall be planted within the grounds of the Churchdown Community Centre within two growing seasons following the felling of the trees. The exact species and location of the trees shall be agreed in writing by the Local Planning Authority.

Reason: In the interests of local visual amenity.

18 Hours of working/deliveries/collections of the Medical Centre, within/to/from the site shall be restricted to: 8am - 9pm Mondays - Fridays and to 8am - 6pm Saturdays. There shall be no such working/deliveries/collections on Sundays or Public Holidays.

Hours of working/deliveries/collections of the ancillary pharmacy, within/to/from the site shall be restricted to: 7am - 10pm Mondays - Fridays and to 7am -7pm Saturdays. There shall be no such working/deliveries/collections on Sundays or Public Holidays.

Reason: To safeguard the amenities of local residents in accordance with Policy EVT3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Notes:

**1 Statement of Positive and Proactive Engagement**

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

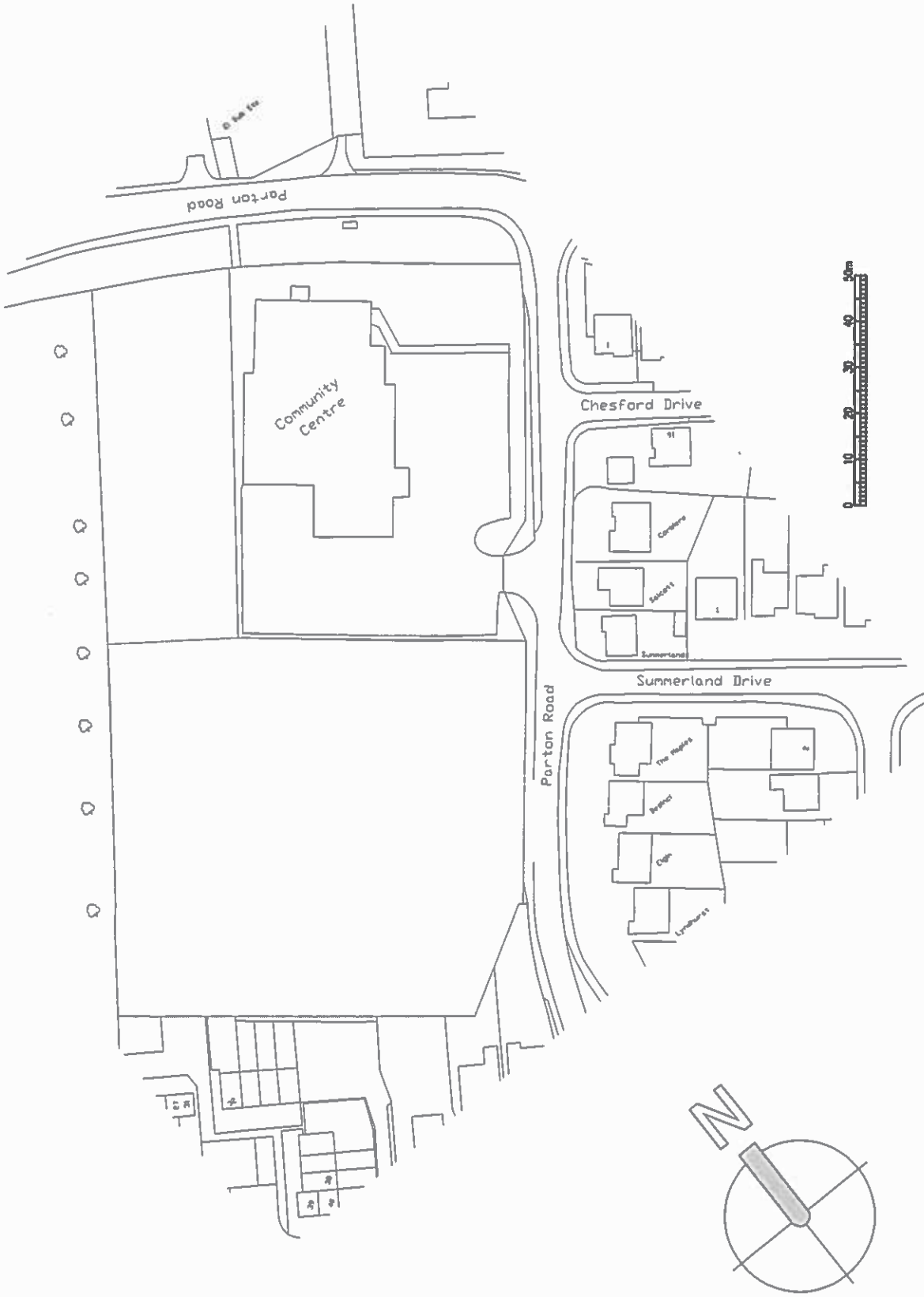
2 The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

- 3 The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.
- 4 If at any time nesting birds are observed on site then certain works which might affect them should cease and advice sought from a suitably qualified ecological consultant or Natural England. This is to comply with the Wildlife & Countryside Act 1981 (as amended) and avoid possible prosecution. You are additionally advised that tree or shrub removal works should not take place between 1st March and 31st August inclusive unless a survey to assess nesting bird activity during this period is undertaken. If it is decided on the basis of such a survey to carry out tree or shrub removal works then they should be supervised and controlled by a suitably qualified ecological consultant. This advice note should be passed on to any persons/contractors carrying out the development.

The Wildlife and Countryside Act 1981 (as amended) makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs. In addition the Act states that it is an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest building, or at (or near) a nest containing eggs or young, or disturb the dependent young of such a bird. This advice note should be passed on to any persons/contractors carrying out the development.



16/00877/AL



# The Churchdown Surgery • Location Plan

Drawing No. 1463/26

1:1250 @A4

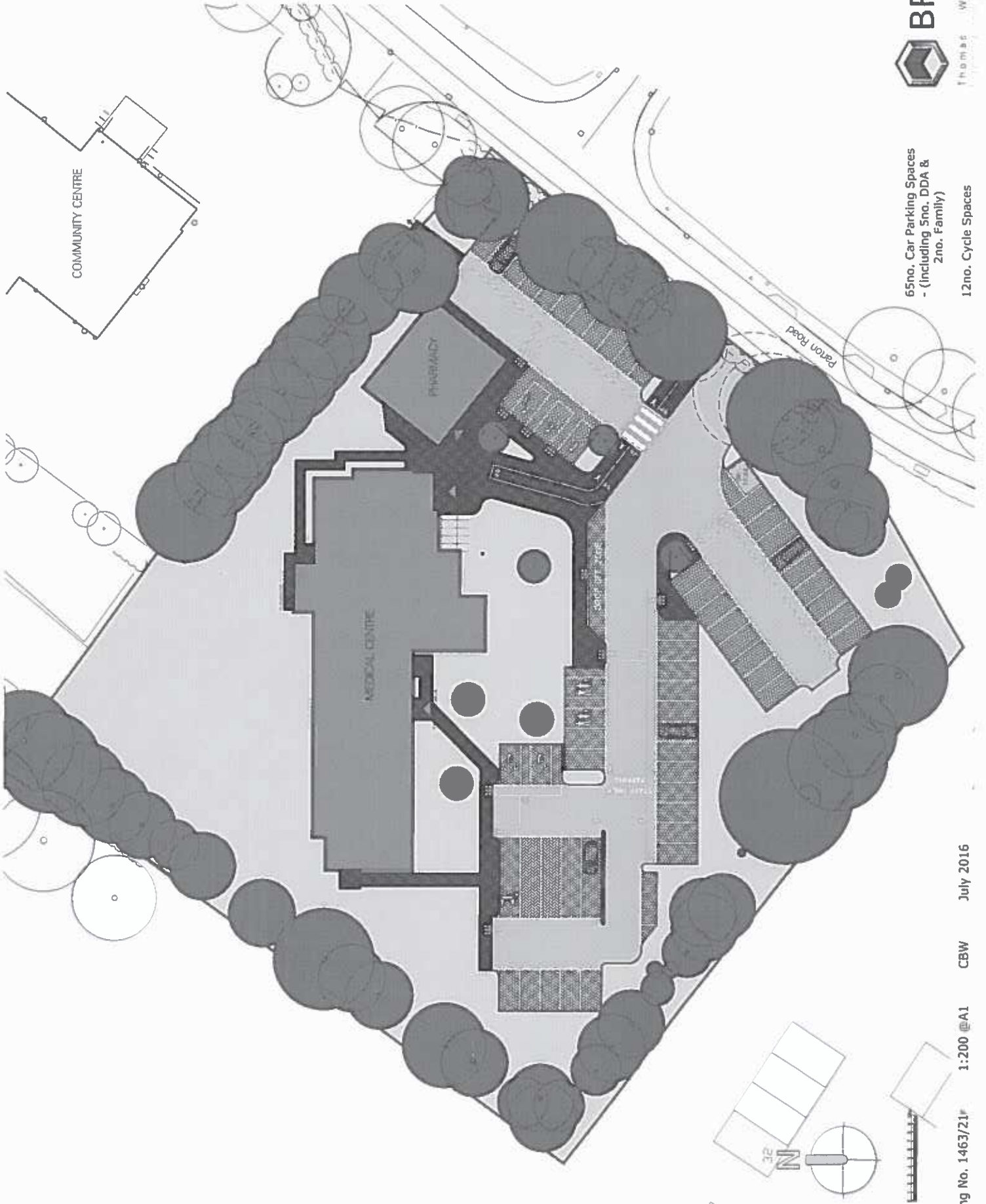
CBW

July 2016

# The Churchdown Surgery • Site Plan

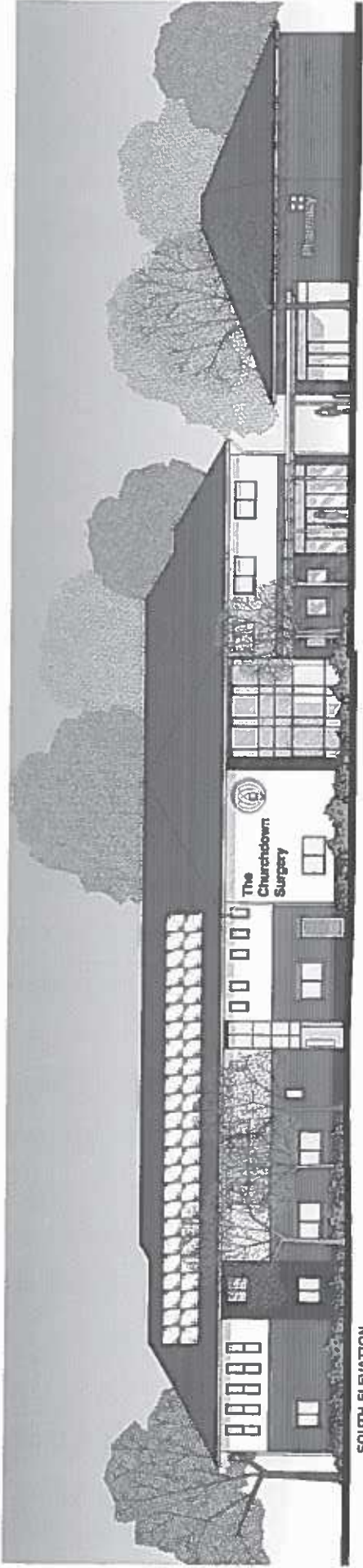
65no. Car Parking Spaces  
- (Including 5no. DDA &  
2no. Family)

12no. Cycle Spaces

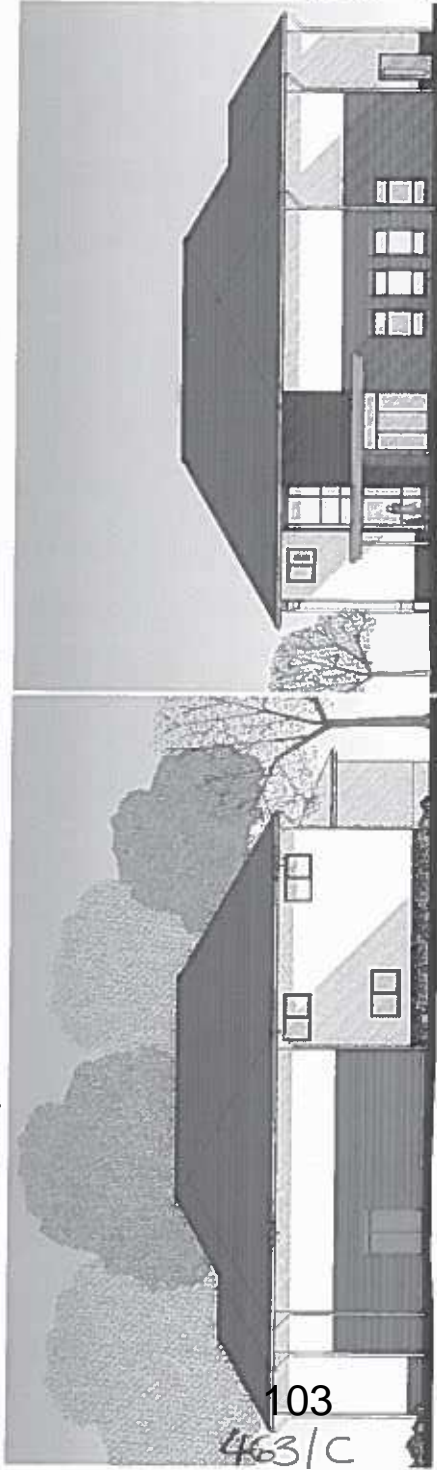


102  
463/B

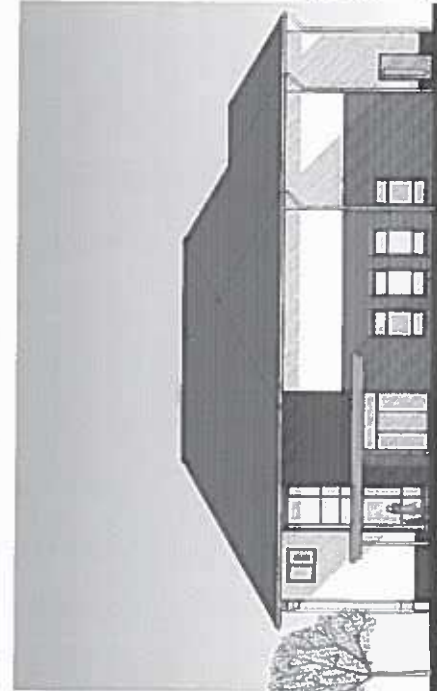
# The Churchdown Surgery • Elevations



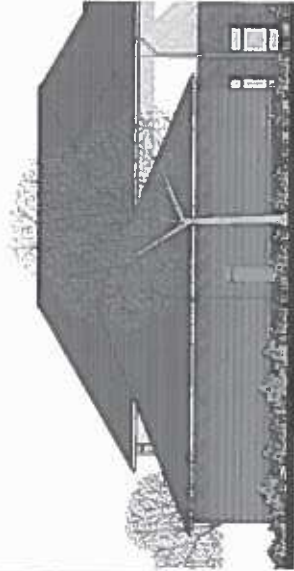
SOUTH ELEVATION



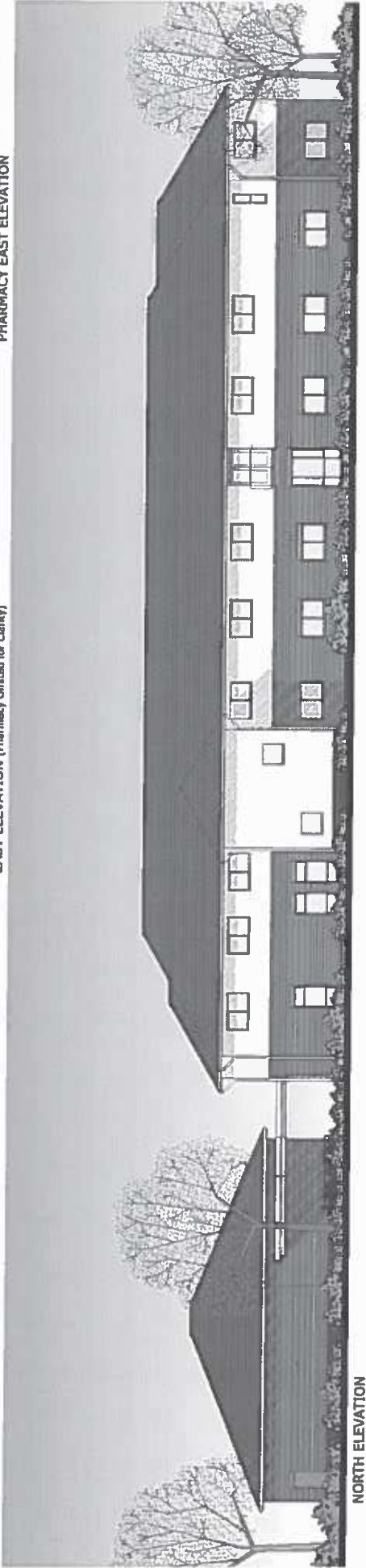
WEST ELEVATION



EAST ELEVATION (Pharmacy Office for Clarity)



PHARMACY EAST ELEVATION



NORTH ELEVATION

103  
463/C

16/01059/FUL

3 Finch Road, Innsworth, Gloucester

10

Valid 15.09.2016

Proposed Pair of Semi-detached Dwellings, Associated Access, Parking & Landscaping

Grid Ref 385731 220985

Parish Innsworth

Ward Innsworth With Down  
Hatherley

Mr Townsend

GTT Development (Cheltenham) Ltd  
C/O Urban Aspects Ltd

## **RECOMMENDATION Permit**

### **Policies and Constraints**

Local Plan Policies - HOU2, HOU5, TPT1  
National Planning Policy Framework  
Planning Practice Guidance

### **Consultations and Representations**

**Parish Council** The Council is concerned about inaccuracies in the application, as follows:-

- The site is known to flood
- There are trees on the site (despite the statement on the application form that there are none)
- There is an existing asbestos roof
- The proposed parking will not be sufficient

### **Highway Authority**

Standing advice

One letter of objection from a local resident has been received:

- Comments made of inaccuracies made in the application
- The development would create further run-off which would exacerbate the existing flooding problems in the area
- The site has been vacant since 2015
- The land is not contaminated but could be with the removal of the asbestos roofs from both garage and shed
- There were trees on the site which have been recently felled
- No provision has been allowed for off road parking for the existing property
- Impact upon parking and highway safety
- The driveways will cause problems for disabled people and children playing and walking to school due to restricted visibility.
- No provisions have been made for the street light sight on this road
- Out of keeping with the area
- Impact upon privacy of adjacent bungalows and loss of sunlight

**Planning Officers Comments:** Gill McDermot

### **1.0 Application Site**

The application site forms part of the residential side garden of the existing dwelling of No. 3 Finch Road, which is a semi-detached two-storey property located within Innsworth, Gloucester. The area is largely characterised by semi-detached two-storey and single-storey dwellings, with No. 1 Wren Terrace being a single storey dwelling.

### **2.0 Planning History**

None relevant



### 3.0 Current Application

The current application for full planning permission proposes a pair of semi-detached dwellings, associated access, parking and landscaping.

### 4.0 Analysis

#### Principle of development

4.1 The site is located within the settlement boundary of Innsworth, which is defined as a larger settlement containing a primary level of community facilities and services. Policy HOU2 of the Local Plan applies. This policy states that new residential development in these areas will be supported provided it can be satisfactorily integrated within the framework of the settlement. It is therefore considered that the principle of new residential development is acceptable subject to other material considerations.

#### Impact upon the character of the area

4.2 Policy HOU2 requires new development to be sympathetically designed in harmony with the scale and character of the settlement. Further, HOU5 requires development to respect the existing form and character of the adjacent area and street scene, with any increase in density integrating successfully with surrounding land uses.

4.3 The proposed two dwellings would be sited broadly in line with Nos 1 and 3 Finch Road and the side elevation of No.1 Wren Terrace. A gap of 2.4m would be maintained to the side elevation of No. 3 Finch Road and 13.4 m to the nearest part of No. 1 Wren Terrace. The proposal would therefore not amount to overdevelopment of the site and would respect the character of the area.

4.4 The submitted street scene elevation shows that the proposed two semi-detached dwellings would be of the same height as Nos 1 and 3 Finch Road. The hipped roof design would be in keeping with the neighbouring dwellings and along with the porch features and intended external materials, it is considered that the development would integrate successfully into the surrounding area.

4.5 Overall, it is considered that the design and scale of the dwelling would respect the character of the area and accord with Policy HOU2.

#### Residential amenity

4.6 Policy HOU5 of the Local Plan requires proposals to not result in an unacceptably low degree of residential amenity for existing or proposed dwellings.

4.7 The proposed two dwellings would extend further back from the rear elevation of No. 3 Finch Road by an additional 1.4 m. However, it is considered that the impact would not cause a significant impact in terms of loss of daylight, privacy, overbearance or loss of sunlight.

4.8 No windows are proposed in the side elevations of the proposed dwellings. Further, the distance from the development to the nearest part of No. 1 Wren Terrace would ensure that there would be no significant impact upon privacy, daylight or overbearance. With regard to potential loss of sunlight, the application site lies east of No. 1 Wren Terrace, so would cause an impact during the early morning hours, but for the majority of the day would not be affected.

4.9 The relative distances from the proposed dwellings to other neighbouring properties to the rear along St Francis Way is considered adequate so as not to unduly affect their living conditions.

4.10 Rear garden depths of 14.5 m would be provided for each of the two dwellings which is considered to be adequate to provide a satisfactory living environment for future occupiers. Adequate amenity space to serve the existing dwelling would also be provided.

#### Highway safety

4.11 Policy HOU5 required development to make provision for adequate pedestrian, cycle, vehicular access and parking arrangements in accordance with the Council's parking policy. Further Policy TPT1 states that development will be permitted provided the traffic generated by the development would not impair highway safety.

4.12 The existing dwelling has a single garage and a driveway off Finch Road and the proposal would mean that there would be no off-road parking provision to serve the existing dwelling. Two parking spaces would be provided for each of the two dwellings along with a new dropped kerb. The site lies within a sustainable location with good access to services and facilities there is on-street parking available along Finch Road. It is therefore considered the parking provision to serve the development would be adequate. Further, the traffic generated by the proposed development would not impair highway safety.

4.13 Concern is raised that the driveways would cause problems for disabled people and children playing and walking to school due to restricted visibility. It is considered that the driveways would not be significantly different to other driveways along this road and not cause visibility problems to warrant the refusal of the application.

#### Drainage

4.14 Policy EVT9 of the Local Plan requires development proposals to provide on-site attenuation and treatment of surface water run-off. The submitted application form indicates that surface water would be disposed of via soakaway arrangements. Increased surface water run-off and exacerbation of existing flooding problems are raised as concerns. The application site lies within Flood Zone 1 (low flood risk) and there is therefore no requirement to carry out a Flood Risk Assessment. Drainage details will be required as part of the Building Regulations approval for the development should it proceed.

#### Other issues

4.15 Concern is raised with regard to removal of the asbestos roofs from both the existing garage and shed buildings. Officers advise that the removal of asbestos would be controlled by the appropriate legislation and therefore does not require to be controlled under the planning system.

### **5.0 Conclusion**

5.1 In light of the above the proposed development is considered to represent sustainable development in the context of the NPPF and the application is therefore recommended for **permission**.

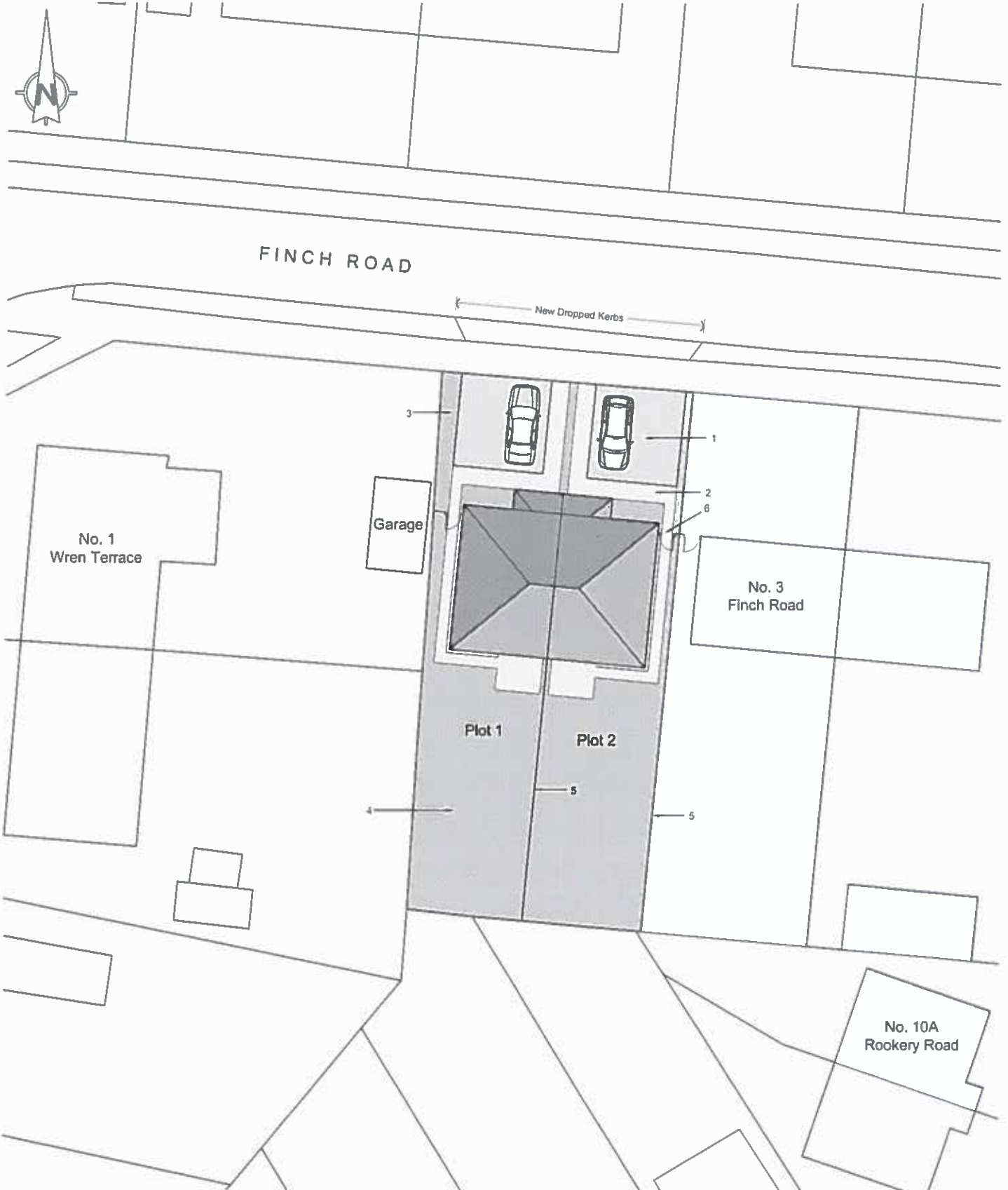
#### **RECOMMENDATION Permit**

##### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the details on the application form and approved drawing numbers 01, 02, 03, 04 and 05 received by the Local Planning Authority on the 14th September 2016 and any other conditions attached to this permission.
- 3 Building operations shall not be commenced until samples of the external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.
- 4 The parking and manouevring facilities shall be completed in all respects in accordance with the approved plans and shall thereafter be maintained and kept available for such use.

##### Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 3 To ensure that the appearance of the building will be in harmony with the character of development in the area in accordance with the NPPF.
- 4 In the interests of highway safety in accordance with saved Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 (March 2006).



Key	
1	Permeable Tarmac
2	Concrete Paving Slabs
3	Areas of Soft Landscaping
4	Turfed Rear Gardens
5	1.8m High Timber Close Boarded Fence
6	1.8m High Timber Close Boarded Gates

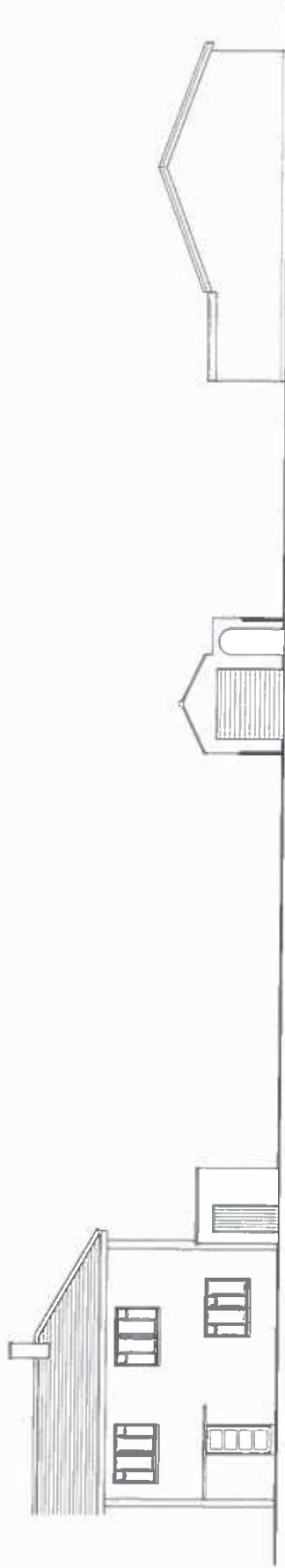
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Client <b>GTT Developments (Cheltenham) Ltd</b>						
Project <b>Land at 3 Finch Road, Innsworth</b>						
Drawing Title <b>Site Layout</b>						
Date <b>Aug 2016</b>	Scale <b>1:200 @ A3</b>	Drawn <b>GMP</b>	Checked <b>PA</b>	Job No. <b>TWN16.01</b>	Draw No. <b>02</b>	Rev. <b>-</b>

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 T 01242 806170 M 07795 10555 E russell@urbanaspects.co.uk

[www.urbanaspects.co.uk](http://www.urbanaspects.co.uk)

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466/A



No.3 Finch Road  
EXISTING STREET ELEVATION

No. 1 When Terrace



No.3 Finch Road  
PROPOSED STREET ELEVATION

Proposed New Dwellings

No. 1 When Terrace

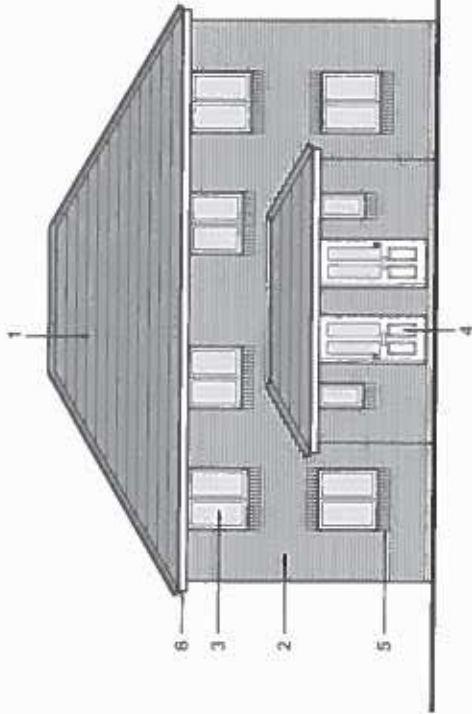
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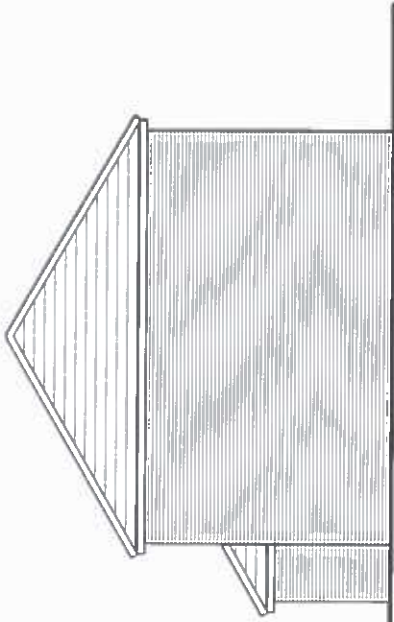
Client		GTT Developments (Cheltenham) Ltd		<b>URBAN ASPECTS</b> <small>REDUCED RISK</small>	
Project		Land at 3 Finch Road, Innersworth			
Drawn by		Street Elevations			
Date	Scale	Author	Check	PA No.	Rev.
Aug 2016	1:100 @ A2	GMP	PA	TWN16.01	03

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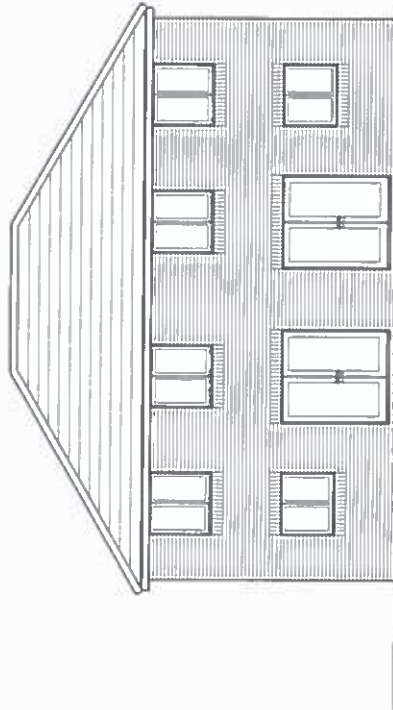




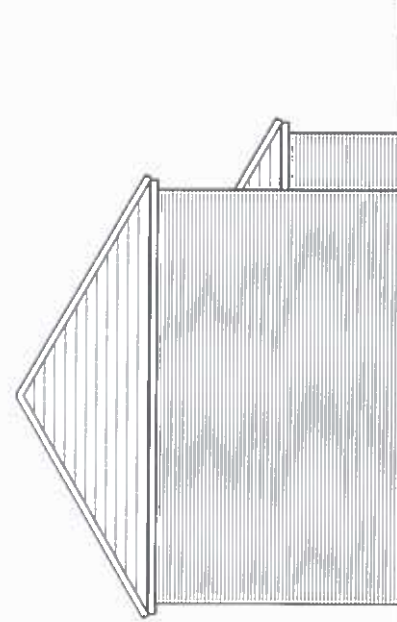
Front Elevation



Side Elevation



Rear Elevation




Side Elevation

109  
466/C

Key	
1	Concrete Tiles to approved sample
2	Fading Brickwork to approved sample
3	White PVCu Casement Windows
4	White PVCu Doors
5	Fading Brickwork Soldier Course
6	White PVC Fascia Boards

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 <b>URBAN ASPECTS</b> JAMES PERRY VEGETICUM				
<b>GTT Developments (Cheltenham) Ltd</b> Land at 3 Finch Road, Innsworth				
<b>Elevations</b>				
Date	Scale	Drawn	Check	PA
Aug 2016	1:100 @ A3	GMP		
Job No.	TWN16.01	Day No.	05	

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Valid 21.09.2016  
Grid Ref 394882 227947  
Parish Bishops Cleeve  
Ward Cleeve West

Loft Conversion with rear dormer and side window

Mrs Kerry Baxter  
7 Ashlea Meadow  
Bishops Cleeve  
Cheltenham  
GL52 7WG

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework  
Planning Practice Guidance  
Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8  
Joint Core Strategy Submission Version November 2014  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

Parish Council - object. The proposed conversion is out of scale and not in keeping with the existing building. The proposed conversion is overbearing, with windows overlooking immediate neighbours and there would be an impact on privacy. It would also over look the footpath at the rear of the properties. The proposed conversion is not in-keeping with neighbouring properties.

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

- Loss of privacy and overlooking
- Out of character with the housing estate.
- A three storey building would be created.
- Devaluation of neighbouring dwellings.
- A precedent would be set.
- It would be highly visible from the footpath at the rear.
- Concerns that the new accommodation could be used for business use and may then create noise / parking issues.

Planning Officers Comments: Mrs Sarah Barnes

#### 1.0 Application Site

1.1 This application relates to 7 Ashlea Meadow a detached dwelling located on a housing estate in Bishops Cleeve (site location plan attached).

#### 2.0 Planning History

2.1 Earlier this year an application was submitted for a loft conversion with rear balcony and side window (16/00754/FUL). This application was however withdrawn.

#### 3.0 Current application

3.1 The current application is for a loft conversion with a rear dormer window and a new side window - revised proposal (see attached plans). It would create an attic room and an ensuite. The original application (16/00754/FUL) was withdrawn earlier on this year as the proposal would have been of an unsuitable design (plans attached).

#### 4.0 Policy Context

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

4.2 Policy HOU8 of the Local Plan sets out, inter alia, that extension to existing dwellings will be permitted provided that the proposal respects the character, scale, and proportion of the existing dwelling. The policy requires that proposals must not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking. The proposal must also respect the character and appearance of the surrounding area. This policy is considered consistent with the framework and as such should be given due weight according to paragraph 215 of Annex 1 of the framework.

## **5.0 Analysis**

5.1 The main issues to be considered with this application are the impact on the neighbouring dwellings residential amenity, the overall size / design of the proposal and the impact on the street scene.

### **Design and Size / Visual amenity**

5.2 The Parish Council and local residents have raised concerns about the appearance of the rear dormer not being in keeping with the existing neighbouring buildings. The concerns raised are noted, however, the design is a vast improvement on the original application as the balcony has been removed, the fenestration improved and the dormer reduced in size. Whilst there aren't any similar rear dormers in the immediate vicinity there are examples in nearby roads e.g. 24 The Cornfields.

5.3 With regards to the size of the dormer window it would be lower than the main ridge line and also set in. The proposed fenestration would also be in keeping with the existing first floor windows and the dormer would be constructed from materials to match in with the existing dwelling.

5.4 Overall it is considered that the proposal would be of an appropriate size and design in keeping with the character and appearance of the property and there would not be any harm to the visual amenity of the area. It would therefore comply with the requirements of Policy HOU8 in this regard.

### **Residential amenity**

5.5 The Parish Council and the neighbours have raised concerns about overlooking / loss of privacy to neighbouring dwellings and it would overlook the footpath at the rear.

5.6 In terms of overlooking, the outlook from the rear dormer would be an oblique angled view of immediate neighbours gardens. Whilst there is a footpath at the rear of the site, the nearest dwellings at the rear would be over 30 metres away. There would be a new window on the north side elevation serving the landing and a new window on the south side elevation serving a bedroom (secondary), however, a condition would be attached to the permission to ensure that the windows are obscure glazed and any opening parts fitted with 'DGS Egress Friction Stays with inbuilt child restrictors' to restrict the opening of the windows to a maximum of 150mm. There would therefore not be any harmful overlooking from the proposal.

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

### **Other issues**

5.8 Concerns have been raised that a precedent may be set if the proposal is allowed. Each application is however assessed on its own merits.

5.9 Concerns have also been raised about the devaluation of neighbouring dwellings. This is not however a planning issue.

5.10 Finally, the neighbours at no 8 have raised concerns that the new accommodation could be used for business use and may then create noise and parking issues. However, the submitted proposed floor plan shows that the second floor would be used as a bedroom and ensuite. If in the future a separate 'business use' were to take place then an assessment would be made to ascertain whether or not a change of use planning application would be required.

## 6.0 Conclusion

6.1 Overall, it is considered that the proposal would not result in an unacceptable loss of residential amenity to neighbouring dwellings and would be of an acceptable size and design. There would also not be an adverse impact on the existing street scene. The proposal would therefore accord with the NPPF and Policy HOU8 of the Local Plan and is **recommended for permission**.

### RECOMMENDATION Permit

#### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The external materials of the proposed dormer shall match as near as possible the materials of the existing dwelling.
- 3 The new landing window in the north side elevation and the secondary bedroom window in the south side elevation shall be glazed in obscure glass and any opening parts fitted with 'DGS Egress Friction Stays with inbuilt child restrictors' to restrict the opening of the windows to a maximum of 150mm. The window shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority.
- 4 The ensuite window in the rear dormer shall be glazed in obscure glass. The window shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority.

#### Reasons:

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

#### Note:

#### Statement of Positive and Proactive Engagement

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



16/01086/16ul  
 Site plan & block plan



113  
 469 1A

**Block Plan**  
 scale 1:500



**OS Map**  
 scale 1:1250



**Aj Architects**

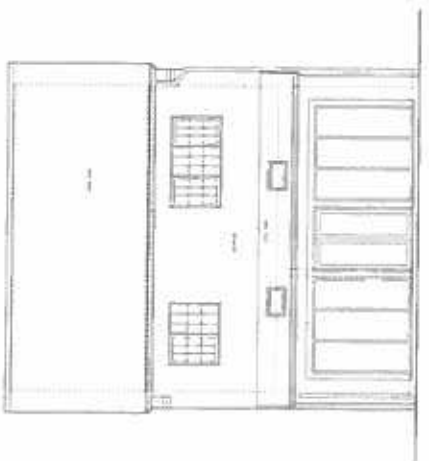
Project No. 16/542  
 7 Ashlea Meadow,  
 Bishops Cleeve,  
 Nr Cheltenham,  
 Glos GL52 7WG

Project Title  
**1:1250 OS Map and 1:500  
 Block Plan**

A3

ANDREW JACKSON & SIMON LEE Dip Arch BSc  
 11 PRINCES STREET  
 CHELtenham  
 GLOS G52 7HG  
 Tel: 01242 381188  
 Mobile: 07713 94007

16/01086/1/2  
existing elevations & floor plans



Front Elevation



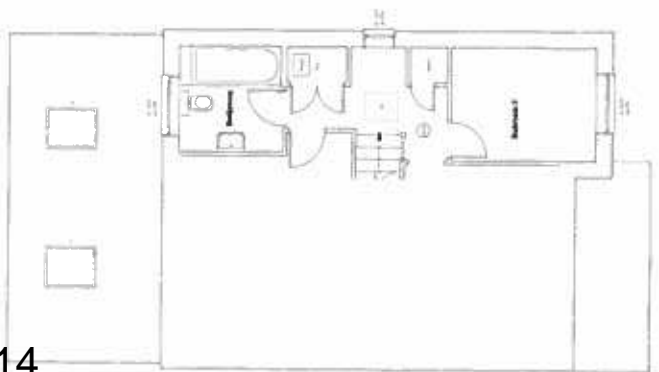
Side Elevation 2



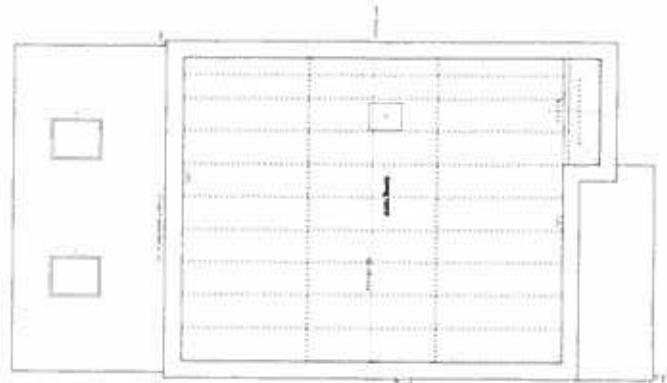
Side Elevation 1



Front Elevation



First Floor Plan



Attic Floor Plan

114  
469/B

### Ai Architects

7 Ashlea Meadows,  
Bloxham, Oxon,  
OX12 9JG  
Glas GL52 7WG

Project No. 16-542

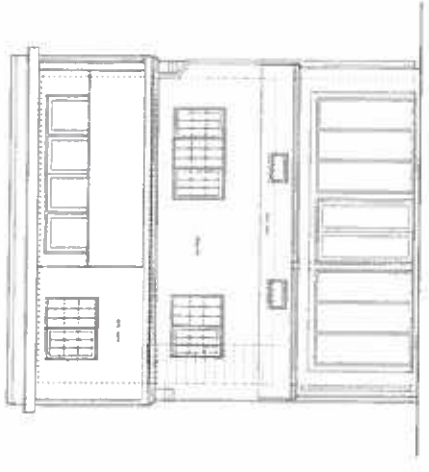
Scale 1:50

Date May 2016

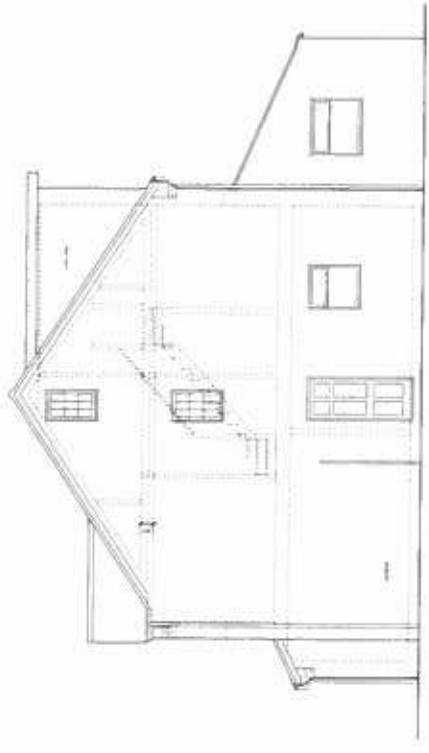
AI is a registered architect and building control body.  
AI is a registered architect and building control body.  
AI is a registered architect and building control body.

original application - withdrawn - 16/00754 / fuel

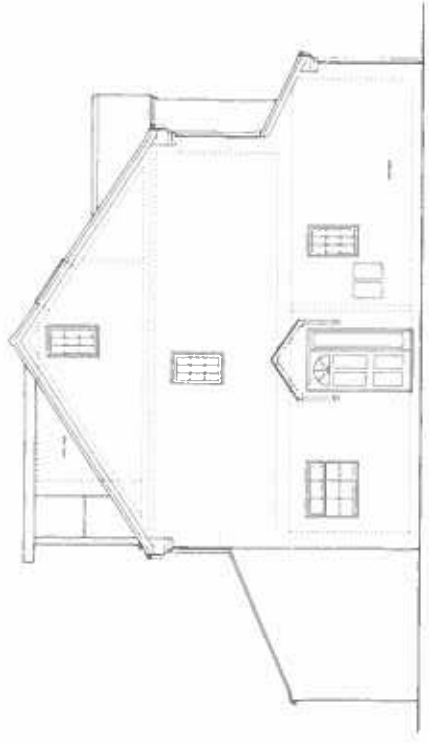
PROPOSALS



Rear Elevation

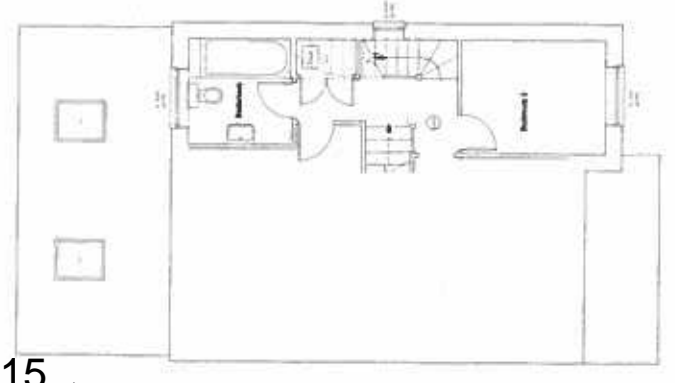


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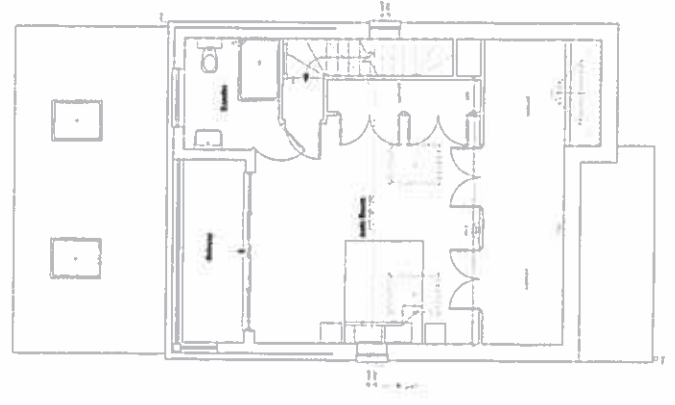


Side Elevation 1

115  
469/C



First Floor Plan



Attic Floor Plan



Front Elevation

Prepared  
8/14/2016  
© 13/14/2016

**Aj Architects**

7 A. J. Architects, Inc.  
16.542  
7 A. J. Architects, Inc.  
Proposed Client:  
No. Client:  
Client (L.S.): T.H.G.

Proposals  
1:50

200 (B) May 2016

7 A. J. Architects, Inc.  
16.542  
7 A. J. Architects, Inc.  
Proposed Client:  
No. Client:  
Client (L.S.): T.H.G.

16/010886/full - proposed elevations & floor plans

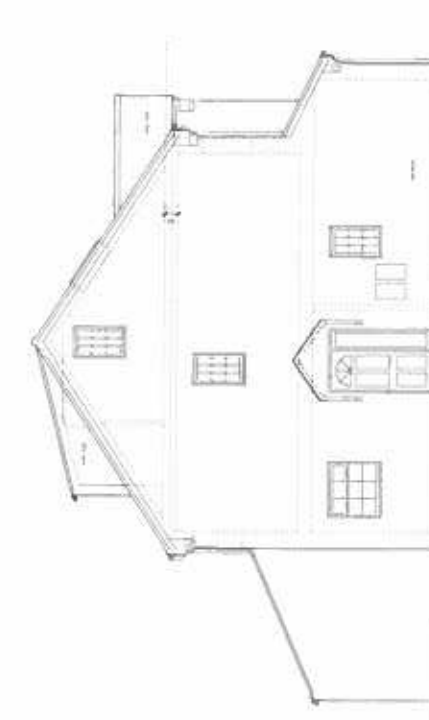
PROPOSALS



Rear Elevation

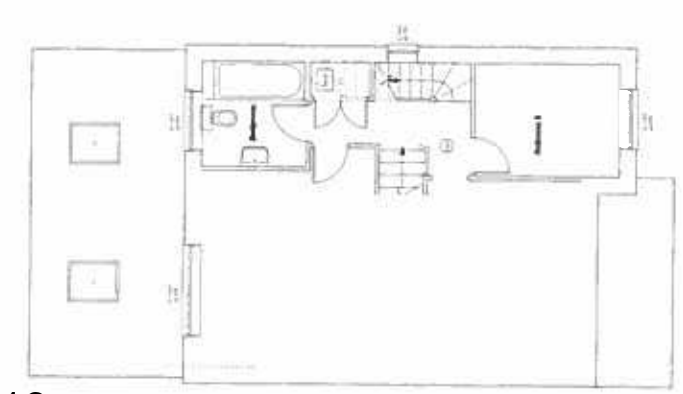


Side Elevation 2

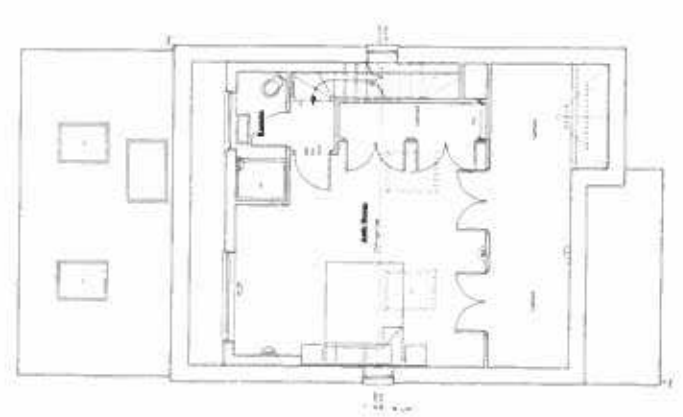


Side Elevation 1

416  
409/10



First Floor Plan



Attic Floor Plan



Front Elevation

Project No: 16/010886  
Project Name: 16/010886  
Project Address: 16/010886  
Project Date: 16/010886  
Project Status: 16/010886  
Project Description: 16/010886  
Project Location: 16/010886  
Project Contact: 16/010886  
Project Phone: 16/010886  
Project Email: 16/010886  
Project Website: 16/010886

**Aj Architects**  
 7 Audea Mearns,  
 Bishop's Cleeve,  
 North Shropshire,  
 GU5 2LJ, UK

Project No: 16/010886  
 Project Name: 16/010886  
 Project Address: 16/010886  
 Project Date: 16/010886  
 Project Status: 16/010886  
 Project Description: 16/010886  
 Project Location: 16/010886  
 Project Contact: 16/010886  
 Project Phone: 16/010886  
 Project Email: 16/010886  
 Project Website: 16/010886

Proposals 1:50

200 (11) May 2016

AYTON & JONES, Broomfield, South Devon, UK  
 01392 812121  
 01392 812122  
 01392 812123



16/01096/FUL

42 Brookfield Road, Churchdown, Gloucester

12

Valid 26.09.2016

Separation of part rear garden to 42 Brookfield Road and erect new 4 bedroom detached house with integral garage served by new private drive.

Grid Ref 388809 219902

Parish Churchdown

Ward Churchdown Brookfield

Brookfield Developments  
3 Howcroft  
Churchdown  
Gloucester  
GL3 2EP

## RECOMMENDATION Permit

### Policies and Constraints

#### NPPF

Planning Practice Guidance

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

Joint Core Strategy Submission Version - November 2014

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

The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

**Churchdown Parish Council** - Offer the following comments;

- Concerns over the access, as two cars should be able to pass
- Should be an enhancement for wildlife
- Concern over potential future development
- Development must be proportionate to the size of the plot

**Representations** - 11 letters of objection received (from 8 different households), raising the following points;

- Must always be an enhancement for biodiversity
- Adverse impact on wildlife
- Inadequate garden space for the existing and proposed dwellings
- Not in keeping with surrounding properties
- Overbearing impact on number 42
- Loss of privacy to number 34
- Overdevelopment of the plot
- Adverse impact on highway safety
- Various applications have been submitted on this site and adjacent site
- Against back-land in-fill
- There is a covenant on the land preventing further development (*Officer note: This is not a material planning consideration*)
- Misleading plans submitted (*Officer note: Officers are satisfied the plans are accurate*)
- Overlooking between 36 Brookfield Road and new dwelling
- Will dominate adjacent dwellings
- Insufficient parking
- No need for the development
- Gardens in adjacent properties are prone to flooding (*Officer note: The site is not within a flood zone*)
- Loss of privacy to number 40
- Insufficient access
- Overlooking to 38 Brookfield Road
- Potential for further development (*Officer note: Any further development would require a further application*)
- Loss of trees

4 letters of support received, making the following comments;

- Development will be good for the village
- Housing is needed in Churchdown
- No adverse impact on residential amenity
- Suitable plot for building
- Access is acceptable
- In keeping with the character of the area

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

## **1.0 Introduction**

1.1 The application site relates to the area of garden to the rear of 42 Brookfield Road. It is broadly rectangular and measures approx. 0.07 hectares.

1.2 The site is surrounded by existing residential properties. There is a mixed style of development in the area.

## **2.0 Relevant Planning History**

2.1 There have been 3 previous applications for new dwellings on this between 1995 and 1997. These were refused due to issues relating to the access.

2.2 Outline planning permission has been granted on the adjacent site at 48 Brookfield Road for the erection of a dwelling and a bungalow, following demolition of the existing dwelling (ref: 13/01114/OUT).

## **3.0 Current application**

3.1 The proposed dwelling would be a two storey, four bedroom dwelling. It would be red brick to the ground floor with render above and a Cambrian slate roof.

3.2 The two storey element of the property would have a footprint of 9.5m square. This element would be 4.3m high to the eaves and rise to a height of 6.8m at the ridge. It is proposed that an integral garage would be sited on the west elevation, with a footprint of 4.8m wide and 5.5m deep. The proposed garage would be 2.5m high to the eaves and rise to a height of 5.5m at the ridge.

## **4.0 Policy Context**

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

### Development Plan

4.2 The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy HOU2 states that residential development will be supported, provided it integrates well with the framework of the settlement and does not adversely impact the amenity of the area or residential occupiers. Policy HOU5 similarly requires proposals to respect the surrounding area; not result in undue loss of residential amenity; result in high quality design; and make provision for safe and suitable access. Policy TPT1 requires safe and convenient access for all transport modes and that development should have an acceptable impact on the safety and satisfactory operation of the highway network.

### National Planning Policy Framework (NPPF)

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

## 5.0 Analysis

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

### Principle of development

5.2 The site is located within the settlement of Churchdown and as such, residential development is acceptable in principle, subject to other material considerations. Representations have made reference to the lack of need for additional housing in Churchdown however as Policy HOU2 allows for housing development in Churchdown there can be no in principle objection to the proposed dwelling.

### Impact on residential amenity

5.3 The proposed dwelling would have boundaries with the properties at 34, 36 and 40 Brookfield Road. 34 and 36 Brookfield Road are accessed from a lane leading off the main road.

5.4 The proposed dwelling would be approx. 27m from the rear elevation of 36 Brookfield Road. This dwelling has a dormer window in the rear roof slope and the boundary between the sites is marked with a 2m high fence. There would be 2 bedroom windows facing towards 36 Brookfield Road from the proposed dwelling. The proposed dwelling would be approx. 8m from the rear boundary. Due to this distance, it is likely that there would be some overlooking to the end of the garden of number 36. However, due to the distance between the properties, it is not considered that there would be significant overlooking to the private amenity space and into the rear of number 36.

5.5 Number 36 is located to the south of the proposed dwelling. In view of this, it is not considered that there would be significant overshadowing from the proposed dwelling. Due to the distance between the properties and their relationship, it is not considered that there will be any significant overbearing impact on number 36.

5.6 Concern has been raised by number 34 that the proposed dwelling would result in a loss of privacy. The rear of number 34 is approx. 30m from the rear of the proposed dwelling and it is at an oblique angle. Due to this, it is not considered that there would be a significant loss of privacy to number 34. It is acknowledged that the proposed dwelling would be approx. 2m from the boundary with number 34. However, there are no windows in the east elevation. It is therefore not considered that there would be a significant loss of privacy to number 34 as a result of this proposal. Due to the relationship between the properties, it is not considered that there would be a significant overbearing impact on number 34.

5.7 Concern has been raised that the proposed dwelling would result in a loss of privacy to occupiers of number 38. There would be approx. 35m between the rears of the properties and as such, it is not considered that there would be significant overlooking.

5.8 Due to the relationship between the existing dwellings at numbers 42 and 48 and the proposed dwelling, it is not considered that there would be a significant loss of amenity to these properties.

5.9 It is considered that the proposed dwelling and the existing dwelling at number 42 would have sufficient amenity space as a result of the proposal.

5.10 Whilst it is accepted that there would be some overlooking between the proposed dwelling and the adjacent properties, as detailed above, it is not considered that this would result in a significant loss of residential amenity.

### Impact on the character of the area

5.11 Brookfield Road is characterised by a mixed style of dwellings, sited in plots of varying sizes. To the south of the plot, there is an access lane leading to additional dwellings and the Council has previously granted planning permission for an additional dwelling to the rear of number 48. In view of this, the introduction of a new dwelling to the rear would not have a significant adverse impact on the character of the area.

5.12 The materials proposed are considered to be acceptable, and conditions will be imposed to ensure that the finish is appropriate.

### Highway safety

5.13 The proposed access is approx. 4m wide. The required visibility splays would require the removal of the fence to the front of number 42. However, as this is within the control of the applicant, it is considered that the proposed visibility splays are achievable. As the proposed access would meet the criteria laid out in Manual for Gloucestershire Streets, it is not considered that the proposed development would result in an adverse impact on highway safety.

5.14 The representations have raised concerns over the level of parking proposed. The site plan shows sufficient parking for 3 cars. The site is located within a settlement and as such is considered to be in a sustainable location, with good access to public transport and services. In view of this, the level of parking proposed is considered to be acceptable.

### Impact on trees

5.15 The application does not propose the removal of existing trees. Furthermore, the trees onsite are not considered to be worthy of a tree preservation order and as such, could be removed without consent from the Council. A landscaping scheme will be required to ensure that the level of landscaping on the site will be acceptable.

### Other matters

5.16 Concern has been raised that, following on from this development, the applicant may wish to create a cul-de-sac and build more dwellings. This application has been assessed on the basis of the information submitted, and any further development would require a further application.

5.17 No evidence has been submitted to support the claims of protected species on the site. The site is not overgrown and it is not considered to be reasonable to require the applicant to submit a protected species survey. There is scope, as part of the landscaping plan, to ensure that any proposed planting will enhance biodiversity and natural habitat for wildlife.

## **6.0 Conclusion**

6.1 Paragraph 14 of the NPPF states that planning applications for proposals which accord with the development plan should be permitted without delay.

6.2 The site is located within a settlement and therefore it is considered to be in a sustainable location. The proposed access arrangements would not have an adverse impact on highway safety.

6.3 The proposed dwelling would not have a significant adverse impact on residential amenity nor the character of the area. In view of this, the application is recommended for **Permission**.

## **RECOMMENDATION Permit**

### Conditions:

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

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

- 2 No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area.



- 3 No occupation shall commence until a soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting.

- 4 All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development.

- 5 The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the building at any time unless a further planning permission has been granted.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

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

Drawings numbered 1470-3, -5, -6, -7 and -8, received by the Council on 23rd September 2016.

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

- 8 No work shall commence on site until full details of existing ground levels and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be completed in strict accordance with the finished floor levels so approved.

Reason: To ensure the completed development has an acceptable impact on the character and appearance of the area and living conditions of neighbouring residents.

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.



1:1250 scale LOCATION PLAN.

**PROPOSED NEW HOUSE**  
**F-0 42 Brookfield Road**  
**Churchdown, Gloucester.**

**DAVID SMITH architect RIBA**  
 Suite 2, Lansdowne Place, 17 Holdenhurst Road,  
 Bourmemouth, Dorset, BH8 8EW  
 T. 07733 125962 E. smithnba@googlemail.com

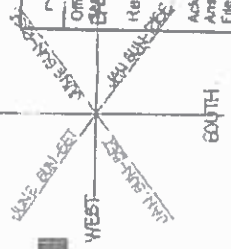


1:500 scale SITE PLAN

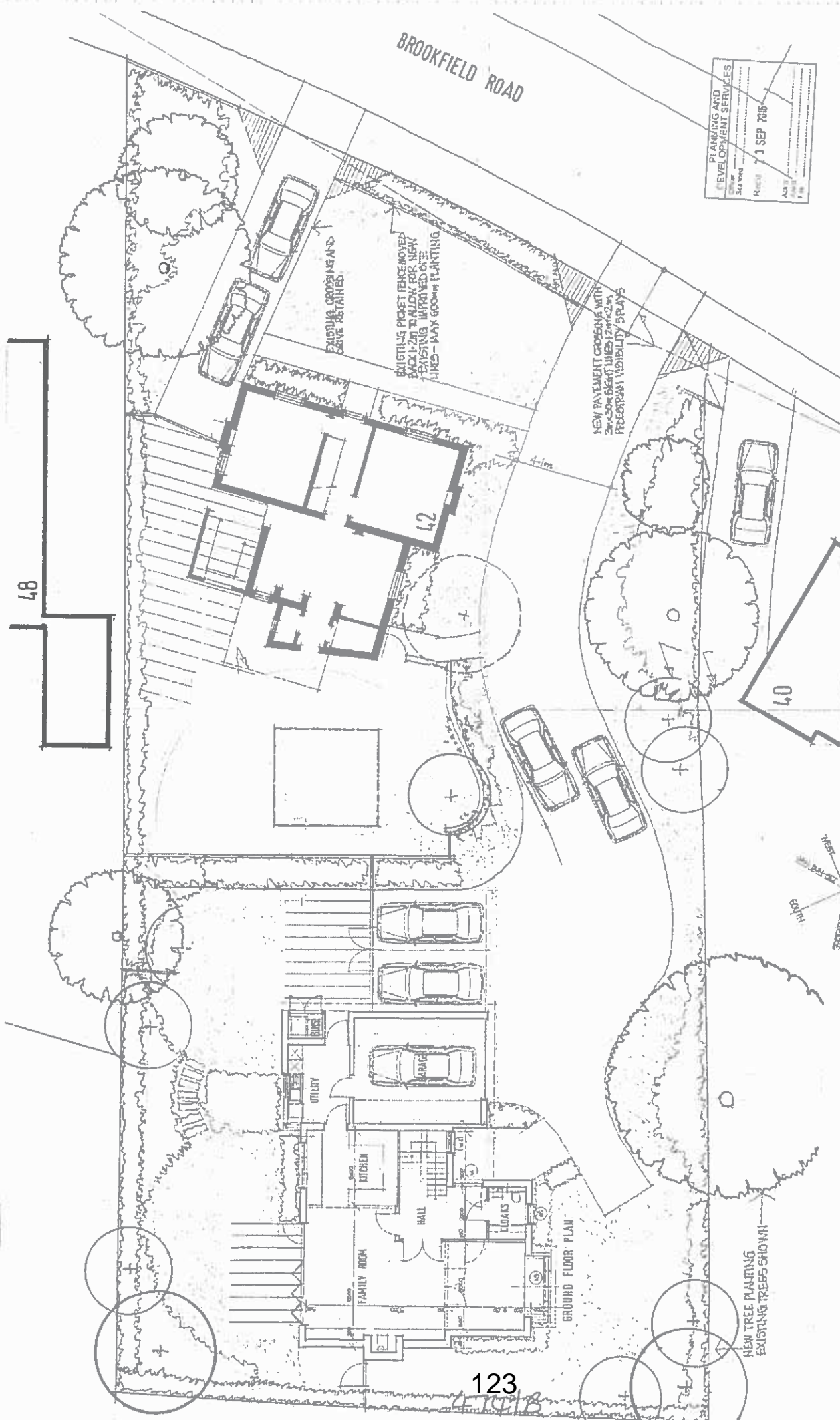
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PLANNING AND DEVELOPMENT SERVICES	
Officer	Charmid
Rec'd	23 SEP 2016
Ack'd	
Ans'd	
File	

1470-3



122  
474/A



PLANNING AND DEVELOPMENT SERVICES  
 Date: 23 SEP 2015  
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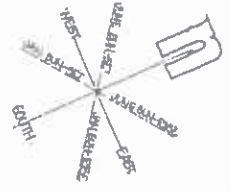
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 1-0 42 Brookfield Road  
 Churchdown, Gloucester.

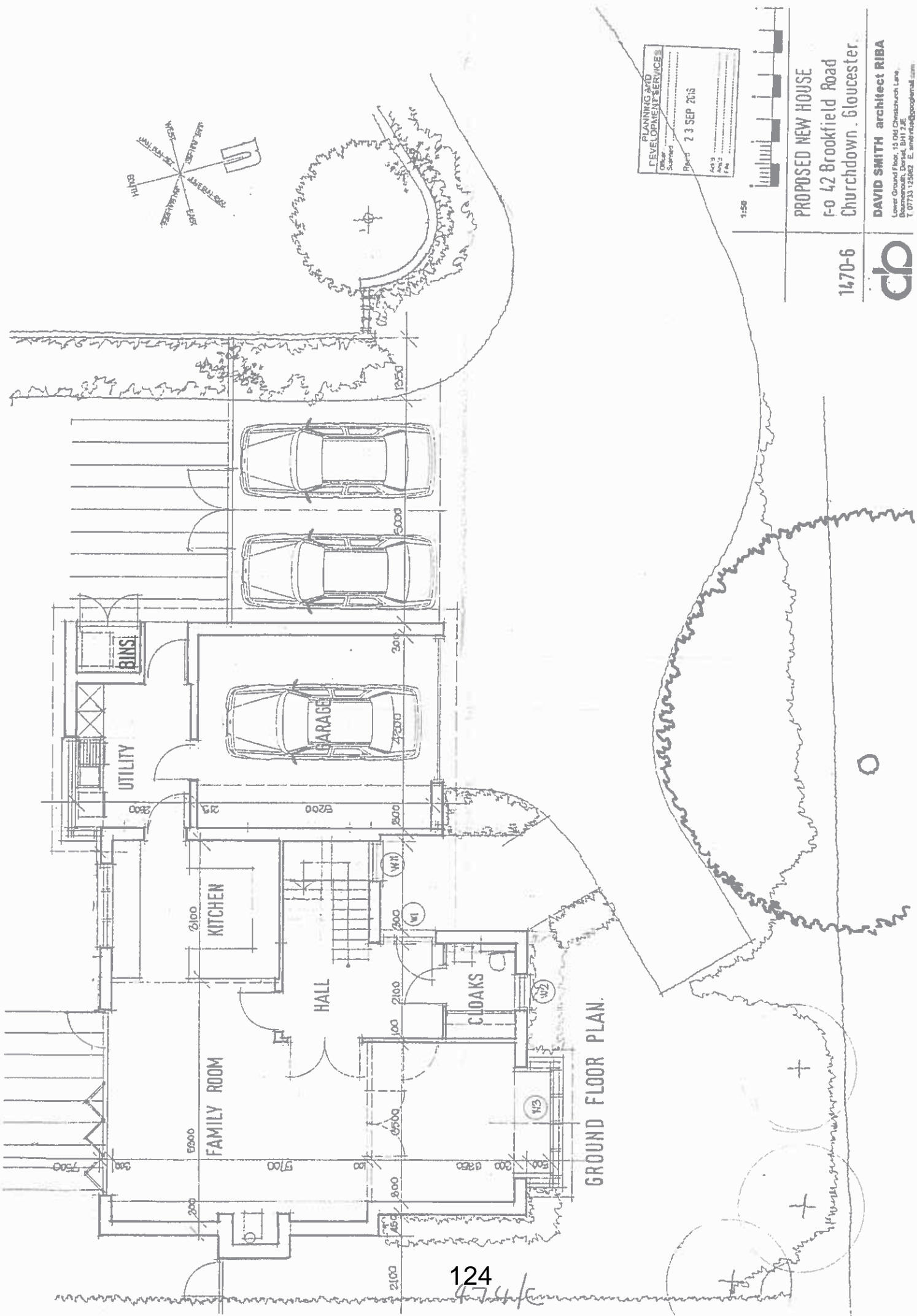
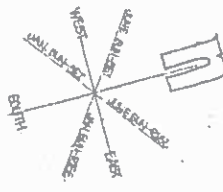
1470-5

DAVID SMITH architect RIBA  
 Lower Ground Floor, 16 Old Christchurch Lane,  
 Bourneville, Dorset, BH1 2JE  
 T: 01753 125462 E: david.smith@googlegmail.com



1:100 scale SITE PLAN  
 11100





GROUND FLOOR PLAN.

124  
4-74/c

PLANNING AND DEVELOPMENT SERVICE  
 Client: [redacted]  
 Submitted: [redacted]  
 Report: 23 SEP 2015  
 A4:3  
 A4:2  
 A4:1

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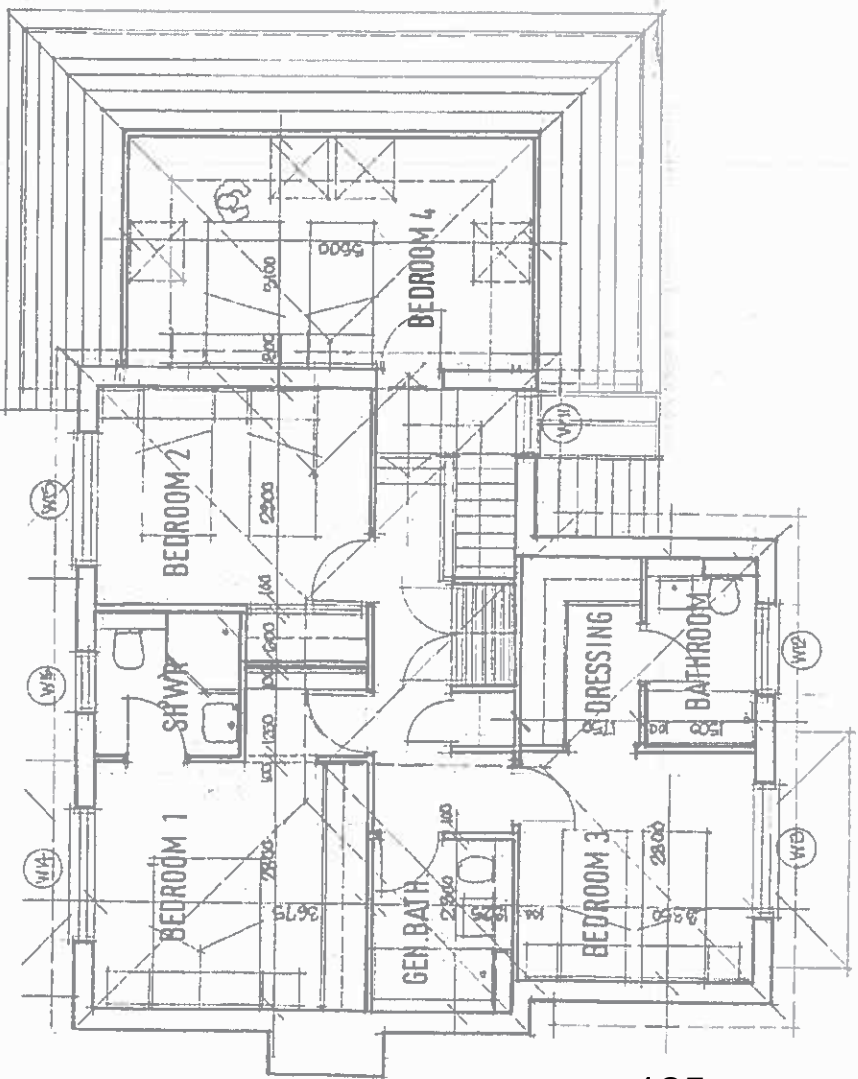
PROPOSED NEW HOUSE  
 F-0 42 Brookfield Road  
 Churchdown, Gloucester.

1470-6



DAVID SMITH architect RIBA  
 Lower Ground Floor, 15 Old Church Lane,  
 Churchdown, Bristol, B17 2JE  
 Tel: 01733 124542 E: david@dsarchitect.com





FIRST FLOOR PLAN.

125  
47410

PLANNING AND DEVELOPMENT SERVICES	
Date:	23 SEP 2015
Rev'd:	23 SEP 2015
A3:3	
Arch:	
File:	

1:50

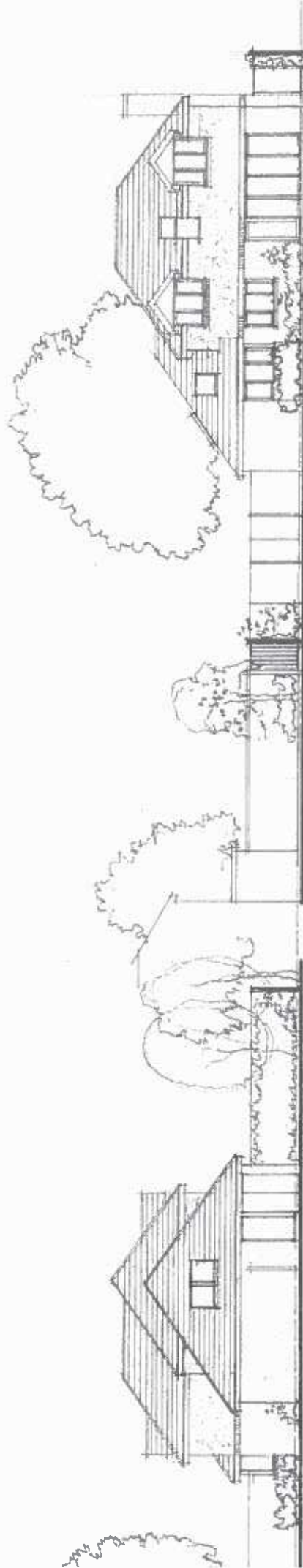


PROPOSED NEW HOUSE  
FO 42 Brookfield Road  
Churchdown, Gloucester.

1470-7

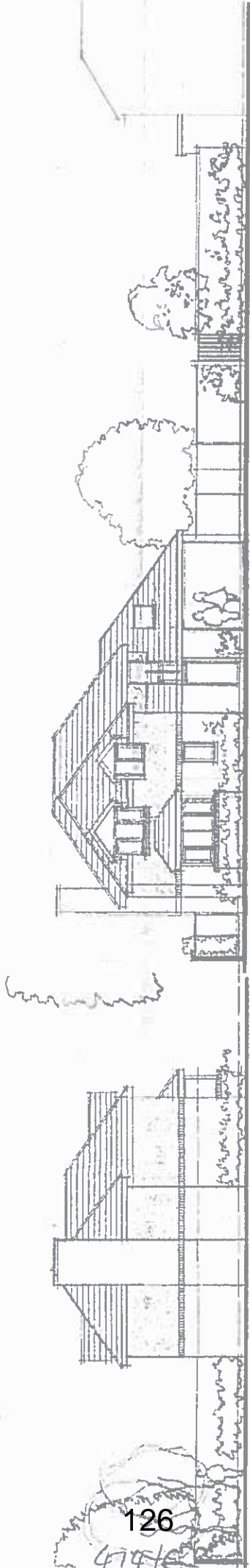


DAVID SMITH architect RIBA  
Lower Ground Floor, 15 Old Christchurch Lane,  
Bourton-on-Water, Oxford, OX12 2JE  
T: 07733 125602 E: smithds@protonmail.com



WEST ELEVATION TO no. 42

SOUTH ELEVATION TO REAR GARDEN

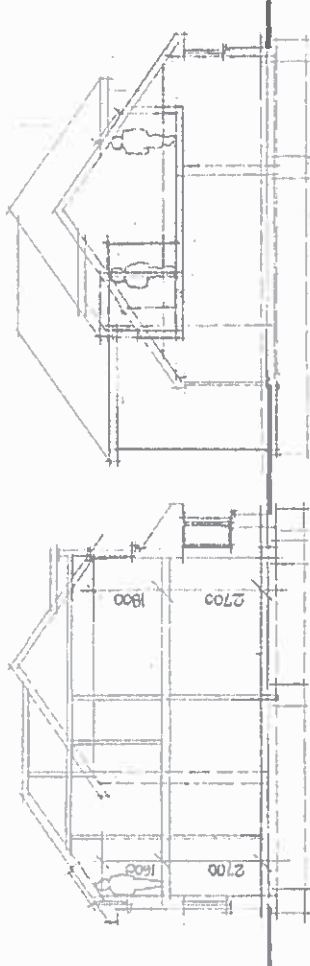


EAST ELEVATION

NORTH - FRONT - ELEVATION

**MATERIALS LIST**

- All new brickwork to ground floor of house and new garden walls to be smooth red clay facing brick to match existing house. Simple struck joints with set work, coated up on work proceeds.
- Upper floors to be smooth painted render over concrete brick on end and/or courses.
- Roofs to be Redland Cambrian or similar clipped slates at 35° pitch built as warm roof and with white UPVC fascias, soffits and square section timber eaves girts.
- All windows to be A rated white UPVC.
- Garage door to be slatted timber up and over door.
- New private drive to be 4.1m wide in approved paviers built as permeable layer with sub base to suit fire engine + refuse vehicle loadings. Drive to have matching countryside kerthing.
- All existing timber boundary fencing and hedge-ditch planting to be retained. Remainder of site to be landscaped to new specifications.



SECTION THRO' LOUNGE

SECTION THRO' GARAGE

PLANNING AND DEVELOPMENT SERVICES  
 Date: 23 SEP 2011  
 Recd: 23 SEP 2011  
 Ar: g  
 Rev: 1



PROPOSED NEW HOUSE  
 P/O 42 Brookfield Road  
 Churchdown, Gloucester.

1470-8



DAVID SMITH architect RIBA  
 Lower Church Road, 15 Old Churchchurch Lane,  
 Bourneville, Dorset, BH11 0JF  
 T. 01773 125962 E. smithds@poptel.com

## BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019

Ward	Parishes or Wards of	Councillors	Ward	Parishes or Wards of	Councillors
Ashchurch with Walton Cardiff	Ashchurch Rural Wheatpieces	B C J Hesketh Mrs H C McLain	Hucclecote	Hucclecote	Mrs G F Blackwell
Badgeworth	Badgeworth Boddington Great Witcombe Staverton	R J E Vines	Innsworth with Down Hatherley	Down Hatherley Innsworth	G J Bocking
Brockworth	Glebe Ward Horsbere Ward Moorfield Ward Westfield Ward	R Furolo Mrs R M Hatton H A E Turbyfield	Isbourne	Buckland Dumbleton Snowhill Stanton Teddington Toddington	J H Evetts
Churchdown Brookfield	Brookfield Ward	R Bishop D T Foyle	Northway	Northway	Mrs P A Godwin Mrs E J MacTiernan
Churchdown St John's	St John's Ward	Mrs K J Berry A J Evans Mrs P E Stokes	Oxenton Hill	Gotherington Oxenton Stoke Orchard and Tredington	Mrs M A Gore
Cleeve Grange	Cleeve Grange	Mrs S E Hillier- Richardson	Shurdington	Shurdington	P D Surman
Cleeve Hill	Prescott Southam Woodmancote	M Dean Mrs A Hollaway	Tewkesbury Newtown	Tewkesbury Newtown	V D Smith
Cleeve St Michael's	Cleeve St Michael's	R D East A S Reece	Tewkesbury Prior's Park	Tewkesbury (Prior's Park) Ward	K J Cromwell Mrs J Greening
Cleeve West	Cleeve West	R A Bird R E Garnham	Tewkesbury Town with Mitton	Tewkesbury Town with Mitton Ward	M G Szymiak P N Workman
Coombe Hill	Deerhurst Elmstone Hardwicke Leigh Longford Norton Sandhurst Twigworth Uckington	D J Waters M J Williams	Twynning	Tewkesbury (Mythe Ward) Twynning	T A Spencer
Highnam with Haw Bridge	Ashleworth Chaceley Forthampton Hasfield Highnam Maisemore Minsterworth Tirley	P W Awford D M M Davies	Winchcombe	Alderton Gretton Hawling Stanway Sudeley Winchcombe	R E Allen Mrs J E Day J R Mason

11 May 2015

Please destroy previous lists.