

**TO EACH MEMBER OF THE  
PLANNING COMMITTEE**

24 July 2017

Dear Councillor

**PLANNING COMMITTEE- TUESDAY 1 AUGUST 2017**

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 - 100</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 1 August 2017

	<b>(NORTH)</b>	<b>(SOUTH)</b>
General Development Applications Applications for Permission/Consent	(139 - 174)	(175 – 193)

**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. ( 139 – 193 )**

### 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) 1st August 2017

Parish and Reference	Address	Recommendation	Item/page number
Churchdown 17/00630/TPO <a href="#">Click Here To View</a>	Tesco Stores Cheltenham Road East Churchdown	Consent	10 / 186
Deerhurst 17/00515/FUL <a href="#">Click Here To View</a>	Field Number 5588 Deerhurst Road Apperley	Refuse	3 / 152
Gretton 17/00396/FUL <a href="#">Click Here To View</a>	Land Adjacent Duglynych Lane Gretton	Refuse	1 / 139
Highnam 17/00659/TPO <a href="#">Click Here To View</a>	To The Rear Of 7 Clayburn Close Highnam	Consent	11 / 189
Maisemore 17/00517/CLP <a href="#">Click Here To View</a>	La Casita Old Road Maisemore Gloucester	Grant Certificate	12 / 192
Minsterworth 17/00111/OUT <a href="#">Click Here To View</a>	Moorcroft House Farm Main Road Minsterworth	Refuse	8 / 175
Teddington 17/00522/LBC <a href="#">Click Here To View</a>	Vine Tree Cottage Vine Tree Farm Gander Lane Teddington	Consent	7 / 172
Tewkesbury 17/00469/FUL <a href="#">Click Here To View</a>	3 Knights Way Newtown Tewkesbury	Permit	5 / 165
Twyning 17/00358/FUL <a href="#">Click Here To View</a>	Hillend Farm Hillend Twyning Tewkesbury	Permit	4 / 158
Twyning 17/00452/OUT <a href="#">Click Here To View</a>	Land To The North Of Shuthonger Garage A38 Pages Lane To Woodend Farm Lane Shuthonger Tewkesbury	Refuse	2 / 146

Parish and Reference	Address	Recommendation	Item/page number
Wheatpieces 17/00646/FUL <a href="#">Click Here To View</a>	6 Maxstoke Close Walton Cardiff Tewkesbury	Permit	6 / 169
Woodmancote 17/00528/FUL <a href="#">Click Here To View</a>	Flagstaff Cleeve Hill Southam Cheltenham	Permit	9 / 184

17/00396/FUL

Land adjacent, Duglynch Lane, Gretton

1

Valid 07.04.2017

Proposed 1 no dwelling with garage, improved vehicular access, parking and turning area and landscaping.

Grid Ref 400726 230247

Parish Gretton

Ward Winchcombe

Mr & Mrs Llewellyn

The Mill

Duglynch Lane

Gretton

## **RECOMMENDATION Refuse**

### **Policies and Constraints**

National Planning Policy Framework (2012)

Planning Practice Guidance

The Proposed Main Modifications version of the Joint Core Strategy (MMJCS) 2017 - SD8, SD9, ENV6.

Tewkesbury Borough Local Plan to 2011 (March 2006) - policies HOU3, HOU4, HEN2, NCN5 and TPT1

Planning (Listed Buildings and Conservation Area) Act 1990

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

AONB

### **Consultations and Representations**

**Gretton Parish Council** - No objection in principle to infill development in this space, although it is recognised that this is outside of the Gretton development boundary. However, the Parish Council would ask that the Borough Council consider whether the size and scale of this development is in keeping with the adjoining (smaller) properties.

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

**Landscape Officer** - Proposed house is sizable with insufficient consideration given to landscape setting and site constraints and an appropriate scale and form for the development. Proposal is unacceptable in landscape terms

**Conservation Officer** - will affect a former orchard which may be considered a heritage asset. Siting would not affect setting of listed Gretton House or Orchard Cottage. The proposed design would not 'enhance or better reveal' the significance of heritage assets. Design does not respond to the context.

**County Archaeologist** - No objections

### **Peoples Trust for Endangered Species**

- The traditional orchard is the last remaining example in the village
- Loss of part of the orchard and obscuring of remainder will be detrimental to the character of the village
- Site is within a Conservation Area and trees are as a result protected
- Trees are in a prime condition to provide as a priority habitat
- Veteran trees can-not be mitigated by replacement
- Would be contrary to NPPF in respect of biodiversity, cultural heritage and sustainability
- Fail to see how providing land to the school should affect the application
- Veteran tree damage can provide
- The bat survey is not sufficient to determine bat roost presence or absence
- Bat roosting potential is high
- No evidence of absence or presence of noble chafer
- No invertebrate surveys were conducted
- Traditional orchards are excellent habitats for invertebrates

More thorough investigation is required

Wrong tree assessment undertaken in respect of ecology

Reference to 'useful (tree) life' is curious as trees increase biodiversity as they age and even die

**Local Residents** 4 individual letters of representation have been received (including one on behalf of 9 residents) objecting to the application for the following reasons:

- Development is outside of village boundary and lies within Conservation Area and AONB
- Council can demonstrate 5 year housing supply
- Site is one of last remaining orchards
- Will have high visual impact particularly when access is formed
- Duglynch is narrow with blind corners - difficult for heavy vehicles to negotiate
- Bugatti Inn recently granted planning permission - this site will add further congestion
- Gretton is not a service Village
- Construction should be limited to normal working hours and vehicle size restricted
- Site is on land where orchard apples were processed
- Scale would impact walkers on the Winchcombe Way
- Great crested newts in the area but not mentioned in report
- Bats and adders have been seen in the area
- Development would amount to a similar floor area as The Beeches and Gretton House combined
- Would adversely impact the character and appearance of the AONB and Conservation Area
- Would fail to preserve the setting of Adjoining Grade II listed buildings (Gretton House and Orchard Cottage.
- As a result of the design and scale the proposal would be an overdevelopment of the site
- Would be served by a sub-standard access with poor visibility
- Would result in the loss of an established hedgerow and orchard trees in a Conservation Area
- These trees should be protected to maintain the character and appearance of the area
- Would result in a detrimental impact upon Gretton's heritage as it is part of the last remaining cider mill in the village
- Development could still result in the loss of bats and Great Crested newts

**Gretton Primary School** - School Playground adjoins the orchard

The applicant has proposed to donate an area of the orchard land to the school subject to planning permission being granted

Extends 27.8 metres from back boundary

School has no access to usable green space

A green space adjacent to the playground would be valuable

**Councillor Mason has requested Committee determination to allow members to assess the impact of the development upon on the Gretton Conservation Area**

**Planning Officers Comments:** Bob Ristic

## **1.0 Application Site**

1.1 The application site is located on the northern side of Duglynch Lane, a single-track road serving a cluster of dwellings at Gretton. The application site comprises an area of historic orchard located to the West of The Mill, a two storey stone cottage with a detached single storey annexe. The site is separated in part from the principal curtilage to the dwelling and annexe by the remnants of ranch style fence at the site entrance, while the remainder of the site is open.

1.2 The site is located to the southern side of the village and is located just outside of the Residential Development Boundary (RDB) to the village of Gretton as identified on the Local Plan Proposals Map. The site is also located within the Conservation Area (CA) and within the Cotswolds Area of Outstanding Natural Beauty (AONB) (**See attached Location and Block Plans**). The site measures approximately 0.16 hectares and is accessed from an existing field access onto Duglynch Lane. The southern boundary of the site adjacent to Duglynch Lane is lined by a mature hedge.

## **2.0 Relevant Planning History**

2.1 The application site has been subject to a number of previous planning applications which have each been withdrawn and are summarised below:

15/00908/FUL - Proposed 1 No dwelling with garage, improved vehicle access servicing drive, parking and turning area (revised scheme). - Withdrawn 04.03.2016

15/00248/FUL - Proposed 1 No dwelling with garage, improved vehicle access servicing drive, parking and turning areas. - Withdrawn 29.06.2015

06/00841/OUT - Erection of 3 detached houses with garage accommodation including siting and means of access - Withdrawn 23.10.2006

### **3.0 Current Application**

3.1 The current application seeks planning permission for a single and two storey 4 bedroom dwelling house which would be set towards the northern (rear) part of the site. The proposed dwelling would be approximately 17.3 metres wide and 10.5 metres deep with a ridge height of 8.4 metres. This would give a floor area of approximately 300 square metres. (see attached elevation& floor plans) .

3.2 The application also proposes a detached two bay garage and store with a footprint of approximately 66 square metres and an overall height of approximately 6 metres, which would be located to the front and side of the proposed dwelling, towards the south-western part of the site and would front onto an area of hard standing spanning the frontage of the dwelling.

3.3 The existing orchard access would be widened in order to provide an appropriate access to the dwelling and would entail the removal of part of the existing hedge to provide a visibility splays. The submitted drawing also indicates the loss of seven trees which are protected by virtue of their location within a Conservation Area.

### **4.0 Policy Context**

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

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

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

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

### **5.0 Analysis**

#### Principle of Development

5.1 On 31st January the Council approved for consultation the latest draft of the Joint Core Strategy (JCS). In doing so the Council approved the Objectively Assessed Need (OAN) for Tewkesbury which stands at 9,899. It is considered that this figure is robust having been arrived at following detailed consideration through the Examination in Public process. Following from the OAN there is an annual requirement to meet Tewkesbury's needs of 495 dwellings. Using this robust figure, taking into account current supply, the Council can demonstrate a 5.3 year supply with a 20% buffer applied.

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

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



5.4 The applicant has incorrectly claimed that the council cannot demonstrate a 5 year housing land supply and was notified of this error and the fact that the proposal does not therefore accord with policy HOU4. No further comments or amendment to the design and access statement have been received.

#### Historic Environment

5.5 The application site is located within the Gretton Conservation Area and is in proximity to two Grade II listed buildings at Gretton House to the south of the site and Orchard Cottage to the west. There is also evidence that the land has been used as an orchard for over 100 years. Section 72 (2) of the Listed Buildings and Conservation Areas Act 1990 places a statutory duty on Councils to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. A similar duty is required by section 66 of the same Act in respect of the setting of Listed Buildings.

5.6 Paragraph 132 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. 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 proposed development would lead to substantial harm to the significance of a designated heritage asset consent should be refused unless the harm or loss is outweighed by substantial public benefits.

5.7 The application has not been accompanied by a heritage assessment as set out within Paragraph 128 of the NPPF and the applicant has failed to acknowledge that the site is located within a Conservation Area or the presence of Listed Buildings adjoining the site. Furthermore, there is no evidence that these heritage constraints have been considered or have informed the design process.

5.8 The Borough Conservation Officer has advised that the NPPF (paragraph 137) states that 'local planning authorities should look for opportunities for new development within conservation areas...and within the setting of heritage assets to enhance or better reveal their significance'. The present scheme falls short of this aspiration and falls into the common modern trap of using traditional details and materials without understanding the structural disciplines which underpin them and a genuine consideration of context requires more than just superficial gestures.

5.9 The application proposes a substantial new dwelling, which although of a chalet design would have a substantial footprint and dominant overall scale which would fail to harmonise with the character scale and form of surrounding development. Furthermore the widening of the proposed vehicular access and associated hedge removal (to afford adequate visibility splays) would open up views of the building, access drive and paraphernalia associated with a domestic use which would harm the character and appearance of the Conservation Area.

5.10 The proposed development would be set away from the two adjoining listed buildings, with Gretton House flanking towards the site and Orchard Cottage being heavily screened. The Borough Conservation Officer is satisfied that the proposal would preserve the setting of these heritage assets.

5.11 In respect of the orchard, Paragraph 135 of the NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.12 The application site has been used as an orchard since at least 1910 as evidenced on the 2nd Edition Ordnance Survey Maps. Residents have highlighted that the orchard is the last remaining example within the village and its siting adjoining a historic cider mill is of local significance. The proposed loss of this historic landscape feature to an inappropriate development further weighs against the proposal.

5.13 In conclusion, no substantial benefits are identified in this case leading to conflict with section 72(2) of the Listed Buildings and Conservation Areas Act and paragraph 133 of the NPPF in respect of the harm identified to the Conservation Area and the Orchard. This weighs heavily against the proposal.

#### Accessibility & Highway Safety:

5.14 In terms of accessibility, paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, paragraph 55 seeks to promote sustainable development in rural areas and sets out that housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 32 of the NPPF requires safe and suitable access to be provided to all development sites for all people.

5.15 The site is located outside of, but in proximity to the RDB of Gretton and within walking distance of the Gretton Road. The village is not identified as a service village within the JCS but has limited facilities including a primary school and village hall and a bus service (606) operates at peak times through the village. Whilst services in the village are not ideal, the Inspector in a recent appeal at Gretton allowed a scheme for 23 houses and raised no objections in respect of accessibility. It is therefore considered difficult to object to the proposals on that basis.

5.16 Duglynch Lane itself is an unclassified road with a single carriageway width of between 2.5 & 3.5 metres which joins Gretton Road adjacent to the former Bugatti Inn public house. The site itself would be served from the existing orchard access which would be widened (with associated boundary hedge removal) in order to provide appropriate visibility splays. The county highways officer is satisfied that adequate visibility splays can be achieved to secure safe and suitable access in accordance with Policy TPT1 of the Local Plan.

5.17 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). A single dwelling is assumed to generate approximately 5 vehicular trips per day and it is not considered that an additional 5 trips per day on the local highway network would be 'severe' and the proposal is considered acceptable in highway terms.

#### Impact on Character and Appearance of Area

5.18 The site is located within the AONB, in a semi-rural location. Paragraph 115 of the NPPF specifies that great weight should be given to conserving landscape and scenic beauty in AONBs, which, along with National Parks and the Broads, have the highest status of protection in relation to landscape and scenic beauty. Policy SD8 of the MMJCS reiterates this advice.

5.19 The application site is located within the Cotswolds AONB and the site is identified as a 'Traditional Orchard (Priority Habitat Inventory - Traditional Orchards (England) on the MAGIC website. The application has not been accompanied by Landscape Visual Impact Assessment (LVIA) and the applicant has made no reference to the site being located within the AONB or how this may have influenced the design or its appropriateness.

5.20 The councils Landscape Officer has advised that in landscape terms the site appears as part of the surrounding residential setting and that the proposed house would be sizable with insufficient consideration being given to the landscape setting and site constraints in terms of boundary trees, the existing orchard and roadside hedge which would be impacted. Furthermore, the proposal is considered to be of an inappropriate scale and form with inadequate consideration given to the landscape context.

5.21 The proposal would result in an unacceptable intrusion within the natural landscape and would be contrary to policy SD8 of the MMVJCS and paragraph 115 of the NPPF which sets out that great weight should be given to conserving landscape and scenic beauty in AONBs.

#### Impact on Trees

5.22 An arboricultural report has been submitted with the application but has failed to identify that the site is located within a CA and that the trees are protected or that the orchard is identified as a 'Traditional Orchard' on the priority habitat inventory. Residents have raised concerns that the significance of the trees has not been appropriately assessed.

5.23 The proposal would result in the loss of 7 trees (of which one is recorded as being dead T4). Of the other 6 trees to be removed, two are recommended for retention (T12 & T13 Apple). Tree T5 a pear is reported to be of a good structure while Trees T6, T7 and T11 (pear and apple) have varying degrees of damage or decay and are recommended for removal.

5.24 The findings and recommendations of this report have been questioned by residents and photographic evidence provided to demonstrate that the trees still bear fruit and are of a significant size and good health and contribute to the character and appearance of the area. In view of the assessment within the arboricultural report and the protected status of the trees it is considered that there is insufficient justification for the loss of the trees.

5.25 An extended Phase 1 Ecological Survey Undertaken in May 2016 has been submitted with this application and has concluded that the proposal would not impact protected species subject to recommendations set out within the report. While the presence of bats was recorded there was no evidence of roosts within the trees and no emergence was observed. eDNA sampling for Great crested newts was undertaken without any evidence being reported. While there is no report of the presence of noble chafer it is acknowledged that there is a potential habitat for larvae and eggs and care would need to be afforded during the development process. Nesting birds were recorded and development works would need to account for this.

5.26 While it is considered that the proposal would not unduly impact protected species the proposal would impact valuable trees and would be contrary to Policy INF4 of the MMJCS and the core planning principles of the NPPF (paragraph 17) which specifies that planning should contribute to conserving and enhancing the natural environment.

#### Impact on Amenity of Adjacent Occupiers

5.27 Paragraph 17 of the NPPF that the planning system should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

5.28 Although the proposed development would be of a substantial scale, it would be set over 25metres from the rear elevation of Gretton House and would be screened in part by existing trees and hedging. Similarly the proposed dwelling would flank towards Orchard Cottage and would be set over 28 metres from this dwelling which is screened by trees and hedging.

5.29 Considering this separation the proposal would not result in demonstrable harm to the living conditions currently enjoyed by the occupiers of these adjoining properties in terms of overlooking or any overbearing impacts.

#### Other Issues

5.30 The applicant has indicated that if planning permission were granted an area of orchard land to the northern end of the site would be given to Gretton Primary School. While this is a positive social gesture on the applicant's part, it would not meet the test in respect of S.106 contributions in that it has to be necessary to make the development acceptable, directly related to the development or fairly related in scale and kind. Such an obligation would not meet the tests for planning obligations set out in the CIL Regulations and such an obligation could not be taken into account in determining the application.

5.31 It should be noted that the applicant is not restrained from making such a 'philanthropic' gesture towards the school in the absence of planning permission being granted for a new dwelling, subject of course to the relevant planning consent being obtained for the change of use of the land.

### **6.0 Balancing Exercise and Summary**

6.1 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 which is considered to be up to date as the Council can demonstrate a five year supply of deliverable housing sites. The presumption is therefore that planning permission should be refused in line with S38(6) of the Planning and Compulsory Purchase Act 2004, unless material planning circumstances indicate otherwise.

6.2 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.

6.3 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. These are very minor benefits given the small scale nature of the proposal.

6.4 With regards to the social dimension, the proposal would provide a single large dwelling which would make a small contribution towards the boroughs housing need. Nevertheless the proposal is considered to be unduly prominent and of an unsympathetic design which would fail to preserve or enhance the character and appearance of the conservation area. This weighs heavily against the proposal.

6.5 With regards to the environmental dimension, the proposed development would result in the partial loss of a historic orchard and the development would fail to preserve or enhance the character and appearance of the AONB and this weighs against the proposal. Furthermore, it is recognised that residents would be reliant upon the private car to access employment and other day-to-day services due to the sites location outside any recognised settlement and this too weighs against the proposal.

6.6 In weighing up the planning balance, it is not considered that material planning considerations exist that would outweigh the conflict with the development plan. It is therefore considered that the harms identified above significantly and demonstrably outweigh the benefits and as such the proposal is not considered to represent sustainable development in the context of the NPPF.

6.7 For these reasons, it is therefore recommended that planning permission is **refused**.

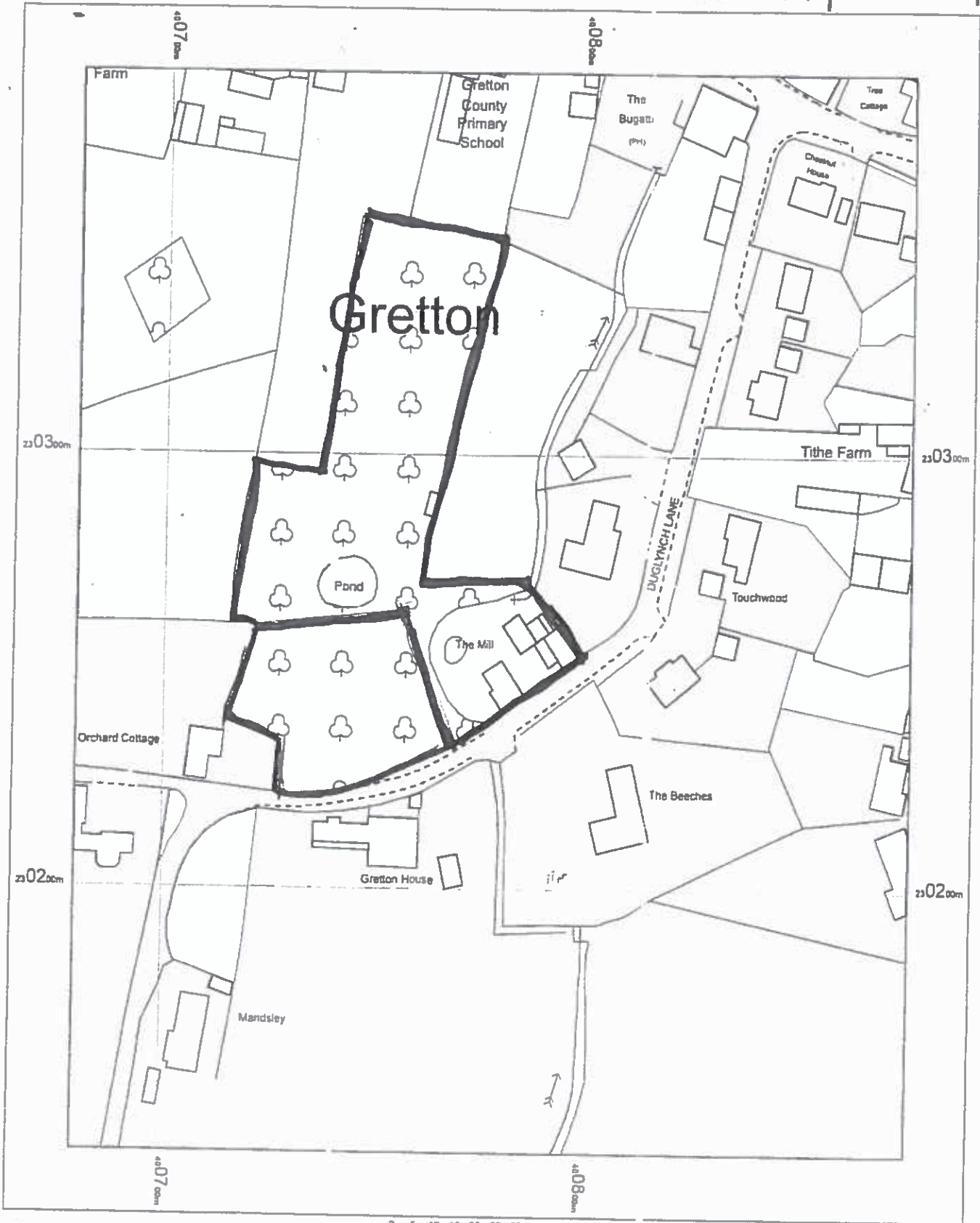
## **RECOMMENDATION Refuse**

### Reasons:

- 1 The proposed development conflicts with Policies HOU3 and HOU4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 in that the site lies outside any recognised settlement in a location where new housing is strictly controlled and it is not essential to the efficient operation of agriculture or forestry.
- 2 The proposed development by virtue of its layout, siting design and scale would be unduly prominent and visually intrusive and would fail to preserve or enhance the character and appearance of the Gretton Conservation Area. The proposal therefore conflicts with policies SD9 of the Main Modifications Version Joint Core Strategy 2017, Paragraphs 17 and 134 The NPPF and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3 The proposed development by virtue of its design, scale, layout and associated domestication would be visually intrusive within the landscape which in combination with the loss of part of the historic orchard would be harmful to the rural character and appearance of the area and the visual attractiveness and scenic beauty of the Area of Outstanding Natural Beauty. As such the proposed development would be contrary to Policies SD7, SD8 and SD9 of The Proposed Main Modifications Version of the Joint Core Strategy and paragraphs 17, 115 and 135 of the National Planning Policy Framework (2012).

### Note:

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



THE MILL  
 DUGLYNCH LANE  
 GRETTON  
 GL54 5EX

OS MasterMap 1250/2500/10000 scale  
 09 January 2015, ID: CM-00380556  
 www.centremapslive.co.uk  
 1:1250 scale print at A4, Centre: 400779 E, 230284 N

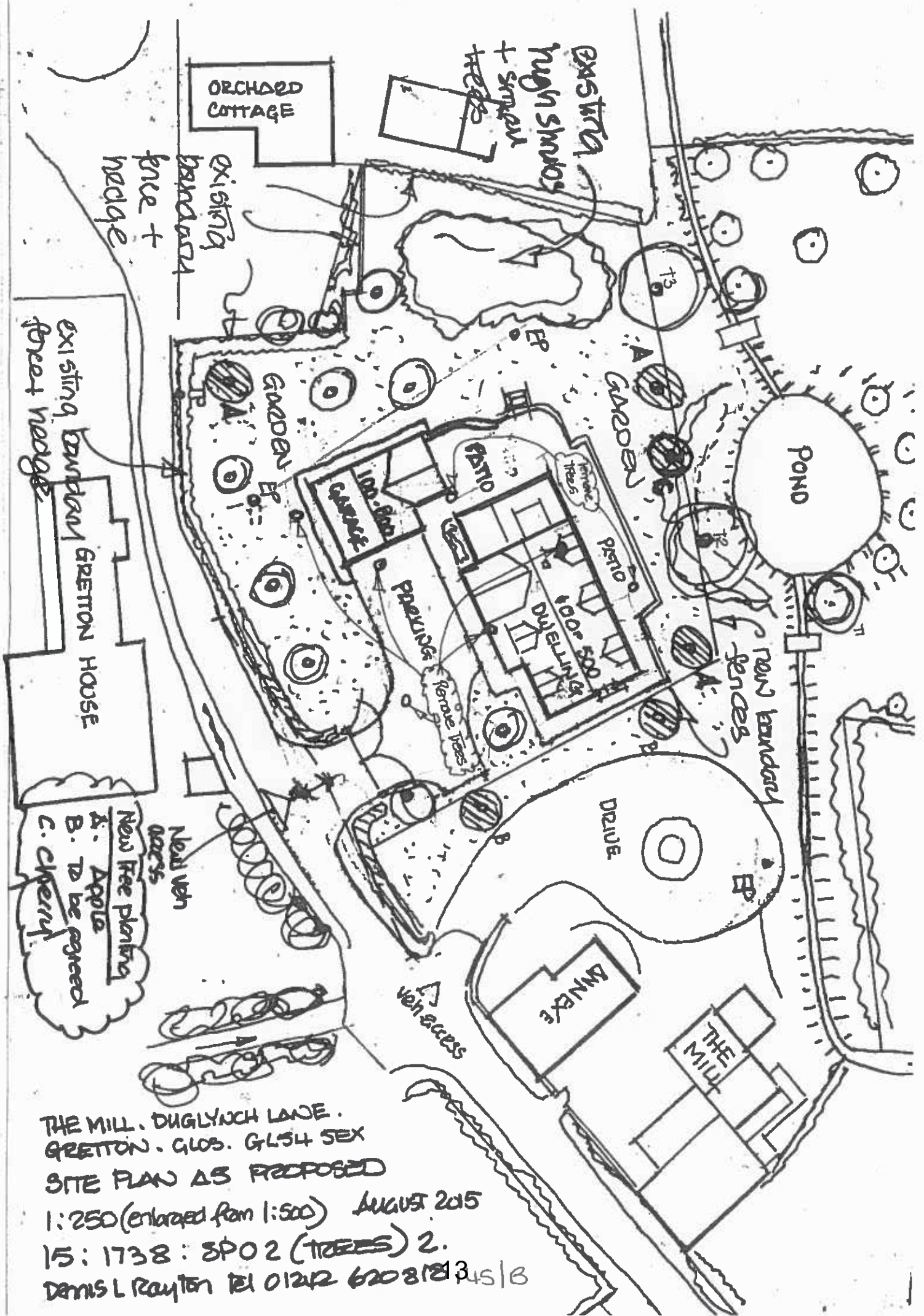
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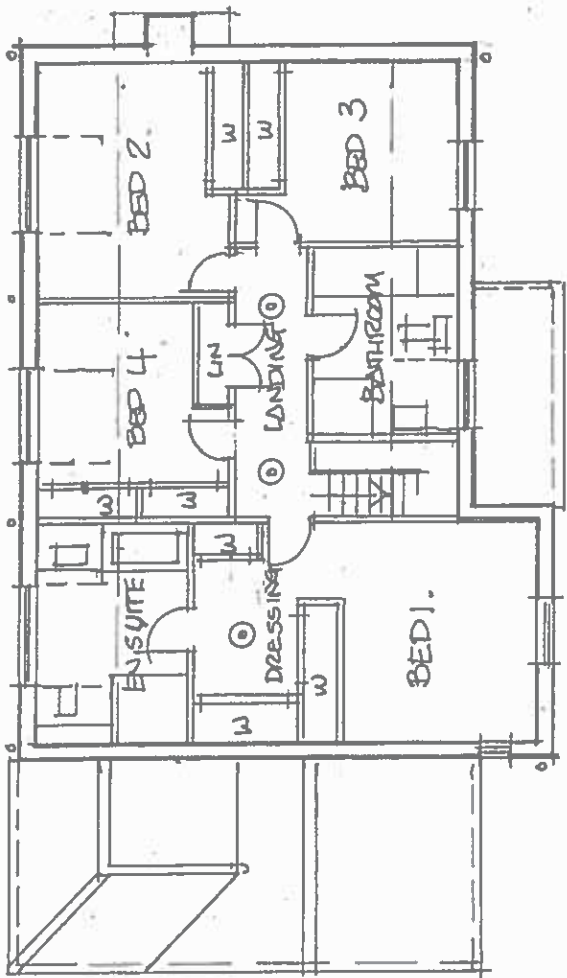
The Map Shop  
 Upton upon Severn  
 www.themapshop.co.uk



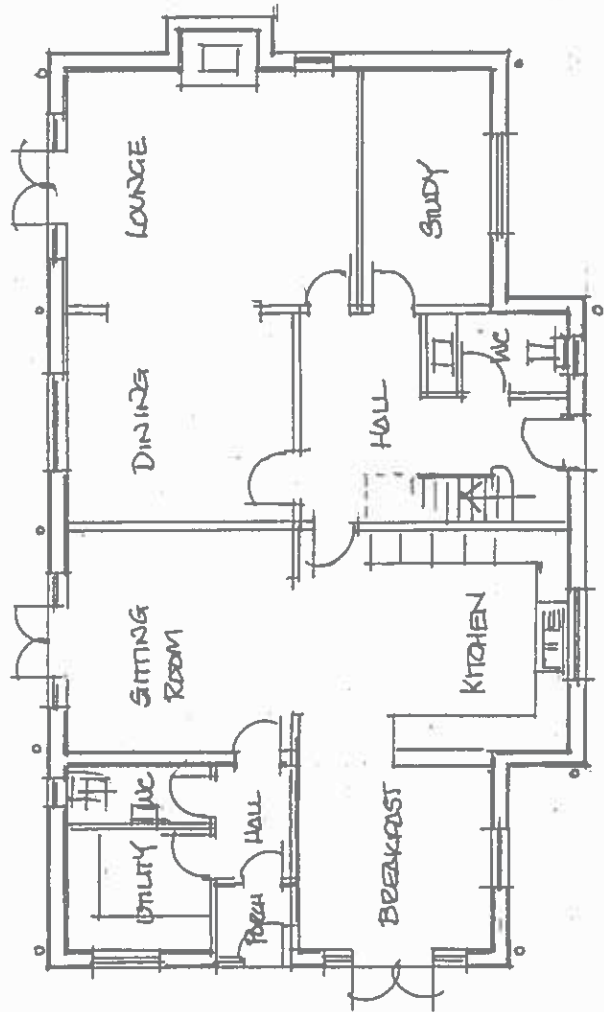
TEL: 01684 593146  
 FAX: 01684 594559  
 themapshop@btinternet.co.uk



THE MILL, DUGLYCH LANE.  
 GRETTON, GLOS. GL54 5EX  
 SITE PLAN AS PROPOSED  
 1:250 (enlarged from 1:500) AUGUST 2015  
 15:1738: SPO 2 (TREES) 2.  
 Denis L Rayton Tel 01242 620818 345/B



FIRST FLOOR PLAN.



GROUND FLOOR PLAN.

145/C  
14

THE MILL, DUGLYNCH LANE, GRETTON.  
 GLOS. GL54 5EX.  
 PROPOSED DWELLING PLANS 1:100  
 15: 1738: 01. AUGUST 2015  
 DENNIS L. RAYTON TEL 01942 620818

Roof pitches - plan tiles to appear

Berges - timber boards + soffits

Eaves - timber fascias + soffits

Walling - natural dressed stone, random course with jumpers, quoin blocks

SIDE ELEVATION (WEST)

FRONT ELEVATION (SOUTH)

Windows - openings - casements + stone lintels, jamb bases + cills

Dormers - timber framed gables + render

Rooflights with solar tubes to light internal spaces

Tiled top of walls

SIDE ELEVATION (EAST)

REAR ELEVATION (NORTH)

glazed/paned doors and windows

Walling - natural dressed stone - random course with jumpers, quoin blocks

Rainwater goods - black gutters and downpipes

THE MILL, DUGLYNCH LADE, GREYTON, GLOS. GL54 5EX.

PROPOSED DWELLING ELEVATIONS. 1:100

15:1738:02. AUGUST 2015

Dennis L Rayner B1-01212 620818



17/00452/OUT

Land to the north of Shuthonger Garage, A38 Pages Lane  
to Woodend Farm Lane, Shuthonger

2

Valid 26.04.2017

Outline application for 4No. self-build dwellings (all matters apart for  
vehicular access reserved for future consideration)

Grid Ref 388927 235771

Parish Twyning

Ward Twyning

Mr John Burston

c/o SF Planning Limited

## RECOMMENDATION Refuse

### Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

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

Joint Core Strategy Proposed Main Modifications Version (2017) - Policies SD7, SD11, INF1

Twyning Neighbourhood Development Plan Consultation Draft April 2017

The First Protocol, Article 1 (Protection of Property)

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

### Consultations and Representations

**Twyning Parish Council** - Object. The proposal is outside of the village development boundary and contrary to the draft Twyning Neighbourhood Plan. A number of residents have drawn attention to flooding and sewer issues and no further development should occur until Severn Trent overcomes these problems.

**Highways England** - No objections

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

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

**Local Residents** -The application was advertised by site notice. No public representations have been received during the 21 day consultation period or since.

**Councillor Spencer** has requested Committee determination to allow the consideration of the proposal to deliver four self-build properties in the absence of a specific policy, proximity to existing residential and business premises. There are historic concerns with drainage.

**Planning Officers Comments:** Bob Ristic

### 1.0 Introduction

1.1 The site is located on the eastern side of the A38 at Shuthonger, directly to the north of a car wash and car repair garage and to the south of a ribbon of dwellings and a GPO Repeater Station, approximately 1.4 miles to the southwest of Twyning and 1.5 miles to the north of Tewkesbury High Street. (See attached location plan).

1.2 The site comprises a flat field set behind a substantial hedge, which runs along the back edge of the highway. The site is broadly rectangular in shape and measures approximately 0.9 hectares in area and would be accessed from an existing field access set to the south-eastern corner of the site.

### 2.0 History

2.1 There have been no previous planning applications at the site.

### 3.0 Current Application

3.1 This application seeks outline planning permission for 4no. self-build dwellings with all matters except means of access reserved for future consideration.

3.2 Although the application has been submitted in outline (with appearance, landscaping, layout and scale reserved for future consideration), the application has been accompanied by an illustrative site plan, which demonstrates how four detached dwellings could be accommodated upon the site. The drawings show the development being served by a single point of access from the A38 and each of the properties could in turn be served by a private drive, to the east of the existing boundary hedge, which would be retained. (see illustrative layout plan).

3.3 The plan indicates a mix of four substantial houses capable of accommodating 3-6 bedrooms with floor areas of between 167m<sup>2</sup> and 260m<sup>2</sup> plus double garages. Each of the properties would also benefit from substantial rear gardens measuring over 25 metres in depth and aligning with the rear boundaries to the GPO Repeater Station and dwellings to the north.

#### 4.0 Policy Context

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

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

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

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

#### 5.0 Analysis

##### Principle of Residential Development

5.1 On 31st January the Council approved for consultation the latest draft of the Joint Core Strategy (JCS). In doing so the Council approved the Objectively Assessed Need (OAN) for Tewkesbury which stands at 9,899. It is considered that this figure is robust having been arrived at following detailed consideration through the Examination in Public process. Following from the OAN there is an annual requirement to meet Tewkesbury's needs of 495 dwellings. Using this robust figure, taking into account current supply, the Council can demonstrate a 5.3 year supply of deliverable housing land with a 20% buffer applied.

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

5.3 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is in conflict with policy HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

5.4 Policy S1 of the draft NDP provides that proposals for new housing outside of the development boundary, and not on allocated sites, in the open countryside will be supported if they meet the following criteria:

- a) Replacement dwellings;
- b) Rural exception housing to meet an identified Parish need in accordance with Tewkesbury Borough Council policy, taking account of other policies in this Plan;
- c) Agricultural and forestry dwellings;
- d) Where proposals would involve the re-use or conversion of an existing building and accords with the relevant development principles set out at Policy GD1.

5.5 The proposal is again in clear conflict with this draft policy. Whilst the NDP is yet to reach an advanced stage the above policy is consistent with the NPPF and policy HOU4 of the Local Plan and should be afforded some, albeit limited, weight in the determination of the application.

#### Self-Build & Custom Housing

5.6 The Self-build and Custom House Building Act 2015 requires the council to maintain a self-build and custom house building register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes. The purpose of the register is to information on the demand for self-build and custom housebuilding in the authority area and to form an evidence base of demand for this type of housing.

5.7 The Planning Practice Guidance (PPG) advises that councils have a duty to have regard to the register in terms of plan making and decision-taking functions and that the registers that relate to their area may be a material consideration in decision-taking.

5.8 The Council's register currently has 28 people expressing an interest in self-build or custom housing as of 4th July 2017 and of these entries 8 specifically seek a rural or semi-rural location. The other entries are either not specific or seek locations within existing settlements ie. Tewkesbury, Winchcombe, Bishops Cleeve.

5.9 While the council needs to account for this type of housing in its plan making function the demand is relatively small in relation to the authority's overall housing need of 9,899 dwellings as established in the OAN. The legislation however does not mean that local planning authorities should permit housing in unsuitable locations, in conflict with the development plan. Applications must continue to be considered in light of s38(6) of the 2004 Act however it is possible that the need to provide self -build housing could be a material consideration in the determination of applications.

5.10 The applicant has offered to complete a legal agreement to ensure that the development is brought forward on the basis of self-build plots. While a draft obligation has been provided a formal S.106 agreement or unilateral undertaking has not been completed or discussions entered into, given the in principle conflict with policy HOU4. It is not considered that such an obligation would meet the necessary statutory tests as the fact that the proposed dwellings would be self- build, would not make the development acceptable in planning terms.

#### Accessibility

5.11 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The Framework also recognises the need to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28) and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that there is a need to balance this against other objectives set out in the Framework.

5.12 The application site is located among a cluster of existing residential and commercial buildings and as a result is not considered to be an 'isolated' site, nevertheless facilities within the immediate area are limited. The applicant has identified a pub, takeaway and carwash in the immediate area, with a furniture shop, café and sports facilities farther afield. The absence of day-to-day facilities such as a convenience store, post office and school is apparent and future occupiers will need to travel for these services.

5.13 While the site benefits from bus service which runs on an hourly basis (approximately) the site is a significant distance from Tewkesbury town centre and Twynning such that future residents would be reliant on the motorcar. The absence of a dedicated cycle lane and topography is also likely to discourage walking or cycling to Tewkesbury or other settlements.

5.14 Furthermore it is considered that given the direct link to Tewkesbury town centre along the A38 future residents are likely to turn to this centre for their needs over the local services offered by Twyning Village (a service village in the MMVJCS) and it would be unlikely that the development would specifically benefit or sustain the services within this nearby village. The locational disadvantage of the site is a matter which weighs against the proposal in this case.

#### Highway Safety

5.15 Policy TPT1 of the Local Plan requires that appropriate access is provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. Highway access should be provided to an appropriate standard and should not adversely affect the safety or satisfactory operation of the highway network. Additionally, the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.16 The application has been reviewed by the Highways England and the County Council Highways Officer who have raised no objections to the proposal on highway safety grounds, subject to conditions.

#### Landscape and impacts on the street scene

5.17 The applicant site comprises the western part of a larger field which is also in the applicant's ownership. While the western boundary of the site adjacent to the A38 is screened to a significant degree by existing planting the site and proposed development would be visible along the length of a public right of way which runs along the eastern boundary of the larger field and to the rear of dwellings fronting Church End Lane.

5.18 While there are no landscape designations on the site Policy LND4 of the Local Plan seeks to ensure that developments in rural areas, outside of designated areas, protect the character and appearance of the rural landscape. This is in conflict with one of the core planning principles of the NPPF which is that the planning system should recognise the intrinsic character and beauty of the countryside.

5.19 The proposed development would be visible in part above the existing boundary hedge to the A38 as well as from the public right of way running to the east of the site. At present the undeveloped character of the field serves as a visual buffer between the prominently sited Twyning Garage to the south of the site and the cluster of dwellings to the north. The proposed development would join these developments visually to create a formal ribbon of development within the area which presently comprises informal, small, clusters of development interspersed with open space.

5.20 It is therefore considered that the proposal would result in an unacceptable encroachment into the countryside resulting in landscape harm, contrary to Policy LND4 of the Local Plan and this weighs against the proposed development

#### Residential Amenity

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

5.22 The illustrative layout plan indicates that the built development could be set over 35 metres away from the nearest dwelling to the north along the A38 and over 30 metres from the nearest dwelling at Church End Lane to the southeast. As a result of this separation the proposed development could be accommodated upon the site adverse impacts to the living conditions presently enjoyed by the occupiers of these properties.

5.23 While the proposed dwellings are shown as being set back from the A38 it is likely that the development may suffer from associated vehicle noise. A noise assessment has not been provided with this application and it has not been possible to assess whether noise impacts could be mitigated against in order to provide an acceptable living environment for future occupiers. Nevertheless, it is considered that this matter could be addressed by a suitably worded planning condition.

## Other Matters

5.24 Concerns have been raised with regards to past flooding at the site. The site is located within Flood Zone 1 and is not identified as being at risk of flooding on the Government Flood Map for Planning website. Furthermore, the Severn Trent Water officer has raised no objections to the development and it is considered that any risk from flooding can be mitigated by way of an appropriately worded condition.

### **6.0 Conclusions and Planning Balancing Exercise**

6.1 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 which is considered to be up to date as the Council can demonstrate a five year supply of deliverable housing sites. The presumption is therefore that planning permission should be refused in this case, unless material planning circumstances indicate otherwise.

6.2 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.

6.3 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 but are limited due to the small scale nature of the development.

6.4 With regard to the social dimension, again there would be a very minor benefit in terms of the delivery of housing, however this is tempered by the fact that services in the immediate area are limited and the scale of the development is unlikely to have a significant impact in supporting these services.

6.5 With regards to the environmental dimension, the proposed development would intrude into the open landscape and would result in an undesirable erosion of the countryside and this weighs against the proposal in the planning balance. Furthermore, it is recognised that residents would be reliant upon the private car to access employment and other day-to-day services due to the sites location outside any recognised settlement and this is a matter that weighs against the sustainability credentials of the proposal.

6.6 In weighing up the planning balance, it is not considered that material planning considerations exist that would outweigh the conflict with the development plan. It is therefore considered that the harms identified above significantly and demonstrably outweigh the benefits and as such the proposal is not considered to represent sustainable development in the context of the NPPF.

6.7 It is therefore recommended that planning permission is refused.

### **RECOMMENDATION Refuse**

#### Reasons:

- 1 The proposed development conflicts with Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 in that the site lies outside any recognised settlement in a location where new housing is strictly controlled and it is not essential to the efficient operation of agriculture or forestry.
- 2 The proposed development would result in an unwarranted intrusion into the rural landscape, which would have a harmful impact on the character and appearance of the locality. As such, the proposed development conflicts with the National Planning Policy Framework, saved Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging Policy SD7 of the Main Modifications Version Joint Core Strategy (2017).
- 3 In the absence of an appropriate planning obligation the application does not make adequate provision to secure the dwellings for Self-build or custom builders and would therefore be contrary to Paragraph 50 of the NPPF.

- 4 The site is not well served by public transport, pedestrian or cycling facilities and residents of the proposed development would be heavily reliant on the use of the private motor car to meet their daily transport needs. The proposed development is therefore contrary to the core principles of land-use planning set out at paragraph 17 of the NPPF, sections 4 (Promoting Sustainable Transport), 8 (Promoting healthy communities), policies TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SP1 and SD7 of the Proposed Main Modifications version of the Joint Core Strategy.

**Note:**

In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with relevant Development Plan Policies matters were not able to be resolved during negotiation through the application process.

17/00452/OUT



date 12/04/17  
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 checked DG  
 drawing status  
 drawing number 2699-003  
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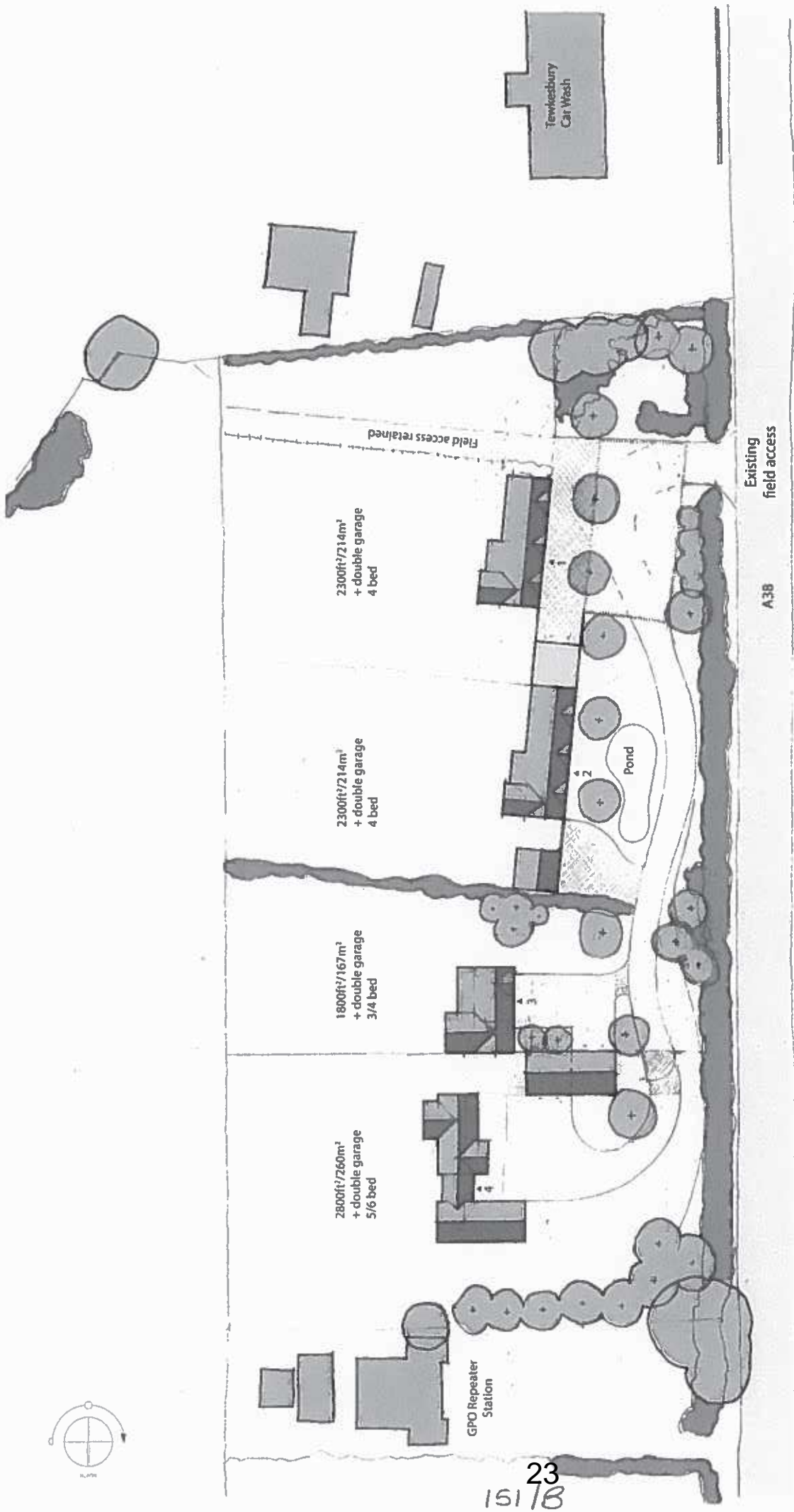
title Proposed Block Plan  
 project 4 New Dwellings  
 Shuthonger  
 GL20 6EF  
 client Mr J Burston

(3) Dispersed Decision - Considerable Hope  
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Tysack Architects Ltd  
 The Mann Institute, Oxford Street  
 Moreton-in-Marsh  
 Gloucestershire, GL56 0LA  
 t: 01628 650 490  
 f: 01608 651 863  
 e: mail@tysackarchitects.com  
 w: tysackarchitects.com



151 / A 22



2300ft<sup>2</sup>/214m<sup>2</sup>  
+ double garage  
4 bed

2300ft<sup>2</sup>/214m<sup>2</sup>  
+ double garage  
4 bed

1800ft<sup>2</sup>/167m<sup>2</sup>  
+ double garage  
3/4 bed

2800ft<sup>2</sup>/260m<sup>2</sup>  
+ double garage  
5/6 bed

GPO Repeater  
Station

Tewkesbury  
Car Wash

Field access retained

Pond

Existing  
field access

A38

23  
151/18

0m 50m

Scale 1 : 500

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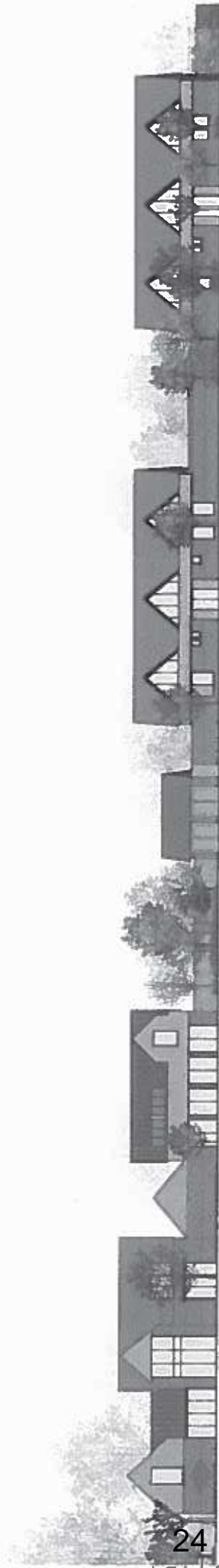


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Tysack Architects Ltd  
The Manor Institute, Oxford Street  
Marston-in-Marsh  
Gloucestershire, GL14 5LA  
T: 01452 845 189  
F: 01452 845 184  
E: enquiries@tysackarchitects.com  
or tysackarchitects.com

**Sketch Layout Plan**  
**4 New Houses, Shuthonger, Glos**  
**Mr J Burston**  
Scale: 1:500@A3  
Drawn/Checked: DG/MR  
Date: April 2017  
Drg No: 2699-00 | Rev: A





Unit 1

Unit 2

Unit 3

Unit 4

Belt of mature tree planting to east of site seen beyond

'Brumsum' seen in distance

Church End Road poplars seen in distance



Roosymth

GPO Repairer Station

Existing hedgerow planting retained

Existing access

End House

Tewkesbury's hand car wash

Proposed Street Scene Elevations

Shushonger, Tewkesbury.  
Mr J Burston

Date: April 2017  
Scale: 1:200 (0000003)  
Drawn/Checked: CJD/CG

Diagrams: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100



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17/00515/FUL

Field Number 5588, Deerhurst Road, Apperley

3

Valid 24.05.2017

Partial rebuilding and conversion of agricultural building to create a single dwelling house in accordance with previous approval reference 16/00869/PDAD

Grid Ref 386542 228864

Parish Deerhurst

Ward Coombe Hill

Mr R Baldwin  
Forelane  
Deerhurst  
GL19 4BX  
Gloucestershire

## RECOMMENDATION Refuse

### Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

Main Modification Version Joint Core Strategy (2017) - SD5, SD7, SD10, SD11, SD15, INF1, INF3

Tewkesbury Borough Local Plan to 2011 - Policies HOU4, TPT1, EVT2, EVT3, LND3, LND7

Landscape Protection Zone

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 - No objection

County Highways - No objection subject to conditions

Local Residents - No comments received

**Councillor Waters has requested that the application be determined by committee to assess landscape impact.**

Planning Officers Comments: Paul Instone

### 1.0 Application site

1.1 The application site relates to the remains of a steel portal framed agricultural barn located at Deerhurst Road to the north of Apperley. The remains of the barn currently comprise the partial frame of the former structure. The frame is surrounded by gravel hardstanding.

1.2 The application site comprises part of an agricultural field located. The site does not fall within a recognised settlement boundary as defined in the Tewkesbury Borough Local Plan - March 2006 and is located approximately 100 metres to the north of Apperley which is the nearest defined settlement in the Tewkesbury Local Plan. The application site is separated from the defined Residential Development Boundary of Apperley by agricultural fields and a dwelling known as Malvern View.

1.3 The site is located in a Landscape Protection Zone as defined by the Local Plan.

### 2.0 Relevant Planning History

A steel framed agricultural building was permitted on the site subject to an agricultural determination in 2010 (10/00381/APP) under Part 6 of the Town and Country Planning (General Permitted Development) Order. Prior approval was given by the Council in relation to the design and siting of the building.

15/00567/PDAD - A prior notification application for the conversion of the steel framed agricultural building into a four bed dwelling house was withdrawn in July 2015 due to highway safety concerns (insufficient evidence to demonstrate acceptable visibility splays).

15-01196-PDAD - Prior notification under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 in December 2015 for the conversion of the steel framed agricultural building into a three bedroom single storey dwelling house. Approved.

16/00869/PDAD - Prior notification under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 in September 2016 for the conversion of the steel framed agricultural building into a three bed dwelling house. This proposal altered the design of the conversion and the internal arrangements. Approved.

### **3.0 Current Application**

3.1 The applicant began works to implement prior approval 16/00869/PDAD for the conversion of the agricultural building. When works commenced it became necessary to partially dismantle a section of the barn as it became unstable during the construction process. The applicant is now unable to implement prior approval 16/00869/FUL as the building operations, which includes structural works, would go beyond what constitutes permitted development under Schedule 2, Part 3, Class Q The Town and Country Planning (General Permitted Development) Order 2015.

3.2 The proposal was referred to the Council's enforcement team and the applicant was advised that full planning permission would be required for the development to proceed. Accordingly the application seeks full planning permission for the partial rebuilding and conversion of the agricultural building to create a single dwelling. The proposal comprises of a 3 bedroom 2 storey dwellings and the design, layout and use of materials is the same as Prior Approval 16/00869/PDAD.

3.3 For the avoidance of doubt, despite the description submitted by the Applicant, it is not accepted that the proposal involves conversion.

### **4.0 Policy Context**

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

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

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

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

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

#### **Other Material Considerations**

4.5 The NPPF sets out the Government's planning policies for England and how these are expected to be applied.

4.6 Paragraph 55 of the NPPF states that Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.

4.7 The NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The Framework also recognises the need to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28) and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that there is a need to balance this against other objectives set out in the Framework - particularly in rural areas.

4.8 The NPPF does not change the status of the development plan as the starting point for decision making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise.

## 5.0 Analysis

### Principle of Development

5.1 As the structure of the agricultural building has been damaged/destroyed the applicant is unable to implement prior approval 16/00869/PDAD. Paragraph 105 of the PPG states that the right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. However, it is not the intention of the permitted development right to include the construction of new structural elements for the building.

5.2 It is important to note that since the conversion of the pre-existing building under permitted development rights was considered, there has been a significant change in case law surrounding permitted development rights for conversion from agricultural to residential use. A High Court judgment emanating from a case in Rushcliffe Borough confirmed that conversions of buildings should mean exactly that. There had been a number of appeal decisions where Inspectors had allowed conversions under permitted development rights where substantial alterations were made to buildings that hitherto would not have been considered acceptable as conversions. At that time it became common practice to take a more relaxed approach in these circumstances. The High Court case changed this approach and if the prior notification under which the conversion was originally proposed was submitted to day, it would have led to a different outcome and the proposals would not have constituted permitted development. It is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building can be considered to have the permitted development right.

5.3 When the prior approval application on the site was considered, the decision was taken on the basis of the Construction Method Statement, a Report on the Proposed Conversion of Jennings Hill Barn and a Report on Barn and Proposed Modifications which advised that the existing principal structural elements could be incorporated into the new proposed residential conversion without modification and that the existing steel and roof structure will remain in place.

5.4 However, during the construction process the frame was dismantled due to health and safety concerns as it became unstable. It is no longer possible for the applicant to convert the building into a dwelling. The development can no longer be carried out in accordance with the approved Construction Method Statement and the extent of works to construct the dwelling would now go beyond works that are reasonably necessary for the conversion of the agricultural building as it is not the intention of the permitted development rights to include the construction of new structural elements for the building.

5.5 As the applicant can no longer implement the Class Q prior approval, the proposal is tantamount to a new dwelling and the principle of the planning application must be considered in accordance with the development plan unless material considerations indicate otherwise.

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

5.7 Paragraph 55 of the NPPF advises that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. The application site is located within a relatively remote rural location. Although Apperley is located approximately 100 metres to the south of the site, Apperley is not identified as a service village in Policy SP2 of the MMVJCS. There is limited service infrastructure in Apperley which include a pre-school and a village hall and future occupants would need to go elsewhere to meet the majority of their needs.

5.8 The nearest settlements identified in the settlement hierarchy in Policy SP2 of the MMVJCS are Stoke Orchard and Tewkesbury which are located approximately 4 miles away. Due to the distance of the site from centres identified in the settlement hierarchy, it is not considered that the proposed dwelling is in a location where it would serve to enhance or maintain the vitality of rural communities and support services in nearby villages.

5.9 In conclusion on this point, the proposed development is tantamount to the erection of an isolated new dwelling in the open countryside and the principle is therefore against the grant of planning permission unless material considerations indicate otherwise.

### **Design and Landscape Impact**

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

5.11 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. The application site is located within a Landscape Protection Zone (LPZ) as identified on the Local Plan Proposals Map. Policy LND3 states that within the LPZ special protection is given to the ecology and visual amenity of the river environment and development will not be permitted which has a detrimental visual effect on the character of the river banks or associates landscape setting of the Severn Vale. Policy LND3 also states that important landscape features within the LPZ will be retained and where appropriate enhances to ensure their long term retention.

5.12 The applicant has identified that the appearance of the site is now that of an abandoned building which bears little resemblance to the sites original agricultural character and appearance. The application states that without planning permission being granted there would be no incentive to undertake further works and the site would remain an abandoned building which would detract from the character of the area. Nevertheless, should the site become unsightly in the future, this could be remedied using enforcement powers available to the Council. The fact that the site has gone into disrepair in the short term due to the actions of the landowner cannot be considered in itself a 'special circumstance'. If this were the case this would leave it open to all landowners to neglect land and buildings in the hope of being able to develop it at a later stage.

5.13 The proposed design replicates the Class Q prior approval. However it is clear that the pre-existing building is no more and the design rationale, effectively building a 'new build barn conversion' is highly questionable, particularly when the building from which the design takes its cues, had extremely limited architectural integrity in the first place. The proposed design is not of high architectural quality as required by the NPPF and does not respect the form, character and materials of existing characteristic property in the area.

5.14 The site is clearly visible from public vantage points. The proposed dwelling with its poorly designed utilitarian appearance, along with the domestic trappings which would go with it, would introduce an alien feature into the landscape and would have a harmful impact on the designated landscape of the Landscape Protection Zone.

5.15 As such it is considered that the proposal would result in undue harm to the character and appearance of the Landscape Protection Zone but in terms of encroachment into the open countryside and the poor quality design.

## **Sustainable Development and Access**

5.16 Policy TPT1 of the Local Plan highlights that development will be permitted where provision is made for safe and convenient access and where there is an appropriate level of public transport service and infrastructure available. The County Highways Officer has been consulted in respect of the proposal and has raised no objection with regards to the safety and satisfactory operation of the highway network. Paragraph 32 of the NPPF also requires safe and suitable access to be achieved but states that development should only be prevented or refused on transport grounds where the cumulative impacts of development are severe.

5.17 The application proposes to use the existing field access. The Highways Authority have been consulted on the application and do not object subject to the imposition of conditions. On this basis, it is not considered that the cumulative residual impact of the proposed development on highway safety is severe.

5.18 In terms of accessibility, the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The site is beyond an easy walk to the usual travel destinations on Tewkesbury Road and the A38 and there are no footpaths or street lighting in the vicinity of the application site which would be likely to discourage its use by pedestrians and cyclists. Public transport is also restricted in the area.

5.19 The application would result in an introduction of residential use on the site and the occupiers of the site would have a high dependence on the car for travel to shopping, leisure, community facilities and other usual travel destinations. For these reasons, the proposed development would conflict with the NPPF and Policy TPT1 this weighs against the proposal in the overall planning balance.

## **Residential Amenity**

5.20 The nearest dwelling to the proposed dwelling is Malvern View which is located approximately 100 metres to the south. By virtue of the separation distance, and architectural approach, it is considered that the proposal would not give rise to any detrimental impact on the residential amenity of existing residents.

## **7.0 Planning Balance**

7.1 As set out above the starting point for determination of this application is the conflict with Policy HOU4, to which substantial weight should be applied. The presumption is against the grant of permission given the conflict with policy HOU4 and as such permission should be refused unless material planning circumstances indicate otherwise.

7.2 There are some benefits to the proposal in that the provision of a single dwelling would contribute, albeit in a very limited way, to the housing supply in the Borough and to the economy.

7.3 Notwithstanding the previous proposal under permitted development rights, these rights have been lost and the proposal would introduce an alien feature into the landscape which is designated as a Landscape Protection Zone. The design of the building, whilst reflecting the utilitarian nature of the pre-existing building, would not contribute to the character of the area. It is not of high quality design as required by the NPPF and does not respect the form, character and materials of existing characteristic property in the area.

7.3 The proposed dwelling is isolated relative to defined centres, and is not in a location where it would enhance or maintain rural communities. The application would result in an introduction of residential use into a relatively remote rural location and the occupiers of the site would have a high dependence on the car for travel to shopping, leisure, community facilities and other usual travel destinations.

7.4 The impact in terms of residential amenity and highway safety are acceptable, or can be made so planning conditions

7.5 It is concluded that the proposed development is contrary to saved policy HOU4 of the Local Plan and there are no material considerations which justify permission being granted. The application is therefore recommended for refusal.

## **RECOMMENDATION Refuse**

### **Reasons:**

- 1 The proposed development conflicts with Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 in that the site lies outside the defined residential development boundary of the settlement in a location where new housing is strictly controlled.
- 2 The site is located beyond any defined residential development boundary and is remotely located relative to the nearest amenities and facilities and is not served by adequate footways, cycleways, or public transport facilities. The proposal would therefore increase reliance on the private motor vehicle, contrary to the National Planning Policy Framework (2012) and policy TPT1 of the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 3 The proposed development, by reason of its prominent siting, general form and detailed design would form a discordant feature which would harm the character and appearance of the area within the designated Landscape Protection Zone. As such the proposed development would not represent sustainable development and would conflict with the National Planning Policy Framework, saved Policy LND3 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and Policy SD7 of the Proposed Main Modifications version of the Joint Core Strategy.

### **Note:**

#### **Statement of Positive and Proactive Engagement**

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

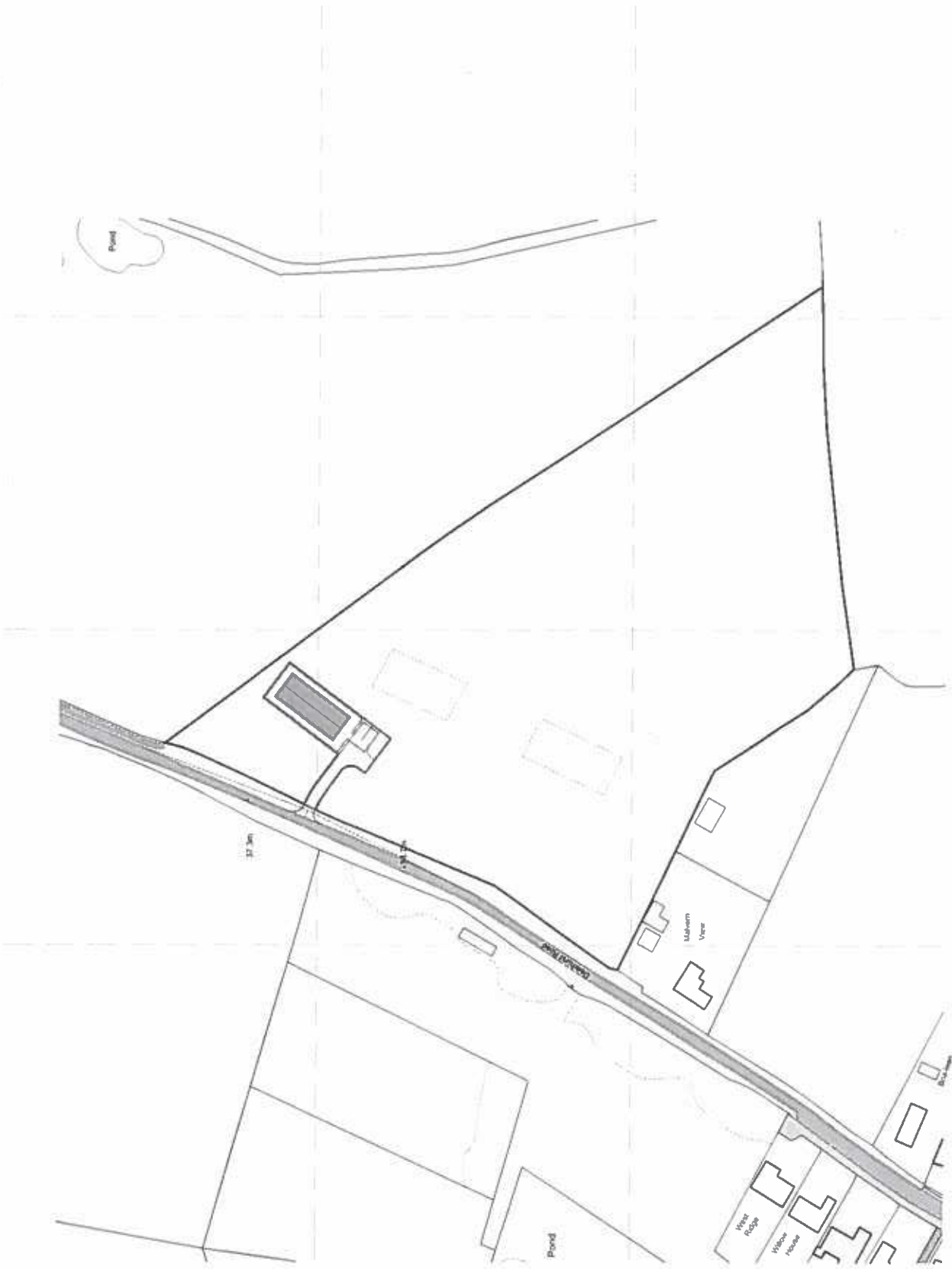
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Revision	Date	Description

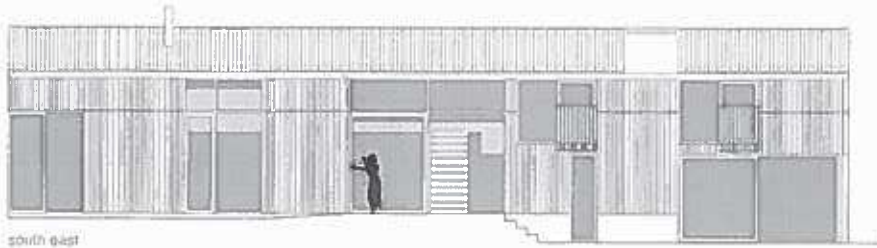
Richard Baldwin - Crinio Rust  
 Proposed New Dwelling House  
 Location Plan  
 1:1250 at A3  
 July 16  
 1832 1000.dwg  
 1832 1000

**GLAZZARD ARCHITECTS**  
 CLIENT: Grangers Pootan 1711-5  
 PROJECT: Unit 9, St. Barn's Church  
 DRAWING NO: 1711 2DA  
 SCALE: 1:1250  
 DATE: July 16  
 FILE: 1832 1000.dwg  
 REVISION: 1832 1000  
 Clay Street, Worcester, WR1 2DA  
 01905 757511 glazzards.com

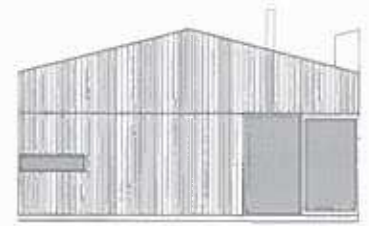


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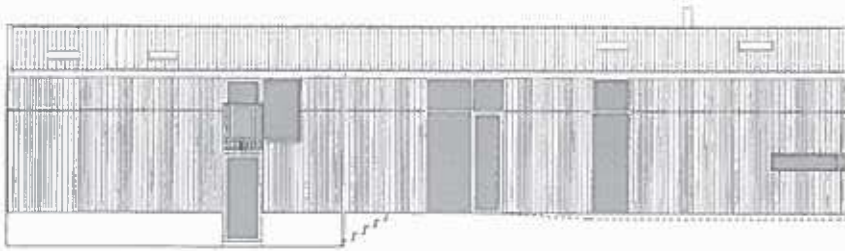




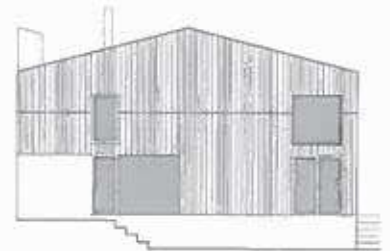
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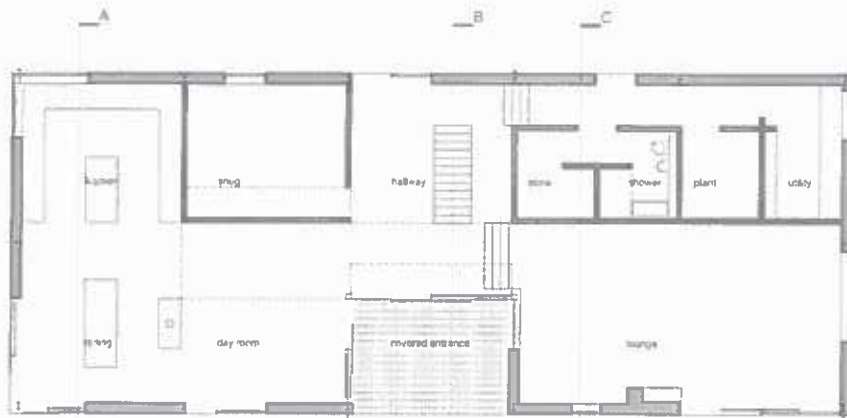
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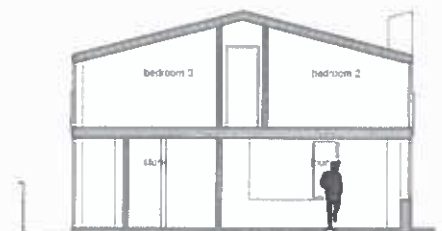


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15732B

17/00358/FUL

Hillend Farm, Hillend, Twyning

4

Valid 20.04.2017

Proposed refurbishment / reconstruction of 3nos. existing brick built farm buildings at Hill End Farm to create two holiday cottages and annex accommodation for the main farmhouse.

Grid Ref 390218 237652

Parish Twyning

Ward Twyning

Mrs Lorna Williams  
Hillend Farm  
Hill End Road  
Twyning  
TEWKESBURY  
GL20 6DW

## **RECOMMENDATION Permit**

### **Policies and Constraints**

#### **NPPF**

Planning Practice Guidance

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Local Plan - TPT1, LND4, LND7, HOU4, NCN5, TOR1

Joint Core Strategy Main Modifications - Policies SD5, SD7, SD9

Within the curtilage of a Grade II Listed Building - Hillend Farmhouse

Public Right of Way (ATW/18/1)

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**

Twyning Parish Council - No objection

County Highways - No objection - recommended planning conditions

Conservation Officer - No objection

Natural England - No objection - standing advice

County Archaeologist - No objection

Local Residents - No local representations received

**Planning Officers Comments:** Miss Lisa Dixon

### **1.0 Application Site**

1.1 The application relates to a Grade II Listed, red-brick/timber frame farmhouse and its associated brick outbuildings, located within a cluster of properties known as Hillend, to the north of Twyning village. The site also comprises 3nos. timber clad, former chicken sheds.

1.2 The site no longer operates as a working farmstead and the former farm-buildings are now largely redundant or utilised for ancillary storage in connection with the main house.

1.3 The farmhouse itself has been extensively renovated/restored. The farm buildings however, are in various states of disrepair.

The buildings in question comprise 2nos. traditional, single-storey brick buildings with pitched slate and corrugated metal roofs and a more modern, two-storey, flat-roof building, located adjacent to the main farmhouse.

1.4 Due to their relative modernity, the buildings are not considered by the Conservation Officer to be curtilage listed and therefore, Listed Building Consent is not required in respect of the current proposal.

1.5 The site lies within an undesignated rural area and is adjoined to the north and east and by open fields. To the north-east of the site lies an operational nursery business and its associated glasshouses and to the immediate south is a cluster of redundant farm buildings which lie outside of the applicants' ownership.

1.6 Two Public Rights of Way cross the site and continue on to the east and north-east See attached location plan.

## 2.0 Relevant Planning History

2.1 Planning permission and Listed Building Consent were granted in May 2003 for repairs and alterations including extension to the existing farmhouse - Planning ref: 03/00324/FUL & Listed Building Consent ref: 03/00325/LBC.

2.2 Planning permission and Listed Building Consent were refused in March 2005 for a proposed extension to form a garden room - Planning ref: 05/00059/FUL & Listed Building Consent ref: 05/00060/LBC.

## 3.0 Current Application

3.1 The current application seeks to reconstruct the existing 'L - shaped' buildings within the site, broadly on the same footprint as existing. Two of the buildings would provide 2nos. bedroom, self-contained holiday-let accommodation. 'Barn 1' would also include an additional 'bed deck' within the roof space. The new building located closest to the main farmhouse would be utilised as self-contained ancillary accommodation for the house and comprise open-plan living area/kitchen and bathroom with office above.

3.2 The proposed scheme would utilise the existing main entrance and driveway for cars and pedestrians, with 4nos. new parking spaces provided for the holiday cottages adjacent to the accommodation for ease of access. These would also be set back from the driveway so as not to interrupt the approach to the existing farmhouse and new soft landscaping is also proposed to soften and demark this area. An element of private external amenity spaces is proposed for the holiday-lets, orientated away from the main farmhouse in order to maintain privacy/residential amenity.

3.3 The proposed new usage largely adopts the same footprint as the existing but with modest amendment to the ridge lines of the roofs. A new pitched roof over 'Barn Three' (ancillary accommodation) is proposed in place of the unsympathetic existing flat roof. The proposed buildings are noted within the submitted design and access statement, to draw their inspiration from the architectural typology of the original brick farm buildings but to represent a contemporary interpretation of the more traditional form. Consideration has been given into avoiding overtly domestic detailing that may dilute the character and identity of the building grouping and that may compete visually with the existing house.

3.4 The new buildings are all proposed with facing brick walls with a brick to match the existing, bedded on lime mortar, all under pitched clay tile roofs. Full height glazing / sliding doors would address the private amenity spaces and larch timber cladding is proposed to reinforce the agricultural character and subservient nature of the buildings (See attached existing and proposed plans).

## 4.0 Policy Context

4.1 At the heart of the NPPF is a presumption in favour of sustainable development, of which there are three dimensions: economic, social and environmental. The NPPF does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning authorities having an up to date plan. According to paragraph 215 of the Annex 1 to 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). The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

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

4.3 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. Policy TOR1 of the Local Plan provides general support for tourism. Policy TOR1 sets out that new serviced/self-catering holiday accommodation will not be permitted outside Residential Development Boundaries except where this results in the renovation and improved use of buildings.

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

4.5 Framework Paragraph 109 sets out the requirement to protect and enhance valued landscapes. The advice regarding protecting landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being is reflected with Policy SD7 of the Main Modifications Version of the Joint Core Strategy (MMJCS).

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

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

## **5.0 Analysis**

### **Principle of development**

5.1 The application site lies outside of a recognised settlement boundary, as defined by the Tewkesbury Borough Local Plan. On 31st January the Council approved for consultation the latest draft of the Joint Core Strategy (JCS). In doing so the Council approved the Objectively Assessed Need (OAN) for Tewkesbury which stands at 9,899. It is considered that this figure is robust having been arrived at following detailed consideration through the Examination in Public process. Following from the OAN there is an annual requirement to meet Tewkesbury's needs of 495 dwellings. Using this robust figure, taking into account current supply, the Council can demonstrate a 5.3 year supply with a 20% buffer applied.

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

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

5.4 The NPPF recognises the need to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28). The Local Plan supports tourism as a rural business in general however policy TOR2 restricts the development of holiday lets in rural areas to conversions. Further, the NPPF at paragraph 131 provides that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness.

5.5 Whilst there is clear conflict with HOU4, there are other material considerations which must be taken into account in the overall planning balance.

### **Design and Landscape Impact**

5.6 The site lies within an undesignated rural area and is readily visible in the landscape due to 2nos. PRoW which cross the site.

5.7 The proposed holiday lets and ancillary building would be situated adjacent to main farmhouse, following the footprint and form of the existing 'L-shape' range of former farm buildings. The proposed scheme would retain the traditional scale and form, together with the traditional relationship of the buildings to the main farmhouse and historic farmstead.

5.8 The proposal is considered to be visually attractive in architectural terms and therefore, not considered to have a harmful impact on the character and appearance of the countryside in this particular location. The buildings would remain well-related to the farmstead setting and wider rural context and as such, the proposal is considered to be acceptable in landscape terms in accordance with Section 11 of the NPPF, Policy SD7 of the MMVJCS and Policy LND4 of the Local Plan.

### **Impact on the setting of the listed building**

5.9 The Conservation Officer has been consulted with regard to the impact of the proposal upon the setting of the Grade II Listed farmhouse. The CO noted that the present buildings are a mixture of small scale brick buildings reminiscent of wartime utility construction and later portal framed and timber poultry sheds. None of these qualify as curtilage-listed and, whilst utilitarian buildings are often found in historic farmsteads, are considered to have a negative impact on the setting of the listed building.

5.10 Farm characterisation research has stressed the importance of understanding farmstead layouts in recent years, and it is clear that regardless of their quality, the domestically-scaled post-war brick buildings in particular do help provide a context for the farmhouse. There has always been support for new work to restore lost elements within a farmstead if they add to its legibility and this can be extrapolated to the present proposal. In replicating their footprint and massing, albeit with greater architectural refinement, the current scheme minimises the net change to the overall setting of the farmhouse whilst providing buildings whose quality is a more appropriate foil to a listed building.

5.11 As such, the CO has raised no objection to the scheme. Overall it is considered that the proposal would, through the construction of high quality buildings which restore lost elements of the farmstead, enhance the significance of the historic asset, in accordance with paragraph's 131 and 132 of the NPPF. This is a significant benefit which weighs in favour of the application.

### **Highway Safety**

5.12 Policy TPT1 seeks to ensure that any traffic generated development can be safely accommodated and that the development itself can be safely accessed.

5.13 The proposed scheme would utilise the existing main entrance and driveway for cars and pedestrians with new parking spaces provided for the holiday cottages adjacent to the accommodation for ease of access. The parking spaces would also be set back from the driveway so as not to interrupt the approach to the existing farmhouse.

5.14 Two parking spaces per holiday let would be provided. No additional parking is proposed for the annex, however this accommodation would be ancillary to the main farmhouse and as such, there would be no requirement for additional parking to serve this building. Waste and re-cycling are proposed to be undertaken by the applicants as an extension to the current arrangements.

5.15 The County Highways Officer has advised that a holiday let would create an increase in vehicular trips (2-4 trips) to the site but these vehicular trips are not considered to represent a large increase to the highway network and are limited due to the number of months the holiday let is occupied in a year. In conclusion, the CHO considered that there would not be a significant increase in vehicular trips to the site that would increase the impact of highway safety on the local road network and therefore raised no objections, subject to appropriate planning conditions.

## **Residential Amenity**

5.16 The proposed annex accommodation would be sited in close proximity to the main farmhouse, on the site of the existing two-storey, flat-roof building and would provide open-plan living space/kitchen, bathroom and first floor office, in conjunction with the main house. Policy HOU8 of the Local Plan provides that extensions to existing dwellings (including separate ancillary buildings) will be permitted provided that the proposal respects the scale, character and proportion of the existing, or where appropriate, original dwelling and does not result in unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking. It is considered that the close proximity of the proposed annex to the main farmhouse would render it unsuitable for separate residential use. As such, it is proposed to tie the building as ancillary to the main house and this is in accordance with the applicant's requirements for the building to function as ancillary accommodation to the main house.

5.17 The nearest proposed holiday let would be located some 18 metres distance from the nearest residential property of 'Sunnyside'. Due to the relative distance and orientation of the holiday let in relation to Sunnyside, it is considered that there would be no detriment to residential amenity by reason of overlooking or loss of privacy, to neighbouring properties, as a result of the development.

5.18 The holiday lets would be provided with an area of private amenity space, located adjacent the southern elevations of the buildings and therefore, away from the main farmhouse. Whilst there would be no physical separation/screening of the site in order to separate the holiday lets from the main house, it is considered that an adequate degree of separation would exist by reason of the intervening annex building and the orientation of amenity spaces to serve to new units.

### **Other issues - Noise/disturbance**

5.19 The proposed new holiday lets would be sited in close proximity to existing disused farm buildings which lie outside of the application site within alternative ownership. Whilst it is noted that the buildings have remained disused for some time, it is nevertheless, also of note that they could be utilised for agricultural purposes as part of the adjoining farm holding.

5.20 The Environmental Health Officer has been consulted in this regard and has advised that the holiday let use of the buildings would render their occupation more transient than general residential use. As such, the EHO considered that holiday let use would be more appropriate than general residential use, due to the potential for the adjoining site to become operational once again and the ensuing potential for noise/odour disturbance which could result.

## **6.0 Conclusion and Planning Balance**

6.1 As set out above the starting point for determination of this application is the conflict with Policy HOU4, to which substantial weight should be applied.

6.2 The site is located in a reasonably accessible location, in close proximity to a named Service Village in the emerging JCS, with access to the local services and facilities it possess. The proposal would support rural business and would create economic benefits.

6.3 As set out above, the proposals would help restore lost elements of the historic farmstead, replacing existing post war utilitarian buildings with those of a much higher quality design. The scheme is therefore considered to represent an enhancement to the setting of the heritage asset and this weighs significantly in favour of the proposal in the overall planning balance.

6.4 It is further considered, that the proposed siting of the development would retain the historic context of the farmstead and result in no detriment to the context of Hillend settlement or the wider rural landscape.

6.5 Whilst the conflict with Policy HOU4 is not underestimated, it is considered that material considerations exist in this case to justify a departure from policy HOU4. The proposal 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 following approved plans;  
HND-(S)-001 Existing site plan; HND-(S)-002 Existing ground floor plan; HND-(S)-005 Existing elevations; HND-(P)-102 Rev B Proposed ground floor plan; HND-(P)-104 Rev B Proposed Elevations; HND-(P)-105 Rev B Proposed elevations; HND-(P)-160 Rev B Proposed sections; all received by the Local Planning Authority on 27.03.2017 and HND-(S)-000 Site location plan, received on 20.04.2017.
- 3 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
  - i. specify the type and number of vehicles;
  - ii. provide for the parking of vehicles of site operatives and visitors;
  - iii. provide for the loading and unloading of plant and materials;
  - iv. provide for the storage of plant and materials used in constructing the development;
  - v. provide for wheel washing facilities;
  - vi. specify the intended hours of construction operations;
  - vii. measures to control the emission of dust and dirt during construction
- 4 The building(s) hereby permitted shall not be occupied until the vehicular parking [and turning] [and loading/unloading] facilities have been provided in accordance with the submitted plan HND-(P)-102 Rev B, and those facilities shall be maintained available for those purposes thereafter.
- 5 The development hereby permitted shall be carried out wholly in accordance with the submitted Protected Species Survey Report (ref:009/17, dated 02.03.2017) and accompanying Method Statement for Demolition of buildings (ref:009/17), both received by the Local Planning Authority on 27.03.2017.
- 6 The external materials used within the development hereby approved shall be wholly in accordance with drawing no.HND-(P)-104 Rev B, detailed as follows;  
Walling: Red brick reclaimed from site, supplemented with brick to match if required;  
Horizontal Siberian Larch cladding with natural weathered finish;  
Roofing: Plain clay tiles to match main farmhouse such as Marley Eternit Canterbury Handmade;  
Windows: Powder coated aluminium double glazed;  
Dormer: Zinc cladding;  
Balustrade: Structural glass  
External doors: Hardwood with natural, weathered finish.
- 7 Before work starts, details of the proposed roof lights at a minimum scale of 1:5 shall be submitted to and approved in writing by the Local Planning Authority. The roof lights shall be constructed in accordance with the approved drawings.
- 8 The building hereby approved labelled within the approved drawings as 'Barn Three' shall be used in association with and as ancillary to the main farmhouse known as 'Hillend Farm'.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no enlargement or alteration, private car garages, garden sheds, gates, fences, walls, other means of enclosure, or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.
- 10 The buildings hereby permitted and labelled within the approved drawings as 'Barn One' and 'Barn Two' shall be used as holiday units only and shall not be occupied by any family or group for more than two months in any one period of a 12 month period.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.
- 4 To ensure that 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.
- 5 In order to protect wildlife and ecology within the area in accordance with the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 6 To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building in accordance with the NPPF.
- 7 To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building in accordance with the NPPF.
- 8 The building is not suitable for separate residential occupation due to its proximity to the main dwellinghouse and the resulting lack of privacy/overlooking to both buildings.
- 9 To protect the visual amenity of the area and the setting of the heritage asset in accordance with the NPPF, Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policy LND3 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
- 10 The units are not appropriate for general residential use by reason of their close relationship to the main dwellinghouse within the site and resulting lack of privacy/overlooking to occupiers of all buildings. Furthermore the units would not be suitable for general residential use given their proximity to agricultural buildings.

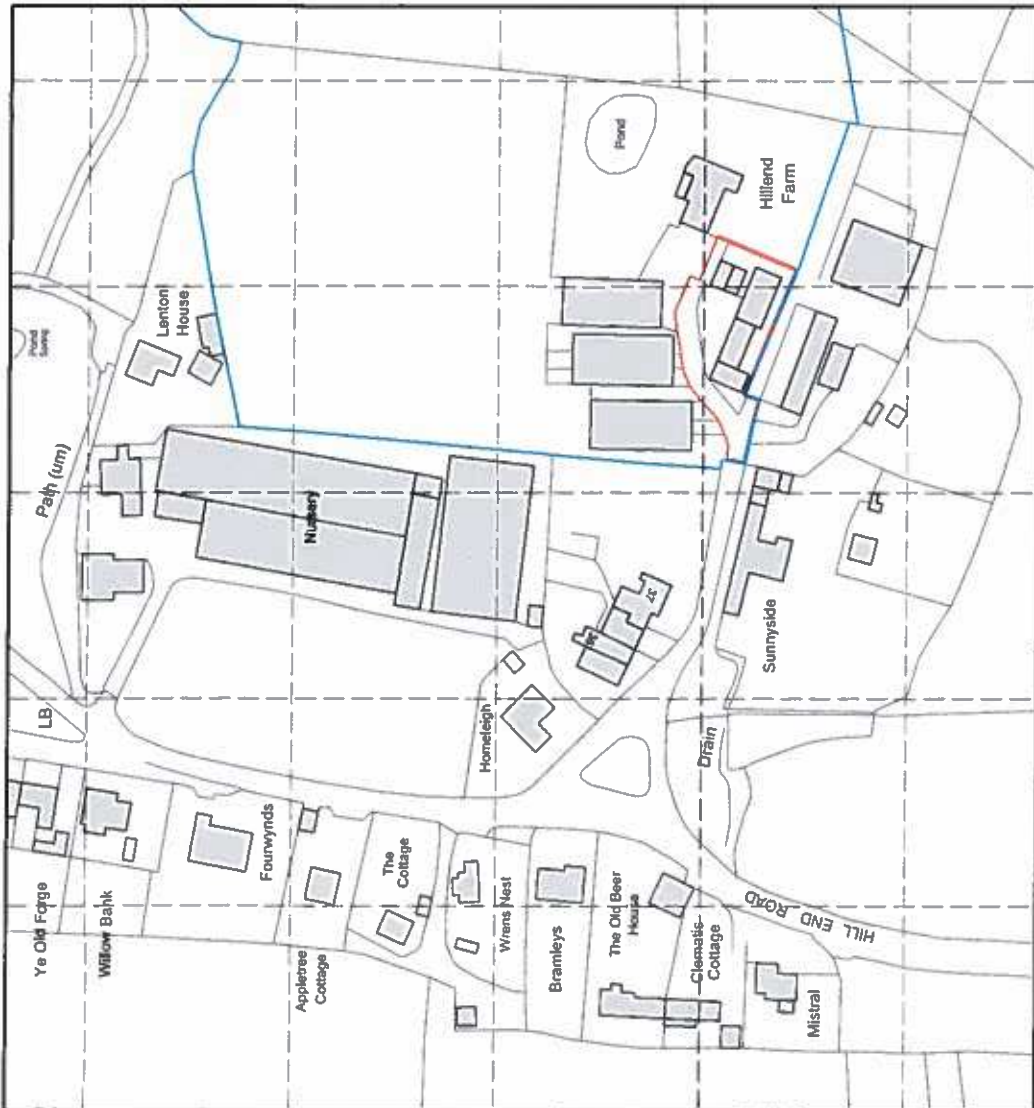
Note:

**Statement of Positive and Proactive Engagement**

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



17/00358 / FULL - HILLENDO FARM



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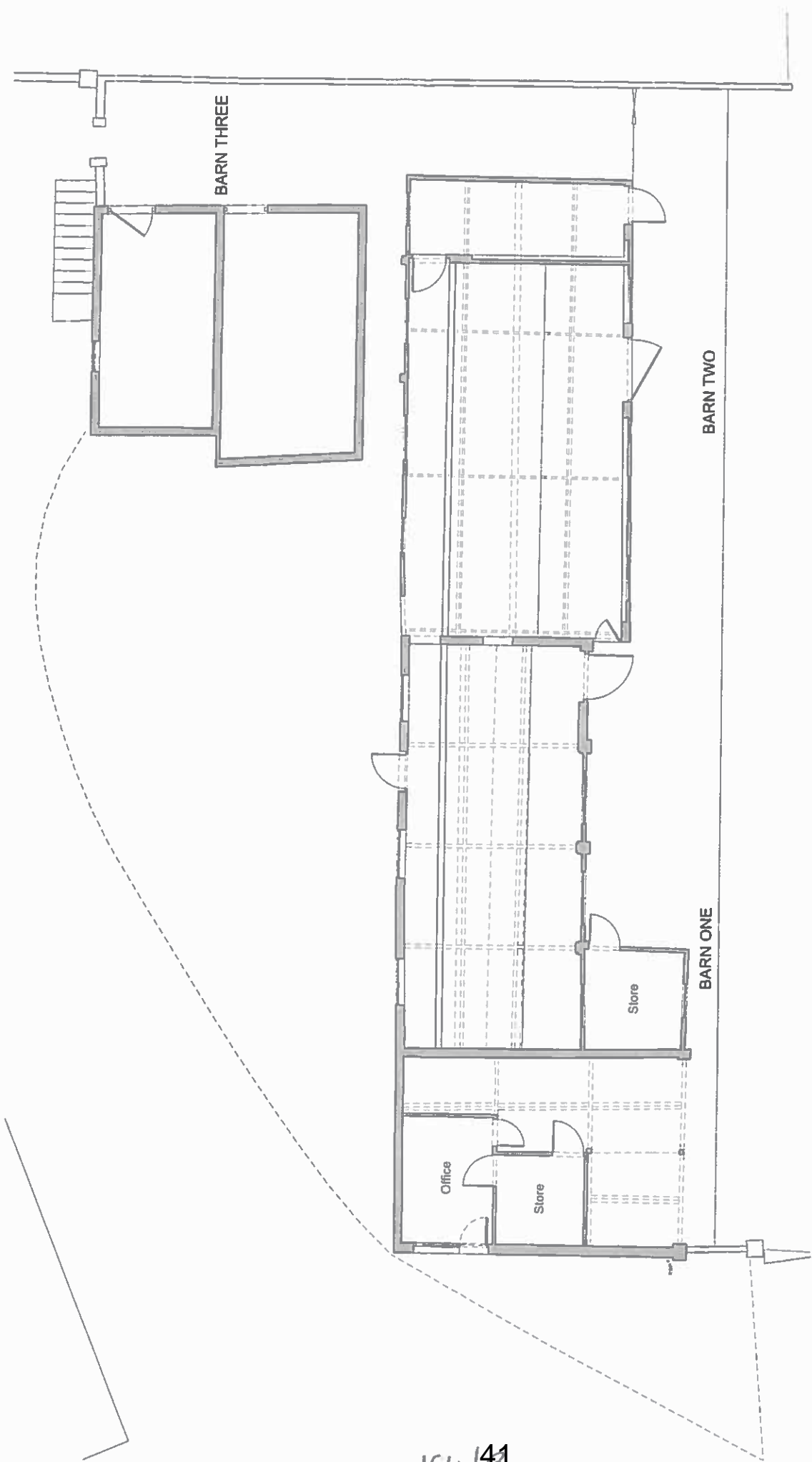
164/A 40



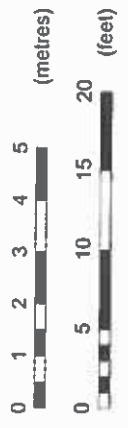
REV A - Planning Application - March 2017

<b>MUNGO PARK ARCHITECTS</b> ARCHITECTS   PLANNERS   DESIGNERS		TITLE: H.N.D. - HILL END FARM, TWYNING, TEWKESBURY, GLOS Site Plan - Existing	
DOUBLE GATE FARM BUSKLEY TEWKESBURY GLOS. GL20 6HR T: 01694 274848 E: mark@mungo-park.co.uk W:www.mungo-park.co.uk		DRG. NO: HND (S) 000	SCALE: 1:1250 @ A3
		DATE: March 2017	REV: A

17/00358 / Full . Existing



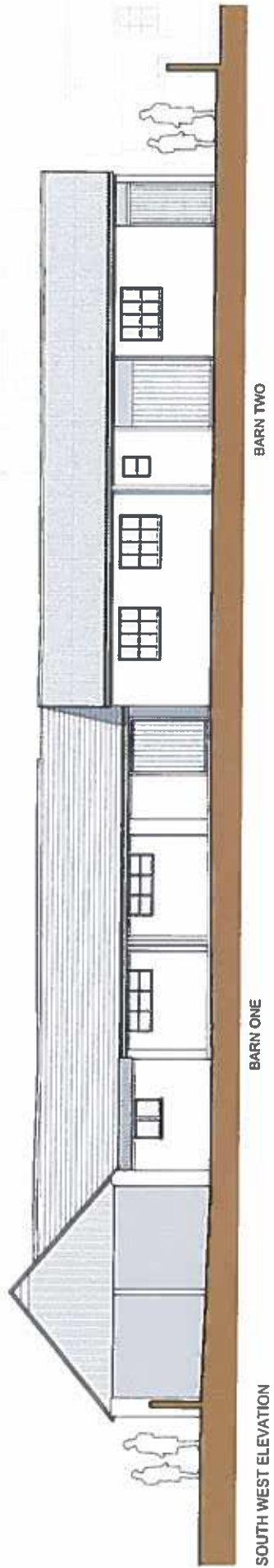
164/41



REV A - Planning Application - March 2017

<b>MUNGO PARK ARCHITECTS</b> ARCHITECTS   PLANNERS   DESIGNERS		TITLE: H.M.D. - HELLEND FARM, TWYNING, TENNESBURY, GLOS Barn Plans - Existing	
DOUBLE GATE FARM BUSHLEY TENNESBURY GLOS. GL20 6HR T: 01654 274848 E: mal@mungo-park.co.uk W: www.mungo-park.co.uk		DRG. NO: HND-(S)-002	SCALE: 1:100@A3
		DATE: March 2017	REV: A

17/00358 / FULL - EXISTING

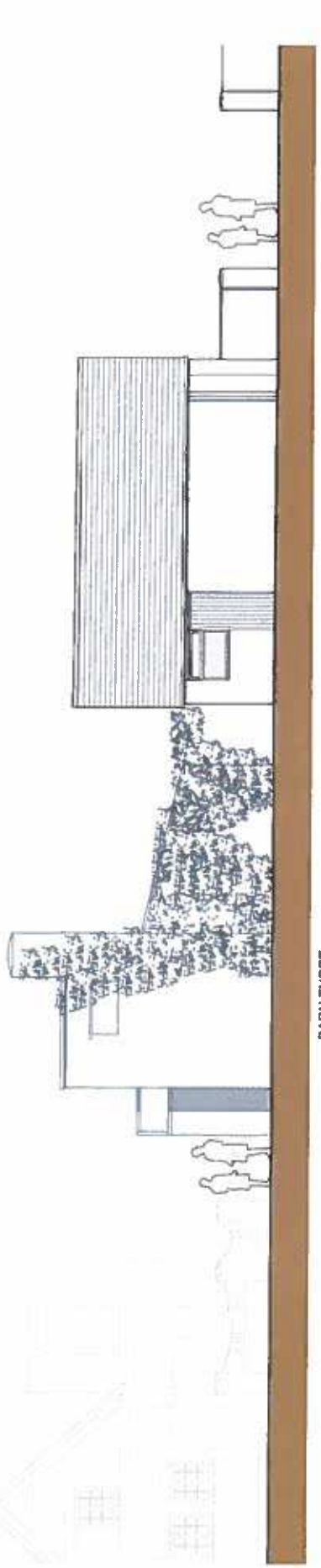


SOUTH WEST ELEVATION

BARN ONE

BARN TWO

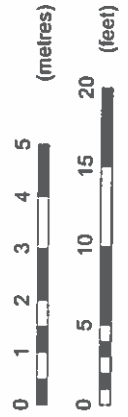
1642C



NORTH WEST ELEVATION

BARN THREE

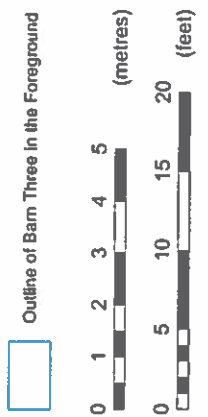
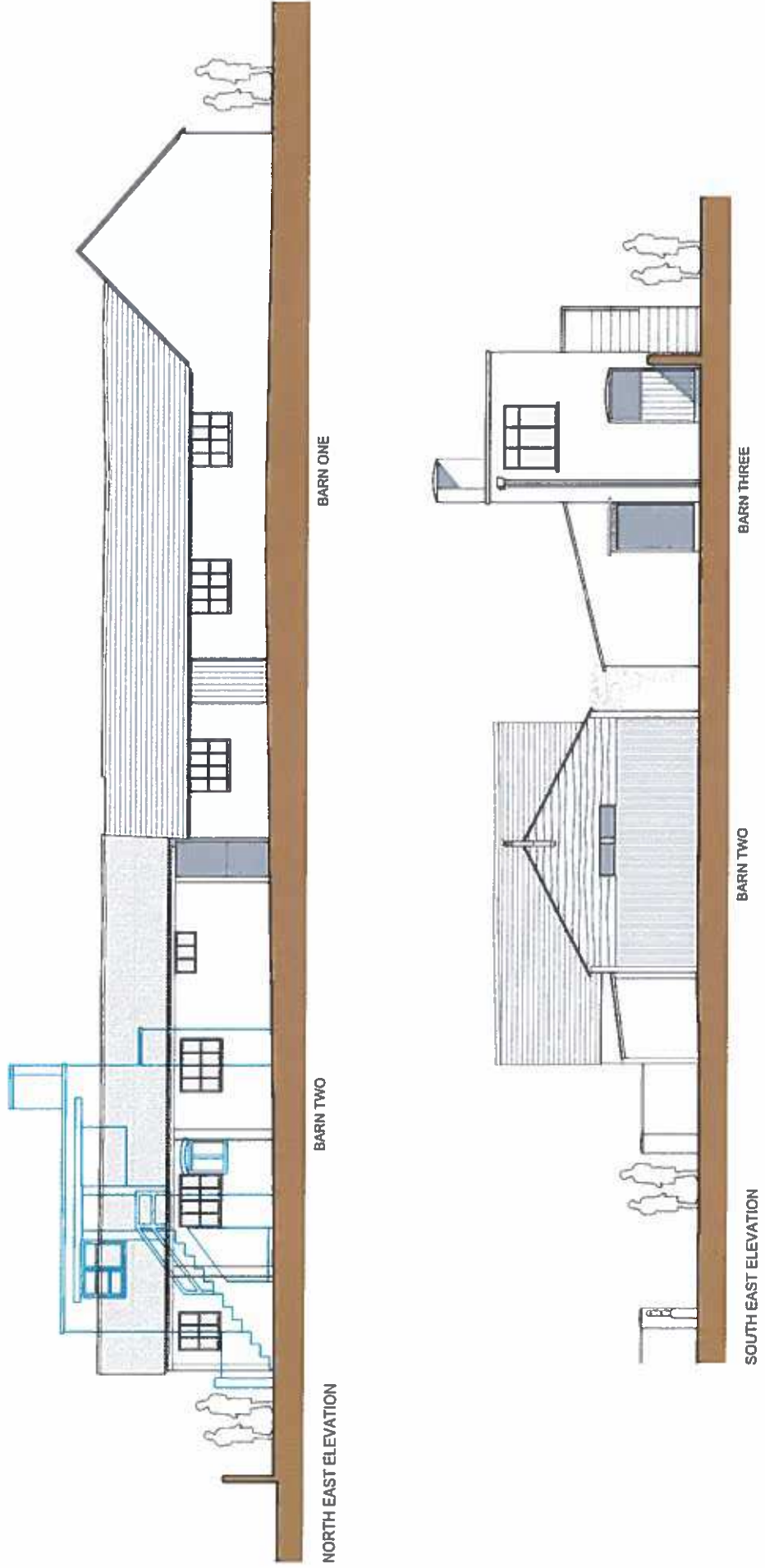
BARN ONE



REV A - Planning Application - March 2017

<b>MUNGO PARK ARCHITECTS</b> ARCHITECTS   PLANNERS   DESIGNERS		Barn Elevations - Existing	
TITLE: H.N.D. - HILL END FARM, TWYNING, TEWKESBURY, GLOS			
DOUBLE GATE FARM BUSHLEY TEWKESBURY GLOS GL20 6HR T: 01883 274846 E: mail@mungo-park.co.uk W: www.mungo-park.co.uk		DRG. NO: HND-(S)005	SCALE: 1:100@A3
		DATE: March 2017	REV: A

17/00358/FULL EXISTING

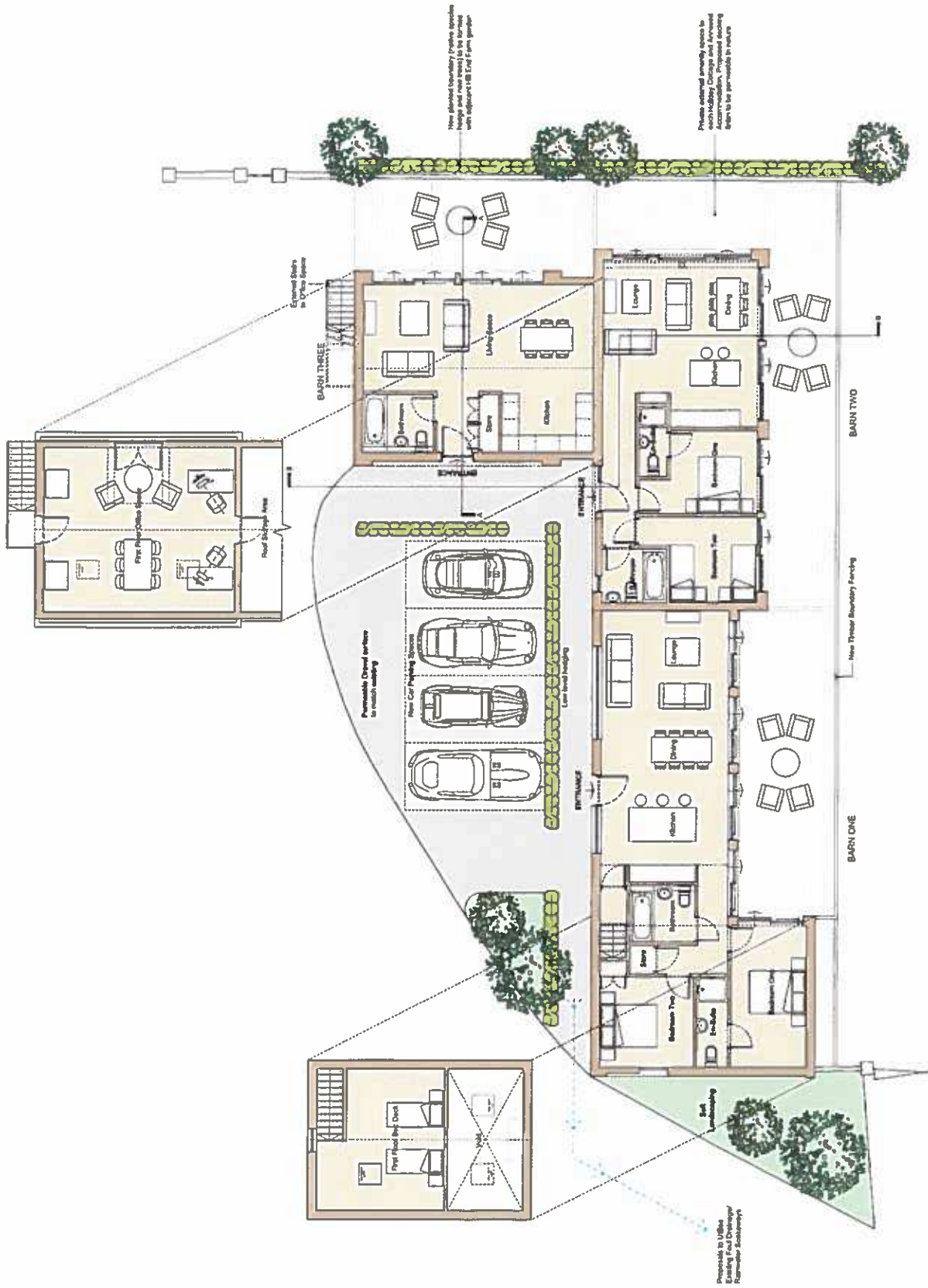


164430

REV A - Planning Application - March 2017

<b>MUNGO PARK ARCHITECTS</b> ARCHITECTS   PLANNERS   DESIGNERS		TITLE: H.N.D. - HILL END FARM, TWYNING, TEWKESBURY, GLOS Barn Elevations - Existing	
DOUBLE GATE FARM BUSHLEY, TEWKESBURY GLOS, GL20 6HR T: 01684 274848 E: mail@mungo-park.co.uk W: www.mungo-park.co.uk		DRG. NO: HND-(S)-006	SCALE: 1:100@A3
		DATE: March 2017	REV: A

17/00358 / Full. Proposed Layout / Floor Plans



REV B - Planning Application - March 2017

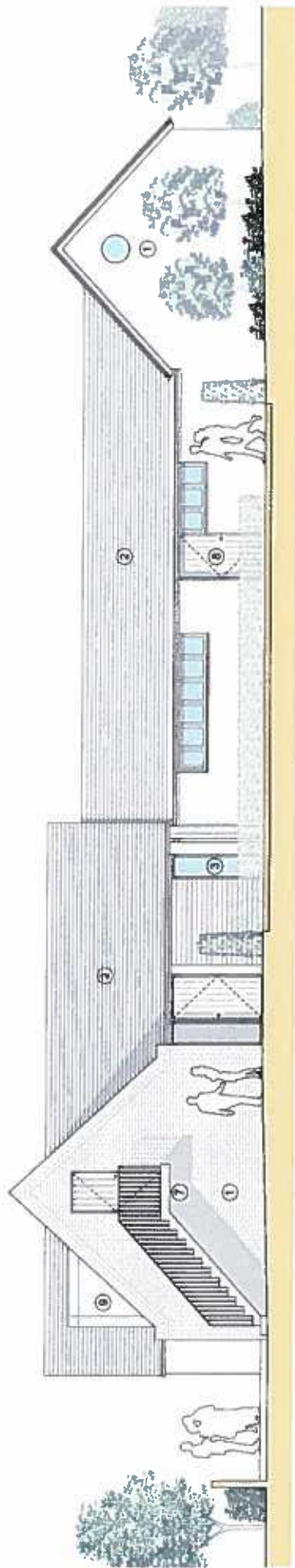
TITLE: H.V.D. - H.L. BIG FALM TOWN, TEWKESBURY GLDS Barn Ground Floor Plans - Proposed	DRG. NO: -HXP-102	SCALE: 1:100A2
MUNGO PARK ARCHITECTS ARCHITECTS   PLANNERS   DESIGNERS	DATE: March 2017	REV: B
DOUBLE GATE FARM, BISHLEY, TEWKESBURY, GLOS. GL20 2JF T: 01454 374844 E: mungoparkarchitects@bt.com		

BARN ONE (PROPOSED HOLIDAY LET): 3 Bedroom. Approx. Gross Internal Area: 111.0sq.m  
 BARN TWO (PROPOSED HOLIDAY LET): 2 Bedroom. Approx. Gross Internal Area: 85.0sq.m  
 BARN THREE (ANNEXED ACCOMMODATION): Approx. Gross Internal Area: 40.5sq.m  
 OFFICE SPACE (ANNEXED ACCOMMODATION): Approx. Gross Internal Area: 40.0sq.m

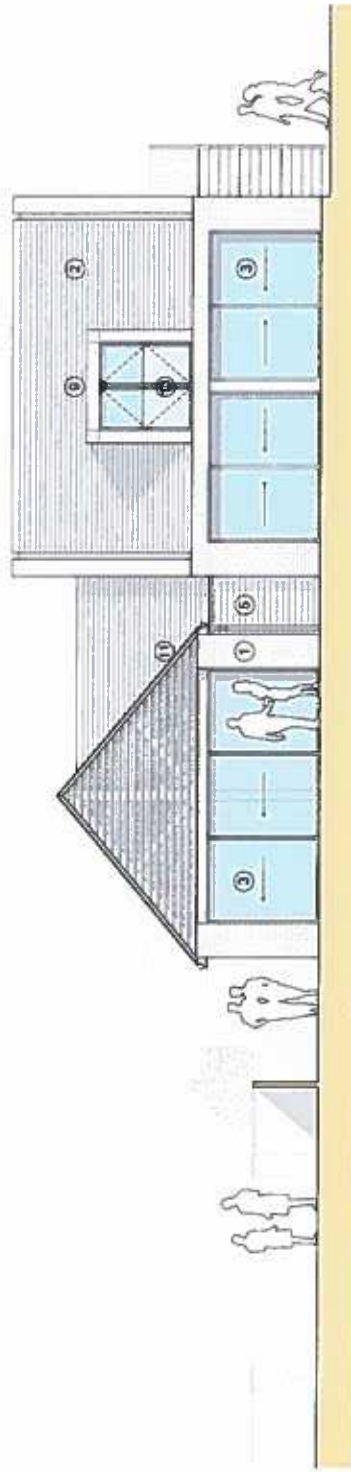
0 1 2 3 4 5 (metres)  
 0 5 10 15 20 (feet)

16444

17/00358 / Full - Proposed Elevations



BARN ONE



BARN TWO

BARN THREE

Elevational Materials:

- ① Existing facing red brickwork to be reclaimed and re-used where feasible with new to brickwork to match as necessary.
- ② New plain clay roof tiles to match existing such as Marley Element Canterbury Handmade or similar approved.
- ③ Powder coated aluminium double glazed windows and doors by Velux / FineLine Aluminium or similar approved.
- ④ Rough sawn horizontal Siberian Larch (SIL) timber cladding with natural (weathered) finish by Rustwood or similar approved.
- ⑤ Horizontal Siberian Larch (SIL) timber cladding / rainscreen with natural (weathered) finish by Rustwood or similar approved.
- ⑥ Conservation style rooflights by The Rooflight Company or similar approved set flush into clay tile roof finish.
- ⑦ Cast/formed pre-cast concrete stairs with galvanised steel balustrade.
- ⑧ New hardwood external doors (reveloatly Larch) with natural (weathered) finish.
- ⑨ Zinc clad dormer window by VM Zinc or similar approved.
- ⑩ Structural glass balustrade to Juliette Balcony with clamped glass fixing to base.
- ⑪ Horizontal Siberian Larch (SIL) timber brise-soleil with natural (weathered) finish by Rustwood or similar approved.



<b>MUNGO PARK ARCHITECTS</b> <i>ARCHITECTS   PLANNERS   DESIGNERS</i>		TITLE: H.N.D. - HILL END FARM, TWYNING, TEWKESBURY, GLOS Barn Elevations - Proposed	
DOUBLE GATE FARM BUSHLEY TEWKESBURY GLOS. GL20 6HR T: 01684 274848 E: mal@mungo-park.co.uk W: www.mungo-park.co.uk		DRG. NO: HND-IP-105	SCALE: 1:100@A3
		DATE: March 2017	REV: B

REV B - Planning Application - March 2017

1645F

17/00469/FUL

3 Knights Way, Newtown, Tewkesbury

5

Valid 16.05.2017

Single storey extension to front, side and rear. Loft conversion with rear dormer.

Grid Ref 390560 233001

Parish Tewkesbury

Ward Tewkesbury Newtown

Mr M Parsons  
3 Knights Way  
Newtown  
Tewkesbury  
Gloucestershire  
GL20 8DY

## **RECOMMENDATION Permit**

### **Policies and Constraints**

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU8 & EVT5

JCS Proposed Main Modifications

### **Consultations and Representations**

**Tewkesbury Town Council** - Objection, the Town Councils concerns are summarised below:

- Overdevelopment of the site and question the proposed dormer size and design
- Concerns about privacy and encroachment for neighbouring properties

**Local residents** - No representations received

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

**Planning Officers Comments:** Mr James Lloyd

### **1.0 Application Site**

1.1 This application relates to 3 Knights Way, Newtown, a semi-detached property located Newtown to the east of Tewkesbury. The property is located within an established residential estate of similar dwellings (see attached site location plan).

1.2 The Environment Agency (EA) flood zone maps indicate that the site is located within flood zone 2 (land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding).

### **2.0 Relevant Planning History**

2.1 None

### **3.0 Current Application**

3.1 The current application is for the erection of a single storey front, rear and side extension and the erection of a rear dormer roof extension. (see attached plans).

3.2 The single storey extensions would provide additional internal living accommodation, a porch and an integral garage. The dormer roof extension would facilitate a loft conversion and would provide additional floor space for a third bedroom on this level.

3.3 It is proposed that the single storey extensions are finished in smooth render and the roof extension is tile hung to match the existing roof of the original building.

## 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. It states good design is a key aspect of sustainable development and is indivisible from good planning.

4.2 Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 sets out extensions to existing dwellings will be permitted provided they respect the character, scale and proportions of the existing dwelling and the character and appearance of surrounding development. It stipulates that development should be of a suitable design and materials and should not harm the residential amenity of nearby property. It also requires that proposals do not result in inadequate car parking or manoeuvring space.

4.3 Policy HOU8 is considered to be consistent with the National Planning Policy Framework (NPPF) and should therefore be afforded full weight when determining this application in accordance with Paragraph 215 of Annex 1 of the NPPF.

## 5.0 Analysis

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

### Design and Impact on Street Scene

5.2 Concerns have been expressed by the Town Council and with regard to the size and design of the proposed scheme and it is suggested that the proposal would represent overdevelopment of the site.

5.3 This area of Tewkesbury is characterised by circa 1950s semi-detached, two storey houses of a similar size and design. The proposed extensions would form a 'wrap around' addition which would comprise of a rear, side and front elements. The side extension would incorporate an integral garage and would be constructed to the east side of the property with an approximate width of 2.9 metres. It would infill the space between the dwelling and its side boundary and would replace the existing car port. The proposed side extension would have a mono-pitch roof that integrates with the front porch and rear extension.

5.4 The front element would include the garage door and a 'wrap around' the front elevation to provide an entrance porch. The front extension would project beyond the building line of the property by approximately 1m and would be faced using smooth render.

5.5 The rear extension would project from the rear of the property by approximately 3.7m and would be constructed with a mono-pitch roof.

5.6 The proposed 'wrap around' extensions would represent a large increase in footprint over and above the original dwelling. The projecting porch/garage element would enhance the appearance of the additions in the street scene. The extension would not project further forward of the building line of the neighbouring properties to the west. The extension would also replace an existing lean-to carport which already in-fills the space between the house and neighbouring boundary. It is considered that the proposed side extension and porch would appear subservient to the main dwelling and would not harm the character and appearance of the surrounding area.

5.7 Furthermore, the proposed single storey rear extension and rear dormer window are also considered to be of an acceptable design. In particular, the proposed rear extension and rear dormer window would not be visually prominent within the street scene and are considered to be of an acceptable size, scale and design and would have an acceptable impact on the locality.

### Residential Amenity

5.8 The proposed side element would extend up to the side boundary with No.2 Knights Way. While it would reduce the separation distance between the properties to approximately 3 metres; there would be no openings on the side elevation of the proposed extension and it is considered that there would be no undue overlooking as a result of the proposed development.



5.9 The rear extension would face into the residential garden of No.3 Knights Way. There are windows and doors proposed on this elevation, however, due to the single storey nature of the extension and the distance from neighbouring properties it is considered that there would be no undue overlooking as a result of the proposed development.

5.10 The proposed box dormer roof extension would create two new window openings at second floor level. The windows would face south towards the rear garden of No.10 Pyke Road. Whilst these window openings would be located at a high level, there would be an intervening distance of approximately 18.5 metres between the proposal and the neighbouring boundary line; there would be no direct window to window relationship due to the orientation of the sites. By virtue of the outlook from the proposed dormer window, the length of the rear garden area within the curtilage of the application site and the sites beyond, it is judged that there would be no significant adverse effect on adjoining occupiers in terms of overlooking or loss of privacy. It is further considered that this would have no significant detrimental impact on adjoining occupiers in terms of overshadowing or overbearing impact.

5.11 The impact of the proposed rear extensions on neighbouring properties has also been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy HOU8 of the Local Plan.

### Flood Risk

5.12 The site is located within Flood Zone 2 as defined by the Environment Agency's most up-to-date flood risk maps. However, the EA do not offer bespoke comments on this type of development. The application has been accompanied by a Flood Risk Assessment (FRA) which confirms that the development will be adequately flood proofed and that the floor levels will be set no lower than the existing floor levels of the property. The development would therefore not be at undue risk of flooding and importantly would not cause additional risks to third party property.

### Other Matters

5.13 The Town Council have raised specific concerns regarding the size and design of the proposed roof extension. The application property benefits from Permitted Development Rights and having fully assessed the application it is worth noting that the proposed roof extension could be constructed without the need for planning permission and would constitute 'permitted development'.

## **6.0 Conclusion**

6.1 Whilst the Town Councils comments have been taken into account, it is considered that the proposal would not result in an unacceptable loss of residential amenity to neighbouring dwellings, would be of an acceptable size and design and there would not be a harmful impact on the surrounding area. The proposal would therefore accord with the NPPF and Policy HOU8 of the Local Plan and is recommended for permission subject to conditions.

## **RECOMMENDATION Permit**

### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with details within the application form and approved plans/drawings Nos. 3.KW.T.PR.01 Rev A, 3.KW.T.SU.01 & 3.KW.T.PR.02 Rev B received by the Local Planning Authority on 2nd May 2017
- 3 The external roof materials of the proposed single storey extensions and the dormer face and cheeks shall match as near as possible the materials of the existing dwelling house (No.3 Knights Way)

### Reasons:

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

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

Note:

**Statement of Positive and Proactive Engagement**

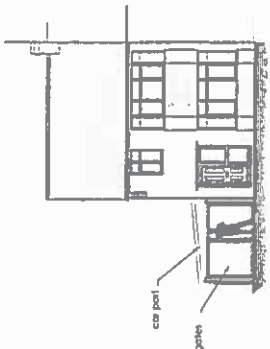
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received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

# 3 KNIGHTS WAY, TEWKESBURY, GLOS

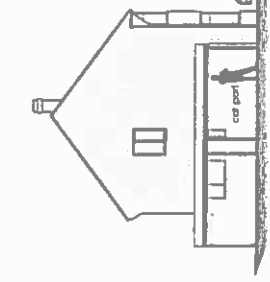
## PROPOSED ALTERATIONS

### SURVEY - AS EXISTING

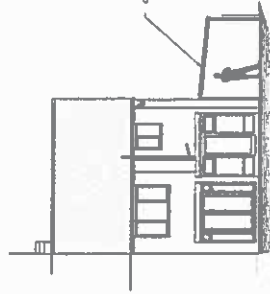
17/00469/FUL



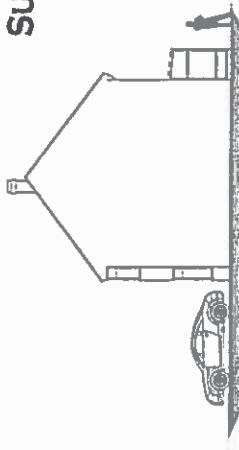
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SCALE 1:100



**EAST ELEVATION**  
SCALE 1:100



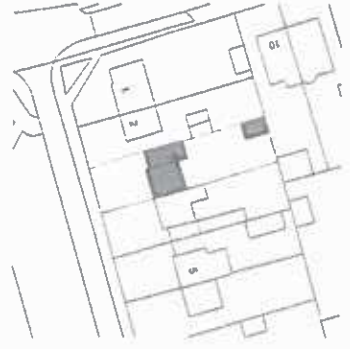
**SOUTH ELEVATION**  
SCALE 1:100



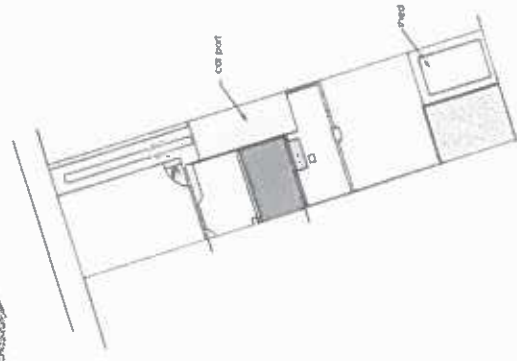
**WEST ELEVATION**  
SCALE 1:100



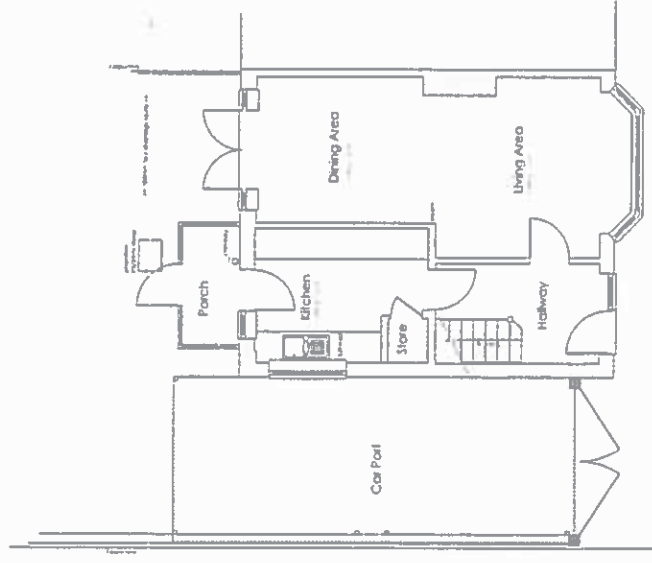
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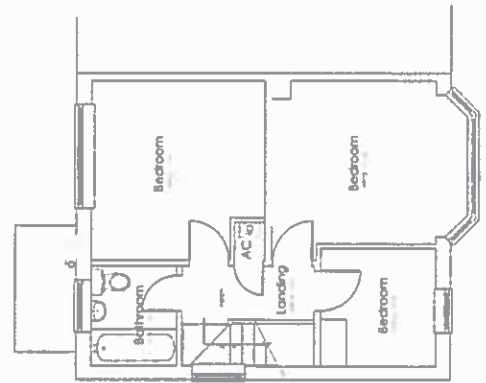
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SCALE 1:500



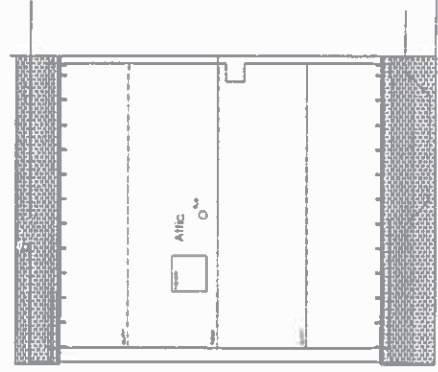
**SITE PLAN**  
SCALE 1:200



**GROUND FLOOR PLAN**  
SCALE 1:50



**FIRST FLOOR PLAN**  
SCALE 1:50



**ATTIC PLAN**  
SCALE 1:50

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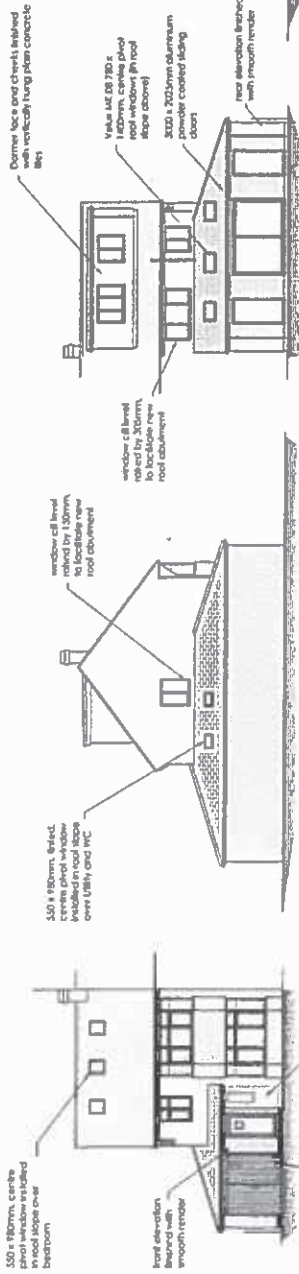
CONSTRUCTION SERVICES  
 3 Knights Way  
 Tewkesbury  
 Glos  
 Survey Drawing As Existing  
 17/00469/FUL  
 3.KW.50.01

# 3 KNIGHTS WAY, TEWKESBURY, GLOS

## PROPOSED ALTERATIONS

## PROPOSED FLOOR PLANS

## AND ELEVATIONS

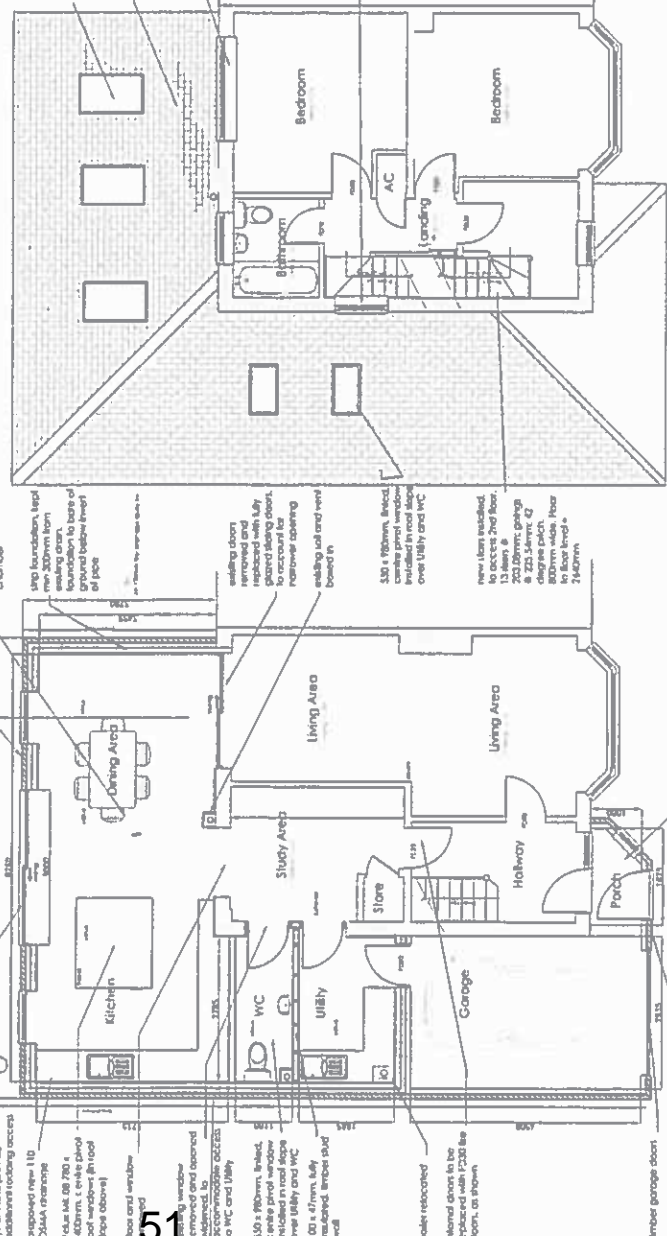


WEST ELEVATION  
SCALE 1:100

SOUTH ELEVATION  
SCALE 1:100

EAST ELEVATION  
SCALE 1:100

NORTH ELEVATION  
SCALE 1:100



FIRST FLOOR PLAN  
SCALE 1:50

GROUND FLOOR PLAN  
SCALE 1:50

ATTIC PLAN  
SCALE 1:50

SITE PLAN  
SCALE 1:200

1	Drawings Issued	28.04.2017
2	As per CAD	1.10.2017
3	As per CAD	1.10.2017
4	As per CAD	1.10.2017
5	As per CAD	1.10.2017
6	As per CAD	1.10.2017
7	As per CAD	1.10.2017
8	As per CAD	1.10.2017
9	As per CAD	1.10.2017
10	As per CAD	1.10.2017

Prepared: Rob Price and C. Jefferys  
 Checked: 3 Knights Way  
 Date: 1.10.2017  
 Scale: 1:50  
 Drawing: 3-KWT-101-01  
 Sheet: A

**CONSTRUCTION SERVICES**

1400 Park Road, Tewkesbury, Glos GL20 1JL  
 Tel: 01292 511111  
 Fax: 01292 511112  
 Email: info@3knightsway.co.uk  
 Website: www.3knightsway.co.uk

17/00646/FUL

6 Maxstoke Close, Walton Cardiff, Tewkesbury

6

Valid 14.06.2017

Single storey rear extension

Grid Ref 390227 231765

Parish Wheatpieces

Ward Ashchurch With Walton  
Cardiff

Mr Darren & Mrs Louise Kimber

6 Maxstoke Close  
Walton Cardiff  
Tewkesbury  
Gloucestershire  
GL20 7RY

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework (2012)

Planning Practice Guidance

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

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

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

**Wheatpieces Parish Council** objects to the proposed development due to the loss of a parking facility, noting that the garage would be altered in such a way that it could no longer be used for car parking. The Parish Council advises that it receives reports from residents on a regular basis in relation to obstructions caused by parked cars on roads on the estate and that they would not wish this to be exacerbated further by the loss of a parking facility.

The application has been publicised through the posting of letters to 2 adjoining properties and the posting of 3 site notices. To date, no letters of representation have been received.

### Planning Officers Comments: Emma Blackwood

#### 1.0 Application Site

1.1 6 Maxstone Close is a two storey detached dwelling with part-brick part-render facing materials, located within the Residential Development Boundary in Walton Cardiff (**See Location Plan**). There is a single detached garage to the southern side of the dwelling and set back from the rear elevation of the dwelling. There is a driveway to the front of this garage (**See Elevations as Existing and Existing Ground Floor Plan**).

#### 2.0 Relevant Planning History

2.1 None

#### 3.0 Current Application

3.1 The application seeks planning permission for the erection of a 6.25 metre deep single storey extension towards the southern side of the rear elevation, which would comprise a garden room. On its southern side, the extension would adjoin the existing detached garage. The proposed extension would have facing brick materials to match the existing dwelling and a fibreglass flat roof, with a lantern light over **See Block Plan, Elevations as Proposed and Proposed Ground Floor Plan**.

3.2 The application also proposes to convert the existing garage into 2 no. store rooms, through the construction of an internal wall. New doors are proposed to be installed on the front elevation of the garage building, and a new door opening would be formed on the rear elevation.

## 4.0 Policy Context

4.1 The development plan comprises the saved policies of the Tewkesbury Borough Local Plan to 2011, March 2006 (TBLP). Other material policy considerations include national planning guidance contained within the National Planning Policy Framework (2012), and the Proposed Main Modifications version of the Joint Core Strategy (MMJCS).

4.2 Policy HOU8 of the TBLP specifies that extensions to existing dwellings will be permitted provided that:

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

4.3 Policy HOU8 of the TBLP further states that, where an extension is capable of being occupied as a separate residential unit, the grant of planning permission will normally be subject to a condition restricting its use to being ancillary to the main dwelling.

## 5.0 Analysis

### Impact on Character and Appearance of Area:

5.1 The proposed extension would be relatively long, but would not project beyond the rear elevation of the existing detached garage. It is considered that it would not unreasonably detract from the existing garden area. The extension would not project beyond the southern side elevation of the principal dwelling. As such it would predominantly not be visible from public vantage points along Maxstoke Close. There is a brick wall approximately 2 metres high along the boundary of the rear garden which is shared with the adjacent highway on Clifford Avenue, which provides some extent of screening.

5.2 It is considered that the design of the proposed extension would be sympathetic in scale, form and materials to the existing dwelling and would respect the character and appearance of the street scene.

5.3 The only external alterations to the garage building would be the installation of new doors on the front elevation and a new door opening on the rear elevation. This is shown on the proposed floor plans, but precise details of the proposed doors on the front elevation are not shown on the proposed elevations. It is therefore recommended that any approval of planning permission is subject to condition for precise details of these doors to be submitted prior to the commencement of building operations, in order to ensure that it would respect the character and appearance of the existing building and that the existing garage building would retain the external appearance of being ancillary to the principal dwelling.

### Impact on Residential Amenity:

5.4 By virtue of the scale and form of the proposed extension, its proximity to adjoining dwellings, and the extent of screening in the form of the existing garage building and boundary treatments, it is considered that there would be no significant adverse effect on adjoining occupiers in terms of overshadowing, overbearing impact or loss of privacy.

### Impact on Highway Safety:

5.5 The application proposes to convert the existing single garage into a store room. Wheatpieces Parish Council objects to the proposed development due to the loss of a parking facility, noting that the garage would be altered in such a way that it could no longer be used for car parking. The Parish Council advises that it receives reports from residents on a regular basis in relation to obstructions caused by parked cars on roads on the estate and that they would not wish this to be exacerbated further by the loss of a parking facility.

5.6 The Gloucestershire County Council Highways Development Management "Standing Advice- Technical Note 2nd Edition: Proposed or Existing Residential Development - 5 dwellings or less" specifies that the minimum internal dimensions for garages are 6 metres by 3 metres, with a 2.4 metre wide access. The existing detached garage measures 5 metres in length and 2.7 metres in width, and has a 2.2 metre wide access. Consequently, this does not comply with the minimum internal dimensions specified within the Standing Advice. As such, the proposed conversion of this building to a store room would not result in the loss of a useable car parking space. Further, there is a driveway to the front of this garage which is approximately 11 metres long and therefore provides off-road parking for 2 vehicles. This driveway would be unaffected by the proposed development. As such, it is considered that a suitable amount of off-road parking spaces would be provided for occupiers of 6 Maxstoke Close, and that the residual cumulative impact of the proposed development on highway safety would not be severe.

## 6.0 Summary

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

### RECOMMENDATION Permit

#### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with details within the application form and approved drawing nos. D.K.1 (Block Plan), D.K.4 (Plans as Proposed) and D.K.5 (Elevations as Proposed) received by the Local Planning Authority on 12th June 2017, and any other conditions attached to this permission.
- 3 The door(s) on the front elevation of the store room hereby permitted shall be installed in strict condition with precise details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained as such thereafter.

#### Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Tewkesbury Borough Local Plan to 2011 (March 2006).
- 3 In order to respect the character and appearance of the existing building, in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).

#### Notes:

- 1 Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

- 2 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 3 A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is £28 per request. The fee must be paid when the request is made.

6. MAXSTOKE CLOSE, TEWKESBURY, GLOS.



LOCATION PLAN - SCALE 1/1250

OS MasterMap 1:2502500/10000 scale  
11 April 2017. ID: CM-00015310  
www.centremap.co.uk

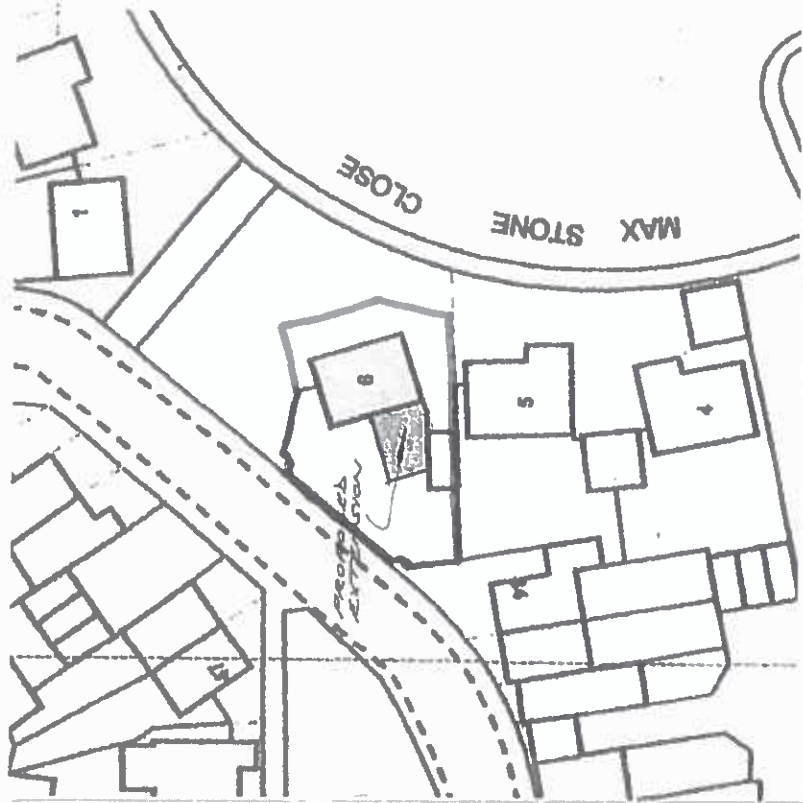
1:1250 scale print at A4. Centre: 360227 E, 231765 N  
© Crown Copyright and database rights 2016 OS  
100019960



The Map Shop  
Lymington, Hampshire  
www.themapshop.co.uk

TEL: 01564 567146  
FAX: 01564 564339  
themapshop@btinternet.com

BLOCK PLAN - SCALE 1/500



PROPOSED EXTENSION

17/00646/FUL A.K.

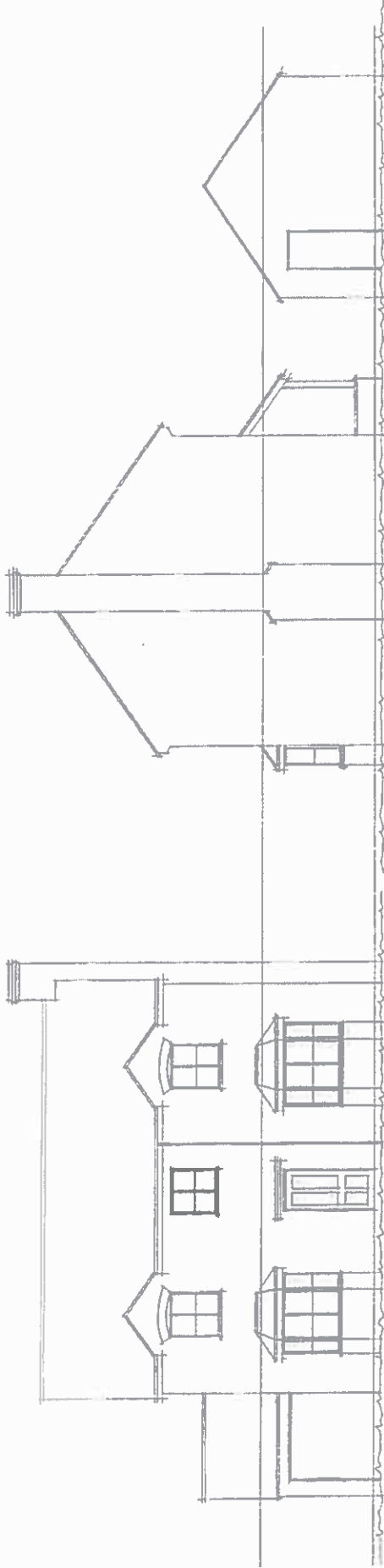
Ten Acre Services  
Lincoln Green Lane  
Tewkesbury  
Glos GL20 7DN  
Tel/Fax 01684 286521





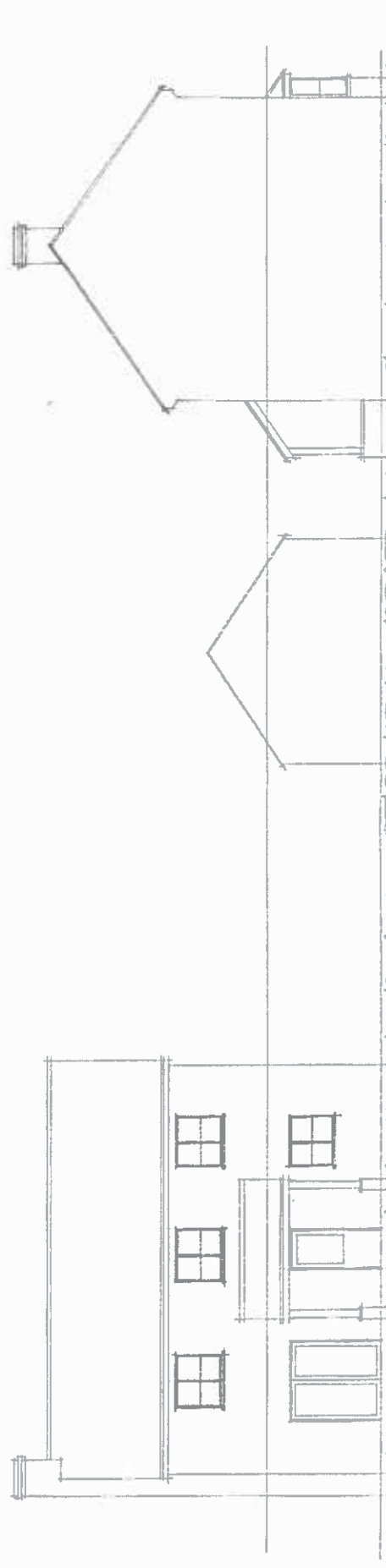
6, MAXSTOKE CLOSE, TEWKESBURY, GLOS.

ELEVATIONS AS EXISTING



FRONT

SIDE



REAR

SIDE

SCALE 1-100

Ten Acres Services  
Lynpin Green Lane  
Tewkesbury  
Glos GL20 7DN  
Tel/Fax 01884 298621

A.A.



REVISIONS

PROPOSED ALTERATIONS  
AND EXTENSION  
6, Maxstoke Close,  
Tewkesbury, Glos.

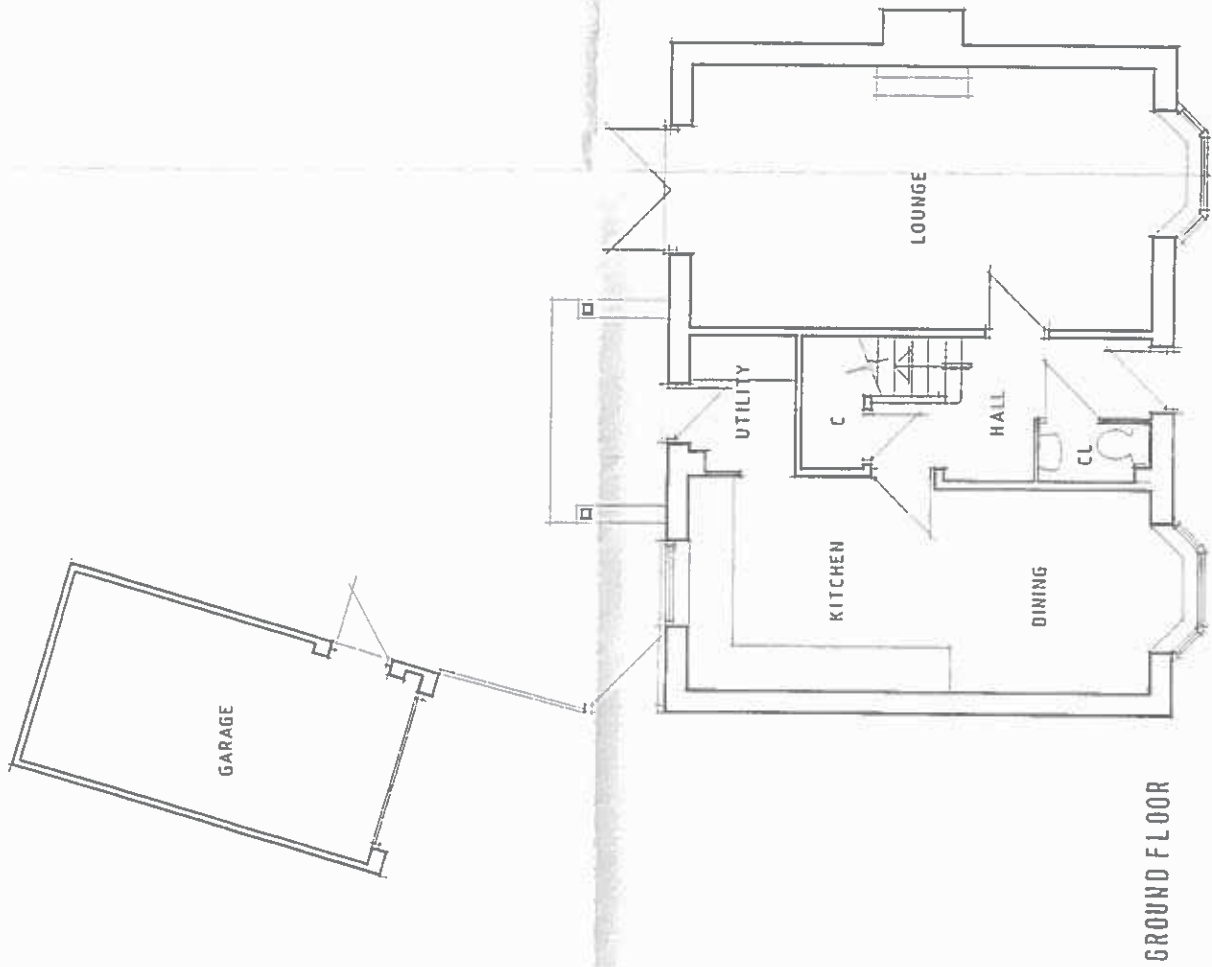
PLANS ETC. AS EXISTING

SCALE : 1 - 50 1-100  
DATE : APR. 2017

DRAWN  
CWP

2  
SK

Ten Acres Services  
Lincoln Green Lane  
Tewkesbury  
Glos GL20 7DN  
Tel/Fax: 01884 296621



GROUND FLOOR

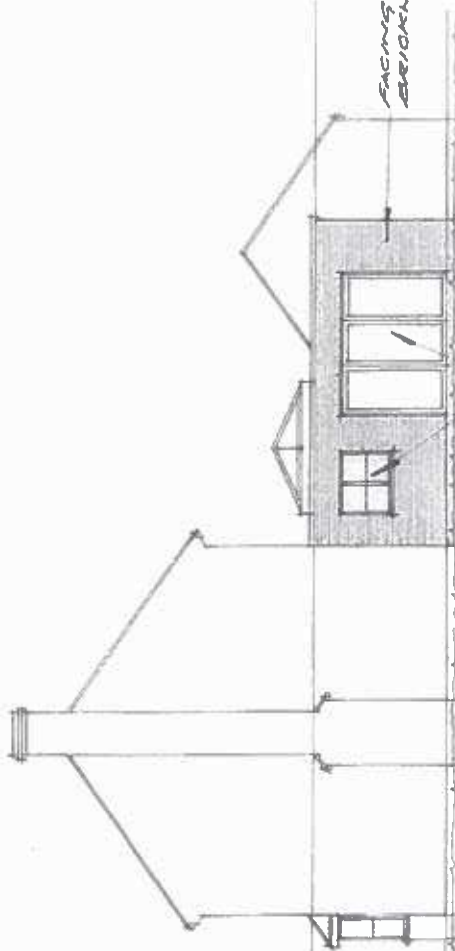
17157

6, MAXSTOKE CLOSE, TEWKESBURY, GLOS.

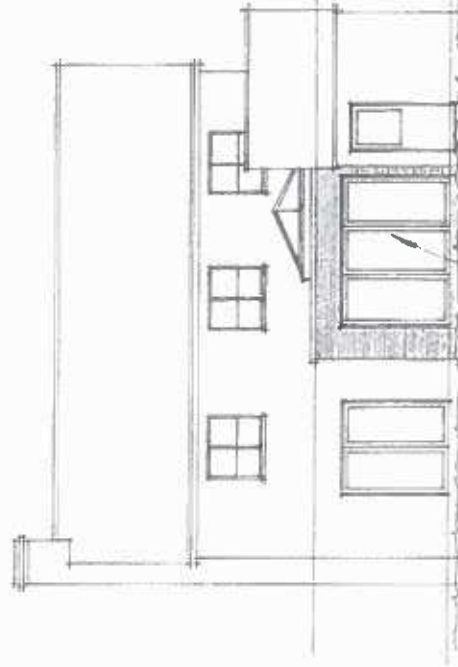
ELEVATIONS AS PROPOSED



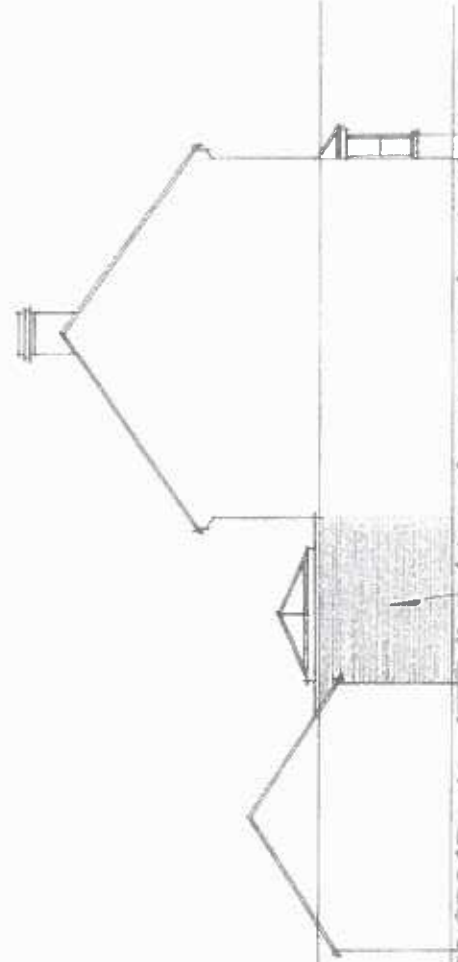
FRONT



SIDE



REAR



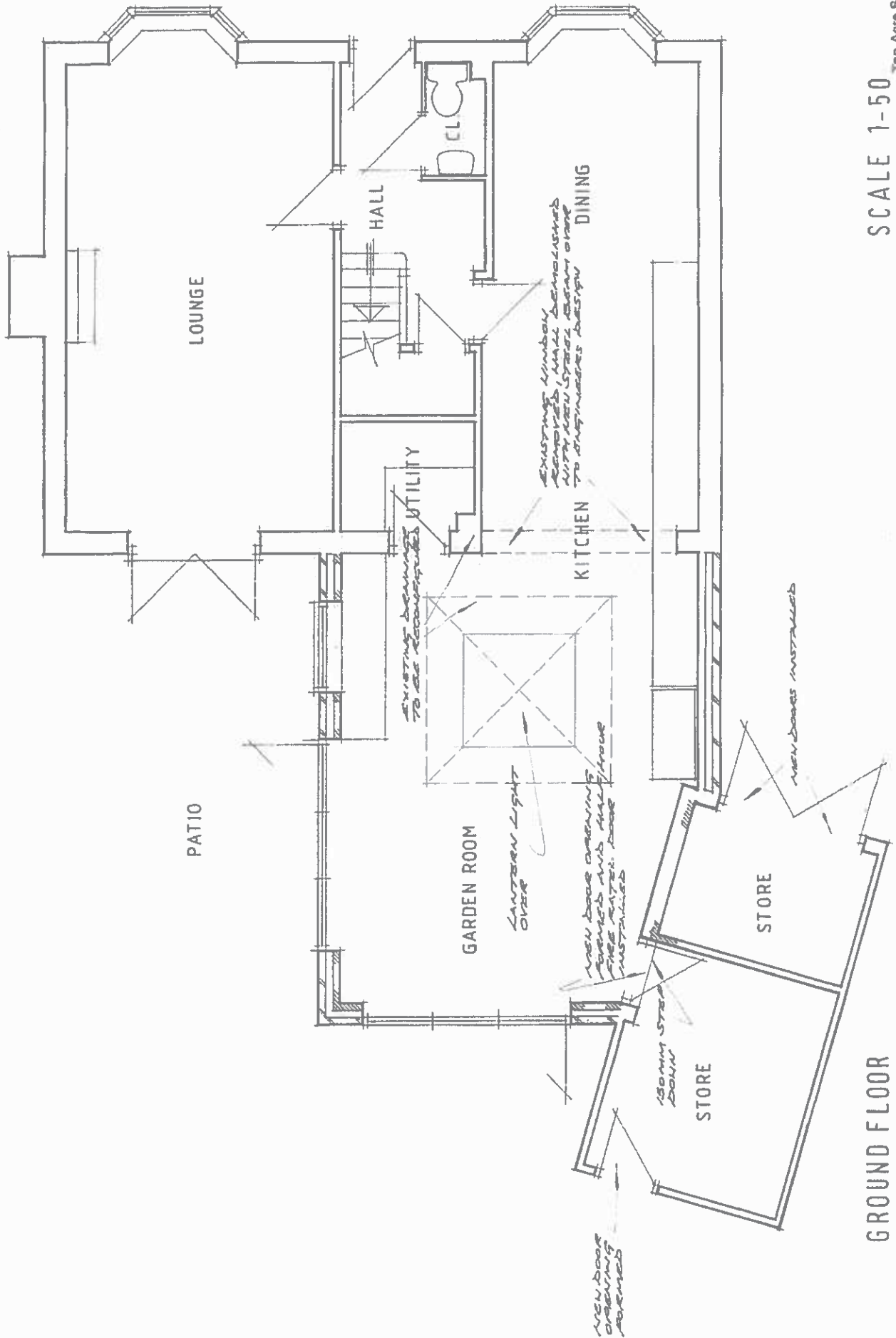
SIDE

SCALE 1-100

Ten Acre Services  
 Lincoln Green Lane  
 Tewkesbury  
 Glos GL20 7DN  
 Tel/Fax 01884 286521

6, MAXSTOKE CLOSE, TEWKESBURY, GLOS.

PLANS AS PROPOSED



GROUND FLOOR

SCALE 1-50

Ten Acre Services  
 Lincoln Green Lane  
 Tewkesbury  
 Glouce GL20 7DN  
 Tel/Fax 01684 296521



Valid 16.05.2017  
Grid Ref 396374 233069  
Parish Teddington  
Ward Isbourne

Proposed installation of 2no new windows in south-east (rear) elevation

Mr J Hesketh  
C/O Agent

## **RECOMMENDATION Consent**

### **Policies and Constraints**

Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990  
National Planning Policy Framework  
Joint Core Strategy Submission Version November 2014  
Historic England Advice Note 2 'Making Changes to Heritage Assets' 2016

### **Consultations and Representations**

**Teddington Parish Council** - Objected strongly to the initial application. Furthermore, the Parish Council believes therefore that this application cannot be treated in isolation from the wider breaches resulting from the unapproved conversion of the building into two dwellings.

**Local residents** - one objection received, expressing similar concerns to the Parish Council.

The application requires **Committee determination as the applicant is a Borough Councillor.**

**Planning Officers Comments:** Mr Chris Partrick

### **1.0 Application Site**

1.1 The application site is a Grade II listed farmhouse (NHLE ref 1340181), now subdivided into two, of C17-18 origins, located on the southern edge of Teddington, in the same parish (**site location plan attached**). The property referred to as Vine Tree Cottage is the C17 timber framed northern range and it abuts a stone C18 return wing to the south which is in separate occupation.

### **2.0 Planning History**

2.1 The site has a lengthy history of applications and enforcement investigations, including:

09/00194/LBC Retention of replacement window. Refused.

10/00907/LBC Replacement of window. Application returned

11/00046/LBC Proposed repairs to external walls and painting of front door. Consent.

2.2 The site has also been subject to enforcement investigations and there are currently a number of planning and listed building consent applications to regularise breaches of planning and listed building control, including the subdivision of the property to two dwellings.

### **3.0 Current Application**

3.1 The current application seeks listed building consent for the installation of two windows at ground floor level in the south-east (rear) elevation of the timber framed range (**plans attached**).

### **4.0 Policy Context**

4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and NPPF paragraph 131 requires local planning authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets.

## 5.0 Analysis

### *Impact on listed building*

5.1 Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest throughout. This is reiterated in Section 12 of the NPPF which requires local planning authorities to recognise that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance.

5.2 Historic England's 2016 guidance 'Making Changes to Heritage Assets' advises that *'doors and windows are frequently key to the significance of a building. Replacement is therefore generally advisable only where the original is beyond repair, it minimises the loss of historic fabric and matches the original in detail and material... The replacement of unsuitable modern windows with more historically appropriate windows is likely to be an enhancement'* (para 15).

5.3 Furthermore the 2008 English Heritage document which informs this, 'Conservation, Principles, Policies & Guidance for the Sustainable Management of the Historic Environment' also stipulates that *'new work or alteration to a significant place should...aspire to a quality of design and execution which may be valued now and in the future. The need for quality in new work applies at every level, from small interventions in an historic room, to major new buildings or developments. Small changes need as much consideration as large ones, for cumulatively their effect can be comparable'* (para 142).

5.4 The initial proposal sought retrospective listed building consent to retain the two extant windows, which have been installed without authorisation, in the south-east (rear) elevation of the C17 range. However officers made clear to the agent at the outset that these were not of sufficient quality, either in design or execution, to be acceptable as alterations to a listed building. This is also the substance of the local objections which have been received.

5.5 However subsequent to this, additional details have been received for two timber casement windows of an appropriate design, similar to those elsewhere in the building, and it is considered that replacement windows of this pattern, secured by condition, would overcome the initial concerns. It should be noted that the Parish Council objections were in relation to the original plans and no other comments have been received at the time of writing the report.

5.6 In arriving at this view it should be stressed that the commission of works without consent to any listed building can never be endorsed, and the status quo is patently unacceptable, but in its final form this application offers a ready solution to rectify the harm. The Parish Council's comments regarding the other breaches of planning and listed building control are noted however it is considered that these specific works are stand alone in nature and can be considered in isolation from the other applications.

## 6.0 Summary

6.1 It is considered that the proposed replacement windows are of an appropriate design which would preserve the character and significance of the heritage asset, in accordance with the provisions in Section 12 of the NPPF and the Planning (Listed Building and Conservation Areas) Act 1990.

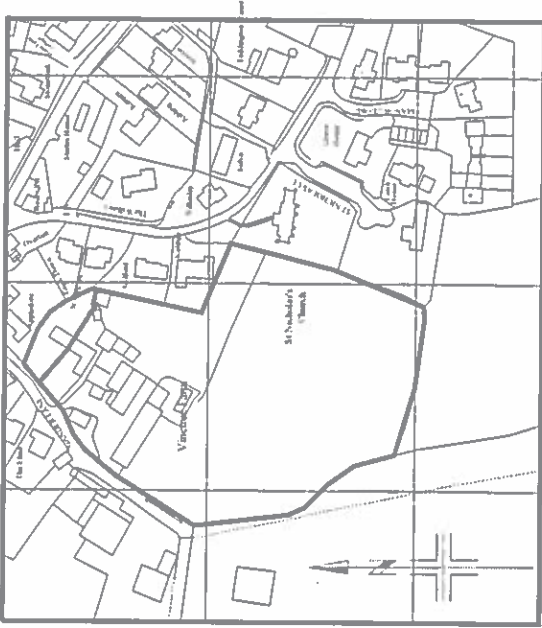
### **RECOMMENDATION Consent**

#### Conditions:

- 1 The works hereby granted listed building consent shall be begun not later than the expiration of three years beginning with the date of this consent.
- 2 The proposed works shall be completed in full accordance with the window detail drawings numbered 2017.15.09 & 2017.15.10 unless otherwise agreed in writing by the Local Planning Authority.

Reasons:

- 1 To comply with Section 18 of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building in accordance with the NPPF.



Location Plan 1:1250



Block Plan 1:500

**THE SMITH HOTCHEN PARTNERSHIP**  
 Unit 8, Haskley Meas  
 27 High Street  
 Chichester  
 West Sussex PO19 1JY  
 01243 24373

Mr Hesketh

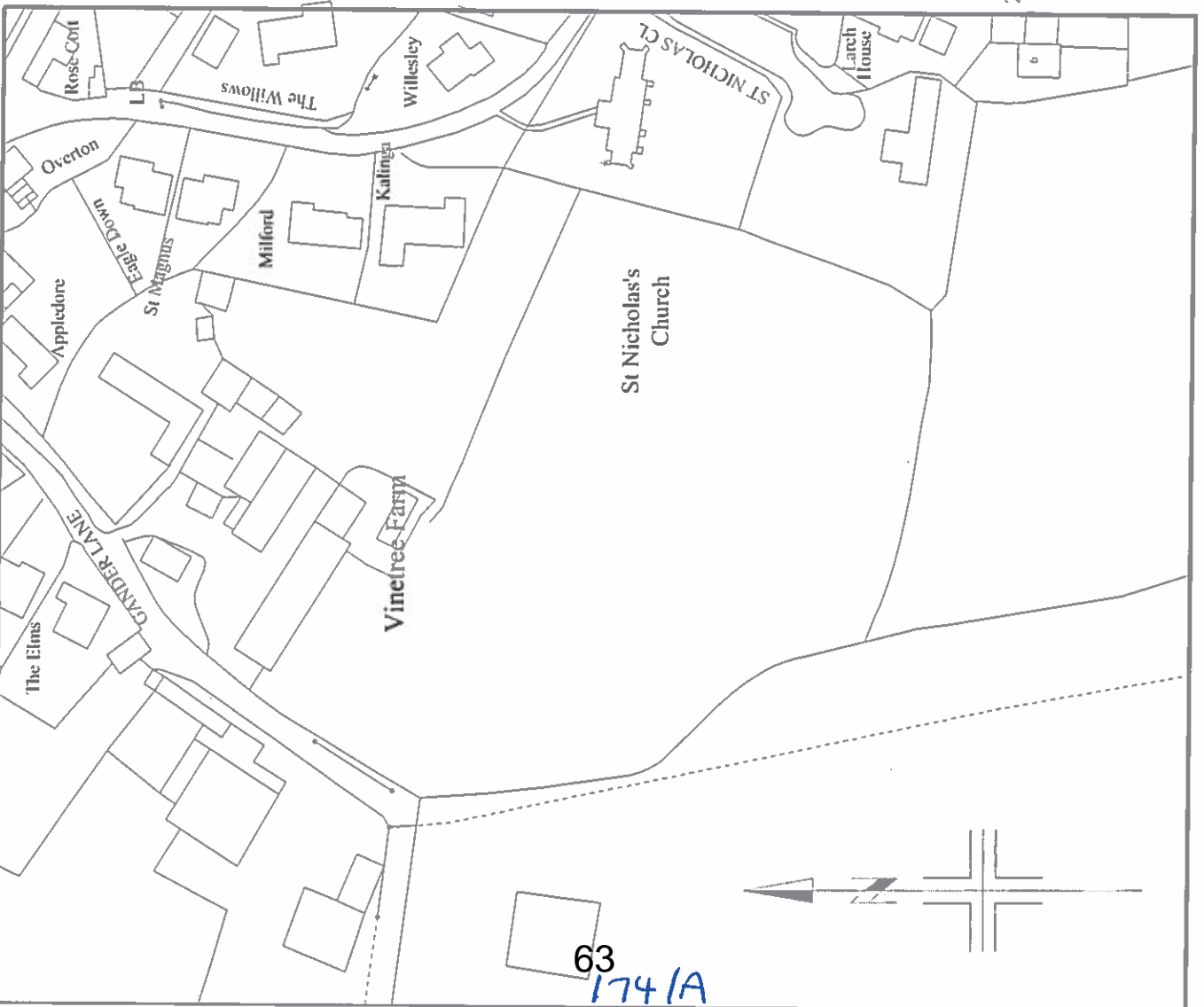
Vine Tree Cottage  
Gander Lane  
Teddington

Location Plan  
Block Plan

Scales 1:1250, 1:500

Date May 2017  
Drawn By

2017/16/01



63  
174/A



**THE SMITH HITCHEN PARTNERSHIP**  
 Ltd 6, Beakley Alley  
 29 High Street  
 Chesham  
 Bucks  
 HP50 1JY  
 01292 24273

Mr. J Hesketh

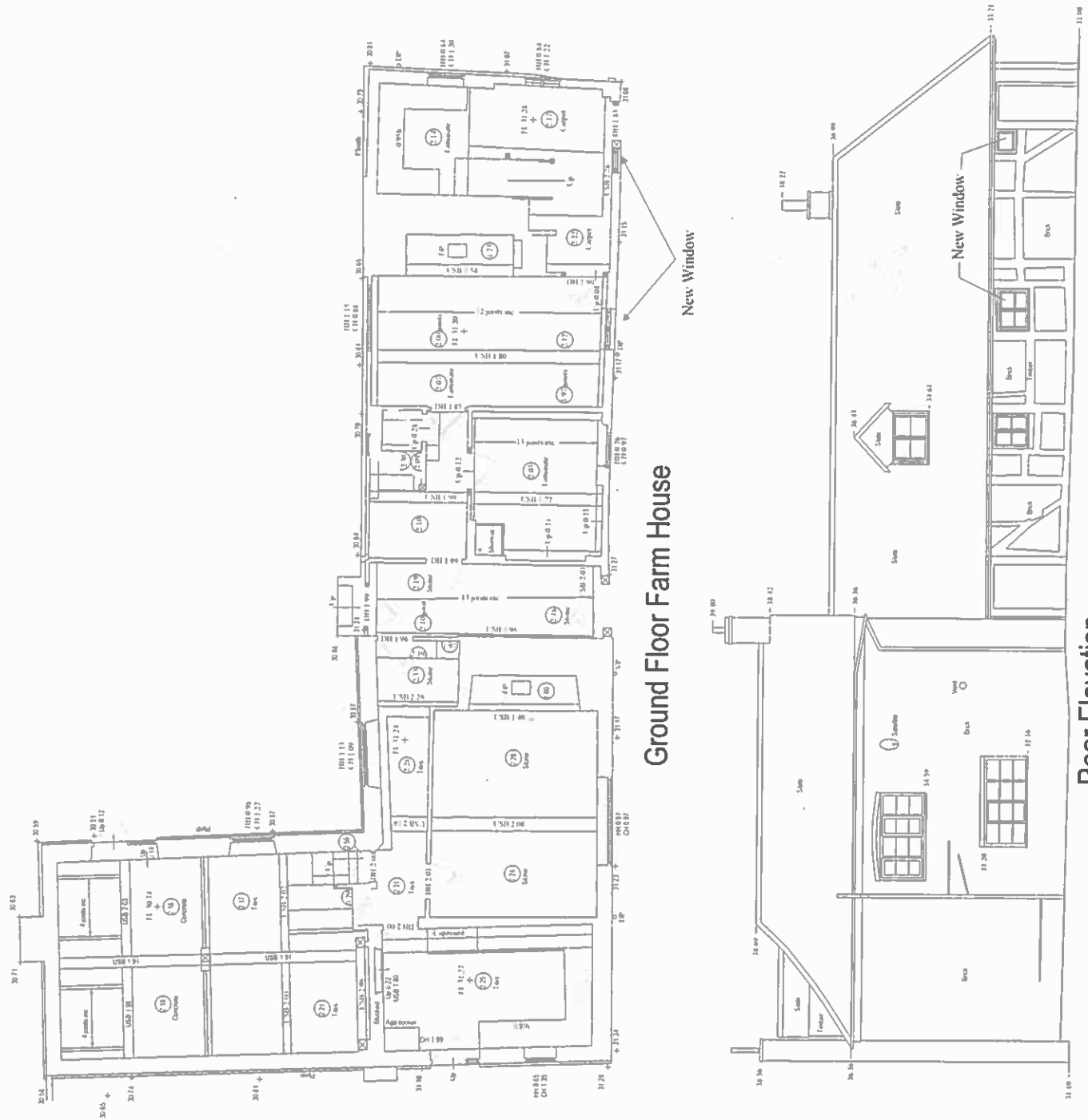
Project  
 Vine Tree Cottage  
 Gander Lane  
 Teddington

Proposed  
 G.F. Plan and  
 Rear Elevation

Scales 1:50

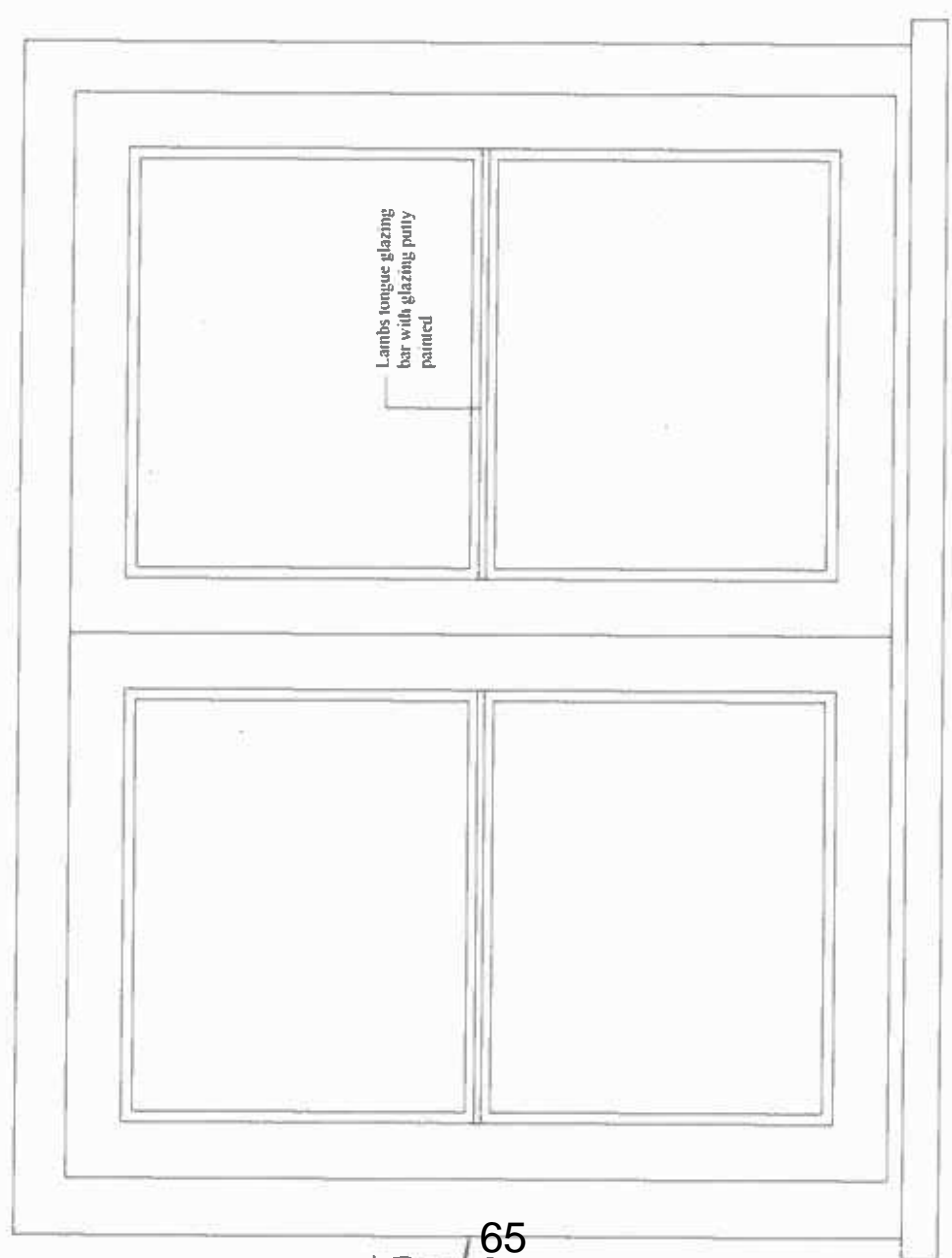
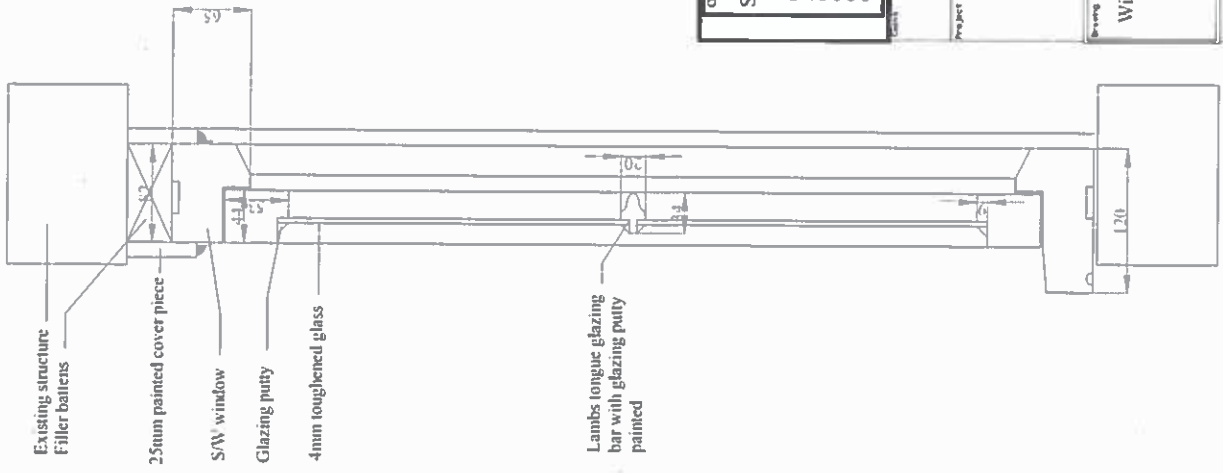
Date  
 15 May 2017

Drawn By  
 2017 / 16 / 03



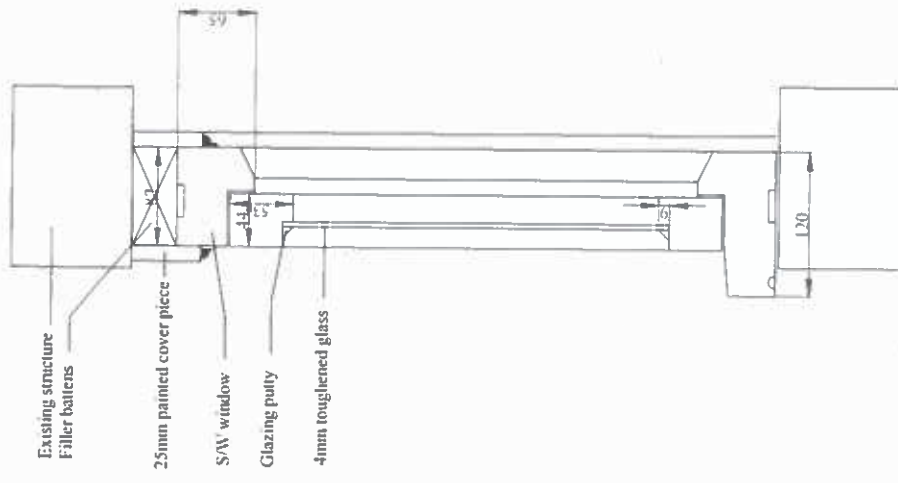
Ground Floor Farm House

Rear Elevation

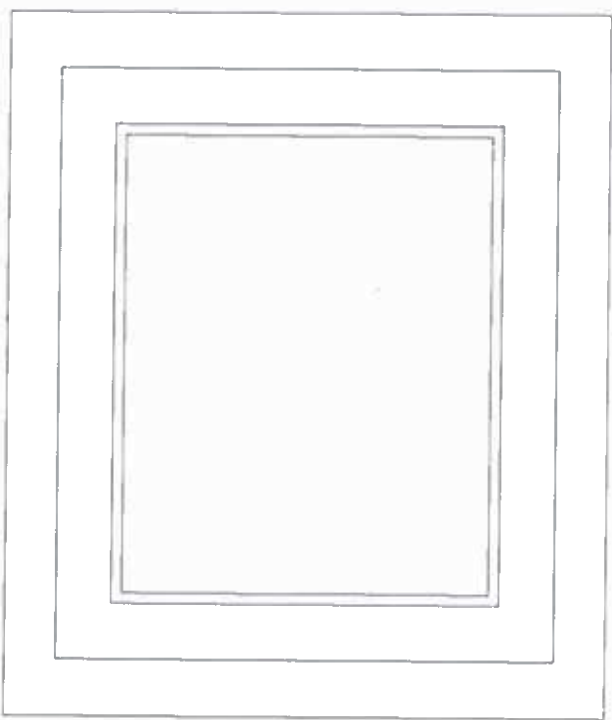


THE  
**SMITH HOTCHEN**  
 PARTNERSHIP  
 1101 K. Hesketh Mews  
 29 High Street  
 Cheltenham  
 Glos  
 GL50 1HW  
 01242 745273

Mr. J Hesketh Project	Vine Tree Cottage Gander Lane Teddington	Drawing Window Details	Scales 1:2 @ A1 Date June 2017 Drawn By 2016 / 16 / 09
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SECTION



ELEVATION

Director <b>THE SMITH HOTCHEN PARTNERSHIP</b> Unit 8, Berkeley Avenue 2944, 9th Street Christchurch 8140 01222 245273	Project <b>Mr. J Hesketh</b>  <b>Vine Tree Cottage</b> <b>Gander Lane</b> <b>Teddington</b>  Drawing <b>Window Details</b>  Scale <b>1:2 @ A1</b> Date <b>June 2017</b> Drawn By <b>2016 / 16 / 10</b>
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17/00111/OUT

Moorcroft House Farm, Main Road, Minsterworth

8

Valid 31.01.2017

Outline Planning Application with all matters reserved save for access for the erection of up to 10 dwellings.

Grid Ref 379556 217710

Parish Minsterworth

Ward Highnam With Haw

Bridge

Mrs R King

C/O Agent

## **RECOMMENDATION Refuse**

### **Policies and Constraints**

National Planning Policy Framework

Planning Practice Guidance

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

Joint Core Strategy Main Modifications (2017)

Flood and Water Management SPD

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

The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

**Parish Council** - Support the application however would like to point out that the collision data is incorrect and does not identify a fatality and accident which happened in the vicinity.

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

**Environmental Health - Contamination** - Environmental Health have identified the site as a former unlicensed private landfill for the illegal deposit of waste. Enforcement notices were served on the owners of the land in 1988 requiring them to cease the deposit of waste material. Prosecution proceedings were instituted when it was clear that the owner would not comply with the Enforcement Notices, which resulted in a court conviction.

Environmental Health have therefore requested a full contaminated land survey of the application site, including a survey in relation to the presence of landfill gas, prior to the determination of the application

**Local Lead Flood Authority** - No objection subject to the imposition of conditions

**Highways Authority** - No objection subject to the imposition of conditions

**Highways England** - No objection

**Housing Enabling Officer** - If the applicant was to submit a development of greater than 10 dwellings or dwellings of a combined floorspace of greater than 1000 sq m, the affordable housing requirement is 40% which currently equates to a contribution of £228,900.

**Urban Design Officer** - Object to the development as it would have a negative effect on the structure of the settlement.

**Local Residents** - No comments received

**Planning Officers Comments:** Paul Instone

## **1.0 Introduction**

1.1 The application site comprises part of an agricultural field located on the eastern side of the A48 and to the north of the Minsterworth settlement with an area of approximately 0.75ha. The site is accessed via the A48.

1.2 The land is laid out to grass and slopes downwards from west to east away from the A48. To the east lies open countryside with open views to the River Severn and Gloucester beyond. The west of the site is contained by hedgerows.

1.3 The site is bounded by the A48 to the west, agricultural fields to the north and west (including the farmhouse and associated agricultural buildings). To the south are a number of residential properties, which are separated by agricultural fields from the centre of Minsterworth Village which lies to the south.

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

1.5 A public footpath runs to the east of the application site.

## **2.0 Planning History**

2.1 There is no relevant planning history on this site.

## **3.0 Current Proposal**

3.1 The current proposal is for the residential development of up to 10 units with all matters reserved for future consideration with the exception of access. An illustrative site layout and street scene have been submitted with the application for indicative purposes only which shows a linear form of development. The applicant has also suggested in discussions that the dwellings could be restricted to 1.5 storeys in height. It is proposed that the site is accessed from the existing field access onto the A48.

3.2 An attenuation pond is also proposed to the east of the dwelling as part of the proposed drainage scheme

## **4.0 Policy Context**

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

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

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

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

4.4 On 31st January the Council approved for consultation the latest draft of the Joint Core Strategy (JCS). In doing so the Council approved the Objectively Assessed Need (OAN) for Tewkesbury which stands at 9,899. It is considered that this figure is robust having been arrived at following detailed consideration through the Examination in Public process. Following from the OAN there is an annual requirement to meet Tewkesbury's needs of 495 dwellings. Using this robust figure, taking into account current supply, the Council can demonstrate, approximately, a 5.3 year supply with a 20% buffer applied. In these circumstances, aside from approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise), the presumption in favour of sustainable development set out in paragraph 14 of the NPPF does not apply.

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

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

### **Emerging Joint Core Strategy**

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

4.8 The Main Modifications Version of the Joint Core Strategy (MMVJCS) is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. This document, inter alia, sets out the preferred strategy to help meet the identified level of need.

4.9 Policy SP2 of the Submission JCS sets out the overall level of development and approach to its distribution. The policy states that to support their economic roles as the principal providers of jobs, services and housing, and in the interests of prompting sustainable transport, development will be focused at Gloucester and Cheltenham, including urban extensions to those settlements. Approximately 9,899 new homes are to be provided within Tewkesbury Borough - to be met through Strategic Allocations and through smaller scale development meeting local needs at Tewkesbury town in accordance with its role as a 'Market Town'. A certain quantum of housing is also to be provided at the 'Rural Service Centres' and 'service villages' identified in the JCS, including at Minsterworth. Policy SP2 confirms that such development is proposed to be delivered through allocations in the Tewkesbury Borough Plan and Neighbourhood Development Plans, proportional to their size and function and also reflecting their proximity and accessibility to Gloucester and Cheltenham, taking into account the environmental, economic and social impacts.

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

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

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

### **Other Material Considerations**

4.12 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not change the status of the development plan as the starting point for decision making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise (paragraph 12).

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

## **5.0 Analysis**

### **Principle of Development**

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

5.2 Minsterworth is a named Service Village in the MMVJCS and emerging Policy SP2 states that Service Villages will accommodate lower levels of development, to be allocated through the Borough Plan and NDPs, proportional to their size and function, and also reflecting their proximity to Cheltenham and Gloucester.

5.3 The NPPF seeks to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The NPPF also recognises the need to support economic growth in rural areas in order, inter alia, promote the retention and development of local services and facilities in villages (paragraph 28), and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that there is a need to balance this against other objectives set out in the Framework - particularly in rural areas. Although it is accepted that the new residents would to a large extent be reliant on the car, this would be in common with all the Service Villages and recent appeal decisions have made it clear that neither national nor local planning policy regards this as sufficient reason in itself to prevent any further residential development in such communities. Rather, it is one of the many considerations that need to be taken into account when assessing specific proposals.

5.4 It is recognised that there would be a clear conflict with policy HOU4 of the Local Plan to which substantial weight should be applied. Therefore the starting point is that the proposal should be refused in accordance with the development plan unless other material planning considerations indicate otherwise. The fact that Minsterworth is a named service village in the emerging JCS is a material consideration which must be weighed in the overall planning balance.

### **Design and Visual Impact**

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

5.6 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Policy LND4 of the Local Plan also requires that regard be given to the need to protect the character and appearance of the rural landscape. Policy SD7 of the MMVJCS echoes these requirements.

5.7 The application site is currently open fields and due to the topography of the application site and the surrounding area there are far reaching views to the east towards Gloucester beyond. The site is not a distinct parcel of land with physical boundaries, but is read as part of the wider rural landscape. As such the application site provides an important contribution to the character of the rural landscape to the north and east, and appears as part of the open countryside and distinctly separate to the built form to the south.

5.8 With regard to the current application, most matters relating to design and layout are reserved for future consideration apart from the proposed means of access which is to be off the A48. Nevertheless, the application has been supported with an indicative layout plan showing 10 detached houses. The indicative plan shows a linear form of development that would have a density approximately 13 dph. The plan shows the existing vegetation fronting the A48 is to be retained.

5.9 It is considered that the proposed development would be harmful to the character and appearance of the application site and the wider area and would be unacceptably intrusive to the rural landscape on this prominent site. No visual impact assessment has been submitted with the application, but it is considered that the proposal would represent an incongruous intrusion into the rural landscape and open countryside and dwellings on the site would be visible in far reaching views including from footpaths to the east.

5.10 The applicant has stated that the height of the proposed dwellings could be restricted to one and a half storeys to limit the visual impact of the proposal, however even if the height of the dwellings were to be restricted it is considered that the proposed development would still be unacceptably harmful to the character and appearance of this prominent rural site.

5.11 Concern has been raised by the Urban Design Officer (UDO) that the site is divorced from the heart of the village, outside of realistic walking distances to facilities. The proposal would in her view represent further piecemeal ribbon development which would not help develop the character of the place in a positive way.

5.12 In light of the above, it is considered that the proposal would have an unacceptable impact on the character and appearance of the rural landscape and would be unacceptably intrusive. The proposal would represent significant and demonstrable harm to the landscape and this is a matter which weighs significantly against the proposals.

### **Contamination**

5.13 Paragraph 20 of the NPPF states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. The 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. Paragraph 121 of the NPPF states that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions, pollutions arising from previous uses and proposals for mitigation including land remediation.

5.14 The Council's Environmental Health Department have identified the application site as a former unlicensed private landfill for the illegal deposit of waste. Enforcement notices were served on the owners of the land in 1988 requiring them to cease the deposit of waste material. Prosecution proceedings were instituted when it was clear that the owner would not comply with the Enforcement Notices, which resulted in a court conviction.

5.15 Environmental Health have therefore requested a full contaminated land survey of the application site, including a survey in relation to the presence of landfill gas, prior to the determination of the application. The applicant has advised that there is no landfill on the application site and it is located 'further down the hill'.

5.16 In accordance with the NPPF the authority considers that a contaminated land survey should be undertaken prior to the determination of the application in order to assess whether the proposed development would be suitable for the location and so that the any potential adverse effects from pollution can be taken into account in the decision making process.

5.17 The applicant has not undertaken this work, due to the costs involved, following officer advice that the application would be recommended for refusal for other reasons. However the applicant would like to make the committee aware that they would be happy to carry out the contamination survey prior to determination should members wish to defer the application for further information.

### **Noise**

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

5.19 The site is within close proximity to the A48 - a busy and heavily trafficked road. The units are shown to be set well back off the road and the existing vegetation fronting the A48 is also shown to be retained and the layout is such that back gardens are screened by the built form.



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

5.21 However it is considered that methods could be incorporated into the scheme to address any potential road traffic noise from the A48 such as acoustic fencing and construction techniques and this matter could be controlled by planning condition

### **Highway Safety**

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

5.23 The proposed dwellings are to be accessed from the existing field access position off the A48 and all dwellings would be served off a single internal roadway running parallel with the A48. The illustrative plans show a turning head at the northern end which would be required in order to allow refuse lorries to turn within the development and exit in a forward gear.

5.24 Highways England have been consulted and raise no objections.

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

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

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

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

### **Flood Risk and Drainage**

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

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

5.31 The site lies wholly within Flood Zone 1 where there is a low risk of flooding from all sources. The application proposes to discharge from the site into an attenuation pond and the LLFA have confirmed further to additional infiltration testing that this approach is acceptable subject to the imposition of conditions.

5.32 It is proposed that foul water will drain into water treatment plants and then into the attenuation pond. The details of this could be secured at Reserved Matters Stage.

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

## **Ecology and Nature Conservation**

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

5.35 The application is supported by a Preliminary Ecological Appraisal which assesses the ecological impact of the proposal. The report identifies that the creation of the visibility splay would result in the loss of approximately 20-60 metres of native hedgerow and that the proposals would result in the loss approximately 0.6ha of improved grassland habitat.

5.36 The report recommends compensation measures and states that the loss of hedgerow will be directly compensated on a like for like basis, and the to compensate for the likely loss of a small number of nest sites within hedgerow nest boxes will be installed to appropriate retained trees.

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

## **Affordable Housing**

5.38 The Government's Planning Practice Guidance states that affordable contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. Should the Reserved Matters floorspace exceed 1,000 sqm gross then an affordable housing contribution would be required in accordance with Planning Practice Guidance. The applicant has confirmed that they are happy to work with Officers for the appropriate contribution at the time of determination but as yet no legal agreement to provide the required contributions has been agreed.

## **6.0 Overall Balancing Exercise and Conclusion**

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

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

## **Benefits**

6.3 The benefit of the proposal arises from the delivery of market housing, although it is accepted that those benefits are limited by virtue of the small scale of the development proposed. Such limited benefits must also be considered in the light of the fact that the Council can demonstrate a five year supply of deliverable housing sites. In terms of economic benefits it is now widely accepted that new housing developments bring benefits during the construction phase through additional spending power in the local economy as a result of the increased population.

## **Harms**

6.4 The proposal would result in harm to the character and appearance of the landscape as a result of the loss of the field and its replacement with 10 dwellings and associated infrastructure/paraphernalia. This is a prominent site which forms part of the rural landscape and open countryside in far reaching views and it is considered that the proposal would represent an incongruous intrusion into the rural landscape and open countryside.

6.5 The Council's Environmental Health Department have identified the application site as a former unlicensed private landfill for the illegal deposit of waste. The applicant has not submitted a contamination survey and it has not been demonstrated that residential development is appropriate for the location and that the site is suitable for residential use and taking account of pollution which may arise from previous operations.

#### **Neutral**

6.6 There would be no undue impact in terms of residential amenity, biodiversity, flood risk or the local highway network subject to the approval of technical details. Whilst the site is located at a Service Village named in the emerging JCS this is not seen as a benefit as such, particularly in light of the Council's five year supply position.

#### **7.0 Conclusion**

7.1 It is concluded that the proposed development subject to the current application is contrary to saved policy HOU4 of the Local Plan and the principle is therefore against the grant of planning permission unless other material planning considerations indicate otherwise. In this case it is not considered that the planning benefits of the proposal outweigh the conflict with the development plan in respect to policy HOU4 and other identified harms including landscape harm and potential contamination and there are no material planning circumstances which indicate that determination be made other than in accordance with the development plan.

7.2 For the reasons given above, it is concluded the proposal would not comprise sustainable development and the harms resulting from the proposal would outweigh the benefits when assessed against the policies of the Framework as a whole and the application is therefore recommended for refusal.

7.3 Furthermore, as set out in the report, there are Section 106 obligations for affordable housing which have not been agreed in principle and there is no signed Section 106 Agreement and as such these matters, at this stage, constitute reasons for refusal.

#### **RECOMMENDATION Refuse**

##### **Reasons:**

- 1 The proposed development conflicts with Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 in that the site lies outside the defined residential development boundary of the settlement in a location where new housing is strictly controlled.
- 2 The proposed development, by reason of the prominent location and rural character of the site would result in unacceptable harm to the landscape and represent an incongruous intrusion into the rural landscape and open countryside. As such the proposed development is contrary to advice set out in the National Planning Policy Framework, emerging policy SD7 of the Proposed Main Modifications version of the Joint Core Strategy (2017) and policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006
- 3 The site and surrounding area is identified as a former unlicensed private landfill for the illegal deposit of waste. The applicant has not submitted a contamination survey and it has not been demonstrated that residential development is appropriate for the location and that the site is suitable for residential use taking account of pollution which may arise from previous operations. As such the proposed development is contrary to advice set out in the National Planning Policy Framework and emerging policy SD15 of the Proposed Main Modifications version of the Joint Core Strategy (2017)
- 4 In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such the proposed development conflicts with Policy HOU13 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and policies SD12 and SD13 of the Main Modifications Joint Core Strategy Submission (2017)

Note:

### **Statement of Positive and Proactive Engagement**

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





Valid 25.05.2017  
 Grid Ref 398699 227210  
 Parish Woodmancote  
 Ward Cleeve Hill

Retrospective application for a wooden treehouse.

Mr Stephen Pierini  
 Flagstaff  
 Cleeve Hill  
 Southam  
 CHELTENHAM  
 GL52 3PW

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework (2012)  
 Planning Practice Guidance  
 JCS Proposed Main Modifications  
 Tewkesbury Borough Local Plan to 2011 (March 2006) - HOU8  
 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
 The First Protocol, Article 1 (Protection of Property)  
 AONB

### Consultations and Representations

Parish Council - Objects. The tree house is very visible from the B4632 and Petty Lane. This site falls within the AONB and the tree house does not blend in with the existing buildings along the road nor the dwellinghouse itself. It is tall (nearly 6 metres above ground level) and intrusive and the colour makes it stand out more. The tree house will be visible for over 5 months of the year when it will not be shielded by summer leaves. We feel that if the building was reduced in height and the colour changed it might be acceptable. Local residents - Two letters of support have been received from local residents (Wickfield Lodge and Hawthorn Brake).

**Planning Officers Comments:** Mrs Sarah Barnes

#### 1.0 Application Site

1.1 This application relates to Flagstaff, a detached property located on the corner of Petty Lane in Cleeve Hill (site location plan attached). The site falls within the Cotswold Area of Outstanding Natural Beauty.

#### 2.0 Current application

2.1 The current application is for the retention of a children's treehouse (plans attached). The tree house has a floor area of 2.3 metres by 2.4 metre and is 3.2 metres in height (with the lowest part set 2.5 metres above ground level). The tree house is accessed via an external ladder. It has been constructed from horizontal painted boarding and has a felt roof finish.

#### 3.0 Policy Context

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

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

## 4.0 Analysis

### Design, Size and Visual amenity

4.1 The Parish Council have objected on the grounds that the tree house is too tall and intrusive and is very visible from the main road, particularly during the autumn and winter months when there are not any leaves on the trees. They consider that the colour of the tree house makes it stand out even more. The proposal has been fully assessed and it is considered that as the tree house is only likely to be temporary (whilst the children are young), and is well screened by trees for about 7 months of the year, the impact on the visual amenity of the area would not be unacceptably detrimental so as to warrant the refusal of permission. Finally, a condition would be attached to the permission requiring the tree house to be painted in a more natural colour e.g. dark green or brown within two months of the permission being issued.

### Residential amenity

4.2 Policy HOU8 also states that development will only be permitted if the proposal does not have an unacceptable impact on adjacent property in terms of bulk, massing, size and overlooking.

4.3 The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there is not be an undue impact upon their amenity in accordance with Policy HOU8. The immediate neighbours at Wickfield Lodge and those at Hawthorn Brake have confirmed that they have no objections to the tree house.

## 5.0 Conclusion

5.1 Overall, it is considered that the tree house is not harmful to the appearance of the existing dwelling nor the surrounding AONB and there is not an unacceptable loss of residential amenity to neighbouring dwellings. The tree house is also considered to be an acceptable size and design and it would, once painted, be a more appropriate colour and would be less visible from the road. It would therefore accord with Policy HOU8 of the Local Plan and the NPPF and is recommended for **permission**.

## RECOMMENDATION Permit

### Conditions:

- 1 Within 2 months of the date of this permission the tree house shall be painted in a colour to be agreed in writing by the Local Planning Authority. The tree house shall thereafter be retained in the approved colour and not altered without the prior consent of the Local Planning Authority.
- 2 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

Site plan, block plan, layout plan and elevations received by the Council on 25th May 2017.

### Reasons:

- 1 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.
- 2 To define the terms and extent of the permission.

### Note:

#### **Statement of Positive and Proactive Engagement**

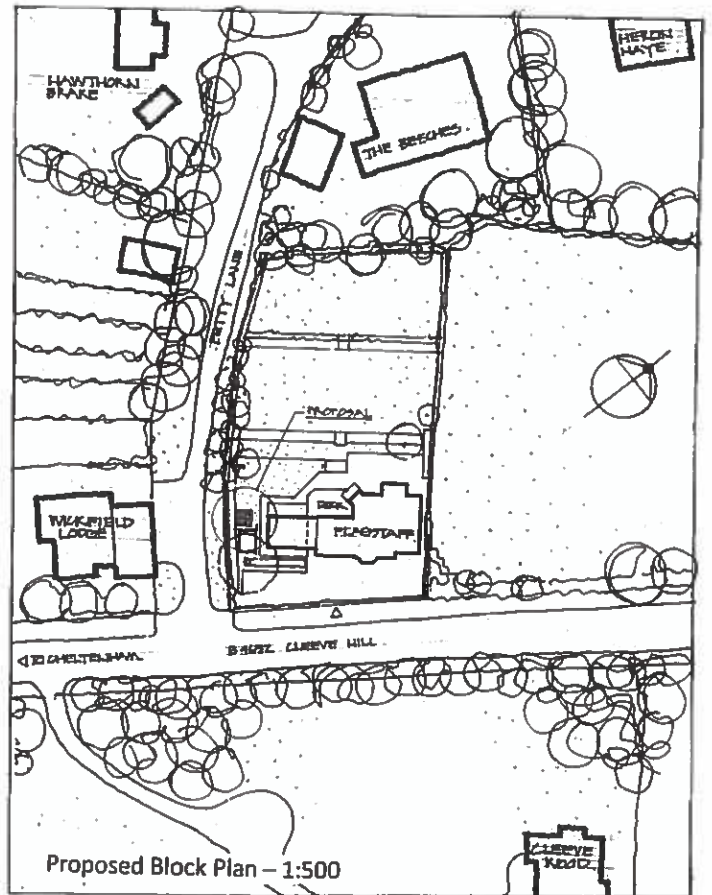
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received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



17/00528/fal



Location Plan - 1:1250

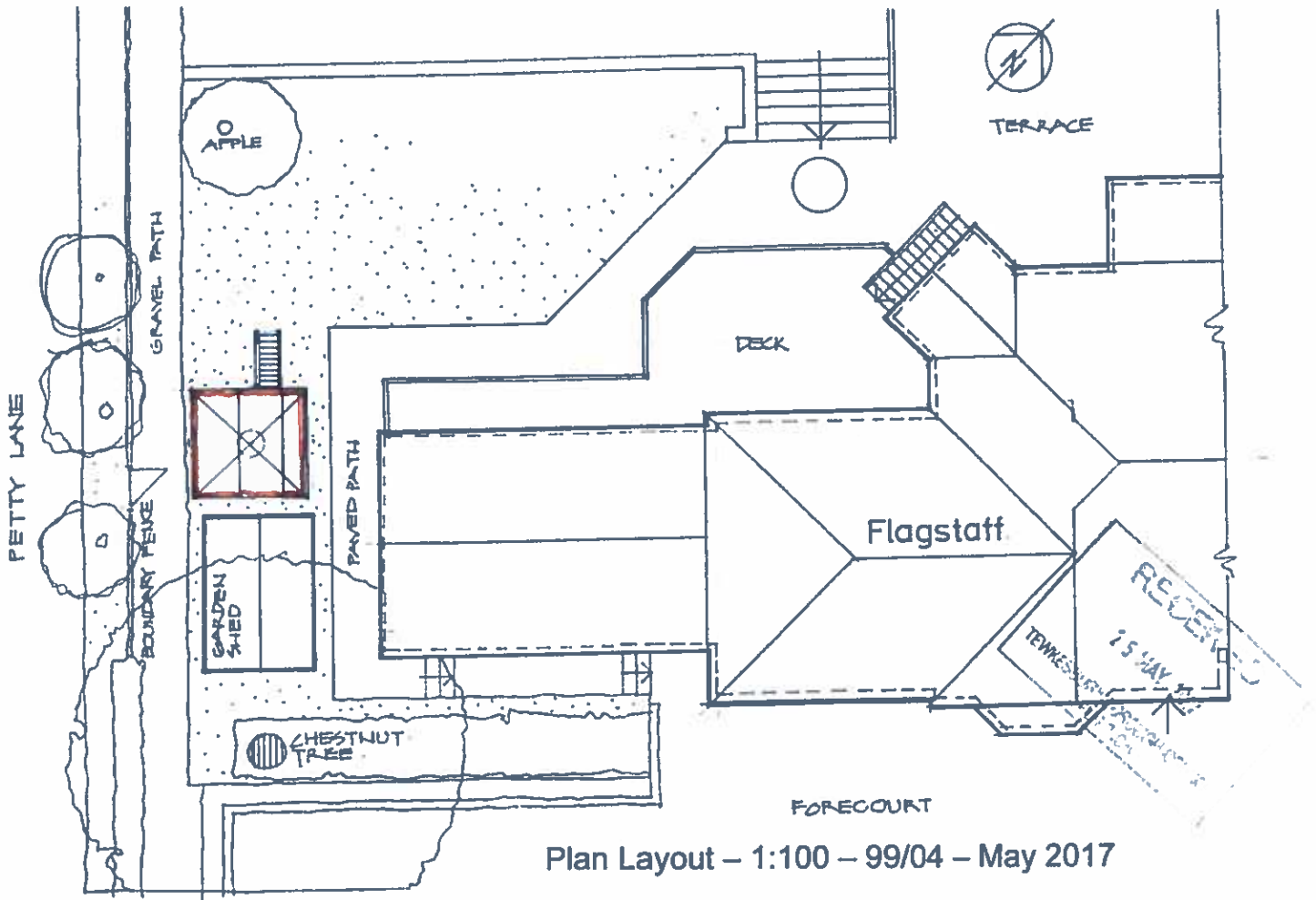


Proposed Block Plan - 1:500

Location Plan/Block Plan - 1:1250 / 1:500 - 99/03 - May 2017

Proposed Treehouse at Flagstaff, Cleeve Hill, Cheltenham.

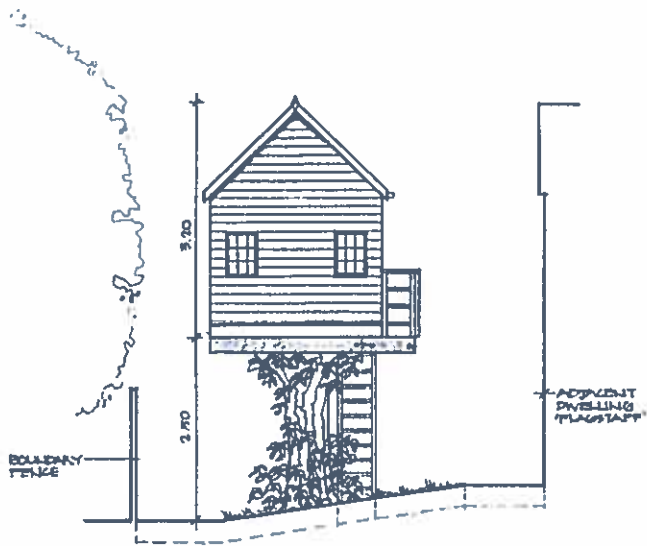
17/100528/FUL



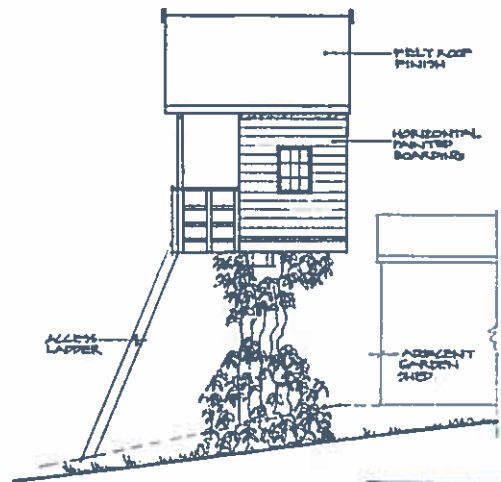
Plan Layout – 1:100 – 99/04 – May 2017

Proposed Treehouse at Flagstaff, Cleve Hill, Cheltenham.

17/00528/fwl



South East



South West



Elevations - 1:50 - 99/01 - May 2017

Proposed Treehouse at Flagstaff, Cleeve Hill, Cheltenham.

18582

17/00528/fal



North West



North East

RECEIVED  
25 MAY 2017  
CHELTENHAM CITY COUNCIL

Elevations – 1:50 – 99/02 – May 2017

Proposed Treehouse at Flagstaff, Cleeve Hill, Cheltenham.

17/00630/TPO

Tesco Stores, Cheltenham Road East, Churchdown

10

Valid 10.06.2017  
Grid Ref 387165 220901  
Parish Churchdown  
Ward Churchdown St Johns

TPO 326 - Removal of 9 limbs from 5 Birch trees

Tesco  
Tesco Stores, Cheltenham Road East  
Churchdown  
GLOUCESTER  
GL3 1JN  
FAO: Mr Dan Berry

## **RECOMMENDATION Consent**

### **Policies and Constraints**

National Planning Policy Framework  
Planning Practice Guidance  
Joint Core Strategy main modifications  
Tewkesbury Borough Local Plan to 2011 - March 2006  
OPDM Circular 06/2005 (Paragraph 91)  
Tree Preservation Orders: A Guide to the Law and Good Practice  
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** - Object as the trees are well established and have been in situ long before the construction of the premises.

**Landscape Officer** - The proposed works are necessary in arboricultural terms and would ensure the future health, and conserve the landscape amenity value of the attractive specimens, and provide better canopy development as the trees further mature. The proposed works are also necessary to address a highways forward visibility issue, further to a recent accident and overhanging tree canopies within a junction visibility splay.

**Tree Warden** - Accepts that for health and safety reasons and for balancing the trees, that the Tesco application is probably the right one.

**Planning Officers Comments:** Mrs Gaynor Baldwin

### **1.0 Application site**

1.1 The groups of trees are located at the front of Tesco Stores within the pedestrian area and are a prominent feature from Cheltenham Road East that runs parallel and the groups of trees are subject to a Tree Preservation Order (TPO 326) (site plan attached).

### **2.0 Recent / Relevant History**

2.1 17/00025/TPO - G2 - Remove lateral limb of silver birch as slight inclusion at trunk. G3 - Lift overhanging branches of Silver birch to 4 m above ground. This application was withdrawn as more information was required.

### **3.0 Current Application**

3.1 This application seeks consent for the removal of 9 limbs from 5 Birch trees. There is a small inclusion in the large limb of one of the trees which requires removal as it is overhanging the pavement. Other limbs need to be removed to balance trees.

## 4.0 Policy Context

4.1 Section 198 of the Town and County Planning Act 1990 provides Local Planning Authorities with the powers for the making of Tree Preservation Orders, where it is expedient in the interests of amenity to protect trees. Such powers prohibit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees except with the consent of the local planning authority. This advice is reiterated in the Town and County Planning (Trees) (Amendment) (England) Regulations 2008.

4.2 Government guidance set out in 'Tree Preservation Orders - a Guide to the law and Good Practice' sets out that, in considering applications for works to TPO trees, local planning authorities should:-

- assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area;
- in light of that assessment to consider whether or not the proposal is justified, having regard to the reason put forward in support of it;
- whether any loss or damage is likely to arise if consent is refused or granted subject to conditions; and
- whether replacement planting is necessary or practical.

## 5.0 Analysis

5.1 The silver birch trees are protected under Tree Preservation Order No. 326 - G2 and G3. A visual tree inspection has been carried out by the Borough Landscape Officer. The application is to carry out canopy raising and balancing of trees that form parts of G2 and G3, as annotated on the applicants photographs dated 10th June 2017 to be displayed at Committee. These groups of multi stemmed silver birch trees provide an important part of the landscape setting to the Tesco store. The proposed works are to ensure that as the trees further mature and extend at relatively low height over the footway fronting the busy road and the foliage does not compromise highways forward visibility. Canopy raising is proposed to remove limbs that overhang the footway, and to raise and balance the entire lower canopy of the specimens. The proposals involve the removal of other limbs and foliage that do not overhang the footway in order to balance the whole lower canopies of each of the trees.

5.2 Churchdown Parish Council objects to the proposal as the trees in question are well established and have been in situ long before the construction of the premises. Further the trees are the subject of a Tree Preservation Order.

5.3 The local Tree Warden initially objected to the proposal but has subsequently withdrawn their objection after having a site visit with the Landscape Officer. The Tree Warden accepts that for health and safety reasons and for balancing the trees that the Tesco's application is probably the right one.

5.4 Tewkesbury Borough Council's Landscape Officer has no objection on landscape grounds as the proposed works are necessary in arboricultural terms and would ensure the future health and conserve the landscape amenity value of the attractive specimens. The remedial works would also provide for better canopy development as the trees further mature and also ensure that the aesthetic form and shape of the trees are retained, whilst addressing the overhanging tree canopies within a junction visibility splay.

## 6.0 Conclusion

6.1 Overall, the proposed works are considered to be necessary in arboricultural terms to ensure the future health of the trees and essential on the grounds of health and safety with regards to visibility issues onto a classified road. Consent is therefore recommended subject to the specified conditions.

### RECOMMENDATION Consent

Conditions:

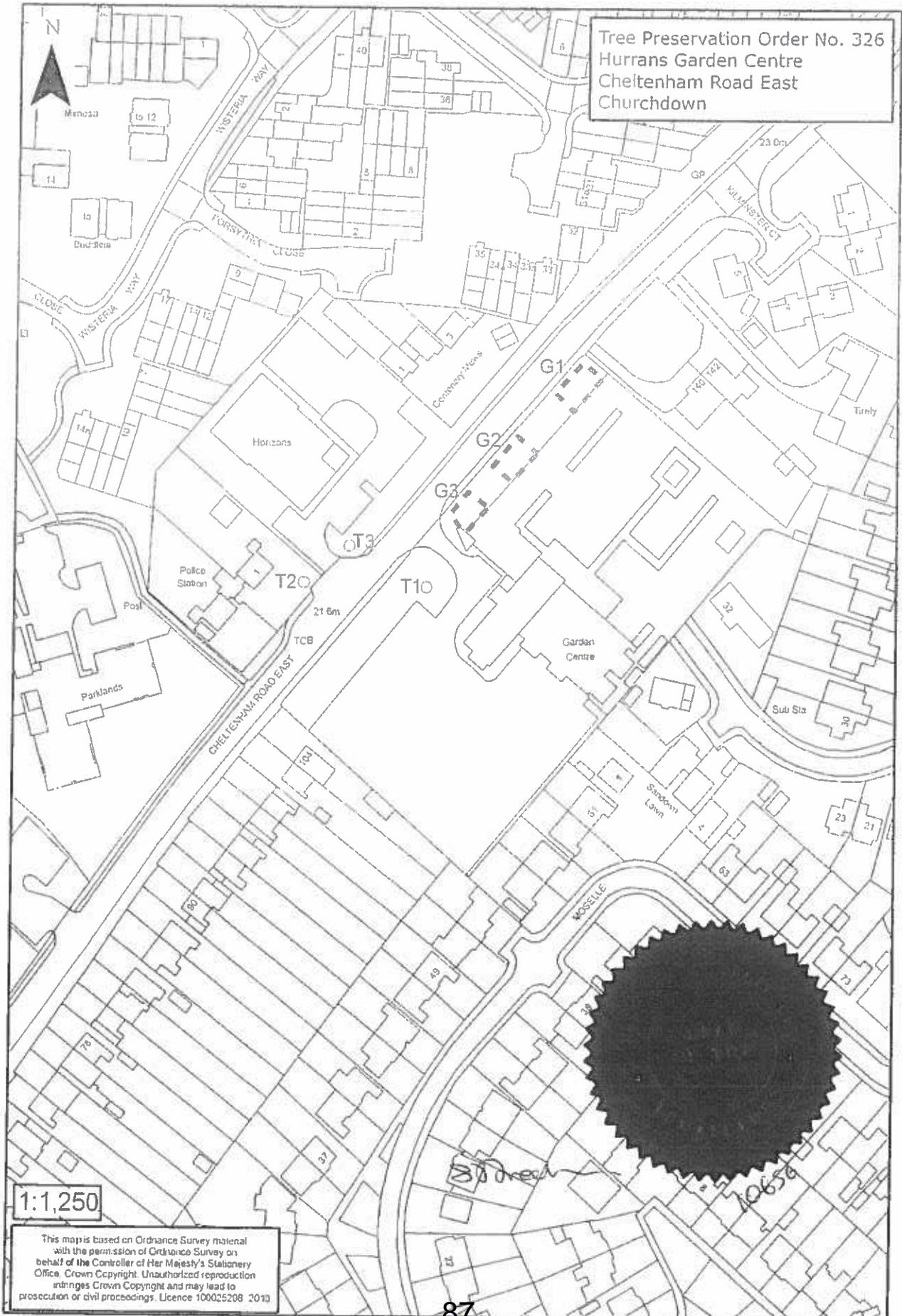
- 1 The works hereby permitted shall be carried out strictly as shown on the annotated photographs received on the 20th June 2017. The works hereby granted shall be completed within two years of the date of this notice.
- 2 All arboricultural work shall comply with BS 3998:2010 British Standard: Recommendation for Tree Work.

Reasons:

- 1 To comply with the requirements of the Town and Country Planning Act 1990
- 2 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.

Notes:

- 1 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.
- 2 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.





17/00659/TPO

To the rear of 7 Clayburn Close, Highnam, Gloucester

11

Valid 16.06.2017  
Grid Ref 380070 220306  
Parish Highnam  
Ward Highnam With Haw  
Bridge

TPO 301 (T1) - Remedial works to pear tree.

Tewkesbury Borough Council

Council Offices  
Tewkesbury  
Gloucestershire  
Gl20 3TT

## **RECOMMENDATION Consent**

### **Policies and Constraints**

National Planning Policy Framework  
Planning Practice Guidance  
Joint Core Strategy main modifications  
Tewkesbury Borough Local Plan to 2011 - March 2006  
OPDM Circular 06/2005 (Paragraph 91)  
Tree Preservation Orders: A Guide to the Law and Good Practice  
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

Parish Council - no responses received.  
Local residents - no responses received.

**The application requires Committee determination as the applicant is Tewkesbury Borough Council.**

**Planning Officers Comments:** Mrs Gaynor Baldwin

### **1.0 Application site**

1.1 This application relates to a pear tree which is located on land owned by Tewkesbury Borough Council and is established within an area of grass verge fronting Oakridge, a housing estate spine road that borders open countryside to the south. To the north, the tree overhands the garden of a residential dwelling at 7 Clayburn Close, Highnam (site plan attached).

### **2.0 Recent / Relevant History**

2.1 None recent.

### **3.0 Current Application**

3.1 This application seeks consent to carry out remedial works to the pear tree.

### **4.0 Policy Context**

4.1 Section 198 of the Town and County Planning Act 1990 provides Local Planning Authorities with the powers for the making of Tree Preservation Orders, where it is expedient in the interests of amenity to protect trees. Such powers prohibit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees except with the consent of the local planning authority. This advice is reiterated in the Town and County Planning (Trees) (Amendment) (England) Regulations 2008.

4.2 Government guidance set out in 'Tree Preservation Orders - a Guide to the law and Good Practice' sets out that, in considering applications for works to TPO trees, local planning authorities should:-

- assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area;
- in light of that assessment to consider whether or not the proposal is justified, having regard to the reason put forward in support of it;
- whether any loss or damage is likely to arise if consent is refused or granted subject to conditions; and
- whether replacement planting is necessary or practical.

## 5.0 Analysis

5.1 The pear tree is protected under Tree Preservation Order No. 301 - T1. A visual tree inspection has been carried out and it is considered that the originally proposed works of 30% crown reduction would be too significant a reduction for this form and size of tree. The reason for the proposed works is to consider a potential issue that has been reported to Tewkesbury Borough Council concerning swarming wasps during the summer and autumn months attracted by the fruiting pear.

A more appropriate management approach that respects the shape and form of the tree is to carry out a crown raising to a height of approximately 5m-6m, remove the lowest branches to the south and north of the specimen and to balance the crown. A consequence of removing the lower branches that overhang at lower level is that the probability of swarming wasps should be reduced as the fruit will be at a higher level. The key issue is to ensure what is appropriate works for the long term health of the tree and to retain the amenity value of the specimen, which the proposed canopy raising would provide. The Applicant has agreed to the proposed alternative remedial works as outlined above.

## 6.0 Conclusion

6.1 Overall, the proposed Landscape Officer recommended works have been discussed with the applicant and agreed that it is considered to be suitable / appropriate. **Consent** is therefore recommended subject to the specified conditions.

### RECOMMENDATION Consent

#### Conditions:

- 1 The works hereby permitted shall be restricted to the carrying out of a crown raising to a height of approximately 5m-6m, removal of the lowest branches to the south and north of the specimen and to balance the crown. The works hereby granted shall be completed strictly between 1st November 2017 to 31st March 2018 whilst the tree is most dormant.
- 2 All arboricultural work shall comply with BS 3998:2010 British Standard: Recommendation for Tree Work.

#### Reasons:

- 1 To comply with the requirements of the Town and Country Planning Act 1990
- 2 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.

#### Notes:

- 1 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.

- 2 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.



Valid 12.06.2017  
 Grid Ref 381069 221458  
 Parish Maisemore  
 Ward Highnam With Haw  
 Bridge

Erection of a car port to the side of the property.

Mr & Mrs J Oswell

La Casita  
 Old Road  
 Maisemore  
 Gloucester  
 GL2 8HS

## RECOMMENDATION Grant Certificate

### Policies and Constraints

Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

### Consultations and Representations

Local residents - none

**This notification requires Committee determination as one of the applicants works for Tewkesbury Borough Council**

**Planning Officers Comments:** Mrs Sarah Barnes

### 1.0 Application Site

1.1 This application relates to La Casita, a detached brick bungalow located in Maisemore (site location plan attached).

### 2.0 Current application

2.1 The current application is a Certificate of Lawful Proposed Development for a car port to the side of the property (plans attached). The car port would be 2.4 metres in height. It would be constructed from 5 x 50mm aluminium posts with trusses at 1 metre intervals infilled and roofed with 1 metre wide polypropylene opaque panels.

2.2 It must be noted that this submission is not a planning application. The applicant seeks a declaration that the works proposed do not require planning permission. This is a technical assessment based on permitted development rights conferred by the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO). Therefore there can be no planning policy judgement as to whether the proposals are acceptable or otherwise against planning policies, it is a matter of fact of law as to whether the proposals represent permitted development.

### 3.0 Analysis

3.1 The proposal would be assessed under Class A of Part 1 of the GPDO, relating to the enlargement, improvement or other alteration of a dwellinghouse, and the following requirements of that Part:

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of Schedule 2.
- (b) As a result of the works, the total area of ground covered by buildings / structures within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (c) The height of the car port enlarged would not exceed the highest part of the roof of the existing dwellinghouse;
- (d) The height of the eaves of the car port would not exceed the height of the eaves of the existing dwellinghouse;

- (e) The car port would not extend beyond a wall which (1) fronts a highway, nor (2) forms either the principal elevation or a side elevation of the original dwellinghouse.
- (f) The car port would not (1) extend beyond the rear wall of the original dwellinghouse (2) exceed 4 metres in height;
- (g) The car port would be within 2 metres of the boundary of the curtilage of the dwellinghouse; however the proposed height of the eaves would not exceed 3 metres;
- (h) The car port would extend beyond a wall forming a side elevation of the original dwellinghouse; however it:
  - (i) would not exceed 4 metres in height
  - (ii) would not be more than a single storey
  - (iii) would not have a width greater than half the width of the original dwellinghouse
- (i) It would not consist of or include:
  - (i) the construction or provision of a veranda, balcony or raised platform,
  - (ii) the installation, alteration or replacement of a microwave antenna,
  - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
  - (iv) an alteration to any part of the roof of the dwellinghouse;

A.2. The dwellinghouse is not located on article 2(3) land.

3.2 It should also be noted that La Casita benefits from permitted development rights. Based on the information received by the Local Planning Authority on the 13th May and 30th May 2017, the applicant has demonstrated that the proposed car port **does not require the express permission of the Local Planning Authority** by virtue of it constituting permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

#### **RECOMMENDATION Grant Certificate**

Reason:

Based on the information received by the Local Planning Authority on the 13th May and 30th May 2017, the applicant has demonstrated that the car port does not require the express permission of the Local Planning Authority by virtue of it constituting permitted development under Schedule 2, Part 1, Class A and of the Town and Country Planning (General Permitted Development) (England) Order 2015.

17/00517/CLP

Streetwise

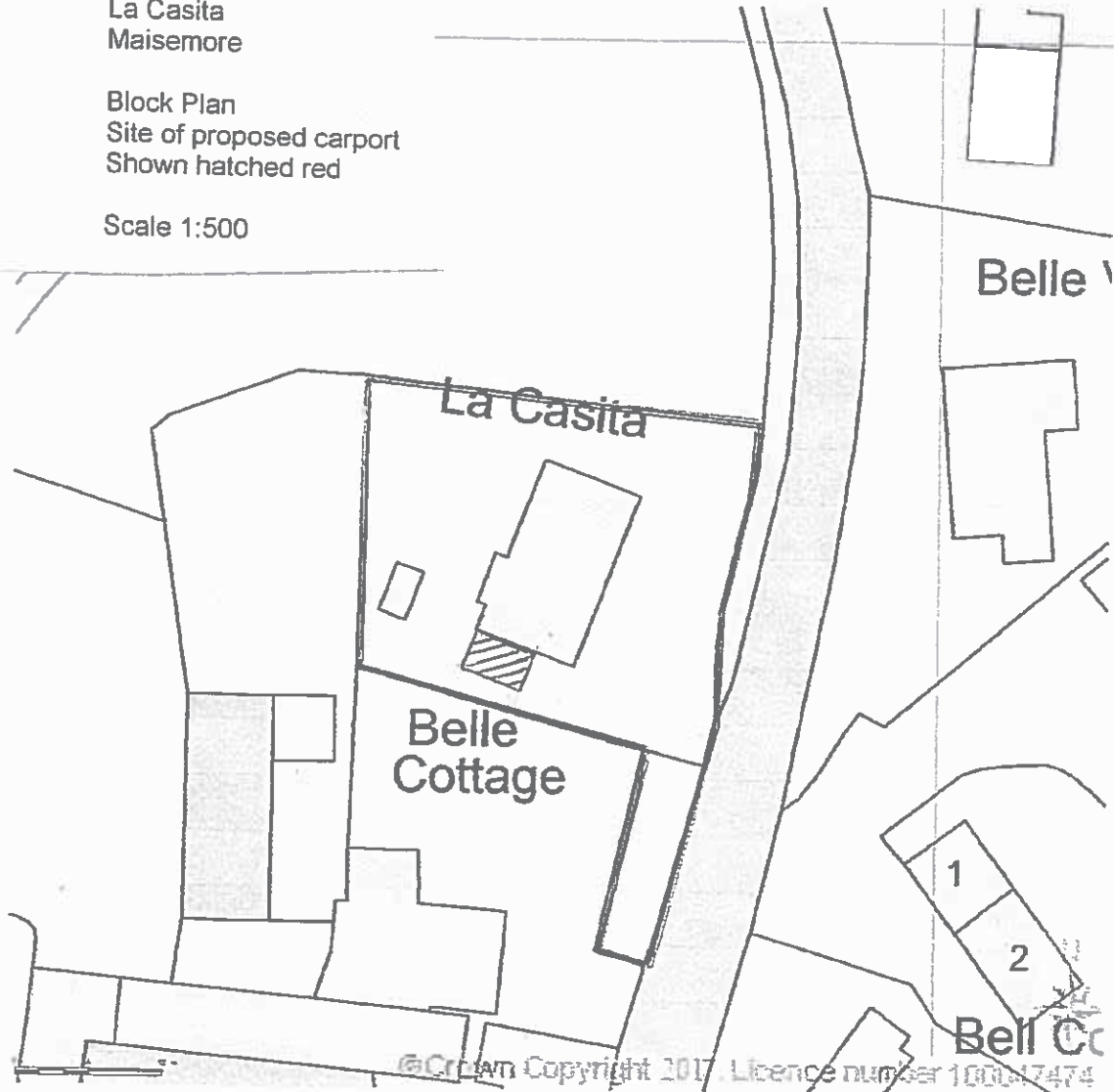


BLOCK/SITE PLAN  
AREA 90m x 90m  
SCALE 1:500 on A4  
CENTRE COORDINATES: 381069, 221458

La Casita  
Maisemore

Block Plan  
Site of proposed carport  
Shown hatched red

Scale 1:500



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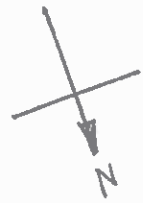
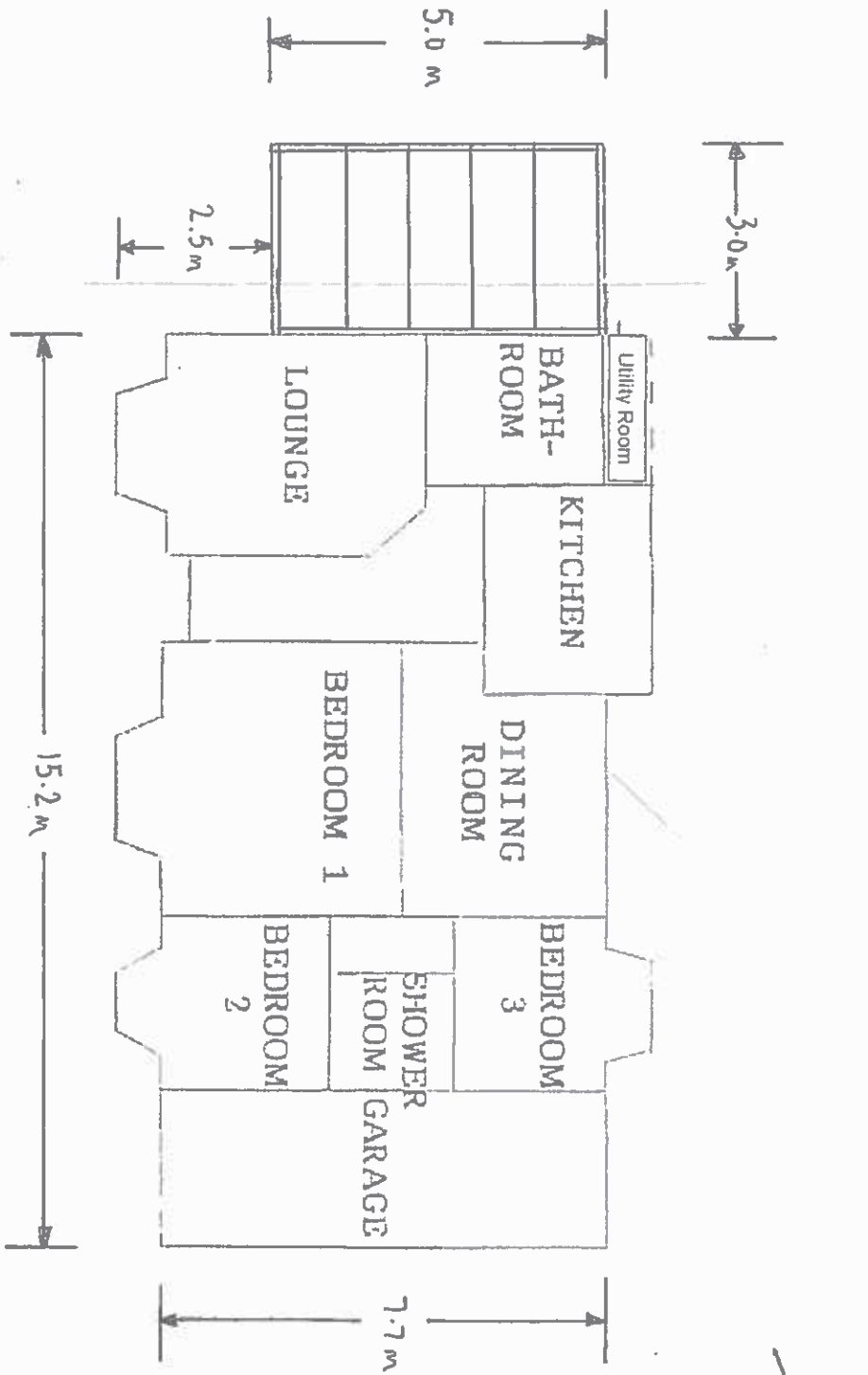


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20/05/2017 12:50:44

193/94

D72/1500/L1

Site of and dimensions for  
Proposed car port at  
La Curta, Marsemre



193/95

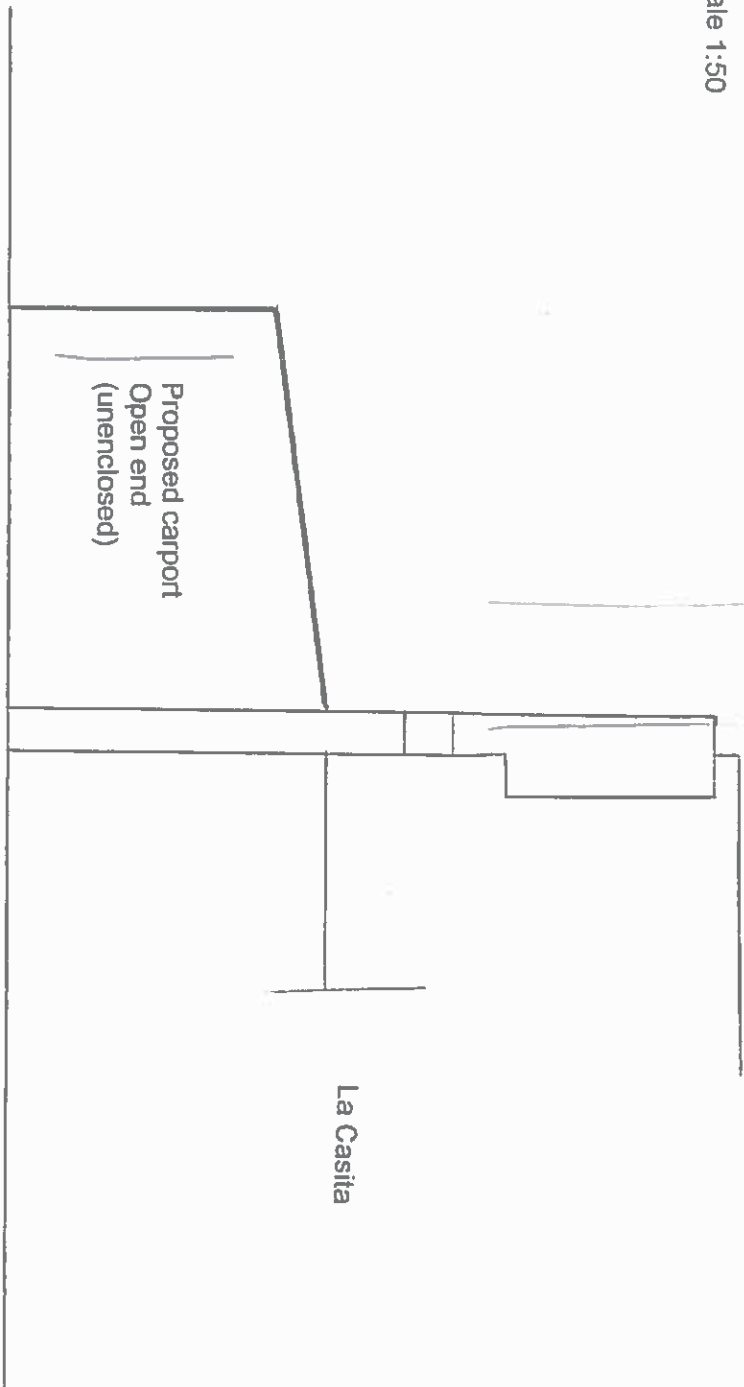


17/00517/CLP

La Casita  
Malsmore

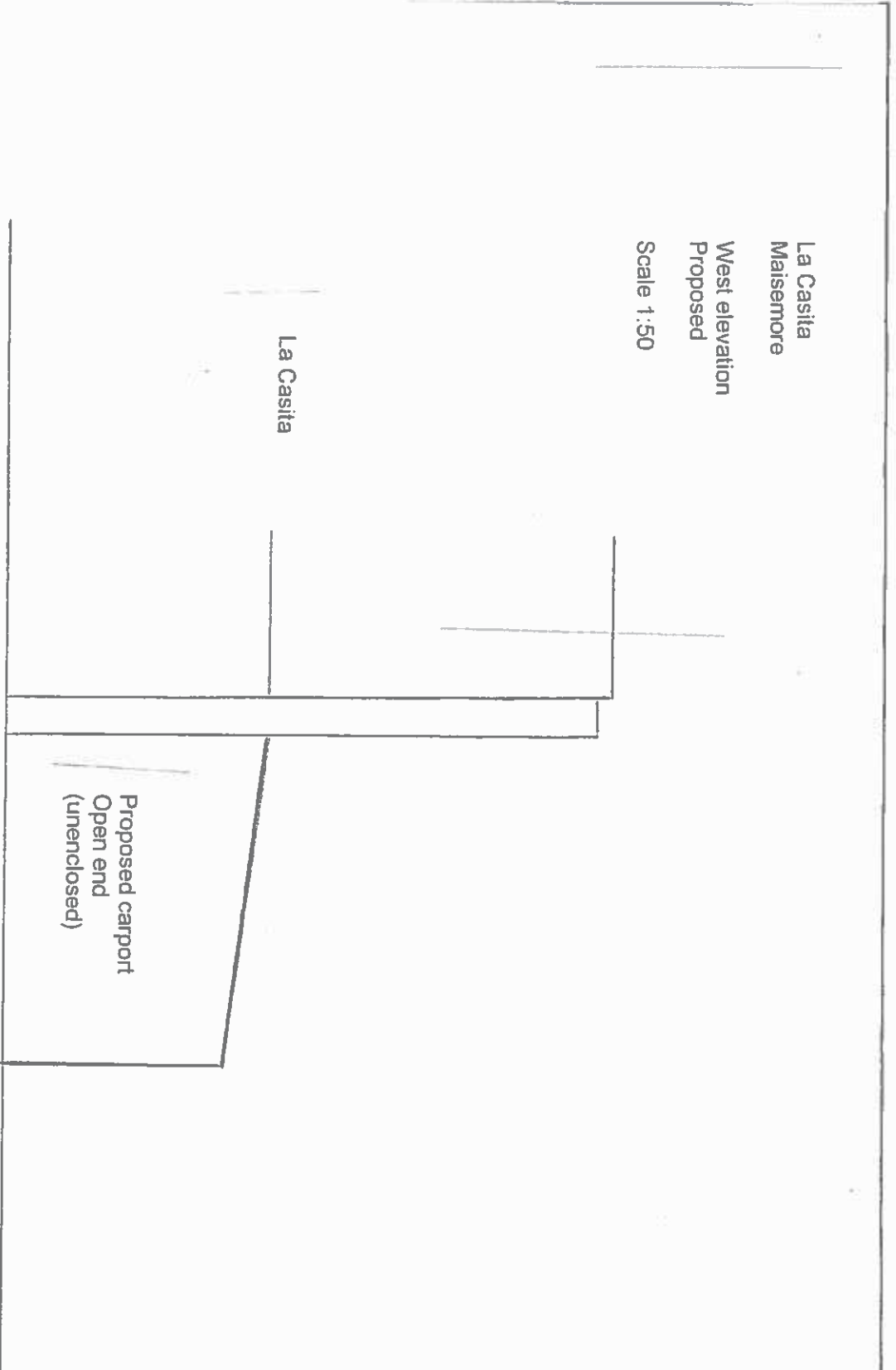
East elevation  
Proposed

Scale 1:50



19396

17/00517/CLP



193/0  
97

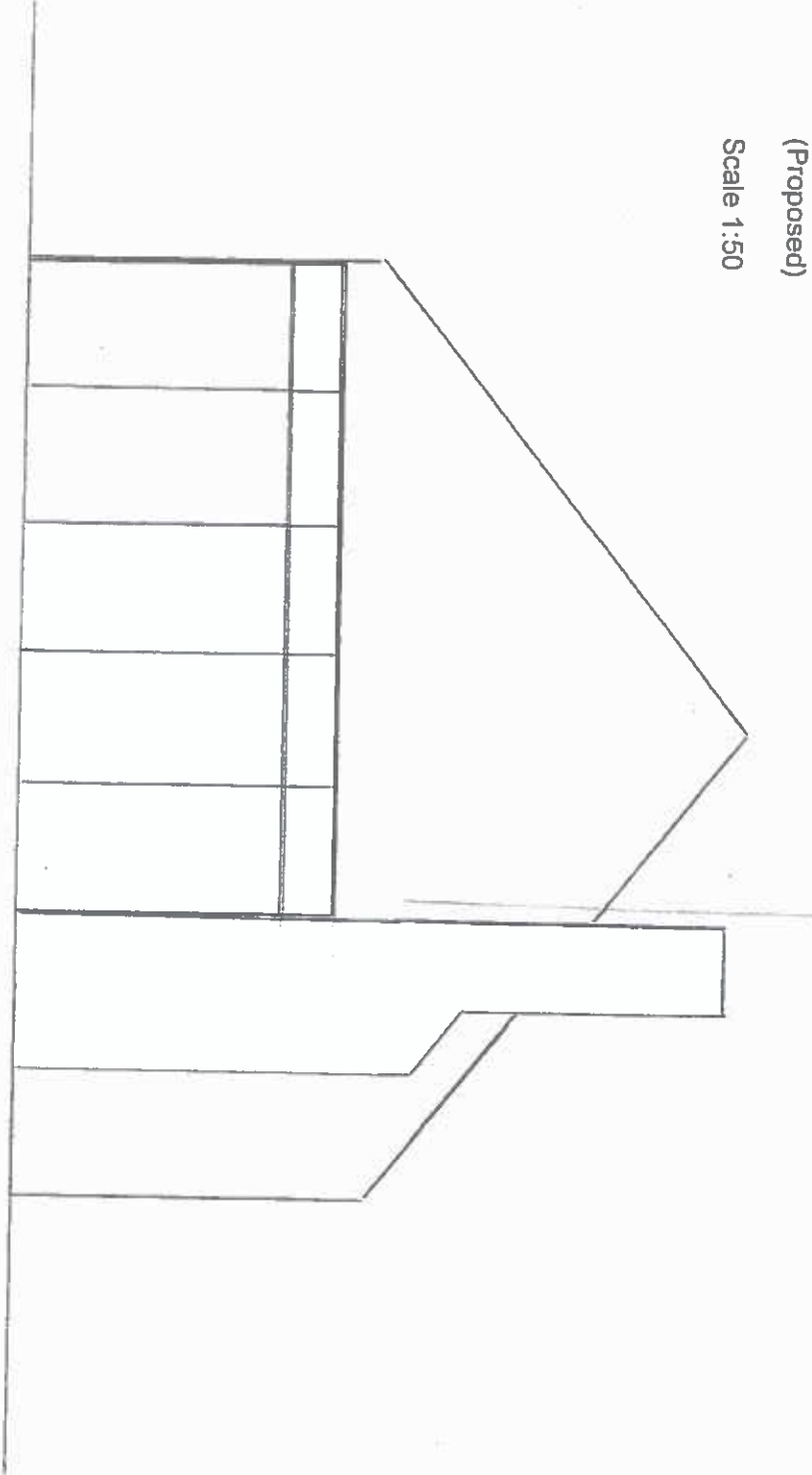
17/005/7/CLP

La Casita  
Maisemore

South elevation  
(Proposed)

Scale 1:50

5 No. 50 mm aluminium posts and trusses  
at 1 metre intervals infilled and roofed with  
1 metre wide Polypropylene opaque panels



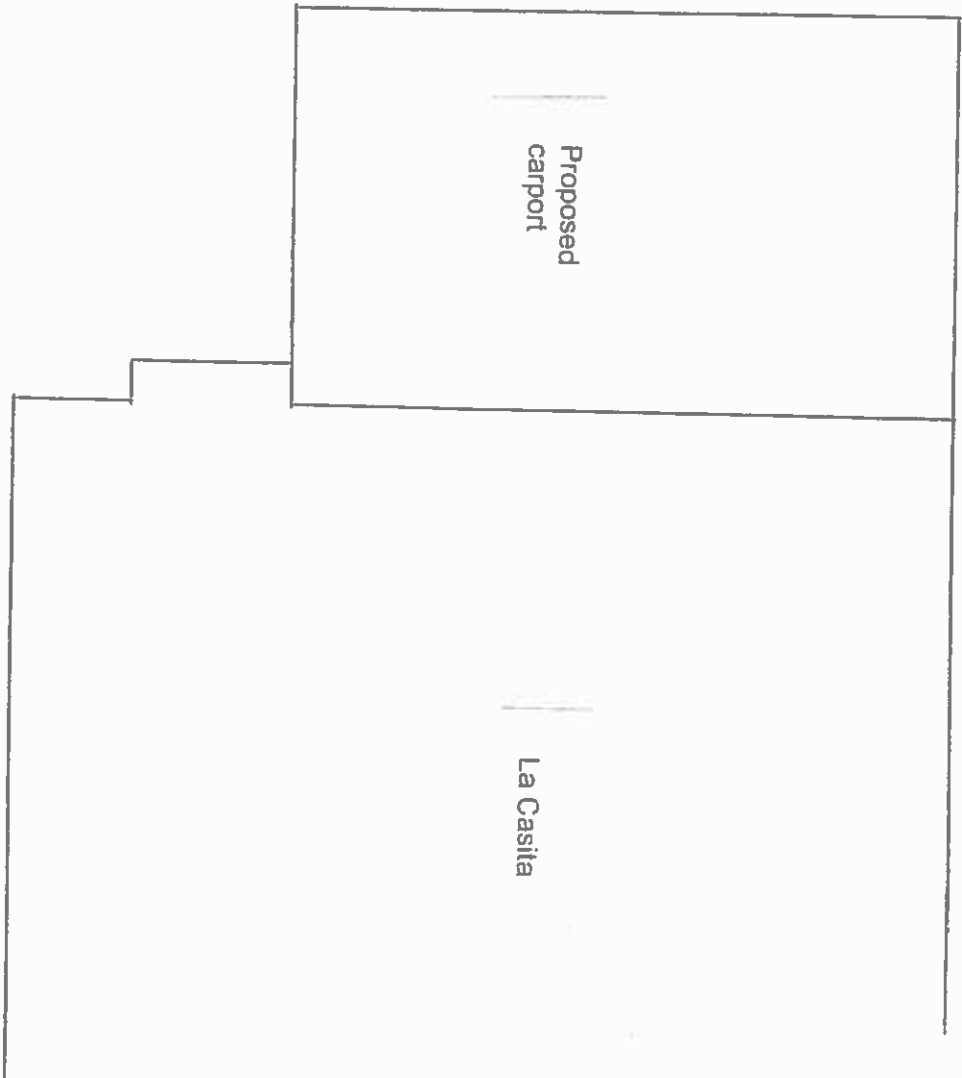
198/E

17/00517/CLP

La Casita  
Maisemore

Proposed carport

Floor plan  
Scale 1:50



193/99/F

## 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
			Innsworth with Down Hatherley	Down Hatherley Innsworth	G J Bocking
Badgeworth	Badgeworth Boddington Great Witcombe Staverton	R J E Vines	Isbourne	Buckland Dumbleton Snowhill Stanton Teddington Toddington	J H Evetts
			Brockworth	Glebe Ward Horsbere Ward Moorfield Ward Westfield Ward	R Furolo Mrs R M Hatton H A E Turbyfield
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
Cleeve Grange	Cleeve Grange	Mrs S E Hillier- Richardson	Oxenton Hill	Gotherington Oxenton Stoke Orchard and Tredington	Mrs M A Gore
			Tewkesbury Newtown	Tewkesbury Newtown	V D Smith
Cleeve Hill	Prescott Southam Woodmancote	M Dean Mrs A Hollaway	Tewkesbury Prior's Park	Tewkesbury (Prior's Park) Ward	K J Cromwell Mrs J Greening
			Cleeve St Michael's	Cleeve St Michael's	R D East A S Reece
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
Highnam with Haw Bridge	Ashleworth Chaceley Forthampton Hasfield Highnam Maisemore Minsterworth Tirley	P W Awford D M M Davies	Twyning	Tewkesbury (Mythe Ward) Twyning	T A Spencer
			Winchcombe	Alderton Gretton Hawling Stanway Sudeley Winchcombe	R E Allen Mrs J E Day J R Mason

11 May 2015

Please destroy previous lists.