

**TO EACH MEMBER OF THE  
PLANNING COMMITTEE**

11 December 2017

Dear Councillor

**PLANNING COMMITTEE- TUESDAY 19 DECEMBER 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 - 64</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 19 December 2017

	(NORTH)	(SOUTH)
General Development Applications Applications for Permission/Consent	(472 - 477)	(478 - 510)

**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. ( 472 - 510 )**

### **Codes for Application Types**

OUT	Outline Application
FUL	Full Application
APP	Application for Approval of Reserved Matters
LBC	Application for Listed Building Consent
ADV	Application for Advertisement Control
CAC	Application for Conservation Area Consent
LA3/LA4	Development by a Local Authority
TPO	Tree Preservation Order
TCA	Tree(s) in Conservation Area

### **National Planning Policy**

National Planning Policy Framework (NPPF)

Technical Guidance to the National Planning Policy Framework

Planning Policy for Traveller Sites

Planning Policy Statement 10: Planning for Sustainable Waste Management

Planning Policy Statement 11: Regional Spatial Strategies

## INDEX TO PLANNING SCHEDULE (RECOMMENDATIONS) 19th December 2017

Parish and Reference	Address	Recommendation	Item/page number
Bishops Cleeve 17/01161/FUL <a href="#">Click Here To View</a>	9 Harvesters View Bishops Cleeve	Permit	6 / 509
Norton 17/00711/FUL <a href="#">Click Here To View</a>	Brookelands Tewkesbury Road Norton	Permit	3 / 478
Southam 17/00960/FUL <a href="#">Click Here To View</a>	Queenwood House Queenwood Grove Prestbury	Permit	5 / 501
Tewkesbury 17/00865/FUL <a href="#">Click Here To View</a>	75 Barton Street Tewkesbury GL20 5PY	Permit	1 / 472
Tewkesbury 17/00866/LBC <a href="#">Click Here To View</a>	75 Barton Street Tewkesbury GL20 5PY	Consent	2 / 475
Uckington 17/00827/FUL <a href="#">Click Here To View</a>	Gallagher Retail Park Tewkesbury Road Uckington	Permit	4 / 489

17/00865/FUL

75 Barton Street, Tewkesbury

1

Valid 08.08.2017

Change of use from A2 Professional Services to Residential C3. Creation of 2 dwelling units and associated refurbishment and repair.

Grid Ref 389365 232681

Parish Tewkesbury

Ward Tewkesbury Town With Mitton

Mr Andrew Cromwell

c/o 75, Barton Street  
TEWKESBURY  
GL20 5PY

## **RECOMMENDATION Permit**

### **Policies and Constraints**

NPPF

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HEN2, HEN6, RET2, HOU2, HOU5

Adoption Version Joint Core Strategy (2017) (AJCS) - SP2, SD8, SD10, SD11

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**

**Tewkesbury Town Council** - No objections subject to conservation officer comments.

**Conservation Officer** - No objections.

**Local Residents** - No representations have been received from members of the public.

**This application is brought before the Planning Committee as the applicant is related to a serving member of the Council.**

**Planning Officers Comments:** Bob Ristic

### **1.0 Introduction**

1.1 The application site comprises a mid-terrace property located upon the southern side of Barton Street and adjacent to Fletcher's Alley, Tewkesbury. The property comprises a two storey frontage building with a three storey range to the rear.

1.2 The property is a Grade II designated heritage asset which is located within the Tewkesbury Conservation Area and Tewkesbury Town Centre Mixed Use Frontage as identified on the proposals map to the Tewkesbury Borough Local Plan to 2011. The property is also subject to the Tewkesbury Article 4 Direction.

1.3 The building was last used as a television and electricals repair shop 'Treens Televisions', which is currently vacant following the longterm proprietor retiring and business closing.

### **2.0 Planning History**

2.1 There is no planning history to the site. Application reference 17/00866/LBC - the listed building consent application for the associated works also appears on the schedule.

### **3.0 Current Application**

3.1 This application seeks planning permission for the change of use of the building into two dwellings.

3.2 The building would be divided vertically providing a two bedroom dwelling within the Barton Street frontage building, which would be accessed via the existing shopfront door. A further new opening is proposed to be formed within the Fletchers Alley elevation.

3.3 The rear wing would be converted into a further two bedroom dwelling and would be accessed from Fletchers Alley via a new doorway which would be formed within a presently blocked up opening.

3.4 While the existing timber shopfront would be retained onto Barton Street the application would also entail various alterations to windows and doors to the rear part of the building, including replacement timber window casements and the stopping-up of an existing escape door which would be replaced with a new timber window.

#### 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 Adoption Version JCS (AJCS). 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 JCS Inspector's report was received in October 2017 and concluded that, subject to the main modifications and an immediate partial review, the JCS is sound and legally compliant. Therefore, in accordance with paragraph 216 of the NPPF, it is considered that the JCS policies can be given very significant weight.

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

#### 5.0 Analysis

5.1 The application property was last used as an electrical repair shop with associated workshop and storage areas. It is understood that business operated from the property for over 50 years, prior to which it was used as a dwelling.

5.2 The property is presently vacant following the occupier's retirement earlier this year and the building is in need of renovation. The current application seeks to bring the building back into residential use and provide two self-contained, 2 bedroom dwellings.

5.3 Policy RET2 of the TBLP advises that proposals in Use Classes A1, A2, A3 or residential will be supported within the 'Town Centre Mixed Use Frontage'. Policy SD10 of the AJCS advises that development and conversions to dwellings will be permitted in the existing built up areas including Tewkesbury Town, that sensitive, adaptive re-use of vacant or redundant buildings will be encouraged. In all cases, proposals should seek to achieve the maximum density compatible with good design, protection of heritage assets and the character of the area. The proposed conversion is therefore considered acceptable in principle.

5.4 The proposal would bring back into use an existing vacant building within a sustainable town centre location and would provide two dwellings which would contribute to the housing stock and choice within the town. The front unit would provide accommodation on the ground and first floors, with the basement used for storage. The rear unit would provide a larger 2 bed dwelling with living accommodation across all three floors and would contribute to a mix of accommodation in the area.

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

5.6 Policy SD8 of the AJCS advises that designated and undesignated heritage assets and their setting will be conserved and enhanced as appropriate and proposals that will bring vacant or derelict heritage assets back into appropriate use will be encouraged.

5.7 The proposal would retain the existing shopfront which would be repainted black to match the adjoining shopfront and would include new and replacement timber windows and doors to the rear part of the property which would result in a more cohesive and improved appearance to this part of the building and the conservation area.

5.8 The Borough Conservation Officer has advised that the rear wing is structurally independent and that the internal fabric of the listed building has been compromised over the years. The proposed works although significant would not adversely affect the remaining historic fabric and would conserve the building. The proposal would result in an acceptable conversion which would preserve the character and appearance of the heritage asset and would accord with Policy SD8 of the AJCS.

5.9 Although the proposal does not provide any off street parking it is noted that the site is located in a highly sustainable town centre location in proximity to retail and leisure uses as well as a nearby bus stop. Car parking facilities are also available in nearby carparks as well as short stay bays outside the property. Given the location, the lack of designated parking provision is not a matter which weighs against the proposal.

5.10 The proposed change of use would reinstate the historic residential use of the building and would provide two new dwellings in a highly sustainable location. The development would comply with Policies RET2 and HOU2 of the Tewkesbury Borough Local Plan and Policy SD10 of the Adoption Version Joint Core Strategy which support appropriate residential development within established settlements. Furthermore the proposal would conserve the heritage asset and would accord with Policy SD8 of the Adoption Version Joint Core Strategy.

## 6.0 Conclusions

6.1 Taking into account all of the above, the proposal is considered to be acceptable and it is therefore recommended that planning permission is **Permitted**.

### RECOMMENDATION Permit

#### Conditions:

- 1 The use 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 drawing nos.2017/1234/101, 102, 103, 104, 105, 201, received by the Local Planning Authority on 8th August 2017, and the external finishes schedule confirmed on 1st December 2017.

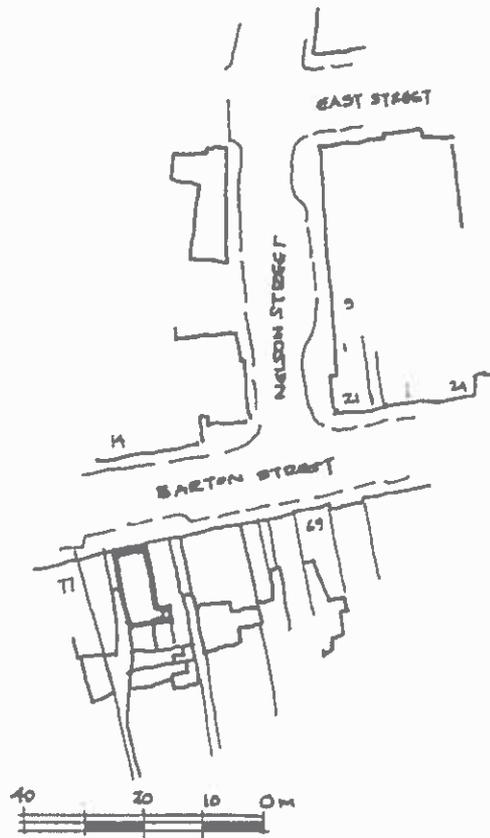
#### Reasons:

- 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.

#### 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 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.

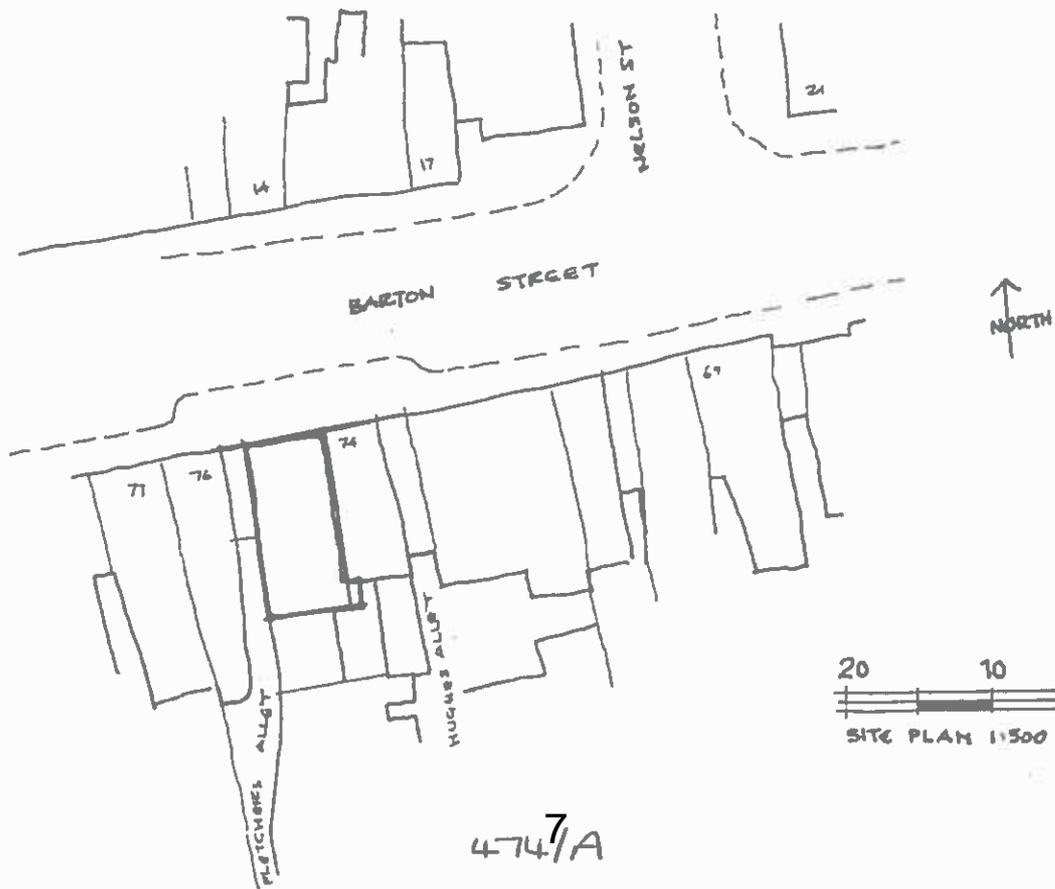
17/00865/FUL &  
17/00866/LBC



**75 BARTON STREET  
TEWKESBURY  
GL20 5PY**

**PROPOSED ALTERATIONS  
SITE AND LOCATION PLANS**

**DRAWING NO 2017/1234/301  
SCALE 1:500 1:1250 @ A4  
AUGUST 2017**



20 10 5 0m  
SITE PLAN 1:500 @ A4

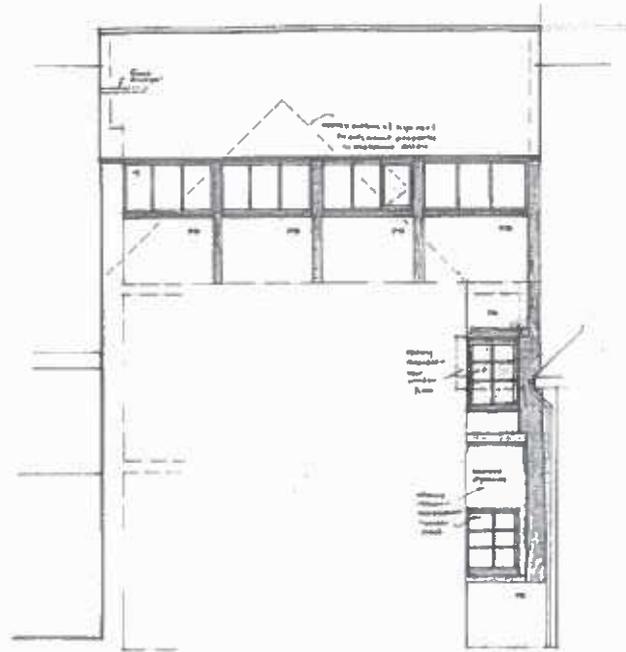
474/A



75 BARTON STREET  
TEWKESBURY  
GL20 5PY  
PROPOSED ALTERATIONS  
SIDE ELEVATION  
DRAWING NO 2017/2234/1/03  
SCALE 1:50 @ A3  
JULY 2017



ELEVATION TO  
BARTON STREET



REAR ELEVATION

2 1 05 0m

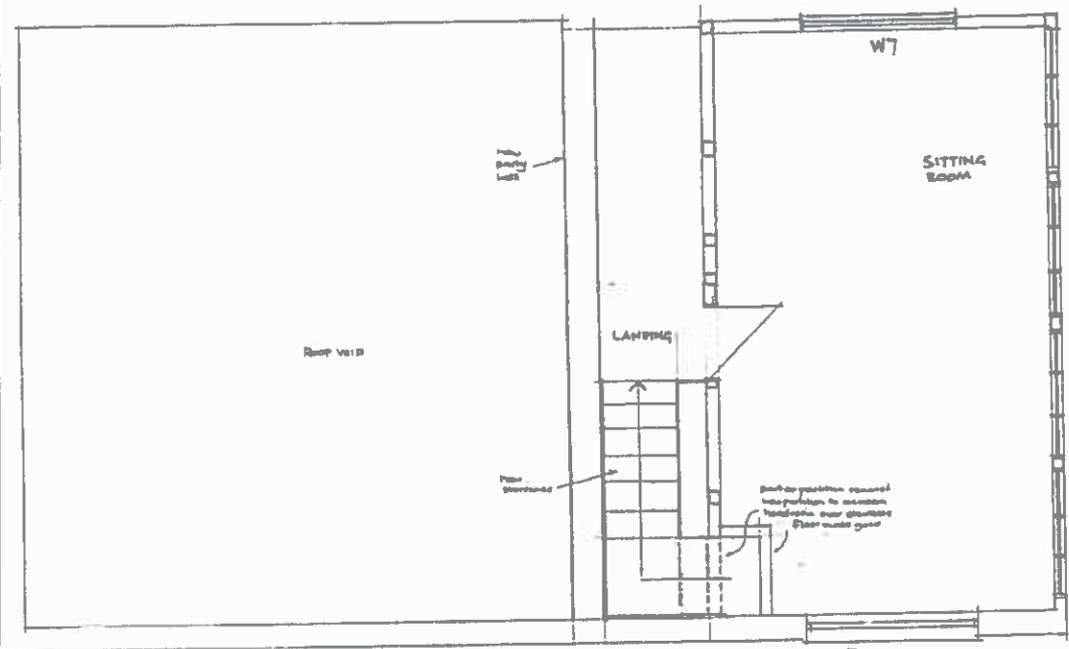
75 BARTON STREET  
TEWKESBURY  
GL20 5PY

PROPOSED ALTERATIONS  
FRONT AND REAR ELEVATIONS

DRAWING NO 20171234/104  
SCALE 1:50 @ A3  
AUGUST 2017

479/C

2 1 0-5 0m

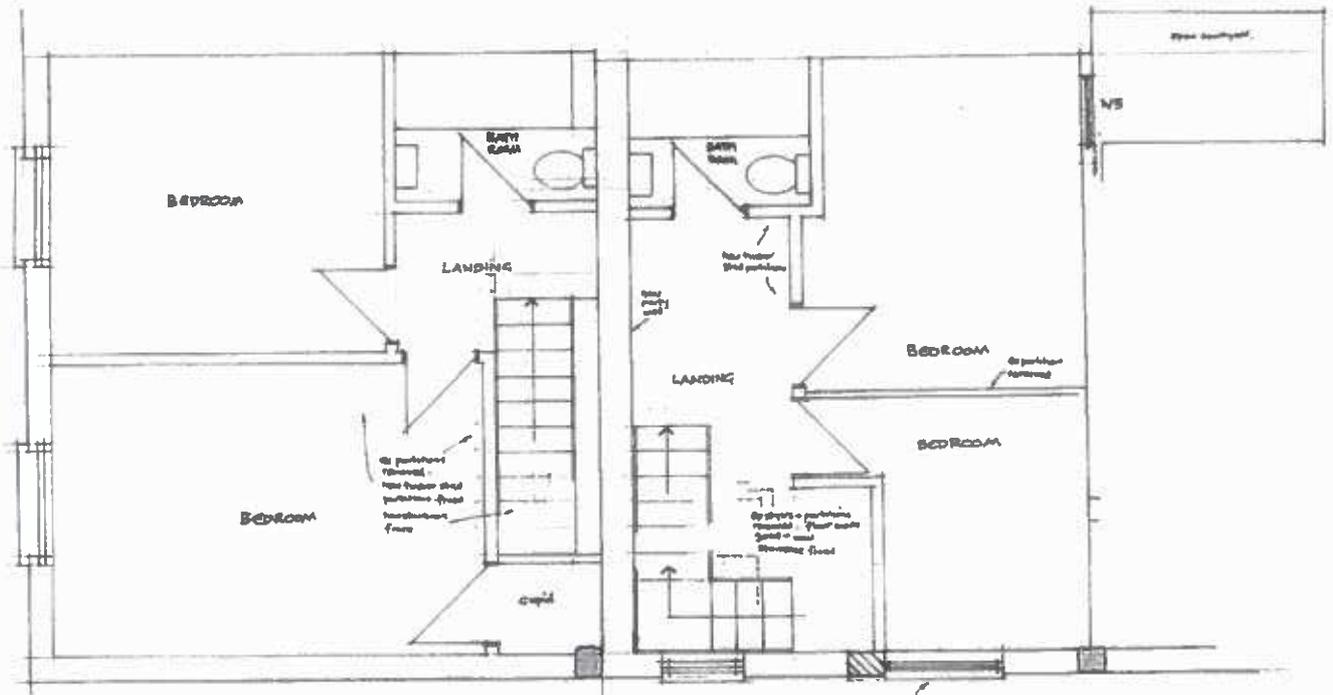


W5  
SECOND FLOOR PLAN

75 BARTON STREET  
TEWKESBURY  
GL20 5PY

PROPOSED ALTERATIONS  
FIRST FLOOR PLAN  
AND LOFT PLAN

DRAWING NO 2017/1234/102  
SCALE 1:50 @ A3  
JULY 2017



FIRST FLOOR PLAN

10  
474/0

Valid 08.08.2017  
 Grid Ref 389365 232681  
 Parish Tewkesbury  
 Ward Tewkesbury Town With  
 Mitton

Creation of 2 dwelling units and associated refurbishment and repair.

Mr Andrew Cromwell  
 c/o 75, Barton Street  
 TEWKESBURY  
 GL20 5PY

## **RECOMMENDATION Consent**

### **Policies and Constraints**

Planning (Listed Buildings and Conservation Areas) Act 1990  
 National Planning Policy Framework (2012)  
 Planning Practice Guidance  
 Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HEN2, HEN6.  
 Adoption Version Joint Core Strategy (2017) (AJCS) - SD8  
 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**

**Tewkesbury Town Council** - No objections subject to conservation officer comments.

**Conservation Officer** - No objections.

**Local Residents** - No representations have been received from members of the public.

**This application is brought before the Planning Committee as the applicant is related to a serving member of the Council.**

**Planning Officers Comments:** Bob Ristic

### **1.0 Introduction**

1.1 The application site comprises a mid-terrace property located upon the southern side of Barton Street, and adjacent to Fletcher's Alley, Tewkesbury. The property comprises a two storey frontage building with a three storey range to the rear.

1.2 The property is a Grade II designated heritage asset which is located within the Tewkesbury Conservation Area and Tewkesbury Town Centre Mixed Use Frontage as identified on the proposals map to the Tewkesbury Borough Local Plan to 2011. The property is also subject to the Tewkesbury Article 4 Direction.

1.3 The building was last used as a television and electricals repair shop 'Treens Televisions', which is currently vacant following the long term proprietor retiring and business closing.

### **2.0 Planning History**

2.1 There is no relevant planning history to the site. Application reference 17/00865/FUL for the creation of 2 dwelling units and associated refurbishment and repair also appears on the schedule.

### **3.0 Current Application**

3.1 This application seeks Listed Building Consent for works associated with the proposed change of use of the building to two dwellings.

3.2 The building would be divided vertically with a new party wall to provide a two bedroom dwelling within the Barton Street frontage building, which would be accessed via the existing shopfront door.

3.3 The rear wing would be converted into a further two bedroom dwelling and would be accessed from Fletchers Alley via a new doorway which would be formed within a presently blocked up opening.

3.4 While the existing timber shopfront would be retained onto Barton Street the application would also entail various alterations to windows and doors to the rear part of the building, including replacement timber window casements, the stopping-up of an existing escape door which would be replaced with a new timber window and the formation of a further new door opening onto Fletchers Alley.

3.5 Internally, the works would include the installation of new staircases to each of the proposed dwellings and the installation of partition walls to form the proposed rooms.

#### **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 Adoption Version JCS (AJCS). 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 JCS Inspector's report was received in October 2017 and concluded that, subject to the main modifications and an immediate partial review, the JCS is sound and legally compliant. Therefore, in accordance with paragraph 216 of the NPPF, it is considered that the JCS policies can be given very significant weight.

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

#### **5.0 Analysis**

5.1 The application property was last used as an electrical repair shop and is presently vacant and in need of renovation. This application proposes various internal and external alternations to the building to allow for its conversion and re-use as two dwellings.

5.2 Policy SD8 of the Adoption Version Joint Core Strategy advises that designated and undesignated heritage assets and their setting will be conserved and enhanced as appropriate and proposals that will bring vacant or derelict heritage assets back into appropriate use will be encouraged.

5.3 Externally the application proposes the installation of replacement windows to the rear and side elevations of the building as well as two new timber doors. The windows and doors would have acceptable traditional profiles which would result in a harmonious appearance to these elevations, replacing a variety of casements in place at the moment. The applicant has confirmed that the windows will be painted cream which is considered to be an appropriate, traditional colour.

5.4 Internally the application proposes a new masonry cross wall to divide the front and back of the property to form the two dwellings. The ground floors would remain relatively open as at present, save for the installation of two new staircases. The first floor would be subject to more significant partitioning to form the bedrooms and bathroom and the second floor of the rear building would remain open plan, providing a sitting room.

5.5 The Borough Conservation Officer has advised that although the proposed works are not insubstantial, the interior of the building is heavily compromised and only fragments of framing survive. It is not considered that the interventions affect fabric of primary significance and the scheme is considered acceptable on balance.

5.6 Policy HEN6 of the TBLP requires works to existing shopfronts to be sympathetic in design and scale. The existing traditional timber shopfront would be retained and would be repainted a single colour (black) which would be appropriate and in keeping with the character of the heritage asset, would also match the black colour to the adjoining 'Options' shopfront and would preserve the character and appearance of the listed building and containing conservation area.

## 7.0 Conclusions & recommendation

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

7.2 Taking into account all of the above, the proposed works are considered to be acceptable and in accordance with the relevant policies. It is therefore recommended that listed building consent is **granted** subject to the following conditions.

### RECOMMENDATION Consent

#### Conditions:

- 1 The works hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with drawing nos.2017/1234/101, 102, 103, 104, 105, 201, received by the Local Planning Authority on 8th August 2017 and the external finishes schedule confirmed on 1st December 2017.

#### Reasons:

- 1 To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development is carried out in accordance with the approved plans.

#### Notes:

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

17/00711/FUL

Brookelands, Tewkesbury Road, Norton

3

Valid 17.10.2017  
Grid Ref 385417 223146  
Parish Norton  
Ward Coombe Hill

Erection of 5 no. detached dwellings  
  
Mr R Boote  
c/o Agent

## **RECOMMENDATION Permit**

### **Policies and Constraints**

Tewkesbury Borough Local Plan to 2011 - HOU4, TPT1, LND4  
Adoption Version Joint Core Strategy (2017) - SP2, SD6, SD10, SD14, INF1  
National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)  
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**

**Norton Parish Council** - Objected to the original application but support the revised proposals. The Parish favour the 'farmstead' layout as advocated in their emerging Neighbourhood Development Plan. The Parish consider it essential that the tall roadside hedges are retained and maintained and the ownership and maintenance of the hedges should be clarified as part of the application.

**Urban Design** - Some negative aspects given the relationship with the main road however the architectural vision is strong and the proposal is a significant improvement on the extant permissions on the site. These positives outweigh the negative aspects of the scheme.

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

**Environmental Health Contamination** - No objection subject to condition requiring contamination investigation

**Environmental Health** - There is no noise report submitted with the application and concerned about the impact that the traffic noise on the A38 could have on the proposed residents. I note that there are two plots in quite close proximity to this road and in the absence of a noise report it is difficult to advise of the suitability.

**County Highways Authority** - No comments received.

**Local Residents** - 3 comments have been received from local residents:

- The road is fast and dangerous and additional safety measures should be put in place.

**Planning Officers Comments:** Paul Instone

### **1.0 Application Site**

1.1 The application site relates to agricultural land and a dwellinghouse located on the western side of the A38 to the south of Norton. The site is adjacent to the Brookelands Nursery and lies adjacent to the former Norton Garage, previously in use as a carpet shop, but more recently replaced by two dwellings. There are a small number of buildings and glasshouses relating to the nursery business located to the west of the site. The immediate area is characterised by ribbon development which straddles the A38 in this location.

1.2 There are extant planning permissions for four houses to the front of the site. The application site extends approximately 35 metres further north into agricultural land than the application sites in the extant planning permissions.

1.3 The site is outside of a Residential Development Boundary (RDB) as defined in the Tewkesbury Borough Local Plan to 2011 - March 2006 and is not within any designated landscape protection areas. Land on the opposite side of the A38 is covered by the Gloucestershire Green Belt.

1.4 The application site is located approximately half a kilometre to the south of Norton village and is separated from the village by agricultural fields. The application site is located outside of the Norton Settlement Boundary as defined in emerging Neighbourhood Plan and it is not considered that the application site lies within Norton Village.

## **2.0 Planning History**

15/00893/OUT - Outline application for the erection of 3 no. detached dwellings (all matters reserved except access). Permitted November 2015.

16/00581/APP - Reserved matters pursuant to outline planning permission 15/00893/OUT for the erection of 3 dwellings (reserved matters application including appearance, landscaping, layout and scale). Permitted November 2016.

16/01348/FUL - Erection of 1 no. detached dwelling. Permitted February 2017.

## **3.0 Current Application**

3.1 The current application seeks full planning permission for the erection of five detached dwellings and a block of 5 garages. The application has been revised further to comments from officers and the application site has been limited to the south east corner of the wider parcel of land owned by applicant and the number of houses has reduced from 6 to 5.

3.2 The application also proposes a single storey extension to the side of the existing dwelling to the rear of the site.

3.3 Vehicular access to the site would be via the existing junction with the A38.

## **4.0 Policy Context**

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

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

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

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

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

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

## *Emerging Joint Core Strategy*

4.6 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. The emerging JCS is at an advanced stage and Inspector's Report has been published.

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

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (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).

4.8 The Adoption Version of the Joint Core Strategy (AVJCS) is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. Due to the advanced stage of the JCS the policies can be afforded very significant weight in the decision making process.

4.9 Policy SP2 of the AVJCS 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 Norton.

4.10 Rural Services Centres and villages will accommodate development which will be allocated through the Tewkesbury Local Plan and Neighbourhood Plans, proportionate to their size and function. In the remainder of the rural area, Policy SD10 will apply for proposals for new residential development.

4.11 Policy SD10 states that on sites that are not allocated, housing development will be permitted on previous development land within the built up areas of Gloucester City, the Principle Urban Area of Cheltenham and Tewkesbury Town, Rural Service Centres and Service Villages except where otherwise restricted by policies within District Plans. Of relevance to this application, housing on other sites, inter alia, will only be permitted where it is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area or Tewkesbury Borough's towns and villages except where otherwise restricted by policies with the district plans. Other relevant local plan policies are set out in the appropriate sections of this report.

## *Down Hatherley, Norton and Down Hatherley Draft Neighbourhood Plan*

4.12 The draft Neighbourhood Plan (NDP) for the area is currently out for consultation. The Plan is at an early stage of preparation at this stage and can be given, at best, very limited weight. Paragraph 47 of the NDP sets out a Design Statement for the whole NDP area which includes the requirement that '*Developments of multiple dwellings should generally adopt a farmstead cluster form, avoiding linear forms, which may appear as undesirable 'ribbon development' and also harm valued views*'.

## *Other Material Considerations*

4.13 The Parishes of Down Hatherley, Norton and Twigworth have prepared a joint draft Neighbourhood Development Plan which is now out to consultation and is at an early stage in the plan making process. The Plan identifies a Settlement Boundary for Norton which lies approximately 0.5 km to the north of the application site. The plan states that the settlement boundary has been defined due to a number of factors which include preventing ribbon development. As this plan is at an early stage it should be afforded limited weight in the decision making process.

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

4.15 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 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, in accordance with paragraph 12 of the NPPF, the presumption is against the grant of permission given the conflict with policy HOU4, and emerging policy and as such permission should be refused unless material planning circumstances indicate otherwise.

5.2 There are extant planning permissions for four dwellings on part of the application site and the application proposes five dwellings. It is therefore necessary to consider the principle of an additional dwelling in this location.

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

5.4 The application site is also located approximately 500 metres to the south of Norton which is a named Service Village in the AVJCS. Notwithstanding the fact that the proposal cannot be considered infill due to the characteristics of the application site, as the application site is outside of the Service Village, the proposed additional house cannot be considered as infilling within the Service Village and therefore the proposal also conflicts with emerging policy SD10 of the AVJCS. Due to the advanced stage of the JCS policy SD10 can be afforded very significant weight in the decision making process.

5.5 The Framework 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. In this respect the site is located on a primary transport route and there is a bus stop in the vicinity which provides a service between Gloucester and Tewkesbury.

5.6 It is recognised that it is a requirement of the NPPF to 'boost significantly the supply of housing' and this would result in a social benefit. However, this is being achieved within Tewkesbury Borough give the five year supply position outlined above and the social benefits are therefore limited in this respect. There would similarly be economic benefits both during and post construction which weigh in favour of the development. In terms of service provision, Twigworth benefits from a post office, a general store, employment opportunities, a petrol station/garage and a place of worship. There is also a primary school at Norton. The majority of these services are considered to be within acceptable walking and cycling distance from the application site. It is therefore considered that the site is located in a reasonably accessible location.

5.7 It is recognised that there would be a clear conflict with policy HOU4 of the Local Plan and emerging policy SD10 of the AVJCS of an additional house in this location to which substantial weight should be applied. It is not considered that the economic and social benefits on their own would outweigh the conflict with these policies. There is also an increase in the size of the site compared to the combined site of the previous permissions. The principle is thus that permission should be refused unless material considerations indicate otherwise. These considerations are set out below and must be considered in the overall planning balance.

## Landscape Impact

5.8 Policy SD6 of the AVJCS states that development will seek to protect the landscape for its own intrinsic beauty and for its benefit to economic, environmental and social well-being and proposals should protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement.

5.9 The application as originally submitted sought to provide 6 dwellings on the wider parcel of land owned by the applicant to the north and west of the current application site. Officers advised that the initial scheme would be unacceptable as the wider site provides a significant landscape contribution to the agricultural character of the area and provides separation between built-form along the A38.

5.10 Due to Officer concerns about the extent of development, the application site has been reduced significantly, however the application site does extend approximately 35 metres further north into agricultural land than the application site in the extant permissions. Furthermore the overall scale of the scheme is greater than the existing permissions due to the size and layout of the proposed dwellings. Nevertheless, the approach to the site does reduce the impact to a degree on the views into the site from the A38 given the layout, scale of the buildings proposed at the front of the site and the landscaping proposals, which include the planting of additional hedging and trees and the provision of soft landscaping adjacent to the A38. Whilst the current proposals do extend further to the west than the extant schemes, given the location of the existing dwelling to the rear, this would not be seen as a significant encroachment.

5.11 Overall on this issue, there would be a greater landscape impact as a result of the development now proposed however for the reasons set out above this is capable of being mitigated to a large degree.

## Design

5.12 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 SD4 of the AVJCS seeks to encourage good design and is consistent with the NPPF and so should be accorded significant weight.

5.13 The extant planning permissions on the site allow for four 1.5 storey dwellings at the front of the site. These dwellings would continue the linear form of development which prevails along the A38 to the south of the site.

5.14 The current application proposes a courtyard within a hard and soft landscape setting which is an approach supported by the Parish Council and which conforms with the design aspirations of the emerging NDP, although the latter can at best only be afforded limited weight at this stage. The proposal includes additional planting along the A38 and new hedgerow planting to the west and north which would help maintain the rural setting. The design and proportions of the proposed dwellings takes cues from traditional agricultural buildings and at 1.5 storeys adjacent to the A38 and 2 storeys to the rear of the site are considered to be an appropriate mass and scale for the site context. It is considered that the proposed dwellings are of a high architectural quality and the approach would respond to the rural setting of the site and the proposed development would be a significant enhancement over the design approach in the extant permissions.

5.15 One drawback of the scheme is the land between the proposed garage block and the A38 which is not shown to be within the ownership of any of the proposed dwellings. This area plays a part in the maintenance of the rural setting and it would not be appropriate for this area to be used as garden and should perhaps be utilised as an extension to the landscaping scheme. A condition is proposed to this effect whilst the landscaping scheme required under condition 4 can deal with any proposed landscaping on this area.

5.16 Whilst the proposals do depart from the prevailing linear layout in the immediate surrounding area, overall it is considered that the design approach is an appropriate response to the context of the site, resulting in a significant improvement in design terms on the previously permitted dwellings. The dwellings are a high quality design which respects the agricultural cues of its context and the architectural approach reduces the impact of the domestication of the site.

## **Residential Amenity**

5.17 Paragraph 17 of the NPPF sets out 'Core Principles', one of which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

5.18 In respect to existing residents, the dwelling most effected by the proposal would be the existing dwelling owned by the applicant to the rear of the site which is proposed to be extended as part of this application. The existing dwelling is located approximately 35 metres to the west of plot number 1 which is 1.5 storey dwelling. It is proposed that existing trees are to be retained and new trees are to be planted between the existing and proposed dwellings. Due to the separation distance and presence of intervening planting, it is not considered that the proposal would result in a detrimental impact on the living environment of existing occupiers by reason of overlooking or overbearing buildings.

5.19 There is also an existing dwelling located approximately 25 metres to the south of plot 1. However there are no windows in plot 1 which would face towards the dwelling to the south and therefore the relationship between the dwelling is considered acceptable.

5.20 In respect to future residents, the application site is adjacent to the A38 and traffic is a source of noise pollution. The applicant's acoustic consultant has advised that internal areas of the houses will be able to be sound-proofed as necessary and measures may include attenuated means of ventilation to rooms facing the A38. This can be addressed by an appropriately worded planning condition.

5.21 Externally, noise pollution to plots 1 - 4 would be diminished by intervening structures. However, parts of the garden of plot 5 would not be protected by intervening structures, albeit the plans indicate that the hedgerow and trees to the front of the site, which run parallel to the A38, would be retained as part of the development. This would be controlled by way of condition, along with other suitable boundary treatments. It is the case that some of the garden to the east of plot 5 may exceed the recommended levels, however BS8233 does acknowledge that noise levels in gardens cannot always be achieved, and it is relevant that plot 5 also has some external enclosed space to the west of the dwelling itself that would be shielded.

5.22 It is recommended that a condition is imposed to secure internal and external noise attenuation measures and on the basis of the above it is considered that the proposal complies with the National Guidance and Policy EVT3.

5.23 Overall it is considered that the proposed development would not detrimentally impact on the residential amenity of existing residents. In respect of future residents, it is considered that the level of residential amenity would be acceptable.

## **Access and Highway Safety**

5.24 The NPPF requires safe and suitable access to all development sites for all people. Policy TPT1 of the Local Plan highlights that development will be permitted where provision is made for safe and convenient access and where there is an appropriate level of public transport service and infrastructure available. The resulting development should also not adversely affect the traffic generation, safety and satisfactory operation of the highway network. This is also the thrust of Policy INF1 and Policy INF2 of the JCS.

5.25 The Highways Authority have been consulted on the application and advise that the proposed five dwellings would not create a significant increase in traffic on the highway network. There are also regular public transport links in both directions and that visibility splays of 160 metres are available in both directions from the site commensurate with the visibility standards for the permitted speed limit. Overall, it is considered that subject to conditions the proposal is acceptable on highway grounds.

## **Affordable Housing**

5.26 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. The application, including the extension to the existing dwelling, provides 986 sq m of gross floorspace. An affordable housing contribution is therefore not required for the proposed development.

## 6.0 Planning Balance and Conclusion

6.1 In conclusion, the application proposes additional residential development outside a recognised residential development boundary and therefore conflicts with Policy HOU4 of the Local Plan to which substantial weight should be applied. The application site is not infill development or located in a Service Village and also conflicts with emerging policy SD10 of the AVJCS. Due to the advanced stage of the JCS the policy SD10 can be afforded very significant weight in the decision making process.

6.2 On that basis, the principle is against the grant of permission unless material planning considerations indicate otherwise.

### 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 and the fact that 4 dwellings already have permission on the site. The provision of one additional house can only be considered to be a very minor benefit, particularly in the context of the Council being able to demonstrate a five year supply of deliverable housing sites. The additional economic benefits would be similarly limited.

6.4 The key benefit of the scheme over and above the extant permissions in place for 4 dwellings is in terms of design. As set out above, the current proposal is a significant improvement to extant permissions, and is an approach supported by the Parish Council. Securing a high quality design on the site weighs in favour of the proposal.

### Harms

6.5 In addition to the conflict with housing policy, the proposal would result in some landscape harm as the application site is larger than the extant permissions, although this harm is capable of mitigation to a degree through the design approach as set out above.

### Neutral

6.6 There would be no undue impact in terms of residential amenity or the local highway network subject to the approval of technical details. The site is also within a reasonable accessible location.

### Conclusion

6.7 The consideration of material planning issues on this application is finely balanced.

6.8 However, on balance, it is considered that the benefits set out above outweigh the conflict with the development plan in respect of policies HOU4 and the emerging JCS in respect to Policy SD10 and other identified harms. The application is therefore recommended for **permission**.

## RECOMMENDATION Permit

### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Proposed Block Plan PL003 C
  - Proposed Site Layout PL004 C
  - Plot 1 Proposed Plans and Elevations PL005 A
  - Plot 2 Proposed Plans and Elevations PL006 A
  - Plot 3 Proposed Plans and Elevations PL007 A
  - Plot 4 Proposed Plans and Elevations PL008 A
  - Plot 5 Proposed Plans and Elevations PL009 A
  - Proposed Garages and Site Views PL010 C
  - Existing House - Existing and Proposed Plans and Elevations PL011 B

- 3 Notwithstanding any indication of materials, including surface materials, which have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
- 4 No development shall take place until a comprehensive Landscaping Scheme has been submitted to and approved in writing by the Local Planning Authority. The Landscaping Scheme shall include details of all existing trees (including spread and species) and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of construction. The Landscaping Scheme shall also include details of all proposed planting, including species, density, and the height and spread of trees; and details of the planting for all proposed boundary treatments.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings, or the completion of the development, whichever is sooner. Any trees, plants or areas of turfing or seeding, which, within a period of 5 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
- 6 No work shall commence on site until details of existing and proposed levels with reference to a fixed datum point, to include details of finished floor and ground levels, have been submitted to and approved by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement or alteration, private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.
- 8 No development approved by this permission shall be commenced until a detailed drainage strategy including a scheme of surface water treatment and foul water has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall be supported by evidence of ground conditions, soakaway tests and modelling of the scheme to demonstrate that it is the most appropriate strategy and is technically feasible.
- 9 No dwelling hereby permitted shall be occupied until a scheme to protect the proposed development from traffic noise from the A38 has been implemented in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the indoor ambient noise levels in living rooms and bedrooms meet the standards in BS 8233:2014 for the appropriate time period and that the external noise criteria of B8233:2014 is achieved as far as practically feasible.
- 10 No buildings shall be occupied until a 2m width footway across the frontage of the site, with dropped kerbs and tactile paving to link to the existing footway to the eastern side of A38 and south to the western footway have been constructed.
- 11 No buildings shall be occupied until a shared bin store close to the site access and the A38 outside of visibility splays has been provided.
- 12 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 160m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
- 13 The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plans and those facilities shall be maintained available for those purposes thereafter.

- 14 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- i. specify the type and number of vehicles;
  - ii. provide for the parking of vehicles of site operatives and visitors;
  - iii. provide for the loading and unloading of plant and materials;
  - iv. provide for the storage of plant and materials used in constructing the development;
  - v. provide for wheel washing facilities;
  - vi. specify the intended hours of construction operations;
  - vii. specify measures to control the emission of dust and dirt during construction
- 15 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.
- 16 No dwelling hereby permitted shall be occupied until a fire hydrant (served by mains water supply) serving that property has been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.
- 17 No works hereby permitted shall commence (other than those required by this condition) until the first 10m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.
- 18 The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.
- 19 No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The site shall be remediated in accordance with the approved measures before development begins.
- If during the course of the development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures
- 20 The land shown edged green on the attached plan reference TP\*\*\*\* shall at no time be used as residential garden.

Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.

- 4 In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties, in accordance with the NPPF.
- 5 In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties, in accordance with the NPPF.
- 6 In the interests of residential amenity and to secure a satisfactory external appearance.
- 7 To secure a satisfactory external appearance.
- 8 To ensure that the development is provided with a satisfactory means of drainage; as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution, all in accordance with the saved policies and NPPF guidance.
- 9 To protect the residential amenity of future residents.
- 10 To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 35 of the National Planning Policy Framework and Local Plan policy TPT1.
- 11 To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 35 of the National Planning Policy Framework and Local Plan policy TPT1.
- 12 To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with paragraph 35 of the National Planning Policy Framework and Local Plan policy TPT1.
- 13 To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with paragraph 35 of the National Planning Policy Framework and Local Plan policy TPT1.
- 14 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 and Local Plan policy TPT1.
- 15 To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and to establish and maintain a strong sense of place to create an attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.
- 16 To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.
- 17 To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.
- 18 To secure adequate details for the disposal of foul and surface water flows.
- 19 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 20 To help maintain the rural setting of the housing site and reduce the impact of the proposals on the character and appearance of the area.

Notes:

**1 Statement of Positive and Proactive Engagement**

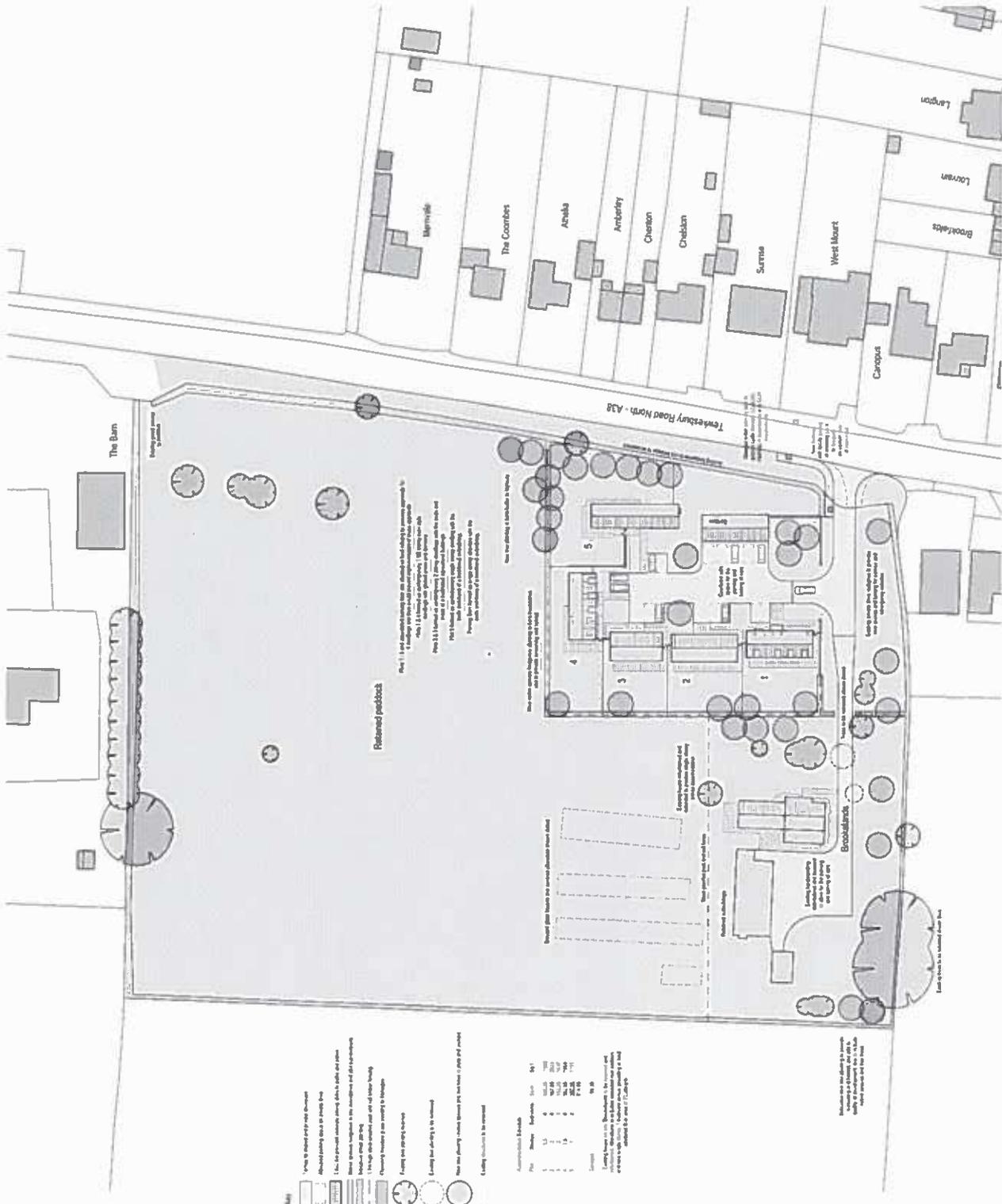
In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating a reduced number of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

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

3 The proposed development will require to a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.

4 The applicant is advised that to discharge the street maintenance and management condition that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

5 The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.



**Retained paddock**

Plot 11 is a retained paddock that will remain in situ during the proposed development. The paddock is bounded to the north by Tewkesbury Road North - A38, to the east by the proposed development, and to the south and west by the existing site boundary. The paddock is currently used for grazing and is a valuable asset to the site. It is proposed to retain the paddock in its existing state and to provide a buffer between the proposed development and the surrounding countryside.

- Key**
- Primary
  - Feasibility
  - Planning
  - Building Regulations
  - Tender
  - Construction Issue
  - As Built
- Architectural Details**
- | Plot | Area   | Volume | Height |
|------|--------|--------|--------|
| 1    | 10,000 | 10,000 | 10m    |
| 2    | 10,000 | 10,000 | 10m    |
| 3    | 10,000 | 10,000 | 10m    |
| 4    | 10,000 | 10,000 | 10m    |
| 5    | 10,000 | 10,000 | 10m    |
- Notes:**
- 1. The site is currently used for grazing and is a valuable asset to the site.
  - 2. It is proposed to retain the paddock in its existing state and to provide a buffer between the proposed development and the surrounding countryside.
  - 3. The proposed development is a mixed-use development and will include residential, commercial, and leisure uses.
  - 4. The proposed development is a sustainable development and will include a range of sustainable features.
  - 5. The proposed development is a high-quality development and will include a range of high-quality features.

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**Project**  
 Brooklands  
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 Norton GL2 9LG

**Scale:** 1:500 @ A1  
**Date:** May 2017  
**Draw no:** PL004 C

**Client:** Mr H Boole  
**Drawn by:** AH  
**Checked:** JE  
**Job number:** 17.20.008

**Project**  
 Brooklands  
 Tewkesbury Road North,  
 Norton GL2 9LG

**Scale:** 1:500 @ A1  
**Date:** May 2017  
**Draw no:** PL004 C

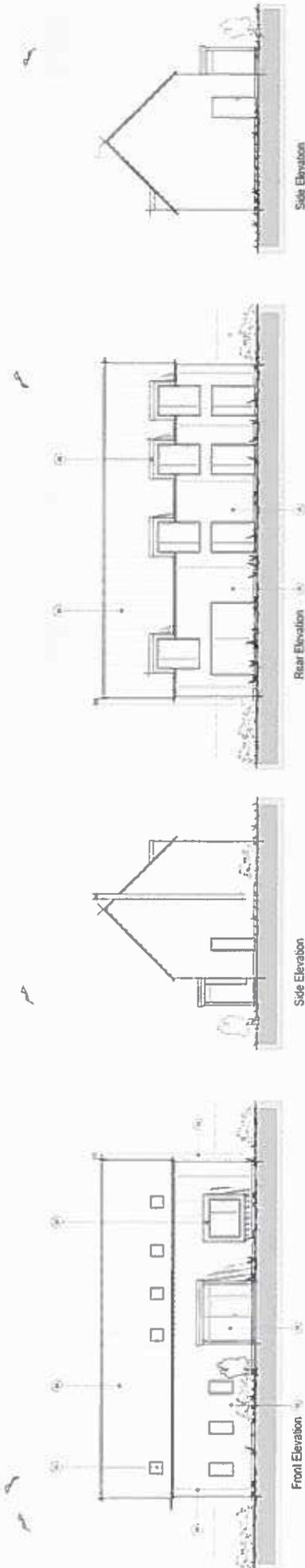
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**Architects**  
 A. 05/2017 - 06/2017  
 B. 06/2017 - 07/2017  
 C. 07/2017 - 08/2017

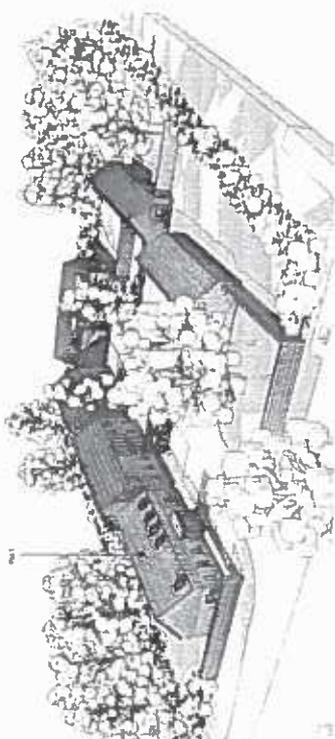
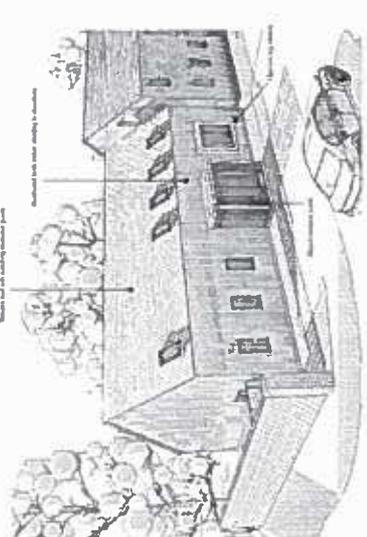
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**2** Do not scale drawings. Dimensions are indicated on the plan in consultation with the client.

Preliminary  
 Feasibility  
 Planning  
 Building Regulations  
 Tender  
 Construction Issue  
 As Built



- Notes:
- 1. Proposed in LPA approved
  - 2. Proposed in LPA approved
  - 3. Proposed in LPA approved
  - 4. Proposed in LPA approved
  - 5. Proposed in LPA approved
  - 6. Proposed in LPA approved
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**Project:** Brooklands, Tewkesbury Road North, Norton GL2 8LQ  
**Client:** Mr R Boone  
**Scale:** 1:100 @ A1  
**Drawn by:** AH  
**Checked:** JE  
**Date:** May 2017  
**Job number:** 17-20-006  
**Draw no:** PL005 A

**Drawing title:** Plot 1 Proposed Plans and Elevations  
**Revision:**  
 1. This drawing is a preliminary design and is subject to change without notice.  
 2. Do not make any changes to this drawing without the prior written consent of the architect.  
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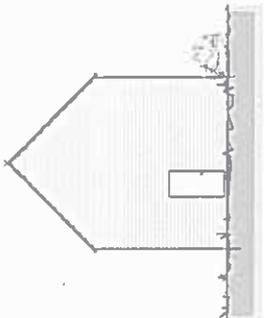
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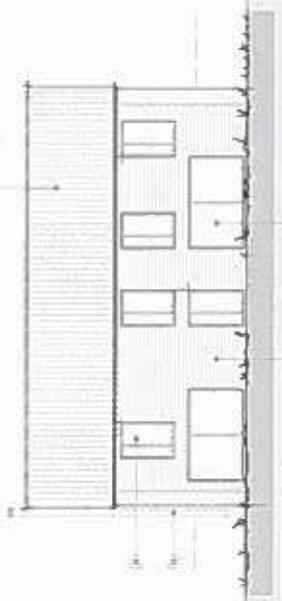
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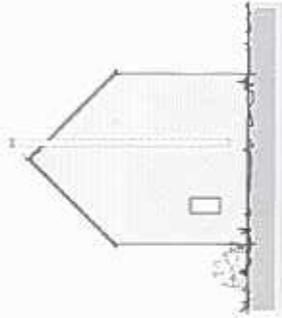
Front Elevation



Side Elevation

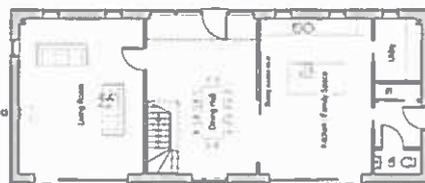


Rear Elevation



Side Elevation

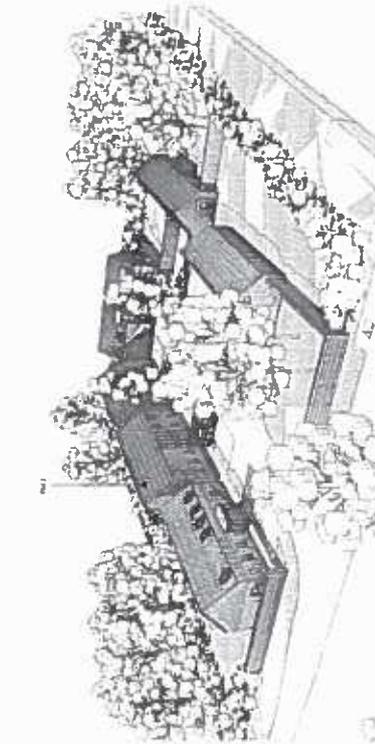
- Approved for:
- 1. Proposed by: LPA, approved
  - 2. Date: 17/05/2017
  - 3. Drawn by: AM
  - 4. Checked by: JE
  - 5. Job number: 17\_201006
  - 6. Scale: 1:100 @ A1
  - 7. Date: May 2017
  - 8. Draw no: PL006 A



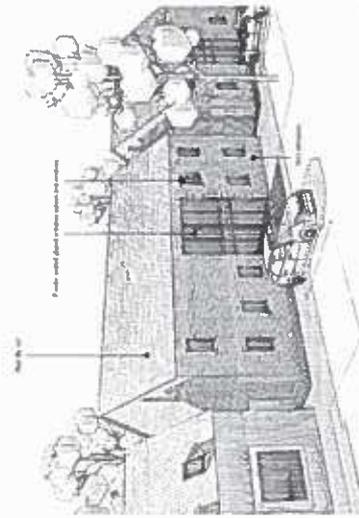
Ground Floor Plan



First Floor Plan



View Into Site



Front Elevation Plot 2

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Preliminary  
 Feasibility  
 Planning  
 Building Regulations  
 Finance  
 Construction Issue  
 As Built

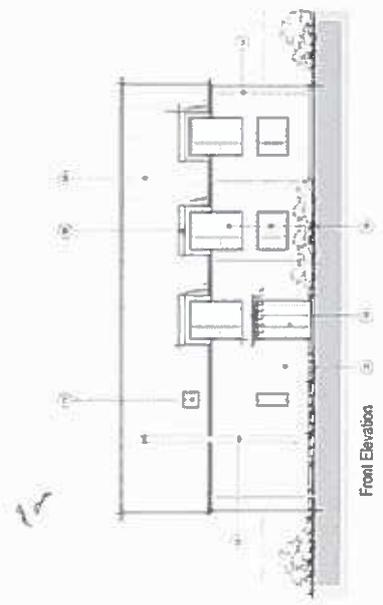
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 Client: Mr R Boone  
 Drawn by: AM  
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 Date: May 2017  
 Draw no: PL006 A

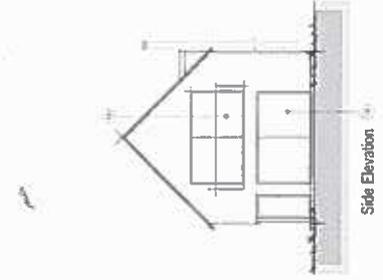
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 Scale: 1:100 @ A1  
 Date: May 2017  
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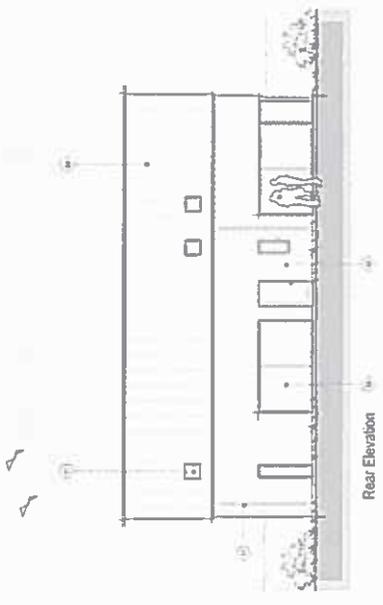




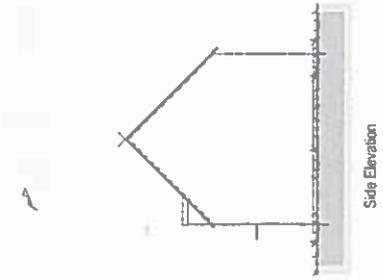
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

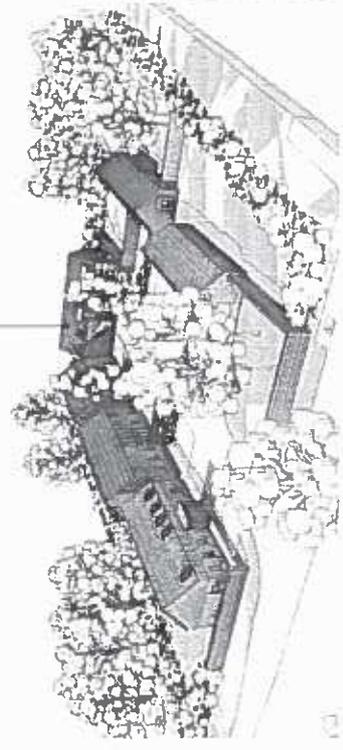


First Floor Plan

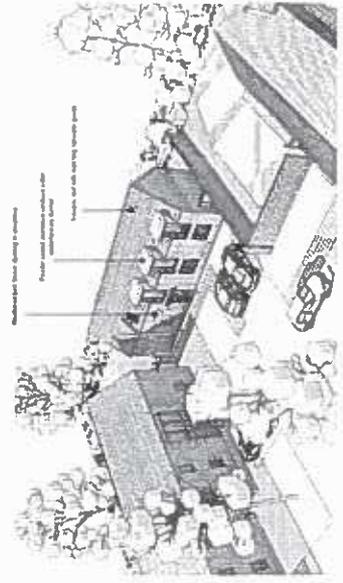


Ground Floor Plan

- Notes:
- 1. All work to be completed by 15th June 2017
  - 2. All work to be completed by 15th June 2017
  - 3. All work to be completed by 15th June 2017
  - 4. All work to be completed by 15th June 2017
  - 5. All work to be completed by 15th June 2017
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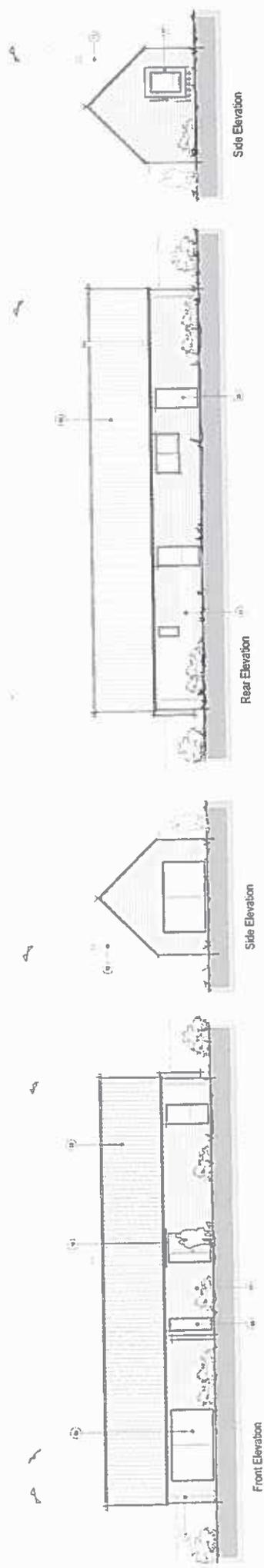
View Into Site



Front Elevation Plot 4

48829

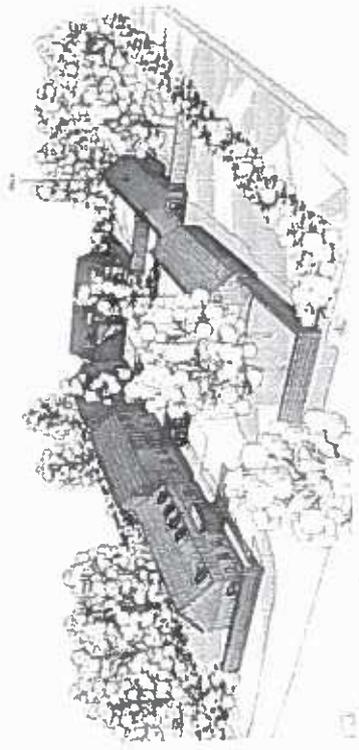
<p>coombes : eventit architects limited          The Old Dairy          Rushley Lane          Wincoburn          Gloucestershire          GL54 5JE          t: 01242 807737 f: 0845 5375533          e: info@coombes.co.uk          www.coombes.co.uk</p>		<p>1. The drawings are subject to copyright in all countries where applicable. Infringement of these drawings without the written consent of the author is prohibited.</p> <p>2. The drawings are subject to copyright in all countries where applicable. Infringement of these drawings without the written consent of the author is prohibited.</p>		<p>Project: Brooklands Tewksbury Road North, Norton GL2 8LG          Scale: 1:100 @ A1          Date: May 2017          Draw no: PLO06 A</p>	
<p>coombes : eventit architects limited          The Old Dairy          Rushley Lane          Wincoburn          Gloucestershire          GL54 5JE          t: 01242 807737 f: 0845 5375533          e: info@coombes.co.uk          www.coombes.co.uk</p>		<p>Drawing title: Plot 4 Proposed Plans and Elevations          Client: Mr P Butler          Drawn by: AH          Job number: 17.20.006</p>		<p>Checked: JE          Date: May 2017          Draw no: PLO06 A</p>	



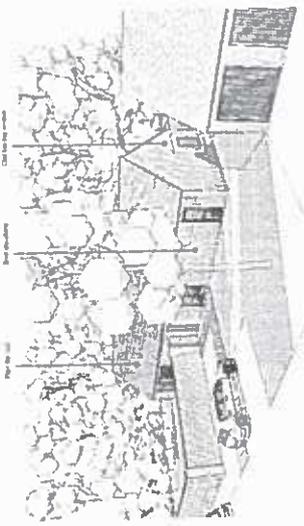
- Approved by:
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  2. Approved by the Planning Committee
  3. Approved by the Planning Committee
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  17. Approved by the Planning Committee
  18. Approved by the Planning Committee
  19. Approved by the Planning Committee
  20. Approved by the Planning Committee



Ground Floor Plan



View Into Site



Front Elevation Plot 4

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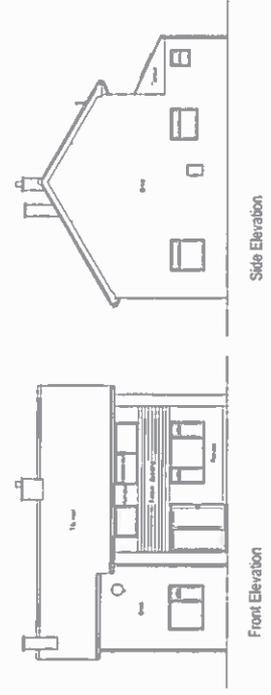
- Preliminary
- Feasibility
- Planning
- Building Regulations
- Tender
- Construction Issue
- As Built



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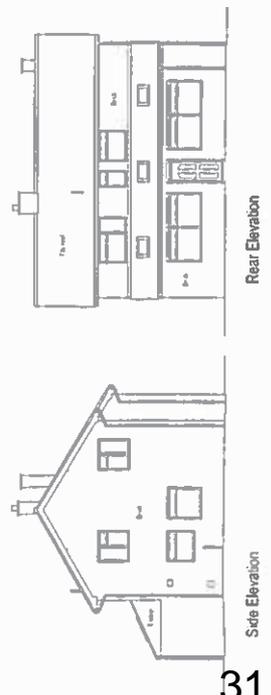
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 Date: May 2017  
 Drawn by: AM  
 Checked: JE  
 Job number: 17.20.008  
 Draw no: PL009 A

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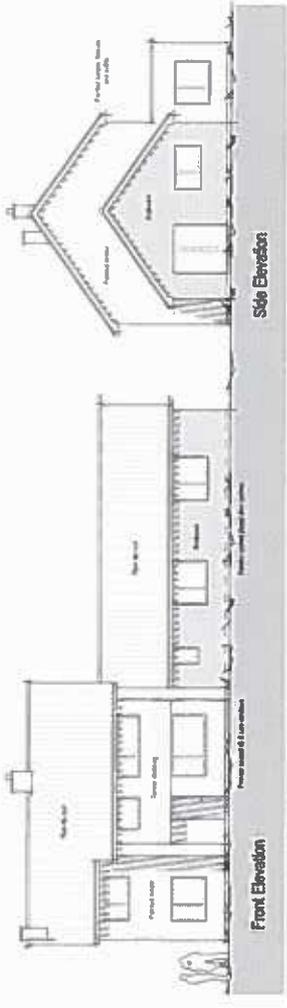
Front Elevation

Side Elevation



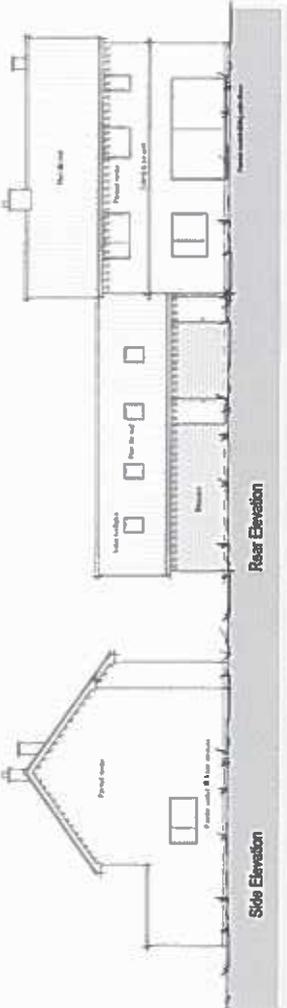
Side Elevation

Rear Elevation



Front Elevation

Side Elevation



Side Elevation

Rear Elevation



Ground Floor Plan



First Floor Plan



Ground Floor Plan



First Floor Plan

Existing House - Existing Plans and Elevations

Existing House - Proposed Plans and Elevations

Approved drawings to existing house to include the high energy panel and options to lower energy panel. The drawings are intended to be used for planning and building control purposes. The drawings are not to be used for construction purposes. The drawings are not to be used for any other purpose. The drawings are not to be used for any other purpose. The drawings are not to be used for any other purpose.

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**RIBA**  
 Chartered Architects

Drawing title	Existing House - Existing Plans and Elevations
Client	M R Boote
Drawn by	AH
Checked	JE
Job number	17.20.006

Project	Brooklands Trenchard Road North Horsley GL2 8LG
Scale	1:100 @ A1
Date	May 2017
Draw no	PL011 B

31  
488/G

Valid 24.07.2017

Erection of a Class A1 retail unit comprising 929 sqm at ground floor with full cover mezzanine (total floorspace 1,858 sqm), car parking, re-alignment of service yard access, renewal/adjustment of service yard drainage, diversion of a Class 5 highway, and associated works to the west of Unit A Gallagher Retail Park.

Grid Ref 392674 224412

Parish Uckington

Ward Coombe Hill

The Gibraltar Limited Partnership  
C/O Agent

## RECOMMENDATION Permit

### Policies and Constraints

#### NPPF

Planning Practice Guidance

The Tewkesbury Borough Local Plan to 2011 - March 2006 - GNL2, GRB1, TPT1, LND4, LND7, EVT9

Adoption version Joint Core Strategy (AJCS) - SD2, SD4, SD5, SD6, SD9, INF1, INF2 and INF3

Flood and Water Management SPD

Cheltenham Borough Council - CP1, CP3, CP4, CP5, CP7, GE2, GE5, GE6, CO1, CO5, CO6, NE1, NE3, RT1, RT2, RT7, UI3, UI4, TP1

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

**Uckington Parish Council:** Strongly oppose the above application on the following grounds:

1. The land subject to the application falls within the designated Green Belt. The construction of a new building in the Green Belt is by definition inappropriate development unless very special circumstances exist. It is difficult to conceive how the construction of an additional retail unit could possibly constitute very special circumstances.
2. The application site is located directly on a public right of way - known locally as Greeny Lane - shown on the OS Map. This forms part of an ancient highway. It currently runs through the residential development to the South of the A4019, through the application site on the North of the A4019 to the West of the Sainsbury's building, continuing to the West of the 'Next' retail unit and joining up with Dog Bark Lane. It is an important local amenity and should be retained as such. It also provides some respite from the intensity of the Gallagher Retail Park with the associated heavy traffic use. The emphasis should be on improving and enhancing this amenity rather than destroying it.
3. The application also seeks the complete clearance of mature trees and shrubs through which Greeny Lane passes. The trees and other vegetation have several benefits, including:
  - They create a pleasant environment for Greeny Lane to pass through;
  - They provide natural screening to the stark and unappealing western end of the Gallagher Retail Park;
  - They provide air quality enhancement particularly as to CO2 absorption from vehicle emissions; and
  - They provide some traffic noise pollution mitigation.
 Again, the emphasis should be on improving and enhancing this amenity.
4. The application seeks permission for 63 additional staff car parking places. This is contrary to policies responding to the need to promote alternative forms of transport to the private car. The area in question already suffers excessive private car use. The proposed application is likely to result in increased traffic congestion around Tewkesbury Road and the retail park as more people visit the proposed unit.
5. Whilst this Parish Council maintains its objections to the JCS A5 Strategic Allocation, the application is inconsistent with those objectives.

**Swindon Parish Council** is concerned that (1) the height of the proposed new building is greater than that of the neighbouring buildings, and (2) this represents a further significant increase in retail floor area without a significant or commensurate increase in customer car parking.

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

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

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

County Archaeologist - No objection.

Severn Trent - No objection.

Natural England (NE) - Make no comments.

Campaign for the protection of Rural England (CPRE): Objects for the following reasons:

- Site is currently in the Green Belt and there are no very special circumstances to allow the development.
- The site is part of an area an Urban extension in the JCS which must be given substantial weight. Master planning needs to take place in a comprehensive was - not piecemeal fashion.
- Will entail the removal of a significant number of trees and bushes which currently screen the Gallagher Retail Park development from the open countryside to the north and west.
- The proposals take no account of the footpath which runs across the site.

**Planning Officers Comments:** Mr John Hinett

## 1.0 Application Site

1.0 The application site relates to the part of the Gallagher Retail Park located adjacent to Tewkesbury Road. The main vehicular access is from Manor Road. The retail park is located in an established retail area and comprises two retail terraces to the north of the internal access road currently with 15 occupiers. The two terraces comprise 12,245sqm gross floorspace at ground level, and 6,380sqm gross floorspace at mezzanine level. To the south of the internal access road are Sainsbury's and Whole Foods, with the Sainsbury's petrol station located in the central portion of the site.

1.2 Land to the west of the retail park is allocated in the Adoption Version Joint Core Strategy (AJCS) as the North West Cheltenham Strategic Allocation (A4). This allocation is currently subject of a live outline planning application (Ref: 16/02000/OUT). The outline application has means of access as an unreserved matter, including proposed Site Access C, which is positioned at the location of the western vehicular access into the Gallagher Retail Park.

1.3 Part of the application site is currently within the Green Belt (**see attached plan**). However, on adoption of the JCS it would be removed. There are no specific constraints which cover the land within Cheltenham.

1.4 The application site crosses administrative boundary of Tewkesbury Borough Council and Cheltenham Borough Council which bisects the site. The application site is approximately 64% within Cheltenham Borough Council (**see attached site plan**).

## 2.0 Planning History

2.1 There is significant planning history in relation to the Gallagher Retail Park, all within the administrative Boundary of Cheltenham Borough Council.

2.2 The retail park was constructed pursuant to outline planning permission (T198/1/X) granted by Cheltenham Borough Council on the 16th June 1989. This restricted the sale of goods to "carpets, furniture and electrical goods and for the sale of DIY maintenance and improvement products for the home, garden and car and no other purposes". Subsequently, permission was granted 25th April 1991 to vary the outline permission to extend the range of goods to include "and for the sale of ancillary goods which are part of the usual product mix of retailers of the foregoing" (CB19773/00).

2.3 Since that time there have been a large number of applications that have approved additional mezzanine floors and subdivision of units - all within Cheltenham Borough Council's administrative area.

## 3.0 Current Application

3.1 The current application proposes to extend the retail terrace with an additional stand-alone retail unit which would result in the continuation and completion of the retail frontage at this end of the development. The application also seeks approval for the alteration and extension of the customer car park and service yard access road as well as the provision of an additional staff parking area on land adjacent to the rear of the Sainsbury's service yard.

3.2 The proposal comprises of a Class A1 retail unit having a gross external floor area of 929.032m<sup>2</sup> GIA floorspace at ground floor level and 929.032m<sup>2</sup> gross internal floorspace at mezzanine floor level (Total = 1858.064m<sup>2</sup>).

3.3 The footprint of all other units within the shopping park would remain unchanged.

#### 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 and the Adopted Cheltenham Local Plan (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 Saved Policy GRB1 (Green Belt): restricts development in the Green Belt in accordance with national policy.

4.4 Saved Policy RET6 (New Retail Proposals): indicates that the sequential test will need to be satisfied and that retail development outside of existing centres will be assessed against set criteria.

4.5 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. LND7 requires the provision of a high quality landscaping scheme which should form an integral part of new development proposals.

4.6 Policy TPT1 (access for development): Development will be permitted where (a) provision is made for safe and convenient access to the development by pedestrians and cyclists; (b) an appropriate level of public transport service is available; and (c) the traffic generated / attracted by the development would not affect the safety or operation of the highway network.

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

4.8 All the above Policies will be superseded by the ACJS upon its adoption.

4.9 The Adopted Cheltenham Local Plan (2006) have a similar suite of conditions, most of which (save for the retail, design and landscape conditions) will also be superseded by the ACJS upon its adoption.

##### *Adoption Version Joint Core Strategy (AJCS)*

4.10 The Joint Core Strategy (JCS) will on adoption become part of the development plan for Tewkesbury, Cheltenham and Gloucester. The Inspector for the JCS published her (final) report on 26th October 2017 and concluded that, subject to the main modifications and an immediate partial review, the JCS is sound and legally compliant. The three JCS authorities have therefore produced an 'adoption version' of the plan, the Adoption JCS (AJCS). Therefore, in accordance with paragraph 216 of the NPPF, it is considered that the AJCS policies can be given **very significant weight**. The AJCS is being considered by the three JCS authorities at their respective Council meetings in November and December 2017. At the time of writing this report the AJCS has been approved for adoption by Gloucester City Council and Tewkesbury Borough Council - but is not yet adopted. It is anticipated that the AJCS will be adopted on 11th December following the Council meeting at Cheltenham Borough Council.

4.11 AJCS Policy SD2 (Retail and City / Town Centres) sets out, inter alia that over the plan period provision will be made for a minimum amount of retail floorspace. It sets out criteria against which retail proposals will be assessed. Policy SD4 (Design Requirements) sets out a number of principles of good design reflecting the principles set out in the NPPF. Policy SD5 Green Belt restricts development in the Green Belt in accordance with national policy.

#### *Other Material Considerations*

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

4.13 The NPPF is supplemented by the Government's Planning Practice Guidance (PPG). Of relevance to this application is the section "Ensuring the vitality of town centres".

4.14 These policies are considered in more detail in the appropriate sections of this report.

#### **Analysis**

5.1 The main issues for consideration are considered to be:

- Whether a further retail unit is appropriate in this location having regard to the sequential test set out in the NPPF;
- Whether the proposed development is appropriate development in the Green Belt and, if not, whether there are any very special circumstances to justify the development;
- Design and appearance;
- Implications on the Strategic Allocation in the JCS;
- Highways (parking) matters.

#### *Principle of Development.*

5.2 The application site is located on the north western edge of an established retail park on the edge of Cheltenham close to the strategic highway network which is well served by public transport. The proposal, though comprising a free standing retail unit, is located in close proximity to a terrace of existing retail units on the established Retail Park.

#### *Sequential Test*

5.3 Paragraph 24 of the NPPF states that LPA's should apply a sequential test to planning applications for main town centre uses that are not in an existing centre. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of town proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and LPAs should demonstrate flexibility on issues such as format and scale. Paragraph 27 of NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

5.4 The NPPG provides that "use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations."

5.5 AJCS Policy SD2 (Retail and City / Town Centres) reflects the guidance setting out, inter alia that over the plan period provision will be made for a minimum amount of retail floorspace. It states further that in the determination of planning applications:

- i. New residential, retail, leisure, culture, tourism, office development and community facilities that contribute to the vitality and viability of designated centres will be promoted and supported.
- ii. Town centre development will be of a scale that is appropriate to its role and function as set out above and will not compromise the health of other centres or sustainable development principles.
- iii. Proposals that help to deliver the regeneration strategies for Gloucester City Centre, Cheltenham Town Centre and Tewkesbury Town Centre will be supported.
- iv. The provision of new local centres of an appropriate scale to provide for the everyday needs of new communities within the identified Strategic Allocations will be permitted.

It states that proposals for retail and other main town centre uses that are not located in a designated centre, and are not in accordance with a policy in either the JCS or district plans, will be robustly assessed against the requirements of the sequential test and impact test, as set out in National Planning Policy Framework and national Planning Practice Guidance, or locally defined impact assessment thresholds as appropriate.

5.6 The applicant has conducted a sequential site search in order to ascertain whether there are any suitable, available and viable sites which could accommodate the proposed development. The physical requirement to meet the needs of the proposed development have been taken to be:

- Unit measuring circa 1,858 GIA (i.e. the floorspace being sought within the new unit);
- Parking in the vicinity, albeit not necessarily directly on site;
- Level pedestrian access or Equality Act compliant ramps (or the ability to install these);
- Servicing access, preferably separate to the customer access;
- Room to accommodate plant/air handling unit(s).

**A copy of the applications alternative site assessment is available in the Members Lounge**

5.7 The sequential search follows a review of vacant, available sites and floorspace actively being marketed within the central shopping area of Cheltenham Town Centre; Montpellier and High Street/West End Shopping Area; elsewhere within the Core Commercial Area (The Brewery, Henrietta Street); and the District Centres of Bath Road, Caernarvon Road and Coronation Square. The applicant argues that the suitability of a site depends upon it being suitable to accommodate the development proposed by the applicant which, in this case, is for an 1858sqm bulky goods retail unit.

5.8 The sequential search discounts all the assessed alternative sites as being un-available, or unsuitable as being too small. It is argued that appeal decisions have established that applicants do not need to disaggregate their proposals and that while flexibility must be applied, it is not for LPAs to require applicants to radically alter their proposals and that decisions on the sequential test must be applied in a 'real-world' context.

5.9 The applicants' assessment concludes that the sequential test has identified that no sites that can be considered available, suitable and viable sequentially preferable alternatives in respect of the proposals. The proposal is considered, therefore, to fully accord with local and national policy and guidance as well as judicial and appeal authority with respect to the sequential approach.

*Retail Impact Assessment (RIA)*

5.10 Paragraph 26 of the NPPF states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500sq m). This should include an assessment of the impacts on existing, committed and planned public and private investment in centre, and the impact on town centre vitality and viability.

5.11 Neither Tewkesbury Borough Council nor Cheltenham Borough Council has a locally set threshold for retail impact assessments, so the default threshold of 2,500 sq. m set by the NPPF applies. As the proposal is smaller than this, there is no requirement for a retail impact assessment to be submitted on this occasion. Notwithstanding this, the applicants' assessment has undertaken a proportionate examination of the impact and concludes, as an additional unit within an established retail destination with a limited turnover, the proposal would not result in significant adverse impacts on designated retail centres. Indeed, it considers it more likely to draw trade from other similar bulky goods retailing destinations in out of centre locations.

*Conclusions on the Sequential Test*

5.12 An Independent Retail Specialist has assessed the applicants' Sequential test (on behalf of the Councils) and concludes that the proposal does have the potential to significantly affect the town centres vitality and viability because it could prove attractive to a leading town centre retailer which would either otherwise consider a town centre location or which is already present in the town centre and would consider moving out. An open A1 unit in this location would also create a precedent which the Council would find it difficult to resist on the Gallagher Retail Park and elsewhere and there is very considerable of centre floorspace in the town.

5.13 However, the Retail Specialist considers that this objection would not apply if a sale of goods condition was imposed restricting sale of bulky goods only (such as carpets, furniture, electrical goods). It is further recommended that a non-subdivision condition would be necessary to make the development acceptable. Subject to the inclusion of such conditions the Retail Specialist has no objections to the proposal.

### **Green Belt**

5.14 The NPPF states that the Government attached great importance to Green Belts. Paragraph 83 states that once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the local Plan. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.15 The NPPF says that the construction of new buildings in the Green Belt is inappropriate development. The erection of new buildings for retail / commercial uses is not listed as an exception to this. The change of use of and that would result in harm to the openness of the Green Belt are inappropriate development.

5.16 Policy GRB1 of the Local Plan sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are, inter alia, buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport and recreation; and the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building. Policy SD5 of the AJCS reflects the guidance in the NPPF.

5.17 Although the Gallagher Retail Park is outside of the Green Belt, a portion of the proposed new building, part of the proposed new service road and car park would lie within the Green Belt. The proposal therefore comprises inappropriate development in the Green Belt and therefore in accordance with para. 87 of the NPPF very special circumstances that clearly outweigh the harm by reason of inappropriateness and any other harm is clearly outweighed by other circumstances.

5.18 The applicant argues that a strong case for 'very special circumstances' exists in this instance for the reason that the application site forms part of the North West Cheltenham Urban Extension Strategic Allocation - which is considered by the JCS Inspector to represent both an acceptable release of green belt land for which very special circumstances have been proven. In accordance with the NPPF, the JCS should reasonably be given significant weight in the determination of the application.

5.19 The AJCS has been examined in public to establish if the plan meets the tests of legal compliance and soundness as set out in the National Planning Policy Framework (NPPF). On 26th October 2017 the Planning Inspector issued the final report, which concludes the plan meets the criteria for soundness in the National Planning Policy Framework. Officer opinion is that given the very advanced stage of the JCS it can be afforded very significant weight in the determination of applications. Indeed, by the time this report is heard at planning committee on the 19th December 2017, the JCS may have been adopted and the land released from the Green Belt. It is concluded that this matter is capable of constituting very special circumstances which clearly outweigh the harm to the Green Belt.

### **Design and appearance**

5.20 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 SD4 of the Main Modifications JCS seeks to encourage good design and is consistent with the NPPF and so should be accorded considerable weight.

5.21 The proposed building would be sited at the north-eastern end of the existing parade of shops. The building would be taller than the existing buildings but would otherwise appear similar in appearance and would replicate the large wide glazed frontages with rendered board surrounds in a contrasting stone coloured finish, and vertical cladding. Red bricks would be incorporated to the side elevations. Although the building would sit slightly forward of the established frontage of the neighbouring units, given that the building would become the last building in the parade, its increased height, slightly more prominent siting would be appropriate and would give the building more presence. The use of glazed side elevations where the building would project forward would also assist in creating a more interesting public realm.

5.22 Cheltenham Borough Council's Civic Society and Architects Panel felt the design was acceptable and did not have an objection. The proposal is therefore considered to be acceptable in design terms and accords with JCS Policy SD4.

### Landscape Issues

5.23 One of the core planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy LND7 of the Local Plan requires high quality landscaping schemes to be provided, which form an integral part of the overall development. Policy SD6 of the JCS Adoption Version (November 2017) states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.

5.24 The proposal would effectively comprise an extension to the curtilage of the retail park to the north-west and would result in the loss of some mature trees along the exiting boundary. The original plans also proposed removal of the existing trees to the west of the Sainsbury's unit in order to accommodate the additional parking spaces. These trees currently provide a soft edge to the retail park and their loss was considered unacceptable by officers. Revised plans have been received which retain most of the trees setting the parking within them (**see revised layout plan**). The soft edge would therefore be retained and the additional car parking spaces largely hidden from view.

5.25 Additional hedge and tree planting is proposed along the western boundary of the service road which would soften its appearance. Although the built edge of the retail park would be brought closer to the access road - which will also serve as one of the entrances to the North West Cheltenham Urban extension - the proposed new unit would be set back some distance from the road such that it would not appear overly prominent in the street scene. Given that part of the site forms part of a Strategic Allocation and would be surrounded on all sides by development, it is not considered that it would result in unacceptable landscape harm. The revised landscape plans show indicatively how roads linking through to the Strategic Allocation off the existing spur would not be affected by the current proposal and it is not considered it would prejudice the delivery of the North West Cheltenham (Elms Park) Urban Extension.

5.26 Subject to a condition requiring implementation of the revised landscaping scheme, the proposal is considered acceptable.

### Highways

5.27 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.

5.28 In addition to the additional 1858 m<sup>2</sup> of floorspace, the application proposes a 41 new car parking spaces. 9 spaces would be provided to the front of the proposed building as an extension to the existing car park and a further 32 in a new car park on the south side of the retail park adjacent to the existing access roads which is intended to be used as staff parking for staff at the retail units. This would free spaces within the main car park for use by customers. The application site currently includes the access to the service yard at the rear of the retail units. The proposals include the alteration to this access to re-align the access road around the new building.

5.29 The County Highways Authority (CHA) have assessed the proposal and consider that the proposed access (including to the rear of the buildings) is sufficient to safely accommodate the largest HGV delivery vehicles. In terms of parking the CHA notes from the applicants Transport Statement (TS) that the development could be expected to add to the car parking demand by around 16 vehicles which could be accommodated within the proposed car park. However the actual number is likely to be lower as some vehicles would already be visiting other units on the retail park as part of linked trips. The applicants TS also indicates that although there would be a small increase in queuing during the peak periods at the Manor Road/Rutherford Way junction, the junction would have spare capacity post development. A similar result is observed for the Tewkesbury Road/Hayden Road junction with a small reduction of spare capacity on the retail park arm of the junction.

5.30 Objections have been raised on the grounds that a Public Footpath runs through the site that would require diverting. The County Council on-line database does not show that a public footpath runs through the site. However, there is an existing track which is classified as a Class 5 highway which does run through the site in a north-south alignment (which links to a public footpath to the north) would require a diversion, which the applicant proposes would run on the pavement from Tewkesbury Road and then adjacent to the reconfigured service yard access. The CHA confirm that the Class 5 highway will be required to be stopped up via an application under Section 248 of Town and Country Planning to the National Transport Casework Team at the Department for Transport. The public footpath to the north will require amending so it links to the new route via a Modification Order made to Gloucester County Council. The CHA have accordingly attached advisory notes to their consultation response.

5.31 Subject to conditions, the CHA have objection to the proposal.

### **Flood Risk and Drainage**

5.32 The NPPF aims to direct development away from areas at highest risk. Development itself should be safe and should not increase flood risk elsewhere. Policy EVT5 reflects this advice and Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable urban drainage systems (SUDS) criteria. Policies EVT5 and EVT9 will be superseded by Policy INF2 of the Joint Core Strategy (November 2017) upon adoption. INF2 replicates the advice in the NPPF. The adopted Flood and Water Management Supplementary Planning Document has a number of key objectives which similarly reflect the advice and guidance contained in the NPPF and Planning Practice Guidance.

5.33 A Flood Risk Assessment (FRA) and Drainage Strategy have been submitted with the application which confirms the site is located in EA Flood Zone 1 - at little or no risk of fluvial or tidal flooding. The current Greenfield surface water discharge rate from the site was calculated to be approximately 4.8l/s; the proposed drainage strategy would maintain the Greenfield Runoff rate. There would be an increase of 0.453ha of impermeable area and the surface water runoff from this area would be attenuated in 400m<sup>3</sup> capacity underground storage devices, ensuring no flooding on the site, and then discharged at a controlled rate of 1.6l/s. This would be achieved by utilising underground attenuation. A flow control device (such as a hydrobrake) would limit the flow. The FRA concludes that the site would not increase the risk of flooding elsewhere, and indeed would reduce the risk of flooding in the vicinity of the site. This would be possible by providing a total of approximately 400m<sup>3</sup> of attenuation.

5.34 The Gloucestershire Lead Local Flood Authority (LLFA) have assessed the application and notes that porous paving and underground attenuation in crates, calculated adequate for the 1 in 100 year rainfall event including 40% climate change and discharging to the Severn Trent surface water sewer system close to the North and South sections. As it is intended that the site would be used to park up to 72 vehicles an oil interceptor would need to be incorporated into the surface water discharge system. The LLFA does not object to the drainage strategy subject to conditions requiring full drainage details and management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

### **Archaeology**

5.35 Section 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. 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.

5.36 The County Archaeologist notes that site is located adjacent to an area where archaeological evaluation undertaken in 2005 revealed archaeological remains relating to Roman settlement. For that reason it is considered that some potential for the application site to contain further Roman remains. However, as the majority of the application site has been developed previously it is considered there would be low potential for archaeological remains to be preserved. However, the western edge of the application site - which is currently occupied by vegetation - would appear to have undergone relatively minor ground intrusions, and so archaeological remains may be present in those areas. The CA therefore has no objection subject to a condition requiring no development to take place until a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

## Ecology and Nature Conservation

5.37 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals. Policy SD10 of the Proposed Main Modifications Joint Core Strategy seeks to protect and enhance the biodiversity of the JCS area.

5.38 An Extended Phase 1 Habitat Survey of the site of the proposed development (including the new unit and the associated staff parking area) was carried out in August 2016. Limited opportunities for ecology and wildlife were identified other than nesting birds and foraging bats and badgers. Following the Phase 1 survey, further surveys were undertaken for Reptiles, Dormice and Bats. No evidence of reptiles or dormice were found. No bats were recorded roosting in any tree during the surveys. A total of four bats were recorded during the surveys. A number of mitigation measures are therefore proposed including: provision of bat boxes, native species trees and sensitive external lighting.

## 6.0 Conclusion and Recommendation

6.1 Whilst the site is located out of town and on the edge of Cheltenham the proposed development would represent an extension to an established retail park that is close to the strategic highway network and which is well served by public transport. A sequential test has demonstrated there are no suitable alternative sites in a town centre location. Furthermore, subject to conditions, there would be no impact on the vitality of the existing town centre. Although part of the site is currently located in the Green Belt, it will be removed on adoption of the AJCS. The very advanced stage of the AJCS (having been found sound by the JCS Inspector) is considered to demonstrate very special circumstances in this instance which clearly outweigh the harm to the Green Belt. The proposed design, size, scale and layout are considered to be acceptable in the context of the surrounding development (subject to materials). The proposed development would have an acceptable impact on highway safety and the local environment subject to appropriate planning conditions. Furthermore, the development would not be at risk of flooding, would not increase flood risk elsewhere. The proposal is therefore considered to comprise sustainable development and in accordance with development plan policy and national planning guidance. Accordingly the application is recommended for Permit.

### RECOMMENDATION Permit

Conditions:

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

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

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

Drawing Numbers:

o \* To be up-dated

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

- 3 Notwithstanding the submitted details, building operations shall not be commenced until a written specification of the materials and samples of all external walling and roofing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: In the interests of visual amenity in accordance with the NPPF.

- 4 The retail unit which is the subject of this permission shall be used only for the sale of carpets, furniture, electrical goods, DIY, maintenance and improvements for the home, garden and car, and the sale of ancillary goods which are part of the usual product mix of retailers of the foregoing and for no other purpose.

Reason: To ensure that the sale of goods at this site does not harm the integrity of the town centre in accordance with Section 2 of the National Planning Policy Framework 2012.

- 5 The retail unit which is the subject of this permission shall not be subdivided without express planning permission.

Reason: Any further subdivision requires consideration to ensure that the sale of goods at this site does not harm the integrity of the town centre in accordance with Section 2 of the National Planning Policy Framework 2012.

- 6 The development shall be carried out in strict accordance with the recommendations and requirements of the Extended Phase 1 Habitat Survey report dated March 2017, Bat Emergence and Re-entry Survey Report dated July 2017 and Reptile Report dated July 2017, submitted with the planning application.

Reason: To safeguard ecological species.

- 7 Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2012. The fencing shall be erected by the applicant and subsequently inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance). It shall remain in place until the completion of the construction process.

Reason: In the interests of local amenity, in accordance.

- 8 No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.

Reason: In the interests of local amenity.

- 9 The works hereby approved shall not be carried out unless in accordance with the approved Tree Protection Plan. The measures set out in the Tree Protection Plan shall remain in place until the completion of the construction.

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies.

- 10 All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority.

Reason: To ensure that the planting becomes established.

11 No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy has been submitted to and approved in writing by the Local Planning Authority. The SuDS Strategy shall be in accordance with the proposal set out in the 'Gallagher Retail Park, Cheltenham. The Gibraltar Limited Partnership. Flood Risk Assessment (FRA) and Drainage Strategy - September 2017'. The SuDS Strategy must include a detailed design, maintenance schedule, confirmation of the management arrangements and a timetable for implementation. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

12 No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

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

13 The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 5 bicycles has been made available in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

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

14 The building 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 AAA4817-A-P29-04 Rev B and those facilities shall be maintained available for those purposes thereafter.

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

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

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

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

16 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework.

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

Reason: In the interest of amenity.

Notes:

**1 Statement of Positive and Proactive Engagement**

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

- 2 The implementation of this permission will require the stopping up of established highway rights by separate Order before works can commence and the Applicant/Developer is advised to instigate that process as soon as possible.

- 3 The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

- 4 Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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**NOTES:**  
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 2. It is the responsibility of the client to ensure that all necessary permissions and consents are obtained for the proposed works.  
 3. Any necessary changes should be noted on the drawings.

**CAR PARKING SPACES WITHIN THE RED LINE  
 EXISTING CAR PARK SCHEDULE**

CAR SPACES	0
ACCESSIBLE SPACES	0
PARENT AND CHILD	0
STAFF PARKING	69
TOTAL	69
MOTORCYCLE PARKING	0
CYCLE PARKING	10



**LEGEND**

EXISTING BUILDINGS TO REMAIN	EXISTING DRIVEWAYS
EXISTING DRIVEWAYS TO REMAIN	EXISTING FOOTPATHS
EXISTING FOOTPATHS TO REMAIN	EXISTING CYCLEWAYS
EXISTING CYCLEWAYS TO REMAIN	EXISTING LANDSCAPE
EXISTING LANDSCAPE TO REMAIN	EXISTING UTILITIES
EXISTING UTILITIES TO REMAIN	EXISTING SERVICES
EXISTING SERVICES TO REMAIN	EXISTING STRUCTURES
EXISTING STRUCTURES TO REMAIN	EXISTING WALLS
EXISTING WALLS TO REMAIN	EXISTING FENCES
EXISTING FENCES TO REMAIN	EXISTING GARDENS
EXISTING GARDENS TO REMAIN	EXISTING TREES
EXISTING TREES TO REMAIN	EXISTING PLANTS
EXISTING PLANTS TO REMAIN	EXISTING LIGHTS
EXISTING LIGHTS TO REMAIN	EXISTING SIGNAGE
EXISTING SIGNAGE TO REMAIN	EXISTING PAVING
EXISTING PAVING TO REMAIN	EXISTING GRASS
EXISTING GRASS TO REMAIN	EXISTING SOIL
EXISTING SOIL TO REMAIN	EXISTING WATER
EXISTING WATER TO REMAIN	EXISTING SEWER
EXISTING SEWER TO REMAIN	EXISTING GAS
EXISTING GAS TO REMAIN	EXISTING ELECTRICITY
EXISTING ELECTRICITY TO REMAIN	EXISTING TELEPHONE
EXISTING TELEPHONE TO REMAIN	EXISTING CABLE
EXISTING CABLE TO REMAIN	EXISTING RAINWATER
EXISTING RAINWATER TO REMAIN	EXISTING DRAINAGE
EXISTING DRAINAGE TO REMAIN	EXISTING FLOODING
EXISTING FLOODING TO REMAIN	EXISTING WIND
EXISTING WIND TO REMAIN	EXISTING SUN
EXISTING SUN TO REMAIN	EXISTING MOON
EXISTING MOON TO REMAIN	EXISTING STARS
EXISTING STARS TO REMAIN	EXISTING PLANETS
EXISTING PLANETS TO REMAIN	EXISTING GALAXIES
EXISTING GALAXIES TO REMAIN	EXISTING UNIVERSE



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 Email: rps@rpsgroup.com

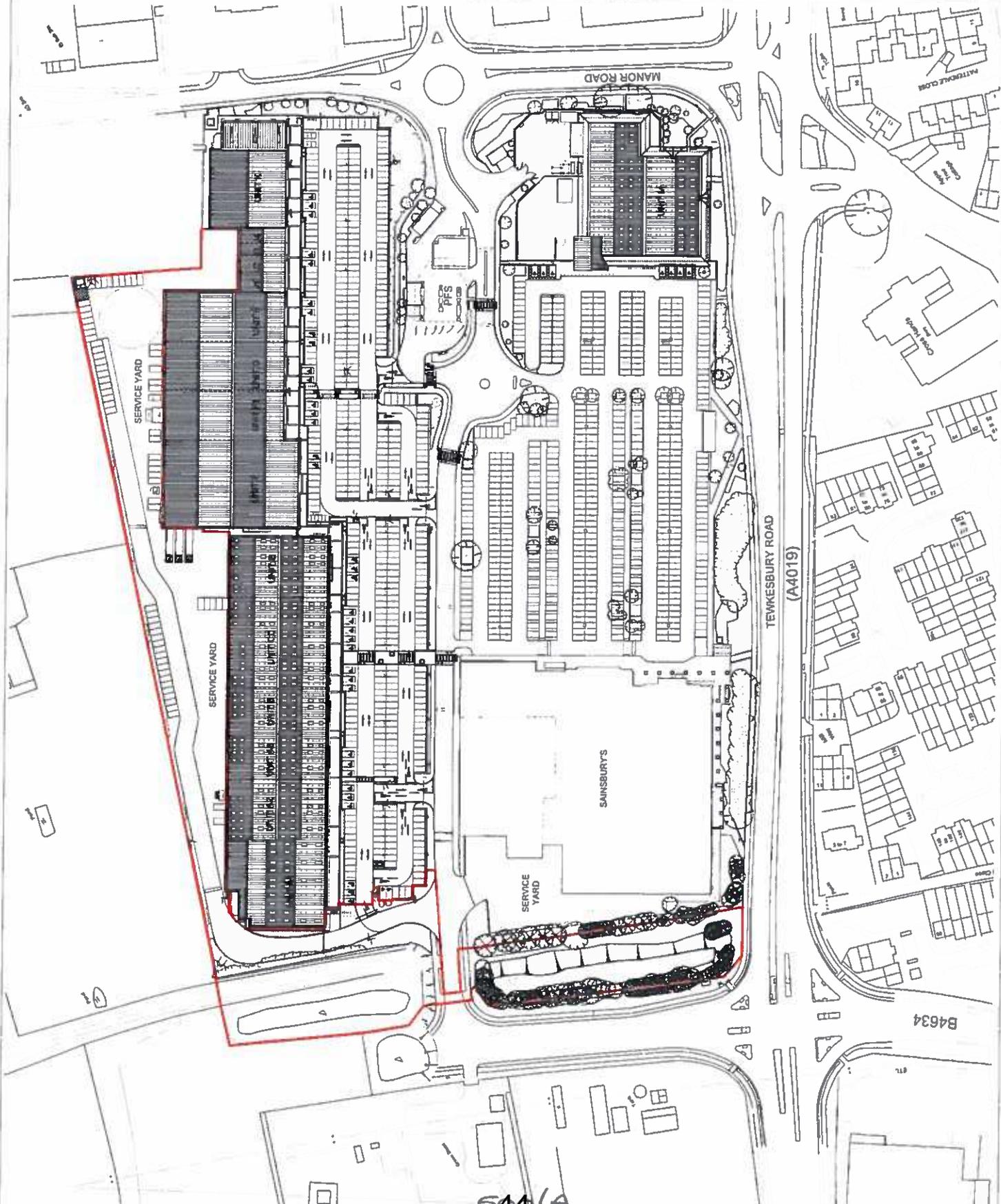
Client: GIBBALTAR LIMITED PARTNERSHIP

Project: GALLAGHER RETAIL PARK  
 CHELTENHAM

Title: RED LINE APPLICATION PLAN /  
 EXISTING SITE PLAN

Scale	AS SHOWN	Drawn By	AKC	Checked By	AKC
Plan No.	AKC/17	Scale	1:1000	Date Created	06/07/17
Drawing Number	AAA4817-A-P28-01	Rev	B		

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544/A

# PROPOSED LAYOUT

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1. This drawing has been prepared in accordance with the outline of RPS's preliminary design and is intended to provide a visual indication of the proposed layout. It is not intended to be used for construction or other purposes. It is the responsibility of the client to ensure that the proposed layout is suitable for the site and that all necessary permissions have been obtained. RPS Group Limited is not responsible for any errors or omissions in this drawing.

CAR PARKING SPACES WITHIN THE RED LINE	
CUSTOMER PARKING	7
ACCESSIBLE SPACES	2
STAFF PARKING	
EXISTING STAFF SPACES	69 Standard
PROPOSED STAFF SPACES	30 Standard + 2 DDA
GRAND TOTAL	110
MOTORCYCLES	0
CYCLE PARKING	10



KEY  
 Existing trees  
 Proposed trees

Rev	Description	Date	Drawn	Checked
0	ADDITIONAL TILES ADDED TO LANDSCAPE	16/11/17	ACG	
1	REVISION TO CAR PARKING LAYOUT	23/01/17	ACG	
2	REVISION TO CAR PARKING LAYOUT	14/02/17	ACG	



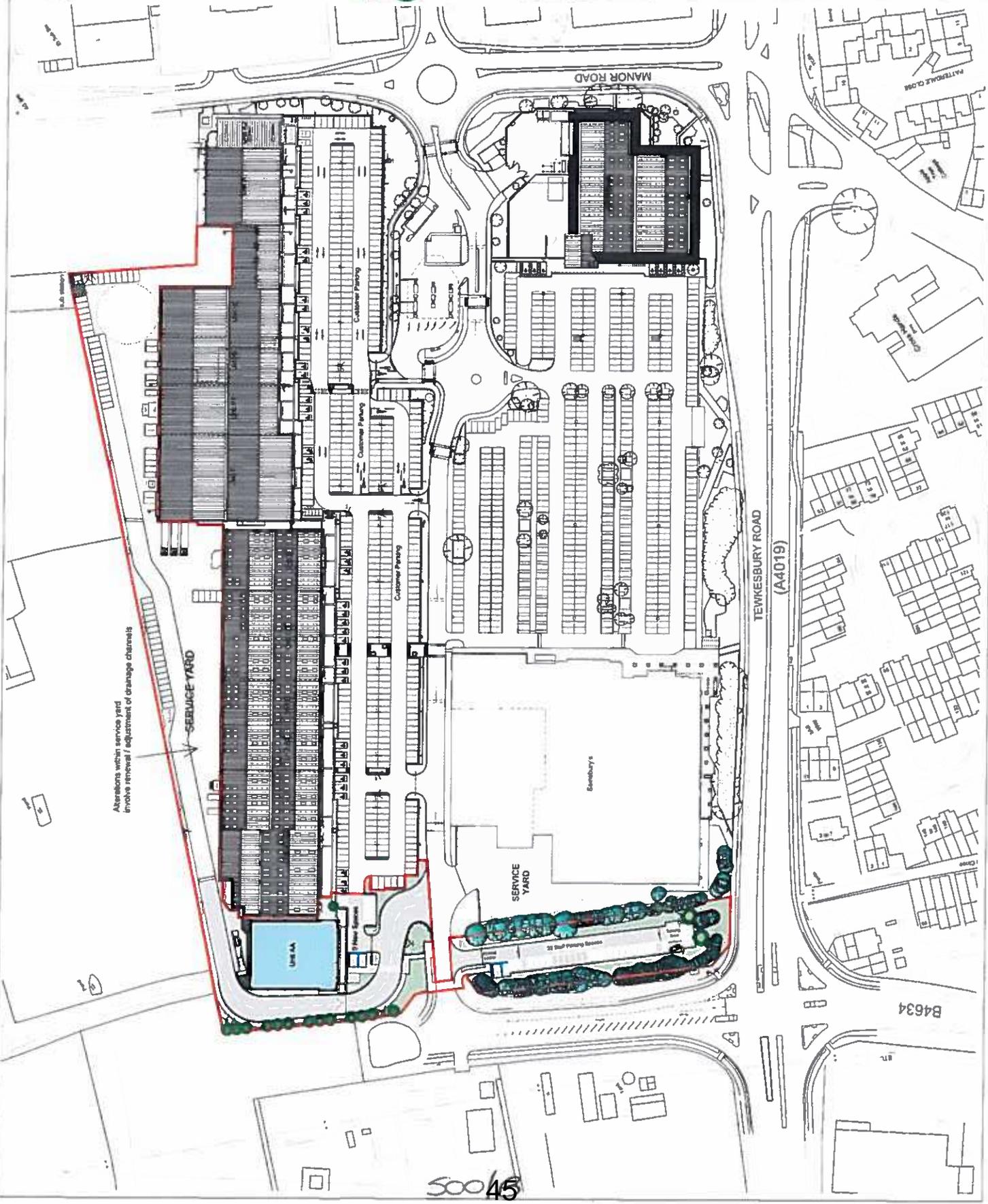
Highland House, 5 Ditchley, Clutton Business Park, Stroud, Gloucestershire, G52 1JF  
 T: 01292 713 200 E: rps@rpsgroup.com F: 01292 713 202

Client: GERRALTAR LIMITED PARTNERSHIP

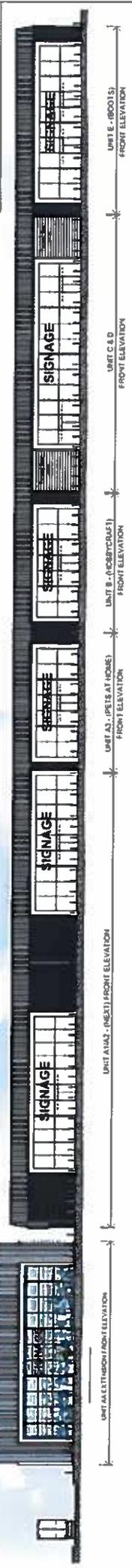
Project: GALLAGHER RETAIL PARK, CHELTENHAM

Title: RED LINE APPLICATION PLAN / PROPOSED SITE PLAN

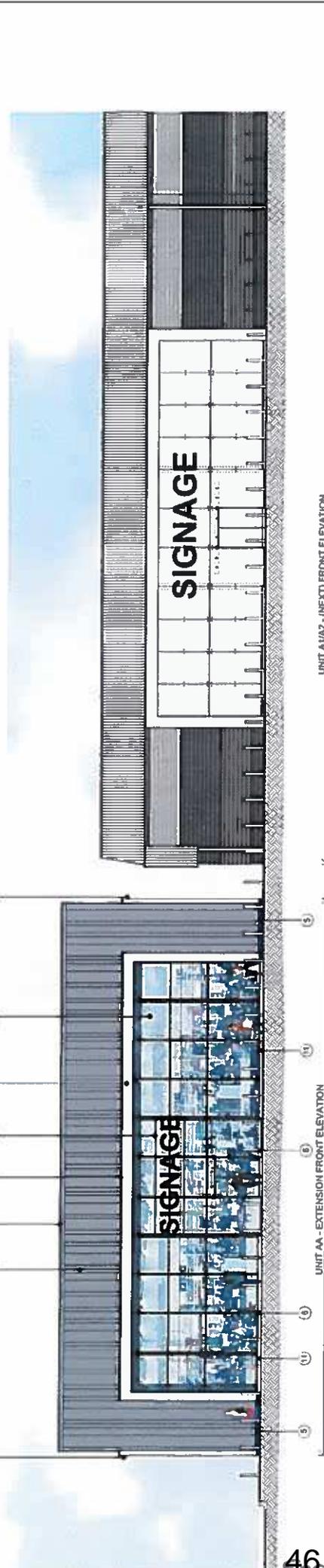
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 Job Ref: AA4817  
 Date Created: 06/11/2017  
 Scale @ A2: 1:1000  
 Drawing Number: AA4817-AP29-02  
 Rev: C  
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Front Elevation - Scale 1:250



Front Elevation - Scale 1:100

Note: Signage zones are shown indicatively and are subject to separate application for advertisement consent

Year	Author	Date	Issue	Checked

**RPS**

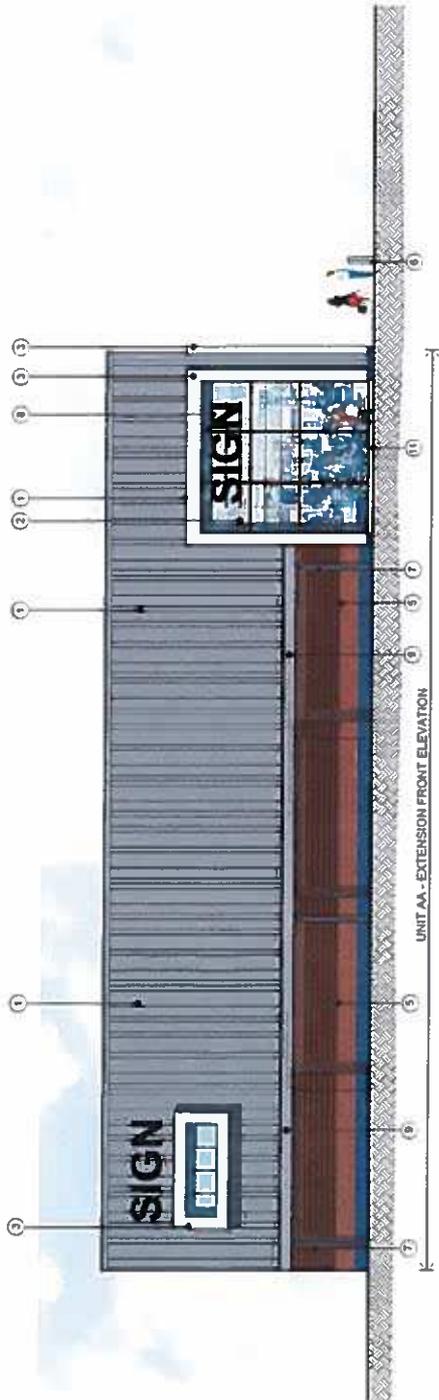
Registered Professional Engineering Organisation  
 1, RYE 110 2000, E. Yorks - GBR  
 Tel: +44 (0)1430 262000

Client: GIBRALTAR LIMITED PARTNERSHIP  
 Project: GALLAGHER RETAIL PARK CHELSEAHAM

Title: PROPOSED UNIT AA FRONT ELEVATIONS SHEET 1

Drawn By: ACC  
 Scale: @ A1  
 Date Checked: 06/07/2017  
 Drawing Number: AAA4817-A-229-09

- Materials Key**
1. Structural Veneer coating panels. Is a vertical application and is a variety of panel heights. Colour: dark grey - regular finish
  2. Slotted panel / slotted glazing system incorporating slotted entrance doors in accordance with design
  3. Entrance feature structure is 200mm on a structural aluminium beam an lightweight clear framing system in horizontal orientation at high level and finished in vertical grey. Colour: standard to match existing front unit
  4. Cladding to entrance entrance features includes composite polymer powder coated aluminium RAL 7016
  5. Areas of new structure to be replaced, all where existing cladding is replaced to match existing in colour and texture as closely as possible. Colour: Red to clear areas and Blue to roof and roof line
  6. Materials: Light Blue-grey Charcolated (top half) Structural Aluminium Steel. Finishes include to protect the glassed openings.
  7. Repayment: Composite. Colour: dark grey RAL 7016
  8. Horizontal openings: Used for to create openings to be fixed to. Structure used dark wood finish through / not glazing system
  9. If walls to new and top of existing, polypropylene powder coated grey to match existing cladding panels
  10. Steel security doors to fire resistant / security. Colour: RAL 7016
  11. Structural entrance steel levels to base of glazing



Side Elevation adjacent service road - Scale 1:100





17/00960/FUL

Queenwood House, Queenwood Grove, Prestbury

5

Valid 01.09.2017  
Grid Ref 397975 224318  
Parish Southam  
Ward Cleeve Hill

Erection of a dwelling on land adjacent to Queenswood House.

Mr Nicholas Tucker-Brown  
Queenwood House  
Queenwood Grove  
Prestbury

## RECOMMENDATION Permit

### Policies and Constraints

Tewkesbury Borough Local Plan to 2011 (March 2006) - HOU4, HOU7, TPT1, LND4, NCN5  
Adoption Version Joint Core Strategy - November 2017 - SP2, SD6, SD7, SD9, SD10, SD14, INF1  
National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)  
Cotswolds Area of Outstanding Natural Beauty (AONB)  
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 comment

County Highways - Refer to Standing Advice

Natural England - The proposal is unlikely to affect and statutorily protected sites or landscapes.

### Local Residents

Two comments have been submitted in support of the application:

- The application would be contained within the built form on the site and not increase perception of the built up area of the countryside
- Demolishing the building prior to permission which was a genuine mistake should not prevent permission being granted.
- The applicant is an integral part of the community and we would not wish them to have to leave the area
- The applicant is intending to bring a gas main across the field which may allow other residents to connect

One further comment has been received raising the following issue:

- Concerned about proposed access adjacent to Mill Lane field gate due to the size of the highway. (Officer Note - The location of the proposed access has been subsequently altered).

**Planning Officers Comments:** Paul Instone

### 1.0 Application Site

1.1 The application site comprises the site of a former stables and outbuilding located to the north east of a dwelling known as Queenswood House. The former stable building was of a substantial construction with Cotswold stone cladding to its walls and slate to its roof. Planning permission was granted for the change of use of the stables and outbuildings to a dwelling in 2014. The dwelling was in situ until the end of October 2017 at which point it was demolished prior to the determination of this application.

1.2 Around the former buildings, the site was predominately laid to hardstanding and accessed via a shared driveway which serves Queenswood House, although this hardstanding was recently removed. A mature Oak Tree is located to the west of the former stable building and an equestrian arena is located to the north east of the application site which is currently accessed via the site.

1.3 The site is not within a recognised residential development boundary as defined in the Tewkesbury Borough Local Plan to 2011 - March 2006 and is not located within a town or village. The application site is located approximately 0.5 km from the Principal Urban Area of Cheltenham. The site is also located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

## **2.0 Planning History**

2.1 There have been a number of previous applications at Queenwood House and its surrounding grounds. Of most relevance is:

96/00478/FUL - Conversion of and extension to existing stables to provide caretakers cottage for caretaker of Queenswood House. Refused 1996. This application proposed the conversion and extension of the subject stable building to provide a caretakers cottage for Queenwood House. This application was refused against officer's recommendation as it was not essential for agriculture /forestry and was considered to have an adverse impact on the rural landscape and encourage further stable development at the site.

14/00722/FUL - Change of use of existing outbuilding to a dwelling. Permitted October 2014

16/01431/FUL - Replacement dwelling at Queenwood, Prestbury and associated landscaping. Works to include the demolition of existing building and associated outbuildings and structures. Withdrawn March 2017

## **3.0 Current Application**

3.1 The application proposes to erect a dwelling in the location of the former dwelling which has very recently been demolished. The proposed dwelling is a 3 bedroom dwelling with a sedum flat roof. The dwelling is two storey but is sunken into the ground and would appear as single storey from distant viewpoints. The design has been amended further to comments from officers.

3.2 The original application was submitted as a replacement dwelling, however that dwelling that previously occupied the site has since been demolished. The applicant acknowledges that he demolished the previous dwelling prematurely as he considered a decision notice was due to be issued, however the authority subsequently requested amendments to the design of the scheme. The applicant has stated that it was not his intention to demolish the building without consent but at the time of demolition, he firmly believed that permission had been issued and was on its way to him. The applicant therefore extends his apologies for his mistake and hopes that this will not unduly influence what previously would have been a successful planning outcome.

## **4.0 Policy Context**

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

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

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

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

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

4.5 Given the very recent position of a dwelling being on the application site, policy HOU7 is a consideration in the determination of the application. Policy HOU7 states that rebuilding and replacement of existing dwellings in locations where the construction of new dwellings would otherwise be unacceptable will be permitted provided that:

- a) the replacement is a similar size and scale to the existing dwelling
- b) The replacement dwelling respects the scale and character of existing characteristic property in the area and has no adverse impact on the landscape
- c) Normal development control standards are satisfied

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. The emerging JCS is at an advanced stage and the Inspector's Report has been published.

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

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

4.9 The Adoption Version of the Joint Core Strategy (AVJCS) is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. Due to the advanced stage of the JCS, following publication of the Inspector's Final Report, its policies can be afforded very significant weight in the decision making process.

4.10 Policy SP2 of the AVJCS 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 Norton.

4.11 Rural Services Centres and villages will accommodate development which will be allocated through the Tewkesbury Local Plan and Neighbourhood Plans, proportionate to their size and function. In the remainder of the rural area, Policy SD10 will apply for proposals for new residential development.

4.12 Policy SD10 states that on sites that are not allocated, housing development will be permitted on previous development land within the built up areas of Gloucester City, the Principle Urban Area of Cheltenham and Tewkesbury Town, Rural Service Centres and Service Villages except where otherwise restricted by policies within District Plans. Of relevance to this application, housing on other sites, inter alia, will only be permitted where it is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies with the district plans. Policy SD10 also allows for housing development on sites outside built up areas where there are specific exceptions/circumstances defined in Local Plans, which would include policy HOU7 (Replacement Dwellings).

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

## **5.0 Analysis**

### **Principle**

5.1 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, in accordance with paragraph 12 of the NPPF, the presumption is against the grant of permission given the conflict with policy HOU4, and emerging policy and as such permission should be refused unless material planning circumstances indicate otherwise.

5.2 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006. Consequently, the application for a new dwelling 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. None of these requirements are met by the application and the presumption is against the grant of planning permission given the conflict with policy HOU4 and as such permission should be refused unless material circumstances indicate otherwise.

5.3 The application site is also located approximately 0.5 km from the Principal Urban Area of Cheltenham. As the application site is outside the Principal Urban Area and is not within a town or village within Tewkesbury Borough the proposal also conflicts with emerging policy SD10 of the AVJCS. Due to the advanced stage of the JCS the policy can be afforded very significant weight in the decision making process.

5.4 In light of the fact that the Council is able to demonstrate a five-year supply of deliverable housing sites, saved Policy HOU4 of the Tewkesbury Borough Local Plan is considered up-to-date pursuant to paragraph 49 of the NPPF.

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

5.6 The Framework 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. In this respect the site is approximately 0.5 km from the Principal Urban Area of Cheltenham

5.7 It is recognised that it is a requirement of the NPPF to 'boost significantly the supply of housing' however this is being achieved within Tewkesbury Borough given the five year supply position outlined above. The social benefits associated with the delivery of a single dwelling are very limited, particularly in the context of the Council being able to demonstrate a five year supply of deliverable housing sites. These benefits therefore attract very limited weight as do the economic benefits associated with the erection of a single new dwelling. It is also recognised that new housing should be located in rural areas where it would enhance or maintain rural communities and it considered that the site is located in a reasonably accessible location.

5.8 In conclusion, given the conflict with the existing and emerging development plan, which attracts very significant weight, the presumption is in favour of refusal unless material considerations indicate otherwise. Those material considerations are discussed below.

### **Other Material Considerations**

5.9 Policy HOU7 of the Local Plan states that in locations where the construction of new dwellings would otherwise be unacceptable, the replacement of existing dwellings would be permitted provided that certain criteria are met. As set out above a dwelling on the site has recently been demolished, however this occurred towards the end of the planning application process during the determination of the application. The applicant had been advised that subject to certain changes the application, which was then for a replacement dwelling, would be recommended for permission under delegated authority.

5.10 In these circumstances, whilst the proposal is clearly now contrary to the existing and emerging Development Plan and it is considered reasonable, taking account of the very recent position, to consider of the application on the basis of it being a replacement dwelling. Accordingly, the application is considered against the criteria in Policy HOU7 below.

*Criteria A: Requirement to be of a similar size and scale to the existing dwelling*

5.11 Criteria (a) states that the "replacement dwelling is of a similar size and scale to the existing dwelling". The reasoned justification attached to Policy HOU7 sets out that the rebuilding and replacement of existing dwellings should not result in the introduction of large scale dwellings of alien design and inappropriate materials which may harm the local environment, and form incongruous features in the wider landscape setting. The reasoned justification also states that the number of dwellings would not normally be expected to exceed those of the original.

5.12 The former single storey dwelling comprised a living room, dining room, kitchen, WC space and two bedrooms and had a footprint of circa 100 sq m. By contrast the footprint of the proposed dwelling would be 156sqm, with a volume of about 936cubic metres of which 50% is basement and below ground.

5.13 The proposed dwelling is larger than the dwelling it was to replace. The applicant states in their submission that the timber stable building and a large greenhouse which have been removed had a combined volume of 405 cubic metres. However, these outbuildings were low key and their removal should be given limited weight when assessing the similarities in size and scale.

5.14 The current proposal has been amended further to consultation with officers. The building has been re-sited to be predominantly on the footprint of former structures on the site and sit within the curtilage of the former dwelling. In addition the architectural approach, which includes a sunken ground floor, sedum roof and enclosed external amenity area, reduces the bulk and mass of the proposed dwelling.

5.15 Taking this into account, it is considered that the design of the proposal responds to the site context and the previous built form on the site, and would not result in the introduction of a large scale dwelling with and alien design or form an incongruous feature in the wider landscape setting.

5.16 Therefore taking account of the reasoned justification of Policy HOU7 it is considered that the replacement dwelling accords with criteria (A).

*Criteria B: Requirement to respect the scale and character of existing characteristic property in the area and to have no adverse impact on the landscape*

5.17 Criteria B of Policy HOU7 states that "the replacement dwelling respects the scale and character of existing characteristic property in the area and has no adverse impact on the landscape."

5.18 There is a mixture of scattered properties of different types and styles within the vicinity of the application site with no overriding characteristic in terms of appearance. It is considered that the proposed dwelling is a high quality design, which responds to the landscape character of the site and built form of the environs, and it considered that the replacement dwelling accords with criteria (B).

Criteria C: Requirement to satisfy normal development control standards in relation to aspects such as design, materials, environmental impact, parking and relationship to adjoining uses:

5.19 Details regarding the design of the proposed replacement dwelling are discussed in the paragraphs above.

5.20 In terms of parking, the submitted Proposed Site Plan shows that there is space for 2 no. parking spaces , which is judged to be sufficient for a three bed dwelling. In addition, vehicles would be able to enter and leave the site in a forward gear and it is considered that the cumulative residual impact of the proposed development on highway safety would not be severe.

5.21 In terms of the relationship of the proposed dwelling to adjoining uses, the proposed dwelling would be located approximately 20 metres from Queenswood House. Due to the angled relationship between the existing and proposed dwellings it is not considered that proposed dwelling would detrimentally impact on the residential amenity of residents of Queenswood House.

5.22 A dwelling known as Woodlands is located approximately 60 metres to the north east of the proposed dwelling. Due to the separation distance and angled relationship between the properties it is not considered that proposed dwelling would detrimentally impact on the residential amenity of residents of Woodlands.

5.23 By virtue of the scale and setting of the proposed replacement dwelling, the associated external amenity area and access to the site, and surrounding uses, it is considered that the proposal would provide a good standard of amenity existing and future occupants.

5.24 Having regard to the above it is considered that if the proposal was considered as a replacement dwelling, the proposed dwelling would be in accordance with policy HOU7 of the Local Plan. It is also considered that the proposal would accord with emerging policy SD11 of the AVJCS.

### **Impact upon the AONB**

5.25 The site lies within the Cotswold AONB and the NPPF states that great weight should be given to conserving the landscape and scenic beauty of the AONB.

5.26 The application is supported by a Landscape and Visual Appraisal which considered the visual impact of a dwelling from private residences, the public footpath and public rights way. The analysis demonstrates that the landscape effect of the proposals would not be significant.

5.27 Officers have assessed the visual impacts of the proposal from a number of public vantage points and it is considered that the application site is screened by landform and vegetation. Given that the proposal replaces former structures on site and would be viewed as a single storey structure with a sedum roof which would integrate into the landscape, it is considered that the proposal would have an acceptable impact on the landscape and scenic beauty of the AONB. Whilst there is a small incursion outside the existing curtilage it is not considered that this would justify refusal in its own right when assessing the proposal as a whole.

5.28 However, it is considered reasonable and necessary to impose conditions on the site to remove permitted development rights in order to prevent further extensions to the building and incursion of domestic paraphernalia into the AONB landscape and to ensure the retention of the sedum roof.

5.29 As such, it is considered that the proposal would not result in discernible harm to the special landscape setting of the Cotswolds AONB, in accordance with Section 11 of the NPPF.

### **6.0 Conclusion and Recommendation**

6.1 In conclusion, the application proposes the erection of a dwelling outside a recognised residential development boundary and therefore conflicts with Policy HOU4 of the Local Plan. The application also conflicts with emerging policy SD10 of the AVJCS which, due to the advanced stage of the JCS the policy can be afforded very significant weight in the decision making process.

6.2 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.

6.3 A material consideration is a matter that should be taken into account in deciding a planning application. There is no definition in legislation of what are material considerations. Case law has said that any consideration which relates to the use and development of land is capable of being a planning consideration.

6.4 In this instance officers were aware that a dwelling was situated on site until very recently. The application was, at that stage, being considered favourably as a replacement dwelling, subject to improved design, to reduce the impact on the AONB. These design changes have been made and the proposal would have an acceptable impact on the AONB.

6.5 Whilst demolishing the dwelling prior to a decision notice being issued was foolhardy, it appears to have been a genuine mistake on behalf of the Applicant who understood that planning permission would be forthcoming. These circumstances are considered to constitute a significant material consideration in the determination of the application.

6.6 Therefore whilst there is a clear conflict with the development plan, on balance, it is considered that there are material considerations in this case, as outlined above, which indicate that the application should be determined otherwise in accordance with the development plan.

6.7 On balance, it is therefore recommended that the application is **permitted**.

## **RECOMMENDATION Permit**

### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
2016-10-PL-16-Site received 9th November 2017  
2016-10-PL-16-Plans received 9th November 2017
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no extensions, outbuildings, or other 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.
- 4 No external lighting shall be installed on the site unless the details have first been approved in writing by the Local Planning Authority.
- 5 Prior to the occupation of the proposed dwelling the car parking and manoeuvring facilities for the proposed dwelling shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.
- 6 No work shall commence on site until details of existing and proposed levels with reference to a fixed datum point, to include details of finished floor, ground levels and ridge levels, have been submitted to and approved by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 7 All planting, seeding or turfing comprised in the approved details of landscaping shown on approved plan 2016-10-PL-16-Site received 9th November 2017 shall be carried out in the first planting season following the occupation of the buildings, or the completion of the development, whichever is sooner. Any trees, plants or areas of turfing or seeding, which, within a period of 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
- 8 The development hereby permitted shall be constructed entirely in accordance with the material details of which are shown in plan 2016-10-PL-16-Plans.
- 9 Notwithstanding the submitted information, and prior to the commencement of development, details of the construction, planting and maintenance programme for the proposed green sedum roof shall be submitted to and approved in writing by the Local Planning Authority. These details shall also include remediation measures in the event that the approved planting does not satisfactorily establish or dies following implementation.

The development shall thereafter be carried out in accordance with the approved details and in the event that the planting fails the approved remediation measures shall be implemented so that the roof is repaired or replaced to a standard that is in accordance with the approved details.

### Reasons:

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To conserve the landscape and scenic beauty of the AONB.
- 4 To conserve the landscape and scenic beauty of the AONB.

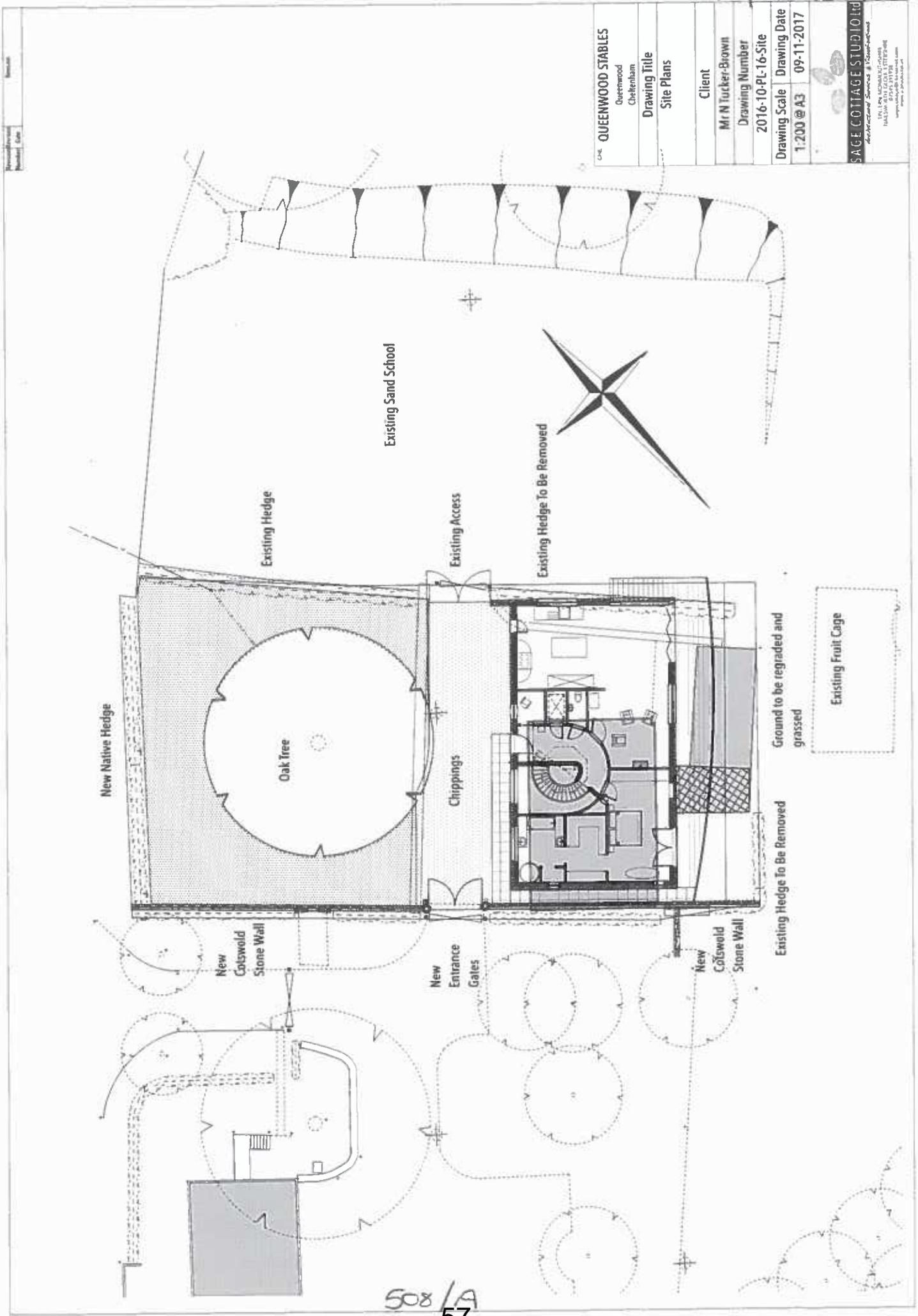
- 5 In the interests of highway safety.
- 6 In the interest of residential amenity and to conserve the landscape and scenic beauty of the AONB.
- 7 In the interests of visual amenity.
- 8 To secure a satisfactory external appearance.
- 9 In the interests of visual amenity and to conserve the landscape and scenic beauty of the AONB.

Note:

**Statement of Positive and Proactive Engagement**

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

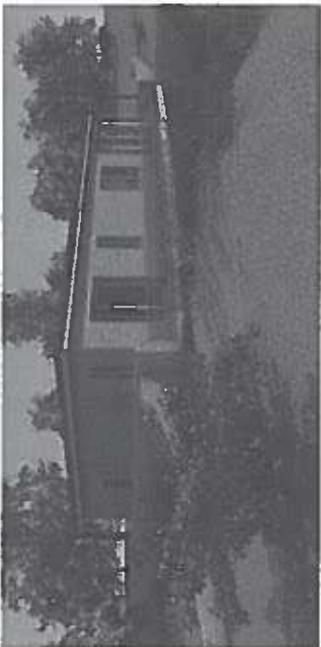
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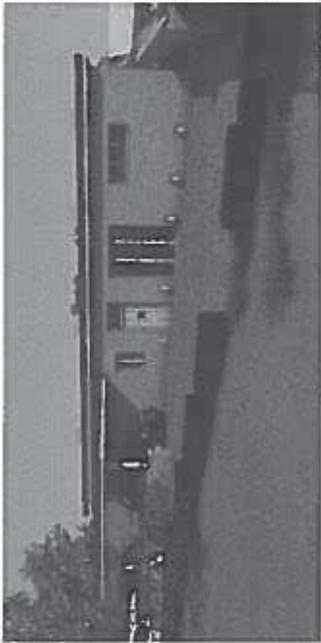
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Drawing Title	Site Plans
Client	Mr N Tucker-Brown
Drawing Number	2016-10-PL-16-Site
Drawing Date	09-11-2017
Drawing Scale	1:200 @ A3

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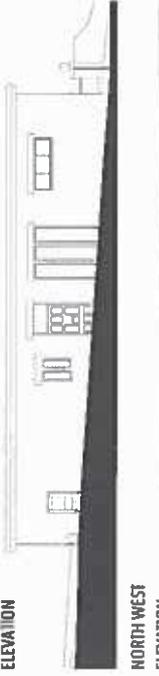
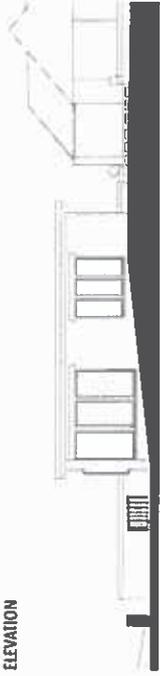
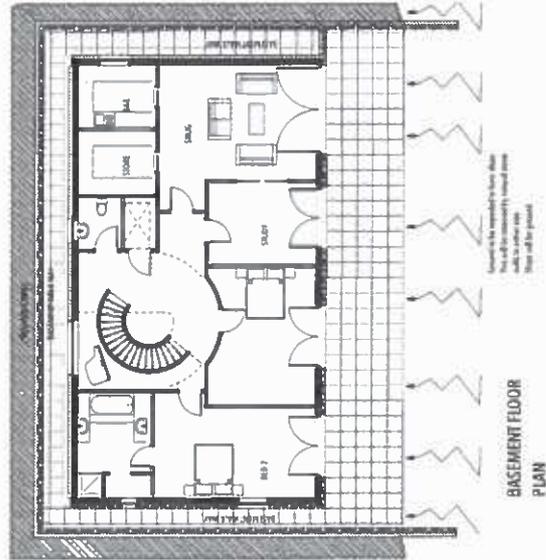
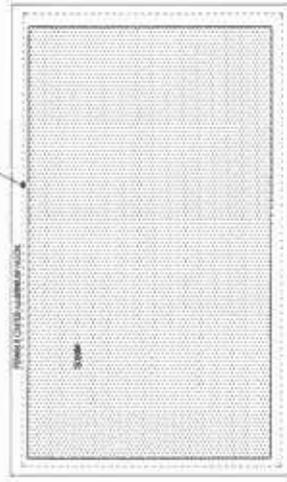
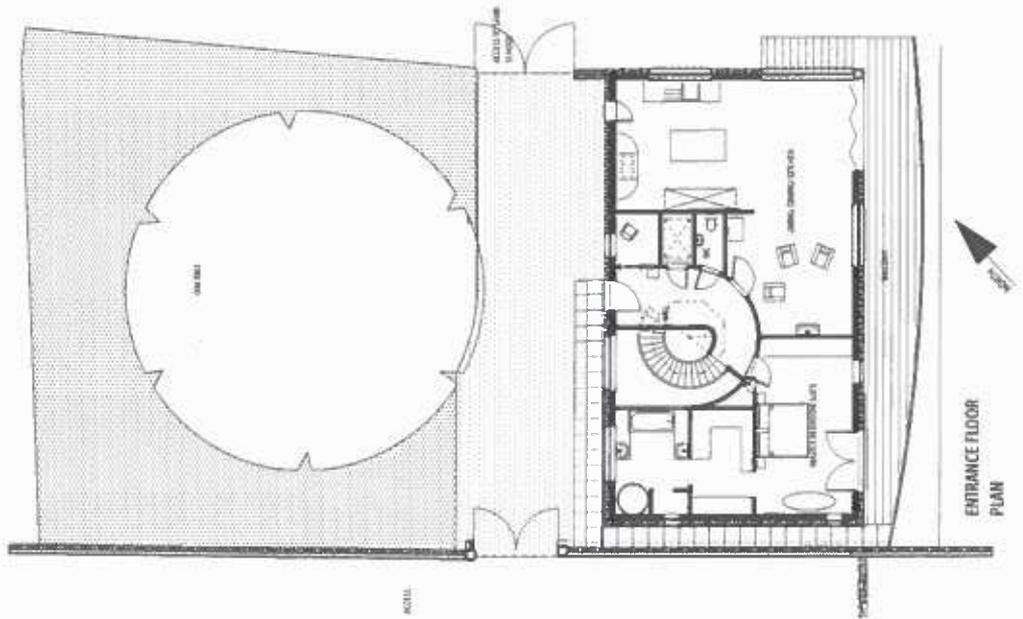
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REAR PERSPECTIVE



FRONT PERSPECTIVE



- MATERIALS**
- Roof - Sedum
  - Powder coated aluminium fascias
- Walls -**
- Hanraa Cotswold Stone Walling
  - Reconstructed stone details
  - Powder coated aluminium window and doors
  - Powder coated aluminium drainage goods
- Balcony -**
- Glass
  - Timber handrail
  - Powder coated aluminium posts



**NEWFIELD HOUSE**

Architect: [Name]

Client: [Name]

Location: [Address]

Project Number: [Number]

Site No: [Number]

Site Name: [Name]

Site Area: [Area]

Site Date: [Date]

Site No: [Number]

Site Name: [Name]

Site Area: [Area]

Site Date: [Date]

Site No: [Number]

Site Name: [Name]

Site Area: [Area]

Site Date: [Date]

Valid 26.10.2017  
Grid Ref 394995 227949  
Parish Bishops Cleeve  
Ward Cleeve West

Rear dormer and front skylights.

Mr Matthew Tarling  
9 Harvesters View  
Bishops Cleeve  
Cheltenham  
Gloucestershire  
GL52 7WD

## RECOMMENDATION Permit

### Policies and Constraints

Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU8  
Adoption Version Joint Core Strategy - November 2017 - SD4  
NPPF

### Consultations and Representations

**Bishops Cleeve Parish Council** - objects to the application on the grounds of loss of privacy affecting neighbouring properties, particularly 72 and 73 The Cornfields.

**Planning Officers Comments:** Alice Goodall

#### 1.0 Introduction

1.1 The site is located in a cul-de-sac in Bishops Cleeve. The existing dwelling is a modern semi-detached property. The application is to construct a dormer window on the rear elevation of the property and rooflights on the front elevation.

1.2 Planning permission is solely required as permitted development rights were removed by planning condition from this estate when planning permission was first granted. The reason for the condition removing those rights was to preserve and enhance the visual amenities of the locality.

#### 2.0 Planning History

2.1 There is no relevant planning history to the site further to the original permission referred to above.

#### 3.0 Planning Policy Context

3.1 Saved policy HOU8 of the Local Plan requires that development should respect the character, scale and proportion of the existing house, compliment the design and materials of the existing and should not have an unacceptable impact on the adjacent property in terms of bulk, massing, size or overlooking. These design requirements are reflected in policy SD4 of the Adoption version of the JCS and section 7 of the NPPF.

#### 4.0 Analysis

4.1 The main issues are considered to be:

- o Residential Amenity
- o Design

4.2 The property is bounded by residential properties on all sides. The proposed dormer window is on the rear elevation of the property, There is a distance of approximately 15m from the dormer window to the boundary of the property to the rear, 3 Harvester's view and it is not considered that this would result in undue overlooking. There are also gardens to the east in Cornfields however there would only be oblique views from the proposed dormer window and this would not result in an unacceptable degree of overlooking. The proposed rooflights to the front are at a high level and do not directly face any neighbouring properties. Consequently there would be no additional over looking over and above the current situation as a result of the rooflights. Therefore there would be no unacceptable impact on residential amenity.

4.3 The proposed dormer window is proposed to be constructed of materials to match the existing dwelling. Therefore it is considered that the proposed window is in keeping with the character and appearance of the existing dwelling.

4.4 Although the dormer windows is proposed on the rear of the property it is visible from the street. Due to the small scale nature of the development there would be minimal impact on the street scene.

## 5.0 Conclusion

5.1 Overall the proposal is considered to have an acceptable impact on the character the area, amenity and the street scene and it is therefore recommend that this application be permitted.

## 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 approved plans, received by the local planning authority on the 26/10/17.
- 3 The external materials of the proposed dormer window shall match as near as possible the materials of the existing dwelling.

### Reasons:

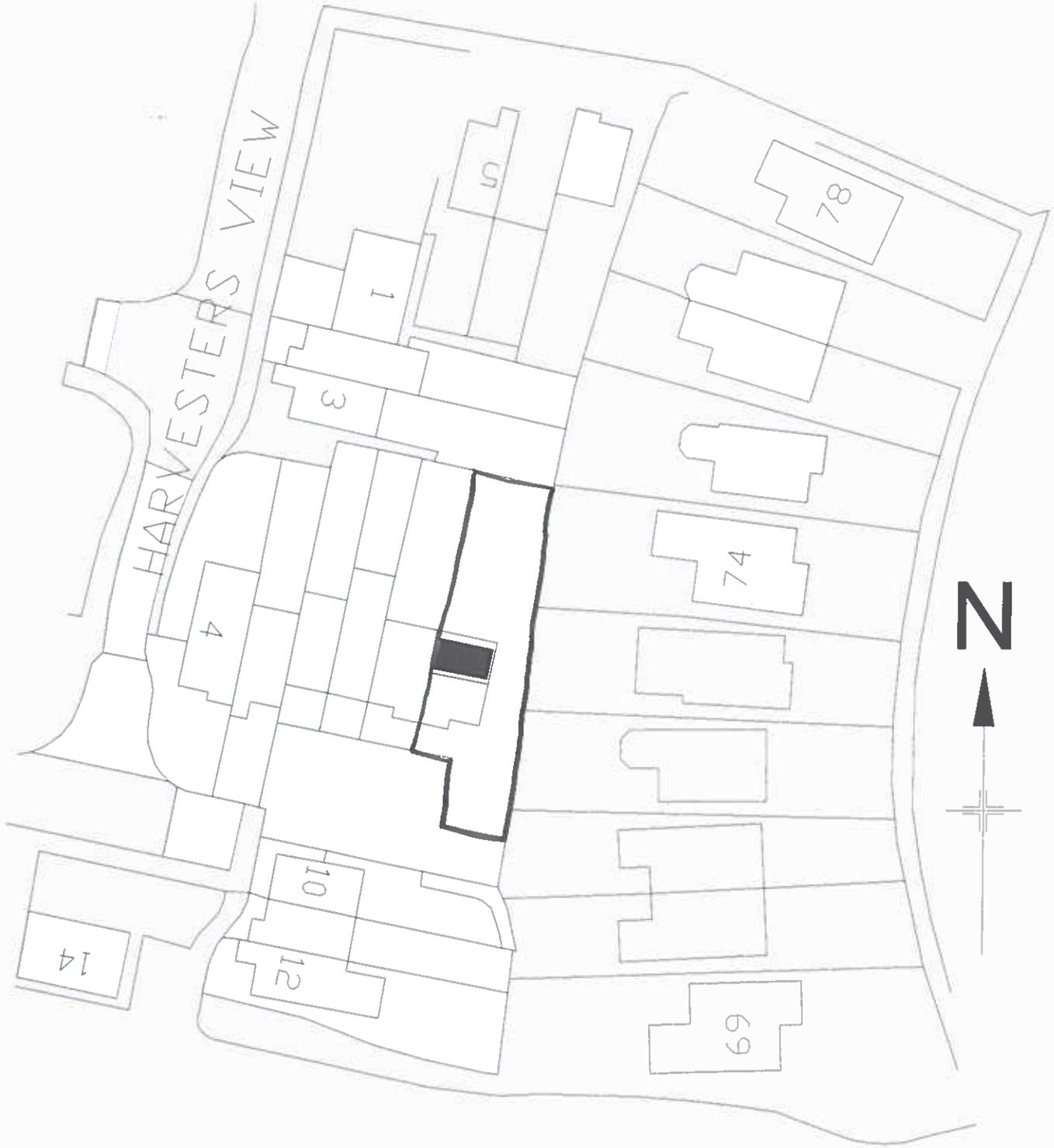
- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the extension is in keeping with the existing building.

### Note:

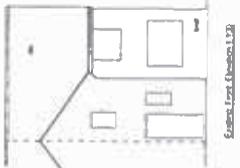
#### **Statement of Positive and Proactive Engagement**

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





Produced on 20 October 2017 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.  
This map shows the area bounded by 394895,227849 394895,228049 395095,228049 395095,227849  
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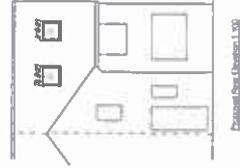
Existing Front Elevation 1.10



Existing Side Elevation



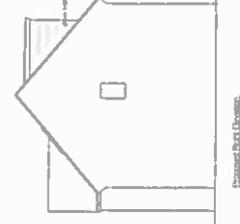
Existing Rear Elevation



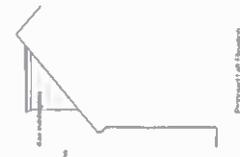
Proposed Front Elevation 1.10



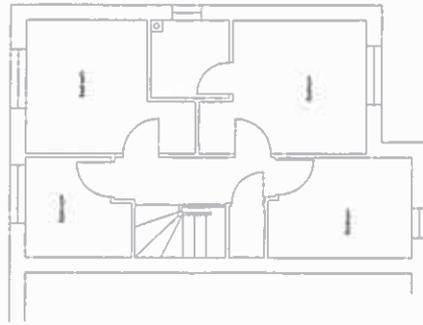
Proposed Side Elevation



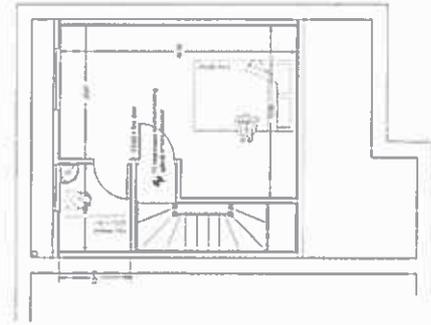
Proposed Rear Elevation



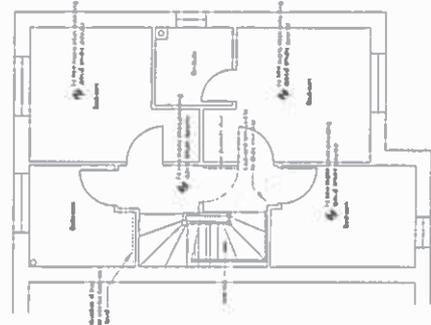
Proposed Left Elevation



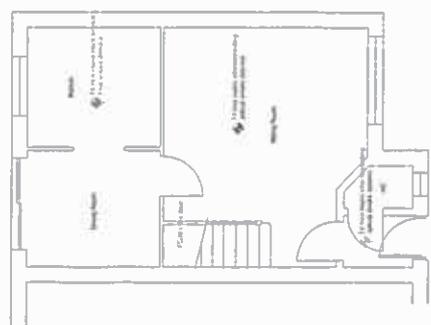
Existing First Floor Plan 1.10



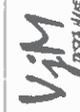
Proposed First Floor Plan 1.10



Existing / Proposed Ground Floor Plan 1.10



Proposed Loft Floor Plan 1.10

REVISION	DATE	DESCRIPTION
 VJM ARCHITECTS 25 Vindoban Road, Chislehurst, Qld. 4157 QLD TEL: 0832 27310		
CLIENT		Mathew Taring
PROJECT		9 Harvester View Bishops Cleeve QL52 7WD
DRAWING TITLE		
Proposed Loft Conversion with Rear Dormer & Front Skylights		
SCALE	DATE	DRAWN BY
1:50	24.10.17	VJM
DRAWING NUMBER		REV
017_054_Planning		

## BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019

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

20 October 2017

Please destroy previous lists.