

**TO EACH MEMBER OF THE  
PLANNING COMMITTEE**

08 January 2018

Dear Councillor

**PLANNING COMMITTEE- TUESDAY 16 JANUARY 2018**

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 - 92</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 16 January 2018

	<b>(NORTH)</b>	<b>(SOUTH)</b>
General Development Applications Applications for Permission/Consent	(511 - 521)	(522 - 565)

**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. ( 511 - 565 )**

### **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) 16th January 2018

Parish and Reference	Address	Recommendation	Item/page number
Alderton 17/01140/FUL <a href="#">Click Here To View</a>	Cherry Tree House Gretton Fields Gretton	Permit	1 / 511
Bishops Cleeve 17/00133/FUL <a href="#">Click Here To View</a>	Lidl Uk Gmbh Evesham Road Bishops Cleeve	Permit	7 / 553
Bishops Cleeve 17/00449/OUT <a href="#">Click Here To View</a>	Local Centre Plots 7 & 8 Cleevelands Bishops Cleeve	Delegated Permit	8 / 561
Gotherington 17/00922/APP <a href="#">Click Here To View</a>	59 Gretton Road Gotherington GL52 9QU	Delegated Approve	3 / 518
Gretton 17/01147/FUL <a href="#">Click Here To View</a>	Stables to the rear of Laburnum Gretton Fields Gretton	Permit	2 / 514
Hucclecote 17/01160/FUL <a href="#">Click Here To View</a>	Gransmoor Lodge Sussex Gardens Hucclecote	Refuse	6 / 549
Shurdington 17/00924/OUT <a href="#">Click Here To View</a>	Land south of up Hatherley Way Chargrove Lane Up Hatherley Cheltenham	Refuse	4 / 522
Shurdington 17/01097/FUL <a href="#">Click Here To View</a>	Land at the former Allards Hotel Shurdington Road Shurdington	Refuse	5 / 542

17/01140/FUL

Cherry Tree House, Gretton Fields, Gretton

1

Valid 23.10.2017

Two storey side extension and single storey rear extension. French doors at rear first floor level with 'Juliet' balcony. Existing single storey rear extension and conservatory to be integrated into the house.

Grid Ref 400156 232129

Parish Alderton

Ward Winchcombe

Mr & Mrs Godfrey  
Cherry Tree House  
Gretton Fields  
Gretton

## **RECOMMENDATION Permit**

### **Policies and Constraints**

National Planning Policy Framework

Planning Practice Guidance

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies HOU8 & LND2

Adoption Version Joint Core Strategy - November 2017 - SD4

### **Consultations and Representations**

**Alderton Parish Council** - Objection - "Alderton Parish Council have no objections in principle to an extension, but the Parish Council objects to this application as the design is unsympathetic to the existing dwelling".

**Local residents** - No representations received.

**Planning Officers Comments:** Mr James Lloyd

### **1.0 Application Site**

1.1 This application relates to Cherry Tree House, a detached, two storey residential building located in Gretton Fields. The property is located to the south of a cluster of dwellings which are sited on the east side of the road. To the north of the site is a further detached dwelling and to the south east and west is agricultural land / open fields. The site lies within the designated Special Landscape Area. (See attached location plan).

### **2.0 Relevant Planning History**

00/01296/FUL - Conservatory - Permitted 2000.

17/00001/FUL - 2 storey side extension and single storey rear extension. Dormers to front and side elevation and French doors at rear first floor level with Juliet balcony - Withdrawn 2017

### **3.0 Current Application**

3.1 The proposed extension would replace existing single storey extensions located on the side and rear of the building. The extensions would be constructed from materials to match the existing building. (See attached plans).

### **4.0 Policy Context**

4.1 Saved policy HOU8 of the Local Plan requires that development should respect the character, scale and proportion of the existing house, compliments 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.

4.2 Local Plan Policy LND2 requires that special attention is given to the protection and enhancement of the special landscape area.

## 5.0 Analysis

5.1 The main issues to be considered with this application are the impacts on the neighbouring property and the impact on the street scene.

### *Design & Impact on the Street Scene*

5.2 The proposed two storey extension would be set back from the front building line of the host dwelling, which results in a visual break. Similarly, the proposed extension would be set down from the ridge of the host dwelling. In view of this, the proposal clearly reads as an extension and would be subservient to the existing dwelling.

5.3 The proposed single storey extension would be subservient to the host dwelling, due to its size, scale and design. The proposed extensions would replace a mixture of later additions including a conservatory. It is considered that whilst the proposed extensions are large in scale and size and the scheme would be more prominent than the existing extension, there would be a benefit of replacing these older 'ad-hoc' elements to create a more harmonious design. The property sits in a large plot and the dwelling as extended would sit comfortably within it.

5.4 There are a wide range of different sizes and styles of buildings in the surrounding area. The application property is well set back from the main road, and is well screened from neighbouring properties. The proposed extensions would be constructed of matching materials and would not dominate the host dwelling. It is therefore not considered that there will be any adverse impacts on the street scene.

5.5 It is also considered that the proposed extensions would be read in conjunction with the host dwelling when viewed from a-far, and would be sympathetically designed in terms of its height, mass, materials, and colour. As such it is judged that the proposal would protect the landscape character of the SLA and would not adversely affect the quality of the natural and built environment or its visual attractiveness.

### *Residential amenity*

5.6 The residential property is situated in a large open plot with the closest residential property located to the north ('Viridarium'). No objection has been received from this neighbour. The property is located approximately 18 metres from Cherry Tree House and sits further forward in its plot. The proposed two storey extension would be located on the southern elevation of the building and due to its location on the building would not cause any undue impact on the nearest residential property to the north.

5.7 By virtue of the scale and form of the proposed development and the proximity to adjacent buildings, it is considered that there would be no significant adverse effect on adjoining occupiers in terms of overshadowing, overbearing impact, loss of privacy or amenity. The proposal is therefore considered to result in no significant adverse impact upon residential amenity.

## 6.0 Conclusion

6.1 Whilst the comments of the Parish Council are noted, overall, it is considered that the proposal would not result in an unacceptable loss of residential amenity to neighbouring dwellings and would be of an acceptable size and design. There would also not be any harm to the existing street scene. The proposal would therefore accord with the NPPF, Policy SD4 of the AJCS and Saved Policy HOU8 of the Local Plan and is **recommended for permission**.

### **RECOMMENDATION Permit**

#### Conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans, drawing Nos. CTO.GF.PR.01 REV D, CTO.GF.PR.02 REV D, CTO.GF.SU.01 and CTO.GF.SU.02 received by the local planning authority on the 23rd October 2017.

- 3 The external materials of the proposed extensions shall match as near as possible the materials of the existing dwelling house.

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**

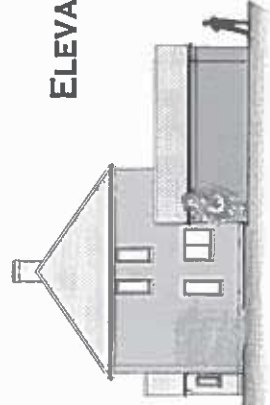
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received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

# CHERRY TREE ORCHARD, GRETTON FIELDS, GLOS

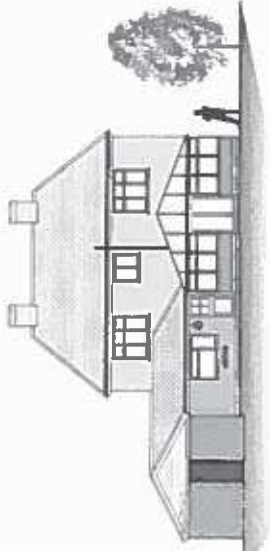
## SURVEY DRAWING

### ELEVATIONS & SITE PLANS

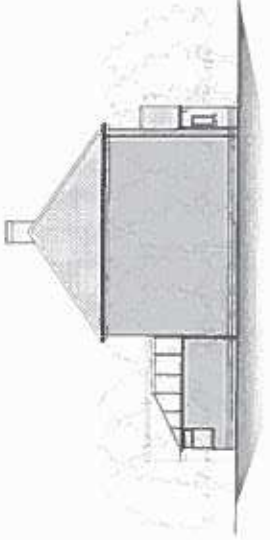
17/01/14/01/PUL



NORTH ELEVATION  
SCALE 1:100



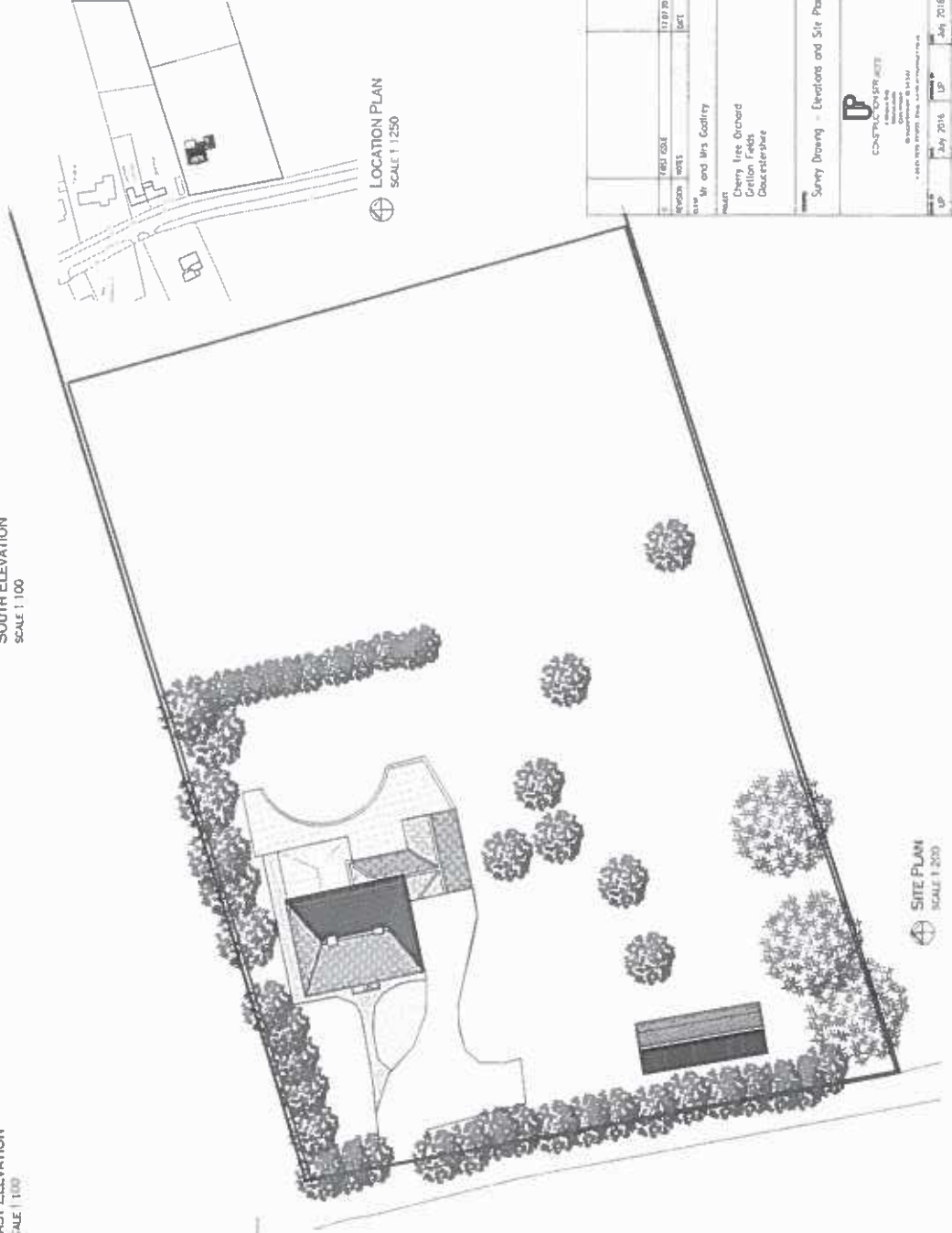
EAST ELEVATION  
SCALE 1:100



SOUTH ELEVATION  
SCALE 1:100



WEST ELEVATION  
SCALE 1:100



LOCATION PLAN  
SCALE 1:250



BLOCK PLAN  
SCALE 1:500

SITE PLAN  
SCALE 1:200

DATE	11/07/2016
REVISION	NO. 1
BY	Mr and Mrs Godfrey
FOR	Cherry Tree Orchard Gretton Fields Doucester-shire
PROJECT	Survey Drawing - Elevations and Site Plans
<b>DP</b>	
CONSTRUCTION	
D. P. GODFREY	
1405, NEW STREET, FINE, LONDON W1R 9JH	
DATE	JULY 2016
BY	DP
FOR	DP
AS ISSUED	C/O OF SU.02
AT	0

513/7





17/01147/FUL

Stables to the rear of Laburnum , Gretton Fields, Gretton

2

Valid 25.10.2017

Conversion of stable block to provide three holiday let units with associated parking and access.

Grid Ref 400237 231678

Parish Gretton

Ward Winchcombe

Mr D Ross-Lee

C/O Agent

## RECOMMENDATION Permit

### Policies and Constraints

National Planning Policy Framework (2012)

Planning Practice Guidance

Joint Core Strategy (2017) - INF1, SD10

Tewkesbury Borough Local Plan to 2011 (March 2006) - Policies TOR1, TOR2, AGR6, LND2

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

The First Protocol, Article 1 (Protection of Property)

Special Landscape Area

### Consultations and Representations

**Gretton Parish Council** - Object for the following reasons:

- o This is backfill development, in an area of ribbon development,
- o Would expand the settlement width
- o Would set a dangerous precedent,
- o Applications for back-garden development are likely to follow
- o There is a signification traffic issue in the village which will be exasperated

**Environmental Health** - No objections subject to condition.

**Local Residents** - One letter of objection has been received. The comments raised are summarised below:

- o Object to 12 month holiday accommodation/use of the site
- o Application seeks to convert agricultural buildings to C3 dwelling houses
- o Application is described as for holiday lets and not dwellings
- o Will provide day-to-day living accommodation
- o May not provide 'sufficient living space 'for dwellings
- o Primary school is already full no other facilities in village except pub and Hall
- o Bus service does not facilitate working hours
- o Holiday homes put less strain on services
- o Gretton Fields is ribbon development
- o Expansion to rear is at odds with area
- o Previous houses granted on basis of brown field site
- o This is not a brown field site
- o Length of occupancy should be restricted
- o Other councils have restrict the months in any year the lets can be used
- o Minor amendments should be restricted/prevented

**County Council highways Officer** - No objections.

**Planning Officers Comments:** Bob Ristic

### 1.0 Introduction

1.1 The application site is located on the eastern side of Gretton Fields, a cluster of dwellings and commercial uses located approximately 1 mile to the north of Gretton and 1.2 miles to the south of Alderton. (See attached Location Plan)

1.2 The site is accessed via a driveway which runs along the northern boundary and serves the existing frontage dwelling, a domestic double garage, a large shed/store, former commercial garage/industrial and a stable block. The side and rear boundaries of the site are screened by a variety of trees and shrubs.

1.3 This application relates specifically to the stable building and small paddock to the eastern (rear part) of the site. The building has a floor area of approximately 145 square metres and is constructed of white painted blockwork walls with a profiled metal sheet roof. The building is no longer used for the stabling of horses and appears to be used for domestic/general storage.

1.4 The application site is located within a Special Landscape Area as identified on the proposals map to the Tewkesbury Borough Local Plan to 2011.

## **2.0 Planning History**

2.1 While there is no record of planning permission being sought or obtained for the stable building there have been a number of other planning applications at the site. The most recent of which are summarised below:

17/00268/FUL - Demolition of commercial car repairs garage buildings (class B2 use) and erection of two single dwellings with associated garages, parking and access - Permitted 04.07.2017.

04/00676/FUL - Change of use from agricultural to children's play area associated with adjacent dwelling known as Amberley - Refused 10.08.2004.

98/00002/FUL - Use of building for servicing and minor repairs to motor cars - Permitted 26.05.1998.

## **3.0 Current Application**

3.1 This application seeks planning permission for the conversion of the existing disused stable block to provide 1 no. 1 bed and 2 no. 2 bed holiday lets.

3.2 The site would be accessed from the existing driveway which would remain unaltered and an area of hardstanding for 6 vehicles would be provided to the west of the stable building to serve the proposed lets.

3.3 The submitted details indicate that the existing breezeblock would be rendered over and the metal sheet roofing replaced with slate. The existing stable and tack room doors would be infilled with timber panelling and new window casements. Two new timber door openings would be formed in place of one of the existing stable door to access the eastern two 'lets'. The proposal would also involve the formation of three new openings to the northern (rear) elevation to serve the proposed bedrooms.

## **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 Adopted Joint Core strategy (2017) and saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP).

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

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

## **5.0 Analysis**

5.1 Paragraph 28 of the NPPF recognises the need to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development and to support rural tourism and leisure development that benefits businesses in rural areas and the provision of tourist and visitor facilities in appropriate locations.

5.3 Policy TOR2 of the TBLP relates to the provision of serviced and self-catering accommodation and restricts such accommodation outside of residential development boundaries to the conversions and renovation of existing buildings. The reasoned justification further advises that while new development would not normally be accepted in open countryside, it is recognised that some types of tourist accommodation are well suited to conversions and such conversions can breathe new life onto old buildings.

5.3 While the site is located outside of a development boundary, the building is located within an existing cluster of commercial and residential properties. The proposal would entail the conversion of an existing redundant building and no extensions are proposed. The site is located in proximity to Gretton and Alderton and the economic benefits of visitors could benefit local services in these villages. Furthermore the site offers good accessibility to Winchcombe and the wider Cotswolds area.

5.4 Policy AGR6 of the TBLP further supports the conversion of rural buildings to short stay low-key holiday accommodation where buildings are permanent, capable of conversion and would not adversely affect the rural environment or residential amenity.

5.5 The application has been accompanied by a structural survey which confirms that the building is sound and capable of conversion. The proposed external alterations comprising the re-rendering of the painted blockwork and replacing the metal roof with slate would result in an improvement to the appearance of the building, particularly when viewed from the recently permitted dwellings at the site. The proposed conversion works would be sympathetic in design and the use of infill panels below windows would retain the existing stable character and would preserve the appearance of the wider area.

5.6 The three windows to the northern rear elevation of the building would be separated and screened from adjoining gardens by existing trees and shrubs and would not adversely impact the character or appearance of the building. Furthermore, as a result of the separation of the stable block from adjoining dwellings there would be no adverse impacts upon the amenities of the occupiers of these properties in terms of noise or overlooking.

5.7 The reasoned justification to policy AGR6 advises that in the case of conversion to holiday accommodation, the Borough Council will generally impose conditions restricting the use to that applied for where such units would be unsuitable for normal residential use and to prevent the amalgamation of units. It is considered that this is reasonable in this instance as the application is specifically for holiday accommodation and the three units due to their size, proximity to each other and absence individual of curtilage would be unsuitable for permanent residential occupation.

5.8 Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network.

5.9 The County Highways Officer has advised that there would be no material change in vehicular behaviour and there is good forward visibility on the access road with space for vehicles to pass and the proposal would not adversely impact the highway network. Furthermore the site is within proximity to bus stops on the highway outside the site could potentially provide an alternative mode of transport, though it is acknowledged that services are limited.

5.10 The proposal would provide off street parking and turning to the west of the building and 6 proposed spaces are considered adequate to serve the development.

5.11 The parish council have raised concerns with regards to the proposal being tandem development and this setting a precedent for future garden development. It is not considered to be the case here however as the building is already in situ and it is just the use that would change. Furthermore any application for such development would be considered upon its own merits.

## 6.0 Conclusions

6.1 Taking into account all of the above, the proposal would result in an acceptable conversion of an existing under-used building which would provide tourist accommodation and would benefit the wider area without adverse impacts on amenity, highway safety or the character of the area. It is therefore recommended that planning permission is **Permitted** subject to the conditions set out below.

## 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 details and any other conditions attached to this permission:  
  
DRL17.01 21 Existing Site Layout  
DRL17.01 22 - Proposed Site Layout  
DRL17.01 25 - Proposed floor plan & Elevations
- 3 The proposed holiday unit shall only be occupied as a holiday unit and shall not be occupied by any individual family or group for more than 2 months in any one period of a 12 month period.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the building hereby permitted for use as holiday lets shall be carried out without the prior express permission of the Local Planning Authority.
- 5 In the event that contamination is found at any time when carrying out the approved development 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 continues.
- 6 The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday let, which shall include their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reasons:


- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To define the terms and extent of the permission.
- 3 The building is unsuitable to accommodate a permanent residential use by reason of its size and location.
- 4 The introduction of further extensions or alterations will require further consideration by the Local Planning Authority.
- 5 To ensure a safe and satisfactory conditions for future occupiers.
- 6 To ensure compliance with conditions.

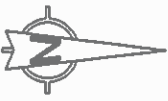
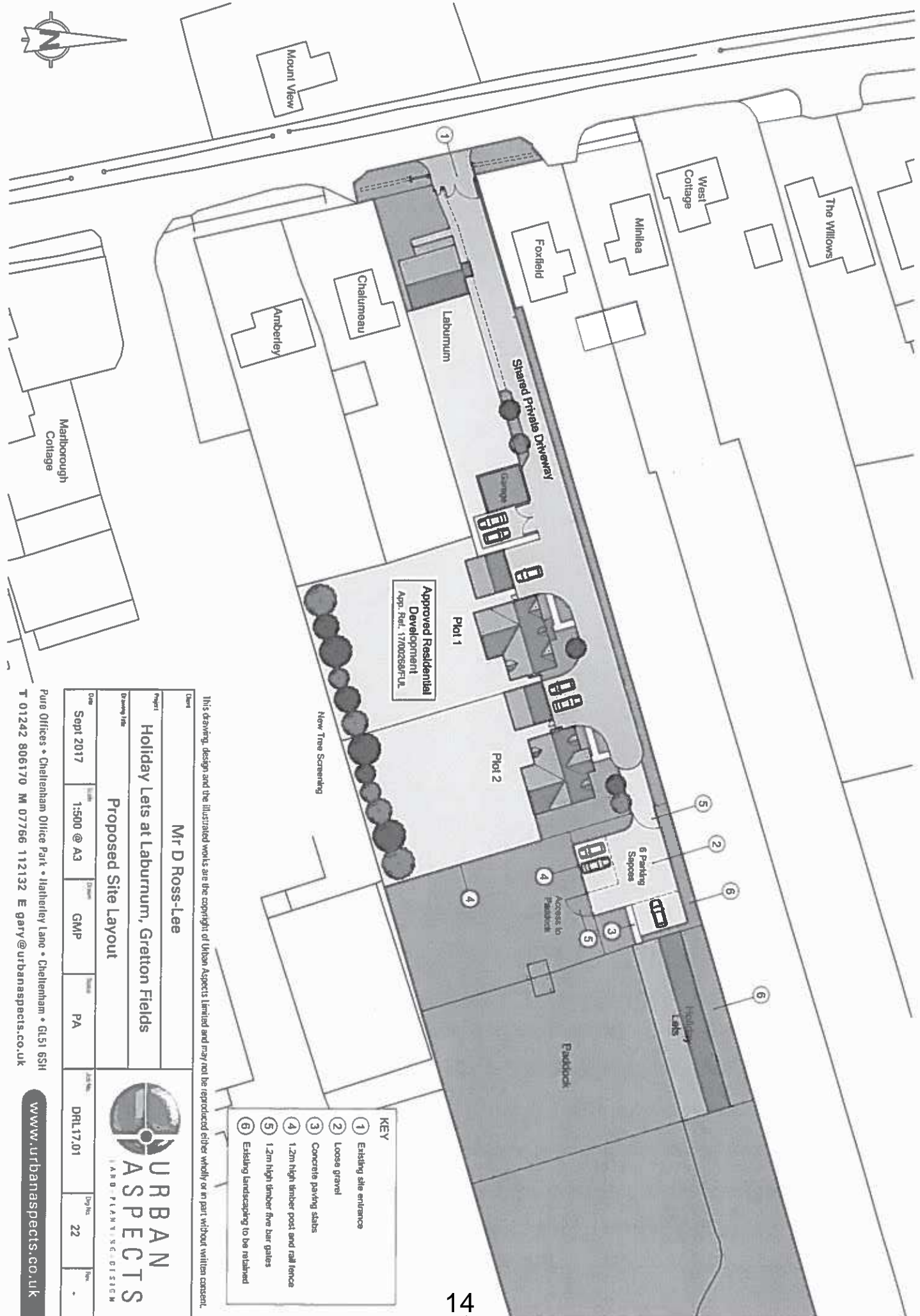
Note:

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Client		Mr D Ross-Lee			 <b>URBAN ASPECTS</b> <small>LAND PLANNING DESIGN</small>		
Project		Holiday Lets at Laburnum, Gretton Fields					
Drawing title		Location Plan					
Date	Scale	Drawn	Status	Job No.	Sheet No.	Rev.	
Sept 2017	1:1250 @ A3	GMP	PA	DRL17.01	20	-	



**Approved Residential Development**  
App. Ref: 17/00266/FUL

- KEY**
- 1 Existing site entrance
  - 2 Loose gravel
  - 3 Concrete paving slabs
  - 4 1.2m high timber post and rail fence
  - 5 1.2m high timber five bar gates
  - 6 Existing landscaping to be retained

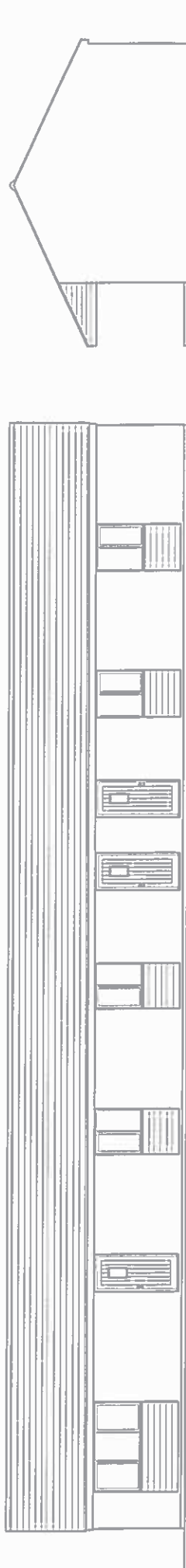
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<b>Mr D Ross-Lee</b>					
<b>Holiday Lets at Laburnum, Gretton Fields</b>					
<b>Proposed Site Layout</b>					
Date	Time	Disc	Notes	Drawn By	Rev
Sept 2017	1:500 @ A3	GMP	PA		
				DRL17.01	22

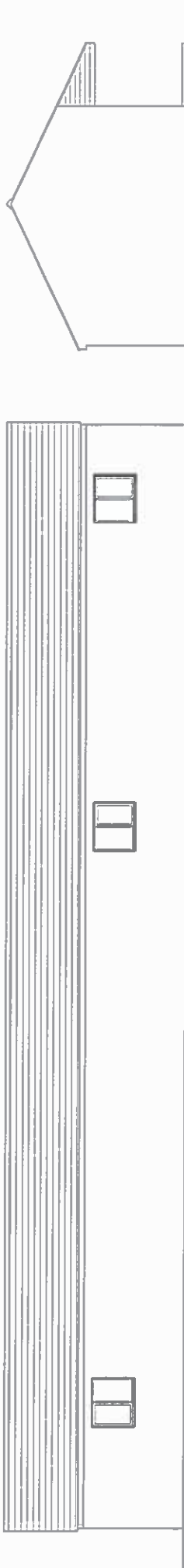


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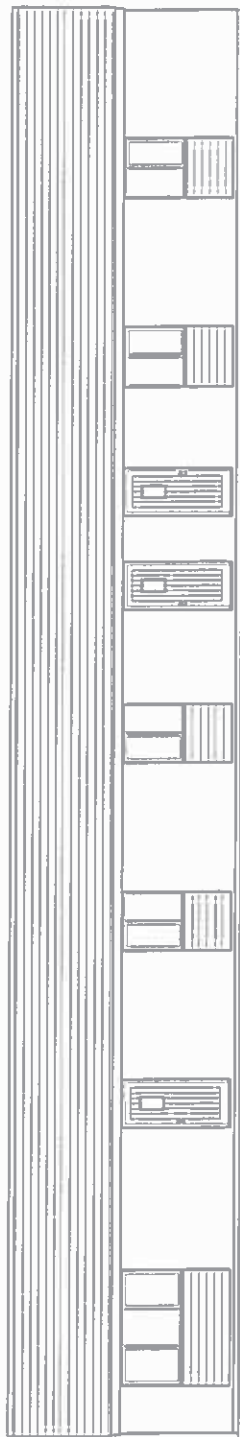
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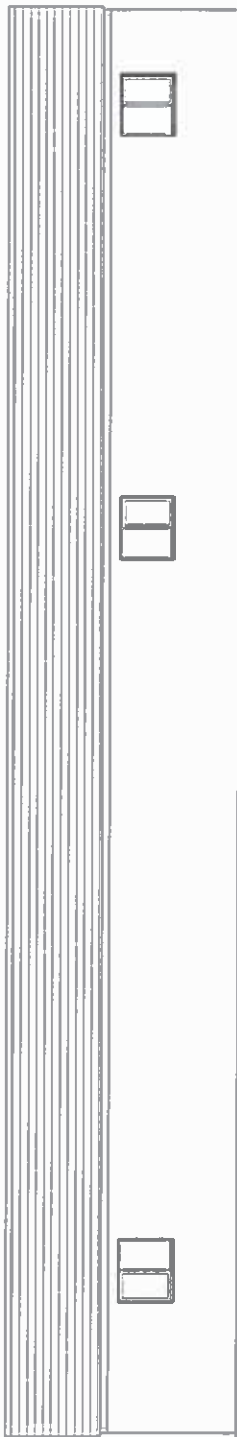
South Elevation



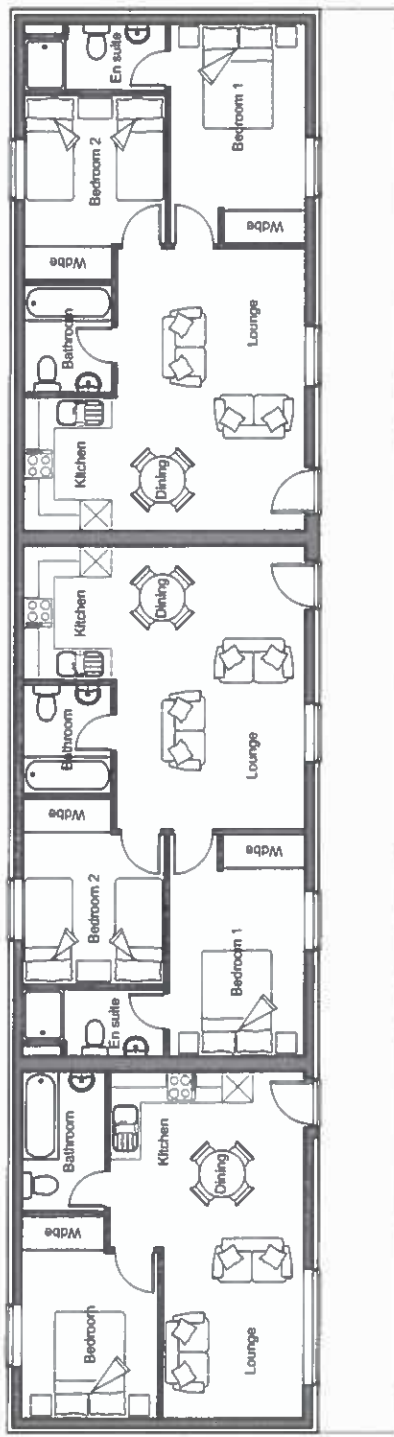
North Elevation



East Elevation




West Elevation



Floor Plan

Material Schedule	
Roof	Marley Eternit slates
Walls	Render
Windows	Evolution Stormproof PVCu Casement
Doors	Stained timber
Fascias	Stained timber
Boarding	Stained timber

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Client	Mr D Ross-Lee
Project	Laburnum, Gretton Fields
Drawing / file	Proposed Floor Plan & Elevations
Date	Sept 2017
Scale	1:100 @ A3
Drawn	GMP
Status	PA
Job No	DRL17.01
Day No	25

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www.urbanaspects.co.uk



Valid 21.08.2017

Application for the approval of reserved matters (layout only) pursuant to outline planning permission no.16/00336/OUT for the erection of up to 10 dwellings.

Grid Ref 396950 229712

Parish Gotherington

Ward Oxenton Hill

Pembury Estates Ltd

27 St. Johns Street

Devizes

SN10 1BN

**RECOMMENDATION Delegated Approve****Policies and Constraints**

NPPF

Planning Practice Guidance

Adopted Joint Core Strategy (December 2017) - SD4, SP2, INF1, SD14

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies TPT3, TPT6,

Gotherington Neighbourhood Plan 2011 - 2031 - GNDP02, GNDP04, GNDP07, GNDP09

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

The First Protocol, Article 1 (Protection of Property)

**Consultations and Representations****Gotherington Parish Council**Landscape impact

- Sensitive site in SLA,
- Important views of the site from the AONB
- Settlement has a clearly defined edge
- Contrary to Neighbourhood Plan Policy GNDP09

Social Cohesion

- Houses too large
- Dwellings should be 1 or 1½ storeys
- 2 storey dwellings are not in keeping
- Public footpath should be moved within the site
- Seat for public use should be provided
- No provision for public amenity

Conclusions

- Building line should be set back
- Seat and footpath should be incorporated in site
- Building height should be limited

**Urban Design Officer** - No objections.

**County Highways** - Technical details of junctions and road layout are required.

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

**Planning Officers Comments:** Bob Ristic

**1.0 Introduction**

1.1 The application site comprises a single former agricultural field located at the eastern end of Gotherington and on the northern side of Gretton Road. The site itself comprises grassland and scrub vegetation which has recently been ploughed over and is enclosed by mature trees and hedgerows to its north and east boundaries and a low hedgerow to its south boundary along Gretton Road (**See attached Location Plan**).

1.2 The site is located on the eastern edge of the Settlement Boundary as defined the Gotherington Neighbourhood Plan Proposals Map. The site is also located in the Special Landscape Area (SLA) as defined in the Tewkesbury Borough Local Plan to 2011 (TBLP). The Cotswold Area of Outstanding Natural Beauty and the elevated land associated with Oxenton Hill, Crane Hill and Woolstone Hill is located approximately 500m to the north of the site.

1.3 There is a public right of way running immediately adjacent to (but outside of) the eastern boundary to the site and runs parallel to a small watercourse. The site is located in Flood Zone 1 indicating that it is at low risk of flooding.

## **2.0 Relevant Planning History**

2.1 Outline planning permission no. 16/00336/OUT for 'up to 10 dwellings (Class C3)' was permitted in November 2017. Layout, Scale, Appearance Access and Landscaping were reserved for future consideration.

## **3.0 Current Application**

3.1 This application seeks reserved matters approval for the layout of the site only. The scale, appearance, access and landscaping of the development remain reserved matters for which a further separate approval will be required.

3.2 The development would be served by two points of access from Gretton Road, the western access serving plots 1-4 and the central access serving plots 5-10. **See Site Layout Plan**

3.3 Plots 1, 4, 5, 6 and 7 would be set to the southern part of the site and would set back from and would be aligned parallel to the road and broadly in line with the existing dwellings to the west of the site.

3.3 Plots 2, 3, and 9 would be set to the rear (northern part of the site) and plot 10 would staggered back from the frontage properties and would be set slightly askew to the other properties and to the eastern end of the site.

3.4 Each of the properties would benefit from 2 off street parking spaces and a further two garage spaces each. A further 5 visitor spaces would be provided on designated bays within the site.

## **4.0 Policy Context**

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

4.2 The development plan comprises the Adopted Joint Core strategy (2017), The Gotherington Neighbourhood Plan 2011- 2031 and saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006.

4.3 Other material policy considerations include the National Planning Policy Framework (NPPF) national Planning Practice Guidance.

4.4 Other relevant policies are set out within this report.

## **5.0 Analysis**

5.1 The application site is allocated for housing in the Gotherington Neighbourhood Development Plan (GNDP) and the principle of a residential development for 10 dwellings at the site has already been established through the grant of outline planning permission. This application relates solely to the approval of the layout of the development.

5.2 Policy SD4 of the AJCS advises that new development should respond positively to and respect the character of the site and its surroundings, enhance local distinctiveness and the grain of the locality. Neighbourhood Plan Policy GNDP07 sets out the design principles for assessing planning applications and requires new buildings to enhance the distinctive character of the village by way of their layout with provision of off road parking.

5.3 The proposed frontage properties would be set back from the road and would provide a continuation of the linear form of the village. The submitted drawings have been revised so that these dwellings are orientated so as to have ridge lines running parallel to the street. This would be more characteristic of the village than the originally submitted scheme with narrow gable ends fronting the road. While the Parish Council wishes to see the dwellings set further back into the site, this would serve to detach the development from the existing building line to this part of the village and is not considered appropriate.

5.4 These properties would be detached and would have double garages, which are proposed to be set behind the front building lines. This would result in a subservient appearance to these buildings and would allow for the development to have a spacious layout and the appearance with prominent gaps between buildings. The units set to the rear part of the site would reflect other tandem development within the village and the layout would be in keeping with the character of the area.

5.5 The proposed layout would allow the development to deliver a variety of house sizes and styles which would contribute to an inclusive community with good levels of amenity for future occupiers. Each of the properties would benefit from generous private garden areas and an area of amenity space would be retained along the southern boundary of the site. Furthermore, the properties would each benefit from four off street parking spaces each upon hardstanding's and within garages as well as ample garden areas and separation between properties. As a result it is considered that the layout proposed would be of an acceptable standard and would be in keeping with the area.

5.6 The Parish Council has been expressed a desire that the new dwellings are no more than 1½ storeys in height. While the footprint and orientation of the dwellings is considered appropriate, the scale and appearance of the buildings would be subject to a separate reserved matters application and the appropriateness of the appearance and scale of the properties would be considered at that time.

5.7 The application site is located within the Special Landscape Area. Policy LND2 of the TBLP provides that special attention will be accorded to the protection and enhancement of the SLA and that, proposals must demonstrate that they do not adversely affect the environment, its visual attractiveness, wildlife or ecology or detract from the quiet enjoyment of the countryside. Furthermore, Policy GNPD09 requires development to preserve the existing settlement patterns, including the strong East-West form and preservation of hedgerows and field patterns.

5.8 The proposed dwellings would be set back from the road behind a landscaped buffer and behind the existing hedgerow fronting Gretton Road. This separation from the highway and retention of existing planting would allow for significant screening of the proposed development when viewed from the highway.

5.9 Similarly the existing tree and shrub planting to the field boundaries would be retained as part of the development and would preserve the natural environment and would provide further screening of the development when viewed from the north.

5.10 While there would be space within the landscaped strip to the southern part of the site to provide a seat for public use as requested by the Parish Council, it should be noted that the outline planning consent secured S.106 contributions towards 'off-site play' and sports facilities within the parish in lieu of on-site public open space, due to the limited scale of the development.

5.11 Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network.

5.12 While 'access' remains reserved for future consideration, the ability to achieve safe and suitable access to, from and within the development has a bearing on the proposed layout. The highway officer has requested a Road Safety Audit - Stage 1 and further details to demonstrate that the layout provides adequate visibility, passing space and turning within the site. This information is outstanding at the time of writing this report.

5.13 Gotherington Parish Council have raised concerns with regards to design, scale and landscaping. While these matters are discussed in the accompanying design and access statement, this application relates solely to the layout of the development as shown on the amended drawing which is considered to be acceptable for the reasons set out above. The remaining reserved matters (scale, appearance, access and landscaping) will be subject to a further application and specific consideration at that time.

## 6.0 Conclusion & Recommendations

6.1 Subject to the satisfactory resolution of the outstanding highway requirements, the proposal would result in an acceptable layout to the development which would relate to the character and grain of the village and would result in a spacious character to the development which would protect the SLA.

6.2 It is therefore recommended that authority is delegated to the Development Manager to **Approve the application subject to highways matters being resolved and any other associated revisions or conditions.**

### **RECOMMENDATION Delegated Approve**

#### Condition:

The development hereby permitted shall be carried out in accordance with approved drawing no.P17\_1209\_07 received by the Local Planning Authority on 12th December 2017.



#### Reason:

To ensure a satisfactory layout to the proposed development

#### Notes:

- 1 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 measures to improve the proposed layout in the interest of the visual amenity of the area.
- 2 This approval relates solely to the layout of the development and in accordance with the submitted layout plan only. Scale, appearance, access and landscaping remain reserved matters for which approval by the Local Planning Authority is still required.

**KEY**

 **SITE BOUNDARY**  
 **OTHER LAND IN APPLICANTS OWNERSHIP**

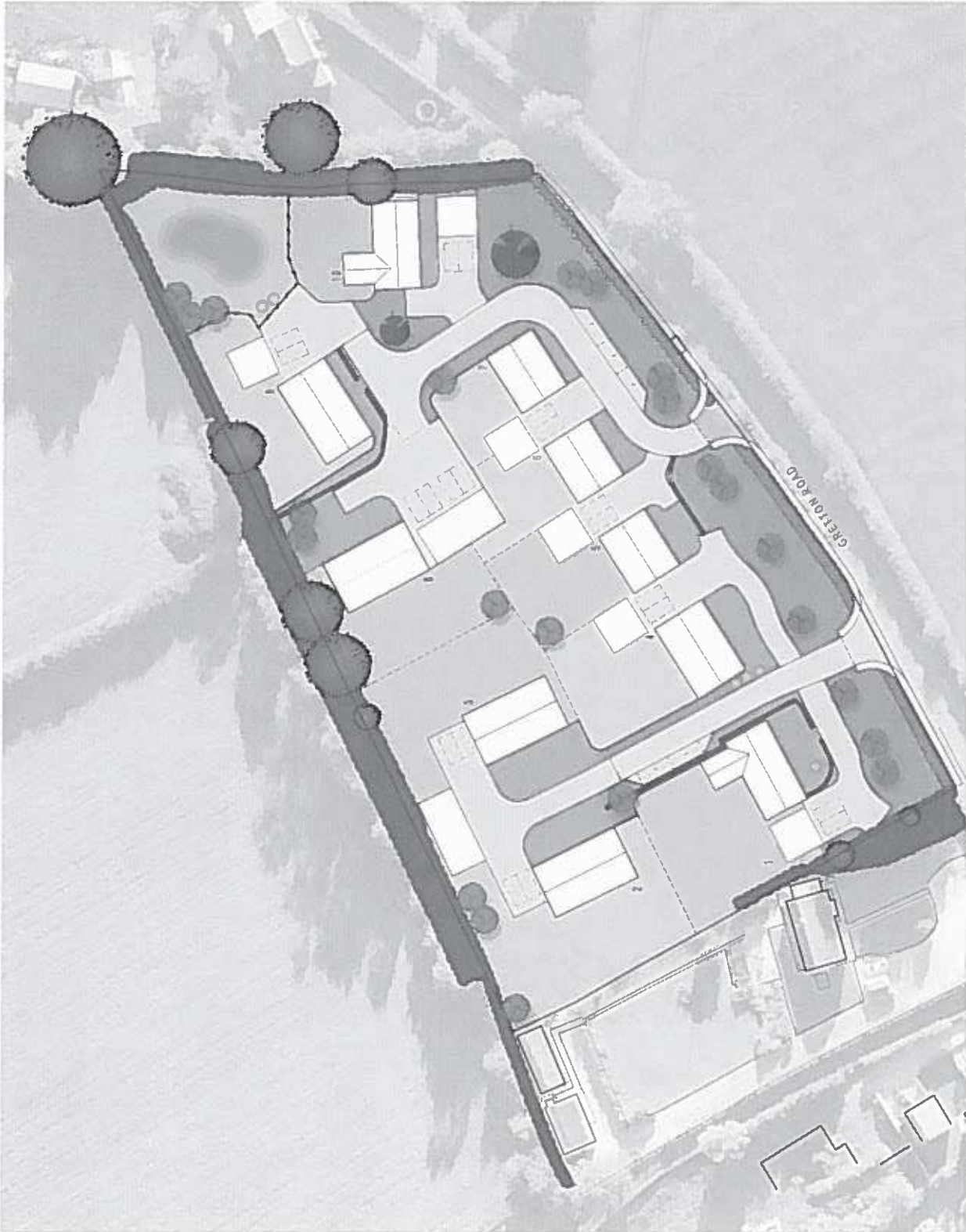


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**GORSE GREEN, GOTHERINGTON - SITE LOCATION PLAN**

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | WWW.PEGASUS-PC.CO.UK | TEAM@PEGASUS-PC.CO.UK | APPROVED BY P.A. MED | DATE 21/03/14 | SCALE 1:5000/0.43 | DRAWING ADDRESS SHEET 10 OF KEY - 1 CLIENT: PEMBERLEY ESTATES



LAND NORTH OF GRETTON ROAD, GOTHERINGTON - SITE LAYOUT

PLANNING & DESIGN / ENVIRONMENT & ECONOMICS | WWW.PEGASUS.CO.UK | TEAMWORKING BETTER | APPROVED BY P.M. E.J.J. | DATE: HIGHWAY SCHEME 18/11/11 | DRWG. P17 12/09/07 REV. | CLIENT: PENSURRY ESTATES LIMITED

17/00924/OUT

Land South of Up Hatherley Way, Chargrove Lane, Up Hatherley 4

Valid 25.09.2017

Outline planning application for up to 500 dwellings; commercial/local centre of 1,250sqm for a mix of uses including B1a, A1, A2, A3, A4, A5 and new informal and formal recreation space and means of access. (Appearance, Landscaping, Layout and Scale reserved for future consideration).

Grid Ref 392171 220103

Parish Shurdington

Ward Shurdington

Redcliffe Homes Ltd

C/O Agent

## **RECOMMENDATION Refuse**

### **Policies and Constraints**

Joint Core Strategy - SP1, SP2, SD1, SD3, SD4, SD5, SD6, SD7, SD8, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF3, INF4, INF5, INF6, INF7.

Tewkesbury Borough Local Plan to 2011 (March 2006) - TPT3, TPT5, TPT6, TPT9, RCN1, RCN2, NCN3.

Flood and Water Management SPD

Affordable Housing SPD

National Planning Policy Framework

Planning Practice Guidance

Cotswolds AONB Management Plan

Green Belt

Within 50m of listed buildings

Tree Preservation Order

### **Consultations and Representations**

#### **Shurdington Parish Council**

The Parish Council very strongly objects to this application for the following reasons:

1. The Council objected to inclusion of this land JCS and the site was deleted from the JCS The JCS Inspector visited this site and felt that it was not suitable for inclusion in the JCS due to its Green Belt location. And the JCS final report states that land to the north of Cheltenham would be more appropriate to be released for development.
2. The site is in the Green Belt and should remain protected from development. The JCS Green Belt Assessment placed the site in the highest category of contribution to Green Belt purposes and included the assertion that 'This area is critical to the separation of Cheltenham and Gloucester, being the original purpose of the Green Belt legislation'.
3. The local highway network is already at breaking point with long delays and traffic queues on the A46 and other roads, not only at peak times, but often throughout the day as well, making it very difficult for residents in Shurdington village and surrounding settlements to get into and out of the village.
4. The proposed green spaces are inadequate and do not relate easily to houses.
5. The density is too high and does not reflect in any way the fact that the site is in effect in open countryside at present.
6. The development appears to involve the loss of an ancient orchard. Those trees are an important part of the present rural scene and the proposed 'community orchard does not mitigate that loss.

#### **Up Hatherley Parish Council**

- Records its strongest possible objection to the proposal. The site is in the most critical part of the iconic Gloucester/Cheltenham Green Belt and as such should continue to be protected against development. The most appropriate boundary for the Green Belt remains the SW Distributor Road (Up Hatherley Way). The Gloucester/Cheltenham Green Belt is one of only 14 such sites in England, is the smallest, and the only one separating two such significant towns. The present width of the Green Belt, at its most critical point, is only just adequate now to maintain its role.
- The JCS Inspector made clear that the housing allocations for Tewkesbury must not be met from urban extensions to Cheltenham (or Gloucester). Cheltenham's own objectively assessed need (OAN) for housing is already catered for within the context of the JCS 2011 - 2031.

- The impact on highways and schools, has been adequately addressed in this application and particularly the fact that the additional traffic generated by these houses would add significantly to the current congestion at many points of the road network to the SW of Cheltenham, particularly along the already overcrowded A46 going into Cheltenham.
- this application represents development on a totally inappropriate site and has been submitted at a particularly inopportune time in an attempt to fly in the face all the hard work undertaken by your Council as well as Cheltenham Borough and Gloucester City Councils in developing a sound JCS.

#### **Leckhampton with Warden Hill Parish Council**

- The site is important Green Belt land which was preserved following the JCS examination. This part of the Green belt is essentially in respect of two of the purposes of the Green Belt, i.e. to check unrestricted sprawl and preventing neighbouring towns merging. The applicant's very special circumstances case falls well short especially as the JCS authorities can all demonstrate a five year supply.
- The development would cause significant harm to the view from Leckhampton Hill which is one of the finest viewpoints in England and forms part of a green corridor which extends on a clear day across to the Cambrian Mountains.
- The proposed development would contribute to severe cumulative traffic congestion and this was one of the grounds which the Secretary of State refused the Bovis/Miller appeal at Kidnappers Lane.

#### **Cheltenham Borough Council - Objects to this planning application for the following reasons:**

- The principal of a development of this scale contradicts JCS policies regarding strategic development.
- The development would represent inappropriate development in the Green Belt.
- The development is outside the Principal Urban Area of Cheltenham, is in Tewksbury Borough and would not meet Cheltenham's housing needs. Cheltenham's housing needs will be met through Cheltenham Borough's strategic allocations and urban capacity as identified by the JCS. These do not include contribution from this site.
- Sites meeting Tewkesbury's housing needs will be allocated in the emerging Tewkesbury Borough Plan in accordance with the JCS spatial strategy and settlement hierarchy. This proposal runs contrary to that consideration, including strategic planning of appropriate infrastructure to support development. The proposal is not required to meet Tewkesbury Borough's need and is not in a suitable location for this purpose. The proposal therefore does not accord with emerging JCS Policies SP2 or SD10.

**County Highways Officer** - Advise that they do not have sufficient information to determine the application.

**Highways England** - Recommend permission is not granted subject to additional information being provided to allow a proper assessment of potential impact on the Strategic Road Network.

**County Archaeologist** - The results of a field evaluation should be provided before permission is granted.

**Historic England** - No comment.

**Conservation Officer** - Objects on the basis of harm to designated and undesignated heritage assets.

**Urban Design Officer** - Objects to the principle of development in this location.

**Landscape Officer** - Objects on the basis of landscape harm and the impact on features of landscape interest.

**Natural England** - Object on the basis of insufficient information to assess the potential impacts on protected nature conservation sites.

**Gloucestershire Wildlife Trust** - Objects in particular to the loss of an area of traditional orchard priority habitat within the development site. Traditional orchards are a priority for conservation in Gloucestershire, and particularly in the Severn Vale. 69% of traditional orchards were lost from the Severn Vale between the mid-1970s and 2009, mainly due to changes in agricultural practice and they continue to be at risk, especially in the urban fringe, from development which fails to recognise their value and significance.

**Woodland Trust** - Object due to the harmful impact on ancient and veteran trees.

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



**Lead Local Flood Authority** - Further information is required to demonstrate that the proposed development would have an acceptable impact on flood risk.

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

**CPRE** - Object. The NPPF clarifies that developments must be determined in accordance with the development plan. This site is not allocated for development and is in the Green Belt. The JCS authorities can demonstrate a five year supply so there is no justification due to the lack of housing provision in Tewkesbury Borough. The proposal would add to levels of congestion already experienced which would impact not only affect quality of life, including as a result of pollution, but also potentially damage Cheltenham's economy.

**Gloucestershire Constabulary** - request contributions to offset impact of the proposed development on policing.

**Sport England** - Object on the basis of a lack of robust assessment of the need for indoor and outdoor sports facilities.

**Local Community representations:**

Alex Chalk MP objects to the application. The site is in the Green Belt and was removed from the JCS. The proposal is contrary to the NPPF and the applicant has failed to demonstrate very special circumstances. There are also highway, landscape, wildlife, flooding, infrastructure and archaeological reasons which, taken separately or cumulatively, should result in refusal.

Laurence Robertson MP - The land is designated as Green Belt and such land should only be re-designated during the plan making process. It is also government policy that assessed unmet housing need is unlikely to outweigh harm to the Green Belt. The site was not recommended for development in the JCS. Therefore it is totally unsuitable for development, especially given its strategic importance in fulfilling the objective of Green Belt land, namely to prevent urban sprawl. Building on this site would also exacerbate traffic problems which already exist in the area, would damage much of the wildlife in the area, would present challenges regarding the disposal of water and would worsen the risk of flooding.

A petition has been submitted which has been signed by 13 people objecting on pollution grounds and the lack of social infrastructure.

A further petition has been submitted with 843 signatures objecting on the following grounds:

- The land is not required to meet Cheltenham's needs.
- The site is in the Green Belt and makes a significant contribution in separating Cheltenham from Shurdington.
- TBC can demonstrate a five year supply of deliverable housing sites and therefore the NPPFs very special circumstances are not met.
- The proposals would have a severe impact on local traffic conditions. In the Kidnappers Lane appeal in Cheltenham, it was accepted that only limited traffic mitigation would be possible in the area due to the space and capacity constraints of the local road network. This site is just a few hundred metres from the Kidnappers Lane site.
- There would also be an adverse impact on air pollution in the local area, in particular at the Moorend Park Road Traffic Light junction on the A46, where queuing traffic levels today already make it an air pollution area of concern.
- The Chargrove Triangle and ancient Orchard is a sensitive piece of landscape that is easily accessible and enjoyed by 1,000s of local residents, who use it as a safe place for walking, dog walking, observing wildlife, running and cycling, and is appreciated from Leckhampton Hill and Up Hatherley for the sheer beauty of its views.

HaShTAG object to the application on the following grounds:

- The proposal does not comply with planning policy.
- Green Belt and the 'very special circumstances' put forward are not valid.
- Landscape Sensitivity.
- Transport impact.
- Integration - the development would be isolated and separate from existing communities.

The Reddings Residents Association objects to the proposal on the following grounds:

- The site is in the Green belt and found to be unsustainable through the JCS process.
- There are insufficient local facilities to cope with 500 extra houses.
- The traffic survey doesn't take into account the JCS.
- The Chargrove Triangle is a key part of the Green Belt.
- The area has high recreational/amenity value.
- This development would have a serious negative impact on the local transport infrastructure, particularly Grovefield Way

772 individual objections have been submitted and are summarised as follows:

- Increased Traffic congestion on the A46 in and out of Cheltenham in morning and afternoon/evening commuting would lead to severe impacts on local roads.
- There is insufficient infrastructure, including schools and doctors to cope with additional housing.
- There are not enough places in the local primary and secondary schools, not enough doctor surgeries, dental surgeries, libraries, bus services (97/98 only runs every half an hour, D service has been curtailed), no sport facilities, just supermarkets which is not enough to make a community working.
- Increased demand on water, drains, gas, and electric supply to the Up Hatherley area needs to be factored in.
- There are many species of wildlife living here. I have photographs of Little Owls, Green Woodpecker, deer, rabbits, foxes and many insects. I am also aware of Great Crested newts living in the area.
- The proposals would create a ribbon of urban development connecting the Up Hatherley and Shurdington. This would destroy the current identity of Shurdington as a separate area.
- Locals use the footpaths on the south of Up Hatherley Way regularly. The area of Chargrove feels very rural and is a great asset to Up Hatherley. To build here will destroy the use of the area for existing residents.
- This area was not included in the JCS and we feel allowing this development would derail the plan and future planning strategy.
- There seems to be no provision for social facilities in the plans.
- South Cheltenham has had its fair share of development.
- The proposal is against the 5 purposes of the Green belt and would set a precedent that would be difficult to defend in the future.
- The application does not address the impact on protected, ancient and veteran trees on the site including the South Park Orchard.
- The landscape is very important both for views from Leckhampton Hill and from Up Hatherley and towards the hills.
- Chargrove Lane and the many footpaths off the lane provide an easily accessible free, health and leisure amenity.
- Commuters will be forced down smaller residential lanes searching for quicker alternative routes along which children and young adults walk to school. This will be a danger to their wellbeing and safety.
- Adding even more stress to the road system is going to make the situation even worse and the likelihood of an incident even greater.
- There hasn't been a full and complete archaeological survey which could mean the destruction of important structures or artefacts which is unforgivable.
- The visual amenity from Leckhampton Hill down to Chargrove gives a rural setting to the outskirts of Cheltenham.
- Pollution arising from the extra vehicles would affect quality of life for residents and their health.
- The local running club regularly use Chargrove Lane as it's such a beautiful place to be.
- It is clutching at straws that it will make improvements to the Cheltenham Circular Walk; and it beggars belief that that it will generate community orchards or provide significant ecological gains.
- This development represents a "creep" of urban sprawl and is unacceptable.
- Cheltenham is already too large.
- Up Hatherley Way is the most successful and defensible urban boundary; but Chargrove Lane could never be.
- All the fields and orchards comprising most of the 'Chargrove triangle' are of high landscape sensitivity.
- All brown site areas should be exploited first before there is any thought of destroying Green Belt.
- Building in this area would be the thin end of the wedge, risking the eventual development of a large Gloucester/Cheltenham conurbation. This would destroy the attractiveness of this area of the country for ever.

**Planning Officers Comments:** Mr Paul Skelton

## 1.0 The site and its location

1.1 The application site covers an area of approximately 27.7 hectares of largely agricultural land located immediately south of Up Hatherley. The development proposals have been named "Chargrove Orchard" by the Applicants.

1.2 The site is bounded by Up Hatherley Way to the north, Chargrove Lane to the south and west and a tree belt and farmland to the east. Playing fields adjoin the far eastern corner of the site at its northern-most point. Residential and commercial development lie further to the west along the A46. A Farm shop enterprise (Greatfield Farm) and a farm complex (Brickhouse Farm) are essentially inset into the site.

## 2.0 Planning History

2.1 There is no relevant planning application history to the site.

2.2 The site was previously promoted through the Joint Core Strategy and was included within a Strategic Allocation for up to 795 dwellings in the October 2013 Draft for Consultation under policy A7 (South Cheltenham - Up Hatherley urban extension). The Urban Extension was predominantly included to meet the needs of Cheltenham Borough with a small number (48) included to meet Tewkesbury's needs.

2.3 The Strategic Allocation was removed following the consultation and has not appeared in any subsequent version. The Consultation Response Report (April 2014) advised as follows:

- *The Re-consideration of the OAN has provided an opportunity to respond to the request by Cheltenham Borough Council to improve the relationship between need and supply for each area.*
- *The proposal to remove this Strategic Allocation was made by Members of the JCS authorities.*

## 3.0 The Proposals

3.1 The application is made in outline with all matters except access reserved for future consideration. The proposals include up to 500 dwellings; commercial/local centre of 1,250sqm for a mix of uses including B1a, A1, A2, A3, A4, A5 and new informal and formal recreation space and means of access.

3.2 The application is supported by an illustrative masterplan which indicates how the quantum of development could be delivered (**this will be displayed at Committee**). The application is also supported by a Planning Statement; Planning Obligations Heads of Terms document; Design and Access Statement; Statement of Community Involvement; Waste Minimisation Statement; and Travel Plan.

3.3 The application is also accompanied by an Environmental Statement required as the proposed development constitutes EIA (Environmental Impact Assessment) development in accordance with the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2017. The Environmental Statement (ES) which assesses a range of social, environmental and economic issues. The ES includes a Transport Assessment; Landscape and Visual Impact Assessment; Archaeological and Heritage Assessment; and a Flood Risk Assessment among its appendices.

## 4.0 The Community Infrastructure Levy Regulations

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

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

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

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

## **5.0 The Development Plan/National Planning Policy**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The key consideration in assessing the principle of development therefore are the existing and emerging development plans for the area and Government policy in respect of new housing development.

### Cheltenham, Gloucester and Tewkesbury Joint Core Strategy - December 2017

5.2 The Joint Core Strategy (JCS) was adopted in December 2017 and is part of the Development Plan for the area. Various policies in the JCS superseded some of the policies in the Tewkesbury Borough Local Plan to 2011 which had hitherto been saved by direction of the Secretary of State.

5.3 The JCS sets out the key spatial policies for the JCS area over the period of 2011-2031 and the preferred strategy to help meet the identified level of need. Policy SP1 sets out the overall strategy concerning the amount of development required, and Policy SP2 sets out the distribution of new development. These two policies, combined with Policy SD1 on the economy, provide the spatial strategy for the plan. This strategy, together with its aims, is expressed in relevant policies throughout the plan and will be supported by forthcoming district plans and neighbourhood plans.

5.4 Policy SP1 of the JCS sets out the need for new development and the overall housing requirement for each authority. Policy SP2 sets out the policy for the distribution of new development across the area. The needs of Cheltenham Borough (at least 10,996 new homes) will be provided within the Cheltenham Borough administrative boundary and cross-boundary urban extensions at North West Cheltenham and West Cheltenham (both of which are partly within Tewkesbury Borough) defined in Policy SA1, as well as commitments covered by any Memoranda of Agreement.

5.5 Tewkesbury Borough's needs (at least 9,899 new homes) will be provided through existing commitments, development at Tewkesbury Town in line with its role as a market town, smaller-scale development meeting local needs at Rural Service Centres and Service Villages, and sites covered by any Memoranda of Agreement.

5.6 Policy SP2 also provides that in the remainder of the rural area, Policy SD10 will apply to proposals for residential development. Further, the unmet needs of Gloucester and Cheltenham, beyond their administrative boundaries, will only be delivered on Strategic Allocation sites allocated through Policy SA1 and any other sites with an agreed sharing mechanism through a Memorandum of Agreement between the relevant local planning authorities. The identification of any additional urban extensions to help meet the unmet needs of a local planning authority must be undertaken through a review of the plan. Consideration will also be given to meeting needs in another local authority area where it is clearly established that they cannot be met within the JCS area, or provide a more sustainable and appropriate option.

5.7 Policy SD10 sets out that on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury Town, rural service centres and service villages except where otherwise restricted by policies within district plans. Housing development on other sites will only be permitted subject to certain exceptions, none of which apply in this case.

5.8 Other relevant JCS policies are referred to in the relevant sections below.

### Emerging Development Plan

5.9 The Tewkesbury Borough Plan is at an early stage of preparation. Initial consultation took place in 2015 and a Pre-submission consultation is expected to take place in early 2018. Given its stage of preparation, in light of guidance at paragraph 216 of the NPPF, very limited weight can be given to the emerging Borough Plan.

## National Planning Policy Framework and Planning Practice Guidance

5.10 The NPPF aims to promote sustainable growth and requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental.

- the economic role should contribute to building a strong, responsive and competitive economy;
- the social role should support strong, vibrant and healthy communities; and
- the environmental role should protect and enhance the natural, built and historic environment.

These roles should not be undertaken in isolation, because they are mutually dependant.

5.11 Paragraph 12 of the NPPF clarifies that it does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that accords with the development plan should be approved, and proposed development that conflicts should be refused unless other material circumstances indicate otherwise. Paragraph 14 of the NPPF sets out that at the heart of the NPPF there is a presumption in favour of sustainable development and that for decision-taking this means (unless material considerations indicate otherwise) that development proposals that accord with the development plan should be permitted without delay; and that where the development plan is absent, silent or out-of-date, permission should be granted subject to certain caveats.

5.12 In terms of economic growth, one of the 'core principles' of the NPPF is to proactively drive forward and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth.

5.13 In terms of housing delivery, the NPPF sets out that local authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing, including identifying key sites which are critical to the delivery of the housing strategy over the plan period (paragraph 47). Paragraph 49 sets out that housing application should be considered in the context of the presumption in favour of sustainable development.

5.14 Other specific relevant policies within the NPPF are set out in the appropriate sections of this report.

## **6.0 Green Belt**

6.1 Policy SD5 of the JCS sets out that, to ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm actually caused.

6.2 The NPPF provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

6.3 Paragraphs 89 and 90 of the NPPF set out various exceptions where the construction of new buildings in the Green Belt are not considered to be inappropriate; none of those exceptions apply in this case. The development proposed is therefore inappropriate development in the Green Belt which is harmful by definition having regard to the NPPF.

6.4 As well as the harm by reason of inappropriateness the harm to openness and the purposes of including land as Green Belt must also be considered, along with any other harms.

### Harm to Openness and Green Belt Purposes

6.5 The site currently comprises flat, open fields. The impact on views is considered in greater detail in section 7 (Landscape) below, however, post development, there would be up to 500 houses plus associated employment and infrastructure development which would clearly have a significantly harmful effect on the openness of the site from views within and from outside the site. This would conflict with the fundamental aim of keeping Green Belt land open, and with the key Green Belt purpose of safeguarding the countryside from encroachment.

6.6 The site was identified as part of segment SE4 in the Green Belt Review (GBR) by AMEC in 2011 which formed part of the evidence base for the JCS. SE4 formed part of a cluster of Green Belt segments which the GBR recommended was critical to the separation of Cheltenham and Gloucester, being the original purpose of the Green Belt. Table 5.1 of the GBR identified the cluster of segments including SE4 as making a significant contribution to the purposes of including land as Green Belt, and in particular in checking unrestricted sprawl, preventing merger, safeguarding the countryside for encroachment and preserving the setting of towns.

6.7 The Applicant considers however that the conclusions of the AMEC report cannot be prescribed to the application site or segment SE4. Thus the Applicant considers that the site makes limited contribution towards the purposes of Green Belt designation (also having regard to the fact that the site was previously considered suitable for removal from the Green Belt in the 2013 Consultation Draft of the JCS).

6.8 Nevertheless, the site is in the Green Belt and the development of 500 dwellings and associated development would result in significant encroachment into the Green Belt.

6.9 Permitting the proposed development would contribute to the unrestricted sprawl of Cheltenham at a time when the strategic housing needs of Cheltenham have been provided for through the recently adopted JCS. Whilst the Applicant's comments that this particular parcel of land would not result in ribbon development along the A46, it is considered that the effect of the development would contribute towards the merging of Cheltenham with Shurdington to the South and consequentially with Gloucester.

6.10 Clearly, by the very nature of the development it would not assist in safeguarding the countryside from encroachment. Finally, the proposals would not assist in urban regeneration by encouraging recycling urban land.

#### Other Harms

6.11 When considering proposals for development in the Green Belt, consideration must be given to the other harms that may arise from proposals.

6.12 As set out above, Policies SP1, SP2 and SD10 of the JCS set out the strategy and implementation policies for new housing development in the JCS area. The proposal in this case does not meet the strategy for the distribution of new development and thus conflicts with policies SP2 and SD10. The application refers to outdated planning policies relating to the position pre-adoption of the JCS, and took the view that paragraph 14 of the NPPF was engaged and the presumption in favour of sustainable development applied. However, the Council can demonstrate a five year supply of deliverable housing sites and the Development Plan is not absent, silent or out-of-date in respect of new housing development. The conflict with the Development Plan in this respect is a matter which attracts substantial weight against the proposals in the context of Section 38(6) of the 2004 Act.

6.13 Other material planning considerations, which may give rise to 'other harms' are discussed in the following sections of the report.

#### Applicants' Very Special Circumstances Case

6.14 The 'very special circumstances' to justify development at this location in the Green Belt have been advanced as follows:

- Contributing towards the housing requirements and economic and social needs of the Borough;
- Providing affordable housing where it is needed in the short term (Cheltenham Borough has a significant shortfall in affordable housing);
- Contributing towards the provision of a wider housing choice, and contribute towards the provision of a mixed and balanced community at Up Hatherley which currently has some imbalance in housing tenure;
- Making an efficient use of existing primary services and accessibility infrastructure at this major urban area;
- Making improvements to public access, and the Cheltenham Circular Walk;
- community orchards; and,
- Providing significant ecological gains.

#### Analysis of the applicants' Very Special Circumstances case

6.15 The contribution made by the proposal to the delivery of housing can only be given moderate weight at best given the Borough's housing land supply position and the fact that strategic housing needs are catered for in the JCS. In respect of affordable housing, it should be noted that the JCS housing requirement includes an uplift over and above the demographic Objectively Assessed Need specifically to deal with affordable housing. Again, this is only afforded moderate weight as can the purported rebalancing of housing tenure in Up Hatherley. The locational suitability of the site adjacent to the urban area of Cheltenham and the ability for future residents to use existing services and facilities attracts only limited weight in the context of the strategic housing position.

6.16 The economic benefits both during and post-construction would be substantial and thus attract considerable weight in favour of the proposal.

6.17 In terms of the environmental benefits set out by the Applicant, it is difficult to afford them anything more than very limited weight given the environmental harms which are identified elsewhere in this report.

6.18 The Applicant also argues that Cheltenham Borough Council cannot demonstrate a five year supply of deliverable housing sites, and that *'this is a material planning consideration to which great weight must be attached'*. Nevertheless Cheltenham Borough Council advise that, following adoption of the JCS, it can demonstrate a five year supply of deliverable housing sites. The strategic needs for Cheltenham Borough are satisfied through the JCS and sites to meet the local needs within Cheltenham will come forward through the Local Plan which has been approved for consultation.

### Conclusion on Green Belt Matters

6.19 The proposed development is inappropriate development in the Green Belt which is harmful by definition. In addition, there is identified harm to openness as the result of replacing undeveloped agricultural land with the proposed development of up to 500 houses with additional infrastructure. This development would conflict with the purposes of designating land as Green Belt.

6.20 The overall conclusion in respect of Green Belt harm is dependent on the identification of any other harms which may arise following analysis of all material planning considerations which are discussed in the following sections of this report.

## **7.0 Landscape and Visual Impact/Design**

7.1 Policy SD6 (Landscape) of the JCS provides that Development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to the local distinctiveness and historic character of the different landscapes in the JCS area and will be required to demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area. All applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect. Policy SD4 (Design Requirements) sets out principles for achieving high quality design.

7.2 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, amongst other things, protecting and enhancing valued landscapes. The NPPF also sets out that the Government attaches great importance to the design of the built environment (paragraph 56). Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 57 the NPPF advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

7.3 The site does not fall under any statutory or non-statutory landscape designation. The site lies within the Settled Unwooded Vale character type within the Vale of Gloucester landscape character area as defined in the Gloucestershire Landscape Character Assessment (2006). This is a flat to gently undulating landscape with medium to large-scale field pattern dissected by streams and watercourses, although there are intermittent locally elevated areas (e.g. the Cotswolds Scarp in relation to this site). Whilst the site itself is predominantly rural and agricultural, there are clear influences from the edge of Cheltenham.

7.4 The Landscape Characterisation and Sensitivity Analysis (LCSA) which formed part of the evidence base to the JCS identified the site as being within the South Cheltenham - Leckhampton to the Reddings' sector of the Cheltenham and Bishop's Cleeve Landscape Character Area. This sector demonstrates a strong rural

character that is influenced by urban encroachment or infrastructure to much of its periphery. Fields of ridge and furrow are scattered but evident across the site, associated with proximity to small villages and clusters of houses (The Reddings, Shurdington, and between South Park and Chargrove). Generally field size decreases around small settlements and farmsteads, such as Badgeworth and Chargrove, where intimate rural areas can be identified. The LCSA continues that the southern residential periphery of Cheltenham creates a strong urban boundary to the site in the north, and residential extensions of Shurdington are clearly visible from within the area. There are several scattered farmsteads, often a mix of old brick buildings with sheds and stores of varying size, age and material. The newer farm out-buildings can create visual detractors of a quite industrial nature.

7.5 The site includes a number of trees subject to Tree Preservation Orders, a remnant orchard, veteran and ancient trees, several public rights of way including the Cheltenham Circular Walk and has a clearly defined hedgerow pattern with various hedgerow trees.

7.6 In terms of visual amenity, the Applicant's LVIA concludes that In terms of visual amenity:

- *There are views from the Cotswold escarpment and Cotswold Way as well as other nearby hills. These do, however, show a broad visual context in which the site is seen against the backdrop of Cheltenham. Cheltenham and the site are distinctly separate, physically, from the Cotswolds AONB escarpment;*
- *Locally, views from PRoW are filtered by the combination of intervening tree and hedgerows; and*
- *The generally flat vale landscape character contributes towards decent visual containment of the site.*

7.7 The Applicant's ES concludes that there would be significant adverse effects on the development site and its immediate context, but that these effects reduce quickly with distance so that the overall impacts on character types are not significant. Over time it is asserted that these effects would further reduce as the development once completed would, over time, become an accepted part of the southern edge of Cheltenham with a softer landscaped edge than currently exists. The ES further concludes that the effects on visual amenity that would result from the proposed development are limited due to the urban area to the north and the landscape structure to the east and west. Similarly these effects are considered only likely to occur within, or in close proximity to the site, with effects reducing rapidly with distance from the site. The heritage chapter of the ES looks at the historic context of the site in the landscape and concludes that the wholesale land use change of the site from open arable fields would result in a permanent change but that the site is of negligible importance in terms of its historic landscape character. The overall conclusion in the ES is therefore that the site is suitable for the proposed development.

7.8 The Council's Landscape Officer (LO) has been consulted and considers that the ES and the LVIA produced on behalf of the Applicant understates the potential that the proposed development would have to significantly change and cause landscape harm to the immediate countryside/Green Belt setting. The LO considers that landscape features such as well-established hedgerow field boundaries, mature hedgerow trees, South Park Orchard, the parkland landscape near South Park, and the site's close juxtaposition with Leckhampton Hill and the Cotswold AONB escarpment, make the site sensitive in landscape terms. The site's visual prominence within the surrounding landscape setting and the landscape and visual sensitivity of the site to development, is also increased by the site being traversed by numerous public rights of way that are well used as the site is adjacent to the settlement edge. The surrounding field boundary hedges and trees, provide a strong rural setting to the green belt that is further enhanced by the well-established hedges on both sides of Chargrove Lane, along with the views and backdrop of Leckhampton Hill within the Cotswold AONB Escarpment.

7.9 The LO comments that the attractive parkland landscape in the vicinity of the South Park mansion (1880) and adjacent to the listed Brickhouse Farm, also contributes to the existing rural character and appearance of the surrounding countryside. South Park Orchard within the north western part of the site, forms a rare surviving example of a traditional Perry orchard. It is listed on the national Traditional Orchards Inventory and identified as a Habitat of Principal Importance, as defined in the Natural Environment and Rural Communities (NERC) Act 2006. These sites are recognised for their high biodiversity value. The importance of trees on the site has also been recognised by the Woodland Trust - this is discussed further in respect of Nature Conservation below (see section 11 below).

7.10 Contrary to the conclusions of the Applicant's ES, the LO considers that the site can be described as a 'valued landscape' in the context of paragraph 109 of the NPPF. This is due to the site's specific Green Belt location, its location within the setting of the Cotswold AONB Escarpment, the public access and recreational use of the site (including the route of the Cheltenham Circular Walk, and public appreciation of the site as an area of locally valued countryside as reflected in the public comments on the current application.



7.11 The LO raises a number of concerns with the proposed development. Firstly, noting the context of the site's Green Belt location, the LO notes that the Green Belt designation has been successful in preventing urban sprawl and encroachment into the countryside. The site as it currently exists forms an important landscape buffer which serves to prevent visual coalescence of Up Hatherley and Shurdington. Furthermore the proposal would cause significant changes and 'landscape harm' to the rural character and appearance of the surrounding countryside through encroachment and the urbanisation of the surrounding rural countryside setting.

7.12 Further to this, the LO does not consider that the Applicant has had due regard to the impact of the proposals on the setting of the Cotswolds AONB. In his view the LVIA does not adequately address the landscape and visual impact of the development proposals on views to and from the escarpment. The Cotswold Way national trail runs across Leckhampton Hill from where there are clear views of the development site, including from the popular viewpoint at The Devil's Chimney.

7.13 The Urban Design Officer (UDO) has also commented on the application. The UDO advises that Up Hatherley Way provides an important and clear boundary between the residential edge of Cheltenham and the open countryside. The development proposed would step beyond that clear boundary and intrude into the countryside. By degrading the Green Belt and eating into open countryside, the UDO is of the view that this proposal fails to respect the context and character of the area and contradicts the aims of the Green Belt in this area. The UDO does not object to the layout or arrangement of uses within the submitted masterplan - rather it is an objection to the principle of development in this location, reflecting the views of the Landscape Officer.

7.14 Overall, the UDO considers that the current proposal is therefore contrary to policy SD4 of the JCS which requires development to respond positively to and respect the character of the site and its surroundings. It is also therefore contrary to policies in the NPPF requiring good design and sustainable development.

7.15 In light of the above it is considered that the Applicant's assessment of the development underplays the harm that would arise and the resultant harm to the landscape. The landscape impact and the high level design of the proposals are matters which weigh against the proposals in the overall planning balance.

## **8.0 Accessibility and Highway Safety**

8.1 Policy INF1 of the JCS requires developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals should provide for safe and efficient access to the highway network for all transport modes; encourage maximum potential use of walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. Planning permission will be granted only where the impact of development is not considered to be severe. Where severe impacts that are attributable to the development are considered likely, including as a consequence of cumulative impacts, they must be satisfactorily mitigated. Policy INF1 further requires Developers to provide transport assessments to demonstrate the impact, including cumulative impacts, of the prospective development along with travel plans where appropriate.

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

8.3 As set out above the application is supported by a Transport Assessment (TA) and a Travel Plan (TP). The TA assesses the potential impacts of the proposed development on the highway network. The TA sets out that a net impact exercise was carried out to identify the areas of the network which may be constrained during and post construction of the development proposed. The result of the net impact exercise was that the only notable impact of development was identified to be along Chargrove Lane, which is proposed be realigned to operate in conjunction with the proposed new site access, following a rationalisation of the Up Hatherley way / Chargrove Lane junction. All other parts of the network were considered not to be impacted by the proposals, and not to require a formal assessment.

8.4 The TA concludes that there would be negligible impact, with mitigation, on the local highway network during the construction phase. During the operational phase of development the TA concludes that the change in traffic flows would result in a long term permanent effect of major significance which would be a major adverse impact even with mitigation (i.e. public transport contributions and travel planning). The impact on the Chargrove Lane access would however suffer from a long term permanent effect of negligible significance, resulting in minor adverse impact.

8.5 Highways England (HE) have been consulted on the application and recommend that planning permission not be granted for a period of 3 months from 23rd October 2017, to provide the applicant with sufficient time to address outstanding concerns regarding development traffic impact on the strategic road network (SRN - i.e. the M5, A40 and A417). In particular HE note that the TA does not take into account all committed development including the JCS allocations. Whilst the application was submitted prior to the adoption of the JCS, HE had made clear in pre-application advice that the impacts of the proposals should be assessed with those allocations in mind, given the stage of the JCS at that time. HE therefore requested that the development proposals are run through the Central Severn Vale Saturn model, taking in account the 'full JCS' scenario to allow all committed/allocated development and infrastructure to be incorporated in the traffic scenarios derived. The results of the modelling work would then determine whether capacity testing, including a review of network safety, of junctions on the SRN is required. HE anticipates that the A46/A417 junction would require capacity assessment and potentially Junction 11 of the M5.

8.6 In terms of travel planning, HE do not consider that the measures proposed would have a sizable influence on mode shift affecting strategic car journeys on the SRN. This is because the measures would be focussed on reducing car borne journeys between the site and the Town Centre. On this basis, HE adopt a cautious view on mode shift potential, and assume that SRN car trips would not be reduced by Travel Planning measures.

8.7 Gloucestershire County Council have been consulted as Local Highway Authority (LHA) and share similar concerns to HE in respect of the modelling work. The LHA note that the development site is in close proximity to Cheltenham, Gloucester and Stroud LPA areas and committed sites from these areas should be included, with the 2031 scenario including full JCS development. The LHA have also requested further information to back up the TA assumptions on traffic generation and trip distribution and assignment. In respect of the latter, the LHA note that traffic in the area is very sensitive to congestion and route choice is likely to be variable in future conditions. The LHA are broadly comfortable with the study area covered by the TA however indicate that further assessment is required of northbound traffic on Princess Elizabeth Way. As per HE above, the LHA note that there is an outstanding requirement for junction capacity assessments.

8.8 In conclusion on transport matters, it is clear from the responses received from statutory consultees that, given the lack of information included within the Environmental Statement and Transport Assessment, it has not been demonstrated that the proposed development would have an acceptable impact on the local and strategic road networks. This weighs heavily against the proposals in the overall planning balance.

## **9.0 Flood Risk and Drainage**

9.1 Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. Proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. For sites of strategic scale, the cumulative impact of the proposed development on flood risk in relation to existing settlements, communities or allocated sites must be assessed and effectively mitigated. Development should also aim to minimise the risk of flooding and provide resilience to flooding, taking into account climate change and where possible reducing overall flood risk. Where appropriate applications should be informed by a Flood Risk Assessment (FRA) and incorporate suitable Sustainable Drainage Systems (SuDS) to manage surface water drainage.

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

9.3 The adopted Flood and Water Management Supplementary Planning Document (FWMSPD) has the following key objectives: to ensure that new development does not increase the risk of flooding either on a site or cumulatively elsewhere and to seek betterment, where possible; to require the inclusion of Sustainable Drainage Systems (SuDS) within new developments, which mimic natural drainage as closely as possible (e.g. permeable paving, planted roofs, filter drains, swales and ponds) and provision for their long-term maintenance, in order to mitigate the risk of flooding; to ensure that development incorporates appropriate water management techniques that maintain existing hydrological conditions and avoid adverse

effects upon the natural water cycle and to encourage on-site storage capacity for surface water attenuation for storm events up to the 1% probability event (1 in 100 years) including allowance for climate change. The FWMSPD is currently under review.

9.4 The ES contains a chapter on hydrology, hydrogeology and water quality which is supported by a Flood Risk Assessment (FRA). The ES concludes that the proposed mitigation measures discussed above would allow management of potential impacts upon Hydrology, Hydrogeology and Water Quality to a negligible level of significance. The implementation of a SuDS Strategy would result in enhanced surface water discharge and flood risk from the Main Ditch, reducing post development impacts below the existing baseline level.

9.5 The ES does recognise that the capacity of any drainage system may be exceeded due to extreme conditions, failure or blockages. In order to mitigate against such residual risks, the proposed ponds have been designed to include 0.3 - 0.5m depth of freeboard above the maximum water level during the 1 in 100 year + 40% storm conditions which it is contended would further reduce the likelihood of flooding from these facilities. Should design exceedance occur, floodwaters would follow the existing topography of the site via the proposed highway corridor, and flow in a north westerly direction, over Chargrove Lane and into the existing unnamed tributary of the Ham Brook.

9.6 Gloucestershire County Council as Lead Local Flood Authority (LLFA) have been consulted and are cautious about the conclusions of the ES and FRA. This is because the LLFA consider that the applicant's submission is lacking sufficient information to demonstrate compliance with the above policies/guidance. Specifically, the LLFA consider that the FRA is flawed in that it only takes into account run-off from the proposed impermeable (developed) area within the proposed development site and not from the existing greenfield areas which would remain permeable. The LLFA also refer to the Main Ditch which is identified as a potential area of flood risk. They consider that the ditch, and the culvert into which it discharges, are undersized based on flow rates. As main ditch has catchment of nearly 50 ha it may be that additional mitigation is required. The LLFA also require further information in respect of overland flows and groundwater flooding to fully assess the proposal. Furthermore, notwithstanding the conclusion of the ES, the LLFA request an explanation of how exceedance events would be adequately catered for in case of drainage failure or extreme storm event.

9.7 Whilst it is possible that some of the information requested by the LLFA could be dealt with by conditions or at reserved matters stage, it is considered that the application as submitted does not fully demonstrate that the proposed development would have an acceptable impact on flood risk.

## **10.0 Heritage Assets**

10.1 Section 66 of the Listed Buildings and Conservation Area Act places a statutory duty on LPAs to have special regard to the desirability of preserving the setting of listed buildings. Policy SD8 of the JCS sets out that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy.

10.2 The NPPF sets out at Paragraph 134 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 135 advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

10.3 The ES includes an assessment of the likely significant effects of the proposed development on heritage resources which incorporates a summary of a baseline archaeology and heritage assessment report. The ES identifies the grade II listed Brickhouse Farmhouse as the sole designated heritage asset with potential to be affected by the proposed development, with other non-designated heritage assets also assessed, including the archaeological potential of the site.

10.4 The ES concludes that the surrounding agricultural land (i.e. the Application Site) has a negligible contribution to the understanding and appreciation of Brickhouse Farmhouse's special architectural interest, historic context and heritage values. It is considered that there would be no change to its significance

brought about by the proposed development and there would be a neutral impact as a result. In respect of Archaeology, the ES concludes that if any archaeological remains were to be found during construction which were of such importance to warrant it, these impacts will be mitigated, in proportion to the significance of the remains, through a phased programme of archaeological works, to investigate and record them prior to their removal.

10.5 Overall the ES concludes that there would be neutral impact on the Grade II listed building and archaeology, and that there would be negligible adverse impact on historic landscape character.

10.6 The Conservation Officer (CO) has been consulted and refers to Historic England's 2015 'Historic Environment Good Practice Advice in Planning 3: The Setting of Heritage Assets' guidance which encourages 'a staged and proportionate approach to decision taking'. Using this guidance the CO identifies the listed Brickhouse Farmhouse as a designated heritage asset, however additionally considers that South Park, a high status C19 villa some 150m west of the site, should be considered under the NPPF's definition of a heritage asset.

10.7 The CO comments that Brickhouse Farm is of C18 origins and stands in a relatively isolated position in open farmland, on the northern side of Chargrove Lane. The Grade II listed farmhouse is the earliest surviving building on the site and is aligned north-east - south-west, with its principal elevation facing eastwards. A number of C19 & C20 farm buildings, now converted to residential use, extend in a line north and south of the farmhouse.

10.8 The CO disagrees with the applicant's conclusions in respect of the importance of the setting of Brickhouse Farm. The CO advises that its significance derives largely from its historical and evidential value as a historic farmstead and from the aesthetic value of its surviving historic buildings. However its relationship with its wider landscape was a largely functional one, with the farming activities in the surrounding fields centred on the farmstead. Given its alignment, there may have been some conscious siting of the farmhouse to exploit views to the east but most views to and from the site would be of an incidental nature. Nevertheless the interplay of vernacular buildings with the landscape from which they were built is an important characteristic of virtually all rural areas in the UK, and that connection still remains here.

10.9 South Park, by contrast, is described by the CO as a polite dwelling which was designed to have a conscious relationship with its surroundings. This is reflected in its landscaping, with its approach avenue and lodge, the placement of its service buildings and the strongly defined south-east orientation of its principal elevation, which was intended to command views east towards the Cotswolds.

10.10 The application site encompasses almost the entire Brickhouse Farm site on four sides and extends along the eastern side of Chargrove Lane, opposite South Park, for 950m. The CO takes the view, contrary to the conclusions of the ES, that the proposed development cannot therefore be characterised as having a neutral impact on the setting of either Brickhouse Farm or South Park. He considers that the extent of change to the landscape is too great for that. Given the generally positive contribution, whether intentional or not, that their surrounding landscape makes to the character of both assets, this impact should be acknowledged as a harm, albeit that this harm would be 'less than substantial' in the context of the NPPF.

10.11 Overall, It is considered that the proposed development would have a negative impact on Brickhouse Farm's setting by severing links with the agricultural landscape that once sustained it. The proposed development would also encroach to a lesser extent in medium distance views from South Park, a high status building consciously orientated to command views to the east. Although they are not direct, these impacts should be considered to constitute less than substantial harm to their significance.

10.12 In the context of the principle of development as explained above, it is not considered that the benefits of the proposed development in this instance would outweigh the, albeit, less than substantial harm to these heritage assets. In particular the Council as local planning authority has a statutory duty in respect of the Grade II listed Brickhouse Farmhouse, and the public benefits of the proposal do not outweigh the harm in this case.

10.13 The County Archaeologist (CA) advises that the wider locality is known to contain extensive archaeological remains relating to prehistoric and Roman activity and settlement. Such archaeological remains are often covered, and so masked from view, by medieval and modern plough soils. Against that background, and in view of the large size of the application site the CA is concerned that significant archaeological remains relating to prehistoric and Roman activity and settlement may be present within the proposed development area, and that any such remains would be adversely affected by the proposed development.

10.14 The CA notes the conclusions of the ES in respect of archaeology but in his view the assessment of archaeological impact is incomplete because no report on an archaeological field evaluation has been made available. Therefore, in accordance with the NPPF, paragraph 128, he recommends that in advance of the determination of this planning application the applicant should provide the results of an archaeological field evaluation which describes the significance of any archaeological remains contained within the site and how these would be affected by the proposed development. As this has not been provided, the proposal conflicts with JCS policy SD8 and the guidance in the NPPF.

10.15 In conclusion, the heritage objections, both in respect of designated and undesignated heritage assets, including archaeology, weigh against the proposals in the overall planning balance.

## **11.0 Ecology and Nature Conservation**

11.1 Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats.

11.2 The ES includes a chapter on Ecology and Biodiversity which considers the potential effects of the proposed development on ecological features of importance identified through a baseline report (which is appended to the ES) as follows:

- Cotswold Beechwoods SAC;
- Remnant orchard;
- Mature scattered trees;
- Hedgerows;
- Waterbodies;
- Breeding bird assemblage;
- Bat assemblage;
- Badger; and
- Great crested newt.

11.3 The ES concludes that certain actions could result in significant negative impacts on these features without mitigation. Nevertheless the ES states that avoidance, mitigation and compensation measures and the implementation of an Ecological Construction Method Statement (ECMS) and Ecology Management Plan (EMP) would ameliorate those significant impacts identified to a residual level where no significant negative effects are likely. Based on the impact assessment and consideration of the important ecological features, the ES concludes that the proposals would conform to the legislative protection afforded to the respective features and with national, regional and local planning policy requirements.

11.4 Natural England (NE) have been consulted and consider that the application contains insufficient information to enable them to provide a substantive response. In particular NE are concerned that no assessment has been provided of the potential impacts of the proposal on the Cotswolds Beechwoods Special Area of Conservation (SAC). Consequently there is insufficient information available for the Council to carry out the necessary Habitats Regulations Assessment. The clear concern of NE is that the proposed development may indirectly affect the features of interest for which the SAC is designated due to increased recreational pressures. In addition NE note that no assessment has been provided of the potential impacts on the Cotswolds Commons and Beechwoods Site of Special Scientific Interest. The same concerns apply in respect of this as to the SAC above.

11.5. Paragraph 118 of the NPPF provides that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. The site contains a number of important trees, including within surrounding field boundary hedges. The application Ecological Report confirms that a number of these hedges have 'importance' under the 1997 Hedgerow Regulations, with the Arboricultural Report stating that the field boundaries having a significant population of mature trees, with some of these and the South Park Orchard, being protected by TPO ( TPO 372 Chargrove Lane Shurdington). South Park Orchard within the north western part of the site, forms a rare surviving example of a traditional Perry orchard. It is listed on the national Traditional Orchards Inventory (ref. GLOS 1507) curated by the People's Trust for Endangered Species (PTES) and identified as a Habitat of Principal Importance, as defined in the Natural Environment and Rural Communities (NERC) Act 2006. These sites are recognised for their high biodiversity value.

11.6 The LO has raised concerns over the potential loss of trees on the site and the implications of this on the landscape. The Gloucestershire Wildlife Trust (GWT) have objected to the application due to the potential loss of an area of traditional orchard priority habitat within the development site. GWT advise that traditional orchards are a priority for conservation in Gloucestershire, and particularly in the Severn Vale. 69% of traditional orchards were lost from the Severn Vale between the mid 1970s and 2009, mainly due to changes in agricultural practice and they continue to be at risk, especially in the urban fringe, from development which fails to recognise their value and significance. The Woodland Trust (WT) have also provided comments on the application and refer to two pollarded ash trees in the hedgerow opposite South Park. They are both recorded within the Ancient Tree Index, (ATI - reference numbers 167582 and 167588). The former is listed as being an ancient tree whilst the other is a veteran tree. All trees within the adjacent orchard are covered by a TPO but they have not been assessed within the context of the ATI. Trees within the similar orchard further along Chargrove Lane have had selected trees assessed and added to the ATI and it is clear from this that the trees in question have ecological merit and would be candidates for veteran classification. As such, it would be appropriate to fully consider the community value of these trees during the determination of this application.

11.7 Overall it is not considered that the application has suitably assessed the important ecological assets on the site. As a result it is not possible to make a fully informed judgment on the acceptability of the proposals from an ecology and biodiversity perspective. This matter weighs against the proposal in the overall planning balance.

## **12.0 Noise/Dust/Odour/Air Quality**

12.1 Policy SD14 of the JCS seeks to protect health and improve environmental quality. The NPPF states at paragraph 120 that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. In respect of air quality it advises that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs), and the cumulative impacts on air quality from individual sites in local areas.

12.2 The application does not address noise as it was scoped out of the ES due to the presence of existing development. Similarly there is no assessment in respect of dust, odour or air quality. This is considered to be an unusual approach for a development of the scale however the Council's Environmental Health Adviser (EHA) has been consulted and has commented on the application proposals.

12.3 The EHA comments that, should permission be granted further more detailed information is required to satisfy the elements relating to noise, vibration, dust and odour mitigation. This is because development of this scale does have the potential to adversely affect existing residential properties as well as the properties that will be constructed as part of the development. As the site is in close proximity to a busy road the EHA recommends that a noise impact assessment from this source on the proposed development would be necessary. Further, due to the mix of uses proposed, any plant and equipment proposed should be assessed. The EHA notes that a Construction Environmental Management Plan (CEMP) would be produced should the application be permitted and provides best practice advice for such a statement.

12.4 In terms of air quality, the EHA suggests conditions which they consider should be imposed should permission be granted in order to assess and control risks arising from the proposed development. Those conditions require submission of a cumulative Air Quality Assessment, electric vehicle charging infrastructure for domestic and commercial properties and the provision of cycle storage and low emission boilers.

12.5 In conclusion there is no objection to the application in respect of noise, vibration, dust, odour and air quality subject to the imposition of appropriate planning conditions.

## **13.0 Affordable Housing**

13.1 Policy SD12 of the JCS requires a minimum of 40% affordable housing on sites within Tewkesbury Borough (outside of the Strategic Allocations). The NPPF sets out that LPAs should set policies for meeting affordable housing need on development sites. The application proposes a policy compliant 40% of which 60% would be for rent and 40% for intermediate forms of tenure as defined by the NPPF. It is further proposed that 15% of the affordable homes will be to Lifetime Homes standards.

13.2 The Strategic Housing & Enabling Officer (SHEO) has been consulted and requests a different tenure split with 70% affordable rented and 30% intermediate product which is based on identified housing needs. Whilst this matter may be capable of resolution the applicants' proposal is currently considered to be unacceptable and in any event at this stage there is no signed s106 obligation. On that basis the proposed development does not adequately provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market, contrary to the NPPF and Policy SD12 of the JCS.

#### 14.0 Open Space, Outdoor Recreation and Sports Facilities

14.1 Saved policy RCN1 of the Local Plan requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population. The Council's adopted Playing Pitch Strategy sets out requirements for formal playing pitches. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. Policies INF6 and INF7 support this requirement. The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

14.2 The application is limited in terms of detail of the open space and outdoor recreation/sports provision to be delivered. The accompanying Heads of Terms Document sets out that the developer would provide land to comprise outdoor sports provision, commensurate with the development. That area is to be transferred to sports groups/Parish Council/Tewkesbury Borough Council. Funding for provision would be made if the land is not handed over as pitches. Furthermore, land is proposed to be set aside to enable formal and informal play space provision. The development also proposes community orchards with ownership to be transferred to public bodies 'and maintenance will be agreed'. The developer also proposes that further areas of incidental open space would be provided, to enhance green infrastructure provision with similar commitments in respect of transferring land to public ownership with maintenance requirements.

14.3 The Community and Economic Development Manager has been consulted in respect of the provision that would be expected from the proposed development. A response is awaited and **an update will be provided at Committee**. Sport England (SE) have commented that they are disappointed that the applicants have not addressed the need for built facilities in their submission nor carried out any investigations into the need for outdoor sports provision. Given the lack of detail SE object to the application.

14.4 Whilst this matter may be capable of resolution the applicants' proposal is currently absent and in any event at this stage there is no signed s106 obligation. On that basis the proposed development does not adequately provide for open space, outdoor recreation and sports facilities and the proposed development conflicts with Local Plan policy GNL11, JCS policies INF4, INF6 and INF7 and the NPPF.

#### 15.0 Community, Education and Library Provision

15.1 Local Plan Policy GNL11 and Policy INF4 of the JCS highlight that permission will not be provided for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided. Policies INF6 and INF7 of the JCS support this requirement. The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.

15.2 The ES chapter on socio-economics sets out the baseline conditions for community infrastructure including where capacity is considered to exist and otherwise. The ES concludes that the site is well sited in relation to services and facilities. The Heads of Terms Document accompanying the application sets out the range of contributions the developer proposes including contributions toward Greatfield Park Primary School and Cheltenham Bournside School and Sixth Form Centre (a secondary school) as the local providers of education for the site; and necessary and justified financial contributions towards library, policing and fire facilities.

15.3 A response is awaited from the County section 106 Obligations Officer in respect of library and education requirements, and from the Community and Economic Development Officer in respect of community provision. **An update will be provided at Committee**. There is a requirement for contributions towards the provision of recycling infrastructure and dog fouling bins and signs to cater for the needs arising from the development.

15.4 The Gloucestershire Constabulary have submitted representations advising that a total policing contribution of £166,196 is requested in this instance based on current levels of deployment and infrastructure in Tewkesbury District and the Policing impact of 500 additional houses at the site. Contributions towards equipment, vehicles, PND additions, additional call handling, premises and policing point equipment are requested.

15.5 Whilst these matters may be capable of resolution through negotiation, at this stage there is no agreement to provide the required community and education facilities contrary to the requirements of Policy GNL11 of the Local Plan, policies INF5, INF6 and INF7 of the JCS and the NPPF. This weighs against the proposal.

## **16.0 Loss of agricultural land**

16.1 Paragraph 112 of NPPF advises that local planning authorities should take into account the economic and other benefits of the best and most versatile land (BMV). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in Grades 3b, 4 and 5 in preference to higher quality land. Paragraph 109 of the NPPF puts the protection and enhancement of soils as a priority in the conservation and enhancement of the natural environment.

16.2 The ES does not assess BMV although the Planning Statement sets out that the site does not contain 'highest quality agricultural land' which it is assumed is a reference to BMV. Natural England's Agricultural Land Classification Map for the South West Region indicates that the land is Grade 3 however it does not distinguish between Class 3a), which is BMV, and Grade 3b) which is not. In the absence of evidence within the application to this effect it is not certain that the development would not result in the permanent loss of BMV agricultural land as set out above. This is a matter which weighs against the proposal in the overall planning balance.

## **17.0 Overall Balancing Exercise and Conclusion**

17.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act 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.

17.2 The proposed development would conflict with Policy SD5 of the JCS in that it constitutes inappropriate development in the Green Belt. The NPPF provides that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

### Benefits

17.3 Considerable weight is given to the economic benefits that would arise from the proposal both during and post construction. Limited weight is given to the provision of new housing, including affordable housing, as the Council can demonstrate a five year supply of deliverable housing sites and the strategic housing needs for the area are catered for within the JCS. There are also some limited potential benefits arising from proposals to improve public access and the Cheltenham Circular Walk and community orchards although any ecological benefits are offset by the potential harm to protected sites.

### Harms

17.4 For the reasons explained in this report, there are significant harms to the Green Belt by reason of inappropriateness, harm to openness, conflict with the purposes of the Green Belt and other harms. Substantial weight is given to the harm to the Green Belt.

17.5 In terms of 'other harms', the proposed development would conflict with policies SP2 and SD10 of the JCS which set out the strategy for delivering the housing needs of the JCS area. Considerable weight is applied to this policy conflict. The development would result in significant landscape harm and the applicant has not demonstrated that the proposal would have an acceptable impact on the local and strategic road networks. The application does not demonstrate that the proposed development would have an acceptable impact on flood risk.



17.6 Furthermore the proposal would result in harm to designated and undesignated heritage assets and this harm is not outweighed by the public benefits of the scheme. It has not been demonstrated that the development proposed would have an acceptable impact on protected nature conservation assets and the application does not provide for appropriate affordable housing or social infrastructure necessary to off-set the impacts of the scheme. Finally, it has not been demonstrated that the development would result in the loss of best and most versatile agricultural land.

#### Neutral Effects

17.7 Subject to the imposition of appropriate planning conditions the development would not give rise to unacceptable impacts in relation to noise, vibration, dust, odour and air quality.

#### Conclusion

17.8 Overall, it is not considered that very special circumstances exist in this case in that the harm to the Green Belt by reason of inappropriateness, and the other harms identified in this report, is not clearly outweighed by other considerations. Consequently, the application is recommended for **Refusal**.

### **RECOMMENDATION Refuse**

#### Reasons:

- 1 The proposed development conflicts with policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and section 9 of the National Planning Policy Framework (Protecting Green Belt land) in that it represents inappropriate development in the Green Belt which would compromise its open character, appearance and function.
- 2 The proposed development conflicts with policies SP1, SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.
- 3 The proposed development would result in an unwarranted and significant intrusion into a valued rural landscape which would harm the character and appearance of the locality. Furthermore, due to its scale and location the proposed development fails to respond positively to, and respect the character of, the site and its surroundings. As such, the proposed development conflicts with Policies SD4 and SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.
- 4 The application has not demonstrated that there would be an acceptable impact on the strategic road network in conflict with Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and section 4 the National Planning Policy Framework (Promoting sustainable transport).
- 5 The application has not demonstrated that there would be an acceptable impact on the local road network in conflict with Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and section 4 the National Planning Policy Framework (Promoting sustainable transport).
- 6 Insufficient information has been submitted to fully demonstrate that the proposed development would not be at risk of flooding and would not increase the risk of flooding elsewhere. As such, the proposals conflict with Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the advice in the National Planning Policy Framework.
- 7 The proposed development, by virtue of its scale and location, would result in less than substantial harm to designated and undesignated heritage assets at Brickhouse Farmhouse and South Park respectively. As such, the proposed development conflicts with policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and advice in paragraphs 134 and 135 of the National Planning Policy Framework.

- 8 The wider locality is known to contain extensive archaeological remains relating to prehistoric and Roman activity and settlement. Therefore significant archaeological remains relating to prehistoric and Roman activity and settlement may be present within the proposed development area and it is likely that any such remains would be adversely affected by the proposed development. The application does not demonstrate that the archaeological impact of the proposed development has been fully assessed and the proposed development therefore conflicts with Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and paragraph 128 of the National Planning Policy Framework.
- 9 The application is not supported by sufficient information to demonstrate that there would be an acceptable cumulative impact on the Cotswolds Beechwoods Special Area of Conservation or the Cotswolds Commons and Beechwoods Site of Special Scientific Interest in the context of other planned development. Furthermore the proposals would result in the loss of an area of traditional orchard priority habitat and veteran and ancient trees. As such, the proposed development conflicts with policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and Paragraph 118 of the National Planning Policy Framework.
- 10 The application does not provide for housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017).
- 11 The application does not make adequate provision for on-site or off-site playing pitches with changing facilities and sports facilities to meet the needs of the proposed community. The application therefore conflicts with saved Policy RCN1 of the Tewkesbury Borough Local Plan to 2011 - March 2006, policies INF5, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and section 8 of the National Planning Policy Framework (Promoting healthy communities).
- 12 The application does not make provision for the delivery of education, health and community infrastructure, library provision, policing provision or recycling infrastructure and therefore the proposed development is contrary to policies INF5, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and section 8 of the NPPF (Promoting healthy communities).
- 13 It has not been demonstrated that the proposed development would not result in the loss of Best and Most Versatile agricultural land and the loss of this valuable resource is not outweighed by economic or other benefits contrary to paragraph 112 of the National Planning Policy Framework.

Note:

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

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

17/00924/OUT



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S411A



17/01097/FUL

Land at the former Allards Hotel, Shurdington Road, Shurdington 5

Valid 10.10.2017  
Grid Ref 392889 219654  
Parish Shurdington  
Ward Shurdington

Erection of no.4 dwellings with associated landscaping and access.

Shurdington Road Developments Ltd  
C/O Agent

## RECOMMENDATION Refuse

### Policies and Constraints

Joint Core Strategy - December 2017 - Policies SD5, SD6, SD10, SD12, INF1  
National Planning Policy Framework  
Planning Practice Guidance  
Affordable Housing SPD  
Green Belt

### Consultations and Representations

**Shurdington Parish Council** - Object to the proposal, raising the following points:

- Strongly object to any development in the Green Belt
- This development would set a dangerous precedent in the area
- Previous development was on the original footprint of the hotel but this site was formerly orchards
- Additional traffic access the A46 at this point would not be desirable.

**County Highway Authority** - No objection, subject to condition.

**County Archaeologist** - No objection.

**Environmental Health Officer** - No adverse comment.

**Housing and Enabling Officer** - Following the receipt of revised plans, the overall footprint of the development is below the 1000 square metre threshold and as such, contributions are not required.

**Wales and West Utilities** - No building should take place over any plant or apparatus.

**Representations** - 54 letters of objection received, raising the following points:

- Does not conform with JCS
- Is not previously development land
- Previous development was on the footprint of the hotel
- Site was not part of the hotel
- Outside of the village
- Access road is extended for future development
- Potential impact on archaeology
- Countryside will be eroded
- Increased disturbance in the area
- Adverse impact on the character of the area
- Adverse impact on wildlife
- Drainage not shown on the plans
- Highway safety issues
- Existing development looks out of place
- Isolated location
- Site is green belt
- Nothing has changed since the previous application
- Need for housing will decrease
- Inappropriate development in the Green Belt
- Detrimental when viewed from Leckhampton Hill
- No affordable housing
- Smaller units are needed
- Would constitute ribbon development
- Council has a five year housing land supply

- No safe pedestrian access
- Would set a precedent
- No Very Special Circumstances
- Adverse impact on openness
- Lack of capacity in local amenities

1 letter of support received, raising the following points:

- Previous report is contradictory
- No evidence to back up Council's assertion that the land isn't previously developed land
- Site would promote walking, cycling and the use of public transport
- Site would be located close to jobs and existing infrastructure
- Cost reduction through connecting to existing roads
- Enhancing the quality of the built environment
- Reduction of crime through increased surveillance
- Potential access to funding mechanisms
- Conserves rural and agricultural land and associated environmental benefits
- Greater efficiency and innovation in design
- Greater diversity in suppliers
- Accommodated greater capacity in an urban context

**This application has been called to Committee at the request of Cllr Vines to assess the suitability of the proposal given its Green Belt location.**

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

### **1.0 Introduction**

1.1 The application site is located outside the settlement boundary of Shurdington and within the Green Belt. The site is a vacant site to the rear of existing residential dwellings. The site was formerly part of the grounds of the Allards Hotel, which has been demolished to build dwellings.

### **2.0 Relevant Planning History**

2.1 Planning permission was granted in 2004 for the change of use of the hotel to 6 self-contained units (ref: 04/00680/FUL). There were various revised iterations of the scheme and in 2007, planning permission was granted for the erection of 10 apartments following the demolition of the existing building (ref: 07/01004/FUL). In 2010, planning permission was granted for the erection of four dwellings on the site (ref: 09/01106/FUL). This is the scheme that has been built on the site. All these schemes relate to the land occupied by the existing hotel and do not relate to the site to the rear, which is the subject of this application.

2.2 Planning permission was refused in 2016 for the erection of four dwellings on the site (ref: 16/00988/FUL). The proposal represented inappropriate development in the Green Belt, which was harmful to openness. Further to that, the proposal created more than 1000 square metres of floor space and there was no provision for affordable housing.

### **3.0 Current application**

3.1 This is a full application for the erection of four dwellings and is very similar to the 2016 refusal. The application proposes the erection of two four bedroom dwellings, adjacent to the existing dwellings, and two five bedroom dwellings. Each dwelling would have an integral garage.

3.2 The two storey element of the proposed four bedroom dwellings would have a footprint of 10.9m by 9.1m. This element would be 4.4m high to the eaves and rise to a height of 7.5m at the ridge. There would be a single storey element to the rear, which would project 2.7m from the rear elevation and be 4.5m wide. It would be 2.4m high to the eaves and rise to a height of 4.1m at the ridge. The proposed side garage would project 3m from the side elevation and be 6m deep. It would be 2.4m high to the eaves and rise to a height of 5m at the ridge.

3.3 The proposed five bedroom dwellings would have a footprint of 17.2m by 10.2m. They would be 5m high to the eaves and rise to a height of 9.2m at the ridge. The proposed side garage would project 4.5m from the side elevation and be 6m deep. This would be 2.2m high to the eaves and rise to a height of 5.1m at the ridge.

3.4 Plots 1, 3 and 4 would be constructed of stone with off-white render and Plot 2 would be constructed of red brick. All four dwellings would have grey tiled roofs.

3.5 The application has been amended since submission to reduce the size of the proposed garages. This results in the cumulative floor area being reduced to 997 square metres.

#### 4.0 Policy Context

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

##### Development Plan

4.2 The development plan comprises the Joint Core Strategy, which was adopted in December 2017 and the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy SD5 seeks to guard against inappropriate development in the Green Belt and reflects the guidance within the NPPF. Policy SD10 aims to direct development towards existing settlements to ensure new development is within a sustainable location. Policy INF1 seeks to ensure that new development has good access to the existing transport network and promotes a variety of modes of transport. Policy SD6 aims to ensure that new development protects landscape character for its own intrinsic beauty.

##### National Planning Policy Framework (NPPF)

4.3 The NPPF sets out the presumption in favour of sustainable development. Sustainable development has three dimensions: economic, social and environmental. Paragraph 14 of the Framework sets out that development proposals that accord with the development plan should be approved without delay, unless specifically restricted by policies elsewhere within the Framework. Footnote 9 lists the areas in which development can be restricted and this includes Green Belts.

#### 5.0 Analysis

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

##### Green Belt

5.2 Policy SD5 of the JCS sets out that, to ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm actually caused.

5.3 The NPPF provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

##### *Does the proposal constitute inappropriate development?*

5.4 Paragraphs 89 and 90 of the NPPF set out various exceptions where the construction of new buildings in the Green Belt is not considered to be inappropriate; none of those exceptions apply in this case. The Applicant has made the case that the proposal does meet the exception in paragraph 89 of the NPPF that the proposal constitutes 'limited infilling in villages'. They consider that the proposal has been designed to relate well to the existing properties along the A46 and although the site is located outside of the settlement boundary, it could be considered as falling within the village on the basis of the recent case law. They contend that the proposal complies with the definition of infill contained in the explanation to Policy SD10 of the JCS. This definition is "the development of an underdeveloped plot well related to existing built development."

5.5 Notwithstanding the above definition, there is no such definition in the NPPF in relation to Green Belt development. However there are numerous appeal decisions relating to infill development in the context of Green Belt and the definition that Inspectors have used when considering these types of applications is *"development within a built up frontage"*. Clearly that does not apply in this case. Furthermore, the development must represent infilling in the first place. In this case, whilst the site is bordered by dwellings to the south and east, to the north and west are agricultural fields. In any event, the site does not represent an underdeveloped plot; it is an individual parcel of land on which the proposal would represent backland development rather than infill. Furthermore, in relying on the definition in the explanation to SD10, this must be read in the context of the policy as a whole which refers specifically to *'infilling within the existing built-up areas of...the Principal Urban Area of Cheltenham and Tewkesbury Borough's towns and villages...'* This definition does not apply here as, despite the presence of dwellings to the south and east, the site is not in a village and not in a built-up area.

5.6 The Planning Statement also states that as the site was part of the curtilage of the former Allards Hotel, it can be considered as previously developed land. Another of the exceptions listed in paragraph 89 of the NPPF is *'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'*. Officers do not agree that the application site meets the definition of previously developed land given that the redevelopment of the hotel site began a new chapter in the planning history of the site. Additionally, the NPPF definition of previously developed land makes it clear that *'it should not be assumed that the whole of the curtilage should be developed'*. In any event, the Planning Statement states *'It is therefore apparent that there would be some level of impact on the openness of the green belt'*. On this basis, notwithstanding the degree of harm to openness, this exception does not apply.

5.7 In light of the above, the development proposed is therefore inappropriate development in the Green Belt which is harmful by definition having regard to the NPPF.

5.8 As well as the harm by reason of inappropriateness the harm to openness and the purposes of including land as Green Belt must also be considered, along with any other harms.

#### *Harm to Openness and Green Belt Purposes*

5.9 There is no formal definition of openness but it is generally accepted that it is an area free from development. Furthermore, Green Belt is not a landscape definition and the site has an open feel and appearance, which is not dissimilar to the agricultural land beyond. The application proposes 4 large dwellings on a site that is currently free from development and as such, the introduction of this level of development is considered to be harmful to the open spacious feel of the site. Whilst it is acknowledged there are existing residential dwellings to the south and east, there are agricultural fields and recreation space, adjacent to the site. Given the scale of the development and the context of the site surroundings, it is clear that the proposed development would be harmful to the openness of the Green Belt.

5.10 Furthermore the proposed development would conflict with the purposes of including land as Green belt, in that it would not check the unrestricted sprawl of large built-up areas, would not assist in preventing neighbouring towns merging into one another, would not assist in safeguarding the countryside from encroachment and would not assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

#### Other Harms

5.11 When considering proposals for development in the Green Belt, consideration must be given to the other harms that may arise from proposals.

5.12 Policies SP1, SP2 and SD10 of the JCS set out the strategy and implementation policies for new housing development in the JCS area. The proposal in this case does not meet the strategy for the distribution of new development and thus conflicts with policies SP2 and SD10. The application refers to outdated planning policies relating to the position pre-adoption of the JCS. However, in the current planning policy context, the Council can demonstrate a five year supply of deliverable housing sites and the Development Plan is not absent, silent or out-of-date in respect of new housing development. The conflict with the Development Plan in this respect is a matter which attracts substantial weight against the proposals in the context of Section 38(6) of the 2004 Act.

5.13 Other material planning considerations which may give rise to 'other harms' are discussed in the following sections of the report.

#### Applicants' Very Special Circumstances Case

5.14 Notwithstanding their view that the proposal does not represent inappropriate development, the applicant has advanced a 'very special circumstances' case to justify development. The applicant considers that very special circumstances exist *'because the sewer and gas infrastructure will be upgraded as part of the works on the Site. This upgrade will benefit the residents of a number of surrounding residential properties'*.

#### Analysis of the applicants' Very Special Circumstances case

5.15 The applicant has provided no evidence in relation to this assertion that the sewer needs upgrading and how many properties would benefit. Furthermore, no evidence has been provided that the works cannot be undertaken without the development coming forward. On this basis, this issue can be given very limited, if any, weight in the overall planning balance.

#### Conclusion on Green Belt Matters

5.16 The proposed development is inappropriate development in the Green Belt which is harmful by definition. In addition, there is identified harm to openness as the result of the provision of four houses and associated infrastructure. This development would conflict with the purposes of designating land as Green Belt.

5.17 The overall conclusion in respect of Green Belt harm is dependent on the identification of any other harms which may arise following analysis of all material planning considerations which are discussed in the following sections of this report.

#### Accessibility of the location

5.18 The site is located outside any defined settlement boundary. It is however sited within walking distance of a range of facilities and a bus route. In view of this, the proposed development is considered to be within an accessible location.

#### Impact on the wider countryside

5.19 Policy SD6 of the JCS seeks to protect the countryside for its intrinsic value, reflecting Government policy in the NPPF. The site has an open rural feel to it, with views to the open countryside and recreation space beyond. The introduction of four substantial dwellings onto the site would erode this and lead to increased urbanising appearance to the site when viewed from outside. The proposed development is therefore considered to be harmful to the character and appearance of the wider countryside, in conflict with JCS policy SD6 and the NPPF.

#### Impact on residential amenity

5.20 Due to the relationship between the existing properties and the proposed dwellings, it is not considered that there would be any significant adverse impacts on residential amenity as a result of this proposal. The proposed dwellings are considered to have sufficient amenity space for future occupiers.

#### Highway safety

5.21 Representations have raised concerns regarding the potential impact on highway safety due to vehicles exiting the A46. The speed limit at the point of access is 50mph. The existing access, which would be used to serve the proposed dwellings, is recently constructed and is sufficient for the intensification of use that would occur as a result of this proposal. Sufficient space is available for a refuse truck to access the site and manoeuvre. 16 parking spaces are proposed, which is considered to represent adequate parking for future residents and visitors. The concerns raised are noted but it is not considered that the proposed development would be prejudicial to highway safety.



## Affordable housing

5.22 Policy SD12 of the JCS sets out that on sites with a maximum combined gross floor space of greater than 1000 sqm a minimum of 40% affordable housing will be sought within the Cheltenham Borough and Tewkesbury Borough administrative areas. The Tewkesbury Borough Council Affordable Housing SPG states: *"An application for planning permission for development that forms, or might at some future date become part of, a more substantial development, will be treated as an application for planning permission for part of the more substantial development and the appropriate threshold will apply. In line with recent planning appeal decisions this will apply even if the applicant does not have a legal interest in part of the larger site, as long as there is a possibility that the larger development could take place"*.

5.23 The proposal has been revised since submission to reduce the cumulative floor area to below 1000 square metres and the applicant takes the view that no affordable housing contribution can be sought in accordance with policy SD12 of the JCS.

5.24 The previous application was refused on the basis that the proposal did not contribute towards affordable housing. Of particular relevance to this application is the case of *Westminster City Council v F.S.S. and Branford* which outlines the tests to be applied in determining whether two proposals are phased parts of a larger whole. These tests are: (i) are the sites within the same ownership (ii) are the sites a single site for planning purposes and (iii) whether the proposals constitute a single development.

5.25 In terms of the first test, the entire hotel site (including all the land to the rear) was within the red line application site for the most recent application for the development of 4 houses that have replaced the former hotel. That permission was granted in September 2014. Whilst the four existing dwellings may now be in separate ownership, when permission was granted, the site was all in the ownership of the applicant in this case. In respect of the second test it is considered that, as the current scheme proposes to utilise the same access, the sites can be considered as a single site for planning purposes. It is noted that the scheme permitted for 4 dwellings in 2014 allowed for a future extension of the access road as now proposed. This is also relevant in respect of the third test in that the scheme can easily be read to constitute a single development.

5.26 Of note in this respect is an appeal at the Kings Head site in Norton (ref: 15/00639/FUL) where the applicant contested the reason for refusal relating to affordable housing. The application sought to construct additional dwellings adjacent to the existing permission for dwellings but the applicant refuted the Council's view that this constituted a single development for affordable housing purposes. The Inspector dismissed the appeal, which was subsequently challenged unsuccessfully in the High Court.

5.27 Whilst the Strategic Housing and Enabling Officer has raised no objection to the application, in planning terms it is considered that the site forms part of the larger development with the adjacent housing. On that basis, the floorspace of the recently constructed development on the former Allards Hotel should be taken into account in calculating floor space. This clearly takes the development above the 1000 square metre threshold.

5.28 In light of the above it is considered that the current application and the previously permitted site for four dwellings constitute a single site for planning purposes and for the assessment as to whether an affordable housing contribution is required. No affordable housing contribution has been put forward and as such, the proposal is contrary to Policy SD12.

## **6.0 Conclusion**

6.1 It is acknowledged that there would be benefits arising from the proposal in respect of the contribution to the economic and social elements of sustainability as defined in the NPPF which must be given some weight, although this is limited by the scale of development proposed and the fact that the Council can demonstrate a five year housing land supply. Further the development would not adversely impact on residential amenity nor would it be prejudicial to highway safety.

6.2 Nevertheless, it is not considered that very special circumstances exist in this case in that the harm to the Green Belt by reason of inappropriateness, and the other harms identified in this report, is not clearly outweighed by other considerations. The site is located outside a village and is contrary to Policies SP1, SP2 and SD10 of the JCS, which seek to locate development in more sustainable locations, and would result in unwarranted landscape harm. Furthermore, a suitable provision towards affordable housing has not been proposed. The application is therefore recommended for **REFUSAL**.

## **RECOMMENDATION Refuse**

### **Reasons:**

- 1 The proposed development conflicts with policies SP1, SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.
- 2 The proposal would represent inappropriate development in the Green Belt that would cause harm to the openness of the Green Belt and conflict with one of the purposes of the Green Belt to protect the countryside from encroachment. The proposed development would thus conflict with Policies SD6 and SD7 of the Joint Core Strategy (December 2017) and the provisions of the National Planning Policy Framework.
- 3 The application does not provide housing that would be available to households who cannot afford to rent or buy housing available in the existing housing market. As such the proposal conflicts with Policy SD12 of the Joint Core Strategy - December 2017.

### **Note:**

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

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



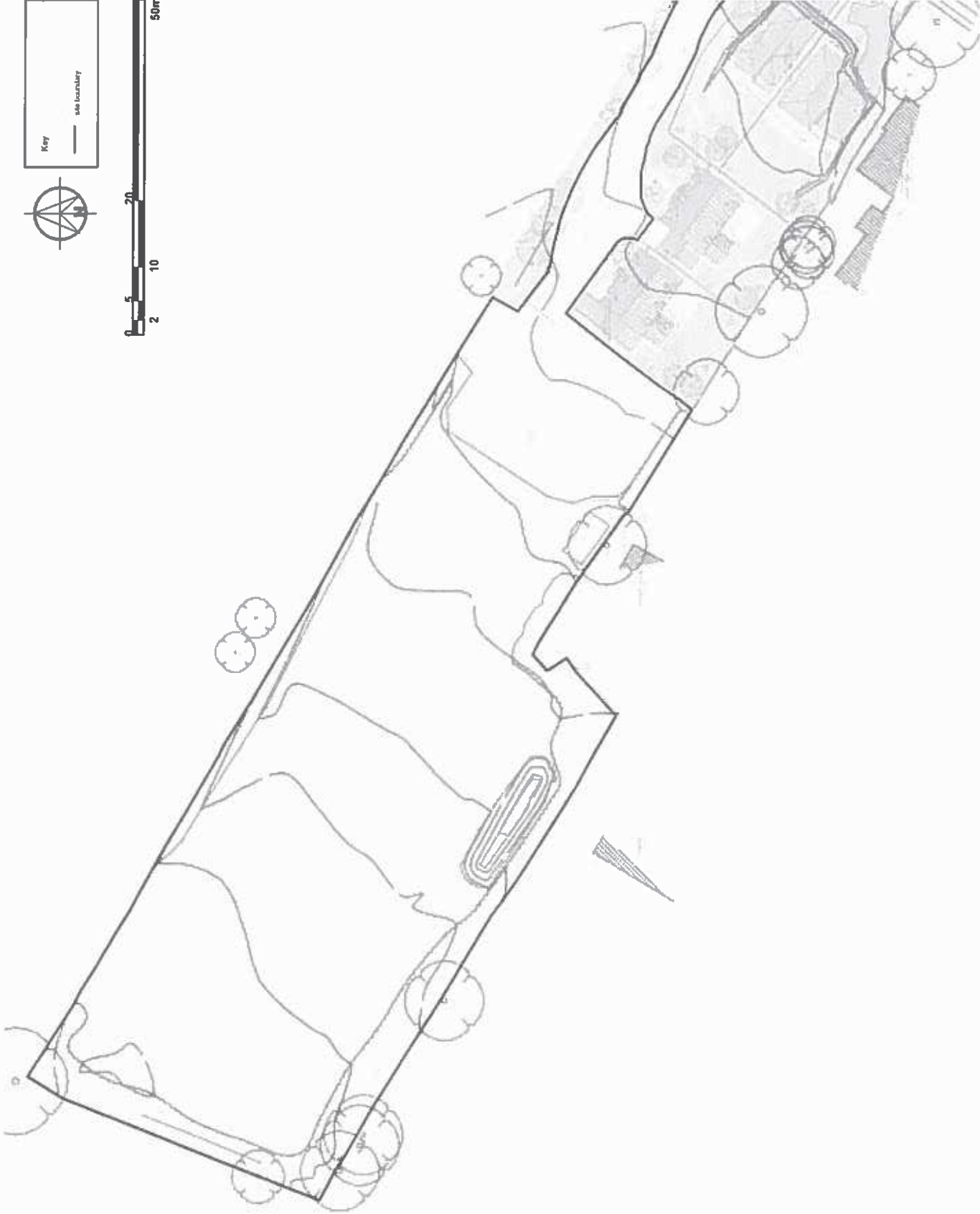
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**REVISIONS**

REV 001: Initial Design  
13.05.16 (S) / S1  
Drawing created



**DRAWING TITLE**  
Existing Site Plan

**PROJECT**

Former Allards Hotel  
Shurdington Road

**CLIENT**

Pete Cassidy

**SCALE**

1:500@A3

**DATE**

May 2016



**DRAWING NO.**

REV

**51761P/05**

-

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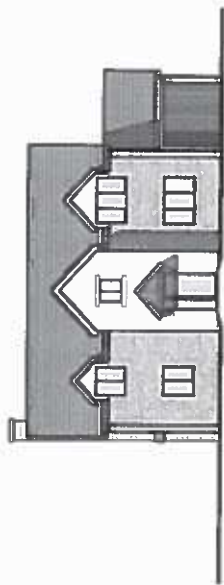


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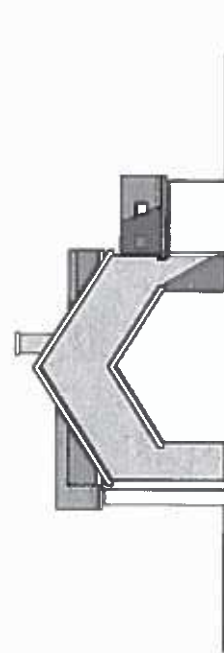
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**REVISIONS**

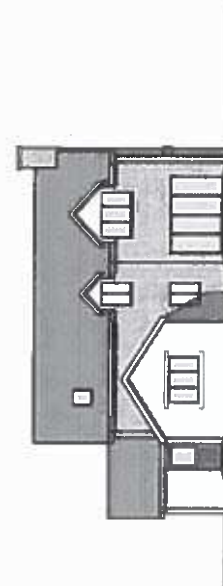
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A 23/11/17 - R,JF  
Garage width reduced



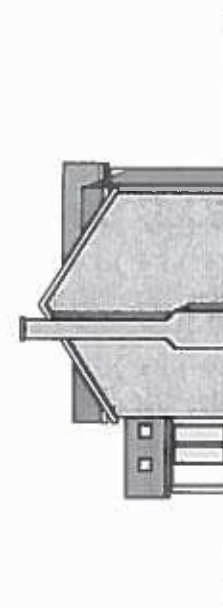
Front Elevation



Gable Elevation



Rear Elevation



Gable Elevation

**DRAWING TITLE**

Proposed Floor Plans  
4 Bed House  
Plot 1

**PROJECT**

Former Alards Hotel Site  
Shurdington Road

**CLIENT**

Pete Cassidy

SCALE 1:200@A3

DATE May 2016



DRAWING NO. REV

5178/P/70 A

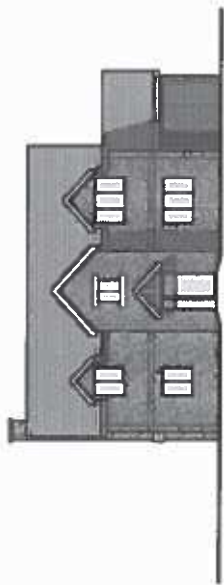
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CHURCHILL, OX1 2JH T: 01453 424244

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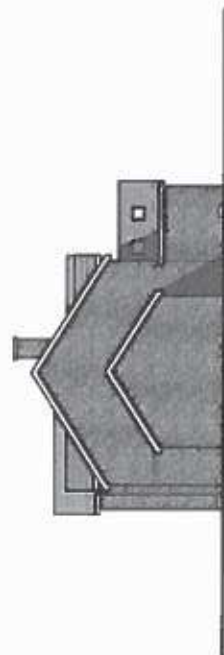
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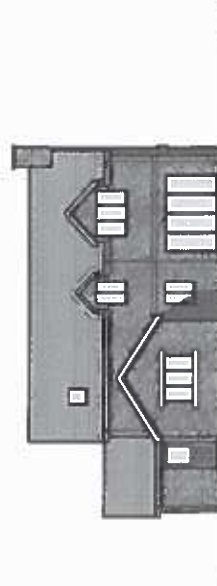
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A 23.11.17 - R/JF  
Garage width reduced



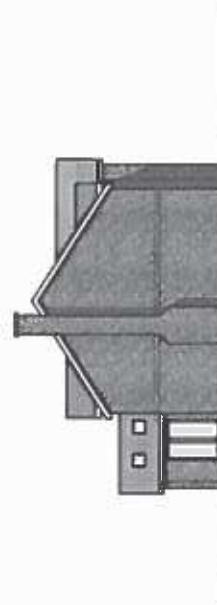
Front Elevation



Gable Elevation



Rear Elevation



Gable Elevation

**DRAWING TITLE**

Proposed Floor Plans  
4 Bed House  
Plot 2

**PROJECT**

Former Alarids Hotel Site  
Shurdlington Road

**CLIENT**

Pete Cassidy

**SCALE**

1:200@A3

**DATE**

May 2016



**DRAWING NO.**

5178/P/71

**REV**

A

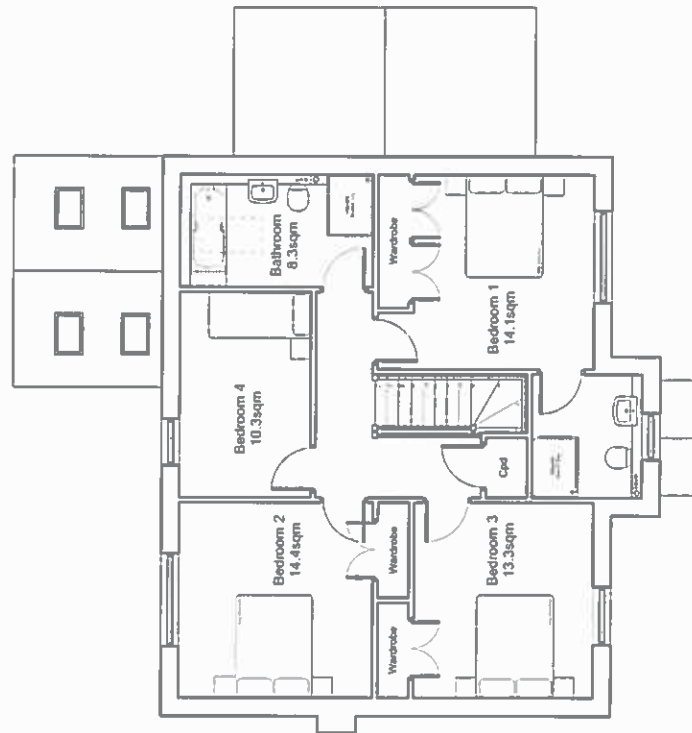
Quattro Design Architects Ltd  
100-102, Shurdlington Road  
Gosport, Gosport, Hampshire, UK  
GU14 0JH T: 01429 424234

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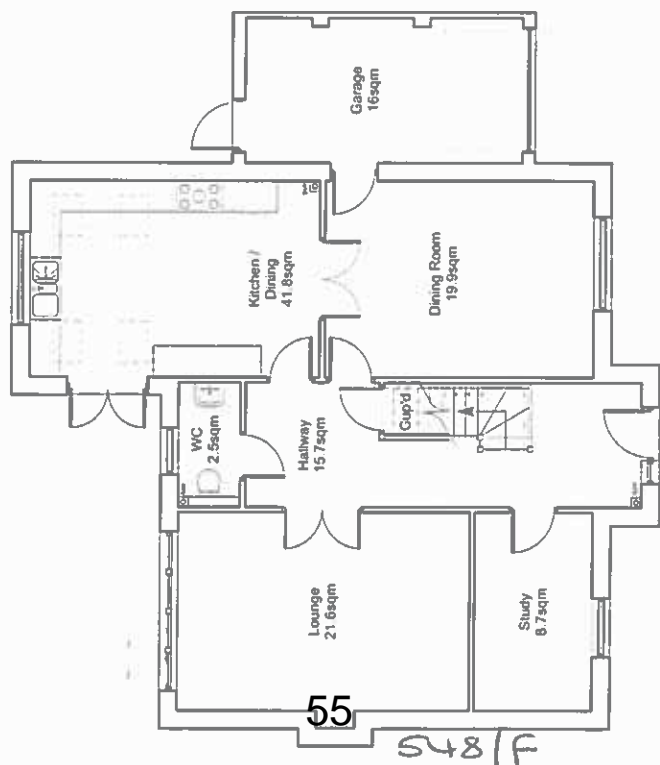
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**REVISIONS**

- 13.05.16 - SH - R/JF
- Drawing created.
- A - 23.11.17 - R/JF
- Garage width reduced



**First Floor**  
@84.5sqm / 909sqft



**Ground Floor**  
@112.5sqm / 1211sqft (inc garage)



**DRAWING TITLE**  
Proposed Floor Plans  
4 Bed House

**PROJECT**  
Former Allard's Hotel Site  
Shurdington Road

**CLIENT**  
Pete Cassidy

**SCALE**  
1:100@A3

**DATE**  
May 2016



**DRAWING NO.**  
5178/P/20

**REV**  
A

STUDIO: 27, BRANLEY LANE, GLOUCESTER GL1 2HT  
TELEPHONE: 01452 424214

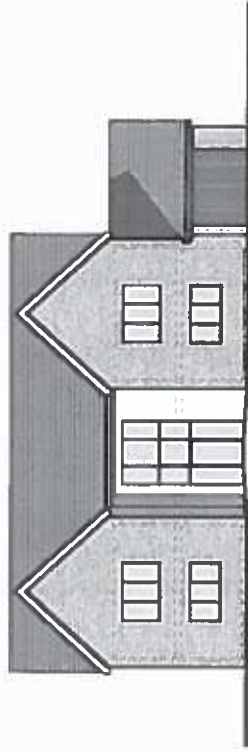


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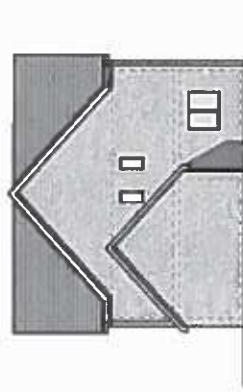
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**REVISIONS**

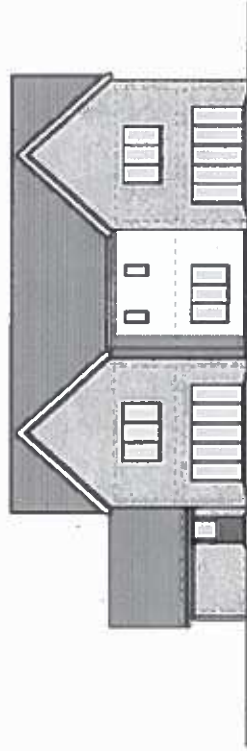
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11.05.18 SH RLP  
Drawing created  
21.11.17 RLP  
Complete design



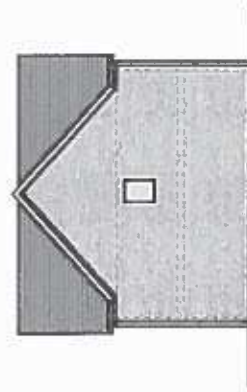
Front Elevation



Gable Elevation



Rear Elevation



Gable Elevation

**DRAWING TITLE**

Proposed Elevations  
5 Bed House

**PROJECT**

Former Allards Hotel Site  
Shurdington Road

**CLIENT**

Pete Cassidy

**SCALE**

1:200@A3

**DATE**

May 2018



**DRAWING NO.**

5178/P/72

**REV**

A

Project Director: Longwynn Street  
Glasgow G1 1HF T: 01453 424234

56  
548/G

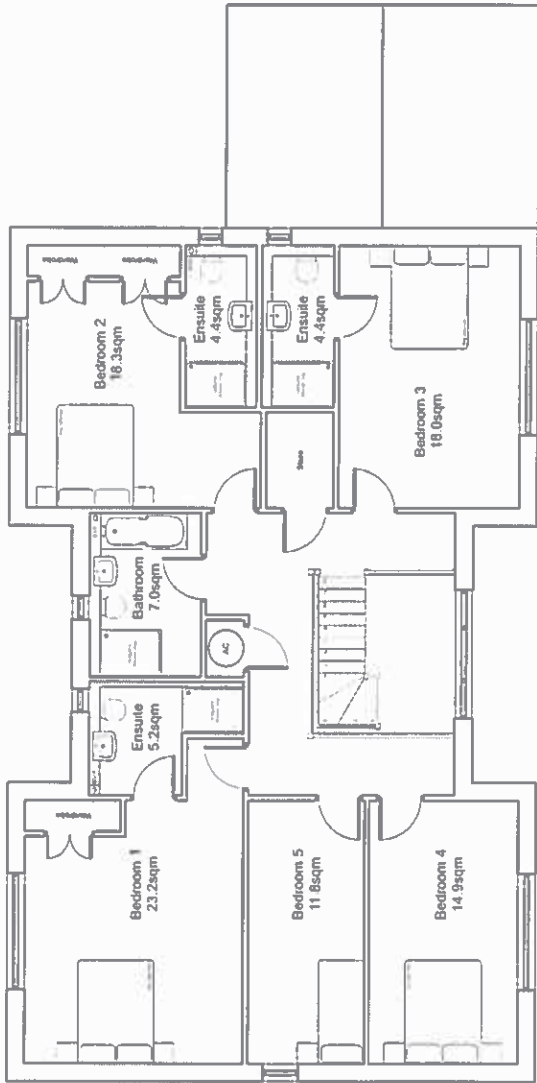


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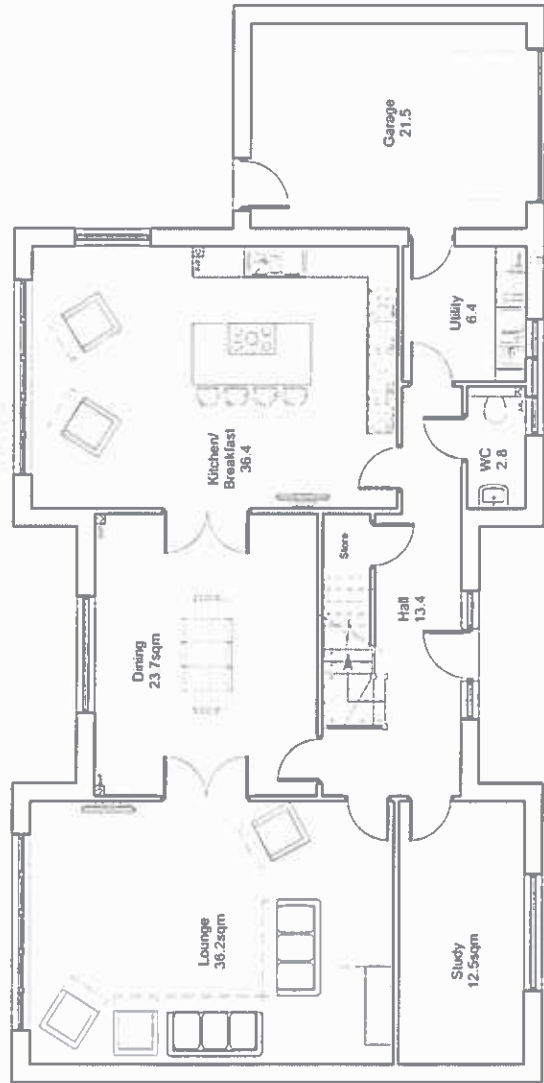
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**REVISIONS**

13.03.16 - SA - RUF  
 Drawing created  
 A - 23.11.17 - RUF  
 Garage width increased.



**First Floor**  
 @139sqm / 1496sqft



**Ground Floor**  
 @162.5sqm / 1749sqft (inc garage)



57  
 548 / H

**DRAWING TITLE**  
 Proposed Floor Plans  
 5 Bed House

**PROJECT**  
 Former Allards Hotel Site  
 Shurdington Road

**CLIENT**  
 Pete Cassidy

**SCALE**  
 1:100@A3

**DATE**  
 May 2016

**DRAWING NO.**  
 5178/P/21

**REV**  
 A

**Quattro architects**

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58  
548/1

Site Boundary

Site Boundary



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 A.27.13.17 - DC - R.F.P.  
 Units: millimetres/feet/meters.

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**DRAWING NO.** 5178/P180  
**REV** A

**DRAWING TITLE**  
 Indicative Street Scene

**CLIENT**  
 Pete Cassidy

**PROJECT**  
 Former Alford's Hotel,  
 Shurdington Road

**DATE** May 2016

**SCALE** 1:500@A3

Quattro Architects Ltd, 100, North Street,  
 Gloucester, G1 2 5DY. T: 01452 479321

Valid 26.10.2017

Conversion & extension of existing detached garage to provide an additional 1no. detached dwelling, including associated landscaping and access

Grid Ref 387844 217102

Parish Hucclecote

Ward Hucclecote

Mr & Mrs Charles  
Gransmoor Lodge  
Sussex Gardens  
Hucclecote  
Gloucester

## RECOMMENDATION Refuse

### Policies and Constraints

National Planning Policy Framework

Planning Practice Guidance

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

Adopted Joint Core Strategy (2017) - SP2, SD4, SD6, SD10, SD11

The First Protocol, Article 1 (Protection of Property)

### Consultations and Representations

**Hucclecote Parish Council** - No objection to this application.

**Gloucestershire County Council Highways** - Offer standing advice.

**Landscape Officer** - Objects to the proposal as the application does not address the tree protection of the TPO trees or the form, layout and scale of the development proposal and landscape setting. The layout of the building and car parking raises landscape concerns that have not been addressed under this new application.

**Local Residents** - One letter of representation has been received from a neighbour objecting to the proposal for the following reasons:

- The extension to the existing roofline will contribute to a sense of overlooking to the private rear garden of no.135 and alter the sense of openness at the site.
- The proposed extension would overshadow the rear garden at no.135 further. It should be noted that the garden is currently overshadowed by the density of the TPO crowns.
- Increasing the close proximity of building is not consistent with the pattern of spacing of surrounding properties.
- There is concern that granting this application will result in further applications.
- There would be a significant loss of privacy to the private amenity space at no.135.

**Councillor Blackwell** has requested **Committee determination to allow members to assess the impact the proposal would have on the property next door.**

**Planning Officers Comments:** Fiona Martin

#### 1.0 Application Site

1.1 The application relates to an existing detached garage which is within the residential curtilage of Gransmoor Lodge. The site is located on the corner of Sussex Gardens and Hucclecote Road, with existing access from Sussex Gardens (see site location plan attached). There is a row of mature trees to the west of the site which are protected by Tree Preservation Orders (TPO's).

#### 2.0 Relevant Planning History

2.1 Planning application 07/00860/OUT for the erection of 2 new bungalows was refused in April 2008 for the reason that:

- By virtue of their close proximity to a group of protected trees, the proposed bungalows would have an inadequate level of amenity due to overshadowing and poor outlook caused by the trees. The proposal would therefore be likely to prejudice the long term retention of the trees contrary to Local Plan Policies HOU5 and LND9.

2.2 Outline planning application 08/01046/OUT for the erection of a pair of semi-detached chalet bungalows (including scale, appearance and access) was refused in October 2010 for the following reasons:

- By virtue of their close proximity to a group of protected trees, the proposed dwellings would have an inadequate level of amenity due to overshadowing and poor outlook caused by the trees. The proposal would therefore be likely to prejudice the long term retention of the trees contrary to Local Plan Policies HOU5 and LND9.
- The proposed development would not provide adequate levels of outlook from habitable rooms in the proposed dwellings, and would therefore result in limited levels of residential amenity for future occupants, which would have a detrimental impact on their living conditions contrary to Local Plan GNL1 and HOU5.

A subsequent appeal against the Council's decision was dismissed, the Inspector concluding that the proposal would comprise a cramped form of development and would fail to provide suitable living conditions for occupiers as a result of being in such close proximity to, and overshadowed by a group of TPO'd trees. He further considered that future residents would be likely to put pressure on the Council to reduce or fell the trees as a result of the poor outlook and daylight, falling debris and perceived safety concerns, and that it would be difficult for the Council to resist such requests.

2.3 Planning application 10/01327/FUL for a detached garage and garden room with study over was permitted in March 2011.

2.4 More recently, planning application 17/00255/FUL for the conversion and extension of the existing detached garage to provide an additional 1no. detached dwelling, including associated landscaping and access was refused on the 10th May.2017. The reasons for refusal were:

- The proposed development would not provide adequate levels of outlook from habitable rooms in the proposed dwellings, and would therefore result in limited levels of residential amenity for future occupants, which would have a detrimental impact on their living conditions contrary to Local Plan Policy HOU5.
- By virtue of their close proximity to a group of protected trees, the proposed dwellings would have an inadequate level of amenity due to overshadowing and poor outlook caused by the trees. The proposal would therefore be likely to prejudice the long term retention of the trees. The proposal is therefore contrary to Policies HOU5 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and section 7 of the NPPF which requires good design.

2.5 Current application 17/01301/TPO for crown reduction to 2 Sycamores, Lime tree and Horse Chestnut is currently pending. The tree works proposed in this application are more extensive than those proposed in the Arboricultural Assessment accompanying current application for the dwelling (17/01160/FUL).

### 3.0 Current Application

3.1 The current application seeks planning permission for the conversion and extension of the existing detached garage to provide an additional 1no. detached dwelling (including landscaping and access). The application is similar to previous application 17/00255/FUL in that it proposes conversion and extension to the existing garage but with a smaller extension and a consequentially reduced footprint and mass (**see previously refused elevations and current proposal elevations**). The applicant considers the amendments are sufficient to overcome the previous reasons for refusal.

### 4.0 Principle of Development

4.1 The site is located within Brockworth. Policy SD10 of the Adopted Joint Core Strategy (AJCS) (2017) seeks to ensure that new housing is delivered in accordance with policies SP1 and SP2. The policy allows for infilling within the existing built up areas of Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans. The principle of development is therefore acceptable.

### 5.0 Analysis

#### Impact on the character of the area

5.1 Section 7 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. Paragraph 64 states that "*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it*

functions". Policy SD4 of the AJCS seeks to encourage good design and provides that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness.

5.2 The character of the area is a mixture of detached and semi-detached properties; with the properties on Sussex Gardens having large front gardens. The application site currently forms part of the curtilage of existing dwelling and contains a large detached 1.5 storey garage.

5.3 As noted above (at paragraph 2.2) a previous application for two dwellings was dismissed on Appeal for, amongst other reasons, that the development comprised a cramped form of development, which was accentuated by the presence of trees along the frontage.

5.4 Officers also considered that the more recent application (17/00255/FUL) to extend and convert the garage to provide a dwelling would have been similarly cramped and was not considered to be in keeping with the existing character of the area. Whilst not constituting a reason for refusal in its own right, this was a matter that weighed against the proposal.

5.5 The current application proposes a building with a reduced footprint and consequentially has a larger garden area (see proposed block plan) which the applicants planning statement suggests would be increased by 39 percent. Officers consider that the proposed reductions in the overall size and footprint and beneficial and conclude that the property would no longer appear cramped within the site. A condition is necessary to remove permitted development rights for further extensions and outbuildings.

5.6 However, the proposed dwelling would remain very close to the TPO'd trees and development would have a detrimental impact on their landscape setting. This matter is considered further below.

#### Impact on the residential amenity

5.7 Policy SD4 of the AJCS states that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution.

5.8 The previous applications (and the dismissed appeal) for dwellings on this site have included refusal reasons relating to inadequate levels of amenity due to overshadowing from the trees and poor outlook from habitable rooms. The applicant has sought to overcome these concerns in the current proposal by amending the internal habitable room layout on ground and first floors and by removing windows and features such as the front facing recessed balcony.

5.9 Whilst it is acknowledged that amended internal arrangements are an improvement to the previous proposals, it remains the case that the dwelling would remain in very close proximity to the TPO's trees with outlook from ground floor kitchen being very limited and a number of rooflights to first floor bedrooms being overshadowed by the trees. It remains the case that leaf and branch drop would be a nuisance to future occupiers of the dwelling. The Council's Landscape Officer (LO) confirms that the Tree Shading Plan within the applicant's tree report shows that the canopies of the overhanging trees numbers 38 and 39 overhang the site and would cast shade over the proposed new dwelling. The LO confirms that this is not best practice on development sites, as it may create future pressures and applications for inappropriate arboricultural works to these TPO trees, to address the shading problem that is potentially being created by permitting the current development proposal.

5.10 In view of the above, Officers do not consider the current proposal adequately overcomes the previous objections in relation to the inadequate level of amenity due to overshadowing and poor outlook caused by the protected trees.

5.11 An objection has been received from the occupier of a neighbouring property who is concerned that the proposed new dwelling would result in overlooking and overshadowing of the private garden area of that property. The majority of first floor windows would be velux windows and it is not considered they would result in a detrimental impact to the residential amenity of neighbouring dwellings with relation to overlooking. The existing garage is located approximately 5 metres from the neighbours boundary and Officers do not consider that the proposed single storey extension to it (with a pitched roof sloping away from the neighbours garden) to form the dwelling would result in a detrimental increase in overshadowing compared to the existing situation.

#### Impact on the protected trees

5.12 An Arboricultural Assessment has been submitted with the application which confirms that the trees form part of a former avenue and remain an important element within the local landscape, providing a substantial landscape feature at the junction of a busy road. In order to facilitate development of the site tree works are proposed which it is argued would have no impact on the amenity value of the trees or their health and longevity and are considered similar to what may be requested for normal garden management regardless of any development proposals. The assessment considers that all existing trees could be fully protected throughout the construction and conversion works. The assessment considers that future pressure to remove the trees would be likely to be very limited.

5.13 The Council's LO has concerns with the applicant's assessment. It is noted that the two proposed parking spaces would be within the root protection areas of TPO trees that would involve excavation within the root protection areas of these trees and there are concerns with regard to the construction of a hard surfaced car park beneath the canopies of TPO trees. Furthermore, the LO considers that the construction would be required to access the site through a narrow and confined route creating an unacceptable risk to the tree protection area of overhanging trees and the root protection area. The LO states that the applicant's Assessment does not adequately address these issues.

5.14 The LO has no concerns with regard to the proposed works to the TPO'd trees. However, it is noted that the proposed pollarding of one of the trees would need to be balanced as in landscape terms it forms part of an avenue. More generally, the LO considers that by virtue of its close proximity, and the increased area of hardstanding, the proposal would potentially have a negative impact on the landscape setting of the trees, which as the applicant's Assessment confirms, remain an important element within the local landscape. The Council's LO does not support the application therefore.

5.15 In view of the above, Officers do not consider the current proposal adequately overcomes the previous objections in relation to the health and long-term retention of the protected trees.

#### Impact on highway safety

5.16 It is proposed that the existing access would become a shared access with Gransmoor Lodge retaining their existing spaces at the front of the site and two spaces being provided for the proposed dwelling. Whilst there will be an increase in use of the access it is not considered to have a detrimental impact upon highway safety at the site.

## **6.0 Summary**

6.1 Taking into account all of the above, it is considered that the proposal has not adequately overcome the previous objections in relation to the inadequate level of amenity due to overshadowing and poor outlook caused by the protected trees and that the proposal would be likely to impact the health and long-term retention of the protected trees. The proposal is therefore contrary to policy SD4 of the Adopted Joint Core Strategy 2017 and section 7 of the NPPF.

## **RECOMMENDATION Refuse**

### **Reason:**

By virtue of its close proximity to a group of protected trees, the proposed dwelling would have an inadequate level of amenity due to overshadowing and poor outlook caused by the trees. The proposal would therefore be likely to prejudice the long term retention of the protected trees. The proposal is therefore contrary to Policy SD4 of the Adopted Joint Core Strategy 2017 and section 7 of the NPPF which requires good design.

### **Note:**

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

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

17/01160/FUL

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- 2 This drawing is to be used in conjunction with all other drawings and specifications and other documents issued by the architect.
- 3 This drawing is copyright and is not to be reproduced in part or whole without prior express written permission of RRA Architects Ltd.

 Site Boundary

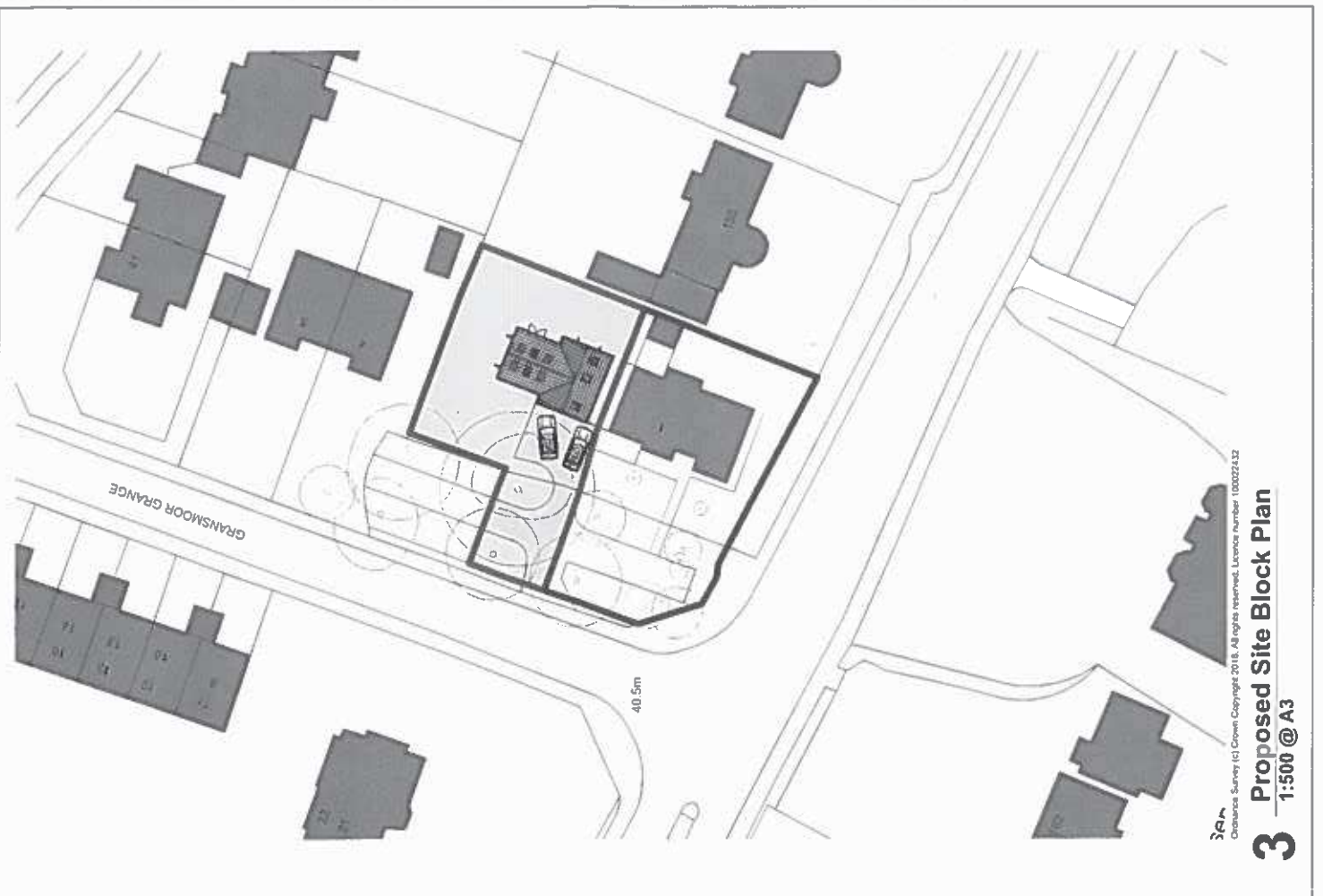
Revision Description	Date	Drawn	Rev
Reduced scheme arrangements	21.08.18	MAP	A



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 Client  
 Mr & Mrs Charles  
 Project  
 Gransmoor Lodge

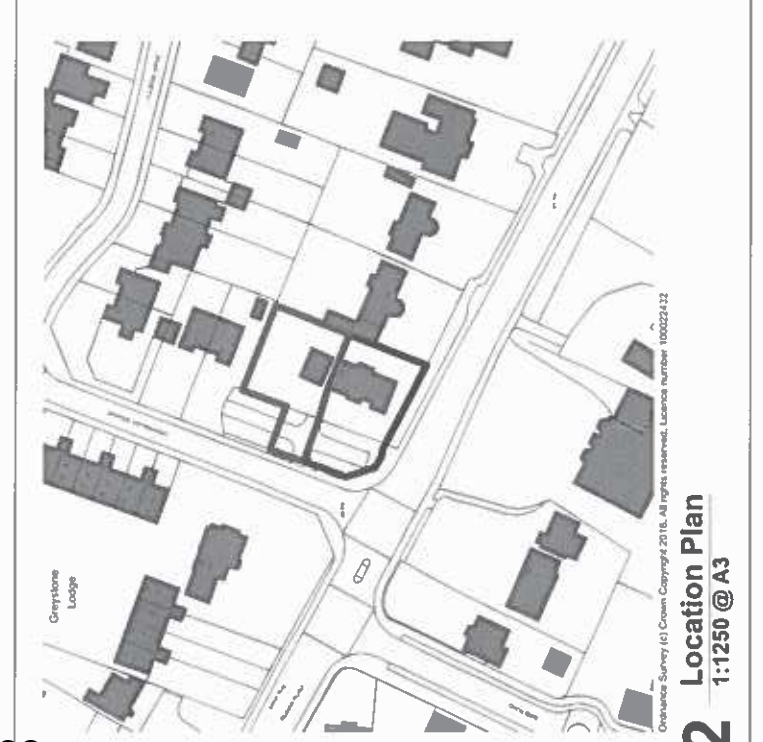
Drawing Title	Site Location & Proposed Block Plan
Drawn By	DRS
Scale	1:1250 @ A3
As Issued	



**3 Proposed Site Block Plan**  
 1:500 @ A3



**1 Aerial View**  
 Not to scale



**2 Location Plan**  
 1:1250 @ A3

63 552/A



It is the client's responsibility to ensure that the drawings are used in accordance with the Building Regulations and other applicable legislation. The drawings are to be used in conjunction with the Building Regulations and other applicable legislation. The drawings are to be used in conjunction with the Building Regulations and other applicable legislation.

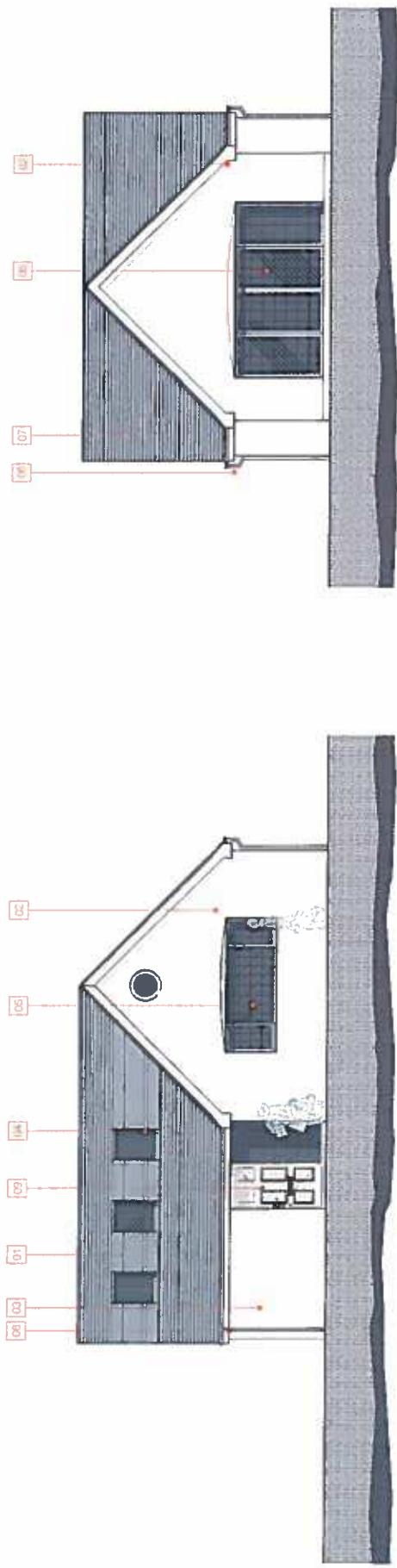
01	Clay roof tiles to match existing
02	Key of Clays S, articles 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
03	Provide coded aluminium windows with leaded units
04	Conservation rooflights
05	French doors to match for material
06	Receded half round powder coated aluminium entrance doors, RAL 7016 Antique Grey
07	Existing clay roof tiles
08	Existing roof lights
09	Perished timber entrance door with slate light to match for material

Revised scheme amendments 21.08.17 UP A  
 Section Description Date Check By



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 Registered  
 Architects  
 11 Wood Street  
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 www.rraarchitects.com

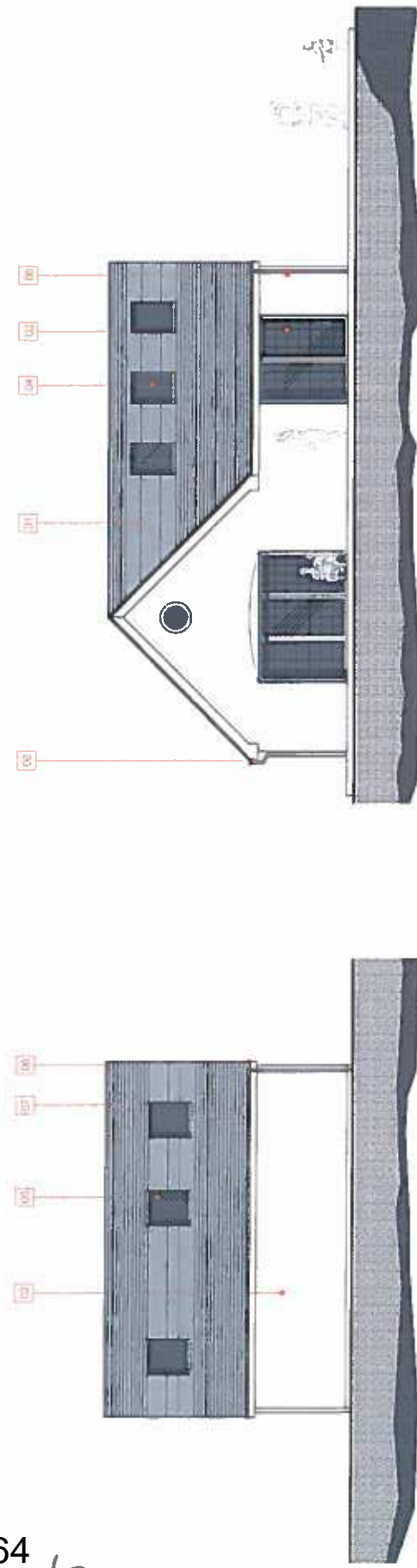
Client	Mr & Mrs Charles
Project	Gransmoor Lodge
Drawing Title	Proposed Elevations
Scale	1:50
Date	August 2017
Drawn By	CHG
Checked By	CHG
Project No	123456789
Sheet No	1



**2 Proposed South East Elevation**  
 1:50 (A1) (1:50 @ A1)

**4 Proposed North East Elevation**  
 1:50 (A1) (1:50 @ A1)

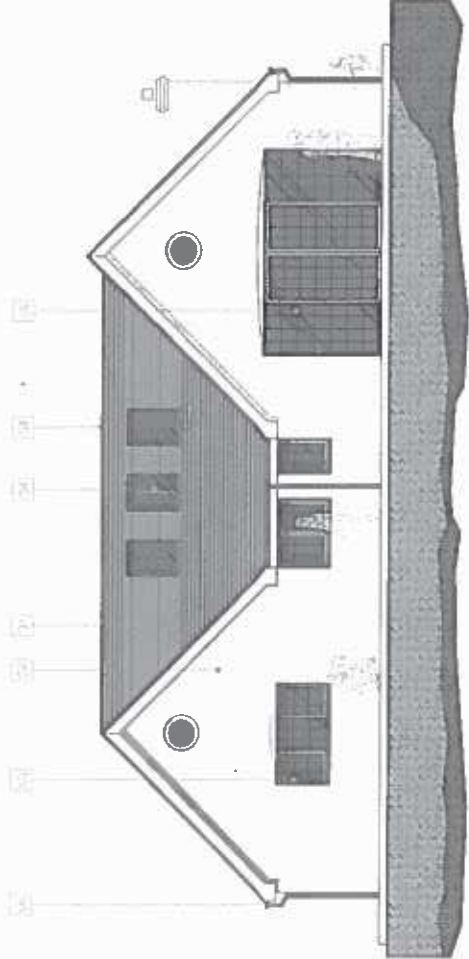
64  
 SS2/1B



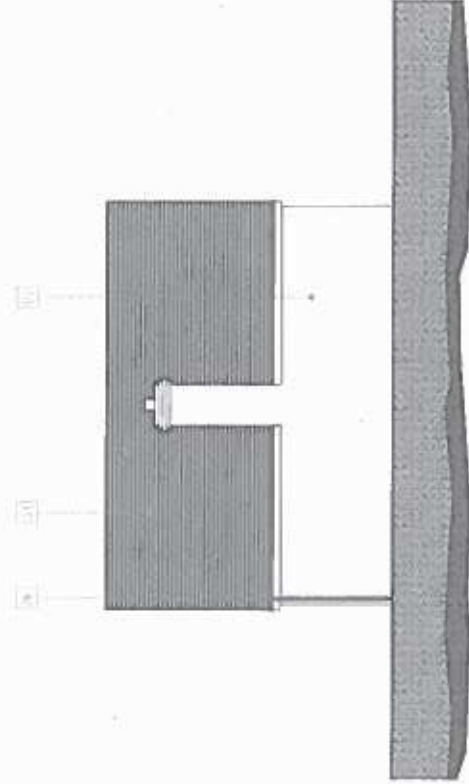
**1 Proposed South West Elevation**  
 1:50 (A1) (1:50 @ A1)

**3 Proposed North West Elevation**  
 1:50 (A1) (1:50 @ A1)



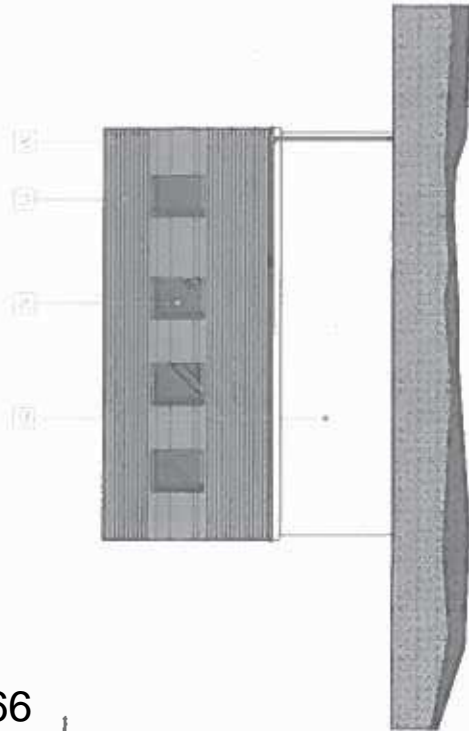


2 Proposed South East Elevation  
1:50 @ A1/1:100 @ A3

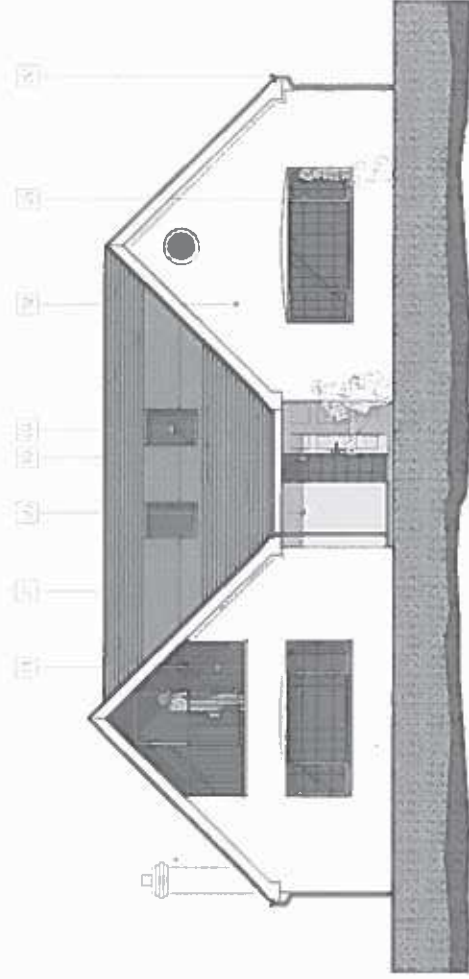


4 Proposed North East Elevation  
1:50 @ A1/1:100 @ A3

66  
SS210



1 Proposed South West Elevation  
1:50 @ A1/1:100 @ A3



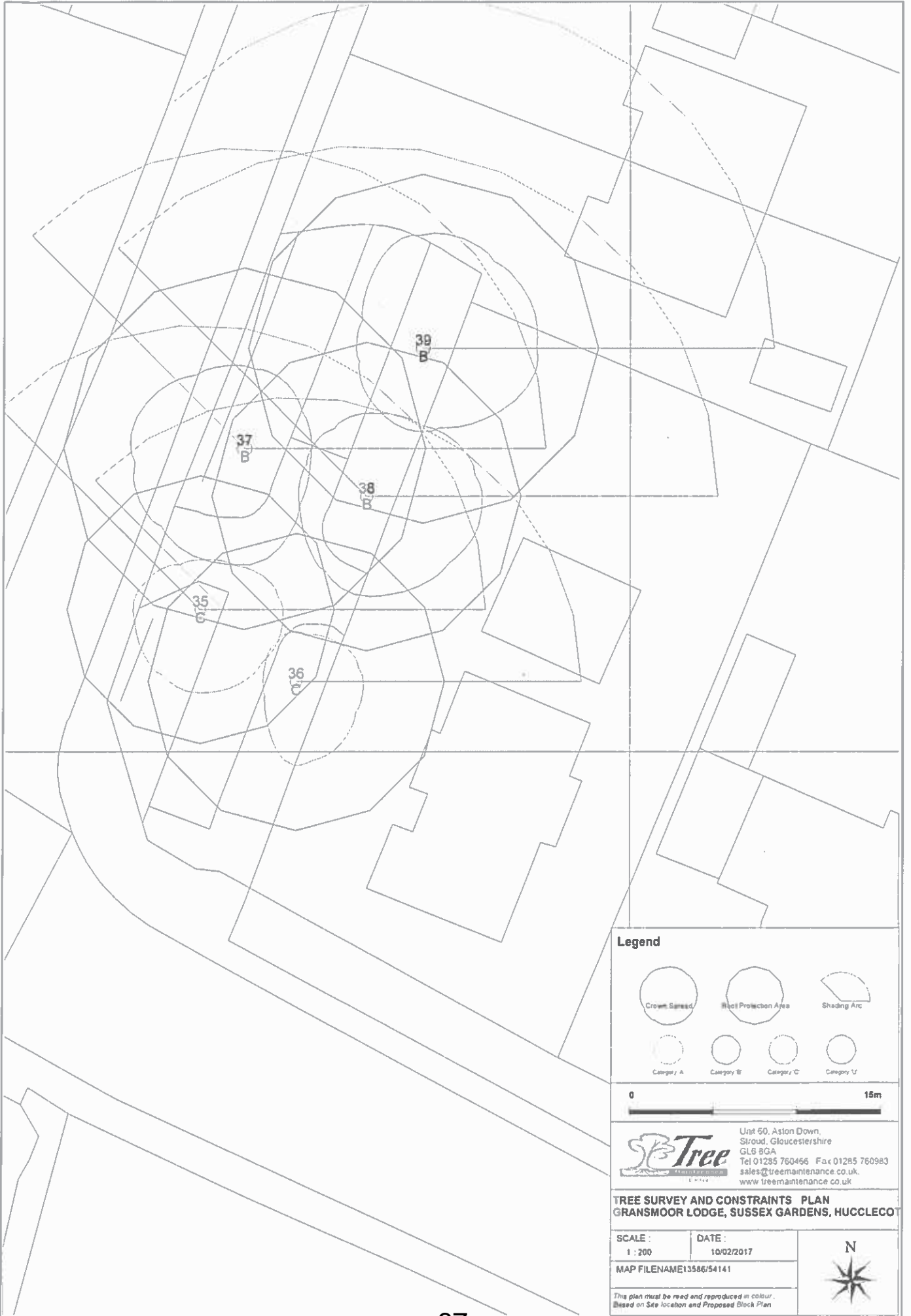
3 Proposed North West Elevation  
1:50 @ A1/1:100 @ A3

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Previously Refused  
Scheme 17/00255/FUL

**RBA Architects Ltd**  
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 Tel: 01202 717777  
 Fax: 01202 717778  
 www.rba-architects.com

Location	17 Park Street	Reference	17/00255/FUL	Client	Mr & Mrs Charles
Scale	1:50 @ A1 / 1:100 @ A3	Date	December 2016	Project	Gransmoor Lodge
Drawn By	DRS	Checked			



SS21E 67

17/00133/FUL

Lidl Uk Gmbh, Evesham Road, Bishops Cleeve

7

Valid 07.02.2017

Demolition of the existing Lidl store and erection of a replacement Lidl store (Class A1) and associated works.

Grid Ref 395752 227740  
Parish Bishops Cleeve  
Ward Cleeve St Michaels

Lidl UK GmbH  
C/O Agent

## **RECOMMENDATION Permit**

### **Policies and Constraints**

National Planning Policy Framework  
Planning Practice Guidance  
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policy B11  
JCS - Policies SD2, SD4 and INF1

### **Consultations and Representations**

**Bishops Cleeve Parish Council** - Objects to the proposal, raising the following points:

- Development should be considered in conjunction with the adjacent housing development on the land
- Proposed development would have an adverse impact on the residential amenity of the future occupiers on the adjacent site
- Overdevelopment of the site
- Parking is ill-conceived
- Arrangement will inhibit access and manoeuvring of vehicles
- Concerns over the proximity of the access to the junction
- The pumping station should be incorporated into the landscaping

**Urban Design** - No objection

**Archaeology** - No objection, subject to condition

**Conservation Officer** - No objection

**Landscape** - No objection

**Flood Risk Management Officer** - No comments

**Environmental Health Officer** - No objection, subject to conditions

**Lead Local Flood Authority** - No objection, subject to conditions

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

**Highways England** - No objection

**Wales and West** - No building should take place over plant or apparatus

**Representations** - 7 letters of objection received (from 6 properties), raising the following points:

- Increase in noise pollution
- Increase in air pollution
- Increase in light pollution
- Increase in traffic
- Loss of green space
- Near listed buildings
- Devaluation of property (*Officer note: This is not a material planning consideration*)
- Development should be sited outside the village, where there are no facilities
- Adverse impact on local trade
- Higher profile than the existing store (*Officer note: These comments were received prior to the receipt of amended plans*)

- Increase likelihood of flooding
- Adverse impact on highway safety
- Adverse impact on residential amenity
- Lack of landscaping (*Officer note: These comments were received prior to the receipt of amended plans*)
- Lack of car parking
- Land should be for community use

1 letter of general comment received, raising the following points:

- Parking should be public parking

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

## 1.0 Introduction

1.1 Lidl is sited within the centre of Bishops Cleeve. There are several listed buildings within close proximity to a number of listed buildings, including 18 and 20 Evesham Road and The Kings Head.

1.2 Part of the application site is owned by Tewkesbury Borough Council.

## 2.0 Relevant Planning History

2.1 Planning permission was granted in 1993 for the erection of a retail store and associated works (ref: 93/00519/FUL). Planning permission was granted in 1999 (ref: 99/01229/FUL) for an extension to the store.

2.2 There have been various applications for advertisement consent since the store has been constructed.

2.3 Outline planning permission was granted in 2016 (ref: 15/00215/OUT) for the erection of up to nine dwellings on land to the rear of Lidl, which included part of the site area for that is within the red line for this site. An application for the reserved matters (ref: 17/00681/APP) was recently withdrawn.

## 3.0 Current application

3.1 This is a full application for the erection of a new store following the demolition of the existing store. The proposed store would increase the floor area of the store from 1305 to 2148 square metres.

3.2 The proposed store has been amended since submission to reduce the height of the store and amend the elevational treatment. Additional landscaping has been provided.

3.3 The proposed store would have a footprint of 74m by 30m. It would have a mono-pitched roof which would be 4.6m at the lowest point rising to a height of 6.8 at the ridge. The proposed sales floor would be 1329 square metres with an additional back of house floor space of 815 square metres.

3.4 The south east and north east elevations would be constructed of Cotswold natural stone walling and glazing with the south west and north west elevations being white render. The roof would be constructed of insulated metal panels.

## 4.0 Policy Context

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

### Development Plan

4.2 The Joint Core Strategy (JCS) was adopted by the three authorities in December 2017, which now forms part of the Development Plan. The saved policies from the Tewkesbury Borough Local Plan are also listed within the JCS.

4.3 Policy SD2 of the JCS sets out that within Tewkesbury Borough, retail development will be encouraged in accordance with the saved policies of the Local Plan in so far as they are consistent with the NPPF. Policy SD2 seeks to increase the floor area for convenience goods within Bishops Cleeve by 1924 square metres

by 2021. The Policy (bullet point 6) also sets out that development outside designated centres will be robustly assessed against the NPPF's sequential and impact tests. Policy SD4 requires that new development responds positively to the context, character and sense of place of the area. It requires that new development ensures that the design of the landscaped areas and the public realm are of high quality. Policy INF1 seeks to ensure that developments provide safe and accessible connections to the transport network, using a range of transport modes.

4.4 There are no saved policies in the Local Plan which relate to the type of development proposed here. Part of the application site is within Gilders Corner, which is covered by Policy B11. This policy states that the Council will support proposals for community uses, churches, car parking or affordable housing.

#### National Planning Policy Framework (NPPF)

4.5 Section 2 of the NPPF seeks to ensure the vitality of town centres. It states that Local Planning Authorities should have a sequential approach to applications for town centres uses that are not within an existing centre and are not in accordance with an up-to-date Local Plan. Preference should be given to edge of centre locations that are accessible and well connected to the town centre and that flexibility should be demonstrated in terms of format and scale.

### **5.0 Analysis**

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

#### Principle of development

5.2 The site is located outside of the defined retail areas within Local Plan Policy RET3. The authorised use of the site is for A1 retail and therefore the Council has accepted the principle of retail use on the site. This application seeks to increase the gross floor area by approx. 843 square metres.

5.3 The site is located in an edge of centre location, which has good links with the defined retail area of Bishops Cleeve. The applicant has included a retail assessment within the accompanying Planning Statement (at section 7), which sets out the requirements for a suitable site. These include a site that can accommodate a store with an area in excess of 2000 square metres, safe manoeuvring of vehicles, accessible by a choice of transport means and a level site.

5.4 The assessments states that there were no suitable premises within the Bishops Cleeve centre and the existing Lidl site would be the most appropriate for redevelopment. Bullet point 6 of JCS Policy SD2 states that proposals for retail that are not located within designated centres and are not in accordance with either a JCS or Local Plan Policy will be robustly assessed against the requirements of the sequential and impact tests set out in the NPPF.

5.5 Paragraph 26 of the NPPF sets out the requirements for an impact assessment when assessing applications for retail development outside town centres. Following the submission of revised plans, the proposed floor area has been decreased to 2148 square metres, which falls below the threshold set out in this paragraph.

5.6 The site is considered to be well connected to the existing retail area and, given its existing retail use, it is not considered that the redevelopment of the site for a larger store would have an adverse impact on the viability or vitality of the Bishops Cleeve centre.

5.7 Part of the site falls within the area safeguarded under Local plan Policy B11, Gilders Corner. This policy provides a list of the forms of development that the Council could be supportive of in this location, which includes car parking.

5.8 Outline planning permission was granted for this site in 2016 for the erection of up to nine dwellings and the reserved matters submission is currently being considered by the Council. During the consideration of application ref: 15/00215/OUT, the Council accepted that the provision of a public car park on this part of the site would be in compliance with this policy.

5.9 Whilst it is accepted that the currently proposed car park would be to serve the retail store, the proposal still complies with policy B11 in this respect.

5.10 The principle of the proposed development is therefore considered to be acceptable.

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

5.11 The site is surrounded by residential development and as such, sits within the context of the surrounding housing development rather than the town centre. The existing store relates well to its surroundings in terms of scale, form and appearance.

5.12 The proposed store has been amended since submission to reduce the scale and massing its appearance. The resultant development is, on balance, considered to be of an appropriate scale and massing in this location.

5.13 The public facing elevations of the proposed development, namely the south east and north east, have been amended since submission to utilise Cotswold stone, which is characteristic of the context of the surrounding area.

5.14 The south west and north west elevations would be white render, as these are the back of house elements. The proposed south west elevation would face onto the adjacent open space, which has outline permission for the erection of dwellings. Some screening would be provided to this site from the fence and the proposed landscaping. The north west elevation would form the service yard and this would be visible from Evesham Road. The service area for the existing store is also on the north west elevation, though it is further from the road and largely screened by a fence. Due to the increase in the site area and store size, the proposed service area would be closer to the Evesham Road and parking would be provided adjacent to the site boundaries. It would not be appropriate to screen this elevation with a fence as with the current situation, as it would result in a blank frontage to the public realm.

5.15 The applicant has proposed landscaping along the rear elevation to provide screening from the open space. This would also break up the appearance of this elevation. Further landscaping would be provided along the Evesham Road elevation, which would provide screening to the delivery bay. In view of the above, it is considered that the proposed development would, on balance, have an acceptable impact on the character and appearance of the area.

#### Impact on residential amenity

5.16 The proposed development would be sited amongst existing and future dwellings. Due to the relationship with the existing dwellings, it is not considered that the increase in the footprint of the site would result in an overbearing impact on existing occupiers. Conditions restricting the hours of opening are proposed to safeguard residential amenity. Concerns have been raised regarding the impact of delivery lorries. The existing store has one delivery at 4am and it is not considered that it would be reasonable to condition a revised delivery time. The submitted noise report demonstrates that the level of noise from the deliveries would not have a significant adverse impact on residential amenity.

5.17 The impact on the proposed dwellings of the adjacent site (ref: 15/00215/OUT) must also be considered. Officers are still negotiating an acceptable layout for the adjacent site, which has permission for up to nine dwellings. The applicant has submitted an updated noise report to assess the potential impact on the adjacent site, which has been assessed by the Environmental Health team.

5.18 The submitted noise report is considered to be acceptable in terms of its assessment and methodologies. It concludes that the background noise levels are unlikely to increase as a result of the proposed development. Appropriately worded conditions regarding the provision of acoustic fencing, restriction over the hours of operations, number of deliveries and operation of the heat pumps would safeguard the amenity of future occupiers in terms of noise. Furthermore, the potential for noise nuisance on the amenity space of future occupiers is unlikely to be significantly different to the existing situation.

5.19 As indicated above, a layout for the adjacent site has not yet been finalised and the recent reserved matters application has been withdrawn. The indicative layout that was submitted as part of the outline permission cannot now be implemented due to the increase in size of the Lidl site (as indicated by the red line boundary of this application). The proposed store would be between 2m and 10m away from the boundary. The element that would be closest to the proposed site boundary would have a height of 4m. The existing Lidl store is approx. 2m from the rear boundary and is approx. 3.6m high to the eaves at this point. A condition is suggested restricting lighting to that shown on the plans without the prior written consent of the Local Planning Authority. In view of this, it is considered that the proposed store would not have a significant adverse impact on the residential amenity of future occupiers of the adjacent site.



5.20 The proposed development would not therefore have a significant adverse impact on the amenity of existing or proposed residential occupiers.

#### Impact on highway safety

5.21 The proposed store would utilise the existing access and given the existing use, it is considered that the proposed vehicular access is suitable and would not have an adverse impact on highway safety.

5.22 The existing pedestrian access to the north and south east of the store are proposed to be maintained and these link with the existing footpaths on Evesham and Cheltenham Roads. There are pedestrian crossings within the site, which separate pedestrian and vehicular movement which would ensure safe pedestrian access to the store.

5.23 There is sufficient space for a HGV to access and egress the site without causing conflicts.

5.24 The proposed store would have 115 car parking spaces. The NPPF has superseded parking standards but those set out in Manual for Gloucestershire Streets can be used as a guide. MfGS recommends an A1 food retail use should provide 1 space per 18 square metres of floor space, therefore a store of this size would require the provision of 94 spaces. Furthermore, the submitted car parking assessment shows that the existing car park has a maximum occupancy of 80%. The site is conveniently located for a range of public transport options.

5.25 The provision of disabled and family parking is considered to be appropriately located and with sufficient space around. Cycle parking has been indicated on the plans and this could be secured by appropriately worded planning condition. The parking provision is therefore considered to be acceptable.

5.26 The County Highways Officer notes that the proposed increase in size of the store would lead to a predicted 12% increase in the number of trips to the store. It is not considered that this would result in a significant impact on the local highway network.

5.27 The application is accompanied by a Travel plan, which seeks to reduce the percentage of staff travelling by single occupancy, private car and increase the percentage of the staff using other methods over a period of five years. This is considered to be appropriate for the size of the development and the Travel Plan could be secured by planning condition.

5.28 It is therefore considered that the proposed development would not have a significant adverse impact on the highway network and would not be prejudicial to highway safety.

#### Other matters

5.29 The proposed elevations show the proposed signage and there is reference to the totem on the site plans. These advertisements would require separate advertisement consent and do not form part of this application.

5.30 The site is in a location that is archeologically sensitive and the development of the existing Lidl revealed widespread remains relating to a Roman settlement. It is therefore likely that other deposits may be within the area, which would be adversely affected by the construction ground works. A condition is proposed to ensure that adequate recording of any findings is undertaken.

5.31 The site is located within Flood Zone 1 and is at low risk of surface water flooding. The application includes detail of the surface water drainage proposals, which are considered acceptable and condition could be used to ensure that the detail of the drainage has been approved and implemented.

5.32 The Council has a statutory duty under s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure that any development that affects the setting of a listed building would preserve its special interest. Given the relationship with the adjacent listed buildings and the existing Lidl store, it is considered that there would be a neutral impact on the setting of the surrounding listed buildings.

## **6.0 Conclusion**

6.1 The proposed development would replace an existing retail store. It is in an edge of centre location, that is well related to the centre of Bishops Cleeve. The principle of car parking on the element of the site that is covered by Local Plan Policy BI1 is acceptable having regard to that policy. The principle of the

development is therefore considered to be acceptable. Economic and social benefits would arise from the proposal which would also assist in meeting the provision of additional convenience retail floor space for Bishops Cleeve set out in the JCS.

6.2 The scheme has been amended since submission to reduce the size, scale and elevational treatments, as well as additional landscaping provided to the Evesham Road and the rear elevation. This has reduced the impact on the wider public realm and it is considered that, on balance, the proposal would have an acceptable impact on the character and appearance of the area.

6.3 The applicant has provided a noise report to show that the resultant store would not have a more significant adverse impact on the residential amenity of existing or future occupiers. The site to the rear has outline planning permission for the residential dwellings and it is considered that the proposed store and any future residential dwellings could satisfactorily be accommodated without resulting in a significant adverse impact on the proposed dwellings.

6.4 There would be sufficient parking on site for the increased size of the store. The existing access would be utilised and there would be no severe adverse impact on highway safety.

6.5 On the basis of the above, the proposal is recommended for **PERMISSION**.

### **RECOMMENDATION Permit**

#### Conditions:

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Drawings numbered 1250 001, 002, 003 and 004, 17\*001-01 and 15386/T/01-01, received by the Council on 6th February 2017, drawings numbered 1250 005 rev F, 006 and 007 Rev B, received by the Council on 14th August 2017, drawing numbered X/LIDLBIHOPSCLEEVE.1/TK01 Rev A, received by the Council on 3rd October 2017, and drawing numbered 2017/04 Rev F and associated planting schedule, received by the Council on 21st December 2017.

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

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

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

- 4 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.

- 5 No development approved by the permission shall be commenced until a detailed drainage strategy based upon the preferred drainage strategy submitted in the 'Flood Risk Assessment and Drainage Strategy' document dated February 2107 has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be carried out in accordance with the approved details.

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

- 6 The development hereby permitted shall not be occupied until a SuDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

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

- 7 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 drawing 1250005 Rev F, 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.

- 8 The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use (for a minimum of 10 cycles) and those facilities shall be maintained for the duration of the development.

Reason: To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up.

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

- 10 The Travel Plan by Mayer Brown (received by the Council on 6th February 2017) shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter for the lifetime of the development.

Reason: To ensure that the opportunities for sustainable transport modes are taken up.

- 11 All hard and/or soft landscape works shall be carried out in accordance with the details shown on drawing numbered 2017./04 Rev F. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained.

- 12 The development hereby permitted shall not be occupied until a 2m high acoustic fence has been erected along the south west and west boundaries. This fence shall thereafter be retained in perpetuity.

Reason: To safeguard the amenity of adjoining occupiers

- 13 There development hereby approved shall not be occupied until a 3m high fence has been erected to enclose all external plant. This fence shall thereafter be retained in perpetuity.

Reason: To safeguard the amenity of adjoining occupiers.

- 14 All unloading activities shall occur within the area shown on attached TP Plan XX. There shall be no external unloading activities.

Reason: To safeguard the amenity of adjoining occupiers.

- 15 The number of HGV deliveries shall be not more than 2 per day without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenity of adjoining occupiers.

- 16 The development hereby approved shall not be occupied until details of the metal fencing to be erected along the northern edge of the vehicle delivery bay have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved prior to the occupation of the development.

Reason: To safeguard the amenity of adjoining occupiers.

- 17 No additional lighting shall be erected on site without the prior express permission of the Local Planning Authority.

Reason: To safeguard the amenity of adjoining occupiers.

- 18 The heat pumps shall be operated in reduced mode when the store is closed.

Reason: To safeguard the amenity of adjoining occupiers.

- 19 The use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 0700 to 2200 Monday to Saturday and 1000 to 1600 on Sundays and Public or Bank Holidays.

Reason: To safeguard the amenity of adjoining occupiers.

Notes:

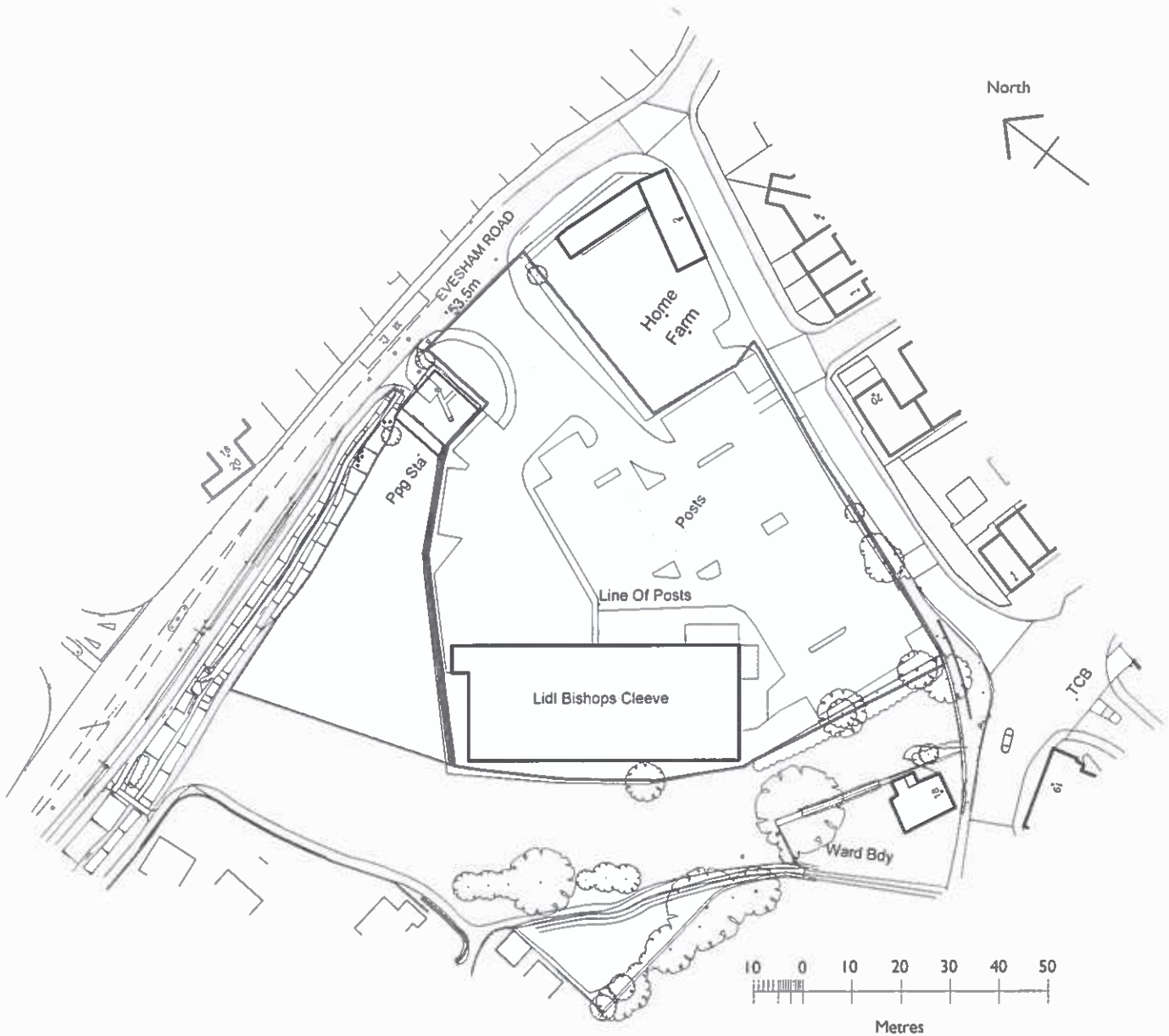
**1 Statement of Positive and Proactive Engagement**

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 the design of the building and the landscaping.

- 2 You are advised to contact Amey Gloucestershire (0800 514 514) to discuss whether your development will require traffic management measures on the public highway.

—— Lidl Ownership Boundary  
—— Adjoining ownership

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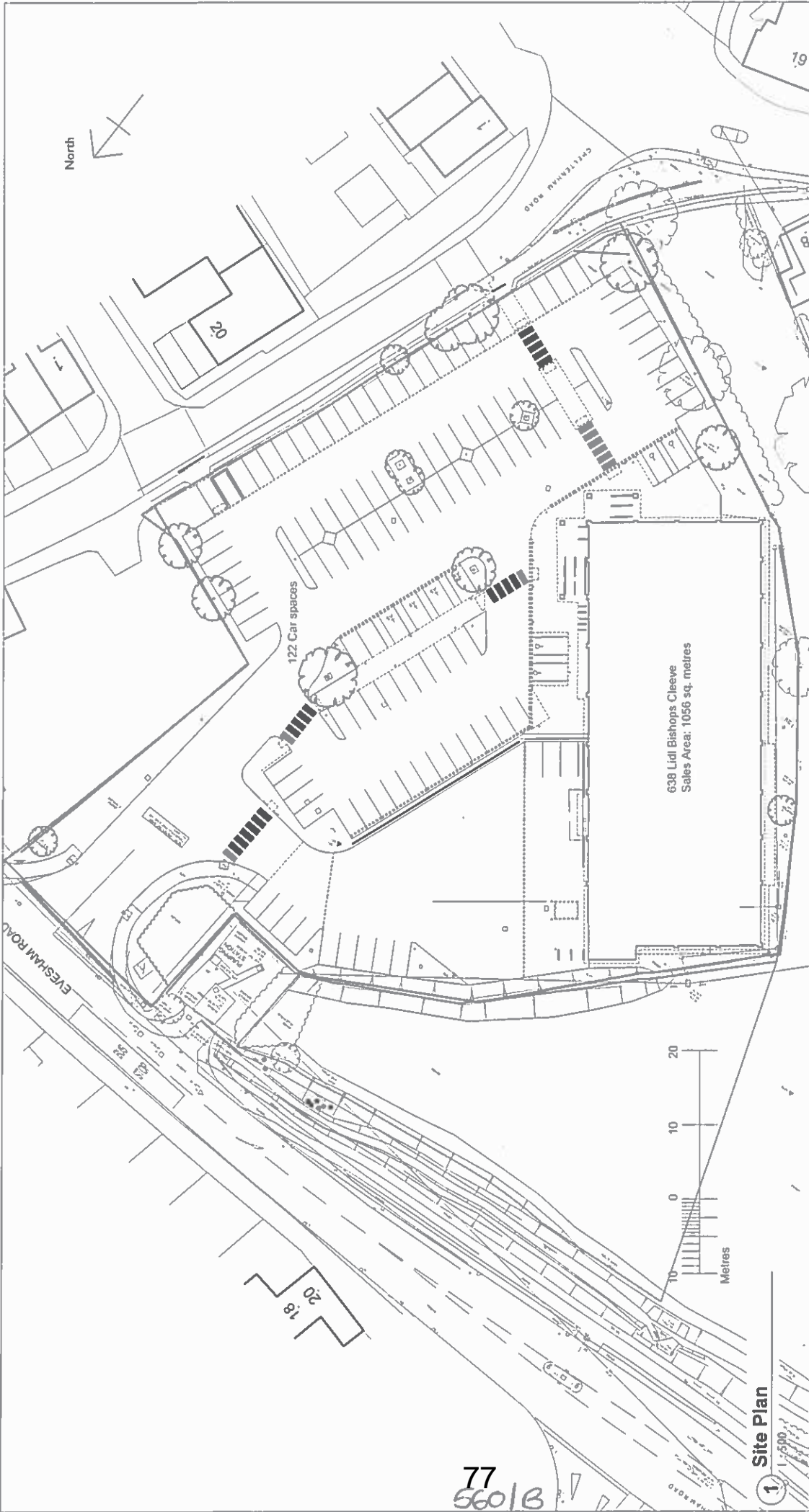


SCALE 1/1250  
SITE LOCATION PLAN  
1250 001  
Lidl Bishop's Cleeve  
Evesham Road  
Bishop's Cleeve

# MISTRAL

## ARCHITECTS & SURVEYORS

□ Architecture □ Surveying □ Project Management  
The Old Telephone Exchange, Brassknocker Street, Magor NP26 3EG  
T. 01633 880666 F. 01633 881004  
e.mail: info@mistralbuilding.co.uk web: www.mistralbuilding.co.uk



77  
560/B

		<b>MISTRAL</b> <b>ARCHITECTS &amp; SURVEYORS</b> <input type="checkbox"/> Architecture <input type="checkbox"/> Surveying <input type="checkbox"/> Project Management The Old Telephone Exchange Broomfield Street, Macclesfield, Cheshire SK10 1JF T 01633 880665 F 01633 681004 e mail: info@mistralbuilding.co.uk web: www.mistralbuilding.co.uk																
		<b>PROJECT</b> 638 Lidl Bishops Cleeve	<b>CLIENT</b> Lidl UK GmbH															
<b>SHEET</b> Existing Site Plan	Date 09-01-17 Drawn by TF Checked by AO	Project number 1250 DRAWING NUMBER 002	Scale (@ A3) 1:500 REV															
<table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	No.	Description	Date															
No.	Description	Date																

# AS BUILT

**NOTES**

Check all dimensions on site prior to construction

Report all errors or omissions to Mistral Building Solutions Ltd or the contract administrator.

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Mistral and workmanship shall be in accordance with all current British Standards & codes of practice / Statutory Regulations and manufacturers recommendations/specification

REF: 04/17 100/01

**MISTRAL**  
ARCHITECTS & SURVEYORS

Architecture  Surveying  Project Management

The 1st Floor of this building is listed on the 1st 15th Dec 1987  
T: 01453 800044 F: 01453 681004  
\* mistralarchitects.co.uk web: www.mistral-ang.co.uk



**CLIENT**

Libl UK GmbH  
As built Survey

**PROJECT ADDRESS**

Libl Bishops Cleeve  
Evelham Road  
Bishops Cleeve GL52 8SA

**DATE**

Existing Elevations

**DESIGNED BY**

tjf

**DATE**

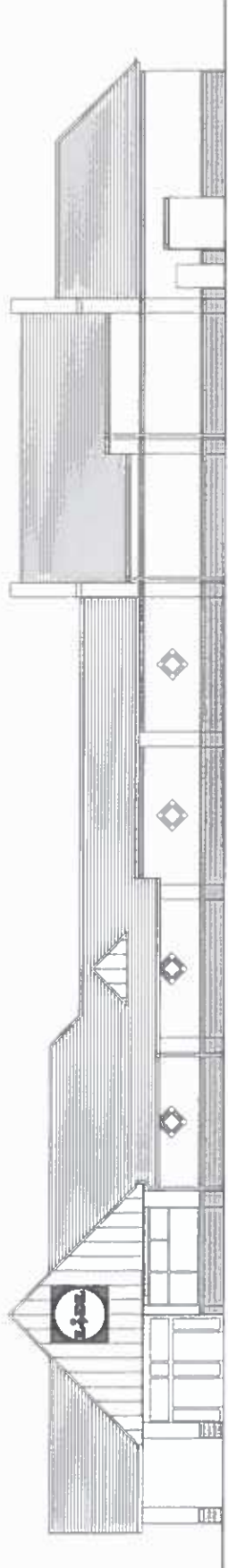
09/01/2017

**SCALE**

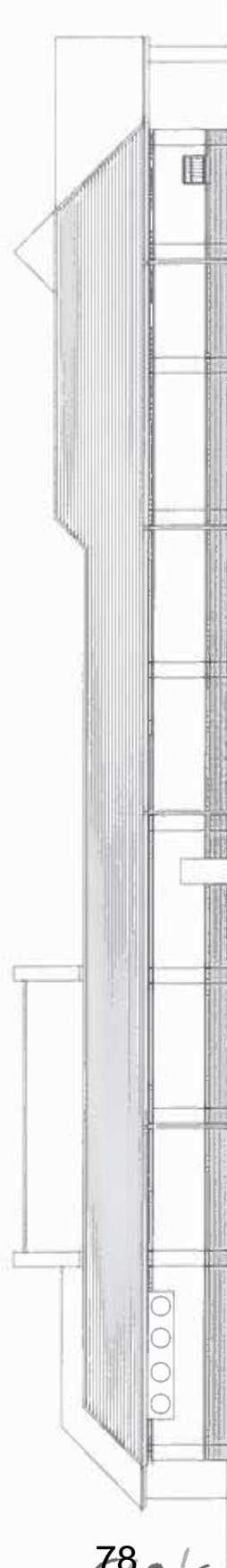
1/100

**PROJECT NUMBER**

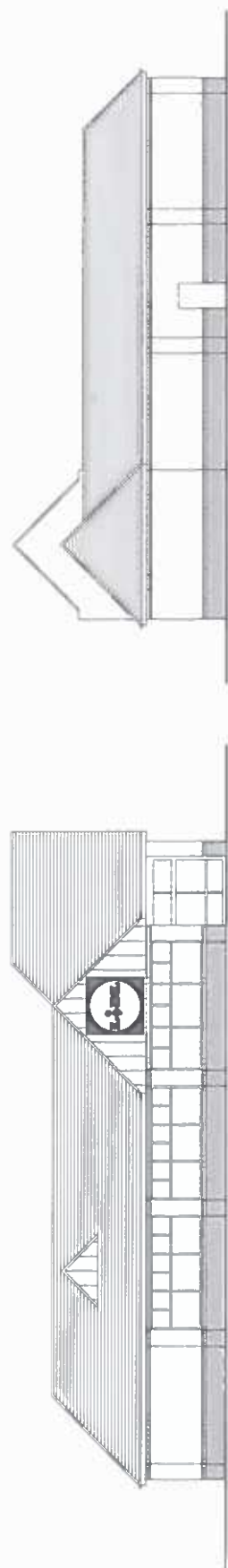
1250 004



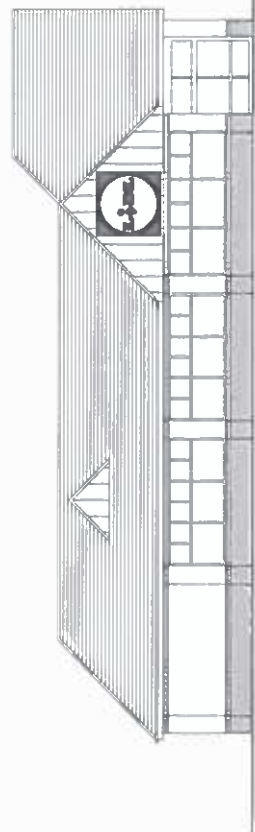
North East Elevation



South West Elevation



North West Elevation



South East Elevation

78  
500/c

# AS BUILT

1401763

Check all dimensions on site prior to fabrication

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REV 1 24/01/2017

**MISTRAL**  
ARCHITECTS & SURVEYORS

100, High Street, Evesham, Warwickshire, CV22 6JH  
Tel: 01527 850000 Fax: 01527 841004  
www.mistral-builders.co.uk

CBMT



PROJECT

Lidl UK GmbH  
As built Survey

PROJECT ADDRESS

Lidl Bishops Cleeve  
Evesham Road  
Bishops Cleeve GL52 8SA

SCALE

Existing Ground Floor Plan

DATE

TJF

DATE

TJF

DATE

09/01/2017

SCALE

1/100

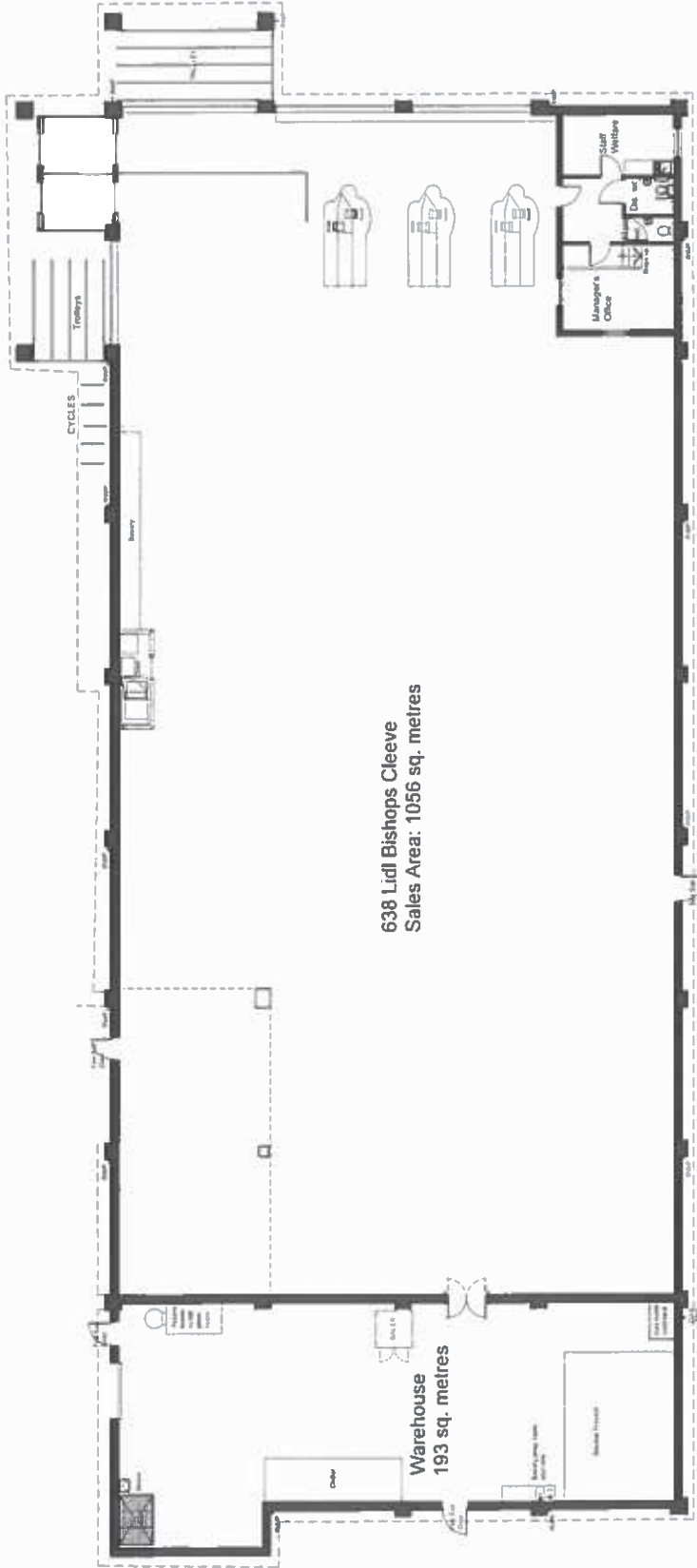
JOB NUMBER

1250

SHEET NUMBER

003

REV



638 Lidl Bishops Cleeve  
Sales Area: 1056 sq. metres

Warehouse  
193 sq. metres

568/0



# PLANNING

CLIENT



Lidl UK GmbH

## MISTRAL ARCHITECTS & SURVEYORS

Architects Surveying Project Management  
 The Old Telephone Exchange, Bristol, 100, The Street, Major IP20 3JG  
 T 01433 880666 F 01433 881004  
 e mail info@mistralsurveying.co.uk web www.mistralsurveying.co.uk

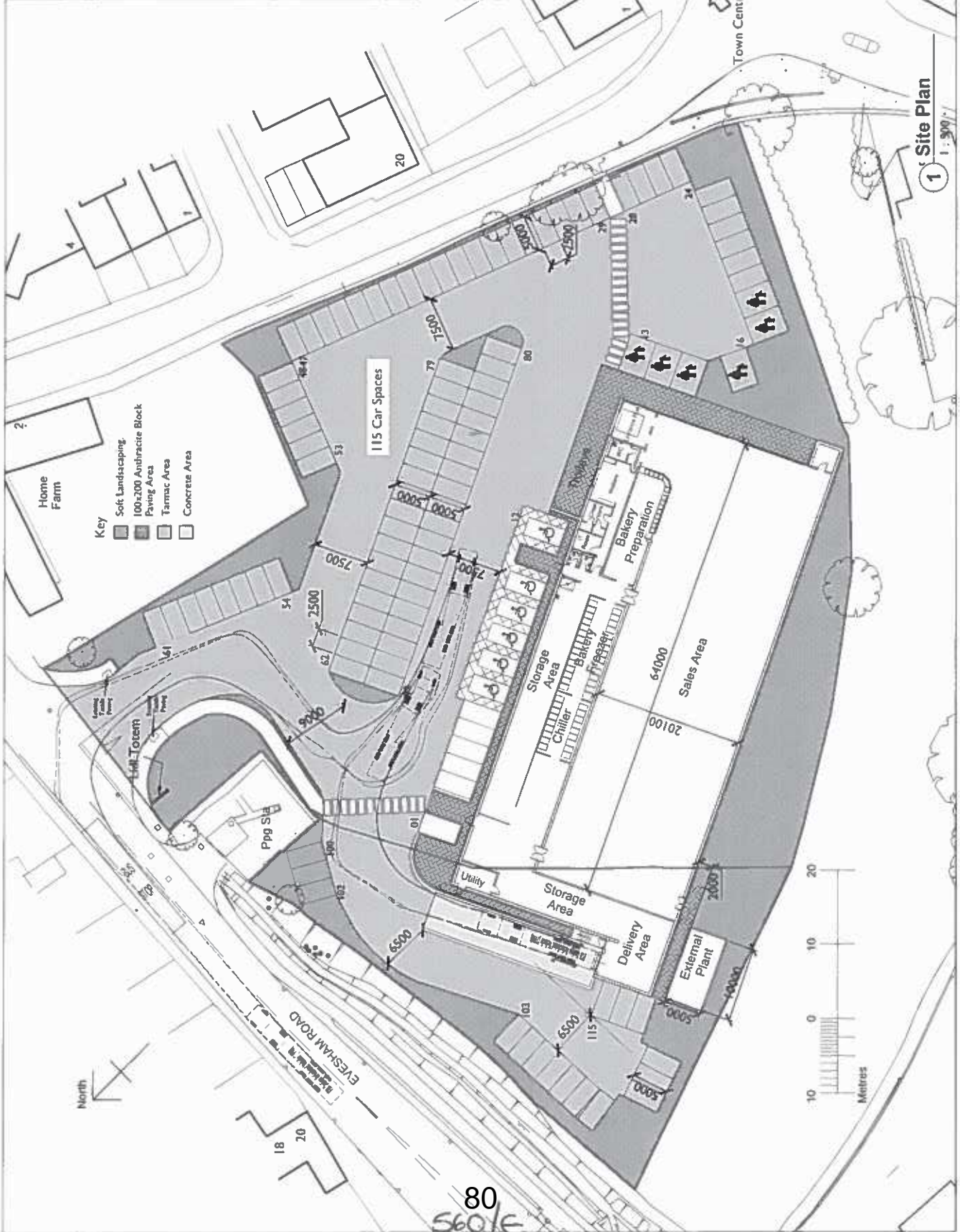
Description	Date
B Road width adjusted.	16/01/2017
C Updated to type 17 store	27/01/2017
D Soft landscaping areas added	15/03/2017
E New type 13 layout incorporated site re-configured.	27/04/2017
F Minor amendments	19/07/2017

PROJECT  
 Lidl Evesham Road  
 Bishops Cleeve, Cheltenham  
 GL52 8SA

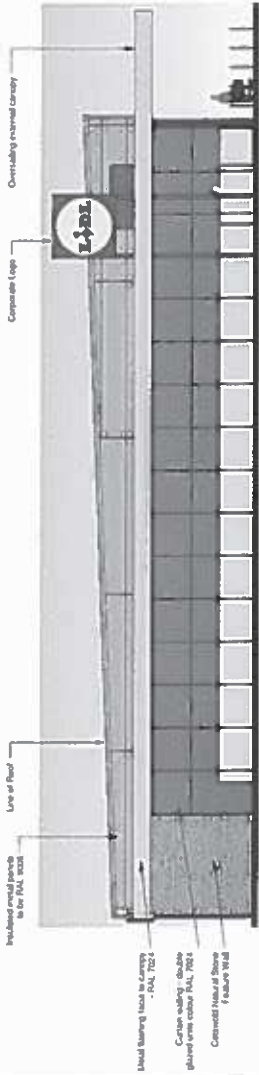
SHEET

### Proposed Site Plan

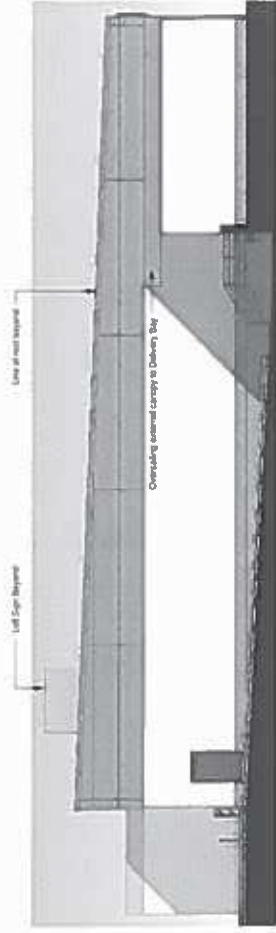
Date	05/01/2017	Project number	1250	Scale (@ A3)	1:500
Drawn by	TF	DRAWING NUMBER	REV		
Checked by	AQ		1250 005		F



**Note: All Signage and PDU artwork subject to separate application**



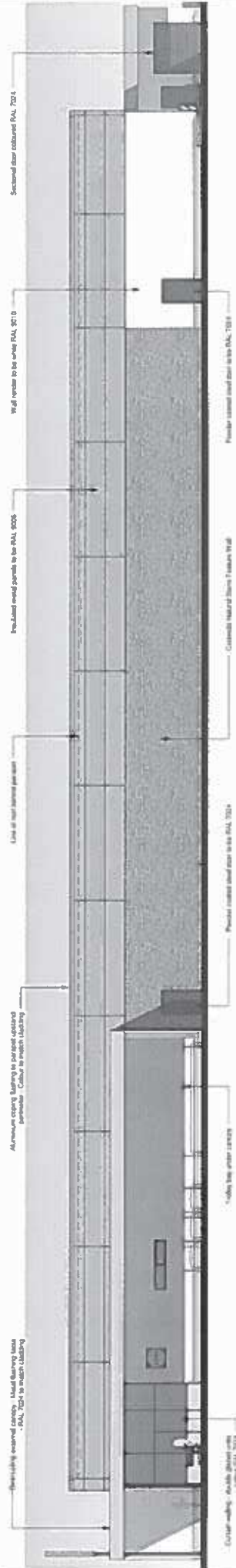
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1 : 100



**2** Proposed North West Elevation  
1 : 100



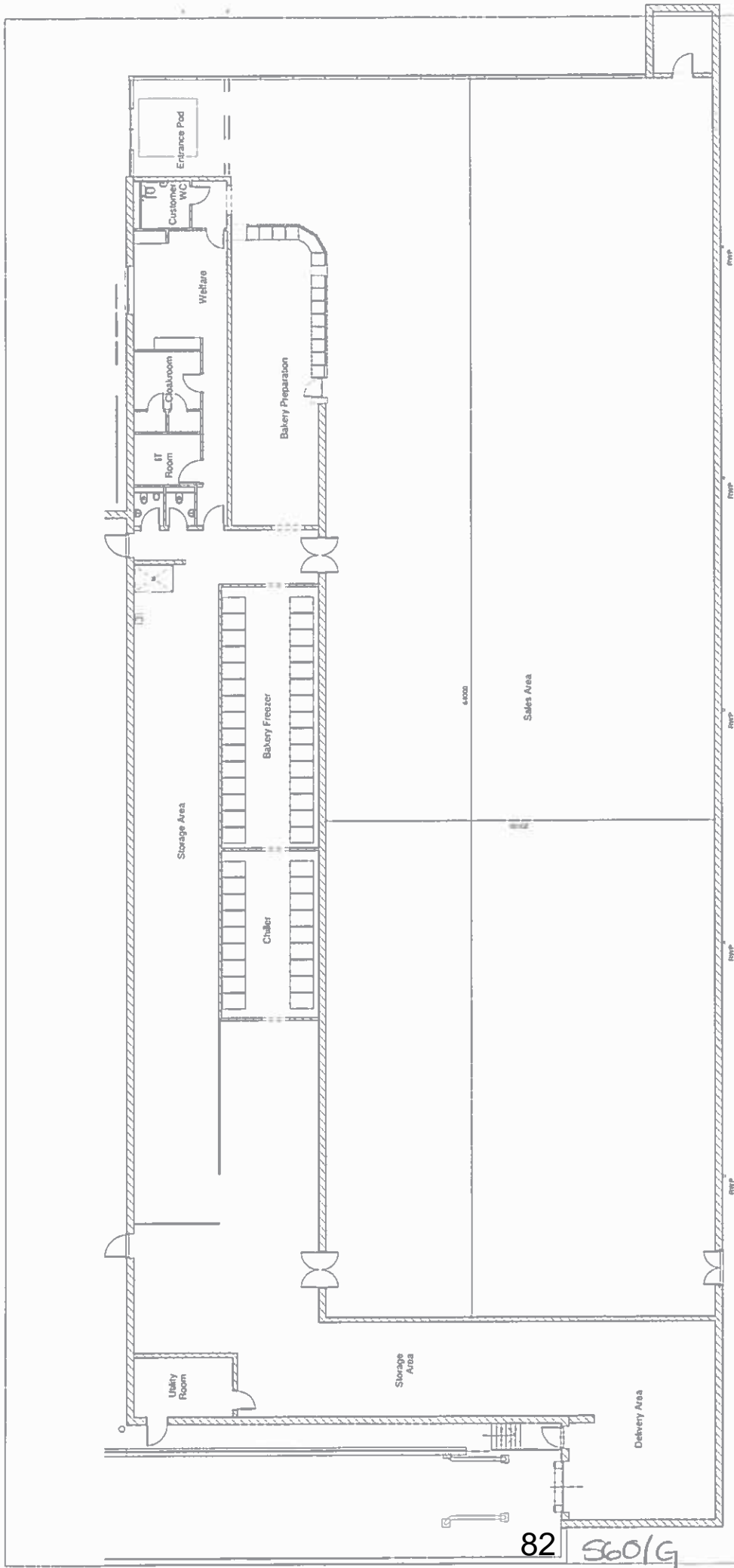
**3** Proposed South West Elevation  
1 : 100



**4** Proposed North East Elevation  
1 : 100

560/F

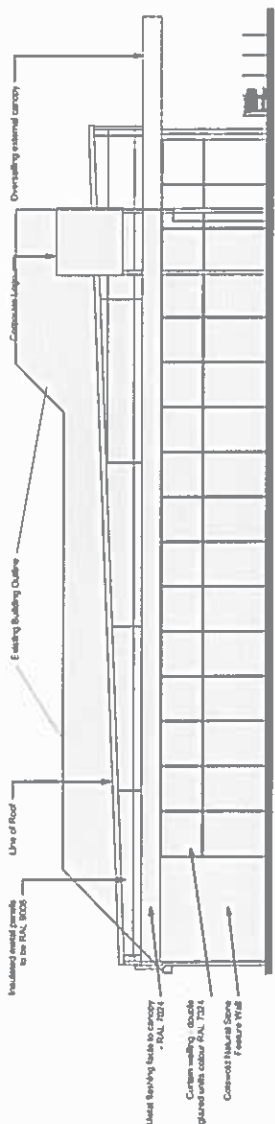
			
© Mistral Building Solutions Ltd. <b>APPROVAL</b>		<b>LIDL Bishops Cleeve GL52 8SA</b> <b>Proposed Elevations</b>	
<b>No.</b>	<b>Description</b>	<b>Date</b>	<b>Project Number</b>
A	Store design revised to Type 13 Store	12/06/17	1250
B	Customised Stone feature wall added	20/07/17	12/06/17
			Drawn by T.J.F
			Checked by A.Q.
			Scale 1 : 100



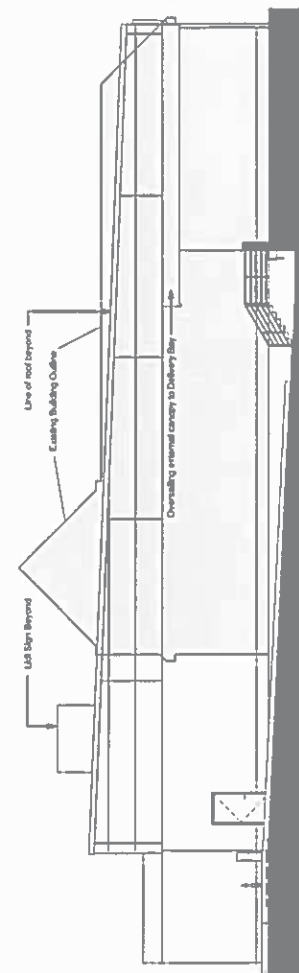
1 Proposed Ground Floor  
1 : 100

				<b>Lidl Bishops Cleeve GL52 8SA</b> <b>Proposed Ground Floor Plan</b>		Project number 1250 Date 12/06/17 Drawn by TF Checked by AQ	
No.	Description	Date	No. Description Date 1 Store design revised to 12/06/17 Type 13 Scale				
© Mistral Building Solutions Ltd. <b>APPROVAL</b> <b>MISTRAL ARCHITECTS &amp; SURVEYORS</b> <input type="checkbox"/> Architecture <input type="checkbox"/> Surveying <input type="checkbox"/> Project Management The Old Telephone Exchange, Broomhall Lane, South Hagerly, H25 2JG T 01433 850244 F 01433 841004 e-mail: info@mistral-uk.com web: www.mistral-uk.com		<b>LIDL</b>		Scale 1 : 100			

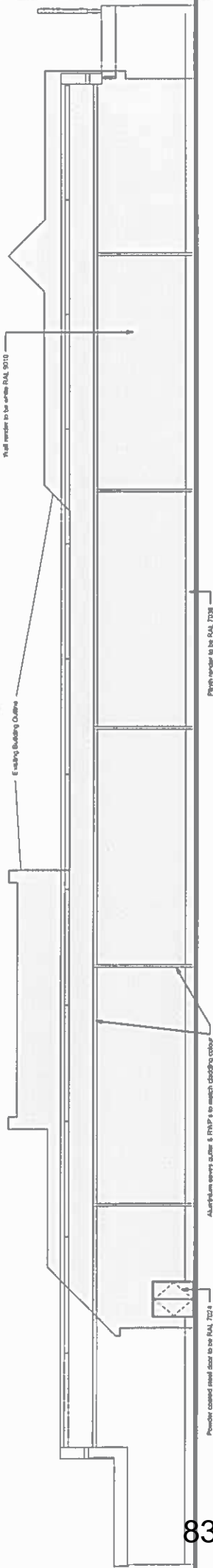
**Note: All Signage and PDU artwork subject to separate application**



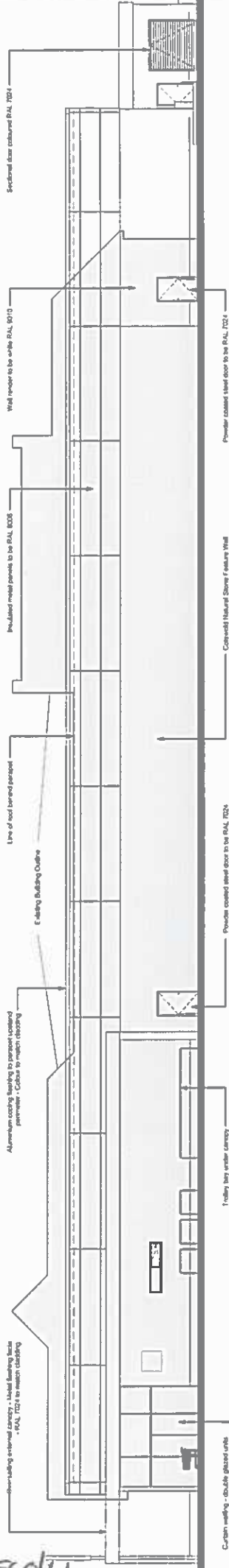
**1** Proposed South East Elevation  
1 : 100



**2** Proposed North West Elevation  
1 : 100



**3** Proposed South West Elevation  
1 : 100



**4** Proposed North East Elevation  
1 : 100



Project number	1250
Date	26/07/17
Drawn by	TJF
Checked by	AQ
Scale	011
Sheet	1 : 100

Lidl Bishops Cleeve GL52 8SA	
Existing & Proposed Elevation Overlay	
No.	Description
Date	



Mistral Building Solutions Ltd.  
**APPROVAL**

**MISTRAL ARCHITECTS & SURVEYORS**  
 Architecture  Surveying  Project Management  
 The Old Millhouse Farm, Bishops Cleeve, Macclesfield, Cheshire, M27 9JG  
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 e: mail@mistralbuilding.co.uk web: www.mistralbuilding.co.uk

Corcadden Associates  
77 Fairleigh Road  
Pontcanna, Cardiff, CF11 9JW  
Tel 03220 373063  
email ca@corcaddenassociates.com

**LIDL STORE :  
BISHOPS CLEEVE  
STORE P897**

**Drawing Title  
LANDSCAPE  
PROPOSALS**

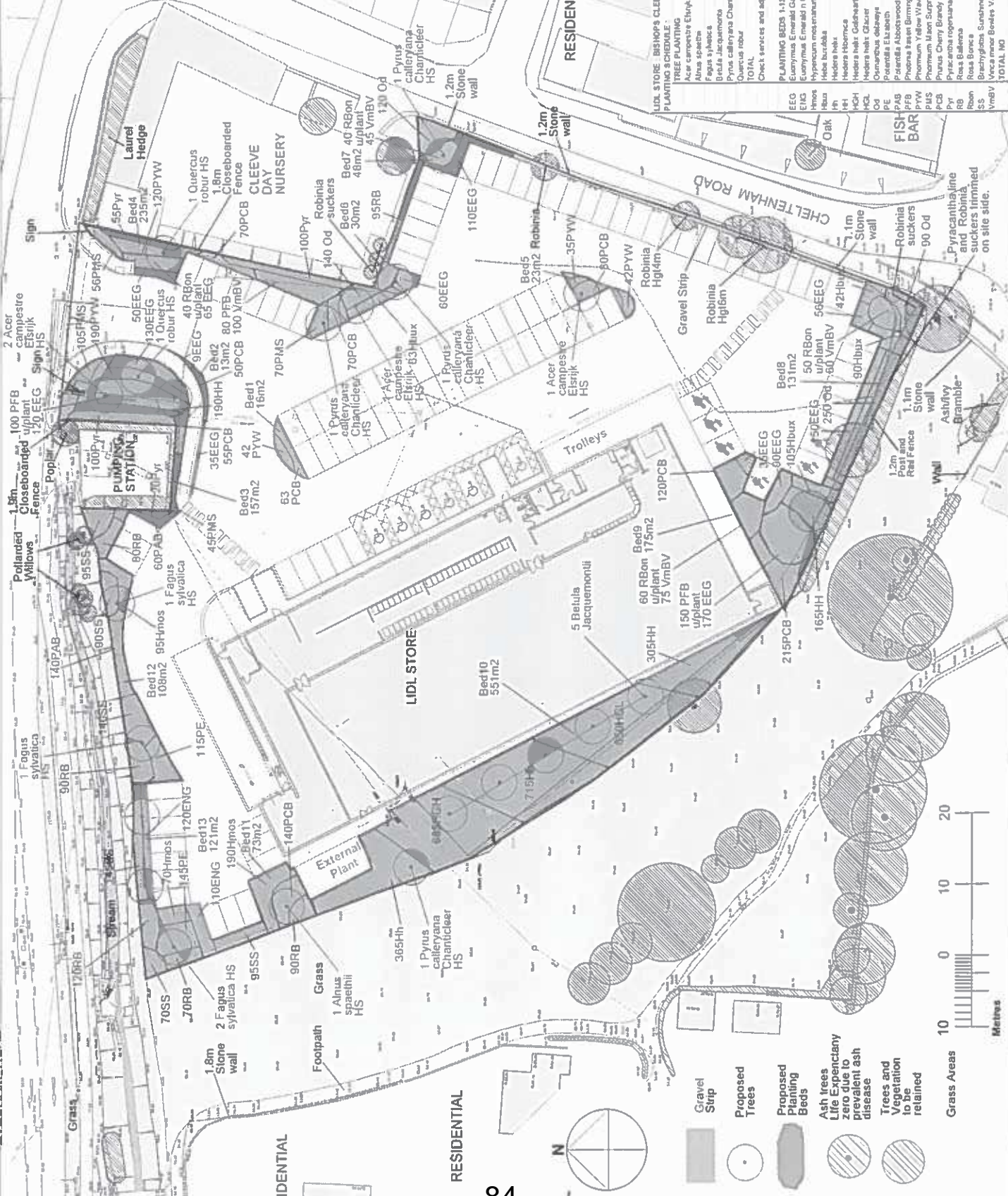
Scale	Date	Drawing No
1:500 at A3	7 Jan 2017	173
		2017.004 Rev F

- 2017.004 Rev E  
24 July 2017  
Revised proposed  
Layout
- 2017.004 Rev F  
19 Dec 2017  
Reduced  
annotation  
3 trees removed
- 2017.004 Rev A  
17 Jan 2017  
Revised proposed  
Layout
- 2017.004 Rev C  
24 March 2017  
New Beds added
- 2017.004 Rev D  
5 April 2017  
1:500 scale at A3

**NOTES**  
Check all services before tree  
planting provide root barriers  
if services within 2m. Relocate  
if necessary

rev 18 Dec 2017

LIDL STORE BISHOPS CLEEVE STORE P897 PLANTING SCHEDULE	
TREE PLANTING	
4 Ho	12-16cm grn Heavy Standard
1 Ho	12-16cm grn Heavy Standard
5 Ho	12-16cm grn Heavy Standard
5 Ho	12-16cm grn Heavy Standard
4 Ho	12-16cm grn Heavy Standard
2 Ho	12-16cm grn Heavy Standard
21 Ho	12-16cm grn Heavy Standard
1681 m2	
1090 Ho	20-30cm 2Upot
220 Ho	20-30cm 3Upot
355 Ho	30-45cm 3Upot
300 Ho	20-30cm 2Upot
1090 Ho	60-90cm 2Upot
660 Ho	60-90cm 2Upot
650 Ho	60-90cm 2Upot
600 Ho	4-50cm 3Upot
260 Ho	30-45cm 3Upot
300 Ho	30-45cm 3Upot
320 Ho	30-45cm 3Upot
420 Ho	45-60cm 3Upot
278 Ho	45-60cm 3Upot
863 Ho	45-60cm 3Upot
275 Ho	45-60cm 3Upot
545 Ho	45-60cm 3Upot
180 Ho	45-60cm 3Upot
635 Ho	30-45cm 3Upot
280 Ho	20-30cm 2Upot
9643 Ho	



17/00449/OUT

Local Centre Plots 7 And 8, Cleavelands, Bishops Cleeve

8

Valid 25.04.2017  
Grid Ref 395321 228253  
Parish Bishops Cleeve  
Ward Cleeve West

The erection of up-to 30 dwellings (Class C3)

Welbeck Strategic Land LLP & Mrs Ruby Washbourne  
Mr A Bouch  
C/o Agent

## **RECOMMENDATION Delegated Permit**

### **Policies and Constraints**

Adoption Joint Core Strategy M- Policies SP2, SD3, SD4, SD10, SD11, INF1, INF2  
NPPF  
Planning Practice Guidance  
Flood and Water Management SPD  
Human Rights Act 1998 - Article 8 (right to Respect for Private and Family Life)  
The First Protocol, Article 1 (Protection of Property)

### **Consultations and Representations**

**Bishops Cleeve Parish Council** - Objects to the proposal, raising the following comments:

- No evidence that there is no interest in the live/work units
- Employment should be the preference for this site
- TBC has a five year housing land supply
- Bishops Cleeve has fulfilled its quota until 2031 and does not need more housing

**County Highway Authority** - Comments awaited.

**Lead Local Flood Authority** - No objection.

**County s106 Monitoring Officer** - Contributions are required as below:

- Libraries - £5,880
- Education - £224,881

**Urban Design Officer** - No objection, subject to conditions.

**Strategic Housing Enabling and Policy Officer** - 40% affordable housing is required, split between 70% affordable rent and 30% intermediate.

**Community and Economic Development Manager** - Contributions are required as below:

- Playing pitches - £43,918
- Sport facilities - £27,334
- LEAP - £802 per household
- Community facilities - £13,641
- Commuted sums for maintenance of public open space

**Representations** - None received.

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

### **1.0 Introduction**

1.1 The application site is a parcel of land, sited within the Cleavelands development.

1.2 The application parcel had outline planning permission for 16 live work units. This has now expired.

### **2.0 Relevant Planning History**

2.1 Outline planning permission was granted on appeal in 2012 for the wider Cleavelands site, which sought permission for the erection of up to 550 dwellings, retail and commercial floor space and associated open space provision (ref: 10/01216/OUT).

2.2 An outline application for the erection of up to nine dwellings was withdrawn in 2016 (ref: 16/01091/OUT).

### **3.0 Current application**

3.1 This is an outline application for the erection of up to 30 dwellings, with all matters reserved. The application has been amended since submission to reserve access to a later stage.

### **4.0 Policy Context**

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

#### Development Plan

4.2 The development plan comprises of the Joint Core Strategy policies and the saved policies of the Tewkesbury Borough Local Plan to 2011. Policy SD10 of the JCS seeks to direct residential development to the most sustainable locations, as set out in Policy SP2. Policy SD11 seeks to ensure that an appropriate mix of housing is provided, with appropriate provision for affordable housing as set out in Policy SD12. Policies SD3 and 4 require high quality, sustainable design for new developments that respects the local context and provide a sufficient level of amenity. Policy INF1 requires that new development should safe and convenient access for all transport modes and that development should have an acceptable impact on the safety and satisfactory operation of the highway network. Policy INF2 ensures that new development does not result in an increase in the risk of flooding.

#### National Planning Policy Framework (NPPF)

4.3 The NPPF sets out the presumption in favour of sustainable development. Sustainable development has three dimensions: economic, social and environmental. Paragraph 14 of the Framework sets out that development proposals that accord with the development plan should be approved without delay. Paragraph 47 requires LPAs to identify a five year supply of deliverable housing sites. Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Where a five year supply cannot be demonstrated, relevant policies for the supply of housing should not be considered up to date.

### **5.0 Analysis**

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

#### Principle of development

5.2 The site is located outside any identified housing development boundary. JCS Policy SD10 allows for residential development within the built up areas of the rural service centres. This parcel of land forms part of the wider Cleavelands site and would be surrounded by development.

5.3 The original outline permission showed this area as 16 live/work units within the wider scheme. The outline permission did not restrict the use of these and as such, the loss of the live/work units would not have an adverse impact on the wider aims of the JCS in terms of employment space. The site has therefore already been deemed suitable for housing development.

5.4 The Cleavelands development includes provision for a range of services within walking distance of the site and there is access to public transport options. The site is therefore considered to be in a sustainable location.

5.5 The proposed development is considered to comply with JCS Policy SD10.

### Impact on the character of the area

5.6 JCS Policy SD4 seeks to ensure that new development responds positively to the local context, character and sense of place. Matters relating to scale, layout and appearance have been reserved for consideration at a later stage. The proposed development is broadly in keeping with the intentions of the principle document of the previous outline. A condition is proposed to ensure that the proposed dwellings are limited to 2.5 storeys to ensure that the proposed development is in keeping with the wider Cleavelands development.

5.7 The indicative layout generally follows the illustrative plans set out in the principles document from the previous outline scheme. This layout includes parking courts, which would allow for a continuous frontage, which is considered to be essential in the context of the wider scheme.

5.8 The indicative layout shows flats over garages. It is not considered that these would be acceptable in the final scheme as they would have an adverse effect on the appearance of the frontage. The detail of the layout can be finalised at the reserved matters stage.

5.9 High quality materials and landscaping would be required to ensure that the proposed development would sufficiently reflect the existing context and conditions would be imposed to ensure that samples are submitted for approval.

### Impact on residential amenity

5.10 The site is sited amongst other residential properties, within the local centre of Cleavelands. The size of the site is considered to be sufficient to accommodate 30 dwellings on the site whilst ensuring an acceptable standard of amenity for future occupiers.

### Highway safety

5.11 Comments from the County Highways Authority are awaited and an update will be provided at Committee.

### Affordable housing

5.12 AJCS Policy SD13 requires the provision of 40% affordable housing, which equates to 12 dwellings. This would be split as 8 units for affordable rented and 4 as intermediate units, with a mix of 1 and 2 bedroom flats. This is in accordance with the requirements of the policy and the applicant has agreed to enter into a legal agreement with the Council to secure this.

### Planning Obligations

5.13 Policy INF4 of the JCS requires residential developments to meet identified provision for community facilities required to off-set the impacts it creates. Saved policies RCN1 and RCN2 of the Local Plan require appropriate provision to be made of outdoor playing space and sports facilities respectively. The site forms part of the wider Cleavelands site and as such contributions would be required towards open space, libraries and education. Following discussions with the County S106 Officer, contributions of £5,880 would be required towards libraries.

5.14 The application would generate the need for the additional provision of 21.2 education places, from pre-school through to post 16 provision. This results in a required contribution of £224,881 towards education. The applicant has agreed to enter into a s106 Agreement with the County Council for these contributions.

5.15 Due to the nature of the site, off-site provision for sports facilities would be required as they cannot be provided on site. This is split between playing pitches, which require a contribution of £43,918, sports facilities, which require a contribution of £27,334, a contribution of £802 per household for improvements to the nearest LEAP, and £13,641 towards the provision of the Community Centre in Bishops Cleeve. There would also be a requirement for commuted sums towards the maintenance of any public open space managed by the Council.

5.16 The applicant has not agreed to these contributions at this stage. They have set out that there is a high level of open space and sports provision on the wider Cleavelands site and as such, the contributions cannot be justified. Furthermore, the site is adjacent to a LEAP and additional contributions towards this cannot be



justified. They have offered additional contributions towards the Community Centre. Discussions are ongoing between the applicant and Officers with regards to these contributions and **an update will be provided at Committee.**

#### Drainage and flood risk

5.17 Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. Proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. These aims are supported by the NPPF and the adopted Flood and Water Management Supplementary Planning Document.

5.18 Whilst the Environment Agency's maps show that the site is located within Flood Zones 2 and 3 evidence has been provided to show that the site is within Flood Zone 1. The LLFA has received confirmation from the Environment Agency that this is correct and the site is therefore considered to be within Flood Zone 1.

5.19 The original scheme (10/01216/OUT) included a SUDS proposal, which has been approved. This application proposes amending the proposal to connect the site to the northern attenuation basin and has provided evidence to show that it has sufficient capacity to cope with the additional flow.

5.20 The LLFA have been consulted and the proposed development is considered to be adequately protected from surface water flooding and any additional run-off can be contained within the site boundary. The application is therefore considered to be in accordance with the requirements of AJCS Policy INF2.

#### **6.0 Conclusion**

6.1 The proposed development is sited within the built up area of Cleavelands and would comply with JCS Policy SD10. The site is considered to be sufficient to satisfactorily accommodate 30 dwellings, subject to appropriate detailing at the reserved matters stage. The proposal would not result in an increase in surface water flooding.

6.2 The benefits of the scheme are set out in the report, including the provision of 30 dwellings towards the Council's housing supply and there is a lack of significant harms. It is therefore recommended that the application be **DELEGATE TO PERMIT**, subject to no adverse comments from the County Highways Authority and the completion of s106 Agreements to secure 40% affordable housing and contributions towards open space and community facilities (to be confirmed at the meeting), libraries (£5,880) and education (£224,881).

#### **RECOMMENDATION Delegated Permit**

##### Conditions:

- 1 The development hereby approved shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

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

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

- 3 Approval of the details of the access, appearance, landscaping, layout and scale, of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

- 4 Unless modified by condition elsewhere, the development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Drawing numbered 4080-L-18, received by the Council on 25th April 2017, and drawings numbered 30084/2002/501 rev B and /2002/502 rev B, received by the Council on 7th September 2017.

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

- 5 All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 6 Details of proposed levels, including finished floor levels, shall be submitted as part of the Reserved Matters application(s). All development shall be carried out in accordance with the approved details.

Reason: To ensure that the development integrates harmoniously with the surrounding development and safeguard the amenity of adjoining occupiers.

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

Reason: To reduce the potential impact on the highway and accommodate the efficient delivery of goods and supplies.

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

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

- 9 The dwellings hereby approved shall be no more than 2.5 storeys in height.

Reason: In the interests of the appearance of the development.

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 drainage details.

- 2 The applicant is advised that the layout shown on the illustrative masterplan is not considered to be acceptable.

**NOTES**

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Scale 1:1250 @ A3



KEY



0.53ha

90  
S65/A



24.04.2017  
rev | date | description  
SCL DN  
| rev | desc



environmental management  
 environmental assessment  
 landscape design  
 urban design  
 planning  
 sustainability  
 environmental  
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17/00449/10/01

client  
**Welbeck Strategic Land**  
 project  
**Cleevelelands  
 Bishop's Cleeves**

drawing title  
**PLOT 7 & 8  
 RED LINE PLAN**











scale  
 1:1250 @ A3  
 client / project  
 SGL / CPR  
 revision date  
 24 April 2017

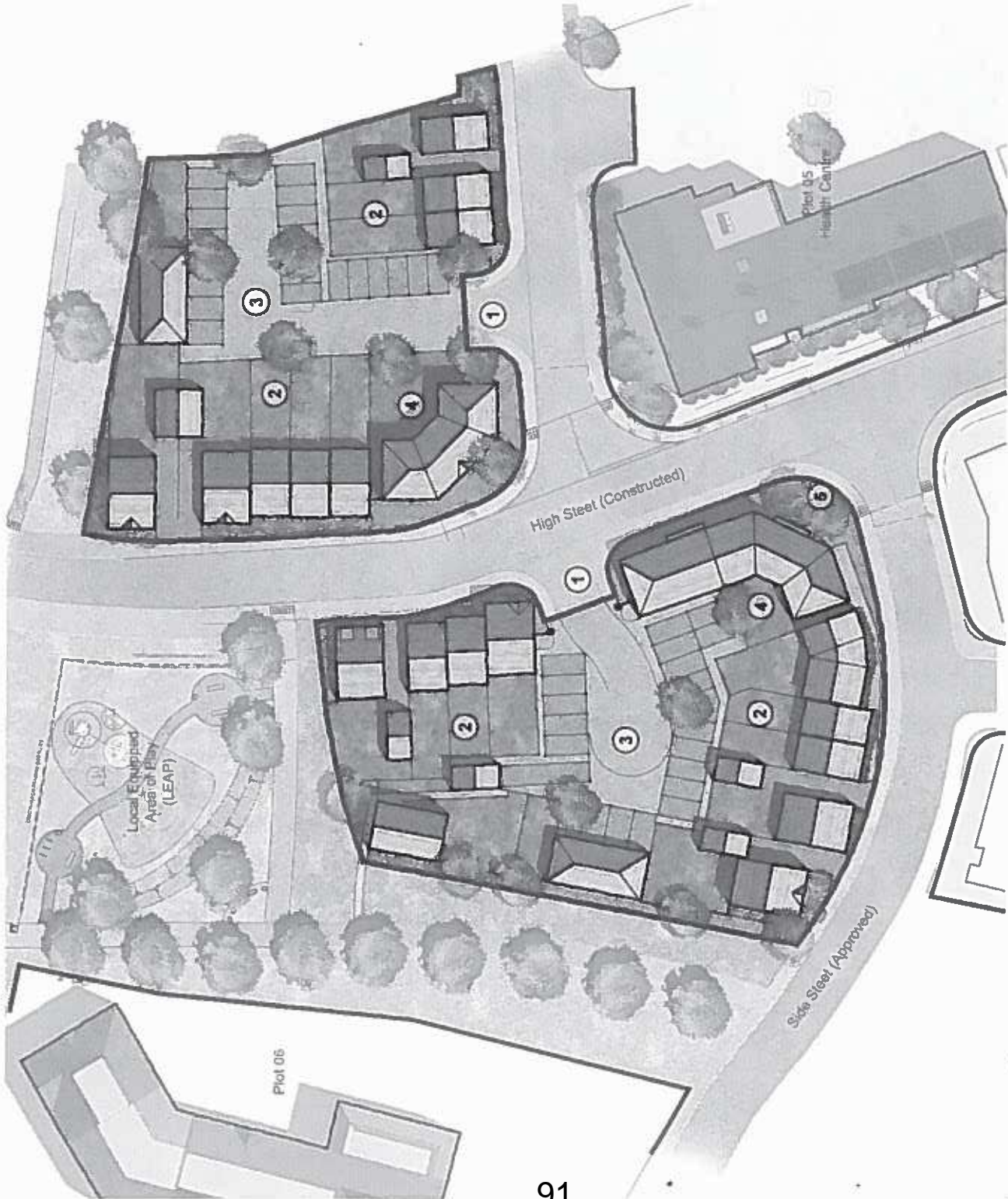
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-  Site Boundary 0.53ha
-  Welbeck Retained High Street Plots
-  Residential Dwellings
-  Private Front Gardens
-  Brick/Stone Walls
-  Primary Access
-  Private Rear Gardens
-  Shared Parking Area
-  Communal Space for Apartments
-  Public Seating



91  
565/B

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Welbeck Strategic Land  
Cleveland  
Bishop's Cleeve

HIGH STREET PLOT 7 & 8 - ILLUSTRATIVE MASTERPLAN

4080-L-19

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## BOROUGH COUNCILLORS FOR THE RESPECTIVE WARDS 2015-2019

Ward	Parishes or Wards of	Councillors	Ward	Parishes or Wards of	Councillors
Ashchurch with Walton Cardiff	Ashchurch Rural Wheatpieces	B C J Hesketh H C McLain	Hucclecote	Hucclecote	G F Blackwell
			Innsworth with Down Hatherley	Down Hatherley Innsworth	G J Bocking
Badgeworth	Badgeworth Boddington Great Witcombe Staverton	R J E Vines	Isbourne	Buckland Dumbleton Snowhill Stanton Teddington Toddington	J H Evetts
Brockworth	Glebe Ward Horsbere Ward Moorfield Ward Westfield Ward	R Furolo R M Hatton H A E Turbyfield	Northway	Northway	P A Godwin E J MacTiernan
Churchdown Brookfield	Brookfield Ward	R Bishop D T Foyle	Oxenton Hill	Gotherington Oxenton Stoke Orchard and Tredington	M A Gore
Churchdown St John's	St John's Ward	K J Berry A J Evans P E Stokes	Shurdington	Shurdington	P D Surman
Cleeve Grange	Cleeve Grange	S E Hillier- Richardson	Tewkesbury Newtown	Tewkesbury Newtown	V D Smith
Cleeve Hill	Prescott Southam Woodmancote	M Dean A Hollaway	Tewkesbury Prior's Park	Tewkesbury (Prior's Park) Ward	K J Cromwell J Greening
Cleeve St Michael's	Cleeve St Michael's	R D East A S Reece	Tewkesbury Town with Mitton	Tewkesbury Town with Mitton Ward	M G Sztymiak P N Workman
Cleeve West	Cleeve West	R A Bird R E Garnham	Twyning	Tewkesbury (Mythe Ward) Twyning	T A Spencer
Coombe Hill	Deerhurst Elmstone Hardwicke Leigh Longford Norton Sandhurst Twigworth Uckington	D J Waters M J Williams	Winchcombe	Alderton Gretton Hawling Stanway Sudeley Winchcombe	R E Allen J E Day J R Mason
Highnam with Haw Bridge	Ashleworth Chaceley Forthampton Hasfield Highnam Maisemore Minsterworth Tirley	P W Awford D M M Davies	<p>20 October 2017</p> <p>Please destroy previous lists.</p>		